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HOUSE OF REPRESENTATIVES—*Monday, May 24, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Great is the Lord and greatly to be praised: and His greatness is unsearchable.—Psalms 145: 3.

Almighty God, source of our strength and sustainer of our souls, as we wait upon Thee may there come to us anew something of the greatness of Thy power and the goodness of Thy love.

Give us to see that beyond the clouds that hover over us there still shines the splendor of Thy spirit and in back of our disturbing human affairs Thy divine purposes are still being fulfilled. Help us to realize Thy presence in all the experiences of our daily lives.

Bless these Representatives who daily come together in this Chamber, those who work with them and all who sit in the gallery. May they know that all things work together for good if they love Thee, obey Thy commandments, and walk in Thy ways.

In the Master's name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 4209. An act to amend the Revised Organic Act of the Virgin Islands;

H.R. 5765. An act to extend for 6 months the time for filing the comprehensive report of the Commission on the Organization of the Government of the District of Columbia; and

H.J. Res. 583. Joint resolution designating the last full week in July of 1971 as "National Star Route Mail Carriers Week."

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1399. An act to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 7. An act to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes;

S. 255. An act for the relief of Leonora Lopez;

S. 306. An act for the relief of Eddie Troy Jaynes, Jr., and Rosa Elena Jaynes;

S. 441. An act for the relief of Blandina Salvador;

S. 442. An act for the relief of Cristina Bangcawayan;

S. 559. An act for the relief of Albina Lucio Z. Manlucu;

S. 617. An act for the relief of Siu-Kei-Fong;

S. 708. An act for the relief of the village of Orleans, Vt.;

S. 898. An act for the relief of Angelo DiStefano;

S. 997. An act for the relief of Dr. Dionisio Teng Libi and Dr. Bernadette Libi.

S. 1155. An act for the relief of Luana Gaja;

S. 1269. An act for the relief of Miriam Lazarowitz;

S. 1271. An act for the relief of Wong Wah Sin;

S. 1538. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended;

S. 1810. An act for the relief of Dorothy G. McCarty;

S. 1811. An act for the relief of Erma P. Curry and Margaret Hamilton;

S. 1905. An act to clarify and extend the authority of the Small Business Administration, and for other purposes; and

S.J. Res. 29. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week," and for other purposes.

ADJOURNMENT FROM THURSDAY, MAY 27, 1971, TO TUESDAY, JUNE 1, 1971

Mr. BOGGS. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 316) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 316

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Thursday, May 27, 1971, they stand adjourned until 12 o'clock meridian, Tuesday, June 1, 1971.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO RECEIVE MESSAGES FROM THE SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, June 1, 1971, the Clerk be authorized to receive messages from the Senate and the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

TRIBUTE TO REPRESENTATIVE HOLIFIELD AS "FATHER OF GSA"

(Mr. HORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORTON. Mr. Speaker, next month will mark the 22d anniversary of the Federal Property and Administrative Services Act, which created the General Services Administration. President Truman signed the measure on June 30, 1949, and it became Public Law 152 of the 81st Congress.

Mr. Speaker, the Federal Property and Administrative Services Act was a historic milestone in Government procurement and property management. It is the foundation statute for procurement by the civil agencies of the Federal Government, for construction and management of Federal buildings, for utilization and disposal of Federal property, and for other essential Government services. Through the years GSA operations have saved the Government many millions of dollars.

It is fitting, on this 22d anniversary of the statute, to recall that our colleague, CHET HOLIFIELD, chairman of the Committee on Government Operations, on which I serve, sponsored this legislation in the House of Representatives and managed the bill on the floor. Mr. HOLIFIELD has been the successful author and sponsor of many important legislative enactments in atomic energy, Government reorganization, and other fields. Certainly the Federal Property and Administrative Services Act is one of his outstanding legislative achievements.

On May 17, 1971, Mr. HOLIFIELD'S

legislative role was applauded at a dinner meeting of the Commission on Government Procurement. Mr. HOLIFIELD and I are members of the Commission, as is Robert L. Kunzig, Administrator of General Services. Mr. Kunzig took the occasion to present a plaque to Mr. HOLIFIELD for his public service and referred to him as "Father of GSA." It was a generous gesture for an Administrator who took office long after the GSA was established, and it bespoke the appreciation that so many persons in public life have for the legislative work of our chairman, the gentleman from California (Mr. HOLIFIELD). It is a tribute well deserved.

NATIONAL PEACE CORPS WEEK

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 29) to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week."

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. HALL. Mr. Speaker, reserving the right to object, I have stated before and I reaffirm that statement that some of these "whereas" are presumptions which this resolution embraces and refers to the past, rather than the future.

May I ask the gentleman from Indiana if it is his intention to change or amend the joint resolution as submitted, before granting the unanimous-consent request?

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield?

Mr. HALL. I would be glad to yield to the gentleman from California.

Mr. EDWARDS of California. I have an amendment at the desk to eliminate the whereas clauses.

Mr. HALL. To eliminate all whereas clauses and simply leave the resolving clause?

Mr. EDWARDS of California. That is correct.

Mr. HALL. Then, Mr. Speaker, further reserving the right to object should another joint resolution passed by the other body be considered or called from the Speaker's desk without regard to any of our procedures, in the interest of haste, is it the intent to make them similar as to any "whereas" in the other body in the joint resolution?

Mr. EDWARDS of California. It has been our custom to always remove by amendment the whereas clauses.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, further reserving the right to object I take this time to ask the gentleman, since this is the first time I have seen of these resolutions, if I may assume that none of the three resolutions contemplate the spending of Federal funds?

Mr. EDWARDS of California. Mr. Speaker, if the gentleman will yield, that is correct.

Mr. GROSS. And, with respect to the resolution presently before the House it states in part that the Peace Corps has been notably successful—notably successful—in promoting world peace and friendship, and so on and so forth.

I could not disagree more with that statement.

I am not going to oppose the resolution, but is that statement to be stricken or just the "whereas" that leads to the statement?

Mr. EDWARDS of California. That statement will also be removed as a part of the "whereas" clauses.

Mr. GROSS. That would be removed?

Mr. EDWARDS of California. That is correct.

Mr. GROSS. I appreciate that and I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 29

Whereas the year 1971 marks the tenth anniversary of the Peace Corps; and

Whereas the Peace Corps has been notably successful in promoting world peace and friendship by making available to interested countries and areas Americans willing to help meet the need for trained manpower by serving overseas; and

Whereas the Peace Corps presently has programs in over sixty countries; and

Whereas more than forty-five thousand volunteers have served overseas in the Peace Corps: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation (1) designating the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; and (2) inviting the Governors and mayors of States and local governments of the United States to issue similar proclamations.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: on pages 1 and 2, strike out all "whereas" clauses.

The amendment was agreed to.

Mr. McCLORY. Mr. Speaker, It is a privilege to support Senate Joint Resolution 29, which designates next week as National Peace Corps Week.

This 10th anniversary recognition culminates a difficult period, and also provides an opportunity to reflect on the many successful events which have occurred since establishment of the Peace Corps in 1961.

It has been my privilege to meet with many Peace Corps volunteers overseas. I have observed them working with local citizens, and helping to promote peaceful relations, and offering constructive assistance in behalf of the education, social, and economic development of the communities where they served.

Mr. Speaker, also, I have followed closely the work of the school partnership program, which is administered by the Peace Corps. I have direct information of the close relationships which this program establishes between the citizens of our country who contribute private funds and the schoolchildren and their families in the host countries where small educational buildings are constructed.

I believe that there have been some 3,000 of these projects to date, with the Peace Corps serving as the conduit through which this private effort is accomplished.

Mr. Speaker, it is my understanding that the Peace Corps plans to include volunteers covering a wider range of age groups—and that increased efforts will be made to enlist volunteers who have demonstrated the maturity essential to represent our Nation on a day-to-day basis with peoples of other lands. Notwithstanding this change in direction, it seems appropriate to recall that with very few exceptions, those who have served as Peace Corps volunteers have reflected accurately the sentiment of our Nation and have promoted our best interests among those with whom they have worked and lived.

Mr. Speaker, in supporting Senate Joint Resolution 29, it is my expectation that the work of the Peace Corps will become an even greater force for international understanding and peace, and that the Peace Corps volunteers will assume and recognize their full responsibilities as missionaries for world cooperation, friendly understanding and lasting peace.

Clothed with such an ideal, the Peace Corps can help President Nixon achieve his goal of a full generation of peace.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTABLISHING ANNUAL YOUTH APPRECIATION WEEK

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 556) providing for the establishment of an Annual Youth Appreciation Week.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There being no objection, the Clerk read the joint resolution, as follows:

H.J. RES. 556

Whereas a vast majority of the youth of our Nation are constructive, responsive citizens, vitally concerned with the present and the future, willing and desirous to act in service and to the benefit of all mankind; and

Whereas these actions and achievements of our youth, too often, are overlooked by the adult community in the hurried pace of today; and

Whereas greater understanding between our generations will require acknowledgement of the constructive actions and responsible characteristics of our young people: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the seven-day period beginning on the second Monday in November in each year is hereby designated as Youth Appreciation Week, and the President is requested to issue annually a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer three amendments, and ask unanimous consent that they may be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. EDWARDS of California: On page 1, strike all "whereas" clauses.

On page 2, line 3, strike the phrase "in each year" and insert in lieu thereof "of 1971".

On page 2, line 5, strike the word "annually".

The amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "Providing for the observance of 'Youth Appreciation Week' during the seven-day period beginning the second Monday in November of 1971."

A motion to reconsider was laid on the table.

DESIGNATION OF JUNE 3 AS "NATIONAL NAVY WIVES CLUBS OF AMERICA DAY"

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 34) to provide for the designation of June 3 as "National Navy Wives Clubs of America Day."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There being no objection, the Clerk read the joint resolution, as follows:

H.J. RES. 34

Whereas the Navy Wives Clubs of America were founded out of necessity and a spirt of good fellowship among Navy wives; and

Whereas on June 3, 1936, the Navy Wives of America, Incorporation, gained official recognition and was granted a charter by the State of California; and

Whereas the Navy Wives Clubs of America provide a congenial social program for the wives and families of enlisted personnel, welcome newly reporting families and assist them in getting settled in new locations, provide volunteer work for Navy Relief, Red Cross, and other numerous community projects, provide assistance to needy service and veteran families, and foster a spirit of fellowship among its members, their neighbors, and the Navy friends; and

Whereas there are one hundred and fifteen chartered clubs of the Navy Wives Clubs of America which represent Navy, Marine Corps, and Coast Guard wives throughout the world; and

Whereas the Navy Wives Clubs of America support their own scholarship foundation which provides college scholarships for children of enlisted men of all the Sea Services; and

Whereas the partners of the men serving the flag of our country make a vital contribution towards the happiness, morale, and well-being of the Armed Forces of this Nation; and

Whereas June 3 provides an opportunity for due recognition of the foregoing purposes, accomplishments and needs: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the day of June 3 of each year as "National Navy Wives Clubs of America Day", and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer two amendments, and ask unanimous consent that they may be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. EDWARDS of California: On pages 1 and 2, strike the "whereas" clauses.

On page 2, lines 4 and 5, after the phrase "June 3 of", strike the phrase "each year" and insert in lieu thereof "1971".

The amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To provide for the designation of June 3, 1971, as 'National Navy Wives Club of America Day' ".

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the three resolutions just passed by the House.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

BIG BUS BILL

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, one of the major themes used by the bus lobby in their efforts to obtain permission for wider buses is that the wider buses would be safer. Now, highway safety is a problem in which I am very interested, and about which I am concerned. If I were convinced that the widening of buses would truly make them safer, I would be a good deal more sympathetic to their efforts.

A recent publication of the Bureau of Motor Carrier Safety makes me very skeptical of these claims relative to the safety of wider buses.

In the summer of 1970, a number of severe accidents involving interstate buses caused the Bureau of Motor Carrier Safety to sharply increase its bus inspection program. The report of the results contains some shocking statistics. For example, of the 5,902 buses inspected under the stepped-up program, the Bureau inspectors ordered 688, or 11.6 percent of the buses "out of service." As defined by the Bureau, this means that the buses contained a "defect of such type and degree as to render a vehicle imminently hazardous to operate until repaired." The report further indicates that the bus ordered "out of service" was not defective by chance, but rather because "it clearly is a vehicle which has been less adequately maintained over a period of time, and has developed a multiplicity of defects in addition to that which rendered it unfit to be operated beyond the checkpoint."

Mr. Speaker, it is unconscionable for the big bus lobby to plead for wider buses on the basis of safety when they have such a deplorable record with respect to existing equipment. It will be of little comfort to motorists to know that the wider buses are designed to higher safety standards, but maintained at the old, deplorably low, standards. The full text of the report will appear in the Extensions of Remarks.

AUTHORIZING THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE TO CONDUCT STUDIES AND INVESTIGATIONS WITHIN ITS JURISDICTION

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 415 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 415

Resolved, That, notwithstanding the provisions of House Resolution 217, Ninety second Congress, the Committee on Post Office and Civil Service, acting as a whole or by subcommittee, is authorized to conduct full and complete studies and investigations and make inquiries within its jurisdiction regarding postal services; pay, fringe benefits, position classification, and manpower utilization policies for Federal employees overseas; and census and statistical programs and procedures in the following countries: the United Kingdom, Germany, Switzerland, Italy, Japan, Taiwan, Vietnam, and Australia.

For the purposes of carrying out such investigations and studies, the committee is authorized to send not more than fifteen members of the committee and not more than six staff assistants (at least two of the staff assistants to be selected by the minority) to the countries named above.

SEC. 2. (a) Local currencies owned by the United States shall be made available to the Committee on Post Office and Civil Service of the House of Representatives and employees engaged in carrying out their official duties for the purposes of carrying out the committee's authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or, if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

(b) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones.

With the following committee amendment:

After the word "*Resolved,*", strike all the language through line 4 on page 2 and insert the following in lieu thereof:

That, notwithstanding the provisions of House Resolution 217, Ninety-second Congress, the Committee on Post Office and Civil Service, acting as a whole or by subcommittee, is authorized to conduct full and complete studies and investigations and make inquiries within its jurisdiction regarding:

(1) the operation of military postal service overseas, the need for additional mail privileges for military personnel overseas, and the thefts from military mail, in the following countries: Japan, Taiwan, and Vietnam;

(2) the operation of foreign postal services, including matters relating to rate structures, budgeting, advertising, personnel recruiting programs, operations under quasi-public corporations, the experiences in handling strikes by postal employees, and the operation of the United States military postal services in the following countries: United Kingdom, Germany, and Italy; and

(3) statistical agencies, international organizations with statistical responsibilites, and the census programs in the following countries: Italy, Japan, Taiwan, Vietnam, and Australia.

For the purposes of carrying out each of the investigations, studies, and inquiries enumerated above, the committee is authorized to send not more than five members (three majority and two minority) and two staff assistants (one majority and one minority) to those countries within which such investigation, study, or inquiry is authorized to be conducted.

The committee amendment was agreed to.

The SPEAKER. The gentleman from Indiana (Mr. MADDEN) is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, House Resolution 415 authorizes the Committee on Post Office and Civil Service to make certain investigations and studies overseas.

As amended, the resolution authorizes three specific trips, for each of which the committee would be authorized to send five members—three majority and two minority—and two staff assistants—one majority and one minority.

One investigation would involve travel to Japan, Taiwan, and Vietnam regarding the operation of military postal services overseas, the need for additional mail privileges for military personnel overseas, and the thefts from military mail.

One would involve travel to the United Kingdom, Germany, and Italy to investigate the operation of foreign postal services.

One would involve travel to Italy, Japan, Taiwan, Vietnam, and Australia to investigate statistical agencies, international organizations with statistical responsibilities, and the census programs.

The use of counterpart funds is authorized and the so-called Hall amendment is incorporated in section 2(b).

Mr. Speaker, I urge the adoption of the resolution.

Mr. HALL. Mr. Speaker, will the gentleman yield for a question?

Mr. MADDEN. I yield to the gentleman from Missouri.

Mr. HALL. I wonder if the distinguished gentleman from Indiana, a member of the Committee on Rules, heard in testimony before his committee, or is knowledgeable from the chairman of the committee; as to whether or not this legislation would change the jurisdiction, oversight, and surveillance on the part of the Committee on Post Office and Civil Service?

Mr. MADDEN. To my knowledge, no testimony was presented to the Rules Committee on that subject.

Mr. HALL. I am aware of the fact that changes in the so-called Armed Services Postal Service were brought about by this committee. I am not completely clear in my mind as to whether ordinarily supervision and surveillance by the legislative branch is by the Committee on Armed Services of the so-called Army-Air Force Postal Service, or whether it is by this committee. Presuming the basic legislation is from this committee, I assume they would take surveillance and oversight and would commend them therefor, because as a member of the Committee on Armed Services, I have received many letters rightly or wrongly—on investigation—complaining about the postal service within the armed services. If one would now hypothetically take that out, and assuming that the census, vital as it may be to this committee, is actually managed by the Department of Commerce, in the United States, I really wonder, Mr. Speaker, what remains for these "traveling inspectors" or these three groups of five, three and two, whatever one might call them, to do. Certainly the U.S. Postal Service has been effectually bobtailed, at least pro tem, from supervision, oversight, and so forth, of the Congress, and I cannot imagine why we would need representatives of the Congress to study such things as the Census, or ordinary mail service or delivery, in these other countries. I just wonder if anything came up in the discussion of the rule with regard to that, since we have a Postal Service Commission outside of Government—politics—and since rates are now fixed by a separate committee.

Mr. MADDEN. As to testimony before the Rules Committee, there was none on that subject. The gentleman from Illinois (Mr. DERWINSKI), a member of the committee, could possibly give some information on that question.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Illinois.

Mr. DERWINSKI. I would like to point out to my friend from Missouri, who, by the way, is one of the properly inquisitive Members of this body, that our committee does have jurisdiction over the mailing privileges of servicemen. Members may recall that we extended free delivery and the other factors involving servicemen, and this has been a continuous concern of ours for some time. We have on the floor the gentleman from Arizona (Mr. UDALL) and the gentleman from California (Mr. WILSON), who I am sure are prepared to explain to the House in detail the interest that our committee rightfully has in the census and the legislation pending in relation to the Postal Service, which includes such subjects as the strike in Britain under circumstances very similar to the new Postal Service that we are entering into. So I am sure that in all three of these areas there was clear legislative control by our committee. However, we will elaborate on that in more detail as we get time.

Mr. HALL. I appreciate that. If the gentleman will yield further, not only being an inquisitor, as the gentleman implies, but also vitally interested in the taxpayer, I would just like to repeat my inquiry as to whether or not we have written for information concerning the census in these other countries prior to dispatching this rather expensive crew for three different trips into these areas? I am about to be weaned and convinced by the dulcet tones of the gentleman from Illinois, but I believe that first we should have tried to make a simple inquiry. I believe this could be done in letter form and the information obtained for the asking. Does the gentleman have any information on that point?

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Ohio.

Mr. HAYS. I do not know whether I have any information on that, but for the benefit of the gentleman from Illinois (Mr. DERWINSKI), I happened to be over in Britain about the time of the strike. Most Englishmen thought it was the greatest thing that had happened to them, because they did not get any complaining mail, especially Members of Parliament, and nobody got any bills. Therefore, they did not have to pay any. The mail service went from bad to nonexistent, which is about the situation we have here.

I probably will vote for this resolution on the theory that if they can see anything at all they can advise the Postal Service about it would have to be an improvement, because the Postal Service is so bad in this country that any change would be an improvement; it cannot get any worse.

As a matter of fact, when I send mail to my district, since I go home every week, I carry it back and forth, because by doing that I can get it there. If I put it in the post office sometimes it never gets there at all.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I could not agree more with the observations of the gentleman from Ohio, having just returned from the district, after spending 4 days there. The one complaint I hear is about the Postal Service and what is to come as a result of their most recent reduction in force, because they have rifed out everyone who knew how to deliver the mail, and if the extant postmasters cannot deliver it without the help of this many-headed Hydra of the regional post offices that they have amputated, we are in bad trouble. I presume we'll "muddle through," as they are generally skilled although ingrained with adverse politics.

Be that as it may, I wonder if there is an answer about whether there has been any application to these countries—Italy, Japan, Taiwan, Vietnam, and Australia—so far as the census program is concerned?

Mr. CHARLES H. WILSON. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from California, the ranking minority member of the Rules Committee.

Mr. CHARLES H. WILSON. Insofar as the Subcommittee on Census and Statistics is concerned, the gentleman should realize that even though the Department of Commerce does conduct the census the House of Representatives still maintains its oversight, hopefully pointed toward the type of questions that will be asked and the type of questionnaire that will go out, not only for the decennial census but also, as we are anticipating, with respect to presenting a mid-decade census to the House in the near future.

There is considerable to be gained by an exchange of information between the countries that we have included here and the United States, for they all conduct various types of statistical programs and census programs.

True, we could write to each of these countries and obtain information. As a member of the Armed Services Committee, like the gentleman from Missouri, I believe he recognizes while we could get briefings on all our military bases here from the Department of Defense it is much more valuable to us if we are able to see them firsthand and to visit the various military bases and talk to the people on hand. I believe the same applies here. If we can send people not just from the Department of Commerce but also from the committee which has jurisdiction over this matter, and give them the opportunity and privilege of visiting with the actual people involved, to see how they operate, we can get a much different picture from what we would get if we just received a letter from them.

Mr. HALL. Mr. Speaker, will the gentleman yield further?

Mr. MADDEN. I yield to the gentleman from Missouri.

Mr. HALL. I believe that sounds like the "old refrain"; me thinks we have heard that self-same argument many times before; but at least the distinguished gentleman from California admitted—first we could have written.

Be that as it may, I should like to ask the distinguished gentleman from the Committee on Rules if there is any limitation on expenditure in this authorizing resolution, as amended? I see absolutely no limitations for the wanderings or for the source of information gathering of this committee. Usually we have an amount or ceiling, do we not?

I appreciate the "Hall amendment" being in here, and other limitations on the use of counterpart funds, and so forth, but is there no definite upper limit as to how much funds not otherwise obligated can be provided by the House for this committee and its subcommittees?

Mr. MADDEN. In answer to the gentleman, let me state that the bill specifies the limited number of five Members who will go on the investigation, it provides for just one staff member from each party. Then the Hall amendment should take care of what the gentleman outlined in his question.

Mr. HALL. The Hall amendment just prevents drawing per diem in two different countries if they are there within the same 24-hour period, Mr. Speaker.

It does not apply to the length of tenure of the committees. As this is drawn, as I understand it, they could work through both the first and second sessions with no upper limitation at all to expenditures, in this Congress.

Mr. MADDEN. I do not think I recollect any such limitation on other committees that have been authorized to travel. You seem to be referring to a limitation as to days and weeks.

Mr. HALL. And the amount of expenditure. As a matter of fact, we recently defeated a travel motion and a committee expenditure bill on the floor of this House for another one of our distinguished committees of the House, which had definitely been reduced before being brought to the floor. However, perhaps that is handled in the actual funding resolution by the Committee on House Administration. Knowing their propensity in this regard, if that is true, I am willing to let it go.

I have one additional question that I would like to ask, although I do not mean to be overly investigative. I just wonder how this came out of its parent committee. Was it unanimous? Am I to believe that the distinguished ranking minority member favors this bill which he would, I am sure, characterize as "junketeering"?

Mr. MADDEN. I was not present at the hearings of the Post Office and Civil Service Committee, but possibly Congressman HENDERSON might be able to give that information.

Mr. HENDERSON. I thank the gentleman for yielding.

The action of the Post Office and Civil Service Committee was by a voice vote. The ranking minority member voted against it and asked to be recorded as being opposed to the action of the committee.

Mr. HALL. I thank the gentleman and thank him for yielding.

That reaffirms my position against this resolution as submitted by the committee.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I think we have tried to do about as fair a job as we possibly can from the standpoint of a travel resolution.

The original resolution came to us with authorization for 15 members and six staff personnel. We worked it out with the Committee on Post Office and Civil Service so that there would be three separate trips not to exceed five members on each one, three of the majority and two of the minority, and one majority and one minority staff member.

If we are not going to let some of these committees travel to this extent, with the size of the committee involved, we might as well stop all travel of all kinds, including the Committee on Appropriations. If that is going to be the intent, that is the way we should proceed. But I do not see how we can come in and cut down anything like this any further.

From the comments made here on the post office's activities, we can always take back the post office situation if the Congress decides that they wish to pass a law to that effect. I do not think, however, that we should relinquish all possibility of obtaining knowledge of the Post Office Department.

So far as the money is concerned, there is language in here relating to per diem, and I believe $50 a day is the limit.

As to the additional expenses of travel, they all are reported. They go to the Committee on House Administration and they are put in the CONGRESSIONAL RECORD dollar for dollar and member for member per trip.

I do not see how we can write any more langauge into a resolution than that. I do not know of any other case where we have done any more.

The amendment of the gentleman from Missouri (Mr. HALL) is in this resolution as it is in all of the rest of them.

I see no objection to the resolution unless we are going to cut all travel. Therefore, Mr. Speaker, I urge the adoption of this resolution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I am pleased to yield to the gentleman.

Mr. GROSS. I thank my friend from California for yielding.

I do not suppose that any representation was made to the Committee on Rules as to what contribution these expenditures on foreign travel will make to the huge deficit in the balance of international payments. Was any information at all given with respect to that?

Mr. SMITH of California. As a matter of fact, we have not propounded that question this year before the committees. Last year and the year before there was a review of the countries where there were counterpart currencies and how they were used. I explained it, I think, on the floor as to just how it was to be used. However, we do not have too much in counterpart funds in too many countries. I guess in India we have enough rupees for all of us to take a complete August trip through the use of those rupees.

It is my recollection that we did not have the advice and counsel of the gentleman from Iowa at the time this resolution was considered. I do not think the gentleman appeared before the committee.

Mr. GROSS. Unfortunately, I manage to keep busy and I cannot attend all sessions of all committees.

Mr. SMITH of California. We did not have your sound advice and testimony when we heard this report.

Mr. GROSS. A country where we have the greatest amount of counterpart funds, India, as the gentleman from California mentioned, is not included in this tour.

Mr. SMITH of California. That is correct.

Mr. GROSS. But I do note with interest that a group is going overseas to study the taking of the census, and I certainly concur with my friend, the gentleman from Missouri (Mr. HALL) that the same information could be accumulated by mail about as readily as spending several thousands of dollars by traveling over there.

I do notice that the United Kingdom, Germany, and Switzerland have been dropped, but Japan, Taiwan, Vietnam, and Australia are continued as countries to which the committee will travel. Further, they will get a foot in the door in Europe by being empowered to go to Italy. So, they will get to the European Continent which will open that door for touring as I understand the resolution.

Mr. SMITH of California. I would think that would be correct.

Mr. GROSS. Had Italy been left out, they would have been limited to the four countries in the Pacific, Japan, Taiwan, Vietnam, and Australia.

I wonder if it is less important to have information on the census in Britain, Germany, and Switzerland than it is in the five countries specified in the resolution?

Mr. SMITH of California. I could not answer the gentleman's question. I am not on the standing committee.

I assume much information that is obtained could be obtained by mail or through questionnaires or such, but that is not the purpose of the resolution. There are certain benefits which the individual gets by actually going over and seeing the operations carried on in these countries. I think the committee has been pretty fair with reference to its trips. They have turned in some very fine reports, and I do not think they have ever tried to overdo their travel as some committees may do.

Mr. GROSS. I think I can concur with the gentleman that other committees of Congress do spend more money, wastefully, on trips than does the House Post Office and Civil Service Committee, but that does not make this resolution acceptable as far as I am concerned.

Mr. SMITH of California. I thank the gentleman.

Mr. Speaker, I have no further request for time and I urge adoption of the resolution.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 201, nays 88, not voting 143, as follows:

[Roll No. 106]

YEAS—201

Abbitt
Abernethy
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashbrook
Aspinall
Begich
Bell
Bergland
Bevill
Blanton
Blatnik
Boggs
Brademas
Bray
Brinkley
Brooks
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Caffery
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Collins, Ill.
Colmer
Conable
Daniel, Va.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Derwinski
Devine
Dickinson
Dingell
Dorn
Dow
Dowdy
Downing
Drinan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fisher
Flood
Foley
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gonzalez
Griffin
Griffiths
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Henderson
Hicks, Wash.
Hogan
Holifield
Horton
Hosmer
Hungate
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Tenn.
Kastenmeier
Kazen
Kee
Keith
Koch
Kyros
Leggett
Lennon
Link
Long, Md.
McClory
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McMillan
Macdonald, Mass.
Madden
Mahon
Matsunaga
Melcher
Miller, Calif.
Mills
Minish
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Moss
Natcher
Nedzi
Nichols
Obey
O'Hara
O'Neill
Patten
Perkins
Poage
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Randall
Riegle
Roberts
Robison, N.Y.
Rodino
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Ruth
Ryan
St Germain
Sarbanes
Satterfield
Saylor
Scheuer
Seiberling
Shipley
Shoup
Sikes
Sisk
Smith, Calif.
Smith, N.Y.
Staggers
Stanton, James V.
Steed
Stephens
Stokes
Symington
Thompson, Ga.
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Veysey
Waggonner
Waldie
Whalen
White
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Wyatt
Yates
Young, Tex.
Zablocki

NAYS—88

Andrews, Ala.
Archer
Arends
Aspin
Baker
Belcher
Bennett
Biester
Blackburn
Boland
Bow
Broomfield
Brotzman
Broyhill, N.C.
Burleson, Tex.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conte
Davis, Wis.
Dennis
Duncan
Eshleman
Fountain
Goldwater
Goodling
Green, Oreg.
Gross
Gubser
Gude
Haley
Hall
Hammerschmidt
Heckler, Mass.
Hillis
Hull
Hunt
Hutchinson
Jacobs
Jones, N.C.
Keating
King
Kyl
Landgrebe
Lent
Lloyd
Lujan
McCollister
Mayne
Michel
Miller, Ohio
Mizell
Mosher
Nelsen
O'Konski
Pelly
Pettis
Peyser
Pike
Poff
Powell
Quie
Railsback
Rarick
Reid, N.Y.
Robinson, Va.
Rogers
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Springer
Stafford
Steiger, Ariz.
Talcott
Taylor
Teague, Calif.
Terry
Thomson, Wis.
Thone
Vander Jagt
Vigorito
Whitehurst
Wylie
Zion
Zwach

NOT VOTING—143

Abourezk
Abzug
Addabbo
Anderson, Tenn.
Ashley
Badillo
Baring
Barrett
Betts
Biaggi
Bingham
Bolling
Brasco
Buchanan
Burke, Fla.
Cabell
Camp
Carey, N.Y.
Celler
Chappell
Chisholm
Clark
Clay
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniels, N.J.
Davis, Ga.
Dent
Diggs
Donohue
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, La.
Fascell
Findley
Fish
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Frey
Fulton, Pa.
Gallagher
Giaimo
Gibbons
Grasso
Gray
Green, Pa.
Grover
Hagan
Halpern
Hamilton
Hansen, Wash.
Harrington
Hastings
Helstoski
Hicks, Mass.
Howard
Ichord
Karth
Kemp
Kluczynski
Kuykendall
Landrum
Latta
Long, La.
McCloskey
McClure
McCulloch
McKevitt
McKinney
Mailliard
Mann

Martin
Mathias, Calif.
Mathis, Ga.
Mazzoli
Meeds
Metcalfe
Mikva
Mink
Minshall
Mitchell
Morse
Murphy, Ill.
Murphy, N.Y.
Myers
Nix
Passman
Patman
Pepper
Pickle
Pirnie
Podell
Price, Tex.
Pryor, Ark.
Quillen
Rangel
Rees
Reid, Ill.
Reuss
Rhodes
Roe
Rousselot
Roy
Roybal
Runnels
Ruppe
Sandman
Scherle
Shriver
Skubitz
Slack
Smith, Iowa
Snyder
Spence
Stanton, J. William
Steele
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Sullivan
Teague, Tex.
Ullman
Wampler
Ware
Watts
Whalley
Wiggins
Winn
Wolff
Wright
Wydler
Wyman
Yatron
Young, Fla.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Helstoski with Mr. McCloskey.
Mr. Stratton with Mr. Latta.
Mr. Wright with Mr. McKinney.
Mr. Clark with Mrs. Reid of Illinois.
Mr. Corman with Mr. Ruppe.
Mrs. Chisholm with Mr. Bingham.
Mr. Mikva with Mr. Conyers.
Mr. Murphy of Illinois with Mr. Mitchell.
Mr. Rees with Mr. Rangel.
Mr. William D. Ford with Mr. Nix.
Mr. Harrington with Mr. Diggs.
Mr. Clay with Mr. Badillo.
Mr. Anderson of Tennessee with Mr. Findley.
Mrs. Abzug with Mr. Gray.
Mrs. Hicks of Massachusetts with Mr. Fish.
Mr. Flowers with Mr. Winn.
Mr. Flynt with Mr. Steele.
Mr. Green of Pennsylvania with Mr. Sandman.
Mr. Hagan with Mr. Rousselot.
Mr. Gibbons with Mr. William J. Stanton.
Mr. Runnels with Mr. Ware.
Mr. Roy with Mr. Snyder.
Mr. Roe with Mr. Mailliard.
Mr. Pepper with Mr. Steiger of Wisconsin.
Mr. Ullman with Mr. Long of Louisiana.
Mr. Landrum with Mr. Baring.
Mr. Culver with Mr. Reuss.
Mr. Yatron with Mr. Roybal.
Mr. Edwards of Louisiana with Mr. Mann.
Mr. Mathis of Georgia with Mr. Abourezk.
Mr. Chappell with Mr. Davis of Georgia.
Mr. Pryor of Arkansas with Mrs. Mink.
Mr. Patman with Mr. Metcalfe.
Mr. Stubblefield with Mr. Ichord.
Mr. Dent with Mr. Gerald R. Ford.
Mr. Daniels of New Jersey with Mrs. Dwyer.
Mr. Passman with Mr. Young of Florida.
Mr. Edmondson with Mr. Mathias of California.
Mr. Podell with Mr. Kemp.
Mr. Carey with Mr. Morse.
Mr. Celler with Mr. Pirnie.
Mr. Karth with Mr. Betts.
Mr. Ashley with Mr. Kuykendall.
Mr. Biaggi with Mr. Whalley.
Mr. Slack with Mr. Burke of Florida.
Mrs. Sullivan with Mr. McKevitt.
Mr. Teague of Texas with Mr. Spence.
Mr. Wolff with Mr. Grover.
Mr. Kluczynski with Mr. Minshall.
Mr. Howard with Mr. Skubitz.
Mr. Addabbo with Mr. Wiggins.
Mr. Cotter with Mr. Crane.
Mrs. Grasso with Mr. Coughlin.
Mr. Giamio with Mr. Quillen.
Mr. Gallagher with Mr. Price of Texas.
Mr. Hamilton with Mr. Frey.
Mr. Murphy of New York with Mr. Wydler.
Mr. Pickle with Mr. Shiver.
Mr. Watts with Mr. Scherle.
Mr. Stuckey with Mr. Buchanan.
Mr. Smith of Iowa with Mr. Martin.
Mrs. Hansen of Washington with Mr. Rhodes.
Mr. Barrett with Mr. Camp.
Mr. Brasco with Mr. Hastings.
Mr. Cabell with Mr. Myers.
Mr. Mazzoli with Mr. Wampler.
Mr. Meeds with Mr. McClure.
Mr. Donohue with Mr. Fulton of Pennsylvania.
Mr. Dulski with Mr. Halpern.
Mr. Fascell with Mr. Wyman.

Messrs. ANDREWS of Alabama, JACOBS, BIESTER, McCOLLISTER, KEATING, and ARENDS changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

"DON'T HOLD YOUR BREATH"

(Mr. ROUSH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROUSH. Mr. Speaker, last week the President and the Secretary of the Interior journeyed to the New York harbor area, there to proclaim the intention of establishing a Gateway National Recreation Area. I am delighted at the addition of such a proposed parkland, for I have long advocated additional recreational areas throughout the Nation, especially in highly populated areas.

In remarks for the press the President noted at that same time that this was "one of the most significant steps that the Federal Government has taken, in cooperation with the State governments, on recreation perhaps in this century." For, he said, this step "moves in the direction that all people who have evaluated our parks and recreation areas believe we should move; and that is, to move to bring parks to the people."

Thus the President once again reaffirmed his promise of a legacy of parks. In his earlier Environment Message to Congress in February he noted "merely acquiring land for open space and recreation is not enough" and had urged that "We must bring parks to where the people are so that everyone has access to nearby recreational areas."

All of this sounds good and I thoroughly agree. However, I must admit to some incredulity. Just this spring I conducted lengthy correspondence with the National Park Service over the fact that the budget for 1972 does not provide 1 penny for the development of another park that is now 5 years old, that has been described by the Interior Department as "ideally suited to fulfillment of the recreational and open space needs of the people of this region," and that would serve another 10 million people.

I refer, of course, to the Indiana Dunes National Lakeshore which I was proud to author some 5 years ago. The House Interior Committee at that time described and recommended this great national lakeshore thus:

> Located at the Southern end of Lake Michigan—less than 50 miles from the Chicago-Gary Industrial complex—the proposed Indiana Dunes National Lakeshore fits the national need like a glove. . . . Nowhere in the Great Lakes is there a greater need for shoreline recreation areas.

That seems to me a resounding endorsement. Yet, like an empty house that great potential park area awaits recreational facilities, parking lots, roads, trails to become fully useful.

So while I rejoice in the creation of new parks and fully recognize the need for recreation areas in the East, I must ask the question as to where this money will come from? The National Park Service has an 11-point development program criteria for programing projects and planning funds. Where will this project fit? And if we can afford another recreation area, why not develop some of the many parks that are awaiting funds? Do not the people of Indiana, Michigan, and Illinois who would use the Indiana Dunes National Lakeshore deserve equal treatment?

Or perhaps this project will suffer the same fate as the Indiana Dunes? The Congress proposes but the administration disposes and refuses funds for projects that do not suit political needs.

Last week I discussed the President's massive cancer research program. Obviously my purpose was not to object to cancer research, but to point out once again, as here in the case of parks, the sharp contrast between what the administration does with what it says. The President proposes a vast attack on cancer while he is holding in reserve $34.5 million in funds for the Regional Medical programs, aimed at attacking not only cancer but the other killer diseases of heart attack and kidney disease.

I fear the park situation may be a repeat situation. I hope the people of New Jersey and New York do not plan on visiting that recreation area anytime in the near future.

WHY JUST CIA RADIO FUNDS?

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, I rise to applaud the Nixon administration for coming to the Congress this morning to seek congressional approval of legislation which would vest the operation of Radio Free Europe and Radio Liberty in a nonprofit corporation chartered by the Federal Government.

At the same time, however, I would like to suggest that the day for piecemeal adjustment is over—and that much more fundamental surgery is required if the Congress is to play its proper role in assuring that the U.S. Government does not speak with a forked tongue to the world beyond our borders.

I have great respect for the work which Radio Free Europe and Radio Liberty have performed over the years in carrying the message of truth and freedom to millions of people in Eastern Europe and Asia. To many of those peoples, those two radio stations were the only source of factual information about developments in their own countries and in the world at large.

I am not adverse, therefore, to this kind of dialog. As a matter of fact, in this age of public diplomacy, I believe that it is imperative for the United States to maintain and enlarge communication with the coinhabitants of our planet.

The question is, how do we do it—and with how many governmental or government-supported voices should we attempt to project our message to the world?

At present, that message is frequently garbled by a cacophony of strange and conflicting sounds—with each separate outlet pushing its own version of the American dream and its own interpretation of the American prescription for the world's ills.

There is Voice of America, with its sonorous tones proclaiming to be the essence of orthodoxy—though sometimes belatedly—on matters of Government policy.

Then there are Radio Free Europe and Radio Liberty—now to be admitted to the official family entitled to open Federal support—which bring to this new role a tradition of unorthodoxy in the pursuit of their own specialized ends.

Then there is RIAS—Radio in the American Sector—which tries to scale the Berlin Wall and give the residents of both Germanies, as well as those few Americans within earshot, a liberal dose of American jazz and rock interspersed with news keyed to the particular preoccupations of its listeners.

In addition, there is the American megowatt transmitter in Munich, with the long wave frequency potential of becoming one of the foremost communicators of Europe, whose sporadic, lovely function appears to be the jamming of Soviet messages to its own people and its neighbors.

The Armed Forces network in Europe is also a part of the American voice which reaches millions of foreign nationals—as are our military broadcasting activities in the Far East.

All of these activities are supported by the American taxpayer, operate with the sanction of the U.S. Government and whether rightly or wrongly, are deemed to carry our Nation's message to the world.

Unfortunately, each one of them is pretty much its own boss—and neither the Congress nor the American people have any clear idea of how they carry out their public mandate or whether they contribute to the advancement of our national objectives.

As I said at the outset, I am not opposed to the setting up of a Government-subsidized corporation to manage our overseas broadcasting activities. It seems to me, however, that a corporation in this field, whether modeled on Comsat or some other model, would be turning its back on reality if it were to concern itself solely and exclusively with Radio Free Europe and Radio Liberty.

As nearly a decade of studies conducted by the International Organizations and Movements Subcommittee which I chaired during the 1960's showed, we need a drastic, fundamental reorganization of all U.S. Government-supported broadcasting activities, abroad. And the time is long passed when we could patch up things by resorting not even to half measures but to quarter measures.

There are two more points I would like to make:

First, it seems to me that by attempting to perpetuate existing arrangements, we are skating on very thin ice. The cold war thaw has robbed some of our overseas broadcasting operations of their political viability. I do not know, for example, how long the West Germans will indulge us to run our several, disparate operations on their soil—but I have a feeling that it will not be very long.

Second, I am not convinced that the American taxpayer should continue to shoulder the full burden of these rather expensive undertakings. There is, it seems to me, a pretty good possibility that under more realistic and practical arrangements, including joint ventures, some of these broadcasting facilities could become self-sustaining or even return part of the investment to the U.S. Government. I have not seen this possibility mentioned in the administration's proposals.

Mr. Speaker, we live in an age whose very character is shaped by electronic communications. We ought to recognize that fact in our external operations. And we ought to employ the instruments of communication available to us in sensible and imaginative ways so as to advance our national goals and the cause of peace.

I am delighted that after years of persistent prodding by my subcommittee, the executive branch has finally turned its attention to these matters. And I commend the President for coming to the Congress with his proposals. But I doubt that either the Congress or I as one of its Members will be interested in any partial solution which would place new burdens on the American public without attempting to go to the heart of the problem which confronts us—and try to remedy it.

WILLY BRANDT'S MISTAKES IN EASTERN POLICIES

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, it is now clear that the West German coalition government is becoming increasingly uneasy about its Ostpolitik. The original euphoria about the "new opening to the East" has distintegrated gradually in the usual slowdown of Communist bargaining practices, deliberate delays, additional conditions and in particular because of the issue of Berlin. The optimistic expectations of the first months of Willy Brandt's new West German approach and forecasts of a sudden breakthrough in the East-West relations have proven to be completely unrealistic and unfounded.

There are many great political figures of yesteryear who ended in the bitter and disappointed political dead ends. Willy Brandt may also be heading for a dead end by trying his own instant method for a rapproachment with the Soviet Union and its satellites. Many politicians thought, as Brandt does, that being known as Socialists or peasant party leaders they had a special means to enter the Moscow door without falling into the trap maintained by the Reds.

I well recall how good intentions were crushed in the very first East European detente effort of Polish Prime Minister Mikolajczyk in 1945 and 1946. Mikolajczyk provided the air of legitimacy to the Communist takeover in Poland by joining the first postwar Communist-controlled government in Warsaw. But his attempt to work with the Communists did not last very long and he escaped to West Germany via West Berlin. He was fortunate that the Berlin wall was not yet in existence at that time. Today Mikolajczyk would probably be shot like many Germans have been during similar attempts.

In the years in which he worked in the free world for the restoration of freedom in Poland and other lands behind the Iron Curtain, Mr. Mikolajczk spent many years in Washington as head of the Peasant Union and on numerous occasions told me of the treachery, hypocrisy, and brutality of the Communists which he witnessed first hand while working in postwar Poland.

But apparently lessons of history have not impressed Willy Brandt and his government very much. He plunged into his new version of detente just as naively or even more so than all his predecessors starting with Mikolajczyk.

The problem is that Brandt takes himself very seriously but the Soviets do not. They consider his type of government only a transition government toward their goal of a permanent Soviet style "socialist society" in which the Communist Party, no matter how small and insignificant, plays the dominant role. Toward this end they have already activated a small Communist party of Germany under Kurt Bachmann. This party is waiting its turn, once Willy Brandt will be in real political bind, to edge itself into a key political position in no way commensurate with the number of its members or the support it can generate at the voting booth.

In the meantime, Brandt has completely concerned himself on the Berlin issue. There is no German in his right mind who would support the one-sided Soviet and Polish treaties signed by Brandt without a "satisfactory" settlement of the Berlin problem. Chancellor Brandt some months ago was forced by circumstances to accept the linkage of the Berlin issue with ratification of the Warsaw and Moscow treaties. He expected that the Soviet Union would be demonstratively cooperative concerning Berlin after the 24th CPSU Congress of March-April 1971. But the Congress produced nothing to alleviate the tension, nothing really new in the search for detente.

Now the Soviets are pressing Brandt into ratification of the treaties without an agreement on Berlin. And what is worse, there are some disturbing signs that Willy Brandt is softening toward another compromise.

Fortunately, Brandt cannot bargain the Berlin issue alone because this is an international problem in the hands of the four powers. The United States and other two Western powers will not permit Berlin to become politically isolated from West Germany. This should be clear to all concerned. The United States must continue to honor its commitments in Western Europe of which West Berlin is an integral part. The U.S. Senate's clear-cut vote to reject any changes in this commitment in the form of Senator MANSFIELD's proposal to cut the U.S. presence, or any other similar "accommodations," must be read for what it means.

There is nothing new in the Communist proposals on Berlin which have taken the form of statements during the Congress as well as the official Abrasimov paper delivered to the State Department just before the Congress. These proposals were completely unacceptable to the West in the past and will continue to be just that.

The Soviets, however, have Willy Brandt's signature under the treaties of Moscow and Warsaw and they will continue to press for more concessions from Brandt inasmuch as they realize that the entire future of the Brandt coalition government depends on his ability to deliver practical results from his Ostpolitik.

An additional Soviet push is being exerted on Brandt in connection with the forthcoming international conference of Socialist parties in Helsinki. In his speech in Tbilisi, General Secretary of CPSU Leonid Brezhnev warned the Socialist leadership of the world that they must be able to demonstrate what can be expected from them in the way of "spirit of cooperation" with the Communist world.

Another point to keep in mind is that the shift of leadership in Poland from Gomulka to Gierek in December 1970 and in East Germany from Ulbricht to Honecker in May 1971 contributed further to the gloomy prospects for Brandt's detente. The West German voters seemed to have caught up with the mistakes of their Chancellor and rejected his policies very soundly in their recent local election in Schleswig-Holstein, giving an absolute majority to the opposition party of Christian Democrats.

Thus, Mr. Speaker, it is clear that the United States must be on guard for further moves by the Brandt government which could compromise Berlin and which, in the long run, could endanger the entire Western Alliance.

It is quite evident that the Soviets are of a mind to pressure Brandt and it is even more evident that Brandt does not possess the capacity to handle the situation.

Therefore it is even doubly important for the United States to insist on the political integration of West Berlin with West Germany and to discourage the fruits of "Ostpolitik" which in reality will mean concessions to Warsaw and Moscow.

AMERICA THE VULNERABLE— CIVIL DEFENSE

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 1 hour.

Mr. GONZALEZ. Mr. Speaker, I have asked for and am very grateful that I have been given 60 minutes in which to address the House today. I asked for this special order last week because it is not a thing that I wish to develop here by way of discussion in an idle or a flighty fashion. Yet, at the same time I want to assure those present that I will not speak for 60 minutes. I have obtained unanimous consent to extend and revise my remarks and that will permit me to put into the RECORD the gist of the facts that will back up what I consider to be the main thrust of today's special order.

For some time since 1963 the question of civil defense has been not only in disarray but has been totally abandoned in our country. To those who inquire about the need for civil defense or who try to make a case for civil defense, we have the ready cliché answer that this somehow or other smacks of warmongering—a belief that peace is not achievable —or that it is simply folly to think in terms of a national program of civil defense.

In 1963 this Congress and the then administration as much as scrapped the then priority importance that civil defense had by placing it in a minor bureau with little or no money under the Department of the Army. In the meanwhile it is my mature conclusion that we have greater need for a sensible, logical and a minimal approach to civil defense than we had ever had in the history of our country since World War II.

America is vulnerable—it is highly vulnerable. First, because from the logistical standpoint the world has not only contracted—but the potentially hostile elements in and out of the Western Hemisphere have increased by geometric progression and the ability in a case of out and out hostility has soared to inflict crippling blows on our country.

At the very moment I rise this afternoon, it is entirely possible for a properly equipped submarine in the warm water ports of Cuba to not even have to surface in order to eject a nuclear guided missile that can strike at will clear to the Midwest section of the United States with mathematical accuracy. I think it would be alarming to say that this is going to happen today, but I think it is folly to overlook the startling fact that this is potentially something that can happen today. There is no question but that the capability of what is potentially considered an enemy has increased not tenfold but a hundredfold right in our own front and back yards.

Vietnam is agitating the minds of our country and this, in turn, has divided the country. I have not spoken out in any loud fashion concerning this great issue because I feel the time to speak is when one has the facts and has enough knowledge that by speaking one can add to the clarification of a dilemma and not to compound a knotty and nettlesome problem.

For this reason I have suspended insofar as any outspoken public utterance is concerned. I share all of the misgivings that my fellow Americans share, but I also think the time has come when we ought to dwell on the sobering need to acquaint our citizens with the basic and minimal need for civil defense.

We do not really have civil defense—we do not even have emergency precautions. Recently in the month of February, for the first time since this system was instituted, there was a national emergency alert. This alert, according to all of the media people in the country, is the ultimum—it is the last resort—right on the threshold of a national emergency.

So the local television stations when they received this emergency alert scrambled around—they did not know what to do—whether they were to go off the air or whether they were to wait for instructions.

So they hastened to the emergency box. This, according to them, is a system of communication that exists whereby this box is to be opened only in case of emergencies. So they rushed to the box, opened the box, and looked at the instructions. They read, "Open envelope so and so." They opened envelope so and so. The instructions contained therein said, "Wait for further instructions." Later it was clarified that this alert had been a mistake. The emergency alert had been a big error. Somebody had either misread or misunderstood and had sent out under these national emergency conditions a false alarm.

I do not think we ought to overlook this, because if, indeed, it had not been a false alarm, we would have seen this Nation of ours, which has been pictured as a strong giant and fortress, completely paralyzed, immobilized, and unable to lead its citizenry in case of an emergency along an intelligent and a preplanned route for even basic survival.

It is true that the world has shrunk, but it is also true that our responsibility in this respect has, of course, also increased tenfold and a hundredfold. To those who say, "Why, we would be a frightened giant. We would be living in an atmosphere of fear, trepidation and apprehension," let me point out to them that the Union of Soviet Socialist Republics had and continue to have a compulsory systematic system of civil defense for every citizen and schoolchild in each one of the Soviet Socialist Republics. Are they by these critics labeled as being frightened, in trepidation, and living in daily apprehension? I have not read such criticism. There must be some good reason why this vast country feels that it is legitimate for its population to have security instructions on a compulsory basis throughout the land, in and out of school, and not only for the schoolchildren but for the general population, also.

I am not advocating that we imitate that practice necessarily, but I am saying that even if the danger of hostile action were remote and inconceivable for us to accept it, we still have the question of regional and almost quasi-national emergencies, based upon acts of God, or great upheavals, such as hurricanes, such as earthquakes, and the reports received from each one of these areas have been consistent in the last 10 years. There has been a near paralysis in those areas so far as having a corporate achievement of basic self-defense for the people involved in such emergencies, even if it is localized and on a regional basis.

I think the need is clear, and I think the implication of this need has been clear for some years.

I regret that the Congress, in deciding the great issue in 1963, which had to do with the great debatable program of underground shelters—and how strong their case was made that underground shelters were futile, that in this age of megatonnage and the destruction caused by these awesome powers of destruction, underground shelters are futile. But I think that we, in bringing about this reform, threw the baby out with the bathwater and have neglected the basic requirements of a nation such as ours, highly mobile as it is, without a coordinated, intelligent and planned system of basic and minimal self-defense. I am not exaggerating to you that outside of the confines of our national press and our own atmosphere and environment of smugness that this prevails even in the Western Hemisphere.

Everything that comes across the desk published in other countries that share the destinies of this continent indicates that they are not that complacent and that they are concerned because they, too, are aware of some of the late developments, such as those that I and others have reported, among which was the fact that early in the autumn last year, there was a report, which was first denied and then confirmed in December by the administration, to the effect that for the first time the Soviet Fleet had a warm water base and right in our front yard. We should not minimize the fact that there are today, as I am speaking, 30,000 highly trained and fully equipped Russian troops on the Cuban Island.

There is no question in my mind, and certainly the fact has not been challenged by any responsible authority, that they have capabilities today with respect to submarine bases with submarines equipped to eject nuclear-propelled rockets and other types of armaments right now near us.

I believe it is more than a coincidence that the Ambassador from Russia to Cuba happens to be the outstanding scientific chief of Russia on the question of nuclear-equipped rocket sites. I believe it is more than just a mere coincidence. Some of my more sceptical friends seem to think it is just one of those things that do happen and we should not attach any particular significance to it.

Mr. Speaker, as I said at the beginning, I will present in the subsequent paragraphs I am sure Members will read, if they are interested, in the RECORD tomorrow some of the factual presentation that over the course of months has led me to the conclusions I have generally discussed here this afternoon. I do not believe it warrants my standing on the floor a whole hour, though I could present the material and do so. I do ask that this matter of high importance and priority should be given exactly that by the Congress: high importance and high priority.

Mr. SMITH of New York. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I yield to my distinguished colleague from New York.

Mr. SMITH of New York. Can the gentleman tell us briefly what he would advocate in the civil defense field?

Mr. GONZALEZ. Yes. I believe we ought to restore a high priority to this. If it is not a top priority it should have at least basic importance for a nationally coordinated system not only of instruction but also of site locations, escape routes, and the like, so that each community, and particularly those in the urban areas of our country, would have a viable, feasible, practical plan, at least on paper. We do not have even that now. Some communities do and some do not.

For example, the area with which I am best acquainted is my own district and the surrounding county. At one time, up to 1967, I had the responsibility of representing the entire county.

Today I really represent the heart of the city of San Antonio, which is now a city of more than 700,000 population. The city of San Antonio, according to the civil defense people, has a fairly good program. It looks good on paper. It compares favorably with the programs of cities of comparable size. But the county has next to nothing in the way of a program.

That is to say, even if there were no question and we had no danger or fear from an enemy, so far as military action or physical violence is concerned, we still do not have basic plans in case of a hurricane or flood or some other natural disaster.

I think the time has long passed when this should be done. Even now the funds appropriated have been diverted, so that their main thrust has not been expended along profitable, constructive, and creative routes.

I would say, first, let us restore civil defense back to some area of direct concern to the Congress, instead of having it a minor bureau within the Department of the Army. The Department of the Army has been cut more than any other department in the last 3 years, generally, as funds go, and this is just a minor little agency within the Department of the Army and yet reflects those cuts.

I also believe, on a grander scale, this would help us to revise our approach to things. There seems to be a great deal of hesitancy with respect to talking about plans, about schemes, and about projects, because of regionalism and because we have had a tendency toward fear and secrecy for the past 10 years. The fact that we have had this advent of a power such as Soviet Russia in a very practical presence on the Cuban Island is something which apparently the officials in and out of our Government either do not want to discuss publicly or feel they cannot discuss publicly, or else they will not admit to it.

I see no sense in saying, well, if we do not talk about it, it will not be a problem. In my book we have a real, a pressing, and a practical problem as well as a continuing threat.

Anti-Americanism exists today and has rushed into a vacuum that has been created in the last few years in the Western Hemisphere. This is true not only to the south of us but it is true also of our northern neighbors as well. It is something that from a geopolitician's standpoint or from the standpoint of any official charged with the defense of our country in a military sense should be a matter of grave concern. Just one skip to the south of us we have had our American Ambassador assassinated in cold blood. Just a few weeks ago we had a very disturbing development, in the view of us who live near the border, in the Mexican Government. For years they have been accustomed to having an embassy detailed from Soviet Russia about eight times the size of the American Embassy. I guess this is coincidental just like the Russian Ambassador presently rendering his service in Cuba is coincidental, but the fact remains that the Mexican Government was completely shook up when it discovered that some of the young there were being trained very well not in Russia but in Communist China. They had been bragging down there that the Soviet Government was so interested in educating and training their people. For what purpose? For the purpose of returning with the direct intention of overthrowing the established Mexican Government through all of the tactics that are employed in this day and time by Communists in the overthrow of governments.

This is what has happened in the case of our next door neighbor. In the next country to that our American Ambassador was assassinated. Throughout the entire South American continent and all to the south of us a vacuum has been caused. Into vacuums there always rushes something else. Just as surely as we are standing here today this happens. What I fear is the irrational and completely hostile American forces have had an edge in rushing into this particular vacuum. It should be a source of deep concern.

But in the meanwhile I believe first things must come first. We should be fully aware in our country of the need for an intelligent, coordinated, and well planned system of self-protection, civil defense if that is what we want to call it.

We can expect in the event of nuclear attack to lose about 100 million lives—a figure that is so staggering that it taxes the imagination. But that is not all. We could expect that another 33 million would die from the effects of the attack, simply because we do not have adequate civil defense. I believe that any nation that accepts such risks is inviting attack; I believe that it is a risk that we cannot afford, and certainly need not incur.

We spend in this country less than 35 cents a person a year on civil defense. That is only a 10th what Sweden spends. It is hardly one-twentieth of what Switzerland spends—and all of us know how long it has been since Switzerland had to endure attack.

The Soviet Union requires every citizen to have a thorough course in civil defense, lasting about 21 hours. In this country there is no requirement at all. We do not so much as assign people to definite shelter spaces. There are very few Americans who would even know so much as where to go in the event of attack, let alone what to do after finding shelter.

For a time about 10 years ago, Americans were concerned about civil defense. People built shelters at home, supplied them, and learned what to do. But a few years after the great Cuban missile crisis after the excitement had passed, we slashed civil defense expenditures to the bone, to a point where now we spend less than half what is required to establish a minimal program.

People found that home shelters were expensive, and sometimes hard to keep up. Even when the Census surveyed homes and recommended minimal fallout shelter construction, it is doubtful that one homeowner in a thousand responded. After all, there is no emergency, there was none then, and nobody in the Government seemed to care. Besides, there is a tendency to be fatalistic when you start thinking in terms of half the people being dead—if so many are dead, people seem to think, what would there be left to live for?

But the truth is that preparedness is not just for Armageddon. Civil defense can save lives in any kind of emergency. An evacuation plan can move people effectively out of the way of natural disasters. A shelter plan can provide help to people who have lost their homes in any kind of disaster. Trained civil defense leaders, or wardens, or whatever you call them, can help in any type of emergency.

Preparedness takes effort, and it takes expense. It is asking a great deal of any people that they take time and effort beforehand to be prepared against some eventuality that we all hope and pray will never arise. Even so, making that investment in time and energy and resources is what will make the difference between survival and death for countless numbers of people, in the event of nuclear war.

Countries that have known the scourge of war prepare for it. Sweden knows the price of not being prepared. The Soviet Union knows the price, and neither country is willing to repeat past mistakes.

Civil defense is not merely a matter of placing signs in buildings. A shelter is no good if it contains no food, no medical supplies, no sanitary facilities. Yet, even here in the Capitol itself we find precious little in the ways of stocks, though we have sufficient space here for many thousands of people. Nor do we bother to train our employees in survival procedure. The most we do is listen to the horns and bells once a month, to see if the warning system is working.

But to know how well prepared we are, we need only ask ourselves: what would I do, if the warning sounded for real? Most of us do not know. The price of not knowing is panic, and the price of panic is needless injury and death.

The sour truth is that by and large, this country cannot bring its civil defense into workable order without several weeks' warning time. Nuclear disaster takes less than a half hour. Planners say that even if we did have some kind of crisis over a period of several weeks, they would fear any effort to put civil defense in order, because any such overt action to protect our people might well convince a potential enemy that we intend to strike first, thus bringing about a surprise assault on ourselves. We remain locked in a cycle of being unready, and with the prospect that even if we did have time to prepare for war, the government would fear to make use of that time.

The fact that time is needed is made plain by the situation in my own district. The city of San Antonio has a pretty good system, and there is some reason to believe that it would work well in an emergency. There is adequate communication available, there is a good shelter plan, and so on. But in the county, where an additional couple of hundred thousand people live, there are probably less than 5,000 shelter spaces available that are stocked and for which there are trained managers. The communications system is inadequate and has no good plan. It would take the county several days, possibly weeks, to get ready for a crisis. Even as far as the city is concerned, chances are that the system works best between the hours of 9 and 5—a disaster suddenly striking during some weekend, or during the evening or night hours, would just have to wait.

I believe that if we can afford to have a waiting nuclear deterrent, which we do, available on a constant basis, we could at least afford to protect our metropolitan areas with a minimal force of trained emergency personnel on duty at all times, just in case the deterrent failed to work.

Our cities, for the most part, do not even know how they would bury their dead. Yet, that is one of the first problems that will confront any city that has experienced a major disaster. Failure to cope with that invites a compound disaster of epidemic disease. We are faced with a situation that would cost our cities immense numbers of needless fatalities, and we do not even know how we would dispose of the bodies.

We have a situation in which we have shelters that are stocked with water barrels—but the barrels are empty.

Those empty water barrels are a symbol of the failure and present futility of civil defense in America today. It is a failure that we cannot afford to let continue; it makes this country America the vulnerable.

Thinking the unthinkable is not easy. But we cannot withdraw from reality. The ocean is no barrier to protect our country from assault; even the existence of our large numbers of protected nuclear rockets is no guarantee of safety against attack from a well prepared, determined, fanatical enemy. We cannot assure our total safety—no nation can. Nevertheless that is no reason for criminal negligence.

There is not a truthful man in the country today, who knows what he is talking about, who would tell us that the present civil defense effort is adequate; it is not even a good joke.

Among the wise, there is a saying that the time to fix the roof is while the sun is shining. There was never a more truthful utterance. If we fail to fix the civil defense roof, when the emergency arises—as we all pray it will not—even if time allowed, chances are that Government policy would not permit us to make use of it. Laxity and failure in defense is not something we are accustomed to. But in civil defense, it has become the norm.

That is why, even behind our ocean, even behind our elaborate barriers of radars and missiles, even if we did have a workable anti-ballistic-missile system, we would still be America the vulnerable, unless we at once realize the magnitude of our need for civil defense, and make realistic commitments to meet that need.

Mr. Speaker, I insert in the RECORD two articles in line with what I am saying:

IS THE SOVIET CIVIL DEFENSE PROGRAM REALLY BETTER THAN OURS?

(By Joanne Levey Gailar)

SOVIET PROGRAM GROWING; AMERICAN PROGRAM SHRINKING

When I speak to various groups on Soviet civil defense, a question that repeatedly comes up is this one: If someone so desired, could he not make just as good a case for the extensiveness of the U.S. civil defense effort as you have made for the Soviet one? This question is asked invariably by reflective, intelligent members of the audience, those who want to be sure that I have not been oversold on the earnestness of the Soviet civil defense effort by the Soviet material I have read.

I freely acknowledge that in the event of nuclear war, no one can give an ironclad guarantee that the Soviet program to protect their essential industrial workers in urban blast shelters and to evacuate everybody else to the surrounding countryside and provide fallout protection for them will work.[1-5] I can attest, however, both to the earnestness and the intensity of the Soviet effort to instruct their entire population in the means and methods of defense against nuclear weapons, compared with a very low-key American program. The Soviet program appears to be growing in strength and effectiveness, while the American program is shrinking.

INSTRUCTION OF SOVIET POPULATION—NATIONWIDE, COMPULSORY, DIRECTED

Numerous articles,[6-11] for example, on the civil defense instruction of school children in grades five, six, seven and nine leave no doubt that the Soviet school children in all fifteen republics of the Soviet Union are being taught to protect themselves. Details about the 1968–1969 curriculum which include important changes in method and content of courses taught in the previous year, letters of suggestion and criticism from parents and teachers, and descriptions of equipment (gas masks, first-aid kits) and teaching materials (manuals, handbooks, posters, film strips) supplied to the schools, all point to the fact that Russian school children indeed receive a thorough training in civil defense.[12]

Nor is it school children alone who are instructed in civil defense. Marshal V. I. Chuykov, U.S.S.R. Chief of Civil Defense, when outlining the 1969 civil defense program in an interview, stated, "It is pertinent that this year the task of training the population in the 21-hour program is to be completed." [13] And as Joseph Romm, the then Director of Civil Defense, testified at a recent hearing, "They (the Soviets) have a tremendous civil defense training program. Their society is different. They can direct people to be trained. There is *no question* that over 100 million people have taken their *intensive*

Footnotes at end of article.

civil defense training course. They are now, I think, in their sixth *mandatory* training cycle."[14]

INSTRUCTION OF U.S. SCHOOL CHILDREN—SPOTTY, VOLUNTARY, UNDIRECTED

On the other hand, I know of no similar nationwide program in the U.S. for instructing our own population. While the national Office of Civil Defense has provided training for instructors of adult education courses and has developed with the Public Health Services a medical self-help training course, these courses have been adopted in what Mr. Romm describes as "spotty fashion" at the junior high school and high school levels. Under a training program like ours, which in Mr. Romm's words is "voluntary . . . not directed,"[15] only a very small fraction of our populace, either in school or out of school, is learning about civil defense. In fact, few of us know of any children who have received any civil defense training.

DIRECTION OF SOVIET PUBLIC ATTENTION TOWARD CIVIL DEFENSE

Similarly, the attention of the Soviet public is continuously directed toward civil defense through all the press media—newspapers, magazines, movies, radio and television, while the attention of the U.S. citizens is rarely called to civil defense matters through any press medium whatsoever. A Soviet article informs us, for example, "It is very pleasant to note that in recent times materials on this subject (civil defense) have been published in all the central newspapers, and also in the magazines 'Kommunist,' 'Sovety deputatov trudyashchikhsya,' 'Sovetskye profsoyuzy,' 'Ogonek,' 'Nauka i Zhizn,' and others."[16] Another Soviet source indicates that "more than a thousand persons have participated and are participating in (providing) television broadcasts in all studios."[17] But skeptics need not take the word of the Russian sources. U.S. resident reporters in Moscow from two of our most distinguished newspapers verify the outflow of articles on civil defense in the Russian press. Bernard Gwertzman of the New York Times reports: "The article (on large-scale civil defense preparations in the Soviet republic of Kazakhstan) in *Pravda*, the Communist party newspaper, was the latest of a series in recent years stressing the importance of civil defense."[18] And Charlotte Saikowski of the *Christian Science Monitor* attests, "A drive to bolster public awareness of civil defense is under way here. The Soviet press recently has carried a number of articles about air-raid drills in factories, training exercises on farms, and other measures designed to prepare Russians in the event of nuclear war. . . . Movie houses show special films and veterans of World War II give lectures on the subject (of civil defense)." According to Miss Saikowsky, "Justification for this heightened attention to civil defense is the allegedly growing threat of the 'forces of imperialism' and attempts of the West to undermine the Communist camp."[19]

ATTENTION OF U.S. POPULACE DIRECTED AWAY FROM CIVIL DEFENSE

On the other hand, when Dr. Eugene Wigner, U.S. Nobel laureate, submitted an article on civil defense to the New York *Times*, it was politely received but never printed. A similar effort to interest the *Reader's Digest* in reprinting an article on Soviet civil defense was turned down with comments implying that the subject of civil defense was of little interest. That these are not isolated cases is substantiated by a review of the *Readers' Guide to Periodical Literature* for the past three years. *Readers' Guide* of March 1966 to February 1967 contained seven articles on "Civil Defense"; *Readers' Guide*, March 1967 to February 1968, but two articles, one of which was on Russian civil defense; and *Readers' Guide*, March 1968 to February 1969, *not a single* article on civil defense, U.S. or otherwise. Thus, in the same years that Soviet periodicals and newspapers stepped up the number of articles on civil defense, American articles in periodicals and newspapers have decreased to zero. I recently questioned ten people at random; like me, none had seen a program or even a spot announcement having to do with American civil defense on television for several years.

PARTY AND GOVERNMENT MANDATE STRENGTHENS SOVIET CIVIL DEFENSE; EVACUATION PLANS CONSOLIDATED

The increase in articles on civil defense in the Soviet Union can be viewed legitimately as a reflection of government and party concern. Soviet civil defense was given a major boost in 1966 at the Twenty-third Party Congress when the Central Committee of the Communist Party called for strengthening civil defense.[20–23] The Soviet government gave legislative teeth to this mandate with the Law on Universal Military Obligation, article seventeen of which calls for compulsory civil defense training in the grade schools, high schools, and technical schools throughout the Soviet Union.[24–26]

Another result of the party and government mandate was to substantially consolidate and strengthen existing plans for pre-attack evacuation and dispersal of large segments of the civilian population during periods of crisis escalation. V. I. Chuykov, Soviet Chief of Civil Defense; O. V. Tolstikov, former Soviet Chief of Civil Defense; and Lt. Gen. D. Shuvyrin, First Deputy Chief of Soviet Civil Defense, have all recently emphasized that urban pre-attack evacuation is an extremely effective measure in saving lives. Shuvyrin, in describing evacuation as "the most radical means of defense," indicates that through evacuation, "it is possible to achieve a reduction in the population density by scores of times in the large cities." In addition, he points out that the feasibility of evacuation is enhanced in the Soviet Union (1) by the socialist system and the planned economy, which enables the S.U. to organize and carry out evacuation on a nationwide scale; (2) by the vast expanse of the motherland, the great capacity of the surburban area, which permits the settling of an enormous quantity of individuals in rural localities, and (3) by a well-controlled transport, which can move people out of cities in a short period of time.[27] Marshal Chuykov, in an article appearing in *Science and Life*, a widely distributed and highly regarded Soviet magazine, makes the same claims for the feasibility of evacuation[28] as Shuvyrin, stressing that in the light of its effectiveness, supplying people with food and water—not defending them from nuclear weapons—is the really knotty problem.[02]

That the Soviets take evacuation seriously is also evident in the comprehensiveness and detail of their program. Every town, for example, has an evacuation transport commission, which is headed by the deputy chairman of the local Council of Workers' Deputies, whose responsibility is to coordinate the evacuation of the population by rail, motor and water.[30]

Elaborate evacuation plans include the designation of collecting points at which the evacuees would assemble; evacuation passes for every man, woman and child;[31] the presence of a doctor or nurse with every evacuation train or convoy of trucks; explicit instructions on what every family should take[32] (depending on climate and season) and the maximum weight of luggage and contents.[33] There are also plans for receiving the evacuees in the country[34]—providing them with food, water, and jobs, and even for having their mail delivered to them at their new addresses.[35] Thus, the seriousness with which the Soviets take evacuation is evident in (1) the declarations of their military strategists of its effectiveness, (2) the existence of civil defense evacuation commissions in every towns and village, and (3) the comprehensive and detailed plans for carrying it out.

DECREASING BUDGET ALLOCATIONS WEAKEN U.S. CIVIL DEFENSE

I have suggested that the increase in articles on civil defense in the Soviet press is a reflection of government and party concern. By the same token, it is likely that press apathy toward civil defense in the U.S. is a reflection of government apathy, which is evident in decreasing budget outlays for civil defense. While the U.S. government authorized $238.9 million for civil defense in 1962, only $105.1 million,[36] less than half the 1962 allocation, was authorized for 1966, the year that the Communist party in the Soviet Union issued its mandate to strengthen civil defense. And the allocation for civil defense for 1969 was $68.1 million,[37] the lowest authorized federal expenditure for civil defense in the past eight years.[39]

Present policy of attempting to provide fallout protection for people near their homes and places of work has prevailed since 1958 when the Federal Civil Defense Administration (FCDA) declared that national civil defense policy "which now includes planning for the movement of people from target areas if time permits, will now also include the use of shelter to provide protection from radioactive fallout."[40] In the same release the FCDA cast serious doubt on the effectiveness of blast shelters when they stated, "There is no assurance that even the deepest shelter would give protection to a sufficient number of people to justify the cost."[41] While the wording of the 1958 FCDA release seems to give equal billing to evacuation and fallout protection, in practice national policy since that time has placed almost exclusive emphasis on fallout protection with virtually no consideration of evacuation. Nor has any effort been made to provide blast protection for the population.

In citing the absence of a workable evacuation plan in the U.S., I am not suggesting that we should inaugurate such a plan ourselves. On the contrary, a federal order to evacuate our population during a period of crisis could very well serve to escalate the crisis rather than diminish it. Also, as the Soviets themselves recognize, an evacuation policy has a greater chance of success in the U.S.S.R. where there is a well established tradition of public obedience to the directives of a strong central government and a distinct separation of cities (in contrast to the megalopolises of the U.S.). And, finally, as the Soviets again correctly surmise, they could evacuate their population with reasonable confidence that we would not attack them unless we were ourselves attacked. Thus, I am not criticizing the U.S. for deemphasizing evacuation as a civil defense policy. I simply want to point out that successful evacuation of Soviet cities during a period of escalating international crisis could give the U.S.S.R. a decided strategic advantage over us. It would degrade our deterrence capability, take the teeth out of McNamara's policy of assured destruction, and offset the strategic balance by substantially reducing the number of Soviet urban casualties in a countervalue attack. However, the only answer today to a successful Soviet evacuation might be a return to our pre-1958 evacuation policy, even with all the inefficiency and confusion an actual evacuation would entail.

ROUGH ESTIMATES OF CERTAIN, SPECIFIC SOVIET CIVIL DEFENSE COSTS

While figures on the cost of the Soviet civil defense program are not available, it is possible to make some very rough estimates of annual expenditures for certain specific civil defense activities, which we know exist, and to extrapolate the cost from that of the

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Footnotes at end of article.

same civil defense activity were we to inaugurate it in the U.S. Let us take, for example, the cost of civil defense instruction of the population. As we have already noted from Mr. Romm's testimony, over 100 million Russians have received intensive civil defense training. We also know that the present civil defense training course for adults in the Soviet Union is twenty-one hours, while school children receive eighty hours of civil defense instruction by the time they complete the ninth grade.

Keeping these figures in mind, let us consider the cost of training 85 million Americans—the equivalent of 100 million Russians—in civil defense. If we allow $1 per hour per person for a 21-hour program of instruction, the cost to our national economy would be about $1.7 billion (to the Soviet economy, over $2 billion), a figure which is more than our total national allocations for civil defense for the past eight years. And this does not include the cost of training the instructors, who, in the Soviet Union receive 35 hours of special instruction for civil defense teachers.[45] Nor does it include teaching materials, such as slides, posters, and textbooks; nor equipment, such as gas masks and first-aid kits. Also, we must keep in mind that instructing the population is but one aspect of civil defense.

Again we know from Mr. Romm's testimony that the Soviet Union has a "heavy military organization from the top right down to the bottom"[46] specifically to assist the civilian civil defense organization. The civil defense military organization is headed by V. I. Chuykov, a full fledged Marshal, and senior colonels are located in small political jurisdictions (equivalent to our cities and states), where they head up units of civil defense which consist principally of military people. The Soviet Union has several schools to train these people. One is the two-year Moscow military civil defense academy established in March 1967 to train junior officers in civil defense.[47–48] The costs for operating this academy and maintaining the civil defense military units are difficult to determine, but undoubtedly are considerable.

We have yet to mention the costs for urban blast shelters, which the Soviets have provided, at least in some degree, for essential workers in vital industries. And, of course, there are expenses connected with the elaborate plans that the Soviets have for evacuating the bulk of population, all people who are non-essential to vital industries,[49] to the countryside.

A COMPARISON OF CERTAIN SOVIET AND U.S. CIVIL DEFENSE EXPENDITURES

We have estimated the cost of instructing 100 million Soviet citizens in civil defense to be about $2 billion. It is difficult to determine the time period over which this instruction has taken place, as we know that the trust to provide a fairly recent one.[50] However, even if we should say that this training took place over the past six years, the *total* federal allocation in the U.S. for *all* civil defense activities during this same time period—$573.7 million—would represent 28.7% of the amount spent by the Soviets on one single aspect of their program: educating the public.

We have yet to mention the cost of the U.S. instruction program. Of the total federal allocation for civil defense over the past six years, $573.7 million, the amount spent on educating and training activities was $63.7 million.[51] Thus, the budgetary allocation for all education and training activities over the past six years in the U.S. has averaged $10.6 million a year, or 11.1% a year of the total authorized outlay for civil defense over this period (2).[52] If we were to use this percentage to extrapolate the total cost of the Soviet program over the past six years, we would arrive at the staggering figure of $18 billion, or $3 billion a year. Even it we were to raise the percentage of the Soviet civil defense outlay for education to 33⅓%, we would still arrive at a figure of $6 billion, or approximately $1 billion a year. Thus, we can say with some degree of certainty that the annual Soviet budget for civil defense lies somewhere between $1 and $3 billion. Or, put another way, the Soviets spend one to three times more on civil defense in *one* year that the total amount allocated by the U.S. federal government for civil defense in *eight* years. For a country only 15% larger than ours to spend over ten times more than ours on civil defense points to a seriousness of interest an order of magnitude greater than ours.

SOVIETS RECOGNIZE NEED FOR BLAST PROTECTION

Thus, the Soviet Union, unlike the U.S., provides compulsory and nationwide civil defense instruction for its population. But the differences between the two programs do not end here: there is also an essential difference in philosophy over the importance of blast protection. The Soviets recognize the need for affording protection from the blast effects of nuclear weapons to people in cities and have provided such protection in all cities with subways. The Moscow subway system, for example, extends for over seventy-five miles and has more than eighty stations. U.S. visitors to the Soviet Union have attested to the depth of this subway and to the presence of both heavy blast doors in the stations and high-speed escalators, which convey passengers down into them. Nor is Moscow the only city with subways equipped with blast doors. Again U.S. visitors have observed similar protective facilities in both Leningrad and Kiev. Baki and Tbilisi also have subways, and new ones are being established in Tashkent and Kharkov. That all seven systems are designed for blast protection is substantiated by a recent Russian television scenario on "Reliable Means of Protection." This scenario, which includes shots from a film of a subway, has the accompanying script: "These structures can protect a person from blast waves, light radiation and radioactive contamination. Here you see the subway. In cities which have one the residents will always find protection in it."[53]

PROTECTION IN UNITED STATES LIMITED TO FALLOUT

Meanwhile, since 1958, the policy of the U.S. has been to focus exclusively on fallout protection. Thus, there has been no emphasis even on using preferentially those fallout shelters that afford some measure of blast protection. This policy has led, for example, to the identification of 10 million fallout shelter spaces in Manhattan (much more than the peak population of the island) with no preferential selection of those shelters for public use which might offer protection from blast as well as fallout.

SOVIETS STRESS FALLOUT PROTECTION IN RURAL AREAS

While the Soviets recognize the need for blast protection in cities, they emphasize protection against fallout in the country. Thus, there are explicit manuals with detailed instructions both on erecting hasty shelters out of materials at hand and on converting vegetable bins, cellars and basements and silage pits to fallout shelters.[54] Village dwellers are given blueprints and alloted bricks[55] for strengthening these facilities.[56] Since the centerpiece of the Soviet civil defense program is to evacuate all nonessential urban dwellers to rural areas, it is hardly surprising that they stress increasing the fallout facilities in the country.[57][58]

U.S. DISCONTINUES RURAL SHELTER DEVELOPMENT PROGRAM

Meanwhile, the U.S. Office of Civil Defense, which appropriated funds to four agricultural engineers for the past year and a half for a minimal "Rural Shelter Development Program," brought this program to a close on December 31, 1969.

SUMMARY: YES, THE SOVIET CIVIL DEFENSE PROGRAM IS INDEED MUCH BETTER THAN OURS

Coming back to our original question—Is the Soviet civil defense really better than ours? We have no choice but to answer in the affirmative. That the Soviets take civil defense more seriously than we do and are instituting it much more effectively than we are is evident in these facts which we have considered:

(1) Instruction of Soviet school children is nationwide, compulsory and directed; instruction of U.S. school children is spotty, voluntary, undirected.

(2) Direction of public attention toward civil defense in the Soviet Union is apparent in the increased use of all press media for civil defense purposes over the past three years; direction of public attention away from civil defense in the U.S. is apparent in the virtual disappearance of any mention of civil defense from all news media during the same period.

(3) Party and government have issued mandates for strengthening civil defense in the past three years and have funded a greatly extended program, of which one aspect alone, public instruction, has cost about $2 billion; U.S. government has decreased total appropriations for civil defense from $105.1 million to $68.1 million over the same period of time, its eight-year total for civil defense allocations coming to less than the Soviet expenditure for instructing their population.

(4) Soviet policy is to recognize the need for blast protection and to provide it, for example, in seven urban subway systems; U.S. policy is to focus exclusively on fallout protection with no provision for preferential use of shelters which offer some degree of blast protection.

(5) Soviets stress fallout protection in rural areas and provide free blueprints and materials to farmers and villagers; the U.S. brought its extremely small Rural Shelter Development Program to a close at the end of 1969.

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CIVIL DEFENSE? IT'S THE NATION'S NO. 1 JOKE

(EDITOR'S NOTE.—Armageddon could come today, tomorrow, next week. Or maybe never. Better never, for the United States lies shockingly naked against a doom only 30 minutes away. You may think civil defense has prepared for the holocaust, but in fact the nation yearly spends but the cost of a hamburger on your protection and the price of such terrifying unpreparedness could be at least 33 million lives. That's 33 million.)

(By John T. Wheeler)

WASHINGTON.—If it finally came tomorrow—Earth's first and probably last atomic war—almost half of America's 200 million people would die. Period. No way to save them.

An estimated 33 million more would also die. Needlessly. There is a way to save them, but it hasn't been done.

Those are the hard figures, of the Office of Civil Defense, entrusted with overseeing sheltering of the nation's citizens for The Bomb. About 35 cents a year per person is being spent toward that end.

"You can't buy a hamburger for that in a lot of places," one federal expert said. "You sure can't buy much survival insurance."

A proper, full-scale shelter program could save 48 million American lives by CD estimates. That same estimate says present shelter programs would save only 15 million of these. Thus the cruel arithmetic: 33 milion wasted lives.

An angry Midwest CD official called such unpreparedness "criminal negligence."

John E. Davis, national CD head, concedes the American public is poorly protected and that in some cases local civil defense is practically nonexistent.

An Associated Press survey that reached from coast to coast and from small towns to Washington and New York showed:

There are stocked public shelters for only 61 million Americans.

Shelters are concentrated in cities, almost certain to feel the leveling cataclysm of bomb blast, while there is a deficit in protective shelters in outlying areas where fallout but not blast can be expected.

Some federally approved shelters do not meet federal minimum standards for protection.

Many shelters are so poorly marked a sudden attack could leave millions perplexed, perhaps fatally so, as to where they should hide.

Trained shelter managers and radiological monitors are not assigned specific shelters in most cases, leaving those in shelters to survive on their own.

Water barrels have not been filled in many shelters.

Radiation monitoring equipment is sometimes not in place, or without batteries, or not working.

Although Omaha Civil Defense Director William Noyes' judgment that American civil defense amounts to "criminal negligence" was one of the most forceful condemnations of the present program, officials at the grass roots also were condemnatory. Given the present program, various officials predicted "pandemonium," "a complete breakdown," "looting and panic on a massive scale" and "totally unnecessary deaths."

A Pentagon official called the national program "an absolute farce based on hope—no, make that emotion—not reason."

One reason advanced for America's unpreparedness is that a fully effective civil defense program would "provoke" the Soviet Union by upsetting the implied balance of death between the two superpowers—both would suffer great civilian losses in the event of nuclear war. But similar arguments have been advanced against the Safeguard antimissile program, the installation of which is under way.

Federal officials say a great deal more could be done under the present budget if state and local officials would organize properly. Top federal officials, including Davis, contend that Congress under no present circumstances would boost the federal budget of $69 million.

Local officials say there is no way to organize given present public apathy and that only strong federal leadership, including the full influence of the President, can lead to anything approaching the longtime federal goal of a full fallout shelter program for the United States.

CD estimates 65 million Americans live in remote enough areas to survive in any event a hypothetical full attack.

A federal report shows 8 per cent of the buildings marked as shelter sites do not have any supplies—food, water, medical supplies and instruments to determine how much radiation is building within the shelter and when it is again safe to go outside.

Some of the stocked shelters are not marked, making them in fact private sanctuaries financed by the federal government contrary to regulations.

Federal officials concede the greatest single weakness in the shelter program is in outlying areas where survival would be most likely, but where the number of shelter spaces per 1,000 persons drop to as little as one-tenth of what can be found in the urban bullseyes.

In the South and Southwest, the civil defense shield is more like a fishnet. An Atomic

Energy Commission source said these areas are so underprotected they virtually are written off in case of attack.

Even finding and utilizing those 61 million stocked shelter spaces poses serious problems.

The sign marking the building partially occupied by New York's Civil Defense headquarters, for instance, is halfway down the block between a jewelry and a women's apparel shop. There is no sign inside the building pointing the way to shelter or telling how many could reasonably survive there.

Throughout most of the nation there are no maps prepared and published locally giving the location of fallout shelters or assigning persons to specific areas to insure that some buildings are not dangerously overcrowded while others are partially empty.

Federal literature shows Washington with spaces equal to nearly 600 per cent of the capital's population. District of Columbia officials say that while this is the number of potential shelter spaces that were identified, present spaces with emergency stocks cover only half the capital's daytime population of 1.4 million.

Spot checks turned up school buildings, federal buildings and other structures—even the main fallout shelter at Strategic Air Command's Omaha headquarters—that were approved but do not meet federal minimum standards.

Gamma radion, from radioactively hot particles that are in effect miniature X-ray machines, would be the chief nuclear killer outside the blast areas.

But discussions with local officials showed they either were unaware of the problem or, if they realized it, had neither sand nor bags to correct the situation. At SAC headquarters, where perhaps 100,000 or more sandbags are needed, the civil defense officer, Everette Hilfiker, a former assistant fire chief and a civilian, agreed he did not have more than a very small percentage of the needed sand or loose earth.

He said he could not estimate the number of sandbags on hand because so many had been used in the past during local flooding. He said he had never calculated how many sandbags actually would be needed, but said he was certain the job could be done in six hours. Washington's planning provides only 30 minutes to get into shelters and button upon against fallout.

A SAC spokesman assumed SAC bases would be attacked immediately in any nuclear war and destroyed.

But one of the command's civil defense officials stationed at Offutt Air Force Base said, "I can't see why an enemy would bother wasting a missile on this place. We don't have any attack craft here or missiles."

The theme was one heard repeatedly in talks with civil defense officials in areas which Pentagon sources say can expect to be hit not by one bomb but by many.

Carmine G. Novis, head of New York City's civil defense: "There is no reason to destroy us. I assume New York will not be hit."

Charles Willowby of Colorado Springs, Colo.'s civil defense office: "I don't think it would be logical to hit us. NORAD—North American Air Defense Command—will already have given the warning." NORAD is centered one-third of a mile inside a mountain because it is one of the primest of prime targets.

Melvin M. McBridge, deputy director of Washington's civil defense: 'We don't plan on Washington being hit. Why would they bomb us anyway? The President and other key leaders would be safely out of the city."

A far different view was expressed in California where a senior state official said, "The Russian targeting concept is to attack the cities and carry out massive destruction. We consider San Francisco and Los Angeles to be prime targets."

A keystone to American civil defense is that it is a civilian show and that Washington can set standards, give leadership and provide some of the money, but that state and local agencies are individual powers unto themselves. Because of this national director Davis said, he can do nothing to force local organizations to come up to par or even to determine if they are operating at all. He said the present budget does not include enough money to finance federal checks of state and local organizations.

But last month Defense Secretary Melvin Laird did ask Congress in a message to appropriate $1.5 million for incentive payments to builders to include shelter areas in new construction of schools, office buildings and the like.

He also requested $2 million to construct an improved prototype radio warning system to serve the mid-Atlantic coast.

Near the bottom of the chain of command in the suburbs and less populated areas is just where the lack of effective command organization is most obvious.

Local directors in these areas, if paid at all, usually are part-time. There are no hard and fast requirements demanding that directors demonstrate leadership or managerial skills. Many are retired men and women seeking to supplement retirement benefits.

Some say they took the job because they liked the dignity of having a title. Some just wound up in control because no one else wanted the job.

Frances Helman, 66, says that is the way she got her job as Indiana County, Pa., director. Indiana, the county seat, is about 50 miles downwind of Pittsburgh, an industrial center which is considered a certain target.

The blast, heat and alpha and beta radiation particles which would make Pittsburgh a wasteland probably would not affect Indiana County much. Gamma radiation from fallout almost certainly would inundate it.

Mrs. Helman says less than 10 per cent of the county's residents could expect to find a stocked public shelter. She says arthritis in her knees and ankles inhibit her efforts to drum up enthusiasm for civil defense or find more shelter space.

She added there is no nuclear disaster plan for her county since city and county officials have not joined in working one out. This was a commonly heard complaint from civil defense officials across the country.

Mrs. Helman and other officials up to director Davis in Washington said the trend in the civil defense program's effectiveness could be traced upward from about the time of the Berlin crisis in 1961 to a peak during and after the Cuban missile crisis in 1962 when federal outlays peaked at $295 million. The graphs have turned down since.

For those civilians who do reach stocked shelters, the potential for chaos is great. Many civil defense officials say they fear living will degenerate quickly to the fang and claw level. For however weak organization and command authority are at the local level, in many and probably most shelters it will be nonexistent.

More than 120,000 shelter managers and radiological instrument technicians have been trained under civil defense. But most had their last contact with the program five or six years ago. When interviewed, several expressed surprise they were still considered part of civil defense.

One, Jack Clagett of Loveland, Colo., said he had not heard from civil defense for five years and would call the local director to say he should not be counted on in an emergency because he was too rusty.

Although shelter managers have no legal authority to take command of a shelter, they are expected to do so, somehow imposing their authority by force of will and personality. They are armed only with wallet identification cards some say they have lost or never had.

Many designated shelter managers, some with none or as little as two hours training, are not assigned specific buildings. If they are, they usually are part of the janitorial force.

District of Columbia officials say they believe the problem can be overcome by the shelterees picking one of their own as shelter manager. He in turn would appoint aides and deputies. Such so-called "emergent leadership" is part of the national program.

District officials say since their civil defense stores commonly are kept under lock and key to prevent pilferage, it would be up to those in the shelter to organize search parties for the goods. In Washington, some stores are kept behind heavy steel doors and in most cases the doors, steel or not, are not marked as the entrance to survival supplies. Keys for the doors often are kept by the janitorial forces and there is no way, officials said, to insure they would be available in an emergency.

With the supplies are manuals that tell what the shelter manager and his men must do right down to fairly voluminous paper work. The more than 600 pages are designed, federal officials say, so the "emergent leaders" throughout the country can train themselves if necessary.

Some of the instructions, particularly those covering operation of the radiological equipment, is both highly technical and obscure. Some are not. One section advises: "In the absence of a trained medical person, be prepared to determine that a death has occurred. Early indications are the absence of heart beat, pulse or breathing.

In New York, the head of civil defense said he did not know how many shelter managers had been trained. He said the city could count on the police to run shelters since they were under orders to guide people to safety and then go in themselves.

A police department official, however, said patrolmen were not assigned specific shelters and probably had no better idea where they were than the public. He said if there were enough time, probably a day or more, assignments would be made.

For those who get to a stocked shelter, this is what they will find if all the stores are there: fortified biscuits and candy, enough for 1,000 calories per person per day for two weeks; enough water for a quart per person per day; chemical toilets; medical supplies of the home medicine chest variety, and radiological monitoring equipment.

But radiological monitoring equipment sometimes is at the homes of those trained years ago to operate it.

Quite often, water barrels are not filled because they might collapse floors.

Those in charge at all levels say their major hope is that there would be an escalation of tensions over days, weeks and perhaps months before any nuclear attack. They said this period would stir local agencies to rectify any deficiencies.

However, Federal officials conceded that no official warning would be passed down to the civilian population until enemy missiles actually were in the air. They added that the seriousness of the crisis could very well be played down to forestall panic.

Ordering shelters readied, much less directing people to get in them, could be interpreted by a potential enemy as proof that the United States planned to shoot first, Washington officials said.

In federal civil defense planning, a number of assumptions are made about the aftermath of a nucelar attack. One is that there will be no breakdown in electric power, an assumption the military considers unrealistic. No auxiliary power generators are provided for federal shelters and flashlights and candles are not part, of the federal stores. In shelters with little or no lighting, the shelter manager's guide suggests, tensions can be eased by singing, story telling and resting.

In a large percentage of buildings, especially in the Northeast, shelters are located in sub-basements which depend on electrically powered ventilation.

Another assumption is that one or more persons will have the presence of mind to bring a portable radio with them to the shelter. None is provided. Washington officials hope to have a crash course for shelter managers via radio after an attack.

But nuclear explosions include powerful current surges which can destroy telephone, radio and other electrical equipment.

During the winter the likelihood of shelters freezing is high, again particularly in the Northeast. Federal officials say there are no plans to put blankets into shelters. Asked why, one said, "People are supposed to know that they should take them to the shelter." Asked about the office worker caught at his desk, the official paused and said: "A good point."

Money is the real problem not only with blankets but with the narrow supply of medical supplies available. They could neither take care of a serious casualty nor many with moderate injuries.

Another reason for restricted medical supplies: About 1,400 caches were broken into in Washington alone the last year, mostly to get the medical kits' limited supply of barbiturates.

A two-term governor from North Dakota, Davis said the present effort is "just a holding operation, a minimum program."

Davis forcefully argues that much can be done even within the present budget if only state and local offices would tighten up their operations.

Noyes, whose reputation as the tough, aggressive head of civil defense in Omaha has reached Washington, sees it another way.

"What must be done? The top leaders of the country, including the President, must tell the truth forcefully about civil defense. That would mobilize the people behind a viable program.

The request for strong national leadership was one heard repeatedly in talks with local civil defense officials.

Can more be done fairly cheaply?

State and local authorities almost inevitably replied, "Yes."

Increase CD expenditure up to 70 cents per person annually. Switzerland spends $5.69 per person on civil defense, Sweden about $3.40.

Spend proportionately in the big cities in favor of areas less likely to be bombed.

Reduce the 50-space minimum for federally stocked shelters.

Upgrade local directors.

Show movies that portray the death and destruction caused by nuclear weapons.

A Strategic Air Command spokesman said SAC has an unclassified film showing in stark brutality the effects of nuclear explosions. He said the Defense Department has ordered the film not shown to the public for fear of causing panic.

Full-scale, community-wide tests that would actually send people into shelters.

In Russia, civil defense training for civilians is compulsory and extensive and includes sections on bacteriological and chemical warfare, something ignored by the U.S. program. Moscow has instituted an active shelter-building program; the United States has none. Russian civil defense is headed by an army marshal and is heavily laced with military men in command positions.

There are limited and realistic exercises at the local level, and the public is repeatedly warned that population centers are certain to be hit.

The Soviets claim to have some blast shelters. There are none in the United States.

What about Washington's plans for after fallout ends?

There is a plan on paper but not one that federal, state and local authorities are geared to carry out in an emergency.

A federal official who has studied the problem says the chances of chaos in the post-attack period are as high or higher than during the shelter period.

Again a number of assumptions are made that military authorities at the Pentagon say probably are unrealistic:

The prediction that rail and other surface transport will be reasonably intact.

That post-attack man will be selfless enough to part with food and other essential items to those less fortunate in other areas.

Although the nation has great stores of strategic metals to keep industry running in wartime, it has no food stockpiles strategically placed to insure that the men who must run the machines will survive.

The Department of Agriculture is charged with somehow making the necessary food available.

A department source said there was concern that governors, who are supposed to seize and control food warehouses in their states, would refuse to pass anything along to areas in worse shape.

He quoted a New York City civil defense official as saying all food trains passing through the metropolitan area would be seized and held for New Yorkers regardless of their destination.

The industrial East requires hundreds of tons of food imported daily. One agriculture official said: "But if the cities are wiped out, then that will lessen the problem."

The Pentagon assumes major communications, administration and industrial centers will be smashed. A tremendous communications system would be needed just to identify bottlenecks and the most needy areas.

Would the nation's telephone system survive blast and power surges?

City and county civil defense units lack radios. It is hoped that the nation's ham or amateur radio operators can fill the gap. But there is no detailed master plan for this.

Another major threat would be from the unburied dead; epidemics so virulent and widespread that millions who escaped death during the war could die of illness. Portable hospitals are stationed throughout the nation but there are no stockpiles of vaccines and antitoxins at the local level.

A New York official, when asked how the problem of several million dead might be solved in his city, said: "Oh, that's a problem for the Sanitation Department."

A Sanitation Department official said as far as he knew there were no plans for the handling of masses, perhaps millions, of bodies. "But it is certainly something to think about," he added.

Tucked away with the fortified biscuits, empty and full water barrels, medical kits and other gear in the shelters stocked some years ago is one box with no material value in the game of survival. Its legend reads:

"Shelter OCDM–Religious Materials, Scriptures and Prayers." A federal official said the boxes aren't being put in the shelters any more. Too bad. They may be needed.

THOUGHTS ON OUR NATIONAL DRUG PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MONAGAN) is recognized for 30 minutes.

Mr. MONAGAN. Mr. Speaker, for several years now, drug abuse has been spreading with pestilential fury through the lives of active, healthy, and potentially creative young Americans. Now neither medical men nor lawmakers, enforcement officers, nor religious leaders, seem able to control the resulting epidemic. But indeed, both the need for dependence on drugs and the extent to which drugs are used, must soon be limited if our young people are not to be drained of their vitality and their social usefulness.

As a Congressman and father of five children, three of them college students, I have watched with growing concern as our Nation's drug problem has increased over the past few years. Drug dependence is in itself now largely responsible for a high percentage of the crime in this country—theft, assault, and occasionally murder. Not only does society suffer from the prevalence of drug abuse, but those who take drugs are themselves subject to physical decay and even early and terrifying death. Myles J. Ambrose, Director of the U.S. Customs Bureau, has estimated that more Americans are being killed by hard drugs every day than are being killed in Vietnam.

According to the National Institutes of Health, heroin addicts in the United States number around 250,000, the largest number in the world. In Connecticut, according to the Drug Information Center in Hartford, the number is well in excess of 2,000. Although the 91st Congress passed the Drug Abuse and Education Act to provide a wide variety of facilities for education and rehabilitation, misuse of narcotic drugs is still increasing. One of the greatest factors which prevents us from making any significant headway against this terrible social problem is that a large number of veterans are returning from Vietnam, where hard drugs are easily accessible. Too many of our soldiers, while faced with experiences which are emotionally disturbing, succumb to the cheap temptation as an escape. As Time magazine recently pointed out:

> Drugs are rapidly becoming as great a threat to American forces as the enemy.

But there is a problem resulting from these Army addicts which is even more serious. For when these young men return to the United States, they find that their addiction is not so easily supported here as it was abroad. As soon as these men return home, they need at least $30 or $40 a day to maintain themselves on heroin. Often these unfortunates—debilitated by their habit, are unable to earn enough to purchase the heroin upon which they have become dependent. Thus, they find that they must either turn to theft, or they themselves must become "pushers," and sell drugs to others in order to obtain the money to support their habit. In either case, the domestic drug problem has been compounded by the re-entrance of addicts to civilian life. If these men had been properly rehabilitated before they returned to the United States, our domestic problems with narcotics and with the crime resulting from the demand for narcotics, would be considerably reduced. But since there are not adequate drug detoxification facilities available to these men, these former soldiers, pathetic in their dependence, and menacing in their destruction of themselves and of others, become the responsibility of the people at home. The problem has ceased to be the Army's; it has now become the country's.

On May 10, I introduced legislation that I believe deals constructively with the drug abuse problem in the armed services. In addition to providing for comprehensive treatment-rehabilitation-prevention programs in each of the armed forces and containing a uniform amnesty-treatment provision, the bill states that no member of an armed force who, during his active duty is determined to be addicted to a narcotic drug may be separated from service until such time as he is adjudged to be free of any habitual dependence on drugs. The retention provision of H.R. 8216 is an innovative provision and I am pleased that it has been favorably received by other Members and by the press.

Not all of our addicts are Vietnam veterans, however. Many are young people, especially between the ages of 13 and 25, who take drugs to escape ghetto life, to "follow the crowd," or to attempt to deal with the problems of adolescence.

Some wish to rebel openly against the values of their parents—even to the point of their own drug-caused self-destruction.

Although we are all aware of the problems which drug abuse brings to society, the most disturbing one is the failure of parents, schools, enforcement officers and local, State and Federal government to deal successfully with a tripartite problem—the demand for drugs, the illegal importation of them and the illegal traffic in them within our own country.

Of course, the best way to reduce the drug supply is to reduce the demand, and this reduction might occur if only the taking of drugs were less "fashionable" than it is now. Fashion is a tricky thing—and is it impossible to predict when one fashion will die and another replace it. Those who now use drugs may turn to new and unusual religions, to health foods, or organic gardening, or even to some more socially meaningful activity, as a way of dealing with the problems which they confront, and which drugs, they believe, help them to face. Transfers of interest on the part of young people should not be too quickly criticized, for although these changes are sometimes not readily understood by parents, they are less harmful to the health of the children and young people than drugs are. If such a change in interest—which might be induced in a constructive way by efforts on the part of community leaders, family members, or friends, can occur on any significant scale, a solution to the drug problem might be effected.

But such a self-generating change is certainly not foreseeable in the immediate future, nor are solutions to all of the international, domestic, societal and family problems which may lie at the root of the widespread demand for drugs on the part of modern youth. And in any event, we have no time to wait. The demand for drugs, and the flood of narcotics through our ports to meet that demand, has become a problem of international ramifications. And—since the most dangerous drugs are not grown or manufactured in this country, drug abuse is a problem with significant impact upon American foreign policy.

There are two main types of drugs, both in plentiful supply, that are tempting our youth and causing the drug crisis in our country today—psychotropics and heroin. Psychotropic substances include chemically produced stimulants, depressants, and hallucinogens: Amphetamines, barbiturates, and LSD. They can bring about hallucinations, and even addiction, and because they are relatively inexpensive and easy to acquire, they are in high demand.

At the U.N. sponsored Convention of Psychotropic Substances, held in Vienna in February, an international treaty for control of the production and importation of psychotropics was signed by representatives of 20 of the 71 countries present. The treaty now awaits ratification by 40 governments before its provisions can be enforced. Although ratification may take some time, the signing of the treaty represents a significant international effort to limit the production and sale of psychotropic substances to medical and scientific purposes.

Heroin, the widely used narcotic which undoubtedly causes the most serious and debilitating state of dependence, is a byproduct of opium. And opium is derived from the opium poppy, which grows primarily within an area extending from the Turkish Anatolian Plain to the Yunnan Province in China. For commercial purposes, the raw opium is converted into a morphine base. To meet the demand of the addicts, it is then most frequently synthesized into its most intense and dangerous form, heroin. Although legal production and export of raw opium and its byproducts is entirely controlled in theory and to some extent in fact by the Single Convention on Narcotic Drugs of 1961, in actuality, it is the diversion of opium into the illegal market which continues to be a major problem, and this diversion cannot be effectively solved by this or any other convention.

Controlling the supply of opium is discouragingly difficult. The opium poppies are grown in underdeveloped areas of the world where labor and land are cheap. Harvesting is tedious, for after the poppy pods fall to the ground, each one must be individually lanced by hand, and after the "gum" has dried, it must be collected by hand. Approximately 5½ hours of labor are needed to produce one ounce of raw opium. That labor, however, is highly rewarding. The Turkish farmer, for instance, receives a black market price of 71 cents an ounce for his opium, almost twice as much as it would command on the legal market. After it is collected, the black market opium is converted into a morphine base, 10 pounds of raw opium yielding one pound of morphine base. From Turkey, nearly all of the morphine base travels, by land or sea, to Marseilles, where it is then turned into heroin. In France, the wholesale price for heroin is $142 an ounce, but by the time the heroin reaches New York, it is worth, on the retail market, $6,232 an ounce in its pure form. Thus, in the illegal market, the price of the raw opium equivalent will have increased nearly 10,000 times between the Turkish farm and New York City. The farmer who grew the original poppies makes proportionately little from his illegal transaction. It is the traffickers, experienced in the art of smuggling and usually members of criminal combinations, who make the greatest profits.

A number of alternatives to opium cultivation have been suggested to the producing nations, of which the most usual is the substitution of other crops. But crop substitution alone will not solve the problem, for the farmer who gives up the production of opium poppies will not be satisfied by the lesser profit he can make on another, more prosaic crop.

Some substitute crops might earn more income than opium in relation to the amount of labor required to produce it, but no other crop brings as large a profit in relation to the land used in its production. And the peasants of Asia are hardly land-rich. Therefore, the only way we now know of making crop substitution appealing to a farmer in an underdeveloped area is to pay him crop subsidies. Yet, few governments are rich enough to make such a financial commitment to their peasants in backward areas. Certainly the more rapidly those areas concerned are developed economically, the less incentive there will be for the cultivation of opium. But again we have no time to wait.

Another way to control the supply of opium is for the local governments simply to prohibit its cultivation, except in certain restricted areas and under close control. However, and particularly in Asia, such a limitation of production is often virtually impossible to enforce. The poppies are frequently grown and harvested by primitive, even tribal peoples, in underdeveloped areas of Iran, India, Burma, Thailand, the Soviet Union, China and Laos. In many of these countries, the national governments are far from strong enough to control the activities of the local farmers.

Turkey is one country which has made serious efforts at cooperation in crop control. Three years ago, poppies were grown in 27 provinces; for the planting season of 1971–72, the Government has limited poppy-growing to four provinces. The Government has also been buying up all of the crop within each of the regulated provinces. Yet even in these provinces, the farmers have been turning in less than their whole crop, and then peddling the rest on the black market for double or triple the legal price.

The new government has announced that it will continue with vigorous efforts to carry out the plan for the reduction of the opium crops and will continue to cooperate with the United Nations and the international community in the control of opium cultivation. To aid the Turkish Government in its efforts, the United States has advanced $1 million of a $3 million loan to Turkey to be spent partly on a crop substitution program and partly on the purchase of police cars, weapons, helicopters and the training of specialized police to be utilized in enforcement campaigns.

Mexico, which in addition to growing a small crop of opium poppies, is an important transshipment point for European heroin destined for the United States, is a joint participant with the United States in "Operation Cooperation," an effort designed to control drug trafficking across its 1,900-mile frontier. The United States has also contributed $1 million in technical assistance to Mexico, to help eliminate harvesting of and trafficking in drugs.

Iran, on the other hand, which had successfully stopped all cultivation of opium poppies for a period of 13 years, from 1956 to 1968, began to allow regulated opium cultivation again in the fall of 1970. Although this opium is theoretically controlled and designated for medicinal purposes, experience has shown that wherever opium is produced legally, illegal production is inevitable. Despite the fact that Iran has plans for controlling her opium crop very carefully, her decision to resume opium production after so many years of abstinence, creates a real danger of an aggravated drug problem for those countries that have worked hard to encourage worldwide cooperation in limiting the supply of illegal opium.

As a Congressman, I have taken a particular interest in searching for ways to assist in the efforts of those countries that suffer from the problems created by the international traffic in illegal opium. To this end, I have introduced two pieces of legislation in the 92d Congress.

One of these, a concurrent resolution, expresses congressional support for strengthening the ability of the United Nations to curb illegal production and illegal international traffic in narcotics and dangerous drugs. The other would amend section 620 of the Foreign Assistance Act of 1961 so that the President would be authorized to suspend, in whole or in part, foreign aid to any country which failed to cooperate with the United States in reducing illegal international drug traffic. Under this proposal, the President would have the power to impose economic sanctions on those countries which refused to make reasonable efforts to control their illegal production and export of narcotics.

In addition, in Caracas, Venezuela, I recently presented a resolution jointly sponsored by the delegations of France, Thailand, and Turkey, asking for international cooperation in the control of illegal narcotic drugs to the biannual meeting of the Inter-Parliamentary Union, a gathering of delegates from 53 member nations for the purpose of discussing problems of an international character.

Since the conference was attended by delegations from several of the countries in which clandestine operators contribute to the world's production of illegal narcotics, there was an excellent opportunity to make these countries aware of the extent and seriousness of the drug problems in the United States and to encourage them to consider seriously the possibilities for controlling their own production and illegal trafficking.

So important did the Council members consider this motion that they voted unanimously to accept it. The U.S.S.R., in particular, spoke in favor of my resolution and Lebanon and Kuwait showed understanding of its intentions. The unanimous acceptance of the representatives marked a dramatic and positive step toward the international cooperation and control of illegal drugs. My Caracas resolution requested the Parliaments of member countries to consider six proposals:

First, to increase the efforts of their states to improve and expand programs to eradicate the illegal growth, processing, manufacture and international traffic of drugs;

Second, to make the elimination of illegal narcotics and dangerous drugs a high-priority objective of both the domestic policies and foreign policies of their states.

Third, to encourage their states to participate in and cooperate with the United Nations, its agencies and programs, and with other interested nations, in carrying out measures aimed at the eradication of illegal narcotics and dangerous drugs, and limiting their use to medical and scientific purposes;

Fourth, to mobilize the efforts of their states for the speedy implementation of the decisions of the United Nations Commission on Narcotic Drugs;

Fifth, to encourage their Government in particular to contribute to the United Nations Fund for Drug Abuse Control and to support proposals for amendments designed to strengthen the Single Convention on Narcotic Drugs of 1961;

Sixth, to establish programs of prevention and cure, with special emphasis on the education and protection of youth.

Although the importance of international cooperation cannot be underestimated, there are other facets of the drug problem. For there can be no doubt that if drug abuse is successfully to be controlled, that control must be achieved by the effective enforcement of existing statutes, and this enforcement requires effort on every level—international, Federal, and local.

The U.S. Customs Bureau plays a major role in the enforcement of Federal statutes regulating the importation of narcotics. In recent months, the Customs Bureau has expanded its activities considerably. The number of customs officers has been increased, and all officers have received special training in narcotics detection and control. And the drug searches have thus become more comprehensive and effective. Drug seizures increased 88 percent between 1969 and 1970. The Bureau, which records having stopped 9,389 narcotic smuggling attempts during 1970, also reports having confiscated 346.87 pounds of heroin in that year, an increase of 66.18 percent over 1969. And yet, in spite of this improvement, the quantity of illegal drugs entering the United States continues to increase.

The powers of the Customs Bureau to inhibit the illegal traffic in drugs are limited. In the first place, no matter how thoroughly Customs officials inspect the baggage of people entering the country, they cannot possibly find all of the drugs that are illegal. Unless they have a "lead" and are anticipating the entrance of a shipment, of heroin, for instance, their searches can at best be only occasionally fruitful. And the inconvenience to the ordinary law-abiding traveler, often tired by a long trip and irritated by the thoroughness of the search conducted by his compatriots, is a significantly unfortunate by-product of these fruitless searches. Also, of course, too much interference with the privacy of ordinary citizens cannot be tolerated for too long in a democracy, regardless of the validity of the reasons set forth.

How, then, can we eliminate this scorge of drug abuse that is spreading through our country? The best way is to reduce the demand, although at the moment, the possibility for any significant reduction does not look promising. However, we must not give up. We must increase Federal, State, and local efforts to support school and college information programs as well as radio and TV interviews with former addicts, to send more Drug Mobiles to residential areas, to inform children and parents alike about the dangers of drug abuse, to keep open the telephone lines which are manned by people trained to talk therapeutically with the drug user. And we must increase radically the number of treatment centers for addicts. With persistence and with luck, perhaps we can see the numbers of drug users decrease significantly before it is too late—for them and for the country.

A second way is through efforts to obtain world-wide cooperation and increased support for the efforts of the United Nations to limit the production of and traffic in dangerous narcotic drugs. Possibly we can make the countries that actually produce dangerous narcotic drugs aware of the large numbers of people in other countries whose creative abilities are seriously inhibited, or even destroyed, as a result of drug addiction. Perhaps we can encourage them to become more cooperative and more committed to the life-saving effort of limiting the cultivation and production of drugs to those used for scientific and medical purposes. There are countries which, although they have no serious drug problem today, may face one next year, or maybe 5 years from now. It is in the interest of everyone everywhere in the world to make efforts to come to terms with this epidemic, which, like any other, has the potential for spreading everywhere.

But singlehandly or together, we must continue our struggle against this pestilence. For narcotics have shown us already that they threaten, not only our mental health, not only our morale as a nation, but the very fabric of our society. We must recognize now that a solution to the drug abuse problem deserves our highest national priority, for the pestilence of drug abuse represents the most clear and present danger to our lives, our pursuit of happiness, and our public order.

TOWARD ACHIEVING ELECTION CAMPAIGN REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. HARVEY) is recognized for 10 minutes.

Mr. HARVEY. Mr. Speaker, I am today introducing an election campaign reform bill that provides an individual tax credit for Federal election campaign contributions of up to $100, strengthens the disclosure and reporting requirements for all candidates in contests for Federal office, and places a limit on campaign contributions.

Considerable thought has been given to the introduction of this bill, and I believe it to be legislation that is both pertinent and appropriate at this time. It omits one highly controversial section that has been included in many other bills on this subject—that of limiting expenditures. Ever since 1948, each Congress has been presented with numerous bills that have attempted to limit or restrict campaign expenditures. None have ever been enacted. And, in this session of Congress, expenditure limitation has also been a major source of controversy and discussion.

Mr. Speaker, I am sure that all of us in this Chamber have long realized the need for generating greater citizen participation in the election process. This is why I have included the tax credit provision in my bill. Campaigns should be financed in a way that will build support for our political institutions and respect for the political process. I believe that the best political finance system is the one that is based on relatively small contributions from large numbers of citizens. Statistics reveal that the number of small contributors—those giving under $100—has been growing over the last 2 years. This is a desirable trend, and one that should certainly be encouraged.

A modest tax credit, as I have proposed, will probably increase the number of contributors in this category, because the actual availability of the credit itself will enable many more people to afford a small contribution, and the mere fact that such a contribution is legally recognized by the Government will give it a certain status, not only of respectability, but also of acceptance. Many thousands of people today are still reluctant to contribute to a campaign because they feel there is something wrong with political finance.

As of 2 years ago, only about 8 percent of the American public had made any form of political contribution. Research polls indicate, however, that many others would probably have done so had they been asked. And, as of today, this figure is almost at the 9-percent level. A tax credit, as I have proposed, will create an opportunity for candidates, as well as for parties, to finance their election campaigns in a manner that will be above reproach. It will be a means of encouraging greater grassroots participation and activity in the election process.

This bill also provides for strengthening disclosure and reporting requirements. Full public disclosure of all campaign activity—both contributions and expenditures—is the best discipline available to insure that campaigns are both honest and fair. This will tell the public exactly where political contributions come from, and exactly where expenses are incurred. With full disclosure will come more confidence in politics. This, in turn, will help to encourage more smaller contributors to participate in the election process. Disclosure statements have normally been looked upon to be required of only winning candidates. But, this legislation provides that every candidate—whether he wins or loses—must file a complete statement detailing his contributions and expenditures with each State and county in which the person filing such statement makes an expenditure, or in which he has a political committee. These statements are to be filed with the State and county officer as designated by the Clerk of the House. Candidates for Congress also are to file statements of disclosure with the Clerk of the House or with the President of the Senate, depending upon the office they seek. Such filings, in all cases, are to become public information. Not only are all campaign financial activities required to be disclosed, but the term "contribution" is expanded to include anything of value made for the purpose of influencing the outcome of a Federal election. This "anything of value" clause is especially important since many organizations or pressure groups can apply a variety of subterfuges in order to make what are actually contributions. To name just a few, they often lend office equipment, make available the services of their public relations experts, lawyers, and other personnel, or buy so-called advertising space at ridiculously inflated prices in political pamphlets and brochures.

Also under the disclosure requirements of this bill, I have expanded the term "State" to apply to not only all 50 States, but to the District of Columbia, Puerto Rico, and the territories and possessions of the United States. Most of us are aware that a glaring loophole exists in present law whereby the District of Columbia has heretofore been exempt from reporting requirements. This bill will close such loopholes by requiring full disclosure by any candidate who may be aided by any of the various political commmittees that invariably spring up in the District of Columbia before election campaign time.

And, the bill also places limits on the amount of money an individual may contribute to a candidate for Federal office. For those seeking election to the offices of President, Vice President or Senator, the ceiling is $5,000; for those seeking election to the U.S. House of Representatives the limit is $1,000. This contribution limitation is of equal importance with the other major provisions of the bill. It is significant in that it discourages the practice of some larger contributors of trying to "buy" an election for an individual candidate, and it precludes such contributors from attempting to wield unhealthy pressure at the expense of the public interest. The legislation further provides that the contribution limitation would apply singularly to the primary election and to the general election. No distinctions—other than that which applies to the various Federal positions sought—are included in the legislation. It applies equally to challenger and incumbent.

I have previously stated that I have placed no restrictions on expenditures. I am of the opinion that such a provision is unnecessary when there is full disclosure together with contribution limitations. With full public disclosure of all campaign contributions and expenditures during the course of a campaign, the voters themselves could better judge whether a candidate has spent too much, or has spent unwisely. This would do much more to protect election campaigning from unbridled spending than the placing of legal limits on the size of an expenditure. This way a candidate may outspend his opponent, but with full disclosure of all his campaign transactions, he well knows that he would certainly be held accountable by the ever-watchful voter across the Nation, in a State or a congressional district.

This legislation, to review briefly, implements necessary election campaign reforms by allowing an individual a tax credit of up to $100 for political contributions, it provides for full and complete disclosure, and it limits campaign contributions.

I believe the legislation, as introduced, will be easily enforceable, and will apply, without discrimination, just standards to both the challenger and the incumbent. Furthermore, it leaves intact the basic and inherent right to support the candidate or the party of one's choice. And yet, it remains an effective vehicle through which constructive improvements in the election campaign process can be made.

Its provisions are such as to instill renewed public confidence and respect in one of our most historic and cherished traditions.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER), is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The number of passenger miles registered by U.S. airlines increased from 1 billion miles in 1940 to 105 billion miles in 1970.

ASSISTANCE TO THE UNEMPLOYED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. ESCH) is recognized for 10 minutes.

Mr. ESCH. Mr. Speaker, last week the House of Representatives had under consideration H.R. 3613, the so-called Emergency Employment Act. The Members of this House, after discussion and debate, determined that it was their will that the House should also consider, as a substitute to H.R. 3613, our substitute bill H.R. 8141. The majority of the Members of this House overwhelmingly, in three separate votes, indicated their desire to have a full airing of the problems of unemployment in the country and specifically how we might totally reform and coordinate our disjointed, ineffective system of delivering manpower services.

During the debate on the rule, the distinguished gentleman from Louisiana, the majority leader, emphasized the urgency of enacting the committee legislation and the distinguished assistant leader from Massachusetts, Mr. O'NEILL, said:

> This is truly an emergency employment bill.

I ask now, "Where is the emergency?" If indeed the desire is to help those unemployed, then why did we delay even a day. For the past 2 days this House has had before it no legislative business. In the meanwhile, people continue to be unemployed. Are we more concerned with demagoguing an issue than with truly helping the people? I submit that it is time this House faced up to its responsibility and act now on the question of manpower reform. The majority of the Members of the House have indicated their desire to be heard and take action on this issue. How long can their will be thwarted by unjustified delays?

It is clear to me that the discussion of the House this week reemphasized that the committee bill H.R. 3613 would not really solve the problem. By adding but one more narrow categorical manpower authorization to the already dozen existing programs we will not resolve the problem of unemployment in this country. Indeed, the gentleman from New Jersey (Mr. DANIELS), our distinguished subcommittee chairman, has specifically stated on the floor of the House that the bill would affect but 150,000 persons. Therefore, you see, they admit that their bill would solve but 3 percent of the problem. There is need for this Congress to attack head on the problem of unemployment, which has been brought on by the transition from a wartime to a peacetime economy. For since the President has reversed the course of the war, there has been nearly a 1.8-million reduction in jobs related to Defense Department expenditures.

I would submit that the problem can best be resolved by a total reform of our manpower training programs as offered in H.R. 8141. It is obvious that the Members of this House stand ready to discuss, debate, and to work their will on this important measure. When will the bill be rescheduled? How long is the will of the majority going to continue to be thwarted by narrow partisan interests? The majority of the Members of this House have shown that they are willing to lead the country toward a new direction in resolving the plight of our unemployed. Will the leadership follow?

TRUTH IN FOOD LABELING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 15 minutes.

Mr. ROSENTHAL. Mr. Speaker, today I am introducing the Truth in Food Labeling Act which would require that all ingredients contained in a food product be listed on the label.

The present ingredient labeling practices range from nonexistent to misleading. For far too long unsuspecting consumers have eaten foods which are harmful to them because the package label did not list all the ingredients. And with the advent of widespread usage of food additives, some of which might prove injurious to certain individuals, it is essential that Congress act to require a full disclosure of the package contents.

Knowing ingredients is especially important to persons with allergies and other dietary problems. Moreover, everyone should have the right to know what he is eating.

At the core of the labeling controversy are the standards of identity. The original and quite valid purpose of these standards was to make certain that manufactured food products, which had become known to the consumer by their common names, would contain substantially the same ingredients regardless of manufacturers.

The Food and Drug Administration, however, later permitted manufacturers of foods covered by standards of identity to withhold from the label many, and sometimes all, of the ingredients contained in the product.

Even if one should obtain a copy of the standard for a certain food, it is often impossible to determine exactly what is in a product because of regulations which allow manufacturers a choice of optional ingredients to include in their product without requiring them to tell anyone. Ironically, it is often the potentially harmful ingredients that are not listed, such as caffeine in colas or eggs in mayonnaise.

This legislation proposes an amendment to the Food, Drug, and Cosmetic Act. I was happy to note the other day that the FDA has published in the Federal Register and asked for comments on a petition that would accomplish essentially the same purpose as this bill.

I am skeptical, however, that the FDA seriously intends to act on this matter in the near future. It has had the authority to administratively require full disclosure of all contents since passage of the Food, Drug, and Cosmetic Act in 1938.

Instead, over the years the agency has created a labyrinth of regulations which allow manufacturers to conceal all ingredients, require that some be listed without specifying that it is only a partial listing, and allow certain additives—such as colorings and seasonings—to hide behind generic names. There are relatively few products which FDA requires to list completely their contents on the label.

I find it incredible that one product which usually lists all its ingredients on the label should be dog food. Not only does the label list all ingredients, it also bears the nutrient percentages.

I would like to give credit to a group called LABEL, Inc., an acronym for Law Students Association for Buyers Education in Labeling. Its five members, Arthur Koch, Gary Laden, Ellis Saull, Louis Kaufman, and Joan Levy, under the auspices of Prof. John Banzhaf at George Washington University, initiated the petition which the FDA has just published in the Federal Register. I am grateful for their help in developing this legislation.

It was the stated purpose of Congress when it passed the Food, Drug, and Cosmetic Act in 1938 to "promote honesty and fair dealing in the interest of consumers." This mandate is being circumvented by the present complex labeling regulations. It is time for Congress to act to correct and simplify the labeling requirements in order to carry out the original stated purpose of the law it passed in 1938.

The bill I am introducing today is an important complement to "The Better Labeling Act," H.R. 4427, which I introduced earlier this year. That bill requires food manufacturers to list on their labels the nutritional content of the food product. It also requires, in the case of canned fruit and vegetable items, a statement of drained weight—the weight of the product without the packing liquid; and, in the case of combination processed items, such as "beef stew," "spaghetti and meat balls," and the like, a listing of ingredients by percentage weight.

Mr. Speaker, I would like to put in the RECORD the text of the "Truth in Food Labeling" bill plus a newspaper article which points up the very situation this legislation is aimed at correcting, with respect to food additives. The article was written by Douglas Bloomfield, consumer reporter for the Cleveland Plain Dealer.

I also wish to include an Associated Press dispatch that reports even Mrs. Virginia Knauer, the President's consumer assistant, is perplexed by this problem, at least as it applies to orange juice. It seems the Food and Drug Administration, according to Mrs. Knauer, has put off for more than 7 years, a ruling on labeling dilution of juice drinks. Unfortunately, although Mrs. Knauer was "absolutely astounded and more than a little disturbed," even she apparently has been unable to get any action out of the FDA, and she is supposed to be the President's top consumer adviser. This episode is further evidence of the need for the bill I am proposing today:

H.R. 8670

A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Truth in Food Labeling Act".

SEC. 2. The Congress makes the following findings:

(1) There are no Federal laws or regulations which require the labels for all food products to state the name of each of the ingredients present in the products.

(2) The absence of such information is harmful to consumers who unknowingly consume food with ingredients which for health or dietary reasons they should not ingest.

(3) The purpose of the Federal Food, Drug, and Cosmetic Act is to promote honesty and fair dealing in the interest of the consumer. This purpose cannot be met in the case of food products unless labeling requirements for all food products are changed to require the disclosure of all ingredients.

SEC. 3. (a) The next to the last sentence of Section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341) is amended to read as follows: "In prescribing a definition and standard of identity for any food or class of food, the Secretary shall require all manufacturers and distributors of food to include on the label all ingredients contained in such food in the order of their predominance in the food.

(b) Clause (2) of Section 403(g) of such Act (21 U.S.C. 343(g)) is amended to read as follows: "(2) its label bears the name of the food specified in the definition and standard and lists (in the order of their predominance and by their common name) each of the ingredients present in such food."

(c) Section 403(i) of such Act (21 U.S.C.

343(i)) is amended by striking out all after ", and" immediately after clause (1)) and inserting in lieu thereof "(2) in case it is fabricated from two or more ingredients, a listing (in the order of their predominance and by their common or usual name) of each such ingredient."

SEC. 4. The amendments made by Section 3 shall take effect on the first day of the seventh month beginning after the date of enactment of this Act."

[From the Washington Post, May 10, 1971]

WHAT'S WHAT IN ORANGE JUICE

SCOTTSDALE, ARIZ.—The President's consumer adviser accused government and industry Friday of unconscionable delay in resolving consumers' doubts over whether they are getting flavored water or the real thing when they buy orange juice.

Virginia H. Knauer, special assistant for consumer affairs, said consumers are practically helpless in determining from titles like "juice," "juice drink" and "drink ade" how much the product has been diluted.

She noted it has been seven years since the Food and Drug Administration proposed requiring that labels show the percentage of dilution in juice drinks.

"I was absolutely astounded and more than a little disturbed to find that seven years have now elapsed since the rules had first entered the Federal Register for comment, and no general public discussion, let alone resolution of the matters raised had transpired in the interim," said Mrs. Knauer in a speech read for her before the National Juice Products Association by one of her staffers.

Mrs. Knauer said she was amazed the FDA proposals permit as little as 50 per cent orange juice in any drink labeled orange juice drink.

"Women will wonder what they have been paying for all these years, flavored water or orange juice," said Mrs. Knauer.

[From the Plain Dealer]

ADDITIVES FORTIFY FOOD, BUT SOME ARE A PERIL

(By Douglas Bloomfield)

There are more than 3,000 different chemical additives in our food supply.

Many are useful. Others contribute only a cosmetic effect. Some are dangerous.

Additives help retard spoilage, improve flavor and add vitamins. They make beer foam, oranges orange and maraschino cherries red. But a few have been linked to heart disease, cancer and brain damage.

Dr. Jean Mayer, President Nixon's adviser on nutrition, has said: "We can live perfectly well without additives."

The U.S. Food and Drug Administration is supposed to keep a careful eye on additives, barring all not proven safe. But there appears to be a wide gap between theory and practice.

Even President Nixon is bothered. In his consumer message last fall, he asked FDA to review and revise its list of food additives classified Generally Recognized as Safe (GRAS).

There is a concern within FDA as well. Leo Friedman, acting director of the agency's toxicology division, said: "It is becoming increasingly clear that untoward effects in people, stemming from food additives, are exceedingly difficult to recognize or even establish with any degree of certainty once suspicion has been aroused."

He feels that "every effort should be made to re-examine and update the safety evaluation of all such compounds at regular intervals."

A two-year investigation of FDA sponsored by consumer advocate Ralph Nader concluded that the agency "should face up publicly to what it knows privately about food additive regulation—that the program is a mess. The consumer might be more wary, and therefore better off, if there was no program of food standards designed to protect him."

Chemicals may get into foods in several ways:

Deliberately added as flavorings, preservatives, enhancers and so on.

Inadvertently introduced into food in manufacturing (from packages or machines, for example) or through natural processes such as formation of toxin-producing substances in mold.

From animals treated with veterinary drugs before being slaughtered.

The use of chemicals as food additives has increased by more than 50% in the past 10 years, according to FDA, which cautions that "many of these chemicals are known to be toxic in large quantities."

Last year FDA received 476 new applications for food additives. 62 were approved and 148 rejected.

Part of the consumer's problem in identifying what has been deliberately added to his food is FDA's requirement that technical, not common names be used. Thus water is hydrogen oxide and table salt is sodium chloride on some labels.

Using common names and issuing a dictionary of additives are two of the remedies proposed by consumer interests.

Many additives are not even listed on food labels. Neither, for that matter, are the ingredients of many products. These all are items that FDA accepts as standardized, such as mayonnaise, margarine, vinegar, ice cream, cocoa and macaroni. Even some nonstandardized foods are exempted from identifying spices, coloring, additives and other ingredients.

This can be dangerous for persons with allergies, diabetes and other problems who want to avoid certain ingredients such as eggs, sugar and milk. About 20 million Americans are in this category.

Nearly all standards were set at the request of the producers. When a standard of identity is agreed on, all products of that type must comply with the standard on ingredients. Use of some optional items is often allowed, but basic ingredients tend to be strictly controlled.

Nonstandardized foods must list ingredients in descending order of weight in the product, but there is no requirement that relative amounts be noted.

Pet foods tend to be more informatively labeled than human foods. This can be seen in a comparison of two cans of stew. The one for human consumption lists the ingredients, but not by percentage. The pet food label includes ingredients plus a percentage analysis by nutrient so the dog owner can get the best protein buy for his pet.

The human consumer, by reading food labels, has no idea how much beef is in his beef stroganoff, peanuts in peanut butter, orange juice in orange drink, strawberries in strawberry jam, meat in hot dogs or chicken in chicken soup.

Copies of standards for specific products are available to consumers who send a request to the FDA, Washington, D.C. Alert shoppers have learned that the difference between two or more brands or a standardized product is primarily price, and thus they are able to save money.

Industry strenuously fights efforts for full disclosure of ingredients, contending that this would require them to give secret recipes to competitors. Consumerists, however, contend that they would not be disclosing recipes or production methods, but would merely be telling customers what they are eating and how much of it.

"The various FDA food standards and exemptions now in force read like a catalogue of favors to special industrial interests," said the Nader study.

It called the GRAS list "a tool for suppression of consumer information, allowing dozens of ingredients unknown to customers to be used in food."

The GRAS concept should be abolished, it added, and in the meantime the number of items should be drastically reduced, removing each chemical about which there is even a single doubt.

FDA Commissioner Charles C. Edwards said the review of the GRAS list requested by President Nixon is being done "within the context of an over-all look at the safety of our food supply." He expects to be halfway through the list by next summer.

The study, Edwards said, will apply "1970 scientific knowledge to safety judgments which in fact were last made 15 to 20 years ago."

The FDA is responsible for evaluating all chemicals proposed as food additives and to establish a tolerance level for each. But it was allowed to exempt more than 600 chemicals from clearance requirements "because they were considered safe by experts" and put on the GRAS list, according to the agency.

Cyclamates were one of those "safe" chemicals. The artificial sweetener was banned last year as a possible cause of cancer. Another, still on the list, is mono-sodium glutamate (MSG), the flavor enhancer.

Recent studies indicate that MSG "is potentially hazardous," FDA, reports, but "available information is insufficient to justify action." Research is continuing.

Cyclamates were banned last fall under the Delaney amendment to the FDA law, which requires removal of any additive causing cancer in test animals.

Critics have assailed the law from both sides.

Some, like Edwards, feel it is too rigid and leaves no room for administrative or scientific discretion. They argue that even salt and sugar could be harmful in excessive amounts. This has not been proven, however.

The Nixon administration reportedly is planning to ask Congress to repeal the Delaney amendment.

Others like Nader say the law is not strong enough. They oppose giving political appointees such discretionary powers. They also want the measure to cover additives which may cause genetic damage and birth defects.

"In view of the possibility that other additives may be as dangerous as the cyclamates," says the agency, "it now appears essential that FDA and the food-additive industry jointly reevaluate over the next three years all of the known GRAS additives, other additives that have been unilaterally classified by industry as GRAS, and some approved additives for which tolerances now in existence may have to be changed."

The Plain Dealer has learned that Nader may not be willing to wait three years and is considering filing suit in federal court to have the GRAS list abolished.

In the use of many additives, Nader says, the agency "has permitted a sell-now, test-later posture by the companies. FDA has admitted that it has heavily relied on summary assurances by food companies about additives and has not checked in detail the raw test data."

Consumer interest want the government not to rely on industry labs but to do as much of the testing as possible and to supervise more closely testing it cannot do itself.

The additive problem can be seen well in five examples:

MSG, salt and sugar were added to baby food, with FDA permission, for no other purpose than to make the food palatable to mothers. Despite scientific evidence showing that MSG caused brain damage in mice and the urging of its removal by Dr. Mayer, FDA resisted taking action.

The baby food producers themselves finally removed the ingredient voluntarily in the wake of unfavorable publicity. But the FDA still has taken no further action of MSG or on any other unnecessary ingredients in baby food.

The presence of MSG must be listed on all products except mayonnaise, French dressing and salad dressing. Its function is to enhance flavor.

Red 4 is an artificial food coloring described by the World Health Organization as dangerous to humans. When the FDA considered declaring it unsafe, the producers of maraschino cherries argued that nobody eats enough of their product to do any harm. The FDA bowed to pressure and excluded Red 4 from all foods except maraschino cherries. No health warning is required on the label.

Cyclamates, the artificial sweeteners, were first linked to cancer in FDA's own labs about 20 years before the agency slapped a ban on them.

Caffeine is added to cola and Dr. Pepper soft drinks, but the makers of those beverages won FDA permission to keep that information off their labels by having them declared standard ingredients. All other soft drinks containing caffeine, however, must reveal that fact on their labels. FDA scientists and officials opposed the exemption but bowed under pressure from the White House, a U.S. Senator and the industry.

The senator was Richard Russell, D-Ga., who called FDA to express "interest" in the matter, according to former Associate Commissioner Kenneth Kirk in an interview with Life magazine. The world's largest cola producer is one of Russell's constituents, Atlanta-based Coca-Cola.

Some approved food colorings in baked goods have been found to decompose during baking or to react with vitamins in food to form compounds whose effects are unknown.

The FDA reports that about 10 million Americans get some form of food poisoning every year.

Although development of new foods and new technology have ended some forms of contamination, these same "improvements" bring an increasd threat to health.

"Technology has also contributed to the proliferation of products about which relatively little is known and has actually increased the potential for widespread foodborne epidemics to occur," FDA reports.

"At the same time," it continues, "changes in food processing methods have tended to disguise some common indicators of contamination, such as decomposition, noxious gases and discoloration, that used to alert consumers that food might be unsafe."

But safety is not the only consideration, according to Edwards. Effectiveness and quality of food also must be considered.

"If I am reading consumer complaints correctly, among other things, they are saying that at least for some foods, there must be a positive gain or benefit in the food or, in the case of food additives, there must be a positive reason for its use," he said.

Toward this end, he added, FDA plans to establish nutritional guidelines for selected classes of foods.

These would not be formal standards of nutritional quality, he explained, but informal guidelines for industry to follow voluntarily.

This would involve agency-industry collaboration on deciding, how nutritional quality should be explained on food labels.

"We would then expect that commercial pressures would cause processors to use the guidelines in formulating and designing their products," Edwards said. "If they do so extensively, there will be no reason to consider a mandatory mechanism."

CUBAN INDEPENDENCE DAY IS A REMINDER OF AMERICA'S PLEDGE TO RESTORE FREEDOM TO CUBA

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, Thursday, May 20, 1971, marked another anniversary of the independence of Cuba. On that glorious date, May 20, 1902, the Cuban flag waved for the first time over the Morro Castle in Havana, capital of a free, sovereign, and independent Cuba. This scene climaxed the heroic struggle of the Cuban people, who for over 50 years had fought the powerful forces of Spain.

Cuba—Pearl of the Antilles—except for British occupation of Havana in 1762–63, was ruled by the Spanish Government from its discovery by Columbus in 1492 until 1898.

Cuban history records a lengthy struggle for independence. Over a century ago, the great Cuban, General Narciso López, landed an expedition in the city of Cardenas, Province of Matanzas, Cuba. This city is not far from the "Bay of Pigs"—"Bahía de Cochinos." General López came as a leader to liberate Cuba. With this expedition came a retired U.S. Army officer from West Point, Col. William Logan Crittenden, and a group of Americans from Kentucky. This may have been when the United States of America and Cuba united in the fight for freedom. This expedition was successful and, after the defeat of the troops of the city of Cardenas, the Cuban flag waved over Cuban soil for the first time. For this reason, the city of Cardenas is called "Flag City"—"Ciudad Bandera."

However, this victory was of short duration since the General Governor of Spain in Havana sent strong reinforcements which defeated General López and his men. A great number of them died on the battlefield; others, as General López, were executed after being tried by the island's Spanish government according to their army regulations. This tragedy silenced the people of Cuba for a short period of time. On October 10, 1868, on "La Demajagua" farm in the Province of Oriente, Carlos Manuel de Cespedes, another Cuban patriot fighting against the Spaniards, engaged in another battle and gained a short-lived victory in the city of Bayamo. When a large number of Spanish troops were sent to take over the city, Cespedes asked the people of Bayamo what he should do; and they answered him, "Liberty or Ashes"—"Libertad o Cenizas." When the Spaniards arrived, they found only ashes since these patriots had burned all their properties, such as houses, stores, and so forth, which had taken them years of honest labor to build. The fire burned years of honest labor, memories, and fortunes in just minutes.

Their 10-years' war ended in 1878 with guarantees of rights which Spain failed to carry out. This treaty was called "The Peace of Zanjon" and was initiated by one of the greatest of Cuban generals, Gen. Antonio Maceo.

An exile movement started in 1878, when many Cubans came to the United States where they settled in New York, Key West, and Tampa. This period of exile lasted 17 years. A great man and Cuban patriot, José Martí, who lived the greater part of his life in exile, recruited men in the United States, Mexico, Central America, and the Caribbean Islands for the war for Cuban independence. A full scale movement began February 24, 1895, under José Martí. The military commanders were Máximo Gómez, Antonio Maceo, and Calixto García.

En route to Santiago to join with other Cuban patriots, José Martí was killed when his group was attacked by a Spanish patrol. Referring to the death of José Martí, an historian wrote:

> José Martí died, but a people was born.

Martí is considered by freedom loving Cubans as the "George Washington of their country" and as the foremost martyr and hero of the Cuban struggle for freedom.

By 1897 over half the island was in Cuban hands. The Spanish governor, Valeríano Weyler, destroyed sugar plantations, banned export of tobacco and held patriots in concentration camps. A U.S. offer to mediate was rejected by Spain.

The movement to help Cuba gain its independence gained U.S. support by the sinking of the U.S.S. *Maine* in Havana Harbor. On April 19, 1898, the U.S. Congress approved a joint resolution for the liberation of Cuba, declaring that "Cuba is and has the right to be free and independent." The United States declared war on Spain April 25, 1898.

The famous "Rough Riders," led by Theodore Roosevelt, landed in Oriente Province and the Battle of San Juan Hill was fought by the Americans and Cubans against the Spaniards. The Spanish troops were defeated not only in Cuba, but also in Puerto Rico and the Philippine Islands.

In the Treaty of Paris, December 10, 1898, Spain surrendered all claims to Cuba. From January 1, 1899 to May 20, 1902, Cuba was under U.S. military rule with most of the government positions filled by Cubans. Then, on May 20, 1902, the United States granted complete and unconditional freedom to the Cubans. The United States formally withdrew from Cuba on this date when Tomás Estrada Palma was inaugurated first President of the Republic.

It was on May 20, 1902, that the lone star flag, the Cuban flag, was hoisted to fly victoriously above the Morro Castle. Today free Cubans commemorate the 69th anniversary of the independence of Cuba; yet today, May 20, 1971, Cuba and its people suffer greater tryanny and repression than in the past.

Fidel Castro, a traitor to the Cuban Revolution which began on October 10, 1868, has surrendered the liberty, sovereignty, and independence of Cuba to international communism of Moscow-Peking. The bearded butcher—who was referred to by a segment of the U.S. press as the "Robin Hood of the Sierra Maestra" and who was welcomed in Washington by the then Vice President Richard Nixon, was able to seize power in Cuba with the aid of the New York Times, the CIA, and the State Department.

The United States is largely responsible for allowing the cancer of communism to get a foothold just 80 miles off our coast and for permitting it to continue to spread.

President Eisenhower ignored the long established Monroe Doctrine and allowed

Communists to establish a base in Cuba. Robert C. Hill, our ambassador to Mexico in 1959; and Earl E. T. Smith, our ambassador to Cuba from June 3, 1957 to January 20, 1959, tried but to no avail to make it known to our official policymakers that Castro was a Communist and that our own State Department was promoting Castro.

Testifying under oath after his resignation, Ambassador Smith stated:

> The Batista government was overthrown because of the corruption, distintegration from within, and because of the United States and the various agencies of the United States who directly and indirectly aided the overthrow of the Batista government and brought into power Fidel Castro. . . Without the United States, Castro would not be in power today. I will put it as straight as that to you, sir.

During the Kennedy administration, the Castro dictatorship was consolidated and strengthened with U.S. Government help. The role of the CIA in the ill-fated Bay of Pigs invasion is well documented by a Cuban authority, John Martino, in his informative book, "I Was Castro's Prisoner" and by Haynes Johnson in his book, "The Bay of Pigs." Their conclusions indicate that the CIA not only helped Castro to power, but also sabotaged every effort by Cuban patriots to win back their country.

During the Johnson administration the Soviet missile build up and the use of Cuba as a base for training revolutionaries was ignored while the Cuban exiles and the Cuban underground were rendered less effective.

The attitude of the Kissinger-Nixon administration toward Cuba can be described by the expression: "Hear no evil, see no evil, speak no evil." With regard to Cuba, the present administration appears to be like an ostrich which buries its head in the sand. When U.S. Naval Intelligence as well as our colleague, the late Hon. Mendel Rivers, revealed that Russians had a nuclear submarine base at Cienfuegos, President Nixon by television assured the Nation that no Russian nuclear naval base existed in Cuba, that the Russians had promised President Kennedy in 1962 they would not place offensive missiles in Cuba and promised him on October 11, 1970 that they would not establish a military naval base in Cuba, and that it was his belief that the Russians would keep their promise.

A Cuban and American patriot, Dr. Manolo Reyes, who is presently a news editor in Miami, knows that most of the U.S. young people going to Cuba are not going to cut sugar cane but to join the so-called "Venceremos Brigade" and to receive urban guerrilla training in one of 80 or more camps now operating for that purpose. How many urban fires—how much urban violence was spawned in Castro's camp no one can estimate. In bygone days, when only loyal Americans stood guard in the State Department, such activities would have been considered treasonous—rather than humanitarian.

In a recent editorial, Dr. Reyes provided information to show that the Soviets, despite the supposed Kennedy-Khrushchev understanding, are indeed exporting their revolution.

Mr. Speaker, the Communist cancer in Cuba is spreading and it must be stopped before it destroys Christian civilization. A spreading cancer which endangers the life of a human being requires surgical removal by a physician. I believe that it is America's historical role—our duty and responsibility—to be the physician to remove the cancer in Cuba, not just to rectify a dangerous situation which we helped create but also to protect the security of the United States.

It seems rather strange that we talk of controlling Communist aggression half way around the world in South Vietnam but ignore the Communist danger just 90 miles off our coast where it constitutes a real and present threat to our security. Besides there are thousands of valiant Cubans, many in exile, who are anxious to recover their homeland if we would but help instead of hinder them.

I remember well a stirring pledge made by President John F. Kennedy to the members of Cuba Brigade 2506 at the Orange Bowl in December of 1962 when he said:

> I can assure that this flag will be returned to this brigade in a free Havana.

That promise was made over 8 years ago. During these years, this still great Nation has taken no action nor given any indication of honoring that pledge.

We learn that the chief adversary of free men, the Soviet Union, is gradually becoming militarily stronger while our defense posture weakens.

There comes a time in the life of a nation when its moral conscience can tolerate no more compromise; when, if for no other reason than for its self-respect and its obligation to posterity, it must risk a measure of safety and do what it knows in its heart is right. History records that those nations which chose "safety" ended up with slavery; and that those which chose self-respect earned peace and freedom with honor. I believe that this country must make such a choice now. The cries for compromise with evil—coexistence with communism—for appeasing the enemy out of fear for our safety, for peace-at-any-price, and of "better Red than dead," are not the voice of America. The real Americans—who built this country, whose taxes pay its bills, who do the fighting for it—are anxious, frustrated, upset, but are not afraid. They are asking how did we get in this predicament and why is not something done. They are asking questions but not getting answers.

I am reminded of a stirring statement by the late Winston Churchill which is pertinent at this point in my remarks:

> If you will not fight for the right when you can easily win without bloodshed; if you will not fight when your victory will be sure and not too costly; you may come to the moment when you will have to fight with all the odds against you and only a precarious chance of survival. There may even be a worse case. You may have to fight when there is no hope of victory, because it is better to perish than live as slaves.

Mr. Speaker, America should take an active lead in assisting all captive peoples to throw off the restraining shackles of atheistic communism. A good place to begin is in Cuba.

By taking such action, we will be giving a sign to the world that America is still "the land of the free and the home of the brave." And the liberation of Cuba will give hope and courage to all enslaved peoples, encouraging them to rise up and cast off the yoke of their oppressors.

And I am reminded of the sage advice of a great patriot in the early days of our Nation's history:

> We will not fight the battle alone. There is a just God who presides over the destinies of nations.

Surely, if we strive to do His will, He will guide us to freedom and peace through victory.

I can imagine how Patrick Henry must have felt when he declared to the House of Burgesses of Virginia in March 1775:

> Gentlemen may cry, Peace, Peace! But there is no peace. The war is actually begun! . . . Why stand we here idle? What is it that Gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!

What practical measures should we take to aid Cubans in restoring freedom to their fatherland again?

Let us follow the wise counsel of George Washington:

> To be prepared for war is one of the most effective means of preserving peace.

Let us strengthen our military posture so that the United States will be the strongest Nation in the world and let us use that power in defense of justice and freedom. The President's Blue Ribbon Defense Panel in a supplemental statement released by the Department of Defense on March 12, 1971, "identifies and discusses trends which if continued will result in the United States becoming a second-rate power incapable of assuring the future security and freedom of its people."

Let us tell the American people the full truth about what is going on in Cuba. Let us tell the world of the violations of human rights by the tyrannical system of totalitarian communism not only in Cuba but in all of the captive nations. Let us identify the enemy—Soviet Russia—and stop helping the enemy and start helping our friends.

Let us support Cuban exiles in this country and the Cuban underground in Cuba in their plans and efforts to overthrow the Soviets. Soviet Russia makes no secret of her aid to Communists who seek to overthrow or have overthrown free governments. Why should we not profess openly as a proud and brave Nation our support of free peoples?

As stated in the above mentioned Joint Resolution of 1898, Cuba has the right to be free and independent. Its liberation will be an example for other captive nations to emulate. The liberation of Cuba will be the tomb of communism in the American continent, even if it be necessary to go back to the history of Bayamo, that is, "Liberty or Ashes," because the Cuban people were not born to be slaves. Nor were the American people.

I have introduced two measures to help restore Cuba as a free nation. My House Concurrent Resolution 65 would make it the sense of Congress that the question of denial of the right of self-determination and other human rights violations in Cuba be placed on the agenda of the United Nations Organization. If this is done world attention will be called to the slave state that is today's Cuba. The other proposed legislation, House Joint Resolution 160, seeks to prevent subversion of the United States, Central and South America as proposed by Castro and to encourage—not hamper—Cubans in exile in restoring freedom and constitutional government in their homeland.

I insert the text of House Concurrent Resolution 65 and House Joint Resolution 160, the text of the joint resolution of Congress of 1898, an editorial of April 21, 1971, of Dr. Manolo Reyes, two articles by Fernando J. Rojas and Jose Tenreiro of the Cruzada Anti-Communista Internacional—International Anti-Communist Crusade—an article entitled "Cuban Communism and the United States" from the Mindszenty report by Father John J. Kelly, O.S.A., president of Villanueva University in Havana from 1953 to 1959, an article entitled "The Lesson to be Learned from Cuba" by Bob White from Life Line, and two articles by the eminent writer Frank A. Capell, "It's Time for a Change" from the Herald of Freedom and "No Intelligence—A Worried Look at the C.I.A." from American Opinion:

H. Con. Res. 65

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President, acting through the United States Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of denial of the right of self-determination and other human rights violations in Cuba on the agenda of the United Nations Organization.

H.J. Res. 160

Joint resolution to prevent the subversion of the United States and the American continents as proposed by the Communist government of Cuba under Castro, and for other purposes

Whereas there have been many suggestions and several resolutions as to the procedure necessary to stop Cuba's Fidel Castro from subverting the American continents; and

Whereas Fidel Castro's Communist regime has, by its actions, merited the condemnation of the Organization of American States as an aggressor nation; and

Whereas the Castro government at the Tri-Continental Conference declared, openly for all to know, its intent to overthrow every legally constituted government on the American continent, including that of these United States; and whereas, it has already put into practice the revolutionary plans of the Tri-Continental Conference of Havana in Bolivia, Venezuela, and Guatemala; and

Whereas the citizens people of Cuba, terrorized by huge arms buildup and foreign mercenary troops, cannot regain control of their government without outside help from the nearly one million fellow countrymen in exile; and

Whereas it is to the best interest of these United States not to have an aggressive dictatorship, supported by foreign arms and troops, menacing our people with atomic missiles pointed at our cities; and

Whereas it is in the peaceful interest of the United States Government, as well as a moral obligation to all Americans, to prevent Latin America and the United States from becoming battlefields for guerrilla warfare, as planned by Castro at the Tri-Continental Conference of Havana; and

Whereas it would be a waste of the American taxpayers' dollars to donate funds for the Alliance for Progress in Latin America while Castro is at liberty to organize, finance, and direct guerrilla bands to attack and overthrow these same governments we are trying to help financially: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Government withdraw political recognition of Cuba's Communist government and thus encourage all Latin American countries to do likewise; and

That all governments who wish to participate in the Alliance for Progress must first withdraw political recognition of any Communist government in Cuba; and

That the United States State Department policy be clearly defined as no longer recognizing the Communist regime of Castro at Havana and that no reprisals will be taken against any Cuban in restoring freedom and constitutional government in their homeland Cuba; and

That any nation doing business with Cuba's Communist aggressor government of Fidel Castro will be subjected to an embargo by the United States in equal amounts to that country's imports to the United States; and

That the United States Government will recognize no government in Cuba until a truly constitutional government is established by free elections participated in by all Cubans.

[From U.S. Statutes at large, vol. XXX, p. 738]

The Independence of Cuba, April 20, 1898

(Note.—April 11, McKinley sent his message to Congress recommending intervention in Cuba. See Doc. No. 346. The Joint Resolution of April 20 authorized the use of the army and the navy to effect Cuban independence; the formal declaration of war followed April 25. The most important of the resolutions of April 20 was the fourth, known as the Teller Amendment.)

Joint resolution for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.

Whereas the abhorrent conditions which have existed for more than three years in the Island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battle ship, with two hundred and sixty-six of its officers and crew, while on a friendly visit in the harbor of Havana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April eleventh, eighteen hundred and ninety-eight, upon which the action of Congress was invited: Therefore,

Resolved, First. That the people of the Island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said Island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the Island to its people.

[A WTVJ, channel 4 editorial, Miami, Apr. 21, 1971]

Castro Confesses He Is Exporting His "Revolution"!

There is an old saying that reads: "On confession of part, relief of proof".

This saying became undoubtable reality in the last speech given by the dictator Fidel Castro. In the same, Castro reaffirms that he continues exporting his revolution.

Only a few hours ago, in Havana, at a public appearance, not very frequent lately, the puppet of the Moscow-Peking axis said that they would continue supporting the revolutionary movements in Latin America. Undoubtedly, this ratifies what constitutes a violation to the supposed Kennedy-Khrushchev understanding, which specifies as a third requisite, that Cuba shall not export its revolution; but there is something that continues to support the Castro-Communist titled revolution, because it is definite that Castro is an international communist agent, and this is what he is trying to export. And, that something which contributes to the Castro-Communist export is the military and naval Soviet presence on the island of Cuba.

Besides Cuba being converted in a Trojan Horse, and the base at Cienfuegos, and various other things, lately, an increase in military convoy traffic by the Russians in Cuba has been observed, particularly in the Province of Matanzas. Reports have reached us from the Cuban Patriotic Resistance, that less than a month ago, the 26th of March, a Russian military convoy was seen near Varadero. This was made up of ten military trucks with Russian soldiers and was headed East on the Central Road of Cuba. The Resistance informed that they saw another convoy near Varadero in the first half of April. This convoy was made up of eight trucks, carrying forty soldiers each, with arms, helmets and olive green uniforms, very dirty, as though they have come from military maneuvers. The convoy was headed for the Penninsula of Hicacos on the point of Varadero, and one of the points closest to the United States. According to the information, the Russians were between 20 and 24 years of age. The expressions on their faces were sullen and very serious. All of this ratifies that the Fidel Castro regime continues exporting its revolution to Latin America, and puts the security and peace of the American Continent in jeopardy.

[From the Latin American News, March 1971]

Facilities for the Communists in the United States of America

Cruzada Anti-Comunista
Internacional,
New York 10017, N.Y. U.S.A.

Generally speaking it can be said that in no other country in the world, outside of the Marxist-Leninist field, do the communists have more facilities to work and indoctrinate than in the United States of America.

This reality is due, to a great extent, to two fundamental reasons: First, to the widespread lack of knowledge in the United States about the way in which the communists in and out of the country behave. In this sense almost incalculable degrees of naiveness are reached. Second, here, in a way, an almost suicidal attitude is demanded from democracy. That is, in the name of public freedom the enemies of those public freedoms are allowed to work and to conspire against them.

The top American leaders, as well as the people in general—that here comprises individuals who have had many years of schooling—should begin to realize that communism is not only a system enemy of individual freedoms and of all the public freedoms, but also that it fundamentally has as a goal the destruction of their country. Sometimes—not to say always—the attitude seen in the United States regarding the native and foreign communists gives the impression that it is not known that communism is a fierce enemy of the United States of America. And probably because of this the communists are seen with relative indifference and are given opportunities for agitation and indoctrination that seem inconceivable to any observer from other parts of the world. Nowhere else, with so much impunity, can the fatherland be offended and can one go along with her enemies with the tolerance of the generality of the people.

If all this would not lead to a serious danger, of incalculable dimensions, regarding the fate of the United States of America and world democracy, what happens could be acceptable and even a generous eccentricity be seen in it. But on the contrary, what is taking place leads, or could lead, to a chaos that, sooner or later, would destroy the foundations of the social and political life of the United States of America. And if this country falls into the abyss it would leave the free world totally unprotected.

The consequences of this erroneous interpretation of democratic tolerance, taken to extremes in the United States of America, are already being felt in different fields of national life. And may this serve so that those whose responsibility it is to save this country take the necessary measure to prevent its fall.

Cruzada Anti-Communista
Internacional,
New York, N.Y., U.S.A.

Peoples of America, come to our aid, not with words of the O.A.S., but with force, with men, with arms. There is no other way to stop the savage killings by the Bolsheviks.

People of the United States, we implore your help in the name of justice, liberty, of moral principles and of genuine solidarity. Hear the cries of the Cuban people, peoples of America, and let us help each other, hand in hand.

When Cuba perishes, the rest of the peoples of America will be in line.

(This is the message which comes out of Cuba and covers the Continent.)

Cuba will not be the Hungary of the Americas!

The Cubans themselves will know how to win their liberty even though they are left alone. And if it is impossible to win our liberty from the Communist yoke, Cuba will be completely razed and in the center of the island, a cross will bear the final epitaph: Here lived a people who preferred death, before slavery.

[From the Mindszenty Report, May 15, 1965]

Cuban Communism and the United States

(By Father John J. Kelly, O.S.A.)

I would like to share with you some of my own ideas and experiences concerning:

1. The false beliefs about Communism which I have detected on the American scene.

2. A brief analysis of how Cuba, a supposedly Catholic cultured country, succumbed to the Communists.

3. How the United States is succumbing because, like the Cubans, we do not recognize the symptoms.

The most formidable obstacle we face today is that most Americans are convinced *it can't happen here.*

In every country which Communism has taken over, this same attitude prevailed in the face of the same old tactics: deceit and force. Kerensky knew the Bolsheviks; hence deceit did not prevail, but force did. In Hungary deceit precondemned Nagy; for accepting the traitorous word of the Communists, he paid with his life and that of his country. In Cuba likewise, deceit was the instrument. After a few weeks of Castro's regime, I remember some "intelligent" observers reasoned this way: "Father, we are a highly individualistic people. Communism demands conformity and regimentation, just the opposite to our nature. It just won't work in Cuba. We should let Communism take over, and then watch it fail miserably." After 6 years, and many firing squads, prisons and torture, it is still working in Cuba, and I know exactly what these same fine friends of mine think: "Why couldn't we foresee this and defeat it?"

Most Americans feel that Communism is no danger because we have the greatest military force in the world, etc. That kind of thinking completely ignores the fact that most Communist countries were taken from within, and not from without by military force. To all the people who say it can't happen here, I say that not only it can happen, but there are indications that *it is happening here.*

A second psychological obstacle results from propaganda of a pre-Soviet type: we just don't believe that there are traitors in America, even in the face of evidence to the contrary. Much of our present government policy is based on this schizophrenic position.

This attitude of unwarranted confidence was aptly illustrated by one of my best friends, a Cuban professional with three engineering degrees: "Father, we don't worry about Communism in Fidel's 26th of July Movement. We don't worry about Communism at all, because we are in a favored geographic position: we are only 90 knots from Uncle Sam, at his very doorstep, and Uncle Sam won't let them do anything to Cuba." Well, tragically Uncle Sam did let them, not only in Cuba, but in many other parts of the world.

Our own attitude as a nation is much like his: in the face of contrary evidence, we feel that Uncle Sam will take care of things, and we don't have to worry as individuals. We don't want to believe that a conspiracy, world-wide, is intent on destroying us. The thought is repellent—so we don't think about it. I wonder how many of us have thought of even more-unpleasant things: the slavery, the prisons, the torture, mental and physical, and the firing squads of Communist regimes?

Another attitude is: "Why get excited about a few thousand Communists in this country; the United States is a strong nation of over 190 million people." We ignore the lesson, so simple and so homely, of the iceberg. Apathy and indifference and, more than anything else, a lack of knowledge and facts about the enemy, have lost whole nations to the Communists. If I were to guess, I would say that one conspirator or useful dupe out of every 500 people, is more than sufficient to turn the trick; it has done so in every country that today is behind the Iron Curtain; or the Sugar Curtain.

Lack of knowledge is tragic, lethal, fatal. Communism really functions like the huge iceberg: the greatest danger comes from the hidden, under-the-surface part of the Red iceberg, that is, the crypto-Communists, the specialized agents who seem to spring right out of the earth. These are aided and abetted by the sympathizers and useful dupes.

Americans in general do not realize that they are the long-range (perhaps short-range now, even shorter than we think) objective, for they have been indoctrinated into discrediting those who do realize the tremendous danger and try to tell them about it. Some way must be found to awaken Americans on a wide scale soon. The Communist timetable for takeover moves up alarmingly through American inability to understand the tactics of the enemy. Pius XI certainly put his finger on the American Achilles heel: our ignorance and our apathy. If this situation continues, we undoubtedly as a nation shall fall tragically like overripe fruit into the crushing iron vise hands of the Communists as Leinin predicted.

This exact fate befell the Cubans. Ignorance and apathy did it. Cuba fell from within, deeply deluded and deceived by the glowing promises of a perfidious Castro and infiltrated-July 26 Movement.

There were some misgivings about Castro, who had a very bad record as an incorrigible juvenile delinquent, a young university tough involved in assassinations, and an amateur-type revolutionary engaged in many disturbances about the Caribbean. These misgivings were dispelled by Castro, in his frequent broadcasts over secret radio transmissions, from his mountaintop, and his hideouts: "We are not a Communist group, the government accuses us of that to get your support; we are Cubans, who hate Batista more than you do, and want to get him out and restore free elections, honesty and the Constitution to our nation. You must help the revolution." And they did!

Castro's subversive propaganda went out to all sectors of Cuba. The *Military* were urged: "Don't fight, don't accept orders from your corrupt officers. Join us to liberate Cuba; you will maintain rank and pay." There were many defections, whole garrisons at a time.

Students were easily identifying themselves with Castro, a student leader himself. State universities of all Latin America are breeding grounds for political and social agitation, and academic freedom is abused for political purposes.

The *politicians* were promised help in free elections of the new Castro regime. Most accepted; those who refused were threatened with penalties or assassination.

The *Church* in Cuba, especially lay groups, were led to believe that Castro would put into practice the Social Doctrine of the Church. *Frequent requests from the rebels for religious articles and chaplains allayed suspicions.* The Hierarchy was divided in opinions about Castro and his revolt. The church tried several times during the revolt to bring about a government which would exclude both Batista and Castro. Why these attempts were unsuccessful is best described by American Ambassador Earl Smith, in his book, THE FOURTH FLOOR. Let me tell you what one of the Professors, a Sodalist, from my University said, in a speech to the Sodalist Congress of the Lay Apostolate, New York, 1961:

"At the beginning many Catholics believed sincerely that the reforms proposed by Fidel Castro were good and in conformance with Papal Encyclicals. They say, yes, that there were known Communists in the government and that some of the methods used had a violent Marxist color; but they overlooked these 'small' details and thought only of the great good they could obtain from these reforms. Some even deluded themselves into thinking that by infiltrating into Communism's ranks and accepting positions in the governmental organism, they can prevent the seed of Communism from flowering. But, as is always the case, one cannot play with the Communist, and these 'small' details later turned out to be the principal threads of the snare. Behind was the enemy pulling the strings and in all probability they laughed mockingly when they saw how Catholics, and even priests, worked ingenuously for the Communist cause."

Business men, aloof from politics, considered the Castro revolution a sordid mess. But the businessmen were intent on making money. Many paid Castro taxes as well as the regular contributions to the Cuban Government. They were shortsighted; they lost everything.

The *workers and farmers* were the only group where Castro's program failed. Unions and farmers ignored Castro, refused to cooperate, and yet ironically Castro claims that these were the backbone of his movement.

Castro found complete acceptance among the middle classes, the professions, students, and much of the monied classes for his Socialist revolution, which they thought was just another political revolution so frequent in Latin America. Even so the ultimate push which overthrew the government of Cuba was administered by some members of the U.S. State Department, when in December 1958 (still time for our government to do something about Castro), Ambassador Smith was instructed to inform Batista that the U.S. would not support a Batista-backed government in Cuba. Batista fled, and Cuba was enslaved in a violent, bloody Socialist revolution.

Here is an eye-witness account of some of the things I saw in the first few months of the Communist takeover:

While Fidel Castro made his triumphal journey from Santiago to Havana, in the first few days of January 1959, a general strike was called to paralyze everything and prevent opponents from using communications and transportation. Duly constituted authority was systematically eliminated. The armed forces, from generals to privates, were accused of "collaboration with the tyranny of Batista" or of "war crimes." The entire police force was charged with "brutality, repression, torture and collaboration." All were threatened with the death penalty at drum-head military courts. so the army barracks and the police stations were abruptly abandoned. Castro's followers took over the abandoned police stations and military posts, while Boy Scouts directed traffic. Militiamen swarmed over the police and military establishments. They were mostly eager youths, amateurs seeking a foothold in the echelons of the "new Cuba."

The breakdown of authority meant that no organized or effective police or military action was possible; there was no one in authority to whom a person might appeal against unjust charges. There was "one man revolutionary law." The hand-picked President and his Cabinet post factum approved new laws made haphazardly by Castro in his speeches on TV or elsewhere.

The Cuban Bureau for Investigating Communist Activities (BRAC) was rapidly dismantled. It was whispered around Havana that "Che" Guevara, commander of La Cabaha fortress, upon arrival in the first few days of January, made his first confiscation—all the offices, archives and records of this anti-Communist agency—and moved them to the Fortress for "safe keeping." The three top officials of the BRAC mysteriously disappeared.

The Cuban Courts became practically functionless. Most matters were put into the hands of the drum-head military tribunals, usually a three-member *ad hoc* panel, in which the defense of the accused was nil. Hundreds of Cubans were rapidly purged as "war criminals, collaborators, informers, or counterrevolutionaries" by the youthful judges, often illiterate juveniles, swelled with the importance of their so-called victory, and all too eager to listen to any accusation against the prisoner.

All communications began to serve the new regime, and the way was cleared for mesmerizing and brainwashing the people. Interminable speeches were delivered by Castro on TV and radio; everyone hung breathlessly on every word; the "liberator" was speaking and he was the Law!

The Minister of Public Education moved drastically against private education in the very first days of January. Under the outrageous and ludicrous excuse of preserving "public order," and "equivalating private university students with State University students who had lost time (2 years) while fighting against Batista," infamous Law #11 promulgated on January 11, canceled outright two years of academic credits in private universities.

The largest private school in Cuba and one of the best, the Baldor School, was the scene of Communist-inspired riots and demonstrations. It was closed by government order, to reopen a few weeks later under new administrative policies! The Minister of Education on nationwide TV accused the Rector of the Catholic University of numerous crimes against the Revolution. At the same time he announced a new program for all Cuban education, from preprimary through postgraduate studies, following "one uniform philosophy, that of the Revolutionary Government. There cannot be and may not be, two types of education, one private and the other public, but one alone and indivisible." His handwriting on the wall could not be clearer: The question of religion should not be imposed upon a child; he should be allowed to choose when he is 18 years old what his religious affiliations will be."

In this beautiful tropical island where everyone gets along rather well with each other normally, there was hardly any evidence of antagonistic racial discrimination. Fidel, Raul, and el Che artificially invented discrimination, and fomented divisions of society by stimulating various fronts with artificial or imagined goals of eliminating racial discrimination, which never existed in Cuba.

Labor has always had a favored place in Cuban social legislation. Yet Castro deliberately pitted the already strong unions against what he called the "grasping capitalists;" the farm laborers against the sugar farmers; students against their professors; the whole populace against so-called Batista collaborators.

Under the pretext of reclaiming government lands which allegedly had been appropriated by unscrupulous officials and politicians, the regime began the universal, rough-shod, unjust expropriation of lands of any considerable size, regardless of how acquired. Safety deposit boxes in the banks were sealed officially for later confiscation, and all checking accounts were limited to small withdrawals. This wholesale robbery was carried along through the Ministry for the Recovery of Stolen Goods, under the promise of "returning ill-gotten goods to the people." Overnight the regime plunged the country into economic chaos. The Ministry for Stolen Goods gave an apparent legality to this grand larceny and ferreted out anything of value for confiscation.

Within three months the evidence was more than sufficient for anyone living in Cuba and keeping abreast of the moves of the regime. When people realized what was happening and raised their voices in protest, they were silenced by threats, imprisonments, exile or the firing squads.

Cubans were deceived about Castro, because they refused to accept the evidence: the background of incorrigible Castro, his advisors, his policies of a highly-centralized regime. Too late the Cubans woke up to the real character of the revolution and its Communist leader.

I wonder if we see what is happening here. In the United States, the history, government, culture and life in general are quite different. Most Latin American nations are man-centered, caudillo-type countries; they want and need a strong leader. We are a law-constitution centered people; the legal structure is more important than personalities. The process for destroying the United States cannot be the same as in Cuba or elsewhere; the techniques must be adapted to our system: the Constitution itself must be used to destroy us and, as a starter, law itself must become meaningless.

It is impossible to destroy our Armed Forces; it is possible to vitiate their effectiveness, as top military men are muzzled, as more and more dispersed fronts claim personnel for guard duty or actual combat conditions, as arms and equipment are restricted.

Our police forces have done yeoman service; yet lawlessness, disorders, riots, demonstrations in defiance of local authority and local police officers are often not only permitted but encouraged by public government officials; in other cases, as at the University of California, lawlessness is permitted by weak authorities. The end result of such conduct is the breakdown of law and order and the discrediting of police officers and other authorities. Civilian Review Boards are the vehicle for frustrating law enforcement. And all this is done in the name of "free speech," "civil rights," or other apparently just motives!

Our educational programs slowly but surely fall more and more under the control of a Federal agency, either through directives or economic suasion. Private education finds it more and more difficult to compete with state education, and in time may succumb to succulent offers of state-federal aid.

There is evidence of conflict and struggle in the artificially stimulated race questions; hatred is widely bandied about by our communications media; mass guilt is encouraged over the assassination of a president, as over the problems of unfortunate negroes. Much of this atmosphere is created and augmented by well-meaning people, who are not well-informed.

The breakdown of morality in America is the worst and most meaningful symptom. Hon. Spruille Braden, experienced diplomat and statesman, recently in Los Angeles characterized the breakdown in morality this way:

"For many years I have declared that the gravest issue facing humanity is not nuclear warfare and all the horrible death-dealing weapons science has produced; the insidiout dangers of inflation; budgetary and balance of payments deficits the undermining of the private enterprise system; nor even the gradual erosion of freedoms. Nor is it aggression and the threats thereof; or socialism which inevitably leads to some form of totalitarianism, usually communism in our day. No, the major threat to mankind is the breakdown in morality everywhere, including government, where morality, like memory, seems to fade with the passage of time. I further hold that *the worst of all immoralities is Communism.*"

These immoralities extend far beyond our domestic activities; by and large our foreign policies tend to aggrandize Communism, make neutrals out of friends, and make enemies out of neutrals. Foreign policy experts have repeatedly characterized Cuba as a military threat, and a center for subverting South America. Since then it seems that our policy is: see no Cuba, hear no Cuba, speak no Cuba.

Why? I wish I knew the answer . . . because the fate of the United States depends on Cuba. If Cuba is permitted to remain Communist, that ultimately will be our fate. Four hundred years ago, a Spanish monarch said: "He who owns Cuba, the Island of Cuba, has the key to the New World." I think that is true today; the Communists own Cuba today, and also the key to the New World of the Americas.

Cuba is now an advance base for Soviet and sometimes Chinese subversion and aggression on both North and South America. It is one of the last pegs being set for the encirclement of the United States. We had evidence of this in October of 1962, in the so-called missile confrontation, which our government hollowly trumpeted that we won because Khrushchev said he removed his missiles. But Khrushchev also claimed the victory since his troops were still there, with Cuba still allied to the Kremlin, and because the U.S. had guaranteed that no one would attack Cuba—not even Cuban exiles who want their country back.

What about those missiles? It is of sinister importance that the same sources which originally discovered the missiles and sites, are saying today that not only were the missiles not removed, but that they have been augmented, and are stored in various natural caverns and man-made storage places. The U-2 flights, which are normally the clinching arguments in the Government's appraisal of missiles and sites in Cuba, have been drastically reduced to only one or two a month.

Can we, who are better informed, accept this state of affairs, or are we not morally obliged by all that is good, holy and decent to expose by knowledge and facts this dangerous situation? Are we not only obliged to oppose it, but with God's help to defeat it? We must redouble our enthusiasm and our efforts for this fight. It must be carried forward at all cost, under the armor of God, no matter what the odds, until that day of final victory of Godliness over godlessness, of good over evil, of spirit over matter, of virtue over vice.

The Lesson To Be Learned From Cuba

Open: This is Life Line, Bob White from Washington.

"Cuba today is living proof that no nation is immune to communist subjugation just because it is prosperous or because it is Christian. Cuba was both. Nor is literacy a protection. It was not the illerate people in Cuba who were responsible for its present condition; it was a segment of the middle-class, and some wealthy people also, who were too absorbed and complacent with their own pursuits, and too sure that their country could never be ruled by communists; they were too indifferent to bother to inform themselves about communist techniques or to search into the background of the men they allowed to lead them."

Those convictions are offered by a Cuban citizen, Serafin G. Menocal, who spent 24 years with the Cuban Electric Company at Havana. Mr. Menocal, an electrical engineer, has served as President of the National Council of Boy Scouts of Cuba, Vice President of the National Electrical Engineers Association, Director of the Cuban Society of Engineers, President of the Lions Club of Camaguey and a member of the Rotary Club of Havana.

Mr. Menocal is now an executive in New York City and spends much of his time giving talks across the U.S.A. on the truth about the communist takeover of Cuba. His disclosures are most revealing. It is his message to Americans that we present on this broadcast.

There are many myths surrounding the so-called Cuban revolution which gave the rich island country to the communists. It would seem to be human nature that unpleasant things, like communism, only happen to the other fellow. Our familiar world is protected by our high traditions, our military power, our sound economy and our high educational standards. We are too sensible to be fooled by propaganda. At least that's the way many Cubans felt until disaster struck. Then it was too late.

One of the myths exploded by Cuban refugee, Serafin Menocal, is that Cuba was in need of a social revolution. Mr. Menocal reports, "That's not true. All that it really needed was a change of government administration by democratic means. It is known to the world how the communists took advantage of the motivations that existed among Cubans for the removal of Batista, and how the very small communist minority in Cuba, backed by the know-how and resources of internataional communism, quickly seized power and victimized the Cuban people."

Another myth about pre-communist Cuba was the claim that the standard of living in the country was very low. Facts prove the contrary. In 1958, Cuba held an outstanding economic position among the Latin American countries. In comparison with them, Cuba ranked third in annual per capita income, and first in TV broadcasting stations, in TV receivers, in motion picture attendance, and in percentage of national income invested in education. It rated second in the value of imports and exports and in radio receivers per capita. Cuba was third in the number of newspapers and magazines; in paper consumption; in telephones; in automobiles; and in per capita consumption of electric power.

In 1958 Cuba had one radio receiver for every 5 inhabitants; one TV set for every 20; an automobile for every 27; a telephone for every 28. Cuba consumed that year 32 pounds of lard and 73 pounds of meat per person, and had a daily consumption of 2,683 calories per capita.

The standard of living of the Cubans in 1958 was, of course, above that of Russia and almost on a level with the most advanced European countries. The Cuban peso was worth $1.00 before Castro—today it is traded for about 10¢ in the black market.

Another commonly accepted myth about Cuba is the charge of Yankee exploitation. However, hard facts disprove it. American capital did help Cuba to develop its resources, but as time went on, Cubans, whether owners, management or workers, increasingly came into control of the island's wealth. Cuban-owned sugar mills produced 22 per cent of the sugar crop in 1939 and 62 per cent in 1958; while American sugar mills produced 55 per cent of the annual crop in 1939 and only 37 per cent in 1959. And this happened in only 19 years.

The same trend towards prosperity was observed in banking and business in general. Statistics published by the International Labor Organizations in Geneva show that Cuban workers received 60 per cent of the gross national income, preceded only by workers in Great Britain with 74 per cent, the United States with 71.7 per cent and Canada with 58.5 per cent. These facts about the pre-communist economic conditions in Cuba prove that the bulk of propaganda exported by the communists to justify their revolution consists of distortions and outright lies.

True, Cuba—like all countries—had its poor, but it also had a large and growing middle class. Poverty, like wealth, is relative. In 1958, Cuba's standard of living was much higher than that of communist satellites and immensely superior to the standard of living prevailing in Cuba under communism today.

Just as Americans, Cubans had high ideals and traditions. They professed the Christian philosophy and religion was the center of much of their social and spiritual life. Politically, Cubans were proud of their liberty and the Constitution of 1940 with the popular mandate it embodied. But this was not enough.

Educationally, pre-communist Cuba had an extensive and advanced public school system in which education from primary schools to universities was available to everyone without discrimination of any kind. It was cheaper and easier to get a college education in Cuba than it is in the U.S.A. But this was not enough either to protect Cuba from communism.

The myth which has been accepted for far too long is that poverty, illiteracy and backward economy are the principal breeding grounds of communism. This is not so. It is time to rid ourselves of this dangerous and fictitious notion.

Cuba today is living proof that no nation is immune to communism because it is prosperous, because it has high ideals, or because of its high educational standards. The fact is that communism stems from ideas accompanied by planned strategic and tactical action designed to exploit human desires and needs. This is accomplished through the manipulation of people who are too busy with other affairs to recognize what is being done to them.

It was not the illiterate or the poor people of Cuba who were responsible for the Red takeover. It was a segment of the middle class, some of the intelligentsia and a group of wealthy men too absorbed in their own pursuits, and too sure of themselves to take the trouble to become well informed about communism or to take a more searching look at the men who sought to lead them.

The Cuban exile, Mr. Serafin Menocal, declares the Castro claim that the Cuban revolution was the work of the people is also a myth. Mr. Menocal sets the record straight in these words: "It was precisely the laboring classes and the agricultural workers, the two groups who are now represented as being the backbone of the revolution, who gave Castro very little support."

Mr. Menocal continued, "Organized labor was protected by some of the world's most advanced legislation, and attempts to promote a general strike, or significant local strikes, were unsuccessful. The agricultural workers were generally indifferent, except in the limited areas where they were either converted to, or terrorized into supporting Castro by the roaming or entrenched guerrillas.

"The people, not Fidel Castro, defeated Batista, but they turned to Castro as the symbol of what they expected to be a new life for Cuba—free elections and an end to political murder, torture, and repression. We all know now that Castro did not keep any of his promises, but on the contrary has enslaved the Cuban people. He betrayed his people."

Catsro's labor legislation has meant the enslavement of the workers, since a man who has no freedom to choose his employer is a slave, as is the case in all communist countries. In order to retain his job, a worker must appear to be loyal to the regime; if he is not, he and his family are doomed to starvation, unless they can leave the country and have the means to do so.

The Cuban worker has lost all his hard-won benefits. He now has to put in longer hours with no overtime pay; instead of wage increases, he must make various supposedly voluntary contributions, which, in effect, are additional taxes; he has lost his sickness benefits; he has no right to strike and no union to protect him.

As to the Cuban agricultural workers, which many American newspaper writers and radio-TV commentators have credited with being Castro's main support in his struggle with Batista, the well-known fact is that it was the middle classes who supported Castro, financially and otherwise.

This does not mean that the agricultural workers didn't help, but there is no question in the mind of the average Cuban that it was the resources and the money and the muscle of the middle classes that clinched the fight for Castro. It is now known that the communists masterminded and galvanized the opposition to Batista, without these classes knowing they were being so used.

Mr. Menocal outlines the lessons Cuban businessmen learned from the Castro betrayal: "We learned the hard way that businessmen cannot afford to remain aloof from politics. For instance, the by-laws and regulations of our trade associations prohibited members from discussing political issues. The businessman simply would not stoop to what he considered the low standard of politics. It's evident now he should have contributed to the improvement of such standards by taking an active interest in politics himself." Mr. Menocal continued, "We should have made sure that our contributions to education went only to institutions which fulfill their mission with full respect for the permanent values of a free society: civil rights, freedom of worship, respect for the family institution, moral integrity, love of country and respect for private property." Those were the words of a Cuban citizen, and a former Cuban executive now working in New York City, Mr. Serafin Menocal.

There is no insurance against communism in America. This is a risk against which only you and I can provide the necessary protection. The only way to fight communism is to acquire accurate knowledge about how it operates and what leads to it. Then we must put our knowledge to work for us by backing it with a portion of our energy and a portion of our resources.

One statement sums up the lesson to be learned from Cuba. It is not a new lesson, but every generation must re-learn it for themselves. It is that the cumulative results of what each of us chooses to think and do as individuals is what determines more than anything else the course of history in our time. Or, to put it more concisely in a statement attributed to for the triumph of evil is that good men neglect the problem and do nothing." All Americans must earnestly do all they can to push back the tide of communism which threatens every free nation of the Americas. It is not enough to be in agreement that a common evil threatens all of us. We must face up to the problem with resoluteness and determination. It is a challenge that calls for knowledge and intelligent positive action. Communists are willing to do whatever is necessary to achieve world conquest. Are we determined to stop them?

Until we meet again, remember these words spoken by Abraham Lincoln: "Tell the people the facts, and they will save the nation."

[From the Herald of Freedom, Oct. 18, 1968]

It's Time for a Change

The "$64 Question" to be asked of all candidates for national office this crucial year of 1968 is: "When is something going to be done about the Communist stronghold only 90 miles away in Cuba which threatens the security of the United States?" While the U.S. Government claims to be "fighting Communism" thousands of miles away in Vietnam, it seemingly ignores the missile buildup in the Communist-occupied island whose native inhabitants enjoy none of the "civil rights" our humanitarian clerics and politicians are always blabbering about. Since the "U.S. Government" is not an entity in itself but composed of "People" we have but to listen to and look at some of those "People" to see the reason why the sad state of affairs in Cuba and the danger it poses not to the "Government" of the United States but to the "citizens" of the United States are being concealed from the American public.

The bearded Communist dictator, Fidel Castro, came to power in January 1959. Earl E. T. Smith, Ambassador to Cuba from June 3, 1957 to January 20, 1959, when he resigned, testified under oath:

"The Bastista government was overthrown because of the corruption, disintegration from within, and because of the United States and in the various agencies of the United States who directly and indirectly aided the overthrow of the Bastista government and brought into power Fidel Castro. . . . Without the United States, Castro would not be in power today. I will put it as straight as that to you, sir."

Cuba is now "one vast concentration camp in which people are taken out of bed in the middle of the night and propped up against a wall and shot." This description was made by Paul Bethel, a U.S. Foreign Service officer who served in Cuba from 1958 to 1961. In sworn testimony he stated further: "Cuba is just a figure of speech right now, actually . . . (Russian Communists) control the postal system, they control the INRA, the national institute of agrarian reform . . . they control the communications. The Russians are just in control, period. . . . The Russians and the Communist Party, the central committee of the Cuban Communist Party (run the country.) . . . everything that the Russians have done since they moved into Cuba, and I mean moved in, in 1960 and 1961, has been military in nature. . . . What we have, really, is a base for the subversion of the entire world to expand Vietnam-type wars throughout the world, located right in Havana. . . . Among the Latin American Countries, certainly, Cuba is the only country that has a nuclear strike potential." This last statement shocked the Senate Internal Security Sub-committee counsel, Mr. Sourwine, who asked: "You think there are atomic warheads in Cuba?" To this Mr. Bethel answered: "There would be no other reason, it appears to me, to have missiles of the size and description . . . unless, indeed, they were capable of doing that. In fact, of course, they do. . . ."

Not only does Cuba have missiles poised to attack the United States, U.S. Army officials have testified that the Sentinel Anti-Ballistic Missile system could not protect us from any missiles that might be fired from Cuba, since it is too close; and that there are no other U.S. defensive systems to stop a missile attack from Cuba. Scientists estimated in 1962 that the missiles in Cuba could hit the U.S. mainland less than five minutes after launching.

There are reportedly in Cuba 43 guerrilla training camps which turn out an estimated 10,000 activists per year who are infiltrated back into their homelands. Among those trained and sent home are U.S. Negroes and whites. African Negroes are taught to act like Americans and sent along to do their part in the U.S. Negro Revolution. An article in the Miami Herald of October 5, 1968 stated:

"Fidel Castro had a hand in disorders that have rocked American campuses recently, a U.S. Senate subcommittee investigator claimed Friday.

"'Cuba's main export is subversion,' Al Tarabochia, a U.S. Senate internal security subcommittee investigator, told a gathering of detectives on Miami Beach.

"'Concentrated effort to foment subversion among professors, students and intellectuals in the United States has become one of the hottest items in Castro's bag of tricks,' claimed Tarabochia.

"'The universities of America are the most vulnerable soft spot of the nation and it is there that the Communists are aiming their blows,' Tarabochia charged in an address to a regional Law Enforcement Intelligence Unit conference.

"He claimed a Havana-based leftist group called the Continental Organization of Latin American Students had planned campus disorders in the U.S. and Latin America.

"He said a steady stream of leftist U.S. students have been visiting Cuba and added that 'only recently 42 more members of Students for a Democratic Society arrived in Cuba, and as far as I know they are still there.'"

Subversion is exported through the air waves as powerful radio stations in Cuba beam exhortations to "revolt." An article by Paul Bethel stated: "The April campus riots were, for the most part, treated by our press as local stories triggered by local grievances. But the fact is that in virtually every instance the riots began or reached their peak in response to a Communist call from Havana which designated April 21–28 (1968) as the 'week of solidarity with Viet Nam,' which is to say a week of riots against the U.S. war effort.

"On April 22, Havana's Radio Liberation gave out the following exhortation: 'The Committee for Student Mobilization to End the War in Viet Nam has ordered a student strike in the United States . . . demonstrations are the culmination of months of preparation and negotiation among the many left-wing and liberal groups that sponsor those demonstrations.'

"The following day, Students for a Democratic Society seized and held Hamilton Hall at Columbia University in New York City. This was unsurprising since Mark Rudd, head of SDS, had completed a three-week visit to Cuba . . ." Three complexes of transmitters broadcast round-the-clock instructions for revolution and sabotage. Castro's official newspaper, "Granma," is sent each week by the thousands to every U.S. campus and every pressure group and militant organization. J. Edgar Hoover recently testified:

"Experienced operatives utilizing Soviet tactics are actively engaged in a continuing program of recruiting Cuban agents in this country. . . . The stepped-up Cuban espionage program has been able to draw from the large reservoir of Cuban refugees who, between December, 1965 and December, 1967, have entered the United States at the rate of over 3,700 a month . . . the Cuban regime has redoubled its efforts to utilize this humanitarian refugee channel as a means of infiltrating trained agents into this country."

F.B.I. Director J. Edgar Hoover has warned in his September bulletin that during the last six months' silence by President Johnson on the subject of Cuba, revolutionaries from Cuba have been infiltrating this country and heading for college campuses and that instructions have been coming nightly from Radio Station Havana. A local newsletter noted that Johnson's Austin, Texas, radio station, KTBC and Havana Cuba are on the same wave length and that at night the power on the Austin station is cut back drastically, thus giving Havana Radio use of the air waves for its propaganda.

According to the American Security Council's Washington Report, "The core of the Castro subversives in the United States is the anti-Batista apparatus established here between 1952 and 1959. When Castro came to power, his first trip was to the U.S. and Canada where he re-organized this anti-Batista group and weeded out those dedicated members who were also anti-Communist.

"Initially, Havana's underground in America was based in Chicago and Detroit and used Windsor, Ontario and other Canadian border points as contact centers for the transmission of money and intelligence information.

"Now the 'Cuban Power' network is set up in New York, Miami, Baltimore, Washington, New Orleans and Tampa as well.

"Its directives generally come through the Cuban U.N. Delegation headquarters in Washington, some messages are funneled to Castro's operatives from the Cuban delegation that participates in meetings of the U.N. World Health Organization. . . .

"Castro is reaching into the heart of America, training guerrilla fighters for the war in our streets, stimulating unrest and popularizing violence from ghettos to campuses, and posing a new and increasingly serious naval and missile threat to our national security."

Cuba, now a Communist stronghold and sanctuary, a seat of subversion from which trained agents operate throughout the world, and especially in Latin America and the United States, presents a clear and present danger to the future of the United States. How did this all come about?

In 1948 a meeting was held in Bogota, Colombia, for the purpose of the formation of the Organization of American States. At approximately this time there also occurred a Communist instigated, controlled and directed insurrection and attempted revolution. Present in Bogota at the time of the conference and the revolution were two U.S. diplomats, William Wieland and Roy Rubottom. The U.S. Army Military Intelligence (G–2) prepared a report which detailed the Communist background and activities of one of those involved in the insurrection . . . a certain Fidel Castro. A copy of this intelligence report was handled by an officer of the U.S. Military Attache's office to William Wieland at this time, 1948. As a precautionary measure William Wieland was asked to sign his name attesting to the fact that he had received the report.

Wieland had been in charge of the Office of Caribbean Affairs at the Department of State. Hearings held by the Senate Internal Security Subcommmittee disclosed that he had blocked reports coming in from U.S. diplomatic offices in Havana and Mexico City concerning Fidel Castro and the fact that his revolutionary movement was Communist controlled. Wieland had been in the employ of the U.S. Embassy in Bogota in 1948 at the time of the Communist-inspired insurrection there. Before coming into the State Department Wieland had been employed by the Havana Post and had been discharged "for cause" by the owner. Intelligence agencies reported that Wieland, who was also known as "Montenegro," had engaged in abnormal sex activities and had maintained contact with a suspected Soviet KGB agent known as "Sonya."

After Wieland's discharge from the Havana Post, he was reportedly employed by the Associated Press on the recommendation of U.S. Acting Secretary of State Sumner Welles, reported many times as a practicing homosexual. A former employee of the State Department who worked with William Wieland at the American Embassy in Brazil had reported Wieland as being friendly with Fidel Castro and the U.S. Ambassador in Brazil was reported as having considered Wieland a dangerous and irresponsible leftist whom he tried to have removed but was overruled by "higher authority." Wieland was until recently in the employ of the State Department and was defended against charges of being a "security risk" by the late JFK personally.

Sen. Strom Thurmond puts the Wieland case in context when he says in his new book, "The Faith We Have Not Kept."

"The Wieland case brought about the first confrontation between Otepka (then Chief of State Department Security-Ed.) and his superiors. In August, 1961, Otepka completed an extensive summary and analysis of various charges against Wieland, including the allegation that Wieland was the recipient of significant intelligence information indicating that Fidel Castro was a Communist, but that he, Wieland, had concealed that information. The summary was important enough for Otepka to recommend that the Foreign Service should determine whether Wieland had been guilty of misconduct. . . .

"In January 1962, a newspaper reporter questioned President Kennedy about Wieland, whom the reporter described as a security risk. . . . Immediately thereafter Otepka was instructed in writing to issue a security clearance for Wieland. . . .

"However, in February 1962, Otepka developed new evidence indicating that Wieland had made false statements with respect to the number of times he had personally met with Castro. Otepka recommended that the case be reopened, reinvestigated, and readjudicated. His recommendation was ignored."

According to Sen. Thurmond, a few months later the Senate Internal Security Subcommittee pointed out the following violations of regulations and good sense in the Wieland case:

"1. Wieland was appointed to a position at the State Department for which his qualifications were highly doubtful—at a salary more than twice what he was making as a civilian.

"2. Wieland was appointed without any security check.

"2. Wieland's appointment was effective even before he filled out an application form.

"4. Wieland falsified his job application by omission.

"5. When Wieland later filled out an expanded personal history form, he falsified that by direct misstatement . . . ."

Robert C. Hill, U.S. Ambassador to Mexico from 1957 to January 3, 1961, testified under oath that he had tried to inform the State Department of Castro's Communist connections but got nowhere and finally in desperation tried to get the information to Dr. Milton Eisenhower when he made a trip to Mexico, accompanied unfortunately by Wieland. Because Wieland denied that Castro was a Communist every time Hill tried to discuss the situation with Eisenhower, he decided to ignore the warning since it was causing an argument. Mr. Hill testified that there was so much information available on Castro and communism "that it grew rather tiring reading about it." He also testified as to the person he felt "must bear the responsibility as the chief architect of the Cuban disaster." He placed the blame squarely on Ambassador to Cuba Philip W. Bonsal who succeeded Ambassador Earl Smith, being nominated by President Eisenhower January 21, 1959 and confirmed by the Senate February 16, 1959. Castro who became "Premier" in February 1959, found Bonsal as "acceptable" as Smith had been "unacceptable." Castro's appraisal of Bonsal was that he was "friendly, cordial and knowledgeable about Cuba. A good ambassador." Bonsal, upon arriving in Havana in February, 1959, at once walked up to one of Castro's bearded rebels, shook his hand, and expressed admiration for the courage of the Cubans in their revolution. He showed no interest in the fact that the rebels had seized the American-owner Cuban Telephone Company and considered requests for extradition of Cuban refugees to be tried as "war criminals."

In April 1959 an Ambassadors' Conference was held in San Salvador. Ambassador Hill was required to attend along with the other ambassadors. Mr. Hill testified before the Senate Internal Security Subcommittee as follows: "My opinion was that the meeting was designed to set the policy of patience and forbearance in dealing with Mr. Castro. .

"I took issue with Ambassador Bonsal, because I felt that, despite his excellent presentation . . . that patience and forbearance in dealing with a Communist would lead to disaster for the United States. . . . I wanted the record to show that I was 100 percent in disagreement."

Bonsal was quite annoyed at Ambassador Hill and reportedly said to him: "If you cannot be a team player, why not resign?" Mr. Hill also testified concerning a conversation Bonsal had with Ambassador Whelan after the El Salvador conference which went as follows: "Mr. Ambassador, I noticed that you did not join in support of Ambassador Hill regarding his position on Castro. You have influence in the Republican National Committee. I hope you will utilize that influence to get rid of Hill."

Much plotting went into the overthrow of Batista and the installing of Castro in his place. More plotting went into the handling of the "planned fiasco," the Bay of Pigs invasion of Cuba by anti-Castro patriots; and more plotting went into the "Cuban Confrontation" which resulted in that "victory" for the United States by which Castro is secure from attack in his Communist fortress. The Kennedy-Khrushchev agreement in October 1962 provided for the removal of the missiles, which Kennedy finally had to admit were there, in exchange for the U.S. dismantling of overseas bases in Turkey and Italy and the U.S. guarantee of protection of Castro from invasion. No such formal agreement was published but this is what it amounted to, except for the fact that the missiles are still there and increasing in number and strength all the time. We are adhering assiduously to our end of the bargain, however, as U.S. boats patrol the waters between the U.S. and Cuba and prevent even the small pathetic attempts of Cuban patriots to do some damage to Castro. Boats equipped with much sacrifice on the part of the Cubans are promptly seized and the owners are officially informed: "Seizure was made under the provisions of Title 22, United States Code, Section 401 as it was established that this vessel was to be used on raid against a country with whom the United States is at peace. The vessel is subject to forfeiture."

It has sadly dawned upon the many Cuban patriots awaiting the help of the U.S. Government in the liberation of their homeland that this is just not going to happen under the present power structure. Castro was aided into power by the U.S. Government and the N.Y. Times (Herbert Matthews reporter). This happened during the Eisenhower Administration. During the Kennedy Administration, the Castro dictatorship was consolidated and strengthened with U.S. Government help. During the Johnson Regime the Soviet build-up of missiles and use of Cuba as a training ground for revolutionaries has been completely ignored while the Cuban exiles have been made more and more helpless.

The unfortunate experiences of Jose Miro Cardona, who was President of the Cuban Revolutionary Council, were related in his letter of resignation dated April 9, 1963. He had been forced to deal with Richard N. Goodwin, whom he found "evasive"; McGeorge Bundy who was "courteous but cold;" and Adam Yarmolinsky with the "attendance of Mr. Robert Hurwitch" . . . who held a meeting with the Cubans in which they requested "with extraordinary urgency, the massive incorporation of all Cubans of military age." This was at the time of the "Missile Crisis" when the Cubans were prepared to take action but Kennedy backed down, thereby winning his "victory."

The Cubans are terribly disillusioned with the U.S. Government and it seems that many Americans feel the same way. It truly is time for a change.

[From the American Opinion, January 1971]

NO INTELLIGENCE—A WORRIED LOOK AT THE CIA

(NOTE.—Frank A Capell is a professional intelligence specialist of almost thirty years' standing. He is Editor and Publisher of the fortnightly newsletter, The Herald of Freedom, has contributed to such important national magazines as The Review of the News, and is author of Robert F. Kennedy—A Political Biography, The Untouchables, and other books of interest to Conservatives. Mr. Capell appears frequently on radio and television, lectures widely, and never fears controversy. He lives in New Jersey, is an active Catholic layman, and father of seven sons.)

The Central Intelligence Agency was established in 1947 after its wartime predecessor, the Office of Strategic Services (O.S.S.), was exposed as thoroughly infiltrated by the Communists. Let me examine some of that O.S.S. personnel.

In 1948, former Communist spy Elizabeth Bentley appeared as a witness before the House Committee on Un-American Activities. On Page 529 of the formal report of these Hearings is the record of Miss Bentley's testimony about intelligence she received from Comrades inside O.S.S. while she was operating as a Soviet courier:

"All types of information were given, highly secret information on what the OSS was doing, such as, for example, that they were trying to make secret negotiations with governments in the Balkan bloc in case the war ended, that they were parachuting people into Hungary, that they were sending OSS people into Turkey to operate in the Balkans, and so on. The fact that General Donovan [head of O.S.S.] was interested in having an exchange between the NKVD [the Soviet secret police] and the OSS."

That's right, O.S.S. and the N.K.V.D. were working very close indeed.

When asked what kind of information Communist O.S.S. operative Maurice Halperin gave her to be forwarded to the Soviet Union, Miss Bentley testified: "Well, in addition to all the information which OSS was getting on Latin America, he had access to the cables which the OSS was getting in from its agents abroad, worldwide information of various sorts, and also the OSS had an agreement with the State Department whereby he also could see State Department cables on vital issues." Halperin was Chief of the O.S.S. Latin Amerian Division at the time when, as Miss Bentley has sworn, he was one of her contacts in a Soviet espionage ring.

Carl Aldo Marzani was Chief of the Editorial Section of the O.S.S. Marzani has been several times identified under oath as a member of the Communist Party. Using the most highly classified information, he supervised the making of charts on technical reports for higher echelons of the Army, the Navy, the Joint Chiefs of Staff, and the O.S.S. Comrade Marzani made policy decisions and was a liaison officer between the Deputy Chief of Staff of the Army and the Office of the Undersecretary of War.

When questioned before a Congressional Committee, Irving Fajans of O.S.S. took the Fifth Amendment rather than admit to his Communist Party membership and long history of activities on behalf of the Soviets. Comrade Fajans was a key O.S.S. operative despite the fact that he was known to have been a member of the Communist Party and to have served in the Communists' Abraham Lincoln Brigade in Spain during the years 1937–1938.

Robert Talbott Miller III was another contact of Soviet courier Elizabeth Bentley. An O.S.S. employee assigned to the State Department, he was Assistant Chief in the Division of Research. On a trip to Moscow, Comrade Miller married a member of the staff of the *Moscow News*.

Leonard E. Mins, a writer who had worked for the International Union of Revolutionary Writers in Moscow and written for *New Masses*, was also on the staff of the top secret O.S.S. Comrade Mins took the Fifth Amendment rather than deny his past and present membership in the Communist Party. He refused to deny that he was a Soviet agent even as of the day he was questioned by a Congressional Committee.

Philip Keeney of O.S.S. was treasurer of the Committee for a Democratic Far Eastern policy, a cited Communist Front which was active in promoting Communism in China. Both Keeney and his wife, Mary Jane, invoked the Fifth Amendment when questioned about their many Communist activities. Philip Keeney was chief researcher for the United States Coordinator of Information, assigned to the O.S.S.

Donald Wheeler of O.S.S. was another Communist underground contact identified by Elizabeth Bentley as being actively engaged in espionage for the Soviet Union.

When questioned under oath before Congressional Committees, Milton Wolff of the O.S.S. took the Fifth Amendment rather than admit his past and present membership in the Communist Party. He, like O.S.S. Comrade Fajans, had been a member of the Abraham Lincoln Brigade and fought with the Communists in Spain. After the War he became National Commander of a Communist Front called the Veterans of the Abraham Lincoln Brigade.

George S. Wuchinich of O.S.S. was also identified in sworn testimony before Congressional Committees as a member of the Communist Party. Given the opportunity to deny it, he too took the Fifth Amendment.

Jane Foster Zlatovsky was an identified Soviet agent, married to a well-known Communist who had fought for the Communists in Spain. She was nonetheless recruited by O.S.S., and while in a key position supplied top secret information to Soviet Intelligence. On June 8, 1957, a federal Grand Jury in New York indicted Mrs. Zlatovsky and her husband on charges of espionage for the Soviet Union. As is so often the case when our government finally decides to prosecute, the defendants were permitted to slip out of the country. The indictment against the Zlatovskys showed they had turned over to Soviet agents important U.S. defense secrets, including the names and backgrounds of anti-Communists in the American intelligence services.

Exactly how many such Communists and Soviet agents were in key positions in the O.S.S. is unlikely ever to become public. Elizabeth Bentley testified that there were at least two other Soviet espionage rings operating within the U.S. Government which were never exposed. What is known is that, when the heavily infiltrated O.S.S. was dissolved, O.S.S. employees went directly into the Central Intelligence Agency.

Lyle Munson, an anti-Communist who served in both the O.S.S. and the C.I.A., has observed that the American public "has logically assumed that the operational arm of the C.I.A. was a hard-hitting and militantly anti-communist organization, since the only avowed enemies of this country are the communists." This, he tells us, "has proved to be a tragic misconception," the truth being that "the operational arm of the C.I.A. has been the haven for more left-of-center dreamers, social climbers, draft-dodgers, do-gooders, one-worlders and anti-anti-communists than any other single department or agency in Washington."

Little is revealed about the actual structure of C.I.A. The Director and Deputy Director of the Central Intelligence Agency are appointed by the President with the advice and consent of the Senate. Coordinating the intelligence activities of the several government departments and agencies, the C.I.A. operates as an arm of the National Security Council, now under the thumb of Henry A. Kissinger. The United States Government Organizational Manual describes its official duties as follows:

"1. Advises the National Security Council in matters concerning such intelligence activities . . . as relate to national security. 2. Makes recommendations to the National Security Council for the coordination of such intelligence activities . . . 3. Correlates and evaluates intelligence relating to the national security, and provides for the appropriate dissemination of such intelligence within the Government . . . 4. Performs, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines . . . 5. Performs such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct."

All of which sounds rather vague. It is supposed to. A look at some specifics over the last decade may prove more enlightening.

When the Eisenhower Administration gave way to that of John F. Kennedy, plans were already being made under the direction of Whiting Willauer, the C.I.A. planner who had engineered the successful overthrow of the Communist Government of Guatemala, to organize an invasion of Cuba and oust the Communist regime of Fidel Castro. The Cuban operation was taken out of Willauer's hands without explanation and turned over to William Bissell, an intimate of White House advisor McGeorge Bundy. The result was orchestrated disaster at the Bay of Pigs. The C.I.A. *Insiders* who had assisted Castro in capturing Cuba in the first place were now fully in control. They were immediately successful in sabotaging the invasion and formally securing their man in Havana. It was the culmination of a move dating back to the first efforts of subversives at C.I.A. to eliminate Cuban President Fulgencio Batista by assassination.

Early C.I.A. involvement in the sellout of Cuba is described by Cuba authority John Martino in his highly informative book I Was Castro's Prisoner. There Mr. Martino reports as follows:

"In addition to being ultra-liberal in their political thinking, some CIA men were implicated in a series of conspiracies to murder President Batista, supposedly a friend of the United States, and to overthrow his regime. There was a scandalous involvement of this sort in the so-called Cienfuegos Naval Conspiracy, an assassination plot against the Cuban Chief Executive.

". . . a CIA man named Earl Williamson met with some of Fidel Castro's agents and supporters at the Retiro Odontologico, a dentists' building. Without the knowledge or approval of American Ambassador Smith, Williamson stated that the United States would recognize the Castro Government as soon as the Rebels overthrew Batista. There was also some discussion of the arms which the CIA was giving Castro surreptitiously.

"Williamson's remarks were recorded on tape and given unofficially to Ambassador Earl E. T. Smith."

American Ambassador Smith had Williamson sent home, but his machinations on behalf of a Communist takeover of Cuba were apparently a part of his job as he continued in C.I.A. service within the State Department and was sent to Madrid and then to San Jose, Costa Rica, where he is now operating.

The C.I.A. not only helped Castro to power, it sabotaged every effort by Cuban patriots to win back their country. Again, John Martino comments:

"The abandonment of the Cuban underground may have been the result of cumulative blunders, but, to the Cubans in prison and the Cubans abroad, it had the reek of treason. A thorough investigation of what happened would seem to be an elementary act of justice toward those who died because of what the CIA did and because of what the CIA failed to do."

Haynes Johnson, author of the Bay of Pigs, also concludes that responsibility for the sellout of Cuba must rest with the Central Intelligence Agency. He says the betrayal at the Bay of Pigs was so carefully arranged that later there was no way for Cubans drawn into the project to prove they had been promised anything at all. "In American terminology," Johnson says, "they were left holding the bag." Martino confirms this from his interviews with fellow prisoners inside Castro's political prisons:

". . . I learned about the men who were supposed to have been alerted by the CIA so they could leave Havana immediately before the invasion and proceed steathily to the Escambray Mountains, there to organize guerrilla warfare. There were only two things wrong with this operation. They were never told that the invasion was coming and somebody, presumably somebody inside the CIA, betrayed the names of these Cubans to the G–2. The result was wholesale executions. In one instance, three brothers were shot.

"Another instance. A man had been dropped into Cuba by the CIA to organize an underground. He recruited a guerrilla band and went into action. Then his radio contact with the United States evaporated into thin air. He was given no orders, no arms, no supplies, no contacts with other groups. Isolated in a hostile police state, he tried to encourage his men to rely on prayer. He too was captured."

The same *modus operandi* was used shortly after World War II when anti-Communist Albanians were "supported" by C.I.A. in efforts to free that country from the Communists. The mastermind of the Albanian betrayal was Kim Philby, who had been assigned by the British to help America organize C.I.A. The Central Intelligence Agency was at the time cooperating in a joint British-American project to bring about a general uprising behind the Iron Curtain. Philby, later revealed to have been a Soviet agent, was selected by C.I.A. to coordinate the operation.

In the summer of 1949 a "committee of free Albanians" was formed in Italy, and in the spring of 1950 they were shipped in small groups through Greece and over the mountains into Albania. Kim Philby had drafted detailed plans whereby some were to go to their homes, others to designated points of rendezvous. Within a month, half of the infiltrators were either killed or captured. Those who sheltered them were butchered.

A few of these operatives managed to escape back over the mountains to Greece, knowing they had been betrayed but not knowing that Soviet agents in C.I.A. had seen to it that the Communists had advance knowledge of their every move. The technique of encouraging an uprising and then withdrawing support has been used again and again to identify and destroy enemies of the Communists. The people of Hungary, East Berlin, Poland, and Czecho-Slovakia—all spurred to premature revolt by promises of American aid which was never forthcoming—are only too well aware of how C.I.A. cooperates in such efforts.

The pro-Communist bias of the Central Intelligence Agency is even more obvious in the role it played in the assassination of anti-Communist President Rafael Trujillo of the Dominican Republic. As Norman Gall revealed in "How Trujillo Died," an amazing admission against interest which appeared several years ago in the "Liberal" *New Republic:*

"The assassination of the Dominican Republic's Rafael L. Trujillo was carried out with assistance from the U.S. Central Intelligence Agency. Arms for . . . slaying . . . the 69-year-old dictator . . . were smuggled by CIA into the country at the request of the assassins, according to highly qualified sources I interviewed in Santo Domingo shortly after the collapse of the Trujillo rule.

'The CIA began shipping guns to the Dominican Republic in late 1960. . . .

"The key link between the assassins and the CIA in the arms shipment was a longtime American civilian resident of Ciudad Trujillo . . . who operated a supermarket in a fashionable neighborhood where Trujillo also lived. . . .

"Weapons were imported in small parts, to be assembled later by the plotters, among the routine grocery shipments for the supermarket arriving regularly in the capital's port. . . ."

Arturo Espaillat explains in *Trujillo: The Last Caesar* that "The arrival of weapons from the Government of the United States was, for the plotters, tangible evidence that the might of the United States was behind them. Without that support there would simply have been no conspiracy. Trujillo had put together a powerful political-military machine which could only have been destroyed by intervention from the outside world." And the State Department had decreed that Rafael Trujillo, our most reliable anti-Communist ally in the Caribbean, must die. The C.I.A. did the job.

It also arranged to do the job when the Diems of South Vietnam were no longer useful. In fact the Reverend Paul D. Lindstrom of the "Remember The Pueblo Committee" has determined from a high-ranking government source that a C.I.A. official involved in setting up the recent Green Beret assassination case was also neck deep in the 1963 execution of the Diem brothers. This C.I.A. officer was, in fact, identified as a Soviet espionage agent by Colonel Michal Goleniewski, a top defector from Polish Intelligence, in hearings before a C.I.A. review board.

The Goleniewski case is a fascinating one. The Colonel had been cooperating with the United States by supplying information from behind the Iron Curtain. When his own information began coming back to him in his capacity as a high official of the Communist Secret Police, he realized he would soon be exposed and escaped from Warsaw, via Berlin, to the United States.

Shortly after his arrival in this country, Goleniewski was scheduled for a debriefing conference with the C.I.A. When he entered the room he recognized one of the C.I.A. agents present as an undercover operative for the Communists and, under a pretext, refused to talk. There was plenty to say—but to whom?

It was Goleniewski who exposed an American Embassy official in Warsaw who had been a Soviet agent for eighteen years. This man was Edward Symans. Yet, in spite of his exposure, Symans was not prosecuted but allowed to retire on a federal pension. Edward Symans was an agent of C.I.A.

Colonel Goleniewski disclosed the presence of nineteen Americans working in important capacities for the Soviet Secret Police—twelve in the State Department at least four in C.I.A., and three in U.S. scientific laboratories "with ties to others in the same category." He identified several hundred K.G.B. operatives in Europe and the United Kingdom—including such top agents as George Blake, John Vassall, Israel Beer, Gordon Lonsdale, and Stig Wennerstroem. All were important figures in the Soviet espionage apparat. The Europeans were prosecuted by their governments; the Americans were not.

Vaba Eesti Sona, a New York foreign language newspaper, carried a most revealing article concerning Colonel Goleniewski in its issue for March 5, 1964. The following excerpt was translated for our use by the Library of Congress on November 6, 1970:

"Former Polish intelligence man Michal Goleniewski, who together with his German-born wife defected to the West and since 1961 has resided in the USA, has given US authorities valuable information about Russian espionage against the USA. In closed hearings of the Special Congressional Committee on Tuesday, he gave more new and sensational information while exposing four US diplomats. . . . The diplomats retained responsible positions at the embassies and the State Department, and their "contribution" has been used by Moscow for several years. . . .

"Goleniewski has given the names of . . . secret communists who succeeded in obtaining responsible positions in US Government agencies. Some of them are even employed in intelligence. One . . . was a CIA worker . . . on duty in Vienna. He managed to give 1.2 million dollars to the Communist parties in the USA, Italy, and elsewhere from the money assigned for US counter-intelligence. He [Goleniewski] further disclosed the names of three scientists who are working for the benefit of Russian espionage. Supposedly there are many more such scientists, but he did not know their names.

"Russian KGB (NKVD) agents have successfully infiltrated many US embassies. Only the FBI is not infiltrated by communist agents, according to Goleniewski, or if there are any there, their names are not known to him.

"After questioning Goleniewski the Special Congressional Committee hurriedly took the necessary steps and ordered an investigation of about 300 persons employed by the diplomatic services. . . . Goleniewski has . . . accused the CIA of concealing the fact that some diplomats and officials were working for the benefit of the KGB. . . ."

That Colonel Michal Goleniewski knew what he was talking about is beyond question.[1] Certainly C.I.A. support of Communist interests is so shockingly aggressive that even American "Liberals" have been known to find it offensive.

In February of 1967, for instance, the *New York Times* expressed shock at revelations that the C.I.A. had been covertly financing radical students, academics, researchers, journalists, entire businesses, and legal and labor organizations at home and abroad. It was revealed in the *New York Times* for February 18, 1967, that literally millions of dollars had been channeled by C.I.A. through tax-free foundations to such radical Leftist organizations as the National Student Association, the International Union of Socialist Youth, the Internatonal Confederation of Free Trade Unions at Brussels, the American Newspaper Guild, and others.

The international operations of the American Newspaper Guild, alone, were financed by the C.I.A. to the tune of millions. This is disturbing since the Guild was thoroughly dominated by Communists throughout the Thirties and has remained a force for radicalism in the American mass media. It was organized by Heywood Broun, described by *Reader's Digest* senior editor Eugene Lyons as a "literary trigger man" for the Communists. Former General Secretary of the Communist Party Benjamin Gitlow testified under oath that "Broun was understood by domestic Communists to be carrying out Kremlin policies in the newspaper unions."

The C.I.A. turned a million dollars over to Charles A. Perlik Jr., secretary-treasurer of the American Newspaper Guild, who deposited it in a special "international affairs fund." The Guild's international activities are carried out by the International Federation of Journalists in Brussels, and the Inter-American Federation of Working Newspapermen's Organization in Panama City. The latter, an organization which ignores anti-Communist journalists, received direct C.I.A. grants totaling $1 million.

Beginning in 1958 the American Federation of State, County and Municipal Employees also fronted international operations which were financed by the C.I.A. Arnold Zander, former president of the Federation who subsequently became president of the radical United World Federalists, a group openly dedicated to the destruction of American sovereignty, admitted that by 1964 the C.I.A. was putting $60,000 per year into the operation through one of its "dummy" conduits, the Gotham Foundation of New York. This money was in turn funneled into unions representing members of the public bureaucracy at all levels in governments throughout the world—especially in Africa and Latin America. Given Zander's commitment to the Far Left, the purpose of this operation is entirely too obvious. As we shall see, the man who cleared these funds inside C.I.A. was a former president and founder of the United World Federalists.

The International Confederation of Free Trade Unions at Brussels is another group which has been on the take for C.I.A. millions. This while its activities in Algeria, Mali, Guinea, and Ghana were instrumental in turning those countries over to the Communists. A key international labor operative was Jay Lovestone of the United States.[2] He

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Footnotes at end of article.

was a founder of the Communist Party, U.S.A., and editor of the Party newspaper, *The Communist*. Mr. Lovestone was a member of the Central Executive Committee of the Communist Party until his contention that Comrade Trotsky was a better disciple of Marx than Comrade Lenin resulted in his "expulsion" from the Party—permitting him to promote the "Marxism" of Trotsky without the stigma of Party membership.

Commenting on Lovestone's efforts for the I.C.F.T.U. on behalf of the Communist F.L.N. in Algeria, Hilaire du Berrier wrote in 1962: "When F.L.N. control of Algeria results in the inevitable consequences—Communist outflanking of Europe, Red control of the Mediterranean, and a wave of racial violence that will spread to the Near East—doubts as to Mr. Lovestone's break with Communism will increase."

The C.I.A.-financed International Confederation of Free Trade Unions finally became so well known for what it is that A.F.L.-C.I.O. President George Meany announced in February 1969 that he was withdrawing affiliation. The *New York Times* of February 21, 1969, reported he gave as his reason that "the A.F.L.-C.I.O. had no intention of maintaining contacts or relations with 'so-called unions' in the Soviet Union that are currently headed, he said, by Aleksandr Shelpin, former chief of the Soviet political police."

It was in 1958, says the *New York Times*, that the M.D. Anderson Foundation of Houston began to receive funds from such C.I.A. "dummy" conduits as the Gotham Foundation, Borden Trust, the Beacon Fund, the Price Fund, the Tower Fund, Williford-Telford Fund, and the San Miguel Fund. The amount received just happened to match the amount it passed on to the American Fund For Free Jurists, Inc., a radical group now called the American Council for the International Commission of Jurists, whose principal officer is Eli Whitney Debevoise, law partner of Francis T.P. Plimpton, U.S. Delegate to the United Nations and an intimate of Adlai Stevenson.

The Hoblitzelle Foundation of Dallas, Texas, one of whose trustees was Federal Judge Sarah T. Hughes, who administered the oath of office to President Johnson following the assassination of President Kennedy, began making major C.I.A. grants in 1958 to the International Cooperative Development Funds and the Congress of Cultural Freedom. The latter subsidized a Socialist magazine in Britain called *Encounter*.

Another Texas foundation, the Hobby Foundation of Houston, also received money from C.I.A. fronts which it passed along to designated radical groups. Mrs. Oveta Culp Hobby, chairman of the foundation, was Secretary of Health, Education and Welfare in the Eisenhower Administration. While in that post her assistant was the wife of top C.I.A. man Thomas W. Braden. Among the organizations to which the Hobby Foundation delivered C.I.A. money were the American Friends of the Middle East ($50,000 in 1963, $75,000 in 1964, and $50,000 in 1965), Fund for International Social and Economic Education ($50,000 in 1963, and $100,000 in 1964 and 1965), and the pro-Communist Foreign Policy Association.

Two names emerged at the time of the "scandal" concerning all of this secret C.I.A. financing which have loomed larger on the national scene within the past year. One was that of Sam Brown, who was in 1967 a "student spokesman" and chairman of the supervisory board of the National Student Association. He has since associated himself with the Presidential campaign of Senator Eugene McCarthy and was much publicized as the coordinator of the pro-Communist "Vietnam Moratorium" who declared that "the United States is now the great imperialist-aggressor nation of the world" and called for a Vietcong victory. Brown was then a Harvard divinity student. When the story broke, he said he was "shocked at the ethical trap young men of great integrity were placed in" by the C.I.A. Until the exposé, however, there is no record that Sam Brown ever complained about the subsidies which had for fifteen years been supplied by C.I.A. to support the radical activities of the National Student Association on whose supervisory board he served.

On February 14, 1967, U.P.I. reported that since the early Fifties some $3 million had been poured by C.I.A. into the National Student Association. In short, C.I.A. had picked up the tab for up to eighty percent of N.S.A.'s expenses since 1952. This is the same National Student Association which during that same period had urged that Communists be allowed to teach in the public schools; condemned the maintenance by the U.S. Attorney General of a list of subversive organizations; demanded that Communist literature be made available on campus to college students and teachers; called for abolition of the House Committee on Un-American Activities; rejoiced at the Communist takeover of Algeria; urged U.S. sponsorship of the admission of Red China to the U.N.; extended hospitality at its 1962 convention to the Communist party, U.S.A.; allowed distribution by S.D.S. of Communist literature at the 1965 N.S.A. Congress; and even demanded repeal of the Internal Security Act. This is only a partial listing. The Communist causes pushed by N.S.A. with that $3 million from the Central Intelligence Agency would, if fully listed, fill the next three pages.

Another "student spokesman" financed by C.I.A. was Gloria Steinem, now identified with the Communist-inspired Women's Liberation Movement. Along with Comrades David Dellinger, Arthur Kinoy, and Pete Seeger, she is now a national sponsor of the Committee To Defend the Panthers. Gloria, however, was not "shocked" at the idea of using C.I.A. money to support radical causes. In fact she said that she had welcomed it and worked gladly for a C.I.A.-financed operation originally called the Independent Service for Information on the Vienna Festival, later renamed the Independence Research Service. This outfit had headquarters in Cambridge, Massachusetts, and concentrated on disseminating information about the Communist Youth Festival at Vienna in 1959.

Miss Steinem continued as a full-time employee of this C.I.A. front until after the Communist Youth Festival in Helsinki, Finland, in 1962. Through her efforts over a hundred young American radicals were recruited to attend the Communist Vienna Festival, and before the Helsinki Festival the group again recruited young teachers, lawyers, scholars, linguists, and journalists to attend. She described them as mostly "very liberal Democrats." Which has *got* to be the euphemism of the year.

The secrecy necessary for its operations has made C.I.A. a perfect haven for employing as well as subsidizing subversives. As the *New York Times* observed in its issue for March 30, 1967:

> *In the late 1940s and early 1950s many liberals who wished to serve their country found in the CIA not only a personal haven, safe from the onslaughts of McCarthyism, but also an opportunity to bring to bear on the problems of the cold war a realistic and liberal understanding of the pluralism of emerging countries.*

Yes, American history *is* replete with examples of how "Liberals" afraid of McCarthyism serve their country. They are typified by the man at C.I.A. who was in charge of covertly subsidizing N.S.A. and a long list of other Leftist causes and organizations. That man's name is Cord Meyer Jr. He has been described by the *New York Times* as a "hidden liberal," submerged for sixteen years "in the anonymity of the Central Intelligence Agency," but is said to be well known in Washington's social and intellectual circles. The revelation of Cord Meyer's role came as a surprise even to his friends, one of whom is quoted by the *Times* of March 30, 1967, as observing: "He was not the C.I.A. type. He was a world government man." That friend knew Meyer, all right, but he did not know C.I.A. The *Times* adds that "at age 47, Mr. Meyer seems no less dedicated to the C.I.A. than to world federalism."

Cord Meyer's association with the Central Intelligence Agency was first revealed at the time of the murder of his divorced wife, Mary Pinchot Meyer, on October 13, 1964. The *New York Times* states that this murder was never solved. The Meyers had been divorced five years earlier after the death of a son in "an automobile accident." Meyer quickly remarried.

Cord Meyer and his twin brother, Quentin, were born in Washington, D.C., on November 10, 1920. Their father, a career officer at the State Department, was a well-known "Liberal." Cord was educated at St. Paul's School in Concord, New Hampshire, and graduated from Yale in the Class of 1943. Later he attended Harvard. On April 19, 1945, he married Mary Eno Pinchot, the wedding being performed by the Reverend Reinhold Niebuhr, whose active participation in Communist Fronts is well documented in government records. Miss Pinchot's father, Amos, was an active Leftist who had been vice chairman of the Civil Liberties Bureau, founded by such Comrades as Soviet spy Agnes Smedley and Communist Elizabeth Gurley Flynn. Her mother was chairman of the super-radical Women's Peace Party of New York City.

While at Harvard on a Lowell Fellowship, Cord Meyer Jr. was invited to attend a Conference on World Government presided over by Justice Owen J. Roberts and called by Greenville Clark, Robert Bass (former governor of New Hampshire), and Thomas H. Mahoney, a Boston lawyer who was chairman of the Massachusetts Committee for World Federation. The Conference was held in Clark's home at Dublin, New Hampsire, and launched Cord on his career as a radical Leftist.

In February 1947, all the U.S. organizations working to destroy American soveignty in the quagmire of a world government met in Asheville, North Carolina. Out of this meeting was created the United World Federalists. Cord Meyer Jr. was named its first president and made hundreds of lectures throughout the United States promoting this cause.

It was as president of the United World Federalists that Cord Meyer Jr. wrote a book entitled *Peace or Anarchy*, in which he outlined a plan for militarily disarming the United States and merging it in a "Federated World Government" under the control of the United Nations. Meyer proposed that ". . . once having joined the One-World Federated Government no nation could secede or revolt . . . because with the Atom Bomb in its possession the Federal Government (of the world) would blow that nation off the face of the earth."

Cord Meyer Jr. was no small-time radical. In fact he had been Harold Stassen's aide during the summer of 1945 when the United Nations Organization was being set up in San Francisco. A story concerning young Meyer which appeared in the radical *P.M.* on March 21, 1948, declared of him: "Recently, Stassen was again asked to size up Meyer in the light of his activities in behalf of world government. 'That young man has the best mind,' Stassen said without hesitation, 'of any young man in America.'" Around this time Cord was getting a heavy buildup by the Comrades, and another "profile" (in *Closeup* for January 14, 1948) observed: "To a growing number of Americans—and people in other countries, too—Cord Meyer, Jr. is taking his place rapidly in the select ranks of the shining young hopes of the world."

This "shining young hope" was personally placed at the administrative level of the C.I.A. by Allen Dulles, over the objections of the late Senator Joseph McCarthy. There, under the cloak of anonymity, he has labored diligently for world government. In an article he wrote for *Atlantic* shortly after the formation of the United Nations, Meyer declared:

"For those of us who have fought not for power but because we believe in the possibility of peace, the [U.N.] Charter is more than a series of harmless platitudes. Weak and inadequate as it stands today, it is all that we have won from the war. By our effort, it may yet become the symbol and instrument of a just order among men. No matter how remote our chances or how distant our success, we have in simple honesty no alternative but the attempt to make it that. As I have suggested, it is possible that we shall fail, and that the death agony of nationalism will be prolonged beyond our lifetime. But eventually, if the civilization of the West is not to disintegrate completely, others who believe as we do will succeed. . . ."

Remember that the above is from the man in charge of the unvouchered funds for C.I.A.'s clandestine operations! With unlimited amounts of money from the coffers of C.I.A. at his disposal, Cord Meyer has subsidized exactly those organizations most interested in concluding America's "death agony of nationalism" with a *coup de grace.* Through devious channels (one of which was the J.M. Kaplan Fund, Inc., of 55 Fifth Avenue, New York City) Meyer dispensed C.I.A. monies to such wildly Leftist organizations as the Institute of International Labor Research, Inc. This outfit maintains an office at 113 East 37th Street, New York City, and has also been known as Labor Research, Inc. It was headed by the late Norman Thomas, Chairman of the Socialist Party of the United States, at the very time C.I.A. turned over nearly $1 million to it for the purpose of financing what the *New York Times* of February 22, 1967, described euphemistically as "17 left-of-center parties throughout Latin America."

Secretary-Treasurer of the Institute of Labor Research was Sacha Volman. He set up radically Leftist "institutes" in Costa Rica and the Dominican Republic. According to Otilia Ulate, former President of Costa Rica, the San Jose Institute supported only those Parties which "have the characteristic features which make them identical in doctrine and homogenous in political and social attitudes with Russian Communism." Ulate said that all democratic Parties opposed to the Marxist regime in Cuba were excluded from this offshoot of the Norman Thomas and Sacha Volman Institute.

Through the Dominican Institute, using C.I.A. funds, Volman promoted political careers for such key Communists as the notorious Juan Bosch. Sacha had close ties with Comrades throughout Latin America and was neck deep in the Marxist-Leninist "Center of Research in Economic and Social Development" at Santo Domingo. This organization (C.I.D.E.S.) was financed by the C.I.A., the U.S. State Department, and the Ford Foundation. When his intelligence organization infiltrated C.I.D.E.S., General Wessin y Wessin of the Dominican Republic found it to be a Communist training and indoctrination operation. Sacha Volman was an instructor in that operation and was the man who, with State Department and C.I.A. direction, promoted Communist Juan Bosch all the way to the Presidency of the Dominican Republic.

Volman is suspected of being a Soviet agent assigned to Latin American Affairs. He was born in Russia, lived in Romania, and came to the United States as a "refugee." He is now a U.S. citizen and has been living at 245 East 80th Street, New York City. In the Hearings of the Senate Internal Security Subcommittee on *The Communist Threat to the United States Through the Caribbean,* General Wessin y Wessin testified under oath about Volman's C.I.A. operation:

"Mr. Sourwine. Now, you spoke of 40 Communist indoctrination centers operating in the Dominican Republic under Juan Bosch. Did these centers operate openly as a Communist operation?

"General Wessin. Openly.

"Mr. Sourwine. Did they display Communist banners or signs?

"General Wessin. One of these schools located on Caracas Street No. 54 displayed the Soviet flag.

"Mr. Sourwine. The Soviet flag? Not just a Communist banner with a hammer and sickle, but the Soviet flag?

"General Wessin. It was the red flag with the hammer and sickle.

"Mr. Sourwine. Now, do you know where these centers were operated? You named the location of one. Can you tell us where others were?

"General Wessin. In the school Padre Villini Calle-Mercedes. This building, in spite of the fact that it belonged to the Government, was turned over to the Communist Dato Pagan Perdomo to install a school of political science.

"There was another one, which went under the initials of CIDES located in the farm, or Finca Jaina Moza. In this school, the teachers were among the others, Juan Bosch, Angel Miolan, and Sacha Volman.

"Mr. Sourwine. One of those names has come up before. One new. Let's identify these men.

"Who is or was Angel Miolan?

"General Wessin. Angel Miolan is a Communist, and I say that he is a Communist because in order to be secretary of Vicente Lombardo Toledano for 10 years you have to be a Communist.

"Mr. Sourwine. Vicente Lombardo Toledano was an outstanding Communist, was he not?

"General Wessin. Yes, sir. He was, in fact, head of all Communist political activities in Mexico.

"Mr. Sourwine. Now, who is Sacha Volman?

"General Wessin. He was a Rumanian brought there by Juan Bosch. I don't know him.

"Mr. Sourwine. Did you consider him a Communist?

"General Wessin. In my country there is a saying that says tell me with whom you go, and I will tell you who you are."

Also involved with the Communist-oriented C.I.D.E.S. organization was Supreme Court Justice William O. Douglas. The Parvin Foundation, of which Douglas was a member of the board of directors, joined with the National Association of Broadcasters and C.I.D.E.S. to produce "educational" films. According to the *New York Times* of February 22, 1967, Douglas became a member of the board of C.I.D.E.S., which administered the film project in the field. The "educational" films and the C.I.D.E.S. Communist training school had to be abandoned when President Bosch attempted an open Communist takeover and was overthrown by a military coup late in 1963. The C.I.A. had been financing an effort to turn the Dominican Republic into another Cuba.

One of the most important of the countless operations of the C.I.A. is the Center for International Studies, established in 1950 with an initial C.I.A. grant in excess of $5 million. The Center was founded at M.I.T. by Walt Whitman Rostow, who served in the O.S.S. during World War II and went to M.I.T. in 1950 from the staff of Swedish Marxist Gunnar Myrdal after teaching briefly at Oxford. Rostow was associated with the Center from 1950 until a security check was waived in 1961 and he was appointed by President Kennedy as Deputy Special Assistant for National Security Affairs at the White House. In the meantime he had three times been turned down for a security clearance—twice by the State Department and once by the Air Force.

Another key man, in the C.I.A. Center at M.I.T. since 1953, has been Harold R. Isaacs, a super-radical with a well-documented record as a subversive. The following quotations, with the pages on which they appear, are from the record of the Senate Internal Security Hearings on the Institute of Pacific Relations:

Page 2607—"In the last issue of Pacific Affairs there appears an article by Harold Isaacs entitled 'Perspectives of the Chinese Revolution, A Marxist View.'" Page 3627—"Some years ago, Mr. Isaacs published a book called 'The Tragedy of the Chinese Revolution,' with a preface by Leon Trotsky." Page 4103, a letter to Owen Lattimore from Frederick Vanderbilt Field, both identified under oath as Communists—"Since I first learned that you had arranged for an article on the Chinese Communist movement from Harold Isaacs, I hoped it would be possible . . . . I was very pleased with the way Isaacs' article turned out." Page 1220—Soviet agent "Agnes Smedley[3] was an associate of Harold Isaacs and C. Frank Glass, locally classified as a card-bearing Communist. Isaacs was for some time Editor of the China Forum, an English language Communist periodical first published in 1932." Page 1221—Soviet agent "Agnes Smedley joined the Noulens, who were jailed by Chinese authorities for espionage activities and tried and convicted as bona fide Comintern agents. Associated with Smedley on the Committee was Harold Isaacs." Page 1238—A Soviet agent named "Irene Wiedemeyer as well as Agnes Smedley and Harold Isaacs were in close contact with John M. Murray, the American correspondent for the Pacific News Agency, listed as an outlet for the Comintern." Page 1247—"The Society of Friends of the USSR, Shanghai branch, was founded in 1932 by Edmond Egon Kisch, a Czech journalist and long known as a Comintern agent. Among the more important members was Harold Isaacs (G–2 Document No. 31, S.M.P. File D–4718)."

As we have noted, this same Harold Isaacs has been at M.I.T.'s C.I.A.-created and C.I.A.-financed Center for International Studies since 1953. He went there directly from stints at *Newsweek* and *Harper's,* where he had praised Ho chi Minh as "the George Washington of Asia." Today he contents himself with preparing position papers for the C.I.A. and other sensitive agencies. The Twelfth Annual Report of the M.I.T. Center says that Isaacs has been conducting investigations concerning "political change" in a number of countries—supported by what is likely a dummy grant from the National Institute of Mental Health. The records of the Department of Health, Education and Welfare show another such direct grant to Harold Isaacs (No. M.H.—09179–2) for "A Comparative Study of Personality Development," further defined as (get this) "Stress, Social Change, World Politics, Comparative Study." Isaacs is the Center's top braintruster.

The M.I.T. Center has published numerous books and studies by Rostow, Isaacs, and other security risks. For example, the U.S. Arms Control and Disarmament Agency made a grant to Dr. Lincoln P. Bloomfield, a member of the Center's staff, for studies in "Re-

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gional Arms Control Arrangements" and "Soviet Interests and Attitudes Toward Disarmament." Dr. Bloomfield worked out plans for U.N. "peace-keeping" forces to occupy part of the United States for inspections. Assisting Dr. Bloomfield was Amelia Leiss of the Carnegie Endowment for International Peace. She will be recalled as the editor of the 1965 study, *Apartheid and United Nations Collective Measures*—an analysis financed by the Carnegie Endowment for International Peace, of which Agler Hiss was the president in 1947—which details plans for a United Nations invasion of South Africa down to the last aircraft carrier, casualty estimate, and cost in *dollars*.

Director of the C.I.A.'s Center for International Studies at M.I.T. from 1952 until his death in December, 1969, was Dr. Max F. Millikan. Dr. Millikan was president of the World Peace Foundation, a collaborator on at least one book with Walt Rostow, and a member of the Council on Foreign Relations. He was simply transferred to the job of Director of the M.I.T. Center from his position as Assistant Director of the C.I.A.

Lyle Munson, formerly of both O.S.S. and C.I.A., discusses the strategy behind creation of the C.I.A. Center at M.I.T. and a general diversification of C.I.A. operations:

"State Department policies and personnel were under bitter and continuous attack. It was decided that the secrecy of the CIA could be used to fight back. The operational arm of the CIA set about dividing and dissipating the growing anti-Communist movement in the United States and began to seek ways of molding and recasting public opinion. The charter of the CIA expressly forbids domestic operations, but ways were found. . . . It began to finance studies and research projects. . . . Next, the CIA began to route monies through tax-exempt foundations for these purposes and to employ scholars, writters and public opinion leaders covertly. Then it went after the press. It began to 'clear' certain newspapers, radio and TV reporters and editors as 'consultants'. . . . Emboldened by its covert consultations with the newspaper, radio and TV industries, the CIA began to cause certain books to be published and to subsidize certain U.S. published periodicals. . . ."

Washington's authoritative Government Employees' Exchange for April 16, 1969, carried a report from one of its high-level sources which linked even the New York Times with the C.I.A. But, first a bit of background. The article in the Exchange concerned the takeover of the reins of government by the "New Team," a group of top-level advisors to incoming President John F. Kennedy:

". . . the 'New Team' was to be a 'paragovernment,' performing for the United States 'the same kind of functions' which the Central Committee of the Communist Party of the Soviet Union performed for the Soviet Union . . .

"This required the 'New Team' to penetrate every department and agency of the Executive Branch . . . by inserting 'trusted members' of the 'New Team' into key positions . . .

"Besides key persons officially already in the Government, the 'New Team' selected persons in leading banks, law firms and foundations for the penetration of the 'non-governmental' apparatus of the United States. . . .

"One of the major 'roadblocks' to the 'infiltration' of the State Department by the Central Intelligence Agency New Team was Otto F. Otepka [in charge of State Department Security] . . .

While these vast and secret reorganizations of the Central Intelligence Agency's "operational" side were evolving, Mr. Otepka "naively" continued to apply the long-standing Federal and Civil Service Standards . . .

"Mr. Opteka's 'miscalculation' lay in his loyalty to the law and regulations, the source said, and his failure to comprehend that a 'coup d'état' was about to take place, in which the 'paragovernment' of the 'New Team' would displace the 'formal government' of the United States. He did not fully comprehend the 'coup d'état' even after the 'Thanksgiving Day Massacre' in the State Department in 1961 which liquidated the last vestiges of the old order in the State department and raised George Wildman Ball to Under Secretary of State."

Among the important members of this "New Team" were McGeorge and William Bundy, Dean Rusk, Robert McNamara, Walt Rostow, General Marshall Carter, Richard Helms, Cartha Deloach (F.B.I.), and Harding Bancroft. Mr. Bancroft is the Executive Vice President of the *New York Times* who is reported to have used the organization and facilities of the *Times* on behalf of the C.I.A. and the "New Team."

The vigor with which the *Times* attacked Otepka, the roadblock to their takeover, suggests that it may indeed have been carrying out a C.I.A. assignment, representing the new "paragovernment" in the way *Pravda* represents the Central Committee of the Communist Party in the U.S.S.R. Harding Bancroft also had a personal interest in Otto Otepka. As columnist Paul Scott revealed at the time the *Times* was working so hard to block confirmation of Mr. Otepka's appointment to the Subversive Activities Control Board:

"The anti-Otepka strategist is Harding F. Bancroft, the Times' executive Vice President who once was under investigation by Otepka for his close association with Alger Hiss, the former high-ranking State Department official convicted of perjury. . . .

"Testimony and documents gathered by the Internal Security Subcommittee provide an insight into Bancroft's opposition to Otepka. These records show that Bancroft was first employed in the State Department in 1946 on the recommendation of Alger Hiss. . . ."

Whatever the role of the "New Team," when John F. Kennedy took office as President of the United States, he replaced Allen W. Dulles as C.I.A. Director within the year. On November 29, 1961, Kennedy named John McCone to head the Agency. On January 31, 1962, General Charles P. Cabell, the Deputy Director, resigned and was replaced by Major General Marshall S. Carter of the "New Team." On February seventeenth of the same year Richard M. Bissell, who is "credited" with engineering the "failure" of the Cuban invasion, also left the Agency—being replaced by Richard Helms of the "New Team."

Of the "New Team," Dean Rusk was now Secretary of State; Robert McNamara was Secretary of Defense; Walt Rostow, the C.I.A. man who could not even get a security clearance, was first named a Special Assistant for National Security Affairs, and then waived over to the State Department as Chairman of the Policy Planning Staff; General Carter was Deputy Director of C.I.A.; and, Richard Helms was Chief of Planning at C.I.A. Cartha DeLoach was promoted and remained in place at the F.B.I., and Bancroft in place at the *Times*. The Bundys, for their part, were virtually placed in charge of national security—McGeorge at the White House and William in the Defense Department. It was a complete coup.

William Bundy has begun a ten-year career with C.I.A. in 1951. He is a member of the *Insiders'* Council on Foreign Relations. As a member of the "New Team," the C.I.A.'s William Bundy became Assistant Secretary of Defense for International Security Affairs. This was an outrage in view of the fact that Bundy had been in charge of raising funds to pay the trial expenses of Communist Alger Hiss, had himself contributed to that fund, and had been an intimate of both Hiss and his brother Donald, also identified under oath as a Communist and espionage agent.

McGeorge Bundy, a former member of the staff of the Council on Foreign Relations, played an even more important role as Special Assistant for National Security Affairs to both Presidents Kennedy and Johnson. He had studied at Yale under the (now former) chief C.I.A. planner Richard Bissell and selected as his deputy one Robert W. Komer, who had been with C.I.A. since its inception. As *Newsweek* observed in its issue for March 4, 1963: "Bundy is director of the National Security Council and boss of its high-powered staff"—which, in turn, runs the Central Intelligence Agency.

In his book, *Lyndon's Legacy*, the late Frank Kluckhohn observed of Mr. Bundy's tour at the White House:

"McGeorge Bundy is said by Washington insiders to be one of the most influential men around the president. . . .

"All moves toward U.S. unilateral disarmament are widely credited to McGeorge Bundy—as is the adoption as official policy of the plan to liquidate U.S. armed forces and destroy our weapons, while simultaneously building an all-powerful UN army and accepting the UN's International Court, which could then overrule our U.S. Congress."

These are the goals of the United World Federalists, before whose General Assembly Presidential advisor McGeorge Bundy declared in June of 1964:

". . . in the years in which I have seen the United World Federalists at work on immediate concrete issues, it has had a combination of practical effectiveness and sound long-range instinct which suggest to me that this force is one which has a depth and a power and a value—both in our country and around the world—that it would be very difficult to overestimate . . . nothing is more important to the Presidency of the United States than the existence of this kind of organization."

This from the man who ran the National Security Council, overseeing the C.I.A., for two Presidents. One could cheer McGeorge Bundy's departure if he were not now employed as President of the powerful Ford Foundation, through which he has continued to pursue his Leftism.

Although the C.I.A. has been able to keep secret from Congress the names of most of its 15,000 employees and even the amount of the huge fortune it spends annually, its Director is neither "faceless" nor "nameless." Currently he is Richard McGarrah Helms, a member of that "New Team" who was made Deputy Director of C.I.A. during the Kennedy Administration and Director by President Johnson. Helms succeeded Vice Admiral William F. Raborn as C.I.A. Director on June 30, 1966. He had been in the O.S.S. during World War II, and at the end of the War was assigned to work in Berlin under the direction of Allen Dulles. Mr. Helms, Allen Dulles, and Soviet agent Kim Philby have all been described as the "architect" of C.I.A.

Helms worked from the very beginning with the C.I.A.'s covert operations or "plans" division, which was concerned with espionage and undercover activities. He reportedly helped to recruit, train, and assign its most important agents. A number of these were personally recommended by Soviet agent Kim Philby. As director of the "plans" division his duties, says *Current Biography*, "included supervision of the CIA's political propaganda section, which secretly subsidized various private groups and individuals in such areas as education, labor, and the sciences." It was he and Cord Meyer Jr. who arranged C.I.A. subsidy of the Leftist and Communist groups we discussed earlier.

Little wonder that when Helms was named Director of C.I.A. the *New York Times* called him "the best man available," the *Wash*-

ington Post described him as "a professional to his fingertips," and Walter Lippmann declared that he is "an admirable director." In fact, says "Liberal" Senator Mike Mansfield, he is "the best administrator the agency has ever had."

If that doesn't make you feel uncomfortable, try the *New York Post* description (February 25, 1967) of C.I.A. Director Helms as "assuredly the most liberal person to head any intelliegnce agency."

One is hardly surprised that C.I.A. intelligence operations have come under fire. But if Director Helms is the "most liberal person ever," one can only cringe. A sample of such previous C.I.A. "liberalism" was revealed in Part III of a Senate document called *Communist Threat To The United States Through The Caribbean* in the testimony on November 5, 1959, of General C.P. Cabell, then Deputy Director, Central Intelligence Agency. When asked to supply figures concerning Communist Party membership in Latin America, General Cabell gave the number for the Dominican Republic as 50, for Haiti as 15, and for Panama as 110. His testimony beginning on Page 162 is even more interesting:

"The CHAIRMAN. *What do you have information about? About what Communists fought in Castro's forces?*

"General CABELL. *In Cuba?*

"The CHAIRMAN. *Yes, sir.*

"General CABELL. *That question is related to the question: Is Cuban Prime Minister Fidel Castro a Communist?*

"Let me develop that thought for you, sir. Our information shows that the Cuban Communists do not consider him a Communist Party member, or even a pro-Communist . . . We know also that it has been the assigned task of the Cuban Communist Party to prevent Castro's revolution from going to the right, that is, from establishing friendly relations with the United States, or ending its tolerance of Communist activities.

"Our conclusion, therefore, is that Fidel Castro is not a Communist . . . ."

This is the same quality of C.I.A. "intelligence" we may expect from Director Richard Helms—who at the time was the C.I.A. deputy in charge of espionage agents. He apparently did not communicate the reports of his agents that Castro had been a Communist since he was a teenager. Or that Castro had been identified as an International Communist agent by the Government of Colombia as early as 1948, when he was arrested for participating in an attempted revolution in Bogota.

At the very time General Cabell, using the reports of Richard Helms' agents, had declared the C.I.A. "conclusion" that Fidel Castro "is not a Communist," *hundreds of* reports had come in (and had been ignored) from U.S. Ambassadors, foreign service officers, friendly diplomats, and "other" intelligence sources—all warning of the imminent Communist takeover of Cuba. One begins to wonder if "New Team" Director Richard Helms and his C.I.A. are on our side.

Suppose they are not!

FOOTNOTES

[1] See *Imperial Agent,* Guy Richards, Devin-Adair, New York, 1966.

[2] Thomas W. Braden, former assistant to C.I.A. Director Allen W. Dulles, revealed to the *New York Times* of May 8, 1967, that he had turned over sizable sums of C.I.A. money (nearly $2 million a year) directly to Jay Lovestone and the I.C.F.T.U.'s Irving Brown. He also admitted delivery of large sums from C.I.A. to Walter and Victor Reuther. At Victor Reuther's request, Braden told the *Times,* "I went to Detroit one morning and gave Walter $50,000 in 50-dollar bills. Victor spent the money, mostly in West Germany. . . ." Walter Reuther responded by revealing that Braden had tried to recruit Victor into the C.I.A.

[3] Agnes Smedley was an agent in the direct service of the Far Eastern Bureau of the Central Committee of the Third International or Comintern. She received orders directly from the Central Committee in Moscow.

SUPPORT FOR TAX SIMPLIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, today I am joined by 31 Members of the House in a bipartisan effort to get Congress to undertake a comprehensive study of methods of simplifying the tax return process.

The bill which we are introducing would set up a select joint committee composed of five Members of the House and five Members of the Senate. The select committee would be directed to make recommendations to Congress on ways the filing of income tax returns could be made easier in time for changes to be implemented for the filing of next year's returns. The resolution also directs the General Accounting Office and the Internal Revenue Service to conduct studies and report directly to the joint committee.

I am very pleased at the amount of support my resolution has received from both Republicans and Democrats. Presently, the process of filing Federal income tax returns is so complicated that over 50 percent of the people who file have to turn to professional tax return services for aid in filling out their forms. This is both a ridiculous and unnecessary situation.

Too often, I think, we accept the complications of the Government bureaucracy with just a sigh of resignation. But I strongly believe that there are ways of making this process simpler, and I think it is Congress responsibility to undertake a comprehensive study in this area. Because of this responsibility I hope that this resolution will receive serious consideration in the committee

The list of cosponsors follows:

COSPONSORS OF TAX SIMPLIFICATION BILL

Representative James Abourezk, of South Dakota.

Representative Joseph P. Addabbo, of New York.

Representative Phillip Burton, of California.

Representative Goodloe E. Byron, of Maryland.

Representative Shirley Chisholm, of New York.

Representative John Culver, of Iowa.

Representative W. C. Daniel, of Virginia.

Representative Edward J. Derwinski, of Illinois.

Representative Thomas N. Downing, of Virginia.

Representative Don Edwards, of California.

Representative Marvin L. Esch, of Michigan.

Representative Bill Frenzel, of Minnesota.

Representative Seymour Halpern, of New York.

Representative Craig Hosmer, of California.

Representative Manuel Lujan, Jr., of New Mexico.

Representative James R. Mann, of South Carolina.

Representative Romano L. Mazzoli, of Kentucky.

Representative Mike McCormack, of Washington.

Representative Abner Mikva, of Illinois.

Representative Parren J. Mitchell, of Maryland.

Representative F. Bradford Morse, of Massachusetts.

Representative Melvin Price, of Illinois.

Representative Charles B. Rangel, of New York.

Representative Donald W. Riegle, of Michigan.

Representative Edward R. Roybal, of California.

Representative Paul S. Sarbanes, of Maryland.

Representative James Scheuer, of New York.

Representative John F. Seiberling, of Ohio.

Representative Robert O. Tiernan, of Rhode Island.

Representative Victor V. Veysey, of California.

Representative John Ware, of Pennsylvania.

CONGRESSMAN FRANK BRASCO

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I am calling to the attention of my colleagues an article about the Banking Reform Act that appeared in the May 17 edition of the New York Law Journal written by my distinguished colleague from New York, Hon. FRANK BRASCO.

I want to commend Congressman FRANK BRASCO for the outstanding service he is rendering as a member of the House Banking and Currency Committee and for his keen insight into the problems confronting our Nation which have been of invaluable assistance to the committee. He is hardworking, conscientious, knowledgeable, and dedicated, and it is a privilege for me to serve on the Banking and Currency Committee with him.

The article follows:

THE BANKING REFORM ACT: ANTIDOTE TO ABUSE

(By FRANK J. BRASCO)

The greatest responsibility for the financial well-being of American society is entrusted to banks and other institutions handling other people's money. Both savings and investments of millions of households are managed by commercial and mutual savings banks, savings and loan associations, insurance companies, credit unions and brokerage firms. It is essential there should be regulatory safeguards against any potential to violate this trust to the disadvantage and financial loss of depositors.

Furthermore, confidence in the integrity of our entire financial structure must be maintained to avoid a repetition of past financial panics which can seriously disrupt the economy. It is necessary, therefore, to avoid even the appearance of less than complete integrity by directors and officers of financial institutions. This is a hard and fast rule with which there can be no compromise.

Individual institutions, and holding companies which control some of them, can allocate millions—and even billions—of dollars in the form of loans to borrowers for various purposes. Opportunities and temptations for discrimination in favor of enterprises in which institutional officers and directors have an interest obviously must be numerous. This has been proven. Such discrimination can be injurious to the best interests of all depositors whose funds are entrusted to the lending institution.

A bill designed to eliminate or at least minimize conflicts of interest and potential abuses of trust in management of financial institutions, as well as to enhance competition among financial institutions, has been introduced in the House of Representatives. I have joined Chairman Wright Patman and seven of my colleagues on the House Banking and Currency Committee in this move. The proposed Banking Reform Act of 1971 (H.R. 5700) is based on studies and recommendations for reform by various Federal Government agencies as well as by special committees and commissions over a number of years.

Such studies and recommendations, covering different aspects of proposed reforms, have emanated from the Federal Reserve Board, Federal Trade Commission, Advisory Committee on Banking to the Comptroller of the Currency, Federal Home Loan Bank Board and various distinguished individuals who have studied the problem. Some conditions giving rise to the need for reform need to be examined as well as the main reform features of the proposed Banking Reform Act.

FAVORITISM IN LOAN APPROVALS

There have been proven instances in recent years in which savings and loan associations and banks made loans to finance high-risk activities in which directors or officers, or their relatives, had an interest. Such matters came to light with respect to institutions in the District of Columbia, Maryland, Illinois and Texas when large loan amounts could not be repaid. In these cases the solvency of institutions became questionable, and the Federal Savings and Loan Insurance Corporation or Federal Deposit Insurance Corporation had to take control in order to protect depositors through various arrangements.

Instances of such mismanagement, thus far, have been infrequent enough and of small enough magnitude, so that they have not had an overt nationwide impact. There was, however, tangible inconvenience suffered by several thousand depositors who were delayed before they could withdraw funds. To date, FDIC and FSLIC reserves could readily absorb any deficiencies which had to be covered under deposit insurance.

There is, however, a more subtle and intangible effect which bears comment.

Growing cynicism pervades our society, particularly among its most youthful segment, as case after case of abuses of trust by directors and officers of financial institutions are reported in the press. Cynicism about the morality of the financial establishment is bound to increase. Directors and officers of banks and savings and loan associations are community leaders, by definition. That image is reinforced when they are ensconced in either old temple-like masonry structures or modern marble-and-glass buildings. The failures I spoke of have not enhanced that image. They have accelerated its corrosion.

POTENTIAL FOR CONFLICTS OF INTEREST

While the need to maintain the integrity of financial institutions has become more critical, the framework for potential abuses has been expanded as institutions have increased in size and number. In a study of the savings and loan industry in 1968, for example, it was found that among officers and directors of savings and loan associations there were ancillary affiliations by about one-fourth in real estate sales, and about the same proportion in commercial banking.[1] Potential for a profitable real estate sales business is enhanced through access to a loan source which might be persuaded to finance sales of homes where credit underwriting of the property or borrower might be marginal.

Approximately one-fourth of officers and directors in the sampled savings and loans also had affiliations with loan originations and closings. Probably most of them were lawyers. Fifty-eight per cent of savings and loan associations had at least one attorney on their boards of directors. Law clients could, no doubt, be helped in obtaining loans, and conflicts of interest would inevitably arise.

The most frequent affilation of savings and loan associations officers or directors was with property insurance enterprises. About one-half of them had such connections. Generally, such alliances provide the affiliated insurance agency (or the officer or director) with a competitive advantage over unaffiliated insurance agents. There is a question as to whether some of the insurance commission earned through a preferentially situated agency should not belong to the savings and loan association, to benefit the depositors. Here again we have an ethical question emerge.

Another form of conflict of interest, with much broader implications for our general economy, arises from interlocking relationships between banks and major corporations. In a study of forty-nine commercial banks (which held over 54 per cent of all bank trust assets, *or more than* $125 *billion* in trust assets), it was learned that these forty-nine banks had a total of 8,019 director interlocks with 6,591 companies. On some company boards certain banks apparently had more than one interlocking director. Interlocking directorships included a total of 768, with 286 of the 500 largest corporations in the United States. These same forty-nine banks also held 5 per cent or more of the outstanding shares of one or more classes of stock in 5,270 companies.[2]

CONCENTRATION OF POWER

In a broad sense, interlocking directorships make for a concentration of power which can be used to the advantage of banking interests. A recent specific example was a sell-off of Penn Central Railroad stock by large banks possessing interlocks with the railroad shortly before it went into bankruptcy. Chase Manhattan Bank, whose board of directors included Penn Central's president, Stuart Saunders, sold 436,300 shares of Penn Central stock. Allegheny Corporation, a holding company with two large mutual funds, sold its entire Penn Central holdings of 330,000 shares on May 27. Until March, 1970, Fred Kirby, chairman and president of Allegheny, had been a director of Penn Central. Financial institutions were protecting their own interests in this instance by unloading stock of a tottering company. That stock was then bought by the general public, which probably was infinitely less well-informed.

Here is an example of what certainly appears to be a classical abuse of position by highly-placed insiders. The public faith in financial institutions is badly shaken when such instances are revealed.

A greater danger to the financial free enterprise economic system of our country stems from continuing and widespread interlocking directorships. Large industrial corporations with whose boards banks have interlocking directorships and in which they own stocks, have inside influence in obtaining essential credit. When money becomes tight and allocation of credit is critical to survival of many businesses, large corporations with interlocking bank affiliations have a pronounced advantage.

There is also great potential for conflict of interest when a bank manages an employee benefit fund and acts as banker for the employing corporation. Fund assets may often be invested in corporation securities, although this may not be in the best interests of the involved employees.

To help correct the previously described type of situations, the proposed Banking Reform Act would prohibit officers, directors, employees or trustees of designated types of financial institutions from serving in a similar capacity with other business entities where a close relationship existed between the financial institution and the business entity. Such close relationship include managing pension and other benefit plans, voting of securities held in trust for the benefit of others, granting of credit, performing of legal services, and control of certain types of businesses by various financial institutions.

This proposed law would also make it illegal for a financial institution to give a personal benefit to an officer, director or employee of a company, or for such a person to accept from a financial institution without his employer's consent any personal benefit in order to influence his conduct in transacting business for the firm with the financial institution in question.

EFFECTS ON COMPETITION

Multi-corporate stock ownership by banks for their own account and while exercising their trust functions, plus interlocking directorates, can thwart competition. Such interlocking interests have the potential for dampening competition between normally competitive non-financial corporations which may be linked through interlocks with a single banking institution. Mergers may also be fostered under such conditions.

A more direct avenue for avoiding competition arises in the business of financing itself. For example, the forty-nine banks surveyed in the 1968 study held 146 interlocking directorships with twenty-nine of the largest life insurance companies in the United States. Data collected from 700 financial institutions in a companion study showed 272 commercial banks have between 9 and 99 per cent of their stock held by another institution in some capacity. This includes stock of 183 banks held by trust departments of sixty other banks. As previously mentioned, about one-fourth of a sample of savings and loan association officers and directors had commercial bank affiliations. In New England, where mutual savings banks are most prevalent, forty-eight commercial banks (out of 189 covered in a survey) had between 10 and 61 per cent of their stock held by mutual savings banks.

All such interrelated ownership interests and interlocking directorates tend to reduce competition in the business of extending credit. Interest rates may be higher and other loan terms more restrictive, particularly where interlocking institutions are in one region or one city, as is often the case.

Therefore, the proposed legislation would (1) prohibit mutual savings banks from holding stock in other financial institutions, and (2) prohibit commercial banks from holding in the aggregate in their trust departments more than 10 per cent of any class of stock of any corporation whose stock must be registered under the Securities Act of 1933.

OTHER FEATURES OF ACT

Another provision of the proposed act would prohibit lending institutions from requiring "equity kickers" as a condition of making a loan. The practice of demanding equity kickers grew during the tight-money period since 1966. In this situation, lenders require that the builder-developer of a rental property, or other equity owner, shall agree to give the lender an equity interest or right, in addition to repayment of principal and interest.

The "equity kicker" may be in the form of an outright partial equity ownership (e.g., 10 or 25 per cent) or a right to a percentage of gross rental receipts (e.g., 20 or 40 per cent), or both. These conditions became so onerous that they discouraged many developers from building planned housing projects and commencing other undertakings.

The proposed act would also outlaw brokered deposits. This involves attraction of deposits through brokers who are paid for the

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Footnotes at end of article.

service. In some instances, depositors have been attracted to unsound savings and loan associations, credit unions, etc., and have ended up by losing their savings.

Another lending industry abuse that would be prohibited involves the use of gifts to attract deposits. This practice does not induce a net increase in savings. It is a cost which reduces net income available for distribution to depositors or for reserves. Transfers of savings can cause liquidity problems for some institutions.

Finally, the bill proposes there should be 100 per cent insurance for public fund deposits. Since taxpayers as a whole lose if there is a loss of money in a deposit of a federal, state or local governmental unit, it is justifiable to have government-sponsored deposit-insurance agencies cover them fully against loss.

PHASING OUT INTERLOCKING

Probably the key reform envisioned in the Banking Reform Bill is elimination of interlocking directorates. A widespread network of interlocks encompasses hundreds of large financial institutions and business corporations which, together, represent a major, perhaps even a dominant, portion of our entire economy. Interlocking directorships hold great potential for widespread conflict of interest and lessening of competition. Both processes operate to the disadvantage of the general public and to advantage of large financial institutions and business corporations. While numerous abuses have come to light over the last decade, many more have surely gone unnoticed.

Given widespread existence of interlocking directorships, there may be concern that management capabilities of major economic units would be injured by an overnight prohibition of interlocks. On the other hand, potential for harm to economic interests of the general public is so great that undue delay would be indefensible.

This proposed legislation provides that prohibitions of interlocking directorates shall become effective between three and four years after date of enactment. This would, I believe, provide an adequate period during which financial institutions and other corporations affected could phase out interlocks without undue injury to continuity and stability of management. However, the institutions concerned are presently testifying before the House Banking and Currency Committee, and the time period for the change-over will be most thoroughly explored during the hearings.

We must understand that the faith of the public in our financial structure was once virtually nonexistent. Over a period of decades since the New Deal that faith has been painfully restored.

It is just as obvious that the huge growth in recent years of the financial community and its dependent institutions has bred a series of evils which are potentially cataclysmic. The banking industry has allowed these evils to proliferate, no matter what excuses they offer in justification. Already we have noted that they have resulted in financial loss to the public and abuse of the rights of the financial marketplace. Before they grow any worse, they must be curbed.

Further, it is worthy of note that small evils swiftly are compounded as they are adopted, perpetrated and spread by larger financial units. Today, the involvements have become so widespread and incestuous that in themselves they pose a danger. As the Penn Central case has shown, one involvement pulls several other units into and down with it.

In sum, interlocking directorates today are as bad if not worse in terms of the public interest as they were decades ago. They should be phased out in a minimal time. The bill I have joined in sponsoring allows for an adequate period of time. We must act as soon as possible.

FOOTNOTES

[1] See Edward S. Herman, "Conflicts of Interest in the Savings and Loan Industry." Study of the savings and loan industry, prepared for the Federal Home Loan Bank Board, Washington, D.C., July, 1969, Vol. II, pp. 763–969, for this and other analyses of savings and loan conflicts of interest discussed below.

[2] "Commercial Banks and Their Trust Activities: Emerging Influence on the American Economy," Staff Report for the Subcommittee on Domestic Finance, Committee on Banking and Currency, House of Representatives, July 8, 1968, Vol. I, p. 3.

[3] Ibid.

[4] Ibid., p. 896.

[5] Op. cit., Edward S. Herman.

BURIAL COSTS FOR THE SST

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, last Thursday the House voted to kill the big bird, but we have not heard the end yet, because those who wanted to kill the big bird are now keeping it alive.

As we all know, the original request to continue the program was $143 million for the two prototype planes. This was rejected by both bodies. We are now spending, to phase out the program, $85.3 million for Boeing Co. and General Electric Co., and $12 million to the Department of Transportation for administrative costs to cover the auditing and packaging for $864 million in equipment already invested in the program, which total $97.3 million.

There is another $58.5 million that must be paid to the airlines for moneys that have been advanced to the program as an investment on their part: $15 million by Pan American World Airways, $11.5 million by Trans World Airlines, $6 million each by American Airlines and United Air Lines, $5.5 million by Northwest Airlines, $4.250 million by Eastern Airlines, $3 million each by Continental and Delta Airlines, $2.250 million by KLM Royal Dutch Airlines, and $2 million by Braniff Airways. This brings the grand total for phasing out the SST to $155.8 million, and there are some of us who feel this is not the end of moneys to be requested for phasing out this program.

What a sorry night it was for many Americans who were in the gallery, and especially for me, when the House of Representatives quibbled, as children do, to avoid their responsibilities of going along with the other body, which on this issue of paying back the airlines, acted much more maturely. We differed from the other body in not voting for the $58.5 million for the airlines, but the proponents for the SST said come back later, hold hearings, and then we will appropriate the money, but not now. For some reason best known to their own consciences, they refused to let the big bird die after all.

In the meantime, hundreds upon hundreds of American technicians, skilled workers, and engineers, who are part of the great middle class of America, have now joined the growing ranks of the unemployed and the poor. These people are not paying taxes, as they would be if they were employed. Our anticipated tax collections are behind, our deficits are becoming greater, and under the guise of economy, we are creating greater unemployment and we are allowing Russia and France to take the lead in the airline industry over American industry. Hurrah for those who want to protect the downtrodden and the poor by reducing the number of engineers, skilled workers, and technicians who are employed and by increasing the number of poor on welfare in this country. With friends like this, it is a miracle that the laboring people of America have gone as far as they have.

Mr. Speaker, the May 22 edition of the Chicago Daily News carried an editorial supporting the view that it is our responsibility to reimburse the airlines. The editorial follows, as well as an article from the May 22 edition of the Chicago Tribune, about the statement of William Magruder, director of supersonic transportation development for the Department of Transportation, that the $500 million to $1 billion cost estimate of William Allen, board chairman of Boeing Co., was not correct and that a figure closer to $200 million would have been more accurate for restarting the program. Additionally, an editorial from the May 24, Chicago Tribune, follows, which comments on this inflated cost estimate.

Nevertheless, as this controversy continues the Soviets begin demonstrating their TU–144 supersonic transport at the Paris Air Show, we can be sure for the present that America is taking second place to France and Russia in the air.

The above-mentioned material follows:

[From the Chicago Daily News, May 22–23, 1971]

BAD RAP FOR AIRLINES

We are pleased to see Congress scuttle the supersonic transport project, but the House in its final action did an injury to the U.S. airlines that should be rectified.

While voting to reimburse Boeing and General Electric $97.3 million for certain accrued costs, it refused, 157–116, to repay the airlines $58.5 million they had invested in the SST. This was in spite of prior Senate and joint committee action approving the repayment.

The Senate was right. If the SST had been abandoned for technical failure, the airlines would have no cause to complain. But Congress foreclosed the project by a political decision, leaving the airlines high and dry.

Since the airlines thus lost their $58.5 million by act of Congress, Congress should compensate in full.

[From the Chicago Tribune, May 22, 1971]

MAGRUDER CALLS BOEING'S HIGH SST REVIVAL ESTIMATE MYTH

(By John Maclean)

WASHINGTON, May 21.—William Magruder, director of supersonic transport development for the Department of Transportation, said today the Boeing Co. regarded the SST as a poor business venture and, as a result, estimated the cost of reviving it at $500 million to $1 billion.

Magruder declared that those figures are "just myth."

ENTHUSIASM AT FIRST

He said Boeing and General Electric Co. officials at first reacted enthusiastically when informed of the efforts to revive the project in Congress.

Therefore, Magruder said, it came as a great surprise to the Nixon administration when William Allen, board chairman of Boeing, gave his $500 million to $1 billion cost estimate.

Magruder, speaking at a luncheon with reporters, recounted a series of talks between Nixon administration aides and company officials which apparently led to some bitter misunderstandings.

NIXON AIDE PHONES

Magruder said he was in the Virgin Islands recuperating from a gall bladder operation when he was telephone by William Timmons, assistant to the President for congressional relations. Timmons told him the administration was quietly trying to reactivate the SST project.

Magruder then telephoned officials of Boeing and G. E., the two prime SST contractors, and asked them for their reactions to the revival attempt.

Magruder said T. A. Wilson, president of Boeing, laid down 10 conditions, including a new contract, and some assurance the project would not be subject to annual votes by Congress.

Magruder said he told Wilson this was negotiable. Magruder said Wilson and Gerhart Neumann, head of the G. E. engineering division making the SST engine, both were enthusiastic.

Magruder said starting-up costs were estimated at $200 million or less.

CREDITED FOR REJECTION

However, the day after the House voted to revive the SST, Allen made his estimate of starting costs.

The high figures quoted by Allen are generally credited by adversaries and proponents of the SST alike as having destroyed any chances for revival in the Senate.

"There were very strong feelings the Senate would pass it," Magruder said. "The only thing we can conclude is that G.E. and Boeing didn't want to get engaged in this thing and Bill Allen made his speech.

"There has been an eroding attractiveness to these companies of the program. When they bought into it in 1967 it was a great piece of business. In 1970 it wasn't."

Magruder said he was ordered to return to Washington as a result of Allen's estimate. Wilson was also asked to the White House for a discussion.

"No one could find any justification for the billion dollar figure," Magruder said today.

Magruder said he submitted a figure near $200 million, but no agreement was reached.

"All these figures of $500 million and $1 billion are just myth," he said. "They didn't even negotiate with the subcontractors so they don't know how much it would have cost.

"It was unfortunate the way it was done—there could have been some indication beforehand."

Meanwhile today, Allen spoke at the National Defense Transportation Day luncheon of the Traffic Club of Washington after earlier receiving the National Transportation Award in recognition of Boeing's 747 jumbo jet. The award was presented to Allen by Vice President Agnew in Agnew's office. Allen dropped the award, a silver bowl, during the presentation ceremony.

Later, Allen told his luncheon audience he was convinced that any future American SST will require some form of public financial backing.

"Certainly, it will depend on public support in the form of good will," Allen said.

[From the Chicago Tribune, May 24, 1971]

A Lesson From the SST

The Boeing supersonic transport bounced into the air recently in the House of Representatives only to crash once again in the Senate, this time by the most decisive vote yet—58 to 37. Opponents were helped, paradoxically, by the statement of the Boeing company itself that it might take as much as $1 billion to get the project moving again after having been shut down by Congress last March.

With that announcement by Boeing, even the White House conceded that its battle for the SST was as good as lost.

Of course the corpse may come to life again; indeed it is safe to predict that sooner or later we are going to have an American SST no matter what Congress does or doesn't do.

Be that as it may, the painful experience of the SST has already taught us once again the incompatibility of politics and commercial ventures. Private enterprise can and must take risks. It can and must study every aspect of a proposed investment—its costs, its chances for making a profit, and its dangers—and when a decision is made, it is because management is pretty sure it is the right one.

Few members of Congress have the time or the inclination for this sort of study. Pitifully few of them knew enough about the issues, especially the economic factors, to make a sound judgment on the SST. Instead, they let themselves be buffeted about by gusts of conflicting hopes and fears, many of them arising out of public emotionalism.

Certainly the effect of the SST on the environment was a proper matter for Congress to consider. If Congress had done its homework, it would have considered this in 1969, when it first approved the SST. But almost nothing was said about ecology then. Later, when the environment became a subject of popular concern, the objections to the SST gushed forth in an outpouring of emotion, like the contents of Richard Armour's ketchup bottle: first none'll come and then a lot'll.

This isn't the way to run a business project. When there is complete unanimity about what to do (which is rare in politics), or when politicians are not let in on the secret (as with the development of atomic power during World War II), the vast resources of the government can be strikingly effective. But on other occasions, which is 99.9 per cent of the time, a political body can't muster the unanimity or the drive to see a project like the SST thru to an efficient and successful conclusion. Congressmen are more interested in doing what appeals at the moment to the folks back home—and if this means wasting some taxpayers money, so be it. In a democratic government, this is probably inevitable—which is why government should not meddle in industry any more than necessary. Maybe Boeing warned of the cost of reviving the SST deliberately to avoid going thru again what it already went thru. William Magruder, White House spokesman for the SST project, suggests this is what happened. If so, we wouldn't blame Boeing.

PRESERVING THE ATLANTIC SALMON—ELOQUENT TESTIMONY BY RICHARD BUCK, CHAIRMAN OF THE COMMITTEE ON THE ATLANTIC SALMON EMERGENCY

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, in the course of the last year, conservationists and sportsmen have vigorously protested commercial fishing activities which threaten the existence of our remaining Atlantic salmon. After the wintering grounds of these majestic sportfish were first discovered off Greenland in the mid-1960's, commercial fishermen moved to exploit them. By 1970 the situation had become critical. Though conservationists protested that high-seas fishing could mean extinction, these fishermen have continued to take large catches from the wintering grounds.

Because of the outcry of conservationists, every fishing nation except Denmark has agreed to stop taking salmon on the high seas. The refusal of the Danish Government has caused an outcry of concern for the fate of the Atlantic salmon.

One form of the concern is found in three bills which have been filed in the House providing that there shall be a ban on imports of fish from any country which does not agree to measures to conserve the Atlantic salmon. These bills, one of which I sponsored, are openly directed at the one country which refuses to practice necessary conservation measures, Denmark.

This morning, a public hearing on these bills was held before the Subcommittee on Fish and Wildlife Conservation of the Committee on Merchant Marine and Fisheries. I attended the hearing and testified myself. Among those testifying was Richard Buck, of Hancock, N.H., who is chairman of the Committee on the Atlantic Salmon Emergency—CASE. Mr. Buck gave excellent testimony on the background of the situation, and outlined the need for legislation to pressure the government of Denmark into conserving the Atlantic salmon. Also testifying was sportscaster Curt Gowdy, of Boston.

The Committee on the Atlantic Salmon Emergency deserves our sincere appreciation for its efforts to focus attention on the plight of our remaining Atlantic salmon. Thanks largely to its efforts, conservationists in the United States are aroused and are demanding action. These conservationists refuse to let the Atlantic salmon go the way of so many other species of animals, birds, and fish, which have become extinct as the result of unwise and unthinking exploitation. They refuse to let this superb game fish be taken in such numbers that it will not return to its native rivers to spawn.

A bitter irony of this situation is that this massive fishing on the high seas which now endangers the Atlantic salmon comes at a time when the United States is spending many millions of dollars to clean up our rivers and streams so that they will once again be able to support the Atlantic salmon. In addition, much money is being spent at this very time in fish hatcheries raising stock to restore salmon to the rivers of New England. Also, fish ladders are now being required on existing dams on the Connecticut and other rivers, so that the Atlantic salmon may again be able to make its run up those rivers to spawn. At the very time that all of this is being done to restore the Atlantic salmon, fishermen almost entirely from Denmark are threatening these fish where they are especially vulnerable, on the high seas.

Mr. Speaker, at the end of these remarks. I will place in the Record the eloquent comments of Richard A. Buck, chairman of the Committee on the Atlantic Salmon Emergency, and leader of the effort to conserve this valuable resource. His forceful testimony deserves to be read by all who care for the future of our Atlantic salmon.

The remarks follow:

STATEMENT BY RICHARD A. BUCK

Mr. Chairman, and other distinguished members of this Committee, it is a great privilege for the Committee on the Atlantic Salmon Emergency to come before you, for the purpose of making a Statement in support of House Bills 3304, 3305, and 3841.

The Committee on the Atlantic Salmon Emergency, popularly known as "CASE" was organized in 1970 to develop programs designed to increase worldwide stocks of Atlantic salmon, focusing particularly on the threat to conservation of the species on account of high seas fishing, principally by the Danes.

In 1965 the Danes moved in on a newly discovered major feeding grounds in the Davis Strait off West Greenland. Each year, they steeply escalated nettings, so that by 1970 they were taking an estimated four hundred thousand salmon, with many thousands more so damaged or lost in the nets that they would perish.

The principal salmon-producing countries, such as the United States, Canada, the United Kingdom and Ireland, and others, have repeatedly protested this ruthless plunder, in the proper international assemblies, and through diplomatic channels.

In the high seas feeding areas, salmon stocks are inextricably intermingled. They come from different spawning streams, different river systems, different nations, different hemispheres. No man, and no type of fishing gear yet known to man, no method of control, can separate them out. Thus high seas fishing takes indiscriminately from perhaps the very river runs needing particular protection, and results in absolutely no rational or effective means of conserving basic stocks or ensuring adequate escapements for spawning. Proper management techniques require that harvesting of salmon takes place only inshore, at the mouths of streams or in the streams themselves. In this fashion adequate stocks can be maintained for each particular river run. This is known to be the basic position held by the United States and other governments, by leading world biologists, conservationists, and commercial and sport fishermen.

Danish fisheries authorities and the Danish government profess great interests in conservation measures, and it is assumed therefore that they certainly understand this basic tenet of proper management of salmon stocks. Yet they never acknowledge this basic principle, probably because to do so would place them in an indefensible position.

In an attempt to quiet the rising tide of resentment against her unyielding position, Denmark now emits a new smokescreen. She states that she is helping to underwrite the conversion of some high seas salmon trawlers to other types of fishing. Yet she refuses to formalize this reduction. Denmark has further stated that she hopes to tax the high seas salmon fishermen in order to provide funds for a restoration of salmon rivers. Our reply to this has been that we would encourage such an undertaking, because Denmark, as a salmon-producer herself, would then subscribe to the modern management principle that indiscriminate high seas fishing is never justified. Also, we know that a Danish restoration could not be successful for many years, and we cannot condone the possibility of serious depletion of stocks in the meanwhile.

In short, the salmon-producing countries require proof of good intentions now, and not promises of future action.

There are other important reasons for supporting a total ban on this fishing. The Coastal States have substantial investments in propagating and managing the fish. Severe depletion would cause loss of livelihood to tens of thousands of commercial fishermen all around the North Atlantic shores. It would bring an end to sport fishing for Atlantic salmon.

The only international body set up to work towards conservation measures in this feeding area is the International Commission for Northwest Atlantic Fisheries (ICNAF), but this convention lacks the authority to control dissenters. For three straight years, against the weight of world opinion, Denmark has refused to agree to cease high seas operations. There is no law that can stop her.

At the upcoming meeting next week in Halifax, of this International Commission (ICNAF), the Danes will probably propose an extension for 1972 of the one-year compromise amendment which applies in 1971. Few people realize that this amounts not to a 2-year freeze, but a 4-year license to over-exploit! As follows—in 1969 the high seas take was 1200 metric tons; in 1970 it was 940 tons (but could have been more); in 1971 it is fixed at 1200 tons, and an extension at ICNAF this June would permit 1200 tons.

Such a state of limbo represents no improvement whatsoever, so where do we go from here?

In the opinion of CASE, only political and economic pressure will cause Denmark to cease this ruthless plunder.

Our CASE Committee has not yet issued a Formal Call for an all-out Boycott by Americans of all Danish products, but we have it under active and serious consideration. No one wants a boycott, but people historically have arrived at this frame of mind as a last resort. Many Americans have already taken this route, and adopted their own informal family boycotts. This CASE Committee, with complete confidence that it enjoys the respect and following of leading conservation organizations and substantial numbers of private citizens, feels that the Atlantic salmon crisis today is either at, or very near, this point of determination.

A delegation representing our Committee has just returned from Copenhagen, where our mission was to inform the Danish government and the Danish public of the desire by many Americans for aggressive action. We appealed for a cessation of this reckless and uncivilized practice. We met with the Minister of Fisheries and the Minister of Foreign Affairs. We presented positions and statements from conservation organizations, including state governmental agencies, condemning the high seas fishery. We received no encouragement whatsoever.

Thus time is of the essence. For the present, the CASE Committee feels that the enacting into law of these salmon bills could act to postpone, and perhaps even to prevent, the probability of an all-out boycott of Danish products by the American public at large.

The corollary to this legislative action should be its implementation through certification by the Department of Commerce.

Such legislative, and subsequent executive, action by the United States government would clothe with dignity the forceful acts necessary to the conservation of a valuable national resource. Such a course is vastly preferable to an unofficial boycott which should be undertaken by the citizens only as the final persuader.

The Committee on the Atlantic Salmon Emergency strongly recommends that your Subcommittee take favorable action on these bills.

Thank you.

THE MUSEUM SERVICES ACT

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I have the privilege today of introducing on behalf of myself and my distinguished colleague, the gentleman from Illinois (Mr. ROSTENKOWSKI), H.R. 8677, the Museum Services Act.

I am particularly pleased, Mr. Speaker, to be joined in the introduction of this measure by my good friend, Congressman ROSTENKOWSKI.

Mr. ROSTENKOWSKI has been deeply concerned with the future of museums in the great city of Chicago and recognizes the important role museums play in contributing to the vitality of America's cities. His leadership in sponsoring the Museum Services Act is clear evidence of his commitment to increasing the support necessary to the strength of America's museums.

Mr. Speaker, in introducing this bill, I believe it appropriate to quote the words of that superb analysis of America's museums, the Belmont Report, which was prepared by a special committee of the American Association of Museums for the Federal Council on the Arts and Humanities in response to a request in 1967 by President Lyndon B. Johnson.

A PRICELESS NATIONAL TREASURE

The Belmont Report was addressed to what it called "a priceless national treasure—the works of art, the historic objects and scientific collections in the custody of American museums."

Said the Belmont Report:

> In scope and magnitude this treasure is unmatched by that of any great nation, and it has enriched the minds and lives of countless Americans. Once lost, it can never be replaced.
>
> Today the institutions which have this treasure in their custody are in serious trouble. The totally unpredicted popular success of American museums has strained their financial resources to the breaking point, has compelled them to deny service to much of the public and will require many of them, unless help comes, to close their doors.
>
> Museums have arrived at the point where they can no longer preserve and exhibit the national treasure without substantial national aid.

In effect, Mr. Speaker, the museums of today are victims of their own extraordinary success. Thirty years ago, attendance at America's 6,000 museums totaled some 50 million visits a year. That figure has now soared over 300 million, and is rapidly climbing higher.

The increase of our population, the growth in leisure time, and the rising interest among Americans of all ages in seeing works of art, objects of historical interest, and collections of scientific and technical artifacts—all these forces contribute to a popularity which is flattering for our museums but which thrusts them into financial crisis.

INCREASING EDUCATIONAL DEMAND

Mr. Speaker, what is particularly striking about this increase in the popularity of our museums is the extent to which there has been a rise in demand for their services as educational institutions. From the Anacostia branch of the Smithsonian Institution in the East to the new Oakland Museum and San Francisco's Exploratorium of the Arts and Sciences in the West, museums are reshaping themselves to serve both children and adults as learners. Hundreds of thousands of schoolchildren visit our large museums daily, while there is hardly a city in America without a museum providing lecture series, guided tours, and other opportunities to make a classroom of the past and a center of learning for the future.

This increased attendance is of vast benefit to all Americans, yet for individual museums—museums of all shapes, sizes, and purposes—it means sharply heightened costs. More trained staff, guards, guides, acquisitions, exhibits, maintenance, buildings, insurance—all of these are necessary.

Mr. Speaker, no one suggests that the Federal Government should now assume the burden of supporting American museums. Museums have always been an example of voluntarism at its best, for they are supported in large part by gifts of money for expenses and valuable objects for collections.

But it is obvious that to the extent that museums are providing an educational service benefiting everyone, they should be considered eligible for public support. In this decade, when nonformal and extracurricular forms of education are assuming a new importance in the world of learning, it is appropriate that the Federal Government should consider making a significant increase in its present contribution to the support of our museums.

TINY FEDERAL AID

The amount of Federal support to our museums today is tiny; less than 1 percent of their operating costs comes from the Federal Government, this in the form of modest grants from the National Endowments for the Arts and Humanities and specialized support for research in scientific museums.

Despite their role in education, museums have benefited little from the Elementary and Secondary Education Act, and they are excluded from benefits of the Library Services and Construction Act.

Mr. Speaker, the bill which the gentleman from Illinois (Mr. ROSTENKOWSKI) and I are today introducing, is designed to act directly upon the needs of museums. It provides funds to be administered by the Secretary of Health, Education, and Welfare for the renovation of museum facilities; to develop and improve services to the public; to preserve and maintain collections; for intermuseum cooperation, including traveling collections and training of personnel; and for specialized services to certain segments of the public such as programs for urban neighborhoods, rural areas, Indian reservations, and penal and other State institutions.

In all of these fields, where philanthropy and local funding have been so important, our bill authorizes Federal funds on a matching basis, with up to 50 percent of project costs available through the Department of Health, Education, and Welfare.

ADVISORY COMMITTEE

Mr. Speaker, the Museum Services Act also creates an Advisory Committee on Museums in the Office of the Secretary. Consisting of 15 persons representative of museums and their professional organizations, this committee will enable the Secretary to set his priorities in keeping with the times and with the needs of museums and the Nation.

Mr. Speaker, we live in a time of immense and growing pressures—of rapid urbanization, of war, of racial and social and economic conflict.

In such a case, we need all the more, if we are to make this land what it ought to be, generously to support those institutions that elevate the character and quality of our national life.

And among those institutions surely are the museums of America and the treasures of mind and spirit and history of which they are the keepers.

America's museums, therefore, need our assistance and merit our support. The Museum Services Act will mean a direct, effective, and long-overdue way of providing these institutions the assistance they need.

THE MUSEUM SERVICES ACT

Mr. Speaker, at this point in the RECORD, I insert the text of the Museum Services Act:

H.R. 8677

A bill to provide for the Secretary of the Department of Health, Education, and Welfare to assist in the improvement and operation of museums

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Museum Services Act".

FINDINGS AND PURPOSE

SEC. 2. It is the purpose of this Act to ease the financial burden borne by museums as a result of their increasing popularity with the public; to assist museums in modernizing their methods and facilities so that they may better be able to preserve our cultural, historic and scientific heritage; and to encourage and assist museums in their educational role, in concert with formal systems of elementary, secondary, college and university education and in programs of nonformal education for all age groups.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) There is authorized to be appropriated to the Secretary of Health, Education and Welfare (hereinafter referred to as the "Secretary") the sum of $40 million for the fiscal year ending June 30, 1972, and for the next two fiscal years, for carrying out this Act.

USE OF FUNDS

SEC. 4. (a) The funds appropriated under section 3 for a fiscal year may be used by the Secretary for making grants to museums—

(1) to support projects assisting in the renovation of museum facilities,

(2) for projects to enable museums to construct or install displays, interpretations, and exhibitions in order to improve their services to the public,

(3) to assist them in developing and maintaining professionally trained or otherwise experienced staff to meet their needs,

(4) to assist them to meet their administrative costs in preserving and maintaining their collections, exhibiting them to the public, and providing educational programs to the public through the use of their collections,

(5) to assist museums to cooperate with each other in the development of traveling exhibitions, meeting transportation costs, and identifying and locating collections available for loan,

(6) to assist programs for improving intermuseum communications and the exchange of information and ideas relating to museum operations and problems,

(7) to develop and carry specialized programs for specific segments of the public such as programs for urban neighborhoods, rural areas, Indian reservations, penal and other State institutions.

(b) Grants under this section may not exceed 50 per centum of the cost of the program or project for which made.

Distribution of Grants Among the States

SEC. 5. Grants under this Act shall be distributed among the States in accordance with such equitable criteria as the Secretary shall prescribe, but the total of payments from the appropriations for any fiscal year under this Act made with respect to museums in any State may not exceed an amount equal to 12½ per centum of such appropriations.

ADVISORY COMMITTEE ON MUSEUMS

SEC. 6. There is established in the Office of the Secretary an Advisory Committee on Museums consisting of fifteen persons representative of museums and their professional organizations. The members of the Committee shall be appointed by the President and shall hold office for three years, except that (1) the members first taking office shall serve, as designated by the President at the time of appointment, five for terms of one year, five for terms of two years, and three for terms of three years, and (2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. The Advisory Committee shall provide information and advice to assist the Secretary in carrying out his duties under this Act.

DEFINITION

SEC. 7. For purposes of this Act, the term "museum" means a public or private nonprofit agency or institution organized on a permanent basis for essentially educational or aesthetic purposes, which, utilizing a professional staff, owns and utilizes tangible objects, cares for them, and exhibits them to the public on a regular basis.

THE MUSEUM SERVICES ACT

(Mr. ROSTENKOWSKI asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROSTENKOWSKI. Mr. Speaker, I have today introduced, along with my good friend and colleague, John Brademas, the Museum Services Act of 1971. This bill, which would provide some long overdue financial relief to many of our Nation's museums, is the culmination of almost a year's work on the part of many dedicated people. I would, at this time, like to especially commend my colleague from Indiana, the chairman of the Select Education Subcommittee of the Committee on Education and Labor, whose knowledge and understanding of the problems of the fine arts has made this measure possible.

As Mr. BRADEMAS has noted in his remarks, the chief purpose of this legislation is not so much to create and expand but to preserve and repair. America's museums are presently in a very critical period of their existence. Because of the extremely limited amount of money that has been available to them in recent years, most museums have had to forgo much needed repair and remodeling in an attempt to stay in existence. Many of these museums have reached the point where the essentials can be put off no longer. As the director of one of Chicago's leading museums recently remarked in describing the plight of his museum:

This is a solid, substantial, great structure. But buildings are like people. You can ignore your health for a long time, and hope whatever is bothering you will go away, but by and large it catches up with you. We have, in recent years, just been trying to hold the line. Now we must update our buildings.

And, Mr. Speaker, the problems of Chicago's museums are by no means unique. Since I first became involved in this situation last summer, I have talked to museum directors from many of our Nation's cities, both large and small, and their problems are quite similar. They are especially concerned that many of America's greatest treasures, treasures that in many cases predate the Revolution, will be lost for lack of adequate funds. I hope, Mr. Speaker, that in our efforts to build a strong tomorrow, we in this Congress, will not turn our back on the keepers of the treasures of the mind and spirit of America that make up our distinguished past.

I feel that this legislation is, as my distinguished colleague has pointed out, "a direct, effective but an overdue way of giving those deserving institutions the aid that they need."

ADDRESS OF CONGRESSMAN JOHN BRADEMAS, OF INDIANA, AT COMMENCEMENT EXERCISES, TRINITY COLLEGE, WASHINGTON, D.C., MAY 16, 1971

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, earlier this month, on May 16, I had the privilege of delivering the address at commencement exercises at Trinity College in Washington, D.C.

Mr. Speaker, I include at this point in the RECORD the text of my remarks on that occasion:

ADDRESS OF CONGRESSMAN JOHN BRADEMAS

I count it a great privilege to have been invited to speak to you today on the occasion of commencement exercises at Trinity College.

As some of you may not know, I happen to be a member of both The Board of Overseers of Harvard and the Board of Trustees of Saint Mary's College, Notre Dame and last month, therefore, within the space of six days, I found myself voting in favor of the marriage of Harvard to Radcliffe and of Notre Dame to Saint Mary's.

That you should have invited someone with that kind of record to address you at Trinity today is testimony, I trust, to your courage and not to any similar marital aspirations for Trinity with some brother institution in the Nation's Capital.

As a Representative in Congress of the district which is the home of the University of Notre Dame and Saint Mary's College and as a former member of the Saint Mary's College faculty, I feel at home here today at Trinity.

But I feel at home for another reason, the one that brings us together, a common commitment to the enterprise of teaching and learning.

As a Member of Congress for over twelve years now and as one who serves on the committee with chief responsibility for education legislation and moreover, as one who, over a long period, has talked with both teachers and students in this country and abroad, I can say with much assurance that the future of nearly every society depends in the most crucial way on the kind of investment which that society makes in the most valuable source *any* society has—educated men and women.

THE CHALLENGES THAT BESET US

And I should like, therefore, today to speak about some of the challenges that confront educated men and women as we seek to shape a truly civilized society.

I begin with the following quotation from an American political leader: "Almost everywhere we look, the story is the same. In Latin America, in Africa, in Asia . . . there is now renewed confidence in our country and our convictions."

I need not tell you that that was not Richard Nixon speaking in May of 1971.

For all the President's capacity to exploit the medium of television to get his message across, even Mr. Nixon would not today dare so confident a pronouncement about the esteem America enjoys in the eyes of other peoples.

Those words were prepared for delivery in Dallas, Texas in November 1963 by President John F. Kennedy, and listening to his words now should make clear to us all that the United States has travelled a long, long way—most of it down—since that flattering, almost jaunty, description of our standing before world opinion.

I shall not here attempt an analysis of what has gone wrong these last eight years.

As former Chief Justice Earl Warren has said, however, "We are . . . in a crisis. We have had many crises in prior years, but none within the memory of living Americans which compares with this one."

Let me only enumerate some of the challenges that beset the American society today, and not only recount but pass judgment.

It seems to me *scandalous*, that in the richest nation in human history, millions should remain poor;

outrageous that decent housing and education and health care are still beyond the reach of millions of our citizens;

alarming that inflation and unemployment are rising at one and the same time; and

shameful that we have not erased the sin of racial discrimination from our souls.

Nor can we find satisfaction in the state of our foreign relations.

That the war in Southeast Asia continues to claim the lives of our young men and sap our national strength must haunt us all.

Looking about America and our world today, we might be tempted to say, like the Old Testament prophet, Daniel, "There shall be a time of trouble such as never was . . ."

But we need not go all the way back to Daniel for this judgment. Only a year ago, a Cornell University scholar, Andrew Hacker, published a book entitled, *The End of the American Era,* which concludes, as one reviewer put it, not only "that America is going to Hell in a wheelbarrow, but what's worse, that it's much too late to alter the course."

Such pessimism should not surprise us, considering the variety and magnitude of the problems we face at home and abroad—only some of which I indicated.

THREE REACTIONS

And in fact we see signs of frustration and despair all about us.

There are several reactions to the afflictions of our society. Let me mention only three of the most obvious and compelling ones.

Some Americans would have us retreat into privatism—to live a life centered on the personal satisfactions of one's family and friends, and not to become involved with that world out there.

At the other end of the line from this new monasticism, which takes many forms, is the argument that we should smash the system which allowed such evils to occur—to destroy the institutions of society in the hope that Phoenix-like, a new and better time will spring from the ashes of the old.

There is yet a third way in which some would respond to the convulsions of the 20th Century—and that is by choking off the freedoms and liberties which are the birthright of the American people.

I must tell you that I reject all these counsels.

To those who contend that our problems are too grave to handle and therefore would retreat to apathy, I cite Robert Kennedy's plea that we must ward off what he called "the danger of futility." We must, said Senator Kennedy, guard "against the belief that there is nothing one man or woman can do against the enormous array of the world's ills, against misery and ignorance, injustice and violence. . . ."

And I believe, too, as we consider the argument of others that the only way to save our society is to smash it, that we should listen to the question that Abraham Lincoln put in his first Inaugural Address. He said:

"Before entering upon so grave a matter as the destruction of our national fabric, with all its benefits, its memories and its hopes, would it not be wise to ascertain precisely why we do it?

"Will you [Lincoln asked of a nation that was also, if for different reasons, deeply divided] hazard so desperate a step while there is any possibility that any portion of the ills you fly from have no real existence? Will you, while the certain ills you fly to are greater than all the real ones you fly from, risk the commission of so fearful a mistake?"

What, then, am I saying?

I am saying that, caught up in the great multitude of troubles that engulf Americans today, we cannot turn to the paths either of despair, of violence or of repression. None of these courses is satisfactory in either pragmatic or moral terms.

SOME SIGNS OF HOPE

But beyond this, I should like to suggest to you that there are some signs of hope amid darkening gloom.

I say signs of hope because it is as yet too early to say with finality that these harbingers of a better day will prevail.

And I shall confine myself to discussing only three of them.

The first is the resurgence of Congress in our Constitutional system,

The second is the recovery of politics—especially among the students,

And the third is the beginning of a new effort to understand the role of women—and of men in relation to them—in our society.

Let me speak some words about each of these developments.

For a wide variety of reasons—two World Wars, a depression, the general acceptance of the welfare state—the last generation has seen in the United States as well as in other industrialized societies, a significant rise in the power of the executive branch of the government as distinguished from the legislative.

During the last few years, however, there has been—especially in the United States Senate, but also, to a lesser extent, in the House of Representatives, a sharp reaction to this increasing dominance of decision-making by the executive, especially, of course, in the field of foreign affairs.

In 1970, for the first time in the post-war period, Congress began to examine the huge military budget with some skepticism and serious scrutiny, and no longer can the President and the Pentagon assert that patriotism and national security require a rubber-stamp approval by Congress of the Administration's military spending plans.

And you all know that a new phrase has come into the lexicon of us Congressional politicians, the "need to order our national priorities"—with Senators and Congressmen, both Democrats and Republicans, beginning to say—and to back their rhetoric with votes—"No, Mr. President, don't spend the money *there*, but *here*, on meeting some of our urgent needs here at home."

Of course, the fundamental cause of this new assertion of Congressional will is the war in Indochina and a feeling on the part of increasing numbers of Members of Congress that both Presidents Johnson and Nixon, especially, have, in their exercise of presidential prerogatives, with Cambodia and Laos only the most recent examples, gone too far.

A RENASCENT CONGRESS

Indeed, this past week saw fresh evidence of the renascent Congress in the continuing drive on the part of both Democrats and Republicans in the United States Senate to recover for Congress a significant role in scrutinizing and shaping our foreign policy.

I refer, of course, to the confrontation between the Senate Foreign Relations Committee and Secretary of State Rogers with respect to the war-making powers of the President.

Or I could also cite the impact already being felt in the House of Representatives of a reform in voting procedures contained in the Congressional Reorganization Act passed last year largely as a result of the efforts of a bipartisan group of younger members of the House.

The reform of which I speak—I shall not take time now with the details—will make it far more difficult for Members of Congress to continue to conceal from the public their votes on such crucial issues as the SST.

These then are just a few examples of the developments that give promise in the years ahead of a resurgent and activist Congress ready and willing to struggle, as the Founding Fathers intended, with the Presidency—and especially with the more activist Presidency of the present day.

Indeed, even now it is Congress, not the executive, that is supplying many of the initiatives for new approaches to solving some of our most pressing problems:

In education;
In environmental protection;
In housing and health care;
In consumer protection; and
In coping with unemployment and inflation.

In all these areas—and others—it has been the legislators, working often in bipartisan coalitions and against the opposition of a truculent Administration, that has been out in front, leading.

I for one, therefore, and you may call it self-serving and special pleading if you like—not ready to write off the Congress of the United States as an energizing, creative, force in the American political system.

THE RENAISSANCE OF POLITICS AMONG THE YOUNG

But there is a second development—not unrelated to the one I have just been discussing—that I believe is also a portent of hope for the American experiment in self-government.

I refer to what I would call, with John W. Gardner, the "renaissance of politics," particularly as it relates to American college students.

With the imminent passage of a Constitutional Amendment extending the right to vote in all elections to every American citizen over 18 years of age, I see a great potential force for changing our priorities in this country—young people.

It is a sad fact that an average of less than 60 per cent of the registered voters in America take part in national elections. I would certainly hope that this percentage will be boosted considerably by the full-scale participation of the young voters, and that they, in turn, will generate a greater concern and interest in voting among older citizens.

It is up to you to undo this generally accepted finding of the authors of the book, *The Real Majority* that "the cold fact is that young people eligible to vote are far less likely to participate than their elders."

It is up to you, the newly enfranchised, to become an integral force within American political life, to work and vote for changes in our priorities; to dive into the fray, not drop out of it.

Indeed, I observed earlier that two of the several possible reactions on the part of young people to the trauma of our times in this country were, on the one hand, despair resulting in withdrawal from political and social action and, on the other, a radicalism and militancy that were intent on destroying the political system.

I think it fair to say that 13 years ago, when I first came to Congress, apathy was the accurate word to characterize the attitude toward politics of most American college students—and I recall visiting campuses all over this country exhorting students to become active in politics.

There have been times in recent years when I think I may have overdone it!

But to repeat—there is another attitude toward the many faceted crises of American life—that of the radical militant who will have none of working within the political system, but would rather smash it.

THE RADICAL MOVEMENT

Let me then here comment briefly on the radical movement in the United States today.

First—a word of admiration—as Michael Novak of the State University of New York at Old Westbury said in a recent issue of the journal, *Christianity & Crisis*, "The movement arises from the effectiveness of the teaching of Jewish, Christian—in a word, personalistic—morality to our young people.

"Many detest the war in Vietnam and, more than that, the bureaucratic, military, imperial, racist attitudes from which it, in part, springs."

"On the other hand," Novak warns, "the radical groups commonly share typical American middle-class deficiencies: impatience, a preference for sentiment and action over intelligence and endurance, a love for the confrontations of *High Noon*, a taste for violence, self-pity, a weakness for taking shortcuts and evading difficulties, anti-intellectualism, a tendency toward slogans and simple solutions, intense sectarianism, a fascination with personal moral purity, and a strange longing for death ('since I probably won't be alive 5 years from now')."

Isolated from other social classes in American life, ideologically confused and discouraged, the main strength of the radical movement derives not from any programs of their own, any new political vision or strategy, but rather from their capacity to point out the weaknesses of the system, and then to protect and resist to say "no" to it.

It must be clear, however, that saying "no" to the shortcomings, the injustices, the failures of American society is not enough.

And I believe that it is this awareness, coupled with some renewed confidence in the possibility that that most criticized and beleagued of institutions in American life—Congress—may yet prove vital and vigorous enough to provide some alternatives for the nation's future, that has moved some of the country's ablest and most concerned young people to decide to involve themselves in national and local politics.

I regard this kind of attitude on the part of young Americans as enormously encouraging.

It is an attitude directly related to the observation of John Gardner that "many dissidents who resort to destructive tactics say, "We tried working with the system, but most have not in fact tried very hard, certainly not within the political system.

"And in this," Mr. Gardner added, "they reflect a failing of the American people generally.

"We have typically scorned politics and rejected the political process . . .

"No wonder we're in trouble"—

And rather than dropping out in a fit of picque after he was refused the forum to speak these words at the Illinois State Constitutional Convention, Mr. Gardner went on to form a powerful citizens lobby for change, Common Cause, which has already enlisted more than 115,000 Americans to underwrite an effort to see that our government recognizes the proper priorities.

I said I would speak of three signs of constructive response to the challenges we face.

THE ROLE OF WOMEN

The third is the emergence of what may prove to be the most extensive and intensive dialogue about the role of women in our society and of their relationships to men and to each other.

Clearly this is a subject so vast, so subtle and so complex that it would be impossible, even if I were able, to cover it in one commencent address.

I say, "if I were able," because I remember well the admonition of John Stuart Mill: "We may safely assert that the knowledge men can acquire of women, even as they have been and are, without reference to what they might be, is wretchedly imperfect and superficial and will always be so until women themselves have told all that they have to tell."

So I am trying to educate myself, and if I tell you that I enjoy reading Germaine Greer rather more than I do Betty Friedan, I leave it to you to decide whether this makes me still a male chauvinist.

Let me then address myself briefly to just one aspect of the women's liberation movement—and that is the quite obvious discrimination against women in American colleges and universities and in the professions generally.

This pattern of discrimination is not confined, of course, to higher education, for the secondary status assigned to women in most of American higher education is a reflection of attitudes toward women in Western society generally.

We have not heeded Plato's challenge in the *Laws* that "Nothing can be more absurd than the practice which prevails in our own country of men and women not following the same pursuits with all their strength and with one mind, for thus the state instead of being a whole is reduced to a half."

For although women comprise one half the population in our nation, they make up only 18% of the faculties of our colleges and universities.

Yet even these figures are misleading, for only 9% of the women are full professors.

At Harvard, my own university, there are only two female tenured professors on the Faculty of Arts and Sciences, and the pattern elsewhere is not much better.

At that citadel of forward-looking ideas, the University of California at Berkeley, one year ago, just 5% of all associate professors, 5% of all assistant professors, and only 2% of all full professors were women.

Or let us turn to the professions more generally.

Women account for only 8% of all scientists, 6.7% of all physicians, 3.5% of all lawyers, and 1% of all engineers.

And the proportion of women in both graduate and undergraduate education has actually fallen since 1920.

It is as if, with respect to all the professions, we have continued to observe the views of Thomas Jefferson on women in government. To a Mrs. William Bingham, Jefferson wrote in 1788: "Our good ladies, I trust, have been to wise to wrinkle their foreheads with politics. They are contended to soothe and calm the minds of their husbands returning ruffled from political debate."

Well, I certainly propose no sweeping panacea for the many ways in which we discriminate against women, educated and uneducated, in American life.

SOME CONGRESSIONAL REACTIONS

But as a legislator, I can report to you that Members of Congress are now working on several legislative measures with great potential for expanding opportunities for women in this country.

I here cite only three.

One bill now under consideration would cut off Federal funds to colleges and universities that discriminate against women in student admission and faculty hiring practices.

Another bill, just reported by the House Committee on Education and Labor, would give the Equal Employment Opportunity Commission new power to issue cease and desist orders in job discrimination cases, including discrimination on the basis of sex.

A third bill, of which I am a sponsor, would provide Comprehensive Child Development services for millions of preschool children and would also make possible new career opportunities for working mothers.

If you are interested, my subcommittee opens hearings on this bill tomorrow morning at nine o'clock, and the first witnesses scheduled are Congresswomen Shirley Chisholm and Bella Abzug.

BEYOND GOVERNMENTAL ACTION

Because I am a politician, I dwell on the contributions that public policy, through legislation and executive action, can make in assuring greater opportunities for women in our country.

I hasten to assure you, however, that I realize that this question is so profound that it will be necessary, if we are ever effectively to come to grips with discrimination against women in the United States, to go beyond governmental action. Clearly, it seems to me, it will be necessary for both men and women to reevaluate their attitudes toward themselves and each other.

And, if I may interject another cautionary note, I hope that the women's liberation movement will find a philosophical base that stresses the common humanity of both men and women, without denigrating either.

So for all of these reasons—and more—I find much to hope for, for both men and women and for constructive change in our society, in the women's liberation movement.

A SUMMARY

But now I must conclude.

Let me summarize what I have tried to say.

Looking across the wide spectrum of problems that afflict the United States today, I have offered three developments that afforded us some cause for optimism—

The resurgence of Congress;

A renaissance of politics; and

A new sensitivity about the role of women in our society.

When I say optimism, I do not mean a naive optimism that everything will come out all right in the end, but another, more resolute kind of optimism born of confidence that, again to quote John Gardner, "This country still harbors men and women courageous enough to commit themselves to the struggle for a better world."

And so I have urged you to make that commitment, too, and I remind you now of the words of Albert Camus shortly before he died: "My conclusion will be simple. It will consist of saying in the very midst of sound and fury of our history; 'Let us rejoice'. Let us rejoice at being faced with cruel truths. . . . Let us seek the respite where it is, in the very thick of the battle."

Just five years from now, we shall mark the 200th anniversary of our birth as a nation. I would suggest that it is not too soon to begin celebrating the extraordinary anniversary, not with the fireworks and the music and the dancing which I trust too will be on hand—but rather by beginning *now—today*—to work harder to make real the ideals of the great men of 1776—to the end that the United States of America will indeed be the land of hope and freedom which they envisaged—for all citizens—and once more a land of inspiration to all peoples everywhere who seek liberty and justice and peace.

FREE TRADE: A DEEPENING CRISIS: KENNETH DAVIS' ELOQUENT PLEA FOR REALISM

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, last Thursday the Subcommittee on International Trade of the Senate Finance Committee heard the testimony of Kenneth N. Davis, Jr., former Assistant Secretary of Commerce, on America's critically serious trade situation. His statement should be read in full by all who care about America and its position in the world.

While all of Ken Davis' testimony deserves our attention, my remarks here at this time will be limited to one part of it, and are based on my experience with the ball bearing case cited by Ken Davis. A major reason for the present weakness of American industry in international trade is that the American Government refuses to do anything substantial to help American business. There is a built-in bias in the Federal bureaucracy which effectively prevents any assistance to American industry in combating unfair foreign competition, or even in protecting American industry from blatant protectionism abroad. A controlling majority of these Federal bureaucrats wears blinders to foreign protectionism, so that it either does not see or does not act on trade barriers erected by other countries. At the same time, this same set of bureaucrats, who are slaves to the theory of free trade, refuse to take any steps to help American industry lest there be a suggestion of protectionism. A classic case of this is in the Office of Emergency Preparedness. So feared a term is "protectionism" that these entrenched bureaucrats refuse to take steps to protect U.S. industry even when our national security is directly involved.

When the smokescreen of "free trade" is stripped away, the irrefutable fact is that the U.S. Government does not help American industry. It is equally irrefutable that American industry has to compete against foreign companies which receive massive support from their governments, and which are protected in their countries from American competition.

So pervasive is the devotion to "free trade" that these entrenched bureaucrats refuse to even admit that the terms of international trade are unfair, and that as a result we are taking a bad beating.

The eloquent and extremely important testimony of Ken Davis deserves attention. Unless we wake up we are going to be in even more serious trouble.

The testimony follows:

STATEMENT BY KENNETH N. DAVIS, JR.

INTRODUCTION

America is in deep trouble in international trade—trouble far more severe and important to the nation than the public has realized. There is growing evidence that our trade difficulties are at the root of two of the most critical problem confronting the nation's policy makers today—persistent high unemployment in the United States and the threatened demise of the dollar as the foundation of the world monetary system.

After many years of balance of payments deficits, our country has reached a crucial turning point. We must make long overdue changes in our trade policy now if we are to continue as the world's leading industrial nation. Unfortunately, despite the crisis atmosphere, there is still no consensus that trade is the fundamental problem. Your hearings have demonstrated again that a basic disagreement continues to divide us. The corrosive and unproductive "free trade" vs. "protectionist" debate rages on. It is vital that your hearings mark the end of this debate. The time has finally come to act!

BACKGROUND

My chief duty at the Commerce Department was to work with American industry on its problems in international trade. Because of my previous business background, I had come to Washington convinced that the world was fast becoming a global marketplace. That the jet freighter and instant communications would inevitably result in a free flow of trade seemed to me to be a foregone conclusion. I am as convinced as ever that we will one day have such a world. But my experience in Commerce convinced me that much more than jets and communications satellites will be required to break down trade barriers and wipe out economic nationalism. I saw firsthand that our trade representatives have no real negotiating leverage to deal with such inequities as Japan's trade and investment restrictions against our companies. I became convinced that stronger action must be taken by the United States to assert its rights to fair and equitable treatment in world trade. New legislation is definitely needed, both to spur U.S. exports and also to prevent the wiping out of major American industries by extreme import penetration.

"MILLS BILL" AND THE "TRADE ACT 1970"

This was why I urged the Administration last June to back the so-called "Mills Bill" providing for quotas on textiles, apparel, and shoe imports to share in the growth of our market. In its limited original form, that legislation would have passed on a bipartisan basis, I believe. It would have given the long-needed signal to the rest of the world that the United States was not going to just talk about fair treatment, but would also act when it had to.

What happened is history. Instead of a limited "Mills Bill," the final Bill became something of a "Christmas Tree" in Committee. Part of the problem was that the Administration refused to back anything but textiles. Why the shoe industry, which had been much more severely impacted than textiles, could not be supported by the Administration was never very clear. But neither the Ways and Means Committee nor your Committee would agree to exclude shoes. The Administration's position has apparently not changed. Now, however, Mr. Mills is no longer backing even textile legislation and hasn't scheduled any hearings on trade in this session. The result of these confusing developments is that U.S. trade policy is sitting on dead center. Your hearings are the only hope in sight for stimulating early action. And the threat to the dollar shows that we must act now.

DETERIORATION OF THE UNITED STATES INTERNATIONAL TRADE POSITION

Industry and labor are facing a rapidly deteriorating situation. Their plight is brought on both by intensive foreign competition and by American producers moving out to other countries to utilize low cost labor to compete in the U.S. What was once a trickle of plant closings and work cutbacks affecting only a few of our older, labor-intensive industries has now become a floodtide of trouble for most of U.S. business. Even such modern bellwether industries as automobiles and electronics have been severely impacted. Automobile imports, which were only 2 or 3% of our market ten years ago reached 16% in April, up from 12.6% a year ago. Mr. Wright of Zenith told you the tragic story of the virtual elimination of America's radio and TV manufacturing industry. Radios are now practically 100% imported, black and white TV sets 50% imported, and color TV already 20% imported and rising fast. TV would seem to have been a prime example of the kind of new technology product to provide jobs for workers displaced from older industries like textiles. It is fair to ask, if not a giant new industry like electronics, what industry can provide jobs now and for the future? The first sign has been given that auto production jobs will be lost, too. Chrysler has announced that its "mini-car" to compete with the Vega and Pinto will be the Dodge Colt. The Colt will be manufactured completely in Japan by Mitsubishi for Chrysler to sell in the American market!

As of now, there is little hope that U.S. producers can make up for lost market shares at home by increasing export business. You may have noticed the lament of a Ford executive in a recent weekly newsmagazine: "The Japanese can land a Toyota here for $50 in duty and taxes, while it costs $450 to get a Pinto into Japan," he said. There will be very few Pintos sold in Japan while tens of thousands of Toyotas are coming here! Mr. Henry Ford spoke vehemently on the subject to his stockholders last week.

Are these just a few isolated examples, or does the claim stand up that there is an overall deterioration of our trade position? And, if true, is the trade problem the main cause of our balance of payments difficulties rather than currency exchange rates or other factors? Here are two charts, one of which I am sure you have seen before, and one of which you may not have seen. The first shows the U.S. balance of payments performance over the years. Note that with one exception, 1968, there has been a steadily growing deficit. From a deflicit of about one billion dollars in 1965, the deficit grew to seven billion in 1969. The second chart shows the trade balance of some selected major U.S. industries that have been hurt most by foreign competition. The trade balances of five major industries have been combined in this chart. Automobiles, steel, textiles and apparel, consumer electronics, and shoes show more than a five billion dollar decline in their trade balances in the 1965–1970 period. From a steady surplus in the early 60's they dropped precipitously to a four and one-half billion dollar deficit in 1969, and a 5.7 billion dollar deficit in 1970. It could almost seem that they alone account for the whole U.S. balance of payments slump. There are, of course, other pluses and minuses, but these are among the most extreme problem cases. I do not propose that we attack the balance of payments problem merely by focusing on these industries. What I do suggest is that we cannot cure our balance of payments difficulties if our major industries' trade position continues to deteriorate as fast as this. The nation cannot afford to lose in such a short period the hundreds of thousands of jobs represented by such immense trade losses.

Some have said that adoption of flexible currency exchange rates will restore world monetary stability. They say that no significant change in U.S. trade policy is needed. In view of these charts, I doubt that they are right. But, even if some type of monetary arrangement could be worked out to postpone facing up to our trade problem, we cannot afford the weakening of our whole industrial framework that a further decline in our trade position will cause. When production is transferred overseas or plants are dismantled, the loss is permanent and unrecoverable. It has been said that when inflation is brought under control all of our problems will be solved. This is just not so! For bringing inflation under control will not reduce imports' share of our market to former levels. And factories that have been dismantled will not be reopened, nor will the jobs which they once provided be restored. Although it may be easier to just wait calmly for better times, businesses all over the country know that the very real problems they are facing in the world of international competition will not be solved by waiting!

ECONOMIC PRINCIPLES AND WORLD REALITIES

Economists in government and in business have played a leading role, and perhaps the leading role, in establishing America's foreign trade policy. Where business and the Congress have been divided into "free trade" and "protectionist" camps, the nation's economists have been almost unanimous in their principles in this area. Across the whole spectrum from liberal to conservative they have strongly backed an extreme free trade posture for the United States, even in the face of restrictive practices by other leading nations. They can take much of the credit for the great achievements in world economic progress since World War II. It seems, though, that the U.S. balance of payments deficits and the world monetary problem also stem from their principles.

One striking recent example of the near unanimity of the economists was their petition against the Trade Act of 1970. Economists across the nation opposed that Bill, largely because of the provisions for quotas on textiles and other products. They likened the consequences of passage of that legislation to those of the infamous Smoot-Hawley Tariff Act of 1930, although some key factors are actually quite different today. The problem of U.S. manufacturers moving out to low-wage countries to compete in the American market is one phenomenon that is very different from what happened in the 1930's.

Underlying the economists' stand is the principle of "comparative advantage"—each nation should sell that which it finds it can produce most efficiently. If a few nations make all of the textiles or shoes, all well and good. Others will build autos or airplanes or computers. The principle is fundamentally sound and unassailable on theoretical grounds. A corollary concept to "comparative advantage" is the idea of the "adjustment process." When one country cannot withstand foreign competition in a particular industry, that industry should go through an "adjustment" phase into some other field. Again, the principle is sound, particularly when government assistance is provided to help an industry "adjust" out of its traditional business into something else. Economists have put great stress on the Adjustment Assistance provisions of present and proposed U.S. trade laws as the answer for our own industries that are suffering from intense foreign competition. However, there are severe practical limitations to this concept. There are 35,000 textile and apparel companies, for example. They employ some 2.5 million workers, one out of nine of all American factory workers. It would not be feasible to assist even a small part of such a giant industry.

American economists have also generally not been much interested in U.S. exports. They note that exports constitute only 4% of our GNP (while in Europe figures of 15% to 20% prevail, and in Japan 10%). In these times of fiscal stringency, they are unsympathetic to export-expansion measures that require additional budgetary support, such as improved export credit or more liberal tax treatment for exports.

It is in the practical application of economic theory that difficulty arises. To be truly effective, the principles should be applied evenly in all countries. Unfortunately, this is not the case. Economic nationalism is pursued vigorously in virtually every country except the United States. Where many of our economists consider the balance of payments to be of secondary importance, in other countries the payments position is a matter of top priority. As a matter of basic national policy, they adopt trade rules for their own benefit, often to the serious detriment of the Unied States' balance of payments and of the business interests of our companies. Our international companies know only too well about foreign governments' activities in matters affecting their vital business interests. There is no comparable U.S. Government intervention in their behalf.

It is necessary to give due weight to the economic principles which, along with foreign relations considerations, have influenced American trade policy so strongly. No major change in trade policy can be effective without the strong support of the nation's economists. Now may be just the opportune moment for this influential group to broaden its view to recognize the practical problems confronting the U.S. in world trade today. It may be that one result of the monetary crisis will be a receptivity both here and abroad to new proposals to save America's trade position at long last.

THE BUREAUCRACY'S BIAS ON INTERNATIONAL TRADE

Because of my background, your staff asked that I comment on the functioning of "The Bureaucracy."

Foreign trade and economic matters probably involve more government agencies, bureaus, and commissions than any other policy area in government. State, Treasury, Commerce, Defense, Agriculture, Justice, the Special Trade Representative, CIA, USIA, the Tariff Commission, and many others take positions on the important trade issues. The number of problems that come before the interagency working committees or are handled within the individual agencies is simply incredible. Never in business did I encounter the number or variety of problems that people in the trade field in government must handle. With every industry and every country a possible candidate for some problem on any given day, one can appreciate the complex and heavy workload carried by agency personnel.

I was greatly impressed by the knowledge, thoroughness and dedication of the people I worked with, both in Commerce and in other agencies. But I was disappointed by the inefficiency of the decision process and the inflexibility of agency positions. Of greatest concern was the "built-in bias," in nearly every agency, against helping U.S. business if any sort of action against foreign competition might be needed.

I will try to give you an example of what I mean. I want to describe briefly an almost unbelievable case of uncertainty, delay, and a "built-in bias" against assisting U.S. business. It is a still-active matter that shows how lacking in responsiveness our government agencies are, even today.

This is the application of the Miniature and Precision Ball Bearing Industry for Import Relief under the National Security Provisions of the Trade Expansion Act of 1962. Miniature precision ball bearings are required in thousands of critical products ranging from space and medical science to the most advanced weaponry. The techniques for making these tiny bearings were a United States exclusive until a few years ago. Now there are only two companies left in this country that are able to make these essential devices. These are the finest, most precise mechanical parts in use today.

The date of this application is January 31, 1969. The decision from the Office of Emergency Preparedness (ruling against the industry) was issued on May 5, 1971, over 27 months after the original filing! It is of interest that since this provision (Section 232) became law, there has been only one decision in favor of import relief—for petroleum—and more than twenty-five decisions against relief. Section 232 originated in the Senate Finance Committee back in 1955. Your Committee has time and again asked that it be made operative, but the bureaucratic resistance persists.

Experienced Commerce staff people told me that this was the best National Security case they had ever seen. The Commerce Department, and after some months of delay, the Defense Department as well, recommended that import relief be granted. The Labor Department attested to the critical skills that would disappear if our two sole remaining producers were lost. The Defense Department has become truly alarmed and has issued orders that all defense procurement of these bearings must be from the U.S. or Canada. It is ironic, however, that within a few days after Defense's announcement in late April, the newspapers carried this item: "New Hampshire Ball Bearings, Inc. announced today that it is closing its Laconia, New Hampshire, plant on May 1. Richard Cherwin, the company's president, said that 'The Defense Department's action last week was a constructive step but it was too little and too late.'" The company will transfer what business it has left to its remaining facility. Unfortunately, defense business alone is not sufficient to sustain the industry's capability.

It is not possible to go into all of the details of the case here today, of course! But in a minute or two you can get a feel for it as a clear-cut example of just how impossible it is for an American industry to obtain relief from import competition, despite Congress' intent.

Both of these companies happen to be located in New Hampshire. There are other ball bearing manufacturers, of course, but none with the unique capabilities possessed by these two companies. Each successive layoff of workers has caused considerable public concern. Their employment is now only half what it was four years ago. Both Senators and Congressmen have actively supported the companies' case with the Executive Branch. It is doubtful that there would even be a decision yet if Congressman James Cleveland had not made a personal crusade of this matter. And yet, after all of these months, a negative decision has been rendered, blaming general business conditions rather than foreign competitors. Paradoxically, existence of significant Japanese competition is acknowledged in the rejection. Can anyone remotely imagine that the Japanese government would have so accommodated one of our industries if a reverse situation existed? It seems obvious that your Committee and the Congress did not expect this kind of decision when Section 232 was put into law. That this and so many other cases have been decided adversely indicates something is seriously wrong!

This is just one example, of course, involving only a few million dollars and several thousand jobs. The National Security implications are alarming in themselves. But this week you are concentrating on much broader economic implications. It is our major industries that must concern you more than smaller cases like this. However, this case does show that our current attitudes are wrong! If we cannot help a vital, small U.S. industry when no significant foreign relations or economic harm could result to another nation, how can we face the much bigger problems? We must change our attitudes and biases from hindering American business to help it thrive in world competition!

CONCLUSION

I have attempted to make two principal points today. First, America's world trade position is a critically important matter, far more important than is understood by the public. And, second, the United States trade position is in a very grave condition.

I am convinced that meaningful steps to improve our trade position would make a major contribution toward relieving unemployment—hundreds of thousands of jobs are at stake. From the standpoint of the rest of the world, an improvement in the U.S. trade position is essential. Only in that way can we effectively restore U.S. balance of payments stability and preserve the international monetary system.

It will be no easy matter to find a common platform for trade policy that will satisfy all of the diverse elements of business and government. But a common platform must be found, and the futile "free trade" vs. "protectionist" debate stopped.

The Congress, the nation's economists, and the bureaucracy hold the keys to achieving a new direction for U.S. trade policy. Business and labor must change too, but the leadership can only come from Washington. Mr. Chairman, you and your fellow committee members are to be congratulated on bringing the international trade issue to the fore at this critical time. We have been woefully slow to recognize the crisis proportions of the nation's world competitive problems. The painful job of converting entrenched attitudes in the bureaucracy and forging new legislation in the Congress must be accomplished quickly. There is still time to preserve the nation's vital industries by adopting new trade policies now. At stake is nothing less than the fundamental soundness of the American economy. In turn, the stability of the world's economy lies in the balance as well. To have far too much to lose to permit our actions to be "Too little, too late"!

HOUSE RESOLUTION 411

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, in behalf of Chairman HOLIFIELD of the Government Operations Committee and myself, I would like to address the House briefly with regard to the unique procedure we shall be following tomorrow when the House considers House Resolution 411, a resolution to disapprove the President's Reorganization Plan No. 1 of 1971.

This procedure is fully explained in a "Dear Colleague" letter sent out over Chairman HOLIFIELD's and my signature today. I submit a copy of this letter at this point in the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 24, 1971.

DEAR COLLEAGUE: On Tuesday, May 25, 1971, the House will vote on H. Res. 411, a resolution to disapprove the President's Reorganization Plan No. 1 of 1971. Under this Plan, a new agency named ACTION would be established to administer a number of volunteer programs now located in several different agencies. The pro and con arguments are thoroughly discussed in the Committee Report (House Report 92–222).

Since this will be the first time in the 92nd Congress that the House will consider a resolution to disapprove a Presidential reorganization plan, we wish to remind you of the unusual procedure involved. Under the reorganization law, a reorganization plan sent to Congress by the President goes into effect unless either the House *or* the Senate adopts a resolution disapproving the plan within sixty calendar days (with additional time allowed for formal recesses).

If a Member is in favor of the President's Plan, he should vote NO on the resolution to disapprove the Plan. If a Member is opposed to the President's Plan, he should vote AYE on the resolution.

In reporting the resolution, the Committee on Government Operations, by a vote of 22–16, recommended that the President's Plan be allowed to go into effect and that the Members vote NO on the resolution.

Sincerely yours,
CHET HOLIFIELD,
Chairman.
FRANK HORTON,
Ranking Minority Member, Legislation and Military Operations Subcommittee.

PROBLEMS OF RAISING MONEY TO SUPPORT PARTY ORGANIZATIONS AND PAY COST OF ELECTION CAMPAIGNS

(Mr. ARENDS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ARENDS. Mr. Speaker, one of the great problems under our system of government has always been how best to raise the money to support party organizations and pay the cost of election campaigns. Today, this problem because of spiraling costs is more acute than ever.

Many thoughtful citizens are concerned over the magnitude of the sums involved—to pay for time on television and radio stations, advertisements in the newspapers, billboards, campaign literature, political rallies, and all other means by which our two major parties present their candidates and platforms to the electorate.

The late Everett McKinley Dirksen, distinguished Senator from Illinois and Republican statesman, wrote of this problem:

> The objective of all of us is to preserve our two-party system and to strengthen it. The continuing struggle between the two parties enables our people to know both sides of every issue. That each party, through its candidates, may present its program, large sums of money are required to finance television programs, radio programs, for literature, for advertising, for maintaining headquarters and staffs, and for all the various media through which debate is conducted and the people obtain the facts to make their decision.
>
> It is my opinion that the funds for this purpose should come from private sources.... It is for us to find ways and means . . . to encourage all the people to contribute to the party and to the candidates of their choice.

Senator Dirksen went on to cite the United Republican Fund as an outstanding example of success in enrolling large numbers of voters as dues-paying members—an idea which originated with the fund and has since been adopted by other Republican Party organizations and by the Democrats as well.

This year the United Republican Fund of Illinois will mark its 37th year of service as the official money-raising organization of the Republican Party in our State.

During these 36 years the fund has raised more than $26 million for the support of party organizations, at the National, State, and local levels. The fund has been an innovator. It has developed effective means of political fundraising that have been widely copied, both within our party and among the Democrats.

It was the United Republican Fund of Illinois which originated the $100-a-plate dinner as an effective means of raising money and rallying support for the party. Another distinguished Republican Senator and party leader, Bob Taft, of Ohio, addressed that first $100-a-plate dinner in Chicago. It is worthy of note that his son, BOB TAFT, Jr., now in his turn representing Ohio in the U.S. Senate, addressed this year's $100-a-plate Lincoln Day event in Chicago—20 years after his father spoke to the first such affair.

The United Republican Fund of Illinois has been fortunate in the caliber of men who have volunteered to serve as its presidents—among them, in more recent years, Edward L. Ryerson, CHARLES H. PERCY, James C. Worthy, and Fred M. Gillies.

Now, with William Harrison Fetridge as president, the fund is well launched on a program to collect $2 million in contributions for the support of party organizations through the crucial 1972 elections.

In our two-party system by which opposing policies are presented to the people the role of Republican Party is indeed an essential one under our Constitution and our form of government. The responsibility of the United Republican Fund of Illinois is to raise money needed to keep the party strong.

"AFTER PING-PONG, WHAT?"

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, it has occurred to me, as one Member particularly interested in the relationship between the United States and the Pacific Basin, that the recent series of comments following the important break in the Chinese curtain has raised as many doubts as hopes and posed more problems than promise at this point in time. I am impressed that the invitation to the ping pong participants opened a new period in terms of our relationship with China. I am also aware that it provides a new dimension for interpretation of the so-called Nixon policy in the Pacific.

What concerns me is that the U.S. posture not be either misread nor misdirected following the incidents of the recent past. Let me clarify my meaning. As one who has kept rather close contact with our allies in the Pacific, I am very sensitive to the fact that none of these countries really feels that they have a comfortable and solid understanding of what the Nixon policy really means. Given that premise, it can be assumed and can be demonstrated that everything that is said and done presently by the leadership of America strikes with a most important impact on these countries where they are still trying to discover what the new articulation of policy really means. For this reason, I think we should be particularly careful as to who is speaking and what is being said and understand the sensitivities of our allies and their present problem of determining precisely what the new posture in Asia for America will become.

Now let us look at this matter of the so-called new China policy and potential. It would appear to me that as our pronouncements and our proposals pose the possibility that the United States is proceeding along a path of improved relationships with China, we may promulgate a rash of activities on behalf of our friends in the Pacific to get on the bandwagon. As a matter of fact, some of these may feel that they ought to be out ahead of us in terms of improved relations or new involvements. Certainly anyone looking at the recent occurrences out of the Philippines, Canada, Japan, Thailand, Malaysia, to name a few, would have to read out that where the United States is ready to walk a block, they may be prepared to run a mile. This kind of reaction, I would warn you, could very well upset the delicate balance of power which is important in the making of the future.

So, out of these observations, I conclude that, first, the United States should very early and through the right person, make a constructive statement indicating that the United States intends to stay as a power in the Pacific. But, more than that, that our actions and our activities are geared more to shift the confrontation from the arena of violent and military confrontations to those in the economic and cultural fields. Then, we should take some steps to demonstrate the meaning of this position.

The second area where I think we need some very thoughtful enunciations is in regards to the whole trade posture between China and the United States or any other component in the free world. This understanding should commence with a candid assessment of the Chinese economic and trade picture. First of all, China must be seen at the present moment as something other than a consumer's society. Its present capacity for international trade is slightly over $4 billion. Furthermore, and most importantly, the control over both the expansion and application of this $4 billion in trade is in the hands of one single agency. Anyone who now looks at the Chinese market in terms of 600 million Chinese has got to be either uninformed or immensely naive. What must be anticipated and expected and is clearly predictable is that Chinese trade will be a political weapon for the present Communist leaders; and it will be used to benefit the political posture of those leaders, not to enhance the living standards or affect the consuming patterns of the Chinese people. Let me give you an example of what can be expected. If the Chinese have a capability of absorbing 400,000 tons of wheat, then they will take that capability to Canada and indicate that for political concessions and for what will turn out to be either an economic balance or preferably a surplus, the Chinese will make that market available to Canada. If the Canadians go willingly along, then the next year the Chinese will take the same market potential to Australia and try to make an entirely new deal on the same terms with the Australians. This pattern of using the market condition in China as a lever for Chinese international politics is just as surely the future of Chinese action as is the fact that the sun will come up in the morning. Japanese, the Americans, or anyone else who sees anytime in the near future a level of consumer oriented market with diversified buyers is headed for deep disillusionment.

So, I suggest that although we should definitely and certainly move our confrontation into the economic and cultural area, we must exercise the caution and the concern that is dictated by the Communist Chinese mentality and methodology in these fields. Unless we have this kind of thinking and preparation in our policies, then many things may go awry and will require substantial effort to make straight.

So, what I conclude finally, Mr. Speaker, is that, after ping-pong, we may very well, and I think hopefully will, move into an arena of confrontation more economic and cultural than military and violent, even though these latter two will not go away. But we will have all the trouble in these two new arenas that we had in those areas of confrontation we have been used to over the last 20 years. And, if we show our friends in the Pacific that we know and understand this, they are going to be greatly comforted and will be far more able to understand the emergence of our new policy and posture.

I would like to call to the attention of my colleagues the attached article which appeared in today's Washington Post. It is comforting to know that the above thesis has the agreement of the conference of Asian experts.

The article follows:

ASIA EXPERTS URGE U.S. TO CLARIFY POLICY

WARRENTON, VA., May 23.—Asia scholars and diplomats called today for a clarification of the Nixon Doctrine, particularly because of what they see as growing isolationism in the United States.

Some 180 scholars, government representatives and labor and business specialists on Asia attended a three-day conference on Asia's prospects for peace, development and security in the 1970s.

Attention was focused on the new balance of power developing in Asia as a result of the reduced U.S. military presence on the mainland and the withdrawal of British forces east of Suez.

In a concluding statement, the scholars said the question now is how to evaluate U.S. commitments for defense and security in an Asian situation where China, the Soviet Union and Japan all serve as power centers.

A second major impact on the region is the spectacular rise of Japan to world economic power.

Prof. Richard L. Walker of the University of South Carolina, who presided at the conference, called for Asian countries to become aware that their future depends on reinvolvement with the West, not with disengagement. He listed among other problems the encouragement to guerrilla violence from Peking.

ADMINISTRATION FLAUNTS WILL OF CONGRESS—REFUSES TO IMPLEMENT RYAN MITCHELL-LAMA AMENDMENT TO 1970 HOUSING ACT

(Mr. RYAN asked and was given permission to extend his remarks at this point in the record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, there is an old and familiar expression—where there is a will there is a way. Unfortunately, the current relationship of the Congress and the executive seems not to abide by that modus operandi. The Congress appropriates funds. The administration refuses to release $12 billion of these moneys. The Congress passes the Lead-Based Paint Poisoning Prevention Act, Public Law 91–695, authorizing $10 million for fiscal year 1971. The administration refuses to request any funding for the programs authorized by this new, and extremely important, law.

A like fate has befallen section 118 of the 1970 Housing and Urban Development Act, which incorporates my bill in the 91st Congress—H.R. 49—making State and locally financed limited profit housing projects constructed prior to 1969 eligible for section 236 rental assistance subsidies.

Section 118 builds on a previous bill of mine which was incorporated in the Housing and Urban Development Act of 1968. That bill made State and locally financed limited profit housing projects eligible for section 236 interest subsidies. Probably the best known of the programs thereby made eligible are the New York State and New York City Mitchell-Lama programs.

The first bill of mine, incorporated in the 1968 Act, was limited to projects constructed or rehabilitated following the enactment of the act. Consequently, my endeavors following its becoming law were directed at expanding coverage to include projects built prior to the 1968 act's becoming public law. We succeeded in achieving this end with the incorporation of my bill in the 91st Congress into the 1970 act.

The result of the 1970 legislation, combined with that of the 1968 legislation, is that Mitchell-Lamas can receive Federal subsidies to help meet the interest payments on the mortages covering the projects. These subsidies may cover the difference between the interest being paid, and the expenditures which would be made were the interest rate 1 percent. This sounds complicated, but when translated into terms of rental costs, this subsidy's importance becomes crystal clear.

The rule of thumb is that each percentage point of interest being paid on a mortgage translates into $4.50 per room per month in rental or carrying charges. Thus, if a Mitchell-Lama project is covered by a mortgage whose interest rate is 7 percent, and the section 236 subsidy is used to bring that rate down, in effect, to 1 percent, the renter of a four room apartment can experience a rental reduction of 6 times $4.50 times 4, or $108. Of course, because of soaring maintenance expenses, and other costs, the renter, or cooperator, may not experience such a large drop. But the subsidy at least helps him to hold the line against increases, the increases due to maintenance being offset by the subsidy for the interest rate.

In New York City, this section 236 subsidy is of crucial importance. New Mitchell-Lama buildings are now coming in with rentals and carrying charges of as high as $75 or $80 per room per month. Moderate income families simply cannot afford these massive expenditures for what is a basic necessity—shelter. That is why the section 236 subsidy is so important—it can significantly lower these costs.

Older Mitchell-Lamas are in the same straits. Buildings which at one time had reasonable rentals are now being hit with enormous increases. One reason for this is increased maintenance expenses. Taxes also account for the rise. And, in addition, buildings which have to go into permanent financing have to pay current high interest rates, much in excess of the rates being paid while they remained on temporary financing.

Section 118 of the 1970 Housing and Urban Development Act is aimed at providing some relief for projects under temporary financing, by making them eligible for section 236 subsidies.

I want to stress—also—that, while I have spoken particularly of the Mitchel-Lama programs, because they are the programs with which I am most familiar, similar programs exist in several other States, including Pennsylvania, New Jersey, Illinois, Delaware, Michigan, Connecticut, Massachusetts, and West Virginia.

Despite the manifest need for implementation of section 118—the expression of Congress will—the administration refuses, in fact, to implement it. By letter of May 10, 1971, Assistant Secretary-Commissioner Eugene A. Gulledge, of the Department of Housing and Urban Development, Federal Housing Administration, has informed me:

> Due to the limited amount of Section 236 funds available, we feel that efficient utilization of contract authority precludes this Department from subsidizing existing dwelling units financed under State and local programs are permitted by Section 118(a) of the Housing and Urban Development Act of 1970.

Assistant Secretary-Commissioner went on to add:

> If additional funds are made available to provide for implementation of Section 118, we will be pleased to reevaluate our position on this matter.

Implementation of section 118 is essential, and references to lack of funds are totally inadequate. They are particularly inadequate in light of the administration's posture regarding funding for section 236. The 1970 Housing Act provides an additional $25 million of contract authority for section 236 for fiscal year 1971. The administration refused to request any funding for that. The authorization for fiscal year 1972 is $200 million; the administration has only requested $175 million.

If all that stands between section 118 of the 1970 act and its implementation is lack of funds, then the administration should request the full authorized funding for section 236.

The administration continues to flaunt the will of the Congress, as expressed by clear legislation. So long as it does so, it flaunts the will of the people.

Following is a copy of Assistant Secretary-Commissioner Eugene A. Gulledge's letter to me of May 10, informing me of the administration's refusal to implement section 118 of the Housing and Urban Development Act of 1970.

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,
FEDERAL HOUSING ADMINISTRATION,
Washington, D.C., May 10, 1971.

Hon. WILLIAM F. RYAN,
House of Representatives,
Washington, D.C.

DEAR MR. RYAN: This is in reply to your inquiry of March 19, 1971 concerning the implementation of Section 118 of the Housing and Urban Development Act of 1970.

Due to the limited amount of Section 236 funds available, we feel that efficient utilization of contract authority precludes this Department from subsidizing existing dwelling units financed under State and local programs as permitted by Section 118(a) of the Housing and Urban Development Act of 1970.

Congress has recently reaffirmed the national goal of providing a decent home and living environment for every American family. It is the intention of the Administration to increase the supply of decent, safe housing. Priority, therefore, must be given to new or substantially rehabilitated housing.

If additional funds are made available to provide for implementation of Section 118, we will be pleased to re-evaluate our position on this matter.

Sincerely yours,
EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

TRIBUTE TO CARROLL W. PARCHER

(Mr. SMITH of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SMITH of California. Mr. Speaker, this week marks the fiftieth anniversary that Carroll W. Parcher, publisher and editor of the Glendale News-Press, Glendale, Calif., has been in the newspaper profession. Affairs are being held in his honor in the district during this week, and I particularly wanted to express my comments in the RECORD.

Ever since I first met Carroll back in 1948 when I was a candidate for the 43d assembly district to the California legislature, he has been 100 percent cooperative, fair, and honest with me, and of tremendous assistance. Of course, everybody does not always agree on all positions another person takes. I have not always agreed with his positions anymore than he has agreed with me on all of mine. But in setting forth his positions, his reasoning has been on the basis of Americanism, always in support of the Constitution and the freedoms.

He has been completely fair with me at all times. Even though he did not agree with me, he never tore me apart. His position was explained in a straightforward, fair and cooperative manner.

Covering the span of a half-century of reporting, Carroll Parcher has led a busy and active life. Many honors and awards have come his way in recognition of his outstanding career. These include the Service to Mankind Award of Sertoma International, Certificate of Distinguished Service from the American Legion, Lions International Achievement Award, Liberty Bell Award of the Glendale Bar Association, Award of Merit—Military Order of the Purple Heart, and the Theta Sigma Psi Printer's Devil Award.

He has served as president of the California Press Association as well as the California Newspaper Publishers' Association. He is past president of the Los Angeles Professional Chapter of Sigma Delta Chi, the California Newspaperboy Foundation, Inc., and the Verdugo Club of Glendale, Calif. Also, he is a past lieutenant governor of the California-Nevada District, Kiwanis International His activities include being a director of the Southern California Visitors Council and of Copley Press, Inc. He has also served as chairman of the board, Verdugo Savings and Loan Association, Sunland-La Canada, Calif.

Membership in various organizations includes American Newspaper Publishers' Association, American Society of Newspaper Editors, Glendale Kiwanis Club, Jonathan Club of Los Angeles, Los Angeles Press Club, National Press Club, Washington, D.C. as well as Native Sons of the Golden West and the Verdugo Club.

Carroll Parcher is the most outstanding publisher and editor that I have had the privilege of knowing during my entire political career. It is a distinct honor and a great privilege for me to bring to your attention the fiftieth anniversary of one of our all-time greats in the journalism profession.

MINING ENGINEERING GRADUATES LAUNCHED INTO "SNAKE PIT OF PUBLIC CONTROVERSY"

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, one does not expect the director of an old-line Federal establishment to enter the forensic lists clad with the armor of the now generation. Nevertheless, that is exactly what happened on May 20, when the Honorable Elburt F. Osborn, Director of the United States Bureau of Mines, addressed the 1971 graduating class of the New Mexico Institute of Mining and Technology at Socorro, N. Mex.

Dr. Osborn's remarks were not, thankfully, from the traditional mold for commencement speeches. One could even go so far as to say his was a hard line address. For example, he told the class—

> You, at least most of you, have chosen careers in fields related to mineral resources. And this choice, whether you know it or not, is going to land you in a snake pit of public controversy over some of the most monumental problems to bedevil Americans in the twentieth century.

The Director was obviously referring to the tremendous, complex, and often frustrating problems associated with the use of our natural mineral resources. Now that the public is becoming aroused over environmental problems, Dr. Osborn's warning about the future came not a minute too soon. It is a surely a truism of the first rank that if any of the present crises surrounding the mining and/or use of minerals are to be solved, a new breed of mining engineer is needed; the training of such an engineer is one of the primariy concerns of our society.

Unfortunately, there are all too few of us in the United States concerned with the long-range future of the academic disciplines and sciences connected with mineral resources engineering. Dr. Osborn cited the dismal statistics which show a crisis proportion decline in the number of schools and graduates in the mineral sciences. He cited the brain drain away from these disciplines and I can only add that I am relieved to learn that the extent of the national problem is felt at the highest levels of the Federal Government.

Concern at the highest levels of government is not sufficient if we are to do something about the problem of our decreasing brain power in the mineral sciences. There is, however, a vehicle upon which the Nation could ride to a renewed preeminence in this field. I refer of course to my bill, H.R. 6788, which will establish mining and mineral research centers throughout the country. The bill's sponsors—Mrs. HANSEN of Washington, Mr. MCCLURE of Idaho, Mr. DENT and Mr. MCDADE of Pennsylvania, and Mr. WYATT of Oregon—are convinced, as is Dr. Osborn, that the logical way to prevent a complete and irreversible disaster in mineral sciences education is to attack the problem now. Our bill will accomplish this.

The need for a strong, progressive, and environmentally aware U.S. mineral industry is obvious. But that segment of America's economic strength cannot grow, cannot develop new techniques of extraction and processing, cannot attract new talent, cannot develop methods of environmental protection unless there is a commitment to improvement. The Congress of the United States is the one place where such a commitment can be made.

I feel confident that Dr. Osborn will support the concept embodied in our bill as he is in a unique position as Director of the Bureau of Mines to appreciate the seriousness of the current lag in minerals education.

The director did not devote all of his excellent commencement address to the subject of mining education; in fact, he succinctly covered the total field of problems facing the industry. As a summary of the mining/mineral situation throughout the country and as a call to action to improve the future of the industry, his speech is well worth reading. I have appended his address to my remarks:

REMARKS OF DR. ELBURT F. OSBORN

Being here today is a special pleasure for me. I am an academic by profession, and a bureaucraft by circumstance only. Leaving the pressures of Washington behind for the relative serenity of the academic community is a kind of holiday.

Therefore, it is with reluctance that I find I cannot fully play the role assigned to me today. As a commencement speaker I feel I should be programmed to utter traditional phrases and sentiments that seem in no way adequate to this particular occasion.

For example, it is customary to congratulate the graduates on their achievement, and I will: congratulations. It is also customary to claim that the graduates are "setting out on the great journey of life," and so you are. But today—here in the Spring of 1971—there is an exceedingly important consideration that I want to bring before you.

You, at least most of you, have chosen careers in fields related to mineral resources. And this choice, whether you know it or not, is going to land you in a *snake pit of public controversy* over some of the most monumental problems to bedevil Americans in the twentieth century.

That may not sound much like the careers you had in mind for yourselves. After all, geology, mining engineering, and metallurgy are sober, respectable, decidedly unspectacular disciplines, are they not? If you wanted to be a social activist you wouldn't have majored in geophysics, right? If you were out seeking conflict and controversy you wouldn't be a ceramic engineer, would you?

If that's how you've been thinking about your future careers, I'm afraid I'm going to have to disillusion you. You are heading into rough waters—every one of you. For very soon—it is already beginning to happen—the disciplines you represent will be getting far more than their traditional share of public attention . . . and public opinion.

Perhaps the biggest single reason for your rapidly increasing visibility is the issue of environmental quality. As a people, we have only recently discovered how shamefully our environment has been degraded in America. Recovering from the first shock of dismay, people all over the country are now starting to look for the underlying causes of this abuse. And the truth is beginning to dawn: most of America's environmental problems are related, in one way or another, to the production and use of minerals and fuels. I spoke earlier of the "pressures of Washington;" this growing public concern is responsible for many of them. There is also a growing public awareness that the people who must be relied on to turn the environmental situation around are the people who control the way fuels are produced and used, those who decide how metals and minerals are to be won and refined. In short, the public is zeroing in on your profession, even before you have had a chance to practice it.

Air pollution—stemming mainly from our expanding use of fuels—is a prime target of public antipathy. Water pollution is another. Municipal sewage-treatment plants and detergent manufacturers get their share of the blame, but responsibility for polluting thousands of lakes and streams with acid drainage, silt, and tailings is laid on the doorstep of deficient mining and mineral-processing technology. And you know which generation of speciailsts will be expected to mend the shortcomings: yours.

Surface mining is one of the most emotion-laden issues before the public today, and the implications that issue holds for our mineral technology are truly challenging. Over 3,000 square *miles* of the country already needs repairing because of the damage done by surface mining. Almost every State in the Union bears some of its scars. Each year, more mine operators are finding out that it is harder and harder to start breaking the topsoil without generating bitter opposition on environmental grounds.

The public has already demonstrated its willingness, in more than a score of mining States, to regulate surface mining activities. Now it seems increasingly willing to banish strip mines totally, if that's what it takes to protect the land. Total abolition may be impractical, all right. But who is going to come up with a practical alternative to surface mining, or practical ways to do right by the environment, if not your profession? No one else has the technical ability.

The public is also on the verge of identifying the mineral industry as the biggest single culprit in the solid waste explosion. Because of technology's limitations, better than a billion tons of mineral wastes a year goes conspicuously on display—all over the country. Mill tailings, slag, processing plant wastes, culm banks . . . all of these offenses and more that can't be hidden. The public is saying it won't tolerate this anymore, and we'd better believe them.

Even just plain trash—incinerator residue, junk cars, fly ash, and urban refuse—has become a problem that only an advanced minerals technology seems capable of dealing with. Only the metallurgists, the ceramics engineers, the mining engineers, and the mineral economists are professionally and technologically equipped to make a dent in the problem. Yet, today, tonnage and volume of solid wastes are swelling faster than new technological approaches for handling them can be tested.

Finally, subsurface waste disposal, despite all its promising possibilities, is surrounded with many unknowns . . . so many, in fact, that it has become the subject of dramatic speculation as to possibly calamitous environmental side-effects—everything from water pollution to earthquakes. Such speculation alone could destroy its promise. Clearly, it is up to the geophysicists, geochemists, and petroleum engineers to replace the unknowns with facts . . . to combat speculation with information. Nobody else is in a position to make such an evaluation.

All these tasks may be unconventional enough, for the traditional minerals engineer or scientist. No matter. They must be accomplished anyway. If you chose your professions on the basis of what they used to be like, ten or even five years ago, you are in for a surprise. But the environmental problems aren't the only ones that will revolutionize your disciplines. Even if it were possible to disregard environmental considerations—as a majority of your colleagues of a generation ago did—you will still be pressed beyond the traditional limits of your disciplines to satisfy America's soaring requirements for minerals.

"Well, now," you say, "that sounds more like it. That's what we were trained for—supplying minerals." But it isn't going to be that easy. Let's face it—up to now America has been blessed with a relative abundance of mineral resources. Conventional mineral technology was the response to that abundance. But conventional technology just can't hack it anymore.

Look at the trends. The best deposits are mostly used up. New high-grade deposits—assuming there are any—will be harder to find, harder to get to. The lower-grade deposits you turn to out of necessity will be harder to process, more expensive to work with. Abundance is coming to an end. And simultaneously, our minerals-hungry society is making plans for an even more affluent tomorrow, as if our resources were inexhaustible.

The year 2000 no doubt sounds to you like some time far in the future and perhaps of not much direct concern to you. The contrary is the case. You will then be in your fifties, and in the age group managing the country's institutions, and responsible for solving its problems.

In the year 2000, annual copper demand is projected to more than triple the demand of just two years ago. Projected world demand for copper between 1969 and the beginning of the 21st century amounts to 375 million tons of the red metal. Meeting this demand would require the discovery in the next 30 years of 300 new copper deposits, each of a size and grade now considered median. One deposit like this is now under development in Arizona. The ore averages less than 0.4 percent copper, so only the presence of molybdenum makes it commercially attractive. Ask any geologist what he thinks of the chances for finding 10 new copper deposits like that one every year from now on into the 21st century, and don't be surprised when he laughs at you. But that's the situation, and it is much the same for other minerals we now consider conventional.

For iron, the increase in annual demand by 2000, compared with 1969, forecast at 60 percent. For potash, it's 300 percent; sulfur, over 300 percent; aluminum, over 700 percent.

The truth is that America's capability to consume materials is growing much faster than its ability to supply them . . . with today's technology.

It's the same story for energy. Annual demand in the United States is expected to double by 1985 and triple by the turn of the century. Yet—except for coal—fuels are getting hard to find. We are using up domestic oil and gas reserves faster than we can replace them; each year the reserves-to-production ratios get a little lower. Nuclear power development is behind schedule; the "breeder" reactor that will make available additional energy resources is still on the drawing boards. Coal, our most plentiful energy resource, is increasingly being kept out of powerplants and furnaces because its sulfur content conflicts with clean air regulations.

These prodigious problems—a damaged environment, impending mineral shortages—are your problems. In taking your degrees you are staking a claim to them. They can be solved only by scientists and engineers oriented toward mineral resource technology. And that fact brings us to another problem, one that will make the other two much harder to solve: the growing shortage of mineral scientists and engineers.

The Nation's system for educating engineers and scientists in mineral resource disciplines is dangerously weak. The system that ought to be gearing up for tomorrow's challenges is breaking down . . . all over the country. Nationwide, the mineral-resource disciplines have failed to attract the number of students and the financial resources needed to sustain vigorous, high-quality academic programs. Many institutions have greatly reduced their programs in mineral science and technology, or even eliminated them. Mining engineering departments, for example, have been dropped in recent years at Lafayette, Lehigh, Pittsburgh, Ohio State, Illinois, Washington, Minnesota, Kentucky, and the University of California.

Because of the severe brain-drain away from mineral-resource disciplines, your work to meet the country's ever-growing material and energy demands, in the context of the new environmental ethic, is going to be handicapped.

The situation regarding skilled manpower is just as bleak, but for different reasons—health and safety. The unacceptably high injury and fatality rates in the mining industry today cannot help but keep men away from jobs in the mining industry. Until the toll of death and injury in mining jobs is radically cut, the industry will be unable to attract the employees it needs. And that could conceivably limit the country's access to its minerals and fuels.

Now, you've been thoroughly warned—and perhaps intimidated—about the situation you've gotten yourselves into, through no fault of your own, by successfully completing the requirements for your degrees. I owe it to you to identify, as well as I can, the best way out of the mess. Very well. As far as I can see, today's approaches to these problems are proving bankrupt. I'm speaking mainly of conventional technology, but also of the philosophic base on which that technology rests. What we need, from the bottom up, is innovation.

Up to now, the innovators in technology have been found mostly among the mineral consumers—the space-probe builders, the computer designers, the nuclear power experts. The scientists and engineers responsible for providing minerals have, for the most part, been content to extend the limits of their disciplines in an orderly and deliberate fashion. But those were the good old days. Mineral resource technology, which has not changed basically in a century, is next in line to be shaken up by a revolution.

Time and circumstance have combined to give you the chance to lead that revolution. You can help give us the mineral resource systems that will supply all of society's needs.

The "systems" concept, I believe, is the best example of the kind of new technology that is needed . . . the kind that your generation of professionals is going to have to create.

The success of the systems concept has been conspicuously demonstrated by the Nation's manned spaceflight program. The systems approach worked because it viewed the technology not merely in terms of what it was, but in terms of what it had to become.

Using the systems approach, the mining, processing, and use of minerals would be viewed as a continuum, in which each operation is judged in part by its effects on all the others. The system's goal would be to produce desirable quantities of low-cost materials or fuels, while minimizing hazards to the health and safety of the employees as well as to the environment at large. Every operation in the system would be designed to achieve that goal. For example, mining methods would be selected not just to maximize productivity, but to minimize mine health and safety hazards as well. By contrast, with today's "add-on" technology many hazards are actually caused by the mining methods used, and techniques have had to be developed and added onto the operation solely to cope with problems that need never have arisen.

Likewise, systems technology could provide, as integral parts of a unified whole, methods for eliminating the environmental pollution problems now associated with production and use of minerals, from acid mine drainage to the solid wastes of mines and municipalities.

Research toward this particular goal is underway in the laboratories of the Interior Department's Bureau of Mines, where mine-systems research actually aims at reversing the trend toward surface operations in mining. In another field, work on solid waste has yielded promising techniques for conserving millions of dollars' worth of needed mineral materials, by recycling incinerator residues, while at the same time helping to protect the environment from the ecologically destructive practices used in conventional solid waste disposal. More success by the Bureau, and by the other public and private agencies working in this field, could lead to the evolution of a recycling "subsystem" that will serve the twin goals of environmental protection and mineral supply.

In Bureau of Mines energy research, work is moving ahead toward practical ways for converting coal to man-made natural gas of pipeline quality. Such technologic work itself represents one "systems" approach to solving some of the problems inherent in the ways we transport and use coal. Coal energy is easier to transport to markets, and cleaner to burn, as a gas. Perhaps we have here the beginnings of a total energy system, with gas conversion plants located near coal supplies, and tied in with existing gas transmission and distribution lines.

But our requirements don't begin or end with the development of systems for extracting, processing, and using minerals. We also need radically new and better ways to find them. We should be able to chart our mineral resources in such great detail that it will be possible to compile a new kind of "whole earth catalog," one representing a complete inventory of the materials in our planet's crust . . . on dry land and in the beds of the oceans.

To supplement a superior mineral location technology, far better demand-forecasting systems are needed. For greatest flexibility and value, developers of such systems may find they have to depart from the strict "commodities" orientation that characterizes our thinking today. Instead, we might become "materials" oriented. For example, as markets are seen developing for a structural material with given optical and chemical properties, demand could be gaged in terms of materials that could be custom-made to the specifications—metals, ceramics, organic polymers, composites, or whatever will serve. Under such a system, the ability to draw on the greatest range of candidate materials would represent the strongest possible material-resources position.

Such a response to changing social goals is the philosophic basis of the systems approach to mineral exploration, mineral recovery, and mineral use. Mineral technologists have traditionally considered themselves isolated from the public's view, if only by the relatively obscure nature of their work. But now you will be in the limelight, and you must not resent it. You must be the first generation of mineral experts to learn to communicate with the public, and to accept in good faith what it says. Only then can you expect the public to accept your professional judgments in good faith. Today, by contrast, we see too much cynicism and suspicion on both sides.

I've tried to sketch a picture of the future I see for you, and the problems you're going to be met with. I want you to know, however, that the present generation isn't sitting on its hands, leaving the whole burden to you. There *is* innovation in the mineral industry, although not enough. The Government *is* doing something about the situation, although few would deny that it needs to do more.

An important step in the direction of a coordinated minerals development policy was taken by the 91st Congress in its passage of the Administration-supported Mining and Minerals Policy Act of 1970. Among its provisions, this law requires the Secretary of the Interior to inform the Congress each year, as part of the Secretary's annual report, on the state of the domestic minerals and fuels industries. Thus, the Act sets up a mandatory annual review of all mineral sources and forces us to consider them all in conjunction with one another—as a unified system.

In an effort to protect the environment in mining areas on a more equitable total approach basis, the Administration has introduced the Mined Area Protection Act of 1971 in the current session of Congress. The criteria set forth in this proposed legislation will provide for cooperation between the States and the Federal Government in developing environmental regulations for both surface and underground mining operations. The States will be required to develop mined area protection regulations within two years. In case of default by a State or inadequacy of proposed State regulations, Federal regulations will be developed for that particular State. The philosophy of this proposed legislation is the control of land, air, and water resources adjacent to mining operations; elimination of regulatory inconsistencies between the States; and establishment of equitable mined area protection regulations consistent with variations in topographic, geologic, and climatic conditions. A key provision of this legislation provides for research on mind-area environmental protection techniques and for training programs to develop the skills required in this important field of endeavor.

The Bureau of Mines has recently established an Office of University Relations, and with certain research funds available to it, is hoping to be an important factor in building up the departments of mining engineering and related fields in our educational institutions.

President Nixon has focused public attention on the need for a unified and systematic approach to all of our natural resources problems. In his State of the Union message of this year, the President proposed a sweeping reorganization of the entire Executive Branch of the Federal Government. Embodied in his proposal is the concept of a United States Department of Natural Resources, which would consolidate the scattered responsibilities for managing our natural resources into a single Cabinet-level Department. Of direct importance to your profession is the grouping of *all* responsibilities for energy and mineral resources within the proposed Department of Natural Resources. The plan calls for Federal energy and mineral resource policy to be fully integrated . . . for national policy to be developed with a clear view of its national implications. Broader scope and greater balance will be given to nationally supported research and development works in the minerals field —work in which you and your colleagues will find challenges and opportunities. A coherent Federal mineral resource organization will help assure more effective and economic use of our National mineral wealth. Of particular importance is the idea of a team effort, with the Federal Government undertaking to share some of the costs of bringing to fruition some of the important, high-cost projects aimed at enhancing our long-term mineral supply and improving the efficiency of the country's mineral utilization.

These are beginning steps. The machinery of Government has the ability to start some of them, to encourage them, to pay for them, to explain them to the public whose interest it is dedicated to serving. But the Government alone cannot keep them going, or guarantee that they will succeed. Nor can it initiate all of the new programs that will be needed. Power of this kind . . . and the responsibility that goes with it . . . is mostly in the hands of the minerals scientists, technologists, and educators who will be practicing their profession during the last decades of this century. This is the group you are about to join . . . you and a few score of your colleagues taking degrees at other campuses.

You have succeeded in your studies, and are about to enter a tough and challenging field. The future will demand the very best that you have. In your efforts toward success I know that you will heed that challenge.

Good luck.

SUPPORT FOR AN INCREASED MINIMUM WAGE

(Mr. BEGICH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BEGICH. Mr. Speaker, today I am introducing a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate and to make other adjustments in low wage areas. This is the same bill introduced earlier by the gentleman from Pennsylvania (Mr. Dent) who has shown such inspiring leadership in this and other areas. I am pleased that those who rose in immediate support of this bill included both the Speaker and the gentleman from Kentucky (Mr. Perkins). By my action today, I am joining a number of my most able colleagues in stating unequivocably that it is time that we took action on the minimum wage.

This bill seeks to raise the minimum wage gradually over a period of 2½ years to $2 per hour for agricultural workers, and to $2 per hour for nonagricultural and public employees over 1½ years. It is straight forward legislation which must be enacted without delay.

It may be that even more of a raise in the minimum wage is necessary. Five years has passed since the minimum wage was raised to $1.60. At that prevailing rate, as the Speaker has pointed out on several occasions, a man who is working full time all year makes only $3,200. This is about $50 under the presently accepted poverty level for a family of four, and I do not believe our society should allow a man who is fully employed year round to remain below the poverty level at a time when we should be reducing the ranks of the poor.

At $2 an hour minimum wage, the same worker will make $4,000 per year, a figure which by the slightest of margins will enable a man or woman to raise their family above the poverty level. Once this figure is reached, there will be no time for delay in going even further, if the experience of the past 5 years is to be considered. During the 5 years since the last increase, the purchasing power of the dollar fell rapidly, and the real gains of the minimum wage increase were substantially mitigated.

Mr. Speaker, I am prepared to support this bill, and perhaps go further. I am also prepared to support innovative reforms of the welfare system. It is my feeling, however, that at the time the welfare system is reformed, we must be certain to protect those in our society who are fortunate enough to find work, and capable and healthy enough to keep the job. I thank the gentlemen who originated this legislation, and offer them my support.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Slack (at the request of Mr. O'Neill), for today, on account of official business.

Mr. William D. Ford (at the request of Mr. Boggs), for today, on account of official business.

Mr. Dent (at the request of Mr. Boggs), for Monday, May 24, through Thursday, May 27, on account of illness.

Mr. Roe (at the request of Mr. Boggs), for Monday, May 24, through Thursday, May 27, on account of committee official business.

Mrs. Dwyer (at the request of Mr. Gerald R. Ford), for May 18 through May 27, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Monagan, on Wednesday, May 26, for 60 minutes, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. Shoup) to revise and extend their remarks and include extraneous material:)

Mr. Harvey, for 10 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Esch, for 10 minutes, today.

(The following Members (at the request of Mr. Denholm) to revise and extend their remarks and include extraneous material:)

Mr. Rosenthal, for 15 minutes, today.

Mr. Rarick, for 15 minutes, today.

Mr. Aspin, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. McClory, during consideration of Senate Joint Resolution 29 today.

Mr. Rostenkowski, immediately following the remarks of Mr. Brademas today.

(The following Members (at the request of Mr. Shoup) and to include extraneous material:)

Mr. Gubser.
Mr. Dickinson.
Mr. McClory.
Mr. Bray in two instances.
Mr. Pettis.
Mr. O'Konski.
Mr. Anderson of Illinois in three instances.
Mr. Schwengel in two instances.
Mr. Derwinski in four instances.
Mr. Morse.
Mr. Miller of Ohio.
Mr. Railsback.
Mr. Frenzel.
Mr. Hosmer in three instances.
Mr. Duncan in two instances.
Mr. Smith of New York.
Mr. Baker.
Mr. Goldwater in two instances.
Mr. Zwach.
Mr. Davis of Wisconsin.
Mr. Gude.
Mr. Scott.

(The following Members (at the request of Mr. Denholm) and to include extraneous material:)

Mr. Burton.
Mr. Rosenthal.
Mr. Harrington.
Mr. James V. Stanton.
Mr. Begich in four instances.
Mr. Hamilton.
Mr. Boggs.
Mr. Celler.
Mr. Jacobs in two instances.
Mr. Roncalio in two instances.
Mr. Anderson of California in two instances.
Mr. Ryan in three instances.
Mr. Gonzalez in three instances.
Mr. Rarick in three instances.
Mr. Moorhead in four instances.
Mr. Badillo in three instances.
Mr. Evins of Tennessee in three instances.
Mr. Griffin.
Mr. Danielson.
Mr. Hagan in two instances.
Mr. Chappell in two instances.
Mr. Waldie in eight instances.
Mr. Thompson of New Jersey in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 7. An act to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 255. An act for the relief of Leonora Lopez; to the Committee on the Judiciary.

S. 306. An act for the relief of Eddie Troy Jaynes, Jr., and Rosa Elena Jaynes; to the Committee on the Judiciary.

S. 441. An act for the relief of Blandina Salvador; to the Committee on the Judiciary.

S. 442. An act for the relief of Cristina Bangcawayan; to the Committee on the Judiciary.

S. 559. An act for the relief of Albina Lucio Z. Manlucu; to the Committee on the Judiciary.

S. 617. An act for the relief of Siu-Kei-Fong; to the Committee on the Judiciary.

S. 708. An act for the relief of the village of Orleans, Vt.; to the Committee on the Judiciary.

S. 898. An act for the relief of Angelo DiStefano; to the Committee on the Judiciary.

S. 997. An act for the relief of Dr. Dionisio Teng Libi and Dr. Bernadette Libi; to the Committee on the Judiciary.

S. 1155. An act for the relief of Luana Gaja; to the Committee on the Judiciary.

S. 1269. An act for the relief of Miriam Lazarowitz; to the Committee on the Judiciary.

S. 1271. An act for the relief of Wong Wah Sin; to the Committee on the Judiciary.

S. 1538. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; to the Committee on the Judiciary.

S. 1810. An act for the relief of Dorothy G. McCarty; to the Committee on the Judiciary.

S. 1811. An act for the relief of Erma P. Curry and Margaret Hamilton; to the Committee on the Judiciary.

S. 1905. An act to clarify and extend the authority of the Small Business Administration, and for other purposes; to the Committee on Banking and Currency.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5765. An act to extend for 6 months the time for filing the comprehensive report of the Commission on the Organization of the Government of the District of Columbia; and

H.J. Res. 583. Joint resolution designating the last full week in July of 1971 as "National Star Route Mail Carriers Week."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1399. An act to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior.

ADJOURNMENT

Mr. DRINAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 34 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 25, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

754. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting the fifth annual report of the Commission, covering fiscal year 1970, pursuant to section 705(d) of the Civil Rights Act of 1964 (H. Doc. No. 92–98); to the Committee on Education and Labor and ordered to be printed with illustrations.

755. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the 57th annual report of the Board of Governors, covering calendar year 1970, pursuant to section 10 of the Federal Reserve Act, as amended; to the Committee on Banking and Currency.

756. A letter from the Secretary of the Interior, transmitting a set of the public laws enacted by the 10th Guam Legislature in its 1970 sessions, pursuant to section 19 of the Organic Act of Guam; to the Committee on Interior and Insular Affairs.

757. A letter from the Chairman, Federal Power Commission, transmitting copies of two publications entitled, "World Power Data, 1968," and "Steam-Electric Plant Construction Cost and Annual Production Expenses, 1969"; to the Committee on Interstate and Foreign Commerce.

758. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

759. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to repeal section 212(B) of the Merchant Marine Act, 1936, as amended; to the Committee on Merchant Marine and Fisheries.

760. A letter from the Administrator of General Services, transmitting a report of a building project survey for Odessa, Tex., pursuant to a resolution of the House Public Works Committee on May 5, 1969; to the Committee on Public Works.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 8652. A bill to authorize the National Science Foundation to undertake a loan guarantee and interest assistance program to aid unemployed scientists, technicians, and engineers in the conversion from defense related to civilian, socially oriented research, development, and engineering activities; to the Committee on Science and Astronautics.

By Mr. ANDREWS of North Dakota:

H.R. 8653. A bill to provide for the conveyance of certain real property of the United States to the University of North Dakota, State of North Dakota; to the Committee on Interior and Insular Affairs.

By Mr. BEGICH:

H.R. 8654. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes; to the Committee on Education and Labor.

By Mr. HÉBERT (for himself and Mr. Arends) (by request):

H.R. 8655. A bill to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

H.R. 8656. A bill to amend titles 37 and 38, United States Code, relating to promotion of members of the uniformed services who are in a missing status; to the Committee on Armed Services.

By Mr. BROYHILL of North Carolina:

H.R. 8657. A bill to amend title 38 to provide that service in the Women's Army Auxiliary Corps shall be considered active duty in the Armed Forces of the United States; to the Committee on Veterans' Affairs.

By Mr. BURTON (for himself, Mr. Aspinall, Mr. Don H. Clausen, Mr. Hosmer, Mr. Kastenmeier, Mr. Taylor, Mr. Ryan, Mr. Stephens, Mr. Matsunaga, Mr. Foley, Mr. Meeds, Mrs. Mink, Mr. Vigorito, Mr. Dellenback, Mr. McClure, Mr. Ruppe, Mr. Steiger of Arizona, Mrs. Chisholm, Mr. Córdova, Mr. Lujan, Mr. Mikva, Mr. Roncalio, Mr. Badillo, Mr. Begich, and Mr. Terry):

H.R. 8658. A bill to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives; to the Committee on Interior and Insular Affairs.

By Mr. DULSKI:

H.R. 8659. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to require that the mail label or other cover of any publication having periodical publication mail privileges, when mailed to a subscriber, shall bear readily intelligible information regarding the name and address of the subscriber and the expiration date of the current subscription, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FRENZEL:

H.R. 8660. A bill to provide a procedure for the exercise of congressional and executive powers over the use of Armed Forces of the United States in military hostilities, and for other purposes; to the Committee on Rules.

By Mr. FULTON of Pennsylvania:

H.R. 8661. A bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law; to the Committee on Foreign Affairs.

By Mr. FULTON of Tennessee:

H.R. 8662. A bill to amend title 38, United States Code, to permit veterans' educational assistance payments to be applied to the repayment of educational loans under Federal programs entered into by veterans before commencing active service; to the Committee on Veterans' Affairs.

H.R. 8663. A bill to amend the Internal Revenue Code of 1954 to provide for licensing of income tax return preparers; to the Committee on Ways and Means.

By Mrs. GRIFFITHS (for herself, Mr. Corman, Mr. Mosher, Mr. Reid of New York, and Mr. Rosenthal):

H.R. 8664. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. HALPERN (for himself, Mr. Kluczynski, Mr. Kyros, Mr. Roush, Mr. Myers, Mr. Danielson, Mr. Saylor, Mr. Koch, Mr. William D. Ford, Mr. Hastings, Mr. Begich, Mr. McDade, Mr. Mitchell, Mr. Edwards of California, Mr. Hawkins, Mr. Vanik, Mr. Ryan, Mr. Flood, Mr. Madden, Mr. Metcalfe, and Mr. Brademas):

H.R. 8665. A bill to amend the Federal Water Pollution Control Act to establish health and welfare standards which must be met by all synthetic detergents and to ban from detergents all phosphates and those synthetics which fail to meet the standards by June 30, 1973; to the Committee on Public Works.

By Mr. HANNA:

H.R. 8666. A bill to exempt certain user transactions from the definition of "consumer reporting agency"; to the Committee on Banking and Currency.

By Mr. HANSEN of Idaho:

H.R. 8667. A bill to amend the airport and Airway Development Act of 1970 in order to exempt private aircraft owners from payment of customs inspection charges at border airports in certain instances; to the Committee on Interstate and Foreign Commerce.

By Mr. HARVEY:

H.R. 8668. A bill to provide for a limited Federal income tax credit for political contributions, to limit the amount of contributions in Federal elections, and to provide for more stringent reporting requirements in such elections; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 8669. A bill to amend title 5, United States Code, to include cost-of-living allowances as a part of basic pay of employees moving from prevailing rate pay systems to the general schedule pay system, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROSENTHAL:

H.R. 8670. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients; to the Committee on Interstate and Foreign Commerce.

By Mr. SISK (for himself, Mr. Harvey, Mrs. Hicks of Massachusetts, Mr. McCollister, Mr. Runnels, and Mr. Skubitz):

H.R. 8671. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. THOMPSON of New Jersey (for himself, Mr. Eckhardt, Mr. Mills, Mr. Nedzi, and Mr. Schwengel):

H.R. 8672. A bill to establish an American Folklife Foundation within the Library of Congress to develop, promote, and implement a broadly conceived national policy of support for American folklife; to the Committee on House Administration.

By Mr. UDALL:

H.R. 8673. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 8674. A bill to provide for national cemeteries in the State of Arizona; to the Committee on Veterans' Affairs.

By Mr. WHITE:

H.R. 8675. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation of a plan to rehabilitate the distribution system of the Red Bluff project, Texas; to the Committee on Interior and Insular Affairs.

By Mr. WINN:

H.R. 8676. A bill to amend title 28, United States Code, to prohibit Federal judges from receiving compensation other than for the performance of their judicial duties, except in certain instances, and to provide for the disclosure of certain financial information; to the Committee on the Judiciary.

By Mr. BRADEMAS (for himself and Mr. Rostenkowski):

H.R. 8677. A bill to provide for the Secretary of the Department of Health, Education, and Welfare to assist in the improvement and operation of museums; to the Committee on Education and Labor.

By Mr. MOORHEAD:

H.J. Res. 661. Joint resolution to direct the National Railroad Passenger Corp. to make a study with respect to expanding the basic national rail passenger system to the Committee on Interstate and Foreign Commerce.

By Mr. LEGGETT (for himself, Mr. McCloskey, Mr. Seiberling, Mr. Abourezk, Mr. Addabbo, Mr. Anderson of Tennessee, Mr. Aspin, Mr. Badillo, Mr. Begich, Mr. Bergland, Mrs. Chisholm, Mr. Clark, Mr. Danielson, Mr. Dellums, Mr. Denholm, Mr. Dow, Mr. Drinan, Mr. Eilberg, Mr. William D. Ford, Mr. Fulton of Tennessee, Mr. Garmatz, Mr. Gray, and Mr. Green of Pennsylvania):

H. Con. Res. 317. Concurrent resolution expressing the sense of the Congress with respect to the proposed "proportional repatriation" plan for obtaining the release of American prisoners held in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. RIEGLE (for himself, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Jones of North Carolina, Mr. Kyros, Mr. Link, Mr. Matsunaga, Mr. Mazzoli, Mr. Mitchell, Mr. Morse, Mr. Nedzi, Mr. Podell, Mr. Pryor of Arkansas, Mr. Rangel, Mr. Rees, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Roy, Mr. St Germain, Mr. Van Deerlin, Mr. Waldie, Mr. Charles H. Wilson, and Mr. Wolff):

H. Con. Res. 318. Concurrent resolution expressing the sense of the Congress with respect to the proposed "proportional repatriation" plan for obtaining the release of American prisoners held in Southeast Asia; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

184. By the SPEAKER: Memorial of the Legislature of the State of Oklahoma, relative to funding for the upstream watershed protection and flood prevention program of the Soil Conservation Service; to the Committee on Appropriations.

185. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to withdrawal of military personnel from Vietnam; to the Committee on Foreign Affairs.

186. Also, memorial of the Legislature of the Territory of Guam, relative to a nonvoting delegate in Congress from Guam; to the Committee on Interior and Insular Affairs.

187. Also, memorial of the Legislature of the State of Louisiana, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

188. Also, memorial of the House of Representatives of the Commonwealth of Massachusetts, commending the President on his handling of public demonstrations; to the Committee on the Judiciary.

189. Also, memorial of the Legislature of the State of Oregon, requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution to provide for Federal-State revenue sharing; to the Committee on the Judiciary.

190. Also, memorial of the Legislature of the State of Florida, relative to designating the Kennedy Space Center as the site for construction of the space shuttle; to the Committee on Science and Astronautics.

191. Also, memorial of the Legislature of the State of Tennessee, relative to the Federal highway trust fund; to the Committee on Ways and Means.

192. Also, memorial of the Legislature of the State of Washington, relative to Federal assumption of the costs of welfare; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DANIEL of Virginia:

H.R. 8678. A bill for the relief of Isham G. Jones; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 8679. A bill for the relief of James H. Davidson, Vincent W. S. Hee, and Kay M. Mochizuki; to the Committee on the Judiciary.

SENATE—*Monday, May 24, 1971*

The Senate met at 11 a.m. and was called to order by Hon. Lloyd M. Bentsen, Jr., a Senator from the State of Texas.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our Father God, whose presence pervades all things seen and unseen, we thank Thee for another day and a new week and another chance to serve this troubled world.

As we bow at this high altar of national life, let Thy spirit be in our minds to guide our thoughts toward Thy truth.

Let Thy spirit be in our hearts to warm them with compassion and love for our fellowman.

Let Thy spirit be upon our lips that they may give utterance to whatsoever things are just and honest and pure.

Let Thy spirit so fill our lives that they may be luminous with divine grace and goodness.

Grant us strength, O Lord, to go about being good and doing good for the Nation and all mankind.

We pray in the name of Him who is the Light of the world. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., May 24, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Lloyd M. Bentsen, Jr., a Senator from the State of Texas, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. BENTSEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, May 21, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. Bentsen) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VII and rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTON OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, on my time, under the standing order, I now yield to the distinguished Senator from Connecticut (Mr. Ribicoff).

DEATH OF FORMER SENATOR DODD OF CONNECTICUT

Mr. RIBICOFF. Mr. President, it is with deep regret that I announce the death of former Senator Thomas J. Dodd. He died of a heart attack this morning at his Old Lyme, Conn., home.

Tom Dodd served Connecticut and this Nation well during a difficult period in American history. He spent nearly all his working life in public service—as FBI agent, Connecticut director of the National Youth Administration, assistant to the U.S. Attorneys General for 7 years, and as principal prosecutor at the Nuremberg trials on Axis criminality before his service in the Congress. During his 4 years in Congress and 12 years in the U.S. Senate, Senator Dodd labored hard and long for issues that others considered too controversial.

His advocacy of gun control legislation formed the foundation for the first comprehensive gun control law passed in 1968.

Likewise, Tom played a leading role in the adoption of a major revision in our drug laws and enactment of comprehensive crime control legislation.

I am profoundly saddened by the passing of this man who devoted his life to public service. He was both a colleague and a friend. I extend my deep sympathies to his devoted wife, Grace, and to his fine family.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I yield no further time under the standing order.

May I say for the record, parenthetically, that I do not believe it is a good thing for the leadership to yield to other Senators under the standing order, but under the very special circumstances that had obtained in this instance, I thought it well to yield to the able senior Senator from Connecticut.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the transaction of routine morning business.

Is there any morning business?

THE TENNESSEE-TOMBIGBEE PROJECT

Mr. ALLEN. Mr. President, tomorrow will be a red-letter day for the people of Alabama and the Nation when the President of the United States will visit Mobile, Ala., officially to commemorate and signal the long-awaited start of the Tennessee-Tombigbee Waterway. There is probably no other waterway project in the United States that has so much appeal to those interested in the economic strength and security of our Nation as the Tennessee-Tombigbee project.

This mighty waterway has been the objective of farsighted men for more than a century. From a look at a map, one is impressed by the fact that from the point where the Tennessee River turns north, the Tennessee and Tombigbee Rivers together form an almost direct line between the port of Mobile and Paducah, Ky., where the Tennessee joins the Ohio River. It is as if providence had preordained a connecting link between the two rivers.

For decades, however, a manmade link, consisting of a canal and locks to enable boats and barges to pass over the strip of high ground which separates the Tennessee River from the headwaters of the Tombigbee River was considered by the Army Engineers as economically unsound. It was not until the Tennessee Valley Authority built the Pickwick Landing Dam, which raised the water level in the Tennessee River by 55 feet, that the Army Engineers determined that the benefits to shippers and receivers on the two river systems and the benefits to industry, business, and agriculture in the regions would exceed the cost of constructing a waterway link to connect the Tennessee and Tombigbee Rivers.

The Congress authorized the construction of the Tennessee-Tombigbee Waterway in the Rivers and Harbors Act of 1946, but the first construction funds, in the amount of $1 million, were not appropriated until last year. The budget for the coming fiscal year earmarks $6 million in construction funds for the Tennessee-Tombigbee Waterway and these moneys will be used for the construction of the channel and lock near Gainesville in Sumter County, Ala.

When the Tennessee-Tombigbee Waterway is completed, it is abundantly clear that the benefits to the people of the Nation will be incalculable. This waterway will tie together in one protected inland waterway system the Tennessee, the Cumberland, the Ohio, the Illinois, the Monongahela, the Allegeny, the upper Mississippi, the Missouri, the Tombigbee, the Warrior, the Alabama-Coosa, and the Chattahoochie-Apalachicola-Flint Rivers. All will be connected by the Intracoastal Canal with such great gulf ports as Mobile, New Orleans, Galveston, and other port cities along the gulf coast from Texas to Florida. All will be tied to the Great Lakes.

Barge trains descending south to such cities as Mobile and New Orleans, carrying the products of midwestern farms and such midwestern cities as Minneapolis, Chicago, Detroit, St. Louis, Cincinnati, and Kansas City, may take advantage of the swift current of the Mississippi River.

Such barge trains may, along with other ascending traffic, return with the products of southern farms, forests, mines, factories, and oil fields, via the slack water route of the Tennessee-Tombigbee Waterway.

The new route will shorten the distance between Mobile, Birmingham, and other points on the Warrior-Tombigbee system to the Tennessee River and the entire midwestern waterway empire by from 800 to 1,000 miles. Shorter hauls and the avoidance by ascending traffic of the swift current of the Mississippi River can cut the cost of transportation up to 75 percent. This means that producers, shippers, and consumers will enjoy millions of dollars a year in savings from lowered transportation costs.

From the foregoing, Mr. President, we see that construction of the Tennessee-Tombigbee Waterway will play a vital role in the continued economic growth of our Nation. Areas now denied the benefits of low-cost water transportation will enter a new day of industrialization. New businesses and industries will be established and existing ones will be expanded. A more favorable balance between industry and agriculture will be achieved. Such a balance means new and better markets for the farmers' products, more and better jobs for our men and women, and a stronger, better, and more prosperous economic life for all our people.

In view of the extreme importance of this project to the greater prosperity of Alabama and her people and to all the people of the Nation, I feel that it is my place to be in Mobile tomorrow when President Nixon gives the official green light to construction of the Tennessee-Tombigbee Waterway.

LEAVE OF ABSENCE

I therefore ask unanimous consent that I be given leave of absence from the Senate on Tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MILITARY SELECTIVE SERVICE ACT—ANNOUNCEMENT OF POSITION ON AMENDMENT

Mr. ALLEN. Mr. President, inasmuch as I will not be in the Senate when there will be two important votes on amendments tomorrow, I should like to state the position of the junior Senator from Alabama with respect to these amendments.

On the amendment of the distinguished Senator from Wisconsin (Mr. NELSON), with reference to no draftees being in Vietnam after December 31, 1971, amendment No. 105 to H.R. 6531, if the junior Senator from Alabama were present on tomorrow, his vote would be cast against the amendment of the Senator from Wisconsin.

With respect to the amendment of the distinguished Senator from Massachusetts (Mr. KENNEDY), with respect to there being no bonuses for reenlistments, the junior Senator from Alabama, if he were present, would cast his vote in the negative on this amendment.

I yield the floor.

THE QUESTION OF A NUCLEAR TEST BAN

Mr. HUGHES. Mr. President, public discussion on nuclear weapons tests is increasing. Recent evidence suggests that technology may have now progressed to a point where tests of even small nuclear devices can be detected from outside the borders of nations which might conduct such tests.

This evidence deserves the closest scrutiny. For if this last roadblock to a cheat-proof test ban treaty has been overcome, we should move in that direction. Both the limited test ban treaty and the nuclear nonproliferation treaty declared a total test ban to be an ultimate goal. The nonnuclear nations of the world need positive assurance that the arms race is being brought under control. Even the nuclear powers should welcome a chance to halt the momentum toward more deadly weapons.

Recently Henry R. Myers, a physicist who used to work in the Arms Control and Disarmament Agency, wrote an article in the Washington Post analyzing the evidence and weighing the arguments for and against such a total test ban.

I commend this well-reasoned article to my colleagues and ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 16, 1971]

WILL A TEST BAN WORK?

(By Henry R. Myers)

Treaties to limit nuclear weapons tests have been a matter of widespread interest since the mid-1950s. The history is replete with unbelievably turgid international negotiations, conferences of scientific experts, acrimonious domestic debates, changes in position by one party or the other, a three-year informal moratorium on testing suddenly terminated by a series of Russian tests in the atmosphere, breakthroughs in the technology enabling detection of clandestine tests, supposed breakthroughs in the technology of conducting clandestine tests, sincere proposals and some which were not so sincere, a treaty banning all but underground tests, accusations of minor violations of that treaty, and—most recently—talk of extending the limited treaty to cover underground tests.

Test ban advocates have variously argued that a treaty would be a major step in terminating the strategic arms race, that it would bring an end to the production of radioactive fallout, that it would make the proliferation of nuclear weapons less likely, and that it would tend to increase barriers against the use of nuclear weapons in warfare.

Over the years there has been little discussion of either the absolute importance of any of these objectives or of their relative significance. Those who opposed a test ban tended to believe that a treaty would address the symptoms rather than the disease, and that whatever advantages there might be were outweighed by disadvantages stemming from restrictions placed upon U.S. weapons development activities and the possible adverse effects of Soviet cheating.

WEAKER CASES

The arguments on either side are not as convincing as they once were. Fallout is no longer a gut issue. So many tests have been conducted and nuclear weapons technology is so advanced that the proponents of a complete ban find it much more difficult to make the case that such a treaty would have a substantial inhibiting effect on the arms race. Likewise, treaty opponents are more hard put to demonstrate why the deterrent value of American forces depends in any significant ways on the continuation of nuclear testing. Finally, advances in the ability to detect violations have diminished the strength of antitreaty arguments based on fears of what the Soviets might achieve through clandestine testing.

Yet the issue retains great symbolic importance. The failure to reach agreement on a complete ban on testing is interpreted by non-nuclear nations as a sign of the nuclear powers being strongly against proliferation of nuclear weapons but not very eager to take steps which would limit their own weapons development activities.

The test ban debate in the United States has always given great emphasis to the question of whether the Russians could get away with cheating, but little attention has been paid to how such cheating could be translated into a significant strategic advantage.

KENNEDY'S FIRST STEP

At the negotiating table, American proposals for procedures to ensure against clandestine tests—specifically on-site inspections—had always been objected to by the Russians on grounds that they were not needed and were really a cover for espionage. Since atmosphere tests could be identified without on-site inspections, a treaty which did not include prohibitions on underground tests had been considered a means of avoiding entanglement over the inspection issue.

This is what President Kennedy had in mind in his American University speech on June 30, 1963, when he announced that the United States would conduct "no nuclear tests in the atmosphere so long as other states do not do so." It was, in effect, a proposal to reach agreement on a limited test ban treaty. On July 2, Premier Khrushchev accepted the proposal in principle. Within months the treaty was negotiated and ratified.

The stimulus to arrive at this agreement had grown out of the Cuba missile crisis of 1962. The treaty was considered not only a step away from the brink—it was also looked upon as a measure to curb radioactive fallout which was a source of increasing alarm.

The preamble to the limited treaty contained a commitment to continue negotiations toward a ban on underground tests. A similar commitment was made in the preamble of the Treaty on Non-Proliferation of Nuclear Weapons which went into effect in March, 1970.

NO VISIBLE GAINS

Whatever its political value, it is debatable whether the Limited Test Ban Treaty has had the effect of impeding the arms race, in order to secure endorsement from the Joint Chiefs of Staff, the Kennedy administration agreed to implement a program of safeguards which included "the conduct of comprehensive, aggressive, and continuing underground nuclear test programs designed to add to our knowledge and improve our weapons in all areas of significance to our military posture for the future." This was to counter the Chiefs' concerns that the treaty might presage a "euphoria in the West which will eventually reduce our vigilance and willingness of our country and of our allies to expend continued effort on our collective security."

The result of these safeguards has been what many feel is a nuclear weapons development effort that is indistinguishable in scope—if not even larger—from that which had been applied prior to the treaty.

Since 1963 there has been little serious discussion of extending the treaty to include underground tests. The Soviets have continued to maintain that on-site inspections are not needed; the United States asserts the contrary. The verification issue thus has become a convenient pretext for not arriving at an agreement.

But the plausibility of the pretext has dwindled. On April 11, The Washington Post reported substantive advances in the ability to determine whether a treaty was being observed. This report was apparently based on the proceedings of a conference sponsored by the Department of Defense Advance Research Projects Agency at Woods Hole, Mass., in the summer of 1970. The conference had been convened to discuss techniques for distinguishing between earthquakes and explosions based on differences in the character of the waves generated by the two types of event.

Both earthquakes and explosions are the source of waves which move through the earth and along its surface. Providing they are of sufficient size, these earth waves can be detected by sensitive instruments far from the site of the event.

Once waves are detected, it is possible to analyze certain features of the data for the purpose of determining where the event occurred and whether it was an earthquake or an explosion.

Earthquake size is specified by its magnitude. The very largest earthquakes have a magnitude of approximately 8.5. The San Francisco earthquake of 1906 was about 8.3 and the recent Southern California earthquake had a magnitude of about 6.5. Present techniques make it possible to detect earthquakes of magnitude of 4.0 or somewhat less at distances of thousands of miles from the source of the event.

The size of the seismic wave produced by a nuclear explosion (and hence its magnitude equivalent) is determined by the type of material in which the nuclear explosion occurs. Detonations in hard rock will produce a relatively larger seismic wave than would the same explosion in dry alluvium, a type of sand-like substance found in some deserts. An explosion of one or two kilotons (a kiloton is equivalent to 1,000 tons of TNT) will produce approximately the same size seismic waves which pass through the earth's interior as would be produced by a magnitude 4.0 earthquake. If the detonation is in dry desert alluvium a 20-kiloton explosion would be required to produce seismic waves of a size comparable to those from a magnitude 4.0 earthquake. (Twenty kilotons is about the size of the weapons detonated over Hiroshima and Nagasaki.)

At the present time both the United States and Soviet Union appear to be conducting tests with yields more than a thousand times greater than the smallest test which might be detected. The nature of the relationship between explosion yield and seismic magnitude is such that a million-ton yield is typically equivalent to a seismic magnitude of about 6.5 to 7.0.

The crucial question then concerns the size of explosions which can be reliably detected and what the likelihood is that, once detected, they can be identified as such.

Since 1963 the ability to detect events has improved to the point where with instruments located outside Russia there would be a very high probability of detecting most Russian explosions or earthquakes with magnitude in excess of 4.0. In addition, identification techniques have been much further developed.

The identification method that has turned out to be particularly valuable is based on the fact that earthquakes produce relatively larger surface waves than do explosions. The discussants at the Woods Hole meeting considered data which showed that the method was very useful down to magnitude 4.0 or less, while heretofore it had been demonstrated to work only as low as magnitude 4.75. The data also showed that it would be possible to detect and analyze the surface waves from earthquakes of magnitude 4.0.

The meaning of this was that it would be technically and economically feasible to set up a network of instruments outside Russia which would make possible the identification of the great majority and perhaps virtually all Russian earthquakes of magnitude 4.0 or greater. In 1961 it had been believed that the number of unidentifiable events above 4.0 would have been about 500 per year. In 1963 it was estimated that this number would have been 75 or more in the opinion of some experts, application of the new techniques would now reduce the number to 25. Others estimated that it would be 10 or less. By combining other available information with the seismological data, the number of questionable events of this size might be reduced almost to none.

AN ENDLESS DEBATE

Much to the consternation of presidents, congressmen and scientists, the numbers are hard to pin down. The likelihood of significant violations escaping detection depends upon individual assessments of the size, number and complexity of tests required for strategically significant advances. Moreover, the designation of a specific event as being of suspicious nature involves a subjective evaluation of a large number of factors.

Scientists argue that relying on specific numbers of events amounts to a gross oversimplification of physical reality. Yet the President and Congress react by noting that unless they have the numbers they are unable to assess the risks. The result has been something of an impasse.

Whatever the precise numbers, it is apparent from the recent reports that the possibilities for successful clandestine testing have been substantially narrowed. Clandestine experiments would have to be strictly limited in number and in size. A violator who attempted substantial evasions on the basis that his test would be assumed to be an earthquake would have a high likelihood of creating great suspicion—suspicion that could cause abrogation of the treaty. If a party to the treaty wanted to go on testing with assurance that he would have to attempt to use elaborate and expensive procedures of disputed practicality to suppress or conceal the seismic waves generated by the explosion.

A violator might attempt to test in dry alluvium at yields up to 20 kilotons (equivalent to 20,000 tons of TNT), where the probability of being caught is slight. But suitable dry alluvium is rare, and some scientists doubt that it exists in the Soviet Union in sufficient depth for tests of more than a very few kilotons yield.

A violator might also try to conceal nuclear testing by setting off an explosion on the heels of a large earthquake so that the waves would be mingled. But this would involve working in a state of constant readiness for a proper earthquake.

Another widely discussed evasion technique would be to use very large spherical cavities which produce greatly reduced seismic waves. The difficulty with this is that the process is very costly and it would be difficult to excavate secretly cavities of the size required for explosions with any significant yield.

None of these evasion techniques could be a source of seismological evident which could be the basis of an inspection request. Since it has always been assumed that on-site inspections would be triggered only upon the presentation of "suspicious" seismological data, inspections have never been considered of significant use in alleviating suspicion of clandestine testing in cavities, in dry alluvium or in the aftermath of large earthquakes. Implicit in the United States test ban positions has always been the assumption that risks inherent in the possible use of these techniques were minimal and acceptable.

While improvements in the verification technology have had the effect of pushing down the explosion yield at which a violator could evade detection, the Pentagon apparently continues to hold the position that on-site inspections are necessary in comments critical of the April 11 Washington Post article, it was stated that more progress had been inferred from the proceedings of the Woods Hole conference than could be supported by the facts; that all detected events could not be identified as earthquakes or explosions that all one-kiloton tests could not be detected, much less identified; that evasion techniques could be used to conceal tests and hence that the need for on-site inspections had not been eliminated.

The Pentagon statement did not discuss the present situation as compared with that which had previously existed—that in fact significant progress had been made. It seemed to imply that as long as there were unidentified seismic events, no matter how small, there would be a need for inspections. This reaction apparently derives more from concern that the United States might be forced into an agreement terminating its own testing activities than from concern about clandestine testing by others. The near-denial that anything was new followed a long-established pattern: whenever progress in the verification technology has appeared to emerge from one corner, it would be played down or denied by voices from another.

In this case the voices suggest that the ability to conceal tests has outstripped the ability to identify them: that indeed, whether or not there were on-site inspections there could be little assurance that violations were not being carried out; and therefore that there was simply no practical way of obtaining adequate assurance that the treaty's terms were being observed.

HOW GREAT A RISK?

Any assessment of the dangers inherent in violations should consider the matter in its overall perspective. The most important question is not whether the Russians might be able to hide some number of nuclear tests; it is whether such tests would be likely to have a measurable impact upon the strategic balance and whether the feared development would be more likely to occur with or without a treaty.

Because opponents of a test ban continue to emphasize the means of getting away with hidden tests rather than what such tests might accomplish, the possibility of violations assumes a much more ominous air than is warranted. To many people it seems that if the Russians felt their vital interests required nuclear tests, they would find an excuse for withdrawing from the treaty rather than incurring the costs of clandestine tests and the non-negligible risks of getting caught. On the other hand, there can be no way of demonstrating the absence of the most devious subterfuge.

In brief, while the members have changed, the situation remains qualitatively the same.

But some observers believe there is now an excellent opportunity to switch the argument to what they consider a broader and more proper context: the question of whether the United States would likely be better off under a prolongation of the present situation, or under the agreement on a complete ban with the awareness that some violations might be undetected.

The political significance of a complete ban on nuclear weapons tests far exceeds whatever direct effect it might have on the arms race, on the likelihood of nuclear war and on potential destruction should war occur. In view of the enormous destructive power residing in many thousands of deployed nuclear weapons, and because the nuclear weapons technology has been so highly developed, it is unlikely that further improvements in the understanding of these weapons will affect the strategic position of one superpower vis-a-vis that of the other.

Whatever technical progress may emerge from nuclear weapons testing is of the sort which, at best, might save money. It is possible, for example, that a missile warhead with a certain explosive power and a specified weight could be developed only through nuclear testing. If tests were not permitted, the destructive power would have to be packed into, say, three missiles instead of two, thus preventing a saving in the cost of producing a given amount of damage. Similarly, there could be uncertainties concerning the effect of nuclear explosions upon certain military hardware which could be resolved only by subjecting the hardware to the effects of a nuclear explosion. If such uncertainties could not be eliminated by nuclear tests, it would be necessary to eliminate them through the more costly route of conservative design.

Some say it is important to continue nuclear testing because of surprises—either those which lead to something new or, more likely, those which indicate a problem where none had been expected. Others argue that tests are necessary to help insure that the Russians don't have knowledge that we don't have.

It is not possible, of course, to demonstrate that surprise results will not be obtained. Nor is it possible to prove that the Russians don't know things of which we are unaware. But in a world filled with uncertainties of all kinds and with nuclear weapons of proven design, there is only a minimal risk of catastrophe springing from this quarter. For those who might be concerned about such matters, Herbert York, formerly the Pentagon's chief scientist, asserts that the exceedingly rapid technological advances of recent decades are neither typical of the past nor predictive of the future.

A STANDOFF

The advantages and disadvantages associated with continuation of the status quo or with a cessation of underground tests are equally applicable to both the United States and Russia. If tests continue, whatever the United States develops is likely to be at least partially negated by what the Russians do, and vice-versa. A treaty prohibiting underground tests would limit advances in nuclear weapons technology by the United States to what can be achieved in the laboratory. On the Russian side, progress would be similarly constrained, although there could be no assurance that minor additional advances would not be achieved through limited clandestine testing.

Since neither a continuation of underground tests nor their cessation is likely to have a significant impact upon the strategic posture of the superpowers, whatever advantages there might be in a cessation of tests lie in the political domain.

For better or for worse, the test ban has become an important symbol. Failure to prohibit underground tests plays into the hands of those in the non-nuclear nations who push for the acquisition of nuclear forces; it tends to reinforce the contention that the rhetoric of the superpowers is simply not matched by action; and it undermines the credibility of the U.S. government, which has claimed for more than a decade that unresolved verification problems are the obstacle to a ban on underground tests.

On the other hand, attainment of a treaty banning underground tests, particularly in the absence of progress in the SALT talks, would be a sign of a determination to control the arms race. To the non-nuclear countries it would be a demonstration that the major nuclear powers would accept substantial inhibitions upon their own activities—a demonstration that would strengthen arguments against the acquisition of nuclear capabilities by other countries.

HOPE FOR ALCOHOLICS

Mr. HUGHES. Mr. President, an article published recently in Postal Life, a magazine for postal employees, concerns an alcoholism program that has been instituted in the Postal Department. The program has shown real fine spirit. I feel that it has made real progress in the area of the alcoholic problems of some postal employees, something which the Senator from Iowa and the subcommittee he chairs has been hoping can be developed across the board for postal civil service employees.

Mr. Stan Day, really the pioneer of the effort behind the program in the Postal Department, announced that in four different areas they have had a successful program.

I ask unanimous consent that the copy of the article to which I have referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOPE FOR ALCOHOLICS

Fulton Caldwell is a handsome young man of 34. He's well-dressed in the latest striped shirt, sports a neat beard and speaks "with the intelligent assurance of a man on his way up."

Looking at him, it's hard to believe that only six years ago Fulton Caldwell was an alcoholic who for more than 12 years lived by and for the bottle. His drinking became a progressively greater burden to his family, to his fellow clerks in the Los Angeles post office and to his own well-being. Eventually, he lost all.

Caldwell was more fortunate than most alcoholics, however. He was guided into Alcoholics Anonymous and with the help and sympathy of recovered alcoholics he was able to achieve sobriety and a new start for himself. Today he works in the Chicago post office on the Postal Service's Program for Alcoholic Recovery trying to reach some of the estimated 37,500 postal employees who are gripped by the tragedy of alcoholism.

"You can't understand what it's like unless you've been there yourself," said Caldwell, telling his story with obvious conviction. "That's why AA helped me. I could believe the AA people because they knew what I was going through." This idea that only a recovered alcoholic can understand the torment of an alcoholic, and that alcoholism is a complete and treatable disease is the basis of the Program for Alcoholic Recovery (PAR) now operating in the San Francisco, Chicago and Boston Post Office. PAR counselors, all of whom have been recovered alcoholics for at least three years, serve as personal examples of problem drinkers who kicked the habit and acquaint alcoholic employees with all of the methods available for overcoming their problem.

PAR was established with the hope that it could help otherwise competent postal employees overcome alcoholism and remain on the job as productive workers.

And so far, this hope has been a reality. In San Francisco, the post office PAR office has been operative for 26 months, and 65 alcoholics are "recovered"—which means by PAR definition they have rehabilitated their work life and have not had a drink for at least one year. Another 145 employees of the 208 PAR members are well on their way to recovery. PAR at the Chicago post office was established in April, 1970, and 75 percent of the 174 members have shown improvement. The Boston program, begun in June, 1970, has a success rate of 83 percent for 183 members. Such results are among the highest for any similar program in government or out, and to date the Postal Service has received 150 inquiries about the PAR plan from private businesses concerned with the same problem.

PAR's unusual achievement can be attributed to a well-thought-out program. Recovered alcoholics like Fulton Caldwell are full-time counselors available for guidance right in the post office. They rely on their own experience in their confidential sessions with employees. They recruit PAR members in four ways: Some 39 percent just walk in after hearing about the program. About 38 percent are referred by the supervisors. Another 14 percent come as a result of an adverse action initiated because of their drinking. The PAR post office promises to regard drinking as an illness, to suspend disciplinary action, and to remove all record of it from the file of an employee who performs up to PAR and resumes good work habits.

PAR members, with their counselor's aid, explore the available avenues for recovery in their community and their relative cost and success rates. Although most choose Alcoholics Anonymous membership, others find that psychotherapy, religious guidance or medical treatment is best for them.

PAR is the brainchild of Stanley K. Day, a former postal finance division chief in Headquarters. Day, also a recovered alcoholic, was certain there was a way to bring help to the many others who could not conquer their problem alone. So six years ago Day turned his analytical talents to determining the probable extent of alcoholism in the Postal Service.

He began with available national studies which reveal that more than nine million Americans suffer from alcoholism and that no background, age, position in life, sex, or level of education is immune.

"These are shattering statistics," said Day, "but they're real."

Day made his point and the Program for Alcoholic Recovery had a modest beginning in the San Francisco post office in November, 1968. Its success was repeated in Boston and Chicago.

"We can't afford not to do it," said Day. "It just makes good business sense to invest $1 when you know you'll get back $5." Postmaster General Winton M. Blount agreed and on December 8, 1970, he directed the preparation of a five-year program and budget for PAR.

But PAR is more than good business. "I know it's saving money," said Henry McGee, Postmaster of Chicago. "But it would be worth doing if it cost us money. It's saving lives."

Supervisors are also enthusiastic about PAR, much to the satisfaction of the counselors. "They've been very helpful. We've had supervisors bring drunk employees up here personally," said Caldwell. "Seventy-four of our members are supervisor referrals." This reaction is understandable considering the alternatives supervisors had in the past. They could cover up for the alcoholic, but his work was substandard and his fellow workers had to shoulder the burden. Or they could initiate disciplinary action, leaving the employee's problem unsolved and his family to suffer. "But now that there's PAR, it's no favor to anyone to hide an employee's drinking," said Day.

Postmaster McGee agrees, but feels the climate is improving. "In the past, there's been a social stigma to supporting an alcoholism program. But most enlightened persons today understand that it is a universal illness and are sympathetic."

Undoubtedly, though, the best testimony for PAR will be the alcoholic recoveries it leaves across the country. And as one counselor put it, "Miracles are the rule here, not the exception."

QUORUM CALL

Mr. HUGHES. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BENTSEN) laid before the Senate the following letters, which were referred as indicated:

APPROVAL OF LOAN TO SUNFLOWER ELECTRIC COOPERATIVE, INC., OF WAKEENEY, KANS.

A letter from the Administrator of the Rural Electrification Administration transmitting, pursuant to law, information concerning the approval of a loan to the Sunflower Electric Cooperative, Inc., of Wakeeney, Kans. (with accompanying papers); to the Committee on Appropriations.

ANNUAL REPORT OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

A letter from the Chairman of the Board of Governors of the Federal Reserve System transmitting, pursuant to law, the annual report of that (with accompanying report); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED REPEAL OF SECTION 212(B) OF THE MERCHANT MARINE ACT

A letter from the Secretary of Commerce submitting proposed legislation to repeal section 212(B) of the Merchant Marine Act of 1936, as amended (with accompanying papers); to the Committee on Commerce.

PUBLICATIONS OF THE FEDERAL POWER COMMISSION

A letter from the Chairman of the Federal Power Commission transmitting two publications, one entitled "World Power Data, 1968," and the other entitled "Steam-Electric Plant Construction Cost and Annual Production Expenses, 1969" (with accompanying reports); to the Committee on Commerce.

SUBMITTAL OF PUBLIC LAWS ENACTED IN 1970 BY THE LEGISLATURE OF GUAM

A letter from the Secretary of the Interior transmitting, pursuant to law, a set of the public laws enacted by the Guam Legislature in its 1970 sessions; to the Committee on Interior and Insular Affairs.

REPORTS CONCERNING VISA PETITIONS APPROVED BY THE IMMIGRATION AND NATURALIZATION SERVICE

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, reports concerning visa petitions which the Service has approved according the beneficiaries of such petitions third preference and six preference classifications (with accompanying papers); to the Committee on the Judiciary.

REPORT OF BUILDING PROJECT SURVEY FOR ODESSA, TEX.

A letter from the Administrator of General Services transmitting, pursuant to a resolution of the Committee on Public Works of the House of Representatives, a report of building project survey for Odessa, Tex. (with an accompanying report); to the Committee on Public Works.

REVISION OF THE U.S. TAX COURT BUILDING, WASHINGTON, D.C.

A letter from the Administrator of General Services transmitting, pursuant to law, a prospectus which revises the authorized U.S. Tax Court building, Washington, D.C. (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. BENTSEN):

A concurrent resolution of the General Assembly of the State of Indiana; to the Committee on Commerce:

"HOUSE CONCURRENT RESOLUTION NO. 16

"A concurrent resolution memorializing Congress to adopt the metric system of weights and measures

"Whereas the English system of weights and measures, such as feet, pounds, and gallons, is archaic; and

"Whereas, ninety per cent (90%) of the world's population has adopted the metric system; and

"Whereas, the United Kingdom, which originated the English system, is converting to the metric system; and

"Whereas, this conversion should be complete by 1975; and

"Whereas, the United States has been utilizing the metric system officially since the 1800's; and

"Whereas, foreign trade is necessary; and

"Whereas, such trade should be encouraged; and

"Whereas, the metric system affords a more consistent and feasible method of measurement; Therefore,

"Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

"SECTION 1. In the interest of more efficient operation and the promotion of commerce, we respectfully urge the President and both houses of Congress of the United States to consider the adoption of the metric system of weights and measures.

"SEC. 2. The Principal Clerk of the House of Representatives is hereby directed to forward copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, and to all the members of Congress from the State of Indiana."

A concurrent resolution of the General Assembly of the State of Indiana; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION NO. 67

"A concurrent resolution memorializing the Congress of the United States to continue the Federal Highway Trust Fund; and directing distribution

"Whereas, an adequate highway system is essential to the economy of Indiana and the Nation; and

"Whereas, Highway users pay gasoline taxes and other Federal excise taxes which are deposited with the Federal Highway Trust Fund; and

"Whereas, the Federal Highway Trust Fund was created for the purpose of developing and constructing an interstate highway system and implementing highway safety program standards; and

"Whereas, the diversion of such taxes and the termination of the fund would impair the continued construction of an interstate highway system as well as the primary, secondary, regular urban and special urban highway systems and such other highway construction as may be authorized by the Congress; Therefore,

"Be is resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

"SECTION 1. The Congress of the United States is hereby respectfully urged to continue the Federal Highway Trust Fund on a permanent basis for highway construction and implementation of highway safety program standards.

"SEC. 2. That duly authenticated copies of this Resolution shall be forwarded to the Speaker of the House of Representatives and the President of the Senate of the Congress of the United States and to each member of the Indiana Congressional Delegation."

A concurrent resolution of the General Assembly of the State of Indiana; to the Committee on Veterans Affairs:

"HOUSE CONCURRENT RESOLUTION NO. 12

"A concurrent resolution memorializing the President and the Congress of the United States to approve the creation of a national cemetery in Vigo County, Ind.

"Whereas, many young men and women of the United States have given their lives in answering the call to the colors at such times and periods in the history of the United States when the state and nation was placed in the position of peril and when outside forces, both declared and undeclared, and when enemies both foreign and domestic threatened to destroy the Republic; and

"Whereas, a grateful and proud government, the United States of America has chosen and seen fit to honor and enshrine those veterans who have participated in the defense of this Nation by the creation of national cemeteries for the interment of these her sons and daughters who gave their last full measure of devotion; and

"Whereas, existing space in said national cemeteries is now almost gone and more space is now needed and is most desirable in order to pay our last respects and honor to the defenders of the state and nation; and

"Whereas, the government of the United States owns and possesses a tract of land which is in Vigo County, Indiana, adjoining the United States Prison which may feasibly be suitable for the purpose of providing a fine national cemetery, which land is unused and unneeded and is available for such higher and better use: Therefore,

"Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

"SECTION 1. In the interest of providing a final resting place for United States' veterans, we respectfully urge the President and the Congress of the United States to consider placement of a national cemetery in Vigo County, Indiana.

"SEC. 2. The Principal Clerk of the House of Representatves is hereby directed to forward copies of this resoluton to the President and Vice-President of the United States, to the Speaker of the House of Representatives of the Congress of the United States and to all the members of Congress from the state of Indiana."

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION No. 3

"A concurrent resolution for ratification by the Legislature of Louisiana of the amendment to the Constitution of the United States proposed by the Congress of the United States relative to voting age of citizens of the United States

"Whereas, the Ninety-Second Congress of the United States of America at its first Session, in both Houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

" 'JOINT RESOLUTION

" '*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" ' "ARTICLE

" ' "SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" ' "SEC. 2. The Congress shall have the power to enforce this article by appropriate legislation." ' "

"Therefore, be it resolved by the Senate of the Legislature of Louisiana, the House of Representatives thereof concurring, That the Legislature of the state of Louisiana does hereby ratify the foregoing proposed amendment to the Constitution of the United States of America as a part of the Constitution of the United States.

"Be it further resolved that certified copies of this Resolution shall be forwarded by the Secretary of the Senate of the State of Louisiana to the Administrator of General Services, Washington, D.C., and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States."

A resolution of the Senate of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTIONS

"Memorializing the President and the Congress of the United States to order the complete withdrawal of all military personnel from Vietnam by the end of the current year

"Whereas, The committed policy of the National Government relative to the conflict in Vietnam is the withdrawal of all United States military personnel on a scheduled plan which, if unchanged, will not effect the total withdrawal of our troops until nineteen hundred and seventy-two or later; and

"Whereas, It appears that the majority of the citizens of the United States are opposed to our continued involvement and participation in the Vietnam conflict; now, therefore, be it

"Resolved, That the Massachusetts Senate hereby respectfully urges the President and the Congress of the United States to order the withdrawal of all United States combat forces from Vietnam by the end of the current year and to terminate any and all active participation or intervention of our armed forces in the Vietnam conflict; and be it further

"Resolved, That a copy of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officers of each branch of Congress and to each member of Congress from the Commonwealth."

A resolution of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

"RESOLUTIONS

"Commending the President of the United States on his handling of the current public demonstrations

"Whereas, There have been recent demonstrations in Washington, D.C. protesting the Vietnam War; and

"Whereas, The vast majority of these demonstrations have been peaceful and in accordance with the law; and

"Whereas, A minority of the demonstrations have not been in accordance with the law and have been designed to destroy property and disrupt citizens from performing their lawful function; therefore be it.

"Resolved, That the Massachusetts House of Representatives commend the President of of the United States for the manner in which he has supported peaceful and lawful demonstrations, but has not allowed destructive and unlawful demonstrations to disrupt citizens from performing their lawful functions; and be it further

"Resolved, That the Massachusetts House of Representatives commend the President of the United States for supporting measured and reasonable methods in controlling the disruptive tactics of lawbreakers; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officers of each branch of Congress and the members thereof from this Commonwealth.

A joint resolution of the Legislature of the State of Nevada; to the Committee on Foreign Relations:

"SENATE JOINT RESOLUTION No. 29

"Urging the signatories of the last Geneva Convention to exert their influence in an effort to persuade the government of North Vietnam to live up to the rules of the last Geneva Convention concerning prisoners of war

"Whereas, The signatories of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949, established a common brotherhood to insure humane treatment of prisoners of war; and

"Whereas, There are more than 1,600 American servicemen classified by the United States Government as prisoners of war or missing in action in Southeast Asia; and

"Whereas, The Government of North Vietnam is violating every rule adopted by the signatories of the Geneva Convention concerning the prisoners of war; and

"Whereas, No nation should be allowed to ignore or disobey the rules of the Geneva Convention because if such conduct can occur against the prisoners of war of one of the signatories, it can happen to the prisoners of war of any of the other signatories; and

"Whereas, It behooves all of the signatories of the Geneva Convention to become intermediaries between the United States Government and the Government of North Vietnam in a united effort to assure that the Government of North Vietnam complies with the rules of the Geneva Convention; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That the legislature of the State of Nevada urges the signatories of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949, to exert their influence to persuade the government of North Vietnam to meet the following minimal conditions:

"1. Release sick and injured prisoners of war immediately.

"2. Treat prisoners of war more humanely.

"3. Establish better communications between prisoners of war and their families.

"4. Allow international inspection of prisoner of war camps.

"5. Release a complete and bona fide roster of prisoners of war and the names of prisoners of war who have died.

"6. Allow prisoners of war to receive mail and packages from home on a regular basis.

"7. Establish a policy whereby future prisoners of war may be properly repatriated through existing organizations such as the International Red Cross.

"And be it further

"Resolved, That copies of this resolution be prepared and transmitted by the legislative counsel to the chief executive of each country which signed the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of Defense and the Speaker of the House and President of the Senate of the legislatures of each of the other 49 states."

A joint resolution of the Legislature of the State of Nevada; to the Committee on Public Works:

"SENATE JOINT RESOLUTION No. 32

"Memorializing the Congress of the United States to pay for a study of the water problems in the Hawthorne, Nev., area, and to make recommendations for remedying such problems

"Whereas, A need exists to study the problems of industrial, agricultural and domestic water supplies in the Hawthorne, Nevada, area and the adjacent Naval Ammunition Depot; and

"WHEREAS, Such problems are a matter of both local and federal concern; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That the Congress of the United States is hereby respectfully memorialized to authorize the expenditure of federal funds to execute a study of the water problems in the area of Hawthorne, Nevada, to be conducted by federal engineers in conjunction with the office of the state engineer, and to pay for the cost of remedying such water problems in the manner determined in such study; and be it further

"Resolved, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the presiding officer of each house of the United States Congress and to each member of the Nevada congressional delegation.

A joint resolution of the Legislature of the

State of Washington; to the Committee on the Judiciary:

"Senate Joint Resolution No. 36

"Be it resolved, by the Senate and House of Representatives of the State of Washington in legislative session assembled:

"Whereas, both Houses of the Ninety-second Congress of the United States of America by a constitutional majority of two-thirds thereof proposed an amendment to the Constitution of the United States, which is in words and figures as follows, to-wit:

"'JOINT RESOLUTION

"'Resolved, by the Senate and House of Representatives of the United States of America in Congress Assembled: (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"'"ARTICLE —

"'"Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

"'"Sec. 2. The Congress shall have power to enforce this article by appropriate legislation."'

"Now, therefore, be it resolved, That said proposed amendment to the Constitution of the United States of America be, and the same is, hereby ratified by the legislature of the State of Washington.

"And be it further resolved, That certified copies of this joint resolution be forwarded by the Secretary of State of the State of Washington to the Secretary of State of the United States, to the presiding officer of the United States Senate, and to the Speaker of the House of Representatives of the United States."

A resolution adopted by the American Personnel and Guidance Association urging the repeal of the draft law; to the Committee on Armed Services.

A resolution adopted by the Council of the City of Brook Park, Ohio, requesting that the densely populated area of Greater Cleveland be included in the Amtrak System of National Railroads; to the Committee on Commerce.

A resolution of the Common Council of the City of Buffalo, N.Y., supporting the revenue-sharing proposals before Congress; to the Committee on Finance.

A letter from the employees of the First National Bank of Boston, Cuba branches, requesting a pension plan; to the Committee on Finance.

A resolution of the Council of the City of New York, N.Y., calling upon the Congress to provide issuance of special visas to Jews of the Soviet Union; to the Committee on the Judiciary.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. BYRD of West Virginia, for Mr. Long, from the Committee on Commerce, with amendments:

H.R. 4724. An act to authorize appropriations for certain maritime programs of the Department of Commerce (Rept. No. 92–132).

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. NELSON (for himself and Mr. Mondale):

S. 1928. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the St. Croix River, Minn., and Wis., and as a component of the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY:

S. 1929. A bill for the relief of Mrs. Josefa Buenpipo. Referred to the Committee on the Judiciary.

By Mr. HARRIS (for himself, Mr. Cranston, Mr. Fulbright, Mr. Gravel, Mr. Humphrey, Mr. Mondale, Mr. Randolph, and Mr. Stevenson):

S. 1930. A bill entitled "American Folklife Foundation Act". Referred to the Committee on Rules and Administration.

By Mr. SPARKMAN (for himself and Mr. Allen):

S. 1931. A bill for the relief of Lt. Col. Norris N. Capouya, USAR. Referred to the Committee on Armed Services.

By Mr. MATHIAS (for himself, Mr. Beall, Mr. Bellmon, Mr. Bennett, Mr. Dole, Mr. Hansen, Mr. Harris, Mr. McClellan, Mr. Moss, and Mr. Stevens):

S. 1932. A bill to amend the Federal Meat Inspection Act to provide that State inspected facilities after meeting the inspection requirements shall be eligible for distribution in establishments on the same basis as plants inspected under title I. Referred to the Committee on Agriculture and Forestry.

By Mr. BROOKE:

S. 1933. A bill to provide for the establishment of a national cemetery at Westfield, Mass. Referred to the Committee on Veterans' Affairs.

By Mr. BROCK:

S. 1934. A bill to expand upon the economic freedom and public responsibility of American industry, to encourage the opportunity for the American worker to bargain collectively in his own best interests without economic deprivation, and to guarantee the American consumer and taxpayer protection from the abuse of excessive concentration of power. Referred to the Committee on Labor and Public Welfare.

By Mr. WILLIAMS:

S. 1935. A bill to assist in the provision of housing for the elderly, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. CASE:

S. 1936. A bill to provide for the establishment of an American Council for Private International Communications, Inc., to grant support to the activities of private American organizations engaged in the field of communication with foreign peoples. Referred to the Committee on Foreign Relations.

By Mr. HUMPHREY:

S.J. Res. 103. A joint resolution to authorize the President to designate June 1, 1971, as Medical Library Association Day. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON (for himself and Mr. Mondale):

S. 1928. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the St. Croix River, Minn., and Wis., as a component of the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

LOWER ST. CROIX RIVER ACT OF 1971

Mr. NELSON. Mr. President, today I am introducing a bill which would add the Lower St. Croix River of Wisconsin and Minnesota to the national wild and scenic rivers system.

Such a step is long overdue and would be the logical culmination of an 8-year effort involving favorable public studies, broad conservation support, and careful congressional review.

Probably unique in the Nation, the Lower St. Croix flows near a major metropolitan area, Minneapolis-St. Paul, yet still retains much of its original natural beauty and pleasant, pastoral character.

Protection of the scenic and recreational values of the entire river was proposed in the St. Croix national scenic riverway bill introduced in 1965. A Federal study of the upper river initiated in 1963 brought the entire St. Croix to national attention.

In the Wild and Scenic Rivers Act, passed late in the 90th Congress, the Lower St. Croix River was designated for study by the Secretary of the Interior for inclusion in the national system established by that act.

Actually included in the national system at that time were Upper St. Croix River of Wisconsin and Minnesota; its scenic tributary in Wisconsin, the Namekagon River, and the Wolf River, also in Wisconsin.

From the beginning, the concept for the Upper St. Croix was to restore and preserve the little-developed river in its natural state, now being accomplished through its establishment as part of the national wild and scenic rivers program.

For the more developed Lower St. Croix, the concept has been protection for the public of the river's scenic beauty that provides such a rich experience for all its users. Where the shoreline is already developed, the concept has always been for protection of the lower river's scenic values by means other than land acquisition, except for needed public access.

Thus, in contrast to the preservation aim of the management and land acquisition on the upper river, the emphasis on the Lower St. Croix would be on a combination of easements, limited acquisition, and zoning needed to protect scenic values and assure wise recreational use.

It is my understanding that the Lower St. Croix is currently being studied by a special team headed in the Interior Department, and also by an intergovernmental task force reviewing the recreation potential of the Upper Mississippi River Basin.

This continuing attention indicates the obvious importance of the Lower St. Croix as a key link in the emerging network of nationally significant scenic, recreational, and wilderness areas in Wisconsin and the Upper Midwest.

Already, the Apostle Islands National Lakeshore and the Ice Age National Scientific Reserve are being established in Wisconsin, along with the Upper St. Croix, Namekagon, and Wolf scenic rivers.

And regionwide, we now have the Sleeping Bear Dunes and Pictured Rocks national lakeshores and the Sylvania Recreation Area in Michigan, and the

Voyaguers National Park and Boundary Waters Canoe Area in Minnesota.

With its scenic and recreational character preserved in a metropolitan area, the 52-mile Lower St. Croix would be a valuable and complementary feature in this new network of natural areas.

Under the Lower St. Croix River Act being introduced today, the river from the dam near Taylors Falls, Minn., to its confluence with the Mississippi River would be designated part of the national wild and scenic rivers system.

The legislation provides that before implementing the river's national scenic status that would be established by congressional passage, the Secretary of the Interior would have to prepare a plan with proposed boundaries and land easement, acquisition, and zoning details.

This plan would have to be published in the Federal Register and submitted to Congress for a 90-day review. If Congress had objections to the plan, it could not go into effect. If there were not congressional objections, the Secretary could then proceed to implement the plan.

It should be pointed out that from the early stages of study and planning, State and local governments have been deeply involved on the St. Croix, and this continuing intergovernmental effort would be vital to successful planning and implementation of Lower St. Croix River protections.

To conclude, Mr. President, I ask unanimous consent that the Lower St. Croix River Act be printed in the Record at the end of these remarks. I also ask unanimous consent that two excellent articles describing the lower and upper river also be printed at this point in the Record. One of the articles is by Alonzo W. Pond and one is by Howard Mead.

There being no objection, the bill and articles were ordered to be printed in the Record, as follows:

S. 1928

A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Saint Croix River, Minnesota and Wisconsin, as a component of the national wild and scenic rivers system

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Lower St. Croix Act of 1971".

Sec. 2. Section 3 (a) of the Wild and and Scenic Rivers Act is amended by adding at end thereof the following:

"(9) Saint Croix, Minnesota and Wisconsin.—The segment between the dam near Taylors Falls and its confluence with the Mississippi River; to be administered by the Secretary of the Interior.".

Sec. 3. Section 5(a) (21) of the Wild and Scenic Rivers Act is hereby repealed.

Sec. 4. The Secretary of the Interior shall, within one year following the date of the enactment of this Act, take, with respect to the segment included as a component of the national wild and scenic rivers system by this Act, such action as is provided for under section 3(b) of the Wild and Scenic Rivers Act.

INTERSTATE PARK AND THE DALLES

(By Alonzo W. Pond)

The steamer *Tennessee* with its load of homesteading settlers left the broad Mississippi and pushed slowly north up the wilderness river St. Croix. Dark forests crowded to the water's edge. Against the bow of the steamer the black water broke into foam and drifted away; curious white patterns shifting back and forth on the black-water currents.

About 40 miles from the Mississippi the valley narrowed. The banks of the river grew steeper, the current swifter. On pushed the *Tennessee*, into a narrow gorge. Walls of rock rose straight up; above them towered huge pines so high they shut out the daylight and left the boat and its passengers in the semi-darkness of a deep canyon. This was the Dalles of St. Croix, so named by the early French explorers because the slab-like rock walls, rising 100 to 150 feet straight from the water's edge reminded them of the huge paving blocks or *dalles*, used in the floors of French cathedrals.

As the boat moved deeper into the gloom, the passengers were awed by the towering walls, and some of them felt as though they had "come to the end of creation where waters burst forth as from the rock which Moses struck."

When it seemed that the little steamer must crash head on against the wall, a narrow passage showed to the west. The boat swung left in a sharp turn and passed around "Elbow Rock"—just as the sight-seeing tourist launches do today, a century and a quarter later.

Time and man have made many changes on the St. Croix River since the *Tennessee* rounded Elbow Rock and tied up below the Falls of the St. Croix. The giant pines that found precarious anchorage in the rock-walled gorge are gone; as sunlight penetrated to the cliff sides, the lush growth of clinging vines and ground pine gradually disappeared, revealing strange rock formations unnoticed by the passengers of the early river steamers.

Today the Dalles of St. Croix is part of Interstate Park, the oldest unit in the Wisconsin state park system. In 1895 George H. Hazzard of Minnesota and Harry D. Baker of St. Croix Falls headed groups of far-sighted citizens in convincing the legislatures of both states that the Dalles of St. Croix was a natural wonder worthy of preservation for future generations.

Accordingly, the Wisconsin legislature provided for setting aside 580 acres on the east bank of the river, and the park was formally accepted in 1900. This joint enterprise with Minnesota was one of the first such cooperative actions in the Midwest. Thus Interstate Park became a significant "first" and under the original concept that "areas of state-wide significance should be acquired for the use and inspiration of the people," state parks have been developed in all parts of Wisconsin.

Historic records of the Dalles region are few and scanty. Indian artifacts have been found, but not in quantities large enough to indicate permanent camp sites or villages. A copper awl and two flint arrowheads were found with the bones of extinct *bison occidentalis* deep in a peat bog now covered by a parking lot. During the late 1600's and 1700's the St. Croix River was a regular route for fur traders and voyageurs between Lake Superior and the Mississippi. Then, about 1836 or 1837 Americans became interested in the timber along the St. Croix and in the water power at the falls. The first sawmill was a financial failure, but as the result of an accident—ponded logs got away and raced through the rapids, were recovered and sold to the mills downstream—the practical use of the river for transporting timber became apparent.

The right-angle turn at the Elbow was a serious hazard, however, and there are records of several big log jams which held up millions of board feet of logs—sometimes for many weeks. The most spectacular started in June, 1886. One hundred fifty million board feet of logs, some of which were two feet in diameter and up to 60 feet long, were piled like jackstraws in the river. A solid mass of timber stretched upstream two and a half miles. A steam hoist on a flat boat below the jam, a pile driver, many teams of horses, and 175 men labored at the tangled mass for six weeks to free the timber.

The best logs, the straight-grained timber, often became water-logged in the jams and sank to the bottom. Throughout the Dalles, the river bed is paved with logs harvested from the shores of the St. Croix more than a hundred years ago. In the fall of 1936 some of those white pine logs were hauled from the river bottom below Elbow Rock and sold; the heart of the timber was sound, preserved against insects and decay in its airless bed beneath the black waters of the river.

The most fascinating historical records to be found in the Dalles area, however, are those which tell the comparatively short story of man. Within the boundaries of Interstate Park you can read whole chapters of the earth's history and see clear evidence of the many geological processes, ranging from Keewenan lavas and Cambrian sandstones to the remains of retreating glaciers.

The walls of the gorge and the bedrock of the park are formed of a stone known as trap rock. A tough, volcanic rock it was once hot lava that poured out of the earth through cracks near present-day Lake Superior. The molten mass cooled, and hardened cracks or joints developed in the rock, just as they do in hard-frozen ice or drying mud banks. These made possible the type of weathering which resulted in the steep-sided gorge and the strange shapes on the canyon walls.

In all there were probably fifty of the lava flows. But after each eruption there was a long period during which the surface of the lava bed became weathered. These weathered surfaces prevented the later lava from forming a tight bond with its predecessor. Thus the geologists today is able to recognize different levels.

If you look across the river from trails on the Wisconsin side of the park, you can identify at least seven of the lava flows. They are distinct terraces or gigantic steps on the Minnesota side. All of them slope to the southwest, and each terrace is the surface of one of those ancient lava beds.

When the glaciers covered parts of North America, rocks frozen into the bottom of the ice gouged distinct grooves in the surface of the hard trap rock as they moved along. These scars are so clear that even an amateur geologist can read the story on some of the bare rock knobs in the park. At least two of the glaciers which crossed the Interstate area can be identified from the distinctive material they carried, the "red drift" of the Patrician Ice and the "gray till" of the Kewatin.

As the great ice masses retreated and the ice melted, Glacial Lake Duluth was formed in what is now the western end of Lake Superior. When the waters finally spilled out of the Lake Duluth basin, they followed the valleys of the Brule and St. Croix rivers toward the Mississippi. At the great volcanic barrier which extended across the St. Croix valley, they were held back until at last they began to spill over the volcanic dam as a spectacular water fall.

Great volumes of water tumbling with terrific force over the barrier worked through cracks and joints of the ancient lava. In winter, ice expanded in the cracks, loosening blocks of trap rock. Spring floods tumbled the loose stones into the stream bed until the rushing waters had "plucked" a channel through the barrier between what is now known as Horizon Rock and Summit Rock, and out its way into Lake of the Dalles Basin. The process continued until the river had cut many small passages. These are the delightful little canyons which have become trails in the park—Mossy Canyon, Echo Canyon, Canyon Valley, and Fairy Dell. The river end of Fairy Dell is often called Devil's Ice Box because in normal summers cold air moves from the damp, fern- and moss-covered passage toward the canyon mouth and the river.

The channels on the east of the valley could not carry all the water from the melting glacier. Much of it plunged over the barrier near the present river channel to make whirlpools and shifting currents on the hard rock river bed. Those swift waters carried quantities of sand and gravel. Some was caught in the whirlpools. The whirling sand grains and sharp-edged rocks became natural grindstones which wore circular holes in the lava bed of the glacial river. These are the "pot holes" one sees today high above the river on the Pot Holes Trail, cut into the rock by sand and gravel driven by tumbling waters of the river long before it cuts its channel down to the present level.

A geologist who has studied pot holes in Switzerland and other glaciated regions calls one of the cavities on the Wisconsin side of the river the "most perfect pot hole in the world." When the debris is dug from a pot hole, large, irregular-shaped stones are found near the top. Deeper, the stones become rounded and smaller, until, near the bottom, they are as smooth as manmade marbles. These, of course, are the stones which were swirled against the walls of the pot holes, cutting the cavities deeper and deeper as they, too, were smoothed and rounded by the whirling sand and water.

Without the great volume of water from melting glaciers, the river no longer plucks many rocks from the lava bed, but slower weathering by frost and snow, sun and wind, continues. Throughout the centuries since the last glacial epoch, these forces have carved many interesting shapes on the walls of the gorge. There's Turk's Head, Lion's Head, Pulpit Rock, the Devil's Chair, and a huge Maltese Cross. All are the work of natural forces removing a bit of stone here, another there, until by the laws of chance realistic shapes have been produced. The most realistic of the figures, that at the top of the cliff on the Wisconsin side near the "perfect pot hole," is known as the Old Man of the Dalles.

The park abounds with trails designed to give access to all these natural wonders and to spectacular views of the river and gorge.

One, the trail to Summit Rock, which breaks out into the open high on Inspiration Point, is reached by steps that look like natural ridges. When the trail was being constructed, government regulations prevented the CCC crews from using dynamite. Taking a tip from prehistoric Indians, the boys built huge bonfires on the trap-rock outcrop, the fires were kept burning all day, and at quitting time the boys carried big milk cans of water up from the river and dumped them on the hot rock at the top of the bluff. The cold water shattered the rock and the next day fragments could be lifted out and tossed away. The process was repeated day after day until a channel ten feet long, four feet wide, and a foot deep was cut through the solid rock. Then blocks of stone weighing as much as a ton and a half were hauled to the cut by rope and tackle and fitted into place for steps.

The wide range of soils in the park, from swampy lowland and river flood plain to sun-scorched trap-rock knobs, and the range of altitudes (up to 703 feet above sea level) make possible an impressive variety of plant life. In 1900 a group of botanists identified a thousand species of plants, including more than fifty species of trees, in this area. Miniature cactus on almost barren rock grows not far from luxuriant beds of ferns. In the spring, acres of woods are carpeted with trilliums, and in the fall banks of blue lobelia line the path to the spring above the east shelter house. Mosses, ferns, and lichens make beautiful patterns in some of the rock canyons.

Interstate Park is a popular picnic and camping area, with a bathing beach and bath house at the Lake of the Dalles and good fishing in the river. Boat excursions through the Dalles leave regularly from the Minnesota side. The St. Croix River is becoming so popular with canoeists that an additional small waterside camping area is now being developed for their use.

A geologist's paradise, a camper's haven, and a sightseer's playground, this gift of nature, molded by the forces of time and weather and preserved by the thoughtfulness of responsible men, offers to each of its visitors the chance to pursue his own personal outdoor pleasure in one of the most magnificent settings in all Wisconsin.

THE LOWER RIVER TODAY

The St. Croix becomes a different river upon leaving the narrow Dalles with its towering, perpendicular black walls. Below the Dalles the swift, deep-running river pours out into the wide Lower Valley—spreading lazily into quiet, shaded sloughs as it brushes jutting, sun-warmed sandbars. The last leg of the trip to the Mississippi can be made by either canoe or power boat. By canoe the trip is easy, with no rapids or major obstructions. For the power boat the only hazards are sandbars, the ever-shifting channel, and, of course, the greatly increasing number of other boaters who use and enjoy the river, particularly on weekends. It is difficult to imagine that one hundred years ago steamboats of considerable size navigated the shallow Low St. Croix, carrying passengers and freight. During the season of 1869, some 230 steamboats reached the levee at Taylor's Falls.

You can put in below the twin cities of Taylor's Falls, Minnesota, and St. Croix Falls, Wisconsin, at Muller's Landing on the Minnesota side or at the boat landing in Wisconsin's Interstate Park. At the Lower Dalles, hemmed in on either side by precipitous cliffs, is pretty little Rocky Island, a favorite picnicking and swimming spot.

Just south of Rocky Island, on the Wisconsin side, is the first of many mysterious winding sloughs, whose quiet and shade seem to invite exploration. This first slough, called Close's Slough, ends about a mile north of Osceola. Another mile below this Wisconsin village with a handsome waterfall just off the main street, is West Slough, stretching two miles south to Cedar Bend and the legendary Standing Cedars, the old Chippewa-Sioux boundary line.

Great masses of rock and gravel have filled the once-deep water at Cedar Bend and formed a huge bar. This bar has dammed the channel and sent the river rushing through narrow McLeod's Slough along the Minnesota shore. Here along the west bank, in particular, are numerous small summer cottages and more elaborate homes.

On the Wisconsin side, just below Minnesota's William O'Brien State Park, is transquil Towhead Slough. Along the main channel on the Minnesota shore, just above the historic, sleepy village of Marine, where the valley's first sawmill was operated in 1839, is Pine Slough with its lovely sandstone cliffs. Across the river, opposite the Marine Landing is Deadman's Slough, which wanders into the Apple River and out again into the main channel, which here hugs the Minnesota shore.

South of high Soo Line Bridge on the Wisconsin side, Kelly Slough drifts unhurriedly past Harriman's Landing and on into Little Venice Canal, with its sheer sandstone cliffs.

From Stillwater to the Mississippi, the river widens into the broad, sparkling waters of Lake St. Croix. Sailing, waterskiing, fishing, swimming, are favored forms of recreation on this enormous body of water. At present, no strings of barges scatter the lake's small craft, no industry pollutes water that is today nearly as clean as when Schoolcraft called it "the sylvan sheet of Lake St. Croix."

Today there is no other large river so near a major metropolitan area in the United States that can offer so much to so many—the special qualities of infinite variety, pristine, clear water, and unspoiled beauty. The historic St. Croix, this last great, clean river, is worth saving for the future.

THE ST. CROIX BORDER RIVER

(By Howard Mead)

All but lost in the sandy foothills a short distance north of the ancient Brule-St. Croix Portage Trail near village of Solon Springs is a bubbling, icy spring, the ultimate source of the St. Croix River. Its cold waters seep south through a tangled tamarack and cedar swamp into a large pond edged with black spruce. From here, little St. Croix Creek flows into long, picturesque Upper St. Croix Lake.

And so the St. Croix River begins its 165-mile journey to the muddy Mississippi. For its first 37 miles it is wholly a Wisconsin river. For the last 128 miles of its length this border river shapes part of Wisconsin and Minnesota. It is a river of startling contrasts. In fact, so great are the differences between the upper and lower St. Croix valleys that it is as though there are two separate rivers divided by the narrow, 200-foot-deep gorge of the Dalles.

Upstream from the St. Croix Falls and the Dalles the river is wild, beautiful white-water. Once this valley with its source of tributaries lay in the shade of an ancient, seemingly endless white-pine forest. Today, the vast pinery is no more. It was leveled before the turn of the century to build farms and towns all across the treeless prairie states. Today a fresh, second-growth forest has healed the scars left by the lumberjack and the devasting fires that roared through the slash he left behind. The Upper St. Croix Valley is again a wild and lonely land.

Below the Dalles, where the St. Croix broaches out to flow more languidly amidst a pastorial setting, it becomes a comfortable river with jutting sandbars, broken by sloughs and framed by high, rolling hills. Wide and gentle, it is a perfect river for leisurely boating, fishing, and swimming.

In 1683 the St. Croix was given the name *The River of the Grave* by the French missionary Father Louis Hennepin, who helped to bury an Indian dead of snake bite there. Hennepin's name didn't catch on, nor did the name *Madeleine,* which can be found on some early maps. Early tourist-trade promoters spread the story that the river got its name from the large rock formation in the Dalles which resembles a lopsided Maltese Cross. Most probably, however, the river was named for an early French fur trader, Sainte-Croix. Several old journals mention a voyageur of this name who traded along the lower river.

Because the St. Croix and the Bois Brule were the rivers that provided the shortest natural waterway between the Mississippi and Lake Superior, they are particularly rich in memories of the past. Over the low ridge that separates the waters flowing north to Lake Superior from those flowing south to the Mississippi came Indians, explorers, voyageurs, missionaries, traders, and pioneers.

In the prehistoric past the St. Croix Valley knew those nomadic Indians who left their effigy mounds for our modern archeaologists to ponder. More recently, its waters carried the fragile birchbark canoes of the Sioux and the Chippewa. This vast valley, with its lush wild-rice beds and its plentiful fish and game, had long belonged to a tribe called Dakota, a word meaning "friend." Then, in the 1500's the Chippewa were driven out of their home in the St. Lawrence Valley by the fierce Iroquois and pushed westward until they collided with the Sioux. The St. Croix Valley became the site of frequent and bloody battles between the Chippewa and these Dakotas, whom they called *Na-dou-esse,* or "snake in the grass." (The French spelling, *Nadeousioux,* was shortened to Sioux.)

More than fifty years before George Washington was born, in the spring of 1680, Daniel Greysolon, Sieur de Du Lhut, became the first white man known to come up the Brule from Lake Superior, cross the two-mile portage and enter the St. Croix which he described as ". . . a very fine river, which took me down into the Mississippi." Du Lhut had come to the Upper Lakes on a practical mission—to make peace between the Chippewa and the Sioux. With these two tribes at war the lucrative fur trade, which was the lifeblood of the French Colony, simply could not be carried on.

The Sioux never entirely gave up their claim on the St. Croix Valley, although, in the mid-1700's, the Chippewa drove them west of the Mississippi. A century and a half after Du Lhut, an Indian Agent reported: "War, war, war will be carried on between the Sioux and Chippewa as long as there is a *Brave* of either nation in existence."

After Du Lhut came other Frenchmen—intrepid explorers in search of the elusive Northwest Passage to the western ocean and the spice kingdoms beyond, pious and brave missionaries, and, of course, the fur traders searching for beaver pelts. It is the beaver which must be given credit for opening this trackless wilderness. Fine felt was needed to make the luxurious, ornate hats that were the status symbol of the time. The beaver's short underfur was perfectly equipped with tiny barbs ideal for felting. The beaver pelt was the prize of the continent. Fortunes were made and lost, empires were built, and nations went to war, over beaver fur. Along the St. Croix there were numerous fur trading posts, for the river was a fine water route and excellent beaver country to boot.

After 1760, with the end of the French and Indian War, came the British, still searching for the Northwest Passage, but finding beaver. The English ruled as supreme masters of the fur trade for long after the Revolutionary War and even after 1816, when Congress decreed that only a United States citizen could be licensed to trade on American lands.

When the Americans came to the valley, the days of the glory of the fur trade were gone. Left, however, was the great white-pine forest. In less than half the time it took to trap out the beaver, the rugged American lumberjack leveled the Upper St. Croix Valley's centuries-old pines and floated them on the spring floods to sawmills downstream.

Since those frantic logging days, little has happened in the upper valley, except that its sandy soil has sprouted a new forest. In the fertile lower valley, however, the farmer has prospered. For as the fur trade gave way to lumbering, so too, did agriculture replace it, by the end of the nineteenth century, as the valley's dominant economic force.

THE UPPER RIVER TODAY

The Upper St. Croix, with its frequent stretches of turbulent white-water rushing through magnificent wild country, is a canoeists' paradise. Heavily forested with pine and hardwood, high-banked and occasionally low and swampy, broken in spots by islands and sloughs, with quiet flat water interrupted by numerous rapids, the upper river and its valley are amazing in their variety. This exceptional river achieved national recognition when a Federal Wild Rivers study team recommended that it, along with its tributary, the Namekegon, be preserved in their natural, free-flowing condition as two of only a dozen such waterways in the United States.

This is also a fisherman's river. Especially in its upper reaches, smallmouthed bass and walleyed pike are outstanding game fish. The best bass fishing is in the deep pools and long undercut banks, where there is a boulder-and-rubble bottom and good cover. Walleyes like the fast current and are found in and below rapids. The areas with sandy bottoms invariably offer very poor fishing.

By putting in at Solon Springs you can make the full 115-mile upper river trip. Best done in five days, this trip takes you across two lakes—Upper St. Croix Lake and St. Croix Flowage. If you have an antipathy for paddling across open, current-less water or if you wish a four-day trip, put in at Gordon Dam at the foot of St. Croix Flowage.

On the St. Croix, you are continually impressed with a sense of history. The part this natural highway played in the past has been documented in many journals, particularly those of the inquisitive Henry Schoolcraft, Indian Agent, explorer, linguist, historian, and geologist; Jonathan Carver, the valley's only known English explorer, and Joseph N. Nicollet, French explorer and scientist, among others. (*The St. Croix: Midwest Border River* by James Taylor Dunn contains much information about these men and their journeys.) A visit to your library, a little research, and some reading will add a fascinating dimension to any canoe trip.

Downstream from Gordon Dam, the St. Croix is fast-flowing and clear, its banks quite unmarred by modern civilization. Almost at once you are into the first rapids, sliding over ledge rock, past a small pine-studded island. The rapids are quickly run. It is best not to drift into rapids, but to paddle hard to gain steerage for quick turns and head for the V's of smooth water between boulders. Steer your canoe right down their throats. In high water, during most of May and June, almost every one of the many rapids on the St. Croix, with the possible exception of tricky Fish Trap Rapids, can be run. The rapids are exciting but not dangerous, making the St. Croix a perfect river for a first experience with whitewater.

Next are Coppermine Rapids, just below Coppermine Dam, in two sections, through one of the St. Croix's loveliest stretches. Here the river cuts deeply into red rock and the channel is split by an island. These shallow rapids make a fine ride, sliding, choppy and fast over rock shelves. In 1832, Lt. James Allen, in command of Schoolcraft's ten-man military escort, passed this way going upstream, a feat which is always difficult to imagine. He wrote, "The river has become so low that we have to wade over all the rapids, which seem to be interminable. Many of them today were over shelving sandstone rock; the fragments of which . . . have cut up my men's feet and the bottoms of the canoes, horribly." From the Moose River downstream the hedge rock is replaced, in the main, by boulders.

Just below County Highway T bridge are the long, frustrating and tricky Fish Trap Rapids, consisting of eight or even more separate rapids. Explorer Joseph N. Nicollet called them *rapides aux galets*, cobblestone rapids, and claimed they were the St. Croix's most difficult. Last year we camped on a tiny meadow above these twisting, leaping rapids. Their untamed hollow roar filled the night, and in the morning a fishing first shrouded the large boulders, made us feel part of an earlier century. The St. Croix and its wild, lonely valley have a way of bringing the past very close.

All along the entire upper river we saw wildlife. Even without fieldglasses, we were able to identify more than forty-five different birds, many of the same species Schoolcraft saw on his 1831 expedition into the area. Our observations ranged from cedar waxwings to great blue and green herons, swallows, cardinals, kingfishers, an osprey, a pileated woodpecker, blackbirds, teal, mallards and, amazingly, nine bald eagles, but only one dark-headed youngster. We saw, as well, many deer. And one evening we sat around our campfire and listened to the eerie owl conversation while a foolish grouse drummed nearby. On another spot our camp was raided by a friendly family of raccoons.

Not far below where half-mile-long Little Fish Trap Rapids rushes through sharp turns, the Namekagon pours into the St. Croix at what was once called the Forks of the St. Croix. Actually, the Namekagon is the larger river there. Next is Riverside, a good place to replenish your water supply.

Two miles below Riverside, at State Line Rapids, the St. Croix becomes the boundary between Wisconsin and Minnesota. The St. Croix is, almost from the moment it becomes a border, a large river with long sloughs and low, wooded islands. At the mouth of the Yellow River, Danbury is another good spot for taking on supplies. Here, too, in a bleak row of tiny houses live part of the "Lost Tribe" of the St. Croix. In 1854 this title band refused to move to a reservation after the rest of the Chippewa had given up all their lands bordering Lake Superior. They have been disgracefully shuffled about ever since.

Almose ten miles downstream from Minnesota's St. Croix State Park, past Nelson's Landing on the Wisconsin side, is a handsome little island called Head of the Rapids Island, or Heady Island. Under tall white pines are a little fireplace and a picnic table—an excellent camping spot. Shortly below this island are the famous seven miles of rapids, the Kettle River Rapids. It is not that these rapids are especially difficult. But their very length and the concentration they require make them seem, as Schoolcraft wrote, "our greatest obstacle." They sweep, dancing and foaming, past beautiful pine-topped islands through a particularly magnificent stretch of river.

The Thousand Islands portion of the river above the Snake River, called more beautifully by the French *Riviere au Serpent*, cannot have changed much since John W. G. Dunn wrote in his diary in 1932, "one could not imagine a more beautiful river, high banks covered with a large hard wood, with scattering pine, mostly white pine. Islands, large and small without number and these also covered with big trees. A good many of these islands are high and rocky on the shore line. No end of springs and spring creeks coming in mostly on the Wisconsin side."

Below the Snake are several clusters of cabins on the Wisconsin side, the site of the defunct Riverdale Ferry, and two more rapids, Otter Slide, with its distinct downhill swoop, and the choppy Horse Race. These rapids end the Upper St. Croix's white water. From this point, for the 30 miles to St. Croix Falls, the river changes slowly. There are fewer pines here and more elm, soft maple, and birch. The water flows almost leisurely past large sandbars, and for the first time there is an occasional farm. Past the skeleton remains of Nevers Dam, over submerged Dobeney Rapids, now a good spot for bass, and past great, scattered boulders, now almost hidden, the St. Croix has become a gentle river, impounded by the Northern States Power Company dam at St. Croix Falls.

By Mr. HARRIS (for himself, Mr. Cranston, Mr. Fulbright, Mr. Gravel, Mr. Humphrey, Mr. Mondale, Mr. Randolph, and Mr. Stevenson):

S. 1930. A bill entitled "American Folklife Foundation Act." Referred to the Committee on Rules and Administration.

AMERICAN FOLKLIFE FOUNDATION ACT

Mr. HARRIS. Mr. President, I introduce today a bill that would create an American Folklife Foundation within the Library of Congress. Through this Foundation, vital public support would be lent to a wide-ranging effort designed to foster both a broader and deeper understanding of this country's rich folklife. I am very pleased to be joined in the introduction of this legislation by seven cosponsors: Senators Cranston, Fulbright, Gravel, Humphrey, Mondale, Randolph and Stevenson.

Without question, we have been wise

to invest millions of dollars in the proud work of the National Endowments of the Arts and Humanities, and we have done well as a people and as a government to build here in Washington the John F. Kennedy Center for the Performing Arts, so that this civilization might appreciate and foster fine arts and high culture. But for too long, Mr. President, our public moneys have supported a Western European cultural tradition almost to the exclusion of the many noble cultures that are homegrown throughout this country.

American cultures have not been viewed with the pride they warrant; too often, they have been scorned as the life-style of an uncultured lower class. Nothing American was allowed to bear the label "culture." We had had no national policy of appreciation and support for America's folklife.

The legislation proposed here today is an effort to invest in the culture of America's common man. It says that the country fiddler need not feel uncultured simply because his fiddle does not produce a concert tone; it says that the pottery of Jugtown, N.C., and the sandpainting of Southwestern Indians are artistic treasures in the same sense as those from the dynasties of China; it says that the black bluesmen along the Brazos Valley in Texas are recognized as pure artists and welcome as a national treasure; it says that the American Indian philosopher has something urgently important for America today and that this society wants to hear him as well as the ancient Greeks; it says that the total lifestyles of Swedish-Americans in Milwaukee, of Polish-Americans in Chicago, and of Italian-Americans in Boston have brought a perspective and a contribution to this country that has ennobled us as a society; and it says that the bluegrass band has developed a music with a complexity and a richness that will grow and that will endure always as a living monument to American musical genius. In short, the bill I am proposing says that there is a vast cultural treasure in America's common man, and that our society will be a better one if we focus on that treasure and build on it.

Before going further, it probably would be useful to stress what we mean in this bill when we say "folklife." All too often, people think of folklife as something out of the hills, and they frequently think of it only in terms of folk music. These impressions are incorrect. We are concerned in this legislation with folklike in its broadest sense—perhaps best summed up as the total lifestyle of peoples—and we are concerned about it everywhere in America—in cities as well as in small towns and rural areas. The legislation defines folklife as "the traditional customs, beliefs, dances, songs, tales, sayings, art, crafts, and other expressions of the spirit common to a group of people within any area of the United States; the term includes, but is not limited to, music (vocal and instrumental), dance, drama, lore, beliefs, language, humor, handicraft, painting, sculpture, architecture, other forms of creative and artistic expression, and skills related to the preservation, presentation, performance, and exhibition of the cultural heritage of any family, ethnic, religious, occupational, racial, regional or other grouping of American people."

Most important, Mr. President, this bill considers folklife as a dynamic force in today's society and not simply as something out of our past. The American Folklife Foundation will be concerned with the past and will enable scholars and field researchers to give us all a better understanding of the cultural history of America. The need adequately and accurately to record our history cannot be doubted. This should be a proper concern of the Federal Government; however, at the moment no Federal program is designed to meet this need insofar as the folklife of the country is concerned. But the purpose of all this is not simply to know what was and then to store it in an archive to gather dust. Rather, we are interested in bringing the American folklife of 200 years ago, as well as the folklife of 20 years ago, to bear on the daily lives of today's Americans. While we contemplate pure academic research in this bill, we contemplate much more than that. We contemplate dissemination and presentation of America's folklife in such a way that it can bring understanding and perhaps even some wisdom to the decisions that our people—both individually and as a society—must make today and tomorrow. This is not to say that this little bill is going to produce wisdom or is going to make the difference in the quality of our lives, but it is to say that this bill at least will finally allow us to count our folk cultures as a force working toward wisdom and quality in life.

Perhaps the most important aspect of this legislation is that it recognizes, accepts, and builds on the fact that America is not a melting pot and that there is no such thing in this country as a homogenized mass culture.

This is a union of individuals. America is a mosaic of cultures, not a blend. Too often, we have failed to treat our differences with respect. The truth is that we do not know each other well enough. Some only know that Germans live in Nebraska, that Chicanos are in the barrio, that a lot of Scots can be found in Appalachia, that many Poles live in and around Chicago, that smalltown blacks live on the other side of the tracks, and that there are Amish in Pennsylvania, but we do not know how they live.

To complicate this lack of understanding, the overwhelming forces of technology and bureaucracy tend to deny us our humanity and to stifle our expressions of individuality. In this climate of alienation and anxiety, we need to know ourselves if we are to know each other. One way to accomplish this is to enlarge upon folk lifestyles and to seek as many outlets as possible for the expression of American cultures. That is what this bill is about. The American Folklife Foundation will give the American people a chance to express themselves.

Mr. President, the substance of this bill was introduced in 1969 by former Senator Ralph Yarborough of Texas, and I am privileged to carry on the outstanding effort that he began. In May of 1970, Senator Yarborough held hearings on the bill and reported it from the Labor and Public Welfare Committee, but the 91st Congress adjourned before the full Senate was able to act. I hope we can have hearings on this measure very soon, and it is my deep hope that the Senate will see fit to enact the proposal in this session of Congress. There is great strength in the folklife of this Nation. Strength which has not been fully understood and certainly not used to the fullest. A companion bill is being introduced on the House side by Mr. Thompson of New Jersey, and it is hoped that quick action also can be had in that body so that we are able soon to create the American Folklife Foundation and to fund it to begin this very important work.

SECTION-BY-SECTION ANALYSIS OF AMERICAN FOLKLIFE FOUNDATION ACT

SECTION 1

This section states the purpose of the Act to be that of supporting research and scholarship in American folklife in order to contribute to an understanding of the complex problems of the basic desires, beliefs and values of the American people in both rural and urban areas, and that, among other things, it is in the interest of the general welfare of the nation to preserve, support, revitalize and disseminate American folklife traditions and arts.

SECTION 2

This section contains the definitions and defines "American folklife" as the traditional customs, beliefs, dances, songs, tales, sayings, art, crafts and other expressions of the spirit common to a group of people within any area of the United States.

SECTION 3

This section provides that the American Folklife Foundation should be established within the Library of Congress.

The Foundation is subject to the supervision of a twelve member Board of Trustees, four to be appointed by the President and eight by the Librarian of Congress.

A Director and Deputy Director, to be appointed by the Librarian, would be the principal directing officers of the Foundation.

SECTION 4

This section sets forth the authority of the Foundation. The Foundation would be empowered to establish and implement a program of contracts, grants, loans, and scholarships with individuals and groups in order to record and to promote American folklife.

SECTION 5

This section places certain limitations on the grants. No payment shall be made to carry out research or training over a period in excess of two years, except with the concurrence of two-thirds of the members of the Board of the Foundation. A limitation on grants to former employees of the Federal Government is also provided for in this section.

SECTION 6

This section gives the Foundation administrative authority to carry out the purposes of the Act.

SECTION 7

This section authorizes to be appropriated such sums as may be necessary to carry out the provisions of the Act.

Mr. President, I ask that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1930

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "American Folklife Foundation Act".

DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares—

(a) that American folklife has lent strength to the American people and to the Nation;

(b) that the diversity inherent in American folklife has contributed greatly to the cultural richness of the Nation and has fostered a sense of individuality and identity among the American people;

(c) that the history of the United States effectively demonstrates that building a strong nation does not require the sacrifice of cultural differences;

(d) that American folklife has a fundamental influence on the desires, beliefs, values, and character of the American people;

(e) that it is appropriate and necessary for the Federal government to support research and scholarship in American folklife in order to contribute to an understanding of the complex problems of the basic desires, beliefs and values of the American people in both rural and urban areas;

(f) that the encouragement and support of American folklife, while primarily a matter for private and local initiative, is also an appropriate matter of concern to the Federal Government;

(g) that it is in the interest of the general welfare of the Nation to preserve, support, revitalize, and disseminate American folklife traditions and arts;

(h) that in order to implement these findings, it is appropriate to establish in the Library of Congress an American Folklife Foundation to develop, promote, and implement a broadly conceived national policy of support for American folklife.

DEFINITIONS

SEC. 3. As used in this Act—

(a) the term "American folklife" means the traditional customs, beliefs, dances, songs, tales, sayings, art, crafts, and other expressions of the spirit common to a group of people within any area of the United States; the term includes, but is not limited to, music (vocal and instrumental), dance, drama, lore, beliefs, language, humor, handicraft, painting, sculpture, architecture, other forms of creative and artistic expression, and skills related to the preservation, presentation, performance, and exhibition of the cultural heritage of any family, ethnic, religious, occupational, racial, regional, or other grouping of American people;

(b) the term "group" includes any State or public agency or institution and any nonprofit society, institution, organization, association, or establishment in the United States;

(c) the term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands;

(d) the term "workshop" means an activity the primary purpose of which is to encourage the development of skills, appreciation, or enjoyment of American folklife among amateur, student, or nonprofessional participants, or to promote scholarship or teaching among the participants.

ESTABLISHMENT OF FOUNDATION

SEC. 4. (a) There is hereby established in the Library of Congress an American Folklife Foundation (hereinafter referred to as the "Foundation").

(b) The Foundation shall be subject to the supervision and direction of a Board of Trustees (hereinafter referred to as the "Board"). The Board shall be composed of four members appointed by the President by and with the advice and consent of the Senate, eight members appointed by the Librarian of Congress by and with the advice and consent of the Senate, the Librarian of Congress ex officio, and the Director of the Foundation ex officio. The four members appointed by the President shall be officials of Federal departments and agencies concerned with some significant aspect of American folklife traditions and arts. The eight members appointed by the Librarian of Congress shall be individuals from private life who are widely recognized by virtue of their scholarship, experience, creativity, or interest in American folklife traditions and arts. In making appointments from private life, the Librarian shall give due consideration to individuals suggested to the Librarian by the Board and shall provide for regional balance in the membership of the Board.

(c) The term of office of each appointed member of the Board shall be six years; except that (1) the term of members first taking office shall be two years for three members appointed and so designated by the Librarian, two years for two members appointed and so designated by the President, four years for three members appointed and so designated by the Librarian, and four years for one member appointed and so designated by the President, and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term to which his predecessor was appointed shall be appointed for the remainder of such term.

(d) Members of the Board who are not regular full-time employees of the United States shall be entitled, while serving on business of the Foundation, to receive compensation at rates fixed by the Librarian, but not exceeding $100 per diem, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by Section 5703 of Title 5, United States Code, for persons in Government service employed intermittently.

(e) The Librarian shall call the first meeting of the Board, at which the first order of business shall be the election of a Chairman and a Vice Chairman, who shall serve for a term of one year. Thereafter each Chairman and Vice Chairman shall be elected for a term of two years. The Vice Chairman shall perform the duties of the Chairman in his absence. In case of a vacancy occurs in the Chairmanship or Vice Chairmanship, the Board shall elect a member to fill the vacancy for the remainder of the unexpired term.

(f) A majority of the members of the Board shall constitute a quorum.

(g) There shall be a Director and a Deputy Director of the Foundation, who shall be appointed by the Librarian, by and with the advice and consent of the Senate. In making such appointments the Librarian shall give due consideration to any recommendation submitted to him by the Board. The Director shall receive compensation at the rate provided for level V of the Federal Executive Salary Schedule, and the Deputy Director shall receive compensation at a rate not to exceed G. S. 18 of the General Schedule under Section 5322 of Title V of such Schedule. Each shall serve for a term of six years unless previously removed by the Librarian.

(h) The Director shall be the chief executive office of the Foundation. He shall carry out the programs of the Foundation subject to the supervision and direction of the Board, and shall carry out such functions as the Board may delegate to him consistent with the provisions of this Act.

(i) The Deputy Director shall perform such function as the Director, with the approval of the Board, may prescribe, and shall serve as acting Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

AUTHORITY OF FOUNDATION

SEC. 5. The Foundation is authorized to establish and implement a program of contracts, grants, loans, and scholarships with individuals and groups in order to—

(a) initiate, promote, support, organize, and produce live performances, festivals, exhibits, and workshops related to American folklife;

(b) initiate, encourage, support, organize, and promote research, scholarship, and training in American folklife;

(c) establish and maintain in conjunction with any Federal Department, agency, or institution a national archive and center for American folklife;

(d) procure, receive, purchase, and collect for preservation and storage in the archive appropriate paintings, creative works, exhibitions, presentations, objects, materials, artifacts, and audio and visual records (including still and motion picture film records, audio and visual magnetic tape recordings, written records, and manuscripts) which represent or illustrate some aspect of American folklife;

(e) loan, lease, or otherwise make available any item in the archive to any individual or group under such terms and for such uses as the Board deems appropriate;

(f) purchase, receive, product, or arrange and support the production of exhibitions, displays and presentations (including presentations by still and motion picture films, and audio and visual magnetic tape recordings) which represent or illustrate some aspect of American folklife;

(g) present, display, exhibit, disseminate, communicate, and broadcast to local, regional, state, or national audiences any exhibition, display, or presentation produced produced pursuant to subsection (d) of this section or any item in the archive established pursuant to subsection (c) of this section, by making appropriate arrangements, including contracts, loans, and grants with public, non-profit, and private radio and television broadcasters, museums, educational institutions, and other individuals, and private or non-profit corporations as the Board deems appropriate;

(h) purchase, receive, produce, and arrange for and support the production of exhibitions, programs, presentations, and materials specially designed for classroom use representing or illustrating some aspect of American folklife, and to loan, lease, or otherwise make available such exhibitions, programs, presentations, and material to public, private, and nonprofit educational institutions;

(i) develop and implement other appropriate programs to preserve, support, revitalize, and disseminate American folklife.

LIMITATION ON GRANTS

SEC. 6. (a) No payment shall be made pursuant to this Act to carry out any research or training over a period in excess of two years, except that with the concurrence of at least two-thirds of the members of the Board of the Foundation such research or training may be carried out over a period of not to exceed five years.

(b) No individual formerly in the employment of the Federal government shall be eligible to receive any grant or other assistance pursuant to this Act, or to serve as a trustee of the Foundation, in the two-year period following the termination of such employment.

ADMINISTRATIVE PROVISIONS

SEC. 7. In addition to any authority vested in it by other provisions of this Act, the Foundation, in carrying out its functions, is authorized to—

(a) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(b) receive money and other property donated, bequeathed or devised, without condition or restriction other than that it be for the purposes of the Foundation; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(c) in the discretion of the Foundation, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (b)) money and other property donated, bequeathed, or devised to the Foundation with a condition or restriction, including a condition that the Foundation use other funds of the Foundation for the purpose of the gift;

(d) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of the Act without regard to the provisions of Title V, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no individual so appointed shall receive compensation in excess of the rate received by the Deputy Director of the Foundation;

(e) obtain the services of experts and consultants in accordance with the provisions of Section 3109 of Title 5, United States Code, at rates for individuals not to exceed $100 per diem;

(f) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by Section 5703 of Title 5, United States Code;

(g) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of the Act, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds and without regard to Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(h) make advances, progress, and other payments which the Board deems necessary under this Act without regard to the provisions of Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

(i) rent office space in the District of Columbia;

(j) make other necessary expenditures.

The Foundation shall submit to the Library of Congress for inclusion in its annual report to the Congress an annual report of its operations under this Act, which shall include a detailed statement of all private and public funds received and expended by it, and such recommendations as the Foundation deems appropriate.

AUTHORIZATION

SEC. 8. There are authroized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. MATHIAS (for himself, Mr. BEALL, Mr. BELLMON, Mr. BENNETT, Mr. DOLE, Mr. HANSEN, Mr. HARRIS, Mr. MCCLELLAN, Mr. MOSS, and Mr. STEVENS):

S. 1932. A bill to amend the Federal Meat Inspection Act to provide that State inspected facilities after meeting the inspection requirements shall be eligible for distribution in establishments on the same basis as plants inspected under title I. Referred to the Committee on Agriculture and Forestry.

Mr. MATHIAS. Mr. President, I introduce for appropriate reference a bill to amend the Federal Meat Inspection Act to provide that State-inspected facilities, after meeting the inspection requirements, shall be eligible for distribution in establishments on the same basis as federally inspected facilities.

In short, this bill would provide that, once a State's inspection program has been found "equal to" Federal meat inspection, meat and meat products prepared under that State program may be admitted to interstate commerce.

This bill would end the double standard under which thousands of meat processing plants, although required to meet inspection standards equal to Fedral inspection, have been arbitrarily restricted to the limited market of a single State. This is second-class citizenship which has become totally unjustified as State inspection programs have reached maturity under the Wholesome Meat Act of 1967.

I wish to emphasize that this legislation would not alter or affect in any way the actual standards for meat inspection, nor would it affect current requirements for compliance with these standards. The legislation would simply give equal access to market to all facilities which do comply. In so doing, this bill would aid consumers by making available a wider choice of clean, wholesome meat and meat products. It would also aid many small processors who have invested relatively large sums in new equipment and procedures to meet strict inspection standards.

Mr. President, when I introduced identical legislation last year, the Department of Agriculture deferred any endorsement until the extent of compliance with the Wholesome Meat Act could be measured. I am pleased to announce today that the Department has reviewed the situation and recognized the equity and merit of this bill.

The Meat and Poultry Inspection program has made a thorough review of the status of all State meat inspection programs. As of March of this year, 35 of these States, with 5,661 plants under inspection, have been judged fully equal to the Federal system. These States are:

Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Iowa.

Kansas, Maine, Maryland, Michigan, Mississippi, Missouri Nebraska, Nevada, New Jersey, New Mexico, New York, Oklahoma.

Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming.

Federal matching grants to States for 50 percent of the financing of these "equal to" systems will total an estimated $17.6 million in fiscal year 1971.

Many of these States started the development of their inspection systems 3 years ago without trained personnel, without experience in inspection activities, without adequate laws and without adequate funds to finance their share of the costs. The fact that 35 States have been able to develop their inspection systems to a point where they are equal to the Federal system is a remarkable achievement—and one which clearly demonstrates the willingness of the States to assume responsibility for consumer protection.

However, the law as presently written imposes a competitive disadvantage on plants operating under these State inspection systems. An "equal to" plant in an "equal to" State is now restricted, in its markets, to other State plants and the consuming public within the same State. No such restrictions are imposed on a federally inspected plant operating under no stricter standards of inspection than the State plant. The product of the Federal plant may move anywhere in the United States and into foreign markets without regard to State boundaries.

Even the meat products of plants in foreign countries, once their inspection systems and plants meet USDA standards, can move freely in interstate commerce. At the close of 1970 some 977 plants in 42 foreign countries were eligible to move their meat products anywhere in the United States. This includes plants in New Zealand, Australia, Yugoslavia, Poland, and Rumania. Nearly 2 billion pounds of foreign-produced and inspected meat products moved in interstate commerce last year.

The effect of this competitive disadvantage of State-inspected plants is that they must, if they wish to be fully competitive, apply for Federal inspection. Thirty-six of these plants moved from State to Federal inspection in the first 6 months of this fiscal year and 130 more have contacted Federal officials and requested Federal inspection before June 30, 1971. The further effects of this trend are obvious—the Federal system will grow larger and the State systems will grow smaller.

Once a State inspection system advances to "equal to" status it is the responsibility of the USDA's meat and poultry inspection program to see that the standards for sanitation, maintenance of facilities and equipment, and inspection itself remain equal to those in the Federal plants. Only then can the American consumer be sure that all of his meat supply is safe to eat and honestly labeled. This was the clear intent of Congress when it adopted the Wholesome Meat Act of 1967. It is the intention of USDA that there will be no relaxation of standards for plants operating under State systems.

State inspected plants will be under continuous review of Federal supervisory inspection officials in the same locality. Provisions are also being made for formalizing rapid communication systems with State officials and for follow-up review when and if State standards appear to be slackening. As a further assurance, the USDA is now in the process of working out procedures for cross utilization of State and Federal inspection personnel. This step will help to strengthen the bonds between the inspection systems and encourage total acceptance of Federal standards.

Mr. President, the status of State inspection programs and the importance of the bill I introduce today were summarized on March 25 by Dr. Robert J. Lee of the University of Maryland, president of the National Association of State Meat and Food Inspectors, in testimony before the Livestock and Grains Subcommittee of the House Committee on Agriculture. I ask unanimous consent to include Dr. Lee's statement in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Testimony Presented by Dr. Robert J. Lee, President, Before the Subcommittee on Livestock and Grains, Committee on Agriculture, March 25, 1971

Mr. Chairman: I would like to thank you and the members of your subcommittee for giving the National Association of State Meat and Food Inspectors Directors this opportunity to appear before you today and give testimony on the administration of the Wholesome Meat Act.

I am Dr. Robert J. Lee, President of the National Association of State Meat and Food Inspector Directors. This Association is composed of the Directors of the various State Inspection Programs and was founded in October 1970 for the purpose of promoting and standardizing the art of Meat and Food Hygiene. For 28 years of my professional career, I have devoted my efforts to Federal Meat and Poultry Inspection. The last 20 years of my employment as a Federal Inspector was spent in the Washington D.C. offices of the U.S. Department of Agriculture in various high administrative capacities. In Sept. 1968, I retired from that Department to become Chief of the Maryland State Meat Inspection Program, I still serve in that capacity. In Nov. 1969, Maryland was officially declared by the U.S. Department of Agriculture to have a State Meat Inspection Program which was "equal to" Federal. Thus, Marylands program became one of the first three in the nation to achieve this status.

I would like to commend the Meat and Poultry Inspection Program, Consumer and Marketing Service, U.S. Department of Agriculture for their extremely capable administration of the Wholesome Meat Act. It was an extremely difficult assignment. It would have been extremely difficult if Congress had given the States 5 years to achieve equal to status-but instead were only given 2 years plus 1 additional year, as provided in the Wholesome Meat Act. Nevertheless, it appears that it may be necessary to take over 16 State Meat Inspection Programs. However, I would guess that several of these States will achieve "equal to" status before the actual takeover. Passage of the Wholesome Poultry Products Inspection Act in August 1968 did not help the situation but actually added a greater burden to the already over-burdened Meat and Poultry Inspection Program.

I would also like to commend the 35 State Meat Inspection Programs for their tremendous achievement in being declared "equal to" Federal. One has no concept of the scope of this achievement. In most instances, starting from scratch, each State had to adopt the required legislation, provide the necessary funds, promulgate the regulations, hire and train the required employees, order supplies, develop forms, establish and equip laboratories, survey plants and advise them in detail as to the construction, facilities and sanitation requirements and finally to staff the plants with the trained inspectors and supervisors. At this point I would like to single out for special praise the training group of the Federal Meat and Poultry Inspection Program. Without their help, assistance and guidance, few states would have achieved "equal to" status. Personally, I credit Dr. M. A. Simmons, head of the Training group with contributing more to the success of the State Programs than any other Federal contribution.

Next I would like to commend management at the various State inspected meat packing plants. Without the wholehearted support of the meat packing industry, any State meat inspection program could not succeed. In 1967, they were fighting for their very existence. They had to comply with the strict Federal requirements or be closed down. In most instances, meeting Federal requirements meant huge outlays of capital. Often the banks turned down their requests for loans. And even the Small Business Adm. was unable to help them out. Nevertheless despite tight money and high interest rates they overcame the problems, remodeled their plants, enlarged them, provided new modern equipment and facilities and met the challenge by complying with the strict Federal requirements.

A few words of praise are due to the meat packing supply industry for their part in making available to the State inspected plants the many pieces of modern equipment required by these thousands of plants that for the first time were operating under a modern State inspection program.

Last, I would like to praise the thousands of State Meat Inspectors (at all levels of supervision) for their part in learning a new trade and demonstrating their ability and capabilities in the art of meat hygiene.

But the Wholesome Meat Act has made "second class" citizens of the State Meat Inspection Programs and the thousands of official establishments in these States. Despite the fact that the States have achieved "equal to" status, despite the fact that the plants have spent thousands and thousands of dollars to modernize their facilities and provide a clean, sanitary environment for the production of meat and meat products, and despite the fact that these 35 State Meat inspection programs are officially "equal to" Federal, the plants in these States are not permitted to ship their product in interstate commerce. Why should these plants be denied this privilege when they are in fact equal to Federal? Why is the meat processed in a State inspected plant in Maryland good enough for the Marylanders to eat, but not good enough for the Pennsylvanians to eat? And why should meat and meat products prepared in Denmark, Poland, Yugoslavia, Hungary and dozens of other foreign countries be permitted to move in interstate commerce? Have not the 35 states met the same acid test as these foreign countries? I understand Congressman Yatron of Pennsylvania has introduced a bill (HR 2387) which would amend the Wholesome Meat Act to permit interstate shipment by plants in "equal to" States. I urge this subcommittee to hold hearings without delay on this important legislation and to report favorably on this bill. It should be remembered that now that these 35 States have been declared equal to Federal, they do not have a free hand. There are restraints and controls. Federal State Cooperation Officers are continually visiting the State inspected plants, conducting surveys—looking over the States shoulders. When appropriate, States are required to take immediate corrective action or else they lose their equal to status.

As I understand it, the Yatron Bill would permit State inspected plants in equal to States to ship freely in interstate commerce. However, there are alternatives which I feel should be acceptable to most parties concerned. One suggestion would be to permit shipment only to neighboring states. Another would be to permit shipment for a distance of 100 miles outside the State.

State inspected establishments are second class citizens from still another standpoint. State inspected meat products—products prepared in modern, clean, sanitary State inspected plants may not-under any circumstances—enter any part of a Federally inspected establishment—not even for storage and distribution. Nevertheless, under the provisions of the Curtis Amendment to the Wholesome Meat Act farm slaughtered uninspected meats, prepared under unsanitary conditions, with the outside of the carcass smeared with blood, manure or other extraneous material, may enter a Federally inspected establishment for custom cutting, processing and wrapping for the owner.

And, in some instances the Federal meat inspection regulations actually discriminate, in my opinion, against State inspected plants in equal to States. In Dec. 1970 the Federal meat inspection regulations were amended to provide that when a State meat inspection program is declared *NOT* EQUAL TO FEDERAL, the plants in that State which were acceptable would receive an immediate grant of Federal inspection. Such plants would then be granted 18 months in which to prepare and obtain Federal approval of the plant drawings (blueprints). These plants then have an additional 18 months (making a total of 3 years) to bring the plant and facilities into compliance with the approved blueprints. In the meantime these plants have the right to ship in interstate commerce. Not so for plants in States declared equal to Federal. If they wish to ship in interstate commerce they must await Federal blueprint approval plus approval of the plant as complying with the blueprints before they may ship across a State line. This can be a long, drawn out and costly arrangement.

But the States have an even bigger problem. Almost every day you read in the newspaper of the financial plight of many of our States. In fact, not so very long ago, one of our great States was on the verge of financial insolvency. In most of the States, the legislatures are taking second looks at many of the State programs, looking for places to save a few dollars here and a few dollars there. And I understand that in many States the legislatures are taking a second look at the budgets for the State Meat Inspection Programs. It is argued by many legislators that if the State fails to finance the State Meat Inspection Program (thereby saving the State a huge sum of money each year) the Federal Government will take over the program and furnish the same protection to the consumers of that State, but with no cost to the State—in other words, the same protection at less cost. As you are aware, the Wholesome Meat Act provides for Federal funding of State Meat Inspection programs on a 50-50 basis. What is actually needed to provide additional incentive to the State legislatures to continue the State meat inspection programs is for the Federal Government to provide 80 percent of the necessary funds and with the States paying only 20 percent of the costs.

Another example of inadequate funding of State Meat inspection programs may be found in the Talmadge-Aiken programs. In the early 1960's Congress enacted the Talmadge-Aiken Act to encourage the States to cooperate in the inspection or grading of various agricultural commodities. This has been applied to meat inspection in several of the States which have signed cooperative Federal-State Cooperative Agreements with the U.S. Department of Agriculture. Under these agreements trained and qualified State inspectors are assigned to Federally inspected establishments. States are reimbursed on a 50–50 basis. However, if a Federally employed inspector were to replace the State employed inspector, the U.S. Department would pay for 100 percent of the total cost of inspection. Here again, the funding of these Talmadge-Aiken plants should be adjusted to an 80–20 basis, so that the States are compensated on a more equitable basis for carrying out the Federal function.

The Wholesome Meat Act includes stringent procedures for handling the so-called "4–D" (dead, dying, diseased and disabled) animals. Nevertheless the 4–D handlers may transport these 4–D animals in interstate or intrastate commerce, with little or no restrictions. I believe that the regulation should be amended to provide that such animals may move only under a permit, whereby the inspector at the plant of destination is notified, so that if the animal(s) fail to arrive at the declared destination, the appropriate officials may be alerted and a determination made as to the actual disposition of the animals. Along these same lines, there are many plants located throughout the United States that skin-out dead and dying animals, bone out the meat and sell it for dog or animal food. This dog or animal food has all the characteristics of wholesome, inspected meat and it would be a simple matter for an unscrupulous operator to divert this for human food purposes. The regulations should be amended to preclude such diversions. One manner in which this could be accomplished would be for the regulations to require that such meats be ground or comminuted and that at the time of such grinding or comminuting a distinctive approved dye (green, purple, blue, etc.) be added, giving such meats a distinctive color.

One of the perplexing problems facing the State programs is the problem of the small plant, and the seasonal plant. The Federal meat inspection program is oriented toward the large plant—the plant occupying one or more city blocks, slaughtering hundreds of animals and processing thousands and thousands of pounds of products each day. The regulations and requirements naturally are aimed at controlling such operations. But under the Wholesome Meat Act, the States are required to provide inspection to all commercial slaughterers and meat processors. Many plants kill only one animal a day. In other plants, one State inspector is required to supervise the work of one butcher during slaughtering operations. And many State plants process only a few hundred pounds of ground beef or pork sausage a day. Still other plants operate seasonally—perhaps only in the cold winter months when they are extremely busy and are closed the remainder of the year. All these examples require special consideration. But the problems are worthy of consideration, and a system should be devised whereby special problems unique among the States may be given expeditious consideration.

Finally, I firmly believe that the States have demonstrated that they are capable of carrying out their responsibilities under the Wholesome Meat Act in an able manner. The time is rapidly approaching for a change in attitude-taking the State programs in as partners-developing cooperative attitudes. It is only natural to expect that problems would arise in the administration of a program of such tremendous scope. I am also confident that these problems will be resolved in a fair and equitable manner to the best interest of all parties concerned.

Thank you again for giving our Association the opportunity to present our views.

By Mr. BROOKE:

S. 1933. A bill to provide for the establishment of a national cemetery at Westfield, Mass. Referred to the Committee on Veterans' Affairs.

NATIONAL CEMETERY AT WESTFIELD, MASS.

Mr. BROOKE. Mr. President, I introduce today a bill to provide for the establishment of a National Cemetery at Westfield, Mass.

Although I am aware of the fact that our Nation's Presidents have consistently opposed any increase in the national cemetery system for the past 20 years, it is my understanding that several proposals for future development of these cemeteries are presently under consideration within the administration and the Congress.

I strongly urge that steps be taken to rectify the inequities that have arisen under the present system. The Veterans' Administration has estimated that there is a potential need for an additional 2 million grave sites to serve all veterans in New England. Yet, of the present 98 national cemeteries, not one is located in any of the six New England States. Families of Massachusetts veterans must travel at least 200 miles to bury their loved ones in a national cemetery.

Mr. President, I submit that this inequity should not be allowed to continue. Serious consideration should be given to expanding the national cemetery system in order to bring it geographically closer to more Americans. In the alternative, the Congress should investigate the less attractive alternative of prohibiting further burials in the national cemeteries and providing, in lieu thereof, sufficient burial allowances for veterans.

I ask unanimous consent that a copy of a resolution of the Massachusetts Legislature memorializing the Congress to establish a National Cemetery in the Commonwealth be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ESTABLISH A NATIONAL CEMETERY IN THE COMMONWEALTH

Whereas, It is the right of every veteran to be accorded the honor of a burial in a national place of honor; and

Whereas, Out of the ninety-eight national cemeteries in the United States, there is none in the New England area; and

Whereas, The saturation point of these cemeteries is rapidly being reached and the need for new land is pressing; now, therefore, be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact such legislation as may be necessary to establish a national cemetery in the Commonwealth; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

By Mr. BROCK:

S. 1934. A bill to expand upon the economic freedom and public responsibility of American industry, to encourage the opportunity for the American worker to bargain collectively in his own best interests without economic deprivation, and to guarantee the American consumer and taxpayer protection from the abuse of excessive concentration of power. Referred to the Committee on Labor and Public Welfare.

MANAGEMENT-LABOR COMMISSION AND COURT ACT

Mr. BROCK. Mr. President, Congress once again has stepped into a labor-management dispute, and by its actions is only temporarily averting a national crisis. This is the fifth time since 1963 that this body has legislated a compulsory settlement in a private labor-management crisis. I strongly believe these disputes should not reach Congress.

For this reason, while I recognize the unwarranted hardship imposed by the strike, I must oppose further congressional compulsory arbitration. There is simply no excuse for continued inaction. We are ignoring the root cause of and treating the symptoms. It is time this body accepted its responsibility to the American people.

Last year, while a Member of the House of Representatives, I introduced the Management-Labor Commission and Court Act which, in light of the recent crisis, takes on new pertinency.

My bill will take the settlement responsibilities out of the hand of Congress and put it where it belongs—with a nonpartisan commission to conciliate, arbitrate, and adjudicate disputes, and a court to enforce the terms of the settlement as well as to consider disputes arising under the settlement.

Labor disputes resulting in work stoppages, with all of their unfortunate effects, including personal hardships and economic dislocation, will always be with us. It is one of the inevitable facts in a democratic system of free enterprise. The struggle of labor and the painful maturing of management have been a long and difficult process—benchmarked by a few major laws passed to insure equity for all.

Because of the immense changes over the past two decades, I believe that major economic and social forces now exist which require another significant legislative step. The awesome size of certain industries no longer permits a "public be darned" attitude while labor and management interests grope toward another inflationary settlement.

Yet here we go again. The financial loss which occurs when the Nations railroads strike, runs into the hundreds of millions of dollars. No one can gain from this tremendous waste and millions suffer because of it. The scars and economic dislocation of many individuals and industries are permanent.

New legislation is necessary to expand the Taft-Hartley Act to cope with those few management-labor problems involving the national interest where settlements under existing collective bargaining practices, Federal facilities and statutes are not possible without extraordinary costs and inconveniences to the American people. My bill establishes a tribunal for the settlement of those disputes that meet the Taft-Hartley criteria for jurisdiction; that is, disputes that are interstate and affect the national health and safety. Unique to this approach will be the very strong influence of the public on the terms of settlement.

Modeled after the Australian system, the bill will establish a commission and a court.

The seven-member Commission and the five-member court will have limited term appointments made under the "Missouri plan." Under this plan the President will appoint a panel of distinguished citizens who will recommend three candidates for each vacancy. In selecting members from these nominees, the President will insure that the general public—its interest and welfare—is represented along with the interests of labor and management. This bill will avoid the major shortcoming of the present system of appointing different boards for each dispute. In addition, the bill will dissolve the intolerable present pattern of compulsory arbitration evidenced in railway disputes.

Another feature of this legislation is its use for accommodating the unpleasant and often emotionally charged disputes in the public service area. Under this bill the commission and the court can accommodate disputes not meeting the specified national emergency criteria if the parties to the disputes have previously and voluntarily, through collective bargaining, indicated their willingness to submit their difference to commission jurisdiction. I believe that many areas of employment not involving interstate commerce or products affecting the national health and safety will voluntarily partake of the services offered by this legislation. In addition to manufacturing and other businesses, this aspect of the legislation looks toward the public service oriented professions of education, health services, local transportation, trash removal, police, and fire protection.

It should not take more strikes, more inflation, and more inconvenience to arouse public opinion to the point where the Congress will be forced to take positive action.

That time is here. The flood of correspondence from constituents, and the growing demand for solutions from both management and labor all testify to this. We have the motivation, and the capability in this congressional session to do something. If we do not, we can be sure that a reasoned, balanced solution will be much harder to achieve the next time; and the next time is not as far in the future as some of us might hope.

Mr. President, I ask unanimous consent that the text of my bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1934

A bill to expand upon the economic freedom and public responsibility of American industry, to encourage the opportunity for the American worker to bargain collectively in his own best interests without economic deprivation, and to guarantee the American consumer and taxpayer protection from the abuse of excessive concentration of power

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "Management-Labor Commission and Court Act".

STATEMENT OF POLICY

SEC. 2. (a) Continuing industrial peace is paramount to the interests of the Nation and is necessary to employers and employees alike. This peace can best be achieved through established laws and procedures for collective bargaining between the representatives of management and labor. Settlements of issues and disputes should be continued through active and sincere voluntary negotiations by the parties concerned to agree on rates of pay, laws and conditions of work, length of contract, and any other issues of employment.

(b) This Act is addressed to only that limited segment of our management-labor forum wherein the Nation's health and safety would be impaired through a secession of interstate commerce. It is presumed that the great majority of our labor disputes do not involve the above criteria and will continue to be negotiated and settled under existing collective-bargaining practices, laws, and Federal facilities. When the criteria for judicial action are met, this Act will provide for appropriate representation of the public interest and the consumer during the bargaining, arbitration, and adjudicated process. Disputes not meeting the criteria for jurisdiction can be handled by the expertise of this jurisdiction if the parties of the dispute have previously and voluntarily indicated this interest. It is anticipated that many intrastate activities which affect the public interest to a substantial degree will voluntarily partake of this facility. In addition to manufacturing and other businesses, such activities include the public service oriented professions of education, transportation, trash removal, and police and fire protection.

ESTABLISHMENT OF MANAGEMENT-LABOR COMMISSION

SEC. 3. There is hereby established a Management-Labor Commission (hereinafter referred to as the "Commission") to be composed of seven Management-Labor Commissioners (hereinafter referred to as the "Commissioners").

NATIONAL EMERGENCY STRIKES AND LOCKOUTS

SEC. 4. For purposes of this Act, a strike or lockout shall be deemed to be a national emergency strike or lockout, and therefore within the purview of this Act, if it affects an entire industry, or a substantial part thereof, engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce, and will, if permitted to continue, imperil the national health or safety.

APPOINTMENT OF COMMISSIONERS

SEC. 5. (a) The President shall appoint a panel of distinguished citizens who shall be assigned the functions of selecting three candidates for each vacancy on the Commission. The President shall, by and with the advice and consent of the Senate, appoint to fill each vacancy on the Commission one of the candidates selected by the panel to fill the vacancy.

(b) The terms of office of Commissioners shall be fourteen years, except that (1) the terms of office of the Commissioners first appointed shall commence on the date of enactment of this Act and shall expire one at the end of the second year, one at the end of the fourth year, one at the end of the sixth year, one at the end of the eighth year, one at the end of the tenth year, one at the end of the twelfth year, and one at the end of the fourteenth year, after such date, as determined by the President at the time of appointment, (2) any Commissioner appointed to fill a vacancy occurring prior to the expiration of the term of office for which his predecessor was appointed shall be appointed only for the remainder of such term, and (3) upon the expiration of the term of office of a Commissioner he shall continue to serve until his successor is appointed and has qualified.

(1) The panel of citizens referred to in subsection (a), and the President, shall both take action necessary to insure that the interests of consumers are adequately represented on the membership of the Commission, as well as the interests of management and labor.

ORGANIZATION OF THE COMMISSION

SEC. 6. (a) The President shall designate one of the Commissioners to act as Chairmen of the Commission, and one Commissioner to act as Vice Chairman of the Commission.

(b) (1) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"(19) Chairman, Management-Labor Commission."

(2) Section 5314 of such title is amended by adding at the end thereof the following:

"(46) Commissioners, Management-Labor Commission."

(c) Subject to the civil service and classification laws, the Commission is authorized to select, appoint, employ, and fix the compensation of such officers and employees, as shall be necessary to enable it to carry out its powers and duties under this Act.

(d) The Chairman of the Commission shall be its chief executive and administrative officer and shall exercise the responsibility of the Commission with respect to (1) the appointment and supervision of personnel employed by the Commission, (2) the distribution of business among the Commission's personnel, and (3) the use and expenditure of funds. For executing and administering the functions of the Commission on its behalf, the Chairman shall be governed by the general policies of the Commission and by its decisions, findings, and determinations. The Vice Chairman shall perform the duties of the Chairman during his absence or disability. Four Commissioners shall constitute a quorum of the Commission.

(e) The provisions of section 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Commission.

JURISDICTION AND DUTIES OF THE COMMISSION

SEC. 7. (a) If the Commission believes there is a likelihood that a national emergency strike or lockout will occur, it shall forthwith make conciliation, mediation, and arbitration services available to the parties to the dispute, but only if all parties to the disputes agree.

(b) Whenever, in the opinion of the President, a national emergency strike or lockout is threatened or in effect, he shall direct the Attorney General to petition the Commission to assume jurisdiction of the dispute. If the Commission then determines that a national emergency strike or lockout is threatened or in effect, the Commission shall assume jurisdiction of the dispute. The Commission shall also assume jurisdiction of any dispute which threatens or has led to a strike or walkout in an industry if, but only if, all parties to the dispute have petitioned the Commission to assume such jurisdiction.

(c) When the Commission assumes jurisdiction of a dispute under subsection (b), it shall issue an order prohibiting the continuation of the strike or lockout for a period of one hundred and ten days, or until an agrement resolving all issues in the dispute has been reached. Such an order may include requirements affecting rates of pay and working conditions to be applicable during the period the order is in effect.

(d) When the Commission takes jurisdiction of a strike or lockout, the Chairman of the Commission shall designate two or more members of the Commission as a board of inquiry. It shall be the duty of the board of inquiry to conduct an inquiry into the dispute. Within eighty days after the Commission has assumed jurisdiction of a dispute the board shall make a full report on the results of its inquiry to the full Commission. Such a report shall contain the recommendations of the board with respect to the resolution of all issues in the dispute. The Commission may require the parties to a dispute to attend hearings before the board of inquiry and produce testimony and documentary evidence with respect to the causes and circumstances of the dispute, and to attend conferences or sessions of the board of inquiry in order to consider and discuss the positions of the parties and possibilities or proposals for settlement; and the Commission may make such orders as are necessary or appropriate to require the parties, or any of them, to make every effort in good faith voluntarily to adjust and settle their differences.

(e) If, at the end of eighty days after it has assumed jurisdiction of a national emergency strike or walkout, the parties have not reached an agreement, within thirty days from the end of such period, the Commission shall issue an order to the parties, shall prescribe the terms and conditions of employment to be in effect, and the period during which they shall be in effect. Such an order may incorporate by reference the provisions of collective bargaining agreements which are not in dispute.

ESTABLISHMENT OF MANAGEMENT-LABOR COURT

SEC. 8. There is hereby established a Management-Labor Court (hereinafter referred to as the "court") to be composed of a chief judge and four assistant judges.

APPOINTMENT OF JUDGES

SEC. 9. (a) The President shall appoint a panel of distinguished citizens who shall be assigned the function of selecting three candidates for each vacancy on the court. The President shall, by and with the advice and consent of the Senate, fill each vacancy on the court by appointing one of the candidates selected by the panel to fill the vacancy.

(b) The terms of office of the judges on the court shall be ten years, except that (1) the terms of office of the judge first appointed shall commence on the date of enactment of this Act and shall expire one at the end of the second year, one at the end of the fourth year, one at the end of the sixth year, one at the end of the eighth year, and one at the end of the tenth year after such date, as determined by the President at the time of appointment, (2) any judge appointed to fill a vacancy occurring prior to the expiration of the term of office for which his predecessor was appointed shall be appointed for the remainder of such term, and (3) upon the expiration of the term of office of a judge he shall continue to serve until his successor is appointed and has qualified.

ORGANIZATION OF THE COURT

SEC. 10. (a) The President shall designate one of the judges to act as chief judge, and the remainder as assistant judges.

(b) The chief judge of the court shall receive the same compensation as is received by the chief judge of a United States district court and each of the assistant judges of the court shall receive the same compensation as is received by judges of a United States district court.

(c) The court shall sit in the District of Columbia.

(d) The court may appoint and fix the compensation of such officers and employees, and may incur such other expenses, as may be necessary to enable it to carry out its functions.

(e) The court and each judge thereof shall possess all the powers of a district court of the United States for preserving order, compelling the attendance of witnesses and the production of evidence, and the provisions of section 401 of title 18, United States Code (relating to authority to punish for contempt) and section 1651 of title 28 of such Code (relating to the issuance of writs) shall be applicable to the court. Process of the court may be served within the territorial jurisdiction of any court of the United States.

(f) The proceedings of the court shall be conducted in accordance with such rules of practice and procedure (other than rules of evidence) as the court may prescribe and in accordance with the rules of evidence applicable in trials without a jury in the United States District Court for the District of Columbia.

JURISDICTION OF THE COURT

SEC. 11. (a) When the Commission has issued an order under section 4 resolving a dispute it shall thereby be divested of its jurisdiction over the matter, and thereafter the court shall be vested with jurisdiction to hear, determine, and render judgment with respect to all questions of law or fact arising under the order.

(b) Decisions of the court shall be final unless they are arbitrary or capricious or are violative of a right conferred by the Constitution of the United States, in which case the Supreme Court shall have exclusive appellate jurisdiction.

SUSPENSION OF NATIONAL LABOR RELATIONS BOARD PROCEEDINGS

SEC. 12. Section 10 of the National Labor Relations Act is amended by adding at the end thereof the following new subsection:

"(n) Whenever a matter before the Board is included in a labor dispute over which the Management-Labor Commission is vested with jurisdiction, the Board shall discontinue all proceedings in such matter."

DEFINITIONS

SEC. 13. For purposes of this Act, the terms "commerce", "affecting commerce", and "labor dispute" have the same meaning such terms have when used in the National Labor Relations Act.

REPEALS

SEC. 14. (a) Sections 206, 207, 208, 209, and 210 of the Labor-Management Relations Act, 1947, are repealed.

(b) Section 10 of the Railway Labor Act is repealed.

EFFECTIVE DATE

SEC. 15. This Act shall become effective on the date of its enactment, except that proceedings already commenced on such date shall be carried through to completion without regard to the provisions of section 14.

By Mr. WILLIAMS:

S. 1935. A bill to assist in the provision of housing for the elderly, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

HOUSING FOR THE ELDERLY ACT

Mr. WILLIAMS. Mr. President, I introduce for appropriate reference, the Housing for the Elderly Act.

For most older Americans, household costs—such as shelter, rent, repairs, furnishings, or utilities—constitute their No. 1 expenditure. Housing expenses now account for about 34 percent in the typical retired couple's budget, and rising housing costs are placing the elderly in a further financial squeeze.

In addition, their household problems are further complicated by substantially reduced income in retirement, limited mobility, and a greater likelihood of suffering from a chronic health condition.

It is a shocking fact that an estimated 6 million elderly persons live in substandard housing, about 30 percent of all older Americans.

Yet, the aged have oftentimes been underpresented in our Nation's housing programs. Only about 4.4 percent of all mortgagors under the section 235 homeownership interest subsidy program are 55 years or older. However, this age group constitutes about 20 percent of our total population.

Equally disturbing is the administration's decision to phase out the popular section 202 housing for the elderly program—a program which has never had a failure during its 10 years of existence. Even when the Congress appropriated $10 million for 202 projects last year, the administration refused to spend this money for badly needed apartment units for the aged.

ASSISTANT SECRETARY FOR HOUSING FOR THE ELDERLY

To rectify this neglect the elderly need a high level spokesman who will assure that their housing needs will receive appropriate attention at all levels of Government.

The bill that I introduce today can help make this goal a reality. Of special signifiance, this measure would authorize the establishment of an Assistant Secretary to administer and coordinate housing programs for older Americans. Additionally, this office would serve as a clearinghouse of information concerning housing for aged persons.

From an administrative standpoint, the reasons are compelling for placing these responsibilities under the authority of an Assistant Secretary for Housing programs for the elderly. Additionally, an Assistant Secretary would be in a better position to formulate a comprehensive national policy which would be responsive to the special needs of the aged. He would be able to assure that our national housing programs would be more than just bricks and mortar. Equally important are the social components of housing to provide a livable and decent environment.

This will require special attention to their nutritional, health, social, and recreational needs. And an Assistant Secretary would be in a much better position to shape these crucial considerations into a coherent national housing policy.

RELIEF FOR OVERBURDENED HOMEOWNERS AND RENTERS

Today large numbers of older Americans find themselves financially paralyzed by soaring property taxes and rapidly rising rents. In many communities, taxes have doubled—in some cases tripled—during the past 5 or 10 years.

Because of the regressive features of the property tax, there is strong evidence to indicate that low-income older persons shoulder a disproportionate share of the burden. For example, it is estimated that elderly households with family income below $5,000 pay about $1.5 billion in local property taxes.

As a consequence, many property owners are being forced to sell their homes. But often there is no suitable alternative rental units at prices they can afford.

Many tenants are also being driven from their apartments by a never ending increase in rents. They, too, experience great difficulty in locating alternative quarters.

A number of States have attempted to provide some form of relief for this pressing problem. But it should be emphasized that many States are unable to provide this assistance, because they are already financially hard pressed.

Other approaches must also be analyzed. To help provide a working framework, my bill would establish an intergovernmental task force to report, at the earliest possible date, on several alternatives for providing Federal assistance to States which grant tax relief for overwhelmed homeowners and renters. Additionally, this task force would be directed to explore the possibility of providing direct Federal relief to elderly persons who pay a disproportionate share of their income for property taxes or rent.

PROTECTION FOR RENTERS IN FEDERALLY ASSISTED HOUSING

Another major problem affects older persons who live in federally assisted housing. Quite frequently an increase in social security, Railroad Retirement or veterans' benefits is counterbalanced, to a large degree, by a corresponding raise in their rents.

In some cases—particularly for persons eligible for rent supplements—an increase in social security can move individuals out of the maximum qualifying income limitations. The loss in rent supplement payments may exceed their raise in social security benefits.

In describing this problem in a letter to me, Mr. Martin Aranow, president of the New Jersey Tenants Organizations, pointed out:

> When there is an increase in Social Security, no one bothers to change the minimum standards for participating in other federal programs. As a result many people become excluded from joining in subsidy programs because there was an oversight on the Federal level.

A number of proposals, I believe, should be analyzed to consider the best alternative for meeting this pressing problem. For example, it may be possible to provide for a partial exclusion for certain forms of pensions, such as social security, in determining income for qualifying for federally assisted housing. Another possibility is to raise the qualifying income limitations to take into account recent increases in social security benefits.

But before we can arrive at a plan for action, we must have the facts to make an intelligent decision. For these reasons, my bill directs the intergovernmental task force to report on the feasibility of these proposed recommendations, as well as other alternatives for meeting this difficult problem.

CONGREGATE HOUSING FOR THE ELDERLY

In the 1970 Housing Act, a new dimension was added, with potentially far-reaching implications for the Nation's elderly. This measure, which I sponsored, broadened public housing coverage to include central dining facilities for older Americans who are unable to prepare their own meals. However, this measure was modified in such a manner to exclude food costs. As a consequence, many housing authorities are unable to provide nutritious meal services within the paying ability of their very low-income tenants.

Today I propose that this measure be broadened—in the same manner as I urged last year when I introduced S. 4145—to cover food costs as an administrative cost for congregate dining facilities.

Most older persons would prefer to live in their own homes, rather than in a nursing home. And with this approach, thousands of older Americans would have a new and effective alternative to premature and unnecessary institutionalization.

NEED FOR FAST ACTION

Decent and reasonably priced housing is absolutely essential for a full and satisfying life for our 20 million older Americans.

Unfortunately millions are now forced to live in inferior housing or in quarters unsuited to their needs because they cannot afford better units or alternative quarters are not available.

The Housing for the Elderly Act, I strongly believe, represents a comprehensive and sensible approach to their special housing needs. For these reasons, I urge prompt and favorable consideration of this proposal.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1935

A bill to assist in the provision of housing for the elderly, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing for the Elderly Act".

ASSISTANT SECRETARY FOR HOUSING FOR THE ELDERLY

SEC. 2. (a) The first sentence of section 4(a) of the Department of Housing and Urban Development Act is amended by striking out "six" and inserting in lieu thereof "seven".

(b) Subsection (b) of section 4 of such Act is amended by inserting "(1)" after "(b)" and by adding at the end thereof a new paragraph as follows:

"(2) One of the Assistant Secretaries provided for in subsection (a) shall be designated Assistant Secretary for Housing for the Elderly. All of the programs administered by the Department to provide aid or assistance in behalf of the elderly shall be administered by and through the Assistant Secretary so designated. In addition the Assistant Secretary shall—

"(A) be regularly consulted with respect to all other programs of the Department to the extent that they provide or otherwise involve housing for the elderly;

"(B) provide a central source and clearinghouse of information with respect to housing for the elderly; and

"(C) coordinate housing programs for the elderly and seek ways to consolidate programs which overlap."

CONGREGATE PUBLIC HOUSING

SEC. 3. The last sentence of paragraph (12) of section 15 of the United States Housing Act of 1937 is amended by striking out "(other than the cost of providing food and service)".

INTERAGENCY STUDY

SEC. 4. (a) The Assistant Secretary for Housing for the Elderly, the Secretary of the Treasury (or his designee), and the Secretary of Health, Education, and Welfare (or his designee) shall constitute an interagency committee for the purpose of making a study and report as provided by this section.

(b) (1) The committee shall consider and propose practicable ways of providing relief to elderly persons of moderate incomes (not to exceed $7500 per annum) (A) whose real property taxes exceed 5 per centum of their incomes, or (B) who are paying in excess of 20 per centum of their incomes in rent for dwelling accommodations. In undertaking such study the committee shall consider, without being limited to, practicable ways of providing such relief through the Federal income tax laws, and/or through Federal assistance to those States or political subdivisions which are carrying out realistic programs in mitigation of the financial plight of such persons.

(2) The committee shall also review those Federal programs under which lower income persons are assisted directly or indirectly in obtaining rental accommodations in public or other federally-assisted housing with a view to developing practicable proposals to avoid penalizing such persons with respect to their rents of eligibility for such accommodations by reasons of any increase in benefits under any Federal or federally assisted State retirement, disability, veterans, public assistance, or other similar programs.

(c) The committee shall report its findings and recommendations to the President and to the Congress at the earliest practicable date, in no event later than December 31, 1971.

By Mr. CASE:

S. 1936. A bill to provide for the establishment of an American Council for Private International Communications, Incorporated, to grant support to the activities of private American organizations engaged in the field of communication with foreign peoples. Referred to the Committee on Foreign Relations.

AMERICAN COUNCIL FOR PRIVATE INTERNATIONAL COMMUNICATIONS, INCORPORATED, ACT OF 1971

Mr. CASE. Mr. President, I am pleased to announce that the Nixon administration has accepted my proposal for open Government funding of Radio Free Europe and Radio Liberty.

The administration has made a wise decision in deciding to eliminate the CIA from the operation of these two stations. Our national interest is best served when activities which should be in the open are removed from the clandestine arena.

I am today introducing an administration proposed bill which will provide for congressional financing of the stations.

I had earlier introduced a bill on January 25, 1971, which called for congressional scrutiny of Radio Free Europe and Radio Liberty. I said at that time:

> That during the last 20 years, several hundred million dollars of U. S. Government funds have been expended from secret CIA budgets to pay almost totally for these two radio stations broadcasting to Eastern Europe; yet at no time was Congress asked to or permitted to carry out its traditional Constitutional role of approving the expenditure.

I can understand why covert funds might have been used for a year or two in an emergency situation when extreme secrecy was necessary and when no other Government funds were available. But the justification has lessened over the years as international tension has eased, as the secrecy surrounding these radio stations has melted away, and as more open means of funding could have been developed. In other words, the extraordinary circumstances that might have been thought to justify circumvention of constitutional processes and congressional approval no longer exist.

My original proposal on January 25 provided for direct congressional appropriations to Radio Free Europe and Radio Liberty. But in subsequent conversations with high administration officials, I made clear that my purpose was to find any suitable mechanism which would bring the stations out from under CIA. To this end, I sent a draft bill to the State Department in March which would have set up a public corporation to run the two stations.

The administration has responded with its own proposal for funding Radio Free

Europe and Radio Liberty through a nonprofit corporation to be known as the American Council for Private International Communications, Inc. The purpose of this Council would be to promote a free flow of information to the peoples of the world through established private organizations.

Nowhere in the legislation is Radio Free Europe or Radio Liberty mentioned but these two stations would be the beneficiaries of about $40 million dollars in congressional appropriations which would be distributed to the two stations through the American Council for Private International Communications.

The Council would be managed by a board of 11 directors chosen from private life by the President of the United States with the advice and consent of the Senate.

While I approve of the basic premise in the administration proposal of removing Radio Free Europe and Radio Liberty from CIA funding, there are several specific matters to which the Foreign Relations Committee and the Senate as a whole will have to give the closest scrutiny.

Among other things, we should give careful consideration to whether it is appropriate for the President to appoint all the Council's directors and to whether the Council should not come annually to Congress for an authorization of its funds rather than only being required to request appropriations as the administration bill proposes.

We shall need firm assurances that CIA participation in the stations will be terminated. And, of course, we shall have to establish that money appropriated for the Council is not to be passed on to any organization except Radio Free Europe and Radio Liberty without congressional authorization. The Council should not be used as a means of expanding Government participation in the dissemination of information overseas.

Congressman Ogden Reid, Republican, of New York, who introduced the original Radio Free Europe-Radio Liberty bill in the House of Representatives, will also introduce the administration proposal in that body.

ADDITIONAL COSPONSORS OF BILLS

S. 1498

At the request of Mr. Nelson, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 1498, a bill to ban strip mining for coal.

S. 1615

At the request of Mr. Spong, for Mr. Bible, the Senator from Rhode Island (Mr. Pell) was added as a cosponsor of S. 1615, to provide income tax simplification, reform, and relief for small business.

S. 1784

At the request of Mr. Packwood, the Senator from Oregon (Mr. Hatfield) was added as a cosponsor of S. 1784, a bill relating to mineral resources in lands comprising the Three Sisters Wilderness, Oreg.

S. 1843

At the request of Mr. Spong, for Mr. Bible, the Senator from Colorado (Mr. Allott) was added as a cosponsor of S. 1893, a bill to restore the Golden Eagle program to the Land and Water Conservation Fund Act, and for other purposes.

FEDERAL WATER POLLUTION CONTROL ACT—AMENDMENT

AMENDMENT NO. 110

Mr. NELSON submitted an amendment (No. 110) intended to be proposed by him to S. 192, a bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes, which was ordered to be printed and referred to the Committee on Public Works.

PREVAILING RATES FOR WAGE BOARD EMPLOYEES OF THE GOVERNMENT—AMENDMENT

AMENDMENT NO. 111

Mr. MATHIAS submitted an amendment (No. 111) intended to be proposed by him to S. 315, a bill relating to the fixing of prevailing rates for wage board employees of the Government of the United States, which was ordered to be printed and referred to the Committee on Post Office and Civil Service.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENT

AMENDMENT NO. 112

(Ordered to be printed and to lie on the table.)

Mr. ALLOTT. Mr. President, I submit an amendment intended to be proposed by me, to the pending bill, the extension of the Military Selective Service Act of 1967.

The purpose of my amendment is twofold. First, it is to achieve simple justice in our pay of soldiers. Second, it is to put us on the orderly path toward achieving an all-volunteer armed force.

The House of Representatives has already moved to increase military pay in an amount which I approve. But, the pay provisions of the House of Representatives measure, in my judgment, are not designed to be as efficient or fair as possible in moving us toward an all-volunteer Army.

The proposal I am advocating involves an amount of money almost identical with that voted by the House of Representatives. But this proposal distributes the increases among the ranks in such a way as to maximize the ability of the Armed Forces to attract and retain volunteers.

The proposal I am advocating is that drawn up by the President's Commission on an All-Volunteer Armed Force—the Gates Commission. As such it represents the best and more thorough thinking by the most competent panel of experts ever assembled to unravel the complexities of simultaneously achieving equity and promoting volunteerism in the Armed Forces.

There is broad agreement that the current military pay is inadequate. There is widespread recognition that these inadequacies are most keenly felt by, and most inequitable to, our men in the lower ranks. The great strength of the Gates Commission proposal is that it gives a greater share of its benefits to the men in the lower ranks.

Mr. President, this is of crucial significance, because it is among the men in those ranks, and among the young civilians who are considering entering into those lower ranks, that the most significant decisions are made which will determine the success or failure of the volunteer army concept.

The pay proposals suggested by the House reflect a properly generous spirit. But they are inferior to the Gates Commission proposal in one crucial particular. That is, the House pay measure is not designed to test, with maximum efficiency, the possibility of achieving an all-volunteer force in the very near future.

The House pay plan was drawn up to promote equity in military pay. The Gates Commission proposal was designed to produce equity, while also giving a maximum fair and important test of the use of economic incentives in encouraging volunteers.

Adoption of this proposal I am making would involve an expenditure of $24.4 million less than is involved in the pay proposal adopted by the House of Representatives. But this minor economy is not the significant point. The significant point is that, while the Gates Commission proposal involves the expenditure of $24.4 million less, this $2,667 million pay proposal will be doubly effective in promoting equity and an orderly progress toward an all-volunteer army.

The administration favors a pay increase of nearly $1 billion—$987 million—in pay incentives. The proposal I am making would increase that by approximately $1.7 billion. Fortunately, action taken by the Senate Armed Services Committee with regard to reducing overall manpower will involve savings of approximately $1 billion. This prudent, judicious action gies us latitude to promote the administration's great goal of an all-volunteer Army. Thus for a net increased expenditure of approximately $700 million we can take the large—and hugely important—first step urged by the Gates Commission. This first step is the equitable pay increases in my proposal.

The Nixon administration has taken the lead in advocating a transition to an all-volunteer Armed Force. To this end, President Nixon appointed the Gates Commission.

This Commission was chaired by Thomas Gates, the distinguished former Secretary of Defense. It included men drawn from many walks of life. It is especially noteworthy that Gen. Alfred Gruenther and Gen. Lauris Norstad were among the members of the 15-man Commission.

The Commission performed its work with skill and dedication. No member of the Commission was of the sort who would wish to take risks with the military capability of this Nation. Every member of the Commission decided that an all-volunteer Army would be a great achievement for the Nation. But, also, every member of the Commission agreed that pay increases of the sort they recommended are demanded by simple equity, independent of any principled support of or opposition to the concept of the all-volunteer Army.

This proposal only accelerates slightly, and modifies slight, the pace and approach of the Nixon administration. It is a proposal by way of a perfecting modification. It reflects the President's commitment to an all-volunteer army.

Mr. President, I cannot emphasize too strongly that all Senators, regardless of their individual views on the subject of the all-volunteer Armed Force, should support the proposal I am making.

Those Senators who do not disapprove of the principle of relaying on an all-volunteer army should still support this proposal. They should support it because it corrects a manifest injustice in our treatment of the military, and because it corrects this injustice with special attentiveness to the injustice felt by those in the lower ranks who experience this most severe and inexcusable injustice.

Those Senators who approve of the principle of an all-volunteer Armed Force, but who are dubious of the wisdom of moving precipitately toward that goal under current conditions, should support this proposal for two reasons. Again, the question of equity in military pay is distinct and separable from the question of the all-volunteer Armed Force. Second, the pay proposal I am suggesting is the least precipitious, most responsible approach to learning more about the possibility of an all-volunteer army. In fact, if we do not begin to make a determined effort to test some of the mechanisms by which an all-volunteer army would be made to function, then we run the risk of one day making a precipitious plunge into an unprepared experiment with voluntarism.

Finally, Mr. President, those Senators who endorse the principle of an all-volunteer army, and who want to make progress toward that goal now, should support this plan because it follows the carefully drawn recommendations of the acknowledged experts on the problems of making the transition to an all-volunteer armed force. I am referring to the outstanding men who comprised the Gates Commission.

In recent years a small but strident minority of the American people have engaged in a reckless, cruel, and false denigration of the military. The vast majority of Americans reject these denigrations and retain their respect for the military. Both in Congress and in the public at large, we as a Nation have rallied to the defense of the military.

But this has been a rhetorical rally and talk is cheap. It is time for us all to put our money where our mouths are. It is time for us to manifest our respect for the military in the most concrete possible way. It is time for us to pay these men equitably.

Thus it is my hope that this proposal will receive prompt and favorable attention from the Senate.

NOTICE OF HEARING BY THE MONOPOLY SUBCOMMITTEE

Mr. NELSON. Mr. President, I ask unanimous consent to have printed in the RECORD a notice of hearing by the Monopoly Subcommitte of the Select Committee on Small Business.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

MONOPOLY SUBCOMMITTEE, SENATE SELECT COMMITTEE ON SMALL BUSINESS

(Re open hearing on the effects on small business of advertising and promotion on use of over-the-counter drugs)

Time and room change tomorrow, May 25 (Tuesday).

From: Room 318 OSOB at 10 a.m.
To: Room 6226 NSOB at 2 p.m.

NOTICE OF HEARINGS ON EFFECTS OF CARGO THEFTS

Mr. SPONG. Mr. President, on behalf of the Senator from Nevada (Mr. BIBLE), I wish to announce that the Senate Select Committee on Small Business has scheduled public hearings on June 8 and 9, 1971, on the effect of cargo theft on the different modes of transportation. These hearings will be a continuation of the committee's investigation into the impact of crime on small business.

The hearing on June 8, 1971, will be concerned with the continuing committee review of the problem posed by hijacking and theft from the trucking industry. The hearing on June 9 will begin the first of several days of hearings into railroad cargo theft and pilferage. Witnesses have been invited to appear representing shipper-users, carriers, and Federal agencies concerned with this problem. The hearings will begin at 10 a.m. each day in room 1202, New Senate Office Building.

ADDITIONAL STATEMENTS

THE TENNESEE-TOMBIGBEE WATERWAY

Mr. STENNIS. Mr. President, I rise today to call special attention to a most important, significant, and historic event scheduled to take place tomorrow—Tuesday, May 25, 1971—in Mobile, Ala., which is of vital concern to the entire Nation and in particular the Southeast.

President Nixon is expected to participate in ceremonies signaling the advent of the long-awaited Tennessee-Tombigbee Waterway. The ceremony in Mobile is far more than a mere ceremony, because it is the real signal of the beginning of the project, and clears the way for actually letting the first construction contract.

One appropriation of $1 million has already received the blessing of Congress, and a request for an additional $6 million for construction funds is being considered and is in the process of being passed this year. The awarding of the first construction contract is assured in just a few days.

So, Mr. President, tomorrow's ceremony is one of the final preliminary steps toward making the Tennessee-Tombigbee Waterway a reality, and I am proud this fine project has the special blessing of the President of the United States as signified by his presence at the groundbreaking ceremonies.

This waterway would revolutionize river traffic in the southeastern United States by providing a navigable water route, suitable for heavy barge traffic, from Pickwick Lake in the northeastern corner of Mississippi to the Port of Mobile.

The Tennessee-Tombigbee will tie the agricultural and industrial centers of East Mississippi and West Alabama to the Tennessee, Mississippi, Missouri, and Ohio River Valleys as well as the Intra-Coastal Canal of the Gulf of Mexico.

It will support heavy industrial barge traffic throughout its 253-mile length. The U.S. Army Corps of Engineers says the development will bring the sea and foreign markets as much as 700 miles closer to the heartlands of the East drained by the river systems I have already mentioned.

The Corps of Engineers first studied the economic feasibility of the Tennessee-Tombigbee waterway in the early 1870's and at approximate 10-year intervals up until 1938. At that time it deemed the economics of the project justified.

Plans call for developing the Tombigbee River through West Alabama and East Mississippi to a point near the Itawamba-Tishomingo County line in north Mississippi. The waterway will be joined to Pickwick Lake by a deep cut in a land divide and construction work on Yellow Creek.

The project is expected to open the way to industrial and agricultural interests which depend on heavy barge traffic. Five locks and dams will spot the river section and account for differences in land elevation, and five separate locks are to be constructed to cross the north Mississippi Divide.

The Corps of Engineers has estimated that if sufficient funds are made available, the project will take about 9 years to complete.

I am pleased to give my colleagues in the Congress a progress report on this project, as well as thank them for their past interest and support.

PATRICK CARDINAL O'BOYLE

Mr. MATHIAS. Mr. President, 50 years ago Friday, Patrick Cardinal O'Boyle, the archbishop of Washington, was ordained a priest. Fifty years is a long time. Upon reaching such a milestone most men would be looking toward retirement. Cardinal O'Boyle does not. Friday's anniversary was observed with a concelebrated mass at St. Matthew's and tucked away among the Cardinal's other numerous accomplishments. The road from Scranton, Pa., where Cardinal O'Boyle was born in 1896, to Washington, where he has served for the past 23 years, has been a journey filled with sacrifice, hard work, and dedication to his church and her people.

I congratulate Cardinal O'Boyle and send an Irish blessing to him:

May the roads rise up to meet you,
May the wind be always at your back and
May God hold you in the hollow of his hand.

Mr. President, I ask unanimous consent that an article from Friday's Washington Post reporting the Cardinal's anniversary celebration be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

50 YEARS OF SERVICE IN A CHANGING CHURCH

(By William R. MacKaye)

At 10:30 a.m. today, Patrick Cardinal O'Boyle, the 74-year-old Roman Catholic archbishop of Washington, will walk into St. Matthew's Cathedral surrounded by his priests to mark the 50th anniversary of his ordination to the priesthood.

During those 50 years, vast change has swept the church to which the cardinal dedicated his life, even in the form of the mass he will offer on his jubilee day.

Some of the change Cardinal O'Boyle has supported and furthered, some he has vigorously opposed. But the days long ago when he was a boy in Scranton, Pa., are still very much in his thoughts.

On the walls of his childhood home, he reminisced recently, hung images of the Blessed Mother and St. Joseph, and a prominent place was reserved for a plaque that said, "God bless our home."

"You don't see many more of those anymore," he said a little wistfully. Unlike many younger churchmen, Cardinal O'Boyle does not celebrate the coming of the subtleties and complexities and unanswered questions that add up to what some call "new theology."

To an almost uncanny degree, the archbishop's ministry here in recent years has been shaped by the motto he selected when he was consecrated an archbishop in New York's St. Patrick's Cathedral 23 years ago: "State in fide," it reads—"Stand in the faith."

If some churchmen in the heady days following the Second Vatican Council (1961–65) sought to test how far one could go in translating orthodoxy's ancient tenets into modern dress, Cardinal O'Boyle's inclination was rather to stress how clearly a man could show his steadfast loyalty to unchanging principle.

Almost inevitable, consequently, was the 1968 collision between 40 of his priests over the proper interpretation of Pope Paul VI's reaffirmation of the sinfulness of contraception.

The collision, and the long and sometimes bitter struggle that followed, attracted international attention and ultimately elicited from the pope an unusual personally signed letter praising the cardinal for his defense of the birth control encyclical.

More than half the priests involved in the struggle ultimately left the active priesthood and many of them married. The controversy was concluded last month in a Vatican-written compromise formula with which both the cardinal and most of the priests still wishing to return to full active service professed satisfaction.

The controversies of the last few years have tended to overshadow Cardinal O'Boyle's triumphs of earlier years, most especially his successful desegregation of the Catholic school system here four years before racial divisions were abolished in the public school system.

The then-Archibishop O'Boyle began the effort to eliminate school segregation here virtually the day he arrived from New York to take up the reins as the first archbishop of Washington. (Before 1948 the affairs of Washington and suburban and Southern Maryland Catholics were administered by the Archbishop of Baltimore.)

It was not an easy struggle for the newly arrived archbishop, given the opposition he faced from such senior clergy of that day as Auxiliary Bishop John M. McNamara, who had largely run the diocese prior to his arrival.

Exchanging recollections with a friend not long ago, the cardinal spoke of an elderly woman parishoner at St. Patrick's Church he had sought to reason with on the question of racial equality. "You're not going to make me lose my faith," she said sternly to him.

Cardinal O'Boyle, who was ordained to the priesthood by Francis Cardinal Spellman and spent all his priestly ministry in the Archdiocese of New York, first acquired national prominence during World War II as director of Catholic War Relief Services.

In that post he attracted the favorable notice not only of Cardinal Spellman but also such other powerful churchmen as Samuel Cardinal Stritch of Chicago, Edward Cardinal Mooney of Detroit and Archbishop John T. McNicholas of Cincinnati, all now dead.

Msgr. O'Boyle's selection by Pope Pius XII as Washington's first archbishop followed not long after.

Characteristically, at Cardinal O'Boyle's request, today's golden jubilee mass will include the participation of the archdiocese's three priests observing their 50th ordination anniversaries this month—the Rev. Msgrs. Joseph J. Deppe, Carl F. Hess and Edward H. Roach.

In honor of the four jubilarians the Catholic schools of the archdiocese are closed today.

SALUTE TO SMALL BUSINESS WEEK

Mr. SPONG. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Nevada (Mr. BIBLE).

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SALUTE TO SMALL BUSINESS WEEK

Mr. BIBLE. Mr. President, our National Capital last week was the focal point for a myriad of events which marked the annual observance of Small Business Week. It is appropriate and pleasing for me to stand on this occasion to proudly salute and recite the endless contributions made by small, independent and family firms to our national free enterprise system.

The American free enterprise system is one of the great achievements of the human mind and spirit. It springs from a mixture of the eneregy and efforts of hardworking men and women, bold private initiative, the profit motive and prudent public policy, with small business forming the bedrock.

Accolades must be seasoned with the truth, however, and it must be said that during the past year of economic turbulence, the effects of the storm have been very cruel and sometimes fatal to many small businesses throughout the land.

One painful statistic in the fight against inflation is that the brunt of that battle is more directly experienced by the front-line troops, which generally means the consumer and the small businessman, in that sequence. And unfortunately, it follows that they also become the earliest and the heaviest numerically on the casualty list.

Government economic policy has failed to slow inflation, and there has been a rather abrupt drop in economic growth. The ranks of the jobless rocketed from 3.6 percent to 6.2 percent in calendar year 1970. However, despite this decrease in payroll, labor costs increased and prices continue to rise with a consequent rise in the cost of doing business. One of the most common complaints of the small businessman during the past year has been that a rise in sales does not translate into an increase in profit margin.

There are significantly fewer small businesses in 1971 than were in existence ten years ago. Since small businesses are the natural targets of all the potential business disasters in our free enterprise system, it is a matter of amazement that so many have survived, prospered and continue to function in our American business system. However, as Chairman of the Senate Small Business Committee for the past two years and a member of that committee for many years, I cannot wonder why so many small businessmen have survived. If I were asked for the one ingredient that the small businessman possesses to give him the stamina against so many odds to survive, I would say—sheer ingenuity. For the American small business is the most ingenious of all businessmen.

The future will bring unprecedented problems for the small businessman. Not only must he cope with the normal problems existing within the marketplace, he is now confronted with an accelerated demand for technological growth. The small business can no longer do business as usual. He must become aware of and explore and adapt, where feasible, to the innovations of technology.

At the very heart of economic strength must be found a vigorous decision-making process and a stringent overriding risk-taking. That is the nucleus of the free enterprise system. That decision-making is indispensable because of the lightening-fast changes which characterize our age of innovation. On the other hand, personal risk-taking is the whiplash which keeps the small businessman honing the competitive razor in the marketplace.

The challenges to small businessmen are great as they seek to enrich and strengthen the American economy, and I am confident they will successfully meet these challenges.

It becomes eminently clear that the five and one-half million small businessmen are seeking no special favor from government other than fair and equitable treatment. And in their quest for this goal, they should have the unflagging support of all branches of the Government. They ask no more and deserve no less.

DECLINE OF MACHINE TOOL ORDERS

Mr. TAFT. Mr. President, machine tool orders in the United States declined 34.8 percent in April. On April 22 and again on May 5 I spoke before the Senate on the critically important problems facing this country with regard to its industrial productivity. I observed then that the United States has historically been able to overcome the lower wages paid by foreign competitors through our use of more modern and efficient tools of production.

On those occasions I noted the importance of accelerated depreciation and a restoration of an investment tax credit as means of stimulating investment in more modern tools and equipment.

The decline of machine tool orders is significant not simply for the modern tool industry but strikes at the very critical question of the competitive posture of all American industry. The jobs of American workers will be lost to their foreign counterparts unless our workers are given the most modern and productive tools with which to work. The dramatic decline in American machine tool orders to which I referred is further illustrated by an article which appeared in this morning's New York Times, which I ask be inserted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Orders of Machine Tools Decline 34.8 Percent in April

(By Robert Walker)

New orders for American machine tools, a closely watched indicator of the spending plans of businessmen, dropped in April by 34.8 percent, compared with those of the 1970 month.

Shipments last month were down 16.1 per cent from those of April 1970, because the depressed levels of bookings that appeared in the second half of last year were beginning to affect 1971 deliveries.

For the complex, highly sophisticated production machinery involved, the lag between a new order and delivery ranges from three to nine months.

BASIC EQUIPMENT

Machine tools, which are used either to cut or shape metal, are the basic equipment used to make all other machines, such as automobiles, appliances and aircraft.

New orders for these tools give a rough indication of how many production lines are being built or improved and, by extension, how much total capital spending is in the works.

The National Machine Tool Builders Association reported yesterday in Washington that new orders in April were $56.3-million down from $86.4-million in April 1970. the latest figure was a decline of 17.5 percent from the restated March, 1971, total of $68.3-million.

Shipments in the latest month were $98.8-million, a drop from $117.8-million a year earlier. However, April deliveries were up 3.9 percent from the March total of $95.1-million.

The disappointing trend of tool orders was evident in the total for the first four months of this year. It was $237.9 million, a decline of 39.3 percent from the bookings of the comparable 1970 months, when they were 391.8-million.

Orders for April, 1971, were broken down as $49.9-million in domestic business and $6.4-million in export orders. Shipments in the latest months were $85.6-million to United States customers and $13.2 million to foreign buyers.

THE INDOCHINA WAR

Mr. GRAVEL. Mr. President, the Indochina war drags on, and more Americans are being killed and maimed and added to the prisoner-of-war toll each day. This is the result of a deliberate decision by President Nixon to continue our involvement in the war long after it had lost whatever shred of rationality it might once have had. That decision, moreover, is in direct violation of his campaign pledge to the American people to end the war and to his private pledge to a Republican Member of Congress that he would end it within 6 months of his taking office.

On March 4 of this year Senator Vance Hartke of Indiana introduced Senate Resolution 66 calling for the immediate withdrawal of all our forces from Indochina, conditioned only upon arrangements for their safe withdrawal and the speedy repatriation of our prisoners of war. In his introductory statement Senator Hartke estimated that we could have all our personnel out within 30 days, and that to do so would save 2,000 lives and spare 10,000 from being severely wounded during the remainder of this year alone.

That estimate of deaths now appears to have been tragically conservative. In the 11 weeks since then, 805 Americans have died in Indochina and 2,052 have been wounded severely enough to require hospitalization. At that rate, the total deaths will turn out to be in excess of 2,800 from April through December—40 percent higher than Senator Hartke had supposed.

This is the brutal fact which the administration is trying so desperately to make us ignore. Its efforts in this regard appear to be centered on the prisoner-of-war issue. In what is surely the most cynical manipulation of public opinion in our national history, the President, his spokesmen in the administration, some Republicans in Congress, and, yes, the Republican National Committee have joined in trying to make it appear that there is some way to get our POW's home other than by ending the war. They have even taken to falsely reporting the results of a study by the Library of Congress to try to discredit those who have dared utter the simple truth that prisoners of war, in every war, are exchanged when the war is over.

In a careful examination of the POW issue published in the Washington Post of May 21, 1971, Mr. Murrey Marder shows how unconscionably the administration has attempted to exploit this terribly emotional issue. And he shows, too, how and why it is being used as an excuse to keep the war going indefinitely.

Mr. President, in behalf of my distinguished colleague, Senator Vance Hartke of Indiana, I ask unanimous consent that Mr. Marder's article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

The POW's in Political Crossfire

(By Murrey Marder)

Each side in the growing political crossfire over the release of American prisoners in the Indochina war claims that history is on its side. They are talking at cross-purposes, however, about different issues: partial exchanges of prisoners vs. total exchanges. But this controversy within a controversy is characteristic of a confusing debate packed with emotion, recrimination—and possibly votes or high political damage in the 1972 election.

In the Senate, a vote is approaching on an amendment to the military draft extension bill, tacking on the recurring proposal to require a total U.S. troop pullout by Dec. 31, 1971. Locked into this approach is the claim, which the Nixon administration adamantly challenges, that setting a withdrawal date provides the only real prospect for gaining the release of prisoners held by North Vietnam.

This week a Republican National Committee publication, "Monday," fired a broadside at Sen. Vance Hartke for what it called his "cruelly misleading" recent testimony before the Senate Foreign Relations Committee.

Hartke accused the Nixon administration of perpetuating "a cruel hoax" in continuing to pretend that there is "some other solution" to the prisoner of war problem than an agreement to end the war on a fixed date. "In this as in every other war in human history," said Hartke, "prisoners are exchanged when the war is over."

"Wrong," charged the GOP publication. To back up its counter-charge, "Monday" selected portions of a report prepared in the Library of Congress for a House Foreign Affairs Subcommittee to challenge what "Monday" called the "set the date to get the POWs back" line.

The report, the party publication stated, "showed numerous cases of POWs being released during time of war" in conflicts extending from the Revolutionary War through World Wars I and II, the Korean war, and the war in Vietnam. However, the GOP account omitted several key facts in the Library of Congress report. The report showed partial releases or exchanges of prisoners while hostilities were under way but with the important notation in the summary that in World War I and since, "for the most part, however, prisoners had to await the end of hostilities before being repatriated."

During the Korean war, for example "Monday" noted that 6,670 North Korean and Chinese Communist prisoners were exchanged for 684 members of United Nations forces, including 149 U.S. military personnel. But it omitted the next sentence in the report: "However, by far the greatest number of POWs, a total of 88,596 to be exact, were not exchanged until after the armistice agreement was signed on July 29, 1953."

What is at issue in the "set the date to get the POWs back" debate is not partial prisoner releases, but a total release. As the official U.S. Army history of the Korean war reports, through most of history the "common practice" was "to exchange all prisoners of war at the end of a conflict," with provisions added in more recent times through international conventions for exchange of sick or wounded prisoners during hostilities.

Secretary of State William P. Rogers acknowledged that during a "Meet the Press" televisioned interview last Sunday, Rogers said he could cite no war in which there had been a general POW release before the end of hostilities. Rogers said, however, "I think this war is a little different. It is *sui generis*."

The POW issue had become so enmeshed in disputed and selected facts that even President Nixon had sometiems mis-spoken the record. Mr. Nixon said on March 4 that "there are 1,600 Americans in North Vietnam jails under very difficult circumstances at the present time." This figure, however, mixes up captured and missing in action, and U.S. experts believe a majority of the missing are dead.

Vice President Agnew this week used a more acceptable approximation: "Some 1,650 American military personnel are missing or captured in Indochina. We know that at least 450 of these are captured. The total is probably higher, but how much higher and which men are captured is not known because of the other side's refusal to identify all prisoners."

Defense Department statistics, as of May 1, 1971, listed 1,170 U.S. personnel as missing in action and 460 as prisoners of war for Vietnam, Laos and Cambodia.

The core of administration strategy at this stage, as President Nixon indirectly acknowledged last month when he expanded the U.S. rationale for maintaining forces in South Vietnam, is not how to bargain over prisoner release now. As the President indicated, U.S. policy is based on maintaining some American forces in South Vietnam long enough to give Saigon's government more of "a chance to prevent a Communist takeover."

Beyond that objective, the President said, the United States will maintain "residual" U.S. forces in South Vietnam "until we get our prisoners released." Critics have attacked that portion of the administration's case of illogical, on grounds that North Vietnam would have no reason to retain prisoners after a total U.S. withdrawal from Vietnam.

But administration strategy in fact is not based on a total withdrawal of the U.S. presence from Vietnam. The administration currently plans to retain American power to strike Communist forces from U.S. airbases in Thailand and from aircraft carriers. Even if the United States should decide to forgo that intention, administration plans call for continuing U.S. military and economic aid to South Vietnam for years to come, which would require some U.S. physical presence in the country. The POW release issue, therefore, is only a small portion of the total U.S. objectives, on which emotions feed.

Vice President Agnew on Monday came closer than any U.S. official has so far to acknowledging this crux of the underlying Hanoi-Washington dispute.

"North Vietnam," he said, "thinks that, by holding our men hostages, they can compel the President to cave in to their demands—demands for a United States pullout, abandonment of the present elected government of South Vietnam, an end to all U.S. military activity—in effect to the turning over of South Vietnam to the aggressors."

Whether Hanoi would agree with that formulation or not each side knows what it is competing over is not merely some 400 or 500 U.S. prisoners—despite what the public may think—but larger stakes which each is unready to surrender.

ATTITUDES PREVALENT TODAY IN THIS COUNTRY

Mr. MATHIAS. Mr. President on May 6, Mr. Edward G. Uhl, president of Fairchild Industries Inc., addressed the American Ordnance Association in Washington. In his incisive address, Mr. Uhl expressed a concern shared by many thoughtful Americans over some of the negative and destructive attitudes prevalent in the country today. I ask unanimous consent that Mr. Uhl's timely remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS EDWARD G. UHL

My first association with AOA took place in the late thirties. As an ROTC student—encouraged by some fine officer instructors—we organized an AOA post.

I remember some of my ROTC lessons. At that time the country had one 37 mm anti-tank gun—a handful of tanks—a handful of aircraft. We had just proved that Mitchell was a trouble maker. We convinced ourselves that 2" armor was the maximum that any tank would use. We didn't want any part of others' wars.

But above all, the feeling of depression was heavy. I don't mean the no jobs. I mean a depressed mental state. We weren't moving. We couldn't do anything. In the late 30's we were reaping the results of several years of fiscal and mental depression.

Our military posture and financial posture are different today. But the same state of mental depression, the same can't do attitude is bugging me again.

I don't know what caused the problem then, but I am concerned about the forces and attitudes that are tearing at us now.

I believe that our most pressing problem today is our negative outlook—our almost total concentration on self-criticism. When one reads the newspapers or watches a television news program, the door-criers are always in full voice. Every form of media hammers incessantly at America's problems.

The United States is mistreating virtuous North Vietnamese—we're unkind to Red China—we're mistreating our minorities—we're destroying our cities—we're polluting—we're corrupting.

I don't believe it's possible to be great if you feel you're mediocre.

We can't advance if we spend all of our effort analyzing our failings and no effort setting goals and creating and building new programs.

To focus in on what is happening today, let's look at a recent constructive program and see if we can spot the culprit or define the problem.

I've selected the SST because its non-military. If I had picked a military program it would have been suspect as a defense of the military/industrial complex.

The U.S. spent almost $1 billion on the SST and then abandoned the project. We should learn from this expensive experience. The fact that we cancelled a program isn't too unusual. We've done that before.

What was so different about the SST was the way it was killed. Here was a program—ten years old—reviewed and endorsed by several administrations. A program meeting all of the defined objectives and which seemed headed for success.

Then, about a year ago, it began—a highly organized, persistent campaign to kill the program—a campaign built by people who did not care about facts or ethics but only cared about being successful in killing the SST.

We in industry were too proud to answer the false charges. Keep a low profile, we said. Cooler heads will take over. No one will believe these lies. We didn't fight—we didn't challenge.

When the attacks continued, we finally started a mild campaign. It was at a very high level. Factual brochures—quiet talks with our friends—but we didn't lower ourselves to fight openly.

After the sting of the December defeat in the Senate, a campaign was organized.

Too late. By then the exaggerations and misstatements were most believed than were the facts.

Emotions were polarized. News distortions were well organized, endlessly repeated.

It became impossible to introduce reason.

We've seen the same pattern several times—

College disorders;

Attacks on military/industrial complex; and

Alaska pipeline.

And there is more to come—

Destroy our defense system;

Tear the FBI apart;

Stop technology; and

End the profit system.

Why have we gotten so destructive? Why such obsession with the negative?

We've been saying—Vietnam—that's the reason—But, is it? What does Vietnam have to do with the SST or the Alaskan pipeline? Why attack the FBI because of Vietnam?

Isn't it just possible our position in Vietnam was the first victory for the tear-down group? Perhaps our difficult position in Vietnam was caused—at least in part—by our negative can't win attitude—

But whether Vietnam is the cause or effect, there has to be more behind our psychosis than Vietnam.

One observation I made during the SST battle was that the analyzers, the doubters, the destroyers, were talking—and talking constantly—and loud—getting the attention. And they were skillful and well-organized.

The planners, the builders, the inventors, the workers, were very quiet and not heard and completely disorganized. Too many were saying truth will win—the program is too important—it will not be cancelled.

Given today's mood it will happen again and again. Every constructive project is a potential target. In 1971 every phase of our defense will be attacked and every program designed to increase our scientific knowledge or strengthen us economically will be attacked.

To see how it happened on the SST, read the CONGRESSIONAL RECORD—please read it. I didn't realize how serious, well-organized and persistent the voices of destruction were until I read the RECORD.

To see the plot unfold made me so ill—I still can't eat Wisconsin cheese. The hard work done by the sincere legislators—those who sought the facts—was completely shattered or overshadowed by the headline-seeking doom predictors.

During the debate it wasn't necessary to be factual—no matter if you didn't know a damn about the subject—it was all right to be a charlatan so long as it got the votes—just be vocal—loud—and persistent.

In spite of the distortions that occurred, if the debate had been honestly reported to the voters, I believe the SST would have survived because our voter is quite sensible and sophisticated—but the destructive legislators were aided by a reporting media that was selective—a reporting media that became emotionally involved—that amplified the voices of destruction and doom.

I can give you an example: I'm sure you all read of Dr. McDonald's SST skin cancer theory. But how many of you know the same Dr. McDonald appeared before Congress only a couple of years earlier seeking funds to continue looking for flying saucers, saying they could be responsible for the east coast power failures? Certainly such action bears on Dr. McDonald's credibility as an expert on skin cancer and the SST.

The Congressional Record accurately reports the interchange between Dr. McDonald and truth-seeking lawmakers.

Why weren't McDonald's credentials questioned or this important fact reported by the news media?

This time only the SST was destroyed—but we might destroy something more vital to our country—using the same tactics—tomorrow.

A recent flagrant distortion which still stands unmodified is "The Selling of the Pentagon." Calling that a documentary was an even greater distortion. Documentary means factual—facts supported by documents. Not opinion. I don't object to editorial opinion—whether I agree with it or not.

But it is indefensible to label editorial opinion as fact and present it as news.

Today we hear much dialogue about freedom—individual freedom, freedom of the press, etc.—and we've been taught that a free country needs a free press—but we hear little about responsibility.

In my opinion, freedom and responsibility are very closely allied.

Before we can have a free country, we need a responsible citizenry—without this we have anarchy, not an orderly society, certainly not a democracy.

And to have a free press, we must have a responsible press.

Because if our press is irresponsible, it will lose its credibility and we'll have no reporting press.

Without question we need a free, responsible, and creditable press. This is even more important than an efficient, impeccable FBI. If we are willing to investigate the FBI, why shouldn't we investigate the credibility of our reporting? Why shouldn't the GAO investigate "Selling of the Pentagon" for the Congress?

Better still, why shouldn't the reporting media insure its own credibility and responsibility by setting standards and enforcing those standards—lawyers do this through their bar association.

Another group entered the SST fight along the way—they had no concern about ecology or sonic booms—but they did want to "reorder our priorities"—

You really have to agree that a reordering is timely. To many of us this means directing more productive effort into rebuilding cities, fighting disease—more effort to give minorities equal opportunities to work and learn and advance and prosper.

However, all people don't understand those words the same—

When some of our lawmakers define "change priorities," those words begin to mean "welfare state"—

It's easier to give money to the minority, the unemployed, the underprivileged than to create an opportunity. It's easier to give than to explain—convince—motivate—correct.

We tried to buy the acceptance and gratitude of underprivileged nations—without success—let not make the same mistake at home.

We've got to restructure our priorities, but we must restructure with some fundamentals in mind.

Our nation was built on individual effort—opportunity—not on welfare and give away. Security doesnt mean living without working or producing. Individual security should be based on opportunity—equal opportunity for all citizens—not on welfare.

I know we could reorder our priorities by building needed facilities, transportation systems, and other services. Lower skills could be used to improve our forests, parks, and roadsides.

If when we reorder our priorities we take millions out of our industrial base and use the millions to buy non-productive welfare—

If when we reorder our priorities we spend and consume today instead of investing in tomorrow—

If when we reorder our priorities we make it unnecessary for the individual to work and earn and build and be proud—

We'll destroy our free enterprise system and our nation.

While we remained confident because the SST was such a good investment in the future growth of the U.S., another force of opposition formed which turned out to be very effective in destroying the SST—this force was made up of those opposing technology.

We heard—"Who needs a jet set aircraft—why reduce travel time a few hours—technology is destroying the earth—let's go back to nature."

This is a most dangerous argument because it appeals to the young, the idealistic—and the arguments sound reasonable.

But if one visits the airports of the world and sees who flies—the answer is obvious—everyone flies, not just the jet set, but peasants—the poor—the rich—businessmen—farmers in South America with chickens in their arms—college students—

The airplane is the most important and productive vehicle for moving people long distances—all people.

The speed of the SST is not only important to reduce time, the SST is necessary to increase the productivity of our transportation system—not now, but in 1980 when the SST will fly commercially. We the supporters never did get this point across.

Who needs technology—we all do—we need technology to construct more productive transportation systems—we need technology to clean our air and water—we need technology to protect our health—

And the reason we need technology more today is because there are so many of us.

Without technology we could not survive today—nor accommodate the new citizens of tomorrow.

We've got to recapture the young people and convince them that technology is not only good—it's vital. We've got to convince them that technology can preserve scarce resources, it doesn't have to waste them. We've got to convince them that technology can bring economic development, expand resources, create wealth, provide opportunity for the poor—the underprivileged—and make social progress possible.

The assault on technology has just begun. Destruction of the SST was a symbol—a milestone. Attacks will continue.

In summary, I have been trying to use the SST as a case in point to help analyze some of today's problems.

The loud and persistent chorus of doubters, the hand-wringers, the destroyers, will continue and grow. The news media will see that they get attention and amplify their sounds.

The movement away from productivity to a welfare state is gaining momentum. It will take many names. Today's is "Reordering Priorities."

I believe there is but one solution. You and I have got to stop hoping and go on the attack. We've got to tell it as it is. We've got to explain and sell our beliefs.

If we are honest with ourselves, we have to admit that the aerospace industry must shoulder the prime blame for the cancellation of the SST Program. We are unwilling to fight as hard to sell the program as the opposition was to kill the program. The events and forces I've talked about today are real and we had better recognize they exist. Certainly we should try to change these forces to make them more productive—but in the meantime, we had better decide to fight and fight hard for every program we want and believe in. Conditions are not going to change soon.

To sell programs, do business, and win today, we have to use methods designed around today's conditions, not around conditions that existed in 1960 or conditions we are hoping exist tomorrow.

Instead of hesitating because we see problems in our society and worrying about possible criticism of a contemplated action, we must admit we are a proud part of the Military/Industrial complex—we must fight for the programs we know are needed, we must convince the uninformed that there is a real threat to our security, we must make our citizens aware of the fact that the Soviets are spending more on military R&D than we are and are overtaking us on all sides—we have to fight hard for what we believe in.

We've got to come out from behind the trees. We've got to leave the security of the board room and get into the fight.

Let's begin by voicing our demands:

Demand that rewards be proportional to contribution;

Demand that those who would abandon technology demonstrate a better alternative;

Demand a free, responsible press; and

Demand that all of us in business and the military/industry complex get up and challenge the doubters, criers of doom, and our opponents.

A great country needs us—it needs us—now!

SCAD DEVELOPMENT COULD GREATLY PROLONG LIFE OF B–52 BOMBER AND MAKE B–1 BOMBER UNNECESSARY

Mr. PROXMIRE. Mr. President, I have spoken many times in this Chamber about what I have regarded as unwarranted and unnecessary military spending. I rise to speak today about an important defense program on which the Air Force and the Defense Department seem reluctant to spend a cent.

The program in question is a revolutionary new missile system for use on our B–52 bombers. It is known as the subsonic cruise armed decoy, or SCAD.

FUNDS UNSPENT

Three years ago, in fiscal year 1969, the Defense Department requested and the Congress appropriated $4 million for work on SCAD. The Air Force spent only $1 million and reprogramed $3 million for use on other programs.

Two years ago, in fiscal year 1970, the Defense Department requested SCAD funds in the amount of $17.1 million. Because the Air Force had not laid the groundwork for the use of all these funds, Congress appropriated only $10 million. This time the Air Force did not reprogram the funds, it just refused to spend them.

Last year, in fiscal year 1971, the Defense Department requested $33.6 million for SCAD. Because the Air Force still had approximately $9 million of prior year funds in hand, and due also perhaps to the infectious nature of the apparent Air Force disenchantment with the program, Congress denied the Pentagon's request altogether.

This year's budget contains a SCAD request of $10 million, the lowest level since fiscal year 1969.

IMPROVES EXISTING BOMBER CAPABILITY

What exactly is SCAD, and why is it so important?

SCAD was conceived in the late 1960's as an answer to several Pentagon studies which expressed concern about the ability of our bombers—both the B–52's and the then-proposed AMSA—to penetrate Soviet air defenses of the future.

According to public testimony before the Senate Armed Services and Appropriations Committees, it is an air-launched cruise missile which will be propelled by a small turbofan engine. It can be designed either as a decoy with electronic systems which will make it look just like the bombers from which it is launched when it appears on enemy radar screens, or as a long-range attack missile.

In either configuration, it greatly improves our bomber capability against the postulated Soviet air defense systems of the middle and late 1970's. And as Secretary of Defense Clifford said in presenting the fiscal year 1970 defense budget to the Congress:

> What is needed to operate effectively in such an environment is not so much a new aircraft, but new penetration aids and weapons.

As a decoy, SCAD would be launched at a distance of well over 500 miles from its target. Its use on our B–52's would constitute, in essence, a MIRVing of this bomber force. Since a sizable number of SCAD's could presumably be carried on a single B–52, its use would effectively counter any presently foreseen improvements in Soviet bomber defenses.

The decoy version of SCAD could be employed either with or without a nuclear warhead. Obviously it would be much more effective if it were armed, since enemy defenses could not ignore it even if they recognized that it was a decoy. As one Air Force witness explained to the Senate Armed Services Committee last year:

> When we have the armed version available, I suspect that it will always be used in its armed role, because . . . I have great concern about the counter-counter measures available to an intelligent enemy. He can exploit synthetic signals that we are sending back, and he will learn to detect which is a decoy, or at least he will learn to detect within a reasonable probability which is a decoy. We want him to go after it even when he thinks it is a decoy. For that reason I suggest we will probably always go armed once that capability exists.

AIR FORCE DRAGGING ITS FEET

In light of these obvious advantages of an armed decoy, one would expect the

Air Force to be developing SCAD for introduction to the force as an armed decoy. Not so, however. Not only has the Air Force been reluctant to spend money on SCAD in the first place, but if it ever gets started it apparently intends to develop an unarmed decoy—or SCUD—only. This decoy will get placed on our B–52's and an armed version will only be developed later for the B–1, which the Air Force expects to have "sold" to Congress by that time, Such, at least, is the substance of recent articles on the SCAD program in aerospace and defense industry trade journals.

The Air Force is apparently also ignoring for the time being the possibility of developing SCAD as an attack missile—or SCAM. In this mode, the decoy electronics would presumably be dropped and the range of the missile somewhat extended so it could be launched from completely outside Soviet air defenses. SCAD as an attack missile would turn whatever bomber it was placed on into a mobile missile-launching platform. The bomber itself would never have to penetrate enemy air defenses.

SCAD as an attack missile is often dismissed as nothing more than a resurrection of the Skybolt missile project. But as the Air Force itself said in testimony to the Armed Services Committee:

> It is difficult to compare the technology required to support the Skybolt with the technology required for SCAD because of the performance differences between the two missiles. The Skybolt (cancelled December 1962) was an air-launched ballistic missile to be capable of delivering (deleted). The missile was a two-stage solid rocket with a weight of 11,353 lbs. and a size of 39.4 ft. by 3.0 ft. The Skybolt achieved ballistic speeds from a re-entry altitude of over 200 NM . . . Since missile technology has had significant advances in six years, and since the SCAD performance requirements are much less stringent than they were for Skybolt, SCAD should be considered a much lower technical risk program.

As noted earlier, SCAD is a subsonic cruise missile with much lighter weight. According to Air Force testimony, it will be 18 or 19 inches in diameter and 14 feet in length, which indeed makes it very different from the Skybolt.

But the most significant difference between SCAD and Skybolt is in the manner of their penetrating potential enemy defenses. Skybolt, as a hugh ballistic missile, was nothing more than an air-launched ICBM. As a ballistic missile, it had a predictable trajectory and would have been subject to the same possible ABM defenses as any land- or sea-based ballistic missiles. SCAD, as an aerodynamic cruise vehicle, would have no ballistic trajectory and would penetrate at a much lower altitude than Skybolt. It would not be subject to a possible Soviet ABM system, and it would preserve the role of bombers as the only one of our deterrents which is not.

The reason most often given for the snail-like pace of SCAD development, and for postponement of any work on either an armed decoy or an attack missile is Air Force concern about the costs of such work. This simply does not ring true.

SLOWDOWN PART OF ATTEMPT TO GET NEW B–1 BOMBER

I deeply fear that the Air Force is following its course of action in a blatant attempt to hoodwink the American people into spending at least $20 billion on a new bomber which is not needed at the present time.

I say this for the following reasons:

First, no alleged concern about the possible costs of the SCAD program can adequately explain the 3-year standstill which has occurred, especially at a time when the Defense Department is rushing full steam ahead on many other programs which add far less to our military strength.

Second, there is a clear relationship between SCAD and the need for the B–1 itself. By adding a SCAD capability to our existing bomber force and by making other relatively minor changes in it, we might be able to achieve an even greater degree of improved bomber effectiveness than by building a whole new bomber.

Consider for a moment the potential effectiveness of SCAD as an armed decoy. There are two reasons why Soviet air defenses are going to be much more difficult to penetrate in the future. One is the development of a Soviet AWACS, which will be deployed over water near the borders of the Soviet Union to extend their defensive perimeter and provide better intelligence to their interceptors about our incoming bombers. The second is the deployment of Foxbat interceptors, with a look-down, shoot-down capability. Together these two developments have the potential to make low-altitude bomber penetration almost as difficult as high-altitude penetration.

SCAD, however, could counter these defenses. If a large number of armed SCAD's, simulated to look like bombers, could be delivered from each of our aircraft, we could saturate these defenses and negate their effectiveness.

It takes no great scientist to recognize that SCAD will in fact be far more effective against these new defenses than would the B–1 itself. There are very distinct limits to the increase in penetration effectiveness inherent in a lower radar cross section, smaller infrared signature, and faster penetration speed. What is needed is not a better bomber, but more bombers, in the form of decoy SCAD's.

B–52'S HAVE LONG LIFE LEFT

Third, the Air Force is hard pressed to make the case that a new bomber is needed simply because the B–52's are falling apart with age. Our 255 B–52 G's and H's were all built between 1959 and 1962. They have approximately 12,000 hours of flying time left in them according to Air Force testimony to Congress last year. At the last reported utilization rate of approximately 600 hours per year, they should certainly be sound until at least 1985.

Had the Air Force begun work 3 years ago when funds were first appropriated, we would have a better idea by now of whether SCAD's potential could be realized.

Instead, the Air Force has been dragging its feet on SCAD, and as a result, the American taxpayer is being dragged into a new bomber development program with cost and technical problems written all over it. In fact, these problems have already begun to surface.

SCAD COULD SAVE BOMBER DETERRENT

Worst of all, we may end up jeopardizing our security in the latter years of this decade. If the B–1 bombs out like the B–70 before it, we would not have the kind of SCAD capability which could make our B–52 force a viable deterrent into the 1980's. We might be forced to give up a bomber deterrent while it could still be maintained cheaply and effectively. Or we might be forced to buy the B–1 regardless of the cost overruns and performance degradations it had suffered, and with little confidence that it could do its job.

Since SCAD will obviously be needed sometime in the future, it would make much more sense to shelve the B–1 program and to first develop SCAD itself, with the results of SCAD development determining our bomber options.

We still have time to do so. It would take only 2 to 3 years to develop and test a SCAD vehicle capable of use as an armed decoy or an attack missile.

Since all indications are that our B–52 G's and H's will be structurally sound until at least 1985, there is no need to fully replace these aircraft by 1982, the date implicit in the presently planned 1979 IOC date for the B–1.

Moreover, that 1979 date is itself deceptive. Only a year or so ago, the Air Force was talking about a 1976 IOC date for the B–1. Since then that date has been slipped 3 years, primarily to avoid the heavy near-term funding implications of the earlier date, but perhaps also to contribute consciously to Air Force claims of urgency regarding the B–1 program.

B–1 QUESTIONABLE

Finally, the main reason for the irreducible 6- to 7-year length of the B–1 development program is the incredible complexity which the Air Force is demanding for the plane. An elimination of nothing more than the variable wing design required by the B–1's supersonic speed could cut 1 to 2 years from the length of the development program.

When all these factors are considered, the leeway available is clear. Even if the B–52's did age sooner than expected and even if modifications proved impractical—both very dubious assumptions—we would still have time to do SCAD first.

If SCAD proved successful, we could use it initially to preserve the effectiveness of the B–52 force.

Such a successful development of SCAD would also have implications for a possible follow-on bomber.

If SCAD were successful in its attack missile version—or SCAM—the least expensive candidate would be a standoff missile-launching aircraft. In fact, since there would be no need for such an aircraft to penetrate Soviet defenses in the slightest, we might be able to forego an expensive bomber development program in favor of a modification of some existing aircraft for a SCAM-carrying role.

It might be, however, that the Soviets

could construct preferential defenses against that mode of attack, a possibility which is deserving of considerable additional study. In the event, and assuming that SCAD were successful in its armed decoy mode, the most logical candidate for a follow-on bomber would be a large subsonic aircraft, with a longer range and bigger payload than either the B–52 or B–1. Such a bomber could function as a mobile missile-launching platform, releasing some SCAM's from outside Soviet air defenses, numerous SCAD's to shield its penetration of Soviet area defenses, and SRAM's for penetration to terminally defended targets. Such a bomber, while more expensive than a stand-off SCAM launcher, would still cost considerably less than the B–1, yet would still be capable of low-level penetration to its target at speeds faster than the speed of the B–52's.

But if SCAD proved to be a failure, such as Skybolt and other missile systems have been, the bomber implications would be grave. There might be no foreseeable solution to the penetration problem which gave rise to the SCAD concept in the first place. To build a new bomber under these circumstances might be to invest billions in a system which would be obsolete almost before it was built. If any bomber deterrent seemed viable under the circumstances, surely it would not be either the B–1 or the subsonic missile-launching platform discussed above. We simply could not afford the large number of such very expensive bombers which would be required to penetrate unaided through bomber defenses of the future. We would be best advised either to forego a bomber deterrent altogether or to examine the possibility of building large numbers of small, cheap, and inexpensive aircraft which might be able to penetrate in sufficient numbers.

Mr. President, the Air Force is now embarked on a dangerous and imprudent course. It is time we stopped stalling and moved out on the SCAD program. Our pocketbooks and our security demand it.

PRESERVATION OF THE MIDDLE SNAKE RIVER IN OREGON

Mr. PACKWOOD. Mr. President, continuing my discussion of the critical nitrogen problem along the Snake River, and of my belief that the Middle Snake should not be further damaged by construction of a dam, I want to share with Members of the Senate two significant letters I have received in the last week. The first is from the newly sworn in Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, the Honorable Nathaniel P. Reed. Mr. President, I ask unanimous consent that Mr. Reed's letter dated May 19 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT
OF THE INTERIOR,
Washington, D.C., May 19, 1971.
Hon. ROBERT W. PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: Thank you for your letter and the enclosed testimony against additional dams in the Pacific Northwest.

I was so concerned about the nitrogen problem on the existing dams that I received personal briefings from the experts and have maintained contact with Under Secretary of the Army Beal and L. B. Day, our Regional Field Representative. I asked Mr. Day to keep you intimately informed of progress and continuing problems.

I wish to categorically state my wholehearted support of your efforts to prevent further dam construction and the inclusion of the Middle Snake River in the Wild River category.

As you need specific assistance, please call on me and the Bureau. We stand ready to serve you.

Sincerely yours,
NATHANIEL P. REED,
Assistant Secretary for Fish and Wildlife and Parks.

Mr. PACKWOOD. Mr. President, the second letter is from the National Oceanic and Atmospheric Administration, signed by Mr. Philip M. Roedel, Director, National Marine Fisheries Service, and dated May 21. That letter is in response to a wire I sent urging continued cooperation in solving the nitrogen problem, and suggesting that the time has come to divert some of our public work money toward meeting our environmental needs in our waterways. Mr. President, I ask unanimous consent that Mr. Roedel's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL MARINE FISHERIES SERVICE,
Washington, D.C., May 21, 1971.
Hon. ROBERT W. PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: This is to thank you for your May 12 telegram to Dr. Robert M. White, Administrator, National Oceanic and Atmospheric Administration, describing the current critical nitrogen super-saturation situation on the Columbia and Snake Rivers. This is certainly one of our most serious problems concerning the survival of juvenile and adult salmonids.

Another public meeting may not provide a solution or even give much assistance to solving the problem, although it would provide an additional forum for disseminating information and accepting critique.

Your suggestion of directing the talents and abilities of the Corps of Engineers to meeting our environmental needs is well taken. Much work remains to be done in the job of making the extensive development of the Pacific Northwest compatible with the environmental requirements. Progress is being made and the Corps of Engineers has been very responsive to the current problem and has cooperated by providing manpower, funds, and equipment in an attempt to lessen the effect of nitrogen on salmonids. We are optimistic that this problem can be solved. I wish to assure you that the National Marine Fisheries Service will continue its endeavors toward promoting and protecting the fishery requirements. We will be pleased to work with you, the State fisheries agencies, the Corps, and any other interested parties to develop a mutually cooperative program toward this goal.

Again, thank you for your interest and your offer of assistance concerning this serious problem.

Sincerely,
PHILIP M. ROEDEL,
Director.

Mr. PACKWOOD. Mr. President, I believe these responses demonstrate the sincere interest and concern of two high Government representatives about the problems along the Snake River and the desirability of preserving now the Middle Snake.

RETIREMENT OF HOWARD DOMINGUS FROM THE INTERSTATE COMMERCE COMMISSION

Mr. SPONG. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Nevada (Mr. BIBLE).

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BIBLE

On May 14, the nation's shippers, particularly the small business shippers, lost a fine friend, with the retirement of Howard Domingus, Assistant Director, Bureau of Accounts of the Interstate Commerce Commission.

Mr. Domingus was one of the first individuals in the Federal transportation regulatory agencies to grasp the severity of the impact of pilferage and cargo theft on the shipping public, the business community and on the nation's consumers. As a very responsible civil servant, he sought to develop a program within the ICC to begin to come to grips with this problem.

Howard Domingus might properly be called the father of the government's uniform loss reporting system, now in the progress of development by all the transportation regulatory agencies as an important step in trying to deal with the $1½ billion cargo theft burden on business and the public.

Mr. Domingus joined the ICC in 1936 as a messenger, later serving as clerk on the staff of former Commissioner John L. Rogers. In 1951 he left the ICC to accept the position of Executive Assistant to the President of a large eastern motor carrier. He returned to the ICC in 1957 and in 1963 was appointed to the prestigious position he held on retirement.

Mr. Domingus has played many important roles in developing solutions to a variety of problems under the jurisdiction of the ICC. He was the first Chairman of the ICC Industry Advisory Committee on Pipeline Valuation and Accounting. He also served as Chairman of the Advisory Committee on railroad equipment and roadway property.

A native of Alabama, Mr. Domingus graduated from Southeastern University and took graduate courses at George Washington University. During World War II he served with the U.S. Navy in the European Theater.

The retirement of Howard Domingus is a loss to the Senate Small Business Committee because he has proved to be a most valuable resource in our efforts to deal with the variety of problems involved in the truck hijack and cargo theft areas. I hope that during his retirement Mr. Domingus can continue to assist the Congress and Federal agencies from time to time with his great expertise as we concern ourselves with matters affecting the safe and secure movement of interstate commerce.

A PERMANENT EMERGENCY?

Mr. MATHIAS. Mr. President, few Americans are aware that we are, legally, in a continuing state of national emergency. Few Americans are aware that, with no additional action by Congress and no extraordinary proclamation, price and wage controls may be imposed, our news censored or citizens refused the right to enter or leave the United States.

As far as the executive branch of our Government is concerned, we are still in the midst of the great depression and we are still fighting the Korean war. The national emergency proclaimed by President Roosevelt in 1933 to deal with the crisis in our domestic banking system and the national emergency proclaimed by President Truman in 1950 when American troops were in full retreat in Korea are both still on the books.

With the cosponsorship of the distinguished majority leader (Mr. MANSFIELD), the Senator from Florida (Mr. CHILES), and the Senator from Alaska (Mr. GRAVEL), I have introduced a resolution calling for the establishment of a special joint committee consisting of six Senators and six Representatives to examine thoroughly the question of national emergency proclamations and the possibility of terminating the emergencies under which we have lived for nearly 40 years.

In this connection, I would like to call to the attention of the Senate an article by Frank Murray in yesterday's editions of the Sunday Star which explores in considerable detail the problem with which we are confronted. I ask unanimous consent that Mr. Murray's article be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ATTENTION, PLEASE: THIS IS AN EMERGENCY

(By Frank Murray)

Because of "the increasing menace of the forces of Communist aggression" perceived by President Truman on Dec. 16, 1950, Juan Sardino can't collect $7,000 life insurance on his son who died in New York.

In a District of Columbia Courtroom, Lucia Nielsen and Enriqueta Bosch lost a fight for $54,450.20 of their company's money.

And the Defense Department orders extra fuel oil from Waller Petroleum Co. in Baltimore without competitive bids.

All of this, and more, happens because the country is in a state of national emergency. The emergency is official—proclaimed by President Truman when American forces were being battered by Chinese troops in Korea at a time that over 41 percent of today's U.S. population was yet unborn.

Truman said the nation was in danger and he needed the powers that come to a President in a national emergency, powers to control prices and wages, increase war production and speedily double the Armed Forces.

An armistice was signed in Korea in 1953, but the state of national emergency remains in force, along with a web of at least 197 laws which take effect in time of emergency to give a President the power to govern by what author Clinton Rossiter calls "constitutional dictatorship."

Not all the special powers were used, even at the height of the war that spawned them. The day Truman issued the proclamation, for instance, he said he would not close down or take over broadcast networks or stations as he had the power to do.

NOT FORGOTTEN

But the powers don't lie fallow and forgotten, either. The executive bureaucracy invokes them often—subtly, as in its permitting merchandise to remain in Customs Department bonded warehouses past the time limit or dramatically, as in the current fight to deport a native-born American tangled in his own scheme to evade the draft.

On Jan. 1, 1968, President Johnson cited his emergency authority under Truman's proclamation to control private U.S. investment abroad in an attempt to ease the balance of payments problem.

If the threat materializes to tie up extension of the draft by filibuster past June 30, President Nixon could choose to deal with the problem by using his power under the national emergency to extend enlistments, deny retirements, and call up retired or reserve forces without consent of the men involved or the Congress.

The President may, as Nixon did Feb. 23, suspend provisions of the Davis-Bacon Act, which requires contractors to pay local union scale on construction jobs under federal contract. Nixon has since rescinded his action in favor of other measures.

Price and wage controls may be imposed without congressional authority.

And many branches of government are authorized to negotiate contracts without competitive bids, reporting to Congress by Mar. 15 when such actions are taken. The Defense Department last month reported taking 277 such contract actions in 1970 at a cost of $4.2 million, plus an unknown cost factor on 108 of the 277 contracts. The year before there were 334 such actions at a cost of $2.4 million. Both figures are but a fraction of the huge Defense budget, but include such items as overruns on the cost of fuel oil for 566 military installations.

Federal appeals courts rule repeatedly that the judicial branch of government has no authority to override the presidential proclamation of an emergency, and refuse to strike down the executive branch's special powers under it.

U.S. District Court Judge Matthew F. McQuire ruled here, in a decision affirmed last year by the U.S. Court of Appeals, that Mrs. Nielsen and Mrs. Bosch had no right to the $54,450.20 paid to their company's bank account by the Navy. They had controlled 75 percent of the stock in Acueducto Yateritas, the firm which sold water to the Navy at Guantanamo Bay in Cuba, until Feb. 6, 1964.

Even though they had left Cuba, the court ruled, their money was frozen under the Cuban Assets Control Regulations issued in 1963 under authority of the Truman proclamation.

That Appeals Court ruling said Truman's 1950 proclamation had been reinforced by "the determination of succeeding Presidents, expressly or impliedly, that a state of national emergency continues to exist. . . ."

In the Sardino case, the same Cuba Assets Control Regulations applied. In upholding them, on April 22, 1966, the Appeals Court added, "There can hardly be doubt as to the existence of an emergency today when thousands of U.S. troops are in action and many more are in readiness around the globe."

PASSPORT TO CUBA

When Prof. Alan M. MacEwan and his wife, Mary, applied for a passport to Cuba, they were denied under the emergency powers. They argued that the proclamation had expired by the lapse of time since 1950. The 1964 decision said, "a court may not lightly hold that an executive proclamation of a national emergency has expired by lapse of time," except in the case of what it called an obvious mistake.

The draft case was decided April 12 in New Orleans, when a federal appellate court upheld an immigration order of deportation for Thomas Glenn Jolley, 27, of Tallahassee, Fla. Jolly surrendered his citizenship in Canada to remove himself from jurisdiction of the draft and maintains he still has a right to live in the United States as an alien married to a U.S. citizen. The court upheld the Immigration Department position that Jolley is otherwise inadmissible because, as an alien he remained outside the country to avoid military training and service after surrendering his citizenship.

In one form or another, the nation has been in a formal state of emergency since the Depression, when Congress came into special session and, under a midnight deadline, voted President Franklin D. Roosevelt the powers he asked to continue the bank holiday he declared three days earlier, on March 6, 1933.

By the same stroke, without a printed bill and with one hour of committee action, the Congress amended Sect. 5(b) of the 1917 Trading With the Enemy Act, delegating powers to the President during a national emergency which he otherwise would hold only in wartime.

This power is somewhat of a blank check from Congress, which delegated its authority so action might be taken at a time when an emergency makes it difficult or impossible for that body to respond effectively to a crisis.

However, the legislation set no standards to determine what adds up to national emergency and set no time limit on use of the powers by the President.

That 1933 banking emergency, designed to cope with the Depression, is also still in force, although amended by Presidents Eisenhower and Kennedy.

The war emergency declared by Roosevelt on Sept. 8, 1939, was expanded on May 27, 1941, into an unlimited emergency, and was revoked by Truman on April 28, 1952, some 16 months after he proclaimed the emergency which is in effect today.

It is unclear why Truman proclaimed a new emergency since the Roosevelt-era proclamation carried the same powers. White House papers show that three days earlier Truman asked the advice of congressional leaders on whether to declare it.

There is no indication in the records, until the repeal proclamation, that Truman was aware the earlier proclamation had remained in force.

In his speech accompanying the declaration, Truman said, "Our homes, our Nation, all the things we believe in, are in great danger. This danger has been created by the rulers of the Soviet Union." This broader threat was cited as well as the Korean War, which was then almost six months old and intensifying with the entry of Chinese soldiers.

The Korean War has been over for 18 years, and relations with Russia are warmer, if not cordial. But the State Department, in responding to a lawsuit under the emergency said the emergency will last for the duration of the Cold War.

There is some question as to whether even the Congress could directly rescind the emergency proclamation, although even an administration lawyer agrees it could repeal the legislation which authorizes such proclamations.

MATHIAS RESOLUTION

The Internal Security Act of 1950, enacted over Truman's veto, discusses emergencies which may be proclaimed or repealed by either the President or Congress, acting by concurrent resolution.

Last week, Sen. Charles McC. Mathias, R-Md., introduced such a resolution. It would create a congressional committee with six senators and six representatives, to report within 120 days on the possibility of terminating the Truman proclamation. The committee would confer with the White House on the most effective method of ending the proclamation, and would study the problems that could arise.

Mathias has indicated he wants a time limit of 30 days on such proclamations, unless extended by joint resolution of Congress. Either the President or the Congress should be able to terminate the emergency, Mathias said.

In a floor speech accompanying the filling, which is co-sponsored by Sens. Mike Gravel, D-Alaska. and Mike Mansfield, D-Mont., Mathias said:

"Since that dire extremity of 1933 there have been six Presidents. . . . They have disagreed on many issues. But they have been unanimous on when the country is in a state of national emergency and when the Congress, on a wide range of issues, is optional. Their answer, quite simply put—in a word—is: Always.

"These powers infringe on so many crucial constitutional rights and principles that collectively they may be seen as placing our system of democratic government in jeopardy. Certainly the deprivation of rights and property is authorized without due process, but perhaps more important these measures threaten the constitutional balance of powers between the executive and legislative branches."

Mathias continued, "We must reassert the principle that emergency powers are available only for brief periods when Congress is unable to act and for purposes directly related to the emergency at hand."

A FEW THINGS THE GOVERNMENT COULD DO

The following are among the 197 legal provisions which take force during a national emergency, such as the one still in effect under President Truman's 1950 proclamation:

The military may retake for use dozens of properties leased or given for other purposes including Ft. McHenry in Baltimore, portions of Howard University, land at Williamsburg, Va., and land in Arlington used as an approach to the Memorial Bridge.

Contracts, with certain restrictions, may be negotiated without competitive bids by a number of departments and agencies, including the Agriculture and Commerce departments, the General Services Administration and the Government Printing Office.

Price controls on some materials and products (including automobiles) may be imposed, followed by stabilization of wages in the affected industries.

Censorship of news may be imposed.

Any persons, including citizens, may be refused the right to enter or leave the United States.

Servicemen may be detailed by the President to "the governments of such other countries as he deems it in the interest of national defense to assist."

District of Columbia teachers, police, firemen, U.S. Park Police and the White House police who leave to join the military during a national emergency "shall not be considered as separated from their positions for purposes of retirement."

CUBAN INDEPENDENCE DAY

Mr. HUMPHREY. Mr. President, I would like to join with my colleagues in paying tribute to Cuban Independence Day celebrations. On May 20, 1902, Gen. Leonard Wood, U.S. Military Governor of Cuba, transferred the authority of the Cuban Government to Tomas Estrada Palma, who became the first President of the newly sovereign Cuban Republic. The flag of independent Cuba was unfurled for the first time, culminating three-quarters of a century of heroic and often bloody struggle by the Cuban people to achieve independence from Spain.

These people agreed that independence would only be worth the struggle if a constitution insuring the rights of the individual became the foundation of their republic. The first Cuban constitution incorporated an elaborate bill of rights which emphasized guaranteed individual liberties, and the preservation of the rights and dignity of the individual. Other provisions included the separation of church and state, freedom of religion, compulsory and free primary education, and the right of free speech, press, assembly, and petition.

With this exemplary history the Cubans of this country have good reason to celebrate Cuban Independence Day. It would, of course, be a far more significant and festive occasion if Cubans within Cuba were as free and independent as their countrymen are here in the United States.

I want to express my admiration to the Cuban people here and throughout the world who continue in the great tradition of 1902. Those Cubans who have adopted the United States as their country have enhanced her greatness by continuing in the fine and lasting tradition of the early Cuban Republic.

MELVIN JACK MURDOCK, OF OREGON

Mr. PACKWOOD. Mr. President, one of Oregon's most imminent business leaders is dead, the victim of an accidental drowning.

Melvin Jack Murdock was only 53 years of age when he apparently drowned in the Columbia River near Wishram, Wash., Sunday, May 16. But in his time, he was considered to be a giant among businessmen.

The story of Jack Murdock is truly the story of a remarkable man.

He was born in Portland, Oreg., August 15, 1917, the only child of L. B. and Mae M. Murdock, both now deceased. He never married.

He attended Glencoe Elementary School and Franklin High School, graduating there in 1935. That year he formed and began operating Murdock Radio and Appliance Co. in southeast Portland.

After serving in the U.S. Coast Guard from 1942 to 1946, he cofounded—with Howard Vollum—Tektronix, Inc., which was incorporated in January 1946. He served as a director from the start. He started as secretary-treasurer and general manager. In 1960, he was elected chairman of the board, a position he held until now. He also served as trustee of Tektronix Foundation.

Prime among his other business interests, headquartered at Pacific Northwest Aviation Co., Vancouver, Wash., was aviation; he was an active private pilot for over 15 years. He also served as director of Field Emission Co., McMinnville.

Among his nonbusiness interest, mental health ranked high. He served several years as a trustee of Menninger Foundation, Topeka, Kans. He was a director of DeLaunay Institute for Mental Health, of National Association of Manufacturers, and of Junior Achievement and he worked on committees in Portland Chamber of Commerce and Western Electronics Manufacturers Association.

Other interests included figure skating, skiing, photography, radio, electronics and—broadly—people. His special contributions in management and civic affairs were honored in 1957, at the Northwest Management Conference when he was awarded the Silver Knight of Management award.

He received an honorary doctorate of humane letters from the University of Portland in 1966. The citation stated, in part:

A man whose achievements offer dramatic proof for the validity of the claim of America to be the land of opportunity, and whose life exemplified the kind of concerned dedication to service of community, state and country which has sustained this great American dream.

I ask unanimous consent that an article from the Oregonian of Tuesday, May 13, 1971, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Life Work of Jack Murdock Enhanced With Achievement

(By Leverett Richards)

The story of M. J. (Jack) Burdock, missing in the Columbia River near Wishram, Wash., where his plane overturned Sunday, reads like a Horatio Alger novel.

Born Aug. 15, 1917, in Portland, Murdock attended Glencoe Grade School, and was graduated from Franklin High School in 1935.

A recognized genuis at electronics, he started Murdock Radio and Appliance Shop after high school. He never went to college.

In 1942 he volunteered to serve in the Coast Guard as an electronics technician.

Released from active duty in 1946, he and Howard Vollum founded Tektronix, Inc., in one of Murdock's shops. The business boomed to become Oregon's biggest single private employers with more than 7,000 employes in Oregon and another 2,000 elsewhere. The business is worldwide.

FLYING LEARNED

Murdock took up flying as a hobby through Tektronix's Flying Club in 1954, and turned it into a business. He founded Melridge, Inc. Piper distributor, at Pearson Field, Vancouver, Wash., where he also had his corporate offices, near his home.

His flying interests also included Vancouver Piper Co. and Hillsboro Aviation Co.

In more than 16 years of flying he logged more than 1,000 hours in single and multi-engined aircraft, land and sea.

Murdock, a director of Tektronix from the beginning, served as secretary, treasurer and general manager until 1960 when he was elected chairman of the board.

He was a trustee of the Tektronix Foundation, the company's charitable organization until 1969. He also headed his own charitable organization, the Millicent Foundation.

Murdock made many donations in support of civic and educational organizations, but shunned all publicity. He had been named a director emeritus of the DeLauney Institution for Mental Health. Because of his special interest in human behavior he has served for years on the board of the Menninger Foundation.

In recognition of his activities in human relations he received an honorary Doctor of Human Letters degree from the University of Portland in 1968. He belonged to the Voluntarism and Urban Life Project Committee of the United Good Neighbors.

In 1957 he was presented with a "Silver Knight of Management" award by the National Management Association "for his outstanding record in management and labor relations at Tektronix."

In 1963 he served as a director of the National Association of Manufacturers. He also served as an Oregon director for the association.

He was a director of Junior Achievement and served on many committees of the Portland Chamber of Commerce. He was also active in the Western Electronics Manufacturers Association.

He served as a director of Field Emission Corp. and Roby's Furniture.

Murdock was a swimmer, figure skater, and photographer. He never married and has no immediate family.

CARRIER CARGO SECURITY CRISIS CONFERENCES

Mr. SPONG. Mr. President, I ask unanimous consent to have printed in the RECORD a statement and insertion by the Senator from Nevada (Mr. BIBLE).

There being no objection, the statement and insertion were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATE BIBLE

For the last two years the Senate Small Business Committee, of which I have the honor to be chairman, has been conducting an in-depth investigation and hearings into the impact of crime on small business with particular emphasis on the transportation industry and the increasing rate of theft, pilferage and hijacking of airline, truck, maritime and rail carrier cargo, an estimated $1.47 billion loss total for 1970.

Our Committee has been critical of the Department of Transportation for its failure to shoulder some real responsibility in this area and to map affirmative steps to deal with this increasingly critical problem. Several pieces of legislation have been introduced as a result of our hearings.

I am particularly pleased, therefore, to congratulate Secretary Volpe and the Department of Transportation today for an affirmative first step effort which I believe has tremendous possibilities in alerting not only all Governmental agencies, Federal, State and local, but also the carrier industries and their associated service business areas.

I ask unanimous consent that the Department's press release announcing a series of Washington conferences on "The Cargo Security Crisis—Meeting the Challenge" this summer be inserted in the RECORD.

PRESS RELEASE OF THE DEPARTMENT OF TRANSPORTATION

Secretary of Transportation John A. Volpe today announced a series of conferences, "The Cargo Security Crisis—Meeting the Challenge," to be held June 17–18 and July 6–7 at the Mayflower Hotel in Washington, D.C.

The conferences will be jointly sponsored by the Department of Transportation and the Transportation Association of America.

"There is today a cargo security crisis which must be met by the coordinated efforts of industry and government—Federal, State and local," Secretary Volpe said.

"Damaged, lost, missing and stolen freight for all modes of transportation cost the Nation billions annually," the Secretary said. "The price of cargo thievery last year reached an estimated $1.47 billion—a whopping bill that ultimately and inevitably is paid by the consumer.

"The purpose of the Cargo Security Conference is to define the lines of demarcation between government's and industry's responsibilities for corrective and preventive actions and to identify the roles of government departments and agencies at all levels that will best lead to an effective cargo security program," Secretary Volpe said.

Harold F. Hammond, President of the Transportation Association of America, described the DOT–TAA-sponsored seminar as "a vital step toward laying the groundwork for a systematic, coordinated national program to achieve maximum security and safety for cargo when in storage and in transit and foreign commerce."

Hammond emphasized the need for action now to cut consumer costs.

Secretary Volpe will deliver the keynote address.

The two-day June session will be devoted to a discussion of government's responsibilities—Federal, state and local—in meeting the challenge of the cargo security crisis.

Conference speakers and participants will represent the Departments of Justice, Transportation, Treasury, Defense and Commerce, Small Business Administration, General Services Administration, Civil Aeronautics Board, Federal Maritime Commission, Interstate Commerce Commission and the U.S. Postal Service.

Also participating in the June session will be representatives of state and local government interests.

The two-day July session of the Cargo Security Conference will shift the focus to the roles of management and labor in formulating an effective cargo security program.

Invited to speak for the transportation related industries are representatives of the Air Transport Association, American Institute of Merchant Shipping, American Trucking Associations, Association of American Railroads, National Association of Motor Bus Owners, Freight Forwarders Institute, National Industrial Traffic League, American Importer's Association, American Retail Federation and the American Institute of Marine Underwriters.

Invited to participate in behalf of transportation labor will be representatives from the Transport Workers Union of America (AFL–CIO); International Longshoremen and Warehousemen's Union; International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America; and the Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employees.

Reservations for attending the Cargo Security Conference may be made by contacting Edward Sanbourn at the Transportation Association of America, 1101 17th Street, N.W., Washington, D.C., 20036—telephone: (202) 296–2470.

GENOCIDE TREATY FOLLOWS TRADITION OF GREAT HUMAN RIGHTS DOCUMENTS

Mr. PROXMIRE. Mr. President, the Genocide Convention represents a significant step forward in international law and human rights. Our ratification of this treaty would be in accord with everything this Nation stands for. In her testimony before the subcommittee of the Senate Foreign Relations Committee which held hearings on the Convention last spring Mrs. Rita Hauser, U.S. Representative to the Human Rights Commission, makes an excellent case for the moral necessity of our ratification of the Convention.

Mr. President, I ask unanimous consent that the relevant portion of Mrs. Hauser's testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

Mrs. HAUSER. My final point, and I really believe most important point, is that ratification of the convention would accord with the ideals of human liberty consistent with and in furtherance of the American tradition.

Under article I of the convention, the contracting parties confirm that:

"Genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and punish."

This undertaking is an international commitment to decency and morality consistent with the American tradition. It does not, of course, stand alone. Like other efforts throughout history, from the Ten Commandments through the Magna Carta, the French Declaration of the Rights of Man and the Citizen, the U.S. Bills of Rights, and the United Nations Charter, the convention is above all a statement which advances individual rights and human dignity.

The United States, which was founded on the basis of protest against governmental excesses, and which grew great in substantial measure because it was a haven and the hope for oppressed persons everywhere, and still continues to be, should be in the lead in joining in the declaration of revulsion at the organized effort to eliminate whole groups of people during World War II, and of determination that such an effort shall never be undertaken ever again.

The great documents of human rights in our history have taken various forms. From the laws of Moses to the pact between King and nobles at Runnymede, to the charters of the English, American, and French Revolutions, the essential element was a statement of the rights of free men, coupled with punishment or threat of punishment to those who would abridge these rights. This pattern, too, was followed in the documents that grow out of the rebirth after World War II, among them the convention against genocide.

Until 1945, the efforts to legislate internationally were very limited. The idea that the practices of states themselves could be illegal or could be made illegal dates from the 20th century, and with one or two exceptions, from the end of the Second World War.

The Genocide Convention is designed to raise to the level of an international crime certain horrible acts, such as the efforts of Nazi Germany to exterminate all the Jews within its domain, or attempts by other countries to exterminate other racial, religious, or ethnic groups within a given country or area.

The definition of genocide as of international concern reflects also the recognition that genocide is typically associated with threats or breaches of the peace. The most flagrant cases of genocide have occurred in major and "total" wars.

Even lesser instances have tended to provoke retaliation, intervention by third parties, and a spread of war and devastation. Thus, steps to curb genocide are also steps in the direction of preservation or restoration of peace.

The Genocide Convention recognizes that both states and individuals must be determined in order to minimize the risk of genocide. Accordingly, states are made to answer in international organs—for example, the U.N. Security Council or the U.N. General Assembly—for actions taken by their governments that might constitute genocide, indeed actions taken in their territory, even without official government sanction, such as by guerrillas, commandos, or the like. In other words, a state is given—properly—the affirmative obligation to prevent and punish genocide within the area it controls.

In addition, individuals are told directly and explicitly that they cannot hide behind actions of governments in which they participate. All those who support or execute a policy of genocide are warned that the world will not tolerate or excuse their behavior.

Thus, while no one can be certain of the effectiveness of any given document, the Genocide Convention goes far to make genocide unattractive even for those who would not shrink from it on moral grounds.

The Genocide Convention is now 20 years old, but it is a living and important document. Our friends are confused and our enemies are delighted at continued U.S. hesitation about the convention. Adhering to the convention now would be a real step in the advancement of America's national interest.

TRIBUTE TO THE NORRIS PAINT & VARNISH CO., INC., OF SALEM, OREG.

Mr. PACKWOOD. Mr. President, one of the fine businesses in my home State of Oregon is the Norris Paint & Varnish Co., Inc., of Salem.

This company was founded in 1946 with an investment of $17,000. Today, its annual sales are fast approaching $4 million.

As many of my colleagues know, the State of Oregon has long been a leader in the field of environment. Oregon laws are among the most stringent in the Nation in the field of pollution control. Right now, for example, legislation prohibiting the sale of nonreturnable bottles and cans has passed the Oregon House of Representatives and is awaiting action in the Oregon Senate. At any rate, Oregon and her people are among the most conscientious in the Nation in this vital area of national concern.

I am pleased to report that this concern is not limited to the private sector of Oregon. This concern is shared by businesses such as Norris Paint & Varnish. The concern is demonstrated by the fact that on May 14, 1971, Norris Paint & Varnish began using a new plastic paint container which can be returned and reused.

I find the move most encouraging. Last year, the company used 385,000 1-gallon latex paint cans. So you can readily see the impact that returnable, reusable cans could have.

The pail is made of polyethylene by the blow molded process. It is a see-thru, translucent plastic so that the color of the latex paint is readily visible through the plastic walls of the pail. The top, though strongly sealed for shipment, has a replaceable plastic top, like coffee cans, and allows repeated reopening and air-tight recalling. A one-third filled plastic pail was held for over a month and when reopened the paint on the sides was still wet.

This is the first commercial sale of latex paints in plastic pails of this type in the country and probably in the world and could revolutionize the packaging of paints.

TRIBUTE ON THE ANNIVERSARY OF POLISH CONSTITUTION OF 1791

Mr. HUMPHREY. Mr. President, on May 3, people of Polish heritage celebrated throughout the world the anniversary of their renowned constitution of 1791. This day is one of the most important days in the history of the Polish nation.

In 1772, Russia, Prussia, and Austria had taken away large sections of Polish territory. Facing possible annihilation, all forces in Poland united behind the establishment of a new and highly democratic Constitution. It was formed in the Age of Enlightenment and the Constitution still stands as an example of the liberal, humanistic movement which had been so influential in France, England, and America.

Above all, the establishment of the Constitution marked the transformation of Poland into a modern, viable state. While the State suffered future, tragic losses which remain vivid in our memories, the Constitution remained a document of the fiber and the greatness of the Polish people.

The Polish Constitution is by no means a dead document. It is alive in the Polish people throughout the world. The anniversary of the Polish Constitution is an anniversary in the annals of democracy and human dignity to which we all must never cease to pay tribute.

REVENUE SHARING

Mr. NELSON. Mr. President, for some 10 years I have favored and continue to favor the concept of revenue sharing. However, it is not a clear and simple issue and well-reasoned arguments on both sides are helpful in focusing the questions and details which must be resolved. On May 14, the Senator from Illinois (Mr. STEVENSON), delivered an address on general revenue sharing before the Executives' Club of Chicago. My distinguished colleague's address is a forceful and well-presented expression of one viewpoint on the matter and thus a valuable addition to this important debate.

Mr. President, I ask unanimous consent that the address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR ADLAI E. STEVENSON III OF ILLINOIS, PREPARED FOR DELIVERY AT 12 NOON, FRIDAY, MAY 14, 1971, EXECUTIVES' CLUB OF CHICAGO, SHERMAN HOUSE

Visitors to Washington these days can treat themselves to an interesting exhibit at the Smithsonian Institution: a colorful tribute to Rube Goldberg, America's late and beloved cartoonist.

One of the contraptions for which Rube Goldberg is famous is an alarm clock which employs—for the simple purpose of waking up a sleeping householder—two canaries, a hungry cat, bursting balloons, a sewing machine, an electric fan, a policeman, and an anvil.

I wish I could tell you today that Washington's only examples of such ingenuity-run-wild are safely tucked away in the Smithsonian, but I cannot. The spirit of Rube Goldberg is alive and well and working in some unlikely places—like the Capitol. In my months in the Senate I have seen some legislatve contraptions which would tax the imagination of the immortal Rube himself.

It is about one of these that I want to speak today: the proposal, advanced two months ago by President Nixon, called general revenue sharing.

The very phrase suggests a dull and complicated political subject—the sort of thing we would all prefer to leave to the professors and politicians who care about such things.

What's more, it is not really new, and certainly not revolutionary. For a long time, the Federal Government has used its pervasive and, on the whole, progressive tax system to help state and local governments cope with problems of national concern. The states, in fact, now receive about 22 per cent of their revenues from the Federal treasury. Revenue sharing is not new; this particular proposal is.

Even though the subject is complex; even though it is not entirely new, it is worth our concern. For it goes to the heart of some very vital questions:

How will your Federal tax dollar be spent?

Whom shall you hold responsible for how that dollar is spent?

The President has proposed that Congress in the first year of revenue sharing turn over $5 billion to state governments. Fifty per cent of this money—$2½ billion—would pass automatically through the state capitols to cities, counties and townships. All the money would be spent as the receiving governments chose.

It is, at first blush, a highly appealing idea. And the Presdient has treated us, along with his proposal, to some highly appealing promises:

Revenue sharing, according to the President, will bail out local governments now hard-pressed for funds. It will cut red tape, which—if we are to believe the President—is monopolized by the Federal government.

Revenue sharing, the President suggests, will restore power to the people.

It will, in his view, strengthen and revitalize state and local government, and improve our Federal system.

It will—and this is perhaps the President's most appealing promise—halt the steady upward spiral of state and local taxes.

These are goals, to be sure, that every man will heartily endorse—public servant or private citizen, liberal or conservative. But will revenue sharing achieve these goals? That is the question. We know from hard experience that political promises—let alone political panaceas—deserve scrutiny with a cool and critical eye.

Will revenue sharing, first of all, restore power to the people?

That slogan—"More power to the people"—is proclaimed by such unlikely bedfellows as Richard Nixon and Abbie Hoffman. It deserves some scrutiny when it is used to promote revenue sharing.

In our system, the real power which the people bring to bear is applied at the ballot box. It is a power which the people, in my judgment, use intelligently and well. And I can assure you it is a power which politicians thoroughly understand and respect—in Washington, in Springfield and here in Chicago.

This is the most apparent, real and essential power of the people: their power to hold their public servants clearly accountable. It is a power which will be diluted, not strengthened, by the President's revenue sharing plan.

I would be the last to strenuously defend all our present programs of Federal aid to states and cities. Too often these programs—for education, for mass transit, for housing and for other purposes—are unnecessarily complex. Many of them are less effective than they should be.

But they strive, at least, to preserve two principles which are vital to our Federal system. They are principles which, in my judgment, preserve and protect the real power of the people.

First there is the principle that Federal officials should answer more or less directly for the dollars they raise and spend—and that state and local officials shall be answerable for the dollars they raise and spend.

Second, there is the principle that national dollars should be applied to meeting national objectives—not scattered willy-nilly.

You don't need to be an ex-state treasurer to imagine the waste and disordered priorities which could result from that willy-nilly approach. In the hands of some local governments the temptation and the opportunity to spend the nation government's money would lead to waste—and certainly not to an early solution of national problems.

I oppose general revenue sharing because it would blur these traditional principles; it would make it impossible for the taxpayer to get a straightforward accounting for some of his Federal tax dollars. If this happened, power would not be restored to the people, but robbed from them.

Our present Federal aid programs must be—and can be—changed for the better. We can eliminate waste. We can minimize red tape. We can encourage local initiative and innovation. We can permit far more local discretion.

But when it comes to general revenue sharing, I must stand with Edmund Burke who once observed that the absence of an overwhelming reason to change was, in itself, an overwhelming reason not to change.

The President—and his spokesman, the Vice President—tell us that revenue sharing will strengthen state and local government.

If there is any goal that fills me with enthusiasm, it is the goal of bringing new strength and vitality to state and local governments. My own background as a state legislator and state treasurer has left me with a vital interest in the health of state government.

Some state and local officials are enthusiastic about general revenue sharing. Their enthusiasm is understandable; revenue sharing would, after all, give them more money, and many of them need it.

But if I have learned anything in government, it is that there are some problems mere money can't solve. For all the preoccupation of politicians with money—more money to meet more problems—money just isn't enough. What is needed is not just money but ideas and decisions and action to ensure that we use our money well.

Illinois, for example, is a patchwork of more than six thousand local governmental units. Some of these units are too small and too weak to be effective; others overlap, causing a nightmare of confusion and conflict. To pour your tax dollars indiscriminately into Cook County Townships—into an outmoded, creaking and complex state machinery—irrespective of need or purpose, would do little to help. It might be harmful. For what these sprawling governments need is not only more money, but solid encouragement to become more efficient and effective; to organize themselves in a truly rational, responsive and efficient way.

The problem extends across the country. In some states, outmoded state constitutions hamstring local governments. Cities are deprived of home rule; they must trudge, hat in hand, to beg from unsympathetic state legislators and governor for the authority to tax and borrow to solve purely local problems.

Revenue sharing will not solve such problems. It will not bring new life to local governments; it will embalm the status quo. For the President's program offers no incentives to state and local governments to improve their operations—only money.

At best, Mr. Nixon's plan would subsidize business as usual—and that would be a disservice not only to the governments in question, but to the taxpayers who foot the bill.

At worst, in the case of governments which function badly or not at all, revenue sharing would be like presenting a fast new car to a motorist with a history of reckless driving.

That is not the only way that revenue sharing might weaken, rather than strengthen, state and local governments. It disturbs me that, under a plan of general revenue sharing, the states would become increasingly dependent upon the Federal government for their sustenance. As they became more dependent, they would become not revitalized, but more vulnerable.

The President, in fact, is proposing through revenue sharing to make a tax collector of the Federal government. That is not its role in the Federal family—any more than it is the role of states with progressive tax systems and full coffers to act as tax collectors for the Federal or local governments. Revenue sharing taken far enough could destroy our Federal system.

It clearly would create some glaring inequities within the system. It would short change those states which need help most. The large industrial states, like Illinois, which have the most people and the most urgent problems, would pay out more to finance revenue sharing then they would receive from it.

New York, for example, would pay in $603 million and receive only $534 million in return.

Ohio would pay out $122 million more than it would receive; New York, $62 million; Pennsylvania, $48 million. Massachusetts would be shortchanged by $25 million and Michigan by $10 million.

You and I, and our fellow citizens of Illinois, would pay $344 million of the $5 billion needed to finance General Revenue Sharing. Our state would receive, in return, only $220 million in program funds.

Now, that may be a bargain for somebody. It's a bargain for Mississippi, for instance, which would contribute $27 million and receive $62 million. But it is no bargain for you and me and our fellow taxpayers in Illinois.

In his message to Congress on Revenue Sharing, Mr. Nixon asserted that Revenue Sharing offers the "hope that the rising cost of government can be met without raising taxes."

His hope may be little more than a dream.

For fiscal year 1972, a federal deficit of $13 billion is conservatively projected.

The President proposes to spend $5 billion for General Revenue Sharing in the first year. Where will he get it?

Congress will not forefeit its responsibility for health, highways, defense and other national needs to gain funds for revenue sharing. So we are left with two alternatives: a larger deficit to finance Revenue Sharing—or high federal taxes.

There is scant hope, also, that Revenue Sharing would bring any relief from state and local taxes. Total state and local spending amounts to some $140 billion. At that level, a $5 billion contribution will have all the impact—to quote our late Senator Dirksen—"of a snowflake falling upon the mighty bosom of the Potomac." The $5 billion would be soaked up instantly—with no appreciable effect on local tax rates. All that one can be certain of is that the federal government would have to extract the $5 billion from its creditors—or its taxpayers.

It certainly offers little hope for relief to the Illinois taxpayer, who, for every $1.00 contributed to General Revenue Sharing, would receive only 64 cents return in benefits to his state.

Revenue Sharing would fall far short of the goals claimed for it:

It would not restore power to the people.

It would do nothing to strengthen state and local government—and might well weaken them.

And instead of offering tax relief, it offers a tax increase.

And that is just the beginning.

It would maldistribute federal funds between the states, shortchanging the most needy and deserving state. It would maldistribute money within the states—shortchanging the cities, whose needs are most acute.

Actually, when compared to the cities, the nation's municipalities and states are in relatively good shape. The Brookings Institution estimates, for example, that by fiscal 1976 all state and local governments will spend only $9.4 billion more than they take in. They are in collectively better shape than the federal government, which is projecting a deficit of $18 billion in this fiscal year. This contrast between the relative affluence of the states and localities and the poverty of the federal government has prompted one Senator to suggest that, if the states and localities will share their surpluses with the federal government, it will share its deficit with them!

The local deficit falls primarily upon the cities, many of which are in desperate financial shape. It is the cities whose expenditures grow fastest. It is the cities whose built-in growth of revenues is lowest.

But General Revenue Sharing would lavish funds on all alike.

It is undeniable that the states and local governments have fiscal problems. But if one had to generalize about which level of government is hardest hit by rising demands for services—for health programs, for transportation, for education, for rescuing the environment—it might well be the federal government. $5 billion—or more—spent for General Revenue Sharing will mean that $5 billion—or more—will be unavailable for these urgent national priorities.

The fact is that governments at all levels, including the federal government, are hard pressed. They are all competing with one another for a limited supply of tax dollars.

In this situation, the federal government is a rather frail-looking Santa Claus. I am reluctant to see it part with all control of an ever larger share of its revenues, thus becoming the more incapable of facing urgent national concerns.

The $5 billion for General Revenue Sharing is only the amount for the first year. That $5 billion is only the camel's nose under the tent; in future years, there would be tremendous pressure to double and triple the funds devoted to Revenue Sharing.

If that should occur, we would forfeit our ability to fight inflation and unemployment effectively. I grant you that we have not had a deal of success in the past. But we can hope that we have learned something from the past, and that when we gain the wisdom to develop a sound fiscal policy, the government will have the means of implementing it. Revenue Sharing would diminish that hope by diminishing the control of the federal government over the expenditure of its revenues.

Which brings me to my final point: there are better ways—far better ways—far better ways—to help state and local governments than through General Revenue Sharing.

First, and most obvious: the Nixon Administration could aid state and local governments most effectively by pulling us out of the current economic recession. A full employment economy now would yield to the states and localities an increase in revenues far greater than revenue sharing would bring.

Second, we can restructure and expand federal aid programs in ways that encourage state and local reform.

I became convinced, as a state legislator and state treasurer, that the key to effective state and local government lies in state and local reform. Now, as a United States Senator, I see the opportunities the federal government has to encourage that kind of reform.

Local governments which form area-wide alliances against pollution, for example, might be offered higher government grants.

Aid to education funds might be limited to states which submit effective plans to equalize educational opportunity—and bonuses might be offered schools which improve learning levels.

The possibilities for this kind of federal assistance are boundless. And if they sound like pie in the sky, well, in some measure they are. But they are much closer to reality than general revenue sharing.

We already have an urban mass transit program which provides federal assistance for mass transit facilities and strong incentives for area-wide planning. The Federal government will pay a city fifty per cent of the cost of capital outlays for mass transit and two-thirds of the cost if the application is based on an area-wide transportation plan. The Federal government can help plan and finance a national transportation system connecting metropolitan areas themselves served by adequate mass transit systems. The states can't plan and build such a system. The Federal government already is doing so.

Finally, the Federal government should effectively share its revenues with states and localities by assuming burdens they should not be bearing.

A well-functioning Federal system demand that the Federal government assume the cost of services which are essentially national in character. It is these costs—particularly in welfare—that are now breaking the backs of some state budgets.

It is time to move forward with welfare reform and the way to reform the welfare system is to abolish it and replace it with a federally funded and administered system. This would accomplish a major national objective: a final victory over poverty and deprivation. It would eliminate some of the causes of migration from rural areas into our already over-crowded cities. It would eventually save over a billion dollars a year in administrative costs. And it would relieve the states of a staggering—and inappropriate—financial burden.

This new welfare program could be meshed with a program of public service jobs for the needy and able-bodied. Thus payments would be made to the employable for work—not idleness—and vital public services could be improved. This in turn would mean more jobs in state and local government—and would in turn relieve states of some of their costs for payments to the unemployed.

Under such a program, Illinois would gain far more in Federal revenues than under general revenue sharing—and all units of government would gain from Federal assistance for public service jobs.

To cite but one more example: the Federal government might consolidate some aid-to-education programs—eliminating some expensive red tape, allowing more discretion to state and local authorities, and increasing Federal aid to education. This would not only help the schools, it would relieve some of the pressure on property taxes, since schools now absorb about fifty per cent of all property taxes.

All of these are actions which are within our reach. All of them would return more benefits to state and local governments than revenue sharing. And all deserve a full examination before we recklessly adopt a program of general revenue sharing.

The President, in his State of the Union Address two months ago, proclaimed what he rather grandly labelled "A New American Revolution." Revenue sharing, we learned not long afterward, was to be the first shot in that new revolution.

That first shot, as we have seen, falls far short of its intended targets. For what the President has presented us is not a revolution but, in this case, a rather uninspiring and questionable legislative proposal. It owes more, as I have said, to Rube Goldberg than to Thomas Jefferson.

Rube Goldberg's contraptions were harmless. This one isn't. The hard pressed taxpayers are being asked to subsidize a plan that would take power from the people, invite waste and disordered priorities, imperil our fiscally sound Federal system and embalm a weak and fragmented structure of government in our states. We should revitalize our Federal system instead.

The late Alben Barkley loved to tell a story about an old Kentucky woman whose baby crawled into a tar barrel. When she was asked how she proposed to clean the youngster up, she shrugged wearily and said, "I figure it will be easier to get a new one than to clean this one up." It's basically a healthy system. I believe we should clean it up.

ALASKAN NATIVE LAND CLAIMS

Mr. HARRIS. Mr. President, impressive support continues to develop for a just settlement of Alaskan Native land claims. An editorial appearing in the Washington Post on May 4, entitled "Land for Alaska's Natives," provides yet another strong journalistic endorsement for the type of settlement the Natives are seeking. On May 9, Post reporter Phil Casey supplied an excellent column recounting an interview with Chief Andrew Issac, the leader of the Crow Indians in Alaska. Chief Issac, 73 years old, made his first trip outside Alaska to come to the Nation's Capital to help Don Wright, president, Alaska Federation of Natives, work for a just settlement. Chief Issac has never learned to read or write, but he is a very eloquent man. Chief Issac told Phil Casey that he cannot remember ever having any money until he went on pension. The chief said that—

> So this is the way I learn about money, that it don't last too long. I don't care much about dollar, that don't mean nothing. Land is forever.

Mr. President, S. 835, the bill endorsed by the AFN, proceeds on the notion that "land is forever." I hope that Senators will give this matter their renewed attention. I understand that the Interior Committee expects to report a bill within the next several weeks, so we will have an opportunity to address this issue directly before very long. I ask unanimous consent that the Post editorial and Mr Casey's report, mentioned above, be printed, at this point, in the RECORD.

There being no objection, the editorial and report were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 4, 1971]

LAND FOR ALASKA'S NATIVES

Although most Americans no longer live on the land, or even have a feel for it, land is still a precious value for many citizens whose culture and economy depend on it. For some 60,000 natives of Alaska—Indians, Eskimos and Aleuts—both the sacred traditions of their ancestors and their present needs are based on land. Because Congress has never settled the land claims of the natives—going back to the Organic Act of 1884—the issue has, like much of Alaska itself, remained in deep freeze.

A thaw now appears on the way. In early April, President Nixon sent to Congress a bill that would deed the natives 40 million acres of land and authorize cash payment of $500 million over 20 years and a maximum $500 million in oil and mineral royalties. The administration's proposal is constructive and bountiful. Moreover, it illustrates that federal officials working on the project are open-minded; their earlier land claim proposals, for example, offered only rock bottom fractions of the 40 million acres.

Although the Alaska Federation of Natives, a statewide organization representing the state's 200 native villages agrees that the administration's bill is a step forward, it insists that a more just settlement would be 60 million acres. This view is shared by Sen. Fred Harris of Oklahoma and 11 other senators who have introduced a bill to that end. The 60 million figure is not a land grab, but comes from a very modest estimate by the natives themselves on what they need for fishing, hunting and bare subsistence. As Senator McGovern points out, although the natives now make up more than 20 per cent of the population, their land claims for 60 million acres is approximately only 16 per cent of Alaskan territory.

As this issue is debated in Congress in the next few weeks, and final legislation is drawn up, it will be easy to get lost in the abstract mathematics and think that that is all. It isn't. Poverty in Alaska is perhaps the most crushing in America; few natives escape the shocking conditions of a high mortality rate, high joblessness and poor education. At a time when national leaders are trying both to find ways to keep people off welfare and to persuade them to stay on the land away from the crowded cities, it would seem fortunate that here is one group—the Alaska natives—who want to do just that; earn their own living on their own land. The administration's proposal and the improvement offered by the Harris bill have this in mind.

[From the Washington Post, May 9, 1971]

"LAND IS FOREVER": ALASKAN NATIVES PUSH PROPERTY CLAIMS

(By Phil Casey)

Chief Andrew Isaac, a 73-year-old Crow Indian from Alaska, is in town trying to raise a little hell.

Chief Isaac isn't looking for fun. He simply wants to convince Congress that the native Alaskans—Eskimos, Indians and Aleuts—should get a better settlement of their property claims than they have ever been offered and that the State of Alaska be prevented from taking any more land from the natives.

What the Alaska Federation of Natives claims is practically all of Alaska, about 375 million acres. It is backing a bill that would settle for 60 million acres, plus $500 million and a 2 per cent royalty on gross revenues from the 315 million acres it is willing to give up.

The Nixon administration has a bill that would give the natives somewhat less than this, about 40 million acres and a smaller amount of money. But Chief Isaac and his co-workers are encouraged by the offer, and hope to get much more. Up until now, they've never been offered anything, he said.

There are an estimated 50,000 to 80,000 Eskimos, Indians and Aleuts in Alaska and Chief Isaac is leader of about 1,000 Crow Indians who live in a wide cluster of six tiny villages in the Alaskan interior.

He is a determined and angry man and he doesn't think 60 million acres are enough. He'd like to ask for more.

"Money doesn't last long," he said, "Land is forever."

The first time he ever can recall having any cash to speak of was when he went on pension.

"So this is the way I learn about money, that it don't last too long," he said. "I don't care much about dollar, that don't mean nothing. Land is forever."

It is Chief Isaac's first visit to Washington, and the first time he has ever been outside of Alaska. "I went to Anchorage three times for meetings," he recalled.

It's not his first time in a plane. "I was in a plane back in 1924. A man was showing off how to fly. I didn't like it, but I like this much better, the big plane."

"The first time I saw white folks was in 1904. From there on I got along with white folks. I worked for them mining and taking them out big-game hunting and working on a boat. That's how I talk a little English. I can't read or write. I had no school," he said.

"But today, this new white man coming up in Alaska has started pushing us natives around in Alaska. We from our home. I really can't understand because we live in Alaska before all white men. The land is ours. But now we find we got to leaving home from our villages. We go away that no place to move. The place to Alaska we have a home, real important place, that only place us natives living because we know no other way. Today we get all around hunting, farther and farther we have to go.

"White people with airplanes and helicopters is coming up. Too fast for us to move in our hunting place because we have to walk for food, us natives. Them airplanes get it, just as we going to. He get there just few minutes ahead of us. Seems to me like we don't last too long, because our land taken away from us."

Chief Isaac and others, including Don Wright, the president of the Alaska Federation of Natives, fear that without plenty of land, the Indians, Eskimos and Aleuts will become dependent on the white urban economy and end up strangers in their own land, and on welfare.

"That money, that $500 million, I don't believe it will last very long for all that population, even the 2 percent royalty. Take long time for us to get used to how to keep that money. So that is why we want more land, less money," he said.

He recalled his youth. "When I was born, my Indians still use skin tent. They used all skin clothing—shirts, pants. When in that time, our grandfather's people, uncle, grandmothers, they have to build caribou fence, coral. That is one way old people get their caribou, also moose, even sheep. They got to get them with snare, stick gun, bow and arrow, old caribou horn club for fighting grizzly bears."

Besides all the hunting, fishing, mining and whatever else he has done, including building his own boats and rearing a family (he now has a 9-year-old adopted son), Chief Isaac once had a mail route. It covered a 100-mile radius.

"I had a dogsled to carry the mail," he said "but in the summer, I used horses."

He's proud of the Alaskan natives and apparently becoming less proud of the white people.

"Indian story going on just as good as white man story," he said. "That is how I know all about my native folk in Alaska, Eskimos, Indians, Aleuts, they all know each other. Today our younger generation beginning to study education, getting to learn from white man before they get money coming out, learn education. They can help each other so they can get along and live good all together."

The chief, a vigorous looking man, black-haired, short and stocky, was asked how one got to be an Indian chief, could anyone get elected?

He got excited and grunted pridefully. "No, anyone can't get elected. You got to be a damned good man. No crazy man. You got to know how to take care of your people.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that the period for the transaction of routine morning business be closed.

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

EXTENSION OF PERIOD FOR OPERATION OF THE GERMANENESS RULE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Pastore rule with respect to germaneness be operative for a period of 5 hours today rather than the normal 3 hours prescribed by the rule.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1971—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, I ask that the conference report on the second supplemental appropriation bill be laid before the Senate.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the conference report on the second supplemental appropriations bill.

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8190) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on the motion to reconsider the vote by which the conference report was adopted.

Mr. ELLENDER. Mr. President, the matter before the Senate is the motion to reconsider the vote by which the conference report on the second supplemental appropriation bill was adopted in the Senate.

By a vote of 27 to 25, the conference report was adopted on Friday. A motion to table the motion to reconsider lost on a rollcall vote of 24 to 28.

I am very hopeful that the motion to reconsider will be defeated and that we will be able to send this bill to the White House today for signature.

There are many urgent items in this appropriation bill, including $250 million to continue the food stamp program. That money is tied up. There is $166 million for retired pay for the Department of Defense. The Post Office Department is without funds. For grants to States for public assistance, the bill carries an appropriation of $1,047,587,000. There are dozens of other urgent items in this bill and that is why I am so anxious that it be sent to the White House today.

There are only a few items which are holding up this bill—the manpower training program; the $5 million to implement the Lead-Based Paint Poisoning Prevention Act; and the $20 million for Mental Health to implement the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act.

Mr. President, on page 1, this bill says that it is a supplemental appropriation bill for the fiscal year ending June 30, 1971. The fiscal year ending June 30, 1971, will be over in 5 weeks. These funds which are causing the difficulty are not for fiscal year 1971. The manpower training funds in the Senate bill are allowed to remain available until September 30, 1971. The funds to implement the Lead-Based Paint Act would be available, under the Senate amendment, until December 31, 1971. And the funds for the Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act would remain available, under the Senate amendment, until June 30, 1972.

I am advised by the House committee that the regular bill, where these funds would normally be placed for fiscal year 1972, should be received in the Senate about the 1st of July, and at that time funds to implement these programs can be considered in connection with the regular appropriation bill.

As I said on Friday to my good friend from Iowa, I do not think there is a ghost of a chance for us to convince the House conferees to accept the sum of $20 million of unbudgeted funds to implement the alcohol abuse legislation. The House conferees feel strongly that it is a matter that should be considered in connection with the regular appropriation bill for health activities which will be before us, as I say, about a month from now.

I will do all I can at that time to put these funds in the regular bill. I firmly believe that the Senate would gain nothing by returning this bill to conference, so I urge upon all Members that the motion for reconsideration be defeated.

Mr. PERCY. Mr. President, at this time I should like to indicate my deep regret that I was in Illinois—I am not regretful about that, but that I could not be in two places at one time—on Friday, and that my unbreakable schedule back there did not permit me to be present here during the discussion of the second supplemental appropriation bill. I commend every Senator who spoke that day, particularly the senior Senator from New Hampshire (Mr. COTTON) in his move to reject the conference report on the second supplemental appropriation bill.

Senator COTTON felt very deeply about the summer job program. Many other Senators, including the Senator from New York (Mr. JAVITS), who has led this fight, have also felt very deeply on that issue. I join with them in feeling that it would be a tragedy if we did not move ahead with the program this year—at least to the extent that the Senate saw fit to appropriate funds for it.

I recently had word from the placement director at Northwestern University, one of several universities in Illinois, that the summer job situation for college students this year is about as dismal as it was back in the days of the depression. Certainly we ought to try to step in at this time, until the economy moves back up to a higher level. It is now moving in that direction; but I feel that this summer it would be most important to make provision for more jobs.

But, while I have great concern over that and other programs that were not approved in the House-passed bill, my deepest concern is based on the rejection of an amendment I had put in to save 18 nutrition demonstration projects for the elderly. My amendment would have provided $1,700,000 to permit the continuation of a program for the delivery of nutritious meals to aged citizens in 18 States and the District of Columbia.

I am very pleased to say that the amendment has the full support of the administration, and that it would be very hard for the administration or any Member of Congress to find a higher priority item for spending today than to try to provide nutritious hot meals for the aged who are living in poverty.

I feel so deeply about this issue because this is the minority group in America that is neglected more than any other. About one out of four of all the 20 million Americans over 65 today lives in a condition of poverty. And this is the only minority group in America whose poverty is increasing. Each year, for the elderly in this country poverty is growing worse. For every other minority group, we have been able to find ways, through education, job training, and development of new skills, to make available to them the opportunity to reduce the level of poverty in the particular group; but every single year the proportion of the aged in this country living in poverty increases. And at the very time when their income becomes fixed or declining and their purchasing power goes down, their need for medical attention increases.

We know also that rent and other items for the aged go up; and where their income does not increase, the difference, for people living on fixed incomes, can come from only one place. That is food. Food is a flexible budget item. There are not many others. Taxes are not a flexible budget item for the aged. They must pay their taxes. Rent is not a flexible item; they must pay their rent or be evicted from their homes. And with medical attention and other costs increasing steadily for the aged, many, many older people must take money for other necessities out of their own food budgets.

When I went with the Special Subcommittee on Hunger on a trip to East St. Louis, accompanied by the Senator from South Dakota (Mr. McGovern), I suggested, when we arrived early, that we go down to the residential community in East St. Louis and pick a house at random. I asked him if he would pick it—stop in a block and pick any house he wanted, and we would go in and see what condition the people were living in.

The first house we called on was that of an aged woman, about 87 years of age. I asked this woman how frequently she was able to have meat.

"Meat?" she said. "Why, Senator. I can't remember when I have been able to afford meat. We have chicken wings a couple times a week, and that's it."

Senator McGovern and I went down together to the local neighborhood store and talked with its proprietors about the buying patterns of the aged people living in that community. It tears your heart out to think that such conditions can exist in this country. Not only do many of the elderly lead lives of abandonment, loneliness, isolation, and bitterness, but many of them are left in a condition of desolation. And when we consider the nursing home situation—which is another subject all unto itself—I think we almost see a situation where the elderly are being exploited in this country, rather than being provided for.

Unlike our hospitals, which are operated mainly on a nonprofit basis, of the 25,000 nursing homes in this country for the elderly, 95 percent of them are set up on a profit basis. Even a person going into a nursing home receiving Federal funds—for which we provide $1.8 billion a year—goes into a place set up to make a profit on the aged.

That does not mean to say we have only poor quality nursing homes in this country; but it does mean to say that the conditions in many of them are disgraceful. There is ample testimony to this provided by investigators and included in investigations which the Committee on Aging has made, and I have participated in these investigations.

Here we have a program which was set up a few years ago, a program for nutrition demonstration centers—that is, projects. Many of the projects have any number of feeding stations. In Chicago, one project has 31 feeding stations. We have had a program set up to see how we can find a way to better take care of the elderly. This program is one of the projects to be dropped now.

I was no less than stunned by the refusal of the House conferees to accept this amendment. Their refusal makes no sense to me whatsoever, either in terms of economics or logic or national priorities.

This amendment was not a frill item. It was as basic as food for poverty stricken elderly people. The omission of this amendment from the conference report is a cruel and unnecessary blow to the elderly in this country, who already are well aware of the low priority generally assigned to them.

I can only conclude that my colleagues in the other body are not fully informed as to the value of this program or are unaware of the consequences of halting it.

The purpose of this nutrition program is to deliver food and provide nutrition education to elderly citizens who, for various reasons—low income, immobility, loneliness, or emotional stress—suffer from inadequate diets.

Because there is much evidence to indicate that companionship and sharing of meals is an important underlying factor in the eating habits of the elderly, the meals served by this program are generally offered in communal dining facilities, located in a church or a school, where the participants can find and make friends. For those participants too disabled or ill to get out, hot meals are delivered directly to their homes.

This has provided a wonderful outlet for many people who want to volunteer to do something. It has given them the chance to take a hot meal to someone who is alone, abandoned, away in some hovel, and to sit and talk with them. The elderly people who are unable to get out and are unable to fix their own meals hunger for the companionship that comes with the meal almost as much as the meal.

Most of the projects also offer help or advice on matters relating to health, transportation, social security, medicare, or employment counseling. An important feature of the program is that the participants pay for their meals. This is not welfare or a giveaway, and the participants are allowed to maintain a sense of dignity and independence. Indeed, they frequently express the hope that they can continue to manage their own affairs so that they will not have to lean on their children for support.

The range and contribution toward their meal varies from that in Mississippi, which has the lowest payment—a dime. But at least they are paying something. In Chicago, it is 45 cents, 65 cents and 85 cents.

In addition, this program has provided not only thousands of nourishing meals to thousands of Americans but also has enabled someone to come in and say, "There is medical attention we can give you for your problem." Counseling and advice, telling a person what services can be available or, if services are not readily available, finding services that can be made available to that elderly person, has many times saved lives and certainly has saved a great deal of human misery.

One of the great problems of people in their aging years is lack of mobility, 20 percent of all American families move at least from one county to another every year—we are a very mobile population. But out of the whole population of persons 20 million over 65 years of age, only 1 percent of these people ever move in a year from one State to another. Many of them have lost something that is the biggest blow to a person, even on a low income, who might have a small automobile, when they have lost their driver's license. They lose mobility. In some cities, such as some in Illinois where I have been recently, we have failing bus companies. In the city of Chicago, we had a $30 million loss in our rapid transit system last year. The problem of maintaining low-cost, efficient, mass transportation for all citizens is very great indeed.

In fact, mass transportation in the city of Chicago, for a round trip, whether one goes a mile or 10 miles, is now 90 cents, without a transfer charge. Ninety cents is no longer low-cost transportation for someone living on social security or a fixed income.

So this experimental nutrition program also helps people with their transportation problems. It points out to them pooling of transportation opportunities that are made available. It finds volunteers who perhaps once a week would come to an area where the elderly could congregate and be taken by automobile to some place they wish to visit. It offers counsel and assistance in social security matters. Every Member of this body knows the number of people who turn to a Senator's office each year for counsel and advice with respect to their social security benefits. This program reaches out to the elderly, those who should be the benefactors now, and tells them what their rights are under social security.

This program reaches out to help people by instructing them as to what Congress has done in the area of medicare. Some people need employment to supplement their income, and they are willing to work if they are able to work. Employment counseling is offered to the elderly in these programs.

All this is going to be lost. I believe the value of this program in human terms, however, can best be expressed by the participants themselves.

One elderly citizen, aged 82, had this to say:

> This program is the best thing that has ever happened to me. Now I have a reason to get dressed up and leave this house. I have people to talk to and people to eat with.

Another elderly lady remarked:

> I couldn't believe it when I heard there was a free car to take me anywhere I wanted to go.

This is a car offered by a volunteer.

> They took me to the hairdresser. I hadn't been in years. It felt wonderful to look nice again.

An elderly man writes:

> It's hard for us as seniors to put into words just how we feel about our senior citizens program.

This is the program I refer to, which is now going to be cut out.

> It has enriched our lives to the extent that we now have a real zest for living. The meal program has been a tremendous tool to get us together around a table. Besides the good food—we get very good nutritional meals—we also have a good time socially.

Many other older Americans lead a lonely and isolated existence. Their children have grown up and moved out, their spouses have passed away, and society as a whole has found other things to do than worry about the aged. While getting used to this lonely existence, many older people must also adapt to a loss of their role in society, deterioration of physical appearance and health, and knowledge of approaching death. Under these circumstances, their lives can become overwhelmingly depressive.

Arthritic conditions or other ailments combine with poor public transportation to make grocery shopping and meal preparation monumental and sometimes impossible chores for the elderly. Therefore, they often resort to shopping in the more expensive grocery stores and subsist on meals which are not necessarily the most nutritious or the least expensive.

There is a crying need for a broad scale, nationwide program which offers nutritious meals for the elderly, and at the same time deals with the heartbreaking sense of isolation and abandonment from which they suffer. The projects funded by my amendment are doing this job, but on a small scale.

The demonstration projects began in 1968 under the auspices of title IV of the Older Americans Act, with the establishment of 32 projects in towns and cities across the country. Eighteen of the projects are still operating on the basis of Federal funds while an additional three are hobbling along with local support. This amendment would simply allow the projects to continue operating until a broader and more permanent program can be established.

Mr. CHILES. Mr. President, will the Senator from Illinois yield.

Mr. PERCY. I am happy to yield to my good friend from Florida.

Mr. CHILES. It is my understanding that the Senator from Illinois was considering an amendment that would fully fund not just the experimental program but a full program. Perhaps the Senator from Illinois decided at this time that it would be better to try to fund the existing programs and continue them and then move into the full program. Now we find that even the existing programs will be cut out in the conference committee report.

We have a program today in Dade County. Part of this, as the Senator has stated, is the program that gives the greatest hope to the elderly that we have in my State.

I go along with the amendment that would fully fund this program because there are so many areas in my State and in the country in which this really needs to be done for all our elderly citizens, to give them some opportunity to be able to get a hot meal each day, and to have a chance to get out of the house and get together in a place where they can obtain information about other programs.

I wonder whether the Senator from Illinois has come up with any explanation that he will try to give his people in Chicago, as to why Congress has decided this should be cut out and why they do not think it should be funded. I would like to have some information that I could tell my own people.

Mr. PERCY. Mr. President, first of all, I appreciate the comments of the Senator from Florida and his sense of compassion and closeness to these people, as well as his great understanding of their problems.

I do not believe there are any Members of this body that would dare vote against this if they would just go out and see what is happening in their own State or their own city, or if they have ever talked to the elderly or have visited any of these projects. These projects are going on in 18 States now. Any Member of Congress who can find the time to go out and campaign for himself or others, can take the time to see what is happening in these projects, and I know they would not dare to come back here and vote against this.

It is their lack of understanding about the problems, first, I would say. The program was established to demonstrate whether or not it would serve a need, and to see whether it would really work. Everyone connected with the program reports the projects have been tremendously successful——

Mr. CHILES. That is what I was going to ask——

Mr. PERCY. They have been so successful in some cases that they have been taken over by local organizations who have the money. But I would ask my distinguished colleague—who has undoubtedly heard the testimony of the mayors who have come down here pleading that their cities are bankrupt, and the testimony of the Governors saying that they are facing insolvency in their States—where is the money going to come from to pick up the programs? We have to find a way to make a more permanent program—and not just the year to year type of thing—through programs that are longer range in nature, through revenue sharing, for instance, in order to help provide the funds to our municipalities and the States so that they can introduce new programs of this kind where the need has been so amply demonstrated. But I do not know how a Senator or a Representative could go back and explain why Congress would vote against this.

Mr. CHILES. I wonder whether my distinguished colleague from Illinois could tell me, Does the House have information which we do not have, or some report that shows there have been some misappropriations of some of the funds, or that people have been getting meals who are not entitled to them, or that some of the programs are not working soundly? Is there any new information to that extent that the distinguished Senator knows about?

Mr. PERCY. To the best of my knowledge, this program has been as scandal-free as any program can be. I have not heard of any abuses. I have also not heard one word of criticism about the way the program has been carried on or conducted. The chance for abuse is minimal. I cannot imagine anyone who could afford his own meals, who could afford to pick out his own food and prepare it, who would really want to go down—he would still have to pay something for it—and accept the lower price of a meal in a communal feeding center. I do not know of any abuse of the program or of any criticism.

We do know that in the House, Representative Pepper has been a great advocate of the program. As I understand it, he planned to offer an amendment on the House floor to be certain that the program could continue, but my own interpretation is that he did not offer that amendment solely because he felt there would be no problem in keeping my amendment in the conference report itself. That just did not happen. It was knocked out. The overwhelming vote by the Senate for the program was disregarded. It is for this reason that I simply say, we have no alternative other than to reject the conference report and send it back, and hope that with an understanding of the problem and a display of conscience, it will work to restore the funds for a small but very necessary program.

Mr. CHILES. I certainly know of the interest of Representatives Pepper, and Fascell, and other Representatives in Florida, who know about this program. I think most of them do. In Dade County they have an interest in the program. I understand fully, too, as I am sure the Senator from Illinois does, that there will be differences in the conference report. The Senate will not get its way on every issue. I note that in some of the areas there appears to be a legitimate compromise that was made between adjusting of funds. I also note, in some of the others, an explanation has been given that the funds are being contained in a bill that will be coming along and we will have more time to fund the program.

But can the Senator tell me, is there anything here that would explain that this is not just a balancing of funds, this is a deletion, an axe—is there anything here that would give us any hope, is anything to explain why there was a difference here? Is there anything to explain a legitimate difference by which the Senate has a right to recede on this particular item?

Mr. PERCY. The only explanation anyone can offer is that this is such a small program we do not have time to bother with it, or something happened in the machinery, or the bureaucracy broke down somewhere in Congress. It has not broken down in the executive department, however, as it is supporting the funds. Something wrong has happened along the line here. I think we are all distressed to figure out what it was that occurred that caused the programs to be cut off and the funds taken out of the conference report.

Mr. CHILES. I can say to the Senator from Illinois that this is a small item, considering what we usually deal with here; $1.7 million is a small sum, smaller than the $52 million to $57 million that we added just because we thought we had a moral obligation to the aircraft companies, although we said it was not a legal obligation on our part, but there was a feeling that perhaps it was a moral obligation, which passed with only 2 or 3 minutes of debate, during the time we were dealing with the SST matter.

I realize this is not anything of that kind of magnitude because of the number of dollars involved, but I happen to know what it will mean to the elderly citizens in my State, particularly in Dade County, there must be others in other centers, in areas which we should be adding to the program and making funds available to all our elderly citizens, yet we find those funds are going to get the ax, which, of course, will render great distress among our elderly citizens.

Mr. PERCY. Mr. President, certainly the Senate conferees fought for the program. They believed in it. The Senate acted upon it. However, we apparently did not get cooperation on the other side. It was bitterly disappointing to me that we did not. However, I think that means that we have to say to the House, "There are certain things you do that are unconscionable. And here is an unconscionable act you have done."

We think this is very important, important enough to get 24 hours within which to rectify it. Otherwise there would be no basis for the programs going ahead. They will all grind to a halt. They will all stop.

When we start talking about $500 million to $1 billion to restart the SST program, that same thing could well apply to these programs being restarted. There would be the matter of the facilities and all of the arrangements to be made all over the country.

Certainly in an interim period, if we stop it now and then start it after the next appropriation bill is up for consideration, the loss would be tragic. And it would be most tragic of all to those dozens of cities in which it is needed. It shows the lack of priorities evident in Congress. It is disturbing in the minds of the public. They cannot understand why we do certain things here.

I defy anyone to explain why we could not somehow keep the mechanism in these programs that are benefiting the needy people in the United States, the aging and the people living in poverty.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. PERCY. I would be happy to yield to the Senator on this point.

Mr. MAGNUSON. All right. We will have a colloquy on the matter.

I do not disagree with the Senator from Illinois at all. When I first came in—and I just returned from my home State by plane—the Senator said that the administration had not broken down with regard to this matter.

I think it did. This program can go on for the next 6 weeks until the 1972 budget is considered by the Congress if they want to do it. Our reason for having the $1,700,000 in the bill was to keep the doors open and to provide the funds for another year so that they could do it if they had a mind to do it. But apparently there was, as the Senator says, an unconscionable act. They said they did not want it. The House agreed with the administration.

The House has some legitimacy in their adamancy—that they had not had hearings and did not have a budget estimate, and other considerations.

About all I can say is that I do not think the Senate committee, the distinguished chairman, the distinguished ranking minority member, or any of us, including me as chairman of the subcommittee, want to see this program dumped. I think it is a good one. I think we ought to continue it even beyond the regular bill, the amount of $33 million we provided last year. I cannot speak for all members of the committee. However, I think I can speak for the three of us. We will try and did try, our best in the Senate to have a sufficient and adequate amount for this.

We are talking at the most about 6 weeks until we get the regular bill before the Senate. The administration can keep this alive, without this appropriation, until we get the 1972 bill ready. I think we will have that, as I say, in 6 weeks. I think that is about the right time.

It is an important program. It is one of the good things we have in the new demonstration projects that started in the last 2 or 3 years. I am hopeful that we can get the $33.65 million or more in the regular bill and not get in a position, as the Senator from Illinois suggests, where we will have to shut the door and then start all over again later on.

I plead with the administration to keep the program alive. They have the money to do it under the continuing resolution. No one up here would object. The Appropriations Committee of the Senate would hope to keep it alive. We hope we can get it in the regular bill. However, if we close the door to the project and then try to start it all over again, we would get in trouble.

I am hopeful that we can keep it alive. That is all I can say. We did the best we could. I was here on Thursday until we finished the conference, but the House did not want to recede on this matter.

We have to adjust ourselves to the practical side of the legislative operation and particularly on the supplementals. Time was running against us.

I do not want anyone in the Senate to feel that the members of the Appropriations Committee or the others on the conference think that this program should not continue with adequate funding. We do.

We are going to adjust ourselves within the legislative process to see that this will be done. These projects can be kept alive under the continuing resolutions. Last year they had $33 million. And in the next 2 months they can spend every month one-twelfth of the $33 million.

So, this can go ahead under the continuing resolution. I want to serve notice that as far as I am personally concerned I wanted to go ahead and I want to see sufficient funds in the regular appropriations bill.

Mr. PERCY. Mr. President, I would like to ask one question of my friend, the distinguished Senator from Washington. The program we are requesting funds for in Seattle, Wash., is in the First United Methodist Church.

Mr. MAGNUSON. The Senator is correct.

Mr. PERCY. The grant periods there ran from June 15, 1968, to December 24, 1970. However, some of these programs end on June 25.

Mr. MAGNUSON. The Senator is correct. When this matter first originated, we were talking about pilot programs around the United States, of which there are about 35.

Mr. PERCY. The Senator is correct.

Mr. MAGNUSON. They have been very successful. They have been important, and we think that the final program as a result of the pilot program will be sufficient for us to go ahead with the program. They can do it under the continuing resolution. The Department of Health, Education, and Welfare can do it. They have sufficient money left for the next 6 weeks. We want time to decide the argument we had with the House.

I have been in a lot of House conferences. So have my two colleagues. I have been in so many that there are some of which I do not care to remember. However, when they get their feet set in concrete, their feet are really in concrete. That is about all I can say about it. We were faced with a time limitation.

I do not want anyone in the country to think that we are not for this program. It should be continued under the continuing resolution until we can get it in the regular appropriation bill, which I hope will be within the next 6 weeks.

Mr. PERCY. Mr. President, I will now continue with my remarks. Having recently concluded hearings on nursing homes and extended-care facilities in Chicago, I can only react with horror to the probability of forcing even more elderly people to abandon their homes and enter these institutions. Too many of these places are nothing but filthy, squalid warehouses where the residents wait to die. And it is precisely into this type of home that the people helped by my amendment would have to go. In fact, there are eager profiteers who own some of these homes—I say "some," because many are absolutely beautiful and immaculate—I have met and talked to some of the profiteers, we have subpenaed their records, and we have seen that they sometimes earn up to 700 percent on their investment in the first year, exploiting the elderly. They seek out, they reach out, to find people they can bring in, because they get so much per head from the Federal Government, and they can make a tremendous profit on some of them when they do not feed them or care for them properly.

These people are trying to get by on their meager social security checks, and they can hardly afford the high-priced homes which provide decent care. It is beyond my comprehension why Congress would knowingly force any old person—wealthy or poor—to leave his home just at the time in his life when he is in greatest need of security and familiar surroundings.

In recent testimony before the Senate Special Committee on Aging, Secretary of Health, Education, and Welfare, Elliot Richardson, made this point:

> We have perhaps failed to look closely enough at the potential savings to be achieved in long-term care and hospitalization and in the support of dependent older people, because we haven't invested adequately in the kinds of things that can keep them interested, vigorous, and wanted, and that can overcome the barriers of loneliness . . . There are studies that show a correlation between isolation and poor health, which, in turn, lead to admission to long-term care facilities—often at great cost to the public . . . If we were willing to do a little more to overcome the barriers of isolation, we would not only contribute to the happiness and productivity of the older individual, but at the same time, we would avoid heavy, long term costs.

The Commissioner on Aging, John B. Martin, made a similar point in testimony before the Senate Select Committee on Nutrition and Human Needs:

> There is no data on the extent to which the costs of these programs (Medicare, Medicaid, Mental Health) are increased by malnutrition among older Americans, but there are substantial reasons to believe that an investment in improving the nutrition of this age group would be substantially offset by savings in other publicly financed programs.

I am personally convinced that my amendment would actually save the Government money, as it would eliminate the need for heavier reliance upon far more expensive programs such as medicare and medicaid.

Mr. President, I am very pleased, indeed, that the distinguished Senator from Washington (Mr. MAGNUSON) is so quick to see this point. The program funded by my amendment is a modest investment, and the return on investment will be very high. Otherwise, the Federal Government will have to pay the cost of extended care under the medicare and medicaid programs if these people, through malnutrition, do not continue to maintain the level of health they have.

The case for continuing this program is overwhelming. There is every indication that it is a highly successful program that actually works. Unlike so many Government programs into which we pour money as into a sieve, this program is accomplishing its intended purpose.

Mr. President, I would again like to emphasize my view that this program is more than likely saving the Government money, and that it therefore should continue. Yet if the conference report is accepted in its present form, we will lose all of the machinery, the organizational structure, and experienced manpower which has been assembled through these demonstration projects and which will be needed once a permanent program is established.

It is noteworthy that the conference report allows $15,077,000 for the Helium Production Fund; $275,000,000 for highways; $674,000 for the Panama Canal; and $7,399,000 for payments to private air carriers. I do not understand why we cannot afford $1.7 million for the elderly.

I am fully aware of the need to compromise in conference. Compromises are essential if Congress is to operate effectively. Yet there are times when it is wrong to compromise, and I feel this is such a time.

Mr. President, I do not have the heart to tell an 82- or 90-year-old man that what he has found to be a source of happiness and comfort is now to be taken away from him.

The inconvenience of rejecting the entire conference report with instructions to insist on this amendment for $1.7 million must be weighed against the dismay and disappointment which will otherwise be felt by the thousands of participants in this nutrition program.

I yield the floor.

(The following colloquy occurred earlier during the remarks of Mr. PERCY and is printed here by unanimous consent.)

Mr. HUGHES. Mr. President, on Friday last I rose to oppose this conference report on the basis of the fact that the $20 million supplemental request approved by the Senate subcommittee, the Senate committee, and the Senate itself was rejected in the conference report, under the belief that this absolutely is a flat outright denial of funding for the 1970 Alcoholism Rehabilitation and Recovery Act, passed unanimously by the Senate by a vote of 86 to 0 and passed unanimously by the House on a voice vote, and signed into law by the President last New Year's Eve.

I well realize that with this law passed so late in the last Congress, and signed into law on New Year's Eve by the President, in all probability it was impossible to get it into the budget request for this fiscal year.

The Chairman of the Committee on Appropriations indicated there was no budget request, nor is there any budget request for the next fiscal year, to implement this particular program.

I would like to point out that the bill authorizes formula grants totaling $180 million; and it authorizes project grants totaling $120 million over the next 3 years. For fiscal year 1971 it authorized $40 million for formula grants. For fiscal year 1971 it authorized $30 million for project grants. This means that all over this country with the millions of alcoholics we have been talking about—and I think the record is perfectly clear from our discussion of last Friday, so I have no intention of repeating myself today— that at this point in the way of supplemental appropriations we are saying, "Sorry, brother, no money; no way: no funding."

But during the discussion on the floor the distinguished chairman of the committee, the Senator from Louisiana, assured me he is going to make it a matter of immediate order to complete the hearings on HEW appropriations and to give this matter very serious consideration, and to do the very best he possibly can to get as much money as is possible and reasonable in line with the request to implement this program for the next fiscal year.

Again, I would like to ask the distinguished chairman of the committee, the Senator from Louisiana, if that is not an accurate reflection of the discussion we have had.

Mr. ELLENDER. It is.

Mr. HUGHES. And on this basis the Senator does believe that some time during July we can complete action on this appropriation bill.

Mr. ELLENDER. It is my fervent hope that by July 31 most of the appropriation bills will be on the President's desk. The Senator from Washington (Mr. MAGNUSON) is going to start hearings soon on the Labor-Health and Welfare appropriations bill.

The Senator has completed hearings on the Office of Education appropriations bill.

Mr. MAGNUSON. We are through with Office of Education hearing.

Mr. ELLENDER. And the Senator will start on the other phases of Labor-HEW.

Mr. MAGNUSON. Yes.

Mr. ELLENDER. I told the Senator that, if we have to, we will sit in the mornings, afternoons, and evenings to get this bill before the Senate in July so that we can have it on the President's desk sometime after July 15.

While I am on my feet, will the Senator yield to me briefly?

Mr. HUGHES. Yes.

Mr. ELLENDER. The Senator from Washington (Mr. MAGNUSON) stated that the program in which my good friend from Illinois (Mr. PERCY) was interested can be continued under a continuing resolution. That is true, but not the continuing resolution now pending on the Senate Calendar.

If the appropriation bills are not enacted before June 30, we will have to have a continuing resolution to carry on the programs that have not been funded. Under continuing resolutions programs which are now being operated are authorized to be continued until disposition of the appropriation bill.

Mr. MAGNUSON. Which would include the $1.7 million figure.

Mr. ELLENDER. No. It would be at the rate of $33,650,000. In other words, the program for next year, even without any budget estimate, can be continued under the continuing resolution, which no doubt be offered on or before June 30. I am very hopeful of having a majority of the bills, such as Agriculture, Interior, Legislative, and bills of that kind, enacted before June 30.

Mr. PERCY. My own deep concern is the fact we have not had hearings because of a very heavy schedule on education.

Mr. MAGNUSON. The Senator from New Hampshire and I—and we hope the Senator from Illinois will be there—will sit down this week on a preliminary markup and send it to the subcommittee and the full committee as quickly as possible.

Mr. ELLENDER. I told the Senator from Washington, if necessary, to hold hearings in the morning, afternoon, and evening to complete it and to have it on the President's desk the first of August.

Mr. HUGHES. I would like to conclude what I started to say so I can determine the nature of the course of business in all probability.

The response I have received from the chairman of the committee and the chairman of the subcommittee do not diminish one bit my crying out for the needs of the people of America on what we are talking about, but it indicates to me, as far as the pragmatic approach is concerned, that if the chairman of the committee and the chairman of the subcommittee will dedicate themselves to do this job, for me to pursue this matter further today is not going to end in any money, in all probability, at an earlier time than if we continue it.

Mr. ELLENDER. In the regular bill.

Mr. HUGHES. In the regular bill. Therefore, I am going to withdraw my objection to the bill because of the lack of $20 million for alcoholism. But again I wish to express my appreciation to the chairman of the committee and the chairman of the subcommittee, and the Members of the Senate for the continuing support they have always given to these subjects, and to let them know I am willing to cooperate and that my subcommittee is willing to cooperate in furnishing all information as soon as possible to help them in their work that they have ahead of them in connection with appropriations for this need in the country.

I thank the distinguished Senator from Illinois for yielding to me.

Mr. PERCY. I do wish to thank my colleagues very much for their reassurance as to the very high priority they place on this modest project. I feel the expedited scheduling of subcommittee hearings will help a great deal by placing the funds for the aging after education.

What I have been so concerned about is that up to this date I have had no assurance that if we did not take action on the second supplemental, the programs would not be halted. We have no assurance that the House, in fiscal year 1972, will accept this program. We cannot speak for their priorities. I cannot imagine what is causing them to say that something must be of a higher priority than this. The only thing we can deal with is the mechanism to keep these programs going.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. MAGNUSON. This is not a matter of priorities. The word "priorities" is used very loosely around here. This program was not necessarily shut off because some other program is there. They did not request additional funds although they said the pilot operation looked good. That is it. It had nothing to do with priorities, like other things around here. When one is on the Committee on Appropriations he finds that because money is cut out of one thing over here it does not mean that it ends up where a Senator might want it to end up.

We can afford this program. It is just that certain people think that we made the pilot operation; that we got some good material out of it and maybe some day—manana—we will start it all over again. It has nothing to do with priorities. It is not vis-a-vis against something else. The word "priorities" is not paramount in the Appropriations Committee because everybody on the committee has a different priority.

If you are talking about priorities in the health, education, and welfare field, we have 100 Senators and I will bet that there are 90 different priorities.

If the program is good over here, it has nothing to do with this one over here. If it is good, let us go ahead with it. We think this one is good.

Mr. PERCY. In response to the inquiry made by my distinguished colleague from Florida as to why this program is in danger of dying, which would adversely affect people in his State who are benefiting from it now, the answer must be that "Here is a program that has proven successful, but we are going to drop it. We are going to drop it because the demonstration is over and it has proven successful."

We have nothing to take its place. We have no provision for picking this up and it simply must be a lack of understanding.

Mr. MAGNUSON. We want the States, now that we have spent the money, to approve the program and back it up in the States with local contributions.

I will admit to some priorities between the Federal Government and the States, but that is all it amounted to. No one suggested that we could not do this because we needed the money someplace else. That was not the problem at all.

Mr. PERCY. We have reached the stage where we have proven that this is a very good program, but we are shutting our eyes to the fact that cities and States are broke or bankrupt, and have no money for new programs. They already have problems maintaining and continuing their existing programs.

They say: "Here is a program the Federal Government came in with"—in my city, for instance, the city of Chicago, Ill.—"but now they are going to pull the stops out and it just means we must do it."

They do not understand what is going on. Let me read a comment, a very short one.

Mr. MAGNUSON. I just want to ask one question. I have just been home and our legislature has just adjourned. They are broke. Yes, they are broke, but the Federal Government is broke also, is it not? We have a deficit all the time. We have a larger deficit in proportion to the taxpayers we collect money from than many of the States.

All of these cities and States are having a difficult time determining what their legitimate needs are. This is one.

Mr. PERCY. How do you explain to a project director all of this conversation? How do you explain the reason that suddenly a program which he has been running for people suddenly has been shut off?

I asked these project directors, "What happens if the program ends?" I met personally with a dozen of them and talked with them first hand.

One of them said:

> The people served will suffer from poorer appetites, poorer diets, with poorer health as the most likely outcome. Many will return to eating from garbage cans. I have no doubts that many of our clients will require a greater amount of health care, and many will have to turn to nursing homes or extended care facilities.

Mr. MAGNUSON. And then it will cost us more money in the long run.

Mr. PERCY. Of course it will.

Mr. MAGNUSON. Perhaps I oversimplify these matters in politics, but there are all kinds of good programs. In one of the districts in my State a bond issue for kindergartens was rejected. No one suggested it. I have talked with several people, and they said, "We cannot afford it. Our taxes are now too high." That is the whole problem. It is not so much a question of priorities. I think we can afford many of these programs, because, in the long run, they pay off. They are good investments. The problem is not particularly one of priorities, but a question of how far do you go?

We have a little time today to discuss this matter. We had a marvelous superintendent of schools in our State. She was a good friend of mine and served with me in the legislature. One time she was running for election for the third time. I was vacationing in a resort with a friend, who said, "I am going to vote for all you Democrats, but I am not going to vote for Mrs. So-and-so." I said, "Why not? You are a friend of hers, are you not?" He said he was, that she was a personal friend. I asked if she had not been a good superintendent of schools. I was told yes, she was one of the best we have ever had. So I asked, "Then, why are you not going to vote for her?" He said, "I just can't afford her."

There are many people who are paying taxes up to their ears. This is what causes some of the problems. He said he could not afford her. He was all for her, but he could not afford her. We in the Appropriations Committee get in that same position occasionally.

Mr. PERCY. But the comments made by my colleague were absolutely right—that when we turn people who are getting decent meals away from communal feeding situations, it costs us far more.

Mr. MAGNUSON. We know that, but we have to get down to the nitty-gritty in this case, of an appropriation that is going to end in 5 weeks. We would like to get going, because we have the dedication to do some of these things and move them forward. I am not so sure, even if we put back all the money that has been suggested, that the administration would extend the money for the next year, anyway.

Mr. PERCY. I would like to insert in the RECORD at this point, a statement from the Secretary of Health, Education, and Welfare, Mr. Elliot Richardson, that will bear out the need the Senator from Washington referred to on the floor to make this kind of investment. That is what we are doing. We are a board of directors investing for the taxpayers, and we are trying to invest their money prudently and wisely.

The Secretary stated:

> We have perhaps failed to look closely enough at the potential savings to be achieved in long-term care and hospitalization and in the support of dependent older people, because we haven't invested adequately in the kinds of things that can keep them interested, vigorous, and wanted, and that can overcome the barriers of loneliness . . . There are studies that show a correlation between isolation and poor health, which, in turn, lead to admission to long-term care facilities—often at great cost to the public . . . If we were willing to do a little more to overcome the barriers of isolation, we would not only contribute to the happiness and productivity of the older individual, but at the same time, we would avoid heavy, long term costs.

And that is exactly what we are trying to do in this program. We are trying to find ways, as the Secretary said, of contributing a little bit more to overcome the great problems of the aging. The problem is, how do you mechanically accomplish this in the procedures that we are now following?

Mr. CHILES. I agree that while some of our concern perhaps has been taken away by the fact that we are now told that, with a continuing resolution and with the work that the committee is going to do to try to get the bill out by the closing time, it might be decided that this program will continue, at the same time that we receive these assurances, I am again concerned by the remark of the distinguished Senator from Washington that he is not sure whether the administration would spend this money if we adopted the continuing resolution. And in looking at the Senate committee report on the supplemental appropriations, I find that the administration has not made a request on this item.

I wonder if the Senator from Illinois can give me any assurances or any comfort that, if we pass a continuing resolution and if the committee does the work that I know it intends to do, to get the bill out on the President's desk in sufficient time, the administration will go forward and continue to fund this program with the appropriation money?

Mr. PERCY. The question is a very good one indeed, and I have only the assurance that the assistant to the President, Mr. Leonard Garment, supports the program, and that the Deputy Director of the Bureau of Management and Budget supports the program and took the initiative in making calls to the Appropriations Committee asking that the Senate position prevail in conference.

Despite that request of the administration, the House chose to ignore it. I would only assume, then, that by our support for the program, if the continuing resolution were adopted, we would see that the program was continued, if mechanically it can possibly take effect.

But the problem, of course, is that we have now just about, before some of the programs terminate, 32 days, and the question is—facilities have been rented, food arrangements have been made, volunteers are lined up and working, and a few paid staff employees are working on the program—what sort of notification do we give them? Do they live on a day-to-day basis, and is this the hand-to-mouth type of way we have to operate? Can we not say, since the administration approves it, as the Senate does overwhelmingly, that they can have absolutely definite assurance that they are going to continue for another year?

Mr. CHILES. Certainly I would be dismayed, as I know the Senator from Illinois would be, if we got around the stumbling block that now appears to stand in our way, that the House conferees would not accept the appropriation, and our committee worked and the Senate got out an appropriation bill in time, then to find that, because of inaction on the part of the administration, or negative action on the part of the administration, the programs were not continued to be funded. Certainly it would be a horrible situation if that happened.

Mr. ELLENDER. Mr. President, will the Senator from Illinois yield?

Mr. PERCY. I am pleased to yield to the chairman of the committee

Mr. ELLENDER. I wish to make it plain that the continuing resolution we are speaking of is the one usually adopted just before the 30th of June, which applies to all appropriation bills which have not been enacted. As I have indicated, since the program in question is in the law now, it is a continuing program, and will be funded if the continuing resolution that will be presented to us before June 30 is adopted, and I am sure it will be. So that is one way to continue it. When the regular bill comes in, I do not believe we will have very much trouble in providing funds, at least as much as we now have, and maybe more.

As far as I am concerned, I shall be glad to do what I can to increase it. But we gain nothing by postponing this second supplemental appropriation bill. As has been said on many occasions, and as my good friend from Alaska called to my attention a while ago, of the many items in contest here, some of them are not in the budget, and as to those I know from past experience the money probably will not be spent. They will be tied up or frozen.

As matter of fact, as I pointed out 3 or 4 weeks ago, we have in excess of $12 billion frozen, and those funds are funds which Congress provided. Several of the programs we are now discussing are unbudgeted items, and even if we pass the bill, there is no assurance that the money will be spent.

Mr. GRAVEL. Mr. President, if the Senator will yield, just to elaborate on our private colloquy, which is now public, the chairman was speaking of the alcoholism money, and even if we are successful in getting money appropriated in the supplemental bill now, it seems most unlikely, based on the chairman's experience, that the money would be spent within the next 2 or 3 or 4 months, and it would probably be tied to a formal appropriation which would take place in the month of July, which he is very aggressively pursuing.

With that information, I have consulted with the distinguished Senator from Iowa (Mr. HUGHES), and he has withdrawn his objection. Of course, I withdraw my objection as well, because it will not advance our cause any more, and I think the chairman's dedication to these alcoholism funds has been stated many times.

I ask the Senator from Louisiana, does the chairman have any indication at all, from the negotiations that took place on this matter, what would be the receptivity of the House conferees on the appropriation itself?

Mr. ELLENDER. I accept their statement that they refused to go along because they had had no hearings on the subject. It is a new program, and new programs are usually considered in the regular bill. Very seldom have I seen any new programs started in a supplemental bill. It is most unusual, and I am satisfied that when the regular bill comes up, and an item of this kind is put in, backed with good evidence, we will doubtless have a much better chance than now.

As I have stated, as far as I am concerned, we are going to consider this matter in the regular bill, and I shall be glad to support it. I am sure that the House of Representatives can be persuaded to go along with it.

Mr. GRAVEL. I should like to say also that I am satisfied with the resolution of the chairman in that regard, and I think, concerning the events that took place on Friday, that many of us, through misunderstanding or misplaced charity, felt we were placing a tool in the hands of the chairman to go back to conference and hammer out what we felt was a more effective agreement.

Based on conversations with the chairman and others, I now do not think that can take place; and I withdraw my objection, based on the chairman's assurance that he will press for funding at a later date.

Mr. ELLENDER. I thank the Senator.

As to the SST, as the Senator from Illinois knows, we agreed to it in the Senate for the full amount, but when it came before the House, some Members took the position that no hearings had been held in the House. There was a question in the minds of some of them as to whether the Government was responsible for the $58.5 million.

I am assured that hearings will be held on that subject. Insofar as the Senate is concerned, we are going to put in our bill this $58.5 million; and I feel confident that the House, after they go through the hearings, will agree with us, rather than do what they did last week.

As I have stated, there is no point in trying to pursue it in this supplemental, because if we go back, we will get the same attitude: no hearings.

I am very hopeful, as I have stated, that in view of the fact that there are so many items in the bill that need attention that we will pass it today.

I pointed out many urgent items on Friday—for example, we have tied up in here the $250 million for food stamps, and $1,047,587,000 for public assistance. All that is tied up unless we agree to this conference report.

That is why, Mr. President, I am anxious to get the Senate to act on the conference report this afternoon, so that the final bill will be on the President's desk before nightfall.

Mr. PERCY. I thank my distinguished colleague for his comments. When he says, "I feel quite sure," I tend to think that the great respect that both bodies have for him indicates that it will be done.

As the Senator knows, I feel very strongly about the SST termination costs. Whereas I fought against the project as a whole because I felt it was a terrible investment for the taxpayers of this country to be making at this time, considering our budget condition, I feel that the moral obligation of the government in this respect is just as deep as any legal obligation.

Most of business is done through moral commitments, and there is a sense of right and wrong about certain things. If we just did things that we were legally bound to do, Congress could go home on January 31. We are doing things that we think are right. When the House understands the circumstances of the contributions made by the airlines to the SST, that this was an act of benevolence on their part, I think it will agree. There is no known need right now for the SST project. But those moneys for it were obtained from regulated airlines by calling the heads of those companies into a room, and by telling them they were expected to make this contribution of a million dollars per plane. In fact, the contracts providing for it were drawn by DOT and they were between Boeing and the airlines themselves. So our moral obligation is deep.

I deeply appreciate the recognition of this body by the Senate and by the chairman of the Appropriations Committee, whose sense of right and wrong has literally almost always coincided in the end with what any reasonable and prudent man's would be.

I certainly would be the last to want to delay any appropriation bill. I have applauded, as a new member of the Committee on Appropriations, the vigor with which we have moved forward with hearings.

The appropriations subcommittees, on which I have been privileged to serve, have moved with great dispatch, with long sessions. They have heard witness after witness, in an effort to expedite matters. I think some of those subcommittees are literally months ahead of where they have ever been in holding hearings—District of Columbia, Interior, to just mention two. So we are on target, we are staying much closer to the kind of schedule we should maintain, and I would not want to hold up this second supplemental at all.

I feel reassured now, with the assurance the distinguished chairman of the Appropriations Committee has given on a continuing resolution. I am happy so far as the Senate is concerned. I tend to think, also, that the House would go along with that. But the distinguished Senator from Florida asked a very good question, as to whether the administration would make provision for this. Although I know that they have given support to the $1.7 million in the second supplemental at the highest levels in the White House and in the Bureau of the Budget, I would feel much more comfortable about this if I had a chance to talk on the telephone with the Secretary of Health, Education, and Welfare, Elliot Richardson, to ask him whether this procedure would be followed and to get a written commitment from the Department. Verbal approval would be all I would need now. The letter could follow in due course.

I simply would not feel right, with all the work that has been put into this small project and all the support that has been given in the Senate, to leave any stone unturned at this stage to make certain that this project was continued and that adequate assurance could be sent to the project managers that they are not to terminate those projects in less than a month, as the present law provides.

Mr. ELLENDER. I do not believe there is a chance to act on this request in this bill, as I said earlier. The continuing resolution that is usually adopted before the 30th of June will include that program.

As Senator MAGNUSON stated, we are going to start hearings on the regular Labor-HEW bill soon. I will try to get the subcommittee to sit in the morning, in the afternoon, and in the evening, if necessary, to get that bill reported in July. I feel confident that we can do that.

In the meantime, we may be able to get something affirmative from the administration. But if not, and the continuing resolution is adopted, this program will be authorized under it.

Mr. PERCY. I want to be sure that, under the continuing resolution, HEW continues to fund the programs.

Mr. ELLENDER. The continuing resolution I am referring to is not the one that is pending now on the calendar; it is a resolution we are going to have to adopt because of our failure to pass all of the appropriation bills by July 1. As the Senator knows, for the past several years, come June, we have had to adopt resolutions in order to continue the program at the level of the previous year. I am sure this will have to be done as to several of our appropriation bills, and among the several will be the Labor-HEW bill.

Mr. PERCY. I thank the distinguished Senator.

(This marks the end of the proceedings that occurred earlier during the remarks of Mr. PERCY and which were ordered to be printed in the RECORD at this point.)

Mr. TUNNEY. Mr. President, I am reluctant to take any action which would delay the important funds contained in the second supplemental appropriations bill. However, I feel most strongly that there are equally important funds which the Senate supported unequivocally last week that have been rejected by the conference. Some of these programs are of critical importance at this time and I, therefore, will vote to reconsider the adoption of conference report and to reject the report.

I am particularly concerned by the reduction in funding for the Neighborhood Youth Corps summer jobs program in the conference report. The hard fought compromise which Senator COTTON won in the Senate last week, as he has stated so well, was passed only on the assumption that no further cuts would be made in conference. I, for one, would have preferred that the Senate insist upon the full $57 million increase in the original Javits amendment, and in fact I so voted last week.

I am most concerned by the situation which faces our Nation's large cities this summer as hundreds of thousands of young people join the millions of adults already unemployed by the current recession. Many of the Nation's mayors, particularly those in my own State have communicated a very real fear of a return of the long hot summer of the recent past.

The tragedies of those past summers are still too recent in our memories, summers in which young people unable to find work of any kind were left to roam the streets. The resulting potential for disorder has long been recognized as a dangerous business indeed. The Kerner Commission in its analysis of the Newark and Detroit riots warned specifically of the risks of high unemployment among young people in poverty areas, particularly among minority groups.

I, therefore, joined with Senator JAVITS and a number of my colleagues in sponsoring the amendment to increase the funding for the Neighborhood Youth Corps program by an additional $57,428,359, an amount which would have allowed for the creation of the full number of jobs requested by the U.S. Conference of Mayors.

For California's large cities, this amendment would have increased the number of jobs for young people by approximately 14,000 and by approximately the same number in rural and other areas. The amendment would also have increased the length of the program to a full 10 weeks, the length of the program in years past and a length designed to preserve the effect of the program in the late weeks of the summer.

Unfortunately, on Wednesday in a very close vote of 49 to 46, the full amount we sought was cut back from $157 million to $116 million. I opposed this cut most strongly, because I believe it is most shortsighted.

I am deeply disturbed, however, that the Senate-House conference has cut this amount by an additional $11 million. The will of the Senate on this matter was most clear on Wednesday. Further cuts in the appropriations for this program simply cannot be accepted.

The Cotton amendment, while less than the full amount which I supported, would at least provide for the full number of jobs for a 9-week program. I believe that this compromise is at least an adequate rational attempt to salvage a good program and I, therefore, believe that we should reject the conference report and instruct the Senate conferees to insist upon the full $16 million provided in the Cotton amendment.

I am equally distressed by the action of the conference in eliminating $1.7 million for continuation of a most promising program of nutrition for the elderly. This money would continue 18 existing pilot programs which currently serve over 14,000 meals a week to elderly poor persons in 15 States and the District of Columbia.

I have cosponsored a bill, S. 1163 to create a permanent nutrition program for the elderly and I am hopeful that this bill will be enacted swiftly. But in the meantime I feel it is vital that we continue the existing pilot projects.

In California, these pilot projects have served numerous elderly citizens whose average age is 72.5 years, 87 percent of whom had an annual income of less than $3,000 per year. The Senior Citizens Association of Los Angeles County has, through this program, provided an average of 820 meals per month at a cost to the elderly person of approximately $0.50 per meal.

I simply cannot understand the kind of perverse penny pinching which elimination of these funds amounts to.

Mr. ELLENDER. Mr. President, I have nothing further to add, except to express satisfaction that Senator Hughes and others have withdrawn their objection to having this report sent to the White House today.

As I understand the parliamentary situation, the pending busines is to reconsider the vote by which the report was adopted on Friday.

The PRESIDING OFFICER. The Senator is correct.

Mr. ELLENDER. In order to sustain the vote that took place on Friday, the vote on the motion for reconsideration would be in the negative.

The PRESIDING OFFICER. The Senator is correct.

Mr. ELLENDER. I have nothing further to say, and I am ready to vote on the question as presented.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Gambrell). Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. Tunney). The question is on agreeing to the motion to reconsider the conference report.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Minnesota (Mr. Mondale), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), and the Senator from Connecticut (Mr. Ribicoff), and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

I also announce that the Senator from Nevada (Mr. Bible), the Senator from Louisiana (Mr. Long), the Senator from Montana (Mr. Metcalf), the Senator from Utah (Mr. Moss), the Senator from Michigan (Mr. Hart), the Senator from Washington (Mr. Jackson), and the Senator from Missouri (Mr. Symington), are absent on official business.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Illinois (Mr. Stevenson) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Oklahoma (Mr. Bellmon), the Senator from New York (Mr. Buckley), the Senator from Kentucky (Mr. Cook), the Senator from New Hampshire (Mr. Cotton), the Senator from Kansas (Mr. Dole), the Senator from Colorado (Mr. Dominick), the Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Florida (Mr. Gurney), the Senator from Wyoming (Mr. Hansen), the Senator from Oregon (Mr. Hatfield), the Senator from Iowa (Mr. Miller), the Senator from Texas (Mr. Tower), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from Maryland (Mr. Beall) is absent by leave of the Senate because of illness.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Utah (Mr. Bennett) is absent on official business.

The Senator from New York (Mr. Javits) is absent by leave of the Senate on official business.

The Senator from Vermont (Mr. Aiken) is detained on official business.

If present and voting, the Senator from Oregon (Mr. Hatfield), the Senator from New York (Mr. Javits), and the Senator from South Dakota (Mr. Mundt), would each vote "yea."

On this vote, the Senator from Texas (Mr. Tower) is paired with the Senator from New York (Mr. Buckley). If present and voting, the Senator from Texas would vote "yea" and the Senator from New York would vote "nay."

Mr. BYRD of West Virginia. Mr. President, in view of the discussion on last Friday, I now ask that the well be cleared, that the Senate be in order, and that Senators take their seats.

The PRESIDING OFFICER (Mr. Tunney). The Senate well will be cleared. Senators will please take their seats. The center aisle will be cleared of Senators. Senators will please take their seats.

The result was announced—yeas 21, nays 34, as follows:

[No. 73 Leg.]

YEAS—21

Allott
Boggs
Brooke
Burdick
Case
Chiles
Harris
Hruska
Humphrey
Magnuson
Mathias
Nelson
Percy
Prouty
Proxmire
Schweiker
Scott
Spong
Stevens
Taft
Tunney

NAYS—34

Allen
Bentsen
Brock
Byrd, Va.
Byrd, W. Va.
Cannon
Cooper
Curtis
Ellender
Ervin
Fannin
Fulbright
Gambrell
Gravel
Hollings
Jordan, N.C.
Jordan, Idaho
Mansfield
McClellan
McIntyre
Montoya
Packwood
Pastore
Pearson
Randolph
Roth
Saxbe
Smith
Sparkman
Stennis
Talmadge
Thurmond
Williams
Young

NOT VOTING—45

Aiken
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bible
Buckley
Church
Cook
Cotton
Cranston
Dole
Dominick
Eagleton
Eastland
Fong
Goldwater
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hughes
Inouye
Jackson
Javits
Kennedy
Long
McGee
McGovern
Metcalf
Miller
Mondale
Moss
Mundt
Muskie
Pell
Ribicoff
Stevenson
Symington
Tower
Weicker

So the motion to reconsider the conference report was rejected.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 2 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert: "$1,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 18 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum first named in said amendment, insert: "$2,988,393".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 38 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment insert: "$6,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 49 to the aforesaid bill, and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

"CONTINGENT EXPENSES OF THE SENATE

"JOINT ECONOMIC COMMITTEE

"For an amount (to be disbursed by the Secretary of the Senate on vouchers signed by the chairman or vice chairman and the chairman of the subcommittee) necessary to enable the Subcommittee on Fiscal Policy, under authority of the Employment Act of 1946 (60 Stat. 23, sec. 5), to undertake a study to develop reliable comprehensive, and factual information concerning welfare programs and needs in the United States, $500,000, to remain available until June 30, 1973."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 57 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

"Office of the Secretary

"Civil Supersonic Aircraft Development Termination

"For expenses, not otherwise provided for, necessary for the termination of development of the civil supersonic aircraft and to refund the contractors' cost shares, $97,300,000, to remain available until expended."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 59 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert: "$2,800,000".

Mr. ELLENDER. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 2, 18, 38, 49, 57, and 59.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation reflecting the budget estimates, the House and Senate amounts in the bill, and the final amounts agreed to in conference.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

COMPARATIVE STATEMENT OF CONFERENCE ACTION, 2D SUPPLEMENTAL APPROPRIATION BILL, 1971 (H.R. 8190)

Agency and item (1)	Budget estimate (2)	House bill (3)	Senate bill (4)	Conference action (5)	Conference action compared with— Budget estimate (6)	House bill (7)	Senate bill (8)
TITLE I							
CHAPTER I							
DEPARTMENT OF AGRICULTURE							
Agricultural Research Service: Salaries and expenses		$1,000,000				−$1,000,000	
Consumer and Marketing Service: Consumer protective, marketing, and regulatory programs	$3,379,000	3,379,000	$3,379,000	$3,379,000			
Cooperative State Research Service. Contracts and grants for scientific research	0	Not considered	1,025,000	1,000,000	+$1,000,000	+1,000,000	−$25,000
Agricultural Stabilization and Conservation Service: Dairy and beekeeper indemnity programs	3,500,000	3,500,000	3,500,000	3,500,000			
Food and Nutrition Service: Food stamp program	250,000,000	250,000,000	250,000,000	250,000,000			
Farmers Home Administration: Emergency Credit Revolving Fund	65,000,000	Not considered	65,000,000	65,000,000		+65,000,000	
RELATED AGENCIES							
Environmental Protection Agency: Operations, research, and facilities	13,000,000	13,000,000	13,000,000	13,000,000			
National Commission on Materials Policy: Salaries and expenses	85,000	50,000	50,000	50,000	−35,000		
Total, chapter I	334,964,000	270,929,000	335,954,000	335,929,000	+965,000	+65,000,000	−25,000
CHAPTER II							
DEPARTMENT OF DEFENSE							
Retired military personnel, retired pay, Defense	166,400,000	166,400,000	166,400,000	166,400,000			
Retired military personnel, retired pay, Defense	13,000,000	Not Considered			−13,000,000		
Total, chapter II	179,400,000	166,400,000	166,400,000	166,400,000	−13,000,000		
CHAPTER III							
DISTRICT OF COLUMBIA							
Federal Funds							
Federal payment to District of Columbia	22,206,000		22,206,000	22,206,000		+22,206,000	
Loans to the District of Columbia for capital outlay	49,778,000		34,178,000		−49,778,000		−34,178,000
Total, Federal funds	71,984,000		56,384,000	22,206,000	−49,778,000	+22,206,000	−34,178,000
District of Columbia Funds							
General operating expenses	(3,182,000)		(2,557,035)	(2,557,035)	(−624,965)	(+2,557,035)	
Public safety	(2,939,000)		(2,806,000)	(2,806,000)	(−133,000)	(+2,806,000)	
Education	(3,531,000)		(2,939,800)	(2,939,800)	(−591,200)	(+2,939,800)	
Recreation	(61,000)		(61,000)	(61,000)		(+61,000)	
Human resources	(5,278,000)		(4,512,000)	(4,512,000)	(−766,000)	(+4,512,000)	
Highways and traffic	(600,000)		(525,000)	(525,000)	(−75,000)	(+525,000)	
Sanitary engineering	(423,000)		(132,500)	(132,500)	(−290,500)	(+132,500)	
Settlement of claims and suits	(36,000)		(35,490)	(35,409)	(−591)	(+35,409)	
Capital outlay	(48,313,000)		(37,166,393)	(2,988,393)	(−45,324,607)	(+2,988,393)	(−34,178,000)
Total, District of Columbia funds	(64,363,000)		(50,735,137)	(16,557,137)	(−47,805,863)	(+16,557,137)	(−34,178,000)
Total chapter III, new budget (obligational) authority	71,984,000		56,384,000	22,206,000	−49,778,000	−22,206,000	−34,178,000
CHAPTER IV							
FOREIGN OPERATIONS							
Funds Appropriated to the President							
International financial institutions							
Investment in Inter-American Development Bank	486,760,000	275,000,000	387,000,000	275,000,000	−211,760,000		−112,000,000
Investment in International Bank for Reconstruction and Development	246,100,000				−246,100,000		
Total, chapter IV new budget (obligational) authority	732,860,000	275,000,000	387,000,000	275,000,000	−457,860,000		−112,000,000
CHAPTER V							
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Mortgage Credit							
Homeownership and rental housing assistance	32,900,000	32,900,000	32,900,000	32,900,000			
Homeownership assistance, increased limitation for annual contract authorization			(25,000,000)				(−25,000,000)
Rental housing assistance, increased limitation for annual contract authorization			(25,000,000)				(−25,000,000)

Agency and item (1)	Budget estimate (2)	House bill (3)	Senate bill (4)	Conference action (5)	Conference action compared with—		
					Budget estimate (6)	House bill (7)	Senate bill (8)
INDEPENDENT OFFICES							
SECURITIES AND EXCHANGE COMMISSION							
Salaries and Expenses	$84,000		$84,000	$84,000		+$84,000	
VETERANS' ADMINISTRATION							
Medical Care		$8,000,000	8,000,000	8,000,000	+$8,000,000		
Total, chapter V	32,984,000	40,900,000	40,984,000	40,984,000	+8,000,000	+84,000	
CHAPTER VI							
DEPARTMENT OF THE INTERIOR							
Bureau of Land Management							
Management of lands and resources	21,000,000	21,000,000	21,000,000	21,000,000			
Bureau of Indian Affairs							
Resources management	1,600,000	1,600,000	1,600,000	1,600,000			
Office of Territories							
Trust Territory of the Pacific Islands	10,000,000	10,000,000	10,000,000	10,000,000			
Geological Survey							
Survey investigations and research	750,000		750,000	750,000		+750,000	
Bureau of Mines							
Helium fund (authorization to spend from public debt receipts)	50,700,000	8,577,000	8,577,000	8,577,000	−42,123,000		
Helium fund (portion applied to liquidate contract authority)	(6,500,000)	(6,500,000)	(6,500,000)	(6,500,000)			
National Park Service							
Management and protection	1,000,000	1,010,000	1,010,000	1,010,000	+10,000		
Construction	496,000	878,000	878,000	878,000	+382,000		
Total, National Park Service	1,496,000	1,888,000	1,888,000	1,888,000	+392,000		
Total, Department of the Interior	85,546,000	43,065,000	43,815,000	43,815,000	−41,731,000	+750,000	
Appropriation to liquidate contract authority	(6,500,000)	(6,500,000)	(6,500,000)	(6,500,000)			
RELATED AGENCIES							
DEPARTMENT OF AGRICULTURE							
Forest Service							
Forest protection and utilization	70,000,000	70,000,000	70,000,000	70,000,000			
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE							
Health Services and Mental Health Administration							
Indian health services	1,000,000	1,000,000	1,000,000	1,000,000			
AMERICAN REVOLUTION BICENTENNIAL COMMISSION							
Salaries and expenses	272,000	267,000	267,000	267,000	−5,000		
NATIONAL COUNCIL ON INDIAN OPPORTUNITY							
Salaries and expenses	25,000	12,500	12,500	12,500	−12,500		
Total, related agencies	71,297,000	71,279,500	71,279,500	71,279,500	−17,500		
Total, chapter VI, new budget (obligational) authority	156,843,000	114,334,500	115,094,500	115,094,500	−41,748,500	+750,000	
Appropriation to liquidate contract authority	(6,500,000)	(6,500,000)	(6,500,000)	(6,500,000)			
CHAPTER VII							
DEPARTMENT OF LABOR							
Manpower Administration							
Manpower training activities	64,300,000	100,000,000	116,600,000	105,000,000	+40,700,000	+5,000,000	−$11,600,000
Labor-Management Services, Administration							
Salaries and expenses	1,000,000	750,000	500,000	500,000	−500,000	−250,000	
Wage and Labor Standards Administration							
Salaries and expenses			1,400,000	1,400,000	+1,400,000	+1,400,000	
Total, Department of Labor	65,300,000	100,750,000	118,500,000	106,900,000	+41,600,000	+6,150,000	−11,600,000

COMPARATIVE STATEMENT OF CONFERENCE ACTION, 2D SUPPLEMENTAL APPROPRIATION BILL, 1971 (H.R. 8190)—Continued

Agency and item (1)	Budget estimate (2)	House bill (3)	Senate bill (4)	Conference action (5)	Conference action compared with—		
					Budget estimate (6)	House bill (7)	Senate bill (8)
CHAPTER VII—Continued							
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE							
Environmental Health Service							
Environmental control			$5,000,000				−$5,000,000
Health Services and Mental Health Administration							
Mental health			20,000,000				−20,000,000
Comprehensive health planning and services			3,000,000	$3,000,000	+$3,000,000	+$3,000,000	
Maternal and child health	$6,000,000		10,000,000	6,000,000		+6,000,000	−4,000,000
Regional medical programs			10,000,000	10,000,000	+10,000,000	+10,000,000	
National Institutes of Health							
National Cancer Institute (1972 advance appropriation)	100,000,000	$100,000,000	100,000,000	100,000,000			
National Institute of Child Health and Human Development			5,000,000				−5,000,000
Social and Rehabilitation Service							
Grants to States for public assistance	1,047,587,000	1,047,587,000	1,047,587,000	1,047,587,000			
Programs for the aging			1,700,000				−1,700,000
Special Institutions							
National Technical Institute for the Deaf	5,700,000	5,700,000	5,700,000	5,700,000			
Departmental Management							
Commission on Medical Malpractice	2,000,000	2,000,000		2,000,000			+2,000,000
Total, Department of Health, Education, and Welfare	1,161,287,000	1,155,287,000	1,207,987,000	1,174,287,000	+13,000,000	+19,000,000	−33,700,000
RELATED AGENCIES							
U.S. Soldiers' Home							
Operation and maintenance	190,000	190,000	190,000	190,000			
Commission on Marihuana and Drug Abuse							
Salaries and expenses	1,000,000	700,000	700,000	700,000	−300,000		
Total, related agencies	1,190,000	890,000	890,000	890,000	−300,000		
Total, chapter VII, new budget (obligational) authority:							
1971	1,127,777,000	1,156,927,000	1,227,377,000	1,182,077,000	+54,300,000	+25,150,000	−45,300,000
1972—Advance appropriation	100,000,000	100,000,000	100,000,000	100,000,000			
Total, chapter VII, new budget (obligational) authority	1,227,777,000	1.256,927.000	1,327,377,000	1,282,077,000	+54,300,000	+25,150,000	−45,300,000
CHAPTER VIII							
LEGISLATIVE BRANCH							
Senate							
Gratuity of heirs of deceased Senator			49,500	49,500	+49,500	+49,500	
Salaries, officers and employees							
Office of Sergeant at Arms and Doorkeeper			(language)				
Contingent expenses of the Senate							
Miscellaneous items			105,000	105,000	+105,000	+105,000	
Total, Senate			154,000	154,500	+154,500	+154,500	
House of Representatives							
Gratuity to widows of deceased Members		85,000	85,000	85,000	+85,000		
Salaries, officers and employees							
Committee on Appropriations (investigations)	57,100	57,100	57,100	57,100			
Members' clerk hire							
Clerk hire	1,300,000	1,300,000	1,300,000	1,300,000			
Contingent expenses of the House							
Miscellaneous items	300,000	300,000	300,000	300,000			
Reporting hearings	48,750	48,750	48,750	48,750			
Special and select committees	1,000,000	500,000	500,000	500,000	−500,000		
Telegraph and telephone	250,000	150,000	150,000	150,000	−100,000		
Leadership automobiles:							
Speaker	500	500	500	500			
Majority leader	500	500	500	500			
Minority leader	500	500	500	500			
Total, House of Representatives	2,957,350	2,442,350	2,442,350	2,442,350	−515,000		
Joint Items							
Contingent expenses of the Senate							
Joint Economic Committee	500,000	500,000		500,000			+500,000
Capitol police							
Capitol police (overtime pay)			(language)				

					Conference action compared with—		
Agency and item (1)	Budget estimate (2)	House bill (3)	Senate bill (4)	Conference action (5)	Budget estimate (6)	House bill (7)	Senate bill (8)
Architect of the Capitol							
Capitol buildings and grounds							
Capitol buildings	$200,000	$200,000	$200,000	$200,000			
Capitol Power Plant	300,000	300,000	300,000	300,000			
Total, Architect of the Capitol	500,000	500,000	500,000	500,000			
Library of Congress							
Salaries and expenses, revision of the annotated Constitution	110,709	110,709	110,709	110,709			
Salaries and expenses, revision of Hinds' and Cannon's Precedents	30,000	30,000	30,000	30,000			
Total, Library of Congress	140,709	140,709	140,709	140,709			
General Accounting Office							
Salaries and expenses	120,000	120,000	120,000	120,000			
Total, chapter VIII, new budget (obligational) authority	4,218,059	3,703,059	3,357,559	3,857,559	−$360,050	+$154,500	+$500,000
CHAPTER IX							
PUBLIC WORKS							
DEPARTMENT OF THE INTERIOR							
Bureau of Reclamation							
Upper Colorado River Storage Project	3,000,000	3,000,000	3,000,000	3,000,000			
INDEPENDENT AGENCIES							
Federal Power Commission							
Salaries and expenses	370,000	200,000	200,000	200,000	−170,000		
Total, Chapter IX new budget (obligational) authority	3,370,000	3,200,000	3,200,000	3,200,000	−170,000		
CHAPTER X							
DEPARTMENT OF STATE							
Administration of Foreign Affairs							
Payment to Foreign Service Retirement and Disability Fund	958,000	958,000	958,000	958,000			
International Organizations and Conferences							
Special contribution to the United Nations	20,000,000				−20,000,000		
Contributions to international organizations	900,000	408,000	408,000	408,000	−492,000		
Total, Department of State	21,858,000	1,366,000	1,366,000	1,366,000	−20,492,000		
DEPARTMENT OF JUSTICE							
Legal Activities and General Administration							
Salaries and expenses, general administration	102,000	50,000	50,000	50,000	−52,000		
Salaries and expenses, general legal activities	67,000	40,000	40,000	40,000	−27,000		
Salaries and expenses, U.S. attorneys and marshals	1,043,000	500,000	500,000	500,000	−543,000		
Fees and expenses of witnesses	1,400,000	1,400,000	1,400,000	1,400,000			
Total, legal activities and general administration	2,612,000	1,990,000	1,990,000	1,990,000	−622,000		
Immigration and Naturalization Service							
Salaries and expenses	924,000	924,000	924,000	924,000			
Federal Prison System							
Support of U.S. prisoners	2,500,000	2,500,000	2,500,000	2,500,000			
Law Enforcement Assistance Administration							
Salaries and expenses	52,200,000	49,000,000	49,000,000	49,000,000	−3,200,000		
Total, Department of Justice	58,236,000	54,414,000	54,414,000	54,414,000	−3,822,000		
DEPARTMENT OF COMMERCE							
Domestic Business Activities							
Salaries and expenses	30,000	Not considered			−30,000		
Minority Business Enterprise							
Salaries and expenses	298,000	130,000		130,000	−168,000		+130,000
Patent Office							
Salaries and expenses	2,260,000	2,260,000	2,260,000	2,260,000			
National Bureau of Standards							
Plant and facilities	2,100,000	Not considered			−2,100,000		
Maritime Administration							
Operating differential subsidy (liquidation of contract authority)	(80,000,000)	(80,000,000)	(80,000,000)	(80,000,000)			
Total, Department of Commerce	4,688,000	2,390,000	2,260,000	2,390,000	−2,298,000		+130,000
THE JUDICIARY							
Supreme Court of the United States							
Salaries	10,000				−10,000		

COMPARATIVE STATEMENT OF CONFERENCE ACTION, 2D SUPPLEMENTAL APPROPRIATION BILL, 1971 (H.R. 8190)—Continued

Agency and item (1)	Budget estimate (2)	House bill (3)	Senate bill (4)	Conference action (5)	Conference action compared with— Budget estimate (6)	Conference action compared with— House bill (7)	Conference action compared with— Senate bill (8)
CHAPTER X—Continued							
RELATED AGENCIES							
Commission on American Shipbuilding							
Salaries and expenses	$268,000	$50,000	$50,000	$50,000	−$218,000		
National Commission on Fire Prevention and Control							
Salaries and expenses	820,000	50,000	50,000	50,000	−770,000		
National Tourism Resources Review Commission							
Salaries and expenses	750,000	50,000	50,000	50,000	−700,000		
Small Business Administration							
Business loan and investment fund	80,000,000	64,000,000	64,000,000	64,000,000	−16,000,000		
Total, related agencies	81,838,000	64,150,000	64,150,000	64,150,000	−17,688,000		
Total, chapter X:							
New budget (obligational) authority	166,630,000	122,320,000	122,190,000	122,320,000	−44,310,000		+130,000
Appropriation to liquidate contract authorization	(80,000,000)	(80,000,000)	(80,000,000)	(80,000,000)			
CHAPTER XI							
DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES							
Office of the Secretary							
Civil supersonic aircraft development termination	97,300,000	[1] 85,330,000	155,800,000	97,300,000		+$11,970,000	−$58,500,000
Coast Guard							
Operating expenses	Language	Language	Language	Language			
Retired pay	1,970,000	1,320,000	1,320,000	1,320,000	−650,000		
Federal Aviation Administration							
U.S. International Aeronautical Exposition	3,000,000	3,000,000	2,600,000	2,800,000	−200,000	−200,000	+200,000
Federal Highway Administration							
Highway beautification (limitation)	(15,000,000)	(10,000,000)	(15,000,000)	(10,000,000)	(−5,000,000)		(−5,000,000)
Federal-aid highways (trust fund) (Liquidation of contract authorization)	(275,000,000)	(275,000,000)	(275,000,000)	(275,000,000)			
Territorial highways	80,000	80,000			−80,000	−80,000	
Darien Gap highway	5,000,000		5,000,000	5,000,000		+5,000,000	
Total, Federal Highway Administration	5,080,000	80,000	5,000,000	5,000,000	−80,000	+4,920,000	
Federal Railroad Administration							
Office of the Administrator, salaries and expenses	100,000	15,000	15,000	15,000	−85,000		
Railroad research	7,375,000	2,000,000	3,000,000	2,500,000	−4,875,000	+500,000	−500,000
Total, Federal Railroad Administration	7,475,000	2,015,000	3,015,000	2,515,000	−4,960,000	+500,000	−500,000
Urban Mass Transportation Administration							
Salaries and expenses	150,000				−150,000		
Urban mass transportation fund	15,000,000	7,500,000	15,000,000	7,500,000	−7,500,000		−7,500,000
Total, Urban Mass Transportation Administration	15,150,000	7,500,000	15,000,000	7,500,000	−7,650,000		−7,500,000
Total, Department of Transportation	129,975,000	99,245,000	182,735,000	116,435,000	−13,540,000	+17,190,000	−66,300,000
RELATED AGENCIES							
Civil Aeronautics Board							
Salaries and expenses	177,000	177,000	177,000	177,000			
Payments to air carriers	7,399,000	7,399,000	7,399,000	7,399,000			
Total, Civil Aeronautics Board	7,576,000	7,576,000	7,576,000	7,576,000			
Panama Canal Company							
Limitation on general and administrative expenses (increase)	(674,000)	(674,000)	(674,000)	(674,000)			
Temporary Study Commissions							
Aviation Advisory Commission, salaries and expenses	1,500,000	1,250,000	1,250,000	1,250,000	−250,000		
Commission on Highway Beautification, salaries and expenses	200,000				−200,000		
Total, related agencies	9,276,000	8,826,000	8,826,000	8,826,000	−450,000		
Total, Chapter XI new budget authority (obligational)	139,251,000	108,071,000		125,261,000	−13,990,000	+17,190,000	−66,300,000
Limitation on general and administrative expenses	(674,000)	(674,000)	(674,000)	(674,000)			
Appropriation to liquidate contract authority	(275,000,000)	(275,000,000)	(275,000,000)	(275,000,000)			
Limitations on obligations	(15,000,000)	(10,000,000)	(15,000,000)	(10,000,000)	(−5,000,000)		(−5,000,000)

Agency and item (1)	Budget estimate (2)	House bill (3)	Senate bill (4)	Conference action (5)	Conference action compared with— Budget estimate (6)	House bill (7)	Senate bill (8)
CHAPTER XII							
DEPARTMENT OF THE TREASURY							
Bureau of the Public Debt							
Administering the public debt	$1, 700, 000	$1, 000, 000	$800, 000	$800, 000	−$900, 000	−$200, 000	
Bureau of Accounts							
Salaries and expenses	3, 865, 000	Not considered	3, 750, 000	3, 750, 000	−115, 000	+3, 750, 000	
GENERAL SERVICES ADMINISTRATION							
Sites and expenses, public buildings projects	4, 209, 000	4, 209, 000	4, 209, 000	4, 209, 000			
Allowances and office staff for former Presidents	60, 000	40, 000	40, 000	40, 000	−20, 000		
INDEPENDENT AGENCIES CIVIL SERVICE COMMISSION							
Payment to civil service retirement and disability fund	115, 588, 000	115, 588, 000	115, 588, 000	115, 588, 000			
Payment to civil service retirement and disability fund	222, 253, 000	222, 253, 000	222, 253, 000	222, 253, 000			
Total	337, 841, 000	337, 841, 000	337, 841, 000	337, 841, 000			
Government payment for annuitants, employees health benefits	23, 882, 000	23, 882, 000	23, 882, 000	23, 882, 000			
FEDERAL LABOR RELATIONS COUNCIL							
Salaries and expenses	Language	Language	Language	Language			
COMMISSION ON GOVERNMENT PROCUREMENT							
Salaries and expenses	600, 000	Not considered	600, 000	600, 000		+600, 000	
Total, chapter XII, new budget (obligational) authority	372, 157, 000	366, 972, 000	371, 122, 000	371, 122, 000	−1, 035, 000	+4, 150, 000	
CHAPTER XIII							
Claims and judgments	28, 640, 534	28, 640, 534	28, 640, 534	28, 640, 534			
Total, title I—General supplementals:							
New budget (obligational) authority:							
1971	3, 351, 078, 593	2, 657, 407, 093	3, 049, 264, 593	2, 792, 091, 593	−558, 987, 000	+134, 684, 500	−S257, 173, 000
1972—Advance appropriation	100, 000, 000	100, 000, 000	100, 000, 000	100, 000, 000			
Total	3, 451, 078, 593	2, 757, 407, 093	3, 149, 264, 593	2, 892, 091, 593	−558, 987, 000	+134, 684, 500	−257, 173, 000
Limitation on administrative expenses	(674, 000)	(674, 000)	(674, 000)	(674, 000)			
Appropriations to liquidate contract authority	(361, 500, 000)	(361, 500, 000)	(361, 500, 000)	(361, 500, 000)			
Limitations on obligations	(15, 000, 000)	(10, 000, 000)	(15, 000, 000)	(10, 000, 000)	(−5, 000, 000)		(−5, 000, 000)
TITLE II—INCREASED PAY COSTS							
New budget (obligational) authority	4, 428, 661, 484	4, 131, 745, 452	4, 136, 204, 380	[2] 4, 136, 104, 380	−292, 557, 104	+4, 358, 928	−100, 000
By transfer	(76, 986, 900)	(37, 607, 900)	(37, 607, 900)	(37, 607, 900)	(−39, 379, 000)		
Limitations on administrative and nonadministrative expenses	(66, 849, 000)	(66, 338, 000)	(66, 338, 000)	(66, 338, 000)	(−511, 000)		
Appropriations to liquidate contract authority	(5, 220, 000)	(2, 020, 000)	(5, 220, 000)	(5, 220, 000)		(+3, 200, 000)	
RECAPITULATION							
Grand total, titles I and II:							
New budget (obligational) authority:							
1971	7, 779, 740, 077	6, 789, 152, 545	7, 185, 468, 973	6, 928, 195, 973	−851, 544, 104	+139, 043, 428	−257, 273, 000
1972: Advance appropriation	100, 000, 00	100, 000, 000	100, 000, 000	100, 000, 000			
Total, new budget (obligational) authority	7, 879, 740, 077	6, 889, 152, 545	7, 285, 468, 973	7, 028, 195, 973	−851, 544, 104	+139, 043, 428	−257, 273, 000
By transfer	(76, 986, 900)	(37, 607, 900)	(37, 607, 900)	(37, 607, 900	(−39, 379, 000)		
Limitations on administrative and nonadministrative expenses	(67, 523, 000	(67, 012, 000)	(67, 012, 000)	(67, 012, 000)	(−511, 000)		
Appropriations to liquidate contract authority	(366, 720, 000)	(363, 520, 000)	(366, 720, 000)	(366, 720, 000)		(+3, 200, 000)	
Limitations on obligations	(15, 000, 000)	(10, 000, 000)	(15, 000, 000)	(10, 000, 000)	(−5, 000, 000)		(−5, 000, 000)

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[1] The House action was for development costs only. The budget estimate, Senate bill, and final Conference action are for termination expenses.

[2] Includes Senate items, not considered by the House, in the amount of $4,386,928 and deletion of $28,000 requested for Executive Office of the President, Domestic Council.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the requirement that the conference report on the second supplemental appropriation bill be printed as a Senate report be waived inasmuch as under the rules of the House of Representatives it has been printed as a report of the House of Representatives. The reports are identical.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 24, 1971, he presented to the President of the United States the enrolled bill (S. 1399) to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to House Concurrent Resolution 316, providing for the adjournment of the Congress from May 27 1971, until June 1, 1971, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following bills and joint resolution; and they were signed by the Acting President pro tempore (Mr. BENTSEN):

S. 1399. An act to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior;

H.R. 5765. An act to extend for 6 months the time for filing the comprehensive report of the Commission on the Organization of the government of the District of Columbia; and

H.J. Res. 583. A joint resolution designating the last full week in July of 1971 as "National Star Route Mail Carriers Week."

THE MILITARY SELECTIVE SERVICE ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business, H.R. 6531.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment proposed by the Senator from Pennsylvania (Mr. SCHWEIKER).

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that on tomorrow, following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to extend beyond 10 a.m. with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RESUMPTION OF CONSIDERATION OF THE UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that at the conclusion of morning business tomorrow, the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS AND RESUMPTION OF CONSIDERATION OF THE UNFINISHED BUSINESS ON WEDNESDAY, MAY 26, 1971

Mr. BYRD of West Virginia. I ask unanimous consent that on Wednesday next, immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to extend beyond 10 a.m., with statements therein limited to 3 minutes, and that thereupon the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest an absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

THOMAS J. DODD, FORMER SENATOR FROM CONNECTICUT

Mr. RIBICOFF. Mr. President, I send the desk a resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER (Mr. TUNNEY). The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES 127

Resolved, That the Senate has heard with profound sorrow and regret the announcement of the death of Hon. Thomas J. Dodd, who served in the U.S. Senate from the State of Connecticut from 1959 to 1971.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 127) was considered and unanimously agreed to.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROCK). Without objection, it is so ordered.

TERMINATION COSTS DUE TO THE AIRLINES ON THE SST CONTRACT

Mr. MAGNUSON. Mr. President, I am extremely concerned about the action taken by the House of Representatives on May 20, 1971, regarding the $58.5 million in termination cost due to the airlines. The airlines contributed $58.5 million in research and development money during phase III of the Civil Supersonic Prototype program. This contribution was made after the Department of Transportation called a meeting of airline executives and told the assembled executives that President Johnson wanted them to agree to invest "risk capital" before he would recommend continuation of the prototype program.

Mr. President, the Senate on May 19, 1971 voted 92–3 in favor of the amendment providing $155.8 million in "termination costs." Included in the amendment was $58.5 million for the airlines. On Thursday, May 20, 1971, a House/Senate conference committee agreed to the 155.8 figure for termination—following that conference, the House considered the conference report deleting all funds for termination costs. Subsequently, that afternoon, the House reversed itself and put back $25.3 million in termination cost for the prime contractors, $11.9 million in funds for administration of the SST office, in order for the office to terminate the existing contracts, to recover the hardware and research effects, and to store the collected material.

Mr. President, I am convinced beyond a doubt that the airlines have a legitimate right to be reimbursed by the Federal Government. The decision by the Government to terminate was "not" one of the risks assumed by the airlines when they invested the funds in the research-development program.

I believe the Government has a moral and equitable duty to reimburse the airlines to the extent that they invested in the program. I also believe that a strong legal case can be made by the airline's against the Federal Government if we do not take appropriate action.

If the $58.5 million is not provided in the second supplemental then I believe the DOT Appropriations Subcommittee should put this money into the fiscal year 1972 budget. Chairman ELLENDER indicated on Friday that he favored this course of action. I would prefer adding this money now but I am also concerned that Congress expedite consideration of this bill. If the motion to reconsider prevails, I would of course favor asking for a further conference to give consideration to the money due the airlines.

Mr. President, I ask unanimous consent that portions of the hearing record be placed in the RECORD at this point. Included are two letters addressed to me that explain the meeting called by DOT when they were told to invest risk capital in the SST program. The letters clearly indicate the understanding reached by the parties. The testimony of Mr. Stuart Tipton, president of ATA, is also enclosed.

Mr. President, I also ask unanimous consent that the letter and an editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AIRLINES FINANCIAL PARTICIPATION MEETING

FAA HEADQUARTERS BUILDING—ATTENDEES

Hon. Alan S. Boyd, Secretary of Transportation.

Mr. Cecil Mackey, Department of Transportation.

General William F. McKee, Administrator, FAA.

Maj. Gen. J. C. Maxwell, Director, Supersonic Transport Development.

Mr. Nathaniel H. Goodrich, General Counsel, FAA.

Mr. C. R. Smith, Chairman of the Board, American Airlines, Inc.

Mr. Harding L. Lawrence, President, Braniff Airways, Inc.

Mr. Harvey Wexler, V. P., Governmental Affairs, Continental Airlines, Inc.

Mr. Dave C. Garrett, V. P., Operations, Delta Airlines, Inc.

Mr. Todd G. Cole, Senior V. P., Eastern Air Lines, Inc.

Mr. Donald W. Nyrop, President, Northwest Airlines, Inc.

Mr. Juan Trippe, Chairman of the Board, Pan American World Airways, Inc.

Mr. Charles C. Tillinghast, Jr., President, Trans World Airlines, Inc.

Mr. Curtis Barkes, Exec. V. P., Finance and Property, United Air Lines, Inc.

Mr. Seymour S. Mintz, Counsel, Trans-American Aeronautical Corp.

Mr. Brian Cooke, V. P., World Airways, Inc.

Mr. Stephen F. Leo, Director, Airlift International, Inc.

Mr. John C. Pirie, General Counsel, Pan American World Airways, Inc.

Mr. Wm. J. Hogan, Exec. V. P., Finance, American Airlines.

Mr. R. Parsons, Chief, Analysis and Control Division, SST.

Mr. A. H. Skaggs, Chief, Economics Staff, SST.

Mr. B. J. Vierling, Deputy Director, SST.

Senator BYRD. I have a letter from Gen. William F. McKee, U.S. Air Force, retired, addressed to Senator Warren Magnuson, under date of April 22, 1971, and it will be inserted in the record.

(The letter follows:)

DEAR MR. CHAIRMAN: I am replying to your letter of April 19, 1971 concerning forthcoming hearings on termination costs of the SST Program. You requested background information bearing on investment by the airlines in the program and their request that their investment be repaid. You asked specifically why airline support was solicited, who originated the idea, and how support from the airlines was obtained.

My personal recollection of the circumstances and my views are briefly as follows:

The President's Advisory Committee on the SST which was chaired by the Secretary of Defense, Robert S. McNamara, recommended to the President that the SST Program go forward. This was in late 1966 or early 1967. As I remember, the Committee indicated to the President there should be some participation by the airlines. In any event, the President told me and the Secretary of Transportation, Mr. Boyd, that he would insist on the interested domestic airlines putting up risk money to give a tangible indication that they had faith in the program.

Mr. Boyd called a meeting of the responsible airline officials in early February, 1967 He told them that the President was unwilling to request further appropriations from the Congress unless they were willing to take a substantial risk and that he was asking each airline to put up one million dollars, with no strings attached, for each airplane on which they had previously made a deposit. For example, in the case of one major airline, this amounted to $15 million.

As a result of this meeting the involved airlines paid in some $58 milion on the basis that they would get their money back plus interest. They all understood that there would be no return unless:

(*a*) The airplane was operationally suitable (and safe).

(*b*) The airplane was economically viable.

It is my considered judgment that the airlines acted in good faith and on the clearcut assumption that the Government would go forward on the prototype program to determine the operational and economic aspects of the airplane.

I would not have been a party to requesting financial participation by the airlines, and I doubt that Mr. Boyd would, had I thought for an instant that the program would be arbitrarily terminated prior to finding out the answers to *a.* and *b.* above.

If I can be of any further assistance in this matter, I would be happy to do so.

Respectfully,

WILLIAM F. MCKEE,
General, USAF (ret.).

(The following letter was subsequently received:)

ILLINOIS CENTRAL RAILROAD,
April 29, 1971.

DEAR MAGGIE: Please forgive my delay in answering your letter of April 10, 1971 inquiring about background information pertaining to deposits by U.S. Airlines to further the development program for two prototype supersonic transport aircraft. I have been away from my office and hasten to respond at my first opportunity.

As a result of your letter, I have reviewed such records as I possess, as well as my recollection of events surrounding the deposits.

President Johnson established an Advisory Committee on the SST to consider the pros and cons of the U.S. Government's continued participation in the development of one or more prototype aircraft. Following exhaustive studies and analyses, the Advisory Committee recommended that the President seek appropriations to construct two prototype aircraft. The Committee also urged that airlines be required to participate as a condition precedent to additional Federal financing. The President agreed. I was instructed to meet with the airlines and obtain a deposit of substantial amount from them. The purpose of the deposit was twofold: to give tangible evidence of airline interest in a supersonic transport, and to reduce to some degree the Government burden in financing the research. I met with the representatives of approximately 16 U.S. airlines in Washington, D.C., on February 6, 1967. The meeting was held to outline the reasons for my request to them to provide one million dollars as a deposit for each aircraft on which each airline held a delivery position.

The atmosphere of the meeting was that the Government planned to go forward if the airlines made the deposits. I say this to give you some idea of the tone of the meeting. I made it perfectly clear that the deposits would be at risk and would be forfeited if Boeing could not succeed in building a plane that in a production model would be economically viable and capable of safe operation at design speed.

While I made no commitment that the Federal Government would proceed with funding either in 1967 or the future, it was certainly assumed by all concerned that the deposits were at risks only in connection with failures that might be related to the aircraft itself.

As you know, the airlines provided deposits totaling 50 million dollars. Under the circumstances, as I know them, it appears to me a sacrifice of the deposits, due to failure of continuing Federal participation, was not contemplated.

If I can be of further assistance, please let me know.

Sincerely,

ALAN.

Senator BYRD. And I have another letter, from Harvey J. Wexler, vice president, governmental affairs, of Continental Airlines, Los Angeles, dated April 28, 1971, and addressed to the chairman of this subcommittee and it will be inserted in the record at this point.

(The letter follows:)

CONTINENTAL AIRLINES,
April 28, 1971.

DEAR MR. CHAIRMAN: Reference is made to your hearings today as regards the airlines' financial contribution to the SST.

A meeting was held on the afternoon of February 6, 1967 at the request of the then Secretary of Transportation, Alan S. Boyd. I, as well as other U.S. carrier representatives, was in attendance. It was made patently clear at that meeting that the so-called risk element of the financial contribution to the development of the U.S. SST was a technological risk. Specifically, it was made clear at the above referenced meeting that the risk to the carriers was related and limited to whether or not the aircraft finally developed would be certificated. In the event that the aircraft developed was for technical or other safety reasons not to be certificated, then the airlines would lose their contribution.

At no time was it contemplated that if the Government unilaterally terminated the program that it would result in a financial loss to the airlines through their contribution to the SST program.

Respectfully yours,

HARVEY J. WEXLER.

Senator BYRD. We have one additional witness, and while we proceed with him, Mr. Secretary, we would appreciate it if you and your associates would stay just in case a question might occur in which you can help us.

Mr. BEGGS. Certainly, Mr. Chairman.

Thank you very much.

STATEMENT OF S. G. TIPTON, PRESIDENT, AIR TRANSPORT ASSOCIATION OF AMERICA

Termination Arrangements for SST Program

Senator BYRD. The final witness is Stuart G. Tipton, president of the Air Transport Association of America; and Mr. Tipton has a five-page statement.

Mr. Tipton, you may proceed to read your statement.

Mr. TIPTON. Very well. Thank you, Mr. Chairman and Senator Proxmire.

My name is Stuart G. Tipton. I am president of the Air Transport Association of America, the trade and service organization representing virtually all of the scheduled airlines of the United States.

We appreciate the opportunity the subcommittee has given us to discuss the termination arrangements for the supersonic program. The Department of Transportation has brought to the committee recommendations for termination payments to the basic contractors in the program, plus recommendations for other expenditures. The Department has not included funds to liquidate the obligations of the U.S. Government to the airlines which have invested substantially in the program, on the basis of an understanding that the program would be continued to the development and testing of two prototype aircraft.

Our arrangements with the Government at the time these investments were made will be detailed in a few moments, but, in essence, our position in law and equity is that the airlines were persuaded to make these investments by reason of their interest in the development of a U.S. supersonic transport, and that any risk the airlines were taking was one of technological failure and did not contemplate the withdrawal by the U.S. Government from the continuation of the effort.

The airline industry's payment to the SST program took two forms: (1) Delivery position reservation deposits of $200,000 per aircraft for delivery positions reserved prior to June 5, 1967, and (2) investment payments of $1 million per aircraft delivery position reserved prior to June 5, 1967, and $750,000 per aircraft delivery position reserved after that date; actually $200,000 of the $750,000 was treated as a reservation deposit. The agreements relating to aircraft positions reserved prior to June 5, 1967, $200,000 deposit and $1 million investment, are known as the Group I Agreements, and those made after that date, $750,000, which includes a $200,000 reservation deposit, are known as the Group II Agreements.

The Group I Agreements involve 112 delivery positions with reservation deposits of $22.4 million. We have been advised by DOT that these reservations deposits are being held in escrow by the U.S. Treasury and that the airlines may recover these deposits without any appropriation legislation. The airlines are now in the process of reclaiming these position deposits.

The Group I Agreements also involve investments deposits on 51 aircraft, totaling $51 million. A list of these investments by carrier is contained in the attachment to this testimony.

The Group II Agreements involve 10 aircraft totaling $7.5 million in deposits—$2 million in position deposits and $5.5 million in investment deposits. These are also listed in the attachment.

None of the $51 million investment under the Group I contracts or the $7.5 million Group II deposits are in escrow or appropriated for repayment to the carriers. Therefore, we request that this committee recommend the appropriation of $51 million to cover the Governments liability under the Group I Agreements and $7.5 million to cover its liability under the Group II Agreements, or a total appropriation of $58.5 million to the airlines for the Government's termination of the SST program.

In order that our legal and equitable claim against the Government for restitution of this $58.5 million may be more clearly understood, it is necessary to review the background which resulted in the Group I and Group II contracts.

A critical point was reached in early 1967 with respect to the continuation of the SST project. For almost 5 years research and engineering studies had been underway with respect to the supersonic airplane; and at that time it appeared that in order to continue this effort effectively, it would be necessary actually to begin the funding and construction of the prototype aircraft. Since it would be expected that larger appropriations would be required, and since the commitment of the Government to the program would be even more firm than it had been in the past, it was decided that the ultimate purchasers of the aircraft should clearly indicate their support of the program.

The executive branch of the Government apparently decided that before requesting Congress for an appropriation under these circumstances, the airlines should be requested to invest in the program. The then Secretary of Transportation, Mr. Alan Boyd, called the chief executives of the airlines which held such delivery positions to a meeting on February 6, 1967. They were told that congressional appropriation of funds for phase III of the SST program, development of two prototypes, was heavily dependent upon the willingness of the airlines to make substantial investments in the program. The Department requested that each U.S. airline which had reserved positions for the SST, invest $1 million per aircraft position. This requirement was not made of the foreign-flag airlines which had delivery positions.

The U.S. airlines had little choice but to comply with this request if they wished the SST project to proceed. The proposal was presented to the airlines on a "take it or leave it" basis. It was the understanding of all those present at the meeting that if this commitment by the airlines was successful in obtaining the additional congressional appropriations, phase III of the project would be completed. It was further understood that if this evidence of good faith by the airline industry failed to obtain the required congressional support, the airlines would not be required to make the investment.

Thereafter, the group I contracts were prepared and sent out to the airlines covering the $1 million per aircraft investment. Although the contract was nominally between the individual airline and Boeing, in fact the contract was substantially drafted by the Department of Transportation.

The airlines were given virtually no opportunity to negotiate any changes in the contract prepared by the Department of Transportation. In the Secretary's letter of February 28, 1967, transmitting copies of the contract to the airlines, we were advised that "* * * Further negotiations would not result in any substantive change in the terms of the agreement."

It is true that both the group I and group II agreements contain provisions relieving the Government of obligations with respect to completion of the SST project or return or refund of the airline investments made thereunder. However, it is clear from reading the contract as a whole and the negotiations which surrounded the preparation of the contract that these provisions were included to protect the Government in the event the prototype SST program became impossible for technological reasons. This is the risk the airlines were willing to assume when they invested the $58.5 million in the project. The airlines did not assume the risk that the project would be dropped for reasons other than technological ones.

Now, the Government has abandoned its commitment to the prototype program. The Government is legally and morally obligated to return our investment.

In conclusion, I would like to point up one characteristic of this whole transaction, which in all equity argues most strongly for returning the airlines' investment. At the time the U.S. airlines holding delivery positions were persuaded to invest a million dollars per airplane under the group I contracts, the same investment was not required of foreign-flag airlines which also held delivery positions. Thus, if American-flag airlines are denied the return of their investment, the United States will have placed its own carriers in an adverse position in comparison with their foreign competitors.

We thank you very much for this opportunity to present our claim on this matter.

(The lists follow:)

APPROPRIATIONS TO COVER THE GOVERNMENT'S LIABILITY TO THE AIRLINE INDUSTRY FOR ABANDONMENT OF PHASE III OF THE SST PROGRAM

I. U.S. GOVERNMENT LIABILITY UNDER THE GROUP I AGREEMENTS

	Number of aircraft at $1,000,000 investment	Government liability (millions)
Carrier:		
AA	6	$6
BN	2	2
CO	3	3
DI	3	3
EA	2	2
NW	4	4
PA	15	15
TW	10	10
UA	6	6
Total	51	51

II. U.S. GOVERNMENT LIABILITY UNDER THE GROUP II AGREEMENTS

	Number of aircraft at $750,000 ($200,000 position and $550,000 investment)	Government liability (millions)
Carrier:		
EA	3	$2.25
NW	2	1.5
TW	2	1.5
KLM	3	2.25
Total	10	7.5
Grand total		58.5

I should add a comment at the end and that is that later KLM made a $2.5 million investment on the basis of the later part of that financial program and $2.5 million, as is shown in our statement, is included in there as part of the $58.5—or two and a quarter million, I am sorry.

NIGHT LETTER, MAY 21, 1971

On May 24, the Senate will take up a motion to reconsider the supplemental appropriation bill which was narrowly approved on Friday.

Deep concern has been expressed by some Senators over several issues in the bill. The scheduled airlines share the concern of the Senate over the House failure to agree with the Senate in returning $58.5 million of airline money invested in SST development as required by the government.

The Senate will again have the opportunity to rectify this injustice on Monday, when it will consider another vote on the bill.

The scheduled airlines respectfully urge that you support the motion to reconsider and a subsequent vote to send the supplemental back to conference.

There is reason to believe the House will sustain the Senate position on a subsequent vote.

S. G. TIPTON,
President,
Air Transport Association.

BAD RAP FOR AIRLINES

We are pleased to see Congress scuttle the supersonic transport project, but the House in its final action did an injury to the U.S. airlines that should be rectified.

While voting to reimburse Boeing and General Electric $97.3 million for certain accrued costs, it refused, 157–116, to repay the airlines $58.5 million they had invested in the SST. This was in spite of prior Senate and joint committee action approving the repayment.

The Senate was right. If the SST had been abandoned for technical failure, the airlines would have no cause to complain. But Congress foreclosed the project by a political decision, leaving the airlines high and dry.

Since the airlines thus lost their $58.5 million by act of Congress, Congress should compensate in full.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives during the adjournment of the Senate until 9:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE PRESIDENT PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President pro tempore be authorized to sign enrolled bills and joint resolutions during the adjournment of the Senate until 9:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT OF MEETING OF TOP WORLD SCIENTISTS ON THE QUESTION OF WORLD POLLUTION

Mr. MAGNUSON. Mr. President, I make the announcement at this time that tomorrow morning in the old Senate courtroom there will be a symposium involving the top scientists from many countries in the world on the question of a world environment institute, a fact-finding institute. If Sweden, for instance, finds some way to handle pollution better than ours, we will all exchange ideas. The same is true with air pollution and all possible pollution involved in our environment.

The different world governments have sent their top representatives. Top scientists from all over the world will participate in this symposium.

Senators, are, of course, interested, as well as Members of the House of Representatives and others. I hope that they will come and participate.

We will not resolve anything with any definitiveness except that the people will go back to their countries with a feeling that we are all concerned about world environment.

As I at one time said, the pollution of the Yangtze and Yellow Rivers are just as important to this planet as the pollution of the Mississippi or the Yukon.

These men are meeting together preliminary to a world symposium which will meet in Sweden early next year and set up the guidelines for participation by all governments involved. They are the very best scientists in the countries that are going to be represented.

I hope that the Senate will participate as much as possible.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, as far as I am able to determine, this will be the final quorum call today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9:30 a.m. Following the recognition of the two leaders under the standing order, there will be a period, not to extend beyond 10 a.m., for the transaction of routine morning business, with a limitation of 3 minutes therein on speeches.

At 10 a.m., the Senate will proceed to debate the amendment by the junior Senator from Wisconsin (Mr. NELSON) with reference to no draftees in Vietnam after December 31, 1971. Time will be controlled and a vote will occur on the amendment at 1 p.m., tomorrow.

Immediately following the vote on the Nelson amendment, the Senate will proceed to debate the amendment by the senior Senator from Massachusetts (Mr. KENNEDY) with respect to the pay bonus for combat infantrymen. Time will be controlled, and a vote will occur on the Kennedy amendment at 4 p.m., tomorrow.

Time on any amendments to the amendments is limited to 1 hour coming within the periods allotted.

Senators are on notice, therefore, that at least two votes are scheduled for tomorrow and, undoubtedly, they will be rollcall votes.

There is little on the calendar other than the unfinished business, the bill to amend the Military Selective Service Act.

When the Senate completes its business tomorrow, it will stand in adjournment, according to the order previously entered, until 9:30 a.m., Wednesday. At least two important votes are scheduled for Wednesday, and undoubtedly they will be rollcalls.

Rollcall votes in addition to those I have enumerated may, of course, occur on tomorrow and Wednesday.

ADJOURNMENT TO 9:30 A.M.

Mr. BYRD of West Virginia. Mr. President, in accordance with the previous order and as a further mark of respect to the memory of our late, departed colleague, Thomas J. Dodd, a former Senator from the State of Connecticut, I move that the Senate stand in adjournment until 9:30 a.m. tomorrow.

The motion was agreed to; and (at 2 o'clock and 21 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, May 25, 1971, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 24, 1971:

U.S. NAVY

The following-named officers of the Navy for permanent promotion to the grade of rear admiral:

Frank H. Price, Jr.
Arthur G. Esch
Robert L. Baughan, Jr.
James B. Hildreth
Mayo A. Hadden, Jr.
Henry Suerstedt, Jr.
Edwin M. Rosenberg
Philip P. Cole
Daniel E. Bergin, Jr.
George L. Cassell
Howard S. Moore
Philip S. McManus
Lawrence Heyworth, Jr.
William T. Rapp
John M. Barrett
Marmaduke G. Bayne
Robert L. J. Long
Thomas J. Christman
Clarence A. Hill, Jr.
William R. Flanagan
David H. Bagley
Kent L. Lee
Frederick C. Turner
Robert B. Baldwin
Julien J. LeBourgeois
George P. Steele, II
Narvin O. Wittmann
Robert C. Gooding
Charles N. Payne, Jr.
John L. Marocchi
Clarence R. Bryan

MEDICAL CORPS

Harry P. Mahin
David P. Osborne
Herbert G. Stoecklei

SUPPLY CORPS

Douglas H. Lyness
Wallace R. Dowd, Jr.
John A. Scott
Vincent A. Lascara
Edwin E. McMorries

DENTAL CORPS

Vernon L. Anderson

EXTENSIONS OF REMARKS

TELEVISION AND THE PRESENTATION OF NEWS

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. DAVIS of Wisconsin. Mr. Speaker, Roger Le Grand, president of the Wisconsin Association of Broadcasters has brought to my attention the meaningful remarks of Elton H. Rule, president of the American Broadcasting Co. at a network luncheon in Los Angeles on May 3, 1971.

In renewing the pledge of the utmost to present fair, objective, but uncompromising reportage, Mr. Rule justifies the freedom from censorship pressures which are inherent in our constitutional democracy. In linking freedom with responsibility, Mr. Rule has reiterated the highest standards of the fourth estate. Mr. Rule's remarks, with some deletion in the interest of space, follow:

TELEVISION AND THE PRESENTATION OF NEWS—NO ROOM FOR THE ELECTRONIC OSTRICH

(By Elton H. Rule)

My friends, let me say simply and sincerely that it's fine to be back. And thank you for your good wishes. They meant more to me than I can easily express.

The last time we talked in Chicago, I was on film. One friend commented that the film was all right, but my color looked a little strange. A little strange? It was. We shot the film in full-living yellow.

In Chicago, I said that, at times during this past, traumatic year, there seemed to be a divergence of goals between the ABC Network and its affiliates. I said that recent events have proved that there is no divergence.

Our theme is unity. Our aim is unity. Our byword is unity. We're moving ahead together.

It has always been vitally important that we stand together. Perhaps it is more important now than ever before in the history of our ABC organization, and in the history of the medium we proudly represent.

Now, I know that the after-luncheon speaker often performs the function of a glass of brandy. He reminds the assemblage that all's right with the world. Allow me to depart from that tradition.

Today, I'd like to talk about a subject as vital as our heartbeat.

A recent issue of Variety carried an editorial entitled An Unholy Silence. The point of the editorial was that at a time when the television industry was under threat of censorship in the crucial area of news reporting, few voices have spoken out against this threat. It was a point well taken.

While some industry voices have indeed spoken out—perhaps we have not made enough of a noise on the side of freedom for electronic journalism.

One reason is that we do not seek to make noise for its own sake. We want to make sense.

There is so much shouting going on that American ears have begun to develop immunities. Passion can give wings to reason. But passion without reason is a vapid as reason with passion.

We must examine the events of the present, we must determine our relationship to those events, and we must emerge with a sense of identity—with a knowledge of where we stand. Then we must be passionate in the defense of that stand.

What are the events of the present?

Is television different when it comes to news? How is it different?

One way television is different is in the size of the audience it serves.

Another way it is different is in the way it presents the news—with sight, sound and motion.

In scope and in impact television is different.

When it comes to the need for journalistic freedom—responsible freedom of expression—it is no different.

Year after year Americans vote television the most credible medium and the medium that supplies the nation with most of its information in the area of news. We are all familiar with these careful studies and we are all aware of the vote of confidence they represent.

In a direct sense, the entire credibility of the television medium is dependent on keeping the faith of our audience in the news we present.

News is the foundation of television's credibility, and that credibility extends to areas of entertainment, to the commercials we show, to every conceivable nuance in the relationship between ourselves and our audience.

If we lose that trust, if a credibility wedge is driven between ourselves and the people we are pledged to serve, then we have not only lost face, we've lost the ballgame.

For that reason, among so many others, we must be zealous in our right to gather and present the news in a climate of responsible freedom.

If we disagree on this particular story, or that particular subject—even if we are sharply divided on key political issues—we have to realize that we agree on the basic right of freedom to know.

Earlier I said that we must fight for our right to gather and present the news in a climate of responsible freedom.

Freedom has very special responsibilities.

Credibility must be earned day-to-day, year after year. It must be capable of standing up to every challenge and test. This credibility comes from responsibility. It comes from responsible reporting and responsible analysis.

That is true for our Network newsmen, and for the local newsman. It is as true for the man who speaks of global events as it is true for the sportscaster. And it is equally true for newsmen in every media—a journalistic common denominator that often calls for uncommon professional skills and dedications.

In the vast majority of cases television newsmen, local and network, have been true to that responsibility. They have been their own devil's advocates, their own severest critics.

If there are exceptions, they should surely be exposed. Self-regulation is an inevitable part of maturity.

Today the film editor's scissor wields enormous power.

That scissor can be a deadly weapon used to sell a point of view or a constructive tool used to tell a story clearly and well.

It is certainly a News Department's job to see that the editor's scissor does not leave truth among the out-takes.

We cannot be accountable for what happens in history, but we are surely responsible for how it is presented over the airwaves.

We are vigilant just as you are vigilant at your stations. What we do is seen and judged by millions. We know our responsibility in the climate of freedom. And we try hard to live up to it.

Because of its size and power, television journalists and the material they show have always been a source of controversy. Today, more than ever, the controversy rages. The reason is simple. There is much bad news. Television shows reality in a vivid, uncompromising way.

Lately, there has been discrepancy between what viewers see and hear and what they are told by official spokesmen. A credibility gap has opened like a fissure in the American bedrock.

The minds of sensible and sensitive Americans are in a state of confusion. Many people just don't know what to believe anymore. We rail against the cynicism of youth, and we fuel that cynicism by the most cynical actions day to day.

Now we are faced with a direct, untenable attempt at the worst kind of censorship. One cannot help suspecting, without sharing the eternal paranoia of the radicals of the right and left, that there is an attempt, conscious or unconscious to drive a credibility wedge between television and its audience.

In a way, recent actions seem aimed at giving viewers the feeling that what they see is not what they see. If they can be made to feel manipulated, they will doubt. When they see horror, they will feel that what they are seeing is not horror in Indo-China but some kind of dramatic overstatement of a bizarre charade.

There are many dangers in this kind of response. Not the least is the very fact that people don't like bad news. They don't want to believe it.

In other days, the messenger who brought bad news to the king had his head chopped off. Maybe messenger services haven't changed all that much.

Television, the electronic messenger, has been bringing much bad news. Instead of focusing their concern on the events, many focus rage at television itself.

It doesn't make rational sense, but it makes psychological sense. Television is too often the scapegoat when the images it shows are less than the image of Snow White. Many would rather their mirror on the world was a mirror that said "You are the fairest of them all" no matter what it reflected.

Intended or not, one result of the current climate is the feeling that somewhere, under pressure, an egg is about to hatch. Out will come a television set that resembles an Electronic Ostrich.

This Electronic Ostrich would keep its head in the sand and its tail in the blue sky. What it showed its viewers would be carefully prescreened and pre-controlled by some preselected censor. It would drug the brain and lull the senses.

Of course, it would not change reality. It would not alter truth.

We have the right to credibility. We have a duty to our viewers. We have the responsibility to enlist their help in resisting any incursion on their right to know the truth.

We will rally to grind down any attempt at censorship or inhibition of our freedom and we will win.

The right of free speech and free press have been part of the fabric of our lives. It is a free press that is the most vital check and balance in our society.

The television industry cannot stand by and watch a credibility wedge be thrust between itself and its viewers. We cannot surrender, under threat of regulation, or any other threat, our right to free speech and free journalistic pursuit.

We must make our viewers aware of the threat posed to this medium, and to their source of truth. We must make them aware that perhaps there are those who would convert their window on the world into a Berlin Wall of the mind.

If there cannot be a credibility gap between our television industry and the viewers we serve in the presentation of news, there must certainly be no credibility gap between our network and you, our affiliates. In the presentation of news there cannot be two credibilities.

From our side, ABC News pledges its utmost to present fair, objective, but uncompromising reportage, and I support that pledge.

Our News Department attempts to be strictly objective. This has resulted in our being called right-wing by some, and left-wing by others. We know one thing—it takes two wings to get off the ground, to achieve balance. And we believe we have achieved that balance.

Today, the newsman seeking a course of objectivity often resembles a tightrope walker keeping his balance in an earthquake.

He is subjected to pressure by government officials, self-serving political groups and even from within the television industry itself.

The same Variety that carried the editorial on "An Unholy Silence" calling for vocal defense of the newsman's basic rights, only last Wednesday published an article headlined "ABC Edited D.C. Peace Speech The White House Way." In that article, it is stated that ABC "seemed clearly to be deferring to the Nixon Administration in its editing of the eloquent speech which electrified the Capital made by Vietnam Veterans against the War leader John Kerry."

The facts are these. All three networks edited the Kerry talk. The editing done by ABC News reflected the judgment of ABC News as to what was most meaningful and pertinent in the speech. The script and film clips of ABC News' presentation tell their own story.

What Variety's anonymous reporter is criticizing is our editorial judgment. He is not expressing news in his article, but opinion.

He is surely entitled to his opinion, but his article was not labeled as such. The implication that ABC News deferred to the Nixon Administration is not only insupportable, it is ridiculous.

What we have is clearly another example of the kind of pressure that has reached danger levels.

For the information of Variety, and everyone else, ABC's News Department maintains an attitude of fierce autonomy and independence. ABC newsmen serve no master but history itself.

Harry Reasoner recently went on-air with a commentary that summed up our feelings.

"I keep reading in the New York Times," Harry said, "that there is some kind of scheme in White House circles to make ABC News sort of a teacher's pet of the administration . . . if there is a White House scheme, which I doubt, it puts us in the position of a Mark Twain hero . . . the man who was being tarred and feathered and said that if it weren't for the honor of the thing he would just as soon have missed it. There is only one proper place for journalism in relation to government—or for that matter to any special group. That is arm's length or maybe a few inches longer."

Harry, I'll second that.

At ABC we know that our medium is not only aimed at the people—it is involved with them.

We know that television is of the people, for the people and by the people like you who are responsible and responsive to our mandate as broadcasters.

We know that we must make certain that our audiences realize that television is theirs, and that we are worthy as its administrators. We can do this only by positive, effective action and articulate presentation of our case.

On April 28, in a Wall Street Journal article entitled "Many In Broadcasting Fear The Rising Attack From The Government" there is the phrase "at any rate, the nation's broadcasters are running scared." This is no time to run and no time to run scared. And we're not about to do either.

The symbol of this country is not an Electronic Ostrich—and it never will be.

Our symbol is the eagle. The eagle makes a loud sound when it has something to say.

This is a time for us to make a very loud sound.

This is a time for eagles.

I thank you all.

WANTED: A SMALL PLANT TO SAVE A CITY

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. RONCALIO. Mr. Speaker, I have a letter from Robert R. Burns, the mayor of the city of Evanston, Wyo., county seat of Uinta County, nestled in the lovely foothills of southwestern Wyoming, a few miles from the Idaho and Utah lines.

Here is a community that could make an idyllic and profitable home for 200 or 300 families and a way of life for their children which is unexcelled anywhere in the Nation. Evanston is but a half an hour's drive into some of the loveliest mountains and lakes in the West—fishing, hunting, skiing, recreation abound. Evanston is less than a 2-hour drive to Salt Lake City with its cultural, municipal, and historic attractions. It is but a few hours to Yellowstone Park, to the Tetons, and the great western mountain country. Yet, Evanston is dying.

Bob Burns' letter follows, and I hope that some industry, somewhere looking for a way to avoid the tribulations of an overcrowded locale, might read it and get in touch with the good mayor. His phone number is (307) 789-3890. I am sure that Gov. Stan Hathaway, the facilities of the State administration, the offices of both Senators of Wyoming, Gale McGee and Cliff Hansen, would expedite facilities for plant construction, for land acquisition for the facilities necessary to move an AAA industry plant into this area.

The letter follows:

Evanston, Wyo., *May 11, 1971.*

Rep. Teno Roncalio,
U.S. Congress,
Washington, D.C.

Dear Teno: We here in Evanston are becoming very alarmed about the decaying economy of our city and county.

During the past few years, our economy has been declining, and the future shows more of the same unless we get some help.

As you know, our economy had for its base the Union Pacific Railroad, and it is no secret that great changes have been, and are being made in this industry.

During the last census, Evanston lost 400 in population—nearly 10 per cent. This was caused by a combination of things. The railroad has been reducing forces for 20 years, but in recent months has made drastic changes. Evanston was the terminal for engine crews, firemen and engineers; now, trains do not stop at Evanston, and crews run from Ogden, Utah, to Green River. This will affect over 100 families here. The reclamation plant will be phased out in just a couple of years, affecting about 80 families. This plant has dropped from 300 empolyees to 80 in about 15 years. The Interstate 80 by-pass has caused great hardships to downtown business.

We have eight or nine empty buildings in our downtown area. Service stations, grocery stores, hardware, lumber yards—everyone has felt the pinch.

The unfortunate thing is that there does not seem to be anything on the horizon for us. We have not been fortunate enough to have booms in mineral development as our neighboring counties have had. In fact, the two or three coal mines in our county are now closed, and what oil we had is not being developed at all now.

Both Evanston and Uinta County are at their legal limit as far as bonding capacity, yet we are in need of many things. With the continued policy of the railroad to remove as much as possible from the tax roles, the people who are left here will find it impossible to carry the burden.

I am sending a similar letter to Senators McGee and Hansen, and hope you will all pull together to help us out of our plight.

It is hard to explain all our trouble in a letter. I would like to plan a trip to Washington to discuss in more detail our problems here in Evanston. If such a meeting of the minds would be of help, please let me know.

Hope you can help us out.

Sincerely,

Robert R. Burns,
Mayor,
City of Evanston.

BRINGING SPAIN INTO NATO

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, May 24, 1971

Mr. BYRD of Virginia. Mr. President, the May 19 edition of the Roanoke, Va., Times included an excellent editorial on the subject of inviting Spain to become a member of the North Atlantic Treaty Organization.

I have urged that Spain, which is a member of the European family of nations, be asked to join NATO, which is the principle means of defense of Western Europe. The editorial supports the position which I have taken.

I ask unanimous consent that the text of the editorial, "Bringing Spain Into NATO," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Bringing Spain Into NATO

Sen. Harry F. Byrd Jr. made a telling point or two on the Senate floor the other day in favor of inviting Spain into the North Atlantic Treaty Organization. Spain is and was of strategic importance in the European and Mediterranean picture; the U.S. has maintained bases there for almost 20 years, and at a time when the NATO position and our own position have deteriorated in that area, it makes sense to shore it up by bringing Spain in. Unlike some other European countries, she would not likely balk at making the kind of military commitment asked of her in NATO.

Granted, there are arguments against giving such recognition to Spain, still tightly controlled by Franco. But the generalissimo is on the way out; he is aging and has already designated an heir, Prince Juan Carlos. Franco's own regime seems to be loosening up a bit, changing with the times. If the U.S. really would like to influence Spain's outlook in the future, making a NATO ally of her would offer one opening for this. As for spurning Spain due to represessiveness and militarism, NATO could not do this and be ideologically consistent unless it also turned Greece out of membership.

We agree with Sen. Byrd that Spain has been a pariah long enough. But rapproachement ought not to stress simply military considerations. Through political and cultural groups such as the Council of Europe, Western nations ought also to invite Spain into a broader kind of partnership. It is basically unfair to a country so old and rich in history and traditions to pigeonhole her among the boondock countries run by generals. She has more than that to offer.

THE REVERSION OF OKINAWA TO JAPANESE ADMINISTRATIVE CONTROL

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, May 24, 1971

Mr. BYRD of Virginia. Mr. President, the April 30 edition of the Hartford Courant included an excellent editorial on the subject of the reversion of Okinawa to Japanese administrative control.

It has been contended that this reversion should take place by Executive action, but I have argued that the matter should be brought before the Senate, because it involves a change in a treaty ratified by the Senate. The editorial supports my position, and the administration has indicated that this question will be referred to the Senate for action.

I ask unanimous consent that the text of the editorial, "The Senate's Role in the Okinawa Issue," be included in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Senate's Role in the Okinawa Issue

The subject of the reversion of Okinawa to the administrative control of Japan has frequently and rightly been of great concern to Senator Byrd of Virginia. And he returned to it again last week in Congress.

Ever since the matter came prominently to the fore, Senator Byrd has held that it would be foolhardy to commit the United States to defend most of the Far East—as indeed it is committed to do—and at the same time to give away this country's unrestricted rights to use its great military complex on Okinawa. This, of course, is what the Japanese government is asking, largely out of political motives.

And as things are now progressing, the reversion of Okinawa can be expected sometime in 1972. What Senator Byrd said last week is that while there may be room for debate whether it is wise to give up unrestricted use of Okinawa at this time, there is no room for debate on how the decision should be arrived at.

In some quarters outside of Congress it is being argued that the reversion should come through Executive order of the President, rather than by submitting the matter to the Senate. The Senator is on completely solid ground when he contends the matter should have the advice and consent of the Senate, either for approval or rejection. The United States obtained Okinawa as a result of the peace treaty with Japan, which required Senate ratification. It seems entirely logical if a section of that treaty is now to be altered in regard to Okinawa, that the Senate again should pass upon it. It would be paradoxical to give away without Senate approval what was obtained only with Senate approval.

Senator Byrd rightly points to an ironical facet in the argument by those who would transfer the administration of Okinawa back to Japan by Executive order, thus bypassing the Senate. An enormous hue and cry was raised in this country when American forces went into Cambodia and supported the South Vietnamese incursion into Laos. The President was accused of usurping the constitutional role of the Senate in foreign policy when, as Commander in Chief, he approved those two military actions without consulting the Congressional chamber. But now, argument is being made the other way around. Let Executive order suffice to return Okinawa to Japanese administration. Let the Senate be damned. This is the stance of those who ostensibly are afraid the Senate might not okay reversion at this time. It shows all over again how debate depends not alone on logic, but on whose bull might be gored.

PUBLIC HOUSING IN JEOPARDY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. WALDIE. Mr. Speaker, the recent Supreme Court decision that allows local communities the right to veto public housing projects may eliminate many projects for low-income families. In a 5-to-3 decision, with Justice William Douglas ruling himself out of the case, the Court upheld a 1950 amendment to the California constitution that requires endorsement by a majority of the voters before housing projects need be constructed.

The housing authority commissioners of Contra Costa County have issued a brief report on the impact of the recent Supreme Court decision that overrules the local Federal courts.

The report follows:

Anyone that has been involved in a referendum at the local level on this issue will certainly take issue with Justice Black's statement that "provisions for referendums demonstrate devotion to democracy." It has been demonstrated over and over that all organized opposition needs to do is resort to bias and discrimination to effectively throttle the attempts of the poor and minorities to better their housing conditions through the election process.

The box score in California in the last 10 years has been about half of the referendums won and half lost, just depending entirely upon whether there was organized opposition. However, the past is no prologue to the future since certain elected high State and National officials have in the past six months deliberately created in the public mind a feeling that the primary reason for the highest taxes in history is the demands of the "undeserving poor" who are somehow lumped into the welfare mess.

In today's political climate there wouldn't be the slightest chance of winning an election for non-elderly housing in this county. There might be a slight chance of winning one exclusively for the elderly but this does us no good. By administrative fiat HUD has given elderly housing a bottom priority and mandated the most minimum of construction standards which require 60% of the elderly units to be one room studios. The City of Richmond Housing Authority won an election for 200 elderly over two years ago and are still waiting for a contract from HUD. They apparently are lost somewhere among the unapproved applications for 435,000 units that Secretary Romney refers to as his "balanced program" in justifying his failure to release funds appropriated by Congress.

The effect of this ruling upon this authority simply means that we may as well forget trying to do anything for the roughly 4,000 eligible low-income families on our waiting list except through the device of Section 23 leased housing. The direct effect of this ruling is to:

1. Completely preclude any possibility of new Authority construction.
2. Makes a farce out of requiring a housing element in every master plan insofar as requiring communities to provide housing for a cross section of income levels.
3. Makes it virtually impossible for us to exercise our option to ever acquire any of the Section 23 leased elderly projects. This was probably dubious at best because of the necessity of taking the properties off the tax rolls, but the election requirement is a real clincher.

The national administration must be very elated over the cooperation of the Supreme Court in their continuing efforts to frustrate the intent of Congress and local concern over the unmet needs of its poor, elderly, and handicapped.

PRESIDENTIAL POWERS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, May 24, 1971

Mr. BYRD of Virginia. Mr. President, on May 18, the editorial page of the Norfolk Ledger-Star published a column on Presidential powers by James Reston and an editorial on the same subject.

Mr. Reston opposes restriction of the President's war powers by congressional action. The editorial takes exception to Mr. Reston's arguments.

In the course of making its point, the editorial refers to the Senate's approval of my resolution calling for the issue of reversion of Okinawa to be sent for ratification to the Senate. The editorial sees this vote as an important one in the assertion by the Senate of its constitutional role.

I ask unanimous consent that the text of the editorial, "The struggle for powers," and Mr. Reston's column, "Balancing Power, Reality," be included in the Extensions of Remarks. The editor of the Ledger-Star is William H. Fitzpatrick.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE STRUGGLE FOR POWERS

James Reston asks an important question elsewhere on this page today concerning the relationship of the Legislative and the Executive branches in the conduct of foreign policy.

Mr. Reston wants to know how the dilemma can be resolved and suggests that the attempts by Senators Mansfield, Javits, Fulbright, Stennis and others to contain the Presidential power won't do much good; Mr. Reston prefers the philosophy of Walter Lippmann that only by the display of "self-restraint, objectivity of mind, and magnanimity" can an orderly sense of teamwork supplant the natural rivalries built—and built with a purpose, remember, please—into our system. The purpose being that one outlined by Mr. Jefferson when he said place no confidence in man in matters of power.

But Mr. Lippmann was writing thus in 1941, before the Second World War broke upon us, let alone the Korean and Indochina adventures. In those days Mr. Lippmann was an out-and-out interventionist. He's more restrained now, but his logic is sound, and we'd like to observe that that is the way things were meant to be by the Founders. Only when the Executive and the Legislative branches saw matters exactly the same was the country likely to steer wrongly, and most likely to get itself into trouble.

Even this diffusion of power by no means guarantees security; all one has to do is to recall the Tonkin Gulf Resolution to see the folly of that thinking. Nonetheless, the way to a little clearer view of the problem Mr. Reston poses—How do you separate the nuclear danger from a continuous war involvement such as Vietnam?—can be seen in the resolutions that strengthen the power the President already has to respond to *immediate* attack or threats, while making him come back within a specified time to Congress for authority to continue any armed conflict that may have arisen. This makes sense, and we hope something like it passes.

It makes sense, just as Senate adoption of Senator Byrd's Resolution by vote of 63 to 14 some 18 months ago told the White House that the Senate believed any reversion of Okinawa to Japan must take place by treaty, since Okinawa came under our jurisdiction by treaty. There was talk at the time, and as late as last month, that the President ought to bypass the Senate and come to agreement with the Sato government by executive agreement. Perhaps it was not Mr. Nixon's intention to bypass, as President Johnson did when he handed the Bonin Islands and the Northern Ryukyus back by the executive agreement route; but the Senate action raised a warning flag which Mr. Nixon seems determined to keep in view.

He seems so determined, in spite of the advice of *The New York Times* that he ought to go ahead and ignore the Senate and just write a little note handing back Okinawa. The *Times*, on April 19, deplored the decision by Mr. Nixon to use the treaty route, advice that would do more to exacerbate the present difficulties between the White House and Capitol Hill than anything we can at the moment think of, short of opening another Indochinese front. So if Mr. Reston really wishes something might be done to help matters along in the governance of this country, we'd like to suggest that the advice given by Dr. Lippmann to pursue "common council and continuing accountability" has not yet reached the *Times* editorial pages.

As for us, we support the general idea of limited powers for the Presidency; we believe in binding down the man with the chains of the Constitution. Few ambitious men are to be trusted with power, and if it comes to the clutch we'd put ours in the diverse ambitions of the 100 Senators plus the President far sooner than we would any President acting alone.

BALANCING POWER, REALITY

(By James Reston)

The ancient dilemmas of American politics are back in the headlines again: How to give the President the powers necessary to defend the nation in a time of nuclear weapons and international ballistic missiles, and still maintain control of the Congress? How to keep him strong enough to govern the nation without allowing him to impose his will on the people and their representatives in the Congress?

There is another question which is central to the present debate: How to keep the President from using the authority he clearly must have in a major nuclear crisis—when the nation could be devastated before the Congress could even be assembled—in more limited emergencies like the Vietnam war.

This is the new element in the old struggle between the executive and legislative branches. The invention of nuclear weapons and intercontinental ballistic missiles has clearly destroyed the old concept of an "equal balance" between the President and the Congress, and another invention—national television—has added to the President's advantage in the ancient struggle.

But the struggle goes on because President Johnson and President Nixon have been assuming that the new presidential powers of the nuclear missile age, which are almost unlimited, may be applied to limited wars and limited emergencies.

This is the assumption that is now being challenged by Sens. Mike Mansfield, William Fulbright, Jacob Javits, and others. They are trying to draw a distinction between presidential power in major emergencies and presidential power in lesser emergencies. They recognize that the balance of power between the executive and the legislature has moved to the White House, and must do so in a nuclear crisis, but they don't want to lose all legislative control to the President in the usual non-nuclear crises of foreign and defense policy.

Unfortunately, Mansfield and Fulbright have not done much better than Presidents Johnson and Nixon in clarifying this distinction between presidential power in primary emergencies and presidential power in secondary emergencies.

In the conduct of the Vietnam war, for example, Nixon has asserted his right, as he sees it, to invade Cambodia and Laos even without prior consultation with the Congress and Mansfield and Fulbright, among others fearing that the Congress may be losing all effective control over presidential power, are now trying to compel him to get all American troops out of Vietnam by the end of this year, and cut the American forces in Europe in half in the coming fiscal year.

So there is a new and more subtle aspect now to the old struggle of executive versus legislative power. It is not merely who rules—the President or the Congress—but when and under what circumstances.

The controversy in the Capital goes on and will continue to do so, for the founding fathers, when they were allocating power at Philadelphia, were consciously and purposely ambiguous.

They knew conditions would change. They wanted the executive and the Congress to struggle for power and to clarify the problem in the struggle.

Passing bills to give the Congress more power to restrain the President is not likely to be more effective than the power the Congress already has over money, and refuses to use.

So, though candid and trustful consultation between the White House and Congress is, and always has been, hard to come by, there is really no more effective compromise, particularly after the inventions of the atomic bomb and the long-range missile.

Since then, the President cannot be deprived of decisive power. As Walter Lippmann said back in 1941, even before the use of the atomic bomb, "this difficulty can be resolved, but only by the display of self-restraint, objectivity of mind, and magnanimity which are rare indeed in public life. The difficulty will be restored by those who, if they like the President, are for him regardless; who if they do not like him, incite Congress to resist him. . . It is no good depriving him of necessary power. It is no good arguing that mechanical provisos and limitations are a real substitute for consultation, common council, and continuing accountability."

That is a fairly good description of where the President and the Congress are in May of 1971.

SOME CONCLUSIONS ON VIETNAM

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. SCHWENGEL. Mr. Speaker, yesterday, the editorial page of the Washington Post contained an article by the former Ambassador to the United Nations, Charles Yost.

He places Vietnam in the kind of perspective badly needed today. His analysis of the situation demonstrates his tremendous grasp and understanding of the Vietnam War and its meaning.

We, in the Congress, would do well to take seriously Mr. Yost's point of view. It seems to me we would do even better by taking his advice.

I commend this article to the attention of the House.

[From the Washington Post, May 23, 1971]

LOSING AND WINNING THE WAR—SOME CONCLUSIONS ON VIETNAM

(By Charles W. Yost)

(NOTE.—Mr. Yost was charge d'affaires at Bangkok in 1945–6, ambassador to Laos in 1954–6 and served two years in the Nixon Administration as ambassador to the U.N. Since February, he has been associated with the Columbia School of International Affairs)

One of the most compelling factors causing successive U.S. administrations to escalate our participation in the Vietnam war and to move very slowly in our withdrawals from it has been the fear of domestic backlash if the area were "lost." It has been argued, partly by analogy from the domestic consequences of the "loss" of China in the late 1940s, that any U.S. administration which failed at least to hold South Vietnam would be condemned both immediately at the polls and subsequently in history as the first to "lose a war."

The most painful and traumatic aspect of our massive involvement since 1965 has of course been the loss of more than 40,000 American lives. It is now argued that, if the Communists should clearly and rapidly win the war after our withdrawal, the thought that these men had died in vain would produce a revulsion not only against the administration in power but also against any further U.S. military involvement overseas. This could, it is feared, lead to a new mood of isolationism in the country, comparable to that in the 1920s and 1930s, which could undermine NATO and all our foreign commitments and could open the way for easy Communist expansion elsewhere.

Whatever may be the substance of these fears, a few words of caution about the rhetoric of both Right and Left on the issue might first be relevant.

As to the rhetoric of the Right, it would appear that extravagant talk about the anticipated backlash tends not to dispel but to foster and feed it. To suggest, for example, that the U.S. might be "a pitiful helpless giant," if it does not at this stage respond to force with still more force in Vietnam, builds up in the country the very psychosis that is feared. Afterall, every great power, Britain, Russia, France, not to mention Germany and Japan, has from time to time suffered defeat when it overestimated its capabilities, but has usually been praised for prudence rather than condemned for retreat when it accepted and adjusted itself to realities.

As to the rhetoric of the Left, it is equally counterproductive to indulge in extravagant self-flagellation and to talk as though we were a nation of war criminals. There can be no question that the North Vietnamese began this "dirty" war in South Vietnam and Laos, without any provocation from our side, extended it later to Cambodia and carried it on from the beginning with the utmost ruthlessness and atrociousness. We have erred in misjudging our capability and that of our allies to carry on such a war successfully and to do so without being drawn involuntarily into other kinds of atrociousness. Our intentions were, however, of the most honorable—to support the principle of self-determination and to help small countries resist aggression as we had rightly and successfully done in Korea. To draw another parallel, it is easy to imagine with what violence the Soviet Union would have reacted if the West Germans had tried to take over East Germany in the same manner the North Vietnamese have tried to take over South Vietnam.

The wise course at present is not to berate ourselves either for having "lost" a war, which was our war only to the extent we made it so, nor for having fought it on a scale disproportionate to our interests and those of the people concerned. Rather, as therapy for our national traumas, both Right and Left can and should take comfort from the fact that our intervention, misguided as it may have been in scope and scale, has not been entirely in vain. The passage of six years has measurably eased some of the pressures with which our intervention was originally designed to cope.

First, the danger of widespread resort to "wars of national liberation" as a technique for expanding Communist domination, which we feared in 1965, has at least abated. The Communist great powers have seen that such wars, whatever their final outcome, involve great hazards and great burdens. We hear much less talk about them than we did in 1965 and, while they have certainly not been wholly abandoned, they are likely to be exploited in the future with considerably more caution and restraint.

Second, Communist China, which appeared in 1965 to be in a belligerent even if not in an expansionist mood, now seems interested in improving, at least to some degree, its relations with the rest of the world. It is probable that, whatever the reasons may be, it would at present prefer tranquillity rather than turbulence among its near neighbors.

Third, while we have repeatedly underestimated both the ambitions and the determination of the North Vietnamese, there can be no doubt that they have suffered very heavily over the past six years. It does not seem too sanguine to suggest that, after a settlement in South Vietnam and Laos acceptable to them, whatever that may prove to be, they will hereafter concentrate primarily on their own reconstruction and cease for a time at least to be major troublemaker in Southeast Asia.

Fourth, time has been provided by the war in Vietnam for other nations in the area—Thailand, Malaysia, Singapore, Indonesia—to strengthen their own internal security and to move toward modernization in some respects. They are better prepared to resist subversion and insurgency than they might have been had Vietnam collapsed in 1965.

Fifth, as to the U.S. domestic scene, while the duration of our involvement and the scale of our losses have increased our trauma, they have also moved us much closer to a national consensus that the time has come to pull out. In 1968 there was quite probably a majority of Americans who would have opposed and been deeply embittered by withdrawal without "victory." Now disgust and disillusionment with the whole enterprise is so widespread that withdrawal would very probably be greeted by an enormous sigh of relief, not of course a unanimous sigh of relief, not of course a unanimous but a predominant one. While withdrawal in 1968 might not have "brought us together," it very probably would do so now.

Finally, the U.S. has through this experience, tragic and divisive as it was, learned a very valuable lesson. It has learned the limitations of its power. It has learned that, despite its great military and economic strength, it cannot control events in distant parts of the world. And it has fortunately learned his lesson in a place and time when failure, while of course painful, was by no means fatal, indeed has not, I would argue, seriously damaged our essential interests or those of any of our allies except those in the immediate theater of war. It seems now a costly lesson, but it may come in the perspective of history to seem a remarkably cheap one.

Whether it will prove to be true depends of course on how we react. If we should be carried away by poisonous mutual recriminations, or if we should simplistically conclude that, because we wasted 40,000 lives and 32 billion dollars in Vietnam, no other overseas involvement or investment is in our national interest, then indeed we would have lost far more than the area and the war. But this would be quite irrational folly—like concluding that, because there are 56,000 deaths on our highways each year, we should scrap the automobile.

Let us rather, soberly and maturely, treat the Indo-China war as part of the painful experience of growing up as a great power. Let us concentrate on meeting the pressing needs of the future at home and abroad, which we have neglected while we fought the war. Let us help bind up the wounds we and our adversaries have inflicted on Vietnam, Laos and Cambodia, to the extent and in the way the peoples of those nations may want our help. Let us, once again soberly and maturely, reassess our commitments, our interests and our forces abroad, to determine in the light of experience which may be less, or indeed which might be more, compelling and necessary than they were a decade or two ago.

If we behave in this way we shall in fact, despite our grievous losses and mistakes, have "won" the war, and our dead shall not have died in vain.

CIA OPERATIONS IN LAOS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. WALDIE. Mr. Speaker, recently Senator Clifford Case in a Senate speech accused the CIA of violating a congressional ban by secretly financing mercenary soldiers in Laos. He is right. I have written him of further areas of CIA involvement in foreign policy in Laos that demand clarification. I enclose a copy of that letter for the benefit of the appropriate committees in the House of Representatives, whoever they are—and, if they exist—that have the responsibility of oversight of the CIA.

House of Representatives,
Washington, D.C., May 21, 1971.

Hon. Clifford P. Case,
U.S. Senate,
Washington, D.C.

Dear Senator Case: I noted your charges concerning the CIA financing Thai troops in Laos. Not only is that accurate, but Congressman McCloskey and I were told in the presence of Ambassador Godley by Suvanna Phouma, while in Vietnam, that those troops aren't Thais—they are really Laotians living in Thailand. And he told us this with a straight face!

Furthermore, General Veng Pao's Army of MEO's is financed by the CIA and answerable only to them. "We fire and hire their generals and pay their survivors a widows mite", so we were told by Ambassador Godley.

No one can convince me this policy need be concealed from the American public. If it is a worthy policy its disclosure and Congressional examination would be consistent. If it is not worthy, we should desist from it.

I hope you will insist on further revelations in this murky and disturbing area of American involvement. I am unable to do so given my lowly status. You can and should do so and I would be pleased to assist.

Sincerely yours,
Jerome R. Waldie,
Member of Congress.

MR. JAMES R. KING ADDRESSES THE AMERICAN SOCIETY OF PLANNING OFFICIALS

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. BOGGS. Mr. Speaker, the urban crisis now affects towns and cities in every region of our country. Its symptoms are blight, decay, and flight from the inner city. Reversing this process of deterioration will require bold, imaginative programs by Government and private organizations. It will also require a comprehensive national urban policy.

Mr. James R. King, director of the City Demonstration Agency of New Orleans, and an authority on urban problems, recently addressed the American Society of Planning Officials. His address is timely and informative, and I am inserting it in the Record and calling it to the attention of my colleagues:

Address by James R. King, Director, City Demonstration Agency, New Orleans, La.

MODEL CITIES AND NATIONAL URBAN POLICY

It is a pleasure to meet with you today to discuss Model Cities and National Urban Policy for I believe that the Model Cities Program has already influenced national urban policy and will continue to influence our nation's urban policies for many years to come.

In addition, I believe that Model Cities has had a notable impact on local urban policies—especially in the area of Mayor and City Council involvement in coordination, and citizen participation in the local decision making process.

This total system approach should not be confused with "Comprehensive Planning", for this term has come to describe broad based planning in a sub-system such as transportation or health.

Nor should it be confused with an "interdisciplinary" approach in which representatives of several subsystem, health planners, manpower planners, etc., join together to look at one subsystem—say transportation.

The Model Cities Program required the development of a total system approach which would interface such subsystems as health, transportation, manpower, etc. This kind of planning at the local level had not previously been required by any Federal program.

Perhaps equally important the interfacing of subsystems was required not only at the delivery point—the city—but at the Federal and State level as well. This was an unfamiliar exercise for most Federal Departments at both the Washington and Regional Office level and was practically incomprehensible at the State level.

I don't believe I need to point out to this audience the objectives of a total-system approach. Obviously such a system is necessary if all possible interactions are to be assessed. For example, the development of a comprehensive health plan (a subsystem) and a comprehensive manpower plan (another sub-system) would have to be examined for possible points of interaction (projected jobs in the health field, for example) if a total system maximizing program investments is to be established.

I also need not dwell on the fact that the limitation of model cities projects to "target neighborhoods" prevents the plans from being either "comprehensive" or "total system" plans. However, most model cities directors have recognized that they are in the formative stage in the development of total system "model" regarding urban programs, and have been satisfied in "defining" the target neighborhood as the parameter of the total system for purposes of dealing with the maximization of program investments.

No matter how close, or how far, we are from a rigorous "model" regarding total system planning for urban neighborhoods we must still contend with the fact that system planning can only *identify* appropriate program investments within the framework of established goals and priorities. Systems planning *is not* decision making.

No amount of planning can set the goals or establish the priorities. Neither can planning make the decision to make the appropriate program investment at the appropriate time. These decisions are made by those who must finance the projects and, in recent times, these decisions have been strongly influenced by citizen participation, both direct and indirect.

The Model Cities program recognized the distinction between planning and decision making when it lodged program control in the hands of local general purpose government.

This policy not only recognized the necessity of "taking into account" the role of the politican in the decision making process, it also gave credibility to total systems planning by requiring that Model Cities Directors be answerable to the Chief Executive in their City—most often the Mayor. This integration of planning and decision making is imperative to the implementation of a total system approach because budgetary decisions made by city government do, in fact, dictate the success or failure of any plan.

In addition, the Model Cities legislation in demanding that the City Council and the Mayor "approve" the plan actually required City Officials to play their rightful and proper role in setting priorities and establishing goals. Most city officials gained their initial experience with goal and priority setting in connection with Model Cities, for most cities have no goals and therefore have no priorities other than those approved for the Model Cities target areas. How many cities can you name that have passed resolutions establishing goals and budgeted against those "legal" goals on a priority basis?

The Department of Housing and Urban Development also continued to influence the local decision making process by requiring that Model Cities establish a structure for participation by neighborhood residents *in that* process.

This requirement forced Model Cities to continue and expand the dialogue between client and deliverers of services that had begun with local CAP programs. However, under Model Cities the city through its model city agency became the "convener" and often "arbitrar" in disputes between deliverers of services and clients receiving services. This role, it might be suggested, is not an improper role for the Mayor and City Council to play since the clients of such agencies are also the "constituents" of those elected officials.

Citizen Participation in Model Cities is therefore characterized less by "advocacy" and more by "joint planning" between neighborhood residents and deliverers of services, with city government *insuring* the *continuity* and *legitimacy* of the process.

Most Model Cities are now in some phase of execution. Therefore, it is appropriate to inquire as to their success to date.

The development of a total system approach is, unfortunately, still a dream in the mind of most Model Cities Director's. The scope of the task has proven to be too great and the procedural problems of setting up the planning process to extensive.

This is not to say that progress toward total system planning has not been made. Rather it is to say that everyone underestimated where we were and how far we had to go.

In most cities a simple listing of all program investments—essential base line data—is unavailable. In the absence of such data total system planning is virtually impossible.

In addition, more sophisticated techniques for quantification of interrelated program impact on target populations will need to be developed if we hope to select program approaches based on the anticipated result of a "cluster" of programs operating simulataneously, as opposed to the present system of selecting program approaches based on their singular effect on the target population.

In the 147 cities presently engaged in the Model Cities Program these and many other systems planning problems are being approached through experimentation. There is every reason to believe that these experiments, if allowed to run their course, will resolve many if not most of the critical problems in total systems planning for urban neighborhoods.

The reason for such optimism lies in the fact that most Model Cities have been successful in setting up a process that would permit attention to be focused on total system planning.

Most Model Cities Programs have already made an impact on the local decision making process. And it is here that the foundation for total system planning has been laid.

By taking the time to set up the process of goal setting through democratic involvement of neighborhood residents and elected officials, Model Cities programs across the country have made the first step toward elimination of independent sub-system planning. As the Federal Government extends this decision making process to all Federally funded programs, city-wide, Mayors and City Councils will draw on the Model Cities experience to set city-wide goals and priorities. With this done, it can be expected that the political demand for total systems planning will ultimately produce the refinements in technique necessary to develop a creditable total system plan.

There can be no question that cities will move into total system planning in response to proposed Federal general and special revenue sharing programs. There can also be no question that control of the decision making process will reside with elected officials—not with planners or program operators.

Elected officials will set the goals and priorities under general revenue sharing as well as several key special revenue sharing packages and those experienced in total system planning will be called upon to develop program approaches designed to maximize the utilization of available resources in reaching stated goals in the least amount of time. The Model Cities "experiments" will serve as "guidelines" both in terms of process and in terms of plan.

It would therefore be counterproductive to "fold" the Model Cities program into the new Community Development Program as proposed by the President. If we expect local government to gain experience in total system planning we must complete the 147 experiments we have started.

It has all to often been the policy of this country to address a long standing problem by dealing with the approach rather than dealing with the problem. The Model Cities approach could hold the key to urban problem solving.

This view is supported by the only official administration evaluation on the Model Cities program: "The Report of the Presidents' Task Force on Model Cities". It states: "Despite over-regulation and under-support, the model cities program has made a useful contribution. It has succeeded in making some city halls more aware of the special problems of poor neighborhoods; it has brought some mayors and citizens groups into mutually advantagoeus relations; it has given some encouragement to the improvement of management methods, and, especially in the larger cities, it has given rise to some projects that are both new and promising. Our impression is that on the whole the model cities proposals, although they do not open new vistas, compare very favorably with the general run of proposals being supported by other federal programs and by local governments. In short, the model cities program is better than what went before.

We think that if the cities are given greater freedom and more substantial support the program will be a great deal better still."

Also, in the National Municipal Policy Statement, 1970, of the National League of Cities, clearly emphasizes that "The President should take steps to assure full support for the Model Cities concept throughout each relevant federal program and federally-funded state program by earmarking sufficient funds for use by Model Cities and by requiring that the chief executives of the Model Cities have the opportunity to review and comment before approval on all federal and federally-funded state programs having substantial impact on the model neighborhood."

Finally, in the most recent policy statement of the Community Development Committee, United States Conference of Mayors, support for the Model Cities Program is clear. This policy statement insists that, "Government is obligated to support and adequately fund Model Cities for the full term of the program as it was envisioned by Congress. Current and future funding for the program must not fall victim to a trade-off with the Administration's revenue sharing proposal".

What will result in this year's legislative process remains to be seen. However, just this once, could we not complete the experiment prior to judging the final outcome?

I urge you to review the Model Cities Program in terms of the task undertaken and the long-range results that can be anticipated from the steps that have thus far been taken.

So viewed, Model Cities is in my opinion, an unqualified success for future urban policies in this country are going to be developed in the cities and in the Congress of the United States not in the executive branch of the Federal Government.

ALLOCATION OF FEDERAL FUNDS FOR PUBLIC WORKS PROJECTS

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. BEGICH. Mr. Speaker, in the past 2 years, the economy of the State of Alaska has suffered setbacks. Presently, we are experiencing one of the highest unemployment rates in the history of our statehood and, I might add, probably the highest unemployment rate in the entire Nation. There are many other areas besides Alaska that are suffering from these severe economic conditions. However, I believe that the economic conditions in Alaska are very unique.

Under Federal law, the U.S. Congress is authorized to appropriate more than $500 million for public works projects throughout the United States. However, Congress has not seen fit to appropriate the total amount authorized to date, even though Alaska and other areas of the country are in dire need of these public works projects. Alaska and its vast size and tremendous requirements would seem to indicate that Federal money for public works projects would be distributed in a more equitable manner.

The Alaska State Legislature has requested that the U.S. Congress authorize expenditure of the total amount currently authorized to be appropriated for public works projects as well as give its early favorable consideration to pending legislation calling for accelerated expenditures of money for public works projects. Because of the severe economic conditions in Alaska, the legislature has requested that the Federal Government designate Alaska as a separate and single region for the disbursement of money appropriated for public works projects. As a member of the House Public Works Committee and from personal observation, I wholeheartedly agree with the legislature's request. I am, therefore, including a copy of the legislature's resolution in the RECORD:

ALLOCATION OF FEDERAL FUNDS FOR PUBLIC WORKS PROJECTS

Be it resolved by the Legislature of the State of Alaska:

Whereas under federal law the United States Congress is currently authorized to appropriate as much as $500,000,000 for public works projects throughout the United States; and

Whereas Congress has not seen fit to appropriate the total amount authorized to date, even though Alaska and other areas of the country are in dire need of public works projects and are enduring one of the highest unemployment eras in our history; and

Whereas there is, in addition to the abovementioned authorization, legislation pending before Congress which calls for an accelerated public works program in the amount of $2 billion; and

Whereas Alaska in particular has great need for public works projects of all types and in all areas of the state; and

Whereas Alaska is in a region composed of California, Oregon, Idaho, Washington, Montana, Hawaii, American Samoa and Guam; and

Whereas Alaska's vast size and tremendous requirements would seem to dictate that federal money for public works projects be distributed in a more equitable manner, with Alaska being designated a separate region for distribution purposes;

Be it resolved by the Alaska Legislature that the United States Congress is urgently requested to authorize the expenditure of the total amount currently authorized to be appropriated for public works projects as well as give its early favorable consideration of pending legislation calling for accelerated expenditures of money for public works projects; and be it

Further resolved that the Legislature urgently requests the federal government to establish Alaska as a separate and single region for the disbursement of money appropriated for public works projects.

PUMP PRIMING IS NOT THE SOLUTION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, the Monthly Labor Review for May carried a most interesting and timely summary of a major study recently published by the Urban Institute entitled, "The Unemployment-Inflation Dilemma: A Manpower Solution." This study supplies solid empirical support for the view that we cannot spend ourselves into full employment in the classic pump-priming sense. In the words of the study:

> The crux of the problem is that when we attempt to increase production and decrease unemployment by expanding aggregate demand, frictions in the labor market increasingly deflect the extra demand into pressure on wages and prices rather than into real output. The result is that excessive inflation occurs before we attain full employment.

I believe this conclusion casts considerable doubt as to the wisdom of recent proposals by the leadership of the other party to unleash a new surge of demand through stepped-up Government spending. It also underscores the need for a new balance and realism in our manpower training programs. Rather than continue to focus almost exclusively on either training or providing temporary jobs for those at the bottom of the job ladder, we must develop a more balanced policy that focuses on hard-to-fill jobs as well as hard-to-train people. The result of our current emphasis, according to this study is fierce competition for low-level jobs while critical shortages further up the skill ladder cause long-term vacancies and wage inflation.

The study concludes that to achieve full employment without inflation requires a reduction in labor market frictions. Although training at the bottom is needed, manpower programs aimed at tight labor markets where the needed high-skilled workers are scarce is a more effective means of reducing the unemployment rate.

I believe that this article has particular relevance to the current debate of over the emergency public service employment bill and include it at this point in the RECORD:

A MANPOWER APPROACH TO THE UNEMPLOYMENT-INFLATION DILEMMA

(By Charles C. Holt, C. Duncan MacRae, Stuart O. Schweitzer, and Ralph E. Smith)

The trade-off or compromise between unemployment and inflation has been a fact of life in economic policy development during most of the post-war period even though a declared policy on the issue has never existed. The conclusion we reached in a study at The Urban Institute is that monetary and fiscal policy—with our present economic structure—cannot achieve both full employment and price stability on a lasting basis.

The crux of the problem is that when we attempt to increase production and decrease unemployment by expanding aggregate demand, frictions in the labor market increasingly deflect the extra demand into pressure on wages and prices rather than into real output. The result is that excessive inflation occurs before we attain full employment. Our analysis of the labor market structure, however, indicates that broadened and redirected manpower programs and policies hold promise for reducing both inflation and unemployment by reducing frictions—provided the programs are implemented on a sufficient scale.

Analysis of postware employment and inflation data indicates that any achievable "mix," using standard tools of money supply or public expenditure levels, would in equilibrium yield excessively high levels of unemployment or inflation. In fact, the trade-off appears more unfavorable than some of the earlier work in this field had suggested, and, as George Perry reported in his Communication in the February Monthly Labor Review, the trade-off may have worsened in recent years.

For example, our analysis shows that unemployment of a steady 3.8-percent level, the target figure originally cited by the Nixon Administration, would be accompanied by an annual rate of price inflation of five percent and an unemployment level of 25 percent among black teenagers. Additional 1-percent reductions in the jobless level would trigger price increases of several percentage points.

When aggregate demand changes, the resulting change in unemployment occurs more quickly than the inflation rate change which typically occurs after several quarters. As a consequence, there have been occasions when both of these sensitive indicators moved in the same direction. But the analysis of historical data indicates that these are temporary effects which pass when the traditional long-term relationship between unemployment and inflation reasserts itself. The present high-inflation, high-unemployment situation, although surprising to some, could have been predicted with the use of our statistical model.

A WAY OUT OF THE DILEMMA

Can this "either-or" relationship be altered to drive both unemployment and inflation down to more satisfactory levels? Can the trade-off relation be circumvented? Much can be accomplished through structural changes in the economy and there are various approaches to making the changes. In our study at The Urban Institute, we concentrated on the frictions in the labor market and means for reducing them. We found that problems previously considered the province of personnel men—job turnover, search, and vacancies—bear directly on national economic problems.

In the area of wage dynamics, our analysis indicates that severe skill shortages can be a significant factor in inflation. Where heavy demand for a particular product or service produces a high job vacancy rate and a low unemployment rate in particular regions or occupations—in other words, more jobs than there are people to fill them—wages tend to move sharply upward in an inflationary pattern. Coversely, in areas with few job vacancies and many unemployed workers, employers do not have to offer large wage hikes to recruit and retain their work forces.

These observations lead us to believe that training and placement programs that respond to skill shortages as they arise would help counter wage inflation by funneling in an adequate supply of trained labor. Such programs, in turn, would exert a measurable "spill-over" effect against excessive pay demands in other industries. Moreover, they must be accompanied by efforts to reduce institutional barriers erected by employers and employees to protect their own interests.

In sum, to be effective instruments of national policy, manpower programs must focus not only on hard-to-train people but also on the hard-to-fill jobs. The lack of emphasis on this second approach is the most obvious shortcoming of present manpower efforts.

INTERACTION OF PROGRAMS

There is a high degree of interaction between three types of manpower programs whose purposes are: To help the disadvantaged; to reduce skill shortages; and to match jobs and workers better and faster. In our view, all these approaches are necessary and interrelated; programs oriented toward reducing inflationary skill shortages may be essential if those for the disadvantaged are to be fully effective.

The focus of the manpower programs administered by the U.S. Department of Labor has been increasing on meeting the job needs of the unskilled, poorly educated workers. A little more than 1 percent of the U.S. work force received training or work experience in fiscal 1969 under these programs, but it has been estimated that only 0.1 percent of the labor force received training aimed at reducing specific skill shortages. The overwhelming share of the funds was used to help hard-core, disadvantaged workers.

The Department of Health, Education, and Welfare operates longstanding programs in Vocational Education and Rehabilitation which are aimed at basic skill needs and worker handicaps. In general, these programs are not designed to reduce inflationary skill shortages. The system of public school education contributes to vocational development of young people, but probably not very effectively for students not going on to college.

Although training at the bottom skill levels is needed, manpower programs aimed at tight labor markets where the needed high-skilled workers are scarce is a more effective means of reducing the unemployment rate. As workers leave their old, low-skilled jobs and move into the tight markets, they create job opportunities in occupations and industries that can be more easily filled.

Both equity and efficiency require that attempts be made to upgrade workers throughout industries, since some low-level employees will have to move out of the way if the disadvantaged are to find jobs on the first rung of the employment ladder. Increased attention should be devoted in particular to the problems of bluecollar workers.

In the long run, training programs limited to bottom-level skills can produce an employment crisis. Upward mobility of workers trained at this level may be hampered because of their limited skills, while a glut of newly trained candidates for the same jobs reduces their employment chances. The result could be fierce competition for low-level jobs while critical labor shortages further up the skill ladder cause long-term vacancies and wage inflation.

CONCLUSIONS

Present manpower programs are not being operated on a sufficient scale to produce much impact on inflation and unemployment. Nor has enough attention been given to program design and research. Neither the government nor the private sector has made the necessary commitment in energy or funds.

Simply reducing demand for production—the economists' standard remedy for curbing inflation—will create unemployment and hamper present training efforts for the disadvantaged unless other manpower programs are begun to stimulate upgrading.

If manpower programs are to make a major contribution to national policy, they must be stepped up, aimed at both skill shortages and the disadvantaged, and made more effective. This will require substantial increases in expenditures by government and private industry.

The cost of these proposed programs may be kept in perspective by comparing it with the bill for inflation-fighting using aggregate demand policies. Estimates of lost production have run as high as $50 billion in 1 year. The urgency of finding alternatives to the monetary and fiscal policy approach is clear.

Stepped-up government action in the manpower area merits serious consideration in view of the disastrous effects of inflation and unemployment on the national economy. Less measurable but perhaps equally serious is the damage done to the national equity objectives (implicit in the full employment goal) when particular groups of individuals willing to work are continually subject to especially high unemployment rates.

To recapitulate, our research shows that frictions in the labor market obstruct the achievement of low unemployment except when the pressure of aggregate demand is high. Yet high demand pressure tends also to produce inflation. Hence, to achieve full employment without inflation requires a reduction in labor market frictions. To accomplish this requires examination of the layoffs and quits that account for the high turnover flow through the labor market and the barriers to rapid job placements. We find that reducing turnover and speeding placements through a better informational system can reduce unemployment and job vacancies symmetrically so as not to generate inflation. It should be stressed that the typical strategy for reducing unemployment—through monetary and fiscal measures that increase aggregate demand—operates by increasing vacancies. Since the high ratio of vacancies to unemployment also touches off inflation, new approaches such as those we propose are required to escape the unemployment-inflation dilemma. Since the labor market is segmented by skill, region, education, and so on, a program to reduce turnover and speed up placements must address itself to skill shortages, as well as to disadvantaged workers.

SPECIFIC RECOMMENDATIONS

Some of the specific manpower policy recommendations emerging from the authors' analysis of the labor market bottlenecks include the following:

Recruit to fill skill shortages from workers who are already employed in segments of the market where labor supply is ample, as well as from the unemployed. Identify jobs that remain vacant for long durations and specifically train persons to fill them.

Restructure hard-to-fill jobs to better adapt them to the skills of available workers.

Establish a nationwide employment and counseling service aided by computers to speed up the matching of jobs and employees, reducing the duration of unemployment in all occupations.

Improve the quality of job matching to increase job tenure by reducing the likelihood of quits and layoffs.

Increase cooperation between private and public employment services.

Substitute capital in the form of machinery and automation for labor that is in short supply.

Promote regional mobility of plants and workers through better market information and relocation allowances.

Redirect demand away from regions, industries, and occupations with high vacancy-unemployment ratios to slack markets by government procurement, stockpiling, and tax policies.

Increase efficiency in the use of critical labor at the plant level by better sales forecasting and the use of overtime, inventory, and backlogs to smooth manpower requirements.

Reduce the barriers to jobs and to job upgrading because of discrimination in firms and unions.

Some of these recommendations reinforce objectives of present programs. Others go far beyond them in the stress on critical vacancies and in the increased scale of programs needed to attain the desired macroeconomic impacts. The full study published by The Urban Institute attempts to advance our theoretical understanding of the functioning of labor markets so that the indirect impacts of programs can be taken into account as well as the direct ones. The study includes recommendations for research and experimentation as well as for policy.

While we believe that the above approaches are most promising, we do not presume that our emphasis on wage dynamics and its implications for manpower programs is the only approach to structural change needed to solve the unemployment-inflation dilemma. Research is also critically needed on incomes, antitrust, union, and trade policies.

We do believe, however, that our research builds a useful bridge between microanalysis and national policy, indicating that the manpower approach offers promising potential for dealing effectively with the urgent inflation and unemployment problems. If we are correct, the expansion and redirection of manpower programs should become a much more urgent item on our national agenda than it has been in the past. Until we address the frictions in the labor market, the inflation and unemployment dilemma is likely to persist.

PRESIDENT'S CANCER PROPOSAL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. DERWINSKI. Mr. Speaker, as I pointed out to the House last week, the President's proposal to mount an effective program against cancer is an objective which all of us support in principle. Quite naturally, there can be no legitimate differences of opinion as to the exact procedures to adopt.

Radio station WBBM, Chicago, in an editorial broadcast May 18, discusses this subject and indicates a preference for the President's proposal over that of others in the field.

The editorial follows:

PRESIDENT'S CANCER PROPOSAL

President Nixon's proposal for an all-out battle against cancer deserves universal public support. We believe his suggestions are entirely reasonable and workable.

The President wants a Cancer Bureau to remain within the National Institutes of Health. Another proposal has been made by Senator Kennedy to make the Cancer Bureau independent. We believe the Senator is wrong in his approach.

The Cancer Bureau must by its very nature remain in very close contact with other medical research groups. This can be done by leaving the new agency within the National Institutes of Health.

The President's pledge to personally oversee the cancer program, of course, should not be taken literally. He simply hasn't the technical knowledge or the time to do it. But we understand him to mean that he will support the cancer program with all his prestige and power. Both the Senate and House Appropriations Committees have already approved the one-hundred-million dollars the President asked for to fight against cancer. Money, of course, is not going to be the only factor in waging a war against this terrible disease. But we believe that nothing should be done to limit that battle—either through a lack of funds or strangling it with the red tape of a new bureaucracy.

POLLY BERGEN HAS ROLE IN RED CROSS BLOOD PROGRAM

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. DUNCAN. Mr. Speaker, last week I learned some interesting facts about the Red Cross blood program from a very enthusiastic, charming, and pretty lady who is giving full support to the program—Miss Polly Bergen, who is a native of my district.

An outstanding businesswoman, singer, and actress, Miss Bergen is especially knowledgeable about this blood program. She made a special trip to Capitol Hill to tell us more about a venture that saves lives every week.

According to Miss Bergen and her Red Cross counterparts, the blood program collects over 3 million units of blood each year from volunteer donors. It operates a rare blood registry, collects blood for defense needs when requested by the Federal Government, and conducts a research program to insure maximum effectiveness of the program.

All who participate in the program benefit—especially donors who can be greatly relieved to know that their own and their families' blood needs will be met.

Victims of major disasters receive Red Cross blood, and, of course, a good supply of blood helps the doctor and hospitals give prompt, efficient treatment to patients.

The operation of the program is very efficient. Blood is collected in centers and by bloodmobiles and is then processed for use as whole blood or components. All parts are used.

Most duties are carried out by volunteers, and voluntary contributions finance this and other Red Cross programs.

I would urge every healthy person over 18 to check into the possibility of donating blood. Nothing can substitute for blood and millions of units are needed every year.

THE EMERGENCY CONVERSION LOAN ACT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. ANDERSON of California. Mr. Speaker, I am introducing the Emergency Conversion Loan Act, designed to immediately aid those who have been particularly hard hit by the depression in the aerospace industry.

Cutbacks in defense and space research are producing serious problems in the scientific and technological community. In the past, the Federal Government—by spending heavily in these areas—encouraged a great number of scientists and engineers to enter the aerospace industry. Of the more than 2 million scientists, engineers, and technicians, nearly 43 percent received Government-sponsored support in 1968. Yet, today, the employment rate in the aerospace industry has decreased 15.7 percent from March 1970 to March 1971.

My own State of California has been particularly plagued by increased unemployment of professional scientists and engineers as the result of cutbacks in Federal defense and aerospace contracts.

After the "Sputnik," aerospace was the new American frontier and southern California was its center. By the mid 1960's, California was doing one-fourth of the Nation's defense production and nearly half of its space construction. But today, the aerospace bubble seems to have burst and as many as 30,000 career professionals—engineers, physicists, scientists—are victims of the recession in the aerospace industry in California.

Mr. Speaker, prompt aid is urgently needed.

The bill I am introducing today would provide immediate financial assistance to unemployed engineers, technicians, and scientists in order to assist them in converting their talents to solving problems, such as crime, poverty, ill health, poor housing, and pollution.

This legislation would qualify jobless engineers, scientists, and technicians for conversion loans, provided by banks in amounts up to 60 percent of their prior salary, but not to exceed $12,000. These loans would be disbursed by banks in monthly installments up to $1,000.

Repayment would be required beginning 3 months after reemployment at a salary equal to two-thirds of the prior rate of pay. These payments would be made in monthly installments over a 10-year period, at 3-percent interest.

During the period of unemployment, the National Science Foundation would pay all interest on the loan and would also pay the difference between 3 percent and the actual amount of interest charged during the repayment period.

Mr. Speaker, this is an emergency measure and is designed to meet an emergency situation. This bill would supplement the bill, H.R. 1209, which I introduced January 22, 1971. H.R. 1209 is a long-range measure to give future guidance to Government and industry in where our priorities will lie 5 and 10 years from now. H.R. 1209 is needed for a long-range program, but it does not meet the current emergency situation.

Therefore, Mr. Speaker, I am introducing the Emergency Conversion Loan Act to meet the immediate needs of those in the aerospace community who have found themselves looking for jobs, but to no avail.

YOU'RE TAKING HIPPIES TO LUNCH

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. GRIFFIN. Mr. Speaker, along with several of my colleagues, I have protested the ruling of the Secretary of Agriculture in allowing a cash refund on food stamps. It has led to abuse of the program as pointed out in the following editorial attributed to the Chattanooga News-Free Press and reprinted in the Ocala Star-Banner on May 17, 1971.

YOU'RE TAKING HIPPIES TO LUNCH

We asked a non-working hippie recently: "How do you eat?" he smiled and responded: "My friends feed me. I've never been hungry."

"Where," we persisted, "do your friends get what they give you?" He smiled again, waved his hand and said: "Maybe they have wealthy parents."

That may be the story in some cases—but it's not the whole story. Bill Fiset wrote recently in the Oakland, Calif., Tribune about how you as a working taxpayer are financing hippies. Fiset gave the case of a specific hippie:

"He boasts that for 50 cents he buys $28 worth of (food) stamps. . . . Each week he uses the stamps to buy exactly $27.51 worth of groceries and gets 49 cents back in cash as change, the maximum amount of cash he can get on a purchase.

Then he adds one penny for the 50 cents to get his $28 worth of stamps for the next week. The fourth week of the month he sells his food stamps to friends for $15 cash. Thus in a month he's paid out 53 cents for $112 worth of stamps, for which he gets $83.53 worth of food and $14.47 net profit in cash.

From the food stamp saleswoman: "Can you imagine how this adds up when you have 15 hippie kids living in a commune house, all doing the same thing? No wonder they laugh at the Establishment." No wonder welfare programs are in trouble.

You may be taking a hippie to lunch—without knowing about it. And the hippies are certainly taking you for a ride.—Chattanooga (Tenn.) News-Free Press.

CHAOS AT HUD STYMIES COMMUNITY PLANNING—PENNSYLVANIA

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. MOORHEAD. Mr. Speaker, absence of clear Federal guidelines to qualify for redevelopment money has caused the Commonwealth of Pennsylvania to suspend needed planning assistance programs.

No doubt this is true of other local communities across the Nation—a situation which I find appalling.

I am including at this point in the RECORD for the attention of my colleagues a letter from the Secretary of Community Affairs for Pennsylvania to Sercetary Romney concerning the chaotic nature of HUD's renewal program and its devasting effect on local communities.

Perhaps others will join in this effort to urge HUD to get its house in order.

The letter follows:

Hon. GEORGE ROMNEY,
Secretary, U.S. Department of Housing and Urban Development, Washington, D.C.

DEAR SECRETARY ROMNEY: I wish to share with you a problem which is not only troubling this Department but is a threat to effective redevelopment planning in many communities in Pennsylvania.

Until more precise Federal guidelines are received as to the type of redevelopment plans required to qualify for Federal grants, this Department will enforce a policy already circulated last month that "requests for State planning advances for urban renewal projects . . . (will be) held in abeyance until some clarification of HUD intent is received."

It will no doubt be many months, or even years, before Congress acts, one way or another, on proposals for special revenue sharing for community development. We cannot wait. We should not be asked to wait when there are programs already on the books with current appropriations available.

Already, as a result of the lack of guidelines and my unwillingness to risk sparse Commonwealth tax dollars in a guessing game on Federal procedure, some local redevelopment authorities are threatened with a shutdown due to lack of our planning advances.

As a former State executive I am sure you experienced the frustration of periodic shifts in Federal procedures at the administrative levels. That is what is happening to us now.

If the present situation remains in effect very long, not only will local and state agencies later face "start up" costs when a redevelopment planning procedure is stabilized and articulated, but we run the risk of legislators mistakenly thinking that, with the lapse of uncommitted funds, redevelopment budgets can be cut at the State level, too.

In recent years, too many local redevelopment authorities have been required to review, re-review and review once again their redevelopment planning to accommodate shifts in Federal procedures. Now, there is no procedure at all.

We seek your personal interest in this problem so that clear Federal guidelines for redevelopment planning can be issued applicable to the immediate months and years ahead.

Sincerely yours,
William H. Wilcox,
Secretary.

STOP IT, ANTI-AMERICANS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. BRAY. Mr. Speaker, in a front-page signed editorial in the Sunday, May 23, 1971, Indianapolis Star, Eugene C. Pulliam, Sr., publisher of the Star, hurled down the gauntlet of challenge to all those who make a career out of hating their country.

I certainly hope that Mr. Pulliam's words will be heard over and above, and will drown out, as he puts it, "those with the biggest mouths and the smallest consciences."

The conscience of this American Republic is more to be found in Mr. Pulliam's words than in all the cheap and vapid demogoguery that has assaulted us lately, either in the streets of the Nation's Capital, or in the press, as irresponsible elements have sought to justify and encourage the erosion of our national fiber:

Stop It, Anti-Americans

Stop it, you anti-Americans! Stop criticizing everything and everybody and every motive and every action except your own. Stop constantly sniping at your government. What in the world is the matter with you? You have the most wonderful nation on earth, a nation that has gone to extraordinary lengths to uplift the poor, feed the hungry, comfort the afflicted, and extend justice to everyone. Yet here you are, applauding the very people who degrade and mock America, who tell you how selfish and corrupt Americans are.

Your own eyes and your own common sense should tell you that in no other land, under no other system, is the individual more respected or better treated. Nowhere is a person as free to do what he wants with his life. Nowhere in the world, despite our occasional overemphasis on getting and spending, are charity and service to mankind more practiced or revered than right here in America.

For the past couple of years you have allowed a small handful of hypocritical critics to flagellate us and our government.

Be realistic, America. Where is your sense of proportion? We aren't a debased or rotten nation. We have our share of criminal misfits, but most of us are pretty decent people—hard-working, law-abiding, God-fearing. All of us want a better life for ourselves and our children, and most of us want a better life for our neighbors too.

But this anti-Americanism is corrupting our national soul. It's having a harmful effect on our children, who are beginning to believe it. This false picture is making it easier for the haters, the doomsayers and the malcontents, those with the biggest mouths and the smallest consciences, to mislead and confuse us. It is twisting our values, making it difficult for our children to know right from wrong.

Thousands of American boys have been killed in Vietnam by being trapped in Viet Cong villages where men, women and children were paraded as villagers, when actually they were armed with Viet Cong cocktails, bombs and what have you. Our boys were trying to be decent to the villagers and suddenly they found themselves completely surrounded by the whole village, armed to the teeth. But the poor bleeding hearts in America, these anti-American so-called patriots, instead of having any sympathy for our boys, who of course had to fight back, felt sorry for the old men and children who got hurt in the mix-up. Of course they would get hurt in that kind of a mess. We had a lot of boys killed in that action. The anti-Americans had no sympathy for our boys, but they had all kinds of sympathy for the poor villagers who were simply used, innocently or otherwise, by the Viet Cong. This is war, make no mistake about it, but these anti-American loudmouths seem to believe we have no right to wage it in our own defense.

One United States senator actually made a statement that the American prisoners of war in Hanoi might as well just stay there, because they certainly wouldn't have been prisoners of war if they had had enough sense not to enlist for a useless and barbaric war. Well, the facts are they didn't enlist—they were drafted. And many of the very same men who voted to support President Kennedy when he went into Vietnam and who supported the Tonkin Resolution, later, when the war became unpopular, turned about face and blamed the whole thing on President Johnson. And now they are blaming the war on President Nixon, who didn't have a single thing to do with starting this war. But the very men who are loudest in their criticism of President Nixon and the present situation in Vietnam, which is gradually being solved, are the very ones who really helped start the whole mess. This is the worst display of national hypocrisy we have ever witnessed in this country.

It is unbelievable that so small a minority of Americans could create such a terrible atmosphere in this country. If it were not for the loudmouths the world would not know anything about what is going on here, because it is so much more peaceful here, and safer, than anyplace else in the world. But to hear these bleeding hearts yell, you would think Russia is a Utopia compared to America.

Stop this anti-American rot. Because if you don't, America's youth will be consumed by the stench of hypocritical rhetoric.

Stop it, America, before it is too late!—E.C.P.

A LETTER FROM A VIETNAM VETERAN

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. GUDE. Mr. Speaker, I recently received an eloquent letter from a Vietnam veteran urging me to work to set a date for withdrawal of American forces from Indochina. The writer, former Navy Lt. Thomas C. Downing III, of Gaithersburg, Md., served from January 1970 to January 1971 as an adviser to the Vietnamese Navy in the Mekong Delta. He sent me the certificate of his Bronze Star for meritorius service.

It has become increasingly clear that the critical element in the defense of South Vietnam is the determination of the South Vietnamese themselves. It is equally clear that their self-reliance is not strengthened by continued dependence on American help. Mr. Downing writes:

It is my opinion that the South Vietnamese have the wherewithal to defend themselves if they are willing to make the necessary sacrifices. We certainly are not fostering diligence in them by remaining in Vietnam, for as long as we are there they will fail to assume their full responsibilities. I saw example after example of this phenomenon during my tour. The Vietnamese rarely would do something for themselves if they could get an American advisor to do it for them.

I heard other accounts of excessive reliance on American men to do the job from other veterans who visited Washington recently. If there is any group of Americans which deserves to be heard, it is the men who have done the work of this war. For years, we have heard optimistic reports from the chiefs. It is time we heard from the indians.

THE TENNESSEE FEDERATION OF YOUNG REPUBLICAN CLUBS ADOPTS RESOLUTION IN SUPPORT OF PRESIDENT NIXON'S REVENUE SHARING PROPOSAL

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. BAKER. Mr. Speaker, as further evidence that the President's proposal to share revenues with the States has widespread grassroots support, I wish to call attention to a resolution adopted by the Tennessee Federation of Young Republican Clubs at its May 1 meeting this year. In placing the resolution in the Congressional Record, it is also appropriate to include the federation's letter to President Nixon with which the language of the resolution was transmitted to him. The resolution and the letter follow:

Tennessee Federation
of Young Republican Clubs,
Selmer, Tenn., May 22, 1971.

President Richard M. Nixon,
White House,
Washington, D.C.

Re: Resolution

Dear Mr. President: Please find enclosed a copy of the Revenue Sharing Resolution recently passed by the State Executive Board of the Tennessee Young Republican Federation.

As stated, we believe that the plan is just and equitable, and that it is a pioneer proposal in the returning of the rightful governmental functions to the States and their citizens.

We commend you for your dedication to the progress of "De-Centralization," and wholeheartedly support your efforts in the Viet Nam Policy, Economy, and other areas of progress toward the betterment of our country.

You are "OUR PRESIDENT," and we are extremely proud of you and the manner which you have conducted the Office of the President.

We are looking forward to '72 and another Great Tennessee Victory for you, Baker, and the other members of the Tennessee GOP Delegation.

With best regards,

Jimmy Daniel,
State Chairman.

Resolution

The Executive Board of the Tennessee Federation of Young Republicans held its regular meeting on May 1, 1971, at 10:00 o'clock a.m. in Nashville, Tennessee.

Whereas, said Executive Board sincerely believes the Revenue Sharing Plan proposed by President Richard M. Nixon to be in the best interest of the citizens of the United States and the State of Tennessee, and that the Plan provides just and equitable distribution of tax dollars;

Therefore, be it resolved that the Executive Board of the Tennessee Federation of Young Republicans wholeheartedly endorses the Congress of the United States to enact into law the Revenue Sharing Plan proposed by President Richard M. Nixon.

This 1st day of May, 1971.

NEED FOR WELFARE REFORM

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. GOLDWATER. Mr. Speaker, the need for welfare reform concerns us all, but just as important is the way we go about reforming this gargantuam system. Recently, Gov. Ronald Reagan of California gave a speech about welfare reform to the American Association of University Women in Fresno, Calif. He has managed to put this entire situation into perspective and I would like to share his remarks with my colleagues:

Excerpts of Remarks by Governor Ronald Reagan

I realize there are many vital issues that interest this distinguished audience . . . higher education . . . campus unrest . . . tuition . . . school financing . . . environmental protection programs. But there is one situation facing California which cannot be ignored.

California and the rest of the nation must once and for all face up to the need for welfare reform.

To fully grasp the urgency of the situation, you have to realize just how fast welfare has grown and what it is costing our state and nation—not only in dollars, but in values that are worth far more to our society than the money we spend on welfare.

Only ten years ago, the welfare caseload in California was 620,000 people. Today that is the annual rate of increase in the caseload. One out of every nine citizens—about 2½ million people—are on welfare or Medi-Cal or both—at a cost of 3½ billion dollars a year.

Unless we do something to reverse this staggering growth, it will be 1 out of 7 by the middle of next year.

This crisis is not confined to California. The rising numbers of people on welfare and the staggering cost of public assistance is literally pushing state and local governments to the edge of bankruptcy . . . in New York . . . in Pennsylvania . . . in California . . . in virtually every state. It has become an intolerable financial burden because it is forcing state and local governments to delay or underfund other essential programs in order to pay for an ever increasing welfare caseload.

There is a growing public revolt against welfare all across the country. This is not because our people have no concern for the poor. No people in all history have given more of their resources to help those in need . . . no people have taxed themselves more to meet man's moral obligation to assist the disadvantaged and those temporarily in distress.

The humanitarian instincts that prompted our system of public assistance are still deeply felt by our people. But they have watched welfare change over the years—into something no one ever intended when we started formal public programs to assist the poor.

Our people have simply lost faith in the welfare system as it has evolved over the past three decades. They see it for what it is now—a hodge-podge of confusing and sometimes conflicting laws and regulations . . . a system bogged down in red tape and corrupted by legal loopholes that have allowed some who have well-paying jobs to qualify for and receive the welfare benefits that are meant for the poor.

Almost every day, some new and shocking example of welfare abuse comes to light. Yet, every time someone proposes a realistic and effective reform to eliminate welfare fraud and legal loopholes, the cry goes up that reform is an attempt to deprive the poor. Let us examine that charge.

Does anyone really believe it is fair for families earning $1,000 or more per month to be on welfare? The present rules have permitted some isolated examples of this type of abuse.

Is it right for a family earning $7,200 a year—a figure well above any poverty line yet suggested—to receive the same amount of welfare assistance as a family of the same size which has no outside income? The present system of federally mandated income exemptions and legal loopholes not only allows this type of inequity, it actually encourages it. And examples of this are not so isolated.

Should working citizens be forced to pay higher and higher taxes to finance free unlimited medical benefits for those on welfare—benefits that are *two to three times* greater than the basic health protection most citizens can afford for their own families?

Is there something wrong with trying to adopt reasonable regulations that will eliminate costly over-utilization of medical benefits—through limitations that still leave welfare families with a far broader health program than many working citizens have for themselves?

Should the state simply give up efforts to tighten laws designed to collect child support from the more than 230,000 fathers who have abandoned their responsibility to help support their children?

In the last fiscal year (1969–70) counties collected from only 15 percent of absent parents of children on Aid to Families with Dependent Children—an average of about $75 per month from each absent parent.

Our welfare reform includes tougher laws and financial incentives to the counties to enable them to greatly increase their collection in child support cases.

If we could raise the raio from 15 percent to just 50 percent, collecting the same average $75 per month it would mean well over $100 million toward the support of these children now borne by the taxpaying citizens.

Other types of abuse are possible under the current welfare system. I am sure many of you have actually seen examples yourselves, or perhaps your sons and daughters have observed them.

The Food Stamp program, for example, was designated to stretch the food purchasing power of our neediest citizens. It was not intended to help finance experiments in group living or as a subsidy for able-bodied persons who are fully capable of work but who have—for their own reasons—chosen to drop out of society.

A man has a constitutional right to the pursuit of happiness—and that can include dropping out of our system. But he cannot ask the rest of us to underwrite his pursuit without violating our constitutional rights.

Many young people today express impatience with society and contempt for what they regard as its misplaced priorities. But how can anyone respect a solcety that continues to allow the educated and able-bodied to take adavntage of welfare loopholes and, in effect, to steal bread intended for the poor?

Stealing is perhaps too soft a word to describe the legal abuses that have occurred in the Food Stamp program. But it certainly is accurate because when someone who really does not need help claims a welfare benefit, it means that much less for those who must depend upon welfare for their very existence.

It is because of these types of abuses . . . legal and illegal . . . it is because of welfare's chaotic red tape . . . conflicting regulations and misplaced priorities . . . that public assistance has become a costly and tragic failure.

It is failing its very reason for existence. Because we have to stretch the available funds to include some who should not be on welfare at all, our public assistance program is unable to provide sufficiently for those who really need help the most. These are the truly needy . . . the blind, the elderly, the disabled and those children from families with little or no outside income and no employed breadwinner.

Every dollar wasted through administrative duplication . . . welfare fraud or legal abuse . . . means that much less is available to provide for the basic needs of the truly needy.

One of the chief purposes of the 70-point welfare reform program we have submitted is to lift the level of support that the state provides for those who need help the most and to restore a degree of dignity to the lives of those who must rely upon public assistance.

Time prevents me from detailing the entire program, but I would like to briefly acquaint you with the main goals.

First of all, we want to provide automated monthly pensions for the elderly, the blind and disabled. The 600,000 persons in this category should not be consigned forever to the welfare structure. They should not be regarded as simply another entry in a social caseworker's notebook. Because of the permanence of their dependency, they are in fact pensioners. We want to provide their monthly checks through a pension program similar to Social Security. Everyone in these categories would receive the check they now get, plus regular cost-of-living increases. And by eliminating the costly social worker administrative structure as it affects these groups, we would hope to realize sufficient funds to *increase* those monthly checks in time.

California already provides the nation's most generous overall level of public assistance. We rank first or second among the states in three of the four major categories of aid—grants to the blind, aged and disabled and our monthly payments are $38 to $55 per month higher than the national average. We lead 35 other states in average monthly payments in the AFDC category with grants of $5 per person higher than the national monthly average.

With the reform program we have proposed, we will be able to increase the monthly grants to those on AFDC who have no other outside income or very little. A random sampling in Los Angeles showed that our welfare reform would allow us to provide increases ranging from 19 to 43 percent per month in AFDC benefits, depending on the size of the family.

This can be accomplished by imposing—among other reforms—a realistic limit on the amount of outside income a family may have and still qualify for welfare benefits. And frankly I think our proposals in this regard are quite generous. Our ceiling would not eliminate supplemental welfare aid to those whose incomes fell below the ceiling.

For a family of four in San Francisco, for example, welfare assistance would taper off to an end when the family income reached about $6,084 a year. (This figure should give you some idea of how high earnings can be now with the individual still retaining welfare eligibility). If the family's income is less than that amount, it would still be eligible for supplemental assistance, including medical benefits, Food Stamps and free school lunches.

Such a ceiling is essential if we are to divide the available welfare funds among those who need help most.

The AFDC program is the largest, most emotional and most expensive category of welfare. About 1 million, 650 thousand persons receive benefits on AFDC. It is this category that is most prone to abuse and it is in this category that we propose a fundamental change of direction.

We do not dispute society's obligation to provide for needy children. But we insist we also have an obligation to restore dignity and direction to the lives of those on welfare.

We now have third and even fourth generations of families on AFDC and the program is growing every year. There are those who suggest that most of this growth is because of the national economic slump and a higher than normal rate of unemployment. The facts show otherwise.

The number of people on AFDC grew by 25 percent in 1968–69—a time when California had the lowest rate of unemployment it had known in 15 years.

The problem with the AFDC program is far more basic. It simply has no goal. It started out to be a temporary helping hand, it has become a way of life.

We have created a segment of society which looks upon poverty as a perfectly acceptable career. I do not share that view and I do not believe most Californians accept it either.

Nothing could be more destructive to our society than to subsidize a permanent and growing poverty population that must be indefinitely supported at public expense.

Is there any dignity in being dependent? Can self-esteem and self-respect grow in such an atmosphere of humiliating defeatism? Is it humane or generous to consign generation after generation to the demeaning indignity of the dole?

We do not accept that degrading prospect. And so we have proposed a drastic change of direction for welfare. We want to begin measuring welfare's progress—not by how many new people are added to the rolls each year—but by how many we restore to economic self-sufficiency.

We proposed to restore the dignity and discipline of work to the lives of those able-bodied AFDC adults who now are regarded as simply another "welfare case."

Employment in a job sufficient to pay one's way should become the goal of the welfare system. The able-bodied adult must be regarded as temporarily unemployed—not as a permanent dependent.

Under our proposal, these adults would have to be either seeking employment, training for a job or participating in the Public Assistance Work Force to continue receiving welfare.

The main goal of this work-oriented program would be employment in a private or regular public sector job—ultimately at wages sufficient to support the entire family.

If a person is not directed into the active job-market or into a training program, he would be expected to help with the public assistance work force.

We have heard protests that this kind of rule is cruel or inhumane—that it is demeaning to require work for welfare.

It is none of those things. Society expects you and your families to work to support not only yourselves, but the government and all those who are dependent upon government.

There are many things that the able-bodied adult could do to make a constructive contribution to the society that supports them. They could help patrol urban school grounds to guard against vandalism or protect children from violence . . . they could take part in environmental recycling projects . . . maintain park and recreational facilities. Women could provide child care so that other mothers could be free to either train for a job or work.

If it is not demeaning for volunteer crews of students—many of them possibly your sons and daughters—to pick up litter along the roadway, why is it demeaning to ask the able-bodied on welfare to make a similar contribution to improve the environment?

While this work program is initially aimed at able-bodied male recipients, it also would offer women on AFDC an opportunity to become usefully employed and to escape the dreary cycle of dependency that welfare has become.

The U.S. Labor Department says almost half of the married women in America today who have children under 17 are now working to help support their families and very probably to help pay the taxes their family owes to government. Is it unfair to give AFDC mothers the same opportunity to earn economic independence—when adequate child care is assured? Are we asking something unusual, out of the ordinary of them? Thirty-seven percent of all the married women who work are mothers of children under 5 years of age.

Almost 30 percent of the women on AFDC and more than one fourth of the male recipients have the equivalent of a high school education or better.

Many taxpayers who help pay for welfare have less than a 12th grade education. Still they worked their way into economic independence.

Society owes every citizen an equal opportunity to make maximum use of his talents . . . to travel as far as his own energy and skill can take him. Society has a moral obligation to help those who through no fault of their own are unable to provide for themselves. But society is not obligated to indefinitely subsidize those who simply refuse to try.

We hear pious declarations that we are attacking the result, not the cause. Well, when our citizens are working 4 months out of the year just to pay the cost of government and that is insufficient to finance necessary government services because of one runaway program—welfare, then welfare must be restructured so that we can go forward with positive programs . . . increased financial aid to education . . . better technical training . . . more modern health facilities . . . positive programs that are essential if we are to eliminate or even reduce the root causes of human misery.

Every person here knows the value of higher education to our society, not only in dollars, but the intangible strengths that an educated people provide in a free nation.

Our state budget for higher education is $676 million this year, the highest amount in the state's history. But welfare and Medi-Cal consume almost twice as much.

We are investing $337 million in the University of California system—40 percent more for 26 percent more students than we had four years ago. But the cost of the AFDC program increased by 42 percent and the enrollment in this program went up 39 percent in just one year.

We are providing $20 million a year for student scholarships and loans. $20 million will not pay for one week of welfare.

We have been told that higher education needs more state financial assistance—millions of dollars more. Can we ask the working men and women for even more of their earnings when we know we have not done all that is possible to get the most and the best use out of the money they are already providing?

Unless we bring welfare's excessive cost spiral under control . . . higher education will not get those millions . . . there will be less and less money for education and training—the positive cures for poverty—and the state will go on paying more and more to finance an unworkable, discredited system that fails the helpless victims it is supposed to rescue.

We need your help. Specifically your letters and those of your friends directed to your own legislators—your own assemblyman and state senator. It does not do much good to write to those who do not represent your particular district—they need to hear from their own constituents.

We do not expect to convert any of those self-appointed leaders of the "professional poor." Their power depends upon a continuation of the human misery and the dependency that the present welfare system has produced. They will never agree to any change that really cures poverty. The poor have become their clientele and they are not about to reduce their number.

No, we hope to convince reasonable men and women from all walks of life that we cannot go on as we have been going—that we cannot afford the cost in dollars. But even more we cannot afford what welfare is costing us in the destruction of the spiritual and moral values that created our society . . . the ideals of individual and family responsibility.

We must offer the poor the same opportunity this nation has always offered the down-trodden—an equal chance to earn—through their own efforts—a respected place in society and the material rewards that go with economic independence.

That is the ethic upon which America created the freest and most prosperous society ever known to man. It is the vision and the dream that built California.

Welfare was born of the compassion of our people—the most humane, open handed society the world has ever known. It has become a monster destroying that which it was intended to help—our most precious resource—our people.

We must turn away from the philosophy that some men must be condemned to exist forever off the confiscated earnings of others.

We must reaffirm our faith in the values of work, self-reliance and individual dignity. Without those values, freedom and dignity cannot survive.

With them, our state and our nation can reach new heights of greatness.

This choice is ours to make. I believe we must make it now.

SERENITY IN AUSTRIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. DERWINSKI. Mr. Speaker, an interesting and thoughtful commentary on the political situation in Austria was the subject of a column carried in the Joliet, Ill., Herald-News of May 11, 1971, written by Dumitru Danielopol, foreign correspondent of the Copley Press.

Since a small and peaceful country such as Austria is too often overlooked, and certainly does not dominate the attention of the media, I felt this column contained information that should be more generally analyzed.

The editorial follows:

SERENITY IN AUSTRIA

(By Dumitru Danielopol)

VIENNA, AUSTRIA.—For a political writer, Austria poses a problem. It's a country in which nothing ever seems to happen.

The Austrians move along in sensible well-ordered channels. They don't become overly excited. Their candidates wear "conservative" and "socialist" labels, but the differences often seem to end there.

A few days ago a visitor was hardly aware that Austria was electing a president. The voters returned Socialist President Franz Jonas to office for another six years after a campaign that was more of a whisper than a lion's roar.

Jonas, defeated, People's Party candidate Dr. Kurt Waldheim a former diplomat.

The People's Party is conservative. It represents industrialists, farmers, and civil servants. The Socialist Party—Modeled after that of Sweden—is far from radical. It respects the principles of private enterprise and a free market economy.

The election result will change little in Austria.

"It's not a question of principle that separates the two parties, it's only a matter of style, of nuance," said one observer.

Perhaps it's not surprising in this country that went through the hell of the Hitler-Anschluss of 1937 and a similar hell of Soviet occupation. Somehow Austria retained its character, its poise and its identity.

It also has retained an abiding faith in the United States. There have been few anti-American displays here. Even 25 years later Austrians still speak of the Marshall Plan which helped them get on their feet after World War II—that's jolly well more than most other European countries.

And despite its strict neutrality, Austria has shown tremendous compassion towards political refugees from Eastern Europe—especially from Hungary in 1956 and Czechoslovakia in 1968.

There is a special kind of understanding about American efforts in Vietnam. Only a generation ago Austria suffered Communist occupation. It remembers.

"Austria is working hard to be the bridge between East and West," said an American diplomat. "They have good relations with everyone, even with Italy with whom they are about to settle the Tyrol."

Vienna is making overtures toward Red China and there will probably be an exchange of diplomats soon. But characteristically Austria does not want to turn her back on Nationalist China with whom she has very good relations. In its view, Taiwan is similar to Austria—a small country living in the shadow of big powers.

"Taiwan cannot be overlooked," said one Austrian official. "It is a viable entity. It should remain free and a member of the United Nations, no matter what."

Incidentally, the peace and serenity that mark Austrian life apply also to the labor front. In 1970 only 215 working hours were lost due to strikes.

THE NEWSMEN'S PRIVILEGE ACT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, I am proud to be a cosponsor of H.R. 4271, the "Newsmen's Privilege Act," which was introduced in this body on February 10 by my good friend and colleague, the gentleman from Ohio (Mr. WHALEN). This bill has the broad bipartisan backing of 52 House Members. In essence, the measure would protect the confidentiality of a newsman's sources and unpublished materials. Except in specified instances, a reporter could not be forced by any court, grand jury, agency of government, or the Congress to divulge his sources or notes. The exceptions include certain defamation proceedings and grand jury or other proceedings which are required to be secret by law and in which a Federal district court has determined that the disclosure of the information is needed to prevent a threat to human life, espionage, or foreign aggression.

Mr. Speaker, I was pleased with President Nixon's strong statement of support for the principle of news source confidentiality—a statement he made in response to a question at his May 1 news conference. To quote from his response:

> Now, when you go . . . to the question of subpoenaing the notes of reporters, when you go to the question of Government action which requires the revealing of sources, then I take a very jaundiced view of that kind of action unless it is strictly—and this would be a very narrow area—strictly in the area where there was a major crime that had been committed and where the subpoenaing of the notes had to do with information dealing directly with that crime. . . . As far as the subpoenaing of notes is concerned, of reporters, as far as bringing any pressure on the networks, as a government is concerned, I do not support that.

In response to that same question, the President made the very valid point that the concept of a free press does not include freedom from criticism. Just as the press has a right to criticize, others have a right to criticize the press. In the President's words:

> I believe . . . that each of us, as a public figure, has a right to indicate when we think the news coverage has been fair or unfair.

This right to criticize should not be confused or equated with censorship or control of the media. The President indicated his support for the December 1969 statement of the Senate Republican Policy Committee—a statement which reads:

> Whether news is fair or unfair, objective or biased, accurate or careless, is left to the consciences of the commentators, producers, and network officials themselves. Government does not and cannot play any role in its presentation.

I think it is vitally important that the distinction between criticism and control be made, for there are some thin-skinned individuals who indiscriminately lump these together and in knee-jerk fashion interpret any criticism as unwarranted harassment, attempted censorship, or an abridgment of the first amendment right to a free press.

The Whalen bill which I am cosponsoring clearly addresses itself to first and fourth amendment issues of free press and privacy by insuring the protection of both a newsman's sources and unpublished materials. I am hopeful that this bill will gain even wider support and that early action will be taken on this measure.

At this point in the RECORD, Mr. Speaker, I would like to include the full text of a speech made by Congressman WHALEN to the Blue Pencil Club of Ohio on the subject of his bill, as well as the language of that bill:

REMARKS BY CONGRESSMAN CHARLES W. WHALEN, JR.

Mr. Chairman, I would like to express my appreciation for this opportunity to talk about the Newsmen's Privilege Act which has been introduced in both the House and Senate in the 92nd Congress.

I sincerely hope that today's discussion will be mutually beneficial.

During my formal remarks, I will cover three areas:

First, the background and status of the bill.

Second, what the legislation does.

Third, its justification.

Then, upon completion of those comments, I trust that you will feel free to make any observations and recommendations which, in your opinion, will contribute to the parliamentary progress of this legislation.

I. BACKGROUND AND STATUS OF H.R. 4271

H.R. 4271 is not a new bill. Similar measures were introduced in the late 1950s. The precursor of H.R. 4271 was introduced in the 91st Congress by Representative Richard Ottinger, of New York, and several colleagues, of which I was one. Despite the fact that our proposal was referred to the House Judiciary Committee on March 5, 1970, fully nine months before adjournment, no hearings were ever held. Mr. Ottinger, as you may recall, relinquished his seat in the House of Representatives to run for the U.S. Senate. Failing to achieve that goal, he no longer serves in the Congress.

This January I decided to reintroduce the bill. Additionally, for reasons I will mention later, I sought to broaden support for this legislation by urging colleagues to join me in cosponsoring it. That effort already has produced results. To date, 52 House Members have co-sponsored or introduced identical legislation. Included are 18 Republicans and 34 Democrats, an encouraging bipartisan alignment. A further effort will be made to secure support of other Congressmen.

The prospects for the bill obtaining a hearing are good. On February 24, 1971, House Judiciary Committee Chairman Emanuel Celler referred H.R. 4271 to Judiciary Subcommittee No. 3, chaired by Congressman Robert Kastenmeier (D-Wis.). Since that time I have been in frequent contact with Chairman Kastenmeier. He has indicated that staff work has begun and that the measure possibly might be called up by the subcommittee for hearings this year. I have recommended to Chairman Kastenmeier that several federal departments be asked to provide their views concerning this pending legislation. I specifically suggested that the Justice Department and the White House, in the person of Mr. Herbert Klein, Director of Communications, be invited. Spokesmen for the various media organizations of course would be asked to present their views. The result would be, I believe, the most comprehensive discussion of the subject that ever has been held. Let me say, however, that we are still in only the very preliminary stages. What I have just described represents, in my view, the optimum.

II. OBJECTIVES OF H.R. 4271

Let me now describe briefly what the bill proposes. Copies of the exact language have been distributed so I will not read it line by line. In essence, the measure would give reporters the same privilege that doctors, priests and other professions have by tradition and also by law in most states—the confidentiality of their clients' conversations with them. As one former government official succinctly put it, newsmen are to be held accountable only for what they publish or broadcast, not for what they have in their notes. I believe that sums up, in part, the thrust of what is intended. If enacted, the bill clearly would prevent the government, or anyone else for that matter, from embarking on "fishing expeditions" in reporters' notes and files.

The "privilege" accorded by the bill would apply to reporters, editors, commentators, journalists, writers, correspondents, announcers or other persons "directly engaged in the gathering or presentation of news for any newspaper, periodical, press association, newspaper syndicate, wire service or radio or television station." It protects the newsman's sources and unpublished or unbroadcast material. And the newsman cannot be required by "any court, grand jury, agency, department or commission of the United States or by either House of, or any committee of, Congress" to divulge that information.

Three exceptions to the privilege are specified and have been the subject of some controversy. The privilege would not apply:

"(1) to the source of any allegedly defamatory information in any case where the defendant, in a civil action for defamation, asserts a defense based on the source of such information; or

"(2) to the source of any information concerning the details of any grand jury or other proceeding which was required to be secret under the laws of the United States."

The third instance in which the privilege can be divested relates to a threat to human life, of espionage, or of foreign aggression. In such cases, a U.S. district court must be asked for the divestiture of privilege. But the court cannot grant the divestiture unless "after hearing the parties, (the court) determines that there is substantial evidence that disclosure of the information is required to prevent a threat to human life, of espionage; or of foreign aggression."

The bill has received the endorsement of many media and organizations. Yet, there have been reservations voiced by some, including, editorially, The Journal Herald which is one of the daily papers in my Congressional District. I feel The Journal Herald has presented a cogent argument against the exceptions delineated in the bill. Not being "hidebound," I would like to hear more discussion as to whether the qualifications to the newsmen's privilege should be modified.

III. H.R. 4271—ITS JUSTIFICATIONS

Finally, I would like to touch upon the need for this legislation. Let me state unequivocally that I believe there is a growing threat to the freedom of the press in the United States. I am convinced that any diminution of the liberty that the press now enjoys would ill-serve our Nation. I would not care to speculate whether there is in existence any plot in high places to curb the power of the press. But even the suggestion of such an undertaking requires that every appropriate legislative step be taken to guarantee that the First Amendment is not weakened.

My good friend and colleague, Senator Charles Percy, Wednesday night gave a speech which touched on the issue of freedom of the press. I would like to echo a few of his sentiments.

First, the press is not perfect. The press is people. There is no person who does not err. I would venture to say that every reporter in this room has written at least one wrong story, if not more. But, as one of my friends has frequently remarked "It's amazing how well informed we are with such a yellow press." I think the brightness of the color attributed to the press more often than not stems from the jaundice in the eye of the beholder.

Second, Senator Percy used a quote that goes to the heart of the issue of journalistic freedom. It was the observation of the late Supreme Court Justice Felix Frankfurter that "Without a free press there can be no free society. That is axiomatic."

Thomas Jefferson also commented on the press in a slightly different but equally pungent statement. He said in 1787: "Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate to prefer the latter."

Let me conclude with one further observation. There is reason to hope that the courts will sustain the confidentiality of sources and unused information. This might seem to negate the need for this legislation. In part, I would agree. However, the court cases are not testing the confidentiality except in matters that affect the courts. The Newsman's Privilege Act broadens the protection beyond just the courts. It also encompasses Congress, federal departments, agencies and commissions. The recent CBS News confrontation with a House subcommittee makes obvious to everyone in this room the need for such specific protection.

Mr. Chairman, I thank you for affording me the time to present my views on the Newsman's Privilege Act.

H.R. 4271—Newsmen's Privilege Act of 1971

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That this Act be cited as the "Newsmen's Privilege Act".

NONDISCLOSURE OF CONFIDENTIAL INFORMATION

Sec. 2. Except as provided in section 4, no person shall be required by any court, grand jury, agency, department, or commission of the United States or by either House or of any committee of Congress to disclose any confidential information received or obtained by him in his capacity as a reporter, editor, commentator, journalist, writer, correspondent, announcer, or other person directly engaged in the gathering or presentation of news for any newspaper, periodical, press association, newspaper syndicate, wire service, or radio or television station.

NONDISCLOSURE OF SOURCE

Sec. 3. Except as provided in section 4, no person shall be required by any court, grand jury, agency, department, or commission of the United States or by either House of or any committee of Congress to disclose the source of any information received or obtained by him in his capacity as a reporter, editor, commentator, journalist, writer, correspondent, announcer, or other person directly engaged in the gathering or presentation of news for any newspaper, periodical, press association, newspaper syndicate, wire service, or radio or television station.

QUALIFICATIONS

Sec. 4. (a) The privilege conferred by section 2 shall not apply to any information which has at any time been published, broadcast, or otherwise made public by the person claiming the privilege.

(b) The privilege conferred by section 3 shall not apply—

(1) to the source of any allegedly defamatory information in any case where the defendant, in a civil action for defamation, asserts a defense based on the source of such information; or

(2) to the source of any information concerning the details of any grand jury or other proceeding which was required to be secret under the laws of the United States.

(c) In any case where a person claims a privilege conferred by section 2 or 3, the person seeking the information may apply to the United States district court for an order divesting the privilege. Such application shall be made to the district court in the district wherein the hearing, action, or other proceeding in which the information is sought is pending. The order shall be granted if the court, after hearing the parties, determines that there is substantial evidence that disclosure of the information is required to prevent a threat to human life, of espionage, or of foreign aggression.

WILLIAM E. WALK, JR., RECEIVES FRENCH MEDAL

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. PETTIS. Mr. Speaker, I am proud to have the opportunity to inform this assembly that a singular honor has been bestowed upon one of my constituents, Mr. William E. Walk, Jr., of Ontario, Calif. Mr. Walk was presented with the French Legion of Honor Medal by Premier Georges Pompidou on March 31. Reserved for individuals "who have performed great service to mankind," this award is given only in the name of the French Republic itself. Walk, current president of Rotary International, was sponsored for the honor by Louis Delacarte, president of the Rotary Club of Paris.

In commending Mr. Walk to the "Legion of Honor" committee, M. Delacarte cited Walk's service in the field of the humanities and his program which calls upon all Rotary members to "bridge the gaps" between people, nations, and races.

William Walk's goal to bring about international understanding through community group involvement can be an example to all Americans—to build a better world, begin at home.

REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following report on the imminent increase in funding for cancer research:

FUNDING FOR CANCER RESEARCH

As the Congress sifts through the Nation's priorities, renewed emphasis in the fight against cancer is coming to the top. There is no question about Congress' determination to step up the efforts to control this dread disease. We are faced now with the decision of (1.) creating a new authority to intensify the search for a cure, or (2.) pouring added resources into the present programs of research and care.

A Senate Health Subcommittee has completed hearings on a bill to establish an independent cancer authority to direct this effort. I introduced this legislation in the House at the opening of the 92nd Congress.

This approach would establish an independent governmental agency to bring together into a single unit the various Federal research programs now being administered by several agencies. It would be given free rein in its operation and in its allocation of funds to track down the cause, and effect a cure, for cancer.

The President has proposed, instead, to keep the authority for Federally-sponsored cancer research under the general administration of the National Institutes of Health, but with independent funding and with a director who would report only to the President.

In both approaches, the amount of government funding for the program would be substantially increased. Under the independent agency approach, the funding for research would be doubled from the present level of some $200 million annually. President Nixon, who earlier reduced the funding level for cancer research, now proposes to increase it by some $100 million annually. Public pressure for increased money to fight cancer has been growing, particularly in light of the fact that in 1969, the government spent for each citizen: $410 for national defense, $19 for the space program, $19 for foreign aid, and 89 cents for cancer research.

There is no need to sell the nation or Congress on the urgency of the problem. No family has been left untouched by the tragedy of cancer. Despite advances in the detection and treatment of cancer, the incidence of the disease is increasing at a rate which makes it the Nation's No. 2 killer. More than 324,000 cancer deaths will occur in the United States this year, or more than one death every two minutes. More than half that number will be under 65 years of age, and, cruelly, 4,000 will be children.

Some 30 years ago, only one cancer patient in five had a chance of survival. Today, the survival rate stands at about 40 percent. Some forms of cancer, reached by surgery, are now being eliminated in 60 to 80 percent of the cases. New advances in radiation techniques are improving the survival percentages, and new drugs are prolonging the lives of leukemia victims. Still, the cause of cancer has eluded our medical scientists.

At this point, when the public is demanding that more funds be channeled into the efforts to find a cure for cancer, a controversy is building on two points, (1.) who controls the funds, and (2.) how fast can an infusion of new money be effectively used toward the goal of finding a cure.

Opinion is divided, even among researchers. Some contend that the magic "breakthrough" is not close enough to begin a concentrated research effort in any particular area of cancer research. Others argue that recent basic research discoveries indicate that the cause of cancer may be discovered soon, and the time is ripe for a concerted effort in this field—similar to that which put man on the moon.

Those who favor an independent cancer authority to provide direction and money, say that the current efforts at research are buried under six tiers of bureaucracy which cause delays and duplication of research efforts, a general lack of direction, and needless competition for research funds.

Those who support the Administration's view that the National Institute of Health should continue to oversee research efforts argue that cancer straddles virtually all of the life sciences—from biology to chemistry to genetics—and that wide-ranging research holds the only hope for finding a cure.

Regardless of the approach decided upon by the Congress, it is apparent that significantly increased funding of cancer research will be forthcoming.

CONGRESSMAN McCLORY CONGRATULATES YOUNG VOTERS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. McCLORY. Mr. Speaker, as a cosponsor of House Joint Resolution 401, proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older, I am addressing the following letter to a number of young voters in my congressional district. A copy of my letter is as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 20, 1971.

DEAR FRIEND: Congratulations on helping to write a new chapter in Illinois history! Your recent action in registering to vote—thus indicating your desire to assume to full responsibilities of citizenship—makes you a new kind of "pioneer," in our nation and in our state. Next year, when you vote for President, U.S. Senator, and U.S. Representative, yours will be among the first "under 21" ballots ever counted in Illinois.

Also, I am confident that—even before the 1972 elections occur—the 26th Amendment to the Constitution will have been ratified, enabling you to vote for all offices, not only on the national level but in the state and local elections as well.

I look forward to working with you and for you in helping to make ours the kind of nation we all feel it must be.

The power of the ballot is mighty and I am confident that you will guard this power jealously and exercise it responsibly.

Sincerely yours,

ROBERT MCCLORY,
Member of Congress.

CLOSING OF THE SMALL BUSINESS ADMINISTRATION OFFICE IN JUNEAU, ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. BEGICH. Mr. Speaker, the Small Business Administration is about to take action that if carried out would mean that the citizens of the southeastern part of Alaska would suffer needless delays and countless other difficulties in attempting to carry on business transactions with this agency. I have been informed that the Small Business Administration is about to close its Juneau office.

As you know, the State of Alaska is experiencing its worst economic depression in history. Besides the high rate of unemployment, business profits are off, and business sales are down. Many citizens of southeastern Alaska are single entrepreneurs and rely a great deal on the services of the Small Business Administration.

I am told that one of the reasons given for the removal of the Juneau office was that there were certain legal actions pending and economic expansion was not expected. However, I have been informed that a Federal court has largely removed the legal obstacles which the Small Business Administration has alluded to. The citizens of southeast Alaska cannot be served adequately by offices in Fairbanks and Anchorage. The large geographical size of Alaska makes adequate service almost impossible.

The Alaska State Legislature has expressed its strong protest against the closing of this office in Juneau. I include that resolution in the RECORD:

CLOSING OF THE SMALL BUSINESS ADMINISTRATION OFFICE IN JUNEAU

Be it resolved by the Legislature of the State of Alaska:

Whereas federal officials have recently made public the decision of the Small Business Administration to close its Juneau office; and

Whereas, if this action is carried out, it would mean that all the citizens of Southeastern Alaska would suffer needless delays, aggravation, and countless other difficulties in attempting to carry on business transactions with the Small Business Administration; and

Whereas one of the reasons given for the removal of the Juneau office was that certain legal actions were delaying an expected economic expansion, not only in Juneau, but in all of Southeastern; and

Whereas in recent days a federal court has largely removed the legal obstacles which the Small Business Administration has alluded to; and

Whereas the citizens of Southeastern Alaska cannot be adequately served by Small Business Administration personnel making periodic sojourns to Juneau;

Be it resolved by the Alaska Legislature that it expresses its strong protest against the closing of the Small Business Administration office in Juneau and urgently requests the Small Business Administration to reconsider and rescind its decision to close its Juneau office.

SUPREME COURT IDEOLOGIES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. WALDIE. Mr. Speaker, I would like to have inserted in today's Congressional Record a newspaper article by Mr. Leo Rennert of the McClatchy Newspaper Syndicate.

Mr. Rennert's article demonstrates the danger in too simple ideological categorizations as they apply to our Supreme Court Justices.

The article follows:

Ironic Twist Develops on Supreme Court

(By Leo Rennert)

Washington.—President Nixon's two appointees on the US Supreme Court have been denounced by a couple of colleagues for gross deviationism from what had been expected to be their greatest virtue—"strict" construction of the Constitution.

In fact, if Justice Hugo Black is to be believed Chief Justice Burger and the court's newest member, Harry Blackmun, are basing their decisions on "the loosest construction that could be employed."

In a similar vein, Justice William O. Douglas lectured Burger and Blackmun the other day that "strict construction" of the Bill of Rights is necessary "if every man's liberty and privacy are to be constitutionally honored."

The Black-Douglas critique of their two younger brethren is highly ironic when it is recalled that Nixon campaigned hard in 1968 against a court he charged was dominated by "liberal" constructionists.

He promised that, if elected, he would redress the balance by appointing judges who would leave personal views out of their decisions and rigidly follow a "strict" interpretation of the Constitution's dictates.

It was with these credentials in mind that he named Burger and Blackmun to the court.

Yet, today, the court's two oldest members are openly accusing the two newest ones of practicing what Nixon so roundly condemned when Earl Warren was the tribunal's dominant figure.

BLACK'S VIEW

Listen to Black last April 5 as he dissented from a 5-4 majority opinion which saw Burger and Blackmun on the winning side:

"Of course the court's construction of the Constitution is not a 'strict' one. On the contrary, it proceeds on the premise that a majority of this court can change the Constitution day by day, month by month, and year by year, according to its shifting notions of what is fair, reasonable and right.

"There was little need for the founders to draft a written Constitution if this court can say it is only binding when a majority finds it fair, reasonable and right to make it so.

"That is the loosest construction that could be employed.

". . . Our ancestors determine to draft a written Constitution which the members of this court are sworn to obey.

"While I remain on the court I shall continue to oppose the power of judges, appointed by changing administrations, to change the Constitution from time to time according to their notions of what is 'fair' and 'reasonable.'

"I would decide this case not by my views of what is 'arbitrary,' or what is 'fair,' but rather by what the Constitution commands.

"I dissent."

Sounds familiar? Isn't this exactly the kind of charge which Nixon and other political conservatives leveled for years against the Warren Court?

Yet, here is venerable old Justice Black accusing Nixon's additions to the court of committing this most horrible of sins—substituting their judgment for the clear intent of the Founding Fathers.

What has happened in so short a period of time? Have Burger and Blackmun succumbed to the subversive climate of Washington? Should the House Internal Security Committee be alerted? Is it time for "Impeach Burger and Blackmun" billboards to spring up across the nation?

And why is House Republican Leader Gerald Ford silent about all this? And J. Edgar Hoover for that matter?

NOTHING PROFOUND

Well, nothing very insidious is really happening. No dark conspiracy is at work.

In fact, it was all very predictable. The conservatives' unhappiness with the Warren Court was not so much with the means it used to reach its conclusions as it was with those conclusions themselves.

It really mattered little that the Warren Court was or was not guilty of "liberal" constructionism. What its critics abhorred were its landmark cases expanding constitutional protection to the poor, the unpopular, the downtrodden.

If some of these precedents now are to be reversed or whittled down by the Burger court, Nixon and Atty. Gen. John Mitchell are not going to complain about the methods used to establish a more conservative outlook.

Even if those methods involve some "liberal" interpretations of constitutional law.

Actually, there is very little meaning or substance in these "liberal" and "strict" constructionist tags anyway.

No member of the court has ever confessed to twisting the Constitution and every justice sooner or later accuses his colleagues of doing so when they stubbornly refuse to bow to his superior insights.

Consider the opinion which so upset Justice Black on April 5. Writing for the five-member majority, Blackmun held that Congress could strip an American of his citizenship if he was born abroad to an American parent and failed to reside in this country for five years between the ages of 14 and 28.

Less than four years ago, Black recalled, the court ruled that all Americans—not just some—had a "constitutional" right to remain citizens unless they voluntarily relinquished their citizenship.

The 1967 ruling was based on the 14th Amendment which states:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside."

To Black, this language is very clear.

"The court held (in 1967) that no American can be deprived of his citizenship without his assent," he declared in his biting dissent.

"Today, the court overrules that holding. This precious 14th Amendment says American citizenship should not be blown around by every passing political wind that changes the composition of the court."

But to Blackmun, the language of the 14th Amendment also was clear. The Constitution, he said, only offers absolute citizenship protection to those born or naturalized "in" the United States. Thus, citizens born abroad are in a different category.

Black, however, said this was merely a "narrow, restrictive and super-technical" interpretation of the 14th Amendment.

The word "in" as it appears in that amendment, he said, really meant to encompass citizens born "within" the United States or those naturalized "into" it. Thus, the location of birth is immaterial.

Whose interpretation is the "strictest" one? Black's? Or Blackmun's?

The answer is fairly simple. Blackmun's. As of now. He had one more vote than Black. Five to four. Everything else is semantic camouflage.

Even Black, who would have us believe that there can be only one reading of the Constitution, let the cat out of the bag when he complained that Blackmun's opinion was not based on a "generous reading of the "great purposes" of the 14th Amendment.

That creates a whole new ballgame. In addition to "strict" and "liberal" constructionists, we now can look forward to a third grouping—the "generous" constructionists, i.e. Black.

And Black alluded to the possibility of setting up even a fourth category of constitutional interpreters when he blasted the Blackmun-led majority for its "narrow and extraordinarily technical reading" of the 14th Amendment.

Let us see now. We started with "strict" and "liberal" constructionists. To this, we added the "generous" kind. And now we also have to contend with the "narrow and extraordinarily technical" type.

What next?

In the interest of candor and communication, would it not be preferable for all concerned to recognize that the Constitution—Black's protests to the contrary notwithstanding—does indeed "rise and fall with this court's passing notions (and) every political wind that changes (its) composition"?

FATHER ANTHONY B. ORLEMANSKI

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. JAMES V. STANTON. Mr. Speaker, Father Anthony B. Orlemanski, founder and pastor of Corpus Christi Church in Cleveland, will retire at the end of next month.

For 36 years he has been pastor at Corpus Christi Church. In tribute to his many years of dedicated leadership, the 1,800 families in his parish have planned a dinner in honor of his retirement. The dinner will be June 13, 1 week after Father Orlemanski's 75th birthday.

Corpus Christi Church was a small parish serving Cleveland's Polish families on the West Side when it was founded by Father Orlemanski in 1935. Under his leadership the parish grew and prospered. About 15 years ago the parish moved to a new, larger building. Today more than 600 boys and girls attend classes at the parish school.

Serving the church is a family tradition with Father Orlemanski. He was the fourth priest in a family of 10 children. He was ordained in 1922 at St. John's Cathedral in Cleveland. Next April he will celebrate the 50th anniversary of his ordination to the priesthood.

Father Orlemanski was first appointed pastor of St. John the Baptist Church at Campbell, Ohio, and served as pastor of Assumption Church in Grafton before coming to Corpus Christi Church in Cleveland.

The growth of the parish and its school are a tribute to this fine priest. I am proud to know him as a friend.

THE RFC, AN RX FOR THE DEFENSE AND AEROSPACE INDUSTRIES

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. CELLER. Mr. Speaker, I insert in the RECORD an article by Harold V. Gleason, chairman of the board of the Franklin National Bank of New York, in which he proposes a new RFC as a prescription for the defense and aerospace industries, now in financial trouble.

Financial aid, not available by ordinary banking facilities could be given to firms making the difficult transition from military to civilian manufacturing. Such a new RFC may be helpful also in fields of endeavor other than defense and aerospace industries. Moneys for pollution prevention, which may involve vast expenditures beyond the reach of certain firms might be defrayed out of reasonably long-term loans from the RFC. Other benefits are also described.

The following article expounds these ideas:

THE RFC, AN RX FOR THE DEFENSE AND AEROSPACE INDUSTRIES

NATIONAL PRIORITIES HAVE SHIFTED

(By Harold V. Gleason)

The United States is already well on its way towards reordering its national priorities. (See Table 1) The arguments for a substantial shift away from defense spending into larger and more civilian programs are impressive. National defense expenditures represent some 34 per cent of the Federal budget.[1] Human resources comprise 42 per cent and miscellaneous the balance. Defense spending would represent more than half of Federal budget expenditures if the trust funds, which pay their own way, were excluded. The Federal Government receives about 64 per cent of all taxes collected in the country which includes 91 per cent of all individual incomes taxes.[2] But, most of the basic needs of our civilization are supplied by the states and cities, i.e., welfare, education, sanitation, public transportation, etc. And, as the middle classes flee to the suburbs, and the poor crowd into the cities, the tax bases of cities have been weakened while their expenditures continue to rise. Mayor Moon Landrieu of New Orleans has remarked, "The cities are going down the pipe", and Mayor Kenneth Gibson of Newark has pointed out, "Wherever the cities are going, Newark's going to get there first".[3]

TABLE 1.—PERCENTAGE DISTRIBUTION OF TOTAL FEDERAL GOVERNMENT EXPENDITURES BY FUNCTION, 1955, 1966, AND 1969

[In percent]

Function	1955	1966	1969
Total Federal Government expenditures	100.0	100.0	100.0
Basic necessities	23.2	27.2	29.5
Education and manpower	2.3	3.7	3.8
Health	1.7	4.3	8.0
Transportation	1.8	4.3	3.5
General government	3.4	3.8	3.6
Defense	60.0	45.9	44.2
New housing	—.3	.7	1.2
All other	7.8	10.0	6.2

Source: "Economic Report of the President," U.S. Government Printing Office, Washington, 1971, p. 100.

In addition, national concern over pollution has further exacerbated the tug-of-war between civilian and military spending.

However, the maintenance of military "superiority" over the Soviet Union continues to be of paramount State interest to the United States. Mr. Robert C. Moot, Controller, Department of Defense, has expressed concern over the Soviet Union's spreading naval competition and ballistic missile development.[4] He cites the following statistics: The Soviets have an 80 vessel nuclear submarine fleet as against 88 United States Nuclear subs, 31 of which are scheduled for conversion to multi-warhead Poseiden missiles. But, the Russians are building 10 new nuclear subs a year and have the capacity to build double that number. Other defense analysts have warned that while we have been preoccupied with Vietnam, Soviet spending on defense related research has substantially exceeded that of the United States, and the U.S.S.R. may have passed us in ICBM development and construction.[5]

Total national defense outlays reached a high of $81.2 billion in fiscal 1969, fell to $76.4 billion in fiscal 1971, but are scheduled to rise to $77.5 billion in fiscal 1972.[6] Undoubtedly, several billion of dollars could be saved by tightening up on cost over-runs, reforming procurement procedures and eliminating unneeded and overlapping weapons. But, on the other hand, the $15–20 billion defense slashes being advocated by some of our national leaders today fall more into the realm of myth rather than reality. The basic reason for this is that the nation is currently getting less bank per buck for each defense dollar being spent. Since 1965, inflation has eroded the true purchasing power of defense dollars by about 30 per cent.[7] Measured in constant dollar terms, inflation can be said to already have slashed defense budget programs by approximately $20 billion. In addition, increased military pay and benefits are expected to consume 65 per cent of the $90 billion projected for the defense budget by 1975.[8]

So, in reality, defense budget programs have already been subsequently whittled down. And, it is likely that the prospective "peace dividend" from the winding down of the Vietnam war may disappear in the defense labyrinth. (See Table 2.) Therefore, rather than anticipating substantial cuts in defense spending, it is more likely that the emphasis will be placed on getting more of a bang for a buck within a slow rising defense budget. There may be greater emphasis on a small but well paid professional army and very expensive weapon systems.

TABLE 2.—DEFENSE TRENDS IN FUNDS AUTHORIZED FOR STRATEGIC AND GENERAL PURPOSE FORCES VARIOUS FISCAL YEARS, 1962-71

[In billions of current dollars]

Authorization category	1962 (January 1961 estimate)	1962 acutal	1964	1968	1970	1971
Strategic nuclear forces	15.7	17.0	17.1	16.6	17.7	18.0
General purpose forces (other than additions for Vietnam)	29.2	33.2	34.5	37.5	41.7	43.3
Vietnam additions				23.0	17.0	11.0
Total	44.9	50.2	51.6	77.1	76.4	72.3

Source: Charles Schultze, "Setting National Priorities: The 1971 Budget," p. 19.

If, indeed, this is to be the future trend of defense spending, then only the financially strongest and largest defense firms will be able to produce such costly military hardware. For example, the Navy wants more nuclear carriers which are estimated to cost $1 billion apiece. During World War II, the average cost of a non-nuclear powered carrier was only about $87 million. (See Rise in Weapons Cost, which follows). And, the current Federal budget carries forward a minimum ABM system whose ultimate price tag is probably unknown.

Hence, the following conclusions appear likely. First, if the nation's civilian needs are to be met without a worsening of inflation, they will have to be closely matched to tax revenues produced by a rising gross national product as well as from additional tax increases. Secondly, it appears that actual defense spending will trend upwards in future years, although continuing to represent a declining share of the total Federal budget. And finally, the expected shift in defense spending towards more sophisticated and expensive weapons, higher military pay plus inflation are likely to accelerate the attrition of weak non-competitive defense contractors. It is estimated that 2 million people have lost their jobs in the defense and aerospace industries over the last two years, and an additional 1 million unemployed can be expected in 1971.[9]

THE TROUBLED AEROSPACE INDUSTRY

Within the nervous defense industry, the problems of the aerospace sector have been magnified because of the SST defeat for Boeing, NASA's budget cutbacks and fewer defense contracts. Approximately 90 per cent of all aerospace sales go to the Pentagon, NASA and the commercial airlines (see Table 3). Aerospace sales have fallen from a high of $29.5 billion in 1968 to an estimated $23.5 billion in 1971.[10] The Lockheed Aircraft Corporation, which received more than $1.8 billion in prime contracts last year and produces the Poseidon missile and C5A transport, is dangerously close to bankruptcy.

RISE IN WEAPONS COST SINCE WORLD WAR II

Fighter: World War II cost $53,000; today: $12,000,000.

Tank: World War II cost $70,000; today: $600,000.

Destroyer: World War II cost $6,500,000; today: $90,000,000.

Submarine: World War II cost $5,000,000; today, $170,000,000.

Carrier: World War II cost $87,000,000; today: $1,000,000,000.

Bomber: World War II cost $640,000; today: $25,000,000.

Source: Michael Getler, "Defense Costs Peril Strategy," *The Washington Post*, April 19, 1971, p. A19.

Aerospace employment, currently a little over 1 million is down 25 per cent from three years ago and may be down to 962,000 by the end of the year (See Table 4).[11] Because as much as 25 percent of the employees in many aerospace companies consist of engineers and scientists, they pose a unique problem.[12] Their high levels of education and narrow technical training make it difficult for them to find comparable employment opportunities. Recent employment experiences for them have ranged from mathematics instructors to department store clerks.

Many aerospace manufacturers have attempted to step-up their diversification into civilian fields. However, their conversion ex-

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Footnotes at end of article.

periences have been slow and spotty despite their technical competence. They are striving to overcome the following obstacles: limited financial resources, a lack of competitive marketing skills and the fact that it takes many small commercial projects to replace one fat government contract.

TABLE 3.—AEROSPACE INDUSTRY SALES BY PRODUCT GROUPS

[In millions of dollars]

	Total sales	Aircraft	Missiles	Vehicles	Nonaerospace
1970 [1]	27,690	15,500	5,000	4,290	2,900
1969 [1]	28,271	15,858	5,034	4,499	2,880
1968	29,484	17,090	4,719	5,108	2,567
1967	27,267	14,981	4,417	5,290	2,579
1966	24,610	11,951	4,053	5,969	2,637
1965	20,670	9,747	3,626	5,329	1,968
1964	20,594	8,911	5,242	4,720	1,721
1963	20,134	8,527	6,003	3,774	1,830
1962	19,162	8,944	6,311	2,182	1,725
1961	17,997	8,847	6,266	1,264	1,620
1960	17,326	9,126	5,762	878	1,559
1959	16,640	9,714	5,042	386	1,478
1958	16,065	10,582	4,036	1	1,446

[1] Estimated.

Source: "Aerospace Industries Association," August 1970

To my knowledge, the Federal Government has not yet revealed an overall national economic plan to cope with the defense industry's conversion problems.[13] The White House has made a small stab at this problem by announcing a $42 Million "technical mobilization and re-employment program" to provide jobs for about 15,000 out of 100,000 engineers and scientists out of work.[14]

Too often in the past, piecemeal governmental policies have either been ineffective or have worked at cross purposes. But, nothing less than a comprehensive economic plan may be needed to deal with the complex problems confronting the defense industry.

My suggestion calls for a revival of the highly successful Reconstruction Finance Corporation to help solve, what many consider to be, a genuine national emergency.

THE HISTORY OF THE RECONSTRUCTION FINANCE CORPORATION

Creation of the RFC

The pattern for the Reconstruction Finance Corporation had its origins in the War Finance Corporation created during World War I.[15] The WFC was set up to make advances to banks making loans to enterprises essential to the war effort, or in exceptional cases, to make such advances directly to such enterprises.

In 1931, President Herbert Hoover proposed an 18 point legislative program to deal with the Great Depression.[16] Point number 2 recommended creation of a Reconstruction Finance Corporation to provide loans to ailing financial institutions, railroads and industry.[17] Congress established the RFC in January, 1932 but omitted direct RFC assistance to industry. [18] It was not until June 1934 that it authorized the RFC and the Federal Reserve banks to make direct loans to industrial businesses.

The original act set up a potential fund of $2 billion, obtainable by the sale of $500 million of its capital stock to the United States Treasury and it could sell up to $1.5 billion of notes debentures and bonds.[19] This seemed like a lot of money at the time. But, it was only the beginning of a flow that ultimately totaled $50 billion, authorized to fight, first, the Depression, then, the Second World War.[20]

TABLE 4.—EMPLOYMENT REDUCTION PLANS IN THE AEROSPACE INDUSTRY

	1968	1971
Lockheed	93,000	75,000
Boeing	102,000	44,000
North American Rockwell	114,000	76,000
McDonnell Douglas	124,700	92,000

Source: "The Troubled Blue Yonder", Time, Apr. 5, 1971, p. 77.

The primary objective of the original act was to provide loans which could not be provided through regular banking channels.[21] The loans granted by the RFC were somewhat riskier than many prudent banks cared to make. But this is not to say that RFC loans during the Depression were intended to be a "free giveaway". On the contrary, they were made on the expectation that they would be repaid.[22] Furthermore, these loans had to be secured by collateral. The principal reason for turning down loan requests was unsatisfactory earnings prospects.

The rates charged on RFC loans were consistently higher than those charged by commercial banks. This difference can be partially explained by a difference in the risk assumed in each case. In addition, such rates were defended as a means of avoiding competition between governmental agencies and the commercial banks.[23]

RFC activities during depression and war

In 1932, Franklin Delano Roosevelt was elected President of the United States for the first of four consecutive terms. Roosevelt installed his old friend, Jesse Jones, a Texas banker, as head of the RFC.[24] Under Jones' stewardship, the activities of the RFC were greatly extended to include loans to newly established public financial institutions, as well as to existing public agencies, private financial institutions and other businesses.

Between 1932 and 1945, the RFC loaned and spent approximately $35 billion, although it had been authorized many more billions than were ultimately used.[25] It grew to be America's largest corporation and the world's biggest and most varied banking organization. Over the Depression period, the RFC lent out $10.5 billion. But, all of it was eventually returned to the Treasury, including $500 million in profits.[26]

Some 5,000 banks failed during the depression; had it not been for the RFC, several thousand more would have.[27] Through the creation of several subsidiaries, the RFC's role was expanded to economic pump priming. For example, the RFC mortgage Company and the Federal National Mortgage Association were organized to help provide mortgages, and the Export-Import Bank to stimulate exports. In addition, it helped finance the Rural Electrification Administration which provided rural electricity. Credit must also be given the RFC for the many public projects which are dotted throughout our country. Such projects as bridges, tunnels, toll highways, dormitories, recreation centers, water and sewer systems and many other various city and state improvements were all financed by the RFC during the depths of the Depression. All of these projects not only provided tens of thousands of jobs themselves, but also indirectly provided employment to supplying and transportation companies which manufactured the required materials or moved them to their place of use.

During World War II, the RFC lent $22.5 billion and incurred a loss of $9.3 billion. But, the loss had been expected and was necessary for the national defense.[28] The RFC's war efforts preceded our actual involvement by over a year. In June, 1940 Congress granted it probably the most powers ever given a single federal agency. It authorized the RFC to negotiate contracts to produce and stockpile critical and strategic materials which would be necessary in the event of war.

One of the many new subsidiaries of the RFC during the war was the Defense Plant Corporation.[29] It was created in August, 1940 primarily to build and operate plants and facilities for the production of war material, and to do other things for our national defense. By 1945, the DPC had disbursed approximately $9.2 billion on 23 hundred projects in 46 states and a few foreign lands. It built plants, shipyards, pipelines, bought and sold equipment and materials, paid subsidiaries and did whatever else was needed for the war effort. Except for a small number of cases of management-fee agreements, its defense plants were operated under lease by private companies for their own accounts.

As a result of its investment, DPC owned at the time of its dissolution in June, 1945, between 10 and 12 per cent of the total industrial capacity of the nation.[30] The process of liquidating this vast industrial empire took several post-war years. Under Reorganization Plan No. 1, effective June 30, 1957, the RFC, itself, was abolished. Its remaining functions were transferred to the Housing and Home Finance Agency, General Services Administration, Small Business Administration, and the Secretary of the Treasury.[31]

How the RFC might operate under current conditions

If the RFC concept were to be revived to deal with current problems in the defense industry, financial assistance from the RFC would be forthcoming to those defense firms who must make the difficult transition from military to civilian manufacturing. In addition, financial assistance would also be provided to certain defense contractors whose survival is vital to the national defense. The decision as to which defense contractor would continue, as against which would be phased out, would have to be judged within the context of over-all national security.

To provide financial assistance to all of these companies, the new "RFC" could begin by implementing the following six proposals:

1. Encourage the formation of bank syndicates to share the risks and costs of financial assistance and which might include some RFC participation.

Loans which may entail a higher degree of risk than bankers would normally deem to be prudent would be guaranteed by the RFC.

3. In certain cases, the RFC would make direct loans to defense companies where expectations for repayment would either be over too long a time period for banks to consider, or where repayment prospects, in fact, would not be likely.

4. The RFC would provide direct loans to defense employees for retraining and relocation expenses.

5. RFC resources would be used to finance and build socially desirable projects, i.e., mass transit and pollution control systems using the skills and technology available in the defense industry.

6. Leasing plant facilities constructed with RFC funds to defense contractors who would provide operation and maintenance services.

An act of Congress would be necessary to revive the RFC and to provide it with similar borrowing and lending powers similar to those it had in the past. But, this would create one more Federal agency seeking funds in the credit markets and generating upward pressures on interest rates. Therefore, Congress should also require the review and coordination of its borrowing operations with those of all other Federal credit programs

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Footnotes at end of article.

which are currently either within or outside of the Federal budget.

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FOOTNOTES

[1] *The Budget of the United States Government, Fiscal Year 1972,* U.S. Government Printing Office, p. 6.

[2] *Statistical Abstract of the United States, 1970,* 91st Annual Edition, U.S. Department of Commerce, 1970, p. 406.

[3] Stewart Alsop, "'The Cities Are Finished", *Newsweek,* April 5, 1971, p. 100.

[4] "Pentagon Cuts: 'The Worst Is Yet To Come' ", *Businessweek,* September 12, 1970, pp. 94–96.

[5] William Beecher, "Soviet Believed Installing MIRV'S", *The New York Times,* April 23, 1971, p. 1.

[6] The Budget of the United States Government, *op. cit.,* p. 569.

[7] Assumes the inflation rate averaged 5 per cent per year over the past six years.

[8] "Climbing Costs Threaten To Force U.S. Retreat From Present Military Strategy", *The Wall Street Journal,* April 2, 1971, p. 1.

[9] Nat Snyderman, "Million Additional Defense, Space Jobs Seen Lost", *Electronic News,* January 4, 1971, p. 20.

[10] "Aerospace: The Troubled Blue Yonder", *Time,* April 5, 1971, p. 76.

[11] Ibid, p. 77.

[12] Seymour Melman (ed.) *The Defense Economy,* (New York: Praeger Publishers, 1970), p. vi.

[13] John Gerrity, "No Administration Plan on Horizon To Help Nation Convert To A Peacetime Economy", *The Weekly Bond Buyer,* April 12, 1971, p. 9.

[14] *Ibid.*

[15] Paul Studenski and Herman E. Krooss, *Financial History of The United States,* McGraw Hill Book Company, Inc., 1952, p. 300.

[16] Herbert Hoover, *The Memoirs of Herbert Hoover, The Great Depression 1929–1941,* The Macmillan Company, New York, 1952, p. 98.

[17] The RFC was to be used for the following purposes:

(a) to establish and finance a system of agricultural credit banks that would make loans for crop and livestock production not to be had during the depression from existing banks,

(b) to make loans to the existing Farmers' Intermediate Credit Banks to enable them to finance the marketing of crops,

(c) to make loans to building and loan associations, savings banks, insurance companies and other real estate mortgage agencies so as to enable them to postpone foreclosures,

(d) to make loans to banks and financial institutions "which cannot otherwise secure credit where such advances will protect the credit structure and stimulate employment",

(e) to make loans to the railways to prevent receiverships,

(f) to finance exports that would aid farmers and the unemployed,

(g) to finance modernization and construction of industrial plants and utilities so as to increase employment and plant efficiency,

(h) to make loans to closed banks upon their sound assets so as to enable them at least partially to pay out deposits to a multitude of families and small businesses who were in distress because their deposits were tied up pending liquidation or reorganization of these banks.

[18] The management of the Corporation was vested in a Board of Directors of seven members, consisting of the Secretary of the Treasury, the Governor of the Federal Reserve Board, the Farm Loan Commissioner, *ex officio,* and four other presidential appointees with two-year terms. The Board was given almost complete discretionary powers as to personnel, organization, expenses and rates of interest to be charged.

The Federal Reserve banks were "authorized and directed to act as depositaries, custodians, and fiscal agents" for the Corporation. Regional loan offices were set up in each of the Federal Reserve bank and branch cities, advisory committees and a paid manager being appointed for each of such loan agencies. Local operations were conducted wherever possible on Federal Reserve bank premises. Loans were made, collateral held, and collections made at these agencies; only loans to the railroads, farm loan banks, and Federal intermediate credit banks were at the main office in the District of Columbia.

[19] Studenski and Krooss, *op. cit.,* p. 371.

[20] Jesse H. Jones, *Fifty Billion Dollars, My Thirteen Years With The RFC (1932–1945),* The Macmillan Company, New York, p. 3.

[21] J. F. Ebersole, "One Year of the Reconstruction Finance Corporation," *Quarterly Journal of Economics,* May 1933, p. 468.

[22] John Desmond Glover, "Industrial Loan Policy of The RFC", *HARVARD BUSINESS REVIEW,* Autumn, 1939, p. 466.

[23] Ernest M. Klemme, "Industrial Loan Operations Of The Reconstruction Finance Corporation And The Federal Reserve Banks", *The Journal Of Business,* October, 1939, p. 380.

[24] James MacGregor Burns, *Roosevelt: The Lion and The Fox,* A Harvest Book, Harcourt, Brace and World, Inc., New York, 1956, p. 2.

[25] Jones, *op. cit.,* p. 3.

[26] *Ibid.,* p. 4.

[27] *Ibid.,* pp. 6–9.

[28] *Ibid.,* p. 4.

[29] *Ibid.,* p. 315.

[30] Gerald T. White, "Financing Industrial Expansion For War; The Origin of the Defense Plant Corporation Leases," *Journal Of Economic History,* November, 1949, p. 158.

[31] *Congress And The Nation, 1945–1964,* Vol. 1, Published By Congressional Quarterly Service, Washington, D.C., 1965, p. 1467.

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,500 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the captured:

Capt. George William Clarke, Jr., U.S. Air Force, [redacted], Hampton, Va. Married. The son of Mr. and Mrs. George W. Clarke, Sr., a 1962 graduate of Howard University. Officially listed as captured October 16, 1967. As of today, Captain Clarke has been a prisoner in Southeast Asia for 1,315 days.

NEEDS OF AMERICAN INDUSTRY

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. GUBSER. Mr. Speaker, recently, 54 executives of the Western Electronics Manufacturers Association met with Members of Congress and Senators from the western States. Mr. R. C. Mercure, president of WEMA, spoke at this meeting and delivered one of the most succinct and impressive speeches concerning the electronics industry that I have heard.

His two main points were that the United States needs a national policy with respect to science and technology, and that we must also give consideration to a means of developing international trade in high technology items.

Since this speech is important to all American industry, I commend the full text to the attention of all readers of the CONGRESSIONAL RECORD:

SPEECH OF R. C. MERCURE

Ladies and Gentlemen of the Congress, I am Merc Mercure, President of WEMA.

On behalf of the 54 industry executives who have crossed the country to be here today, I want to welcome you to our Congressional Luncheon. I also want to thank Senator Warren Magnuson of Washington for obtaining the use of this room for us today.

Since this is a once-a-year affair, we like to keep it informal, with most of the talking being done by you with our industry executives during the reception and across the table, rather than by me at the podium. Therefore, I will be brief.

WEMA is a trade association of 580 companies in electronics manufacturing and information technology in the thirteen western states.

Our members range from small firms employing literally a handful of people to very large companies. The bulk of our membership is best defined as small to medium-sized companies serving both government and commercial markets.

Many WEMA companies sell to foreign customers as well as domestically. And, let me assure you that in a year such as the one we have just gone through, the ability of some companies to sell internationally has been the difference between life and death.

In past years, WEMA's government affairs work centered almost exclusively around federal procurement matters, such as the creation of the Commission on Government Procurement, independent research and development, and uniform cost accounting standards.

We're not going to drop our interest in working to take some of the paperwork, waste and frustration out of government procurement. But, we have to do much more than simply focus on procurement issues. We are very concerned about our industries' future survival in a world that is much broader than the United States Government market.

For example, this past year has clearly brought home the catastrophic effects of the cyclic nature of defense and space spending. The high technology companies involved in fulfilling the government's needs—and the people those companies employ—were hit particularly hard by this shift in national priorities. Not that there's anything wrong with shifting priorities, but the immediate impact of the rapid decline in defense and space budgets, without offsetting programs, is of great concern to us all. A large number or people are now stranded with little hope that the normal marketplace will be able to absorb them in the fields for which they were trained.

Many of you have taken the lead in attempting to devise policies and programs to ease the shift in national priorities. We applaud you for the attention you have given this problem. But, the sheer number of proposals you have submitted demonstrates one thing clearly: long-range policy objectives have not been developed to guide you in your efforts.

Recently, there has been talk in the Congress and the Executive Branch of a need for a complete overhaul of the nation's science and technology policy. Movement in this direction has not yet developed into a cohesive program, but there is one excellent proposal—that a national science and technology policy be stated and maintained as a public law. We think that is an appropriate place to start. Indeed, we believe it should have your immediate attention. If there had been such a policy five years ago, it might have been possible to:

(1) alleviate or minimize the effects of today's aerospace and defense cutbacks;

(2) zero in on domestic problem-solving and create a market for new electronic hardware and computer software years before the need became urgent;

(3) prevent government cutbacks of science and engineering research at colleges and universities throughout the country.

The WEMA Board of Directors this month unanimously approved a resolution that this Association work for the establishment of a national science and technology policy.

As a first step, I will shortly be calling together the leaders of our industries in the West to ask their views on what the objectives of a national science and technology policy should be and how those objectives might be achieved.

You will be hearing more from us on this issue. This is not just industry's problem, nor it is just Government's problem. It is *our* problem, and Government and industry must work together to cope with it.

The second general matter I want to touch upon today is our industries' involvement and stake in the international marketplace. Like everyone else, our companies face competition from foreign manufacturers. Most of us have been successful in maintaining a technological lead over our foreign competitors. As a result, our companies have been able—so far—to increase their international sales every year.

But we live in a tough competitive world—a world in which the comfortable technological gap that we enjoyed for so long has or is being closed rapidly by other industrial nations. In part, this is a result of a conscious government/industry cooperative effort by our foreign competitors. This internationally-oriented government/industry partnership is best exemplified by the Japanese.

Here's how it looks to us. The available evidence makes it clear that the Japanese Government has a major policy the shifting of resources towards the production of high technology products, including many items produced by our western companies. Today our computer industry is preparing for the invasion of Japanese computers into the U.S.

The high-technology sector of Japanese industry is especially well protected from U.S. competition. Japan's average duty on higher technology items is almost 10% greater than on low technology products. By contrast, in the United States the average duty on higher technology products is substantially below that on low technology products.

It's the same with non-tariff barriers. Most of Japan's remaining restrictions are on such items as computers and other sophisticated electronic equipment. These are the types of high-technology products in which the United States has been the world leader. There are very few Japanese import restrictions on lower technology manufactured goods. As somebody said in the recent *Time Magazine* article, a United States company can build a factory in Japan to make wooden sandals. But, computers—no way!

On the other hand, U.S. quantitative restrictions and other non-tariff trade barriers give no differential to high technology products.

Japanese industrial development laws give financial aid to industries which promise high growth or which have large research and development expenditures. This help may take a number of forms, including tax incentives and long-term loans at low interest rates. It doesn't happen here, even though our foreign trade has worried the last two administrations.

I raise these points to illustrate the type of government/industry cooperation our companies are competiting with internationally. When we campare the Japanese policies—or, for that matter, the policies of any of our other Western European competitors with our own—it becomes clear—at least to those of us in industry—that the United States does not have a coherent trade policy designed to stimulate exports or even to encourage reciprocity in our trading relations with other countries. Rather, our trade policies for too long have evolved from diplomatic meetings, motivated mainly by political policy considerations and wholly divorced from economic realities.

These are tough times. Cutbacks in federal spending and a general softness in the economy have caused severe unemployment and economic problems throughout our country. We in the West have been especially hard hit, as you know. Right now, both Government and industry should be looking for ways to build up our sales in international markets. At the same time, we should be negotiating in a no-nonsense way for reciprocity with our trading partners. Specifically, what can be done? It is our view that our country should move to:

(1) reduce U.S. unilateral controls over trade in peaceful goods with Eastern Europe to the level applied to our major trading partners;

(2) insure that the Export-Import Bank, our Government's only commercial financing facility, has the capability flexibility to meet the growing needs of business;

(3) push U.S. participation in the European Multipartite Accord;

(4) enact legislation enabling the formation of Domestic International Sales Corporations;

(5) give the President the authority to

conduct aggressive trade negotiations to knock down import barriers of other countries.

Action like this will go a long way to insure that our industries continue to compete internationally and continue to provide jobs at home.

Ladies and Gentlemen, thank you very much for your attention. We apppreciate your being here with us today. I hope you have found this gathering to be a pleasant one, and we will be looking forward to seeing you again next year.

CLARIFICATION OF CONGRESSIONAL AUTHORITY

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. FRENZEL. Mr. Speaker, as American involvement in Southeast Asia continues, and as it becomes evident that the pattern of American participation in wars on foreign soil is substantially different from anything we have experienced in the past, it is necessary for that Congress to reexamine and redefine the use of its constitutional authority to declare war.

Congress has plenty of authority, but it has difficulty in exercizing this authority. The result of congressional inaction has been an established precedent of police actions and undeclared wars. It is important to note that this has been an abdication of congressional authority rather than a usurpation by the executive.

In order to clarify the President's authority to act in his capacity as Commander in Chief of our Armed Forces, but at the same time allow Congress a reasonable time to act in accordance with its constitutional authority, I am today introducing a bill which will establish a procedure for Congress and the executive branch of Government to participate jointly in the formation and responsibility for military policy.

My bill will require the President to inform Congress prior to, or within a reasonable period of time after engaging U.S. troops in combat. It would further require that troops must be withdrawn unless Congress passes specific enabling authorization for this action within 30 days.

This bill would alter current practice as follows:

First. It would reassert and update the role of Congress in declaring war in an age of undeclared wars.

Second. It would clarify the President's authority to act decisively in emergency situations when the prior approval of Congress is impracticable.

Third. By requiring a congressional mandate for Presidential action, it would help to generate an essential unity in America when forces are committed to combat on foreign soil.

Fourth. It would prevent spur-of-the-moment action by providing a 30-day period for careful review.

THE SURPLUS OF TEACHERS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. COLLIER. Mr. Speaker, it is quite obvious that the teacher shortage of recent years has been followed by a teacher surplus. Just how large the excess number of educators is depends on what statistics are used.

According to the Office of Education, a component of the Department of Health, Education, and Welfare, the number of graduates with teaching degrees will exceed the number of teaching jobs available in public elementary and secondary schools by 19,000 in the school year beginning in September 1971, as compared with 6,000 for 1970. The surplus will increase to 29,000 in 1972, 32,000 in 1973, 45,000 in 1974, and 55,000 in 1975.

Later data compiled by the National Center for Educational Statistics, an agency of the Office of Education, are even more discouraging to those who will be seeking positions as teachers. These data give the following figures for the surplus: 1970—20,000; 1971—33,000; 1972—44,000; 1975—72,000; 1978—93,000. The bureau of appointments of the Illinois State University foresees a national surplus of 600,000 teachers by 1975.

Articles that appear in the U.S. News, July 6, and the New York Times, July 19, shortly before the present school year began, give details about the difficulties would-be teachers are experiencing. According to the news-magazine:

> In California, more than 5,000 teachers have been added to the job market because of staff reductions made this year by hard-pressed school districts.
>
> The Los Angeles city school system . . intends to eliminate nearly 2,000 teachers from the rolls of its junior and senior high-schools this autumn.
>
> In Cleveland, plans for hiring an additional 1,200 teachers have been suspended and the present teaching force is to be cut back by 1,000. . . .
>
> The number of teacher vacancies for the September term in Florida, projected at 2,803 in April, has now been reduced by more than 50%.
>
> A recent survey in Minnesota showed that fewer than 42% of June's teaching graduates registered with placement offices have found jobs.
>
> In some Indiana schools, according to college placement officers, from 100 to 150 graduates may be applicants for the same job.
>
> Clarion [Pennsylvania] State College . . . reports 900 applicants for 75 openings in the Pittsburgh area. . . .
>
> Applications in Great Falls [Montana] . . . . have totaled 1,500 for 125 vacancies.
>
> Storm Lake, Iowa, got 150 applications this year for 15 openings . . .
>
> The public-school system in Washington, D.C., reports it has . . . about 7,500 applications for 150 vacancies.

According to the Times story, in Tacoma, Wash., 400 graduates out of a class of 630 had not found teaching jobs. The article continued:

> At Sacramento State College, only 300 of 892 potential teachers who graduated this year have found jobs. The local school district has more than 4,000 applications for its 200 openings. . . .
>
> In Chicago . . . 100 new applications arrive daily. . . .
>
> Many suburban school districts in the Chicago area report 20 to 50 applications for every opening.
>
> Cincinnati . . . will hire 500 new teachers . . . More than 5,000 applications have been received.
>
> . . . In Moorhead [Minnesota], where applications have run around 500 annually, the figure this year has tripled.
>
> . . . In Uniondale, New York, 400 have applied for seven elementary school openings.

It can safely be assumed that some candidates for teaching positions send applications to more than one school. On the other hand, the two news stories that I have quoted cover only a few of the thousands of situations.

There are several reasons for the surplus of teachers, one of the obvious ones being the decline in the birth rate from 4,100,000 in 1963, to 3,400,000 in 1968. Revolts by taxpayers, who are angry because of the constantly increasing cost of education and, in many cases, disgusted with the results, have curtailed funds available for teachers' salaries. Unemployment in other fields has caused some of the jobless and their wives to return to teaching. The number of teachers will be swelled by the return of men presently stationed in Southeast Asia but the ending of draft deferments will offset this more or less.

While all predictions based on statistical projections have to be taken with a grain of salt, it is obvious that the surplus of teachers will continue for some time. For that reason, future authorizations and appropriations for educational programs ought to be scrutinized with greater care, as a tremendous amount of Federal money is currently being used to educate teachers.

While part of the answer to the problem of what to do about the teacher surplus would be a reduction in the number being graduated by the colleges and universities, some consideration ought to be given to a statement made early in 1970 by Geoffrey H. Moore, the Commissioner of the Bureau of Labor Statistics of the Department of Labor. In discussing the change from a shortage of teachers to a surplus, he said:

> With manpower constraints lifted, more communities may introduce or expand kindergartens, nursery schools, and curriculums for the handicapped and for the gifted. In addition, as the supply situation improves, local school officials may feel they can improve the quality of education by hiring additional teachers to reduce class size. The resulting effect on manpower requirements could be very significant.

MEDICAL SCHOOLS IN FINANCIAL JEOPARDY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. WALDIE. Mr. Speaker, we are all familiar with the urgent need for qualified health personnel throughout the entire United States. The present shortages that we are now faced with are tremendous, but the projected shortages are truly frightening. According to the U.S. Public Health Service there was a shortage of 17,800 dentists and 150,000 nurses as of 1970. If the present rate continues, there is a projected need of 56,000 and 210,000, respectively, for 1980. This is a total manpower shortage of almost 100,000 people in just these two areas alone. This figure does not include projected increased needs in other health related fields.

This situation relates to the financial problems faced by many, if not all, of our health schools. Many such schools have had to resort to the use of emergency funds to continue with their programs. However, even this source of financial aid will soon run out. The Federal Government, through the Manpower Act of 1968, has provided aid to these schools, but this aid in the form of grants has not been sufficient to cope with the situation. The 1968 act authorized more funds than were actually appropriated.

According to a report by the National Committee To Save Our Schools of Health, there are three basic courses of action for the Congress to take. The first is a simple extension of our present program. The second is an extension with increased authorization for amounts to be appropriated. Finally, they call for a complete restructuring of the present system. It is obvious to me that the first course of action has pitifully failed, and that the second does not go far enough to curb this rising tide.

Mr. Speaker, it is all too evident that concrete action is needed in this area. I would like to call upon the Members of Congress to investigate the different possibilities for future action and to take all the necessary steps to bring this growing problem to a halt.

OPERATION BREAKTHROUGH STATUS REPORT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, in the 1968 Omnibus Housing Act this Congress set a decade housing goal of 26 million units, including 6 million subsidized units. That goal would mean producing 2.6 million units annually or at approximately twice the current rate. This was and is an ambitious goal, and some would argue, perhaps an urealistic goal, but in terms of our housing needs it may even have been a conservative estimate. We were thus confronted with the challenge of how to meet these real needs given the realities of existing capabilities. In response to that challenge, the Congress authorized Operation Breakthrough, an attempt to produce houses on a volume basis utilizing, to the maximum extent feasible, new technologies and materials.

When George Romney took office as Secretary of Housing and Urban Development, he gave Breakthrough his personal attention and high priority in his Department. Intense competition was initiated which resulted in 600 housing design and site proposals. Out of this competition, 22 prototype producers and nine sites were selected, and this month the first Breakthrough bungalow rolled off the assembly line. Secretary Romney was on hand for the ceremony, and he hailed the event as signaling "the coming of a real revolution in housing."

Breakthrough has encountered many problems along the way, and will likely encounter many more in the future. Breakthroughs do not come easy, especially when you are trying to break with the horse and buggy housing era with its tangled web of restraints. But there are many encouraging signs at which we can take heart. The response and cooperation of industry, labor, and State and local governments have made possible things people would not have dreamed possible a few years ago. Slowly but surely the barriers are falling and Operation Breakthrough is becoming a reality.

Two recent articles have given a balanced appraisal of the problems, progress, and prospects of Operation Breakthrough, one from the May issue of Government Executive, and the other from the May 20 New York Times. I include both of these articles at this point in the RECORD, and commend them to the reading of my colleagues:

[From Government Executive, May 1971]

DIVERSE PROBLEMS CROP UP, BUT—OPERATION BREAKTHROUGH, RECIPIENT OF KUDOS, CRITICISM, MOVES AHEAD ON PROJECTS

HIGHLIGHTS

1. Operation Breakthrough, HUD's ambitious research and development program, is seen as a catalyst that will benefit the entire housing industry.

2. Gains being promoted by Breakthrough activities include statewide industrialized housing agreements, local code revision, labor agreements, improved data retrieval and dissemination processes. But there is doubt much truly new technology will emerge from its prototype projects.

3. Industry meanwhile is active in a variety of systems housing projects, while awaiting a "real dollar" commitment to housing by Uncle Sam.

Operation Breakthrough. It has a beautiful ring to it. It is a title that any advertising man would have been proud to have dreamed up. But what will it accomplish in solving the Nation's housing crisis? Is the program worthwhile? Will it eventually be consigned to that intellectual scrap heap of outworn Government slogans upon which such tantalizing Federal catch phrases as "The War on Poverty" or ""The Great Society" have been dumped unceremoniously and without noticeable public lament?

Possibly too much may be expected of *Breakthrough*. This kind of program has built-in elements of both success and failure.

At the very outset, it was suspect because it was mounted at an unpropitious time from a fiscal standpoint. It is underfunded. It is not of the sizeable scope that such a program should be. Therefore, so the thinking goes, it inevitably will be a bust.

But *Breakthrough* also is a success, if only because it exists. It is the outgrowth on the Federal level of the thrust for more Government involvement in housing generated by many respected urbanologists over the years.

And during those years, it should be noted, neither the Federal Government, big industry as a whole, nor the public showed much interest in the national housing problem. The headlines reading, "Half of U.S. Population Cannot Afford to Buy a $21,000 Home," were to come later.

Operation *Breakthrough,* it is important to emphasize, is not a flashy instant creation of the present Administration. It is an evolutionary development, a response to demonstrable political, social, and economic needs that could have been called something quite different and have been launched one Administration earlier or later, depending upon prevailing conditions.

The pressures, in other words, have been building for some time among builders, financial institutions, corporations, construction labor, and housing consumers.

The program's precursors most notably include the National Commission on Urban Problems otherwise known as the Douglas Commission (so named for Sen. Paul Douglas, who headed it), the Committee on Urban Housing (the Kaiser Committee), and housing technology task forces within HUD and the Commerce Department. All of these groups drew heavily on the findings of highly respected housing experts.

This is not to denigrate the efforts of HUD Secretary George Romney, Dr. Harold Finger, the Assistant Secretary for Research and Technology, or of the *Breakthrough* program's staff.

The consensus is that they are doing quite a bit more than might be expected under very trying conditions. Industrialized housing markets are being assembled that did not exist before. Labor unions are entering into agreement with systems producers that would have been unheard of a few years ago. Outmoded building codes which require the use of archaic construction methods, equipment or materials are being battered down in hundreds of American communities.

Many of these changes would have come about anyhow in the natural social and economic evolutionary process. But it is reasonable to assume that HUD's Operation *Breakthrough* effort has served as a catalyst to bring about change earlier than would have been possible without such Federal involvement.

Breakthrough has gotten a dialogue going among the interested parties and this is no mean achievement considering past history. It also has dangled the plum of future Federal expenditures before big U.S. corporations, spurring interest in the housing market that had not previously existed.

Still and all, the *Breakthrough* program operates in a kind of larger Never-Never Land which has much to do with the prevailing politics and social customs in the United States and with the greater financial community, to which housing is only one of many potentially profitable facets. One myth concerns the number of housing units targeted in 1968 as a minimum building requirement during the following decade. The figure—26 million units, including six million units for low and moderate-income families—has by now acquired the status of a magic number, but it is considered all but meaningless by many knowledgeable housing experts.

To meet the goal over the 10-year period, of course, requires building an average of 2.6 million units a year, and the best the housing industry ever has done has been some 1.9 million starts in 1950. In 1969, there were only 1.5 million starts and 1970 was a grim year for the housing industry.

MANY MOBILE HOMES

For example, the mobile home industry in recent years has been supplying up to 25 percent of all the Nation's single-family dwellings, and, in fact, has been largely instrumental in keeping the housing crisis from developing into a national disaster. Should mobile homes be included in totting up housing starts toward meeting the 26 million goal? Perhaps, even though this presumably is stretching the goal-setters original intentions to some degree.

There also is considerable evidence to support the view that far more than 26 million units will be needed by the end of the magic decade—that projected demographic data available at the time of the original estimate now is meaningless.

Another old saw is the labor costs are primarily responsible for sending housing costs out of sight.

The National Association of Home Builders, however, points out that, even though construction wages and the cost of lumber and other materials have skyrocketed in recent years, the construction cost of housing per square foot has remained relatively constant over the last 20 years.

During the same period, however, according to available figures, costs of both housing financing and land have risen more than 300 percent.

"The Government is not really committed to housing as a top national priority," one corporate spokesman said. "It's not the fault of the *Breakthrough* people. It's a worthwhile program and undoubtedly will produce long-range benefits.

"But the big Federal financial commitment just isn't there and that's what's needed to make corporate boards of directors sit up and take notice. There's enough available technology around right now to do most of the job. What's missing is an assured long-range market."

The *Breakthrough* approach, in fact, emphasizes technology less than it does financing, land use, planning, market assembly, transportation and other factors.

This approach represents a recognition that housing costs never will be cut in half by using the best industrialized housing system, and that an anticipated production cost reduction of some 10 to 15 percent, now considered realistic, still would not solve the burdens of other soaring housing costs.

The most visible part of the *Breakthrough* iceberg is its demonstration program.

Some 600 proposals were originally received from private firms and consortiums and state and local governments for prototype sites, housing systems and site planning and development.

Proposals submitted for complete housing systems eventually were narrowed down to 22 producers (see the bos accompanying this article) and to eight prototype sites located in nine states on which advanced housing systems are to be demonstrated. Site developers were chosen and ground has been broken on all sites.

A variety of housing systems techniques and materials is envisioned. "Flexible land use" is being stressed and a mix of housing types appropriate to an area—single-family, multi-family and high-rise units—is anticipated.

HUD also is emphasizing innovative approaches to traffic, recreational space and environmental problems in the prototype projects, as well as "advanced services" like the development of solid waste disposal systems and a "total" community energy system.

The Department has been in the process of negotiating contracts with the housing producers. There have been problems and some producers have balked at some Federal stipulations for the projects.

DIVERSITY OF PROTOTYPES

HUD Assistant Secretary Finger, anticipating such problems, said earlier this year: "We may have to part company in some cases. Even (so) . . . this should not affect the program seriously. We have enough diversity in our housing prototypes to be able to sacrifice a few designs. . . ."

Apart from the prototype projects, the *Breakthrough* effort projected through several phases is a long-range attempt to pull together all elements of the housing industry into a viable whole.

Operation *Breakthrough* Director Alfred Perry told *Government Executive:* "There are many facets to this—cutting down the thousands of individual building code requirements to manageable size, encouraging new construction methods and financing, zoning, and labor practices.

"It's very difficult and frankly we're doing better in some areas than others.

"We're trying to open up markets for other than traditional building materials to enlarge the range of choices and encourage competition and we have had some success in encouraging industrialized labor agreements between the plumbers, labors, carpenters, electricians and other unions with industry.

"We're trying to do something about the transportation problem. Obviously when you get into volume industrialized housing nationally there could be tremendous highway congestion problems. We feel that rail or air cargo transportation of modules offers a lot of promise and have been working in these areas.

"We also are concerned about the possible future shortage of housing business managers and technicians and are exploring ways to increase the supply of such personnel.

"Getting codes revised is relatively easy in some areas and difficult in others. Our market aggregation people have helped push passage of state industrialized housing laws. We have regional meetings. We work with state officials and legislatures, our many *'Breakthrough* agencies,' and local governments. This is a many-sided effort."

For Fiscal 1971, HUD earmarked subsidy funds under Sections 235 and 236 and the rent supplement program for assisted housing developments using *Breakthrough* systems.

While industry watches *Breakthrough* activities with interest, many firms and consortiums are actively engaged in trying to create their own markets.

As one of many such efforts, for example, Westinghouse's Urban Systems Development Corp. is building a factory in Fredericksburg, Va., which will produce some 1,400 modular units for garden apartments and townhouses yearly, and putting up a second factory near New Haven, Conn.

Chemical companies, metal and other materials firms are researching or producing a variety of interesting materials.

Conventional or "stick" on-site builders in Florida, near Washington, D.C., and other areas are venturing into modular component building.

General Electric Reentry and Environmental Systems Div., Philadelphia, has a development production factory on the West Coast turning out modular housing for military families at George AFB, Calif. under a DOD contract. Another developmental plant outside Philadelphia is tooling up to produce modular garden apartments which will be shipped to HUD's Operation Breakthrough site in Memphis, Tenn. (Story will appear in June issue.)

In California, Environmental Systems International, headed by architect Barry Berkus, is turning out "mobile modules" at the rate of 40 a month, and they are selling well.

Some conventional builders are not convinced that large-scale industrialized building will become a national actuality in the foreseeable future.

Said one builder, "I just don't see that you're ever going to do away with conventional methods for the bulk of home building in this country.

"Every year, we use more and better sizeable components—prefabricated roof trusses, preassembled kitchen, door and window units and so on.

"But there's a limit to the degree of sameness you can impose on highly individualistic buyers who prefer and require different kinds of housing in different parts of the country.

"Then there's transportation. If you transport much over 500 miles from the plant, as things now stand, the operation probably will be unprofitable.

"I don't see that you're ever going to have a Big Three—or a Big Ten for that matter—controlling the market the way you do in the automobile industry. But there may be a lot of companies with parts of the market and they're going to have to locate plants relatively close to the market."

As NAHB spokesman said, "You have to sell a heckuva lot of houses to make factory building pay off. Right now, the idea just isn't economically attractive to many people.

He said: "A lot of small builders are wondering how they're going to fit in, whether they're going to wind up in the same kind of role that automobile dealers now have in relation to the manufacturers."

Breakthrough has drawn criticism in a number of quarters and on diverse grounds.

National Bureau of Standards Performance Guide Criteria reviewed by the National Academies of Science and Engineering and others have been criticized in part as too strict or unnecessary—particularly in the fire safety area—by materials interests and builders. Others believe the Guide puts too heavy emphasis on the more easily identifiable criteria.

Other critics have pointed out that the prototype projects seem likely to demonstrate very many really new technological uses and that too many diverse systems are being demonstrated on each site and that there is a shortage of intermediate-density units projected in favor of very high or very low densities.

On the positive side, *Breakthrough* is seen as making a valuable contribution in the area of cost data information and retrieval. And, although it has received criticism for allegedly failing to foster significant research and development due to budget inadequacies, there is no doubt that the program has had an important catalytic effect—as Assistant Secretary Finger puts it, "in providing the stimulus for change in our entire process of housing . . ." Such stimulus has been noticeably lacking in the past.

VARIETY OF APPROACHES STRESSED IN BREAKTHROUGH

Operation *Breakthrough's* 22 housing systems are aimed at applying a variety of new concepts, building techniques and materials to problems involved in easing the worsening national housing crisis.

Wood, metal, fibrous glass, plastics, and concrete are being used in module, panel and service core units.

Concrete, which has had wide acceptance in Europe but has not been used extensively in the United States, is being demonstrated through flexible design and building concepts by Forest City Enterprises, Dillon, Inc., Townland Marketing and Development Corp., CAMCI, Inc., Rouse/Wates, Inc., Descon/Concordia, Henry C. Beck's Building Systems International, and Shelley Systems, Inc.

Christiana Western Structures is applying wood panel techniques and the Home Building Corp., Levitt Technology, Hercules, Inc., Boise-Cascade, the Pentom Corp. and Scholz Homes, Inc. demonstrating diverse techniques.

Material Systems, Inc. and TRW, Inc. have adapted space technology to the provision of fibrous glass and plastic reinforced modular systems, and the Pantek Corp. and Pentom are using polyurethane foams, polymer moulding agents and other materials.

While metal homes are a rarity in this country today, metal panel concepts are being demonstrated by General Electric, Republic Steel, and Alcoa, and the Sterling Homex Corp. is using reinforced metal modules. National Homes Corp. uses modules framed with metal studs and gypsum-board wall finish.

Breakthrough officials stress that the building systems which eventually will emerge as best for solving specific problems may well be quite different than those of the prototype projects, but that the testing and evaluation of such actual systems is necessary if the required answers are to be found.

[From the New York Times, May 20, 1971]

Housing Plan Turns Out First Factory-Built Unit

(By John Herbers)

Battle Creek, Mich., May 19.—George Romney, standing outside a gleaming factory that sprang up in a cornfield during the last few months, pushed a button today, and out rolled a housing module looking like a boxcar with picture windows. It was, at long last, the first unit produced under Operation Breakthrough, the Government program started two years ago to stimulate volume production and thus take manufacturing of homes out of the horse and buggy stage.

The module is to be installed tomorrow in Kalamazoo—25 miles from the factory, on one of nine Breakthrough sites across the country, and dozens more are to follow it in the next few weeks. They will be stacked as two houses on a 47-acre wooded site and sold or rented to middle-income or low-income families.

Despite unexpected delays, which served, unintentionally, to demonstrate impediments to be overcome, Mr. Romney, the Secretary of Housing and Urban Development, said that the rolling of the module off the assembly line signaled "the coming of a real revolution in housing."

There were the following indications that some basic changes were beginning to be made:

Housing factories are going up around the country with the potential of produciing more units at less cost than has been realized under on-site construction, which involves a vast proliferation of builders.

The states are enacting laws that exempt factory-produced housing from local building codes, which have stood in the way of mass production.

The building trade unions, whose wage demands and restrictive practices have contributed to soaring costs, are performing the factory work at the more moderate scales of industrial workers.

Neither Mr. Romney nor officials of Levitt Building Systems, Inc., owner of the factory here, suggested at today's ceremony that more than a beginning had been made in the factory production of housing.

NATION'S LARGEST PRODUCER

But Mr. Romney said it was significant that Levitt, the nation's largest housing producer, was moving to the assembly line. He predicted that by 1980 "two-thirds of the housing will be industrialized."

Operation breakthrough, authorized by the Omnibus Housing Act of 1968, was designed to speed this process and to reduce other strictures in the complex system of home-building.

Mr. Romney, coming into office in 1969 as prices were climbing and as the housing shortage was becoming critical, particularly for low-income groups, gave Breakthrough a high priority.

The idea was to select representative building sites across the country, to have building codes, zoning and other restrictive practices set aside and to invite competition for design and construction, meshing engineering, managing, financing and selling to achieve a wide variety of quality units.

Breakthrough, however, ran into a wide range of troubles and is now about a year behind schedule.

CONGRESS CUTS FUNDS

Some key members of Congress termed the breakthrough "gimmickry" and slashed the appropriation, forcing the Department of Housing and Urban Development to reduce the number of sites from 11 to 9 and to make other economies.

There were unexpected difficulties in negotiating contracts with private and public interests and there were heated disputes between Mr. Romney and the building and construction trades department of the American Federation of Labor and Congress of Industrial Organizations.

In several of the cities involved, citizens rose up against the developments for various reasons. One was that they would include federally subsidized units for low-income families.

In Kalamazoo, the plan called for 270 units to be built on land that had been reserved for a park on the edge of the city. Owners of single-family homes surrounding the site organized a "Save Our Park Committee" and charged that none of residents wanted to live beside "a housing development of that kind."

RESIDENTS REASSURED

The opposition finally subsided after the city reserved new land for a park and assured the residents of the area that "only a few" low-income families would be included in the project. Housing development officials confirmed today that the number of poor persons would be restricted.

Ground has been broken on all of the sites, and no housing has been erected. There is still widespread skepticism about the value of Breakthrough. Senator William Proxmire, Democrat of Wisconsin, one of the authors of the legislation authorizing Breakthrough, said recently he believed that the department should have moved much faster and on a much larger scale.

"That is the only way this kind of project would have been effective," Mr. Proxmire said.

However, Harold B. Finger, Assistant Secretary for Research and Technology, said. Breakthrough had produced important indirect benefits.

CORPORATIONS ACTING

One is that the big corporations are moving into industrial production faster than they would have without Breakthrough, he said. Charles L. Biederman, president of Levitt Building Systems, said that without Breakthrough "we might have done it five years from now."

Mr. Romney said there were now 15 housing factories in New England alone. In suburban Atlanta, Utility Services, Incorporated, is factory-producing three-bedroom, two-bath houses to be moved intact to sites by helicopter.

Mr. Finger said that since 1969 12 states had passed laws providing that factory-produced housing that passes state inspection is not subject to local building codes. They are California, Ohio, Washington, Hawaii, Virginia, North Carolina, South Carolina, Maryland, West Virginia, Georgia, Indiana and Connecticut.

In addition, 23 other states are considering or preparing such legislation, he said.

The building trades unions, Mr. Finger said, have signed agreements with a number of producers to do both the factory work and installation at the site at industrial wage rates. The trades traditionally have received higher wages, largely because much of the work is outdoor and thus seasonal.

FACTORY PRODUCTION

Not all of the Breakthrough housing is to be factory-produced, but the production here gets to the essence of what is involved. Levitt Building Systems is a subsidiary of Levitt & Sons, Inc., which is a subsidiary of International Telephone and Telegraph Corporation. When the company decided to get into industrial production, it erected a 100,000-square-foot factory outside Battle Creek within a few months and plans to build six similar plants elsewhere across the country.

Modules have been factory-produced for years but never in any quantity in this country.

Wiring, plumbing, carpeting—everything—are installed in the modules, which are pinned together at the site. Ornamentation is then added. The modules are carried by rail or truck.

It is not yet known, officials said, how much saving will result from factory construction. The first units cost about the same as on-site construction, they said, but after production reaches its maximum, about 3,000 to 4,000 units a year in this factory, the costs will go down considerably.

Mr. Romney said that the quality was better than in on-site construction and that workers could be trained in five to six weeks, providing more opportunity for minority groups in construction work.

"This is a tremendous step forward," Mr. Romney said.

"POINT COUNTERPOINT"—PITTSBURGH'S MUSICAL PHENOMENON ON THE RIVER

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. MOORHEAD. Mr. Speaker, 14 years ago an idea was conceived in my city of Pittsburgh to bring music to the people in a challenging way never tried before.

Under the able and innovative direction of Robert Boudreau, the American Wind Symphony, a 50-member group consisting of woodwind, brass, and percussion instruments played by young talent from all over the United States and abroad, entertain audiences at home in Pittsburgh, and following the season, up and down the Ohio, Mississippi, and the Inland Waterway, on the *Point Counterpoint* barge.

This summer, through the resources of Point Park College, with which it is now affiliated, the Wind Symphony will present a Floating Festival of the Arts, a unique program encompassing theater, music, art, and dance.

Mr. Speaker, I am very proud to serve as an honorary chairman of the remarkable American Wind Symphony. At this point in the Record, I would like to include for the attention of my colleagues, "Music on the River," an article in the May issue of Greater Pittsburgh commending this dynamic contemporary musical effort.

The article follows:

Music on the River

(By Paula Bern)

A young man with rolled up shirt sleeves and hard-muscled arms sprawled on the grassy river bank. It was his day off from the mill. Music filled the air around him. Good music, powerful music. Music with the life, drama and color of Pittsburgh, and as vital and polyglot as the city itself.

Emanating from a red and white barge anchored on the Allegheny River bank of Point Park, the melody was directed by the baton of Robert Boudreau, the youthful founder and director of the remarkable Pittsburgh phenomenon known as the American Wind Symphony Orchestra.

Conceived in 1957, the Wind Symphony produces just that—music for wind instruments, both classic and modern, always innovative, and sometimes daring. An unusual orchestra now affiliated with Pittsburgh's Point Park College, the 45 to 50 member group consists entirely of players of woodwind, brass, and percussion instruments. Representing a veritable gold mine of talent from the United States and abroad, the young men and women are chosen each Spring following arduous auditions conducted by Mr. Boudreau in dozens of universities and conservatories.

"I have had well over 800 youthful musicians play with me in the past 14 years," he reminisced recently. "I find it exhilirating to have an all-new orchestra each year. The challenge of an unknown quantity . . . the excitement of finding subtle nuances in music I've performed twenty or thirty times before . . . this happens because of 50 unknown quantities producing a very dynamic situation."

Home base for the American Wind Symphony is Pittsburgh's historic Point, just a short walk from the bustling streets and soaring skyscrapers of the city's Golden Triangle. Here, where the meandering Allegheny and the muddy Monongahela marry to form the mighty Ohio, Boudreau and his orchestra perform aboard the special designed barge "Point Counterpoint."

Pittsburgh is, however, only one of the many cities and towns which enjoy the extraordinary music of the Wind Symphony. Following the home season each summer, the barge cruises down the Ohio River enchanting persons of all ages in communities as far south as Daytona Beach, Florida. Up and down the Mississippi, through the Tennessee Valley and the Inland Waterway, the Orchestra has created a significant upheaval in musical circles, and imparted to its homegrown audiences the excitement of the contemporary musical scene.

Refusing to believe that the public prefers musical milk-toast in the form of popular and light-classical programs, Boudreau offers his audiences spine-tingling and mind-jarring music with spatial effects enhanced by nature's own concert hall. Although a few toe-tappers sneak in occasionally as encores, the Symphony's major business is expansion of the musical repertory by commissioning new compositions from some of the most adventurous composers in the world.

"We have the largest commissioning program in the history of music," Mr. Boudreau explained. "Over 200 works have been commissioned and published including Penderecki's *Pittsburgh Overture,* Henk Bading's *Armageddon* and Mayuzumi's *Percussion Concerto*. And how do I find a new composer? Great creativity moves in cycles . . . take a look at history and you'll perceive this rhythm in the social, political, and cultural growth of a people or of a country. I depend upon contacts to set me off in a new direction . . . to make sure that I'm sure that I'm there first when this creative happening occurs. Then I request all the records and tapes of the foremost composer in a particular area. For one month I live with his music letting it act and react upon me and until I no longer see a score, but a man emerging. I *must* know the composer before I can say, 'Write me a piece.' "

Warm friendships and associations with composers Krzysztof Penderecki, Toshiro Mayuzumi and Henk Badings resulted recently in the outstanding record called simply *American Wind Symphony*. Included on a record issued by Point Park College, the disk offers a trio of largescale, avant-garde works by the three composers. "A *bang-up job,*" the *New York Times* reviews commented, *"the Wind Symphony played with a fresh vigor revealing how much the young musicians were enjoying themselves."*

A spare New Englander trained at Juilliard and the Paris Conservatory, Robert A. Boudreau never will face the generation gap of his over-thirty contemporaries. Idealistic young people can relate to his mission in life, which is, he states unbashedly and simply, "to service humanity." Music itself is not that important," he declares fiercely, "We must deal with the human spirit and preserve our culture as an integral part of this experience."

Mr. Boudreau maintains a delightful informality in almost every phase of the Symphony's operations except the rehearsal and the performance. A perfectionist and a taskmaster the moment he mounts the podium, he nevertheless revels in easy rapport with his heterogeneous audiences.

Teen-agers wander aboard the barge during a concert and observe the instruments at close range. Pigtailed tykes sit enthralled as Boudreau explains a measure of music with beguiling simplicity. Adults frown occasionally in puzzlement at some of the Symphony's forays into hitherto unexplored regions of the modern repertoire.

Some react audibly as did one concertgoer perched atop a telephone pole at the river's edge.

"Hey man," he shouted from his vantage point, "I sure didn't understand some of the stuff you played, but I know I'll never forget it."

Pleased at the power of his music to evoke reactions, Boudreau explains the Wind Symphony's contemporary repertoire in a simple statement: "Twentieth century music should reflect twentieth century life, just as music of an earlier time reflects the civilization of that period."

Echoes of an earlier era will waft across the Hudson River this summer when for the second year the Wind Symphony performs in New York with a brief layover on the East River. Known there as the American Waterways Orchestra, made possible through a grant given by the New York State Council on the Arts, the barge will float down the Hudson accompanied by a flotilla of boats. The spectacular including Pete Seeger's *Clearwater,* will climax a festival reminiscent of the days of King George I and his Thames River entourage.

In conjunction with the Lower East Side Neighborhood Association the orchestra will provide needy New York City youngsters of Chinese, black and Puerto Rican heritage with a total cultural program at the Henry Street Settlement House. Assisting Mr. Boudreau with this pioneer effort are such well known figures as Neal Anderson, vice-president of the New York Board of Trade; Robert H. Huntoon, president of the Industrial Fabrics Division of West Point Pepperell; and Mrs. Robert Dowling, and Mrs. Herbert Brownell, all members of the Symphony's New York Board of Directors.

On tour, the musicians who travel by bus are billeted with families in the communities where they perform. A people-to-people way of life, the interplay of cultures, dialects, languages, and customs engendered by the young artists enrich all who come in contact with the orchestra.

Dividends yielded by Mr. Boudreau's internationally flavored orchestra and programme of global composers are immeasurable, and embrace not only cultural advantages but also industrial, commercial, and political benefits. The State Department's perception of these unique values resulted in the production of a thirty-minute Wind Symphony sound film documentary made by the United States Information Agency.

In 1961, the story of the orchestra was told on the National Education Television Network in an hour-long video presentation appropriately titled, "Music on the River."

Not averse to being dubbed a latter day Huck Finn, Bob Boudreau is quick to deny that he was a child prodigy.

"A child chicken farmer would be more apt," he grinned disarmingly. "My parents were poultry farmers in New England and I grew up amidst the musical-sounds of 10,000 breeder hens!"

Versatile, restless, constantly probing for new ways to convey music to his fellow humans, the forward-looking conductor hopes to bring his orchestra to churches and synagogues this summer. He describes it as a work commissioned especially for organ and orchestra, a fantastic new concept for a church service which the Wind Symphony will premiere while on tour this summer.

Arthur M. Blum, president of Point Park College, is one of the most ardent supporters of the American Wind Symphony. An administrator who believes that cultural service to the community is an inherent commitment of any university, he invited Mr. Boudreau's group to become an affiliate of the College in 1969, and immediately launched provocative educational plans adapted to the avant garde orchestra.

This summer, with resources offered by the College, a total "Floating Festival of the Arts" is planned along the barge's route. Theater, art, music, and dance will be incorporated within the framework of the Wind Symphony's musical offerings. Drawing on the faculty of the Pittsburgh Playhouse Center For The Performing Arts and the Pittsburgh Ballet Theatre—both affiliates of Point Park—the unusual cultural event will be a first in the nation. A new theater piece by an outstanding playwright will highlight the Festival. To be premiered at the Pittsburgh Playhouse, it will be performed at all of the towns on the orchestra's itinerary. Panels, symposiums, performances, and person-to-person dialogue will be included, with residents of each of the waterfront communities adding their skills and knowledge to the water spectacular.

Another "first" begun just two years ago will be expanded this season when students troop aboard the barge for "music appreciation" classes. Slated June 3 to July 5 from 6 to 10:30 in the evening, the innovative course will be open to the public. Full college credit will be given for two hours of lecture and two hours of listening to live demonstrations by the Wind Symphony.

Mr. Boudreau elaborated, "This is the only course of its type in the world! Just imagine the significance of bona fide college conservatory students playing in a professional orchestra and interpreting new compositions for fellow students aboard a floating barge. We bring in such well known musicians as Dizzy Gillespie and Henk Badings during the four-week program. College credit is given by Point Park and is transferable if the student so desires."

Lauded up and down the waterways by outspoken critics of trite musical expression, the American Wind Symphony evokes uncounted plaudits such as those in a recent article by Alan Rich who commented in typically acerbic fashion: *"Maybe Pittsburgh is culturally naive, but a naivete that brings Penderecki to summer park audiences via the Wind Symphony Orchestra puts New York to shame."*

With its reputation as a peripatetic orchestra, it is unlikely that the Wind Symphony could escape the novelty of a few inland forays. Invited last year to Hinton, West Virginia by Eli Goldston, president of the Eastern Gas and Fuel Associates of Boston, and chairman of its subsidiary, Eastern Associated Coal Corporation of Pittsburgh, the orchestra performed at Camp Thomas E. Lightfoot, a summer camp run by the coal company for employees' children. While the hitch-hiking orchestra's barge was being towed from Ashland, Kentucky to Charleston, West Virginia, Mr. Boudreau's talented young musicians performed on the patio of the camp dining hall. From Mozart to Mason Williams, the symphony's clear tones echoed hauntingly over the West Virginia hills and young campers sat quietly . . . and listened.

Reflecting later upon the evening's performance, Mr. Boudreau commented, "These are the kids we're interested in. There are millions of them and music speaks their language." He gestured toward a group of youngsters who only moments before had been engrossed with Mozart and who now were wildly gyrating to a hard rock record.

"All music is good if it makes people move," Boudreau continued. "If it doesn't communicate, it isn't doing its job."

Perhaps one of the most unusual works ever commissioned by Mr. Boudreau is *The Pickle Suite,* a delightful tribute to Mr. and Mrs. Henry J. Heinz II on the 100th anniversary of the H. J. Heinz Company. Grateful for the Heinz family's devoted encouragement and support of the Wind Symphony since 1957, Mr. Boudreau commissioned such composers as Robert Russell Bennett, Henk Badings, and Shulamit Ran and poets such as Sara Henderson Hay, Samuel Hazo, and George Starbuck to compose *The Pickle Suite* as musical gift in the form of a contemporary work.

"It was my way of saying 'thank you,'" Mr. Boudreau explained.

Always seeking new experiences, Robert Boudreau has a magnificent sense of showmanship which manifests itself in the performance of Handel's *Music For The Royal Fireworks.* Played while rockets boom and roman candles soar across the night sky, one critic called the performance a "breathtaking experience and from a musician's viewpoint, a most worthwhile one."

Dr. Thomas E. Allen of Magee-Women's Hospital, recently was elected president of the board of directors of the American Wind Symphony and David M. Roderick, vice president of the International Department of U.S. Steel, was named treasurer.

Actively supported as one of Pittsburgh's finest cultural institutions, the American Wind Symphony Orchestra has as honorary chairmen of its board such prominent Pittsburghers as Mrs. Leon Falk, Jr., D. C. Burnham, the Honorable William S. Moorhead, and R. Heath Larry, director and vice chairman of the Board of U.S. Steel Corporation.

Mr. Burnham, chairman of the board of Westinghouse Electric Corporation, terms the Wind Symphony "one of the city's most exciting assets." He adds, "Bob Boudreau is a dedicated man determined to bring good music of an experimental nature to people who otherwise would never have the opportunity of hearing a concert. If the American Wind Symphony performed in a concert hall, instead of on the barge, thousands of men, women and children would be the losers."

From the hundreds of thousands of ordinary citizens up and down the rivers who have been delighted by the music of Robert Boudreau and his American Wind Symphony Orchestra, Mr. Burnham's sentiments bring a loud and hearty assent.

ROOM AT THE TOP

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. JACOBS. Mr. Speaker, Stan Greigg, our former colleague from Iowa and former U.S. sailor, has sailed very nearly to the top of the Democratic Party.

The Honorable Stanley L. Greigg has succeeded the late Ira Kapenstein as deputy chairman of the Democratic National Committee.

Former Congressman Greigg represented Iowa's Sixth Congressional District in the 89th Congress when, as a member of the House Agriculture Committee, he authored two important farm laws.

Stan Greigg is hardly without knowledge of city problems. He is the former mayor of Sioux City, Iowa, and was the youngest person in history to serve on that city's council.

Nor can it be said that Stan Greigg, at 39, does not understand the honest ideals of youth. His record of achievement includes having served as a popular dean of men at Morningside College.

His wife, Cathy, and daughters, Valerie and Heather, together with ourselves, can take pride in the fact that one of our own graduates has found room at the top.

THE NEED FOR BILINGUAL EDUCATION

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. BADILLO. Mr. Speaker, one of the major problems being experienced by many elementary and secondary schoolchildren in my district and elsewhere in New York—is their inability to fully function in the English language—not only in school but in their social and community contacts as well.

Large numbers of these children are Puerto Rican, who only speak Spanish. Because of their severe language handicaps, many of them are falling behind in their reading, writing, speaking, and understanding of English and they are not participating profitably in the schools' curriculums. Furthermore, they are encountering serious psychological problems, especially as the inability to speak English prevents acceptance by their peer groups.

Although faced with tremendous obstacles, some progress is being made in New York to provide meaningful and effective bilingual education programs. While hampered by the lack of more substantial Federal financial assistance in the field, New York City and a few other communities throughout the State are providing subject instruction in Spanish, either concurrently with English or in separate periods.

The current issue of Inside Education, a publication of the New York State Education Department, contains a perceptive and well-written article on the current status of bilingual education in New York. As the author aptly notes:

> The evidence is clear that when English alone is the sole communication medium it is not an adequate tool.

The article then continues to describe the efforts being made by New York educational institutions to provide meaningful and effective bilingual education programs at the elementary and secondary level.

Mr. Speaker, the Congress must clearly exert its authority and take the lead in encouraging and funding expanded bilingual education programs. Title VII of the Elementary and Secondary Education Act providing for the bilingual education programs has been consistently underfunded and we must take positive action. I believe this timely article will provide some useful information on the present condition of such programs and that it presents a good case for expanding far beyond the current efforts. I commend this excellent piece to our colleagues' attention and present it herewith for inclusion in the RECORD:

BILINGUAL EDUCATION—STILL A HURDLE

When most children enter school, they will learn in a language already familiar. By listening to their teacher and speaking English, they will move to reading and writing in English and all the subsequent learning skills.

But for large numbers of non-English speaking children, English is not primarily spoken in the home, stores, churches, or written in the newspaper they read. Many of these children aren't functioning in the schools, finding language the single, most distinct handicap.

The biggest problem is in New York City, where 250,000 Spanish-speaking children are now enrolled and other foreign-language minorities also exist in pockets. A few upstate cities and communities on Long Island and in Westchester County also have considerable numbers of Spanish-speaking children.

A sampling shows that while these districts have some programs in intensive or remedial instruction in spoken and written English, they typically reach only half or less of the children needing such instruction.

New York City has offered, at the encouragement of the Puerto Rican community, English as a Second Language (ESL) programs for 20 years. It selects only those children who are most severely limited in English for the special instruction. The children may receive a period or two a day getting this help, while they are expected to keep up in the rest of their studies in English.

Because of the heavy influx of Puerto Ricans in New York City, many children enter school with no previous introduction to the English-speaking culture. Half of New York City's Spanish-speaking children speak no English or only halting English when they enter school. Tests show large numbers of these children are retarded in learning in the elementary school from two to five years in most or all subjects in the curriculum. They regularly receive poor grades.

They are the highest single group in dropout statistics. In all aspects of school success—participation in extracurricular activities, placement on honor rolls, and college acceptance—they score below their peers. The evidence is clear that when English alone is the sole communication medium it is not an adequate tool.

This has been long recognized. But community pressure and state laws have provided obstacles. The law once forbade teaching in any language except English, apparently an outgrowth of anti-foreign sentiment during World War I, and until last year did not allow teaching in the native language until the pupil had been in school two years. That was amended last year to allow three years of bi-lingual instruction and a current bill in the Legislature would extend this.

Communities were not easily convinced that schools should teach in the student's mother tongue, even with the advent of state and federal aid funds for bi-lingual instruction in the late 1960's. Six bi-lingual projects in New York City and one in Rochester now received federal funds under Title 7 of the Elementary and Secondary Education Act. These children receive subject instruction in Spanish either concurrently with English or during separate periods of the day.

Other classes are taught bi-lingually in New York City, but the main emphasis is on English as a Second Language. That program is designed to improve the pupil's competence in English as a way to hurrying him into the mainstream of the school program. Normally, the rest of his instruction is in English also. In one project, 60 teachers with backgrounds in other than English languages work in 32 high schools to spell regular teachers for one period a day.

Elsewhere throughout the city, junior high pupils unfamiliar with English are placed in orientation classes, while non-English speakers in high school get two periods a day in oral English and reading assistance.

Classes are taught in Spanish, French, Italian, Portuguese, Yiddish and Chinese. If a teacher can help get some concept across in the native language, use of that language is encouraged, said David Krulick, director of bi-lingual and adult education.

The city now issues teaching licenses for both ESL and bi-lingual teachers, he said. Some of the native language paraprofessionals are attending college at night to work towards their teaching certificates.

Despite this effort, the city schools may not be pursuing bi-lingual learning as aggressively as they can. The head of a city parents group has told the Regents that hundreds of qualified teachers from Puerto have been unable to join the system. The strict requirements of city licensing are a main stumbling block, said Mrs. Evelina Antonetty, director of the United Bronx Parents.

Also questioning the city's alleged shortage of bi-lingual instructors, Carlos V. Perez, supervisor of the Bi-lingual Education Unit of the State Education Department, finds that these teachers can be found "whenever districts want to move ahead with these programs."

He says anyone can learn a second language, not just a few, and "the most favorable results will come when the characteristics of the learner's language and the second language are specified and the various relationships expressed before the teacher moves into the second language in the classroom."

Teaching in the mother tongue "can help to prevent retardation in school performance until sufficient command of English is attained, and development of literacy in the mother tongue as well as in English should result in more broadly educated adults," continued Perez.

He encourages study of native history and culture as part of the language instruction, and participation by children whose dominant language is English, since they pick up a second language and cultural learnings as well. But segregating non-English speakers isn't desirable.

Added federal funds, though modest, are available to schools in New York State as a result of recent amendments to Title 7. Buffalo, North Rockland, and four additional districts in New York City have received a grant for developing bi-lingual programs for the next school year, he said.

The programs for non-English speaking children vary considerably, as the following report shows.

TWO BRONX SCHOOLS ENTIRELY BI-LINGUAL

About 1,500 children are being taught to speak, read and write in both Spanish and English in two schools in the Bronx—P.S. 25 and Community School 211. The schools are experimental (P.S. 25 has federal funds) and all the pupils and teachers who attend have voluntarily selected the schools.

About 85 percent of the pupils and 60 percent of the teachers at P.S. 25 are of Puerto Rican background. Like P.S. 211, most instruction is given in Spanish at first, with the second language gradually increased until sixth grade, when hopefully, children will be equally fluent in both languages, say the principals.

"It's not a transition to learning English and then dropping Spanish," said Herman LaFontaine, principal of P.S. 25. He feels the children will overcome problems in learning the second language easier by this method, and tests have begun to bear him out.

At P.S. 211, a scarred warehouse turned into a school last year, an experiment in open education is also going on. Children learn in small clusters and there aren't walls between classes. They recite almost continually and sounds of both languages mingle.

For all but one period a day a child is taught in his native language. While classes are non-graded, children are grouped according to ability. Bi-lingual teachers and paraprofessionals help the regular teachers.

ROCHESTER'S SPLIT-DAY LANGUAGE INSTRUCTION

About 280 early-grade children in three Rochester elementary schools receive a half day of Spanish and half day of English instruction under a federally funded bi-lingual project there.

Most of these children, beginning in pre-kindergarten, have better Spanish verbal ability than English, says Miss Mary Ward, project evaluator. By second grade, the children are expected to pick up second language skills more rapidly.

Also, 80 non-English speaking pupils at Monroe High School take courses in social studies, math and science in Spanish, plus one or two courses a day in English, said Miss Ward. The thrust is remedial rather than truly bi-lingual.

PARENTS HELP WITH HOMEWORK

At P.S. 155 in Brooklyn's Ocean Hill area (District 23), a bi-lingual class is given at each grade level, with a Spanish-speaking teacher.

"The child acquires an English oral vocabulary as he learns in Spanish," noted Louis Fuentes, director. By third grade the emphasis switches from Spanish to English. Meanwhile, he said, parents have taken greater interest in helping the children with their homework and are now motivated to come to school for classes at night.

Also in Brooklyn, two bi-lingual preschool learning centers serve 155 children in the Williamsburg section (District 14). In these programs, children are grouped according to ability, where they receive pre-reading skills in both languages.

BUILDING SELF-IMAGES IN BUFFALO

Buffalo schools have embarked on an English as a Second Language program in the past year, reaching about 1,000 pupils in nine schools.

Twelve teachers and 33 paraprofessionals who speak Spanish work in this program. Two of the teachers use both languages to get across math and English in high school, while others stress oral English with small classes at the elementary level.

The board of education recently approved a recommendation to contract with New York University for an inservice course for teachers in bi-lingual education.

BRENTWOOD'S BI-LINGUAL READING CONSULTANTS

In Brentwood, L.I., schools, where 11 percent of the children are Spanish-speaking, six bi-lingual reading consultants work with children for regular periods of intensive English language instruction. Children not functioning well in English are given a half hour a day. Some of the children speak English capably but read at first grade level, noted Arthur Brieger, assistant superintendent.

In the high school, a special teacher meets daily with students doing poorest in English, Brieger said, but far more students are in need of this instruction and more teachers needed who are bilingual. Brentwood also offers adult education and equivalency classes for Spanish-speaking adults.

PATCHOGUE EXPANDS ITS PROGRAM

Besides a Spanish-English program at the elementary level, Patchogue, L.I., schools added an English as a Second Language component this year at the secondary level. It reaches 25 pupils in junior and senior high grades, stressing oral English and reading.

Said Mrs. Dianne Catullo, instructor, "Before this we had nothing. They floundered and dropped out. We've also found fewer discipline problems."

A TRY AT THREE LANGUAGES

In the former Two-Bridges District (now District 2) on Manhattan's Lower East Side, Chinese, Spanish-speaking and English-speaking children attend classes together. An experiment to blend instruction in three languages has led to two bi-lingual projects, in Chinese-English and Spanish-English, said Mrs. Leonore Watson, district coordinator. Beginning in kindergarten, the program runs through third grade, and includes stories, art, songs, and arithmetic.

Parents participate—classes have six to 10 children with their mothers, said Mrs. Watson. Paraprofessionals are also on hand. The instruction is given one hour a day, three days a week.

NYC'S CONSORTIUM TO UPGRADE TEACHERS

Meanwhile, teachers from 13 New York City schools receive training for bi-lingual classes through a consortium run by the board of education and Hunter and Lehman Colleges. The colleges also develop curriculum materials and faculty members provide on-site supervision at the participating schools.

According to Mrs. Blanca Ortiz, coordinator for the city schools, "The rationale and objectives are excellent and community involvement is good. But not all the experts in the colleges are bi-lingual. Materials still have to be developed since they are more suited to Mexican-Americans."

WORLD'S FIRST LADY OF SNOWMOBILING APPEARS BEFORE SENATE COMMITTEE

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. O'KONSKI. Mr. Speaker, only a few years ago if such slogans as, "think snow," "pray for snow," were heard, people would think that snow enthusiasts who uttered those kinds of slogans were fit subjects for the insane asylum.

Yet, snow in northern Wisconsin is rapidly becoming known as white gold dust when people can turn such an adversity as snow into a worthy and valuable asset is an indication of the ingenuity of the American people. Snow has become one of the greatest assets to the economy, recreational, and industrial, and financial growth.

One of the great leaders who has helped convert this adversity into an asset is the world's first lady of snowmobiling, Susie Scholwin of Three Lakes, Wis. She was the founder of the first snowmobiling publication and has set the pace for others to follow in developing this great asset to the snow country.

She has devoted all of her time and energy, and the rapid advance of this new recreation and industry is largely due to efforts of people like Susie Scholwin, the world's first lady of snowmobling.

Mr. Speaker, I insert the speech that she gave before the Senate committee in the CONGRESSIONAL RECORD so that the world might know how faith, initiative, efforts, and ingenuity can turn a great adversity into an absolute and profitable asset:

NEWEST ENDANGERED SPECIES—SNOWMOBILES

I had prepared an outline on this subject, covering Economic Impact, Legislation, Conservation, Ecology, Industry and many other headings. However, I've decided to tell you a story instead. Not a "once-upon-a-timer", but a true story—a personal one.

In 1948, a husband and wife moved from Chicago, and built a home on the shore of beautiful Butternut Lake, right in the heart of the Nicolet National Forest.

According to plan, they had four children (which was the basic reason they moved from the city—to raise any children in God's Country.)

Being fifteen miles from the nearest town, it meant driving quite a distance each day to take the children to school, to do the shopping, etc. but, in the summer, there was the lake, the fishing, the woods, the TOTAL outdoors to make it all worthwhile. Winters were something just "to be lived through".

Nice winter days on week-ends brought out the sleds, skiis, toboggans, and general fun-in-the-snow. Nights were long and lonely. As were the week-ends as a whole. Ice fishing on the lake was good, but the best spot was over a mile away—a goodly hike even with snowshoes (or especially with snowshoes?).

This family spent their time in the very typical fashion of others in similar situations—all across the snow States.

During Christmas of 1964, they were introduced to something called a snowmobile. It was a case of love at first sight and soon one of these mechanized marvels became the proudest possession of our Northwoods family.

The winter of 1964 and early 1965 took on a different tone than those before. Mom and dad loved it—the kids loved it. Winter was not the gloomy thing it had been—but each day was an adventure of its own. It was much easier to get "over to the other side of the lake" fishing—a sled attached behind carried gear or kids—or sometimes both.

Back in those days, the total manufacture and sale of snowmobiles was a mere 20,000. But, two of those machines belonged to this particular family!

There were races held, but they were something minor—racing may be an instinct with people—particularly teen-age boys. The important thing that was discovered was that more and more of the neighbors in the area were buying these fantastic little machines and, lo and behold—winter was turning into FUN! The little snowmobile had become a funmobile—one that made winter something to look forward to! Everyone in the area looked forward to week-ends, with their picnics, trailriding, exploring, scavenger hunts, and social gatherings. People who had had a "bar-room tan" developed rosy cheecks and healthy appetites. Retirees joined in. Many in their fifties and sixties, who were not enthused about the muscular sport of skiing, found that the snowmobile was the answer to their dreams.

Summerhome owners in the area began to visit their cottages during Christmas holidays, and then more often during the entire winter—sometimes almost every week-end.

There came a BOOM to the town. The contractors were busy winterizing summer cottages, gas stations did more business, as did restaurants, bars, grocery stores, and so on.

The first recognized snowmobile trail in a National Forest was built right in the Nicolet—in 1966.

In summer of that year, it became apparent that the snowmobilers and the industry itself needed some "voice"—preferably their own publications.

So, the former Chicagoans, from their house on beautiful Butternut Lake, in the heart of the original Nicolet National Forest, created the original Snow Goer publications. The first issue of this publication was out in December, 1966—there were 50,000 copies throughout the United States and Canada. The magazine was out because it was needed—because there were snowmobilers all over the country and provinces, looking for unity—and a direction.

I said this was a true and personal story. It is. It was my husband and myself who moved north from the city. We were, in 1966, a legal secretary and a building contractor, respectively—but we started the first international snowmobile magazine because it was needed and we filled that need. We fell in love with snowmobiles and what could be done with them—and we still feel the same way today.

Around the same time were formed many associations—the Western Snowmobile Association, the American Snowmobile Association, the United States Snowmobile Association—to add up to a total of 16 associations throughout the United States and Canada.

Production of the vehicles rose to 55,000 for the 65–66 season, then 116,000 for 66–67, 200,000 for 67–68, 285,000 for 68–69, 425,000 in 69–70, 550,000 in 70–71 and predictions are for 700,000 to be produced and sold during the 1971–72 season.

Snowmobiles swept the country—literally. They were a boon to the elderly and infirm, a help to the trapper and logger, fine sport for the avid outdoorsman; great for women and children—and a nuisance for the non-snowmobiler.

Face it—as with any other new thing. There were those who did not respect the rights of others. And, as in automobiles, motorcycles, boats, and guns, the "bad-guys" were (and are) in the minority.

We knew most of the officers of the largest manufacturers back when the sport was a real infant. We still know them today. And they are concerned, as well as the average snowmobilers, about the great amount of bad publicity that is being given to the entire sport. There has been "bad press" until it hurts. It seems about time that some GOOD things were said about the sport and the industry as a whole. But, nice things in print don't sell newspapers and magazines. So what would the percentage be of the better side of snowmobiling being told? With over a million snowmobiles in operation now—and way over two million actual snowmobilers, you will soon begin to see the stirrings of an aroused, wronged, group.

Of all the "scapegoats" in history, I feel that the snowmobile should take the trophy.

Look, once, at the economic impact that this has had on all the snow-belt states. While there are farms and some small industries, many states (with Wisconsin as an example) rely heavily upon the tourist industry as the main source of income. Vacationing, fishing, hunting, boating, etc., are at the top of the list as a livelihood for many small villages and towns. There were just no tourists in winter.

To quote from a letter of 1970, from the Executive Director of the Rhinelander (Wisconsin) Chamber of Commerce:

"Regarding the effect snowmobiling has had on the economy of the area, I might say an estimate taken and based upon the increase in deposits at local financial institutions, including Eagle River and Minocqua (Wisconsin) would figure that these tourist dollars and turned over SIX OR SEVEN TIMES before they leave the area. We estimate that the first dollar spent would pretty well be confined to lodging, service stations, clothing and sporting goods stores, grocery stores, drug stores, local advertising media, snowmobile dealers, restaurants and bars, then this dollar would be passed on to extra help, new facilities (local contractors, suppliers, and laborers) and would also be passed on to the above mentioned places who received the first dollar to their suppliers and fellow businessmen. Also, it should be noted that the advent of snowmobiling has created a new season for taverns, restaurants, resorts, hotels and motels during which was formerly an extremely dry period. In a nutshell, the primary effect of snowmobiling has been to bring in outside dollars in a much longer period of time."

In the same vein, taking the two-week period during the running of the Eagle River Wisconsin, snowmobile derby, the First National Bank of Eagle River reported on deposits in six local banks, showing an increase in deposits from 1963 to 1968 in an amount of 86%. Figures for 1970 showed an increase of an additional percentage close to five percent.

This particular area is typical of all northern snow states and can be used, safely, as a gauge for most tourist areas with a similar background and location.

For "figure-collectoors," the Championship Snowmobile Derby in Eagle River in 1970, through its concessions, sold 11,000 hot dogs, 6,000 barbecues, 230 gallons of hot chocolate, 8,000 cups of coffee, 1,400 half-pints of milk; 5,000 candy bars; not to mention 43½ barrels of beer, 145 cases of pop, thousands of souvenirs—all to an attendance crowd of 39,314.

Let us also remember that it was the snowmobilers themselves who first recognized that there should be legislation governing the use of these machines.

There are effective organizations on national, state and local levels who are constantly trying to bridge the gap between PROPER laws and UNFAIR regulations.

Groups such as the Association of Wisconsin Snowmobile Clubs are springing up. The AWSC, as an example, consists of over ten thousand members, representing about one hundred and fifty clubs. They have a lobbyist and attorney in Madison, the state capitol, to keep them informed and, in turn, who they can inform when questions arise regarding trails, useage, etc. There will be other State groups following their guide lines. The association also assists when local counties, towns, and villages have problems drawing ordinances regarding snowmobiles.

The system of licensing and numbering vehicles in various states is spreading rapidly and the majority of states now have this set up. There are several benefits: the "dues" from licenses can be used to plan, construct and maintain trails. There is, then, a regular fund established, so the non-snowmobilers will not feel their tax dollars are being wasted. The numbering of vehicles is used both for tracking down stolen machines, or for identification of individuals involved in illegal procedures. This is a system the snowmobilers themselves want—and they have worked hard to try to promote the "right" thing.

The Third Annual International Snowmobile Congress was held in Portland, Maine, October 13 through the 15 last year. Present at that meeting were officials from Federal and State agencies, the snowmobile industry, user organizations, and interested individuals. Some of the comments made by "knowledgeable" people bear repeating and I'd like to quote some of them here.

From the Welcoming Address by Eldin Shute:

"In my capacity as Deputy Secretary of State, I bring you greetings and welcome to the State of Maine for the Third Annual International Snowmobile Congress. As one who resides in the Maine Snow Belt of Franklin County, I have been able to observe the growth of snowmobiles in the past five years. Today, in particular, I would like to address myself in my greeting, to the impact snowmobiling has made on our state's economy.

"As a Dismounted Snowmobiler (one who currently doesn't own a machine) and as a sometimes political, I know I won't exactly endear myself to that popular Press Herald pundit, Bill Clark, when I pronounce the fact, "Snowmobiles are here to stay."

"But, between now and the day when anti-snowmobilers such as Clark will be satisfied to accept this as fact, you as a larger group and your satellite organizations, may have to make adjustments. These adjustments I am sure you are prepared to discuss here and at future meetings.

"Maine is indeed honored by your presence here. It is due in large part, to the dedication of those among you from Maine who have the foresight and the faith necessary to have made your presence a fact.

"Snowmobiling can now be considered a Big Business in this state. Something over 20 million dollars can be directly traced to this sport. And this amount does not include dealership and service salaries, parts, wholesale and retail financing, motel/hotel, food and drink, nor does it include advertising of snowmobiles. Listen to these impressive figures.

"Up until October 1, 1969, it is estimated that the State of Maine has over 35-thousand machines. During the final year, these snow vehicles were under the licenseship of the Motor Vehicle Division of the Secretary of State, 19-thousand snowmobiles were registered. Currentlq(29,093 snowmobiles are registered at a fee of $10 each, or over $290,000 accruing to the three beneficiaries; local municipalities where the owner resides, $6 from each fee; Inland fisheries and Game Department which receives $3 towards the cost of administration, Licensing and Enforcement; and Maine State Parks and Recreation Commission, $1 from each fee which goes toward the cost of clearing, marking snowmobile trails, and their statutory obligation of providing maps and trail charts and other educational and informational materials. Trailer licenses amounted to $15 million.

"Maine distributors paid for over $6 million worth of snowmobiles last year. They sold over ten thousand units at an average of $800 for $8 million in sales. Over 1,000 trailers were sold at an average cost of $200 each. Accessories, including sleds, racked up another quarter of a million dollars. Sale of clothing estimated at $360,000. Parts sales are estimated at $1,200.00, gasoline and oil at over a million and a half dollars. Add it all up and you'll see nearly $20 million and a we haven't included financing charges, transportation, and the countless other side benefits to other businesses.

"Snowmobiling then has benefited the Maine taxpayer and the Maine economy, as it has in every other snow belt state.

"Snowmobiling is still in its infancy as a sport and a business. This sport and this business have problems to face as does any other industry of this magnitude. Some of your problems may very well be solved here in Maine—at this Congress".

From an address on Education, by William Severson, Minnesota Department of Conservation:

"Minnesota snowmobilers were requested to register their machines for the first time in 1967 and a total of 18,737 snowmobilers were registered in that year; 26,832 in 1968; and by the end of the 1969–70 winter season 115,113 snowmobilers were part of the Minnesota winter scene. You didn't have to raise your earlaps to know that snowmobiles were here to stay and the problems to be reckoned with also. Complaints of all kinds were being received at Minnesota's Conservation Department. Noise and trespassing were heading the list, but wire cutting, tree farm damage, television interference and traffic menace complaints also received attention. As if this were not enough, some Minnesota 'sportsmen' took to the field in pursuit of flocks, deer, rabbits, and anything else that moved, crawled, wriggled or flew. During pursuit, if they were able to cripple or kill their quarry by running over it with snowmobile skiis or tracks, so much the better. Though a small number of the snowmobile fraternity were involved in these deeds, their fame was spreading and our Minnesota legislature, who have always been noted for keeping their ear to the ground, were among the first to realize that a serious problem was developing. The major portion of the snowmobile industry is located in Minnesota, and it was obvious that legislation was needed to curb the rising number of abuses of our environment, if the sport and the industry were to continue their growth in an orderly and healthy manner. Laws were passed to provide a tool to control the use of machines on roadways and in a variety of other circumstances. The law also called for a comprehensive snowmobile information, safety and education training program.

"Minnesota's Safety Training Program is well under way. Twenty thousand youngsters have been certified in less than one year with classes resuming again. The total should reach 25,000 or more before the end of the first year. Barring any unforeseen obstacle, the program will continue to improve and grow. If your state or province is contemplating a youth training program for snowmobiles, I would have no qualms about recommending this program, but I believe that other systems can be equally successful—if they are given a chance."

From Howard Larson (OMC, Waukegan, Ill.) address on Croplands and Forest Lands:

"Snowmobiles are a lot like that good-looking red-haired boy down the street who looks like he's full of hell . . . and so is blamed for everything that happens in the neighborhood. Of course, snowmobiles are responsible for *some* problems, as is our boy, but in the spring they are blamed for every seedling which became lunch for a deer.

"It is not my purpose here today to defend or condemn snowmobilers—because snowmobilers are you and I, and every other kind of a person who comprise the population of the states and provinces which are fortunate enough to lie in the North America Snow Belt. They have one thing in common . . . a desire to be out-of-doors in winter, but then they share that with a great many of their neighbors; those who hunt, ski, ice fish or otherwise find that snow is something to seek, not to flee.

"Since snowmobilers are you and I, the acquisition of a snowmobile doesn't, unfortunately, change us any more than does the acquisition of a new car, or a different home. We are still the victims of the habits we have built up in our daily lives. The man who cuts you off at the stoplight or on the highway; the man who litters the city streets, whose philosophy is, "Hurray for me . . . and to hell with you!"—isn't any different when he gets into the out-of-doors. There was a time when most people felt they had an obligation to live by a code. Now, too many of us live up to "rights" we claim are ours.

"What does all this have to do with forest lands and the snowmobile? I advance it only to show that most of our problems concern people; people who are no better nor worse than their neighbors. Snowmobilers may have been skiers, may still be and probably are hunters, fishermen and campers. They have one advantage over their neighbors, they are more mobile. This may be an advantage, also, when we discuss ecology, since the impact on a given area can be much less than when a portion of it is used more intensively. Certainly we know the footprint of a snowmobile exerts a fraction of the pressure of that of a man.

"Since snowmobilers are not one of a kind, neither is the environment they traverse. Some of it is as tough and resilient as any one of them, other of it is as delicate and susceptible to being hurt as the gentlest of them. Only one generalization can be made of our forest and pasturelands—"they are all living entities and all subject to change, whether or not people enter them" I feel it is important to remember this, to never forget it when we plan for ecological studies.

"Secondly, it is paramount to remember that snowmobiles are used . . . or should be used . . . when the prospects for permanent change in an eco-system are the most remote, the ground is frozen, the plants are dormant, and they face the season when the prospects for revitalization are the brightest—spring.

"I'm not going to discuss trespass problems, or the invasion of tree plantations. There are ample laws in every state and province to cover this. There are registration laws and numbering systems to identify the wrongdoers, and posting laws to protect the property owners. If there are any fingers to be pointed, it is at the governmental units who don't enforce them. The answer is not more laws.

"Let's return to ecology. Much of this northern country is covered with wilderness areas in flat or gradually rolling landscapes. Much of that is underlain with sufficient soil to nurture crops and wild vegetation. It is probably wilderness because it has become marginal farm land for one reason or another. Much such as that in the eastern and far western areas is mountainous or hilly and the only soil is that thin layer which has accumulated from the mulching of vegetation, really that part of the mulch which has escaped being carried to the lower lands during the spring runoff. This is the fragile environment I envision when speakers generalize and refer to environments as a whole being delicate.

"That these forests areas change, both those in the mountains and in the lowlands, is evident from some figures I obtained from the U.S. Forest Service. Admittedly, these are old, since they are for the year 1962, but perhaps that is important to us since this is before snowmobiles became a recreational factor.

"This is a report of the annual mortality of a sawtimber on commercial forest land in the United States by cause. If anyone is really interested, I can also give them the figures by section and region. In that year, there was a total of 1,288,000,000 board feet lost by fire, and 5,416,000,000 feet lost to insects. An additional 3,807,000,000 feet were lost as a result of disease. Important to us is the fact that the greatest loss of 5,664,000,000 feet occurred as a result of weather, animals and overcrowding. The Service also found that 3,560,000,000 feet were lost due to unknown causes . . . probably that little red-haired boy with the hatchet he received for Christmas! This demonstrates quite clearly to me that forest lands are living and do change since, with the possible exception of some of the fire damage, none of this timber land loss was due to man's activities.

"Snowmobiles have been blamed for many of the changes occurring in these forests, but I am here to tell you that trees big enough to contain board feet are pretty able to take on any snowmobiler who is foolish enough to want to tangle with them.

"We have a rightful concern over erosion in the hilly areas, but we've got to remember that erosion has been going on since before the time the Appalachian Mountains were as awesome as the Rockies are today. If it hadn't been going on, we would have no sedimentary rock. I am not implying that we shoulld encourage erosion, and it is because of concern all thoughtful snowmobilers agree with the principle that operations should be on trails, and that trails should be located to minimize their impact on a particular area.

"Perhaps we have been unduly concerned in some areas over the impact of snowmobiles on the environment. I would like to show you a few slides of snowmobile test areas. The first of these are of an area not far from Milwaukee. This is a tract of rolling land about 60 acres in size. About five years ago, it was cornfield but was then abandoned with the hope that it would become eligible for sub-dividing. During the past summer, it was used for endurance testing, and for other types of engineering testing, including some skid areas where we work on improving snowmobile brakes. A full 5,000 man hours have been spent on that 60-acre plot in testing, most of them at wide open throttle. Drivers go out immediately after a rain, so the ground is frequently soft.

"You will see from these slides that there has been some damage. In fact, it would be remarkable if that amount of testing could be carried on without disturbance. There are worn areas here, but you will also notice how after a rain, the green begins to reappear. Few areas will receive this intensive use at a time of year when snowmobiles have no business being in use.

"Here are some slides of an area in the North which was used by Outboard Marine all last winter for testing. This same area was also a favorite ground for all of the snowmobilers from two small cities within twenty miles of the test area. There are between 3,000 and 4,000 snowmobiles owned by residents of the immediate area and several extremely strong snowmobile groups. These people not only made use of this area during the weekends, but there was a great deal of activity in the evenings.

"It was used by Outboard Marine for a period of six months, since snows come early in this area and remain late. Three drivers averaged thirty hours of endurance testing each week during this period with, again, most of the operation being at high speed. Here, however, the vehicles were run on snow cover. Both the drivers and the area residents had some favorite areas and these slides show them. Trucks have also been operated in the area, so all of the tracks you see are not due to snowmobiles. The vegetation has recovered beautifully, and I'm confident no permanent damage has been done.

"This one slide shows the snowmobile track which was developed by the snowmobile clubs. A grader was used to bank the turns and, even here, vegetation has come through the bare earth. This track was used every Saturday during the winter months for racing. These photos were all made last week with the purpose of showing you that recovery can be rapid.

"Our company intends to do some environmental testing of its own this coming winter, and I, for one, would like very much to see this done by as many other companies as possible. Production testing and endurance testing produce the severest possible impact, and the industry operates in enough different areas to be able to produce meaningful research far faster than would be possible by a university-oriented study. How such industry studies should be made, I'm not prepared to say, but we have enough talent within this industry to work out meaningful procedures . . . and I know that we can secure opinions as to how it should be conducted from the very cooperative conservation departments with whom we are privileged to work.

"This industry has been accused of a great many things by a lot of well-meaning people. I happen to think that the snowmobile's biggest sin is that it annoys some people . . . sometimes . . . and it annoys them particularly because of noise. In order to get rid of that problem, many are willing to blame the snowmobile for everything that happens in the forests.

"In conclusion, I would like to remind you that we do have a commitment to retain the forests and prairies which have been our heritage. We must pass them on, not unchanged, but as a living treasure to succeeding generations. There are several ways of doing this. At one time, to quote from an Ontario publication, the philosophy was, 'Woodsman, spare that tree! Touch not a single bough! In youth it sheltered me, and I'll protect it now'.

"The province goes on to say, 'The old way of growing trees, of letting nature take its course, was never satisfactory. An untended stand of trees usually became a forest slum'. This does not mean that snowmobilers, campers, hikers or anyone else should be permitted unsupervised in forest areas. The snowmobile has opened the doors to enjoyment of our winter wonderlands . . . but more people than any of us ever suspected were interested in being there. How to view them and the environment they are enjoying with the equipment at their disposal is perhaps best summed up in a statement of Aldo Leopold, one of the great pioneers of conservation and an unquestioned authority. He said, 'The task of the future is how to live with our inventions. Leisure and security are of little value if, in the process of getting them, the objects on which they could be profitably expended will have disappeared.' "

Quoting from an address by Paul Doherty of the New Hampshire Department of Fish and Game on the "Effects on Fish and Game Management":

"The effect of the snowmobile on fish and game is a question that is hard to answer at this time. Actually the snowmachine hasn't been with us long enough to truly say how it will or will not affect our wildlife resources. I don't think any snow state has had long enough time to arrive at any definite conclusions.

"From my own standpoint, as Chief Conservation Officer for the Northern part of New Hampshire, I can only state my observations over the past few winters. I can, however, say that these observations have been made first-hand and are the direct result of many days in the field in areas where snowmachines are used a great deal.

"New Hampshire is a small state, yet we have a fine wildlife resource and plenty of elbow room left in the northern third of the state. Nearly 20,000 snowmobiles were registered during last winter, which for a state of somewhat less than 9,000 square miles, is quite a few.

"Perhaps the place to start is with the white-tailed deer, for more has been said, and written, about the effect of the snowsled on deer than any other form of wildlife. To date, the use of the snowmobile has had little or no effect on our deer kill. With the season opening on November 10 and closing on the first Sunday in December, New Hampshire can expect little snow during this period except in the extreme northern end of the state. Any snowmachine owner knows that to operate a machine in the woods on the first 6–10 inches of new snow doesn't make much sense. For this reason snowmachines are of little use during this period.

"We do have occasional years when northern New Hampshire does have a good cover of snow during the deer season. Again using a machine to actually hunt from isn't very effective. To attempt to drive deer in the type of terrain and cover we have doesn't prove very effective either. At best, a hunter can use his snowmobile only to his advantage getting himself into the back country and hauling his deer out.

"As for the effect of the snowmachine on wintering deer, I have seen almost no cases where snowmobilers have invaded deer yards to the point that harm was done to the animals. As a matter of fact, snowmachine tracks in deer yarding areas have shown that the deer use these trails to reach food. It has been said that the snowmachine tracks lead dogs into the yarding areas—this, of course, can be true, but by the same token, Conservation Officers can hunt these dogs more effectively when they are using the frozen tracks as runways.

"To date I have seen few small game hunters that used snowmobiles to any great advantage. A few, but only a few, rabbit hunters use snowsleds to haul their dogs into hunting areas. Perhaps the reason for this is that many of the good areas are close to roads anyway.

"Bobcat hunters can use the snowmachine to haul their dogs to the backwoods hunting areas. However, we have few real cat hunters anymore and therefore they make but small inroads into cat populations using the snowmachine or not.

"The black bear is legal game from September 1 to the end of the deer season. It goes without saying, then, that bear hunters cannot use a snowmobile to any advantage, even during those years when the snow comes early, because then bruin dens up when the snow comes to stay.

"Trappers can, and do, make good use of the snowsled. If any wildlife resource was to be really affected by the use of the snowmobile it will be the few beavers. Beaver trapping holds the interest of quite a few outdoorsmen; almost all use a snowsled as New Hampshire's beaver season can run as late as March 31. With the snowmachine a trapper can cover many miles in a day and can reach even the most remote beaver flowage. In sections of the northern part of the state, the effect of snowmachine use can already be seen in beaver populations. In other species of fur bearers, I have as yet to note any change due to trapping via snowsled.

"Winter fishing holds an interest for many people, as fishermen now use snowmobiles to reach their favorite spot. One thing the snowmachine has done here is to spread the fishermen out. Before the snowsled fishermen didn't walk far from their car. Now large lakes have fishermen well spread out thanks to the snowmachine.

"It is true that the ice fishing pressure on some ponds has increased, and some concern for fish populations has been heard. It is here that fish and game officials must keep a close watch and make changes in regulations when necessary.

"None of us know for sure what the future will bring where snowmobiles and fish and game are concerned. I feel certain, at this time, that the snowmobile has had little effect on our wildlife resources in New Hampshire. I do feel strongly that those of us in fish and game must watch the increase of the snowmachine closely, and with the interest of wildlife for the future in mind, make any and all suggestions necessary. Should the use of the snowmobile become a threat to any specie, rules and regulations then must be put into effect that will give the wildlife resources the necessary protection yet keeping the sport of snowmobiling in mind".

Quoting from an article written by Benjamin F. Hoffman, Vermont Department of Forests and Trails—"Signs and Trails":

"Along with the growth in snowmobiling, the interest and need for snowmobile trails has grown. Well designed trails offer a constructive means of controlling snowmobile use and accomplish several things, namely:

"1. Reduce game harassment by routing snowmobiles away from game habitat areas;

"2. Reduce vandalism and property damage by directing activities away from areas susceptible to damage;

"3. Reduce accidental trespass and noise intrusion;

"4. Simplify the search and rescue problem;

"5. Reduce conflicts with other winter uses;

"6. Reduce accidents;

"7. Localize any litter problems;

"8. Provide opportunities for the less venturesome snowmobile; and

"9. Attract snowmobilers, thus having a definite economic impact.

"Obviously, trails must be designed to accommodate snow machines. The two previous conferences have produced criteria for trail design and construction, and this information has been published by the U.S. Forest Service and the Bureau of Outdoor Recreation. Trails must also be marked, and with the great mobility of the snowmobiler, either riding his machine or trailering his machine, trail marking must be standardized. At the

1969 and 1970 Congresses, a standard signing system was adopted.

"This subject should be a major assignment for the Trail and Sign Committee at the next Congress.

"A number of states are considering the establishment of trail systems involving the binding together of their entire area in one system.

"Money to accomplish this may well come from snowmobile and recreational vehicle registration fees.

"It is desirable that a recommended standard for resolving user conflicts be established in the same manner as the standard signing procedure."

Quoting from Howard L. Potter, Special Assistant to the Fed. Co-Chairman, Upper Great Lakes Reg. Comm., Duluth, "Social and Political Impact":

"Last year at our Congress we came to you with a proposal that we do an Economic Impact study of snowmobiling in the Upper Great Lakes Region which consists of the 119 northern-most counties of Michigan, Wisconsin, and Minnesota. I would like to give you some of the results that we have.

"We in the Upper Great Lakes Regional Commission realize that not enough of the people within our area are up-to-date as to what the total snowmobile picture is. Therefore, we have attempted to obtain a cross-section of the snowmobile user to arrive at the statistics of 'Mr. Average Snowmobiler'. We contracted for a study to be made last April by the Directional Marketing Company of Grand Rapids, Michigan, under the direction of the West Michigan Tourist Association. Our whole study was aimed at obtaining information that would be valuable to expanding their winter economic picture. It was hoped that the results would cause some of the Chambers of Commerce to sponsor snowmobile meets, contests, and the such. This is all in keeping with the charges given to our commission to improve the economic conditions within the three states.

"First, the age group of the snowmobile owner. Bear in mind, that these figures represent the age group of the owner and not necessarily representative of the age group that uses the machine. These findings indicate that the age group for two-thirds of the registered owners falls between the thirty-five to fifty-five age group, and probably has two or three children at home who will be using the machine more than the owner himself. The sport is definitely family oriented.

"Eighty-four per cent of those interviewed related that their machines were for family activities instead of their own personal use. The median age for the registered snowmobile driver is thirty-two years old.

"When it comes to enjoying snowmobiling it does not seem to make much difference as to what a man does for a living. The median income, before taxes, of the snowmobiler is $10,650. Forty-two per cent fall into the category of $7,500 to $12,500. Another large number is the $15,000 plus category.

"In addition to obtaining the cost of the machine, the brand names were also tabulated. There were thirty-nine different makes reported, with two leading names making up forty-eight percent of the total. This undoubtedly is not representative across the region due to local manufacturers. This table shows that over one-third are in the $800 to $1,000 price range and approximately one-fifth in the $600 to $800 price range. The remainder falls into the $1,000 to $1,200 price range. The 1970 registrations may raise these figures somewhat. Over thirty-five per cent of the people contacted expected to buy a new machine during the 1970–71 season. Our study does not evaluate those which would buy their first machine for this winter because we only contacted the registered owners.

"Eighty-three per cent of all the machines represented in the survey were less than four years old and thirty-five per cent were 1970 models. Very few 1967 and older machines were still used. Perhaps we should ask the industry why this has happened and whether or not the '69, '70 and '71 machines will have a longer life span.

"Our survey shows that their own fields, their neighbor's fields, or other private property will get over fifty per cent of the snowmobiler's use. The combination of public, federal, state, county, and city lands make up the other forty-seven per cent of the use. The question, "what do you like to use your snowmobile for and what attracted you to the area you like best" was asked of all those who indicated that they had traveled over six miles to an area. Trail riding is almost equal to all other activities. This should be of interest to resort owners who were thinking of getting a part of the winter action. The number of machines owned for commercial use is surprisingly small and is only about two per cent.

"The following profile for the snowmobiler is that he is about forty, has two children at home, considers snowmobiling a family sport, and earns about $10,650.74 a year—before taxes. Last year there was a seventy-six per cent chance that he would not go on an overnight trip, but this percentage will be reduced to about fifty-two per cent for the 1970–71 season. If he does go on an overnight trip, he will be away from home about 7.4 nights and in all probability will not stay at a motel. We suspect that this is because so few motels are open in the winter in the area where the snowmobiler wants to be.

"Mr. Average Snowmobiler owns nearly one and one-half machines which cost him about $903 each when they were purchased new. He will spend nearly eighty hours during the winter on his machine. Mr. Average Snowmobiler's annual cost of his winter sport will be over $615 of which $200 is for expenses other than the purchase of a new machine. We believe that the $37 shown for overnight trips would be substantially increased if some of the motel and hotels in the snowmobiling area would stay open.

"The projected increase of the three states involved in the survey shows the purchase of approximately 160 thousand new machines and an additional 110 thousand families will be involved in snowmobiling next season. For the three state area the economical impact factor is over two hundred and twelve million dollars."

Quoting Lewis P. Bissell, Extension Forester, University of Maine, "The Social and Political Impact of Snowmobiles":

"There do not seem to be any lukewarm, middle-of-the-road feelings about snowmobiles and their effects. On the plus side, the machines are fun to drive for they provide the thrills and exhileration of skiing and they get people out in the winter weather for the benefit of their health and general well being. There are also business opportunities to be gained from the machines and their use. On the other hand, snowmobiles are noisy, dangerous, smelly toys which have the capacity to cause real damage to growing plants, wildlife, and to people.

"Before I go further, I should note that the information and opinions presented in this paper are the result of my involvement on several sides of the snowmobile situation. In the first place, I have worked for a number of years in the area of conservation education of the general public and in the more technical aspects of growing trees as a crop for Christmas trees, pulpwood, lumber, and a host of other purposes. In addition, I am a landowner in both Maine and New Hampshire and an enthusiastic user of snowmobiles. In fact, my wife and I drove two snowmobiles nearly a thousand miles each during the past winter.

"Where does the truth lie in all the thousands of words uttered about snowmobiles and their problems in recent winters? My purpose here is to point out some of the problems and some solutions, and along the way stir discussion to help other people think about what is happening and what we can do about it.

"To be specific about the social and political impact of snowmobiles, I have already noted that the popularity of these machines has made many people active again in winter with real benefits to their health and an outlet for their energies. In our own family, my wife and I had skied for many years up until recently when for various reasons we were unable to ski and ended up pretty much hibernating during the winter. Shortly after buying not one but two snowmobiles in the fall of 1969, we found enough snow to use them and promptly were hooked on the pleasures of these machines. The benefits of the snow machines are all balanced by some disadvantages, one of course being the hazards to life and limb in driving the machines. I would remind the makers and in particular the advertising agencies for the snowmobile companies that they themselves have contributed to a part of the needlessly fast and reckless driving which we see from time-to-time. I hope that the mis-leading advertising will be toned down soon.

One of the real benefits and a social impact of the machines has been for people to get out in the open and meet new people. With a very few exceptions, the people we have met on the mountain trails in northern New Hampshire have been responsible citizens out enjoying the winter as we were doing. There are some users of the machines who do not act responsible and these are the type of people that I hope this Congress can help bring under some kind of control. In general, on the trails on which we rode, people were staying to the unused public roads and logging roads and were not causing damage to plants, wildlife, or any other resource. Perhaps the most flagrant problem was that of littering, although I realize there are other problems of vandalism on occasion.

Another impact on the public is that of the possibility of various businesses in selling and servicing machines and in providing lodgings and other camp facilities in snowmobile areas. The possibilities are many, but this is not my field and I will not comment further.

"Most important impact of all in my way of thinking is that a great many people have gotten out of the house and out in the woods to see at first-hand many things which they were not aware of before. This is in the area of my own professional activity of conservation education. Such observations can point out some of the land use problems and the problems in managing natural resources. I hope that you are familiar with the term multiple use of forest land. Multiple use simply means using the forest lands for timber crops, the production of wildlife, the protection of watersheds, and for recreation. Under good management, all of these purposes can be met in the same land. By this I do not mean that all purposes may be carried out on the same acre. In the same watershed, however, all are quite compatible. Remember that conservation should be a wise use of resources today plus saving for the future. Preservation of forest resources is not possible for the forest is dynamic, and is ever changing whether we use it or not.

"At this point, I have gotten into environmental problems and may be repeating what has been said earlier. It is not possible, however, to separate environment problems from people problems and people problems from politics. If you aren't involved in all three and learning something of the interactions of all three, you certainly should be.

"As far as political impact of snowmobiles is concerned, I am using this in its broadest sense. At the local level, this may mean trespass problems on land of another; or noise problems of people driving too late at night; or theft problems of machines and equipment. If any of these problems get out of hand, they can have very great impact at the local level between citizens and police.

"In larger regions such as counties or states, the problems are bigger because they may include conflicts between the snowmobile people and the landowner's interests. In Maine for example, more than 95 per cent of the forest land is privately owned by more than 70,000 individuals, forest industries, and family trusts. These ownerships range from a very few acres to that of one paper company which exceeds two million acres under one management. In general, the management of this land has been good for many, many years. we have a number of ownerships which have rather good management practices well documented back to 1900 and in some cases for more than a century. Maine has a so-called wilderness and an abundance of benefits of the forest because of private ownership which has protected and managed the forest. There is a vigorous forest resource to maintain forest industries which are the backbone of the state's economy. The recreation business in all its phases now provides what has been estimated to be the second highest income source through hunters, fishermen, tourists, and such people as snowmobilers".

For those of you who read (and possibly agreed with) the story in Sports Illustrated in 1970, I'd like to quote from a S.I. letter to me (in reply to my retaliation):

". . . Certainly there are merits to snowmobiling as well as competent snowmobilers and organizations interested in maintaining high safety standards. Mr. Olsen's story presents one side of the snowmobile story, but we do not dispute that there is a dissenting opinion to his case. That our article raises controversy is important for it is our desire to expose the sport of snowmobiling for further study . . ."

Which to me was an admission that they showed the one side they wished to show. Part of my letter to them had stated:

"It seems these little machines arrived on the scene just in time to bear the brunt of mistakes which had their beginnings many years ago. Snowmobiles have a great many good things going for them. If you list only the "againsts", why not also try for further regulation and control on automobiles (which kill many more deer than even archers in Wisconsin alone), jet planes, with sonic booms (that probably disturb hibneration, pregnancy and well-being of all game far more frequently than mechanized winter vehicles), outboard motors (leaving slick on lakes, with some operators who also run down duck hatches, etc.) and a myriad of other "jack-nasties" that appear whenever progress rears its magnificent (?) head?

"If we were to single out specific items in our current way of life causing the mass of ecological and environmental problems, we would have to include everything from A to Z—automobiles to even zoo's.

"The possible solution? Education. Until a problem is recognized, it cannot be faced, let alone conquered.

"Perhaps the arrival of the snowmobile one-sided to my way of thinking, why not condemn it—as a singular item—as being responsible for ecological upsets. It is a new and vital industry, one of many in the new swing towards mechanized recreation. The industry itself recognizes its shortcomings and is taking steps to sophisticate the product. The industry cannot, however, sophisticate the operators.

"Rather than write as you did, somewhat one-sided to my way of thinking, why not embark on an education program to include the hazards of mechanization and progress as a whole? When you turn to the evils of golf carts and the erosion they may cause on courses, listen to the heart patients who need their convenience. When you cover privately owned airplanes and the pollution they may bring to specific areas surrounding future airports, listen to the economical impact they will reflect on operators and users. When you cover air-cushion units (for land or sea) and the havoc they may wreak on wildlife and fish, listen to the statistics on safety and possible economy. When you cover the Olympics and amateur standings, listen to the statistics on income of European athletes.

"And, when you cover snowmobiles again, look to the foresters who use them to save tax dollars, to the Park Rescue teams trained in first aid, to the patrol services utilizing them for security purposes, to the utility companies, to the Clubs asking their legislatures for regulations—and the million plus owners who do use them properly and sanely."

In conclusion, just because the snowmobile has turned into such a popular "necessary luxury" and it may seem the countryside is over-run with them—don't panic.

Outboard motor boats went through this same phase and, with proper legislation and public education, they have managed to survive with the row boat and canoe.

Improper and unfair restrictions would not be a solution. Time, and the common sense inherent in human beings will bring snowmobiling to become something that everyone can live with.

The industry, associations and individuals connected with the sport cannot be condemned for the "outlaws" in their midst. All connected with snowmobiling are working toward goals that will make the machine safer, quieter—and for laws that will be obeyed—let us see that these laws are fair.

To re-emphasize, I quote again—the possible solution? Education. Until a problem is recognized, it cannot be faced, let alone conquered.

ALCOA VICE PRESIDENT DR. ERIC WALKER SPEAKS ON HIGHER EDUCATION CRISIS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. MOORHEAD. Mr. Speaker, in a recent speech before the Traffic Club of Pittsburgh, Dr. Eric Walker, vice president of science and technology for the Aluminum Co. of America, called on an informed public to ally with college presidents to save our universities from financial disaster.

Dr. Walker, a retired president of Pennsylvania State University—and one who should know—cited schedule constraints, irrelevant credit systems, lack of recognition of student learning rates, poorly organized classrooms, as some reasons why money is not always being used wisely.

Stating that "education is too important to be left to the educators," Dr. Walker asked the opinion leaders to lend their ideas and support as well as their dollars to keep our universities from bankruptcy. I include his timely remarks at this point in the RECORD for the attention of my colleagues:

HIGHER EDUCATION FACES REAL DISASTER

I am very happy to have been asked to talk to you tonight because I have something to say which I think is important. It needs to be said for the good of the country and for the good of higher education, as well as the entire system of education in America.

You might ask why should I talk about education to the Traffic Club of Pittsburgh—a group whose primary interest is in the transportation industry, and an audience which has little or no responsibility for the education industry. There are two reasons: First, I will paraphrase Winston Churchill, who once said that war is too important to be left to generals, by saying that *education is too important to be left to educators.* Secondly, I believe that many of you are trustees of universities, members of school boards, or are at least interested in getting sons or grandsons into and out of college. But most important, you are opinion formers; people listen to you and, therefore—indirectly—you may be able to do something about these problems.

I am not going to talk about student unrest or the disturbances and confrontations in our colleges. Most of that is over. It reached a peak last spring with the disasters at Kent State and Wisconsin. The radicals went too far. The uncommitted and mildly committed students could no longer follow them. The average student saw that such tactics made conditions worse rather than better; that the radicals were guilty of all the sins they decried in the establishment. Since then the disrupters, the SDS and the Weathermen can no longer find followers.

UNIVERSITIES ARE GOING BANKRUPT

Only indirectly will I mention that other great student complaint, that many universities have forgotten their primary function, which is to teach. For while people have been talking about these student troubles, the universities have been plunging into other difficulties which will be much longer lasting than students breaking windows or presidents lowering the bars to permit something euphoniously called "coeducational living."

The real trouble is that many of our universities—and many of the most honored ones—are going bankrupt, not academically, but financially. Let me cite some of the publicly acknowledged evidence:

The University of California, which for many years has been the leader in spending money and raising salaries, has now put a freeze on hiring and is cutting the budget of most of its departments. To many universities this is a blessing, for now they can retain their own best faculty members. The Carnegie Commission on higher education, of which Clark Kerr is the chairman, says that 450 colleges and universities which enroll 21 percent of the students in higher education are already in financial difficulty. This list includes Stanford, Harvard, Chicago, Michigan, Minnesota, among others. Yale predicts a $2 million deficit for this current academic year; Princeton predicts a $2.4 million deficit; and Columbia, which is reducing or eliminating 28 departments, expects to go still further into the red.

One must pause and ask why is this happening? Why isn't the educational establishment better managed? All one needs to do to find an answer is to look back at the changes in the public attitude toward higher education during the past 40 years. Somehow or other the people of this country have become enamored with higher education. Everyone must get as much education as he can because "education is good for you." So parents send their offspring to college, many of whom will not benefit by it, because it is the thing to do. The number of college students grew from 1.5 million to 6.5 million between 1940 and 1967. Most people seem to feel any system with that growth must be in good shape. Few have questioned the soundness of the system.

Let me cite a few figures to give you the flavor of the problem. In 1940, there were about 150,000 faculty members in higher education. Today there are 640,000. In 1940, 150,000 faculty serviced about 1,500,000 students, a ratio of about 10 students per faculty member. In 1966, the 640,000 faculty members serviced 6,500,000 students, still giving a ratio of students to faculty of about 10 to 1. But in this period of time, the average professorial salary for a selection of private colleges increased from $6,000 to about $17,500, an increase of about three to one. But the charges to the students went up from $330 per year to about $1,675—an increase of more than five to one. These same schools are now talking of tuitions of $2,400 to $2,700 per year. More significantly, we see the cost as a percentage of our Gross National Product increasing. In 1940, about 0.8 of 1 percent of our Gross National Product went into higher education; now it takes about 2½ percent.

SPENDING IS RISING FASTER THAN INCOME

Now I don't want to imply that all of this is bad, but as costs go up university presidents appeal to the alumni, industry, legislators and the federal government for more and more financial support. Every sector has been generous, and as more money is obtained, more is spent. Unfortunately, spending is still rising faster than income. Educators rarely ask how money can be saved and how costs can be lowered, how the system can become more efficient, how it can deliver more education per dollar spent. One has to ask if rising costs are inevitable. My opinion is they are not. It will take a quick turn-around to save our education system from a violent shake-up in which many small and less endowed schools will close. And this may well include some with excellent reputations and some that are good academically.

The key is efficiency; efficiency in education, efficiency in teaching, and the reduction of costs which modern technology makes possible. But in a university community, efficiency is almost a dirty word. Indeed, by some strange logic followed in educational circles, it is believed that one cannot have quality and still be efficient. Some educators even feel that a poor utilization of faculty—a low ratio of students to professors—is a *guarantee* of high quality education!

Some farsighted businessmen are worried about these trends. Pat Haggerty, chairman of the board of Texas Instruments, discussed the nation's productivity before the National Academy of Engineering and pointed out the service industries were not keeping pace with farming and manufacturing in improving their productivity. He said our farmers reduced their manpower from 17 to 4 percent of the total available between 1940 and 1967 while feeding and clothing Americans better than any other people in the world. Manufacturing has decreased its percentage from 40 to 36 percent, and has produced many more goods. By way of comparison, the service industries have increased their manpower usage and probably produced fewer services. The point is that this trend cannot continue if we are going to shorten the workweek and still get more goods and services. What Mr. Haggerty did not point out was that education is one of our biggest service industries. He might have noted that costs of educating people in this country have been rising steadily for the past 30 years, in both dollars and percentage of national effort. This rise cannot continue forever.

When one asks college presidents what will happen in the next few years, they invariably predict higher tuitions and higher costs for all segments of education. The real question, of course, is—will the public stand for it? Will the money be available?

Early in December in an article in *The Wall Street Journal*, Leo L. Cornfeld said, "Universities must recognize the urgency of deciding what their unique role in society is. They must determine how they are going to perform that role, and then convey their identity and mission to satisfy their constituencies inside and outside the institution. If they fail to act, they may eventually find that others are deciding their futures for them."

Mr. Cornfeld went on to discuss the campus as a management problem, and he talked about the difficulty of reconciling the goals of the trustees, administration, faculty, students, alumni and the community. But it is not the goals that confuse as much as how we reach those goals. If teaching is our goal, the important question is how do we teach our students? The first and major goal of a university faculty is to teach, and I believe that universities have not yet learned how to do this effectively and efficiently.

STUDENTS ARE NUMBERS ON A CARD

Students complain about the relevancy of their education. They say that they are numbers on a punched card, that they never see a real professor, that they are taught by graduate students, and that they cannot find anyone to talk to. Yet in spite of all this, the ratio country-wide of students to faculty is the lowest it has ever been. One would expect that if there are only 10 students for each faculty member, certainly the professor can find time to talk to the 10 students who are allotted to him. The trouble is that although universities have helped create new knowledge and put science and technology into industry, the teaching profession has never thoroughly analyzed its own machine and its effectiveness. Only sporadically has it tried to take advantage of its own creations in doing its own business.

We all admit that Socrates discussing problems in the streets was a great teacher, and the best school is the professor on one end of the log and the student on the other. But we haven't the money or manpower to do it that way. We must look around for other systems and mechanisms. Certainly all teaching is not done by word of mouth, with the professor orating his wisdom for the benefit of the students. We have better tools than that. The radio has been invented; we have television, tape recorders and computers; and if these are any good at all, they ought to be used effectively and efficiently.

Behind the inefficiency, I believe, is the fact that we are still using many methods that have long since been outmoded. We continue to do this because we have failed to question the fundamental validity of many of our basic concepts of teaching.

I suspect that when movable type was invented and we began to print books, the 16th century version of our teachers' unions complained that books would make professors obsolete. Who would walk a mile to listen to a professor when he could read what he had to say in a book? But books did not make teachers obsolete. When radio came along, many thought it was going to make the best professors available to all students, no matter where they lived; and television, of course, was going to allow us to see them as well as to hear them. We now have audio and video tapes and computer programmed courses, but little use is made of them. Little attempt is made to find the combination of mechanisms that producers the best teaching. One system is piled on top of another, so we use them all probably as inefficiently as possible.

In spite of the multiplicity of methods, we hear a great deal about the students' dissatisfaction with their college experience. This is not surprising. Many of them just don't belong there. They're in college only because their parents insist; because college is the thing to do; because they can avoid the draft, or real life, or work; or because they just have nothing else to do. And colleges do not keep them out because colleges need students, not just to grow as big as possible, but to stay in business.

Other students, however, are dissatisfied for more substantial reasons. They want to get an education but they feel that they are not being educated—or at least not getting what they conceive education to be. Some want to learn to be physicists and the faculty insists that they take sociology courses; others want to be engineers but are not learning any engineering. For some, the courses are so difficult that the work is over their heads and they're afraid they won't make it. Others find that college is just a repetition of high school; the courses are too simple, too easy, and not challenging enough.

It seems that in spite of our growing recognition of individual differences among human beings—not only in talent, ability and interest, but also in rate of learning—we continue to force our students into a pattern designed for a mythical "average" student.

STUDENTS LEARN AT DIFFERENT RATES

We take four nine-month years to get a bachelor's degree. Is there anything sacrosanct in this schedule? How can we really justify it? In England they use three years, and shorter years at that. Some countries use five years. Students learn at different rates, and they come to college in different stages of advancement. Isn't it time we ask ourselves very seriously whether we are right in trying to tie everybody to a standard four-year curriculum?

Another albatross we have around our necks is the credit system. We seem to think that a student should pass 124 credits of work in one curriculum—say liberal arts—and in some cases 154 credits in engineering to get a degree. The trouble is that the digits we are trying to use for measurement of credits are not the same size—and even if they were, we don't seem to try to equate them anyway. We think that every course has to be measured in numbers of credit hours or courses, or half-courses or units, or quarter hours. And we slave to change courses, stretch out material or shrink it, or leave out something important to fit a calendar which demands a three-credit, four-credit, or two-credit course.

SUCH A SYSTEM RESTRAINS US

It seems to me that all too often such a system restrains us from doing what we really ought to do.

Why do we feel every course ought to consist of fifty-minute lectures? Some brave souls have experimented with thirty-minute lectures and some with seventy-five minute lectures. No one has even demonstrated that a lecture of some particular length is necessary or best, or better than any other length of time. With modern teaching aids such as film strips, television and other audiovisual aids—which can be used or not, as a teacher sees fit—must we force ourselves to stick to lectures of one particular length?

And what about the lecture itself?

Oftentimes lectures are pretty wasteful devices by which symbols are transferred from the notebook of the lecturer to the notebook of the student without leaving much impression in the heads of either one. Because copying machines are generally available, I see no reason why students shouldn't be given copies of the professor's notes. This would avoid the distracting and useless writing by longhand a set of symbols which, because they are brief, are often meaningless anyway.

I have always been suspicious of lectures, especially when the lecturer has written a book on the subject. What can he possibly say that is not already in his book? And if what he has to say is worth saying, why is it not in his book?

One answer is that the student must be offered a chance to ask questions. But if the question is important, it should have been answered in the lecture; and if it is not important, then obviously answering it is a waste of time of both the professor and all the other students in the class. Why should an entire class be held up because one student is not bright enough, or attentive enough, to get the point? We excuse this sort of thing on the basis that it maintains a dialog, a human relationship, and we insist that human relationships are essential in the learning process.

We seek to avoid regimentation. Yet what regiments students more than forcing them to sit in a room with 100 or 25 or even 10 other students, listening to lectures in exactly the same detail, taking exams in unison, and marching on to the final where each will be given a grade. There is no freedom for the learning process here. And neither freedom nor efficiency can be attained by having the professor devote enough time to the individual student for him to keep his place in rank and column, and still march the class forward at the prescribed pace.

WE ARE CONSTRAINED BY SCHEDULES

Another problem is that we are constrained by schedules, increasing numbers of students and professors must be fitted into a schedule which will provide each of them with a classroom at the proper place and the proper time. Many professors like to do their teaching Monday, Wednesday and Friday between 10 and 12 o'clock. But many students like to do their learning at odd hours, when they are in the mood or when they are thinking about the particular topic they would like to discuss. Is our insistence that a student fit his program into someone else's schedule or to the convenience of a professor really necessary or even desirable? Moreover, scheduling classes and pacing the rate at which the material is presented is designed for the average or somewhat better-than-average student. But students do not progress at the same rate. And the pace of any individual student varies in different courses. Yet the schedule is there and it must be followed. There can be no deviation from it.

The classroom problem is also a burdensome one.

Classrooms must be available in the right size, at the right time and in the right place. The result is that very few colleges and universities are using their classrooms more than 30 percent of the time. Yet many colleges find themselves space-limited, and the investment in classroom space, in spite of the fact that it stands largely idle, is horrendous.

A few months ago Fred Hechinger, education editor of *The New York Times*, reported that there was "much talk but little action on campus reform." He pointed out that faculty administration and students all talk about power and how to let everybody participate in its exercise, and implied that we could expect little action on reform if it involved asking the faculties to do something they really did not want to do. Mr. Hechinger finally asked, "Who is going to take the power and make the decisions?" My guess is that it will have to come from an informed public. Perhaps you, as members of an informed public, through your positions in business and industry and as members of school boards and boards of trustees, can start to demand it.

Now what you can do is start to ask some meaningful questions, the same kind of questions you would ask in your own business, questions about cost and where the money goes. For instance, if a university's major job is to teach, ask how much of the budget each year goes into teaching. Then ask what is spent on the library and the computer center. Ask, too, how much of the computer center is used in the teaching process and how much is used on research—on research for doctoral degrees, on research for industry and on research for the federal government.

Ask, too, how much it costs to teach a student one credit hour of any subject. Ask about the cost of history courses as compared with physics courses. Take the given figure, say $10 per student credit hour, and multiply it by the 30 credits an average student takes per year to find out how much of his tuition goes into actual teaching costs. The result will certainly surprise you. Ask for instance how much of his time a professor spends in the classroom and add to it, if you will, the amount of time required to prepare a lecture and the time required to correct the papers the students write, and then ask what happens to the remainder of the time. Ask how many of the faculty come in contact with undergraduate students and how many undergraduate students.

COLLEGE PRESIDENTS ARE WITHOUT ALLIES

The answers to questions like these are easily available, but if no one examines them critically, there isn't much point in getting them. It will not annoy a college president if you ask him questions like these. He probably would be glad to share the answers. Remember, college presidents are not trained in business—many cannot balance a balance sheet. They have no stockholders, do not calculate profit, or try to pay dividends. They are at best personnel managers, quality control experts, knowlegeable in one narrow field of scholarship. The once powerful business manager who years ago was the surrogate president has been shorn of power. Presidents, in general, would like to do something about their uncontrollable financial problems, but find it difficult to do so because they are without allies. They feel that no one cares about the efficiency of the operation and no one will provide support if firm and drastic action is taken.

This is where you come in. Your moral help can be even more valuable than your money.

OPPOSE REORGANIZATION PLAN NO. 1

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. THOMPSON of New Jersey. Mr. Speaker, as you know, the House will vote tomorrow on House Resolution 411, a resolution to disapprove the President's Reorganization Plan No. 1. I have joined a number of my colleagues in opposition to this plan, and will speak on the floor tomorrow urging disapproval.

I would like to insert in the RECORD the minority report of the Committee on Government Operations, which presents the best arguments I have seen for the defeat of this plan. I commend it to the attention of my colleagues:

MINORITY VIEWS OF HON. JACK BROOKS, HON. JOHN E. MOSS, HON. CORNELIUS E. GALLAGHER, HON. BENJAMIN S. ROSENTHAL, HON. JOHN C. CULVER, HON. FLOYD V. HICKS, HON. GEORGE W. COLLINS, HON. JOHN CONYERS, JR., HON. BILL ALEXANDER, AND HON. BELLA S. ABZUG

The undersigned Members of Congress are signers of the following Minority Views on the Report of Committee on Government Operations which recommended disapproval of House Resolution 411 (a resolution to disapprove Reorganization Plan Numbered 1 of 1971):

Reorganization for the purpose of meeting current needs and interests of society is to be applauded and supported. Reorganization for its own sake or reorganization as a substitute for policy must be condemned and opposed.

We believe that the establishment of Action through the merger of the Peace Corps with VISTA, SCORE, ACE, Foster Grandparent, RSVP, and the National Student Volunteer Program is ill conceived, especially with respect to the interests of the poor. It also runs counter to the objectives of those programs to be transferred into the agency.

PURPOSE OF REORGANIZATION

The President has indicated in his message proposing this reorganization that Action is needed in order to develop "a system of volunteer service which uses to the fullest advantage the power of all the American people to serve the purposes of the American Nation."

The President states or implies in his message—and administration spokesmen at the hearings echoed and reechoed this view—that Americans have not exhibited a sufficient spirit of unselfish volunteerism and that programs using volunteers have fallen far short of acceptable goals. This, in our opinion, constitutes an unwarranted, unsupportable, and disspiriting indictment of thousands of dedicated and selfless individuals who have given their time and their energies so amply in the past.

How can we substantiate this charge? We do so through the reality of facts.

The President states that Action is needed to (1) encourage local initiative; (2) assign volunteers to assist Federal, State, and local agencies and private sponsors; (3) use part-time volunteers; (4) use skilled craftsmen and professionals; (5) expand testing and development of innovations in voluntary action; and (6) provide increased opportunities for association among younger and older volunteers. As anyone knows who is acquainted with existing operations, those responsibilities are among the many presently being carried on by VISTA, Peace Corps, and the other agencies. For example, the mandate for VISTA in title VIII of the OEO Act of 1964, as amended, provides:

"This title provides for a program of full-time volunteer service, for programs of part-time or short-term community volunteer service, and for special volunteer programs, together with other powers and responsibilities designed to assist in the development and coordination of volunteer programs. Its purpose is to strengthen and supplement efforts to eliminate poverty by encouraging and enabling persons from all walks of life and all age groups, including elderly and retired Americans, to perform meaningful and constructive service as volunteers in part-time or short-term programs in their home or nearby communities, and as full-time volunteers serving in rural areas and urban communities, on Indian reservations, among migrant workers, in Job Corps centers, and in other agencies, institutions, and situations where the application of human talent and dedication may help the poor to overcome the handicaps of poverty and to secure and exploit opportunities for self-advancement."

Proponents of Action express a desire to expand programs and to provide greater innovation. This is a cruel irony. As described below, the administration intended in 1971 to phase out VISTA, its chief domestic volunteer agency, until political reality struck home. Thereafter, the overall budget for volunteer programs was cut by $16 million. Only at a late date was a decision made to add $20 million to raise the annual total $4 million above the previous year. If this constitutes a bold new thrust, the country is in trouble.

Much is made by the President and his supporters of the need for Action to heighten the visibility of volunteer efforts—presumably to attract more volunteers and make volunteers feel more wanted. Yet every program affected by this reoragnization has more applications from potential volunteers than there are available slots to accept them. Those who do volunteer, moreover, generally do so out of a desire to serve, not because they have a need to be praised and fawned over.

Finally, it is said that the creation of Action will provide for greater efficiency, economy, and effectiveness by centralizing recruitment, selection, and training. The sole justifications, by the way, for using the Reorganization Act to combine agencies—rather than the regular legislative route—are also economy, efficiency, and effectiveness. Thus, if Action cannot be supported on these bases, the reorganization plan must fail. And, no such justification exists. Indeed, this proposed reorganization will cause more harm than good.

DANGERS OF REORGANIZATION

Each program covered under the reorganization—Peace Corps, VISTA, Foster Grandparent, RSVP, SCORE, and ACE—is unique in fulfilling a specific need.

The cultural, social, economic, political, and psychological needs of people in foreign lands are different in kind and degree from those at home. Training to meet these requirements must be sculptured to the peculiarities of the situation. Onsite training is in order and is carried on both by Peace Corps and VISTA. Combined training programs, except to the most limited extent, are just not feasible. To force uniformity here could destroy both programs. The other programs involved do not require or demand the type of training conducted by Peace Corps and VISTA.

These programs are unique in other ways. Foster Grandparent participants, earning the minimum wage of $1.60 per hour, are involved as much in an employment program for elderly poor as in a volunteer effort. Peace Corps volunteers earn $4,000 annually, while VISTA volunteers are paid $2,500 per year. SCORE/ACE members receive no compensation except for expenses. As the chariman of the Committee on Education and Labor, Hon. Carl Perkins, stated when speaking in opposition to this plan:

"It makes absolutely no sense to tie the VISTA volunteer, who works in domestic poverty to help the poor, and the Foster Grandparents program, designed to provide opportunities for the elderly poor to help children, especially institutionalized and needy children—with the Service Corps for Retired Executives (SCORE) and the Action Corps of Executives (ACE), both of which are designed to provide opportunities for businessmen to assist in the development of small businesses, the former using retired businesses and the latter using active businessmen."

While obtaining quality volunteers is no problem for existing organizations, joint recruiting efforts could seriously undermine one or several programs. Foster grandparents are not attracted by the same methods or under the same conditions as SCORE or VISTA or Peace Corps volunteers. If combined efforts were attempted, the attractiveness of one program or the manner in which recruiting was conducted could cause one program to be overshadowed by another—leaving one deprived and the other surfeited with volunteers.

The testimony, in our opinion, of Mr. Frank Carlucci, Director of OEO, and Mrs. Carol Khosrovi, Director of VISTA, sums up better than we can the lack of any benefits from the proposed merger in recruitment or otherwise:

"Mr. Fuqua. Mr. Carlucci, could you outline some efficiencies that will take place in the new proposal that has been submitted that are not presently being used?

"Mr. Carlucci. Well, as has been pointed out, Congressman, it is very difficult at this point to pinpoint efficiencies. I think we would have some benefits of economies of scale. Efficiency is in my judgment perhaps not as important as overall effectiveness of our programs.

"Mr. Fuqua. What about effectiveness then?

"Mr. Carlucci. I think the very idea of a national volunteer agency, the commitment of the President to this kind of an agency, the kind of identification that that creates, will serve to attract volunteers of a very high caliber. I think the new agency will be able to develop techniques, as I said earlier, of technical assistance and project development. We would be able to enhance the authority of the agency to make grants at the local level for project development. We have found in OEO that the key to a successful program is to find out what the needs of the local community are, and work back from there in terms of our recruitment, in terms of our training, and in terms of our signing up volunteers. I think the new agency would be better equipped to do this.

"Mr. Fuqua. You're not doing that now?

"Mr. Carlucci. We are doing that; yes, sir. This is one of the significant changes that we have made in the past year and a half. Previously the process was one of recruiting volunteers and then trying to find projects in which the volunteers could be placed. We are now looking first at the projects, looking first at the local community needs, trying to develop those needs and working back from there in recruiting and training. And our participatiton in the task force leads me to believe that the new agency would adopt these concepts.

"Mr. Fuqua. Mrs. Khosrovi, how do you think the training could be improved in the new Action agency?

"Mrs. Khosrovi. I think, Congressman, if I knew how to improve it, I would. As I said, it's a very difficult problem for VISTA."

The reversed legislative-executive role in reorganization plans must be stressed here. Under these plans the President holds the power of legislation and Congress the power of veto. The burden is upon the administration—as proponent—to persuade on the merits of the merger. So far, no benefits have been uncovered. That in itself is sufficient grounds for defeating the plan. One must not stop there, however, because approval of this reorganization would have a serious detrimental effect upon the welfare of the Nation.

We saw above that joint recruitment and training could cause more harm than good. Far more ludicrous, under the name of economy and efficiency, is the fact that this reorganization proposes that we take SCORE and ACE and chop each in two. If adopted, the Small Business Administration would continue to provide management and technical support for these programs, while Action would plan, evaluate, recruit and issue press releases. To splinter administration and create a hydraheaded bureaucracy under the guise of efficiency is not persuasive. Mr. Walter Channing, Chairman, Planning Committee, SCORE, in opposing the creation of Action ably summarized the deficiencies in the plan: (1) There is no evidence that feasibility studies for including SCORE in Action were made, (2) the necessity for an organization to serve two masters violates good business principles and sound organizational procedures, (3) SCORE members volunteer for a specific purpose, (4) recruitment of SCORE members is handled by local chapters on a selective basis to meet specific needs, (5) SCORE operates entirely through volunteers and sess no need for a new paid staff of Government employees to supervise or handle its operations.

Chairman Wright Patman of the Banking and Currency Committee, in voicing his opposition to the reorganization plan, expressed a common sentiment when stating:

"By placing these programs in Action, it would not appear that any additional benefits would be gained for small businessmen."

Chairman Joe Evins of the Committee on Small Business spoke most eloquently in a similar vein when opposing Action:

"It appears obvious to me that these citizens [SCORE volunteers] can be more than fully occupied by making their services available to the Nation's more than five million small businesses in this country. Attempting to spread their work to other areas will only result in a splintering of their efforts in this vitally needed area. Having one job with one set of administrators and directions is difficult enough. Serving two masters in such a situation would appear to me to court inefficiency and ineffectiveness."

In the same way, this reorganization, while locating Foster Grandparent in Action, intends to have it continue to maintain an essential relationship with the field organization of the Administration on Aging in the Department of Health, Education, and Welfare, where it now resides. Secretary Richardson of HEW went so far as to indicate that "the Administration on Aging will continue to be the major guiding force in coordinating these programs and functions" (i.e., Foster Grandparent and RSVP).

This is not all. The organizational structure that Action will itself assume radiates duplication and overlap. The Associate Director for Program Development will apparently duplicate the Associate Director for Domestic Operations in formulating plans, programs and policies. Similarly, the Associate Director for Recruitment and the Associate Director for Domestic Operations both appears to have duties for planning and administering recruitment programs, for selecting volunteers, who establishing recruitment policy and for providing education and vocational counseling. Similar conflicts and duplications seem to exist among Program Development, Personnel, Voluntary Action Liaison and other supportive units, on the one hand, and the major operating units, on the other.

VOLUNTEERISM AS A FUNCTION

Even if the proposed Action agency was to be the epitome of efficiency and economy, however, and even if new responsibility, and authority was to be conferred over that of existing agencies—neither of which has been established to be true—Action would still be detrimental to the welfare of American society.

The reorganization plan is grounded on the concept of volunteerism. That is, the main purpose of the merger of the Peace Corps, VISTA and the other agencies is to group together units which enlist the services of volunteers. Volunteerism is to be the function, purpose, goal and raison d'etre of Action. The administration's rationale for this course of action is difficult to comprehend. Although proponents of the plan were hardpressed to conceptualize their thinking, it appears the sole basis for creating Action is to stimulate a greater sense of public service and dedication in the Nation. Yet, as anyone conversant with reality will attest, there is no shortage of commitment by people today to those activities considered worthwhile, moral and humane.

As indicated earlier, every one of the programs proposed to be merged into Action has more applicants than openings available. Yet those who have dedicated themselves to helping the poor through VISTA, Peace Corps, Foster Grandparent, SCORE and others are not the same as the immaculately coiffeured women in Pucci pantsuits who are planning charity bazaars. Individuals volunteer for one of these agencies because they identify, in a very personal way, the goals of that agency with their own views on social action or their own desires to assist others. They volunteer because they care. They do not volunteer purely out of a sense of noblesse oblige, nor do they volunteer in general. A program to attract volunteers to make lollipops on the French Riviera would not, it is believed, attract the same type of person as those who work with the poor in Harlem.

An organization must itself have a goal and a function that commands respect and dedication before it can attract volunteers. VISTA, by being associated with OEO, offers such attraction. Foster Grandparent, attached to the Administration on Aging, does so likewise. The same goes for SCORE with SBA. To sever these programs from their parental origins and place them in an unreal, sterile organization with no other mission than "volunteerism" is to probably pronounce their death, or at least the elimination of their vitality and relevancy.

Thomas Newberry, chairman, National Steering Committee, National VISTA Alliance, in speaking against this reorganization plan, said it well when he indicated:

"[V]olunteerism is neither a function nor a purpose. It is a means and a resource. The efficient use of this resource depends primarily on its having a purpose and direction in which to channel its energies. Action has no specific mission other than to mistake numbers of volunteers for specific purpose."

In a similar vein, Pablo Eisenberg, associated director, National Urban Coalition—another opponent of this plan—stated:

"There is no more logic in advocating that all volunteers should be assigned to one agency than there is in arguing that all civil servants should work under a super Federal institution just because they are civil servants."

* * * * *

"We believe that the most significant consideration in volunteerism is the work performed. Volunteerism is justified in our opinion only by what it is able to accomplish. Volunteerism for its own sake is an empty exercise; in such form it can be harmful to those on whom it impacts."

In a similar type analogy, our colleague Congressman Rosenthal, who covered all the hearings as a member of the subcommittee, suggested that if the concept of volunteerism makes any sense at all it should encompass the Department of Defense within Action after the country converts to an all-volunteer defense establishment.

The illogic behind the establishment of Action is further highlighted by the fact that it flies in the face of the President's own conception of government organization. Both the Executive Council on Executive Organization (Ash Council) and the President himself in his March 25 reorganization message enunciated the need for and urged the reorganization of the Government along functional lines wherein related activities are grouped together according to the functions and goals to be accomplished. As was seen above, volunteerism is merely an instrument for accomplishing an objective—not the objective itself.

Equally in violation of all sound principles of organization is the fact that none of the volunteer groups or the sponsoring agencies were seriously consulted over the merits of the proposed reorganization. If this had been attempted, the proponents of Action would have quickly learned that all volunteer groups directly involved are opposed to the plan, some quite heatedly. We suggest that sponsoring groups, if also quizzed, would respond the same way.

ABANDONMENT OF THE POOR

This failure to consult, however, should not be too surprising. The administration, much to our sorrow, has increasingly tended to subordinate the needs and interests of people, especially the poor, to organizational interests and to bury one's head in the sand in the hope that the problem, cares and interests of the poor and disaffected will go away.

In the past 3 years, we have witnessed the dismantling of OEO, the focal point of the poor in government. Unemployment has been permitted to climb to record heights. The number of poor in the Nation has risen by 5 percent, reversing a 10-year trend. Nutritional programs have been downgraded. Health and Education appropriations have been cut and vetoed. Billions in priority money appropriated by Congress to fund vital programs has been sequestered. Community Action and Model Cities programs—the one significant effort to involve the poor in controlling their own life and welfare—are to be buried. Equal housing, equal education, equal employment and equal voting rights are feebly enforced or completely abandoned. Legal service programs are emasculated. An effort at further erosion must be prevented.

Action stands for nothing except an empty and misconceived concept of volunteerism. To aid the poor and to engage the commitment to those who wish to help the poor and less fortunate, VISTA, Foster Grandparent, SCORE and related programs must be retained in those agencies where concern has been demonstrated and the role of advocacy exhibited. In the case of VISTA, in particular, this program must be retained in OEO not only because OEO can bolster VISTA's energies but because VISTA can preserve OEO from those who wish to eliminate the commitment to poverty rather than poverty itself. No one has expressed this need to save VISTA and the program to fight poverty better than Congressman Frank Thompson who, in testifying against Action, stated:

"So, Mr. Chairman, although I believe this reorganization plan to be ill-conceived in general, I am particularly disturbed by that portion of it which would remove VISTA from the Office of Economic Opportunity and restructure it in an alarmingly undefined way as part of Action. I have a special feeling for VISTA; I was the principal sponsor of President Kennedy's proposed National Service Corps which subsequently was launched as VISTA by an amendment offered by me in the construction and development of the poverty legislation. This program has meant too much to too many people to see it submerged in a monolithic new agency without well-documented justification, which is totally absent at this point. Yet the implementing of this Reorganization Act would almost certainly have the effect of depriving VISTA, not only of its identification, but of its unique function as the vanguard in the war on poverty. Nowhere in this reorganization plan do I find any assurances that a specified number of volunteers will be committed to antipoverty programs; nor do I see a specified financial commitment to this most critical area. At the present time, the goals of VISTA are clear: to help the poor to help themselves by providing needed skills and necessary motivation. If VISTA is to remain true to these goals, and if it is to attract the same type of highly motivated people it now does, it must maintain the degree of autonomy it now has and maintain its close association with the fight against poverty.

"Doubtless there is much in VISTA that can be improved, as there is in the White House. And this is true of the other agencies involved in the reorganization as well. But such improvements will not happen merely by implementing a plan which confuses organizational shifts and paper shuffling for creative policy change. The way to do that is by a renewed and increasing commitment to the basically sound aims of these programs and to the people they serve."

A final sad irony in this whole affair is that we are being asked to submerge VISTA in a Peace Corps directed operation—which Action will become if the reorganization is approved—at a time when the Director of Minority Affairs for the Peace Corps has just resigned over that agency's lack of commitment.

REQUEST FOR BLANK CHECK

Throughout the hearings, great promises were made over the commitment Action would exhibit toward helping the poor and toward preserving the independence and integrity of VISTA, SCORE, Foster Grandparent and the other programs to be transferred to Action. Good intentions were uttered over designs for innovation and expansion. Grandiose schemes were unveiled for converting everyone in the country into either a volunteer or a sponsor. Promises of increased efficiency, economy and effectiveness were blithely cast about. In fact, each time an administration proponent of Action was challenged by a deficiency or fault in the proposed plan, new promises or revised proposals were made to plug the loophole even though such might have conflicted with a past statement.

We conclude, however, that Congress is being asked to give a blank check on this plan.

Section 3 of the plan gives the Director of Action total authority to reorganize internally functions, organizations or programs once Action goes into effect. An announced intention to preserve intact VISTA, for example, may give way to more "urgent, compelling" contingencies tomorrow. We must not forget that the Office of Management and Budget proposed the abolition of VISTA only a short few months ago. As it is, VISTA is to be downgraded in status and placed under another layer of bureaucracy if transferred to Action.

Commitments to retain a strong full-time volunteer program, with VISTA actively involved in shaping policies and directions, may also give way to a more advisory type agency. In a recent television interview with Elizabeth Drew, Mr. Blatchford—the indicated director of Action—said that he foresaw domestic volunteer operations in the future primarily as those of individuals who would be trained locally by local organizations while the Federal role "would be much more of a passive one."

Most important of all, perhaps, is the issue of funding Action and its components.

Considerable space could be devoted to the gap that exists between the grandiose promises and proposals that have been made by proponents of this reorganization plan in behalf of what Action is supposed to accomplish and the level of present appropriations of existing volunteer programs. Admittedly, one could argue that the past is not controlling and that creation of Action will prompt the Administration to support sizably increased appropriations. Since we have established, however, that no new authority is being conferred upon Action, this argument seems disingenuous since innovations and greater effort could be attempted now. The fact is, though, that in the proposed 1972 budget, the administration reduced appropriation requests for the constituent agencies involved here by $16 million. Only when action was proposed did the President recommend an additional $20 million—bringing the grand total to $4 million above 1971. If this is dynamic commitment, we would hate to see what the status quo looks like.

There is even more significance to the $20 million proposal than meets the eye. Examining the history of this figure furnishes additional proof, in our opinion, that Congress can put no real faith in the way Action will be administered if approved.

The President, in his reorganization message, stated that the additional $20 million would be "directed primarily to finding new ways to use volunteer services." As opposition to Action mounted, however, due to the fear by VISTA supporters that the needs of the poor would be abandoned in such a reorganization, a change developed in the testimony of administration witnesses as to how the $20 million would be spent.

In a letter from OMB Director, George Shultz to Congressman Horton, on the opening day of the hearing, it was stated:

"No precise distribution of the President's proposed $20 million authorization for Action has been made. However, the Administration has indicated its intent to use the $20 million entirely for new and innovative domestic programs, with the majority of funds to be committed to antipoverty activities."

Then, at the hearing, in explanation of the above letter, Arnold Weber, Associate Director of OMB, sought to clarify the above statement by indicating:

"What the letter indicated is that the President and OMB . . . has made a commitment to provide or to make an additional request for an additional $20 million to accommodate the R. & D. and innovative aspects of the proposed new agency. The letter also indicates that certainly to the extent that VISTA is a major component of the new agency, to the extent that the focus of volunteer services is community problems, to the extent that community problems are preponderantly the problems of the poor, much of this money will go to VISTA-type operations."

But, as far as VISTA itself is concerned, Weber indicated:

"The position of the administration . . . is that we think VISTA is a program which should be sustained to the extent of the President's budget request."

—which was $3 million below the previous years level.

Upon his initial appearance before the committee, Mr. Blatchford of the Peace Corps had apparently not gotten the word of the change in signals that had occurred behind the scenes to "promise her anything but get the program approved ." He indicated:

"Assuming the availability of an additional $20 million which will be requested for Action, the new agency will expand its grant support to local sponsors which otherwise would be unable to utilize existing local volunteer resources to deal with such needs in the community.

"The use of financial and technical support has many possible applications to promote the development and expansion of voluntary service. It is important to note, however, that grants would be limited in size and applied to local programs according to sound criteria.

"The unification of Federal volunteer programs and the provision of additional funding capacity has major implications for research and development in the field of volunteer service. A significant portion of Action's new moneys will be devoted to the exploration of new and more effective ways in which to apply volunteers and allied resources to the solution of community problems."

Subsequently, at the last day of the hearings, following many opposition witnesses, Mr. Blatchford stated:

"As I recall, we committed (the $20 million) to domestic affairs, and it has been committed, the majority of which will go into types of programs that are being operated now."

Thus, it may be seen that the promised $20 million increase in funds was initially intended for new projects, especially in the R. & D. area; then, as pressures built up over the future of VISTA, a shift developed whereby spending of the $20 million was committed to "domestic" and "VISTA-type" programs. But, as is obvious, the $20 million could be spent on R. & D. or other projects which would not directly benefit VISTA. Admittedly, on a couple of occasions, administration witnesses indicated that $12 million of the $20 million would be prorated to VISTA, but the references were so general and nonspecific in the overall context of discussions, that the firmness of the commitment is open to question as is the exact purpose for which the funds would be spent. It is our firm conclusion, then, that the commitment to retain and support VISTA is so tenuous and vague that it would be a travesty on the welfare of the poor to approve the reorganization plan.

Even if we had received far more clearcut commitments, however, unalterable doubts remain because of the administration's poor record and unfulfilled commitments to help the poor and also because of clear indications that it wished to abolish VISTA just a few short months ago.

Every Member must remember that funds under Action will be appropirated to the Director of Action, not to VISTA. Under the reorganization plan, the Director will have total discretion to use such funds as he sees fit and to transfer them among various constituent units as the mood strikes him. Do we not have ample evidence already that today's promises are tomorrow's forgotten dreams? Need Congress repeatedly permit itself to be fooled? Must we ignore the further fact that, even if Congress appropriated the additional $20 million and earmarked it specifically for VISTA, the President can refuse to spend a cent of it as he has in regard to billions in other essential appropriatied funds?

CONCLUSION

Congress is being asked to approve a piecemeal program on the basis of a mess of promises and without the slightest assurance that the reorganization will improve present circumstances.

Five conditions support the reorganization proposal: (1) approval of the plan itself; (2) merger of the Teacher Corps into Action; (3) appropriation of the $20 million and its application to the proper programs; (4) enactment of legislation effectuating essential administrative changes; and (5) merger of the Peace Corps into Action. If any one of these contingencies were to fail, establishment of Action would make no sense even if it otherwise made sense, which it doesn't, as shown above.

We have already discussed conditions (1) and (3) earlier. As far as condition (2) goes, it is no secret that the likelihood of the Teacher Corps being placed in Action willingly is slim, but supporters of an independent corps should be aware that approval of this reorganization plan will be used by the administration as a "bootstrap" to force the Corps into Action on the theory that it would no longer make sense outside. There can be no question in anyone's mind that Teacher Corps legislation—although already drafted—has been deliberately withheld from submission to Congress on the basis of this logic.

Concerning condition (4), there are so many inconsistencies and conflicts among the different programs to be merged into Action involving levels and scales of remuneration, personnel systems, and other administrative matters that, unless homogenized through subsequent legislation, Action would be all but unmanageable. Here again, however, if Congress approves this reorganization, it has in effect bound itself to taking subsequent action without having the foggiest idea what that action will be.

In regard to condition (5), the President has the authority to transfer the Peace Corps to Action by Executive order following the taking effect of Action on July 1. It should be recognized, however, that Congress can through appropriate legislation prevent this merger from occurring. Since the Foreign Affairs Committee would undoubtedly lose its jurisdiction over the Peace Corps if the reorganization takes effect, consideration most likely will be given to preventing the transfer from taking place.

As broad and as important as the resolution of these contingencies is, however, they do not go to the heart of the unknown surrounding the proposed reorganization. As indicated earlier, vast promises and grandiloquent visions have been offered as justification for approval of Action. But, no hard facts and little reality have been forthcoming.

These key questions have not been answered:

1. What are the goals and objectives of volunteer programs?
2. What types of recruitment, training and selection programs are most effective and economical?
3. Should primary emphasis be placed upon full-time or part-time volunteers?
4. Are more effective results obtained through Federal or local direction, training and control?
5. Should the Federal Government assume an active or passive role?
6. Will establishment of Action lead to a national service corps and, if it does, is that good or bad?
7. Which are more effective or more in demand—skilled volunteers or generalists?

In the same way, while proponents of Action have uttered many generalities over what they intend to do, they have failed to speak concisely as to how they intend to accomplish the stated objectives:

1. Increase the capability of existing volunteer programs.
2. Improve the capacity of volunteers to perform more effectively.
3. Attract more volunteers.
4. Provide volunteers where their skills are needed.
5. Stimulate the creation of new programs where volunteers could be effectively utilized.
6. Expand research and development.
7. Expand the use of part-time volunteers.
8. Ways to improve programs to meet the need of the poor.
9. Increase the participation of communities.
10. Increase and improve the utilization of sponsors.

To repeat what was said earlier, the proponents of a reorganization plan must shoulder the burden of establishing that the reorganization is more efficient, economical and effective than existing conditions. We have clearly established, we believe, that the proponents have failed dismally to sustain this burden. For Congress to allow this plan to go into effect in the face of this failure would represent a further abdication of its responsibilities. It would also have to be considered a vote against the welfare and the best interests of the American public, especially the poor.

Benjamin S. Rosenthal.
John E. Moss.
Cornelius E. Gallagher.
George W. Collins.
John Conyers, Jr.
Bella S. Abzug.
Floyd V. Hicks.
John C. Culver.
Bill Alexander.
Jack Brooks.

LEWIS K. UHLER, DIRECTOR CALIFORNIA STATE OFFICE OF ECONOMIC OPPORTUNITY, REVEALS LACK OF COMPREHENSION OF PROBLEMS OF POOR

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. WALDIE. Mr. Speaker, Lewis K. Uhler, present director of the California State Office of Economic Opportunity, and former Birch Society organizer, has sent out to a wide mailing list, an incredible document financed by State and Federal tax moneys attacking the press, attacking the Commission comprised of distinguished jurists appointed by President Nixon to examine Uhler's charges against CRLA, and complaining that the State of California was faced with a choice of accepting "the incredible posture of placing the State of California on an equal basis with the CRLA."

In that last plaintive plea, Mr. Uhler tips his hand. It was his hope that the State of California, represented by his report condemning CRLA, would be in a "superior" position before the tribunal of jurists to the CRLA and that, therefore, the State of California, in the person of Mr. Uhler would not be required to prove his unfounded charges against CRLA.

That CRLA would be considered an "equal" to Mr. Uhler before a legal tribunal examining the facts is an incomprehensible situation to Mr. Uhler.

It is that failure to comprehend that led him to attack CRLA in the first instance; namely, CRLA's insistence that the poor of California, their clients, were "on an equal basis" before the courts with those wealthy growers, those political powers, and those entrenched special interests that they were litigating against.

Mr. Uhler believes the poor "have a place" in society, but that "place" is inferior to the large growers, the political powers, and the special interests who have long been abusing them.

Mr. Uhler again demonstrates his incapacity to head a State agency whose mission is to be supportive of efforts to assist California poor. His philosophy of life does not permit an understanding of or compassion with the poor. Unfortunately, his philosophy is shared by his superior, Governor Reagan, who appointed him in the first place.

I include Mr. Uhler's remarkable document for your inspection:

CALIFORNIA STATE OFFICE OF ECONOMIC OPPORTUNITY

(By Lewis K. Uhler)

This message concerns the prerogatives and the power of the states in the Federal Government's "War on Poverty". We are sending it to you because of the confusion fomented by a non-objective press and media. Please take a moment and read what follows:

Four months ago the Governor, on our recommendation, vetoed the refunding of California Rural Legal Assistance, Inc. (CRLA). The veto was sustained by Federal OEO Chief, Frank Carlucci, and a six-month phase-out grant was authorized. At the same time, Federal and State officials agreed that a commission be appointed to investigate CRLA and report to Federal OEO how delivery of legal services to California's rural poor could be improved. Meanwhile, we indicated we would proceed with plans for a voucher-judicare-type alternative to CRLA, giving eligible recipients freedom to choose their own attorneys.

The Commission was appointed, without conferring with Governor Reagan or myself, and apparently was advised to hold public hearings in politically-safe downtown San Francisco, rather than conduct a thorough investigation in California's rural areas, where CRLA operates. (Incidentally, this Commission has been given unlimited tax dollars to hold these hearings.) The Commission also was advised to hold an adversary-type hearing between CRLA and the State of California, with our now famous 283-page evaluation report covering the ills of CRLA as a subject matter of the proceedings. In short, the signals were changed without our agreement and without our consent. We are now faced with a Commission that has neither the power to subpena witnesses nor the ability to file perjury charges. In fact, this Commission is designed to "second guess" Governor Reagan, rather than investigate the facts and consider a constructive alternative to CRLA.

Confronted with a Commission designed as this one is, California has had *two choices*:

One choice was to accept the incredible posture of placing the State of California on an equal basis with CRLA; to submit to the "new" rules of the Carlucci Commission; and ultimately engage in adversary proceedings on an equal basis with CRLA. As an attorney who enjoys the courtroom, the urge to get in and "mix it up" or "slug it out" with CRLA is a great one, indeed. My desire to do so is constantly increased by CRLA's use of the "big lie" technique. CRLA piously claims that there is not a shred of truth in our evaluation report, and that we are afraid to defend it. We trust that the absurdity of this charge will be revealed in the hearings the Commission is to hold in CRLA's service areas. In the meantime, we are sending you a copy of an article that appeared in the San Gabriel Valley Tribune, which we think presents an accurate picture of what has happened.

Our second choice, and the one which the Governor has selected, has been to avoid direct involvement in the hearings as an adversary, but instead to encourage the Commission in every way to adopt proper procedures and devote the time necessary, to complete a thorough and exhaustive investigation. Most important, we have urged the commission to visit each of the nine areas where CRLA operates. In this instance, we scored one small victory. The Commission finally agreed to venture out of San Francisco into the Salinas and El Centro areas.

Beyond that, we feel the Commission is not giving sufficient time to the hearings, having scheduled only two days in Salinas, one day at the Soledad penitentiary, and two days in El Centro. This time is not sufficient for a thorough and deep investigation. In addition, their rigid rules and procedures have seriously limited the ability of our witnesses to be heard, although certain changes will make them more accessible to potential witnesses than we originally thought.

We are seriously concerned about the precedent the CRLA Commission may well set. As presently constituted, this Commission circumvents the Governor's power under Section 242 of the Economic Opportunity Act of 1964 and distorts the intent of Congress and the spirit of the law.

In summation, we here at California State OEO are fighting a major battle. Our job is to make sure that tax dollars spent in poverty programs in California get down to the poor. In CRLA's case, we know not only that money has been wasted, but that the poor are not receiving the legal service that OEO is pledged to give them. We proved that in our report, which has been supported by large amounts of information that has come into this office since the report was written. We will not only stand behind the Governor and his veto of the program, in the future we will continue to recommend that he veto programs either that waste tax money, or are not delivering vital services to the poor.

I hope that this "special report" has shed some light on this rather confusing issue. If you have any ideas or thoughts on the report, I would appreciate your sending them to me. You can write to me at 800 Capitol Mall, Sacramento, California 95814. You should also send copies of any correspondence from this office to Mr. Frank Carlucci c/o OEO, Washington, D.C., and to the Commission on CRLA, c/o Justice Robert B. Williamson, 450 Golden Gate Ave., Box 36102, San Francisco, California 94102.

MORE ON HIRSHHORN

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. SCHWENGEL. Mr. Speaker, Richard Wilson has written an excellent column on the subject of the proposed Hirshhorn Sculpture Garden. It is certainly worthwhile reading for anyone following the progress of this controversial project. I am also inserting copies of articles from the June 1971, issue of Antique Monthly regarding the sculpture garden and the sculpture which it would contain.

Both of these articles were brought to my attention by Mrs. George B. Green. Mrs. Green is a well-recognized expert in this area. She serves on the President's Advisory Committee on the Arts, John F. Kennedy Center for the Performing Arts, and is presently associate editor of Antique Monthly.

The articles follow:

JOSEPH THE MAGNIFICENT ELBOWS MIGHTY ASIDE

(By Richard Wilson)

The many millions who make their pilgrimages to the national shrines in Washington should be more aware of the abomination about to be visited upon the federal city.

A memorial on the grand scale of the Johnson Library in Texas is projected to honor Joseph the Magnificent on the great Mall where now only George Washington and Abraham Lincoln—not even Thomas Jefferson—reign in marble splendor.

The memorial to Joseph the Magnificent would strike envy in Lorenzo il Magnifico, the Medici merchant prince of Florence, himself a poet and partron of the arts.

Joseph the Magnificent is no Medici, though he is bracketed in print with this rapacious family of 15th century Italy, but a Latvian-born former Canadian entreprenuer named Joseph H. Hirshhorn.

If all goes as now planned his name will be handed down to the ages as the only 20th century American worthy of joining Washington and Lincoln on the great greensward between the U.S. Capitol and the Lincoln Memorial which is ranked by many as the only truly magnificent architectural vista in the nation.

The seated, brooding and massive Lincoln can then gaze across the reflecting pool and past the shaft of the Washington Monument into Joe Hirshhorn's sunken sculpture garden, the length of two football fields transepting the Mall.

Joseph the Magnificent was wholly unknown to the average lawmaker and public official until celebrated by Abe Fortas and Lady Bird and Lyndon Johnson a few years ago in their eagerness to promote the arts. He agreed to convey to the government his art collection, of very considerable value and merit but not to be compared with that of the late Herbert Lehman given to the Metropolitan Museum, provided suitable housing which would memorialize his name were provided in Washington.

One needs to cast his mind back to 1966 when Lyndon and Lady Bird were trying to ingratiate themselves with the artistic and literary community to show that he was not a crude and tasteless cornball from Texas unfit to walk in the wake of the elegant John F. Kennedy. Hirshhorn with his willingness to contribute his art collection under certain self-satisfying conditions was, with Abe Fortas' help, their artistic hostage and prize.

The patrons produced a dazzling result which must have exceeded Hirshhorn's wildest dreams. Washington is monument-happy but Congress outdid itself in Public Law 89-788 signed by President Johnson in 1966.

This act provided a national monument for the art collection at public expense on the Mall of the U.S. Capitol rivaling those of Washington and Lincoln and in a much better location than the vast marble carbarn on the Potomac known as the John F. Kennedy Center of the Performing Arts. Jefferson, meanwhile, remains relegated in a modest rotunda at the south end of the faraway Tidal Basin.

Other journalistic colleagues have dealt with the benefactor's background, his conviction in Canada for illegal money transactions, his arrest for wartime smuggling of U.S. currency across the Canadian border, his identification as promoter of questionable stock schemes.

An editorialist in Washington snubs such disclosures as "imbecilic" in view of the generosity of his gift, admitting that Joseph the Magnificent may be no perfect angel, but neither were the Medicis. Neither are the Medicis to be memorialized on the Mall with Lincoln and Washington.

Hirshhorn's prospective bequest (he is still hanging onto the art until everything is buttoned down about the memorial) is certainly a desirable one and there are plenty of places it could be suitably housed other than the Mall dedicated to our most famous men and highest ideals.

There are plenty of other ways to handle the collection and make it the nucleus of a great museum of American art other than sanctifying a donor who wishes his name to ring down through history with America's greatest.

If there are those at home who do not relish the idea of bringing their children to Washington to visit the memorials to Washington, Lincoln and Hirshhorn, and thus absorb the flavor of American history, they might ask their congressmen to get interested in the matter.

It is not too late although some work has been started. The sculpture garden, at least, could be moved to a less noxious location. And the whole shebang could be moved to other locations accessible to the art-loving public. The least that could be done is a redesign of the museum so that it would not impinge on the splendor of the Mall and the dignity of American history. Hirshhorn has an opportunity for self-effacement more lasting than his name in bronze. He could just give the art to a country which gave him his opportunity and collect his reward in heaven.

CONTROVERSIAL CAPITOL MALL GARDEN APPROVED

The National Capitol Planning Commission has approved the controversial Hirshhorn sculpture garden located on the Mall at the foot of the U.S. capitol in Washington, D.C. The Hirshhorn collection of approximately 5500 works of art—4000 paintings and 1500 pieces of sculpture were offered to the United States Government in 1966 providing the government would furnish a suitable building and sculpture display areas, and name the museum and garden after the donor in perpetuity.

The collection, valued variously between 25 million and 50 million, contains sculpture which includes items dating 600 B.C. Neo-babylonian, Renaissance, Pre-columbian, Egyptian, Greek, Roman, to the 20th century works of Calder.

It boasts 17 works of Auguste Rodin including his famed bust and head of Balzac and the monumental "Burghers of Calais," one of 12 of casts of this work, and one of the most moving sculpture Rodin ever created. It also includes 43 Daumier sculptures, 22 by Degas, 23 by Giocometti, 53 by Sir Henry More, 21 by Matisse, 22 by David Smith, 3 by Brancusi, 12 by Litchitz, and 27 by Manzu.

This was the first of three necessary steps to complete the approval of the plan.

It is proposed to exhibit the sculpture out of doors on a rotating basis displaying around 200 pieces at a time.

CHEMICAL CORROSION DAMAGING: POLLUTION MOVES RODIN'S "THE THINKER"

(By Janet Green)

William Voss Elder, acting director of the Baltimore Museum of Art will relocate the famed bronze statue of Auguste Rodin's "The Thinker" on the advice of conservators who claim that the surface of this monumental-sized cast will no longer withstand further corroding from chemical pollutants found in the Baltimore atmosphere. Joseph Ternbach, noted New York conservator of bronze made the recommendation following work of cleaning and repatination he performed on the famed statue which was sent to his New York studio last December.

Rodino, (1840–1917) the great French Romantic School sculptor, considered himself greater than Michelangelo Buonarroti (and there were none as great in between the two) because as he claimed he had the advantage of knowing Michelangelo's work. Without question, his "The Thinker" is one of his most outstanding works. Until last December this great piece of sculpture has been on the grounds of the Museum. According to the judgments of Mr. Ternbach and a Smithsonian Institution metallurgist, within five to twenty years the statue would return to the poor state it was in before its recent treatment. No one knows of any coating that would assure complete protection from the natural conditions of weather and unnatural conditions of air found in most large cities today.

A piece of bronze placed outside the museum today would be subjected to what amounts to a mild acid bath caused by the combination of pollutants with moisture. The surface of the Rodin now is similar to the way intended by the artists but would not be if allowed to corrode again which would make the bronze still thinner and weaker and the surface modeling more and more blurred.

In a report to the board of trustees it was stated: "The conclusion is that to preserve the sculpture it must be kept indoors. To put it back outside would lead to its disfiguration, first destroying its aesthetically, and ultimately destroying it structurally." The report continued:

Throughout the world, sculpture and even buildings have suddenly begun to disintegrate at an alarming rate. It is hoped that protective measures will be found to use on them, and more importantly that the conditions leading to this speed-up in deterioration will be corrected. In the meantime, the only safeguard we have is to move very valuable art objects inside."

The Rodin sculpture cast is irreplaceable because it was made under the supervision of Rodin himself in a Paris Foundry, according to Mrs. Ellen Landis Kolsky, curator of painting and sculpture at the Museum.

Presently, "The Thinker" has been installed on a temporary base in the Main Sculpture Court, just inside the Museum's front door where visitors have an opportunity to view the work more closely than previously.

STUDIO CITY'S SISTER CITY PROGRAM

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. GOLDWATER. Mr. Speaker, I would like to draw my fellow Members' attention to the outstanding achievements of the Studio City Chamber of Commerce, most especially its women's division, in carrying out a sister city program.

The Studio City, Calif. Chamber of Commerce was one of the first organizations in the United States to adopt a sister city under the people-to-people program established by former President Dwight D. Eisenhower. The chamber adopted the community of Ajijic, in the State of Jalisco, Mex., in 1960, and has proven itself especially concerned about its sister city ever since.

In true "hands across the border" fashion, the chamber has inaugurated many reciprocal visits with Ajijic. The first of these visits took place in 1962, under the auspices of the U.S. Department of State.

The women's division of the chamber of commerce has proven, since its establishment, the most effective force in continuing the sister city program, and making it a means of integrating the different facets of both communities. Among the outstanding activities undertaken by the women's division have been:

An international block party, raising funds for sister city programs from the business and residential community;

A breakfast program for the school children of Ajijic;

Provision of funds for refurbishing a well, and the local water supply;

Sponsorship of programs to develop the artistic talent of local children, including training in southern California;

Sponsorship of visits by schoolchildren of Ajijic to Studio City, to aid understanding of the United States and its communities;

Aid in developing an American teaching program in Ajijic; and

Provision of staff and materials to aid in teaching residents of Ajijic English.

By undertaking these varied goodwill projects, the women's division of the Studio City Chamber of Commerce has proven itself an excellent instrument of friendship and public relations, not only for Studio City and Los Angeles, but for the whole United States. I would, therefore, like to commend these fine women, and especially the officers of the women's division: June Cottrell, president; Iona Fellers, first vice president; Mary J. Parlapiano, second vice president; Aldine Osborne, secretary; and Ann Parlapiano, treasurer.

GERMAN OCCUPATION CONTINUES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. RARICK. Mr. Speaker, in the face of determination to force immediate withdrawal of our combat troops from their mission in Vietnam, the defeat of Senator MANSFIELD's proposal to set a date certain for partial withdrawal of occupation troops from West Germany points out another double standard in the thinking of some in our country.

One of the arguments offered against troop withdrawal from Germany is that it would make that country vulnerable to Russian intimidation, if not invasion. To support such thinking, Chairman Kosygin of the Soviet Union conveniently effected public hysteria by calling for U.S. troop reduction in Europe at a Moscow luncheon honoring Canadian Prime Minister Pierre Trudeau. The timing was perfect—as if Trudeau carried the message and acted as "an honest broker" between the great powers.

The inconsistency of the position taken on withdrawal of troops from Germany when considered with such a vote as the Cooper-Church amendment on Vietnam withdrawal is borne out when one understands that it is the Russians our men and allies are fighting in Vietnam—the Vietcong and North Vietnamese but supply the real estate and cannon fodder. Conservatively, 80 percent of the military arms and equipment used by the North Vietnamese and Vietcong are estimated to be supplied by Russia. Yet we are to believe that it is morally right to disengage our troops from combat with Russia's allies, but morally wrong not to maintain our occupation forces in West Germany to prevent further Russian aggression.

If our fighting men in Vietnam are denied victory, of what value are occupation troops in Germany? It is only reasonable to assume that under Russian attack they would also be denied the offensive authority to win. Germany would become Vietnam all over again. East Germany would serve as the sanctuary and the West German communists, by guerrilla action, would take the place of the Vietcong and National Liberation Front.

At most, the U.S. military force in Germany offers a false sense of securirty to the German people and our NATO allies. Other than the economic benefits provided the Germans by American military pay checks and spending and the show-of-force which American men provide, the U.S. military presence is but a political pawn to German politicians. The Germans would be much better off without the false security front furnished by U.S. military forces. Denied our manpower, they would be forced into recruiting their own men and defending themselves against Soviet threats.

With leaders of the United States and Kosygin of the U.S.S.R. now talking about negotiating troop strength in Europe, it should be obvious to the West German leadership that the underlying significance of the vote on the Mansfield amendment was not concern for German freedom and independence, but rather Germany's proximity to the Middle East. The vote was most relevant to the political philosophy of those who are doves on Vietnam but hawks on the Middle East.

After all, U.S. troops in Germany are in close proximity to the Middle East. Their continued presence does not incite any new fears or tensions that might be roused by U.S. troops sent to back up the Middle East situation.

As the United States and Soviets prepare to negotiate away German security, the German leaders would seem to be in position to demand reunification of their country rather than make additional compromises to try to retain the false security of U.S. mercenary troops.

After all, if the only reason for continuing to quarter U.S. troops in Germany is to deter Soviet advancement, then why should not the Germans reunify their nation, develop their own nuclear deterrent, and raise and support their own standing army.

Maintaining a security force of occupation by drafting American youth 26 years after the end of World War II is unrealistic.

We cannot justify occupying or defending Germany forever. Considering the conventional military might of the Warsaw Pact nations, it is highly questionable whether the NATO power constitutes a relevant deterrent. Nowhere in the world does Germany constitute any threat to free people. Therefore, if she is not a power and does not constitute a threat, continued U.S. occupation must be for reasons other than preventing a recurrence of Germany as any threat to world peace.

I insert several related newsclippings following my remarks:

[From the Atlanta Constitution, May 18, 1971]

UNITED STATES SUGGESTS RUSSIA DISCUSS EUROPE ARMS

(By Bernard Gwertzman)

Moscow.—Ambassador Jacob D. Beam Monday told Foreign Minister Andrei A. Gromyko that the United States believes it shares the same views as the Soviet Union on the desirability of starting arms limitation talks for central Europe.

Informed sources said Beam, acting on instructions from Washington, asked for an immediate meeting with Gromyko to indicate President Nixon's receptivity to the proposal made by Leonid I. Breshnev, the Communist party leader, three days ago, that talks be started to explore the possibilities of reductions in central Europe.

After the half-hour session, U.S officials said they gained the impression Russia is flexible on the reduction issue and has no hard and firm demands on the "modalities"—or framework for the talks. It is assumed now that both the United States and the Soviet Union will consult with their allies and then make proposals on how to get the talks started.

U.S. officials did not deny that the promptness with which Beam was instructed to see Gromyko was due in large measure to President Nixon's desire to begin a "dialogue" with Moscow on mutual reduction and thus undercut the stand of Senate majority leader ——— who is seeking a unilateral 50 per cent cut in American forces in Europe.

The Soviet position on force reductions is expected to be expounded in coming days by Premier Alexi N. Kosygin when he meets with Canadian Prime Minister Pierre Trudeau, who arrived Monday for an official visit. Trudeau and his young bride were met at the airport by Kosygin, who is a widower, and his daughter, Mrs. Lyudmila Gvishiani, as well as other officials.

[From the Washington Evening Star, May 19, 1971]

MOSCOW ASSAILS OPPOSITION TO CUT IN NATO TROOPS

Moscow.—The Soviet Defense Ministry said today that American opposition to send —— troop reduction proposal is "farfetched and transparent."

A commentary in Krasnaya Zvezda, Red Star, the Defense Ministry's newspaper, said Washington fears that troop reductions will "encourage anti-militarist moods among its European allies."

The Europeans "understand that preserving and increasing forces and armaments in Europe leads to a dangerous increase of tensions in this area," the article said.

"Secondly, Washington feels concerned over the growing tendency in certain European capitalist countries to establish closer and normal relations with Socialist countries in Europe.

It is not hard to see how transparent in the first case and how farfetched in the other are the reasons for which the United States does not want to agree on detente in Europe."

[From the Washington Evening Star, May 19, 1971]

KOSYGIN PLEDGES READINESS TO DISCUSS CUTS IN EUROPE

(By Bernard Gwertzman)

Moscow.—Premier Alexei N. Kosygin says that the Soviet Union would do "everything possible" to reach an agreement on reduction of forces in Europe if the Western powers "display real readiness to take practical steps in this direction."

In a Kremlin speech given at a luncheon yesterday in honor of the visiting Canadian Prime Minister Pierre Elliot Trudeau, Kosygin alluded to the stepped up interest in the United States on the question and said "much attention is paid today to the problem of troop and arms reductions."

Kosygin continued: "In certain countries, animated discussions are going on on this score."

BREZHNEV REMARKS NOTED

He said the Soviet position in favor of such talks remains the same as was stated last Friday by Leonid I. Brezhnev, the party leader, whose remarks evoked a positive response from the White House. The U.S. administration is seeking to block an effort by Senate Majority Leader ——— to force a unilateral cut in half of the 310,000 American troops in Europe.

Western diplomats said Kosygin apparently drew attention to the troop-reduction issue in his speech to keep alive the momentum for such talks. The diplomats said that the Kremlin may be surprised at the quick support its idea has received abroad.

United States Ambassador Jacob D. Beam told Foreign Minister Andrei A. Gromyko Monday that the United States believed the two sides share the same view on the desirability of starting such talks and that both countries should consult with their allies and draft concrete proposals for starting such talks.

COSTS CITED

Canadian officials said that in the meeting yesterday which lasted two hours and 45 minutes, Kosygin told Trudeau that it was expensive for all powers to maintain forces at high levels and it was therefore desirable for all sides to seek a way of cutting down these costs and using the money for peaceful purposes.

The officials said that Kosygin did not go into any new details on how he envisaged such troop-reduction talks might take place, but addressed himself to the broad questions involved. The Soviet vagueness on how to begin negotiations has led to private probing by Western countries.

In his speech, Kosygin said that the attainment of detente and peace in Euorope "is quite within the limits of what is possible."

"As the result of many years' efforts by the Soviet Union and other Socialist countries, actions of peace-loving and realistically-minded forces in Western Europe, the general situation on the continent has become more hopeful and favorable for essential changes for the better."

Referring to the troop-reduction question, he said: "If the West displays real readiness to take practical steps in this direction, we will do everything possible to reach agreement."

Trudeau, the first Canadian prime minister to visit the Soviet Union, told Kosygin during their private session—attended also by officials from both nations—that he had long supported the idea of balanced force reductions and hoped that there could be discussions leading to them.

[From the Washington Evening Star, May 19, 1971]

NIXON BACKED IN KEY TEST IN SENATE, 63 TO 26

(By James Doyle)

The Senate today overwhelmingly rejected a compromise proposal which would have cut U.S. NATO forces in half by June of 1974.

The vote was 63 to 26. It came on a weakened version of Majority Leader ——— proposal which was offered by ———, D-Wis.

——— had given up and thrown his support behind the weaker ——— amendment at the last minute.

The result appeared to signal a clearcut victory for the Nixon administration's intensive efforts to head off any proposal calling for a NATO troop cut.

A number of other compromise amendments were being voted on, but the Nelson amendment appeared to be a barometer of Senate sentiment on the whole question of unilateral reductions of North American Treaty Organization forces.

THE PROPOSALS

——— proposal would have cut the 300,000-troop U.S. force in Europe in half by years' end.

The ——— proposal would have cut 50,000 troops a year for three years and only if East-West negotiations on a mutual reduction were not undertaken by the end of this year.

The administration waged one of its most intensive lobbying efforts in an attempt to defeat both the ——— proposal and all compromise proposals.

Former Secretary of State Dean Acheson, a Democrat who served under President Truman, headed the lobbying efforts for Nixon.

Two former Democratic presidents, Lyndon B. Johnson and Harry S. Truman, publicly supported Nixon and 24 top officials from four previous administrations did so as well.

CANDIDATES SPLIT

Four potential Democratic presidential candidates voted against the ——— amendment. They were Sens. ——— of Massachusetts, ——— of Minnesota, ——— of Washington and ——— of Maine.

Three others considered in the presidential sweepstakes voted in favor. They were ——— of Indiana, ——— of Iowa and ——— of South Dakota.

The administration continued to reject any compromise and was fighting to defeat a half-dozen "perfecting amendments" and substitutes.

Each while far less exacting than ——— proposal, would put the Senate on record in favor of cutting the U.S. force in Europe at a time when the administration is moving toward bilateral negotiations on the subject with the Soviet Union.

——— called the ——— amendment "a most proper exercise of the constitutional authority of the Congress" although he said he still felt deeper cuts could be made now "without doing violence in any way to our commitment to the Atlantic Treaty or the opportunities for a negotiated detente."

He added that the administration appeared ready "after years of reticence" to enter negotiations with the Communists for a mutual reduction of troops.

And, in a clear signal that he may try again if he fails today, ——— said passage of the ——— compromise "would not inhibit the Congress from so subsequently moving up the deadline if future circumstances should so indicate."

——— stressed his own proposal was clearly in keeping with congressional responsibilities. "I am somewhat perturbed by the cavalier treatment of this fundamental constitutional distinction" of legislative and executive prerogatives during the past few days.

This was a reference to the intense White House lobbying effort.

PREVIOUS VOTES

——— has sought NATO troop reductions for several years, but never before in the form of legislation. With past "sense of the Senate" resolutions he succeeded in gaining a majority of senators.

But some were wavering in the face of heavy lobbying by the State Department—including the personal intervention of Secretary of State William P. Rogers—and by Nixon.

And both sides agreed ——— proposal was hurt by a statement Thursday by Russian party chief Leonid Brezhnev which invited negotiations toward mutual force reductions.

Several senator cited the Brezhnev statement as their reason for not forcing the troop reduction at this time.

It appeared likely that ——— if he lost today, will wait until after the June NATO ministers meeting to see whether negotiations begin on force reductions.

——— said he would have voted for the ——— amendment but offered his compromise because of Brezhnev's proposal. "In view of this it seems much wiser to try to negotiate a mutual troop reduction before we begin a unilateral troop reduction," he said.

STENNIS' OPPOSITION

Opposing ——— proposal, ———, D-Miss., chairman of the Armed Services Committee, charged "it just totally disarms this government."

"We would be putting it in the hands of the Soviets to force us to withdraw 50,000 a year by their merely refusing to begin negotiations," he warned.

Among other proposals also to be voted on today was one by ———, D-Ind., which called for talks between the U.S. and the European nations to have them assume a greater share of both costs and personnel in NATO. It would provide for a gradual troop reduction over the next 18 months.

———, R-Ill., proposed that the Western European nations be given a year to assume the $1.8 billion balance-of-payments deficit the U.S. incurs annually because of its troops in Europe. If they fail to do so the ——— amendment provided only that the President "take whatever action is necessary" to end the deficit.

Sen. ———, R-Md., joined Sen. ———, R-N.Y. and Democrats ——— of Minnesota and ——— of Illinois in a proposal urging East-West negotiations on troop cuts and calling for a presidential report to Congress on progress on Sept. 15 and every six months thereafter.

The weakest proposal was one by Sen. ———, R-Colo., which would put the Senate on record in favor of troop reductions but leave the President with complete freedom to work his own will. The administration opposed this as well.

[From the Washington Post, May 22, 1971]

BONN LINKS EUROPEAN TROOP CUTS TO BERLIN SETTLEMENT

(By John M. Goshko)

BONN.—Chancellor Willy Brandt's government indicated today that it wants any negotiations on mutual East-West force reductions within Europe tied to a solution of the Berlin problem.

Brandt's official spokesman, Conrad Ahlers, said today that Bonn leans to the view that such talks "could not be independent of the negotiations over Berlin."

His words were a direct contradiction of what U.S. officials have been saying about force reduction negotiations during the past week. Washington has made plain its belief that force reduction negotiations can get under way independently of the four-power talks on Berlin.

In an apparent attempt to smooth over this conflict, Ahlers stressed that Bonn will not do anything to prejudice a joint stance by the member countries of NATO in replying to the Soviet offer.

But he said that NATO had not yet adopted a common position. Consultations by the NATO foreign ministers will take place in Lisbon June 3 and 4.

Ahlers implied that West Germany will argue that force reduction negotiations should not begin until there has been substantial progress toward a Berlin agreement.

Ahler's statement was the most direct and official acknowledgment so far that the Brandt government has serious reservations about the wisdom of NATO jumping into force reduction talks with the Soviet Union and its Warsaw Pact allies.

For the past three days, other Bonn officials have been saying the same thing in private. Defense Minister Helmut Schmidt, referring to force reductions Tuesday, said he thought that a "solution for the presently unresolved question of Berlin should come first."

The proposal for negotiations on reducing troop levels and armaments in central Europe was first advanced by NATO in 1968. After lying dormant for a long time, it was revived last week when Soviet Communist Party leader Leonid Brezhnev challenged the West to start exploratory talks immediately.

Brezhnev's offer was credited with playing a role in the Nixon administration's victory this week over Congressional opponents of a large U.S. troops presence in Europe. Wednesday, the Senate defeated a move to unilaterally withdraw half the 300,000-man American NATO force within Europe.

However, many senators who supported the Administration made clear that they are unhappy about the United States carrying so large a share of the NATO burden and that they expect the President to explore seriously the possibility of negotiating mutual reductions with the Warsaw Pact.

LINGERING TALKS

But, to tie such negotiations to progress on Berlin would make it virtually impossible even to get balanced force reduction talks started in the near future. The Berlin talks, in progress since March 1970, are deadlocked and there is no sign that the impasse will be broken soon.

In December, NATO attempted to give the Berlin negotiations a prod by stating that an agreement on the city would be a precondition to holding the European security conference sought by the Soviet Union.

Some Western sources think Brezhnev's sudden willingness to start force reduction talks results from a Soviet hope that this will provide a new avenue toward a security conference. If that is the case, they point out, the implication is that Moscow does not forsee a Berlin agreement soon and is trying to outflank the precondition laid down by NATO. In President Nixon's view, the pressure exerted by the Congress make it desirable to get force reduction talks started as soon as ground rules and safeguards acceptable to the West are agreed upon.

EAST GERMANY

The Brandt government, on the other hand, is under strong domestic pressure to get an acceptable agreement on Berlin. Bonn apparently views the possibility of tying force reduction talks to the Berlin question as a means of putting new pressure on Moscow.

In addition, force reduction talks would require the participation of Communist East Germany. This would create additional problems for Bonn, which has been unable to get the East Germans to negotiate on other questions.

As a result, Brandt government sources say they oppose not the idea of force reduction talks but the timing. In elaborating on Ahler's statement, they said Bonn does not feel that a Berlin agreement must be a precondition to force reduction negotiations.

Instead, such talks should proceed as part of an "orderly sequence related to other negotiations already in progress." As one high-level Bonn official said, "The proper time for multilateral consultations on force reduction to take place is when we have seen results in other areas—in particular when we see the light on Berlin."

However, the impression is that the West Germans will find themselves in a minority when they try to press this view at the NATO conference.

Officials from East and West Germany today discussed a traffic agreement between the two countries at a six-hour meeting described as "very businesslike."

[Chief Bonn negotiator Egon Bahr said the two sides agreed to meet again June 8 in Bonn. But Bahr told reporters that the two delegations were still talking only about the principles of a general traffic agreement, and had not reached the stage of discussing technical details.]

NADER TASK FORCE LOOKS AT CALIFORNIA WATER PROJECT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. WALDIE. Mr. Speaker, opponents of the State of California's mammoth water project have some reason to look forward to the next few weeks.

At that time, a new and vitally important publication will be released by the Center for Study of Responsive Law. This organization, headed by Ralph Nader, has spent more than a year studying land use and water use in California.

The report has been titled "Power and Land in California." I have been assured that the "power" in the title does not refer to electrical power.

Mr. Speaker, those in "power" in the administration of Gov. Ronald Reagan most likely have good reasons to dread the release of the Nader report.

Early revelations indicate that it will contain factual data concerning the overly generous subsidy of private interests with public funds, especially water supplied private interests through publicly financed water projects.

In a recent interview, the chief coordinator for the Nader study, Robert Fellmuth, said:

> The key principle we are seeking to implement is this: when someone receives a benefit from public money he should pay according to the cost of that benefit.
>
> If this principle was followed, California taxes would be cut in half.

Mr. Speaker, the tax burden now facing the taxpayers of California is enormous. If present trends continue, that burden will increase unless the public subsidy of private interests is curtailed—quickly and finally.

One observing the activities of the present administration in Sacramento cannot help but interpret the steady attack upon the poor of the State as a device aimed at diverting the attention of the taxpayers of California from the real welfare scandal—that involving those who are benefitting from subsidized land and subsidized water.

Mr. Speaker, one section of the new Nader report has already been published. This section, devoted to the California water project, was prepared by Mr. Keith Roberts, a San Francisco attorney who has devoted a great deal of scholarship and research to the water project and to its very apparent deficiencies.

Mr. Roberts, as might be expected, has been criticized by proponents of the State water project for inaccuracies and distortions.

I am delighted to see this criticism as it demonstrates the weakness of the State's position. William R. Gianelli, director of the State Department of Water Resources, has chose not to respond to the specific charges made by Mr. Roberts in his excellent article. I doubt, Mr. Speaker, that he has any intention of addressing himself to the real issues raised.

Those in power in California are fearful of the revelations of the new report and of how water supplied to agriculture favors the giant corporations, hurts the smaller growers, and jeopardizes the price structure of the State's No. 1 industry; and of how the State's land and water resources have been exploited and mismanaged.

Mr. Speaker, I am hopeful that every person in the State of California reads "Power and Land in California" it could very well be one of the most important documents to be published in recent years.

I would like to take this opportunity to place in the CONGRESSIONAL RECORD the excerpt of the Nader report written by Keith Roberts which has appeared in a recent edition of the conservation publication, Clear Creek.

The article follows:

THE CALIFORNIA STATE WATER PROJECT

(By Keith Roberts)

fraud (*frod*), *n., I. a*) *deceit; trickery; cheating.* b) *in law, intentional deception to cause a person to give up property or some lawful right.*—Webster's New World Dictionary.)

Five hundred dollars for every man, woman, and child buys California a giant plumbing scheme to transfer fresh water from San Francisco Bay and North Coastal rivers to areas south. This scheme, the California State Water Project, benefits a few corporate farms in the San Joaquin Valley, a handful of landowners, speculators, developers, and water-using industries in Southern California—and the Project builders. Economists who have analyzed the Project's benefits and costs claim it will return barely fifty cents in benefit for each dollar of cost. And that counts economic cost alone; the Project threatens to destroy the San Francisco Bay Delta estuary—the largest in California, and one of the most important spawning and feeding grounds for fish and fowl on the West Coast—and may destroy the wild nature of California last free-flowing rivers.

Fortunately, the decisions which would trigger the Project's severest environmental damage have yet to be made. But already, the Project has cost the people of Califonia billions of unnecessary dollars and has set in motion forces which are driving thousands of small farmers from the land.

The history of the State Water Project illustrates a far-reaching problem of modern American society. The Project is typical of vast, technical undertakings by governmental and corporate interests (such as the ABM, the Vietnam War, the highway system, dams and powerplants, the SST, etc.)—projects whose impact, only the experts and technicians can predict. Decisions about these projects depend completely on expert advice; yet, as the making and selling of the State Water Project shows, the idea of "objective expertise" is a myth. Indeed, the systematic prostitution of engineering to venality and convenience is the major cause of the Project's existence. Fortunately, to understand how water experts have fallen to their state of easy virtue is to perceive some important steps toward rehabilitation, both for water experts, and for their brethren who sell other wonders of the technological age.

THE CALIFORNIA WATER PROJECT AS A CURE FOR DROUGHT, FAMINE, UNEMPLOYMENT, AND THE 160 ACRE LIMITATION BLUES

Californians never voted for the present Project. The Burns-Porter Act, which the legislature passed and Governor Brown signed in 1959, did not authorize it. The $1.75 billion general obligation water bond which the voters approved in 1960 was not meant to finance it. And the voters who, in June 1970, agreed to raise the permissible interest rate so the rest of the loan could be obtained on today's market did not vote for this Project. What Californians *did* authorize and approve was something quite different.

The approved project has the same *physical* characteristics as the one actually being built: a dam at Oroville to stop the frequent floods on the Feather River and impound a million acre-feet[1] which would otherwise flow out to sea each year; the Delta Pumping Works, to pump fresh water from the San Francisco Bay Delta into the California Aqueduct; the Aqueduct itself, a concrete-lined ditch running from Tracy, in the Delta, along the San Joaquin Valley's West Side to the Tehachapi Mountains 200 miles south; the San Luis reservoir on the West Side near Los Banos; Tehachapi Pumping Plant, to pump the water 2000 feet up and over those mountains; a network of canals feeding all this water into various areas and cities en route—Sonoma and Napa County north of the Bay; Alameda and Santa Clara Counties south of it; Santa Barbara; Los Angeles; San Diego; and the Mojave Desert southeast to

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[1] An acre-foot, the amount of water needed to cover one acre one foot deep, contains 325,851 gallons. A flow of one cubic foot per second (cfs) equals 1.98 acre-feet per day.

Barstow—and a drain, to take waste water from the San Joaquin Valley back to the Bay and out to sea. These physical works deliver fresh water, which has flowed down the Sacramento River and its tributaries to the Delta, to 32 local water agencies which have contracted to buy it.

Californians thought they were buying a $2 billion project, but the real cost, as the experts knew, will be closer to $10 billion. The Project would save Southern California from a rapidly approaching water famine, according to the experts; but in fact no shortage of cheaper, local sources was in prospect until at least 1990, by which time desalinization would very likely prove practical. The experts also claimed that the Project would cost taxpayers virtually nothing. In reality, however, they will pay about half its cost as power users and as Federal, State, and local property tax payers—without counting the cost of generally higher bond interest rates owing to the Project's erosion of California's credit.[2] The experts proved equally deceptive about other important aspects of the Project—about its benefits and about its costs; about who would benefit, and about who would pay. This is what they did:

THE COST SHELL GAME

The agency which created, promoted, and now constructs the Water Project, California's Department of Water Resources, claimed in 1960 that the Project would cost $2 billion, a figure presently adjusted to $2.8 billion. One reason for the claim was that, when Governor Edmund G. Brown took office in January, 1959, his finely-honed political instincts told him the voters of California wouldn't accept anything costing more than $2 billion. According to his Special Water Assistant, Ralph Brody, the Governor therefore told the Department of Water Resources to present a specific project at that cost. As an analyst for the Senate Water Committee later pointed out, however, the Project submitted by the DWR actually cost more than $2 billion. It was trimmed to an acceptable figure only by ignoring the quarter of a billion dollars which the DWR had calculated for inflation. Harvey Banks, Director of the DWR at the time, claims that this omission was by Governor Brown's orders.

Another omission which slims down the Project's apparent cost is the proposed Eel River Development, which the DWR presently estimates will cost $680 million of State money. Since the costs of other projected but as-yet unauthorized units *are* included, there is no justification for the Eel River omission.

But these omissions amount to peanuts next to the main item which the DWR blandly neglects in its "cost" estimates—interest. It is axiomatic that the largest expense in any major construction project is neither the labor nor the materials, but the cost of the money needed to finance it. That is why, for example, housing construction drops when interest rates rise, and vice-versa. The same holds true for the State Water Project. By the DWR's own calculations, it will be paying $2.7 billion in interest on the $1.75 billion it had to borrow to construct the Project. On that basis, it would pay an additional $2 billion for the money California intends to loan the Project—except that California will make the loan interest-free (so that the cost of the loan is charged to the State, not the Project). But nowhere in the DWR's public statements about the Project's costs do those figures appear! The engineers have simply ignored them. According to Harvey Banks, the reason is that there is an "engineer's definition" of cost—quite standard among engineers—which ignores interest. But regardless of what engineers think cost is, the interpretation of cost which the Governor, the Legislature, and the public acted upon was obviously quite different—cost as what the State would ultimately pay for this Project. And that amounts to anything from $8 billion on up.[3]

THE WATER FAMINE HOAX

In 1904, some San Fernando Valley landowners, together with Los Angeles' water supply "experts," created public consternation by predicting an imminent "water famine," and thereby obtained money to build the Owens River Aqueduct. Since the actual need for that water didn't materialize until several decades later, Los Angeles couldn't sell its new supply, and had to virtually give it away—to the San Fernando Valley landowners, as it turned out. In 1928, Los Angeles and their neighbors again learned that a "water famine" was nigh. The solution, their experts said, was Colorado River water, and the experts—this time the Metropolitan Water District (MWD) of Southern California—assured the public that they would be using 400 cubic feet per second in 1940. By 1969, the original members of the MWD had just about reached that 400 cfs level—but meanwhile, they had subsidized the development of San Diego and the Irvine Ranch's Orange County.

What worked twice worked again in 1959, only this time the flim-flam came from the Department of Water Resources, and this time the experts should have known better. The fault lies less with their population estimates, which have turned out to be grossly overstated, than with their disregard for available alternatives. In addition, of course, the rhetoric somewhat distorted even the DWR's absurd estimates.

The Department approached the problem from two ends. It calculated the water available to Southern California, and it calculated the area's "requirements." But in calculating the water available, the Department took absolutely no account of various existing sources—recycled wastewater, estimated at the time to be worth 200,000 acre-feet a year (and now admitted by the DWR itself to be worth 600,000 acre-feet!); groundwater reserves beyond the amount replenished each year (100 million acre-feet, by latest estimate); more efficient canals—a Bureau of Reclamation spokesman estimated that lining just one canal in Southern California would save 300,000 acre-feet per year on the purchase of water being used for agriculture—an omission which, according to the Bain, Caves and Margolis economic study of *Northern California's Water Industry* "resulted at the extreme in valuing Project-supplied urban water in a desert area at $150 per acre-foot . . . when abundant irrigation water in the area could be transferred to urban use at . . . cost of no more than $30 per acre-foot without significantly affecting the supply of irrigation water." Nor did the Department consider that desalinization would very likely be available at tolerable cost by 1990.

Probably the least excusable problem with the Department's estimates, however, stems from what economists know sardonically as the "requirements" philosophy, the Department's method of predicting the demand for water. This philosophy determines how much water will be needed without referring to price. Nineteen-ninety "requirements" are calculated by projecting present numbers of users and amounts of use to 1990, even though water in 1990 will cost much more and people will presumably buy less. But the Department's experts assume that the same pattern of use will prevail—that people will want just as much $90 water as they now want $20 water. As another economist, Professor Jack Hershleifer of UCLA, comments, "There is a shortage of new Cadillacs at a price of $500, except that desires for Cadillacs are usually not dignified by the term 'needs' or 'requirements'." Even the Department itself, in a suppressed 1968 report, has admitted that price will significantly affect demand—so much so, that by including price in the calculation, the DWR's own report concludes the project was started at least ten years too soon. But they knew that in 1960, too.

One of the DWR's truly astounding deceptions has been its frequent claim that "Project customers will repay about 90 percent of the total project costs." The statement is false as it stands, and false in its implications. As it stands, the statement ignores the fact that State taxpayers will pay a large portion of the Project's cost. They do so by making an interest-free loan to the Project of $1.1 billion from the Tidelands oil and gas revenues. Since the Project doesn't pay interest on the loan, the taxpayers do. The tidelands money, and the interest it could earn, is diverted to the Project from schools and other social programs. To make up that diversion the State must raise the money elsewhere. At present market rates, this costs substantially more than $2 billion.

Even on the DWR's own terms, its statement that "Project customers repay about 90 percent of the total project costs" is grossly misleading. To the untutored eye, "Project customers" reads like "water users," especially since the DWR uses the statement to rebut charges that taxpayers will pay for the Project. But in fact, Project "customers" are not water users: they are purchasers of electric power, who will pay about 100% of the costs, and 32 water agencies, many of which are supported by local property taxes. The Metropolitan Water District of Southern California, which will buy about half the Project's water, presently pays more than half its water costs from property taxes. The Kern County Water Agency, which will buy about a third of the Project water, was formed expressly to let its agricultural water users draw on the Bakersfield tax base, and it expects to meet one third of its payments through property taxes. All told, taxpayers and power users will pay between 49 and 65% of Project costs, depending on the future taxing policies of local water agencies—not quite what is suggested when the DWR says Project customers will pay 90% of the costs.

DEPARTMENT OF WATER RESOURCES TABLE

DWR says

Cost: $2.8 billion.

State Pays: $280 Million.

Other Taxpayers: Pay: $74 Million (Federal Flood Control).

Benefits: $2 per $1 of cost.

Environmental Effects: Improvement of water quality, more recreation.

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[2] According to A. Alan Post, the State's Legislative Analyst, California pays approximately ½% more interest on its borrowings because of the Water Project—a difference amounting to hundreds of millions of dollars for the towns, cities, school districts, and other governmental units that rely heavily on bond issues. The Project also may have totally prevented some areas from selling bonds.

[3] If you want to get economically sophisticated, and talk about "opportunity costs," the actual Project cost becomes several billion higher. It works this way: once you have calculated the amount you will spend for the Project, you ask yourself whether you could invest this money elsewhere at a higher rate of return. The difference is the "opportunity cost." For example, if the Water Project merely breaks even, providing no beneficial return on your money (economists think it actually loses, in terms of benefits), but at the same time you could invest at 5% interest, your opportunity costs is the 5% interest on your money—a staggering amount over the Project's 50 year repayment period.

DWR data says

Cost: $8 to 11 Billion.
State Pays: $2.38 Billion.
Other Taxpayers: $3 Billion.
Benefits: $.59 per $1 of cost.
Environmental Effects: Disaster for S.F. Bay and North Coast.

CONSULTANT SPEAK WITH FORKED TONGUE

While the Project was being formulated and considered, the DWR used a whole covey of "independent consultants" to check its work and convince the sceptical. But on examination, these consultants prove nearly as dishonest as the Department. Nearly all, deep within the bowels of their jargon-laden reports, disapprove the Project; but with the bright exception of one member of one team of consultants, Professor Adolph Ackerman, the consultants kept their reservations quiet, and allowed the public to gain from their reports the false impression that they approved. The most remarkable example of such skullduggery was supplied by the Charles T. Main Co., an eastern engineering firm. After Department hired Main to evaluate the Project's "economic feasibility"—meaning, whether its benefits would outweigh the costs. Main released its report just before the public voted on the Project in 1960. The Los Angeles Times, a Project promoter, headlined "Project Gets Sound Rating"; the San Francisco Chronicle, an opponent, said the opposite: State Water Plan Called Impossible. What happened was that Main said both. The firm's report declared, in clear and forthright terms, that "On the basis of the previously cited definition of economic feasibility, the project . . . could pay back all costs. . . ." The LA Times, the DWR, and the Project's other supporters sized upon that statement. But Main had also defined "economic feasibility" in a very strange way, to mean whether or not the State could raise the money. By this definition, it might be "economically feasible" to throw a billion silver dollars into San Francisco Bay—but that isn't what Main was asked, and that isn't what everyone understood by "economic feasibility" when the report was issued. Furthermore, the rest of Main's jargon-infested report goes on to say, in effect, that anyone would be crazy to build such a Project. But, of course, reporters, politicians, and the general public don't usually wade through such fine print. (Charles T. Main, Inc., Final Report, "General Evaluation of the Proposed Program for Financing and Constructing the State Water Resources Development System," October 1960.) There are several reasons why supposedly reputable professionals engage in this type of conduct. Each practice, fallacious, misleading, or unjustifiable as it is, falls within an area of generally accepted professional principles. When we asked the DWR's 1959 Director, Harvey Banks, why the statement of costs omitted interest, he explained that engineers always defined "cost" in this way. The omission of $250,000,000 inflation cost from the original cost estimates, he explained, was at Governor Brown's request, and was done merely by stating costs in terms of 1959 dollars.

The Department's failure to consider alternatives other than the State Water Project in studying the need for water in Southern California was "justified" by the fact that such alternatives could be assumed (by whom?) politically unfeasible—the farmers would complain about people taking their water, people wouldn't want to drink waste water, etc. Banks noted that the "requirements" approach, mistakenly, assuming that price would not affect demand, was assuming a "standard" engineering practice sanctioned in several textbooks, and by general usage, 35% "interest" rate, for costs, rather than the higher one all economists agree should be used, was justified on two grounds: the U.S. Bureau of Reclamation was using the same low rate, and anyway, the economists can't agree on any one rate that should be used. The statements about "Project customers," of course, are technically accurate if one defines cost as the engineers do: the engineers can't help it if people think "Project customers" means "water users," can they? As to the consultants, Mr. Banks did concede that they had been pretty deceptive, but he noted that Charles T. Main, Inc. had never done a water project before. It perhaps epitomizes the state of engineering standards that Mr. Banks could say, when we asked him why the DWR thought benefits of the Project would outweigh costs, "You tell me what benefit-cost ratio you want, and I'll get it for you, without straining my conscience."

THE RICH GET WATER AND THE POOR GET SOAKED

Legally, the Project is a scheme for selling water. The State sells it to 32 local water agencies, who in turn retail it to users like farmers, residents, factories, hotels, etc., or sell it to yet smaller water agencies. While many people ultimately receive this water, the only ones who actually benefit from the State Water Project are those who receive substantially more or substantially cheaper water than they would get without the Project. This leaves out the average resident in Southern California. He uses, at most, one-fifth of an acre-foot of water per year—a high rate, but still too little for the Project to affect. As already noted, he would be assured of water for the foreseeable future without the Project. But even assuming that his only supply would be desalinized water costing $150 an acre-foot, the extra cost over the Project's $60 per acre-foot water would be only $18 per year. If the small user owns a $10,000 house, he pays that in taxes to the Metropolitan Water District anyway. So the Project does not really benefit the average Southern Californian.

But the Project does benefit two classes which use large amounts of water: large landowners, and water-using businesses. For one thing, they will be receiving most of the water the Project delivers; for another, the Project, through an extremely subtle and clever trick, makes this water available to them for much less than they would otherwise have to pay.

While certain large landowners in Southern California, such as the Irvine Ranch (80,000 acres), Tejon Ranch (10,000 acres, partly owned by the Chandlers, who own the Los Angeles Times), Newhall Ranch (48,000 acres), and Rancho California (50,000 acres, jointly owned by Kaiser and Penn-Central), will obviously profit by the Water Project, the major beneficiaries are the corporate farms of the San Joaquin Valley. More than half of all the water delivered by the Project between 1970 and 1990 will go to the San Joaquin Valley. The lands in the Valley which will receive Project water have been mapped by the California Labor Federation and the Young Democrats. According to their 1959 survey, 64% of these lands are owned by about 100 persons! Of the remaining land within the Project service area, a substantial amount belonged to local governments.

LAND OWNERSHIP IN THE SAN JOAQUIN VALLEY AREAS SERVED BY THE STATE WATER PROJECT

Owner	Acreage	Percent of total
Tenneco, Inc. (Kern County Land Co)	348, 026. 46	8. 7
Standard Oil of California	218, 485. 48	5. 5
Other oil companies	264, 678. 64	6. 6
Southern Pacific RR	201, 851. 75	5. 1
Tejon Ranch [1]	168, 531. 07	4. 2
Boston Ranch (JG Boswell)	37, 555. 58	.9
Total owned by approximately 15 firms	1, 238, 228. 98	31. 0
Other private holdings over 1,000 acres per person	1, 323, 821. 57	33. 3
	2, 562, 050. 55	64. 1
U.S. Government	192, 762. 13	4. 8
Owners of less than 1,000 acres per person, including city, county, and State	1, 240, 648. 24	31. 1

Footnote at end of table.

[1] Does not include acreage owned by Tejon Ranch in southern California.

Note: Table from Ballis, "Land Ownership in the San Joaquin Valley " 105 Congressional Record, pt. 6, p. 7677 (1959).

In Kern County, which will receive by far the largest share of San Joaquin Valley water, 78% of the land to actually receive State water belongs to owners of more than 160 acres.

These large landowners are the single most important class of beneficiaries from the State Water Project. Indeed, they hatched the whole idea for the Project, and provided the major lobbying muscle which pushed it through. Much of their land, prior to the Project, lay fallow; the huge Federal Central Valley Project supplied farms to the north and east of them, but did not reach the southwestern section of the San Joaquin Valley. Moreover, what groundwater they had was rapidly receding due to overuse. To farm or otherwise develop their land, these landowners had to import water. The most logical alternative, of course, was to extend the Central Valley Project. This would provide water and, in addition, the huge Federal subsidy that goes with Bureau of Reclamation irrigation projects. Unfortunately for the landowners, however, reclamation water comes with a condition attached, based on a long-standing Federal policy of encouraging small farms and limiting the amount of irrigation subsidy any one farmer may receive. This condition, the 160-acre limitation, requires anyone receiving reclamation water on more than 160 acres to sell that "excess" land within ten years, at pre-water prices. The large landowners would have none of that, of course, and fought for many years to have the legislature repeal the limitation, the courts nullify it, or the Bureau of Reclamation ignore it. According to most observers, it was their failure to gain any of these objectives which finally made them turn to the State. California, of course, has no 160-acre limitation policies.

So the Water Project brings them much-needed water, without imposing conditions on its use. But it also supplies the water with a considerable subsidy. Take Kern County as an example.

Kern County has contracted to buy a maximum of 1.15 million acre-feet per year from the State. The State has set the price of this contract water to cover all costs of constructing the system and delivering the water to Kern County—that is, all costs allocated to "water users". Presently, the State charges Kern County an average of $21 per acre-foot. But this charge does not include costs borne by those who buy electric power from the Project, nor the real but unstated costs assumed by the State through its interest-free loan to the Project. It probably costs California closer to $35 an acre-foot to deliver water to Kern County, so right there the landowners receive $14 per acre-foot subsidy.

Kern County has also established the Kern County Water Agency, with the sole function of buying the water and selling it to local water districts. This intermediary exists for one purpose: to help pay for the water through a county-wide property tax. Taxes in Kern County now pay approximately $6 towards every acre-foot the Agency buys, raising the total direct subsidy for contract water going to Kern County's landowners to $20 an acre-foot.

But between now and 1990, Kern County expects to receive more water than it has firmly contracted for. The additional water is known as "surplus" water, the State charges merely the cost of transportation—$4 an acre-foot in Kern County. Obviously, whatever "surplus" water Kern County can obtain amounts to a tremendous windfall. If, as now predicted, it receives nearly as much "surplus" water as contract water, the average price of its water will be lowered from $21 per acre-foot to $12.50 per acre-foot.

The DWR justifies its give-away rates for surplus water on the ground that delivery is unreliable, since it cannot guarantee the water's availability after the contractual obligations have been met in a drought year. That makes sense, until one notices that the Project's contractual obligations are so low that plentiful "surplus" water will be available in any year except one as dry as the driest year recorded in California, which came after a seven year drought. Even then, "surplus" should be available until the year's supplies reach their maximum contractual level—1990.

In addition to the tax and "surplus" water subsidies, large landowners receive yet another bonus from the State Water Project: increases in land value. In California, land without water is worthless; water gives it value. Indeed, water can raise prices $1000 an acre or more. A study in 1968, before water deliveries had begun, showed that an isolated tract of Kern County land rose by over $100 an acre in assessed valuation, merely in anticipation of water coming to nearby acreage. Should the Water Project ultimately increase land values in the Service Area by $300 an acre—a conservative guess—the big landowners will have received a capital gain (taxable at a lower rate than ordinary income, such as wages) of $780,000,000.

Incidentally, it is interesting to note that the farmers bagging these huge subsidies feed at the trough of public welfare elsewhere. JG Boswell, owner of the huge Boston Ranch, received over $5 million in 1970 from the Federal Government in crop subsidies. Boswell is the nation's leader in income for NOT growing crops, but the other State Water Project beneficiaries are right up there with him. Both Tenneco and the Tejon Ranch, for example, received several hundred thousand dollars too.

SOUTHERN CALIFORNIA: SUCKING OUT THE SURPLUS

At first glance, Southern California's eagerness for the State Water Project seems hard to understand. Its agriculture does not need State water. Its residents do not need State water. Even the real estate interests—the builders, dealers and speculators—gain nothing from State Water since cheaper local sources will sustain any foreseeable demand for development. Despite the views of some conservationists, Southern California's population growth is demonstrably unrelated to the State Water Project. Another explanation for Southern California's eagerness—its reputed desire to secure legal rights to Northern water before others did, since in California rights go to those who first use the water also seems doubtful. With adequate local water for a significant period of time, Southern California's best strategy would be to wait for desalinization, which in time will surely be cheaper than water imported from the North. Thus, Southern California has no pressing need to secure rights to the Northern water.

But a closer examination yields explanations for the southland's undoubted fervor on behalf of the water project. First, and not to be under-rated, is the fact that most Southern Californians, including most builders, developers, and speculators, know no more about the area's water needs than any other ordinary citizen. They, too, depend upon the experts. The experts all told them the Project was desperately needed. So of course they supported it.

Southern Californians can look to others aside from the Department of Water Resources for expertise. For example, they can look to Southern California's premier water agency, the Metropolitan Water District of Southern California (MWD), which supplies water to more than 10 million people. But this agency, which has contracted to buy half the Project's deliveries, has embarked on a billion dollar building program of its own to distribute the water, and consequently has a very solid self-interest in seeing the Project come to fruition. Moreover, the agency's history, and the recent remarks of its leaders, show a persistent incompetence perhaps unrivaled by any other agency in California's history. The sad story of the Colorado River Aqueduct has already been mentioned; by 1969, the original members of the District still had not reached the level of use which the MWD had predicted for 1940. The District's recent General Manager and present chief advisor, Robert Skinner, showed his economic acumen and sense of monetary responsibility when he told a State Senate Committee in 1962:

"I find myself, you might say, way out of bounds with the professional economists, because the tendency among the economists is to say you have to prove economic need before you spend the money, and when we say we ought to oversize (water projects), we may be saying that we ought to spend some money before we can prove when the need would arise, but I feel—I can't help but feel the bigger we could make these . . . aqueducts, the better off Southern California would be."—Calif. State Senate, Fact Finding Committee on Water, Hearing, October 18, 1962, San Diego (Water Archives, UC Berkeley).

A few very important interests within Southern California stand to benefit a great deal from this Project.

First, the developers. As noted, developers do not gain from the Project as a group —the same total amount of development will occur, Project or not. But the Project does change the PATTERN of development within Southern California; it enables new towns to spring up on interior sites where, but for the Project, only jackrabbits would roam. Naturally, those owning the benefitted land strongly favored the Project. The areas slated to lose development because of the project could not be specifically identified, and their owners therefore mounted no countervailing objections. It appears that the Project will visit its bounty on virtually all the major landholdings in Southern California—the Irvine Ranch, Tejon Ranch, Rancho California, etc.

The second group of specific Southern California beneficiaries consists of water users able to take advantage of the "surplus" water ploy mentioned earlier. In Southern California, this ploy takes a slightly different twist, since the Project itself will deliver California beneficiaries consists of water

The MWD makes up for that, however, by creating "surplus" water of its own. Quite simply, the District has contracted to buy far more water from the State than it can sell at full price. Having placed itself in this ridiculous position, the only "rational" solution will be to sell what it can at full price, and sell the rest—the "surplus"—for whatever it can get. This, of course, is precisely what Los Angeles had to do with the Owens River Aqueduct, and the MWD itself has had to do with the Colorado River Aqueduct.

There is an upper limit to how much water most users will take, even if they get it free. Thus, the only real customers for the MWD's "surplus" water are water districts with a storage capacity—primarily those overlying depleted groundwater basins—known as Water Replenishment Districts. Whereas the MWD intends to sell State water for $60 an acre-foot to agencies which supply the water directly to their customers, it will sell "replenishment" water for only $30 an acre-foot. The people living within a Water Replenishment District will be receiving their water for $30 an acre-foot, plus the nominal cost of pumping it out of the ground again. The people living within a regular water district, such as those served by the Los Angeles Dept. of Water and Power, will be paying $60 an acre-foot, plus substantial additional fees for distribution costs—all told, in Los Angeles, about $120 per acre-foot.

Who are the lucky people living in Water Replenishment Districts? Quite simply, the largest water users in Southern California aside from big landowners: various private water companies, and the biggest industries. The following table is based on a survey of two Replenishment Districts in Los Angeles. The subsidy calculation is based simply on the difference (about $80 per acre-foot) between what these firms pay for their water and what the rest of Los Angeles pays. Only the availability of Project water to supply their groundwater basin keeps them from rapidly depleting it and turning to direct deliveries for a supply. The subsidy calculation does NOT include another very real subsidy many of these firms are receiving: the MWD property tax subsidy. Presently, the District meets half its water payments through funds raised from property taxes. To the extent that a firm uses a larger share of the water than it pays in taxes, it receives a tax subsidy—and most heavy water users would fall into that category.

SUBSIDIES TO SOME LOS ANGELES AREA WATER USERS

Firms	Water pumped per year (acre-feet)	Water project subsidy year
Container Corp. of America	1,323×$80=	$105,840
Fibreboard Paper Products Co	1,521	121,680
Firestone Tire & Rubber	1,536	122,880
Flintkote Co	2,567	200,560
United States Steel	1,791	143,280
Gulf Oil Co	1,795	143,600
Richfield Oil Corp	4,428	354,240
Shell Oil Co	4,516	361,280
Union Oil Co	2,670	213,600
Texaco	3,432	274,560
Standard Oil Co	4,542	363,360

Note: Californians never voted for the present project.

The industries do not receive the full benefit of these phenomenal subsidies. Long before they would have to pay an extra $100,000 a year or more for water, they would convert to recycling processes consuming vastly less fresh water—processes available to virtually all the industries cited. The $363,360 subsidy to Standard Oil merely saves Standard the cost of such conversion—a saving of perhaps $30,000 a year. Thus, these subsidies are not only outrageously large, they are outrageously inefficient. The same holds true for the subsidies being supplied through the Water Project to the farmers in the San Joaquin Valley. The total actual benefit those farmers receive can be measured by the amount their land increases in value—perhaps $780 million. But the cost to the State of supplying that benefit, the amount of subsidy it provides by picking up the difference between the real cost and the actual price paid, is several times $780 million. There are other consequences of providing these enormous subsidies. First, the big farmers are prime customers of the world's largest bank, the Bank of America. Insofar as the State subsidy enables them to extend their business, they borrow more money (for crops and equipment) from the bank, and extend the bank's near-monopoly hold over California agriculture yet further. Second, even with the huge subsidies, State water is so expensive that the only profitable crops these farmers can grow are presently high-priced "specialty" crops—fruits, nuts, etc. But the farmers who now grow these crops are mostly small farmers, who must gain enough income from 160 acres to support themselves. When the San Joaquin agribusinesses weigh in with their crops in the next few years, prices will plummet, and it is presently expected that thousands of these small farmers will be driven from the land. This has nothing to do with their efficiency, which rivals that of agribusiness in all areas except their ability to obtain credit from the Bank of America, and subsidies from the U.S. Government.

1. The administrative agency which evaluates public projects should not build or administer them since the employment, power, and prestige which follow approval make powerful motives to evaluate favorably. Enact legislation establishing a State agency of Project Evaluation.

2. Require agencies which do evaluate projects to adhere to intellectually valid standards. Appoint a committee to create such standards (such as what the discount rate should be), and set regulations fixing adherence.

3. Create and enforce adequate laws against conflicts of interest, such as Mr. Krieger's. Professional societies, such as engineering associations and bar associations, should try to enforce strict ethical standards, since otherwise the bad drives out the good.

4. Provide the legislative water committees (and other committees) with adequate staff and funds to make their own thorough, independent evaluations of proposals. Neither the Senate nor Assembly Water Committees in 1959 had adequate staffs. Consequently the legislature had to rely on DWR's word, as did the Governor. Independent consultants, who must please their clients if they want further consulting work, aren't much good, as Charles T. Main shows.

THE FUTURE: PERIPHERAL CANAL OR PUBLIC VICTORY

The Project's past is a story of gross injustice and special interest favoritism, of outrageous costs and slim benefits. But the construction now or soon to be completed—Oroville Dam, San Luis reservoir, pumping facilities, the California Aqueduct, and trunk canals—has had little adverse affect on the environment (save possibly destruction of the salmon run up the Feather River). The future plans, however, threaten environmental disaster. Conservationists, who remained silent in 1960, have since become the leaders in opposition to the Project.

The future at present consists of four related Federal and State proposals, none of which have yet been authorized or funded, all of which can and should be stopped. All relate to the central mechanism by which both the State Water Project and the Central Valley Project operate—the Delta pool. Fresh water flows down the Sacramento River to the Delta, from which both the DWR and the Federal Bureau of Reclamation pump it into their respective canals for transport further south.

The projects relate to each other as follows: The US Bureau of Reclamation's project, termed the East Side Division of the Central Valley Project, would use up present Sacramento River supplies to irrigate yet more land in the San Joaquin Valley. That makes it necessary to augment the Sacramento's flow by diverting into it the nearest as-yet untapped river, the Eel—a presently wild river flowing through redwood country to the sea. One of the reasons the San Joaquin Valley wants so much water is that irrigation deposits salts and eventually ruins the soil (e.g. Mesopotamia) unless farmers "flush out" the salts with even more water. The Valley needs a sewer for the "flushed" salts, pesticides, and other assorted poisons, and that's Project No. 3. As presently planned, however, this drain will dump its waste into the Delta, thus polluting the very source of San Joaquin Valley irrigation water. Even without the drain, however, engineers have found that the pumps for the State and Federal irrigation plans will be so powerful that long before they reach full capacity they will be sucking up saline water from the Bay. For these reasons, the Bureau and the DWR propose to build a *Peripheral Canal* to circumvent the Delta altogether and take all the unpolluted water they need directly from the Sacramento River. Without such a canal, it would be impossible to build the East Side Division, and unnecessary to attack the Eel. With the canal, the engineers can suck up ever-increasing amounts of water until they have drained the Eel, the Klamath, the Trinity, and even the Columbia for that matter.

These projects also threaten the Delta and San Francisco Bay itself. The Bay and Delta form one of the major estuary ecosystems on the West Coast, supporting millions of transient and resident birds and providing spawning or maturing ground for innumerable fish and other water beasts. The demands for fresh water now flowing into this estuary, facilitated by the Peripheral Canal, would drastically reduce the inflow. Ecologists present conflicting views on the effects, depending on who pays them (ecologists, too, are "experts"), but only those hired by the State or the Bureau show anything other than grave concern.

DECISIONS YET TO BE MADE

The Peripheral Canal cannot proceed unless three bodies decide in favor of it. The Governor is already on record as favoring it. The State Water Resources Control Board, which decides who has a legal right to the fresh water, is completing lengthy hearings to determine how much water the Delta has a right to "use," and how much the developers can take. Since the Board's appointees are mostly old water-developers themselves, its staff comes largely from the Department of Water Resources, and the law does not favor wildlife preservation as a "use" for fresh water, a decision adverse to the Canal seems most unlikely. The decision-maker most subject to present influence is the United States Congress, which must authorize the Canal and approve funds for it. Congressman Jerome Waldie of Contra Costa County has been leading the fight against the canal. In the House; both of California's Senators remain officially uncommitted.

The East Side Division, which would be the immediate trigger for "development" of California's north coastal rivers, has not yet received even the Governor's approval. In fact, important California water figures, such as Secretary of Resources Norman Livermore and former Director of the DWR Harvey Banks, have expressed opposition to it, so there remains a substantial chance that Governor Reagan will veto it. Should he approve, the proposal would have to receive approval from both the President's Department of Budgetary Analysis and Congress itself.

The Eel River decision has an interesting history. In 1968 the Army Corps of Engineers proposed a dam on the Eel at Dos Rios. The dam would have some minor flood control function—the basis for the Army's interest—but would serve mainly to collect the Eel's water so it could be tunnelled through the mountains to the Sacramento. The Corp's plans found some angry conservationists waiting. They didn't like turning one of California's last wild rivers into a dead and turbid lake, destroying one of the few remaining salmon and steelhead runs in the State, drowning a beautiful valley, and displacing its Indian inhabitants in violation of their treaty. The Corps compounded its difficulty by presenting a particularly stupid and dishonest "evaluation" in support of its proposal, which was demolished by Harrison Brown and other economists sought out by the conservationists. The Corps also showed remarkable callousness to the Indians, proposing to trade them worthless mountainside land, from which they could tend tourists, for their Round Valley farms. As if all that were not enough, the Department of Water Resources chipped in with some transparently dishonest estimates of water "requirements" in Southern Caifornia, which it used to justify the development. Of course, the estimates proved transparently dishonest only because the conservationists had obtained a suppressed report, prepared two months earlier by the Department's Southern California staff, which showed requirements far lower than the Department was asserting. Although the Department attempted to discredit the report (and reprimanded its authors), it obviously played a role in Governor Reagan's decision to call for additional studies.

While those additional studies, completed in 1969 by the DWR, again recommended Dos Rios, the Department has since issued its Bulletin 160–70, surveying and predicting all of California's water demands and supplies for the next fifty years. While still full of problems, this document is vastly superior to anything the Department has previously concluded. Most importantly for Dos Rios, it draws upon revised population estimates and the more sophisticated analysis of the suppressed 1968 document to conclude that Southern California won't need any more water for at least ten more years. This is in effect pushes the Eel River decision back several years, and relieves at least the immediate pressure for development. The report's conclusion may have a similar effect on the Peripheral Canal, although the DWR and the Bureau of Reclamation won't admit that. Time is probably working against them, and if they don't get the Peripheral Canal soon, it may never come.

The Drain, once also a hot issue, has subsided for the present because Valley farmers appear unwilling to pay for it until their land becomes more obviously polluted. Some sort of drain eventually will be needed, but the solution to that problem will probably be to remove the salts and poisons in a treatment plant before returning the water to the Delta. The legislature and the Governor will make the primary decisions about the Drain, although the State's water pollution standards, and their enforcement by the Water Resources Control Board, may become important as well. The Peripheral Canal is the time and place to stop the State Water Project. To destroy our environment to enlarge such a con game for already-bloated special interests is a public obscenity. The cost of additional works will be huge. The DWR expects most of that cost to be met, not from Project revenues or bond issues, but from the public treasury, by way of a $680 million interest-free loan, now projected for use on Dos Rios. By stopping the Project now, the State can save itself the interest on that money—an amount well over a billion dollars. The State's present financial squeeze seems to be due largely to the Project.

What of Southern California's water "needs"? They should, at the very least, be recalculated with sound economic techniques. Bulletin 160–70 is a start. All indications presently suggest that "needs" can be met through available water in the South, at an economic cost comparable to that of Dos Rios or other State Water Project increments.

In conclusion, the prospects for stopping the State Water Project seem excellent. The Peripheral Canal, the East Side Division, and Dos Rios or its equivalent must all receive Congressional approval, and Congress has shown itself increasingly responsive to environmental considerations. Congressman Jerome Waldie has submitted positive legislation to give the Eel, Trinity and Klamath Rivers Wild River status. Should Waldie's bill pass, the Project could not draw upon their waters and would be effectively blocked. In addition, various people are trying to stop the Project through lawsuits. Perhaps one will succeed. Efforts on the State level, while more dubious, may have a better chance once the facts about this Project penetrate the smog of deception which the DWR pours forth. Most politicians who favor the Project sincerely believe it is good; some, at least, can be persuaded otherwise.

As this study should make clear, the chief losers from the Project are Southern Californians, who must pay for it. Efforts by the Project's opponents to make this a North versus South battle only obscure that point, and of course place a majority of the State's voters firmly on the Project's side. But if the Project doesn't stop now, its continuation will have not only mistaken regional factionalism on its side, but economics as well. For once the basic pipeline from North to South exists, it may well prove cheaper to meet additional demands by daming another river, instead of initiating a whole new water supply system such as desalinization. The State has full plans for this further growth, outlined in a document entitled the California Water Plan. It will take all the remaining rivers of the North Coast—the Klamath, the Trinity, the Van Duzen, the Mad, and the rest of the Eel—with unforeseeable effects on the climate, the beaches, the redwoods, the fish, and the other wildlife.

Steps individuals can take:

1. Write Governor Reagan opposing the East Side Division, and any development of the Eel.
2. Write your congressman and Senators in favor of Wild River status for the Eel, Klamath, and Trinity Rivers, and in opposition to the East Side Division, and Eel River projects, and the Peripheral Canal.
3. Californians should press their Senators, Cranston and Tunney, to take a stand against the Peripheral Canal.
4. Californians, and indeed people in any State, should support legislation designed to divest public works agencies, like the Department of Water Resources, of their planning and evaluation functions, and to place these functions, for all kinds of public works, in one agency especially designed to do that.
5. Join or support organizations working against the State Water Project on the State, Congressional, and Executive levels. The individual hasn't a chance of influencing, say, the Department of Budgetary Analysis, but organizations, if supported, can hire the lawyers and staff who can. These include the Sierra Club, Friends of the Earth, the Committee of 2 Million To Save the Eel, and the California Planning and Conservation League.

CONSTITUTION OF THE UNITED STATES

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. MURPHY of Illinois. Mr. Speaker, two students in the fifth grade class at Morgan Park Academy in my district recently received awards in an essay contest sponsored by the Daughters of the American Revolution. The subject matter of the essays was the Constitution of the United States.

As last week was "National Week of the Young Child," I feel it would be particularly apt to include the award-winning essays of these young students in the Record. These students display an early grasp of the meaning of the Constitution and, during these days when there is much controversy about liberties guaranteed by the Constitution, it may be well for us to reflect, as these children do, upon the words of the document itself.

The texts of the essays follow:

Essay by Harry Rosenberg, Jr., Grade 5

JAMES MADISON AND THE UNITED STATES CONSTITUTION

What would we have done if no one had signed the Constitution? We might be under the power of the King of England. We might not even be in the United States. I am going to tell you about the Constitution and how James Madison got the name "Father of the Constitution."

James Madison won the title of "Father of the Constitution" because of his speeches, attempts at compromise and by writing the Constitution.

Delegates were considering a plan that would decide the fate of republican government. The task of completing a Constitutional government was filled with indecision. Several times one point of the argument nearly destroyed the Constitution—how to protect large and small states. This issue caused dissent over representation in the national legislature. Small states were partial to the New Jersey plan where all states would have equal representation. Roger Sherman proposed the compromise that broke the deadlock. His plan provided equal representation in one house of Congress and representation according to population in another house. This was the result of the now famous Connecticut Comprise.

Friends of the Constitution were called "Federalists." Federalists tried to get the states to vote for it. The Federalists became the first political party in America.

On May 25, 1787, Madison met in Philadelphia with delegates from all states, except Rhode Island, to draw up a new form of government for the United States. Washington and Madison got together a week before the Convention so that they would have plenty of time to talk about the plan of government which Madison had drawn up before he left home.

At the Convention all were in favor of the plan except Governor Randolph. Madison favored a strong national government with three divisions: legislative, judicial and executive. Madison played an important role in getting the Convention to approve a Constitution providing for these three divisions. The legislative was to make the laws; the executive to carry them out; the judicial to interpret them.

Madison influenced Randolph to vote for the Constitution almost two hundred years ago. Today we still have the same form of government that he helped start with three divisions: legislative, executive, and judicial. Furthermore, the Connecticut Compromise is still in effect today as we have two houses of Congress.

The first Congress met in New York on March 4, 1789. Madison led Congress in proposing twelve amendments to the Constitution by December 15, 1791. Ten out of the twelve became permanent additions to the Constitution. These ten were called the Bill of Rights. The Constitution served the interests of all people in the United States: Northerners, Southerners, the rich, the poor, farmers, and workers. Madison realized the Constitution would have to be amended from time to time. He said, "In framing a system which we wish to last for ages we should not lose sight of the changes which ages will produce."

Essay by Frank DeVincenzo, Grade 5

THE CONSTITUTION OF THE UNITED STATES OF AMERICA AND ITS SIGNERS

I looked up the word "constitution" in the dictionary and it said "the basic law or rules of government of a nation, a state, or any organized body, drawn up in written documents or established by long custom." Now I knew what a constitution is, but I didn't know what was so special about our United States Constitution. Then I started to read about the history of our Constitution. I read about the men who wrote it and signed it and found out what it means to me.

I was surprised to find out that England, the country we were fighting against to get our freedom, did not have a written constitution. The English had a lot of laws and a document called the "Magna Carta" which said the King couldn't take away certain rights. I guess that is constitution "established by long custom."

The thirteen colonies had their own constitutions and these were still their constitutions when they became thirteen states. They said they were United States but they were not very united. They had "Articles of Confederation" during the American Revolution but they did not follow these very much when they had won the war. They had gotten free from England and they didn't want anybody else telling them what to do.

They had a convention to fix up the "articles" and some men from Virginia presented "The Virginia Plan" which was a new constitution. The delegates had to decide if they wanted to be a group of states who had a bunch of agreements or if they wanted to be a nation with one main government.

The man who is called "Father of the Constitution" was James Madison from Virginia. He went to New Jersey College (later Princeton) so he learned about how people felt in a different part of the country. When Mr. Madison was thirty-six he was a delegate to the convention that made the constitution. He wrote the Virginia Plan and he divided the government into three parts: legislative, executive, and judicial. He worked hard and said at the end, "We left no stone unturned. We enumerated the powers forbidden to the national government and those forbidden to the states."

Later Mr. Madison made the Bill of Rights amendments. These rights mean that I can go to church where I want to, carry a gun, and have a fair trial if I'm arrested for a crime. And any rights that the United States government did not get from the Constitution do not belong to the government. These rights belong to me and to all people who live in the United States. I think we are lucky people to have our written Constitution.

EIGHT CITATIONS FOR CHURCH WORLD

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. HATHAWAY. Mr. Speaker, it is with a great deal of State-felt pride that I bring to the attention of my colleagues notice of the recognition earned by one of Maine's many excellent weekly newspapers at the recent 1970 Catholic Press Association's awards ceremonies.

The Church World, published by the Church World Publishing Co., Portland, Maine, was the worthy recipient of a first-place award for the best human interest story, second place awards for the best newsstory and the best campaign in the public interest, and honorable mention citations for general excellence, best photo story, best editorial, best editorial page, and best example of circulation promotion.

The Church World's excellent staff includes Editor Henry V. Gosselin, General Manager Thomas H. Fahey, Jr., Associate Editor Martha Bull, Feature Editor Rev. William K. McDonough, Advertising Manager Paul V. Fahey, Circulation Manager Peter J. Turner, and Ecclesiastical Adviser Rev. Msgr. Vicent A. Tatarczuk.

Descriptions of the Church World's eight citations follows:

EIGHT CITATIONS FOR CHURCH WORLD

BEST HUMAN INTEREST FEATURE STORY

If the human interest features entered in the competition are representative, then let it be said once more than the quality of writing in the Catholic Press must be rated highly commendable. Even the routine, conventional human interest stories among the entries were as worthy as, or better than, what one observes in the secular press, while the winners and others cited seemed quite superior in imagination and approach to the standard product. In them one also senses a special quality of sincerity that raises them above the level of competent-but-routine work.

First place goes to "Giving Birth to a New Style of Living" by Sister Beverly Galyean in the Church World of Portland, Maine. Sister Beverly may not be a professional journalist but her story seems so unusual, so clear in its exposition and so close to what even a Protestant observer takes to be the spirit of the Catholic press that in the end there could be no real alternative to naming her winner. A special word of praise must be extended to the editor who laid out the pages on which Sister's story appears; they are typographically excellent and set out this remarkable story, as it properly deserves to be.

BEST NEWS STORY

Among the many entries in the "Best News Story originating with the Paper" category this year, two newspapers really stand out—the *Beacon* of Paterson, N.J., for its informative, broad-gauge writing and its careful organization of an important story; and the Church World of Portland, Maine for a unique presentation of a facts-and-figures report that makes attractive and readable a mass of data that would be deadly dull as just plain words. The Church World earned a loud hurrah for ingenious presentation of the diocesan financial report, setting the scene with charts (prepared by Clarence McKay, Diocesan Information Officer) and pictures—and just enough words—to lead readers through the maze. How down-to-earth it is to let stand, front and center, in the one picture showing the bishop, a thoroughly empty Martini glass! (front page). A suggestion: use larger type, whenever feasible, within the pie charts; it would be helpful for eyes no longer young.

BEST CAMPAIGN IN THE PUBLIC INTEREST

The Best Campaign in the Public Interest entry of the Church World, in second place, was very close to first place. Its campaign on drug abuse was presented in dramatic style, offering full coverage all the way down to the nitty-gritty of a 16-year-old addict's plea for help. The Church World also had its detractors. One reader, asking that his subscription not be renewed, protested: "Too much is said about the hippies and dope, and not enough about the Knights of Columbus." The evil of drug abuse was played in interviews by Peter J. Turner, (then associate editor), first-hand accounts from addicts, and very dramatically played photos. One picture, distributed by The Advertising Council, shows a pitifully-thin hand nailed to the arm of a wooden cross by a hypodermic needle and syringe. A letter from an 18-year-old addict pleaded with all youths not to get hooked; he ended his own travail with a shotgun.

GENERAL EXCELLENCE

Considerable attention is being given to makeup and layout these days in the Catholic press, imparting a quality and dignity to Catholic newspapers and at the same time contributing to the vigor of the news presentation. The winners in this category do have news punch. Use and variety of photos, as well as handling of line art and cartoons, merit special commendation. Editors seem not afraid to blow up good illustrative material.

(It should be noted that General Excellence reflects upon the entire newspaper—the editorial, advertising, circulation and production departments; reflecting the efforts of the general managers, Thomas Fahey, Jr., the entire staff, and the production crew under the direction of Richard Fahey.)

BEST PHOTO STORY

A special citation is due the photo feature in the Church World, whose feature editor (Father William K. McDonough) undertook the monumental task of publishing, in conjunction with Pope Paul's jubilee, the pictures of priests in the diocese celebrating their 25th, 40th, 45th, 50th and 65th anniversaries—along with their ordination pictures. Readers undoubtedly had a lot of fun trying to match them up. We're certain it was the most popular example of a photo feature in the paper in 1970.

BEST EDITORIAL

Reading and appraising the magnificent editorials entered in this category must indeed be considered a privilege for any newspaper editor serving as judge. Yet because the level of competency is so high among so many, the task of determining winners is difficult. As so often happens, it is, in many cases, judging pears against peaches.

"A desperate plea for help" in the Church World, written by Editor Henry V. Gosselin, is more than an editorial; it is an episode in which a lonely 16-year-old victimized by drugs was rescued because of the publication of his appeal. The lad's letter to Gosselin three weeks later is as poignant as the editorial: "I've found someone—someone to care, to hear, to hold on to . . ."

BEST EDITORIAL PAGE

Although all five editorial pages or sections cited as winners in this year's competition were highly regarded by each member of the judges' panel, there was little unanimity as to how they should be ranked. The panel, as usual, consisted of the five editorial writers of a leading U.S. daily; the selections are thus consensus decisions. Noteworthy editorial pages were those of the Church World, never lacking in the power of its editorials, which, after all, are the heart of the editorial page.

BEST OF EXAMPLE OF CIRCULATION PROMOTION

The Church World deserves mention in the "Best Example of Circulation Promotion" category for its many different house ads (designed by Peter J. Turner, circulation); and for the clever way in which it capitalized on awards won at last year's CPA convention.

THE 50TH ANNIVERSARY OF CARDINAL O'BOYLE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. HOGAN. Mr. Speaker, on Friday, May 21, Patrick Cardinal O'Boyle, Archbishop of Washington, was honored in St. Matthew's Cathedral, on the 50th anniversary of his ordination to the priesthood.

For 23 years Cardinal O'Boyle has led the Archdiocese of Washington, D.C. He became the city's first resident archbishop in January 1948 and was installed in the College of Cardinals by Pope Paul in June 1967.

Cardinal O'Boyle has dedicated his life to the church during a period of much turmoil and vast change. Racial tensions, urban ills, clerical celibacy, birth control, and abortion are only a few of the modern crises which Cardinal O'Boyle has faced unflinchingly.

Under the cardinal's direction, desegregation was begun in the District's Catholic schools in 1948. Because of his constant attention to the need for school expansion, over 130 new schools have been built with many other major, new additions.

Orphans, senior citizens, and the sick have all received the compassion and care of Cardinal O'Boyle through his establishment of various institutions to meet their special needs.

The cardinal has long been a leader in interfaith and racial equality activities and has recently begun a renovation and rehabilitation project in the inner city.

In his constant fight against abortion, Cardinal O'Boyle has indeed emerged as a leader. His efforts to preserve the sanctity of human life have greatly aided in the nationwide fight against liberalized abortion policies.

Cardinal O'Boyle is a deeply devout man of God and he is also a fighter—a fighter for those things in which he believes and against those injustices which cannot be tolerated.

His many awards document his life of service and the courageous stands he has taken. Cardinal O'Boyle's reputation is worldwide and deservedly so.

It is both an honor and an inspiration to have this great man amongst us, and as a small token of my deep admiration for Cardinal O'Boyle, I commend the work of this church leader to my colleagues' attention.

THE DOLLAR: ACTIONS ABROAD

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. ZWACH. Mr. Speaker, when one lives beyond his means, there always comes a time when the creditors call a halt, and demand, at least in part, a settlement of past due accounts.

Such a reckoning took place, in part, in Europe recently, when several countries revalued their currencies.

This had the effect of devaluing the American dollar and bringing it more nearly in line with its decreasing value.

I recently read an enlightening editorial in the Christian Science Monitor, which, I believe, is worthy of consideration by every Member of Congress.

Because some of the Members may have missed it, with your permission, I would like to insert it in the RECORD:

THE DOLLAR: ACTIONS ABROAD

By revaluing upward the Swiss franc and Austrian schilling, and by setting afloat the value of the West German mark and Dutch guilder, Europe has done for the American dollar what Washington has been unwilling to do.

The Europeans, at cost of considerable strain on their own delicate international relationships, have in effect devalued the dollar.

Henceforth it will cost Americans more to buy European goods. Conversely, it will cost Europeans less to import American goods. This will help the United States right its imbalance of payments on the trade end, but not on the overseas investment and military spending ends—which is where the dollar outflow really occurs.

This is a messy way to seek a more realistic equilibrium between the dollar, which is the Western international key currency, and other Western European currencies. It has caused severe strains not only between Europe and the United States, but Between France and West Germany and other members of the Common Market, at a time when they are trying to work out a common monetary union alongside their trading union.

Some adjustment was inevitable. In the last couple of years United States liquid reserves have gone down to about $14.3 billion against European credits estimated as high as $60 billion. West Germany, which alone holds more credits against the dollar than there are U.S. reserves available, just happened to be the nation that got hit by the "hot" dollar speculative rush last week. But the weekend decision by the Swiss, Austrians and Dutch to revalue or set afloat their currencies was proof that the stabilizing mechanism set up by the Bretton Woods Agreement after World War II was not working.

The fault in last week's debacle was not Washington's alone. West Germany had failed to stem the speculative inflow of dollars which were attracted by higher interest rates and the expectation of a revaluation. This resulted in an expansion of the money supply by a staggering 22 percent this year.

This said, the dollar continues to be the key currency. And the United States continues to be the world's leading industrialized nation. It therefore falls to the United States to demonstrate exemplary posture in its custodial role as keeper of the international standard currency. This starts but does not end with two key responsibilities: curbing inflation at home, and stanching the outflow of dollars in the national balance of payments.

The responsibility is not one-sided. Europeans must demonstrate their own willingness to cooperate and coordinate in a process of continual readjustment that recognizes the internal stresses as well as the external responsibilities of each country. The goodwill and good sense manifested more than two decades ago at Bretton Woods must prevail again. There may have to be changes of tactics—such as allowing for more flexibility in the rather narrow margin within which currencies have been allowed to fluctuate.

But self-discipline at home and responsible use of credit abroad will continue to be the soundest basis for a workable international monetary system.

AND CORRECTIONS AT HOME

There may be many other contributing reasons behind the drop in the value of the dollar, but only one is really important. The political leadership in Washington has for six years tried to run a very expensive war "on the cuff" like the family that lives beyond it means.

The fault has been bipartisan. It was committed in the first case by Lyndon Johnson. In 1965 his economic and congressional leaders advised him to raise taxes and pay for the war as he went along. He refused, on the comforting theory that the overwhelming might of the American military machine would win the war before the cost began to hurt.

Richard Nixon promised his backers of 1968 that if elected he could cut taxes. Unlike some presidents who have put embarrassing campaign promises aside on getting to the White House, Mr. Nixon insisted on dropping the income surtax.

It is merely coincidental that Washington's European creditors chose to close down on easy credit (buying more dollars than they want or need at the old official rate) at the same time that Congress begins debate on extension of the so-called "selective service" system, and an Army staff sergeant goes on trial for making a fortune out of Army PXs. But there is a connection among all these things.

Corrupt staff sergeants are just another surface manifestation of living beyond one's means.

The American Army is the most overstuffed in history. Thanks to the draft, it has become accustomed to more manpower than it ever needed. It lives extravagantly, in every way. Its greatest single extravagance has been to keep long-term volunteers largely in safe occupations while sending the drafted men into combat. Roughly nine out of ten combat riflemen in Vietnam have been draftees.

The Vietnam war was itself a luxury possible only because the draft existed.

The Army has been living high, on unlimited manpower. The Government has been living high, on fighting faraway frontier wars without enough taxation to carry them. And it all comes together in a day of reckoning. It's always like this sooner or later, for those who live beyond their means. The time comes when creditors cut off credit. That is precisely what the European bankers have done to Uncle Sam.

One way to prevent a recurrence will be to make sure that no president ever again commits half a million Americans to a faraway war as easily as President Johnson was allowed to do it.

And one way for Congress to do that will be to take a very careful look at the draft. Perhaps it has to be extended for another year or two; but it need not be extended indefinitely, nor need a president be able to use it at his decretion for wars beyond the country's resources.

AMERICA'S TRANSPORTATION SYSTEM: BUCKING THE HEADWINDS

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. PELLY. Mr. Speaker, last Friday, Mr. W. M. Allen, chairman of the board, the Boeing Co., was the recipient of the 22d annual National Transportation Award. The trophy was presented Friday morning by Vice President SPIRO T. AGNEW.

It was a richly deserved award, Mr. Speaker, as evidenced by the remarks Mr. Allen made at a luncheon later in the day. The views of a man of such high ability and knowledge are vital to all of us as we face a transportation crisis in this country. So that my colleagues can share the wisdom and advice of Mr. Allen, I am inserting his speech at this point in the RECORD:

BUCKING THE HEADWINDS

(By W. M. Allen)

As I stated in the ceremony this morning, I feel greatly honored to be named as recipient of the National Transportation Award, but, of course, I think of myself only as having been in a position to receive it in behalf of a large number of people who should share any credit that may be forthcoming. For example, to the extent that the award is prompted by the development of the 747 airplane, the credit must go not only to a great many direct participants in Boeing but also to our airline customers, the government agencies we have worked with, and a large number of subcontractors and suppliers who were an integral part of the program.

Certainly I have no special claim to wisdom on the subject of transportation—I am sure there are many here today who are far better qualified. However, I do have a sincere interest in both transportation and national defense, and in the interrelationship of the two. This interest goes back over a considerable period of time.

No doubt we all have a great variety of memories involving the transportation business. I shall refer to one which is pertinent to my short message to you today. In the early 30's we were climbing out of Cheyenne heading west toward Sherman Hill. The means of conveyance—a Boeing trimotor bi-plane with a cruising speed in still air of just over 80 miles an hour.

As we climbed in the direction of the bald hill and I looked down through the big square windows, I was aware of an odd sensation. The three motors were droning away but the hill was drifting forward instead of backward under us. It was obvious that we were never going to get there. We had to turn around and go back.

We were learning in those days that if you couldn't buck the headwinds, you had to have stronger engines, or you had to cut down on the drag; otherwise you were not going to get to your destination.

I wonder if the transportation industry—a large part of it—is in that position today. Several modes of public transportation are in trouble. Even the private automobile, which is everybody's favorite, is running out of street and highway space and is encountering environmental and pollution barriers. Many people are choosing foreign-made cars in preference to American products.

Let us proceed from the premise that a healthy transportation industry and a balanced system in all areas—water, air, land—highways and railways—is essential to the well-being of this nation. I doubt if I have to justify that premise before this audience. To a large degree, transportation is the life blood of the economy. Business is activity, and activity depends on mobility. The commercial role of transportation goes hand in hand with its role in national defense; it is a large factor in national power—in our overall economic strength.

It was in recognition of these aspects of transportation's importance to our country that the Department of Transportation was established. We have a national policy of fostering transportation development.

How are we doing? Not too well right now. Our maritime shipping, our railroads and most recently our airlines have encountered serious difficulties.

As we all know, the headwinds I refer to are a combination of factors: the economic downturn; the high costs resulting from inflation; in particular the high cost of manpower in today's market place, with the overwhelming strength of organized labor at the bargaining table. In my opinion, some remedial steps must be taken with respect to this last named problem, if our country is to maintain the economic position it has enjoyed during this century.

I suppose the transportation industry would have to list government regulation as another headwind—yet regulation is necessary to protect the interests of the public. What we desire is an enlightened policy that will place emphasis on efficient management and permit the greatest possible freedom from government domination consistent with the public interest. This is a hard nut to crack—striking the right balance between free enterprise and necessary government regulation. But it is a nut that we have to crack. I would hope that we do not come to nationalization.

From the private industry standpoint, what resources do we require to buck the headwinds I have mentioned, including the effects of economic slowdown? To name a few: Technology; management efficiency in cost cutting, operational improvements and traffic generation; adequate financing; labor-management cooperation; government-industry cooperation, and a recognition by the public that public transportation is a national asset which must be developed and encouraged.

I would put technology near the head of the list. Traditionally the application of technology has been one of our principal means of overcoming rising costs and at the same time increasing the attractiveness of the service, so that the market will grow. Unfortunately today, technology appears to have encountered its own headwind in the form of public distrust. We are stopped or at least very much slowed down, from taking the steps that judgment says we should take.

The problem is not new. A case in point is a letter which Martin Van Buren wrote to President Andrew Jackson opposing the development of railroads. Van Buren was governor of New York at the time, and it would appear that he was speaking more for the ears of his political constituency, and in defense of the local interest in canals, than from any careful weighing of facts. Said Mr. Van Buren:

"The government should create an interstate Commerce commission to protect the American people from the evils of railroads and to preserve the canals for posterity.

"As you may know, Mr. President, railroad carriages are pulled at the enormous speed of 15 miles per hour by engines, which, in addition to endangering life and limb of passengers, roar and snort their way through the countryside, setting fire to the crops, scaring the live stock, and frightening women and children. The almighty certainly never intended that people should travel at such breakneck speed."

That was in 1829. I feel that the attitude expressed then has its parallel in 1971, as evidenced in the case of the SST. Opposition of this same type succeeded in cancelling the prototype development program, although there has been the new move in Congress to try to revive it. Sooner or later the supersonic transport will take its place as a means of increasing productivity in international air transportation. There are two ways of accomplishing this. One is by carrying more seats and thus getting more seat-miles per airplane and per labor hour. The latter means will become more important as labor costs continue to rise.

This is the sort of gain that technology makes possible. In the same way we must look to technology to provide the solutions to our environmental problems, not only in transportation but in other areas. But it is still our view that the prospect of a future American SST reentering the competition with foreign-made products will rest on the requirement for some form of public financial backing. Certainly it will depend upon public support in the form of good-will and a desire to see transportation progress.

To regain and retain our position, we must approach the whole field of transportation with a view of its ultimate importance to the nation. We must have new and fresh thinking that will give rise to continued advances. We must stay in the forefront in technology—not let other nations take the lead away from us. On the management side, there must be a never-ending search for new efficiencies. Often these come in combination with equipment advances.

One highly desirable objective, I feel sure, can be shared by land, sea and air transport interests alike. I refer to the need for greater integration of all the elements of transportation—viewing the whole trip as a unit, whether it be for a passenger or a commodity. Efficiency is gained only by attention to all the segments of the trip and to all of the obstacles along the way.

We have an excellent example of improvement in the recent trend to containerization of freight. The large 8x8 foot containers are moving now both by sea and by land, and the 747 freighter will soon be handling these same containers by air. The remaining need is for facilities for the transfer of these containers between the different transportation modes.

There are many other forms of integration yet to be achieved, especially at the urban-metropolitan area level.

The problem that concerns me greatly at present is our ability to meet international competition, both as manufacturers and operators. We long claimed the luxury, in this country, of being able to pay substantially higher wages and salaries than our competitors in other countries by virtue of our superior technology, larger quantity production and greater management capability. I believe that any remaining claim to this national advantage, if it still exists, is likely to be shortlived. Europe and Japan are forging ahead on every industrial and technical front, not to mention the parallel progress in the Soviet Union. The European countries, working together, now constitute a market that approaches the American market in size. It can therefore provide the large production runs which American industry has claimed as its own unique advantage.

Consider the European airbus which is now approaching production—the A300B. The industries of four countries are joining forces to build this airplane—France, Germany, England and the Netherlands. A common specification has been drawn for the airlines in the European Atlas group—Air France, Lufthansa of Germany, Sabena of Belgium and Alitalia of Italy. British European Airways is another prime prospect. The joint enterprise has high hopes of obtaining the U.S. airline market for this size aircraft. European banks are expected to provide 80 percent financing for buyers of the aircraft on a long term basis. U.S. Export-Import Bank financing is being sought for the remaining 20 percent, representing the portion of the product that is American made—engines, avionics and instruments.

Referring again to the SST, the supersonic Concorde which is being jointly financed by the British and French governments is moving ahead. It is more limited in speed and seating capacity than the airplane we would have offered, but the present model can be followed by larger ones to fill the world market. The Soviet SST has a similar opportunity.

Let us consider the development of the air freight business on a global basis. The 747 airplane was designed in part to permit substantial new economies in the air freight operations. Our present customers and our principal prospective customers for the 747 Air Freighter today are European and Japanese airlines. These countries would like to do in the air what they have done in surface shipping—become dominant in the field.

As a sidelight, our Boeing sales engineers were recently discussing with the Europeans how their manufacturing industry as a whole handles sales in time of recession. Their philosophy is, when domestic business is down, you intensify efforts on exports.

But much of American industry is not oriented toward export business. An increasing number of American products are no longer competitive in the world market. The aerospace industry has tried to remain competitive. Boeing would be crippled today were it not for its continuing export business. The United States balance of payments would be in much more difficult shape were it not for aerospace exports in the past several years.

Let us hope that we can maintain this position. But let us not take it for granted.

The question is, overall, are Americans still competitive in spirit, or are we of a mind to relax, to look to our own creature comforts, and let other countries pass us by? Are we counting, as a country, on past reputation rather than on present performance? What is our objective—a vital, hard-working nation or do we place a higher value on leisure, with less work and more pay?

To be competitive, our productivity per dollar must match or exceed that of the other countries, where those nations can produce goods or perform services of the same quality. If others can excel by those standards, they will take over the field.

In my view, the great need at this time is to rekindle the Yankee spirit of forging ahead. We must not turn our backs on progress, but foster it. Resolve to meet the competition, and enjoy in running of the race. Keep our technology edge sharp.

Let us not forget that one of the most important elements in our leadership as a nation is our leadership in the transportation field. The requirement of the times is not to slip backward because the going is tough, but to move forward. In the transportation business, there is no other way to go.

AN "EXCURSION" INTO FORESTRY, ECOLOGY, AND NATURAL RESOURCES IN ALABAMA

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. DICKINSON. Mr. Speaker, a great chapter was written in Alabama this month when the Seaboard Coast Line Railroad Co., ran a "Forestry Special" train from Montgomery to Banks in Pike County, where a cooperative field program concerned with forestry, ecology, and natural resources was held. This was the largest and most effective public relations affair that has even been held in Alabama and I am proud that it took place in my district, the Second, in the southeastern area of the State.

Alabama welcomes industry and I can think of no better way to let business and industrial leaders know that the "welcome mat" is always out to them in my State.

On May 13, a special train from Montgomery to Banks carried the Governor, members of the cabinet, members of the State legislature, educators, and business and industrial leaders to a field program where accent was placed on "Quality Environment for the Seventies." This was held on the W. J. Sorrell property.

The guest list, which included top leaders of industry, represented more than 120 businesses and industries from some 25 States and read like a "Who's Who" in American enterprise.

W. Thomas Rice, chairman of the board and chief executive officer of the

Seaboard Coast Line Railroad Co., served as host for this great event.

Upon arrival of the train at the site on this festive occasion, the Troy State University Band beat out a spirited welcome and the program opened with the playing of the National Anthem.

Many local mayors, city councilmen, chamber of commerce officials, local business leaders, farmers and members of the Future Farmers of America were on hand to greet the train and get acquainted with the visiting industrialists.

It was my pleasure to be the congressional sponsor for the occasion—and the man most responsible for the overwhelming success of the program was Robert N. "Bob" Hoskins, assistant vice president—Forestry and Special projects, Seaboard Coast Line Railroad Co., who was the master of ceremonies and overall director of the program which incidentally ran right on schedule. This was a feat in itself, with over 150 business, industrial, and political leaders to be recognized during the 4-hour program. Everyone had a profitable and enjoyable time.

In order to acquaint you with the nature and scope of the subject matter, following is a complete rundown on the program which included men of ability and experience who handled their discussions expertly:

Quality Environment for the Seventies, a Cooperative Field Program Concerned With Forestry, Ecology and Natural Resources, May 13, 1971, Banks, Ala., Sponsored by Seaboard Coast Line Railroad Co.

QUALITY ENVIRONMENT FOR THE SEVENTIES

A Cooperative Field Program Concerned with Forestry, Ecology, and Natural Resources, May 13, 1971.

Location: On W. L. Sorrell property, south edge of Banks, Ala., on State Route 93, along the seaboard Coast Line Railroad.

Time: 9:45 a.m.—Arrival of "Forestry Special" Train from Montgomery.

Introductory Remarks: Robert N. Hoskins, Assistant Vice President, Seaboard Coast Line Railroad Company.

Introduction of Governor: W. Thomas Rice, Chairman of the Board and Chief Executive Officer, Seaboard Coast Line Railroad Company.

Address of Welcome: The Honorable George C. Wallace, Governor of Alabama.

Address: William E. Galbraith, Deputy Under Secretary of Agriculture, Washington, D.C.

Address: C. William Moody, State Forester of Alabama, Montgomery.

Address: Fred Stines, Chairman, Sponsoring Committee, National FFA Foundation, Inc., and publisher, *Successful Farming,* Des Moines, Iowa.

Special Presentations: Bill Cofield, President, Alabama FFA Association, Wedowee.

Introduction of Local Guests and Distinguished Visitors: R. N. "Bob" Hoskins.

DEMONSTRATIONS

Demonstrations: Stations 1 through 8, 10:45 a.m.

Station 1: *Forest Research Pays Off*—Dr. Barry F. Malac, Manager, Woodlands Research, Union Camp Corporation, Savannah, Ga. *Pesticides and Herbicides—The Good, The Bad, The Ugly*—Dr. Roland Laning, Manager, Herbicide Field Research & Development, Dow Chemical Co., Midland, Mich.

Station 2: *Fire—Enemy and Friend*—C. William Moody, State Forester, Alabama Forestry Commission, Montgomery, Ala. *The Small Woodland Owner Must Produce!*—Jim Renfro, Area Manager, Paper Mill Division, Container Corporation of America, Brewton, Ala.

Station 3: *The Truth About Clearcutting*—F. E. Stabler, Woods Manager, Southern Operations, Scott Paper Company, Mobile, Ala. *Site Preparation and Tree Planting*—Donald T. Sonnen, District Manager, Woodlands, Alabama Kraft Co., Mahrt, Ala.

Station 4: *Logging Today and Tomorrow*—B. M. Davis, Director, Logging and Equipment Engineering, Southern Kraft Division, International Paper Company, Mobile, Ala.

Station 5: *Low Cost Housing—Now!*—Dr. Richard F. Blomquist, Project Leader, Housing Research, Forest Service, U.S.D.A., Athens, Ga.

Station 6: *What's Going On In:*

Air Pollution Control—William J. Scheffel, Manager, Industrial Gas Cleaning Department, Metal Products Division, Koppers Company, Inc., Baltimore, Md.

Water Pollution Control—William Haase, Director of Marketing, Monsanto Biodize Systems, Inc., Great Neck, N.Y.

Station 7: *Chemical Products From Trees*—Dr. John S. Autenreth, Manager Technical Service, Hercules Incorporated, Wilmington, Del.

The Booming Market in Disposables—Ivan Miglaw, Marketing Services Manager, Kimberly-Clark Corporation, Neenah, Wis.

Station 8: *Railroading for a Cleaner America*—Seaboard Coast Line Railroad Company, Jacksonville, Fla.

Wildlife and Outdoor Recreation on Private Lands—H. Ray Redmond, Chief, Game Management, Gulf States Paper Corporation, Tuscaloosa, Ala.

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Introduction of Distinguished Visitors: 12:35 p.m.—R. N. "Bob" Hoskins

Introduction of Principal Speaker: W. Thomas Rice

Address: Henry G. Van der Eb, President and Chief Executive Officer, Container Corporation of America, Chicago, Illinois

Introduction of Congressional Host: W. Thomas Rice

Address: The Honorable William L. Dickinson, U.S. Representative, Second Congressional District of Alabama, Washington, D.C.

Luncheon: 1:20 p.m.—Courtesy Seaboard Coast Line Railroad Company

Special Events During Lunch: *Aerial Fertilization Demonstration*—Bartlett Tree Improvement Company and U.S.S. Agri-Chemicals, Division of U.S. Steel Corporation

Environmental Air Evaluation Unit, Southeastern Area, State and Private Forestry, Forest Service, U.S.D.A.

Harvesting Display—International Paper Company

Conclusion: 2:15 p.m.—Departure of Special Train for Montgomery

3:45 p.m.—Arrival of "Forestry Special," Montgomery

COOPERATING COMPANIES, ORGANIZATIONS, AND INDIVIDUALS

Alabama Association, Future Farmers of America
Alabama Forest Products Assn.
Alabama Forestry Commission
Alabama Kraft Co.
Bartlett Tree Improvement Co.
Container Corporation of America
Dow Chemical Co.
Forest Service, U.S.D.A.
Gulf States Paper Corp.
Hercules Incorporated
International Paper Co.
Kimberley-Clark Corp.
Koppers Co., Inc.
Men of Montgomery
Monsanto Co.
Montgomery Chamber of Commerce
National FFA Foundation—Sponsoring Committee
Scott Paper Co.
Southern Forest Institute
Troy Bank and Trust Co.
Troy Chamber of Commerce
Troy State University
Troy State University Band
U.S. Department of Agriculture
U.S.S. Agri-Chemical Division of U.S. Steel Corporation
Union Camp Corporation
W. J. Sorrell

With the expertise of a ringmaster, Hoskins got the program off to a fast smooth clip at a pace to be sustained with precision for the next 4 hours. In his opening remarks he sounded the keynote, setting the stage for the program to follow. At the conclusion he presented the official host, W. Thomas Rice. Prime F. Osborn, III, president of the Seaboard Coast Line Railroad, in turn, introduced the Honorable George C. Wallace, Governor of Alabama.

Commentary on "Quality Environment for the Seventies"

(By: Robert N. Hoskins, Assistant Vice President—Forestry and Special Projects, Seaboard Coast Line Railroad Co., Richmond, Va.)

Today the quality of our environment is uppermost in our minds and the means of bettering it in our time has become an obsession with us. The obstacles are of our own creation largely, since the surrounding air, water and land seemed to have an inexhaustible capacity for absorbing waste without noticeably bad effects. All of us, consciously or unconsciously, have contributed to the pollution problems that can no longer be ignored. Some enterprising research has brought about a whole new approach. We now regard the air we breathe, the water we use and the lands around us as so essential to our well being that they must be maintained at their highest level if we are to survive. Upon taking a new look at these basic elements of our environment, we must face up to the need for closer cooperation among ourselves, for better communication to help us understand our problems and work together for a better way of life. All right-thinking people acknowledge the invisible bond that links together the dead, the living and the yet unborn. Our best efforts today which spell action, coupled with faith in the future, will lead to a better tomorrow. If we anticipate success, and work at it, progress is inevitable.

Our Cooperative Field Conference today places great emphasis on "Quality Environment For The Seventies" and is a tangible evidence of our company's concern for the finer aspects of our existence through an examination of the facts. Again, as in the past, we are most fortunate in having top talent assisting us in today's presentation, representing leadership from business and industry as well as the State and Federal government. This marks the twenty-seventh consecutive year that our company has pioneered in sponsoring these field programs.

The host for our program today is well known in the field of Transportation throughout our country. He is a native of Virginia and a graduate of Virginia Polytechnic Institute. Wherever he begins, he always rises to the top. He has, in fact, served as President of three railroads—including Seaboard Coast Line Railroad, where he is now Chairman of the Board and Chief Executive Officer. In addition, he is a Major General in the U.S. Army Reserve. He is not only an outstanding leader, but one who is held in high esteem by all who know him. He takes an active interest in youth programs and has been honored by Junior Achievement, the Future Farmers of America and the Boy Scouts of America. Recently he was called on to serve on the White House Conference on Youth.

It is a privilege for me to present to you at this time—your friend and mine—W. Thomas Rice.

Following the Governor's outstanding Address of Welcome, several noteworthy presentations were made—three of which are as follows:

First, by William E. Galbraith, Deputy Under Secretary of Agriculture:

Remarks Made by William E. Galbraith, Deputy Under Secretary of Agriculture, Washington, D.C., Seaboard Coast Line Railroad Co., Cooperative Field Program, May 13, 1971, Banks, Ala.

Governor Wallace, distinguished guests, ladies and gentlemen: I am indeed honored to represent Secretary Hardin at this field program sponsored by the Seaboard Coast Line Railroad Company. We in the Department are dedicated to the proposition that public and private cooperation—as exemplified by this program today—is essential to meet the needs and desires and aspirations of all our people. Mr. Rice, we congratulate you and your company for the leadership you have displayed and are showing to make America a better place in which to live.

I would feel remiss if I did not also congratulate the State of Alabama and its people for outstanding progress in developing and protecting its forest resource.

Forest industry is very important in Alabama. It ranks as the second largest industry in the State. It contributes over a billion dollars annually to the State's economy. It provides over 100,000 jobs.

Alabama ranks second in the South in pulpwood production. It is the home of 14 pulpwood mills, 17 papermills, 5 pine plywood mills, and countless sawmills and other wood using industries.

To support these forest-related enterprises, Alabama has nearly 21 million acres of commercial forest lands. It is in a leadership role in fire protection with 100% of its State and private forest lands under protection. Alabama's forest nurseries have a capacity of producing well over 100 million seedlings per year.

These figures are impressive. They indicate what can be done when industry and private landowners and the State and Federal governments work together. They are exemplary of the relationships that this Administration stands squarely behind.

Forestry is also a major responsibility of the Department of Agriculture. The Forest Service, in addition to managing the National Forest System, works through the State Foresters to provide many kinds of assistance in the protection and development of State and private forests. It also engages in a broad program of forestry research.

Against this background, the Department of Agriculture does become involved with timber and forestry problems in a major way. I am told that the interest in this area, in the President's office, in the executive agencies, and in the Congress, is greater now than at any time this Century.

Much of this interest concerns timber supply versus anticipated demand.

Much of it also revolves around our increasing commitments to restore and enhance our environment. These two aspects are indeed interrelated. Our country faces a monumental task during this decade in building homes and cities, and replacing or rebuilding much which we now have. During this same period, the forest industries will encounter increasing competition from non-timber uses of forest lands.

Major opportunities to meet timber demands in the immediate future may be found in the National Forests as well as opportunities to meet other needs. But in the long run, the Nation will have to rely on private timber ownerships more and more to meet its timber requirements. We must not delay in the aggressive development of these private holdings. This is especially important in the South, with its preponderance of private woodland holdings.

The President has directed Secretary Hardin to develop plans to increase the production and harvesting of timber on State and private lands, consistent with the maintenance of environmental quality. We will put our best talent and effort towards meeting his directive.

Finally, I would also be remiss if I did not mention the Administration's Great Goals for the Nation, specifically those which deeply involve forestry. The first of these is governmental reorganization. Among other changes, the President has proposed a Department of Natural Resources which would include the Forest Service, the Soil Conservation Service, and several research elements now housed in USDA, as well as agencies from other Departments whose missions are natural resource oriented.

In another Great Goal, the President has proposed a special revenue sharing program for rural community development. Categorical programs involving cooperation with State forestry agencies, the Rural Environmental Assistance Program, and several other conservation programs would be combined into a single package.

In making these proposals, the President anticipated opposition. But he feels strongly that these changes must be made to meet the needs in the years ahead.

I urge that you evaulate the President's proposals with care, that you discuss them thoroughly with others, that you consider the needs of our Nation rather than viewing these changes purely from the viewpoint of constituency groups. The President has asked that this be done. And as you study these proposals and the other Great Goals, I think you will reach the same conclusion I have—that President Nixon has laid the basis for a rekindling and refiring of the spirit of America that has served us as a Nation so well for nearly 200 years.

Second, by C. William Moody, State Forester of Alabama:

Remarks Made by C. William Moody, State Forester, Montgomery, Ala., Seaboard Coast Line Railroad Co., Cooperative Field Program, May 13, 1971, Banks, Ala.

Governor Wallace, distinguished guests, ladies and gentlemen: In the late 20's and early 30's, the hills and valleys of Alabama lay bare and eroding—our streams ran red with silt and mud.

Alabama was the victim of a cut-out, get-out policy—the prevailing policy at the time. Private landowners could no longer afford to own and pay taxes on this barren land. Much of the land reverted to the Government in lieu of taxes.

Today, two out of every three acres in Alabama are covered by forests which bind the land together and diminish the detrimental effects of wind and water on our countryside.

These forests benefit Alabamians in many ways:

They recharge underground water supplies.

They control erosion on our hillsides and prevent silting of our streams.

They contribute clean unpolluted water to our tremendous water supply.

They provide outdoor recreation for millions of our citizens and visitors.

They contribute to the quality of the environment by providing beauty in our countryside, by converting carbon dioxide into purified oxygen, and in many other ways.

Our forests support the second most important industry in Alabama. This industry generates over one billion dollars' worth of business annually and provides jobs for close to 100,000 Alabamians.

The picture that forestry in Alabama presents today did not happen by accident. Many factors have contributed to this evolution.

Federal co-operative programs sponsored by the Department of Agriculture such as the soil bank, ACP program and now the REAP program have helped.

The political leadership in Alabama has been a very significant factor. During Governor Wallace's former administration, a substantial part, if my figures are correct, Governor, over one-half billion dollars' worth of the forest industry we have now came to Alabama.

Co-operating agencies such as the extension service, SCS, USFS have contributed.

Forest industry has helped by properly managing their lands, by providing technical advice and assistance to landowners and by providing a market for small landowners' products.

Our fine transportation system which includes our good highway and a good rail system have made a substantial contribution.

The Forestry Commission and its predecessor, the Division of Forestry in the Department of Conservation, has helped by coordinating fire protection and providing management assistance to small landowners.

We must not rest on our laurels. We must plan for the future. Products needs from Alabama's forests will double in the next thirty years. Recreational needs will increase many fold. Environmental demands will become increasingly important.

We are still having 10,000 wildfires burning 150,000 acres annually in Alabama with a loss of 55 million dollars potential business generated. Damage to the environment, watersheds, recreation and wildlife cannot be measured in dollars and cents.

Non-forest-industry, non-government owners who own 18 of the 22 million acres of forest land in Alabama are producing only about one-half the forest products they are capable of producing. There must be a substantial increase in the contribution these owners make in the production of products as well as contributions to environmental quality, recreation, wildlife, etc.

The Forestry Commission is charged by law with the responsibility of representing the people in the establishing, protecting and developing of her forest resource. Within this charge, we suppress fires and serve the needs of the private landowners to the maximum of our ability with the resources available to us.

An investment in forestry in Alabama is an investment in her future. We, in the Forestry Commission, pledge to utilize all resources available to us now and in the future to the maximum in helping to insure that Alabama's forests realize their potential. This potential when realized will double the size of the present industry and serve all the needs of the forests by our citizens and visitors now and for generations to come.

Third, by Henry G. Van der Eb, president and chief executive officer, Container Corporation of America, who delivered the principal address:

Remarks of Henry G. Van der Eb, President and Chief Executive Officer, Container Corporation of America, at Cooperative Field Program, "Quality Environment for the Seventies," Sponsored by Seaboard Coast Line Railroad, May 13, 1971

It is both a pleasure and a privilege to be here with you today to share this unique and interesting environmental experience. It's a pleasure because the beauty, productivity, and utility which characterize the environment you have fostered here, stand in such marked contrast to the problems associated with so much of the rest of our environment. It is also pleasant to be here as the guest of such a gracious host as the Seaboard Coast Line Railroad—and I'd like to thank Tom Rice and his associates for providing this rare opportunity for the representatives of government and business to get together, and for the occasion to meet Governor Wallace, so many state government officials, and members of the Alabama Legislature.

Part of the reason meetings like this don't happen often enough probably stems from the way business and government regard each other. Businessmen tend to regard government as a partner in their business enterprise—a partner that is privileged to share the profits without having to share the losses.

In the eyes of government, on the other hand, business leaders always seem to be looking for ways to get more business in government and less government in business. The late Will Rogers probably defined the problem more precisely when he said that "the business of government is to keep the government out of business—unless business needs government aid."

Another reason I feel privileged to be a part of this program is the same reason that our company has felt privileged to be a corporate citizen of Alabama. You have made us feel at home here. You have manifested cooperation and understanding in numerous ways—and you have the unusual faculty of making a guest feel like an honored guest—and an industry feel that it is a welcome part of a community.

This important intangible was a significant factor in our company's decision to build our paperboard mill in Brewton in 1962, to more than double its capacity eight years later, and to invest an additional $10 million currently to further enhance our production capabilities there.

These same qualities, on a broader scale, explain why our industry, and industry generally, has been attracted to the southeast. It is because we have been able to work together, to plan together, and to progress together.

The principal reason that the south has a thriving paper and forest products industry is that you have encouraged and maintained a climate in which this industry can successfully exist.

Enlightened legislative action has made it possible for the forest products industry, tree farmers, and other private landowners to make the long-term investment which timber growing requires, with a reasonable expectation of earning a return on this investment.

The recent Alabama tax law which exempts growing timber from ad valorem taxes, and bases taxes on land values only, should help encourage additional investment in forest lands. While this kind of positive governmental action is *important* to the health of the entire forest industry, it is *vital* to the economic well being of the small landowner.

It complements the activities of companies such as ours, whose corporate policies recognize the importance of the individual landowner, are dedicated to helping him grow and prosper, and provide him with assistance in managing his lands to obtain maximum timber growth and yield. By complementing our efforts in this direction, your governmental actions have made it possible for the small landowner and pulpwood farmer to continue to be a dominant force in the forest products industry.

By recognizing the potential of the contribution that good forest management and the various segments of the forest products industry can make to the economy, in terms of productivity, employment, and tax revenues, the southeastern states have increased the amount of land devoted to growing the nation's only renewable resource.

An area that had once been "written off" because its virgin forests had been timbered, has managed to grow a second forest on these cut over lands.

This forest, as many of you know, is making it possible for Alabama to produce more than a billion board feet of lumber each year and to supply pulpwood to our Brewton mill and a dozen similar operations, which last year together produced some 3½ million tons of pulp and paper products. This same kind of enlightened, cooperative action is making it possible for us to grow our third forest and to plan for our fourth forest of the future.

A similar level of enlightenment in the area of water quality has fostered a climate in which state authorities have worked very closely *with* industry in finding solutions to the problems of pollution long before the subject became popular with the press and environmental activists.

Many of the demonstration projects we have seen here this morning provide evidence of the progress which has resulted from our cooperative endeavors—progress in conservation—progress in land and resource management—progress in the direction of multiple use of forest lands.

The timber lands in the southeast are among the most intensively managed lands in the country. These same lands provide valuable watersheds, help control erosion, create a shelter for wildlife, and furnish recreational facilities for our citizenry. All of these are important by-products of the forests—a natural resource which is vital to our economy.

Many of these demonstration projects also serve as a reminder of the potential which exists for future progress—if we can all *continue* to cooperate, communicate, and move forward together in a rational way. I am confident that we will be able to continue to work together to achieve our common goals. As one reviews the fruits of our past cooperative efforts, it may be difficult to envision how it could be otherwise.

However, the threat exists. It is unreasonable, but it is very real. The threat exists because of the growing tendency of government to respond to the demands of the vocal few at the potential expense of the many.

The threat exists because of the pressure approach and scare tactics being used by special interest groups who delude themselves, and others, into believing that their *special* interests are consistent with the *public* interest.

The threat exists because of the tendency of the general public and, understandably, government in particular, to over-react and over-respond to situations which our news media often convert overnight into apparent national crises. This is frequently compounded by those political opportunists who make a habit of climbing on the bandwagon of concern whenever a crisis occurs, proposing simplistic solutions before the problem is thoroughly understood.

In our own industry, we see similar threats being posed by those who perpetuate the myth that it takes forever to grow a new tree, and that any portion of a forest which is harvested by man, instead of by nature, is lost forever.

Potential threats are being posed by various groups which would restrict clear cutting and tree farming and curtail other essential forest management processes, because they do not view these industry practices as being totally consistent with their own particular interests.

While no outdoor enthusiast can subjectively or popularly question the idealism of the wilderness preservationists, there *are* practical limits to the concept, if we are to attain a reasonable compromise between turning the clock back to Thoreau and meeting the requirements of Twentieth Century society.

In addition to the problems which are peculiar to our own industry, we are receiving our share of the harassment which business in general is experiencing from the exaggerations of ecologists, the complaints of consumerists, and the growing and conflicting demands of our burgeoning bureaucracies.

The technological and ecological problems confronting industry in its attempts to control air and water pollution are of sizeable dimension—these are complicated considerably by changing laws, regulatory agencies often operating at cross purposes, constantly shifting standards, and the lack of jurisdictional definition.

Industry finds itself in the dilemma of making substantial investments in systems to meet or exceed current air and water quality standards, only to run the risk of facing tougher and expanded new laws which can obsolete these investments prematurely.

Many companies have also discovered that their involvement with air and water quality problems requires them to deal with two separate agencies each at the city, county, and state levels, plus a number of federal agencies.

Industry, of course, is not the only victim of governmental over-regulation. Government is over-regulating itself. In a recent study, conducted by a management consulting firm, on six State of Ohio departments, it was discovered that federal agencies required these departments to submit almost 100 thousand reports each year, and that report preparation time was equivalent to 250 full-time employees at an annual cost of 2.6 million dollars.

Extrapolating these results to all state agencies in fifty states indicates an expenditure of hundreds of millions of dollars on cumbersome and often unnecessary paperwork. These numbers are overwhelming, even to those who are fortunate enough to produce the paper used.

The cost and attendant waste, to those of us whose productive efforts are taxed to finance them, are a substantial burden.

Added to the economic burden, is the considerable time and attention that management must devote to responding to the demands of these and other non-productive elements. For example, compliance reporting for the recent wave of social legislation is considerable, and judging from some pending legislation, shows every indication of increasing as time goes on. Meeting the demands of government agencies, and responding to those of ecologists, consumers, and other self-appointed keepers of the corporate conscience, is an endless and very expensive requirement in today's complex economic climate.

Superimposed on these are the inexorable pressures of organized labor in their quest for constantly higher wages, and constantly increased benefits, for fewer people employed, in an era of declining productivity.

These are the problems confronting management of companies in the basic industries. These industries provide the entrepreneurial ingredient and make the risk decisions so vital to the success of our capitalistic system.

These industries are the productive core that supports an ever-expanding bureaucracy and the large non-productive element in society which appears to be growing even more rapidly.

We must recognize the contribution that the producers make to our society. We cannot continue to tax the producing abilities of the few to meet the expanding demands of the many.

The situation is painfully reminiscent of the fable of The Goose with the Golden Eggs. The situation that I am describing, unfortunately, is not a fable, but a real and distressing threat to the continued progress of America.

In our own industry, we are faced with the additional problem posed by a constantly lower rate of return on our investment. At the same time, the pulp and paper industry is growing more capital intensive, as higher levels of investment are required for new production equipment and increasingly more sophisticated pollution control processes.

The cost of mill construction has risen markedly in recent years, partly because of inflation, but primarily because contractors are finding it almost impossible to hire construction workers who are willing to produce commensurate with their monetary demands and work practices. This high cost of construction has already curtailed and, in the future, could well preclude planned expansion in our industry, unless solutions can be found.

Irresponsible accusations may make news, but they make no provision for progress. As James Roche, chairman of General Motors Corporation, recently stated, and I quote: "The search for scapegoats leads away from personal responsibility and into self-excuses. It is the other fellow who is at fault. It is the government. It is business. It is, in short, 'they', the mysterious 'they' who pollute the air and water, who sell poorly made products, who are guilty of intolerance, indifference, or inaction. It is 'they' who are responsible—never 'I'."

My purpose in enumerating these various areas of common concern is not to carp or complain, despite the fact that this is apparently the successful technique of the day. My aim, rather, is to emphasize the obvious need for the development of a pervading sense of responsibility to replace the disjointed and inconsistent efforts in many areas, and the growing degree of irresponsibility which is at the core of many of the problems which are creating the disunity in our society.

We cannot progress until or unless we recognize that each of us shares the responsibility for solving the social and economic problems facing this country. The "we" that I refer to includes all of us. It includes government, industry, and labor. These are the forces which have been responsible for our past achievements—and together, in our free enterprise system, have enabled us to achieve a standard of living unequaled anywhere. These three must form a "coalition of responsibility" which will enable us to continue to progress. Industry cannot accomplish this by itself. Neither can government. Neither can labor.

We cannot solve our common problems through unilateral action which does not attach sufficient importance to the problems of the others. What is needed is a recognition that the goals, ideals, and aspirations which we share in common are greater than the differences which separate us. What is needed is a sense of mutual responsibility and an application of reason—to replace the irresponsible sniping and unreasonable claims and counterclaims that seem so characteristic of today's climate.

What is needed is a set of priorities for solving our mutual problems with a minimum level of economic waste and confusion.

Each of us can contribute to this "coalition of responsibility." The business sector must be more sensitive to and appreciate the changing tenor of public criticism. We must maintain our perspective, separate, with cool heads, the soundly based from the emotional or unfounded, adopt broader attitudes about our social responsibilities, and must act accordingly.

Through responsible action, we can reestablish the traditional image of the constructive role of business in our society despite the current hostility of many. If we do not, we can expect to see the people looking more and more to the federal government to protect them from the selfish irresponsibilities of some business. We must continue to improve our technological capabilities, increase our efficiencies, and continue to combat inflation in every possible way.

With the heavy representation here today of the pulp and paper and railroad industries, I should like to remind this group of the considerable progress which has been achieved through cooperative programs between these two industries over the past few years.

As an illustration, through willing and consistent effort by the Seaboard Coast Line Railroad, our own company has developed a remarkable record in lowered demurrage and in the achievement of improved loading levels in boxcars. In 1970, we shipped 262,500 tons of paperboard from our Fernandina Beach, Florida mill.

In the past decade, our average weight per car increased from 40 tons in 1960 to 52½ tons in 1970. Through better car utilization resulting from improved scheduling, increased roll diameters, and better load patterns, we saved the equivalent of 1,562 boxcars last year. The Fernandina Beach, Fla., mill has gone four years without paying any demurrage and, while the average boxcar in the U.S. transports 1.3 payloads per month, Fernandina ships 1.8 payloads per month, translating into six additional revenue loads per car per year.

The most recent statistics published by the I.C.C. indicate a national damage cost of 1.92% of railroad gross revenues. Fernandina's per cent of damage to freight revenue paid is only .05%.

There is still much to be done in the areas of better utilization of equipment, faster turn-arounds, more rapid moving of freight, and in the development of more realistic and economical rate schedules, but these accomplishments indicate what can be done through well motivated intelligent cooperation.

The principal contribution which labor leadership can bring to the coalition is constructive and responsible use of its almost monopolistic powers. The exercise of restraint on wage increases beyond the levels of improved productivity is essential to curbing inflation. With labor's help, we must foster an innovative approach to higher productivity generally, and we desperately need to reinfuse in the working force a sense of fulfillment and satisfaction in a job well done, and a sense of pride in the products which it produces. The unskilled, if they are to be absorbed by industry, need training and, by far, the most productive training is on-the-job experience. It is here that the rank and file of organized labor have a responsibility to teach their skills to the new man on the job. Industry cannot bear the total training cost alone.

The Occupational Safety and Health Act of 1970 was strongly backed by organized labor. The level of safety in any plant is a function of the attitude and commitment of the people involved.

It is not something which can be guaranteed through legislation alone. Here, again, if organized labor will face up cooperatively to the inherent problems in implementing the Act, compliance will be possible. Any other approach can create nothing other than an administrative nightmare for all concerned.

The reduction of waste in the production process is another obvious and critical area for potential industry-labor cooperation.

The principal contribution that government can bring to this coalition is balance between otherwise conflicting elements. The need to preserve the environment, for example, must be balanced with the needs of the people—all of the people. This requires a willingness to work with industry in solving problems, rather than telling us what to do without regard to the practical problems involved with our accomplishing change. It calls for application of the rule of reason to taxation, depreciation, legislation and regulation. It includes the establishment of reasonable deadlines for meeting new or changed regulations.

Most immediately, it calls for a simplification in our relationships with federal, state, and local agencies, not only in regard to pollution, but also in terms of social legislation.

This is a time for understanding. This is a time for reason and responsibility. Now is the time for cooperation.

We all share a common concern about the quality of our environment and about the inequities and injustices which still exist in our system. We all recognize the need for creating more job opportunities, and providing all of our citizens with a level of education, health, welfare, and general well being that is so essential to the quality of life enjoyed by most people in this country. By working together, we can assure continued growth in a healthy direction, if each of us will but keep in mind this observation handed down to us by Daniel Webster: "Nothing will ruin the country if the people themselves will undertake its safety; and nothing can save it if they leave that safety in any hands but their own."

Recognition was given that day to four outstanding leaders by Bill Cofield, president of the Alabama Association of Future Farmers. Those recognized for their efforts in behalf of the rural youth of America were:

First. Fred Stines, chairman, Sponsoring Committee, National FFA Foundation, Inc., and Publisher, Successful Farming, Des Moines, Iowa;

Second. William E. Galbraith, Deputy Under Secretary of Agriculture, Washington, D.C.;

Third. Henry G. Van der Eb, president and chief executive officer of the Container Corporation of America, Chicago, Ill.; and

Fourth. Prime F. Osborn III, president, Seaboard Coast Line Railroad Co., Jacksonville, Fla.

I would like to take this means to say thank you to all who made this outstanding program possible. The efforts put forth that day point up clearly that our problems can be solved by peaceful demonstrations fulfilling our basic need for communicating with each other. The leadership shown by Mr. W. Thomas Rice and those who cooperated with him in this endeavor is indicative of the type of leadership needed if we are to solve the problems facing us in bringing about "quality environment for the seventies." One railroad's "good neighbor" policy has made a lasting impression.

Cooperating with Seaboard Coast Line Railroad in their all-out efforts in behalf of better living in this decade were: Alabama Association, Future Farmers of America; Alabama Forest Products Association; Alabama Forestry Commission; Alabama Kraft Co.; Bartlett Tree Improvement Co.; Container Corporation of America; Dow Chemical Co.; Forest Service, U.S. Department of Agriculture; Gulf States Paper Corp.; Hercules Inc.; International Paper Co., Kimberly-Clark Corp.; Koppers Co., Inc.; Men of Montgomery; Monsanto Co.; Montgomery Chamber of Commerce; National FFA Foundation — Sponsoring Committee; Scott Paper Co.; Southern Forest Institute; Troy Bank & Trust Co.; Troy Chamber of Commerce; Troy State University; Troy State University Band; U.S. Department of Agriculture; U.S.S. Agri-Chemicals Division of United States Steel Corp.; Union Camp Corp.; and W. J. Sorrell, on whose property the program was held.

COMMANDANT U.S. MARINE CORPS ADDRESSES ARMED FORCES DAY LUNCHEON, DALLAS, TEX.

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. TEAGUE of Texas. Mr. Speaker, it was my privilege to attend the Armed Forces Day luncheon in Dallas, Tex., where Gen. Leonard Chapman, Commandant of the U.S. Marine Corps, delivered the main address. Under leave to extend my remarks in the RECORD, I include the text of General Chapman's remarks:

REMARKS BY GEN. LEONARD F. CHAPMAN, JR.

It's good to be with you today, here in Dallas, here in Texas.

Being a Marine I feel very much at home in Texas. Not that I've ever actually lived here. The closest I've come to the pleasure is the several months I spent in training at the United States Army Field Artillery School up at Fort Sill, in Oklahoma.

Now I want to assure you, I'm not comparing anything outside of Texas with Texas. Marines may claim a tradition of bravery, but we are definitely not foolhardy.

Anyway, my days at Fort Sill were as a young Marine second lieutenant, a very long time ago. So long ago, in fact, I'm not sure that Mister Neiman ever knew Mister Marcus.

No, I don't feel at home in Texas because I've lived here, but because so many Texans have lived as I've lived. I've been a marine for most of my life, and in that time I've known thousands of Marines from Texas. They've all been the very best. In everything they've done they've always set an example of patriotism, courage, and devotion to duty. I think this is because Texans have always been purposeful people, and the Texans I've known as Marines never lost sight of their purpose: service as Marines in the defense of their country.

So this is a good place to be on Armed Forces Day, because I'm here to talk about defense, American defense. And I'm going to talk about service, too; and, ladies and gentlemen, that *is* our defense.

But in doing this I'm going to try to *not* talk too much about Texans or Marines, specifically. That would be easy to do. I am a Marine, and it's Marines I know best. You are Texans, and it's Texans you know well. But we share a greater distinction, you and me, and all the people of this land who are the serving and the served. We are Americans. So I'm going to talk about the Americans who serve our defense in all our Armed Forces: the Army, the Navy, the Air Force, the Coast Guard, and the Marine Corps. I'm going to talk about the Armed Forces of the United States as a single, effective, and dedicated instrument of American defense. An instrument that *is* effective, and can remain effective only through dedicated service.

VIETNAM, AN ERA IN HISTORY

To speak of dedicated service in 1971 is to speak of American fighting men in Vietnam. I don't know what historians will say about Vietnam, or how they will say it. But as a Marine, a working member of our American Defense Team, I have seen our team go to Vietnam, I have seen their work, courage, and sacrifice, and I have seen what they have accomplished.

From the coastal sea where both Navy men and Coast Guardsmen served at sea; into the Delta where American Sailors manned and fought their gallant little gunboats and troop carriers, and where American Soldiers fought an infantry war up to their waists in brown water; to the mountains and plains of the Republic of Vietnam's military Region I, where other American Soldiers and Marines of the III Marine Amphibious Force fought regulars and guerillas alike; and in the sky, where American Airmen flew sortie after sortie—I have seen what these young Americans have accomplished.

Our mission, when we landed there more than six years ago, was to give the people of the Republic of Vietnam the opportunity to determine their own destiny. Our effort in Vietnam was a test, a severe test, to determine the feasibility of halting aggression without the destruction of the aggressor nation. We had no desire to destroy a country. Our mission was to insure that another country would be left to its own determination. This war was an effort to reestablish that self-determination by making it unprofitable for one nation to impose its will on another. But it has taken great restraint and an extremely temperate application of power. The young Americans, through their bravery, dedication, and service have accomplished this.

In 1965 the rivers of the Republic of Vietnam couldn't be fished. The paddies and the fields couldn't be farmed. The outlying communities couldn't be supplied or carry out normal commerce, and the people had three choices: submit, die, or survive in terror.

Most of the time only one of these choices was offered. The blood of thousands of hamlet, village, district, and province leaders ran in the fish-filled rivers. Land, the richest in Asia, lay fallow; denied to the farmers through terror and destruction. Doctors, nurses, teachers, lawyers, and freely elected officials and their families and friends were murdered by the Viet Cong if they showed any promise, or simply as examples in a rule of terror.

The Armed Forces of the Republic of Vietnam, trying to fight a defensive war within their own boundaries, were at the tactical mercy of an enemy that moved freely back and forth across borders to safe sanctuaries.

But there were no sanctuaries for the people of the Republic of Vietnam. Communities had been cut off. Commerce had stopped moving over roads that were mined and ambushed, or destroyed.

Now, after more than six years of the toughest kind of war—a war fought by strictly one-sided rules—American fighting men are leaving that country. Just as an example of how fast they are leaving: Of a top Marine Corps strength *in Vietnam* in 1968 of 87,000 Marines; we are now down to 12,000 Marines actually left in that country, and that figure is growing slimmer every day.

And what have we accomplished?

In areas where not long ago combat was a daily occurrence, fishermen ply the rivers, farmers harvest their work, commerce moves, the people speak and vote, and *their* armed forces defend them.

We call all of this Vietnamization, I don't know what historians will call it.

No, I'm not sure how historians will describe all of this; but of the young Americans who patrolled, flew, guarded, fought, and sacrificed through these six years and more—of these young men they can only say: "They accomplished their mission. They did their duty."

And I'm sure their detractors will also find proper recording.

AFTER VIETNAM, WHAT NEXT

But the war in Vietnam is not yet over. Fighting still goes on, and some American units still do their duty in that country, even though the people of the Republic of Vietnam have taken charge of their destiny.

Now the major issue still stands: And end to armed conflict in Southeast Asia. Well, the quickest path to this hope is successful negotiations in Paris. And every effort is being made there, as elsewhere, to fully begin the President's goal of a generation of peace through meaningful negotiations.

But now, as Vietnamization becomes fact, and work continues toward a truly meaningful dialogue in Paris, we must look to the future. We must look beyond Vietnam.

Since the beginning of our major commitment in Vietnam, more than six years ago, we have seen many changes in our country, and our world. But one thing has not changed, and that's the continuing need for American defense.

Changes in our civilization are not unique to our time. The history of the world is a chronology of change. But history also lists some very realistic facts. In the 5,500 years of recorded history, there have been only 230 years of peace. In the history of our own country, there have not been 20 years in which one of our Armed Forces was not required to be engaged in some military campaign or operation, in the application of American defense.

Recently the National Science Foundation completed a study in the causes of war. The purpose of the study was to develop a thesis for the prevention of armed conflict. The thesis has not yet been developed, but the facts and figures from their study are precise and detailed. In one hundred and fifty years, from 1816 to 1965, there have been 93 international wars. In that same period, counting the Korean War, the United States has had to fight in 6 major wars. At this point I will not make a statement, but will pose a question: What would have happened to our country, and the world, if we had lost any one of those wars?

Because Americans have grown weary of war and the need to defend against armed aggression other nations have not diminished in their power to make war. This is reality.

In facing this reality we must face changes in our country and in our world, but we must also look at what we have done to see clearly what we must do.

Because of our nuclear superiority of the 1950's, we were able to block armed aggression through a strategy of massive retaliation. In the 1960's this was replaced by what was called "assured destruction and flexible response." It was this strategy that gave President Kennedy the ability to make his stand in the Cuban missile crisis. At that time we still had a four or five to one nuclear superiority. And we were unchallenged as the strongest seapower on earth.

But this is the decade of the 1970's. And in this new decade we see neighbors in our uncertain world growing more powerful.

The Soviet Navy challenges our strength at sea in all the corners of the world. And nuclear power for defense is no longer our monopoly. Now, in the 1970s, we need a strategy which can effectively deter not only nuclear war, but all levels of armed conflict. It is this need, faced in the light of reality, that has led our country to adopt *The Strategy of Realistic Deterrence.*

The strategy of the 1970's called realistic because it takes into account all of the major realities facing the United States as a part of a super-modern world. It faces the glaring reality that the United States by itself cannot provide realistic deterrence on a global scale.

The three basic realities that face our Armed Forces in implementing this new strategy are:

Strategic Reality.
Fiscal Reality.
Manpower Reality.

Strategic reality requires taking into full account the tremendous growth in Soviet military and naval strength. From a position of clear inferiority in the early 1960's, to the near parity of today, the Soviet Union has reached a level of armed sophistication in all fields. Primarily a land-based military force throughout history, Russia now stretches her power in the air, in space, and at sea. This last power is especially significant. Backed up with a full nuclear armory, the new Soviet seapower adds total dimension to Russian influence throughout the world. And in this same area of reality, we must give full value to the emerging nuclear capability of the Peoples Republic of China.

In facing *fiscal reality* we must accept the fact that American defense costs American dollars. If we are going to fulfill our hope for a full defense and economy, we must be sure we are gaining full quality for every dollar spent.

Manpower reality is the most complex and demanding factor in maintaining our defensive strength. It is a direct result of two things: fiscal reality, and reality of human nature.

On the financial side of manpower we are facing a great deal of expense. In FY 1972, 52 percent of the total defense budget is allocated to military pay and associated recommended pay increases. In the next few years it may well go even higher. By 1974 manpower will take 60¢ of every dollar spent for American defense. This is compared to 43¢ of the defense dollar of 1964.

Even though we are reducing the number of men in uniform, the cost of maintaining a strong, healthy Armed Forces is going up. There is one major reason for this—an end to the draft in the near future.

COUNTING ON VOLUNTEERS

Now speaking strictly as a Marine, an end to the draft does not strike terror among Marines. Marines like their Corps small, though, well disciplined, and certainly all volunteer. In fact the Marine Corps has anxiously awaited the time we could reduce our overall strength. For more than a decade before our commitment in Vietnam, our Corps kept its strength at about 200,000 Marines. The war required that we grow, and grow we did, to a top wartime strength of 317,000. Now we are down to about 212,000 and growing even leaner. And leaner is what we want to be.

We have approval for an eventual tough, lean strength of 206,000 Marines. With this strength we can fully man our three Marine divisions, three Marine aircraft wings, and all supporting units.

With 206,000 active Marines in the three regular Marine divisions and aircraft wings, and 45,000 reserve Marines in the reserve Marine division and aircraft wing, we can keep our fleet Marine Force formations combat ready and still rotate, train, educate, and prepare the individual Marine without sacrificing professional quality. And all Marines know that the key to maintaining professional quality is the individual Marine.

For nearly two centuries we've kept our standards high and our ranks small. We're a tough club to join, a tough team to make. And that's exactly how we're going to keep it. If everyone could be a Marine we wouldn't be "The Marines." We want quality not quantity; we're not looking for a lot of Marines. We want a few good men.

We want men who are proud of their country, and who want to serve it in a proud Corps. We want men who aren't conformists, but who are disciplined individualists who believe in principles because they have made the decision themselves, not followed a fad.

We want good men who know that war isn't a game. We want men who feel that while nobody likes war, or wants war—somebody has to know how to fight to win. We want these good men and we'll make them better.

We're open, and we're looking, for a few good men. And we're finding them.

We're continuing to train Marines the way we've always trained them. No compromises, no shortcuts, no promises except one: They'll be Marines, and all that title bestows. And they'll stand with other men of that quality, other Marines. And each one will be an individual, one of the few, one of the very finest.

This is the type men we must have in the Marine Corps. By our very nature we must be prepared to fulfill our purpose in the ultimate test of combat. We must be ready to go anywhere, anytime that our Commander in Chief may order. We must be ready to fight anybody in the defense of our country. And we must *win*.

But as each Armed Force has a separate and distinct mission in the fulfillment of a joint purpose; so too does each service require different qualifications in manpower.

Marines are not insular. You can't hope to be successful in carrying out your tasks in military service if you close yourself to ideas and progress. And the Marine Corps has watched our brother services carefully in their dynamic approach to progressing from a draft oriented manpower pool, to professional volunteers. As a Marine I commend their efforts. They have, each service, carefully inspected their own missions and their own needs. They have systematically and energetically gotten rid of needless habits. And they are building.

What each service builds within itself will no more look like another service than the diverse missions of each Armed Force. We wear different uniforms, we work at different tasks, and we carry out different missions. We are bound to be different in our separate personalities.

DEDICATED SERVICE REQUIRES DEDICATED ATTENTION

Yes, each Armed Force is solving its own problems in its own environment. But there is one area in which we have no control. And that is the oldest, most sacred, and most necessary of all American military traditions. Ladies and Gentlemen, I speak of the good interaction that has always existed between the serving and the served—the dedication of the American fighting man, and his support from the American citizen.

All of the training, discipline, and technical know-how in the universe will not produce an effective Armed Forces without the demonstrated support of the people of this nation. We know that no matter how much we pay, no matter what fringe benefits we offer, we can't buy dedication. If an all-volunteer Armed Force—Army, Navy, Air Force, Coast Guard, and Marine Corps—is expected to work; it is you and your neighbors all over this land who will make it work, with your respect, with your appreciation, and with your support.

Good service, dedicated service requires constant attention from the served. Service, dedicated service requires constant attention from the served. Service to country is not always treated kindly in our modern America. The same America to which this service is offered. And the young Americans who have given service, who are giving service, and who will give service in the future, must be made to know that their's is a proud calling.

We know that war is still a real and present threat in the 1970's. And we know that positive strength is the basis for *The American Strategy of Realistic Deterrence*. We also know that sure and positive strength can come only through the solidarity of mutual pride and respect. I now ask you for that respect.

There is a short and simple statement that every American repeats when he enters the service of our country. It is this statement, this oath, that begins one side of a pact of service. I know that many of you here have sworn this oath in your own service, but I would like to repeat it here and now:

"I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and I take this obligation freely without any mental reservation or purpose of evasion; that I will well and faithfully discharge the duties to the office to which assigned; So help me God."

That's the promise of those who serve you. It's a good promise well-kept. I ask you to remember it every time you see a young American in uniform. I ask you to relish his promise to you to accept his service, and to cherish his dedication.

REPORT OF CONGRESSIONAL ACTIVITIES

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. SCOTT. Mr. Speaker, each month our office sends a report to constituents on congressional activities and our May report is included in the RECORD at this point for the record of my colleagues:

BILL SCOTT REPORTS

IMPROVING OUR JUDICIARY

A few weeks ago, I introduced a measure to authorize 6-member juries in both civil and noncapital criminal federal cases. A number of state courts have less than 12 members on the jury and I know of no valid historic reason or magic in the number 12. It appears to have become established in both state and federal systems as a result of the adoption of the common law or legal systems of England in the early days of this country. Reducing the number of jurors would probably reduce court costs, expedite the selection of juries and result in speedier trials. The Supreme Court has upheld the 6-man jury for state courts and 6 members would seem to be able to perform as impartially in determining the guilt or innocence of the accused as 12 members. The Chairman of the House Judiciary Committee, personnel of the Administrative Office of the U.S. Courts and others appear to be interested in this measure, and I am hopeful that it will receive early consideration in the Congress. The savings in manpower, money and time seem to merit the adoption of this or a similar measure to improve the administration of justice.

NI RIVER HEARINGS

A number of officials from Spotsylvania County appeared a few days ago before the Subcommittee on Watershed Development of the Committee on Public Works. The Chairman complimented the group on their presentation. This project incorporates both flood control and watershed protection as well as recreation and public water supply. It is expected that the Committee will agree with the county representatives and the Soil Conservation Service to fund the project which is a joint effort by the county and the federal government.

GOVERNMENT EMPLOYEES ANNUITY

In October 1969 Congress attempted to strengthen the soundness of the retirement fund for civilian government employees, and revised a provision of existing law for periodic cost of living increases in annuities. Under present law, an employee has to retire prior to the effective date of an increase in order to obtain the benefits of the increase. The House, however, has recently considered and passed a measure to provide that an employee who retires after the effective date of the increase shall not receive a lesser annuity than if he had retired prior to the effective date. At present, the Civil Service Commission has to process a large number of retirement requests on approximately the effective date of the cost of living increase and the government agencies lose large numbers of employees at approximately the same time. It therefore appears to be in the government interest to have retirement dates spread over a longer period of time and employees should benefit by receiving their annuity checks more promptly.

Another provision of the measure requires the new Postal Service, which employes approximately one quarter of all Federal employees, to contribute to the retirement fund amounts similar to those appropriated by Congress for other government employees whenever there is any increase of employee benefits. The importance of this provision can be realized by the fact that eight laws passed since October 1969, require additional government contributions into the fund and total more than $436 million. Maintaining fiscal soundness of the retirement fund is essential and unless the new Postal Service contributes its fair share, the soundness of the fund will be in jeopardy. Because the Senate passed bill does not include this second provision a conference is necessary and final passage of the bill will be apparently delayed for several weeks.

ABANDONED AUTOMOBILES

In an effort to help remove auto junk yards and relieve the drain on our iron ore reserves, I have cosponsored a bill which would encourage states to establish abandoned automobile removal programs and provide tax incentives for automobile scrap processing. This bill would earmark $19 million annually to be derived from the Federal auto excise tax, as an aid to the states to finance collection programs. The second feature would be to provide tax benefits to scrap processors who install modern scrapping equipment capable of handling a large volume of cars, turning them into high quality scrap without polluting the environment. Through this two-pronged program, it is hoped that the abandoned auto will not remain simply an eyesore, but will become a resource, contributing to new production.

MARCH ON THE CAPITOL

The demonstrators who came to Washington a few weeks ago to close down the government had little success. I talked with a group of high school students and a separate group of college students and was glad to hear their points of views. It is, of course, proper for any citizen to discuss his views with his elected representative, but as pointed out to them, our annual survey gives me a general idea as to the views of most of the people of the District on most matters coming before the Congress. Of course, blocking the entrances to government buildings, destroying property, chanting obscenities, and attempting to prevent employees from going to work, in my opinion, is without justification. Rather than being helpful to government representatives and officials it is disruptive in nature and may give aid and comfort to our enemies. In fact, division in this country and certainly militant activity, may cause the Communist world to believe that the United States is no longer a significant deterrent to its ambitions. It is distressing to see anyone marching on the Capitol carrying the Vietcong flag while we have American troops fighting in Vietnam. Therefore, I have joined with others in introducing a measure to make it a Federal crime to carry the flag of the enemy so long as our troops are involved in the hostilities in Southeast Asia.

BETTER COMMUNICATION

Forty-eight colleagues from both parties have joined me in sponsoring legislation to facilitate direct communications between officers and employees of the Postal Service and Members of Congress. While most people agree that partisan politics should be eliminated from the operation of the Post Office, recent directives by the Postmaster General have prohibited postal employees and officials from talking with Members of Congress regarding the operation of the Postal Service. This seems inconsistent with Congress overseeing the operation of a government agency employing more than 700,000 people and also appears to be an infringement on the rights of employees and officials as citizens to talk with their elected representatives. Committee hearings are not being held.

MISCELLANEOUS MEASURES

Minor bills that have passed the House recently include the following: 1. A measure authorizing the Secretary of the Treasury to distribute to the states and territories a pro rata balance of unclaimed postal savings deposits with a provision for retaining a sufficient balance to satisfy future claims; 2. A bill to allow U.S. flag vessels to operate flexibly by permitting foreign flag ships on a reciprocity basis to carry between points within this country export or import cargo which has been transferred between one barge and another; 3. An amendment to the law to increase the outstanding loan ceiling of the Small Business Administration from $2.2 billion to $3.1 billion; 4. A bill to increase the ceiling for expenditures of the Commission on Marihuana and Drug Abuse authorization from $1 million to $4 million; 5. A measure to create a data system to provide for efficient development and utilization of information to support wise and equitable management of our environment; 6. A measure to make it a criminal offense to shoot birds from aircraft.

PRAYER IN SCHOOLS

Past Supreme Court decisions have been interpreted as banning prayer in public schools, but as far back as 1865, U.S. coins began to be stamped In God We Trust". By law, all our coins are now so inscribed. And the words "under God" were officially made part of our pledge of allegiance to the flag in 1954 when President Eisenhower signed a Joint Resolution of Congress into law. Because I share with most of you the strong belief that it is fitting for us to acknowledge and reaffirm from time to time our faith and trust in God, I have signed a discharge petition to bring before the House for consideration a proposed amendment to the Constitution to permit nondenominational prayers in schools and other buildings supported by public funds.

SPEAKING ENGAGEMENTS

You can note the diversity among the following speaking engagements:

May 27—Keynote speech at Republican Convention, Front Royal.

May 28—Fairfax Post, Veterans of Foreign Wars installation dinner.

May 29—Babe Ruth Baseball League, Springfield.

May 30—Veterans Day talk at Mt. Zion Methodist Church, Leesburg.

June 4—Address graduating class, Criminal Investigation Division, Metropolitan Police.

June 6—Baccalaureate talk at Oakton High School.

June 10—Graduation speaker at Brentsville District High School.

June 12—Parade Marshal, Shrine Ceremonial, Manassas.

June 13—Flag Day Service, Post 139, Arlington American Legion.

June 15—Ruritan Club talk on Ladies Night, Warsaw.

June 19—Address state convention of the National Association of Postal Supervisors, Roanoke.

NEW PAMPHLET

The office has received copies of a revised edition of a 45-page pamphlet, "Our American Government, What is it? How does it function?" which might be helpful to students or others desiring to become more familiar with the operation of the Federal government.

SOMETHING TO PONDER

"To inform the minds of the people, and to follow their will, is the chief duty of those placed at their head"—Thomas Jefferson.

TRUDEAU, ANOTHER CASTRO IN THE WESTERN HEMISPHERE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. RARICK. Mr. Speaker, the American continent is now threatened with a new troika, Trudeau, Castro, and Brezhnev.

As far back as July 9, 1968, I had told this body that Trudeau was a security threat not only to Canada, but to the free world. See also my remarks entitled, "Communist Encirclement of the United States,"—Congressional Record, pages 4201–4207.

The New York communications people and financiers, the same ones that helped enslave Cuba under Castro, just never learn and had to repeat their mistake by misleading the Canadian people into electing Trudeau. Or was it an error?

Now we read reports that Mr. Trudeau is in Moscow collaborating with his fellow socialists, Kosygin and Brezhnev, and entering into blood pacts pledging our Canadian neighbors into the Soviet international bloc to save the world from the "overpowering presence" of the United States.

One can only hope that the press of Canada is free to report to the Canadian people the antics and gyrations of their Prime Minister, the perverted puppet Pierre. If the Canadian people are informed and are concerned about any danger to their culture, economy, and national defense, they know it is not from the United States, but rather from the U.S.S.R., and the latest Castro in the Western Hemisphere.

I think the Canadians will know how to handle little Pierre.

I ask that a newsclipping be inserted at this point:

[From the Washington Post, Friday, May 21, 1971]

Trudeau Seeks Soviet Ties To Counter U.S. Influence

(By Anthony Astrachan)

Moscow.—Canadian Prime Minister Trudeau said today that his visit to the Soviet Union was motivated by concern that the "overpowering presence" of the United States posed dangers "to our national identity from a cultural, economic and perhaps even military point of view."

Therefore, he said, Canada sought "to diversify our points of contact with significant powers of the world."

Trudeau signed an agreement yesterday for regular contacts and consultations with the Soviet Union, including once a year on foreign-ministerial level, covering everything from cultural exchange to threats to peace. The protocol establishes a relationship similar to the one between the Soviet Union and France.

The premier told a press conference today that this agreement did not imperil Canada's membership of the NATO and NORAD alliances. He drew analogies between his own foreign policy, the West German policy of rapprochement with Eastern Europe, and the U.S.-Soviet strategic arms limitation talks.

He said regular contacts with the Soviets "might permit us to arrive at as independent an opinion on world affairs as we can possibly formulate." He compared the contacts to Canada's decision to remain in NATO to order "to discuss a variety of subjects not only with our close neighbor, but with our other friends and allies in NATO."

Trudeau faces a strong wave of anti-Americanism at home. His foreign policy reflects a determination to prove Canada's status in the world despite its closeness to the U.S. and despite the impairment of its old relationship with Britain as the latter enters the Common Market.

The premier acknowledged at the press conference that Canada would "talk to its friends" whenever that might reduce international tensions, but repeated several times that he had no interest in carrying messages or acting as an "honest broker" between the great powers.

Nonetheless Soviet party leader Brezhnev and Premier Kosygin made Trudeau their sounding-board for the theme that it was time for the Western allies to take them up on reduction of armed forces in Central Europe. Brezhnev proposed such reductions in his speech to the 24th party congress March 30 and again in Tbilisi last Friday.

Trudeau said today that Brezhnev, during their meeting yesterday, added little in the way of specifics to his two speeches. Canadian sources said the premier and his chief aides pressed the Soviets for specifics without success.

Brezhnev said "Ways can be found to get negotiations going once general agreement has been reached that they should take place," the sources added.

Trudeau told the press conference that the West could "consider these proposals of the Soviet Union in all earnestness and neglect no avenue at all which might be open toward a halt or reduction in the arms race."

The prime minister asserted Canada's interest in force reductions in its own right. He recalled that Canada has phased out the nuclear role of its aircraft in NATO and withdrawn its troops from Europe, moves he said the Soviet leaders had praised. He said Canada had pushed for "multilateral and balanced force reductions" both in NATO and at the disarmament talks in Geneva and would continue to do so.

Western Communist sources said Brezhnev had decided to meet Trudeau personally after careful perusal of the prime minister's speech at the luncheon Kosygin gave him on Tuesday.

In that speech, Trudeau emphasized the Soviet-Canadian relationship as Arctic neighbors and countries trying to develop their respective northern territories; the fact that both countries included peoples of different races and nationalities, and the two countries "equal" concern with peace and security in Europe.

On the question of northern and Arctic interests, Trudeau told the press conference that Ottawa favored an international conference while Moscow preferred bilateral talks. His conversations here had not changed that.

He said he could not yet assess the value of what Canada could learn from the Soviets in this area, but that he was particularly interested in the Soviet Union's "advanced technology" in running gas and oil pipelines through permafrost.

Trudeau went to Kiev today the first stop on a tour of five Soviet cities including Norilsk and Murmansk on the Arctic.

NOISE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. RYAN. Mr. Speaker, the National Organization To Insure a Sound-Controlled Environment—NOISE—was established to combat the growing menace of jet aircraft noise.

NOISE began in Washington, D.C., in October of 1969 when the town of Hempstead, N.Y., and the city of Inglewood, Calif., jointly sponsored a 2-day symposium on the hazards of aircraft noise. This symposium was attended by more than 150 delegates from 23 States. These delegates represented local governments whose citizens suffered the intolerable burden of aircraft noise, political leaders cognizant of the fact that noise is a major environmental hazard facing our Nation, medical groups which were increasingly aware of the severe physical and mental dangers of noise pollution, and wildlife agencies fearing the extinction of certain species of animals as a result of the sterilizing effect of the shrill whine of jet engines.

At the conclusion of this symposium the delegates were agreed that there was great need for the establishment of a national organization dedicated to the control of aircraft noise. Thus, NOISE was formed.

This past January, NOISE held its first national symposium in Los Angeles, Calif., and on May 19, 20, and 21, 1971, returned to the Nation's Capital for its national convention, under the leadership of NOISE president Ralph G. Caso, county executive, Nassau County, N.Y.; Vice President William Goedike; Secretary John Varble, mayor, Densenville, Ill.; and Treasurer Stanley W. Olson, mayor, Richfield, Minn.

As a Member of Congress long concerned with the problems of noise and its hazards, I am very pleased that I was able to participate in this meeting. The national convention of NOISE passed four resolutions petitioning the Congress to take specific actions to abate aircraft noise. I commend these resolutions to my colleagues for their consideration.

The resolutions follow:

RESOLUTION NO. 1

(In re Federal certification of airports with respect to the nature and number of operations and the resultant aircraft noise exposure)

To: The President, the Congress, the Chairman of the President's Council on Environmental Quality, the Secretary of Transportation, the Secretary of the Housing and Urban Development, the Chairman of the Civil Aeronautics Board, the Director of the Environmental Protection Agency and the Administrator of the Federal Aviation Administration.

1. Whereas, Pursuant to enactment of the Aircraft Noise Certification Act of 1968 (P.L. 90-411), the Congress determined that noise occurring due to the operation of jet aircraft constitutes serious derogation of environmental quality in hundreds of communities in the United States, and

2. Whereas, Pursuant to enactment of the Department of Transportation Act of 1966, the Housing and Urban Development Act of 1968, the National Environmental Policy Act of 1969, the Airport and Airway Development Act of 1970, etc., the Congress has established a requirement for the inclusion of relevant environmental factors in the further development of the national airport system, and

3. Whereas, Pursuant to enactment of the Airport and Airway Development Act of 1970, the Congress established the requirement that safety standards be adopted as criterion for civil airport certification, and

4. Whereas, Pursuant to enactment of the Aircraft Noise Certification Act of 1968 (P.L. 90-411) the Congress expressed its desire to provide "both present and future" relief of high aircraft noise levels, and

5. Whereas, The aircraft engine and airplane manufacturers, the NASA and the FAA have developed engine and aircraft designs which are quieter than previous aircraft and have developed and are developing operating procedures for take off and landing which produce less noise under the flight paths than present aircraft, and the benefits of some of these developments have been known for several years and have not been utilized in airline aircraft design and operating procedures.

Therefore, Be it resolved that the Congress be petitioned to amend P.L. 91-258 (the Airport and Airway Act of 1970) by adding to the safety requirements for civil airport certification the requirement that specified aircraft noise exposure forecast (NEF) contours near take off and landing flight paths be limited to locations within specified boundaries, and, further,

Be it resolved that the amendment also require that in the future a scheduled step by step reduction of aircraft NEF levels within the specified boundaries be achieved as a condition for the retention of existing air transportation services.

RESOLUTION NO. 2

(In re a Federal Government requirement for jet aircraft operating procedures and other measures necessary for the abatement of noise.)

To: The President, the Congress, the Chairman of the President's Council on Environmental Quality, the Secretary of Transportation, the Chairman of the Civil Aeronautics Board, the Director of the Environmental Protection Agency, and the Administrator of the Federal Aviation Administration.

1. Whereas, Pursuant to enactment of the Aircraft Noise Certification Act of 1968 (P.L. 90-411), the Congress determined that noise occurring due to the operation of jet aircraft constitutes serious derogation of environmental quality in hundreds of communities in the United States, and

2. Whereas, Pursuant to enactment of the Department of Transportation Act of 1966, the Housing and Urban Development Act of 1968, the National Environmental Policy Act of 1969, and the Airport and Airway Development Act of 1970, the Congress has established a requirement for the inclusion of all relevant environmental factors in further development of the national airport system, and

3. Whereas, it has long been established that the manner in which jet aircraft are operated during takeoff and landing has significant effect upon noise exposure heard on

the ground, with such procedures designed for reduced noise not derogating safety, and

4. Whereas, in 1965, the President established the Interagency Aircraft Noise Abatement Program through which aircraft operating procedures, number of day and night jet operations and other measures were identified as having both short and long term benefits in reducing noise exposure upon people in airport communities, and

5. Whereas, the Report of the President's Airport Commission, (Doolittle Commission 1952), together with the report of the Task Force on National Aviation Goals, 1961–70 (Project Horizon), each identified the growing problem of community exposure to high aircraft noise levels and recommended measures needed to reduce existing noise problems as well as prevent their arising in the future, and

6. Whereas, through enactment of Public Law 90–411 in 1968, the Congress expressed its intention that the Federal Aviation Administration would implement measures needed for "present" as well as "future" relief from excessive exposure to aircraft noise, and

7. Whereas, the Federal Aviation Administration is unable to meet its responsibility for "the protection of persons and property on the ground" (Federal Aviation Act of 1958, Section 307(c)) due to its primary and pervasive mission of promoting air commerce resulting in exclusion of considerations of envronmental quality, now

Therefore, Be it resolved that Congress is hereby petitioned to authorize and require the Environmental Protection Agency to establish, for the relief of airport neighbors, noise exposure forecast (NEF) contours which must be maintained within specified boundaries near airports, after consulting with the President's Council on Environmental Quality, the Secretaries of the Departments of Housing and Urban Development, Health, Education and Welfare, Interior, and Transportation and the Chairman of the Civil Aeronautics Board.

Resolution No. 3

(In re acoustic retrofit of existing civil jet aircraft)

To: The President, the Congress, the Chairman of the President's Council on Environmental Quality, the Secretary of Transportation, the Secretary of the Housing and Urban Development, the Chairman of the Civil Aeronautics Board, the Director of the Environmental Protection Agency and the Administrator of the Federal Aviation Agency.

1. Whereas, Pursuant to enactment of the Aircraft Noise Certification Act of 1968 (P.L. 90–411), the Congress determined that noise occurring due to the operation of jet aircraft constitutes serious derogation of environmental quality in hundreds of communities in the United States, and

2. Whereas, Pursuant to enactment of the Department of Transportation Act of 1966, the Housing and Urban Development Act of 1968, the National Environmental Policy Act of 1969, and the Airport and Airway Development Act of 1970, the Congress has established a requirement for the inclusion of all relevant environmental factors in further development of the national airport system, and

3. Whereas, the National Aeronautics and Space Administration, and others have determined the technical and economic feasibility of acoustically retrofitting existing civil aircraft engine nacelles thereby providing substantial noise reduction particularly during approach to landing the most noisy phase of flight, and

4. Whereas, Through investigation of a variety of measures applicable to the resolution of airport/community's problems arising from high aircraft noise exposure levels, NOISE has determined that no one measure such as acoustic retrofit will in itself resolve the airport/community problems attributable to aircraft noise, now

Therefore, Be it resolved that the Congress be petitioned to authorize and require that the Environmental Protection Agency establish NEF limits in areas near airports with the full recognition of the benefits to be attained through the application of acoustic retrofit, together with other measures which can be taken to reduce aircraft noise, and

Be it further resolved that in recognition of the economic impact of such a program, all methods of financing including a surcharge to be applied directly to the users of air transportation services, be explored by the CAB.

Resolution No. 4

(In re responsibility for the protection of residents from exposure to high aircraft noise levels.)

To: NOISE Membership and other concerned airport/community officials.

Whereas, NOISE was established to investigate and seek implementation

1. Whereas, NOISE was established to investigate and seek implementation of all available measures for the relief of aircraft noise exposure upon airport/community residents, and

2. Whereas, Through investigation of all applicable measures needed to reduce airport/community exposure to high aircraft noise levels, NOISE has determined that controls upon land use development in the vicinity of major airports are essential, and

3. Whereas, NOISE has determined that it is necessary to implement local, regional and statewide land use planning by utilizing zoning, building code ordinances, subdivision regulations, official maps as well as other land use controls, and

4. Whereas, even though municipal, regional and state officials are aware of the existence of derogatory environmental factors associated with aircraft operations near major airports they have been unable to persuade the governing bodies of these local communities to establish zoning, building code ordinances, subdivision regulations, etc., to protect the people in these areas near airports from unacceptable levels of aircraft noise exposure, and

5. Whereas, financial incentives are effective in persuading land owners to accept land use constraints or to make land use conversions thereby removing the barriers to the establishment of the local laws, codes, or ordinances mentioned above, and

6. Whereas, the Airport and Airways Development Act of 1970 provides a means whereby funds are obtained from the air transportation system for the improvements and expansion of airports, which will then accommodate increased numbers of aircraft operations which may in turn increase the aircraft noise exposure in areas near these airports, and

7. Whereas, the noise exposure resulting from aircraft operations at many airports is higher than considered acceptable for residential land use, thus imposing a severe burden on those living in these high aircraft noise exposure areas, and

8. Whereas, the policy has been established by the various government agencies, including DOT and HUD that air transportation must be handled as a system with the economic, social and health effects on the community under the take off and approach flight paths being given the same support and protection as the aircraft and airports, now

1. Therefore Be it resolved that Congress be petitioned to amend P.L. 91–258 (the Airport and Airways Development Act of 1970) by adding the provision that before any funds be made available for the improvement or expansion of an airport, funds be made available to the communities surrounding the airport to compensate land owners for damages due to high aircraft noise exposure, and further

2. Be it resolved that as a condition of this compensation the local governmental bodies shall establish zoning, building code ordinances, subdivision regulations, etc. which will prohibit the establishment of new nonconforming land uses in areas predicted to be subject to high aircraft noise exposure levels for the foreseeable future and will provide for the gradual conversion of land in the high aircraft noise exposure areas to conforming uses, and, further

3. Be it resolved that (1) a basis for compensation for constraints on the use of land in areas of high aircraft noise exposure levels and, (2) model zoning laws, building codes, ordinances and subdivision regulations be developed by the U.S. Department of Housing and Urban Development for use in implementing the legislation called for in 1 and 2 above.

ANNUAL PILGRIMAGE TO THE ALAMO

HON. HENRY B. GONZALEZ

OF TEXAS

IN THF HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. GONZALEZ. Mr. Speaker, each year in my home city of San Antonio there is a celebration in observance of Texas Independence in April.

In connection with this celebration there is an annual pilgrimage to the Alamo, the shrine of Texas independence, which is located in downtown San Antonio.

At the ceremonies at this year's pilgrimage, Lt. Gen. G. V. Underwood, Jr, Commanding General, 4th U.S. Army, gave an address which I feel members of this body will appreciate my sharing with them. General Underwood's address is as follows:

Annual Pilgrimage to the Alamo

I am delighted indeed to have the opportunity to represent the Armed Forces in this colorful observance of the Pilgrimage to the Alamo.

This is certainly an exemplary way to commemorate the matchless valor of those courageous defenders of the Alamo who wrote with their own blood a timeless, threefold message for all Americans. First, the Alamo is a stirring reminder that those who wish to be free have a right to be free. Secondly, the Alamo reminds us that a nation frequently depends upon its soldiers for its safety and survival. Finally, the willingness of these brave men to fight to the finish in the cause of freedom is a grim reminder that freedom is not a self-preserving entity—that, instead, the preservation of freedom requires constant devotion, alertness to ever-present threats, and readiness to defend it at all costs against all comers.

I can think of no more appropriate place to reflect upon these truths than the Alamo, the hallowed spot where resolute men backed their belief in freedom with their very lives. I can think of no more appropriate time for such reflection because the validity of these truths is being directly challenged by some frustrated or misguided segments of our society. And so, although there are few such Americans in Texas, I choose this place and this occasion to comment upon the need to revive that reverence for freedom and patriotism that characterized America through so many, great years of its history.

In our land today basic concepts of patriotism are flaunted arrogantly by those who contemptuously burn the flag. The value of national service is attacked symbodically by those who surreptitiously evade military duty. The worth of our way of life and system of government is sullied by those who insist upon the right to elevate self-interest above national interest. And the fundamental belief in law and order which has been a guiding precept of this nation is challenged outright by some who claim the right to burn, bomb, and loot with immunity as a means of redressing real or imagined grievances.

Fortunately, those who feel and act in this fashion are still in the minority. But I suggest that the time has come for those who really care to wake up and speak up in support of the old and still valid virtues of patriotism, devotion to country and respect for the rights and property of others.

This is an ideal day and a suitable place to spark the rebirth of faith in America and support of those who serve it selfessly, decently and constructively. Let me therefore suggest a set of deeply-held personal beliefs that I know are embraced and endorsed by so many Texans.

I, for one, am not ashamed of my country's historic concern for the right of other nations to be free, sovereign and independent. I, for one, do not apologize for my country's long-standing belief that people who wish to be free have a right to be free. And I will not attack my country for having answered muster when freedom's frontiers were challenged by aggressors and subverters. Moreover, I will not lose faith in our system of government because of manifest imperfections. Instead, I will remember Winston Churchill's observation that: "Democracy is the worst form government except all others."

I will make excuses to no man for the thrill I feel when the Stars and Stripes are unfurled. And, I will applaud openly that many Americans who willingly serve their country whenever or wherever it calls them to duty. At the same time, I will reject those who are more charitable with the enemy than with their own government. Finally, I will salute those whose concern for America is expressed in constructive proposals rather than destructive outbursts.

In expressing these views, I believe I reflect the thinking of most Americans. But quiet thoughts are not enough if we are to sustain the values and ideals for which men like Travis, Bowie, Crockett, and Bonham have fought through the years and which are under subtle attack in some noisy quarters today. The right to organize and sound off is not limited to those who wish to dissent or protest. So the point I would make is that the need is great and the time is past due for Americans to reassert their faith in America, their pride in America's accomplishments, and their devotion to the principles of patriotism, loyalty and unity. To do so would be a truly meaningful way of keeping faith with the bright example of the Alamo.

Before closing, I wish to comment candidly on a related subject, one which concerns the American serviceman of today more than many Americans realize and more than most soldiers care to reveal. I refer to the disturbing anti-military trend which is developing in our society.

Before doing so, I want to emphasize that the concerns I am expressing today are not directed at this audience, for your very presence here today bespeaks your interest in freedom and those who are dedicated to safeguarding the nation. I really am looking beyond this audience and out of this state to other people and other places where the situation is quite different. I offer my thoughts to this audience in the hope that you will find them appealing and useful.

I hope, too, that you will not consider me out-of-order for discussing anti-militarism in the shadow of the Alamo. As we commemorate those who fought with such unforgettable valor in the name of freedom in 1836, I think it wholly consistent to contemplate briefly the need of the Armed Forces for assurance that their efforts to serve the nation in the cause of freedom are still valued and supported by their countrymen in 1971.

My concern arises from the fact that it is becoming fashionable to criticize the Armed Forces for many of the problems which beset the nation, such as the vexing war in Vietnam, the heavy draft, and the onerous budget. As part of the process, the military is attacked regularly but vaguely as a conspiring member of an industry-military complex that is supposedly seeking to manipulate the economy and the government for selfish purposes.

I do not accept for one moment that these criticisms represent the true feeling of the typical American citizen about his Armed Forces. To a certain extent these anti-military outbursts represent perhaps the subconscious need of our society for a whipping boy. And lashing the military is turning out to be a convenient way for some Americans to work off their frustrations over the war, the draft, taxes, or whatever.

I raise this subject not because of any naive belief that the Armed Forces should be immune from the kind of healthy criticism that purifies and strengthens a democratic society. Rather, I raise this subject because of my concern that the Armed Forces in general and the Army in particular may be damaged to the detriment of the nation by the uncharitable, anti-military attitudes that are developing in our time.

Speaking of the Army, which I know best, an Army is conditioned by the society it represents. A good Army is one that can attract men of quality to adopt military careers as a means of serving their nation honorably. But how, I ask, can men of quality and dedication be drawn into a Volunteer Army, if that Army is belittled and ridiculed by increasing numbers of fellow-Americans? I do not say we are at that point, but I caution that the anti-militarism which is building could in time, if unchecked, undermine the very incentive for military service—and if that ever happens, a priceless national asset will go down the drain and the country will indeed be in trouble.

I am speaking out today because I think it is time someone spoke up for the soldier, the Army, and the Armed Forces. I think it is high time that we be reminded, for example, that the Army has served this nation well for 195 years in time of war and in peacetime emergencies. This is an Army that has never failed the nation in a crisis, an Army that has lived faithfully by its exacting motto of Duty, Honor, Country. This is an Army that has produced great leaders when they were needed most—men like Pershing, MacArthur, Marshall, Eisenhower, Bradley, Taylor, Ridgway, Lemnitzer, Wheeler, Johnson, Westmoreland, and Abrams. This is an Army that has shown great forebearance and commendable restraint and patience in performing painful, domestic disturbance duty. This is an Army that has maintained its morale, its cohesiveness and its sense of purpose in spite of the harsh divisiveness within our society. And this is an Army which knows the meaning of sacrifice in the spirit of the great heroes of the Alamo.

My suggestion, therefore, is that criticism of the military be tempered with appreciation of their sacrifices and accomplishments on behalf of the nation. My plea is that the militaryman be recognized for what he is—a meritorious individual who by and large is doing his best and doing it quite selflessly. My hope is that in the midst of the mounting anti-militarism we will not lose sight of the continuing need of the nation for strong Armed Forces that can attract wholesome men of quality who will carry on the military heritage of service to the nation.

In short and in summary, let the zeal for noisy dissent and criticism which is so rampant in our national life be restrained by quiet acknowledgment of the national asset which our Armed Forces represent. Certainly, this would be a realistic way to demonstrate that Americans do indeed "Remember the Alamo."

NEW YORK CITY POLICEMEN SAVAGELY ATTACKED

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. SCHEUER. Mr. Speaker, last Friday night two New York City patrolmen—one black, one white—were shot from behind and killed in a savage, unprovoked attack.

This incident was one of four armed attacks on policemen in 3 days.

Thus far this year, seven New York City policemen have been killed and 30 wounded. The number killed has, in 5 months, exceeded the number killed in all of 1970 and the number wounded is two-thirds of the number wounded in that same year.

This madness must stop. No civilized community can long endure if savage attacks of this kind continue.

Whether the attacks which occurred last week were part of an organized plot or whether they were simply coincidental is not the point. The point is that attacks upon policemen are becoming ever more frequent and bold and they are contributing to the fear and terror which grips citizens living in urban areas. The attacks represent one more contribution to the decline of our cities.

New York City commissioner of police, Patrick V. Murphy, has responded to the attacks in a meaningful and hopefully effective manner.

The Federal Government must do its part.

We must reexamine our gun control laws in order to keep guns out of the hands of the criminally insane, the mentally deranged, and the ordinary criminal.

We must consider the use of the Federal criminal law to bring the full power of the Federal Government to bear against punks and hoodlums who attack local policemen, as well as firemen and sanitation workers.

We must continue to conduct research into the best means of engaging the community on the side of the police. We must utilize better technology to give our police on the beat and in the patrol cars the kind of gun detection and alarm devices now used at airports.

The National Institute for Law Enforcement and Criminal Justice in the Department of Justice must be given funds now to meet the problem of wanton and unprovoked attacks on police, firemen, and sanitation workers.

The time for breast beating and hand wringing is over.

BIG BUS BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. SCHWENGEL. Mr. Speaker, the following report of the Bureau of Motor Carrier Safety on its Safety Bus Inspection program is the one to which I referred in my 1-minute speech earlier today:

[Annual report calendar year 1970]

MOTOR CARRIERS OF PASSENGERS—SAFETY BUS INSPECTION PROGRAM

FOREWORD

In the summer of 1970, following a number of severe accidents involving buses in interstate operation, the Bureau of Motor Carrier Safety sharply increased its bus inspection activities. A total of 5,902 buses engaged in interstate passenger service had been inspected by the end of the year, and each of these inspections was covered by an individual detailed report. More than 90 percent of the year's inspections were made after the late summer decision to accelerate the inspection program.

A brief interim report dealing with buses removed from service because of hazardous defective conditions, was released late in November 1970. The present report covers all bus inspections made during 1970, in much greater detail.

Vehicles inspected in this program were not chosen on a selective basis. The inspections were made at bus terminals, at resort areas, and at various points of special interest where passengers were discharged and the vehicles parked for a substantial period, or at the end of a run. These vehicles either had been, or were at the time of inspection, committed to specific over-the-road movements carrying passengers. However, by inspecting at these locations, any inconvenience to passengers was held to a minimum. These buses, therefore, comprise an unselected sample of the interstate bus industry of the country.

The bus inspection, and road-check programs are integral parts of the Bureau's continuing effort to achieve greater safety of interstate commercial motor carrier operations. Factual information, such as found in this report, provides guidance for the Bureau's activities designed to keep the safety regulations relevant to current needs, and to achieve a high degree of compliance with them. These reports also should be used by carriers in developing and administering their own maintenance and other safety programs, and by designers and manufacturers of equipment used by carriers.

Detailed tables report the numbers of inspections and the results of those inspections, for scheduled and for chartered buses in each of the nine Motor Carrier Regions, and for the country as a whole. Data are given on defects and out-of-service defects in each specific equipment area. The textual portion of the report is based on these tables and on the individual reports from which they were developed.

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SPECIAL TERMS DEFINED

The tables and text of this report use a number of common terms to convey special meanings, as follows:

Brake Application System. A service brake application system (on a bus with air brakes) comprises the air compressor, metal tubing and flexible hoses with their fittings and couplings, compressed air tanks, valves of various kinds, gauges, wheel brake chambers, and closely related parts including devices for mounting and protecting the entire system. Corresponding components comprise vacuum and hydraulic brake application systems.

Foundation Brakes. This term is used to denote all mechanical parts of a brake system, from the slack adjusters to the brake drums, including cams, shoes, and linings, and closely associated parts.

Out-of-Service Defect. This is a defect of such type and degree as to render a vehicle imminently hazardous to operate until repaired. More than one such defect may be reported for a single vehicle.

All Defects. This term includes both out-of-service defects and lesser defects which do not result in vehicles being removed from service.

The heading "*Per 100 Buses*" is used with Out-of-Service Defects to mean "per 100 buses ordered out of service", and with All Defects to mean "per 100 buses inspected" or "per 100 buses ordered out of service", as apparent from the context.

Tire defects have been classified as *Shallow-tread* when wear has removed a substantial part of the skid-resistant tread configuration, or a *Structural Damage* when the structural strength of the tire has been substantially reduced by cuts, impact, excessive wear, etc.

The term *Wheel Proper* denotes the basic wheel, comprising rim, "spokes" and hubs, as contrasted with such associated parts as lugs, stud-bolts, wheel bearings, etc.

Bus body defects have been classified as either *condition* defects, inadequate maintenance of the usual body features including doors, windows (broken glass), floors, seats, etc., or defective body safety features, which embrace jammed push-out windows, lack of a standee line with appropriate sign, windshield wipers, etc.

"*Accessories for Safety and Emergencies*" relates to certain kinds of equipment *not* part of the vehicle itself, such as fire extinguishers and fire axle, tire chains, first-aid kits, emergency warning devices for stopped vehicles, etc.

SAFETY BUS INSPECTION PROGRAM—CALENDAR YEAR 1970

During 1970, investigators of the Bureau of Motor Carrier Safety inspected 5,902 buses engaged in interstate transportation of passengers, and ordered that 688 (11.6 percent) of them be taken out of service on the spot because of defects which, it has been determined, render a vehicle imminently hazardous to operate. These defects were required to be repaired before the buses left the check point. Other, less hazardous defects were required to be repaired, and certification of this to be submitted by the carrier within 15 days.

Buses were inspected at terminals and also at points of historic, scenic, recreational and other kinds of special interest, where many chartered vehicles had discharged their passengers and were waiting to resume their runs. Those engaged in regular scheduled operations comprised 64.8 percent of all buses inspected, and 67.7 per cent of those ordered out of service. Chartered buses accounted for the remaining 35.2 percent of vehicles inspected and 32.6 percent of those removed from service.

In 182 instances it was reported that no defect was found on an inspected bus. This was at the rate of 13.9 defect-free buses per 100 inspected. The corresponding rate for scheduled buses was 4.7 without defects per 100 and, for chartered buses, 30.9 per 100.

Defects of all kinds totaled 11,726, or 198.1 per 100 buses. The total defect rate for scheduled buses was 185.2 per 100 and for charter operations, 218.0 per 100 buses. These comparisons are more clearly depicted in the following brief table.

	All buses	Scheduled	Chartered
Buses inspected:			
Number	5,902	3,894	2,078
Percent	100.0	64.8	35.2
Buses out of service:			
Total number	688	462	226
Number per 100 inspected	11.7	12.1	10.9
Defects reported:			
Total number	11,726	7,195	4,531
Number per 100 buses	198.7	185.2	218.0
Buses with no defect:			
Total number	821	179	642
Number per 100 inspected	13.9	4.7	30.9

Detailed information about the check results is carried in 20 pages of tables with 2 pages devoted to data for each of the 9 regions, and 2 to combined data for all regions. Each of these tables has 3 sections, one for scheduled operations, one for chartered operations, and one for the combined total. In addition to data on vehicle and other equipment defects, these tables list driver violations reported by our investigators. These driver violations, combined in a single column of the tables, includes such offenses as driving without a doctor's certificate of physical fitness, driving or remaining on duty beyond the maximum permissible hours, not keeping a daily log as required, making false entries on daily logs, not preparing vehicle condition reports as required, etc.

Among the areas in which large numbers of defects were reported, was the system of application of service brakes. Total defects in this area were 1,794 (15.3 percent of all equipment defects found). And within this area 394 defects were deemed of such serious character as to warrant removing the vehicle from operation until repaired. These 394 out-of-service defects comprised 47.1 percent of the 836 out-of-service defect total. Brake application system defects include air leaks in flexible hoses, and tubes, and in valves and fittings, etc. Also under this heading are faulty low air pressure warning devices.

In contrast, of 2,101 instances of defective safety features of bus bodies, which comprised 17.9 percent of all reported defects, only 2, were out-of-service defects. This amounted to .2 percent of the out-of-service total. These safety features consist of such things as the standee line and an explanatory sign, push-out window mechanisms and posted instructions for opening such windows in an emergency, a red light over the emergency door, windshield wipers, etc.

A comparison of total defects with out-of-service defects, for each defect area, is made in the list on the following page.

Kind of defect	All defects: Number	All defects: Percent	Out-of-service-defects: Number	Out-of-service-defects: Percent	Out-of-service-defects: Percent of all defects
Total	11,726	100.0	836	100.0	7.1
Brake application system	1,794	15.3	394	47.1	22.0
Foundation brakes	17	.1	7	.8	41.2
Parking brakes	87	.7	40	4.8	46.0
Shallow tire thread	557	4.8	7	.8	1.3
Structural tire damage	327	2.8	36	4.3	11.0
Wheel proper damage	137	1.2	73	8.7	53.3
Lugs, studs, etc	305	2.6	18	2.2	5.9
Steering system	128	1.1	25	3.0	19.5
Suspension system	45	0.4	3	0.4	7.0
Exhaust system	218	1.9	102	12.2	46.8
Engine (starting)	50	.4	43	5.1	86.0
Fuel system	33	.3	18	2.2	54.5
Stop lamps	270	2.3	61	7.3	22.6
All other lamps	1,466	12.5	1	.1	.07
Body condition	1,066	9.1	2	.2	.2
Body safety features	2,101	17.9	2	.2	.1
Other vehicle areas	1,130	9.6	4	.5	.4
Accessories for safety	1,995	17.0			

This listing clearly shows that some defects which occur frequently do not ordinarily pose imminent threats of accident, while others found less often are threatening in a large proportion of the cases. For instance, 1,066 body defects such as broken window and windshield glass, loose seats, holes in the floor, etc. resulted in but two buses taken out of service. However, 17 foundation brake defects were of out-of-service severity in seven instances. Exhaust and fuel system defects, damaged wheels and faulty parking brakes, all are serious conditions in a large proportion of total occurrences.

The percentage of buses ordered out-of-service varied substantially from region to region, from a low point of 8.4 percent out-of-service in Region 7, to a high of 18.0 in Region 5. The following listing shows this variation in greater detail:

Region	Buses inspected	Buses out of service: Number	Buses out of service: Percent
All regions	5,902	688	11.7
1	1,346	132	9.8
2	870	113	13.0
3	1,017	131	12.9
4	750	64	8.5
5	484	87	18.0
6	452	53	11.7
7	383	32	8.4
8	265	35	13.2
9	335	41	12.2

The out-of-service bus is not simply a fleet unit which, in the course of a run, developed mechanical trouble which chanced to fall in one of the areas which affect safety most imminently. On the contrary, it clearly is a vehicle which has been less adequately maintained over a period of time, and has developed a multiplicity of defects in addition to that which rendered it unfit to be operated beyond the check point. Below are listed figures taken from the regional tables of this report, showing the numbers of defects of all kinds per hundred vehicles inspected, compared with the number of such defects per hundred buses ordered out of service. In every region defects on out-of-service buses were substantially more numerous than on the generality of buses inspected.

Region number	All defects found: Per hundred inspections	All defects found: Per hundred buses out of service
All regions	198.7	340.1
1	202.3	369.7
2	216.5	353.1
3	214.1	390.1
4	214.8	314.1
5	200.8	278.2
6	152.9	356.6
7	112.5	234.4
8	222.5	322.9
9	193.4	297.6

BUSES INSPECTED, SHOWING NUMBER ORDERED OUT OF SERVICE AND NUMBER OF DEFECTS BY TYPE OF OPERATION AND KIND OF DEFECT—CALENDAR YEAR 1970

		Equipment defects										
			Brakes			Tires		Wheels				
			Service									
	Buses involved	Total	Application systems	Foundation	Parking	Shallow tread	Structural damage	Wheel proper	Lugs, studs, etc.	Steering systems	Suspension systems	Exhaust systems
	1	2	3	4	5	6	7	8	9	10	11	12
Buses inspected	304											
All defects (number)		549	67		8	29	17	10	17		2	14
Per 100 buses		180.6	22.0		2.6	9.5	5.6	3.3	5.6		.7	4.6
Buses out of service	36											
All defects (number)		121	23		6	2	4	4	2		1	11
Per 100 buses		336.1	63.9		16.7	5.6	11.1	11.1	5.6		3.1	30.6
Out-of-service defects:												
Number		40	14		6		3	2	2			10
Per 100 buses		111.1	38.9		16.7		8.3	5.6	5.6			27.8
CHARTERED SERVICE												
Buses inspected	2,078											
All defects (number)		4,531	539	7	21	233	125	32	127	67	18	98
Per 100 buses		218.0	25.9	.3	1.0	11.2	6.0	1.5	6.1	3.2	.9	4.7
Buses out of service	226											
All defects (number)		810	179	3	12	49	20	22	26	21	6	45
Per 100 buses		358.4	79.2	1.3	5.3	21.7	8.8	9.7	11.5	9.3	2.7	19.9
Out-of-service defects:												
Number		278	125	3	12	5	8	21	7	16	1	40
Per 100 buses		123.0	55.3	1.3	5.3	2.2	3.5	9.3	3.1	7.1	.4	17.7
CHARTERED AND SCHEDULED												
Buses inspected	5,902											
All defects (number)		11,726	1,794	17	87	557	327	137	305	128	45	218
Per 100 buses		198.7	30.4	.3	1.5	9.4	5.5	2.3	5.2	2.2	.8	3.7
Buses out of service	688											
All defects (number)		2,340	568	9	42	105	75	90	58	39.	10	113
Per 100 buses		340.1	82.6	1.3	6.1	15.3	10.9	13.1	8.4	5.7	1.5	16.4
Out-of-service defects:												
Number		836	394	7	40	7	36	73	18	25	3	102
Per 100 buses		121.5	57.3	1.0	5.8	1.0	5.2	10.6	2.6	3.6	.4	4.8

ALL REGIONS—B

	Equipment defects									
					Body					
			Lamps							
	Engine (starting)	Fuel system	Stop lamps	All other lamps	Condition (maintenance): doors, floor, seats, windows, etc.	Safety features: escape windows, windshield wipers, etc.	Other areas of the vehicle	Accessories for safety and emergencies	Driver violations	Total: all defects and violations
	13	14	15	16	17	18	19	20	21	22
SCHEDULED SERVICE										
Buses inspected:										
All defects (number)	32	29	183	999	648	1,155	754	1,047	1,185	8,380
Per 100 buses	.8	.8	4.8	26.1	16.9	30.2	19.7	27.4	31.0	219.1
Buses out of service:										
All defects (number)	290	18	74	157	88	183	105	150	153	1,683
Per 100 buses	6.3	3.9	16.0	34.0	19.0	39.6	22.7	32.5	33.1	364.3
Out-of-service defects:										
Number	28	16	40	1		2	4			
Per 100 buses	6.1	3.5	8.7	.2		.4	.9			
CHARTERED SERVICE										
Buses inspected:										
All defects (number)	18	4	87	467	418	946	376	948	1,536	6,067
Per 100 buses	.9	.2	4.2	22.5	20.1	45.5	18.1	45.6	73.9	292.0
Buses out of service:										
All defects (number)	15	2	33	73	51	92	53	108	151	961
Per 100 buses	6.6	.9	14.6	32.3	22.6	40.7	23.5	47.8	66.8	425.2
Out-of-service defects:										
Number	15	2	21		2					
Per 100 buses	6.6	.9	9.3		.9					
CHARTERED AND SCHEDULED										
Buses inspected:										
All defects (number)	50	33	270	1,466	1,066	2,101	1,130	1,995	2,721	14,447
Per 100 buses	.8	.6	4.6	24.8	18.1	35.6	19.1	33.8	63.0	244.8
Buses out of service:										
All defects (number)	44	20	107	230	139	275	158	258	304	2,644
Per 100 buses	6.4	2.9	15.6	33.4	20.2	40.0	23.0	37.5	44.2	384.3
Out-of-service defects:										
Number	43	18	61	1	2	2	4			
Per 100 buses	6.2	2.6	8.9	.1	.3	.3	.6			

REGION 1—A

		Equipment defects										
			Brakes			Tires		Wheels				
			Service									
	Buses involved	Total	Application systems	Foundation	Parking	Shallow tread	Structural damage	Wheel proper	Lugs, studs, etc.	Steering systems	Suspension systems	Exhaust systems
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
SCHEDULED SERVICE												
Buses inspected	763											
All defects, number		1,326.0	138.0		7.0	53.0	39.0	13.0	28.0	7.0	9.0	20.0
Per 100 buses		173.8	18.1		.9	6.9	5.1	1.7	3.7	.9	1.2	2.6
Buses out of service	85											
All defects, number		288.0	57.0		6.0	11.0	8.0	10.0	4.0	3.0	1.0	16.0
Per 100 buses		338.8	67.1		7.1	12.9	9.4	11.8	4.7	3.5	1.2	18.8
Out-of-service defects:												
Number		97.0	43.0		6.0		4.0	6.0	3.0	1.0	1.0	16.0
Per 100 buses		114.1	50.6		7.1		4.7	7.1	3.5	1.2	1.2	18.8
CHARTERED SERVICE												
Buses inspected	583											
All defects, number		1,397.0	75.0	2.0	4.0	89.0	36.0	2.0	16.0	37.0	8.0	13.0
Per 100 buses		239.6	12.9	.3	.7	15.3	6.2	.3	2.7	6.3	1.4	2.2
Buses out of service	47											
All defects, number		200.0	35.0	1.0	2.0	18.0		1.0	6.0	14.0	3.0	8.0
Per 100 buses		425.5	74.5	2.1	4.3	38.3		2.1	12.8	29.8	6.4	17.0
Out-of-service defects:												
Number		64.0	27.0	1.0	2.0	1.0		1.0	1.0	12.0		6.0
Per 100 buses		136.2	57.4	2.1	4.3	2.1		2.1	2.1	25.5		12.8
CHARTERED AND SCHEDULED												
Buses inspected	1,346											
All defects, number		2,723.0	213.0	2.0	11.0	142.0	75.0	15.0	44.0	44.0	17.0	33.0
Per 100 buses		202.3	15.8	.1	.8	10.5	5.6	1.1	3.3	3.3	1.3	2.5
Buses out of service	132											
All defects, number		488.0	92.0	1.0	8.0	29.0	8.0	11.0	10.0	17.0	4.0	24.0
Per 100 buses		369.7	69.7	.8	6.1	22.0	6.1	8.3	7.6	12.9	3.0	18.2
Out-of-service defects:												
Number		161.0	70.0	1.0	8.0	1.0	4.0	7.0	4.0	13.0	7.0	22.0
Per 100 buses		122.0	53.0	.8	6.1	.8	3.0	5.3	3.0	9.8	.8	16.7

REGIONS 1—B

	Equipment defects									
			Lamps		Body					
	Engine (starting)	Fuel system	Stop lamps	All other lamps	Condition (maintenance): doors, floor, seats, windows, etc.	Safety features: escape windows, windshield wipers, etc.	Other areas of the vehicle	Accessories for safety and emergencies	Driver violations	Total: all defects and violations
	13	14	15	16	17	18	19	20	21	22
SCHEDULED SERVICE										
Buses inspected:										
All defects (number)	3	3	42	197	168	171	124	304	319	1,645
Per 100 buses	.4	.4	5.5	25.8	2.20	22.4	16.3	16.3	41.8	215.6
Buses out of service:										
All defects (number)	3.0	2	19	30	29	28	20	41	31	319
Per 100 buses	3.5	2.4	22.4	24.5	34.1	34.1	32.9	23.9	36.5	375.3
Out-of-service defects:										
Number	3	2	10				2			
Per 100 buses	3.5	2.4	11.8				2.4			
CHARTERED SERVICE										
Buses inspected:										
All defects (number)	4		27	139	133	301	83	428	467	1,864
Per 100 buses	.7		4.6	23.8	22.8	51.6	1..2	73.4	80.1	319.7
Buses out of service:										
All defects (number)	3		11	17	12	23	16	30	35	235
Per 100 buses	6.4		23.4	36.2	25.5	48.9	24.0	63.8	74.5	500.0
Out-of-service defects:										
Number	3		10							
Per 100 buses	6.4		21.3							
CHARTERED AND SCHEDULED										
Buses inspected:										
All defects (number)	7	3	69	336	301	472	207	732	786	3.509
Per 100 buses	.5	.2	5.1	25.0	22.4	35.1	15.4	54.4	58.4	260.7
Buses out of service:										
All defects (number)	6	2	30	47	41	51	36	71	66	554
Per 100 buses	4.5	1.5	22.7	3.6	3.11	38.6	27.3	53.8	50.0	419.7
Out-of-service defects:										
Number	6	2	20				2			
Per 100 buses	4.5	1.5	15.2				1.5			

BUSES INSPECTED, SHOWING NUMBER ORDERED OUT OF SERVICE AND NUMBER OF DEFECTS BY TYPE OF OPERATION AND KIND OF DEFECT—CALENDAR YEAR 1970

ALL REGIONS—A

		Equipment defects										
		Brakes				Tires		Wheels				
			Service									
	Buses involved	Total	Application systems	Foundation	Parking	Shallow tread	Structural damage	Wheel proper	Lugs, studs, etc.	Steering systems	Suspension systems	Exhaust systems
	1	2	3	4	5	6	7	8	9	10	11	12
SCHEDULED SERVICE												
Buses inspected	2,824											
All defects (number)		7,195	1,255	10	66	324	202	105	178	61	27	120
Per 100 buses		185.2	32.8	.3	1.7	8.5	5.3	2.8	4.7	1.6	.7	3.1
Buses out of service	462											
All defects (number)		1,530	389	6	30	56	55	68	32	18	4	58
Per 100 buses		331.2	84.2	1.3	6.5	12.1	11 9	14.7	6.9	3.9	.9	14.7
Out-of-service defects:												
Number		558	259	4	28	2	28	52	11	9	2	52
Per 100 buses		120.8	58.2	.9	6.1	.4	6.1	11.3	2.4	1.9	.4	13.4
CHARTERED SERVICE												
Buses inspected	566											
All defects (number)		1,335	183	2	4	72	44	15	52	12	3	32
Per 100 buses		235.9	32.3	.4	.7	12.7	7.8	2.7	9.2	2.1	.5	5.7
Buses out of service	77											
All defects (number)		278	47	1	4	19	11	12	13	4	2	23
Per 100 buses		361.0	61.0	1.3	5.2	24.7	14.3	15.6	16.9	5.2	2.6	29.9
Out-of-service defects												
Number		89	32	1	4		4	11	3	4	1	21
Per 100 buses		115.6	41.6	1.3	5.2		5.2	14.3	3.9	5.2	1.3	27.3
CHARTERED AND SCHEDULED												
Buses inspected	870											
All defects (number)		1,884	250	2	12	101	61	25	69	12	5	46
Per 100 buses		216.5	28.7	.2	1.4	11.6	7.0	2.9	7.9	1.4	.6	5.3
Buses out of service	113											
All defects (number)		399	70	1	10	21	15	16	15	4	3	34
Per 100 buses		353.1	61.9	.9	8.8	18.6	13.3	14.2	13.3	3.5	2.7	30.1
Out-of-service defects:												
Number		129	46	1	10		7	13	5	4	1	31
Per 100 buses		114.2	40.7	.9	8.8		6.2	11.5	4.4	3.5	.9	27.4

REGION 2—B

	Equipment defects									
			Lamps		Bus Body					
	Engine (starting)	Fuel system	Stop lamps	All other lamps	Condition (maintenance): doors, floor, seats, windows, etc.	Safety features: escape windows, windshield wipers, etc.	Other areas of the vehicle	Accessories for safety and emergencies	Driver violations	Total, all defects and violations
	13	14	15	16	17	18	19	20	21	22
SCHEDULED SERVICE										
Buses inspected:										
All defects (number)	2		11	66	49	94	68	95	84	633
Per 100 buses	.7		3.6	21.7	16.1	30.9	22.4	31.2	27.6	208.2
Buses out of service:										
All defects (number)	1		5	14	7	16	10	15	12	133
Per 100 buses	2.8		13.9	38.9	19.4	44.4	27.8	41.7	33.3	369.4
Out-of-service defects:										
Number	1		2							
Per 100 buses	2.8		5.6							
CHARTERED SERVICE										
Buses inspected:										
All defects (number)	5	1	21	118	119	296	100	256	416	1,751
Per 100 buses	.9	.2	3.7	20.8	21.0	52.3	17.7	45.2	73.5	309.3
Buses out of service:										
All defects (number)	5	1	4	26	22	35	11	38	57	335
Per 100 buses	6.5	1.3	5.2	33.8	28 6	45.5	14.3	49.4	74.0	435.1
Out-of-service defects:										
Number	5	1	2							
Per 100 buses	6.5	1.3	2.6							
CHARTERED AND SCHEDULED										
Buses inspected:										
All defects (number)	7	1	32	184	168	390	168	351	500	2,384
Per 100 buses	.8	.1	3.7	31.1	19.3	44.8	19.3	40.3	57.5	274.0
Buses out of service:										
All defects (number)	6	1	9	40	29	51	21	53	69	468
Per 100 buses	5.3	.9	8.0	35.4	25.7	45.1	18.6	46.9	61.1	414.2
Out-of-service defects:										
Number	6	1	4							
Per 100 buses	5.6	.9	3.5							

BUSES INSPECTED—SHOWING NUMBER ORDERED OUT OF SERVICE AND NUMBER OF DEFECTS BY TYPE OF OPERATION AND KIND OF DEFECT—CALENDAR YEAR 1970

REGION 3—A

			Brakes			Tires		Wheels				
			Service									
	Buses Involved	Total	Application systems	Foundation	Parking	Shallow tread	Structural damage	Wheel proper	Lugs, studs, etc.	Steering systems	Suspension systems	Exhaust systems
	1	2	3	4	5	6	7	8	9	10	11	12
SCHEDULED SERVICE												
Buses inspected	898											
All defects (number)		1,928	360	1	22	125	58	59	49	31		7
Per 100 buses		214.7	40.1	.1	2 4	13.9	6.5	6.6	5.5	3.5		.8
Buses out of service	119											
All defects (number)		466	113		6	34	21	36	11	9		7
Per 100 buses		391.6	95.0		5.0	28.6	17.6	30.3	9.2	7.6		5.9
Out-of-service defects:												
Number		145	69		4		7	29	3	3		9
Per 100 buses		121.8	58.0		3.4		5.9	24.4	2.5	2.5		5.0
CHARTERED SERVICE												
Buses inspected	119											
All defects (number)		249	30	2	4	6	5	3	12	1	1	2
Per 100 buses		209.2	25.2	1.7	3.4	5.0	4.2	2.0	10.1	.8	.8	1.7
Buses out of service	12											
All defects (number)		45	8	1	1			1	1	1		1
Per 100 buses		375.0	66.7	8.3	8.3			8.3	8.3	8.3		8.3
Out-of-service defects:												
Number		13	6	1	1			1				1
Per 100 buses		108.3	50.0	8.3	8.3			8.3				8.3
CHARTERED AND SCHEDULED												
Buses inspected	1,017											
All defects (number)		2,177	390	3	26	131	63	62	61	32	1	9
Per 100 buses		214.1	38.3	.3	2.6	12.9	6.2	6.1	6.0	3.1	.1	.9
Buses out of service	131											
All defects (number)		511	121	1	7	34	21	37	12	10		8
Per 100 buses		390.1	92.4	.8	5.3	26.0	16.0	28.2	9.2	7.6		6.1
Out-of-service defects:												
Number		158	75	1	5		7	30	3	3		7
Per 100 buses		120.6	57.3	.8	3.8		5.3	22.9	2.3	2.3		5.3

REGION 3—B

	Equipment defects									
			Lamps		Body					
	Engine (starting)	Fuel systems	Stop lamps	All other lamps	Condition (maintenance): doors, floor, seats, windows, etc.	Safety features: escape windows, windshield wipers, etc.	Other areas of the vehicle	Accessories for safety and emergencies	Driver violations	Total: all defects and violations
	13	14	15	16	17	18	19	20	21	22
SCHEDULED SERVICE										
Buses inspected:										
All defects—Number	7	9	45	222	187	379	160	207	280	2,208
Per 100 buses	.8	1.0	5.0	24.7	20.8	42.2	17.8	23.1	31.2	2.54
Buses out of service:										
All defects—Number	7	4	20	46	27	61	35	29	39	505
Per 100 buses	5.9	3.4	16.8	38.7	22.7	51.3	29.4	24.4	32.8	424.4
Out-of-service defects:										
Number	7	3	12				2			
Per 100 buses	5.9	2.5	10.1				1.7			
CHARTERED SERVICE										
Buses inspected:										
All defects—Number	2	1	3	35	26	39	26	51	96	345
Per 100 buses	1.7	.8	2.5	29.4	21.8	32.8	21.8	42.8	80.7	289.9
Buses out of service:										
All defects—Number	2		2	7	4	5	3	8	11	56
Per 100 buses	16.7		16.7	58.3	33.3	41.7	25.0	66.7	91.7	466.7
Out-of-service defects:										
Number	2		1							
Per 100 buses	16.7		8.3							
CHARTERED AND SCHEDULED										
Buses inspected:										
All defects—Number	9	10	48	257	213	418	186	258	376	2,553
Per 100 buses	.9	1.0	4.7	25.3	20.9	41.1	18.3	25.4	37.0	251.0
Buses out of service:										
All defects—Number	9	4	22	53	31	66	38	37	50	561
Per 100 buses	6.9	3.1	16.8	40.5	23.7	50.4	29.0	28.2	38.2	428.2
Out-of-service defects:										
Number	9	3	13				2			
Per 100 buses	6.9	2.3	9.9				1.5			

REGION 4—A

		Equipment defects										
			Brakes			Tires		Wheels				
			Service									
	Buses involved	Total	Application systems	Foundation	Parking	Shallow tread	Structural damage	Wheel proper	Lugs, studs, etc.	Steering systems	Suspension systems	Exhaust systems
	1	2	3	4	5	6	7	8	9	10	11	12
SCHEDULED SERVICE												
Buses inspected	526											
All defects—number		1,015	139		8	23	49		18	5	9	36
Per 100 buses		193.0	26.4		1.5	4.4	9.3		3.4	1.0	1.7	6.8
Buses out of service	45											
All defects—number		117	26				14		2			4
Per 100 buses		260.0	57.8				31.1		4.4			8.9
Out-of-service defects:												
Number		55	26				9		1			4
Per 100 buses		122.2	57.8				20.0		2.2			8.9
CHARTERED SERVICE												
Buses inspected	224											
All defects—number		596	47	1	1	33	24	1	15	10	5	33
Per 100 buses		266.1	21.0	.4	.4	14.7	10.7	.4	6.7	4.5	2.2	14.7
Buses out of service	19											
All defects—number		84	13			3	6	1	2	1	1	7
Per 100 buses		442.1	68.4			15.8	31.6	5.3	10.5	5.3	5.3	36.8
Out-of-service defects:												
Number		23	11				2	1				7
Per 100 buses		121.1	57.9				10.5	5.3				36.8
CHARTERED AND SCHEDULED												
Buses inspected	750											
All defects—number		1,611	186	1	9	56	73	1	33	15	14	69
Per 100 buses		214.8	24.8	.1	1.2	7.5	9.7	.1	4.4	2.0	1.9	9.2
Buses out of service	64											
All defects—number		201	39			3	20	1	4	1	1	11
Per 100 buses		314.1	60.9			4.7	31.3	1.6	6.3	1.6	1.6	17.2
Out-of-service defects:												
Number		78	37				11	1	1			11
Per 100 buses		121.9	57.8				17.2	1.6	1.6			17.2

REGION 4—B

	Equipment defects									
			Lamps		Body					
	Engine (starting)	Fuel system	Stop lamps	All other lamps	Condition (maintenance): doors, floor, seats, windows, etc.	Safety features: escape windows, windshield wipers, etc.	Other areas of the vehicle	Accessories for safety and emergencies	Driver violations	Total: all defects and violations
	13	14	15	16	17	18	19	20	21	22
SCHEDULED SERVICE										
Buses inspected:										
All defects—Number	5	7	28	181	93	114	177	123	182	1,197
Per 100 buses	1.0	1.3	5.3	34.4	17.7	21.7	33.7	23.4	34.6	227.6
Buses out of service:										
All defects—Number	4	7	7	25	3	11	5	9	20	137
Per 100 buses	8.9	15.6	15.6	55.6	6.7	24.4	11.1	20.0	44.4	304.4
Out-of-service defects:										
Number	4	7	3	1						
Per 100 buses	8.9	15.6	6.7	2.2						
CHARTERED SERVICE										
Buses inspected:										
All defects—Number	1	1	7	58	75	116	73	95	231	827
Per 100 buses	.4	.4	3.1	25.9	33.5	51.8	32.6	42.4	103.1	369.2
Buses out of service:										
All defects—Number			4	6	3	8	12	17	15	99
Per 100 buses			21.1	31.6	15.8	42.1	63.2	89.5	78.9	521.0
Out-of-service defects:										
Number			2							
Per 100 buses			10.5							
CHARTERED AND SCHEDULED										
Buses inspected:										
All defects—Number	6	8	35	239	168	230	250	218	413	2,024
Per 100 buses	.8	1.1	4.7	31.9	22.4	30.7	33.3	29.1	55.1	269.9
Buses out of service:										
All defects—Number	4	7	11	31	6	19	17	26	35	236
Per 100 buses	6.3	10.9	17.2	48.4	9.4	29.7	26.6	40.6	54.7	368.8
Out-of-service defects:										
Number	4	7	5	1						
Per 100 buses	6.3	10.9	7.8	1.6						

REGION 5—A

		Equipment defects										
		Brakes				Tires		Wheels				
			Service									
	Buses involved	Total	Application systems	Foundation	Parking	Shallow tread	Structural damage	Wheel proper	Lugs, studs, etc.	Steering systems	Suspension systems	Exhaust systems
	1	2	3	4	5	6	7	8	9	10	11	12
SCHEDULED SERVICE												
Buses inspected:	334											
All defects—Number		691	185	6	7	26	22	1	12	6	2	10
Per 100 buses		206.9	55.4	1.8	2.1	7.8	6.6	.3	3.6	1.8	.4	3.0
Buses out of service:	60											
All defects—Number		168	66	3	5	2	5	1	1	1	1	3
Per 100 buses		280.0	110.0	5.0	8.3	3.3	8.3	1.7	1.7	1.7	1.7	5.0
Out-of-service defects:												
Number		77	52	3	5		3	1		1		3
Per 100 buses		128.3	86.7	5.0	8.3		5.0	1.7		1.7		5.0
CHARTERED SERVICE												
Buses inspected:	150											
All defects—Number		281	85		1	14	6		9	1		4
Per 100 buses		187.3	56.7		.7	9.3	4.0		6.0	.7		2.7
Buses out of service:	27											
All defects—Number		74	36		1	1	1			1		3
Per 100 buses		274.1	133.3		3.7	3.7	3.7			3.7		11.1
Out-of-service defects:												
Number		31	21		1		1					3
Per 100 buses		114.8	77.8		3.7		3.7					11.1
CHARTERED AND SCHEDULED												
Buses inspected:	484											
All defects—Number		972	270	6	8	40	28	1	21	7	2	1
Per 100 buses		200.8	55.8	1.2	1.6	8.3	5.8	.2	4.3	1.4	.4	2.9
Buses out-of-service:	87											
All defects—Number		242	102	3	6	3	6	1	1	2	1	6
Per 100 buses		278.2	117.2	3.4	6.9	3.4	6.9	1.1	1.1	2.3	1.1	6.9
Out-of-service defects:												
Number		108	73	3	6		4	1		1		6
Per 100 buses		124.1	83.9	3.4	6.9		4.6	1.1		1.1		6.9

REGION 5—B

	Equipment defects									
			Lamps		Bus	Body				
	Engine (starting) 13	Fuel systems 14	Stop lamps 15	All other lamps 16	Condition (maintenance): doors, floor, seats, windows, etc. 17	Safety features: escape windows, windshield wipers, etc. 18	Other areas of the vehicle 19	Accessories for safety and emergencies 20	Driver violations 21	Total: all defects and violations 22
SCHEDULED SERVICE										
Buses inspected.										
All defects, number	9	3	16	84	20	134	53	95	99	790
Per 100 buses	2.7	.9	4.8	25.1	6.0	40.1	15.9	28.4	29.6	236.5
Buses out of service:										
All defects, number	8		3	12	7	26	9	15	19	187
Per 100 buses	13.3		5.0	20.0	11.7	43.3	15.0	25.0	31.7	311.7
Out-of-service defects:										
Number	7		2							
Per 100 buses	11.7		3.3							
CHARTERED SERVICE										
Buses inspected:										
All defects, number	5		6	28	6	58	28	30	82	363
Per 100 buses	3.3		4.0	18.7	4.0	38.7	18.7	20.0	54.7	342.0
Buses out of service:										
All defects, number	4		2	6		8	7	4	16	90
Per 100 buses	14.8		7.4	22.2		29.7	25.9	14.8	59.3	333.3
Out-of-service defects:										
Number	4		1							
Per 100 buses	14.8		3.7							
CHARTERED AND SCHEDULED										
Buses inspected:										
All defects, number	14	3	22	112	26	192	81	125	181	1,153
Per 100 buses	2.9	.6	4.5	23.1	5.4	39.7	16.7	25.8	37.4	238.2
Buses out of service:										
All defects, number	12		5	8	7	34	16	19	35	277
Per 100 buses	13.8		5.7	20.7	8.0	39.1	18.4	21.8	40.2	318.4
Out-of-service defects:										
Number	11		3							
Per 100 buses	12.6		3.4							

REGION 6—A

		Equipment defects										
			Brakes			Tires		Wheels				
			Service									
	Buses involved (1)	Total (2)	Application systems (3)	Foundation (4)	Parking (5)	Shallow tread (6)	Structural damage (7)	Wheel proper (8)	Lugs, studs, etc. (9)	Steering systems (10)	Suspension systems (11)	Exhaust systems (12)
SCHEDULED SERVICE												
Buses inspected	420											
All defects—number		634	144	1	7	25	7	5	38	3		
Per 100 buses		150.9	34.3	.2	1.7	6.0	1.7	1.2	9.0	.7		
Buses out of service	48											
All defects—number		169	46	1	5	4	1	5	9	3		
Per 100 buses		352.1	95.8	2.1	10.4	8.3	2.1	10.4	18.7	6.2		
Out-of-service defects:												
Number		57	32	1	5	2		5	1	3		
Per 100 buses		118.7	66.7	2.1	10.4	4.2		10.4	2.1	6.2		
CHARTERED SERVICE												
Buses inspected	32											
All defects—number		57	16						1			
Per 100 buses		178.1	50.0						3.1			
Buses out of service	5											
All defects—number		20	5									
Per 100 buses		400.0	100.0									
Out-of service defects:												
Number		7	5									
Per 100 buses		140.0	100.0									
CHARTERED AND SCHEDULED												
Buses inspected	452											
All defects—number		691	160	1	7	25	7	5	39	3		
Per 100 buses		152.9	35.4	.2	1.5	5.5	1.5	1.1	8.6	.7		
Buses out of service	53											
All defects—number		189	51	1	5	4	1	5	9	3		
Per 100 buses		356.6	96.2	1.9	9.4	7.5	1.9	9.4	17.0	5.7		
Out-of-service defects:												
Number		64	37	1	5	2		5	1	3		
Per 100 buses		120.7	69.8	1.9	9.4	3.8		9.4	1.9	5.7		

REGION 6—B

	Equipment defects									
			Lamps		Bus Body					
	Engine (starting)	Fuel system	Stop lamps	All other lamps	Condition (maintenance): doors, floor, seats, windows, etc.	Safety features: escape windows, windshield wipers, etc.	Other areas of the vehicle	Accessories for safety and emergencies	Driver violations	Total: all defects and violations
	13	14	15	16	17	18	19	20	21	22
SCHEDULED SERVICE										
Buses inspected:										
All defects, number	2	3	18	130	24	84	37	106	41	675
Per 100 buses	.5	.7	4.3	31.0	5.7	20.0	8.8	25.2	9.8	160.7
Buses out of service:										
All defects, number	2	3	5	24	2	21	14	24	14	183
Per 100 buses	4.2	6.2	10.4	50.0	4.2	43.7	29.2	50.0	29.2	381.2
Out-of-service defects:										
Number	2	3	3							
Per 100 buses	4.2	6.2	6.2							
CHARTERED SERVICE										
Buses inspected:										
All defects, number		1	3	11	4	12	4	5	4	61
Per 100 buses		3.1	9.4	34.4	12.5	37.5	12.5	15.6	12.5	190.6
Buses out of service:										
All defects, number		1	2	5		3	2	2		20
Per 100 buses		20.0	40.0	100.0		60.0	40.0	40.0		400.0
Out-of-service defects:										
Number		1	1							
Per 100 buses		20.0	20.0							
CHARTERED AND SCHEDULED										
Buses inspected:										
All defects, number	2	4	21	141	28	96	41	111	45	736
Per 100 buses	.4	.9	4.6	31.2	6.2	21.2	9.1	24.6	1.0	162.8
Buses out of service:										
All defects, number	2	4	7	29	2	24	16	26	14	203
Per 100 buses	3.8	7.5	13.2	54.7	3.8	45.3	30.2	49.1	26.4	383.0
Out-of-service defects:										
Number	2	4	4							
Per 100 buses	3.8	7.5	7.5							

REGION 7—A

		Equipment defects										
		Brakes				Tires		Wheels				
			Service									
	Buses involved	Total	Application systems	Foundation	Parking	Shallow tread	Structural damage	Wheel proper	Lugs, studs, etc.	Steering systems	Suspension systems	Exhaust systems
	1	2	3	4	5	6	7	8	9	10	11	12
SCHEDULED SERVICE												
Buses inspected	225											
All defects—number		251	56			5		7	12	2	1	
Per 100 buses		111.6	24.9			2.2		3.1	5.3	.9	.4	
Buses out of service	16											
All defects—number		33	14					4	2	1	1	
Per 100 buses		206.3	87.5					25.0	12.5	6.3	6.3	
Out-of-service defects												
Number		23	14					4	1	1	1	
Per 100 buses		143.8	87.5					25.0	6.3	6.3	6.3	
CHARTERED SERVICE												
Buses inspected	158											
All defects—number		180	41		1	3	5	3	6	1		6
Per 100 buses		113.9	25.9		.6	1.9	3.2	1.9	3.8	.6		3.8
Buses out of service	16											
All defects—number		42	16		1	2	2	2				1
Per 100 buses		262.5	100.0		6.3	12.5	12.5	12.5				6.3
Out-of-service defects												
Number		25	15		1	1	1	2				1
Per 100 buses		156.3	93.8		6.3	6.3	6.3	12.5				6.3
CHARTERED AND SCHEDULED												
Buses inspected	383											
All defects—number		431	97		1	8	5	10	18	3	1	6
Per 100 buses		112.5	25.3		.3	2.1	1.3	2.6	4.7	.8	.3	1.6
Buses out of service	32											
All defects—number		75	30		1	2	2	6	2	1	1	1
Per 100 buses		234.4	93.8		3.1	6.3	6.3	18.8	6.3	3.1	3.1	3.1
Out-of-service defects												
Number		48	29		1	1	1	6	1	1	1	1
Per 100 buses		150.0	90.6		3.1	3.1	3.1	18.8	3.1	3.1	3.1	3.1

REGION 7—B

	Equipment defects									
			Lamps		Bus Body					
	Engine (starting)	Fuel system	Stop lamps	All other lamps	Condition (maintenance): doors, floor, seats, windows, etc.	Safety features: escape windows, windshield wipers, etc.	Other areas of the vehicle	Accessories for safety and emergencies	Driver violations	Total: all defects and violations
	13	14	15	16	17	18	19	20	21	22
SCHEDULED SERVICE										
Buses inspected:										
All defects (number)		1	4	47	17	39	24	36	39	290
Per 100 buses		.4	1.8	20.9	7.6	17.3	10.7	16.0	17.3	128.0
Buses out of service:										
All defects (number)		1	2		1	2		5	3	36
Per 100 buses		6.3	12.5		6.3	12.5		31.3	18.8	225.0
Out-of-service defects:										
Number		1	1							
Per 100 buses		6.3	6.3							
CHARTERED SERVICE										
Buses inspected:										
All defects (number)			6	22	21	10	26	29	99	279
Per 100 buses			3.8	13.9	13.3	6.3	16.5	18.4	62.7	176.6
Buses out of service:										
All defects (number)			4	1	6		1	6	10	52
Per 100 buses			25.0	6.3	37.5		6.3	37.5	62.5	325.0
Out-of-service defects:										
Number			2		2					
Per 100 buses			12.5		12.5					
CHARTERED AND SCHEDULED										
Buses inspected:										
All defects (number)		1	10	69	38	49	50	65	138	569
Per 100 buses		.3	2.6	18.0	9.9	12.8	13.1	17.0	36.0	148.6
Buses out of service:										
All defects (number)		1	6	1	7	2	1	11	13	88
Per 100 buses		3.1	18.8	3.1	21.9	6.3	3.1	34.4	40.6	275.0
Out-of-service defects:										
Number		1	3		2					
Per 100 buses		3.1	9.4		6.3					

REGION 8—A

		Equipment defects										
			Brakes			Tires		Wheels				
			Service									
	Buses involved	Total	Application systems	Foundation	Parking	Shallow tread	Structural damage	Wheel proper	Lugs, studs, etc.	Steering systems	Suspension systems	Exhaust systems
		2	3	4	5	6	7	8	9	10	11	12
SCHEDULED SERVICE												
Buses inspected	194											
All defects, number		442	122	2	1	22	7	4	1	4	4	28
Per 100 buses		227.8	62.9	1.0	.5	11.3	3.6	2.1	.5	2.1	2.1	14.4
Buses out of service	30											
All defects, number		93	29	2				2	1	1		25
Per 100 buses		310	96.7	6.7				6.7	3.3	3.3		83.3
Out-of-service defects:												
Number		41	12					1				23
Per 100 buses		136.7	40.0					3.3				76.7
CHARTERED SERVICE												
Buses inspected	71											
All defects, number		147	22		1	8	5	4	3	4	1	4
Per 100 buses		207.0	31.0		1.4	11.3	7.0	5.6	4.2	5.6	1.4	5.6
Buses out of service	5											
All defects, number		20	8			2		1	1			2
Per 100 buses		400.0	160.0			40.0		20.0	20.0			40.0
Out-of-service defects:												
Number		7	3			1		1	1			0
Per 100 buses		140.0	60.0			20.0		20.0	20.0			20.1
CHARTERED AND SCHEDULED												
Buses inspected	265											
All defects, number		589	144	2	2	30	12	8	4	8	5	32
Per 100 buses		222.3	54.3	.8	.8	11.3	4.5	3.0	1.5	3.0	1.9	12.1
Buses out of service	35											
All defects, number		113	37	2		2		3	2	1		27
Per 100 buses		322.9	105.7	5.7		5.7		8.6	5.7	2.9		77.1
Out-of-service defects:												
Number		48	15			1		2	1			24
Per 100 buses		137.1	42.9			2.9		5.7	2.9			68.6

REGION 8—B

	Equipment defects									
			Lamps		Body					
	Engine (starting) 13	Fuel systems 14	Stop lamps 15	All other lamps 16	Condition (maintenance): doors, floor, seats, windows, etc. 17	Safety features: escape windows, windshield wipers, etc. 18	Other areas of the vehicle 19	Accessories for safety and emergencies 20	Driver violations 21	Total: all defects and violations 22
SCHEDULED SERVICE										
Buses inspected:										
All defects (number)	1	1	6	38	27	69	72	33	79	521
Per 100 buses	.5	.5	3.1	19.6	13.9	35.6	37.1	17.0	40.7	268.6
Buses out of service:										
All defects (number)	1		3	5	4	9	9	2	6	99
Per 100 buses	3.3		10.0	16.7	13.3	30.0	30.0	6.7	20.0	330.0
Out-of-service defects:										
Number	1		2			2				
Per 100 buses	3.3		6.7			6.7				
CHARTERED SERVICE										
Buses inspected:										
All defects (number)			1	19	13	28	13	21	58	205
Per 100 buses			1.4	26.8	18.3	39.4	18.3	29.6	81.7	288.7
Buses out of service:										
All defects (number)				3	1	1		1	1	21
Per 100 buses				60.0	20.0	20.0		20.0	20.0	420.0
Out-of-service defects:										
Number										
Per 100 buses										
CHARTERED AND SCHEDULED										
Buses inspected:										
All defects (number)	1	1	7	57	40	97	85	54	137	726
Per 100 buses	.4	.4	2.6	21.5	15.1	36.6	32.1	20.4	51.7	274.0
Buses out of service:										
All defects (number)	1		3	8	5	10	9	3	7	120
Per 100 buses	2.9		8.6	22.9	14.3	28.6	25.7	8.6	20.0	342.9
Out-of-service defects:										
Number	1		2			2				
Per 100 buses	2.9		5.7			5.7				

REGION 9—A

		Equipment defects										
			Brakes			Tires		Wheels				
			Service									
	Buses involved 1	Total 2	Application systems 3	Foundation 4	Parking 5	Shallow tread 6	Structural damage 7	Wheel proper 8	Lugs, studs, etc. 9	Steering systems 10	Suspension systems 11	Exhaust systems 12
SCHEDULED SERVICE												
Buses inspected (160):												
All defects, number		359	44		6	16	3	6	3	3		5
Per 100 buses		224.4	27.5		3.8	10.0	1.9	3.8	1.9	1.9		3.1
Buses out of service (23):												
All defects, number		75	15		2	3	2	6				2
Per 100 buses		326.1	65.2		8.7	13.0	8.7	26.1				8.7
Out-of-service defects:												
Number		23	7		2		2	4				
Per 100 buses			30.4		8.7		8.7	17.4				
CHARTERED SERVICE												
Buses inspected (175):												
All defects, number		289	40		5	8		4	13	1		4
Per 100 buses		165.1	22.9		2.9	4.6		2.3	7.4	.6		2.3
Buses out of service (18):												
All defects, number		47	11		3	4		4	3			
Per 100 buses		261.1	61.1		16.7	22.2		22.2	16.7			
Out-of-service defects:												
Number		19	5		3	2		4	2			
Per 100 buses		105.6	27.8		16.7	11.1		22.2	11.2			
CHARTERED AND SCHEDULED												
Buses inspected (335):												
All defects, number		648	84		11	24	3	10	16	4		9
Per 100 buses		193.4	25.1		3.3	7.2	.9	3.0	4.8	1.2		2.7
Buses out of service (41):												
All defects, number		122	26		5	7	2	10	3			2
Per 100 buses		297.6	63.4		12.2	17.1	4.9	24.4	7.3			4.9
Out-of-service defects:												
Number		42	12		5	2	2	8	2			
Per 100 buses		102.4	29.3		12.2	4.9	4.9	19.5	4.9			

REGION 9—B

	Equipment defects									
			Lamps		Body					
	Engine (starting) 13	Fuel system 14	Stop lamps 15	All other lamps 16	Condition (maintenance): doors, floor, seats, windows, etc. 17	Safety features: escape windows, windshield wipers, etc. 18	Other areas of the vehicle 19	Accessories for safety and emergencies 20	Driver violations 21	Total: all defects and violations 22
SCHEDULED SERVICE										
Buses inspected:										
All defects, number	3	2	13	34	63	71	39	48	62	419
Per 100 buses	1.9	1.3	8.1	21.3	30.4	44.4	24.4	30.0	38.8	261.9
Buses out of service:										
All defects, number	3	1	10	1	8	9	3	10	9	84
Per 100 buses	13.0	4.3	43.5	4.3	34.8	39.1	13.0	43.5	39.1	365.2
Out-of-service defects:										
Number	3		5							
Per 100 buses	13.0		21.7							
CHARTERED SERVICE										
Buses inspected:										
All defects, number	1		13	37	21	86	23	33	83	372
Per 100 buses	.6		7.4	21.1	12.0	49.1	13.1	18.9	47.4	212.6
Buses out of service:										
All defects, number	1		4	2	3	9	1	2	6	53
Per 100 buses	5.6		22.2	11.1	16.7	50.0	5.6	11.1	33.3	294.4
Out-of-service defects:										
Number	1		2							
Per 100 buses	5.6		11.1							
CHARTERED AND SCHEDULED										
Buses inspected:										
All defects, number	4	2	26	71	84	157	62	81	145	793
Per 100 buses	1.2	.6	7.8	21.2	25.1	46.9	18.5	24.2	43.3	236.7
Buses out of service:										
All defects, number	4	1	14	3	11	18	4	12	15	137
Per 100 buses	9.8	2.4	34.1	7.3	26.8	43.9	9.8	29.3	36.6	334.1
Out-of-service defects:										
Number	4		7							
Per 100 buses	9.8		17.1							

POSTAL DIFFICULTIES

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. BEGICH. Mr. Speaker, as you know, one of the most important means of communication in Alaska is the U.S. mail. The U.S. Postal Service at Fort Yukon and Barrow are experiencing extraordinary difficulty in performing their constitutional duties. Presently, there are no roads at Fort Yukon and Barrow which are utilized by the U.S. Postal Service system.

Many citizens of these areas are totally dependent on air service for all items of mail. This includes personal communications, business communications and supplies of every kind and description. Although there is daily air service to Fort Yukon and Barrow, the postal service is generally poor.

Many times, citizens are caused to suffer needless delays and unnecessary hardships due to the poor service. Many times people suffer a loss of a good credit rating because bills arrive after they are due, and businesses are damaged by the lack of communication. Transportation facilities have suffered because parts are not received within a reasonable time after they are ordered.

Because communication is so basic to the growth of any area, the Alaska State Legislature has requested that the U.S. Post Office take whatever action necessary to upgrade the postal service at Fort Yukon and Barrow. I include for inclusion into the Record a copy of the legislature's resolution:

HOUSE JOINT RESOLUTION NO. 67—RELATING TO THE UNITED STATES POSTAL SERVICE AT FORT YUKON AND BARROW

Be it resolved by the Legislature of the State of Alaska:

Whereas there are no roads to Fort Yukon and Barrow, Alaska, which can be utilized by any form of ground transportation; and

Whereas the many citizens of Fort Yukon and Barrow must totally depend upon air service for all items of mail, including personal communications, business communications, supplies of every kind and description, newspapers, and all other items and commodities that may be forwarded by the United States Postal Service; and

Whereas, although there is daily air service to Fort Yukon and Barrow, the postal service, in general, fails to accommodate even the basic needs of the community; and

Whereas there are many instances where in-state newspapers (even from Fairbanks) arrive over two weeks late; medical supplies have arrived after they are no longer needed; individuals suffer loss of credit because bills arrive after they are due; businesses are damaged by the lack of communication; transportation facilities have suffered because parts are not received within a reasonable time after they are ordered; and

Whereas a host of other inconveniences and aggravations have been foisted upon the residents of Fort Yukon and Barrow because of the less than dependable postal service; and

Whereas morale is affected by constant disappointment and frustration over these failures in communication, and personal lives are drastically affected by the lack of dependable ties with family and friends; and

Whereas the postal service to Fort Yukon and Barrow has deteriorated to an even greater degree since the institution by the United States Postal Service of the "two track" air transport system;

Be it resolved by the Alaska Legislature that the United States Post Office is urgently requested to take all action necessary to upgrade the postal services to Fort Yukon and Barrow, at least to the level of adequacy present before institution of the "two track" system.

Copies of this Resolution shall be sent to the Honorable Winton M. Blount, Postmaster General of the United States; the Honorable Gale W. McGee, U.S. Senator and Chairman of the Senate Committee on the Post Office and Civil Service; the Honorable Thaddeus J. Dulski, U.S. Representative and Chairman of the House Committee on the Post Office and Civil Service; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SECRET BILDERBERG MEETING AND THE LOGAN ACT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. RARICK. Mr. Speaker, in recent remarks—see CONGRESSIONAL RECORDS, pages 13688–13691 of May 5, 1971, entitled "Bilderbergs' Woodstock Meeting;" and pages 14189–14195 of May 10, 1971, entitled "U.S. Dollar Crisis—A Dividend of Internationalism"—I raised several questions about the secrecy of the Bilderberg meetings and the possible consequences of such secrecy.

Since all the details of the discussions, conclusions, and recommendations reached have been suppressed from the public, one can only speculate as to what transpired. Following their meeting, the Bilderbergs returned to their respective countries with the ordinary citizens uninformed as to their goals and plans.

Secret discussions are not in keeping with Western political tradition of "open covenants openly arrived at." Ordinary citizens are alarmed when influential men meet privately to solve world problems, especially when the membership lists are overwhelmingly composed of international Socialists, businessmen, and financiers.

The cause and effect method can be used to arrive at the latest intentions of the Bilderbergs. Following the first Bilderberg meeting held in the United States in 1957 came the announcement that French gold and silver reserves had dropped more than 50 percent in the previous year and of the partial withdrawal of French gold balances in the United States. Within a few days following the recent Bilderberg meeting of April 23–25 in Woodstock, Vt., came the recent U.S. dollar crisis in Europe. The Bilderbergs' decisions are highly suspect of manipulating gold and international currencies.

Could the secrecy of the Bilderberg meetings be because of the Logan Act which prohibits unauthorized contacts between a citizen of the United States and an officer or agent of a foreign government?

As amended and enacted into positive law on June 25, 1948, as 18 U.S.C. 953, the Logan Act provides:

§ 953. *Private correspondence with foreign governments*

Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined not more than $5,000 or imprisoned not more than three years or both.

This section shall not abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects. June 25, 1948, c. 645, 62 Stat. 744.

The elements of a crime under the Logan Act appear to be as follows:

(1) The actions forbidden to U.S. citizens are:

(a) Without the permission or authority of the Government;

(b) Directly or indirectly;

(c) To commence or carry on any verbal or written correspondence or intercourse with any foreign Government or any officer or agent thereof.

Or—

(d) To counsel, advise or assist in any "such correspondence," i.e., in any verbal or written correspondence by a U.S. citizen with any foreign Government or officer or agent thereof;

(e) With an intent to influence the measures or conduct of any foreign Government or any officer or agent thereof in relation to any disputes or controversies with the United States;

Or—

(f) With an intent to defeat the measures of the Government of the United States.

As can be seen from the membership list of the recently held Bilderberg meeting there were citizens of the United States as well as officials of foreign governments in attendance. Since no official announcement was made of this meeting by the U.S. Government, we can only assume that the meeting was not authorized by the U.S. Government. Since the meeting at the Laurance Rockefeller Woodstock Inn lasted 3 days, it is logical to assume that one or more of those citizens of the United States in attendance did carry on "correspondence or intercourse" with one or more officers of foreign governments present. Since the two points discussed as announced by Prince Bernhard of the Netherlands were, first, "the contribution of business in dealing with current problems of social instability," and second, "the possibility of a change of the American role in the world and its consequence," it is very likely that there was an intent to influence measures or conduct of one or more foreign governments or officers or agents thereof in relation to disputes or controversies with the United States or an intent to defeat measures of the Government of the United States—especially when shortly following the close of the Bilderberg meeting there occurred a rejection of U.S. dollars by four of the governments whose officers were in attendance at the Bilderberg meeting. Additionally the Socialist Prime Minister of Canada whose defense minister was present, now is in Moscow carrying on defense agreements with the Soviets against the United States.

So, it seems plausible that one or more of the U.S. citizens present at the recent secret Bilderberg meeting could very well have committed a criminal offense under the Logan Act. Could this be the reason for the veiled secrecy?

I insert at this point in my remarks a list of the participants at the Bilderberg Woodstock Conference on April 23–25, 1971; information about the origin of and participants at Bilderberg meetings; and a legal analysis of the Logan Act:

BILDERBERG MEETING, WOODSTOCK CONFERENCE APRIL 23, 24, AND 25, 1971

(Arrival April 22)

LIST OF PARTICIPANTS

H.R.H. The Prince of the Netherlands, chairman.

Ernest H. van der Beugel, Professor International Relations, Leiden University, and Honorary Secretary General for Europe.

Joseph E. Johnson, President Emeritus, Carnegie Endowment for International Peace and Honorary Secretary General for the United States.

Observer: H.R.H. Princess Beatrix of the Netherlands.

Belgium

Janssen, Daniel, Deputy General Manager UCB, S.A. and Lecturer Brussels University.

Lambert, Baron, Chairman, Banque Lambert.

Simonet, H., Member of Parliament and President, Brussels University.

Vanistendael, August A. J., Secretary General, International Cooperation for Socio-Economic Development (CIDSE).

Canada

Bourassa, Robert, Prime Minister of Qubec.

Griffin, Anthony G. S., President, Triarch Corporation Ltd.

Leman, Paul H., President, Aluminum Company of Canada Ltd.

MacDonald, Donald S., Minister of National Defence.

Rotstein, Abraham, Professor at the Department of Political Economy University of Toronto.

Denmark

Schleimann, Jorgen, Editor, Radio Denmark.

Sorensen, Svend O., General Manager, Den Danske Landmandsbank.

Terkelsen, Terkel M., Chief Editor, Berlingske Tidende".

Finland

Enckell, Ralph, Head of the Finnish Delegation to OECD.

von Julin, Jacob, Chairman of the Finnish Cellulose Association.

France

Aumonier, Andre, Vice President of "Fondation Europeenne pour l'Economie".

Baumgartner, Wilfrid S., President, Rhône-Poulenc S. A. and Honorary Governor Banque de France.

Cartier, Raymond, Director, "Paris-Match".

Martinet, Gilles, Editor, "le Nouvel Observateur".

Rothschild, Baron Edmond de, Director of Companies.

Germany

Bahr, Egon, State Secretary in the Federal Chancellery.

Carstens, Karl, Director, German Institute for Foreign Affairs.

Kaiser, Karl, Professor at the "Institut fur Theorie und Soziologie der Politik", Saarbrücken University.

Merkle, Hans L., Chairman, Board of Management Robert Bosch GmbH.

Schröder, Gerhard, Chairman of the Committee on Foreign Policy of the Bundestag and former Minister for Foreign Affairs.

Wischnewski, Hans-Jürgen, Federal Secretary of the SPD.

Wolff von Amerongen, Otto, President of Otto Wolff A. G.

International

Duchene, L-François, Director, Institute for Strategic Studies, London.

Gazzo, Emanuele, Editor-in-Chief" Agence Europe", Brussels.

Healey, Denis, Member of Parliament and Author working paper.

Kohnstamm, Max, Vice President, Action Committee for the United States of Europe.

Tuthill, John W., Director-General "The Atlantic Institute", Paris.

Italy

Cittadinia-cesi, Marchese Gian G., Minister Plenipotentiary and President, A.E.P.E.

Glisenti, Giuseppe, Chairman of INTERSIND, Confederation of Italian State-owned Industries.

Migone, Gian G., Professor at the Faculty of Political Science, University of Torino.

Ottone, Piero, Editor-in-Chief "Il Secolo XIX."

Piazzesi, Gianfranco, Journalist and Correspondent for "La Stampa".

Netherlands

Idenburg, Peter J. A., Lecturer International Relations, Amsterdam University.

Kraijenhoff, Jonkheer Gualtherus, Vice-President, Board of Management AKZO N.V. and President, Netherlands Red Cross.

Luns, Joseph M. A. H., Minister for Foreign Affairs.

Netherlands, H. R. H. Prince *Claus* of the.

Spoor, André S., Editor-in-Chief "NRC Handelsblad."

Norway

Hoegh, Leif, Shipowner.

Tidemand, O. Grieg, Shipowner and former Cabinet Minister.

Sweden

Bengtsson, Ingemund, Minister of Agriculture.

Wallenberg, Marcus, Chairman, Stockholm Enskilda Bank.

Switzerland

Casserini, Karl, Chief Economist, International Metalworkers' Federation.

Jann, Adolf W., Chairman and Managing Director, F. Hoffmann-La Roche & Co. Ltd.

Umbricht, Victor H., Member of the Board, CIBA-GEIGY Ltd.

Turkey

Beyazit, Selahattin, Director of Companies.

Birgi, M. Nuri, Ambassador to N.A.T.O.

United Kingdom

Bennett, Sir Frederic, Member of Parliament.

Catherwood, Sir Frederick, Director General, National Development Office.

Cockroft, John, Economic Leader Writer, "The Daily Telegraph."

Grierson, Ronald H., Chairman, Orion Bank Limited.

Kleinwort, Sir Cyril, Chairman, Kleinwort, Benson Ltd.

Maudling, Reginald, Secretary of State for Home Affairs.

Roll, Sir Eric, Director, S. G. Warburg & Co. Ltd.

Thomson, George, Member of Parliament.

United States

Allison, Graham T., Associate Professor of Politics, Kennedy School of Government, Harvard University.

Anderson, Robert O., Chairman of the Board, Atlantic Richfield Co., Roswell, New Mexico, and Chairman, Aspen Institute for Humanistic Studies.

Ball, George W., Managing Director, Lehman Brothers Incorporated.

Bendetsen, Karl R., Chairman and Chief Executive Officer, U.S. Plywood-Champion Papers, Inc., New York.

Collado, Emilio G., Executive Vice President, Standard Oil Company (New Jersey).

Corson, John J., Chairman of the Board, Fry Consultants, Washington.

Dean, Arthur H., Senior Partner, Sullivan and Cromwell.

Dunlop, John T., Dean of the Faculty of Arts and Sciences, Harvard University.

Duster, Donald L., President, Chicago Commons Association.

Elliott, Osborn, Editor-in-Chief and President, "Newsweek".

Fraser, Donald M., Member of Congress.

Frelinghuysen, Peter H. B., Member of Congress.

Hauge, Gabriel, Chairman of the Board, Manufacturers Hanover Trust Company *Author of Working Paper.*

Heinz II, Henry J., Chairman of the Board, T. J. Heinz Company.

Hughes, Thomas L., President, Carnegie Endowment for International Peace.

Kissinger, Henry A., Assistant to the President for National Security Affairs.

MacDonald, Gordon J., Member, Council on Environmental Quality, Washington.

MacGregor, Ian K., Chairman and Chief Executive Officer, American Metal Climax, New York.

Moyers, Bill, Journalist, former Publisher and Vice President, "Newsday".

Pease, Robert, Executive Director, Allegheny Conference on Community Development, Pittsburgh, Pa.

Perkins, James A., Chairman, International Council for Educational Development.

Reuss, Henry S., Member of Congress.

Riegle, Donald W., Member of Congress.

Rockefeller, David, Chairman of the Board, The Chase Manhattan Bank, N.Y.

Rockefeller IV, John D., Secretary of State of West Virginia.

Slater, Joseph E., President, Aspen Institute for Humanistic Studies, President, Salk Institute.

Stein, Howard, President, Dreyfus Corporation, New York.

Stevenson III, Adlai, United States Senator.

Stone, Shepard, President, International Association for Cultural Freedom.

Vogt, Lt. General John W., USAF, Director of the Joint Staff, Organization of the Joint Chiefs.

The Bilderberg Meetings

I. ORIGIN

In the early 1950's, a number of people on both sides of the Atlantic sought a means of bringing together leading citizens, both in and out of government, for informational discussions of problems facing the Atlantic community. Such meetings, they felt, would create a better understanding of the forces and trends affecting Western nations; in particular, they believed that direct exchanges could help to clear up differences and misunderstandings that might weaken the West.

The first meeting that brought Americans and Europeans together took place under the chairmanship of H.R.H. Prince Bernhard of the Netherlands at the Bilderberg Hotel in Oosterbeek, Holland, from May 29 to May 31, 1954. Ever since, the meetings have been called Bilderberg Meetings.

II. PARTICIPANTS

It was obvious from the first that the success of the meetings would depend primarily on the level of the participants. Leading figures from many fields—industry, labor, education, government, etc.—are invited, who, through their special knowledge or experience, can help to further the Bilderberg objective of better knowledge and understanding. Government officials attend in a personal and not an official capacity. To insure full discussion, an attempt is made to include participants representing many political and economic points of view.

Each year since its inception, Prince Bernhard has been the Bilderberg chairman. There are no "members" of Bilderberg. Each year an invitation list is compiled by Prince Bernhard in consultation with an informal international steering committee; individuals are chosen in the light of their knowledge and standing. Of the 80 to 100 participants, approximately one-third are from government and politics. From the beginning participants have come from North America and Western Europe, and from various international organizations. The official languages are English and French.

The meetings take place in a different country each year. Since 1957, they have been held in many Western European countries and in North America as well.

The discussion at each meeting is centered upon topics of current concern in the broad fields of foreign policy, world economy, and other contemporary issues. Basic groundwork for the symposium is laid by means of working papers and general discussion follows. In order to assure freedom of speech and opinion, the gatherings are closed and off the record. No resolutions are proposed, no votes taken, and no policy statements issued during or after the meetings.

In short, Bilderberg is a high-ranking and flexible international forum in which opposing viewpoints can be brought closer together and mutual understanding furthered.

The Logan Act

(By Vincent A. Doyle)

As amended and enacted into positive law on June 25, 1948 as 18 U.S.C. 953, the Logan Act provides as follows:

> § 953. *Private correspondence with foreign governments*
>
> Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined not more than $5,000 or imprisoned not more than three years or both.
>
> This section shall not abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects. June 25, 1948, c. 645, 62 Stat. 744.

There have been no substantial changes in the law since its original enactment on January 30, 1799, (1 Stat. 613). An extensive memorandum on the history and scope of the Logan Act was prepared by Charles Warren when he was Assistant Attorney General and published in 1917, in Senate Document No. 696, 64th Cong., 2d Sess. The comments in this paper are designed to supplement rather than supplant Mr. Warren's memorandum. [That memorandum appears on pages 8–21 of this paper]

We are informally advised by the Department of Justice that, so far as it can determine, there have been no prosecutions under the Logan Act. However, it has been considered in judicial context on at least two occasions not mentioned by Mr. Warren as well as in several opinions handed down since his memorandum was written. Judge Sprague, of the Circuit Court for the District of Massachusetts, called attention to the provisions of the Logan Act in two charges he made to grand juries during the period of the Civil War. In the first of these, on October 18, 1861, he said:

> There are other offenses to which our attention is called by the present condition of our country. A few months since, a member of the British parliament declared, in the most public manner, that he had received many letters from the Northern states of America urging parliament to acknowledge the independence of the Southern confederacy. Such an announcement ought to arrest the attention of grand juries; for if any such communication has been made by a citizen of the United States, it is a high misdemeanor. St. 1799, c. 1 (1 Stat. 613) was especially designed to prevent such unwar-

rantable interference with the diplomacy and purposes of our government. 30 Fed. Cas. 1049, 1050–51, (No. 18, 277).

In the second, in 1863, he said:

> We have seen it stated in such form as to arrest attention, that unauthorized individuals have entered into communication with members of parliament and foreign ministers and officers in order to influence their conduct in controversies with the United States, or to defeat the measures of our government. It ought to be known that such acts have long been prohibited by law. 30 Fed. Cas. 1042, 1046 (No. 18, 274).

There have been at least two judicial references to the Logan Act since Mr. Warren's memorandum in 1917.

In *Martin* v. *Young*, 134 F. Supp. 204 (D.C.N.D. Cal. 1955), a petition for habeas corpus by a serviceman awaiting trial by a general court martial, the principal issue was whether the petitioner could be tried in a civil court for the offense charged against him by the Army. A part of the specification read as follows:

> [That petitioner while interned in a North Korean prisoner of war camp, did] without proper authority, wrongfully, unlawfully, and knowingly collaborate, communicate, and hold intercourse, directly and indirectly, with the enemy by joining with, participating in, and leading discussion groups and classes conducted by the enemy reflecting views and opinions that the United Nations and the United States were illegal aggressors in the Korean conflict. . . .

The Court stated that the conduct described in the specification violated at least three criminal statutes under which the petitioner could be tried in a civil court, one of which was the Logan Act, and granted the petition. The Department of Justice, however, did not prosecute Martin under the Logan Act, presumably because it was thought that his conduct did not violate the Act.

In *Waldron* v. *British Petroleum Co.* et al., 231 F. Supp. 72 (U.S.D.C.S.D.N.Y. 1964) the plaintiff sued for triple damages under the Clayton Act for alleged conspiracy of the defendants to prevent the importation and sale by the plaintiff of some Iranian oil, for which the plaintiff had a contract of importation and sale in this country. The defendants asserted that the plaintiff had obtained his contract through a series of violations of the criminal statutes, among them the Logan Act. The court held that, for this defense to be maintained, it would have to be shown that plaintiff sought to thwart some clearly and unequivocally asserted policy measures of the United States, as distinguished from statements of opinion, attitude, and belief of government officials. The court also noted "the existence of a doubtful question with regard to the constitutionality of that statute (Logan Act) under the Sixth Amendment. That doubt is engendered by the statute's use of the vague and indefinite terms, 'defeat' and 'measures'. . . . Neither of these words is an abstraction of common certainty or possesses a definite statutory or judicial definition." Id. at 89. Although it was unnecessary for the court to decide this constitutional issue, it did invite the attention of Congress to the problem suggesting that Congress consider the need for using more precise words than "defeat" or "measure". Ibid, n. 30.

We have found no other cases directly involving the Logan Act. Something of its meaning, however, may be gleaned from its legislative history.

The Logan Act takes its name from Dr. George Logan, a Pennsylvania Quaker, who visited France as a self-styled envoy of peace after a presidentially apppointed diplomatic team consisting of John Marshall, Charles Pinckney and Elbridge Gerry had failed to resolve the serious differences which existed between France and the United States in 1798. Though Logan went ostensibly as an individual, he was armed with letters of introduction from Thomas Jefferson and it was generally thought that he was a representative of the Republican opposition to the Federalist Party then in power. It is perhaps for this reason that many of the proponents of the bill emphasized the dangers of allowing any dissenting faction, however well intentioned, to negotiate with a foreign power about matters in controversy between it and the United States Government. Nevertheless, it is quite clear from the arguments of the proponents, as well as from the language of the act itself, that even acts of individuals, representing no one but themselves, were to be made criminal. As Thomas Pinckney, of South Carolina, said:

"If an individual goes forward to a foreign Government to negotiate on national concerns, what answer could he give to such a Government when he was asked, "Upon what authority do you come?" He must say, "I have no power, I am undelegated; but our administration is either weak or wicked, and will not do what is for the interest of the country, and therefore I come, because I think myself more wise, and better disposed to serve my country than its constituted authorities." And is there no criminality . . . in this throwing censure on those who have been appointed by the people to administer the government? If such an act produces any effect at all, it must produce a bad one. Any sensible Government must either laugh at such a man as mad, or conclude that he is the agent of a deep-rooted party opposed to the Government of the country from whence he comes. And certainly no individual ought to be permitted to do an act with impunity which might throw so great a contempt upon the Government of his country." 8–9 Annals of Congress 2609–10.

Yet not every communication with a foreign Government was to be made criminal. One of the leading spokesmen for the bill, Robert Goodloe Harper, a Representative from South Carolina, said:

"I will say that were I in France, after the bill should be passed, and M. Talleyrand were to invite me to sup with him, which perhaps might be the case, considering that I had the pleasure of his acquaintance in this country, and he were to ask my opinion about the political relations of the two countries, I should not scruple to tell him that the conduct of his government was highly impolitic, and to assign my reasons for the opinion. I might, perhaps, not think it prudent to do that, but, if I thought it prudent, and the occasion offered, I should not consider myself as offending against this bill by doing so. Why? Because I should not act with the intent which this bill fixes on as the essence of the Offense created by it; the intent to interfere or intermeddle with the public relations of the two countries."

SENATE RESOLUTION NO. 339

(By Mr. Brandegee)

IN THE SENATE OF THE UNITED STATES,
January 31, 1917.

Resolved, That the manuscript submitted by the Senator from Connecticut (Mr. Brandegee) on January 29, 1917, entitled "Memorandum on the History and Scope of the Laws Prohibiting Correspondence with a Foreign Government, and Acceptance of a Commission to Serve a Foreign State in War," by Charles Warren, Assistant Attorney General, be printed as a Senate document, and that 500 additional copies be printed for the use of the Senate document room.

Attest:

JAMES M. BAKER,
Secretary.

MEMORANDUM ON THE HISTORY AND SCOPE OF THE LAWS PROHIBITING CORRESPONDENCE WITH A FOREIGN GOVERNMENT, AND ACCEPTANCE OF A COMMISSION TO SERVE A FOREIGN STATE IN WAR

(By Charles Warren)

HISTORY AND SCOPE OF SECTION 5 OF THE FEDERAL PENAL CODE

SEC. 5. Every citizen of the United States, whether actually resident or abiding within the same, or in any place subject to the jurisdiction thereof, or in any foreign country, without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign Government or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign Government or any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the Government of the United States; and every person, being a citizen of or resident within the United States or in any place subject to the jurisdiction thereof, and not duly authorized, counsels, advises, or assists in any such correspondence with such intent, shall be fined not more than $5,000 and imprisoned not more than three years; but nothing in this section shall be construed to abridge the right of a citizen to apply, himself or his agent, to any foreign Government or the agents thereof for redress of any injury which he may have sustained from such Government or any of its agents or subjects.

GENERAL CONSIDERATIONS

The original act, reproduced in section 5 of the Federal Penal Code (35 Stat. 1088, ch. 321, sec. 5, formerly Rev. Stat. sec. 5335), is the act of January 30, 1799 (1 Stat. 613). There have been no substantial changes except that the words "or in any place subject to the jurisdiction thereof," have been twice inserted.

The statute has never been construed in any reported case. It is cited in United States *v.* Craig (1886—28 Fed. 795, 801) as an illustration of the power of the United States to punish its own citizens for acts committed in a foreign country. It is also cited in American Banana Co. *v.* United Fruit Co. (1909—213 U.S. 347, 356).

They [civilized countries] go further, at times, and declare that they will punish any one, subject or not, who shall do certain things, if they can catch him, as in the case of pirates on the high seas. In cases immediately affecting national interests they may go further still and may make, and if they get the chance, execute similar threats as to acts done within another recognized jurisdiction. An illustration from our statutes is found with regard to criminal correspondence with foreign governments. (Rev. Stat., sec. 5335.)

History, therefore, must throw the chief light upon the meaning of the statute. While congressional debates are not determinative of the meaning of statutory language, they are unquestionably of great aid in ascertaining the history of the period and the chief causes which led to the legislation.

As was said in Standard Oil Co. *v.* United States (1911–221 U.S., 1, 50):

The debates * * * show, however, that the main cause which led to the legislation was the thought that it was required by the economic condition of times. * * *

Although debates may not be used as a means for interpreting a statute (United States *v.* Trans-Missouri Freight Association, 166 U.S. 318 and cases cited) that rule in the nature of things is not violated by resorting to debates as a means of ascertaining the environment at the time of the enactment of a particular law, that is, the history of the period when it was adopted.

Moreover, as the Supreme Court has not hesitated to have recourse to the debates in the Constitutional Convention of 1787 in order to ascertain the construction of words and phrases in the Constitution, the general rule as to statutes laid down above may be somewhat relaxed when the congressional debates in question occurred over a hundred years ago and only 12 years after 1787, and in a time which has now become historical. Debates so long removed from present times and among men of historical eminence may be valuable aids toward the ascertainment of the purport and purpose of the legislation discussed.

OCCASION FOR THE ENACTMENT OF THE ACT OF 1799

The immediate cause of the passage of the act of 1799 was the intermeddling of a private citizen, Dr. George Logan, in negotiations pending in 1798 between the United States and France.

President Adams, in 1797, had sent John Marshall, Charles C. Pinckney, and Elbridge Gerry as special envoys to France to negotiate and settle, if possible, all claims and causes of differences which then existed between the French Directory and the United States. From this mission arose the X Y Z letters controversy, the failure of the envoys, increased anti-France feeling in the United States, warlike preparations in Congress, and stringent measures against aliens. The envoys one by one returned, having accomplished nothing. Thereupon, Logan, a benevolent Quaker of Pennsylvania, undertook to act upon his own account. Bearing letters of introduction from Jefferson, Thomas McKean, and others, he sailed for France, moved to do what the three envoys had failed to do. In France "he was hailed by the newspapers as the envoy of peace, was dined and feasted by Merlin (the new President of the Directory), received by Talleyrand, and came home to Philadelphia in November with some copies of old letters to the Counsel General and the verbal assurance that France negotiate for peace." (McMaster's History of the United States, vol. 4, pp. 368–410.)

While this errand has been sincerely intended, and probably without any partisan political motive, Logan was denounced by the Federalists during his absence and after his return as a treasonable envoy of the Republican party, carrying on a traitorous correspondence between the American and the French "Jacobins." On his return he was coldly received by the Secretary of State, and even more coldly by ex-President Washington, who regarded his action as fatal intermeddling. Federalists, in general, condemned him; and it was resolved that such interference should be forbidden in the future.[2] President Adams wrote to Timothy Pickering, Secretary of State, November 2, 1798 (Life and Works of John Adams, Vol. VIII, p. 615):

The object of Logan, in his embassy, seems to have been to do or obtain something which might give opportunity for the "true American character to blaze forth in the approaching elections." Is this constitutional for a party of opposition to send embassies to foreign nations to obtain their interference in elections?

In his message to Congress, in December, 1798, the President, while dealing chiefly with relations with France, made no reference to Logan. The address of the Senate to the President, December 11, 1798, however, contained references to professions made by France "neglecting and passing by the constitutional and authorized agents of the Government" and "made through the medium of individuals without public character or authority." The President in his reply to the Senate, December 12, 1798, said (Messages and Papers of the Presidents, Vol. I, pp. 276, 277):

Although the officious interference of individuals without public character or authority is not entitled to any credit, yet it deserves to be considered whether that temerity and impertinence of individuals affecting to interfere in public affairs between France and the United States, whether by their secret correspondence or otherwise, and intended to impose upon the people and separate them from their Government, ought not to be inquired into and corrected.

LEGISLATIVE HISTORY AND PURPOSE OF THE ACT OF 1799

The history and purposes of the act of 1799 are fully set forth in Annals of Congress, Fifth Congress, 1797–1799, Volumes I and III, at the pages cited, infra.

The questions involved in the act were first presented in a resolution introduced in the House of Representatives, December 26, 1798 (p. 2488), by Roger Griswold, of Connecticut, as a proposal to amend the sedition law. He said:

"Its object is to punish a crime which goes to the destruction of the Executive power of the Government—that description of crime which arises from an interference of individual citizens in the negotiations of our Executive with foreign Governments."

The resolution was as follows:

Resolved, That a committee be appointed to inquire into the expediency of amending the act entitled "An act in addition to the act for the punishment of certain crimes against the United States," so far as to extend the penalties, if need be, to all persons, citizens of the United States, who shall usurp the Executive authority of this Government, by commencing or carrying on any correspondence with the Governments of any foreign prince or state, relating to controversies or disputes which do or shall exist between such prince or state and the United States.

The resolution was debated December 27, 28, 1798 (pp. 2493 et seq.), by Congressmen of great eminence, Griswold, John Rutledge of South Carolina, Albert Gallatin of Pennsylvania, Thomas Pinckney of South Carolina, Robert Goodloe Harper of Maryland, Harrison Gray Otis of Massachusetts, John Nicholas of Virginia, Abraham Baldwin of Georgia, John Williams of New York, Nathaniel Smith of Connecticut, Nathaniel Macon of North Carolina.

Griswold said that the object of the resolution was "of first importance"—

I think it necessary to guard by law against the interference of individuals in the negotiation of our Executive with the Governments of foreign countries. The present situation of Europe, in my opinion, calls aloud for a resolution of this kind. * * * If offenses of this kind are to pass unpunished, it may be in the power of an individual to frustrate all the designs of the Executive. The agent of a faction, if such a faction shall exist, may be sent to a foreign country to negotiate in behalf of that faction, in opposition to the Executive authority, and will any one say that such an offense ought not severely to be punished? It certainly ought. * * * No gentleman would pretend to say that an unauthorized individual ought to exercise a power which should influence the measures of a foreign Government with respect to this country. This power has been delegated by the Constitution to the President, and the people of this country might as well meet and legislate for us, or erect themselves into a judicial tribunal, in place of the established judiciary, as that any individual, or set of persons, should take upon him or themselves this power, vested in the Executive. Such practices would be destructive to the principles of our Government.

Rutledge said that "if the citizens of this country shall be permitted to have intercourse with foreign Governments, they may do the greatest injury to this country under what they conceive to be the best intentions," and he stated that he thought this "a good measure of national defense."

Dana said that a person thus employed must be considered as acting in direct hostility with the authority of our Government and against the general character of our country. * * * It is a crime of severe magnitude, as the person thus acting must be considered as the agent of a faction waiting only for an opportunity of joining the enemies of their country.

Pinckney said that it was a leading doctrine of republican government that "no one can pretend to interfere so as to counteract the proceedings of the people of their country as expressed by its legal organs." He stated that he knew of no case, no situation, on which it would be lawful or right for an individual to interfere with a foreign Government at a time when any negotiation is going forward by legal authority. Such an interference can have but a bad effect; it may have a very bad effect. It shows, at least, that there is a party in the country divided from the Government who take upon themselves a separate negotiation, and set up a distinct power, which they wish to be paramount to the legal authority.

Harper said:

"The principle once admitted must go to the utter subversion of government—the principle being that whenever an individual, or, by stronger reason, a number of individuals, conceive themselves wiser than the Government, more able to discern or more willing to pursue, the interest of the country, they may assume its functions, counteract its views, and interfere in its most important operations. * * * Upon this pretense, if this principle be once established, any discontented faction, under the name of a club, or patriotic society, or revolution society, * * * may usurp the most essential functions of government in their own country, negotiate on all sorts of subjects with the Governments of other countries, and open a direct and broad road for the entrance of that foreign influence which, with equal and force, has been declared as the "angel of destruction to republican governments." * * * When we knew that that (foreign) Government openly avows its determination to encourage such intercourse, to protect all factions, all malcontents, all insurgents in all countries, when we knew that this intercourse and her consequent protection of domestic factions are the great engines of her foreign policies—when we know all this, shall we not oppose an effectual barrier?"

The resolution was passed, 65–23 (p. 2545), and Griswold, Pinckney, Baldwin, Bayard, and Spaight were appointed a committee.

A bill based on the resolution was introduced in the House by Mr. Griswold January 7, 1799, as follows (pp. 2565, 2583):

"Be it enacted, &c., That if any person, being a citizen of the United States, whether he be actually resident or abiding within the United States, or in any foreign country, shall, without the permission or authority of the Government of the United States, directly or indirectly, commence or carry on any

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[2] References to Logan's mission and the consequent legislation are also to be found in Writings of Thomas Jefferson, Vol. VII, letter of June 21, 1798, p. 273; Jan. 16, 1799, p. 161; Jan. 26, 1799, p. 326; Jan. 29, 1799, pp. 338, 339.

Writings of Washington, Vol. XI, pp. 384, 388. See also Schouler's History of the United States, Vol. I pp. 415, 417. Hildreth's History of the United States, Vol. II, p. 265.

John Adams' Works, Vol. VIII, 615; Vol. IX, 243, 244, 265, 293, 307. Writings of John Quincy Adams (1913), Vol. II, 349, 398, 399, and letters of Mar. 30. Aug. 11, 14, 15, Sept. 3, 4, 18, 25, Oct. 6, 1799. Lawrence's Wheaton (1863), 1003. Wharton's State Trials, 20, 21. American State Papers, For. Rel. Vol. II, 242. Memoirs of Dr. George Logan.

verbal or written correspondence or intercourse with any foreign Government, or any officer or agent thereof, relating to any dispute or controversy between any foreign Government and the United States, with an intent to influence the measures or conduct of the Government having disputes or controversies with the United States, as aforesaid; or of any person, being a citizen of, or resident within, the United States, and not duly authorized shall counsel, advise, aid, or assist, in any such correspondence, with intent as aforesaid, he or they shall be deemed guilty of a high misdemeanor; and, on conviction before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding ——— thousand dollars, and by imprisonment during a term not less than ——— months, nor exceeding ——— years.

The bill was debated at length under the heading of "Usurpation of executive authority," from January 9 to January 17, 1799 (pp. 2583 et seq.), by many eminent Congressmen in addition to those already speaking on the resolution—James A. Bayard of Delaware, Jonathan Dayton of New Jersey, Carter B. Harrison of Virginia, William C. Claiborne of Tennessee, Thomas Claiborne of Virginia, Isaac Parker of Massachusetts, Edward Livingston of New York, Joseph McDowell, John Dennis, Jonathan Brace, Samuel Smith, Samuel Sewall, John Dawson, Josiah Parker, William Gordon, Joseph Eggleston, George Thatcher, John Allen, William Edmond, and others.

The principal opposition came from Albert Gallatin and Edward Livingston, and was largely based on an unfounded fear that the bill would prevent private individuals corresponding in regard to their private and personal affairs.

Gallatin argued (p. 2586):

All cases where a change of the measures of government was attempted, though it were done merely by an individual to secure his private rights, would come within the meaning of this bill. Thus, if an individual whose vessel is taken by the French should, after his vessel is carried into one of their ports, remonstrate or enter into a correspondence with any of the agents of that Government he must do it in such a manner as that his arguments shall not involve any of the general principles in dispute between the two Governments; because the moment he does this he falls within the penalties of the bill. It appeared extremely difficult that an individual who is not only perhaps concerned for himself but an agent for others should be able to make any effectual application to the French Government without taking into consideration in some respect the principles of dispute between the two Governments.

He wished the bill amended so as to exclude this.

Otis said in reply that the words, "with an intent to influence the measures of a foreign Government" must relate to general public measures, not to the concerns of any individual.

A motion was made to insert in place of "as follows" the words "so as to prevent or impede the amicable adjustment of said disputes or controversies."

Bayard said:

"If this amendment were to pass, a person might carry on any correspondence whatever and no punishment could be inflicted upon him, unless a bad intention was proved.

"The object of the law is to prevent these private interferences altogether, since the Constitution has placed the power of negotiation in the hands of the Executive only. An individual may do good, but he may also do evil; and it can not be supposed that any private person has more wisdom or greater desire to serve his country than the Executive of the United States."

The amendment was lost (51 to 33), and on being reviewed was again lost (51 to 35). Later in the debate Gallatin, supported by Nicholas, moved to add the following proviso (p. 2591):

Provided, That nothing in this act contained shall be construed to extend to any person who shall apply to any foreign Government, or to any officer or agent thereof, for the purpose of obtaining either the releasement of American seamen or for the restoration of any property belonging to citizens of the United States and captured, sequestered, or detained by or under the authority of any such foreign Government or any of its officers or agents, or for the payment of any debts due by such Government to the citizens of the United States.

Bayard opposed, saying the bill was not intended to apply to such case and there was no need of the proviso:

In order to establish a crime by this bill, what is to be proved? First, that there are disputes subsisting between the United States and the foreign nation with whom the correspondence is said to have taken place; that this intercourse has really existed; and that it was carried on with a view to influence the measures or conduct of the foreign Government in relation to any disputes or controversies with the United States; and unless all these facts are proved, the crime is not made out. The intention must be proved before the crime will appear.

Dana said that the disputes and controversies mentioned in this bill are those which exist between the Government of the United States and foreign Governments—disputes and controversies of a political nature, unconnected with individual claims.

Edmond said:

"It will be wise and prudent at this time to frame a law to prevent individuals from interfering with the Executive authority in a manner injurious to the community."

The proviso was defeated (48 to 37).

A motion to add after the word "influence" the words "or defeat" was made by Joseph Parker (p. 2588), saying that he wished "to make the bill as complete as possible and to put every check upon individual interference with foreign negotiations, which the Government had in its power to do so."

The amendment was voted (48 to 30).

Dayton proposed an amendment to strike out the words "relating to any dispute or controversy between any foreign country and the United States," and also the word "having" and the words "as aforesaid," and to insert in place of "having" the words "in relation to any."

These amendments were voted.

Further statements as to the purpose and intent of the bill were made in the debates on January 10, 1799 (p. 2599), January 11, 1799 (pp. 2626, 2648), January 16 (pp. 2677, 2682), January 17 (pp. 2686, 2721).

Bayard said: "The offense proposed to be punished by this law is separated only by a shade from treason." Referring to the particular action of Dr. Logan, out of which the bill arose, he said: "It must be clear to every reasonable man that a law of this kind is a necessary barrier to guard against an arrogation of power in public factions. The bill is founded on justice and policy."

Griswold said that the object of the bill was perfectly well known and understood "to prevent all interference with the Executive power in our foreign intercourse."

Pinckney said that a grave evil existed which it was wise for all nations to prepare against:

"This evil is no less than an endeavor on the part of one government, by means of its diplomatic skill, to overset all the governments which do not occur with them in its mad career. It is become necessary, therefore, for us, in common with other nations, to guard against this evil, and to oppose it by such barriers as are within our power. Upon this footing, the bill now before the House might be justified, if no inconveniences had already been experienced which make such a law necessary. * * * If an individual goes forward to a foreign government to negotiate on national concerns, any sensible government must either laugh at such a man as mad or conclude that he is the agent of a deep-rooted party opposed to the government of the country from which he comes. And certainly no individual ought to be permitted to do an act with impunity which might throw so great a contempt upon the government of his country."

Harper said:

"It was this intent which constituted the essence of the offense; an intent to interfere in the political relations of this country with foreign nations, or to defeat the measures of our own Government. * * * It is this interference, this intermeddling, and not an accidental conversation, which the bill forbids. The bill includes, in order to constitute the offense required, that the act should be done with an intent to interfere with the functions of government, and intermeddle with the political relations of the two countries."

Brace said:

"The bill proposes to punish any person who shall interfere in any controversy or dispute between the Government and any of these foreign Governments. * * * Indeed, this is a part of our defense which is above all others necessary, as it will defend us against foreign intrigue, against what has already brought upon this country great calamities and involved many others in irretrievable ruin. This crime is, of all others, of the deepest dye. * * * The evil of an offense of this kind is that it involves a whole nation and puts at hazard everything we hold dear."

Rutledge said that in all well-constituted Governments it is a fundamental principle that the Government should possess exclusively the power of carrying on foreign relations.

Isaac Parker said that this bill is founded on the principle that the people of the United States have given to the executive department the power to negotiate with foreign Governments and to carry on all foreign relations, and that it is therefore an usurpation of that power for an individual to undertake to correspond with any foreign power on any dispute between the two Governments.

Various motions to amend the bill in unessential ways, including a motion to limit its operation to one year, were made and defeated (pp. 2679–2682); and the bill was finally passed in the House of Representatives January 17, 1799, by a vote of 58 to 36 (p. 2686).

The bill was introduced in the Senate, and passed on January 25, 1799, by a vote of 18 to 2. It was signed and became a law, January 30, 1799 (1 Stat. 613).

THE ELEMENTS OF THE CRIME

The actions made criminal by the statute fall into two classes: (1) Those performed by United States citizens wherever resident or abiding; (2) those performed by a person resident in the United States, whether alien or citizen.

(1) The actions forbidden to United States citizens are:

(*a*) Without the permission or authority of the Government;

(*b*) Directly or indirectly;

(*c*) To commence or carry on any verbal or written correspondence or intercourse with any foreign Government or any officer or agent thereof,

Or—

(*d*) To counsel, advise or assist in any "such correspondence," i.e., in any verbal or written correspondence by a United States citizen with any foreign Government or any officer or agent thereof;

(*e*) With an intent to influence the measures or conduct of any foreign Government of any officer or agent thereof in relation to any disputes or controversies with the United States,

Or—

(*f*) With an intent to defeat the measures of the Government of the United States.

(2) The actions forbidden to persons resident within the United States, whether alien or citizen, are: to counsel, advise or assist in the verbal or written correspondence, or intercourse made criminal as above, with the intent designated as above.

The dictionaries in vogue in or about 1799 define the phrase "to carry on," used in the statute, as follows:

Johnson's Dictionary of the English Language (London, 1755, Todd's Ed., 1818):

To carry on: To promote; to help forward; to continue; to put forward from one stage to another; to prosecute; not to let cease.

Sheridan's English Dictionary (London, 1790) and Walker's Dictionary of the English Language (London, 1791):

To carry on: To promote; to help forward.

Webster's American Dictionary (1828):

Carry on: To promote, advance, or help forward; to continue; as, to carry on a design; to carry on the administration of grace; (2) to manage or prosecute; as, to carry on husbandry; (3) to prosecute, continue, or pursue; as, to carry on trade or war.

Similar dictionaries define the word "correspondence" and "intercourse" as follows:

Sheridan's English Dictionary (London, 1797), and Walker's Dictionary of the English Language (London, 1791):

Correspondence: Intercourse, reciprocal intelligence.

Intercourse: Commerce, exchange, communication.

Dyche's English Dictionary (London, 1794):

Correspondence: Intercourse by letter or otherwise.

Intercourse: Commerce, exchange, mutual communication.

Entick's New Spelling Dictionary (London, 1791):

Correspondence: Agreement, fitness, intercourse.

Intercourse: Communication, commerce, trade.

Johnson's Dictionary of the English Language (London, 1755):

Correspondence: (2) Intercourse, reciprocal intelligence.

Intercourse: (1) Commerce, exchange; (2) communication.

Kersey's English Dictionary (London, 1721):

Correspondence: Holding intelligence, intercourse, mutual commerce.

Intercourse: Mutual commerce, traffic, or correspondence.

Marchant's New English Dictionary (London, 1760):

Correspondence: Intercourse, reciprocal intelligence.

Intercourse: Commerce, communication, free and mutual correspondence between persons.

From the above it would appear that the words "correspondence" and "intercourse" were interchangeable or synonymous. "Correspondence" is evidently used in the statute in the sense of "general communication or intercourse with," and can not be limited to the technical sense of "communication by letter" inasmuch as it is preceded in the statute by the words "verbal or written."

Proof of intent is, of course, an essential element of the crime. Intent is to be determined from the facts, circumstances, and surroundings at the time of the transaction and from the defendant's prior course of dealing. If the natural and probable result of commencing or carrying on the correspondence or intercourse in question or assisting therein would be the influencing of a foreign Government or its officials or would be the defeat of measures of the United States Government, then the law presumes that the person so acting intended so to influence or defeat. In other words, there is a presumption of law that a person intends the natural and probable consequence of acts knowingly done by him.

See in general: Reynolds *v.* United States (1878—98 U.S. 145, 167); Allen *v.* United States 1896—164 U.S. 492, 496); Agnew *v.* United States (1897—165 U.S. 36, 50, 53); United States *v.* Quincy (1832–6 Peters 445, 467; 11 L. R. A. Note p. 810).

"Any officer or agent" of "any foreign Government" is a broad term and clearly includes diplomatic and consular officers located in the United States, so that intercourse or correspondence with them in the United States by a United States citizen, if for the purpose and with the intent prescribed by the statute, is forbidden.

The only other phrase in the statute about which any question is likely to arise is the scope of the phrase "in relation to any disputes or controversies with the United States."

Consideration of the history and general purposes of the statute makes it clear that this phrase refers to all questions which are at the time the subject of diplomatic or official correspondence or negotiation between the United States and the foreign country.

GENERAL OBJECT OF THE STATUTE

Under the Constitution, Article II, section 23, the President has the power (by and with the advice and consent of the Senate) to "appoint ambassadors and other public ministers and counsuls" and "shall receive ambassadors and other public ministers."

By the act of July 27, 1789, chapter 4 (1 Stat., 28), it was provided that—

> there shall be an executive department, to be denominated by the Department of Foreign Affairs, and that there shall be a principal officer therein, to be called the Secretary for the Department of Foreign Affairs,[3] who shall perform and execute such duties as shall from time to time be enjoined on or entrusted to him by the President of the United States, agreeable to the Constitution, relative to correspondences, commissions, or instructions to or with public ministers or consuls, from the United States, or to negotiations with public ministers from foreign States or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the said department; and furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall from time to time order or instruct.

These functions of the President with reference to foreign nations were stated by Jefferson to Genet, the French minister, in a letter November 22, 1793, as follows:

> He [the President] being the only channel of communication between this country and foreign nations or their agents, it is from him alone that foreign nations or their agents are to learn what is or has been the will of the Nation.

The Executive, therefore, is the head of the Government, especially "charged with our foreign relations," and their conduct. See Williams *v.* Suffolk Insurance Co. (1839—13 Peters, 415 420), in which case it was so held, and the President's decisions as "to what sovereignty any island or country belongs" was held to be "in the exercise of his constitutional functions," and "under the responsibilities which belong to him."

It is highly important to the welfare of the country that there shall be no interference with the President's constitutional and statutory functions, and especially no attempt to influence or intermeddle in official foreign negotiations carried on by him, through private negotiations with foreign officials in relation to the same subject matter. In foreign negotiation, the President must speak for the people of this country. Private individuals can not be allowed to open negotiations which might have the effect of inducing or promoting in the foreign country views as to discord or faction in this country.

The influencing of a foreign nation by correspondence with foreign officials upon a question in dispute between it and the United States, or upon a measure of the United States, is a function which should be possessed solely by the Government, and which a private citizen ought not to be allowed to assume.

PROCEEDINGS UNDER THE STATUTE

Moore, in his digest of International Law (1906), volume IV, page 449, says:

"As to Pickering's subsequent violation, when out of power and in opposition, of the statute, the enactment of which he had inspired, see Adams's History of the United States, IV, 236 et seq.

"No conviction or prosecution is known to have taken place under this act, although it has on various occasions been invoked, officially or unofficially, as a possible ground of action against individuals who were supposed to have infringed it."

President Jefferson by message of December 21, 1803, laid before Congress correspondence with Charles Pinckney, minister to Spain, relative to responsibility of Spain for "French seizures and condemnations of our vessels in the ports of Spain, for which we deemed the latter power responsible," and for which "our minister at that court was instructed to press for an additional article" in the proposed treaty or convention "comprehending that branch of wrongs."

Among the papers transmitted when copies of opinions rendered by five of the most eminent American lawyers, Jared Ingersoll, William Rawle, Joseph B. McKean, Peter S. Duponceau, all of Philadelphia, and Edward Livingston, of New York, on an abstract question submitted to them by the Government of Spain, and which opinions were used by the Spanish ministry in declining to adopt the suggestions for an arbitration treaty made by Pinckney. The latter insisted that arbitration must include every class of case of wrong to American citizens, both losses due to acts of Spanish subjects and to acts of French consuls, etc., in Spanish ports—Spain being liable under the law of nations for the acts of aliens in her territory. (See Annals of Congress, Eighth Congress, 2d sess., App., pp. 1261, et seq.)

The legal opinions were rendered in November, 1802, on an abstract hypothetical case, and were adverse to the contentions of the United States as advanced by Pinckney as to the rights of the United States to indemnity under the law of nations. Pinckney claimed that the abstract question did not present the actual facts in the case, and that the United States had never relinquished any rights which it had against Spain by any convention with France.

As a result of this action on the part of American lawyers, a committee in the Senate to whom the President's message had been referred, made the following report to the Senate February 24, 1804 (see Executive Journal of the Senate, Vol. I, p. 468):

> Upon a careful examination of the message and documents communicated by the President on the 21st of December your committee notice certain unauthorized acts and

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[3] By the act of Sept. 15, 1789, ch. 14 (1 Stat., 68), the name of the Department of Foreign Affairs was changed to that of the Department of State. These statutes are embodied in the Revised Statutes sec. 202.

doings of individuals, contrary to law and highly prejudicial to the rights and sovereignty of the United States, tending to defeat the measures of the Government thereof, and which, in their opinion, merit the consideration of the Senate.

They find that on the 15th of November, 1802, and before and subsequent to that day, divers controversies and disputes had arisen between the Governments of the United States and Spain concerning certain seizures and condemnation of the vessels and effects of the citizens of the United States in the ports of Spain, and for which the Government of Spain was deemed responsible, and in the prosecution of which, for indemnification, the minister of the United States near the Court of Spain had been instructed to press that Government, by friendly negotiations, to provide for those wrongs.

Your committee find, while said negotiation was pending and this said disputes and controversies in nowise settled or adjusted, that Jared Ingersoll, William Rawle, Joseph B. McKean, and P. S. Duponceau, of the city of Philadelphia, did, at said Philadelphia, on the same 15th of November, 1802, and Edward Livingston, of the city of New York, did, at said New York, on the 3d day of the same November, in violation of the act entitled "An act for the punishment of certain crimes therein specified," passed the 30th day of January, 1799, commence and carry on a correspondence and intercourse with the said Government of Spain and with the agents thereof, and, as your committee believe, with an intent to influence the measures and conduct of the Government of Spain and to defeat the measures of the Government of the United States; and did, then and there, counsel, advise, aid, and assist, in such correspondence with intent as aforesaid.

Your committee, with the knowledge of these facts, are compelled to observe that however there might exist in Senate a great reluctance to express any opinion in relation to proceedings in the ordinary course of criminal jurisprudence yet, when they reflect on the nature of the offense, the improbability of the ministers of the law ever coming to the knowledge thereof without the aid of the Executive, and the delicate situation of the Executive in relation to the subject, duty seems to demand and propriety to justify their expressing an opinion in favor of that aid, without which, in their judgment, the justice of the Nation would be exposed to suffer.

Your committee have no doubt that precedents may be adduced, and from the best authority, to justify such a measure and warrant the proceedings with safety to the remedial justice of the law, which admits of no rules, or pretended rules, uncorrected and uncontrolled by circumstances, the certain result of which would be the failure of justice.

With these impressions, your committee respectfully offer to the Senate the following resolution:

Resolved, That the President of the United States be requested to cause to be laid before the Attorney General all such papers, documents, and evidence, as he may deem expedient, and which relate to any unauthorized correspondence and intercourse, carried on by Jared Ingersoll, William Rawle, Joseph B. McKean, P.S. Duponceau, and Edward Livingston, with the Government of Spain, or with the agents thereof, with an intent to influence the measures and conduct of the Government of Spain, or to defeat the measures of the Government of the United States, in relation to certain disputes and controversies between the said Governments.

Resolved, That if in the opinion of the Attorney General, such papers, documents, and evidence, or such other evidence as may be presumed, from any that is particeps criminis, shall be deemed sufficient to warrant a prosecution of the aforesaid persons, or either of them, that the President of the United States be, and hereby is, requested to instruct the proper law officer to commence a prosecution, at such time and in such manner as he may judge expedient, against Jared Ingersoll, William Rawle, Joseph B. McKean, P. S. Duponceau, and Edward Livingston, or either of them on the act, entitled "An act for the punishment of certain crimes therein specified." And that he be requested to furnish the attorney on the part of the United States, for the purpose of carrying on said prosecution, with such papers, documents, and evidence, from the Executive Department of the Government, as he may deem expedient and necessary.

A motion was made by Mr. White, that it be

Resolved, That the Senate will take no further order on the report made to them respecting the opinions of certain lawyers, relating to the convention between the United States and His Catholic Majesty; the Senate not considering it within the province of their duty to do so, and that the injunction of secrecy upon the same be taken off.

On motion,

Ordered, That the consideration of this resolution be postponed to the first Monday in November next.

No action on the resolution was ever taken (see Foster's Century of American Diplomacy, 229).

The only other instances in which the statute has been utilized are cited by Moore (Sec. 631), as follows:

The last clause of the statute was appealed to by Mr. Seward in 1861, to stop certain proceedings of Mr. Bunch, British counsul at Charleston, S.C., in urging the British Government to recognize Confederate independence. (Bernard's Neutrality of Great Britain, 185, and infra, Sec. 700).

See, in relation to the Sackville case, and the "Murchison correspondence," the report of Mr. Bayard, Secretary of State, to the President, Oct. 29, 1888. For. Rel. 1888, 11, 1670; infra. sec. 649.

LETTER FROM VIETNAM

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. WALDIE. Mr. Speaker, I would like to call the attention of my colleagues to a letter I recently received from Capt. William D. Harman. The letter concerns Captain Harman's views about the war in Vietnam. I believe opinions of men who risk much in Vietnam are deserving of wide dissemination.

The letter follows:

MAY 1, 1971.

DEAR SIR: I am currently stationed at Han Son Nhut AB and have been in Vietnam for over 5 months. Before arriving I was unsure of what our position should be in regards to this war. But after actually experiencing the situation first hand I am thoroughly convinced that we should get out now!!

My experience has been that the Vietnamese people could honestly care less if we weren't here. The only thing they see when an American comes into view is dollars, PX items, etc., and not of a true friend here to save them from the evils of communism. Hell, most of them wouldn't know the difference anyhow.

But what's even worse is that there is no sense of purpose among our own troops. Many, including myself, see nothing worth fighting for. And to keep us here for the sake of the nearly 50,000 that have died is ridiculous. I would venture to say that most of the Americans that have died over here would be more than happy to see us out of here before another life is lost.

Being in the military now for over four years has offered me quite an opportunity to see parts of the world I would otherwise have never seen. I spent 2½ years in Greece and have visited both Turkey and Italy. And through all of this I have gained a much greater appreciation of the good ol' US of A. And coupled with this appreciation is a sincere desire to preserve what our nation believes to be morally and politically correct. This war is not in line with these beliefs. It it tearing our country apart emotionally, politically and socially. To me our own internal political and social situation is much more important than the survival of a weak government and an indifferent populous. Let's get out now, please!!!

Yours sincerely,

DAVE HARMAN,
Captain, USAF.

UNIQUE PEOPLE-TO-PEOPLE PROGRAM

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. MORSE. Mr. Speaker, there are many people-to-people programs in which Americans are taking increasingly active roles in making new friendships with peoples from distant lands.

I am pleased to direct the attention of my colleagues in the House to a unique and far-reaching program of this kind undertaken by the Wally Byam Foundation of Washington, D.C., and directed by Mrs. Carolyn Bennett Patterson, an assistant editor of the National Geographic magazine and board chairman of the foundation.

Chartered in 1962 as a nonprofit organization and named after the late Wally Byam, founder of the Airstream Co., travel trailer manufacturers, the foundation has applied the Byam good-neighbor concept by sponsoring 30-day cross-country trailer trips for foreign visitors through small-town America.

Before his death in 1962, Wally Byam sponsored American trailer caravan tours to Europe, Africa, and Asia with the primary goal in mind. He said:

> When people of two different countries get to know each other, they discover that everyone is essentially the same, has the same problems, and enjoys the same things. This bond of fellowship is the only factor that can ensure peace.

In 1963, the foundation started a relatively modest refamiliarization program for returning American diplomats from overseas posts, first with the U.S. Information Agency and later on with the U.S. Department of State.

The diplomats were provided trailers and automobiles so that they might take leisurely tours of various parts of our great land and at the same time reacquant themselves with grassroots America and thus obtain firsthand information on changes in American life, ways and thinking while they were away. At the same time, the diplomats gave press, radio and television interviews, and lectures on the nature of their assignment and duties abroad.

The exchange of views and opinions, made possible by the foundation's "Rediscover America" program, resulted in a better understanding by Americans of our foreign policy and at the same time afforded our diplomats the opportunity to clarify misconceptions about Americans' role in foreign affairs.

In 1967, Mr. Speaker, the foundation took on a new and far more challenging assignment by sponsoring the "Caravan America" program, still carrying on the Wally Byam foreign friendship role. He once said:

> We haven't a ghost of a chance to build firm international peace unless the citizens of every country understand the motives and way of life of every other country. There has to be a meeting.

The first Caravan America, launched in 1967, made possible tours of our national shrines, parks, and forests and an almost endless round of transcontinental hospitality for 20 British and 20 French families.

Caravan America was underway again last year with 20 German, 20 Swiss, and 18 foreign diplomatic families as participants. The families were chosen by ADAC, the German equivalent of our American Automobile Association, the Swiss Non-Commissioned Officers Association and the various foreign embassies accredited to the United States in Washington.

This is indeed a unique program, Mr. Speaker, initiated by the Wally Byam Foundation on a nongovernmental basis and without the expenditure of public funds.

C. H. Manchester, president of Airstream, Inc., a division of Beatrice Foods, describes the low key noncommercial company participation in the Foundation activities in these words:

> The Foundation is financed by contributions made by purchasers of Airstream travel trailers, matched by a similar contribution by the Airstream company, together with contributions from interested trailer clubs and individuals around the country.

The foundation budget is a modest one, but its programs, however, are far-reaching in view of the vast reservoirs of goodwill which have been created since the foundation began its Rediscover America and Caravan America programs. Their success is due in great measure, Mr. Speaker, to the dynamic leadership of Mrs. Patterson in serving the foundation on a voluntary unpaid basis as director of its activities.

What she is accomplishing is phenomenal, largely through her ability to get people, the right people, interested in the foundation's objectives. Backing her are numerous volunteers. For instance, advance planning and experienced caravan leadership are supplied by volunteers from the Wally Byam Club International. Members and private citizens, through chambers of commerce and other organizations, have enthusiastically assisted in welcoming arrangements for the foreign guests all across the land.

As an illustration of the volunteer work involved, I cite just one small welcoming activity here at the capitol last May for the 20 German families upon their arrival in Washington. New England, unfortunately, could not be included in the visitors' itinerary. Consequently, some typical Massachusetts hospitality was brought to Washington where a Capitol luncheon was held, featuring some food products that have made New England famous.

Mr. Speaker, Mrs. Patterson is not resting on her laurels from these very successful foundation activities. She is now working on what may well be her most ambitious project. It is called Open House, U.S.A., a concept she gave to the American Revolution Bicentiennial Commission, which adopted it as part of the official planning for the Nation's birthday.

Open House, U.S.A. is seeking support from prominent Americans in starting hospitality campaigns all over the Nation, through State and city government leaders, service organizations, and individuals in inviting and sponsoring the visits of foreign nationals to local observances of America's 200th birthday.

This, undoubtedly, will be the biggest people-to-people program ever devised and it is now Mrs. Patterson's dream project for the months ahead as the Nation prepares through pageants, community celebrations, and cultural events to celebrate its birthday in commemoration of the great events of 1776.

The support and help of all Americans will determine the success or failure of Open House, U.S.A. I join my colleagues in the House in wishing this new venture in international friendship and understanding the success that it deserves.

PLANT IN OAKLAND, MD., BREAKS GROUND FOR DEMONSTRATION WASTE TREATMENT SYSTEM

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. BYRON. Mr. Speaker, on May 18, 1971 ground was broken at the Sterling Processing Corp. poultry plant in Oakland, Md., for a demonstration pilot plant for secondary waste treatment.

This is a demonstration project sponsored by the Sterling Processing Corp., the Department of the Interior, and the Maryland Department of Health and Mental Hygiene. I commend these efforts. Mr. Gilman Sylvester, the plant manager, has invested much time, effort, and enthusiasm in getting this project started. The Republican of Oakland carried the following story on May 20, 1971, describing the ground breaking:

GROUND BROKEN FOR PILOT PROJECT AT STERLING PLANT

> Ground was broken Tuesday at the Sterling Processing Corporation poultry plant, just west of Oakland, for a building to house machinery for the recirculation of secondary waste effluent and its reuse in the plant itself. This is the first attempt in the United States for such a project.
>
> The 300 gallon per minute double filtration system to be installed will be a demonstration pilot plant. Total cost will be $204,000 with a grant of $146,000 coming from the Department of the Interior, and the balance being furnished by the State Health Department and the Processing Corporation. The results are expected to contribute greatly to conserving the water supply of the town of Oakland and serve as an example for other industrialists to follow.
>
> The Sterling corporation already has a waste treatment plant that is 99 percent effective in treating its industrial waste water and has its own water filtration system. The water will go into two aerated lagoons, be treated for some two weeks and then go through the new filtration system and back to the water treatment plant with the water being a potable water source.
>
> Richard Lyons, of the State Health department, will be at the plant on full time basis and will serve as project supervisor at the site.

CUSTOMS OFFICE WANTED IN KENAI, ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. BEGICH. Mr. Speaker, the continued growth of the economy of Alaska is particularly important to the people of the State of Alaska. It is, therefore, important that the State make the maximum possible use of its air and marine facilities. One of the most important areas in the State of Alaska is Kenai. The geographical location of Kenai is such that full utilization of its marine and air transportation would enable that city to serve as one of the most important transportation links in Alaska.

One way to insure greater utilization of the Kenai facilities would be to establish a U.S. Customs Office in Kenai. The need for a customs office in Kenai is already fully justified on the basis of projected shipping totals during the current fiscal year. It is expected that not less than 90 foreign-flag ships and some 1,195,000 tons of freight will require customs clearance in Kenai.

The Alaska State Legislature has urged the U.S. Bureau of Customs to establish the U.S. Bureau of Customs Office in Kenai. I wholeheartedly agree with their resolution, and I include a copy of it for inclusion in the RECORD:

ESTABLISHMENT OF A U.S. CUSTOMS OFFICE AT KENAI

> Be it resolved by the Legislature of the State of Alaska:
>
> Whereas the geographical location of Kenai is such that full utilization of its marine and air transportation facilities would enable Kenai to serve as one of the primary transportation links in the development of Alaskan industries, including those of the North Slope; and
>
> Whereas the maximum possible utilization of air and marine facilities of Kenai will contribute to the economy of Kenai, as well as to the entire state; and
>
> Whereas one way to ensure greater utilization of the Kenai facilities would be the establishment of a United States Customs Office at Kenai; and
>
> Whereas the need for a Customs Office in the Kenai area is already fully justified on the basis of projected shipping totals during the current fiscal year of not less than 96

foreign flagships and some 1,195,000 tons of freight, all requiring Customs clearance; be it resolved by

The Alaska State Legislature that the United States Bureau of Customs is urgently requested to establish a United States Customs Office at Kenai, Alaska.

SEEK SAFE RETURN OF POW'S

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. Res. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries, in the United States camp, and the parties will engage at once in discussion on:

"The question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"The question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: *Provided*, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

SOME GOOD NEWS FROM VIETNAM

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. SMITH of New York. Mr. Speaker, the last issue of Commentary, a newsletter published by the University of Vermont, has some news about the production of rice in Vietnam which, I am sure, will have a large impact on the future of that unhappy country and on the future stability of Southeast Asia. A part of this newsletter is quoted here:

Report From Vietnam: A Bumper Crop in Rice

There's a bright side to American involvement in Vietnam, rarely heard, but expressed by a University of Vermont professor who has just returned from there.

Dr. Jerry J. McIntosh, associate professor of plant and soil science, said this year the Vietnamese will once more produce enough rice to meet their own needs, something they haven't done since 1964.

Next year the nation will begin to resume its traditional position as a rice exporter. And, with new approaches to old agricultural problems the Vietnamese may grow more diversified crops, thus improving their own diet as well as their nation's export position.

Two factors have been responsible for this progress: development of "miracle rice" by the International Rice Research Institute; and widespread introduction of this rice into Vietnam by both Vietnamese and American agriculturists.

Dr. McIntosh was asked to go to Vietnam as a consultant for the Federal Extension Service, and was selected because in 1969, during a sabbatical leave from the University, he worked in the Philippines for the International Rice Research Institute, and thus had gained a depth of knowledge about problems associated with increasing the food production of southeast Asia.

CONGRATULATIONS TO DEERE & CO.

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. RAILSBACK. Mr. Speaker, in an age when it has become fashionable to knock private business for being inconsiderate and indifferent to the common consumer, I am proud to have in my district, Deere & Co., which recently offered its competitors, free access to its patents on protection of tractors against the danger of overturning.

Deere & Co. during the 1960's pioneered in the area of tractor safety and developed the first protective roll-frames for farm tractors. The protective frames were called "Roll-Gard" because tests showed that in most cases the frames would limit overturns to a 90-degree roll instead of the tractors turning completely over.

Tractor overturns are believed to be the leading cause of deaths involving farm equipment, consequently Deere & Co. wants other manufacturers of farm machinery to share with them its data on tractor upsets and protective frames, Deere & Co. should be applauded not only for its outstanding leadership in the field of farm machinery, but for its invaluable research which is constantly striving to make its products safer and better for the farmer.

SENATE—*Tuesday, May 25, 1971*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. Ellender).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our Father God, we thank Thee for Thy mercies which are new every morning and for this quiet moment dedicated to the unseen and eternal. Remind us once more of the profound and holy foundations on which the Founding Fathers established this Republic. Keep us ever faithful to their high vision.

O Lord, help us through this day to labor so as to bring help to others, credit to ourselves, and honor to the Nation. When the days are long and the problems vexing, hold us by Thy grace and sustain us by Thy presence. May nothing deprive us of joy and peace. Guide us on our way by the remembrance of Him who was servant of all.

In His name we pray. Amen.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILL SIGNED

Under authority of the order of the Senate of May 24, 1971, the Secretary of the Senate, on May 24, 1971, received the following message from the House of Representatives:

That the Speaker had affixed his signature to the enrolled bill (H.R. 8190) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

Under authority of the order of the Senate of May 24, 1971, the President pro tempore signed the enrolled bill (H.R. 8190).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 24, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONTINUING APPROPRIATIONS—INDEFINITE POSTPONEMENT OF JOINT RESOLUTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 108, House Joint Resolution 633, a joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes, be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PORTRAIT OF A COURAGEOUS MAN: SENATOR LEE METCALF

Mr. MANSFIELD. Mr. President, I ask unanimous consent that an editorial from the Missoulian of Friday, May 14, 1971, entitled "Portrait of a Courageous Man," which refers to my distinguished associate in the Senate, Senator METCALF; as well as a commentary by Fred J. Martin, editor of the Livingston Enterprise and Park County News, entitled "An Editor Eyes LEE METCALF," be inserted in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, I want to take this means to express my high personal opinion, my affection, and my respect for my colleague from the State of Montana, LEE METCALF, who, I believe, has one of the keenest minds in this body, who has shown rare courage indeed, who does his homework well, and who represents Montana with distinction, integrity, and understanding; and, speaking personally again, I am very proud to have LEE METCALF as a partner.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, last weekend, our congressional delegation spent 72 hours in Tokyo as the guests of the Japan-United States Friendship Association. We were there not at Government expense, I might add. The cochairmen of the delegation were the distinguished Senator from Montana (Mr. METCALF) and myself.

I am very proud of the fact that in our appearances before all the political parties of Japan and numerous other organizations, on television and in press conferences, there was no cleavage whatsoever between the representatives of the two political parties and that in presenting a joint view of the American situation, we presented it with due respect for the national interest involved. I would like to pay tribute to the distinguished Senator from Montana (Mr. METCALF) for the excellent way in which he discharged his responsibilities during this quite brief and rather difficult period, which involved so many meetings and so much in the way of disagreement as well as agreement. It was a very useful session. He contributed immeasurably to it.

Mr. MANSFIELD. Mr. President, I cannot begin to tell the distinguished minority leader how much I appreciate those remarks in behalf of my colleague, who is a man of keen judicial intellect, I repeat, a man of courage and integrity, and a man alongside whom I am very proud to serve in this body.

EXHIBIT 1

PORTRAIT OF A COURAGEOUS MAN

The May 10 issue of the Nation magazine has an article on Sen. Lee Metcalf entitled "The Invisible Senator."

Written by Robert Sherrill the Nation's man in Washington, the article is highly sympathetic to the man many people tend to think of as the other guy there with Mike Mansfield.

The Nation is a liberal magazine and understandably would treat a liberal senator with some sympathy. Sherill's article contains what we believe are some minor inaccuracies. For example, Metcalf is quoted as saying that the Montana Power Co. "calls the signals in the state (Montana) legislature."

Undeniably it tries, but we think undeniably it often fails, and with more frequency of late. In this past session it couldn't even stop a territorial integrity bill because, in the word of an MPC lobbyist, it didn't "have the horses." It didn't have the horses to pass the bill to let the Public Service Commission run the pollution control programs for power plants and power lines, either. It's hard to think of two bills MPC wanted less and more, respectively.

And Sherrill says Metcalf cast the lone negative vote in the 80 to 1 passage of the District of Columbia Crime Bill. We couldn't find that vote in our records, and believe Sherrill confuses it with Metcalf's lone dissent to the so-called Organized Crime Control Act, which passed the Senate 73 to 1 on Jan. 23, 1970.

But the article seems to capture an overall accurate impression of the senator. Metcalf has made many of the right enemies. He has fought special interests that SOMEBODY ought to be at least questioning but nobody else ever has.

Sherrill describes Metcalf as a hard-working man, endowed with brains and courage, a deep cynicism, an impatience for mediocrity and—on some issues—an anger toward the jellyfish who will compromise.

Metcalf notes in the article that the President's Council of Economic Advisers gripes about inflation, but is silent about proposed utility rate increases, which—in common with the universities, the foundations and the press—it doesn't even try to keep track of.

The senator says, as he often has, that the consumer should be represented in utility rate increase hearings, but notes that the only way a person can now become an expert in utility matters is to work for a utility. He wants special training programs for rate experts who, under a law he has introduced, would represent the consumer at rate increase hearings.

He also wants to come home, which adds to rumors that Metcalf won't seek re-election next year. The senator notes he's been in political activities for 30 years (except during the war), and "I think 30 years is long enough for a guy. I could live in Montana and not have to smell this stinking (Washington) air."

That would open things up . . . for whom? Chet Huntley? Good old developer-environmentalist-nice guy Huntley, who talks about "preservationists" without knowing the score and trusts the word of the Anaconda Co. when it says it will keep things clean?

Take a deep breath and stay put, senator.

AN EDITOR EYES LEE METCALF

(NOTE.—A Montana newsman's view of U.S. Sen. Lee Metcalf is given by Fred J. Martin, one-time secretary to Gov. J. Hugo Aronson and a senatorial candidate himself in the 1960s. Martin is now editor of the Livingston Enterprise and Park County News. The following is a condensation of the article carried in those newspapers.)

(By Fred J. Martin)

Lee Metcalf, now serving his second term as Montana's junior senator and a four-term congressman prior to that, is at his best in intellectual combat, whether on the Senate floor or in a committee hearing. Actually, he won for himself in congressional circles the role of "the people's advocate" before Ralph Nader appeared on the Washington scene.

However, congressional hearings indicate a close liaison between Metcalf with Nader and his associates, particularly on the Montanan's bill to "provide for consumer, labor and small business representation on advisory committees under the coordination of Federal Recording Services, and for other purposes."

In this role Senator Metcalf has made friends by reason of his tenaciousness, his loyalty, his follow through and his thoroughness to stand up for his convictions. But, he's also made some enemies, powerful ones, who are looking to 1972 in hopes they can get the voters of Montana to retire him.

Lee doesn't have the charisma of Mike Mansfield. Perhaps his toughest job is to overcome his shyness, his quick fuse when aroused and his reluctance to get out and meet people—factors which hide his natural friendliness. He doesn't make nearly as many homefront Montana appearances as does Congressmen John Melcher or Dick Shoup.

Yet, Metcalf is aware and keenly so, through his personal contacts, his mail bag and his knowledge of Montana that Montana problems are his Number One concern. However, even in Washington the senator is on a tight schedule.

From all reports, the senator and his wife, Donna, do not participate too much in the Washington congressional, diplomatic and official social whirl and there's always an open door, most every evening, for a senator and his lady. They prefer to keep the home fires burning, to work in their garden and thus also to give Lee a chance to do continuous research and reading.

As a Senator since 1960 the junior Montana senator has won his spurs and the respect of his colleagues. He's been elected again and again as acting president pro tempore by his fellow senators. He has presided over the Senate under trying circumstances and has won respect for his fairness. . . .

To go back nearly 20 years and review Metcalf's record in Congress would require a book. Just the record of the various congressional hearings and investigations he's directed or been a key participant would require analysis of a bookcase full of congressional reports. His leadership in developing, expanding and promoting Federal Aid to Education in many, many facets has won him countless awards from the National Education Association and educators not only in Montana but throughout the nation.

He has been active for wilderness, protection of rivers and streams, development of additional recreational areas, as well as for measures to promote conservation in accord with sound agricultural practices. He was an early advocate for Libby Dam and supported many other Montana projects. He has worked to bring useful and effective utilization of the Glasgow Air Base facilities.

He's ever been in the forefront of support for new technological utilization of Montana's coal reserves for the production of power in Eastern Montana. Lee has advocated support for programs which would improve the lot of Indians, give them greater opportunities and let them determine their own destiny.

But, Lee and his staff want no "specialist" designation—he and they recognize the many, many varied needs to assist Montana and all its residents. Metcalf always is in the forefront for help for the aged, fair and equitable treatment and regulation by government agencies, protection of the consumer, adequate medical care.

MR. VOLPE'S SURPRISING ACHIEVEMENTS

Mr. MANSFIELD. Mr. President, in the Wall Street Journal of Tuesday, May 25, 1971 is an article by Albert R. Karr, entitled, "Mr. Volpe's Surprising Achievements." I have a high regard for Mr. Volpe. We have our agreements and disagreements, our understandings and misunderstandings, but I think he is one of the outstanding members of the President's Cabinet. He is a man of enthusiasm, a man who likes to get the job done, likes to do a job well, but a man who always tries to see the other side and give as much consideration to it as possible.

I ask unanimous consent, therefore, that the story in the Wall Street Journal be incorporated at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Mr. Volpe's Surprising Achievements

(By Albert R. Karr)

WASHINGTON.—Not long ago John Volpe was handing out a medal to a rather remarkable man who used to test the effects of deceleration by catapulting down a track on a rocket-powered sled. The sled would roar to 632 miles an hour, then stop within two seconds.

Looking up from the middle of a formal citation, the Transportation Secretary couldn't suppress a comparison. "Sometimes," he said, "we in the administration have to decelerate faster than that."

It was a wry admission that Mr. Volpe, a hard-driving man who wants very much to leave his mark on the nation's transportation system, can't always sell his ideas to the President or the stolid aides who surround him But that is a common problem for the Nixon Cabinet. The significant thing about Mr. Volpe is not in his setbacks—and there have been embarrassing ones—but in some major achievements that have surprised critics and supporters alike.

Mr. Volpe, a three-time Massachusetts governor who has also been Federal Highway Administrator and Massachusetts public works commissioner, initially was regarded by critics as a narrow, roadbuilding fanatic who would try to pave over the country. Instead, he has irritated the highway lobby by killing disruptive projects and increasingly emphasizing mass transit. And in an administration more conservative and less programmatic than its predecessors, he has probably produced more new programs than any other Cabinet member, a number of them liberal measures. Among them: mass transit upgrading, a national railroad passenger system, or Amtrak, and the use of hitherto sacrosanct highway trust fund money for safety and other new programs.

This success is partly a fortuitous coincidence of Mr. Volpe's predelictions and White House politics, because it is true that the Nixon administration is more open to programmatic experimentation in transportation than, say, civil rights or help for the cities. But it also reflects some personal attributes of Mr. Volpe: a deep social concern, a toughness combined with diplomacy and painstaking care in building up support. Moreover, in an administration that sometimes seems to value loyalty above all else, Mr. Volpe is the ultimate team player.

WILLING TO COMPROMISE

Intense, energetic Mr. Volpe, 62, fights hard for his programs, but the bouts are strictly intramural. Not for him are Walter Hickel's martyrdom or George Romney's public pronouncements that sometimes take him further than the administration wants to go. Mr. Volpe prefers to survive, to compromise, to chip away at opposition gradually if he has to. When the White House hits the brakes Mr. Volpe decelerates. And if it so orders, he'll champion positions he privately opposes.

That's what happened to the Secretary's plan for auto insurance reform. Central to his concept were federal standards, possibly backed up by pressure on the states to conform through a mandatory effective date or federal penalties. The White House opposed legislated standards, and Mr. Volpe abandoned the concept on the eve of testimony before a Senate committee. Instead, he suggested that Congress merely pass a resolution urging the states to act. (Responding to a Congressman's question in a House hearing later, however, Mr. Volpe said he wouldn't object to federal auto-insurance standards, as long as outright federal regulation were avoided.)

Another time, asked whether he concurred in a White House budget holddown he had strenuously resisted, Mr. Volpe replied: "Once the decision has been made, it's Transportation Department policy."

But the Secretary doesn't give up until policy is set, and his fight for Amtrak is a case in point. Key presidential aides opposed the plan, and at one point it took a heated outburst even to get Mr. Volpe past them and inside Mr. Nixon's office. Then, he says, "It took me about six minutes" to sell his argument. Later, Mr. Volpe threatened to resign if Mr. Nixon sided with the advisers who were urging him to veto the legislation.

Straightforward to the point of bluntness, Mr. Volpe meets most issues head-on. He has angered the potent highway lobby by stopping highway projects before they could rip through parks, historic areas and neighborhoods, and by warning that "excessive dependence on the auto" poses the "threat of urban suicide." He bruised egos by issuing a highway-safety "report card" that ranked states from "A" to "DD." Alabama and Illinois each got three "Ds" and the Secretary noted some "retrogression" nationwide. "Only a Republican ex-governor can get away with what he tells industry and governors to do," an associate declares.

A major caveat to the Volpe record, however, is that most of the programs he has backed so far have simply involved spending more money to attack generally accepted needs, with the support of most interest groups involved. It was apparent even before Mr. Nixon took office that an expanded mass-transit program would be tremendously popular, for example. The adminstration has no fondness for the highway lobby, a fact that gives Mr. Volpe some latitude; and from the lobby's point of view, Mr. Volpe's positions thus far, whle anoying, haven't substantially cut the amount of money available to highway building. "It's true that we've worked with the easy ones," one department official admits.

TOUGH BATTLES AHEAD

But the crunch is coming. Mr. Nixon's revenue sharing plan challenges the highway and airport lobbies in a fundamental way, since it would allow states to spend money in those two trust funds for any transportation purpose they desire. As a key salesman for this aspect of the plan, Mr. Volpe must confront the two lobbies and their substantial power on Capitol Hill.

In his first year in the job Mr. Volpe lost an intra-administration battle for mass transit, failing to win backing for a trust fund he proposed. But if revenue sharing fails, he'll revive another plan that would also boost mass transit: a "transportation trust fund" that would allow states to divert money in the highway and airport trust funds to other transportation purposes. Ths plan, like revenue sharing, would certainly arouse bitter opposition.

Originally a Rockefeller backer in 1968, Mr. Volpe was persuaded by advisers to climb aboard the Nixon bandwagon while he still had a chance. He did, and for a time was thought to be in the running for the Vice Presidency. After the election, he sought an administration job in an activist department, specifically Health, Education and Welfare or Housing and Urban Development. Ironically, the Secretaries of those two departments have found their activism repeatedly stifled by White House political considerations while Mr. Volpe, in a job he didn't particularly seek, has been relatively free to make his mark.

It's a task he gives almost undivided attention. Up most mornings by five, Mr. Volpe usually attends an early mass and heads for his office and a workout on the stationary bicycle. Then he plunges into work, rushing in and out of his office with brow furrowed. Mr. Volpe lacks a college degree, but aides say he's quick to see the significance of an issue and prefers quick, "Harry Truman" type decisions to agonizing and intellectualizing. He seldom gets away before 7, and even then usually packs along two bulging briefcases for work far into the night.

He has grown steadily into the job. More favorable to highways at first, he now says his Washington experience has made him "much more acutely aware" of the need for balanced transportation systems. In the process, he has converted skeptics. Declares a former transportation official in the Johnson administration: "If Nixon would listen to Volpe more often, he'd be ten times better off."

The Secretary seemingly views his job as the capstone to his political career and, accordingly, is particularly keen on programs that show visible accomplishment. He would like to get an air-cushion vehicle transit line going somewhere in the country, for example, but so far attempts in Los Angeles and Washington have fallen through. He would also like to leave office with a major reduction of highway deaths to his credit. So when he came across a newspaper clipping describing the inflatable air bag for automobiles two years ago, he quickly dashed off a memo directing his highway safety people to get cracking on an air bag program.

Devoutly religious, Mr. Volpe often interjects "the dear Lord" into press conferences and casual conversation. He eschews alcoholic beverages (his favorite drink is tea laced with honey), and will sometimes make a point by beginning: "If I were a gambling man—which I'm not—I'd bet that . . ." Nevertheless, aides say, he can be quite profane when angered, and his anger can flare quickly when an underling turns in a poor performance. Fortunately, they add, he doesn't hold grudges.

The son of Italian immigrants, Mr. Volpe worked as a hod carrier and plasterer's apprentice, eventually turning a $500 stake into a thriving construction business. He's fond of relating how his father told him that; like other members of minority groups, he would have to climb the ladder one step at a time, and on his own. But in telling that story, Mr. Volpe usually admonishes those working for him to "remember to turn around once in a while to give a helping hand to those below you."

Translating this philosophy into action, Mr. Volpe has emphasized jobs for blacks, earning the administration some credit in a field where it generally draws criticism. There are now 20 blacks in the department's "supergrade" jobs; before Mr. Volpe there were none. And Aaron N. Henry, head of the NAACP's Mississippi unit, credits Mr. Volpe's "persuasion" for the fact that the Mississippi Highway Department, formerly all white, now is at least 30% black. Clarence Mitchell, the NAACP's Washington representative, says he's "ahead of most people in the administration."

Some of Mr. Volpe's initiatives, however, have bogged down in the conservative, slow-moving bureaucracy he inherited. Thus, Mr. Volpe has declared that no highway or other federal transportation projects will be authorized until suitable relocation housing is built or assured. But the Federal Highway Administration, traditionally an entity unto itself, has moved so slowly on this that one civil rights expert calls its performance "terrible."

Apparently recognizing this problem, Mr. Volpe last week announced new regulations designed to enforce his relocation-housing policy. They include a requirement that federal-aid projects causing displacement have a local relocation-assistance office to help displaced persons find new homes.

CONGRESSIONAL GOOD MARKS

The Secretary gets better marks on Capitol Hill, where he often goes to do some personal lobbying instead of leaving that task to subordinates. During the final stages of the administration's effort to push the SST—a project that the Secretary personally supported—he talked at length with lawmakers, focusing on freshmen Congressmen. He's quick to adapt his tactics. Trying to sell a new highway funding approach last year, he began by working through the Republican members of a Senate committee. But when a staff man for the Democrats telephoned to suggest that Mr. Volpe deal with them as well, he dispatched a bevy of experts to the Hill within the hour.

Mr. Volpe's intense, driving approach has brought him to the point of frequent, though not major, health problems, and one hard-pressed aide, a Washington veteran, says he has "never worked for anyone so aggressive and so decision-oriented." Nevertheless, Mr. Volpe laughs easily, frequently at himself, and loves to tell homey, self-deprecating stories.

One favorite concerns the time he was stuck in a long line of airliners waiting to take off, and impatiently asked the captain to inform the tower controller that his boss, the Secretary of Transportation, was aboard. Back, Mr. Volpe says, came the controller's reply: "My regards to Mr. Volpe, but he's still 19th in line."

DEATH OF UNITED PRESS PHOTOGRAPHER ED ALLEY

Mr. MANSFIELD. Mr. President, it is with regret that I call to the attention of the Senate the fact that an old and trusted friend, Ed Alley, a former United Press photographer whom many of us have known up here, passed away on last Saturday night.

Ed was not only a photographer but also a reporter in the finest meaning of that word. I miss Ed. I have missed him for some time because he has been in difficult circumstances healthwise, but the Lord has taken him. He is gone.

I just want to say that there will be many of us here who will miss this fine gentleman, who meant so much to us in such a personal and intimate way.

May his soul rest in peace.

STATEMENT BY SENATOR SCOTT BEFORE THE SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS, SENATE COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCOTT. Mr. President, I ask unanimous consent to insert at this point in the Record my testimony before the Senate Committee on Rules and Administration on the proposed campaign reform bill.

There being no objection, the statement was ordered printed in the Record, as follows:

STATEMENT OF SENATOR HUGH SCOTT

Mr. Chairman, I welcome this opportunity to express my views on the election campaign reform legislation now pending before your Subcommitte on Privileges and Elections. Although I am not a member of the Subcommittee, I do sit on the full Rules and Administration Committee, and look forward to helping shape the bill we send to the Senate floor.

On March 3, 1971, I testified before the Senate Commerce Subcommittee on Communications, at which time I said:

"We ought to place a greater emphasis on floors, or guarantees, rather than on ceilings. It is absolutely essential that candidates be allowed as much access to television and radio as they wish. To impose ceilings without offsetting them with guarantees, by subsidizing or otherwise, is to ignore the real problem—access to the media, and thus the electorate."

Substantially the same sentiment was echoed in an excellent *Time* Magazine essay in its issue of May 17, 1971. Although I am not prepared, in view of the pendency of this bill, to support public funding of political campaigns, the principle of equal opportunity through guarantees still holds. Says *Time*:

"Given their eagerness to fall in on the side of the angels, there is a danger that lawmakers will take poorly considered action in preference to no action at all. Yet something needs to be done. That something should be the building of a floor rather than a ceiling. Every potential candidate is entitled to a minimum reasonable exposure of his person and ideas. Challenging incumbents clearly requires money; it is unfair to give that chance to only the rich or the allies of the rich . . . above the floor, candidates could spend any amount they deemed prudent—and could lay their hands on. The candidate with lots of money would still have an advantage, but not such an overwhelming one . . . There is no practical way to achieve absolute equity for candidates. But in a capitalist democracy, money is the great equalizer, the great leveler of odds. To limit its use in politics would limit freedom rather than protect it."

My bill, S. 956, embodies the principles of campaign flexibility and equal opportunity. However, as your Subcommittee is currently directing its attention to S. 382, an alternative bill, I shall comment on it and on its possible effects on our political system. Certainly, there is still a great deal of room for improvement, even though the Commerce Committee has made some significant strides. At the risk of appearing immodest, I am pleased that S. 382 now contains several provisions which originally appeared in my own bill. First, broadcast media *as well as* non-broadcast media will be required to charge their lowest unit rates when political advertising is involved. This assures that no one media's advertising is given an unfair advantage over another, and that the candidates will benefit from lower charges. Second, such preferential advertising rates will apply *only* during specified pre-election periods. My purpose here is to encourage candidates to use their media late in the campaign in order both to save money and shorten the campaign period. Third, broadcast license renewals will be viewed in light of the licensee's response to requests for reasonable access or amounts of broadcast time for political purposes by candidates and other interested parties. It is essential that all broadcasters be responsive to the public interest, and even more important that the Federal Communications Commission exercise its powers to cancel broadcast linceses if there is a blatant disregard for the public interest. Broadcasters are responsible citizens, and it's about time to free them from the taints of some of the other rotten apples. Fourth, the equal time requirements will be repealed for the offices of President and Vice President both for primaries *and* the general election. This broader repeal ensures that even greater amounts of broadcast time will be offered free to the candidates by the stations and networks. These provisions help to meet some of the objections held by President Nixon when he vetoed last year's political broadcasting bill.

S. 382, however, still contains a number of serious defects. For example, since the bill virtually controls a candidate's campaign through separate and inflexible media spending limits, there is no recognition whatsoever that there are *differences* in campaigns. Certainly, if a candidate must live under any spending limits, he ought to have maximum discretion in the application of his funds. Because he would not, under this bill, I believe that broadcasters are being given the short end of the deal. On May 3, 1971, an editorial in *Broadcasting* Magazine said, "the effect would be to reduce the use of broadcast advertising far below the levels of recent campaigns, to permit generous use of print media and to impose no limits at all on expenditures for direct mail, posters, bumper stickers, travel and all the other services and materials used in political campaigns." This is not to say that I favor limits on *all* forms of campaign spending, because I don't. Enforcement of such a provision would be a nightmare. However, because we can't reasonably restrict all, why should we be content just to restrict some? Fears of candidates inundating the airwaves are unfounded. Sensible candidates, who must live within their campaign budgets, know that too much exposure is just as bad as not enough exposure. I don't believe that Congressional spoon-feeding is the answer. I do believe that the candidate is the best judge of what he needs and that the public is the best judge of the candidate. Congress should not make subjective value judgments in an area where clearly, the public can decide for itself. We must allow candidates to select and use the media of their choice, free from Congressional dictation. Such dictation is already shaping what appears to be an "incumbent's bill". The same editorial in *Broadcasting* Magazine cited above notes that "The formula is ideally suited to incumbents running for re-election. Broadcast advertising has become a dominant resource for out challenging the ins. That resource would be equalized by the new bill, to the disadvantage of the challengers." In other words, the real effect of this bill is to perpetuate the status quo.

Another problem in the bill is the proposed tightening of the $5,000 limit on individual contributions. This Subcommittee is aware, I am sure, that my own bill contains limits on individual contributions—$5,000 to one House campaign, $10,000 to one Senate campaign, and $15,000 to one Presidential campaign. However, I proposed these limits only because my bill contained no *spending limits*. I don't believe that we need have two limits. As Columbia Law Professor Albert J. Rosenthal points out in a new study of the subject, "If the maximum amount of money allowed to be spent could reasonably be expected to be obtained from small and medium-sized contributions alone, the spending limit might be regarded as an indirect (and possibly easier to uphold constitutionally) way of discouraging large contributions." The tax incentives for political contributions contained in my bill virtually assures a healthy shift away from big contributions. Additionally, my bill contains limits on what a candidate could contribute to his own campaign—$25,000 if he is a candidate for the House, $35,000 if he is a candidate for the Senate, and $50,000 if he is a candidate for President or Vice President. If there are to be limits on individual contributions, there must, similarly, be limits on what candidates give to themselves. It makes no sense to tell the candidate of moderate means that he cannot receive large sums of money, if we don't tell the rich candidate that he cannot finance his own way into office. In the event that this Subcommittee does not recommend repealing existing limits on individual contributions, I will urge that such limits be expanded to reflect the office under consideration, and that similar limits be placed on the candidates themselves. As Professor Rosenthal suggests:

"The *level* of the limitation imposed may be significant. If the evil sought to be averted is the undue influence of the large contributor upon the candidate or officeholder, a limit manifestly below the point of reasonable fear that the candidate might be improperly moved by the contribution would be difficult to justify on that basis. The present unenforced and loophole-ridden limit of $5,000 per year for a Presidential or Congressional campaign is certainly ridiculous as applied to the former and almost as surely so even for the latter."

My earlier reservations about enforceability and constitutionality still stand, however, and I hope that due consideration will be given these two points by the Subcommittee. For I certainly fear that the imposition of strict limits on individual contributions will have the net effect of making more important the role of so-called political action groups, be they operated independently, or on behalf of either labor or business. And to restrict group action further, leads us into a maze of constitutional questions and labyrinthian escape hatches.

My strongest objection to S. 382 lies in its lack of any effective mechanism through which to report and disclose all contributions to, and expenditures by, candidates for Federal office. S. 956 relies almost exclusively on tough reporting and disclosure, through an independent Federal Elections Commission, to combat the abuses and excesses in political campaigns. Nearly forty years ago, Professor Louise Overacker wrote, "Publicity of contributions as of expenditures—pitiless, continuous, and intelligent publicity extending to (candidates and) nonparty as well as party organizations—is the least that a democracy should demand." If the campaign reform bill this Subcommittee is to recommend continues to rely on the appointed officers of Congress for monitoring authority, then we are not acting in the best interests of democracy. Employees do not control employers—they never have, they never will and they never should. In an area as sensitive as campaign spending, we must invest such authority in an entity free from outside influences. A Federal Elections Commission, appointed by the President, subject to confirmation by the Senate, is the best check we can place on over-active candidates or contributors. Once aware of "Who is giving how much to whom and when", the public can be the best judge of a candidate's qualifications for elective office. After that, arbitrary and meaningless limitations on either contributions or expenditures become secondary in importance.

In the course of my study of campaign financing, I became aware of certain practices which are, at the very least, questionable. I for one, simply do not ascribe to the old political saying that winners pay their bills and losers negotiate. To learn of the extent of such practices, especially as they relate to Federally-regulated industries, I have asked the General Accounting Office to provide me with a detailed study of all the outstanding debts and negotiated settlements since 1962. The results of the GAO inquiry haven't yet come in, but I have learned that the agencies supposedly regulating these industries don't even keep such records. At the minimum, we must require them to do so. My interest in this practice has generated a great deal of support from some sectors, the airlines in particular. They are usually the ones left holding the bag for unsuccessful candidates. I know of one airline which is carrying outstanding debts from political candidates and parties of over $1 million. Similarly, there are at least $1.5 million in outstanding telephone bills. In order to curb such practices, I intend to offer an amendment requiring any candidate or political committee to negotiate a binding contract, backed up by a bond or other security, with the provider of the service. Such contracts will also be included in the candidate's filing reports. For the public's protection, for the candidate's protection and the businessman's protection, such action is essential.

Throughout the public discussion of campaign reform efforts, we have been made aware of some significant constitutional questions. We have heard from distinguished professors of law that one restriction or another in these bills will infringe upon our First Amendment rights or free speech and expression. Personally speaking, I share some of these same concerns. As elected representatives in Congress, we are sworn to uphold the Constitution. The President is held to an identical responsibility. As such, both the Executive and Legislative branches of the government must strive to operate within our Constitutional framework. The bill now being considered is, in my humble opinion, loaded with constitutional questions—limits on candidate spending, limits on media access, limits on individual contributions. None of these questions has ever been given a thorough examination by the Supreme Court, mostly because the present restrictions are so loosely drawn as to prevent anyone from ever being restricted. However, for either the Congress or the President now to assume, unilaterally, the power of judicial review, represents the height of irresponsibility. I do realize that the Congress should not pass legislation which is blatantly unconstitutional. Similarly, the Executive should not approve legislation which is blatantly unconstitutional. But in the same sense, neither Branch should *avoid* passing or approving constitutionally-questionable legislation simply for fear that their respective view might not be upheld by the Supreme Court. To do so would be to deny the very existence of our co-equal partner in government—the Judicial Branch. As such, we ought to pass legislation this year which does its level best to avoid the constitutional pitfalls. But we should also provide for the quickest possible court test. It would surely do our democracy no good to have election results questioned after taking office, so I would urge that consideration be given to this suggestion.

Finally, let me say that I still regard the enactment of floors, or guarantees, rather than ceilings as the best means to improve and equalize election campaigns. Greater amounts of free or reduced-rate media time and space, greater amounts of free or reduced-rate mailing privileges, greater amounts of tax incentives for political contributions—these are the things we ought to consider. The best interests of the United States are not served through restricting the political activities of either its political candidates or its citizens. Rather, we should be encouraging the fullest participation.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. There will be morning business until 10 o'clock, with statements of each Senator being limited to 3 minutes.

CHARLES E. CAMPBELL

Mr. MANSFIELD. In talking with my distinguished friend, the junior Senator from Georgia (Mr. GAMBRELL), I was informed that his administrative assistant, Charles Campbell, formerly the administrative assistant to our late colleague Senator Richard Russell, will be leaving Washington during the first week of June.

All of us know Charlie Campbell and respect him. We have a great affection for him because we know of his sterling qualities. He was very close to Senator Richard Russell. He has been very close to Senator Russell's successor.

It is with regret that I note that his departure will take place shortly. Charles at the present time is finishing his law studies and plans to take the Georgia bar examination this summer. He will continue to work for Senator GAMBRELL in his Georgia office, but ultimately he anticipates entering the practice of law in Georgia itself.

Mr. Campbell did much to make the difficult positions of the Senators with whom he served with such distinction much easier. He was an understanding man. He knew how to run an office. He had experience. He used good commonsense. I am sure that there will be many Members of the Senate who will share my regret at the leaving of this distinguished attaché.

The PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONGRATULATIONS TO THE STUDENTS FROM MICHIGAN

Mr. BYRD of West Virginia. Mr. President, on my way to the Senate floor from my office this morning, I came upon a fine group of students from Michigan. On encountering them, I remarked to my press secretary that seldom have I seen a group move through the corridors so quietly. I came upon the group so suddenly that it surprised me. They were walking with such dignity and decorum and quietude that I wish to comment on it for the record.

I do not know from what community

in Michigan they came, and I know not from what school they came—I assume it was a high school group—but in these days of noisy demonstrations, confusion, chaos, violence, and disrespect for Government and for the rights of others, I think people should be complimented, especially our young people, when they conduct themselves with such remarkable decorum as did this group.

So I congratulate them and their parents and teachers, and I hope they will enjoy their visit to the Nation's Capital.

WAIVER OF THE GERMANENESS RULE TODAY AND TOMORROW

Mr. **BYRD** of West Virginia. I ask unanimous consent—in view of the fact that all time today until 4 o'clock is under control by virtue of the order previously entered—that the Pastore rule of germaneness be waived for the day.

The **PRESIDENT** pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. **BYRD** of West Virginia. Mr. President, the Pastore rule is an excellent invention, and, when properly enforced, can save much time of the Senate. I think it should be enforced when it is needed. But when the debate is under controlled time, I do not think anything is gained by enforcing the rule, but, rather, that time is saved if it is waived. I therefore make the same unanimous-consent request for tomorrow, in view of the fact that time tomorrow, by virtue of the agreement, is also under control from 10 a.m. until 6:30 p.m.

The **PRESIDENT** pro tempore. Is there objection? The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. **BYRD** of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDENT** pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **SCHWEIKER**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

KILLING OF POLICEMEN AND FIREMEN SHOULD BE MADE A FEDERAL OFFENSE

Mr. **SCHWEIKER**. Mr. President, last Friday evening two policemen were killed in the Harlem section of New York City. They were the sixth and seventh policemen killed in New York City in 1971.

At approximately 10:30 Friday night, the assailants walked up behind patrolmen Waverly M. Jones and Joseph A. Piagentini and shot them both in the back with .45-caliber weapons. Patrolman Jones, 33, was black and the father of three children. Patrolman Piagentini was 28, white, and the father of two children. They were attached to the 32d precinct on West 135th Street.

The slaying was witnessed by at least six persons.

Since last Thursday, there have been three other attempts to attack policemen in New York City. Two of the three were attempted shootings which failed when the assailants' pistols misfired. Mr. President, these events add to the growing trend in this Nation toward killing police officers because of their official capacity. That is, we are continuing to see assaults on the lives of law enforcement officers simply because of the fact that they are policemen. The shocking boldness of the attacks is dramatically illustrated by the killings last Friday night in New York City which, as I have pointed out, were publicly witnessed by a half dozen persons.

On September 16, 1970, I introduced a bill to make assaults on State and local law enforcement officers, firemen, and judicial officials a Federal crime. Hearings were held on that bill, along with other similar bills, by the Senate Internal Security Subcommittee last fall.

Convincing evidence was presented at the hearings of the fact that this is a national problem and that there is substantial justification for Federal legislative action.

I redrafted my original bill to include a provision covering conspiracies to kill or injure police officers, firemen, and judicial officials. Testimony at the hearings emphasized the clear existence of conspiracies, pointing out that these killings were not simply the work of individual assailants.

These recent events in New York City tragically illustrate that the problem is no less severe now than it was last fall. It is urgent that we pick up where we left off last year and take early action on this legislation.

I urge the Senate Judiciary Committee to reconvene the hearings on my bill, S. 120, and other similar bills which have been introduced. We must provide these loyal public officials with protection against vicious and unwarranted attacks.

Mr. President, I ask unanimous consent that the article published in today's New York Times describing the recent killings be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KEY SUSPECT HELD IN TWO POLICE DEATHS—REPORTED SEIZED ON TIP BY NARCOTICS INFORMANT—AN EARLY BREAK AWAITED

(By Martin Arnold)

An informant in narcotics cases led the police yesterday to the capture of a man they called a "prime suspect" in the slaying of two patrolmen last Friday night.

Chief Inspector Michael Codd announced shortly before 5 P.M. that the police had "one suspect in hand" and that he had been questioned "for a number of hours." He would not say where, but it is believed that the man, who was not identified, had been taken in handcuffs to the office of District Attorney Frank S. Hogan of Manhattan.

The suspect was seized, Inspector Codd said, on information supplied by an informant who was working on a current narcotics case.

He said that the informant—described by one officer as a "busy bee in narcotics cases"—knew the suspect from the narcotics case.

Inspector Codd said that the questioning of the suspect also dealt with the shooting and wounding of two other policemen last Wednesday night, but that the man "was more oriented toward the Friday night incident." No further details were given.

On Friday night, about 10:30 o'clock, two men, both black, walked up behind Patrolmen Waverly M. Jones, a black, and Joseph A. Piagentini, a white, and shot them dead with .45-caliber weapons as they were emerging from a routine call at Colonial Park Houses, 159th Street and Harlem River Drive.

The slayings, witnessed by at least half a dozen persons, touched off an around-the-clock investigation by more than 100 detectives and hundreds of more policemen who volunteered to work on the case on their days off. It started a wave of resentment and anger within the department.

On Wednesday night Patrolmen Thomas Curry and Nicholas J. Binetti, both white, were shot and seriously wounded by automatic weapons fire at 106th Street and Riverside Drive as they caught up with a car racing the wrong way down a one-way street. Both were reported in improved condition yesterday at St. Luke's Hospital. The assailants in that case were also said to be black.

Before the capture of the suspect yesterday, the police, working out of the 32d Precinct detective squad on 135th Street, just off Eighth Avenue, had questioned about 60 persons in the case—most of them gathered in from information fed to the Police Department by the residents of Harlem.

As the information came into the precinct on special telephones set up by the police, teams of detectives—four to eight to a team—were sent out to investigate.

"We don't routinely send out that many men, but we're dealing with people who play for keeps," one officer said.

Several hours before the police announcement of "a prime suspect" the Police Department had a brief tremor of excitement when two armed blacks were arrested, shortly before 1 P.M., at the New York Daily News Building, 220 East 42d Street. Both were carrying loaded .38-caliber pistols.

TWO BOOKED ON GUN CHARGE

It turned out later that the two men, said by the police to be members of the Black Panther party, had a business appointment at The Daily News to purchase printing equipment. The police booked them for possession of handguns and said that there was nothing to indicate they were in any way connected with the police shootings in the city.

They were identified as Andrew Eugene Austin, 24, of Oakland, Calif., head of national distribution for the Black Panther party newspaper, and Ellis White, Jr., of the San Francisco area.

News of their arrest added to the general air of fear and anger that seemed to prevail in many sections of the city yesterday because of the two shooting incidents.

There was talk, for instance, that black revolutionaries had decided on a campaign of shooting policemen—despite statements by Police Commissioner Patrick V. Murphy that there was no hard evidence that any organized group had taken part in either Wednesday night's or Friday night's shootings.

SECOND MESSAGE RECEIVED

Indeed, the Commissioner seemed to feel that the "organized" theory was simply not true. Still, Radio Station WLIB in Harlem received yesterday a second black "Revolutionary Justice" letter praising the killing of the two policemen.

It was similar to a message received by the radio station and The New York Times last Friday. Each letter, referring to the wounding of Patrolmen Curry and Binetti, was accompanied by a .45-caliber bullet and a stolen license plate from the automobile that the assailants used.

The letters were signed by a group calling itself the "Righteous Brothers of the Black Liberation Army," which took responsibility for the two shootings.

As of last night, there was no indication that the "prime suspect" was involved with any black revolutionary movement. Nor was there any belief in Harlem that such was the case.

Many Harlem residents seemed to think that the two killings were not connected, and more than a few believed, from the start, that they might have involved narcotics users.

BREAK IN CASE EXPECTED

Through the day yesterday Police Commissioner Murphy appeared to be confident that the case would be broken within a few days. At one point, before the suspect was actually brought in for questioning, he said that the department had made "significant progress."

The Commissioner spent a large part of the day and evening touring various police precincts in an attempt to show the men "that at Headquarters we care."

He described the mood in the precincts as "one of terrible sadness" rather than anger, and when it was suggested to him that the killings might be an "invitation to overreaction" on the part of the police, he said, "Perhaps I have a higher opinion of our own men to stand the pressure."

At one point in the afternoon, at the 32d Precinct, the Commissioner held a meeting with precinct delegates to the Patrolmen's Benevolent Association, at which he discussed his program to get the city to pay for twice-a-week car washings for radio patrol cars. He also discussed with the men the need for new and better equipment.

ANGER PERSISTS IN RANKS

"In view of the tragedy this may seem like an awful petty thing to be discussing," he said. "But it's important—little things like neatness, car washings, have a lot to do with morale."

Despite the Commissioner's efforts, however, there was a good deal of anger in the precinct houses. At the 84th Precinct house at 72 Poplar Street, Brooklyn for instance there was said to be loud arguing Saturday night over whether policemen should or should not carry shotguns for protection. The P.B.A. had advocated the use of shotguns, but Commissioner Murphy's response was a flat "no."

There is considerable discussion of new ideas to protect policemen who are on street duty. The chief fear that any policeman has is: What's behind the door?

Yesterday in the 32d Precinct, for example, radio patrol cars were tailed by unmarked police cars manned by plainclothes men. The backup teams were prepared to support the uniformed men in the patrol car in the event of a dangerous incident.

Similar methods are being tried in other danger areas of the city. "Such areas as the 32d are overburdened with street crime and organized crime—with gambling and narcotics," the Commissioner said.

REWARDS OFFERED

Meanwhile the New York Conservative party offered a $2,000 reward for information leading to the arrest and conviction of those involved in Friday night's slaying and increased from $1,000 to $2,500 its reward for information on the wounding of the two policemen last Wednesday night.

At the McCall Funeral Home, 984 Prospect Avenue, the Bronx several hundred people filed past the coffin of Patrolman Waverly Jones, 33, who was a father of three children. Hundreds more paid their respects at the Boyd Funeral Home in Deer Park, L. I., to Patrolman White, 28, the father of two.

They were the sixth and seventh policemen to be killed violently in the line of duty this year.

QUORUM CALL

The PRESIDENT pro tempore. Is there further morning business?

Mr. SCHWEIKER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND CONSIDERATION OF UNFINISHED BUSINESS ON JUNE 1, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday, June 1, immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes, and that upon the conclusion of the period for the transaction of routine morning business, the unfinished business be laid before the Senate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR ADJOURNMENT FROM TUESDAY, UNTIL 10 A.M. ON WEDNESDAY, JUNE 2, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday, June 1, it stand in adjournment until 10 a.m., Wednesday, June 2, 1971.

The President pro tempore. Is there objection? The Chair hears none, and it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Strategic and Critical Materials Stockpiling Program

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, a report on the strategic and critical materials stockpiling program, for the six-month period ending December 31, 1970 (with an accompanying report); to the Committee on Armed Services.

Report of the U.S. Soldiers' Home

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of the U.S. Soldiers' Home, for fiscal year 1970 (with accompanying papers); to the Committee on Armed Services.

Report of Equal Employment Opportunity Commission

A letter from the Chairman, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report of that Commission, for the fiscal year ending June 30, 1970 (with an accompanying report); to the Committee on the Judiciary.

An Overview of the Administration's Health Care Strategy

A letter from the Secretary of Health, Education, and Welfare submitting a document entitled "Towards a Comprehensive Health Policy for the 1970's," prepared by the Department of Health, Education, and Welfare as a comprehensive overview of the administration's health-care strategy (with accompanying report); to the Committee on Labor and Public Welfare.

Report on Final Determination Relating to Claim of Certain Indians

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination with respect to Docket No. 281, The Creek Nation East of the Mississippi, plaintiff, v. The United States of America, defendant (with an accompanying paper); to the Committee on Appropriations.

PETITIONS AND A MEMORIAL

Petitions and a memorial were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A memorial of the Legislature of the State of Florida; to the Committee on Aeronautical and Space Sciences:

"House Memorial No. 780

"A memorial to the Congress of the United States to request that Kennedy Space Center be the site for construction of the space shuttle

"Whereas, the space shuttle, a reusable low cost rocket for ferrying men and materials back and forth between earth and space stations, is the single most essential piece of hardware for the United States space exploration program, and

"Whereas, Kennedy Space Center in Florida is the most modern and complete spaceport in the world, and

"Whereas, some $600,000,000 worth of facilities needed for the space shuttle program are already available at Kennedy Space Center, and

"Whereas, a 10,000 foot runway for landing and returning the booster and orbit stage is in existence at Kennedy Space Center, and

"Whereas, almost $1,000,000,000 has already been invested in the space program at Kennedy Space Center, and

"Whereas, a highly skilled team of 18,000 personnel, specializing in operations, maintenance and assembly, is already at Kennedy Space Center, and

"Whereas, the launch of space shuttles over water adds immeasurably to the safety of the system, and launches from Kennedy Space Center are made over water, and

"Whereas, Kennedy Space Center offers a unique aggregate of facilities, not available at any other possible sites, for development and operational flights of the space shuttle system at minimum cost to the United States taxpayers, and

"Whereas, the House Science and Astronautics Committee in its report on the fiscal 1971 budget stated that "maximum use should be made of existing facilities to support the space shuttle program" and that "The extensive launch and checkout capabilities at the Kennedy Space Center . . . should receive early and most careful consideration," and

"Whereas, the Honorable Reubin O'D. Askew, Governor of the State of Florida, has received the approval of governors of many of the Southern states in his efforts to locate the space shuttle at Kennedy Space Center in Florida, Now, therefore,

"Be It Resolved by the Legislature of the State of Florida:

"That the Congress of the United States is hereby requested to provide that the National Aeronautics and Space Administration designate Kennedy Space Center as the operational base for the space shuttle.

"Be it further resolved that copies of this memorial be forwarded to the President of the United States, the Director of the National Aeronautics and Space Administration, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of the Appropriations and Aeronautical and Space Sciences Committees of the United States Senate and the Appropriations and Science and Astronautics Committees of the United States House of Representatives, and each member of the Florida delegation to the United States Congress."

A joint resolution of the Legislature of the State of California; to the Committee on Agriculture and Forestry:

"SENATE JOINT RESOLUTION No. 1

"Relative to the use of surplus unsubsidized agricultural food products

"Whereas, The California Legislature recognizes the need for nutritionally adequate diets among low-income persons in the state, national and international areas of federal assistance programs; and

"Whereas, There is a surplus of certain unsubsidized crops in California and other states of the United States which has depressed farm income and caused economic hardship for those persons employed on all levels in the growing, harvesting and processing of these agricultural products, such as the heavy surplus in prunes available in California; and

"Whereas, These unsubsidized crops could serve the twofold purpose of helping our farm families and farm workers economically and in combating nutritional deficiencies if used by the federal government for foreign disaster relief, to combat hunger among low-income persons, for use in the school lunch program and for use in the supplemental food program; and

"Whereas, The California Legislature recognizes that the effective effort needed to serve this twofold purpose requires immediate action by the federal government, together with cooperation by individual state and foreign agencies to facilitate and expedite the action taken by the Government of the United States; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully requests the President and Congress of the United States to take whatever immediate action is necessary to allow the purchase and distribution of unsubsidized surplus farm products for the dual purpose of helping our farm economy and alleviating nutritional deficiencies at home and abroad; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President of the United States, to the Governor of California, to the Secretary of Agriculture, to the Secretary of Health, Education and Welfare, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Appropriations:

"SENATE JOINT RESOLUTION No. 37

"Relative to endowment for the arts

"Whereas, Congress is considering the appropriation for the National Endowment for the Arts; and

"Whereas, It is incumbent upon this nation to support the arts for the benefit of our society by providing the means for artists to best use their creative talents; and

"Whereas, A strong and productive community of artists provides inspiration and fulfillment to the society as a whole; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support full funding for the appropriation for the National Endowment for the Arts; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Commerce:

"SENATE JOINT RESOLUTION No. 10

"Relative to the control of marine traffic

"Whereas, The number of oil spills in our ocean and inland waterways has increased at an alarming rate; and

"Whereas, Substantial damage to marine life, waterfowl and the scenic beauty of beaches and seashores has resulted therefrom; and

"Whereas, The recent collision of two oil tankers at the entrance to San Francisco Bay reaffirms the long-overdue need for a total system of marine traffic control in the ports and harbors of our state; and

"Whereas, There is a need for the enactment of federal laws which would permit the establishment of a uniform system of marine traffic control and other safety procedures under the jurisdiction and direction of the United States Coast Guard and authorize the Coast Guard to promulgate and enforce any regulations deemed necessary to insure the safe movement of ships and safe storage and handling of dangerous cargo, which regulations may include mandatory radar control and unqualified authority to limit or half the movement of any and all vessels where weather or other conditions so demand; and

"Whereas, Such a uniform set of regulations controlling marine traffic is one of the best and quickest *ways* to achieve the safe movement of vessels in close waters; now, therefore, be it

"*Resolved by the Senate and the Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation such as described in this resolution to protect our ports and harbors from the threat of future ship collisions and other accidents which might lead to further disastrous oil spills; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint memorial of the Legislature of the State of Washington; to the Committee on Finance:

"SENATE JOINT MEMORIAL No. 5

"To the Honorable Richard M. Nixon, President of the United States, and to the Senate and House of Representatives of the United States of America, in Congress assembled:

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, The several states of this nation are increasingly financially burdened by the amount of moneys necessary to finance welfare programs; and

"Whereas, The recent United States Supreme Court decision which prohibits the several states from imposing a residency requirement as a condition for an individual's receipt of welfare payments has further strained the financial resources of the several states by increasing the number of recipients eligible for welfare payments; and

"Whereas, With the judicial prohibition of the previously recited residency requirements, there is no effective restraint against the interstate migration of welfare recipients into the states in which welfare benefits are larger; and

"Whereas, The current state of the nation's economy, and particularly the economy of Washington state, has made this problem increasingly serious;

"Now, therefore, Your Memorialists respectfully pray that the Congress enact legislation by which the federal government would assume the entire obligation to fund those existing welfare programs to which the federal government currently contributes a portion of the necessary funds.

"Be it resolved, That copies of this memorial be immediately transmitted to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

A petition from Elroy Lewis-126-532, Lorton, Va., requesting impeachment proceedings against a U.S. district judge; to the Committee on the Judiciary.

A resolution of the City Council of the City of San Luis Obispo, Calif., endorsing the Federal revenue-sharing proposal; to the Committee on Finance.

MEMORIAL PRESENTED

Mr. CHILES. Mr. President, the State of Florida's continuing interest in seeing that the Kennedy Space Center be selected as the sight for construction of the space shuttle is typified by House Memorial No. 780, Regular Session 1971, which I received the other day from the Florida Legislature. So that the Congress can have an indicator of how interested the State of Florida is in this worthwhile project, I ask unanimous consent that the memorial be printed in full, following my remarks.

The memorial, which was referred to the Committee on Aeronautical and Space Sciences, reads as follows:

HOUSE MEMORIAL No. 780

A memorial to the Congress of the United States to request that Kennedy Space Center be the site for construction of the space shuttle

Whereas, the space shuttle, a reusable low cost rocket for ferrying men and materials back and forth between earth and space stations, is the single most essential piece of hardware for the United States space exploration program, and

Whereas, Kennedy Space Center in Florida is the most modern and complete spaceport in the world, and

Whereas, some $600,000,000 worth of facilities needed for the space shuttle program are already available at Kennedy Space Center, and

Whereas, a 10,000 foot runway for landing and returning the booster and orbit stage is in existence at Kennedy Space Center, and

Whereas, almost $1,000,000,000 has already been invested in the space program at Kennedy Space Center, and

Whereas, a highly skilled team of 18,000 personnel, specializing in operations, maintenance and assembly, is already at Kennedy Space Center, and

Whereas, the launch of space shuttles over water adds immeasurably to the safety of the system, and launches from Kennedy Space Center are made over water, and

Whereas, Kennedy Space Center offers a unique aggregate of facilities, not available at any other possible sites, for development and operational flights of the space shuttle system at minimum cost to the United States taxpayers, and

Whereas, the House Science and Astronautics Committee in its report on the fiscal 1971 budget stated that "maximum use should be made of existing facilities to support the space shuttle program" and that "The extensive launch and checkout capabilities at the Kennedy Space Center . . . should receive early and most careful consideration," and

Whereas, the Honorable Reubin O'D. Askew, Governor of the State of Florida, has received the approval of governors of many of the Southern states in his efforts to locate the space shuttle at Kennedy Space Center in Florida, Now, therefore,

Be is Resolved by the Legislature of the State of Florida:

That the Congress of the United States is hereby requested to provide that the National Aeronautics and Space Administration designate Kennedy Space Center as the operational base for the space shuttle.

Be it further resolved that copies of this memorial be forwarded to the President of the United States, the Director of the National Aeronautics and Space Administration, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of the Appropriations and Aeronautical and Space Sciences Committees of the United States Senate and the Appropriations and Science and Astronautics Committees of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

REPORT OF A COMMITTEE

By Mr. PASTORE, from the Committee on Commerce, without amendment:

S. 485. A bill to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations (Rept. No. 92–133).

REPORT ENTITLED "THE FEDERAL JUDICIAL SYSTEM" (S. REPT. NO. 92–134)

Mr. BURDICK, from the Committee on the Judiciary, pursuant to Senate Resolution 340, 91st Congress, second session, submitted a report entitled "The Federal Judicial System," which was ordered to be printed.

REPORT ENTITLED "SEPARATION OF POWERS"—REPORT OF A COMMITTEE (S. REPT. NO. 92–135)

Mr. ERVIN. Mr. President, on behalf of the Committee on the Judiciary, I submit the annual report of the Subcommittee on Separation of Powers pursuant to Senate Resolution 52, 91st Congress, first session.

The PRESIDING OFFICER (Mr. DOMINICK). The report will be received and printed.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. AIKEN, from the Committee on Foreign Relations:

W. Tapley Bennett, Jr., of Georgia, a Foreign Service officer of the class of career minister, to be Deputy Representative of the United States of America in the Security Council of the United Nations, with the rank of Ambassador.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BYRD of West Virginia:

S. 1937. A bill to provide that disabled individuals entitled to disability insurance benefits under section 223 of the Social Security Act, and individuals in the corresponding categories under the Railroad Retirement Act of 1937, shall be eligible for health insurance benefits under title XVIII of the Social Security Act without regard to their age. Referred to the Committee on Finance.

By Mr. EAGLETON:

S. 1938. A bill to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury. Referred to the Committee on the District of Columbia.

By Mr. ALLOTT (for himself and Mr. DOMINICK):

S. 1939. A bill for the relief of the Southwest Metropolitan Water and Sanitation District, Colorado. Referred to the Committee on the Judiciary.

By Mr. DOLE:

S. 1940. A bill to amend part II of the Interstate Commerce Act in order to completely exempt certain vehicles used in agriculture from the provisions thereof. Referred to the Committee on Commerce.

By Mr. EASTLAND:

S. 1941. A bill to amend chapter 84 of title 18 of the United States Code relating to the assaulting, injuring, or killing of police officers and firemen, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. PEARSON:

S. 1942. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize free or reduced rate transportation for persons who are 65 years of age or older. Referred to the Committee on Commerce.

By Mr. DOLE:

S. 1943. A bill to provide for the mandatory inspection of rabbits slaughtered for human food, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. MUSKIE:

S. 1944. A bill to amend the Foreign Assistance Act of 1961 to provide for international drug control assistance. Referred to the Committee on Foreign Relations.

By Mr. MUSKIE (for himself and Mr. HARRIS):

S. 1945. A bill to improve the intergovernmental coordination of programs to control drug abuse within the United States. Referred to the Committee on Government Operations; and, by unanimous consent, to the Committee on Labor and Public Welfare, if and when reported.

By Mr. HUMPHREY:

S. 1946. A bill to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement and firefighting officers. Referred to the Committee on the Judiciary.

By Mr. MUSKIE:

S. 1947. A bill to prohibit trading in Irish potato futures on commodity exchanges. Referred to the Committee on Agriculture and Forestry.

By Mr. RIBICOFF:

S. 1948. A bill for the relief of Luis A. Romero and Carmen Romero. Referred to the Committee on the Judiciary.

By Mr. YOUNG:

S. 1949. A bill for the relief of Ronald Waynne Springer, his wife, Rita Lorraine Springer, and their children, Ramona Lee Springer, Richard Allan Springer, and Robert Ronald Springer. Referred to the Committee on the Judiciary.

By Mr. STEVENSON:

S. 1950. A bill for the relief of Mrs. Josefita Esther Worley. Referred to the Committee on the Judiciary.

By Mr. PROUTY:

S.J. Res. 104. A joint resolution authorizing the President to proclaim Thursday, November 11, 1971, as "World War I Veterans Day". Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE:

S. 1940. A bill to amend part II of the Interstate Commerce Act in order to completely exempt certain vehicles used in agriculture from the provisions thereof. Referred to the Committee on Commerce.

Mr. DOLE. Mr. President, the farmers of this Nation are threatened with losing a major segment of their labor force.

It was announced last year that the Federal Highway Administration would enforce regulations prohibiting the interstate operation of farm trucks by persons under 21 years of age. A good deal of the day-to-day work on a farm is accomplished by hauling something in a truck, whether it be grain, milk, or supplies, and young men and women under 21 years of age are utilized as drivers. Depending on State regulations, boys and girls are taught to drive at a young age, and are helpful around the farm because they are alert and able to operate these vehicles. Older men, over 21, are just not readily available, and the wages a farmer can pay them are far less than they can earn for fewer hours in the urban areas.

The use of these young drivers is especially needed during harvest periods. In my home State of Kansas, for example, and in the surrounding States, we are now preparing to harvest our winter wheat crop. The combines will enter the fields any day now, and the trucks that haul the grain from the combines in the fields to the storage bins on the farm or to the local grain elevator will most likely be driven by the farmer's son or daughter, or another teenager hired for the purpose.

The farmers of this Nation, whether they are hauling wheat, corn, cattle, insecticides, fertilizer, or whatever use they have for a truck, depend on these young people to drive for them. To forbid a teenager to drive farm trucks by Federal law would cause undue hardship to the agricultural community.

The bill I introduce today would provide exemption of these young men and women from the proposed regulations. It would allow them to operate farm vehicles of a gross weight up to 50,000 pounds within a 200-mile radius of the farm.

Another provision of my bill would give comparable exemption to custom grain harvesters. Many farmers and other individuals through the years have developed specialized custom farm services when considerable investment is required for equipment.

When a wheat field is ripe and ready for harvest, the farmer wants the crop harvested as quickly as possible to avoid any storm damage. Summer rain and hail storms can destroy wheat fields in 10 minutes. The wheat farmer, therefore, hires a custom harvest crew that will harvest his field using many combines and trucks. An individual farmer could not afford to own the five or six combines and trucks he would need.

The combination of capital investment and urgency has brought about custom wheat harvesting. Some custom wheat harvesters are individual farmers who have invested in several combines and trucks, and supplement their own farm income by harvesting the crop of their neighbors. Other farmers and individuals own and operate fleets of combines and trucks worth hundreds of thousands of dollars that form up in Texas and Oklahoma in late May, and harvest wheat all summer for farmers from Texas to North Dakota and on into Canada.

In the High Plains area of Kansas, these custom operators harvest about 50 percent of the wheat crop. These custom operators also hire our young high school and college youths to drive their combines and trucks. Many young men are able to finance their college education by working the wheat harvest in the summer. It is good work and pays young men well who are willing to work hard. It is difficult to find men, 21 or older, to spend the summer at such a job.

Similar custom services are provided for baling hay, forage harvesting, and many other high capital investment, specialized work for many commodities.

It is important that we provide our farmers the assurance that they will be permitted to continue hiring these young people to drive their vehicles, whether for an individual farm or for a large custom service operator. That is the purpose of this legislation.

By Mr. EASTLAND:

S. 1941. A bill to amend chapter 84 of title 18 of the United States Code relating to the assaulting, injuring, or killing of police officers and firemen, and for other purposes. Referred to the Committee on the Judiciary.

Mr. EASTLAND. Mr. President, I come before the Senate today with a great sense of urgency. I am introducing a bill which would make it a Federal crime to assault a police officer or fireman.

The brutal and violent deaths of two New York policemen Friday night serve only to spotlight a gruesome, deadly war on police which is spreading across our Nation. We must take immediate and decisive steps to meet this challenge to our police, our citizens, and to all America.

The bill which I propose would combat this wave of lawlessness which now chips away at the very foundations of government and threatens the life of this Nation. For the first time, I am afraid for my country—and I believe millions of Americans fearfully echo this sentiment. The time to deliberate is past—the time to act is at hand.

Organized terrorism has grown over the past several years until now it daily poses a serious and constant threat to the lives of our police officers and firemen. The statistics and events of the past few years sadly bear out the statement that radical groups have declared war on police.

In Chicago, seven policemen were slain in 1970, and 750 police officers were injured by assaults. In Los Angeles, more than 2 dozen guerrilla assaults on police have occurred, involving shootouts, ambushes, and sniping.

The New York incidents—three attacks on police in 3 days—were viciously climaxed Friday night in the slaying of two policemen. Called to a routine assigned to assist a sick person, these officers were gunned down from behind. On the previous night, two other policemen were victims of a machine gun attack which left them seriously injured.

New York Police Commissioner Patrick V. Murphy characterized the attacks as "the work of madmen," and Policeman Edward J. Kiernan insists that police are targets of organized violence.

Mr. President, I am in complete agreement with both statements.

As we criss-cross the Nation, the story is endless, but remarkably similar.

In Detroit, assaults against policemen have increased 68 percent. California murders of policemen have doubled. A Sacramento policeman was shot to death by a sniper who used a military rifle to fire on his patrol car. A police station in San Francisco was bombed, killing an officer and wounding eight others. In West Philadelphia, a police sergeant sat quietly at his desk when a gunman walked in and pumped five bullet holes in his body.

In Cairo, Ill., snipers fired at the car of the police chief six different times. In that same city, several men dressed in Army fatigue uniforms attacked the police station three times in 6 hours, and, during the final assault, the attack force fired hundreds of rounds into the station.

What I am saying, Mr. President, is that these attacks are occurring in every section of the United States with an ever-increasing and ever-deadly frequency. As I said when the Internal Security Subcommittee opened hearings on this subject last October:

> An organized "war upon the police" threatens to undermine law and order in the United States. These deliberate attacks are too widespread, the incidents too numerous, the tactics too similar to suggest isolated acts of violence.

The message is clear. Our police are at war. A force, threatening to overthrow this Nation from within, is attacking at this very hour. America stands on the threshold of a serious battle with an enemy unknown in the history of this country.

In the strongest terms, I urge the Senate to place in the hands of the forces of order a weapon which will enable them to deal with these assaults. This weapon is the law.

We must place the full force of the Federal Government behind the brave and dedicated policeman and fireman who seeks to meet and overcome this deadly challenge to his life and to the life of this Nation.

By Mr. PEARSON:

S. 1942. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize free or reduced-rate transportation for persons who are 65 years of age or older. Referred to the Committee on Commerce.

REDUCED FARES FOR AGING AMERICANS

Mr. PEARSON. Mr. President, I introduce today legislation to permit aging Americans to travel at reduced fares on commercial air, rail, and bus lines.

At a time when most of our major airlines are flying with half empty planes and buses and trains are practically deserted, I think it is in the national interest to offer discount fares for those thousands of aging persons who would like to travel, to visit family and friends, but because of increasing transportation costs simply cannot. This legislation, in my judgment, will be beneficial both for our aging citizens and for the transportation industry.

Our Nation's railroads and buslines, to their credit, have offered reduced fares for more than three decades, to the blind and handicapped and their attendants. Our commercial airlines have offered promotional fares to young people, to servicemen, and to other groups, allowing them to fly at one-third or one-half the regular fare. Yet, none of our major airlines, though their multimillion-dollar jetliners are flying with load factors of less than 50 percent, has seen fit to offer discount fares to elderly passengers. Canadian airlines, by contrast, offer anyone over 65 the opportunity to fly for half fare on a space available basis.

Mr. President, only 1 percent of those Americans over age 65 crossed a State line last year. Only 1 airline passenger in 20, moreover, is over age 65. Present fares—and they have been increased several times recently—discriminate more against persons over the age of 65 whose income is limited than they do against people of any other age group. Such discrimination, in my judgment, warrants legislation to achieve a better balance of supply and demand, and to remove the economic barrier which keeps elderly people from family and friends.

Finally, Mr. President, I wish to make clear that this legislation is, in accordance with existing law, permissive. It would allow carriers to decide for themselves the amount and the manner in which any reduced fare would be offered. It is my hope that our commercial carriers would provide discounts in the range of 50 percent in order to recognize the full potential of this untapped passenger market.

I ask unanimous consent that this bill be printed in the Record at the conclusion of my remarks. I urge the appropriate committees to give this measure early consideration.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1942

A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize free or reduced rate transportation for persons who are sixty-five years of age or older

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403(b) of the Federal Aviation Act of 1958 is amended by inserting after "persons in connection with such accident;" the following: "persons who are sixty-five years of age or older;".

Sec. 2. Section 22 of the Interstate Commerce Act is amended by inserting after "or commutation passenger tickets;" the following: "nothing in this part shall be construed to prohibit the transportation of persons who are sixty-five years of age or older free or at reduced rates;".

By Mr. DOLE:

S. 1943. A bill to provide for the mandatory inspection of rabbits slaughtered for human food, and for other purposes. Referred to the Committee on Agriculture and Forestry.

Mr. DOLE. Mr. President, rural America is facing economic crisis. Even with our government farm programs in 1969, 147,000 in farm population was lost, according to Department of Agriculture statistics. These people are leaving the farm for one reason—they cannot make a living wage with the increasing cost of farming and the declining prices they receive for their production.

My State of Kansas is no exception. Kansas economy is based on agriculture. Grain production and livestock are the two biggest industries in the State. Several generations have succeeded in farming the same lands. These people do not want to leave the farm community and migrate to the urban centers and their concentration of problems.

This economic concern is exhibited in the efforts of a northwest Kansas community in and around Hill City, Graham County, Kans.

Several years ago citizens of that community banded together with citizens of several counties in that area. There were: Community leaders; farmers; bankers; and low income laborers—all joined together to create an economic development group to try to improve their future.

The result of this alliance was the formation and inauguration of Kansas Food Products, Inc., a plant to slaughter and process rabbits. The farmers of the surrounding area produce the domestic rabbits—sell them to the plant—which slaughters and processes them. Under contract the plant produces rabbits for domestic use, and contracts to sell other portions of the rabbit carcass to research facilties. This plant has been operating for over a year and is expanding rapidly. It has greatly enhanced the community it serves, provides employment for some citizens and another crop for farmers to produce to improve their income.

The management chose wisely to build the plant to USDA meat inspection specifications, so the consumer would be assured of wholesome meat. Their USDA inspection is strictly a voluntary action, in order to protect the consumer, and this plant pays over $15,000 per year for this inspection service. Plants slaughtering other meat animals or poultry receive this inspection service at no charge as a means to fulfill the Wholesome Meat and Poultry Acts.

Today I introduce a bill that would provide for the same USDA inspection service to slaughtering and processing plants for rabbits that are afforded to processors of other animals prepared for consumer food. As a cosponsor of the Wholesome Meat and Poultry Acts, I feel it was the intention of these acts to provide such service; and it is with this purpose that I introduce this bill.

By Mr. MUSKIE (for himself and Mr. Harris):

S. 1945. A bill to improve the intergovernmental coordination of programs to control drug abuse within the United States. Referred to the Committee on Government Operations; and, by unanimous consent, to the Committee on Labor and Public Welfare, if and when reported by the Committee on Government Operations.

INTERGOVERNMENTAL DRUG ABUSE CONTROL COORDINATION ACT OF 1971

Mr. MUSKIE. Mr. President, I introduce a bill entitled the Intergovernmental Drug Abuse Control Coordination Act of 1971. I believe it will be referred to the Government Operations Committee. However, to the extent that there is any overlap of the jurisdiction of the Senate Labor and Public Welfare Committee, I ask unanimous consent that the bill, after it is reported by the Government Operations Committee, be referred to the Labor and Public Welfare Committee.

The PRESIDING OFFICER (Mr. Hughes). Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, narcotics addiction in America has reached epidemic proportions. It affects all areas and segments of our society, the urban and the rural, the affluent and the poor, the young, and the middle-aged. It leads to increasing crime, terrorizing our citizens. It has destroyed thousands of our youth and ruined the lives of hundreds of thousands more.

We need now an effective program to end this scourge. At a time when Washington, D.C., drug addicts steal between $300 and $500 million each year to maintain their habits, at a time when 1,000 babies are born addicted to heroin each year in New York, because of their mother's addiction—certainly it is time to examine our efforts to deal with the problem, to determine why we have failed to stop this epidemic and to propose methods of ending this threat to our Nation.

Review of present Federal efforts to control drugs reveals them to be fragmented, underfunded, and too frequently poorly led. This is not a failure of any one administration but a national failure.

One study has preliminarily estimated that of the $134,066,000 the Federal Government will spend in fiscal 1971, over $62 million—or very nearly one-half—will be spent on law enforcement. Increased funds for law enforcement are necessary, but law enforcement will never totally eliminate the supply of narcotics in this country. There are literally thousands of places on ships, on planes, and in cars to hide heroin and it is impossible to inspect all of these places, given the 65 million cars and trucks, 360,000 planes, and 156,000 ships which enter this country each year.

Moreover, once within this country, the large sums of money at stake—thousands of dollars worth of pure heroin can be hidden in a lipstick container—virtually guarantee the availability of individuals ready, willing, and able to take whatever risks necessary to supply the demand.

Remaining Federal expenditures are directed toward three types of programs designed to reduce demand—education, research, and treatment and rehabilitation.

Over $7 million will be expended for education and prevention. Education is necessary, but once again, there is the question of what we are, in fact, achieving. What, if any, education programs actually work? Do some educational programs do more harm than good? These are the kinds of questions that money alone will not answer.

Nearly $20 million will spent by the Federal Government on medical and law enforcement research in fiscal 1971. Much of the medical research suffers from a lack of a sense of urgency. Apart from some truly dedicated individuals, our best scientific minds are not willing to undertake subsidized drug research. We need to know more about drugs themselves and their effects. We urgently need to discover better antagonist drugs. We must have accurate and precise information about the character of drug abusers and we need scientific evaluations of various treatment modalities. Yet, we have no overall plan of research which takes into account what we already know, what we need to know, and who, if anyone, can be persuaded to undertake the required research.

Treatment and rehabilitation expenditures of $43 million account for the remaining Federal effort. Despite this relatively large expenditure, the number of addicts receiving treatment is miniscule when one considers that the National Institute of Mental Health estimates that there are 200,000 to 250,000 addicts in this country.

Titles I and II of the Narcotic Addict Rehabilitation Act—NARA—of 1966 provide for the civil commitment of addicted Federal offenders, either voluntarily or in lieu of prosecution. Under these two titles, the National Institute of Mental Health treated only 1,119 patients in fiscal 1970—at a cost of approximately $10,000 per person in treatment per year.

Under title II of the NARA, which provides for the treatment of addicts who have been sentenced to prison, 754 persons were committed for treatment between March 15, 1968, and July 31, 1970. Of these, only 494—or 65 percent—were accepted. And as of July 31, 1970, 312 were still in treatment.

Under the amendments to the Community Mental Health Centers Act, NIMH funds a number of community treatment centers, and it will spend $9.9 million for this purpose in fiscal 1971. As of June 30, 1970, 15 of these centers were operational and were treating only 3,165 patients.

The Veterans' Administration has estimated that 25 percent of the addicts in this country are veterans. While all of these individuals are not eligible for VA benefits—due to the previous practice of the armed services giving less than honorable discharges to drug abusers—clearly the VA effort is inadequate. There are only five drug treatment units in the VA hospital system, with an average of 15 beds each. Current plans of the VA involve the establishment of an additional 12 units in fiscal 1972 and a further 13 units in fiscal 1973. Given the recent change in Department of Defense regulations to encourage the services to grant discharges to drug abusers which will not render them ineligible for VA benefits, and given the fact that a House subcommittee has indicated that as many as 10 percent of the men in Vietnam could be users of hard drugs, the VA effort must be expanded severalfold.

This brief description of the Federal effort to solve the problem clearly indicates a threefold need. First, there is an obvious and immediate need for coordination. A mere listing of the agencies involved in the drug abuse effort demonstrates this fact graphically. The Bureau of Narcotics and Dangerous Drugs—BNDD—the Bureau of Customs, and the Law Enforcement Assistance Administration—LEAA—are just three of the Federal agencies engaged in law enforcement. The National Institute of Mental Health, the Office of Education, the Bureau of Narcotics and Dangerous Drugs, and the Department of Defense are involved in education and prevention. The Office of Economic Opportunity, the Social and Rehabilitation Service, the Department of Defense, the National Institute of Mental Health, and the Veterans' Administration are involved in treatment and rehabilitation. Finally, the Law Enforcement Assistance Administration, the National Institute of Mental Health, and the Bureau of Narcotics and Dangerous Drugs are all involved in some form of research.

This scattershot, fragmented federal effort causes duplication, failure to do the things which should be done, an inordinate amount of "buckpassing," and an inefficient allocation of resources. The efforts of all these agencies must be coordinated, monitored, and woven into an effective and disciplined attack upon the problem.

In my discussion of the fragmented Federal antidrug effort, I have not even touched upon the fragmentation and lack of coordination in the efforts to control drug abuse by State and local governments.

During the past few years, many State and local governments have made laudable beginnings toward coming to grips with the drug crisis. Several States have created drug abuse authorities. Local governments have instituted treatment and prevention programs. But the efforts of one State or one city are not coordinated with the efforts of a neighboring State or city, and the efforts of State and local governments are not coordinated with the efforts of the Federal Government.

Clearly, there is need for coordination of the antidrug effort at and among all levels of government.

A second and related need is for comprehensive planning and leadership. At present, no one is in charge of designing a comprehensive, integrated program for dealing with drug abuse. Some Federal agencies are engaged in activities which logically fall within the competence of other parts of the Federal Government. Other agencies possess the expertise and authority to do more than they are now doing. Still others are not involved in combating drug abuse, despite their obvious ability to do so. Finally all too often the Federal Government does not consider the impact of its programs on State and local programs. Some form of comprehensive planning is required to rectify this situation.

A third and final need is perhaps the most important. We must have leadership. We need someone to mobilize public opinion and direct it to constructive channels. We need someone who can convert the public anger, fear, anxiety, and passion which surround this issue into a sense of urgency in the governmental bureaucracy. We need someone to assume responsibility and "take charge."

To meet this threefold need, I am today, with the cosponsorship of Senator HARRIS, introducing legislation entitled "The Intergovernmental Drug Abuse Control Coordination Act of 1971" to coordinate intergovernmental attack on drugs and to establish an Office of Drug Abuse Control within the Executive Office of the President. This legislation is similar to legislation introduced in the House of Representatives by JAMES H. SCHEUER, Democrat of New York, and 60 of his colleagues, and is designed to provide the leadership, coordination, and planning we so urgently require.

The Office which would be established by the legislation would be specifically directed to coordinate Federal antidrug efforts with those of State and local governments and to develop a multifaceted multidisciplinary program involving research, education, domestic and foreign law enforcement, crop diversification programs abroad, and treatment and rehabilitation. The Office would possess its own budget and its own appropriation. The Director would report both to the President and to the Congress. He would possess the authority to employ experts required, either from the private sector or by loan from Federal departments or agencies.

One of the most important features of the legislation empowers the Director to make recommendations to the President with respect to the expenditure of funds by Federal departments or agencies for programs related to drug abuse control, including programs located in the Departments of Defense, Agriculture, Labor, Commerce, Justice, Treasury, Health, Education, and Welfare, Housing and Urban Development, and State. This budgetary power will guarantee the ability of the Director to influence the programs conducted by these departments and will thus insure his ability to develop a coordinated, comprehensive, and truly effective program.

Creation of this office would allow us to make a much more substantial, coordinated, and imaginative effort at international control and even the elimination of drugs.

Narcotics addiction is not just an American problem. Indeed, most hard narcotics are produced abroad and smuggled into the United States. Opium and its derivatives are used by addicts all over the world, and in other areas more extensively per capita than in the United States. Opium and its derivatives are smoked, eaten, sniffed, or injected in Iran, Hong Kong, India, Burma, Laos, Thailand, West Germany, Singapore, and virtually every other country in the world.

As long as poppy is grown to supply addicts and users in these countries, some opium will be available and will be utilized to supply the demand for opiates in this country. Thus, if the United States it to control, if not eliminate, narcotics addiction in this country, we must be prepared to participate, in a meaningful way, in an international effort to control opium production wherever it exists.

This fact was recognized as long ago as 1907 when, at the suggestion of President Theodore Roosevelt, the first international conference on opium was convened. Virtually all international efforts to control opiate addiction can be traced to that date and the treaty which resulted in 1912.

Today, the major international treaty on the subject is known as the Single Convention on Narcotic Drugs of 1961. This convention is primarily designed to control the production of opium for legitimate medicinal uses—that is, for the production of the painkiller morphine and the antitussive codeine. The 1961 Single Convention is supervised by the International Narcotics Control Board which reports to the Economics and Social Council of the United Nations.

In one sense, the 1961 Single Convention must be considered a great success. Opium grown in India, Turkey, and the U.S.S.R. for worldwide medicinal use does not enter the illicit market once it is collected by the governments concerned. International controls on the growth of opium and the manufacture of morphine and codeine are very strict and effective and virtually none of these opiates can be said to "leak" out of legal channels into the illegal market.

The problem then is not with opium that is legitimately produced for medicinal purposes. Rather, the problem lies in opium which is produced illegally or which never finds its way into legal channels. This is the opium which finds its way into the hands of addicts all over the world.

Due to soil and climatic requirements and to the labor-intensive character of poppy culture, most of the world's supply of opium, legal and illegal, is produced within a zone extending from the Turkish Anatolian Plain to Yunnan Province in China.

Some experts have estimated that as much as 80 percent of the illegal heroin which reaches this country originates as opium produced in Turkey. This opium is produced by Turkish farmers in the same manner as opium which they produce to supply some 20 percent of the world's requirements for medicinal opiates. However, unlike the opium which is collected by the Turkish Government and which thus enters legal channels, this opium is illegally diverted into the hands of the men who supply the illicit demand for narcotics in the United States, Iran, and some other countries.

There are at least two ways of controlling the illegal production of opium in Turkey. The first is to guarantee, by some means, that all the opium that is grown in Turkey enters legal channels.

An initial step in this process involves a reduction in the number of provinces in which poppy culture is permitted. The Turkish Government has, in fact, reduced the number of provinces from 21 in 1967 to seven in 1971. In June, the number of provinces is expected to be further reduced to four. By reducing the number of provinces and by confining the provinces which are permitted to grow poppy to those which are located away from Turkish borders, surveillance of poppy culture is facilitated and production is more easily controlled.

In addition, the Turkish Government should develop an efficient collection procedure, including the offer of a price for opium to the farmers which is competitive with the price offered by the illegal market. The United States has recently announced that it will provide the Turkish Government with an estimated $5 million for this purpose.

In the final analysis, though, the total elimination of Turkish production is the only method of preventing Turkish opium from entering illegal channels. Thus, the solution to the problem of illegal Turkish production lies in economic development and crop substitution and the new Turkish Government has indicated a willingness to embark upon such a policy.

The elimination of illegal Turkish production will not guarantee an end to the availability of illegal drugs.

Most of the world's supply of illegal opium is produced in the Far East, with other areas tending to rank in descending order of importance as one moves westward. Thus, Burma, Laos, and Thailand account for more than half of the estimated world illicit production of 1,250 to 1,400 tons, with Burma alone accounting for nearly 30 percent. The Afghanistan-Pakistan region is in second place with an output on the order of 300 tons, and India is in third place with estimated production of 175 to 200 tons.

Dealers in illicit drugs have demonstrated a remarkable flexibility in replacing sources of supply that have been eliminated. For example, the cessation of opium production in Iran in 1955, coupled with the sharp reduction of illicit cultivation in South China upon the accession of the Communist government, led to the development of and a steady increase in production in Afghanistan-Pakistan, India, Turkey, as well as Burma, Laos, and Thailand. The elimination of illegal production in Turkey will only lead to an increased importance of other areas as sources of supply. In fact, there are already indications that production in these areas is increasing in anticipation of production control in Turkey.

The elimination of opium production in Burma, Laos, Thailand, and Afghanistan-Pakistan will no doubt prove even more difficult than elimination of Turkish production.

Most of the production in these countries, although illegal, occurs in remote areas over which the central government lacks enough administrative control to enforce the law.

Moreover, in most of these areas, opium production represents the only cash crop which can be grown and transported to market. For example, one expert has estimated that if one village in the Far East substituted potatoes for opium, it would occupy all the village's 52 horses for 4 months in order to get the potatoes to market—a distance of 25 kilometers.

Obviously, an effort to eliminate production in these areas may require resources beyond those possessed by the countries involved. When the United Nations Commission on Narcotics Drugs—an organ of the Economic and Social Council—considered the problem, it noted "in virtually every case, the countries where—illicit opium—production took place were developing countries, and the areas within their territory where there was such narcotics cultivation were usually the more underdeveloped and poorer parts of the world national territory. It must be recognized that the governments concerned, with their limited financial resources and many imperative claims of high national priority on their budget, required substantial outside assistance in order to create the conditions under which the population involved could adapt other means of livelihood than the cultivation of narcotic crops."

Any effort to eliminate illegal opium production in these areas will thus require funds for crop substitution programs, economic development, and law enforcement.

Moreover, an effort will be required to reduce the demands for these drugs. As long as there is a substantial addict population in the Far East, it will be profitable to produce opium, and as long as opium is produced, some narcotics will find their way into this country.

The United Nations has already recognized the need for a worldwide effort of the type which I have outlined. In October 1970, at the urging of our State Department, the United Nations established a Special Fund for Drug Abuse Control. This fund, run by international civil servants and financed by voluntary contributions from governmental and private sources, is designed to finance the development of a program for the elimination of the international traffic in illegal opium and its derivatives. The Director of the fund has been appointed and the Secretary General has begun to solicit voluntary contributions.

The United States must make a substantial contribution, both alone and in concert with other countries and international institutions, to the effort to control illicit opium production.

Accordingly, I am today introducing legislation to establish a separate foreign aid program which will enable the United States to assume a leadership role in the international effort to control poppy culture. The bill which, again, is similar to a bill introduced in the House by Representative SCHEUER, would enable the United States to undertake bilateral assistance programs and to make contributions to international organizations, such as the Special Fund, for the law enforcement assistance, research programs, treatment and rehabilitation centers, and crop substitution—economic development programs which will be required in order to bring illicit opium production under control.

This bill is also similar to a title of a bill introduced by Senator MONDALE. Senator MONDALE's bill also proposes the denial of U.S. aid to countries producing illicit opium, but by introduction of this bill, I wish to call attention to the possibility of crop substitution as the long-term answer to the international drug problem. Of course, there are many unanswered questions about such a program, and it is my hope that the Congress will be able to consider in a series of hearings, not only crop substitution programs, but all of the United States' present and possible future international efforts in controlling drugs.

Mr. President, as I have noted, the problem of drug abuse is not solely an American problem. It affects countries all over the world, developed as well as underdeveloped.

Moreover, a solution to the problem will not be found through American actions alone. A true solution to the problem will be reached only through international cooperation involving the support of both producing and consuming countries.

According, hearings into the entire subject of international action to control drug abuse would be extremely helpful. One of the first areas explored would involve a consideration of proposals to amend the Single Convention on Narcotic Drugs of 1961.

The United States has recently proposed several amendments to the 1961 Single Convention designed to strengthen the treaty and the International Narcotics Control Board, the enforcement body established by the convention. These proposals are designed to improve the treaty's coverage of the illegal traffic in opium. Congress could investigate these proposals, determine their adequacy, and estimate the possibilities of their adoption. Congress could also investigate the activities of the newly established United Nations Special Fund for Drug Abuse Control.

The United States has pledged a $2 million contribution for the operation of the fund during 1971, and recently, Ambassador Bush presented the Secretary General with a $1 million letter of credit as our initial payment. This development is encouraging but far from satisfactory.

As a general rule of thumb, the United States contributes 35 percent of the budgets of international organizations. Other governments utilize this rule of thumb in determining their own contributions to international organizations. The small $2 million pledge of the United States will thus result in an initial funding of the Special Fund at a level of approximately $5 million.

Congress should investigate what level of U.S. funding is really necessary to make the Special Fund a truly effective weapon in the fight against drugs.

Congress also should investigate the activities of other international organizations which are or should be making a contribution to the fight against drug abuse.

Interpol, the international crime information center, could make a valuable contribution in the fight against international drug traffic. Yet, the organization has a budget of less than $1 million and a senior member of the Swedish police board, Esbjoern Esbjoernsson, has been quoted as saying, "Interpol has not changed its working methods to any appreciable extent since 1946. You could describe it as little more than a post office. It takes no initiatives of its own."

The Congress could investigate the activities of Interpol, estimate its potential, and attempt to determine why the United States is in arrears in its dues.

There are many other international organizations that the Congress could review to determine if the United States is doing all it can to combat drugs.

The Food and Agricultural Organization of the United Nations has approximately 2,300 agents in the field who possess substantial credibility in the underdeveloped countries and who possess great expertise in the field of crop substitution. The Congress could investigate the potential utility of the FAO in the part that crop substitution can play in eliminating illegal opium production and attempt to determine the reason for the fact that, as of 1970, FAO has no program or allocation for narcotics control.

The World Health Organization of the United Nations can and does perform a useful research in the field of drug control. In fact, during the calendar year of 1970, the organization planned to undertake the following activities:

First, to keep under review the situation in the use and abuse of dependence-producing drugs;

Second, to foster the development of research on the epidemiology and prevention of drug dependence and the treatment of persons dependent on drugs;

Third, to promote the development of treatment resources and programs for drug-dependent persons;

Fourth, to evaluate the abuse liability of drugs and formulate decisions and recommendations on the classification of dangerous drugs under the relevant international treaties;

Fifth, to advise the United Nations Commission on Narcotics Drugs and the International Narcotics Control Board, as well as governments, on all aspects of drug dependence and abuse;

Sixth, to arrange technical assistance activities and seminars in the field of drug abuse, and, where appropriate, to do so in conjunction with corresponding activities of other international agencies.

For these purposes, the organization planned an expenditure of only $47,200. a slight increase of $1,525 over 1969.

The Congress could investigate the adequacy of the WHO program, determine the role it could play in an international program of drug abuse control, and the resources it should receive to accomplish its objectives.

The Committee on Social and Health Questions of the Consultative Assembly of the Council of Europe has considered the problem of drug abuse in the past. The Congress could investigate the activities of this committee and should attempt to determine its potential contribution to the problem of drug abuse control.

In mid-February, a United Nations conference adopted a draft convention on psychotropic substances—the hallucinogens, such as LSD and mescaline; the central nervous system stimulants—"pep pills"—and central nervous system depressants—sleeping pills of the barbiturate type and tranquilizers—which are being increasingly used and abused in many parts of the world. The United States played a leading role in this conference, and our delegation signed the draft treaty.

The Congress could investigate the adequancy of this treaty, in light of the extensive and increasing abuse of these drugs.

Finally, the Congress should investigate all elements of an international program for the control of opium production. In addition to an exploration of the law enforcement, drug abuse prevention, research, and treatment and rehabilitation aspects of such a program, the Congress should investigate the feasibility of crop substitution as a means of inducing poppy farmers to switch to other cash crops. In particular, the Congress could investigate the successful Yugoslavian program of inducing poppy farmers to switch to melons and vegetables, the prospects of inducing Lebanese farmers to switch from the production of hashish to the production of sunflower seeds and oil, and the prospects of switching Pakistani and Indian farmers to varieties of Mexican or other wheat.

Mr. President, a mere enumeration of the subjects of possible investigation by the Congress clearly indicates the relatively long-term nature of any program to control opium production. But, we must start such a program now if we are to save the more than 250,000 addicts in the United States from a life of degradation and crime and our citizens from the ravages produced by the crimeogenic effects of addition. Hopefully, such hearings as I have indicated will provide us with the sound factual basis upon which we can rapidly build an effective approach to this most terrible epidemic.

Mr. HARRIS. Mr. President, I am pleased to join with the distinguished Senator from Maine (Mr. MUSKIE) in introducing a bill to establish the Office of Drug Abuse Control within the Executive Office of the President. This bill has been introduced in the House of Representatives by Congressman JAMES H. SCHEUER, Democrat, of New York, who has done extensive research on this problem in this country and abroad and who should be congratulated for the contribution he has made in offering comprehensive proposals to meet the drug crisis.

It is well recognized that the efforts of this country to meet the drug crisis have been deficient. The use of hard narcotics has increased so rapidly that in at least one major city, New York City, narcotic addiction is the greatest single cause of death of adolescents and young adults from 15 to 35. In a recent report by the House Select Committee on Crime, it was pointed out that in the past 8 years New York City has "lost more lives to drugs than the entire State of New York has lost in the war in Vietnam."

In December of 1969 it was estimated that there were 64,994 known opiate addicts in the United States and an estimated 200,000 heroin addicts.

Aside from the harm to the health of the drug user, drug addiction has other serious consequences. In one city it is estimated that 98 percent of the addicted adults turn to crime to support their habit. Estimates of thievery by heroin addicts in New York City add up to approximately $2 billion worth a year and to approximately $450 million in the District of Columbia.

Additionally the drug crisis burdens our judicial system, our health facilities, and adversely affects almost every aspect of our society.

Our attempts to meet this crisis have not been adequate. Drug education, law enforcement, and rehabilitation programs have lacked imagination, have been poorly coordinated, and have not resulted in a reversal of the trend of increasing drug use.

On the domestic scene, our drug education programs have not had the desired impact on college students and knowledgeable ghetto youths. Law enforcement personnel readily admit that they have done little to reduce the supply of available drugs and admit that the situation is growing more critical day by day.

Programs of rehabilitation are being supported only to the extent that we reach less than 10 percent of those in need of rehabilitative care.

Likewise our efforts to deal with the international aspects of this problem have been inadequate. We know that at least 80 percent of the heroin entering this country originates in the plains of Anatola in Turkey, yet as Congressman SCHEUER recently pointed out we "have made no concentrated effort to provide Turkey and the other poppy producing countries with police training and law enforcement technology, administrative expertise for licensing inspection of poppy culture, aid in crop diversification, or the means and the provision of providing alternative sources of employment."

The distinguished senior Senator from Minnesota (Mr. MONDALE) has introduced S. 509, the International Opium Control Act, which I am cosponsoring, that would require the President to enter into negotiations with other countries for the purpose of agreeing to a treaty for the systematic and uniform international system of enforcement standards and penalties for illegal opium producers and traffickers. The President would also be given the authority to discontinue all military, economic, and other assistance to a country continuing to permit the production and processing of opium which illegally enters the United States. The intent and purpose of S. 509 is consistent with the bill the distinguished junior Senator from Maine (Mr. MUSKIE) and I are introducing today, which is designed to coordinate the efforts, both domestic and international, that are being made to solve this problem.

Fragmentation characterizes our efforts to control drug abuse. At least nine congressional committees have been involved from time to time in different aspects of the problem. The Departments of Agriculture, Defense, Justice, Treasury, Health, Education, and Welfare, State, Labor, Commerce, Housing and Urban Development, and NASA and OEO have all initiated programs designed to help meet the drug problem.

This bill would pull together all of our present fragmented efforts in the area of drug abuse by establishing within the Executive office of the President an Office of Drug Abuse Control. The Director, who would be appointed by the President subject to Senate confirmation, would have wide authority to deal with drug abuse, both on the domestic and international level.

The domestic program envisioned by this bill would induce research both for substitute nonaddictive drugs for medicinal use, and new drugs for treatment of addiction and the withdrawal process. Development of a large scale national methadone maintenance program, with supportive services, would be provided for. A plan would be developed to monitor the manufacture, distribution, and dispensing of amphetamines, barbiturates, and tranquilizers. Our computer technology can be used with great effectiveness in such a plan. The Director would also develop and evaluate educational drug abuse prevention programs.

On the international level, the Director would prepare a program for the effective use of facilities of governmental and international organizations to control drug traffic. The United States would make available technological assistance to foreign countries and international organizations to enable them to more effectively control drug abuse. Such assistance may include high altitude and satellite surveillance to detect illicit crops. Scientific methods can be used to detect smugglers, and the products from chemically treated poppy fields can be traced to monitor the licit operations and the diversion of drugs into the illicit market. By sharing knowledge in the field of agriculture and crop diversification, the poppy farmers could be directed into a more financially rewarding agricultural effort. By cooperating with such institutions as the World Health Organizations, the Food and Agricultural Organization, Interpol, and international lending agencies, broad programs for shifting the employment of drug producers and better control of international drug traffic can be realized.

In addition to formulating domestic and international programs, the Director is to plan the coordination of all drug abuse programs presently being carried out by the Federal Government. This would cut across many bureaucratic lines and affect the following Departments: Justice and Treasury, as to law enforcement; HEW and OEO, as to medical research and treatment programs, and drug education programs; DOD and NASA, as to research; Agriculture, as to agricultural research and technical assistance; State and AID, as to development of programs of international scope. Upon approval of a coordinating plan by the President, the plan shall be carried out with necessary administrative action and legislation being provided by the President and the Congress.

Mr. President, the present illicit drug traffic cannot be allowed to flow unchecked. Congress must take action, both on the domestic and international levels, to mobilize American technology, experience and the full force of concerted governmental programs against this serious threat to our society. We must act with reason. We must coordinate our efforts to achieve maximum results. I believe this bill, along with other proposals I have mentioned, will lead to a more effective use of America's resources to eventually eliminate the illegal drug traffic with which the United States is now plagued.

By Mr. HUMPHREY:

S. 1946. A bill to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement and firefighting officers. Referred to the Committee on the Judiciary.

LIFE INSURANCE FOR POLICEMEN AND FIREMEN

Mr. HUMPHREY. Mr. President, I offer legislation today to provide group life, accidental death and disability insurance to our law enforcement and firefighting officers throughout America. The insurance will include full-time, part-time, and volunteer officers.

There are several reasons why this type of insurance must be made available at reasonable cost to those who protect our lives and property. First, it acknowledges our pride and respect for the police and firemen who serve our communities. Second, it provides insurance at a reasonable cost to these public servants. Third, it will be additional inducement in recruiting and retaining good men and women for our law enforcement and firefighting forces.

These public servants take their public trust very seriously. They serve us well. They serve so that we can feel more secure in our person and property—so that we can walk the streets safely—so that we can be assured of the protection of our individual and collective rights.

The financial security that group life insurance grants to the policeman, fireman, and his family would enhance their feeling of self-sufficiency and pride. It would make unnecessary the charity dole or the humiliation of welfare for the widow and family of a fallen officer. No longer would an officer have to think of his own family being placed in such a position because of his commitment to public service.

Mr. President, the cost of securing individual life insurance for policemen and firemen makes this legislation a necessity. Again and again this fact has been confirmed. Duties of high risk are part of their daily lives. They face death or severe disablement, in the line of duty, as a matter of course. Insurance premiums for these public servants just cannot be borne by the officer on an individual basis. Double indemnity in case of accidental death is another family protection difficult to afford.

We who are protected by the police and firefighting forces of America have an obligation to these public servants, their families, and to our own self-interest, to see that service on these forces brings financial security and a sense of pride.

The wife of any policeman or fireman—perhaps a young woman with small children—does not want to see her husband being stoned or shot at or otherwise severely abused. The job of maintaining law and order and protecting our lives and property is difficult and dangerous enough. Adding dangers from mob action or sniping by a group of extremists or a demented individual makes it even more difficult to serve. It takes great dedication to the cause of a decent and just society for these men and women to persist in their commitment. We must provide additional inducements to make it easier for them to enter and remain in our police and firefighting forces.

From 1960 through 1969, 561 police officers were killed in the performance of their duties. It is estimated that another 100 have been killed during 1970. The increase in 1969 over 1968 was 34 percent—64 killed in 1968 and 86 killed in 1969.

The figures for firemen are just as shocking. This is particularly so when you realize some were killed not by fire, smoke, or other inherent job hazards. They were killed by gunshot, or by rocks, or by physical assault. The need for additional protection for firemen is just as pressing as that for policemen. In 1967 there were 65 fatalities in the line of duty—in 1968 there were 90 and in 1969 the number rose to 104. Estimates place the figures for 1970 at an even higher figure.

I have talked with individual policemen and firemen in Minnesota and throughout the country. This insurance is needed and needed now. Support for this type of legislation has come from the various professional societies of policemen and firemen.

The legislation is patterned after the life insurance programs instituted for the Armed Forces and Federal Government employees. The administrative structure and know-how for such a program already exists. The Attorney General, as the chief law enforcement officer of the Nation, would be responsible for the policies and administration of this program.

The Justice Department would contract with private insurance carriers for life insurance and disablement coverage. The premium costs would be split, with the officer responsible for two-thirds and the Federal Government paying the remaining one-third. Payments on death or severe disability would be the sum of the next higher thousand of the officer's annual pay, plus $2,000. An officer making $8,100 a year would thus have coverage of $11,000, or in case of accidental death, or severe disability, $22,000. Accidental death would mean that resulting from other than natural causes.

Provisions of the bill permit local option in retaining present ongoing insurance programs. Also, those who gained membership in the group program while in the law-enforcement or firefighting forces, would have the option to convert membership upon leaving the force.

Mr. President, the average police or firefighting officer would pay approximately $30 to $40 a year for this insurance. Premium levels should remain fairly close to these figures. However, there may be some slight premium adjustments, as the program gets underway and cost figures are developed that more fully reflect some insurance practices.

Mr. President, several suggestions have been made as to how we might provide some additional financial security to these officers and their families. I do not presume to say that the method I propose today is the full answer. However, it is a beginning, and I trust it will contribute to discussion and will provide additional material for congressional consideration of this issue.

We in Congress must act. Crime is a national concern and we should not permit quite meaningless jurisdictional lines to keep us from providing this needed protection. America is such a highly mobile, technological and heterogeneous society that it just does not make sense to invoke a State's rights argument in opposing these insurance proposals. This is not intervention into criminal jurisdiction; it is a recognition of our national responsibility to see that police and firefighting forces throughout the country are protected. Nothing makes more sense than to help protect those who insure our own security and peace of mind.

Mr. President, the building and maintaining of highly professional law enforcement and firefighting forces is very clearly in our own self-interest as individuals and as a civilization. We must make service in these forces attractive and rewarding.

We have established programs that help professionalize the forces we have. However, in the area of financial security we have been providing far less both in compensation and necessary basic benefits to permit more American men and women to declare their commitment to a secure America—made secure through their dedication to public service.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1946

A bill to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement and firefighting officers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Law Enforcement and Firefighting Officers' Group Life Insurance Act of 1971".

DEFINITIONS

SEC. 2. For the purposes of this title—

(1) The term "month" means a month which runs from a given day in one month to a day of the corresponding number in the next or specified succeeding month, except where the last month has not so many days, in which event it expires on the last day of the month.

(2) The term "Law enforcement or firefighting officer" means, pursuant to regulations promulgated by the Attorney General, an individual who is employed full or part-time by a State or a unit of local government primarily in preserving order and enforcing the laws, or in firefighting activities, or who voluntarily and without compensation performs such law-enforcement or firefighting duties for such a State or local unit of government.

(3) The term "State" means any State of the United States, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(4) The term "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose subdivision of a State, or any Indian tribe which the Secretary of the Interior determines performs law enforcement or fire-fighting functions.

ELIGIBLE INSURANCE COMPANIES

SEC. 3. (a) The Attorney General is authorized, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), to purchase from one or more life insurance companies a policy or policies of group life insurance to provide the benefits provided under this Act. Each such life insurance company must (1) be licensed to issue life insurance in each of the fifty States of the United States and in the District of Columbia, and (2) as of the most recent December 31 for which information is available to the Attorney General, have in effect at least 1 per centum of the total amount of group life insurance which all life insurance companies have in effect in the United States.

(b) Any life insurance company issuing such a policy shall establish an administrative office at a place and under a name designated by the Attorney General.

(c) The Attorney General shall arrange with each life insurance company issuing any policy under this Act to reinsure, under conditions approved by him, portions of the total amount of insurance under such policy with such other life insurance companies (which meet qualifying criteria set forth by the Attorney General) as may elect to participate in such reinsurance.

(d) The Attorney General may at any time discontinue any policy which he has purchased from any insurance company under this Act.

PERSONS INSURED; AMOUNT

SEC. 4. (a) Any policy of insurance purchased by the Attorney General under this Act shall automatically insure any law enforcement or firefighting officer employed on a full-time basis by a State or unit of local government which has (1) applied to the Attorney General for participation in the insurance program provided under this Act, and (2) agreed to deduct from such officer's pay the amount of the premium and forward such amount to the Department of Justice or such other agency or office as is designated by the Attorney General as the collection agency for such premiums. The insurance provided under this Act shall take effect from the first day agreed upon by the Attorney General and the responsible official of the State or unit of local government making application for participation in the program as to law enforcement and firefighting officers then on the payroll, and as to law enforcement and firefighting officers thereafter entering on full-time duty from the first day of such duty. The insurance provided by this Act shall so insure all such law enforcement and firefighting officers unless any such officer elects in writing not to be insured under this Act. If any such officer elects not to be insured under this Act he may thereafter, if eligible, be insured under this Act upon written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Attorney General.

(b) A law enforcement or firefighting officer eligible for insurance under this Act is entitled to be insured for an amount of group life insurance, plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule:

If annual pay is—		The amount of group insurance is—	
Greater than—	But not greater than—	Life	Accidental death and dismemberment
0	$8,000	$10,000	$10,000
$8,000	9,000	11,000	11,000
$9,000	10,000	12,000	12,000
$10,000	11,000	13,000	13,000
$11,000	12,000	14,000	14,000
$12,000	13,000	15,000	15,000
$13,000	14,000	16,000	16,000
$14,000	15,000	17,000	17,000
$15,000	16,000	18,000	18,000
$16,000	17,000	19,000	19,000
$17,000	18,000	20,000	20,000
$18,000	19,000	21,000	21,000
$19,000	20,000	22,000	22,000
$20,000	21,000	23,000	23,000
$21,000	22,000	24,000	24,000
$22,000	23,000	25,000	25,000
$23,000	24,000	26,000	26,000
$24,000	25,000	27,000	27,000
$25,000	26,000	28,000	28,000
$26,000	27,000	29,000	29,000
$27,000	28,000	30,000	30,000
$28,000	29,000	31,000	31,000
$29,000		32,000	32,000

The amount of such insurance shall automatically increase at any time the amount of increases in the annual basic rate of pay places any such officer in a new pay bracket of the schedule.

(c) Subject to the conditions and limitations approved by the Attorney General and which shall be included in the policy purchased by him, the group accidental death and dismemberment insurance shall provide for the following payments:

Loss	Amount payable
For loss of life	Full amount shown in the schedule in subsection (b) of this section.
Loss of one hand or of one foot or loss of sight of one eye.	One-half of the amount shown in the schedule in subsection (b) of this section.
Loss of two or more members or loss of sight in both eyes.	Full amount shown in the schedule in subsection (b) of this section.

The aggregate amount of group accidental death and dismemberment insurance that may be paid in the case of any insured as the result of any one accident may not exceed the amount shown in the schedule in subsection (b) of this section.

(d) The Attorney General shall prescribe regulations providing for the conversion of other than annual rates of pay to annual rates of pay and shall specify the types of pay included in annual pay.

TERMINATION OF COVERAGE

SEC. 5. Each policy purchased by the Attorney General under this Act shall contain a provision, in terms approved by the Attorney General, to the effect that any insurance thereunder on any law enforcement or firefighting officer shall cease thirty-one days after (1) his separation or release from full-time duty as such an officer or (2) discontinuance of his pay as such an officer, whichever is earlier.

CONVERSION

SEC. 6. Each policy purchased by the Attorney General under this Act shall contain provision for the conversion of such insurance effective the day following the date such insurance would cease as provided in section 5 of this Act. During the period such insurance is in force the insured, upon request to the office established under section 3(b) of this Act, shall be furnished a list of life insurance companies participating in the program established under this Act and upon written application (within such period) to the participating company selected by the insured and payment of the required premiums be granted insurance without a medical examination on a permanent plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof or for the payment of an additional amount of premiums if the insured engages in law enforcement or firefighting activities. In addition to the life insurance companies participating in the program established under this Act, such list shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms, and conditions established by the Attorney General and agree to sell insurance to any eligible insured in accordance with the provisions of this section.

WITHHOLDING OF PREMIUMS FROM PAY

SEC. 7. During any period in which a law enforcement or firefighting officer is insured under a policy of insurance purchased by the Attorney General under this Act, his employer shall withhold each month from his basic or other pay until separation or release from full-time duty as a law enforcement or firefighting officer an amount determined by the Attorney General to be such officer's share of the cost of his group life insurance and accidental death and dismemberment insurance. Any such amount not withheld from the basic or other pay of such officer insured under this Act while on full-time duty as a law enforcement or firefighting officer, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial monthly amount determined by the Attorney General to be charged any law enforcement or firefighting officer for each unit of insurance under this Act may be continued from year to year, except that the Attorney General may redetermine such monthly amount from time to time in accordance with experience.

SHARING OF COST OF INSURANCE

SEC. 8. For each month any law enforcement or firefighter officer is insured under this title the United States shall bear not to exceed one-third of the cost of such insurance or such lesser amount as may from time to time be determined by the President to be a practicable and equitable obligation of the United States in assisting the States and units of local government in recruiting and retaining personnel for their law enforcement and firefighting forces.

INVESTMENT; EXPENSES

SEC. 9. (a) The sums withheld from the basic or other pay of law enforcement or firefighting officers as premiums for insurance under section 7 of this Act and any portion of the cost of such insurance borne by the United States under section 8 of this Act, together with the income derived from any dividends or premium rate readjustment from insurers shall be deposited to the credit of a revolving fund established in the Treasury of the United States. All premium payments on any insurance policy or policies purchased under this Act and the administrative cost of the insurance program established by this Act to the department or agency vested with the responsibility for its supervision shall be paid from the revolving fund.

(b) The Attorney General is authorized to set aside out of the revolving fund such amounts as may be required to meet the administrative cost of the program to the department or agency designated by him, and all current premium payments on any policy purchased under this Act. The Secretary of the Treasury is authorized to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for this purpose shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligation shall be the multiple of one-eighth of 1 per centum nearest market yield.

BENEFICIARIES: PAYMENT OF INSURANCE

SEC. 10. (a) Any amount of insurance in force under this Act on any law enforcement or firefighting officer or former law enforcement or firefighting officer on the date of his death shall be paid, upon establishment of a valid claim therefor, to the person or persons surviving at the date of his death, in the following order of precedence:

First, to the beneficiary or beneficiaries as the law enforcement or firefighting officer or former law enforcement or firefighting officer may have designated by a writing received in his employer's office prior to his death;

Second, if there be no such beneficiary, to the widow or widower or such officer or former officer;

Third, if none of the above, to the child or children of such officer or former officer and descendants of deceased children by representation;

Fourth, if none of the above, to the parents of such officer or former officer or the survivor of them;

Fifth, if none of the above, to the duly appointed executor or administrator of the estate of such officer or former officer;

Sixth, if none of the above, to other next of kin of such officer or former officer entitled under the laws of domicile of such officer or former officer at the time of his death.

(b) If any person otherwise entitled to payment under this section does not make claim therefor within one year after the death of the law enforcement or firefighting officer or former law enforcement or firefighting officer, or if payment to such person within that period is prohibited by Federal statute or regulations, payment may be made in the order of precedence as if such person had predeceased such officer or former officer, and any such payment shall be a bar to recovery by any other person.

(c) If, within two years after the death of a law enforcement or firefighting officer or former law enforcement or fire-fighting officer, no claim for payment has been filed by any person entitled under the order of precedence set forth in this section, and neither the Attorney General nor the administrative office established by any insurance company pursuant to this Act has received any notice that any such claim will be made, payment may be made to a claimant as may in the judgment of the Attorney General be equitably entitled thereto, and such payment shall be a bar to recovery by any other person. If, within four years after the death of the law enforcement or firefighting officer or former law enforcement or firefighting officer, payment has not been made pursuant to this Act and no claim for payment by any person entitled under this Act is pending, the amount payable shall escheat to the credit of the revolving fund referred to in section 8 of this Act.

(d) The law enforcement or firefighting

officer may elect settlement of insurance under this Act either in a lump sum or in thirty-six equal monthly installments. If no such election is made by such officer the beneficiary may elect settlement either in a lump sum or in thirty-six equal monthly installments. If any such officer has elected settlement in a lump sum, the beneficiary may elect settlement in thirty-six equal monthly installments.

BASIC TABLES OF PREMIUMS, READJUSTMENT OF RATES

SEC. 11. (a) Each policy or policies purchased under this Act shall include for the first policy year a schedule of basic premium rates by age which the Attorney General shall have determined on a basis consistent with the lowest schedule of basic premium rates generally charged for new group life insurance policies issued to large employers, this schedule of basic premium rates by age to be applied, except as otherwise provided in this section, to the distribution by age of the amount of group life insurance and group accidental death and dismemberment insurance under the policy at its date of issue to determine an average basic premium per $1,000 of insurance. Each policy so purchased shall also include provisions whereby the basic rates of premium determined for the first policy year shall be continued for subsequent policy years, except that they may be readjusted for any subsequent year, based on the experience under the policy, such readjustment to be made by the insuranc company issuing the policy on a basis determined by the Attorney General in advance of such year to be consistent with the general practice of life insurance companies under policies of group life insurance issued to large employers.

(b) Each policy so purchased shall include a provision that, in the event the Attorney General determines that ascertaining the actual age distribution of the amounts of group life insurance in force at the date of issue of the policy or at the end of the first or any subsequent year of insurance thereunder would not be possible except at a disproportionately high expense, the Attorney General may approve the determination of a tentative average group life premium, for the first or any subsequent policy year, in lieu of using the actual age distribution. Such tentative average premium rate shall be determined by the Attorney General during any policy year upon request by the insurance company issuing the policy, if experience indicates that the assuptions made in determining the tentative average premium rate for that policy year were incorrect.

(c) Each policy so purchased shall contain a provision stipulating the maximum expense and risk charges for the first policy year, which charges shall have been determined by the Attorney General on a basis consistent with the general level of such charges made by life insurance companies under policies of group life insurance issued to large employers. Such maximum charges shall be continued from year to year, except that the Attorney General may redetermine such maximum charges for any year either by agreement with the insurance company or companies issuing the policy or upon written notice given by the Attorney General to such companies at least one year in advance of the beginning of the year for which such redetermined maximum charges will be effective.

(d) Each such policy shall provide for an accounting to the Attorney General not later than ninety days after the end of each policy year, which shall set forth, in a form approved by the Attorney General, (1) the amounts of premiums actually accrued under the policy from its date of issue to the end of such policy year, (2) the total of all mortality, dismemberment, and other claim charges incurred for that period, and (3) the amounts of the insurers' expense and risk charge for that period. Any excess of the total of items (1) over the sum of items (2) and (3) shall be held by the insurance company issuing the policy as a special contingency reserve to be used by such insurance company for charges under such policy only, such reserve to bear interest at a rate to be determined in advance of each policy year by the insurance company issuing the policy, which rate shall be approved by the Attorney General as being consistent with the rates generally used by such company or companies for similar funds held under other group life insurance policies. If and when the Attorney General determines that such special contingency reserve has attained an amount estimated by the Attorney General to make satisfactory provision for adverse fluctuations in future charges under the policy, and further excess shall be deposited to the credit of the revolving fund, subject to the right of the insurance company issuing the policy to make such deposit in equal monthly installments over a period of not more than two years.

BENEFIT CERTIFICATES

SEC. 12. The Attorney General shall arrange to have each member insured under a policy purchased under this Act receive a certificate setting forth the benefits to which the member is entitled thereunder; to whom such benefit shall be payable, to whom claims should be permitted, and summarizing the provisions of the policy principally affecting the member. Such certificate shall be in lieu of the certificate which the insurance company would otherwise be required to issue.

FEDERAL ASSISTANCE TO STATES AND LOCALITIES FOR EXISTING GROUP LIFE INSURANCE PROGRAMS

SEC. 13. (a) Any State or unit of local government having an existing program of group life insurance for law enforcement or firefighting officers which desires to receive Federal assistance under the provisions of this section shall—

(1) inform the law enforcement and firefighting officers of the benefits and premium costs of both the Federal program and the State or unit of local government program, and of the intention of the State or unit of local government to apply for the Federal assistance under this section; and

(2) hold a referendum of law enforcement and firefighting officers of the State or unit of local government to determine whether such officers want to continue in the existing group life insurance program or apply for the Federal program under the provisions of this Act.

The results of the referendum shall be binding on the State or unit of local government.

(b) If there is an affirmative vote of a majority of such officers to continue in such State or local program and the other requirements set forth in subsection (a) are met, a State or unit of local government may apply for Federal assistance for such program for group life insurance under such rules and regulations as the Attorney General may establish. Assistance under this section shall not exceed three-fourths of the Federal contribution which would otherwise have been available under section 8 of this Act, and shall be reduced to the extent that the Attorney General determines that the existing program of any State or unit of local government does not give as complete coverage as the Federal program. Assistance under this section shall be used to reduce proportionately the premiums paid by the State or the unit of local government and by the appropriate law enforcement and firefighting officers under such existing program.

ADMINISTRATION

SEC. 14. (a) The Attorney General may delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Department of Justice.

(b) In administering the provisions of this Act, the Attorney General is authorized to utilize the services and facilities of any agency of the Federal Government or a State government in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Until specific appropriations are made for carrying out the purposes of this Act, any appropriation made to the Department of Justice or the Law Enforcement Assistance Administration for grants, activities or contracts shall, in the discretion of the Attorney General, be available for payments of obligations arising under this Act.

ADVISORY COUNCIL ON LAW ENFORCEMENT AND FIRE-FIGHTING OFFICERS' GROUP LIFE INSURANCE

SEC. 15. There is hereby established an Advisory Council on Law Enforcement and Fire-fighting Officers' Group Life Insurance consisting of the Attorney General as Chairman, the Secretary of the Treasury, the Secretary of Health, Education, and Welfare, and the Director of the Office of Management and Budget, each of whom shall serve without additional compensation. The Council shall meet once a year, or oftener, at the call of the Attorney General, and shall review the administration of this Act and advise the Attorney General on matters of policy relating to his activities thereunder. In addition, the Attorney General may solicit advice and recommendations from any State or unit of local government participating in the law enforcement and fire-fighting officers' group life insurance program.

JURISDICTION OF COURTS

SEC. 16. The district courts of the United States shall have original jurisdiction of any civil action or claim against the United States founded upon the Act.

PREMIUM PAYMENTS ON BEHALF OF LAW ENFORCEMENT AND FIREFIGHTING OFFICERS

SEC. 17. Nothing in this Act shall be construed to preclude any State or unit of local government from making payments on behalf of law enforcement and firefighting officers of the premiums required to be paid by them for any group life insurance program authorized by this Act or any such program carried out by a State or unit of local government.

EFFECTIVE DATE

SEC. 18. The insurance provided for under this Act shall be placed in effect for the law enforcement and firefighting officers of any State or unit of local government participating in the law enforcement and firefighting officers' group life insurance program on a date mutually agreeable to the Attorney General, the insurer or insurers, and the participating State or unit of local government.

By Mr. MUSKIE:

S. 1947. A bill to prohibit trading in Irish potato futures on commodity exchanges. Referred to the Committee on Agriculture and Forestry.

Mr. MUSKIE. Mr. President, I am happy to introduce today, at the request of the Maine Potato Council, legislation prohibiting futures trading in Irish potatoes on commodity exchanges.

Passage of this legislation has been sought for a number of years by the potato growers in Maine.

Identical legislation has been introduced in the House this year, and in two previous Congresses. Lengthy hearings were held in 1966, before the House Subcommittee on Domestic Marketing and Consumer Relations, of the House Committee on Agriculture.

Since that time, the circumstances surrounding this proposal have not changed.

The plight of the potato farmer in Maine has not improved.

The proposal has continued to receive the support of both the Maine Potato Council and the National Potato Council as well.

Supporters of this legislation argue that it is essential to allow the farmer both greater freedom in marketing and better prices for his product. Opponents of the proposal hold that futures trading, and the advantages it brings, is vital to assuring a consistent market and a stable price structure for the potato crop.

Whichever side one takes on this matter, it is clear that the economic issues involved are complex and demand our attention.

Therefore, I urge that the Senate give its careful consideration to this legislation during the present Congress.

By Mr. PROUTY:

Senate Joint Resolution 104. A joint resolution authorizing the President to proclaim Thursday, November 11, 1971, as "World War I Veterans Day." Referred to the Committee on the Judiciary.

Mr. PROUTY. Mr. President, for years we all looked forward to Armistice Day on the 11th of November to celebrate the conclusion of World War I and to commemorate the great service which the veterans of that war rendered to our country.

That day has always meant a great deal in our national life. Even though the holiday is now a movable one, I still think of November 11 as the day of armistice and the day of recognition of the veterans of World War I.

These veterans have a long history of support of our Government and all that it means to our people, and they have contributed greatly in wars subsequent to World War I in all kinds of military and civilian service.

Therefore, Mr. President, I introduce for appropriate reference a joint resolution which authorizes the President to proclaim Thursday, November 11, 1971, as World War I Veterans' Day.

I do not intend that this should become a national holiday as Veterans' Day is. I do hope, however, that the proclamation which it requests the President to make would be made so as to remind our people of the great contribution these veterans have made to our country and, therefore, to us.

ADDITIONAL COSPONSORS OF BILLS

S. 395

At the request of Mr. BYRD of West Virginia, for Mr. CANNON, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of S. 395, a bill to amend title 38, United States Code, in order to provide automatic cost-of-living increases and certain benefits for veterans and widows, dependents, and dependent parents of certain veterans.

S. 740

At the request of Mr. CRANSTON, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of S. 740, a bill to amend chapters 31, 34, 35 and 36 of title 38, United States Code, in order to make improvements in the vocational rehabilitation and education programs under such chapters; to authorize an advance initial payment and prepayment of the educational assistance allowance to eligible veterans and persons pursuing a program of education under chapters 34 and 35 of such title; to establish a work-study program and work-study additional education assistance allowance for certain eligible veterans; and for other purposes.

S. 1437

At the request of Mr. BYRD of West Virginia, for Mr. CANNON, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 1437, a bill to amend the Airport and Airway Development and Revenue Acts of 1970.

S. 1534

At the request of Mr. HUMPHREY, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 1534, a bill to provide maternity benefits for the pregnant wives of discharged servicemen.

S. 1741

At the request of Mr. EAGLETON, the Senator from New Hampshire (Mr. McINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 1741, a bill to provide increased unemployment benefits compensation to Vietnam-era veterans.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENT

AMENDMENT NO. 113

(Ordered to be printed and to lie on the table.)

DRAFT REGISTRATION AND VOTER REGISTRATION

Mr. EAGLETON. Mr. President, for myself and Senators McGOVERN, MOSS, MUSKIE, PROXMIRE, and RIBICOFF, I am submitting for printing an amendment that would enable young men to register to vote in Federal elections at the same time they register for the draft.

Congress last year accepted the essential justice of the proposition, "if they're old enough to fight, they're old enough to vote." The Voting Rights Act Amendments of 1970 acknowledged that prohibiting 18-year-olds from voting was "particularly unfair treatment of such citizens in view of the national defense responsibilities imposed upon such citizens"—title III, section 301(a)(3).

The amendment I submit today to H.R. 6531, to amend the Military Selective Service Act of 1970, would make the right to vote a reality for every potential serviceman.

It would provide Federal assistance to States which want to help 18-year-olds to register to vote when they register for the draft—before they leave home—before many of them go to war for America.

It is true that the Department of Defense has directed that Federal post card applications be delivered to all qualified servicemen "in hand" during Federal election years. The great variety of State registration procedures often makes voting difficult, however. During the 1970 Texas election, some servicemen received their Federal post card application in the summer of 1970 although Texas registration had closed in January. I could not assert that all servicemen who wanted to register in my own State of Missouri were able to do so.

The States are entitled to their differences, and my amendment accommodates these differences; but people in the service of their country are also entitled to vote.

We have a responsibility to insure that no future serviceman is denied this precious right—a right he is in uniform to defend.

My amendment provides that when any person registers with the Selective Service System, he shall be informed of his right to register to vote in all Federal elections at the same time.

It also provides a "State option" provision which allows the Governor to decline such assistance by writing to the Director of the Selective Service within 30 days of enactment.

Under my amendment registration is not mandatory. It would simply be more conveniently available.

The amendment was drafted in the spirit of Federal-State cooperation, to insure that States rights are not infringed upon by the Federal Government. It would save States money by avoiding dual verification of age and by allowing federally paid officials to help register voters, a job previously paid for by the States.

It is an easy and inexpensive way to help 18-year-olds to register to vote at the same time they register to fight. I shall call up the amendment before action is completed on the bill, which is now the Senate's unfinished business.

NOTICE OF HEARING ON HIJACKING CONVENTION

Mr. FULBRIGHT. Mr. President, I wish to announce that the Committee on Foreign Relations has scheduled a public hearing on the Convention for the Suppression of Unlawful Seizure of Aircraft—Hijacking Convention—which was signed at The Hague on December 16, 1970.

The hearing will be held on Monday,

June 7, in room 4221 of the New Senate Office Building beginning at 10 a.m.

Interested parties should communicate with the committee without delay.

ADDITIONAL STATEMENTS

FIRST HONORARY GIRL PAGE, MISS NANCY MOORE THURMOND

Mr. THURMOND. Mr. President, on May 4, representatives of the pages of the Senate and the House of Representatives came to my office and presented a plaque to my infant daughter, Nancy Moore Thurmond, naming her the first honorary girl page in the history of the U.S. Congress.

I wish to take this opportunity, Mr. President, to thank publicly those page representatives and also all of the fine young pages in both Houses of Congress who cooperated in making this event possible. Mrs. Thurmond and I are extremely grateful for the thoughtfulness and the kindness which prompted this honor for our daughter, and she joins me in thanking all the pages. We are sure that when Nancy Moore becomes old enough to read, she will be thrilled at this honor, and she will treasure the plaque and keep it all of her life.

The plaque, a bronze plate attached to a shield-shaped walnut frame, bears an engraved inscription stating the following:

> The Senate and House Pages hereby appoint Nancy M. Thurmond the First Honorary Girl Page of the U.S. Congress, April 1971.

The page representatives who came to my office were Rick Kunkel of Maryland, Mike Johnson of the District of Columbia, Mike Ovca of Illinois, and Randall Berens of Ohio. House Page Dan Friedman of Florida was a member of the presenting group but was unable to attend.

The other member of the page representatives, Gil Hilsman of Union, S.C., returned home prior to the ceremony and was, therefore, unable to attend.

YELLOWSTONE NATIONAL PARK COMMISSION

Mr. MANSFIELD. Mr. President, every administration, regardless of party, is at one time or another accused of giving fine sounding policy statements and grand proposals without any follow-through. This is, as they say, part of the game but, unfortunately, there are some instances at the present time which give me cause for concern. The criticism I am about to offer will seem parochial but it is very important to several Western States.

In July of 1970 the President signed Public Law 91-332 creating the National Parks Centennial Commission. The Commission was to be made up of the Secretary of the Interior or his appointee; eight Members of Congress and six members from the private sector, appointed by the President. Senators HENRY JACKSON, ALAN BIBLE, PAUL FANNIN, and CLIFFORD HANSEN; and Representatives TOM FOLEY, ARNOLD OLSEN, JOHN SAYLOR, and JOE SKUBITZ were appointed soon after the creation of the Commission. After almost a year the President has, at long last, appointed the members from the private sector. This is less than a year away from the official centennial anniversary of one of the Nation's most popular parks, Yellowstone National Park. It would seem that the Centennial Commission has a great deal of work to do in a very short time. I fail to understand why these appointments were not made some months ago so that there would have been more time for proper planning and organization.

The Presidential appointees are Elmer Anderson, of the H. B. Fuller Co. in St. Paul, Minn., who will be the Chairman of the Commission; Henry Phipps Hoffstat, a Pittsburgh, Pa., lawyer; W. W. Keeler with Phillips Petroleum Co., in Oklahoma; Lawrence Lane, Jr., publisher of the Sunset magazine in California; Mrs. Frank Larkin of Greenwich, Conn.; and Richard P. Mellon, financier of Ligonier, Pa.

I do not question the competence or dedication of any of these appointments, but it would seem that there has been total disregard of persons from the immediate locale of Yellowstone National Park, who are intimately familiar with and devoted to the proper recognition of this great national park. I recognize that the Commission has a duty to raise private funds to match funds already appropriated for purposes of the Commission. It would seem that there might be a little more enthusiasm if there were some private representatives from the immediate area which has several of the Nation's larger national parks. In my own State of Montana, we have several who could be highly recommended for this Commission. One example is Fred Martin, publisher from Livingston, Mont., one of the more popular entrances to Yellowstone.

I would hope that this is not another example of neglect and disinterest in the problems and desires of the less populated Midwest and Western States. We have just lost railroad passenger service to larger sections of the West; funds are being held back on road construction and resource development; and there is a neglect of farm programs and curtailment of any number of Federal aid programs.

In conclusion, Mr. President, we find ourselves in a position of promoting the centennial celebration of Yellowstone National Park in less than 1 year. This park has been overcrowded with visitors in the last several years. There is a need for many improvements. Quite frankly, I do not know how they can be ready for the 1972 tourist season, especially when you consider that the administration has refused to release funds for improving roads into Yellowstone National Park and they have gone along with the discontinuances of passenger train service to this Park. This is a strange way to promote a great national park when we delay the organization of the Commission, permit the discontinuance of passenger rail service and, thus, make this national park as inaccessible as possible. This is an unusual way to observe the centennial.

PATROLMEN JOSEPH A. PIAGENTINI AND WAVERLY M. JONES, OF NEW YORK CITY

Mr. BUCKLEY. Mr. President, it is with sorrow that I commemorate today two brave men who died in the line of duty in New York City on Friday evening.

I refer to Patrolman Joseph A. Piagentini and to Patrolman Waverly M. Jones, both of whom were shot in the back at about 10:30 o'clock as they responded to a call for help.

Patrolman Piagentini and Patrolman Jones joined the New York City police force on the same day, August 1, 1966. They were destined to die together on the same day, May 21, 1971, while serving the people of their city. They have given their lives as the latest victims in an accelerating wave of wanton attacks on police officers.

So far this year, seven policemen have been slain in New York City, all in the line of duty. This is the same number killed in all of 1970. So far this year, 30 policemen have been shot in New York City, all in the line of duty. During all of 1970, the total was 45; and those shot in 1970 represented a dramatic increase over 1969.

Patrolman Piagentini, who was only 28 years of age, leaves his wife, Diane, and two young children.

Patrolman Jones, who was only 33 years of age, leaves his wife, Mary, and three young children.

Patrolman Jones was buried this morning following services at Trinity Methodist Church in the Bronx.

Tomorrow morning, Patrolman Piagentini will be buried following services at St. Cyril's and St. Methodius Roman Catholic Church in Deer Park.

I extend heartfelt sympathy to the wives and to the children of these brave and good men, and to their families and friends.

May they rest in peace.

REGISTRATION OF YOUNG VOTERS IN RHODE ISLAND

Mr. PELL. Mr. President, I should like to take this opportunity to commend Mrs. Barbara Tattersall, a teacher at the Cumberland High School, Cumberland, R.I., and Mr. Edward J. Hayden, the administrator of that town for their good citizenship in paving the way for the registration of young Rhode Islanders, aged 18 to 21, in their community. I am informed that Mrs. Tattersall believed it was her civic duty to bring the mechanics of democracy to her high school and convey her idea of having a local conditional registration drive after school to Mr. Edward J. Hayden, town administrator.

Mr. Hayden was quickly convinced of the wisdom of Mrs. Tattersall's proposal and called a meeting on April 15 of 400 seniors at Cumberland High School and spoke to them about the importance and responsibility of registering and voting. I am also told that he stated that young people should try and correct those injustices or inequities in our society by working through the system and not in opposition to it. As a first step in fulfilling their respective roles of citizens, he urged them to take this opportunity to register in order to vote. Mr. Hayden was accompanied at this meeting by the town clerk, Mrs. Agnes Tial and two clerks from the Cumberland Board of Canvassers who registered on this day over 300 of the seniors in attendance.

On May 12, about 160 Lincoln High School students followed suit and were placed on the voter roles conditionally in a special registration of those aged 18 to 21. Furthermore, it is my understanding that this registration visit to the school of the Lincoln Board of Canvassers came in response to student demand expressed through the student council.

At the present time, the Rhode Island State Legislature has passed a constitutional amendment which will be up for ratification at a referendum by the people in November and, if passed, it will enable these young Americans to fully participate in our Government.

Therefore, Mr. President, I should like to take this occasion to commend the young men and women of Cumberland High School and Lincoln High School for their active desire to work within our system and I should like to especially congratulate Mrs. Barbara Tattersall, the teacher at Cumberland High School, who originated this student registration proposal, for her well-motivated desire to make our democratic form of government work more perfectly by extending its responsibilities and privileges to our 18- to 20-year-old young Americans.

THE FARM CREDIT SYSTEM

Mr. DOLE. Mr. President, last week the Subcommittee on Agricultural Credit and Rural Electrification conducted hearings on S. 1316, the Farm Credit Act of 1971, which extends and improves the farm credit system and expands services.

It is worthy to note that during the 3 days of hearings every witness supported the legislation, although many had some recommendations for changes. The farm credit system has served our farmers well for 54 years, and it is well that we are now setting out to update the system.

The credit this system provides is as important to today's farmer as any of his tools or implements. Under Secretary of Agriculture J. Phil Campbell testified full support of the principal objectives of this legislation—the provision of adequate farm credit and updating of the farm credit law.

Mr. President, I ask unanimous consent that the full text of Under Secretary Campbell's testimony be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF J. PHIL CAMPBELL, UNDER SECRETARY OF AGRICULTURE

Mr. Chairman and Members of the Committee, I appreciate the opportunity to appear before your Committee during discussions of S. 1483—the proposed Farm Credit Act of 1971.

This bill would help provide for an adequate and flexible flow of credit into rural areas and would modernize and consolidate existing Farm Credit System law to meet current and future credit needs. The broadening of existing authorities, and the proposed new authorities, would enable the Farm Credit System to provide credit and related services for agriculture and some other aspects of rural development more effectively.

We fully support the principal objectives toward which this bill is directed—the provision of adequate credit in rural America and the modernization and updating of the Farm Credit law. However, the Administration has reservations about the possible imbalances in the competitive relationships between private lenders and the Farm Credit System which could result from the Farm Credit System entering into new fields of lending and services while maintaining current tax exemptions. Therefore, if the authorities are provided to the Farm Credit System to enter these new areas, serious consideration by the appropriate committees should be given to adjusting its tax status.

Our support of the objectives of this legislation stems from the fact that adequate credit supplies are an essential ingredient for a productive, prosperous agriculture and a more economically viable rural America. The efficiency of our agriculture, which makes it possible for the American people to be the best fed at the lowest real cost in the history of mankind, is heavily dependent upon the availability of adequate credit supplies.

The dependency of modern agriculture upon credit is well illustrated by the changes that have taken place in capital requirements for the individual getting started in farming. Thirty-five years ago a man could get started as a farmer—a competing producer—for less than $1,000. I saw it often in Georgia. All you had to do was get a plow, a mule, or a team of horses, a hoe, and a piece of land—and you were in business.

Today you couldn't even be a subsistence farmer on those terms. The labor requirement has gone way down as the result of mechanization, electric power, commercial fertilizers, new crop varieties, weed and pest killers—but the capital requirement has gone way up.

To make a good living in farming today requires a really big capital investment. In 1970, the 600,000 farms with sales of over $20,000—accounting for about 75 percent of U.S. farm marketings—had production assets averaging $221,000. This compares with average production assets of about $100,000 in 1960 for those 340,000 farms with sales greater than $20,000.

The precise amount of capital needed today to establish a viable commercial farm will vary depending upon where the farm is located and the kind of farming to be done. But the starting farmer who wants to earn an income comparable to what non-farm people expect to earn will be faced with an investment of up to $250,000. By the year 1980, this investment requirement will likely more than double.

The changes in capital requirements for farm operators are reflected in their total debt position. From 1950 to 1960, farmers' debts doubled—increasing from $12.4 billion to $24.8 billion. From 1960 to 1970, farm debt increased by 134 percent—rising to $58.1 billion. There is widespread agreement among economists and other experts in agriculture finance that these trends will continue in coming years.

Several studies have concluded that farm debt in 1980 will likely range from $90 billion to $140 billion—with the most likely level closer the top of the range. Federal Reserve Bank economists, using alternative assumptions for growth in outstanding farm debt, have projected a low debt level of $91 billion and a high level of $137 billion. The lower projection implies that farm debt will increase about 5 percent annually, a significant slowdown from recent growth rates that averaged 9 percent. The higher projection would require annual rates of increase similar to those of the 1960's.

On the basis of these projections, the Federal Reserve Bank economists estimated that annual capital flows into agriculture during the 1970's will increase $2 billion to $8 billion over the average annual capital flow of recent years. And most importantly, they estimate that an increasing proportion of this flow will be financed externally by expanded use of credit—rather than internally from depreciation allowances or net farm income.

Thus, if capital requirements of agriculture are to be met in the coming years, it is essential that the financial institutions that supply agricultural credit take the necessary steps to expand their capacity to provide these credit needs.

The Farm Credit System banks and associations are a key source of agricultural credit. In recent years, they have provided an increasing share of the credit needs of American farmers. Of the outstanding farm mortgage debt provided by institution lenders, the Federal Land Banks' share went up from 28 percent in 1950 to 39 percent in 1970. On a comparable basis, the Production Credit Associations' share of non-real estate debt outstanding increased from 14 percent in 1950 to 28 percent in 1970. Most projections indicate that a similar trend will likely continue into the future.

In addition to providing farmers with an increasing share of their credit needs, the Farm Credit System is recognized as a dependable source of credit. During times of rapid economic growth, especially when money conditions are "tight", life insurance companies and commercial banks frequently reduce the amount of money going into farm loans. Funds available for farm mortgage loans are usually curtailed most sharply. During such periods, the Farm Credit banks provide a great share of farmers' credit requirements—and often expand their total lending levels.

We believe that the proposed Farm Credit Act of 1971 will enable the Farm Credit System—in conjunction with the other suppliers of farm credit—to meet the growing credit demands of American agriculture during the 1970's.

The Department of Agriculture is particularly interested in the sections of the bill that would:

Authorize housing loans to rural families at unsubsidized interest rates. This would bring additional housing mortgage credit into rural areas and supplement the program of housing loans to rural families unable to obtain credit elsewhere which is administered by the Farmers Home Administration;

Broaden the eligibility, and add flexibility to the security requirement, for Federal Land Bank loans;

Broaden the eligibility for Production Credit Association loans; and

Broaden the authority for loans to furnish farm-related services necessary to agricultural production and to provide technical assistance and financial-related services to Farm Credit System borrowers, members, and applicants.

HARRIMAN ON EUROPEAN TROOPS

Mr. MUSKIE. Mr. President, I would like to bring to my colleagues' attention a recent article by one of our Nation's most distinguished diplomats, W. Averell Harriman.

In the May 16 Outlook section of the Washington Post, Governor Harriman discusses the recently defeated Mansfield amendment from the unique perspective of a man who has been directly involved in the issue of our NATO commitment from the very beginning.

Noting that our troop commitment to NATO has extended far beyond the original intention, Governor Harriman stresses the need for a thorough reevaluation of what he terms an "unhealthy" situation.

I commend Governor Harriman's thoughts to my colleagues in the Senate, for although the Mansfield amendment has been defeated, the issue is one which we must face again in the near future and which will demand the most thoughtful deliberation for its resolution.

Certainly, Governor Harriman's views will be helpful to us in this process.

I ask unanimous consent that the article, entitled "An Unwise Reaction to Unwise Policies," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MANSFIELD AMENDMENTS TWO VIEWS—"AN UNWISE REACTION TO UNWISE POLICIES"

(By W. Averell Harriman)

For the Senate to act precipitously to reduce our forces in Europe at the very moment the Soviets are offering to negotiate for a mutual withdrawal of forces would be highly irresponsible. Brezhnev stated, in his speech to the party conference in Moscow, just six weeks ago, "We stand for a reduction of armed forces and armaments in areas where the military confrontation is especially dangerous, above all in Central Europe." Again speaking in Tblisi, Georgia, last Thursday, Brezhnev called upon the North Atlantic Treaty Organization to open negotiations, in one form or another, for mutual reduction of forces in Europe.

I can well understand the frustrations of Senator Mansfield and other senators who have been calling for the last six years for reduction in our forces stationed in Europe. I share this frustration. This administration has been cool to discussions which might lead to the withdrawal of some of our forces either by agreement among our allies or, preferably, by agreement for balanced mutual force reduction with the Soviet Union and Warsaw Pact countries.

The Soviet Union has been urging the convening of a European Security Conference which could be a good forum to discuss such a reduction. I agree with the administration that a discussion of a force reduction would be greatly facilitated if an agreement were first reached on Berlin, eliminating the most explosive point of East-West tension. However the administration has been less than enthusiastic about Chancellor Brandt's *Ostpolitik* initiative, as well as Berlin. In spite of Brandt's specific assurances there has been a suspicion that ratification of the Moscow and Warsaw treaties would turn West Germany toward Moscow rather than the Western alliance. This mistrust is shared by some of our old time cold war warriers who still live in the Stalin era. I recall a conversation I had with one at the time Brandt was first launching his *Ostpolitik*. I asked what he thought about it. He replied "It is terrifying, isn't it?" NATO seems to be viewed by them as an institution to be protected for its own sake rather than as an instrument for improving the long term security of its members.

This attitude also fails to look at the other side, Moscow's relations with Eastern European countries. Take Poland. Clearly one of Warsaw's gravest concerns has been the uncertainty about its border with Germany. While this fear exists, the tendency must be to depend on Moscow. If the Oder-Neisse line is accepted and if there is other progress made toward improving relations between Poland and West Germany, Poland's dependence on Moscow will lessen and the natural desire of the Polish people to look to the West will be encouraged.

Despite Brezhnev's invitation, we cannot be sure that an agreement on a reduction of forces can be reached. But surely we should make an attempt and not throw away a position we have attained at great cost and effort.

In 1951 I was chairman of the so-called "three wise men" which included British Chancellor of the Exchequer Gaitskill and Jean Monnet of France. This committee made the first detailed analysis of the capabilities of NATO members and attempted to indicate a fair division of the burden of the forces needed. I strongly supported the stationing of our troops in Europe at that time. But it never occurred to me that we would continue to keep such large forces for as long as we have. I thought that with the extraordinary economic expansion of Western Europe stimulated by the Marshall Plan it could and would build up its forces while we would gradually reduce ours although continuing where necessary to contribute sophisticated arms.

Unfortunately, we have substantially maintained our force levels and ended our supply of weapons, except for the special cases of Greece and Turkey. This has become such a rigid tradition that any reduction of troops on our side gives credence to the feeling among Europeans that we are turning our backs to them and retreating to isolationism. This is an unnatural and unhealthy situation which should be corrected by careful handling, but is not helped by a move in the Senate to take abrupt action to cut our forces in half.

I firmly believe that the Senate should assume greater responsibility in foreign affairs but surely this requires careful consideration including full public hearings and committee reports before action.

A pressure for reduction in forces in Europe is our balance of payments crises. We have continued our forces in Europe at substantial balance of payments loss. In addition we have been engaged in the war in Vietnam without the slightest regard to its effect on our balance of payments.

Our first action should be the prompt end of our reckless expenditures in Vietnam. The slow reduction now promised by the administration would withdraw only two-third of our forces from Vietnam after three years in office. There has been no assurance given about the balance, the air support by our Navy and our Air Force stationed in Thailand, and no estimate of the vast sums needed for continued economic and military aid to the Thieu government if the Vietnamization of the war is to be perpetuated.

Because of the unwillingness of the administration to act to end the war in Vietnam I strongly endorse the suggested Congressional moves to cut off the use of funds for continuing the war if all our troops are not withdrawn by the end of the year. The polls indicate that this has the support of the overwhelming majority of the American people. The administration is continuing the war in defiance of the will of the American people. I fully agreed with last Friday's Washington Post editorial when it succinctly asked at its conclusion, "Why Europe, why not Vietnam?"

President Nixon maintains that the alternative to support of his continuation of the war in Vietnam is neo-isolationism. He is wrong. The fact is that continuation of the war is turning more and more people in their frustration toward isolationism. The action proposed in the Senate precipitously to reduce by half our forces in Europe is an unwise reaction to his unwise policies in Indochina.

A RESOLUTION CONCERNING VESSELS TO FLY THE AMERICAN FLAG

Mr. THURMOND. Mr. President, the city council of our fine city of Charleston has passed a resolution memorializing Congress to assist and provide more vessels to fly the American flag.

Inasmuch as we have chosen to relinquish our country's position as a world leader in air transportation, I think we should not also relinquish our position on the high seas. As this resolution points out, the number of ships displaying the American flag on the waterways of the world is rapidly decreasing and the great American passenger fleets of past years are all but nonexistent.

Russia, on the other hand, is the fastest growing maritime nation on earth and is well on the way to becoming the world's leading maritime power. In July of 1969 the Russians had 397 merchant ships under construction and the United States had only 57 under construction. I believe that a strong maritime fleet is of great importance for our defense position because all major conflicts between nations involve the sealanes of the world, and our military must be backed up by a strong maritime transport capability; this capability is our fourth arm of defense.

I believe that the resolution presented by the city council of Charleston calls our attention to a pressing need from the standpoint of national economy and national defense, and I believe that Congress should give this resolution its most careful consideration.

Mr. President, on behalf of Senator HOLLINGS and myself, I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A RESOLUTION

Whereas, American History and the History of the World are resplendent with and distinguished by the deeds of American vessels operating on the high seas both in war and in peace; and

Whereas, it is with patriotic sorrow that the City Council of Charleston, South Carolina views the serious loss of elements of the American heritage through the gradual though continuing decline over the past years of ships flying the American Flag and considers it necessary to resume our former prestige in the eyes of the World; and

Whereas, it is with further grief and alarm that the City Council views the almost non-existent remnants of the great American passenger fleets of the past; and

Whereas, the City Council desires to see and believes it necessary for America to resume its rightful place as the leader of nations on the high seas of the World;

Now, therefore, be it resolved that the City Council calls upon the Congress of the United States to assist and provide more vessels to fly the American Flag; and

Be it further resolved that a copy of this Resolution be forwarded to the South Carolina Congressional Delegation.

TERMINATION OF THE SUPERSONIC TRANSPORT PROGRAM AND REFUND OF AIRLINES' CONTRIBUTION

Mr. BYRD of West Virginia. Mr. President, the distinguished Senator from Washington (Mr. Jackson) is absent from the Senate on official business.

I ask unanimous consent to have printed at this point in the Record a statement prepared by him relative to the SST and the supplemental appropriations bill.

There being no objection, the statement was ordered to be printed in the Record, as follows:

The SST and the Supplemental Appropriations Bill

(Statement by Senator Henry M. Jackson)

Mr. President, I deeply regret that the House of Representatives on Thursday, May 20, voted to delete the $155.8 million approved by the Senate and by the House-Senate Conference on May 19 for the termination of the Supersonic Transport Prototype program and for refund of the airlines' contribution of $58.5 million. I am, however, gratified that the House did, by voice vote, restore $97.3 million for payment of the contractor's termination costs.

As the Chairman of the Appropriations Committee informed the Senate on May 21, it appears that there was confusion in the House as to the background and as to the purpose for which the $58.5 million was to be used and as to the Federal government's liability to refund the money to the airlines. It is my view that in view of the Senate's adoption of the Conference Report yesterday the Congress should, after hearings on the subject, refund the airlines' contribution as a part of the regular Department of Transportation bill when it is considered next month.

The airlines' investment in the program was made in good faith and the government has had the benefit of the $58.5 million. In my judgment, the action of the Congress in unilaterally terminating this program was unwise as a matter of national transportation policy, unsound economically, and foolish from a scientific and technological point of view. I do not feel the airlines should be penalized for having made a contribution to the development of a new transportation system when the program is terminated at the sole convenience of the Federal government.

The ill-advised decision to terminate this program was based in part on the argument that private enterprise should pay all of the research and development costs. Ironically, after many members of the Congress accepted this argument and after the Senate voted to terminate the program, the Congress now finds itself in the position of denying the refund of a $58.5 million investment which private enterprise made in the program. I suspect that the next time the Federal government goes to private enterprise and urges a "partnership" approach with the investment of private funds in the development of new technology, the reception will be less than cordial.

It is probable that if this decision stands as precedent, one of two things will happen: *First,* government will have to pay *all* the R and D costs of developing areas of new technology; *or second,* where R and D costs are beyond the resources of a single corporation to finance, the technology simply will not be developed, regardless of the public interest in the matter.

The larger question raised—the proper role of the Federal government in developing new technology—is one of the most important facing the country today. I regret that it has become involved in the hysteria, the emotion, and unanalytical discussions and debate which have surrounded the Supersonic Prototype program for the past year.

If this country is to develop the technology necessary for revolutionary advances in transportation, in desalination, in providing clean energy, and in dealing with environmental problems, there must be governmental involvement. In many areas, industry cannot pay all of the costs associated with research and development of new technology. In most areas, in terms of manpower, expertise and facilities, government is simply not equipped to go it alone.

Mr. President, the loss in jobs, in potential exports of aircraft, in spin-off technology and in national stature resulting from the unfortunate SST termination decision is a national disgrace in public decisionmaking. It represents a low-water mark in science policy and in the ability of the Congress to analyze programs, to weigh costs and benefits, to assess the impact of trade-offs and to advance our national goals.

Mr. President, I regret that because of a previous commitment to conduct field hearings on the environmental impact of power plants in the Four Corners region of the Southwest, I was unable to be on the Senate floor for yesterday's vote on the supplemental appropriations bill. If present and voting, I would have voted to reconsider the May 21 vote on adoption of the Conference Report, which did not provide for reimbursing the airlines for their investment in the SST program.

To complete the record, I should add that had I been present and voting when the Conference Report was first brought before the Senate on May 21, I would have voted against adoption of the Conference Report and would have voted against the motion to table the motion to reconsider the vote by which the Conference Report was agreed to.

TIME TO CALL McNAMARA

Mr. GOLDWATER. Mr. President, as we prepare to engage in another round of debate over the national defense budget I believe we can expect the critics of the American Military Establishment to use every possible argument in their attempt to cut anywhere from $7 to $20 billion from the amount the administration believes necessary to the defense and security of this Nation.

One of the tools for this attack has already been published. It is a book written by Mr. Berkely Rice entitled "The C–5A Scandal: An Inside Story of the Military-Industrial Complex." And, Mr. President, I believe, the way the book was reviewed by Bernard D. Nossiter in the Washington Post of May 20 is a fair example of how the volume will be used. In this instance, Mr. Nossiter used the space allotted for a book review to air his own feelings about the C–5A and indicate that there are many examples of defense contracting that are much worse.

Of course anyone who read the review to find out what Mr. Rice had to say was certainly doomed to disappointment. He had to be satisfied with Nossiter's own slanted account of the C–5A situation and one paragraph at the end of the review which said:

> Berkely Rice, a free-lance writer, has pulled together much of the C–5A story that has appeared piecemeal in a few of the public prints. His account is readable, confident, and appropriately despairing.

Mr. President, there are several things about the book and about the review which I think should be noted by the Members of the Senate. The first is that the book is interesting, even though it is highly biased against the Defense Department. If the reader can discount the prejudice of the author he can find many facts which should prove interesting.

But although the book and Mr. Nossiter's critique offer the C–5A as a model of boondoggling and faulty military procurement, neither of them point out that the whole thing began and matured under the Pentagon regime of Defense Secretary Robert McNamara.

For some reason, Mr. President, the liberal authors and reviewers and congressional criticism seem curiously reluctant to place the blame for the waste and inefficiency which reached its high tide of impropriety in the McNamara era exactly where it belongs. The procurement system which led to such things as the cost overruns which we are now seeing in Defense contracts was devised by former Secretary McNamara and his civilian advisers and cost accounting experts in the Pentagon. But we never hear anything from Mr. McNamara. We have time and again argued about the greatest boondoggle of all times—the TFX scandal—and similar situations which occurred during his tenure but never is Mr. McNamara called to testify. I personally have repeatedly asked the gentleman from Wisconsin, Senator Proxmire, to call Secretary McNamara as a witness during his prolonged committee hearings on waste, inefficiency, and extravagance in the Pentagon. On one occasion, I believe the Senator from Wisconsin told me that his committee had extended an invitation to the former Defense Secretary but that Mr. McNamara felt his duties as President of the World Bank would not permit him the time required.

Mr. President, I believe Mr. McNamara owes the Congress and the American people some kind of an explanation as to why his highly publicized system of "cost effectiveness" in the Defense Department turned into the mess that our Senate liberals keep telling us exists in Defense procurement. Certainly, if I were Mr. McNamara I would be eager to defend my stewardship. Far from being too busy, I think I should have been demanding an opportunity to be heard from the very first time that the charges of widespread waste and inefficiency and scandal were raised.

PIPELINE SAFETY AND THE WAITING GAME

Mr. PROXMIRE. Mr. President, 1 week ago I wrote to Joseph Caldwell, Acting Director of Pipeline Safety in the Department of Transportation, asking that his office investigate a pipeline safety case in Oklahoma.

I have not even received the usual reply—thanking me for my interest and promising prompt attention. That is all right with me. I am not looking for pleasantries. I am looking for action.

A professor of engineering at the University of Wisconsin examined radiograph sections of this line and found at least 47 unacceptable welds just in the X-rays he saw.

The May 6, 1971, edition of the Washington, Mo., Missourian has an editorial which boils away the fat from this issue and concludes with the following statement which is the crux of the matter:

> Some day we may get laws with teeth to regulate pipeline companies, but possibly not before a few more homes are blown into Kingdom Come.

Mr. President, I ask unanimous consent that the editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

"David" Without a Sling Shot

One man and his fiery wife in Oklahoma have taken on the pipeline industry, and have made themselves felt in places where it counts. But will they be able to make themselves felt enough to bring about a needed change? That's the question.

It's like "David fighting Goliath without a slingshot,' says the man's wife.

The couple, Mr. and Mrs. Charles Baker of Collinsville, Okla., have good reason to fight. They have gained a great deal of support around the country, especially from people living near pipelines, but it takes more than goodwill and support to fight a giant industry with unlimited funds and a battery of lawyers, who have a way of recruiting and influencing witnesses to testify in their behalf!

The Bakers have a 131-acre farm near Collinsville. He is a welder. A 20-inch high pressure line runs through their vegetable garden, and is only 234 feet from their farm home.

Mr. Baker has charged that the pipeline companies are burying "time bombs" all over the country, and says somebody "has got to shake up this industry."

He also charges that the line through his place is full of defects. The walls are too thin, the welds are shoddy, and the wrappings are unsafe. Mr. Baker says he has pictures to prove it. He says the line could explode at any time. He considers it so dangerous that he moved his family away from the farm home!

The U.S. Office of Pipeline Safety sent a special investigator to Collinsville to check into the charges. He reported he found "no violations," and called "the case closed."

But, reported the Wall Street Journal in its issue of April 29, the case isn't closed. It's just getting off the ground. Politicians in high places are beginning to wonder and ask questions. Besides the Ralph Nader group has stepped into it.

There are a good many people in Franklin county who will be happy to learn that the fight against pipelines is not only going on, but is gaining momentum. Already hearings have been held, and others are proposed. The matter may be aired in a Senate hearing before much longer.

The people in the Beaufort neighborhood will be particularly interested to learn that the Bakers have challenged the pipeline companies on the question of "eminent domain."

It would be difficult to imagine that a powder company would have the right of "eminent domain" to plant a bomb on private property, yet that's what the pipeline companies are doing. The blast early last December in the Port Hudson area equaled the force of an entire bagful of ordinary bombs!

Reuben Robertson of the Nader group was quoted in the Wall Street Journal as saying the Bakers have raised some deep and fundamental questions that reach far beyond their own case.

Mr. Robertson, as quoted in the Journal, wondered "why the government seems to make all presumptions in favor of the pipeline companies instead of the individual citizens."

He also wondered "why should individual citizens such as the Bakers have to bear the burden and expense of proving that a line is unsafe, rather than the other way around, when there are agencies" to do this, paid for by the taxpayers!

The people in the Beaufort and Port Hudson areas also would like to get the answer to these basic questions. Why should they have to carry on the fight, and pay the cost of the fight to save their homes from a potential "time bomb"?

Both Sen. Stuart Symington and Congressman Bill Hungate have taken a deep interest in this matter. They want to know where the government stands on this problem, and what it proposes to do about it.

Some day we may get laws with teeth to regulate pipeline companies, but possibly not before a few more homes are blown into Kingdom Come!

PROBLEMS OF RECONSTRUCTION OF VIETNAM AFTER THE WAR

Mr. HATFIELD. Mr. President, I should like to commend to the Senate a speech of Senator Walter Mondale which he gave to the Baptist National Convention on May 14. He seeks to stimulate thought on the problems of reconstruction of Vietnam after the war is ended and American troops have departed.

The Senator has my gratitude for providing the needed incentive in calling for research by Far East experts, and I am certain that other Members of the Congress will want to find a forum for offering constructive suggestions to the executive branch and committees of Congress on this subject.

Senator Mondale's thought that an international conference be called is a useful suggestion. In such an event, however, the United States should in no way attempt to dominate or seek to influence the outcome, as has been our tendency in years past. Rather we should provide the research assistance, the technical expertise which is needed and which is asked for.

I ask unanimous consent that these remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks Before Baptist National Convention

(By Senator Walter F. Mondale)

You asked me tonight to speak about peace and justice in the international community.

That was a generous choice of topics. We could talk of so many urgent needs—peace in the Middle East . . . an end to the savagry in Pakistan . . . justice for the victims of racial tyranny in Southern Africa . . . justice for the Arab refugees in the Middle East.

But nowhere tonight are the human stakes in peace more pressing—nowhere in the healing of justice more needed—than in the devastated lands of Indochina.

I could talk about the Indochina we all know too well—

The towering illusions and senselessness of the war.

The promises unmet in Paris and the blunders hidden in Laos and Cambodia.

The corruption of the Saigon regime and the barbarity of North Vietnam toward American prisoners.

And not least, the scarred and crippled young veterans who came to Washington a few weeks ago to turn in their silver stars and purple hearts . . . because they wanted this country to be through with the whole soul-destroying mess.

As for *that* Indochina, I think our obligations are clear.

We have more than met our military duty to the defense of South Vietnam. We now have a duty to ourselves to bring our men home.

But beyond the taudry glitter of Saigon or the demonstrations in Washington, there is *another* Indochina—an Indochina seldom mentioned in Congress or by the Administration.

It is a land of fallow paddy fields, napalmed villages and defoliated forests—of bombed out schools and hospitals, and too many orphanages; of miserable resettlement camps for literally millions of refugees; of broken bodies and scarred minds; and of mute scenes of forgotten skirmishes.

I could talk to you of the tragedy in all this. But I would rather speak of hope.

I believe we have an obligation to rekindle hope in *this* Indochina—an obligation which can begin even as our troops leave. And in that—as much as in any act of arms—we will be nourishing our own hope for international peace and justice.

What I am suggesting is that we finally begin to turn our attention from the horrors of this war to a grand effort of peaceful reconstruction in Southeast Asia.

President Johnson proposed such an effort six long years ago in an address at Johns Hopkins University.

"Neither independence nor human dignity," he said, "will ever be won . . . by arms alone. It also requires the work of peace."

But the drums of war drowned out those words.

It is time to muffle those drums . . . and hear the cries of the children of Indochina.

The task will be enormous.

Even before the devastation and anguish brought by the war, most of the people of Indochina lived out a dreary cycle of want—malnourished, ill-housed, prey to disease, and facing death before 40.

The countries of Indochina were largely impoverished agrarian societies. The billions we have spent thus far in the name of helping them have done little to change that.

And in many ways, the war has made matters so much worse.

It has done irreparable harm to the village and family structure which were the foundations of life in rural Indochina.

A recently returned American observer (Don Luce) has estimated that more than one third of the Vietnamese people have been refugeed.

Before the war more than 80 percent of the population was rural. Now it is 50 percent.

The family unit has been fragmented. The kinds of work the new urban population have been forced to do has wrenched the Vietnamese economy from agricultural pursuits to service functions. Yet no significant industrialization has taken place.

When the American military establishment departs, as it soon must, some of the older people will go back to the war-torn countryside. But what of the young who have no roots outside the cities? What will they do?

We have created in these newly urban masses, a well-paid proletariat, an American dependency. There is nothing to take our place when we are gone.

Nothing, that is, unless we begin to think and talk and formulate some meaningful alternatives to the economic and social vacuum which our military departure will create.

The problems are of a different order in Cambodia or Laos or North Vietnam, but they are just as compelling.

The technology that stripped bare the forests of Indochina must be put to work to bring farms back to life.

The organizational skills and money that mobilized more than a million men to fight a war can put them to meaningful work in building peace-time economies.

None of us can lay out a plan assured of success. The obstacles are too formidable for optimism. We would be unlearning all the lessons of this war, if we did not admit the incredibly complex political and human obstacles which will stand in the way of a reconstruction program.

We should never forget the pretentions that took us into this war.

We *thought* that we could shape the politics of Vietnam.

Then we *thought* that we could roll back with weapons an indigenous political movement that enjoyed wide support in South Vietnam.

And then we *thought* that we could destroy enough of that land to change the

We succeeded only in destroying. We proved only that we were terribly wrong and that we couldn't decide their destiny for the people of Indochina.

But if we can combine the wisdom won through that folly and the energy and resources we brought to the war, we can help lay the framework for an enduring peace.

And we can be no less ambitious in that than we were in the work of destruction.

First, this could not be a unilateral American effort. We have had enough of that, and so have the people of Indochina.

Other countries have played significant roles in the conflict in Indochina, and they should also be involved.

The People's Republic of China, the Soviet Union should participate. The neighboring countries of Malaysia, Thailand, Burma, Indonesia and perhaps even India and Pakistan, should be brought in. Japan, which is assuming an important position in international regional affairs should be a participant at an early stage.

Even more important, it must be the victims of this war—South Vietnam, North Vietnam, Cambodia, and Laos—who will play the major organizational and managerial role in their own development. Again, if this war has taught us anything, I would hope that it is that no outsider can make their decisions for them.

How could it begin?

Here in the United States, perhaps, a bipartisan, bicameral group in the Congress like the Members of Congress for Peace Through Law might examine the situation in Indochina and the possibilities for organizing an initial research effort in consultation with the Executive Branch. President Johnson's Johns Hopkins speech of April 5, 1965 might be a good point of departure. And President Nixon supported this concept in his Foreign Policy Message to the Congress last year.

After preliminary work, an international conference could be called to determine the overall goals for a South East Asian Development Association. Invitees could include all the nations of Indochina, China, Japan, Austrailia, New Zealand, the Philippines, the Soviet Union and other countries in South and Southeast Asia.

The site for such a conference could be determined through consultation. Perhaps two conference sites could be selected initially, one in a major non-Communist capital in the region—Tokyo, Bangkok or Djakarta.

I think it might be appropriate for the other to be in Peking.

Such a conference could discuss broad plans for the reconstruction of Indochina and its economic reintegration into the economy of the region.

Each participating nation, aside from those of Indochina, could contribute funds. The programs could be administered by a joint council with a revolving chairmanship made up of the Indochinese members.

As for the U.S. contribution, we might start with a percentage of the total amount this country has spent in war efforts in Indochina since 1961. If that figure were to be only one percent, the total would be $1 billion.

And that would be only a start on the needs of reconstruction. Others would also have to give generously.

The organization, for example, could maintain a coordinating secretariat in Tokyo. Japan could thus be brought into the mainstream of the plan. That strikes me as altogether fitting, since the Japanese have profitted more than any other Asian nation from this war.

Of course, other major offices should be located in the nations of Indochina.

A possible point of departure for the organization's efforts might be the Mekong Valley Authority plan proposed by President Johnson and endorsed by President Nixon as well. This would underline the bipartisan nature of the American involvement in the plan.

It would be essential that there be no military assistance component in this multilateral effort. I realize that military aid may be an unfortunate necessity for the security of the countries involved, but this could be much better handled through bilateral aid mechanisms.

I can see a number of regional organizations which might be established under the direction of South East Asian Development Association. These could include:

An Agricultural Research Institute;
A Public Health Organization;
An Industrial Development Corporation;
An Agricultural Commodities Bank;
An Export-Import Bank, and
A University Center along the lines of the East-Wide Center of the University of Hawaii.

Certainly none of these suggestions should be taken as firm or binding. What I have been trying to do is to stimulate ideas. Each country will inevitably have special problems and needs which are not always amenable to multilateral efforts.

Ultimately, the decisions are with the nations of the area.

But perhaps these thoughts are at least a *start* in the right direction.

In any case, we must confront both the problems and the opportunities.

A generation in Indochina has not known what it was like to sleep without fear of terror or the sound of bombs. A generation of peasants has not been able to walk out in their fields without searching the skies or hillsides or undergrowths for the threat of death.

And that fear and misery and bitterness will never make the generation of peace all of us—critics and supports of the Administration alike—want so desperately for our children.

John Kerry, the leader of the Vietnam Veterans Against the War, said it eloquently before the Senate Foreign Relations Committee. The people of Indochina want, he said, ". . . to be fed, to bury their dead in plots where their ancestors lived, to be allowed to extend their culture, to try and exist as human beings . . . I think we have a very definite obligation to make extensive reparations to the people of Indochina."

And President Nixon said it in a speech to the United Nations in 1969:

"When the war ends, the United States will stand ready to help the people of Vietnam—all of them—in their tasks of renewal and reconstruction. And when peace comes at last to Vietnam, it can truly come with healing in its wings."

In this common effort, we can bind up not only the wounds in Southeast Asia, but also perhaps the divisions the war has created in America.

And if we truly believe in international peace and justice, we can do no better—and no less—than to try.

GROWING OPPOSITION TO LOCKHEED BAILOUT

Mr. PROXMIRE. Mr. President, the current issue of Time magazine contains an excellent article about the administration's proposed bailout of the Lockheed Aircraft Corp. The article raises a number of critical questions which Congress will have to decide about the proposed $250 million loan guarantee.

The article points out that a Government loan guarantee to rescue Lockheed could set a dangerous precedent for our economy by propping up poorly managed firms. Moreover, the article indicates that the Lockheed guarantee would be unfair to Lockheed's competitors, notably McDonnell-Douglas and Boeing.

Finally, Mr. President, the article suggests that a Lockheed failure would likely increase U.S. employment rather than decrease it as the administration contends. This is because McDonnell-Douglas would pick up most of the orders for the Lockheed L–1011 airbus. Since the McDonnell-Douglas plane, the DC–10, uses the American built GE engine rather than the foreign built Rolls-Royce engine, at least 10,000 additional jobs will be created throughout the United States. Mr. President, I ask unanimous consent that the Time magazine article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Should Lockheed Be Saved?

The U.S. Government is being confronted with a major and difficult question of principle—and practice—involving the nation's way of doing business. Lockheed Aircraft Corp., the biggest defense contractor, is in a deep cash crisis, and it is looking to Uncle Sam for a bailout. The company wants Congress to authorize an unprecedented federal guarantee of a $250 million loan to save its wholly commercial L–1011 plane, a medium-range "airbus" designed to carry 250 passengers. If Congress refuses, the company's management warns that Lockheed will skid into bankruptcy, upsetting a business empire that employs 75,000 people in 26 states. This would add to the unemployment rolls, particularly in California, and dim President Nixon's chances of carrying the state in 1972.

The Nixon Administration has made a command decision to save Lockheed. Having sent to Congress a bill to authorize the loan guarantee, President Nixon has assigned Treasury Secretary John Connally, a relentless persuader, to lead a hard-sell campaign on Capitol Hill. Hearings on the issue are scheduled to begin June 7, and there will be many dramatic confrontations before the final vote is taken, probably at the end of July. At the moment, a slim majority in Congress appears to favor the guarantee, though with much reluctance. As a price for it, California Senator Alan Cranston, a Democrat, demands the firing of Lockheed's chairman, president and board of directors, Indeed, Lockheed Chairman Daniel Haughton told Time Correspondent Jerry Hannifin last week that he is willing to step down. Said Haughton: "The management is more interested in Lockheed's survival than in any jobs, and that starts with me."

EXPENSIVE BURIAL

Haughton and other Lockheed chiefs argue that failure to back the loan for the three-engine L–1011 TriStar would be an economic disaster. Without this support, they say, most of the $1.49 billion already invested in the plane will be lost. Subcontractors have already spent $350 million on it, and the airlines have advanced $240 million in progress payments. Lockheed has poured in $900 million, including $400 million in loans from a consortium of 24 banks led by California's Bank of America and Manhattan's Bankers Trust.

Connally contends that it would cost more to bury Lockheed than to sustain it. Without giving specifics, Administration officials maintain that if Lockheed fails they will have to renegotiate some of its defense contracts with other producers, and probably be forced to pay more. In trying to find precedents for helping Lockheed, Connally mentions the Reconstruction Finance Corp., which made loans to troubled but solvent companies from Depression days through 1953. Yet these loans were limited to $500,000, and theoretically they were available to all firms, not only those with special clout. In asking for help now, Lockheed has noted that in 1967 the Government guaranteed a $75 million credit for Douglas Aircraft before it merged with McDonnell, but this money was specifically earmarked for defense work and not a commercial venture. As Lockheed, in its widely distributed position paper, says of its own request: "There is no full precedent for this."

Should Lockheed get special treatment? Surprisingly, there is little support in the aerospace industry, except from Lockheed itself, for the loan guarantee. Lockheed's rivals resent the Government's supporting a company that they believe has been grossly mismanaged—a high-cost, undercapitalized producer. Aerojet-General President Jack H. Vollbrecht contends that help for Lockheed would mean that "if you fail big enough, you don't fail."

Lockheed has also built up a reservoir of ill feeling in the industry because many rivals believe that it has often used abrasive competitive tactics. It has a reputation of "buying in" on Government projects, bidding unrealistically low on the assumption that once the contract was landed, the costs could be renegotiated upward. On Lockheed's C–5A military transport alone, the Government has laid out an extra $1.3 billion to pay for "cost overruns." Still, Lockheed last year managed to lose money on the C–5A and three other major military contracts.

BAD JUDGMENT

On the L–1011 project, Lockheed's top managers contend that they have been victimized by events beyond their control. They had contracted with Britain's famed Rolls-Royce to build the plane's engines; at the time. Rolls-Royce greatly underbid its American rivals for the award, and the deal was widely thought to be a coup for both companies. But Rolls-Royce also had done some "buying in," and when development costs jumped far beyond estimates, the company fell into bankruptcy. After months of negotiations, the British government agreed to spend up to $312 million to complete the engine's development and get it into production. Lockheed consented to buy 555 engines and increased its purchasing price for each one by $180,000, to about $1 million. To ensure that Lockheed would remain in business as a customer, Britain also demanded that the U.S. Government guarantee the company's bank loans.

Rival aerospace men now argue that Lockheed judged badly in choosing a foreign producer to develop a complex new engine at an unrealistic price. Moreover, in the view of many American businessmen, the British government failed to make enough of an effort to honor foreign commitments after the company went bankrupt and the government took over. As a result, the prestige of British industry in the U.S. has been hurt more than is generally recognized. U.S. engine makers believe that a loan guarantee would be an undeserved rescue of Rolls-Royce as well as of Lockheed.

DELIVERY DELAYS

In any event, it is doubtful that the L–1011 will ever be profitable. Increased engine costs will boost its price to customers by at least $540,000. In 1968, during the early development stages of the plane, Lockheed's price for TriStar was $15 million; inflation and the Rolls debacle have kicked the price skyward. TWA reports that it expects to pay slightly more than $18 million for the airbus. The estimated price for a strikingly similar new plane, the McDonnell Douglas DC–10, will probably be at least several hundred thousand dollars less. Lockheed must sell an estimated 350 of its big planes to recoup its development costs; so far it has orders for 178. Meanwhile, Boeing has completed the design for a stubbier version of its 747, called the 727X. If the Lockheed plane is shot down, Boeing may move into the medium-range market to compete against McDonnell Douglas' DC–10.

Lockheed has managed to hold its customers despite the delays and price rises, partly because they have already sunk so much into the L–1011. Should it be scrubbed, they would be among the losers. Eastern has put up $68 million. Delta $34 million. TWA, which has advanced more than $100 million to Lockheed, might be forced into a merger. Unpalatable as the prospect seems, it could prove a benefit to TWA, which last year suffered losses of $64 million. One or more mergers would ease the profit pressures in the stiflingly crowded and overly competitive airline business.

PROPS AND PRIVILEGE

Despite Lockheed's dire predictions, it is by no means certain that the company will "go down the tubes" unless Congress votes the loan guarantee for the L–1011. Whatever the bankers say now, they may agree to put up more money rather than let their investments evaporate. Even if Lockhood is pushed Court-appointed trustees would take over the company; they would probably seek a merger or sell some or all of Lockheed's several profitable divisions to more efficient and affluent contractors. Except for the L–1011, almost every major project would survive. Lockheed had assets of $1.3 billion in 1969; they are less today and would be diluted further in any liquidation, but a part would ultimately trickle back to the bankers and airlines that have advanced money to the company. Shareholders would be at the end of the line and stand to collect little if anything, but those are the risks of capitalism. Avco, Sperry Rand, United Aircraft and other subcontractors, which have invested much to tool up for the L–1011, would also get little from the liquidation. But some might win new orders as a result of the expanded demand for the McDonnell Douglas DC–10 or Boeing 727X. Few of the suppliers are so weak that they would go under.

The hardest-hit victims would be the 9,700 workers employed on the L–1011 project at Lockheed's Burbank and Palmdale plants. Many have already been hurt because work on the L–1011 has been cut back by 50% since the Rolls-Royce collapse; some would get jobs at the McDonnell Douglas plant in nearby Long Beach, where the DC–10 is being built. There would likely be more hiring by Boeing as well as McDonnell Douglas, and by their U.S. engine makers, Pratt & Whitney and General Electric. Thus, while a failure of the L–1011 would cause unemployment to rise in parts of Southern California, it would create more jobs in other sorely pressed areas from Connecticut to Washington State.

Most important, a Government guarantee of a loan to rescue Lockheed could have some dangerous complications in the future. The Government would set a precedent of propping up a poorly managed company at the expense of its more efficient rivals, giving Lockheed and Rolls-Royce special competitive privileges in markets that may well be better—and more cheaply—served by McDonnell Douglas, Boeing, General Electric and Pratt & Whitney. By contending that Lockheed is too important to be allowed to fail as the result of a commercial project, the Government gives itself vast new powers to determine just which firms are "important" enough to survive. Should military contractors be given precedence over civilian companies? Should big firms be favored over small? For an Administration that champions free enterprise, there is yet another question: How deeply can the Government intrude in the marketplace without bending the whole system out of shape?

NUCLEAR ARMS TALKS

Mr. HANSEN. Mr. President, this morning's Washington Post printed a column by William S. White which makes some important observations of which all Members of the Congress should be aware.

Mr. White's subject was the recent announcement by the President of a "major step in breaking the stalemate on nuclear arms talks" with the Soviet Union. This announcement was warmly greeted by all of us who long for peace and security in this nuclear age. However, Mr. White wisely points out that the President's announcement is of an agreement between the two nations on where to begin talks. The substantive talks leading to an agreement on disarmament are yet to begin.

In the meantime, as William S. White

reminds us, this is not the time to abandon our policy of preparedness which was so painfully decided in the last Congress. The President's policy of preparedness was upheld by the Senate during the ABM votes by only the slightest margin. I remember well during the debate on the ABM the President's position that the United States must deal from a position of strength and that a commitment to the ABM system was an essential bargaining chip if the United States and its people were to expect the Soviet Union to agree on any arms limitation standards.

The recent "breakthrough" at the SALT talks underscores the wisdom of the President's position. But we have a long way to go. Shortly the Senate will again be considering the appropriation of funds for the vital ABM defense system. It is my hope that this body, in recognition of the recent progress in disarmament talks resulting from the President's strategy, will strongly endorse the philosophy of bargaining from a position of strength and not a position of unilateral disarmament.

Mr. President, I ask unanimous consent that the article entitled "ABM Played Role In Arms Accord," written by William S. White be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, May 25, 1971]

ABM Played Role In Arms Accord

(By William S. White)

There is both a good deal less and a good deal more than meets the eye in President Nixon's widely trumpeted announcement of a "major step in breaking the stalemate on nuclear arms talks" with the Soviet Union.

As to the first point, what has really been agreed to is only a somewhat ambiguous beginning of negotiations toward a possible end that can have no effect on the existing reality that the Russians may well have already outstripped us in the weapons of ultimate horror and are still working at the job.

Putting the thing in its most rosy possible light, the President's statement—which concedes that any concrete deal actually limiting strategic arms is a very long way down the road—should be read by the country and its allies with the greatest of reserve.

Thus proclamations such as that of the House Republican leader, Rep. Gerald Ford of Michigan, that all this is clearly one of the most significant breakthroughs for peace in modern times, are, to put it charitably, among the overstatements of modern times.

Still, even a creeping progress toward honest disarmament is not to be sneered at by rational men. And this the administration can rightly claim.

For what is much more significant than the somewhat debatable substantive value of the achievement of an understanding with the Russians to begin to talk seriously upon SALT (strategic arms limitation) is, simply, the flat vindication here offered of the essential wisdom of the administration's long-term general strategy in this affair.

The heart of that strategy has been to present the Soviet Union with proof positive, in advance, that we did not and do not intend to talk from any position of deliberate weakness. The tangible token of this strategy, in turn, has been the President's resolute and finally successful demand for the creation of an antiballistic missile system.

This system he was at last able to bring through a reluctant Senate only last summer—and only by a margin of two votes. The long and short of it is that without having ABM in his pocket, he could never have got the Russians to the point of agreeing to talk of anything beyond sheer gobbledegook.

It is instructive to recall that Mr. Nixon himself made precisely this point again and again in the long Senate debate over ABM. Give me ABM, he said to the doves in substance, and I shall have some bargaining chips for the great disarmament for which all of you are so loudly crying out.

The doves retorted that this was nonsense; that the only possible way to get going was for the United States to begin to disarm itself unilaterally, whatever the Russians might do, and then the Russians would see that we were good fellows and would immediately follow suit.

So it is that however modest may be the forward step now taken there would have been no step at all without ABM.

The bipartisan Senate supporters of the President will not miss the meaning of this reality when they begin the debate upon the military budget, which is likely to occupy many weeks. For it is perfectly obvious that a certain euphoria helpful to the budget-slashers is going to be at work in the country generally, following upon the new agreement with the Russians. And this can be fought successfully only if the pro-preparedness Senators go back to the record to show who was right and who was wrong last year on ABM.

In this, they ought not to have much trouble. They will only have to quote such Democratic presidential aspirants and vehemently anti-ABM men as Sens. Hubert H. Humphrey, George McGovern and Edmund Muskie. They might also cite the apparently noncandidate who is Sen. Edward Kennedy and the nonstop pacifist who is Sen. J. William Fulbright of Arkansas.

"As a bargaining lever for disarmament," said Fulbright, "The ABM is likely to be as effective as gasoline shot through a fire hose.

MOON LANDING—THE CHALLENGE AND THE ACCOMPLISHMENT

Mr. CANNON. Mr. President, 10 years ago today, President John F. Kennedy stood before a joint session of the Congress and urged the Nation to:

> Commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to earth.

He went on to say:

> No single space project in this period will be more exciting, or more impressive to mankind, or more important for the long-range exploration of space; and none will be so difficult or expensive to accomplish . . . let it be clear that I am asking the Congress and the country to accept a firm commitment to a new course of action—a course which will last for many years and carry very heavy costs. . . . If we are to go only halfway, or reduce our sights in the face of difficulty, in my judgment it would be better not to go at all. This is a choice which this country must make . . .

Mr. President, we made that choice and we did what we set out to do. I think it is appropriate for us to remember the challenge and the vision stated by John Kennedy, just 10 years ago today.

ADMINISTRATION PROPOSALS TO REDUCE BUSINESS TAXES

Mr. MONDALE. Mr. President, the Treasury recently completed 3 days of hearings on President Nixon's new depreciation rules, which, it has been estimated, will cut business taxes by $37 billion over the next decade.

The Economist of May 8 summarized the issues in this controversy, and described the role of Ralph Nader and others in bringing these issues to public attention.

In my judgment, the most persuasive argument against the administration proposals is that with business operating far below capacity, there is little reason to think that the new rules will lead to increased investment. According to the Economist:

> The new arrangements will probably not act to stimulate investment until reflation is already well under way.

At a time when 5 million people are out of work, a large tax cut for business which almost all observers agree will have little or no immediate effect on investment or employment would appear to be a particularly poor choice.

Mr. President, I ask unanimous consent that the article from the Economist be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Matter of Depreciation

Washington, D.C.—For three days this week, the Treasury sat as judge and jury over a little matter of $37 billion which the Administration proposes to allow industry in the form of more generous depreciation allowances when paying taxes. The very phrase "depreciation allowances" is an immediate switch-off phrase; it reeks of technicalities beyond the wit of laymen and of most Congressmen—a subject surely fit only for lawyers and accountants. In announcing the change on January 11th President Nixon emphasized its "highly technical" nature and sought to pass it off as a mere administrative reform. To buttress the argument that the reform did not require legislation, Treasury officials stated that it was not a tax cut, merely a matter of timing.

Companies were to be allowed to depreciate their assets for tax purposes over a period shorter (or longer) by as much as 20 per cent than is laid down in the guidelines instituted in 1962. Since the total allowance would remain the same, it was argued, the Treasury would not be handing out any more money. This line of reasoning incorporated a semantic confusion. It is true that a company making an investment of $1 million would still write off $1 million, but in eight years rather than ten. Yet in fact companies make investments year by year—and under accelerated depreciation the Treasury collects less revenue year by year than it would otherwise do. The Treasury estimates the loss at $2.7 billion in the 1972 fiscal year, starting on July 1st, with a total of $37 billion for the decade.

There, thanks to the abstruseness of the subject, the matter would have lain: a large tax change presented as a small administrative measure. But this would be to reckon without the groups of Administration watchers that have grown up in the wake of Mr. Ralph Nader's demonstration of the power of the well-informed citizen in a democratic state. Lawyers in Mr. Nader's public interest research group thought that the Administration was probably exceeding the constitutional power which gave to Congress the right "to lay and collect taxes" and that, at the very least, it was taking a major decision without sufficient public debate.

So they threatened to challenge the legality of the changes on the ground that public hearings had not been held. The Treasury then agreed to hold hearings, even claiming that these had been planned all along. Mr. Jon Gardner's movement for more rational government, Common Cause, diverted some of its energies to this esoteric battle. And the Taxation with Representation lobby, which tries to bring the general public into the debate about tax changes which is usually conducted solely by powerful pressure groups, weighed in by distributing statements by both sides. Other groups have been agitating against what they see as a diversion to corporate pockets of money that would be better use to alleviate social ills.

The hearings centered on two groups of issues: whether the Treasury was exceeding its administrative prerogative and whether the changes made sound economics. Meanwhile Mr. Edwin Cohen, the Assistant Secretary of the Treasury for tax policy had already said that:

"We don't anticipate changing our mind. As a very practical matter, a businessman can rely on this going into effect in its broad outline."

The question of the scope of administrative authority was hotted up by Senator Muskie the day before the hearings began. He released to the press an internal memorandum that a top Treasury official, Mr. John Nolan, had submitted to the White House before Christmas. It judged that legislation would not be needed to reduce the life of assets by 20 per cent as long as the reserve ratio test (see box) was retained. The current proposals include the abolition of this test. Mr. Nolan has changed his mind since writing that preliminary memo and the Treasury now argues that the wording of the tax code allows it discretion, that it has exercised such discretion several times and that the reserve ratio test has not, in fact, operated since it was introduced. Some support for the Treasury's position can be found in the absence from the hearings of top Senators and Congressmen from the committees most concerned with fiscal policy who are usually jealous in guarding their prerogatives. But once the hearings are over the opposition may take its challenge to court.

The economic argument for the changes was the simple one that higher allowances for depreciation would be an incentive to greater investment and modernisation of facilities and that, by comparison with other countries, American allowances were paltry. The latter may be true, but the relationship between investment allowances and investment is unproven. As the chart shows, the decline in profits last year was offset by a handy increase in the value of depreciation allowances from natural causes so that cash flow and dividends were kept up. If companies are going to pass the money on to their shareholders, the case for higher allowances is weakened.

Between 1963 and 1969 investment tax credits helped to set the framework for high capital spending. These credits were done away with on President Nixon's recommendation in 1969—and the revised depreciation allowances are clearly a politically digestible substitute. The argument against the substitute as compared with the original credits is that as an incentive to invest it is less direct and therefore probably weaker in its effect, though it may actually cost the Treasury more and give more money to the corporations.

Furthermore, the new arrangements will probably not act to stimulate investment until reflation is already well under way. The worst sort of environment for business investment is uncertainty. And the switch from one type of encouragement to another has helped to create it. The use of an administrative measure to replace one abolished by Congress introduces political and legal conflict and thus heightens the uncertainty.

RHODESIA

Mr. TOWER. Mr. President, I have viewed recently, as I am sure quite a few of my colleagues have, the trend toward liberalizing trade with Communist China with a great deal of interest and some very real trepidation. I am convinced that the United States should change her policy in regard to Red China, if at all, only when it is in the overwhelming best interest of the United States and in return for some genuine concessions from the Communist Chinese. So far, I have seen nothing concrete to indicate that we should change any of our policies vis-a-vis the current rulers in Peiping.

Mr. President, this review of our policy with the Chinese comes at a time when we are also dealing with a grave problem of the shortage of high-grade chromium ore in the United States. This shortage is a direct result of our trade policy toward Rhodesia. In complying with a United Nations resolution imposing sanctions against Rhodesia, we have put ourselves in the position of having to buy chromium ore from the Soviet Union. This current policy does not make sense from either a strategic or economic standpoint.

Strategically chrome is a very important ore, being a basic requirement for the high quality steel necessary to manufacture heavy duty engines, particularly jet engines, and for ball bearings, a product essential to the production of almost every type of military equipment from small arms to tanks. Without chrome, under current technology, we simply could not produce the necessary amounts of material to keep our industrialized society moving. To depend upon the Soviet Union for our supply of this strategic ore makes very little, if any, reason to me. Certainly there is no strategic criteria to support this decision. In fact, in October of 1969, Fred Russell, Deputy Director of the Office of Emergency Preparedness, said:

> There is no way to see the chromium ore needs of the United States being met without chromium ore from Rhodesia.

Economically the current U.S. position is no more reasonable. Due primarily to the activities of U.N. members and other states who have flaunted the U.N. resolution, Rhodesian chrome continues to be available on the world market at prices relative to pre-embargo levels, while the Soviet Union has more than doubled the price that it charges the United States for chromium ore. In fact, it is very possible, even probable, that the Soviet Union buys chrome ore that originates in Rhodesia and resells it to the United States at about 100 percent profit. It is clear to me that it is time that the United States revise its position in this area.

If it is all right to review the trade policy vis-a-vis Red China, a power that constantly threatens the peace of the world and is directly involved in the death of American soldiers in Vietnam, a power that has practiced genocide in Tibet, then it is certainly in order to review our policy of trade with Rhodesia, which was our ally in World War II and Korea. Certainly the case for renewed trading in the strategically important chromium ore is a strong one. I call upon the administration to review its policy in this regard and allow those companies who have a need for chrome to buy it from Rhodesia, if that is what they desire.

U.S. POLICY TOWARD GREECE

Mr. FULBRIGHT. Mr. President, in light of the recent press accounts of remarks by a member of President Nixon's Cabinet during a visit to Athens, reportedly expressing President Nixon's feeling of "warmth and confidence" for the Government of Greece, and in light of Assistant Secretary of State Hillenbrand's endorsement of the military regime in Greece, I would like to put in the RECORD two exchanges of correspondence with the Department of State.

The first exchange relates to the case of Judge Christos Sartzetakis, the prosecutor in the Lambrakis case which was the theme of the movie "Z." On April 21, I wrote Secretary Rogers about the case of Judge Sartzetakis, asking specifically when he was arrested, what communication he had been able to have with his attorney and members of his family and what the views of the Department of State were on the validity of the charges made against him and on the manner in which the case had been handled. Assistant Secretary Abshire replied, in a letter dated May 6. He confirmed that Judge Sartzetakis had been arrested on Christmas Eve and quoted several statements by the Greek Government's press spokesman to the effect that the arrest had been made with a lawfully signed warrant.

Mr. Abshire then went on to say, however, that to the best of the Department's knowledge "Greek authorities have given no reason for Judge Sartzetakis' arrest." At a later point, he stated that the Department was "not aware that the Greek authorities have levied charges against Judge Sartzetakis." These latter statements certainly seem somewhat inconsistent with the statements by the Greek Government's spokesman to the effect that the arrest had been made with a lawfully signed warrant. Even if there were a legal warrant, how can Greek authorities have held Judge Sartzetakis since December 24 without having brought specific charges against him, as the Department apparently believes is the case? Under both Greek civil and military codes, as I understand them, there are specific provisions regarding the period of time within which the accused must be informed of the charges against him. Thus even if the arrest was made with a proper warrant, his continued detention without specification of charges is a violation of law. I ask that both my letter of April 21 and the Department's reply of May 6 be printed in the Record at the conclusion of my remarks as appendix 1.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. FULBRIGHT. The second exchange of correspondence relates to a publication issued by the Department of State entitled "Greece: U.S. Policy," dated January 1971. On April 21, I wrote Secretary Rogers asking for the Department of State's comments on a number of statements made in the paper relating to actions taken to implement the new Greek Constitution, the number of political prisoners in Greece and the position taken by the International Red Cross with regard to the torture of prisoners in Greece. Assistant Secretary Abshire's reply was dated May 7. I ask that both letters be printed in the Record at the conclusion of my remarks as appendix 2, and that the GIST paper be printed as appendix 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. In his letter, Mr. Abshire said that the "GIST" paper indicated on its masthead that it was only "a quick reference aid," was "not intended as a comprehensive policy statement" and was "expected to be little more than a simplified identification of issues." Curiously, however, the statement issued by a Department spokesman on March 4, commenting on the recent report of the Foreign Relations Committee staff on Greece, cited and quoted the GIST paper, and the paper was again cited at the March 5 noon press briefing by Mr. McCloskey. I ask that the statement by the Department spokesman be printed in the Record at the conclusion of my remarks as appendix 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. As for the substance of the Department's reply, it makes clear that it is somewhat misleading to state, as the Department does in the GIST paper, that "with minor exceptions, all institutional laws necessary to put in force the constitution were promulgated by the end of 1970 as pledged by the Greek Government. When the Department chose to use the word "promulgation," it must have done so with knowledge of the specific and limited meaning of the term in current Greek practice. The fact of the matter is that, as I pointed out in my letter, promulgation means nothing more than publication of a proposed law which will have no effect until corresponding enabling legislation has entered into force. It seems to me that it would have been more honest to describe the situation accurately and not to pass over the lack of implementation.

As far as the Department of State's comments on the number of prisoners is concerned, they too make plain that the GIST paper is a study in avoidance. The GIST paper stated:

> There are now approximately 300 political prisoners.

I pointed out in my letter that this number did not include those in exile, that—according to the information obtained by the committee staff—between 340 and 380 were serving terms after being convicted and sentenced for political crimes, and that in any case the figure of 300 did not include the arrests that had taken place in the fall. Even the Department's reply states that "there remain about 350 persons who have been tried and sentenced by court martials to prison terms" which leads me to wonder why the 350 figure instead of "approximately 300," was not used in the "GIST" paper. And with respect to the arrests which began last fall, the Department's reply admits, as far as I am aware for the first time publicly, that a number of arrests were made in the fall of 1970 although the letter states:

> We still have no firm information on how many were arrested or how many have been subsequently released for lack of evidence.

With the enormous American establishment we have in Athens, and the close coopeartion with that government we keep talking about, I find it hard to believe that we do not have pretty accurate information, even though it may not be completely "firm," on the number of those arrested. I am also intrigued by the statement that "according to the Greek Government all of these arrests were made under warrants as provided by Greek law." Does the Department of State believe that these arrests were made under warrants or does it not, or is it afraid of calling a spade a spade?

Finally, I am glad to see that the Department admits that the Red Cross neither confirmed nor denied reports of the use of torture, although that was not the formulation used in the GIST paper.

I urge all who are interested in the current situation in Greece to read these exchanges between Mr. Abshire and myself. Mr. Abshire's letter of May 7 refers to the Department's wish to use certain language in the "interest of objectivity." I do not think that interest has been served either in the "GIST" paper or in Mr. Abshire's letters. But readers of the Record may judge for themselves.

Appendix 1

April 21, 1971.

Hon. William P. Rogers,
Secretary of State,
Washington, D.C.

Dear Mr. Secretary: I would appreciate a report from the Department of State on the case of Judge Christos Sartzetakis of Greece. I would like to know when he was arrested, by what authorities, what charges have been made against him, where he has been held since his arrest and what commucation he has had with his attorney or members of his family. I would also like to know the views of the Department of State on the validity of the charges made against Sartzetakis and would like to have the Department's comments on the manner in which the case has been handled.

Sincerely yours,

J. W. Fulbright,
Chairman.

Department of State,
Washington, D.C., May 6, 1971.

Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations, U.S. Senate

Dear Mr. Chairman: The Secretary has asked me to reply to your letter of April 21 requesting information on the case of Judge Christos Sartzetakis, a Greek national.

According to press reports Judge Sartzetakis was arrested December 24, 1970 in Thessaloniki, Greece. The Greek Government's press spokesman during a press conference last month remarked that the judiciary had imposed a ban on publication of information about the arrests in November-December 1970, and thus although he could not comment on the investigation which was still taking place, he could state that all the arrests were made with lawfully signed warrants and that the persons were not arrested by military police as rumored but by the regular police or gendarmerie. At the same press meeting, the Government's spokesman noted that those persons arrested were being held in Korydallos prison. We have been informed privately that Judge Sartzetakis has met with members of his family since his arrest. We are not aware of what arrangements may have been made for his legal defense. To our best knowledge, Greek authorities have given no reason for Judge Sartzetakis' arrest.

As concerns our views on the validity of the charges made against Sartzetakis and our comments on the manner in which the case has been handled, there is no question that we regret the abuse of constitutional guarantees and the violation of civil liberties wherever they occur. We have expressed to the Greek Government on appropriate occasions our concern for the observance of civil liberties including due process of law and for the welfare of persons who have been detained because of activities related to their opposition to the present regime. While we are not aware that the Greek authorities have levied charges against Judge Sartzetakis, we have clearly registered our concern in this case.

I hope the above information will be helpful. Please continue to call on us whenever you think we can be of assistance.

Sincerely yours,

David M. Abshire,
Assistant Secretary for Congressional Relations.

Appendix 2

April 21, 1971.

Hon. William P. Rogers,
Secretary of State,
Washington, D.C.

Dear Mr. Secretary: A member of the Committee staff called the Department of State a few days ago and asked for the latest copy of the "GIST" paper on Greece. The paper provided, entitled "Greece: U.S. Policy," was dated January 1971. As this publication is presumably being distributed by the Department to anyone who asks, and is also now being used as a basis for replying to correspondence, I would appreciate the Department of State's comments on a number of statements made in the "GIST" paper:

1. "With minor exceptions, all institutional laws necessary to put into force the constitution were promulgated by the end of 1970 as pledged by the Greek Government."

My understanding is that the exceptions are by no means minor, that some of the institutional laws gazetted on January 5, 1971 were simply published but not decreed to be in force and that, furthermore, not all of the constitutional provisions suspended will be put into effect by institutional laws.

2. "From a high of over 6,000 in 1967, there are now approximately 300 political prisoners."

My understanding is that somewhere between 335 and 355 were detained immediately after the coup (and were among the 6,000 known and alleged communists rounded up at that time) and that, as of January 1971, some 600 were in internal exile and some 340 to 380 were serving terms after being convicted and sentenced for political crimes.

According to the April 9 press release of the Greek Embassy, 234 communists have been released and 27 former officers and parliamentarians who were in internal exile will have their confinement "totally lifted" (although I have heard some reports that some of these 27 are still being detained by the police). At any rate, even on the basis of the information in the Greek Embassy's press release, it would appear that there are still 50 communists in detention and some 30 who continue to be in internal exile. In addition, as noted above, it is my understanding that between 340 and 380 are serving prison sentences for political crimes not including those arrested since November. Indeed I see no reference in the "GIST" paper to the arrests that have taken place since last fall.

3. "During the operative period of the agreement, no instances of torture of prisoners were confirmed by the Red Cross."

My understanding is that the Red Cross neither confirms nor denies instances of torture but makes all of its reports to governments on a confidential basis. The implication of this statement is that there has been no torture of prisoners in Greece. Is this the impression the Department of State wishes to convey?

I also note that under the publications listed for "further reference," the Hearings of the House Foreign Affairs Committee of February 1970 were listed but the Hearings of the Subcommittee on United States Security Agreements and Commitments Abroad relating to Greece and Turkey, held on June 9 and 11, 1970, and released on October 5, 1970, were not mentioned. I wondered why.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

DEPARTMENT OF STATE,
Washington, D.C., May 7, 1971.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of April 21 requesting the Department's comments on statements made in the GIST paper entitled "Greece: U.S. Policy."

The "GIST" on Greece was dated January 1971 and of course reflects the situation as we perceived it at the end of 1970. Moreover, as indicated on the masthead of the paper, GIST is "a quick reference aid—not intended as a comprehensive policy statement." Actually "GIST" is expected to be little more than a simplified identification of issues.

There were three statements in the "GIST" to which you drew our attention.

1. "With minor exceptions, all institutional laws necessary to put into force the constitution were promulgated by the end of 1970 as pledged by the Greek Government."

This statement is to the best of our knowledge, correct. At his April 10, 1970 press conference, the Prime Minister indicated that "a public discussion on institutional laws will start tomorrow and continue until October, at the rate of three a month. From July to the end of the year all the institutional laws provided for (by the Constitution) will be approved, again at the rate of three a month." The publication of most of the laws in the Official Gazette met that commitment and laid the groundwork for the implementation of the articles of the Constitution to which they apply. We find it most regrettable that the Greek Government did not proceed more quickly to implement the articles of the Constitution after promulgating the institutional laws. As matters now stand a number of key provisions of the Constitution remain suspended.

2. "From a high of over 6,000 in 1967, there are now approximately 300 political prisoners."

The GIST to which you refer does not reflect recently reported changes in the status of some political detainees. The two remaining island detention camps were closed on April 10, 1971 when 234 of the remaining 284 detainees were released. Fifty detainees considered by the Government to constitute a continuing danger to public order and security had their status changed to exile in remote villages where they will continue to be subject to surveillance. In mid-1970 about 75 persons detained for alleged anti-government activity were in exile to enforced residence in various villages. By April of this year the number had been reduced to about 47. On April 7, it was announced that 27 of these persons would be released, leaving, according to the Greek press, 16 to 25 still in exile. Presumably the total number in exile, including those detainees whose status was changed, is now about 75.

In addition, there remain about 350 persons who have been tried and sentenced by courts martial to prison terms, mostly for politically motivated activities. We believe that the sentences in a number of cases were disproportionately harsh. We continue to urge the Greek Government to re-examine the sentences of all these prisoners and to exercise clemency.

As you point out, a number of arrests were made toward the end of 1970. We still have no firm information on how many were arrested or how many have been subsequently released for lack of evidence. According to the Greek Government all of these arrests were made under warrants as provided by Greek law. In any event we have made clear to the Government of Greece our deep concern over the use of arbitrary police powers and the abuse of individual liberties.

3. "During the operative period of the agreement, no instances of torture of prisoners were confirmed by the Red Cross."

As you indicated, during the operative period of the International Committee of the Red Cross agreement the Red Cross neither confirmed nor denied reports of the use of torture. Substantive reports dealing with the Red Cross' findings and recommendations were made directly to the government. Although there may have been some excesses, particularly during the early months of the regime, we believe that reports of torture coming from Greece were exaggerated.

I am sending you under separate cover an item of classified information on this subject. Considering all the available information, we believe that the statement in the GIST regarding torture was justified in the interest of objectivity, even though we were unable to be more specific in an unclassified document.

The omission of the publication of the Hearings of the Subcommittee on United States Security Agreements and Commitments Abroad of June 9 and 11, 1970 was a simple oversight which will be corrected in the next revision of the GIST. We are now preparing a fourth revision of "Greece: U.S. Policy" in the GIST series which will take into account developments since the end of 1970.

If I can be of any further assistance please do not hesitate to call on me.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

APPENDIX 3

GREECE: U.S. POLICY

What is our policy toward Greece?

1. In April 1967 an authoritarian regime overthrew the constitutional government of Greece and suspended a number of basic civil liberties. The U.S. was faced with three alternatives in responding to this development:

To support the junta;

To break relations;

To continue relations while encouraging the regime to return to constitutional, representative government.

We also had to consider Greece's role as an important NATO ally which continues to fulfill its treaty obligations, and the strategic advantages it offers to the alliance in the Mediterranean. Growing Soviet naval activity in this area poses an increasing problem for the security of NATO's southern flank.

2. *U.S. policy:* We elected to continue relations because this course of action provided the only means of exerting a constructive influence for the return to constitutional, representative government. We are continuing to urge the regime to fulfill its commitment to enact liberalization measures and to prepare for elections. In our discussions with Greek government leaders we have made our position clear, and we believe this policy has effectively contributed to a number of changes in the direction of reform.

3. *Political situation:* In September 1968, the present government submitted a new constitution to referendum. Since then the Greek government has been drafting and enacting legislation to implement the new constitution. With minor exceptions, all institutional laws necessary to put into force the constitution were promulgated by the end of 1970 as pledged by the Greek government. Although important provisions of the constitution continue suspended, legislation now in effect has eased martial law, partially restored civil rights, lifted restrictions on travel of former politicians, and relaxed restraints on the press.

While the Greek government continues to affirm its intention to return to parliamentary government, we are disappointed with the apparent slackening of progress in this direction. The Prime Minister declared in December 1970 that there would be no additional constitutional developments during 1971. He further announced that he alone would determine when the country is ready to take the next steps to restore a normal political situation.

We will continue to urge the government to accelerate the process of restoring representative government in Greece.

Grant economic aid to Greece was terminated in 1962. The last AID development loans were made in 1964.

A U.S. military assistance program for Greece has existed since the days of the Truman doctrine. We suspended the delivery of major items of military equipment shortly after the 1967 coup. However, after the 1968 Soviet invasion of Czechoslovakia, certain items of military equipment previously on the suspended list were delivered to Greece as part of an effort to bolster the strength of the NATO deterrent.

With that one exception, the suspension continued in force until September 22, 1970 when the U.S. announced the lifting of the partial embargo. Approximately $56 million worth of equipment which had been withheld is now being delivered to Greece over a two-year period. The resumption of these shipments will enable the armed forces of Greece to more effectively carry out their NATO responsibilities.

5. *Political prisoners:* From a high of over 6,000 in 1967, there are now approximately 300 political prisoners. The Prime Minister has pledged to free all remaining political detainees by the end of April 1971 if security conditions permit. Last November the Greek government abrogated its one-year agreement with the International Committee of the Red Cross which permitted relatively free access by the Red Cross representative in Athens to Greek jails, police stations, and

detention camps. The government held that the ICRC presence was unnecessary and reflected on Greek sovereignty. During the operative period of the agreement, no instances of torture of prisoners were confirmed by the Red Cross.

Appendix 4

Statement by Department Spokesman

We agree with the staff report that the Greek Government's cooperation on military matters has been satisfactory. Our statement on September 22, 1970 made clear that the decision to resume delivery of suspended items to Greece rested entirely upon considerations relating to the strategic advantages to NATO and to the United States.

Our position on the pace of the Greek Government's efforts to restore democratic institutions in Greece is equally clear. In the Department's publication (January, 1971) "Greece: United States Policy" the point was made that "We are continuing to urge the regime to fulfill its commitment to enact liberalization measures and to prepare for elections" and "we are disappointed with the apparent slackening of progress in this direction."

More recently, Assistant Secretary Sisco, on February 14 in a nationwide television interview said: ". . . we have been disappointed in the fact that there hasn't been more progress toward the establishment of parliamentary government. . . . we would hope that more progress in the future can be made toward the establishment of democratic institutions."

TRIBUTE TO HORACE J. CROUCH, SR.

Mr. THURMOND. Mr. President, the passing of the Honorable Horace J. Crouch, the father of my first wife, Jean Crouch, and county superintendent of education of Barnwell County, S.C., has been a heartfelt grief in the sense that a fine and wonderful man has been taken away from the many who loved and respected him.

In another sense, however, his death marks a triumph—for his was a long life which counted in a very real way to all who came under his influence.

His death was a triumph over death itself; for where is the sting of the grave when one enters eternity safe in the arms of the Savior whose gift of everlasting life is unparalleled by any other favor bestowed upon man?

Mr. President, Horace J. Crouch was the oldest officeholder from the point of continuous service in the State of South Carolina. At his death, he had been Barnwell County's superintendent of education for more than 60 years. The significant aspect of this, however, is not the number of years, but the large number of lives that were touched and uplifted by his guiding influence. He influenced many lives, and every one of them was better off because of it.

Horace J. Crouch was a Christian gentleman, a devout Baptist, a lifelong educator, a loving husband, a selfless father, and a loyal friend. He is survived by his lovely wife, Inez B. Crouch, who inspired him through their long and happy marriage. The Crouch family has three surviving children: Horace J. Crouch, Jr., a distinguished retired Army officer; Dr. Robert Crouch, a renowned urologist; and Frances C. Kennedy, wife of Col. David H. Kennedy.

I knew him well, I admired him greatly, and I shall miss him.

Mr. President, I ask unanimous consent that the following be printed in the Congressional Record at the conclusion of these remarks: Accounts of Horace Crouch's life and death which appeared in the State, Columbia, S.C., on April 22, 1971; the News & Courier, Charleston, S.C., on the same day; and the Williston Way, Williston, S.C., on April 29, 1971; the funeral messages delivered by Rev. Paul B. Nix, pastor of Elko Baptist Church, and Rev. Emerson L. Isler, former pastor of Elko Baptist Church; and a tribute prepared by the members of Elko Baptist Church in memory of Horace J. Crouch, Sr.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Columbia (S.C.) State, Apr. 22, 1971]

H. J. Crouch Dies; Rites Are Pending

Elko.—Horace J. Crouch Sr., 89, Barnwell County superintendent of education for the past 60 years, died Wednesday in his home.

Mr. Crouch was born in 1882 in Edgefield County, a son of the late George E. and Sallie Johnston Crouch. He had been a resident of Elko for more than 80 years.

Mr. Crouch was first elected superintendent of education in 1909. He was a graduate of Elko High School, Class of 1900, and was graduated from Furman University in 1903. He was the oldest office-holder in continuous service in South Carolina.

Mr. Crouch was a classroom teacher for eight years, in elementary and high schools. He was a charter member of the State School Book Commission, organized in 1936, and was serving as its chairman for many years until his death. He held a life membership in the National Education Association and was a member of several other educational organizations.

Mr. Crouch was a member of Elko Baptist Church and a life member of Hope Lodge No. 126 in Williston.

Surviving are his widow, Mrs. Ines Breazeale Crouch; a daughter, Mrs. David H. (Frances) Kennedy of Williston; two sons, Col. Horace J. Crouch, Jr. (USA, Ret.) of Arlington, Va., and Dr. Robert D. Crouch of Frederick, Md.; a brother, George E. Crouch, Sr. of Williston; and eight grandchildren.

Mr. Crouch's youngest daughter, Mrs. Jean Crouch Thurmond, died in 1960. She was the first wife of U.S. Sen. Strom Thurmond (Rep.-S.C.).

Funeral arrangements will be announced by Folk Funeral Home in Williston.

[From the Charleston (S.C.) News & Courier, Apr. 22, 1971]

Barnwell School Head Crouch Dies

Elko.—Horace J. Crouch, 89, Barnwell County superintendent of education for the past 60 years, died here Wednesday.

Funeral arrangements will be announced by the Folk Funeral Home of Williston.

Mr. Crouch was born March 18, 1882, in Edgefield County, a son of the late George E. and Sallie Johnston Crouch. He had lived in Elko for more than 80 years.

He was first elected superintendent in 1909.

He graduate from Elko High school in 1900 and graduated from Furman University in 1903. He was the oldest office holder from the point of continued service in South Carolina.

His youngest daughter, Mrs. Jean Crouch Thurmond, died in 1960 and was the first wife of U.S. Senator Strom Thurmond, R-S.C.

Mr. Crouch was a charter member of the state School Book Commission, which was organized in 1936, and was serving as chairman at the time of his death. He held a life membership in the National Education Assn. and was a member of several other educational organizations.

He was a member of the Elko Baptist Church and a life member of Hope Lodge 126 at Williston. He was married to the former Inez Breazeale of Elko, on Dec. 26, 1907.

Surviving in addition to his widow are: a daughter, Mrs. David H. Kennedy of Williston; two sons, Col. Horace J. Crouch Jr. (U.S. Army-Ret.), of Arlington, Va.; and Dr. Robert D. Crouch of Frederick, Md., a brother, George E. Crouch Sr. of Williston; and eight grandchildren.

[From the Williston (S.C.) Way, Apr. 29, 1971]

Superintendent of Education: Crouch Rites Held at Elko on Friday

Horace J. Crouch, Sr., 89, Barnwell county superintendent of education for the past 60 years, died suddenly in his home town of Elko late Wednesday afternoon.

Born March 18, 1882, in Edgefield county, Mr. Crouch was the son of the late George E. and Sallie Johnston Crouch. He had been a resident of Elko for over 80 years.

Mr. Crouch was first elected to the post of superintendent of education in 1909. He was a graduate of Elko High school, Class of 1900 and graduated from Furman University in 1903.

He was the oldest office holder from the point of continuous service in the state of South Carolina.

For eight years he was a classroom teacher, serving both in elementary and high school. He was a charter member of the State School Book Commission, which was organized in 1936 and was serving as chairman at the time of his death, a post he had held for many years.

He held a life membership in the National Education association and was a member of several other educational organizations. His first love was always schools and children and he spent his life working for their welfare and promotion.

Mr. Crouch was a member of Elko Baptist church and life member of Hope Lodge, No. 126, at Williston.

He was married to the former Inez Breazeale on December 26, 1907. She survives.

Other survivors include one daughter, Mrs. David H. (Frances) Kennedy of Willison; two sons, Col. (U.S. Army, Ret.) Horace J. Crouch, Jr., of Arlington, Va., and Dr. Robert D. Crouch, of Frederick, Md.; one brother, George Edward Crouch, Sr., of Williston; and eight grandchildren.

His youngest daughter, Mrs. Jean Crouch Thurmond, died in 1960. She was the first wife of U.S. Sen. Strom Thurmond (R-SC).

Funeral services were conducted Friday at 3:00 p.m. at the Elko Baptist church with the Rev. Paul Nix and the Rev. Emerson Isler officiating. Interment followed in the Bethany cemetery in Aiken.

Pallbearers were Paul Stansell Green, Everett Hutto, Norman Smith, Claude Jamison, Truluck Kelly, Clifford Nix, Hugh Birt and Henry C. Quarles.

The family suggests that those who wish may make memorials to Elko Baptist church.

A Prince and a Great Man Has Fallen in Elko

(Funeral message for Horace J. Crouch, Sr., Elko Baptist Church, S.C., April 23, 1971, 3:00 p.m. Burial in Bethany Cem., Aiken, S.C. Rev. Paul B. Nix, Pastor.)

There is a verse of Scripture, II Samuel

3:38, that I want to use: "And the king said unto his servants. Know ye not that there is a prince and a great man fallen this day in Israel?" Permit me to give this a modern paraphrase—"And the pastor said unto the people, you know that there is a prince and a great man fallen this day in Elko."

In the death of Horace Crouch, Sr., our Town and community has lost its greatest ambassador thus far——for it was through him and his family that "Elko" reached beyond the area normally covered by a place our size. How thankful we are that this influence was deeply saturated by humility, simplicity of life, love and devotion to family and others, and to the Lord and His Church. As an ambassador for Elko, we have lost a prince and a great man.

As a church, we have lost a precious member and saint. In the sight of the Lord every saint's death is precious (Psalm 116: 15). The Lord blessed him with long life, good health, a keen mind, and many talents. He used all these for the Lord and anchored them in his Savior and Lord and the local church. He served the Lord for more than 70 years of his life span. Most of these years were given in and through this local church. He served in many places of responsibility—Sunday School Supt. for many, many years, teacher, deacon—and in his latter years as an Honorary Life Deacon. He was teacher of the men's Bible class at the time of his death. Up until January 1 of this year, he claimed to have better attendance than I—because I took vacations and he did not! He was able to do more for the Lord than some others because the Lord entrusted him with more abilities. Likewise, the Lord required more from him than from some others who had fewer abilities.

Permit me to use some words from this week's *Baptist Courier*, our demomination's weekly paper in this State. (Mr. Crouch served as this church's *Baptist Courier* representative and the paper had no stronger supporter and booster.) These words were spoken and written about another, but apply so well to Brother Crouch: "Another able Baptist leader has fallen from the ranks. . . . (He) had earned for himself a respected place of leadership . . . through hard work, good judgment, staying close to the job and especially an avowed willingness 'to do anything that needs to be done for the cause of righteousness.' The steadying hand . . . will be missed in the . . . area and across the state generally. But to say the work to which he committed himself cannot go on effectively without him would reflect poorly on the man. He believed in a well structured program, plans for the future, and trust in the Lord. Those who follow him can do no less." (Editorial, p. 3). As a church, we know that a prince and a great man has fallen.

As a public servant in the field of education, having served upward toward 60 years as County Supt. of Education for Barnwell County—on less salary than many of the teachers under him, and we know that bracket, a prime and a great man has fallen.

It is humanly impossible to live a perfect life. One does not serve Christ and the church for more than 70 years and the public for nearly 60 years without being acutely aware of this and without being reminded of this fact many times. Yet, now, that the life has come to an earthly close, we are forced to say, (and under the circumstances glad to say) a prince and a great man has fallen.

As his pastor, there are so many things I would like to say—these are far more numerous than time and wisdom permit, so, let me say just a few brief things about him.

I. I FEEL THAT THE WAY OF HIS GOING WAS AN ANSWER TO HIS PRAYERS

As you know, he went suddenly. If there was any area in the Christian life he excelled, it was in his prayer life. To hear him pray was to be made aware that he knew Him to whom he was praying. I think his prayer would have taken this path:

AFTER WORK

"Lord, when Thou seest that my work is done,
Let me not linger on,
With failing powers,
Adown the weary hours,—
A workless worker in a world of work.

But, with a word,
Just bid me home,
And I will come
Right gladly,—
Yea, right gladly
Will I come." (And, he did!)

John Oxenham.

I believe he could say what Jesus said, "I have glorified thee on the earth: I have finished the work which thou gavest me to do." (John 17:3). And, like the Apostle Paul said, "For I am now ready to be offered, and the time of my departure is at hand. I have fought a good fight, I have finished my course, I have kept the faith: Henceforth there is laid up for me a crown of righteousness, which the Lord, the righteous judge, shall give me at that day: and not to me only, but unto all them also who love his appearing." (II Timothy 4:6–8).

He was not afraid to think about, talk about, and face death. Before Easter he called and told me that he had ordered enough copies of, "Through the Valley of the Shadow," for every family in the church. (Article by Billy Graham, *Readers Digest*, April, 1971, p. 107ff.).

II. HE HAD EVERY RIGHT NOT TO TELL PEOPLE HOW OLD HE WAS, BECAUSE, IN A SENSE HE NEVER DID GROW OLD

It was almost a joke to ask him his age. There are some lines that ask, "How Old Are You?"

"Age is a quality of mind;
If you have left your dream behind,
If hope is cold,
If you no longer look ahead,
If your ambition fires are dead—
Then you are old.

But if from life you take the best,
And if in life you keep the jest,
If love you hold;
No matter how the years go by,
No matter how the birthdays fly,
You are not old.

(Selected.)

He could crack pecans and ice with his natural teeth! He had a keen and alert mind. He kept his wit and humor. He worked in his garden the day he died. Since returning home from the hospital, he has worked and set out shrubbery and grass here on the church grounds.

III. HE LIVED IN A HOUSE BY THE SIDE OF THE ROAD AND WAS A FRIEND OF MAN

He must have been the type of man that Homer had in mind when he said, "He was a friend to man, and lived in a house by the side of the road." Through the years the Crouch home by the side of the road has been open to man. I have told Mr. Crouch several times that I believe that half the people in S.C. had spent the night at his house!

"There are hermit souls that live withdrawn
In peace of their self-content;
There are souls, like stars, that dwell apart,
In a fellowless firmament;
There are pioneer souls that blaze their paths
Where highways never ran;
But let me live by the side of the road
And be a friend to man.

I see from my house by the side of the road,
By the side of the highway of life,
The men who press with the ardor of hope,
The men who are faint with the strife.
But I turn not away from their smiles nor their tears—
Both parts of an infinite plan;
Let me live in my house my the side of the road
And be a friend to man."

Sam Walter Foss.

IV. HE LEFT THE WORLD A MORE BEAUTIFUL PLACE BY HIS HAVING LIVED

In his active farming days, he was considered one of the most diversified farmers in the County. His yard was always a place of beauty. Through the years he had taken pride and joy in making the church grounds beautiful. He always had a flower pinned on his lapel when he dressed up. Only once did I see a substitution for that flower—it was a button which said, "Have a Happy Day!"

"I shall not pass this way again—
Although it bordered be with flowers,
Although I rest in fragrant bowers,
And hear the singing
Of song-birds winging
To highest heaven their gladsome flight;"

Eva Rose York.

He heard and obeyed the voice of Jesus, "Lay not up for yourselves treasures on earth . . . But lay up for yourselves treasures in heaven." (Matt. 25: 21ff.).

V. HE CHOSE THE ROLE OF A SERVANT

He chose to be a public servant—a public school teacher and educator. I do not think he ever seriously thought about greatness, but he heard and responded to these words, "He that would be great among you, let him be your servant."

He chose to be a servant of Christ and the church. Herein is our hope in this hour and for eternity. Jesus spoke about whoever did and taught the commandments, the same would be called great in the kingdom of heaven. (Matt. 5: 19). Mr. Crouch also heard and responded to these words. He *did* and he *taught*.

"And so he that had received five talents came and brought other five talents, saying, Lord, thou deliveredst unto me five talents: behold, I have gained beside them five talents more. His lord said unto him, Well done, thou good and faithful servant: thou hast been faithful over a few things, I will make thee ruler over many things: enter thou into the joy of thy lord." (Matt. 25:20–21).

A prince and a great man has fallen. He was a prince and a great man because he served the Lord and his fellow man.

Horace J. Crouch, Sr., a Great Man of God

(Funeral message delivered on April 23, 1971 at Elko Baptist Church, Elko, South Carolina, by his former pastor, the Rev. Emerson L. Isler, now pastor of Dearing Baptist Church, Dearing, Georgia.)

I believe the following scripture could have been uttered by this great man of God: "The Lord is my light and my salvation; whom shall I fear? the Lord is the strength of my life; of whom shall I be afraid?" (Psalm 27:1; 13–14).

And I believe our Lord could respond by saying, "Fear not: for I have redeemed thee, I have called thee by thy name; thou art mine. When thou passest through the waters, I will be with thee; and through the rivers, they shall not overflow thee: when thou walkest through the fire, thou shalt not be burned; neither shall the flame kindle upon thee. For I am the Lord thy God, the Holy One of Israel, thy Saviour . . . Since thou wast precious in my sight, thou hast been honorable, and I have loved thee . . ." (Isaiah 43:1–4a).

God's Word declares, "Precious in the sight of the Lord is the death of his saints." (Psalm 116:15).

The prayer of one aged believer was, "Lord, now lettest thou thy servant depart in peace, according to thy word; for mine eyes have seen thy salvation." (Luke 2:29-30). I believe Mr. Crouch could have easily prayed this prayer.

Revelation 14:13 states, "Blessed are the dead, who die in the Lord henceforth . . . that they may rest from their labors . . . and their works do follow them."

David, writing under the inspiration of God declared, "The Lord is my shepherd; I shall not want. He maketh me to lie down in green pastures: he leadeth me beside the still waters. He restoreth my soul: he leadeth me in the paths of righteousness for his name's sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; thy rod and thy staff they comfort me. Thou preparest a table before me in the presence of mine enemies: thou anointest my head with oil; my cup runneth over. Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord forever." (Psalm 23).

We have lost a great man of God. There was never a man whom I admired any more than Horace J. Crouch, Sr. I truly loved the man! He never met a stranger. I first met him when I became his pastor in August of 1959. I was his pastor for five wonderful years, and grew to appreciate and admire him more and more with the passing of the years. I came to appreciate his dedication to his church and to his Saviour. I admired his keen mind and good sense of humor which he constantly exhibited to all who knew him.

In particular, I came to appreciate his wonderful spirit of appreciation for others. He was always ready to say a good word about others. When there was an opportunity he would be the first to offer a resolution, commending a pastor who was leaving for a new field of service, or some member who had been outstanding in some way. He was always thoughtful of others and ready to say so.

He was a man of sympathetic understanding when someone lost a loved one. He was always there. In November of last year, he and his pastor and a group from Elko Baptist Church attended the funeral of my dear mother in Liberty, South Carolina. This is something we simply can't forget! And now today we are here trying to say a few words about Mr. Crouch who has meant so very must to so many of us.

Mr. Crouch was a tower of greatness in the state of South Carolina for so long that it is going to be extremely hard for us to get used to being without him. He is going to be greatly missed.

My personal sympathy goes to his dear wife whom we all love and appreciate so much. To the wonderful children of this union, we express our sympathy. To the brother and the many others, we want you to know of our sorrow, too, over his death.

The author of the Book of Samuel long ago described King Saul in these words: ". . . from his shoulders and upward he was higher than any of the people." (I Samuel 9:2). It seems that Saul was of tall stature easily. So, he towered above all the others. He was head and shoulders above the rest.

Mr. Crouch was a man who stood head and shoulders above the rest. Physically, he was not such a man, but spiritually speaking, he was very tall. He was tall enough to reach God, and yet not too tall that he could not reach down to his fellowman. He was this kind of man!

We know that his life has already spoken its own testimony. I need not add to what he has told us. However, I cannot let this moment pass without speaking the tribute we all feel and know. Just to mention such ought to lend encouragement to us as we try to imitate him.

So, we have come this afternoon as loved ones, neighbors, and friends. We have great admiration for the faith, judgment, leadership, character and service of this man of God.

1. Mr. Crouch Stood Head And Shoulders Above The Crowd Level In Pioneer Education.

He taught school when this county was young in educational endeavors. He was, indeed, a pioneer. He knew every nook and corner of this county. He knew where every school has ever been located in the past. He remembered hundreds of names in the field of education, both in the past and present.

He befriended many a person in those early days when life was rugged and uncertain. He has walked where others later would walk, leaving his own footprints in the sands of time. Education was his life's work—a long life of work, an enduring work, indeed! And he loved it! And so many loved him for what he meant to them! To some degree, I can understand his love for education. Both my father and mother were school teachers, too.

I think Henry Adams has summed it up well when he wrote, "A parent gives life, but as a parent, gives no more. A murderer takes life, but his deed stops there. A teacher affects eternity; he can never tell where his influence stops." And Mr. Crouch's influence will live on and on.

Daniel Webster once said, "If we work upon marble, it will perish. If we work upon brass, time will efface it. But if we work upon men's immortal minds, if we imbue them with his principles, with the just fear of God and love of their fellowmen, we engrave on those tablets, something which no time can efface, and which will brighten and brighten to all eternity." This, Mr. Crouch has done!

2. Mr. Crouch Stood Head and Shoulders Above The Crowd Level As A Church-man And Christian.

The church was the center of his busy life. He served Elko Baptist Church in nearly every conceivable capacity, being a deacon and teacher for so many, many years. He had a very keen mind and sense of devotion constantly throughout his many years. He kept this until the day he died.

He loved his pastors. Only by his devotion to God through Jesus Christ could he have ever loved me, his former pastor! God gave him the capacity to do even this! And I loved him. I think it was easier for me to love him than for him to love me! He stood tall in all this!

3. Mr. Crouch Stood Head And Shoulders Above the Crowd Level In Personal Character.

He was the image of a saintly Christian gentleman. He lived for Christ each and every day, consistently throughout his many years. He was trustworthy, kind, compassionated, understanding, and one who has fought a good fight, one who has kept the faith. He kept faith with his God, his wife, his family and the many others with whom he worked. Now he has finished his course in this life, but he shall continue to live on in the lives of those whom he has influenced for righteousness.

When any of us die, only one thing matters: not how much money we have, not how many flowers decorate the chancel, not how many people attend, not how many lodges we belonged to—only one thing matters—what is in your soul! Have we trusted Jesus Christ as our Saviour? Are we in harmony with God through Jesus Christ? How much of Jesus Christ is there in our hearts? I believe that Mr. Horace J. Crouch, Sr. had much of Jesus Christ in his heart! And that is sufficient! And therefore, we can declare, "To God be the glory."

IN MEMORY OF HORACE J. CROUCH, SR.

We the members of the Elko Baptist Church, Barnwell Association, pause to pay a tribute of love and respect to the memory of a faithful and dedicated member, Horace J. Crouch, Sr., who passed from our midst suddenly on April 21, 1971.

He loved the Lord and the church. He served the Lord by living for Him for more than seventy years—most of these being given through this church. He served this church in many ways: faithful member, Deacon, Sunday School Superintendent, Teacher, and by giving many hours of labour with his hands and means to beautify the grounds. This Church expressed its appreciation to him for his loyal and dedicated service in 1955 by presenting him an engraved cup for fifty years of dedicated service as "Teacher-Sunday School Superintendent." He was still Teacher of the Men's Sunday School Class until his death. Also, he was elected to serve as an Honorary Deacon for life.

Since he also served as a public servant and gave a strong Christian witness in this area, we feel that it is appropriate to mention some achievements and accomplishments in public life. Among the many we mention his serving as Superintendent of Education for Barnwell County for a longer period in an elective office than anyone in S. C. In 1967 Furman honored him by awarding him the Algernon Sydney Sullivan Award, which is given "to an alumnus and to a senior man in recognition of his aspirations and noble, humanitarian qualities of character." Also, the County Board of Education voted to name the Vocational High School, "The Horace J. Crouch Education Center."

He was a devoted husband, a dedicated father, and his house by the side of the road was the essence of hospitality.

We feel that the following lines written by John Oxenham, which was used at his funeral service by his pastor, describe his desire to leave this world while active:

"Lord, when Thou seest that my work is done,
Let me not linger on,
With failing power,
Adown the weary hours,—
A workless worker in a world of work.
But, with a word,
Just bid me home,
And I will come
Right gladly,—
Yea, right gladly
Will I come."

We extend our deepest sympathy to his wife and children and commend them to the God of all comfort.

We request that a copy of these resolutions be sent to the members of his family, notice be sent to The Baptist Courier, and a copy be preserved in the records of our church.

Respectfully submitted.

ALMA ROGERS.
MARY STANSEL.
JAMES M. GREENE.

PENTAGON PROCUREMENT REFORM ABORTED—EDITORIAL FROM ARMED FORCES JOURNAL

Mr. PROXMIRE. Mr. President, it is scarcely news today that the Pentagon's system of weapons procurement is badly in need of reform. Many of us have recognized as much for quite some time. And last summer, when the message finally reached the top ranks of the Defense Establishment and Deputy Secretary Packard decreed that a mess in procurement existed, we even dared to hope that changes were on the way.

Our hopes have proved unfounded. The public relations blitz has come and gone, and now after a year almost nothing has changed. We still buy before we fly, competitive prototype developments are given lip service but seldom used, and the few fixed price contracts remaining have been converted to cost reimbursement.

Which leaves us somewhat confused. Under the circumstances, it is comforting to know that we are not alone, as an editorial in the May 17 edition of the Armed Forces Journal attests. I ask unanimous consent that this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Mr. Packard You Have Got Everyone Confused

(By Benjamin F. Schemmer)

Just weeks ago you were writing memos saying we'd ought to give Lockheed and Boeing Seattle some money to prototype simple, lightweight fighters. Northrop is building one for you: the International Fighter Aircraft, if you'll recall the competition that the Air Force troops thought LTV won—which just made us wonder why you didn't suggest some money be given to LTV as well. Since someone had told us Lockheed's IFA proposal was "unresponsive."

But we thought you had a great idea: fly before we know what we need. Competitive prototypes. Austere programs that wouldn't bog down in complex contracts, detailed specifications and gobbledygook. The kind of stimulus to competition that Frank Gard Jameson urged last year ("A New Plan for Weapons Acquisition," JOURNAL 25 July). But then you changed your mind, or clarified your guidance, and decided to fund just Lockheed's prototype fighter, the X–27.

Now, you've confused everyone again. You gave the Heavy Lift Helicopter award to *one* contractor. Did you read the Request for Quotation? "The government plans to award two or more cost-type contracts as a result of this solicitation . . ." And you had the Program Manager tell everyone this: "I emphasize that the effort to be accomplished is specifically directed toward advancing the technology of components and *NOT* the development of total heavy lift helicopter system system . . ." (Your emphasis, not ours).

You changed the ground rules for source selection—without telling the contractors. And you've launched another one horse race on a program with more than a few technical risks and a billion or so dollars at stake.

And you've got everyone so damned confused, we begin to wonder . . .

THREE MISTAKEN ASSUMPTIONS OF CURRENT U.S. MIDEAST POLICIES

Mr. RIBICOFF. Mr. President, the distinguished senior Senator from Minnesota recently addressed a gathering in Minneapolis concerning our Nation's present policies in the Middle East.

His remarks display an unusually keen awareness of the self-defeating nature of the tactics now being employed by our own Government to reach a settlement between Israel and Egypt. Senator Mondale will have performed a great service if his dispassionate analysis of the implications of Secretary Rogers' recent trip is heeded.

Senator Mondale eloquently describes the dilemma posed to American interests by downplaying our interest in Israel's security. As the Senator puts it:

> To disguise our ultimate interest in Israel's security is to endanger that interest by fostering miscalculation among all the parties.

Senator Mondale has pinpointed three highly dubious assumptions upon which the State Department's present policies rest:

> That our immediate objective should be a definite "settlement" managed from the outside.
>
> That the U.S. can and should act as middleman in negotiations.

And finally—

> The forecast of doom if we don't sponsor instant negotiations and a settlement.

I agree fully with Senator Mondale's assertions that the only chance for peace is Arab acceptance of Israel. And I wish to underscore his observation that the Arabs will never face up to that acceptance so long as outsiders hold out the prospect of forcing Israeli concessions bit by bit.

At a time when Israeli doubts about U.S. intentions and vague assurances are so strong, Secretary Rogers' calculated snubs to Israeli sensitivities during his visit there could only maximize their worst suspicions. While I certainly do not question the Secretary of State's desire for peace in the Middle East, I must question the way he is going about finding it.

I commend Senator Mondale's perceptive speech to all my colleagues who share a desire for a lasting peace in the Middle East.

Mr. President, I ask unanimous consent that the text of Senator Mondale's speech be printed at this point in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech by Senator Mondale

Diplomacy, we are told, is often the art of delicate understatement—even in the face of catastrophe.

The Captain of the *Titanic* was reportedly being diplomatic, for example, as his great ship struck an iceberg and was sinking in the North Atlantic.

Learning there were not enough lifeboats for all passengers and that her husband would be left behind, a sobbing woman cried out to the Captain, "How can this happen . . . this ship was supposed to be indestructible."

"Madam," the Captain cooly replied, "that appears to have been an unrealistic assumption."

As for both diplomacy and sinking ships, I want to talk to you tonight about some "unrealistic assumptions" behind this country's policy in the middle East.

The columnists tell us we are now at another turning in the baffling and volatile part of the world. The Secretary of State has flown 18,000 miles, bargained with Arab and Israeli, and returned with vague hints of some agreement to re-open the Suez Canal.

By now, there is something tiresome in these cliches of crisis, the expectant shuttling of officials, the intricacy of formulas. The diplomatic graveyard in the Middle East is strewn with turning points, climatic moments and the pretentions of governments.

But if the diplomatic game seems mundane, the reality of the problem is *not*.

We are dealing with the hopes and fears and passions of over 90 million people.

Their conflict traces a bloody history, all the more venomous because it's within living memory. Divisions of culture and religion are inflamed on both sides by charges of genocide. Fierce nationalism pits Arab against Arab as well as against Israel.

The price is an appalling waste of precious resources.

Arabs and Israelis, people with rich traditions of learning and compassion, spend together twice as much on weapons as on schooling for their children, and five times what they invest in health care.

Four of the Arab nations have per capita incomes of less than $1,000, yet they spend more than *10%* of their Gross National Product on arms.

And over all the hate and waste is the pervasive danger of a clash between the great powers.

At stake is the survival of the region . . . and perhaps the peace of the whole world. That is why—for all the claims and formulas—our policy in the Middle East is deadly serious business. That is why we have to examine the basic assumptions that sent Secretary Rogers on this trip and other diplomatic excursions.

For I am afraid that he carried with him—over every one of those 18,000 miles—dangerous misconceptions about the Middle East and the role of the United States in bringing peace to the area.

It seems to me the principal misconception has been a chronic flaw in our policy since the beginning of the Arab-Israeli conflict.

For over two decades, we have been stuck in a dilemma of our own making.

On one hand, extraordinary factors of history and morality have given us an abiding stake in Israel's security. Five Presidents—if not always their Secretaries of State—have understood that behind the whole elaborate mess was a simple fact: we could not let Israel go under.

On the other hand—in some murky mixture of oil politics, fear of "losing" the Arabs (who were hardly "ours" to begin with), and sheer bureaucratic momentum—our diplomacy has strained mightily to disguise to everybody that irreducible interest in Israel.

It still does.

Our dilemma is that we cannot have it both ways. To disguise our ultimate interest in Israel's security is to endanger that interest by fostering miscalculations among all the parties.

An Israel unable to rely on our support, Arabs emboldened by what seems to them our equivocation, Russians tempted by our apparent irresolution—none will make the hard decisions to build a peace in everyone's interest.

Our present course runs into the logical dead-end of that dilemma—a confrontation with Israel over a "settlement."

Never mind that a meaningful settlement is probably impossible to achieve by pressuring Israel—or, even if proclaimed, that it could still damage our long-range interests.

The current pre-occupation, for instance, is the opening of the Suez Canal. We are leaning hard on the Israelis to extract the necessary concessions from them. And the immediate beneficiary will be the naval power of the Soviet Union. And an open canal, once more an important link for world commerce, would be one more hostage to Soviet diplomacy. But we seem intent on a deal—even to the point of paying to dredge the Canal ourselves. (I wish we were as anxious to clear the pollution from our own lakes and rivers.)

Not that the Nixon Administration has a corner on this sort of folly.

We should not forget—the Israelis certainly haven't—that Israel gave up the gains of the 1956 war for an all to vague formulation of support by the Eisenhower Administration . . . a promise shamefully sidestepped when the going got tough again with Nasser and the guerrillas.

When Nasser closed the Straits of Tiran in 1967, the studied hesitation of the Johnson Administration may well have confused both sides to the point of hastening hostilities rather than heading them off.

We stood by in 1967 while the UN peace force was pulled out summarily on Egypt's order. As Arab rhetoric became more inflamatory and the noose tightened on Israel's sea outlet through the Gulf of Aquaba, the U.S. leisurely debated schemes for sending in neutral flagships to "test" Arab intentions.

And when Abba Eban came to Washington that fateful spring—expecting us to produce on a decade of promises—he got embarrassed evasion and patronizing preachments on restraint.

It was not surprising that the Generals prevailed over the diplomats in Tel Aviv. Our equivocation left Israel almost no choice but to strike for her life.

That pattern of evasion and preaching has been repeated again and again by this Administration.

We drew the Israelis into the present ceasefire last fall on the condition that neither side would seize military advantage from the truce.

Then, as the Soviets stole a major tactical march by moving up their missiles under shelter of the agreement, we first denied it . . . then said we were checking . . . then said it was true, we knew it all along, and it was a bad thing. The missiles are still there, but I wonder about our credibility with the Israeli Government—let alone what the Arabs and Soviets think they can get away with.

Now, Secretary Rogers has reportedly had a quarrelsome session with Mrs. Meir to pressure her on opening Suez.

According to the *New York Times*, the Arabs are naturally pleased. Last Sunday's Times reported:

"With the U.S. now actively involved in the negotiating process and its big power prestige on the line, the Egyptian leadership seems confident that the focus of any American pressure . . . will be on Israel, particularly in regard to a first-stage Israeli pullback and a re-opening of the Suez Canal."

The mistakes have been shared amply, then, by both parties. They have been especially magnified, however, by the peculiar bureaucratic aberrations of the Nixon Administration.

With the White House staff openly dominating policy on the major issues of Vietnam or arms control, the State Department has tried to save its bureaucratic face by zealously trying to redraw the map of the Middle East. If the process has been therapeutic for morale, the cost has been high—an often heedless pushing for settlement for settlements' sake, policy more by adrenalin than by analysis.

But whatever the combination of misperception and mismanagement, U.S. policy has come to rest on three highly dubious assumptions.

Each is clung to with the same reverance and bravado as the "unsinkability" of the *Titanic*. And each leaves us short of lifeboats.

The first of these assumptions is that our immediate objective should be a definitive "settlement" managed from the outside. We reason that since the parties are too greedy to get together themselves, someone should do the job for them.

Yet—much as we all want peace—realistic planning, even with the current cease-fire, must begin with the high probability of some kind of continuing state of conflict in the Middle East over the next 3–5 years. Even with some kind of political settlement now, there would probably be prolonged tension and more shooting.

And putting first things first, our overriding objective should be to avoid direct U.S. involvement in those likely hostilities.

Talking about a "settlement" in this context obscures the basic issue: how to cope with the absence of a settlement, whether it's renewed war or an imperfect trial truce.

Moreover, the historical evidence—from the partition of Palestine to the Straits of Tiran—argues clearly that the two sides are basically unaffected by outside efforts at mediation.

The most recent experience, in fact, is that matters can get much worse precisely when the diplomatic traffic is heaviest. Witness the hi-jacking crisis, the Jordanian civil war and the unchallenged advance of Soviet missiles amid all the diplomatic maneuvering of last summer and fall.

As for outside management, I believe external powers *can* and *do* influence events. But much more by their material investment than by their questionable ingenuity in drawing plans for somebody else's borders.

The United States can have most influence in the Middle East by clearly and firmly placing its weight behind its interests, even if we never utter a word about the details of a settlement.

We are now squandering that influence in a pretentious and almost frenzied quest for an agreement which would push Israel back to her vulnerable 1967 borders.

The *second* mistaken assumption in our policy derives from the first. It is that the U.S. can and should act as middleman in negotiations.

The argument is that the Israelis will respond to our pressure. And the Arabs need evidence that we want a fair settlement before they'll agree.

Yet as any lawyer or labor-management negotiator knows, the every task of mediation necessarily imposes an ambiguity on the mediator's relation with all parties.

The more credibly we play the mediator's *neutral* role in the Middel East, the more we defeat the very purposes of mediation.

For the Israelis, our neutral stance heightens their fears that we will abandon them. And we risk provoking a more desperate and reckless policy from them when we supposedly want just the opposite.

Israel may "need" us in the sense that U.S. budgetary and military aid is their optimum option in maintaining their defense.

But the vital Israeli decisions—those they see, such as borders, involving their existence—are *not* amenable to our leverage.

Where national survival is at stake, our influence will be effective only if we assuage fears—never if we try to exploit them.

We have authentic influence on Israel only to the degree we help remove the threat to its existence.

The hard truth is that the only chance for peace in the Mid East is Arab acceptance of Israel.

But the Arabs will never face up to that acceptance so long as outsiders hold out the prospect of forcing Israeli concessions bit by bit—which is precisely what this Administration has been holding out in its formulamongering over the past 18 months.

As with the Israelis, our ambivalent policy only promotes Arab recklessness and intransigence.

The *third* assumption behind U.S. diplomacy—in some ways the most fashionable and foolish—has been the forecast of doom if we don't sponsor instant negotiations and a settlement. The Arabs, we are told, will grow ever more radical, and the Soviets will pick up all the chips.

Yet the evidence to the contrary is overpowering—and the attrition of the Palestinian guerrillas in the most dramatic recent example. The existence of a strong, secure Israel—able to preserve the status quo until a genuine settlement is achieved—in the long-run weakens rather than strengthens the Arab radicals who are staking everything on confrontation.

Nor can the Russians easily endure the persistent frustration of their Arab clients.

We should certainly be concerned with the Soviet influence in the Middle East. But a settlement made now in the shadow of Russian missiles will *only* enhance that influence.

Moscow's stock will go down precisely as the Arabs come to understand that Israel and the United States will *not* be moved by vacant formulas or menacing gestures.

These three assumptions have led us, then, away from the one strategic principle from which our Middle East policy must proceed—firm, unequivocal support of Israel.

The irony is that we are not choosing here—as so often in policy questions—between what is right and what works.

I personally believe we have a moral commitment to Israel. But it is equally clear that a strong Israel is also the best hope for an enduring peace in the Middle East.

And even if the standard is a more narrow measure of U.S. national interest, a strong Israel is the sole guarantee over the next decade that we will not be embroiled directly in the conflict in the area.

I should add that only a sure sense of Israeli security can keep the lid on the terrible Pandora's box of nuclear armaments in the Mid East.

None of us can predict the outline of a plausible settlement at this point.

At a minimum, however, I think we have to return to the guideline of "secure and recognized boundaries" for Israel as required in the November 1967 UN Security Council Resolution.

It also seems to me that much of the present buffer areas around Israel—to the degree that they lessen the need to mobilize and fight by an irreversible timetable—are really a *deterrent* to all-out war.

But there is no question that political realities will dictate eventually *some* kind of settlement on Israel's borders. Territory cannot indefinitely purchase safety at the expense of unrelieved Arab embitterment.

Finally, there is one absolutely essential complement to strong Israeli security—justice for the Arab refugees.

The Palestinian Arabs have been that unstable mass in the area—threatening to explode and bring the whole region down around them.

They cannot go on living in the soul-destroying squalor of the refugee camps. Another generation of Arab children cannot be left to despair and hatred.

If these injustices persist, no peace—however firm at the beginning—will last long in the Middle East.

All of us—above all, Israel, but also her friends in this country—have a responsibility to help remove that disgrace and danger.

We must make a start at that. And our government must stop trying to be something we are not.

We are *not* a disinterested mediator obliged to cool detachment toward both sides.

We *are* a vitally interested friend of Israel. And everyone must understand that if the long process of resignation and reconciliation is to begin at last.

Once we have set ourselves right, I think there is genuine hope for the Middle East.

We can help make it what its great human and material potential promise it could be.

A land not of the maimed and the orphaned, but of safe, healthy, self-respecting children.

A land not of pillboxes and national hatred, but of gifted peoples working together in gathering prosperity and peace.

THE EXPANSIVE USE OF HABEAS CORPUS BY THE FEDERAL DISTRICT COURTS

Mr. THURMOND. Mr. President, in the April 1971 edition of the American Bar Association Journal there appeared a very interesting article entitled "The Case Against Modern Federal Habeas Corpus."

There is an immediate problem within our judicial system. The effectiveness of our court system is being undermined and overburdened by the present distortion in the Federal courts of the writ of habeas corpus.

The writ of habeas corpus is a fundamental instrument for safeguarding personal freedom against arbitrary State action. However, this writ has currently been abused. It has become nothing more than a routine means for direct review of State court criminal decisions in Federal district courts.

Mr. George Doub points out that a State prisoner does not need to bother to assert his claim of Federal review in the course of his State trial or even on his State appeal from conviction. He can deliberately fail to ask for Federal review and still get Federal review of the State conviction by use of the writ of habeas corpus.

Allowing the writ of habeas corpus to be used in this manner casts doubts as to the strength and credibility of our State court system. State judiciaries rightfully resent this encroachment upon their decisionmaking areas. The current use of this writ has given Federal district judges a power of review far in excess of what is realistic or reasonable. These comments deserve the consideration of Congress.

Mr. President, I ask unanimous consent that the article from the April 1971 American Bar Association Journal entitled "The Case Against Modern Federal Habeas Corpus" be printed in the Record at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Case Against Modern Federal Habeas Corpus

(By George Cochran Doub)

The erosion of public respect for the judicial system has seriously harmed the effectiveness and credibility of this vital branch of government. As the courts become overwhelmed with backlogs of civil and criminal cases, concerned judges and lawyers have sought the development of new concepts of administration, the training and appointment of administrative officers, the better management and control of trial court calendars and the development of more efficient systems of record management.

These palliatives are helpful, but they cannot cure the disease of the patient; that can only be done by at least some minimal surgery. This is particularly true of the current distortion in the federal courts of the great writ of habeas corpus, which has debased the writ by making it nothing more than a routine vehicle for the review by the federal courts of state court criminal judgments.

THE PROBLEM IS A SELF-INFLICTED WOUND

The federal habeas corpus problem was not thrust upon the federal judiciary by the Constitution or the Congress. It was created by the Supreme Court in comparatively recent years under circumstances which suggest that the Court had no realization at the time of the crippled offspring it was unwittingly spawning. In retrospect, the resulting deluge of federal habeas corpus petitions of state prisoners, which has been suffocating district courts as well as the court of appeals, has made clear that the problem is not congenital. It is a self-inflicted wound.

The Constitution says no more than that "the Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public safety may require it". The clause denies the power of the legislative and executive departments to suspend the privilege except under the circumstances stated, but it does not define the scope of the privilege.

The power of the federal district courts to issue the writ is statutory because of the principle that they possess only such jurisdiction as is expressly granted to them by Congress. The Judiciary Act of 1789 provided that the courts of the United States should have power to issue writs of habeas corpus to inquire into the cause of commitment, provided that writs of habeas corpus should in no case extend to persons unless in custody under the authority of the United States. Thus the power of the federal courts to issue the writ was carefully circumscribed and limited to persons in federal custody. No jurisdiction was conferred to inquire into the legality of custody of anyone by a state.

It was not until 1867, during Reconstruction, that the jurisdiction of the federal courts was widened by a provision that the writ might issue "in all cases where any person may be restrained from his or her liberty in violation of the Constitution or any treaty or law of the United States". Then for the first time the federal courts obtained the power to inquire into the legality of state criminal judgments. This provision is now codified in 28 U.S.C. § 2241 (c) (3).

When the Supreme Court solemnly proclaimed in *Harris* v. *Nelson,* 394 U.S. 286, 290 (1969), that "the writ of habeas corpus is the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action", the Court ignored the fact that during the first seventy-five years of our nation's history the federal courts had no power to review state court criminal judgments by way of habeas corpus.

From 1867 until about 1952 the Supreme Court manifested judicial discipline and restraint with respect to federal habeas corpus, a regard for state judicial processes, and an intuitive sense of the dangerous disorders which would accompany successful collateral attacks upon the finality of state court judgments.[1] A question of fact or of law distinctly put in issue and determined by a court of competent jurisdiction could not be reviewed later on federal habeas corpus. State court judgments that rested on independent state grounds could not be reviewed although federal claims were present. Only if an applicant had not been afforded an opportunity in the state court to raise his federal claim could it be heard.

Since 1952 the principle of federal judicial restraint has not slowly eroded; it has been cast away by a majority of the Supreme Court in the appealing name of personal liberty.

EXPANSION OF FEDERAL HABEAS CORPUS CONCEPT BEGINS

The drastic expansion of the federal habeas corpus concept began in *Brown* v. *Allen*, 344 U.S. 443 (1953), in which the federal claims of a state prisoner had been presented to the highest court of the state on direct appeal from conviction, had been rejected by that court on the merits and certiorari had been denied by the Supreme Court. On appeal from the denial of a federal habeas corpus petition, the Supreme Court held that Brown was entitled to reconsideration of his constitutional claims on his later application to a federal district court.

In *Irvin* v. *Dowd,* 359 U. S. 394 (1959), Irvin's conviction was affirmed upon appeal by the supreme court of a state. In reversing dismissal of his later application for federal habeas corpus, the Supreme Court held that this state court decision had rested on the determination of Irvin's federal claim and therefore his claim should be considered by the district court on federal habeas corpus. Thus, under *Irvin*, as well as *Brown,* the federal district courts were deemed to be not only authorized but obligated to review decisions of state supreme courts on federal questions.

In 1963 in *Fay* v. *Noia,* 372 U. S. 391, the Supreme Court decided that federal habeas corpus for state prisoners lies, despite the existence of an adequate and independent nonfederal ground for the state judgment of conviction, pursuant to which the applicant was detained by the state. After conviction, Noia, with competent counsel, deliberately elected not to appeal his conviction and years later sought federal habeas corpus on the ground that a confession obtained from him was unlawful because coerced. Under *Noia,* even a deliberate and intentional choice not to assert a constitutional claim on appeal did not preclude its later assertion on federal habeas corpus; a failure to exhaust state remedies did not preclude federal habeas corpus. The Supreme Court emasculated the doctrine embodied in 82 U.S.C. § 2254, which requires the exhaustion of state remedies, by holding that the statute referred only to state remedies available when the application for federal habeas corpus was filed.

TIDAL WAVE OF APPLICATIONS IS "JUDGE-MADE BUSINESS"

Chief Judge Lumbard of the Court of Appeals for the Second Circuit said last September of the tidal wave of habeas applications.

"This is judge-made business, resulting principally from the 1963 Supreme Court decision in *Fay* v. *Noia,* which held in effect that there was no finality to any state court criminal case so long as the prisoner made Constitutional claims and some federal judge entertained doubts about whether these questions had been fairly resolved by the state courts.[2]"

In *Jackson* v. *Denno,* 378 U.S. 368 (1964), the Supreme Court held unconstitutional the established New York state practice with respect to the admissibility of admission. This "New York rule", which had been followed in sixteen states and six federal circuits, is that, when there is a factual conflict in the evidence as to the voluntariness of a confession over which reasonable men may differ, the judge leaves the question of voluntariness to the jury. This decision was contrary to prior decisions of the Court rendered as recently as 1953, 1958 and 1959.[3]

This due process question had not been presented to the state trial court or on appeal. Indeed, experienced counsel for the defendant had not even objected to the admissibility of the statements made and had not requested a preliminary court hearing on voluntariness, which was permitted under the New York procedure. One would suppose that under these conditions the federal claim was not even germane to the case. But the Supreme Court directed that petitioner be released unless the state retried him or afforded him an independent court hearing on the voluntariness of his admissions. Understandably, the Court did not conclude that the admissions were involuntary.

The Supreme Court has held that the doctrine of *res judicata* does not apply in the federal habeas corpus field and the denial of a state prisoner's application for collateral relief on habeas corpus is not *res judicata,* this on the theory that conventional notions of finality of litigation have no place when

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personal rights are at stake and their infringement is alleged.[4] Separate and successive habeas corpus applications may be filed and heard, provided each presents a different claim for relief.

SUPREME COURT ENUNCIATES REQUIREMENTS

A perplexing problem for federal district judges on applications for habeas corpus has been the extent to which they must determine the merits of factual disputes forming the basis of the prisoner's federal question claim. 28 U.S.C. § 2243 provides: "The court shall summarily hear and determine the facts, and dispose of the matter as law and justice require." In *Townsend* v. *Sain*, 372 U.S. 293 (1963), the petitioner had objected to the introduction of his confession in a state trial on the ground that it was the product of coercion. The confession was admitted, the petitioner convicted and his conviction affirmed by the state supreme court. After exhausting his postconviction remedies in the state courts, he filed a petition for habeas corpus in a federal district court. In reversing the denial of his application, the Supreme Court enunciated requirements relating to habeas corpus hearings. It declared that a federal district court must grant an evidentiary hearing to a habeas corpus applicant if (1) the merits of the factual dispute were not resolved in the state hearing, (2) the state factual determination was not fairly supported by the record, (3) the fact-finding procedure utilized by the state court was not adequate to afford a full and fair hearing, (4) there was a substantial allegation of newly discovered evidence, (5) the material facts were not adequately developed at the state hearing, and (6) for any reason the state trier of the facts did not afford the applicant a full and fair fact hearing.

In discussing each of these requirements the Supreme Court interpreted them broadly. It further said that when these tests were not applicable and the material facts were in dispute, the holding of a factual hearing was in the discretion of the district judge, and even if he concluded that the applicant had been afforded a full and fair hearing by the state court, resulting in reliable findings, he need not accept the facts as so found. "In every case [the federal district judge] has the power, constrained only by his sound discretion, to receive evidence bearing upon the applicant's constitutional claim." Although the district judge may, when the state court has reliably found the relevant facts, defer to the state court's findings of fact, he is not obliged to do so, and important factual determinations may be made on a new record.

When a federal trial judge may be required to hold an independent factual hearing and on a record totally at variance with that before the state trial court, and in effect reverse its decision, are not the elements of judicial anarchy present?

INCREASE IS ASTOUNDING BUT NOT SURPRISING

It is not surprising that as the result of the recent expansion of the federal habeas corpus concept, the federal district courts have been swamped with habeas corpus applications from state prisoners. The increase is illustrated by the fact that state prisoner habeas corpus petitions have increased from eighty-nine in 1940 to 12,000 in 1969, according to the figures of the Administrative office of the United States Courts. In a five-year period from 1939 to 1944, one person presented in the district court fifty petitions for writs of habeas corpus; another, twenty-seven; a third, twenty-four; a fourth, twenty-two; a fifth, twenty. One hundred and nineteen persons presented 597 petitions—an average of five per person.[5]

THE STATES: CAN THEY HELP?

In his admirable address, "The State of the Judiciary—1970", before the Annual Meeting of the American Bar Association in St. Louis in August, 1970, Chief Justice Burger, after pointing out that the federal district courts had been obliged to review more than 12,000 state prisoner petitions in 1969, as compared with eighty-nine in 1940, said:

"There is a solution for the large mass of state prisoner cases in federal courts—12,000 in the current year. If the states will develop adequate post-conviction procedures for their own state prisoners, this problem will largely disappear and elimiante a major source of tension and irritation in state-federal relations."[6]

This echoed a similar statement by Chief Judge Lumbard, Chairman of the Special Committee on Minimum Standards for the Administration of Criminal Justice of the American Bar Association, in May of 1966:

"We shall recommend adoption by the states of adequate remedies so that federal court review of state convictions will be reduced to a minimum and the facts on which such federal relief is sought will, so far as possible, be found and determined by the state court."[7]

The report of the Committee on Habeas Corpus of the Judicial Conference of the United States, known as the Phillips Committee, in September of 1966, recommending certain statutory amendments, demonstrated that even when fully adequate postconviction remedies are made available to state court prisoners, there is no reduction in the number of applications for writs of habeas corpus filed in the federal courts by state prisoners. The report pointed out that in Delaware, Florida, Kentucky, Missouri, New Jersey, North Carolina, Oregon and West Virginia applications for writs of habeas corpus to federal courts by state prisoners had continued to increase notwithstanding satisfactory postconviction remedies that had been provided those state prisoners.

The hopes expressed by the Chief Justice and Judge Lumbard may not be realized because they are based on the fallacious assumptions that when applications are filed, the federal district judges need do no more than examine the state postconviction findings of fact and that the district judges are bound by those state findings. In fact, under the directives of the Supreme Court, the federal district courts may be obliged to grant an evidentiary hearing to an applicant and to retry the factual issue involved in the state proceeding in order to meet the *Townsend* standards. Although adequate state postconviction findings of fact make it more likely that the federal courts will not overrule them and often they are accepted, those courts are not constrained to follow them. Adequate state postconviction remedies are not the full answer. They do not result in any substantial reduction in the petitions or the burden imposed on the federal district courts to review the factual and legal issues.[8]

FEDERAL LEGISLATION SEEMS TO BE THE ONLY METHOD

As Justice Clark pointed out in *Noia*, federal legislation seems to be the only method to restore the federal writ of habeas corpus to its proper place in the federal judicial system. That place is one of great importance—an ultimate, exceptional remedy against illegal restraint—but it should not be a substitute for or an alternative to appeal, nor should it be a burial ground for state appellate rules or adequate state procedures.

Certain amendments were made to the habeas corpus statutes in 1966 at the instance of the Judicial Conference upon the recommendations of the Phillips Committee. These amendments integrated into the statutes most of the standards defined in *Townsend*.

Although the Phillips Committee's recommendations were designed to reduce habeas corpus applications, its report made clear that the members of the committee, as federal judges, considered that they were bound by the opinions of the Supreme Court in *Fay* v. *Noia*, *Sanders* v. *United States* and *Townsend* v. *Sain*. Accordingly, the amendments seem to integrate into the statute the expansive concepts of habeas corpus jurisdiction developed by the Supreme Court and to write into the statute, which can be changed only by the Congress, words from majority opinions of the Supreme Court that otherwise might later be modified by that Court.

Objections to this new expanded jurisdiction of the federal district courts are far more profound than case statistics.

WE HAVE LITTLE CONFIDENCE IN OUR JUDICIAL SYSTEM

Conviction in the state courts now has become merely the starting point of interminable litigation. State appeals are followed by successive petitions for federal habeas corpus and successive federal appeals. What is involved is a repetitious, indefinite, costly process of judicial screening, rescreening, sifting, resifting, examining and re-examining of state criminal judgments for possible constitutional error. The protection of constitutional rights is the cornerstone of our system of criminal justice, but are the state judicial systems so weak, so inadequate as to require discarding all the traditional principles of *res judicata* and estoppel? No other nation in the world has so little confidence in its judicial systems as to tolerate these collateral attacks on criminal court judgments.

Under *Denno* a state prisoner need not bother to assert his federal claims in the course of his state trial or on his state appeal from conviction. Even when he is represented by experienced counsel he need not accord the state trial judge or the state appellate judges an opportunity to hear and decide those claims as a precondition for federal habeas corpus. The hospitable federal system will hear his claims, although fair and reasonable state procedures are left in a shambles.

Under the new concept of federal habeas corpus, the state prisoner may now deliberately elect not to appeal his conviction to a state supreme court and elect to have the validity of his conviction determined by habeas corpus in a federal district court. If he has appealed unsuccessfully to his state supreme court, he may then deliberately elect not to apply to the Supreme Court of the United States for certiorari and instead seek a writ of habeas corpus in a federal district court. Even if he has petitioned successfully for certiorari and the petition granted and the judgment affirmed, he may have the issue reviewed by the district court on habeas corpus if he alleges a fact not in the prior record.

This comparatively new concept of federal habeas corpus has dangerously prejudiced the delicate balance of federal-state relations and has seriously degraded the authority of the states and their judicial tribunals.

RESENTMENT BY THE STATE JUDICIARIES IS NOT HEALTHY

There is perhaps no single attribute of federal judicial power more abrasive of the relations of the states and the Federal Government than the overexpansion of the great writ of habeas corpus by the federal courts as applied to state prisoners. State judges who do not bitterly resent the new concept of habeas corpus jurisdiction of the federal district courts are few. When federal trial judges are required to reconsider and review decisions of state trial judges and even decisions of state supreme courts, state judges cannot fail to recognize that their status has been downgraded to one of increasing inferiority to the federal bench. With the multiplication of federal statutes dealing with matters that before had been left to the states, the expansion of federal jurisdiction

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has been inevitable. But in the case of federal habeas corpus jurisdiction state judges know that expanded jurisdiction has not been forced on the federal courts by Congress but that it is judicially expanded power. This resentment by the state judiciaries against the federal judiciary is not healthy or wholesome.

No valid criticism may be made of the patient handling of habeas corpus petitions by the federal district courts. Those judges have exercised admirable restraint in their almost daily and routine task of dealing with petitions from state prisoners. Each petition must be defended by the state attorney general. Successive applications may attack in turn each step in the state proceeding in addition to the police, trial judges and the competence of defense counsel. The burden of the states of defending these applications is costly. In Maryland three assistant attorneys general do nothing else.

WE ARE WITNESSING A TRANSFORMATION

We are witnessing a fundamental transformation by the decisional process in the relationship of the federal and state judicial systems. Federal district judges now exercise through their habeas corpus jurisdiction a power of review of state court criminal judgments far in excess of the power of any appellate court, including the Supreme Court of the United States. The procedural framework within which the federal review of state judgments operates is derived from a legacy of a time when federal review was rare and extraordinary. Even those who applaud federal court review of state court judgments concede that appellate review by a single federal judge is an anomaly, "the product not of design but of historical accident".[9]

Any discussion of this problem requires consideration of the human values involved and the recognition, as Learned Hand said, that "There is no democracy among human values, however each may cry out for an equal vote."[10] Does our dedication to the spirit of liberty and justice require these extensive review procedures for the protection of the innocent? Judge Lumbard has said, "For all our work on thousands of state prisoner cases I have yet to hear of one where an innocent man has been convicted. The net result of our fruitless meddling in search for the non-existent needle in the ever-larger haystack has been a serious detriment to the administration of criminal justice by the states."[10] The question involved in a habeas corpus application is not guilt or innocence of the petitioner and, indeed, that issue is irrelevant to the federal inquiry. Nor is the fact that the evidence in the state case plainly established the guilt of the petitioner a relevant circumstance. On the contrary, the federal court is concerned solely with the malleable nuances of due process that now attach to every step in the criminal process—detection, search, interrogation, confession, arrest, arraignment, trial and appeal.

WHAT IS THE PROBLEM?

If one could believe that the overriding problem of our time is the conviction of innocent persons by the state courts, perhaps these endless review procedures are justified, but it is difficult to believe that this is so. certainly state procedures are far superior to those of many decades ago when Justice Holmes said in *Kepner* v. *United States,* 195 U.S. 100, 134 (1904); "At the present time in this country there is more danger that criminals will escape justice than that they will be subjected to tyranny."

As the nation wallows in lawlessness, is not the overriding problem the detection and conviction of criminals within the framework of the new attributes of due process, a problem in which most constitutional theorists have no interest?

Under no circumstances should application for habeas corpus continue to be a standard routine vehicle for collateral attack on and review by federal district courts of the validity of state court judgments. Nor should state prisoners be permitted to bypass reasonable state trial and appellate procedures. Nor should the great writ become a plaything or racket for penitentiary inmates.

CONSIDERATION SHOULD BE GIVEN TO REVISION

Since the Constitution is not a "suicide pact" (to quote Justice Jackson),[12] does not compel judicial anarchy and recognizes that the scope of federal habeas corpus is statutory, consideration should be given to the revision of 28 U.S.C. §§ 2243, 2244 and 2254 to make clear:

1. The federal district court may summarily hear and determine the facts only when they have not been determined by the state court in the course of fair proceedings.
2. An application for a writ of habeas corpus should not be granted when the applicant was afforded a fair and adequate opportunity to raise his claim in the course of the proceeding resulting in the judgment, but he elected or failed without justification to do so.
3. An application should not be granted when there exists an adequate and independent nonfederal ground for the judgment of conviction.
4. When the applicant was represented by competent counsel in the proceeding resulting in the judgment, it should be presumed that the applicant had knowledge of his federal claim and his failure to assert it in that proceeding should be deemed an abuse of the writ.
5. The burden of proof should be on an applicant to establish that his failure to raise a newly asserted federal claim in the course of the federal or state court proceeding resulting in the judgment is not an abuse of process.
6. When the court believes that an application may have merit, it should appoint counsel for the applicant, who must include in his application or amended application all federal claims. A subsequent application should be deemed an abuse of the writ.
7. The court should be entitled to consider whether the length of time that has elapsed between the facts complained of and the application, or between a previous application in a court of the United States or of any state under the corrective processes provided by the state and the present application, prevents a fair and reliable inquiry into the issues presented by the application or will prevent reprosecution or correction of the error complained of, and the court in its discreation may determine that the failure of the applicant to make the application within a reasonable time has resulted in an abuse of process.

These recommended changes in the federal habeas corpus statutes are self-explanatory and would seem constitutional because they relate to matters of practice and procedure. If they do not end the surrealist ballet, consideration may then be given to the adoption of the traditional and present practice in England precluding appeals from the denial of habeas corpus applications.

More important than any suggested changes in federal habeas corpus statutes, Congress should establish a judicial conference of the United States and the states, to be composed of the Chief Justice of the United States, the chief judges of the ten federal circuit courts of appeals and the chief justices of ten state supreme courts.[13] At the present time, the state judiciaries, which have the principal responsibility for the maintenance of law and order within their borders and are seriously affected by federal legislation, have no official forum where they may be heard. Such a judicial conference would provide an important place for their voice and the means for needed collaboration between the federal and state judicial systems.

The Judicial Conference of the United States, composed entirely of federal judges, has been able to make signal contributions to federal practice and procedure, but in the field of federal habeas corpus the conference has felt compelled to accept not only the rulings but the dicta of recent Supreme Court opinions relating to habeas corpus practice. The proposed judicial conference of federal and state judges would bring to bear a far broader approach and perspective, and its recommendations might prove beneficial and constructive with respect to the perplexing problems of federal and state judicial relationships.

If such a judicial conference is established, its first order of business should be to review the federal habeas corpus statutes and to make recommendations for amendments.

FOOTNOTES

1. For example, *Darr* v. *Burford,* 339 U.S. 200 (1950).

2. 25 Record N.Y.C.B.A. 516 (1970).

3. *Stein* v. *New York,* 346 U.S. 156 (1953); *Payne* v. *Arkansas,* 356 U.S. 560, 568 note 15 (1958); and *Spano* v. *New York,* 360 U.S. 315, 324 (1959).

4. *Sanders* v. *United States,* 373 U.S. 1 (1963). Although this decision involved the interpretation of Section 2255 of the Judicial Code, the principles defined are applicable to federal habeas corpus cases.

5. Reviser's Note to 28 U.S.C. § 2244, citing H. Rep. 308, 80th Cong. See also, *Dorsey* v. *Gill,* 148 F. 2d 857, 862 (D.C. Cir. 1945).

6. 56 A.B.A.J. 929, 931 (1970).

7. *New Standards for Criminal Justice,* 52 A.B.A.J. 431, 434 (1966).

8. *United States* ex rel. *Rutherford* v. *Deegan,* 460 F. 2d 217, 220 (2d Cir. 1969); *Worts* v. *Dutton,* 395 F. 2d 341 (5th Cir. 1968); *Hamric* v. *Bailey,* 386 F. 2d 390, 393 (4th Cir. 1967).

9. Mayers, *Federal Review of State Convictions,* 50 Judicature 168 (1967).

10. Hand, The Spirit *of* Liberty 113 (3d ed. 1960).

11. *Supra* note 2, at 516.

12. *Terminiello* v. *Chicago,* 337 U.S. 1, 37 (1949).

13. In his state of the judiciary address, *supra* note 6, Chief Justice Burger recommended a state-federal judicial council in each state and a national judiciary council with equal representation from each branch of government. The local state-federal judicial councils would be impotent, and the national judiciary council would have no representation from the states.

GENOCIDE CONVENTION FALLS WITHIN THE TREATYMAKING POWER

Mr. PROXMIRE. Mr. President, one of the important issues concerning the ratification of the Genocide Convention is whether it falls within the constitutional limits of Congressional authority. Are we actually authorized to make such a treaty? In my opinion, there should be no question on that score.

When the Senate Foreign Relations Committee held hearings on the convention in 1950 Robert P. Patterson of the U.S. Committee for the United Nations Genocide Convention submitted a statement which included an excellent discussion of this question. The issues involved have not changed since 1950, and his statement is still relevant. Mr. President, I ask unanimous consent that that portion of Mr. Patterson's statement which discusses this question be printed in the Record at this point.

There being no objection, the excerpt

was ordered to be printed in the Record, as follows:

STATEMENT BY MR. PATTERSON

THE "CONSTITUTIONAL" ARGUMENTS AND THE TREATY-MAKING POWER

Attack is made upon the use of the treaty-making power to punish genocide. It is claimed that use of the treaty-making power is no proper substitute for domestic legislation on essentially domestic matters. What the opposition overlooks is that genocide is *not* a domestic matter and that the foreign policy of the United States must of necessity be broad enough to carry out our international obligations and permit us to conduct our foreign relations. If it is essential for the United States to stand up and be counted in the family of nations on matters which we and all other nations consider to be of grave international concern, that determination must be made, under our Constitution, by the Executive with the concurrence of the Senate.

It is contended that the crimes sought to be defined would normally be domestic crimes within the jurisdiction of the several states of the Union. Hence, it is argued, the Federal Government has no jurisdiction under the treaty-making power. The argument, in essence, is that if a subject be normally within the competence of the several states, it may not also be dealt with under the treatymaking power.

Aside from the answer of history, the short answer is that if that were so, the United States could not participate in any international codification at all which aims at creating individual responsibility for international crimes. For the several states of the Union may not "enter into any treaty" (United States Constitution, Art 1, § 10). And if the United States themselves could not do so, there would be an utter lack of constitutional power to carry out international obligations and we would indeed be "but incompletely sovereign."

In the words of the Supreme Court:

"If the National Government has not the power to do what is done by such treaties, it cannot be done at all, for the states are expressly forbidden to 'enter into any treaty, alliance, or confederation.'" (*Hauenstein* v. *Lynham*, 100 U.S. 483, 490).

The exercise of the treaty-making power is not in derogation of states' rights. By express constitutional grant, the Federal Government is the representative of the States in dealing with foreign relations. In international affairs it acts for all the states under our federal system.

As the Supreme Court has said:

"Complete power over international affairs is in the national government and is not and cannot be subject to any curtailment or interference on the part of the several states." (*United States* v. *Belmont*, 301 U.S. 324, 331).

In reaching this conclusion the Court turned to Madison's debate in the Virginia Convention; analyzed the "external powers of the United States" and declared that "the supremacy of a treaty in this respect has been recognized from the beginning". (3 Elliott's Debates 515.)

The Supreme Court has recognized that reciprocal international obligations under the law of nations must be carried out by the Federal Government itself. The Supreme Court has said (per Chief Justice Waite):

"There is no authority in the United States to require the passage and enforcement of such a law by the states. Therefore, the United States must have the power to pass it and enforce it themselves, or be unable to perform a duty which they may owe to another nation, and which the law of nations has imposed on them as part of their international obligations. This does not, however, prevent a state from providing for the punishment of the same thing." (*United States* v. *Arjona*, 120 U.S. 479, 487.)

The very impact on our foreign relations makes international arrangements by individual states of the Union impracticable. The reserved powers of the Tenth Amendment have never been construed by the Supreme Court to limit the expressed supremacy of treaties over state constitutions and state laws in the Sixth Article of the Constitution.

The Article specifically provides that:

"All Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

The founding fathers recognized that treaties must prevail over state constitutions and state laws. The treaty power itself has never been limited. The framers of our Constitution thought "it most safe", in Madison's words, to leave the treaty power without enumeration, "to be exercised as contingencies may arise.' (3 *Elliott's Debates*, 514—2d Ed. 1836–1866.) The sweep of the treaty-making power, considered in our own times, was well expressed in the classic statement of Chief Justice Hughes (23 Proc. Am. Soc'y of International Law 194–1929):

"I think it perfectly idle to consider that the Supreme Court would ever hold that any treaty made in a constitutional manner in relation to external concerns of the nation is beyond the power of the sovereignty of the United States or invalid under the Constitution of the United States where no express prohibition of the Constitution has been violated."

In short, the reserved powers of the states in the Tenth Amendment of the United States Constitution are specifically limited by Article VI—the supremacy clause, and by the treaty-making power. (*Missouri* v. *Holland*, 252 U.S. 416–434).

"The powers of the states . . . set no limit to the treaty-making powers." (252 U.S. at 434)[1]

The treaty-making power "extends to all proper subjects of negotiations between nations." (*Geofroy* v. *Riggs*, 133 U.S. 258, 266; *Asakura* v. *Seattle*, 265 U.S. 332, 341; *Santovincenzo* v. *Egan*, 284 U.S. 30; see Corwin, *The Constitution, What it Means Today* (1947) p. 100).

Discussing the treaty-making power at a meeting in 1907 of the American Society of International Law, Elihu Root summed up in these words "So far as the real exercise of the power goes, there can be no question of state rights, because the Constitution itself, in most explicit terms, has precluded the existence of any such question." (Proceedings 1907, pp. 49–50). No limit has ever been set by the Supreme Court as to what are "the proper subjects of negotiations between nations."[2] Unless a treaty were contrary to a specific prohibition of the Federal Constitution, or actually destroyed the individual states, or ceded their territory, it is plain that the Court will not interfere with the treaty-making power as vested in the President and Senate. (*Geofroy* v. *Riggs*, *supra*, at p. 267).

The opposition overlooks the long history of federal treaty-making on subjects that are ordinarily within the competence of the states. It has been uniformly held that a treaty prevails over state law, despite the otherwise admitted competence of the state to deal with the subject. The reason for the treaty need be no more than to strengthen the friendly relations between nations. (*Asakura* v. *Seattle*, *supra*.)

Thus, the right of aliens to hold land within a state and the right to engage in pawnbroking from which the state sought to exclude aliens have been sustained under the treaty-making power. (*Geofroy* v. *Riggs*, *supra*; *Asakura* v. *Seattle*, *supra*). The power of the Federal Government to regulate the protection of migratory birds, under the treaty-making power, has been sustained. (*Missouri* v. *Holland*, 252 U. S. 416), despite recognition that normally the subject was within state jurisdiction. If the United States can constitutionally, under the treaty-making power, protect migratory birds, there is no reason why it cannot constitutionally protect groups of human beings.

"OFFENSES AGAINST THE LAW OF NATIONS"

The argument is advanced that, under Article I, Section 10 of the Constitution, Congress shall have power "to define and punish . . . offenses against the law of nations," and that, therefore, the President and the Senate may not make treaties of that kind. We have seen no authority cited in support of that proposition. The treaty-making power in Article II of the Constitution is concurrent with the Congressional power in Article I, as in the case of naturalization. (*U.S.* v. *Reed*, 73 F. 2d 153, cert. den. 299 U.S. 544).[3] Congress has power to define offenses against the law of nations, but that power does not limit the treaty-power. In *Asakura* v. *Seattle*, 265 U. S. 332–341 the Supreme Court declared:

"The treaty-making power of the United

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[1] See also Corwin, *National Supremacy, Treaty Power* v. *State Power* [1913]; also Corwin, *The Constitution, What it Means Today*, p. 101, 10th Ed. 1948).

[2] Many treaties have dealt with subjects which are within Congressional power under other articles of the Constitution. See, for example, the variety of agreements, which concern matters otherwise the subject for regulation under the commerce power. These include agreements which affect customs duties and the regulation of commerce, such as commercial aviation, trade-marks, agriculture, trade in dangerous drugs, and traffic in women, among others. *Weinfeld, Labor Treaties and Labor Compacts*, 5 (1937). Treaties have also extended to copyrights, naval armament, and taxation, each of which equally comports with a specifically granted power. See also, *Anderson, Extent and Limitations of the Treaty Power*, 1 Am. J. Int't L. 636, 657 (1907).

[3] The question as to the power of Congress under Art. I, Sec. 10, of the Constitution "to define and punish piracies and felonies committed on the high seas and offenses against the law of nations" arose squarely in *U. S.* v. *Flores*, 289 U. S. 137, in an admiralty case. There the Supreme Court analyzed the relation of the Section just quoted to Art. III, Sec. 2 of the Constitution by which the judicial power of the U. S. was extended to all cases of admiralty. Though no treaty question was involved, the court's unanimous decision (opinion per Stone, C. J.) shows that the power of Congress are not exclusive but complementary with other powers such as that of treaty-making.

Considering the two clauses before the Court, the Chief Justice said (149–50):

"The two clauses are the result of separate steps independently taken in the Convention . . . To construe the one clause as limiting rather than supplementing the other would be . . . to deny both the states and the National Government powers which were common attributes of sovereignty before adoption of the Constitution . . . We cannot say that the specific grant of power to define and punish felonies on the high seas operated to curtail the legislative or judicial powers conferred by Art. III, § 2."

The lower court was reversed. Solicitor General Thos. D. Thatcher's brief urged successfully (p. 139) that the two clauses of the Constitution are "complementary . . . To construe the express power to define and punish piracies . . . as an executive definition of the power of Congress . . . would at one bring the two clauses into irreconcilable conflict with the result that a power inherent in sovereignty would be found to reside neither in the States nor the United States."

States is not limited by any express provisions of the Constitution."

It extends, said the court, "to all proper subjects of negotiation between our government and other nations."

In *Santovincenzo* v. *Egan* (283 U.S. 3040) Chief Justice Hughes stated that: "the treaty-making power is broad enough to cover all subjects that properly pertain to our foreign relations."

The true significance of Article I, Section 10, is that it makes manifest that the founding fathers did not consider "offenses against the law of nations" to be limited to those which existed in 1789, but that an expanding law of nations was in contemplation. The extent of such expansion has been well indicated by Secretary of State Stimson. In 1932 he instructed the American Delegation at the Disarmament Conference in Geneva that "this Government could, on the basis of a treaty, exercise control of the manufacture of munitions," (*Hackworth, Digest of International Law,* p. 21). Thus Secretary Stimson also showed how treaties can lawfully impose individual responsibility.

USE OF TREATY-MAKING POWER

The use of the *treaty-making power* to define new "offenses against the law of nations," is a matter of history. Thus various multipartite treaties defining new offenses against the law of nations have been made by the President and ratified by the Senate alone. Among these are:

The Convention on Slavery, United States Treaty Series No. 383 (1890), and United States Treaty Series No. 778 (1926);

Treaty for the Suppression of the Opium Trade, United States Treaty Series No. 61 (1883), and United States Treaty Series No. 612 (1913);

The Convention on Obscene Publications, United States Treaty Series No. 559 (1911);

The Convention for the Suppression of the White Slave Traffic in Women and Children, United States Treaty Series No. 496 (1904);

Multilateral Treaty for Persons Breaking or Injuring Submarine Cables, United States Treaty Series No. 380 (1889);

Multilateral Treaty Re Slavery adhered to by the United States, March 21, 1929, Slave Trade, United States Treaty Nos. 383, 778.

All of these treaties created new "offenses against the law of nations."[4] They were based on creating *individual responsibility* for violation of those treaties; but it has never been thought that they limited the Treaty making power.

The position assumed by the opposition is, in effect, that matters of international consequences, submitted by the General Assembly within the framework of the United Nations, require ratification by the individual states of our Union. No other result can flow from the argument that punishment of international crimes is within the exclusive competence of the states of the Union. The argument fails to take into account the international character of the crime, and would abolish one of the cardinal foundations of our federal system—that the treaty-making power is not within the competence of the individual states but is in the executive subject to approval by the Senate. The framers of the Constitution might have insisted that the treaty-making power be subordinate to the powers of the states. Instead, (in the light of the failure of the Articles of Confederation) they specifically provided for the essential supremacy of treaties over state law.

The argument of the opposition actually presupposes a conflict between state and federal power which does not exist. The assumption is that federal punishment of genocide would be repulsive to the states. Yet no reason is offered as to why the states should be less eager to punish genocide than mankind in common. The states are represented in the Senate. And as John Jay (later the first Chief Justice of the Supreme Court) said (in answer to the objection that the President and the Senate may make treaties "without an equal eye to the interests of all the states"):

"As all the states are equally represented in the Senate, and by men the most able and the most willing to promote the interests of their constituents, they will all have an equal degree of influence in that body . . ." (Federalist Papers, No. 64).

The plain fact is that one cannot ratify common international action by separate submissions to forty-eight state legislatures. Most of what is embraced within the crime of genocide is already punishable by state law. Murder and assault, together with conspiracy and incitement, are already domestic offenses.

THE SOVIET UNION IS AGAIN ON TRIAL

Mr. RIBICOFF. Mr. President, the cynical persecution of Soviet Jews by the Soviet Government continues with the announcement of the trial of four Soviet Jews in Riga. This follows the sentencing of nine Soviet Jews to the living death of Siberian prison camps in Leningrad only 5 days ago.

Among the four latest victims of Soviet anti-Semitism is 23-year-old Ruth Aleksandrovich, who has steadfastly sought to emigrate to Israel. The real crime of these defendants is their courageous insistance that Soviet law regarding the treatment of minorities be applied to the 3 million Jews in the Soviet Union. The Soviet Government's systematic eradication of Jewish life exposes all too clearly the true motives of a regime which purports to treat all religions with equal indifference, but the Jewish religion differently and unequally.

As long as Soviet Jews are not permitted to live as Jews, they will continue to seek escape from what is becoming a graveyard of their religion and culture. And as long as foreign observers, jurists, and newsmen are barred from the trials taking place, Soviet justice will continue to be a travesty.

Mr. President, the brutal and repressive actions by their government against Soviet Jews is a logical outgrowth of the development of a system which can tolerate neither dissent nor the truth. And the truth today is that the Soviet "workers' paradise" has become a living hell for those Jews who have lawfully expressed their desire to emigrate to Israel. The recent arrests, and crude vilification of Jews in Russia, speaks louder than the hypocritical statements of official Soviet spokesmen. When Zionism is brazenly compared to nazism, then the Soviet Union is not deluding anyone as to its true motives.

We must continue to confront the leaders of the Soviet Union with the cultural genocide being practiced against Jews in the Soviet Union. The Soviet Government must be made to realize that their shameful acts will continue to be exposed to the world until their discriminatory practices cease. Our own Nation, and all other nations which value human freedom, must insist that the subject of Soviet Jewry be placed high on the agenda of their relations with the Soviet Union.

I call upon my colleagues here in the Senate and upon decent men everywhere to condemn the repressive acts of the Soviet Union against a group of helpless people whose courage in expressing their convictions should be an inspiration to free men everywhere.

SEPARATION OF POWERS: JUDICIAL INDEPENDENCE

Mr. ERVIN. Mr. President, recently I had the privilege of preparing an article for inclusion in an edition of "Law and Contemporary Problems" devoted to judicial ethics.

I highly commend the editors and staff of "Law and Contemporary Problems," which is published by the Duke University School of Law in my home State of North Carolina, and thank them for the opportunity of joining in their edition on judicial ethics. They have performed an outstanding service for those of us who believe that an independent judiciary is a basic requirement for a free society.

This edition, the first issue of volume 35, contains several scholarly articles regarding the concept of judicial independence. Some of these dealt with the principle that our judges must be independent of the other branches of Government as well as from one another.

The independence of our judiciary was one of the greatest principles embodied in the Constitution by the Founding Fathers, and I regret to say that it has been under attack during the past several years. To my mind, nothing should be allowed to abridge the independence of our judges.

With this great principle in mind, I wrote an article, "Separation of Powers: Judicial Independence," in which I attempted to outline the history of an independent judiciary and what it meant to the men who incorporated it into the Constitution.

Mr. President, I ask unanimous consent that my article, "Separation of Powers: Judicial Independence," volume 35, Law and Contemporary Problems," page 108, 1970, be printed in the RECORD.

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[4] Judge Manley O. Hudson in an address to the American Bar Association on September 11, 1944 (30 A. B. A. Journal 562 et seq.), in discussing the International Law of the future, refers to those people who are "hesitant to support even modest proposals for international organization for fear of a loss of national sovereignty." This is the old, old fear which attacks the cautious genocide proposals. "As a matter of law", Judge Hudson continues, "the sovereignty of each state is subject to the international law which regulates the relations of states . . ." Stressing the far-reaching nature of the treaty making power, he observes that limitations thereon "would mean the undoing of the great constructive work of John Marshall . . . would fly in the face of the fact that no provision in any of the hundreds of treaties which we have concluded . . . has ever been authoritatively pronounced to be beyond the constitutional power of our Federal Government". (p. 563). He refers (p. 591) to "the great series of multipartite international agreements which now cover many phases of our everyday life . . . With restoration of peace fresh opportunity will come to us to continue the legislative process." This is the opportunity which a group of lawyers would discard.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SEPARATION OF POWERS: JUDICIAL INDEPENDENCE

(By Sam J. Ervin, Jr.*)

I. THE HISTORICAL PERSPECTIVE

When the Founding Fathers gathered in Philadelphia in 1787 to draft the United States Constitution, the concept of separation of powers was a fundamental political maxim which dominated the thinking of many of the members of the Constitutional Convention. A substantial number of the draftsmen arrived predisposed toward creating a government separated into three coequal branches—the executive, the legislative, and the judicial.

The separation of powers doctrine grew out of centuries of political and philosophical development. Its origins can be traced to the fourth century B.C. when Aristotle, in his treatise entitled *Politics*, described three agencies of government: the general assembly, the public officials, and the judiciary.[1] In republican Rome, there was a somewhat similar system consisting of public assemblies, the senate, and the public officials, all operating on a principle of checks and balances.[2] Following the fall of the Roman Empire, Europe became fragmented into nation-states, and from the end of the Middle Ages until the eighteenth century the dominant governmental structure consisted of a concentrated power residing in hereditary rulers, the sole exception being the development of the English Parliament in the seventeenth century.[3] With the birth of Parliament, the theory of three branches of government reappeared, this time embodied in John Locke's *Two Treatises of Government* (1689), where these three powers were defined as "legislative," "executive," and "federative."[4] Locke, however, did not consider the three branches to be co-equal, nor were they designed to operate independently.[5] Locke considered the legislative branch to be supreme, while the executive and federative functions—internal and external affairs, respectively—were left within the control of the monarch, a scheme which obviously corresponded with the dual form of government prevailing in England at the time, the Parliament and the King.[6]

The doctrine was refined and expanded by Baron de Montesquieu, whose *Spirit of the Laws* appeared in 1748 and was well known to many members of the Constitutional Convention. The Frenchman based his theory on his understanding of the English system, which, since the time of Locke, had generated a more independent judiciary and a tendency toward a greater distinction among the three branches. In discussing the importance of clear delineations of power among the three branches, Montesquieu wrote:

"When the legislative and executive powers are united in the same person or body, there can be no liberty, because apprehension might arise lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.

"Again, there is no liberty, if the judiciary power be not separate from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression.

"There would be an end of everything, were the same man or the same body, whether of the nobles or the people, to exercise those three powers, that of enacting the laws, that of executing the public resolutions, and of trying the cases of individuals."[7]

Montesquieu also observed that, in the British system, the judiciary ranked "next to nothing" when compared with the other branches of government.[8] Some seventeen years later, Blackstone noted the importance of a more powerful and independent judiciary in his *Commentaries*, which were a primary reference for the American colonists:

"Were it [the judicial power] joined with the legislative, the life, liberty and property, of the subject would be in the hands of arbitrary judges, whose decisions would be then regulated only by their own opinions, and not by any fundamental principles of law; which, though legislators may depart from, yet judges are bound to observe. Were it joined with the executive, this union might soon be an overbalance for the legislative."[9]

Just two years before the Constitutional Convention, William Paley, the English philosopher and theologian, observed in his *Moral and Political Philosophy*:

"[T]he judges of the land become not infrequently the arbitrators between the king and the people, on which account they ought to be independent of either; or, what is the same thing, equally dependent upon both; that is, if they be appointed by one, they should be removable only by the other.[10]

Thus the doctrine of separation of powers, including an independent judiciary, was reasonably well developed by 1787 when the framers of the Constitution met, and its incorporation into the document they hoped to draft was of paramount consideration to them. It was a doctrine of such broad importance that it had been treated by scores of writers, and discussed by knowledgeable men throughout the colonies. It is doubtful that many members of the Constitutional Convention arrived in Philadelphia completely unaware of its impact. Beyond the theoretical importance of the doctrine, the founding fathers had learned a difficult lesson during their first attempt at government under the Articles of Confederation, which had made "virtually no concession" to principle.[11] That attempt at national government, as any student of American history knows, was not an unqualified success. To correct the shortcomings of the Articles, while at the same time providing checks against tyranny, the founding fathers turned to the doctrine of separation of powers, including an independent judiciary.

A. English precedents

Many of the men who attended the Constitutional Convention were lawyers, and virtually all of them were familiar with the centuries-old struggle for judicial independence in England. From what they accomplished, it is clear that one of their overriding purposes in applying the doctrine of separation of powers to the new Constitution was to carry that struggle to fruition.

Before the Norman conquest in England, judicial office was "communal" in character, and the courts could not be considered the exclusive tools of the King. Afterwards, the old communal courts were linked with the central *curia*, which performed multiple functions, and which was staffed by the King's men—his deputies by virtue of his commission. The causes brought before the *curia* were decided under the King's writ, making the King himself the "fountain of justice."[12] Heretofore, the grant of office in medieval England was practically the same as a grant of land: it conferred an estate, so to speak, in the office, according to the terms of the grant. Many of the King's offices became hereditary by this process, and thus less useful to him. Accordingly, the functions of these hereditary offices were taken over by newer positions, such as justiciar and chancellor, which were filled by men of lower birth but who, because they were dependent on the King, could be entrusted with more power. The tenure of these new offices—which comprised much of the central *curia*—was at the pleasure of the King.[13] Of course, officials appointed at the King's pleasure could be removed by him for any reason whatsoever. Those appointed during good behavior, which in effect conferred a life estate in the office, could be forced to forfeit their office for misconduct, real or manufactured; the character of the conduct, and whether or not the office would be forfeited, could be determined by the King's Bench under a writ of *scire facias*.[14]

The first major challenge to the practice of appointing judges at the King's pleasure came in 1628, when Charles I ordered Sir John Walter to surrender his patent as chief baron of the exchequer because he was dissatisfied with one of Walter's decisions. Walter refused, arguing that his tenure was based on good behavior, not on the King's pleasure, and that he should be removed only if a *scire facias* proceeding determined he had misbehaved. Embarrassed, Charles allowed Walter to keep his patent, his office, and his revenues, although the judge never again appeared in the court of the exchequer. Although Charles had given in somewhat to Walter, within the next decade he dismissed several other judges and set the stage for the Long Parliament of 1640–41 to demand that he appoint a committee to study the tenure of judges. The result was a petition to the King requesting that he substitute tenure during good behavior for tenure during pleasure. Charles complied.[15]

Despite the concessions, English kings continued to dismiss judges sporadically during the next sixty years. This was especially true during the reigns of Charles II and James II, when the "transferrals and removals were many" and "passed all precedent and all decency."[16] Finally, in 1701, Parliament passed the Act of Settlement, the principal statute dealing with judicial tenure in modern England and "the one substantially followed ever since."[17] Among other things, it provided that:

"Judges" commissions be made *quamidu se bene gesserit* and their salaries ascertained and established but upon the Address of both Houses of Parliament it may be lawful to remove them."[18]

Tenure during good behavior—an essential requisite for judicial independence—had become part of the British law, although it was timed not to take effect until after the death of the King and Princess Anne "and in default of issue of either." Thus, it was not until 1760 that the tenure of the sitting judges ceased to depend upon the pleasure of the reigning monarch.[19] Even then, "their tenure was far more secure than it had been under the Stuarts, but they enjoyed at best a limited independence."[20] Judges continued to be active politicaly well into the late eighteenth century,[21] and they still could be removed upon address by both houses for any reason whatsoever.[22]

Nonetheless, the Act of Settlement established the basis for the modern English judicial system, and it has been observed that:

"The net result of it all is that . . . an English Judge holding by patent *quamdiu se bene gesserit*, like any other official so holding, may lose his office by judicial process under a writ of *scire facias*, if it appear that the conditions of the patent have not been fulfilled. Second, he may be impeached and removed from office by sentence of the house of lords, though this has not occurred for over a century. Third, the crown may remove him without any cause shown, after a joint address of the houses of parliament requesting it, but not otherwise."[23]

B. Colonial developments

While the struggle for judicial independence was proceeding at a slow but steady pace in England, there was no comparable progress in the American colonies. For the most part, early colonial judges served at the pleasure of the royal governors, and except for Pennsylvania, no colonial assembly had

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the power to impeach a judge.[24] However, the tendency during the later colonial period was to place some restrictions on the removal power of the governors, and longer tenure based on good behavior was established in several colonies.[25] Then, in 1761, acting on advice of the Board of Trade, the King made tenure at royal pleasure, ostensibly "on ground that the state of learning in the colonies was so low that it was with difficulty that men could be found competent to administer the judicial offices." [26] Later, in 1772, George III established a fixed salary for the judges of the superior court of Massachusetts, thus preventing them from receiving their usual grants from the House of Representatives and the council and governor. This action aroused so much opposition that it has been credited with causing the complaint in the Declaration of Independence that George III "has made judges dependent upon his will alone for the payment of their salaries." [27]

Thus, due to the King's growing distrust of the colonies, judicial independence in America had taken a turn for the worse at the time of the Revolution, although it had been a goal of the colonists for some time, and despite their limited successes in promoting it:

"One of the long-continued struggles of the assemblies was for judicial tenure during good behavior, a tenure much more conducive to judicial independence than that during the pleasure of the executive. Despite the opposition of the Crown, extending even to the removal of one governor who failed to veto such an act, the assemblies managed to establish the longer tenure in several colonies.[28]

After 1776, the states developed constitutions containing various prohibitions of executive control over the judiciary, and these documents provided some powerful precedents for the founding fathers when they met eleven years later. Some states, such as Connecticut, retained basically the same form of government as had existed prior to independence. There was no uniform standard to be followed by those states which drafted new constitutions, and naturally the new governing documents revealed no accepted method of selecting judges or granting them tenure.[29] For example, New York granted tenure to its supreme court judges during good behavior, while New Jersey gave them seven-year terms.[30] In most states, as in the abortive Articles of Confederation, the legislature was the dominant power in government under the early state constitutions, playing a leading role in the choice and removal of judges in all but a few states where it was limited to impeachment of judges for misconduct.[31] James Madison observed at the Philadelphia convention that:

"[E]xperience in all states has evinced a powerful tendency in the legislature to absorb all power into its vortex. This was the real source of danger to the American [state] Constitutions; and suggested the necessity of giving every defensive authority to the other departments that was consistent with republican principles." [32]

The Bill of Rights of the Massachusetts Constitution of 1780 took a position substantially like Madison's when it stated unequivocally that:

"It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, and of every citizen, that judges hold their office as long as they behave themselves well; and that they should have honourable salaries ascertained and established by standing laws." [33]

That same Massachusetts Constitution also provided a more specific clause delineating its separation of powers doctrine:

"In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end that it may be a government of laws, and not of men." [34]

Despite Massachusetts' provision for separation of powers and a more independent judiciary, Madison said later in *The Federalist*, No. 47, that:

"If we look into the constitutions of the several States we find that, notwithstanding the emphatical and, in some instances, the unqualified terms in which this axiom has been laid down, there is not a single instance in which the several departments of power have been kept absolutely separate and distinct."

Thus it is clear that the founders arrived at Philadelphia familiar with English and American precedents of separated powers and judicial independence. From English history and from their knowledge of the political philosophers, they had gained familiarity with and respect for the principle of judicial independence. From their own colonial experience and from their state constitutions, they had learned the importance of incorporating the doctrine in the governing documents in order to assure the fair administration of justice.

C. The Constitutional Convention

John Randolph of Virginia offered the initial proposal relating to the judicial branch at the Constitutional Convention; Randolph came from a state where the legislature had been dominant. His proposal provided for judges to be chosen by the national legislature, and to "hold their offices during good behavior." [35] Charles Pinckney of South Carolina submitted an alternative proposal on the same day which also provided for judicial tenure during good behavior.[36] Hamilton, whose primary concern was the establishment of a strong executive, later suggested the inclusion of a judiciary article providing for a supreme court with justices serving during good behavior and removable only by conviction on impeachment for some crime or misdemeanor.[37]

When the judiciary article reached the floor of the Convention for debate, an attempt was made by John Dickinson of Delaware to install address as a means of removing judges. After the words "good behavior" would have been inserted the words "provided that they may be removed by the Executive on the application [by] the Senate and House of Representatives." Gouverneur Morris thought the provision would be a "contradiction in terms," since it would subject judges who would be serving during good behavior to removal without a trial. Another objection was made by Randolph, who "opposed the motion as weakening too much the independence of the Judges." The proposal was defeated seven to one, with three states absent, and removal by address was specifically rejected by the founding fathers.[38]

The tenure of federal judges was thus established as during good behavior subject only to impeachment by the House of Representatives and conviction by the Senate sitting as a jury, and was embodied in section I of article III as finally adopted by the framers:

"The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their services, a Compensation, which shall not be diminished during their Continuance in Office."

The framers did not include a specific clause in the Constitution separating the powers of government among the three branches. However, they did classify the powers and assign them to their respective departments. In addition to article III, which assigned the judiciary power, article I, section I provided that "All legislative Powers herein granted shall be vested in a Congress of the United States . . ." and article II, section I specified that "The executive Power shall be vested in a President of the United States of America."

An early criticism of the Constitution was that it did not specifically separate the powers in accord with Montesquieu's maxim but rather that it actually meshed some of the powers.[39] The overlapping—popularly described as the system of checks and balances—takes several forms: for instance, the power of appointment is given to the executive, but with the advice and consent of the Senate, and impeachment, which in essence is a judicial function, was given to the Congress.[40] However confusing such a system may seem, it has served a valuable purpose, and was ably defended by Madison in *The Federalist*, No. 47:

"The magistrate in whom the whole executive power resides cannot of himself make a law, though he can put a negative on every law; nor administer justice in person, though he has the appointment of those who do administer it. The judges can exercise no executive prerogative, though they are shoots from the executive stock; nor any legislative function, though they may be advised by the legislative councils. The entire legislature can perform no judiciary act, though by the joint act of two of its branches the judges may be removed from their offices, and though one of its branches is possessed of the judicial power of the last resort. The entire legislature, again, can exercise no executive prerogative, though one of its branches constitutes the supreme executive magistry, and another, on the impeachment of the third, can try and condemn all the subordinate officers in the executive department."

"The accumulation of all powers, legislative, executive and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."

Another complaint lodged against the new Constitution while it was before the states for ratification was the absence of a specific method of removing judges. The opponents of ratification recognized that the Constitution made provision by its impeachment process for the removal of judges from their judicial offices for "Treason, Bribery, or other high Crimes and Misdemeanors" (article II, section 4). They complained of the Constitution, however, because it made no provision for removal of judges for mental infirmities arising out of age or other causes. The founding fathers omitted a provision for removal on such grounds because, as Hamilton stated in *The Federalist*, No. 79, it "would much oftener give scope to personal and party attachments and enmities than advance the interests of justice or the public good." Said Hamilton:

"The want of a provision for removing the judges on account of inability has been a subject of complaint. But all considerate men will be sensible that such a provision would either not be practiced upon or would be more liable to abuse than calculated to answer any good purpose. The mensuration of the faculties of the mind, has, I believe, no place in the catalogue of known arts. An attempt to fix the boundary between the regions of ability and

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inability would much oftener give scope to personal and party attachments and enmities than advance the interests of justice or the public good. The result, except in the case of insanity, must for the most part be arbitrary; and insanity, without any formal or express provision, may be safely pronounced to be a virtual disqualification."

Hamilton went on in *The Federalist*, No. 79, to declare that investigations into the abilities of a judge "must forever be vague and dangerous." The early New York state constitution, he said, avoided such investigations by providing that all judges retire at sixty years of age. Hamilton added:

"I believe there are few at present who do not disapprove of this provision. There is no station in relation to which it is less proper than to that of a judge. The deliberating and comparing faculties generally preserve their strength much beyond that period in men who survive it; and when, in addition to this circumstance, we consider how few there are who outlive the season of intellectual vigor and how improbable it is that any considerable portion of the bench, whether more or less numerous, should be in such a situation at the same time, we shall be ready to conclude that limitations of this sort have little to recommend them in a republic where fortunes are not affluent and pensions not expedient, the dismission of men from stations in which they have served their country long and usefully, on which they depend for subsistence, and from which it will be too late to resort to any other occupation for livelihood, ought to have some better apology to humanity than is to be found in the imaginary danger of a superannuated bench."

Earlier, in *The Federalist*, No. 78, Hamilton defended the appointment of judges for tenure during good behavior, which he considered "the citadel of the public justice and the public security." He continued:

"According to the plan of the convention, all judges who may be appointed by the United States are to hold their offices *during good behavior;* which is most conformable to the most approved of State constitutions. . . . The standards of good behavior for the continuance in office of the judicial magistracy is certainly one of the most valuable of the modern improvements in the practice of government. In a monarchy it is an excellent barrier to the despotism of the prince; in a republic it is no less excellent barrier to the encroachments and oppressions of the representative body. And it is the best expedient which can be devised in any government to secure a steady, upright, and impartial administration of the laws."

In *The Federalist*, No. 51, Madison commented on the importance of the judiciary's independence from the appointing authority:

"In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own; and consequently should be so constituted that the members of each should have as little agency as possible in the appointment of the members of the others. . . . In the constitution of the judiciary department in particular, it might be inexpedient to insist rigorously on the principle: first, because peculiar qualifications being essential in the members, the primary consideration ought to be to select that mode of choice which best secures these qualifications; secondly, because the permanent tenure by which the appointments are held in that department must soon destroy all sense of dependence on the authority conferring them. It is equally evident that members of each department should be as little dependent as possible on those of the others for the emoluments annexed to their offices. Were the executive magistrate, or the judges, not independent of the legislature in the particular, their independence in every other would be merely nominal."

The well-known rule of construction that the expression of one thing is the exclusion of another compels the conclusion that the founding fathers intended that no federal judge should be removed from office except through the impeachment process. Hamilton justified the purpose of the framers on this score when he said in *The Federalist*, No. 79:

"The precautions for [judges'] responsibility are comprised in the article respecting impeachments. . . . This is the only provision on the point which is consistent with the necessary independence of the judicial character, and is the only one which we find in our own Constitution in respect to our own judges."

D. The Congress of 1789

The first Congress meeting under the new Constitution promptly passed the Judiciary Act of 1789, which established the Supreme Court and a federal district court in each state.[41] It also passed a law making it a crime for a judicial officer to accept a bribe, and, on conviction, disqualifying him from holding any office of honor, trust, or profit with the United States government.[42] The first of these acts set the tone of the federal judiciary and created a general structure which has been retained, with expansion and revision, to the present. Although the latter has been interpreted in some quarters as an early attempt to place some limit on the activities of federal judges outside the impeachment process, the statute has never been enforced.[43]

During debate on the Judiciary Act of 1789, Congressman Smith of South Carolina counseled his colleagues that it would not be easy to alter the federal system once it was established:

"The judges are to hold their commissions during good behavior, and after they are appointed they are removable only by impeachment; in consequence the system must be a permanent one." [44]

E. The Jeffersonian Democrats

The federal judiciary established by the Act of 1789 remained essentially intact until the Federalists lost the election of 1800. Before they lost control of the administration and Congress early the next year, the Federalists established a number of new judgeships by passing the Judiciary Act of 1801,[45] and President John Adams appointed members of his party to the positions during the last hours of his administration.[46] When the Jeffersonian Democrats took office shortly thereafter, they proceeded to repeal the Act of 1801, thereby setting off a monumental debate on the powers of Congress to "undo what it had done" to the federal judiciary.[47]

Three years later, the Democrats took another swipe at the courts, this time with an attempt to impeach and convict the Federalist Associate Justice of the Supreme Court, Samuel Chase. He was charged with misconduct while holding a trial for sedition. The accusations obviously were politically motivated. Although Chase was impeached by the House and the effort received a majority vote in the Senate, it failed for lack of the necessary two-thirds vote. However, the Jeffersonian Democrats managed in that same year to bring about the first successful impeachment, conviction, and removal of a federal judge—John Pickering of New Hampshire, who was charged with violations of statute, conducting court while intoxicated, and blasphemy on the bench.[48]

F. The court-packing debate

Attempts to remove judges by means other than impeachment gained renewed impetus in the 1930s when President Franklin D. Roosevelt attempted to "pack" the Supreme Court, and legislation was sponsored by Representative Hatton Sumners of Texas, chairman of the House Judiciary Committee, which would have created a panel to rule on the fitness of federal judges.[49] The efforts sparked a great debate over the constitutionality of alternative methods of removal. The basic argument on behalf of constitutionality was propounded by Professor Burke Shartel, whose treatise [50] was written a few years before the debate and is still relied upon extensively by those who believe there can be some method of removal other than impeachment under the Constitution. Taking the opposing view was a federal district judge and legal scholar, the late Merrill E. Otis.[51] The debate centered around the legislative proposal to create a tribunal to rule on the fitness of federal judges alluded to above.

Shartel took the position that impeachment was designed to restrict the power of the *Congress* over judges, not that of the judicial branch over its own members.[52] He argued that the removal of a judge involves a justiciable dispute and as such can be handled by the judicial branch. Admitting that the separation of powers doctrine precludes executive removal, Shartel asserted that legislative removal is possible only through impeachment, bills of attainder having been rejected at the Constitutional Convention. He said:

"The separation of powers doctrine stands in the way of legislative removal of executive and judicial officers, except as such removal is expressly authorized in one form—impeachment." [53]

Shartel believed that methods of judicial removal—*scire facias* and quo warranto—were still operative, enabling the judicial branch (presumably the Supreme Court or some other body of judges) to remove members of the inferior courts.

Judge Otis answered Shartel with a question of his own:

"The Constitution does separate our government into three independent branches. But does not the independence of the judicial branch attach as much to the judges of the inferior courts as it does to the justices of the highest court?" [54]

He convincingly pointed out the absence in the Convention debates of any other method of removal; the fact that the Constitution makes no distinctions between judges, whether they be supreme or inferior—they are all to hold office "during good behavior"; and that the Constitution fixes the term of a judge as life, leaving the Congress no more power to alter that term than it has to alter the term of the President or Vice President.

Otis also carefully analyzed the word "sole" used in describing the powers of impeachment:

"It is well known, and often has it been said by the highest courts, that every word of the Constitution was intended to have significance. If that is true of any word, it is especially true of the strong word—'sole.' "

"The Framers certainly would not have been so meticulous in the use of words, so careful to use this particular strong word in the vesting of the impeachment power, unless they had in mind either, (a), that in the past in English law the power to charge misconduct against an officer for the purpose of securing his removal from office had been exercised by some body or official other than the House of Commons, or, (b), that in after years some one might conceive that the power might be exercised by some other body or official than the House of Representatives. The word "sole" was used to make it clear to all forever that, in the American system, no significance should be given to any English precedent, if there were any, whereby the power to charge misconduct for the purpose of obtaining removal of a civil officer from office, was held to be lodged in any other than that legislative body directly representing the whole people." [55]

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Shartel based his argument on the continued existence of a proceeding like *scire facias*, and if Judge Otis did not demolish it, another scholar did when she said:

"The clearest rejection of Shartel's argument lies in the fact that no colonial or state constitution provided for such a use of *scire facias*, nor was a proposal made to include it during the Constitutional Convention. Even in the unreformed common law, there was a distinction between precedents and fossils."[56]

The arguments put forward during the 1930s, of course, came and went with the unsuccessful attempts to pack the court and to establish the judicial oversight tribunal. And so, for the most part, did attempts to erode the independence of our federal judges, at least for thirty years.

II. COMMENTARY

I have attempted from the foregoing sketchy treatment of the historical basis of judicial independence to show that the concept was a *sine qua non* to the men who drafted the United States Constitution. Because of the limitations of space and time, it was not possible for me to delve into the detail that would be appropriate and that would even more strongly support my thesis that judicial independence is the strongest safeguard against the exercise of tyrannical power by men who want to live above the law, rather than under it. The separation of powers concept as understood by the founding fathers assumed the existence of a judicial system free from outside influence of whatever kind and from whatever source, and further assumed that each individual judge would be free from coercion even from his own brethren.

The founding fathers, in establishing our national government, reflected clearly the lessons they had absorbed concerning the history of man's struggle to be free from tyranny. They knew that those entrusted with governmental powers are susceptible to the disease of tyrants—to what George Washington described in his Farewell Address as the "love of power and proneness to abuse it."[57] They realize that the powers of public officers should be defined by laws which they, as well as the people, are obliged to obey, and that liberty demands control by constant and uniformly enforced laws rather than by the arbitrary and inconstant whims of willful men.

They recognized the inalterable truth expressed by Thomas Hobbes, when he said that freedom is "political power divided into small fragments,"[58] and for that reason they diffused national power among three branches of government, each charged with specific responsibilities and each likewise precluded from exercising those powers bestowed upon the other two branches. Because they had suffered the burdens of tyranny, the founding fathers very carefully provided for a federal judiciary that would operate completely independent of everything except the Constitution.

To my mind, an independent judiciary is perhaps the most essential characteristic of a free society. From long experience as a practicing attorney, a trial judge, an appellate judge, and now a legislator, I have had ample opportunity to observe and appreciate the safeguards embodied in the separation of powers doctrine so wisely formulated by our forefathers.

Unfortunately, the events of recent years have created an aura of crisis in many sectors of our society, and in their haste to set right situations deemed disastrous, leaders in all three branches of the government have proposed solutions ultimately inimical to the constitutional safeguards so carefully formulated by the founding fathers. The principle of judicial independence has been gravely endangered as a result of this "crisis" approach to solving our problems. Beyond doubt during this era of social upheaval, there is a rather extraordinary lack of confidence in many of our governmental institutions, including the judiciary. Hence, it is not surprising that some deeply concerned persons would emulate the example of Sampson, who, in his blind zeal, destroyed the pillars on which the temple rested. There are now pending before the Congress well over two dozen measures designed to place new restrictions on federal judges. In many instances these measures represent a direct assault upon the principle of judicial independence. Some of them are directed toward limiting the non-judicial activities of federal judges, while others are designed to provide means of disciplining the federal judiciary.

Because of the controversy over the proper role of the judiciary, the Senate Judiciary Subcommittee on Separation of Powers,[59] of which I am chairman, conducted two series of hearings into the principle of judicial independence. The first series of hearings undertook to investigate the many pertinent questions about the non-judicial activities of judges which were raised in the wake of the Fortas resignation. Thus, on July 14, 15, and 16, and September 30, 1969, the Subcommittee heard testimony from an impressive list of expert witnesses ranging from former Supreme Court Justices Tom C. Clark, Arthur J. Goldberg, and Stanley Reed, to former Secretary of State Dean Acheson. The hearings emphasized the general ramifications of proposed limitations on the extra-judicial activities of federal judges rather than focusing on any single piece of proposed legislation. The hearings failed to produce any consensus on precisely what constitutes an improper outside activity for federal judges, although there was general agreement that the Congress should be very reluctant to pass all-encompassing legislation which might result in undue restrictions.[60]

Because of the continuing clamor both in the press and in the Congress, the Subcommittee this spring devoted four days of hearings to the independence of federal judges. These hearings, conducted on April 7 and 9, and May 7 and 8, 1970, were concerned with the roles of the Judicial Conference of the United States and the judicial councils of the various circuits as they relate to the independence of federal judges, and with certain legislative proposals introduced to expand the powers of judges to oversee the judicial activities of their brethren.[61]

During this second set of hearings, the Subcommittee paid particular attention to Senate Bill 1506, introduced in the First Session of the Ninety-first Congress by Senator Joseph Tydings "to provide for improvements in the administration of courts of the United States. . . ." It is cited as the Judicial Reform Act.[62]

Title I of the Tydings bill would create a Commission on Judicial Disabilities and Tenure, consisting of judges appointed by the Chief Justice, and empowered to investigate charges of misconduct and to recommend to the Judicial Conference the removal of a federal judge. In turn, the Conference would have the power to remove the judge, subject to appeal to the Supreme Court by certiorari. Complaints could be brought by "any person" against any federal judge, and the grounds for removal could range from disability to conflict of interest. In effect, title I would provide a means for removing federal judges from office without compliance with the constitutional mandate that nothing except impeachment and conviction can be used for that purpose. Obviously, possible objections to title I are manifold. Not only does it raise serious constitutional questions, but its language presents intense problems of interpretations.

My colleague, Senator Tydings, of course, is concerned with improving the machinery for the administration of justice. I share that concern, as all of us must in this period when there are unprecedented backlogs in our courts, when justice in one district may be swifter than in another, and when public respect for our judicial system is at such a low ebb that any misstep by an individual judge may be attributed in the public mind to the entire federal judiciary. However, commissions such as the one embodied in the Tydings bill will not solve these problems, for they would be empowered to deal with the results, not the causes of our problems.[63]

Virtually all of the witnesses in the last hearings, most of whom were federal judges, conveyed to the Subcommittee in the strongest possible terms that their legal research and long experience convinced them that measures such as Senate Bill 1506 are not only patently unconstitutional, but could serve as tools for disgruntled litigants to disrupt the orderly process of the administration of justice.

Following the hearings, the Subcommittee sent a letter to every federal district judge in the United States soliciting his views on the Tydings bill. We felt this information would be particularly telling since the district judges would be most involved with and affected by the measure. Of more than a hundred responses received to date, only *one* indicated support for this bill.[64] Most of the judges responding were very specific in their objections, emphasizing the questionable constitutionality of the measure, the unreasonable burden it would place on federal judges, and the serious, if not fatal, damage it would do to the principle of an independent judiciary.

One judge reflected the feelings of his colleagues:

"Complete independence is a basic *sine qua non* for effective judges. The question of whether this independence can ever be restricted at all without doing more harm than good becomes more difficult philosophically with more careful study and analysis. . . . It seems to me that if the problem is put into proper perspective, and the sins of the very few judges who are lazy, or who fail to recognize their own weakness, are viewed, not in isolation, but in proportion to those judges who do not abuse their independence, but utilize it to give the fairest and promptest justice that they can, there appears no real reason to resort to expedients of doubtful constitutionality, and fraught with the likelihood of being in themselves more dangerous than the evils against which they are directed."

A second judge predicted another danger, harassment by disgruntled litigants:

"The threats to judicial independence found in the provisions of the bill are real. Congress and not other judges should determine whether or not a judge should be removed from office. Also, the harassment that would be put into play against a judge by disgruntled litigants would be both burdensome and insulting to such judge. A disgruntled litigant has his right of appeal from a judgment adverse to him, and in these days such appeal is being made more and more easy to accomplish."

As a third judge pointed out:

"The Founding Fathers manifestly intended to make it very difficult to remove federal judges. This fact has been fundamental in permitting judges the independence to accord justice without favoritism and patronism. This beneficent aspect of the federal judiciary will be overthrown if Title I, S. 1506 were to become law."

While a good portion of the Subcommittee's second round of hearings was devoted to the Judicial Conference of the United States[65] and the judicial councils of the circuits,[66] the limitations of time and space preclude any detailed discussion in this

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paper of the capacity of these two bodies to infringe upon independence. Suffice it to say that my reading of the legislative history establishing the two bodies clearly convinces me that Congress intended them merely to be housekeeping bodies with no power whatsoever to discipline any federal judge for the omission or commission of any act. The Founding Fathers assigned that task to Congress. Judicial independence can just as easily be eroded by powerful hierarchies within the judiciary itself as by outside pressures from the legislative and executive branches of the government. Certain activities of the councils make it clear that their powers and functions should be more clearly defined. The issue was raised but was left unanswered in the two cases of *Chandler* v. *Judicial Council of the Tenth Circuit*.[67] In the Chandler episode, the Judicial Council of the Tenth Circuit decided that it would discipline Judge Chandler by ordering him to take no action on cases pending before him, and by refusing to assign him any other cases. Judge Chandler, believing that this was tantamount to an unconstitutional impeachment and conviction by the Tenth Circuit, twice sought to have the Supreme Court pass on the issue. However, the Supreme Court in both instances refused the opportunity to establish legal precedent for the constitutional principle that only Congress can remove a federal judge. I agree with Mr. Justice Black, who in the first *Chandler* case declared:

"This is clearly and simply a proceeding by circuit judges to inquire into the fitness of a district judge to hold his office and to remove him if they so desire. I do not believe Congress could, even if it wished, vest any such power in the circuit judges.

"One of the great advances made in the structure of government by our Constitution was its provision for an independent judiciary—for judges who could do their duty as they saw it without having to account to superior court judges or to anyone else except the Senate sitting as a court of impeachment."[68]

In the second *Chandler* case, the Court again refused to face the issue; instead it held that Judge Chandler had failed to make a "case for the extraordinary relief of mandamus or prohibition."[69]

Mr. Justice Black in the second *Chandler* case aptly expressed my opinion of the constitutionality of the actions taken by the Judicial Council of the Tenth Circuit when he said:

"What is involved here is simply a blatant effort on the part of the Council through concerted action to make Judge Chandler a "second-class judge," depriving him of the full power of his office and the right to share equally with all other federal judges in the privileges and responsibilities of the Federal judiciary. I am unable to find in our Constitution or in any statute any authority whatever for judges to arrogate to themselves and to exercise such powers. Judge Chandler, like every other federal judge including the Justices of this Court, is subject to removal from office only by the constitutionally prescribed mode of impeachment."[70]

Under no circumstances would I wish to suggest that there are no abuses within the federal judiciary, or that there is no room for improvement either in the quality of the judges appointed to the federal bench or of the system under which they operate. However, I do believe that such legislative proposals as that embodied in the Tydings bill and such heavy-handed operations of the judicial hierarchy as is reflected in the Chandler incident represent wrong approaches to problems which may or may not exist. We all know that no perfect judicial system can be devised by the mind of man, and it would be sheer folly to cast away the constitutional protection we now have in a vain attempt to create such a perfect system. My reading of the Constitution and of the history surrounding its drafting convinces me that there is not a word or clause anywhere in that great document that would give any one of the three branches of government the power to remove federal judges except through the admittedly cumbersome process of impeachment, and there are ways through which the Congress could streamline that process without running afoul of the constitutional mandate.[71]

While there may be steps available to modernize and make more efficient the impeachment process, we must heed the warning of Professor Philip B. Kurland, one of the country's noted constitutional authorities and the Chief Consultant to the Subcommittee on Separation of Powers, who said, "it should be kept in mind that tools created by the well-intentioned for beneficent uses may fall into less worthy hands to be used for less appropriate ends."[72]

The founding fathers knew that the form of government they established would not create a judiciary composed of judicial angels who could do no wrong. They knew that the activities of a few judges might handicap the operation of the system, but at the same time they realized that individual liberty is best protected by an independent judiciary composed of judges who are subject to the Constitution alone. They had learned the lesson of history, and attempted to build safeguards into our system which would prevent its repetition. We must not reject their wisdom—and destroy our own freedoms—by regarding the Constitution they drafted as a piece of ancient parchment which can be folded and rearranged to suit the whims of individual men.

FOOTNOTES

[*] United States Senator from North Carolina.

[1] Aristotle, Politics, book IV, ch. 14. *See generally* Robinson, *The Division of Governmental Power in Ancient Greece,* 18 Pol. Sci. Q. 614 (1903).

[2] J. Bryce, Modern Democracies 391 (1921).

[3] *See generally* Fairlie, *The Separation of Powers,* 21 Mich. L. Rev. 393 (1922).

[4] J. Locke, Treatise of Civil Government and Letter Concerning Toleration 97–99 (Sherman ed. 1937).

[5] *Id.*

[6] Fairlie, *supra* note 3, at 396.

[7] I B. de Montesquieu, Spirit of the Laws 152 (Nugent ed. 1823).

[8] *Id.* at 156.

[9] W. Blackstone, Commentaries on the Laws of England 259–60 (1765). An unexplained and undocumented note found inside one of the 1765 editions in the Library of Congress proclaimed, "By the year 1776 nearly 2,500 copies of Blackstone's *Commentaries* were in use in the Colonies, of which 1,500 were of the first American edition exhibited above. This circumstance led Burke, in moving his resolution for conciliation with the Colonies, to declare: 'I hear that they have sold nearly as many of Blackstone's *Commentaries* in America as in England.'"

[10] W. Paley, Moral and Political Philosophy 345 (1824).

[11] Wright, *The Origins of the Separation of Powers in America,* 13 Economia 169, 179 (1933).

[12] McIlwain, *The Tenure of English Judges,* 7 Am. Pol. Sci. Rev. 217, 218 (1913). While not documented, this paper, prepared for oral presentation before a meeting of the American Political Science Association, is highly readable and accurate in detail.

[13] *Id.* at 219.

[14] Ross, *'Good Behavior' of Federal Judges,* 12 U. Kan. City L. Rev. 119, 120 (1944).

[15] VI E. Foss, The Judges of England 372 (1857). In his brief biography, Foss recounts that after assuming the duties of chief baron, Walter "did not answer to the king's expectations. He was too independent and too honest to suit the royal will." *Id.* at 371–72.

[16] T. Plucknett, A Concise History of the Common Law 60–61 (5th ed. 1956). *See also* McIlwain, *supra* note 12, at 223.

[17] McIlwain, *supra* note 12, at 224.

[18] 12 & 13 William III, c. 2, § 3 (1700). *See also* The Eighteenth Century Constitution, 1688–1815, at 59 (E. Williams ed. 1960).

[19] 1 George III, c. 23 (1760).

[20] Ziskind, *Judicial Tenure in the American Constitution: English and American Precedents,* 1969 Sup. Ct. Rev. 135, 137.

[21] Plucknett, *supra* note 16, at 248 Plucknett recites the activities of William Murray, Earl of Mansfield, who as Lord Chief Justice of the King's Bench remained in the House of Lords and, among other things, argued against repeal of the Stamp Act.

[22] W. Carpenter, Judicial Tenure in the United States 125 (1918).

[23] McIlwain, *supra* note 12, at 225.

[24] Ziskind, *supra* note 20, at 138.

[25] Wright, *supra* note 11, at 176.

[26] Carpenter, *supra* note 22, at 2–3.

[27] *Id.* at 2.

[28] Wright, *supra* note 11, at 177.

[29] Ziskind, *supra* note 20, at 139. This source gives a rather detailed survey of the judicial systems initially used by each of the new states.

[30] *Id.* at 140.

[31] *Id.* at 138–39.

[32] Quoted in F. Green, Constitutional Development in the South Atlantic States, 1776–1860, at 103 (1930).

[33] The Federal and State Constitutional Colonial Charters and Other Organic Laws of the United States, art. 29, at 960 (B. Poore ed. 1878).

[34] *Id.*, art. 30, at 960.

[35] I. M. Farrand, The Records of the Federal Convention of 1787, at 21 (1934).

[36] III *id.* at 600.

[37] *Id.* at 628.

[38] II *id.* at 428–29.

[39] Fairlie, *supra* note 3, at 398. Madison, in *The Federalist,* No. 47, states that "One of the principal objections inculcated by the more respectable adversaries to the Constitution is its supposed violation of the political maxim that the legislative, executive, and judiciary departments ought to be separate and distinct."

[40] *See id.* at 402–03.

[41] Judiciary Act of 1789, I Stat. 73.

[42] Act of April 30, 1790, ch. 19, § 21, I Stat. 117.

[43] Testimony of Peter G. Fish at *Hearings on The Independence of Federal Judges Before the Subcomm. on Separation of Powers of the Senate Comm. on the Judiciary,* 91st Cong., 2d Sess. (1970). (Unpublished). These hearings are discussed *infra.*

[44] 1 Annals of Cong. 860 (1789).

[45] Act of Feb. 13, 1801, ch. 4, 2 Stat. 89.

[46] Carpenter, *supra* note 22, at 55.

[47] Kurland, *The Constitution and the Tenure of Federal Judges: Some Notes from History,* 36 U. Chi. L. Rev. 665, 671 (1969). Professor Kurland's article is an excellent review of the debate and of other attempts to install legislative limits on the tenure and independence of federal judges.

[48] For a concise résumé of impeachments, see *The Kelly Memorandum,* Cong. Rec., vol. 116, pt 21, p. 28092. Including Chase and Pickering, there have been a total of nine impeachments, based on various charges. In 1830, James H. Peck of Missouri was impeached, but not convicted, for punishing for contempt a lawyer who was critical of one of his opinions; in 1862, West H. Humphries was impeached and convicted for aiding in the secession of Tennessee and serving as a Confederate judge; in 1904, Charles Swayne of Florida was acquitted on charges involving false expense account

claims, misuse of a receivership for personal gain and living outside his district; in 1912, Robert W. Archbald was convicted and removed from the Commerce Court on charges of using his position to secure business favors; in 1926, George W. English of Illinois resigned in the face of accusations that he had abused his power by suspending and disbarring two attorneys, and that he had used his office for personal gain; in 1933, Harold Louderback of California was acquitted of charges that he used his office to enrich his friends; and, in 1936, Halsted L. Ritter was convicted and removed on a charge that he had received kickbacks from legal fees awarded his former law partner.

[49] S. 4527 and H.R. Res. 2271, 75th Cong., 1st Sess. (1936). Both bills are reprinted in full in Otis, *A Proposed Tribunal: Is It Constitutional?*, 7 U. KAN. CITY L. REV. 3, 10–12 (1938).

[50] Shartel, *Federal Judges—Appointment, Supervision, and Removal—Some Possibilities Under the Constitution*, 28 MICH. L. REV. 870 (1930).

[51] Otis, *supra* note 49.

[52] Shartel, *supra* note 50, at 894.

[53] *Id.* at 881.

[54] Otis, *supra* note 49, at 17.

[55] *Id.* at 25–26.

[56] Ziskind, *supra* note 20, at 138.

[57] I MESSAGES AND PAPERS OF THE PRESIDENTS 211 (J. Richardson ed, 1897).

[58] H. MAINE, POPULAR GOVERNMENT 70 (1885).

[59] The Subcommittee on Separation of Powers originated under S. Res. 305, sponsored by Senators Dirksen and Mansfield in the 89th Congress, 2d Session. It is authorized to "make a full and complete study of the separation of powers between the executive, judicial and legislative branches of Government provided by the Constitution, the manner in which such power has been exercised by each branch and the extent if any to which any branch or branches of the Government may have encroached upon the powers, functions, and duties vested in any other branch by the Constitution of the United States." Present membership consists of Sam J. Ervin, Jr., North Carolina, Chairman; John L. McClellan, Arkansas; Quentin N. Burdick, North Dakota; Charles McC. Mathias, Jr., Maryland; and Robert P. Griffin, Michigan.

[60] *Hearings on nonjudicial Activities of Supreme Court Justices and Other Federal Judges Before the Subcomm. on Separation of Powers of the Senate Comm. on the Judiciary*, 91st Cong., 1st Sess. (1969). (Unpublished.) These hearings are soon to be published by the Subcommittee, and should prove of great value to scholars who wish to study contemporary viewpoints on judicial independence.

The Subcommittee, at this writing, is in the process of drafting a proposed set of suggestions regarding what constitutes acceptable outside activities of federal judges. I should like to emphasize that these would only be *suggestions* for possible use by the federal judiciary; they will not under any circumstances be considered legislative proposals.

[61] *Hearings, supra* note 43. These hearings also are being prepared by the Subcommittee for publication and will be available soon.

[62] CONG. REC., vol. 115, pt. 5, pps. 6217–6230, S. 1506 and accompanying bills, S. 1507 through S. 1516, 91st Cong., 1st Sess. (1969), are printed at this point in the *Congressional Record*. The pertinent provisions of S. 1506 have been described by the Legislative Reference Service as follows:

Judicial Reform Act—*Title I: Commission on Judicial Disabilities and Tenure*—Establishes within the judicial branch of the Government a Commission on Judical Disabilities and Tenure composed of five members. Requires each member be a judge of the United States who is in regular active service. Requires the Commission, at all times, to include at least two district judges, and two circuit judges. Provides that all members be assigned to the Commission by the Chief Justice of the Supreme Court [sic]. Makes the term of the Commission four years.

Provides that the Commission shall promote the honorable and efficient administration of justice in the courts of the United States. Permits it to act to retire or remove a judge only after an investigation and formal hearing in accordance with the requirements of due process. Provides that a decision to remove a judge for misconduct shall be subject to review by the Judicial Conference and ultimately by the Supreme Court by certiorari. Makes such proceedings confidential.

Enables the Commission to undertake an investigation of a judge [sic] physical or mental fitness upon a report of any person. Gives the Commission necessary powers such as the subpoena power, depositions, etc. Authorizes the payment of fees and mileage of witnesses and provides that U.S. marshals shall serve process and execute orders for the Commission.

See Digest of Public General Bills and Resolutions, 91st Cong., 1st Sess., LEGIS. REF. SERV. A–97 (1969).

[63] S. 1506 may be considered typical of several bills directed toward the same goal; however, it has received by far the greatest publicity and might be considered the most controversial. I would suggest that it would be more helpful to enact measures such as S. 3936, 91st Cong., 2d Sess., a bill I introduced on June 9, 1970, to implement the constitutional mandate for speedy trials in the federal courts.

[64] The full text of these letters will be reproduced when the hearings are published.

[65] 28 U.S.C. § 331 (1958).

[66] 28 U.S.C. § 332 (1958).

[67] 382 U.S. 1003 (1966) and 398 U.S. 74 (1970).

[68] 382 U.S. at 1005–06.

[69] 398 U.S. at 89.

[70] Id. 142.

[71] One such method has been suggested by Professor Preble Stolz of the University of California at Berkeley, who appeared before the Separation of Powers Subcommittee during its second series of hearings on judicial independence. Both there and in an excellent article entitled *Disciplining Federal Judges: Is Impeachment Hopeless?* 57 CALIF. L. REV. 659 (1969), he recommended that the impeachment process be modernized and streamlined so that it can work more efficiently, while eliminating political considerations to the maximum extent possible. This could be done by the House and Senate within the constitutional confines of impeachment. Professor Stolz suggests that the House name a Bipartisan Committee on Judicial Fitness with its own professional staff to assist it in reviewing the work of the judiciary and investigating allegations against federal judges. The Senate would appoint masters to conduct formal evidentiary hearings and prepare proposed findings of fact and conclusions of law which would be the basis of argument and decision in the Senate.

Senator Robert P. Griffin of Michigan made a similar suggestion during the first series of hearings mentioned above: "At this time, the only way to remove a Federal judge is by impeachment. It could be made much more effective than it is. That is one point I would like to stress. If Congress were to lay down standards and provide better machinery for determining what constitutes a 'high misdemeanor' or 'good behaviour,' impeachment could be a far more meaningful deterrent."

[72] Kurland, *supra* note 47, at 666.

UNEMPLOYMENT AMONG VIETNAM VETERANS

Mr. HUMPHREY. Mr. President, it has come to my attention that the Department of Labor does not now have a practice of regularly identifying and analyzing unemployment statistics among Vietnam era veterans in regular monthly reports.

It seems to me that omissions of this type from regular monthly briefings or statements on the unemployment situation in this country tend to cloud a vital dimension of the job market.

We now report on a monthly basis civilian unemployment figures by race, sex, and age. We have figures for married men and for white- and blue-collar workers.

The statistics on unemployed veterans should be released to the public on a regular basis through the news media, not merely to the limited members who read Labor Department publications.

Current figures on unemployed veterans show that sharp increases have occurred during the past several months. The first report produced by the Labor Department's Bureau of Labor Statistics on veterans appeared last November.

Since then both the number and the percentage of unemployed veterans has risen sharply.

The latest figures to be released on a quarterly basis by the Labor Department show that unemployment among veterans, between the ages of 20 and 24, rose from 10.8 percent to 14.6 percent during the first quarter of 1971, compared with the last quarter of 1970.

There are currently 244,000 unemployed veterans in this country. Three months ago there were 179,000 unemployed veterans.

These figures are shocking. These young Americans have served our country in the Armed Forces. They should be guaranteed the opportunity to contribute in peacetime to America's economic growth through meaningful and rewarding employment.

They must be guaranteed the right to a job. If the business sector cannot provide jobs at the present time, then the Government must provide them.

It makes far greater sense to be training these men or have them performing urgently needed public service jobs, than to consign them to the frustration of the unemployment line or the misery and humiliation of the relief line.

We have a duty and an obligation to provide them proud and productive employment.

So the Senate will know what the current situation is among unemployed veterans, I ask unanimous consent that the most recent analysis, prepared by the Bureau of Labor Statistics on unemployed veterans, be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

INFORMATION ON UNEMPLOYMENT AMONG VIETNAM ERA VETERANS AND NONVETERANS

	Number unemployed (thousands)						Unemployment rate (percent)					
	20–24 years		25–29 years		20–29 years		20–24 years		25–29 years		20–29 years	
	Veterans	Non-veterans	Veterans	Non-veterans	Veterans	Non-veterans	Veterans	Non-veterans	Veterans	Non-veterans	Veterans	Non-veterans
All men:												
1970:												
Quarter III	151	362	62	141	213	504	9.1	8.3	3.8	3.8	6.4	6.2
Quarter IV	179	376	89	153	269	529	10.8	9.1	5.2	4.2	7.9	6.8
1971: Quarter I	244	449	128	207	372	656	14.6	10.8	7.2	5.6	10.8	8.4
Negro and other races:												
1970:												
Quarter III	30	74	10	28	41	102	18.3	12.5	6.6	5.9	12.6	9.6
Quarter IV	30	77	16	30	46	107	18.1	13.7	10.0	6.3	14.2	10.3
1971: Quarter I	37	97	12	38	49	135	20.9	17.4	8.0	7.8	15.1	12.9
White:												
1970:												
Quarter III	121	288	52	113	172	401	8.0	7.6	3.5	3.5	5.8	5.7
Quarter IV	149	299	73	123	223	422	10.0	8.4	4.7	3.8	7.3	6.2
1971: Quarter I	207	352	117	169	323	521	13.9	9.8	7.1	5.3	10.3	7.7

Source: Bureau of Labor Statistics, May 7, 1971.

THE TRIAL OF JEWS IN RUSSIA

Mr. PERCY. Mr. President, the news that the Soviet Union is bringing increasing numbers of its Jewish citizens to trial on a variety of pretexts is deeply disturbing. One can reasonably suspect that the trials are an effort to intimidate those tens of thousands of Jews in the Soviet Union who wish to emigrate to Israel. In fact, the crimes that become apparent in these trials are not the alleged crimes of the Jewish defendants, but rather the crimes of the state against its own Jewish citizens.

First the Soviet authorities deny their Jewish citizens full freedom to carry on their religious, educational, and cultural traditions. Then, when in frustration these citizens decide to emigrate to a land where they can live a full Jewish life, the authorities subject them to harassment and arrest.

The Soviet authorities should know that such repressive measures can never succeed. For every Jewish citizen brought to trial, a thousand more will want to leave the country.

The Jews of the Soviet Union are entitled to justice in leading their daily lives, and they are entitled to emigrate if they so choose. I hope that all the pressure of world opinion will be brought to bear on behalf of justice for Soviet Jews. This is not simply an internal affair of one country. It is a moral concern of all men everywhere.

VIETNAM REVISITED

Mr. STEVENS. Mr. President, during the Easter congressional recess, I revisited South Vietnam with other Members of the Congress. My last visit had been in late June and early July 1969. At that time, the Vietnamization program had just started. Our troop strength in South Vietnam then was 413,900. This compares to our strength when I was in Vietnam of 287,600. By December 1, 1971 of this year it will be no more than 184,000.

The purpose of my trip this year was to visit personally with the Republic of Vietnam Armed Forces (RVNF); to examine the progress of the land reform program; to inspect the withdrawal of American troops and equipment program; and to look into the problems related to Vietnamization.

We left Washington, D.C. on the afternoon of April 7; our flight passed through Anchorage that evening for a short 2-hour stopover, during which I held a press conference at KENI-TV. We also visited briefly with Gen. Bob Ruegg, Alaska's Commanding General, and with my Anchorage secretary and her husband, Barbara and Don Andrews. Then, we flew to Tan Son Nhut airfield, with a refueling stop in Tokyo. The flight from Washington took about 25 hours. With us was a former Alaskan, Col. Joe O'Leary, Chief of Army Liaison to the U.S. Senate.

Even though we were able to get some sleep on the trip over, when we arrived in South Vietnam it was 7:45 a.m. I was quite bushed as I had visited at length with Mr. Katsuyama, Alaska's Tokyo Office Manager, and Mr. Clinton Atkinson, Fisheries Attaché to the American Ambassador to Tokyo when we stopped there. We visited from 1:40 a.m., Tokyo time, to about 3 a.m., at the Yakota Airfiled coffeeshop. I had asked to meet with these gentlemen to discuss fishing and timber problems of Alaska relative to Japanese interests.

When we arrived in South Vietnam, I could not help but compare the impression I had recorded 2 years ago to my arrival this time in South Vietnam. Two years ago, we stayed in military quarters, with Marines guarding the gate, and even outside our door. As we drove to Saigon, we had, then, passed bunker after bunker, all of which were manned by United States and Vietnamese forces. This year, we went directly to the Central Palace Hotel—a civilian hotel, where we stayed without any military guards. And those bunkers which were manned this year were around the government headquarters—and had only Vietnamese troops in them.

I am not saying that Saigon is free of war, but it is relatively secure as compared to 2 years ago.

It was over 80° when we arrived in Saigon—quite a change from the light snow conditions we had left in Anchorage the day before. And one thing impressed me more than anything—the attitude of U.S. servicemen I met. All of them seemed committed to our withdrawal program—from generals to privates the conversation concerned the difficulties—or challenges, however one wanted to view them—in bringing about an orderly withdrawal of our men and equipment. My purpose, as I stated, was to analyze these difficulties to see what we in Congress might do to assist to make our withdrawals as safe and expeditious as possible.

But, first, I had a duty requested of me by Senator JOHN STENNIS of Mississippi—chairman of the Senate Armed Services Committee. JOHN, upon learning that I was going to Vietnam again, asked me to look personally into the land reform program. My first appointment, upon reaching Saigon, was with John Mossler, Director of the Agency for International Development—AID—in Vietnam and his assistants, Ed Kosters, Assistant for Civilian Commenced Activities—AID and Dick Hough, Assistant for Land Reform—AID.

LAND REFORM AND ECONOMIC PROGRAMS

AID told me that their problem was to relate to the Vietnam economy and to assist in stabilizing the piastre—the South Vietnamese equivalent of our dollar. Land reform was essential to this process, I was told, and is now possible in those districts where a secure environment has been created. Security is absolutely essential; without it none of these programs can succeed. Going back to the Tet offensive of 1968, AID traced the development of national Vietnamese policies which, they feel, are leading to relative stability, now, in the South Vietnamese economy. As we withdraw our forces, there is evidence that an acceptable degree of security can prevail but that Vietnamese economic problems will increase. Today, South Vietnam is almost self-sufficient in rice production and may soon produce rice in excess of its needs. This has come about partially through the use of our "miracle rice" which has increased rice yield per hectare dramatically. One hectare equals about 2.5 acres.

AID seeks to increase further rice production, in order that the increase may be used to feed livestock for domestic use and for export. To do this, the Government of South Vietnam introduced a land reform program in March of 1970. Before this program started, about 60 percent of the available land was privately owned but farmed by tenant farmers. Eighty percent of this tenant farmed land was in the Mekong Delta region. Farming there is labor intensive, meaning that each family farms about three hectares. But, until recently, few of these farmers owned their own land.

The goal of the land reform—or "Land to the Tiller"—program is to give about one million hectares to these tenant farmers. This program applies primarily to rice and secondary crops—vegetable farms. It does not apply to forest land.

AID officials believe the program is progressing well. They pointed out that in the past the North Vietnamese have used absentee landlords as the focal point of their propaganda attacks in this Delta area. There are many stories about liberating forces, entering areas for the first time in several years, being followed by tax collectors and by landlords demanding back rent. Now, with good progress being made in land reform, the "Return to the Village Program" has also taken on a new perspective. These two programs, coupled with the continued growth of the People's Self Defense Force, the regional forces and the papular are the stabilizing influences in the Vietnamization program. I will comment upon the cost to these people later—significantly, these volunteer groups are bearing the heaviest casualties of increased Communist terrorism aimed at preventing the success of their programs.

While meeting with AID and State Department officials, I also discussed the problems of economic stability for South Vietnam. Our principal program to meet these problems is the commercial import program, financed with U.S. foreign aid dollars. Under this program, dollars are made available in the United States to finance the purchase of items importers in South Vietnam want to bring to their country for sale—for example, let us assume a dealer wants to buy some farm machinery to sell in his country. This dealer would arrange his purchase, privately. He would then seek his government's approval of the use of U.S. dollars to finance the purchase. Upon arrival in South Vietnam, he would get the machinery by paying for it with his own South Vietnamese piastres. But, the money he paid would go to a special U.S. account in South Vietnam—which is called the counterpart fund. From this fund the U.S. Government draws Vietnamese money to pay for services and supplies needed for U.S. personnel in South Vietnam. The effect of this transaction is that the South Vietnamese uses his own money—he is not put into the position of bargaining for U.S. dollars, a process which would cause rapid inflation if unchecked.

We also discussed the AID feelings about economic reform enacted by the South Vietnamese Assembly—new taxes, wage increases for civil servants, and veterans programs. I was quite impressed with our AID people in South Vietnam. My only complaint about their program is that they are too dedicated—and too inclined to want to try to solve all South Vietnam's problems with U.S. dollars. That cannot be done—and the best AID people to me seemed to be those that have stimulated South Vietnamese to do something new with their money. I saw a good example of this later in the Delta. On that first day in Saigon, I had another visit to make.

After my conferences with AID, I went to the Military Assistance Command, Vietnam—MACV—Headquarters. There I had asked to meet with the Assistant Chief of Staff for Logistics—J-4—Gen. Herron Maples. Particularly, I wanted to know what was being done with all of the equipment which had been used by military units already withdrawn from South Vietnam. This led to a briefing on the retrograde program.

THE "RETROGRADE PIPELINE"

My good friend, Bob Kunzig, Administrator of the General Services Administration, had preceded us in Saigon by only 1 day. Throughout Vietnam, I was to find that this dedicated Administrator had gone to the source to see first hand the condition of this equipment and how it is handled. The reason Bob was there is obvious. He handles part of it when it comes out of the other end of the "Retrograde Pipeline." This is the name given to the program through which literally millions of tons of equipment are being returned to the United States. It involves classification of the equipment; renovation or repair of it, either in South Vietnam, Taiwan, or Okinawa; and shipment to disposition centers in the United States or allied nations by American ships. This equipment is given the SCRAM code upon arrival at a retrograde center: SCRAM 1 is equipment ready for use; SCRAM 2 requires minor maintenance; SCRAM 3 involves major rebuilding, and SCRAM 4 all the remaining for which repair is uneconomical. Only 5 percent of all the equipment in South Vietnam is in SCRAM 4 condition.

This massive job of moving upwards of 50,000 tons per month of equipment is one of the reasons for our phased withdrawal from Vietnam. This equipment, needed not only for military but also for civilian use in the United States, is worth billions of dollars. The problems encountered so far relate to the limits of our port capacity, our ability to process the equipment with reduced personnel in Vietnam, and, most importantly, the actual time involved in processing. For instance, each item must be thoroughly cleaned—all weapons disassembled, cleaned, and packed; all vehicles cleaned with high-pressure water or steam and disinfected for shipment. Before shipment, each item must pass rigorous inspection from our Department of Agriculture before it may be returned to the United States.

Later in our trip I saw the ports of Cam Ranh Bay, Da Nang, and Qui Nhon, where almost all of this equipment is processed through the "retrograde pipeline."

We left MACV Headquarters, and that evening enjoyed a drink with other Americans while we sat in the open air lounge of the Continental Hotel—an old Saigon landmark—and dinner at the Blue Diamond Restaurant. Again, my mind went back to 1969 when Senator HENRY BELLMON of Oklahoma, who did not accompany me on this trip, and I could not go out at night in Saigon. Now, we were almost as safe in downtown Saigon as downtown Washington, D.C.

MEKONG DELTA DEVELOPMENT

On our second day in Vietnam, we visited briefly Gen. Frederick C. Weyland, the Deputy Commander of our forces in Vietnam. Commanding Gen. Creighton Abrams was not in Vietnam. I was deeply touched by General Weyland's feelings about the increasing drug problem among our men in Vietnam. Apparently, this problem gets worse as our men are removed from the battle zones. Marihuana and even heroin are easy and cheap to acquire. But, there appeared to be hope in the "amnesty program"—under which our men can seek medical treatment for drug addiction without fear of punishment. The general gave us an excellent briefing on the recent operation in Laos. He is much impressed with the ability of the South Vietnamese soldier. The total impact of this operation will not be known for some time but a most interesting benefit occurred in Phnom Penh. More of this later.

We also paid a courtesy call on Ambassador Ellsworth Bunker, our Ambassador to Vietnam. This distinguished career foreign officer, now in his late 70's, is a great American. He has more stamina than most men half his age and his knowledge and understanding of the total Asian situation is immense. Our visit was brief, as we were to have dinner with Ambassador Bunker on our last night in Saigon. Also, we were anxious to get out to the Mekong Delta.

This area, an immense delta formed by the meandering Mekong River, once was the hotbed of Communist activities in South Vietnam. In 1969, Senator BELLMON and I had visited our Navy, Air Force, and Army installations in the Delta. Now, in 1971, all these bases had been turned over to the Vietnamese. Our U.S. people left in the Delta, which is now known as Military Region 4—MR4—are advisors to the South Vietnamese and the support troops for these advisors. These Americans are located in approximately 120 places throughout the Delta. They coordinate communications, supplies, and the efforts of CORDS—Civil Operations and Rural Development Support Program.

I had asked to see specific examples of our CORDS program in the Delta, so we flew to Binh Thuy Airfield, near Can Tho, where 2 years ago Senator BELLMON and I had inspected the pride of the Vietnamese Air Force. The whole airfield is now Vietnamese. After landing at Binh Thuy, we visited briefly with Brigadier General Hinh, Deputy Commander of Vietnamese Forces in MR4. He told us of the actions his forces were taking to rout out the North Vietnamese troops still active in the Seven Sisters mountain area. The other area of major concern is the Yuminh forest, where South Vietnamese troops have, for the first time in many years, occupied territory which had been controlled by the enemy.

Significantly, General Hinh pointed out that the success of the farm program has deprived the communists their greatest propaganda weapon. Delta farmers no longer pay taxes to the marauding North Vietnamese troops—primarily because the farmers are now farming their own land, but also because the Peoples Self Defense Forces, the Regional Forces and the Popular Forces have restored relative security.

The Mekong Delta supplies 75 percent of the rice and 80 percent of all other foodstuffs other than fish produced in South Vietnam. Near Can Tho we inspected a small cooperative vegetable farm. This farm was owned by a series of families, all of whom worked on the land. Unfortunately, this season's crop had been almost destroyed by worms. We saw the hard work these people were doing to burn every single piece of their plants in an attempt to destroy this worm. And, a team from CORDS and the Vietnamese Department of Agriculture conferred with these farmers while we were there to offer technical assistance. After this conference was over, we met with leaders of the local 4–H club at their school.

From the cooperative farm we drove to the largest rice mill in the Delta. Owned by a Chinese who has been in South Vietnam for 40 years, this mill processes rice from all over the Delta. It was obvious that everyone, including the owner, worked hard and was proud of this mill—which had been imported from Britain. With the advent of miracle rice, this mill processes almost one-eighth of all the rice used in South Vietnam. The Communists have not tried to destroy this or any mill—because, as the owner remarked, without rice no one could survive in Asia. Much of the rice is held in warehouses for as long as 10 months and the owner sells his product when he feels he will get the best price. Incidentally, he pays cash to the farmer for the unprocessed rice on delivery to his mill.

Our last stop in the Delta farm country was at a small chicken farm. This was not a model, or even a prosperous farm. But it was indicative of the growth of independent farm operators in the Delta. With his own money, the small farmer had purchased some chicken breeding stock—from the United States with the help of AID. He had built his own incubators, using diagrams sent to him by a relative in training in the United States. Now, this has grown to a fairly large operation, and the farmer proudly showed me his plans for expansion. And like all the other Vietnamese farmers I had met, he was profuse in his thanks to our Government for our help and for "saving" his country. The AID advisers told us that this farm was typical of many which were springing up all over the Delta.

We went back to Can Tho where I met with Joe Terbar of Ketchikan, Mark Anderson of Petersburg, Bob Humphreys and Jerry Earle of Anchorage, and Emil Taug of Juneau. This was the first of several groups of Alaskans now serving in South Vietnam, with whom I visited while there. With every group, I discussed the Calley trial, the progress of our withdrawal, and Alaskan issues, such as the pipeline and native land claims—which were of interest to our men there.

THE KHMER REPUBLIC

We left Can Tho for a most interesting part of our trip. At my special request, we were cleared to go into Phnom Penh, the capital of the Khmer Republic, formerly known as Cambodia. We have no U.S. troops in Cambodia, but the United States has provided military aid—in equipment and supplies—in recent years. After a break in diplomatic relations of more than 5 years, we reopened our embassy there after the fall of Sihanouk in 1970.

Our Ambassador there, Emory Swank, a career Foreign Service officer, arranged both a military and political situation briefing and also invited us to stay in the Embassy, where we had dinner that night. It was Saturday, the night before Easter, and I have never seen a more beautiful city. Perhaps we discounted a little for Phnom Penh because it was still free—vibrantly free—when we had expected to see a besieged city. Less than a year ago, few informed observers held much hope for this city. All roads approaching the city had been cut—and only the supply ships convoyed up the Mekong from South Vietnam kept its defenders alive. But, we were told that as a result of the South Vietnamese pursuit of the North Vietnamese in Laos, the enemy was compelled to withdraw a portion of its troops from Cambodia. Also, supplies which would have come down to the North Vietnamese attacking Cambodia were seized or destroyed in the Laotian campaign.

Our people in Cambodia are few in number—their obvious attachment to this small country led them to spend a great amount of time in the period we were there in explaining in detail—both at briefings and in informal conversations—how they feel Cambodia's future is tied to the success of our Vietnamization program in South Vietnam.

The military situation was not rosy—Route Four from Kom Pang Som to Phnom Penh was closed at Picknell Pass, where the North Vietnamese had squeezed off all traffic from Cambodia's major port, which was formerly known as Sihanoukville. While we were told that from a military standpoint the Cambodians could reopen the road at any time, the cost in manpower to keep the route clear has been determined to be prohibitive. Angkor Wat, Cambodia's famous temples, were occupied by North Vietnamese, and river traffic from Phnom Penh to Laos was virtually nil. But, there was cause for hope—the Cambodian army was turning away volunteers. The road to South Vietnam and the Mekong River to South Vietnam were open. Two hundred new International Harvester trucks, given to Cambodia by Australia, had just been delivered by road from Vung Tao, South Vietnam and, above all, over one million refugees had entered the city and been taken into private homes. Phnom Penh was not a refugee city—with all that that connotes. Each morning, thousands of residents went to the sidewalks, streets, and public areas, just after dawn, to sweep and pick up any rubbish. Men, women, boys and girls were in uniform, and security check points around the city were alert.

At dinner, we talked with the president of the council, the minister of information, the deputy chief of staff of their military, and a member of the Khmer National Senate. Each of these people expressed guarded optimism and the categorical opinion that if it had not been for South Vietnamese actions against the North Vietnamese in Cambodia and Laos, their country would have had very little chance of survival during this very critical period.

It was interesting to note that several of these officials had served under Sihanouk. Their loyalty and devotion was to their nation—not to its leader who was deposed. There was no evidence of any purge when the Lon Nol government took office—and the only evidence I could find of Sihanouk's influence was in large billboards on which had been painted scene showing citizens throwing their displaced former leader out of Cambodia. The nation had survived a major test when its new leader, Lon Nol, suffered a severe illness. Subsequent to my visit Lon Nol has returned to Cambodia and it would seem, has again established himself as the leader of the new government.

They are a proud people, these Cambodians. Their buildings at Angkor Wat date back to 802 A.D. They lived for over a hundred years as a French protectorate, but their religion and their language survived. And wherever we went, in the shops, at the airport, or at church on Easter morning, the Cambodians, in their shy manner, acknowledged that they knew we were Americans and smiled, waved, or saluted our flag—which was on our car. I was sorry to leave—and seriously thought of staying on longer in Cambodia, but we were due in Cam Ranh Bay, to inspect the first port of debarkation.

CAM RANH BAY

This is one of our four ports involved in the "Retrograde pipeline." But here, for the first time, we became aware of some of the difficult problems of Vietnamization.

Brigadier Harold A. Kissinger, commander of this U.S. supply depot, explained to us that the U.S. serviceman wants, and the general tries to get to him, fresh milk, meat, ice cream, and normal PX supplies. To plan to get these supplies to a unit ready to "stand down"—that is ready to go home—and then get the men to their transportation home and the supplies and equipment back into inventory ready for use or shipment back to the States is a complicated problem of logistics.

One of the most amusing incidents of our trip occurred at Cam Ranh Bay. In sending out the message of our visit, somehow the abbreviation for Alaska, Ak, had become the abbreviation for Arkansas, Ark. I walked into a room full of men whom I had been told were my constituents—only to find they were all from Arkansas. We all had a good laugh and I answered their questions as best I could, even though I am certain they were prepared for one of their own Senators, not an Alaskan.

Cam Ranh Bay is an excellent natural deep water port. It was used initially by the French but has been improved by our forces in recent years. "Retrograde" activity takes place throughout the port facility. One DeLong pier will soon be refloated and moved from Vietnam. Other facilities are being dismantled for shipment. One important activity in this area is the Naval Training Command which is run entirely by the Vietnamese. This school trains sailors in basic skills as well as advanced skills in gunnery, navigation, and storekeeping. The graduation rate is very high and whenever possible dropouts are salvaged in later courses. Since the U.S. naval influence is being withdrawn very rapidly, the importance of this vital training facility is obvious.

TO THE HIGHLANDS

After Cam Ranh Bay we flew inland to Pleiku. Senator BELLMON and I had been there in 1969 on our way to Ben Het, then a fire support base which had just survived a massive attack from the North Vietnamese. Now, once again Ben Het was under attack—but this time it was defended by South Vietnamese. U.S. forces were involved in air support, but the fighting on the ground—the artillery battle and about one-half of the helicopter support—were being planned and carried out by Vietnamese. The highland area, sparsely populated, is inhabited primarily by Montagnard tribes. These are little people who live off the land. Periodically, they go to a new area, cut any vegetation, burn it and leave the ashes to form fertilizer. Then they move their whole village to the new area, and when the land has been farmed for a year or two, they move on. It is a dry, hot area—but one visited by monsoons yearly. These people received training from the special forces in past years and have now formed self-defense units, similar to those in the lowlands. The necessity for permanent defenses has led to the building of more permanent villages, and their way of life is changing. But one thing is certain, they are now trained and equipped to defend themselves. Here again, our role, ever reducing, is that of providing advisers.

We were only 20 miles from northern Cambodia and not far from Laos. Brig. Gen. Geroge E. Wear, who is completing his third tour in South Vietnam, and his staff briefed us on the recent Laotian battles, known as Lam Son 719. Helicopter units from Pleiku had given support to the South Vietnamese when they were in Laos. It will be some time before this series of battles can be completely analyzed. It was the opinion of General Wear and his staff, however, that the enemy equipment, ammunition and supplies destroyed in Laos would take many months to replace and that this operation would permit our forces to be withdrawn as South Vietnamese units reached full strength.

From Pleiku we went by helicopter to Plei Djerent, a fire-support base near the Cambodian border. Here we found four Americans who serve as advisors to the Vietnamese unit which has taken over the base—a special forces team of 12 men had formerly supplied this advisory effort. Next to the base was a new Montagnard village—and, significantly, the Vietnamese unit was commanded by a Montagnard captain. One thing struck me as I toured this base with the young captain—these people do not need the supply and support our troops do. In the first place, their families are in the village. Secondly, their staple food is rice, and the captain showed me his enormous rice storehouse. With the exception of a water supply he could survive a long seige. Thirdly, they do not use as much mechanized equipment as we do because they do not have to bring in as many supplies and also because they do not rotate and replace personnel as we do. They do not need to—their troops are at home. From all accounts, they can take care of themselves. But, it must be remembered that these fire bases, which guard the confluence of rivers or of roads, are manned by relatively few men. The North Vietnamese had just attacked Fire Base 6, near Pleiku, with several regiments. These bases are of strategic importance because they can restrict the flow of supplies to the North Vietnamese operating in South Vietnam—supplies which came down the Ho Chi Minh Trail. When attacked by units of greater strength, mobile Vietnamese relief troops are sent in. These are the battles you have read about—they are significant in the tactical sense—but are decisive only as they affect the local situation.

We spent the night in Pleiku and at breakfast found evidence of the supply problem we had discussed in Cam Ranh Bay. Pleiku is supplied by road from Que Nhon and the supply trucks had run into an ambush and turned around. Pleiku was out of eggs and some other items of fresh produce. It was interesting to me that here, in a remote area, life had become so normal that the shortage of fresh eggs could be considered to be a problem. But that afternoon, I was told, the supply convoy arrived.

DA NANG

Two years ago when I visited Da Nang, it was the headquarters of the marines under the command of Lieutenant General Nickerson. Now all the marines have been withdrawn and the Army XXIV Corps has taken over Da Nang. And, once again, I found a different role. The Army, in an advisory role, is completing the plan to train and equip the South Vietnamese who are now taking the full load of defending this critical area. This was MR1, formerly known as I Corps. It is just south of the Demilitarized Zone—DMZ—and is the area into which most of the supplies for North Vietnamese units enter the South.

This was one of the areas hardest hit by the Tet offensive of 1968. And one of my interests was to find out if the civilian economy had been restored.

To do this, we went to the CORDS office for MR1. Here I was told that the railroad from Hue, the ancient capital of Vietnam, to Da Nang had been restored. Another significant item, visible not only in MR1 but throughout South Vietnam, was the amount of individual home construction. And I do not mean construction of shacks, but of concrete, prefabricated dwellings. We drove through Da Nang—2 years ago we went everywhere by helicopter.

At Da Nang I met briefly with Jim Williams, whose father is with Alaska Sales and Services in Palmer. He had heard I was there and borrowed a bicycle to ride over to see me.

And, I flew by helicopter to Phu Bai where the 101st Airborne Division is now located. To us old World War II types, that outfit brings back memories of the Battle of the Bulge. Once again, I found several Alaskans: Maj. John Johnson of Petersburg, WO Paul Cunningham of Juneau; Sgt. Robert Davison of Fairbanks, Herman Sundberg of Kodiak, Paul Boone of Kenai, Rodney Lincoln of Kotzebue, Mike Dwyer of Anchorage, and Dick Kaniver of College.

Also in Da Nang was the naval support facility. Here, naval vessels used to patrol the South Vietnamese coastline and inland waterways were being reconditioned and turned over to the South Vietnamese Navy. Our Navy was ahead of schedule in doing so. We had an interesting visit with the Vietnamese commodore who told me of the serious lack of trained officers and petty officers. Their Navy has expanded rapidly—and while it has adequate numbers of volunteers—it lacks experienced personnel to command these vessels. The importance of the training school we had visited earlier at Cam Ranh Bay was obvious. The commander was pleased with the quality of this training but said he hopes these trainees have time to get the experience they need to replace our Navy.

Dinner at Da Nang was again an interesting experience. Lt. Gen. James W. Sutherland, Jr. who now commands the area, gathered together a group of his officers and we discussed everything from the Calley trial to riots at home. These units will be coming home soon and their knowledge of current events reminded me of the changes in today's army. They have this week's national magazines. There was a radio and TV station operating in the evening—a far cry from my days in China as a pilot in World War II when the news we got came by letter, several weeks old, and Tokyo Rose was our only source of radio music.

The following morning I took off early for the headquarters of the 23d Infantry Division at Chu Lai. This is the general area of the My Lai incidents and I expected the discussion to be concerned with the Calley trial. In this unit I met Gary Berkeley of Metlakatla, Tim Richards of Point Barrow, and Neil Hollenbeck of Seward. They were in the 198th Brigade of the Americal Division. In the 196th Brigade were Fred Hosford of Petersburg, Al Brown of Ketchikan, Bob Borgen of Kenai, and Bill Moore who has cousins in Nome.

Surprisingly, comments on the Calley trial were that the men of the Americal Division thought Lieutenant Calley had a fair trial. They seem to believe, as I do, that the trial should have taken place sooner. And, most seem to believe that Calley must have gone berserk—that he could not have been in his right mind.

We flew from these units to Qui Nhon, which is another debarkation center. I personally inspected the vehicles and equipment that were being screened and coded under the SCRAM codes for retrograde. And I also met John Paul of Sitka, who is serving in Qui Nhon.

The impressive thing about the operations in Qui Nhon is that this facility is capable of completely processing all of the equipment from a unit—from tanks and helicopters to belts, shoes, and sidearms. The General Accounting Office has established a firm accounting on these items—not only because their value is astronomical but also because we do not want this gear and equipment to fall into enemy hands or get involved in black market activities. As men and equipment continue to go out of Vietnam, supplies for the advisory force and remaining units still come in. Qui Nhon is the beginning of the road to Pleiku and on to Ben Het, so we checked into the problem of continuing to supply our troops as they await withdrawal. It takes three or four support troops to keep one man in the field, I was told, and the supply and communications problems increase as units "stand down."

My final visit that day was to the 67th Evacuation Hospital in Qui Nhon. This field hospital was an excellent facility. I discussed with the Administrator, Col. Roland H. Shambruck, the adequacy of the equipment and his staff. Doctor Shambruck showed me the operating rooms, introduced me to his surgeons and doctors and nursing staff, and then took me through the hospital. This was one time I was glad not to find an Alaskan—there were none there. But I talked with men from almost every State of the Union—most had never met a U.S. Senator, and many were surprised to see me there. The total uselessness of war manifests itself in a hospital—although this one made me proud to be an American. Our men all respected our medical people—and my own respect grew even more when I found there were several enemy soldiers there, being treated as well as our men. From what I have heard of how our POW's are treated, this humane treatment of prisoners by our medical people meant much to me. Also, these doctors showed me Vietnamese children with birth defects—such as cleft lips and other abnormalities—which our surgeons had corrected. This hospital was at least one-half full of Vietnamese—which led me to inquire about the progress of Vietnamization in the medical field. Vietnam, unfortunately, graduates only about 150 doctors per year, so it will take some time to fill this need. I suspect our medical people may be among the last to leave South Vietnam.

AMBASSADOR BUNKER

On my final night in Vietnam, I returned to Saigon. Ambassador Bunker had invited members of the South Vietnam Senate to have dinner with us. The result was a lively discussion because some of the Senators were supporters of President Thieu and some were not. The Ambassador expressed his feelings about the progress of the Vietnamization program. And we discussed at length the need for further action by Vietnam to stabilize its economy and to assure security for the people.

Security—personal security—seemed to be most important to the South Vietnamese Senators. One told me he had personally driven from Hue to Da Nang very recently. This, he said, would have been impossible less than a year ago. On the other hand, another senator expressed deep reservations over the ability of his country to survive after we withdraw our troops. Yet, he stated he knew this withdrawal was inevitable. Another item we discussed was taxes. The government is reluctant to increase taxes—or to tax some items never taxed—because of the propaganda efforts of the enemy. The Communists have put out leaflets saying that, if the rural people support Saigon, they will pay more taxes. Since their productivity and income goes up when security is restored, more taxes naturally result.

Ambassador Bunker seemed quite interested in our observations about Phnom Penh—as did the Vietnamese Senators.

OBSERVATIONS AND CONCLUSIONS

The rapid growth of the volunteer, nonregular, defense forces—PSDF, RF, and PF—in South Vietnam has enabled the regular Army and Air Force of Vietnam to become more mobile and to replace our American combat forces. This long, guerrilla war had sapped the confidence of South Vietnam. But, according to South Vietnamese leaders, the Cambodia and the Laos engagements have started to rebuild that confidence. There are now over 4 million men in the PSDF—it is really a home guard. It is armed with automatic rifles and over 1,300,000 PSDF men have been trained to use automatic weapons. And, another 1.7 million PSDF men have been trained to support combat troops. In addition, the regional forces and popular forces number in excess of 550,000 men. These are similar to our National Guard—on active duty. They also are trained and armed. And, significantly, volunteer, unpaid forces, now bear about four-fifths of the casualties inflicted upon South Vietnamese by North Vietnamese attacks. These volunteers are the people who guard the villages, hamlets, and district capitals. Their casualties come from ambushes and assassinations. But, as the "land to the tiller"—land reform—program evolves, they will truly be guarding their own homes on their own land.

It is the growth of these forces that also gives stability to the Vietnamization program as we withdraw our troops. There is now a minimum reliance on free world forces by South Vietnam, except for air power. Even there we have trained more pilots, have turned over several helicopter squadrons to the South Vietnamese, and are training their maintenance people as fast as possible.

There are now about 45,000 Koreans, 7,000 Australians, 10,000 Thailand troops, and about 400 New Zealanders left in South Vietnam. In addition, the South Vietnamese have now trained 110,000 national police. Using expert people from all those forces, the South Vietnamese now have almost 13,000 men in what they call Key Inner Teams who travel throughout the country training more PSDF, FR, and PF volunteers.

My conclusions from this trip are:

First. Prisoner-of-war question.—I remain convinced that the key to the complete withdrawal of our forces from South Vietnam lies in the prisoner-of-war issue. It is my firm hope that we can convince the North Vietnamese that this is the key to our complete withdrawal. Senator MARLOW COOK, of Kentucky, and I have introduced a resolution to express the sentiment of the Congress that if the North Vietnamese will agree to release our prisoners we will withdraw completely within 9 months. From what I saw on this, my second visit to South Vietnam, we could do this—honorably, safely, and with the knowledge that all our men who survived this war were home.

Second. Vietnamization program.—It is my conclusion that the Vietnamization has worked. South Vietnam should be able to survive the continued attacks from the north without our help. Ground military operations have been assumed, almost completely, by South Vietnamese forces. These operations are now supported by U.S. airpower. The training period for pilots seems to be the greatest reason for delay in Vietnamization of airpower.

Third. National commitment.—We have committed our Nation to a withdrawal of our forces and the South Vietnamese know and acknowledge this decision.

Fourth. Safety a must.—Our withdrawal program is being carefully worked out with the safety and security of our troops being the first consideration. Significantly, I was told that not one American has been injured in combat as a result of withdrawal. This, to me, is important. The difference between redeployment based upon Vietnamization and retreat based upon immediate withdrawal without regard to whether the South Vietnamese can hold back the attacking North Vietnamese is the difference between an honorable termination of our assistance to South Vietnam and defeat for all free world forces in South Vietnam.

Fifth. Outlook for Cambodia.—The Khmer Republic—Cambodia—has a reasonable chance to survive. They do not ask for our combat troop support. They do want military aid to equip their volunteers. They are at a crossroad. If they decide to accept more Vietnamese armed assistance, they are insured some degree of security. However, increased Vietnamese participation could cost the Cambodians some loss of control of their own affairs. On the other hand, if they fail to aline closely with these South Vietnamese Forces during the vulnerable expansion and training phase now being experienced by the Cambodian Army, the Communists might defeat Cambodia's newly organized forces and take over the country.

Sixth. Easing of tensions.—The lessening of tensions between China and the United States gives me hope that there is a chance that the Chinese will lessen their support of North Vietnam as we withdraw from South Vietnam. This is only a hope, but one which holds great promise for peace in all Southeast Asia.

HEARINGS ON EXECUTIVE REORGANIZATION BILLS OPEN

Mr. PERCY. Mr. President, I am pleased to inform my colleagues that today the Chairman of the Government Operations Committee, the senior Senator from Arkansas (Mr. McCLELLAN) opened hearings on the President's four major departmental reorganization bills. These bills, which have strong bipartisan sponsorship, are S. 1430, to create a new Department of Community Development, S. 1431, to create a Department of Natural Resources, S. 1432 to create a Department of Human Resources, and S. 1433, to create a Department of Economic Affairs.

Hearings today in the full committee were opened by the Director of the Office of Management and Budget, Mr. George Schultz, accompanied by Mr. Arnold Weber, Associate Director, and Dwight Ink, Assistant Director. We are priviledged also to have testimony from the distinguished former Secretary of Health, Education, and Welfare, Mr. John Gardner. On Wednesday, May 26, we will hear testimony from Mr. Roy L. Ash, the Chairman of the President's Council on Executive Organization; Mr. Ben Heineman, Chairman of President Johnson's Task Force on Executive Organization; Mr. Joseph Califano, former Special Assistant to President Johnson, and Mr. Charles Schultz, formerly Director of the Bureau of the Budget.

I wish especially to commend the Chairman of the Committee, Senator McCLELLAN, for his decision to hold early and comprehensive hearings on the four bills. I also look forward to working closely with the able Chairman of the Subcommittee on Executive Reorganization, Senator RIBICOFF, who will take a very active role in these hearings, and its ranking minority member, Senator JAVITS. In this strictly nonpartisan context I hope we can shape these bills carefully and move ahead expeditiously with Senate action; as witnesses testified today, protracted indecision will only deepen the unrest and concern felt by Federal employees during any reorganization effort. I ask unanimous consent that the opening statements of Senator McCLELLAN, Senator RIBICOFF, Senator ROTH, and myself be inserted in the RECORD at this point.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM OPENING STATEMENT OF SENATOR JOHN L. McCLELLAN, GOVERNMENT OPERATIONS COMMITTEE HEARINGS ON EXECUTIVE REORGANIZATION, MAY 25, 1971

This morning we begin our hearings on the President's executive reorganization proposals which are embodied in 4 bills, namely: S. 1430, to establish a Department of Community Development; S. 1431, to establish a Department of Natural Resources; S. 1432, to establish a Department of Human Resources; and S. 1433, to establish a Department of Economic Affairs.

These bills would restructure the Executive Branch by merging the Departments of Agriculture, Interior, Commerce, Transportation, Labor, Housing and Urban Development and Health, Education and Welfare into the four new cabinet departments mentioned. The Departments of State, Treasury, Defense and Justice would be retained without alteration.

According to the Administration, The Department of Natural Resources would bring together the many natural resources responsibilities now scattered throughout the government—

The Department of Community Development would consolidate the wide variety of physical, social and economic programs now concerned with our urban and rural commitments—

The Department of Human Resources would promote the development and well-being of individuals and families in partnership with States and local governments, public and private institutions and individual citizens—

The Department of Economic Affairs would bring together all federal programs which facilitate the growth and health of the U.S. economy.

The public is rightfully demanding improved service in the transaction of its business, and those of us in government are under a special obligation to increase the efficiency of its operation, eliminate waste and costly extravagance. In light of the present status of our economy and the proliferation of federal services, there is perhaps no time in history when it has been more important to evaluate governmental effectiveness.

In the past 20 years, the number of Cabinet Departments has increased from 9 to 12 and major independent agencies from 27 to 41. The executive branch of the federal government is now the largest and most complicated enterprise in the world, with more than 1400 domestic programs distributed among 150 separate departments, agencies, bureaus and boards. During this period the federal budget has also sky-rocketed—from $42 billion to over $225 billion—and there are now over 2.8 million federal employees.

Extensive investigation by past governmental study panels has disclosed that the highest aims and ideals of Democracy can be thwarted through wasteful extravagance and excessive costs. Thus, we must carefully scrutinize and evaluate the economic feasibility of the President's proposal.

The concept and attempt to overhaul the structure of government is hardly new. Indeed, I had the privilege of assisting in its last major revision as a member of the Hoover Commission. In the past 20 years, however, there has been no broad overview of the executive branch. Major changes have come about only piecemeal—such as the addition of the Departments of Health, Education and Welfare (1953), Housing and Urban Development (1965) and Transportation (1966).

A government the size of ours must, of necessity, make use of modern management techniques if it is to effectuate its goals. However, the true measure of governmental strength is not architectural design. Rather, the most critical issue in any federal reorganization is whether this nation of 200 million people will be better served—will they reap any benefits therefrom.

The present cabinet departments were established to meet special needs and requirements of the nation and were charged specifically with the promotion and protection of vital areas and interests of American life. Therefore, we approach the proposed changes with utmost care to insure that the effectiveness of our present structure is retained and that any restructuring will be more economic and efficient.

These first two days of hearings will be devoted solely to hearing the explanation of and justification for these reorganization proposals from administration witnesses. With that record before us, we will then endeavor to hear from as many interested parties and organizations as possible in subsequent months so that we can provide an in-depth report to the Congress and the American people on these proposed reorganizations.

I am not prejudging the President's proposals. Like him, I want our Federal Government to be as responsive to the needs of our people as possible. And it is with this in mind and in this spirit that the committee will proceed.

STATEMENT OF SENATOR ABE RIBICOFF

Following is Senator Ribicoff's opening statement at the Committee on Government Operations hearings on the President's reorganization proposals held at 10:00 a.m. on May 25, 1971, Room 3302 New Senate Office Building.

Mr. Chairman, today the Committee begins perhaps the largest task in its distinguished history under your leadership—the consideration of the President's proposals to restructure the executive branch of the Government.

Sixteen years have passed since the last major public study of the executive branch—the report of the second Hoover Commission. During that time the national budget has tripled. Old agencies have grown and we have also established two new departments, more than 80 new agencies, and enacted literally hundreds of new programs. In terms of actual dollars it means the Federal government has grown from a $168,000-a-minute enterprise in 1955 to a half a million dollar-a-minute enterprise in 1971.

Efficiency alone would be sufficient reason to take a long and thorough look at the executive branch of Government—its success and failures in absorbing this growth.

But there is an even greater reason why we need to assess our National Government. In recent years, our promises have outrun our performance, leading to a loss of confidence in government. Across the country people feel that government is unmanageable, that it is beset by confusion, delay and a failure to achieve our goals.

The problem is not that we have neglected management, but that we have not related it to the larger goals and our purposes we seek to achieve.

To improve management and make government more responsive to the people, the President has presented a far-reaching plan to combine 8 departments and numerous agencies into four super departments. This proposal deserves our serious exploration.

We must measure the President's proposal against three standards:

1. What is the administration's philosophy of government and what are the policy goals for the Nation in the 1970's?

2. What is the role of reorganization in implementing that philosophy and achieving those goals?

3. What form of reorganization is most appropriate for America's present and future needs?

Within the broad framework suggested by these questions we must examine carefully the many serious problems affecting the Nation—urban and rural development, poverty, pollution and education, to name just a few. Hundreds of programs have been passed and funded by the Congress dealing with them. But if we are to evaluate the reorganization proposals, we must look beyond the immediate problems to our national goals. As a Nation, where do we want to be in ten years? Can we state our goals in a way which helps us evaluate both the departmental proposals and will later enable us to assess the performance of the new departments?

This is where the administration's proposals are presently deficient. Nowhere in the Ash Council's report or the administration's supporting documents is there a statement of our national objectives or how the reorganization proposals will help us achieve those objectives. What are the Nation's goals and priorities for the 1970's? We do not know. These are fundamental questions. We cannot reorganize in a policy vacuum. We cannot reorganize unless we know what we are restructuring for.

We must look not only at objectives and priorities; we must also explore the philosophy of government underlying the proposals. How, for example, will the departments function in light of the growing demands for citizen participation from all segments of our decentralization society? It is a fundamental principle of our society that those affected by governmental decisions should have a voice in making them. We must devise mechanisms by which this participation can be secured in responsive—and responsible—ways.

The President's proposals would profoundly alter the relationship of citizens to the Federal Government by changing the balance of power between Washington and the field offices throughout the country. Will this improve citizen access or tie it in new knots of red tape?

The Federal system itself may be greatly affected. What are the implications of restructuring at the Federal level for governments at the State and local level? Will their programs and policies be enhanced or harmed by these proposals?

Most importantly, we must keep our eyes on the future. Rapid change pervades our society. We must try to structure the new departments so that they can perform what one observer has called the much needed "lookout" function with respect to new problems and issues. We must shape our institutions so that they become more capable of recognizing, defining, and meeting the emerging needs of the future. We cannot force the future into the framework of the past. The focus of new departments should be on the horizon as we seek better ways to solve old problems and new ways to meet the emerging needs of the 1970's.

We all recognize a need for some form of reorganization, but is this the *best* plan which can be devised? I would hope that our hearings will cover the widest possible range of alternatives. That is why, for example, I have introduced S. 1485, to create a Department of Education. By considering all of the choices before us, I am hopeful that our final product will reflect the best thinking of our time.

Finally, we should recognize that while reorganization can be an important key in solving our problems more quickly and effectively, they will not yield to organization alone. We have been reorganizing our Federal environmental programs for a decade, and there is no evidence that reorganization has cleaned up one mile of river or cleaned a cubic mile of air. There are no cheap and easy answers to the problems we face. Reorganization is no substitute for the long-term, large-scale commitments of the money and manpower that are essential ingredients in complex undertakings.

These are the kinds of questions we must explore. But we must look at them in the broader framework of the philosophy of government, the delineation of national goals and policies, and an orientation to the future. If we do, I believe, we will make a substantial contribution to both the Federal Government and the Nation.

STATEMENT OF SENATOR CHARLES H. PERCY

We are launching a series of hearings today that is surely of historic significance. For the first time in at least a quarter of a century the United States Congress is beginning a full-scale reconsideration of the organization and management of the federal executive structure. The need is clear. Since 1950:

Three new Cabinet Departments have been created.

The number of independent agencies has increased from 27 to 41.

The Federal budget has increased from $42 billion to $225 billion (taking into account the changed method of presenting the budget.)

The number of grant-in-aid programs has reached an estimated 550.

An estimated 850 inter agency committees have been created to try to coordinate agency programs.

The phenomenal growth both of the functions and the size of the Federal Executive since World War II challenges Congress to exercise its authority to oversee government operations and to begin a major reexamination of the structure of the executive branch. This important congressional responsibility has, I believe, been underutilized.

The effectiveness of federal programs has been impeded not so much by faulty programs or unwilling people, but because of poor organization marked by conflicts among narrowly organized bureaus and agencies, inability to make decisions, overcentralization of power and decision-making authority in bureaucratic power centers in Washington and lack of responsiveness to local needs.

We in Congress have contributed to these problems by developing, through our work in congressional committees and subcommittees, special relationships with particular Federal bureaus and agencies that have given those agencies degrees of autonomy from the top executives of their own Departments. This is bad management, and it has resulted in poor government.

We are fortunate that President Nixon has had the commitment and the courage to propose the reorganization bills before us today. He has acted on good advice: the President's Advisory Council on Executive Organization—the Ash Council—presented careful, thoughtful recommendations. Thus we begin these hearings as a result of this and previous studies, with a good deal of the groundwork done for us. We have before us well-prepared bills and supporting analytical materials. And in the message of the President, we have a clear commitment, echoed by his top officials, to work with us in enacting these bold proposals into law.

We have been invited to work our will—to put our stamp—on these proposals through the congressional process. We now have the opportunity to test them in the laboratory of expert opinion and commentary from all sectors of the society. In these first two days of hearings we will hear from President Nixon's top officials for executive branch management, men who have managed government departments and men who have chaired advisory commissions on the organization of the government—individuals who know first hand the problems of the American presidency. Later, in hearings on the new Departments of Community Development, Natural Resources, Human Resources, and Economic Affairs, we will have ample opportunity to get the views of representatives of all sectors of our society—those affected by specific organizational and managerial changes. In this way we can build the base for refining and perfecting the bills. I confidently expect that we will be able to move ahead quickly in the Senate with at least one of these bills this year.

To me these measures offer the possibility of real improvement in Federal governmental operations. The proposals would strengthen the accountability of the Federal agencies to the chief executive and to Congress. Reorganizing government operations along functional lines and giving departmental secretaries full responsibility for a clearly defined group of activities would strengthen accountability to the President and to Congress.

The Federal government's responsiveness to local needs would be increased. Administrative authority would be decentralized to the field, giving regional directors of the new departments power to resolve differences and make decisions more quickly and more responsively. Efficiency would be promoted by grouping functions shared among a number of agencies in one departmental structure, increasing the speed of decision-making, and eliminating duplication.

Fewer decisions would be made by the White House, because grouping related programs in one agency would mean that decisions that formerly involved conflicts *among* agencies would be resolved *within* agencies. The President and his staff would be freed for policy and program decisions.

Finally, the proposed reorganization offers the prospect of healthy change in institutions that have over time grown musty and stiff. We have in our Federal bureaucracy experts in all fields. The value of the combined experience and wisdom in the present departments is incalculable. I see reorganization as a chance to use these human resources better, in the context of a new structural framework. The changes we contemplate are fully respectful of the past contributions and the future potential of these valued public servants. As the President put it in his message: "Bad structures defeat good people." We want to use our powers to perfect those defective structures.

Our objective is to make government work better for people—to make sure that government services are actually delivered, that taxpayers' dollars are spent well and most efficiently, that government works as swiftly as possible to help people solve their problems. I hope we can prove to the American people that their government can work effectively to solve the urgent problems that we see every where around us.

Restoring public confidence in government is a central purpose of this legislation. I hope that we can respond positively, creatively, energetically and wisely to achieve this goal in a fully bipartisan context. Good government is a program for all Americans.

STATEMENT OF SENATOR ROTH

I am very gratified that we are today beginning overview hearings on a major program of executive reorganization. I have long advocated that we devote more attention to the improvement of the apparatus by which our Federal government provides its services to the people. The manner in which the Federal administration functions not only affects the cost of government, but it helps determine the impact of national policy on the lives of citizens and on the institutions of our society.

I think that we on this Committee can do a great service if we can illuminate the major failures of the Federal establishment as it now functions. After defining these deficiencies and seeking to understand their long term causes and effects, we can then explore alternative solutions.

The administrative malaise from which we suffer is most evident to me in the system by which domestic grants-in-aid are made available to citizens, private institutions, and state and local governments. Here we have a great array of well intended grants which is so complicated that it is both difficult for applicants to make use of and nearly impossible to co-ordinate. Hopefully reorganization will reduce the number of major agencies involved in dispensing domestic aid so that departmental-level co-ordinators can eliminate a significant portion of the duplication and conflict of purpose now present.

However, I do not think that we should limit our efforts to creating a more rational arrangement of executive agencies and improving the ability of Cabinet secretaries and the President to coordinate their activities. President Nixon's special revenue-sharing bills show a recognition that additional means must be found to increase the effectiveness of the grant system. Grant consolidation, joint funding simplification, better program information, more block grants and improved oversight and evaluation are needed to compliment reorganization.

In conclusion, I wish to congratulate the distinguished Chairman of this Committee for allowing us the opportunity to begin our consideration of these four reorganization bills by taking a broad view of this subject.

EXECUTIVE REORGANIZATION PLAN NO. 1

Mr. PERCY. Mr. President, I was gratified at the vote of the Senate Government Operations Committee of 10 to 3 rejecting the motion to disapprove Executive Reorganization Plan No. 1. This strong support for the administration's plan to create the new agency, ACTION, to better coordinate and help direct volunteer activities of the Federal Government is fully supported by the following statements for which I ask unanimous consent for incorporation in the Record. The House of Representatives vote of 224 to 131 also indicates overwhelming and gratifying support.

There being no objection, the material was ordered to be printed in the Record, as follows:

Prepared Statement of John W. Gardner, Chairman, Common Cause

The Chairman's request for this testimony came too late for me to present my views at the hearing, so I am substituting this written statement. I am coming before you as an individual citizen, speaking for myself only.

I have long believed that the idea of volunteer service as exemplified in the groups which are the subject of Reorganization Plan No. 1 fills a crucially important need in contemporary society. The fact that each of these groups has had its problem does not diminish my conviction. Anyone who has had experience with volunteer programs in any field knows that they present serious problems of organization and supervision. But the difficulty involved in solving these problems is a small price to pay for the great benefits, both to society and the individual, of such programs. The benefits are too familiar to require detailed exposition here.

In 1967, when I was Secretary of Health, Education, and Welfare, I concluded that it would be useful and productive to bring all of the various volunteer groups under a single roof. The rationale underlying the plan I developed at that time was similar to that underlying Reorganization Plan No. 1. There were also some differences. It was my notion that the various groups might be brought together under a quasi-governmental body such as the National Science Foundation.

My enthusiasm for the idea stemmed partly from my conviction that the volunteer idea can play a far greater role in our national life than it has today. The volunteer corps as they exist today barely scratch the surface of the possibilities. In the total scheme of things today they are very minor ventures, rich in the sentiment of the participants but poor in resources and small in size and scope. There should be a good many more varieties of volunteer corps than there are today. They should enroll far more people than they enroll today. We should learn far more than we know today about how best to conduct such operations. And we should do far more to stimulate volunteer action entirely outside the scope of these federally sponsored groups.

Each of the volunteer crops that have been established to date has performed well in its own way. But each has been totally committed to its own pattern of operation and none has been charged with a really imaginative broad-scale exploration and development of the volunteer idea. If the various operations are brought together under one roof they can not only benefit by certain shared services, but the new agency can be charged with aggressive exploration of new patterns of volunteer activities.

As I thought about the possibilities of such an operation in 1967, it seemed to me that one of the most significant contributions of a combined group would be technical assistance to volunteer activities of all sorts—privately as well as publicly sponsored.

In exploring the issues in 1967 it became quickly apparent that the various volunteer corps might resist and fear any attempt to bring them together under a common umbrella. This is natural and predictable. Each corps has a healthy sense of its own identity—and morale built around that sense of identity. But it is not necessarily healthy to assume that a corps once established must remain untouched and sacrosanct forever. Each corps, if it is to continue as a vital, living activity must expect to change and must periodically reassess its mode of operation.

What is important is not that any one of the constituent corps survive in precisely its present form but that the idea of volunteer service in crucial areas of human need survive and flourish and emerge as a truly significant part of our national life. My concern is not that the constituent groups remain untouched and inviolate under the reorganization. My concern is that there will not be enough change and experimentation and testing of new patterns. My concern is that bureaucratization will settle too quickly over the whole activity. My concern is that each constituent corps will develop too early—may already have developed a fixed notion of its own identity and role that will virtually rule out change. Perhaps we should put a maximum life term of 15 years on any one of the constituent corps and provide that it go out of existence at the end of that period. A volunteer activity is particularly dependent upon a certain zest and aliveness that tends to diminish with the years, as good administrators make the operation more efficient, as Government auditors bind it in the mummy wrappings of procedure, and as the early enthusiasts grow complacent about their noble mission.

It is no secret, of course, that many good people whose social objectives I share disagree with me quite violently on this subject.

Part of their problem is the apprehension that is apparently inevitable whenever the bureaucracy faces an organizational change. I carried through many reorganizations when I was Secretary of HEW and most of them evoked a level of anxiety bordering on panic.

A more intellectual issue has been raised by those who argue that a volunter corps must stay close to its subject matter. I agree, but don't see the need for it to be administered by the same agency that administers the subject matter. Does anyone believe that the Peace Corps would have done better embedded in the State Department of AID? In the long run I believe that the freshness of the volunteer spirit will be best preserved if all the various corps enjoy some degree of separation from the agency dealing with their subject matter.

I would go even further and raise again the possibility of a semiautonomous agency like the National Science Foundation. Some measuse of separateness from government itself would be desirable.

Most of the organizational arguments against Reorganization Plan No. 1 are not very cogent. But there is an area of opposition that I take much more seriously and I want to make my concern explicit. I have friends in VISTA who believe that the move is part of a plan to demolish VISTA or reduce its commitment to the tasks of poverty, or to destroy its community action component. I have said to those friends that if the administration entertains such objectives it will pursue them regardless of Reorganization Plan No. 1. But I want to say more.

At the root of much of the doubt and fear concerning the future of VISTA is widespread misgiving concerning the administration's intentions with respect to poverty. Here is an opportunity for the administration to enhance its credibility in such matters.

To my mind it is of crucial importance not just to maintain but to enlarge the concern of VISTA and the other corps for the problems, including VISTA's role in them. Nothing that I have said in this testimony is intended as aid and comfort to those who would destroy the community action programs. If the reorganization plan goes through a large and articulate constituency concerned with poverty will be watching closely to see whether the effectiveness of VISTA on that issue is being strenghtened or undermined. I will be one of those watching.

Telegram Sent by Dr. Cheek, President, Howard University

To: Senators Muskie, Humphrey, Irvin, McClellan, Childs, and Percy.

Strongly urge your support for the consolidation of existing volunteer agencies under the proposed new agency, ACTION.

As a member of the National Advisory Council of the Peace Corps and have worked closely with VISTA, I believe the reorganization plan will greatly assist higher education in developing imaginative new ways to involve students and others in positive constructive programs. Much benefit to colleges and universities can be derived from one consolidated program.

Telegram Sent by Chancellor Varner, University of Nebraska

To: Senators Muskie, Humphrey, Irvin, McClellan, Childs, and Percy.

As Chancellor of a major university deeply concerned about channelling the energies and idealism of our young people to constructive purposes, I urge your support of Reorganization Plan No. 1. Since President Nixon announced this program at the University of Nebraska in January 1971, I have spent much time discussing the potential of this approach with students and faculty on campuses and with Mr. Blatchford. I am convinced that this new approach provides the mechanism so desparately needed to harness the potential this country now has in its young people. With the plan which Mr. Blatchford and his associates are discussing, I am persuaded that this may well provide the crucial new purpose for American higher education to contribute in an important way to some of our more difficult problems. Respectfully urge your support.

Peace Corps News,
April 27, 1971.

Washington, D.C.—Peace Corps Director Joseph Blatchford today announced that the agency has reversed a four-year decline in applications from prospective volunteers.

"The heartening response from Americans of all ages, backgrounds and races demonstrates that the Peace Corps continues to hold a strong appeal for those who want to help their fellow man," Blatchford said, adding:

"For a decade, the Peace Corps has represented the most generous impulses of the American character. The upsurge in applications shows that the volunteer spirit still runs strongly."

Applications for the Peace Corps totaled 19,180 as of the week ending April 23. Last year's total was 19,022—a four-year low. With four months of recruiting still to go—

August completes the recruiting year—applications are expected to reach a total of 26,000. Thus the 1971 total also should exceed the 1969 total of 24,229 applications.

The Peace Corps now has some 8,000 Volunteers and trainees in approximately 60 developing nations.

OFFICE OF ECONOMIC OPPORTUNITY,
May 24, 1971.

Hon. CHET HOLIFIELD,
Chairman, Government Operations Committee, House of Representatives.

DEAR MR. CHAIRMAN: We have been much disturbed by the reports in the paper of a memorandum which purported to be an ACTION personnel list compiled by Peace Corps sources. The conclusions drawn from this are totally misleading. Peace Corps and VISTA as well as representatives of the other agencies involved in the proposed ACTION reorganization have worked closely on all phases of this plan. Since the reorganization is still in the stage of being considered by Congress, all of these actions are by necessity of a tentative nature and *no* personnel decisions have been made.

The specific list referred to in the Sunday New York Times and the Washington Star articles was based on a report compiled by a talent search officer in the Peace Corps personnel office of personnel in the Peace Corps as well as outsiders who might be qualified for positions in ACTION. It was of a very preliminary nature and had no official standing or currency. If approved by the Congress it would be our intention to request nominations from all agencies in an effort to find the best talent available.

In the task of amalgamating several agencies into ACTION, a working panel has been created, including representatives of each of the designated agencies. The task force is headed by Chris Mould, Director of the Office of Voluntary Action. Representing VISTA were Ernie Russell, ex-Deputy of VISTA and Acting Associate Director for OEO Administration and Ed Dela Rosa, Acting Deputy Director, VISTA. Representing Peace Corps were John Donohue and Kevin Lowther; John Kelly (Foster Grandparents and RSVP) HEW; Richard Sweeney (SCORE and ACE) SBA; Eric Biddle, Jr., OVA; Ann Macaluso, OMB; and, Sheldon Butts (VISTA) AFGE Local 2677. The task force is now being expanded to include the views of VISTA Volunteers and other interested parties.

In addition, in late April it was agreed that both Peace Corps and VISTA would assign a senior officer to respond to requests for information on personnel and other related administrative matters could be channelled. Dr. James Connor, Director of Planning and Programming Analysis was assigned to meet with John Donohoe, Director of Administration and Finance of the Peace Corps. Mr. Donohue requested a list of all VISTA personnel; however, it wasn't until May 17 that resumes, including some detail on senior personnel, were received for VISTA headquarters personnel. The data on key regional personnel were not received until May 20. The personnel list from the Office of Voluntary Action in HUD was also received the week of May 17. Personnel lists from HEW (Foster Grandparents and RSVP) and SBA (SCORE and ACE) have not yet been received although requested.

It is regrettable that a document such as the one reported in the newspaper article can be the cause of concern. It has no official sanction. No personnel decisions have been made regarding ACTION. None will be made until after June 8 and until all available personnel have been considered and reviewed in an effort to locate the best people available.

FRANK CARLUCCI,
Director.
JOSEPH H. BLATCHFORD,
Director, Peace Corps.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDENT pro tempore. Under the order previously entered, the Chair now lays before the Senate the unfinished business which the clerk will state.

The assistant legislative clerk read as follows:

> H.R. 6531, an act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDENT pro tempore. Under the order previously entered, the Senate will proceed to vote at 1 p.m. today on amendment No. 105, to be offered by the Senator from Wisconsin (Mr. NELSON), prohibiting the sending of draftees to Vietnam after December 31, 1971.

Time is now under control. Who yields time?

If the Senator from Wisconsin will send his amendment to the desk the clerk will report it.

The assistant legislative clerk read the amendment as follows:

> SEC. . After December 31, 1971, no person inducted into the Armed Forces of the United States under the Military Selective Service Act of 1967, or any other conscription Act, may be assigned to a combat role in Southeast Asia, unless he volunteers for such assignment or has voluntarily reenlisted in the Armed Forces.

The PRESIDING OFFICER (Mr. CHILES). Who yields time?

Mr. NELSON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. NELSON. Mr. President, the amendment provides that after December 31, 1971, draftees may not be assigned to combat roles in Vietnam.

In order that Senators may be clear as to the phrase "may be assigned" in the amendment, let me say that it is intended to apply only to new assignments after the effective date. It does not mean that draftees already in combat roles on that day would have to be reassigned. They would remain until their tours expire.

I would have preferred to have it apply to all draftees in military occupational specialties in combat arms on that date and I would have preferred that it required their assignment from that role to another one.

However, I do not think it is feasible for the military to manage that kind of withdrawal affecting those troops who are already in military occupational specialties in combat arms because it would be disruptive to the units. Therefore, it applies only to the assignment of draftees to combat roles after December 31, 1971.

Mr. President, this amendment is cosponsored by Senators HUMPHREY, PROXMIRE, CRANSTON, and HUGHES. Many issues about the draft are being ably discussed in this debate. One is how we should recruit a peacetime Army. Since 1964, I have been urging the volunteer army concept. There are issues of draft reform also, but these remarks will deal with the draft as it pertains to the war in Vietnam.

The central issue of the draft is the issue of Vietnam. The draft feeds the war. The war becomes the argument for continuing the draft.

Most of our country has come to regard the war as a mistake. If we had it to do all over again we would not become involved in a land war in Southeast Asia. Both of our political parties are for withdrawal. The question is how fast and in what way. Our political leaders are floundering around in search of a face-saving pretext to get out. Yet we go on drafting young men for combat, giving them the alternative of going to jail. No young man should be required to stake his life to save face for the political leaders who unwisely blundered into this war. I would not ask my own son or anyone else to do that.

Draftees have borne the heaviest burden of the war. They have had the worst of the combat. They have suffered an inordinate share of the casualties.

From the beginning of 1961 through March 13, 1971, 44,676 American servicemen were killed in hostile action in Vietnam and 296,034 were wounded. The combat deaths were spread among the services as follows:

Army	29, 524
Navy	1, 396
Marine Corps	12, 912
Air Force	871

Now look at the Army combat death figures covering almost the same period from January 1, 1961, through December 31, 1970:

	Total	Officers	Enlisted men
Regular Army	12, 304	610	11, 694
Reserve	2, 447	2, 393	54
Selective Service	14, 331	7	14, 324
National Guard	68	8	60
Total	29, 150	3, 018	26, 132

The figures show that the largest block of combat deaths is among Selective Service personnel, or draftees. They are 49 percent of the total.

The PRESIDING OFFICER (Mr. GAMBRELL). The time of the Senator from Wisconsin has expired.

Mr. NELSON. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 additional minutes.

Mr. NELSON. Mr. President, according to other Defense Department figures, at the end of 1970, draftees were 31 percent of the Army enlisted ranks worldwide, They were 37 percent of Army enlisted ranks in Vietnam. But during 1970 they suffered 57 percent of the combat deaths among the Army enlisted rank in Vietnam and 57 percent of the wounded.

There are a number of reasons that the burden falls so heavily on draftees.

First, throughout the war, the draft has been used mainly to supply manpower for the Army. Currently all draftees go into the Army.

Second, within the Army a process of natural selection herds the draftees toward combat duty in Vietnam. Men who voluntarily enlist in the Army for three years may choose their line of training and assignment. Most choose technical and vocational specialties, for example medicine, electronics or automotive mechanics. Few pick what the Army calls the combat arms—Armor, Infantry, and Artillery. In fact, only about 4 percent of the Army's requirement for combat arm's soldiers worldwide is being filled by men who volunteered specifically for that duty.

On December 1, 1971, the U.S. troop ceiling in Vietnam will be 184,000 according to the President's announcement. Assuming that past ratios are followed, about three-fourths of these, or 138,000, will be Army personnel, of which about 120,000 would be enlisted men.

Assuming again that past ratios are followed, about one-quarter of the 120,000, or 30,000, would be hard core combat soldiers—those with military occupational specialties in Infantry, Armor, or Artillery. Another 30,000 would be in combat units but would have other job descriptions, for example as cooks, medics, combat engineers, and transportation people. Some of these would be in secure base areas. Some, because they would be in forward units likely to engage in combat, would be covered by this amendment. The total number to which the amendment would apply would be between 30,000 and 60,000.

It is reasonable to expect that the Army can supply this number of men out of its nondraftee strength of 700,000 worldwide. If not, then something is drastically wrong with the Army. Furthermore, Ellsworth Bunker, our ambassador to South Vietnam has declared that the overall troop level will be down to 100,000 by next May 1. Then the number of hard core combat troops would be fewer than 20,000.

The Army estimates that it will need 2,800 replacements in the combat arms in Vietnam in July 1971. They also estimate that by December 1, it will be between 1,700 and 1,800. If 2,800 were taken as an average replacement rate, the requirement for a whole year would be 33,600 combat arms replacements for Vietnam. Surely that number could be supplied from the professional Regular Army and volunteers. Actually, the yearly replacement rate will be less because our forces in Vietnam are being reduced.

One more statistic is worthy of note. The Army does have volunteers for Vietnam. During calendar year 1970, 38,834 Army enlisted men and 3,425 officers volunteered to go to Vietnam and were sent there. Of course, these were not confined to the combat arms. But the figure is significant in showing that volunteers are available for Vietnam duty.

What we are dealing with here is an institutionalized personnel system in which the Army does not look for volunteers from among its professional soldiers. It does not have to look because it has an unlimited supply of draftees and it is easier to use them. Now is the time to end that system.

Some methods of increasing the number of available combat soldiers for Vietnam may not be desirable. For example, it may not be wise to lengthen the 1-year tour of duty in Vietnam or to reduce the time between Vietnam tours, now generally 2 years. But there are many other ways. First, the Army could make a much stronger effort than it ever has in the past to recruit these combat forces from its professional ranks stationed in the United States and around the world. It could hire more civilians in order to replace uniformed soldiers who are now acting as cooks and chauffeurs at military bases in the United States and elsewhere where there is no war.

The U.S. Marine Corps could take over more of the combat role in Vietnam from the Army. In January of this year there were some 25,000 Marines in Vietnam, of which only about 1,400 were draftees. The Marine Corps is no longer taking in any draftees. As the tours of duty of draftees expire, the Marine Corps is reverting to what it traditionally has always wanted to be—an all-volunteer force. The Marine Corps has 200,000 men world-wide.

Finally, in order to take draftees out of combat, the administration could accelerate its troop withdrawal schedule.

Another important point is that the amendment I have offered does not say we could not send any draftees to Vietnam. It only says they could not be assigned to a combat role there. This means the combat arms—armor, infantry, and artillery. It also means any other highly hazardous combat assignment. Furthermore, the amendment would only become effective after December 31, 1971. This will give the Army some time to adjust to a totally new policy of no longer relying on draftees for the worst combat jobs. Putting the date in December also makes the Army's adjustment easier because the troop level in Vietnam will be 100,000 less than now. December 31, 1971 is also the effective date of the McGovern-Hatfield bill to end the war. I have supported that bill and will vote for it. But if we still have combat troops in Vietnam at the end of December, at least they should not be draftees. This amendment would at least accomplish that much.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may be permitted to yield to the Senator from Texas, a member of the committee, if he so desires, and that I may resume my speech thereafter without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, over the years I have known the Senator from Wisconsin and regarded him very favorably indeed, including his ideas on the subject of the war and including the spirit and the motives behind this amendment. There is no one here whom I respect any higher than I do the Senator from Wisconsin.

I appreciate, too, the very outstanding services the Senator has rendered as a Senator from Wisconsin and as a Member of the Senate in many fields. He has made a very positive contribution. He was a forerunner in the environmental problem and the Environmental Control Agency that has now been adopted. That has become a nationwide policy and a program with millions of dollars behind it.

My criticism of his amendment is based solely on the effects I think it would have and not on the Senator or his motives.

I want to point out for the Senate that no one relishes the idea or likes to draft these men. No one wants to reenact this law. No Member of the Senate wants these men to be called on to go in the services against their wishes, and especially to go to Vietnam. All of us want the war to end.

I think we are all doing, as we see it, what we think we should do to try to bring the war to an end—that is, in keeping with our Nation's future security primarily, as well as our obligations.

Let us keep those things clear. We are not divided on these matters. However, the fact remains that we are in the war and we cannot abruptly cut and run, though there is no disagreement or little disagreement about this in this Chamber. If we are not going to do that, then there are some things that we must do that we do not wish to do or relish doing as Members of the Senate. And that means that we will have to call on various citizens of our Nation to perform a duty that is directly connected with and, we think, necessary for the security of our Nation, not only now, but especially in the decades ahead.

So, I approach this amendment in that vein and with all deference again to the Senator from Wisconsin.

I do not see how Members of the Senate who really support the so-called volunteer Armed Force for some unforseeable time in the future can possibly support this amendment. Why do I say that? It is because this amendment tells these young men, "By all means stay away from that volunteer role. Stay away from that. Don't get into that role. Just go the induction route and be inducted into the services, and you, therefore, stay out of combat."

I do not think it is an oversimplification at all, not at all, to say that that is the meaning of the amendment and that is the way it will work, with so few exceptions that we could count them, though not on the fingers of one's hand. However, there will not be a great number who will go this volunteer road.

If this Nelson amendment were enacted, it would greatly increase draft calls at precisely the time when we are trying to reduce them. This would run directly counter to the President's objective of achieving an all-volunteer force. Defense Department records show that at least half of all enlistees would not voluntarily enlist without the pressure of the draft. Undoubtedly, the hope of avoiding ground combat duty in Vietnam encourages young men to volunteer rather than be drafted.

Should young men know that being drafted is the surest way to avoid serving in Vietnam, they will simply wait to be drafted and will be far less inclined to enlist for service in the Army and in the other services. Enactment of this proposal would thus greatly reduce volunteers and increase the number of men who would have to be drafted at the same time we are trying to make some sort of progress toward all-volunteer Armed Forces.

Mr. President, to return briefly to a matter that I mentioned a minute ago: This amendment uses the term "combat role." Over the years, it has been most difficult to say just what is a combat area or just what is a combat role. That has been difficult in many wars, but particularly in this one. It has been very hard to say where the danger zone was, and who would get fired on or who would not get fired on.

We remember the many rockets that were discharged far behind the lines into our military men's sleeping quarters at night, killing many of them. We remember the rocket fire in many of the cities, including Saigon. There have been many times when it has been more dangerous to be in or near some of those cities than it was to be in the so-called front line.

Here is the convincing evidence that this does apply: Hostile fire pay, which is paid under a special statute that we have had, as I recall, for many years, has been applied to all those who are in service in Vietnam. That shows that Vietnam is all considered, to a degree, a combat zone. So we might as well meet facts as they are: The whole area over there that is in any way connected with the war is, for practical purposes, a combat zone, and this amendment would quickly apply to it. No one could be in a unit, then, that has anything to do in all that area, without having this amendment apply, and that means it would take out all those who had been drafted and, as I have said, the prospective volunteers would all become draftees very rapidly.

So, even though we hope we will eventually reach a point where Vietnam replacement requirements have been reduced sufficiently so that we could send only volunteers. Even then, however, it would be most unwise to adopt formally a policy of excluding draftees from serving in Vietnam or other areas of armed conflict unless they volunteer for such service. If we took such a course for Vietnam today, tomorrow's draftees might expect similar treatment should the United States become involved in a shooting war elsewhere. I believe it is fair to say that it would be almost impossible to administer effective Armed Forces in this way. There is real danger in creating a class of men in uniform which, by being exempt from hazardous and unpleasant duty today, might expect to be equally exempt in the future.

Mr. President, it is impossible to hold a military commander responsible for anything that happens out on the field, or for the conduct of the war—I am talking about from General Abrams on down—if he is going to be hindered and restricted and have his hands tied as this amendment would do. That is the major, controlling reason why we have never been able to adopt a policy of this kind. Even though proposals of this nature have come up many times before in previous wars as well as this one, the final impartial judgment of an overwhelming majority of those who have to pass on it has forced them to vote against such a position. And I predict that that will be the outcome, regardless of good intentions, regarding this amendment. It just cannot be carried out with any idea of success in any kind of military activity, and we cannot possibly hold the President of the United States responsible, General Abrams responsible, Secretary Laird responsible, or anyone else connected with the conduct of this war responsible, if we are going to have an amendment of this kind. It will not fit anywhere, I respectfully say, except in the wishes of our membership here as well as the people.

Units in the Army are composed of men with widely different backgrounds who have entered the service through different routes. An Army unit would be rendered completely inoperative, if, because of legislation, each man's record had to be reviewed before that unit was sent somewhere in an emergency.

Some men would have to be pulled out. The Senator says his amendment does not apply to those who are already there, and I accept that, for the time being, but I am talking about units, now, that would have to be put in action under the operative terms of this amendment.

Some men would have to be pulled out of the unit, others would be moved in, many men would have to be given jobs for which they were not trained, and so forth. This effect could easily spread to the other services if enlistments fell off—as they would be sure to do under this amendment—and the other services had to begin to use draftees.

That is another almost certain result, and it is a certain result of the operation of this amendment for any length of time.

As I have said on this floor many times since this debate started, I repeat now for emphasis: The absolute written record, compiled over the years as this has unfolded, shows that in the Air Force, some 47 percent of the first-term enlisted men who manned our ICBM missiles, down in the wells, so to speak—47 percent of those men, or around that number, are draft-induced. The same is true for our carriers in the Mediterranean, in the Pacific, and everywhere. They call the Navy an all-volunteer service, but the record shows that around 42 percent of those first-term men were there because they were induced by the draft. And one can go on, even, to the Marine Corps. This idea of exemption is going to kill real voluntarism, and will upset any kind of a military unit in any of the services where they try to be fair.

Another important reason to oppose this amendment is that it would prevent us from meeting our manpower requirements in Vietnam. This would be true notwithstanding the fact that our forces there would have been reduced and we would only be furnishing replacements to support these lower levels of forces.

We read about all the withdrawals, and the President has a program of withdrawals per month, but the fact is that this replacement goes on all the time. We do not see that in the press, but there are men being sent over every month, and men coming back just because of this practice of rotation every 12 months.

Personnel replacement requirements for Vietnam and, indeed for any military force, are expressed in terms of specific skills such as gunner, cook, supply technician, and infantrymen. Our needs for the ground combat skills are particularly difficult to meet through voluntary means. For example, only 4 percent of Army combat skill requirements are met by enlistees who volunteer for that duty. In view of this, ground combat requirements must be met largely on a nonvoluntary basis. Current Army experience indicates that if draftees were excluded from involuntary assignment to Vietnam, the Army would not be able to meet its monthly replacement requirements during 1972.

I state that after the most careful and exhaustive examination of the record, the estimates, and the recorded experience. We would not be able to meet these monthly replacement requirements during 1972, in spite of all the withdrawals and in spite of the continued success—and these figures assume that the withdrawal will continue at its present rate.

The principal reason for this anticipated failure to meet General Abram's replacement requirements is that large numbers of men who currently enlist would not do so as soon as it became apparent they could avoid Vietnam by waiting to be drafted. This crippling shortage of Vietnam replacements could only be alleviated by a combination of undesirable alternatives. These would include:

Retraining nondraftees in those skills short in Vietnam. This expensive process would create Army-wide skill maldistributions and thus seriously impair combat readiness in Army units in NATO, Korea, and the United States.

Extending the tour in Vietnam from 12 to 18 months. This would create a very serious morale problem. Enlistments and reenlistments would be adversely affected.

Reducing the time between Vietnam tours. This would further aggravate the reenlistment problem caused by repeated Vietnam tours. Enlistments would also be adversely affected.

Even should we invoke all these alternatives there is serious doubt that we would fully meet the Vietnam replacement requirements.

As I have said, Mr. President, I emphasize that these are studied conclusions, not just by someone in the Pentagon but on facts obtained from the record by our staff, many of whom are highly competent in this field, and by some members of the committee in going through these records.

These are very serious implications. Enactment of this measure would not only create havoc in our plan for an orderly withdrawal from Vietnam. It would also increase draft calls when we are trying to decrease them and, would also seriously degrade national security by both the personnel turbulence and the precedent it would create.

If we are going to have a strong, effective deterrent or military force to assure our national security, if we really mean what we say when we say that is what we need, and ask the taxpayers to pay for it—so long as it is within reason, I think they are willing to pay for it—we should forget matters such as this amendment, forget writing them into law, because we could not have the kind of security that is needed, especially with a war still going on. We just could not have security if we were to have a policy such as this amendment would write into the law. In sum, I do not believe that this amendment even presents a close case, and I hope the Senate will reject it firmly and with a very decisive vote.

Mr. President, I have completed my remarks for the time being, and I yield the floor.

(The following colloquy, which occurred during the address of Mr. STENNIS, is printed in the RECORD at this point by unanimous consent.)

Mr. BENTSEN. Mr. President, I rise to speak in opposition to the pending amendment to H.R. 6531. The amendment, if agreed to, as I understand it, would prohibit the service in Vietnam after December 31, 1971, of those who had been drafted into the service, unless they volunteer for that service.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. BENTSEN. I yield for a question.

Mr. NELSON. I understood the Senator to say that the amendment would prohibit draftees from serving in Vietnam after December 31.

Mr. BENTSEN. Unless they volunteered for such service.

Mr. NELSON. May I correct the Senator so that he would be addressing himself to what the amendment would do. The amendment would not prohibit draftees from being sent to Vietnam or or serving in Vietnam. The amendment would prohibit draftees from being assigned to combat roles with a military occupational specialty in combat arms after December 31. It would not require that those who are in an MOS combat arms unit as of that date would have to be reassigned. They would finish their tour. So it is a narrow question.

Mr. BENTSEN. I appreciate the clarification the Senator has made.

Mr. STENNIS. Mr. President, will the Senator yield on that point?

Mr. BENTSEN. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I point out to the Senator from Wisconsin that this matter of assignment to a "combat role" used in the amendment is a very vague and uncertain term. I say that with all respect. I point out that what is a combat role and a combat area in Vietnam is so unpredictable and changeable, that the law authorizes hostile fire pay to be paid to everyone over there. The city of Saigon at night is disrupted by fire and can be more dangerous than a military fire zone.

I point that out to show how this would apply.

Mr. BENTSEN. I thank the distinguished Senator from Mississippi.

I understand how the changing roles come about. Very recently I was in Vietnam. I went there in a noncombatant role and fully expected to fill that kind of role. We were making a landing at Khe Sanh, which was the jumping off place in the intervention in Laos. Our plane was beginning to come under fire, so I have sympathy for the changing role.

I listened with considerable interest to this debate on the amendment of the distinguished Senator from Wisconsin. On first reaction, the amendment has great emotional appeal because, in effect, it says, "You will not have to serve in an unpopular war, a war that is winding down."

It says, "You will not have to be the last man to die in this kind of war." No one wants to be the last man to die in a war's closing days, and fill that kind of category.

Under this amendment, Mr. President, you can wear your country's uniform, speak of your service to the flag, and at the same time have yourself an iron-clad guarantee that you will not have to listen to one shot fired in anger in Vietnam.

I think the amendment has appeal to every mother and every father and every draft-aged young man. But what we are striving for here is equity. What is right? Is it fair and is it workable? I say unquestionably it is not.

Let us examine some of the effects of this amendment. First, and this should be especially important to those who hope to be able to achieve an all-volunteer army, at the very time we are trying to bring about inducements in the bill, to encourage enlistments and volunteers, this amendment would bring about a substantial reduction in volunteers, because prospective volunteers who wanted to choose their theater, who might want to go to Germany and think they would avoid combat, could get themselves a guarantee of being noncombatant. All they would have to do would be to hang back and not volunteer, and wait to be drafted. The Army estimates this would cut approximately 50 percent or more of their volunteers. I think that is a very low and conservative estimate, and certainly the fallout would hit other services. It would very substantially reduce volunteers, and at the very time we are trying to strengthen the National Guard and the Reserve system, and make them more viable and stronger. There would be a substantial reduction in enlistments and volunteers who might go into the Reserve service.

The only way to overcome these shortages would be to increase draft calls, and that is a most undesirable alternative. By this legislative process I believe we jeopardize our progress toward an all-volunteer force while simultaneously taking other legislative actions to reduce increased enlistments.

This amendment, in effect, forces us to put a heavy brake on the progress which we might be able to make toward an all-volunteer army.

Then, there is another major point involved. This proposal seems especially imprudent when we consider the implications of deliberately establishing a class of men in uniform who would not have to serve in a combat area. I think it is reasonable to assume that if we were to take this action in Vietnam, should the United States become involved in another unpopular conflict, be it Berlin, the Middle East, or in any other part of the world, it would be expected we would come before Congress and pass such an amendment to exclude other men from the conflict.

It is even conceivable that by deliberately legislating the Army into two classes—those who have to serve under dangerous and unpopular conditions, and those who do not—we may be creating conditions where tomorrow's draftee might expect to be excused from unpopular service in war or even in civil emergencies.

In this bill we have provision for concientious objectors, who do not have to serve in combat. I believe in that. That was a carefully proposed amendment to this legislation done by committee action, carefully thought out and drafted. But that is deeply ingrained in the history of our country because of the religious beliefs of these men. This, however, is no such thing. This deals with men who agree with us that this is a war we are winding down, an unpopular war that has divided our Nation; but they are not going to stay there or be in the combat areas to protect withdrawals of the rest of our troops. I feel that is a serious mistake.

We have men in the armed services from different walks of life. Some enlisted because they wanted to choose a service, and some enlisted because they had a particular skill they wanted to exercise, and some of them who volunteer, because they want to avoid being drafted. They are molded together in a military unit, each man contributing to the mission, particularly if it is a combat mission.

The military services make no distinction between the draftee and the volunteer. All of them are assigned on the basis of the needs of the service, the basis of the needs of the unit, the basis of the skill of the man, and, to the degree that they can, the desires of that man.

Now do we want, by law, to create a special favored class of serviceman not to be used in a combat role without his consent? Do we want to discriminate against the volunteer, the man who enlists to try to serve his country? Are we going to say to him that he has no such prerogative?

I do not believe we can overemphasize the real danger to national security in creating a class of privileged individuals in our Armed Forces. This process could take any of a number of extreme turnings, and I think it could contribute to seriously hurting our services as effective fighting units.

There is yet another dimension to this amendment that I have hardly heard mentioned at all. Advocates of this proposal tend to ignore the fact that we have thousands and thousands of career officers and men who have been to Vietnam. These are the men who provide the leadership, who provide the expertise to the man who gives first-time service in Vietnam. They bring the technical skill, and in some of these services, all of the careerists with certain skills have been to Vietnam at least once, many twice, and some have been or are ready to go for a third tour.

These professionals will go back again and again if we request them, and they will perform their duty in a manner that all of us can admire. But, seriously now, can we expect their morale to stay high, can we expect these careerists to continue to go back in sizable numbers, can we expect them to continue to reenlist, to volunteer, while others can avoid combat just by waiting for the draft? I think the morale problems that would be created amongst dedicated career soldiers would be very difficult to estimate.

All through this bill there are certain remnants of the volunteer army plan, and it is a plan I never have subscribed to, because I believe as a practical matter it will not work to supply as many men as we need in the services.

I point out that I voted for a 4-year extension of Selective Service in committee, which would give everyone who believes in the volunteer concept an opportunity to see how it would work.

But apart from all those things, this amendment, if enacted into law, would absolutely kill the volunteer concept for a volunteer army, a volunteer air force, and other branches.

I believe that the only reasonable assessment would be that the retention of these men, the careerists who would reenlist and volunteer, would be substantially reduced, and I think again that that really hits at the all-volunteer Army.

These are some of the serious implications for the action that we are now discussing. I have no doubt that this amendment is unwise in light of the uncertainties of the situation in Vietnam, in light of our desire to increase enlistments in the services at this time, in light of our objective to reduce draft calls, the disadvantages of establishing a dangerous precedent in the use of our Armed Forces, and the resulting morale problems that would result from that. All of these things together lead me to strongly urge defeat of this amendment.

Mr. President, I yield back the remainder of my time.

Mr. NELSON. Mr. President, I wonder if the Senator would allow me to reply at this time?

Mr. STENNIS. On the Senator's time.

Mr. NELSON. On my time. Mr. President, I yield myself whatever time I need.

I would like to call to the attention of the distinguished Senator from Texas the grave disparities in the treatment of the draftee versus the Regular Army. The Senator made the point that volunteers and draftees are treated alike.

How do you explain this dramatic and astonishing statistic: Of all the enlisted men, worldwide, in the military service of the United States in the Army, 31 percent are draftees; but 37 percent of the soldiers in Vietnam are draftees. Fifty-seven percent of the wounded and 57 percent of the dead are draftees?

If the draftees are being treated equally with the volunteers, why is this percentage of dead and wounded for the draftees so much higher than it is for the volunteers in the Regular Army?

Now, much of what the Senator said about this amendment would be perfectly true under other circumstances. I would not offer an amendment like this if this were a declared war. This war was never declared. If we could ever get to court on it, it would be declared an unconstitutional war. It is one of the most illegal wars we were ever involved in. We are dealing with a situation which has never before occurred in the history of the country.

This is a situation in which the youth of America never, never accepted this war as involving the vital interests of America, and it never did. I never accepted it as involving the vital interests of America.

Six years ago I stood on this floor with Senator Morse, who is not here any more, and Senator Gruening, and the three of us voted against the request of President Johnson for $700 million to start a ground war in Vietnam. I predicted that far back that you could not win it with a million men and there was no vital interest of America involved.

Now everybody in this country has rejected the war. You know it and I know it. The test question which you could put to President Johnson; you could put to President Nixon; you could put it to every Member of Congress; you could walk the streets of America and put it to every citizen of this country, "If you could turn the clock back to March 1965, would you start a ground war in Vietnam?"

The answer from President Johnson would be "No." The answer from President Nixon, who endorsed the war in 1965, 1967, and 1968, would be "No." The vote on this floor would not be the three votes against the ground troops, but 100 votes, if they were all present.

So now we have a situation in which we have said to the youth of America, "This is a war which does not involve the vital interests of this country, and we now know that it never did. It has not been worth the sacrifice of 50,000 deaths; the sacrifice of 300,000 wounded; the sacrifice of $150 billion in treasure; the disillusionment of the youth of America; the loss of the confidence of the people of this country, in the decisionmaking by the authorities.

Every young man in America knows it. He knows that what we are doing—and it is the truth of the matter—is filibustering, seeking a pretext to get out of Vietnam and save face; get out. That is all there is to it.

So we are saying to a young man, "While we try to devise a pretext to get out to save the face of the political leaders of this country, you go on over there and risk your life." I would not ask my son to do that, and I would not ask anybody else's son to do it, either.

(This marks the end of the immediately preceding colloquy, which occurred during the address of Mr. STENNIS and which was ordered to be printed in the RECORD at this point by unanimous consent.)

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Seventy-three minutes.

Mr. NELSON. I yield myself 5 minutes.

Mr. President, the argument made by the distinguished Senator from Mississippi carries with it, it seems to me, some very grave implications. The argument is that if we do not continue to assign draftees to combat roles after December 31, 1971, it will not be possible for the Army to maintain these combat troops in the field.

Let us see what that means. The argument is that they will need approximately 1,700 replacements in combat arms in December. Mr. Bunker said a week ago that he calculated that the Army could be down to 100,000 by May. That would mean that we would need approximately 900 soldiers for replacement in combat arms starting in May.

Let us see what that means. Annually, that is 10,600 men. So what the distinguished Senator is saying is that out of 1 million enlisted men in America, out of the 700,000 regulars, out of the 200,000 Marines—America's fighting Marines—all volunteers, we cannot get 10,600 of them to serve as replacements in combat between May 1972 and May 1973; and that out of these 700,000 in the Regular Army and 200,000 in the Marines, we cannot get 20,000 to serve as replacements in the entire 2-year period.

What does that tell us? If that is the truth, that tells us that even the regular soldiers and the fighting Marines have rejected the war. I think they probably have.

That means we ought to get out of there, and get out fast. But, no, we are going to take college kids who have never accepted the war on principle, who have turned out to be right—right—on the war, and say, "Oh, no; we'll draft you and put you in combat." Not out of the 200,000 Marines, not out of the 700,000 regular Army enlisted men. No, the draftees.

We have reached a sad state when we cannot, as of May of next year, get 900 men a month for replacements to go into the combat arms in Vietnam. I do not believe it; but if that is true, we should not draft people who object to the war, in the first place—and always have—and stick them in that role, so that 57 percent of the wounded and the dead are enlisted men. Yet, they represent only 31 percent of all the enlisted men in the Army. It is inequitable, it is immoral, and we should stop it.

Mr. President, I yield 15 minutes to the Senator from California.

Mr. TUNNEY. I thank the Senator from Wisconsin for yielding.

Mr. President, I send an amendment to the desk, as a perfecting amendment to the amendment of the Senator from Wisconsin, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> Beginning with "to a combat role" in line 4 of the amendment, strike out all down through line 6, and insert in lieu thereof the following: "to duty in any combat area outside the United States, unless (1) such person volunteers for assignment to duty in such combat area, (2) such person has reenlisted in the Armed Forces subsequent to his induction under any such Act, or (3) the Congress by law enacted after the date of enactment of this section authorizes persons inducted into the Armed Forces under any such Act to be assigned to duty in any such area."

The PRESIDING OFFICER. The amendment has been stated, but it cannot be offered until all the time of the Senator from Wisconsin either has been used or has been yielded back.

Mr. NELSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. GAMBRELL). The Senator from Wisconsin will state it.

Mr. NELSON. Is the Chair saying that this amendment cannot be called up and voted on prior to the expiration of the time on my amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. NELSON. The yeas and nays have not been ordered on my amendment, have they?

The PRESIDING OFFICER. The Senator is correct.

Mr. NELSON. Is the amendment of the Senator from California (Mr. TUNNEY) an amendment to my amendment or an amendment to the Draft Act?

The PRESIDING OFFICER. It is a perfecting amendment to the amendment of the Senator from Wisconsin.

Mr. NELSON. Are we to understand, then, that it would have to be voted upon after the expiration of all time on my amendment?

The PRESIDING OFFICER. Except by unanimous consent, that would be the case.

Mr. STENNIS. Mr. President, will the Senator from Wisconsin yield to me?

Mr. NELSON. I yield.

Mr. STENNIS. The Senator from Wisconsin and I are prepared to yield time to the Senator from California within our overall allotted time to handle his amendment. I think that we are agreed on that time and we might as well ask unanimous consent to proceed here to a vote on it.

Mr. NELSON. I agree with that.

Mr. STENNIS. Then we can resume argument on the Nelson argument.

Mr. NELSON. Is the Senator saying that we should ask unanimous consent for a definition of the time allotted to the Senator from California and the Senator from Mississippi and that there will be a vote thereon?

Mr. TUNNEY. That is my understanding.

Mr. STENNIS. My understanding of the situation now is that Senators are expecting a vote here at 1 o'clock. So, in any event, we might be disappointed with the attendance. In view of that, perhaps it would be better to argue this matter and then reserve a little time and argue it again before we close the time—argue both of them and have both votes.

Mr. NELSON. I would like to reserve some time for myself on my amendment shortly before 1 o'clock.

Mr. STENNIS. Yes.

Mr. NELSON. Perhaps we could vote at 12:30 or something like that.

Mr. STENNIS. I do not know whether it would be possible to work out anything on that just now. Suppose we let debate continue.

Mr. NELSON. Mr. President, how much time has the distinguished Senator from California got left on the time I yielded to him?

The PRESIDING OFFICER (Mr. GAMBRELL). I believe an error has been made in the ruling. Let the Chair read this provision of the unanimous-consent agreement:

> The time on any other amendment than the amendments enumerated above will be limited to 1 hour, coming within the period allotted, that time to be equally divided between the mover of the amendment and the Senator from Mississippi (Mr. STENNIS).

The Chair understands that the proposed Tunney amendment would come under that provision, and that under the order the time will be limited to 1 hour to be equally divided between the Senator from California and the Senator from Mississippi.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan will state it.

Mr. GRIFFIN. The time of the vote would come at the conclusion of the hour, is that correct?

The PRESIDING OFFICER. It would.

Mr. TUNNEY. I can assure the Senator from Mississippi that I do not need one-half hour.

Mr. STENNIS. I think the 15 minutes' time yielded by the Senator from Wisconsin is proper and I shall not take all the 15 minutes on my side. We can decide later when to vote.

The PRESIDING OFFICER (Mr. GAMBRELL). The Senator from California (Mr. TUNNEY) is now recognized. His amendment is now pending.

Mr. TUNNEY. I thank the Chair.

First of all, I should like to congratulate the distinguished Senator from Wisconsin (Mr. NELSON) on his amendment, which I think states the feeling of many of us, that draftees have borne an unfair burden of the war in Vietnam.

It has been clear for some time that the best way to stay out of combat is to enlist in the Army and get the MOS which guaranteed that one did not go to the firing line.

Although there are many other reasons I believe that one of the reasons that the young people of this country have been so "turned off" by this war, and why they feel it is basically an unfair representation of power, is that they who have proved to be most disenchanted with the war are the ones who are called to give the most both physically as well as spiritually in the line of combat.

Mr. President, my perfecting amendment is simple. In my opinion, it reestablishes congressional prerogatives; namely, that Congress will play an important role in determining when our troops go into battle, and when the United States goes to war. It simply states that no draftee can be assigned to duty in any combat area outside the United States unless such person volunteers, or unless such person has reenlisted, or unless Congress authorizes that he be sent to a combat area.

There is much precedent for circumscribing the use of draftees in various parts of the world. In fact, in 1940, in section 3(e) of the Selective Training and Service Act, there was provided:

> Persons inducted into the land forces of the United States under this Act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands.

That was a very clear circumscription of where, when, and how draftees could be used in any kind of combat role.

It did not take long for Congress to suspend that provision after Pearl Harbor, when it was determined by the President and the Congress that draftees would be needed in other parts of the world beyond the Western Hemisphere and the territories and possessions of the United States. On December 13, 1941, this provision was suspended "during the existence of any war in which the United States is engaged and during the 6 months immediately following termination of any such war."

Then in 1946 it was repealed entirely.

In 1945, Congress not only extended the operation of the Selective Training and Service Act of 1940, but restricted the assignment of inductees "under 19 years of age" to bar "combat duty."

Without "at least 6 months of military training of such character and to the extent necessary to prepare such inductee for combat duty."

Then, in 1967, in the Military Selective Service Act an even more stringent provision is contained in section 4(a)—

> . . . Every person inducted into the Armed Forces . . . shall, following his induction, be given full and adequate military training for service in the armed force into which he is inducted for a period of not less than four months, and no such person shall, during this four months period, be assigned for duty at any installation located on land outside the United States, its Territories and possessions (including the Canal Zone): Provided, That no funds appropriated by the Congress shall be used . . . in violation of the provisions of this paragraph.

Mr. President, it is quite clear that Congress has, historically, indicated when and where draftees were going to be used, even when we had a Selective Service Act that provided for a draft.

The thing that most deeply disturbs me about the state of affairs we find ourselves in in the country today is that the war-making power has in effect been taken out of the hands of Congress by the President—the executive branch—and Congress is presented with a "fait accompli."

Then we have, after the troops are

already, for instance, in Vietnam, to go along with supplying them with weapons and food. We remember the expression a number of years ago to the effect that—

> Otherwise, we are not standing up for our boys who are in combat.

In fact, Congress was not presented with the problem clearly before our soldiers were sent to combat. A single reading of the constitutional convention indicates very clearly that the framers of the Constitution were exceedingly worried about giving to the Chief Executive full war-making power. As a matter of fact the first draft of the Constitution contained language that the Congress would have the power to make war. It was only subsequently that the word "make" was deleted and the word "declare" was inserted in its place.

It was quite clear that the framers of the Constitution were very worried about the President on his own initiative becoming involved in a conflict similarly to what they had seen the British sovereign do for many years preceding our Revolution.

It was quite clear that they wanted to make it clear that the body which represented more closely the American people would be the one to determine that there was in fact going to be a war which would involve great physical and economic sacrifice, a war which would involve very significant moral and legal consequences.

We have seen over a period of time the slow derogation of the powers of the Congress to declare war. I think that a good part of the malaise existing in the country today has arisen because the President of the United States, without coming to Congress, has single-handedly on a number of recent occasions taken actions which went far beyond what I interpret to be his war-making powers.

I am thinking not only in terms of sending troops to Vietnam, but also in terms of sending forces to the Dominican Republic, using as an excuse the fact that we were saving American lives and protecting American property. It became clear later on that this was a subterfuge and was not the only reason. There were other reasons—American interests and the fear that, perhaps, communism would take over the Dominican Republic. No one is less inclined to see communism take over the Dominican Republic than I. However, I am also very deeply concerned about the problem of Congress asserting itself in its war-making powers.

Mr. President, when we consider that Vietnam has resulted in the loss of 54,000 young American lives, that draftees have been plucked from the campuses and assembly lines to forfeit their lives in the rice marshes of Southeast Asia, that the vast majority of these young people have been in their teens and early twenties, that they have not died in the defense of the American shores or in the interest of our liberties, but in a revolutionary war 10,000 miles away from our capital, that this war grinds on and on, that it involves enormous economic and physical sacrifice, I think it is then clear why it was that the framers of our Constitution had more prescience than we have today.

They knew that the only way we were going to be able to get broad support for a long, involved military effort was to have those men who were more closely representative of the American people make the determination to begin with.

I feel that this amendment goes further in restating the balance of power in this country between the Congress and the Chief Executive than does the Nelson amendment, although I strongly support the Nelson amendment, too.

I think it is about time we begin to put substantial pressure on the administration to get us out of this war in a time definite.

My amendment, I will say, does have, in my opinion, an ancillary impact on making the Chief Executive get us out of this war and get us out soon.

It has been clearly stated by the Senator from Mississippi in a very articulate fashion that it would be impossible over a long period of time to fight a war in Vietnam without draftees. I agree with that statement. That is one of the reasons I think this amendment is important. If there are no draftees in Vietnam, we will be required to scale down that war and get out.

However, there is another side to the picture besides getting out of Vietnam which I think my amendment would accomplish. This amendment also has another effect. It says to the Chief Executive:

> In any future conflagrations in which you are thinking of getting the United States involved, in which there will have to be a substantial commitment of American troops, you will have to come to the Congress of the United States to get either a declaration of war or a resolution which specifically states what your commitment will be.

I know that the Senator from Mississippi, back before the Vietnam War, was opposed to sending American forces to mainland Asia. And I feel very strongly that if the Tonkin Gulf joint resolution had stated clearly that the President of the United States had the power to send up to 1 million American forces to Vietnam to bring about a military victory in that sad area of the world, that the Congress of the United States would not have voted for it, even though there was a war fever as a result of the alleged attacks on our destroyers in Tonkin Gulf. I am convinced that if Congress had been presented with a resolution that stated clearly and on all fours the kind of power we were giving to the President and the kind of monetary and physical commitment we were going to be making, Congress would have rejected it.

So, I would hope that we would strike a blow for liberty, strike a blow for the Congress, strike a blow to give back to the Congress the powers that the framers of the Constitution gave to it and which, as a result of our own inaction, we have allowed to slip away.

Mr. President, I hope that my amendment will be agreed to.

Mr. President, I yield back the remainder of my time.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Wisconsin in opposition to the amendment.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 1 minute.

Mr. NELSON. Mr. President, I support the amendment of the Senator from California. It is very similar to mine except that it is a little broader.

It would prohibit the sending of troops to a combat area. I am not sure how that is defined. However, Vietnam is certainly a combat area.

My amendment is narrower and intentionally so, because I thought that it would be difficult enough to get votes for the proposition that we could not send troops into Vietnam, without including a prohibition on the sending of draftees to Vietnam in a noncombat role. However, I agree with the amendment, and I will vote for it.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, is this amendment considered by the Chair as a perfecting amendment, as a substitute amendment, or just how?

The PRESIDING OFFICER. The amendment is a perfecting amendment.

Mr. STENNIS. I thank the Presiding Officer.

Mr. President, the amendment as submitted by the Senator from California is different than the one that is printed.

Mr. President, this is a new start. If, in effect, the Senate is going to agree to this amendment, then some of the specific points that apply to the amendment we have been discussing have gone down the drain. I want to point out that this is a vastly different amendment and a more impossible one than the amendment of the Senator from Wisconsin.

This amendment offered by the Senator from California has a double expansion feature. He has abandoned the idea of being assigned to a combat role and substitutes for it the words "combat area."

We just received a copy of the new version of the amendment and it does have the term "combat areas" as I have just pointed out.

Mr. President, what is a combat area? We have discussed the term "combat role," but what is a "combat area"? This would apply not just to Vietnam but also to all combat areas or potential combat areas.

We send our carriers into the Mediterranean because there is trouble or threatened trouble over there. One need not doubt that if this amendment is agreed to it is going to greatly cut down on the number of volunteers, and we will have draftees in the Navy—direct draftees—within a fairly short time, I believe.

Mr. President, if a carrier is sent into these troubled spots in potential combat areas, what is the commander going to do if he has some marines who had been drafted?

We had this question come up last Septemper during the Jordanian crisis, when we had planes ready to fly in and rescue some of our citizens. Combat was going on among the people of Jordan.

Certainly that was a combat area of the world. If we had gotten mixed up in that we would have violated this amendment. So I do not know how we determine where a "draftee" could be sent if they are going to be excluded from all combat areas of the world.

We would not only lose the influence of potential intervention, but also we would have a direct mandate of law, known to all the world, that a great number of our men were not eligible to go into a combat area. I think that very quickly we would depopulate a lot of the essential parts of our services and they would very soon be relegated to a make-believe force. We would not have any chance to be of any influence in a crisis. We would be doing a vain thing to go steaming out to sea if we had any draftees aboard or on the firing line.

Mr. President, if there is a desire to kill the Selective Service Act entirely, and if it is thought that is best for the Nation and for our security, we should take a direct vote and not do it by attrition and a kind of immunization, or by giving it a hypodermic so that no one will be exposed to anything. With all deference, under this amendment we would have a make-believe Army, Navy, Air Force, and Marine Corps.

The Senator touched on the war-making powers of the President. Incidentally, the Senator from Wisconsin pointed to a very fine, heroic stand he took here in 1965. I well remember it. It is well known that I was not in favor of going into Vietnam either in the beginning. I want us to go back to the constitutional safeguard of a declaration of war before we engage in a war. The only real safeguard that the people who fight these wars have is a constitutional safeguard. I know we have to make allowance for nuclear attacks, which, God forbid would ever happen, and we have to make allowances for another emergency such as Pearl Harbor.

But I favor a return to the constitutional principle of a declaration of war by the representatives of the people being required, and I want to return to it directly and not indirectly.

With all deference to the Senator, this is an indirect way to destroy our manpower under the theme of returning to a declaration of war by Congress. That is the indirect approach; and it destroys the capacity to protect our shorelines.

I think everyone knows we have to have ICBM's, and we hope never to use them, but to be sure they will never be used on us we have to have them and to have them ready. We have to have them ready so there will not be any doubt about our capacity. For a few more years I believe we must have the Selective Service Act. If that act is not correct, let us not enact it at all, but let us not put the law on the books and then take the air out of the car's tires so it will not run, or take the manpower away from the military so it will not be effective.

I think this would not only destroy our manpower policies, but would reduce to nothing the entire concept of voluntarism. This amendment is going in the opposite direction, the very opposite direction, from those who wish to have and support the idea of volunteer services.

I think we have to make a choice. We cannot have it both ways. Are we coming or going? This amendment could not be more carefully drawn to sharply bring forth that issue.

Mr. TUNNEY. Mr. President, will the Senator from Wisconsin yield to me briefly?

Mr. NELSON. The Senator has time in his own right.

The PRESIDING OFFICER. The Senator yielded back his time.

Mr. NELSON. I yield 3 minutes to the Senator from California.

Mr. TUNNEY. Mr. President, I would like to say to the Senator from Mississippi, with regard to several statements he made, that my amendment does not envision the existence of a combat area until there is combat going on in the area.

To say we could not send draftees to Europe because it is a potential combat area fails to understand the thrust of my amendment. It assumes there is combat going on in the area, and not potential combat. If there is combat going on in the area, for instance, in the Middle East, then it seems to me that Congress should be called upon to make a determination of whether we are going to send troops to that area. That is what I am asking.

I am asking that we reassume the powers given to us by the framers of the Constitution that Congress can designate combat areas to which draftees can be sent. That could be done in this bill. They could do it within 24 hours after the President asks them to, but it seems to me that it is not asking too much to have the President come to the Congress, so that before he sends draftees overseas to fight and die in a war, he must ask the Congress for approval. That is what the Constitution says to begin with, and it is quite clear in my mind that it is something which we need desperately.

After all, there was a very substantial period of time in our history when we did not have draftees, and I do not see any reason at all, if we are going to continue the draft—as I think in all likelihood we will—why we should not share in the decisionmaking power as to where those draftees are going to be sent. If the Congress wants to send those draftees to Vietnam, there is no reason why it cannot say so. This seems to me to be a way of reestablishing congressional power to determine where we are going to send our conscripted military forces and when we will send them there.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STENNIS. Yes; but first I want to reply to some of the comments of the Senator.

Mr. GOLDWATER. I do, too.

Mr. STENNIS. How much time does the Senator want?

Mr. GOLDWATER. About 3 minutes.

Mr. STENNIS. Mr. President, I yield myself 2 minutes for the purpose of replying to the Senator from California.

I want to warn the membership now about the broad sweeping turn of this amendment concerning duty in any combat area outside the United States. When I drafted a proposal that concerned returning to a declaration of war, I accepted that and recognized the power of the President to rescue our own citizens who were in a friendly country and obeying the law, or to rescue our own Armed Forces or any other group that represented our great Nation in these times of peril. We have people all over the world, and they are lawfully there with our approval, and we cannot exclude ourselves in every way from having our military men, who may be in complications, ready to be rescued.

I illustrate again the trouble in Jordan last September. Under the Senator's amendment, a doctor who was drafted—and doctors are drafted—could not have been sent there to an area where our own citizens were being incarcerated or where they were under fire or in hostile circumstances. A medic who had been drafted could not be sent there. So this amendment would hog-tie us all around the world in a most severe kind of way and hamper our manpower policies.

Mr. President, I yield 4 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I think everyone in this body knows my position on the voluntary military. I think we are getting out into some very dangerous ground when we begin considering amendments such as we are now being asked to consider here.

I do not know how someone can read the Constitution and come away with the opinion that the Congress has the right under the Constitution to determine where forces are going to be used. The only power of war in our Government is in the President of the United States. He is the Commander in Chief.

The Congress is called upon to provide for organizing, arming, and disciplining the militia; to raise and support armies; to provide and maintain a navy.

At no place is there any language that can be interpreted as providing that this body should ever have the right—a very dangerous right—to determine where men in the militia are going to be sent or where wars are going to be fought.

People say that we have the right to declare war. We do, but we have had 158 wars in the history of this Republic and only five of them have been declared, and two of those in the same war.

Mr. President, if we want to get into the dangerous business of trying to change the Constitution and its intent by amendments to other amendments, by legislation, then I say, Mr. President, that we are treading on extremely dangerous ground.

I would rather trust one man with the decision of war than trust 500 men, all of us influenced by politics or where we come from or by the people we represent. The decision of war rests with the President; the decision of peace rests with the President.

Some people in this body may not like that, but I say, whether the man be a Democrat or a Republican, I would rather trust that one man's judgment, when it comes to the day of deciding whether we go to war or not, than to have it debated in and out over the floors of these two Houses day after day after day.

We are playing into the hands of any enemy we might engage when we say that this body or the other body or both bodies will begin making strategic decisions or tactical decisions or making decisions on whom we are going to send to this or that theater of war, or even sitting down and deciding whether it is a combat zone or not.

There does not have to be combat in a combat zone. A combat zone is any place the commanders want to make a combat zone.

Mr. President, I shall oppose any amendment like this, even though it is directed toward a voluntary military, because I think it is very, very dangerous.

I think Senators who continue to offer this type of legislation should realize that if they want to make these changes there is only one way to do it. The way to do it is to amend the Constitution.

Mr. President, I put this question to about 50 of the most prominent lawyers in the country, Democrats, Republicans, and Independents, people who think I am half nuts or full nuts.

They told me, "Do not change the Constitution. Do not give the Congress any explicit discretion in warmaking powers. It would be the end of our Republic."

Just as sure as I am standing here on this floor, Mr. President, I intend to vote against this amendment and vote against any amendment similar to it, just as I shall oppose with all my vigor any legislation to change the warmaking powers of the President.

I thank the Senator from Mississippi.

UNANIMOUS CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, will the Senator yield me 30 seconds?

Mr. STENNIS. Yes; I yield 1 minute to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on the perfecting amendment offered by the able Senator from California (Mr. TUNNEY) to the amendment offered by the able Senator from Wisconsin (Mr. NELSON) occur at 10 minutes past 12 o'clock today.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

How does the Senator want the time divided?

Mr. BYRD of West Virginia. Mr. President, how much time remains on the amendment offered by the Senator from California (Mr. TUNNEY)?

The PRESIDING OFFICER. Twelve minutes remain to the Senator from Mississippi.

Mr. BYRD of West Virginia. Mr. President, the Senator from Mississippi can speak to that.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12 minutes.

Mr. STENNIS. Twelve minutes?

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. On the Tunney amendment? How much time do I have left on the Nelson amendment?

The PRESIDING OFFICER. There would be 33 minutes remaining on the original amendment.

Mr. NELSON. Mr. President, does the Chair mean that the Senator from Mississippi has 33 minutes left on my amendment?

The PRESIDING OFFICER. The Chair wishes to make a correction. The Senator from Mississippi would have 23 minutes; the Senator from Wisconsin, 29 minutes.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. That 23 minutes is in addition to the 12 minutes on the Tunney amendment?

The PRESIDING OFFICER. That is correct.

Mr. NELSON. May I make another parliamentary inquiry?

Mr. STENNIS. Surely.

The PRESIDING OFFICER. The Senator will state it.

Mr. NELSON. What happens to the time that is yielded back?

The PRESIDING OFFICER. By unanimous consent, the vote on the pending Tunney amendment will occur at 10 minutes after 12. Time yielded back goes back to those in control of the Nelson amendment.

Mr. NELSON. But I am advised that I have 29 minutes. What I am curious to know is, am I using up my 29 minutes if I talk between now and 10 minutes after 12?

The PRESIDING OFFICER. No; any remaining time yielded back goes to the original amendment by the Senator from Wisconsin (Mr. NELSON).

Who yields time?

Mr. NELSON. Will we end up with 18 minutes of golden silence?

The PRESIDING OFFICER. No, the Senator may speak on his amendment, or the Senator from Mississippi may assign time to speak on the amendment.

Mr. NELSON. I would like to be sure that when the rollcall was over at 12:10, I shall have 15 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin has 29 minutes now, before or after the vote on the Tunney amendment.

Mr. BYRD of West Virginia. Mr. President, depending, if I may say most respectfully to the Chair, on whether or not the vote on the Tunney amendment is by rollcall or by voice vote.

The PRESIDING OFFICER. That is correct.

Mr. BYRD of West Virginia. If it is by rollcall, the able Senator from Wisconsin would not have that amount of time left on his own amendment; am I correct?

The PRESIDING OFFICER. The Senator is correct. The time would be consumed in the rollcall.

Mr. NELSON. If there is a rollcall, the 20 minutes used in the rollcall comes out of my 29 minutes?

The PRESIDING OFFICER. It comes out equally from the time of the Senator from Mississippi and the time of the Senator from Wisconsin.

Mr. NELSON. That leaves me 19 minutes?

The PRESIDING OFFICER. If the rollcall takes 20 minutes; the Senator is correct.

Mr. NELSON. The rollcall must take 20 monutes, must it not, under the rule?

The PRESIDING OFFICER. No rollcall has been ordered as yet.

Mr. NELSON. If there is a rollcall vote, it must take 20 minutes.

The PRESIDING OFFICER. That is correct under our present practice.

Mr. NELSON. So then I have 19 minutes left, if there is a rollcall, is that correct, after the rollcall?

The PRESIDING OFFICER. That will be correct, provided more time is not consumed in the current discussion.

Mr. TUNNEY. Mr. President, will the Senator from Mississippi yield to me?

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Does the Senator from California have no time left?

Mr. TUNNEY. I yielded back my time.

Mr. STENNIS. Mr. President, I am glad to yield 5 minutes of my time to the Senator from California.

Mr. TUNNEY. I thank the distinguished Senator from Mississippi for yielding me 5 minutes. I do not need them, but I would like to respond to some of the remarks that were made by the very able Senator from Arizona.

I do not interpret the Constitution and the Constitutional Convention the same way that the Senator from Arizona does. I think that it is quite clear, from a reading of the record of that Constitutional Convention, that originally, in the draft language of the Constitution, Congress was given the power to make war, and the reason that the words "make war" were dropped and the words "declare war" were inserted, therefor, was because there was an apparent feeling on the part of some members of the Constitutional Convention that Congress would be required, once war was declared, actually to conduct the war, and it was quite clear that the President, as Commander in Chief, had the inherent power, or should have the inherent power, actually to conduct a war once it gets going.

I am deeply disturbed that, since the Constitution was framed and adopted, we have seen a situation develop in which Presidents really do not pay much attention to Congress at all, either when locating men in areas where there is substantial danger of war, or when sending men to combat zones where fighting is occurring.

My amendment simply directs itself toward combat areas. It simply states that the Chief Executive must come to Congress and obtain permission from Congress before he sends American draftees to combat.

As far as I am concerned, it is just a simple restatement of what was originally intended. It does not go nearly as far as the Constitution, because the Constitution talks about declaring wars, and all manpower being under the control of Congress for the purpose of declaring war. My amendment directs itself only to draftees, not toward enlisted men.

We well know that there are at the

present time in our Army 700,000 enlistees. Only a relatively small number, 30 percent, are draftees. So I do not see how one can say that the adoption of this amendment will destroy America's defense posture, when Congress at any time can determine that there is an area where draftees should be sent, including Vietnam, the Middle East, Africa, Latin America, or anywhere else.

The Draft Act of 1940 was much more circumscribed in its language as to where draftees could be sent. No draftees were allowed to be sent outside of the Western Hemisphere. No draftees were allowed to be sent to areas besides the Western Hemisphere other than possessions, territories, and the Philippines.

After Pearl Harbor, it took precisely 6 days for Congress to abrogate that language and to allow the draftees to be sent anywhere. So I simply cannot agree with the Senate, with all due respect, that we are going to be destroying our defense structure by the adoption of this amendment, nor do I feel that the Constitution gave to the President the right or the inherent power to decide when we are going to have war and where he is going to send American troops overseas for the purpose of conducting that war.

I believe, recognizing that there is a great deal of disagreement as to what inherent powers of the President are with respect to war, that clearly the President has the power to repel an attack, notwithstanding the provisions of my amendment.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. GRIFFIN. Mr. President, can the Senator from Mississippi yield to me?

Mr. STENNIS. The Senator from South Carolina wants 4 minutes. I have promised to yield him some time.

The PRESIDING OFFICER. The Senator from Mississippi has 2 minutes left on the amendment, but there is time remaining on the bill.

Mr. STENNIS. Mr. President, I have just been advised that I had 12 minutes left and I yielded 5 minutes as a courtesy to the Senator from California. That leaves me 7 minutes.

The PRESIDING OFFICER. The time for the parliamentary inquiries consumed time on both sides.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. How much time did the Senator from California yield back a few minutes ago?

The PRESIDING OFFICER. Twenty minutes.

Mr. STENNIS. Mr. President, under the circumstances I ask unanimous consent that the Senator have that time restored, because I did not yield back any, and customarily, yielding back is not binding unless the other side yields also.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi? Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, I yield 10 minutes to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator very much. I yield 4 minutes to the Senator from South Carolina (Mr. THURMOND).

Mr. THURMOND. Mr. President, passage of the pending amendment to prohibit the assignment of draftees to a combat area overseas would tie the hands of the President and bring confusion and new problems to our own Army.

Mr. President, I would like to list some of the reasons why this amendment should be defeated and comment briefly on each point.

First, the flow of volunteers into the Army and other services would drop sharply if draftees are excluded from assignment to a combat role. This development would obviously hamper attainment of a zero draft or volunteer armed forces status as men would not volunteer under these circumstances.

Men volunteer today in order to avoid being drafted. Once draftees are exempted from assignment to combat roles the incentive to volunteer would be gone.

Second, this amendment says draftees cannot be assigned to "a combat role anywhere overseas." Thus, the President's constitutional duty as Commander in Chief would be muted in the event of an attack on U.S. forces presently located anywhere overseas. Further, some unforeseen situation may require a new deployment in Southeast Asia which even the advocates of this amendment would consider clearly in the national interest.

Third, passage of this amendment would establish two classes of soldiers in the ranks of our Army. One could serve in combat areas, the other could not.

The morale problem associated with such a situation would be dangerous to the health of all our services. Unit integrity would be lost as any units which the President may wish to deploy would have to be cleared of draftees. Numerous other problems would develop.

Fourth, exclusion of draftees for assignment to a combat role would establish a bad precedent. This trend could result in increased politics among military dissenters and impress men with the idea that they and not their Government would be the judge of combat commitments.

Fifth, under this amendment the management of the Vietnamization program would suffer and the safety of the declining U.S. troop forces there would be jeopardized in the event of an enemy attack.

Sixth, since replacements for the combat skills come mainly from the draft, the Army reports it would have to deny rotation home to those men now in Vietnam who have served their tour there.

Presently the United States plans to have around 184,000 men in Vietnam by the end of this year. Even with this small a force, rotation support personnel are still needed.

Mr. President, this amendment would tie the hands of the President of the United States. It would throw into disarray his Vietnamization and force reduction program which he has faithfully followed to date. It would wreck the present volunteer intake and establish two classes of soldiers. It would almost be like having no Army at all if we operated under a restriction such as this amendment would impose. I urge my colleagues to defeat this proposal.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the amendment offered by the distinguished Senator from California.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, the Senator from Michigan has requested time. I withhold my time.

The PRESIDING OFFICER. The Senator from California has the remaining time.

The time will run equally.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Have the yeas and nays been ordered on the Tunney amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered on the pending Tunney amendment.

Mr. STENNIS. According to the unanimous consent agreement, for what time is the vote scheduled?

The PRESIDING OFFICER. The vote is scheduled for 10 minutes after 12.

What is the will of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, I should like to reiterate just a few points regarding my amendment as applied to the arguments which have been made against it. One of the arguments was that it would severely curtail the flexibility of the President to send American forces overseas in the event of a threat or of danger to our country.

In any eventuality in which there was not a nuclear attack against us, but in which there was a situation requiring American troops to be sent overseas for an extended combat role, I personally cannot believe that the President could not come to Congress and ask for permission to send troops overseas, by adoption of an amendment to the Selective Service Act such as the one now pending.

Besides that fact, there is no reason at all why the President could not have a special force for circumstances in which it was felt necessary to send a small contingent of forces into a country to protect American lives or property.

I believe that, if anything, my amendment would bring the President and Congress closer together, requiring the President to consult with Congress prior to the time he undertakes wars overseas.

I also feel that the argument recently made, that the amendment would act in a discriminatory fashion against those who enlist in the Armed Forces, is a poor argument for two reasons.

First, in 1970 in Vietnam there were 115,100 draftees and 154,900 volunteers. Thus, clearly, there are Americans who are willing to volunteer to go into combat. Second, and irrespective of that, however, anyone who does enlist in the Army for combat duty could and should be forewarned that by enlisting there is danger that, if a war breaks out, he may well be sent to fight and possibly to die.

As it is now, as has been pointed out so ably by the Senator from Wisconsin, draftees are having to suffer discrimination, are having to suffer the major burden of fighting the war, and have suffered 57 percent in casualties and deaths, even though they represent 37 percent of our fighting force.

It is clear, therefore, in Vietnam, who is getting sent up to the frontline. They are the men who did not enlist in the Army and get an MOS to enable them to stay out of combat.

If there is any one thing about the war in Vietnam that I consider to be most unfair—other than to the people of Vietnam themselves, and I think that the war to them is a total horror—it is the fact that the draftees are being called upon to sustain a far greater burden of fighting the war than those who make up the professional army.

It seems to me paradoxical to have those who volunteer to make the service their profession benefited through their volunteer status by not being sent into combat.

The PRESIDING OFFICER (Mr. Stevenson). The time of the Senator from California has expired.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Michigan (Mr. Griffin) that he might ask a question or two of the Senator from California.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 minutes.

Mr. GRIFFIN. Mr. President, for purposes of clarification as to what would happen if we were to adopt the amendment of the Senator from California, I should like to ask a question or two.

As I understand, it precludes duty by draftees in any combat area outside the United States. We had some disagreement recently as to how many troops should be in Europe, but no one suggested, for example, that the number at this time be reduced below 150,000. Certainly many of those are draftees at the present time, although it is not a combat area.

Suppose it became a combat area as a result of hostilities breaking out—well, let us say, between Israel and the Arabs; would it be a combat area or would it not be a combat area?

Mr. TUNNEY. Is the Senator talking about Europe or the Middle East now?

Mr. GRIFFIN. I do not know how large the combat area would be, of course. Second, if that would not be considered a combat area, suppose there were hostilities breaking out in Germany which did not involve the United States, what would happen? Would the President immediately have to withdraw those who happened to be draftees? It seem to me that is what the amendment says——

Mr. TUNNEY. No——

Mr. GRIFFIN. Because it says, "any combat area outside the United States."

Mr. TUNNEY. Let us just——

Mr. GRIFFIN. If that involved combat on the part of the United States of America——

Mr. NELSON. Mr. President, I call attention to the fact that the hour of 10 minutes after 12 has arrived.

Mr. STENNIS. Mr. President, the Chair said that I had 2 minutes. I yielded 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The hour of 12:10 having arrived, the question is on agreeing to the Tunney amendment to the Nelson amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia: I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Bible), the Senator from Idaho (Mr. Church), the Senator from Louisiana (Mr. Ellender), the Senator from Georgia (Mr. Gambrell), the Senator from Indiana (Mr. Hartke), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Maine (Mr. Muskie), the Senator from Alabama (Mr. Sparkman), and the Senator from Virginia (Mr. Spong) are necessarily absent.

I further announce that the Senator from Alabama (Mr. Allen), the Senator from Michigan (Mr. Hart), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from Louisiana (Mr. Long), the Senator from Montana (Mr. Metcalf), the Senator from Utah (Mr. Moss), and the Senator from Missouri (Mr. Symington) are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), and the Senator from South Dakota (Mr. McGovern) would each vote "yea."

I further announce that, if present and voting, the Senator from Michigan (Mr. Hart), the Senator from Washington (Mr. Jackson), and the Senator from Georgia (Mr. Gambrell) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Hawaii (Mr. Fong), the Senator from Wyoming (Mr. Hansen), the Senator from Maryland (Mr. Mathias) and the Senator from Iowa (Mr. Miller) are necessarily absent.

The Senator from Utah (Mr. Bennett) is absent on official business.

The Senator from New York (Mr. Javits) is absent by leave of the Senate on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Delaware (Mr. Boggs), the Senator from New Jersey (Mr. Case), and the Senator from Ohio (Mr. Saxbe) are detained on official business.

If present and voting, the Senator from Delaware (Mr. Boggs), the Senator from Iowa (Mr. Miller), and the Senator from South Dakota (Mr. Mundt) would each vote "nay."

The result was announced—yeas 7, nays 61, as follows:

[No. 74 Leg.]

YEAS—7

Cranston
Gravel
Hatfield
Mansfield
Nelson
Proxmire
Tunney

NAYS—61

Aiken
Allott
Baker
Beall
Bentsen
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fulbright
Goldwater
Griffin
Gurney
Harris
Hollings
Hruska
Hughes
Humphrey
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
McClellan
Mondale
Montoya
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Stennis
Stevens
Stevenson
Taft
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NOT VOTING—32

Allen
Anderson
Bayh
Bellmon
Bennett
Bible
Boggs
Case
Church
Ellender
Fong
Gambrell
Hansen
Hart
Hartke
Inouye
Jackson
Javits
Long
Mathias
McGee
McGovern
McIntyre
Metcalf
Miller
Moss
Mundt
Muskie
Saxbe
Sparkman
Spong
Symington

So Mr. Tunney's amendment to Mr. Nelson's amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia and Mr. HRUSKA moved to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

FAILURE OF BELLS

Mr. BYRD of West Virginia. Mr. President, the distinguished senior Senator from Louisiana (Mr. Ellender) and the distinguished senior Senator from New Jersey (Mr. Case) were attending an important committee hearing on defense appropriations when the vote occurred a moment ago on the amendment offered by Mr. Tunney. The bells failed to ring in that committee room, and the two Senators, not being informed that a rollcall vote was underway, missed the vote on the Tunney amendment.

I make this statement so that the Record will show way they were not on the floor to answer their names when the roll was called.

Moreover, I am advised by Mr. Ellender that if present, he would have voted in the negative.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. What time does the

next vote come and on what amendment is it?

The PRESIDING OFFICER. The question now occurs on the amendment of the Senator from Wisconsin. The vote will be at 1 o'clock. There are 15 minutes remaining to the Senator from Wisconsin and 10 minutes to the Senator from Mississippi.

Mr. NELSON. Mr. President, I yield 4 minutes to the Senator from Minnesota (Mr. HUMPHREY).

END OF DRAFT FOR VIETNAM

Mr. HUMPHREY. Mr. President, I had proposed—along with Senator NELSON—an amendment to H.R. 6531 which would prohibit the sending of draftees to Vietnam against their will. The amendment would also allow for draftees now serving in the Vietnam theater to leave Vietnam after their tour of duty unless they volunteered to remain. I ask unanimous consent that the text of my amendment of May 6 be printed at this point in the RECORD.

Although I introduced this amendment on May 6, I had advanced this proposal during the past several months, indeed as early as October 1969. It is, I believe, the crux of the issue we are now debating. Even though we are ostensibly discussing the extension of alternatives to the present Military Selective Service Act, we are also talking about Vietnam in this debate. Vietnam is to the Selective Service Act as unemployment is to the administration's fiscal and monetary policies.

In other words, you cannot grapple with the one question without discussing the other. I would even be so presumptuous as to assume that opponents and proponents of H.R. 6531 would agree to that proposition.

I would go even one step farther and say that all of us here are concerned with ending American involvement in Vietnam. Where we differ is on the method and the timing. There is, nevertheless, a great deal of room for a convergence of viewpoints on particular aspects of this issue.

We may not all agree that American involvement should be terminated by the end of this year, but we all should welcome the news of Secretary Resor's announced prediction that our combat role in Vietnam could be over by this fall.

Until now, the Department of Defense has claimed that the replacement requirements for combat service in Vietnam after July 1, 1971, could not be met by voluntary enlistments. It has published projections for combat requirements which do not take account of the latest developments, as described by Secretary of the Army Resor after returning from his latest trip to Vietnam.

If we will not need combat troops in Vietnam after the fall of this year, it is certainly feasible that their phased withdrawal can be carried out in an orderly fashion without requiring draftees to be sent to Vietnam. To contend that a draft will be required to meet combat requirements during this phased withdrawal makes little sense when we consider the fact that a boy inducted into the Army in July would not be sent to Vietnam before October at the earliest. It takes between 13 and 16 weeks for a draftee to be trained for a combat role and Secretary Resor tells us that there will be no combat role by the fall.

Even were the Secretary's predictions to fall short in reality, there is another factor to consider. Under the present bill to amend the Military Selective Service Act, there is a provision for special enlistment and reenlistment bonuses. The Army has the intention of implementing a plan for a $3,000 combat arms enlistment bonus if this provision of the present bill is accepted. This idea is in line with the administration's recommendation, based on the findings of the Gates Commission. The idea is to provide cash and nonmonetary inducements to raise the proportion of volunteers in the Armed Forces.

Since this provision has not yet been implemented, it is difficult to ascertain just what the response will be. It is, however, very likely that the number of volunteers will go up significantly. As a result the low figure which is now being used by the Defense Department as an argument against my amendment would be even less relevant than it probably already is.

Aside from these specific arguments in support of my—our, if Senator NELSON joins—amendment, there is something, perhaps less tangible, but far more germane to this whole question. That is the fact that we are all decided upon ending American involvement in Vietnam. Now that we have made this painful decision, how can we expect the young men who represent the future of this country to become involuntarily involved, at the risk of their own lives, in a war which we are decidedly against.

I have tried to show that even in accordance with the administration's plan for withdrawal there is little risk from a military-strategic point of view to prohibit the sending of draftees to Vietnam against their will.

Far more important, we should not be forcing this kind of sacrifice unless we ourselves are committed to it. And we are not. We are at long last committed to withdrawal. I submit, therefore, that it is just and reasonable to require only volunteers and not draftees to serve in Vietnam.

I ask unanimous consent that the explanation of the Nelson-Humphrey amendment to H.R. 6531 be printed at this point in the RECORD. Also I ask unanimous consent that a statement of mine in support of this amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATION OF NELSON-HUMPHREY AMENDMENT NO. 105 TO H.R. 6531 SELECTIVE SERVICE BILL

The amendment number has been changed from 64 to 105 without change in the language of the amendment. The amendment would add a new section reading:

"After December 31, 1971, no person inducted into the Armed Forces of the United States under the Military Selective Service Act of 1967, or any other conscription act, may be assigned to a combat role in Southeast Asia, unless he volunteers for such assignment or has voluntarily re-enlisted in the Armed Forces."

The amendment would require that, after December 31, 1971, no draftee may be assigned to a combat role in Vietnam unless he volunteers for that assignment or has reenlisted in the service.

The intent of this amendment is to prohibit new assignments under the prohibition, not to require that draftees already serving in combat assignments on the effective date must be reassigned. They would remain until their tours expire. We would have preferred to remove all draftees from combat at the end of the year, but the mechanical problems of accomplishing this would be too severe.

The amendment seeks to correct a situation in which draftees have borne the heaviest burden of the war. At the end of 1970 draftees comprised 31 per cent of the Army enlisted ranks world-wide. But there were 37 per cent of Army enlisted strength in Vietnam. And they suffered 57 per cent of the combat deaths among Army enlisted men in Vietnam. The draft has been the primary vehicle for filling the most dangerous jobs in the war—those of combat arms soldiers (infantry, armor and artillery).

The amendment would apply to assignment of soldiers with Military Occupational Specialty designations in the combat arms. It would also cover assignment of soldiers with other MOS designations to combat units in which they would be likely to become involved in actual combat. On December 1, 1971, when the troop ceiling in Vietnam will be 184,000, the number of positions to which this amendment would apply would probably be between 30,000 and 50,000. We believe it reasonable to expect that these positions could be filled with the non-draftee enlisted ranks of the Army, which total 700,000 world-wide.

AMENDMENT

On page 33, line 13, strike out "1973" and insert in lieu thereof "1972".

On page 33, between lines 13 and 14, insert the following: "(33) At the end of the Act add a new section as follows:

" 'PROHIBITION AGAINST ASSIGNMENT TO DUTY IN VIETNAM

" 'SEC. 22. Notwithstanding any other provision of law, no person inducted into the Armed Forces under the provisions of this Act shall be assigned to duty in Vietnam after the date of enactment of this section unless he volunteers in writing for assignment to duty in such country. No member of the Armed Forces inducted into the Armed Forces under this Act who is serving in Vietnam on the date of enactment of this Act shall have his tour of duty in such country extended for any period beyond the normal tour of duty in such country (as in effect on the date of enactment of this section) unless such member volunteers in writing to have his tour of duty in such country extended or unless such person has reenlisted following his induction under this Act.' "

HUMPHREY SAYS NO DRAFTEES TO VIETNAM

WASHINGTON.—Senator Hubert H. Humphrey today urged support of the Nelson-Humphrey Amendment (Number 105) to the Selective Service Act, which would prohibit the sending of draftees to Vietnam unless they should volunteer.

Senator Humphrey said, "Secretary Resor, returning from his latest trip to Vietnam, now predicts that our combat role in Vietnam could be over by this fall.

"Earlier the Defense Department had claimed that the replacement requirements for combat service in Vietnam after July 1 of this year could not be met by voluntary enlistments.

"But it is becoming increasingly clear that an accelerated withdrawal can be carried out in an orderly manner without requiring draftees to be sent to Vietnam.

"The one sure way to accelerate disengagement is to stop sending them there for combat purposes. To continue to do so is justified neither morally nor militarily."

Senator Humphrey pointed out that when the Selective Service Act expires on June 30, the Army will have a standing force of approximately one million men, of which slightly over 30 per cent in the enlisted ranks will be draftees.

He said he was joining with Senator Nelson to consolidate what had been separate, but virtually identical amendments. Senator Humphrey on May 6 had introduced amendment number 78.

"The withdrawal from Vietnam should not be prolonged. How can we ask young men who did not volunteer either for the armed forces or for Vietnam to sacrifice their lives for a cause we are in agreement to end," he said.

"For all those who want to see an accelerated disengagement in Vietnam—and this includes the great majority of Americans—this amendment is a constructive and positive step."

Mr. HUMPHREY. Finally, Mr. President, in October of 1969, while visiting with the President and Mr. Kissinger, I suggested that the President might very well announce that no more draftees would be sent to Vietnam.

I hope in conclusion that this amendment will be adopted.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield myself 3 minutes.

Mr. President, in all seriousness, this amendment, given application, would absolutely destroy our manpower arrangements within military organizations. Furthermore, it is a direct kick in the teeth to this concept of the so-called voluntary army. As a practical matter, while subscribing to all of these hopes about the success of an all-volunteer service for all the services, which is a part of the thinking and planning of a great many people, including the President of the United States, who has support on the floor on both sides of the aisle, if we are seriously going to adopt an amendment such as this and make it the law, all anyone would have to do in order to guarantee that he would not have to go into combat would be just to sit steady—just sit steady and be inducted. I do not think you are going to have any onrush here all of a sudden, gentlemen.

Under any circumstances, getting volunteers here to take the training, then have them specifically trained, then take them to Vietnam for their acclimatization training and have them ready anytime before January 1, 1972, I think is just a dream someone has.

What is a combat role? What is a combat role and what is a combat area in Vietnam?

The whole country is declared by the Army and the Defense Department to be an area where hostile fire pay goes to every man in uniform, because the combat area switches by day and by night, north to south, east to west, all over that vast land, with rockets firing here and there—and they still are—a lot of them inspired, I think, by the Vietcong that are there, as the sergeant said, plowing and planting their rice by day and going over to the enemy at night. That is one of our great problems. The whole thing is a combat area, and I would repeat, with all deference to everyone, there is not a chance in the world of having effective combat units or military forces in being by the deadline here, January 1, 1972, if this amendment is to become law on that date.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. DOMINICK. Mr. President, will the Senator yield me 2 minutes?

Mr. STENNIS. I yield 2 minutes to the Senator from Colorado.

Mr. DOMINICK. I congratulate the Senator on his remarks. Because I happen to be in favor of a volunteer army as soon as possible, I am also, therefore, in favor of getting rid of the draft just as soon as we can.

It seems to me self-evident that this amendment, if adopted, will increase the number of people who will have to be drafted, instead of reducing that number, anyone who does not want to get into a combat role would just sit tight until drafted, instead of enlisting in lieu of the draft; and we are getting word over and over again that many people are doing exactly that.

Another important point not made by the Senator from Mississippi is that this is discrimination. Why pick out Southeast Asia? What about Korea? Why should we send a draftee into a combat zone of Korea, and not do it in Southeast Asia?

In my own humble opinion, we are not only interfering with the opportunity of the military to determine their own logistics in an area, and telling them how to classify the roles of the military personnel, but we are discriminating against those in combat areas in other areas of the world, and would be necessitating an increase in the draft calls over the next year.

Mr. STENNIS. I thank the Senator.

Mr. ERVIN. Mr. President, will the Senator yield for an observation?

Mr. STENNIS. I yield the Senator from North Carolina 1 minute.

Mr. ERVIN. Mr. President, this proposal to prevent draftees from going to combat zones in Southeast Asia reminds me of a little couplet wherein the daughter asked her mother if she might go swimming:

> Mother, may I go swimming? Yes, my darling daughter.
> Just hang your clothes on a hickory limb, but don't go near the water.

I thank the Senator.

Mr. STENNIS. I thank the Senator from North Carolina.

Mr. HARRIS. Mr. President, last year when the Senate considered the Hatfield proposal for an all-volunteer Army, I offered an amendment to the proposal that would set an upper limit on force size. The force size could, pursuant to the amendment I offered, only be increased by a vote of Congress.

I said at that time that the volunteer Army proposal raised three questions:

The tax-in-kind now being paid by draftees.

The degree to which Congress should directly and obviously control the size of the Armed Forces.

The question of which of our youth are to participate in fighting a war.

Because I felt these questions had not been sufficiently considered, I opposed the Hatfield proposal.

The amendment offered by the distinguished junior Senator from Wisconsin (Mr. Nelson) providing for no draftees in Vietnam after December 31, 1971, places in issue the last question I had relating to the Hatfield proposal—the question of which of our youth are to participate in fighting a war.

When this country is engaged in the fighting of a war, such as the one in Vietnam, I believe the burden should be evenly distributed throughout the populace, so that the sons of all of us are equally liable to have to fight in the war. This position, it seems to me, is sustained not only by basic fairness—and that is most important—but also because the prospect of sharing evenly the burden of fighting a war would, it seems to me, prove to be some deterrent against war itself. I believe this concern is applicable to the pending amendment.

As a cosponsor of the McGovern-Hatfield amendment, I am hopeful that it will not be necessary for either volunteers or draftees to risk their lives in Indochina after December 31, 1971. However, if that tragic war continues, then the burden of the war should fall evenly among the entire population. And the draft and its effect should be more equitable to bring about that result.

I appreciate the concern that Senator Nelson has expressed over the fact that even though draftees comprise only 31 percent of the Army enlisted ranks worldwide, they comprise 37 percent of the Army enlisted strength in Vietnam and have suffered 57 percent of combat deaths. This situation must be corrected. But, I do not believe the pending amendment is the best way to solve the problem.

Mr. NELSON. Mr. President, I do not like to repeat myself, but 2 hours ago I said some things I intend to say again, since there are now a few more Senators present.

First of all, I do not understand the argument that this proposal somehow would destroy the volunteer army that so many people are endorsing here. The fact of the matter is, if you are in the regular army or if you are a volunteer, your chances of getting into combat in Vietnam are a whole lot less than if you are a draftee. That is not equitable.

The statistics are shocking. Of all the enlisted men in the army, 31 percent are draftees. Thirty-seven percent of the soldiers in Vietnam are draftees. Fifty-seven percent of the boys who have been killed and 57 percent of the boys who have been wounded were draftees.

Where is the Regular Army? We are told 1,700 replacements will be needed in the combat arms in Vietnam, according to the Army, in December. Are these gentlemen who oppose this proposal saying that out of 200,000 Marines and 700,000 Regular Army, we cannot get 1,700 replacements in December? And if Mr. Bunker is right that we will be down to 100,000 troops on May 1, that will require 900 replacements a month. Are the gentlemen here who oppose this proposal saying we cannot get 900 replacements out of the Regular Army professionals, with 700,000 enlisted men, and 200,000 Marines, all of them safe and sure volunteers, not draftees?

Mr. President, I do not believe it. And if it is true, then they should not be there at all.

The point of this amendment is quite simple. We ought to be honest about it. The country has rejected the war in Vietnam. The people now know that the President and Congress made a colossal, historic blunder in getting into Vietnam. So now we have a situation in which all the youth did not accept the war as involving a vital interest of America in the first place. All the youth have refused to accept the war from the beginning. The country has now rejected the war, and, as I said earlier this morning, if we could turn the clock back and had the benefit of hindsight, and we were to ask the President of the United States, Mr. Nixon, who supported the war in 1965 and 1967, or President Johnson, or any Member of Congress, or walk the streets of America and ask any citizen on the streets, "If you could turn the clock back to that tragic day in March of 1965 when this Congress voted the funds to start a ground war"—and I am proud to say I was one of the three who voted against it—"would you vote to do it again?" If you could ask them that question, they would all say, "No; we would not authorize a ground war."

So what are we saying to the youth of this country? We are saying to them, "We have rejected the war. The national policy is to get out of a bad war. But while the politicians filibuster around trying to devise a face-saving pretext—and that is all it is—to get out of a war where our national interest was never involved, while we are doing that, you young men are going to be drafted, and you have got two choices, go to jail or go risk your lives while the politicians try to find a way to get out."

Is there anyone around here who does not understand the reason for the disillusionment of the youth of America? I do. Anyone who thinks about it does. We are asking them to risk their lives for a cause that is not in the interest of this country. That is too much. I would not ask my son, or anyone else's son, to risk his life for that purpose, and Congress should not do so either.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. NELSON. I yield to the Senator from Minnnesota.

Mr. HUMPHREY. I compliment the Senator. The President, in May 1969, announced that it was the intent and the purpose of the Government of the United States to disengage from the war in Vietnam. It was at that point that an official policy decision was made by the Chief Executive. Without regard to the past, which he inherited, the President announced a new policy, and from that day on, there should have been and is a change in the responsibilities of this Nation.

The responsibility now is, as the President has put it, an orderly withdrawal. The amendment that the Senator offers would, first, provide accelerated, and systematic, withdrawal; second, it would not compel young men to serve in combat at a time and in a place where the Chief Executive, the Commander in Chief, has announced that the official policy of the country is to get out.

I think the argument of the Senator from Wisconsin is unanswerable that if, out of 700,000 nondraftees in the Army and 200,000 in the worldwide Marines, we cannot provide 1,700 volunteers for December of 1971 and 900 subsequently, then there is something wrong with the total military establishment, and indeed with the country.

The Senator's argument has answered the points that have been raised. This proposal would not dismember the Armed Forces. It would not throw the military manpower policy into confusion.

It does one simple thing: It says that if you are drafted, you will not have to go to Vietnam, for combat purposes. The administration, itself, says there is a difference between what they call logistical support and combat support. In fact, one of the arguments made by the administration for a residual force in Vietnam is that it would not be for combat, but, instead, would be for backup purposes.

I would hope the Senate would listen to the persuasive arguments of the Senator from Wisconsin. His arguments are unanswerable.

Mr. NELSON. I thank the Senator from Minnesota.

The purpose of the draft, if it has any purpose at all, is to implement national policy; and the national policy is to get out. So the draft for combat service should terminate at least by the end of December of this year.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 3 minutes remaining.

Mr. STENNIS. Mr. President, I must sharply challenge the figures as used—in good faith, I am sure. I will have to be exceedingly brief.

I have in my hand a memorandum which I insisted be accurate, and I think it is. It shows that in December 1971 we will have to have 13,700 replacements, rather than 1,700 men.

I invite the attention of the Senate to the number of men leaving Vietnam every month under 12-month rotation and coming home. In May 1972 it will be at the rate of 21,200. That is one-twelfth, not of those who are there, but of those who were there when they came a year before.

The President's net withdrawal rate is 14,300 per month now. If this continues, in May of 1972 there will be a need for 6,800 men to be sent there as replacements. This is assuming a 14,300 withdrawal rate and the rotation I have described. 5,000 of the 6,800 men will have to be in the Army. These are official figures, taken from the record, assuming the 14,300 monthly withdrawal rate and the rotation rate.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. STENNIS. I do not have the time to yield.

This is just the calculation from these records.

I repeat that in May 1972, we will have to have 5,100 men going into the Army as replacements in Vietnam.

Those are just the hard facts of life, and they are based partly on the fact that we withdraw now for replacement not at the rate of one-twelfth of those who are there but one-twelfth of those who were there 1 year ago, and that is when the 1 year started running.

This would be an impossible situation we would be called upon to meet. That is why I said it would disembowel the military units there and would make it impossible for any military commander to operate. If we want to do this, just throw in the sponge and kiss it goodby. I wish I did not have to take that position, but the hard facts of life require it.

I assume that my time is up, Mr. President. I yield to the Senator, if I have time.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 1 minute remaining. The Senator from Wisconsin has 6 minutes remaining.

Mr. NELSON. For the purpose of the record, the Senator and I are using the same figures. The Senator is talking about total replacements in Vietnam when he refers to the figure of 13,000 plus.

This amendment does not involve that problem. I was talking about the figures furnished to my office by the Pentagon, that 1,700 combat arms replacements will be required in December. If Mr. Bunker is correct in saying, as he did a few days ago, that we can be down to 100,000 troops on May 1, 1972, that means that all we need is approximately 900 combat arms replacements. This amendment would not prohibit the sending of draftees to Vietnam. It would simply prohibit, after December 31, assigning draftees to the combat arms. That refers to infantry, armor, artillery, the combat roles. That is all.

As I said earlier, if, out of 200,000 marines and the rest of the forces all over the world in the Regular Army, we cannot get 1,700 replacements in December and cannot get 900 replacements starting in May, then the war has made pacifists out of all the professional soldiers, too—and perhaps that is a good thing.

Mr. PASTORE. Mr. President, will the Senator yield me 2 minutes?

Mr. NELSON. I will yield for a question. Is the Senator on my side or the other side? [Laughter.]

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PASTORE. I am on the side of justice.

Mr. President, I do not care about figures. I do not care about 13,400 or even two. To me, it is a matter of commonsense and compassion. How do you take a young boy out of a docile, comfortable American home and train only for 2 or 3 months to go into the elephant grass in a place he never heard of and learn to become a killer, when the policy of this

Government is to get out? I say that now is the time to put the brakes on. I do not care how it is done, but put the brakes on. I think this is a reasonable proposal.

To answer categorically the question put to me by my good friend, the Senator from Wisconsin: I am on his side.

Mr. STENNIS. I yield the Senator the remainder of my time. [Laughter.]

Mr. President, we have to come back to the figures, because that is what is necessary to make up military units, regardless of what is going to be done with them.

With respect to the requirement about replacements, the Senator has an explanation of his amendment here in which he says:

> It would also cover assignment of soldiers with other Military Occupational Specialties to combat units in which they would be likely to become involved in actual combat.

So we would have boys over there from one side of a street in a neighborhood who are going to be subject to going into these combat units. Under this amendment, a boy's neighbor across the street could be there, but he would not be sent into combat.

Where is the fairness of that? What reason can be given for making this arbitrary discrimination on the floor of the Senate, when we are not going to the bottom of the real problem in this amendment? This is a makeshift proposition which discriminates against the boy who is already there and assigned to a unit.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. NELSON. I yield the Senator from Rhode Island the remainder of my time.

Mr. PASTORE. If the question is being asked of me, the answer is very simple. Not only would I not send that boy there; I would bring his neighbor home—and the quicker the better. It is an albatross around our necks and has been for a long, long time, and we have been following the wrong policy.

The time has come for America to get out, because Vietnam, whatever good we intended to do, is doing more harm here at home. It has our country divided, it has our country frustrated, and the time has come for us to get out of Vietnam, and we will all be better off.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. PASTORE. If I have the time, I will yield.

Mr. NELSON. Mr. President, I yield the remainder of my time to the Senator from Rhode Island.

Mr. STENNIS. With respect to the Senator's argument about bringing them all home, of course, it would not apply under this amendment; and his argument about bringing them all home would leave the man already subject to combat, who lives on the same street as the other fellow, still subject to combat.

Mr. PASTORE. We have been trying for a long, long time to be heard. We have been talking to a deaf ear under the previous administration and now under this administration. This is one way to get the war stopped.

Mr. HUMPHREY. Mr. President, I commend the distinguished Senator from Rhode Island (Mr. PASTORE) for his remarks.

May I say to all Members of the Senate, as one who has been deeply involved in this whole issue, this is the first step we can and must take.

Mr. PASTORE. To get the war stopped.

Mr. HUMPHREY. To get the process of disengagement really underway and to have Congress give a sense of direction to the President. The President has been making withdrawals. Our amendment would not change the pace of those withdrawals. It would assist disengagement in an orderly fashion.

This is a test vote as to whether this Congress really means business to get out of Vietnam and have a program of disengagement.

Mr. THURMOND. Mr. President, passage of the pending amendment to prohibit the assignment of draftees to Vietnam after December 31, 1971, would set back or wreck the Vietnamization program and bring confusion and new problems to our own Army.

Mr. President, I would like to list six reasons why this amendment should be defeated and comment briefly on each point.

First, the flow of volunteers into the Army and other services would drop sharply if draftees are excluded from assignment to a combat skill role in Vietnam. This development would obviously hamper attainment of a zero draft or volunteer armed forces status.

The Army alone estimates a 60-percent drop in volunteers should this amendment pass and the other services would suffer as well. Men volunteer today in order to avoid being drafted. Once draftees are exempted from assignment to combat skill slots in Southeast Asia the incentive to volunteer would be gone.

Second, this amendment says draftees cannot be assigned to "a combat role in Southeast Asia." Thus, the President's constitutional duty as Commander in Chief would be muted in the event of an attack on U.S. forces presently located in this area. Further, some unforeseen situation may require a new deployment in Southeast Asia which even the advocates of this amendment would consider clearly in the national interest.

Third, passage of this amendment would establish two classes of soldiers in the ranks of our Army. One could serve in Vietnam, the other could not.

The morale problem associated with such a situation would be dangerous to the health of all our services. Unit integrity would be lost as any units which the President may wish to deploy would have to be cleared of draftees. Numerous other problems would develop.

Fourth, exclusion of draftees for assignment to a combat role in Vietnam would establish a bad precedent. Tomorrow's servicemen may expect similar treatment should the United States become embroiled in some emergency action elsewhere. This trend could result in increased politics among military dissenters and impress men with the idea that they and not their Government would be the judge of combat commitments.

Fifth, the now successful Vietnamization program would be set back because U.S. personnel training our allies in Vietnam would not receive adequate support. The Army estimates it could not supply the necessary replacements in the combat skills under such a restriction as imposed by this amendment.

Not only would the management of the Vietnamization program suffer but the safety of the declining U.S. troop forces there could be jeopardized in the event of an enemy attack.

Sixth, since replacements for the combat skills come mainly from the draft, the Army reports it would have to deny rotation home to those men now in Vietnam who have served their tour there.

Presently the U.S. plans to have around 184,000 men in Vietnam by the end of this year. Even with this small a force, rotation support personnel are still needed.

Mr. President, this amendment would tie the hands of the President of the United States. It would throw into disarray his Vietnamization and force reduction program which he has faithfully followed to date. It would wreck the present volunteer intake and establish two classes of soldiers. It would almost be like having no Army at all if we operated under a restriction such as this amendment would impose. I urge my colleagues to defeat this proposal.

Mr. STEVENSON. Mr. President, although I sympathize with the intent of Senator NELSON, I am not at all sure his amendment is the appropriate vehicle to accomplish that intent.

The Nelson amendment would prohibit the nonvoluntary use of draftees in combat units in Vietnam after December 31, 1971. The argument is that draftees have been conscripted against their will to fight a war that we should no longer be fighting.

I favor ending the draft as soon as possible, perhaps as early as this June 30, and conversion to a volunteer army. I also support the Hatfield-McGovern amendment, which would set an early date for the withdrawal of all U.S. forces from Vietnam.

As much as I sympathize with Senator NELSON's intentions, I do not think it a good precedent to legislate differences in military functions between enlisted men and draftees. I do not believe the Congress should attempt to legislate the Army's deployment of manpower, and I fear that this amendment would induce many young men to avoid any risk of combat by waiting to be drafted. By penalizing volunteers, it would discourage voluntary enlistments, and quite possibly increase the draft calls.

Draftees have fought in combat in all other wars. If a future emergency forces us to reinstate the draft, I would expect draftees to serve in combat units again. Congress can and should reassert its rightful authority over foreign affairs, but not by institutionalizing inflexibility in military manpower utilization.

This amendment obscures the fundamental issues. It does not end the war, reduce troop requirements, end the draft or convert to a volunteer army. Those are the real issues, and then can be faced by the Senate in the next month.

Mr. MONDALE. Mr. President, past several weeks have brought new evidence—if any were needed—of how much the war in Indochina has scarred us as a people.

There was the complex tragedy of the trial of Lieutenant Calley, more mass marchers for peace around the country, and an effort to disrupt the Government in Washington.

But I was particularly struck by another, relatively quiet event. It was the solemn procession of Vietnam veterans past the Capitol grounds to throw away their medals. These young men have come to hate this war so deeply that they disowned honors won by risking their lives for their country.

This is what we have come to.

Our losses of war are not only 50,000 lives and billions wasted. The casualties have also been trust and pride and confidence—the basic strengths that nourish America's unity.

And now, amid all the embitterment and division brought by the war, the Senate comes to debate the draft.

We are asked to decide fateful questions of citizenship and responsibility, at a time when so many citizens feel their responsibility is to end the war rather than sustain it.

We are asked to summon young men to play out some final bloody act in the tragedy, at a time when 70 percent of the American people want no more of our sons to die in Indochina.

I cannot vote that summons.

So long as this war continues to divide America and squander her resources, I will oppose an extension of the draft.

At the same time, however, I do not believe the Congress can now make a sober and fully dispassionate decision regarding alternatives to the draft, such as a volunteer army.

My vote against extension of the draft, therefore, is not an endorsement of an all-volunteer force. I have serious reservations about an all-volunteer army.

But I will give this and other alternatives the most thorough examination as the Senate continues in the months ahead to consider the future shape of military service.

In summary, my position on the issues now before the Senate is as follows:

First, I oppose extension of the draft as long as the war continues. If the administration truly wants to end this war, there will be no immediate military need for the manpower provided by extending the draft at this point.

Second, if some extension of the draft should pass the Senate, I will support an amendment to prevent any more young men being sent to the war in Southeast Asia unless they volunteer.

Though they are only 25 percent of the total army, draftees have been 70 percent of the hard-core combat forces in Vietnam.

Draftees have been 57 percent of the total casualties in Vietnam.

The death rate among draftees in 1970 was twice the rate for nondraftees.

The burden borne by draftees in this war has been singularly cruel and unusual. It must be stopped.

Third, if the draft is extended despite opposition, I will support legislation offered by Senator KENNEDY to eliminate certain inequities in the present system. Specifically:

To establish a ceiling on draft calls and to reassert congressional authority over the draft.

To broaden the definition of conscientious objectors to conform to the Supreme Court's decision in Welsch against U.S., and to restore the Justice Department's role in reviewing conscientious objectors cases.

To provide new legal rights to registrants, including the right to counsel and the right to present witnesses at all selective service proceedings.

To prohibit by law the use of the draft as a punishment for protest activities.

To eliminate previous legal restrictions on judicial review of questions of law in classification proceedings.

Finally, I want to pose questions which have troubled me most about an all-volunteer army, and which have pursuaded me that the eventual replacement for the present system of military service will demand far more attention than we have given it so far.

Will an all-volunteer force, as now envisioned, be an army of the poor and the black?

Testimony by the Department of Defense, and the overwhelming evidence from campuses across the country, indicates that college graduates do not want to serve in the military.

College graduates simply prefer other alternatives to a career in the Army. Yet other alternatives are not available to many noncollege educated young Americans. For example, although the unemployment rate for our overall population stands at the intollerable level of 6.1 percent, unemployment among black youths has reached 30 percent. For white youths who are not in college, the unemployment rate is twice the national average. What kind of options are really open to these people?

If military pay is to be used as an incentive for volunteers, if even present pay is better than the income of the poor, who will volunteer for the Army? Will it not be those with the least chance for a decent life in this country?

And will that be a just sharing of the citizens responsibility for national defense?

Supporters of a volunteer army say the underprivileged will be better off in the military, receiving higher salaries and better training than they could find elsewhere. They say all Americans deserve freedom of choice.

But what is the meaning of freedom of choice to a volunteer who is part of the 30-percent unemployment figure. How much freedom of choice do we have in this country for those without an education and without a job?

If supporters of a volunteer army are serious about freedom in this case, I think they should be sure volunteers really have the option to choose between the army and another job or an education. Unless realistic alternatives to military service are available to these young men, it seems to me that they will have neither freedom nor choice.

Then there are questions regarding the political implications of an all-volunteer force.

During the Vietnam War, the presence of draftees has insured that the Army contains a civilian-oriented, skeptical prize-winning journalist who exposed My Lai to the public, wrote me about his experience with that incident:

> I interviewed perhaps fifty former members of Charlie Company while researching my newspaper articles and book on My Lai, and without fail found that the only honest information about what happened that day came from draftees. I'm convinced that had most of the young men at My Lai been career soldiers, the story never would have been developed.

Col. Anthony B. Herbert, a highly decorated career Army officer echoes Mr. Hersh's findings. Speaking from his own experience in the military, Colonel Herbert wrote me what he thinks would happen if a voluntary army replaced the draft:

> Eliminate these internal sets of checks and balances (the draft) and you will, I believe, end up with a professional career oriented group who will attack every problem in light of what is best for the Corps rather than for the country at large. The officer corps would soon become a military aristocracy. Those of us present in the Officer Corps today have witnessed a so-called professional group among us who attempt to do exactly just that in the name of loyalty to the Officer Corps and/or army, rather than to their country. It was not a professional army officer or even a professional enlisted man who brought My Lai to the attention of the U.S. public. There have been other similar incidents, maybe not on so large a scale, which have occurred throughout Vietnam. Many I have seen reported in Inspector General files, Criminal Investigative files, and news media. None by the so-called "professional types." If there had not been draftees and other non-professionals at My Lai, I say the U.S. public would still not know of it.

These facts and testimony seem to me to raise grave doubts about the potential injustices and abuses of an all-voluntary military force.

George Bernard Shaw once said:

> Liberty means responsibility. That is why most men dread it.

The Senate's decision on the draft is one of those dreadful responsibilities.

I believe we have an obligation to stop the conscription of our young men to fight a senseless war. But I believe we have an equally pressing responsibility to see that we do not replace the present system with something potentially worse.

And I also believe that the citizens of America—all its citizens, rich and poor—have a responsibility to the national defense and well-being of their country.

We must not magnify the tragedy of Vietnam by letting its cruelty and injustice obscure that responsibility.

Many of those who have opposed extension of the draft have done so with enormous energy, determination and a true spirit of public service. I would hope those qualities are brought to bear in the months ahead for construction of a just and workable alternative for service to our Nation.

I ask unanimous consent that certain letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

April 5, 1971.

Senator Walter F. Mondale,
Capitol.

Dear Senator Mondale: My beliefs about the merits of a draft against an all-volunteer Army is an extremely personal, based on my work in connection with the My Lai expose. I interviewed perhaps fifty former members of Charlie Company while researching my newspaper articles and book on My Lai, and without fail found that the only honest information about what happened that day came from draftees. The 'lifers' and officers simply refused to tell the truth.

I'm convinced that had most of the young men at My Lai been career soldiers the story never would have been developed. I can make no general conclusions about the merits of a draft vs. an all-volunteer Army. I don't know all of the facts. But I do know the thought of having only careerists in the service leaves me with dread.

I'm not sure if this helps or not.

Seymour M. Hersh.

Department of the Army,
Fort McPherson, Ga., April 5, 1971.

Hon. Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: In response to your letter dated March 30, 1971, concerning VOLAR I must preface my remarks with the fact that our Chief of Staff has already committed us to the support of replacing our present force with an all-volunteer one. As a subordinate of course I will support this concept and do my utmost to complete the mission, i.e. at present I am Reenlistment Officer Third U.S. Army which is at present in first place of all Armies in CONARC by reenlistment rate. However, I feel that loyalty to my country must over ride loyalty to a Chief of Staff or any other single person or group. I have been asked a straightforward question. I would consider it disloyal to my country as well as lacking in moral courage to give any answer other than a straightforward one in return. With this in mind, if the answer below is not sufficient or needs clarification pleace feel free to call on me for further response.

The United States is not a professional militaristic nation. I mean in effect we are not directing expansion or conquest via an agressive military policy. Our Army has been directed throughout our history as a defensive arm only.

In the defense of a free nation, a nation "of the people, by the people" all segments of that nation should participate in its defense. In a free nation's Army, if that nation is to remain a democracy an Army should reflect in almost equal portions those same percentages of all segments as are present in its overall population, Catholic, Protestant, Jew, other, white, black, yellow, red other, plus all social class levels etc., etc. Regardless of what the VOLAR Committee has written or believes just the fact that this could possibly not be the case should deter us from adopting the VOLAR concept.

As present in the U.S. Army with all segments represented, especially non-professionals in the sense of non-volunteers, or volunteers only for short periods rather than intended careerists the Army has an inherent set of checks and balances so necessary for a free nation in maintaining civil control of its armed might.

Eliminate these internal sets of checks and balances and you will, I believe, end up with a professional career oriented group who will attack every problem in the light of what is best for the Corps rather than for the country at large. This is no figment of my mind, I assure you. The Officers Corps would soon become a military aristocracy. Those of us present in the Officers Corps today have witnessed a so called professional group among us who attempt to do exactly just that in the name of loyalty—the Officers Corps and/or Army, rather than to their country. It was not a professional army officer or even a professional enlisted man who brought My Lai to the attention of the U.S. public officials. There has been other similar type incidents, maybe not on so large a scale, which have occurred throughout Vietnam. Many I have seen reported in Inspector General files, Criminal Investigative files, and news media. None by the so called "professional types." If there had not been draftees and other non-professionals at My Lai, I say, the U.S. public would still not know of it. A careerist is very reluctant to speak out and terminate a career—which is the case even in today's Army. The Army professionals have much power which can be brought to bear internally in order to prevent those within a command from speaking out, which is why we hear about these things many times only after one of the non-professionals is out of service. Just knowing these individuals are in a command may times prevents crimes from being committed by those who fear exposure from such "left wingers," "rabble rousers" and "hippy types."

Mr. Mondale, please feel free to use my remarks however necessary. Mr. Peterson stated that it has been difficult to obtain permission from other officers to be quoted. Just this fact alone should exemplify what I have stated concerning the "professional" in the sense I feel we would have them in an all-volunteer Army. Because my views are not single. It is the prevalent view among my military associates who I assure you are many of our finest Army officers today with tremendous records. That I chose to speak out, many feel, will result in great pressures being brought to bear upon my family and self. All I can reply is that I feel that someday a much greater pressure, the conscious, will be brought to bear upon those for what they know and yet fail to say.

Finally in order to get a little more exact idea of some of the results of professionalism I refer you to the Franklin Institute Research Laboratories (FIRL) Career Motivation Study, Junior Officer Retention, DA Pamphlet 600–20, dated August 1969, in order that you can read directly statements of many young officers on their observation of our so called "professional" segment of the Officers Corps.

I thank you for your letter and the opportunity to express this view to so distinguished a panel, with the possiblity of effecting such action before it is too late.

Sincerely,

Anthony B. Herbert,
Lt. Col., Infantry.

Mr. BUCKLEY. Mr. President, although I sympathize with the objective of the Nelson amendment, I will vote against it for the reason that its enactment could severely impede the early phasing out of the draft in favor of an all-volunteer military. To my mind, this latter objective is so important that all other considerations should be subordinated to it.

As others have stated today, the net effect of enacting the Nelson amendment at this time would be to provide draftees with a special immunity with regard to the Vietnam conflict. This in turn would create a positive inducement for young men to await the draft rather than volunteering for duty in one of the armed services. Yet it is quite clear that the historic objective of the debates now in progress on the extension of the Selective Service Authority reflects a determination by the Congress to join with the administration in phasing out the draft and in returning to the concept of all-volunteer forces as soon as that transition can be prudently made. In my judgment, such a short-term dislocation of the normal volunteer response to the proposed increase in pay and other benefits could make it doubly difficult to determine the effectiveness of such special inducements and could unfairly handicap the plan to achieve all-volunteer forces.

There are, of course, other practical obstacles which would reduce efficiency and impair the morale of career servicemen at precisely the time when we need to make every effort to achieve a smooth transition.

Specifically, it must be understood that to try to make up the deficiency in combat forces—infantry, artillery, and so forth—which would be created by eliminating draftees from service in Vietnam would require time-consuming and costly retraining of career personnel now assigned to other duties, and would result either in the disruption of existing units—thus badly impairing their effectiveness—or, in the alternative, in the reassignment to Vietnam of men who had already served a tour of duty in that conflict.

As American forces in Vietnam will have been reduced by the end of this year to a point where they can no longer engage in active ground operations, casualties can be expected to be reduced virtually to the vanishing point. Thus assignment of draftees to this area after the first of the coming year would have little more than a symbolic importance, as the actual hazards to which draftees would then be subjected would not be materially greater than those to which men in the armed services are subjected in the course of their ordinary training and service. I do not mean to minimize the incremental danger to those who would, in fact, be assigned for duty in Vietnam, but I do say that the overriding need to make every effort to assure the success and early adjustment of all-volunteer forces must outweigh these other considerations.

Finally, although I have in the past urged that draftees be removed from involuntary involvement in combat duties in Vietnam at the earliest feasible date, I have not considered that it was the prerogative of the Congress to dictate to the Commander in Chief as to how he should dispose of the troops under his command. I would not at this time wish to mandate such restrictions when, as I have already indicated, I feel that the net result might be to prolong the draft and jeopardize the success of the move to an all-volunteer military.

The PRESIDING OFFICER (Mr. Hughes). All time on the amendment has now expired.

Mr. NELSON. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous unanimous consent agreement, the Senate will now proceed to vote on the amendment of the Senator from Wisconsin (Mr. Nelson) No. 105.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. TOWER (when his name was called). On this vote I have a pair with the distinguished Senator from Maryland (Mr. Mathias). If he were present and voting, he would vote "yea;" if I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. EAGLETON (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Indiana (Mr. Bayh). If he were present and voting, he would vote "yea;" if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Bible), the Senator from Idaho (Mr. Church), the Senator from Indiana (Mr. Hartke), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Alabama (Mr. Allen), the Senator from Michigan (Mr. Hart), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from Louisiana (Mr. Long), the Senator from Montana (Mr. Metcalf), the Senator from Utah (Mr. Moss), and the Senator from Missouri (Mr. Symington) are absent on official business.

I further announce that, if present and voting, the Senator from Michigan (Mr. Hart) and the Senator from Missouri (Mr. Symington) would each vote "nay."

I further announce that, if present and voting, the Senator from Utah (Mr. Moss) would vote "yea."

On this vote, the Senator from South Dakota (Mr. McGovern) is paired with the Senator from Washington (Mr. Jackson).

If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Washington would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Hawaii (Mr. Fong), the Senator from Wyoming (Mr. Hansen), the Senator from Maryland (Mr. Mathias), and the Senator from Iowa (Mr. Miller) are necessarily absent.

The Senator from Utah (Mr. Bennett) is absent on official business.

The Senator from New York (Mr. Javits) is absent by leave of the Senate on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Iowa (Mr. Miller) and the Senator from South Dakota (Mr. Mundt) would each vote "nay."

The pair of the Senator from Maryland (Mr. Mathias) has been previously announced.

The result was announced—yeas 21, nays 52, as follows:

[No. 75 Leg.]

YEAS—21

Brooke
Burdick
Cranston
Fulbright
Gravel
Hatfield
Hughes
Humphrey
Mansfield
Mondale
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Ribicoff
Schweiker
Stevens
Tunney
Williams

NAYS—52

Aiken
Allott
Baker
Beall
Bentsen
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Gambrell
Goldwater
Griffin
Gurney
Harris
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
McClellan
Montoya
Packwood
Pearson
Prouty
Randolph
Roth
Saxbe
Scott
Smith
Spong
Stennis
Stevenson
Taft
Talmadge
Thurmond
Weicker
Young

PRESENT AND GIVING LIVE PAIRS AS PREVIOUSLY RECORDED—2

Tower, against.
Eagleton, against.

NOT VOTING—25

Allen
Anderson
Bayh
Bellmon
Bennett
Bible
Church
Fong
Hansen
Hart
Hartke
Inouye
Jackson
Javits
Long
Mathias
McGee
McGovern
McIntyre
Metcalf
Miller
Moss
Mundt
Sparkman
Symington

So Mr. Nelson's amendment (No. 105) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Hughes) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives was communicated to the Senate by Mr. Hackney, one of its reading clerks, announced that the House had passed House Joint Resolution 34, a joint resolution to provide for the designation of June 3, 1971, as "National Navy Wives Club of America Day," in which it requested the concurrence of the Senate.

The message also announced that the House had passed Senate Joint Resolution 29, a joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week," and for other purposes, with an amendment, to strike out the preamble, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill:

H.R. 4209. An act to amend the Revised Organic Act of the Virgin Islands.

The enrolled bill was signed by the President pro tempore today.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 34) to provide for the designation of June 3, 1971, as "National Navy Wives Club of America Day", was read twice by its title and referred to the Committee on the Judiciary.

PROGRAM

Mr. SCOTT. Mr. President, will the distinguished majority leader advise the Senate as to the program for the remainder of the week?

Mr. MANSFIELD. I am delighted to do so.

As the distinguished minority leader will recall when we discussed the Calendar, at the present time there are five items on the Calendar.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Senators will return to their seats.

Mr. MANSFIELD. Mr. President, there are five items on the Calendar, one of which is pending, another of which has just been reported and placed on the Calendar; and on the others there are routine "holds," requiring scheduling and later action by the Senate.

Tomorrow there will be at least two votes; one at 1 p.m. and another not later than 6:30 p.m. There may well be additional votes. Today we had anticipated only two votes and so far we have had two and there will be at least one more.

In view of the fact that there are no unanimous-consent agreements assuring votes for Thursday, which was the date originally set for the Senate to adjourn over the Memorial Day weekend, and because the joint leadership does not desire to schedule Senate sessions merely to mark time and for the sake of appearance, will call up the House concurrent adjournment resolution at this time and ask that it be appropriately amended.

ADJOURNMENT OF THE TWO HOUSES OF CONGRESS FOR THE MEMORIAL DAY WEEKEND

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 316.

The PRESIDING OFFICER (Mr. HUGHES). The Chair lays before the Senate House Concurrent Resolution 316, which will be stated.

The legislative clerk read as follows:

H. CON. RES. 316

> *Resolved by the House of Representatives (the Senate concurring)*, That when the two Houses adjourn on Thursday, May 27, 1971, they stand adjourned until 12 o'clock meridian, Tuesday, June 1, 1971.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MANSFIELD. Mr. President, I send to the desk two amendments and ask that they be stated.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read as follows:

> On Page 1, line 2, strike out the words "two Houses adjourn" and insert in lieu thereof "House of Representatives adjourns".
>
> On Page 1, line 3, after the comma following "1971" insert "and when the Senate adjourns on May 26, 1971,".

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The concurrent resolution (H. Con. Res. 316) as amended, was agreed to, as follows:

H. CON. RES. 316

> *Resolved by the House of Representatives (the Senate concurring)*, That when the House of Representatives adjourns on Thursday, May 27, 1971, and when the Senate adjourns on May 26, 1971, they stand adjourned until 12 o'clock meridian, Tuesday, June 1, 1971.

The title was amended so as to read: "Providing for the adjournment of the House of Representatives from May 27, 1971, and the Senate from May 26, 1971, until June 1, 1971."

PROGRAM CONTINUED

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield further, I know he will certainly join with me in urging all Senators to be present tomorrow because there are at least two and perhaps more important votes coming up. It is most urgent that we dispose of those matters tomorrow in accordance with unanimous consent agreement.

Mr. MANSFIELD. Mr. President, I join the distinguished minority leader wholeheartedly in what he has just advocated. The joint leadership sent telegrams last night asking all Senators to be present. The result is that today there are 75 Senators present—at least 75 responded to the last rollcall. I am not happy that only 75 Senators are present to vote on amendments to this most important bill. I would hope for a greater attendance for the votes toworrow and an even greater attendance upon the Senate's return from its 5-day recess.

Mr. President, the meaning of the resolution we have just passed is that at the conclusion of business tomorrow, Wednesday, the Senate will go over until the following Tuesday at 12 noon.

The PRESIDING OFFICER. The Senator is correct.

THE MILITARY SELECTIVE SERVICE ACT

The Senate resumed the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. KENNEDY. Mr. President, I call up amendment No. 74 to H.R. 6531, to delete from the bill section 203, providing for a special combat enlistment bonus.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

AMENDMENT NO. 74

> On page 38, beginning with line 6, strike out all down through line 6 on page 39.
>
> Renumber sections 204 and 205 as sections 203 and 204, respectively.
>
> On page 40, strike out lines 6 through 10, and insert in lieu thereof the following:
>
> "SEC. 205. The provisions of this title shall become effective on the first day of the first calendar month following the month in which this Act is enacted."

The PRESIDING OFFICER. How much times does the Senator yield to himself?

Mr. KENNEDY. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, this provision, requested by the administration as part of its move toward a volunteer Army, is the most repugnant aspect of the legislation before us.

This provision authorizes the Secretary of Defense to pay a young man up to $6,000 to enlist in combat divisions. Although the Secretary has stated his intention to limit his offer to $3,000, on several occasions, the Department has emphasized that the authority under this language permits payment of $6,000 at any time to an enlistee.

It is a lure, a blood bonus, to induce young men to sign up for combat service. I ask the Senator from Mississippi who he believes will be attracted by this offer of a $3,000 or $6,000 bounty for enlistment. I use the word "bounty" because a bonus of this size for combat enlistment is more than reminiscent of the Civil War bounties that caused riots in New York City.

In 1863, James G. Blaine explained that:

> The bounty of $300 was needed for the protection of The Great "Middle Interest" of society—the class of which the business and the prosperity of the country depend.

That is precisely the reasoning behind this provision. It coerces only the poor. It condemns them to combat service. One historian, Fred A. Shannon, said of the 1863 Law:

> With the rod of conscription in one hand and an open purse in the other, the nation set about to coerce or persuade all but the favored few to join the colors. The few could replenish the purse instead.

The law was signed on March 3, 1863. On July 11, the first lottery was held and New York was assigned a quota of 33,000.

Government recruiters began wandering through the streets trying to fill their quotas. "Here's three hundred bucks, sign on the dotted line," was their pitch.

Two days later, the poor answered the bounty with blood on the streets of New York. A cry went up, particularly among the immigrant Irish who then formed a quarter of the city's 800,000 population, a cry of:

A rich man's war, a poor man's fight.

On July 13, an estimated 10,000 persons formed a mob that burned and looted and fought the police. Governor Seymour declared the city to be in a state of insurrection. Five regiments of troops were called.

Four days of rioting left 500 dead and an estimated 1,000 wounded.

After the War, Brig. Gen. James Oakes, reported on the operation of the draft and recommended that any future draft "dispense with Government bounties altogether—and, instead, to increase the regular pay of the soldier to such an extent as would enable him with prudence and economy to support his family or dependents while in the Army."

If it was apparent to the citizens of the Civil War era that a bounty was designed to make the poor do the rich man's fighting, that same reasoning behind the combat enlistment bonus will not escape the public today.

Three hundred dollars may not seem an appreciable sum today, but in 1863, the weekly wage for a laborer was under $20.

Today, the weekly wage may be perhaps 10 times greater, but the Secretary of Defense is prepared. His intended bonus is 10 times what it was then. And he can even double that sum if he does not get enough men the first time around.

This Nation presumably learned the lesson of the bounty in the Civil War. Neither in the draft for World War I nor in any law since then, has Congress looked to an enlistment bonus to entice men into the Armed Forces.

This proposed bonus violates that tradition. It seeks not only to entice men to join the military but to assume the greatest risk of death as well.

Once more, I would urge the Senate to join with me in this amendment and reject a system that reeks with class injustice. The House of Representatives wisely deleted this provision in the course of debate on the current bill and I would urge the Senate to do the same.

Who is going to accept a $6,000 combat enlistment bonus?

Not the sons of the middle class and surely not the sons of the wealthy. Their futures are secure. They have the potential for earnings that far outdistance $3,000 or $6,000. And they know that the bonus carries with it the threat of death, the threat of losing an arm. They know and they will not go.

Who will go? The Census Bureau and Labor Department can tell you.

The Census Bureau reported last week that the Nation's poor now number 25.5 million, an increase of 1.2 million over 1969. There are 17.5 million whites, 7.7 million blacks. One in 10 white Americans live in poverty, one in three black Americans.

They will go because $3,000 or $6,000 may mean more money than they could ever hope to see in a single sum.

The Labor Department also will tell you who will go. They reported a 6.1 percent unemployment rate in the Nation last month.

Those are the groups who will be tempted by this combat enlisment bonus. They are the ones who will take the lure.

Army recruiters can set up shop outside a State employment office. They can follow the unemployment statistics and decide where to start their volunteer Army campaign.

I wonder whether we finally are not seeing this administration's answer to both the unemployment and the poverty issues.

A bonus to join the combat divisions of the military, a bonus that is surely aimed at the poor. I wonder whether this is their answer to problems that they have failed to exhibit the will to resolve.

In the House Armed Services comment on why it rejected the combat enlistment bonus, on page 39 of the House report, it is stated:

> The committee was concerned that the language of the Department's proposal, as submitted, was so broad that there was no assurance it would be used solely for the stated objective. As submitted by the Department of Defense, the bill could have been used to provide pay raised for almost any segment of the enlisted population and could have resulted in considerable change in traditional reenlistment bonus procedures without proper review by the Congress.
>
> In addition, the committee was concerned about the effect of the use of such authority at a time when assignment of draftees to the combat arms is continuing. The committee believes that more thought would have to be given to the effect of the bill in the case where two men would be serving in the infantry side by side, and one, who is an enlistee, is getting an extra thousand dollars a year while the other, who is inducted, gets no such additional amount.
>
> As a consequence of the foregoing reservation, the committee rejected the administration's request for this authority.

The recent vote here on the floor, rejected the suggestion of the distinguished Senator from Wisconsin (Mr. NELSON) that we limit combat duty to volunteers. As a result draftees still will face combat action. Draftees will be getting paid at a certain level and enlistees will be getting anywhere from $1,000 to $2,000 a year more yet they will be battling in the same trench, facing the same threat from the enemy, and with the same risk of death or dismemberment.

The chairman calls this a modest experiment and indicates less than wholesale endorsement of this concept as the ideal manpower policy of this Nation.

I can well understand why. Because I know that it conflicts with his own basic reluctance to see this Nation's military forces rely on the principle of bounties and bonuses.

I also would remind the chairman that this experiment has been tried before. It was tried last during the Civil War and it brought bloodshed to the streets of New York.

Before that experiment ended, several hundred were dead. A thousand injured and the city occupied by Union troops forced to leave the battlefield to restore order in New York.

I am reminded when the chairman talks of a modest experiment of the essay by Jonathan Swift, "A Modest Proposal." That proposal once more dealt with the poor but as I recall it provided for roasting of young infants as a way to meet the problem of poverty. The satirical point of the article was that the society then was unwilling to face its social evils and since it evidently had no use for the poor, Swift offered his "modest proposal" to underline this lack of concern for the poor.

Today we are faced with a similar "modest proposal" whose effects will be just as blatantly aimed at the poor as was that of Swift.

Secretary Laird concluded his opening statement before the Senate Armed Services Committee this year with the comment:

> What you are considering, Mr. Chairman, is a legislative proposal of the highest importance. People, not arms or equipment, not buildings or computers, not any of the hardware requirements of defense, are the priceless vital asset of our national defense.
>
> A wise, a just, and a fair manpower policy is indeed the keystone to our national security.

But I cannot but feel that a proposal to pay young men a $3,000 or $6,000 bonus to enlist in combat units is neither wise, nor just nor fair.

It reflects the underlying philosophy of any mercenary Army. First, it pays men to enlist; second, it will attract mostly the poor; and third, it places them where the risk is greatest, in the combat trenches.

Mr. President, I would call attention to section 1C of the Military Selective Service Act of 1967 which states the intent of Congress:

> The Congress further declares that in a free society the obligations and privileges of serving in the Armed Forces and the Reserve components thereof should be shared generally, in accordance with a system of selection which is fair and just, and which is consistent with the maintenance of an effective national economy.

Mr. President, a combat enlistment bonus which has in the past and will today be seen as an effort to induce the poor to bear the greatest burden of combat duty directly conflicts with the intent of Congress as stated in the previous passage.

It assures that the obligations of military service will not be "shared generally" but will fall on the least benefited of our society.

And again I call attention to section 8 of the act, which states:

> No bounty may be paid to induce any person to be inducted into an Armed Force.

I believe that the combat enlistment bonus directly and flagrantly violates the principle that was established in every conscription law since the Civil War.

It is a bounty to free the more affluent sectors of society from the need to risk their lives in defense of the country and it is designed to give to the poor two things—$3,000 and a rifle.

I would call the attention of the Senate to section 8 of the Military Selective Service Law of 1967. That section relates to bounties, substitutes, purchases of release—it states that:

> No bounty may be paid to induce any person to be inducted into an armed force. A clothing allowance authorized by law is not a bounty for the purposes of this section. No person liable for training and service under this act may furnish a substitute for the training or service. No person may be enlisted, inducted, or appointed in an armed force as a substitute for another. No person liable for training and service under section 4 may escape that training and service or be discharged before the end of his period of training and service by paying money or any other valuable thing as consideration for his release from that training and service or liability therefor.

But I ask Mr. President, whether a $6,000 bonus to a young man recruited from Roxbury or Brockton to induce him to enlist in combat, is not in fact a bounty, a bounty designed to replace any middle or upper class young men who might otherwise be drafted with their less affluent brothers.

Let me repeat the relevant lines:

> No bounty may be paid to induce any person to be inducted into an armed force.

If not the language then surely the spirit of this legislation is violated by a combat enlistment bonus. I find it highly obnoxious to return to a system that caused riots during the Civil War. It was the system of bounties and substitutes that found recruiters wandering through the immigrant sections of our largest cities offering bonuses to the poor in order to remove the threat of the draft from the wealthy.

We would be doing the same. If any Member can explain to me why the following scene could not take place, I would be grateful. An Army recruiter sets up office each day next to the employment office and offers everyone waiting in line $6,000, payable in 3 months, if he signs up for combat for 3 years. I find this to be a bounty in the most repugnant sense of the word.

I would like to yield, if I may, to the distinguished Senator from Oregon (Mr. HATFIELD). How much time does the Senator desire?

Mr. HATFIELD. May I have 5 minutes?

Mr. KENNEDY. I yield 5 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I rise to support the amendment presented by the Senator from Massachusetts (Mr.

KENNEDY), though perhaps for somewhat different reasons or from a different perspective.

As Senators know, I have long been on record in opposition to any conscriptive system, and I shall present an amendment at an appropriate time to abolish the entire draft system as we now know it.

But I think, in order to reach a place where we could undertake with expected success an all-volunteer Army, it is not necessary to offer the kind of incentive that is now presented in the form of a $6,000 bonus.

I have some statistics which I would like to make available here for the RECORD, because I think the whole question of a bonus revolves around the point as to whether or not we could get sufficient manpower to go into combat areas and to fit under the so-called MOS of combat duty.

I have here statistics, based upon Pentagon figures, which I think will illustrate my position very vividly that we do not need this kind of incentive in order to achieve an all-volunteer Army. I would not want the Senate to be misled into believing that they have to vote for such a proposition as a $6,000 bonus if they are really committed to the proposition that they want an all-volunteer military.

For fiscal year 1970, the combat arms MOS requirement of the Army was 100,000 men.

I want to make these statistics as clear and understandable as possible, because sometimes we can get lost in figures. This figure of 100,000 men would be the requirement set by the Army to fill their battle stations under their various assignments in combat areas. Taking that 100,000 figure, where did it come from? Where did we get that 100,000 figure?

First of all, we have from the Pentagon the statistic that 4,000 men indicated at the time of enlistment that they wanted this type of MOS; in other words, they wanted a combat assignment when they made their preference known at the time of enlistment.

We find that within the next 6 months following enlistment, 7,000 additional men made known that they wanted and signed up for Airborne and Special Forces, and acquired that kind of combat MOS.

Where did we get the remainder to meet the 100,000 requirement? Thus far we have a total of 11,000 who have indicated, either at the time of enlistment or later, that they wanted this type of assignment.

First of all, of the Regular Army unassigned personnel, referred to as RAU's, who did not specify at the time of enlistment—we had 72,000 such men in fiscal year 1970—40 percent, or 28,000, of those men were assigned to combat MOS's by the Army command, and the remaining requirements to fulfill the need of 100,000 combat MOS's were made up from draftees—61,000 draftees.

If we take the Pentagon statistics again for their projected needs for 1972 and 1973, we will see that only about one-half to one-third of the fiscal year 1970 combat arms MOS requirements will be needed. In other words, only one-half to one-third of the total 100,000 figure will be needed.

Based upon this statistics, we can then, let us say, take 50 percent of the figure for true volunteers in the RAU category, and the projected needs in the combat arms MOS's could be easily met if all of the RAU's, or Regular Army unassigned personnel, were assigned to those MOS's.

Even if we took 40 percent of those men in the RAU category to fill the combat MOS requirement, we would still have one-half to three-fourths of our projected needs, and this is not taking into consideration any across-the-board pay increases which are now being contemplated; nor does it include the projected growth of the manpower pool during these years since fiscal year 1970.

But if, as the Pentagon maintains, we need further incentives, I certainly do not consider the $6,000 combat bonus as necessary. I believe we are putting the emphasis in the wrong places.

The Gates Commission recommended a combat pay increase of $200, and I anticipate introducing that recommendation later in the debate in the form of an amendment.

Also pending before the Senate is a substantial pay increase for our military personnel, particularly the first-term enlistee.

I believe that the pay increase alone would bring enough men into our armed forces to meet our combat needs—and all of the figures point to this conclusion.

Let me emphasize, this is not merely an opinion. This is based upon the task force reports to the Gates Commission, upon which they based their overall recommendations.

So, Mr. President, as I support the senior Senator from Massachusetts (Mr. KENNEDY) in his amendment, it may be for different reasons, but it still comes out with the same answer, which is that the $6,000 combat enlistment bonus is not necessary to meet the objective of an all-volunteer army to which I am committed.

I thank the Senator for yielding.

Mr. KENNEDY. Mr. President, I think those statistics analyze accurately what the potential really is for filling these combat arms positions, and I thank him very much for his statement in this area. His own amendment, which will come later, would provide a pay increase of $200, shows dramatically the difference between his proposal of a $200 inducement and the upper limit of the pending measure, which is $6,000 for drawing in the disadvantaged and otherwise poor people of our society. So I thank him for his helpful and useful comment at this time.

Mr. President, I should like to mention at this time what our regular procedures are for reenlistment bonuses.

To try to evaluate whether these new provisions in this legislation are really appropriate to the terms of our traditional attitude in terms of induction, as I understand it—and I will have an opportunity to talk about this with the chairman of the committee in a few moments—the present situation is as follows:

Regular reenlistment bonuses are 1 month's basic pay multiplied by the number of years of service, with the total limited to $2,000 during a career. The average for an E-4 with under 2 years of service is approximately $750 if he reenlists for 1 year in combat units to get that bonus.

The only other kind of provision is the variable reenlistment bonus, which is an additional amount, but this is not to exceed four times the regular reenlistment bonus. So the highest a man could go, over the period of a career, would be $8,000. That would be available to regular Army members who reenlisted in a designated military skill—scarce specialties such as computer programing.

There has been a constant desire since the very earliest times, in terms of recruitment bonuses, to provide equitable training. This is the first departure, as I have pointed out, since the time of the Civil War for this kind of activity. As I mentioned earlier, the bonus also sets up the possibility of a draftee in Vietnam getting $3,000 less than a volunteer in the same foxhole, thus discriminating against the draftee.

Currently, there is a $65 a month hostile fire pay, and an income tax exemption for all military personnel in Vietnam, whether volunteer or draftee. Those are certainly very modest inducements. But I think the Marshall Commission, even in terms of this kind of inducements, has shown quite clearly in its review of the case that this additional $65 a month combat pay—and the airborne infantry receives, I think, an additional $12 a month—is enormously attractive to many of the disadvantaged in our society. It is quite clear that their analysis was to that effect.

Let us look a little bit at the hearings before the Armed Services Committee, when they discussed the bonus. This appears on page 668:

> Mr. KELLEY. The bonus that we have proposed for the active force enlistee in the Army combat arms was as you will recall $3,000 payable the first thousand dollars after the individual qualifies for the combat occupation specialty and the second thousand dollars a year later and the third thousand dollars the second year later.
>
> Considering in the one case the active force member is full-time and in the other case the Reserve member is a weekend and 2 weeks in the summertime individual, we think the Reserve incentive would compare quite favorably.
>
> The CHAIRMAN. Do you have any bonus in mind, I don't recall it, for anyone except this combat man in the Army?
>
> Mr. KELLEY. No, sir, we do not. However, the proposed statute would give the Secretary of Defense the authority to use a bonus for other occupation specialties depending on the shortage and the criticality of the skill. But our proposal for the initial use of the enlistment bonus would pertain only to the Army combat arms, infantry, armor artillery.
>
> The CHAIRMAN. You are not requesting any bonus for anyone in the Navy nor the Air Force?
>
> Mr. KELLEY. No, sir.
>
> The CHAIRMAN. Nor the Marine Corps?
>
> Mr. KELLEY. No, sir.

So the Air Force is left out. The Air-Force is involved in Vietnam, and certainly they are facing considerable pos-

sibilities of death and hardship. They are left out, and so are the Marines.

It always causes me great concern when we say—even in terms of the last debate—"We have enough Marines. Why don't they volunteer to go over there?" They are not included according to Mr. Kelley's statements before the Committee on Armed Services.

> The CHAIRMAN. But you are going to have this from the beginning. You propose to start this bonus that you have just mentioned to the riflemen in the Army?
>
> Mr. KELLY. Yes, sir.
>
> The CHAIRMAN. For combat duty?
>
> Mr. KELLEY. That is correct. This does not preclude the possibility of appropriate incentives for Navy, Air Force or Marine personnel in the future.
>
> The CHAIRMAN. Have you given us any amounts or scales that you would be committed to offer? Is there no limitation on the amount you would be permitted to offer otherwise?
>
> Mr. KELLEY. The dollar limitation would be $6,000 under the statute that we proposed for the enlistment bonus.

That is what he said. It is written in the proposed legislation, the possibility of a $6,000 bonus. They have outlined, in fairness to Mr. Kelley, that they intend to move on to $3,000 initially; but he points out clearly here that they do have the power, and they would be willing to use that authority, to make it $6,000, under the statute.

As a matter of fact, the chairman said:

> The CHAIRMAN. That means you could increase this initial $3,000 bonus to $6,000, is that right?
>
> Mr. KELLEY. Under the statute, yes, but the $3,000 was a figure considered in these terms. We think we have a responsibility to avoid overpaying an 18- or 19-year-old young man.

Is that not wonderfully gratuitous? They are trying to find out how much a person's life is worth. They do not want to overpay someone to go over. Perhaps $6,000 is too much to pay him, because an 18-year-old cannot handle that. He can handle a rifle over there and be charged with responsibility in many respects for the lives of the people in his company. But here we have the kind of comment that I think is truly outrageous.

> We think we have a responsibility to make that pay high enough that it would be a sufficient attraction.

There it is; that is the argument—"a sufficient attraction." Whom are we trying to attract? Are we going to get the sons of middle-income people or wealthy people? Is that going to be sufficient attraction for those who can go on to college or to graduate schools? Or are we going to look for some other person who feels that $3,000 or $6,000 is a sufficient attraction? By definition, the people affected by this monetary appeal will be the poor and the sons of the working poor and the other individuals who, for some reason or other, have not had access to the full opportunities of our society.

Then Mr. Kelley says:

> Three thousand is our best judgment of balancing the scales between those two considerations.

The two considerations are: What is sufficient attraction? Yet, we do not want to overpay the 18- and 19-year-old men.

Mr. President, I think this is an extremely unfortunate kind of inclusion in our Selective Service Act. We have seen during recent months and years—from the time of the Marshall Commission, the Defense Department study, and the Gates Commission—an attempt to provide a greater sense of equality and fairness to the young people of this country. Of all the provisions I have seen in the various proposals that have been made, I sincerely believe that this is the most repugnant.

Mr. President, I have some other comments. What is the time situation?

The PRESIDING OFFICER. The Senator has 47 minutes remaining.

Mr. KENNEDY. And the other side?

The PRESIDING OFFICER. The other side has 77 minutes remaining.

Mr. KENNEDY. Mr. President, I spoke with the chairman of the committee, and he thought he would return to the Chamber at 1:45.

I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, what is the pending order of business?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

Mr. STENNIS. Mr. President, how much time do I have remaining under my control?

The PRESIDING OFFICER. The Senator from Mississippi has 70 minutes remaining.

Mr. STENNIS. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 20 minutes.

Mr. STENNIS. Mr. President, I regret that I did not have the chance to hear all of the remarks made by the Senator from Massachusetts. He and I have talked about this matter more than once. I am familiar with his views.

Mr. President, I again want to point out that the Senator from Massachusetts is entitled to credit and, I think, more than just passing or average credit, for much of the fine work he has done on this Selective Service System. Last year he and I conferred about the matter many times. It was really his amendment that we passed last year with reference to the lottery selection system in the bill that went into effect, I believe, along in October. If he had not agreed to limit his amendment to that point, I do not believe we would have gotten a bill.

This year he and I have worked on many of these matters. Even though we disagree on some in a major way, I think that he has already strengthened the bill. He has been helpful. I am glad to give him credit.

Mr. President, I regret that there are not more Senators present on the floor at this time—there could have been—not to hear my speech, but to hear a statement of these facts that are so vital. They go far into the problem of supplying our military services for the years ahead with the necessary manpower, both in quality and quantity, to protect our own security as well as our position in world affairs.

I think the pending amendment and the Hughes amendment go to the very vitals of this future planning. They both involve money. I am going to take the liberty of referring to the amendment to be offered on tomorrow by the distinguished Senator from Iowa (Mr. HUGHES) in connection with this amendment. But, just as a little background, Mr. President, these both have to do with pay bills.

The pending amendment has to do with a bonus to induce men to join the service as volunteers. The amendment to be offered on tomorrow by the Senator from Iowa directly concerns salary.

With reference to the background for the military pay increases for this 13-month period beginning in January 1971 and ending on January 31, 1972, I want to call attention to the following figures.

We had a military pay increase in January 1971 of $1.2 billion. According to a law that is already on the books, another automatic pay increase will be given to the military personnel in January 1972. That will add another $1.2 billion.

Also, there is in the bill that the Armed Services Committee now presents to the Senate an additional increase of $1 billion. That means that we will have a total increase of $3.4 billion within this 13-month period.

The Hughes amendment on tomorrow proposes to add to that an additional sum of $1.7 billion for a total amount, if it passes and becomes law, of $5.1 billion in pay increases and allowance increases within this 13-month period. That is just for one service in the Government. They are very worthy services, all of them are. However, I am talking about money and where it will come from and all of the bills that will be considered later. All of these facts ought to be spread out here because they are part of the judgment we will be called on to make.

Mr. President, I point out that in spite of these large numbers here, the pending amendment is for only $40 million, which compared to these billions is a relatively small sum. But it is an item that will increase from year to year.

Mr. President, laying these figures aside for a moment and going back into this new plan for supplying this manpower, the plan is for what we call a volunteer Army. However, it is far more than that. The proposal is that we have an all-volunteer marine force, an all-volunteer Air Force, an all-volunteer Navy, and an all-volunteer Army. And after 2 years we will supposedly not have any Selective Service System.

Mr. President, I suppose that I am

hard headed, but from the time I first went into this, I have had the opinion that we would not be able to get that many men, thinking in terms of more than 2 million men as the minimum number to be required, from 2 million on up to 2.4 million or 2.45 million. We are not going to get that many men under any kind of a purely volunteer system. I think we could add $5, $6, $7, $8, $9, or $10 billion and we still would not get enough of the right kind of men. We would get some that are the right kind, but not enough. I think that to get enough men with talent and integrity and aptitude and the character qualifications necessary, we are going to have to keep bringing in some of them through a very fair process. We will have to have for the military a Selective Service Act to that extent.

I, therefore, favor a 4-year extension of the Selective Service Act and putting in some of these salary increases that we have in the bill, particularly in the lower grades, and some additional money to experiment with, to a fairly limited degree to see what can be done with voluntary enlistments, more housing, more quarters allowances, and more of the other items as well as the enlistment bonus.

What we have finally put in the bill with this $40 million could be applied to that. But the Secretary in his testimony has limited its application to the Army. As I say, this is an experiment.

Frankly, I think that if we go into this for many years we are going to have to have bonuses for the Marine Corps, the Air Force, and the Navy. It is just commonsense.

This is a period during which great effort is going to be made in this experiment and the way it is going to be applied for men that are willing to sign up from the beginning to go into a rifle company, an artillery battery, or an armored unit. If some young fellow thinks he would like that, and if he is willing to go in and take the training, and I think it should be severe training, and mold himself into a hard-muscled man who knows how to be a rifleman or an artilleryman, as a matter of principle I am not objecting to paying him a bonus to do it.

I say that even if he is a so-called poor boy. I do not think that is the controlling difference. I am speaking about men who are not well-fixed in worldly goods. They take jobs that are rather rugged and which call for sweat and labor. I know from experience it never hurt me. If that man is willing to become a rifleman or an artilleryman I would be willing to pay him a bonus to do that. If he does not measure up to specifications I would put him out.

Of course, qualifications, integrity, and aptitude to handle electronics, to handle the missiles, to be a member of the nuclear carrier crews, submarines, and matters of that kind, are to be considered.

I do think this enlistment bonus in this bill is worthy as an experiment and it is not a great sum. If we try it for a year we will know a great deal more about it a year from now than we do today.

I believe that reviewed properly—as the long term experiment it is—the enlistment bonus may help us in time reduce our reliance on the draft. As I have said before, I believe it is a flight from reality to believe we can completely do away with the draft. But the administration has proposed an experiment with the use of this bonus and our committee has approved it. I believe it may be a useful experiment which could point the way, over time, to some changes in our military personnel policies. I do not believe it is a cure-all which will enable us to replace the draft immediately, nor do I believe it is a radical departure from past policies.

I think that before we ever solve the personnel matter we have to get away from a system that I think is archaic, and that is that a man is paid according to his rank, regardless of what he does. I think business has long since gotten away from that, and accepted the principle of paying a man for the job assigned to him. I do not see how a man who is a sergeant, perhaps, doing an administrative job behind the desk is entitled to as much pay as a fellow out there in the sweat and the grime driving a tank or handling an artillery weapon, or carrying a rifle. I do not believe the two could be compared, but that involves another question.

The administration has not proposed a unique and untried procedure in requesting a bonus for enlistment into certain branches of the armed services. The bonus concept is really nothing more than a pay or financial incentive to attract personnel into performing certain duties. This type of incentive has long been used in civilian life. The use of reenlistment bonus has been a feature of military from time to time since the revolutionary war. The military services today have two such bonuses.

Mr. President, I am talking about reenlistment. That is the case where a man has already been in the service and no longer is a raw recruit and he has proven his aptitude, integrity, and reliability. So we have two plans for reenlistment bonuses.

One bonus, the reenlistment bonus, is granted to every serviceman who is qualified to reenlist and consists of 1 month's pay for each year of service which the individual reenlists for. He can draw a maximum of $2,000 over a full career. This bonus was authorized in recognition that the continuation of an experienced man in the service would reduce the cost of training a new man and bringing him to the same level of experience.

A relatively new bonus plan, authorized by the Congress in 1965, is the Variable Reenlistment Bonus. This bonus is in addition to the regular reenlistment bonus and can be awarded to certain individuals who are in critical skills for which there are generally high training costs. Depending on the current need for the individual's skill, he could receive up to four times the regular reenlistment bonus. Thus a highly trained enlisted man could receive a maximum of $10,000 for a reenlistment in the service. This would result if he were able to receive the full $2,000 regular bonus and the full multiple Variable Reenlistment Bonus of $8,000.

That would involve some of these men who come in, even through the draft, and show an aptitude. For instance, they might be on these crews for the ICBM's or nuclear powered submarines, or our attack submarines, involving a lot of electronics and computers; or they might be specialists in the airports, and in communications, for instance, involving long training. Some of that training runs as high as 2 years before they are entrusted with these responsible positions and it costs a great deal of money to train them.

We found, and it has worked very well, to have a meaningful bonus paid to these men for reenlistment. It has been worth far more than it costs.

The Variable Reenlistment Bonus has been one of the most successful pay incentive programs ever utilized in the armed services. It is estimated that during the period from fiscal year 1968 until fiscal year 1970 the Variable Reenlistment Bonus has produced 13,700 reenlistees in the Army alone and some 36,900 reenlistees in all the services. These are skilled, trained personnel who would have otherwise been lost to the services, in all probability.

I will give a practical illustration of that. I handled the appropriation bill which included funds for the FAA. We had to increase greatly the number of men who work in the towers. I think the budget increased the number of men by about 3,000. On evidence, we put in 3,000 more. I was insisting that they could not get that many men in that short period; therefore, they did not need that much money because they could not use it. They said, "We will get them." I said, "How?" They said, "We will take them away from the military." That is exactly what they were doing. They were paying these higher salaries and when the terms of the military personnel were up, they would not reenlist, but would go to some other agency or get into private employment. The reenlistment bonus I have described has been very valuable in giving the military a chance to keep those men.

This variable reenlistement bonus is used only for those skills which are critical and it is stopped, started, increased, or decreased as is necessary to meet the needs of the services.

This is not pay. There are no retirement benefits based on it. It is just buying trained talent in the marketplace.

Now, it seems to me that we are building on a proven and tested program when we use a bonus program to attract initially the type of persons that is believed to be needed into certain skill areas in the service. As I see it, the enlistment bonus simply uses the bonus concept at the enlistment point rather than the reenlistment point. If the reenlistment bonus and the variable reenlistment bonus can save the taxpayers millions of dollars in reduced training costs, it is highly likely that the same concept can be used to a degree to reduce reliance on the draft by causing many more young men to volunteer for the service.

Although the legislation gives the executive branch some flexibility and authorizes the Secretary of Defense to award up to $6,000 for an enlistment bonus, the administration has made it clear that it intends to use only $3,000 to start the program. Further, this $3,000 will not be offered as a lump sum but, rather, as a $1,000 upon qualification for a skill and $1,000 on each anniversary after qualification. This appears to insure that the money will not be spent all at once and will be phased over the 3-year period. The full $6,000 bonus, as I understand it, would be possible at a later time for a 6-year enlistment. So the bonus initially is one of $1,000 a year, and not a $6,000 lump-sum payment. Such a payment would be possible under the legislation, but I believe it is fair to allow some flexibility in experimental programs in the beginning.

The Secretary of Defense plans that this test program will be used initially for the Army combat arms skills—infantry, armor, and artillery. The results of the program will be carefully examined before any further action is taken.

This appears to be a very efficient way to use the taxpayers' money. It could not be simpler—you only pay the people you want to enlist in certain skill areas. For example, at a $1,000 per year, the requested program of $40 million could enlist 40,000 men into combat arms. That is 40,000 less men to draft. To pay each member of the Army combat arms $1,000 extra per year by, for example, using proficiency pay for this purpose, would cost about $150 million; to pay each enlisted man in the Army $1,000 extra per year would cost $880 million. Moreover, with a bonus program there are no retirement cost increases, no additional social security expenses, none of the expenses associated with a general rise in pay.

Another point should be made clear, especially since it was one of the main reasons given by the House committee in rejecting the bonus. This bonus is available to the draftee as well as the enlistee. If a draftee is willing to commit himself for 3 years, he will be able to receive the benefit of the bonus on a pro rata basis. There is no discrimination whatsoever in providing an opportunity for receipt of the bonus.

That means the draftee who is already in the service. If his superiors find that he has certain aptitudes, and he finds he likes the military service better than he thought he would, he can receive the bonus for extending his service. Whether he receives it or not is a question for those in authority.

Mr. President, I believe the enlistment bonus is a useful experiment which could, in time, help reduce our reliance on the draft. It being such, I urge Senators to support it and to reject the proposed amendment.

Furthermore, Mr. President, as a further explanation of what I have said, I do not believe that the bonus would be enough inducement to attract enough men. However, I do believe it will attract some. If it works at all for these units, it can at least be used to get other kinds of talent for what might be called the elite corps, specialty corps, Green Berets, paratroopers, or whatever we might want. Not all men can be members of an elite corps, true, but talented men can be induced to come into those areas in which they have an aptitude and have an interest, and I look upon this as a worthy experiment.

I yield to the Senator from Rhode Island.

Mr. PELL. I have one question that bothers me. My question is whether or not this enlistment bonus is for all people enlisting or reenlisting, or only enlisting or reenlisting for combat purposes.

Mr. STENNIS. I was relating the current proposal to the bonus programs that are on the books now. They are reenlistment bonuses. They are reenlistment bonuses for anyplace where these people are needed; any craft or any specialty where they are needed. The amounts they receive are based upon their records or their aptitudes.

It might be offered to a young man this year, 2 years later it would not be, because the service already had enough. This new plan would apply to men who enlisted for the artillery or for the tank units or for the infantry, who are really the ones who carry the rifles.

If one is already in the service as a draftee and he wants to extend and share in this bonus, he may.

Mr. PELL. But, to be more specific, what concerns me is the creation of a sort of French Foreign Legion or a mercenary corps whose members receive money in return for their willingness to do what a soldier is supposed to do, which is to fight. My query is whether all of those people would be eligible to get the bonus, or would it be only the combat people? That is what would determine my view on it.

Mr. STENNIS. This is the initial step now in the bonus plan that the present administration hopes to get enlarged. The principle applies across the board, but, according to the record, they plan to use this money only for army combat units. That is just for this year at the present time. I went into that in the beginning, when the Senator from Rhode Island did not have an opportunity to be on the floor.

Mr. PELL. I thank the Senator.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. STENNIS. Yes; I am glad to yield to the Senator.

Mr. SPONG. I would just like to follow up what was just said with a question or two. As I understand the Senator from Mississippi, this bonus will apply only to Army combat units.

Mr. STENNIS. That is correct, in its application this year. The principle of the so-called Volunteer Army plan is much broader, of course, but we limited this to the testimony of the Secretary. He is bound, as a matter of record, to use the bonus only in these three categories.

Mr. SPONG. Under the language of the bill, it could, in the future, be applied to the Navy, the Marine Corps, and the Air Force?

Mr. STENNIS. Yes; that is correct.

Mr. SPONG. And also, under the language of the bill, the bonus can be as much as $6,000?

Mr. STENNIS. That is right. That is the system that we are initiating now.

Mr. SPONG. But, based on the report with the bill, and upon the testimony of Mr. Kelley, the initial, first year application will be for Army combat volunteers only?

Mr. STENNIS. That is correct, and I am sure that that is binding on them—and the administration will carry out its promise—even should they want to change their minds.

Mr. KENNEDY. Mr. President, I would like to perhaps get the floor in my own right.

Mr. STENNIS. Very well. I yield the floor.

Mr. KENNEDY. Mr. President, the reasons and justifications have been indicated in the report, on page 593, in responses to questions which were asked the Secretary. He indicated why these combat bonuses were to be made available, and then says:

> In summary, in addition to attracting new accessions, the bonus will be used as an incentive for members already in the Army combat arms to extend their period of service, and as an incentive for members of other arms of the Army to transfer to the combat arms should this be in the best interests of the service.

The real interest is to provide a sweetener to get a sufficient number of people who will enlist in the combat arms. I call that a bounty; you can call it whatever you want to, but it is quite clear that this is what it is.

Mr. President, I first of all commend the distinguished chairman of the committee for the efforts he has made and the attention he has drawn to the total effort of selective service reform. I doubt whether there will be an issue before us—perhaps our debate on Southeast Asia—which is of so great emotional import to so many of the young people of this country. There is great concern about the whole Selective Service System. There is not a Member of this body who has not met with young people or talked with them in colleges, listened to them, and heard their very fervent pleas about abolishing the draft wholeheartedly and completely, or at least eliminating its defective features.

I know that the chairman has been addressing this problem over a long period of time. His record is quite clear. Not only in recent times, but as early as 1967, when we had this legislation before us. At that time, the bill that came out of the Senate committee, I always felt, was vastly superior to the one that came out of conference; that is why I voted for the committee bill and to reject the conference report. So I have great respect for the chairman's work in this area. But there are various features of the measure now before us about which I have serious concern, and perhaps this is the most worrisome and bothersome feature of the legislation.

Mr. President, I, too, share the concern of the chairman about the importance of the poor young man in our society getting a job. As we know, there are limited opportunities in many respects, due to a declining economy and many other factors which affect and determine whether a young person will obtain employment.

If a young man wants to go into the Armed Forces and soldier and serve his country, I have the greatest respect and admiration for that. But what we are talking about now is inducing young men to go over into the trenches, jungles, and swamps of Southeast Asia. There is a great deal of difference between talking about inducing a person to enter the armed services of our country in times of peace and inducing someone who, for one reason or another, is denied opportunity in our society, and drawing him on into the combat arms in times of war. That is what I reject in terms of this particular feature—a $3,000 bonus that would be sufficiently attractive to attract the poor.

To whom will that appeal? The disadvantaged person—who has been, in our society, the poor. It certainly will not appeal to the middle-income people, nor to the rich people. It will appeal to those who have never seen $6,000, or $3,000 before.

I find that repugnant. I feel that is different from saying to the young person, "It is good to go into the Armed Forces; the life is rugged, and you have to soldier."

Instead, we are asking these young people to go into areas of greatest danger and serve this country for money alone, and I do not believe that to be in line with our best traditions.

Mr. President, the chairman stated quite correctly what this combat bonus is attempting to do: Bring people into the combat arms. Then he reviewed the variable reenlistment bonus. Of course, that is not before us right now. The fact that some highly skilled people receive a variable reenlistment bonus has virtually nothing to do with the issue before us, which is whether we are going to offer a sweetener, a bonus, a bounty to the young people to enlist to fight in the artillery and the infantry.

The other feature of the present reenlistment bonus is the feature which, as the distinguished chairman has stated, is the equivalent of 1 month's pay times the number of years of reenlistment, to go no higher than $2,000 over a career.

What are we offering under this proposed bonus arrangement? The Secretary can go out and offer up to $6,000 to a young man to go over and fight in Vietnam, whereas under the old provision it used to be $2,000 for reenlistment, for a whole career. Certainly that seems to be a rather dramatic and radical departure from our traditional attitudes. You were limited to $2,000 heretofore over a period of a career, whereas if this measure were enacted now you would get a $6,000 bonus. This is what it says in secton 308(a):

> Notwithstanding section 514(a) of title 10 or any other provision of law, a person who enlists in the Army, Navy, Air Force, or Marine Corps for a period of at least three years, or who extends his initial period of active duty in that armed force to a total of at least three years, may, under regulations to be prescribed by the Secretary of Defense, be paid a bonus in an amount prescribed by the Secretary, but not more than $6,000. The bonus may be paid in a lump sum or in equal periodic installments, as determined by the Secretary.

That is the language which will be governing. I will accept the interpretation of Mr. Kelly, who I know is one of the most distinguished, committed, and knowledgeable people in terms of manpower. I would accept what representatives of the Defense Department stated before the committee, in terms of what they planned to do. But the language here states quite clearly:

> Not more than $6,000. The bonus may be paid in a lump sum.

This is the power we are giving to the Secretary of Defense. Can you imagine a situation, Mr. President, where an enlistee, who comes from, perhaps, one of the deprived areas of our country, goes in and enlists and gets $3,000, goes over to Vietnam, he might have $3,000 in his pocket, or perhaps even $6,000, and he is serving right along side a fellow who was drafted?

What does the draftee get? He gets the standard enlisted man's pay. The fellow who is right over next to him in that trench, right beside him, might have either $3,000 or perhaps $4,000 or $5,000. He has gone into the service at the same time, maybe obtained his basic training in the exact same place, and yet, because he has enlisted, he gets this pay for the combat arms. Joe Smith, who was drafted after completion of high school, or perhaps taken out of college when his number comes up is sent to Vietnam, yet they are saying, "Congress cannot give you that bonus."

I think this is highly discriminatory between those two young people. I do not think it adds to the understanding of the young people of this country in terms of its fairness, and I think it runs quite contrary to the traditions which have been enunciated in our induction procedures, certainly, since the time of the Civil War.

In our own Selective Service Act of 1967, section 1(c) provides:

> The Congress further declares that in a free society, the obligations and privileges of serving in the Armed Forces and the Reserve components thereof shall be shared generally in accordance with a system of selection which is fair and just, and which is consistent with the maintenance of an effective national economy.

We have stated that we want a system which is fair and just and as equitable as possible. I cannot see how the system provides equity when on the one hand you are going to have to pay someone a $3,000 to $6,000 bonus and on the other hand you send an inductee over there without that bonus. I think it violates quite clearly the stated purpose of the Selective Service Act. If it violates implicitly this stated policy—which I think is a worthwhile stated policy for selective service—it quite clearly violates section 8 of the 1967 act, which reads:

> No bounty may be paid to induce any person to be inducted into an armed force.

Then it talks about a clothing allowance. By law, it is not a bounty for the purpose of this section. What is $3,000 or $6,000 if it is not a bounty?

Section 8 continues:

> No person liable for training and service under this act may furnish a substitute for that training or service.

That is what this provision is going to do. It is going to provide substitutes, because we will go out into the streets of this country and bring disadvantaged people in; and it will reduce the number of middle income and upper people who would have to be drafted. It is clear to me that it is the equivalent of paying a substitute to serve.

It continues:

> No person liable for training and service under section 4 may escape that training and service or be discharged before the end of his period of training and service by paying money or any other valuable thing as consideration for his release from that training and service or liability therefor.

It is stated quite clearly in the Selective Service Act. Bounties are repugnant to our tradition, especially when we learn the awful lessons of the Civil War, when they were part of the induction process and brought about violence and distress in New York City. Some 500 Americans were killed, and thousands were wounded. The studies and reviews of that period of time show quite clearly that those provisions should be rejected.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield

Mr. COOPER. It is my understanding, from speaking with the Senator from Mississippi and the Senator from Massachusetts, that this is a new program.

Mr. KENNEDY. That is correct.

Mr. COOPER. Which grants certain individuals special funds for enlistment.

Mr. KENNEDY. That is correct.

Mr. COOPER. I shall support the Senator. I voted against the previous amendments because I thought they would create a difference with respect to men serving in the service. I thought it would be unfair as between classes of men in the service. I voted against the amendment offered by the distinguished Senator from Wisconsin (Mr. NELSON) and the amendment offered by the distinguished Senator from California (Mr. TUNNEY). For the same reason and principle, I expect to support the amendment of the Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator. Those are the same reasons why I voted against the amendment of the Senator from Wisconsin and the amendment of the Senator from California. I appreciate the comments of the Senator from Kentucky.

Mr. PELL. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. PELL. Is there not an analogy here with what happened in the North during the Civil War, as the Senator just said—the riots that occurred in New York?

My recollection, from family tradition actually, is that those who were situated fortunately enough were permitted to buy the services of another young man not so well situated and avoid combat. Was that not the real cause of the problems in New York?

Mr. KENNEDY. It was exactly as stated by the Senator from Rhode Island, as he has pointed out, and as pointed out earlier. This situation was well stated in Harper's magazine, and in the Oakes report, which is the definitive report of Civil War draft. It reads:

> Having disposed of the evils of substitution and commutation by recommending personal service for all who are drafted and accepted, General Oakes then recommended that the law be amended to "* * * dispense with government bounties altogether * * * and, instead, to increase the regular pay of the soldier to such an extent as would enable him, with prudence and economy, to support his family or dependents while in the army * * *".

It is quite clear that every selective service or draft law that has been written since the time of the Civil War has stated explicitly or implicitly that no longer would there be bounties or substitutes. As stated in the Civil War, it was a rich man's war and a poor man's fight.

Mr. PELL. Except that I must say that in the South they volunteered, without mercenary reasons, as was the case very often in the North.

Another question: I know that the Senator from Massachusetts has studied the question of a draft more thoroughly than I have. But is there not an analogy here between the French Foreign Legion and what we are proposing? In the French Foreign Legion, the bounty was not an added amount of money. If my recollection is correct, the salary was approximately the same as that in the French Army. But the bounty took the form of a premium of no questions asked when one went to enlist. If one were a criminal, if he were an escaped convict, or anything else, he would be accepted.

So the French Foreign Legion was made up mainly of people who went in for the reason of the bounty, the premium of no questions asked, or who genuinely liked the military life and liked to fight. With the French Foreign Legion, the French for years have been able to engage in operations which French public opinion would not have stood for if their sons had been drafted to engage in the same operations, no matter whether it was to keep the Moors in subjection in the deserts of the Sahara or to carry the load, as they did for years, in Indochina.

The French Foreign Legion did the fighting in the nonpopular wars, and this is exactly what would happen if we created our own American foreign legion. I think the Senator's point is well taken. We are talking about not the creation of a volunteer army but a mercenary army and the development of an American foreign legion.

Mr. KENNEDY. The Senator has raised a point that I am not aware has been discussed heretofore, and that is the ethic of the makeup of the fighting force, which is the American fighting force, and how important it is that it be truly representative of our national life and not be alien to our traditions and history and culture.

This, of course, is what happened in the French situation and is one of the various serious reasons why I have such grave reservations about the volunteer army generally.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. I yield.

Mr. STENNIS. Of course, by what the distinguished Senator from Massachusetts has said, he does not mean to leave the impression that the new plan that is in the bill would permit any kind of substitution, of one man hiring another to go in his place. It has no element of that plan in it at all. Is that not correct?

Mr. KENNEDY. I would say explicitly that that is correct. The greatest objections I have are not for that reason or for the reason stated earlier. But I think that if this provision continues, that will correspondingly reduce the numbers that will be taken by the random selection system. Would the Senator not agree?

Mr. STENNIS. Yes; I think that is correct, except that——

Mr. KENNEDY. In other words, if this is a sufficient inducement to replenish or to make available all the manpower which would be necessary for the combat arms, it would reduce the number that would be taken by a random draft that fell equally on all those who are eligible physically and mentally. It would reduce the number of the middle and upper income individuals taken, I think implicitly, it would be a substitute for those individuals.

Mr. STENNIS. This is purely a voluntary system. No one has to go into this bonus plan. We can assume that those who expect this plan to be greatly expanded are the ones who expect to repeal the Selective Service Act altogether and not have any at all; so that I think this is merely an experiment, it can be tried, and the more men we get qualified and prove to be competent through this bonus plan, the less likely anyone will be drafted for these units. These are the men who will go into these rugged units where more blood is spilled and, therefore, for that additional reason, it makes it less likely, if we have a selective service, that young man X would be drafted for this purpose. So I present it, on my time—I will read from the RECORD here——

Mr. PELL. May I ask a question of the Senator from Mississippi?

Mr. STENNIS. Mr. President, how much time have I remaining?

The PRESIDING OFFICER (Mr. GURNEY). The Senator from Mississippi has 41 minutes remaining.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 18 minutes remaining.

Mr. STENNIS. Mr. President, I yield myself 5 minutes so that I may yield to the Senator from Rhode Island for a question.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. PELL. Mr. President, I was struck with what the Senator from Mississippi just said, that these are more rugged units where most of the blood will be spilled or shed. I think the Senator is absolutely correct; but is it not important that the blood that may be shed be the blood of our children who are the children of the opinion formers of the Nation, the leaders of the Nation, the richer people, the middle class, and the poor, all equally? But if the inducement of a bonus comes along—and sometimes I question the use of that word "bonus"—I question the wisdom of getting a bonus to do what is a civilian's proper duty. But if a bonus will induce young men to go in for financial reasons, then it would seem to me that the blood that will be spilled will be the blood of those who will least affect or change the course of our Government. That is what concerns me.

Mr. STENNIS. I thank the Senator for his views. That is a good question. The most ideal way, it is true, would be to have a broad, universal military service. We passed a bill like that since I came to the Senate, but it did not become law. Another ideal would be to have a purely Selective Service System, but sometimes we have to try other policies to get men for some more rugged jobs. I support the idea of at least trying to get some rugged men in voluntarily for that purpose.

Now, Mr. President, let me quote from page 63 of the hearings before the Armed Services Committee, the testimony of the Honorable Roger T. Kelley, Assistant Secretary of Defense for Manpower and Reserve Affairs, where he stated:

> On a test basis, we would propose to pay a bonus of $3,000 to those who enlist for at least 3 years in the Army combat skills as follows:
>
> $1,000 when qualified through combat skills training.
>
> $1,000 each after the first and second year, if still qualified.
>
> It is contemplated that a higher bonus payment would be made for longer terms of enlistment, up to 6 years. Of course, the longer term enlistee represents a lower cost training investment to the services.

Mr. President, it is on the basis of that statement and the limitation of this money under that specific purpose that this item of money was put into the bill, and I quoted that part of the testimony so that it will be a part of this record of debate.

Let me emphatically state that I supported it on that basis, and on that basis alone, and that is the basis I recommended to the committee: that we include the amount based on his testimony and the limitations it carries.

I reiterate, I say that with great emphasis.

If the plan should prove successful, I would expect it to be expanded. It might be applied to the other services. Perhaps it would, if we do not renew the Selective Service Act. Frankly, I look upon this as an experiment, solely.

Mr. KENNEDY. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. KENNEDY. The Senator has talked about the ruggedness of our various combat arms. I am quite prepared to accept that as a fair description of those who serve their country and who have served it gallantly in Southeast Asia. But that would also include the Marines. As the Senator knows, they have important responsibilities in the I Corps in Vietnam and other parts of that country. I can see a Marine regiment, or a company, on patrol, going one way, and they get the enlisted man's rate of pay, and here we will have those who have enlisted in the Army combat arms getting a bonus of $3,000 or $4,000 in their pockets.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. STENNIS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 additional minutes.

Mr. STENNIS. I yield further to the Senator from Massachusetts.

Mr. KENNEDY. I wonder whether or not that situation distresses my good friend from Mississippi.

Mr. STENNIS. Well, Senator, this is a 1-year experiment. I told them that if they really got into this and moved things forward, they would have to offer this to the Marines, or to any other comparable group, and that I would expect nothing else, and would insist on it. Certainly the Senator's logic is correct but now the Marines are getting their men and filling their ranks, but still about one-third show that they were partly drafted—motivated.

Mr. KENNEDY. That is right.

Mr. STENNIS. So, if we do not renew the act, it is a new start all the way through. I am willing to have this experiment proceed.

Mr. KENNEDY. I follow the Senator's argument in terms of extension of the act, but this provision—and, Mr. President, I yield on my time, if the Senator will yield on my time, rather than his, without losing his right to the floor—but speaking in terms of the Marines, they have suffered enormous casualties yet they would not receive the bonus. This reaches to the question of equity which I know must concern the Senator from Mississippi as it does me.

Mr. STENNIS. The Senator is correct. This is for the Army alone. This money we are talking about would not apply to the Marines. I have taken that up with them, and they understand that. If it proves to be any degree of a success, or of any duration, why it will have to apply broadly, in my opinion.

We have other special pays—the submariners pay, for instance. It is not a bonus. It is written in as part of their salary. It is paid because being a submariner is a special duty. There is not only a hazard, but it also involves a long duration of time at sea and living under adverse conditions. We have a number of others. We know that we pay our doctors special pay as part of their salary. That applies also to dentists.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. KENNEDY. Mr. President, does that not apply whether one is a submariner in the combat zone in Southeast Asia or in the North Atlantic?

If the chairman were to provide a bonus for all infantry men as they are taken in—enlisted or otherwise—for combat or otherwise, then I think we would have an entirely different kind of question here. However, this determines who will actually do the fighting.

Mr. STENNIS. Mr. President, I believe that we have about exhausted the subject here. There is a slight difference of opinion about the matter. We have this hostile-fire pay provision in the law. We are paying everyone, as we have said in the other debate, that is in Vietnam because of the hostilities that are so varied and extensive, hostile-fire pay. That is also true along the demilitarized zone in Korea where there has been scarcely a shot fired in anger in nearly 20 years. However, we apply it there because it is hazardous duty.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the floor.

Mr. BYRD of Virginia. Mr. President, will the Senator yield me 3 minutes?

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. BYRD of Virginia. Mr. President, the distinguished Senator from Massachusetts has made a very persuasive and, I feel, compelling argument in behalf of the amendment he has offered.

When the Army first presented this proposal to the Committee on Armed Services, I found that I did not like its approach. It seems to me that it is not a sound policy. It is a principle that I do not like.

I subscribe to most of the arguments made by the distinguished senior Senator from Massachusetts. I feel that he has outlined the reasons against the proposal with great thoroughness. I support the amendment of the Senator from Massachusetts.

I do not believe that it is desirable to establish this principle of giving a special bounty to certain servicemen if they will sign on the dotted line to undertake to go into combat assignments.

As I understand it, this is over and above any combat pay that all servicemen in combat zones are now receiving. It is entirely separate from that. It is a bonus for signing on the dotted line to get into the service for a particular combat assignment or assignments.

Mr. President, I support the amendment offered by the distinguished senior Senator from Massachusetts.

I want to point out that this is one of the few times I have found myself in disagreement with the outstanding chairman of the Senate Committee on Armed Services. Not only is the distinguished Senator from Mississippi an outstanding Senator, but he is also an outstanding chairman. I am proud to serve under his leadership. In this particular matter we happen to be in disagreement. But for the most part we work side by side and for the most part we vote almost always the same way.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I yield 1 additional minute to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for an additional minute.

Mr. BYRD of Virginia. Mr. President, on this particular amendment it seems to me that the arguments made by the distinguished Senator from Massachusetts are sound arguments. I shall cast my vote in favor of the Kennedy amendment.

Mr. STENNIS. Mr. President, on my time, I want to say to the Senator from Virginia that I fully appreciate his position. The Senator from Virginia discussed this at the conference table when we were writing up the bill. I appreciate what he said. For the most part he and I are together. And that most part is a big most, too. I appreciate the fine work the Senator does.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I yield 4 minutes to the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 4 minutes.

Mr. DOMINICK. Mr. President, I thank the Senator from Mississippi. Since the Senator has been speaking with such a great number of Senators on the floor listening to the debate, I thought that it would be fair to even it up and make it 2 to 2.

I am against the Kennedy amendment because I am for a volunteer Army. I understand that the Senator from Massachusetts is not for a volunteer army. He has so expressed himself.

Mr. President, it seems to me that we must have the necessary incentives so that we can get the required force necessary for the defense of our country.

Every single witness who appeared before the committee, whether it was a member of the Joint Chiefs of Staff or the Secretary of Defense or anyone else, said over and over again that the problem they had in trying to get people to reenlist were complicated, particularly in the areas of armor, tank, or combat infantry.

They also said that in order to get people into the military to serve in a form of life which, generally speaking, is of tremendous importance to this country—this country being civilian oriented in nature—we must have the incentives to make the service at least the equivalent of other jobs in outside industry.

I cannot for the life of me see how we will progress toward getting a volunteer army put together unless we give broad pay incentives and the reenlistment bonus.

Another of the problems we have had with respect to the military—and I think we all know that about 54 percent of the total defense budget is military pay—is that part of this military pay is involved in retraining people as new people come in all the time. Draftees go out and enlisted people do not see the opportunities, the pay raises, the housing allowances, and other things ahead, and they do not reenlist. Unless we can give these incentives, we will have to continue this escalating cost to provide retraining for the forces we need for the defense of the country.

Why do we need them for the defense of the country? That is a good question. It is not the military that is asking for this. It is because of the commitments that have been made by civilians, by either members of the Foreign Relations Committee of the Senate or the Foreign Affairs Committee of the House or by the Armed Services Committee or by civilians in the Defense Department, or whatever it may be. We are asking for the money in order to fulfill the necessary requirements to meet these commitments of these services.

If we get an all-volunteer army of the size and sufficiency to do the job and the assignment, it seems to me that we must keep our pay scale up and must keep the continuity of service. The best way to keep that continuity of service is by continuing to have these reenlistment bonuses.

As I said, we have extraordinary, actual figures on the amount of people dropping out. We have a problem with the lower grade officers and in the lower field grades and with the enlisted men at the sergeant level and at the corporal level. We have had problems in every facet of the military in trying to get them to make this a career structure.

Unless we do make it a career structure we are going to lose the continuity and the expertise under which they have been trained, and we will not have the ability to move to a volunteer army as rapidly as I would like.

Mr. STENNIS. Mr. President, I thank the Senator for his kind statements.

Mr. President, how much time do I have remaining on the amendment?

The PRESIDING OFFICER (Mr. FANNIN). The Senator has 27 minutes remaining. The Senator from Massachusetts has 13 minutes remaining.

Mr. STENNIS. Mr. President, I yield myself 10 minutes, or so much time as I may require.

The PRESIDING OFFICER. The Senator is recognized.

Mr. STENNIS. Mr. President, as I said in the beginning, this amendment is directly related to an amendment that is coming up tomorrow, and I wish to address some remarks to it because it is relevant to this debate.

I speak now to that part of the modified amendment No. 76, offered by the Senator from Pennsylvania, which encompasses the so-called Hughes amendment, or the pay portion of modified amendment No. 76.

As the Senate knows, the amendment as modified is now divided into two portions. The first is the pay portion which would restore the House pay provisions for an additional annual cost of $1.7 billion over the committee version of approximately $1 billion. The second portion of the amendment which will be voted on next week is the amendment of Senator SCHWEIKER which would extend the induction authority for only 1 year—that is, until July 1, 1972.

RELATIONSHIP OF PAY PORTION TO 1-YEAR EXTENSION

Mr. President, this amendment as modified, which increases pay by $1.7 billion and reduces induction authority to 1 year, goes to the heart of this entire bill.

Despite all the various arguments the basic thrust of amendment No. 76 is that if we increase the pay by the extra $1.7 billion then a 1-year induction authority will be a sufficient period of time for the draft to remain in effect. The basic contention is that beginning July 1, 1972 the Armed Forces of the United States will be in a position to rely on volunteers for meeting their manpower needs.

Personally I have grave doubts that this country can have an all-volunteer force even at the end of 2 years. I recognize, however, that this is the period requested by the executive branch and is the maximum which would be approved by the Congress at this time.

I shall discuss separately the issue of the 1-year extension which poses a real threat to all elements of our national defense, including our strategic forces which protect the continental United States.

Mr. President, I wish to refer to the fact that this $40 million that would be stricken from the bill by the Senator from Massachusetts is a budgeted item. It was requested in the budget. It has a place in the administration plan for trying to meet this problem.

The amount in the Hughes amendment for this additional $1.7 billion is not in the budget. It is over and beyond the request of the President. It is over and beyond the amount recommended by the Department of Defense and, of course, by the Bureau of the Budget. I think that should be brought out now.

If the authority for this so-called bonus is knocked out of this bill it is going to be used as an argument to put in the $1.7 billion that the committee did not recommend. The main reason I bring it up now, is to show it is a part of the picture.

Senators will recall we have in our bill in round figures about $1 billion. That amount is to go to increase the pay of these so-called lower grades, a man who has just been inducted into the service; the lower four grades, I believe it is, and some additional allowances. I think most of that is deserved and properly provided for, regardless of whether we have the volunteer system or continue the Selective Service system. Therefore, I can very enthusiastically support it.

Frankly, most of this $1.7 billion I would not support on its merits. I am totally opposed to it now, but a great part of it I would not support on its merits because I think we should go slower on this volunteer matter; but in this small amount here for the bonus, with limited application to these tough situations, we might see what kind of result can be had.

In the last analysis, the President, the administration, and the Secretary of Defense finally reached the point they would not recommend over $1 billion, including this $40 million we have been debating.

I warn Senators now that my position tomorrow with respect to the $1.7 billion will be the committee position. My position now is to keep this $40 million in the bill for the reasons already assigned. But now we have an additional reason. Just as certain as we knock it out, if the Senate takes it out, it will be an argument to put in the $1.7 billion tomorrow because some will argue that is necessary for the so-called volunteer Army and it must move first.

I call that to the special attention of the Senate and I believe that is a major point that should be considered. To that extent I want to present this issue as a 2-point package.

We have a reasonable amount of money in here for the increase of these lower grades plus certain other advantages for them. We have a small amount in here for the bonuses. The budget is already unbalanced, incidentally, by several billion dollars. I respectfully submit that we should put that money in, kill the Hughes amendment when it does come up, and keep out the extra money but keep this relatively small amount in the bill.

Mr. President, I allotted myself 10 minutes but I have not used it all. I do not wish to yield back the unused time.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 13 minutes remaining and the Senator from Mississippi has 16 minutes remaining.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum, with the time to be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, as I understand, the time between us is approximately 4½ minutes for myself and approximately 9½ minutes for the Senator from Mississippi. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. With the permission of the Senator from Mississippi, I ask unanimous consent that the remaining 14 minutes be evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I thank the distinguished Senator from Massachusetts. I rise in support of the amendment which he has offered.

Never before in the history of this Nation have the people been more divided over the issue of war as they currently are over the war in Southeast Asia. If there is anything the American people are together on concerning this dreadful war, it is that we should get out at the earliest possible date. On this I fully agree and feel that it can be best accomplished by establishing a date certain for terminating our military involvement in Southeast Asia. Then and only then, I believe, will the many moral and legal questions raised about the war and the draft cease to be matters which presently cause severe strains on the physical, psychological, and financial resources of the American people.

Mr. President, one of the greatest moral issues raised to date on the issue of the war and draft definitely concerns the amendment now pending before this body. As I understand it, the amendment if agreed to would strike from the committee bill section 203 which authorizes the Secretary of Defense to pay a young man up to $6,000 to enlist in a combat division of our Armed Forces.

This provision is, in my opinion unwarranted and unjustifiable. Why, of all things, should a young man be enticed by military "bounty" to defend or protect the interests of this country? What does this say about America?

I find it difficult to believe that this provision has been included in H.R. 6531 at the request of the administration as part of its move toward an all-volunteer army. As it stands the provision is inconsistent with the position of the Marshall Commission, which stated that:

> The method for selecting men for the Armed Services should insure that the final product is as consistent as possible with human dignity, individual liberty, fairness to all citizens, and the other principles and traditions of a free and democratic society.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. HARRIS. Can the Senator yield me 1 additional minute?

Mr. KENNEDY. I yield the Senator 1 more minute.

Mr. HARRIS. Since those individuals from lower income families seemingly would be more attracted to the increased pay than would those from middle or upper-income families, does this mean then that future American wars will be fought principally by the sons of postmen, policemen, and laborers, with the sons of lawyers and doctors exempted?

These, it seems to me, are very serious questions and merit considerable thought before decisions are made which are likely to enhance such possibilities.

It is my belief that when this Nation is sending young men to fight and possibly die in Southeast Asia, or any other American war, the concept of volunteerism, particularly one based primarily on pay as an enticement, raises serious questions about the extent to which social justice is accorded poor and minority group citizens who, under such a system, more than likely will bear the burden during the war.

I know that some dispute the argument that the sons of poor families would be most attracted to volunteer combat duty for which increased pay incentives to enlistees are provided. I ask; however, who among the advocates of this volunteer combat concept have demonstrated the extent of the proposed higher pay inducement for young men from middle and upper-income backgrounds? Again I dare say that poor people and minorities—blacks, American Indians, Chicanos—who have less opportunity for higher education and better jobs will be among those who find the volunteer Army more attractive, particularly as a means for improving their family income status.

For these reasons I support the pending amendment offered by the distinguished Senator from Massachusetts and urge its adoption by the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, this amendment would take away from the Defense Department one of its primary incentives needed to maintain an adequate military force in a peacetime environment.

The Senate Armed Services Committee felt that the enlistment bonus would give the Secretary of Defense a flexible bonus authority necessary for obtaining the minimum numbers of men needed in the combat arms.

There is a critical shortage of volunteers for the Army combat skills—infantry, artillery, and armor. Combat arms volunteers account for only 4 percent of the total Army accession requirements.

This approach to filling extra hazardous military occupations is not new in that paratroopers presently receive what is known as "jump pay."

In testimony before the Senate Armed Services Committee, Assistant Secretary of Defense, Roger Kelley said the Army proposed to pay a bonus of $3,000 for a 3-year enlistment. The idea is to pay $1,000 when the soldier attains qualification in his combat skill specialty. This would be followed by payment of $1,000 at the end of second and third year if still qualified.

Further, a re-enlistment bonus is used to help keep men in service who are in critical occupation specialities. This bonus has been most effectively used in maintaining our military strength.

Mr. President, the advocates of this amendment argue that it will result in the poor and disadvantaged filling the combat speciality occupations in the Army. Such may be the case, but only a test of this type bonus will produce the necessary information for future judgements on this subject.

Although I am not sold on the volunteer armed forces I am supporting the enlistment bonus and other steps to make military service more appealing. We must have a test of these incentives in order to make future decisions.

Mr. President, without the enlistment bonus the Army could not get to first base in maintaining even a minimum number of men in the combat specialities. Therefore, I urge this amendment be defeated.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. STENNIS. I yield myself whatever time I have remaining.

Mr. President, I want to warn the Senate again that another amendment will be voted on tomorrow that will propose to put in the bill $1.7 billion in addition to what we have recommended, $1 billion. That will be an additional $1.7 billion; and if that is adopted tomorrow, that will make the total increases for the 13-month period ending January 2, 1972, $5.1 billion.

If this $40 million is knocked out by this amendment, the fact that it is not in the bill will be used tomorrow to sustain putting in $1.7 billion. I warn the Senate now that that is what I think will be the argument. The $1.7 billion that will be in the amendment tomorrow is money that is not in the budget and is not recommended by the Department of Defense.

Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, objection has been made here to the so-called bonus plan. This is a new bonus plan, but we already have two bonus plans currently running. For 8 or 10 years now, we have had two reenlistment bonus plans, whereby we keep in the services men whom we would not otherwise keep, and therefore fewer have to be drafted—that is just common sense—and utilize the training they already have had at the Government's expense, and save the amount that would be required to train more men.

This is a third plan. No one has to join this plan. No one has to accept this bonus. He is not being made to go into an infantry unit. It is purely a voluntary matter with him. It is going to be on a relatively small basis, limited to 1 year, for the Army only, in combat units—artillery, armor, and infantry, the men who carry the rifles.

So this is a part now of the so-called volunteer army. Those who want the volunteer army would certainly not knock in the head one of the kingpins that is supposed to hold it up. I am not supporting the volunteer army in its whole concept, because I am not convinced; but I am to the extent of the $40 million, and I believe that it will wind up being used to get specialty units, so-called elite units. These would be fine soldiers, fine men, like the airborne units, the Green Berets of the Army, and others of that type. That is my opinion.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, this is the first time that this country has engaged in a bonus kind of operation for enlistees since the Civil War. The last time we attempted that we had the riots in New York in which 500 Americans were killed and thousands were wounded.

This is an enlistment bonus for the combat arms; and if we accept this proposal in the Selective Service Act, we can very well have the following situation: Someone goes down to the recruiter's office and volunteers for the U.S. Army, for the combat arms, and then goes to Vietnam and serves alongside a draftee. The fellow who volunteers for the combat divisions will be going around with anywhere from $3,000 to $6,000 in his pocket, and the draftee will be going around with an ordinary enlisted man's pay. This is categorically unfair. That is the result of this amendment.

Meanwhile, the marine is not eligible for this bonus. The marine who volunteers for the U.S. Marine Corps will not receive the bonus. The airmen who have been fighting over Vietnam will not receive the bonus. The U.S. Navy will not receive the bonus.

This is a bonus provision which is alien to our traditions. One can look through the Selective Service Acts and he will find time and time again where we say that a bonus is not something which is within our tradition. There is no room for it.

I say, finally, in terms of the reenlistment bonuses that exist now, that reenlistment bonuses are of two types, and in the type even for reenlistment in combat arms now there is a $2,000 ceiling. Yet, we are offering a reenlistment bonus of $6,000 to the person who volunteers for the U.S. Army, for the combat divisions. It is $2,000 now, over a career.

The other kind of reenlistment bonus is the variable reenlistment bonus, which is for highly trained skills, which is not applicable to the consideration before the Senate.

Mr. STENNIS. Mr. President, will the Senator yield briefly?

Mr. KENNEDY. I yield.

Mr. STENNIS. It does apply to a draftee who might see fit to extend. Is that not correct?

Mr. KENNEDY. That is correct, but only if he extends an additional period of time and only if he goes on into the combat arms. The concept of a bounty was rejected at the time of the Civil War. I am delighted that the Senator from Oregon (Mr. Hatfield) supports this amendment. It even violates the sense of fair play and decency of volunteer army advocates. I am delighted that he has joined with me on this amendment.

The PRESIDING OFFICER (Mr. Fannin). All time on the amendment has now expired.

The question is on agreeing to the amendment of the Senator from Massachusetts (Mr. Kennedy).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Bible), the Senator from Idaho (Mr. Church), the Senator from Indiana (Mr. Hartke), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Alabama (Mr. Allen), the Senator from Michigan (Mr. Hart), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from Louisiana (Mr. Long), the Senator from Montana (Mr. Metcalf), the Senator from Utah (Mr. Moss), and the Senator from Missouri (Mr. Symington) are absent on official business.

On this vote, the Senator from Indiana (Mr. Bayh) is paired with the Senator from Colorado (Mr. Allott).

If present and voting, the Senator from Indiana would vote "yea" and the Senator from Colorado would vote "nay."

I further announce that, if present and voting, the Senator from Michigan (Mr. Hart), and the Senator from Missouri (Mr. Symington) would each vote "yea."

I further announce that, if present and voting, the Senator from South Dakota (Mr. McGovern), and the Senator from Washington (Mr. Jackson) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Oklahoma (Mr. Bellmon), the Senator from Hawaii (Mr. Fong), the Senator from Wyoming (Mr. Hansen), the Senator from Iowa (Mr. Miller), and the Senator from Ohio (Mr. Taft) are necessarily absent.

The Senator from Utah (Mr. Bennett) is absent on official business.

The Senator from New York (Mr. Javits) is absent by leave of the Senate on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. Mundt) and the Senator from Ohio (Mr. Taft) would each vote "nay."

On this vote, the Senator from Colorado (Mr. Allott) is paired with the Senator from Indiana (Mr. Bayh). If present and voting, the Senator from Colorado would vote "nay" and the Senator from Indiana would vote "yea."

The result was announced—yeas 25, nays 49, as follows:

[No. 76 Leg.]

YEAS—25

Bentsen
Burdick
Byrd, Va.
Chiles
Cooper
Eagleton
Ellender
Ervin
Fulbright
Gravel
Harris
Hatfield
Hughes
Humphrey
Kennedy
Mansfield
Mondale
Muskie
Nelson
Packwood
Pell
Ribicoff
Saxbe
Spong
Talmadge

NAYS—49

Aiken
Baker
Beall
Boggs
Brock
Brooke
Buckley
Byrd, W. Va.
Cannon
Case
Cook
Cotton
Cranston
Curtis
Dole
Dominick
Eastland
Fannin
Gambrell
Goldwater
Griffin
Gurney
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Magnuson
Mathias
McClellan
Montoya
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Roth
Schweiker
Scott
Smith
Stennis
Stevens
Stevenson
Thurmond
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—26

Allen
Allott
Anderson
Bayh
Bellmon
Bennett
Bible
Church
Fong
Hansen
Hart
Hartke
Inouye
Jackson
Javits
Long
McGee
McGovern
McIntyre
Metcalf
Miller
Moss
Mundt
Sparkman
Symington
Taft

So Mr. Kennedy's amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, that is the last amendment to the bill to be voted on today. I do not know of any minor amendments that anyone wants to take up now. Tomorrow we will have two important votes.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate, and will the Chair ask us to be seated?

The PRESIDING OFFICER. The Senate will be in order and Senators will be seated.

TOUR FOR REPRESENTATIVES OF COMMUNIST BLOC COUNTRIES

Mr. BYRD of Virginia. Mr. President, I invite the attention of the Senate to a column published in the Chicago Tribune today, written by Willard Edwards. The column, which appears on the editorial page of that newspaper, deals with a conference the Department of Defense arranged for 43 military and naval attachés of foreign nations to come to this country and to be briefed on our defense operations.

It is of great significance, I think, that included among these military officers who were invited at taxpayer expense to come to the United States under the auspices of our Department of Defense are military officers from Russia, Bulgaria, Poland, and Yugoslavia.

The distinguished senior Senator from New Mexico (Mr. Anderson), when he noted this list of officers attending this conference, expressed a sense of shock and disbelief that the Communist bloc of military attachés would be provided with intimate knowledge of our defenses in the Pacific.

Mr. President, I want to express on the floor of the Senate today shock and disbelief that the Department of Defense would bring here at the expense of taxpayers military officials from Communist bloc countries, including the Soviet Union.

The column by Mr. Willard Edwards quotes a letter from the senior Senator from New Mexico (Mr. Anderson), which was written to the Secretary of Defense asking him to furnish certain information. I will read one paragraph from Senator Anderson's letter:

> Is the purpose of encouraging reciprocal attache tours to promote friendship and good with the Soviet armed forces or to exchange military information? If the latter, how is this expected to work to the net advantage of the United States?

I hope the Secretary of Defense will reply to that letter and present to the Senator from New Mexico, and hopefully to the Senate full information regarding this project. It seems to me that at a time when the taxpayers are spending many billions of dollars to cope with the Russian threat it seems unusual, to say the least, that military officers from Communist-bloc countries would be invited here by the Department of Defense, and at taxpayers' expense, and be given briefings in regard to our military operations.

Mr. President, I ask unanimous consent to have printed in the Record the article entitled "Senator Questions Tour for Reds," written by Willard Edwards, published in the Chicago Tribune today.

There being no objection, the article was ordered to be printed in the Record, as follows:

SENATOR QUESTIONS TOUR FOR REDS

(By Willard Edwards)

WASHINGTON, May 24—The junket for 43 military and naval attaches of foreign nations appeared, at first glance, to be merely another project fostered by the bureaucracy in the name of international good relations.

The guests would spend two weeks enjoying Navy hospitality. They would be flown by Navy aircraft from Washington to California and then on to Hawaii, where they would inspect a nuclear powered submarine and be briefed on antisubmarine warfare methods.

Quartered thruout in luxurious hotels, they would, on return to California, spend a day at Disneyland and wind up with two glorious days inspecting the fleshpots in Las Vegas, all at American taxpayers' expense.

This expedition came up for discussion at a closed Senate committee hearing. Scanning the guest list, Sen. Clinton P. Anderson [D., N. M.] noted that military and naval attaches from Russia, Bulgaria, Poland and Yugoslavia were included.

Highly perturbed, Anderson dashed off a letter to Defense Secretary Melvin R. Laird. He expressed his "sense of shock and disbelief" that Communist Bloc military attaches would be provided intimate knowledge of our defenses in the Pacific "against the Soviet submarine force."

"I am certain," Anderson wrote Laird, "that you will recall the painful lessons of the Wennerstrom espionage scandal of 1962 in which a Swedish air attache was able to supply the Russians with a steady flow of sensitive United States military information, gained thru his contacts with friendly American military men."

Back came an answer from Navy Secretary John H. Chafee. The Soviet attaches had been invited, he explained, in the hope that their countries in return would permit American naval attaches to receive reciprocal treatment.

However, upon reconsideration, the tour of the nuclear submarine had been canceled. The briefings on antisubmarine warfare would disclose nothing of "military intelligence value."

Anderson's next letter to Laird recalled that he had asked Laird to give the matter his personal attention but that, as usual in such cases, his complaint had been forwarded for answer to the officer responsible for creating the problem "who would tend to present the situation in a favorable light."

He was gratified, he said, that the inspection of the nuclear submarine had been canceled, "but disturbing aspects remain."

Chafee, while repeatedly asserting that "nothing of military intelligence value briefings would center on "the problem of antisubmarine warfare."

"Since the U. S. Navy's 'problem' is the growing Soviet submarine fleet," Anderson wrote, "I can only conclude that the Navy is undertaking to brief the Soviet naval attache on his own country's submarine force in the Pacific.

"Am I to conclude that it is hoped, in return, that the Soviets will brief our naval attache on their antisubmarine problem, namely our submarine force?"

Anderson demanded that Laird furnish him figures on the total cost of the tour, which by this time had been concluded. He also asked what specific information was given the Soviet attaches in briefings and fired this final question:

"Is the purpose of encouraging reciprocal attache tours to promote friendship and good will with the Soviet armed forces or to exchange military information? If the latter, how is this expected to work to the net advantage of the United States?"

These were obviously tough questions to answer. A month has passed without an answer from Laird.

CONCERN FOR DISRESPECT BEING SHOWN MEMBERS OF OUR ARMED SERVICES

Mr. BYRD of Virginia. Mr. President, for some time now I have been deeply concerned as to what is happening to the armed services of the United States.

The ridicule of an unpopular war has caused a disrespect for the men who are called on by their country to fight that war. Speeches and demonstrations against the Vietnam involvement have inevitably been construed as speeches and demonstrations against all men who wear the uniform of their country.

These critical speeches and demonstrations coupled with the now popular indiscriminate attack upon the "Pentagon" has taken its toll. Not only is the morale of conscripted soldiers at one of its slowest points in history, but professional soldiers, sailors, airmen, and marines are increasingly more skeptical as to whether their sacrifices are appreciated as they once were by a grateful nation and its citizens.

In a day and age when some young soldiers are tried for carrying out orders, and others are excused for disobeying orders, how long can the discipline necessary to produce an effective defense force be maintained?

I feel that our national defense posture has been seriously weakened.

A recent article by Hugh A. Mulligan, Associated Press staff writer, captioned "Men at Arms: The Changing Breed," dramatizes the problem and confirms my own independent findings.

I know Hugh Mulligan personally. He is a highly experienced and highly competent reporter. He reports of widespread use of drugs, racial problems, and deteriorating discipline in our armed services in Vietnam and in Europe which have far-reaching implications in our national defense posture. Too many servicemen are confused, drug addicted, and lacking in respect for constituted authority.

Men have always been the backbone of every military establishment. Able leadership and discipline have been the ingredients that have molded those men into a team effort capable of achieving success.

Today the leaders of our armed services at all levels of command are under attack both from within and from without the services. Much of this criticism is unjustified.

But some of these leaders, I feel, are contributing to the deterioration of discipline by ignoring the willful disobedience of orders and by failure to establish and maintain the necessary high standards that have always been the hallmark of the U.S. fighting men.

Discipline has been relaxed, or is being relaxed, in an effort to make the services more attractive to young people. I am not impressed with such reasoning.

Nor am I pleased with the Army's new recruiting slogans such as "The Army Wants to Join You," or the one that implies join the Army and get a free vacation in Europe. What kind of advertising campaign is that? The Senator from Rhode Island (Mr. PASTORE) commented on that on the floor of the Senate in debate last week.

But I do want to compliment the Marine Corps and its Commandant Gen. Leonard F. Chapman, Jr., who has refused to lower the standards of the corps or to relax discipline. He recruits with the slogan "We're looking for a few good men." He does not imply a soft life.

I feel very strongly that military discipline must be maintained.

I am not against change, and some changes may be necessary in our armed services, but, with our national security at stake, I urge caution as to the swiftness with which these innovations are adopted.

And most certainly I reject the concept of lowered standards and relaxed discipline in an effort to achieved popularity for military life.

I urge each of my colleagues to read Hugh Mulligan's article if they have not already done so.

I ask unanimous consent that the text of the article by Hugh A. Mulligan, published in the May 23 edition of the Roanoke, Va., Times, be included at this point in the RECORD.

I ask unanimous consent, too, that an article on military morale by Col. Robert R. Heinl, Jr., USMC retired, military analyst for the North American Newspaper Alliance, as published in the Norfolk, Va., Pilot of May 23, be included at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MEN AT ARMS: THE CHANGING BREED

(By Hugh A. Mulligan)

A U.S. general in Vietnam, one star, sleeps with a machine gun under his bed. His night defense posture has nothing to do with the enemy. "I don't trust my guards," he confided one night over dinner. He had good reason not to: in his unit two men have been killed and 17 wounded in "fragging" incidents.

Fragging is rolling a fragmentation grenade under the bunk of an unpopular officer or NCO—noncommissioned officer—or otherwise committing violence against the military establishment. Popping a tear gas canister outside the hooch—living quarters—is considered a warning. In 1970, according to Pentagon figures, there were 209 fragging incidents in Vietnam; twice as many as in 1969.

In the Gulf of Tonkin, the senior medical officer on the aircraft carrier Kitty Hawk has ordered the morphine styrettes removed from the dashboards of the planes bombing Laos. "The junkies on board were stealing them before the pilots got off the catapult," explained Cmdr. Ronald K. Ohslund of San Diego, Calif. "We had a kid land last week with an arm blown off, and no morphine."

Such cases, a long journey through the military establishment showed, typify many things that plague the services today. The problems—drugs, race, discipline—mirror the society from which the military is recruited and they receive a special twist from the special conditions under which troops operate.

But just as the conflicts and tensions of American society at large have scarcely brought it to collapse, so the military, too, lives with its troubles, improvises, chalks up losses and gains—and the work, by and large, gets done.

If many career men are bemused and distressed by the changes in their own world, there are also voices who see them as a challenge which adroit leadership can surmount. "The Army isn't going to hell just because kids wear their hair long," one battle-tested commander in Germany put it.

For a year now, the armed forces have been scuttling some time-honored traditions to introduce a new flexibility, to remove some irritants of military life, to stress human relations, grant more amenities, show greater solicitude for individuality.

Adjustment to the spirit of the times takes various forms. The Army projects no more KP and no more Saturday duty. Beer in the barracks, longish hair, polite drill instructors, courses in racial understanding, efforts to combat racial discrimination in off-post housing, more passes, more shore leave—all are part of the services' effort.

Even the Marines, whose training will be as tough as ever, speak of modern barracks, new clubs and recreational facilities "to add comfort and dignity to the demands of professionalism and readiness."

Where all this will lead to remains to be seen. Meantime signs of strain are visible enough.

Capt. Carl D. McFerren II, with the 1st Infantry Division in Germany, spent four years at The Citadel and one tour as a platoon leader in the jungles west of Saigon achieving his boyhood dream of leading a rifle company.

The son of a colonel, he had always wanted to be a soldier. Now, like many professionals, he wonders "if it was all worthwhile." Instead of soldiering, he spends 80 per cent of his time dealing with problems of drug abuse, racial tension and outright refusal to obey orders.

"Nothing that went before prepared me for any of this," said the captain, seated at his desk in the company orderly room at Sheridan Barracks in Augsburg. "My first two years in the Army I never saw a 212—undesirable discharge. We've had three in the past six months three more are pending. Till I got here, I never saw a court-martial. We've had two men court-martialed, and two resign in lieu of a court-martial. "When I was The Citadel," he said, "I used to think when you told a company to fall in, the men would stand at attention. We just don't have that kind of Army anymore."

How does the career man, the professional, feel about his life work now, after My Lai and Calley? After the PX scandals and master sergeants Mafia? Can the center hold on discipline, on motivation while the anti-Vietnam veterans march for pullout and the White House winds down the war by official fiat? Are sideburns and psychedelic barracks and other innovations brought about by Adm. Elmo Zumwalt's Z-grams and Gen. William C. Westmoreland's new A.R.'s—Army Regulations—an answer to the draft or another threat to authority?

The shadow falling across the parade grounds has seldom been darker, more ominous. Drugs, racial conflict, eroding discipline, declining public confidence in the military profession are major problems of all the services. Old soldier Matthew Ridgway felt the chill in a recent address to the West Point Society of Western Pennsylvania: "Not in my lifetime—and I was born into the Army in the 19th century—has the Army's public image suffered so many grievous blows and fallen to such low esteem in such wide areas of our society."

In an interview in his Pentagon office, Gen. Westmoreland, the Army chief of staff, agreed that drugs, race, discipline and declining public image were major problems of modern military life. He attributed them, in part, to the "unpopularity of the war in Vietnam" and the major problem of trying to wind down a war while it was still going on.

"It is certainly not surprising we have these problems," the general said, "because the Army is a reflection of our society. The ills of our society inevitably overlap into our ranks."

Agreeing that the image of the military had reached "a low ebb," Westmoreland doubted that an all-volunteer fighting force could come about without a change in the attitude of the public toward the profession. "The American public cannot have it both ways: It can't get rid of the draft and continue to degrade military service."

First Lt. Gregg Hutch of Nutley, N.J., a forward artillery observer with the 101st Airborne near Phu Bai, sensed the nation turning against the military even before he got to Vietnam. "Four to five years of peace marches have gotten to the citizen soldier," he said, hunkered down on a foot locker in an enlisted men's hooch plastered with peace symbols and Jane Fonda posters. "I used to stuff my uniform in a locker as soon as I got to LaGuardia airport. I didn't want anyone to associate me with what was going on in Vietnam."

Hutch is one of a new breed of reserve officers: outspoken, alienated from the system, doing his thing until the time comes to get out. "Ninety per cent of the EMs (enlisted men) today are as smart as I am. If they don't like my orders, they just sit there. What can I do?"

The lieutenant doesn't hang out with fellow officers. He dismisses them as establishment types. His closest buddies are enlisted men, like a Spec. 5 from Washington, D. C., whom we'll call Smith. Smith, son of an Air Force colonel, has his own advanced ideas on conducting a perimeter sweep.

"The word is out—don't take casualties," Smith said, puffing unashamed on a marijuana cigarette held in the blades of a manicure scissors.

"So we go down to the water point, swim a little, puff a few numbers (marijuana joints) and radio in: 'Real fine, sir, no dinks moving in the wire.' "

The people you met and the places you went to tended to humanize and flush out if not explain the statistics ground out by the Pentagon computers, which were stark enough:

Item: Drug abuse in Vietnam has grown from 47 servicemen apprehended in 1965 to more than 11,000 in 1970, and the command believes that for every GI caught, five go undetected.

Item: The desertion rate has increased 300 per cent in the past five years. The Pentagon says 52 out of every 1,000 soldiers fled last year.

Item: Defense Secretary Melvin Laird regards retention of good junior officers and senior NCOs as "the most serious problem we have." Prospects are not encouraging; ROTC enrollments are at their lowest ebb in 20 years.

Item: The Air Force, the second largest—after the Army—and, since its inception, the most popular of services for the volunteer, needs to retain 25 per cent of its personnel to maintain a peacetime strength of 750,000. It now holds about 15 per cent and the percentage is steadily dropping.

Item: Provost marshals in Vietnam, Germany, Korea, Berlin and other major military areas report a "sharp" to "alarming" increase in incidents of racial unrest, drug-related deaths, disrespect and violence toward officers and NCOs, major thefts and personal assaults—muggings—of fellow servicemen.

As always, the faces behind the faceless statistics revealed more than the computer's memory banks got to store. Spec. 5 Smith was encountered while AP photographer Rick Merron and I were trying to hitchhike, one hot, dusty day, from Khe Sahn to Da Nang. He offered a ride in his jeep and, seeing the AP identification on our shirt pockets, immediately moved to the attack.

"Why doesn't the press really come out and say what's going on over here?" he demanded. "Like you read where 40 per cent of the dudes are supposed to be on pot. Hell, in our outfit it's 90 per cent."

Smith drove through the gates of Camp Eagle, home of the 101st Airborne near Phu Bai, and pulled up in front of a lowslung wooden hooch belonging to Headquarters Battery, 2nd Battalion, 11th Artillery. A sign over the door warned, "Dogs and Lifers Keep Out." It went unheeded by a large, baleful-eyed mongrel panting heavily in the heat of the unshaded porch. Inside a tall, blond boy was bent over a rifle rack taking deep snorts at a tiny glass vial. Three other GIs were sprawled on their bunks exhaling clouds of sweet-smelling smoke. The decor was Playboy nudes and peace posters served up in a din of soul rock blaring from two enormous hi-fi speakers hanging above the mosquito netting.

"Man, the smack (heroin) here is so pure, it's unreal," gasped the blond trooper, drawing in deep droughts of eye-rolling pleasure from his inhalator.

Merron, a proud paratrooper less than six years ago, couldn't bring himself to recognize his old outfit. "I just can't believe it," he kept saying. "It's like they were drafting kids from a totally different country."

Then on another day, in the racially tense town of Hanau, Germany, we met Spec. 4 Lester Chadband, from Trinidad, a medic with the 45th Medical Battalion. He had a paint can in one hand and a hammer in the other. His mission was to repaint the barracks, on his own, or with anyone who would help him.

"Somebodys gotta do something," he explained, "otherwise this place is gonna keep turning out racists and hooligans."

Since Jan. 2, when PFC Martin Powell, an 18-year-old black recruit from Suffolk, Va., was killed in a fall down the stairwell of the Hudier Barracks, Hanau had been a racial tinderbox. Blacks from C and D Companies, demanding to see the commanding general, had invaded the orderly room, belted Capt. Richard Johnson, the officer of the day, with a baseball bat, and declared a "day of rage." White backlash to the black militance brought on a wave of vandalism, rioting, interracial terrorism and vigilante action.

While a hastily organized equal opportunities council tried to cool the situation, "Chezan" Chasband, as he calls himself, set about trying to interest blacks and whites into painting and fixing up their crumbling, 50-year-old German Barracks to get their minds on something more constructive.

More and more, wherever we went, it became apparent that dealing with problems of race and drugs were a major preoccupation of those in leadership, and no service, not even the hard-nosed Marine Corps, which was sticking to its guns on discipline, was exempt. Many commanders, trying to keep abreast of the situation the way they would read up on the latest in tactics and strategy, kept volumes like "The Black American" and "From Slavery to Freedom" handy on their bookshelves.

Already a number of troop commanders have been hailed as comers in the profession for their adroit handling of tense racial situations: men like Maj. Gen. Robert Miloy, commander of the 314th Air Division in Korea, Brig. Gen. Harold Hayward of the Berlin Brigade, Maj. Gen. Hal Moore, commander of the 7th Infantry Division, recently pulled back from Korea.

In the war against drug abuse, the Army and the Air Force have adopted limited amnesty programs, which provide treatment without punishment for first offenders seeking help. Like the other services, the Marines and the Navy have extensive educational programs but are less tolerant of drug users. In the process of cutting back to pre-Vietnam strength, the Navy in the last 24 months released 6,461 men for drug abuse, the Marines, 1,603.

In Vietnam, Gen. Creighton Abrams launched a search and destroy operation against the lush marijuana growing areas, using helicopters and spotter planes, but smuggling of opium and its derivatives, heroin and morphine, from Burma, Laos and nothern Thailand, where it is grown as a cash crop, is still a major problem.

MILITARY MORALE, DISCIPLINE BELIEVED TO BE WORST EVER

(By Col. Robert D. Heinl, Jr., retired)

WASHINGTON.—The morale, discipline and battleworthiness of the U.S. armed forces are, with a few salient exceptions, lower and worse than at any time in this century and possibly in the history of the United States.

By every conceivable indicator, our Army that now remains in Vietnam is in a state approaching collapse, with individuals and units avoiding or having refused combat, murdering their officers and noncommissioned officers, drug-ridden, and dispirited where not near-mutinous.

Elsewhere than Vietnam, the situation is nearly as serious.

Intolerably clobbered and buffeted from without and within by social turbulence, pandemic drug addiction, race war, sedition, civilian scapegoatism, draftee recalcitrance and malevolence, barracks theft and common crime, unsupported in their travail by the general government, in Congress as well as the executive branch distrusted, disliked, and often reviled by the public, the uniformed services today are places of agony for the loyal, silent professionals who doggedly hang on and try to keep the ship afloat.

The responses of the services to these unheard-of conditions, forces and new public attitudes are confused, resentful, occasionally pollyanna-ish, and in some cases even calculated to worsen the malaise that is wracking them.

"Frag incidents" or just "fragging" is current soldier slang in Vietnam for the murder or attempted murder of strict, unpopular, or just aggressive officers and NCOs. With extreme reluctance after a young West Pointer from Sen. Mike Mansfield's Montana was fragged in his sleep, the Pentagon disclosed last month that fraggings in 1970 (209) had more than doubled those of the previous year (92).

Word of the deaths of officers will bring cheers at troop movies in bivouacs of certain units.

In one such division—the morale-plagued Americal—fraggings during 1971 have been authoritatively estimated to be running about once a week.

Yet fraggings, though hard to document, form part of the ugly lore of every war. The first such verified incident known to have taken place occurred 190 years ago when Pennsylvania soldiers in the Continental Army killed one of their captains during the night of Jan. 1, 1781.

Bounties, raised by common subscription in amounts running anywhere from $50 to $1,000, have been widely reported put on the heads of leaders whom the privates and Spec. 4s want to rub out.

Shortly after the costly assault on Hamburger Hill in mid-1969, the GI underground newspaper in Vietnam, GI Says, publicly offered a $10,000 bounty on Lt. Col. Weldon Honeycutt, the officer who ordered (and led) the attack. Despite several attempts, however, Honeycutt managed to live out his tour and return stateside.

"Another Hamburger Hill" (i.e., toughly contested assault), conceded a veteran major, "is definitely out."

The issue of "combat refusal," an official euphemism for disobedience of orders to fight—the soldier's gravest crime—has only recently been again precipitated on the frontier of Laos by Troop B, 1st Cavalry's mass refusal to recapture their captain's command vehicle containing communication gear, codes and other secret operation orders.

As early at mid-1969, however, an entire company of the 196th Light Infantry Brigade publicity sat down on the battlefield. Later that year, another rifle company, from the famed 1st Air Cavalry Division, flatly refused—on CBS-TV—to advance down a dangerous trail.

(Yet combat refusals have been heard of before; as early at 1813, a corps of 4,000 Kentucky soldiers declined to engage British Indians who had just sacked and massacred Ft. Dearbon later Chicago).

While no senior officer (especially one on active duty) can openly voice any such assessment, the foregoing conclusions find virtually unanimous support in numerous nonattributable interviews with responsible senior and midlevel officers, as well as career noncommissioned officers and petty officers in all services.

Historical precedents do exist for some of the services' problems, such as desertion, mutiny, unpopularity, seditious attacks, and racial troubles. Others, such as drugs, pose difficulties that are wholly new.

Nowhere, however, in the history of the armed forces have comparable past troubles presented themselves in such general magnitude, acuteness, or concentrated focus as today.

By several orders of magnitude, the army seems to be in worst trouble.

But the Navy has serious and unprecedented problems, while the Air Force—on the surface, at least, still clear of the quicksands in which the Army is sinking—is itself facing disquieting difficulties.

Only the Marines—who have made news this year by their hard line against indiscipline and general permissiveness—seem, with their expected staunchness and tough tradition, to be weathering the storm.

To understand the military consequences of what is happening to the U.S. armed forces, Vietnam is a good place to start. It is in Vietnam that the rearguard of a 500,000-man Army, in its day (and the observation of the writer) the best Army the United States ever put into the field, is numbly extricating itself from a nightmare war the armed forces feel they had foisted on them by bright civilians who are now back on campus writing books about the folly of it all.

"They have set up separate companies," writes an American soldier, from Cu Chi, quoted in The New York Times, "for men who refuse to go out into the field. It is no big thing to refuse to go. If a man is ordered to go to such and such a place; he no longer goes through the hassle of refusing; he just packs his shirt and goes to visit some buddies at another base camp. . . .

"Operations have become incredibly ragtag. Many guys don't even put on their uniforms any more . . .The American garrisons on the larger bases are virtually disarmed. The lifers have taken our weapons from us and put them under lock and key . . . There have also been quite a few frag incidents in the battalion."

Can all this really be typical or even truthful?

Unfortunately the answer is yes.

While denying further unit refusals, the Air Cavalry has admitted some 35 individual refusals in 1970 alone. By comparison, only two years earlier in 1968, the entire number of officially recorded refusals for our whole Army in Vietnam—from over seven divisions—was 68.

"Search and evade" (meaning tacit avoidance of combat by units in the field) is now virtually a principle of war, vividly expressed by the GI phrase, "CYA (Cover Your Ass) and get home".

That "search-and-evade" has not gone unnoticed by the enemy is underscored by the Vietcong delegation's recent statement at the Paris peace talks that the Communist units in Indochina have been ordered not to engage American units which do not molest them. The same statement boasted—not without foundation in fact—that American defectors are in the VC ranks.

Symbolic antiwar facts (such as the one at Pleiku where an entire medical unit, led by its officers, refused Thanksgiving turkey), peace symbols, "V"-signs not for victory but for peace, booing and cursing of officers and even of hapless entertainers such as Bob Hope, are unhappily commonplace.

As for drugs and race, Vietnam's problems today not only reflect but reinforce those of the armed forces as a whole. In April, for example, members of a congressional investigating subcommittee reported that ten to 15 per cent of our troops in Vietnam are now using high-grade heroin and that drug addiction there is "of epidemic proportions."

Only last year, an Air Force major and command pilot for Ambassador Bunker was apprehended at Tan Son Nhut Air Base outside Saigon with $8 million worth of heroin in his aircraft. The major is now in Leavenworth.

Early this year, an Air Force regular colonel was court-martialed and-cashiered for leading his squadron in pot parties, while, at Cam Ranh Air Force Base, 43 members of the base security police squadron were recently swept up in dragnet narcotics raids.

All the foregoing facts—and many more dire indicators of the worst kind of military trouble—point to widespread conditions among American forces in Vietnam that have only been exceeded in this century by the French army's Nivelle Mutinies of 1917 and the collapse of the czarist armies in 1916 and 1917.

It is a truism that national armies closely reflect societies from which they have been raised. It would be strange indeed if the armed forces did not today mirror the agonizing divisions and social trauma of American society, and of course they do.

For this very reason, our armed forces outside Vietnam not only reflect these conditions but disclose the depths of their troubles in an awful litany of sedition, disaffection, desertion, race, drugs, breakdowns of authority, abandonment of discipline, and, as a cumulative result, the lowest state of military morale in the history of the country.

Sedition—coupled with disaffection within the ranks, and externally fomented with an audacity and intensity previously inconceivable—infests the armed services.

At best count, there appear to be some 144 underground newspapers published on or aimed at U.S. military bases in this country and overseas. Since 1970, the number of such sheets has increased 40 per cent (up from 103 last fall). These journals are not mere gripesheets that poke soldier fun in the "Beetle Bailey" tradition, at the brass and the sergeants. "In Vietnam," writes the Ft. Lewis-McChord Free Press, "the lifers, the brass, are the true enemy (cahe), not the enemy. (I.C.E.)." Another West Coast sheet advises its readers: "Don't desert. Go to Vietnam and kill your commanding officer."

At least 14 GI dissent organizations (including two made up exclusively of officers) now operated more or less openly. Ancillary to these are at least six antiwar veterans' groups which strive to influence GIs.

Three well-established lawyer groups specialize in support of GI dissent. Two (GI Civil Liberties Defense Committee and New York Draft and Military Law Panel) operate in the open. A third is a semiunderground network of lawyers who can only be contacted through the GI alliance, a Washington group which tries to coordinate seditious antimilitary activities throughout the country.

One antimilitary legal effort operates right in the theater of war. A three-man law office, backed by the Lawyers Military Defense Committee, of Cambridge, Mass., was set up last fall in Saigon to provide free civilian legal services for dissident soldiers being court-martialed in Vietnam.

Besides these lawyers' front, the Pacific Counseling Service (an umbrella organization with Unitarian backing for a prolifery of antimilitary activities) provides legal help and incitement to dissident GIs through not one but seven branches (Tacoma, Oakland, Los Angeles, San Diego, Monterey, Tokyo, and Okinawa).

Another of Pacific Counseling's activities is to air-drop plane-loads of seditious literature into Oakland's sprawling army base, our major West Coast staging point for Vietnam.

On the religious front, a community of turbulent priests and clergymen, some unfrocked, calls itself the order of Maximilian, named for a saint said to have been martyred by the Romans for refusing military service as an un-Christian. Maximilian's present-day followers visit military posts, infiltrate brigs and stockades in the guise of spiritual counseling, work to recruit military chaplains, and hold services or "consecrations" of post chapels in the name of their saintly draft-dodger.

By present count, at least 11 (some go as high as 26) off-base antiwar "coffee houses" ply GIs with rock music, lukewarm coffee, antiwar literature, how-to-do-it tips on desertion, and similar disruptive counsels. Among the best-known coffee houses are: the shelter half (Ft. Lewis, Wash.); the home front (Ft. Carson, Colo.); and the Oleo Strut (Ft. Hood, Tex.).

Virtually all the coffee houses are or have been supported by the U.S. Serviceman's Fund, whose offices are in New York City's Bronx. Until May 1970, the fund was recognized as a tax-exempt "charitable corporation," a determination which changed when IRS agents found that its main function was sowing dissension among GI's and that it was a satellite of "the new mobilization committee," a Communist-front organization aimed at disruption of the armed forces.

Another "New Mobe" satellite is the GI Press Service, based in Washington, which calls itself the Associated Press of Military Underground Newspapers. Robert Wilkinson, GI Press's editor, is well known to military intelligence and has been barred from South Vietnam.

While refusing to divulge names, IRS sources say that the Serviceman's Fund has been largely bankrolled by well-to-do liberals. One example of this kind of liberal support for sedition which did surface identifiably last year was the $8,500 nut channeled from the Philip Stern Family Foundation to underwrite Seaman Roger Priest's Underground Paper OM, which, among other writings, ran do-it-yourself advice for desertion to Canada and advocated assassination of President Nixon.

The nationwide campus-radical offensive against ROTC and college officer-training is well known. Events last year at Stanford University, however, demonstrate the extremes to which the campaign (which peaked after Cambodia) has gone. After the Stanford faculty voted to accept a modified, specially restructured ROTC program, the university was subjected to a cyclone of continuing violence which included at least $200,000 in ultimate damage to buildings (highlighted by systematic destruction of 40 twenty-foot stained glass windows in the library). In the end, led by University President Richard W. Lyman, the faculty reversed itself. Lyman was quoted at the time as saying that "ROTC is costing Stanford too much."

"Entertainment industry for peace and justice," the antiwar show-biz front organized by Jane Fonda, Dick Gregory and Dalton Trumbo, now claims over 800 film, TV, and music names. This organization is backing Miss Fonda's antimilitary roadshow that opened outside the gates of Ft. Bragg, N.C., in mid-March.

Describing her performance (scripted by Jules Pfeiffer) as the soldier's alternative to Bob Hope, Miss Fonda says her cast will repeat the Ft. Bragg show at or outside 19 more major bases. Although her project reportedly received financial backing from the ubiquitous Serviceman's Fund, Miss Fonda insisted on $1.50 admission from each of her GI audience at Bragg, a factor which, according to soldiers, somewhat limited attendance.

Freshman Rep. Ronald V. Dellums, D-Calif., runs a somewhat different kind of antimilitary production. As a congressman, Dellums cannot be barred from military posts and has been taking full advantage of the fact. At Ft. Meade, Md., last month, Dellums led a soldier audience as they booed and cursed their commanding officer, who was present on-stage in the post theater which the Army had to make available.

Dellums has also used Capitol Hill facilities for his "ad hoc hearings" on alleged war crimes in Vietnam, much of which involves repetition of unfounded and often unprovable charges first surfaced in the Detroit "Winter Soldiers" hearings earlier this year.

As in the case of the latter, ex-soldier witnesses appearing before Dellums have not always been willing to cooperate with Army war-crimes investigators or even to disclose sufficient evidence to permit independent verification of their charges. Yet the fact that five West Point graduates willingly testified for Dellums suggests the extent to which officer solidarity and traditions against politics have been shattered in today's armed forces.

Not unsurprisingly, the end-product of the atmosphere of incitement, or unpunished sedition, and of recalcitrant antimilitary malevolence which pervades the world of the draftee (and to an extent, the low-ranking men in "volunteer" services, too) is overt action.

One militant West Coast group. Movement for a Democratic Military (MDM), has specialized in weapons thefts from military bases in California. During 1970, large armory thefts were successfully perpetrated against Oakland Army Base, Ft. Cronkhite and Ft. Ord, and even the Marine Corps base at Camp Pendleton, where a team wearing Marine uniforms got away with nine M16 rifles and a J79 grenade launcher.

Operating in the Middle West, three soldiers from Ft. Carson, Colo., home of the Army's permissive experimental unit, the 4th Mechanized Division, were recently indicted by federal grand jury for dynamiting the telephone exchange, power plant and water works of another Army installation, Camp McCoy, Wis., on 26 July 1970.

The Navy, particularly on the West Coast, has also experienced disturbing cases of sabotage in the past two years, directed at ships' engineering and electrical machinery.

It will be surprising, according to informed officers, if further such tangible evidence of disaffection within the ranks does not continue to come to light. Their view is that the situation could become considerably worse before it gets better.

MILITARY PAY AMENDMENT

Mr. STENNIS. Mr. President, in the great rush of Senate business here, particularly with committee meetings that have to go on, I find it very difficult to get communications to Senators over in the last part of the debate on the day the bill is set for a vote. Therefore, I am going to speak about the matters that are coming up tomorrow, particularly the pay increase.

If any Senator wants the floor on any pending matter, or anything of that kind, I shall be glad to yield to him, because it will take me some 15 minutes or more on this matter.

First, regarding the proposal that is coming up tomorrow providing for a $1.7 billion increase in the military pay, I have here a letter that I have written to each Member of the Senate today, and am mailing to them this afternoon. For the information, too, of those who might read the Record, I ask unanimous consent at this point that there be included in the Record a copy of this letter, dated today, to my colleagues on modified Amendment No. 76, the Hughes amendment, together with a copy of a letter received today, and dated today, from the Honorable David Packard, Deputy Secretary of Defense, concerning the same amendment, the Hughes amendment to H.R. 6531.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Committee on Armed Services,
Washington, D.C., May 25, 1971.

Dear Colleague: Tomorrow the Senate will vote on the pay increase portion of the amendment No. 76. I urge you to vote against this amendment which adds $1.7 billion annual cost to the bill. I cite the following factors for your consideration.

1. It is unrealistic to expect that the Defense budget of $78.7 billion will be increased to accommodate the added cost of $1.7 billion. Since such increases must be paid if enacted, the only recourse would be to make massive reductions in other Defense activities. The Department of Defense (see attached letter) has stated that the added pay "would be harmful to the national security effort, in FY 1972 and in the long run as well" and could possibly cause such reductions as over 250,000 military and civilian personnel below the planned levels with additional cuts in other crucial areas leading to major base reductions and serious economic dislocations.

2. In one year even without the amendment, military compensation either planned or projected will be increased by $3.4 billion annually as a result of this automatic increase of January 1, 1971, the Committee reported bill costing $1 billion, and the projected automatic increase of January 1, 1972. The pending amendment would increase the cost to slightly over $5 billion within one calendar year.

3. The Committee bill makes a significant contribution to the military pay system. Over 92% of the $1 billion increase will go to personnel in the lower enlisted grades with under 2 years of service. The lowest pay grade, with the 50.2% increase in the Committee bill, will have doubled in less than 2 years since July 1969. No apology needs to be made for military pay legislation generally. Since 1963 basic pay will have increased 112% including the 7.4% projected for January 1, 1972.

4. Much has been made of the military poverty question. The increases in the Committee bill will eliminate all but 778 families even under the President's higher Family Assistance Plan. Even here the family size must be a minimum of 5 for an E–1 and a family size of 6 for E–2 or E–3. You should remember that the average time for promotion in the Army to E–4 is only one year and four months. None of these are typical military family situations.

5. Under the pending Hughes amendment only 48% of the $1.7 billion would go to persons with under 2 years of service. The value and impact of the actions already scheduled for this fiscal year should be assessed and

not presumed inadequate by adding $1.7 billion in pay costs to the $1 billion already in the bill.

Sincerely,

JOHN C. STENNIS.

DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., May 25, 1971.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services, United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Laird's letter of 9 April 1971 outlined the position of the Executive Branch with respect to the military pay provisions of H.R. 6531. As noted in that letter, we strongly oppose passage of the House version of H.R. 6531 with respect to the pay portion. I want to elaborate on the key points made in that letter, to make sure it is clear that our opposition involves far more than our concern with immediate problems with spending levels.

Our basic objection to the higher pay and allowances provided in the House Bill is that these would be harmful to the national security effort, in FY 1972 and in the long run as well. This would result from a serious misallocation of resources (a) between the pay area and other critical aspects of the Defense effort, such as investment, research, and operations and (b), within the pay area itself.

The House Bill would add approximately $1.7 billion to the President's FY 1972 spending estimates. If we had to accommodate such an increase within a fixed spending total, it would have an extremely serious impact upon our national security. If the cut were to be applied proportionally among manpower and other areas of the budget, it would involve (a) reductions of over 250,000 military and civilian personnel below authorized levels for June 1972 and (b) a cut of over $2 billion in budget authority outside the pay area, requiring a 6% cut in contracts planned for the FY 1972 program. This would lead to major base reductions and realignment actions and serious economic dislocations.

Our experience has very clearly been that large amounts of pay increase have had to be absorbed within the Defense budget, by cutting back on manpower and real procurement levels. Since pay costs have escalated so much more sharply than purchase costs (the comparison is roughly 80% to 28%), we find ourselves becoming increasingly imbalanced with more of our budget required for payroll and a declining share available for research and modernization. In FY 1964, payroll and related costs comprised 44% of our budget; this rises to 52% in FY 1972, and would be even higher under the House Bill.

Adjustments to DOD FY 1972 spending to absorb the House Bill pay increase would have a multiple impact upon manpower levels and procurement. This results from leadtimes. Personnel to be reduced must be selected and given notice, then carried on the rolls for a period, after which there are heavy one-time separation costs. The result is that we save only a few months of pay for each person separated or, to put it another way, we must separate several people to save the equivalent of one year's pay for one person. First-year spending in the procurement area is generally one-fourth or less of the total contract amount, so that we must forego $4 worth of contracts to eliminate $1 in spending. In addition to this, it is necessary to remember that about $25 billion in FY 1972 spending is a fixed item as of now—it will result from amounts already under contract or statutory payments to retired military personnel.

The President's proposals, as reflected in the Senate Bill, would provide a one-time increase of 50.2% for the lowest pay grade. With other raises recently granted, this would mean that pay in this grade would nearly double in less than two years since July 1969. The Senate Bill therefore represents a very large step. Before doubling the increases sought by the President, it is only prudent to assess the consequences in a practical situation. After we have gained some experience, and further information, we can better determine the approximate mix of actions best suited to realize our Volunteer objectives.

In summary, the FY 1972 budget represents the minimum budget necessary to meet our national security requirements. For this reason, we oppose the higher pay provisions added in H.R. 6531. We believe that, in practice, this will inevitably result in the need to make extensive and imprudent cutbacks in critical Defense programs for FY 1972, FY 1973, and beyond.

Sincerely,

DAVID PACKARD.

Mr. STENNIS. Mr. President, we have heard a good deal in this debate about poverty in the armed services. The proponents of the Hughes-Schweiker amendment assert that the extra unbudgeted $1.7 billion in their proposal is needed to solve this problem. The plain fact is, Mr. President, that after the substantial pay increase recommended by the committee, and without the Hughes-Schweiker amendment, a newly enlisted man just out of high school will make more money than his fellow high school graduates in civilian life.

Under the committee bill, a new recruit will earn, in regular military compensation, $3,979. After basic training, he would earn $4,244. Typically, he would be promoted twice more before he had been in the military a year and 3 months. Thus, within this time, while still in his first 2 years, he would be earning $6,608.

Now, on the outside—in civilian life—an average working 18–19-year-old earned only $3,200 in 1968. An average working 20–21-year-old earned about $5,000. These figures have probably increased by several hundred dollars since 1968, but even if they have increased 20 percent in 2 years, the point still remains that under the Armed Services Committee bill, a young man in the Army will earn as much or more than he will in civilian life. The Hughes-Schweiker amendment merely piles an additional unnecessary, inflationary, unbudgeted $1.7 billion on top of an already significant increase.

Mr. President, I shall speak to that portion of the modified amendment No. 76, which encompasses the so-called Hughes amendment or the pay portion of this particular amendment. As the Senate knows, the amendment as modified is now divided into two portions. The first is the pay portion which would restore the House pay provisions for an additional annual cost of $1.7 billion over the committee version of approximately $1 billion. The second portion of the amendment which will be voted on next week is the amendment of Senator SCHWEIKER which would extend the induction authority for only 1 year—that is, until July 1, 1972.

RELATIONSHIP OF PAY PORTION TO 1-YEAR EXTENSION

Mr. President, this amendment as modified, which increases pay by $1.7 billion and reduces induction authority to 1 year, goes to the heart of this entire bill.

Despite all the various arguments the basic thrust of amendment No. 76 is that if we increase the pay by the extra $1.7 billion, then a 1-year induction authority will be a sufficient period of time for the draft to remain in effect. The basic contention is that beginning July 1, 1972, the Armed Forces of the United States will be in a position to rely on volunteers for meeting their manpower needs.

Personally I have grave doubts that this country can have an all-volunteer force even at the end of 2 years. I recognize, however, that this is the period requested by the executive branch and is the maximum which would be approved by the Congress at this time.

I shall discuss separately the issue of the 1-year extension which poses a real threat to all elements of our national defense, including our strategic forces which protect the Continental United States.

PAY AMENDMENT UNBUDGETED

Mr. President, the Defense budget for fiscal year 72 is $78.7 billion in new obligational authority. There is not one nickel in the Defense budget to take care of the additional $1.7 billion which this amendment would cost. If this amendment becomes law, Mr. President, the personnel must of course be paid this additional amount. The President is now able to withhold amounts authorized or appropriated in some instances, but when salaries of personnel in the departments of government are increased, then that is an express obligation and has to be paid. The Senate therefore would be faced with two choices: either increase the Defense budget by $1.7 billion in order to pay the increases authorized by law, or reduce or omit other elements of the defense activities in order to come out with a level or reduced overall budget.

It is completely unrealistic, Mr. President, to expect that the Senate will vote to increase the present Defense budget request. I ask this question: Is there any Senator who plans to urge that the Defense appropriations be increased above $78.7 billion to take care of this increase? In view of the need to control our overall Federal spending and the demand for many nondefense programs, I say it is totally unrealistic to hope that the Defense budget can be increased to accommodate the $1.7 billion. The only other choice, Mr. President, if this amendment becomes law, would be to take this $1.7 billion out of the hide of other Defense programs.

There is literally no way that $1.7 billion can be absorbed by other Defense budget activities. There would have to be massive cutbacks in some form to save immediate dollars. There is no definite plan but this could take the form of large military and civilian reductions with probable base closures, a cutback in all training activities which comes out of the O. & M. funds, or large cutbacks in the procurement R. & D. programs where immediate matching dollar savings could be realized.

COMPARISON OF 1964 LEVELS

Mr. President, I realize that it is hard to oppose any pay increase, that pay increases are always appealing and felt justifiable by those who are due to receive them. Many will also say that other Defense activities can be easily cut to match the $1.7 billion increase.

Before we cut too deeply into the bone and muscle of our defense to accommodate this $1.7 billion, let me make a few comparisons on the size of our forces for fiscal 1972 as compared to fiscal year 1964.

The Army will have only 13⅓ divisions as compared to 16⅓ in fiscal year 1964. The number of aircraft carries—both attack and ASW—will be 16 as compared to 24 in fiscal year 1964. The number of Air Force tactical attack squadrons will be 105 as compared to 119 in fiscal year 1964. The number of commissioned ships will be 658 as compared to 932 in fiscal year 1964. The number of fixed-wing aircraft will be about 20,000 as compared to 25,000 in fiscal year 1964.

SECRETARY LAIRD'S POSITION—WEAKENING OF NATIONAL DEFENSE

Mr. President, the budget implications of having to absorb the $1.7 billion is most serious. Secretary Laird, in a letter to the committee—printed in full on page 58 of the committee report—states with reference to the $1.7 billion addition that—

> This is an exceedingly poor trade-off for FY 1972 and it would weaken our national security.

I urge the Senate to heed his words.

PROBLEM OF GROWING PERSONNEL COSTS

Mr. President, this amendment relates to another serious issue and this is the constantly rising personnel costs which are consuming an ever growing proportion of the Defense budget. Military pay increases are necessary for a number of reasons, but pay increases alone do not add one single man or one additional weapon to our military forces.

Let me state what has happened. In fiscal year 1964 the cost of military basic pay was $8.4 billion. To support the same manpower level for fiscal year 1972 the cost would be $15.6 billion. This is an increase of about 85 percent. In fiscal year 1964 personnel and related costs—such as family housing, and so forth, which has not advanced as much as pay itself—was only 43 percent of the Defense budget as compared to 52 percent for fiscal year 1972. We must concern ourselves with the prospect, Mr. President, of being unable to provide the funds for the first rate weapons for our men in uniform in view of the constant pressures to keep down the Defense budget.

Let me observe that in the Soviet Union only about 25 percent of the Defense budget is utilized for personnel costs.

NO APOLOGY NEEDED FOR MILITARY PAY IN THE PAST

Mr. President, if we begin in 1963 and include the projected 7.4 percent increase for January 1, 1972, the cumulative increase in basic pay will be about 112 percent. The committee bill of $1 billion is not included in this since these were limited to the lower grades rather than across-the-board increases. If this increase of $1 billion, which on a budget basis represents about 6.4 percent, the cumulative increase would be about 120 percent.

COMMITTEE BILL

Mr. President, as I have already indicated, the automatic increases for January 1, 1971, and that anticipated for January 1, 1972, will increase the annual pay costs by $2.4 billion. The committee bill adds another billion.

In all the discussion the significant contribution of the committee proposal tends to be overlooked. Mr. President, 92 percent of this billion-dollar cost will go to men with under 2 years of service, practically all of which are concentrated in the lower enlisted grades.

In basic pay we increased the E–1—under 4 months—by 50 percent; the E–1 by 40 percent; the E–2 by 50 percent; the E–3 by 35 percent; and the E–4 by 22 percent. On the basis of regular military compensation the annual amounts would range beginning at $3,978 for the E–1 up through $6,608 for the E–4. All of these are printed in detail on pages 31 and 32 of the committee report.

Keep in mind, Mr. President, that promotions are very rapid in these lower grades. In the Army an enlisted man on the average is promoted to E–4 in 1 year and 4 months, which means his income will go to $6,608. This does not count medical benefits, commissary privileges, and other fringe benefits. Also, regarding the so-called poverty argument, there will be only 778 families possibly under the highest poverty level established by the President, and even here, Mr. President, there must be a minimum of four dependents for the E–1—family size, five—and a minimum of five dependents for the E–2 and E–3—family size, six—in order to come below this line. None of these are typical cases. I discussed this entire poverty question in detail on May 21, beginning on page 16436 of the CONGRESSIONAL RECORD.

ADMINISTRATION POSITION ON PAY

Mr. President, the statement has been made that the $1.7 billion amendment, which is the same as the rates passed by the House, is nothing more than the fiscal year 1973 pay program of the Department of Defense, with the result that all the Congress is doing is enacting the pay a year ahead of time when it would be recommended by the administration.

Mr. President, this is not the case. These proposals at present represent nothing more than a tentative planning study. It did not have the approval of the Secretary of Defense and did not have the approval of the President of the United States. It is true that there will undoubtedly be a pay proposal next year. It cannot be stated, however, that this amendment represents any approved administration fiscal year 1973 program.

Mr. President, the one thing that is always irreversible is pay in any form, including military pay. The approach of the administration and that adopted by the committee is that there should be a phase-in before allocating enormous funds solely to the lower grades. While we may hope that a volunteer effort will be a success we should not place complete reliance on it. Before acting on a 1973 program we should judge the impact of all the pay increases and all the other actions taken in fiscal year 1971 and fiscal year 1972. After this is done the Congress will be in a better position to know what should be done for fiscal year 1973.

COMMENTS ON HUGHES AMENDMENT

WHAT THE AMENDMENT DOES

Mr. President, the pending amendment adds $1.7 billion in cost to the bill, with only 48 percent of the $1.7 billion going to those with under 2 years of service as compared to 92 percent in the Committee Bill.

In terms of basic pay the amendment would add $917 million with increases in the lower grades E–1, E–2, E–3, and E–4, ranging in additional monthly amounts of $55 to $73. The enormous cost for a relatively modest amount for each grade is due to the large number of persons involved. For the E–2, for instance, we are dealing with 231,000 persons and for the E–3 374,000 persons.

DEPENDENTS ASSISTANCE ALLOWANCE

The committee increased the dependants assistance allowance for the lower enlisted grades—E–1 through E–4—with less than 4 years, to a flat $105 per month as compared to the present rates which range from $60 to $105.

The pending amendment increases the top rate of an E–3 to $120 and an E–4 to $143 and leaves the E–1 and E–2 rate unchanged.

BASIC ALLOWANCE FOR QUARTERS

The quarters allowances which go mainly to career personnel would be increased under the pending amendment in amounts ranging from 55 percent to 80 percent for enlisted personnel, ranging from $105 to $216 per month, and 51 percent to 78 percent for officers, with the new rates ranging from $166 to $339.

The pending amendment also makes certain adjustments at an annual cost of $37 million in the basic subsistence allowances for enlisted personnel.

Moreover, as the bill indicates, the committee amendment includes authority for the enlistment bonus which is omitted from the pending amendment.

Mr. President, I am attaching a chart which sets forth the differences in the pending amendment from the committee version, which I ask unanimous consent to have printed at this point in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

TOTAL COSTS OF SENATE COMMITTEE PROPOSALS AND HUGHES AMENDMENT

[In millions of dollars]

	Senate Committee proposals [1]	Hughes amendment	Difference
Basic pay [2]	$908.0	$1,825.4	+$917.4
Dependents Assistance Act	79.0	184.1	+105.1
Basic allowance for quarters (BAQ)	None	640.1	+640.1
Basic allowance for subsistence (BAS)	None	37.8	+37.8
Out-of-pocket recruiting expense	2.9	2.9	0
Enlistment bonus	40.0	40.0	0
Special pay for optometrists	.7	.7	0
Reservists' training duty entitlement under Dependents Assistance Act (DAA)	None	20.0	+20.0
Total cost	1,030.6	2,751.0	+1,720.4

[1] The Senate committee proposals are identical to the administration fiscal year 1972 program except for the inclusion of special pay for optometrists.

[2] This does not include the projected basic pay increase shceduled by public law for Jan. 1, 1972.

MR. RESOR'S STATEMENT ON $7.5 BILLION AS THE COST OF GATES

Mr. STENNIS. Mr. President, Mr. Resor, who is now leaving as Secretary of the Army, on last Saturday, May 22, made a very profound statement. He indicated that, by using the same formula as the Gates Commission, in his view, the increased pay cost would be $7.5 billion annually rather than $2.7 billion as the Gates Commission indicated. This is due mainly to the fact that the Commission underestimated the number of new men needed for the Army in fiscal year 1972 and fiscal year 1973. Mr. Resor's opinion is entitled to great respect even if one may disagree and say his conclusion is off by $2 billion. It shows the danger of attempting to legislate a volunteer force through preconceived pay notions for lower enlisted grades.

This observation has direct relevance to the pending amendment.

CONCLUSION

We could debate forever on what is a proper pay scale for a given grade, and this is always a matter of judgment. The question is whether under all the circumstances this amendment should be enacted.

In sum, the most accurate words that can be said on this matter are contained in a letter received today by me from Deputy Secretary of Defense Packard. Let me quote:

> Our basic objection to the higher pay and allowances provided in the House bill is that these would be harmful to the national security effort, in FY 1972 and in the long run as well. This would result from a serious misallocation of resources (a) between the pay area and other critical aspects of the Defense effort, such as investment, research, and operations, and (b) within the pay area itself.
>
> The House bill would add approximately $1.7 billion to the President's FY 1972 spending estimates. If we had to accommodate such an increase within a fixed spending total, it would have an extremely serious impact upon our national security. If the cut were to be applied proportionately among manpower and other areas of the budget, it would involve (a) reductions of over 250,000 military personnel below authorized levels for June 1972 and (b) a cut of over $2 billion in budget authority outside the pay area, requiring a 6% cut in contracts planned for the FY 1972 program. This would lead to major base reductions and realignment actions and serious economic dislocations.

Mr. President, I feel, on full consideration, that the Senate will reject the Hughes amendment.

SCHWEIKER-HUGHES AMENDMENT NO. 76

Mr. THURMOND. Mr. President, today I wish to address myself to title IV of amendment No. 76 offered by the distinguished Senator from Pennsylvania (Mr. SCHWEIKER). Title IV is the first part of the two part Schweiker amendment and is identical to the pay proposals of the distinguished Senator from Iowa (Mr. HUGHES).

Simply stated title IV of amendment No. 76 provides for an increase in military pay raises from the $1 billion approved by the Senate Armed Services Committee to the $2.7 billion contained in the House bill.

Mr. President, this pay proposal is far-reaching in that it asks for expenditure of money the administration has not requested and the Congress is not likely to appropriate. Second, it follows that if this amendment passes bases will have to be closed or cuts will have to be made in weapons procurement, manpower levels or other such sources to pay for these raises. Third, the Senate is being asked to serve as a committee to consider $1.7 billion in pay raises on which no hearings have been held and not one word of testimony offered.

Obviously, the administration and the Defense Department are opposed to this amendment as a means of fair distribution of pay raises for our men and women in uniform.

It should be understand at the outset that the author of this amendment is proposing a pay increase on top of a pay increase. The Senate Armed Services Committee has approved the military pay increase requested by the administration which calls for pay hikes totaling $1 billion.

The proponents of this amendment wish to add an additional $1.7 billion. This would mean that the Congress is going beyond what the Defense Department and the administration says it needs to operate the military establishment in fiscal year 1972.

Mr. President, this Nation is recording deficit after deficit each quarter it operates. This amendment would require spending in excess of the budget. Further, the Secretary of Defense says that if the increase is passed the money to finance it will have to come from weapon system programs as he does not expect a separate appropriation.

The fact that $1.7 billion will have to be cut from vital programs like the construction of nuclear submarines, the F-14 and F-15 planes, and other hardware should be considered by the authors of this amendment.

The question, therefore, arises as to why, after all of these years, there is suddenly a move on the Senate floor to add $1.7 billion annually in pay for personnel in uniform.

The answer is that the prime movers of this amendment want a volunteer Army now, not tomorrow, but now. Efforts in past years to increase military pay on the floor of the Senate were few and far between. Rather it was done in committee and sometimes we had to fight on the floor to hold it.

The pay increases provided for in this amendment are short of what the Gates Commission called for—by $20 million. When proposing an additional $1.7 billion on top of $1 billion it is understandable how $20 million was overlooked. Also, the proposed pay increases vary in some degree from the distributions recommended by the Gates Commission. However, it appears the advocates of this pay increase may be more interested in getting an all-volunteer force now than providing wise pay proposals for our future armed services.

SUPPORT PAY HIKES

Mr. President, I take second place to no one when it comes to providing pay increases to our men and women in uniform. I have been here in the Senate for over 15 years and I have always supported pay raises for our servicemen. Every year since 1963 there has been a basic pay increase for military personnel. I supported everyone of them.

Why then, after the Senate Armed Services Committee has voted $1 billion in new pay raises for fiscal year 1972, is the Senate being asked to add another $1.7 billion in pay hikes? The answer rests not in a deep seated desire to pay our soldiers well but rather a desire to relieve some of our youth not now in uniform from the future burden of military service. In other words, this pay raise on pay raise is designed to finance what will amount to a volunteer armed force because practically every dime the Gates Commission called for is provided by this amendment.

Mr. President, let us do a little arithmetic. Let us add up the pay increases I have supported in the past few years for our servicemen. Here they are beginning in 1963 by year, the percent of increase and the money cost in that order

COST AND AVERAGE PERCENTAGE INCREASES IN BASIC PAY 1963-72

	Percent increase	Estimated annual cost (millions)
Year:		
1963	12.2	$1,191.7
1964	2.3	207.5
1965	10.4	995.8
1966	3.2	356.8
1967	5.6	751.8
1968	6.9	945.0
1969	12.6	1,862.1
1970	8.1	1,209.1
1971	7.9	1,163.5
1972	7.4	[1] 1,173.3

[1] Estimated.

Thus it is easy to see that the inadequate pay given our military over the years is being corrected as evidenced by the record for the past 8 years. These increases were provided despite the huge cost of the war in Vietnam. They were long overdue.

However, amendment No. 76 ignores raises of $1 million in H.R. 6531 plus the $1.2 billion given in January of 1971, and the $1.2 billion scheduled for January 1972. The authors of this amendment want to add another $1.7 billion and bring the total to nearly $5 billion within the span of 1 year.

TWO-STEP APPROACH SOUND

At this point it seems wise to stop and ask ourselves how all this has come about. The answer is simple. The administration proposed to bolster its move to the all-volunteer armed forces plateau in two major pay steps. The first step in fiscal year 1972 called for a military pay increase of about $1 billion.

The second step called for another significant pay hike in fiscal year 1973, but this follow-up step was to be structured only after a study of the results derived from the initial step. The idea was to see how the enlistment bonus worked, to see how the higher pay in the lower grades affected reenlistment bonuses, and so on.

Now, what has happened is that the pressure from somewhere for an all-volunteer armed force is so great the authors of this amendment want to do it all in 1 year. Thus, the additional $1.7 billion which is not budgeted.

The Senate should also realize that these pay increases, as needed as some of them might be, are not one time expenditures. If we add $2.7 billion this year then we have to spend $2.7 billion next year, the next year and so on.

Mr. President, I would be the first to admit that our military personnel need pay which is competitive with civilians in like jobs. We have been moving in that direction as evidenced by the figures I have presented.

However, if this amendment is passed the Congress would be setting pay levels and establishing special pay rates without any justification from the Defense Department.

Under the committee bill over $900 million in basic pay increases have been approved. Of this amount $850.3 million or 93.6 percent go to personnel with under 2 years' service. The findings from this initial step will impact on what distribution will be recommended for the followup raises next year.

Before approving an additional $1.7 billion I think the Congress should have the benefit of knowing why these funds are distributed at the various levels proposed in this amendment. In other words, why so much for housing, so much for pay increases to officers, so much for pay hikes to E–1's through E–4's and so on. There must be some reasoning for such large increases and to date we have have had none. The figure being used for this hike is merely a planning figure squeezed out of the Department of Defense and lacking approval of people like the Joint Chiefs of Staff, the Secretary of the Army, and many others in positions to make sound recommendations.

FAVORS $1 BILLION PAY HIKE

Mr. President, I strongly favor the $1 billion annual pay raise proposed by the Senate committee of which I am a member. Next year it would seem appropriate to make further increases based upon studies made between now and then.

It strikes me, however, that it is unwise for the Senate to authorize an additional $1.7 billion in pay raises to this bill when there has been no hearings or study of this proposal. This $1.7 billion figure is a planning figure developed by the Defense Department. The Senate has not heard one word of testimony regarding it.

It seems fair to ask my colleagues would they approve $1.7 billion for a weapon system or a social program without the Senate having had hearings on it. I think not.

SERVICEMEN AND POVERTY LEVELS

Going to another point on the pay proposals, Mr. President, I would like to reply to the volumes of material placed in the RECORD that this country is not paying its servicemen enough to keep them off public relief rolls.

Under the $1 billion Senate pay increase this deficiency will be largely corrected. At present the Department of Defense reports some 4,275 military families fall below the minimum level set in the President's family assistance plan. The Senate pay hikes would reduce this number to 778. While this is still too many, it must be realized that these families receive free medical care and other privileges not available to the millions on public relief.

All of these facts, Mr. President, must be viewed in the larger context of where our defense dollar is going.

Pay and related costs have increased by $17.6 billion in the defense budget since fiscal year 1964, an increase of more than 80 percent. Over the same period defense manpower has decreased by 3.5 percent.

In other words, we are paying much more to military and defense employees but at the same time their numbers are decreasing.

The proportion of the defense budget devoted to pay and related costs has increased from 43 percent in fiscal year 1964 to 52 percent in the current fiscal year. Thus, over half of the defense dollar goes to manpower costs.

It also might be of interest to know that the Soviet Union, our chief rival, spends only about 25 percent of its defense budget for manpower costs. Further, the Soviets are maintaining a force of some 3.3 million compared to the expected U.S. level of 2.4 million.

Nevertheless, there is not a Member of this Congress, to my knowledge, who wishes to see U.S. military personnel poorly paid. In fact, the very purpose of the bill on the Senate floor today is to raise that pay to a more equal level.

Before leaving the pay issue I would also like to comment upon the fact that the $1 billion pay hike proposed by the committee goes mainly to the lower grades where the need is the greatest. Of course, the January 1971 and 1972 automatic increases which I referred to earlier are paid across the board.

It should also be realized that since 1963 there has not been a basic pay increase for every person in the services each year. Some years the basic pay increases did not apply across the board and usually the ones left out were those in the lower grades. The Senate committee proposal is primarily structured to correct this deficiency.

Also, the Senate should realize that the $1.2 billion pay increase for the military in January of 1971 and 1972 just keep our uniform personnel at the same pace of civilian workers in government. Thus, there will be a need for a significant pay increase for all grades as the second step in providing more equal salaries for military personnel.

MORE HOUSING PAY NEEDED

Finally, I am favorably inclined toward an increase this year in the basic allowance for quarters which was approved by the House. Our service personnel must be given adequate funds for housing their families in today's high cost housing market. It is not right to ask a man to fight for his country in Vietnam and allow his family back in the states to live in substandard housing.

My concern as regards this area will be expressed when this legislation reaches the conference stage with the House of Representatives. My concern is especially for the enlisted grades and lower officer grades whose present housing allowances simply do not meet the costs of even modest housing.

Mr. President, in closing my comments on the pay issue let me say I favor and will work in committee to see that service personnel receive adequate pay. While I have serious doubt about the all-volunteer armed forces I favor the pay increase in the committee bill of $1 billion and would certainly support another pay increase of some degree next year. However, to determine the distribution and size of the fiscal year 1973 pay increase on the Senate floor in 1971 without hearing and study would not be good personnel management nor fiscally responsible.

Mr. HUGHES. Mr. President, many of us are aware that the families of many young Americans who are called to military duty qualify for welfare assistance because of the low rates of pay for our lower ranking servicemen.

The Department of Defense is not able to supply accurate figures of just how many servicemen qualify for welfare benefits, but under today's pay rates the figure seems to be in the thousands. In fact, 1 year ago the Defense Department Comptroller, Robert C. Moot, testified:

> There are 43,000 military families whose military pay is insufficient to meet the poverty line pay level.

Pay raises since that time seem to have reduced this figure. The proposed family assistance plan of the administration has been used as the standard for comparing military pay with poverty guidelines by the Bureau of Compensation studies of the Department of Defense. This family assistance plan standard is comparatively stringent, because in some States some families qualify for benefits who are not eligible under the family assistance plan standard. According to figures which I have received from the Office of the Assistant Secretary of Defense for Manpower and Reserve Affairs, on January 1, 1971, the estimated number of families who could be eligible for welfare benefits under the proposed family assistance plan was 4,275.

If the pay increases recommended by the Senate Armed Services Committee are adopted in the Senate, there will still be 778 military families eligible for assistance on this standard.

If title IV of amendment 76 is adopted, this number will be reduced to 95 families who would be eligible for token benefits of less than $10 per year.

But as I have said before, the real issue is missed if we mention just the 778 families who would be eligible for benefits according to this standard. The real issue is: Do we want military families living near the poverty line? The letters all of us receive from servicemen dramatically illustrate how demeaning, shameful, and intolerable their situation is when they are forced to live at this subsistence level. And that situation will not be corrected until the higher pay rates are adopted.

Mr. President, if there is no objection, I would like to include at this point in the CONGRESSIONAL RECORD letters I have received from military servicemen and their wives, along with letters from the White House Conference on Youth, the American Civil Liberties Union, and an article from the Washington Post entitled "Welfare, Extra Jobs Sustain GI Families."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. AIR FORCE, GERMANY,
May 17, 1971.

Hon. HAROLD E. HUGHES,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUGHES: As a former Iowan I write to you. My husband is a Regular Air Force Captain; we are stationed in Germany. We have a "typical" American, middle-classed family, 2 sons and a dog. We are young, but we are not radicals. We would like to see the American system prevail for the duration of our grand-children's lives. We would like to see also an all volunteer force for all branches of the military.

But somehow even we are becoming discouraged with the slow process of the withdrawal of troops from our Viet Nam fiasco. We are discouraged with the cost of housing on the economy (we can not get housing on base for awhile) and now our American dollar is worth less, so costing us more for rent in Deutch marks.

The Senate has rejected the military boost for housing allowance. Why? The cost of living is not cheap here, as I'm sure you are aware, and many airmen live in absolutely substandard housing. Even us who are more fortunate have an inadequate house, one which costs us our housing allowance. It is small, no bathtub.

How can the U.S. achieve an all volunteer force? Never at this rate!

I know it is within your power to help us out.

Another question: Just why are so many American troops in Europe, especially Germany? It seems this is part of the reason our dollar is so shaky now. It seems a troop reduction here is a good idea and imperative.

Let's bring our troops home and take care of American problems, not other people's, if not give us more money so we can live here!

Sincerely,

——— ———.

MAY 10, 1971.

Hon. HAROLD HUGHES,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HUGHES: I read in the 5 May 1971 issue of *Army Times* where the Senate Armed Services Committee has voted to delete the boost in quarters allowances from the current military pay bill. Sir, I feel that this would be grossly unfair.

Before coming to Vietnam I was stationed at Ft. Riley, Kansas. Due to inadequate bachelor officers' quarters on post I was forced to seek quarters on the local economy. As a single second lieutenant I was drawing $85/month quarters allowances. Liveable housing on the local economy ran upwards of $125/month when it could be found (which was seldom). Finally, another second lieutenant and myself found a "decent" apartment to share at $190/month. Not counting the utilities and commuting expenses this meant that each of us paid $10/month out of our own pocket for minimal housing. Adding the other expenses associated with living off post, it took quite a chunk out of a second lieutenant's pay.

While over here I have extended my service obligation by two years. Upon my return to the States I will be assigned to a 45-man Army Advisory Group in Oklahoma City, Oklahoma. Again I will be forced to seek quarters on the local economy. However, due to the small size of the unit, I doubt that I will be able to find another officer with whom I can share an apartment. This means that I will have to bear the full cost of maintaining an apartment. As a first lieutenant my quarters allowance will be $95/month. I doubt seriously that I will be able to find adequate housing at a price anywhere near this amount. I expect to end up paying $50–$75/month out of my own pocket for decent quarters.

Although the goal is supposedly an all volunteer Army, forcing junior officers to pay for quarters out of their already meager salary will certainly not achieve this goal. I can assure you that it is not the choice of the officer to seek quarters on the local economy. The truth is that most Army installations just do not have sufficient quarters for all officers and the junior officers have lowest priority. Pushing these officers into what is usually an already tight housing market further expends the demand and, inevitably, the price goes up. Until such a time as the Army can provide adequate quarters the quarters allowance should be increased to fully cover the cost of obtaining quarters on the economy.

This is the first time I have even written to a member of Congress but I feel so strongly on this subject that I had to express my views. Thank you.

Sincerely,

——— ———.

APRIL 8, 1971.

DEAR SENATOR HUGHES: I am a secondary school teacher from Iowa. I enlisted in the U.S. Army in June of "70." I do not regret serving my country. So far the Army has been good for me. Due to my class standing I will be unable to be promoted until 21 April 1971. I am disappointed that I could be made CPL but I am not complaining.

I am married and have a six year old boy. My wife is expecting again. We are going to have a very, very hard time living on PFC pay. We understand quarters allowance for PFC is coming into effect 1 July but $180 and $105 a month just isn't enough to live on. I don't see why I should be punished this way after going four years to college and teaching. I worry most of all for my children. This brings me to the main reason for writing to you, Sir. I would appreciate your supporting the pay raise for lower enlisted personnel now before the Senate. Possibly you might not be in favor of the bill it is attached to but for all those persons like me who had to join the service from the teaching profession I plead for your support.

I feel you are a good Senator and that you have potential for a great career in politics in the future.

Sincerely,

WHITE HOUSE CONFERENCE ON YOUTH,
Washington, D.C., May 17, 1971.

Hon. HAROLD E. HUGHES,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUGHES: As Representatives of the Task Force on the Draft and National Service of the White House Conference on Youth, we would like to share with you a summary of our deliberations. The Conference was held in Estes Park, Colorado, from April 18–22. Our group was composed of Defense Department representatives, Selective Service officials, business leaders, Members of Congress, and a broadly representative group of American youth, including many active duty servicemen.

While there were spirited discussions over matters of timing and implementation, there was unanimous agreement on the need to end the draft and create an all-volunteer force. Conscription has been in existence for only 34 of the nearly 200 years since our Nation proclaimed its belief in the freedom and dignity of the individual in the Declaration of Independence. When the draft has been used, it has been selective and discriminatory, rather than universal. Compulsory military service has divided our Nation and alienated its young people.

Studies by the Department of Defense, and by the President's Commission on an All-Volunteer Armed Force—which was headed by former Secretary of Defense Thomas S. Gates, and included two past NATO Commanders, General Alfred Gruenther and Lauris Norstad—have shown that the volunteer force is both feasible and desirable.

The first essential step in creating a volunteer force is to establish a reasonable pay standard for our men in uniform. For too long the military pay structure has slighted the first term G.I. Although the federal poverty level is $3,900 for a family of four, the married recruit with two children is paid only $3,500. Many Task Force members described heart-rending situations of poverty in the military. We find it intolerable that our society calls upon its youth to serve in the armed forces and then forces many of them to depend upon welfare and food stamps for survival. Regardless of one's views on the draft, we hope that the pay increases which recently passed the House will merit your support.

Other improvements designed to eliminate reliance on the draft (which are detailed in our final report) include providing decent housing, offering challenging jobs, eliminating the so-called "Mickey Mouses" aspects of service life and encouraging the public to accord military personnel and the uniform they wear the respect they deserve.

The Advisory Report to the Task Force argued for a one year extension of the draft to provide a transitional period to the volunteer force. It was contended that a year would allow sufficient time for the military personnel reforms to take effect, and that a limited extension would put the necessary pressure on the bureaucracy to expedite the policies needed to end the draft. It was also noted that the one-year extension was consistent with national security requirements, because Congress would retain the authority to reinstate the draft if needed to sustain our defense capability.

Many Task Force members were curious as to why Congress reviewed military hardware procurement on an annual basis, but chose to avoid yearly discussion of military manpower procurement—particularly in view of the demonstrable inequities in the draft. Some said it was hypocritical of the Nation's leaders to ask young people to "work within the system," and then not allow the system to hold an annual review of a policy which deeply affected their lives.

The one-year recommendation was closely debated; some advocated a longer extension to provide a smoother transition while others held that with over 2 million true volunteers in today's military, the draft could be ended now, consistent with national security requirements. By a close margin, the Task Force voted to recommend to end the draft as of June 30, 1971. There was substantial agreement, however, on the need to continue selective service machinery so that the draft could be quickly reinstated in time of national emergency.

Recognizing the possibility that there might be a transitional period, our Task Force recommended the following draft reforms: an end to student deferments; local board membership restricted to ages 18–55, with a maximum five years per term; right to legal counsel and personal witnesses during appeal; tests for sickle cell trait during medical examinations; and right to appeal pre-induction physicals through re-examination at a VA Hospital or different Examination Station.

We rejected compulsory civilian service as an alternative to the draft. However, we recommended that under the auspices of the Action Corps, support be provided for volunteer service projects which are locally conceived and directed. We therefore proposed that appropriations be granted to provide training for approximately 200,000 part-time volunteers and supervisors in order to test the feasibility of greater Federal Assistance to locally designed and Administered programs of work-study and service-learning.

We have previously submitted for your consideration the Advisory Report which was the basis for our deliberations. Any major changes from the Advisory Report which were made in Estes Park have been noted in this letter. A final Report will be sent to you upon publication.

We believe that the Task Force on the Draft and National Service provided an opportunity for a meaningful dialogue between our Nation's leaders and its young people. We hope you will give our views serious consideration.

Richard A. Graham,
Former Director, Teacher Corps.
Alan S. Cameron,
Lieutenant, SC, USN.

American Civil Liberties Union,
New York, N.Y., May 20, 1971.

Dear Senator: The United States Senate is now considering the Schweiker Amendment to H.R. 6531; a section of that amendment would increase the military pay package from the $1.0 billion voted by the Senate Armed Services Committee to $2.7 billion, the amount previously approved by the House of Representatives. The American Civil Liberties Union urges you to support the pay section to the Schweiker Amendment.

The low pay currently offered by the armed services is one of the more glaring inequities tolerated by our society. Current military pay levels truly constitute a "tax-in-kind" by which members of the armed services subsidize those not in uniform. We do not permit this type of taxation to exist in any other segment of our society.

Elimination of this abuse is desired on its own merits. Moreover, low pay levels make it more difficult to recruit and re-enlist military personnel. As this nation moves toward an all-volunteer service—the stated goal of this Administration—it is imperative that the armed forces offer compensation that is adequate, fair, and competitive with pay levels available in the civilian sector of the economy.

The additional money authorized by the Schweiker Amendment represents only a fraction of our current military expenditures. It would be a small price to pay in order to expedite elimination of a system that taxes those who serve. As the President's Commission On An All-Volunteer Armed Force has documented, the current pay levels only hide the actual cost of the military services. For the taxation is never recorded as either a receipt or an expenditure. The Gates Commission places the unrecorded cost for first-term servicemen alone at $2 billion. Higher pay will increase rates of voluntarism *and* reduce the actual total cost of the armed services by ending an artificial and misleading accounting system.

The American Civil Liberties Union strongly urges that you support this effort to bring about a greater degree of equity into military service and to eliminate a system that places an unfair burden on both conscripts and volunteers.

Very truly yours,
Lauren Selden,
Field Development Officer.

[From the Washington Post, May 9, 1971]

Welfare, Extra Jobs Sustain GI Families

(By Representative William A. Steiger)

An old service joke holds that "if the Army had wanted you to have a wife, it would have issued you one." For today's young soldier the joke rings hollow. His wife and children are dependent for survival upon a military compensation system that is a national disgrace.

Most shameful is the treatment given GIs in their first term of duty. Largely as a result of the draft, 23 per cent of U.S. military personnel in their first term are married men. For these 330,000 servicemen, the basic pay structure does not even admit the existence of family support needs. According to the U.S. Code Title 37, Section 403a, "A member in pay grade E-4 (less than four years of service), E-3, E-2, or E-1 is considered at all times to be without dependents."

A review of first-term salaries shows the near-desperate plight of servicemen at low levels. The basic pay of a recruit is $134 a month. If he lives off the post, he receives an allowance of $60 for quarters and another $46.23 for subsistence plus about $20 a month tax advantage, for a total compensation of $3,114 per year. With one child he receives a scant $30 a month, $15 for the second, and nothing for additional children.

The financial penalty imposed on first-terms becomes starkly apparent when we compare the $3,500 of a married recruit with two children to the federal poverty line of $3,900 for the same size family. Since the families of junior enlisted men are far below this level, how do they get by? Some do not. Their families break under the strain. A recruit from Oregon, stationed at Ft. Gordon, Ga., describes a familiar pattern:

"Getting settled into marriage wasn't easy for me because my wife was the real dependent type. When I got drafted, she begged me not to go, but I felt I had an obligation. Before I went in I tried to make provisions for her, but the economy was so tight, she just couldn't find a job. After I was in, things became bad financially. She tried to get on welfare, and even though our income qualified, the agency said 'no' because being in the service made me a 'fully employed person.'

"That was really the last straw for her. She wrote me that she just wasn't strong enough to make it alone and she wanted a divorce. I asked for a compassionate reassignment, but couldn't get it so I went to the Mental Hygiene Unit, Community Services, and three chaplains, but got nowhere—the chaplains even said that if that was the way she was, I should forget her because she wasn't worth it. My captain said I could apply for reassignment but probably wouldn't get it. He was right. Now I don't have a wife. I'd like to know why you expect us to be strong."

GI FAMILIES ON WELFARE

The problems of inadequate pay are accentuated because the first-termer is also denied a host of benefits that are given to careerists and are essential to compensate for the dislocations associated with military life.

When making changes of station, careerists are given free travel of dependents, transportation of household effects, dislocation allowances, trailer allowances, transportation of automobile overseas, overseas allowance and evacuation allowance. If they are unaccompanied, careerists receive a $30 a month family separation allowance. But the underpaid and often-moved first-termer is ineligible for all of these benefits.

Even families who remain together face a series of unpleasant alternatives. One of these is applying for welfare payments.

No one knows exactly how many servicemen are receiving public welfare today. A 1969 Defense Department survey of state welfare directors yielded only fragmentary results but brought to light the fact that 21 states refuse to give aid to service families, denying servicemen benefits available to civilians at similar income levels.

Rules for welfare payments vary tremendously from state to state. An Army private from Buffalo interviewed at Ft. Gordon was luckier than many. "Where I came from," he said, "they give welfare to anybody with an income of below $3,800, so my family has been on relief pretty much since the day I finished basic training."

A Californian in the same pay grade, however, would be out of luck. Richard Winsor, an assistant county welfare director in California, was quoted in the Sacramento Union:

"It doesn't really matter what their income level is. We consider the military man a 'fully employed person.' You're dealing with an intact family with the father fully employed—and to qualify for aid, they have to meet a deprivation requirement either through the absence of the father or the unemplyoment of the father."

Even where the GI is "eligible" for welfare it is often denied him. A study by former Army social work officer David N. Saunders reported that New Jersey is using a "subterfuge, the legal status of military reservations, to deny public welfare benefits to the residents of the military community. The state contends that, because these installations belong to the federal government, the inhabitants do not reside in New Jersey."

FOOD STAMPS FOR SOME

Since last July, the poverty problem of low paid servicemen has been alleviated somewhat by the acceptance of food stamps as currency at military commissaries. During a recent visit to Ft. Gordon, a social worker told me the Augusta Welfare Department has made food stamps available to any married E–1 or E–2, and all E–3s living in Richmond County with at least one child. If these criteria had been applied on a uniform basis in fiscal year 1970, 142,527 servicemen could have received public assistance in the form of food stamps.

Yet, as with other welfare programs, the criteria are restrictive. Five states and numerous localities do not participate in the program. Ft. Gordon, for example, is located in Richmond County which does participate in the food stamp program—but most married recruits live in the low-cost trailer parks in adjacent Columbia County where food stamps are not made available. Hence, the fact the commissary now accepts food stamps is meaningless for the people who need relief the most.

Even where food stamps are available, it is often difficult for the GI to obtain them. Welfare offices are open only while the soldier is on duty. For the "privilege" of requesting food stamps the soldier must first obtain leave from his commanding officer so he can join the long line of people waiting to fill out complicated forms that may require him to make second and third trips. Social work officers at both Gordon and Ft. Meade, Md., noted that it was not unusual for a GI to give up after one try, rather than ask his CO for another leave.

Pride may explain a man's refusal to apply at all. As one Ft. Gordon recruit from Newark put it, "I'm a man and I've got some pride, and I'll be damned if I'm going to tell my wife to beg for food stamps."

The first-termer who must feed a family faces an almost hopeless task even with food stamps. Government standards for a low income budget allow a family of four a minimum $1,905 a year for a nutritionally adequate diet. But the GI's subsistence allowance is only $554.76 a year. Even the $846 in food stamps available to a family of four only partially closes the gap. The 20 per cent savings in military commissaries somewhat reduces the deficit; yet this advantage has little meaning to the GI without a car who cannot make regular trips to the commissary, or to the soldier on an unaccompanied tour whose dependents are not located near a base.

Many junior enlisted men save money to feed their families by accepting poor housing. Unlike the careerist, the first-termer is not entitled to free government housing. Even at the maximum of $105 a month, his quarters allowance falls $169 below the federal minimum of $1,429 required for adequate low-cost housing. Around a suburban base such as Ft. Meade, the GI can expect to pay about $1,600 a year for a decent apartment. Since his quarters allowance is inadequate, he must dip into his meager base pay.

At Meade the housing referral office declares most inadequate housing "off limits" to military personnel. At Gordon, where the Signal School draws a greater percentage of first-termers, the housing office feels it cannot take such steps because there would be nowhere else that the married recruit could afford to live. As a result, officials estimate that 1,600 Ft. Gordon families live in substandard housing.

Some of the housing around Gordon must be seen to be believed. In a trailer park at Grovetown, a stench of burning rubbish and sewage fills the air. "It's not so bad," say a soldier from Mississippi. "You only get the smell every two or three days. The main problem comes when it rains and the sewage backs up around the trailers. Then I get worried about the kids."

An apartment complex in the area is equally dismal. Discarded machinery, rusted appliances and tin cans lay strewn among the cinderblock structures. Jagged pipes, with no visible connection to anything, rise aimlessly from the ground like the weeds that cover them. Indoors, conditions are cramped, with a kitchen about as big as a linen closet and a single bedroom barely big enough for a bed and two small cots.

"It's just great that they are giving the single guys partitions in the barracks," one young corporal said. "But with these two kids here, I wish the Army would do something about letting me get a place where my wife and I would have a little privacy."

An effort is under way to improve military housing. Congress on its own initiative authorized some low income housing financed with grants from HUD's Title 235 subsidy program, but thus far it has only scratched the surface. At Meade, for example, only half of the eligible careerists are able to live in government quarters, and many of those units are outmoded and in poor repair. At Gordon fully 81 per cent of men qualified for family housing are forced to live on the economy. Since the Defense Department currently cites a deficit of 110,733 family units for careerists, it is unrealistic to expect that first-termers will be provided housing in the near future. So long as the current level of military pay exists, recruits can anticipate living in "Grovetowns."

How does a military family survive? A community services officer at Ft. Gordon answered that question with a bleak picture of bare subsistence existence:

"If you take the typical married first-termer, add his base pay, allowance, and subtract his taxes and savings bond payments, he has about $240 a month. You can rent a lousy place for $100 including utilities and roaches, but then you've got to add transportation and carfare because he's living off base—about $45–50 a month in payments for his car and another $30 for gas and repairs. If you are very frugal, and do all your shopping at the commissary, you can get by on $50 a month. So $230 is taken up, which leaves you $10 for recreation—providing everything else is perfect. Of course, if the kids need dental care or glasses, forget it!"

A 1970 Defense Department survey revealed that over half the wives of first-termers worked to supplement their incomes—117,000 full-time and another 49,000 part-time. Considering the problems of caring for pre-school children and obtaining transportation in a one-car family, this is a high percentage. There is a further problem in the scarcity of employment opportunities for unskilled young women. At Ft. Gordon, a community services officer said he could place fewer than 5 per cent of the wives who sought work.

Moonlighting by servicemen is fairly common. Nearly every junior enlisted man with whom I spoke expressed the desire to have a second job. But for recruits, aside from the general tight job market, there is a serious difficulty in moonlighting because of the "after hours" assignments of guard duty, KP and sanitation patrol. Nevertheless, the Defense Department estimates that 134,000 first-termers manage to hold second jobs to supplement their incomes. The typical GI works 19 hours a week on his second job, for an additional income of only $33.

Senior military officials with whom I discussed this problem have complained about the effect of such moonlighting on the training and readiness of certain units. "You would be astounded at the number of GIs you see pumping gas and working the hamburger joints," a sergeant major at Ft. Meade said. "No wonder they are dragging half the day."

Still, officials are reluctant to curtail moonlighting because they fear a serious morale problem would result from the recruits' loss of income.

STRAIN OF MOONLIGHTING

Visits with recruits who have been able to find a second job suggest that while the extra money may help, the added strain on the man and his family is great. A draftee from Saginaw, Mich., who's had two brothers serving in Vietnam, shared a poignant series of experiences at Ft. Meade:

"After I got drafted, I left my wife and two kids with her parents. When GM went on strike, my father-in-law was making only $40 a week off the strike fund and it was just too much of a burden to keep my family in his home.

"I can't get base housing, and all the decent places on the housing list are too expensive. On my own I found a dingy little room about 14 miles from base. Having only one room is a hassle for us, especially with the two kids.

"Things were okay until my car broke down. I can get a ride with a lady near us in the mornings, but since I work at the PX several nights a week I have to hitch home. I can't use the commissary without a car, and we are getting hit pretty hard at the supermarket.

"My wife and I can't spend much time together since I leave at 6:30 in the morning, and don't get back until 11 most nights—and I worry a lot since we can't afford a phone. Fortunately, I've got the talent to play a band. We get jobs every weekend for about $20. My wife gets one of the neighbors to baby-sit; she comes to listen, and we get to spend some time together during the breaks. I guess I'm luckier than most guys who can't even get jobs."

OVERSEAS IS WORSE

Life for the enlisted man with family in Europe is, if anything, more difficult. According to an unpublished study by Capt. Fletcher Hamilton, chief of social work of the Neuro-Psychiatric Clinic at the Nuremberg Army Hosptial, "there is a definite 'poverty cycle' for many of the married enlisted men" serving in Europe, GIs go into debt to move their families overseas. Then, because they are denied government housing, they must try to live on the German economy. The government transports furniture only for careerists, so GIs go further in debt to buy household appliances. And even when they have left their wives and children in the states, they are denied the $30 family separation allowance given monthly to officers and senior NCOs. Job opportunities for servicemen and their wives are virtually nonexistent abroad. While there are commissaries near most bases, food stamps are not available overseas. Most services of HEW and state welfare agencies likewise are unavailable.

At Ft. Gordon, a mental hygiene officer offered a case history:

"Ten months after Ed was married he was assigned to Germany. Since the military does not pay for family transportation for a first-termer, he decided to leave his wife in the States. After two months overseas, he decided that was a helluva way to begin a marriage, and his wife had just had a baby—so he borrowed money to get her over and pay for an apartment.

"Two months after she arrived, he came down on orders for Nam. Ed borrowed more money and sent his family back to the States. He was really low on funds. All of his base pay went to repayments on the loan, leaving only the $135 allotment for his wife. Since the kid was only a few months old, she had no way of supplementing that income. It just became too much of a strain for her and she asked for a divorce. He managed to get an emergency leave from Vietnam, but wasn't able to change her mind. On top of his debts, the costs of divorce were just too much for him. Now he won't get on a plane to go back to Nam. It's got nothing to do with the war—he's just a broken man."

Admittedly, the military does try to take care of its poor and disadvantaged. On my visits to Army installations I was most impressed by the sincerity and dedication of the men assigned to Army Community Services, and the warm generosity of the servicemen's wives who give countless hours in volunteer programs. Unfortunately, these programs are often understaffed and little publicized. A financial officer's comments underscore the hopelessness of the situation:

"We can't do anything about many of the serious problems that are brought to us. Army Emergency Relief provides financial assistance only in the case of an unusual circumstance. In the Army poverty isn't an emergency. It's a way of life."

DRAFT HOLDS DOWN PAY

A question that must occur to all who are shocked by the financial desperation of enlisted men in the U.S. Army is a simple one: How did it happen? We are all familiar with what seem to be frequent military pay raises. What is less familiar is the fact that these raises neglected the first-term enlisted man. To put it simply, the draft has made first-term enlisted men's salary increases unnecessary.

The draft survives as a last vestige of the ancient custom whereby the rich and powerful forced the poor and weak to provide services at subsistence wages. Conscription has been justified by the Supreme Court as a valid power of the State in times of "grave emergency or national peril." But the recent legislative history of military pay makes it plain that the primary function of conscription has been to depress military compensation to a point where a disenfranchised minority of the citizenry has been compelled to bear a grossly disproportionate share of the costs of defense.

Regardless of what Congress finally decides about the draft vs. a volunteer army, immediate action must be taken to improve the lot of enlisted men. Current legislation which would raise the recruit to $4,991.48 goes a long way toward fairness. It has been argued that the $2.7 billion authorized in this bill could well be spent in other areas of need in our society. Rep. Ronald V. Dellums, a leading black spokesman, answered this argument when he said:

"Those who enlist in the military should receive a fair income. Opposition to pay increases on the grounds of inflation or increased government spending merely continues the exploitation of first-term servicemen by the taxpayers."

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATION OF "NATIONAL PEACE CORPS WEEK"

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 29.

The PRESIDING OFFICER (Mr. DOMINICK) laid before the Senate the amendment of the House of Representatives to the joint resolution—Senate Joint Resolution 29—to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week", and for other purposes which was to strike out the preamble.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

ANNOUNCEMENT OF THE LEADERSHIP'S INTENTIONS WITH RESPECT TO REORGANIZATION PLAN NO. 1 OF 1971

Mr. BYRD of West Virginia. Mr. President, it is my understanding that Reorganization Plan No. 1 of 1971, entitled, "To Consolidate a Number of Volunteer Programs into One Agency, Action," has already been, or will shortly be, reported from the appropriate Senate committee, and it is my further understanding that the last day on which the Senate can take action thereon would be Thursday, June 3, 1971.

The majority leader has asked that I state—in order that Senators may be put on notice—the leadership's intention, on tomorrow, to ask unanimous consent to set a time certain on which to vote on the resolution of disapproval, and the time certain which the distinguished majority leader has in mind is 11 a.m. on Thursday, June 3.

The majority leader intends to ask unanimous consent that time for debate on the resolution be limited to 2 hours, to be equally divided between and controlled by the appropriate Senators, to begin on Wednesday, June 2, at 3 p.m., and to run until 5 p.m., the same day.

Therefore, Mr. President, if such a unanimous-consent agreement is entered into, there would be 2 hours of debate on the disapproving resolution on Wednesday, June 2, from 3 p.m., extending until 5 p.m., and the vote—unquestionably, a roll-call vote—on the resolution of disapproval would occur at 11 a.m., on the following day, Thursday, June 3.

Does the distinguished assistant Republican leader have any comments on this subject?

Mr. GRIFFIN. No.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9:30 a.m.

Immediately following the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business for not to extend beyond 10 a.m., with statements therein limited to 3 minutes.

At 10 o'clock tomorrow morning the Chair will lay before the Senate the unfinished business. The time will begin running at that point, to wit, 10 a.m., on the Dominick amendment to title V of amendment No. 76, as modified, of the Senator from Pennsylvania (Mr. SCHWEIKER). Time will be equally divided and controlled, and a vote will occur on the Dominick amendment at 1 p.m. tomorrow.

Immediately following the vote on the Dominick amendment, controlled time will begin running on the Hughes amendment—the so-called pay increase provision—and a vote will occur thereon not later than 6:30 p.m. tomorrow.

The Senate is therefore put on notice that there will be at least two votes tomorrow, and undoubtedly both votes will be rollcall votes; and, moreover, there may be amendments to the enumerated amendments, on which additional rollcall votes could very well occur.

In view of the fact that the time on tomorrow will be controlled, under the agreement, with votes scheduled at hours certain, the Pastore rule of germaneness has been waived for the entire day.

When the Senate concludes its business tomorrow, it will stand in adjournment until 12 o'clock noon on Tuesday, June 1.

ADJOURNMENT TO 9:30 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:30 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 48 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, May 26, 1971, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 25, 1971:

DEPARTMENT OF STATE

Joseph F. Donelan, Jr., of New York, a Foreign Service Officer of class 1, to be an Assistant Secretary of State.

U.S. NAVY

Vice Adm. Francis J. Blouin, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Rear Adm. Harry L. Harty, Jr., U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Harry L. Harty, Jr., U.S. Navy, for appointment as Navy senior member of the Military Staff Committee of the United Nations pursuant to title 10, United States Code, section 711, vice Rear Adm. Frank W. Vannoy, U.S. Navy, reassigned.

HOUSE OF REPRESENTATIVES—*Tuesday, May 25, 1971*

The House met at 12 o'clock noon.

Rev. Clarence W. Cranford, Calvary Baptist Church, Washington, D.C., offered the following prayer:

We pause, O God, to invoke Thy blessing on this body as it meets today. We thank Thee that it meets in a nation where people are free to pray, and where people are taught to respect and honor each other's opinions.

Guide us, O God, as we seek to deal with the complex issues of our time. May we always be willing to listen to the cries of those who know from bitter experience where the shoe pinches. But may we never substitute government by a rabble for government by the people. May we never substitute ranting for reason, or wishful thinking for hard work.

Teach us, O God, that there is no particular virtue in weakness, but much virtue in meekness. Help us to be self-reliant without being self-righteous. May we never be too arrogant to listen, or too proud to pray.

Be with the Members of this body to whom the people have delegated such awesome responsibility. May the echoes of what they say and do this day enhance the image of America around the world. Because of their deliberations and actions, may we not only be a stronger nation, but a better one. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed the following resolution:

S. Res. 127

Resolved, That the Senate has heard with profound sorrow and regret the announcement of the death of Honorable Thomas J. Dodd, who served in the United States Senate from the State of Connecticut from 1959 to 1971.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

TRIBUTE TO DR. CLARENCE CRANFORD

(Mr. ANDREWS of Alabama asked and was given permission to address the House for 1 minute.)

Mr. ANDREWS of Alabama. Mr. Speaker, next month, Dr. Clarence Cranford, who gave our prayer this morning, will retire after 40 years in the ministry, 30 of them spent in Calvary Baptist Church in downtown Washington. He has always been ecumunical in his interests. At one time, he served as chairman of an interfaith committee known as the Committee on Religious Life in the Nation's Capital. He also served two terms as president of the Washington Council of Churches. This last week, he preached the Sabbath Day sermon in one of the leading local synagogues.

Dr. Cranford has opened both Houses of Congress with prayer on several occasions. He first offered the prayer in the Senate at the invitation of Dr. Zebarney Phillips, then the Chaplain of the Senate. He later represented Chaplain Peter Marshall and Chaplain Frederick Brown Harris, both of whom were his friends. In fact, as Dr. Peter Marshall was being carried from his home on the morning of his last heart attack, he instructed his wife to ask Dr. Cranford to give the prayer at the next session of the Senate. On the day of Peter Marshall's funeral, Dr. Cranford opened the Senate by reading the last prayer Dr. Marshall wrote before his death. Catherine Marshall tells about this in her book, "A Man Called Peter."

Dr. Cranford has opened the House with prayer both at the invitation of the late Dr. Braskampf and the present Chaplain, Dr. Edward Latch. After the death of his first wife, Dr. Cranford's second marriage was performed by Dr. Latch.

Mrs. Cranford is no stranger to Capitol Hill. For many years, her father, George H. Jones, worked for Mr. William Tyler Page when Mr. Page was Clerk of the House of Representatives. Mr. Page is remembered as an outstanding Parliamentarian and as the author of the "American Creed."

At one time, as many as nine Members of the House of Representatives attended the services of Calvary Baptist Church, and once honored him with a luncheon in the House restaurant. In 1957, when Dr. Cranford served as president of the American Baptist Convention, the Honorable Brooks Hays, then a Member of the House of Representatives and also of the Calvary Baptist Church, served as president of the Southern Baptist Convention. They appeared on many platforms together.

Mr. Speaker, I take this occasion to wish for Dr. Cranford and his lovely wife, Dorothy, a well-earned rest when his time expires at the Calvary Baptist Church and he goes on into retirement—not to sit down and rust away but to be active in carrying on the ministry of the church throughout this world.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

May 24, 1971.

The Honorable the Speaker,
U.S. House of Representatives.

Dear Sir: Pursuant to authority granted on May 24, 1971, the Clerk received from the Secretary of the Senate today the following Message:

"That the Senate agree to the amendments of the House of Representatives to Senate amendments numbered 2, 18, 38, 49, 57, and 59 to the bill (H.R. 8190) entitled 'An Act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.' "

With kind regards, I am,

Sincerely,

W. Pat Jenkins,
Clerk, U.S. House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Monday, May 24, 1971, he did, on that day, sign the following enrolled bill of the House:

H.R. 8190. An act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

RESIGNATION FROM U.S. DELEGATION OF THE MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER laid before the House the following resignation:

May 24, 1971.

Hon. Carl Albert,
The Speaker,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Speaker: It is with a deep feeling of regret that I find it necessary to return to California Wednesday night or Thursday morning, which will prevent my taking the trip to Mexico.

I regret having to resign from the Committee. However, I want to thank you for appointing me as a member of the delegation representing the United States at the Eleventh Mexico-U.S. Interparliamentary Conference.

Sincerely yours,

Harold T. (Bizz) Johnson,
Member of Congress.

APPOINTMENT AS MEMBER OF THE U.S. DELEGATION OF THE MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of section I, Public Law 86–420, the Chair appoints as a member of the U.S. delegation of the Mexico-United States Interparliamentary Group the gentleman from Arizona, Mr. Udall, to fill the existing vacancy thereon.

CALL OF THE HOUSE

Mr. GROVER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 107]

Abernethy
Abourezk
Anderson, Tenn.
Archer
Ashley
Baker
Baring
Bergland
Betts
Bevill
Biaggi
Blanton
Bolling
Brooks
Buchanan
Burke, Fla.
Camp
Casey, Tex.
Celler
Chappell
Clark
Clausen, Don H.
Clay
Corman
Crane
de la Garza
Dellenback
Dent
Dickinson
Diggs
Dwyer
Edwards, Ala.
Edwards, La.
Flowers
Flynt
Ford, William D.
Frey
Gallagher
Giaimo
Gibbons
Grasso
Green, Pa.
Griffin
Gubser
Halpern
Hanna
Harsha
Hastings
Helstoski
Ichord
Jacobs
Jones, Tenn.
Karth
Keith
Kuykendall
Landrum
Latta
Leggett
Long, La.
McCulloch
McKay
Mann
Martin
Mathias, Calif.
Mazzoli
Metcalfe
Miller, Calif.
Mink
Minshall
Montgomery
Moorhead
Murphy, N.Y.
Nichols
O'Hara
Passman
Patman
Pelly
Pike
Pirnie
Podell
Price, Tex.
Railsback
Rangel
Rees
Reid, N.Y.
Roe
Roy
Roybal
Runnels
Ruppe
Scherle
Scheuer
Shipley
Skubitz
Slack
Smith, Iowa
Spence
Steiger, Wis.
Stubblefield
Sullivan
Talcott
Teague, Calif.
Ullman
Waggonner
Watts
Whalley
Whitten
Wiggins
Wilson, Charles H.
Winn
Wyman

The SPEAKER. On this rollcall 321 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight to file certain privileged reports.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DEATH OF FORMER MEMBER AND SENATOR THOMAS J. DODD, OF CONNECTICUT

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, I have the sad duty of announcing to the House the death of a dear friend of mine and a one-time Member of this body, Thomas J. Dodd, who died on Monday in Old Lyme, Conn. Tom Dodd was well known to most of the Members of this body. He served in this House for two terms, being elected in 1952 and 1954, and subsequent to that time he was for two terms a Member of the other body.

In addition to his congressional career, he served our Government in other ways over a long period of time. He was for many years an active and effective member of the FBI. He was a director of the NYA. He also served as chief of the prosecuting staff at the Nuremberg Trials after World War II.

He was a courageous fighter for causes in which he believed. He will long be remembered for his fight against drugs and against the spread of crime. He will be remembered for his opposition to the spread of totalitarianism in whatever form it took.

He will be remembered long in our State for his liberal positions on social and economic matters and on legislation which was for the good of our State and country.

Tom Dodd was helpful to me on many occasions and I feel a personal loss in his passing.

He leaves a devoted and wonderful family. I know that I express the feelings of all Members of this body when I extend our deep sympathy to Grace Dodd and to the members of his family.

Mr. Speaker, I announce that I shall at a later date ask unanimous consent that I may have a special order devoted to the life and the legislative record of Tom Dodd.

Mr. TIERNAN. Mr. Speaker, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. I concur with the remarks of my distinguished colleague from Connecticut and express my deepest sympathy to the family of the late Senator Thomas Dodd.

TRANSFER OF SPECIAL ORDER

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent that the special order which I have for tomorrow may go over until 1 week from tomorrow, Wednesday, June 2.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

ORDER OF BUSINESS

The SPEAKER. The Chair will now receive unanimous consent requests but will not recognize Members for 1-minute speeches on any subject other than the announcement of deaths and similar matters.

APPROVING REORGANIZATION PLAN NO. 1 OF 1971

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 411) disapproving Reorganization Plan No. 1, transmitted to the Congress by the President on March 24, 1971; and pending that motion, Mr. Speaker, I ask unanimous consent that debate on the resolution may continue not to exceed 3 hours, the time to be equally divided and controlled by the gentleman from New York (Mr. Horton) and myself.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. THOMPSON of New Jersey. Mr. Speaker, reserving the right to object, I wish to clarify the time situation.

Is my understanding correct, I ask the gentleman from California (Mr. Holifield) that the gentleman and our distinguished colleague from New York (Mr. Horton) have agreed to divide the time equally between themselves as proponents and myself and others are opponents?

Mr. HOLIFIELD. That is correct. We feel this plan should be discussed on its merits. We have no desire at all to preclude the opposition to the plan from having their time on the floor. Both the gentleman from New York (Mr. Horton) and I have agreed that we will give half of such time as we may consume totally to the gentleman from New Jersey and his friends who are opposing the plan. If it is possible for us to consummate our debate in less than 3 hours, I suppose that would be all right with the gentleman, so long as we divide the time fairly.

Mr. THOMPSON of New Jersey. Mr. Speaker, further reserving the right to object—and I likely will not object—does the gentleman from New York agree?

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from New York.

Mr. HORTON. I want to indicate my agreement with the statement made by the gentleman from California, that it is my intention to provide half the time I have, 45 minutes, to the gentleman from New Jersey or others who are in opposition to the plan.

Mr. THOMPSON of New Jersey. Can we understand—in the hope that perhaps we will not use 3 hours—that the time following the remarks of the gentleman from California, the chairman of the committee, and of the gentleman from New York, the ranking minority Member, will be alternate time?

Mr. HOLIFIELD. That will be satisfactory to me. I would prefer it that way, personally.

Mr. THOMPSON of New Jersey. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 411, with Mr. Brademas in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from California (Mr. Holifield) will be recognized for 1½ hours, and the gentleman from New York (Mr. Horton) will be recognized for 1½ hours.

The Chair recognizes the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, House Resolution 411 is a resolution to disapprove Reorganization Plan No. 1 of 1971 submitted to the Congress by President Nixon on March 24. Both the plan and the resolution were referred to the Committee on Government Operations under the rules of the House. The committee has reported back the resolution with a recommendation that it not be approved. This is in effect an endorsement of the plan itself which we hope will be supported by the House. The vote, however, will be on the resolution itself. Those who favor the plan should vote "no" on the resolution. Those who oppose the plan should vote "aye" on the resolution.

The President proposes in the reorganization plan to create a new agency called Action to which would be transferred:

First, Volunteers in Service to America, now in the Office of Economic Opportunity;

Second, auxiliary and special volunteer programs, now in the Office of Economic Opportunity;

Third, Foster Grandparents, now in the Department of Health, Education, and Welfare;

Fourth, the retired senior volunteer program, now in the Department of Health, Education, and Welfare; and

Fifth, the Service Corps of Retired Executives and Active Corps of Executives, both now in the Small Business Administration.

The President intends later to transfer the Peace Corps to the new agency by executive order and to similarly transfer the Office of Volunteer Action.

The President advised in his message that he also intends to submit legislation to Congress to transfer the Teacher Corps from HEW to Action.

There are involved in these transfers approximately 1,650 regular employees—not including the volunteers—and appropriations in excess of $140 million.

The purpose of the plan is to reorganize and consolidate the present volunteer system now spread among a number of different agencies of the Government. This is an essential first step, according to the President, "toward the goal of a system of volunteer service which uses to the fullest advantages the power of all the American people to serve the purposes of the American Nation."

As you have noticed, our hearings were held in depth and the varying points of view about the plan were fully expressed.

Considerable opposition to transferring their programs was registered by the VISTA volunteers who work in the poverty program, the SCORE volunteers who assist small businesses and retirees involved in the Foster Grandparents and other programs.

The VISTA opposition seemed to be based on fear that the reorganization would be a means of deemphasizing the poverty effort and reducing its financial support. This view was also expressed by Chairman PERKINS and other members of the Committee on Education and Labor. However, the Assistant Director of the Office of Management and Budget testified that the President intended to request an additional $20 million in appropriations for Action, and in a subsequent letter to our colleague FRANK HORTON, George Shultz, the Director, reaffirmed this intention and said the $20 million would go entirely into "new and innovative domestic programs, with the majority of the funds to be committed to antipoverty efforts." Shultz said further that—

> This commitment will considerably more than offset cuts in the fiscal year 1972 VISTA program, which were necessitated by overall fiscal year 1972 budget pressures . . . A great deal of thought has been given to the retention of existing program entities and titles in Action. While the legal status of the VISTA name will be unchanged by the Reorganization Plan (the name currently appears only in Title VIII of the Economic Opportunity Act as a program title), the Administration has no intention of changing the name of the group of full-time, domestic volunteers who comprise the VISTA program.

The opposition of the SCORE volunteers seemed to be based on a desire not to be affiliated with other strictly nonbusiness volunteer activities. Opposition to the transfer of SCORE and ACE also came from Chairman WRIGHT PATMAN of Banking and Currency and Chairman JOE EVINS of the Small Business Committee. But it was clearly stated in the plan that although the SCORE group would be included in Action "that such individuals or groups of persons, in providing technical and managerial aids to small business concerns, shall remain subject to the direction of the Small Business Administration."

The opposition of the retired teachers was based on concern that the two most important programs in the Administration on Aging of the HEW—Foster Grandparents and RSVP—were being taken away leaving AOA with very little remaining and thereby unable to fulfill the goals Congress had for it. But it was reported to us that Secretary Richardson of HEW said that changes to be made would actually strengthen the AOA and that the misgivings were not well founded. It was also noted that the budget of AOA for 1972 had been increased by 23 percent over the present fiscal year.

There was strong support for the plan as well. The president of the United Way of America, composed of the community funds throughout the country, endorsed the plan. He believes the Government should mobilize all of its voluntary activities into one central organization. The president of the National Business League, composed of minority businessmen, favored the plan in part on the ground that the present activities of SCORE were not fully meeting the needs of his membership.

After the hearings we received a statement from John W. Gardner, former Secretary of Health, Education, and Welfare and the chairman of Common Cause. He also strongly supports the plan and mentioned that he had proposed the same type of organization in 1967 while a member of the Cabinet. Part of the problem, he indicated, is the apprehension that is apparently inevitable whenever the bureaucracy faces an organizational change. He said:

> I carried through many reorganizations when I was Secretary of HEW and most of them evoked a level of anxiety bordering on panic.

I might say that throughout the years nearly every reorganization plan seems to be opposed by those to be moved. This is only natural, I suppose.

We weighed all of the pros and cons of the matter very carefully and a majority concluded that the plan was an improvement over existing organizational arrangements and should lead to a more effective utilization of volunteers for the many areas in which they may render service. Particular advantages of the new program will be to make possible the fuller exchange of ideas and experiences between overseas and domestic volunteer efforts and permit easier movement of volunteers from one program to another.

We recognize that this plan contains various imperfections which, unfortunately, cannot be remedied except by voting down the entire plan. On balance, they are not of such magnitude that such a drastic step should be taken. In such a case the benefit of the doubt should go to the President.

We requested and have received a cost estimate on this plan from the Office of Management and Budget. The Associate Director states that some savings will result from the consolidation of certain administrative functions and recruitment activities and that any increases in costs of the programs involved will result, not from the effectuation of Reorganization Plan No. 1, but from future innovative changes in those programs. We concur in this estimate.

I want to explain something so that all the Members will know exactly what we are talking about in regard to the charts. The chart that you will find in the report is not an up-to-date chart. It was given to us earlier and it was embodied in the report before certain changes were made. However, the language of the plan itself does pick up the chart that you see in the report.

As this matter was considered in the other body, certain clarifications were made in intent and meaning by the administration. The administration was very frank to say that they thought improvements could be made, but realizing that you cannot amend a Presidential plan, the only thing they could say to the Members in the other body, in the committee that criticized the plan, was that they would elevate the Associate Directors from a five-line agency under a Director and Deputy Director, and they would form an organization like this one that you see here on my right. They would put two Associate Directors up here under the Director and Deputy Director, and they would take the three Associate Directors and put them on a lower level in the operational area. Directional control would be in the Associate Directors, and the other three Associate Directors shown in the chart in the report would be placed on a lower level as Assistant Directors. You will note that one of the Associate Directors will have charge of the international organizations, and another would have charge of the domestic organizations, which, it seems to me, is an improvement on the original chart. It is a shifting around of the organization, and they agreed to the other body that this would make for better organization control.

We had letters from Mr. Shultz, the director of the OMB, and Mr. Blatchford of the Peace Corps, in which they acquiesce to this. They make it clear that it cannot be done in the plan, but they concede this is a better arrangement, and they will subsequently send up some minor legislation which will permit this change.

So the plan as it is written is not exactly like this chart. I want this to be plain to the membership. The plan is very much like the chart printed in the report. This was not our committee's doing, this was the administration making these changes after consultation with the members of the Committee on Government Operations of the other body. We have looked at this very carefully and believe it is better, and we want to call it to your attention.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Iowa.

Mr. GROSS. How did the Peace Corps get into this scorecard and lineup? It has international implications, does it not?

Mr. HOLIFIELD. It does. The administration feels that putting all of the volunteer agencies into one pyramidal type of control will result in utilizing their personnel better. If people apply to this one action agency and say they want to volunteer for public service, they might be told, for instance, that there was no room for them in the international Peace Corps, but that "We can use you in the ghettos of the cities of America." Then if they want to take that job, they can. They must volunteer for any of these jobs.

Mr. GROSS. Will they have to change the name from Peace Corps to ghetto workers or something like that?

Mr. HOLIFIELD. No; the name of the Peace Corps is retained. The name of VISTA is retained. The names of the present agencies are all retained, they are merely put together in an overall agency with one man at the top in place of six or seven different administrators.

Mr. GROSS. That is what I was afraid of. As I said earlier today, this seems to be proof of the old adage that there is nothing so permanent in Washington as something temporary. I have hoped for a good many years that this Peace Corps business, costing anywhere from $75 million to $100 million per year, would be washed out and ended. But it appears to me now that if it is frozen into this picture it will go on in perpetuity.

Mr. HOLIFIELD. I will say to the gentleman that it is no more frozen in now than it was before—this is according to the request of the administration.

Mr. GROSS. I have no doubt about that. The administration is for continuing the Peace Corps and expanding other foreign handout programs. So I have no doubt that the administration is for this, but it still gives me concern.

Mr. HOLIFIELD. May I inform the gentleman that in the fiscal year 1972 budget, there is a reduction in the international organizations funds, but there is now proposed an increase of $20 million in domestic funds, the money we spend here at home. Now whatever comfort the gentleman may get from that, that is a fact.

Mr. GROSS. Is the gentleman aware that in recent days this Government has borrowed $2 billion American dollars, called Euro dollars because they are held by individuals and central banks of Europe, and we are paying a premium of at least 2.2 percent interest on top of the basic interest rate for these borrowings? It seems to me that instead of freezing the Peace Corps into some kind of permanent setup, we should be getting rid of these foreign aid instrumentalities through which dollars are poured out to Europe and help create a terrific deficit in the international balance of payments.

Mr. HOLIFIELD. The gentleman has a point, but it is not involved in this plan, I will say. One of the causes of the recent reevaluation of the mark in Germany was the flight of dollars from the United States to Europe to get higher interest rates than they could get here at home.

Mr. GROSS. Yes, it is involved through the Peace Corps and all the rest of the international do-good organizations.

Mr. HOLIFIELD. Now to explain in detail, I want this to be in the RECORD. The new agency, Action, to be established by the executive branch under Reorganization Plan No. 1 of 1971 is described in section 1 of the plan.

The agency will be headed by a Director appointed by the President, confirmed by the Senate, and compensated at the rate prescribed for level III executives, which is $40,000 a year.

The Director will be assisted by a Deputy, also appointed by the President and subject to Senate confirmation, compensated at the level IV rate, which is $38,000 a year.

The the plan, in section 1(d), provides for a maximum of four Associate Directors, appointed by the President and subject to Senate confirmation, to be compensated at level V rates or $36,000 a year.

House Report 92-222 carries, at page 18, an organization chart which outlines the organizational concept as it was contemplated at the time of the committee hearings, which ended on May 4, 1971. That chart shows five Associate Directors instead of four. Technically this is an error, since the Associate Director for Administration actually will be an Assistant Director, compensated at a grade 18 rate, which is $36,000 per year.

Administration witnesses, after testifying before our committee, made a commitment to Members of the other body that the internal management structure would be further revised. Since the reorganization plan is not open to amendment, but must be voted up or down, the only way that the changes could be accomplished is through legislation. Consequently, what I say hereafter in explanation is what the administration proposes to accomplish in new legislation. This proposal is not before us today in Reorganization Plan No. 1. It is offered only to explain what has happened since our report was prepared.

In response to objections raised in the other body, the administration now proposes to have two Associate Directors, one for international programs, the other for domestic and antipoverty programs, both to be compensated at level IV rates of $38,000 a year. The Peace Corps activities would be under the direction of the Associate Director for International programs, whereas domestic programs, including VISTA, would be under the Associate Director for Domestic and Antipoverty programs.

Each of the Associate Directors would have under his direction also a field organization, based on the existing setup of four regions for the Peace Corps and 10 regions for VISTA and the domestic programs.

Below the two Associate Directors, who are the program operators, there would be three Assistant Directors for staff functions; one for program development; another for recruitment, selection, and placement; and another for administration. As I mentioned earlier, the Assistant Director for Administration would be a grade 18 at $36,000, who would be appointed by the Director without the need for Senate confirmation. The other two Assistant Directors would be level V, also at $36,000, but appointed by the President and subject to Senate confirmation.

In sum, then, the top organization of Action, if and when new legislation is submitted and enacted, will include a Director and Deputy, as before, two Associate Directors for program direction—one for international and one for domestic programs—and three Assistant Directors for staff and administrative support. The two Associate Directors are to be stepped up to level IV on a par with the Deputy Director, whereas the Assistant Directors—except for the Director for Administration—remain at level V.

In conclusion, I request that the Members approve the President's plan by voting "no" on the resolution of disapproval.

At this point, Mr. Chairman, I insert the three administration letters previously referred to in my remarks:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C. May 24, 1971.

Hon. CHET HOLIFIELD,
House of Representatives,
Washington, D.C.

DEAR MR. HOLIFIELD: I would like to inform you of the results of discussions with Senator Javits and others on suggested improvements in the organization and program direction of ACTION, the volunteer service agency proposed by Reorganization Plan No. 1 of 1971.

These changes involve significant points of emphasis in the organizational structure of the new agency and other changes in the level of executive positions which would be incorporated in legislation to be submitted by the Administration. Specifically, the changes are as follows:

1. The Associate Director for Domestic Operations will be redesignated as Associate Director for Domestic and Anti-Poverty Programs to emphasize more visibly and forcefully the commitment of the elements of this organization to anti-poverty efforts.

2. The Associate Directors for Program Development, Administration, and Recruitment-Selection-Placement will be redesignated as Assistant Directors to indicate their staff role as supportive to the line Associate Directors, who have primary program responsibility.

3. The formal organizational structure will be modified to underscore the fact that the two Associate Directors will be line operators of ACTION's Programs and will be supported in a staff capacity by the Assistant Directors. The net result of these changes will be to show that the two Associate Directors will be the ACTION program operators. In that capacity, and in full recognition of their substantial responsibilities, I agree that they should be upgraded from Level V, as indicated in the Reorganization Plan, to Level IV. Because the Reorganization Plan, as submitted, cannot be modified, this change will be sought through legislation which we will submit shortly.

I believe these changes are consistent with the basic intent of the ACTION organization. They recognize the concern expressed in both Senate hearings and those before your committee that the Associate Director for Domestic and Anti-Poverty programs is committed to the importance of anti-poverty activity in ACTION's program. I believe the organizational changes we have agreed to, give much stronger institutional recognition to this commitment. As we implement the plan, we intend to ascertain and take into account the views of the people served and the volunteers themselves as to shaping the programs, providing the appropriate organizational structure, and their ideas about key personnel, including the Associate Director for the domestic and anti-poverty component. The Associate Director, of course, will have the special experience and insight necessary to carry out the basic goal of this component which is to extend opportunities for volunteer service and to bring a wide range of volunteer groups to bear in a concerted attack on poverty-related problems.

I believe these changes represent a clearer definition of the Administration's commitment to the domestic program of ACTION, and a confirmation of our intent to support fully the use of volunteer resources in attacking the problems of poverty in local communities.

Sincerely,

GEORGE P. SHULTZ,
Director.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., May 22, 1971.
Hon. CHET HOLIFIELD,
Chairman, House Government Operations Committee, House of Representatives, Washington, D.C.

DEAR MR. HOLIFIELD: You have asked whether we foresee any alteration in the manner in which future legislation dealing with the Peace Corps, VISTA, SCORE-ACE, the Retired Senior Volunteers Program, or the Foster Grandparents Programs, particularly authorizations for appropriations for these programs, will be handled by the various legislative committees of the Congress if Reorganization Plan No. 1 of 1971 becomes effective.

There is nothing in Reorganization Plan No. 1 that would require any such change in the present jurisdiction of the various legislative committees.

Unless and until the Congress shall otherwise direct, the Peace Corps Act will remain a separate statute and we assume that future changes in that Act, including amendments to appropriations authorizations, will be considered by the Foreign Affairs Committee.

Furthermore, we assume that the Education and Labor Committee will continue to exercise comparable jurisdiction with respect to Title VIII of the Economic Opportunity Act of 1964, as amended (VISTA), and Title VI of the Older Americans Act of 1965, as amended (Retired Senior Volunteer Program and the Foster Grandparent Program), and that the Committee on Banking and Currency will continue to have jurisdiction with respect to the SCORE-ACE program, since that program is conducted under the provisions of the Small Business Act, as amended.

Sincerely,

ARNOLD R. WEBER,
Associate Director.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., May 22, 1971.
Hon. CHET HOLIFIELD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HOLIFIELD: Arnold Weber informs me that you have asked for some additional clarification of matters concerning ACTION, the agency proposed by Reorganization Plan No. 1 of 1971.

STATUTORY AUTHORITY

Under the Reorganization Plan, no changes in statutory authority which governs component programs can be made. ACTION's programs will be governed largely by the Economic Opportunity Act (which already provides both broad authority for the existing full-time volunteer program and additional authority for part-time and short-term programs, with all programs directed to the elimination of poverty) and the Peace Corps Act (which provides for establishment and operation of the Peace Corps). Additional authority for volunteer programs for older Americans and for assistance to small business exists in the Older Americans Act and the Small Business Act. Each of these Acts will continue to govern component programs. No major changes in these pieces of legislation are contemplated, and none, of course, could even be considered under the Reorganization Plan.

$20 MILLION ADD-ON

The Administration has announced that it will seek $20 million in additional money, to be used entirely for domestic programs. It has further announced that at least $12 million of that $20 million will be sought as an addition to the fiscal year 1972 budget for VISTA-type programs.

ACTION ORGANIZATION—VISTA

The table of organization presently being reviewed by your committee shows an Associate Director for Domestic Operations, with VISTA and Older Americans programs as part of the domestic operations, together with some administrative support functions for the SCORE-ACE programs of SBA. As indicated above, the domestic operations program will largely be governed by Title VIII of the Economic Opportunity Act, which is titled Volunteers in Service to America. The bulk of the domestic effort will be handled through the VISTA program, as shown by the additional funding commitment. The additional programs shown on the table of organization are the types of programs already authorized by the EOA and indicate the very close relationships which already exist between the VISTA program and those being merged with it. It is possible, therefore, to view the domestic operations of ACTION as a marked expansion and upgrading of the VISTA program. The Associate Director, with this expanded capability for domestic programs which focus on community problem-solving, will, of course, report directly to the Director of Action.

CONTINUITY OF VISTA PROGRAMS

It is clear from the above that the Reorganization Plan and the additional funds will do a great deal to strengthen the VISTA program. Existing sponsors who will continue with the program in ACTION (and who presently are heavily involved in anti-poverty programming) can look forward to continuing relationships on an expanded and improved basis.

Sincerely,

GEORGE P. SHULTZ,
Director.

Mr. HORTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of Reorganization Plan No. 1, and, thus, in opposition to House Resolution 411, the effect of which is to disapprove the Reorganization Plan.

I think the most important thing that can be said for this plan, and for the Action agency it would create, is that it represents a sincere commitment to expanding opportunities for American people of all walks of life to make meaningful and personal contributions to the resolution of the social and economic problems that plague our Nation. The successful citizen-involvement or volunteer programs which have been fostered over the years in separate Government agencies have demonstrated that there is definitely a place in America for federally fostered and supported volunteer efforts. No one claims that we can solve all of our problems simply by assigning tens of thousands of volunteers to them, any more than we can solve them all by an endless myriad of federally funded nonvolunteer programs. There is definitely a role for both methods of approach. The purpose of the umbrella agency Action is to provide greater visibility, greater support, greater recruitment, and, in short, a greater commitment to volunteer programs which have already earned a place in the Federal family of domestic and international efforts. This reorganization is the logical next step in expanding the Federal commitment to effective citizen-involvement programs.

Current successful programs being transferred to Action will not be revolutionized or turned inside out. In most respects, these programs will operate as they do now.

Action will be an improved organizational base for fostering and supporting voluntary action. The new agency would work through existing programs as well as seek to develop innovative, new programs as authorized under existing legislation. No program will be discontinued or cut back as a result of the reorganization.

The purpose of the new agency is to foster and support volunteer activities by means of improved recruitment and administrative support to volunteers on projects sponsored by Federal, other governmental, and private and community organizations. This means volunteers would continue to aid OEO projects in poverty communities, would continue to help Small Business Administration clients and would work closely with the Administration on Aging, because they would be assigned by Action to work with local projects and sponsors of these respective agencies, just as they are now.

Projects to which volunteers will be assigned will include nonprofit community organizations. Volunteers will continue to be under the direction of the project sponsors to whom they are assigned, with only general guidance coming from Action.

The programs transferred to Action, including VISTA, SCORE, ACE, Foster Grandparents, RSVP, OVA, and Peace Corps will continue to operate, Mr. Chairman, under existing rules and regulations, with the same operating procedures at the volunteer level, and with identities of their own. By this I mean that 1 year from now, for example, a businessman will be able to sign up with Action to work in a program sponsored by SCORE, a student will be able to sign up to work in a VISTA program, a senior citizen will be able to sign up for Foster Grandparents or one of the other programs for retired persons.

In addition to preserving these existing programs, along with their methods, purposes and procedures, Action, as an umbrella support agency, will enhance these programs, as well as voluntarism in general in ways that are not possible under existing structures.

A regional office structure will be created under Action to develop programs responsive to local needs, to support the activities of assigned volunteers, and to provide technical assistance to voluntary programs within the Federal regions. Today, the regional volunteer structure is splintered and coordination between programs is poor or nonexistent because each program reports through the regional offices of its own parent agency or department.

The changes and improvements in operation which will take place will therefore occur largely in the fostering and support of voluntarism. For instance, it will be possible to send a volunteer's application or request for information to one location and have it reach all relevant projects and programs. There will be greater flexibility and continuity in transferring a volunteer from one program to another—for example, from a full-time to a part-time program. Attention will be paid to setting appropriate standards for remuneration of volunteers. More resources will be spent on developing projects to meet local needs. Volunteer projects in an area can be more easily coordinated. Project referrals can be made from one program to another, just as proven program techniques can be transferred from one program to another far more readily than is the case today.

Better technical assistance can be provided to private volunteer projects and groups: and it will be possible to undertake research, based on broad program experience, into devising new kinds of programs and program support in areas where citizen-involvement can be utilized to help solve problems.

The strength of the administration's commitment to carry out these improvements and to hammer home its commitment to citizen-involvement is evident in the proposed Action budget.

Under the reorganization plan, the President would be requesting $141 million for voluntary action programs in fiscal 1972, as compared to the $137 million appropriated for fiscal 1971. The fiscal 1972 budget includes $20 million in new money being requested to support new initiatives for domestic volunteer programs.

It is likely that this total amount—$141 million—will be further increased by a supplemental fiscal 1972 request for additional Peace Corps funds, which are needed because of a sharp rise in recruitment and placement.

Action is to be primarily committed to poverty-oriented functions, and if the plan were to take effect we could expect an increase, a major increase, in the resources committed to domestic poverty projects for fiscal 1972. Volunteers will continue to be assigned, as they are now, to local, nonprofit community organizations, and to other sponsors which meet VISTA program requirements.

VISTA would have a fiscal 1972 budget of at least $45 million in contrast to the fiscal 1971 appropriation of $36 million.

There would be an increase in the number of VISTA volunteers serving in poverty areas, particularly in the category of "community VISTA volunteers" under which persons from poverty neighborhoods and communities are trained and supported to work in their own areas.

In other words, Mr. Chairman, VISTA volunteers, like those in other programs, will be assigned to projects to which they are able to contribute and to which they feel committed.

I also think it would be useful to speak briefly about the proposed handling of the SCORE and ACE programs.

SCORE and ACE chapters and volunteers will remain independent, as they are now. SCORE and ACE volunteers will continue to work under the direction and guidance of SBA, with some specially defined administrative support from Action. The advantages to SCORE and ACE of the support they will receive as a result of this reorganization are as follows: First, an increased recruitment potential, particularly as it relates to the founding of new chapters in communities which do not yet have the advantage of these programs; and, second, Action will provide enhanced potential for business-counseling opportunities to be referred through SBA to SCORE and ACE from other Action programs, including VISTA.

It is understood that in order to provide these recruitment and referral supports to SCORE and ACE, Action will require considerably less than 20 percent of the current SCORE/ACE budget of $1.8 million. In other words, Action will utilize less than $360,000 of this budget to provide these support services.

Like VISTA, SCORE, and ACE, the Peace Corps, Foster Grandparents, and RSVP programs will retain their identities within Action, as noted in the organization chart.

In summary, Mr. Chairman, the transferred programs will continue and expand under Action, and these programs will be augmented with innovative, new programs which will provide a full measure of support to the volunteer activities of our citizens.

As a member of the Select Committee on Small Business who has long observed and supported SCORE and ACE, as a Member of Congress who has, from the beginning, urged full support and expanded funding of VISTA and other antipoverty programs in OEO, as a founder of a task force in the 1960's to recommend expanded programs and services to our aged citizens, as a member of the subcommittee who attended nearly every moment of the 3 full days of hearings which were held on Reorganization Plan No. 1, and who asked many questions during those hearings. I am convinced that this plan represents a firm and a credible commitment to citizen involvement in America. I believe it is a plan which will help and augment all of its component programs and injure none of them.

Thus, Mr. Chairman, I urge our colleagues to cast negative votes on the pending resolution of disapproval, so that this concept, which represents an expansion of Federal support for voluntarism, can come into being, and so that, under the watchful eye of Congress and the Nation, it can carry out the commitments its founders have made for its implementation.

Mrs. DWYER. Mr. Chairman, I am in favor of Reorganization Plan No. 1, and thus opposed to House Resolution 411. Both the full Government Operations Committee and the Legislation and Military Operations Subcommittee, which held 3 days of hearings, gave bipartisan support to the reorganization plan and recommended against adoption of House Resolution 411.

I have been a supporter of the volunteer programs involved in Reorganization Plan No. 1 from their inceptions, and believe that this plan represents a desirable next step in the development of Federal support for volunteers. All of these programs, except RSVP which is new, have now gotten over their growing pains; they are proven and successful programs.

Yet, we find, because they are scattered, they do not provide the common support to each other that would be beneficial to the programs and to the volunteers. And they also are rather narrowly defined, again, except for RSVP, in their operations to single methods of operation. For instance, VISTA could be involved in many different types of volunteer programs under its authorization, but has largely limited its activity to full-time volunteers. If this plan is allowed to take effect, we would have an agency capable of providing better support to the existing programs and capable of developing new programs.

I am intrigued by some of the possibilities for new programs. For instance, did the House know that the city of New York has an office of volunteers? That office performs many of the same functions of program development and support that we can expect from Action. Their programs consist of such groups as the addiction services agency, the urban league street academies, and the service corps of retired attorneys. I understand Los Angeles has a similar program. I would think that Action would be in a position to foster the development of other offices of volunteers throughout the Nation.

I also heard recently that Ralph Nader is planning to form an organization of attorneys across the country able to argue for the rights of the poor, in favor of better government, and so forth. Would not Action be able to work with Mr. Nader in establishing such an organization, and be able to work with it by referring cases? Action, I understand, will be able to provide technical assistance to private volunteer groups, and will attempt to serve as a clearinghouse for volunteer information and referrals.

Finally, let me call the attention of the House to a resolution adopted by a task force at the recent White House Conference on Youth:

> The President should call for appropriations under existing Actions corps legislation sufficient to provide training for approximately 200,000 volunteers and volunteer supervisors in order to test over a two-year period, the feasibility of greater Federal assistance to locally designed and administered programs of work study and service learning. There should be several projects during this period to test the ability of the projects to provide solutions to local problems such as delinquency, health services training and delivery, early childhood education or comparable needs. Further, we recommend that the Director of the Action corps undertake a program of research and evaluation to begin at the start of the above-mentioned two-year trial program on June 30, 1971, and submit his recommendations regarding the feasibility of expanded Federal support for work-study and service-learning programs by June 30, 1973.

There are so many ways in which Action could contribute to the development of new volunteer programs in this country, and I have mentioned just a few. We need to study and develop some of these ideas. This reorganization plan, I submit, is the right step at the right time. I do hope the House will support this plan and vote against House Resolution 411.

Mr. Chairman, I will be glad to yield 5 minutes to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Such time as he may consume?

Mr. HORTON. I do not want to yield all of the balance of my time. I will yield you 10 minutes, and if you want more, I will be glad to yield you more.

Mr. HOLIFIELD. Mr. Chairman, I will yield the gentleman from New Jersey 5 minutes. That will give him 15. If the gentleman needs another 5 minutes, I will give it to him then.

Mr. THOMPSON of New Jersey. Will the gentleman from California yield?

Mr. HOLIFIELD. Certainly.

Mr. THOMPSON of New Jersey. In our colloquy before the adoption of the gentleman's resolution I understand it was specifically agreed that the opponents would get equal time.

Mr. HOLIFIELD. That is right.

Mr. THOMPSON of New Jersey. The gentleman from California used 22 minutes and the gentleman from New York used 11 minutes. Each of them has now yielded me 5 minutes.

Mr. HOLIFIELD. No; I yielded the gentleman 5 minutes and I understood the gentleman from New York yielded 10 minutes. Let us take 33 and divide it by 2, and we will give you the benefit of the doubt and make it 17 minutes.

Mr. THOMPSON of New Jersey. You know, I am not very, very good on this new math.

Mr. HOLIFIELD. The gentleman asked to get as much time as possible and we are endeavoring to extend that time to the gentleman.

Mr. THOMPSON of New Jersey. Well, I shall do the best I can.

First of all, Mr. Chairman, I would like to say that I am very grateful to the chairman of the Committee on Government Operations, an old and valued friend of mine, not only for his consideration today but for the opportunity which he gave me to appear before the committee; and my friend, the gentleman from New York (Mr. HORTON), whose friendship I value very highly. However, as much as I respect them, I am in really thorough disagreement with them on this issue and I shall try to explain why.

Now, Mr. Chairman, this is Reorganization Plan No. 1, designed to bring together under the auspices of a new agency to be created called Action several ongoing programs which now serve a variety of functions in the Federal Government and the administration proposes to label this new agency as Action.

Mr. Chairman, as the gentleman from California pointed out in describing the differences between this chart and the chart in the committee report, the gentleman explained that further action—if I may use the pun—will be required in the form of legislation at some subsequent date. In other words, that the report which you have before you is not an accurate reflection of what is intended.

The programs to be brought under this proposal are Volunteers in Service to America—VISTA—from the Office of Economic Opportunity; the Foster Grandparents program, which, parenthetically, is not a voluntary program but indeed an employment program; the Service Corps of Retired Executives, commonly known as SCORE; the Action Corps of Executives are now executives with the Small Business Administration; the auxiliary and special voluntary programs in OEO.

We are advised that the administration proposes to bring in by Executive order the Peace Corps should the Congress approve this; and, of course, should the Congress approve this, and only should the Congress approve this. Later the gentleman from California explains to us separate legislation will be brought in to bring the Teacher Corps into this tent.

Mr. Chairman, the Reorganization Act of 1949 authorizes the President to submit plans to transfer, to consolidate or to abolish Federal executive agencies and functions. Such plans become law unless within 60 days after the submission of them the House or the other body passes a resolution of disapproval. That is what we have before us today and I urge a vote of "aye" on the resolution of disapproval.

The act requires that the reorganization plans meet at least one of six criteria: to promote the better execution of the laws and more effective management of the executive department; to reduce expenditures—and the gentleman from New York says there will be an additional $20 million for VISTA-like activities without specifying them because the gentleman cannot, and the reason why he cannot is because the plans are yet to be formulated or yet to be known or identified; to increase the efficiency of the Government—and, certainly, this cannot qualify under that by any standard, taking all these activities and putting them in one tent and yet running out from under the tent the tenacles back to the legislative committees which at this moment have the responsibility for them; to coordinate this function toward achieving the major purpose, and there is no major purpose stated here; to reduce overlapping agencies, there is no overlapping in any of these agencies.

And to eliminate duplication of effort. And there is none of that. The only effort that is being made is to somehow or other sell us this Action program.

The remarkable thing about the plan is that none of the criteria will be met. There is no credible evidence that this plan will promote efficiency and economy much less expedite the public's business. In this regard I commend the attention of our colleagues to the minority views signed by 11 members of the Committee on Government Operations who voted against the legislation.

On the surface it would appear that the only rationale for the merger would be to bring together all programs that have a common theme called "volunteerism" notwithstanding that the Foster Grandparents is not a volunteer program. But even this rationale will not stand inspection.

The proposed reorganization is against the recommendations of the Ash Council that agencies be grouped by functions. The programs to be thrust together under this plan range from the business oriented corps of retired executives to a program designed to aid the war on poverty. In fact, our distinguished colleague, the gentleman from Kentucky (Mr. PERKINS), the chairman of the Committee on Education and Labor, stated before the Committee on Government Operations that the Foster Grandparents is not a volunteer program at all. Those who participate in it under the law must receive at least the minimum wage. Furthermore, the plan calls for the administration of SCORE to be shared by the Small Business Administration and Action. Now, is this efficiency? There will be confused lines of authority and creation of duplication of effort. And this is not even complete, this hydra-headed thing here.

There is one remarkable thing to be said about it, though, it seems in one stroke to have solved the generation gap. It is strongly opposed by both the retired executives of SCORE and by the young volunteers in the VISTA program with nothing in the middle.

The proposal, I submit, is born in confusion and is being placed before this House amid considerable dissention within the administration itself. There is no clear indication of what the role of this new umbrella Action would be, and the economics of the proposal are vague to say the least.

The administration advises that it will seek an additional $20 million for the new agency. This is not economy, although, indeed, if these things were offered separately, I, for one, would vote for many more dollars for each and every one of the programs, but this assurance is rendered meaningless by the fact that the funding request of the constituent programs in fiscal 1972 are lower than they are for 1971.

Now you figure this one out. I defy anyone to understand this. It is going to promote efficiency in government. I have heard of talking out of both sides of one's mouth at the same time, but never out of both sides, and the middle.

It is going to promote efficiency. It is going to be economical. They are going to add $20 million more, yet the fiscal 1972 request is $14 million less. And we are being asked to buy this absurd arithmetic.

So if they give us the $20 million, which the administration says it will request for Action, it barely compensates for the difference in the request between last year's budget and this year's budget.

In short, there is grave doubt that the constituent programs would be better off financially as the result of the reorganization. I feel that the real result of this proposal would be to diminish, if not eliminate, the effectiveness of the constituent programs thrown together like apples and oranges into a basket of programs. They would lose their identity and their force. Some of us here, Members of this body, would like to see them lose their identity and lose their force, others would like to see them remain visible, viable and identifiable at all times, not under Action as the administrative agency and then back into the committee or the respective committees for the legislative action to where they are now.

Our distinguished colleague, the gentleman from Tennessee, chairman of the Committee on Small Business, expressed this fear in a letter to the chairman of the Committee on Government Operations. He advised that he had strong objections to the proposed transfer of the Service Corps of Retired Executives and Action corps executives into the new agency.

In the same vein, the distinguished gentleman from Texas (Mr. PATMAN), chairman of the Committee on Banking and Currency, advised the Committee on Government Operations that it appeared this reorganization would not provide any new benefits for small businessmen and he advised that SCORE and ACE not be included in the organization.

I think it appropriate to remind our colleagues that this plan must stand or fall as it is before us, without reference to future legislation and without reference to the fact that if this passes, then the Peace Corps will be brought in—and then if it passes, subsequent legislation will be brought in to take the Teachers Corps into it—and then if this passes, there will be a hydra-headed monster created by legislation as to how it is to be structured.

The proposal purports to advance the cause of volunteers in some unidentified way. Obviously, now "volunteers" is a safe word. But where are the volunteers to support it? The implication is that if someone wants to volunteer, he can be in Peace Corps, SCORE, ACE, VISTA, Foster Godparents or any other of the number of other things that they may create with "VISTA-like programs" on which they propose to spend an additional $20 million.

What person or group of any stature has come to us on behalf of this reorganization? The most formidable name that I have heard up to now is that of the former Secretary John Gardner, now head of Common Cause. Oddly enough, although he claims to have advocated this, and no doubt he did, he was not able to sell it nor did he even in fact suggest it publicly.

Oddly enough, the administration over the last 2 years has been clearly in one instance anti-VISTA.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the distinguished gentleman.

Mr. PERKINS. First, let me compliment the distinguished gentleman from New Jersey (Mr. THOMPSON) for his outstanding statement.

I would like to ask the gentleman from New Jersey if he agrees that this Reorganization Plan No. 1 is more or less the initial step on the part of the administration to eliminate the Office of Economic Opportunity.

Mr. THOMPSON of New Jersey. In response to my distinguished colleague, the gentleman from Kentucky, it is not an initial step "more or less"—it is one step "more"—and very clearly so.

Mr. PERKINS. The gentleman has pointed out that some of these programs like Foster Grandparents and VISTA are primarily directed at helping the poor. They are not related in anyway to ACE or to SCORE and have no place with such programs that are designed to assist the development of small business. I want to compliment the gentleman from New Jersey for bringing out the point that many of these programs are absolutely unrelated.

Mr. THOMPSON of New Jersey. I thank the gentleman.

Mr. Chairman, some evidence of the attitude is evident in a May 24 New York Times article in which an unnamed Republican official was quoted as saying that:

> VISTA is just a federally financed $36 million-a-year hate Nixon graduate school. What would you do with it if you were ——— he says.

I think that is a rather expensive hate Nixon graduate school. As a matter of fact, I do not hate President Nixon at all. I do not agree with him 99 percent of the time.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. HOLIFIELD. Mr. Chairman, I yield the gentleman from New Jersey 5 additional minutes.

Mr. Chairman, there has been considerable dissension within the administration itself as to what shape the new agency would take. The main split, according to a long and thoughtful analysis in the National Journal, was between the Peace Corps and VISTA, with the Peace Corps dominating, largely through Mr. Blatchford's influence. The result of the dissent has been that the administration has sent up to Congress the mere skeleton of a plan to be implemented largely at the whim of the proposed Director of this thing called Action. The vagueness caused more reaction than the administration expected, and thus we have received some details in the form of "quickie" responses to congressional inquiries.

Only when I pressed did the administration make specific recommendations regarding the funding program for Action, and even now they are not clear. They are not in the President's message, nor are a multitude of letters of assurance from former Secretary Shultz and others a part of the record. They are not at all, as a matter of fact. So what we are being asked to do is to take existing programs with which we may agree or not agree, which we may support or may not, in sum or all, put them all under this thing called Action, and then hope that the administration will clarify their intent, their purposes, and their activities later.

With respect to Mr. Blatchford, I might say that he was kind enough to visit my office. He spent quite a while with me, and I asked him what his plans were. They are very lofty and they are very fine, I think, except that even he cannot define them. He does not yet know what will be done with the $20 million more that he is going to spend for VISTA-like programs. What does he mean by them? He does not know.

Mr. Chairman, I submit that there has not been, with all due respect to its proponents, a case made which should lead us to take this as it is now without explaining it and adopting it. It should be defeated, and if these matters are to be achieved, they should be achieved legislatively, because they do not meet any of the six criteria under the Reorganization Act. Let them go to the respective committees. Let the Committee on Foreign Affairs—and the chairman of that committee is opposed to this—let the chairman of the Committee on Foreign Affairs call this committee together, examine the future, the usefulness of the Peace Corps, and treat it accordingly. Let VISTA and the other programs belonging to the Committee on Education and Labor be sent legislatively to that committee for its determination. Let the Committee on Banking and Currency make its determination as to the activities for which it is responsible. Let the Small Business Committee take similar action.

The fact is that the proponents will admit that in defense of this proposal, the administration has said there will not be any change. We will put the Peace Corps in this bed, but the Committee on Foreign Affairs will have jurisdiction over it. We will put VISTA in this bed, but the Committee on Education and Labor will have jurisdiction over it. And so on it goes. I do not think the case has been made for the plan.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I am delighted to yield to the gentleman from California.

Mr. HOLIFIELD. Of course, what the gentleman has said is true, I might say, of all reorganization plans. A reorganization plan cannot change the statutory jurisdiction of a committee of Congress. All of the many plans that we have handled have been subject to this same factor. I would think the gentleman would be pleased that the VISTA organization, the VISTA hearings, and so forth, would be before his committee, and that the Peace Corps would continue to be before the Foreign Affairs Committee.

I should think he would be pleased with that fact because it would give the committee control over the amount of money to be authorized.

Mr. THOMPSON of New Jersey. If the Committee on Education and Labor is to have complete control over the amount of money authorized, then why in heaven's name has not the administration requested of the Committee on Education and Labor an additional $20 million with which to expand it?

If we are going to take the legislative route, let us take the pure legislative route. Let them go to the respective committees and ask those responsible committees, rather than walk in the back door, create this monster, and then come back to us and say, "Sustain it. Feed it."

Mr. HOLIFIELD. If the gentleman will yield further, I can say only that the administration said it will ask $20 million and it is said $12 million of that will be given to VISTA.

Mr. THOMPSON of New Jersey. It has not said that, I respectfully submit. It says, "For VISTA-like programs"—VISTA-like.

Mr. HOLIFIELD. The testimony before our committee by Mr. Weber was that a substantial part of the $20 million would be given to the VISTA program. When questioned closely, he estimated it would be about $12 million.

Mr. THOMPSON of New Jersey. I have in my possession, Mr. Chairman, a copy of a letter written to one of my most distinguished colleagues by Mr. Weber in which he characterizes it as "VISTA-like," not VISTA.

Let me say this with respect to the letters of assurance: Look at the record of this administration in keeping its promises. The fate of the Job Corps ought to be instructive.

The administration promised, when Mr. Schultz was the Secretary of Labor, that 30 new intercity Job Corps camps would be opened, that $420 million would be spent for jobs in the business sector program, and that the scope of the program would be significantly expanded. Since then the administration action has been to close 50 of the 106 centers, to open only nine of the 50 promised ones, and to slash the Job Corps budget from $282 million to $170 million.

The essence of what I am saying is not that these people who write these letters are not honorable men, because indeed they are all honorable men; but I simply do not trust them to be able to fulfill their promises.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from New York.

Mr. ROSENTHAL. I do want to correct the record. One of the proponents of this plan, an administration witness, has suggested that the Peace Corps would stay responsible to the Committee on Foreign Affairs. I raised that question in the course of a dialog. No one can say that the action program of the Peace Corps would be responsible to the Committee on Foreign Affairs. My own judgment is that the Committee on Foreign Affairs would lose jurisdiction over the international operations.

Mr. THOMPSON of New Jersey. All of this is in an exchange of letters between administration people and anyone who writes to them. Apparently they undertake to answer in such a way as will please such individual who writes.

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield me an additional 2 minutes?

Mr. HOLIFIELD. Mr. Chairman, I yield the gentleman an additional 2 minutes.

Mr. THOMPSON of New Jersey. I might say to the gentleman from New York that one letter from the Executive Office of Management to Chairman Holifield says:

> Unless and until the Congress shall otherwise direct, the Peace Corps Act will remain a separate statute and we assume that future changes in that Act, including amendments to appropriations authorizations, will be considered by the Foreign Affairs Committee.

But that is not in this plan.

Mr. ROSENTHAL. That does not mean it will.

Mr. THOMPSON of New Jersey. Does this mean anything?

> Furthermore, we assume that the Education and Labor Committee will continue to exercise comparable jurisdiction with respect to title VIII.

Is that reorganization?

Mr. ROSENTHAL. How can they assume that? They have no way of knowing.

Mr. THOMPSON of New Jersey. Are they correct in assuming further? They say:

> The Older Americans Act of 1965, as amended, (Retired Senior Volunteer Program and the Foster Grandparents Program) and others will continue under the Education and Labor Committee.

Mr. ROSENTHAL. They simply have no right to speculate in that fashion.

Mr. THOMPSON of New Jersey. Of course they do not. This is why I say of them as individuals they are very honorable people, but they cannot deliver, and they have not, in their report, in the President's message, in their testimony, or anyplace else but in private letters to Members given such ridiculous assurances.

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield me an additional 2 minutes?

Mr. HOLIFIELD. Mr. Chairman, I yield the gentleman an additional 2 minutes.

Mr. ZABLOCKI. Will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Perhaps the gentleman can clarify for the gentleman from Wisconsin the cost involved. The section-by-section analysis which appears on page 5 states that there will be at executive level III a Director at $40,000 a year, a Deputy Director at level IV at $38,000, and four Associate Directors at $36,000, and from the presentations thus far the directors of the various programs, VISTA, SCORE, ACE, Foster Grandparent, and others and presumably the Peace Corps, when some future legislation should the Peace Corps and the Teachers Service Corps, the administrators of these programs would remain. How many more personnel would Action really involve? What would be the additional number to all of the organization charts that we see here—Which, by the way, are most confusing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HORTON. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. THOMPSON of New Jersey. I say in answer to the gentleman that is absolutely so. I have in my possession the present names and occupations of those being interviewed for the new positions. Some of the descriptions of them are beautiful. For instance, one man is characterized as "a sharp black educator." Another one is with Canada Dry Corp. Another one is with International Business Machines. Another one is with Giftware Corp., another is a banker, and another is yet another business executive. A number of them are characterized as—and Lord only knows what this means—as "sharp black." However, there are a number of them in that category. They are all new personnel. You cannot tell. It defies description and defies analysis. I cannot answer the gentleman's question as to cost, but I can answer——

Mr. ZABLOCKI. The gentleman will agree, we are authorizing a blank check?

Mr. THOMPSON of New Jersey. You certainly are.

I would like to say, whether or not you like the present programs, if you like them, you can support them as they now exist much more readily than under this plan. If you do not like them, you can oppose them much more readily and more visibly, because they will remain separate.

Mr. ZABLOCKI. If the gentleman will yield further, I want to commend the gentleman from New Jersey for bringing this matter to the attention of the Committee and enlightening us on all the aspects of this program. I am certainly going to join the gentleman and vote aye.

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PERKINS. Mr. Chairman, in reorganization Plan No. 1 the administration proposes to consolidate a number of so-called voluntary action programs. Four of the six programs directly affected by the reorganization plan are within the jurisdiction of the Committee on Education and Labor.

Because of my interest in these programs and my experience with them, I want to convey to my colleagues my concern about the impact of the proposed reorganization on those authorizations and to advise the Members of this House of my strong opposition to implementation of the plan.

Before going any further I want to make one thing very clear. I subscribe very strongly to the belief that the President should have maximum possible flexibility and authority to organize the executive branch of our Government. He needs flexible authority in order to most effectively carry out the functions of the executive branch. The Reorganization Act was passed in 1949 to facilitate the reorganization of the executive branch of Government by the President. I have always been most reluctant to oppose a reorganization plan for that reason. The people of this Nation elect the President as Chief Executive. They can and should hold him responsible for the running of the Government. In spite of my natural reluctance, however, I feel compelled to oppose the Reorganization Plan No. 1. I do so because it is part of fundamental policy changes which the administration is undertaking which I feel the Congress must resist.

For each of the programs affected by the proposed reorganization, there are a number of valid and persuasive reasons for opposing the merger. Let me give you one example. The Foster Grandparents program is not a volunteer program. The elderly poor are paid at the minimum Federal wage in most facilities and in some, above the minimum wage. The purpose of the program is to provide employment opportunities for low-income persons, aged 60 or over, so that they may render supportive person-to-person services in health, education, welfare and related services to children having exceptional needs.

Mr. Chairman, if the purpose of the reorganization plan is to bring together voluntary action programs, then it seems to me that the Foster Grandparents program does not qualify.

I will not go further in discussing the problems and concerns which I see as programs are examined on an individual basis, as I know there are other Members who will do this. Rather, I want to spend just a few moments explaining the very adverse effects the proposed reorganization will have on the agencies which are now responsible for the administration of the affected programs.

In this regard let us return to the Foster Grandparents program and consider what the transfer of this program will mean. In establishing the Administration on Aging, the Congress intended that the agency would provide our older population with meaningful representation in the upper echelons of the Federal Government. The Administration on Aging was to be an agency which could devote full attention to the development of solutions to the many social and economic problems facing the elderly. It was intended to be the focal point for the older persons of this Nation within the Federal Government.

Largely because of totally inadequate funding of most of the programs authorized by the Older Americans Act, the Foster Grandparents program stands out as the most successful and beneficial of the programs administered by the agency. In my judgment, to deprive that agency of its most successful program will seriously hamper and impede the development of the agency into the high level agency of power and responsibility which was intended by the Congress.

A second program—the retired senior volunteer program—which is also administered by the Administration on Aging, is part of the reorganization plan. To take this program away from the Administration on Aging constitutes yet another step away from the elderly—their needs and problems—in search of an objective which in my judgment is of a much lesser priority.

The Economic Opportunity Act of 1964 was a commitment of this Nation to eliminate poverty.

I would not have it said that this Congress was willing, so easily as this administration appears to believe, to forget that commitment to end poverty in this, the wealthiest of all nations.

Reorganization Plan No. 1 is but one part of the administration's announced plan to eliminate the Office of Economic Opportunity—the focal point, the command post, of this Nation's efforts against poverty. The administration's announced intention is to transfer all operating functions of that agency to other branches, departments, or agencies of the Federal Government, just as it now proposes to transfer VISTA to the new Action Agency. As Headstart, the Neighborhood Youth Corps, Mainstream, New Careers, the Migrant, Indian, and other programs are severed from the Office of Economic Opportunity. The only thing that will be left is the research and demonstration element of that agency.

Mr. Chairman, that would be tragic. We cannot permit the destruction of OEO. We cannot permit the individual steps to be taken which would mean the eventual destruction of OEO by this administration without their having ever explicitly admitted that they are bringing the war on poverty to an end.

Mr. Chairman, I submit that this Reorganization Plan No. 1 is entirely erroneous. The President announced that it was his intention to organize the executive branch of the Government around basic goals. In this instance, taking VISTA out of OEO and putting it in Action together with other purposes of Reorganization Plan No. 1, is not an organization around goals but an organization around means. He would force together a variety of programs with entirely unrelated goals, ends, and purposes and I predict would create an agency which would effectively perform none of the purposes of any of them.

It makes absolutely no sense to tie the VISTA Volunteer, who works in poverty to help the poor, and the Foster Grandparents program, designed to provide opportunities for the elderly poor to help children, especially institutionalized and needy children—with the Service Corps for Retired Executives—SCORE—and the Action Corps of Executives—ACE—both of which are designed to provide opportunities for businessmen to assist in the development of small businesses, the former using retired businessmen and the latter using active businessmen.

The purposes of these agencies are entirely unrelated. SCORE and ACE are perhaps closer in some respects to the Retired Senior Volunteer program which provides opportunities for retired persons to provide services to their communities. None of the latter three, however, is at all related to the purposes of VISTA or Foster Grandparents, and none of these—I suggest—are really related either in the type of personnel that are to be used, or the purposes for which they would give their time to either VISTA or Foster Grandparents; and none of the five that I have mentioned, I suspect, are sufficiently related to the Peace Corps to make rational the merging of them with that program.

It is claimed that the reorganization plan would result in more efficient operation by the Government. I suspect that means less money will be provided in the budget. If that is the real purpose of the administration, that purpose can be more honestly and effectively accomplished through the budget process.

Finally, Mr. Chairman, I wish to comment on a matter which is not immediately involved in the reorganization plan but which is very much part of the President's overall proposal. In his message, the President states that he will submit, in separate legislation, proposals to transfer the functions of the Teacher Corps from the Department of Health, Education, and Welfare to the new agency. We do not have the legislation itself so that I am reluctant to comment, but speaking for myself and I believe for many members of the Committee on Education and Labor, I can predict there will be very strong opposition to transferring the Teacher Corps from the U.S. Office of Education.

Let me share with you the statement of purpose from the Teacher Corps legislation itself and I believe you will see why this will be the case:

> SEC. 511. (a) The purpose of this subpart is to strengthen the educational opportunities available to children in areas having concentrations of low-income families and to encourage colleges and universities to broaden their programs of teacher participation by—
>
> (1) attracting and training qualified teachers who will be made available to local educational agencies for teaching in such areas; and
>
> (2) attracting and training inexperienced teacher-interns who will be made available for teaching and inservice training to local educational agencies in such areas in teams by an experienced teacher.

In April of 1970, a third clause was added to the statement of purpose, indicating that it was also a function of the Teacher Corps to attract volunteers to serve as part-time tutors in schools serving high proportions of disadvantaged children. There is therefore some aspect—a rather small aspect in my judgment—of the Teacher Corps relating to "volunteers." But I wish to point out that this new addition to the Teacher Corps is secondary to the main purpose and thrust of the program—that is to strengthen educational opportunities for disadvantaged children and to encourage improvement in teacher education.

The record shows that the program has succeeded well in meeting these objectives, and a large part of that success is due to the fact that the Corps is being administered by an agency whose purpose and objective is to strengthen American education rather than an agency concerned with only the recruitment of volunteers.

It is pertinent, I think, to add this comment, Mr. Chairman, before closing, because I did not want anyone to expect that there will be unanimity on the Teacher Corps legislation when it comes to the Congress for consideration.

In closing I would ask all my colleagues to support my resolution. This Congress cannot, as the administration apparently wants to do, abandon the commitments made to the poor and to the elderly.

Mr. HOLIFIELD. Mr. Chairman, will the Chair inform us of the amount of time that was used by the gentleman from New Jersey?

The CHAIRMAN. The gentleman from New Jersey consumed 27 minutes.

Mr. HOLIFIELD. Mr. Chairman, I yield 15 minutes to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Chairman, I have been a member of the Committee on Government Operations for 8 years now and have taken the matter of reorganization plans very seriously and spent a great deal of time and attention on the subject of Government reorganization.

There is nothing really sacrosanct about a reorganization plan. Since the Reorganization Act was passed 20 plans have been rejected of about 90 that have been submitted.

My own personal view is that there is a presumption in favor of a reorganization plan, because I think that the President ought to exercise responsibility for management and the affairs of the administration. The other side of the coin is that I think the proponents of the plan, that is, the administration, have the burden of proof in proving that the plan will meet one of the six criteria established in the Reorganization Act and that it will essentially afford efficiencies and economies in the carrying out of the functions of government.

On page 7 of the committee report, in the next to the last paragraph, the committee says on balance they, meaning the questions about the plan, are not of the magnitude that such a drastic step—rejection of the plan—should be taken.

Mr. Chairman, the committee report further says:

> In such case the benefit of the doubt should go to the President.

I do not agree with that proposition. I do not think that the benefit of the doubt should go to the President, but I do think the benefit of the doubt should go to this Congress and to these agencies in order that they may continue their operations. Thus, it becomes initially the responsibility of the Congress and more particularly the responsibility of the Committee on Government Operations, which held very extensive, exhaustive, and important hearings to evaluate the testimony and determine whether or not the burden of proof was met. I can only tell you, from my own personal view, that, when these hearings began, I had no position on this reorganization plan. I was inclined to go along with the past history of the presumption of doubt being in favor of the President. However, after the presentation was made on the part of the proponents of the plan, I finally convinced myself that the plan ought to be turned down and that the proponents of the plan had not met the burden of proof.

What, in fact, happened during the course of these hearings was a kind of incredible thing. It seemed to me somewhat like a Charlie Chaplin silent movie with the music being provided by the piano player in the corner. The President submitted a plan and, during the course of the mellowing of the plan here in Congress, a number of VISTA people obtained a copy of a galley proof that covered that portion of the OEO budget for this year. It contained the following language:

> Volunteers in Service to America VISTA program is being phased out during 1971 and will not be renewed. Volunteers have not proven effective in raising the incomes of the poor and generally have left little visible lasting impact on poor communities. Obligations displayed permit the orderly elimination of the program.

The VISTA people released that to the press and the story appeared in the press, and the piano playing started. I could see the Charlie Chaplin people running back and forth across the scene. The administration said, "that is not true. We never intended to eliminate VISTA or to discredit its operations."

In my opinion the proponents of the plan had obviously failed to meet the burden of proof. So I took a closer look at this plan, and realized that these people are not being very forthright with us.

Then, next, we obtained by way of these same young people who vigorously oppose this program the entire text of a memorandum written by Mr. John Wilson, Director of Program Review and Evaluation, OEO, concerning the subject of OEO budget cuts of 1972. It says as follows:

> If VISTA were terminated, the total additional request would only be $54 million. Yet I do not think the agency can politically eliminate this program. The program would have to be terminated in the context of a much broader governmental reorganization.

Then, Mr. Chairman, again, the credibility of the administration was put into question. What did the piano player do then? He started playing and the proponents of this reorganization plan started moving across the screen at an even more hectic pace.

The next day a letter is delivered to my distinguished colleague, the gentleman from New York (Mr. HORTON) by Mr. Shultz affirming that they would leave VISTA intact in its full efforts and thrust. And additionally that they would put $20 million into Action with a major portion of it going into VISTA-oriented, VISTA-like programs.

Again, Mr. Chairman, I had to take a step back and evaluate the credibility of the administration because twice they were challenged on very sensitive issues but failed to respond in the proper fashion but responded in a sense of incredible urgency and excitement.

The third act in the Charlie Chaplin comedy was only in the last few days when the committee of the other body, our sister Committee on Government Operations, questioned the structure of VISTA. My colleague, the distinguished Senator from New York, was negotiating with Mr. Shultz. And, alas, another letter came into being. That letter said, and I really mean this now, Shultz said in words or substance:

We really did not mean what we said when we described the first chart that appears in the committee report. We really did not mean what we said when we described the second chart that is now on the floor of the House of Representatives. What we really mean is something that is going to happen in the future.

And so, for the third time, the firebell was rung, and for the third time, the fire engine screamed across the Charlie Chaplin scenario, and for the third time, their credibility was substantially damaged.

Now, when the proponents have the burden of meeting this question of proof, they also have the burden of establishing their credibility. In my judgment they have lost their credibility in support of this plan. Thus it almost became unnecessary for me to even question the substance of the reorganization plan. Once you have washed out a witness, you almost have the authority, if not the right, to discount all of his other testimony.

Nonetheless, I began to look at the substance of the plan.

Well, the Ash Council, which President Nixon appointed to survey our governmental structure and reorganization, said that the one thiing you want to take into account when you are developing a reorganization plan is the function of the agencies and bodies that are going to be included in the plan.

So we asked the proponents of the plan, Mr. Weber, Mr. Carlucci, Mr. Blatchford, and Mrs. Khosrovi, and others as to what are the real functions that appear in this plan, and, believe it or not, the outstanding theme, the lowest common denominator of function—and I put that in quotations—was "volunteerism." They implied that there was a new moral concept in America called "volunteerism." And what we ought to do is put all the people who want to volunteer into one agency, notwithstanding that their functions are unrelated and their purposes are unrelated.

I began to wonder aloud if we ought not to include the Marine Corps, which is a volunteer agency for the most part and that if we get into a volunteer armed force whether we should not include that volunteer armed force in Action.

Mr. Blatchford backed away from that suggestion saying that he had no real experience in the field of military affairs. Mr. Carlucci, who had been a foreign service officer of distinction, having served in the Congo and elsewhere, said that he did not see any real relevant factor to that. But Mr. Kurzman, who was with HEW and is Assistant Secretary for Legislation said incredibly enough, and it is in the record, that volunteerism is a function.

Now what these people fail to realize is that the volunteerism of the Red Cross lady or the cancer care lady doing their duties is an entirely different concept than the volunteerism of a person who wants to work in the ghettos helping uplift the poor, or that of the person who asks to work in the field of illiteracy and it is an entirely different concept than the volunteerism of the person who wants to go overseas. And what they did is take four components of volunteerism and one component of $1.60 an hour and lumped them in a new agency. So, here you have the chips on the board: First, their credibility has been destroyed; second, their substance; they have not followed the thrust or the measure of the Reorganization Act of including functions that ought to be put together; and third, they want to destroy the very programs that this Congress has passed.

If you take VISTA out of OEO and eliminate the cross-fertilization between these component elements, then you will have destroyed OEO, the parent originating agency and you have destroyed VISTA with it. The mission of VISTA is to help the poor, it is not help the businessmen as SCORE has tried to do. What you are doing is to make a conglomerate of a number of programs of great integrity when they stand alone, and you are muddling up their purposes.

In this week's Time magazine, you can see an ad for the Peace Corps seeking young people who want to volunteer to go overseas. They want to make their contribution to society overseas. They have made that choice. I do not want to eliminate that choice for them. I do not want them to go to one of the recruiting offices and have a recruiting officer say, "You go to ACE." "You go to SCORE." "You go to VISTA." "You go to the Peace Corps." And "You are too young for the Foster Grandparents." I want people to be able to serve where they think they can make the most significant contribution. I do not want to see programs that have had the serious consideration of this Congress be destroyed.

Let me read to you one of the things that convinced me about this. I received a letter from a young man whom I never met before and still have not met. This letter was from William M. Kinzie, 908 North 12th Street, Richmond, Ind. This letter is addressed to me and he says:

RICHMOND, IND.,
April 27, 1971.

Hon. BEN ROSENTHAL,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ROSENTHAL: I am a Vista Volunteer here in Richmond, Indiana and most strongly oppose the proposed "Action Corps". Because I care so deeply about Mr. Nixon's reorganization plan—in which VISTA will assume the characteristic of a service oriented agency as opposed to an activist and organizing agency, its present status—I am enclosing a memorandum of the reasons why the merger is ill-advised, being drawn up by the Vista Volunteers here in Richmond. We've decided to consult people we feel can be influential in stopping this merger and feel you are such a person.

Let me state that I feel the little effectiveness VISTA presently has will be completely abolished should the proposed merger go through. Many people here in Richmond depend upon Vistas for help—not to mention the help the other more than 4,300 volunteers across this nation render—and should the "Action Corps" become law, any help poor people once were able to obtain through Vista Volunteers would be lost. As my roommate so aptly put it, the merger, totally revamping the current stress of organizing that VISTA maintains, would be as about as effective a poverty fighting agency as the boy scouts. With this in mind, and being fully aware of your leanings toward constructive and sympathetic causes, we volunteers of Richmond and of the country are confident that you will do your best to defeat the proposed merger. Following is the detailed memorandum describing why we volunteers feel the reorganization plan is harmful.

Sincerely,
WILLIAM M. KINZIE.

All of the component groups with one or two narrow basic exceptions testified in opposition.

The Senior Citizens Businessmen said that they did not want to work for a two-headed monster, both Action and small business.

The young people almost unanimously said that the viability of VISTA would be undermined in this.

My own parochial view and as an interested member of the Committee on Foreign Affairs is that the Peace Corps is an important foreign affairs component and I honestly believe that for the Committee on Foreign Affairs to lose their opportunity to invest itself with the interest of young people who want to serve overseas would be demeaning to the House of Representatives and to the committee.

Mr. Chairman, I urge my colleagues very sincerely as one who sat through all of these hearings and who has paid a good deal of attention and who has voted against only one reorganization plan in 9½ years of service in this Congress to vote "aye" and reject this plan.

Mr. HORTON. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. ERLENBORN).

(Mrs. DWYER (at the request of Mr. HORTON) to extend her remarks immediately following Mr. HORTON.)

Mr. ERLENBORN. Mr. Chairman, I find it a bit difficult to follow the gentleman who was just in the well because I do not have either a piano or any fire sirens to play along with my remarks. Maybe I ought to keep this a little more in low key.

Also, I was quite interested in what the gentleman had to say. He began his discourse by saying that there should be a presumption in favor of a Presidential reorganization plan, and then he went on to say that the administration has the burden of proof.

It seems to me the gentleman speaks with a forked tongue. It must be one or the other. The presumption is in favor of the plan, or the burden of proof is on the administration. You cannot have it both ways.

I do want to compliment the gentleman from California (Mr. HOLIFIELD), the chairman of our full committee and the chairman of our subcommittee, as well as the ranking Republican member of our subcommittee, the gentleman from New York (Mr. HORTON), on their presentations. I think that they have amply defined what the reorganization plan will do, and they have done so in detail, quite sufficient, I think, for the purpose of this debate.

I think it also is important to note that we have fine traditional bipartisan support for this Presidential reorganization plan and an unusual partisan opposition. I say "fine traditional bipartisan support," remembering that for approximately 6 years I was the ranking member of the subcommittee that received all of the Presidential reorganization plans. I did not support them all, but the majority of them were supported on a bipartisan basis.

I remember joining with the gentleman from California in support of the plan sent up by President Johnson to reorganize the Government of the District of Columbia. This had bipartisan support and bipartisan opposition, and in a close vote the plan was approved. In a bipartisan way we did give the District of Columbia a new governmental structure somewhat more akin to home rule than what they had had in the past.

I think we also find the opponents of this plan cast in an unusual role. The defenders of the status quo now become the gentleman from New Jersey (Mr. Thompson) and the gentleman from New York (Mr. Rosenthal).

I was also surprised to find in the hearings that the type of person that was volunteering for VISTA, to go out and help change the status quo in the poverty areas around the country, were the first to come and try to protect the status quo in their organization, and I pointed this out to them. If they did give a dispassionate look at the thrust of this whole program, the opportunity to have better recruitment, the opportunity for better management, and the President's request for additional funds in the poverty areas around this country, their immediate reaction should be support. And yet this protection of the status quo seems to have generated opposition from some who have served in the VISTA program.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to the distinguished chairman, the gentleman from California.

Mr. HOLIFIELD. I should like to point out the colloquy in the hearings on the $20 million. On page 56 of the hearings, Mr. Brown of Ohio, in questioning Mr. Weber, said:

> Mr. Brown. So you are talking about last year $36 million, this year assured, if the Congress approves it, $33 million for the domestic branch, plus another $20 million which goes into domestic programs, across the board——
>
> Mr. Weber. If you would prorate that in terms of request for appropriations levels for domestic programs, VISTA constitutes a little over 60 percent, so that would be 60 percent of the $20 million. which would involve an additional $12 or $13 million.
>
> Mr. Brown. So you are talking about $45 million versus $36 million on that basis?
>
> Mr. Weber. That is right.

So there was a direct commitment from Mr. Weber representing the administration that there would be $12 million of additional money that would go to VISTA. In the letter that was quoted there was reference to a VISTA-type program. I suppose a VISTA-type program would be in VISTA because they have different programs and they do change their programs. They enlarge some and diminish some. I think the testimony definitely proves that $12 million will go into VISTA and $8 million will be divided among the other programs, though we do not have a division on that. They were not able to give us a division for the other programs.

Mr. ERLENBORN. The gentleman certainly is right. I am happy that he has clarified that point. Those who get hung up on whether it is a VISTA program or a VISTA-like program again are being hung up on organization matters and are trying to protect the status quo. They are not really worrying about the ultimate effect of putting some $20 million into helping solve the problems of poverty around the country.

Now, which is more important? Is it more important to protect the status quo, to keep the structure we are familiar with, to protect committee jurisdiction? Or is it more important that we get something done?

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. The gentleman asks which is more important. Is it important to retain the present programs, identities, structures, and so on? Will not the gentleman admit that under this plan the jurisdiction for the various programs, according to the administration letters, is going to remain exactly where it is? In other words, what the gentleman and the gentleman from California have said is that this is to expand the poverty program by $14 million worth of VISTA programs. I do not see it that way, but that is the gentleman's claim.

Mr. ERLENBORN. I do not know what the gentleman means by "jurisdiction". If he is referring to committee jurisdiction, I believe this is a most parochial interest.

What is important? Is it important that the same committee continue to have control over the program, or is it important that we are putting more funds into the program and getting a better job done?

The most parochial of interests is trying to protect committee jurisdiction of an individual chairman. If that is what the gentleman wants to appeal to, fine, but I really believe he casts himself in a most unusual role in protecting committee jurisdiction, protecting form and structure, and protecting and defending the status quo.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield further?

Mr. ERLENBORN. I am happy to yield further.

Mr. THOMPSON of New Jersey. This is a letter of May 22, received on May 24, addressed from the Executive Office of the President to a distinguished member of the gentleman's committee who is of his view on this subject. I am not the one who is parochial.

Listen to this:

> Unless and until the Congress shall otherwise direct, the Peace Corps Act will remain a separate statute and we assume that future changes in that Act, including amendments to appropriations authorizations, will be considered by the Foreign Affairs Committee.

Is that parochial? Is that an innovation?

> Furthermore, we assume that the Education and Labor Committee will continue to exercise comparable jurisdiction.

They are the ones who are yielding. This is not a change. This is signed by Mr. Arnold R. Weber.

They are yielding in an effort to sell this thing to the committee chairmen; not I.

Mr. ERLENBORN. I believe the gentleman completely misunderstands the point I am trying to make. I am not trying to argue we should or should not keep committee jurisdiction. The gentleman from New Jersey raises that point.

My point is that that really is not terrible important. What is important is whether the Action Agency or a new program to fight domestic poverty is going to do a better job. If it is, I am really not terribly interested in committee jurisdiction. It is the gentleman from New Jersey who raises that point. I say as a defender of the status quo he casts himself in a very unusual role.

Mr. THOMPSON of New Jersey. I thank the gentleman for that, very much.

Mr. ERLENBORN. Let me make one or two other observations.

The gentleman from New York (Mr. Rosenthal) indicated that somehow, by having a joint recruitment, we would eliminate the personal choice of volunteers. The hearings made it quite clear this will not be so. The volunteer will not have to go around hunting for the particular office to make his application, for VISTA or for the Peace Corps or some other program. There will be one office where he can go, with one recruitment program, but he will have his choice as to whether he goes with the Peace Corps or VISTA.

If he volunteers for a foreign program and he is not accepted for that he will not be assigned without his choice to a domestic program.

It is important to note, however, that there are those who are volunteers who would like to fight the problems of poverty and perhaps at one time would like to do this in a Peace Corps type of operation and at another time in a VISTA type of operation. Instead of having to serve out the time in one and be discharged and apply to another, they will have freedom to transfer within the new Action Agency.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HORTON. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. ERLENBORN. I thank the gentleman for yielding.

Let me make one last observation. I believe the gentleman from New Jersey quoted the New York Times article or the Washington Post article concerning a supposed memo in the present Peace Corps concerning those who might be considered for executive positions in the new Action agency. I talked to Mr. Blatchford personally about this.

I have been assured by him that this memo is not an official memo, was not requested by him, and has not been approved by him. This is the effort of some middle management man in the Peace Corps who did not do this at Mr. Blatchford's request, and Mr. Blatchford has not approved it. This may be or it may not be a part of a total overall input from the several different agencies as to suggestions as to who might be considered but by no means should it have the implication put upon it by the press.

Mr. Chairman, I thank the gentleman for yielding again, and I yield back the balance of my time.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. Reuss).

(Mr. REUSS asked and was given permission to revise and extend his remarks.)

Mr. REUSS. Mr. Chairman, this is a good debate. I find myself, as I often do, with friends and relatives on both sides of it, but I come down strong in favor of the reorganization plan and hope that the vote, if I have it right, Mr. Chairman, will be "no"—in favor of the reorganization plan.

Mr. Chairman, I was much moved by the address of the gentleman from New Jersey (Mr. Thompson) particularly his evocation of the great funeral oration of Marc Antony, and I would just say that as far as I am concerned, the purpose of this reorganization plan is not to bury the Peace Corps or VISTA, but to praise them. I think it would make good programs better, and good programs they certainly are.

Some 52,000 Americans have served in the Peace Corps, and European countries have come to emulate it in their own programs.

Here at home VISTA has come to life to help poverty people in their own communities in a similar way. Recently programs have been started in a similar vein for senior citizens and businessmen.

They all have the same goal, that is, to help those who need help to achieve a better life, and to let the idealistic citizen who wants to serve, to serve on a less-than-career basis. So there is a strong case made for grouping them in the interests of economy and efficiency.

The action proposal has been called a hydraheaded monster. Well, I am against monsters, and particularly I am against hydraheaded monsters, but I think that you cannot group anything together without getting several eggs in one basket. Here the eggs seem to me to be congruent eggs that can be well treated in that one basket.

Mr. Chairman, I want to congratulate the chairman of the House Committee on Government Operations (Mr. Holifield) and the other members who are supporting the plan in exacting and extracting from the administration what seems to be a very meaningful commitment as to the future funding of these organizations. Whatever the administration's wobblings may have been in the past, I think that the record is now clear that they mean to preserve the separate identity and adequate funding for all of these constituent agencies.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield to me?

Mr. REUSS. I am glad to yield to the chairman of the committee.

Mr. HOLIFIELD. I thank the gentleman for his statements.

Of course, the letter that has been quoted from, from Mr. Weber, goes on to say:

> Furthermore, we assume that the Education and Labor Committee will continue to exercise comparable jurisdiction with respect to Title VIII of the Economic Opportunity Act of 1964, as amended (VISTA), and Title VI of the Older Americans Act of 1965, as amended (Retired Senior Volunteer Program and the Foster Grandparent Program), and that the Committee on Banking and Currency will continue to have jurisdiction with respect to the SCORE-ACE program, since that program is conducted under the provisions of the Small Business Act, as amended.

There is nothing in Reorganization Plan No. 1 requiring any change in the present jurisdiction of various legislative committees. With these commitments on the part of the administration, I recognize that the administration cannot say where a bill goes or where the authorization goes. But the statutory act means that these various committees—and it is certainly clear—will write the statutes to authorize these programs regardless of what kind of structural arrangement there may be in the executive department. It was due to these commitments and, in fact, they are putting $12 million more into the domestic program and that is the reasons I was constrained to support the program.

I would assume, although I cannot direct it or mandate it, but I would assume that the jurisdiction will stay in the committees where it now reposes and that the administration has assumed likewise.

The House is in control of its own legislative work and it can set the amount of the appropriations and, I suppose, the Parliamentarian, under the direction of the Speaker, can send it to the Committee on Government Operations. I do not know and I hope they do not.

Mr. REUSS. The gentleman has done in my opinion a good job in enabling the Congress and the House to preserve, if it wishes, what has been called the jurisdiction of the existing committees—and that is as it should be—the Committee on Foreign Affairs, the Committee on Education and Labor, and the other committees which have done a good job. And I would hope they would be enabled to continue to do that good job.

Let me say, finally, to my friend, the gentleman from New York (Mr. Rosenthal) and to the gentleman from New Jersey (Mr. Thompson), I know they are going to cast their pro forma votes against the reorganization plan. But I hope the reorganization plan will be validated. And then from here on out if there is any shadow of an intent on the part of the administration to gut, eviscerate, or otherwise do irreparable damage to these programs, then the gentleman from New York and the gentleman from New Jersey will be abundantly entitled to say that they were right and that Reuss has been had, and then I shall stand side by side with them to see that these programs are not eviscerated or otherwise damaged.

So, Mr. Chairman, I hope that the Members of the Committee of the Whole House on the State of the Union will not be caught up with the metaphor which has been used, and will not, in fact, "shoot the piano player."

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I wonder if a distinguished member of this committee or, perhaps, the chairman would tell this House why is it every time that a program starts working in this Government, they want to reorganize it? Why is it that we go into this game of musical chairs with reference to programs which have proven to be efficient and thereby make this Government more efficient and responsive? We do not give Government a real chance.

I was one Member who at one time was critical of some of these programs but over the years when I have seen them operate for the benefit of the people I have come to view it in a different light after these programs have been shaken down and worked out.

Mr. Chairman, the fact that the administration wants to spend more money on it is the best proof that it is a good program. The same thing applies with reference to the Peace Corps. Why is it that when these programs are working and they have found their level and have established their guidelines do they want to abolish them?

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. HOLIFIELD. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield further?

Mr. REUSS. I yield further to the gentleman from Illinois.

Mr. PUCINSKI. You know what is going to happen? The moment you approve this reorganization plan there will be a whole massive musical chairs operation, there will be new directives, there will be new guidelines, there will be new regulations and there will be people shifted around and then we are going to have the same chaos which we had in the early years of these programs.

Now that they are working and we all see that they are working and say they are working, Members on both sides of the aisle, yet someone comes along and says they want to reorganize them.

I have been watching reorganization plans for 30 years but I have found that we have never given them a chance to work, because the moment they start working, some bright ambitious individual comes along and says, "Let us change it."

Mr. REUSS. In answer to the question of the gentleman from Illinois, it is true that many reorganization plans are fussy and piddling and that there is an intent of evading responsibility. And it is also true that the less the administration does, the more reorganization plans are submitted.

But here, as a result of the work of the

Committee on Government Operations, we have extracted some commitments from the administration which, in my judgment, will go to make a better and stronger Peace Corps, VISTA, and all the rest. That is why I am for it.

But I do not want to try to kid the gentleman from Illinois (Mr. PUCINSKI) and say that this is the greatest reorganization plan in the world. In my judgment, it will do some good. I cannot see that it will do any harm, and that is why I am for it.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Chairman, I thank the gentleman for yielding, and I have two observations to make, first, that my vote today and that of many other Members is not, indeed, pro forma. Secondly, I really am not interested in hearing the gentleman at a subseqeunt time say that he has "been had" or whatever it would be. I could use any number of adjectives, but I do not think that what has happened to the gentleman could be printed in the RECORD. I would like, however, for the gentleman who has just stated that there have been commitments elicited from the administration to have those commitments enumerated and made a part of the legislative history in the unhappy event that this is adopted.

Mr. REUSS. They have been, and the Chairman, the gentleman from California (Mr. HOLIFIELD) has just detailed them, and they include a commitment to continue the present committee jurisdiction, and they include a commitment, as I understand it, of adequate funding on the order of $20 million.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I am happy to yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, the gentleman who is now speaking intends to place the three letters from the administration in the RECORD so that the House will know completely. They have been on both desks, they have been available, and I have had one given to the gentleman from New Jersey. I am sure that they have been distributed. Those letters will be a part of the RECORD.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, the gentleman in the well has my utmost respect for his judgment in matters of this type, but I want to carry on the Shakespearean theme a little further by saying: do you not fear that the VISTA program might go "we know not where, to lie in cold obstruction and to rot" its "sensible warm motion to become a kneeded clod" if this reorganization plan should go into effect?

Mr. REUSS. The gentleman in the well will observe that the world lost a great Shakespearean actor when the gentleman from Texas assumed statesmanship as his career.

Mr. ECKHARDT. I thank the gentleman.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I just want to make this point and that is that if there be any change in any program that this would have to be done by legislation and that this would, of course, have to come up here at a later date. That is in answer to the question that was raised by the gentleman from Illinois (Mr. PUCINSKI). Any change in any program would have to be brought about by legislation and would have to be sent up at a later date.

In other words, the reorganization plan under this procedure does not change any statutory authority as to the Peace Corps or VISTA or any of the other programs. Statutorily they remain the same. And this is also included in one of the letters that the gentleman from California referred to, which is dated May 22, signed by Mr. Shultz, the Director of OMB. So the point is that any change would have to be done by legislation, no change can be made or is being made by Reorganization Plan No. 1.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. HORTON. Mr. Chairman, we have had some people speak in favor of this; are there any more who wish to speak in opposition to the program?

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield, I will say that there is. I have promised the gentleman from Massachusetts (Mr. DRINAN) and the gentlewoman from New York (Mrs. ABZUG) some time. However, I have used all of my time, and I was wondering if the gentleman from New York (Mr. HORTON) would yield me some of his time.

Mr. HORTON. Mr. Chairman, I will be glad to do so.

Mr. HOLIFIELD. Will the gentleman yield 5 minutes to the gentlewoman from New York (Mrs. ABZUG)?

Mr. SCHEUER. Mr. Chairman, I oppose Reorganization Plan No. 1, which will merge VISTA, SCORE, ACE, Foster Grandparents, and RSVP into a Federal volunteer agency Action. I believe that this plan will have an adverse impact on the very programs we are seeking to improve.

Furthermore, the President's plan has been developed in a cocoon of secrecy. Private organizations and individuals interested in voluntarism were not invited to present their views or recommendations. The majority of the people to be merged are volunteers. This is a point that the administration seems to have overlooked in their zeal to centralize and bureaucratize. Volunteers give of their time and energy because they believe in a cause—the cause is only incidentally "volunteerism." The real cause is antipoverty work or Peace Corps work. It is inconceivable to me that they were not consulted in the formation of this program.

Not only was the plan formulated by a tiny group of Federal officials shielded from public view, but it is now being advanced for approval by Congress as a fait accompli. The Congress is being asked, in effect, to approve a vague and hastily developed plan for reorganization on the promise that a sound structure and constructive program will somehow emerge. That is not good enough.

If this reorganization is approved against the wishes of the young volunteers who man VISTA and Peace Corps programs, they will interpret the lack of consultation that has characterized the plan's formulation, as evidence that their active participation is neither needed or desired. Implementation of the plan will eliminate any predominent focus on antipoverty work. This will be interpreted as further proof that the "Establishment" is only interested in preserving and maintaining the status quo.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, I testified before our committee against this reorganization plan. My main interest in doing so, if I may recall, is that I am very much concerned with the fate of VISTA, which plays a very important role in a large part of my community.

In the course of my testifying before the committee, I indicated I had observed a desire to get rid of VISTA for some time before this. Since that testimony I have reason to believe that my concern over the future of VISTA was justified. In a report on the Action agency under which all of these eight programs are to be merged, it is becoming evident that the function, spirit, and directions of VISTA are hardly taken into consideration in the choosing of personnel for the new agency. Of all these people who are being considered for administrative positions, we find that none, of course, are from VISTA. Ten are from the Peace Corps. None are from all the domestic volunteer agencies and many are businessmen who certainly have no major concern at least in the spirit and the direction of VISTA.

In my district, the VISTA program has had a very serious impact and has played a major role in the development of housing programs, newsletters, job programs, and legal services for the people in the communities.

The interesting thing about VISTA is that it has been the one voice for the poor of our Nation who have been locked out of the power structure. VISTA has given them a chance. It is a program which emphasizes community involvement and responsibility. VISTA volunteers have acted as catalysts for community action, and when they have left the community, they have left men, women, and children with a sense of hope for the future and confidence in local leadership.

I am afraid, very frankly, that to take VISTA out of its present place, which is a volunteer program, to remove it from its original source of inspiration and sponsorship; namely, the Office of Economic Opportunity, would deprive it of its source of strength.

VISTA has derived great strength from its association with the OEO, as its primary focus has been on the problems of the poor. I am convinced that its poverty orientation will be threatened if it is removed from OEO sponsorship, precisely because the President will be putting VISTA in a separate agency whose programs and goals are only peripherally concerned with the problems of the poor.

I believe that the President's plan is inconsistent with the recommendations of the ASH Commission on Governmental Reorganization, which has proposed that programs be grouped according to functions, regardless of how they are staffed. I believe the program itself will be further damaged in the sense that program areas of volunteers would be predefined and may become inflexible. This can only serve to eliminate self-determination on the part of the local communities and participation of the volunteers in the agency's decisionmaking process as is their present role.

Since funds will be appropriated for a single agency, and not for any single component, funds would be more readily and easily diverted from the VISTA programs' antipoverty effort, and there would be a corresponding decrease in the quality of the program. I believe that this is what the future holds for VISTA under the Nixon administration's reorganization plan. Apparently there is a battle going on in the administration to eliminate this very activist, very spirited and coordinated program in which the poor have a voice through young people who are prepared to make tremendous personal sacrifices.

Many of the people in these programs are people of very fine caliber and I am very shocked to find that none of them is being considered as administrators in the new superagency that is being proposed by President Nixon.

I feel very strongly that one of the finest volunteer programs that I have come into contact with in the short time that I have been in the Congress is the VISTA program, which is presently going to be stifled and snuffed out of existence in this superagency, which, in effect, covers many other areas that go beyond the functions of VISTA. I would urge my fellow Members of the Congress to fight very hard to maintain the kind of volunteerism, activism, and the creative spirit that exists in the VISTA program by voting today to disapprove Reorganization Plan No. 1 of the President, which means to vote "yea" when the measure comes to a vote on the floor.

Mr. Chairman, at this point I am inserting in the RECORD the text of my testimony against Presidential Reorganization Plan No. 1, which I presented April 29 before the House Government Operations Legislation Military Operations Subcommittee:

TESTIMONY OF BELLA S. ABZUG

Mr. Chairman, I wish to express my strong opposition to President Nixon's Re-organization Plan No. 1. The plan would create a new volunteer service super-agency by merging as many as eight current volunteer programs. Today, I appear before you primarily to express my concern about the impact reorganization will have on the effectiveness and future of volunteers in service to America.

Under the President's Reorganization Plan, Vista would become a single component in a large conglomerate of volunteer-oriented programs. The Foster Grandparents and Retired Senior Volunteer Program from the Department of Health, Education and Welfare, Vista and the auxiliary and Special Volunteer Programs from Office of Equal Opportunity and the service corps of retired executives and the active corps of executives from the Small Business Administration would be merged into a single volunteer agency called "Action." Later, by executive order, the Peace Corps, the Teacher Corps and the Office of Voluntary Action would be added to the super-agency.

In his address to the Congress, the President stated that consolidation and centralization of these volunteer programs has definite advantages, that a merger would allow more effective management and more efficient operation of these volunteer programs, that it would permit new ways of recruiting volunteers and that it would increase and broaden volunteer services. In citing these advantages, I am afraid the President has overlooked numerous disadvantages of such a merger, especially from the standpoint of the future effectiveness and vitality of Vista, which would far outweigh the supposed benefits of the President's plan. Permit me to delineate some of my major objections to the Reorganization plan.

It is disturbing to me that the merger of these volunteer programs will remove Vista from its original source of inspiration and sponsorship, the Office of Economic Opportunity. As an important part of the overall O.E.O. program, Vista volunteers have played an integral part in our nation's antipoverty efforts during the past decade. Vista is a program whose primary concern is the poor—the politically disaffected and the economically disadvantaged. Vista programs have derived great strength from their association with an agency whose primary focus was the problems of the poor. I am convinced that Vista's poverty orientation will be threatened, if it is removed from O.E.O. sponsorship precisely because the President will be putting Vista in a superagency whose programs and goals are only peripherally concerned with the problems of the poor.

Moreover, the President's plan is inconsistent with the recommendations of the ASH Commission on Governmental Reorganization, which has recommended that programs be grouped according to functions . . . regardless of how they are staffed. Let's face it, these other worthy volunteer programs that would be included with Vista in this new superagency, are not of the same breed, or function as Vista. Within these eight volunteer programs there is a multiplicity of goals, problems and methods of solving them.

Realistically, the only thread that binds these programs together is the fact that they are all programs staffed by volunteers. The President's effort to create a superagency out of such diverse and dissimilar programs is like trying to make a suit out of different colors, types and sizes of cloth.

There are other aspects of this plan which I find particularly objectionable. According to the plan, the Director of this new volunteer superagency will have almost total control over the orientation of all volunteer programs involved. Hence, the program areas of the volunteer will be predefined and inflexible. This can only serve to eliminate self-determination on the part of local communities and participation of the volunteers in the agency's decision making process. Furthermore, since funds will be appropriated for a single agency, and not any single component, funds could easily be diverted from the Vista programs anti-poverty effort, with a corresponding decrease in the quality of the program. At this time, I am afraid, we would hear no great public outcry since the identity, the spirit and the name of Vista would have already been lost with reorganization.

But these concerns, Mr. Chairman, are overshadowed by a greater apprehension on my part. Before the reorganization plan was made public, the Administration made numerous attempts to undercut Vista. Since 1968, for instance, there has not been a fulltime Vista director. I am informed that the present acting director has actively lobbied against continuation of the program. Furthermore, I am advised that an O.E.O. memo of last December and the galley proofs of the Fiscal Year 1972 Budget indicated that the Vista program was scheduled for termination in 1971. I am afraid that Reorganization Plan No. 1 may disguise the President's real intention, which is to relegate Vista to the status of just one of a handful of underfunded, low priority volunteer programs only tacitly supported by the federal government.

This, Mr. Chairman, would be a tragic mistake for such a dynamic program which has bought the politically and economically disadvantaged into our society and has raised the hopes of the poor everywhere. Vista was conceived as a program in which citizens could devote a year of their lives to helping the poor to break out of the cycle of poverty which entraps them. It was conceived as a program where volunteers would promote community participation and control. It was born out of the recognition that simply handing our services to the poor does nothing but perpetuate the conditions of poverty.

I have followed the history of Vista's development closely and I am very familiar with the tremendous impact the Vista volunteers of my district—two of whom are here today to testify—have had. It is disturbing to me to think that the President's Reorganization Plan might in any way jeopardize the efforts of Vista in easing the social and economic hardships of both urban and rural life. The Vista volunteers of my district, especially those connected with the Two Bridges neighborhood council, have insured the crucial participation of community residents in urban renewal planning and have provided legal counsel to hundreds of impoverished residents. Vista volunteers have encouraged the development of on-going community newsletters through which the poor voice their concerns and needs. Vista volunteers initiated the "Black Lung Movement" in West Virginia which culminated in the Federal Coal Mine Health and Safety Act. Vista in hundreds of communities are involved in planning economic development corporations which will underwrite minority business enterprises and provide jobs for the unemployed.

Mr. Chairman, the poor of our nation have always needed a voice, an advocate, and still do. Locked out of the power structure controlling their lives, they are without the means to effect any real change in the conditions of their lives. Vista has given them a chance. As a program which emphasizes community involvement as responsibility, Vista volunteers act as catalysts for community action. They stimulate the identification of community needs and provide the community organization needed to solve problems. But most important, when Vista volunteers leave a community at the end of their service . . . they leave the people of that community with something that dollars in any quantity cannot buy. They leave the men, women and children with a sense of hope for the future and confidence in local leadership. I am afraid that the President's Reorganization Plan will jeopardize the future of this great program. It is for this reason that I respectfully recommend that this subcommittee report unfavorably Presidential Reorganization Plan No. 1.

(Mr. THONE (at the request of Mr. Horton) was granted permission to extend his remarks at this point in the Record.)

Mr. THONE. Mr. Chairman, I rise in support of Reorganization Plan No. 1; and against House Resolution 411.

It was at the University of Nebraska that President Nixon announced his plans to create a new volunteer agency. That speech was well received on the university campus and across the Nation because the President called for the development of new ways of working together in "small, splendid efforts," and for new channels to attack the problems we face as a nation. He called for an "alliance of generations," an alliance of people who want to do something to help their fellow man, and a unifying structure which would broaden the participatory base of the present volunteer programs.

The capstone of this effort to revitalize individual and local initiative is the new agency Action, which we are discussing today. Action will group our presently far-flung volunteer programs under one umbrella agency. It would be impossible, in the short amount of time allotted me, to even deal briefly with the many positive aspects of the proposed Action plan. Therefore, I will confine my remarks to two areas where I think the reorganization plan provides for changes which will have a significant and far-reaching impact on our volunteer service programs.

One of the goals of this reorganization is to provide a mechanism for evaluation of our present volunteer programs with an eye toward developing new ways of enlisting volunteer support. This facet of the plan particularly interests me, for I do not believe that the opportunities for participation in volunteer programs are as extensive, presently, as they could and should be.

For example, we have only four programs in existence which enable individuals to volunteer service on a part-time basis—they are ACE—Active Corps of Executives—SCORE—Service Corps of Retired Executives—for businessmen, and foster grandparents and RSVP—retired senior volunteer program—for older Americans. It is significant that the latter three of these programs are specifically for retired persons. In his message regarding Reorganization Plan No. 1, the President emphasized, as one of the main principles of Action, the increased use of part-time volunteers. Because of the immense pressures of raising a family and providing for future educational expenses, a vast segment of our population is effectively precluded from any type of full-time voluntary service. Until now, this meant the exclusion of these people from practically any type of voluntary program. It is my belief that Action will provide a means by which these Americans will be able to contribute their time and talents to the extent they are available. With the addition of this increased opportunity for part-time volunteer work, we can point with pride to a structure which facilitates "voluntary" service in the broadest sense of the word.

Perhaps the most intriguing concept of the Action plan is the desire to involve different types of sponsoring agencies as vehicles for the voluntary programs. Specifically, I believe that our universities and colleges could be especially effective in administering and supervising these programs. The universities, because of their involvement in the surrounding community, would have a much better awareness of what the problems of a certain area are, and how these problems can be approached and dealt with than a government official who does not have these intimate contacts. Also, by involving students in the very area in which they live and work, this local approach would capitalize on very genuine and deep-seated concerns in producing voluntary programs of the highest quality.

In this regard, I would like to quote briefly from a letter I received yesterday from Dr. Durward B. Varner, the distinguished Chancellor of the University of Nebraska. Chancellor Varner notes:

> It is no secret to the American public that college and university campuses have been less than tranquil during the past four or five years. Informed citizens recognize that in most instances the disruptive and destructive actions attributed to students generally have been the work of but a small fraction of the students in the institutions. Much less understood is the deeply held and widespread concern shared by students about many of the issues which are used as rallying points for dissidents. In my judgment—based on twenty years of intimate involvement with the campus—the plain truth is that most college students are genuinely troubled about the existing human conditions. Beyond this, they are anxious to contribute in a positive way to improving the situation.
>
> President Nixon, in his address to the student body of the University of Nebraska on January 14, 1971, made it clear that he recognizes this spirit and he made a commitment that he would initiate a program to provide the framework for putting this constructive attitude to work. His proposed Reorganization Plan Number One *is* that framework and it offers an exciting potential for universities, for students, and for the community at large.

In summary, I believe that Reorganization Plan No. 1 provides a means by which we can give full meaning to the concept of voluntarism in America. I feel that by broadening our existing programs to encompass part-time, as well as full-time volunteers, and by giving increased emphasis to local sponsoring agencies, we can be much more effective in attacking and solving the different types of problems which exist in different parts of the country. It is time for an all-out assault on the social and domestic problems which for too long have been allowed to exist in this country. Reorganization Plan No. 1 is a vital step in this direction, and I therefore request your support of the reorganization plan by not approving House Resolution 411.

Mr. HORTON. I yield 5 minutes to the gentleman from Illinois (Mr. Derwinski).

Mr. DERWINSKI. Mr. Chairman, I rise in support of the reorganization. In other words, I rise and ask for a "nay" vote on the resolution that is before us. But before I comment briefly on the reasons for taking this position, I feel that the gentleman from New York (Mr. Rosenthal), the gentleman from New Jersey (Mr. Thompson) should be complimented for a very effective job this afternoon in maintaining an opposition point of view, just as the gentleman from California (Mr. Holifield) and the gentleman from New York (Mr. Horton) have done a very effective job in presenting the affirmative position. I make this statement since I recognize that in the other body they have had, in comparison, a perfunctory committee look at this issue. Then they are going to squeeze in this matter sometime in the next few days in-between the various filibusters, so the real record of legislative intent, the real record of Congress on this issue will be written here this afternoon.

I think the high level of debate and the interest of so many Members will thus be evident in the Record.

We ought to keep in mind some of the positive points of this plan. I recognize that if someone is convinced that VISTA is going to be gutted, there are not any words that one could utter to the contrary that would change his mind. If some think the President has some diabolical purpose in mind, he would not be convinced by my statement.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Michigan.

Mr. CONYERS. Was the gentleman asking that question of the Membership?

Mr. DERWINSKI. I was just making the comment that if the Members are convinced of a certain position, I do not expect to change their minds. I do think however, that if you look at the Record—and let us take Mr. Blatchford, for example. He had a career in private service, prior to entering the Government that was built around the concept of voluntarism. He took the Peace Corps, which after 7 or 8 years had lost a little bit of its glamor and was starting to drag, and he began to revitalize it. We all presume that he will be the Administrator of this new agency. He will do an excellent job. He will revitalize VISTA, which in some areas has drawn criticism that should properly be alleviated.

I do not see anything in this reorganization plan that will do damage to anyone's special interest in the multiplicity of programs that will be pulled together. I see that the gentleman from Illinois, my beloved colleague (Mr. Pucinski) expressed some opposition to this reorganization plan. I was a bit intrigued by that because the gentleman from Illinois (Mr. Pucinski) was a journalist before entering the political arena, and as an observing journalist, I would presume that he had noted the outpouring of editorial support for this program.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Is the gentleman in the habit of always voting the way the editorial writers suggest he ought to vote?

Mr. DERWINSKI. No, not all the time, but in this particular case I think a proper editorial position must be noted.

Mr. Chairman, may I quote from a Washington Star editorial:

> There is no reason why these several service corps should have separate recruiting programs, or why other costly duplications of manpower and talent should continue. Centralization would make application by volunteers and dissemination of information much easier. It also would mean improved coordination and dispersal of these varied programs. Congress should reject the proposal to block this eminently sensible merger.

I see this reorganization plan as a shot in the arm to the Peace Corps, as a shot in the arm to VISTA, as a shot in the arm to all the volunteer programs in the Government.

I believe the new agency will operate in a more effective manner, and will certainly speak with a dramatic voice for the spirit of voluntarism.

I see this not as an attack upon any previous program but as a reaffirmation of the good features, of the positive features we would all hope to support.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. I am sorry the gentleman has not been paying attention to the administration pronouncements with respect to the consolidation of programs by function. One of the most frequently put forward suggestions to improve the efficiency of the Government in the field of education has frequently been characterized by the statement that we would like to put all of the 104-some-odd education programs together in the same place so that we will know how to administer them.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HORTON. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. WILLIAM D. FORD. I would ask the gentleman in the well how he believes that taking the Teacher Corps program, which is basically a higher education program, where the money is spent clearly in an education program and not in the form of teachers even going out to the neighborhood, and transferring that out of the agency we have been trying to transfer all education into, will accomplish a desirable result? The gentleman has supported all of the spin-offs that moved such things as Headstart out of the poverty program into HEW, on the theory that it gets into education.

Mr. DERWINSKI. Will the gentleman please get to the point of the question?

Mr. WILLIAM D. FORD. How does the gentleman explain supporting a reorganization plan that takes an education program from the only agency primarily charged with education in the Government, and gives it to a new agency.

Mr. DERWINSKI. We are speaking here of the voluntary programs, not of elementary or secondary or higher education. We are speaking of the voluntary effort in this country.

Let me point out that when we speak of this huge Federal structure of ours we have to recognize that in their present state each one of these programs is so small so as almost to be forgotten. They are to be a collective unit of Government. We put them together in a more visible yet properly controllable agency.

I see that acting to the benefit of every one of these programs that will be coordinated under this reorganization plan.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield further?

Mr. DERWINSKI. I yield further.

Mr. WILLIAM D. FORD. I appreciate the gentleman's trying to oversimplify this so that even I can understand it. In doing so he has convinced me he does not know what the Teacher Corps is or what it has been doing. The Teacher Corps is only voluntary in the sense that the students receive the grants subject to going to school voluntarily, to take courses and to graduate, which results in their taking employment in the big city programs, giving them opportunity they would not have had had they not taken advantage of this program. They only agree to go to school at our expense.

Mr. DERWINSKI. The gentleman is missing the point. He is not speaking of voluntary programs and he is ignoring the fact that we are actually giving a special status, a new status to these programs.

I believe the gentleman would agree after a period of time in which these programs have been functioning they start to lose the imagination, the spirit, the original progressive spirit with which they were created.

I believe this will actually serve to reinvigorate every one of these programs which the gentleman and other Members in the House have addressed themselves to this afternoon. I believe this is a positive approach.

Mr. SCHMITZ. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from California.

Mr. SCHMITZ. I should like to get rid of some of the bureaucracy here in Washington. Will the gentleman from Illinois tell me how this reorganization program is going to help phase out some of the programs which I am sure he himself opposes, such as regional economic development, subsidized housing, the Administrator for Federal Insurance, Model Cities——

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. HORTON. Mr. Chairman, could we have a rundown on the time remaining?

Mr. HORTON. I have 40 minutes left, and I have 15 minutes for the program and 25 against.

The CHAIRMAN. The gentleman is correct. He has 40 minutes left.

Mr. HORTON. What about on the other side?

The CHAIRMAN. The gentleman from California has 29 minutes of time remaining.

Mr. HORTON. Thank you.

Mr. Chairman, I yield 1 additional minute to the gentleman from Illinois.

Mr. SCHMITZ. Will the gentleman from Illinois in 1 minute answer my question? We have been talking so far here about how this reorganization plan will not cut back on any programs. I would like to state that I would like to get rid of several of these programs.

Mr. DERWINSKI. The point was well made before the committee that there will be a more effective administration and more effective direction of personnel. The coordination between the VISTA worker and the Peace Corps worker and possibly even an interchange between the two will be for the benefit of good administration of these two programs and other volunteer efforts. I do not want the gentleman to think that this will produce Utopia, of course. We must be realistic on that point.

Mr. SCHMITZ. During the hearings was there anything that indicated the administration was planning on phasing out any of these programs?

Mr. DERWINSKI. The first step is to put everything together in a better administrative package.

Mr. SCHMITZ. Did they indicate whether they will be phasing out any programs?

Mr. DERWINSKI. That depends on the individual committees of the Congress. In the Peace Corps—and I will use that as an example—in the last 2 years it has developed a policy to bring into the Peace Corps more mature personnel, which has resulted in better service.

Mr. Chairman, may I reemphasize the key points in support of the reorganization plan. First, it consolidates in one place agencies scattered throughout the Government, making possible greater savings and efficiency, for example in the recruiting systems which are now similar but separate. Second, it will consolidate programs appealing to the young with those appealing to older citizens, bringing a balance of maturity to them all. Third, the consolidation would be the first step in the President's plan to give citizens a greater opportunity to undertake the business of meeting public needs.

This last reason has considerable merit. All too often when a public need is identified there is a rush to provide a Government solution, particularly with more Federal Government employees. With proper support, public, local, private and nonprivate groups can do a tremendous job in the same area. I believe the President's plan will build a system which would allow local initiative to identify problems and recruit full- and part-time volunteers with a minimum of Federal bureaucracy.

We can expect from this new organization a sound advance in all volunteer programs, better management and an emphasis on local initiative. It is for this reason I ask your support for the plan when it comes to a vote this afternoon.

Mr. HORTON. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I thank the gentleman from New York for yielding this time to me.

Mr. Chairman, I am going to vote against this reorganization plan simply because, despite the good efforts and sincere approach of the committee, there has been no showing here that this reorganization plan will make these programs any better. More importantly, there has been no showing here that these programs are not working well now. We have made our Federal employees "flack-catchers" simply because we do not give them a chance to make government work, but instead we keep them in a constant state of playing musical chairs and reorganization. Every time a new Executive comes in he shuffles the deck. How in the world can Government employees do a good job when they are constantly being shuffled around?

The President showed good, sound judgment when he came before the committee in 1969 and said:

> I do not want to change the poverty program, I want to extend it for two more years.

He gave it a chance to work and therefore today it is working.

The same thing has happened with VISTA and the Peace Corps.

I would like to vote with this committee, but as a practical proposition there is not a Member of this House who will not have to agree with me that once this reorganization plan is voted and approved everything in these agencies will come to a standstill for at least 1 year while new rules are written and new appointments are made and new directors take office.

I am not impressed with the letter which states nothing will change. If nothing changes, then what do we need this legislation for in the first place?

There is not a Member of the House who on a number of occasions has not called an agency up for some assistance on a particular problem and had the department head say, "Well, I would like very much to help you, but we are in a state of reorganization and we will have to wait until new directors are appointed and new personnel is brought in."

Mr. Chairman, these programs are working well. Why not leave them alone and give them a chance?

Mr. HORTON. Mr. Chairman, I yield 7 minutes to the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Chairman, I am going to mention some negatives and some positives on this reorganization plan, starting with the negatives.

I would say at the outset, however, that I think any President of the United States should benefit from the presumption that he has the right and the opportunity to reorganize the executive.

And, therefore, I think he deserves the chance to present his case and have it considered by the committees of the Congress.

Mr. Chairman, I would be one of the first to state that the record of this administration relative to the poor, to a massive change in priorities, to a real commitment to the cities and to a larger commitment to the blacks of America lacks credibility and lacks results.

I would say that one of the tests which will determine the credibility of the administration is whether or not the White House overturns Governor Reagan's veto relative to the Legal Services program in California. If the President sustains that program and vetoes Reagan's position that, I think, should be taken into consideration as being a creditable action on behalf of the poor.

There is no question on this reorganization plan that there first was a failure to consult with the VISTA volunteers and with others.

The administration has not made a wholly persuasive case that this plan meets any of the six criteria of the Reorganization Act. I do not think there is any question about that. Further, a series of memorandums have appeared in Washington, including a memorandum by John Wilson, the OEO planning officer, on the 1972 budget marks presented by the office of management. Budget for the Office of Economic Opportunity, which indicated the possibility of the elimination of 100 percent of the funds for VISTA. This is a memorandum on OEO which I discussed with Mr. Blatchford personally this morning and he said he never saw it and that it has no standing. Nevertheless, I have a copy of it and it was circulated.

There was a staff report of May 31, 1971, which shows that none of the present officers of VISTA were being considered for any of the top 30 positions in the new agency. This is not reassuring.

Further, the reorganization plan is not on all fours with the Ash Commission recommendation that agencies should be grouped by function and not by concept, such as the concept of volunteerism. Further, the position of the administration with reference to the Peace Corps in the original submission was not reassuring and, indeed, the galley which the gentleman from New York (Mr. ROSENTHAL) released on the budget for 1972 indicated that VISTA was to be virtually eleminated. This further adds to the lack of credibility.

I am told by the administration that those documents are not accurate and that there is no credence which should be put in them. Nonetheless, these documents apparently have existed at a lower level.

Viewing the reorganization plan from another perspective. There is a case to keep VISTA in OEO because 65 percent of the organizations sponsoring VISTA volunteers are community action programs. There is a case for keeping Foster Grandparents program in the Administration on Aging, and, indeed foster grandparents are not volunteers but must be paid the minimum wage. And, clearly in my judgment—and I am going to oppose this—the Teacher Corps should not be separated from the Office of Education.

Mr. Chairman, having listed the negatives as candidly as I can, I want to indicate some of the positives.

First, I am authorized to say on the floor here by Mr. Blatchford, on behalf of the President, that the President is prepared to "enlarge and improve" VISTA and, further, the President is making a "personal commitment" of his office to stand back of VISTA and its expansion.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I shall be glad to yield to the gentleman from Michigan when I have completed my statement.

Second, I am authorized to try to add a little clarity to the funding picture. Instead of a budget projection of $33.1 million for 1972, the President has agreed to raise this to $45 million for VISTA. That is $12 million of the $20 million that has been referred to.

Further, I have received a commitment from Mr. Blatchford that an additional $8 million will go entirely to domestic poverty projects with the bulk of it going to VISTA or to the senior citizens program in the poverty area. This could include, for example, in the VISTA area the establishment of a part-time volunteer program or a summer program. But the net effect of this is that the budget will be increased from $33 million of $45 million going to VISTA, with an additional $8 million over and above that for VISTA poverty or VISTA-type activities.

Beyond that I am authorized to state relative to the Peace Corps that a presentation has been made—and hopefully the administration will make a judgment on this by the end of this week—for an increase to probably something on the order of $82 to $89 million for the Peace Corps rather than the $72 million figure that is in the April 30 submission to this body.

Further, Senator JAVITS received assurances that the active head of VISTA and the Peace Corps would be at a higher level, would be Associate Directors, and that he or she will be designated Associate Director for domestic and anti-poverty programs. This reflects a higher commitment to relate this program to poverty.

Having said that, I believe that the President from my conversations with him in the past is clearly committed to an expansion of the volunteer programs. He has held this position for a number of years. I believe he is sincere in it. I would have to say that it is quite clear that the administration has failed before to deal honestly and openly with the Congress on some matters, and there is some doubt as to whether or not it will do so now. Specifically, there is broad questioning in this Nation as to whether there really will be a major commitment—let alone a major increase—in the war on poverty through this and other programs.

I am hopeful that the President will take specific steps promptly to show this, that he will visit some of the VISTA endeavors, have them to lunch and put his personal imprimatur on moving forward with the program in a major way. I have urged that this be done.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. HORTON. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. REID of New York. I would add further to this, Mr. Chairman, that I think that if the plan is defeated, there is the danger that VISTA would be destroyed, and there are some in the administration who would be quite happy to see it destroyed within OEO.

I must regard the several documents and memos to which I have referred as serious intentions to do away with

VISTA if the Congress does not approve Action. I do not believe that this reflects at all well on the commitments of this administration. Nor, however, do I think that it will reflect at all well on this administration if it fails to honor the promises it made about VISTA in the course of discussions on this reorganization plan. These are promises which I expect the administration to fulfill explicitly. I am prepared to take the President at his word because I think that it is the best hope VISTA has for survival.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. HOLIFIELD. Mr. Chairman, at this time, I am going to yield 5 additional minutes more to the gentleman from New York, so that we can go ahead with this colloquy that I understand the gentleman from Michigan (Mr. CONYERS) wishes to pursue.

Mr. CONYERS. Mr. Chairman, if the gentleman will yield, I want to congratulate the gentleman from New York, and say that he agrees with our judgment of the committee and that of the gentleman from Wisconsin (Mr. REUSS) in making it difficult for some of those who opposed this, because of the fear that we have that some of these programs are going to be emaciated or eventually extinguished completely.

But I will say that I am interested as to the total of the promised funding and, as I understand, that is about $4 million over the $71 million appropriation when it is all boiled down?

Mr. REID of New York. The gentleman from Michigan is partly correct. There is an additional increase that has not been officially approved as yet by the White House, but I am told that it will be by the end of the week, raising the $4 million that the gentleman is talking about by about another $10 or $17 million. This comes about by raising the present $72 million for the Peace Corps to $82 or $89 million. The total increase is from $141 million to something on the order of $151 million for all of the programs in Action. So there is an increase, but it has not officially been approved, but the presentation has been made. And I believe that the President will commit to a higher number of volunteers from 4,000 to 5,000 in the Peace Corps.

Mr. CONYERS. It seems to me that if we were to continue this debate or postpone it until next week that we might be able to get up to a more reasonable amount of money that could be used to fund these programs. It would appear as if the longer we delay this measure, the better it would be. I would like to confer with the leadership about it for the purpose of postponing this matter until next week. It might be up to maybe even $10 million more if all these plans and promises are confirmed as we go along.

Mr. Chairman, I am finding it very difficult even over, I presume, the support of my good friend, the gentleman from New York (Mr. REID), to go along with what has unfortunately developed in this so-called reorganization plan No. 1. Because the key question was asked by the gentleman from California (Mr. SCHMITZ). He said:

> I want to cut these programs—how do I vote?

He said:

> I want to reduce some of these programs—how shall I cast my vote?

He asked that question of the gentleman from Illinois. I do not recall that an answer was given and, if it was, I do not recall what it was.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. Mr. Chairman, I have the floor and I would like to respond to the gentleman's question. I will yield to the gentleman from Michigan, but I would like to comment on the point that the gentleman made. I will respond at this time, if the gentleman from Michigan does not wish to continue at the moment.

The gentleman from Michigan phrased a simple question which I will answer and then I will yield to my colleague, the gentleman from Ohio (Mr. BROWN). Specifically, Mr. CONYERS raised the central question as to whether there are some in this body on the minority side who were prepared to cut out some of these programs and to dump them. The answer, if I may have the attention of the gentleman from Michigan, the answer to that question is that he is correct. There are some on this side who are quite prepared to dismember and decapitate and destroy and bury some of the antipoverty programs. But I submit to him the real issue is that there is a better chance for success and expansion and continuity of VISTA if the President places it in an entity that he believes will be effective, and spends the money for it and makes a personal commitment which he is making today in some of the things I am saying. Is it better to defeat the plan and turn it over to OEO where there is a memorandum that I am holding right now which raises an option of a total elimination of VISTA given certain budget figures? This is not to say that this same OEO memorandum does not contain hints about the elimination of VISTA in other ways as well. I think, however, the chances of VISTA would be somewhat better with the presidential commitment, because he is the President and will be for a period of time.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I promised to yield to the gentleman and I yield to him.

Mr. BROWN of Ohio. Mr. Chairman, I think the point ought to be made by those in favor of both VISTA and the Peace Corps that each of these two entities will be brought out of other organizations into a higher level of visibility in Action. Thus, they will be at a higher level than either one now possesses where it is now located in subordinate positions down inside other agencies.

The gentleman from Michigan tried to make a point that a question was asked about how programs would or could be terminated by this reorganization plan. Certainly, the question was asked and of course no answer was given to it because the fact of the matter is that you do not change any functions at all by putting them into the new structure proposed in this reorganization plan. The functions remain untouched. It is just the structure of organization which is being modified.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I rise in support of the President's proposal and to point out to the committee certain inaccuracies and misleading statements made by those in opposition to this reorganization plan.

Let me make my points by reviewing the minority views submitted with the report on House Resolution 411.

I begin on page 1 of the views, that is page 19 of the report, with the charge that:

> The President states or implies in his message—and administration spokesmen at the hearings echoed and re-echoed this view that Americans have not exhibited a sufficient spirit of unselfish volunteerism and that programs using volunteers have fallen far short of acceptable goals.

No President has been as committed to volunteerism as President Nixon. He spoke of volunteerism in his campaign for the Presidency in 1968, in his Inaugural Address, in supporting the establishment of the National Center for Voluntary Action, in establishing the Office of Voluntary Action, and now in this proposal to create a volunteer agency called Action. He feels more can be done to support volunteers, not that they have not done enough. As well, every administration witness testified that the programs involved were successful, including Associate Director Weber of OMB. Not one said the program had "fallen far short of acceptable goals" as the minority views indicate.

Moving along to the second page, the minority views state:

> The Administration intended in 1971 to phase out VISTA.

At no time did the administration intend to kill VISTA. It was suggested by staff during the budget exercise in preparation for the fiscal year 1972 budget as were many suggestions for cutbacks and program terminations. But the suggestion was not accepted. The administration has indicated its intention to keep VISTA and is suggesting a $12 million increase for VISTA to accommodate expanded programing should Action be approved.

In the interest of time, I will skip the next two pages. On page 23, they state volunteerism "is to be the purpose, goal and raison d'etre of Action." That is not true. The goals of Action are to help solve the problems of the poor and the problems of the community both domestically and abroad as noted by Director Designate Blatchford in his testimony. The function or objective of Action are to place and support volunteers on local projects working toward meeting those goals.

The section of "Abandonment of the

Poor" is full of pique and little argument. This administration has not abandoned the poor. In this very case it asks for at least $12 million in additional money for volunteer programs aimed at combating poverty. Indeed, one wonders who the friends of the poor are in this debate.

On page 26, the statement is made that Congress is being asked to give a blank check on this plan. I submit few plans were as well studied by the committee as this one was. The hearings lasted 3 days and everyone who asked to speak was allowed to do so. I daresay we know more about what is proposed under Reorganization Plan No. 1 than we do about the vast majority of reorganizations we have passed on.

On page 27, much is made about the $16 million cut in the program budgets. I would point out that most of the cut was made in the Peace Corps budget, due to a 4-year downward trend in applications. The Peace Corps cut was $17.7 million. The increase in domestic program funding is dramatic. Twenty-three million dollars more will be requested for domestic programs as a result of the opportunities offered by this plan.

On page 28, the statement is made by the opposition that:

> It is our firm conclusion that the commitment to retain and support VISTA is so tenuous and vague that it will be a travesty on the welfare of the poor to approve the reorganization plan.

Director Shultz and Associate Director Weber of OMB and Director-designate of Action, Joe Blatchford have all given assurances that VISTA will continue to operate as it is now. Associate Director Weber stated in the hearing that VISTA would have a $45 million budget; that means a $12 million increase and, in written response to Senator PERCY, the administration made the same commitment. The commitment of at least $12 million more to the VISTA budget has been made. Indeed, the opposition should recognize that the expansion of the domestic programs will be guided and funded by the VISTA authorization and program account.

On the same page, the statement is made that funds under Action will be appropriated to the Director of Action. That is not true; they are appropriated for specific programs and cannot be used for any other purpose than that for which they are appropriated.

On page 29, an attempt is made by opponents of the plan to tie together a number of other reorganization proposals, some of which, they feel, are more likely to be approved than others. They then state:

> If any one of these contingencies were to fail, establishment of Action would make no sense.

Let me state categorically that the President intends Reorganization Plan No. 1 to stand alone, and the Government Operations Committee and its subcommittee both reviewed the plan as a separate, distinct entity and felt it was justifiable as such.

Mr. Chairman, it is unfortunate so much misinformation has been generated on this plan.

I am even more perturbed by the stories recently appearing in the papers as a result of a leaked, supposed memorandum which purportedly shows people selected for staff positions in the new agency. Only Peace Corps or Peace Corps-related people were listed and the story implication is conveyed that people from other agencies such as VISTA are somehow being locked out. That memorandum had no official standing, but the assurances to the contrary about VISTA's place in Action about the funding for the new agency and about the leadership of the new agency does have official standing.

Mr. Chairman, Action will increase our efforts in world and domestically in community development. The minority views are misleading and do not grasp the fundamental benefits of this reorganization plan. I urge all the Members to support this plan and vote for the creation of the new agency—Action.

I favor the reorganization plan and feel that it does not harm the effectiveness of the Peace Corps or VISTA in any way. On the contrary, those two agencies will become more viable entities whose important contribution to society will be more easily recognized by the public. The emphasis on what a volunteer can do and how he can be better trained to do it will make the agency a more attractive and effective one. In addition, there will be an increased emphasis on domestic needs. Budget Director Shultz stated that the additional $20 million for Action would be used entirely for domestic programs "with the majority of the funds to be committed to antipoverty activities."

The returning Peace Corps and VISTA volunteer will be better able to be retrained for other volunteer work. In the case of the Peace Corps volunteer, for example, the knowledge that he had gained from overseas duty will not be wasted but used in many areas of community development here at home. Their career opportunities will be broadened and their experience better utilized.

The President's message on Action stated that such an agency would stimulate voluntary action by providing information on successful voluntary efforts and assist in directing those who wish to volunteer services to areas in which their services are needed. The Peace Corps and VISTA can only but benefit from this emphasis on volunteerism and, therefore, I support the creation of the new agency—Action.

Mr. HOLIFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Chairman, I rise in support of House Resolution 411, a resolution to disapprove reorganization plan No. 1 of 1971, proposed by the President. The reorganization plan, if adopted, would create a new Federal agency which would merge six existing programs: First. Volunteers in Service to America—VISTA; second, Foster Grandparents; third, Retired Senior Volunteer Program—RSVP; fourth, Service Corps of Reorganization Executives; fifth, Active Corps of Executives; and sixth, Auxiliary and Special Volunteer Programs in the Office of Economic Opportunity. The President has also indicated his intention to merge the Peace Corps and the Teacher Corps into this new agency at an early date.

My distinguished colleague the gentleman from New Jersey (Mr. THOMPSON), in his recent testimony before the Legislation and Military Operations Subcommittee of the Committee on Government Operations, aptly summarized the proposed reorganization plan:

> We have before us a plan to reorganize successful, ongoing programs into a new agency that offers little in the way of new program or new money.

Mr. Chairman, I shall not here describe the foreboding fiscal consequences of the proposed reorganization plan other than to make two observations. First, I note that the administration's 1972 fiscal year budget request for four key programs affected by the proposed merger—VISTA, the Peace Corps, Foster Grandparents, and RSVP—is $120,900,000, which is $16,100,000 less than the Congress has appropriated for the 1971 operations of those vital programs. Secondly, although the President has stated that he will request $20 million for the proposed new agency in addition to the funds already requested for individual programs, the administration has never concretely indicated the respects in which it would use such funds if they were appropriated. There is no specific assurance whatever from the President that the increased funds would be used to help the poor or minorities at home or overseas.

I am gravely concerned about a theme which has arisen again and again in the Committee on Government Operations' hearings on this resolution, in my numerous communications with men and women who have served in our volunteer agencies, and in my discussions with my constituents of the Third Congressional District of Massachusetts: The poor and minority-group members in our country are fast losing what little faith and hope they have left in the administration's willingness to come to their aid, and in the ability of the entire Federal Government to cope with their problems. The proposed reorganization plan conspicuously fails to include provisions which would justify hope for the poor or minorities. For example, the reorganization plan, first, ignores the recommendation of the Ash Council that volunteer agencies be grouped by function, second, substantially weakens the Office of Economic Opportunity—the only agency in our Government concentrating principally on the problems of poverty—by depriving it of jurisdiction over VISTA and the Foster Grandparents Program, third, facilitates the Administration's apparent intention to terminate VISTA, or at least curtail its functions, and fourth, makes no provision for participation by the poor or minority-group members in the programs which immediately affect them and the lives of their communities.

I am also deeply troubled by another ominous aspect of the proposed reorganization plan. By creating a vast agency with jurisdiction over many different programs, the Executive is in effect attempting to restrict and diffuse the detailed on-going review by congressional committees which have manifested their great expertise and abiding concerns about these and other specific programs. The Congress should not permit its traditional function of specific review of social welfare programs to be dissipated.

In conclusion, Mr. Speaker, there appear to be no cogent arguments that the proposed multiagency merger would in the long run produce efficiencies or savings. There are, however, in my opinion, compelling social policies against the merger, and I therefore urge my colleagues to support House Resolution 411.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I congratulate the gentleman for his statement. I ask him whether he gets the feeling, after listening to this debate, that there are some, who, it seems, almost do not want these programs to succeed. Every time a program starts working in this country they start fooling around with the plumbing. One gets the feeling that somewhere along the line someone just does not want Government to work. That is the feeling I get.

Mr. DRINAN. I believe the gentleman from Illinois has made an excellent point. Obviously there are some in this Chamber who would like to get rid of these six agencies. They do not believe in voluntarism.

What troubles me more is the ambiguity of the apparent commitments on funding brought here orally from the administration.

I do not know what funding will be given. I know what I read in the proposed budget of this administration. All I say is that, in the absence of very clear, hard knowledge that more funding is coming to these important programs, I am going to vote against the merger.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, as we move toward the close of the debate. I reiterate a recommendation that we should defer disposition of this matter for a week. At the rate that the promises and innuendoes are coming from the administration in terms of additional funding to prove their good faith and their intentions about whether this reorganization will indeed eliminate some of the very important activities going on, we will surely have several more millions of dollars promised to us at the rate we are going.

I suggest this delay as a course of action for the leadership to consider. I hope we will keep in mind that the administration has a burden to prove its good faith. After all, they have never come down here trying to get more money for VISTA before now. If they are really serious about it, let us see what the offer is and how soon they will make it.

Mr. THOMPSON of New Jersey. Will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I think the bidding is such now——

Mr. CONYERS. An auction, if you please.

Mr. THOMPSON of New Jersey. It is an auction, but bids are coming in fast. I do not see the gentleman from Iowa on the floor, but earlier in the debate he said he would like to eliminate the Peace Corps. The gentleman from New York (Mr. REID) just informed us of a new commitment to be made later this week increasing the amount of money for the Peace Corps. Yet the gentleman from Ohio (Mr. BROWN) just announced to us that there has been a radical decline in the Peace Corps recruitment. I do not know what they will use the money for if there is a decline in recruitment and an increase in the moneys. Would you please explain to me where you think the money will go?

Mr. ROSENTHAL. Before the gentleman responds, will the gentleman yield to me?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. ROSENTHAL. That is the point that I made earlier. It is like a Charlie Chaplin movie, with a fire engine going back and forth across the street. It is three times now that they have called for the fire engine. They asked for $20 million and then they reorganized. I think if we stayed here until 5 or 6 o'clock tonight and then said that we will put the thing over until tomorrow, why any kind of an offer may be forthcoming. I believe the gentleman made a very cogent explanation.

Mr. CONYERS. I am glad to realize that there are level-headed Members here prepared to back up their rhetoric with a commitment to preserve these programs.

Mr. THOMPSON of New Jersey. And back up their promises with additional programs on the other side. If we can stay a little bit longer, we might get double the Teacher Corps funding.

Mr. CONYERS. All sort of interesting possibilities are opened up by this suggestion. I am glad the membership is alert to these recommendations.

Second, Mr. Chairman, the gentleman from California has asked a very crucial question. In the earlier debate he asked—and it has not been answered—What does a Member who wants to eliminate some of these programs do? How does he vote? We have had several attempts at answering this question, and I think it is a very valid one. Suppose you want to get rid of the VISTA program. How do you vote?

The gentleman from Illinois could not answer the question. The gentleman from Ohio admitted that he could not answer the question. I ask the leadership on both sides of the aisle this question: How does a person who thinks some of these programs need to be reduced vote on this bill before us?

I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I am not assuming the mantle of leadership, but there are two ways in which you can answer the question. There are two theories. If you put all of these agencies into Action, it is obviously sort of analogous to a cage with a number of lions in it. It will not be easy to walk into the cage and grab one of the lions by the scruff of his neck, by the mane, and kill it. On the other hand, you can approach it in this way and say, "Why do you not let them stay where they are, because you are not making a change, anyway, and kill them off individually?" So until that matter is resolved I think we ought to vote "aye" and defeat this plan.

If I may add a thought, the Chief Planning Officer of OEO in a memo that I have seen myself, said that we should cut VISTA 100 percent, but that is politically unwise. Put it into Action and we can let it die a natural death. Maybe they will find it like one of the litter in the morning.

Mr. CONYERS. The gentleman raised a third point that I want to bring attention to, which is the Wilson memo.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HORTON. Mr. Chairman, I yield the gentleman from Michigan 1 additional minute.

Mr. CONYERS. I thank the gentleman for yielding, and I will be very brief.

Mr. Chairman, according to the theory of the gentleman from New York (Mr. REID) the Wilson memo recommends that OEO be cut a full 23 percent and that VISTA be eliminated 100 percent. It seems to me that we are being forced into the position of deciding whether it would be better to have VISTA in OEO and get a 100-percent reduction, or working it into the Action program where it will receive additional millions of dollars but not much commitment.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. REID of New York. In response to that I think our choice is whether you leave VISTA in OEO where there is a position paper which raises grave doubts about its continued existence, or whether you place it in Action where you have an increase from $33 million to $45 million and a presidential commitment that he will stand back of VISTA and expand and improve it. The latter seems the much more desirable course to follow.

Mr. CONYERS. Which does the gentleman from New York prefer?

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Chairman, the tradition of helping a neighbor in need goes back to the frontier days of this Nation. Even as we cherish self-reliance, we recognize that to extend a helping hand to our fellow man also is a valued characteristic of our people. This spirit of voluntarism is a strong thread in the fabric of our society.

It is for this reason that I express strong support for President Nixon's reorganization plan No. 1. As we all know, this plan would bring together in a new agency called Action such volunteer programs at the Peace Corps, VISTA, Foster Grandparents, SCORE, ACE, and other smaller groups.

The concept of volunteering help one another is a basic tenent in the American way of life. The potential for such programs as Peace Corps, VISTA, and Foster Grandparents in my opinion have not been fully exploited. We have not fully utilized the available talent. They have not developed the good will that should have been a spin-off from the concept of helping one another.

Now is not a time to do away with, destroy or undermine. Now is the time for new direction. We have learned from trying we should capitalize on our mistakes and our knowledge. Now is the time for new imagination. To develop meaningful programs that will help and will build better images. Tens of thousands of Americans can and have been able to serve their fellow man through these programs and build friendship and understanding between strangers. With this new organization programs such as VISTA, Foster Grandparents, and SCORE, ACE will enable young people at home and the elderly and retired businessmen to tackle the urgent problems of their fellow citizens.

I believe the common purpose of these programs will be strengthened by consolidating them into an Action agency as proposed by the President.

There are several obvious benefits of such a merger. A single agency would make much more efficient the recruitment, selection, training, and placement of volunteers. By fixing responsibility in one agency, more effective management could be expected.

The most important advantage, however, is that the concept of voluntarism will be enhanced. I think the good works of volunteers of all ages and from all walks of life will be better recognized and appreciated if their service were channeled through a single agency.

For there is still much to be done in America. We Californians like to think that our State leads the Nation. Yet in candor we recognize that we have our share of today's problems.

Well-trained volunteers could help us in many ways. There are children in need of remedial education; there are young people desperately in need of constructive programs to channel their energies; there are working mothers who badly need day-care centers; there are the elderly and the disabled who would appreciate a helping hand.

The person-to-person approach of an Action volunteer would do much to humanize the many programs which exist but which have not been as effective as they could be.

I sincerely believe that the proposed Action agency can do much to mobilize the great volunteer resources of this Nation and put it to work for the betterment of all of us.

Mr. Chairman, I urge a "no" vote on this legislation pending before us today.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in opposition to House Resolution 411 to disapprove Reorganization Plan No. 1 of 1971 which would bring various Federal volunteer programs into a new agency called Action. Before proceeding, Mr. Chiarman, I would like to commend the chairman of the Government Operations Committee (Mr. HOLIFIELD), who is also the chairman of the subcommittee which conducted hearings on this reorganization proposal. In looking over the record of those hearings, I was most impressed with the thoroughness of the subcommittee in developing testimony on this proposal. I think it is fair to say that the overall weight of the testimony was instrumental in converting some skeptics as to the merits of the Action agency proposal. The final vote in subcommittee was 9 to 3 in favor of Action, and the full committee went on to sustain the action of the subcommittee by a vote of 22 to 16.

In recommending that Reorganization Plan No. 1 should be allowed to become law, the committee presents a most cogent and persuasive case for Action in its report. I hope all my colleagues have had a chance to read that document because it does address itself to the specific objections and misconceptions being raised by the opponents of this plan.

In that connection, I have also taken special care to read the minority views filed by 10 members of the committee, and I must observe they comprise a most curious case against Action. If one were to take these views seriously, he would be led to believe that if we approve Reorganization Plan No. 1, we will be responsible for unleashing some horrible monster on the American public. To quote from those minority views, Action "is ill conceived, especially with respect to the interests of the poor," and it would "have a serious detrimental effect on the welfare of the Nation." Mr. Chairman, how anyone can argue that an expanded, better planned and directed national program for voluntary action is going to ruin this Nation is beyond me. We are not talking here about unleashing a mad monster on the American people; we are talking about unleasing the creative energies, skills, and idealism of the American people for the benefit of the people.

The minority report also makes the very curious and unsubstantiated charge that the administration has stated or implied that Americans have "not exhibited a sufficient spirit of unselfish volunteerism," and that the administration, by proposing action, has somehow insulted "thousands of dedicated and selfless individuals who have given their time and their energies so amply in the past."

Such a ploy by the opponents is not only sheer nonsense, but completely lacking in taste. Nowhere in the President's message is such an indictment of the American people and their voluntary efforts either stated or implied. In point of fact, the President's message stresses that one of the great strengths of our Nation has been, "the American tradition of voluntary involvement."

The central thrust of the President's message is that—

> In the past decade, the Federal Government has built on this tradition by developing channels for joining the spirit of voluntary citizen service in America with public needs.

But that these opportunities "must be adapted and improved" to meet changing needs both at home and abroad. Specifically, there has been a proliferation of Federal volunteer programs, and these must now be brought into line "with new national priorities and new opportunities for meeting those priorities." In the words of the President:

> We must take full advantage of the lessons of the past decade, and we must build on the experience of that period if we are to realize the full potential of voluntary citizen service . . . the foundation for a greatly expanded Government contribution to volunteer service already exists. Now we must consolidate that foundation in order to build on it.

And yet, to read the minority views you would think that perfection can be found in proliferation and that we have every reason to be pleased with the present and rest on our laurels. In short, the minority report says we should be satisfied with the status quo when it comes to volunteer programs, while the President, in his action proposal, says we can and must do better.

I was especially interested by one statement which appeared in the minority views, because I think it unwittingly makes a very strong point for an expanded volunteer effort under action. Quoting from that statement:

> Every program affected by this reorganization has more applications from potential volunteers than there are available slots to accept them.

Mr. Chairman, what could be a better argument for expanding and consolidating our Federal volunteer programs than the fact that there are so many willing hands which are not being put to use? That there is still a great untapped reservoir of voluntary spirit which is not being properly or effectively channeled to solve our Nation's problems? It seems evident to me that we must provide a new catalyst and outlet for this spirit—that we must give voluntary action programs greater visibility, priority, and direction if we are to effectively enlist the energies of the people in addressing the great challenges of our times.

And yet, the opponents of Action would have us believe that all is well, that any change would be detrimental to the welfare of the Nation, and that there is no quo like the status quo.

I think they would have a hard time convincing the young people of this Nation that that is the case. I think they would have a difficult time persuading the young people I talked with at the White House Youth Conference that we cannot and should not do a better job with respect to our Federal volunteer programs. The fact is, the youth conference task force on the draft, national service and alternatives, specifically endorsed the action agency concept in the following language:

> This task force endorses the creation of action corps to bring together volunteer service agencies to first, expand opportunities available for full-time service and second, to serve as an agency designed to further utilize part-time, non-paid volunteers.

Mr. Chairman, it is rather interesting to contrast this enthusiastic endorsement of a White House Conference on Youth Task Force with the status quo-oriented opposition contained in the minority views. To the young people, these status quo stalwarts must come across like a slapstick crew sailing backward into the sunset of the sixties singing, "Don't Rock the Boat." For the fact is, Mr. Speaker, that the opponents of Action are more interested in preserving the past than in facing the future. Like overly proud parents, they refuse to recognize any imperfections in their brainchildren, or admit that there might be room for improvement or growth.

There has been a lot of loose talk from the opponents of Action that this reorganization plan will somehow destroy this or that component, when the fact is that the components will be elevated from their subterranean departmental positions and given greater visibility. There is talk that Action is nothing more than a plot to kill VISTA when the fact is that assurances have been given from the top that VISTA will not only be retained in name and identity, but that its funding will be expanded substantially under Action. There is talk that the creation of Action will somehow undermine the interests of the poor, when the fact is that a substantial portion of the extra $20 million in new program thrusts will be used in seeking new means of addressing the problems of the poor in the context of voluntary action programs. There is talk that Action is nothing more than volunteerism for the sake of volunteerism, when the fact is that Action is designed as a vehicle for effectively applying voluntary resources and energies to our many unmet social needs. All this loose talk which flies in the face of the facts can be found in the minority report. That report can perhaps best be summed up with the phrase: "All talk and no action," and the authors could best be dubbed, "the inaction corps."

I, for one, am on the side of the Action Corps. It is an exciting, innovative, logical, and most importantly, urgently necessary reorganization proposal. I commend the administration for proposing it, I commend the Government Operations Committee for endorsing it, and I urge my colleagues to reject this resolution of disapproval.

Mr. HORTON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. Bell).

Mr. BELL. Mr. Chairman, I would like to endorse the President's proposal to create an action agency.

The proposal is reorganization plan No. 1.

I oppose the pending House Resolution 411.

The President's proposal would merge the Peace Corps, VISTA, Score, Foster Grandparents and a few other small but volunteer agencies.

The opponents of this reorganization see all kinds of motives, sinister, and otherwise, behind the proposal.

They fear it as a surrender in the war on poverty.

They believe that the character of popular and familiar programs like the Peace Corps and VISTA may be altered.

They suspect an abdication of Federal responsibility.

I would argue otherwise.

I believe, as President Nixon put it in transmitting this plan to Congress, that—and I quote:

> America must enlist the ideals, the energy, the experience and the skills of its people on a larger scale than it ever has in the past.

And I believe that Action is the way to do it.

In answering the critics, I would say that the consolidation of diverse volunteer activities offers the opportunity to mount a more unified attack against poverty in all its forms.

Poverty is not simply a matter of economics; it can include the disadvantages of poor education, inability to secure health services, the neglect of the elderly, the isolation of those in rural areas.

There are many ways of helping people in need to cope with their problems.

I believe that Action offers not just a new way, but a more effective way to enlist and utilize the energies of volunteers.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman from Illinois, Mr. Pucinski.

Mr. PUCINSKI. Mr. Chairman, the gentleman from California (Mr. Bell) is the ranking member on the subcommittee, so that I am sure the gentleman is in a position to answer this:

Could the gentleman from California give us any reassurances that if this reorganization plan is adopted, that there will not be a wholesale dismissal of key personnel in these offices and agencies that are now doing a good job, and that there will not be new directives, new forms, new programs and a complete standstill for at least a year under this reorganization plan? Can the gentleman give us any assurance that this will not happen?

Mr. BELL. The gentleman from Illinois knows that you could not make any such assurances on that, and you could not have done that during the Johnson administration, but we do know and as the gentleman from Illinois knows, and as the gentleman from New York (Mr. Reid) said just a short time ago that the President does have an interest in VISTA and that he is going to put more money into the VISTA program, and that he is moving it into a new area, so that there is an interest there that did not exist under the Economic Opportunity Act.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HORTON. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. Railsback).

Mr. RAILSBACK. Mr. Chairman, I believe that the President's plan to merge a wide variety of volunteer groups into a single agency offers a fresh opportunity and challenge to those who want to build a better America.

The President's Reorganization Plan No. 1 would do more than simply bring together the Peace Corps, VISTA, SCORE, Foster Grandparents, and other volunteer agencies. It would create a single agency called Action, a central headquarters for all those who want to volunteer a year or several years to helping his fellow man.

It seems to me that this is both a more efficient and more effective way to tap the volunteer resources of this Nation.

We can give due credit to those in the Peace Corps and in other agencies who demonstrated over the past decade that the volunteer spirit still runs strong.

But, as the President pointed out in his message to Congress, it is time to build on this experience and move on to new ways of enabling volunteers to help solve problems of poverty here and abroad. I believe that there are many, many, people that would volunteer on a full-time or part-time basis if they knew where to volunteer. A single agency ought to make it easier for these people to participate.

I think the new Action agency can do this by encouraging local initiative, by backing up volunteers with technical assistance, by marshaling more part-time volunteers, by linking up with other experienced organizations and by enlisting more craftsmen and professionals as volunteers.

In other words, I think that Action may be the type of volunteer agency needed for the 1970's.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. Monagan).

Mr. MONAGAN. Mr. Chairman, in an effort to draw upon the resource of volunteer effort in this country and to help citizens become even more a part of their Government, the President has proposed in Reorganization Plan No. 1 that the volunteer agencies such as Peace Corps, VISTA, ACE, SCORE, and Foster Grandparents be brought together in one new agency to be called Action. I support this reorganization.

Some who have criticized this move offer dire predictions that somehow the domestic poverty agency—VISTA—will be done away with, that it will be dissipated. Yet, those who testified in the House hearings assured us that this would not be the case. To the contrary, the work of VISTA is to be expanded. An extra $20 million is being sought primarily for this area. Peace Corps Director Joe Blatchford, who is the Director-designate of Action, testified that he hopes to see the projects and programs of VISTA greatly expanded. He said he saw not a downgrading of VISTA, but an upgrading. He told us that he envisions a maximum effort working directly with the people and with volunteers living under poverty conditions and helping with education and training and counseling and economic development.

The testimony produced a picture of an agency serving as an advocate for the people. We have in hand firm declarations of intent from the administration witnesses. And these declarations provide a more than adequate response to the concerns voiced by opponents of the reorganization who fear that the domestic poverty effort will be abandoned. It is clear to me that this is not the case and I am sure that most of my colleagues will agree with me.

After the Action agency is created, the Peace Corps Act will remain a separate statute. Any future changes in that law will come, of course, before the Foreign Affairs Committee, of which I am proud to be a member.

The Education and Labor Committee will continue to exercise jurisdiction over title VIII of the Economic Opportunity Act of 1964, as amended—VISTA—and title VI of the Older Americans Act of 1965, as amended. Title VI includes the Retired Senior Volunteer porgram and the Foster Grandparents program.

The Banking and Currency Committee will continue its jurisdiction over the SCORE-ACE programs since these are carried on under the Small Business Act, as amended.

Against this background, I would like to reassure my colleagues that Reorganization Plan No. 1 in no way infringes on congressional prerogatives. Rather, by consolidating volunteer efforts in a new Action agency, it helps, in the words of the President's transmittal message, "enlist the ideals, the energy, the experience, and the skills" of the American people.

I urge you to support the plan.

I have been concerned particularly myself in this connection with two programs. One is the Peace Corps and the other is the so-called Foster Grandparents plan because many people in my district have shared in this plan and have done excellent work and I would be the last one to want to see it discontinued.

In this connection I received a letter from Mr. Blatchford.

The letter is as follows:

PEACE CORPS,
Washington, D.C., May 24, 1971.

Hon. JOHN S. MONAGAN,
House of Representatives,
Washington, D.C.

DEAR JOHN: I'm pleased we had a chance to talk about the Foster Grandparents plan the other day, both because of your leadership on behalf of the program in the past and our mutual interest in its future. I thought it might be well to put down on paper at this point some of my thoughts about Foster Grandparents.

There is no doubt Foster Grandparents is an excellent program. It is respected wherever it operates. It works in some of the most challenging environments to be found anywhere, yet the participants undertake their work with immense pride and great capability. This program is an example of how we in this country should find ways to honor and capitalize upon the energy and dedication of older Americans while at the same time putting their abilities to work. I believe many more of our governmental programs should follow the example of Foster Grandparents by emphasizing service with dignity, not welfare with surveillance. Should the Congress approve the President's reorganization plan, as Director-Designate of the new Action agency Foster Grandparents would have my complete support.

There has been an understandable concern among senior citizens about shifting Foster Grandparents out of the Office of Aging where it is felt the interests of senior citizens are paramount. There are a number of counterbalancing factors, however, which I suggest favor its coming into a new agency.

First, it will receive much greater public exposure. For example advertising and public relations will associate it with the Peace Corps which a just completed public opinion survey shows to be the most popular and respected of all foreign assistance programs, public and private. It can be lifted from relative obscurity.

Second, it should attain greater prominance in the government as a result of the merger. Instead of being part of a massive HEW budget, Foster Grandparents (and R.S.V.P. as well) will make its request as a major component of a separate agency reporting directly to the President and the Congress.

Third, I believe there will be opportunities to link the part-time programs such as Foster Grandparents and R.S.V.P. with positions for full-time volunteers provided for elsewhere in the Action authority. Thus full-time volunteers, themselves senior citizens, could be available to mobilize and assist the part-time volunteers.

Finally, there is the commitment to senior citizen volunteer programs by this Administration which is genuine and expansive. As a direct result of the merger the Foster Grandparent budget request was recently increased from $7.5 million to $10.5 million. I believe Foster Grandparents will be afforded an expanded opportunity to prove its worth and merit expansion. Certainly, I believe it deserves this recognition and will receive the support it deserves.

Sincerely,
JOSEPH H. BLATCHFORD.

Mr. Chairman, this is specifically undertaking a commitment to the continuance of the senior citizens volunteer programs and explains that the merger has had a salutary effect on the Foster Grandparents budget request which was recently increased from $7.5 million to $10.5 million.

The other program in which I was very greatly concerned and which has already been discussed here is the Peace Corps.

There has been a significant letter which has been referred to by others from Mr. Arnold R. Weber, the Associate Director of the Office of Management and Budget, in which he specifically says:

> There is nothing in Reorganization Plan No. 1 that would require any such change in the present jurisdiction of the various legislative committees.

And—

> Unless and until the Congress shall otherwise direct, the Peace Corps will remain a separate statute and we assume that future changes in that Act, including amendments to appropriations authorizations, will be considered by the Foreign Affairs Committee.

Mr. Chairman, the letter I have referred to is as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., May 22, 1971.

Hon. CHET HOLIFIELD,
Chairman, House Government Operations Committee, House of Representatives,
Washington, D.C.

DEAR MR. HOLIFIELD: You have asked whether we foresee any alteration in the manner in which future legislation dealing with the Peace Corps, VISTA, SCORE-ACE, the Retired Senior Volunteers Program, or the Foster Grandparents Program, particularly authorizations for appropriations for these programs, will be handled by the various legislative committees of the Congress if Reorganization Plan No. 1 of 1971 becomes effective.

There is nothing in Reorganization Plan No. 1 that would require any such change in the present jurisdiction of the various legislative committees.

Unless and until the Congress shall otherwise direct, the Peace Corps Act will remain a separate statute and we assume that future changes in that Act, including amendments to appropriations authorizations, will be considered by the Foreign Affairs Committee.

Furthermore, we assume that the Education and Labor Committee will continue to exercise comparable jurisdiction with respect to Title VIII of the Economic Opportunity Act of 1964, as amended (VISTA), and Title VI of the Older Americans Act of 1965, as amended (Retired Senior Volunteer Program and the Foster Grandparent Program), and that the Committee on Banking and Currency will continue to have jurisdiction with respect to the SCORE-ACE program, since that program is conducted under the provisions of the Small Business Act, as amended.

Sincerely,
(Signed) ARNOLD R. WEBER,
Associate Director.

So, Mr. Chairman, in view of this assurance and in the belief that this would be the case, I am willing to support this reorganization.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the remarks of the gentleman from Connecticut.

Mr. Chairman, it seems to me the Congress and the executive branch both ought to take a look at some of the 1,400 different programs that we have and which require administration costs at every regional and State and local level and where so much of the money that is intended for individuals is eaten up in these high administrative costs.

If we are unwilling as a Congress to look at a half dozen programs that could reasonably be combined in one agency so that we really would get "more bang for the buck," so that there would be more to help the constituency for which it is intended; unless we are willing to do this, it seems to me absolutely hopeless so far as any meaningful reorganization of this sprawling Government is concerned. Young people and others are asking for a Government that will be more responsive to the needs of the people.

Today, nobody in the executive branch and nobody in the Congress really knows the extent of all the various 1,400 or

1,500 programs. So I would, with my colleague, the gentleman from Connecticut, ask that we take at least a small step in reorganizing—coordinating a half dozen programs similar in nature; I urge the adoption of this reorganization plan.

Mr. MONAGAN. Mr. Chairman, I thank the gentlewoman from Oregon (Mrs. GREEN) for her contribution. I think she has pointed out an area that is even broader than the one we are attacking in connection with this reorganization plan.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. HOLIFIELD. Mr. Chairman, I yield 2 more minutes to the gentleman from Connecticut (Mr. MONAGAN).

Mr. MONAGAN. Suffice it to say, I believe that the gentlewoman has made a point of profound significance we in the Government Operations Committee, through our distinguished chairman and our various subcommittees, are actively concerned with this problem and that will be future developments in this area.

Now I yield to the gentleman from New York.

Mr. ROSENTHAL. I thank the gentleman for yielding. I just wanted to make a comment on the observation of the gentlewoman from Oregon about efficiency and economy. We are all in agreement with that. The fact of the matter is, during the course of the testimony no one—no one—testified that there would be a saving of money. In fact, there would be an increase in the administrative costs. If you will read the committee report, you will see that we asked Mr. Carlucci specifically whether he thought there would be any improvement in either efficiency or economy.

Mr. MONAGAN. I decline to yield further. I have less than 2 minutes remaining.

Now, Mr. Chairman, the question of killing programs has been raised and may I say that if any Member wished to kill any of these programs, the thing to do would be to vote against them when the authorizing legislation was presented to the House. In the case of the Peace Corps, when the authorizing bill comes to the floor every Member will have an opportunity to vote for or against that legislation. That question of substance is not involved in the pending resolution.

A question has also been raised about the number of applications in the Peace Corps. The fact is that they have declined. There is underway at the present time however an attempt to change the character of the volunteers, the type of employment for which they are volunteering, and I think there is at least a reasonable probability that there may be an increase. Personally I believe that the new direction is one that we should follow.

So, Mr. Chairman, for those reasons I do support this plan because I believe it is bringing together in a more effective way these various agencies that are related volunteer activities within the Government.

Mr. HOLIFIELD. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. I thank the distinguished chairman for yielding. With regard to the Peace Corps, I think there was a misstatement made by the gentleman from Connecticut that under the Peace Corps Act the President by Executive order may transfer the Peace Corps. In his letter of transmittal the President said he would in fact transfer the Peace Corps to Action. Once the Peace Corps is included in the Action organizational chart, the Committee on Foreign Affairs will lose jurisdiction over the activities of the Peace Corps and over the Peace Corps organization itself. Mark that as a certainty.

Mr. HORTON. Mr. Chairman, I yield myself 1 minute.

What the gentleman has stated is contrary to the testimony of the representatives of the Office of Management and Budget.

Mr. ROSENTHAL. They do not run the committees of Congress.

Mr. HORTON. I understand that, but the OMB has indicated in correspondence that there is nothing in Reorganization Plan No. 1 that would require any change in the present jurisdiction of the various legislative committees.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from California.

Mr. HOLIFIELD. There is nothing in the plan that would change the jurisdiction of any committee. That was testified to by the Director of the Office of Management and Budget. Having studied and debated a few plans in my time, I say there is nothing in the plan before the House that would change the jurisdiction of any committee. A reorganization plan cannot make any change in regard to that. It must be done legislatively. The OMB has indicated that they would not attempt to do anything which would change the jurisdiction of the Foreign Affairs Committee. So I categorically state there would not be any change so far as the Congress is concerned.

Mr. ROSENTHAL. How can the OMB say what committee would have jurisdiction over the agency? Once action is established, the Speaker would refer authorizing legislation related to that agency to a committee of the Congress.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HORTON. Mr. Chairman, I yield myself 1 additional minute.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from New York.

Mr. ROSENTHAL. The OMB has no say whatsoever of any kind as to what committee would have jurisdiction—other than perhaps some backroom arrangements that might be made.

Mr. HORTON. Nobody is making any statement that they do. I am indicating to the gentleman from New York that that was the testimony at the hearings and the statements that have been made insofar as the administration is concerned. As the gentleman from California has indicated, nothing in this reorganization plan would change the jurisdiction of any legislative committee, and it could not.

Mr. ROSENTHAL. That is absolutely correct. I want the record to be clear.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman from New York yield me 1 minute?

Mr. HORTON. I do not have time remaining.

The CHAIRMAN. The Chair recognizes the gentleman from California.

Mr. HOLIFIELD. Will the gentleman from New York use his remaining time?

Mr. HORTON. I indicated to the gentleman from New Jersey that I would yield him 3 minutes. I yield to the gentleman from New Jersey 3 minutes.

Mr. THOMPSON of New Jersey. Mr. Chairman, may I inquire as to how much time remains?

The CHAIRMAN. The gentleman from New York has 6 minutes remaining and the gentleman from California has 13 minutes remaining.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman from New York yield me 1 minute?

Mr. HORTON. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey.

Mr. HOLIFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey.

The CHAIRMAN. The gentleman from New Jersey is recognized for 4 minutes.

Mr. THOMPSON of New Jersey. Mr. Chairman, I might make an observation. I hope, it being 10 minutes to 4, before my time expires we can get the latest word on what fund offers of money are being made from Pennsylvania Avenue to these agencies.

I must say, although I hope fervently a majority of the House will vote "yea" and, therefore, defeat this plan, that we have come a long way from an established and well-proved determination on the part of the administration to kill the VISTA program and others. Notwithstanding that we might not defeat this, as I hope we will, we have some assurances. I assume that the gentleman from California, the distinguished chairman of the committee, is going to put in the RECORD the letters to which reference has been made.

We have assurances of increased visibility and money for VISTA and its survival intact.

We have assurances of additional money for the Peace Corps and of its survival intact.

We have assurances of additional money for all of the other programs.

And it has been stated here over and over today that the jurisdiction of the committees is not being affected. At the moment I certainly agree with that.

I do not believe it is anything like a persuasive argument for the creation of an agency with no fundamental change except an increase in funding. In other words, this is to be a new agency called Action, and I can think only that the ostensible purpose must be, in the light of the developments today, an effort to at least muddle or muffle the identity of existing programs in anticipation of the election of next year.

Once again I urge a "yea" vote, which would have the effect of defeating the plan.

I yield back the remainder of my time.

Mr. HORTON. Mr. Chairman, I do not have any requests for additional time.

Mr. HOLIFIELD. Does the gentleman intend to make closing remarks?

Mr. HORTON. I will leave that to the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have had a very fair debate. I believe the opponents of the plan will grant that the proponents have yielded time generously and have tried to keep their commitment.

We are faced now with the decision. We will be voting on it in a few minutes.

I believe the issues have been fully debated. No one says this plan is perfect. Even the administration admits it is not perfect, but they say they intend to send up additional legislation to overcome some of the imperfections.

I have never known a plan that was perfect when it came before this House.

I want to look at the facts of the case. Before I look at them, let me say I have voted to support VISTA, the Peace Corps, SCORE, ACE, RSVP, and all the other programs to help end poverty in this Nation and abroad. If I did not believe this was a good plan I would not be in the well of this House.

We are trying to put like functions together.

I say the activities to be brought together have like functions, because they are all designed to help poor people, the underprivileged, and the backward not only in our own country but abroad, to come up and get their share of life and the pleasures and perquisites of a good life. They are not all going to reach it. We just cannot take care of all the people in the world. However, the 1971 budget as heretofore presented and approved by the Office of Management and Budget contains $120.9 million. The administration offered to request $20 million more than that. That brings the budget up from its present $120.9 million to $140.9 million. The administration has committed itself to put $12 million of that $20 million into VISTA.

We have had a lot of fun talking here today and some have been making jokes about this. I would say to these people who claim that they are for VISTA that if they are really for it, they would recognize there is going to be $12 million more in the VISTA program. If they are for the other minor domestic programs, they would recognize that the administration is committed to $8 million more, bringing up, as I said before, the approved budget level from $120.9 million to $140.9 million. These are the figures.

Now, as to the commitment; the President made that commitment in his message. The Hon. George P. Shultz, the Director of the Office of Management and Budget, committed the $20 million. His assistant, Arnold Weber, has committed it. The man who is the head of the Peace Corps and who the President says he will put in charge of this overall group has committed this amount.

Can I stand before you and say they will honor that commitment? I cannot. I cannot force them to honor that commitment. But I say that when the President of the United States and his representatives make a commitment to the Congress they are honor bound to fulfill it, and I would expect them to fulfill it.

Because the Reorganization Act gives the Committee on Government Operations the right to oversee the effects of any reorganization plan, I say that this Committee on Government Operations will watch this commitment. If that commitment is not fulfilled by the administration, I will come before this House and say that I was wrong; I placed my faith in the administration and they let me down. I do not think they will do that.

Mr. EVINS of Tennessee. Will the gentleman yield?

Mr. HOLIFIELD. Yes. I yield to the gentleman.

Mr. EVINS of Tennessee. Does the gentleman propose, as the chairman of the Committee on Government Operations, to take a look into the Office of Management and Budget and supervise their operations with oversight? We had a reorganization plan here one time which gave them a number of positions which were not under Civil Service or not subject to Senate confirmation. As you know OMB is now impounding and freezing funds appropriated by the Congress for housing, public works and other important programs and projects. Does the gentleman propose to oversee their operations?

Mr. HOLIFIELD. That is another question. I opposed that plan, as the gentleman knows, on the floor. There were several plans that were sent up, and here on the floor I opposed Plan No. 2.

Mr. EVINS of Tennessee. Will there be oversight of the Bureau of the Budget? Will this committee look into its operations?

Mr. HOLIFIELD. The gentleman knows full well I stood on the floor and said when you create a council of 90 men to assist the President of the United States there will be no way that the Congress can control those men because they have a confidential relationship with the President. There is no way anybody can bring them before us and ask for an accounting of their stewardship. I said that on the floor. Yet notwithstanding that, the House passed that plan. We are in a position now where we cannot call the President's confidential advisers before any committee of the Congress if they do not want to come, and if the President tells them not to come. I do not like it, and I will help to repeal that part of that plan at any time.

Mr. EVINS of Tennessee. Will the gentleman yield further?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. EVINS of Tennessee. He said he proposed to supervise this other agency at some time. Do I understand now that the gentleman says that he is going to supervise others?

Mr. HOLIFIELD. Well, now, the gentleman from Tennessee is my friend and he is not being fair.

Mr. EVINS of Tennessee. I feel that I am being fair. I feel that the gentleman from California is a great chairman.

Mr. HOLIFIELD. None of these people are in the confidential position of those in the Office of the President. Therefore, those on the Domestic Council are not required to come before the Committee on Government Operations because they are the confidential advisors of the President.

Mr. EVINS of Tennessee. Mr. Chairman, if the gentleman will yield further, I had one member say that he would appear before the committee but we could not record and publish his testimony and that he would not testify under oath. However, he would condescend to appear before the committee.

Mr. HOLIFIELD. The gentleman from Tennessee has presented to me his letter, and it appears in the RECORD as being against this bill. I understand the gentleman's position and I think he has a right to express it.

Mr. EVINS of Tennessee. Mr. Chairman, if the gentleman will yield further, does the gentleman from California think the SCORE plan in SBA involving 4,000 people concerned with domestic matters, should be consolidated with the Peace Corps and be involved in overseas functions?

Mr. HOLIFIELD. Our former colleague, Mr. Kleppe, testified before the Committee on Government Operations that the control of that program would stay in the Small Business Committee and the Committee on Banking and Currency.

Mr. EVINS of Tennessee. Well, then, why take it out?

Mr. HOLIFIELD. This is the President's plan. This is only one part of the plan.

If the gentleman is going to vote against the plan for that or for any other reason he is perfectly entitled to do so. But, on balance, looking at the plan and the commitment of the administration, I am going to honor that commitment until it is broken.

I say to the Members of the House, vote your conscience on this plan. You are not going to break my heart. I am not bleeding all over the floor. However, I do support the plan, I think you will gain more money under the plan, and I would hope that it would result in more efficiency.

Vote "no" if you are in favor of the plan. Vote "yea" if you want to kill the plan.

Mr. EVINS of Tennessee. Mr. Chairman, I want to associate myself with the remarks of the gentleman from New Jersey (Mr. THOMPSON) in support of the resolution opposing the reorganization plan which would consolidate various voluntary agency programs and thereby diminish the effectiveness of the agencies involved—including the Peace Corps and the Small Business Administration.

I oppose this proposal because I believe it to be ill advised and counterproductive.

It is my feeling that it would be a bad mistake to move the Service Corps of Retired Executives—SCORE—and the Active Corps of Engineers—ACE—of SBA into an agency with other organizations with basically different purposes.

These volunteer organizations should remain in the Small Business Administration for the simple reason that their goals and objectives are compatible with those of SBA—to aid, counsel, and assist small business.

The Peace Corps should continue to be allied with the State Department because of goals and objectives—and purposes declared by Congress.

This new reorganization fad of trying to lump different organizations together simply because the function—in this instance, volunteer work—will not contribute to efficiency.

On the contrary, efficiency will not be promoted and I fear inefficiency will result.

The combining of all these diverse organizations into one single agency would create a mishmash hodgepodge of operations that have no single common interest.

We know that inefficiency goes hand in hand with bigness.

We would see new bureaucratic layers—additional supervisory and administrative personnel—an entirely new bureaucracy.

We have seen the massive inertia created by the dumping of different, unrelated agencies and departments into one giant department—the Department of Health, Education, and Welfare. And we should not create any more supergiant agencies.

The SCORE program in SBA is working well. This program is part and parcel of the overall SBA operation.

It is ongoing and successful.

The 4,000 SCORE volunteers are rendering real public service.

Why thrust together in one agency volunteers who will work overseas—with volunteers who will be involved in technical assistance to small businessmen?

Mr. Chairman, for these and other reasons, I oppose the reorganization plan and support the pending resolution.

Mr. HORTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I rise in support of this plan and urge a "no" vote to disapprove the resolution.

Mr. Chairman, the President's reorganization Plan No. 1 of 1971 demonstrates the determination to restructure the executive branch in a most important area of Federal concern.

An important area of current interest is volunteerism. Countless thousands of Americans are eager to volunteer in activities looking to improvement of the lot of their fellow man. Accordingly, it is important that we strengthen the opportunities for volunteer activities.

Mr. Chairman, the transfer of volunteer activities, as set forth in Reorganization Plan No. 1 of 1971, offers an opportunity for a greatly expanded program. It offers the means by which the utilization of talents of young and old can be coordinated to benefit the disadvantaged, the handicapped, and all who are in need of assistance through the great strength of our concerned citizens.

Mr. Chairman, the President has always placed special emphasis on the capacity of Americans to render volunteer service—and this restructuring of our executive branch can help bring fuller realization of the President's goals and enhanced benefits to all whom such a volunteer program can aid.

Mr. STEIGER of Wisconsin. Mr. Chairman, last month I went to Estes Park, Colo., to participate in the White House Conference on Youth. As the press has reported, the discussions—lively, spirited, and often highly controversial—centered on the means to alter the status quo through an activist program of social change.

Behind the headlinemaking rhetoric, many of the task forces developed responsible, concrete programs for producing meaningful change in our society. From the groups on poverty, legal rights, environment, education, and employment and the economy, came resolutions asking for opportunities for young people to offer their services in finding solutions to these pressing problems.

Indeed, the central pragmatic theme of the conference seemed to be an appeal from youth to "the establishment" for new avenues of becoming working members of our society. The Task Force on the Draft and National Service developed a plan for integrating these diverse efforts, and suggested that it be coordinated by the proposed Action Corps.

I am well aware that some former VISTA and Peace Corps volunteers have spoken out against the merger, and that Members of Congress who helped create these programs—and have been most dedicated in their support—are now opposing the plan. There is a fear among the opponents that the agencies which stand as symbols of America's concern for the poor and oppressed, will be submerged and lose their identities. These are legitimate concerns—and it is clear that they are motivated by a genuine interest in the well-being of our social action programs. Yet, I am convinced that the continued success of these endeavors is dependent upon the success of the merger.

Mr. Chairman, it must be emphasized that the case against the merger relieves upon memorandums which have been rejected, and budget cuts which have not materialized. In fact, nothing has been submerged or dismantled. Instead, we have witnessed a strengthening of the component programs. For example, 60 percent of the additional $20 billion in funds for Action is slated to go to VISTA, thus raising its budget by about $10 million over fiscal year 1971. The Javits-Schultz correspondence represents convincing evidence of the commitment to provide the program with sufficient staff and organizational capability to meet the needs of the domestic and antipoverty programs.

These examples of how the Action Corps is providing for the antipoverty effort should be noted by those who believe that Action is designed to reduce the visibility of certain programs. Just the opposite has taken place, largely because the existence of the Action Corps plan has put the administration's commitment to each effort in the public spotlight. Each of the component programs has been, and will continue to be subject to searching public scrutiny to determine whether the Action Corps can live up to the promises of efficiency and improved importance which have formed the basis for the merger. The responsibility for insuring that these programs are responsive to the needs of the poor, the needy, and the aged will continue to rest with the proper committees in Congress—and by focusing public attention on these programs through the Action Corps, the commitment of the executive can be clearly put to the test.

In the minority views of the committee report, opponents of the merger asked seven questions concerning the nature of volunteer programs. The questions covered the area of goals, recruitment and training, the place of full- and part-time volunteers, focus of control, role of the Federal Government, desirability of a national service corps, and the demand for skilled volunteers versus generalists.

These are legitimate questions—those who favor the present structure should note that with nearly a decade of experience with the Peace Corps and VISTA, little attention has been given to providing the answers. To deny the opportunity for the merger to take place will deaden the impetus for a greater effort at research and development on these key questions. We can hardly afford to do this when our problems are so great and youth is so anxious to serve. We do not need service for its own sake, for volunteerisms is not an end in itself. It can only be made meaningful through a carefully designed and coordinated program of training and supervision. It is toward the goal of improving these techniques that the merger is directed.

VISTA and Peace Corps have served well in the past. The volunteers who served in them, and the Members of Congress who created and supported them, have reason for pride in their accomplishments. But we can do better now. We can be more effective in our appeals to the poor and the black, the Chicano and Indian, to all citizens to serve our people and learn in the process. I believe that we will be able to do this more effectively in an Action Corps and I urge your support in getting on with this work now.

Mr. RONCALIO. Mr. Chairman, during the past 5 months, I have spoken four times to this body on the need for governmental reorganization and dispersal of physical plant. But, Mr. Chairman, reshuffling of programs and groups not allied through concept or function can only bring further inefficiency and bureaucratic entanglement.

Two VISTA's now working in Wyoming have recently written to me concerning their feelings regarding the proposed merger. I would like to share their thoughts with you. One volunteer puts it this way:

> Unless remainder as a separate entity is accomplished, I can't visualize working with such diverse groups as the Foster Grandparents and the Service Corps of Retired Executives. We do have common points, but our goals and methods are so completely different. The merger appears to focus on the concerns of volunteers rather than on the needs of the poor.
>
> The VISTA program is one of the few programs that really gets to the basis of the problems of poverty. We are not so cluttered and curtailed by red tape that abounds within most programs that say they are helping the poor. This is not to say that we do not have regulations, but we at least have a fair amount of freedom, enthusiasm, new approaches to problem solving, and dedication to the people we are trying to help—help themselves. VISTA's role as an active advocate and catalyst for the poor helping themselves may well be destroyed.

Another VISTA writes:

> It is my opinion that the purpose of VISTA will be greatly hindered by this move. VISTA volunteers are sent into poor communities to assist people in helping themselves economically, socially and politically. Given the nature and extent of poverty in this country, this task requires a strong commitment on the part of the Federal Government. The Adminstration's proposed merger offers no such commitment. In the President's Nebraska speech, he mentioned that the merging of VISTA and the Peace Corps into ACTION would allow young people to transfer easily from this country to other countries in the world. When VISTA and the Peace Corps first began, they felt they were looking for the same type of person. However, they soon came to realize that this was not the case. Those who have served in the Peace Corps are not necessarily suited for VISTA and vice-versa. Further, in the White House statement of March 24 outlining this new agency, the President constantly referred to voluntary service. VISTA's are not sent into communities to provide services. They are there to help the people develop new programs to meet their needs. VISTA's help initiate community action. They are not social workers, but developers.

Mr. Chairman, the intent of the reorganization plan should be to streamline the executive branch of Government. This proposed merger fails to do this. The President's own study group, the Ash Council, has recommended that agencies be grouped by functions. The programs which we are now discussing do not have the same functions.

SCORE, a group of retired businessmen who counsel small businesses is to be lumped in with VISTA, a program to advance community development.

The Foster Grandparents program is not on a volunteer basis at all. The elderly are paid at or above the minimum wage. The purpose is to provide employment opportunities for low-income, elderly persons. If this body approves this reorganization plan, are we expressing approval of the conversion of Foster Grandparents to a volunteer program?

It is not the best plan to combine the administration, training, and recruitment of programs which are as diverse as these. Each appeals to different segments of society; recruitment and training must be carried out with this in mind.

This reorganization plan will not aid the administration of these programs. To take one example of the patchwork fashion this plan has been put together with: the administration of SCORE is to be shared by SBA and ACTION. Having two bosses will only confuse lines of authority and make for unnecessary duplication of effort.

Let us not steamroll the idealism and enthusiasm out of these programs by taking away their identity and destroying their spirit.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I support House Resolution 411, to disapprove Reorganization Plan No. 1. My particular concern involves the adverse affect this merger would have on the Peace Corps.

If Reorganization Plan No. 1 is approved by Congress, irreparable harm will be done to the Peace Corps. It will lose its separate character and identity.

The adverse affects will be enormous:

First, the job of Peace Corps Director will be downgraded. He will cease to be the head of a prestigious and influential international agency. He will lose ultimate control over policy considerations and over the money appropriated to the Peace Corps. He will be reduced to being a division chief in what is basically a domestic agency.

Second, once the Peace Corps and all the other volunteer programs are under the same bureaucratic roof, they will be forced to compete for attention, funds, status and priority. The component programs such as VISTA, SCORE, and the Peace Corps, will be forced to compete with one another in policy considerations and in ways that will weaken morale and resolve.

I can only forsee confusion and a weakening of all of the separate programs resulting from the merger into Action. I can only forsee the mission and purpose of the Peace Corps being submerged in the new Action bureaucracy. I ask you to join with me in voting "aye" for the resolution of disapproval.

Mr. HARRINGTON. Mr. Chairman, the President's Reorganization Plan No. 1 is now pending before the House. This plan would combine various federally operated volunteer agencies—VISTA, auxiliary and special volunteer programs, Foster Grandparents, RSVP—the retired senior volunteer program—SCORE—Service Corps of Retired Executives—and the Peace Corps—into a superagency called Action.

I would like to express my strong opposition, which is shared by many of my colleagues of both Houses of Congress, to this proposal. Instead of being a reform for a constructive purpose, the President's plan is a reform for the sake of reforming, or, perhaps for political expediency.

According to the United States Code, title 5, chapter 9, section 901, the purposes of an executive reorganization are as follows: First, a reduction in expenditures; second, a grouping of agencies and programs according to functions and goals; third, the consolidation of these agencies under a single head; and fourth, an increase in Government efficiency. On each of these excellent suggestions, the President has missed the boat with this reorganization plan.

The proposal would not reduce expenditures. In fact, the President is asking for $20 million above the budget requests he has already submitted for the agencies that would comprise Action. The significance of this $20 million is diminished by the fact that the administration's budget requests for 1972 for the constituent agencies fall $16 million below last year's levels of funding. Consequently, the $20 million additional would bring the total funding level only $4 million above last year's total appropriation.

Granted that the volunteer agencies need the extra money, but they should receive any budgetary increases individually to avoid competition for funds. A reduction in administrative costs by reducing the duplication of recruiting, training, and placing efforts of the different agencies is impossible because of the different natures of the various volunteer programs. It seems obvious that an elderly SCORE volunteer aiding small businessmen will have different interests and training needs than a Peace Corps volunteer training Africans in the operation of a tractor of the VISTA volunteer trying to organize disadvantaged parents so they can act to improve a school system. The only way expenditures could be reduced would be if some of the programs under Action were reduced in operations, while other programs received special emphasis. This kind of situation would be tragic. Each of the programs has an important contribution to make to this country. Each can and should make these contributions without competing with programs of totally different functions and priorities, as would be the case under Action.

Certainly, Reorganization Plan No. 1 does not seek to limit Action to agencies and programs of similar function. The volunteer programs are attached right now to agencies of similar function. Peace Corps is attached to the State Department whose primary interest is foreign affairs, the two poverty oriented programs are in the OEO, SCORE is a part of the Small Businss Administration, and Foster Grandparents and the Retired Senior Volunteer program are a part of the Administration on Aging.

Expenditure reduction, in this case, would mean a loss of independent agency control. The present vitality of the volunteer programs would be lost, to be replaced by the ineffectiveness of a new superbureaucracy. Compared to the programs which exist today, Action would be an agency of inaction.

The President claims that the common denominator of the various agencies is that they all use volunteers. He thus justifies the formation of Action by claiming that the new agency will be a great aid to the establishment of volunteerism as a national priority. I believe that this is wrong for two reasons.

First, it is simply not true that all the agencies that would be combined under Action are volunteer oriented. For example, Foster Grandparent volunteers receive wages. In addition, there are different kinds of volunteers working on these programs. Some of the volunteers are full time, while others are part time and there are many different types of people who would work for Action, with as many different needs and skills.

Second, volunteerism is not a goal to be achieved by itself. A person contributes his services to a particular cause and not just to be a volunteer per se. President Nixon seems to be emphasizing the needs of the volunteer, while deemphasizing the needs of the person being assisted.

Instead of combining programs of similar functions under a single head, President Nixon is combining agencies of not only dissimilar functions, but agencies which serve totally different ways and which even use totally different kinds of volunteers to perform these services.

Thus, Action will not improve the efficiency of the Government, but will, instead, add another layer of bureaucracy to the already top-heavy Government aid programs. Instead of bringing the Government closer to the people through decentralization, as the President claims he wants to do, Action will further isolate programs like VISTA and SCORE from the people they serve. The different agencies would have to compete for funds within Action, while, in their present position, they enjoy direct funding from agencies which share their goals and needs.

As Action will be a primarily domestic, youth-oriented organization, it is evident that the Peace Corps, as the only international division of Action, would be in great danger of being annihilated in the face of competition from the other programs. SCORE, Foster Grandparents, and the Retired Senior Volunteer program, as the only agencies under Action which would be oriented toward the elderly would face the same threat of being lost in the preponderance of youth-oriented programs.

What will happen then to the elderly who depend on the Administration on Aging's volunteer programs for their income or, more importantly, for the social involvement they experience from helping others. The programs that are switched to Action will no longer be as effective as they are now under the Administration on Aging, and the Administration will be weakened by their loss. As the Administration is the only Government agency devoted solely to the problems of the elderly, the final losers will be the unfortunate Americans who happen to be old in this youth-oriented culture.

OEO is the only voice in the Federal Government that is solely devoted to the problems of the poor. Action would, of course, be too pre-occupied with its other programs to give the specialized attention to the poor that the OEO can and does give to them. Thus, VISTA and the other programs that would be taken from OEO and put under Action's jurisdiction would be weakened and the OEO would be equally weakened by the loss of these vital programs taken by Action. Thus, the poor would be forgotten and lose their only voice in this affluent society.

The Peace Corps would lose its effectiveness as an aid to U.S. foreign policy by being separated from the Department of State, and would be weakened as a force for development in foreign lands by its association with domestic-oriented Action. The underdeveloped nations around the world that Peace Corps now serves will lose their voice in the U.S. Government.

Certainly, the beneficiaries of SCORE will suffer if the merger goes through for the same reasons as mentioned before. The poor will feel alienated, the old will feel alienated, and the young will feel alienated. Young people will no longer volunteer for Federal programs when they see their idealistic desire to solve problems perverted into an emphasis on volunteerism as an end in itself by a massive superbureaucracy. It would seem more desirable to decentralize the Federal volunteer programs, and deemphasize their involvement with the Government in light of the general dislike of the Federal system among young people.

In proposing the formation of Action, the President mentioned two important benefits that Action would give to the presently independent agencies.

One of these benefits was that, under Action, young and old Americans would be able to work together for the same goals. My reply to this is "What prevents young and old people from both joining one of the presently independent agencies and 'working together'?" They hardly need the assistance of Action. In addition, it seems evident that the interests and skills of the elderly are very different from those of the young. The older volunteer is attracted to the type of agency which emphasizes economic problems such as SCORE or an agency like Foster Grandparents which gives payments to its workers. The younger volunteer is, on the other hand, attracted by the more sociologically oriented programs, such as VISTA or the Peace Corps, and there is no point in trying to combine the two.

The second important advantage that Action will supposedly enjoy is that volunteers will be able to work in both foreign and domestic programs. Also, the various programs will supposedly be able to cooperate more closely in the use of manpower and skills to better serve the public. Both of these arguments are unrealistic. The volunteer with interests confined in the United States will not be interested in the activties of the Peace Corps, and the Peace Corps volunteer will not be interested in the problems of the American small businessman. The fact that the present volunteer agencies do not cooperate more is a sad commentary on the inefficiencies of bureaucracy, but there is no reason to form a superagency such as Action to alleviate this situation.

The President has also said that there is a need for a central informational agency to which prospective volunteers can come to find out which program can best use their services. I agree that there is such a need, but it is certainly not necessary to create another huge bureaucratic agency to perform such a simple function.

It is interesting to note that all the volunteers and employees most involved with the daily operation of the various agencies which would be merged under Action are against the proposal. The National Alliance of VISTA Volunteers, representing the majority of VISTA volunteers is strongly against the plan, and both the Directors and the National Planning Committee of SCORE are also opposed to the merger. These are just two examples of the rank-and-file opposition to the reorganization plan, and there is evidence that many of the directors of the volunteer agencies and various Congressmen were so against Action unti they were "persuaded" by some mysterious means to change their opinion. In fact, the Director of VISTA was not even asked to testify before the House Committee on Government Operation which was holding hearings on the future of the Director's own organization. Instead, officers of the OEO controlled the "opinion" of VISTA before the committee. It seems odd that the President did not feel that his reorganization plan would be able to stand up to congressional scrutiny, for, by proposing it as he did instead of through normal legislative channels, he obviously wanted to avoid lengthy debate.

Before a reform as important as this is passed, I think it should be well planned and the public should be told exactly what Action's functions will be. President Nixon has obviously not taken the time to formulate a specific role for his new agency, and the Congress should determine that before we pass this proposal.

Also, the President's motives must be examined. Is he really making this reform to enhance volunteerism—or to kill it. It is a well-known fact that the President has attempted to eliminate VISTA by requesting that VISTA be given zero funding for fiscal year 1972 and by refusing to give that organization a permanent director for almost 2 years, thus reducing morale and effectiveness. Evidently the President tried to keep his plans a secret, and the only reason the information was discovered was that a galley proof dated December 30, 1970, was uncovered with definite plans for phasing out VISTA. Peace Corps and the entire OEO were also slated for budget reductions, and it was only because of pressure from Congress and other groups that badly needed budget increases were granted to Peace Corps and VISTA.

Perhaps Reorganization Plan No. 1 is merely a politically less dangerous way of eliminating activist volunteer agencies. Perhaps the President's fear of social activism is greater than his love for volunteerism. If so, then the Congress should certainly vote no to this plan. Reform for the sake of reform is not progress, but a retreat from the solutions of our country's problems.

Mr. **RANDALL.** Mr. Chairman, I shall vote "no" on Reorganization Plan No. 1 of 1971. Under the parliamentary situation, the Committee on Government Operations to whom the reorganization plan was referred reported unfavorably, and recommended that the resolution do not pass. Therefore, before us today is a resolution of disapproval and to vote "no" on such a resolution means to approve the reorganization plan.

Resolution 1 creates what it calls Action or the Action Corps. In a message from the President to the Congress on March 24, 1971, the White House stated that the objective of this plan was to bring together in a single agency all of the voluntary action programs presently scattered throughout the Federal Government. The House Committee on Government Operations has weighed all the pros and cons of the reorganization. It is my belief that the plan will be an improvement of existing organizational arrangements and should lead to a more effective utilization of volunteers in the many areas in which they may render service.

We all know that there are several reorganization plans on the agenda to be considered in the days that lie ahead. I am certain that I shall not be able to ratify all of the proposals of the President, but this one I do think makes some sense.

The President believes that this plan will make more effective the efforts of the Federal Government to promote voluntary activities. He stresses the importance of voluntarism, which means tapping the resources of skills, talents, and energies in the young and the elderly to help the less fortunate among us. The new agency, Action, will give greater impetus to recruitment of volunteer workers, and for that reason I intend to support the reorganization plan.

Our Committee on Government Operations held extensive hearings on this plan. It is generally agreed that the plan is not perfect, and the administration has promised to submit additional perfecting legislation. However, I believe that the President is obligated by law to take the initiative in submitting reorganzation plans to obtain greater economy and efficiency in Government, and that he is entitled to acceptance by the Congress of his judgment on the best way to organize given functions in the executive branch. This is not rubberstamping what the President proposes. Rather it is an invitation to make government more effective and to save the taxpayers some money.

Mr. Chairman, I believe that the proponents of a reorganization plan must shoulder the burden of establishing that the reorganization will result in more efficient, economical, and effective conditions than the situation prior to reorganization. I repeat that some of the other reorganization proposals of the President are not palatable and not acceptable. In this particular plan I am willing to accept the assurances that the reorganization will improve present circumstances.

The CHAIRMAN. The Clerk will report the resolution.

The Clerk read as follows:

H. Res. 411

Resolved, That the House of Representatives does not favor the Reorganization Plan Numbered 1 transmitted to the Congress by the President on March 24, 1971.

Mr. HOLIFIELD. Mr. Chairman, I move that the Committee do now rise and report the resolution back to the House with the recommendation that the resolution be not agreed to.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Brademas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration House Resolution 411, to disapprove Reorganization Plan No. 1 of 1971, had directed him to report the resolution back to the House with the recommendation that the resolution be not agreed to.

The Clerk reported the resolution.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Speaker, for the information of the Members of the House, is it true that a vote "aye" on the resolution is a vote against Reorganization Plan No. 1, and that a vote of "nay" is a vote to approve the President's reorganization plan?

The CHAIRMAN. The gentleman from Michigan has correctly stated the parliamentary situation in his question.

The SPEAKER. The question is on the resolution.

Mr. HOLIFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 224, not voting 77, as follows:

[Roll No. 108]

YEAS—131

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Annunzio
Badillo
Begich
Bergland
Bingham
Blatnik
Boggs
Bolling
Brademas
Brasco
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney
Celler
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Cotter
Culver
Daniels, N.J.
Danielson
Davis, S.C.
Dellums
Denholm
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Foley
Ford, William D.
Fraser
Gallagher
Gettys
Gonzalez
Grasso
Green, Pa.
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Hicks, Mass.
Hicks, Wash.
Howard
Hungate
Jacobs
Jones, Ala.
Jones, Tenn.
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Link
Long, Md.
McCormack
McFall
McKay
McMillan
Macdonald, Mass.
Madden
Meeds
Melcher
Mikva
Minish
Mitchell
Moorhead
Morgan
Moss
Murphy, Ill.
Nedzi
O'Hara
O'Neill
Patten
Pepper
Perkins
Price, Ill.
Pryor, Ark.
Pucinski
Rangel
Riegle
Rodino
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Stokes
Stratton
Sullivan
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Waldie
Wolff
Wright
Yates
Yatron
Zablocki

NAYS—224

Abbitt
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Barrett
Belcher
Bell
Bennett
Biaggi
Biester
Blackburn
Boland
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burleson, Tex.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Coughlin
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dennis
Derwinski
Devine
Dorn
Downing
Duncan
du Pont
Erlenborn
Esch
Eshleman
Findley
Fish
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Giaimo
Goldwater
Goodling
Gray
Green, Oreg.
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hébert
Heckler, Mass.
Henderson
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hunt
Hutchinson
Jarman
Johnson, Calif.
Jonas
Jones, N.C.
Keating
Kee
Keith
Kemp
King
Kyl
Landgrebe
Lennon
Lent
Lloyd
Lujan
McClory
McCloskey
McClure
McCollister
McDade
McDonald, Mich.
McEwen
McKevitt
McKinney
Mahon
Mailliard
Mathis, Ga.
Matsunaga
Mayne
Michel
Miller, Calif.
Miller, Ohio
Mills
Mizell
Mollohan
Monagan
Morse
Mosher
Myers
Natcher
Nelsen
Nix
Obey
O'Konski
Pelly
Pettis
Peyser
Pickle
Pike
Poage
Poff
Powell
Preyer, N.C.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Robinson, Va.
Robison, N.Y.
Rogers
Rousselot
Ruth
Sandman
Satterfield
Saylor
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Vigorito
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wyatt
Wydler
Wylie
Young, Fla.
Young, Tex.
Zion
Zwach

NOT VOTING—77

Abernethy
Abourezk
Anderson, Tenn.
Baker
Baring
Betts
Bevill
Blanton
Brooks
Broyhill, Va.
Buchanan
Burke, Fla.
Camp
Clark
de la Garza
Dent
Dickinson
Dowdy
Dwyer
Edwards, Ala.
Edwards, La.
Fisher
Flowers
Flynt
Frey
Fulton, Tenn.
Gibbons
Griffin
Hastings
Ichord
Johnson, Pa.
Karth
Kuykendall
Landrum
Latta
Leggett
Long, La.
McCulloch
Mann
Martin
Mathias, Calif.
Mazzoli
Metcalfe
Mink
Minshall
Montgomery
Murphy, N.Y.
Nichols
Passman
Patman
Pirnie
Podell
Price, Tex.
Rees
Roberts
Roe
Roy
Roybal
Runnels
Ruppe
Scherle
Shipley

Skubitz
Slack
Smith, Calif.
Smith, Iowa
Spence
Stubblefield
Stuckey
Ullman
Waggonner
Watts
Whalley
Whitten
Wilson, Charles H.
Winn
Wyman

So the resolution was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Brooks for, with Mr. Bevill against.

Mr. Runnels for, with Mr. Waggonner against.

Mr. Roy for, with Mr. Nichols against.

Mr. Roybal for, with Mr. Montgomery against.

Mr. Fulton of Tennessee for, with Mr. Abernethy against.

Mr. Abourezk for, with Mr. Griffin against.

Mr. Podell for, with Mr. Roberts against.

Mrs. Mink for, with Mr. Passman against.

Mr. Roy for, with Mr. Dowdy against.

Mr. Rees for, with Mr. Whitten against.

Mr. Dent for, with Stuckey against.

Mr. Clark for, with Mr. Ruppe against.

Mr. Leggett for, with Mr. Fisher against.

Mr. Anderson of Tennessee for, with Mr. Dwyer against.

Mr. Murphy of New York for, with Mr. Smith of California against.

Mr. Metcalfe for, with Mr. Pirnie against.

Mr. Karth for, with Mr. Dickinson against.

Mr. Nelson, Charles H. for, with Mr. Martin against.

Until further notice:

Mr. Blanton with Mr. Baker.

Mr. Edwards of Louisiana with Mr. Betts.

Mr. Flynt with Mr. Latta.

Mr. Mazzoli with Mr. Hastings.

Mr. Ullman with Mr. Price of Texas.

Mr. Watts with Mr. Whalley.

Mr. Shipley with Mr. Broyhill of Virginia.

Mr. Stubblefield with Mr. Wyman.

Mr. Slack with Mr. Frey.

Mr. Ichord with Mr. Scherle.

Mr. Baring with Mr. Burke of Florida.

Mr. Landrum with Mr. Minshall.

Mr. Mann with Mr. Johnson of Pennsylvania.

Mr. Smith of Iowa with Mr. Kuykendall.

Mr. Long of Louisiana with Mr. Buchanan.

Mr. Patman with Mr. Camp.

Mr. Gibbons with Mr. Spence.

Mr. Flowers with Mr. Mathias of California.

Mr. de la Garza with Mr. Edwards of Louisiana.

Mr. Skubitz with Mr. Winn.

Mr. NEDZI and Mr. MACDONALD of Massachusetts changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 316. Concurrent resolution providing for the adjournment of the Congress from May 27, 1971, until June 1, 1971.

GENERAL LEAVE

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that I be allowed to include three letters in the RECORD immediately following my opening remarks on the resolution, House Resolution 411.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution just voted upon and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR THE ADJOURNMENT OF THE CONGRESS FROM MAY 27, 1971, UNTIL JUNE 1, 1971

The SPEAKER. The Chair lays before the House, House Concurrent Resolution 316, together with Senate amendments thereto.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendments, as follows:

Page 1, line 2, strike out "two Houses adjourn" and insert: "House of Representatives adjourns"

Page 1, line 3, after "1971," insert "and when the Senate adjourns on May 26, 1971,".

Amend the title so as to read: "Concurrent resolution providing for the adjournment of the House of Representatives from May 27, 1971, and the Senate from May 26, 1971, until June 1, 1971."

The SPEAKER. Is there objection to concurring in the Senate amendments?

Mr. HALL. Mr. Speaker, reserving the right to object, as I understand the situation, the other body again has closed up shop and gone on their way leaving us dangling on the vine. Mr. Speaker, it seems to me this is happening a little bit too often lately. I can cite two instances when the national interest was involved when the other body had adjourned and gone home for the day and left us with unfinished business.

I would certainly express every hope that inasmuch as the heavy schedule of business does not require our presence here and the other body has decided properly to go home for Memorial Day on completion of business tomorrow that we could at least have some expression from our leadership which does not coordinate with the other body, to the effect that we might meet only pro forma on Thursday inasmuch as this resolution is not in the form that it can be amended and that the Members might trek to their various constituencies and celebrate Memorial Day or Decoration Day, as you see fit to call it, in a proper manner.

Mr. Speaker, I would like to ask the majority leader if there is anything programed for Thursday next or if, indeed, we have completed the list of business that we had?

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the majority leader.

Mr. BOGGS. Mr. Speaker, first let me say that the resolution passed by the House called for adjournment on Thursday, which was the schedule we had announced very early in this session for the various recesses that we expect for Memorial Day, Fourth of July, and others.

As the gentleman well knows, we have no control over the other body so far as what they propose to do and what they do.

Mr. HALL. Mr. Speaker, before yielding further to the gentleman, I am not assured of that, given the proper exercise of leadership.

I continue to yield to the gentleman from Louisiana.

Mr. BOGGS. In further response to the gentleman from Missouri, so far as I know the other body is not interfering with the business of the House of Representatives.

Might I say further to the gentleman that if we complete the balance of the proposed legislation listed on the whip notice for this week tomorrow, we will certainly have a pro forma session at the most on Thursday.

Mr. HALL. I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am delighted to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, if we concur in these amendments, will it be construed that we are acceding to the interruption of the filibuster over in the other body?

Mr. BOGGS. The other body can only speak for itself. I cannot speak for the other body.

Mr. GROSS. I know that you do not, but I should think the majority leader could speak to that question as to whether if we concur in this, we will be accused of interrupting the filibuster. I would not want to be put in that position, if that is true.

Mr. BOGGS. The gentleman knows comity between the two bodies and I am not going to make that kind of a statement. I am not going to say that we will or we will not. The other body sets its schedule and the House of Representatives sets its schedule. So far as I know there is no interruption, as I said to the gentleman from Missouri a moment ago, with the House schedule by the action of the other body.

Mr. HALL. Mr. Speaker, I appreciate the statement of the gentleman and I certainly appreciate the statement he has made as to a pro forma session provided we finish our schedule tomorrow.

Now, Mr. Speaker, comity is a two-way street and most of us know how those things work. I say again that the time has come in my opinion where, first, I resent very much their going off and leaving us dangling on the vine over here with unfinished business; and, second, when they are filibustering on such a thing as the Selective Service and Training Act of this Nation which will expire at the end of next month, going off earlier with unfinished business.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman.

Mr. GROSS. Perhaps in the future we ought to let the other body initiate the adjournment resolution so that we can amend it on this side.

Mr. HALL. Mr. Speaker, I would certainly agree with my friend, the gentleman from Iowa. We have passed our selective service legislation long since and dispatched it forthwith to the other body in accordance with the representative process. I would hope in the future—although I well know, as the distinguished majority leader has said, that this resolution on our part was presumed to be perfunctory, because we had previously announced the schedules and so forth—that there might be a little more coordination between the two bodies.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** The question is on concurring in the Senate amendments.

The Senate amendments were concurred in.

A motion to reconsider was laid upon the table.

HUD ANNOUNCES REGULATIONS GOVERNING ISSUANCE OF CRIME INSURANCE

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attention of my colleagues a newspaper article which appeared in the May 23 Sunday Star on recently proposed regulations of the Department of Housing and Urban Development to implement purchasing of crime insurance in the inner cities of America.

As my colleagues know, I began working on this problem in 1967, and since my initial efforts, more than 100 Members of this body have joined me in cosponsoring legislation enacted into law last year that would provide a program of direct Federal crime insurance.

Like many of my colleagues, I was gratified that this landmark insurance program, the culmination of 5 years of concentrated effort, is finally being realized. I know that hundreds and thousands of inner city businessmen will be given the opportunity to stay in business, providing the rates are affordable rates, which was the language used in the bill signed by the President—affordable rates.

I have not had the time to study the proposed regulations but I want to assure my colleagues who have been reading the press that just as soon as my study is completed, I shall let them know what my findings are.

In the meantime, I have already begun receiving complaints from people directly affected by the proposed regulations—the small businessmen and property owners of our inner cities.

I share the hope that all of our efforts have not been in vain and that rates will be proposed by the Federal Government that will be affordable by those who need the insurance.

The article follows:

AREA RATED HIGH RISK FOR CRIME INSURANCE

(By Miriam Ottenberg)

The federal insurance administrator yesterday tagged the entire Washington metropolitan area as high risk for insurance coverage against crime.

That means that if this area is brought under the federal crime insurance program—which is virtually certain—area householders and store owners seeking federal insurance against crime will have to pay higher premiums than people in average or low risk areas.

It also means that suburbanites as far away as Loudoun and Prince William counties in Virginia will have to pay the same premium as people in Washington's inner city because they are included in the Metropolitan area. Lower rates will apply outside this area.

That was made clear in the proposed federal crime insurance regulation published yesterday in the Federal Register.

STARTS AUGUST 1

The program goes into effect Aug. 1. Under the federal program, private brokers will sell the insurance and private companies will service it. The government's role will be to insure the risk.

Federal crime insurance will not be offered everywhere in the country, but only in states where Federal Insurance Administrator George K. Bernstein finds that crime insurance is not available at affordable rates and the "critical market unavailability situation" has not been met through appropriate state action.

In the District, Mayor Walter Washington made a stab at meeting the lack of crime insurance by ordering the insurance superintendent to set up a pooling arrangement where all the companies would, in effect, share the risk.

The insurance superintendent's order requiring the companies to write insurance under the FAIR plan (Fair Access to Insurance Requirements) went into effect April 15, but has not been used because the insurance companies promptly went into court to halt it—preferring to wait for the federally subsidized program in August.

PROGRAM WANTED HERE

D. C. Insurance Supt. Edward P. Lombard disclosed yesterday that when the federal insurance administrator polled the states on whether they thought the federal program was needed in their state "we quickly responded that we believe the federal program should come in here."

In the federal ground rules issued yesterday, the states where the federal program will apply were not listed. That won't be done until July. But in the meantime, the states "most likely, likely and less likely" to have a crime insurance problem on Aug. 1 were listed.

The District, Maryland and Virginia all are listed among the 18 states and territories "most likely" to require the sale of federal crime insurance. The inclusion of Maryland and Virginia makes it possible for the District to come in as the core of a broad metropolitan area.

The other states listed as most likely to need federal crime insurance are California, Connecticut, Delaware, Illinois, Indiana, Massachusetts, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Rhode Island and Wisconsin. Puerto Rico also was included.

The new regulations, which will be the subject of a public hearing June 11, break new ground in several ways. Probably the most significant change, as far as the insurance community is concerned, is that state lines are ignored.

In a metropolitan area, such as the Washington area, residents will pay the same premium and abide by the same conditions whether they live in the city or the surrounding area, such as Maryland or Virginia.

Across the country, premium rates in metropolitan areas may differ sharply from rates elsewhere in the same state.

CHICAGO RATED "AVERAGE"

Of the 234 metropolitan areas rated in the proposed regulations, only 30 are in the high risk category. The biggest surprise, perhaps, is the Chicago area, which is rated as an "average" rather than a righ risk.

Another departure from usual insurance practice is the requirement that both householders and commercial establishments install protective devices before they can qualify for the federal insurance.

Required protective devices range from burglar alarms in stores to deadfall bolts or latches designed to discourage burglars from prying their way into private homes.

Bernstein makes the point in the proposed regulations that "only those protective devices generally in use or readily available for particular types and classes of properties at the present time" will be required.

He warned, however, that as the program progresses, the government as insurer proposes to amend the requirements to enforce higher and more effective standards of protection against ordinary property crimes.

SCOPE IS VIEWED

An insurance official commented that the prospect of increasingly tighter requirements for protection show that the government isn't planning a "handout" forever, but is using the federal subsidy to improve residents' and businessmen's methods of protecting themselves against robbers and thieves.

The regulations themselves provide that no federal crime insurance will be available on property which has not adopted the "reasonable protective measures to prevent loss" established by the government.

To be eligible for federal crime insurance in a state where the federal program is in effect, the householder must equip his property with selflocking dead latch devices on all exterior doors and doors leading into garage areas or public hallways, except that sliding doors may be equipped with dead locks of any kind.

LOCKS ON WINDOWS

All first floor and basement windows, and all window openings onto stairways, porches or platforms must be equipped with locking devices. All dead locks used for residential property must have a minimum "throw" of one-half-inch—that is, the bolt or latch must actually penetrate into the fixed bolt or latch receptable on the door or window frame by one-half inch.

BELL AT GALLERIES

The protective devices for commercial and industrial property will vary greatly, depending on the type of risk involved, and will be changed periodically as studies now in progress develop new devices.

Establishments whose inventories pose a particularly heavy risk, such as wholesale liquor, tobacco or drug companies; jewelry manufacturing, wholesale and retail companies; gun and ammunition shops and fur stores would have to be protected by central stations, supervised service alarm systems.

Silent alarm systems would be required in liquor stores, pawn shops, electronic equipment stores, wig shops, new clothing stores, coin and stamp shops, industrial tool supply houses, camera stores and precious metal storage facilities.

Local alarm systems—that is, a bell outside the premises—would be required in antique stores, art gallaries and service stations.

To be eligible for federal crime insurance in areas where the program is in effect, the property owner must apply separately for each place he owns and certify that each property meets the required standards for protective devices.

He pays a six-month premium for the policy when he applies for it, agrees to permit inspection of the property at any reasonable time and also agrees to report to police all crime losses of property covered under the policy, whether or not he files a claim.

If he doesn't report the loss, he could lose his insurance or be unable to get it renewed.

Unlike private insurance companies, however, the federal government as insurer will not cancel or refuse to renew a policy because of crime losses.

GROUNDS FOR CANCELLATION

The only reasons listed in the proposed regulations for cancellation or refusal to renew are nonpayment of a premium, fraud or misrepresentation in the application or renewal of coverage or in connection with submitting a claim; the use of the insured property for any illegal activity or any other substantial failure to comply with the provisions of the policy.

In proposing to cancel a policy because of illegal activity, the government isn't reaching out toward law enforcement. Instead, it's trying to limit its risks. The idea is that money stacked up in a gambling headquarters is more likely to attract robbers than the penny bank of two nice old ladies.

If the property is found on inspection to lack the required protective devices, the conclusion will be that the property was misrepresented at the time of application and is not covered by insurance no matter how long the policy has been in effect.

The only out would be a showing by the property owner that the lack of protective devices occurred after the policy was issued, in which case the policy would be considered canceled as of the date of the deficiency.

CARS NOT COVERED

A householder can get residential crime insurance coverage in amounts ranging from $1,00 to $5,000. Automobiles are not covered. To eliminate nuisance claims and hold down costs, the residential policy is subject to a deductible of $100 for each loss or 5 percent of the gross amount of the loss, whichever is greater.

Premium rates for residential property vary according to the territory in which the insured property is located. Premiums for six months of coverage of $1,000, $2,000, $3,000, $4,000 and $5,000 in a high risk territory such as the Washington metropolitan area would amount to $25, $35, $40, $45 and $50 respectively.

Where the risk is average, the rates range from $20 to $45 for six months of coverage and for low risks the rates range from $15 to $40.

The owner of commercial property can get coverage of $1,000 up to $15,000. Deductibles amount to $200 for each loss or 5 percent of the gross amount of the loss. The cost to a businessman would depend on the kind of business conducted, the class of risk and the territroy.

SURCHARGE FOR SOME

The premium for establishments located in a shopping center or farmers market will carry a 10 percent surcharge and merchants who cash checks in excess of the total sale also will be surcharged 10 percent.

The regulations explain in detail why the government plans to cross state lines to rate territories by the extent of the risk.

"Because crime rates are related to urban population concentrations rather than to state boundaries," the regulations state, "the insurer (the government) has determined that the interests of the public will be best served by classifying territories for the purposes of the federal crime insurance program on the basis of statistics applicable to entire Standard Metropolitan Statistical Areas, generally referred to as 'SMSA.'"

Under this system, all communities within the same SMSA will be assigned the same rating classification, regardless of the state in which they are situated. But no community within any SMSA will be eligible to take part in the federal program unless the state in which it is located is in the program.

Eligible communities that are not a part of any metropolitan area will be assigned the same territorial classification as the remainder of the state, regardless of the size of the community.

Here's how the formula works out for the District, Maryland and Virginia:

Rated high risk—the Washington, D.C., Maryland and Virginia Metropolitan Area expanded to become an SMSA, including the District; Montgomery and Prince Georges counties, Md.; Alexandria, Fairfax and Falls Church cities and Arlington, Fairfax, Loudoun and Prince William counties, Va.

Rated high risk—Baltimore, Md., SMSA, including Baltimore City and Anne Arundel, Baltimore, Carroll, Howard and Harford counties.

Rated average risk—Norfolk-Portsmouth, Va., SMSA, including Norfolk, Chesapeake, Portsmouth and Virginia Beach.

Rated average risk—Richmond, Va., including Richmond City and Chesterfield, Henrico and Hanover counties.

Rated average risk—Roanoke, Va., SMSA, including Roanoke, city and county.

Rated average risk—Newport News-Hampton, Va. SMSA, including Newport News and Hampton cities and York County.

Rated average risk—Wilmington, Del.-N.J.-Md. SMSA, including New Castle County, Del.; Salem County, N.J., and Cecil County, Md.

Rated low risk—Petersburg, Colonial Heights, Va. SMSA, including Petersburg, Colonial Heights and Hopewell cities and Prince George and Dinwiddie counties.

Rated low risk—Lynchburg, Va., SMSA, including the city of Lynchburg and Amherst and Campbell counties.

Rated low risk—the rest of Maryland and Virginia.

A DEDICATION TO HISTORY—THE L. B. J. LIBRARY

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, the large number of national leaders who gathered in Austin, Tex., last Saturday, were assembled for one primary reason: To pay tribute to former President and Mrs. Lyndon Johnson.

Ostensibly, we converged on Austin to officially dedicate the Lyndon Baines Johnson Library and School of Public Affairs—but it was more than that. We met to honor the man and his wife; we met in gratitude for the 40 years of public service; we met to say, "Thank you, Mr. President."

This Library with its 31 million papers which span 40 years of American history offers the rare opportunity to look inward, to rediscover itself. As President Johnson said:

> It's all here: the story of our time—with all the bark off.

Only a man with Lyndon Johnson's unfailing attention to detail could have amassed such a wealth of historical papers. Only a man with Lyndon Johnson's courage would make these documents available to the public.

It is a magnificent contribution. I know of no other government in the world which would make this knowledge available to scholars, to history, and to the people.

Mr. Speaker, I could not attempt to name the national leaders who joined in this dedication. We all appreciate and were honored by the active participation by President Nixon and Vice President AGNEW, and other members of his administration.

The dedication was pleasant, lively, and spirited. It was good for those 10,000 persons there. It was good for our political system and political parties. It was good for the country. The tone and tenor of the entire day was one of happy festivity to pay tribute to one who has given over 40 years of dedicated service to his country.

We know, too, of the participation by the leaders from the Johnson era. Dozens of Members of Congress from both sides of the aisle were there. Men flew in from all points of the world to attend. But we must not forget the many, many people assembled at the University of Texas who were the unsung workers, the people who helped put the Government together and put theory into action.

Mr. Speaker. the world press gave the dedication its full attention. At this point, I include a representative sample of these articles beginning with the hometown Austin American Statesman and others:

[From the Austin American, May 23, 1971]

PRESIDENTIAL LIBRARY

(By Leslie Taylor)

Amid some 4,500 friends, followers and politicians of his own choosing, former President Lyndon Johnson presented the nation with its sixth presidential library, in nationally-televised ceremonies that had Austin sitting up and taking notice.

The muggy, windy weather, the skies that were alternately menacing and bright blue, the long lines at the barbecue buffet, the rigid security arrangements, the barely audible chants of "no more war" from demonstrators who stood a few blocks away visible to the guests, the black balloons rising into the skies in protest—none of these dampened the good humor of the specially selected guests. They knew they were in an "anybody who's anybody" crowd at an historic event.

As the speech-making ceremonies began, the former president beamed. Mrs. Johnson, who had shepherded the planning of both library and ceremonies from their earliest stages, waved enthusiastically from the speaker's platform as she recognized close friends.

The only moment that outwardly caught Johnson off guard came when President Nixon, addressing the crowd, stumbled over a sentence which came out, "Just a few minutes ago, as President Johnson was throwing me through the library—I mean showing me through the library."

The Johnsons had just taken President and Mrs. Nixon on a private tour of the library before the official ceremonies began.

As the crowd laughed, Nixon promised to

come back when he had more time. The Nixons helicoptered back to Bergstrom Air Force Base immediately after the half-hour ceremonies, foregoing the catered barbecue on the shaded grounds.

The 31 million documents which compose the bulk of the library's research materials—and some of which will remain security classified indefinitely—chronicle Johnson's 40 years in public life.

Johnson said the library does not portray events as he saw them but rather, "how the documents show it was."

"There is no record of a mistake, nothing unpleasant, no criticism that is not included in the files here. We have papers from my 40 years of public service in one place, for friend and foe to judge, to approve or to disapprove," he said.

He said the documents reflect "what man can do and cannot do in one life."

Nixon, who officially accepted the library for the federal government which will operate it, said the library "contains more items by far than any other presidential library yet established; and through its connection with a great university, it promises both to enrich the university and to be enriched by the university."

Nixon pleased the crowd when he called Johnson "a partisan of principle and not a partisan of party." He quoted U.S. Senator Albert Beveridge of Indiana who said in a speech in 1888, "He who is a partisan merely for the sake of spoils is a buccaneer. He who is a partisan merely for the sake of a party name is a ghost of the past among living events. . . . But he who is the partisan of principle is a prince of citizenship."

Dr. Harry Ransom, chancellor emeritus of the University of Texas System, told the assembled guests the Johnsons themselves have made personal contributions to the library and school totaling approximately $2 million. He valued the working resources of the library between $50 and $80 million.

"By name, Lyndon Baines Johnson is honored here as an American who has given his life to his state, his country, and his fellow men," Ransom said.

He said the library and school should be dedicated to the beliefs: "That this Republic and its history must survive; that their survival is worth our devotion; that our devotion requires not mindless allegiance but loyalty enlighted by knowledge; that this loyalty challenges open minds to defend responsible freedoms; that the future will call upon courage and courage gain strength in a feeling of identity with all peoples."

Rev. Billy Graham delivered the invocation, and Rev. George Davis of the National City Christian Church, Washington, D.C. delivered the benediction. Former UT Board of Regents chairman Frank C. Erwin, Jr. of Austin presided over the ceremonies.

Other dignitaries on the speakers' platform were Vice President Spiro T. Agnew, U.S. House speaker Carl Albert, Secretary of State William P. Rogers, Secretary of the Treasury John Connally, Governor Preston Smith, Lt. Gov. Ben Barnes, Texas House speaker Gus Mutscher, General Services Administration head Robert Kunrig, Archivist of the U.S. James B. Rhoades, library director Harry Middleton, LBJ School Dean Dr. John Gronouski, UT System Chancellor, Dr. Charles LeMaisire, and UT Austin president Ad Interim Dr. Bryce Jordan.

Invited guests included Dr. Norman Hackerman, immediate past president of UT Austin who is now president of Rice University, and the president-elect of UT Austin, Dr. Stephen Spurr of the University of Michigan.

The library and the Sid Richardson Hall, which sits adjacent to the library building and houses the LBJ School of Public Affairs, together cost $18.6 million under one contract. The federal government paid $3 million.

The general services administration will operate the library at a cost of about $850,000 annually.

The library will be open to the public beginning Sunday from 9 a.m. to 5 p.m. on a seven-day a week schedule.

Mr. GERALD R. FORD. Mr. Speaker, will be gentleman yield?

Mr. PICKLE. I yield to the gentleman.

Mr. GERALD F. FORD. Mr. Speaker, although I was not present in Texas on that fine occasion, I wholeheartedly agree with the observation that it was an occasion to pay proper tribute to a leader of America at a time when we are facing grave and serious problems both at home and abroad. Personally, I have a great affection and admiration for former President Lyndon B. Johnson. I consider him a good personal friend and a great American. I was delighted that President Nixon and the Vice President were there to pay tribute to former President Johnson and to dedicate the Lyndon B. Johnson Library.

Mr. PICKLE. Mr. Speaker, I thank the gentleman from Michigan and I am grateful for his remarks. We were proud of the presence of President Nixon and so many members of his Cabinet and the people who were there from all over the world.

LYNDON B. JOHNSON LIBRARY

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. BOGGS. Mr. Speaker, I would simply like to follow the gentleman from Texas (Mr. PICKLE) to say that many Members of the House were there as were most of the members of the gentleman's delegation from Texas. The Speaker of the House was there and Mrs. Boggs and I were very happy to be there.

Mr. Speaker, it was indeed a very memorable occasion and one that I think all of us will remember with great pleasure. The libarary has a tremendous accumulation of material which will be very valuable in studying the past and equally valuable for looking into the future.

Mr. PICKLE. Mr. Speaker, I thank the gentleman from Louisiana.

Mr. ALBERT. Mr. Speaker, I had the privilege of participating on Saturday, May 22, in the dedication of the Lyndon Baines Johnson Library. The library contains the records of the former President's four decades in public life. As former President Johnson said:

> It is all here: the story of our time—with the bark off. There is no record of a mistake, nothing critical, ugly or unpleasant that is not included in the files here.

In generations to come, scholars will study over 31 million pages of documents and 500,000 photographs. The beautiful travertine marble building will be home to students and visitors from all over the world. As I sat on the podium and looked across the many thousands of friends who had come to pay tribute to our great former President, I could not help but think that this was a fitting tribute indeed to a man whom history will identify with the great programs he initiated and thrust forward in the field of education—programs that like his library continue onward to enrich our daily lives and those of our children.

GENERAL LEAVE TO EXTEND

Mr. PICKLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

WITHDRAW ALL FOREIGN TROOPS FROM SOUTH VIETNAM BY NOVEMBER 30, 1971

(Mr. McCLORY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. McCLORY. Mr. Speaker, there is a great deal of discussion today concerning the designation of a fixed date for American troop withdrawal from South Vietnam. Unfortunately, most of those who are supporting this position appear to feel that the United States alone can end hostilities and that the Vietcong and North Vietnamese leaders are entitled to be trusted to terminate their role in the fighting—and that they will voluntarily release and return all American and other prisoners of war whom they are holding.

In seeking establishment of peace in Vietnam as soon as practicable, President Nixon has set schedules of troop withdrawal. All of these schedules of withdrawal have been met. His policy of Vietnamization and total American troop withdrawal has been consistent with reestablishing lasting peace in Southeast Asia and in fulfilling the goal of "a full generation of peace."

Today, I am introducing a proposed concurrent resolution which expresses the sense of Congress that all foreign troops be withdrawn from South Vietnam by November 30, 1971. While this fixed date would necessitate an acceleration in the present rate of American withdrawal, it would be conditioned upon elements which are implicit in President Nixon's peace policy and, in my opinion, is entirely consistent with the "Nixon Doctrine."

Mr. Speaker, as a condition for complete American troop withdrawal on November 30, 1971, the resolution requires that there shall be a cease-fire, to commence on or before August 15, 1971—a cease-fire to which all parties would have to agree. Such a cease-fire would be supervised by a United Nations Military Observer Group.

In addition, the resolution requires the exchange of all prisoners of war on or before September 1, 1971—this complete exchange of prisoners to be carried out under the supervision of the United Nations Commission on Human Rights.

Finally, the resolution which I am proposing requires mutual assurances from North Vietnam and other governments involved in the conflict that they will likewise withdraw their forces from South Vietnam by November 30 of this year.

Mr. Speaker, I am placing the text of the concurrent resolution in the RECORD immediately following these remarks, and I would invite the membership to give careful thought and study to this proposal.

I realize that there are substantial differences of opinion as to the wisdom of announcing a fixed date for American troop withdrawal, and I share in the doubts many have expressed. Also, there have been questions as to whether Members of Congress should initiate proposals of this nature at a time when we look to the President to direct our foreign policy and to reestablish peace. However, Mr. Speaker, I am convinced that Members of Congress have, indeed, an obligation to offer every bit of support and cooperation in behalf of terminating the dreadful conflict in Vietnam which has persisted beyond the tolerance of most of our citizens—a conflict in which we have more than fulfilled our obligations.

Mr. Speaker, I am hopeful that the President and his advisers will receive this proposal with thoughtful consideration as a vehicle that would require the leaders of North Vietnam and of the Vietcong to demonstrate their sincerity and good faith in the cause of peace. This resolution is also offered as a vehicle for attaining an early cease-fire and an exchange of prisoners of war as a part of the overall termination of this conflict.

Certainly, if the North Vietnamese and Vietcong leaders are sincere in their desire for peace—and for the establishment of a fixed date for total American withdrawal, the concurrent resolution provides the means for accomplishing these purposes.

Mr. Speaker, it is my hope that this proposal will receive the support of the President and would also bring a favorable response from Hanoi in order that we may truly see the beginning of a full generation of peace.

The resolution is as follows:

CONCURRENT RESOLUTION

Whereas the President of the United States has determined that the war in Indochina is to be terminated at the earliest possible date; and

Whereas the President, in October of 1970, proposed an immediate ceasefire in Indochina; and

Whereas the President has made total withdrawal from South Vietnam contingent upon the release of American Prisoners of War; and

Whereas Congress, under Article I, Section 8 of the Constitution of the United States must accept its full share of responsibility in matters involving the employment of the Armed Forces of the United States in foreign wars; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that a date certain of November 30, 1971, should be established for the withdrawal of all American forces from South Vietnam, provided that—

(1) a total cease-fire be established between the parties involved, to commence no later than August 15, 1971, under the supervision of a United Nations Military Observer Group; and

(2) all prisoners of war held in Indochina are identified and exchanged no later than September 1, 1971, under the supervision of the United Nations Commission on Human Rights.

(3) the Government of North Vietnam and all other governments with military forces in South Vietnam likewise commit themselves to withdrawing their forces by a date certain of November 30, 1971, this simultaneous withdrawal to be supervised by a United Nations Military Observer Group.

SEC. 2. It is further the sense of the Congress that immediately upon the final exchange of all prisoners of war, all United States forces in South Vietnam should withdraw to the perimeters of those cities or military installations which the President shall define, and shall not engage in any ground action or ground reconnaissance thereafter.

SEC. 3. It is further the sense of the Congress that matters concerning the placement of refugees in Indochina should be referred to the United Nations Commission on Human Rights and that the supervision of elections in the Republic of Vietnam and the procedures for negotiating a final peace settlement between the governments of North and South Vietnam should be referred to the Security Council of the United Nations in accordance with the provisions of the Charter of the United Nations.

SEC. 4. No provision of this Resolution shall be construed in such a manner as would infringe upon the duties and powers of the President of the United States as Commander-in-Chief, nor upon his power to make treaties by and with the advice and consent of the Senate pursuant to Article II, Section 2, of the Constitution of the United States.

THE ROLE OF CONGRESS

The SPEAKER. Under previous order of the House, the gentleman from Florida (Mr. CHAPPELL), is recognized for 60 minutes.

GENERAL LEAVE TO EXTEND

Mr. CHAPPELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today, and to include therein extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CHAPPELL. Mr. Speaker, after a crushing battle, Napoleon cried out to his young drummer boy:

> Beat a retreat! Beat a retreat!

The young drummer boy stood stunned, awed, and confused. Napoleon again commanded:

> Beat a retreat!

The drummer boy replied:

> But sir, I don't know how—you have never taught me to beat a retreat.

Cried Napoleon:

> Then sound a charge!

Quick was the response. Napoleon's soldiers rallied to the charge and another great victory was his.

It is not my intention here to labor the preference of a retreat or a charge in the course of our present engagement in Vietnam, but rather to sound the charge for unity in a nation divided. Certainly, the need for American solidarity was never greater than it is today. Our Nation totters on the brink of despair in its effort to understand America's involvement on another soil 10,000 miles away in a war we have never chosen to win.

Our youth are frustrated from battle stagnation and too often have turned to the fantasy of drugs. Thousands of mothers have cried in their despair at the burial of their sons, lost to battles they were not permitted to win. Rebellion has sounded in the mass patter of feet attuned to the divisive mechanics of our international enemy.

This problem plagues the citizens of our Nation daily. Letters pour into my office each day revealing the anguished scars this war is leaving on our people. Too many young people regard our process with skepticism and our military system has suffered tremendously in both prestige and morale. Our people ache to see this matter settled. Some of our young people resort to radicalism, and our military system has been cheapened as a result of our involvement. Thousands of our comrades live among us as maimed and disfigured reminders of the horrible sacrifices of war. God forbid that history shall ever record those as symbols of a vain and ill-reasoned season of conflict.

Neither praise nor condemnation of actions, past or present, but rather their unforgettable lessons, will avail us to a sensible direction for the future. One such lesson is that no government dare commit its people to prolonged armed conflict without a clear definition of the purpose of such commitment and the will of the people to pursue them to victory. How, then, do we implement the lesson? We best do so by clearly defining the respective responsibilities of the President and the Congress with reference to the constitutional power to make war. The proposed resolution before us, I believe, is a reasonable approach to such implementation.

This resolution in no way alters the President's power to initially engage our forces to repel a sudden attack or to protect American lives and property. It simply requires the President, within 72 hours of committing any of our armed forces to action in any armed conflict outside the United States, to report such commitment to the Congress. If the Congress shall fail to approve or otherwise act on such report, within 30 calendar days after receiving it, the President shall within the next succeeding 30 days terminate such commitment and disengage all forces so committed.

This is no new concept. Many similar proposals have been made. Nor does this proposal overstep the intent of the framers of the Constitution and the thoughtful declaration of many great Americans after them.

Article I, section 2, of the Constitution states that the Congress shall have the power to declare war, to raise and support armies, to provide and maintain a Navy, to make rules for the Government and regulation of the Armed Forces, to provide for calling forth the militia, to execute laws, suppress insurrections and repel invasions, to provide for organizing an army and disciplining the militia and to make all laws necessary and proper for executing the foregoing powers. Article II, section 2, of the Constitution states that the President shall be Commander in Chief of the Army and Navy.

The framers of the Constitution were very deliberate in balancing the powers of this Government and those of the Congress and President, and they were deliberate for excellent reasons. All too frequently the American colonies were drawn by the King's decree into England's wars. The leaders of the newly independent Republic resolved to make certain that their new country would never again be drawn into war at the direction and discretion of a single man. For this reason, it transferred the war power to the legislative branch of the newly created Government. Indeed, the framers of the Constitution recognized that the President, under certain circumstances, might have to take defensive action to repel and subdue a sudden attack upon this great Nation. But that was the extent of the warmaking power they were willing for him to exercise. The intent of the framers is made quite clear in the proceedings of the Constitutional Convention and in the subsequent writings of our Founding Fathers. Thomas Jefferson, in a letter to James Madison, back in 1789 said:

> We have already given in example one effectual check to the dog of war by transferring the power of letting him loose from the executive to the legislative body, from those who are to spend to those who are to pay.

Pursuing this same line of thinking, Alexander Hamilton, who generally favored extensive Presidential power, nonetheless wrote:

> The President is to be Commander in Chief of the Army and Navy of the United States. In this respect his authority would be nominally the same with that of the King of Great Britain. But in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the confederacy, while that of the British King extends to the *declaring* of war and to the *raising* and *regulating* of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.

When, in 1846, President James Polk sent American soldiers into the controversial territory of Texas, marking the beginning of the Mexican War, Abraham Lincoln was just a young man in the House of Representatives in the State of Illinois. Lincoln felt that the President had acted unconstitutionally, and he said:

> Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so, *whenever he may choose to say* he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix *any limit* to his power in this respect, after you have given him so much as you propose . . .

I deeply believe that the Constitution is a living document. The Congress of the United States must activate its responsibilities under this document for determining war and peace. Although I have been a Member of this distinguished body for a very short time, I have for 10 long years watched the shadow of a war creep over the mood of this land. I feel most profoundly that had Congress either declared or refused to allow our involvement in Vietnam at its outset, a clear-cut attitude would have been established and the national hurt of our people avoided.

The United States is the leader of the free world today; but this is not so because our citizens are anxious that we take the lead in military battles; nor because our diplomats are the most expert; nor because our policies are faultless or the most popular. The mantle of leadership has been placed upon our shoulders not by any nation, nor by our own Government or citizens, but by destiny and circumstance—by the sheer fact of our physical and economic strength, and by our role as the only real counter to the forces of communism in the world today. If events in Indochina have taught us to better fulfill that role, then it is not a wholly dark story. And I want to emphasize that this resolution affects in no way our present involvement, but that the mistakes of the past must be heeded in the future.

Will we take today a giant step for unity tomorrow? We must do no less.

Mr. Speaker, we in the Congress have the power to assure the American people that never again will we allow a situation like Vietnam to occur. We can begin to unify this Nation for the future by the adoption of this resolution and assuring our people that we will totally uphold the Constitution. Let us play the part our forefathers intended in the delicate exercise of the warmaking power.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. CHAPPELL. I am glad to yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Speaker, I wish to congratulate the gentleman in the well for introducing the resolution which he has introduced. I am in full support of his resolution. I think it is high time that the Congress did exactly what the gentleman is proposing.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. CHAPPELL. I am glad to yield to my distinguished colleague from Florida.

Mr. PEPPER. Mr. Speaker, I also want to join in commending my distinguished colleague from Florida and my able friend for taking the initiative in offering this resolution. I think it touches one of the most critical issues facing the American people today.

It simply seems to me unthinkable that anyone would ever assume that any of the Founding Fathers when they were writing the U.S. Constitution would ever in their wildest imagination contemplate the possibility that the President of the United States would ever assume—and I am not talking about any partisanship in the matter—that under the authority vested in him under the Constitution he had the power, the lawful power, to commit more than one-half million men of the armed services of the United States to a protracted war costing hundreds of billions of dollars and lasting over a period of years on the other side of the world, and one which has caused a great many casualties and immense danger to the country and dividing the country as most conflicts do.

Mr. Speaker, it seems to me we have got to come to some sort of delineation of the power of the President and the power of the Congress.

It seems to me it is clearly evident from the central and clear language of the Constitution that while the President has authority to move the Armed Forces wherever he wants to, whenever he wants to move them, and in addition to that the President has the clear authority and the duty to take promptly such steps as may be necessary to defend the United States against an attack, or to be prepared to defend the United States against a threatened attack—and no one questions that almost unlimited authority in the Chief Executive of our country, but beyond that, beyond meeting an emergency situation and repelling an attack or protecting the lives and the liberty and the property of the citizens of the United States where they may be in jeopardy somewhere in the world, which is also an authority which the President has the duty to discharge under the Constitution without any reference to Congress, it is clear that the President not only has the right and power but the duty to act to protect the lives, liberty, and property of the people of the United States.

But, Mr. Speaker, to go beyond that and say that it is a part of the Presidential prerogative to send an army of over one-half million men to the other side of the world or somewhere else, or to any other continent outside the United States, and engage in what everyone knows is war, without a declaration of the Congress, without a commitment on the part of the Congress to that conflict—and that is the important thing—does the Congress of the United States authorize the commitment of the Armed Forces of the United States to that kind of conflict? This is where that authority has to emanate and that activity must be in consonance with the Constitution of the United States.

If you concede that the President has the power to order troops anywhere he wants to in exercising the limits of his prerogatives and say, "All right; you, Congress, I have sent these troops to x country or x continent and I have the authority under the Constitution to send them, if you do not want to supply them the arms and furnish them with the necessary supplies and ammunition, that is up to you."

"I am going to send them there, because I am the Commander in Chief."

Now, nobody conceives that that is fairly asserting the Constitution of the United States or a fair interpretation of the prerogatives of a chief magistrate of our land under the Constitution or a fair reference to the proper authority of the Congress of the United States. This Government of ours is a tripartite system of government. All of the branches must work together in comity with one another in reciprocal respect for its government functions. The Supreme Court could declare everything that we do unconstitutional if they just wanted to exercise power. On the other hand we could refuse to pay the Justices of the Supreme Court, refuse to give them the buildings in which to hold their functions, refuse to supply them with any assistance, refuse to carry out any of their orders. We could do the same thing to the President of the United States.

On the other hand, the President of the United States could say, as he has done recently in respect to a good many of our appropriations, "I am just not going to spend this money, I am going to stop the Florida Canal," that my distinguished friend, the gentleman in the well, is so very much interested in, and in which I have been very much interested for a long time. Congress deliberated over it for years. Congress enacted into law the provisions to build it. Congress provided the money. And without the slightest consultation with the Congress of the United States, the Chief Executive said, "It stops right here."

Now it does not seem to me that that is a proper regard for the authority and the duty and the responsibility of the Congress of the United States. The President could do that with every bill we pass if we did not have a two-thirds majority to override his veto, or unless we impeach him, he could just do it anyway. He could say, "I will not enforce any of the laws of Congress or any of the decrees of the Judiciary of our country, because I am the one vested with that discretion."

The exercise of that kind of untrammeled power would, of course, wreck the system.

Further, I am not talking about straining the limits of the power conferred upon the respective branches of the Government by the Constitution, I am talking about the proper authority that can be exercised with due respect and regard for the comity and the obligations of reciprocal respect that one part of the Federal Government, our tripartite Government, should always extend to the other.

So now we come to the time in our country when the war may lead into a catastrophe that would absolutely destroy our country. Take the Korean war, or the kind of war that is now involving Indochina, each one of these wars, never declared by the Congress, could have led to war with China or war with Russia, and that kind of war might lead to nuclear war. I believe it has been estimated by those knowledgeable in the subject that in the first strike of nuclear power against this country 100 million people would die.

And so when anyone purporting to act for the United States of America makes a commitment to an armed conflict, it may lead to nuclear war in our time and in our days.

So the representatives of the people have every right to be deeply concerned about the chief magistrate committing our forces to a conflict which may lead to an all-engulfing and all-devastating war destroying our very land and our people and making it unsuitable for habitation for the foreseeable future.

I do not know the answer to this problem. I think the able gentleman in the well, and my distinguished friend, has made a very valuable contribution in the language that he has offered, and at least he is working in the right direction that Congress and the President should work together, to delineate the respective authority of each other. And we should have an understanding and a respect for our obligations to each one and to the other. Also, the people's representatives, the Congress, cannot stand idly by and say, "We are impotent, there is nothing that we can do."

Well, as the law now stands, what we can do is cut off the money, then the President could just say, "I have got the power, if you do not want to pay them, it is up to you."

There must be a better way so as to have an understanding which will establish what the authority of the President is, and what the responsibility of the Congress is, and it may have the immeasurable value of contributing toward the preservation and the well-being of the people of this happy and great land of ours.

So, Mr. Speaker, I congratulate the gentleman in the well for the leadership he has given to this most worthy cause.

Mr. CHAPPELL. I thank the gentleman from Florida for his remarks.

I would like to make it perfectly clear that there is nothing in this resolution which intends to take away from the President the power to protect the people and the property of America. There is nothing that intends to take away from his present power to engage us, but rather having engaged us, to give the opportunity for Congress to act as I belive it was intended under the Constitution.

Indeed, if the President has engaged us in something so unpopular that the majority of the Congress is unwilling to back him up on it, then it appears to me that is the sort of thing we ought not to be in in the first place. I believe we can keep our people together in unity by this kind of approach.

Mr. STEPHENS. Mr. Speaker, will the gentleman yield?

Mr. CHAPPELL. I yield to the gentleman from Georgia.

Mr. STEPHENS. Mr. Speaker, I would like to congratulate the gentleman from Florida for taking the lead in offering this constitutional amendment. I want also to thank him for giving me the privilege of cosponsoring it with him.

I believe that what we are trying to say in this resolution by a constitutional amendment is that never again should America get into a war without it being declared by Congress as a war. I think the difficulty we have had with the present conflict is because of the fact that we have gotten into a war without calling it a war. We have gotten into this conflict without making a declaration of war by the Congress and it has been compounding the difficulties that we have had.

I want to tell you again, I appreciate your taking the lead in offering this resolution so that in the future we can avoid having such things happening again. As the distinguished gentleman, I believe, from Dade County, Fla. (Mr. PEPPER), said:

> We are saying in a measure that the President of the United States is sending our armed forces many places and the only thing we can do is to say—leave them over there.

You know that happened when Theodore Roosevelt was President of the United States. After the Spanish American War, Theodore Roosevelt said that he wanted to send the U.S. Navy around the world to impress the world with the power of the U.S. Navy. The Congress of the United States would not do so. He told the Congress:

> I have enough money left in the till of the presidential budget to send the Navy half way round the world and I am going to do it. If you want them back—you bring them back.

This could avoid that very circumstance that the gentleman from Florida (Mr. PEPPER) puts his finger on. Again I congratulate my colleague and others who have cosponsored this with him.

Mr. CHAPPELL. I thank the gentleman.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. CHAPPELL. I yield to the gentleman.

Mr. SEIBERLING. I thank the gentleman from Florida for taking this nettle firmly and coming up with what is a very simple and direct resolution which really grasps at the essence of this problem.

There have been several other resolutions offered and while I have been very deeply concerned about this constitutional issue, in fact, if it were not for the concern I have about the erosion of the power of the Congress to the executive branch, I probably would not have been enough motivated to even run for Congress.

I would just like to ask the gentleman one question about the actual language of this resolution.

It says that except during the period of war declared by the Congress or a period of national emergency declared by the Congress.

Now the question of "national emergency" it seems to me may raise a possible loophole here because it does not spell out that it would be a national emergency, the particular situation which may give rise to hostile activity.

I am just wondering whether the gentleman, if this resolution starts to work through the appropriate committee, would be willing to consider tightening it up where it seems desirable and, particularly as to this particular part that I referred to.

Mr. CHAPPELL. I would be delighted that that be done. As a matter of fact, I certainly and I do not believe any of the other cosponsors are wedded to any particular language. I think what the gentleman suggests is good and I think if we concur, we are in the right direction and all of us can work together to improve the language and do that which we intend to do.

I see the point that the gentleman makes. I think it is a valid one. I think it could very easily be clarified, and if he has some wording that he suggests on it, I would be very pleased to have it.

Mr. SEIBERLING. The resolution has only just come to my attention while listening to the gentleman's very able presentation of it. If the gentleman would have no objection, I would be happy to associate myself with it as a cosponsor, with those remarks being kept in mind. I would also be happy to study it and come up with some recommendations so that when we get to the process of final drafting, perhaps we can tighten it a little bit.

Mr. CHAPPELL. I would certainly welcome that, Mr. Speaker.

Mr. WYATT. Mr. Speaker, will the gentleman yield?

Mr. CHAPPELL. I am happy to yield to the gentleman from Oregon.

Mr. WYATT. Mr. Speaker, I have listened with interest to the gentleman's proposal. I have been aware, of course, of some proposals that have been made that have been similar, but not one exactly on this point.

I had a question that has occurred to me, because it seems to me that during the past two decades we have had this problem a great deal more than in the past. I would wonder if the gentleman would venture an opinion if, going back to July 1950, when Mr. Truman made the decision to go into Korea and into the defense of South Korea, and then again in the spring of 1965, when the escalation began in a big way in Vietnam, if the gentleman's resolution had been adopted and made part of the basic Constitution of the land, would the gentleman feel that the subsequent actions in those 2 years would be clearly prohibited under the language of the proposed amendment?

Mr. CHAPPELL. Is the gentleman asking me whether it would touch any of the circumstances presently under consideration?

Mr. WYATT. No; I am asking whether or not the decisions that were made on those two occasions would be possible in the future if the amendment had been enacted into law.

Mr. CHAPPELL. No; I do not think this situation would be possible. I do say, however, that had the then President called to the attention of the Congress specifically what his commitments were in that regard, the Congress would then have acted, and had he been able to display the necessary arguments for it, Congress would have accepted it, and having accepted it, would have drawn the American people more clearly behind that kind of activity. I have abhored the idea of this country involving itself in a war of any sort which it is not willing to win. One of the greatest frustrations of our youth today is to teach them at home that if they are going to get involved in an argument, they should do so with the determination to win. If they did not intend to win, they should not get involved. Indeed, do not get in unless you intend to win. Then when we get into an armed conflict, a really truly great conflict in which their lives are at stake, we do not attempt to win.

I think that this kind of resolution would have us determine early that if we are going to get into any kind of involvement anywhere in the world, that we get in there with a determination and a clear-cut policy to win or to stay out.

Mr. WYATT. Mr. Speaker, will the gentleman yield further?

Mr. CHAPPELL. I yield to the gentleman from Oregon.

Mr. WYATT. As I understand it, the gentleman's opinion is that if the amendment the gentleman is proposing had been law in either of these two situations, it would have forced the Congress to speak, in other words, and to speak early on the subject.

Mr. CHAPPELL. Exactly.

Mr. WYATT. By way of an advisory action for the President of the United States.

Mr. CHAPPELL. I think it would strengthen the President's hand. I want again to make it completely clear that this is not intended to take away from the President any of his constitutional powers. Incidentally, this is not offered as a proposed amendment to the Constitution, but rather as a clarification of responsibilities under the Constitution as presently written. I believe that had we had this kind of resolution in some of the circumstances which have happened, the President's hand would have been strengthened and strengthened early. If we were to get into that kind of conflict, then the Congress would be behind it. They have made a very clear-cut commitment. They have specifically said what his powers shall be with respect to this particular engagement, and having done so, we have a better chance of getting the American people behind it and getting rid of those things which have caused so much disunity, particularly in recent times in this Nation.

I thank the gentleman for his comments.

Mr. HENDERSON. Mr. Speaker, I have consistently refused to affiliate myself with resolutions which would establish deadlines and datelines for withdrawal of our troops from Vietnam. Once we committed ourselves to the cause of guaranteeing the peoples of the South their right of self-determination, and Congress further passed the Gulf of Tonkin resolution, the question of whether we should ever have gotten involved become moot.

And having committed ourselves and spent as much in American lives and treasure as we have, we certainly should not withdraw on an announced timetable which will destroy any possible incentive for the enemy to negotiate, lessen our prospects for freeing our prisoners, jeopardizing the safety of our forces during the withdrawal period, and making it easier for the enemy to plan his strategy.

But we are talking today about something else entirely. We are talking about laying down some workable and realistic guidelines for the future. We are talking about preventing us from future involvement in "undeclared wars" which can take on the nightmarish proportions of Vietnam.

This resolution is not an unreasonable one. It will not apply to Vietnam or to any armed conflict in which we are already engaged. It applies only to situations which arise hereafter.

Those of us who are cosponsors of this resolution believe that it will effectively prevent the United States ever again from engaging in a massive commitment of men and materials outside the United States in a manner and situation which is not wholeheartedly supported by the people of the United States.

Our resolution reads as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled,* That except during the period of war declared by Congress or the period of a national emergency declared by Congress, if any unit of any armed force of the United States is committed to action in any armed conflict with hostile forces outside the United States, the President, as soon as practicable after any such unit is so committed but not later than 72 hours after initial commitment, shall report in detail to Congress his reasons, for and his evaluation with respect to the effect and duration of, such commitment. If the Congress, within thirty calendar days after receiving such report, shall not by concurrent resolution approve or otherwise act on said report, such commitment shall immediately terminate, and the President, as soon as practicable but not later than thirty calendar days after such termination, shall disengage all forces so committed.

This resolution shall not be construed to apply to any armed conflict in which the Armed Forces of the United States are engaged on the date this resolution becomes effective.

Mr. SIKES. Mr. Speaker, let me first extend to my distinguished colleague from Florida and my very close friend, Mr. CHAPPELL, my earnest congratulations on the resolution which he has introduced to reestablish the constitutional prerogatives assigned to the Congress in the matter of a declaration of war. I am glad to be a cosponsor. The Constitution assigns only to Congress the awesome responsibility of a declaration of war, yet we find ourselves heavily engaged for the second time in a generation in a war through Presidential action and not by act of Congress. It is entirely possible that much of the distaste which has become associated with our current involvement in Indochina arises from the fact that the representatives of the people, speaking for the people, did not in fact commit us to this engagement.

War in all its aspects is a grievous and destructive business. There must be national will and spirit which supports the war and is convinced of its justification. The current war has been fought without a genuine effort to acquaint the American people with its justification or its requirements. There should be no other wars which do not fully reflect the spirit and determination of the American people to see a cause through to a victorious end.

The Tonkin resolution came before this body after we were in fact committed in Indochina. It gave the President broad authority to send American troops into battle on foreign soil, but it was not a declaration of war. We have good cause for our involvement in Indochina, but we backed into it rather than facing up to all aspects of the responsibility and the magnitude of the task.

A President should not have power unilaterally to commit our Nation to war. This is a responsibility which belongs to the Congress and the President should take the Congress into his confidence in all aspects of an international problem before asking such a commitment. With the adoption of the resolution now before us, the Congress will again be required to accept its own responsibility and, as spokesmen for the people, to commit our Nation. If the resolution accomplished nothing else but this, it would be worthy. But it does more.

It serves notice on the entire world that the American policy of nonaggression is written into the law of the land. The resolution directs that no President may ever send American forces to a foreign land for purposes of armed conflict without having to stand before the Congress and the world and justify his actions.

This resolution, if adopted, will be unique in the universe. I know of no other nation which has either the strength or the courage to act as we now have the opportunity to act by adoption of this resolution. It will support, by congressional action, the policies which have been laid down by nearly every administration for almost 200 years.

This resolution will serve notice on the enemies of freedom that America and America alone has adopted, and written into law, a provision preventing any President at any time from engaging in war without congressional action. It is entirely possible that this will prevent reckless adventures in future years.

And so, Mr. Speaker, I support this resolution. It will place the responsibility of war or peace on the Congress where rightly it should rest, and it will serve notice on the world that the United States truly seeks peace for mankind.

Some critics will argue that the resolution places undue restraints on the President's power to defend the Nation. I disagree with the critics on this point.

It allows the President the same freedom to act as he now has. There is nothing in the resolution which prohibits the President from instant reaction to a threat.

The only restriction on the President is that he would be required to bring his rationale before the Congress within 30 days of his action and to justify his action. Is this too much to ask of a President?

I think not.

Some might argue that the Congress cannot act with sufficient dispatch to grant a President's request that troops be allowed to remain in a given situation. Those who argue this point must somehow be overlooking the events of December 1941, when Congress acted within hours, not days.

No, Mr. Speaker, there is no good reason why this resolution should not be adopted. To the contrary, there is every legitimate reason why the Congress should act favorably on it.

This resolution will place the Congress in its proper role and will serve notice on the world that American Presidents, while restricted from reckless adventures, may act within minutes to meet aggression wherever it appears.

Mr. FUQUA. Mr. Speaker, I want to thank my colleague and friend from Florida for bringing this important matter to the attention of the House.

It is clearly the responsibility of the Congress to declare war under our Constitution.

In the turbulent period in which we live, we have seen this Nation engage our Armed Forces in lands in this hemisphere, the Middle East, and Asia. No matter how laudable the intent of any President, this is a dangerous precedent.

Those who first engaged our forces in Vietnam could not have known the horror that would be visited upon this Nation as the result of that decision. We have spent billions upon billions of dollars—had our finest young men maimed and killed—in a war we refused to win.

For one, I am tired of American soldiers being used for target practice. There is nothing humorous about war. It is sheer unmitigated hell.

In Korea and in Vietnam, we have not had the courage as a nation to fight to win—to make a total national commitment as we did in two world wars. Our Nation has been rent asunder by those policies.

Certainly it is easy to look back and look wise. There is nothing that I nor anyone else can do about what has gone before.

But there is a great deal that you and I can do about the future. This resolution, in my opinion, does two things. It makes it clearly the sense of the Congress, as the elected representatives of the American people, that we feel that our Nation has erred in the policies which it has followed.

Second, it would reassert the constitutional prerogatives given to the Congress and which we have allowed to erode.

This resolution takes into consideration the fact that a President may have to act in extreme emergencies. This resolution in no wise affects his being able to discharge that responsibility.

I believe firmly that this resolution is in the best interests of our Nation in the future and urge that it be adopted at the earliest possible moment.

Mr. DULSKI. Mr. Speaker, I am happy to join with the gentleman from Florida (Mr. CHAPPELL) in his joint resolution relating to the war power of Congress.

This is a matter which has been of continuing concern to me over a long period of time, and I believe it is essential that the Congress act to clarify the war power of Congress.

In this connection, I would like to call the attention of my colleagues to a very interesting editorial which appeared in the May 13 edition of the Buffalo, N.Y., Evening News, as follows:

CLARIFYING THE WAR POWER

Ever since President Johnson began the great escalation in Vietnam, with the Tonkin Gulf resolution providing the main cover of legality, a growing cross-section of congressional leaders has been seething in frustration over the Chief Executive's assumption of a war-making power which the Founding Fathers' intended to repose in Congress.

While the effort to retrieve some semblance of this lost, strayed or stolen power has found its greatest support among Senate doves—with New York's Sen. Jacob Javits coming to the fore in recent months as the most articulate exponent—this movement is now immeasurably enhanced by the support of a leading southern hawk, Sen. John Stennis (D., Miss.).

Actually, the aggrandizement of the President at the expense of Congress in this vital war-making area is part of a generations-long pattern which, in the thermonuclear age, could not possibly be reversed in any ultimate sense. Obviously, we cannot have 531 thumbs on the nuclear button; the President must be free to confront any instant challenge to our survival with whatever emergency actions he deems necessary.

But this is not the kind of challenge we faced in Korea or now face in Vietnam, Cambodia and Laos, where this nation has waged prolonged war under presidential direction without either a congressional war declaration or specific congressional regulation of its conduct. Not only that, but the President takes it for granted that he alone has the power to wind the war up or down, widen it or narrow it, continue it or end it—just so long as Congress keeps supplying the money and refrains from imposing any absolute restrictions.

The Javits resolution, which Sen. Stennis' proposal seems to echo in most major respects, would authorize the President to commit our armed forces under four specific conditions: (1) to repel a sudden attack on the U.S.; (2) to repel an attack against U.S. armed forces on the high seas or abroad; (3) to protect U.S. lives abroad, and (4) to comply with a specific treaty or other formal national commitment.

But whenever such hostilities have been initiated, the President would be required to give Congress a full and prompt account of the circumstances, and, in the absence of a declaration of war, he would be prohibited from sustaining the hostilities beyond 30 days except as Congress may provide by law. To make sure that the whole Congress could act on such war-sustaining legislation within the 30 days, the resolution gives it a special priority guaranteeing it prompt committee clearance and a vote in each house within three days thereafter.

The only point on which Sen. Stennis seems to differ with this approach is that he would explicitly exclude any application to the Indo-China war. On this point, Sen. Javits said in his interview with The News this week that his proposal, while not retroactive and therefore not intended to apply in Vietnam, nevertheless could apply there, too, if hostilities involving American troops should be renewed after they had ceased. But that is a relative quibble compared with the broad constitutional purpose of redefining the war power in a context relevant to this dangerous age.

We think the Javits resolution does accomplish this in a most effective way, and we are impressed by the caliber of the many constitutional authorities who agree that it will help restore the balance intended by the Founding Fathers. The fact that the President must have untrammeled authority to act in bona fide emergencies does not, in our judgment, justify the waging of prolonged hostilities in the absence of either a formal declaration of war or a specific act of Congress. It is time that the basic constitutional responsibility for keeping this nation at war be put, as Sen. Stennis says, "where it belongs, on the people's representatives."

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. CHAPPELL. I would be happy to yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Speaker, I would like to congratulate the distinguished gentleman from Florida (Mr. CHAPPELL) on his efforts to formulate legislation that will clarify the war powers of Congress. At stake is the most important issue faced by any nation, the fateful issue of peace or war.

No matter how one feels about our present involvement in Indochina, we all recognize that the war has torn us apart as a people. Certainly, one of the major underlying causes for this divisiveness is the lack of a clear commitment to our national will by the group closest to the people—the Congress of the United States.

If we have learned but one lesson from the tragedy in Vietnam, I believe it is that we need definite unmistakable procedures to prevent future undeclared wars. "No more Vietnams" should be our objective in setting up such procedures. The time for Congress to take this action and to reassert its constitutional role is long overdue.

Five times in the past 10 years, Mr. Speaker, Presidents have mounted major military interventions without prior consultation with the Congress: the Bay of Pigs, the intervention in the Dominican Republic, the bombing of North Vietnam, the incursion into Cambodia, and then Laos.

Whatever our individual beliefs may be, relative to the merits of these unilateral actions by the Executive, we ought to be able to agree that Congress should have had a significant role in the decision to mount each of these actions.

What was it that the framers of our Constitution had in mind when they gave exclusively to Congress the power to declare war? To declare war is to decide on war, to declare it as a national policy. It was intended that after the Congress had decided to depart from the normal state of affairs and declare war, and only after such declaration, the President, as Commander in Chief, was to exercise the power to conduct or direct the war.

One of the strongest advocates of Executive power, Alexander Hamilton, writing in Federalist No. 69, wrote that the President's authority as Commander in Chief "would amount to nothing more than the Supreme Command and direction of the military and naval forces, as First General and Admiral of the Confederacy."

Distinguished historians have already assembled overwhelmingly convincing evidence on this matter, evidence which points inescapably to the conclusion that the Constitution envisions the Congress as the sole and exclusive repository of the power both to declare war and judge its propriety.

But now, Mr. Speaker, we are told that such a view of the warmaking powers of Congress is hopelessly archaic. We are told that we live in a world of instantaneous communication, where momentous decisions need to be made in less time than it takes to complete a quorum call. Perhaps, so. But there are two compelling responses to that argument:

First, there is little precedent for such a view historically. I invite the Executive or its supporters to produce one example where the use of the warmaking powers by the President, without authority of Congress, was required by the nature of the emergency faced by the Nation. As sudden and unexpected as the attack on Pearl Harbor was we went to war after its declaration by Congress.

Second, if we are speaking of an unprecedented, unspeakable surprise attack, one which the President could not reasonably have anticipated, the resolution which the gentleman introduced and which I proudly cosponsored, covers such a contingency quite adequately. Under its provisions, in a dire emergency, the President need not come to Congress for authority to repel an attack or to save American civilian lives abroad; he can act, and then forthwith request the needed authority from Congress. His hands are not tied at the crucial moment. But he must convince the Congress, within 30 days after he acts, of the rightfulness of his unilateral action. I submit that that is not an unreasonable duty to impose.

Mr. Speaker, it is my sincere belief that the distinguished gentleman from Florida (Mr. CHAPPELL), by taking the initiative in this matter, is serving the cause of peace, and helping to reestablish the rightful constitutional role of the Congress in the warmaking process.

Mr. Justice Jackson once wrote words that are timely and relevant to the issue we are discussing today. He wrote:

> We may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers.

And that, Mr. Speaker, is the very essence of the war powers resolution.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The 1970 National Power Survey, just completed, predicts an extraordinary growth in nuclear generation. By 1990, nuclear generation is expected to account for 40 percent of generating capacity and about 55 percent of thermal electric energy requirements, an increase of more than 80 times the generation of electric power by nuclear plants estimated for 1970.

MEDEX—AN ANSWER TO THE DOCTOR SHORTAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 10 minutes.

Mr. ROSENTHAL. Mr. Speaker, there is an undeniable shortage of trained physicians in this country. Many communities across the Nation, including an estimated 150 counties, have no doctor at all. The doctor shortage is most pronounced in our urban ghettos and our rural areas.

It has been said we need 50,000 physicians right away, plus 150,000 medical technicians and 200,000 nurses.

Yet despite these needs we are letting thousands of trained persons slip away each year because we fail to recognize their value and take advantage of their training.

I am talking about the thousands of medical corpsmen discharged each year by the armed services. American taxpayers have invested up to $20,000 in training each of these persons, yet we have generally failed to transfer that training, skill, and dedication into fulltime civilian value.

Something finally is being done. Sid Ross and Herbert Kuperberg write about it in the current issue of Parade magazine.

Former Army "medics" have made the transition to "Medex," the first new health professional in family medicine in the 110 years since the founding of modern nursing. These young men are not doctors, but they are trained to handle emergencies and perform basic medical jobs. They help alleviate the shortage of doctors by freeing physicians for the more demanding tasks requiring their special attention.

I long have been an advocate of developing new and innovative programs for allied health manpower. Medex is one of those programs. The article that follows tells more about it:

[From Parade, May 23, 1971]

THE "MEDEX"—ONE ANSWER TO THE DOCTOR SHORTAGE

SEATTLE, WASH.—Fourteen men, wearing light blue medical jackets and carrying medical bags, may hold one of the keys to solving the nation's shortage of physicians. They are not doctors, but they're the next best thing—trained personnel who know how to deal with emergencies, perform basic medical tasks, and meet on-the-spot needs of patients.

They're called "Medex," and they represent the first new health professional in family medicine in 110 years, or since Florence Nightingale founded modern nursing. The 14 Medex, now completing their first year's work largely in rural areas of the State of Washington, are all former military "medics"—medical corpsmen who have undergone special intensive training to adapt their military medical skills to civilian needs and situations.

MORE ON THE WAY

Thousands of medical corpsmen are discharged from the services each year. Most have gone into completely unrelated fields in civilian life, thus wasting their years of medical training, obtained at a cost to the U.S. taxpayer up to $20,000 per man.

So successful have the first Medex been in bringing improved health care to patients in small towns and communities in Washington that plans are in operation to train 225 more for work in the Pacific Northwest by the end of this year.

The man who started the whole thing, Dr. Richard A. Smith, associate professor of health services at the University of Washington, confidently predicts: "With a little more experience under our belts, we feel that it will spread to all 50 states."

OTHER PROGRAMS

Other programs are also underway to obtain skilled assistants to meet the medical manpower shortage. At Duke University in Durham, N.C., for example, the "Physician's Associate Program" gives advanced training to ex-military medics, nurses, X-ray technicians and others over a two-year period. Most of this program's graduates today are working for physicians in hospital and institutional settings. Others are employed by doctors in private practice.

The Medex system gives its applicants three months' intensive training plus a year's apprenticeship with the doctor for whom he is going to work.

What does a Medex do?

Basically, he shares a doctor's workload by taking over many routine but essential medical tasks. He gives simple physical exams, takes case histories, treats cuts and minor injuries, changes dressings, administers injections, handles casts and sutures. He assists the doctor during surgery. He goes out on house calls. He's available 24 hours a day. In this part of the country, at least, he has gained the full confidence of patients and the enthusiastic approval of doctors and public health officials. "It's like having a third arm," says one busy physician.

Every Medex is part of a two-man team consisting of himself and a full-fledged doctor. They always work closely together, with the Medex calling in the doctor whenever any question arises, or when the case requires anything but basic treatment. The doctor keeps a supervisory eye on the Medex's treatments, and constantly reviews his work. The Medex is on the doctor's personal payroll, earning a salary of $8,000 to $12,000 a year.

To see firsthand how the Medex have worked out after their first year in action, Parade visited two small rural communities in north central Washington. One is Tonasket, with a population of 1000, where Medex Mark A. Patterson works for Dr. Vernon Kinzie, a 57-year-old native of Indiana who has been practicing in Tonasket for the last 24 years. Like many other rural general practitioners, Dr. Kinzie was finding himself overwhelmed by the number of patients calling for his services, and the wide geographical area he had to cover.

EASING THE STRAIN

"I took Mark on because I needed him," says Dr. Kinzie. "A Medex is one of the best ways of helping a doctor in rural practice. I wanted to ease the strain on me, and I wanted to see more patients and give better service. I did a survey recently and found that we were seeing 100 to 125 more patients a month. Financially, Mark hasn't justified his $9,000 salary yet. My own take-home pay has decreased even though my gross is larger. But given the choice between more money on the one hand, and less stress and better service on the other, I'll take less money."

Dr. Kinzie prepared the community carefully for the arrival of a Medex, explaining his function, emphasizing his experience as a combat medic.

"Patient reaction was cautious at first," he says. "But it has worked out splendidly. A lot of my patients specifically ask to see Mark. Now that they've got confidence in him, a lot of people call him at night instead of calling me. They call him for sprains and minor injuries, or if a chid is running a fever, and so on. If there are any doubts or questions he calls me immediately. He has excellent judgment, and he knows that I am totally responsible for his actions."

Medex Mark Patterson is a 29-year-old West Virginian who spent eight years as a hospital corpsman in the Navy. Like all Medex trainees so far he has a high school diploma, and he originally planned to become an X-ray technician after his discharge. He's glad he became a Medex instead. His wife Carole and his children Christine, 5, and Jay, 4, like living in a small town amid beautiful mountain scenery. He feels he has a profession with prestige and a future.

Mark sees about ten patients a day in Dr. Kinzie's office; he also makes house calls and visits hospitals. Most of his cases have been routine, but there has been life-and-death drama, too. Once a little girl who had accidentally swallowed strychnine was brought into Tonasket's small hospital. Dr. Kinzie was upstairs handling a difficult childbirth and couldn't leave, so Mark and a nurse had to treat the little girl, running up and down stairs for instructions. The treatment worked and the child was saved. But perhaps Mark's most satisfying "case" came the night that Doc Kinzie himself had an accidental fall at home and had to send for his Medex to come out and stitch up his head.

Southwest of Tonasket lies the even smaller town of Twisp, pop. 750, where Dr. William J. Henry, 42, runs the Twisp Medical Center, assisted by Medex L. Carl Chillquist, 41. Dr. Henry also has a second office in Pateros, 35 miles away, which Chillquist helps him run two mornings a week. Dr. Henry pays his Medex, an 11-year Army veteran, an annual salary of $12,000 and says he brought in more than that in added income.

DELEGATING WORK

Says Dr. Henry: "The whole concept makes sense. When you think of it, 40 to 50 percent of a doctor's work can be delegated. You don't have to go to college and medical school to learn to put on a cast. Actually Carl makes a better cast than I do, and I don't like doing it."

Dr. Henry sees little conflict between the job of a Medex and a nurse's role, because a Medex's experience as a military corpsman encompasses many functions a nurse never handles. Besides, says Dr. Henry, "I wouldn't do it with a nurse, but I have no hesitation calling up my Medex at 5 or 6 a.m. and asking him to go see a patient."

Some patients aren't sure how to address the Medex; some call him "Carl," others "Dr. Carl." He answers the phone with "Medex Chillquist."

Carl admits that when he began his apprenticeship period he was jittery, but says that Dr. Henry's confidence and the warm reception from the patients helped him overcome his nervousness.

Can the Medex system be extended to urban areas? Some experts believe that people in disadvantaged neighborhoods may see an attempt to foist off second-class medical care on them, and that it will take time to convince them that the truth is otherwise—as rural areas have already learned. In fact, there are already several Medex teamed up with urban doctors in the State of Washington and they are working out.

FEDERAL SUPPORT

But for the moment at least, the men in blue jackets are doing most of their work in the countryside, where more and more of them are coming into being. The U.S. Public Health Service is solidly behind the idea. It bankrolled the start of the program with a $496,000 grant, and it's paying for current training programs at the universities of Washington, North Dakota, and Alabama, the Charles Drew Post-Graduate Medical School in Los Angeles, and Dartmouth in Hanover, N.H. Already new Medex are serving their apprenticeships in New Hampshire, Maine, Vermont and Massachusetts, as well as in Western states. At MEDEX—the organization spells its name in capital letters to distinguish it from the individual Medex practitioners—applications are pouring in, with 6000 received to date, some of them from women.

The medical profession, traditionally wary of innovations in treatment systems, has backed MEDEX enthusiastically. The most serious health problem facing the nation, says American Medical Association President Dr. Walter C. Bornemeier, is "the shortage of family doctors—the general practitioners, pediatricians and internists who provide the bulk of what we call primary care." Dr. Bornemeier is aware, as everyone else is, of the increasing difficulty of finding a doctor over a weekend or at night, the long delays and waits in doctors' offices and clinics, and all the other problems resulting from the shortage of available medical personnel. What's needed above all, says Dr. Bornemeier, is to give the doctors "a helping hand." That's what MEDEX is doing right now.

ADDRESS BY THE HONORABLE JAMES A. BURKE TO THE PENNSYLVANIA SUPERINTENDENT'S AND FOREMEN'S ASSOCIATION OF THE SHOE INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, the American industry which probably suffers most under our current import quotas is that of shoe manufacturing.

Last Friday, the Pennsylvania Superintendent's and Foremen's Association and its related affiliates, all concerned with the plight of their industry, conducted a national dinner and kick-off dinner in Wilkes-Barre, the largest city in the district which I have been privileged to represent in the House.

This was a logical place to hold such a gathering, since like many other American manufacturing regions, we, too, suffer with an ailing shoe industry. The rapidly rising foreign import of shoes and leather goods has begun what many believe is a fatal decline in American shoe production, with little optimism for its future.

The principal speaker at the dinner was my distinguished colleague from Massachusetts, Congressman James A. Burke, who serves on the House Ways and Means Committee. Congressman Burke knows well the plight of which I speak, since he represents Brockton, once among the largest shoe manufacturing centers in the world.

It is my privilege to submit his remarks:

Speech by Representative James A. Burke

Ladies and gentlemen, officers and members, and guests of the Pennsylvania Superintendents and Foremens Association of the Shoe Industry, let me begin by saying that I deem it a high honor and a rare privilege to have been invited to be your guest of honor here tonight on the occasion of your Kick-Off-Dinner on the State of the Shoe Industry. Even though it is obviously a case of bringing more coals to Newcastle for an outsider like myself to come to Pennsylvania with his thoughts on the present sorry state of affairs in the shoe industry, nevertheless, the facts of life are such that it will only be through a concerted effort by Congressmen across this nation that something will be done to save what is left of this once proud industry we knew so well. So it was that I hastened to accept your invitation coming as I do from what New England used to call "Shoe City," Brockton, Massachusetts, because even though I run the risk of repeating what you already know—what your own Congressmen have told you again and again—what we have to say deserves saying again, deserves repetition. Hopefully, if the point is made often enough the rest of Congress will take notice. Above all, there is always the possibility that the Administration will listen to what is being said around the country, if it is said often enough.

If I hesitated at all in accepting your generous invitation, it was only because I feel that your Congressman, the distinguished Dan Flood, in addition to being a force to be reckoned with in Congress, is without question, *the* most difficult act to follow. Once my distinguished colleague has addressed himself to any subject, there is little original that can be said by anyone else. There is nothing to add. And what is more, he says it so well; he makes it so interesting; he is in fact the most eloquent speaker in a body filled with budding orators. I only hope that I do not suffer too much by comparison. The only thing I want to add is something I am sure you already know and that is that you are indeed very fortunate in having Congressman Flood down there in Washington for you and the future of the Pennsylvania Shoe Industry.

I only wish that our discussion could be more pleasant tonight. I only wish that we could look back on the statistics of the last few years and take pride in the growth of our industry; unfortunately, the statistics tell a different story and it seems that with the release of each month's figures the news gets worse. The news must come particularly hard for Pennsylvania, ranking as it does as the nation's most important footwear producing state, producing as it does nearly 14 percent of the nation's output. As Number One, your exposure is the greatest. If the domestically produced share of the market is declining, as it is beyond question, then it follows that the state of the industry in Pennsylvania is bound to suffer. The statistics bear this out. In the past three years, Pennsylvania's footwear production has staggered from 85 million pairs in 1968 to under 77 million pairs in 1970. This obviously has had its effect on the employment figures.

And that is not the whole story either, because the shoe industry relies on tanners and suppliers throughout the state who employ additional thousands of workers. In other words, we are really talking and concerned about the whole leather products industry and there the employment figures have registered a corresponding decline over the last three years. In my own state since 1968, nearly ten thousand workers have lost their jobs and the story is the same in all the other states where present production is centered. Recently, the House of Representatives devoted two days to the discussion of the plight of the shoe industry. Congressman after Congressman from state after state rose to outline the unemployment figures in the shoe industry in their states. The most upsetting part of it all is that there is no sign that the decline had bottomed out. Time, however, is running out and if we are to salvage anything from what is left of the shoe industry, the time for discussion, debate, and talk is over. What we need is action and action *now*. Again, allow me to return to the statistics that I am most familiar with, the state of the industry in Massachusetts. From 1962 through 1970, 115 plants have closed their doors in Massachusetts. Since January of this year, six more plants have ceased production. A total of 45 plants have closed in the last three years and when the plants close, people lose their jobs and, with the sorry state of affairs they do not find jobs available in other industries. They are too busy cutting back on their work force, reducing the number of hours worked per week in a daily struggle to stay alive.

And what's behind it all? Have people suddenly stopped wearing shoes? Sure, we have hippies who apparently prefer walking barefoot through downtown traffic on the way to the next sit-down or love-in. But let's face it, however conspicuous, they are still a distinct minority. No, American shoe *consumption* has not declined. American shoe *production*, however, has. Why? The answer is imports. Why imports? Is it because the foreign product is better, better made? Is it because they are better styled? There are those on the Tariff Commission and in the Trade Negotiation Office and in the Commerce Department who would have us believe that that is the case but recent studies show that as soon as a new style comes out in this country, it is copied overseas and as soon as new styles come out overseas, they are copied in this country. It is just like popular music. A hit song in England becomes a hit in the American market in a matter of days or weeks at the most. Tastes and styles travel with the speed of lightning and the airplane today. There is virtually no style lag. America's shoe stylists do not have to take their hat off to any foreign styles. Well then, why imports? Is it because they are better made? The answer again from official government studies is that the foreign shoes may be just *as well* made, but no one has argued that they are in fact *better* made. Is it because they are cheaper? And why? And here we are at the crux of the matter. The fact is that foreign manufacturers possess one incalculable advantage over their American counterparts—they can pay slave wages. They thrive in underdeveloped and developing economies. They have access to pools of the cheapest labor imaginable.

The proof of this can be seen in the shift of interest from imports from Spain and Italy to imports from Greece and going even further afield to imports from the Far East. Of such prime importance is the wage factor, Japan is finding itself undercut by cheaper labor available in Korea and Taiwan. In Korea, they have children standing on boxes to reach the machinery and are paying them six and ten cents an hour. In other words, the American worker is not only up against cheaper European labor but bargain basement Asian labor and not just adult labor but child labor and sweatshop conditions.

Every time I hear a free trader talk about the fact that American workers have priced themselves out of the world market and we need foreign imports to keep our domestic prices down, I wonder if they realize that what they are arguing for is to turn back the hands of time, wipe away all the gains the working man has made in this country over the past 50 years, and return to the days of non-union labor, child labor scandals, sweatshops, and the 72-hour work week. I don't think any responsible public office holder can advocate such a response to the threat of imports. We have struggled too long and too hard for our gains. The voters of this country long ago decided that there were times when the government had the responsibility to intervene in the economy to protect employment, to protect working standards. If this is the long-term solution of the free traders to the threat of imports, then I am advocating here and now the alternative, which is long overdue. It is time for this country to intervene in the foreign trade area to protect the American worker and curb unemployment. Everybody's talking about unemployment now.

The nation is going through one of its cyclical periods, but the shoe workers should not be misled by this concern because the economy could well be on the up-swing within a year as election time approaches and nothing significant will have been done to help the shoe industry workers. That is because the shoe workers are faced with a different kind of unemployment threat. Even in good times, the shoe industry has been forced to lay off people, so what I am saying is that what we are asking for the shoe workers is no different than what is being asked for workers in any other industry, except that the technique is different. It requires different action; it requires taking on and attacking the sacred cow of our society, free trade. I have never been able to understand how economists and liberals have advocated government action and interference in the domestic economy at every turn and when it comes to free trade, they hesitate and take the side of big business and talk about not interfering with free enterprise. Every other aspect of the economy is regulated and protected from the excesses of the marketplace except foreign trade. If laissez-faire failed on the domestic scene, why should it be regarded as the only road to success on the international scene. I am tired of seeing the American shoe worker, the American textile worker, the American steel worker, forced to pay the price with their jobs, of allowing big business to invest wherever they want overseas.

That's what the free trade movement is all about. It is the public relations arm of the giant corporations in this country who want to be free to get capital into and get profits out of whatever foreign countries offer attractive investment opportunities. When the free trade group talks about foreign retaliation, that's what they're talking about. They're not talking about exports. The manufactured exports of this country could be put in a thimble when you come right down to it. There are trade barriers, license requirements, specifications in practically every country in the world today, which make it almost impossible to penetrate and compete in countless foreign markets. The major ingredient in the American export statistics is agricultural commodities, not manufactured goods. What worries the big multinational manufacturing firms is not their export market, then, and retaliation in that area. What bothers them is the threat of investment barriers, increased foreign taxes, and entry restrictions which would ruin their foreign investment market.

And here's where we really get into the meat of the problem. What we are faced with today is not so much the threat of foreign competition from foreigners, but from American subsidiaries and affiliates located overseas. In other words, to make a fast buck and take advantage of cheap labor, the big American firms are investing overseas. What do they have to lose? They know the American market well, they have chains and outlets across the country, they have a force of salesmen. What they want is a cheap source of supply. They are abandoning the American worker, leaving him alone and jobless after the plants close down and rushing to some foreign town where the labor is cheaper. Our Commerce Department is working full time to help them make this move, advising them on the best locations and foreign tax loss. Our tax policies in this country allow them to manipulate their foreign earnings and income to the advantage of their shareholders. It is time that the government stepped in and in the next few weeks I intend to file legislation to tackle the problem on this front. In this, I will have the full support of the AFL–CIO, which has decided that in addition to quotas we need other approaches to solve the problem as well.

But quotas are still needed and there is no reason that any of us in this room have to apologize to anyone for advocating quotas. All the Trade Reform Bill last year would have done would have been to give the foreign exporters notice that they had to be content with their present share of our market and that in the future, they would be permitted an orderly increase based on the rate of increase of domestic consumption. In other words, all we were asking for was regulated, orderly growth of the foreign imports. The domestic market just will not take indefinitely 28 percent each year in the growth of shoe imports. It has to be slowed down for the sake of the market itself. Very shortly, foreign shoe producers will have more than 50 percent of our domestic market. What is the Administration waiting for before it acts? We are not pushing for Smoot-Hawley type tariffs and reduced quotas. I fail to see how it is asking too much to give the importers what they already have and simply ask for regulated growth in the future.

Existing legislation is hopelessly inadequate and the Administration has made it clear for all to see. Up in Massachusetts, we call trade adjustment assistance burial expenses; long-term loans and unemployment benefits just do not keep an industry alive when it is swamped by foreign imports. We need import quota type legislation. Let me just conclude by saying that I don't think we have much more time to debate this thing and study the problem any longer. Recent events in the last few weeks have shown the dollar is at the lowest point since World War II. Who's leading the attack on the dollar? The stories are now out. Our big multinational business and banking corporations free to move huge amounts at will around the world were actively speculating and still are against the U.S. dollar. The balance of payments deficit is getting worse, not better, and at the current rate of U.S. imports of footwear, it looks as though our balance of payments will be worse off by $750 million in 1971. I think free trade is a luxury we can no longer afford in this country. It is time that we act while there is still something left of such vital industries and, above all, while there is still something left of the U.S. dollar.

Thank you very much for listening.

NCOA TO GIVE AWARD IN HONOR OF L. MENDEL RIVERS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. HÉBERT) is recognized for 10 minutes.

Mr. HÉBERT. Mr. Speaker, we are aware of the continuing interest shown by the Noncommissioned Officers Association of the United States of America in matters legislative by their periodic correspondence with regards to various actions which affect the military services and indeed the general welfare of this great Nation.

They endeavor to keep their worldwide membership informed in these matters through the medium of their monthly publication, NCOA Journal, and they encourage their members to accept the challenge of an American citizen to cite his individual views to his Congressman.

The attentiveness to legislative action by the NCOA is encouraging to me, as I am certain it is also to many of my colleagues. They have allowed us the opportunity of their collective thinking concerning such subjects as consumer protection and truth in lending statutes, dependents medical care, recomputation of military retired pay, the Hubbel pay plan, retirement credit for enlisted reservists, integrity of the American flag, social security versus veterans pensions, the cold war GI bill, servicemen's widows equity, various military pay bills, and many others.

As an honorary member of the Noncommissioned Officers Association, it is my privilege to announce that this fine organization, being acutely aware of our actions through their legislative committee, has initiated an annual award to be presented to the legislator who, in their opinion, is most worthy of recognition for his efforts in furthering the ideals of democracy, freedom, and patriotism on behalf of our beloved Nation.

The award will be known as the "L. Mendel Rivers Award for Legislative Action," and I can think of no title more appropriate or meaningful, both as a coveted honor and memorial to a great legislator.

In conclusion, I ask that each of you join in commending and extending thanks to the NCOA for their continued interest in the workings of the Democratic process, and especially for their thoughtful, valuable, and honorable gesture in memory of our late colleague, L. Mendel Rivers.

THE ROLLER BEARING INDUSTRY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Mrs. GRASSO) is recognized for 15 minutes.

Mrs. GRASSO. Mr. Speaker, the roller bearing industry in this country is threatened by large and steadily growing imports. Especially critical is the substantial share of the U.S. market gained by imported miniature instrument bearings—a prime component for our aeronautical and defense industries. It has become quite clear that the manufacturing capacity and defense readiness capability of this industry is in decline.

Connecticut is a leader in the bearing industry with five major bearing manufacturing concerns located in this State. These companies, Fafnir, the Torrington Co., Marlin Rockwell, New Departure, and the Barden Co., constitute about 26 percent of the total U.S. manufacturing capability. In this last year alone, 4,600 jobs have been lost by the Connecticut companies, losses mostly due to the increased imports.

This loss of 4,600 jobs further aggravates the disastrous economic situation in Connecticut. Three cities in my district suffer unemployment rates above 10 percent, with one city over 20 percent.

I must stress that these losses in the bearing industry are critical. These are highly skilled technicians, trained to work with the most intricate equipment. Their skills, like those of a concert pianist, are lost through misuse. The manufacture of bearings cannot be turned on and off. Once production is shut down, a costly retraining period must precede increases in manufacturing output. This is very much a people-oriented industry. The complicated machinery used in production depends fully on the skilled operator.

Assistance to this industry which has suffered these employment and earning declines is imperative if the bearing manufacturers in the United States are to survive.

I am introducing today a bill to preserve the American ball bearing industry by the use of multinational agreements similar to those used successfully in other areas. This bill contains three major provisions. First, total imports in any 1 year shall not exceed the average proportion of imports to domestic production during the 1961–66 period. Second, imports in any category in any year shall not be more than 10 percent above the average annual consumption for the 1961–66 period for that category. Third, the percentage of total imports in any year represented by imports from a particular nation shall not exceed the average percentage of total imports during the 1961–66 period represented by imports from that nation.

This legislation is desperately needed by the important bearing industry. Production in this industry in the United States reached a peak of $509 million in 1966 and fell to $450 million in 1970. During the same period, imports rose from $35 million to $54 million. The trend is continuing during 1971 with less domestic production and increasing imports.

The crucial items are the small instrument bearings. These range to 52 mm. in size. The table below shows the relation of bearing imports as a percentage of domestic production for 1969 and 1970:

Size	Percent	
	1970	1969
Millimeters:		
0 to 9	51	47
9 to 30	62	51
30 to 52	56	45

Well over half of the consumption of these bearings results from imports.

This decline in domestic production has resulted in the loss of over 11,000 jobs during the past year alone. It also has meant the closing of plants or departments, and the loss of capability of readiness for a rapid increase in domestic production in case of a national emergency. Employment in bearing plants in the United States fell from 62,800 in January 1970 to 51,600 in January 1971. While part of this decline is due to the general economic conditions, the greatly increased importation of ball bearings accentuated the trend.

Connecticut, the leader in domestic production, with about 26 percent of the total U.S. industry, suffered the greatest decline, with a loss of 4,600 jobs over the past year. However, a number of other States face the same problem as the following table indicates:

EMPLOYMENT BY STATE

State	January 1970	January 1971	Loss of jobs 1970–71
Connecticut	16,100	11,500	4,600
Ohio	15,300	12,200	3,100
Pennsylvania	5,600	4,900	700
New York	4,600	3,700	900
Michigan	4,200	3,400	800
Indiana	3,800	3,200	600
New Hampshire	2,100	1,600	500

The manufacture of ball and roller bearings is a highly skilled trade with a well trained work force. We cannot afford to lose these craftsmen who have the complex skills so necessary to our natural well-being.

Foreign governments have made a positive effort to help their bearings industries get into the export market. This includes the removal of export restrictions, the approval of cartels, and the rapid writeoff of capital goods and equipment. In Japan, much of the production machinery can be written off in 2 years as compared with 7 to 10 years in the United States.

The results of this concerted effort are evident in the following table:

Value of imports in 1970

Japan	$37,843,000
Canada	6,240,000
Germany	4,700,000
United Kingdom	3,400,000
Switzerland	800,000
Austria	400,000
France	200,000
Sweden	200,000
Italy	100,000

This continuing rise of imports has affected the ability of the U.S. industry to supply essential bearings and finance the research necessary for progress in bearing technology for future defense needs.

The bleak outlook will result in American companies abandoning their development work, further widening the import to domestic production gap. Research and development are needed to keep any industry technologically competitive. The research which is imperative must be supported by high volume sales.

Unless aid for the bearing industry is soon forthcoming, the domestic bearing industry may well be a thing of the past.

It is imperative that we save this vital domestic industry. My bill will serve this end, and I therefore, urge my colleagues to join in the effort for swift enactment of this measure.

CONGRESSIONAL LAWSUIT TO TEST THE CONSTITUTIONALITY OF THE WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. MITCHELL) is recognized for 20 minutes.

Mr. MITCHELL. Mr. Speaker, on April 7, 1971, the gentleman from Massachusetts (Mr. HARRINGTON), the gentleman from New York (Mr. ROSENTHAL), and I filed a suit in the U.S. District Court of Washington, D.C. The suit, Mitchell et al against Nixon et al, asserts that the war in Indochina is illegal without a decision by Congress to fight a war. To date, we have been joined by ten of our distinguished colleagues. Coplaintiffs include: Representatives BELLA S. ABZUG, PHILLIP BURTON, HERMAN BADILLO, WILLIAM CLAY, SHIRLEY CHISHOLM, JOHN CONYERS, JR., CHARLES C. DIGGS, JR., CHARLES B. RANGEL, THOMAS M. REES and LOUIS STOKES.

Under the Constitution, only Congress has the power to declare war. Congress has not exercised this power in regard to Indochina. It has passed no legislation or Joint Resolution declaring war. Nor has Congress enacted any statute which expressly and intentionally authorizes war. Thus, in carrying on the war in Indochina, the executive branch of the Government has acted without constitutionally required congressional authorization.

We feel this legal action is critical to the reestablishment of the separation of powers concerning the question of whether this Nation should fight a war. Because of the serious nature of our action, and the widespread interest in the case, we wish to submit for the RECORD, our statement of May 25, 1971, and the papers which have been filed by the plaintiffs in this case.

The material follows:

]In the U.S. District Court for the District of Columbia]

CIVIL ACTION No. 697–71

The Honorable Parren J. Mitchell, 951 Brooks Lane, Baltimore, Maryland, and The Honorable Michael J. Harrington, Bayview Avenue, Beverly, Massachusetts and The Honorable Benjamin S. Rosenthal, 8812 Elmhurst Avenue, Elmhurst, New York, Plaintiffs, v. Richard M. Nixon, individually and as President of the United States, The White House, 1600 Pennsylvania Avenue, NW., Washington, D.C. and Melvin R. Laird, individually and as Secretary of Defense, Department of Defense, Washington, D.C. and William P. Rogers, individually and as Secretary of State, Department of State, Washington, D.C. and Stanley Resor, individually and as Secretary of the Army, Department of Defense, Washington, D.C. and John H. Chaffee, individually and as Secretary of the Navy, Department of Defense, Washington, D.C. and Robert C. Seamans, Jr., individually and as Secretary of the Air Force, Department of Defense, Washington, D.C. and the United States of America, c/o United States Attorney, U.S. Court House, John Marshall Place, N.W., Washington, D.C., Defendants.

COMPLAINT

(ACTION FOR INJUNCTION AND DECLARATORY RELIEF)

Come now plaintiffs, The Honorable Parren J. Mitchell, The Honorable Michael J. Harrington, and the Honorable Benjamin S. Rosenthal, Members of the Congress of the United States of America, by their undersigned counsel, and as and for their claims for relief against the above-named defendants, and each of them, allege as follows:

1. This is a civil action which arises under the Constitution of the United States, wherein the amount in controversy exceeds $10,000, exclusive of interest and costs. Each individual defendant is failing to perform a duty owed to the plaintiffs. This court has jurisdiction over this case under 28 U.S.C. Section 1331, 28 U.S.C. Section 1346, 28 U.S.C Section 1361, and other provisions of law.

2. Plaintiffs are each duly elected and qualified Members of the House of Representatives of the Congress of the United States of America. Plaintiff Parren J. Mitchell is the Representative of the 7th Congressional District of the State of Maryland; Plaintiff Michael J. Harrington is the Representative of the 6th Congressional District of the Commonwealth of Massachusetts; Plaintiff Benjamin S. Rosenthal is the Representative of the 8th Congressional District of the State of New York.

3. Defendants other than defendant United States of America are officers and employees of the United States of America and this action is brought against them individually and in their official capacities. Defendant Richard M. Nixon is the President of the United States. Defendant Melvin R. Laird is the Secretary of Defense of the United States. Defendant William P. Rogers is the Secretary of State of the United States. Defendant Stanley R. Resor is the Secretary of the Army of the United States. Defendant John H. Chafee is the Secretary of the Navy of the United States. Defendant Robert C. Seamans, Jr. is the Secretary of the Air Force of the United States.

4. For at least the last seven years, and continuing to the present date, the United States, by and through the conduct of defendants, and each of them, and the predecessors in office of each of the individual defendants has been engaged in Indo-China in the prosecution of the longest and one of the most costly wars in American history. As of the present, one million human beings including over 50,000 Americans have been killed in the war, and at least one hundred billion dollars has been spent by the United States in and for the prosecution of the war. Each day that the war continues, additional American lives are being lost and additional monies are being spent, and defendants threaten the continuation of the war with a continuing loss of lives and expenditure of American dollars unless the relief requested herein is granted.

5. Article I, Section 8, Clause 11 of the United States Constitution states, in clear and unequivocal language, that Congress shall have the power to declare war. Congress has not exercised this power. It has passed no legislation or Joint Resolution declaring war in Indo-China, nor has it explicitly, intentionally, and discretely authorized the war. Appropriations acts and Selective Service renewals are not exercises of the declaration-of-war power.

6. By prosecuting the war without obtaining either a declaration of war or an explicit, intentional and discrete authorization of war in Indo-China, the defendants and their predecessors in office have in the past and presently continue to unlawfully impair and defeat plaintiffs' Constitutional right, as members of the Congress of the United States, to decide whether the United States should fight a war.

7. Defendants owe plaintiffs the duty not to fight an undeclared, unauthorized war, and to cease the prosecution of the present war in Indo-China. Despite this, defendants have failed and refused, and continue to fail and refuse ,to perform this duty.

8. Plaintiffs have been and continue to be irreparably injured as legislators and lawmakers by the defendants' action in prosecuting the war in Indo-China, because the efficacy of plaintiffs' right to vote in Congress in deciding whether to go to war has been and continues to be impaired and defeated. Plaintiffs have no adequate remedy at law.

Wherefore, plaintiffs respectfully pray that this Court issue relief as follows:

First, that this Court issue an order that defendants shall be enjoined from prosecuting the war in Indo-China unless, within 60 days from the date of such order, the Congress of the United States shall have explicitly, intentionally and discretely authorized a continuation of the war in Indo-China, with whatever limitations Congress may place upon such continuation;

Second, that this Court issue a declaratory judgment that the defendants are carrying on a war in violation of Article I, Section 8, Clause 11 of the United States Constitution; and

Third, that this Court order such other and further relief as it may deem appropriate.

[In the U.S. District Court for the District of Columbia, Civil Action No. 697–71]

THE HON. PARREN J. MITCHELL, ET AL, PLAINTIFFS *v.* RICHARD M. NIXON, ET AL., DEFENDANTS

MOTION TO VACATE ORDER OF APRIL 12, 1971

Come now Plaintiffs, by their undersigned counsel, and respectfully move this Court pursuant to Rule 60 of the Federal Rules of Civil Procedure, to enter an Order (1) vacating the Order, entered on April 12, 1971, which (a) directed the United States Marshal to withhold service of the summons and complaint upon Richard M. Nixon, President of the United States of America; (b) quashed such process as to the President; and (c) dismissed this action as to the President; and (2) directing the United States Marshal to effect service of the summons and complaint upon defendant Richard M. Nixon.

The grounds for this motion are as follows: (1) prior to the entry of the Order of April 12, 1971, plaintiffs' counsel received no actual notice of the Suggestion for Dismissal of Action as to Richard M. Nixon, President of the United States, filed by the United States Attorney, pursuant to which the Order of April 12, 1971 was entered. Plaintiffs' counsel therefore had no hearing and no opportunity to present any opposition to the entry of the Order. (2) As a matter of law the Order of April 12, 1971 is in error.

Attached hereto and filed in support hereof is Plaintiffs' Memorandum of Points and Authorities.

Wherefore, Plaintiffs pray that this motion be granted.

[In the U.S. District Court for the District of Columbia]

CIVIL ACTION No. 697–71

The Hon. Parren J. Mitchell, *et al.*, Plaintiffs *v.* Richard M. Nixon, *et al.*, Defendants.

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO VACATE ORDER OF APRIL 12, 1971

Plaintiffs, having had no prior opportunity to oppose the entry of the Order entered on April 12, 1971, now urge that that Order be vacated. Defendant Richard M. Nixon properly should be before the Court as a defendant in this case.

We concede that under *Mississippi* v. *Johnson*, 71 U.S. 437 (1867), it traditionally has been regarded that the President is not subject to the jurisdiction of the courts and cannot be served with process. This early case represents dubious law in the modern age, for it symbolically stands for the proposition that the President is above the law. The statutes and the Federal Rules of Civil Procedure providing for service of process on and jurisdiction of the courts over officers and employees of the United States make no exception for the President, and in *Mottola* v. *Nixon*, N.D. Calif., No. C 70 943, Judge Sweigert specifically refused to quash service upon the President and dismiss him as a defendant. *Mottola* v. *Nixon*, 9th Cir. No. 26,662, Brief of Appellants Nixon and Laird.

As a practical matter, of course, whether the President is subject to the jurisdiction of this Court makes no difference in whether the Executive Branch can be prevented from violating the law. Cabinet officers and other Executive officials are subject to the jurisdiction of the Court in cases challenging the legality of Executive actions, and the Court's orders against them have the effect of stopping the Executive from violating the law. It is thus of no consequence to argue, as the United States Attorney has, that separation of powers precludes jurisdiction over the President. Moreover, it is a fact that each branch is subject to the decision of other branches in other ways as well: for example, the jurisdiction of the courts is subject to Congress' power to make exceptions; and actions by Congress and Congressmen are subject to being ruled illegal by the courts. *Powell v. McCormack*, 395 U.S. 486 (1969); *Reservists Committee to Stop the War v. Laird*, D.D.C. No. 1429–70, (Memorandum Opinion April 2, 1971, Gesell, J.)

No burdens or duties would be imposed upon the President if he were simply subject to the jurisdiction of the Court as a defendant. Like other Executive Branch defendants, he would be represented by the Department of Justice. And whether or not he could be made to physically appear in court or to fulfill other obligations of litigation, such as answering interrogatories, is a wholly different question from whether he can merely be served as a defendant, and is indeed a question which can exist whether or not he is a defendant in a case.

For all these reasons, then, the doctrine of separation of powers provides no theoretical or practical reason for holding that the President is not subject to the jurisdiction of this Court.

Thus, as said above, the only real meaning to the question of whether the President is subject to the jurisdiction of the Court and to service of process is a symbolic meaning. If the President is not subject to the jurisdiction of the Court, then symbolically he is above the law. Such a concept is incompatible with the American institution of government under law and therefore should not be followed.

CONCLUSION

Based on the foregoing, the Court should grant Plaintiffs' instant Motion.

STATEMENT OF PARREN J. MITCHELL, MICHAEL HARRINGTON, BENJAMIN S. ROSENTHAL, MAY 5, 1971

Today we are filing a motion asking the court to immediately order the Executive to either obtain Congressional authorization for the war within 60 days or else to cease prosecuting hostilities in Indo-China. On April 7th we filed the case of *Mitchell et al v. Nixon et al* in the District Court here in Washington. To date, ten other Members of Congress have joined as co-plaintiffs. They include: Bella Abzug (D., N.Y.), Phillip Burton (D., Calif.), Herman Badillo (D., N.Y.), William Clay, (D., Mo.), Shirley Chisholm, (D., N.Y.), John Conyers, Jr., (D., Mich.), Charles Diggs, Jr. (D., Mich.), Charles Rangel, (D. N.Y.), Thomas Rees, (D., Calif.), and Louis Stokes, (D., Ohio). We are seeking an immediate hearing on the injunction, and our counsel will file a Brief of over 100 pages in support of this injunction. The following Congressmen in addition to most of the plaintiffs have submitted affidavits for us: Congressmen William R. Anderson, (D., Tenn.), Don Edwards, (D., Calif.), Robert L. Leggett, (D., Calif.), and Edward R. Roybal, (D., Calif.).

This case in our opinion, is the most serious effort yet undertaken by anyone to stop the Vietnam war in its tracks. We are, in effect, using the system to heal the system. We are using the system of law to remedy a serious breach in the law—a breakdown in the separation of powers. We are asking the courts to acknowledge the fact that the Vietnam War is unconstitutional because it was never declared or specifically and intentionally authorized by Congress; mere military appropriations and renewal of Selective Service do not authorize war. We are asking the courts to make these rulings of law and to draw the necessary consequences: that the Executive Branch of the Government be enjoined from further prosecution of the war unless within 60 days Congress shall have authorized a continuation of the war, with whatever limits Congress should want to make upon such continuation. In other words, the war would come to an end after the two month period, unless within that period Congress shall specify some other termination date. The essential thing is that Congress will regain its Constitutional prerogatives—to make the decision on war and peace.

Many people have tried in many ways to end the Vietnam war—by petitioning the Government, by writing letters to editors and to the President, by marches, sit-ins, teach-ins, and demonstrations of all kinds and degrees. But all these vast efforts add up to one basic appeal, namely, to ask the Executive to please stop this unconstitutional and immoral war. We too, have engaged in various efforts to end the war both in the Congress and in citizen-organized protests. Although these efforts are necessary, we feel that the time has come for a bold and different approach.

Our lawsuit, and our request to the court today for an injunction, should be sharply distinguished from these preceding efforts. Today, we are no longer asking the Executive Branch of the Government to do anything. Rather, we are seeking the compulsory process of the Judiciary. We are petitioning the courts to force the Executive Branch to stop the war unless Congress authorizes it. That is why we say this is the most serious effort yet undertaken to stop the Vietnam war and to reassert the Constitutional rights of Congress.

We firmly believe that this lawsuit is not only a critical step to stop the present war in Indo-China, but is equally significant as insurance that at some future date we will not again find ourselves in the position of an ongoing war that was started by the President without an initial decision by Congress.

If the independent Judiciary of our nation grants us the relief we seek, then the Executive will be faced with a court order that it cannot ignore. The War in Vietnam can then come to a complete halt—not in six years, but very shortly.

[In the U.S. District Court for the District of Columbia]

CIVIL ACTION No. 697–71

The Honorable Parren J. Mitchell *et al.*, Plaintiffs, v. Richard M. Nixon, *et al.*, Defendants.

MOTION FOR (1) PRELIMINARY INJUNCTION, (2) CONSOLIDATION OF THE TRIAL ON THE MERITS WITH THE HEARING ON THE APPLICATION FOR PRELIMINARY INJUNCTION AND (3) PERMANENT INJUNCTION

Come now Plaintiffs, by their undersigned counsel, pursuant to Rule 65 of the Federal Rules of Civil Procedure, and move the Court for an Order (1) granting a preliminary injunction, (2) advancing the trial on the merits and consolidating it with the hearing on this application for preliminary injunction and (3) granting a permanent injunction, in accordance with the prayer for relief in the Complaint that defendants shall be enjoined from further prosecuting the war in Indo-China unless, within 60 days from the date of the Order, the Congress of the United States shall have explicitly, intentionally and discretely authorized a continuation of the war, with whatever limitations Congress may place upon such continuation.

The grounds for this Motion are that:

1. The present war in Indo-China has been and continues to be in violation of Article I, Section 8, Clause 11 of the United States Constitution, in that Congress has not declared war nor explicitly, intentionally and discretely authorized the war. Military appropriations and renewal of Selective Service do not authorize war.

2. Unless enjoined by this Court, defendants will continue the prosecution of the war in Indo-China.

3. Plaintiffs have suffered and daily will continue to suffer immediate and irreparable injury by the continuation of the war, in that there is a continuing ignoring, nullification and infringement of the right granted to each of them by Article 1, Section 8, Clause 11 of the Constitution to participate in the decision by vote on whether the United States should fight a war.

4. The defendants' act of nullifying and infringing plaintiffs' constitutional right of participation in a decision by vote on war has and continues daily to disable plaintiffs from fully carrying out their legislative responsibilities, from protecting and carrying out the best interests and desires of their constituents, and from safeguarding the lives, property and money of their constituents. The right of plaintiffs to participate in a decision by vote on whether the United States should fight a war can be restored and preserved only by granting the relief requested herein.

5. Plaintiffs have no adequate remedy at law. They cannot be compensated by money damages and an injunction is required to vindicate plaintiffs' constitutional right.

6. Based upon the facts and the law, plaintiffs are entitled to the relief requested herein.

7. Defendants will not suffer any injury if the relief requested herein is granted.

8. The public interest will be best served by a prompt determination of the issues presented and the granting of the relief requested herein, in that the continuation of the war each day results in the loss of additional lives, additional persons are wounded and there are tremendous additional expenditures of American monies. Moreover, each day there is widespread debate, frustration and civil disobedience, which in significant part results from the lack of an adequate

judicial determination as to the legality of the prosecution by the defendants of the present war in Indo-China.

9. The issues presented here are ripe for determination and there is no reason to delay a determination. The factual and legal issues are narrow and specific and all of the evidence which could be presented at a delayed trial on the merits can be presented at the hearing of this motion. Because of the vast public interest and importance attaching to an expeditious hearing in this case, the preliminary hearing herein should be consolidated with the trial on the merits. Defendants have litigated many of the factual and legal issues presented by this motion in cases throughout the country and are fully acquainted with the issues involved.

10. Repetition of evidence will be avoided, no delay in the disposition of the application for preliminary injunction will result from consolidation, and the final disposition of the action will be expended by consolidation. The vindication of plaintiffs' constitutional rights and the public interest require that the Court grant plaintiffs a hearing and that the relief requested herein be granted.

Attached hereto and filed in support thereof are the affidavits of Representatives William R. Anderson, Bella S. Abzug, Herman Badillo, William (Bill) Clay, Shirley Chisholm, John Conyers, Jr., Charles C. Diggs, Jr., Don Edwards, Donald M. Fraser, Michael J. Harrington, Robert L. Leggett, Parren J. Mitchell, Benjamin S. Rosenthal, Edward R. Roybal and Louis Stokes.

Attached hereto and filed in support hereof is Plaintiffs' Memorandum of Points and Authorities.

Wherefore, plaintiffs pray that this motion be granted.

Respectfully submitted.

STEFAN F. TUCKER,
LAWRENCE R. VELVEL,
ANTHONY A. D'AMATO,
ROBERT J. VOLLEN,
CHRISTOPHER SANGER,
Attorneys for Plaintiffs.

CIVIL ACTION No. 697–71

[In the U.S. District Court for the District of Columbia]

The Honorable Parren J. Mitchell, *et al,* Plaintiffs, v. Richard M. Nixon, *et al,* Defendants.

PLAINTIFFS' MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR (1) PRELIMINARY INJUNCTION, (2) CONSOLIDATION OF THE TRIAL ON THE MERITS WITH THE HEARING ON THE APPLICATION FOR PRELIMINARY INJUNCTION AND (3) PERMANENT INJUNCTION

I. INTRODUCTION TO STANDING AND POLITICAL QUESTIONS

The present suit is brought by duly elected Members of the Congress of the United States, seeking a judicial ruling that the war in Indo-China is unconstitutional and applying for declaratory and injunctive relief. The Members of Congress are suing in their capacity as federal legislators, alleging an infringement of their legislative prerogatives, powers, duties, and responsibilities to decide whether this nation should fight a war.

We shall argue that the plaintiffs possess the requisite standing to bring this suit under rulings of the United States Supreme Court, and that the suit presents a justiciable question of Constitutional interpretation and not a so-called "political question." Under the recent rulings of the Supreme Court, which we shall examine later, the gist of the question of standing is whether the plaintiffs possess a personal stake in the controversy that will ensure proper adversary illumination of the issues, and that the plaintiffs arguably come within the zone of interests protected by the Constitutional provisions they invoke. Also under recent Supreme Court decisions, a question is justiciable and not a "political question" if the court is called upon to interpret the Constitution. In the present case, the question of whether the plaintiffs meet the standards established by the recent Supreme Court decisions on standing and justiciability will be elucidated by a consideration of the merits of the Constitutional issue which the plaintiffs are raising, and of the meaning and scope of the Constitutional clause which they are invoking. Therefore in order to conserve the court's time, we shall first present a full discussion on the merits, reserving to later sections of this Brief a detailed examination of the bases for standing and justiciability in light of the merits of the case. This procedure, it may be noted, was utilized with great efficiency by Judge Gesell in his recent decision in this District Court in *Reservists Committee to Stop the War.* v. *Laird,* Civ. Action No. 1429–70.

II. THE MILITARY CAMPAIGN CURRENTLY BEING WAGED BY UNITED STATES FORCES IN INDOCHINA IS UNSUPPORTED BY A CONGRESSIONAL DECLARATION OF WAR OR BY A SPECIFIC, INTENTIONAL, AND DISCRETE CONGRESSIONAL AUTHORIZATION OF WAR AND CONSEQUENTLY IS AN UNCONSTITUTIONAL EXERCISE OF EXECUTIVE POWER

A. Military Hostilities of the Scope and Duration of the Present Indochina War Effort by the United States Are Constitutionally Dependent on a Declaration of War by Congress.

1. *The Congressional Power to Declare War.*

The Congressional power to declare war is the result of a carefully and forcefully drawn division of the warmaking power between the Executive and Legislative organs of the Republic; the historical origin and contemporary consequences of that division give it special importance in the general scheme of the separation of powers.

While Article II, Section 2, Clause I, makes the President the "Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States," Article I, Section 8, Clause 11, grants to Congress the power "to declare War, grant letters of Marque and Reprisal and Make Rules concerning Captures on Land and Water," and Clause 15 grants to Congress the power to call forth the militia for three specified purposes.

It is not by accident that this distribution of authority came to be plainly stated. The draftsmen of the Constitution were the beneficiaries of experience under the British Crown where the powers of commitment to war and prosecution of war were joined in the office of the King, and they consciously sought to avoid the abuses which that joinder had indulged. Abraham Lincoln's reading of the Founding Fathers' lodging of the power to declare war in Congress conformed to this view. Lincoln said:

"Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our Convention understood to be the most oppressive of all kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us. (1 Basler, The collected Works of Abraham Lincoln 452 (1953).)"

Justice Story's view of the policies underlying Article I, Section 8, Clause 11, was very similar:

"[T]he history of republics has but too fatally proved, that they are too ambitious of military fame and conquest, and too easily devoted to the views of demogogues, who flatter their pride, and betray their interests. It should therefore be difficult in a republic to declare war; but not to make peace. The representatives of the people are to lay taxes to support a war, and therefore have a right to be consulted, as to its propriety and necessity. . . . This reasoning appears to have had great weight with the Convention, and to have decided its choice. Its judgment has hitherto obtained the unqualified approbation of the country. (2 Story, Commentaries on the Constitution of the United States, 89-90 (2d ed. 1851).)"

The Framers' fear of executive license in committing the republic to war was so great that during the Constitutional Convention, Elbridge Gerry, responding to a suggestion to lodge the war power in the Presidency, stated that he had "never expected to hear in a republic a motion to empower the executive alone to declare war." 2 Farrand, Records of the Federal Convention 318 (1923 ed.).

Correlatively the commander-in-chief power of the President was understood to be limited in the sense described by Alexander Hamilton in the Federalist No. 69:

The President is to be commander-in-chief of the army and navy of the United States. In this repect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and Admiral of the Confederacy; while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies—all of which, by the Constitution under consideration, would appertain to the legislature."

The Supreme Court early recognized that power given to Congress was the exclusive means whereby the nation was to be committed to war. Talbot v. Seeman, 5 U.S. (1 Cranch) 1 (1801), involved the legality of the seizure of a French ship, the Amelia:

"In order, then, to decide on the right of Captain Talbot, it becomes necessary to examine the relative situation of the United States and France at the date of the recapture.

The whole powers of war being by the Constitution of the United States, vested in Congress, the acts of that body can alone be resorted to as our guides in this inquiry. . . . (id. at 28.)"

As grave and great as were the consequences of the commitment of our nation to war in 1787, the war in Indo-China affords staggering evidence of the proportions that a commitment to war can assume today. In Vietnam, Laos and Cambodia we are confronting no major world power, and no nuclear weapons have been employed. Yet, over one-half million Vietnamese and over fifty thousand Americans have lost their lives. The war has become the most protracted war in American history.

Thus, the policies which moved the draftsmen of the Constitution to lodge with Congress the power to place our country at war speak with greatly magnified force in our own era. Yet, with the perversity that not infrequently characterizes the affairs of men, it is in our own era that the Executive Branch has first acted at serious odds with the express constitutional provision which places that power in the hands of the legislative branch.

This observation is of more than historical significance, since apologists for the Executive prosecution of an undeclared war in Southeast Asia have included the claim that Presidents have frequently engaged in military operations without consulting or receiving the authorization of Congress. However, it is extremely doubtful that even a consistent, long-term practice of the Executive Branch to violate an express requirement of the Constitution could become self-validating. In Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952), the Supreme Court responded to the proposition that Presidents had in the past acted without Congressional authority, as follows: "But even if this be true, Congress has not thereby lost its exclusive constitutional authority to make laws necessary and proper to carry out powers vested by the Constitution . . ." Id. at 588-589. In any event, however, Presidential action until 1950 has demonstrated compliance with the Constitutional requirement that a commitment of this nation to a major war must rest upon a formal Congressional act declaring or specifically authorizing that commitment.

The United States has been involved in eight major wars: The War of 1812, the Mexican War of 1846-48, the Civil War, the Spanish-American War, World Wars I and II, the Korean "Police Action", and the Vietnam War.

The following chart compares the levels of the Indo-China war, as of 1970, with others in our history:

	Number of troops	Deaths	Wounded	Total casualties
World War II	16, 353, 659	407, 316	670, 846	1, 078, 612
Civil War (Union casualties)	2, 313, 363	364, 511	281, 881	646, 392
Vietnam (approximations)	10, 000, 000	45, 000	300, 000	345, 000
World War I	4, 743, 826	116, 078	204, 002	320, 710
Korea	5, 764, 143	33, 629	103, 284	136, 913
Mexican War	78, 718	13, 283	4, 152	17, 435
War of 1812	286, 730	2, 260+	4, 505	5, 765+
Spanish American War	306, 760	2, 446	1, 662	4, 018

Source: Data on prior wars was obtained from the 1970 World Almanac, page 162.

Prior to the Korean conflict, each maximum commitment of American military resources to armed hostilities received the explicit approval of the Congress.

Thus, it is possible to distill from the American historical experience the standard which Congress has inevitably followed before committing this nation's military resources to prolonged and bloody combat.

The War of 1812 was authorized by an explicit Congressional declaration of war, dated June 18, 1812, which recited:

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that War be and the same is hereby declared to exist between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories; and that the President of the United States is hereby authorized to use the whole land and naval force of the United States to carry the same into effect, and to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as he shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the government of the said United Kingdom of Great Britain and Ireland, and the subjects thereof. 2 Stat. 755.

The Mexican War of 1846-1848 was authorized by an explicit Congressional declaration of war, dated May 13, 1846, which in terms authorized the President to use the armed forces of the United States to prosecute the war. 9 Stat. 9-10.

The commitment of the nation's military resources to the Civil War was authorized by a joint resolution of Congress, dated August 6, 1861, which stated:

"And be it further enacted, That all the acts, proclamations, and orders of the President of the United States after the fourth of March, eighteen hundred and sixty-one, respecting the army and navy of the United States, and calling out or relating to the militia or volunteers from the States, are hereby approved and in all respects legalized and made valid, to the same intent and with the same effect as if they had been issued and done under the previous express authority and direction of the Congress of the United States. 12 Stat. 326."

The Spanish-American War was authorized by a joint resolution of Congress, dated April 20, 1898, which was followed by a formal declaration of war on April 25, 1898 explicitly authorizing the President to use the armed forces of the United States to prosecute the war. 30 Stat. 364.

The First World War was authorized by an explicit Congressional declaration of war, dated April 6, 1917, which in terms authorized the President to employ the armed forces to carry on war against Germany. 40 Stat. 1.

The Second World War was authorized by explicit Congressional declarations of war, dated December 8, 1941 (Japan) and December 11, 1941 (Germany and Italy), in terms directing the President to use the armed forces to carry on war. 55 Stat. 795-97.

Thus, in every prolonged and bloody military struggle in this nation's history prior to Korea the principle was reaffirmed that Congress must, in some explicit form, manifest its unequivocal will to embark this nation upon major armed hostilities as a constitutional precondition to involving this nation in war, whether it be de jure or de facto.

The Korean War of 1950, like the war in Southeast Asia today, was not a war declared by Congress nor specifically and intentionally authorized by that body. It was brought to an end as the result of the election of President Eisenhower in 1952. Unfortunately its constitutionality was not challenged in the courts, for the war set in motion a vast military-industrial complex, of which President Eisenhower warned the nation as he left office in 1960, which welcomed an increasing unauthorized commitment by the Executive Branch in the war in Southeast Asia. The tragic cost and waste of the Vietnam War might have been averted had it been made very clear in 1950 that the Executive cannot unilaterally plunge this nation into war. Today there is a second chance—to assert the primacy of the Constitution in matters of the engagement of this nation in a major war. A third chance may never come, because the next war could be suicidal for the human race.

Thus, the Congressional power to declare or specifically authorize war has been recognized in every major war prior to 1950. Historical precedent, the intention of the Framers, and the text of the Constitution all reinforce the proposition that it is Congress, and not the President, which is required by the Constitution to declare or intentionally and specifically authorize war.

2. *The Power of the President.* Whatever power the President, acting alone, may have to deploy the armed forces of the United States in emergency situations, his power does not extend so far as to wipe out Congressional powers over a major war such as the present war in Southeast Asia. In the present case the issue is not presented whether the President is justified to deploy troops abroad in situations such as the protection of American civilians, or to use the armed forces in emergency or near-emergency situations. Historically the President has asserted his powers as Commander-in-Chief for some such situations, and at other times he has sought specific Congressional authorization. It is not relevant here whether, as a moot historical point, all of these past situations were valid under the Constitution. Whether they were or not, none of them approached the level of magnitude of the Vietnam War.

Nor is it relevant to the present case whether in relation to the Gulf of Tonkin incident in 1964 the President was justified in using American forces to repel an attack when there was no time to obtain a Congressional declaration or specific authorization of war. For the point at issue in this case is whether, even though the President has the Constitutional authority to repel a sudden attack, he can then engage in a long and major war without at any point obtaining a Congressional declaration or a specific authorization of war. Obviously the President cannot do so. Rather, if he wishes to engage in a war subsequent to repelling an attack, he must obtain a Congressional declaration or specific and intentional authorization of war. This was illustrated when, after engaging in action to repel the Japanese attack on Pearl Harbor on December 7, 1941, the President proceeded to obtain a declaration of war against Japan the very next day.

Congress' constitutional power to decide whether the nation shall fight a war such as that in Southeast Asia would effectively be read out of the Constitution if the President, after repelling an attack, could then himself decide to engage in a long and major war. Particularly because not every attack need lead to a war—viz. the attack on the U.S.S. Pueblo in 1968—it is important that Congress' power to decide whether to go to war not be read out of the Constitution. Moreover, it is sometimes unclear whether an attack alleged by the President has in fact occurred, and for this reason too, Congress' power to make the decision on war must be maintained.

It is sometimes claimed that Presidential powers in the field of foreign affairs give the President the constitutional right to fight a war that has not been declared or specifically and intentionally authorized by Congress. See e.g., Legal Adviser, The Legality of United States Participation in the Defense of Viet Nam, 75 Yale L.J. 1085, 1100 (1966). Although there has been discussion over the years as to the extent of the President's general foreign affairs powers, it is clear that one foreign affairs power which does not belong to the President is the power to decide whether this nation shall engage in a war. This power was specifically given to Congress by the Framers of the Constitution. Any claim that the President can operate unconstitutionally in the area of "foreign relations" has been destroyed by Reid v. Covert, 354 U.S. 1, 5-6 (1957), which stated that "The United States is entirely a creature of the Constitution. Its power and authority have no other source."

Nor can it be argued that the President's status as commander-in-chief makes the Vietnam war constitutional. The executive's commander-in-chief claim in this respect was squarely rejected by the Second Circuit Court of Appeals in Berk v. Laird, 429 F. 2d 302 (1970), it also was by the District Court of the Eastern District of New York in Orlando v. Laird, 317 F. Supp. 1013 (1970). It is clear that the commander-in-chief power can not give the President the power to fight a war that has not been declared nor specifically and intentionally authorized by Congress. Were the situation otherwise, the President, as commander-in-chief, could usurp Congress' power to decide whether this nation shall fight a war. Such a result would (1) violate the teaching of Youngstown Sheet & Tube Co. v. Sawyer, supra, where it was ruled that the commander-in-chief power cannot enable the Executive to usurp a Congressional power; (2) create military supremacy by making the President, in his military role, supreme over the civilian Congress which has the constitutional authority to decide whether we fight a war; and (3) eliminate a safeguard upon which the state ratification conventions relied when ratifying the Constitution—the safeguard that the President's power as commander-in-chief is subject to Congress' power to declare war. 2 Story, supra at 305. The commander-in-chief power, then, does not empower the President to fight wars that have not been authorized by Congress. Rather it only gives him the power to direct our military strategy and tactics in military actions that have been authorized by Congress.

Moreover, it is plainly wrong to argue, as the Executive recently has, that as commander-in-chief the President has the power to decide to fight a Southeast Asian war of whatever duration and scope he thinks to be necessary for the protection of American troops and for the carrying out of his policy desires. This Executive claim is a bootstrap argument because it would enable the Executive to indefinitely continue fighting a war which was illegal in the first place. Precisely because it is an argument which enables the Executive to fight a war for years and years without at any time obtaining a Congressional declaration or specific and intentional authorization of war, it nullifies Congress' constitutional power to make the decision on whether the nation shall fight a war, how big a war shall be fought, and how long a war should be fought. The President, as commander-in-chief, can repel an immediate attack on American troops when there is no time to obtain a Congressional declaration or specific and intentional authorization of war. But he cannot then continue to fight as big a war as he pleases, for as long as he pleases, against whomever he pleases, wherever he pleases, on the theory that he is protecting his troops. Rather, he must obtain the requisite Congressional declaration of war or its equivalent. The Executive does not even pretend that it is withdrawing American forces from the Indo-China war as fast as possible. Rather, in order to attempt to attain the President's own policy desire for the Indo-China theatre, the President continues to retain substantial American forces in Vietnam engaged in war, and has declared his intention to use American air power in combat in the various nations of Indo-China for years into the indefinite future. This Presidential policy clearly usurps Congress' Constitutional power to make the decision whether the United States shall fight a war.

B. *There Has Been No Congressional Declaration of War or Its Equivalent with Respect to Southeast Asia.*

In a prior section of this Brief it has been shown that the declaration of war clause was placed in the Constitution in order to accomplish a very specific purpose. The Framers were afraid of the dangers of the Executive getting this nation into war. They therefore wished to ensure that Congress, rather than the President, have the power to decide on war, and they carried out their intent by giving Congress the power to declare war. The entire purpose of the declaration of war clause is to ensure that Congress make the decision on war.

Both constitutionally and practically, it is of vital importance to ensure that the purpose of Article I, Section 8, Clause 11, be preserved in its full integrity. When Congress formally declares a limited or a general war, the purpose of the clause is clearly preserved bceause Congress is making the decision on war. But Congress need not necessarily issue a formal declaration of war in order for the purpose of the Clause to be preserved.

Rather, there can be a Congressional directive which is sufficient under the declaration of war clause without being a formal declaration of war.

To be sufficient under the declaration of war clause without being a formal declaration of war, however, the Congressional directive must meet three criteria which ensure the preservation of the purpose that Congress be the body which makes the decision whether to fight a war:

(1) The Congressional authorization must be intentional. The authorization of military hostilities must be so framed and presented that an intelligent and conscientious legislator would apprehend that assent to the measure constitutes an authorization of war, and as such, would be constitutionally determinative of executive power to prosecute such hostilities. Intentionality is not to be haphazardly implied from vague and ambiguous evidence of Congressional behavior over a period of time.

(2) The Congressional authorization must be specific. That is, an authorization for a major war must specifically say that it authorizes the President to use the armed forces of the United States against a certain enemy or against named forces and territory. It may be noted that this has been done by every declaration and authorization of war in American history. It is not enough for the authorization to merely say that the President may, if he wishes, conduct war. It would not be enough, for example, if Congress were to authorize the President "as he deems necessary to use all necessary force to preserve peace and freedom throughout the world." This enactment would be so broad as to constitute, in effect, a constitutional amendment, since it would give the President the power of decision on whether or not to engage in war against any nation or in any locality. Surely, if an authorization of military force is to be considered the constitutional equivalent of a declaration of war, it is reasonable to require that the authorization be specific at least in its designation of the entities against which or the forces and territories against which the force may be employed. Any less concrete enactment could only be conceived of as a transfer of the power to commit the nation to war from Congress to the President.

(3) The Congressional authorization must be the product of a separate and distinct choice by Congress that is detached from clause, Article I, Section 8, Clause 11, stands alone. Its solitary position indicates that the Framers wanted separate and distinct action by Congress in order to declare or authorize war. It would have been preposterous to the Framers to imagine that a declaration or authorization of war, a most solemn national act, could be inferred from action that Congress has taken on other legislative matters. War cannot be authorized by inference from legislation which is independently necessary for preserving the national security, such as defense appropriations or Selective Service renewals.

If authorization can be inferred from acts which are independently necessary for the national security, then Congress, will be forced into the position of either refusing to pass these vital acts or else risk having their passage be construed as authorization of a major war. Indeed in obvious deference to the constitutional scheme envisaged by the Founders, every declaration or authorization of war by Congress in this nation's history has been a separate and distinct enactment or joint resolution, untied to any other legislation and certainly not inferred from other legislation.

Logic and history further demonstrate the validity of the proposition that a specific, intentional and discrete authorization of war is a sufficient procedure under the declaration of war clause. As a matter of constitutional logic, such an authorization maintains the integrity of Congress' decisionmaking power over war. For when Congress is asked to enact an independent statute or resolution which explicitly states that it is authorizing and directing the President to carry on hostilities against a certain enemy or against named forces and territory, Congressmen will know they are being asked to intentionally authorize war and will consequently feel the full impact of the decision they have to make. If they opt for war, they will be intentionally authorizing hostilities in explicit language which will make clear that Congress has decided for war. The purpose of Article I, Section 8, Clause 11, will thus be fulfilled. It is important to ensure such fulfillment in this day when apologists for an Executive war urge that Congressional authorization be loosely inferred from Congressional behavior over a period of time. After all, it is precisely Executive wars, "the most oppressive of all kingly oppressions" in Lincoln's words, which the Framers were fearful of and sought to guard against by giving the decision to declare war to Congress.

In addition to maintaining the integrity of Congress' decisionmaking power over war, an explicit, intentional and discrete authorization of war is sufficient to meet constitutional standards because Congress need not use the formalistic words "A state of war is hereby declared to exist" in order to exercise its power under the declaration of war clause. Rather than a talismanic use of the phrase "declare war" being required, what is required is that Congress knowingly and intentionally exercise its substantive power to authorize war. In this regard, the exercise of the power to authorize war under the declaration of war clause is no different from an exercise of power under any other constitutional clause, such as those enabling Congress to "regulate commerce" or "coin money." Congress need not talismanically use the phrase "regulate commerce" or "coin money" when it exercises these powers. It need only engage in a knowing exercise of its substantive powers.

No textual reason can be adduced for a narrow construction of the term "declare" in Article I Section 8 Clause 11, such as the construction suggested by the defendants in the past that Congress, under that clause, is confined to formally declaring war and simply recognizing legally that a state of war already exists. For the other clauses of Section 8 reveal plainly that a verb such as "declare" is used as a term of stylistic appropriateness in light of the object of the verb. Section 8 contains the phrases: "lay and collect Taxes," "regulate Commerce," "coin Money," "Establish Post Offices," "constitute Tribunals," and "raise and support Armies," among others. Yet these provisions have never been construed so restrictively as to rob them of their intended purpose, which was to act as a repository of substantive powers in Congress. Thus, for example, to "establish" Post Offices has never confined Congress to merely designating a building as a "Post Office," but on the contrary Congress may set up a vast national system of mail collection and delivery. Similarly, the power to "regulate" commerce has historically been construed in very broad terms, including the power to prohibit certain forms of interstate commerce entirely. Thus, the power to "declare" war, read in the same natural way as these other provisions are read, and also read in light of the other "war powers" in Clauses 11 through 16, as well as the Necessary and Proper Clause, is in fact an affirmative grant of plenary powers to Congress. These plenary powers are limited only to the extent that the President, as Commander in Chief, can repel an immediate attack and has the authority to manage and carry on a war that has been authorized by Congress.

Therefore it is altogether proper to read Congress' power under the declaration-of-war clause to allow for an exercise of Congress' power by means of a specific, intentional and discrete *authorization* of war. For the important point is that Congress retain the decision whether to fight a war, a decision which makes sense only if Congress knowingly and intentionally exercises the power to make it.

Historically, the validity of explicit, intentional and discrete authorizations of war is shown by the fact that Congress issued such authorization early in the nation's history, when many of the framers sat in the legislature or were in the Executive. In authorizing limited hostilities against France, Congress enacted a law stating "that the President of the United States shall be, and he is hereby authorized to instruct the commanders of the public armed vessels which are, or which shall be employed in the service of the United States to subdue, seize and take any armed French vessel, which shall be found within the jurisdictional limits of the United States, or elsewhere, on the high seas . . ." 1 Stat. 578. In authorizing action against Tripoli, Congress enacted a law stating "that it shall be lawful for the President of the United States to instruct the commanders of the respective public vessels aforesaid to subdue, seize and make prize of all vessels, goods and effects, belonging to the Bey of Tripoli, or his subjects . . ." 2 Stat. 129–130. And today, of course, Congress, if it desired to authorize war in Indo China, could easily do so by drafting a suitable explicit, intentional and discrete authorization of hostilities. It could, for example, enact, legislation stating the following: "The President is hereby authorized and directed to employ the armed forces of the United States in Indo China against the forces and territory of the government of North Viet Nam, the National Liberation Front, and the Pathet Lao." The following are other, hypothetical examples of bills which, in the context of a Congressional desire to authorize military operations in order to meet a given historical situation, would meet the three criteria of intentionality, specificity, and separateness and distinctiveness, and which would therefore be the constitutional equivalent of a declaration of war. (1) "The President is hereby specifically authorized and directed to employ the armed forces of the United States to carry on hostilities against Country X." Or (2) "The President is hereby authorized and directed to use the armed forces to carry on military action against the forces and territory of Country X." Or (3), "The President is hereby specifically authorized and directed to employ the armed forces of the United States to carry on military operations against National Liberation Coalition X."

The act of July 7, 1798, 1 Stat. 578, which was enacted during the era of the framers and which authorized limited warfare, provides an actual historical example which meets the three criteria of intentionality, specificity, and separateness and distinctness. It said p. 22, *supra*, "That the President of the United States shall be, and he is hereby authorized to instruct the commanders of the public armed vessels which are, or which shall be employed in the service of the United States, to subdue, seize and take any armed French vessel, which shall be found within the jurisdictional limits of the United States, or elsewhere, on the high seas. . . ."

We do not intend the above examples to be exhaustive of the possible verbal formulations by which Congress can issue an authorization which meets the three criteria necessary to have the constitutional equivalent of a declaration of war. But the examples do show possible verbal formulations which, in the above-mentioned context of a Congressional desire to authorize military operations in order to meet a given historical situation, would satisfy the duty required of Congress by Article I, Section 8, Clause 11 of the Constitution.

If Congress desired that the hostilities be limited in size and scope, its explicit, intentional and discrete authorization of war could also contain a variety of limitations which would ensure this.

Normally we would think it superfluous to elaborate upon the necessity that an exercise of Congress' war power be specific, intentional and discrete. But in regard to the current war, the Executive has argued that, in place of meeting the requirements of the declaration of war clause, a sort of loose implied Congressional consent to war can be substituted. So long as "consent" can somehow be implied from Congressional actions, the argument goes, there is no need to pay attention to the purpose of the Constitution contained in Article I, Section 8, Clause 11.

However, consent to the war in Indo-China cannot properly be inferred from the actions of Congress in the past decade, as this brief shall fully demonstrate. Moreover, even if a court could infer consent, the Constitution does not say that such consent is a substitute for Clause 11. The Constitution does not say that the President has the power to initiate or declare war, and that the burden is upon Congress to negate a presumed inference of its own consent. Nor does it even say that the President may initiate war and that the war will be validated by subsequent implied consent from Congress. Instead, the Constitution puts Congress in the driver's seat, not the President. Congress must be driving, and not merely being taken along for a ride.

To put any other interpretation upon the Constitution would be to stand it on its head. Congress would be placed in the untenable position of being a rubber stamp, a body that exists solely to give consent to a de facto situation created and perpetuated by the Executive. Further, the momentum created by the President would change the Constitutional priorities and burdens on Congress, for it is extremely difficult not to appropriate money to support troops already in the field, or not to supply more manpower to relieve and/or protect troops already in the field. By seizing the initiative, the President would put Congress in the difficult position of being forced to cut off the use of funds or troops, with a possible cost in lives to troops in the field, in order to assert what was its prerogative in the first place—the power to decide whether we shall fight a war. And even if Congress were to pass a law terminating the war, the President could promptly veto such a law, thus drastically increasing the numerical burden on Congress to override the veto and save the legislation. Surely this procedure is a perversion of the clear constitutional scheme so carefully detailed by the Framers. In effect it robs Congress of one of the most fundamental, important, carefully drafted, and democratically essential of its constitutional powers—the power to decide whether the nation shall go to war. In effect it does away with the purpose of the declaration of war clause. The Court ". . . [should] not lightly conclude that a constitutional provision so highly regarded . . . by the Framers serves no real purpose." *Reservists Committee to Stop the War v. Laird*, No. 1428–70 (D.D.C.) (opinion of Judge Gesell).

1. *There Has Been No Congressional Declaration of War!* Congress has never formally declared war with respect to Southeast Asia. This undisputed fact should be viewed in the context of the duration of the war, the most prolonged in this nation's history. Nor is the war on American soil. These observations indicate that there was probably more time and more physical opportunity for the President to ask Congress to declare or specifically, intentionally and discretely authorize war than in any previous war in history. One might conclude that one reason that the President never asked Congress to declare war was that the President felt that Congress would turn down his request and place him in a politically embarrassing position. If this is true, it is certainly no excuse for the judiciary now to ignore the Constitution to justify the Executive's fear of embarrassment.

2. *Congressional Appropriations and Selective Service Amendments Are Not Equivalent to a Declaration of War:*

(a) *They Do Not Meet the Criteria for Declaring War.*

The Executive Branch has often contended that defense appropriations and renewals of the Selective Service Act constitute Congressional authorization for the undeclared war in Southeast Asia. Appropriations and the draft, however, do not meet the criteria necessary under the declaration of war clause for an authorization of war, and as shall be shown below, if appropriations and selective service renewals are held to be an authorization of war, then the integrity of Congress' decisionmaking power over war will be impaired and defeated.

Appropriations bills and renewals of selective service do not meet the criterion of intentionality. There is a whole congeries of important reasons why legislators feel compelled to vote in favor of military appropriations and selective service renewals even though the legislators oppose the war, oppose the use of funds or troops for the war, do not intend to authorize the war, and would not vote to authorize the war. The reasons Congressmen feel compelled to vote for defense appropriations and the draft though they oppose the war have been set forth in affidavits filed in this case by plaintiffs and other legislators. The affidavits show the following critical points regarding appropriations and selective service renewals:

1. In voting for general military appropriations bills, Congressmen did not intend to declare, authorize or ratify the war in Indo-China. Enactment of military appropriations bills does not represent a decision by Congress that the U.S. shall fight a war. A legislator's vote for military appropriations does not necessarily mean that he is for the war and wishes to authorize it, nor does a legislator's failure to vote for legislation to cut off the use of funds in Indo-China mean that he favors the war and wishes to authorize it.

2. As voted upon by the House and Senate, a general military authorization or appropriations bill represents a "package" or "lumped" bill which authorizes or appropriates money for a great variety of military needs, many of which needs are essential to national security, such as ships, planes, bases, and military salaries. The costs of the war are not separately earmarked in the bills, so they cannot be separately identified. Moreover, the costs of the war are substantially less than half of the total monies appropriated for national defense, and over 80% of the forces for which money is authorized or appropriated are not in Indo-China.

Because legislators support the essential defense needs such as ships, planes, and salaries provided for in an authorization or appropriation bill, they have felt that they must vote in favor of the bill even though they oppose the war, and would not vote to authorize the war in Indo-China. There is thus no way validly to generalize that the enactment of general military appropriations or authorization bills represents an intentional decision by the Congress that the United States should fight a war in Indo-China.

3. That Congress has not voted for cutting off funds for Indo-China does not mean that Congressmen favor the war or wish to authorize it. Congressmen have felt strongly that they cannot cut off money to American servicemen who are already in combat in the field and who need the monies for ammunition, food, shelter and other material requisite to survival. Moreover, the procedures used in the House of Representatives made it exceptionally difficult in that body to bring up a bill or amendment cutting off funds. Committee chairmen would see to it that, when considered on the floor, a military authorization or appropriations bill was treated as a unitary "package." Very little or no opportunity was given for the introduction of debate upon, or voting on, amend-

ments to the bill. Time to speak was not democratically apportioned among proponents and opponents. Thus, an amendment to cut off funds for the war would have received nothing but very short procedural shrift, as occurred to other amendments connected with the war. For these reasons, then, the enactment of a military authorization or appropriations bill without a fund cut-off could not represent a conscious and intentional House decision that the nation should fight a war in Indo-China.

4. An appropriations bill enacted without a fund cut-off cannot realistically be equated with a bill which is divorced from appropriations and which independently and intentionally authorizes war. The fact that Congress enacts appropriations bills without cutting off money does not mean Congress would be willing to authorize the war if asked to do so. It would be much harder for the Executive to get Congress to enact an authorization or appropriations act without a fund cut-off.

There are several reasons for this. If federal legislators were asked to authorize war in Indo-China in a bill independent of appropriations, they would think about this very carefully because there could be no doubt they are clearly being presented with a decision for or against war. Each legislator would also think about it carefully because his vote would be recorded and would therefore be visible to the press and public and he would be held accountable for his vote by his constituents. There would doubtlessly have been an earnest debate in Congress and in the nation at any time whatever since 1960 on whether war should be authorized in Indo-China. Such a Congressional debate would have raised all the questions incident to the desirability of committing this nation to fight a war in Asia, whether American troops should be sent to Indo-China, whether the war was in the national interest, and so forth. At the end of such a debate, if a legislator had decided to vote against declaring or authorizing war, he would not have had to feel that he was cutting off necessary moneys to men in combat.

But the situation is entirely different in regard to military authorization and appropriations bills. In the House of Representatives, these bills are considered under procedures which give short shrift to the possibility of introducing and debating amendments to cut off funds. In both houses of Congress the bills do not clearly present the decision of whether to fight a war, since they are "packages" which provide money for a tremendous number of defense needs. Legislators feel that a cutoff of funds, even one at a future date, could endanger our men. In the House of Representatives, votes on amendments in Committee of the Whole have not been recorded in the past, so that a Congressman's constituency was not aware of how he voted on amendments. But even if a Congressman were to announce that he voted to cut off moneys, his constituents could easily be angry with him for possibly endangering troops by cutting off moneys. The same is true for Senators, whose votes on amendments were known. But the constituents of a Senator or Congressman might have agreed with him or been sympathetic with him if he refused affirmatively to authorize war on a war bill or resolution that was wholly divorced from cutting off funds.

Finally, even if Congress were to enact a general authorization or appropriations bill containing a provision cutting off moneys, the President could veto the bill. If there were not a ⅔ majority necessary in each House of Congress to override the veto, then, because our armed services cannot be left without funds, Congress would have to enact a new bill satisfactory to the President which did not contain a cut-off of moneys. The threat of a Presidential veto thus acts as a substantial deterrent to a Congressman either to introduce or vote on an amendment for a fund cut-off.

5. In May 1965 and March 1967, the Executive, close to the end of the fiscal years involved, said it had run out of money to use in Vietnam, and Congress enacted supplemental appropriations to be used in Vietnam for the remainder of those fiscal years. However, votes for these supplemental appropriations did not represent a declaration, authorization, or ratification of war.

Legislators felt it necessary to vote for these bills because American servicemen were already in combat in the field and the Executive said the money was immediately necessary to provide them with requisites of survival such as food, ammunition, shelter, etc. In fact, at one point Congress was told by the President that to deny supplemental appropriations would be to deny support to men who are risking their lives. Thus, Congressmen voted for the supplementals even though they did not approve of and did not wish to authorize a large-war in Indo-China.

6. Congress voted in 1967 and 1971 for extensions of the Selective Service Act. But a vote of extending Selective Service is not a vote to declare, authorize or ratify the war in Indo-China.

This country has had a draft since 1940, in both times of war and times of peace. It needs an army in peacetime, and an army is necessary entirely aside from the facts that troops are fighting in Vietnam. Without a sufficient army, it would be impossible to properly man our bases, installations, etc. Unless and until there is a volunteer army, the army must be raised by conscription. Thus, most legislators felt it necessary to vote to extend Selective Service even though they would not have voted to authorize the war and were opposed to using American troops in the Indo-China war.

Moreover, any attempts to amend the Selective Service extension bills to cut off the use of troops in Indo-China would have run into procedural obstacles. A bill to cut off troops would not have been reported out of committee in the House, and due to various obstacles which arise from rules under which bills are debated and voted upon on the floor, a floor amendment in the House to cut off troops would not have received a fair opportunity to be introduced, debated and considered.

Finally, as long as the United States was fighting a war, most legislators, even though they opposed the war, felt the draft was necessary to permit the replacement of troops who had already served in combat.

Thus, for all these reasons, legislators felt it necessary to vote for Selective Service extensions though they did not intend to authorize the war and would not have voted to authorize the war.

7. Legislators have no remedy in Congress which is the equivalent to their Constitutional prerogative, given by Article I Section 8 Clause 11, to refuse to declare or authorize war. If Congress were to enact a bill cutting off the use of funds or troops for the war, the President of the United States could veto it, thus necessitating a two-thirds vote in each house of Congress to override the President's veto. The necessity for a two-thirds vote is substantially different from the need for only a majority to defeat any declaration or authorization of war. There could easily be an absolute majority against declaring or authorizing war, but this would be insufficient to override a veto.

8. Federal legislators, who are in the best position to know, state that there has been no bill or resolution in Congress declaring or authorizing war. Moreover, the legislators have and still do refuse to declare or authorize war in Indo-China.

9. Based on their experience in Congress, legislators believe that appropriations and selective service renewals involve just too many problems to be an effective method of registering Congressional authorization for a war. If separation of powers is to be maintained, and if Congress' power over war is to be maintained with integrity, the President should have to get explicit and intentional Congressional authorization for war.

The above points made in legislators' affidavits are echoed by statements made by legislators on the floor of Congress. A collection of these statements is contained in Appendix A, *infra*. They show that appropriations bills and selective service renewals are not intended as authorization of war, but are enacted for other reasons entirely.

In addition to not meeting the criterion of intentionality, appropriations bills and selective service renewals also fail to meet the criterion that a constitutional authorization of war need be specific. Thus the suggestion that appropriations or the draft authorize a war results in the constitutionally impermissible consequence of totally transferring from Congress to the Executive the power to decide whether, against whom, and where to fight a war.

Events in the Vietnam war provide practical confirmation of this. The Executive, arguing at each step that prior appropriations or the Selective Service Act authorize his actions, has over time changed the nature of the American military commitment in terms of enemies and geography. Starting with relatively small engagements against the Viet Cong in South Vietnam, the war was expanded so that ultimately the United States was also fighting the North Vietnamese and engaging in armed hostilities in or over Laos, Cambodia, and North Vietnam. The surprise registered in Congress and in the public at large when the President moved troops into Cambodia in the spring of 1970 provides further indication of the patent falsity of any claim that appropriations and draft extensions authorize a war. When Congress enacted appropriations bills and extended the Selective Service, it had no way of knowing that the President was going to invade Cambodia. Finally, if appropriations and the Selective Service serve to authorize a war, then even today the President can engage this nation in any war, against any other country, and in any corner of the globe, on the theory that already existing appropriations serve to authorize his actions or that later ones will serve to ratify a war which Congress could not have foreseen in the first place.

For the Executive to argue at any point in time that future Congressional appropriations or additions to the draft will ratify what he had decided to do is an invalid argument for another reason as well: it proceeds on the assumption that in the present the President has a constructive authorization to make war. But the content of that constructive authorization would ipso facto be unconstitutionally vague and hence impermissible as a delegation of power, since it purports to authorize in the present any decision by the President to go to war against any country in any location. Thus, even on the Executive's own theory of future potential ratification, the constructive delegation of power that results lacks the specificity required of any delegation if it is to be a constitutional authorization rather than a wholesale transfer of power from one branch of government to the other.

Appropriations and the draft also fail to meet the third criterion that an authorization of war need be separate and distinct from other legislation rather than being inferred from the passage of legislation which may be vital to the national security and which therefore cannot be turned down by Congress. Obviously this nation needs an army in order to provide us with a defense and a deterrance against potential assailants in this dangerous world. This need for military preparedness exists wholly apart from the Southeast Asian war, and thus Congress has seen fit to institute and renew the draft. It is also obvious that this nation needs defense appropriations if it is to sustain the armed forces which are necessary to provide national security. Thus, to infer authorization from the existence of appropriations and the draft is to force Congressmen into a dilemma where they must either refuse to enact legislation which is vital to national security, or risk having the passage of such legislation be construed as an authorization for war—an authorization, moreover, for past acts of war which have already taken place and so cannot be stopped, and for future acts of war which will in turn become faits accomplis by the time of the next annual budget or proposed renewal of Selective Service, when they will be used in a new round of forcing Congressmen into the same dilemma they previously faced.

Though appropriations bills and Selective Service renewals do not meet the criteria that an authorization of war need be explicit, intentional, and discrete, in prior cases defendants have tried to circumvent this by relying on the fact that (1) in May 1965 and March 1967 Congress enacted supplemental appropriations for use in Vietnam, and (2) some general military authorization or appropriations bills have contained provisions saying that their monies could be used in connection with Vietnam. However, the supplemental bills and aforesaid provisions in general appropriations bills did not constitute an explicit, intentional and discrete authorization of a major war. They clearly were not intended to authorize war. As shown by the legislators' affidavits filed in this case, and by floor statements contained in Appendix A, supplying or permitting monies to be used in Vietnam was merely a recognition of the fact that men who were already in combat must be provided with the ammunition, food and materiel requisite to their survival.

Moreover, since the nation was already engaged in a major Presidential war, it would have been anomalous and absurd for Congress not to know and understand that a portion of the nation's military budget was being utilized by the Executive to prosecute that war. Hence, reference in a military authorization or appropriations bill to using money in Vietnam was nothing more than a recognition of what was occurring anyway in the full glare of public knowledge. That such references were not authorizations of war is shown by the Congressmen's affidavits stating that military authorization or appropriations bills were not intended to authorize war. Moreover, some defense appropriations bills have contained references to Vietnam and others have not. The presence or absence of such references has made no substantive difference whatsoever in the Executive's use of appropriations to finance the Indo-China war.

Further, if the defendants would have the legality of their actions stand or fall on the fact that there were early supplemental appropriations for Vietnam and general authorization bills have sometimes contained provisions stating that monies could be used in Vietnam, then it is clear that defendants' actions in and over Laos and Cambodia, such as the continuing heavy bombing, are illegal. For the bills do not say that monies can be used for actions in and over the nations of Laos and Cambodia, as opposed to some references in the bills to the nation of Vietnam. Clearly, then, the Executive has seized upon the military authorization and appropriations bills, and the provisions therein, as an ex post facto rationalization for its conduct in a war that has not been authorized by Congress.

In view of the foregoing arguments, it can be seen that the integrity of Congress' power to make the decision on war is destroyed if appropriations bills and Selective Service renewals are held to be an authorization of war. At the very least, a court should not attempt to reach such a holding without first hearing the experts on the legislative process, namely, federal legislators themselves. Affidavits and testimony are essential before the judiciary can characterize the legislative process as implying an authorization of war from appropriations bills and Selective Service renewals. In this regard, it is important to note that such affidavits and testimony are not offered for the mere purpose of construing ambiguous language in a statute by giving evidence of legislative intent. Rather, the purpose of the legislators' affidavits and testimony is to reveal that Congressmen were not in the position to *make a decision* on whether to fight a war—as required by Article I Section 8 Clause 11—in the specialized and structured context of appropriations bills and Selective Service renewals. The question is one of mixed fact and law: the facts relating to the realities of the legislative process as illuminated by this testimony of expert participants; and the law relating to a realistic construction of the Constitutional clause which vests in Congress the right and power to decide on war.

(*b*) *The Appropriations and Selective Service Argument Distorts the Constitutional and Legislative Processes:* It has been shown that the three criteria for a valid authorization of war are not met by the Executive's argument that appropriations and the Selective Service renewals serve to authorize the war in Southeast Asia. The Executive's argument also must fall because it grossly distorts the Constitution and the legislative process. As has been pointed out before, the Framers of the Constitution intended that Congress make the decision on whether to go to war. However, if the President can take the nation into war without a Congressional authorization, and if the war becomes legal if Congress later appropriates money or renews the draft, then the President—not Congress—will have the power to make the initial decision on war, and Congress will be reduced to merely having a veto power involving the cutting off of the appropriations necessary to support men in battle. Moreover, since appropriations for the armed forces are normally made for a period of one year, and army appropriations can be made for up to two years, the President will be able to fight a war for a very long period of time, on the basis of preexisting appropriations, before new funds are refused by Congress.

All of this destroys our plan of government. Since under the appropriations and selective service argument the Executive will be able to take the nation into war in the first instance, it was a useless and nonsensical act for the Framers in Article I, Section 8, Clause 11 to give Congress the power to make the decision whether this country shall fight a war. Since the Executive will be exercising the war-deciding power which the Constitution reserves to Congress, the Constitutional separation of powers is destroyed. Since the Congressional role will be reduced to merely vetoing a war it does not like, the constitutional scheme by which Congress has the lawmaking power and the President the veto power will be turned around, so that the President has the lawmaking power and Congress has the veto power.

There are also other highly important ways in which the Executive's appropriations and selective service argument distorts the Constitution and the legislative process. The framers deliberately structured the Constitution so as to make it difficult to get into war. This purpose is carried out if a declaration of war or a specific, intentional and discrete authorization of war are required before a war is legal. For in such case, the proponents of war have to carry the burden of convincing a majority in each house to vote for war. This would be no easy burden of persuasion in regard to guerilla wars on far-off continents: many legislators would wish to be very careful and deliberate before committing the nation to such a war. The power of committee chairmen, committee rules, floor rules, and filibuster rules could easily work against the proponents of war, because such factors can make it difficult to pass legislative enactments such as a war bill. Finally, the President would have to sign the authorization of war.

Moreover—and very importantly—unlike the situation that exists with regard to appropriations and selective service renewals, the Congress, in deciding whether to enact a declaration of war or a specific, intentional and discrete authorization of war, will not have to feel that it will be unconscionably denying funds or support to men who face death in combat if it should refuse to authorize war. The war will be illegal if Congress refuses to authorize it, but funds could be provided to our forces until they are withdrawn from the war, a withdrawal which the President would be constitutionally required to undertake with maximum possible speed. Also, and again unlike the situation with appropriations and selective service extensions, Congress, in deciding whether to declare or specifically, intentionally and discretely authorize war, would not have to feel that a refusal to do so would result in a failure to acquire essential armaments and materiel or in the lack of an army to defend ourselves.

But the legislative process and the Constitution are reversed if appropriations and selective service can authorize war. For now the President by his own decree can take the country into war without Congressional authorization, and his war will be legal unless Congress cuts off money or manpower. The burden of obtaining a majority in each house will not be on the proponents of war, but upon the opponents who wish to enact the legislation cutting off money or manpower. The power of committee chairman, committee rules, floor rules and filibuster rules will now work against the opponents of war, because these factors can stymie attempts to secure legislative enactments.

The power of committee chairman, and their ability to determine the application of committee rules and floor rules, is not to be underestimated. Take the 1967 selective service act, for example. The government has relied on this draft extension act as being intentional Congressional authorization of war. Yet it has been recently pointed out that, because of the virtually dictatorial exercise of power by the extremely hawkish late Chairman of the House Armed Services Committee, Mendel Rivers, debate on the floor of the House of Representatives on the 1967 draft act was permitted to extend for less than two hours. Rosenbaum, *The Age of Herbert: Dissent Now Fostered on Key House Panel*, New York Times, April 13, 1971, p. 26. col. 1 at col. 4. Mr. Rivers was intolerant of opposition to his wishes and often obtained time limitations on debates over Armed Service Committee bills. Such circumstances further illustrate the degree of constitutional distortion which exists if appropriations and selective service renewals constitute an authorization of war.

If the opponents of the war did somehow succeed in fulfilling the incredibly difficult burden of obtaining a majority in each house willing to overturn a presidential fait accompli by voting for a restriction against funds or men being used for on-going combat activities (a kind of restriction which has never been enacted in American history), then the President could veto the bill, which would mean that the opponents of war would then have the burden of obtaining a ⅔ majority in each house before Congress could override the President. In sum, if appropriations or selective service authorize war, then instead of it being hard to get into war and easy to get out, as the framers intended, it will be easy for the President to get us into war and hard for the Congress to get us out. Clearly, the integrity of Congress' power to make the decision on war will be defeated.

As a constitutional matter, courts should not countenance Executive arguments which grossly distort the Constitution and destroy the integrity of a clause as critical as the declaration of war power. Moreover, there is surely no practical need to countenance such arguments. If Congress really believed we should fight a war, there is no doubt that the President would be able to secure passage of a proper declaration or specific, intentional and discrete authorization of war. Congressmen are patriots no less than the President: they will not sit idly by and refuse to authorize hostilities if they feel the nation's interests are truly threatened. Moreover, the President does not lack for ample means of persuasion, as evidenced by his access to the media, his position as national leader, his position as chief of his party, his patronage power and his fund raising capabilities.

Rather than countenancing the Executive's Constitution-destroying arguments, the great need today is to restore the balance in government which was sought by the framers. The Executive has clearly became an overly powerful usurper in the area of deciding to go to war, and has used arguments like appropriations and selective service renewals as rationalizations for its illegal conduct. As Justice Jackson pointed out in *Youngstown Sheet and Tube Co.* v. *Sawyer,* 343 U.S. 579, 653–54 (1952) (concurring opinion), the Courts should not place their imprimatur upon such aggrandizement of the power of an Executive which already has more than ample power—which has far more power than the framers dreamed possible:

"[I]t is relevant to note the gap that exists between the President's paper powers and his real powers. The Constitution does not disclose the measure of actual controls wielded by the modern presidential office. That instrument must be understood as an Eighteenth-Century sketch of a Government hoped for, not as a blueprint of the government that is. Vast accretions of federal power, eroded from that reserved by the States, have magnified the scope of presidential activity. Subtle shifts take place in the centers of real power that do not show on the face of the Constitution.

"Executive power has the advantage of concentration in a single head in whose choice the whole Nation has a part, making him the focus of public hopes and expectations. In drama, magnitude and finality his decisions so far overshadow any others that almost alone he fills the public eye and ear. No other personality in public life can begin to compete with him in access to the public mind through modern methods of communications. By his prestige as head of state and his influence upon public opinion he exerts a leverage upon those who are supposed to check and balance his power which often cancels their effectiveness.

"Moreover, rise of the party system has made a significant extraconstitutional supplement to real executive power. No appraisal of his necessities is realistic which overlooks that he heads a political system as well as a legal system. Party loyalties and interests, sometimes more binding than law, extend his effective control into branches of government other than his own and he often may win, as a political leader, what he cannot command under the Constitution. Indeed, Woodrow Wilson, commenting on the President as leader both of his party and of the Nation, observed, 'if he rightly interpret the national thought and boldly insist upon it, he is irresistible . . . His office is anything he has the sagacity and force to make it.' I cannot be brought to believe that this country will suffer if the Court refuses further to aggrandize the presidential office, already so potent and so relatively immune from judicial review, at the expense of Congress."

When one considers that Congressmen are patriotic men who would authorize war if they felt the nation's interests are truly threatened, and when one considers the vast political power of the President, then it is very revealing that at no time during the longest war in the nation's history has Congress enacted a war bill authorizing the hostilities. Indo-China has in all likelihood provided the nation with an example of a war in which the President could at no time have gotten a majority of Congress to authorize getting into or lengthily staying in war, but once he got the country mired in war, a majority of Congress (or two-thirds if necessary to override a Presidential veto) could not be amassed to get the nation out of the war. If the judiciary approves the Executive's constitution distorting appropriations and selective service arguments, then there will be an open invitation for some future Presidential war which is not authorized by Congress but as which it proves impossible to amass the requisite 51% or ⅔ veto-overriding Congressional majorities for getting out of war by cutting off funds and manpower. The present case speaks not just to Indo-China, but to possible protracted warfare in the future.

(c) *The Appropriations and Selective Service Argument Is Contrary to Existing Law:* The Supreme Court has never held, when important constitutional matters are involved, that appropriations provide a legal basis for Executive action that is otherwise of dubious constitutionality. In *Greene* v. *McElroy,* 360 U.S. 474 (1959), the petitioner lost his job with a defense contractor as a result of the revocation of his security clearance by the Department of Defense. The Department's security program was in apparent conflict with the requirements of constitutional due process, and this was the critical factor leading the Court to hold that the security program had not been authorized by Congressional appropriations. The Court said:

"[The Executive argues that] Congress, although it has not enacted specific legislation relating to clearance procedures to be utilized for industrial workers, has acquiesced in the existing Department of Defense program and has ratified it by specifically appropriating funds to finance one aspect of it.

"If acquiescence or implied ratification were enough to show delegation of authority to take actions within the area of questionable constitutionality, we might agree with respondents that delegation has been shown here. In many circumstances, where the Government's freedom to act is clear, and the Congress or the President has provided general standards of action and has acquiesced in administrative interpretation, delegation may be inferred. Thus, even in the absence of specific delegation, we have no difficulty in finding, as we do, that the Department of Defense has been authorized to fashion and apply an industrial clearance program which affords affected persons the safeguards of confrontation and cross-examination. But this case does not present that situation. We deal here with substantial restraints on employment opportunities of numerous persons imposed in a manner which is in conflict with our long-accepted notions of fair procedures. Before we are asked to judge whether, in the context of security clearance cases, a person may be deprived of the right to follow his chosen profession without full hearings where accusers may be confronted, it must be made clear that the President or Congress, within their respective constitutional powers, specifically has decided that the imposed procedures are necessary and warranted and has authorized their use. Such decisions cannot be assumed by acquiescence or non-action. They must be made explicitly not only to assure that individuals are not deprived of cherished rights under procedures not actually authorized, see *Peters* v. *Hobby,* supra, but also because explicit action, especially in areas of doubtful constitutionality, requires careful and purposeful consideration by those responsible for enacting and implementing our laws. *Without explicit action by lawmakers, decisions of great constitutional import and effect would be relegated by default to administrators who, under our system of government, are not endowed with authority to decide them."* (Id. at 506–07; emphasis added, footnote and citations omitted.)

In the present suit, important constitutional matters are at stake and thus, like Greene, authorization should not be inferred from appropriations. Rather, there should be "explicit action" based upon "careful and purposeful consideration by those responsible for enacting and implementing our laws." Id. at 507. For without "explicit action by lawmakers" a decision of "great constitutional import and effect," namely the decision whether to go to war, "would be relegated . . . to administrators who, under our system of government, are not endowed with authority to decide them." Ibid.

In *Ex Parte Endo* 323 U.S. 283 (1944), the Supreme Court refused to find that appropriations ratified Executive action in a case involving the personal liberty of a concededly loyal person of Japanese ancestry.

In the past the Executive has cited *Isbrandsten-Moller Co. v. United States,* 300 U.S. 139 (1937), *Fleming v. Mohawk Wrecking Co., supra, Brooks v. Dewar,* 313 U.S. 354 (1941), and *Ludecke v. Watkins,* 335 U.S. 160 (1948), for the proposition that appropriations can ratify Executive action. From these cases it has deduced that defense appropriations authorize the current war. However, *Isbrandsten, Fleming* and *Brooks,* unlike *Greene* or the present case, did not involve critical constitutional issues revolving about specific constitutional provisions. They involved issues which were trivial in comparison to those of the present case. Those cases thus cannot be taken to mean that appropriations serve to authorize Executive action of dubious legality in cases involving critical constitutional issues governed by constitutional provisions. The *Ludecke* case did involve an important matter, but the case does not stand for the proposition that appropriations ratify Executive actions which are otherwise illegal. The relevant issue was whether, under a particular statute, the President had power to act subsequent to the cessation of actual hostilities in World War II. Without so much as mentioning appropriations, the Supreme Court ruled that the statute itself gave him this power. In a footnote subsequent to the ruling, the Supreme Court included some dicta on appropriations, and even here the main burden of the dicta was that, in appropriating money, Congress had merely recognized that the statute itself had given the President the power to act after the cessation of hostilities. All of this is a far cry from saying that appropriations authorize the President to exercise a power he does not already have under a statute or under the Constitution.

(d) *Summation of the Appropriations and Selective Service Argument:* It has been shown above that appropriations and the renewal of the draft do not meet the three criteria for a specific and intentional and discrete authorization which is the equivalent of a declaration of war. It has been shown that the Executive's appropriations and draft argument warps the Constitution. And it has been shown that the Executive's appropriations and draft argument is contrary to existing law. Thus the appropriations and Selective Service actions by Congress cannot constitute the constitutional equivalent of a declaration of war.

The foregoing arguments are even more compelling when it is realized that ready at the hand of Congress there exists a plain and clear vehicle, a wholly reasonable and adequate alternative, by which Congress can authorize war without warping the Constitution or prior law: Congress can specifically and intentionally authorize war in a bill which is separate and distinct from other legislation. During the long history of the Vietnam war, America's most protracted war, Congress at any time at its convenience could have made such a specific and intentional authorization of war if it had desired to authorize the war.

3. *The Gulf of Tonkin Resolution was Not Equivalent to a Congressional Declaration of War:* The Gulf of Tonkin Resolution of August 10, 1964, Public Law No. 88–408, 78 Stat. 384 (1964), is no longer in effect, having been repealed by Congress. P.L. 91–672, § 12.

Since the present suit alleges a *continuing* impairment of the plaintiffs' legislative prerogatives, strictly speaking nothing more need be said about the Gulf of Tonkin Resolution than the fact that it is of no present legal effect and thus is irrelevant to the present proceedings.

However, we dispute even any past relevancy of the Gulf of Tonkin Resolution to the power and right of Congress to declare or authorize the major war in Indo-China.

Only three years after its passage in 1964, President Johnson disclaimed the Gulf of Tonkin Resolution as being necessary for authority to carry on military operations in Southeast Asia. President Johnson said in a news conference: "We did not think the resolution was necessary to do what we did and what we are doing." Hearings on S. Res. 151 before the Senate Comm. on Foreign Relations, 90th Cong., 1st Sess. 126 (1967). Nor does the current administration of President Nixon rely for authority upon the Gulf of Tonkin Resolution. On March 12, 1970, in response to a letter from Senator Fulbright, H. G. Torbert, Jr. stated on behalf of the Department of State:

"[T]his administration has not relied on or referred to the Tonkin Gulf resolution of August 10, 1964, as support for its Vietnam policy. . . . [T]he administration does not consider the continued existence of th[is] resolution . . . as evidence of congressional authorization for or acquiescence in any new military efforts or as substitute for the policy of appropriate and timely congressional consultation to which the administration is firmly committed. . . ." S.R. No. 91–872, 91st Cong., 2d Sess. 20–21 (1970).

Recently, Senator Dole, as a spokesman for the current Administration, reaffirmed that the Executive does not rely on the Gulf of Tonkin Resolution for authorization to conduct the current level of military activity in Southeast Asia. In response to questions of Senator Eagleton as to whether the administration relied on the Resolution, Senator Dole stated:

"[T]his Administration has not relied upon the Gulf of Tonkin Resolution and does not now rely on the Gulf of Tonkin Resolution." 116 Cong. Rec. 9591 (daily ed. June 23, 1970).

The Executive should not be heard to disclaim reliance upon the Gulf of Tonkin Resolution in the houses of Congress, and then rely upon that same Resolution in a court of law. The defendants in the present case should not be heard to rely upon the Resolution as a constitutional basis for their actions.

The aforementioned disclaimers of reliance by the Executive are indeed well-founded since the Executive is aware that Congress, in passing the Resolution, had no intention of giving the Executive the authority to increase the level of military activity, to change the nature of the military operations, or to expand the geographical scope of the war in Southeast Asia. Although the Resolution has broad, ambiguous wording, it has a very narrow intent since it was enacted in response to a particular claimed set of circumstances, constituting a crisis situation, which the Executive represented as having occurred in the Gulf of Tonkin. On August 5, 1964, in asking Congress for "a Resolution expressing the unity and determination of the United States in supporting and in protecting peace in Southeast Asia," the Executive reported that on August 2 and August 4, 1964, two United States naval vessels operating in international waters in the Gulf of Tonkin were attacked by North Vietnamese patrol boats, and that on August 4, 1964, in response to these incidents he had ordered retaliatory air attacks on the North Vietnamese torpedo boat bases and their oil-storage depots. 110 Cong. Rec. 18132 (1964). As the March 20, 1970 letter to Senator Fulbright from H. G. Torbert, Jr. explains, Congress passed the Resolution in response to a crisis situation and understood that it only approved the Executive's limited response to that crisis and did not authorize increased military activity in Southeast Asia:

"Each of the resolutions specified in section 1 [Formosa resolution, Middle East resolution, Cuba resolution and Gulf of Tonkin resolution] was passed in response to a crisis situation in the affected area. Thus . . . the Tonkin Gulf resolution responded to an assault upon our naval forces in international waters. . . .

"The crisis circumstances giving rise to these Resolutions have long since passed. As indicated by the specific analyses below, the administration is not depending on any of these Resolutions as legal or Constitutional authority for its present conduct of foreign relations or contingency plans." S.R. No. 91–972, 91st Cong., 2d Sess. 20 (1970).

That the Resolution was enacted in response to a crisis situation, i.e. the alleged attack on United States naval vessels in the Gulf of Tonkin, and approved a limited response to that crisis situation and was not intended to authorize greatly increased levels of military activity or to allow the Executive to prosecute a war, is clear from the comments which the Executive, the Congressmen and the Senators made during the debates on the Resolution.

The Congress adopted the Gulf of Tonkin Resolution on August 7, 1964 and the President signed it on August 10, 1964. In his message to Congress on August 5, 1964 requesting the Resolution, the President made it clear that he was not asking Congress to authorize greater levels of military activity or to change the nature of the military operations in the Indochina area:

"As I have repeatedly made clear, the United States intends no rashness and seeks no wider war." 110 Cong. Rec. 18132.

At the time of the Executive's request, the level of military forces was between 17,000 to 18,000 troops. 116 Cong. Rec. 9591 (daily ed. June 23, 1970) (Remarks of Senator Dole). By the end of 1964, the military forces in Vietnam had not greatly increased and are reported to have totaled 23,300. U.S. Bureau of the Census, Statistical Abstract of the United States: 1968, 258 (89th ed. 1968). Statements made on the floor of Congress indicate that Congress did not intend to authorize an increase over the then current level of military operations in Vietnam. Senator Fulbright, one of the sponsors, indicated that the purpose of the resolution was "to prevent the spread of war, rather than to spread it." 110 Cong. Rec. 18462.

During the debates on the Tonkin Resolution, Senator Brewster, observing that he "would look with great dismay on the landing of large American armies on the continent of Asia," asked Senator Fulbright whether there was anything in the resolution which would authorize or recommend or approve the landing of large American armies in Vietnam or China. Id. at 18403. Senator Fulbright replied, "There is nothing in the Resolution, as I read it, that contemplates it. I agree with the Senator that that is the last thing we would want to do." Id. Senator Morton also shared Senator Brewster's concern that the United States might send large American armies to southeast Asia. Id. at 18404. Senator Fulbright again agreed that the purpose of the Tonkin Resolution was to prevent this from happening. Id. Senator Nelson then asked whether Congress, by enacting the Tonkin Resolution, would be agreeing in advance that the President could land as many divisions as he deemed necessary and could then engage in direct military assault on North Vietnam. Id. at 18406. In response, Senator Fulbright indicated that this was not the sense of the Resolution and that he thought it would be very unwise under any circumstances to put a large land army on the Asian continent. Senator Nelson also made the following statement:

"(B)y enacting the resolution Congress should [not] leave the impression that it consents to a radical change in our mission or objective in South Vietnam. . . . I would be most concerned if the Congress should say that we intend by joint resolution to authorize a complete change in the mission which we have had in South Vietnam for the past 10 years and which we have repeatedly stated was not a commitment to engage in a direct land confrontation with our Army as a substitute for the South Vietnam Army or as a substantially reinforced U.S. Army to be joined with the South Vietnam Army in a war against North Vietnam and possibly China. Id. at 18407."

Senator Russell was also of the opinion that the purpose of the Resolution was to approve the retaliatory action that the President ordered in defense of the United States ships in the Gulf of Tonkin. Id. at 18411. On the House side, Representative Morgan, Charman of the House Committee on Foreign Affairs, stated unequivocally, "The Resolution is definitely not an advance declaration of war. The committee has been assured by the Secretary of State that the constitutional power of Congress in this respect will continue to be scrupulously observed." Id. at 18539. On this same point, Congressman Adair indicated that Congress did not want the approval of the Tonkin Resolution to indicate that Congress was giving approval in advance for the President to take such actions as he might see fit to take in the future. Id. at 18543. Moreover, Congressman Fascell explicitly stated:

"This resolution is not a declaration of war. The language of the resolution makes that clear as does the legislative history. Therefore this resolution in no way impinges on the prerogative of the Congress to declare war. Furthermore, no one here today has advocated a declaration of war. . . .

"Mr. Speaker the pending resolution does, however, ratify and support the military action recently ordered and taken by President Johnson to respond to the unprovoked Communist armed attack against the U.S. Navy while in international waters." Id. at 18549.

It is evident that it was not the intention of Congress to authorize an increased level of military operations in Indochina. Rather the Resolution was meant only as approval of the Executive's use of force in response to an armed attack on United States Navy vessels. Section 1 of the Resolution makes this quite clear through the language which says that Congress "approves and supports" the Executive's exercise of his constitutional authority in response to the crisis in the Gulf of Tonkin. Section 2 of the Gulf of Tonkin Resolution is nothing more than the statement of "unity and determination" requested by the President. In that section Congress did not declare war; instead it affirmed that "consonant with the Constitution . . . the United States is . . . prepared . . . to take all necessary steps. . . ." One of the necessary steps, of course, would be specific and intentional authorization by Congress for increased levels of military activity and operations in Southeast Asia

The foregoing analysis should serve to make it clear why even the Executive feels that its legal position is not helped by the Gulf of Tonkin Resolution. But even apart from that, it is clear that the Resolution does not satisfy the criteria of specificity and intentionality (although it does satisfy the third criterion of discreteness) which are necessary to any authorization that could be deemed the equivalent of a Congressional declaration of war. Contemporaneous statements of Congressional leaders, as well as the face of the Resolution itself, reveal that the Resolution is a declaration of confidence in the President and a statement of future intention to support him and his policies. It is certainly not a conscious act equivalent to a declaration of war.

But even if it were conceded for the moment that the Gulf of Tonkin Resolution was intended by Congress to be a declaration of war, then the Resolution still could not be given that legal effect because the Resolution on its face lacks the specificity requisite to the equivalent of a declaration of war. Couched in general terms, and on its face delegating to the President the power to decide whether or not to engage in military hostilities, the Resolution would be a wholesale transfer of power to the President. Such a wholesale transfer of Congress' power is clearly an impermissible delegation of legislative power to the President. It would amount to an amendment to the United States Constitution by legislative action and not by the procedures specified in the Constitution itself in Article V.

Apart from all these reasons, there is at present a considerable body of eminently respectable opinion which holds that the Executive obtained passage of the Gulf of Tonkin Resolution by seriously misleading Congress as to the events in the Gulf of Tonkin that occasioned the Resolution. See generally, The Gulf of Tonkin: The 1964 Incidents, Hearings Before the Comm. on Foreign Relations, U.S. Senate, 90th Cong., 2nd Sess.; Pusey, The Way We Go To War 115–34 (1969). If passage of the Resolution was indeed obtained by misleading Congress, then serious questions would be raised whether the Resolution could serve as a basis for war. Congressmen's affidavits filed in the present case indicate that Congress was misled by the Executive in being asked to pass the Gulf of Tonkin Resolution in response to the alleged attack upon two United States destroyers in the Gulf of Tonkin. To the extent that the defendants in the present case would seek to rely upon the Gulf of Tonkin Resolution in support of the war in Indo-China, this court should entertain testimony to the effect that such Resolution was void due to its being passed in response to a situation that was an artificial invention of the Executive, and not in response to an actual situation obtaining in the real world. The defendants should, in effect, be estopped to make an argument based on the Gulf of Tonkin Resolution by virtue of the conduct of their predecessors in office who misled Congress as to the situation in the Gulf of Tonkin.

4. *The SEATO Treaty Is Not Equivalent to a Congressional Declaration of War:* The Southeast Asia Collective Defense Treaty, T.I.A.S. 3170, known as the SEATO Treaty, has at times been mentioned as affording legal justification for the war in Vietnam. However, the operative language of the SEATO treaty provides, in Article IV, that in the event of aggression against any of the Parties to the treaty, each Party agrees to act "in accordance with its constitutional processes." It is clear that this language funnels back to the United States Congress the decision to go to war under the procedures specified in the United States Constitution and thus obviously cannot purport to be a substitute for the considerations adduced elsewhere in this Brief. Even if the treaty did not contain this explicit language, the treaty provisions, whatever they are, cannot override the Constitution, since the United States has no constitutional power to commit itself to any treaty that overrides the Constitution. Reid v. Covert, 354 U.S. 1. Thus it would be frivolous to contend that the issues in the present case are, or can be affected by the SEATO treaty.

III. STANDING TO SUE

A. As a Legislator, Each Plaintiff Has Standing to Protect His Constitutional Power and Right to Participate in the Decision By Vote on War:

1. *Standing Under the Voting Cases:* Under the relevant Supreme Court decisions, a party has standing if he possesses a personal stake in the controversy such as to ensure the adversariness which illuminates the issues, and if he is arguably within the zone of interests protected by the constitutional provisions he invokes. Flast v. Cohen, 392 U.S. 83 (1968); Association of Data Processing v. Camp, 90 S.Ct. 827 (1970); Barlow v. Collins, 90 S.Ct. 832 (1970). The federal legislators who are plaintiffs in this case have a clear personal stake in maintaining the effectiveness of their constitutional power and right to be decision-makers on whether this nation shall fight a war. They have alleged facts in their affidavits showing "disadvantage to themselves as individuals." Baker v. Carr, 369 U.S. 186, 206 (1962). They have alleged "impairment of their votes." *Id.* at 208. They are asserting "a plain, direct and adequate interest in maintaining the effectiveness of their votes." Coleman v. Miller, 307 U.S. 433, 438 (1939). They have a clear personal stake as legislators in seeing to it that the Executive does not usurp and preempt the constitutional power of themselves and other legislators by fighting a war that has not been authorized by themselves or other legislators. As legislators, to whom the declaration-of-war clause commits the decision whether to fight a war, plaintiffs are "within the zone of interests to be protected or regulated by the statute or constitutional guarantee in question." Association of Data Processing v. Camp, *supra,* at 830.

1. In a long string of voting and reapportionment cases, the Supreme Court has been zealous to protect the right of an individual fully and equally to participate in the process of making decisions by vote. *E.g.*, Baker v. Carr, *supra;* Gray v. Sanders, 372 U.S. 368 (1963); Wesberry v. Sanders, 376 U.S. 1 (1964); Reynolds v. Sims, 377 U.S. 533 (1964); Carrington v. Rash, 380 U.S. 89 (1965); Harper v. Virginia Board of Elections, 383 U.S. 663 (1966); Kramer v. Union Free School District, 395 U.S. 621 (1969); Cipriano v. City of Houma, 395 U.S. 701 (1969); Phoenix v. Kolodziejski, 399 U.S. 204 (1970). The Court has pointed out that the right to vote is a critical right because it is perservative of other rights. Reynolds v. Sims, *supra,* at 562. When an individual is a member of a group which has the right and duty to vote on a matter, he must be permitted to vote on it before substantive action is taken. The power of his vote cannot be diluted or infringed by being weighted less than other votes; still less can his vote be excluded from the decision being balloted upon, or totally ignored. Reynolds v. Sims, *supra;* Wesberry v. Sanders, *supra;* Kramer v. Union Free School District, *supra;* Phoenix v. Kolodziejski, *supra;* United States v. Classic, 313 U.S. 299 (1941); Smith v. Allwright, 321 U.S. 649 (1944); Terry v. Adams, 345 U.S. 461 (1953). The high importance attached by the Court to neither diluting, excluding, ignoring nor infringing one's vote is shown by numerous cases holding that the vote cannot be impaired by under-weighting, false tallies, a refusal to count ballots, exclusion of voters, or other and sophisticated means. *E.g.,* Baker v. Carr, *supra;* United States v. Classic, *supra;* United States v. Mosley, 238 U.S. 383 (1915); *Ex parte* Siebold, 100 U.S. 371 (1879); United States v. Saylor, 322 U.S. 385 (1944); Gomillion v. Lightfoot, 364 U.S. 339 (1960).

2. When one brings a legal challenge asserting that his vote is being diluted, excluded, or ignored, the Supreme Court has said he has standing to challenge the voting system which impairs his vote. Baker v. Carr, *supra.* This right of standing is now so clear as not even to be in issue in recent cases such as Kramer v. Union Free School District, *supra,* and Phoenix v. Kolodziejski, *supra.* Whether the substantive policy wishes of the plaintiff bringing the challenge to the voting system would have been carried out if he had had a full and equal opportunity to participate in the voting decision—whether the choice of candidates, or bond issue, or other policy issues would have been decided as he desired—has been irrelevant to the question of standing. The plaintiff need not show he would win in the process of decision by voting, and it is irrelevant for his opponent to show that the plaintiff would have lost. Indeed, in Lucas v. Colorado General Assembly, 377 U.S. 713 (1964), the opponent of the challenging party did show, but to no avail, that the wishes of the challenging party had been voted down by a majority in every county in the general election. The only critical factor for purposes of standing has been that the right to play a full and equal part in the process of decision by voting must be kept inviolate because the vote is a critical right and "is personal". Reynolds v. Sims, *supra,* at 561.

3. Just as an individual citizen has standing to challenge actions which dilute, exclude, or ignore his role in the process of making decision by vote, so each individual Congressman in this case has standing to challenge Executive action diluting, excluding, ignoring, or otherwise infringing the Congressman's role in the decision by vote on whether this nation shall fight a war. The Supreme Court has pointed out that "representative government is in essence self-government through the medium of elected representatives." Reynolds v. Sims, supra, at 565. It is an obvious and basic assumption of a system of self-government through elected legislative representatives that the constitutional decision-making power of the representatives must be maintained. Indeed it would be inconsistent for courts to posit that the right of citizens to vote for legislators must be protected because we have self-government through the medium of elected representatives, but to then refuse to protect the decision-making power of the legislative representatives themselves who constitute the medium. It is thus critical for courts to secure the right of each legislative representative to participate in a decision by vote on war against nullification or infringement by the Executive.

4. As earlier argued in this Brief, the Executive has in fact fought a war without regard to the right of each legislator to participate in a decision on whether the nation shall fight, and has thereby diluted, ignored, nullified and infringed the constitutionally given perorgative of each plaintiff herein to participate in a decision on war. Moreover, this Executive dilution, nullification, and infringement has not been something which occurred but once and then ceased. Rather, by continuing the war for nearly seven years, the Executive has continued every day to ignore, nullify, and infringe the plaintiffs' right to participate in a decision by vote on war before the war can be lawfully continued. Therefore, the standing of the plaintiffs cannot be defeated by any argument

that they are challenging a war which has been in progress for a considerable time.

That Congress has never authorized the war is clear. Congress has never declared war with respect to Indo-China. Nor has it ever enacted a bill or resolution which authorized that war. The Executive claims that appropriations and Selective Service renewals were authorizations of war, but in fact they were no such thing, as shown by the affidavits filed by legislators in this case and by ample legislative history. Moreover, the affidavits filed herein state that Congressmen every day refuse to declare or authorize war in Indo-China: they do this by refusing to vote for any bill or resolution that could be introduced for the purpose of declaring or authorizing a general or limited war in Indo-China. The conclusion is clear, then, that the Executive is fighting a war which has not been authorized by the members of the Congress of the United States, who are the only individuals having the constitutionally given power to authorize war.

5. A congressman has standing to invoke judicial protection for his right to participate in a decision by vote on whether the nation shall fight a war. As a legislator, he has a vital personal stake in his own legislative rights and powers. His right to participate in the decision on war is a crucial part of his efficacy as a legislator, of his ability to represent his constituents, of the degree to which he can protect and carry out the best interests and desires of his constituents, and of his ability to safeguard the lives and property of his constituents. As was true of the plaintiff granted standing in Board of Education v. Allen, 392 U.S. 236 (1968), illegal action has placed the plaintiffs in the position of being unable to fully and properly perform their constitutional duties. The Executive's action in fighting a long unauthorized war has made it impossible for the plaintiffs to fully exercise their constitutional right and duty as legislators to participate effectively in the decision on war.

Each plaintiff's personal stake as a legislator includes his interest in seeing to it that the integrity of his right to participate in the decsion on war is not diluted, ignored, infringed or nullified by the Executive. As is true of anyone's right to vote, the Congressman's right to participate by vote in the decision on war is personal to him in his capacity as a legislator. No one else can assert a plaintiff-Congressman's right as well as he can. Each plaintiff is clearly adversary to the defendants, as is shown by the affidavits and this Brief. The plaintiffs are presenting the constitutional issues in a form capable of judicial resolution, as illustrated by the fact that federal courts in New York have passed upon the issue. Orlando v. Laird, Berk v. Laird, Nos. 35270 & 35535 (2d Cir., April 20, 1971). Only a precise and narrow constitutional issue is involved here: whether the Executive can fight a major and prolonged war without a Congressional declaration of limited or general war or a specific, intentional and discrete Congressional authorization of war. There can be no doubt of the existence of a true case or controversy, on a matter so critical to the plaintiffs and the nation and evoking daily debate in Congress and in the press.

Moreover, each plaintiff as a legislator has a vital interest in seeing to it that the basic constitutional doctrine of separation of powers is upheld in the crucial area of whether the nation shall fight a war. At a bare minimum, his interest in maintaining separation of powers against Executive encroachment is as great as the interest of the plaintiffs who had standing to uphold separation of powers in Reservists Committee to Stop the War v. Laird, No. 1429–70 (D.D.C., April 2, 1971). In that case, the injury being claimed to exist due to Congressmen holding offices in the military reserves was said by Judge Gesell to be hypothetical, although the hypothesis was one which underlay the constitutional clause being invoked. In the present case, the injury is far more than hypothetical: every day the Executive is nullifying, ignoring and infringing the constitutional right and power of each legislator to participate in a decision by vote on war before the nation can lawfully fight or continue a war, and every day the Executive is nullifying and ignoring the fact that each day members of Congress refuse to declare or authorize war. Additionally, the Founders' hypothesis underlying the declaration-of-war clause—that disasters result from Executive wars and that consequently wars must be authorized by Congress—has been seen to be all too true in practice during the past decade.

6. In asserting his personal right to participate in a decision by vote on war before the nation can lawfully fight a war, each plaintiff herein is within a zone of interests protected by the Constitution, since it is Article I Section 8 Clause 11 which gives him the constitutional right he invokes. Moreover, as in the reapportionment and voting cases, it is irrelevant whether the substantive policy issue would be decided in accordance with the wishes of any given legislator if he were allowed his rightful participation in the process of decision by vote. It is irrelevant whether the issue of deciding to fight a war would be resolved in the way desired by any or all of the plaintiffs herein. As in the voting and reapportionment cases, the plaintiffs herein need not show that the policy issue would be decided their way, nor would it help the defendants if they could show (which they cannot) that the policy issue would be decided in favor of authorizing the war. The only important factor to standing is that under the Constitution the Executive cannot infringe upon the plaintiffs' legislative rights and powers by waging an unauthorized war.

7. The plaintiffs in this case are in the best position to assert the integrity of their rights under Article I Section 8 Clause 11 because they are expert participants in the legislative process and understand the realities of that process. Moreover, the fundamental matter of separation of powers, expressed in the present case through Article I Section 8 Clause 11, is directly placed in issue by parties such as the present plaintiffs. They are asserting their own legislative rights under Clause 11. Unlike previous servicemen or taxpayers or inductees challenging the constitutionality of the Vietnam war in prior cases, where the rights and powers of Congress under Article I Section 8 Clause 11 had to be placed in issue by parties who were not legislators, here the adversary process is exemplified by the direct assertion of those rights and powers by Congressmen themselves. If servicemen, who are not legislators, have standing to assert the rights and powers of Congress, as was ruled in Berk v. Laird, *supra,* then surely Congressmen themselves must be able to assert judicially their own rights and powers.

2.Standing as Legislators Under Coleman v. Miller: The right of a legislator to seek judicial redress for executive impairment of his legislative power to vote was explicitly upheld by the Supreme Court in Coleman v. Miller, 407 U.S. 433 (1939). In that case, the plaintiffs were members of the Kansas legislature who had voted against ratification of the child-labor amendment to the United States Constitution. They claimed that the efficacy of their votes had been impaired by the Lieutenant Governor of Kansas, who had illegally participated in the voting and had broken a tie vote in the Senate. The issue of the legislators' standing to sue was extensively argued and thoroughly briefed by the parties and by the *amicus curiae.* In a lengthy opinion analyzing the issue of standing, the Supreme Court held that there was standing to sue because the legislators had "a plain, direct, and adequate interest in maintaining the effectiveness of their votes." *Id.* at 438.

We know of no case contrary to *Coleman,* either before that decision or subsequent to it. Many subsequent cases have cited *Coleman* with approval, *e.g.,* Baker v. Carr, *supra* at 208. *Coleman* therefore is precedent for the federal legislators in the present case, since the plaintiffs have a plain, direct and adequate interest in maintaining, against Executive usurpation and preemption, the effectiveness of their right of participation in the decision by vote on whether the nation should fight a war.

Furthermore, like *Coleman,* the present case presents no issue of standing to attempt to force the Executive to carry out a policy affirmatively authorized by Congress in a statute or resolution. For example, no issue is raised that the President is not spending money authorized by Congress, or that the President is not sufficiently zealous in prosecuting firms for anti-trust violations, or that the President has delayed too long the appointment of members of an administrative agency, or even that the President is not prosecuting a war declared by Congress. Rather, the present case is an extremely narrower category, the category of Youngstown Sheet & Tube v. Sawyer, *supra,* or Coleman v. Miller, *supra.* This is the category of standing to attack affirmative Executive actions that have not been authorized by Congress and therefore usurp and preempt the constitutional power given to a legislature.

B. Each Plaintiff Has Standing as a Citizen of the United States: In addition to having standing in their special capacity as federal legislators, the plaintiffs have standing as citizens of the United States to raise a judicial challenge to the constitutionality of the war in Indo-China.

The present war in Indo-China has caused untold injury to citizens of the United States. Well over one hundred billion dollars of the citizens' money has been spent prosecuting the war. The war has caused the deaths of over fifty thousand citizens, and the wounding of over three hundred thousand more. Citizens who have not themselves fought in the war often have family members or relatives who have been killed or wounded in Indo-China. The war has contributed mightily to a vast inflation and other severe economic dislocations, which have injured every citizen. It has caused reductions in the funds available for medical and scientific research to cure disease, and for aid to the cities which are rapidly deteriorating, all to the detriment and injury of individual citizens. The war has exacerbated the racial crisis, with concomitant harm to individual citizens including the plaintiffs. It has caused riots in the streets and on the campuses, and a widespread disrespect for the laws and insitutions of the nation—In the words of Senator Sam Ervin, "The consequences of this failure to observe the Constitution are all too evident. True, no Supreme Court decision has adjudged the war in Vietnam as unconstitutional on the grounds that Congress adopted no formal declaration of war and because the Senate gave no effective advice and consent. Instead, the declaration of unconstitutionality has come from the judgment of the people. We see the decree everywhere. For the first time in our memory, an incumbent President was forced from office. Young men whose fathers and brothers volunteered to serve their country now desert to Canada and Scandinavia rather than bear arms for the country's cause. Thousands march on Washington and picket the White House, the Capitol, and the Pentagon . . .

"[A]nd I cannot shake the feeling that ultimately the reason many are now disrespectful and unresponsive to authority is because authority was disrespectful and unresponsive to the Constitution in the making of our policy in Vietnam." CONGRESSIONAL RECORD, vol. 115, pt. 13, p. 17217—all to the detriment of individual citizens and especially detrimental to the plaintiffs as citizens having a particular interest in the sanctity of the legal system and the nation's institutions.

The Framers of the Constitution gave Congress the power to declare war because they desired to protect the citizens of the United States from the ravages of wars fought by decisions of the Executive. See pages 3–6, *supra*. As citizens, the plaintiffs therefore have the requisite stake in challenging the legality of a Presidential war which has caused the very injuries that the Framers foresaw as stemming from Executives wars.

The plaintiffs as citizens clearly come within the zone of interests protected by Article I Section 8 Clause 11. Moreover, there can be no doubt that as citizens the plaintiffs are in a position sharply adversary to the defendants. See Flast v. Cohen, *supra*. The plaintiffs are also presenting a precise and narrow legal issue (see Reservists Committee to Stop the War v. Laird, *supra*) : the issue is whether the Executive can fight a major, prolonged war without at any time obtaining a Congressional declaration of limited or general war or a specific, intentional and discrete Congressional authorization of war. Finally, the plaintiffs are clearly presenting a true case or controversy. Flast v. Cohen, *supra*. Indeed, the judicial case or controversy which they are presenting is one of the most important to arise in the entire history of this nation and will have a crucial bearing on the future of the Republic.

C. Plaintiffs Have Standing as Legislator-Citizens: We have argued that the plaintiffs have standing to bring the present case as legislators, and that they also have standing as citizens. But they have standing in a third position as well: they have standing as a particular hybrid mix of legislator-citizens. Their right to decide on war as legislators is important to them personally not only because of the effect of that decision on them as legislators but also because of its effect on them as citizens. In this regard, the plaintiffs are in very much the same position as parties in past cases who asserted both the infringement of their right to vote and the injury that such infringement caused them as citizens, and who were permitted to successfully attack the infringements of which they complained. Kramer v. Union Free School District, *supra*; Cipriano v. City of Houma, *supra*; Phoenix v. Kolodziejski, *supra*.

IV. THE PRESENT CASE PRESENTS A JUSTICIABLE QUESTION, NOT A POLITICAL QUESTION

During the last year, judges have repeatedly recognized that the issue of the constitutionality of an undeclared war is a justiciable question, not a so-called political question. Such was the ruling of Judge Sweigert in Mottola v. Nixon, 318 F. Supp. 538 (1970), and of Judge Dooling in Orlando v. Laird, 317 F. Supp. 1013 (1970). Such was the opinion of Justice Douglas in a lengthy dissent from the Supreme Court's refusal to grant Massachusetts leave to file a complaint, Massachusetts v. Laird, 91 S.Ct. 128, 131–35 (1970). On motion for preliminary injunction, the Court of Appeals in Berk v. Laird, 429 F. 2d 302 (1970), ruled that the constitutionality of an undeclared war would be a justiciable question if there were judicially manageable standards for judging the war's legality. Such standards have been set forth in this Brief. As we have shown, the Constitution requires that a major, prolonged war such as the one in Indo-China must be either (1) formally declared by Congress in a declaration of limited or general war, or (2) authorized by Congress in an authorization, by statute or resolution, which is (a) explicit, (b) intentional, and (c) discrete. Finally, in a decision after full hearing in the companion appeals in Berk v. Laird and Orlando v. Laird, Docket Nos. 35270 & 35535, the Second Circuit Court of Appeals ruled that the constitutionality of the war is a justiciable question.

The judicial recognition that the constitutionality of the war is a justiciable question is impeccably correct when the matter is considered in light of the constitutional logic of our system, the history of judicial action in cases involving separation of powers, and the standards established in Baker v. Carr, *supra*, and Powell v. McCormack, 395 U.S. 486 (1969).

A Constitutional logic and history: The "political question doctrine," whatever its validity or justification in other cases, cannot be invoked to defeat a determination of the merits of the present dispute without causing a drastic and deleterious alteration of the equilibrium set up among the three branches of the federal government. At the heart of the present dispute is the issue of the distribution of power between Congress and the Executive. It is plaintiffs' contention that the war in Indo-China is unconstitutional because it has neither been declared nor specifically and intentionally authorized by Congress, and hence the Executive Branch has acted unconstitutionally in prosecuting the war. Although the "political question doctrine" has appeared in many and diverse cases, no Supreme Court case has been found where that doctrine has been held applicable to the issue of the distribution of power between Congress and the Executive. Quite the contrary, there have been numerous cases of historical significance involving the issue of the distribution of power between Congress and the President where the "political question doctrine" was not even seriously invoked as posing a potential objection to justiciability. See, *e.g.*, Youngstown Sheet and Tube Co. v. Sawyer, 343 U.S. 579 (1952); Korematsu v. United States, 323 U.S. 214 (1944); Duncan v. Kahanamoku, 327 U.S. 304 (1946); Hirabayashi v. United States, 320 U.S. 81 (1943); Kent v. Dulles, 357 U.S. 116 (1958); Field v. Clark, 143 U.S.C. 649 (1892); United States v. Curtiss-Wright Export Corp., 299 U.S. 304 (1936); The Prize Cases, 67 U.S. (2 Black) 635 (1863).

Included among the numerous cases involving the distribution of powers between Congress and the President where the political question doctrine was not invoked have been a number of cases involving the war powers. The legality of the seizure of prizes and the war power of Congress were adjudicated in Bas v. Tingy, 4 U.S. (4 Dall.) 37 (1800) and Talbot v. Seeman, 5 U.S. (1 Cranch) 1 (1801). The legality of the seizure of prizes under the international law of war when there had been no Congressional declaration of war was adjudicated in The Prize Cases, *supra*. The international law of prize in war was enforced against the Navy in The Paquete Habana, 175 U.S. 677 (1900).

The personal liability of a naval captain who seized a prize under the direct order of the President in time of war, but contrary to an act of Congress, was adjudicated in Little v. Barreme, 6 U.S. (2 Cranch) 169 (1804). Numerous other cases could be cited in which the Supreme Court heard and decided issues involving the war power. See, *e.g.*, Hirabayashi v. United States, *supra;* Korematsu v. United States, *supra;* United States v. Macintosh, 283 U.S. 605 (1931); The Pedro, 175 U.S. 354 (1899); Tyler v. Defrees, 78 U.S. (11 Wall.) 331 (1870); Fleming v. Page, 50 U.S. (9 How.) 603 (1850); Commercial Trust Co. v. Miller, 262 U.S. 51 (1923); Martin v. Mott, 25 U.S. (12 Wheat.) 19 (1827); Hamilton v. Kentucky Distilleries & W. Co., 251 U.S. 146 (1919); Fleming v. Mohawk Wrecking Co., 331 U.S. 111 (1947); Dakota Central Tel Co. v. South Dakota, 250 U.S. 163 (1919); Woods v. Miller Co., 333 U.S. 138 (1948).

The reason for the absence of the "political question doctrine" from cases where the issue is the distribution of power between Congress and the Executive is clear and compelling. Whatever else the term "political question" may connote, its core meaning is that the Constitution has committed the resolution of a particular issue to a political department rather than to the judiciary. See *Powell* v. *McCormack,* supra, at 518–521, 548–549. But when the very question is which branch of government, the Executive or the legislative, has the constitutional authority to resolve a particular issue, then there is obviously no constitutional commitment of the power of final decision to either of the political branches. Rather, there is a traditional issue for the judiciary—the determination of which branches have what powers. Indeed, in a case involving the distribution of power between Congress and the Executive, the federal Court has a duty to be the umpire or referee so as to make sure that the constitutional equilibrium of power in the federal government is not destroyed. If the third branch of government were to abstain from the role of umpire, there would be a flat denial of the possibility of the rule of law in the government of the United States. Judicial abstention in such a case would mean that the question of the distribution of power between the legislature and the Executive would not be decided on legal grounds but would be resolved by the naked force of power that either branch could muster. Appeals would be made to popular emotions; access to mass communications media would become of paramount importance; and even the spectre of a police state could be raised by the realization that one man is Commander-in-Chief of the world's most powerful armed forces. Perhaps a basic structural, though unnoticed, reason why such a fight for power has never occurred in the history of the United States is that the Supreme Court has never disqualified itself from the position of authoritative arbiter in respect of issues of the distribution of power between Congress and the President. If it became known as a result of cases like the present one that the judiciary were disqualified, and that there was thus no legal standard by which the judiciary could resolve a legislative-executive issue, then there might be a rapid disintegration of the equilibrium between the two branches that constitutes the heart of the American system of checks and balances.

We thus contend that there is not and cannot be a barrier to the present suit on the basis of the so-called political question doctrine. On the contrary, rather than suit being barred by the so-called political question doctrine, the continuing future of American constitutional democracy requires judicial recognition of the fact that the paramount constitutional question of the war's legality is a justiciable issue, and a concomitant ruling that presidential wars are illegal. For such recognition and such a ruling are necessary to a restoration of the badly eroded concept of separation of powers in the critically important area of a national decision to go to war.

Historically, the doctrine of separation of powers was one of the bedrock foundations upon which American constitutionalism was based. But in the last thirty years, under the pressures of the cold war and fears of Communist aggression, it became fashionable to downgrade separation of powers. It became fashionable to believe that vast powers should be given to the President even though this might enable him to encroach upon, and indeed usurp, the power of Congress. To so low an estate did the concept of separation of powers fall, that one famous constitutional lawyer referred to it as being on a "sickbed", with a "disease" that "would appear to be terminal." Kurland, *The Impotence of Reticence,* 1968 Duke L.J. 619, 621.

As a a result of the American experience in Indo-China, however, the situation has begun to change dramatically. Seeing what could happen when one man—the President—had the power to make the decision that this country should go to war and should invade other nations, the American public began to realize once agan that the framers wisely sought to guard against overconcentrated power by providing for three separate governmental branches, each with its own decision-making responsibilities. Today Senators, Representatives, authors and others are pointing out that, for this country to have a healthy future as a constitutional democracy, separation of powers must be restored. This is not just a matter of the war in Viet Nam, which the President claims he is winding down. It is not just a matter of the invasions of Cambodia and Laos. It is also a matter of potential future presidential wars in underdeveloped nations, and of whether the American government shall operate under a general constitutional philosophy of Presidential hegemony or under a constitutional philosophy of three coequal branches which have a truly effective power to check and balance each other.

In order to aid in the necessary restoration of separation of powers, the courts must perform their historic duty of deciding where power lies under the United States Constitution, of curbing unlawful Presidential usurpations of power, and of protecting constitutional procedures. This obviously cannot be done if judges were to rule that a constitutional question such as the legality of a presidential war is a so-called political question: such rulings, which occurred early in the war, aided in the cold war breakdown of separation of powers by immunizing unlawful presidential actions from judicial scrutiny, and they abetted what Senator Fulbright has described as a 30 year trend toward "Presidential dictatorship in foreign affairs." In order to aid in the restoration of separation of powers, judges have a responsibility to rule, as they recently have, that whether a major war is constitutional is a justiciable question.

But it is not enough merely to rule that the constitutionality of the war is a justiciable question. Courts must also safeguard the Constitution by ruling on the merits that constitutionally prescribed procedures need be adhered to. As we have shown above, the Constitution was framed so as to insure that certain procedures would occur in Congress before the nation undertook to fight a war. But in the current war, the President has at all times circumvented the constitutionally required procedures in Congress. He has arrogated unto himself Congress' power to decide on war, has presented Congress with a *fait accompli* war, and has thereby forced Congressmen into a position where they felt they had no choice but to provide appropriations and troop support for men who faced death in battle. If the President can do this without his actions being ruled illegal on the merits as being in violation of the declaration of war clause, then the courts will not be performing their historic duty of safeguarding the Constitution and separation of powers will be just as dead in the war area as if the courts were to call the issue of the war's legality a political question.

B. *The standards of Baker* v. *Carr And Powell* v. *McCormack: Under the tests of* "political questions" laid down in *Baker* v. *Carr,* supra, and *Powell* v. *McCormack,* supra, the constitutionality of the current war is a justiciable question rather than a "political question." In asking the court to rule that the President cannot constitutionally prosecute a war which has not been declared or specifically and intentionally authorized by Congress, plaintiffs are asking for an interpretation of the Constitution. "Such a determination falls within the traditional role accorded courts to interpret the law, and does not involve a 'lack of the respect due [a] coordinate branch of government,' nor does it involve an 'initial policy determination of a kind clearly for nonjudicial discretion.'" *Powell* v. *McCormack,* supra at 548–549. Moreover, a constitutional determination by its very nature involves "judicially manageable standards." Ibid. The standards, indeed, derive from Article I, Section 8, Clause 11 of the Constitution, and have been spelled out in this brief, which has pointed out that a war must be either formally declared by Congress or specifically, intentionally and discretely authorized by Congress. Additionally, a judicial resolution of Massachusetts' claim will not result in "multifarious pronouncements by various departments on one question," *Baker* v. *Carr,* supra at 217, for it is the responsibility of the Supreme Court to act as the ultimate interpreter of the Constitution. *Powell* v. *McCormack,* supra at 549.

Finally, the test mentioned in *Baker v. Carr,* supra at 217, of "an unusual need for unquestioning adherence to a political decision already made," has never been a factor in any case involving the constitutionality of the war power or of the distribution of power between the legislative and executive branches. But even if the defendant in the present case were to claim that a decision by the Supreme Court that the war in Southeast Asia is unconstitutional would have serious domestic or international consequences, such a suggestion ultimately rests upon an assumption which is impermissible under a Constitution that gives the lawmaking and war-declaring powers to Congress: it rests upon the assumption that Congress cannot be trusted to decide what future steps the United States should take in Southeast Asia and to consider the domestic and international consequences of various steps. If this Federal Court were to rule that the war is unconstitutional, it would then be up to Congress to decide whether and to what extent continued hostilities should be specifically and intentionally authorized in Southeast Asia. Congress might decide to authorize the continuation of the war for an unlimited amount of time. Or, it might authorize the continuation of hostilities for a length of time sufficient to ensure that American forces are withdrawn in an orderly manner, in full consultation with the Commander-in-Chief as to the domestic and international consequences of the necessary rate and manner of withdrawal. Whatever Congress may decide, it can be trusted to act responsibly in light of all domestic and international political consequences, since it is the body authorized by the Constitution to make these decisions in the first place.

C. *The Decision in United States v Sisson: Appropriations And Extension of Selected Service:* Though constitutional logic, history and the standards governing the doctrine of "political questions" all lead to the conclusion that the constitutionality of the war is a justiciable question, there has been a school of thought, whose most effective expression was in *United States v Sisson,* 294 F. Supp. 511, 513–515 (1968), which holds that appropriations and extensions of selective service are permissible vehicles for authorizing war; that Congress can therefore choose to authorize war in this way rather than in some other way such as declaring war; and that it is therefore a political question as to how war is authorized. However, we strongly urge that the Court's opinion in *Sisson* is in error, and that this Court should not follow *Sisson,* as it has not been allowed in recent cases in federal courts in New York and California. As shown at length earlier in this brief, as a question of law it is constitutionally wrong to rule that appropriations and selective service renewals can authorize war, and as a question of fact Congress was in no position to do anything other than enact defense appropriations and renew selective service. We thus believe that the constitutionality or legislatively permissible effects of appropriations and selective service renewals are questions of constitutional interpretation and statutory exegesis. Such questions are not political questions. They are traditionally justiciable questions for the courts.

Indeed it is noteworthy that in Sisson the Court was explicitly cognizant of the fact that, as shown above, there are important procedural and substantive differences between a formal declaration of war and an appropriations act or renewal of selective service, *U.S. v. Sisson,* 294 F. Supp. 511 at 514. The Court in *Sisson* said "What something is called has much to do with how authorities act and also with how those subject to authority respond." 294 F. Supp. at 514. It went on to point out that judges require stronger evidence and far greater certainty before imposing a fine in a civil case than when they merely enter a judgment for damages, and said "The procedural and substantive standards differ. There is a roughly similar distinction between a declaration of war and a Congressional appropriation to support military action overseas directed by the President." *Ibid.* The Court asserted that "a declaration of war is a far more important act than an appropriation act or an extension of Selective Service" *Ibid.*

Yet, despite its recognition of the critical differences between a declaration of war and an appropriations act or extension of selective service, the Court felt compelled to rule in *Sisson* that appropriations acts and selective service renewals can authorize hostilities and that the form which an authorization of war takes is therefore a political question. The reason the court felt compelled to rule this way was made plain in the *Sisson* opinion: The Court felt that "What may be involved in this case is a choice between a limited undeclared war approved by the President and Congress and an unlimited declaration of war through an Act of Congress." *United States* v. *Sisson,* 294 F. Supp. at 515. But a formal declaration of war, opined the Court, could launch the nation upon a sea of international troubles. *Ibid.*

But as we have shown above, the choice involved in cases challenging the constitutionality of the war is not between fighting a limited undeclared war approved by Congress in appropriations and Selective Service or fighting an unlimited formally declared war. These alternatives are too restricted and are inherently false ones. In the first place, for reasons given above in this brief, appropriations and selective service renewals cannot constitutionally be, and in fact have not been intended as, Congressional approval and authorization for war. Thus it is a false alternative to posit that Congress can or has authorized a war by appropriations. Secondly, though appropriations are an impermissible method of authorizing war, Congress does have a constitutionally permissible alternative to a formal declaration of war. It has the alternative of authorizing war by an explicit, intentional and discrete authorization of war—an authorization which is not a formal declaration of war, but which maintains the integrity of Congress' decisionmaking powers.

Third, regardless of whether Congress were to formally declare war or were to issue an explicit, intentional and discrete authorization of war, Congress is not restricted to authorizing an all out, unlimited war. Rather, it can authorize only a limited war. The framers clearly intended for Congress to have this power, as evidenced by the fact that early Congresses, sitting while the framers were active, authorized limited hostilities against France and Tripoli, and by the fact that Supreme Court decisions of the same period specifically pointed out that Congress can authorize limited hostilities. *Talbot* v *Seeman,* 5 U.S. (1 Cranch) 1, 28 (1801); *Bas* v *Tingy,* 4 U.S. (4 Dall.) 35 (1800). Indeed, were Congress not to have the power of authorizing limited war, then in today's world the declaration of war clause would be rendered useless except in the case of an all-out nuclear war—when there would probably be no time for Congress to authorize war anyway.

The Court's decision in Sisson rendered the declaration of war clause useless in precisely this way. For the Sisson opinion posited that the only two alternatives were a formally declared unlimited war or a limited undeclared war approved by appropriations and draft renewals, and this excludes the alternative of an explicitly authorized limited war. Thus, if the only two alternatives are an unlimited formally declared war or a limited war approved by the draft and appropriations, we may find that, as in Indo China, the President can get the country into all kinds of engagements acting on his own authority, without initial reference to the power given by the Constitution to Congress. As these engagements expand in scope and escalate in casualties, we might, as in Indo China, drift into major wars without Congress ever having made an explicit decision that we should fight.

A fourth reason why the alternatives given in *Sisson* were too limited and were false is that, as discussed in the next section, an explicit, intentional and discrete authorization of war would not create the international complications mentioned in *Sisson*. Indeed it is highly probable that such consequences would not be brought on even by a declaration of war, particularly a declaration of limited war only.

In view of the above, it can be seen that there is no need to say that whether appropriations and selective service serve to authorize war is a political question because a limited war approved by appropriations and selective service is the alternative to a formally declared unlimited war. The alternatives to a formally declared unlimited war are an explicit, intentional and discrete authorization of war containing limitations on the war, or a declaration of only limited war. Unlike appropriations and selective service, an alternative such as an explicit, intentional and discrete authorization of war containing limitations of the war maintains the integrity of Congress' decisionmaking power over war.

D. *The Decision In United States v Sisson: The International Effects of An Authorization of War:* Having postulated, in our opinion erroneously, that the only two alternatives in Indo China were an unlimited declared war or a limited war approved by appropriations and draft renewals, the Court in *Sisson* went on to point out its fear that a declaration of war could have untoward international consequences. The Court said:

"Moreover, in the Vietnam situation a declaration of war would produce consequences which no court can fully anticipate. A declaration of war affects treaties of the United States, obligations of the United States under international organizations, and many public and private arrangements. A determination not to declare war is more than an avoidance of a domestic constitutional procedure. It has international implications of vast dimensions."

The Court's fears of the possible consequences of a declaration of war in Viet Nam rested, of course, on the unstated basic premise that, if appropriations or selective service renewals are not authorization for war, the Congress would declare war in Indo-China. But this is an assumption which cannot be made. Congress might very well decide that it does not want to declare war and thereby prolong the agony which this country and the people of Indo-China have so long undergone. It might also decide that it does not even wish to enact an explicit, intentional and discrete authorization for the President to continue the war for a long period, since such an authorization, like a declaration of war, would prolong the agony of the nations involved. Indeed, we believe that a Congressional refusal to declare or authorize a lengthy war is the vastly more probably result in 1971, and in all likelihood was the far more probable result when the *Sisson* opinion was written—the fall of 1968, a season when vast peace movements had existed in the country for a year or more.

But entirely aside from the *Sisson* opinion's unstated assumption that Congress would declare war, the Court's fear that a declaration of war could have serious international consequences is not in accord with modern international law and practice. Under general international law and practice, the presence or absence of a formal declaration of war does not affect obligations under treaties, conventions, international agreements or the rules of war. The presence of a formal declaration of war will not render acts legal or necessary if they are otherwise illegal or unnecessary, nor will the absence of a declaration of war render acts illegal or unnecessary if they are otherwise legal or necessary. In general, formal declarations of war are simply inoperative under international law and practice, as is well known to all countries including the United States. Indeed, in a State Department position paper dated November 19, 1965, the Executive Branch acknowledged, in the middle of the Viet Nam war, that "the legal rules of international law concerning the conduct of armed conflicts apply to all armed conflicts without regard to the presence or absence of declarations of war."

(In 1949, a leading international law commentator said "the rules of law on war . . . all apply irrespective of a declaration of war." Grob, *The Relativity of War and Peace* 288 (1949.)

The reason is clear why international law and practice make formal declarations of war largely irrelevant to international obligations. Nations are not about to have major international obligations, with concomitant critical consequences, depend upon mere verbal characterizations of a state of affairs. Nations are infinitely more concerned with what the actual state of affairs is than with its verbal characterization. Thus, with regard to international obligations arising due to war, the invoking and carrying out of such obligations under treaties, conventions and international agreements, is not dependent upon the existence of an actual shooting war. This is emphasized by the fact that, though it is said no nation has declared war on any other nation since 1945, during this period there have been innumerable wars, many of which involved nations giving combat support and materiel support to their allies despite the absence of declarations of war.

That nations are concerned with the existence of an actual shooting war, and not with its verbal characterization as declared or an undeclared war, has been true throughout the twentieth century.[1] Indeed, so strong is the idea that formal declarations of war are internationally meaningless, that since 1920 draftsmen of treaties have usually not even used the word "war" as a term of art. They have instead referred variously to "aggression", "acts of hostility," "unprovoked aggression," "the use of force" "armed attack," and "armed aggression." Brownlie, *International Law and the Use of Force by States* 393 (1963).

Given the general meaninglessness of even formal declarations of war under international law and practice, it is clear that mere explicit, intentional. and discrete authorization of war would be even less likely than a declaration of war to have international consequences or to affect international duties under treaties, conventions or international agreements. A domestic Congressional authorization of war, while critically important to our Constitution, has no significant international effect. Moreover, as is the case with formal declarations of war, nations are concerned not with verbal characterizations such as authorizations of war, but with the actual state of affairs. Internationally speaking, nations care not whether Congress has enacted an explicit, intentional and discrete authorization of hostilities. What they care about is whether the United States is engaged in an actual war and is posing an actual threat to them.[2]

There are many concrete illustrations of the fact that international rights and obligations have long been dependent upon actual states of affairs rather than upon verbalizations. We shall set forth two typical examples. First, early in the nineteenth century, international law relating to military force got rid of the vestiges of rules dependent upon unilateral characterizations of war or states of belligerence, and by the middle of that century, unilateral declarations of blockade—so called "paper blockades"—had even been specifically made void by treaty. (Declaration of Paris, 1856). In order for the rules of blockade to apply, there had to be an actual blockade, not a mere paper one, since no neutral nation was going to permit its commerce to be impaired by a mere paper declaration of blockade or war.

Another example is contained in the General Treaty for the Renunciation of War (the Kellogg-Brand pact) and the Charter of the United Nations, which specifically render declarations of war largely or completely irrelevant to the rights and obligations of states. The General Treaty and the Charter say that "the resort to war, if undertaken in violation of the obligations laid down in these instruments, is unlawful, even though it is preceded by a reasoned declaration of war." Kelsen, *Principles of International Law*, 92 (Tucker ed. 1966). On the other side of the coin, under these treaties and international law in general, a war undertaken in self defense after an unlawful attack is legal regardless of whether the nation acting in self defense issues a declaration of war. The short of the matter is that under these Treaties, the legality of a nation's conduct in carrying out war is unaffected by the presence or absence of a declaration of war.

In summary of this section, there have been judicial holdings which have ruled that the constitutionality of the war is a political question, and a predicate for these rulings has been speculation that a proper Congressional authorization of hostilities in Indo-China could affect international obligations. But such speculation is not well founded because, for purposes of international relationships, the critical factor is whether a war is actually occurring, not whether the belligerents have verbally characterized it in a declaration or authorization of hostilities. Thus, the aforementioned speculation is not a sufficient basis for calling the legality of the war a political question and for thereby failing to uphold the declaration of war clause and separation of powers.

E. *Plaintiffs' Claim And The Relief Sought Admit of Judicial Resolution:* In addition to presenting a constitutional question rather than a so-called "political question," plaintiffs' claim possesses other general attributes of justiciability because there is a duty which "can be judicially identified and its breach judicially determined, and . . . protection for the right asserted can be judicially molded." *Powell* v. *McCormack*, supra at 517. The defendants have a duty to obtain a Congressional declaration of war, or a specific, intentional and discrete Congressional authorization of war, before sending me to fight in a war in Southeast Asia. That duty has been breached. Judicial relief can be molded. In accordance with the prayer of plaintiffs' complaint, this court could declare that the defendants' actions are in violation of the Constitution,[3] or it could enjoin defendants from continuing their violation of the Constitution, or both. Injunctive relief would present no serious problems.

In accordance with the prayer of plaintiff's complaint, defendants would have sixty days, or such other period as the court deems necessary, to seek to obtain a declaration or authorization of war from Congress. This

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Footnotes at end of article.

would give Congress sufficient time to decide whether and on what terms the war should either be continued or terminated. In making this decision, Congress would certainly take account of my relevant international and domestic considerations. If, at the end of the sixty day period, Congress has decided not to act, or if it refuses to authorize a continuation of the war, defendants will stand enjoined from further prosecution of hostilities. The injunction can be flexibly molded, with consideration given to suggestions made by the parties. The defendants would have to disengage from the military hostilities within a relatively short period of time, but the manner in which the disengagement is accomplished would be up to them. Because the method of disengagement would be up to defendants, this Court would in no way have to get involved in supervising the details of the disengagement. Still less would there be a need for recourse to such incredible suggestions, which have occasionally been put forth by defendants, as that this Court might have to "set up its own office of military affairs" or "supervise the . . . process of military disengagement" or "provide officials to carry on diplomatic discussions with the North Vietnamese and other governments." Brief for defendant, *Massachusetts v. Laird*, supra, at pp 32–33.

F. Conclusion of the Political Question Issue: Plaintiffs have shown that recent precedents, constitutional logic, the need for continued vitality of our system, history, the standards in relevant cases, and general considerations of justiciability, all lead to the conclusion that the constitutionality of the war is a justiciable question. Plaintiffs have further shown that there is no good reason for any ruling that the legality of the war is not a justiciable issue. It is thus particularly incumbent upon the judiciary to decide the legality of the war and uphold constitutional procedures.

In the earlier stages of this war, it seemed that very few people cared much about constitutional procedures—about whether the war was being fought in accordance with such procedures. All manner of reasons were given by the Executive, by courts, and by others, for permitting a war to be fought despite the fact that constitutional procedures were being violated.

But now there has been a new realization that constitutional procedures are not lightly to be cast aside if we wish to maintain our framework of government. Today vast numbers of citizens call for curbing the Executive branch of government, an Executive which has fought the war in direct violation of the declaration-of-war clause. Citizens, soldiers, Congressmen, and states of the Union are seeking judicial rulings enforcing the Constitution.

It is the courts' responsibility—their bound duty—to uphold constitutional procedures. As Justice Harlan so well said in a recent case involving due process:

"Perhaps no characteristic of an organized and cohesive society is more fundamental than its erection and enforcement of a system of rules defining the various rights and duties of its members, enabling them to govern their affairs and definitely settle their differences in an orderly, predictable manner. Without such a 'legal system,' social organization and cohesion are virtually impossible; with the ability to seek regularized resolution of conflicts individuals are capable of interdependent action that enables them to strive for achievements without the anxieties that would beset them in a disorganized society. Put more succinctly, it is this injection of the rule of law that allows a society to reap the benefits of rejecting what political theorists call the 'state of nature.'

"American society, of course, bottoms its systematic definition of individual rights and duties, as well as its machinery for dispute settlement, not on custom or the will of strategically placed individuals, but on the common-law model. It is to courts, or other quasi-judicial official bodies, that we ultimately look for the implementation of a regularized, orderly process of dispute settlement." (Boddie v. Connecticut, 1970–71 S.Ct. Bull., B–1246, B–1248–49).

The courts must perform their constitutional duty of resolving the critical constitutional issue presented in this case. The courts are the branch of government to which citizens properly turn for an interpretation and upholding of the Constitution. If the courts dodge the paramount constitutional issue involved here, public confidence in the integrity of the judicial system must necessarily suffer a debilitating erosion.

V. POTENTIAL INITIATIVE IN CONGRESS HAVE NO BEARING ON THIS CASE

Recently there have been potential initiatives in Congress with respect to the declaration-of-war clause, such as projected statutes prohibiting the President from engaging in any future wars without Congressional authorization, or projected resolution indicating that no war shall be fought in the future (other than emergency action) without a Congressional declaration or authorization of war. Although these Congressional initiatives certainly attest to a strong conviction among Congressmen that the present war in Indo-China is unconstitutional, the initiatives in no way lessen the need for a decision on the merits of this case and in no way affect the standing of the plaintiffs or lessen the justiciability of the issue.

No statute or resolution can diminish the constitutional powers of the President or Congress in the war area; the President and Congress are bound only by the Constitution. Even though his opinion on constitutionality might be wrong, a President in the future could ignore any Congressional statute or resolution which in his view worked an unconstitutional expansion of Congress' power under the declaration of war clause or an unconstitutional diminution of his own power. Unless the court grants the relief the plaintiffs seek in the present case, the Executive indeed may be encouraged in the future to ignore any Congressional initiatives that in his view would constrict his power to get the nation involved in more Vietnams. When President and Congress alone contest each other's prerogatives with respect to war, the Executive will necessarily emerge the winner since he commands the armies whereas Congress merely can pass a resolution or a statute which the Executive can ignore on the ground that it is an unconstitutional enlargement of Congress' constitutional rights.

In another respect as well the present initiatives in Congress cannot aspire to be the equivalent of a judicial determination that the declaration-of-war clause vests in Congress alone the power to decide on war. For the President can veto any Congressional statute or resolution, making it necessary for Congress to come up with a two-thirds majority in each house to override the veto, and thus impairing Congress' simple majority vote under the declaration-of-war clause. Moreover, the very threat of such a veto, a threat which has been heard quite often in recent days, exerts a modifying influence on such Congressional initiatives or makes their passage unlikely. For this reason as well, Congress has no legislative remedy equivalent to its power under the declaration-of-war clause.

Furthermore, the projected initiatives in Congress can have no bearing on standing, since each plaintiff herein is asserting a right which is given to him by the Constitution and which is not dependent upon any possible statute that might or might not be enacted. Nor is there any bearing on justiciability, since the plaintiffs seek an interpretation of the Constitution itself.

VI. A FULL, PROMPT HEARING AND AN INJUNCTION ARE APPROPRIATE IN THE PRESENT PROCEEDINGS

As we have shown, the plaintiffs have standing to raise the issues presented by this case, those issues are justiciable, and the correct resolution of those issues compels the conclusion that the war in Indo-China is unconstitutional and that the plaintiffs' right to participate in the decision by vote on war has been diluted, ignored, infringed and nullified. In these circumstances, the only remaining questions, as to the necessity for a prompt, full hearing and the propriety of injunctive relief, do not require extended discussion.

By the express language of Rule 65, Federal Rules of Civil Procedure, the court has the authority to order the advancement of the trial on the merits and consolidation with the hearing on the application for preliminary injunction. The affirmative exercise of the court's discretion to issue such an order is manifestly appropriate here. The goals to be attained by a prompt, final disposition are clear: if the Executive's military action in Indo-China is unconstitutional, as plaintiffs contend, then because of the war's dire consequences to American lives, property and monies, the Executive's actions should either be authorized by Congress or should cease. If the war is not unconstitutional, then the plaintiffs and the entire nation are entitled to know this.

The irreparable and incompensable injuries being suffered by the plaintiffs and by the entire nation due to the war, measured in lives, bodies and dollars, and measured as well by the specific injuries to plaintiffs in the nullification of their constitutional rights as legislators and by the nullification of their abilities to protect the best interests, lives and property of their constituents, are far more than adequate to justify a prompt and full hearing. Delay and repetition of evidence which would result from having both a preliminary hearing and a later trial on the merits, can and should be avoided by having a consolidated hearing. The defendants and their counsel will not be inconvenienced or handicapped by a prompt trial of this case. Defendants and their counsel have litigated many of the issues presented here throughout the country and are well aware of the facts and legal issues. There simply is no reason for delay.

As we have shown above, the court can frame a suitable injunction. An order in accordance with the prayer for relief in the Complaint would give defendants sixty days from the date of the order to seek a Congressional authorization of war, and the prosecution of hostilities would not be disturbed during this period. If the defendants cannot obtain Congressional authorization for continuation of the war within the easily sufficient period of sixty days, then the prosecution of the war should cease if the Constitution is to be respected.

The proceedings of the District Court in *Youngstown Sheet & Tube Co.* v. *Sawyer*, 103 F. Supp. 569 (D.D.C.), aff'd, 343 U.S. 579 (1952), which like the present case involved a constitutional issue that was momentous for the nation, provide a clear precedent for the relief requested here. In *Youngstown*, the court enjoined the Executive branch from seizing the steel mills, which the Executive had done on the plea that this was necessary for national defense. The matter came before the court on plaintiffs' motion for a preliminary injunction, the defendant having opposed expedition of a hearing on the merits. The defendant argued that an injunction should not issue, lest there be allegedly disastrous effects upon the national defense. In rejecting this argument of the defendant, this court said that even if one assumed the effects claimed by the defendant, there were available alternatives to eliminate such problems including seeking legislation from Congress. In the present case, too, defendants would have a legislative remedy, since, as said before, they would have sixty days to seek Congressional authorization for continuation of the war.

The words of Judge Pine in *Youngstown,* pointing out that the Constitution must be respected and followed despite defendants' dire claims and predictions, are relevant and striking here:

"I believe that our procedures under the Constitution can stand the stress and strains of an emergency today as they have in the past, and are adequate to meet the test of emergency and crisis.

"Under these circumstances, I am of the opinion that, weighing the injuries and taking these last-mentioned considerations into account, the balance is on the side of plaintiffs. Furthermore, if I consider the public interest from another viewpoint, I believe that the contemplated strike, if it came, with all its awful results, would be less injurious to the public than the injury which would flow from a timorous judicial recognition that there is some basis for this claim to unlimited and unrestrained Executive power, which would be implicit in a failure to grant the injunction. Such recognition would undermine public confidence in the very edifice of government as it is known under the Constitution." (103 F. Supp. at 577).

Here plaintiffs seek an injunction the effect of which would be only that the Constitutional procedures be followed.

VII. CONCLUSION

Based upon the foregoing, we pray that the court grant the plaintiffs' instant motion.

Respectively submitted.

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FOOTNOTES

[1] In an exhaustive examination of the area, Grob found only one set of rules of warfare which had a provision that might be said to be triggered or affected by a verbal declaration of war. The Italian rules of land warfare of November 22, 1882, contain a provision, Article 126, which says "The state of war begins with a declaration of war. A state invaded without a declaration of war therefore, is entitled to treat the enemy soldiers as individuals who commit an aggression by force of arms." Grob, *The Relativity of War and Peace* 284 (1949)

[2] Recent American history contains examples of nations caring about the actual state of affairs rather than about verbal characterizations or verbal authorizations. Though North Korea did not formally declare war on South Korea, the U.S. entered the Korean War. Though the Congress did not declare war on, or explicitly, intentionally and discretely authorize war against, North Korea or China, the Communist Chinese entered the Korean war when they felt their security to be threatened. Neither North Viet Nam nor the Viet Cong have declared war on South Viet Nam, nor has the Congress declared or authorized war on North Viet Nam or the National Liberation Front. Yet the battle has raged for years in Indo China. And we would venture to say that, were the Russians to invade western Europe, or were the U.S. to invade Eastern Europe, nations would not much care whether the invading party had formally declared war or whether its proper internal political body had properly authorized war. The actual state of affairs, the actual invasion, would be the only thing that counts.

This result holds true domestically as well. Courts did not hesitate to hold that the undeclared Korean war and Viet Nam war were "wars" for domestic legal purposes. See cases cited in Velvel, *Undeclared War and Civil Disobedience,* Chapter 8, footnote 6 on page 376 (1970).

[3] The Declaratory Judgment Act, 28 U.S.C. Section 2201 (1964 ed.) provides that "any court of the United States . . . may declare the rights . . . of any interested party . . . whether or not further relief is or could be sought."

APPENDIX

Senator Russell said:

"If Senators wish to punish the President by starving 300,000 American boys and leaving them in Vietnam, they should not only vote for the resolution of the Senator from Oregon but should also vote against the authorization [of money]. Senators have this power. But, I have an idea, if they do, that they will hear something from the American people. Every State in the Union has men in Vietnam. The people back in the 'boondocks' and in our towns, and those living in the fords of the creeks, have a high value of life. It is a matter of grief when one of those coffins, with the American flag draped over it, comes back home to a small town. It is not a matter of higgling and haggling about policy or Presidential power. It is a matter which strikes right into the homes of a whole community." 112 *Cong. Rec.* 4372.

Senator Ervin said:

"What you point out is one of the troublesome things about it. If a President takes action and puts our troops into battle overseas in an offensive war, and our boys are being shot at and killed, Congress is put in a position where it must furnish them with weapons to defend themselves on foreign soil." *National Commitments Hearings,* 220.

Excerpts from the debates surrounding the 1965 Southeast Asian Emergency Appropriations follows:

"Mr. Kastenmeier. Mr. Chairman, in abruptly calling for $700 million, the President appears to be asking for an endorsement by Congress for the administration policies in Vietnam and the Dominican Republic. Since he has asked for these funds and assuming he has need for them—although there is serious doubt about the urgency for $700 million to be spent in the remaining 2 months of this fiscal year. I am sure Congress will support this measure, in some cases because of agreement with its implicit policy—in others because of an unwillingness to be placed on record as denying funds for elements of the Armed Forces abroad including 'equipment, aircraft, and ammunition'.

"In this situation, however, it must be clear that this vote cannot be construed as an unqualified endorsement of our policies in either southeast Asia or in this hemisphere. A vote for these funds does not expunge the grave reservations many in this country have over these policies. The President's request for funds, coming at a time when he could use other existing appropriations, must be seen for what it is—the engineering of consent. While he will receive the votes of consent, the debate over our policies will not end today. While the President has a duty in foreign policy, Congress has an equal responsibility to give national expression to the strong opposition to our policies throughout the country. Congress ought not to acquiesce and rubber-stamp policies which are, in some cases, radically different from those recently pursued.

"Recent polls on the President's popularity and the approval of his policies in Vietnam show there is strong opposition to current policies.

"For example, in a poll just completed in my district, 3,764 people answered the question on the war in Vietnam. Of these 2,345, or 62 percent of those responding favored an end to the war by either U.N. supervision of a neutralized Vietnam or complete American withdrawal, 1,021 or 27 percent favored the President's current program of increased use of U.S. military force, 296 or 8 percent favored continuing the Kennedy program of limiting our aid to assistance to the South Vietnamese Army, and 102 or 3 percent favored more drastic measures than those now being pursued.

"Accordingly, it could be argued that a vote reflecting the view of my district would be in opposition to increased funds for the military, particularly in the light of our military occupation of the Dominican Republic.

"In fact, Mr. Chairman, the record will show that I have long been critical of heavy reliance on military force in Vietnam and elsewhere whether such policies are advocated by Mr. Goldwater, as they were last year, or by someone else and in this respect I find it increasingly difficult to answer critics who argue that this administration is now pursuing Mr. Goldwater's policies implicitly rejected by the voters last November.

"Our present policies have left our relations with other countries in shambles. The NATO alliance has never been in a greater state of disarray. While we may be receiving token lipservice support for our policies in Vietnam, we have little or no direct assistance in this effort as we had in Korea. The abrogation of the Kennedy policy of limiting our support to the South Vietnamese Army has changed the entire character of the war. We are now carrying a large part of the actual fighting of this war. The war is no longer limited geographically to South Vietnam and may be extended further at any time.

"In this hemisphere, our actions in the Dominican Republic have cost us friends, as the votes in the Organization of American States reflect.

"In this context, Mr. Chairman, I must in good conscience make it clear to the President and the country, that while I feel constrained to support the instant request for funds, my vote does not carry an unqualified endorsement of the underlying policies. The search for an alternative to the present policy must go on. Congress must continue to speak out against policies where they are weak and to offer alternatives." 111 *Cong. Rec.* 9527.

Mr. Lindsay said:

"Mr. Chairman, I intend to vote for this resolution because the President has requested us to present a united front to the world on our involvement in Vietnam. An overwhelmingly favorable vote is requested also, and is important as an expression of our support to the American servicemen who are engaged in the Vietnam conflict.

"My vote, however, is not to be construed as an approval of the adminstration's whole policy in Vietnam; nor does it imply the endorsement of a blank check for the unexamined spending of more and more millions, the unilateral commitment of more and more of our Armed Forces and the expansion of the ground and air conflict into a major war, without allies and without the exercise of great diplomacy.

"I hope the President will recognize that many of us who vote in favor of this resolution do so in the hope that it will contribute, not to the widening of an unwanted war, but to the pursuit of an honorable peace." 111 *Cong. Rec.* 9530.

The chairman said:

"The Chair recognizes the gentleman from Wisconsin [Mr. Reuss].

"Mr. Reuss. Mr. Chairman, I shall vote for the resolution and the appropriation today because I believe that the troops we have committed in southeast Asia deserve the support—the supplies, the equipment, and the facilities—which the President has told us they need. That is what my vote today covers. It is not a vote for enlarging the present conflict in South Vietnam, or a vote of satisfaction with things as they are.

"I hope that we will work vigorously to rehabilitate the United Nations, and then try to obtain a United Nations presence in Vietnam to protect and pacify the area.

"I hope that we will make clear our determination that the people of South Vietnam will then have an opportunity for democratic elections to determine their own future." 111 *Cong. Rec.* 9538.

Senator Aiken said:

"I suppose that there may be different reasons for voting to approve the request of the President. Does the Senator from New York accept the statement that he would be voting to endorse the mistakes of the past and the plans for the future if he were to vote for this appropriation?

"Mr. Javits. I do not accept such a statement. I believe that there is all the difference in the world, as I tell my most respected colleague, between backing up what we have involved, or even the making of sufficient preparation should we wish to go further, and a command decision which would set forces in action in a totally new way from the way in which they had been used before.

"I do not regard a vote for the appropriation—which I propose to support—as being of the same character or quality as a command decision to send U.S. combat troops to participate in the ground struggle against the Vietcong." 111 *Cong. Rec.* 9454.

"Senator Stennis. I shall first yield 10 minutes to the Senator from Tennessee.

"Mr. Gore. Mr. President, U.S. soldiers are in South Vietnam under orders. They are there at the command of the Commander in Chief of the U.S. Armed Forces. They have no choice. I expect to support the appropriation. I find it untenable for American servicemen to be sent into an area of danger without having supplied to them the equipment and the materials by which they can execute their orders with maximum safety to themselves and the interest of the United States.

"However, lest my vote be interpreted as a 100-percent endorsement of the policy by which American combat troops are in South Vietnam, I wish to say emphatically that it is not." 111 *Cong. Rec.* 9497.

Senator Javits said:

"Mr. President, I have heard with great interest the view of the distinguished senior Senator from Tennessee. I associate myself with them. However, what I have to say is in addition to what the Senator has already said with respect to an offensive for peace, the design of the United States, and the reason for voting for this appropriation. I shall not repeat those words. They were excellently stated. I consider it a privilege to join in them.

"What I say is a direct corollary to what has been said by the Senator from Tennessee. I cannot accept the statements of the President as to the meaning of my vote in support of this appropriation.

"I wish to make it crystal clear that I reserve the right to vote differently than as the President in his message said I would be voting if I were to vote in favor of the appropriation.

"The President has said:

" 'This is not a routine appropriation. For each Member of Congress who supports this request is also voting to persist in our effort to halt Communist aggression in South Vietnam.'

"If that were all he said, that would not be so bad. However, the President went on and said:

" 'For we will do whatever must be done to ensure the safety of South Vietnam from aggression. This is the firm and irrevocable commitment of our people and Nation.'

"The President then stated:

" 'South Vietnam has been attacked by North Vietnam. It has asked our help.'

"Mr. President, I want to be consulted again, I say to the President of the United States, before we send divisions, rather than some of our Air Force and troops to protect our people who fight a war in Asia. I want to be consulted again. I expect to be consulted again.

"I do not want my vote in favor of the appropriation to stand as my vote for the continuation of that policy. Suppose we were to have differences with the South Vietnamese and they were to say to us: 'We do not want you here, Mr. American. Go home.' I want to be consulted again if we decide that we are not going to go home, but intend to stay, which we might very well do, and might have to do. I do not take my vote as a blank-check commitment. It may be of interest to have a person who describes himself as a liberal speaking about blank-check commitments. However, this is a very important point. Let the President and the Congress act as a team. Let it not be assumed by anyone that voting for this $700 million, which we do advisedly, and which is pursuant to a resolution of August 10, 1964, gives a blank check to the President, and that it is the last request he will have to make of Congress except requests for more money.

"I hope the President will not let this vote go to his head. We are voting. . . ." 111 *Cong. Rec.* 9498.

"The Senator from Vermont is recognized for 6 minutes

"Mr. Aiken. Mr. President, I quote from the President's message yesterday:

"This is not a routine appropriation. For each Member of Congress who supports this request is also voting to persist in our effort to halt Communist aggression in South Vietnam.'

"Mr. President, I wish to make it plain that my vote is not intended as an endorsement of the costly mistakes of the past, nor as authority to wage war in the future unless such war has been declared by Congress. I realize quite clearly the position in which the President has found himself. I have wanted Lyndon Johnson to be a good President. I have wanted him to be a great President. I have wished with all my heart that I could help him with his problems.

"But I cannot let the impression go out from this Chamber that in voting for this appropriation I am giving blanket approval to waging undeclared war anywhere or delegating the right to express my thoughts to anyone." 111 *Cong. Rec.* 9499.

Senator Church said:

"I understand that there is no limiting language that would reduce the powers the President now holds. But what concerns the senior Senator from Idaho, is that his vote, which he would like to give in support of the money requested because American lives are involved out there, and American troops must be furnished with all the equipment, supplies, ammunition, and protection that we can give them, may be construed as giving advance approval for decisions in the future that I have no possible way of knowing, such as the bombing of Hanoi, or, let us say, the enlargement of American combat forces in South Vietnam by some striking degree.

"I do not know what might happen. I would not want my vote to be construed as an endorsement of moves which might entirely change the character or dimension of our involvement in southeast Asia.

"As I understand it, the joint resolution is for the purpose of paying bills. . . .

"Mr. President, I should like to as the Senator, once again, whether by voting for the joint resolution the Senator believes that each one of us endorses whatever action may take place in the future?

"Mr. Stennis. Well, I do not think so. No, I do not think so. But that is a decision that every Senator must make for himself. It is not a blank check. I do not believe we are signing a blank check. We are backing up our men and also backing up the present policy of the President. If he substantially enlarges or changes it, I would assume he would come back to us in one way or another.

"Mr. Church. I agree. The Senator knows that I have expressed misgivings about some aspects of our policy in Vietnam. At the same time I have supported the action the President has thus far taken in stepping up our military initiative. My views are on record. They have not changed.

"At the same time, I realize that our fighting forces in the field must be supported. But I would not want it to be said later—and it is for this reason that I have asked these questions of the Senator—that by my vote I have given carte blanche approval to future actions which I cannot possibly forecast, that might greatly change the character of the war out there." 111 *Cong. Rec.* 9500.

In discussing the Defense Appropriation Act of 1966, Senator Wayne Morse declared:

"Mr. President, I now turn to another concern. I find myself in a very difficult position in determining my vote on this bill. The bill contains many items with which I agree that I find it difficult to vote against it. But it provides $700 million to support what I consider to be an unconstitutional and illegal American war in southeast Asia, making it difficult for me to vote for it. I suppose we can say jocularly, 'For once, Wayne Morse is on the spot.'

"But, Mr. President, I have decided to vote for the bill, with the Record showing my reasons for so doing.

"American boys in South Vietnam did not go there of their own volition. They went there because they were sent by their Government. I fully realize that as long as they are there, they must have every possible bit of protection that can be given to them, although I deplore the fact that, in my opinion, they are sent there to paricipate in a war that is unwise, unconstitutional, and illegal, in that the President has no constitutional power to make war in the absence of a declaration of war.

"It will be said, 'You should not vote money to conduct such a war,' and there is much merit in that.

"But as a liberal, I never overlook human values. When I vote for a bill that includes that $700 million—and I will have a question to ask my good friend from Mississippi momentarily, as to where the $700 million came from, and its justification—I am voting still protesting the war, but I am voting to protect the human values of the American boys who are fighting and dying under governmental orders in that war.

"When I balance the two problems that I have just outlined, I feel that I can vote for it in good conscience. I deplore the action of my Government in conducting this war without living up, as I have been heard to say so many times, to its constitutional obligations and its international treaty obligations. I am voting for it in defense of the men who have been sent, and not in approval of their being sent.

"But the record should also show my continued protest of the war itself. The President of the United States should make up his mind as to whether or not he wants to conform to the Constitution and the Congress should make up is mind as to whether or not it wants to declare war. In the absence of a declaration of war, the President, in my opinion, has no constitutional right to send a single American boy to his death in southeast Asia." 111 *Cong. Rec.* 21732.

The following statements occurred during the debates of the Supplemental Appropriations Act of 1966 (PL 89–374):

"Mr. Dow. Mr. Chairman, as one who is not in favor of escalating the conflict in Vietnam, let me say that I will vote for the bill before us to authorize a total of $4.8 billion as a Department of Defense supplement, southeast Asia, fiscal 1966.

"My affirmative vote for this bill is given with a sad heart. The men at the front should not be allowed to run short of the ammunition and equipment they need to defend themselves. That is the only reason I can see to vote for this authorization.

"The situation is different from one last year when there was an earlier authorization for the Vietnam conflict. At that time I did not support it, for administration spokesmen told us that funds were available in other accounts without legislation. The legislation then was intended as an expression of policy.

"Although voting today for the new legislation for munitions, I still do not favor the policy of escalation which the legislation makes possible." 112 *Cong. Rec.* 4463.

Mr. Kastenmeier said:

"Mr. Chairman, the vote today on the supplemental military authorization bill, like the war in Vietnam iself, poses a great dilemma for Americans inside and out of Congress. The fact is that our war policies have gotten us into a situation which cannot be reversed by a vote on a single measure, but which will require a significant change in our approach to the terms by which we are willing to accept a settlement. However strong my reservations, objections, or criticisms of the policy that are engulfing us in a southeast Asia war, I am constrained to view and to vote for this measure as one to provide material support for our troops in the field.

"I do want to emphasize that I oppose our war policy in Vietnam. I criticized it when it took the form of an excessive response to the naval attack on our ships in the Gulf of Tonkin. I opposed it when it extended our efforts to bombing North Vietnam. I opposed it last May when it changed our role from one of advising South Vietnamese in their war against the Vietcong to one of making it our war. I opposed it when the bombing of the north was to be resumed in January.

"Regrettably, I must come to a similar conclusion about the economic assistance we are providing Vietnam as well. Last week I reluctantly voted for the foreign aid supplemental appropriations as a longtime supporter of foreign aid. The outstanding fact about the billions of dollars of foreign aid we have poured into Vietnam in the 10-year period from 1954 to 1964 is that it is a failure. It has completely failed to establish a viable government in South Vietnam and as a result is responsible in large measure for us being involved in such a major war in that country. While I am not convinced that the economic aid we are now providing the Vietnamese can be effective while we are at the same time engaged in heavy military operations in the same areas, I voted for that measure in the hope that some improvement in the condition of the Vietnamese people will result. The time is rapidly approaching however, when I will not be able to continue to support such expenditures, particularly in combination with military efforts with which I basically disagree.

"Thus, it should be clear that although I vote today in support of this authorization, it is the troops in the field that I vote to support and not the policies that got them there. Others have on the floor today sought to reaffirm the Gulf of Tonkin resolution which the President has relied on so extensively as the basis for the escalation of the war in Vietnam. Particularly, in the light of this intensification and the implication that further escalation lies ahead, I want it clearly understood that my vote today does not reaffirm that resolution. In fact, if the vote today were simply on the language of that resolution I would vote against it, in view of the construction that has been placed on it. Certainly if the war spreads, I may regret the action taken today and my own assent to it. I trust and pray that will not come to pass. 112 *Cong. Rec.* 4468.

"Mr. Fraser. Mr. Chairman, my vote for this supplemental appropriation for the Vietnam conflict is not an endorsement of the policies the United States has been following in Vietnam.

"I believe that some of our actions in Vietnam have not been wise. It seems to me that the reasoning offered in support of those policies would lead us on a course of action in the future that is not in our national interest.

"My vote today is based on the need to sustain the troops already in Vietnam." 112 Cong Rec. 4468.

Mr. Bingham said:

"Mr. Chairman, earlier today the distinguished gentleman from California [Mr. Cohelan] submitted a brief joint statement on behalf of 78 members of this House. I was privileged to be among the sponsors of this statement.

"I shall vote for H.R. 12889 for the purpose stated in the committee report. But in so voting, I do have reservations, and these reservations go somewhat beyond the terms of this joint statement. My vote does not mean that I am wholly satisfied with the administration's policies with respect to Vietnam. While I agree with President Johnson that we cannot withdraw from Vietnam and let the Communists take over, and while I salute him for resisting the pressures of those who would expand and escalate the war, I do not believe that we have yet been sufficiently resourceful or flexible in our efforts to get negotiations started. In fact, recent developments create the impression that the administration is no longer giving much thought to the question of how to achieve a negotiated settlement.

"Why, then, am I voting for this supplemental authorization bill? First, for the simple and obvious reason mentioned in the joint statement, that we must give our forces in Vietnam all the support they need, so long as they are there. The second reason is more complicated: I fear that a substantial vote against the authorization might actually impede our objective of getting talks started by encouraging Hanoi to continue its apparently total intransigence.

"This leads to a question which I submit we should all ponder. It is certainly one of the key questions before us at this time. The question is: Why, in spite of all the President's efforts since last April to get discussions started with Hanoi, has Hanoi steadfastly refused to budge?

"Rather than discuss this question today, in the atmosphere of a debate on this defense authorization bill, I intend to examine it at some length tomorrow under special orders, and I would be glad to have any Members join in a discussion of the question at that time. 112 *Cong. Rec.* 4460.

"Mr. Clancy. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. Kupferman].

"Mr. Kupferman. Mr. Chairman, I am voting for this appropriation because I cannot leave our American troops in the lurch without proper protection on a foreign shore. But it must be pointed out that it was a great mistake to have put them and us in this position." 112 *Cong. Rec.* 4460.

Mr. Rivers said:

"Our men are in Vietnam. They need our support and our help. Passage of this bill is that support and that help.

"Let the debate as to whether we should be in Vietnam, or how we should conduct the war in Vietnam, be carried on at another time. I will join in such debate. This is not the time for that debate. This is the time for only one thing—and that is to vote our fighting men the weapons that they need." 112 *Cong. Rec.* 4441.

Mr. Anderson said:

"Certainly, there is nothing in the wording of the legislation now before us which explicitly commits anyone to an approval of the various policies that have been pursued by the administration with respect to the matter of Vietnam. It could be argued that implicit in the approval of this authorization bill is the approval of current policy. However, I think that we would be establishing an unwise precedent indeed if we were to attempt to read too much into the passage of a military authorization bill. By the same token, I think that the 76 Members of this body who have signed a manifesto or declaration that their vote for this measure does not carry with it approval for the escalation of the war or our deeper involvement in southeast Asia will also 'carry coals to Newcastle'. . . . I support this measure and with it the heroic sacrifices being made by our men in South Vietnam. At the same time I do not want history to record that by this vote I gave this administration my blank check with respect to its future conduct of policy in South Vietnam." 112 *Cong. Rec.* 4462.

Mr. Abbitt said:

"Mr. Speaker, I support the rule and the bill, H.R. 12889, the supplemental defense authorization bill, commonly known as the Vietnam military bill. This legislation is of vital importance, not only to our military men fighting in Vietnam but to all Americans.

"Our boys, through no choice of their own, are in Vietnam where they are being shot at, many of whom are being wounded, mutilated, and killed. It is inherent upon us to furnish them with all necessary military material that is at our command so that they will not be lacking one whit to protect themselves and to achieve the goals for which they have been sent. We either must furnish every needed article of offense and defense or else it is our duty to pull them out. We must support them wholeheartedly and fully or else bring our boys back home. It is not fair to them and it is not fair to America to do less." 112 *Cong. Rec.* 4431.

Mr. Farbstein said:

"Mr. Chairman, in the past, I have expressed reservation about some of the administration's actions in Vietnam. Recently, I joined a number of other Representatives in urging the President, among other things, to deescalate our military efforts in Vietnam as a further effort to bring the war from the battlefield to the conference table. I still feel no good can come from further escalation and do not wish this vote to be considered otherwise. I desire to create a climate leading to the conference table.

"Today we are faced with the task of voting on an appropriation for $4.8 billion for Vietnam. Each Member must do some soul searching before casting his vote. I, for one, have carefully reviewed my predilections and balanced them with the Nation's well-being.

"American boys are committing their lives and honor to this fight in the Far East. These young men must not be deprived of equipment, necessary hospitals, medical treatment, essential supplies, and helicopters needed to help them survive in this jungle war. The Congress, regardless of any reservations and unanswered questions on administration policy, must not fail to grant the funds to supply these brave men. I do not desire to be in the position of turning my back on our young men who are presently sacrificing their lives in Vietnam.

"On the scale, I find I must vote in favor of the appropriation." 112 *Cong. Rec.* 4448.

Senator Javits said:

"Mr. President, I feel moved to speak because I think there is a point of view which has not been expressed.

"Those of us, like myself, who will vote against the Morse amendment and want to table it, and who will vote for the bill to give the President additional funds, are not again writing a blank check.

"I do not, and I cannot accept the vote against the Morse amendment as being a reaffirmation. Reaffirmation is the word used by the Senator from Georgia [Mr. Russell]. He made a most moving speech, with which I agree in substance, as well as the speech of the Senator from Massachusetts [Mr. Saltonstall].

"I cannot accept the fact that this will be a reaffirmation of the resolution of August 1964. The fact is that as the President has handled this situation he leaves us no other alternative. He has left no alternative for those who disagree with his policies except to vote against an authorization on another occasion. As I agree with his policies to date, I shall vote for this authorization. But If tomorrow I disagree with his policies the President leaves us no alternative but to vote against an authorization, and I shall do so. 112 *Cong. Rec.* 4374.

Mr. Clark said:

"I should like the Record to show my complete agreement with the position taken by the Senator from Arkansas. I shall vote against the Morse amendment and I shall vote in favor of the bill.

"I do both with a heavy heart, most reluctantly, as the least unacceptable of all available choices. But I wish to make it very clear indeed that my votes, both against the Morse amendment and for the bill, do not indicate an endorsement of the policy which I fear the administration is following." 112 *Cong. Rec.* 4382.

Mr. Rosenthal stated:

"I am not happy with the minimal role to which Congress is thus consigned. Nor am I convinced that the Congress has been adequately consulted or respectfully attended in the formulation of policies in Vietnam. But I do not accept the proposition that this broad sense of Congress.

"I do not believe my own vote, simply as a vote, properly represents my viewpoint on this matter, any more than the total vote of Congress adequately represents the total sentiment of Congress. Complicated positions on matters of war and peace are not to be abbreviated by such simple symbolism. So I deny the legitimacy of this vote as a deep expression of individual or collective viewpoint on the full range of policy in Vietnam. I am voting for support and supplies for the American troops already committed to Vietnam." 112 *Cong. Rec.* 4455.

Senator McGovern said:

"Mr. President, I am voting today to provide the necessary equipment and supplies for our forces in Vietnam. My Senate colleagues and my constituents know that I have opposed our growing military involvement in southeast Asia. I believe that we have no interest there that justifies the heavy loss of life involved in trying to settle a Vietnamese civil conflict with American troops.

"But since we have sent 300,000 men to southeast Asia, we have no practical alternative now except to provide them with the equipment they need to survive.

"I want to make it clear that my vote for this military equipment bill is not an endorsement of our Asia policy. Rather, my vote reflects my conviction that we must protect men we have sent into battle no matter how mistaken the policy may be that sent them to that battlefield." 112 *Cong. Rec.* 4409.

And on March 20, 1967, in introducing legislation on supplemental defense appropriations, Senator Russell framed his argument in favor of the bill in the following manner:

"It [the legislation] will not alter the course. . . .

"Presumably, it will not alter the course of negotiations one way or the other. But it will provide the materiel and equipment needed by our gallant men who are doing the fighting and dying thousands of miles from home. The funds contained in this bill are urgently needed for the ammunition, for the aircraft, for the trucks, for the travel, for all the multitudinous operations of our forces and those alined with us in southeast Asia. A vote for this bill is a vote to give American soldiers, sailors, and airmen the tools needed to protect themselves and to continue the valorous assignment which they have been asked to perform. . . ." 113 *Cong. Rec.* 7189.

During the same debate, Senator Holland declared:

"Mr. President, I call attention to the fact that the distinguished Senators from Georgia [Mr. Russell], from North Dakota [Mr. Young], from Mississippi [Mr. Stennis], and from Maine [Mrs. Smith], and their associates, have told us that these amounts are necessary to be spent or committed between now and the end of this fiscal year, June 30—not far away—to give the greatest measure of protection that we can to our men who are fighting there, thousands of miles away, not because they want to but because our Government has sent them there.

"Mr. President, there may be plenty of arguments about the wisdom of our national position, and about whether we should ever have gotten into it; but it is inconceivable to me that anyone could argue on this floor that we should withhold the support which is recommended by honest, dedicated men and women as necessary to sustain our effort in Vietnam by the approximately half million American boys and girls who are there." 113 *Cong. Rec.* 7194.

And urging the support for the appropriations Holland later contended:

". . . The question is now: Shall we or shall we not appropriate funds which all of the authorities—who should know—including our own distinguished Senators who have studied this question—tell us must be appropriated to give our men the kind of protection, the kind of weapons, the kind of ammunition, the kind of equipment, the kind of clothing, the kind of living quarters, the kind of medical supplies which they need?

"Shall we do it, or shall we not?

"I think that is the only question. That is the simple question here." 113 *Cong. Rec.* 7197.

In explaining his vote for the supplemental Defense Appropriation Act of 1967, Congressman Cederberg observed:

"[W]e have a commitment in Vietnam—and we can argue all we want as to whether we should be there or whether we should not be there—the fact is that we are there, and the fact is that when we have this mission we must do everything we can to support the men who are fighting it in every way we possibly can. 113 *Cong. Rec.* 6878.

Although concerned about United States military involvement in Vietnam, Senator Clark declared on August 22, 1967: "I think, of course, we should give full support and all necessary military equipment to protect their lives." 113 *Cong. Rec.* 23488.

And, on the same day, Senator Symington supported the military appropriations with the argument that:

"These men have a right to count on Congress backing them up. Many of them did not want to go there. Tens of thousands of them have been drafted. They are fighting with superb courage in the American tradition.

"There is no way, in my opinion, that you could make a blanket cut of 10 percent in this budget without definitely affecting the supplies, the ammunition, and the support that this country owes to the youth that Congress has approved drafting and sending to Vietnam in order to protect our future security. . . ." 113 *Cong. Rec.* 23470.

In voting in favor of the Defense Appropriations Act of 1968, Senator Fulbright declared:

". . . I ask that not only the Senate but the press report it in the proper context so that people are not led to the conclusion that, by voting for the military appropriations—which I intend to do—it is thereby endorsing a declaration of war, which was not my intent. 113 *Cong. Rec.* 23501.

The following remarks by Senators Gore and Pastore took place during the debates on the Department of Defense Appropriations Act of 1969:

"Mr. Gore. I am grateful for the able speech the Senator is making. I join him in opposing the amendment.

"With respect to policy, as the able senior Senator from Virginia is aware, I have resisted this country's policy in Vietnam. I have questioned it over a period of years. I believe in so doing I was within the proper function of a U.S. Senator.

"But the men who are there are there in consequence of a policy which, though I disapprove it, has nevertheless been the policy of the Government. The soldiers are there, not by their wish, but at the command of their Government, and I do not wish to withhold bombs, ammunition, artillery, weapons, equipment or whatever they need to execute this mission, erroneous as it may have been as a matter of policy. It is a mission assigned to them, and I wish to see them execute it with maximum efficiency and with maximum safety to themselves. 114 *Cong. Rec.* 18832.

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"Mr. Pastore. I wish the Senator from Tennessee had been here yesterday to hear the point I tried to make. I, too, have had my qualms about Vietnam, and whether or not we should have been involved there in the first place. But the Senator has put his finger right on the problem. I think it would be a tragic mistake for us to try to make the Senate of the United States a war room, to attempt to decide what kind of strategy we are going to follow.

"I think if Senators believe our policy ought to be changed, they should do whatever they can about changing the policy; but as long as our boys are there, we should not do anything which will serve in any way to demoralize our troops. We must promote their safety and do everything we possibly can to assist them while they are there. As the Senator from Tennessee has pointed out, they are not there by their own choice, and most of them would rather be at home." 114 *Cong. Rec.* 18832.

Congressman Bingham, commenting in the House on the same act, stated:

"Mr. Bingham. I thank the Chairman. I would just like to add, with all due respect for the distinguished members of the subcommittee, that it would be a wonderful thing if the various points of view on the underlying issues could be represented in the subcommittee, as is true in connection with other subcommittees.

"Mr. Chairman, I have supported all efforts to cut unnecessary expenditures out of this bill, including, particularly, the appropriations for the deployment of an anti-ballistic-missile system which I believe will provide us with no security and may well lead to a disastrous new phase of the arms race. I also supported the amendment proposed by the gentleman from California [Mr. Brown], which would have called for a cessation of all bombing in North Vietnam as a necessary step to meaningful negotiations. On that score, and in various other respects, I am in disagreement with our policies with regard to Vietnam, as I have said frequently in this House and elsewhere.

"These amendments having failed of adoption, the question now before me is whether to vote for or against the bill as a whole. Some Members who share my views on Vietnam and for whose judgment I have the greatest respect are voting against the bill. My reluctant decision, however, is to the contrary. The vast bulk of the funds appropriated by this legislation are for purposes with which I cannot quarrel and which I must support, such as the pay of our armed services personnel and the provision of essential supplies and equipment for them. The recent tragic events in Czechoslovakia reemphasize the need for the United States to maintain a strong defense establishment no matter what happens in Vietnam.

"I know that there are expenditures contemplated in this legislation that are undesirable and others that are unnecessary. I believe that once again we have witnessed the phenomenon that requests by the military for appropriations are treated far more kindly and with a less critical eye in this House than the requests made by those officials who have charge of our essential domestic programs. Nevertheless, in my judgment, there is so much in this bill that is clearly necessary and desirable that, overall, an affirmative vote is called for.

"I might have considered casting a negative vote as a gesture of protest if I believed that such a gesture would be an effective way of pressing for a change of policy with respect to Vietnam, but I do not so believe. It would be a grave mistake for anyone, including the Saigon government, to measure the degree of dissatisfaction with our policy on Vietnam by the number of negative votes on this bill. The dissent on Vietnam is better measured by the 40 percent vote for the minority plank at the Democratic National Convention in Chicago." 114 *Cong. Rec.* 26567.

And in August, 1967, Senator Pastore announced his support for the Defense Appropriations Act of 1968 with the statement:

"Mr. President, I shall vote for this bill. I believe that all of us feel, right down deep in our hearts, that however we feel about Vietnam, we are there now, and cannot take our feeling out on those boys by not supporting this bill." 113 *Cong. Rec.* 23501.

And as late as July 6, 1970, Senator Church expressed similar opinion. Explaining his reasons for supporting the appropriations although he opposed the war, Church explained:

"Mr. President, I first spoke out against the war in Vietnam in 1963. I have opposed this war; I have advised against it; I have tried to do everything in my power, as one Senator, to end it. However, Mr. President, I have also supported every appropriation to come before the Senate to provide the best of materiel to our men in the field. Once our men are there we must provide the best that money can offer until such time as we may bring them home. Just as I have supported all bills to grant aid to our men in the field, I intend to support legislation, such as the bill before this body today, which will grant them the finest in care when they return home with medical needs. It is our duty to provide the finest in medical care to our Vietnam veterans. I strongly support the Senator from California (Mr. Cranston) and the committee in their efforts to obtain more funds for the quality care of American boys who are wounded, either medically or psychologically, by the war in Vietnam." 116 *Cong. Rec.* 510598 (daily ed., July 6, 1970).

In discussing the Defense Appropriation Act of 1966, Senator Morse registered his "continued protest of the war itself." 111 Cong. Rec. 21732. Morse contended "in the absence of a declaration of war, the President in my opinion, has no constitutional right to send a single American boy to his death in Southeast Asia". 111 Cong. Record 21732. However, Morse went on to declare:

"But I shall vote for it also because of its many other features with which I find myself in enthusiastic support; namely, the long overdue pay increase for the military; the provision that was adopted in regard to the so-called 35–65 formula in connection with the building of ships." *Id.*

Similarly, Congressman Farbstein was apparently persuaded to vote for military appropriations under this rationale. During Congressional debate of March 1, 1966 Farbstein and Rivers discussed the bills provisions.

Mr. Farbstein. "This bill also includes appropriations for housing, hospitals, doctors, food, and clothing for our Armed Forces; does it not?"

Mr. Rivers of South Carolina. "This bill and the rest of the supplemental together, yes. That is absolutely right. You cannot fight a war without taking care of such necessary things as that." 112 Cong. Rec. 4441.

Congressman Edwards said:

"Mr. Chairman, I believe my position is clear on our commitment in southeast Asia. I have been opposed to our military policy in Vietnam. I am strongly opposed to escalation of the war, and I am distressed by the deterioration of our foreign and domestic policies which has been brought on by our Vietnam operations.

"I will vote for H.R. 13546, the supplemental southeast Asia appropriation measure before this House today. I will do so because I feel it is unwise to decide policy issues through the appropriataions process. It is the job of the authorizing committees to debate policy matters. It is the job of the Appropriations Committees to oversee the administration of duly authorized funds . . .

"My vote for this appropriation means two things. It does not alone mean that I do not believe it is proper to express any policy preferences in an appropriations measure. It also means that an appropriations measure should not be used by anyone else to express their policy preferences. My vote today is not an endorsement of our past policy in Vietnam. It is merely a certification of prior House action on authorization measures." 112 Cong. Rec. 5820.

Such a view was somewhat tangentially touched upon by Senator Russell when he introduced the supplemental defense appropriation bill of 1967. In introducing the bill Russell declared:

"I have no intent at this time to initiate an extended discussion of the merits of the war in Vietnam. That ground has been well plowed, and is thoroughly understood by all concerned. Each Member of the Senate has his own individual views on this subject. This is not a political bill." 113 Cong. Rec. 7189.

On the same day Senator Young cautioned against determining war policy by means of an appropriation bill. Young stated:

Mr. Young. "If the Senate adopts the policy of determining war policy on an appropriation bill, would it not be a precarious situation, sometime in the future, when we might be engaged in another war, soldiers would be reluctant to enlist because they would not know whether they would be supported financially with adequate equipment and supplies which they would need to fight a war?" 113 *Cong. Rec.* 7198.

Congressman Laird said:

"Mr. Chairman, even if the war were to end on June 30, 1967, these funds would be needed. Virtually every dollar that is to be appropriated in this bill is needed whether the war ends June 30 of 1967 or whether it ends on June 30, 1968 or 1969, because these stocks—aircraft, ammunition, and spare parts—have been used in the conduct of the war in Vietnam. We have drawn down our stocks all over the world, and the funds that are to be made available in this supplemental appropriation are needed to replace those stocks that have been used and consumed in fighting the war in Vietnam.

I believe it is very important that we bear in mind today that what we are doing by our action in supporting this bill and in voting for this bill is restoring the equipment and the supples that have been used in the conduct of the war during fiscal year 1967." 113 *Cong. Rec.* 6880.

Senator Young said:

"[W]e have been financing this war for some months by the reprograming of funds, borrowing from emergency funds, delaying housing, and by other means. Much of this money has already been committed for war purposes; and if we were to decide to get out of Vietnam tomorrow, I would think that most of this money would still be needed." 113 *Cong. Rec.* 7196.

[Civil Action No. 697–71, in the U.S. District Court for the District of Columbia]

Affidavit of Robert L. Leggett

The Honorable Parren J. Mitchell, *et al.*, Plaintiffs, v. Richard M. Nixon, *et al.*, Defendants.

District of Columbia, ss:

Robert L. Leggett, being first duly sworn upon oath, deposes and says, as follows:

I am a member of the Congress of the United States, representing the Fourth District of California. I have been a member of the Congress for eight years during a period when the American troop commitment in Vietnam escalated from 20,000 authorized by President Kennedy to 548,000 authorized by President Johnson.

At no time during said period have I been requested by the President or any other person or entity to declare war on the country of North Vietnam. I have not had the opportunity to vote for such a declaration pursuant to the provisions of Article I, Section 8 of the Constitution that states, "The Congress shall have Power To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;" The Constitutional inference is that this power is exclusive in the Congress of the United States.

I personally have never submitted a resoution to declare war on North Vietnam because I am opposed to waging war against that country.

The Congress has never been consulted as a body with respect to the troop escalation. Escalations were merely periodically reported to us—usually in the newspapers.

I have not indirectly declared war through voting on individual pieces of legislation providing for the national defense.

The Congress has the Constitutional duty also under Article I, Section 8, of providing for the national defense as follows:

"The Congress shall have Power To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

"To proivde and maintain a Navy;

"To make rules for the Government and Regulation of the land and naval Forces;

"To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

"To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;"

I have fulfilled my obligation under this Section by working on the Armed Services Committee for the enactment of a proper Defense Authorization Bill.

The Defense Authorization Bill provides totally for defense. No line items have been inserted in said legislation for eight years which would declare war. No line items were contained directly authorizing any particular expenditure in Vietnam.

Efforts were made on numerable occasions through the years to limit American involvement in Southeast Asia. Procedural rules have always kept these issues from a specific vote in the House of Representatives.

Because we have a Germaneness rule in the House of Representatives, war amendments have always been held not in order respecting other legislation not related to national defense. Rule XVI, Section 794, reads as follows: ". . . and no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment."

In summary, it has simply not been possible for me to discharge my duty as I saw it under the Constitution to provide for the national defense and not vote for defense authorizations and appropriations as they were presented to the Congress.

I, at no time, have considered that my discharge of obligations under Article I, Section 8, § 140, indirectly discharged my obligations under Article I, Section 8, § 131, relating to declaring war.

It is my view that this legal position is shared by many Members.

It is my considered view of the facts that even members who have supported the military action against North Vietnam have not intended to indirectly declare war on that country. To the contrary, debates have occured on many occasions in the Congress and before my Committee whereby it was the consensus that war should not be expressly declared for good and efficient reasons.

I consider, therefore, that American participation in the war in Southeast Asia is a violation of the Constitution of the United States, and is therefore unconstitutional.

[Civil Action No. 697–71, in the U.S. District Court for the District of Columbia]

AFFIDAVIT OF BENJAMIN S. ROSENTHAL

The Honorable Parren J. Mitchell, *et al.*, Plaintiffs, v. Richard M. Nixon, *et al.*, Defendants.

District of Columbia, ss:

Benjamin S. Rosenthal, being first duly sworn upon oath, deposes and says as follows:

1. I reside at 88–12 Elmhurst Avenue, Elmhurst, New York.

2. I am now and have been a Member of the House of Representatives of the Congress of the United States from the Eighth District of the State of New York since 1962.

3. It is my belief that House passage of general military appropriations bills is not an exercise of Congress' Constitutional right to authorize war. Because of the mechanics of the legislative procss in the House, military appropriations bills do not represent a decision of a majority of those voting to enact the bill, that the U.S. shall fight a war, nor does a Congressman's vote for military appropriations necessarily mean that he is for the war and wishes to authorize it. Further, a Congressman's failure to vote for legislation to cut off the use of funds does not mean that he favors the war and wishes to authorize it. This will all become more clear if I set out the mechanics of the legislative process in the House.

4. In the House, committee chairmen wield an amount of power which is vastly disproportionate to their numbers. They have great, and often decisive, influence on what provisions are included in legislation before their committees and on what legislation is reported out of their committees. A committee chairman exercises great if not decisive influence on how much floor time shall be allotted for full House debate on his committee's bills, on whether the bills can be amended on the floor, and on what other rules of procedure will be followed on the floor in regard to his Committee's bills. When the House considers a bill while in the Committee of the Whole, rather than sitting as the House of Representatives, the Chairman of the committee which reported out the bill usually manages it on the floor and allots time to speakers of his party.

When a bill is enacted by the House but must go to conference with the Senate, the committee chairman whose committee reported out the bill appoints the House conferees. Normally, he will pick conferees whose views are similar or identical to his own rather than conferees who may happen to disagree with him. This helps him to insure that, as reported back to the full House from the conference, the bill will reflect his views.

5. Because of the seniority system, House Committees are disproportionately chaired by older Congressmen who in the main are from rural, one-party districts from one section of the country.

6. The House Armed Services Committee handles military authorization bills, which authorize the expenditure of funds for military purposes. The House Appropriations Committee handles bills which actually appropriate the money that has previously been authorized in authorization bills. The House Rules Committee, in consultation with the chairman of the Armed Services and Appropriations Committees, lays down the procedural rules under which bills from the latter two committees will be debated and voted upon on the floor.

7. During the course of the war in Indo-China, the chairmen of the Armed Services Committee have been the late Carl Vinson of Georgia, the late Mendel Rivers of South Carolina and Edward Hébert of Louisiana; the chairman of the Appropriations Committee has been George Mahon of Texas, and the chairmen of the Rules Committee have been Howard Smith of Virginia and William Colmer of Mississippi. All of these chairmen have indicated support for the war in Vietnam.

8. Unless it were to be introduced as an amendment on the floor (which I shall discuss later), a bill to prevent authorized or appropriated funds from being used to fight a war in Indo-China would have gone to the Armed Services or Appropriations Committees. But the views of the chairmen and most of the members of these committees meant that these committees would not report out such cut-off bills for adoption or rejection by the House. This was true regardless of whether the cut-off bill was separate from any other legislation or was only one provision in a larger military authorization or appropriations bill. Thus, the opponents of the war were, for all intents and purposes, disabled from working through the committee system.

9. When a military authorization or appropriation bill is reported out from committee and comes before the House for action, the House does not sit as the House of Representatives when debating and amending the bill. Rather, the bill is considered in Committee of the Whole. When the Committee of the Whole has concluded debating and amending the bill, the House reconvenes as the House of Representatives to vote on the bill. But when the House reconvenes as the House of Representatives, there is no further debate on the bill. Moreover, the House cannot add any amendments which were either rejected in the Committee of the Whole or were not passed upon in the Committee of the Whole. All the House of Representatives can do regarding amendments is to accept or reject amendments that were previously added in Committee of the Whole. When the House subsequently sits as the House of Representatives, each Congressman who votes on the previously added amendments and on the final bill may have his vote recorded, which means that his constituents, his colleagues, the press and others can tell how he voted.

10. The procedural rules governing the Committee of the Whole are materially different from the rules which normally govern when the House sits as the House of Representatives. Moreover, the rules governing the Committee of the Whole ensure that, as hammered out in Committee of the Whole, military authorization and appropriations bills do not represent a considered and intentional decision, by at least a majority of those voting to enact the bills, that this nation shall fight a war.

11. In Committee of the Whole, a quorum consists of only 100 members, and a majority of that quorum is 51 members. Furthermore and very importantly, until the 1971 changes requiring recorded teller votes in Committee of the Whole, there were no recorded votes on amendments to bills. Thus, in regard to military authorization or appropriations bills in Committee of the Whole, there would have been no way to tell whether a Representative voted for an amendment such as one to cut off the use of funds in Indo-China, whether he voted against the amendment, whether he voted at all or even if he were present when the amendment was considered. This inability to tell how a Representative voted on an amendment or even whether he voted at all was a factor conducive to not making a conscious, intentional, and deliberate decision on whether the United States should fight a war.

12. When military authorization or appropriation bills were considered in Committee of the Whole, the chairmen, respectively, of the Armed Services and Appropriations Committees would be the managers of the bill and would allot floor debate time to speakers from their political party. The ranking Republican member of these committees would allot floor time to Republican Congressmen. The Chairmen of the committees, and the ranking Republicans, were all of generally similar views on Vietnam. The chairmen would see to it that the particular authorization or appropriation bill under consideration was treated as a unitary "package". From a practical point of view, there was a restriction on the opportunity for the introduction of, debate upon, or voting on the amendments to the bill. Time to speak was not fairly apportioned among proponents and opponents. Thus, an amendment to cut off funds for the war would receive short procedural shrift, as compared to other amendments connected with the war. Thus, as hammered out in Committee of the Whole, a military authorization or appropriation bill could not represent a conscious and intentional decision by at least a majority of those voting on the bill that the nation should fight a war in Indo-China.

13. As previously stated, when they are hammered into final shape in Committee of the Whole, military authorization and appropriations bills are then acted upon by the House, which reconvenes as the House of Representatives to take such action. But the House acts upon the bill in the exact form in which it comes out of Committee of the Whole. The House, sitting as the House of Representatives, does not further debate the bill. It cannot add amendments which have been rejected or not passed upon in Committee of the Whole. It votes only on whether to accept amendments that were added in Committee of the Whole and on the final version of the bill.

14. The only exception to the procedure whereby the reconvened House does not merely vote on the bill as it emerged from the Committee of the Whole is as follows: It is possible for the reconvened House to enact a motion to conditionally or unconditionally recommit the bill to Committee of the Whole. But the standard House procedure is for the Speaker to recognize a legislator whom the Speaker knows will move to recommit the bill unconditionally. Since an unconditional recommital would open up the bill for wholesale changes upon its return to the committee, and since there is a reluctance to go over the same ground again in the committee, the motion to recommit unconditionally is usually voted down. Under the operative rules, the motion to recommit unconditionally precludes any further motion to recommit that might be made. Thus there could not be a motion to recommit upon the condition, for example, of an amendment to cut off funds for the war Thus the House must proceed, without debate, to vote on the authorization or appro-

priations bill in the form in which it emerged from Committee of the Whole.

15. As it emerges from Committee of the Whole, an authorization or appropriations bill represents a "package" or "lumped" bill, which authorizes or appropriates money for a great variety of military needs, many of which needs are essential to national security, such as ships, planes, bases, and military salaries. The costs of the war are not separately earmarked in the bills, so they cannot be separately identified. Moreover, the costs of the war are substantially less than half of the total monies appropriated for national defense, and over 80% of the forces for which money is authorized or appropriated are not in Indo-China.

16. Because Congressmen support the essential defense needs such as ships, planes, and salaries provided for in an authorization or appropriation bill, most of them have felt that they must vote in favor of the bill even though some might oppose the war, or oppose the use of part of the bill's monies to finance the war, or would not vote to authorize the war in Indo-China. There is thus no way validly to generalize that the enactment of general military appropriations or authorization bills represents an intentional decision by at least a majority of Representatives voting on the bill that the United States should fight a war in Indo-China.

17. I have pointed out that House procedure has made it exceptionally difficult to bring up a bill or amendment cutting off money for the war. I have also tried to show that a Congressman's failure to vote for a fund cut-off does not necessarily mean he favors the war or wishes to authorize it. Congressmen have felt strongly that they cannot cut off money to American servicemen who are already in combat in the field and who need ammunition, food, shelter and other materiel requisite to survival. For these reasons, Congressmen have not voted for a fund cut-off even though they oppose the war and would not vote to authorize it.

18. In addition, I believe that some Congressmen who would not vote to authorize the war, will not vote for a fund cut-off because they do not believe that a fund cut-off is a proper way to terminate a war.

19. An appropriations bill enacted without a fund cut-off cannot realistically be equated with a bill which is divorced from appropriations and which independently and intentionally authorizes war. The fact that Congress enacts appropriations bills without cutting off money does not mean Congress would be willing to authorize the war if asked to do so. It would be much harder for the Executive to get Congress to intentionally authorize the war than to get Congress to enact an authorization or appropriations act without a fund cut-off.

There are several reasons for this. If Congressmen were asked to authorize war in Indo-China in a bill independent of appropriations, they would think about this very carefully because there could be no doubt they are clearly being presented with a decision for or against war. Each Congressman would also think about it carefully because his vote would be recorded and would therefore be visible to the press and public, and he would be held accountable for his vote by his constituents. There would have been an earnest debate in Congress and in the nation at any time since 1960 on whether war should be authorized in Indo-China. Such a Congressional debate would have raised all the questions incident to the desirability of committing this nation to fight a war in Asia, whether American troops should be sent to Indo-China, whether the war was in the national interest, and so forth. At the end of such a debate, if a Congressman had decided to vote against declaring or authorizing war, he would not have had to feel that he was cutting off necessary monies to men in combat.

But the situation is entirely different in regard to military authorization and appropriations bills. As stated above, these bills are considered under procedures which restrict sharply the possibility of introducing and debating amendments to cut off funds. The bills do not clearly present the decision of whether to fight a war, since they are "packages" which provide money for a tremendous number of defense needs. Some Congressmen feel that a cut off, even one at a future date, could endanger our men. Votes on amendments in Committee of the Whole have not been recorded in the past, so that a Congressman's constituency is not aware of how he votes on amendments. But even if a Congressman were to announce that he voted to cut off monies, or if otherwise his position became public knowledge, some constituents might be angry with him for possibly endangering troops by cutting off monies. In contrast, his constituents might have agreed with him or been sympathetic with him if he refused affirmatively to authorize war on a war bill or resolution that was wholly divorced from cutting off funds

Finally, even if Congress were to enact a general authorization or appropriations bill containing a provision cutting off monies, the President could veto the bill. It would be virtually impossible to muster the ⅔ majority necessary in each House of Congress to override the veto, and, because our armed services cannot be totally left without funds, Congress would have to enact a new bill satisfactory to the President which did not contain a cut-off of monies.

20. In May 1965 and March 1967, the Executive, close to the end of the fiscal years involved, said it had run out of money to use in Vietnam, and Congress enacted supplemental appropriations to be used in Vietnam for the remainder of those fiscal years. I voted for the supplemental appropriation in 1965 and against the supplemental appropriation in 1967. However, in my view, votes for these supplemental appropriations did not represent a declaration, authorization, or ratification of war. Many Congressmen felt it necessary to vote for these bills because American servicemen were already in combat in the field and the Executive said the money was immediately necessary to provide them with requisites of survival such as food, ammunition, shelter, etc. In fact, at one point we were told by the President that to deny supplemental appropriations would be to deny support to men who are risking their lives. Thus many Congressmen voted for the supplementals even though they did not approve of and did not wish to authorize a large war in Indo-China.

21. Congress voted in 1967 and 1971 for extensions of the Selective Service Act. I voted for the 1967 extension of the draft, and against the 1969 and the 1971 extensions of the draft. But a vote for extending Selective Service is not a vote to declare, authorize or ratify the war in Indo-China.

This country has had a draft since 1940, in both times of war and times of peace. It obviously needs an army in peacetime, and this is aside from the fact that troops are fighting in Vietnam. Unless and until there is a volunteer army, the army must be raised by conscription. Thus, Congressmen felt it necessary to vote to extend Selective Service even though they would not have voted to authorize the war and were opposed to using American troops in the Indo-China war.

Moreover, any attempts to amend the Selective Service extension bills to cut off the use of troops in Indo-China would have in the House of Representatives run into the same kinds of procedural obstacles that I've discussed earlier in connection with appropriations. Like authorization bills, Selective Service renewal bills go to the Armed Services Committee. Like authorizations and appropriations, Selective Service renewals are considered in Committee of the Whole. Thus, a bill to end the use of troops in Indo-China would not have been reported out of committee, and a floor amendment to achieve that objective would not and did not receive a fair opportunity to be introduced and considered. The same procedural reasons which demonstrate that the absence of a fund cut-off does not mean Congress has authorized war also demonstrate that the absence of a troop cut-off does not mean Congress has authorized war.

Finally, as long as the U.S. was fighting a war, many Congressmen, even though they opposed the war, felt the draft was necessary to permit the replacement of troops who had already served in combat.

Thus, for all these reasons, it is my view that many Congressmen felt it necessary to vote for Selective Service extensions though they did not intend and would not have voted to authorize the war.

22. Because of his wide access to the mass media, his position as national leader, his position as head of his party, his patronage power, and his fund-raising power, the President has tremendous political power and great advantages in the legislative process. With this power and these advantages, he might be able to get Congress to intentionally authorize war *if Congress really thinks we should fight*. But as I've said before, it would be harder for him to get Congress to intentionally authorize war than for him to get Congress to pass appropriations and Selective Service bills without a cut-off of funds or troops. Cutting off funds for troops involves just too many problems to be an effective method of registering Congressional authorization for a war. Based on my experience in Congress, if separation of powers is to be maintained, and if Congress' power over war is to be maintained with integrity, the President should have to get explicit and intentional Congressional authorization for war.

[Civil Action No. 697–71, in the U.S. District Court for the District of Columbia]

AFFIDAVIT OF JOHN CONYERS, JR.

The Honorable Parren J. Mitchell, *et al.*, Plaintiffs, v. Richard M. Nixon, *et al.*, Defendants.

District of Columbia, ss:

John Conyers, Jr., being first duly sworn upon oath, deposes and says as follows:

1. I currently reside at 19970 Canterbury Road, Detroit, Mich. 48221

2. I am now and have been a Member of the House of Representatives of the Congress of the United States from the First District of the State of Michigan since 1965.

3. I have voted for general military appropriations bills during the course of the war in Indo-China. But House passage of general military appropriations bills is not an exercise of Congressmen's Constitutional right to authorize war in Indo-China. Because of the mechanics of the legislative process in the House, military appropriations bills do not represent a decision of at least a majority of those voting to enact the bill, that the U.S. shall fight a war. Because of the mechanics of the legislative process, a Congressman's vote for military appropriations does not necessarily mean that he is for the war and wishes to authorize it, nor does a Congressman's failure to vote for legislation to cut off the use of funds in Indo-China mean that he favors the war and wishes to authorize it. This will all become more clear if I set out the mechanics of the legislative process in the House.

4. In the House, committee chairmen wield an amount of power which is vastly disproportionate to their numbers. They have great if not decisive influence on what provisions are included in legislation before their committees and on what legislation is reported out of their committees. A committee chairman exercises great if not decisive influence on how much floor time shall be

allotted for full House debate on his committee's bills, on whether the bills can be amended on the floor, and on what other rules of procedure will be followed on the floor in regard to his Committee's bills. When the House considers a bill sitting in Committee of the Whole, rather than sitting as the House of Representatives, the Chairman of the committee which reported out the bill manages it on the floor and allots times to speakers of his party. Relatively little time is normally allotted for debate. When a bill is enacted by the House but must go to conference with the Senate, the committee chairman whose committee reported out the bill appoints the House conferees. Normally, he will pick conferees whose views are similar or identical to his own rather than conferees who may happen to disagree with him. This helps him to insure that, as reported back to the full House from the conference, the bill will reflect his views.

5. Because of the seniority system, House Committees are disproportionately chaired by older Congressmen who in the main are from one section of the country.

6. The House Armed Services Committee handles military authorization bills, which authorize the expenditure of funds for military purposes. The House Appropriations Committee handles bills which actually appropriate the money that has previously been authorized in authorization bills. The House Rules Committee, in close collaboration with the chairmen of the Armed Services and Appropriations Committees, often lays down the procedural rules under which bills from the latter two committees will be debated and voted upon on the floor.

7. During the course of the war in Indo-China, the chairmen of the Armed Services Committee have been the late Carl Vinson of Georgia, the late Mendel Rivers of South Carolina and Edward Hebert of Louisiana; the chairman of the Appropriations Committee has been George Mahon of Texas, and the chairmen of the Rules Committee have been Howard Smith of Virginia and William Colmer of Mississippi. All of these chairmen have been hawkish on Vietnam. Further, the membership of the three committees has also been comprised primarily of Congressmen who were quite hawkish on the war.

8. Unless it were to be introduced as an amendment on the floor (which I shall discuss later), a bill to prevent authorized or appropriated funds from being used to fight a war in Indo-China would have gone to the Armed Services or Appropriations Committees. But the hawkish views of the chairmen and members of these committees meant that these committees would not report out such cut-off bills for adoption or rejection by the House. This was true regardless of whether the cut-off bill was separate from any other legislation or was only one provision in a larger military authorization or appropriations bill. Thus, opponents of the war were disabled from working through the committee system.

9. When a military authorization or appropriation bill is reported out from committee and comes before the House for action, the House does not sit as the House of Representatives when debating and amending the bill. Rather, the bill is considered in Committee of the Whole. When the Committee of the Whole is through debating and amending the bill, the House reconvenes as the House of Representatives to vote on the bill. But when the House reconvenes as the House of Representatives, there is no further debate on the bill. Moreover, the House cannot add any amendments which were either rejected in the Committee of the Whole or were not passed upon in the Committee of the Whole. All the House of Representatives can do regarding amendments is to accept or reject amendments that were previously added in Committee of the Whole. Each Congressman who votes on the previously added amendments and on the final bill has his vote recorded, which means that his constituents, his colleagues, the press and others can tell how he voted.

10. The procedural rules governing the Committee of Whole are materially different from the rules which normally govern at times when the House sits as the House of Representatives. Moreover, the rules governing the Committee of the Whole ensure that, as hammered out in Committee of the Whole, military authorization and appropriations bills do not represent a considered and intentional decision, by at least a majority of those voting to enact the bills, that this nation shall fight a war.

11. In Committee of the Whole, a quorum consists of only 100 members, and a majority of that quorum is but 51 members. Furthermore and very importantly, until the 1971 changes requiring recorded teller votes in Committee of the Whole, there were no recorded votes on amendments to bills. Thus, in regard to military authorization or appropriations bills in Committee of the Whole, there would have been no way to tell whether a Representative voted for an amendment such as one to cut off the use of funds in Indo-China, whether he voted against the amendment, or whether he voted at all. This inability to tell how a Representative voted on an amendment or even whether he voted at all was a factor conducive to not making a conscious, intentional, and deliberate decision on whether the United States should fight a war.

12. When military authorization or appropriation bills were considered in Committee of the Whole, the chairmen, respectively, of the Armed Services and Appropriations Committees would be the managers of the bill and would allot floor debate time to speakers from their political party. The ranking Republican member of these committees would allot floor time to Republican Congressmen. The chairmen of the committees, and the ranking Republicans, were all hawkish on Vietnam. The chairmen would see to it that the particular authorization or appropriation bill under consideration was treated as a unitary "package." Very little or no opportunity was given for the introduction of, debate upon, or voting on amendments to the bill. Time to speak was not democratically apportioned among proponents and opponents. Thus, an amendment to cut off funds for the war would receive nothing but very short procedural shrift, as occurred to other amendments connected with the war. Thus, as hammered out in Committee of the Whole, a military authorization or appropriation bill could not represent a conscious and intentional decision by at least a majority of those voting on the bill that the nation should fight a war in Indo-China.

13. When they are hammered into final shape in Committee of the Whole, military authorization and appropriations bills are then acted upon by the House, which reconvenes as the House of Representatives to take such action. But the House acts upon the bill in the exact form in which it comes out of Committee of the Whole. The House, sitting as the House of Representatives, does not further debate the bill. It cannot add amendments which have been rejected or not passed upon in Committee of the Whole. It votes only on whether to accept amendments that were added in Committee of the Whole and on the final version of the bill.

14. The only exception to the procedure whereby the reconvened House does not merely vote on the bill as it emerged from Committee of the Whole is as follows. It is possible for the reconvened House to enact a motion to conditionally or unconditionally recommit the bill to Committee of the Whole. But the standard House procedure is for the presiding officer to recognize a legislator, whom the officer knows will move to recommit the bill unconditionally. Since an unconditional recommital would open up the bill for wholesale changes, and since there is a fear of wholesale changes, the motion to recommit unconditionally is always voted down. Under the operative rules, the motion to recommit unconditionally precludes any further motion to recommit that might be made. Thus there cannot be a motion to recommit upon the condition, for example, of an amendment to cut off funds for the war. Thus the House must proceed, without debate, to vote on the authorization or appropriations bill in the form in which it emerged from Committee of the Whole.

15. As it emerges from Committee of the Whole, an authorization or appropriations bill represents a "package" or "lumped" bill, which authorizes or appropriates money for a great variety of military needs, many of which needs are essential to national security, such as ships, planes, bases, and military salaries. The costs of the war are not separately earmarked in the bills, so they cannot be separately identified. Moreover, the costs of the war are substantially less than half of the total monies appropriated for national defense, and over 80% of the forces for which money is authorized or appropriated are not in Indo-China.

16. Because Congressmen support the essential defense needs such as ships, planes, and salaries provided for in an authorization or appropriation bill, they have felt that they must vote in favor of the bill even though they oppose the war, oppose the use of part of the bill's monies to finance the war, and would not vote to authorize the war in Indo-China. There is thus no way validly to generalize that the enactment of general military appropriations or authorization bills represents an intentional decision by at least a majority of Representatives voting on the bill that the United States should fight a war in Indo-China.

17. I have pointed out that the House procedure has made it exceptionally difficult to bring up a bill or amendment cutting off money for the war. I have also pointed out that a Congressman's failure to vote for a fund cut-off does not necessarily mean he favors the war or wishes to authorize it. Congressmen have felt strongly that they cannot cut off money to American servicemen who are already in combat in the field and who need the monies for ammunition, food, shelter and other materiel requisite to survival. For these reasons, Congressmen have not voted for a fund cut-off even though they oppose the war and would not vote to authorize it.

18. In addition, some Congressmen who would not vote to authorize the war, will not vote for a fund cut-off because they do not believe that a fund cut-off is a proper way to terminate a war.

19. An appropriations bill enacted without a fund cut-off cannot realistically be equated with a bill which is divorced from appropriations and which independently and intentionally authorizes war. The fact that Congress enacts appropriations bills without cutting off money does not mean Congress would be willing to authorize the war if asked to do so. It would be much harder for the Executive to get Congress to intentionally authorize the war than to get Congress to enact an authorization or appropriations act without a fund cut-off.

There are several reasons for this. If Congressmen were asked to authorize war in Indo-China in a bill independent of appropriations, they would think about this very carefully because there could be no doubt they are clearly being presented with a decision for or against war. Each Congressman would also think about it carefully because his vote would be recorded and would therefore be visible to the press and public, and he would be held accountable for his vote by his constituents. There would doubtlessly have been an earnest debate in Congress and in the nation at any time whatever since 1960 on whether war should be authorized in Indo-China. Such a Congressional debate would have raised all the questions incident to the desirability of committing this nation to fight a war in Asia, whether American troops should be sent to Indo-China, whether the war was in the national interest, and so forth. At the end of such a debate, if a Congressman had decided to vote against declaring or authorizing war, he would not have had to feel that he was cutting off necessary monies to men in combat.

But the situation is entirely different in regard to military authorization and appropriations bills. These bills are considered under procedures which give short shrift to the possibility of introducing and debating amendments to cut off funds. The bills do not clearly present the decision of whether to fight a war, since they are "packages" which provide money for a tremendous number of defense needs. Congressmen feel that a cut off, even one at a future date, could endanger our men. Votes on amendments in Committee of the Whole have not been recorded in the past, so that a Congressman's constituency is not aware of how he votes on amendments. But even if a Congressman were to announce that he voted to cut off monies, or if otherwise his position became public knowledge, his constituents could easily be angry with him for possibly endangering troops by cutting off monies. In contrast, his constituents might have agreed with him or been sympathetic with him if he refused affirmatively to authorize war on a war bill or resolution that was wholly divorced from cutting off funds.

Finally, even if Congress were to enact a general authorization or appropriations bill containing a provision cutting off monies, the President could veto the bill. It would be virtually impossible to muster the ⅔ majority necessary in each House of Congress to override the veto, and, because our armed services cannot be left without funds, Congress would have to enact a new bill satisfactory to the President which did not contain a cut-off of monies. Even the threat of a Presidential veto, moreover, acts as a substantial deterrence to Congressmen either to introduce or vote on an amendment for a fund cut-off.

20. In May 1965 and March 1967, the Executive, close to the end of the fiscal years involved, said it had run out of money to use in Vietnam, and Congress enacted supplemental appropriations to be used in Vietnam for the remainder of those fiscal years. However, votes for these supplemental appropriations did not represent a declaration, authorization, or ratification of war. Congressmen felt it necessary to vote for these bills because American servicemen were already in combat in the field and the Executive said the money was immediately necessary to provide them with requisites of survival such as food, ammunition, shelter, etc. In fact, at one point we were told by the President that to deny supplemental appropriations would be to deny support to men who are risking their lives. Thus Congressmen voted for the supplementals even though they did not approve of and did not wish to authorize a large war in Indo-China.

21. The House voted in 1967 and 1971 for extensions of the Selective Service Act. But a vote for extending Selective Service is not a vote to declare, authorize or ratify the war in Indo-China.

This country has had a draft since 1940, in both times of war and times of peace. It needs an army in peacetime, and an army is necessary entirely aside from the fact that troops are fighting in Vietnam. Without a sufficient army, it would be impossible to properly man our bases, installations, etc. Unless and until there is a volunteer army, the army must be raised by conscription. Thus, most Congressmen felt it necessary to vote to extend Selective Service even though they would not have voted to authorize the war and were opposed to using American troops in the Indo-China war.

Moreover, any attempts to amend the Selective Service extension bills to cut off the use of troops in Indo-China would have run into the same kinds of procedural obstacles that I've discussed earlier in connection with appropriations. Like authorization bills, Selective Service renewal bills go to the Armed Services Committee. Like authorizations and appropriations, Selective Service renewals are considered in Committee of the Whole. Thus, a bill to cut off troops would not have been reported out of committee, and a floor amendment to cut off troops would not have received a fair opportunity to be introduced and considered. The short of it is that the same procedural reasons which demonstrate that the absence of a fund cut off does mean Congress has authorized war also demonstrate that the absence of a troop cut off does not mean Congress has authorized war.

Finally, as long as the U.S. was fighting a war, most Congressmen, even though they opposed the war, felt the draft was necessary to permit the replacement of troops who had already served in combat.

Thus, for all these reasons, Congressmen felt it necessary to vote for Selective Service extensions though they did not intend and would not have voted to authorize the war.

22. Because of his tremendous access to the mass media, his position as national leader, his position as head of his party, his patronage power, and his fund-raising power, the President has tremendous political power and great advantages in the legislative process. With this power and these advantages, he would be able to get Congress to intentionally authorize war *if Congress really thinks we should fight*. But as I've said before, it would be harder for him to get Congress to intentionally authorize war than for him to get Congress to pass appropriations and Selective Service bills without a cut-off of funds or troops. Cutting off funds or troops involves just too many problems to be an effective method of registering Congressional authorization for a war. Based on my experience in Congress, if separation of powers is to be maintained, and if Congress' power over war is to be maintained with integrity, the President should have to get explicit and intentional Congressional authorization for war.

[Civil Action No. 697–71, in the U.S. District Court for the District of Columbia]

AFFIDAVIT OF DONALD M. FRASER

The Honorable Parren J. Mitchel, *et al.*, Plaintiffs, v. Richard M. Nixon, *et al.*, Defendants.

District of Columbia, ss:

Donald M. Fraser, being first duly sworn upon oath, deposes and says as follows:

1. I currently reside at 1253 4th Street S.W., Washington, D.C.

2. I am now and have been a Member of the House of Representatives of the Congress of the United States from the 5th District of the State of Minnesota since 1963.

3. Passage by the House of Representatives of general military appropriations bills does not constitute a declaration, authorization, or ratification of the war in Indo-China.

As voted upon by the House, a general military authorization or appropriations bill represents a "package" or "lumped" bill which authorizes or appropriates money for a great variety of military needs, many of which needs are essential to national security, such as ships, planes, bases, and military salaries.

Because Congressmen support the essential defense needs such as ships, planes, and salaries provided for in an authorization or appropriation bill, many have felt that they must vote in favor of the bill even though they oppose the war, oppose the use of part of the bill's monies to finance the war, and would not vote to authorize the war in Indo-China.

4. That Congress has not voted for cutting off funds for Indo-China does not mean that Congressmen favor the war or wish to authorize it. Many Congressman have felt strongly that they cannot cut off money to American servicemen who are already in combat in the field and who need the monies for ammunition, food, shelter and other materiel requisite to survival.

For these reasons, the enactment of a military authorization or appropriations bill without a fund cut-off does not necessarily represent a conscious and intentional House decision that the nation should fight a war in Indo-China.

5. An appropriations bill enacted without a fund cut-off cannot realistically be equated with a bill which is divorced from appropriations and which independently and intentionally authorizes war. At the present time it would be much harder for the Executive to get Congress to intentionally authorize the war than to get Congress to enact an authorization or appropriations act without a fund cut-off.

6. Supplemental appropriations for Vietnam, enacted during May 1965 and March 1967 just before the end of those fiscal years, did not constitute a declaration, authorization or ratification of war. Though many Congressmen did not approve of and did not wish to authorize a large war in Indo-China, most of these felt it necessary to vote for these bills because American servicemen were already in combat in the field and the Executive said the money was immediately necessary to provide them with requisites of survival such as food, ammunition, shelter, etc.

7. Enactment of Selective Service extensions in 1967 and 1971 did not constitute a declaration, authorization or ratification of war in Indo-China. This country has had a draft since 1940, in both times of war and times of peace. It needs an army in peacetime, and an army is necessary entirely aside from the facts that troops are fighting in Vietnam. Without a sufficient army, it would be impossible to properly man our bases, installations, etc. Unless and until there is a volunteer army, the army must be raised by conscription. Thus, most Congressmen felt it necessary to vote to extend Selective Service even though they would not have voted to authorize the war and were opposed to using American troops in the Indo-China war.

8. The Tonkin Gulf Resolution was not intended as an authorization for a large, long war in Indo-China. It was intended solely to support the President's action in repulsing an alleged attack on American ships in the Gulf of Tonkin, and to deter further such attacks. Moreover, the Executive secured passage of the Resolution solely on such grounds.

9. The defendants have made no statement indicating a time when the present war in Indo-China will end, but, on the contrary, specifically have refused to state any date when the war will end. Although the defendants announced in 1969 that American troops would be withdrawn on a gradual basis, there has been geographical escalation and extension of the war into the independent nations of Cambodia and Laos, and massive aerial bombardment of North Vietnam, Laos and Cambodia.

[Civil Action No. 697–71, in the U.S. District Court for the District of Columbia]

AFFIDAVIT OF EDWARD R. ROYBAL

The Honorable Parren J. Mitchell, *et al.*, Plaintiffs, v. Richard M. Nixon, *et al.*, Defendants.

District of Columbia, ss:

Edward R. Roybal, being first duly sworn upon oath, deposes and says as follows:

1. I currently reside at ———.

2. I am now and have been a Member of the House of Representatives of the Congress of the United States from the 30th District of the State of California since 1963.

3. I have voted for general military appropriations bills during the course of the war in Indo-China. In voting for such bills, I did not intend to declare, authorize or ratify the war in Indo-China. House enactment of military appropriations bills does not represent a decision that the U.S. shall fight a war. A Congressman's vote for military appropriations does not necessarily mean that he is for the war and wishes to authorize it, nor does a Congressman's failure to vote for legislation to cut off the use of funds in Indo-China mean that he favors the war and wishes to authorize it.

4. As voted upon by the House, a general military authorization or appropriations bill represents a "package" or "lumped" bill which authorizes or appropriates money for a great variety of military needs, many of which needs are essential to national security, such as ships, planes, bases, and military salaries. The costs of the war are not separately earmarked in the bills, so they cannot be separately identified. Moreover, the costs of the war are substantially less than half of the total monies appropriated for national defense, and over 80% of the forces for which money is authorized or appropriated are not in Indo-China.

Because Congressmen support the essential defense needs such as ships, planes, and salaries provided for in an authorization or appropriation bill, they have felt that they must vote in favor of the bill even though they oppose the war, oppose the use of part of the bill's monies to finance the war, and would not vote to authorize the war in Indo-China. There is thus no way validly to generalize that the enactment of general military appropriations or authorization bills represents an intentional decision by the House that the United States should fight a war in Indo-China.

5. That Congress has not voted for cutting off funds for Indo-China does not mean that Congress favor the war or wish to authorize it. Congressmen have felt strongly that they cannot cut off money to American servicemen who are already in combat in the field and who need the monies for ammunition, food, shelter and other materiel requisite to survival. Moreover, House procedure has made it exceptionally difficult to bring up a bill or amendment cutting off funds. Committee chairmen would see to it that, when considered on the floor, a military authorization or appropriations bill was treated as a unitary "package." Very little or no opportunity was given for the introduction of, debate upon, or voting on amendments to the bill. Time to speak was not democratically apportioned among proponents and opponents. Thus, an amendment to cut off funds for the war would receive nothing but very short procedural shrift, as occurred to other amendments connected with the war. For the reasons, then, the enactment of a military authorization or appropriations bill without a fund cut-off could not represent a conscious and intentional House decision that the nation should fight a war in Indo-China.

6. An appropriations bill enacted without a fund cut-off cannot realistically be equated with a bill which is divorced from appropriations and which independently and intentionally authorizes war. The fact that Congress enacts appropriations bills without cutting off money does not mean Congress would be willing to authorize the war if asked to do so. It would be much harder for the Executive to get Congress to intentionally authorize the war than to get Congress to enact an authorization or appropriations act without a fund cut-off.

There are several reasons for this. If Congressmen were asked to authorize war in Indo-China in a bill independent of appropriations, they would think about this very carefully because there could be no doubt they are clearly being presented with a decision for or against war. Each Congressman would also think about it carefully because his vote would be recorded and would therefore be visible to the press and public, and he would be held accountable for his vote by his constituents. There would doubtlessly have been an earnest debate in Congress and in the nation at any time whatever since 1960 on whether war should be authorized in Indo-China. Such a Congressional debate would have raised all the questions incident to the desirability of committing this nation to fight a war in Asia, whether American troops should be sent to Indo-China, whether the war was in the national interest, and so forth. At the end of such a debate, if a Congressman had decided to vote against declaring or authorizing war, he would not have had to feel that he was cutting off necessary monies to men in combat.

But the situation is entirely different in regard to military authorization and appropriations bills. These bills are considered under procedures which give short shrift to the possibility of introducing and debating amendments to cut off funds. The bills do not clearly present the decision of whether to fight a war, since they are "packages" which provide money for a tremendous number of defense needs. Congressmen feel that a cut off, even one at a future date, could endanger our men. Votes on amendments in Committee of the Whole have not been recorded in the past, so that a Congressman's constituency is not aware of how he votes on amendments. But even if a Congressman were to announce that he voted to cut off monies, or if otherwise his position became public knowledge, his constituents could easily be angry with him for possibly endangering troops by cutting off monies. In contrast, his constituents might have agreed with him or been sympathetic with him if he refused affirmatively to authorize war on a war bill or resolution that was wholly divorced from cutting off funds.

Finally, even if Congress were to enact a general authorization or appropriations bill containing a provision cutting off monies, the President could veto the bill. If there were not a ⅔ majority necessary in each House of Congress to override the veto, then, because our armed services cannot be left without funds, Congress would have to enact a new bill satisfactory to the President which did not contain a cut-off of monies. The threat of a Presidential veto thus acts as a substantial deterrent to Congressmen either to introduce or vote on an amendment for a fund cut-off.

7. In May 1965 and March 1967, the Executive, close to the end of the fiscal years involved, said it had run out of money to use in Vietnam, and Congress enacted supplemental appropriations to be used in Vietnam for the remainder of those fiscal years. I voted for those supplementals. However, votes for these supplemental appropriations did not represent a declaration, authorization, or ratification of war. Congressmen felt it necessary to vote for these bills because American servicemen were already in combat in the field and the Executive said the money was immediately necessary to provide them with requisites of survival such as food, ammunition, shelter, etc. In fact, at one point we were told by the President that to deny supplemental appropriations would be to deny support to men who are risking their lives. Thus, Congressmen voted for the supplementals even though they did not approve of and did not wish to authorize a large war in Indo-China.

8. The House voted in 1967 and 1971, for extensions of the Selective Service Act. But a vote for extending Selective Service is not a vote to declare, authorize or ratify the war in Indo-China.

This country has had a draft since 1940, in both times of war and times of peace. It needs an army in peacetime, and an army is necessary entirely aside from the facts that troops are fighting in Vietnam. Without a sufficient army, it would be impossible to properly man our bases, installations, etc. Unless and until there is a volunteer army, the army must be raised by conscription. Thus, most Congressmen felt it necessary to vote to extend Selective Service even though they would not have voted to authorize the war and were opposed to using American troops in the Indo-China war.

Moreover, any attempts to amend the Selective Service extension bills to cut off the use of troops in Indo-China would have run into procedural obstacles. A bill to cut off troops would not have been reported out of committee, and due to various obstacles which arise from rules under which bills are debated and voted upon on the floor, a floor amendment to cut off troops would not have received a fair opportunity to be introduced, debated and considered.

Finally, as long as the U.S. was fighting a war, most Congressmen, even though they opposed the war, felt the draft was necessary to permit the replacement of troops who had already served in combat.

Thus, for all these reasons, Congressmen felt it necessary to vote for Selective Service extensions though they did not intend to authorize the war and would not have voted to authorize the war.

9. I voted for the Tonkin Gulf Resolution. It was not intended as an authorization for a large, long war in Indo-China. It was passed in response to the specific fact of an alleged attack on American ships in the Tonkin Gulf. It was intended solely to support the President's action in repulsing that alleged attack and to deter further such attacks. It was not intended as Congressional authorization for a major land, sea and air war in Asia.

10. The war in Indo-China is a major one. It is the longest war in American history, the second most costly in terms of dollars, and one of the most costly in terms of American lives wounded and lost. The President of the United States has on numerous occasions referred to the "war" in Indo-China and it is common knowledge that a "war" in the constitutional meaning of that term is being waged in Indo-China.

The defendants have made no statement indicating a time when the present war in Indo-China will end, but, on the contrary, specifically have refused to state any date when the war will end. There is, therefore, the threat that the war will continue. Although the defendants announced in 1969 that American troops would be withdrawn on a gradual basis, there has been geographical escalation and extension of the war into the independent nations of Cambodia and Laos, and massive aerial bombardment of North Vietnam, Laos and Cambodia.

11. I have not and would not introduce any bill or proposed resolution in Congress declaring or authorizing war in Indo-China, as I am opposed to the war in Indo-China and thus could not be a sponsor of any such bill or resolution.

12. There has been no bill or resolution in Congress declaring or authorizing the war in Indo-China. Thus I have not voted in favor of any such bill or resolution, and I do not intend to vote in favor of any such bill or resolution in the foreseeable future. I would actively oppose any such proposed bill or resolution, by vote and by public debate.

13. Each day that Congress is in session I refuse to declare or authorize war in Indo-China. I do this by not voting for any proposed bill or resolution that could be introduced by any other member of Congress which would declare or authorize the war in Indo-China.

14. Because the Executive is fighting a war without Congress declaring or authorizing war, it is defeating the right and duty, pos-

sessed by myself and each other federal legislator under Article I, Section 8, Clause 11 of the Constitution, to make the decision whether this nation shall fight a war, and it is defeating the efficacy of the continuing refusal of myself and other legislators to vote in favor of any bill or resolution authorizing war in Indo-China.

15. By prosecuting a war in Indo-China that has not been declared or authorized by Congress under Article I, Section 8, Clause 11, the Executive is defeating the principle of separation of powers established by the Constitution, is destroying a fundamental power of the United States Congress, and is thus impairing and limiting my powers and responsibility as a duly elected Member of Congress.

16. For redressing the impairment of my powers and responsibilities under Article I Section 8 Clause 11, I have no legislative remedy in Congress which is equivalent to the Constitutional power given to me under Clause 11. If I were to introduce a bill to terminate the war, or a bill to cut off funds for the war, and Congress were to pass such a bill, the President of the United States could veto it, thus necessitating a two-thirds vote in each house of Congress to override the President's veto. The necessity for a two-thirds vote is substantially different from the need for only a majority to defeat any declaration or authorization of war under Article I Section 8 Clause 11. My own vote could be decisive in providing an absolute majority in the House of Representatives for defeating a bill or resolution declaring or authorizing war. But though my vote could provide an absolute majority against declaring or authorizing war, such a majority would be insufficient, and my vote would be rendered useless and of no value, to override a presidential veto of a bill terminating or cutting off funds for the war where an absolute majority is short of the requisite two-thirds majority required to override a veto.

17. Because of his tremendous access to the mass media, his position as national leader, his position as head of his party, his patronage power, and his fund-raising power, the President has tremendous political power and great advantages in the legislative process. With this power and these advantages, he would be able to get Congress to intentionally authorize war *if Congress really thinks we should fight*. But as I've said before, it would be harder for him to get Congress to intentionally authorize war than for him to get Congress to pass appropriations and Selective Service bills without a cut-off of funds or troops. Cutting off funds or troops involves just too many problems to be an effective method of registering Congressional authorization for a war. Based on my experience in Congress, if separation of powers is to be maintained, and if Congress' power over war is to be maintained with integrity, the President should have to get explicit and intentional Congressional authorization for war.

[Civil Action No. 697-71, in the U.S. District Court for the District of Columbia]

AFFIDAVIT OF DON EDWARDS

The Honorable Parren J. Mitchell, *et al.*, Plaintiffs, v. Richard M. Nixon, *et al.*, Defendants.

District of Columbia ss:

Don Edwards, being first duly sworn upon oath, deposes and says as follows:

1. I currently reside at 2700 Virginia Avenue, NW, Washington, D.C.

2. I am now and have been a Member of the House of Representatives of the Congress of the United States from the Ninth District of the State of California since 1963.

3. Although I have voted in the Congress for general military appropriation bills, I have never intended thereby to exercise my constitutional right to cast a vote on the decision whether Congress should declare, authorize, or ratify the war in Indo-China.

4. The appropriations process is fundamentally different from the procedure by which Congress would declare or authorize a war. The most fundamental element missing from the appropriations process is public visibility and public debate, which in turn would have a profound effect upon the way in which Members of Congress would vote. Any proposed bill or resolution to declare or authorize war would engender a national debate which would in turn influence the way in which the individual members of Congress would vote on the bill or resolution. Moreover, any such proposed bill or resolution would require each member of Congress to stand up and be counted one way or the other on the specific issue of the war in Indo-China. In contrast, the appropriations process presents to members of Congress as well as to the public at large a lump-sum defense bill, containing monies necessary for the national defense as well as monies, not specifically identified, to enable the prosecution of the war in Vietnam. No national debate on the defense appropriations as a whole is engendered.

5. In addition, until 1971 all appropriations votes were not record votes, and thus members of the House of Representatives did not need to stand up and be counted on any particular amendments that might have been introduced that would delete funds from Vietnam. Thus the democratic pressures that would normally operate upon members of Congress with respect to a specific and discrete bill or resolution declaring or authorizing war are and have been absent from military and defense appropriations bills.

[Civil Action No. 697-71, in the U.S. District Court for the District of Columbia]

AFFIDAVIT OF WILLIAM L. CLAY

The Honorable Parren J. Mitchell, *et al.*, Plaintiffs v. Richard M. Nixon, *et al.*, Defendants.

District of Columbia, ss:

William L. Clay, being first duly sworn upon oath, deposes and says as follows:

1. I currently reside at 5146a Minerva Avenue, St. Louis, Missouri.

2. I am now and have been a Member of the House of Representatives of the Congress of the United States from the First District of the State of Missouri since 1969.

3. In voting for general military appropriation bills, Congressmen did not intend to declare, authorize or ratify the war in Indo-China. House enactment of military appropriations bills does not represent a decision that the U.S. shall fight a war. A Congressman's vote for military appropriations does not necessarily mean that he is for the war and wishes to authorize it, nor does a Congressman's failure to vote for legislation to cut off the use of the funds in Indo-China mean that he favors the war and wishes to authorize it.

4. As voted upon by the House, a general military authorization or appropriations bill represents a "package" or "lumped" bill which authorizes or appropproiates money for a great variety of military needs, many of which needs are essential to national security, such as ships, planes, bases, and military salaries. The costs of the war are not separately earmarked in the bills, so they cannot be separately identified. Moreover, the costs of the war are substantially less than half of the total monies appropriated for national defense, and over 80% of the forces for which money is authorized or appropriated are not in Indo-China.

Because Congressmen support the essential defense needs such as ships, planes, and salaries provided for in an authorization or appropriation bill, they have felt that they must vote in favor of the bill even though they oppose the war, oppose the use of part of the bill's monies to finance the war, and would not vote to authorize the war in Indo-China. There is thus no way validity to generalize that the enactment of general military appropriations or authorization bills represents an intentional decision by the House that the United States should fight a war in Indo-China.

5. That Congress has not voted for cutting off funds for Indo-China does not mean that Congressmen favor the war or wish to authorize it. Congressmen have felt strongly that they cannot cut off money to American servicemen who are already in combat in the field and who need the monies for ammunition, food, shelter and other material requisite to survival. Moreover, House procedure has made it exceptionally difficult to bring up a bill or amendment cutting off funds. Committee chairmen would see to it that, when considered on the floor, a military authorization or appropriations bill was treated as a unitary "package." Very little or no opportunity was given for the introduction of, debate upon, or voting on amendments to the bill. Time to speak was not democraticaly apportioned among proponents and opponents. Thus, an amendment to cut off funds for the war would receive nothing but very short procedural shrift, as occurred to other amendments connected with the war. For these reasons, then, the enactment of a military authorization or appropriations bill without a fund cut-off could not represent a conscious and intentional House decision that the nation should fight a war in Indo-China.

6. An appropriations bill enacted without a fund cut-off cannot realistically be equated with a bill which is divorced from appropriations and which independently and intentionally authorizes war. The fact that Congress enacts appropriations bills without cutting off money does not mean Congress would be willing to authorize the war is asked to do so. It would be much harder for the Executive to get Congress to intentionally authorize the war than to get Congress to enact an authorization or appropriations act without a fund cut-off.

There are several reasons for this. If Congressmen were asked to authorize war in Indo-China in a bill independent of appropriations, they would think about this very carefully because there could be no doubt they are clearly being presented with a decision for or against war. Each Congressman would also think about it carefully because his vote would be recorded and would therefore be visible to the press and public, and he would be held accountable for his vote by his constituents. There would doubtlessly have been an earnest debate in Congress and in the nation at any time whatever since 1960 on whether war should be authorized in Indo-China. Such a Congressional debate would have raised all the questions incident to the desirability of committing this nation to fight a war in Asia, whether American troops should be sent to Indo-China, whether the war was in the national interest, and so forth. At the end of such debate, if a Congressman had decided to vote against declaring or authorizing war, he would not have had to feel that he was cutting off necessary moneys to men in combat.

But the situation is entirely different in regard to military authorization and appropriations bills. These bills are considered under procedures which give short shrift to the possibility of introducing and debating amendments to cut off funds. The bills do not clearly present the decision of whether to fight a war, since they are "packages" which provide money for a tremendous number of defense needs. Congressmen feel that a cutoff, even one at a future date, could endanger our men. Votes on amendments in Committee of the Whole have not been recorded in the past, so that a Congressmen's constituency is not aware of how he votes on amendments. But even if a Congressman were to announce that he voted to cut off moneys, or if otherwise his position became public knowledge, his constituents could easily be angry with him for possibly endangering troops by cutting off moneys. In contrast, his constituents might nave agreed with him or been sympathetic with him if he refused affirmatively to authorize war on a war bill or resolution that was wholly divorced from cutting off funds.

Finally, even if Congress were to enact a general authorization or appropriations bill containing a provision cutting off moneys, the President could veto the bill. If there were not a majority necessary in each House of Congress to override the veto, then, because our armed services cannot be left without funds, Congress would have to enact a new bill satisfactory to the President which did not contain a cutoff of moneys. The threat of Presidential veto thus acts as a substantial deterrent to Congressmen either to introduce or vote on an amendment for a fund cutoff.

7. Congress voted in 1967 and 1971 for extensions of the Selective Service Act. But a vote for extending Selective Service is not a vote to declare, authorize or ratify the war in Indo-China.

This country has had a draft since 1940, in both times of war and times of peace. It needs an army in peacetime, and an army is necessary entirely aside from the facts that troops are fighting in Vietnam. Without a sufficient army, it would be impossible to properly man our bases, installations, etc. Unless and until there is a volunteer army, the army must be raised by conscription. Thus, most Congressmen felt it necessary to vote to extend Selective Service even though they would not have voted to authorize the war and were opposed to using American troops in the Indo-China war.

Moreover, any attempts to amend the Selective Service extension bills to cut off the use of troops in Indo-China would have run into procedural obstacles. A bill to cut off troops would not have been reported out of committee, and due to various obstacles which arise from rules under which bills are debated and voted upon on the floor, a floor amendment to cut off troops would not have received a fair opportunity to be introduced, debated and considered.

Finally, as long as the U.S. was fighting a war, most Congressmen, even though they opposed the war, felt the draft was necessary to permit the replacement of troops who had already served in combat.

Thus, for all these reasons, Congressmen felt it necessary to vote for Selective Service extensions though they did not intend to authorize the war and would not have voted to authorize the war.

8. The war in Indo-China is a major one. It is the longest war in American history, the second most costly in terms of dollars, and one of the most costly in terms of American lives wounded and lost. The President of the United States has on numerous occasions referred to the "war" in Indo-China and it is common knowledge that a "war" in the constitutional meaning of that term is being waged in Indo-China.

The defendants have made no statements indicating a time when the present war in Indo-China will end, but, on the contrary, specifically have refused to state any date when the war will end. There is, therefore, the threat that the war will continue. Although the defendants announced in 1969 that American troops would be withdrawn on a gradual basis, there has been geographical escalation and extension of the war into the independent nations of Cambodia and Laos, and massive aerial bombardment of North Vietnam, Laos and Cambodia.

9. I have not and would not introduce any bill or proposed resolution in Congress declaring or authorizing war in Indo-China, as I am opposed to the war in Indo-China and thus could not be a sponsor of any such bill or resolution.

10. There has been no bill or resolution in Congress declaring or authorizing the war in Indo-China. Thus I have not voted in favor of any such bill or resolution, and I do not intend to vote in favor of any such bill or resolution in the foreseeable future. I would actively oppose any such proposed bill or resolution, by vote and by public debate.

11. Each day that Congress is in session I refuse to declare or authorize war in Indo-China. I do this by not voting for any proposed bill or resolution that could be introduced by any other member of Congress which would declare or authorize the war in Indo-China.

12. Because the Executive is fighting a war without Congress declaring or authorizing war, it is defeating the right and duty, possessed by myself and each other federal legislator under Article I Section 8 Clause 11 of the Constitution, to make the decision whether this nation shall fight a war, and it is defeating the efficacy of the continuing refusal of myself and other legislators to vote in favor of any bill or resolution authorizing war in Indo-China.

13. By prosecuting a war in Indo-China that has not been declared or authorized by Congress under Article I Section 8 Clause 11, the Executive is defeating the principle of separation of powers established by the Constitution, is destroying a fundamental power of the United States Congress, and is thus impairing and limiting my powers and responsibility as a duly elected Member of Congress.

14. For redressing the impairment of my powers and responsibilities under Article I Section 8 Clause 11, I have no legislative remedy in Congress which is equivalent to the Constitutional power given to me under Clause 11. If I were to introduce a bill to terminate the war, or a bill to cut off funds for the war, and Congress were to pass such a bill, the President of the United States could veto it, thus necessitating a two-thirds vote in each house of Congress to override the President's veto. The necessity for a two-thirds vote is substantially different from the need for only a majority to defeat any declaration or authorization of war under Article I Section 8 Clause 11. My own vote could be decisive in providing an absolute majority in the House of Representatives for defeating a bill or resolution declaring or authorizing war. But though my vote could provide an absolute majority against declaring or authorizing war, such a majority would be insufficient, and my vote would be rendered useless and of no value, to override a presidential veto of a bill terminating or cutting off funds for the war where an absolute majority is short of the requisite two-thirds majority required to override a veto.

15. Because of his tremendous access to the mass media, his position as national leader, his position as head of his party, his patronage power, and his fund-raising power, the President has tremendous political power and great advantages in the legislative process. With this power and these advantages, he would be able to get Congress to intentionally authorize war *if Congress really thinks we should fight*. But as I've said before, it would be harder for him to get Congress to intentionally authorize war than for him to get Congress to pass appropriations and Selective Service bills without a cut-off of funds or troops. Cutting off funds or troops involves just too many problems to be an effective method of registering Congressional authorization for a war. Based on my experience in Congress, if separation of powers is to be maintained, and if Congress' power over war is to be maintained with integrity, the President should have to get explicit, and intentional Congressional authorization for war.

[Civil Action No. 697-71, in the U.S. District Court for the District of Columbia]

AFFIDAVIT OF PARREN J. MITCHELL

The Honorable Parren J. Mitchell, *et al.*, Plaintiffs, v. Richard M. Nixon, *et al.*, Defendants.

District of Columbia, ss:

Parren J. Mitchell, being first duly sworn upon oath, deposes and says as follows:

1. I currently reside at 951 Brooks Lane, Baltimore, Maryland.

2. I am a Member of the House of Representatives of the Congress of the United States, from the Seventh District of Maryland. My term of office began in January, 1971.

3. I have not voted on any military authorization or military appropriation bills.

4. I have voted against extending the Selective Service Act.

5. There is at the present time a major war going on in Indo-China. It is the longest war in American history, the second most costly in terms of dollars, and one of the most costly in terms of American lives wounded and lost. The President of the United States has on numerous occasions referred to the war in Indo-China and it is common knowledge that a war in the Constitutional meaning of that term is being waged in Indo-China.

6. The defendants have made no statement indicating a time when the present war in Indo-China will end, but, on the contrary, specifically have refused to state any date when the war will end. There is, therefore, the threat that the war will continue. Although the defendants announced in 1969 that American troops would be withdrawn on a gradual basis, there has been geographical escalation and extension of the war into the independent nations of Cambodia and Laos, and massive aerial bombardment of North Vietnam.

7. I have not and would not introduce any bill or proposed resolution in Congress declaring or authorizing war in Indo-China, as I am opposed to the war in Indo-China and thus could not be a sponsor of any such bill or resolution.

8. There has been no bill or resolution in Congress declaring or authorizing the war in Indo-China. Thus I have not voted in favor of any such bill or resolution, and I do not intend to vote in favor of any such bill or resolution in the foreseeable future. I would actively oppose any such proposed bill or resolution, by vote and by public debate.

9. Each day that Congress is in session I refuse to declare or authorize war in Indo-China. I do this by not voting for any proposed bill or resolution that could be introduced by any other member of Congress which would declare or authorize the war in Indo-China.

10. Because the Executive is fighting a war without Congress declaring or authorizing war, it is defeating the right and duty, possessed by myself and each other federal legislator under Article I Section 8 Clause 11 of the Constitution, to make the decision whether this nation shall fight a war, and it is defeating the efficacy of the continuing refusal of myself and other legislators to vote in favor of any bill or resolution authorizing war in Indo-China.

11. By prosecuting a war in Indo-China that has not been declared or authorized by Congress under Article I Section 8 Clause 11, the Executive is defeating the principle of separation of powers established by the Constitution, is destroying a fundamental power of the United States Congress, and is thus impairing and limiting my powers and responsibility as a duly elected Member of Congress.

12. For redressing the impairment of my powers and responsibilities under Article I

Section 8 Clause 11, I have no legislative remedy in Congress which is equivalent to the Constitutional power given to me under Clause 11. If I were to introduce a bill to eliminate the war, or a bill to cut off funds for the war, and Congress were to pass such a bill, the President of the United States could veto it, thus necessitating a two-thirds vote in each house of Congress to override the President's veto. The necessity for a two-thirds vote is substantially different from the need for only a majority to defeat any declaration or authorization of war under Article I Section 8 Clause 11. My own vote could be decisive in providing an absolute majority in the House of Representatives for defeating a bill or resolution declaring or authorizing war. But though my vote could provide an absolute majority against declaring or authorizing war, such a majority would be insufficient, and my vote would be rendered useless and of no value, to override a presidential veto of a bill terminating or cutting off funds for the war where an absolute majority is short of the requisite two-thirds majority required to override a veto.

[Civil Action No. 697-71, in the U.S. District Court for the District of Columbia]

AFFIDAVIT OF SHIRLEY CHISHOLM

The Honorable Parren J. Mitchell, *et al.*, Plaintiffs, v. Richard M. Nixon, et al., Defendants.

District of Columbia, ss:

The Honorable Shirley Chisholm, being first duly sworn upon oath, deposes and says as follows:

1. I currently reside at 1028 St. Johns Place, Brooklyn, New York.

2. I am now and have been a Member of the House of Representatives of the Congress of the United States from the 12th District of the State of New York since 1968.

3. I have not voted for any general military appropriations bills during the course of the war in Indo-China. House enactment of military appropriations bills does not represent a decision that the U.S. shall fight a war. A Congressman's vote for military appropriations does not necessarily mean that he is for the war and wishes to authorize it, nor does a Congressman's failure to vote for legislation to cut off the use of funds in Indo-China mean that he favors the war and wishes to authorize it.

4. As voted upon by the House, a general military authorization or appropriations bill represents a "package" or "lumped" bill which authorizes or appropriates money for a great variety of military needs, many of which needs are essential to national security, such as ships, planes, bases and military salaries. The costs of the war are not separately earmarked in the bills, so they cannot be separately identified. Moreover, the costs of the war are substantially less than half of the total monies appropriated for national defense, and over 80% of the forces for which money is authorized or appropriated are not in Indo-China.

Because Congressmen support the essential defense needs such as ships, planes and salaries provided for in an authorization or appropriation bill, they have felt that they must vote in favor of the bill even though they oppose the war, oppose the use of part of the bill's monies to finance the war, and would not vote to authorize the war in Indo-China. There is thus no way validly to generalize that the enactment of general military appropriations or authorization bills represents an intentional decision by the House that the United States should fight a war in Indo-China.

5. That Congress has not voted for cutting off funds for Indo-China does not mean that Congressmen favor the war or wish to authorize it. Congressmen have felt strongly that they cannot cut off money to American servicemen who are already in combat in the field and who need the monies for ammunition, food, shelter and other materiel requisite to survival. Moreover, House procedure has made it exceptionally difficult to bring up a bill or amendment cutting off funds. Committee chairmen would see to it that, when considered on the floor, a military authorization or appropriations bill was treated as a unitary "package." Very little or no opportunity was given for the introduction of debate upon, or voting on amendments to the bill. Time to speak was not democratically apportioned among proponents and opponents. Thus, an amendment to cut off funds for the war would receive nothing but very short procedural shrift, as occurred to other amendments connected with the war. For these reasons, then, the enactment of a military authorization or appropriations bill without a fund cut-off could not represent a conscious and intentional House decision that the Nation should fight a war in Indo-China.

6. An appropriations bill enacted without a fund cut-off cannot realistically be equated with a bill which is divorced from appropriations and which independently and intentionally authorizes war. The fact that Congress enacts appropriations bills without cutting off money does not mean Congress would be willing to authorize the war if asked to do so. It would be much harder for the Executive to get Congress to intentionally authorize the war than to get Congress to enact authorization or appropriations act without a fund cut-off.

There are several reasons for this. If Congressmen were asked to authorize war in Indo-China in a bill independent of appropriations, they would think about this very carefully because there could be no doubt they are clearly being presented with a decision for or against war. Each Congressman would also think about it carefully because his vote would be recorded and would therefore be visible to the press and public, and he would be held accountable for his vote by his constituents. There would doubtlessly have been an earnest debate in Congress and in the nation at any time whatever since 1960 on whether war should be authorized in Indo-China. Such a Congressional debate would have raised all the questions incident to the desirability of committing this nation to fight a war in Asia, whether American troops should be sent to Indo-China, whether the war was in the national interest, and so forth. At the end of such a debate, if a Congressman had decided to vote against declaring or authorizing war, he would not have had to feel that he was cutting off necessary monies to men in combat.

But the situation is entirely different in regard to military authorization and appropriation bills. These bills are considered under procedures which give short shrifts to the possibility of introducing and debating amendments to cut off funds. The bills do not clearly present the decision of whether to fight a war, since they are "packages" which provide money for a tremendous number of defense needs. Congressmen feel that a cut off, even one at a future date, could endanger our men. Votes on amendments in Committee of the Whole have not been recorded in the past, so that a Congressman's constituency is not aware of how he votes on amendments. But even if a Congressman were to announce that he voted to cut off monies, or if otherwise his position became public knowledge, his constituents could easily be angry with him for possibly endangering troops by cutting off monies. In contrast, his constituents might have agreed with him or been sympathetic with him if he refused affirmatively to authorize war on a war bill or resolution that was wholly divorced from cutting off funds.

Finally, even if Congress were to enact a general authorization or appropriations bill containing a provision cutting off monies, the President could veto the bill. If there were not a ⅔ majority necessary in each House of Congress to override the veto, then, because our armed services cannot be left without funds, Congress would have to enact a new bill satisfactory to the President which did not contain a cut off of monies. The threat of a Presidential veto thus acts as a substanial deterrent to Congressmen either to introduce or vote on an amendment for a fund cut-off.

7. In May 1965 and March 1967, the Executive, close to the end of the fiscal years involved, said it had run out of money to use in Vietnam, and Congress enacted supplemental appropriations to be used in Vietnam for the remainder of those fiscal years. However, votes for these supplemental appropriations did not represent a declaration, authorization, or ratification of war. Congressmen felt it necessary to vote for these bills because American servicemen were already in combat in the field and the Executive said the money was immediately necessary to provide them with requisites of survival such as food, ammunition, shelter, etc. In fact, at one point Congressmen were told by the President that to deny supplemental appropriations would be to deny support to men who are risking their lives. Thus, Congressman voted for the supplementals even though they did not approve of and did not wish to authorize a large war in Indo-China.

8. The House voted in 1967 and 1971 for extensions of the Selective Service Act. But a vote for extending Selective Service is not a vote to declare, authorize or ratify the war in Indo-China.

This country has had a draft since 1940, in both times of war and times of peace. It needs an army in peacetime, and an army is necessary entirely aside from the facts that troops are fighting in Vietnam. Without a sufficient army, it would be impossible to properly man our bases, installations, etc. Unless and until there is a volunteer army, the army must be raised by conscription. Thus, most Congressmen felt it necessary to vote to extend Selective Service even though they would not have voted to authorize the war and were opposed to using American troops in the Indo-China war.

Moreover, any attempts to amend the Selective Service extension bills to cut off the use of troops in Indo-China would have run into procedural obstacles. A bill to cut off troops would not have been reported out of Committee, and due to various obstacles which arise from rules under which bills are debated and voted upon on the floor, a floor amendment to cut off troops would not have received a fair opportunity to be introduced, debated and considered.

Finally, as long as the U.S. was fighting a war, most Congressmen, even though they opposed the war, felt the draft was necessary to permit the replacement of troops who had already served in combat.

Thus, for all these reasons, Congressmen felt it necessary to vote for Selective Service extensions though they did not intend to authorize the war and would not have voted to authorize the war.

9. The Tonkin Gulf Resolution was not intended as an authorization for a large, long war in Indo-China. It was passed in response to the specific fact of an alleged attack on American ships in the Tonkin Gulf. It was intended solely to support the President's action in repulsing that alleged attack and to deter further such attacks. It was not intended as Congressional authorization for a major land, sea and air war in Asia. Moreover, the Executive secured passage of the Resolution through deceiving Congress by untrue statements.

10. The war in Indo-China is a major one. It is the longest war in American history, the second most costly in terms of dollars, and one of the most costly in terms of American lives wounded and lost. The President of the United States has on numerous occasions

referred to the "war" in Indo-China and it is common knowledge that a "war" in the constitutional meaning of that term is being waged in Indo-China.

The defendants have made no statement indicating a time when the present war in Indo-China will end, but, on the contrary, specifically have refused to state any date when the war will end. There is, therefore, the threat that the war will continue. Although the defendants announced in 1969 that American troops would be withdrawn on a gradual basis, there has been geographical escalation and extension of the war into the independent nations of Cambodia and Laos, and massive aerial bombardment of North Vietnam, Laos and Cambodia.

11. I have not and would not introduce any bill or proposed resolution in Congress declaring or authorizing war in Indo-China, as I am opposed to the war in Indo-China and thus could not be a sponsor of any such bill or resolution.

12. There has been no bill or resolution in Congress declaring or authorizing the war in Indo-China. Thus I have not voted in favor of any such bill or resolution, and I do not intend to vote in favor of any such bill or resolution in the foreseeable future. I would actively oppose any such proposed bill or resolution, by vote and by public debate.

13. Each day that Congress is in session I refuse to declare or authorize war in Indo-China. I do this by not voting for any proposed bill or resolution that could be introduced by any other Member of Congress which would declare or authorize war in Indo-China.

14. Because the Executive is fighting a war without Congress declaring or authorizing war, it is defeating the right and duty, possessed by myself and each other federal legislator under Article I Section 8 Clause 11 of the Constitution, to make the decision whether this nation shall fight a war, and it is defeating the efficacy of the continuing refusal of myself and other legislators to vote in favor of any bill or resolution authorizing war in Indo-China.

15. By prosecuting a war in Indo-China that has not been declared or authorized by Congress under Article I Section 8 Clause 11, the Executive is defeating the principle of separation of powers established by the Constitution, is destroying a fundamental power of the United States Congress, and is thus impairing and limiting my powers and responsibility as a duly elected Member of Congress.

16. For redressing the impairment of my powers and responsibilities under Article I Section 8 Clause 11, I have no legislative remedy in Congress which is equivalent to the Constitutional power given to me under Clause 11. If I were to introduce a bill to terminate the war, or a bill to cut off funds for the war, and Congress were to pass such a bill, the President of the United States could veto it, thus necessitating a two-thirds vote in each house of Congress to override the President's veto. The necessity for a two-thirds vote is substantially different from the need for only a majority to defeat any declaration or authorization of war under Article I Section 8 Clause 11. My own vote could be decisive in providing an absolute majority in the House of Representatives for defeating a bill or resolution declaring or authorizing a war. But though my vote could provide an absolute majority would be insufficient, and my vote would be rendered useless and of no value, to override a presidential veto of a bill terminating or cutting off funds for the war where an absolute majority is short of the requisite two-thirds majority required to override a veto.

17. Because of his tremendous access to the mass media, his position as a national leader, his position as head of his party, his patronage power, and his fund-raising power, the President has tremendous political power and great advantages in the legislative process. With this power and these advantages, he would be able to get Congress to intentionally authorize war *if Congress really thinks we should fight*. But as I've said before, it would be harder for him to get Congress to intentionally authorize war than for him to get Congress to pass appropriations and Selective Service bills without a cut-off of funds or troops. Cutting off funds or troops involves just too many problems to be an effective method of registering Congressional authorization for a war. Based on my experience in Congress if separation of powers is to be maintained, and if Congress' power over war is to be maintained with integrity, the President should have to get explicit and intentional Congressional authorization for war.

[Civil Action No. 697–71, in the United States District Court for the District of Columbia]

Affidavit of Herman Badillo, Member of Congress

The Honorable Parren J. Mitchell, *et al.*, Plaintiffs, v. Richard M. Nixon, *et al.*, Defendants.

District of Columbia, ss:

Herman Badillo, being first duly sworn upon oath, deposes and says as follows:

1. I currently reside at 405 W. 259th Street, Bronx, New York.

2. I am a Member of the House of Representatives of the Congress of the United States, from the 21st Congressional District of New York. My term of office began in January, 1971.

3. I have not voted on any military authorization or military appropriation bills.

4. I have voted against extending the Selective Service Act.

5. There is at the present time a major war going on in Indo-China. It is the longest war in American history, the second most costly in terms of dollars, and one of the most in terms of American lives wounded and lost. The President of the United States has on numerous occasions referred to the war in Indo-China and it is common knowledge that a war in the Constitutional meaning of that term is being waged in Indo-China.

6. The defendants have made no statement indicating a time when the present war in Indo-China will end, but, on the contrary, specifically have refused to state any date when the war will end. There is, therefore, the threat that the war will continue. Although the defendants announced in 1969 that American troops would be withdrawn on a gradual basis, there has been geographical escalation and extension of the war into the independent nations of Cambodia and Laos, and massive aerial bombardment of North Vietnam.

7. I have not introduced any bill or proposed resolution in Congress declaring or authorizing war in Indo-China, as I am opposed to the war in Indo-China.

8. There has been no bill or resolution in Congress declaring or authorizing the war in Indo-China. Thus I have not voted in favor of any such bill or resolution, and I do not intend to vote in favor of any such bill or resolution in the foreseeable future.

9. Each day that Congress is in session I have refused to declare or authorize war in Indo-China. I have done this by not voting for any proposed bill or resolution that could have been introduced by any other member of Congress which would declare or authorize the war in Indo-China.

10. Because the Executive is fighting a war without Congress declaring or authorizing war, it is defeating the right and duty, possessed by myself and each other federal legislator under Article I Section 8 Clause II of the Constitution, to make the decision whether this nation shall fight a war, and it is defeating the efficacy of the continuing refusal of myself and other legislators to vote in favor of any bill or resolution authorizing war in Indo-China.

11. By prosecuting a war in Indo-China that has not been declared or authorized by Congress under Article I Section 8 Clause 11, the Executive is defeating the principle of separation of powers established by the Constitution, is destroying a fundamental power of the United States Congress, and is thus impairing and limiting my powers and responsibility as a duly elected Member of Congress.

12. For redressing the impairment of my powers and responsibilities under Article I Section 8 Clause 11, I have no legislative remedy in Congress which is equivalent to the Constitutional power given to me under Clause 11. If I were to introduce a bill to terminate the war, or a bill to cut off funds for the war, and Congress were to pass such a bill, the President of the United States could veto it, thus necessitating a two-thirds vote in each House of Congress to override the President's veto. The necessity for a two-thirds vote is substantially different from the need for only a majority to defeat any declaration or authorization of war under Article I Section 8 Clause 11. My own vote could be decisive in providing an absolute majority in the House of Representatives for defeating a bill or resolution declaring or authorizing war. But though my vote could provide an absolute majority against declaring or authorizing war, such a majority would be insufficient, and my vote would be rendered useless and of no value, to override a presidential veto of a bill terminating or cutting off funds for the war where an absolute majority is short of the requisite two-thirds majority required to override a veto.

[Civil Action No. 697–71, in the U.S. District Court for the District of Columbia]

Affidavit of Michael J. Harrington

The Honorable Parren J. Mitchell, *et al.*, Plaintiffs, v. Richard M. Nixon, *et al.*, Defendants.

District of Columbia, ss:

Michael J. Harrington, being first duly sworn upon oath, deposes and says as follows:

1. I currently reside at Bayview Avenue, Beverly, Massachusetts.

2. I am now and have been a Member of the House of Representatives of the Congress of the United States from the Sixth District of the State of Massachusetts since October 3, 1969.

3. I have not voted for general military appropriations bills during the course of the war in Indo-China. House enactment of military appropriations bills does not represent a decision that the U.S. shall fight a war. A Congressman's vote for military appropriations does not necessarily mean that he is for the war and wishes to authorize it, nor does a Congressman's failure to vote for legislation to cut off the use of funds in Indo-China mean that he favors the war and wishes to authorize it.

4. As voted upon by the House, a general military authorization or appropriations bill represents a "package" or "lumped" bill which authorizes or appropriates money for a great variety of military needs, many of which needs are essential to national security, such as ships, planes, bases, and military salaries. The costs of the war are not separately earmarked in the bills, so they cannot be separately identified. Moreover, the costs of the war are substantially less than half of the total monies appropriated for national defense, and over 80% of the forces for which money is authorized or appropriated are not in Indo-China.

Because Congressmen support the essential defense needs such as ships, planes, and salaries provided for in an authorization or appropriation bill, most have felt that they must vote in favor of the bill even though they oppose the war, oppose the use of part of the bill's monies to finance the war, and would not vote to authorize the war in Indo-China. There is thus no way validly to generalize that the enactment of general military appropriations or authorization bills represents an intentional decision by the House that the United States should fight a war in Indo-China.

5. That Congress has not voted for cutting off funds for Indo-China does not mean that Congressmen favor the war or wish to authorize it. Congressmen have felt strongly that they cannot cut off money to American servicemen who are already in combat in the field and who need the monies for ammunition, food, shelter and other material requisite to survival. Moreover, House procedure has made it exceptionally difficult to bring up a bill or amendment cutting off funds. Committee chairmen would see to it that, when considered on the floor, a military authorization or appropriations bill was treated as a unitary "package." Very little or no opportunity was given for the introduction of, debate upon, or voting on amendments to the bill. Time to speak was not democratically apportioned among proponents and opponents. Thus, an amendment to cut off funds for the war would receive nothing but very short procedural shrift, as occurred to other amendments connected with the war. For these reasons, then, the enactment of a military authorization or appropriations bill without a fund cut-off could not represent a conscious and intentional House decision that the nation should fight a war in Indo-China.

6. An appropriations bill enacted without a fund cut-off cannot realistically be equated with a bill which is divorced from appropriations and which independently and intentionally authorizes war. The fact that Congress enacts appropriations bills without cutting off money does not mean Congress would be willing to authorize the war if asked to do so. It would be much harder for the Executive to get Congress to intentionally authorize the war than to get Congress to enact an authorization or appropriations act without a fund cut-off.

There are several reasons for this. If Congressmen were asked to authorize war in Indo-China in a bill independent of appropriations, they would think about this very carefully because there could be no doubt they are clearly being presented with a decision for or against war. Each Congressman would also think about it carefully because his vote would be recorded and would therefore be visible to the press and public, and he would be held accountable for his vote by his constituents. There would doubtlessly have been an earnest debate in Congress and in the nation at any time whatever since 1960 on whether war should be authorized in Indo-China. Such a Congressional debate would have raised all the questions incident to the desirability of committing this nation to fight a war in Asia, whether American troops should be sent to Indo-China, whether the war was in the national interest, and so forth. At the end of such a debate, if a Congressman had decided to vote against declaring or authorizing war, he would not have had to feel that he was cutting off necessary moneys to men in combat.

But the situation is entirely different in regard to military authorization and appropriations bills. These bills are considered under procedures which give short shrift to the possibility of introducing and debating amendments to cut off funds. The bills do not clearly present the decision of whether to fight a war, since they are "packages" which provide money for a tremendous number of defense needs. Congressmen feel that a cut off, even one at a future date, could endanger our men. Votes on amendments in Committee of the Whole have not been recorded in the past, so that a Congressman's constituency is not aware of how he votes on amendments. But even if a Congressman were to announce that he voted to cut off monies, or if otherwise his position became public knowledge, his constituents could easily be angry with him for possibly endangering troops by cutting off monies. In contrast, his constituents might have agreed with him or been sympathetic with him if he refused affirmatively to authorize war on a war bill or resolution that was wholly divorced from cutting off funds.

Finally, even if Congress were to enact a general authorization or appropriations bill containing a provision cutting off monies, the President could veto the bill. If there were not a ⅔ majority necessary in each House of Congress to override the veto, then, because our armed services cannot be left without funds, Congress would have to enact a new bill satisfactory to the President which did not contain a cut-off of monies. The threat of a Presidential veto thus acts as a substantial deterrent to Congressmen either to introduce or vote on an amendment for a fund cut-off.

7. In May 1965 and March 1967, the Executive, close to the end of the fiscal years involved, said it had run out of money to use in Vietnam, and Congress enacted supplemental appropriations to be used in Vietnam for the remainder of those fiscal years. I voted for those supplementals. However, votes for these supplemental appropriations did not represent a declaration, authorization, or ratification of war. Congressmen felt it necessary to vote for these bills because American servicemen were already in combat in the field and the Executive said the money was immediately necessary to provide them with requisites of survival such as food, ammunition, shelter, etc. In fact, at one point we were told by the President that to deny supplemental appropriations would be to deny support to men who are risking their lives. Thus, Congressmen voted for the supplementals even though they did not approve of and did not wish to authorize a large war in Indo-China.

8. The House voted in 1967 and 1971 for extensions of the Selective Service Act. But a vote for extending Selective Service is not a vote to declare, authorize or ratify the war in Indo-China.

This country has had a draft since 1940, in both times of war and times of peace. It needs an army in peacetime, and an army is necessary entirely aside from the facts that troops are fighting in Vietnam. Without a sufficient army, it would be impossible to properly man our bases, installations, etc. Unless and until there is a volunteer army, the army must be raised by conscription. Thus, most Congressmen felt it necessary to vote to extend Selective Service even though they would not have voted to authorize the war and were opposed to using American troops in the Indo-China war.

Moreover, any attempts to amend the Selective Service extension bills to cut off the use of troops in Indo-China would have run into procedural obstacles. A bill to cut-off troops would not have been reported out of committee, and due to various obstacles which arise from rules under which bills are debated and voted upon the floor, floor amendments to cut off troops have not received a fair opportunity to be introduced, debated and considered.

Finally, as long as the U.S. was fighting a war, most Congressmen, even though they opposed the war, felt the draft was necessary to permit the replacement of troops who had already served in combat.

Thus, for all these reasons, Congressmen felt it necessary to vote for Selective Service extensions though they did not intend to authorize the war and would not have voted to authorize the war.

9. The Tonkin Gulf Resolution was not intended as an authorization for a large, long war in Indo-China. It was passed in response to the specific fact of an alleged attack on American ships in the Tonkin Gulf. It was intended solely to support the President's action in repulsing that alleged attack and to deter further such attacks. It was not intended as Congressional authorization for a major land, sea and air war in Asia. Moreover, the Executive secured passage of the Resolution through deceiving Congress by untrue statements.

10. The war in Indo-China is a major one. It is the longest war in American history, the second most costly in terms of dollars, and one of the most costly in terms of American lives wounded and lost. The President of the United States has on numerous occasions referred to the "war" in Indo-China and it is common knowledge that a "war" in the constitutional meaning of that term is being waged in Indo-China.

The defendants have made no statement indicating a time when the present war in Indo-China will end, but, on the contrary, specifically have refused to state any date when the war will end. There is, therefore, the threat that the war will continue. Although the defendants announced in 1969 that American troops would be withdrawn on a gradual basis, there has been geographical escalation and extension of the war into the independent nations of Cambodia and Laos, and massive aerial bombardment of North Vietnam, Laos and Cambodia.

11. I have not and would not introduce any bill or proposed resolution in Congress declaring or authorizing war in Indo-China, as I am opposed to the war in Indo-China and thus could not be a sponsor of any such bill or resolution.

12. There has been no bill or resolution in Congress declaring or authorizing the war in Indo-China. Thus I have not voted in favor of any such bill or resolution, and I do not intend to vote in favor of any such bill or resolution in the foreseeable future. I would actively oppose any such proposed bill or resolution, by vote and by public debate.

13. Each day that Congress is in session I refuse to declare or authorize war in Indo-China. I do this by not voting for any proposed bill or resolution that could be introduced by any other member of Congress which would declare or authorize the war in Indo-China.

14. Because the Executive is fighting a war without Congress declaring or authorizing war, it is defeating the right and duty, possessed by myself and each other federal legislator under Article I, Section 8, Clause 11 of the Constitution, to make the decision whether this nation shall fight a war, and it is defeating the efficacy of the continuing refusal of myself and other legislators to vote in favor of any bill or resolution authorizing war in Indo-China.

15. By prosecuting a war in Indo-China that has not been declared or authorized by Congress under Article I, Section 8, Clause 11, the Executive is defeating the principle of separation of powers established by the Constitution, is destroying a fundamental power of the United States Congress, and is thus impairing and limiting my powers and responsibility as a duly elected Member of Congress.

16. For redressing the impairment of my powers and responsibilities under Article I Section 8 Clause 11, I have no legislative remedy in Congress which is equivalent to the Constitutional power given to me under Clause 11. If I were to introduce a bill to terminate the war, or a bill to cut off funds for the war, and Congress were to pass such a bill, the President of the United States could veto it, thus necessitating a two-thirds vote in each House of Congress to override the President's veto. The necessity for a two-thirds vote is substantially different from the need for only a majority to defeat any declaration or authorization of war un-

der Article I Section 8 Clause 11. My own vote could be decisive in providing an absolute majority in the House of Representatives for defeating a bill or resolution declaring or authorizing war. But though my vote could provide an absolute majority against declaring or authorizing war, such a majority would be insufficient, and my vote would be rendered useless and of no value, to override a presidential veto of a bill terminating or cutting off funds for the war where an absolute majority is short of the requisite two-thirds majority required to override a veto.

17. Because of his tremendous access to the mass media, his position as national leader, his position as head of his party, his patronage power, and his fund-raising power, the President has tremendous political power and great advantages in the legislative process. With this power and these advantages, he would be able to get Congress to intentionally authorize war *if Congress really thinks we should fight.* But as I've said before, it would be harder for him to get Congress to intentionally authorize war than for him to get Congress to pass appropriations and Selective Service bills without a cut-off of funds or troops. Cutting off funds or troops involves just too many problems to be an effective method of registering Congressional authorization for a war. Based on my experience in Congress, if separation of powers is to be maintained, and if Congress' power over war is to be maintained with integrity, the President should have to get explicit and intentional Congressional authorization for war.

[Civil Action No. 697–71, in the U.S. District Court for the District of Columbia]

AFFIDAVIT OF BELLA S. ABZUG

The Honorable Parren J. Mitchell, *et. al.*, Plaintiffs, v. Richard M. Nixon, *et al.*, Defendants.

District of Columbia, ss:

Bella S. Abzug, being first duly sworn upon oath, deposes and says as follows:

1. I currently reside at 37 Bank Street, New York, New York.

2. I am a Member of the House of Representatives of the Congress of the United States, from the

My term of office began in January, 1971.

3. I have not voted on any military authorization or military appropriation bills.

4. I have voted against extending the Selective Service Act.

5. There is at the present time a major war going on in Indo-China. It is the longest war in American history, the second most costly in terms of dollars, and one of the most costly in terms of American lives wounded and lost. The President of the United States has on numerous occasions referred to the war in Indo-China and it is common knowledge that a war in the Constitutional meaning of that term is being waged in Indo-China.

6. The defendants have made no statement indicating a time when the present war in Indo-China will end, but, on the contrary, specifically have refused to state any date when the war will end. There is, therefore, the threat that the war will continue. Although the defendants announced in 1969 that American troops would be withdrawn on a gradual basis, there has been geographical escalation and extension of the war into the independent nations of Cambodia and Laos, and massive aerial bombardment of North Vietnam.

7. I have not and would not introduce any bill or proposed resolution in Congress declaring or authorizing war in Indo-China, as I am opposed to the war in Indo-China and thus could not be a sponsor of any such bill or resolution.

8. There has been no bill or resolution in Congress declaring or authorizing the war in Indo-China. Thus I have not voted in favor of any such bill or resolution, and I do not intend to vote in favor of any such bill or resolution in the foreseeable future. I would actively oppose any such proposed bill or resolution, by vote and by public debate.

9. Each day that Congress is in session I refuse to declare or authorize war in Indo-China. I do this by not voting for any proposed bill or resolution that could be introduced by any other member of Congress which would declare or authorize the war in Indo-China.

10. Because the Executive is fighting a war without Congress declaring or authorizing war, it is defeating the right and duty, possessed by myself and each other federal legislator under Article I Section 8 Clause 11 of the Constitution, to make the decision whether this nation shall fight a war, and it is defeating the efficacy of the continuing refusal of myself and other legislators to vote in favor of any bill or resolution authorizing war in Indo-China.

11. By prosecuting a war in Indo-China that has not been declared or authorized by Congress under Article I Section 8 Clause 11, the Executive is defeating the principle of separation of powers established by the Constitution, is destroying a fundamental power of the United States Congress, and is thus impairing and limiting my powers and responsibility as a duly elected Member of Congress.

12. For redressing the impairment of my powers and responsibilities under Article I Section 8 Clause 11, I have no legislative remedy in Congress which is equivalent to the Constitutional power given to me under Clause 11. If I were to introduce a bill to terminate the war, or a bill to cut off funds for the war, and Congress were to pass such a bill, the President of the United States could veto it, thus necessitating a two-thirds vote in each house of Congress to override the President's veto. The necessity for a two-thirds vote is substantially different from the need for only a majority to defeat any declaration or authorization of war under Article I Section 8 Clause 11. My own vote could be decisive in providing an absolute majority in the House of Representatives for defeating a bill or resolution declaring or authorizing war. But though my vote could provide an absolute majority against declaring or authorizing war, such a majority would be insufficient, and my vote would be rendered useless and of no value, to override a presidential veto of a bill terminating or cutting off funds for the war where an absolute majority is short of the requisite two-thirds majority required to override a veto.

[Civil Action No. 697–71, in the U.S. District Court for the District of Columbia]

AFFIDAVIT OF WILLIAM R. ANDERSON

The Honorable Parren J. Mitchell, *et al.*, Plaintiffs, v. Richard M. Nixon, *et al.*, Defendants.

District of Columbia, ss: William R. Anderson, being first duly sworn upon oath, deposes and says as follows:

1. I currently reside at 2700 Virginia Avenue, N.W., Washington, D.C.

2. I am now and have been a Member of the House of Representatives of the Congress of the United States from the 6th District of the State of Tenn. since January 1965.

3. Passage by the House of Representatives of general military appropriations bills does not constitute a declaration, authorization, or ratification of the war in Indo-China.

As voted upon by the House, a general military authorization or appropriations bill represents a "package" or "lumped" bill which authorizes or appropriates money for a great variety of military needs, many of which needs are essential to national security, such as ships, planes, bases, and military salaries.

Because Congressmen support the essential defense needs such as ships, planes, and salaries provided for in an authorization or appropriation bill, they have felt that they must vote in favor of the bill even though they oppose the war, oppose the use of part of the bill's monies to finance the war, and would not vote to authorize the war in Indo-China.

4. That Congress has not voted for cutting off funds for Indo-China does not mean that Congressmen favor the war or wish to authorize it. Congressmen have felt strongly that they cannot cut off money to American servicemen who are already in combat in the field and who need the monies for ammunition, food, shelter and other materiel requisite to survival. Moreover, House procedure has in a variety of ways made it exceptionally difficult to bring up a bill or amendment cutting off funds.

For these reasons, the enactment of a military authorization or appropriations bill without a fund cut-off could not represent a conscious and intentional House decision that the nation should fight a war in Indo-China.

5. An appropriations bill enacted without a fund cut-off cannot realistically be equated with a bill which is divorced from appropriations and which independently and intentionally authorizes war. It would be much harder for the Executive to get Congress to intentionally authorize the war than to get Congress to enact an authorization or appropriations act without a fund cut-off. In my opinion, Congress would not have, and will not, intentionally authorize war in Indo-China.

6. Supplemental appropriations for Vietnam, enacted during May 1965 and March 1967 just before the end of those fiscal years, did not constitute a declaration, authorization or ratification of war. Though Congressmen did not approve of and did not wish to authorize a large war in Indo-China, they felt it necessary to vote for these bills because American servicemen were already in combat in the field and the Executive said the money was immediately necessary to provide them with requisites of survival such as food, ammunition, shelter, etc.

7. Enactment of Selective Service extensions in 1967 and 1971 did not constitute a declaration, authorization or ratification of war in Indo-China. This country has had a draft since 1940, in both times of war and times of peace. It needs an army in peacetime, and an army is necessary entirely aside from the facts that troops are fighting in Vietnam. Without a sufficient army, it would be impossible to properly man our bases, installations, etc. Unless and until there is a volunteer army, the army must be raised by conscription. Thus, most Congressmen felt it necessary to vote to extend Selective Service even though they would not have voted to authorize the war and were opposed to using American troops in the Indo-China war.

8. The Tonkin Gulf Resolution was not intended as an authorization for a large, long war in Indo-China. It was intended solely to support the President's action in repulsing an alleged attack on American ships in the Gulf of Tonkin, and to deter further such attacks. Moreover, the Executive secured passage of the Resolution by deceiving Congress with untrue statements.

9. The defendants have made no statement indicating a time when the present war in Indo-China will end, but, on the contrary, specifically have refused to state any date when the war will end. There is, therefore, the threat that the war will continue. Although the defendants announced in 1969 that American troops would be withdrawn on a gradual basis, there has been geeographical escalation and extension of the war into the indepndent nations of Cambodia and

Laos, and massive aerial bombardment of North Vietnam, Laos and Cambodia.

10. There has been no bill or resolution in Congress declaring or authorizing the war in Indo-China.

I have not and would not introduce any such bill as I am opposed to the war in Indo-China. Moreover, each day that Congress is in session I refuse to declare or authorize war in Indo-China: I do this by refusing to vote for any proposed bill or resolution that could be introduced by any other member of Congress which would declare or authorize the war in Indo-China.

11. By prosecuting an unauthorized war in Indo-China, the Executive is impairing and limiting my powers and responsibilities, as a duly elected Member of Congress, under Article I Section 8 Clause 11 of the United States Constitution.

12. I have no legislative remedy in Congress, equivalent to my refusal to authorize war under Article I Section 8 Clause 11, that can block a war at the outset or speedily terminate one that has been unconstitutionally started. Impeachment of the Executive is a totally unrealistic and impracticable procedure, and one that could destroy the stability of our governmental system. A bill to cut off the use of funds or troops for the war could be vetoed by the President, thus necessitating a two-thirds vote of Congress to override the veto.

13. Based on my experience in Congress, if separation of powers is to be maintained, and if Congress' power over war is to be maintained with integrity, the President should have to get explicit and intentional Congressional authorization for war.

[Civil Action No. 697–71, in the U.S. District Court for the District of Columbia]

AFFIDAVIT OF CHARLES C. DIGGS, JR.

The Honorable Parren J. Mitchell, *et al.*, Plaintiffs, v. Richard M. Nixon, *et al.*, Defendants.

District of Columbia, ss:

I, Charles C. Diggs, Jr., being first duly sworn upon oath, deposes and says as follows:

1. I currently reside at 1361 Joliet Place Detroit, Michigan.

2. I am now and have been a Member of the House of Representatives of the Congress of the United States from the 13th District of the State of Mich. since 1955.

3. I have voted for general military appropriations bills during the course of the war in Indo-China. In voting for such bills, I did not intend to declare, authorize or ratify the war in Indo-China. House enactment of military appropriations bills does not represent a decision that the U.S. shall fight a war. A Congressman's vote for military appropriations does not necessarily mean that he is for the war and wishes to authorize it, nor does a Congressman's failure to vote for legislation to cut off the use of funds in Indo-China mean that he favors the war and wishes to authorize it.

4. As voted upon by the House, a general military authorization or appropriations bill represents a "package" or "lumped" bill which authorizes or appropriates money for a great variety of military needs, many of which needs are essential to national security, such as ships, planes, bases, and military salaries. The costs of the war are not separately earmarked in the bills, so they cannot be separately identified. Moreover, the costs of the war are substantially less than half of the total moneys appropriated for national defense, and over 80% of the forces for which money is authorized or appropriated are not in Indo-China.

Because Congressmen support the essential defense needs such as ships, planes, and salaries provided for in an authorization or appropriation bill, they have felt that they must vote in favor of the bill, even though they oppose the war, oppose the use of part of the bill's moneys to finance the war, and would not vote to authorize the war in Indo-China. There is thus no way validly to generalize that the enactment of general military appropriations or authorization bills represents an intentional decision by the House that the United States should fight a war in Indo-China.

5. That Congress has not voted for cutting off funds for Indo-China does not mean that Congressmen favor the war or wish to authorize it. Congressmen have felt strongly that they cannot cut off money to American servicemen who are already in combat in the field and who need the monies for ammunition, food, shelter and other materiel requisite to survival. Moreover, House procedure has made it exceptionally difficult to bring up a bill or amendment cutting off funds. Committee chairmen would see to it that, when considered on the floor, a military authorization or appropriations bill was treated as a unitary "package." Very little or no opportunity was given for the introduction of debate upon, or voting on amendments to the bill. Time to speak was not democratically apportioned among proponents and opponents. Thus, an amendment to cut off funds for the war would receive nothing but very short procedural shrift, as occurred to other amendments connected with the war. For these reasons, then, the enactment of a military authorization or appropriations bill without a fund cut-off could not represent a conscious and intentional House decision that the nation should fight a war in Indo-China.

6. An appropriations bill enacted without a fund cut-off cannot realistically be equated with a bill which is divorced from appropriations and which independently and intentionally authorizes war. The fact that Congress enacts appropriations bills without cutting off money does not mean Congress would be willing to authorize the war if asked to do so. It would be much harder for the Executive to get Congress to intentionally authorize the war than to get Congress to enact an authorization or appropriations act without a fund cut-off.

There are several reasons for this. If Congressmen were asked to authorize war in Indo-China in a bill independent of appropriations, they would think about this very carefully because there could be no doubt they are clearly being presented with a decision for or against war. Each Congressman would also think about it carefully because his vote would be recorded and would therefore be visible to the press and public, and he would be held accountable for his vote by his constituents. There would doubtlessly have been an earnest debate in Congress and in the nation at any time whatever since 1960 on whether war should be authorized in Indo-China. Such a Congressional debate would have raised all the questions incident to the desirability of committing this nation to fight a war in Asia, whether American troops should be sent to Indo-China, whether the war was in the national interest, and so forth. At the end of such a debate if a Congressman had decided to vote against declaring or authorizing war, he would not have had to feel that he was cutting off necessary monies to men in combat.

But the situation is entirely different in regard to military authorization and appropriations bills. These bills are considered under procedures which give short shrift to the possibility of introducing and debating amendments to cut off funds. The bills do not clearly present the decision of whether to fight a war, since they are "packages" which provide money for a tremendous number of defense needs. Congressmen feel that a cut off, even one at a future date, could endanger our men. Votes on amendments in Committee of the Whole have not been recorded in the past, so that a Congressman's constituency is not aware of how he votes on amendments. But even if a Congressman were to announce that he voted to cut off monies, or if otherwise his position became public knowledge, his constitutents could easily be angry with him for possibly endangering troops by cutting off monies. In contrast, his constituents might have agreed with him or been sympathetic with him if he refused affirmatively to authorize war on a war bill or resolution that was wholly divorced from cutting off funds.

Finally, even if Congress were to enact a general authorization or appropriations bill containing a provision cutting off monies, the President could veto the bill. If there were not a ⅔ majority necessary in each House of Congress to override the veto, then, because our armed services cannot be left without funds, Congress would have to enact a new bill satisfactory to the President which did not contain a cutoff of monies. The threat of a Presidential veto thus acts as a substantial deterrent to Congressmen either to introduce or vote on an amendment for a fund cut-off.

7. In May 1965 and March 1967, the Executive, close to the end of the fiscal years involved, said it had run out of money to use in Vietnam, and Congress enacted supplemental appropriations to be used in Vietnam for the remainder of those fiscal years. I voted for those supplementals. However, votes for these supplemental appropriations did not represent a declaration, authorization, or ratification of war. Congressmen felt it necessary to vote for these bills because American servicemen were already in combat in the field and the Executive said the money was immediately necessary to provide them with requisites of survival such as food, ammunition, shelter, etc. In fact, at one point we were told by the President that to deny supplemental appropriations would be to deny support to men who are risking their lives. Thus, Congressmen voted for the supplementals even though they did not approve of and did not wish to authorize a large war in Indo-China.

8. The House voted in 1967 and 1971 for extensions of the Selective Service Act. But a vote for extending Selective Service is not a vote to declare, authorize or ratify the war in Indo-China.

This country has had a draft since 1940, in both times of war and times of peace. It needs an army in peacetime, and an army is necessary entirely aside from the facts that troops are fighting in Vietnam. Without a sufficient army, it would be impossible to properly man our bases, installations, etc. Unless and until there is a volunteer army, the army must be raised by conscription. Thus, most Congressmen felt it necessary to vote to extend Selective Service even though they would not have voted to authorize the war and were opposed to using American troops in the Indo-China war.

Moreover, any attempts to amend the Selective Service extension bills to cut off the use of troops in Indo-China would have run into procedural obstacles. A bill to cut off troops would not have been reported out of committee, and due to various obstacles which arise from rules under which bills are debated and voted upon on the floor, a floor amendment to cut off troops would not have received a fair opportunity to be introduced, debated and considered.

Finally, as long as the U.S. was fighting a war, most Congressmen, even though they opposed the war, felt the draft was necessary to permit the replacement of troops who had already served in combat.

Thus, for all these reasons, Congressmen felt it necessary to vote for Selective Service extensions though they did not intend to authorize the war and would not have voted to authorize the war.

9. I voted for the Tonkin Gulf Resolution. It was not intended as an authorization for a large, long war in Indo-China. It was passed

in response to the specific fact of an alleged attack on American ships in the Tonkin Gulf. It was intended solely to support the President's action in repulsing that alleged attack and to deter further such attacks. It was not intended as Congressional authorization for a major land, sea and air war in Asia. Moreover, the Executive secured passage of the Resolution through deceiving Congress by untrue statements.

10. The war in Indo-China is a major one. It is the longest war in American history, the second most costly in terms of dollars, and one of the most costly in terms of American lives wounded and lost. The President of the United States has on numerous occasions referred to the "war" in Indo-China and it is common knowledge that a "war" in the constitutional meaning of that term is being waged in Indo-China.

The defendants have made no statement indicating a time when the present war in Indo-China will end, but, on the contrary, specifically have refused to state any date when the war will end. There is, therefore, the threat that the war will continue. Although the defendants announced in 1969 that American troops would be withdrawn on a gradual basis, there has been geographical escalation and extension of the war into the independent nations of Cambodia and Laos, and massive aerial bombardment of North Vietnam, Laos and Cambodia.

11. I have not and would not introduce any bill or proposed resolution in Congress declaring or authorizing war in Indo-China, as I am opposed to the war in Indo-China and thus could not be a sponsor of any such bill or resolution.

12. There has been no bill or resolution in Congress declaring or authorizing the war in Indo-China. Thus I have not voted in favor of any such bill or resolution, and I do not intend to vote in favor of any such bill or resolution in the foreseeable future. I would actively oppose any such proposed bill or resolution, by vote and by public debate.

13. Each day that Congress is in session I refuse to declare or authorize war in Indo-China. I do this by not voting for any proposed bill or resolution that could be introduced by any other member of Congress which would declare or authorize the war in Indo-China.

14. Because the Executive is fighting a war without Congress declaring or authorizing war, it is defeating the right and duty, possessed by myself and each other federal legislator under Article I Section 8 Clause 11 of the Constitution, to make the decision whether this nation shall fight a war, and it is defeating the efficacy of the continuing refusal of myself and other legislators to vote in favor of any bill or resolution authorizing war in Indo-China.

15. By prosecuting a war in Indo-China that has not been declared or authorized by Congress under Article I Section 8 Clause 11, the Executive is defeating the principle of separation of powers established by the Constitution, is destroying a fundamental power of the United States Congress, and is thus impairing and limiting my powers and responsibility as a duly elected Member of Congress.

16. For redressing the impairment of my powers and responsibilities under Article I Section 8 Clause 11, I have no legislative remedy in Congress which is equivalent to the Constitutional power given to me under Clause 11. If I were to introduce a bill to terminate the war, or a bill to cut off funds for the war, and Congress were to pass such a bill, the President of the United States could veto it, thus necessitating a two-thirds vote in each house of Congress to override the President's veto. The necessity for a two-thirds vote is substantially different from the need for only a majority to defeat any declaration or authorization of war under Article I Section 8 Clause 11. My own vote could be decisive in providing an absolute majority in the House of Representatives for defeating a bill or resolution declaring or authorizing war. But though my vote could provide an absolute majority against declaring or authorizing war, such a majority would be insufficient, and my vote would be rendered useless and of no value, to override a presidential veto of a bill terminating or cutting off funds for the war where an absolute majority is short of the requisite two-thirds majority required to override a veto.

17. Because of his tremendous access to the mass media, his position as national leader, his position as head of his party his patronage power, and his fund-raising power, the President has tremendous political power and great advantages in the legislative process. With this power and these advantages, he would be able to get Congress to intentionally authorize war *if Congress really thinks we should fight*. But as I've said before, it would be harder for him to get Congress to intentionally authorize war than for him to get Congress to pass appropriations and Selective Service bills without a cut-off of funds or troops. Cutting off funds or troops involves just too many problems to be an effective method of registering Congressional authorization for a war. Based on my experience in Congress, if separation of powers is to be maintained, and if Congress' power over war is to be maintained with integrity, the President should have to get explicit and intentional Congressional authorization for war.

[Civil Action No. 697–71, in the United States District Court for the District of Columbia]

AFFIDAVIT OF LOUIS STOKES

The Honorable Parren J. Mitchell, *et al.*, Plaintiffs, v. Richard M. Nixon, *et al.*, Defendants.

District of Columbia, ss:

Louis Stokes, being first duly sworn upon oath, deposes and says as follows:

1. I currently reside at 12600 Shaker Boulevard, Cleveland, Ohio.

2. I am now and have been a Member of the House of Representatives of the Congress of the United States from the 21st District of the State of Ohio since January 3, 1969.

3. I have voted for general military appropriations bills during the course of the war in Indo-China. In voting for such bills, I did not intend to declare, authorize or ratify the war in Indo-China. House enactment of military appropriations bills does not represent a decision that the U.S. shall fight a war. A Congressman's vote for military appropriations does not necessarily mean that he is for the war and wishes to authorize it, nor does a Congressman's failure to vote for legislation to cut off the use of funds in Indo-China mean that he favors the war and wishes to authorize it.

4. As voted upon by the House, a general military authorization or appropriations bill represents a "package" or "lumped" bill which authorizes or appropriates money for a great variety of military needs, many of which needs are essential to national security, such as ships, planes, bases, and military salaries. The costs of the war are not separately earmarked in the bills, so they cannot be separately identified. Moreover, the costs of the war are substantially less than half of the total monies appropriated for national defense, and over 80% of the forces for which money is authorized or appropriated are not in Indo-China.

Because Congressmen support the essential defense needs such as ships, planes, and salaries provided for in an authorization or appropriation bill, they have felt that they must vote in favor of the bill even though they oppose the war, oppose the use of part of the bill's monies to finance the war, and would not vote to authorize the war in Indo-China. There is thus no way validly to generalize that the enactment of general military appropriations or authorization bills represents an intentional decision by the House that the United States should fight a war in Indo-China.

5. That Congress has not voted for cutting off funds for Indo-China does not mean that Congressmen favor the war or wish to authorize it. Congressmen have felt strongly that they cannot cut off money to American servicemen who are already in combat in the field and who need the monies for ammunition, food, shelter and other material requisite to survival. Moreover, House procedure has made it exceptionally difficult to bring up a bill or amendment cutting off funds. Committee chairmen would see to it that, when considered on the floor, a military authorization or appropriations bill was treated as a unitary "package." Very little or no opportunity was given for the introduction of debate upon, or voting on amendments to the bill. Time to speak was not democratically apportioned among proponents and opponents. Thus, an amendment to cut off funds for the war would receive nothing but very short procedural shrift, as occurred to other amendments connected with the war. For these reasons, then, the enactment of a military authorization or appropriations bill without a fund cut-off could not represent a conscious and intentional House decision that the nation should fight a war in Indo-China.

6. An appropriations bill enacted without a fund cut-off cannot realistically be equated with a bill which is divorced from appropriations and which independently and intentionally authorizes war. The fact that Congress enacts appropriations bills without cutting off money does not mean Congress would be willing to authorize the war if asked to do so. It would be much harder for the Executive to get Congress to intentionally authorize the war than to get Congress to enact an authorization or appropriations act without a fund cut-off.

There are several reasons for this. If Congressmen were asked to authorize war in Indo-China in a bill independent of appropriations, they would think about this very carefully because there could be no doubt they are clearly being presented with a decision for or against war. Each Congressman would also think about it carefully because his vote would be recorded and would therefore be visible to the press and public, and he would be held accountable for his vote by his constituents. There would doubtlessly have been an earnest debate in Congress and in the nation at any time whatever since 1960 on whether war should be authorized in Indo-China. Such a Congressional debate would have raised all the questions incident to the desirability of committing this nation to fight a war in Asia, whether American troops should be sent to Indo-China, whether the war was in the national interest, and so forth. At the end of such a debate, if a Congressman had decided to vote against declaring or authorizing war, he would not have had to feel that he was cutting off necessary monies to men in combat.

But the situation is entirely different in regard to military authorization and appropriations bills. These bills are considered under procedures which give short shrift to the possibility of introducing and debating amendments to cut off funds. The bills do not clearly present the decision of whether to fight a war, since they are "packages" which provide money for a tremendous number of defense needs. Congressmen feel that a cut off, even one at a future date, could endanger our men. Votes on amendments in Committee of the Whole have not been recorded in the past, so that a Congressman's constituency is not aware of how he votes on amendments. But even if a Congressman were to announce that he voted to cut off monies, or if otherwise his position became public knowledge, his constituents could easily be angry with him for possibly endangering troops by cutting off monies. In contrast, his constituents might have agreed with him or been sympathetic with him if he refused affirmatively to authorize war on a war bill or resolution that was wholly divorced from cutting off funds.

Finally, even if Congress were to enact a general authorization or appropriations bill containing a provision cutting off monies, the President could veto the bill. If there were not a ⅔ majority necessary in each House of Congress to override the veto, then, because our armed services cannot be left without funds, Congress would have to enact a new bill satisfactory to the President which did not contain a cut-off of monies. The threat of a Presidential veto thus acts as a substantial deterrent to Congressmen either to introduce or vote on an amendment for a fund cut-off.

7. Congress voted in 1967 and 1971 for extensions of the Selective Service Act. But a vote for extending Selective Service is not a vote to declare, authorize or ratify the war in Indo-China.

This country has had a draft since 1940, in both times of war and times of peace. It needs an army in peacetime, and an army is necessary entirely aside from the facts that troops are fighting in Vietnam. Without a sufficient army, it would be impossible to properly man our bases, installations, etc. Unless and until there is a volunteer army, the army must be raised by conscription. Thus, most Congressmen felt it necessary to vote to extend Selective Service even though they would not have voted to authorize the war and were opposed to using American troops in the Indo-China war.

Moreover, any attempts to amend the Selective Service extension bills to cut off the use of troops in Indo-China would have run into procedural obstacles. A bill to cut off troops would not have been reported out of committee, and due to various obstacles which arise from rules under which bills are debated and voted upon on the floor, a floor amendment to cut off troops would not have received a fair opportunity to be introduced, debated and considered.

Finally, as long as the U.S. was fighting a war, most Congressmen, even though they opposed the war, felt the draft was necessary to permit the replacement of troops who had already served in combat.

Thus, for all these reasons, Congressmen felt it necessary to vote for Selective Service extensions though they did not intend to authorize the war and would not have voted to authorize the war.

8. The war in Indo-China is a major one. It is the longest war in American history, the second most costly in terms of dollars, and one of the most costly in terms of American lives wounded and lost. The President of the United States has on numerous occasions referred to the "war" in Indo-China and it is common knowledge that a "war" in the constitutional meaning of that term is being waged in Indo-China.

The defendants have made no statement indicating a time when the present war in Indo-China will end, but, on the contrary, specifically have refused to state any date when the war will end. There is, therefore, the threat that the war will continue. Although the defendants announced in 1969 that American troops would be withdrawn on a gradual basis, there has been geographical escalation and extension of the war into the independent nations of Cambodia and Laos, and massive aerial bombardment of North Vietnam, Laos and Cambodia.

9. I have not and would not introduce any bill or proposed resolution in Congress declaring or authorizing war in Indo-China, as I am opposed to the war in Indo-China and thus could not be a sponsor of any such bill or resolution.

10. There has been no bill or resolution in Congress declaring or authorizing the war in Indo-China. Thus I have not voted in favor of any such bill or resolution, and I do not intend to vote in favor of any such bill or resolutiton in the foreseeable future. I would actively oppose any such proposed bill or resolution, by vote and by public debate.

11. Each day that Congress is in session I refuse to declare or authorize war in Indo-China. I do this by not voting for any proposed bill or resolution that would be introduced by any other member of Congress which would declare or authorize the war in Indo-China.

12. Because the Executive is fighting a war without Congress declaring or authorizing war, it is defeating the right and duty, possessed by myself and each other federal legislator under Article I Section 8 Clause 11 of the Constitution, to make the decision whether this nation shall fight a war, and it is defeating the efficacy of the continuing refusal of myself and other legislators to vote in favor of any bill or resolution authorizing war in Indo-China.

13. By prosecuting a war in Indo-China that has not been declared or authorized by Congress under Article I Section 8 Clause 11, the Executive is defeating the principle of separation of powers established by the Constitution, is destroying a fundamental power of the United States Congress, and is thus impairing and limiting my powers and responsibility as a duly elected Member of Congress.

14. For redressing the impairment of my powers and responsibilities under Article I Section 8 Clause 11, I have no legislative remedy in Congress which is equivalent to the Constitutional power given to me under Clause 11. If I were to introduce a bill to terminate the war, or a bill to cut off funds for the war, and Congress were to pass such a bill, the President of the United States could veto it, thus necessitating a two-thirds vote in each House of Congress to override the President's veto. The necessity for a two-thirds vote is substantially different from the need for only a majority to defeat any declaration or authorization of war under Article I Section 8 Clause 11. My own vote could be decisive in providing an absolute majority in the House of Representatives for defeating a bill or resolution declaring or authorizing war. But though my vote could provide an absolute majority against declaring or authorizing war, such a majority would be insufficient, and my vote would be rendered useless and of no value, to override a presidential veto of a bill terminating or cutting off funds for the war where an absolute majority is short of the requisite two-thirds majority required to override a veto.

15. Because of his tremendous access to the mass media, his position as national leader, his position as head of his party, his patronage power, and his fund-raising power, the President has tremendous political power and great advantages in the legislative process. With this power and these advantages, he would be able to get Congress to intentionally authorize war *if Congress really thinks we should fight*. But as I said before, it would be harder for him to get Congress to intentionally authorize war than for him to get Congress to pass appropriations and Selective Service bills without a cut-off of funds or troops. Cutting off funds or troops involves just too many problems to be an effective method of registering Congressional authorization for a war. Based on my experience in Congress, if separation of powers is to be maintained, and if Congress' power over war is to be maintained with integrity, the President should have to get explicit and intentional Congressional authorization for war.

U.S. SENATE,
Washington, D.C., May 19, 1971.

Hon. PARREN MITCHELL,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN MITCHELL: I understand that your office is compiling a number of Congressional opinions on the question of whether military appropriations are an equivalent to a declaration of war.

I would like to state emphatically that although I have voted for military appropriations measures, such votes have never been intended to express a declaration or a ratification of the war. Since I have been in the Senate I have consistently opposed the tragic war in Indochina. This opposition has never been compromised by a vote for military authorizations or military appropriations.

It is important to clarify, further, that I believe under the Constitution the adoption of a military authorization or appropriation measure does not constitute an authorization for a war. Support for military appropriations is in no way equivalent to a declaration of war.

Sincerely,

ALAN CRANSTON.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 25th day of May, 1971, he served the foregoing Motion of Plaintiffs for Injunctive Relief, together with Memorandum of Points and Authorities, and annexed Affidavits, by mailing same first class mail, postage prepaid, to Thomas A. Flannery, Esq., Joseph M. Hannon, Esq., and Arnold T. Aikens, Esq., c/o Office of the United States Attorney for the District of Columbia, United States Courthouse, John Marshall Place, N.W., Washington, D.C. 20001; and to John Mitchell, Esq., Attorney General of the United States, c/o Department of Justice, Washington, D.C. 20001.

STEFAN F. TUCKER.

CONSUMER LAW—A TOOL TO DESTROY COMMUNIST RECORDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, few in this body would knowingly pass legislation to give Federal agencies a license to destroy records and dossiers on Communist and subversive organizations and individuals and interlocking international combinations. Yet the bureaucracy—which goes by direction rather than law—are doing just that.

Last October 13 this body adopted the conference report on the bill, H.R. 15073—now Public Law 91-508—to amend the Federal Deposit Insurance Act. The emotional encouragement was to force the holders of unmarked foreign bank accounts to report their transactions to the U.S Treasury Department.

Barely noticed at the adoption of the conference report were the several amendments passed by the Senate. One was title VI which amended the Consumer Credit Protection Act by adding at the end of that act a new title VI dealing with consumer credit reporting.

Many Members had come to be sympathetic with consumers and life insurance applicants by a skillfully prepared program of individual complaints growing out of computer mistakes, human errors, and confidential credit files which were utilized by merchants, businessmen, and corporations in screening their customers, employees, and applicants. At most, the added amendment was presupposed as a protection of the individual's right of privacy.

It is highly doubtful that many Members last October realized that the consumer credit reporting section would be utilized to attack and destroy investigating agencies, police, military, and in fact anyone who retains files on activists and other people who are or may become prominent in public life or leadership.

While they have not been told so, thinking Americans must by now be aware of the organized and concerted move afoot to abolish records and files compiled by the military intelligence, the FBI, and local police intelligence groups. They must associate in these attacks the attempts to destroy J. Edgar Hoover and Otto Otepka. The design seems intent on abolishing records of arrest, subversive or mysterious activity, associations and activities, and other factual data. It may appear difficult to ascertain how police records and subversive activities and membership in interlocking international organizations can be considered as credit reporting. Yet the bureaucrats in unelected power are now attempting to build bridges to such a goal, hiding behind the color of Federal law, as if protecting the right of privacy of consumers in the marketplace and in private employment.

Under title VI, dealing with consumer credit reports, the Federal Trade Commission was delegated the authority for the use of its procedural, investigative, and enforcement powers, which it has under the Federal Trade Commission Act, to secure compliance under the consumer credit protection law.

Quite noteworthy in the conference report, CONGRESSIONAL RECORD, volume 116, part 27, page 36573, we find this paragraph:

> While the conferees did not agree to the House amendment to give the Federal Trade Commission the authority to issue regulations, it is strongly urged that the Federal Trade Commission employ their existing regulatory authority to the greatest possible extent to assure widescale compliance with the Act.

The bill was signed into law on October 26, 1970, to become effective in 180 days, or April 26, 1971.

Two weeks later, on May 10, 1971, the Church League of America of Wheaton, Ill., received correspondence from the Federal Trade Commission, Bureau of Competition, captioned "Re Credit Reporting Industry, File No. 711 0613," over the signature of William M. Sexton, attorney. Attached to the FTC letter was a list of 11 questions, or interrogatories, covering every facet of the league's business operations, income, contracts, and so forth.

The executive secretary immediately replied that the FTC inquiry was not applicable to the Church League of America, a tax-exempt organization with an educational status.

Who is to make the final determination as to whether the Church League is a credit reporting industry? The FTC is to be given full freedom for a fishing expedition and then determine the law inapplicable? Is it really the information that is sought or to spy on just what the league does?

Contemporary reports are suggestive that the FTC is being encouraged to use its hypothetical power to use regulations to extend its power to destroy educational, religious, and research organizations which may or may not retain and store credit documentation; for example, the May 14, 1971, group research report contains the following comment:

> NEW LAW MIGHT CURTAIL FILES OF RIGHT-WING
>
> The *AFL–CIO News* reports that the consumer protection law which went into effect April 25th might have the side impact of curtailing "a group of vigilante-type, extreme right-wing organizations that peddle dubious 'investigative reports' to employers who want to screen out 'radicals' and 'troublemakers.'"
>
> The labor paper named the American Security Council and Church League of America as two large groups which might be so affected.
>
> The new law gives potential borrowers—and, possibly, employees—a chance to confront reporting agencies with derogatory information about themselves.

If this is an example of how the Consumer Credit Protection Act is to be used, then it is most obvious that its purpose is not to relieve consumers of invasions of privacy but rather to destroy any and all documentation and dossiers—not because of their use as credit gages—but to eliminate the records of subversive and Communist activities in our country.

Thus far the harassment is confined to pro-American, constitutional, conservative organizations inasmuch as the leftwing clippers and documentation receptacles such as the ADL, Group Research and Institute of American Democracy are not heard to complain about ordered compliance as credit-reporting agencies. To the contrary, they seem to have the controlling hand, calling the signals, and are gloating over this obvious attempt to destroy a basic safeguard in our country—the right to privacy of other Americans.

I insert the letter from the Federal Trade Commission, its enclosures and the reply by the executive secretary of the Church League at this point:

FEDERAL TRADE COMMISSION,
Washington, D.C., May 10, 1971.

Re Credit Reporting Industry, File No. 711 0613.

CHURCH LEAGUE OF AMERICA,
Wheaton, Ill.

GENTLEMEN: This office is in the process of investigating the credit reporting industry. In order that the Commission may have authoritative information, and pursuant to its responsibility under the statutes from which its powers are derived, you are requested to furnish the following information within 30 days from the date hereof.

Each answer should identify the question to which it is addressed. If you are unable to fully answer any question, give such information as is available to you, and explain why your answer is incomplete and the source from which a complete answer may be obtained. If books and records which provide accurate answers are not available, *enter your best estimates* and indicate the sources or bases of your estimates. Estimated data should be followed by the notation "est." Where documents are supplied, please mark the number of the question in response to them as exhibits 1, 2, 3, . . ., prefixed by the number of the question in response to which the document is submitted (e.g., "Ex 2(a)1").

1. State the correct name, address, and date and state of incorporation of the reporting company.

2. State the name, title, ownership interest (if any), and business background of all officers and senior management personnel of the reporting company.

3. State your company's annual volume of reporting business for calendar years 1965, 1967 and 1969 on the form attached.

4. State your company's net profit (loss) in the sale of each of the types of reports listed in question no. 3 for each of the calendar years 1965, 1967 and 1969, on the form attached.

5. State the total annual volume of reporting business (as in question no. 3) in each of your company's geographic sales areas. Data is to be submitted by state or region of operations for each of the calendar years 1965, 1967 and 1969, utilizing the attached forms or copies thereof.

6. List all competitors that prepare personnel, insurance, and/or mortgage reports and that compete on at least a state-wide basis with you company. Indicate the geographic areas in which each of these companies competes with your company. List the types of reports prepared by each such competitor.

7. Submit schedules of services and prices for the period 1960 through 1969 for your company and each subsidiary or affiliate engaged in personnel, credit, and/or insurance reporting.

8. Submit your company's annual reports or balance sheets and profit and loss statements if annual reports were not made for each year 1965 through 1970.

9. Submit copies of all registration statements, proxy statements and prospectuses issued since 1960.

10. Submit samples of all standardized reporting forms.

11. Submit samples of all agreements and contracts used between your company and its customers.

You are invited to furnish any additional information concerning your operations in the credit reporting industry which in your judgment appears appropriate.

Any questions you have concerning this inquiry should be directed to Economist Ronald W. Phelon, Federal Trade Commission, Washington, D.C. 20580 (Area Code 202-Telephone 962–2731).

Very truly yours,
WILLIAM M. SEXTON,
Attorney,
Bureau of Competition.

Enclosure.

FORM TO BE USED TO RESPOND TO QUESTION 3

	1965		1967		1969	
	Number	Dollar volume	Number	Dollar volume	Number	Dollar volume
Total reports						
Personnel report						
Mortgage report						
Insurance report						
Total						
Life insurance						
Auto insurance						
Health insurance						
Workman's compensation						
Other (specify)						

	1965		1967		1969	
	Number	Dollar volume	Number	Dollar volume	Number	Dollar volume
Tenant reports						
Claims report						
Motor vehicle reports						
Bond reports						
Other (specify)						
Credit reporting						
File report (oral or written)						
Updated file report (oral or written)						

FORM TO BE USED TO RESPOND TO QUESTION 4

	1965		1967		1969	
	Profit/loss (minus)		Profit/loss (minus)		Profit/loss (minus)	
Total reports						
Personnel report						
Mortgage report						
Insurance report						
Total						
Life insurance						
Auto insurance						
Health insurance						
Workman's compensation						
Other (specify)						

	1965		1967		1969	
	profit/loss (minus)		profit/loss (minus)		profit/loss (minus)	
Tenant reports						
Claims reports						
Motor vehicle reports						
Bond reports						
Other (specify)						
Credit reporting						
File report (oral or written)						
Update file report (oral or written)						

FORM TO BE USED TO RESPOND TO QUESTION 5

____
(State or region of operations)

	1965		1967		1969	
	Number	Dollar volume	Number	Dollar volume	Number	Dollar volume
Total reports						
Personnel report						
Mortgage report						
Insurance report						
Total						
Life insurance						
Auto insurance						
Health insurance						
Workman's compensation						
Other (specify)						

	1965		1967		1969	
	Number	Dollar volume	Number	Dollar volume	Number	Dollar volume
Tenant reports						
Claims reports						
Motor vehicle reports						
Bond reports						
Other (specify)						
Credit reporting						
File report (oral or written)						
Updated file report (oral or written)						

MAY 13, 1971.

Mr. WILLIAM M. SEXTON,
Attorney, Bureau of Competition, Federal Trade Commission, Washington, D.C.

DEAR SIR: Reference your letter dated May 10, 1971 and addressed to this headquarters, regarding Credit Reporting Industry, please be advised that this inquiry is not applicable to the work of the Church League of America.

We are a tax exempt organization with an educational status operating under the authority of the United States Treasury Department, Division of Internal Revenue Service, Code 501(c)3.

We have met all tests of the Internal Revenue Service concerning our operations.

Very truly yours,
EDGAR C. BUNDY,
Executive Secretary.

MR. VOLPE'S SURPRISING ACHIEVEMENTS

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, Wall Street Journal correspondent Albert R. Karr has written an excellent article about a distinguished citizen of Massachusetts, my State, Secretary of Transportation John A. Volpe. Mr. Karr entitled his piece "Mr. Volpe's Surprising Achievements."

Citizens of Massachusetts are delighted with this analysis of John Volpe's accomplishments, but we are not at all surprised. We have learned to expect such things from a man we three times elected Governor.

During his period in the Governor's chair, John Volpe established an outstanding record in civil rights, consumer protection, natural resources, cultural resources, and conservation. He also set many precedents in the State of Massachusetts in education, public health, mental health, economic development, and many other areas of public concern.

It is clear from Mr. Karr's account that the voters in Massachusetts were fully justified in their repeated endorsements of John Volpe's record. As Secretary of Transportation, he has continued to attack public problems with imagination and dispatch. Among the many achievements of John Volpe as Secretary of Transportation which Mr. Karr cites are the upgrading of mass transit, the creation of a national railroad passenger system—Amtrak—and, the use of hitherto sacrosanct highway trust fund money for safety and other new programs.

In dealing with technical problems, John Volpe does not forget the human factors involved. Speaking of Secretary Volpe's belief that the successful man should remember to turn around once in a while to give a helping hand to those below, Mr. Karr notes that there are now 20 blacks in the Department of Transportation's supergrade jobs; before John Volpe there were none. And Aaron N. Henry, head of the NAACP's Mississippi unit, credits John Volpe's persuasion for the fact that the Mississippi Highway Department, formerly all white, now has at least 30 percent black employees.

The story of John Volpe's own career, in fact, causes one to wonder if any one of Horatio Alger's heroes should really be considered a success by comparison. The son of Italian immigrants, Secretary Volpe upon completion of high school went to work as a plasterer's apprentice. After attending night school for 2 years, in 1933 he borrowed $200, cashed in a $300 insurance policy, and started his own business. It was characteristic of John Volpe that in 1943 he closed his hard-won enterprise to enlist in the Civil Engineer Corps—Seabees—of the U.S. Navy. After the war he started his business again, and built it into a major construction company until public service required him to give up active direction. He severed all ties with the company when he assumed his Cabinet responsibilities in 1969.

I include Mr. Karr's fine article on this distinguished citizen of the Bay State at this point in the Record:

Mr. Volpe's Surprising Achievements

(By Albert R. Karr)

Washington.—Not long ago John Volpe was handing out a medal to a rather remarkable man who used to test the effects of deceleration by catapulting down a track on a rocket-powered sled. The sled would roar to 632 miles an hour, then stop within two seconds.

Looking up from the middle of a formal citation, the Transportation Secretary couldn't suppress a comparison. "Sometimes," he said, "we in the administration have to decelerate faster than that."

It was a wry admission that Mr. Volpe, a hard-driving man who wants very much to leave his mark on the nation's transportation system, can't always sell his ideas to the President or the stolid aides who surround him. But that is a common problem for the Nixon Cabinet. The significant thing about Mr. Volpe is not in his setbacks—and there have been embarrassing ones—but in some major achievements that have surprised critics and supporters alike.

Mr. Volpe, a three-time Massachusetts governor who has also been Federal Highway Administrator and Massachusetts public works commissioner, initially was regarded by critics as a narrow, roadbuilding fanatic who would try to pave over the country. Instead, he was irritated by the highway lobby by killing disruptive projects and increasingly emphasizing mass transit. And in an administration more conservative and less programmatic than its predecessors, he has probably produced more new programs than any other Cabinet member, a number of them liberal measures. Among them: mass transit upgrading, a national railroad passenger system, or Amtrak, and the use of hitherto sacrosanct highway trust fund money for safety and other new programs.

This success is partly a fortuitous coincidence of Mr. Volpe's predelictions and White House politics, because it is true that the Nixon administration is more open to programmatic experimentation in transportation than, say, civil rights or help for the cities. But it also reflects some personal attributes of Mr. Volpe: a deep social concern, a toughness combined with diplomacy and painstaking care in building up support. Moreover, in an administration that sometimes seems to value loyalty above all else, Mr. Volpe is the ultimate team player.

WILLING TO COMPROMISE

Intense, energetic Mr. Volpe, 62, fights hard for his programs, but the bouts are strictly intramural. Not for him are Walter Hickel's martyrdom or George Romney's public pronouncements that sometimes take him further than the administration wants to go. Mr. Volpe prefers to survive, to compromise, to chip away at opposition gradually if he has to. When the White House hits the brakes Mr. Volpe decelerates. And if it so orders, he'll champion positions he privately opposes.

That's what happened to the Secretary's plan for auto insurance reform. Central to his concept were federal standards, possibly backed up by pressure on the states to conform through a mandatory effective date or federal penalties. The White House opposed legislated standards, and Mr. Volpe abandoned the concept on the eve of testimony before a Senate committee. Instead, he suggested that Congress merely pass a resolution urging the states to act. (Responding to a Congressman's question in a House hearing later, however, Mr. Volpe said he wouldn't object to federal auto-insurance standards, as long as outright federal regulation were avoided.)

Another time, asked whether he concurred in a White House budget holddown he had strenuously resisted, Mr. Volpe replied: "Once the decision has been made, it's Transportation Department policy."

But the Secretary doesn't give up until policy is set, and his fight for Amtrak is a case in point. Key presidential aides opposed the plan, and at one point it took a heated outburst even to get Mr. Volpe past them and inside Mr. Nixon's office. Then, he says, "It took me about six minutes" to sell his argument. Later, Mr. Volpe threatened to resign if Mr. Nixon sided with the advisers who were urging him to veto the legislation.

Straightforward to the point of bluntness, Mr. Volpe meets most issues head-on. He has angered the potent highway lobby by stopping highway projects before they could rip through parks, historic areas and neighborhoods, and by warning that "excessive dependence on the auto" poses the "threat of urban suicide." He bruised egos by issuing a highway-safety "report card" that ranked states from "A" to "D." Alabama and Illinois each got three "Ds" and the Secretary noted some "retrogression" nationwide. "Only a Republican ex-governor can get away with what he tells industry and governors to do," an associate declares.

A major caveat to the Volpe record, however, is that most of the programs he has backed so far have simply involved spending more money to attack generally accepted needs, with the support of most interest groups involved. It was apparent even before Mr. Nixon took office that an expanded mass-transit program would be tremendously popular, for example. The administration has no fondness for the highway lobby, a fact that gives Mr. Volpe some latitude; and from the lobby's point of view, Mr. Volpe's positions thus far, while annoying, haven't substantially cut the amount of money available to highway building. "It's true that we've worked with the easy ones," one department official admits.

TOUGH BATTLES AHEAD

But the crunch is coming. Mr. Nixon's revenue sharing plan challenges the highway and airport lobbies in a fundamental way, since it would allow states to spend money in those two trust funds for any transportation purpose they desire. As a key salesman for this aspect of the plan, Mr. Volpe must confront the two lobbies and their substantial power on Capitol Hill.

In his first year in the job Mr. Volpe lost an intra-administration battle for mass transit, failing to win backing for a trust fund he proposed. But if revenue sharing fails, he'll revive another plan that would also boost mass transit: a "transportation trust fund" that would allow states to divert money in the highway and airport trust funds to other transportation purposes. This plan, like revenue sharing, would certainly arouse bitter opposition.

Originally a Rockefeller backer in 1968, Mr. Volpe was persuaded by advisers to climb aboard the Nixon bandwagon while he still had a chance. He did, and for a time was thought to be in the running for the Vice Presidency. After the election, he sought an administration job in an activist department, specifically Health, Education and Welfare or Housing and Urban Development. Ironically, the Secretaries of those two departments have found their activism repeatedly stifled by White House political considerations while Mr. Volpe, in a job he didn't particularly seek, has been relatively free to make his mark.

It's a task he gives almost undivided attention. Up most mornings by five, Mr. Volpe usually attends an early mass and heads for his office and a workout on the stationary bicycle. Then he plunges into work, rushing in and out of his office with brow furrowed. Mr. Volpe lacks a college degree, but aides say he's quick to see the significance of an issue and prefers quick, "Harry Truman" type decisions to agonizing and intellectualizing. He seldom gets away before 7, and even then usually packs along two bulging briefcases for work far into the night.

He has grown steadily into the job. More favorable to highways at first, he now says his Washington experience has made him "much more acutely aware" of the need for balanced transportation systems. In the process, he has converted skeptics. Declares a former transportation official in the Johnson administration: "If Nixon would listen to Volpe more often, he'd be ten times better off."

The Secretary seemingly views his job as the capstone to his political career and, accordingly, is particularly keen on programs that show visible accomplishment. He would like to get an air-cushion vehicle transit line going somewhere in the country, for example, but so far attempts in Los Angeles and Washington have fallen through. He would also like to leave office with a major reduction of highway deaths to his credit. So when he came across a newspaper clipping describing the inflatable air bag for automobiles two years ago, he quickly dashed off a memo directing his highway safety people to get cracking on an air bag program.

Devoutly religious, Mr. Volpe often interjects "the dear Lord" into press conferences and casual conversation. He eschews alcoholic beverages (his favorite drink is tea laced with honey), and will sometimes make a point by beginning: "If I were a gambling man—which I'm not—I'd bet that . . ." Nevertheless, aides say, he can be quite profane when angered, and his anger can flare quickly when an underling turns in a poor performance. Fortunately, they add, he doesn't hold grudges.

The son of Italian immigrants, Mr. Volpe worked as a hod carrier and plasterer's apprentice, eventually turning a $500 stake into a thriving construction business. He's fond of relating how his father told him that, like other members of minority groups, he would have to climb the ladder one step at a time, and on his own. But in telling that story, Mr. Volpe usually admonishes those working for him to "remember to turn around once in a while to give a helping hand to those below you."

Translating this philosophy into action, Mr. Volpe has emphasized jobs for blacks, earning the administration some credit in a field where it generally draws criticism. There are now 20 blacks in the department's "supergrade" jobs; before Mr. Volpe there were none. And Aaron N. Henry, head of the NAACP's Mississippi unit, credits Mr. Volpe's "persuasion" for the fact that the Mississippi Highway Department, formerly all white, now is at least 30% black. Clarence Mitchell, the NAACP's Washington representative, says he's "ahead of most people in the administration."

Some of Mr. Volpe's initiatives, however, have bogged down in the conservative, slow-moving bureaucracy he inherited. Thus, Mr. Volpe has declared that no highway or other federal transportation projects will be authorized until suitable relocation housing is built or assured. But the Federal Highway Administration, traditionally an entity unto itself, has moved so slowly on this that one civil rights expert calls its performance "terrible."

Apparently recognizing this problem, Mr. Volpe last week announced new regulations designed to enforce his relocation-housing policy. They include a requirement that federal-aid projects causing displacement have a local relocation-assistance office to help displaced persons find new homes.

CONGRESSIONAL GOOD MARKS

The Secretary gets better marks on Capitol Hill, where he often goes to do some personal lobbying instead of leaving that task to subordinates. During the final stages of the administration's effort to push the SST—a project that the Secretary personally supported—he talked at length with lawmakers, focusing on freshmen Congressmen. He's quick to adapt his tactics. Trying to sell a new highway funding approach last year, he began by working through the Republican members of a Senate committee. But when a staff man for the Democrats telephoned to suggest that Mr. Volpe deal with them as well, he dispatched a bevy of experts to the Hill within the hour.

Mr. Volpe's intense, driving approach has brought him to the point of frequent, though not major, health problems, and one hard-pressed aide, a Washington veteran, says he has "never worked for anyone so aggressive and so decision-oriented." Nevertheless, Mr. Volpe laughs easily, frequently at himself, and loves to tell homely, self-deprecating stories.

One favorite concerns the time he was stuck in a long line of airliners waiting to take off, and impatiently asked the captain to inform the tower controller that his boss, the Secretary of Transportation, was aboard. Back, Mr. Volpe says, came the controller's reply: "My regards to Mr. Volpe, but he's still 19th in line."

ACCOMPLISHMENTS OF THE EXECUTIVE COMMITTEE OF THE INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

(Mr. MAYNE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MAYNE. Mr. Speaker, it was recently my privilege to attend the 27th special session of the executive committee of the Intergovernmental Committee for European Migration—ICEM—as a member of the American delegation. The meeting was held at the Committees' headquarters in Geneva, Switzerland on May 11 and 12. I was most favorably impressed by the work of the Committee, which provided transportation for and assisted in the resettlement of more than 70,000 refugees during the past year.

An especially noteworthy contribution was made to this session by the American delegation led by the highly capable Frank L. Kellogg, Special Assistant to the Secretary of State for Refugees and Migration. Ambassador Kellogg had just completed an inspection tour of refugees camps in Italy and Austria and had met with officials of those and other European countries active in refugee work. Upon his return to the United States, he included a very interesting report on these activities and the ICEM meeting in an address to the Advisory Committee on Voluntary Foreign Aid here in Washington on May 14.

Under unanimous consent to revise and extend my remarks in the Record, I include the aforementioned speech:

Remarks of the Hon. Frank L. Kellogg, Special Assistant to the Secretary of State for Refugees and Migration

Chairman Taft, Members of the Advisory Committee, distinguished guests, fellow Americans all:

I am happy to be with you this morning to join in your 25th Anniversary and to pay tribute to the remarkable achievements of your Committee and the voluntary agencies assembled here.

During this past quarter-century, you have been fortunate to have as your Chairman an outstanding American who has represented the best of our traditions of public service and social concern, Charles P. Taft. And there are others on the Committee who have served almost since its inception in 1946, for example Gordon Cairns, for 21 years, and Miss Margaret Hickey, for 17 years, giving freely of their time and talent to the work of the Committee.

I arrived back in Washington just a few hours ago more than a bit breathless from an intense and fast paced sprint thru Italy, Austria, the Netherlands, Switzerland, and home.

The purpose of my trip was two fold: to inspect Italian and Austrian refugee camps and to meet with foreign Government officials and the Voluntary Agencies who work in the European Refugee field; and to head the American Delegation of the *37th Special Session* of the *Executive Committee* of the *Intergovernmental Committee for European Migration*. This was held in Geneva between May 10 and yesterday.

Let me tell you, all of this was an experience! A stimulating, exciting, exhausting, rewarding experience—worth every early morning rise and long hour.

May I tell you about it? And I hasten to add: *briefly*!

On arrival, I met with officials of the Italian Government (*Amministrazione per le Attivita Assistenziali Italiane e Internazionali*) in Rome and discussed refugee and migrant problems with them and the ebb and flow of "the dispossessed" from East Europe thru Italy and its three refugee centers:

Trieste (where all the initial processing is done), and

Capua and Latina, near Naples, where the refugees are housed while they await clearance to the country of their choice for final settlement.

We Americans often think of ourselves and our nation as a leading force in humanitarian concerns—*and indeed we are*—but we should not discount the great efforts made by other countries of the Free World especially those that lie so much closer to the barbed-wire border of Eastern Europe. These nations have experienced at first hand, twice in our generation, the full horror of modern war and all the indescribable torment and attendant suffering. The people of these countries cannot forget or ignore, for a moment, the ideological conflict that divides our world into two armed camps. And so they comprehend, from close proximity, the full meaning of the plight of the refugee—torn from his homeland—leaving all behind including a part of his life—and all but a handful of his worldly possessions—grateful to have made his escape and for the shelter provided, in large measure, by Germany, Austria, Italy and the other nations of first asylum.

The Government of Italy spends $2 million dollars in maintaining three refugee centers and providing the necessary rudimentary things for the escapees to begin a new life: clothes and food and shelter.

Beyond that, a language school to help bridge the gap, vocational training towards a better job, medical services, an occasional movie, now and again a camp play by the children.

It is a life stripped to its essentials—believe me—but these people have known hardship and fear and they are grateful for what they receive. One Polish refugee tried to share with me his last Polish cigarettes brought from his homeland that nevertheless had treated him so badly.

Lunch that 1st day was an expression of good will extended to me by the Voluntary Agencies, American and International, your colleagues who are devoting their working lives to these human problems that concern us all. During our meal I heard a chilling story of a Jewish couple in Russia who—having waited 15 years for an exit permit—received it on the day before the outbreak of the "Six Day War". Their visa was cancelled and five more years passed before they could leave.

Later a meeting was held in the US Consulate with representatives of the private Voluntary Agencies, about fifteen of us in all. I need not tell you that these are the compassionate people who offer humanitarian assistance for human needs abroad. This informal meeting provided a valuable and provocative exchange of views and ideas. Monseignor Don Alfredo Bottizer—to give but one example—gave an eloquent—a ringing—description of problems at the *Trieste* camp and the imperative need to maintain his staff "like a fire engine station", he said, "ready for any emergency—to which can be added, as needed, the volunteers". In baroque Italian, be concluded: "someone always on duty to be ready for the alarm".

Another concern expressed by some of the Voluntary Agencies was the lack of young people coming along in the ranks to succeed the present staff. Lack of incentives—uncertainties of the profession—were among the problems cited. And this lack of succession, as you know, is a subject to concern us all if we are to keep Monseignor Bottizer's "Fire Station" on the alert!

That 1st day ended with an hour each with representatives of ICEM and the UNHCR and discussions of their accomplishments and problems.

"Up betimes to try the fair adventure of tomorrow", wrote Shakespeare, and a dawn start brought us to Camp Capua, two and a half hours along the Del Sol autoroute south of Rome. Here we saw about twenty very plain one story cement buildings that had been built for military stores sometime before World War II clustered around a central administration building. Since then, the camp had been used successively as an Allied and then Fascist prisoners-of-war camp and in recent years of course to house refugees seeking freedom, some assurance of security, and new opportunities—things we too often take for granted.

It is a stark place in a poor farming district that can provide little employment for the refugee during his usually 3 or 4 months stay at Capua. But it is clean, a new kitchen is replacing the old, and refugee children shout and play alongside their new Italian playmates. The Kindergarden is in perfect order—diminutive chairs and tables fill several rooms and youths exuberant hand-painted posters decorate the walls. Children, by nature's incredible design, seem even more resilient to hardship than their elders.

A new simple, but functional, prefabricated building, with modern heating and lighting, is nearing completion near the center of Camp Capua. It has been built with funds provided by the United States Refugee Program, a program administered by the Department of State. This building will provide better facilities for the Voluntary Agencies in their essential efforts to extend a helping hand to the refugee. Here, side-by-side, your experienced, dedicated, and patient fellow-workers will provide—as they have been doing for two decades—Counselling, Resettlement documentation, transportation, and a dozen other services to the uprooted and the dispossessed. Easy words to say . . . but difficult to fulfill. And each case is a human being in need and in want and in hope. Each must be handled by you on an individual basis.

The refugee, as you well know, selects the organization that best reflects his individual requirements; by ethnic background, by language, by religion. He has some eight or so voluntary organizations from which to choose. Among these are: World Council of Churches; Tolstoy Foundation; Polish-American Immigration Relief; Lutheran World Federation; International Social Service; International Rescue Committee and several more.

Also, of course, ICEM (Intergovernmental Committee for European Migration), the 31-nation Organization founded by U.S. initiative in 1951, whose principal function is to provide transport—initially within Free Europe—and then overseas for the final resettlement of the refugee and his family.

Again, this sounds easy but the mass transportation of some 70,000 refugees last year alone, involving countless details and massive paper work, represents a logistical problem of staggering proportions.

In addition to these Organizations, the United Nations High Commissioner for Refugees (UNHCR) has his representative in each of the Western European countries to ensure legal and political protection to the refugee—and these are essential and important safeguards which keep his staff ever on the alert.

The U.S. Government, through my office in the Department of State, is also deeply involved in this international "team" which sets an exemplary pattern in our troubled world. Our Government's effort is known as the United States Refugee Program. USRP enters into contracts with American and international agencies which, as a result, become the operating arms of our Government in assisting escapees from the Communist-dominated countries of Eastern Europe.

This, then, is a capsule picture of the "ladder" or "apparatus" by which the dispossessed are aided in their difficult transition and journey from persecution and injustice toward freedom and new opportunity.

Latina, 30 kilometers or about 2 hours northwest of Capua, a former military barracks, is more modern and hence less austere than Capua. Located in a prosperous suburb, job opportunities are available to both male and female refugees during their temporary sojourn here. This gives them "pocket money" and a chance to start saving to repay their travel loan if they have made one from a revolving fund made available through USRP.

At the time of our inspection, most of the 200 families then at Latina, not including children of course, were out working but we did talk to a dozen or more refugees and we did meet the staff who, by the way, impressed me as competent and dedicated.

I should tell you that Latina has the facilities, if necessary, to shelter more than a thousand refugees.

My travelogue now shifts to Vienna where, on the morning of the 5th, I was taken, along with Consular and Immigration officials, to visit Traiskirchen, the principal Austrian refugee center.

Our party was met by Dr. Krizek, Ministry of the Interior, whose government position is roughly equivalent to my own.

Traiskirchen was built before World War I as a military school—a smaller version, if you will, of West Point. Its central building is a 5-story structure quite imposing in its general appearance and architecture. It is a good climb to the top—up long flights of stone steps. Central corridors bisect each floor providing access to a series of high-ceilinged rooms. In one of these we were shown the plain but serviceable clothes that are available to each refugee together with toilet kits provided by the U.S. Refugee Program. These kits contain a card bearing the American flag and a message:

"Given by the people of the United States."

We inspected a vast kitchen where a simple but nourishing meal was in preparation; a long dining hall, a chapel for religious services of many denominations; then we were shown a series of smaller 1-story buildings, former army barracks, now dormitories for refugee families. Several serviceable buildings are new, one of which was erected with USRP funds.

The Administration Building is a 2-story structure where the voluntary agencies have their offices—newly refurbished with the help of USRP. Here again the non-governmental private organization takes over the task of interviewing the refugee and filling out the many forms which become the "paper chain" leading to a new world. One of these is a "Curriculum Vitae," a detailed review of the refugee's life history. If he is to become one of the 48,000 refugees assisted by USRP during 1970, this record will end up in the central computerized file system maintained in the Geneva office of USRP. By means of this card, the refugee undergoes an intensive security check for criminal or political acts; it serves also as a record of his progress; and ultimately as the basis by which the voluntary agency is compensated by USRP for its contractual share of the expenses involved.

Why is all this complex mechanism necessary?

First, because if the escapee, often in peril of his life, is to be given a chance for freedom, the first asylum country (in this case Austria) must provide an immediate haven for food and shelter.

Second, the receiving country must know that other nations will not only open their doors to this special immigrant, but also share the burden of cost. Otherwise, the Iron Curtain boarder countries would have no alternative but to refuse the escapee.

Third, while the U.S. Government has traditionally had a sincere and intense interest in refugees and the alleviation of their suffering, by its very nature, it operates best at the governmental and political level. With a large and complex structure, the U.S. Government can never function as efficiently, effectively, or economically as the voluntary agency. These organizations, as you know, each with a separate character—a separate "raison d'être"—do a prodigious amount of work with a small number of personnel, local as well as American, and they have the benefit, too, of volunteer unpaid workers. They contributed, for example, some $393 million of their own funds in over 100 countries in the past year—as well as medicine, food, clothing, and the services which I have already briefly described.

The voluntary agency greets the refugee in his own language and may well be of his same nationality and faith. They offer advice as to his future: Should he emigrate or stay in the country of asylum? What is his best visa opportunity? Where are his skills and interests most needed? And they guide him with experienced hands through the intricacies of the complex immigration forms.

Simultaneously, the voluntary agencies are busy in the countries of resettlement, Canada, Australia, the United States, and elsewhere, finding jobs and sponsors and preparing the way into a new community.

Voluntary agency assistance is a phenomenon of our time—a force of good will—indispensable—irreplaceable.

Here one can measure in tangible form compassionate human concern—one man for his brother—motivated spontaneously by the generosity and humanitarian instincts of the American people expressed through the complex mixture of groups and interests which comprise the American public.

Mr. Chairman: I am fully aware of the limitations of these remarks written a few hours ago high over the Atlantic. I full well know that I have hardly touched upon the pandemic nature of the "tragedy of our time"—Africa, the Middle East, Southeast Asia, Pakistan. We are capable of reaching the moon, but our own world is racked by more than 17 million stateless, indigent people wandering homeless about the earth.

In closing, may I recall to you the words of President Nixon at another 25th Anniversary, that of the United Nations last October:

". . . a peaceful competition not in the accumulation of arms, but in the dissemination of progress; not in the building of missiles, but waging a winning war against hunger and disease and human misery . . . around the globe . . .

"In this kind of competition, no one loses and everyone gains . . . Let us work together and dedicate ourselves to that goal."

AMERICAN PRISONERS OF WAR

(Mr. DENNIS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DENNIS. Mr. Speaker, I call to the attention of the House that it has now been 7 years and 60 days that the enemy has been holding American prisoners of war and holding them in a manner contrary to all the laws of war and the dictates of humanity.

NOISE POLLUTION

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, in this day when pollution is acknowledged as one of our most serious problems, very little is being said or done about noise. Sixty years ago, Robert Koch, the famed bacteriologist and Nobel laureate, predicted—

> The day will come when man will have to fight merciless noise as the worst enemy of his health.

It is a proven fact that aside from being a nuisance, excessive noise is a health hazard. And to the extent that our environment is becoming increasingly manmade, noise is likely to become even more pervasive and troublesome to our mental and physical health.

It is important that we act now to deal with the noise problem before it becomes a crisis. I have introduced H.R. 6002, the Noise Control Act of 1971. Both Chairman STAGGERS and Chairman ROGERS of the Subcommittee on Public Health and Environment have expressed their interest in holding hearings on this and the other noise abatement bills which have been introduced. It is my feeling that the House Interstate and Foreign Commerce Committee can and should become the leading force in America's effort to control noise.

At this point in the RECORD I would like to insert a copy of an article written by Andrew Blake which appeared in the Boston Globe, of May 20. This article indicates the very high level of noise found in the city of Boston.

IS RISING HUB NOISE GRATING YOUR NERVES?

(By Andrew Blake)

Noise.

What? I can't hear you.

A gray, concrete-mixing truck bellowed as it charged across the intersection of Devonshire and Summer streets like a bull elephant.

Noise deluged the ear, washing against the outer "pinna" pouring down the auditory canal and exploding against the eardrum like surf crashing in a storm somewhere near the brain.

The red needle of a sound meter vibrated as it climbed steadily to a reading of 96 ear tingling decibels.

What? I can't hear you.

Humans can expect permanent ear damage when exposed to a sound level of 85 or more decibels over a period of years, can expect considerable pain at 130 decibels, and ruptured eardrums at 150 decibels.

A decibel is an arbitrary unit of measurement of sound output. Normal conversation runs about 50 to 60 decibels between two people in an average room.

Aside from physical damage to the ears, excess noise, and there's a lot of it around Boston, can increase blood pressure, cause nervousness, agitation, quick temper, slow reflexes, alter vision and cause loss of sleep which in turn can create a whole series of other problems.

Dr. Frank Hart, director of the acoustical studies center at North Carolina State University, predicts that unless noise levels are checked, by 1985 two people will not be able to talk on city streets unless they scream at each other.

With a sound meter, set on a scale with a sensitivity similar to that of the human ear, the Globe made a spot survey around Boston to discover some noisy and some quiet places.

The loudest and longest noise source recorded was at a place where you have to pay to enjoy the noise—a bar featuring live rock music where huge amplifiers throw out walls of crashing sound.

The decibel reading was up to 109, or about the same as being directly under a four engine commercial jet as it roars in for a landing at Orient Heights, near the Winthrop Bridge in East Boston.

At the bar, a club in Kenmore Square, the waitress had to scream to ask for the order while the drums, guitars, trumpet and lead singer belted out "Proud Mary" in super sound, pre amplified, amplified and ultra amplified until the sound could be felt as well as heard.

The jets at least, were coming in at intervals of about two minutes while the rock group's songs lasted about three minutes each with just a few seconds between songs.

Dr. John G. Dougherty of Harvard University and Dr. Oliver L. Welsh of Boston University have said: "What has passed unnoticed is that many noise levels encountered in the community exceed standards found injurious to industry."

Commuters at the upper level of the Park Street MBTA Station are treated to squealing trolley cars, some of which rounding a curve throw out an irritating 94 decibels—but at such a high pitch that it has the same effect on some people as a fingernail scraped along a blackboard.

On the lower level, trains come rushing in at 82 to 85 decibels. On the street above, there is a general background noise level of about 75 decibels, with a truck, motorcycle, bus or blowing horn sending the needle up into the noisy 90s.

For the thousands who commute to downtown Boston by rapid transit or car, the assault by sound is constant unless one steps into the relative oasis of quiet—Boston Common and the Public Garden.

Even the dimly lit, well padded cocktail lounges scattered throughout downtown do not compare, at least in terms of decibels, with the Common and the Garden.

But then, after a few cocktails most poeple don't seem to be bothered by noise anyway and a few insist on making it. Cocktail lounges averaged about 74 decibels with evening rush hour conversation.

Mick Jagger and the Rolling Stones average between 74 and 80 decibels on the home stereo.

Boston Common and the Public Garden were so quiet, the sound meter picked up the noise of footsteps but still failed to go over 60 decibels which is only 10 decibels higher than St. Anthony Shrine on Arch street.

A few blocks away, a fire engine, tearing its mechanical guts out as it screamed past Center Plaza with siren shrieking, kicked the red needle off the scale at 100 decibels.

All of which means that excess sound probably is contributing to a lot of sour faces, bosses snapping at their workers and motorists willing to fight it out in the middle of the street because of a horn blowing.

Studies in Germany, Sweden and Russia have shown that people working under noisy conditions have more ulcers and higher blood pressure than people working under more tranquil conditions.

Other studies in America, Italy and Russia have shown that people exposed to intense noise have a correspondingly higher rate of nervous disorders and impairment of higher brain function.

The motorist who leaps from his car to do battle when the car behind sounds its horn may be suffering from excess noise exposure.

Heightened overall tension and a lower tolerance to frustration are caused by repeated exposure to sudden, loud noises according to a study at the Russell Sage Foundation in New York.

Other studies in Russia and England conclude that noise slowed the reflexes of school children and children in classrooms near airports showed lower performance than those in other areas.

There are about 13 million people living near airports in the United States including Logan Airport in East Boston. The city of Boston has filed suit against the airlines and the Massachusetts Port Authority seeking to have classrooms near flight paths soundproofed.

Sections of East Boston and Winthrop are bombarded with noise at 96 to well over 100 decibels at two-minute intervals during takeoff and landings, depending on the wind direction and time of day.

Downtown intersections, such as Washington and School streets, with horn blowing, truck engines roaring and steel clanging from nearby construction, can run up to about 100 decibels.

Other studies have demonstrated that noise of 85 or more decibels may increase the number of errors made by people doing skilled work and all types of work appears to be affected at 90 or more decibels.

A drive to the tranquil suburbs isn't very good on the ear either. The motorist, sitting in the little sound chamber of his driver's seat, is taking in about 86 decibels at 65 miles per hour with the radio on. Without the radio, its only about 6 decibels less.

By the end of the week, the average downtown Boston worker may feel that his or her head has been reduced to something like a bowl of Jello.

Then comes the weekend, far from the madding crowd, and people feel they can't stand the deafening silence.

If the predictions of some scientists prove correct, some time in the future the ears of city dwellers will be about as useful for hearing as the little toe.

Then, with everyone equipped with hearing aids, they will be able to turn on and tune in to their favorite noise at will, while switching off the scream of jets and sirens and the roar of truck engines.

Can you hear me?

INCENTIVE RATE REGULATION

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, recently the Federal Power Commission introduced an entirely new concept in the history of this regulatory agency: incentive rate regulation. In so doing, it abandoned the traditional cost of service rate regulation of natural gas companies which Congress prescribed in the Natural Gas Act of 1938 in order to protect consumers.

On May 6, 1971, the Commission announced a 33⅓-percent increase in the rates which producers of natural gas in the Texas gulf area will be able to charge. The purpose of this decision, the FPC said, was to create "a new system of incentives to promote dedication of gas reserves to the interstate market." When we take a look at the meaning of the decision, what is behind it and how it is justified, then it begins to appear in its true form, a monumental assault on the public interest.

The decision becomes critical in the history of natural gas rate regulation since the FPC purportedly intends to embody this same philosophy of rate regulation in the southern Louisiana area rate proceeding which is presently pending before them. The southern Louisiana area is the largest gas-producing area in the Nation.

The FPC based its decision in the Texas Gulf case on the assumption that there was, and is, a gas shortage in this country. The Chairman of the FPC, John Nassikas, adopted this stance only 3 days after taking office, apparently as a result of 72 hours of intensive study of the situation. In fact, he has spoken out on this situation so often and so loudly that one wonders if the decision in the case was not a foregone conclusion, irrespective of any facts presented in the proceeding.

Many individuals and groups, among them the American Public Power Association, the American Natural Gas Association, and the Consumer Federation of America, have challenged this premise of a gas shortage. They point out that as early as 1955, the producers were asserting that there was a gas shortage in an effort to have themselves exempted from rate regulation. It is clear, in retrospect, that there was no gas shortage at the time.

Consider the impact, if you will, of the Texas Gulf decision on the public interest. The FPC designated the gas shortage claim as an issue in the proceeding, but did not compel the companies to produce data which would substantiate their claims. Thus, without even documenting what the natural gas reserves are, the FPC found it imperative to offer an incentive to the gas industry to promote further exploration. The Commission found that a 12 percent rate of return was not adequate and that a 15 percent rate was required.

History shows that the prices of coal and oil follow natural gas. Therefore, an increase in the cost of natural gas will affect the cost of the others. And, like any other rate increase, this will ultimately be reflected in the cost of natural gas to the consumer. In my own area of New England, this will particularly affect the cost of electricity which is already out of proportion in comparison to the other areas of the country.

Mr. Speaker, the Federal Power Commission has a duty to the people of America and to the Congress to set rates which are "reasonable, nondiscriminatory, and just to the customer." This is the law as established in the Federal Code. The FPC has the burden of proof upon it to show the people that the Texas Gulf rate decision was and is justified.

I challenge the FPC to document its claim that there is in fact a gas shortage. If the Commission cannot or will not do this, then the Texas Gulf area rate decision must be reversed and Chairman Nassikas must be brought before this Congress for questioning.

[From the Wall Street Journal]

FPC Lifts Price on Gas Produced Along Texas Gulf—Agency Charts New Course Authorizing Big Increases, Hopes to Boost Incentives—Decade-Old Policy Is Broken

WASHINGTON.—The Federal Power Commission, charting a new regulatory course, authorized sharply higher prices for natural gas produced in the Texas Gulf Coast area and created additional incentives to bring gas into the interstate market.

The agency set a ceiling price of 24 cents for each 1,000 cubic feet of gas sold under contracts dated after Oct. 1, 1968, by far the highest price the commission has allowed in the course of its decade-old practice of setting gas prices according to the area where it is produced.

Prices for Texas Gulf gas produced under contracts dated between Jan. 1, 1961, and Sept. 30, 1968, range from 18 cents to 19 cents; the ceiling price for gas produced under contracts prior to 1961 is 15 cents.

In its unanimous opinion, the FPC said it hoped the "new price level will make the search for natural gas reserves in the Texas Gulf Coast area an attractive enough investment" to prompt more drilling and exploration.

SECOND-RANKING PRODUCTION AREA

The nation's second-ranking gas production area, after southern Louisiana, the Texas Gulf Coast stretches 450 miles from Louisiana to Mexico and includes both onshore and offshore wells. It supplies gas to the Southern, Midwestern and Eastern areas of the country.

The area contains a thriving local market for natural gas, and over the past few years large amounts of gas have been attracted by the unregulated intrastate market's higher prices.

Departing from its policy of concentrating primarily on the cost of producing gas when determining price, the FPC looked at the competing demand for gas and other economic factors in the Gulf Coast area and set prices it hopes are high enough to lure significantly more gas into the interstate markets, where shortages have occurred in some sections of the country.

The case, the fourth area rate case completed by the FPC, began in 1963. In 1968, an examiner recommended prices ranging from 13.3 cents to 17.4 cents each 1,000 cubic feet.

AREA GUIDELINE PRICES

Guideline prices for the area, set in 1961 when the area rate policy began, range from 14 cents to 16 cents, but many producers have been charging higher prices subject to refund. The FPC hasn't computed the amount of refunds owed.

The agency's decision establishes an incentive system that would allow producers to reduce their refunds by committing new gas reserves to interstate sale.

Refunds will be reduced by one cent for each 1,000 cubic feet of newly discovered gas dedicated to interstate sale between the present and Jan. 1, 1976. If a producer eliminates his refund obligation by pledging new gas, he may then increase the price he can charge for gas sold under contracts dated prior to Oct. 1, 1968, by committing still more gas to interstate sale.

SIGNIFICANCE OF PLAN

Those ceiling prices could be increased by as much as two cents each 1,000 cubic feet if 10 trillion cubic feet or more of new gas is committed to interstate commerce.

The incentive plan is significant in two respects. First, it indicates that the commission may look favorably on a proposed agreement to set rates in southern Louisiana, the nation's richest gas production area. One element of that settlement, currently under FPC consideration, calls for a similar one-cent credit against the enormous refund obligations in that case for each 1,000 cubic feet of new gas committed to interstate sale.

The plan is also important because it gives producers the opportunity to increase prices of gas sold under old contracts. The idea is that by pledging more gas to the interstate market, producers can increase their cash flow and plow more funds back into exploration.

WILLINGNESS TO BOOST PRICES

The higher ceiling prices are based on a 15% rate of return on investment for producers in the area, up from the 12% rate the FPC had set for producers in other areas. The higher return is also expected to attract more investment to the area.

[From the New York Times, May 7, 1971]

Texas Gulf Gas Price Raised; Costs Here Likely to Increase 33⅓ %

(By Philip Shabecoff)

Washington.—The Federal Power Commission set higher prices for Texas Gulf Coast natural gas today and established other incentives "to stimulate exploration for new natural gas supplies."

The unanimous opinion of the commission sets a ceiling of 24 cents a thousand cubic feet for natural gas, retroactive to contracts dated on or after Oct. 1, 1968.

This is the first time the commission has given a ceiling opinion for the Texas Gulf area, which accounts for about 18 percent of the gas sold in interstate commerce.

Previously, the commission established "guideline rates" of about 16 cents a thousand cubic feet for initial sales.

The Texas Gulf supplies natural gas consumers in New York, New England, the South and the Midwest. Observers here say today's decision is certain to mean higher prices to consumers amounting to millions of dollars.

Today's decision may also have an important bearing on a pending rate decision on the southern Louisiana gas fields, the country's biggest producing area, industry observers said.

The commission's opinion said past "dedications" of gas supplies from the Texas Gulf area had not been sufficient to replace "rapidly depleting" reserves. Interstate production has not been meeting the accelerating nationwide demand for gas, the commission stated.

It added that the "present critical shortage of all forms of energy in the United States and anticipated rapid growth of demand for natural gas make it imperative to provide incentives to find and dedicate gas to the interstate market.

The guidelines applied to gas prices until now did not necessarily reflect the prices that the producers were charging their customers. Some, in fact, may have been charging prices higher than the new ceiling.

In addition, the guidelines varied according to district and contract dates.

Producers that have been charging more than the ceiling prices set today will now have to make payments in refund. However, as an additional incentive for new exploration, the F.P.C. reduced their refund obligation by one cent per thousand cubic feet of new gas dedicated to interstate commerce before Jan. 1, 1976.

HIGHER SALES SOUGHT

The commission said that if the Texas Gulf Coast was to meet its share of the national demand for gas, its sales must increase from present volumes of 8 trillion cubic feet to 12.5 trillion cubic feet for 1971 through 1975.

The opinion concluded that it is "appropriate and in the public interest to enhance the cash flow for gas producers to the extent permitted by their contracts and by today's order for the special purpose of stimulating further exploration and development," according to a statement by the commission.

The statement added that "in the light of current higher costs of capital and the need for additional incentives for investment in gas exploration, the F.P.C. found that a rate of approximately 15 per cent is just and reasonable for the Texas Gulf Coast new gas."

The commission said that the 12 per cent rate of return it found adequate in opinions for the Permian and southern Louisiana areas is not now adequate."

The gas producers have long contended that the rates they were receiving for gas under Federal regulation made it unprofitable for them to explore and develop new reserves.

However, consumer groups and industrial and utility users of natural gas have contended that the producers have been "sitting on" huge available reserves in order to force prices up.

Today's opinion by the commission seems to reflect the producers' point of view.

PERMANENT RAILROAD LAW IS NEEDED

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, the latest railroad strike again proved to us—as though we need any further proof—that it is long past time to enact permanent legislation improving the handling of national emergency labor-management disputes in transportation.

Many newspapers have commented editorially on this need but perhaps few have done so as succinctly as the Christian Science Monitor. Because the case for new legislation in this area is put so well by the Monitor, I include the paper's lead editorial of May 19, 1971, in the RECORD at this point. The editorial follows:

Wanted: A New Railroad Act

Once again a nation of 200 million people has been victimized by a tiny fraction of its population, in this instance 13,000 railroad signalmen, who have manipulated a complex economic-political situation to gain a selfish advantage.

The strike that paralyzed the nation's railroads was called by only 2 percent of the 600,000-man railroad labor force. It cut off rail transportation for 650,000 commuters and 60,000 inter-city travelers, halted the vital transfer of 41 percent of the nation's freight, and threatened shutdowns of steel, automobile, and other major national industries.

Clearly a situation where so few can, for their own ends, cause so much disruption and impose such an economic cost on so many, is ethically insupportable. It should not be possible. And it would not be possible without tacit support of other interests.

The railroad industry itself, which has deliberately erected a monopoly situation over the decades, has allowed the unions to gain a strangle hold in which they cooperate. The signalmen could not effect a national rail shutdown without the consent of their railroading brethern. Finally, the Congress must take its share of blame for its failure, in the face of union opposition, to rewrite the outmoded Railway Labor Act and come up with some fundamental new legislation.

For more than a year the House Interstate and Foreign Commerce Committee has sat on permanent legislation requested by President Nixon. His emergency public interest protection act may not be the best, but it is better than nothing. Had it been enacted, for lack of a better solution, Mr. Nixon could have set up a three-man panel with authority to impose a final settlement on unions and management in the industry.

Granted, the signalmen may have a just grievance that they are underpaid relative to other rail unions. But their demand for a 54 percent pay increase over 36 months, or 18 percent a year, is outrageous in the face of the current inflationary crisis. It is made even more so by the fact that they turned down a management offer of 42 percent over 42 months, or 12 percent a year.

Congress has thus been forced into another emergency action situation, which is no answer at all to the basic challenge, that no tiny group of citizens, for whatever just cause, has a right to paralyze the nation. A new and workable railroad law is in order. Let the Congress see that it is done.

DEATH OF C. ED ALLEY, UPI PHOTOGRAPHER

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, one of the most congenial and capable photographers ever to cover the Washington political scene has been taken by death.

C. Ed Alley became well known to Members of the House during the 20 years that he captured happenings on the Hill with his lens for UPI. Ed, with his friendly grin and his neatly trimmed mustache, was a familiar figure in Capitol corridors from 1948—the year I was first elected to Congress—until 1968. In 1968 Ed gave up his career as a UPI photographer because of a heart attack.

It was a second heart attack that took Ed Alley's life last Saturday.

After leaving UPI, Ed became an editor and columnist for a chain of nothern Virginia newspapers. His folksy comment appeared under his byline in the Arlington News, the Crystal City News, the Pentagon News and Bailey's Crossroads News.

It should be mentioned that during his years with UPI Ed Alley covered the White House as well as the House of Representatives and edited the White House Photographers Association magazine. He won numerous prizes in the annual photo contest sponsored by the association.

I extend my condolences to Ed's wife, Carlyne, and his son, Edward. Ed will be missed by all who knew him.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mrs. MINK (at the request of Mr. BOGGS), for today and the remainder of the week, on account of official business.

Mr. PIRNIE (at the request of Mr. GERALD R. FORD), May 24 through June 3, on account of official business.

Mr. JOHNSON of Pennsylvania (at the request of Mr. GERALD R. FORD), for balance of week, on account of death in family.

Mr. FLYNT (at the request of Mr. ADDABBO), for Tuesday, May 25, on account of official business.

Mr. MAZZOLI (at the request of Mr. BOGGS), for Monday, May 24, and Tuesday, May 25, on account of official business.

Mr. BROOKS (at the request of Mr. WRIGHT), on account of serving as an official delegate to NATO Interparliamentary Conference.

GENERAL LEAVE TO EXTEND

Mr. McKAY. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks and to include therein extraneous matter on the special order given today by the gentleman from Maryland (Mr. MITCHELL).

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHOUP), to revise and extend their remarks and to include extraneous matter:)

Mr. MILLER of Ohio, today, for 5 minutes.

(The following Members (at the request of Mr. McKAY), to revise and extend their remarks and to include extraneous matter:)

Mr. ROSENTHAL, today, for 10 minutes.

Mr. FLOOD, today, for 30 minutes.

Mr. HÉBERT, today, for 10 minutes.

Mr. GONZALEZ, today, for 10 minutes.

Mrs. GRASSO, today, for 15 minutes.

Mr. MITCHELL, today, for 20 minutes.

Mr. RARICK, today, for 15 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GRAY in two instances.

Mr. EDMONDSON in three instances.

Mr. ANDERSON of Illinois (at the request of Mr. HORTON) today during the Committee of the Whole.

Mr. HECHLER of West Virginia in two instances, and to include extraneous matter.

(The following Members (at the request of Mr. SHOUP) and to include extraneous matter:)

Mr. SCOTT.

Mr. DERWINSKI in two instances.

Mr. DON H. CLAUSEN.

Mr. LENT in 10 instances.

Mr. DUNCAN in two instances.

Mr. SCHWENGEL.

Mr. MAILLIARD in two instances.

Mr. MILLER of Ohio in 10 instances.

Mr. ESHLEMAN.

Mr. CEDERBERG.

Mr. SCHMITZ.

Mr. SMITH of New York.

Mr. GOLDWATER in two instances.

Mr. ANDERSON of Illinois in two instances.

Mr. SEBELIUS in two instances.

Mr. KEMP in two instances.

Mr. DENNIS.

Mr. HUNT.

Mr. MORSE.

Mr. CONTE.

Mr. MIZELL in three instances.

(The following Members (at the request of Mr. McKAY) and to include extraneous matter:)

Mr. EDWARDS of California.

Mr. LONG of Maryland.

Mr. DINGELL in three instances.

Mr. BEGICH in five instances.

Mr. CORMAN.

Mr. STUCKEY.

Mr. ROONEY of Pennsylvania in seven instances.

Mr. HÉBERT.

Mr. ANDERSON of California in two instances.

Mr. EDWARDS of Louisiana.

Mr. ALBERT.

Mr. HATHAWAY in two instances.

Mr. HUNGATE in two instances.

Mr. GONZALEZ in two instances.

Mr. GALIFIANAKIS.

Mr. DIGGS.

Mr. COTTER.

Mr. TEAGUE of Texas in eight instances.

Mr. DRINAN in five instances.

Mr. BURTON.

Mr. REUSS in six instances.

Mr. RARICK in three instances.

Mr. RONCALIO in two instances.

Mr. DANIEL of Virginia in two instances.

Mr. JACOBS.

Mr. DANIELS of New Jersey.

Mr. ROONEY of New York.

Mr. RYAN in two instances.

Mr. HAGAN in two instances

Mrs. SULLIVAN.

Mr. BRASCO.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4209. An act to amend the Revised Organic Act of the Virgin Islands; and

H.R. 8190. An act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on May 24, 1971, present to the President, for his approval bills and a joint resolution of the House of the following titles:

H.R. 5765. An act to extend for 6 months the time for filing the comprehensive report of the Commission on the Organization of the Government of the District of Columbia;

H.R. 8190. An act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

H.J. Res. 583. A joint resolution designating the last full week in July of 1971 as "National Star Route Mail Carriers Week."

ADJOURNMENT

Mr. CHAPPELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 21 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 26, 1961, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

761. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated December 4, 1970, submitting a report, together with accompanying papers and illustrations, on Beals Creek, Big Spring, Tex., in partial response to a resolution of the Committee on Commerce, U.S. Senate, adopted August 4, 1936. It is also in response to the Flood Control Acts of June 22, 1936, August 26, 1937, and March 2, 1945 (H. Doc. No. 92–115); to the Committee on Public Works and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BYRNE of Pennsylvania: Committee on Armed Services. H.R. 803. A bill to amend title 10 of the United States Code to provide a more equitable standard for awarding the gold star lapel button (Rept. No. 92–223). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 7950. A bill to repeal sections 3692, 6023, 6025, and 8692 of title 10, United States Code, with respect to pilot rating requirements for members of the Army, Navy, Marine Corps, and Air Force; and to insert a new section 2003 of the same title (Rept. No. 92–224). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 6483. A bill to amend section 5232 of title 10, United States Code, to provide authority for appointment to the grade of general of Marine Corps officers designated under that section for appropriate higher commands or for performance of duties of great importance and responsibility; with an amendment (Rept. No. 92–225). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRASER: Committee on Foreign Affairs. House Joint Resolution 617. Joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission (Rept. No. 92–226). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 452. Resolution providing for the consideration of H.R. 7960. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes (Rept. No. 92–227). Referred to the House Calendar.

Mr. HOLIFIELD: Committee on Government Operations. H.R. 8011. A bill to amend the Wagner-O'Day Act to extend its provisions relating to Government procurement of commodities produced by the blind to commodities produced by other severely handicapped individuals, and for other purposes; with amendments (Rept. No. 92–228). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 8680. A bill to amend the National Housing Act to authorize the insurance of loans to defray mortgage payments on homes owned by persons who are temporarily unemployed or whose income has been drastically reduced as the result of adverse economic conditions prevailing in an industry or area; to the Committee on Banking and Currency.

By Mr. ANDREWS of North Dakota:

H.R. 8681. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. BADILLO:

H.R. 8682. A bill to amend the Social Security Act by providing for the establishment of a child advocacy program; to the Committee on Ways and Means.

By Mr. BEVILL:

H.R. 8683. A bill to establish an executive department to be known as the Department of Education, and for other purposes; to the Committee on Government Operations.

By Mr. BROYHILL of Virginia:

H.R. 8684. A bill to amend the Social Security Act by adding a new title to provide for the establishment of a system of review of medical and other health services rendered under titles V, XVIII, XIX, and XX of the Social Security Act; to the Committee on Ways and Means.

By Mr. BURLESON of Texas:

H.R. 8685. A bill to amend title XVIII of the Social Security Act to permit, in certain instances, the State health agency of a State to waive certain requirements relating to health and safety which must be met by hospitals in such State in order for them to participate in the insurance program established by such title, and to amend title XIX of such act to eliminate the life safety code of the National Fire Protection Association as the official standard for determining whether nursing homes meet health and safety standards; to the Committee on Ways and Means.

By Mr. HAYS:

H.R. 8686. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. HÉBERT (for himself and Mr. Arends):

H.R. 8687. A bill to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. HELSTOSKI:

H.R. 8688. A bill to increase the appropriations for the fiscal year ending June 30, 1971, for certain medical care programs for veterans; to the Committee on Appropriations.

By Mr. HENDERSON:

H.R. 8689. A bill to provide overtime pay for intermittent and part-time general schedule employees who work in excess of 40 hours in a workweek; to the Committee on Post Office and Civil Service.

By Mr. KAZEN (for himself, Mr. Fisher, and Mr. Pickle):

H.R. 8690. A bill to amend the Interstate Commerce Act, section 204; to the Committee on Interstate and Foreign Commerce.

By Mr. SPENCE:

H.R. 8691. A bill to amend the Voting Rights Act of 1965; to the Committee on the Judiciary.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 8692. A bill to amend the Federal Food, Drug, and Cosmetic Act, as amended, to require that the label of drug containers, as dispensed to the patient, bear the established or trade name, the quantity and strength of the drug dispensed; to the Committe on Interstate and Foreign Commerce.

By Mr. STEELE:

H.R. 8693. A bill to provide for the construction of a Veterans' Administration hospital of 350 beds in the county of New London, State of Connecticut; to the Committee on Veterans' Affairs.

By Mr. STEIGER of Arizona:

H.R. 8694. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets Nos. 22–E and 22–F, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WYATT:

H.R. 8695. A bill to amend title 38, United States Code, so as to provide that increases in social security benefits, railroad retirement benefits, and cost-of-living adjustments of civil service retirement annuities shall be disregarded under certain circumstances in determining eligibility for or the amount of dependency and indemnity compensation for dependent parents of veterans and non-service-connected pension for veterans and widows; to the Committee on Veterans' Affairs.

H.R. 8696. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 8697. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in intertsate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

H.R. 8698. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CELLER (for himself, Mr. Brooks, Mr. Hungate, Mr. Jacobs, Mr. Mikva, Mr. Abourezk, Mr. Poff, Mr. Hutchinson, and Mr. McClory):

H.R. 8699. A bill to provide an Administrative Assistant to the Chief Justice of the United States; to the Committee on the Judiciary.

By Mr. FOLEY (for himself, Mrs. Hansen of Washington, Mr. McMillan, Mr. Ullman, Mr. McCormack, and Mr. Teague of California):

H.R. 8700. A bill to authorize the Secretary of Agriculture to cooperate with and furnish financial and other assistance to States and other public bodies and organizations in establishing a system for the prevention, control, and suppression of fires in rural areas, and for other purposes; to the Committee on Agriculture.

By Mr. FOLEY (for himself, Mr. Ullman, Mrs. Hansen of Washington, Mr. McCormack, Mr. Wyatt, Mr. Adams, Mr. Dellenback, and Mr. McClure):

H.R. 8701. A bill to authorize the addition of certain Federal reclamation projects in the Pacific Northwest to participate in assistance from the Federal Columbia River power system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. GRASSO:

H.R. 8702. A bill to provide for orderly trade in antifriction ball and roller bearings and parts thereof; to the Committee on Ways and Means.

By Mr. HANLEY (for himself, Mr. Roush, Mr. Daniels of New Jersey, Mr. Mazzoli, Mr. Brasco, Mr. Gibbons, Mr. Rarick, Mr. Roe, Mr. Hogan, and Mr. Koch):

H.R. 8703. A bill to provide for an equitable procedure for establishing congressional districts; to the Committee on the Judiciary.

By Mr. HUNGATE:

H.R. 8704. A bill to provide for the donation of surplus food commodities to local penal and correctional institutions, and for other purposes; to the Committee on Agriculture.

By Mr. KOCH (for himself and Mr. Caffery):

H.R. 8705. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 8706. A bill authorizing veterans' benefits for persons who served in the Local Security Patrol Force of Guam during World War II; to the Committee on Veterans' Affairs.

By Mr. MILLER of Ohio:

H.R. 8707. A bill limiting the use of publicly owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and for other purposes; to the Committee on Public Works.

By Mr. MONAGAN:

H.R. 8708. A bill to extend the authority of agency heads to draw checks in favor of financial organizations to other classes of recurring payments, and for other purposes; to the Committee on Government Operations.

By Mr. NEDZI:

H.R. 8709. A bill to amend chapter 55 of title 10, United States Code, to provide maternity benefits for certain former members of the Armed Forces and certain dependents; to the Committee on Armed Services.

By Mr. PODELL:

H.R. 8710. A bill to amend title II of the Social Security Act to increase to $750 in all cases the amount of the lump-sum death payment thereunder; to the Committee on Ways and Means.

By Mr. QUIE:

H.R. 8711. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. RANDALL (for himself, Mr. Holifield, Mrs. Dwyer, and Mr. Wydler):

H.R. 8712. A bill to amend the act entitled "An Act to authorize any executive department or independent establishment of the Government, or any bureau or office thereof, to make appropriate accounting adjustment or reimbursement between the respective appropriations available to such departments and establishments, or any bureau or office thereof", approved June 29, 1966, so as to include within its coverage the government of the District of Columbia; to the Committee on Government Operations.

By Mr. SATTERFIELD:

H.R. 8713. A bill to amend part II of the Interstate Commerce Act in order to completely exempt certain farm vehicles and farm vehicle drivers from the provisions thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. SEBELIUS:

H.R. 8714. A bill to provide for the mandatory inspection of rabbits slaughtered for human food, and for other purposes; to the Committee on Agriculture.

By Mr. STAGGERS (for himself, Mr. Smith of New York, Mr. Kee, Mr. Wampler, Mr. Dent, Mr. Carter, Mr. Morgan, Mr. Slack, Mr. Price of Illinois, Mr. Gray, Mr. Saylor, Mr. Bevill, Mr. Whalley, Mr. Skubitz, Mr. Clark, Mr. Satterfield, Mr. Stuckey, Mr. Kuykendall, Mr. Johnson of California, Mr. Dulski, Mr. Fulton of Pennsylvania, Mr. Mollohan, Mr. Yatron, Mr. Zion, and Mr. Melcher):

H.R. 8715. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself, Mr. Bray, Mr. Murphy of New York, Mr. Flood, Mr. Moorhead, Mr. Macdonald of Massachusetts, Mr. Adams, Mr. Perkins, Mr. Madden, and Mrs. Hansen of Washington):

H.R. 8716. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Florida:

H.R. 8717. A bill to prohibit commercial flights by supersonic aircraft into or over the United States until certain findings are made by the Administrator of the Environmental Protection Agency and by the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN (for himself, Mr. Abourezk, Mr. Addabbo, Mr. Burton, Mr. Byron, Mrs. Chisholm, Mr. Culver, Mr. Daniel of Virginia, Mr. Derwinski, Mr. Downing, Mr. Edwards of California, Mr. Esch, Mr. Frenzel, Mr. Halpern, Mr. Hosmer, Mr. Lujan, Mr. Mann, Mr. Mazzoli, Mr. McCormack, Mr. Mikva, and Mr. Mitchell):

H.J. Res. 662. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

By Mr. ASPIN (for himself, Mr. Morse, Mr. Price of Illinois, Mr. Rangel, Mr. Riegle, Mr. Roybal, Mr. Sarbanes, Mr. Scheuer, Mr. Seiberling, Mr. Tiernan, Mr. Veysey, and Mr. Ware):

H.J. Res. 663. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

By Mr. CHAPPELL (for himself, Mr. Gibbons, Mr. Pepper, Mr. Henderson, Mr. Stephens, Mr. Udall, Mr. Flowers, Mr. Sikes, Mr. Fulton of Tennessee, Mr. Bevill, Mr. Edwards of Alabama, Mr. Moss, Mr. Baring, Mr. Hathaway, Mr. Rees, Mr. Burke of Florida, Mr. Ullman, Mr. Flynt, Mr. Tiernan, Mr. Anderson of Tennessee, Mr. Riegle, Mr. Metcalfe, Mr. Harrington, Mr. Matsunaga, and Mr. Dulski):

H.J. Res. 664. Joint resolution relating to the war power of Congress; to the Committee on Foreign Affairs.

By Mr. CHAPPELL (for himself, Mr. Rarick, Mr. Dickinson, Mr. Leggett, Mr. Charles H. Wilson, Mr. Symington, Mr. Hicks of Washington, Mr. Roncalio, Mr. Haley, Mr. Randall, Mr. Danielson, Mr. Nichols, Mr. Mazzoli, Mrs. Hansen of Washington, Mr. Miller of California, Mr. Denholm, Mr. St Germain, Mr. Edwards of California, Mrs. Chisholm, Mr. Montgomery, Mr. Gaydos, Mr. Fish, Mr. Mann, Mr. Alexander, and Mr. Seiberling):

H.J. Res. 665. Joint resolution relating to the war power of Congress; to the Committee on Foreign Affairs.

By Mr. PICKLE:

H.J. Res. 666. Joint resolution to place the question of approval of dimethyl sulfoxide (DMSO) for human use as a prescription drug before the National Academy of Sciences; to the Committee on Interstate and Foreign Commerce.

By Mr. BRADEMAS:

H. Con. Res. 319. Concurrent resolution to provide for the printing of 1,000 additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Comprehensive Preschool Education and Child Day-Care Act of 1969"; to the Committee on House Administration.

H. Con. Res. 320. Concurrent resolution to provide for the printing of 300 additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Environmental Quality Education Act of 1970"; to the Committee on House Administration.

By Mr. McCLORY:

H. Con. Res. 321. Concurrent resolution expressing the sense of the Congress with respect to the withdrawal of American troops from South Vietnam, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WYATT:

H. Res. 453. Resolution creating a select committee of the House to conduct a full and complete investigation of all aspects of the energy resources of the United States; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

193. Mr. RYAN presented a concurrent resolution of the Legislature of the State of New York memorializing the Congress of the United States to take all necessary steps to persuade the Government of Turkey to immediately destroy its opium poppyfields before the 1971 harvest in return for reimbursement to its opium poppy farmers of the damages suffered thereby from funds appropriated for that purpose by the State of New York and the U.S. Congress, which was referred to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEVILL:

H.R. 8718. A bill for the relief of John R. Poe; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 8719. A bill for the relief of Ulku Gurkan Silverman; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 8720. A bill for the relief of Kenneth C. Verran; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 8721. A bill for the relief of Cmdr. Joe R. Lacy; to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 8722. A bill for the relief of 1st Lt. John P. Dunn, U.S. Army; retired; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

CHAPIN, S.C.

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 25, 1971

Mr. THURMOND. Mr. President, South Carolina is proud of its "lifestyle" and the people who make it that way.

In a time when the values of our forefathers are under daily attack, I am pleased to place in the CONGRESSIONAL RECORD an article which speaks about the really important things in life. Titled "The Purpose and Pride of Chapin," this article appeared in the May 17, 1971 issue of the Columbia Record, Columbia, S.C.

H. Harrison Jenkins, an associate editor of the Record, is the author of this article. He has written about a sports banquet held at Chapin, S.C., and takes note of the good things a small, rural community has to offer its citizens.

Mr. President, the "lifestyle" at Chapin and the meaningful story related by Presbyterian College Coach Cally Gault, are well presented by Mr. Jenkins. I ask unanimous consent that this article be printed in the Extension of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PURPOSE AND PRIDE AT CHAPIN

(By H. Harrison Jenkins)

No laurel wreaths were there on the head table at Chapin High School last Friday night as the hardy townsmen of Carolina's fall-line community collected to honor young athletes. Instead, there were block C's for those young men and women who'd spent hours on the practice field and additional hours in moral, character-constructing competition.

No laurel wreaths, but the block C's, certificates of academic prowess, Ruritan awards, and big statues and little statues for singular contributions by young people to their school and community.

No laurel wreaths, but the ancient Greek spirit of honoring commitment by young men and women was there; omnipresent, along with the turkey and dressing and strawberry shortcake.

In contemporary Carolina, where it is fashionable to speak of "lifestyle," the lifestyle of the Chapin community is an honored page from the past—in which the intangibles of life still remain meaningful, useful and significant. Part of that heritage is the sense of community which binds people together; which unifies a community and compels each to do his or her part.

The Chapin Garden Club decorated the tables for the annual Athletic Banquet and the Eagle Club handled the organizational labors. The people of Chapin, like those of other small communities, are rightfully proud of the athletic program at their school, ably led by Athletic Director Cecil Woolbright—a cordial gentleman with a leathery, smiling visage.

It seemed precisely the right thing at the right moment for a quite small young man, Donny Lindler, to receive the biggest trophy of the night, that of Outstanding Athlete. Tailback and a fierce tackler in football, second baseman and leadoff man in baseball, and a guard in basketball, Lindler was the biggest man of the night in desire, spirit, selflessness and pride.

No small wonder was it that the master of ceremonies and the principal speaker turned out to be two of the closest friends in Carolina's coaching clan, Newberry College's Fred Herron and Presbyterian's Cally Gault.

Coach Herron said, "For 364 days and 21-and-one-half hours out of every day, Coach Gault is a friend of mine. But for the other two-and-one-half hours, we don't do much communicating."

The Newberry-Presbyterian contests in athletics are among the warmest, yet most spirited, rivalries in our state's history. The two small, church-related colleges, their alumni and friends have good reason to hold their heads high in the clouds because of on-campus presence of coaches like Herron and Gault.

Three times "Coach of the Year" in this state, Cally Gault told a series of pleasing jokes, as had Fred Herron. And then Coach Gault spoke directly to the young people present about pride and purpose in life.

He told them about an obvious favorite of his, young Dan Eckstein, who'd been a Little All-America at PC and who barely missed being a Green Bay Packer. But the stories were of Dan's pride and purpose in his life.

Coach Gault related the story of a team bus-ride back from a scrimmage in North Carolina, with the weary squad singing songs and discovering that the mike on the bus worked. Calls were made for various athletes to sing: "Hey, sing 'The Wabash Cannon Ball.'" When they called for Dan, he sang, "not in a great voice, but a good one," a familiar hymn—"How Great Thou Art."

A few freshmen in the back who didn't know Eckstein, the son of a Salvation Army worker in Atlanta, sniggered. An upperclassmen curtly shut them up.

"We became a team," said Coach Gault. "On that bus, that night." Dan had a purpose in life, as he has now, and the team became individually and collectively purposeful.

Coach Gault concluded with a story. He said, "If you come back a year from now, ten years from now, you'll hear me telling this same story. An auctioneer is selling his goods and he picks up an old fiddle and asks how much anyone will bid for the old fiddle.

"The bids are small. Five dollars. Ten dollars. Fifteen dollars. He's just about ready to let it go for $15 when an old gentleman arises at the rear, comes forward, picks up the fiddle and begins to play—beautiful music. The crowd is hushed.

"When he finished, the auctioneer picked up the fiddle and asks, 'What am I bid for this beautiful instrument?' And the bids go from $100 to $110 to $115.

"The touch of the master's hand is the difference between an old fiddle and a beautiful instrument," said Coach Gault.

There can be pride, self-discipline and purpose in each life, regardless of race, creed or color. That's the message Cally Gault tried to convey; and not once did he mention "cognitive learning" and "affective learning." But the wholeness of man the wholesomeness of life were there.

Just as they were there, and remain in the lifestyle of the community of Chapin which honored its valued and valuable young men and women on a Friday night in Carolina.

FAIR CREDIT REPORTING ACT AMENDMENT TO EXEMPT JOINT USERS IN MORTGAGE FINANCING TRANSACTIONS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. HANNA. Mr. Speaker, on May 5, I called to the attention of the House certain circumstances which were causing disruptions in the processing of FHA and VA mortgage applications. At that time, I reported that the circumstances involved certain provisions of the Fair Credit Reporting Act which had become operative on April 25.

The vagueness of the language has caused many banks and mortgage bankers to question their own legal position when processing credit information to a public or private mortgage insurer. In order not to violate the act, many of those involved in financing insured mortgages have either frozen, or have created elaborate but shakey procedures which have increased costs and have substantially inhibited the necessary flow of credit information.

In my May 5 speech I pointed out that this problem was created by the Congress. In our rush to put a new consumer statute on the books, a hastily considered measure was tacked onto the Foreign Bank Accounts Act. Today, I am bringing one of the problems created by that bill back to the Congress.

The measure I am introducing would exempt joint user transactions from the

Fair Credit Reporting Act when they involve: first, an existing or contemplated real estate mortgage on a consumer's property; second, an existing or contemplated loan on a consumer's mobile home; third, federally insured or otherwise guaranteed home improvement loan; fourth, applications for the above and verification of information in the application; and fifth, or a consumer report obtained by the user involved in the above transactions.

In effect, what this measure does is to insure the passage of credit information from a mortgage lender to a mortgage insurer. The language of the measure would support this co-user concept both at the origination level as well as in the secondary market. This will allow the Federal National Mortgage Association and the Government run secondary markets to continue to furnish credit information, as a joint user, without fearing a wasteful and needless court suit.

The major purpose of this measure is to guarantee to the perspective home buyer the assurance that his application for financing and insurance will not be bogged down. This happened across the country shortly after the Fair Credit Reporting Act became operational. And while many banks who originally froze applications are now processing them again, the procedures have become cumbersome, lengthy, and costly.

This legislation will not create a loophole in the enforcement of the Fair Credit Reporting Act. In fact, the joint user concept has been accepted by the enforcing agencies and it should, within the next day or two, be published in the Federal Register.

The reason the agencies adopted this approach is that no one in Congress intended these types of co-user transactions to be covered under the act. The measure I am introducing would turn an administrative procedure into a legislative fact.

The reason for doing this is quite clear. While the administrative ruling does provide a short term solution, there is no assurance that it will be upheld in a court of law. I have been unofficially told by some in the various enforcing agencies that they feel a legislative solution is the most appropriate and effective way to resolve this problem.

I am also including in the RECORD today a number of letters which express the same point of view. I do not feel this issue is controversial. It is simply recognizing that Congress must resolve a potential serious problem that it created. After reading the following letters, I am sure that most Members will agree that an administrative solution is not sufficient. I am hopeful that we can hold early hearings so that the enforcing agencies will have an opportunity to tell us the problems and pitfalls they are encountering in enforcing the act.

The letters follow, and also a New York Times article dated today:

FEDERAL NATIONAL
MORTGAGE ASSOCIATION,
Washington, D.C., May 21, 1971.

Hon. RICHARD HANNA,
House of Representatives,
Washington, D.C.

DEAR DICK: We very much appreciate the opportunity you have given us to review and comment on your proposal to amend the definition of a "consumer reporting agency" in Section 603(f) of the Fair Credit Reporting Act.

After discussing the problem in detail with our General Counsel, and limiting ourselves solely to FNMA matters, we certainly agree with you that it would be most helpful if an amendment were adopted expressly providing that a user of credit information who passes such information on to a co-user, in connection with a primary loan transaction, is not a "consumer reporting agency" for the purposes of the Act.

We also think that it would be equally important and necessary, that the amendment be broadened to include the secondary mortgage market as well. We, of course, are primarily concerned with the secondary market in FHA and VA mortgages, and conventional mortgages as well, in light of the authority granted to us by the Congress in Title II of the Emergency Home Finance Act of 1970.

As you know, officials of the Federal Trade Commission, which has the enforcement authority under the Act, have assured us that the Commission will soon announce its legal interpretation that the term "consumer reporting agency", as defined in the Act, does not include a co-user and furnisher of credit information. While such a ruling will be advantageous, there is no clear assurance that it will be sustained by the courts if the matter is litigated.

It is for this reason that we agree with your May 5 statement in the Congressional Record to the effect that "an administrative solution will not be enough to sufficiently resolve the problem that has been created." As we both know, originators of mortgages, in particular, need assurance on this point.

Our General Counsel feels, however, that your proposal, as now drafted, does not reach the mortgage seller in the secondary market who furnishes credit information to a prospective purchaser. Indeed, he says it is quite possible that your proposed language could place FNMA and its mortgage sellers in a worse position than they would occupy under the statute as enacted.

A court, applying the doctrine of *expressio unius est exclusio alterius,* might well construe the express exemption of co-users of credit information in primary loan transactions from the requirements of the Act as evidencing the clear intent of Congress not to exempt therefrom co-users in the secondary market. It is doubtful, too, that use of the words "in connection with the same transaction" in the sixth and seventh lines of the draft of the proposed amendment can be viewed as relating to a sale of a mortgage *after* its origination.

We therefore respectfully urge that you consider modifying your present draft to exempt expressly co-users of credit information in the secondary mortgage market from the definition of a "consumer reporting agency" in section 603(f).

The change which we recommend involves some alternation of the proposed language. Language such as the underscored below might be considered, and our General Counsel tells me it would adequately handle our problem:

". . . except that a user of information bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living shall not become a consumer reporting agency by the act of passing on to a joint-user, *in connection with the same transaction, or in connection with the sale or proposed sale of* (*i*) *an existing or contemplated real estate mortgage on a consumer's property,* (*ii*) *an existing or contemplated loan on a consumer's mobile home, or* (*iii*) *an existing or contemplated Federally insured or guaranteed property improvement loan on a consumer's property,* any or all of the following: a consumer's application for (*i*) *a real estate mortgage,* (*ii*) *a loan on a mobile home, or* (*iii*) *a Federally insured or guaranteed property improvement loan,* verifications of information in that applocation, or a consumer report obtained by the user from a consumer reporting agency."

Again, we appreciate the opportunity to make these comments.

Sincerely,

OAKLEY HUNTER.

MORTGAGE BANKERS
ASSOCIATION OF AMERICA,
Washington, D.C., May 24, 1971.

Hon. RICHARD T. HANNA,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. HANNA: Your efforts to have the Fair Credit Reporting Act clarified are most commendable. As you indicated in your comments, entered as Extensions of Remarks in the *Congressional Record* of May 5, the Act is deficient in its sweeping definition of "consumer reporting agency." As the language is presently constituted, it can be said, upon a literal reading, to include originators of FHA and VA mortgage loans.

Such an interpretation has the unreasonable result of placing considerable expense and liability upon mortgage lenders who rely upon credit reporting companies and the consumers themselves for their information. A consumer's right of privacy is not violated if he is rejected by the Federal Housing Administration or the Veterans Administration on the basis of information he has submitted. If the consumer wishes to refute information in his credit report, he must go to the company which prepared the report, not to the mortgage lender.

The Fair Credit Reporting Act is obviously intended to regulate companies which are in the business of providing information about consumers. Mortgage lenders are in the business of making real estate mortgage loans, and they rely upon service companies for the information they need, in addition to information they receive from the consumer, to make a determination as to the extension of credit.

The Fair Credit Reporting Act is an important piece of legislation in that it protects the privacy of consumers and gives them the opportunity to refute information which works to their detriment. But if consumer protective legislation is to retain credibility and respect, it must not contain broad sweeping language which places expenses and liabilities upon those not in need of regulation.

We urge you to make efforts to have the definition of "consumer reporting agency" amended so as to make clear that the normal lending operations of real estate mortgage lenders are not activities of consumer reporting agencies. The best interests of all parties involved, including consumers, would be well-served by such an amendment.

Sincerely yours,

OLIVER H. JONES,
Executive Vice President.

BROWNSTEIN, ZEIDMAN & SCHOMER,
ATTORNEY AND COUNSELORS,
Washington, D.C., May 21, 1971.

Hon. RICHARD T. HANNA,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HANNA: This is in line with the discussions which I have had with Mr. Howard Adler concerning your proposed amendment to Section 603 (f) of the Consumer Credit Protection Act.

The question raised was whether the language would exclude FHA, VA and private mortgage insurers from being considered as reporting agencies. Since all are joint users of the credit information being supplied, it would seem clear that the language you have proposed would succeed in having such agencies and companies not considered as reporting agencies within the purview of the Act.

Sincerely,

PHILIP N. BROWNSTEIN.

Bank of America,
San Francisco, Calif., May 7, 1971.
Hon. Richard T. Hanna,
House of Representatives,
Washington, D.C.

Dear Dick: I am enclosing for your information a copy of our circular C–822 which contains instructions to our branch managers with respect to changes in procedure in processing FHA and VA insured real estate loans required by the Fair Credit Reporting Act. This circular will give you some idea of the nature of the problems created by this legislation. The ultimate impact appears to be delay, increased cost of operation and a general drying up of what used to be a relatively free flow of credit information between lenders.

I think the procedure outlined in this circular constitutes a temporary solution to a problem which we hope will be solved by appropriate amendments to the Fair Credit Reporting Act or its ultimate repeal.

Sincerely,

Bob Fabian.

Personal Finance: Mortgage Money

(By Robert J. Cole)

Bankers have been predicting for quite some time that mortgage money is going to be much easier to get now.

However, just as the predictions are beginning to come true, a new and completely unforeseen problem has come up, that of threatening to cut off the flow of funds to thousands of qualified home buyers all over the country.

The problem, ironically, is the Fair Credit Reporting Act, which went into effect last month as a new Federal law that guaranteed anyone the right to find out what is on file about him in his local credit bureau and to correct any errors that may be there.

But the way the law is being interpreted, any organization that provides others the same services as a credit bureau—such as a bank, a savings-and-loan association, a credit union and others—is considered a credit bureau, too, and as such must also open its files to consumers.

Many lenders, as a consequence, who have no intentions of opening up their files to consumers, have simply stopped taking applications for mortgages to be insured by the Federal Housing Administration and the Veterans Administration.

Until the new Federal law went into effect, this is how the program worked: you applied for an F.H.A. or V.A. mortgage loan at the lender of your choice. Your credit was checked through normal channels, usually by a local retail credit bureau, and this information was sent to the Government for evaluation. If the Government approved, you got your mortgage loan, it was as simple as that.

The beauty of an F.H.A. or a V.A. mortgage loan, of course, is that you don't have to use as much of your own money as you do with a conventional mortgage loan.

Now, however, lawyers all over the country have taken the position that if lenders continue to operate the same way in providing credit information on you, they automatically become "consumer reporting agencies," and, therefore, subject to the same requirements as credit bureaus.

Representative Richard T. Hanna, Democrat of California, who brought the issue into the open not too long ago, remarked: "We are now in the middle of a bureaucratic morass which is already having a severe and negative impact upon, of all things, mortgage financing."

The Federal Trade Commission, the Federal Reserve Board and other Federal agencies empowered with policing the law have already recognized that the Congress did not intend for mortgage lenders to be placed in such jeopardy but have not given the industry the assurance it needs to grant F.H.A. and V.A. mortgage loans.

The result of all this Government thrashing is that thousands of potential homeowners throughout the nation are finding themselves in limbo, Mr. Hanna said. "Their applications for mortgage loans have been frozen and will stay in that condition until the mess (in Washington) is straightened out."

The picture, however, is not nearly as bleak now as Mr. Hanna has painted it.

For example the Bank of America, the largest in the country, had frozen applications for two weeks before it found a way around the problem and, a bank spokesman said, "No one has been denied a mortgage because of the new law."

The Security Pacific National Bank, the second-largest in California and the ninth-largest in the country, worked out its problem in just three days.

There is evidence, nevertheless, that although many lenders across the country are unwilling to admit to it publicly, thousands of potential homeowners are being told to "be patient." The wait will not be a long one.

The Federal Reserve Board said it hoped to have new guidelines for its member banks by tomorrow. The Federal Trade Commission said it expected to have similar guidelines "sometime this week."

Both Government agencies will tell lenders that they will be considered "joint users" of credit information and, therefore, not subject to the same requirements as credit bureaus when granting mortgage loans.

While these guidelines will give the lenders assurance that the Government would not consider them in violation of the law, it will not protect lenders against suits by consumers.

To correct this problem Representative Hanna will introduce a bill today before the House Banking and Currency Committee, of which he is a member.

He will also ask the committee chairman, Representative Wright Patman of Texas to hold immediate hearings so that lenders can get immediate release and the smooth flow of mortgages can be resumed.

One possible problem: Senator William Proxmire, Democrat of Wisconsin.

Senator Proxmire, who is the chief architect of the Fair Credit Reporting Act, has long had the feeling that bankers want to be exempted from the provisions of the act altogether.

He feels that any measure designed to give banks blanket exemption from the act would be "100 per cent wrong."

At this point, however, what it all means is that if you are having difficulty getting an F.H.A. or V.A. mortgage—even though your credit is good—you have two choices open to you: be patient, because help is rapidly on the way. Or try another lender. One might say, "no," but another might say, "maybe."

SOUTH FREMONT HIGH SCHOOL SALUTATORIAN ADDRESS BY LYLE SIDDOWAY, OF ST. ANTHONY, IDAHO

HON. LEN B. JORDAN

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Tuesday, May 25, 1971

Mr. JORDAN of Idaho. Mr. President, the awareness of today's youth often comes to light in the spring of the year—when across our Nation, we pause and turn our attention to the young commencement speakers.

A particular address—given by the South Fremont High School Class Salutatorian, Mr. Lyle Siddoway of St. Anthony, Idaho—attracted my attention as one of exceptional insight. I, therefore, would like to share Mr. Siddoway's remarks as he reflects on the pertinence to our times of Charles Dickens' "the best of times—the worst of times."

I ask unanimous consent to have his remarks printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Salutatorian Address

(By Lyle Siddoway)

It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us, we were all going direct to Heaven, we were all going direct the other way—in short, the period was so far like the present period, that some of its noisest authorities insisted on its being received, for good or for evil, in the superlative degree of comparison only.

With those words Charles Dickens described the setting for his *Tale of Two Cities*. The same description may well be applied to a comparison of our own time and that period of time that was making men pessimists in the early 1950's. When we were born the nation was in the middle of a great time of prosperity, with high wages for laborers and full employment. However, the nation was also involved in a bloody conflict in Korea. It was the best of times, yet it was the worst of times.

Today we have a similar situation. Nearly every home has a color television set, men have stood on the moon, and workers receive some of the highest wages in history. However, we are again involved in a bloody war, this time in Indochina. High wages are offset by inflation—inflation that has cut the value of the dollar in half. Our colleges are being rocked by riots, and our young people's minds are being destroyed by drugs—by the well-known drug that is fed into the body, and the lesser known drug of propaganda that is fed into the mind. It is the best of times, yet it is the worst of times.

This is the world into which we must bring the light of hope. We do indeed have a difficult job ahead of us.

But when we take a close look at the situation, we find that we have no problems that have not been with us for a long time. Our people have been using drugs for centuries, our dollar has been up and down in value more often than Martha Mitchell's jaw, and our colleges have been victims of more kinds of "threats" than even the most imaginative person could have predicted. The world we inherit is no worse than that which our fathers inherited, but with just a little bit of indifference we could make it worse. You see, the major problem plaguing America today is the indifference of its citizens. For many Americans, their patriotic chores are finished when they cast their ballot in an election; after that they can sit back and criticize, without becoming personally involved. Too often today Americans feel that they are worthless, much like the dog described in William Faulkner's short story, "The Bear."

And a little dog, nameless and mongrel and many-fathered, grown, yet weighing less than six pounds, saying as if to itself, "I can't be dangerous, because there's nothing smaller than I am; I can't be fierce, because they would call it just noise; I can't be humble, because I'm too close to the ground to genuflect; I can't be proud, because I wouldn't be near enough to it for anyone to know who was casting the shadow, and I don't even know that I'm going to heaven, because they have already decided that I don't have an immortal soul."

However, this very thoughtful dog ended on a note of hope:

"So all I can be is brave. But it's all right. I can be that, even if they call it just noise."

If that mongrel can be brave with all it has going against it, can't we also be brave? If we are brave enough to work our hardest, we can renew the values of our country.

We have a challenge and a hope. We must do the work to keep our nation strong, and we have the hope that we can build a better world. "This is the hope that beckons us onward in this century of trial. This is the work that awaits us all, to be done with bravery, with charity—and with prayer to Almighty God."

OIL LESSON—A BITTER SPILL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. WALDIE. Mr. Speaker, on January 18 of this year two Standard Oil of California tankers collided under the Golden Gate Bridge causing severe damage to one ship and spilling hundreds of thousands of gallons of bunker fuel into San Francisco Bay.

The reaction of residents of the bay area was immediate. Initial outrage turned to profound concern as thousands of volunteers manned the beaches of the bay and the headlands outside of the Golden Gate to rescue oil-covered birds and sweep up the oil that drifted onto the beaches with the incoming tides.

Other volunteers began a 24-hour-a-day effort to save the birds. We now know that those efforts were largely in vain, though a new bird treatment method did result in a recovery rate much above the previous experiences with similar disasters.

The 800,000 gallons of bunker fuel that spilled into the bay has been largely cleaned up and scientists report that the estuarine ecology of the bay system has returned to normal.

Mr. Speaker, though the physical effects of this oil spill are no longer visible, the long-range efforts are much in evidence.

The volunteers who manned the Richmond Bird Treatment Center have drafted an emergency system for rescuing and treating stricken birds.

The volunteers have, also compiled an elaborate call-up system to have treatment centers and beach cleanup crews on the scene of a possible repeat spill within minutes.

Shortly after the January 18 spill, I and several of my colleagues from the bay area requested Secretary of Transportation Volpe's assistance in having environmental groups such as the Sierra Club take an active and official role, as a party in interest, in the investigations of subsequent oil spill incidents.

We made this request because we believe that environmentalists have a unique expertise which would give such marine incident investigations a new, and more complete, dimension.

I am sorry to say that the Secretary, in a recent letter to me, did not agree with our contention.

Mr. Speaker, the San Francisco Bay-delta system is especially vulnerable to such incidents as the recent oil spill-collision.

There are many petroleum facilities in the bay area which are served by tankers of moderate size, but with a frequency that increases the chance of collision.

The currents and fogs which are typical of San Francisco Bay, also, contribute to the chance of accidents.

There is a profound need to study this problem and to come up with new and improved safety procedures. This need is intensified by the fact that larger tankers are envisioned for use within the bay, tankers with much greater capacity than the tankers which collided on January 18.

The San Francisco Marine Exchange recognizes the need for such a study, but, in a statement similar to that of the Secretary of Transportation, indicated to me that it does not agree that environmental groups have a place in the study.

I find this opinion unfortunate.

Mr. Speaker, in order that the Members may have a background look at this situation in San Francisco Bay, I would like at this time to place in the Record an excellent account of the recent oil spill written by Gil Bailey of the Long Beach Independent Press-Telegram and copies of my correspondence with Secretary Volpe and the San Francisco Marine Exchange:

A Bitter Spill

(By Gil Bailey)

As midnight passed and Jan. 18, 1971, became alive, the cities around San Francisco Bay were relatively quiet. The fog was in, a heavy, wet blanket, and it added to the silence as Sunday night merged into Monday morning. There were crews at work at the Standard Oil Refinery in Richmond, and its nearby docks from which one tanker had just sailed, and where another was due to arrive shortly.

Two miles away a University of California warehouse sat dark, unheated, empty except for the row on row of stored materials, and at Berkeley the students were quiet, sleeping, studying, or whatever, but quiet.

In a San Francisco U.S. Coast Guard station, Sonarman 2.C. John B. Holcomb monitored a radar set and saw the blips of two tankers, one coming in the Golden Gate and the other leaving, clear on the screen, but hidden in the fog of actuality. In Long Beach a 25-year veteran of the State Department of Fish and Game, a captain, slept as did the oil spill crews of Crosby and Overton, a Long Beach cleanup firm.

Later the sonarman reported, "They (the images) merged and moved east. I was waiting for them to separate, but they went eastward."

Just under the Golden Gate the two tankers, the Oregon Standard, outbound and the Arizona Standard, inbound, had met, merged, collided, and at 1:48 a.m., Jan. 18, 1971, thousands of barrels of oil began spilling into the waters between Marin County and San Francisco.

Later, six weeks later or so, the representatives of Standard Oil, the picture of American businessmen, sat impassive in yet another meeting on oil spills, and heard again and again how "lucky" it had been that both tankers were from Standard and thus the culprit, the company responsible, was immediately identified. Standard has not yet commented publicly on its "luck."

But at that moment of collision, as one ship ripped a 40-foot hole in the other, the chain of events began what has been called the "San Francisco Bay oil spill disaster," a disaster which didn't happen, except perhaps to Standard Oil.

Big oil has a drill now for oil spills, a drill honed to perfection in the English Channel, off Santa Barbara, and in the far and near parts of the world. Government, state and federal, too has a drill, a practiced if still imperfect response to the moment of impact. Fog that Monday morning hid the damage and that fog would cover the wounds for hours to come, but throughout the Bay Area, and the state, phones were ringing within minutes.

Standard was calling in cleanup crews by the hundreds, and state and federal officials were being called, too.

The U.S. Coast Guard is the responsible agency for oil spill cleanup in navigable waters, the state of California for inland waters. A San Francisco Coast Guard officer was from the moment of collision "the on-scene commander." The state forces were, under the drill, to play a secondary but important role.

At 4:30 a.m. E. C. Fullerton, chief of operations of the State Department of Fish and Game called Long Beach for the home of Fish and Game captain Walter H. Putnam.

"Putman knows more about oil spills than any man in the state," a California disaster official explained later. The lean, somewhat weatherbeaten officer had helped clean up after 2,500 oil spills since 1945 and this spill was not the biggest, nor the worst.

"It was not a disaster," said Putman flatly. "It was moderate."

He is right, despite the publicity at the time and as a result Bay Area reporters later called their own oil spill seminar to learn the facts.

Three factors kept the spill from being a disaster:

The oil was one of the least toxic commonly used along the California coast, and one of the easiest to remove;

The amount of oil and the areas contaminated were well within the commercial cleanup capacity of Standard Oil;

Considering the weather conditions and tides, the location of the collision was fortunate, and most of the oil flowed out to sea, instead of into the Bay, and the South Bay where removal would have been all but impossible and much more marine life would have died.

But on that foggy morning in San Francisco these facts were hidden, as they were to remain hidden even after they were discovered because of a Coast Guard news blackout.

The same fog which shrouded the Bay forced Putman, two suitcases in hand, to use a fish and game plane to fly to the scene. Shortly after noon his twin-engined Cessna came through the fog into breaking sunshine over the Ferry Building in San Francisco.

The plane circled the Bay in its hunt for oil, spotting but 3,000 barrels inside the Bay, lapping at Angel Island.

At 2 p.m. Putman met with Commander Gordon H. Dickman, U.S. Coast Guard on-scene commander, and with James Braden, Standard Oil's representative at the on-scene command post on Yorba Buena Island. Dickman assigned Putman the job of aerial observation of the oil.

By night the Coast Guard and Fish and Game knew the extent of the spill. They knew it was but a moderate spill, that Standard Oil had the capacity to clean it up and that the job should not take more than 10 days.

"We knew it would wash up on the beaches south of Seal Rocks and that's where we wanted it," said Putman, "because it would do the least damage there and would be easier to remove."

The hard facts of oil pollution were not known to the people of the Bay and, to the general public, oil on beaches is a bigger tragedy than oil on rocks, or in tidelands and marsh where it would kill more, and can't be removed.

No one knew nor could they predict the response of the people of the Bay Area.

San Francisco Bay is, perhaps, the most polluted waterway in California, but few of the 4.5 million people who live around that Bay know this simple fact, nor recognize their daily contribution to that pollution, and even fewer of the proud citizens of the city of San Francisco, actually now but a suburb, a not so important one, of the larger metropolis of the Bay, know their city is the biggest of all the polluters. Yet all of these people see that Bay daily and it is part of the fabric of their lives.

That Monday they did know by the millions that oil was spoiling their Bay, killing birds and darkening their beaches. Unlike people elsewhere, they wanted to do something about this spillage. Their response was unique; it hadn't happened at Santa Barbara, it hadn't happened anyplace else.

By night they were on beaches in the thousands, working under searchlights, pulling birds out of the water, and sometimes reaching with bare hands to grasp the bubbles of oil as they washed ashore.

It was an unbelievable sight, the thousands, long haired, short-haired, old, young, middle class and hippie, not knowing what they should do, but determined to do something.

The people of the Bay have a strange relationship with it. They are organized, organized from the time they stopped the filling of the Bay and at the same time retired some politicians without ceremony. There are hundreds of conservation groups, and they are interconnected, but, to say the least, they were not interconnected with Standard Oil, nor really with the Coast Guard or Fish and Game.

The conservationists had fought Standard, long and hard, and the company and the ecologists looked at each other with deep suspicion. No one knew the oil company drill in time of spill, nor that Standard had accepted its responsibility fully, for it was to cost hundreds of thousands of dollars, to clean up.

No one was ready to direct the volunteer efforts and in those first few hours the efforts were undirected, except by the volunteers themselves, speaking in many voices to the radio and television stations.

The failure to inform the public and the failure to expect and then organize volunteer efforts were the two biggest failures in response to the spill.

Yet, these failures are understandable in the context of what happened within a few hours on that Monday morning.

The professional crews were working with dispatch, including a crew from Long Beach from Crosby and Overton, one brought to the Bay Area by Standard, because of that company's expertise. But sometimes the volunteers, not understanding, hindered the work, and sometimes the crews were used more for show, public relations, than from actual need, as Standard provided crews just to reassure some communities.

And no one had reported that this was a moderate spill, which within the Bay would be cleaned up shortly.

Tragedy resulted.

The major tragedy was the bird rescue effort, which failed painfully with two exceptions.

The past experience was clear. Between 95 and 99 per cent of all birds covered with oil would die despite rescue efforts.

"The kindest thing to do was hit them over the head with sticks," said one state official on the basis of past knowledge, hard words. Santa Barbara and elsewhere. He was right in the vast majority of rescue attempts. Ninety-five per cent was the death ratio at the San Francisco zone, and at most rescue stations.

But the volunteers would not believe and the birds died, painfully and slowly.

But the state and federal officials too were ignorant.

Dr. James Naviaux, a veterinarian living in Pleasanron, a valley city just across the hills from the East Bay Area, had long been interested in bird rescue efforts. He organized a shelter at his home and then offered advice to University of California at Berkeley students.

Monday morning university officials opened their warehouse at Richmond, the one but two miles from the Standard Oil docks, and students by the hundreds joined in the bird rescue efforts. They were led by Dr. John Bodle of the Berkeley campus, Dr. James Harris, Berkeley, and Lawrence L. Schmelzer, Berkeley campus Environmental Health and Safety Officer.

Birds brought to these two centers had the oil removed with mineral oil, which in turn was removed with corn meal. The warehouse shouted with "quiet" signs and a stereo system played surf sounds. Each bird received individual medical help and 24-hour care, care which continued for more than two months. Some are still under care.

It was a complex, technical operation, organized and carried through by the students, and supported financially by Standard, despite the doubts of federal and state officials.

Twenty-five per cent of the birds survived; some have been released back to their natural environment. Two months after the spill, the warehouse emergency center was closed, and 300 birds moved to Tubbs Island, an isolated spot at the north end of the Bay, where they will be cared for until their own natural oils return.

"It is no use to try to clean a bird in a bathtub," said Dr. Naviaux at the oil spill seminar organized by the press. "It would be kinder to put them out of their misery."

Only such an operation as was mounted at the warehouse can expect to succeed and that success will only be partial.

Dr. Naviaux and the students are preparing a handbook for the next oil spill.

The bird center cost Standard $1,000 a day until it cut off the funds March 30 with some 300 birds still under care. Only 27 birds had been released.

Overall Standard spent an estimated $4 million in its cleanup efforts, proving that it is easier and cheaper to spill oil than to clean it up. However, an insurance pool, set up by the oil companies, will help with the bills. Big oil recognizes that oil spills, like the common cold, can and will strike anyone.

Over the days, then weeks, and finally months of the spill activity, a grudging respect, if shot through with more than occasional suspicions, grew up between the Standard officials and the conservationists.

"We didn't talk before," said one of Standard's top management, "but we should have, and we will now."

There were many lessons learned from the San Francisco oil spill, and not the least was to prepare for and organize volunteers.

But as review session followed review session other facts were learned.

The oil companies through regional cooperative organizations in the Los Angeles-Long Beach area, the Santa Barbara area, and the San Francisco Bay Area, have plans to meet oil spill emergencies. They are ready and willing to clean up and to clean up with dispatch.

Full and fast disclosure of the extent and damage of the oil spill through newspapers and the media is essential to coordinate the volunteers, a lesson the Coast Guard had drummed into its head once more at the press seminar in a brief but violent explosion of reporters' voices.

But more is needed:

There is no adequate communication or traffic system for ships as they enter and leave crowded West Coast ports. Federal legislation is needed to correct these deficiencies.

More oil will be coming to California by ship, bigger ships when the Alaskan oil fields are tapped, and oil argues that off-shore drilling should be resumed full scale because that limits the amount needed to come in ships.

Finally, more oil is spilled every day at sea than in the San Francisco spill as ships clean their tanks offshore.

That drip, drip, drip of poisons has polluted the far reaches of our oceans, according to scientists.

Yet as long as Americans demand the energy needed by an affluent society oil will be with us. There will be more oil spills, everyone agreed.

"The best place for an oil spill is a sandy beach," said Putman, the state's expert. "It is the easiest to pick up. The tide works for you."

He pointed out the hard facts of oil spills:

"Where the ocean goes, the oil goes. Man isn't going to say to the ocean, 'Don't go there.' You just hope it goes where you can deal with it.

"If there is a storm coming in, you just sit down and pray. Where the wind is going to blow, that's where the oil is going to go.

"Mother Nature is going to do something for you. She is either going to work for you, or against you."

All of the modern devices now being tested at great expense by big oil can't yet do the job, oil company executive Thomas Gaines told yet another oil pollution seminar at Long Beach's Oceans '71 conference.

The skimmers and booms have failed their sea tests.

"Straw worked best in San Francisco Bay, and today that Bay, as with the Santa Barbara Channel, has returned to relatively normal with marine life once more healthy, according to the biologists. In both cases, luck played a role. In other areas where different kinds of oil were spilled, life has not returned.

And more oil, not to mention other poisons, pours out of the sewers into San Francisco Bay daily than was spilled by Standard.

In Sacramento state officials are working on plans for future oil spills, as are the oil companies.

At sea ships still dump their tanks, daily spreading twice as much oil as was lost in the San Francisco spill.

"It is not the so-called big disasters which count," said Jacques Cousteau, world famous oceanographer, speaking of his beloved oceans. "It is the slow drip of poison which is killing them."

February 10, 1971.

Hon. John Volpe,
Secretary of Transportation,
Department of Transportation,
Washington, D.C.

Dear Mr. Secretary: Recent accidents involving oil tankers and resulting in damaging spills of oil in San Francisco Bay and Long Island Sound have served to point out the need to give environmental consequences of marine incidents full airing in formal inquiries following such accidents.

The need for revision of present inquiry procedures is quite apparent in the case of the San Francisco collision inquiry being conducted by the Coast Guard.

Environmental groups such as the Sierra Club have not been allowed to be full participants in the inquiry. Sierra Club officials have stated that they wanted to be able to cross-examine witnesses, offer and subpoena witnesses, etc.

We, too, feel that the environmental aspects of this accident should be fully examined so that proper preventive measures can be taken to prevent a reoccurrence.

Your comments and suggestions in this matter would be most appreciated.

Sincerely yours,
Jerome R. Waldie,
Robert L. Leggett,
John E. Moss,
Phillip Burton,

Ronald V. Dellums,
Glen M. Anderson,
James C. Corman,
George C. Danielson,
Lionel Van Deerlin,
Don Edwards,
Augustus F. Hawkins,
Thomas M. Rees,
Edward R. Roybal,
Harold T. Johnson,
Members of Congress.

The Secretary of Transportation,
Washington, D.C., April 14, 1971.
Hon. Jerome R. Waldie,
House of Representatives,
Washington, D.C.

Dear Mr. Waldie: Thank you for your letter of February 10, 1971 regarding the appearance of environmental protection groups in investigations of marine casualties conducted by the Coast Guard to assure that the environmental consequences of accidents involving oil spills are given a full airing. I completely agree with you that the environmental implications of casualties such as the SS OREGON STANDARD/SS ARIZONA STANDARD collision in San Francisco Bay must be fully examined. Nevertheless, it must be recognized that the immediate goal of the Coast Guard investigation is to develop information so that proper measures can be instituted to prevent similar casualties in the future.

The Coast Guard derives its authority to conduct marine casualty investigations from 46 U.S.C. 239. The statute requires an inquiry to establish the *cause* of a casualty with a view to instituting remedial measures to prevent the recurrence of a casualty and to minimize the consequences of casualties to vessels, their passengers, crew and cargo. Because the determination of cause frequently involves the legal responsibility of such persons the statute provides that any owner, licensed officer, holder of a certificate of service, other person whose conduct is under investigation, or other party in interest shall be allowed to be represented by counsel, to cross-examine witnesses and to call witnesses on his own behalf. I think it is clear that an environmental protection group is not a "party in interest" in the context of this statute. We believe that according an environmental protection group such status would derogate from the attention which the enabling statute contemplates should be focused on the cause of the casualty.

Yet it is also clear that the environmental consequences of a casualty are a major consideration and that the Board can make valid determinations only if it is fully informed in these matters. Counsel for the Sierra Club requested that the Club be designated a "party in interest" before the Marine Board of Investigation. While the specific request was properly denied inasmuch as the Sierra Club was not a "party in interest" with a right to appear, the Marine Board of Investigation was anxious to utilize all available expertise in conducting its investigation and in arriving at its Findings, Conclusions and Recommendations. It invited the Sierra Club to attend the hearings and suggest appropriate lines of inquiry to develop information on the environmental consequences of the collision. A full review of the transcript of testimony at the investigation has not yet been completed; however, it appears that the Board not only called witnesses specifically for the purpose of developing the facts concerning the environmental consequences of the collision but that a great number of the questions presented to the Board by the Sierra Club were propounded to witnesses subpoenaed to testify as to the cause of the casualty. I think you will find that the investigation dealt adequately with environmental considerations.

The concern of environmental protection groups in casualties of this nature is appreciated and shared by the Department and the Coast Guard. Coast Guard investigating officers and Marine Boards of Investigation will utilize all available assistance and expertise such as that afforded by the Sierra Club in future investigations.

As you know, the Federal Water Pollution Control Act, as amended, charges the Coast Guard with responsibility for prescribing and enforcing regulations to prevent pollution of our waters by oil. We are, therefore, deeply involved in the study of the measures that should be taken to protect the environment from the consequences of accidents involving tankers. At this time the Coast Guard is developing regulations implementing its new authority. It hopes to be ready to hold public hearings on proposed regulations this summer.

In addition, the Coast Guard, in cooperation with the American Petroleum Institute and the Water Quality Office of the Environmental Protection Agency, is jointly sponsoring a three-day symposium in Washington on the prevention of pollution of water by oil from marine related activities which will begin on Tuesday, June 15, 1971.

If I may be of further assistance, please do not hesitate to call.

Sincerely,

John Volpe.

April 5, 1971.

Mr. Robert Langer,
Executive Director, Marine Exchange, World Trade Center, San Francisco, Calif.

Dear Bob: I found your press release regarding shipping hazards and pollution dangers resultant of those dangers to be most timely.

I note in the composition of the Task Force that there are no environmentalists in the Force.

Have you given consideration to including representatives of the Sierra Club or other environmental groups to assist the Task Force in assessing the pollution aspects of this matter?

I would think that such assistance would be most helpful.

Sincerely yours,

Jerome R. Waldie.

Marine Exchange,
San Francisco, Calif., April 9, 1971.
Hon. Jerome Waldie,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Jerry: Thank you for your April 5 response to my letter and related press release on Operation Rose, a joint Association of Bay Area Governments and Marine Exchange undertaking.

Your suggestion regarding composition of the task forces—to include environmental interests—is also appreciated.

This was given consideration when the effort was being planned (with a regrettably short time lead—Congressional timetable, not ours!).

As you know, heavy conservationist participation was successfully sought when the "Accent" committee was formed on the Baldwin-Stockton Channel project. Similarly, such expertise was brought in when the Exchange last year formed its own Harbor Environment Protection Committee.

In the current instance, it was agreed that such participation would not be sought. First, while the intent of the effort is to seek navigational improvements (in rules, laws, aids and procedures) to minimize mishaps (as tanker accidents) which adversely affect the environment (the Bay system), the fact of such results was not at issue. Rather, the thrust is to find operational techniques and changes as will reduce accident potentials. This is a technical and highly sophisticated field, where real expertise is obtained usually only with considerable experience and often command responsibility. No environmentalist to my knowledge—regardless of other competence—has also qualifications as to evaluate the exact siting of a Golden Gate Bridge radar transponder for maximum benefit to pilots, or to comment on the extent and content of VHF information to be given by a shore advisory station to a vessel underway.

Therefore, because of the foreshortened time frame, the need to direct efforts not to the side (and often discursive) aspects of pollution but rather to immediate and pending actions to make navigation safer, our program includes a wide range of public and industry navigation experts and talents, but not ecologists or environmental action group *per se.*

I hope that when you and other members of our Delegation receive the results of this effort, you will find them constructive and helpful.

Sincerely,

Robert H. Langner,
Executive Secretary.

POSSIBLE ADMISSION OF SPAIN TO NATO

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 25, 1971

Mr. BYRD of Virginia. Mr. President, the May 9 edition of the Chicago Tribune included an interesting editorial on the subject of possible admission of Spain to the North Atlantic Treaty Organization.

The editorial correctly notes that a possible invitation to Spain to become a member is primarily opposed by Socialist parties in several European countries. It is my feeling that this opposition is mistaken, and that the time has come to invite Spain to become a member of the alliance.

If NATO is important, and the Senate so voted last week, then should not Spain which has greater military power than any of our NATO partners—except Germany, Turkey, and England—be a part of NATO?

I ask unanimous consent that the text of the editorial, "Spain in NATO?" be included in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Spain in NATO?

The subject was Spain and the arguments of Sen. Harry F. Byrd Jr. were well founded. It is time, the respected Virginia Democrat told the Senate, to forget Spain's wartime past and political ideology and admit that nation to membership in the North Atlantic Treaty Organization.

Fresh from a visit to Spain, North Africa and NATO headquarters in Brussels, Byrd said NATO was never more threatened on its southern flank than now, with a powerful Soviet fleet in the Mediterranean sea and Russia driving to become the dominant power of the entire Mediterranean region. The addition of Spanish forces would make a solid contribution to NATO, Byrd said, and would have the added advantage of reducing the need for the United States to maintain 300,000 servicemen and 200,000 dependents in the NATO area.

Given the present political and strategic situation—with Egypt a virtual dependency of the Soviet Union and only Tunisia and Morocco among North African states friendly to the West—Byrd said it was clear that Spain is "of critical importance to the south flank of the NATO alliance."

No one faulted Sen. Byrd's reasoning. The logic of his argument was self-evident. The fly in the ointment was whether such arguments would prevail in NATO where Spain has been blackballed by the opposition of powerful Socialist parties in several western European nations—notably Norway, Denmark, the Netherlands, Belgium and, at times, Britain. They can't forget Franco's victory in the civil war.

If it were up to our Senate, there isn't much doubt that Spain would be a member of NATO now. Since 1953 the Senate has ratified treaties which enable the U.S. to maintain two air force bases and a naval base in Spain and provide Spain with military hardware. Unfortunately, it is unlikely that the Socialists in NATO will drop their opposition to Spanish membership.

KIWANIS CLUB OF PITMAN, N.J., CONCERNED ABOUT DRUG ABUSE CONTROL EFFORTS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. HUNT. Mr. Speaker, it needs to be said that simply because the Congress has enacted two major drug abuse measures within the past 2 years, the drug abuse problem, especially among our young people, has not disappeared nor is the situation any less urgent. It is evident that the continuing debate over the drug abuse problem as a medical versus a law enforcement problem will have adverse effects, particularly where the courts view their role as the arbiter of the two schools of thought apart from an objective interpretation of the laws as they are written. The Drug Abuse Prevention and Control Act, approved in 1970, attempted to strike a balance of both views, recognizing nonetheless that drug abuse prevention must be preferred to rehabilitation. While this act proceeds necessarily on the theory of deterring drug abuse by way of a rational system of penalties and drug classifications, the Drug Abuse Education Act was also approved in 1970 to approach the problem on the level of reason and information as to the dangers of drug abuse.

Indicative of the continuing concern in our communities as to the rapid spread of drug use and experimentation in our schools is a letter I received from William C. Bingham, president of the Kiwanis Club in my hometown of Pitman, N.J.:

The Kiwanis Club of Pitman, an organization of seventy business and professional men, leaders in our community, is concerned with the growing inability to rehabilitate or convict persons charged with drug abuse, both as persistent users and/or pushers of hard, habit-forming drugs.

Our combination of laws, along with their interpretation and enforcement, appear to protect even chronic offenders to the detriment of the balance of the community. Sometimes our delegates working in law enforcement and the collection of evidence find that flagrant offenders are released on superficial technicalities. Such violators, without surveillance, conviction or rehabilitation, are free to prey again on others, especially the youth of our land.

When we were advised very recently that a high percentage of the students in the Junior and Senior high schools in our community have at least experimented with drugs, one could hardly expect our membership to be disinterested. Particular so when we find our legal and judicial procedures for drug control, evidence collection, law enforcement and rehabilitation of criminals fail to deter pushers and users from continuing their crimes against our children and society in general.

At the regular monthly Board of Directors meeting of the Kiwanis Club of Pitman held on Tuesday evening, April 27, 1971, the following resolution was adopted:

"Resolved: That the Kiwanis Club of Pitman abhors the leniency being shown chronic violators of drug control laws. The Club urges all members and leaders in the judicial system, in law-making, evidence collection, trial procedures, legal interpretation and criminal interpretation, to pinpoint and correct the deficiencies which shelter these offenders more than society. The Kiwanis Club of Pitman urges you to protect the rights of children, not yet on drugs, by removing the known pushers from their sphere of operations."

It should be apparent to everyone that at the present rate of increase in drug abuse it is only a matter of a few short years before non-users will be in the minority. We believe that none of us wants to look back on this period in our history and remember that we contributed to our sorry plight.

Mr. Speaker, all too frequently laws are passed in response to public clamor only to find their way to the shelves to collect dust when the emotion has subsided. Let us hope that this pattern will not repeat itself in this vital matter where the very lives of so many of our younger citizens are at stake.

INTERVIEWS WITH SIR ROBERT THOMPSON

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Tuesday, May 25, 1971

Mr. BEALL. Mr. President, recently I read two interesting interviews with Sir Robert Thompson, regarding the situation in Southeast Asia. Sir Robert is considered by many people to be one of the leading experts on guerrilla warfare especially in Southeast Asia. Sir Robert directed the British and Malayan counter insurgency efforts during the 12-year long Malayan emergency.

Sir Robert has just returned from a thorough tour of South Vietnam and I think that his observations warrant our careful consideration.

Mr. President, I ask unanimous consent that these interviews which were printed in the February 8, 1971, Christian Science Monitor, and the April 12, 1971, U.S. News & World Report, be printed in the RECORD.

There being no objection, the interviews were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Feb. 8, 1971]

AN INTERVIEW WITH SIR ROBERT THOMPSON: WATERSHED IN INDOCHINA

(By John Allan May)

LONDON.—To observers in London, and perhaps also to some in Moscow and Hanoi, Sir, Robert Thompson's return to South Vietnam on quite a new mission for the South Vietnamese and United States Governments is highly significant.

"This new mission," Sir Robert told me in an interview before he left, "is to look at the whole organization of the police force there.

"The situation in South Vietnam now is becoming more of a police problem and less of a military problem," he explained. "The Vietnamization program now is unassailable by the enemy. I don't see what the North Vietnamese can do about it.

"It seems likely to develop into a no-war, no-peace situation where all the free states of Indo-China can hold off the North Vietnamese. We are approaching the point of containment [of the Communist threat in Indo-China].

"It is quite remarkable, I think, how the U.S. administration has been able to get its approach right, in spite of the confusion in America itself."

This is the judgment of a man with no political ax to grind—perhaps the greatest Western expert of all on Communist guerrilla warfare—who early in 1969 published a book entitled "No Exit from Vietnam," expressing the conviction that the strategy being pursued by America up to then was doomed to failure.

LONG-TERM LOOK

The United States, he declared then, was trapped. It could never win in Vietnam by military force. Nor could it contain the Communist threat by negotiation. It was fighting the wrong war, with the wrong weapons in the wrong way.

Now, he believes, much—perhaps enough—has changed. With U.S. support in the background, the four countries of free Indo-China—South Vietnam, Cambodia, Laos, and Thailand—will be in a position to stand firm in their own defense.

"Looking at it in the long term," Sir Robert added, "what the United States now is doing is giving time for those who are more naturally interested in the area to play their part too."

By those "more naturally interested in the area," he means in particular Indonesia, Australia, Japan, Malaysia, and Singapore.

He sees the development of regional security pacts—and perhaps also a Pacific security—supporting any of the free governments of Southeast Asia against any threats to their independence.

He is convinced the tide of Communist military advance in Southeast Asia has turned.

Token of this conviction is his return to Saigon in 1971 to review the organization of the police force. When he last went, in 1969, shortly after publication of his book on the Vietnamese war, it was at the invitation of President Nixon to report on the apparently critical military situation.

PRESIDENT CALLS HIM

The President had called him on the telephone at his house in the Somerset countryside in England, after having read "No Exit from Vietnam."

Sir Robert, a country-loving man, had just been settling down to write. He is now an author and consultant, no longer what he himself called "a cold-war administrator."

President Nixon told him, "I would like you to return to South Vietnam and give me a firsthand, candid, and completely independent report on the total situation there."

"Right," replied Sir Robert. "I will start at once."

"I wasn't doing anything at the time," he explained. "And I'm a pretty mobile sort of chap. I always keep a bag packed—just in case."

His wife and two children are used to these sudden departures. They are immensely proud of him and his quite remarkable record.

Sir Robert in 1969 already knew plenty about the situation in Vietnam. For prior to researching for his book, he had been for five years—1961 through 1965—head of the British Advisory Mission at Saigon.

In 1961 he had retired, at the age of 45, from the Malayan civil service, which he had entered as a cadet in 1938 after taking a master's degree at Cambridge.

MILITARY CROSS WON

Like so many others, he was instantly engulfed in the 1939–45 war. During the Japanese advance through Southeast Asia, Robert Thompson served as an air liaison officer for the British forces, operating behind Japanese lines.

He won the Military Cross and the Distinguished Service Order, two of Britain's highest awards for personal bravery in action. But, far more important as it turned out, he obtained training in jungle fighting and guerrilla warfare.

In 1950, when 34, he found himself staff officer (civil) to the director of operations in the "emergency" in Malaya that broke out when the Malayan Communist Party, renouncing political action, reverted to "the armed struggle" in an effort to gain power there.

In 1955 Robert Thompson became coordinating officer for security, in 1957 deputy secretary for defense in the Federation of Malaya (formed following the return of independence to the countries of the area by Britain), and in 1960 secretary for defense.

GUERRILLAS TOOK REFUGE

In July, 1960, the 12-year-long emergency ended. The remnants of the Malayan Communist guerrillas, numbering about 500 by that time, took refuge in the jungle on the frontier with Thailand.

The director of military operations in this successful war was General (Field Marshal) Gerald Templer. Of Robert Thompson he remarked, "He is a man one likes to have around in a tough corner."

Sir Gerald won this guerrilla war in a military sense in 1954. But it took a further six years to win it in a political and civilian sense. Robert Thompson was in this "tough corner" from start to finish in both spheres of action. In 1961, when it was all over and he left the Malayan civil service, he was knighted. He became Sir Robert.

By this time Sir Robert probably had more actual experience of the political-military campaign that has to be waged to defeat an armed Communist insurgency than anyone else in the free world. And he is a man of considerable intellectual attainments.

It was Prime Minister Tunku Abdul Rahman of Malaysia who suggested Sir Robert be chosen to lead a British mission to South Vietnam. Sir Thompson also became a member of the Rand Corporation's "think tank."

In 1966 he put the result of more than 20 years' experience of guerrilla fighting in the defense of freedom into a remarkable book that has probably had less attention than it deserves, "Defeating Communist Insurgency": London, Chatto and Windus.

In this book he set out quite objectively the advantages that Communist insurgents naturally have—and use—in gaining support for a war to establish by the most savage means the dictatorship of the Communist Party.

They promise the removal of all foreign influence. They offer reunification, where a country is torn in two. They offer the immediate and complete removal of corruption.

In a world where, so far, no underdeveloped country has much hope of keeping pace with the material advances of the Western world the Communists also hold out the promise of a rapid and organized dash to modernity.

When they go into action they will issue proclamations "guaranteeing freedom" for all parties and for the press and radio, and television when they win and urging elections to "decide the nature and form of the new regime," although, of course, "freedom" is never defined, and the nature and form of the new regime is decided in full dogmatic detail already.

WORDS LEFT OUT

"It should be particularly noted," says Sir Robert, "that the word communism does not appear at all; even the Communists realize it is a dirty word. Nor do they take a chance on socialism."

On the surface the promised program can sound very attractive, even to liberals.

But, backing up this program, the insurgents, ordinary citizens by day, will move in at night not only to wreck communications and raid army posts but to slaughter the leaders of any community who have actively "cooperated with the imperialists."

In such a situation a defending government has to do more than gradually widen the circle of guaranteed security it can offer the people, although that is an essential first step, Sir Robert avers.

He sets out four other "principles of counterinsurgency":

1. The government must have a clear political aim. The insurgency can not be treated in isolation. The country must be made politically and economically viable.

2. The government must function in accordance with law. It can enact tough laws. But these laws must be effectively and fairly applied. Corruption must be eliminated.

3. The government must have an overall plan, keeping a proper balance between the military and civil efforts.

4. The government must give priority to defeating the political subversion, not the guerrillas. "Unless the Communist political organization in the towns and villages is broken," declares Sir Robert, "the insurgent guerrilla units will not be defeated."

Police work in this context, one imagines, has a double purpose. The police must effectively uphold the law. At the same time they must break the communications between the major Communist cells and their supporters, identifying and arresting the leaders of the cells whenever possible.

It is to this area of work that the free world's "guerrilla fighter extraordinary" now turns his attention.

"We are approaching the point of containment," he states. And when Sir Robert says it, he says it with conviction. A watershed may well have been reached in Indo-China.

[From the U.S. News & World Report, Apr. 12, 1971]

IF UNITED STATES PULLS OUT OF VIETNAM TOO FAST—INTERVIEW WITH AN ADVISER TO PRESIDENT NIXON

(Sir Robert Thompson, a top British authority on Asian wars, cautions in this exclusive interview against too-rapid a pull-back of combat forces from the war zone. One danger: that Saigon will feel "deserted" at a crucial stage of events.)

AT SAIGON.—Q. Sir Robert, how do recent events affect President Nixon's plans for withdrawing more American troops from Vietnam? Is it now safe for him to go ahead and speed up the withdrawal?

A. When you look back and recall that in a matter of two years he has nearly halved the number of American troops here, the speed of the withdrawal is already quite phenomenal.

No one would have guessed two years ago this could be done, and at the same time the situation here improved out of all recognition.

So when you say "speed up," it is hard to put that in terms of an extra 500 or 1,000 men every month. I think that would be safe enough from the military point of view, but you must recognize another point—the psychological factor.

The speed of withdrawal must not be so great that the South Vietnamese think they are being deserted. After all, Hanoi is still getting massive support from Russia and China, and knows it is going to go on getting it. South Vietnam must not feel that it is standing completely alone, no matter how capable it may be.

If troops are needed here—and some are—it is mainly for the purpose of demonstrating that the United States is still standing by.

Q. Does that mean some minimum number of American troops will be needed here for many years to come?

A. Yes, there will be a minimum force level needed. Just what that number is, I do not think anyone can predict at the moment.

What is needed is assurance to South Vietnam is it not being abandoned. The more convincing your assurance, the fewer troops needed. At the moment, such an assurance is not too convincing because of opposition to the war in the United States. So you have to demonstrate it to a greater extent by leaving some troops.

Q. Have the South Vietnamese operations in Laos confirmed your opinion that North Vietnam has lost the war, militarily?

A. In a way, yes. The South Vietnamese have now shown they can carry the war beyond their own borders into territory which the North has occupied for years.

This makes a tremendous difference to the posture of both sides. The South Vietnamese are no longer in a defensive situation inside their own country, waiting for the enemy to come in. Now they are in a position to attack the enemy in his base areas.

This means that the enemy now has to adopt a defensive posture in the war instead of a solely offensive posture.

Q. Is it your feeling that this is biggest over-all effect of the campaign in Laos?

A. I think to see over-all effects you have to look at both the short term and the long term.

Short term, the South Vietnamese have been effective in cutting through to the Ho Chi Minh Trail, damaging the enemy's supply organization and destroying a lot of his stocks—and at a time that should have been a peak period for him, when he would be bringing trucks in considerable numbers through Laos.

Even this short-term gain has given us a breathing space of anything between six and 18 months—maybe even right through 1972.

Long term, it means that the enemy now has to deploy forces along the Trail just to defend it. These forces have to be fed and supplied on the Trail, so the trail itself will become more self-consuming. Less trickles out at the bottom end as a surplus for mounting an offensive.

Q. How much has this diminished Hanoi's basic capability of continuing the war, or mounting future major offensives?

A. As I said, there is now a breathing space during which the enemy could not mount and sustain any offensive action into South Vietnam which the South Vietnamese could not handle with perfect ease.

But I think, most important of all, the Laos operation shows that Vietnamization is working. The South Vietnamese were able to go into Laos, right into the enemy heartland, with a comparatively small force of about 20,000 men. Most of the talk has been in terms of their going only 12 or 15 miles into Laos, but one must not forget that the whole thrust of the campaign—in terms of military organization—was all the way from Dong Ha, a distance of more than 60 miles.

The operation has had a great effect on the South Vietnamese Army. Its morale will be high after this. And, most surprising of all, the campaign had an extraordinary good reception in the countryside. Many people have been speaking to Vietnamese peasants about this, and over 90 per cent were in favor of the invasion.

Q. What changes have you noted in Hanoi's combat capabilities over the past two or three years?

A. Oh, that has completely changed. I

think it must be emphasized that two or three years ago—for example, at the time of the big Tet offensive in 1968—the North Vietnamese Army could operate as a guerrilla infiltrating army because it then had enormous support from the Communist Viet Cong within South Vietnam. Viet Cong units were intact and active. They could prestock food and ammunition forward for North Vietnamese regulars.

Now it is completely different. The North Vietnamese are no longer an infiltrating army. They have been forced to turn into a conventional army, bringing their own supplies with them. This is much more expensive for them, and it is much more expensive for their supporters, Russia and China. If the North operates in a conventional way, and they have little choice now, it is much easier for the South to deal with them. The South Vietnamese are now the better equipped, in fact, for dealing with a conventional war.

Q. Can South Vietnam now go it alone in ground fighting, both inside the country and in Cambodia and Laos?

A. I think Americans have got to get out of their minds their ideas about the South Vietnamese Army as it was four or five years ago. This is a new Army. You now have people coming to the top of the military whom I recall as bright, young majors back in the early 1960s. These are first-class professional soldiers, and I think they are going to be capable of handling anything.

Q. What about South Vietnam's Air Force? Will it ever be able to take over from the Americans?

A. Obviously the weakest areas for the South Vietnamese militarily—where Vietnamization has advanced the least—are logistics and air support, both tactical air support and helicopter mobility.

The air problem is particularly difficult. The main reason is that you have this very long, narrow country, threatened for a distance of over 900 miles. The Vietnamese cannot possibly manage to run air operations everywhere in this country simultaneously. They just could not afford the trained manpower for it, even if the United States made all the money and equipment available.

We now have an internal situation here where enormous progress can be made in the administrative, economic and other domestic fields, but you need good men for it. I would rather see a good Vietnamese as a teacher in a school than as a helicopter pilot. For the future, it is much more important.

VITAL: A PORT IN CAMBODIA

Q. Sir Robert, could South Vietnam survive if the Communists take over power in all of Cambodia and Laos?

A. If the Communists had a completely free run down the Laos panhandle and had full control over Cambodia—particularly if they had Kompong Som opened again as a port—then South Vietnam could not stand.

You could not possibly defend a country like this, with long borders and very rugged terrain, without enormous forces. Five hundred thousand Americans could only barely do it—just barely.

Q. What if the situation goes on as it is, with the Communists controlling at least half of both Cambodia and Laos?

A. Cambodia's southern port is the really important point, because in the past it was supplying the whole of southern South Vietnam as well as Cambodia. Without the port, everything has had to come down the Trail—and we come back to the Laos operation.

Laos is mainly important as a safe route for the enemy. If they were allowed to have a safe route again, then I think it would be dangerous. But I see no reason why it should go back to that. The American air attacks on the Trail will presumably go on. And notice has been served on the enemy that he is liable to be attacked again on the ground in Laos at any time.

Q. What major developments did you spot between your inspection trip to South Vietnam for President Nixon in 1970 and the latest one?

A. Except for the cross-border operations, that is a very short time for major changes—but even in those four or five months there has been a tremendous advance in one field: the economy. I think the change in the exchange rate last October and the other measures that went with it have really stabilized the cost of living.

In July of last year there was every indication the cost of living and inflation were just going right through the roof. Now they are being held down to reasonable proportions. I would regard that as perhaps the greatest gain of the past six months.

Another very important thing is that the rice harvest in the Mekong Delta is now in, and there is no question that this year South Vietnam has a substantial rice surplus. If we get the same sort of weather again next year, they will have an even bigger surplus. We have to start asking some different questions here—not how do you feed the country, but what do you do with your rice surplus?

"GREAT SUPPORT" FOR THIEU

Q. Looking back at a longer range, say over the past two or three years, what have the major developments been?

A. What has really changed is the strategy, the approach. Over the past two years the approach has switched to regaining control over the countryside, dealing with this as an internal problem rather than as an invasion problem.

What is coming through very strongly now is that over the past three years the Thieu Government has given this place some stability it did not have during the previous years. More than that, what is developing is great support for the Government.

Really, almost my only political worry now is that Thieu might win the presidential election in October too overwhelmingly. I would like to see him win sort of 55 to 45, but there is a very real chance he will get an overwhelming majority. Then all the skeptics in America will think it was fixed.

Q. Have there been any discouraging changes over the years since you have been coming here?

A. Not really changes that are discouraging. There are naturally still all the problems where action has yet to be taken. But I think if the Thieu Government keeps the stability we now have—and given some prosperity in South Vietnam—we have a chance of tackling some of these very difficult problems: corruption, evasion of taxes, low salaries and all that sort of thing.

These problems have been created mainly by the war, but you cannot just stop there and say that it is the cost of war. I have always put it this way: However many battles you win, if you are eroding the moral fiber of a country, then you are doing more damage than anything you can win on the battlefield.

I think one of the great problems over the next few years is to restore the moral fiber of the country, restore discipline, and that has got to start within the Government itself; particularly in those parts of the Government that come in contact with the people, like the administration and police.

Q. Has there been improvement in South Vietnam's ability to counter Communist subversion in the Government and in the countryside?

A. That has steadily improved all the time. It is really quite remarkable now if you look around Saigon. This is an overcrowded city of 3 million or, possibly, 4 million people, much of it a real maze. It should be an infiltrator's and terrorist's paradise. But here, where you would most expect it, there is no urban guerrilla warfare. They just cannot do it. The Saigon police have it under control.

Q. What about the countryside?

A. There is still some terrorism, but the village situation in most areas is basically very good.

"A GOOD CHANCE OF SUCCESS"

Q. How do you see the next 10 years in Indo-China—a continuing war, peace, or a battlefield stalemate?

A. It all depends on Hanoi's intentions and on the willingness of Russia and China to go on supporting Hanoi in those intentions. In that respect, one can see no change. So I think we are in a position where Secretary Rogers was right—we will get a "no war, no peace" situation.

We are, after all, on a frontier, and it is likely to remain one. There will be periods of standoff and periods of sporadic fighting. But there is now a good chance of a successful outcome, because the frontier has been successfully defended.

It would be foolish to throw that chance away.

STUDENT UPHEAVALS

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. SEBELIUS. Mr. Speaker, the youth of this country have been the subject of much debate and the object of much concern over the past few years.

It is natural that we should be concerned with our Nation's youth, not because of the noise made by a riotous few, but because the future of our country rests in their hands.

Young people bring to us an idealistic point of view which, coupled with their enthusiasm, can contribute much to our lives in this most difficult and complex world.

I believe that most young people love their country and are willing to make such a contribution. But sometimes enthusiasm and idealism are not enough—experience is also needed to make decisions on those matters which concern us.

I have here an article in which Tom E. Cooper, of Great Bend, Kans., describes his feelings toward America's student upheavals and toward the country as a whole. Tom Cooper has been a thoughtful observer of this country for many years, and I believe we can all profit from his impressions and beliefs. The article follows:

PUBLIC FORUM

DEAR EDITOR: Much has been said about the college students who have looted, burned and destroyed other peoples property. The actions of some of them have been disgusting and inexcusable. However, I have lived man's allotted three score and ten. During those seventy years I have seen drought, dust storms, grasshopper invasions, peg top pants, hobble skirts, the Ku Klux Klan, the I.W.W. and the Plum Plan League. Gone with the wind and I sincerely believe that even this will pass away. I have not lost faith in the young people of today. I firmly believe that at least eighty percent of them are good, level headed youngsters who are earnestly searching for a cure for the ills that curse the world today. The other twenty percent are the hell raisers who would burn down the establishment to get rid of a few rats in the basement. If they succeed let them be careful of the kind of an establishment they create to replace the old one for it will be the one that they and their children will have to live with for some time to come. These dissenters quote freely from the Constitution and the Bill of Rights as the authority for their freedom to carry on. The Constitution and the Bill of Rights does guarantee our Liberty and Freedom, but Liberty and Freedom carries with them grave responsibilities. The right to peaceful dissent is conceded by all, but the right to loot, burn and destroy other people's property, never!

Was the Constitution framed and protected down through the years by a bunch of weaklings who had no love of Country? Of course not. The Constitution was framed by men of wisdom and it contains provisions that forever protect us from tyrants. It has been preserved down through the years by men who had the courage to pick up their guns to quell the enemy from within and to demand that the foreign enemy stay away from our shores.

For the few young people who feel that the older generation are a bunch of know nothings, I must remind them that the people of my generation are the ones who went from the horse and buggy days to putting a man on the moon. We are also the generation who gave them the automobile, airplanes, radio, television and every modern convenience that we have today. If the young people of today wish to beat that record, I would suggest that they settle down and get to doing their thing, for it is going to take a lot of doing to even tie that record let alone to beat it.

Many marches have been held to protest our participation in the Vietnam war. I served in World War One, had two sons in World War Two and my youngest son spent eighteen months in the Korean Conflict. I hate war in all of its aspects, but I prefer war to wearing the chains of slavery and I would much rather die in an atomic holocaust than to wear the yoke of Godless communism. I feel that many of our campus disorders are communistic inspired, but I also feel that the vast majority of our young people are too smart to be taken in by a bunch of red hogwash.

The best advice that I have to offer to any citizen of this great Nation is to worship your God, honor your Country and its flag, guard well your Liberty and Freedom and be proud of your heritage. Our system may not be perfect but it still represents human liberty in the truest form ever devised.

TOM E. COOPER.

MAY DAY DEMONSTRATIONS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 25, 1971

Mr. THURMOND. Mr. President, there appeared in the Charleston Evening Post, which is published in Charleston, S.C., an excellent editorial which put the recent May Day demonstrations in the proper perspective.

The writing gave proper credit where credit is due—to President Nixon, who permitted the exercise of constitutionally guaranteed dissent when carried out in a lawful manner, but refused to allow such a group to violate the law and the rights of others.

Mr. President, as this editorial points out there is no substantive logic behind the demands of those who attempted to coerce our Government into yielding to their demands. President Nixon is successfully bringing the war in Asia to an end, and he is doing so with reasonable speed.

Mr. President, I recommend this fine editorial to my colleagues and ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BACKFIRE IN WASHINGTON

A threat to take over the nation's capital and paralyze government business is no laughing matter even when it is posed by a rag-tag army like that led on Washington yesterday by Rennie Davis. We make no jokes about Mr. Davis himself, even. He is an insufferable young man, but also a genuine revolutionary. He must be approached with caution, like a ticking bomb.

The explosion that Rennie Davis planned for the Washington scene this week seems to have backfired, we are pleased to note. Scenes of his followers fleeing down the streets of the capital ahead of angry cops have been viewed with equanimity elsewhere in the country. Mr. Davis himself has been arrested. Thousands of his followers are penned up in a football stadium or behind wire fences at an Army camp. Traffic, at last reports, was flowing smoothly.

Much of the credit for restoring things to normal goes naturally to President Nixon. He gave the marchers a decent chance to make their protest peacefully. Then he moved in with force and determination to keep them from harassing innocent people. Unlike some of his predecessors, Mr. Nixon has not given the impression of being either frightened or uncertain.

To be fair, though, it should be noted that he enjoys the assurance that most of the country is behind him in giving unruly demonstrators what they ask for. In numerous trials by fire imposed upon it by people like Rennie Davis, public opinion seems to have matured. Sometimes, anyway, it can distinguish between causes which are worth protesting for and those which are not. It has arrived at some judgments as to how far those protests should be allowed to go. Even Vietnam veterans, as earlier developments showed, do not have a blank check on public sympathy when they hit the streets to pound home a point.

As most people have duly noted, there is no substance behind the so-called peace marches in Washington. The machinery of withdrawal from Vietnam is turning with reasonable speed and efficiency. Little can be done to speed it up without risking a breakdown.

While sympathizing with young people who go to Washington to get their heads broken and suffer the indignities of prison pens, we have little respect for their common sense.

THE REVENUE-SHARING CAMPAIGN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. RARICK. Mr. Speaker, many Members are barraged by letters from elected officials in support of the so-called revenue-sharing program.

The usual appeal is that our cities are overextended financially and unable to raise their own financial revenue to foot the bill for the many promises and programs that people today consider a right rather than a privilege.

Perhaps the recent report from the New York Times that nearly one-half of the Nation's black population is now concentrated in 50 cities with one-third of the black population in just 15 cities is the best explanation of the desperation moves for revenue sharing and suggests who will be the largest benefactors.

Why the Times chose to become so racial and to inform the American people that their cities are captured is debatable. It could be to inform the people—or to intimidate the white politicians of the big cities into supporting more taxpayer bonanzas for the cities.

I insert a newsclipping at this point:

[From the Evening Star, May 20, 1971]

SIX U.S. CITIES MOSTLY BLACK

Nearly half the nation's black population now is concentrated in 50 cities—and one-third of the total is now in just 15 cities, according to a new Census Bureau compilation.

As a result of both migration and natural growth, six cities are now majority black and the population of eight others is 40 percent or more black.

The highest proportion of blacks of all cities was in Washington, D.C., and Compton, Calif., each with about 71 percent. East St. Louis, Ill.; Newark, N.J.; Gary, Ind., and Atlanta also have more than 50 percent black populations.

The cities with 40 percent or more blacks are Baltimore; New Orleans; Savannah, Ga.; Detroit; Birmingham; Richmond, Va.; St. Louis, Mo., and Jackson, Miss.

The new compilation, on minority groups, also showed that the two largest such groups—blacks and persons of Spanish origin—now total 31.5 million people, or 16 percent of the total population.

Blacks constitute about 11 percent of the population, a slight increase over 1960. Persons of Spanish origin are about 5 percent of the population, but no comparable figures were tabulated for 1960.

The Spanish-origin population totals about 9.2 million. The black population is now about 22.3 million, of which 10.5 million live in 50 cities, and 7.6 million live in 15 cities.

New York City has by far the largest black population, almost 1.7 million, an increase of 579,000 over 1960. This increase raised the black proportion of the city's population from 14 to 21 percent.

EFFECT OF U.S. GOVERNMENT FINANCIAL POLICIES UPON INTEREST RATES AND INFLATION

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 25, 1971

Mr. BYRD of Virginia. Mr. President, a newspaper column by the economist, Eliot Janeway, has once again focused attention on the effect of U.S. Government financial policies upon interest rates and inflation.

This column, published in the May 3 edition of the Birmingham News, notes that the downward trend in interest rates seems to have halted and a new trend is being established.

Last February, on the floor of the Senate, and again in an interview with Mr. Janeway, I warned that heavy government borrowing would force an increase in interest rates. I believe we are now seeing that prediction come true.

Mr. Janeway's analysis shows a relationship between government borrowing and the trend in interest rates, and it deserves careful study.

I ask unanimous consent that the text of the column, "No Mystery About Hike in Interest," be included in the Extensions of Remarks.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

NO MYSTERY ABOUT HIKE IN INTEREST

(By Eliot Janeway)

NEW YORK.—"Disappointing" was the word Treasury Secretary John Connally used to characterize the action taken late last month by New York City's No. 1 bank, the Chase Manhattan, in raising the interest rate it charges borrowers with prime credit standings. Ominous would have been a more precise word.

Connally is much too shrewd and successful an old pro at the political game to be conventional in his thinking.

Quite the contrary. I can testify that he is realistic; and in this day of old rules increasingly breached or reversed by new conditions, conventional expectations are more likely than not to be at variance with realistic calculations.

In expressing his disappointment with the Chase Manhattan's rate-raising move, however, Connally was cast in the role of public spokesman rather than strategic calculator.

On this occasion, it was the conventional wisdom of the economic advisers to the Treasury and the White House that he recited. As the baseball writers say of batters in a slump, "they're overdue."

Connally's supporting comment expressed the narrow and impractical knee-jerk thinking characteristic of the administration's economic experts. Connally explained that he was not aware of any appreciable rise in business loan demand to justify this increase in the price of commercial credit.

The briefing given him was right, so far as it went. No rise in business loan demand is in evidence; although April and May are the months when better business calls for bigger borrowings—provided, that is, better businss really is around the corner.

In this year of advertised recovery, the absence of a spring surge in business borrowing is particularly conspicuous. For the economy has been buoyed by two sources of calculated overproduction that are normally supported by bigger borrowings. The first has refilled the gap left in the auto-selling pipeline by last autumn's General Motors strike. The second is still stockpiling the steel, aluminum and copper pipelines in anticipation of next summer's strikes.

The failure of business borrowing to rise has admittedly been disappointing to the administration's economic advisers. They have been trying to reassure both the government and business with their blue-sky guesstimates of a runaway recovery for the economy. The slack demand for credit has been bringing them back to earth. But it has offered a consolation prize in the form of a forecast of continued cheap money.

If the briefing given Connally was right so far as it went, the question is, how far didn't it go? Certainly not so far as to charge or even to imply, that the good, gray, friendly Chase Manhattan—characteristically exuding public responsibility—was turning up in the profiteering, price-fixing role caricatured by John Kenneth Galbraith, Harvard economist.

No government economist could have dared go so far against this particular price increase—a rise in the rate of interest is just that. For the Chase Manhattan, far from leading the money market toward higher interest rates, was merely following a new uptrend already established.

What's more, this new rate uptrend was established, not because the banks selling money were reaching for a higher price but because the biggest and most busted borrower reaching for it—the U.S. Treasury itself!—was reduced to signaling its distress and therefore, its need to pay a higher price.

The expert briefing given to Connally neglected to mention a simple fact. The fact suffices to clarify the feigned mystery of a higher price for money despite no increase in demand for it. Business borrowing is not the only source of loan demand able to push interest rates up. Government borrowing can be at least as instrumental.

In the case of this latest portent of a new resurgence of interest rates, the scheduled increase in government borrowing has more than offset the stagnation in business borrowing.

Not that the credit market distress which set the stage for the Chase Manhattan's move was as surprising as it was upsetting.

Last February, Sen. Harry Byrd Jr. of Virginia warned on the Senate floor, and again in an interview in this column, that the scheduled inflation of government borrowing would force a disastrous new inflation of interest rates. It has begun to do so.

Of course, the government economists are still pointing with pride to the resurgent stock market. It did surge in response to the drop Washington engineered in interest rates and to the promised rise in business activity. But now, while interest rates are rising, business activity is still dragging.

Ominous is the word for any such state of affairs.

DETROIT NAACP ANNUAL FIGHT FOR FREEDOM DINNER

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. DIGGS. Mr. Speaker, on Sunday, April 25, 1971, the Detroit branch of the NAACP sponsored its 16th annual Fight for Freedom Dinner. This is not simply an annual observance or celebration; it is a time when citizens of all walks of life and color, religion and race come together in a mass demonstration of their personal determination to make real the commitment of democracy of freedom for all men.

Annually, Detroit's Fight for Freedom dinner raises over 100,000 in behalf of this cause. This year's dinner, as usual, was held in the city's Cobo Convention Hall, but in a time of presumed consumer retrenchment in spending, it was necessary to open an additional exhibit hall to accommodate the additional throngs of people who felt compelled to make their expression against the racism which pervades our world and in behalf of the freedom which can only save world civilization. These citizens made it once more the largest fund-raising affair of its kind in the United States, raising $180,000 to carry forward the work of the National Association for the Advancement of Colored People.

The speaker for the 1971 dinner was Clarence Mitchell, director of the NAACP's Washington Legislative Bureau. His familiar face in the Halls of Congress is the personalized embodiment of the Fight for Freedom. Indefatigable, pragmatic in the highest, most inspiring sense of never losing sight of the interrelation of political action to the goal—freedom—unwasteful of words, energies or talents which do not march to this end. To those who share in this dream and the fight there is no more honored person in the civil rights movement than he. For those who, to paraphrase the words of New York Times columnist, C. L. Sulzerber, "who have not learned to forget their atavistic prejudice against the pigmentation of skin," I dare to say there is no more respected person than he.

I want to share with you Mr. Mitchell's speech on the occasion of Detroit's annual dinner. His words concern all of the Members of this U.S. Congress and politicians everywhere who perpetuate or fight against the cancer of racism upon the world:

FIGHT FOR FREEDOM

For more than three hundred years the Americans who were brought to this country from Africa have been engaged in a mighty struggle to be free. Others of many races and religions share in that struggle.

There have been hundreds of martyrs. There have been and are thousands of heroes; some well known, some obscure and many known only to a few. We cannot measure the lives and the properties that have been lost by those who have dared to take a stand for justice and fair play.

In your own state the honor roll of those who have taken a stand for justice includes such names as Justice Frank Murphy of the United States Supreme Court, Senator Philip Hart, Walter Reuther, Dr. James McClendon, Gloster Current and William Oliver. Outstanding Americans such as our President Kivie Kaplan and our board Chairman, Bishop Stephen Spottswood, serve with total dedication and at great personal sacrifice.

Fortunately, the men and women who carry on the struggle for freedom, day after day and year after year, continue their labors. Some measure of the effectiveness of their work can be obtained from the Annual Report of Roy Wilkins, executive director of the NAACP, made at the organization's January meeting.

From an organization which operated on a pitiful budget of less than $50,000 in the early years of its existence, now in our 62nd year of existence we are able to show an income of $1,540,196 and expenditures of $1,472,050. From a handful of highminded individuals dedicated to making the brotherhood of man a reality, we have grown into a national organization that touches the lives and well being of millions of Americans. We are a free and effective organization because people like you, who are present tonight, raise the money for our operation.

The Wilkins report told of accomplishments in the fields of housing, labor relations, in our local programs and, of course, in our legislative work and our work with the executive agencies of government in Washington.

Among the new and significant items was one stating that an NAACP sponsored group called the National Afro-American Builders, Inc., had obtained $28 million in surety bonds for black builders who are working on construction projects valued at $378 million. Mr. Wilkins also reported that the Association is continuing its legal fight against discriminatory zoning regulations. It should be noted that on March 24 the first suit to implement our programs of ending discriminatory zoning was filed against the town of Oyster Bay, New York, where zoning ordinances require most single family housing to be constructed on one or two acre lots—thereby excluding the poor and the black.

He also reported that the General Counsel of the Association and other staff members were going to Germany for the purpose of giving assistance to servicemen who are the victims of discrimination. That mission is now completed and we are taking action on the findings. Just as a reminder of the NAACP's consistency I mention that in World War II, Walter White, who was then our national executive secretary, went to the war theater on the NAACP mission. Mr. Justice Marshall, when he was our counsel, went to Korea to assure our men in uniform that we were behind them. Now in 1971, through our general counsel, Nathaniel Jones, and our Veterans secretary, Julius Williams, the NAACP reaches across the miles between continents to tell our sons, our daughters, our brothers and our sisters, that we have not forgotten them.

As we review the record of the 91st Congress we can feel pleased about the defeat of pro-segregation nominees to the United States Supreme Court, the extension of the 1965 Voting Rights Act's prohibition against discrimination and the granting of the right to vote to persons in the ages between 18 and 21.

What I have said is not in the spirit of over optimism, but in the spirit of realism. It has always been my opinion that victories cannot be won by those who expect to be defeated before they begin to fight. I also believe that the forces of freedom and progress cannot be held together if we fail to show the gains as well as the losses in our struggle for the rights of man.

We know that our society can provide full employment for all of our citizens. We know that that employment can be fair so that men and women will not be barred from jobs on the basis of race, religion, national origin or sex. That is why we are fighting for enforcement powers for the Equal Employment Opportunity Commission and to extend its jurisdiction so that it may reach discrimination in Federal, state and local government. Just before Congress began the Easter recess, H.R. 1746, the Hawkins bill which will give enforcement powers to the Equal Employment Opportunity Commission itself, was reported favorably by a subcommittee of the House Labor Committee.

Enforcement is needed to speed up and broaden the effective application of this law, but even without the amendments we are now seeking, the value of the equal employment statute was dramatically illustrated on March 8, 1971, when the United States Supreme Court handed down the decision in *Griggs* v. *Duke Power Company*.

In this case the United States District Court had found that: "Prior to July 2, 1965, the effective date of the Civil Rights Act of 1964, the Company openly discriminated on the basis of race in the hiring and assigning of employees at its Dan River plant. The plant was organized into five operating departments: (1) labor, (2) coal handling, (3) operations, (4) maintenance, and (5) laboratory and test. Negroes were employed only in the labor department where the highest paying jobs paid less than the lowest paying jobs in the other four 'operating' departments in which only whites were employed."

When it became necessary to halt discrimination by assignment, the company began giving tests and demanding certain educational requirements as a condition for assignment to any department except the labor department. The Supreme Court's decision struck down these new impediments because it found that the law requires employment tests to be job related and in this instance the tests were not job related.

On the matter of fair employment I am keenly aware of the fact that Congress, itself, has not given a fair share of jobs to black Americans. But I think you who have not been to Washington should know that your two Senators are trying to set the right example. Senator Hart's policies are well known. Also in Senator Griffin's office in the Capitol building, a young lady who greets you is a living example of fair hiring.

In this country we have come some distance from that point when President Franklin Roosevelt talked about a third of the nation being ill housed. Nevertheless, we know that we have not yet met the housing needs of the poor and even the needs of persons in the average income bracket. We are determined to make existing legislation work so that it will be possible for all who desire to be home owners to acquire property and also make it possible for all who are renters to get decent living conditions at reasonable prices. What we cannot do under existing law, we shall accomplish by additional legislation.

We have new weapons with which to fight against discrimination in the sale and rental of housing. These are the Fair Housing Act of 1968 and the court decisions implementing the language of the Civil Rights Act of 1866. Recently we met with Secretary George Romney of the Housing and Urban Development Agency to urge that the pace of attacking discrimination in the sale and rental of housing be stepped up. This same plea was made by the Black Caucus when it met with the President on March 25, 1971.

At this point I would like to commend the people of Detroit for sending two great Congressmen, Charles Diggs and John Conyers, to Washington. As you know, they are prime movers in what is popularly called the Black Caucus, and Mr. Diggs is the chairman. But I want you to know that long before there was a Caucus they were working for the best interests of all people who are deprived or mistreated because of race, religion or national origin.

We have scored major successes in attacking discrimination in the admission policies of hospitals. We have extended medical care to many who would have died or become invalids for life without such care. Yet, it is a fact that we have only scratched the surface in this area. As we look at the misery caused by preventable diseases and the financial crises that arise whenever there is a major illness or the need for hospital care among our citizens, we become more certain than ever that we must have a program of health care that benefits all parts of our society.

In addition to the privations that all citizens face, many of the minority groups of this country must bear an additional burden of being excluded from or segregated in the offices of doctors who are the only available medical resource in some communities. We must find a way to make certain that a man who holds a license to practice medicine cannot arbitrarily refuse assistance to one who is in pain simply because that person is black or cannot speak English. We must make certain that any institution which holds itself out to be a hospital, a clinic or convalescent home does not raise the no admittance sign when there is a black or brown patient seeking entrance.

As we contemplate the wonders of our scientific age, we know that education is no longer a luxury. It is now imperative that our people be enlightened through the classrooms of our schools and colleges. We know also that the local communities and even the states cannot meet the need. We are determined that this need will be met with Federal funds and that these funds shall be spent for all of the children without any restrictions based on race or any other irrelevant factor.

Although there are many other items on which one could dwell, I shall conclude with a brief reference to the so-called revenue sharing plans that are before the Congress at this time.

"Our cities face decay, our public services are in shambles, and the tax burden of the average cities seems even greater with less to show in return for what he pays. It has been suggested that one way to meet these problems is to give our state and local governments monies from the Federal treasury and at the same time permit the expenditures of these monies in whatever way the state and local governments see fit. This kind of program can be an invitation to monumental waste.

Some of the need for Federal help at this time is traceable to the unjust and wasteful expenditures of public money by callous state and local officials. Such officials have paved streets in white neighborhoods, while leaving dusty paths as the only means that colored citizens could have to reach their homes, their schools and their places of worship. We have seen notorious examples of water and sewer facilities by-passing certain sections of states, counties and cities because the residents in those areas happened to be black. We have seen the razing of homes of the poor in order to build offices, luxury apartments and super highways with no thought of what should be done for the persons who are displaced by these projects. All of this should be a warning that we cannot put money collected from all the taxpayers into the hands of state and local officials who, on the record, have shown that they will not be fair in the expenditure of such funds. We must increase the flow of money to our states and cities, but it must be done in a way that will assure that all of those in need will benefit and not just a few.

I appreciate this opportunity to speak to you and on behalf of the people we serve I thank you for being present and for giving your support to this great cause.

WASTE IN CERTAIN SOCIAL WELFARE PROGRAMS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 25, 1971

Mr. BYRD of Virginia. Mr. President, the May 4 edition of the Nashville Banner included a thoughtful editorial on the subject of waste in certain social welfare programs.

The editorial notes that the State of New York has ordered a limit on the rent and the length of stay for welfare recipients in hotels. I recently called attention to the fact that welfare families were being housed in New York hotels at an average rent of $763 per month, or $9,156 per year, per family.

I ask unanimous consent that the text of the editorial, "Yes, Fed Up," be included in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

YES FED UP

"If officials charged with direction of social welfare programs continue to fund ski trips and suites at the Waldorf-Astoria, then these programs are going to lose the support of the Congress and the people."

So concludes the argument of Virginia Sen. Harry F. Byrd Jr., presented in a speech on the subject—an enlightening discussion bearing on the case for genuine REFORM of the program mentioned. What Senator Byrd said further was that taxpayers outside New York—where the matters criticized have occurred—are concerned, for the Federal Government bears approximately half the load, and that involves every U.S. taxpayer.

Now note: The State of New York now has ordered a limit on both the rent and the length of stay for welfare recipients in hotels. An estimated 1,300 welfare families consisting of 5,713 persons at one time were found living at these hotels at welfare expense—

in New York City alone, that is; and the welfare rent cost for one of these families was $1,215 a week.

Said Senator Byrd: "I think the American people are getting fed up with this kind of abuse of trust by public officials—for it is an abuse of trust when officials permit the waste of tax dollars."

It is time, too, for the genuine welfare reform that has been promised.

FUNDING OF VA HOSPITALS—A CONTINUING PROBLEM

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. TEAGUE of Texas. Mr. Speaker, my colleagues in the Congress are aware of the serious staffing and funding deficiencies which have plagued the Veterans' Administration hospital system over the last few years. This situation reached an alarming crisis last year and the Congress appropriated $105 million more than the President requested in his budget for veterans medical care in an effort to meet some of the more pressing needs of the VA medical program. The budget proposal which has been presented to Congress for fiscal 1972 calls for almost 7,000 hospital beds to be mothballed in an effort to save over $100 million. During fiscal 1972 it appears that the Veterans' Administration will need about $120 million more for medical care to prevent this reduction and maintain a proper level of care for America's veterans.

Mr. Speaker, I have contended all along that the Veterans' Administration gives the best medical care possible with the resources that are made available to them. I have received countless letters from veterans and members of their families about the quality of care given in our VA hospitals. I received one a few days ago which I believe so well pinpoints the compassion and dedication of our VA medical personnel and yet so vividly reminds us of what needs to be done to better staff and maintain our VA hospital system. I want to share this letter with my colleagues.

The letter follows:

SPRING GREEN, WIS., *May 17, 1971.*

Hon. OLIN E. TEAGUE,
Chairman, Committee on Veterans' Affairs, Washington, D.C.

DEAR MR. TEAGUE: I have completed and returned the card addressed to my brother asking for answers to a few questions on hospital care for veterans. The card arrived only a day or two after he passed away in the V.A. Hospital at Madison, Wisconsin. I want you and your committee to know that the treatment he received in the hospital was excellent, that he had been in and out of the V.A. Hospital many times in the past five years since his condition was diagnosed and that the doctors and nurses there were almost without exception efficient and sympathetic, and I do not believe that General Eisenhower received any better treatment or care than my brother did and their ailment was very, very similar.

In the five years that I have been visiting him in the hospital I have noticed some things that *do* distress me. Especially in the last two years since funds have been curtailed, the day rooms are likely to be neglected, there is less maintenance and ward help and during the last two weeks when we were at the hospital a great deal, we noticed that the doctors and the nurses were many times greatly over-worked and fatigued. I realize that this is due to a lack of funds and I feel that the administrator is right in using the funds available for the more essential things. However, with all the money that is being spent on less essential things (like the SST) I feel that anything that can be done to get more funds for the V.A. should be done.

My brother had medical and hospital insurance but his confidence in the doctors and in the V.A. Hospital at Madison were such that he much preferred to go there. I wish I were in a position to do something to help the Veterans' Affairs Committee for I feel that the staff at the V.A. Hospital in Madison gave my brother five years of life for which *I* am greatly appreciative.

Sincerely yours,

VERA A. SCHWARTZ.

THE U.S. SAVINGS BOND DRIVE OF THE WORKERS OF THE SIMPLICITY MANUFACTURING PLANT

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 25, 1971

Mr. THURMOND. Mr. President, the worthy contribution of the workers of the Simplicity Manufacturing Plant in Lexington, S.C., has been brought to my attention by the plant manager, Mr. R. J. Kronschnabel. During the 2-week annual U.S. savings bond drive 100 percent of the workers of this subsidiary of Allis Chalmers signed up to purchase U.S. Savings Bonds. It is heartening in these times of demonstration and looting to see such patriotism and support for our Nation. This unselfish effort deserves the consideration of the Congress.

Mr. President, I ask unanimous consent that Mr. Kronschnabel's letter to President Nixon be printed in the Extensions of Remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SIMPLICITY,
Lexington, S.C., May 7, 1971.

Mr. RICHARD M. NIXON,
The President, The White House, Washington, D.C.

DEAR MR. PRESIDENT: During the weeks of April 19 to May 7, 1971 the Simplicity Manufacturing Company Plant, subsidiary of Allis Chalmers, in Lexington, South Carolina conducted its annual U.S. Savings Bond Drive.

During this two-week period we were able to contact and sign up all 184 of our employees to reach our goal of 100% U.S. Savings Bond participation.

Realizing the difficulties facing our Country and in particular those which you face and deal with each day I thought you would be happy to hear good news of this sort.

Sincerely,

R. J. KRONSCHNABEL,
General Plant Manager.

STAR HERALD BEST AT GENERAL NEWS COVERAGE

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. HATHAWAY. Mr. Speaker, at the beginning of this month, a weekly newspaper that serves many of my constituents in Maine's Second Congressional District was named the Maine newspaper with the best general news coverage by the Maine Press Association.

The paper is the Presque Isle Star Herald, published by Carl Hall and the Northeast Publishing Co. of Presque Isle and edited by Frank S. Knight. In a May 5 editorial the Star Herald recognized that it "was cited for doing exactly what a newspaper is supposed to do—print the news. This includes exposing those things in society which are wrong and about which something should be done.

In addition to the best in general news coverage, the Star Herald also received two other Maine Press Association awards: Second place in the best editorial page category and third place in the best use of photographs and graphics.

I would now like to bring to the attention of my colleagues some samples of the journalism practiced by the Star Herald. In the May 5 edition, they initiated a continuing series called Potato Perspective, a straight-shooting, objective look at the problems facing the potato industry in Maine. The series is an attempt to tell it like it is—the problems are grave ones and only courageous new initiatives can overcome them—and to tell it to the only people who can solve them, the potato farmers of Maine, many of whom reside in the Presque Isle area.

The first three articles in the Potato Perspective series follow, the first authored by V. Paul Reynolds and the second and third by Star Herald editor Frank S. Knight.

THE POTATO CRISIS CONTINUES

(By V. Paul Reynolds)

The potato farmer is in big trouble.

In fact, the Maine spud industry, of which the grower is a vital part, is in the midst of a mess that is unprecedented in it's 150th year history.

Most of America's 200 million people eat potatoes in one form or another. Last year, according to the U.S. Agriculture Department, each American consumed an average of 118 pounds of potatoes. That's a lot of spuds.

Housewives haven't stopped buying potatoes, yet the industry particularly in Aroostook County is facing a test of survival. Why?

That is the purpose of this perspective. To examine the present problems of the potato business in Aroostook in the context of the past and with an eye to the future. Certainly, nobody has all the answers, regardless of his expertise in any given area of the potato industry. If there were a panacea, the headaches of the growers would not be increasing.

One thing is certain. The financial mechanics of the total industry are as complex and many-sided as are the causes of the current industry crisis. However, just as there are reasons for the problems that exist today, there has to be solutions.

Assuming that the farmer obtains a good quality yield from his crop, his problems really begin after digging. He must sell his potatoes at a price that will give him a decent return.

It is at this point that a farmer must stop being a farmer and assume the role of a businessman if he is to survive. Over the years, prices on a barrel of potatoes have fluctuated from a dollar to ten dollars a barrel. Sometime, somewhere in this ever-changing price range the grower must sell. For the farmer, it is a time of decision. He fights time and market changes and although his product is perishable, he desperately holds out for the best price. Sometimes he is right. But the current plight of the Aroostook grower suggests that more often he is wrong.

Enter the New York Mercantile Exchange and the battle of the futures-trading board. This commodity exchange presents the farmer, as well as the dealer and the processor, with numerous buying and selling options throughout the year. It is felt by many that the exchange is a partial cause of the industry's problems. (The Mercantile Exchange is a timely and complex topic which will be dealt with next week in detailed examination of the workings of the exchange. The pro and con of the Mercantile system will be discussed in Potato Perspective Part II)

Aside from the Mercantile Exchange, however, there are many other aspects of the potato industries problems. Let's look at them.

Historically, the Aroostook potato farmers have enjoyed some very prosperous years. For example, most farmers recall the decade from 1941 to 1951 when federal action in the form of subsidies and controls made potato farming a highly lucrative business. Some say this period "spoiled" the farmers. In those days spuds were gold and every piece of land that wasn't a graveyard was plowed and planted. Nobody gave a damn about intelligent agriculture. They forgot, in the spud-rush, about such things as crop rotation, early plowing, soil replenishment, and the growing of staple crops, dairy cows, and other aspects of farming.

It is very possible that this period of prosperity has had a latent impact which is being felt by the potato grower today.

There are other considerations. Farmers in other parts of the country heard about the Maine spud-rush of the forties and jumped on the potato planting band-wagon. Western states were given federal land supplemented by huge water supplies and irrigation systems. They planted potatoes which grew well. Idaho surpassed Maine in total production and this year Washington produced the best quality and yield crop in their history. Now they have a surplus and the government has refused Washington's request for a diversion program. Washington's superyield compounds the national potato surplus which also hurts the Aroostook grower.

Those in the know have ideas and suggestions for getting county growers out of hot water. There are many schools of thought on this subject, most of which have merit. We present some of these thoughts.

The marketing system for potatoes is outmoded. It must be replaced by an equitable system that gives the farmer a continual acceptable margin of profit for his product.

Oddly enough, the farmer is about the only unorganized class that exists in a completely organized society. Hundreds of attempts at creating an effective national organization have been made. None have been that effective. Perhaps, one day a successful entity will be born. The farmer, most of all, should take steps in this regard before it's too late.

A central marketing agency in Aroostook may well be a partial solution to the farmers marketing headaches. A central agency would be capable of controlling quality and price competition.

A worthwhile supplement to a central marketing agency would be a storage and packing center located in Southern New England. This would place the potatoes much closer to the markets and would also contribute to better quality control and cheaper transportation costs.

Other important considerations for the Aroostook potato growers are in areas of quality products and future planning.

Aroostook cultural production practices need to be reevaluated and up-graded. Fall plowing, crop rotation, and better seed are needed to enhance the quality of the Aroostook potato.

Research must be done by fertilizer people to determine residual effects on trace elements on the soil.

More experimentation is needed with a variety of seed types which will provide a shorter growing time.

Perhaps more irrigations systems are needed for better control of water.

The list of changes and new ideas which need implementing by the potato farmers is endless. It is true that a farmer can't improve his farming techniques if the potato business is bad.

But sometimes a crisis is necessary to effect change. It is clear that the crisis is here and is the result of much more than farming techniques and the quality of the product.

The producer of any product is in trouble when there is a national surplus of that product. It may also be that the speculative nature of potato futures trading has hurt the farmer. And perhaps potato futures are only undesirable in that the farmer doesn't understand them.

Aside from these problem areas, it is abundantly clear that first and foremost, a major marketing effort is needed soon if the problem is to be solved. But Aroostook potato farmers have been enduring and surviving crisis for over 150 years. It is my bet that they will continue to do so-one way or another.

USE OF THE MERCANTILE EXCHANGE

(By Frank S. Knight)

(This is part two of a continuing series on the potato industry as seen from the standpoint of those most closely involved. Editor.)

Judicious use of the New York Mercantile Exchange to trade Maine potato future and good management practices on the farm must be combined, according to Merle Johnston, manager of the New York Mercantile Exchange Office in Presque Isle.

Johnston, who looks back on a quarter century of working with potatoes, contends that the Mercantile Exchange offers several uses for the farmer. (1) He believes that the Exchange gives the farmer a hedge for credit as well as for financing of future crops. He further contends that the major reason that Maine potato growers have voted for abolition of Maine futures trading on the Exchange is that they do not understand the operation of the Exchange and, furthermore, that they make no effort to do so.

Speaking in a rapid-fire manner, Johnston delineates the several ways in which the Mercantile Exchange can be used by the farmer. First, he says, the farmer must, as any good businessman, decide what his investment is. When he has reached a decision as to his investment in a given year's crop, says Johnston, he should then hedge a portion of his crop, enough to cover his expenses, on the fall board. Johnston suggests an example of the grower with 90 acres of potatoes who might place a third of his potatoes in futures at a price which could return his investment in that year's crop. He then advises systematic and, what he terms, judicious appraisal of both the open market and the Exchange to complete a cycle which gives him the desired return on his investment.

What many farmers fail to realize, according to Johnston, is that the potato business is just that, a business, and it must be run like one. He abhors the operator who, with great relish, gets his potato seed into the ground and then in many instances fails to follow up with good practices which will guarantee: first, a robust crop; and second, an investment return. He cites the example of the grower who, once his potatoes are growing with tops waving in the mid-summer breezes of Aroostook, decides to go to camp for a week or sometimes more. Although he admits that this is not a practice which is followed by the majority of farmers he says that this all too often is the case with those who are, what he termed, marginal producers.

On the other side of the scales are the many Aroostook growers who voted for the abolition of Maine potato futures on the Mercantile Exchange. These growers, through the Maine Potato Council, voted 1,267 to 1,700 in favor of abolition. The Council contends that this heavy vote in favor of abolition is indicative of the wish of all growers to rid themselves of futures trading on the Exchange. Johnston, on the other hand, and others who favor continued futures trading of Maine potatoes contend that this is not a really representative vote of those who understand the Exchange. They further contend that to abolish, by legislation, an instrument which could be used to their advantage would act as a detriment to the entire industry.

Those who have favored abolition of Maine futures have expressed the belief that the fluctuation of prices of the Exchange has been a detriment to the street price of potatoes. They say that the street price drops as the board changes, whereas changes on the board do not, in many instances, represent an actual change in either the supply or demand picture. They further claim that the long-term effect of the Mercantile Exchange on overall prices has been to hold them down.

Johnston and other adherents of continued futures trading of Maine potatoes point to this past season's activity on the board and in the market place as a prime example. They claim that this past season's activities prove that board prices actually improve market prices and to substantiate this claim, they point to the increased activity and price of May futures and at the same time the increased prices paid in the market place.

Summing up his case for continued trading of Maine potato futures, Merle Johnston points out that the New York Mercantile Exchange, just as all commodity exchanges, comes under the control of the Commodities Exchange Authority (CEA) of the United States Department of Agriculture. The CEA, he says, checks all activities of the Exchange and any inequities are punished quickly and forcefully. He admits that in any dealings involving large sums of money there is a possibility of some person or persons, as has been the case with the Mercantile Exchange, trying to take advantage of a quick and sometimes off color deal. These attempts are met, according to Johnston, with vigorous preventive efforts on the part of Exchange officers and the CEA.

Whether or not the United Department of Agriculture, on direction of the Congress, decides to stop the trading of Maine potato futures on the Exchange appears to be almost a moot point at this time. The industry is in a bind. Credit for many is short. Growing, marketing and promotion methods have not kept up with the times. Other areas of the country have forged ahead of the State of Maine in both production and marketing of potatoes. A national promotion effort, which was authorized by the past Congress, is given little chance of achieving a great deal by many industry sources. The Economic Research Service of the USDA reports that most farmer-sponsored promotion campaigns fair poorly. The study which includes observations from food stores cites several weaknesses in such promotional campaigns. First, it says they are poorly planned, often too many campaigns are being run at the same time, that there is poor or in many cases no existent liaison and field representation, and that it just costs too much in store personnel time. But the great criticism is the poor quality of the products included for promotion. The report goes on that stimulating consumer interest is of little value as far as sales are concerned if the products are not available in good supply and in good quality.

Potato experts from the Cooperative Extension Service of the University of Maine have long emphasized the need for quality control of Maine potatoes. They also point out the need of individual acreage control in all areas of the country based on USDA crop production advice. This year's report advises that the Maine planting quota be reduced by six percent. The acreage guide asks for reductions of up to 15 percent in Idaho, Washington State, Oregon and South Dakota.

Most industry sources questioned in the State of Maine said that they felt Maine growers might comply with the acreage reduction suggested. These same sources, however, as well as industry sources in other sections of the country are doubtful that the large acreage reductions suggested for the western states will be followed. They point to a longer growing season, an abundance of water for irrigation and greater access to processing as reasons for continued increased production in the western areas.

The Maine potato producer then must come to the decision that he faces two major problems: heavy competition from fall growing areas in the west and a lack of marketing and promotion knowhow or "business acumen" for his own crop.

Many industry sources are advocating strong marketing order, central packing facilities and increased promotional activities in the major markets, as well as continued trading of Maine futures on the New York Mercantile Exchange as the way out for the Maine farmer. Whether this system has merit or not can only be decided by those who realize that all business in Aroostook County needs a strong market for the county's major crop. Perhaps the present crisis in the industry will serve to unite all business factions in a major effort to save not only the potato industry but the economy of "The County."

PLANTING PRACTICES

(By Frank S. Knight)

This is Part III of a continuing series about the potato industry, seen from the standpoint of those most closely involved. Editor.)

"Proper potato planting practices have gone by the wayside with the land being strained to the breaking point to produce a crop that is smaller per acre each year." The foregoing statement comes from a man who has produced consistently good crops of potatoes for over a quarter century. He and farmers like him abhor the way in which Aroostook land is being used by many potato producers.

A quick check with specialists in the field of potato planting practices from the Cooperative Extension Service of the University of Maine would seem to uphold this potato producer's contention. The Extension Service reports that Aroostook growers, by and large, are trying to develop a specific market for their potatoes, and a specific potato for the market. They cite examples of farmers who are becoming strictly process growers, seed growers or a combination of seed and tablestock producers.

Potato acreage generally has increased during the past decade. Production per acre, however, has not kept pace with the increase. Although yields have increased some four percent in Aroostook County in the past 10 years on the average, general production per acre increases have been nil. Compared to the situation in Aroostook County, competing areas in the fall producing states have done much better in increasing their production per acre, they also, it is true in most cases, have increased their total acreage.

Comparisons between Aroostook County and other fall-producing areas show an increase of only nine cwt.. per acre production in the past decade, from 229 cwt. in 1960 to 238 cwt. in 1970. In the Red River Valley meanwhile, yields were increasing from 124 to 140 cwt. per acre; in Idaho, from 182 to 215 cwt. per acre; and in Washington, from 284 to 410 cwt. per acre during the decade. The major comparison then is between a 44 percent increase in yields in Washington State and the four percent increase in yields per acre in the State of Maine from 1960 to 1970.

One of the reasons cited for Maine's lack of acreage increase in production is the lack of rotation on our best potato lands. Many farmers, it seems, have felt that with the large machinery which they were operating, the six- and seven-bottom plows, large two-row harvesters, four-row planters and other such machinery, that they had to stay on the better lands work them over a longer period of time. This has resulted in a serious reduction of nutrients in the soil. It has also been shown that proper rotation improves the tilt of the soil and tends to reduce compaction and clotting, and improve aeriation. Cracking and crusting of the soil is also reduced through the use of rotation. Rotation also increases the water-holding capacity of the soil, making more water available to the plants and improving the nutrient-holding capacity of the soil.

Through their continued use of the same land over and over again, Aroostook farmers have not only reduced the productive quality of the land but have increased their cost of production because of the necessity of adding more nutrients to replace those drained from the soil. Even the removal of stones from a field has an effect on the ability of that land to produce in a continued manner. No one expects, particularly with today's advanced use of machinery, that rocks can be left in the field; however, extensive removal of stones has a direct effect on the tilt of the soil, intensifying the problem of compaction with the use of heavy equipment.

Rotating of crops, any crops, has been shown to be beneficial to the soil. This is particularly true of a crop such as potatoes which has the effect of removing soil nutrients very quickly. Rotation with some other crop which returns nutrient materials to the soil is imperative in order to increase crop yield. Plowing under such green manure crops as millet, buckwheat and oats have reportedly increased yields sufficiently to pay for the cost of the rotation.

Other planting practices, including preparation of seed, apparently have a good deal to do with production. Mechanical seed cutters, according to surveys conducted in recent years, have been found to be less than completely accurate and it is advised that great care be taken with their use.

A comparison of present-day farming in Aroostook with the past does bring forth one major point; farmers have become specialists in their production. The dual purpose farm which necessitated the rotation of land to grow crops to feed farm animals, as well as people, proved most beneficial to the land. Our machinery was lighter, thus reducing compaction of the soil. Most land was expected to produce crops of potatoes only every second or third year, thus improving the moisture capacity and tilt of the soil. Seed was cut by hand and great care was taken that the seed piece had sufficient eyes to insure a good uniform plant stand at harvest time. The only disadvantage then of farming ten, twenty or fifty years ago was the lack of effective fungicides and insecticides which are available today.

A summation then would appear in order to this effect: In order for Aroostook potato producers to become once again competitive in the potato market, they must combine some of the hard-learned lessons of the past with the modern-day effectiveness of technology. They must be willing to add that small extra labor to their land, that small extra labor which will save their industry.

CRASH CRUSADE A QUESTIONABLE QUEST?

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. HUNGATE. Mr. Speaker, I would like to bring to the attention of my colleagues the following article from the Christian Science Monitor which provides a balanced and serious view on cancer research programs:

CRASH CRUSADE A QUESTIONABLE QUEST?

(By Robert C. Cowen)

WASHINGTON.—President Nixon is promoting his "crusade" against cancer with trumpet calls for battle. But to many biologists they sound more like a lure that could lead their research into a quagmire.

They feel such a program would distort the whole biological research pattern, draining badly needed scientists from many fundamental areas.

They foresee growing public, and congressional, disillusionment when expected "practical" results don't mature for perhaps a generation.

They are concerned that, once again, a crash-program response to a narrowly defined national goal is being substituted for balanced support of basic science in general.

As outlined by the President in his May 11 statement, his plan would mobilize bio-medical research through a special project organized within the National Institutes of Health. He proposes adding $100 milion for fiscal 1972 to the $227 million 1971 budget of the N.I.H-National Cancer Institute, adding more money later as needed. He envisions the director of the anti-cancer crusade as reporting directly to the President, bypassing both the N.I.H. director and the Secretary of Health, Education, and Welfare.

The plan gives Mr. Nixon a closely parallel program to that proposed by Sen. Edward M. Kennedy (D) of Mass. in this politically attractive field. Senator Kennedy's bill would set up a national cancer authority with $200 million to spend in fiscal 1972.

Both proposals embody the illusion that mobilizing bio-medical talent in a single-minded national effort can lick cancer just as it put men on the moon. But the space program succeeded largely because it developed upon a base of preexisting basic scientific knowledge. The knowledge needed to launch a meaningful "space program" to develop a medical cure for cancer still is largely lacking.

One of the most distinguished research biologists and academic administrators in America emphasized this in outlining what he called widespread scientific opposition to any crash cancer cure project. In a discussion not for direct attribution, he told The Christian Science Monitor that many leading scientists have tried hard to dissuade both the Nixon administration and Senator Kennedy's group from the "space-program" concept.

"No one," he said, "knows how to profitably invest $100 million in cancer cure research today. What would they do? There aren't enough good researchers to tackle such an effort. Many kinds of other research would be put on the cancer cure wagon. Or they would try to turn some of the effort over to industry, as in the case of space. And industry is almost totally unequipped for such a task."

He further explained, as knowledgeable biologists have many times explained, that the road to a medically valid cancer cure must be built through the wilderness of the unknown. In spite of the great strides molecular biology has made in understanding the basic machinery of living cells, in spite of the discovery that some viruses seem to play a medically significant role in cancer, biologists have only vague clues as to where to build that road.

Even President Nixon's own science adviser Edward David has urged this logic on his boss.

He lost that argument. Apparently he has lost also in resisting the concept of a special anti-cancer agency.

Thus, in spite of the President's statement that he has discussed his plan widely with the experts, there is substantial scientific opposition to his cancer cure program.

Mr. Cowen is the Monitor's natural science editor.

DISPOSAL OF CERTAIN EXCESS GOVERNMENT PROPERTY AT NORTHEAST CAPE, ST. LAWRENCE ISLAND

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. BEGICH. Mr. Speaker, there are certain federally owned lands at Northeast Cape on St. Lawrence Island in Alaska that are of particular interest to the people of the island. In 1969, the aircraft control and warning function at Northeast Cape on St. Lawrence Island was terminated. The Federal Government has since vacated these buildings and other property. If these facilities would be declared excess by the Federal Government, they could be beneficially used by the people of Gambell and Savoonga, Alaska. The Department of the Air Force has indicated this could be accomplished if the Bureau of Indian Affairs would certify the villages' need for these facilities.

The Alaska State Legislature has requested that the Bureau of Indian Affairs prepare and send to the Department of the Air Force certification of the villages' need for this property. I am including in the RECORD the legislature's joint resolution regarding this matter:

SENATE JOINT RESOLUTION NO. 40: RELATING TO THE DISPOSAL OF CERTAIN EXCESS GOVERNMENT PROPERTY AT NORTHEAST CAPE, ST. LAWRENCE ISLAND

Be it resolved by the Legislature of the State of Alaska:

Whereas in 1969 the aircraft control and warning function at Northeast Cape, St. Lawrence Island was terminated; and

Whereas located at Northeast Cape are numerous vacated buildings and other property belonging to the federal government; and

Whereas, if these facilities could be declared excess, they could be used beneficially by the people of Gambell and Savoonga; and

Whereas the Department of the Air Force has indicated this could be accomplished if the Bureau of Indian Affairs would certify the villagers' need for the facilities and property and identify the facilities and property required by the people of Gambell and Savoonga for described projects;

Be it resolved by the Alaska Legislature that the Bureau of Indian Affairs is urgently requested to aid the village councils of Gambell and Savoonga in their efforts to obtain the abandoned facilities and property at Northeast Cape, St. Lawrence Island, in the most expeditious manner possible.

THE EMANCIPATION PROCLAMATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. RARICK. Mr. Speaker, many Americans continue under the misapprehension that by signing the Emancipation Proclamation President Lincoln freed all of the slaves.

Such a conclusion is false, as best determined by reading the Emancipation Proclamation itself. Delaware and Maryland were both slave States and fought with the Union during the Civil War. The slaves were not affected in Delaware, Maryland, nor in the District of Columbia, which was then as now, our Nation's Capital. In fact, as the proclamation states, "48 counties designated as West Virginia," seven other counties in Virginia, as well as 13 counties in Louisiana, including the city of New Orleans, were expressly exempt from the proclamation.

The history of our country as reported in its documents rather than the novels now passing as history books is most important if the American people are to appreciate and understand the tyranny being foisted upon them under the guise of law by those members presently serving on the Supreme Court of the United States.

The latest smoke screen thrown out by the judicial oligarchy to cover up their dual standard in the application of one set of laws to Southern States and a separate set of laws to the Northern and Western States is the criterion of de facto and de jure. Forced compliance laws are held applicable only to areas said to be de jure; namely, where racial segregation had been by force of law as opposed to the non-Southern areas where segregation is explained as de facto; namely, the result of a natural separation by individuals using their freedom of choice.

In essence this play in words is but an extension through semantics of the "conquered province" theory of force. To the victors go the spoils.

Considering that as late as 1950, 36 of the 48 States still exercised legal separation of the races—"de jure" segregation—in one form or the other—the Supreme Court's attempt to distinguish citizens of one area from citizens of another area, because of past State action comes as a shallow joke.

The so-called landmark case of Brown against Topeka Board of Education, involved a racial segregation suit against a school board in the State of Kansas. Kansas was not a slave State nor a Southern State; yet as late as 1954 its citizens exercised "de jure" segregation at the discretion of its people for law and order. It must be difficult to exempt Kansas from the fury of the recent Supreme Court edicts, because of a determination of de facto segregation.

I insert the text of the Emancipation Proclamation at this point in the RECORD:

222. THE EMANCIPATION PROCLAMATION, JANUARY 1, 1863

(U.S. Statutes at Large, Vol. XII, p. 1268–9)

As early as July 22, 1862, Lincoln had read to his Cabinet a preliminary draft of an emancipation proclamation. At this time Secretary Seward suggested that the proclamation should not be issued until a military victory had been won. The battle of Antietam gave Lincoln his desired opportunity; on the 22 of September he read to his Cabinet a second draft of the proclamation. After some modifications this was issued as a preliminary proclamation; the formal and definite proclamation came January 1, 1863. The *Diaries* of Welles, Chase, and Bates give interesting records of the Cabinet meetings. This proclamation was particularly important in its effect upon European, especially English, public opinion. See E. D. Adams, *Great Britain and the American Civil War*, 2 Vols.; D. Jordan and E. J. Pratt, *Europe and the American Civil War;* W. R. West, *Contemporary French Opinion on the American Civil War*. On the constitutionality of emancipation, see J. G. Randall, *Constitutional Problems Under Lincoln*, chs. xv–xvi.

By the President of the United States of America, A Proclamation:

Whereas on the 22d day of September, A.D. 1862, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

"That on the 1st day of January, A.D. 1863, all persons held as slaves within any State or designated part of a State the people whereof shall then be in rebellion against the United States shall be then, thenceforward, and forever free; and the executive government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

"That the executive will on the 1st day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State or the people thereof shall on that day be in good faith represented in the Congress of the United States by members chosen thereto at elections wherein a majority of the qualified voters of such States shall have participated shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State and the people thereof are not then in rebellion against the United States."

Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief of the Army and Navy of the United States in time of actual armed rebellion against the authority and government of the United

States, and as a fit and necessary war measure for suppressing said rebellion, do, on this 1st day of January, A.D. 1863, and in accordance with my purpose so to do, publicly proclaimed for the full period of one hundred days from the first day above mentioned, order and designate as the States and parts of States wherein the people thereof, respectively, are this day in rebellion against the United States the following, to wit:

Arkansas, Texas, Louisiana (except the parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James, Ascension. Terrebonne, Lafourche, St. Mary, St. Martin, and Orleans, including the city of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia (except the forty-eight counties designated as West Virginia, and also the counties of Berkeley, Acomoc, Northhampton, Elizabeth City, York, Princess Anne, and Norfolk, including the cities of Norfolk and Portsmouth), and which excepted parts are for the present left precisely as if this proclamation were not issued.

And by virtue of the power and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States and parts of States are, and henceforward shall be, free; and that the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defense; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known that such persons of suitable condition will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.

MARK BITTICK, OF IDAHO, AMATEUR WRESTLING CHAMPION

HON. LEN B. JORDAN

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Tuesday, May 25, 1971

Mr. JORDAN of Idaho. Mr. President, it is indeed a pleasure to call to the attention of my colleagues—who are prone to think of Idaho only in terms of potatoes—the outstanding accomplishment of one of my constituents.

Mark Bittick of Middleton, Idaho, garnered the lone U.S. victory in the World Amateur Junior Free-Style Wrestling Championships held in Tokyo, Japan, earlier this month. The 380-pound Middleton High School senior gained decisions over Bulgarian and Russian opponents in his final two matches, the Bulgarians placing first in the overall competition with the highest number of team points.

We of Idaho are proud to claim this world champion as a native of our State and I know Americans across the Nation join me saluting his victory.

CAMPAIGN EXPENSES

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. MAILLIARD. Mr. Speaker, the subject of controlling campaign expenses has been of great concern to me for many years. Once again, my constituents have reminded me that they are also concerned. An overwhelming 91.4 percent of those who responded to my annual questionnaire felt there should be a law to limit the amount of money spent on political campaigns. I have initiated action in the form of four bills aimed directly at controlling these runaway expenses. Of course, my action is not enough. I believe the Congress has a duty to act before the next election. Action is essential if the electorate is to maintain any semblance of confidence in the American electoral process. I commend to your attention a recent article from the San Francisco Examiner of May 16, 1971, by columnist Dick Nolan which not only addresses campaign reform, but gives a very good insight into the nature of congressional questionnaires.

91.4 PERCENT IGNORED

In Congressman Bill Mailliard's essentially conservative district there is almost unanimous agreement on one proposition—there should be legal restraints on the amount of money spent on political campaigns.

In Mailliard's latest poll of the constituency no fewer than 91.4 percent of the respondents voted for spending limits. An ultra-Tory 5.4 percent said "no limits," and 3.1 percent didn't know what to say.

What makes this bagatelle interesting is that it is a bagatelle. Who's paying attention to all these solemn little polls the Congressmen take? Not the Congressmen.

In this salty town it is almost impossible to get 91.4 percent agreement on anything you can name. Yet in regard to this campaign expenditure thing, so clear has the evil become that almost everyone calls for an end to it.

However it appears that participatory democracy, modern style, is all wind-up and no pitch. More's the pity.

Polling facilities are just some of the prerequisites our legislators have voted themselves in recent years. With modern computer methods, punch cards, and almost unlimited access to the United States mails, Congressmen can test the political winds with ease in the old home districts.

Bill Mailliard does it regularly, and it's a good idea, or would be if anything ever came of it.

But it is my question that these polls are read more attentively in the negative than in the positive. I believe Bill and his confreres are sharply more interested in what the hometowners are against than what they are for.

The "for" vote can be interpreted as a kind of upper limit, indicating what a Congressman can favor on rollcall without drawing fire from the constituency. It is not in the nature of a mandate.

But the "against" vote shows where the heat will rise in a given issue.

In Mailliard's current sounding, for example, 66.6 percent of his people said they favored a national health insurance program. But 22.7 percent said they opposed such a plan, while 10.6 indicated they didn't give a damn.

If Mailliard were to break his neck making the A effort for a national health plan, would all 66.6 percent be in there backing him all the way? Nope, that's not the nature of a general approval. But that 22.7 percent—they'd be around with hobnail boots to stomp all over the Congressman. That's what "against" means.

Thus it is interesting, but probably not productive, that Mailliard's conservative district is overwhelmingly in favor of a Golden Gate National Recreation Area, transfer of Federal land to state and local governments for public use, Federal enforcement of antipollution laws, and an increase in Social Security benefits.

About the only things Mailliard's people voted against were proposals for a minimum guaranteed income, and higher tariffs on imports.

In these matters, with a clear majority in opposition, Mailliard's course is abundantly clear. He can vote "no" to the satisfaction of most, without giving much offense to those who are "for," because the "for" people are the lukewarm ones—it is a rule of nature, I guess.

Still, when 91.4 percent of your people are in favor of something—as they are for campaign spending limits—even the most cautious of Congressmen would be justified to taking at least a tentative step.

I rather imagine that Mailliard's poll could be duplicated in every district in the United States, with much the same result. Everybody has become aware of the enormous amounts being spent on political link-up between money and corruption. By and large, whenever possible, Americans tend to prefer a reasonably uncorrupt political system.

Nothing is done. Nothing is done about campaign costs or campaign accountability. Nothing is done, either, about reforming the Congressional seniority system. Since it happens that these are areas of personal profit for Congressmen, what are we to think? And if we said so in a poll, would it make a difference?

PUBLIC WORKS AND THE ENVIRONMENT

HON. EDWIN W. EDWARDS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. EDWARDS of Louisiana. Mr. Speaker, recently I was privileged to be the master of ceremonies at the 14th annual meeting of the Louisiana Intracoastal Seaway Association in Houma, La. The principal speaker at the meeting was Mr. Kenneth Bousquet of the Senate Public Works Subcommittee on Appropriations. Everyone in this Congress who has public works projects in his district has a great deal of respect for Mr. Bousquet as I do.

In these days of extreme positions and statements on the environment, ecology, and related issues, Mr. Bousquet's views are most relevant.

So that all of the Members of this body will have an opportunity to read this presentation. I include Mr. Bousquet's talk in the RECORD at this time:

PUBLIC WORKS AND THE ENVIRONMENT

(Remarks of Kenneth J. Bousquet, professional staff, Senate Committee on Appropriations, Houma, La., Apr. 30, 1971)

Members of the Louisiana Intracoastal Seaway Association, distinguished guests. I was very pleased when your Executive Vice President asked me to share a few of my thoughts with you today. He was kind enough to let me choose the subject. I have selected Public Works and the Environment.

The development and conservation of the vast water and land resources of this great State is of primary concern not only to our present generation but also to all the generations yet to come.

Our society as a whole is in a constant state of change, and we are, therefore, in a continuous process of adaptation. A generation or so ago, change was slower and frequently unnoticed within a single life-span. Today, with the tremendous power resulting from the Industrial Revolution, dramatic changes can be observed within the span of a few years. Even so, some segments of our society either do not observe the changes which are taking place, or are indifferent to them. Others are so alarmed as to oppose all change, and they cry out, "Quit doing whatever you are doing that is affecting our environment."

Today, if a speaker wants to gain the support of his audience, he is for the environment and for improving the quality of life. Immediately his listeners are with him with applause, or shouts of "Right on!" He has instant communications—he has closed the generation gap.

But has he, really?

Perhaps he and I have different sets of values—perhaps I have a different concept of what will improve my quality of life.

Those of you here today who are of my generation recall the great floods of the past, including the 1927 flood on the Mississippi. I am certain that there is no question in your minds as to the improvement in your quality of life here in Louisiana as a result of the water resource improvements which have been made in the entire Mississippi River System. This system funnels the runoff of 41 percent of the drainage area of the United States and portions of two provinces of Canada.

These improvements could not have been made without affecting the ecology and the environment. In our example, the speaker who was going to improve the quality of your life may have had in mind a system of wild and scenic rivers that he and his family could occasionally visit and enjoy.

Any consideration of environmental factors naturally embraces air and water pollution controls. One source of air pollution results from the burning of fossil fuels to produce electricity which has relieved all of us of hard and boring tasks.

I think it might be interesting if, when the gentlemen here return home, they greet their wives something like this. "Honey, I am going to improve your quality of living. I have a device which will reduce air and water pollution." No doubt such an announcement would be welcome—until you presented her with an old-fashioned washboard and a cake of Fels Naptha soap. The reply would probably be—"You are out of your ever-loving mind."

A somewhat similar reaction could be obtained by telling your teen-age son that he has convinced you of the need to protect the environment and improve his quality of living. With such an announcement, the son reacts with the thought—"Gosh, the old man is really with it, he digs what's happening today." So he says, "What are you going to do, Pop?" Obviously, your reply is—"Give me the keys to the car."

In our headlong dash for materialistic gain, we have ignored many values which today we must pause and consider. Our problems are enormous—they have been growing at an ever-increasing rate since man first drew breath on this earth, and we are not going to correct them overnight.

I believe we have to determine which of our problems are the most pressing, and what the economic limit is to which we are willing to go to abate them.

It is frequently stated or suggested that except for *man's* indiscrete actions our environment would remain essentially unchanged. This, of course, is far from the truth. Our ecology and environment underwent great changes before man set foot on this earth, and drastic changes had taken place before the time of recorded history.

Technology is blamed for many of our woes today. Yet, archaeological explorations in some areas of this country show that as many as three civilizations have developed, flourished, and disappeared. In dealing with environmentalists an important distinction must be made between the *preservationist* and the *conservationist*.

The conservationist, for instance, will encourage the construction of fire lanes in our forests in order to preserve and protect them from fires of natural or man-made causes. The preservationist, on the other hand, will oppose the construction of fire lanes and is content to let the forest be destroyed if the fire is from natural causes.

Each species of animal has its own natural means of protection. Some have poison venom; others claws, fangs, speed. Man, having none of these, must depend on his intellect for protection and preservation.

Some of the actions we have taken have been shortsighted and have resulted in seriously damaging our environment. Others have been beneficial to man and harmful to other species. For example, by destroying the mosquito we have practically eliminated malaria and yellow fever. By that act, we changed our environment, and I, for one, consider it an improvement.

Today, there are those in this country who act as though, until now, no one has been concerned about the natural environment, and no effort has been made to manage and protect our natural resources. Nothing is further from the truth. For about 70 years we have had an active conservation program in this country. Today, we have large game preserves; the population of certain endangered species is increasing; we have more parks and national recreation areas; and historic shrines are owned and managed and preserved for the benefit of the public and for the future.

A great deal has been done and, admittedly, much more remains to be accomplished.

Air pollution is a serious problem, particularly in the large metropolitan areas. Drastic and costly steps must be taken to control the emissions from the smokestacks of industry and residences using fossil fuel. But, those standards must be within our technological and financial ability to meet.

For instance, to reduce air pollution in New York City to a level required by a Municipal ordinance, the fuel bill would be increased by $500 million a year. On the other hand, 80 percent of the reduction in air pollution could be accomplished for ten percent of that cost. I am certain that more could be accomplished if that saving of 90 percent was applied to sewage treatment works for the City of New York.

If the same standards adopted by New York were applied to Chicago, Detroit, and Pittsburgh, there would not be enough low sulphur coal in this country to meet those standards. We would have to import the coal and that would add to our unfavorable balance of payments.

I believe that I should pause for a moment to be sure that I am not misunderstood. I am for anti-pollution control; it is going to be costly. I am not saying we cannot afford it. Quite the contrary. We cannot afford not to do it. My point is, the job is so vast and so costly that at this particular juncture we must obtain the greatest possible reduction in air and water pollution for every dollar that can be poured into these programs.

A few years ago, I was talking to a representative from the League of Women Voters. She was urging an increased appropriation of funds for Federal Grants for Waste Treatment Works. She wound up by saying, "The taxpayer is willing to pay the cost." But, that cost will be reflected not only in our tax bills, but, literally, in every commodity we purchase. If we are willing to have one martini before dinner instead of two; if we are willing to play golf once a week instead of twice; if we are willing to return beverage bottles instead of having no-return containers; if we are willing to use a low-phosphate detergent instead of the one with the high-posphate content which gets our clothes whiter; if we are willing to drive cars which will go forty miles an hour instead of eighty; if we are willing to endure summer heat instead of having air-conditioning—then we are willing to pay the price. But if, when our costs go up, we ask for a pay raise, then we are not willing to pay the price; we are not willing to make the sacrifices required to do the job which must be done.

To give you some idea of the magnitude of the increases I am talking about—last year as a result of the increase in fuel costs, principally for the lower sulphur coals, TVA had to increase their power rates by 25 percent. They are currently upgrading their facilities for abating fly ash at their coal-burning plants by investing $100 million in air cleaning equipment. In addition, an experimental sulphur dioxide scrubber to be installed at one plant will cost at least $10 million.

New York City, as well as many other areas of the country, will probaby be faced with a power shortage this summer—a brownout or a blackout. It is inevitable since there are more people using more power for more purposes. The logical answer is increased generating capacity, but we find groups effectively preventing the construction of fossil fuel plants because of air pollution, and nuclear plants because of alleged effects of radiation. Believe me, many people are really up-tight on the possible danger of radiation from a nuclear plant. A professor of Environmental Medicine at any well-known university can be very scary when he talks about radionuclides in the atmosphere and cites a particular dosage without giving any frame of reference.

So, two years ago, the Senate Committee on Appropriations asked the doctors at AEC about this, and they said: "Well, if a man lived next to a nuclear power plant for 30 years, the total radiation would be about 150 millirems, while the total radiation from a single chest X-ray is about 200." Now, the professor of Environmental Medicine replied, "Yes, that's right, but I am against chest X-rays." At this point, our fears become less irrational when we have a comparison with something with which we are familiar.

A few years ago there was general support for land and water resource development projects. Today, vocal segments of the population in every section of the country oppose all types of projects on environmental grounds regardless of the real reason for their opposition to a particular project.

In some cases, there are valid ecological and environmental reasons for not building a project which, a few years ago, would have had enthusiastic local support.

The National Environmental Policy Act of 1969 requires the filing of a detailed 5-point impact statement with the Council on Environmental Quality for construction projects. These reports are very comprehensive in scope and must be submitted in preliminary form to various agencies and conservation groups for review and comment prior to preparation in final form for submittal to the Council on Environmental Quality. It is expected, on an average, that these reports will delay actual construction of projects by about one year, and will involve substantial costs. On the plus side, I believe we will end up building better projects. It is forcing the constructing agencies to examine all of the possible alternative means of accomplishing the project purposes. This is going to take some time to work out. I think it is becoming clearly evident that the planners, both Federal and Non-Federal, must find the best, and the most constructive, ways of keeping the economy moving. We must seek an accommodation. It is not a question of shall we have either industrial and economic development or shall we have a quality environment. We can have, and we must have, both. I submit that the wise application of technology will make it possible to have both.

In closing, I would like to urge all of you to become involved—not just superficially, and not just in the particular items which affect *your* life or *your* pocketbook. You *have* to become knowledgeable concerning the various aspects of the major public issues and proposals. For example, when Mr. Justice Douglas writes in Playboy, our Appropriations Committee can expect to receive many letters from indignant citizens throughout the country protesting the activities of the Army Corps of Engineers and reiterating the Justice's charge that the Corps is Public Enemy No. 1. We may receive one or two letters from residents of the particular area cited in the article pointing out the factual errors, but no general public response.

Unless we seek the facts and become involved, a small very vocal faction will speak for all of us, not only on environmental matters but on many other problems facing the country.

THE ORBITING SPACE PLATFORM PROGRAM

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. DENNIS. Mr. Speaker, a short excerpt which recently appeared in National Review, and which I include with these remarks, points up the vital importance to essential national defense of congressional interest in, and adequate appropriation for, the orbiting space platform program, whereby military dominance of "inner space," and hence quite probably of global affairs, may well be decisively achieved within the next few years.

I claim no expertise in this field, and the recent Soviet Salyut venture may not have been as successful as was at first anticipated; but, clearly, here is a potentially decisive area which, I submit, must be given a high priority in our national endeavor.

The excerpt from National Review is as follows:

The launching of Salyut, which it is expected will join with a subsequently launched manned craft to make up the prototype of an orbiting space platform, confirms that the Soviet Union has drawn ahead of the United States in the contest for superiority in "inner space," which most strategists believe will be militarily decisive in the decade of the Eighties. The earliest target date for orbiting the American space platform is 1973, and its achievement by that date depends on congressional appropriations which are by no means assured.

MAY IS SENIOR CITIZENS MONTH

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. SCHWENGEL. Mr. Speaker, it is with great pleasure that I noted the proclamation issued by President Nixon with respect to the designation of May as Senior Citizens Month. The proclamation also establishes an appropriate theme for the month "Toward a National Policy on Aging." Even more important, is the fact that the proclamation so clearly recognizes the plight which our senior citizens face. It is for this reason, that I want to insert the President's proclamation in the RECORD.

The proclamation follows:

SENIOR CITIZENS MONTH, 1971, BY THE PRESIDENT OF THE UNITED STATES OF AMERICA, A PROCLAMATION

From its beginnings, the American Nation has been dedicated to the constant pursuit of better tomorrows. Yet, for many of our 20 million older Americans the "tomorrows" that arrive with their later years have not been better. Rather than days of reward, happiness, and opportunity, they have too often been days of disappointment, loneliness, and anxiety. It is imperative that the situation be changed.

Some of the problems of older Americans have their roots in economic causes. For example, the incidence of poverty is more than twice as great among older Americans as among those under 65. This is especially tragic because many of these people did not become poor until they reached their later years. Moreover, the economic gap between the age groups has been accompanied in recent years by a growing sense of social and psychological separation, so that too often our older citizens are regarded as an unwanted generation.

The generation of Americans over 65 have lived through a particularly challenging time in world history. The fact that our country has come through the first two-thirds of the twentieth century as a strong and growing Nation is the direct result of their devotion and their resourcefulness. We owe them a great deal—not only for what they have done in the past but also for what they are continuing to do today. Perhaps the greatest error which younger Americans make in dealing with the elderly is to underestimate the energy and skill which they can still contribute to their country.

During the last year, several hundred thousand older people wrote to officials of the Federal Government and told us in their own words—some sad, some hopeful—about what they need and what they desire. We learned once again that what they seek most of all is a continuing role in shaping the destiny of their society. We must find new ways for helping them play such a role—an undertaking which will require a basic change in the attitudes of many Americans who are not yet elderly.

As a part of our effort to achieve such changes, our Nation each year observes the month of May as Senior Citizens Month. This is a time when we make a special effort to thank our older citizens for all they have contributed to America's progress. It is also a time for asking with special force whether they are now sharing in that progress as fully as they deserve and desire and for renewing our efforts to help them live proud and fulfilling lives.

Senior Citizens Month, 1971, will be a particularly important time for such endeavors, for this is the year of the White House Conference on Aging. The Governor of every State has issued a call for a State Conference on Aging to be held during May. From these State conferences will come policy recommendations which will be submitted to the White House Conference in Washington next November.

I know that the work of these State conferences during Senior Citizens Month—like the work of the White House Conference next autumn—will be undertaken with a high sense of discipline, commitment, and imagination. The Nation owes no less to those who have given so much to its development.

Now therefore, I, Richard Nixon, President of the United States of America, do hereby designate May, 1971, as Senior Citizens Month. The theme for this month will be Toward a National Policy on Aging.

I am deeply grateful to the Governors for their concern and participation in this observance. I urge officials of government at all levels—national, State, and local—and of voluntary organizations and private groups to give special attention to the problems of older Americans during this period.

I also call upon individual citizens of all ages to take full advantage of this opportunity to share in designing a better future—for those who are now numbered among our older citizens and for all who will be among that number someday.

In witness whereof, I have hereunto set my hand this twentieth day of April, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

Mr. Speaker, it has been a great concern of mine that through the years we have neglected the plight of Federal employees on retirement. I have recently sponsored 10 bills dealing with a number of inequities which have developed over the years in our retirement system for Federal employees. Three other bills which I have introduced will affect almost all retired people. These bills constitute a legislative program designed to end these inequities and aid our senior citizens. Some of these bills are bills which I have sponsored in prior sessions, and some are new. One of my prime goals in introducing some of these bills in the past, and in particular this year, is to insure that our civil service retirees at least receive a fair hearing on their proposals. This past session, no hearings whatsoever were held on this type of legislation. This is a pretty poor record for the Congress in view of the obvious inequities which exist in so many areas of civil service retirement law. This field is reserving of the most careful and complete study by the Congress.

Another phase of this problem bothers me a great deal. That is the problem of inflation. It is not just the inequities in the retirement laws which hurt our retired personnel, but the inequities compounded by inflation. It is the racing inflation which makes reform in this area particularly urgent.

While there has been an increase in the standard of living, and a rise in the general economy during the past several years, the standard of living for our Federal retirees and their survivors has remained almost stationary and in many cases has been lowered due to the tremendous effect the inflationary trend has had on living costs.

Of an approximate 900,000 retired civil

employees and their survivors, more than 279,000 receive a monthly annuity of less than $100 and 513,000 receive less than $200 per month. Using a poverty level income of $3,000 per year, 611,000 plus former employees and their survivors are now living in poverty. Of the 900,000 retired civil employees and their survivors, only 220,000 of them have a yearly annuity income of over $3,000. The only way we can correct this great injustice is to grant these former Federal employees a substantial annuity increase and provide a minimum annuity for them.

During the past 45 years there have been many changes in our civil service retirement system. For many years, most of the changes were retroactive to provide benefits for those previously retired commensurate with the benefits granted to those who would retire in the future. However, during the 1950's and 1960's, the liberalizations of retirement benefits have not been made retroactive, with the result that many inequities have arisen. There must be some measure of correlation between the benefits awarded prospectively during the past 15 years and the benefits now paid to those who retired prior to the effective dates of such prospective legislation. Otherwise, how can present Federal employees have any assurance that they, too, will not be forgotten as soon as they leave the active working force? How long can the morale of the present active working force be sustained under such conditions?

While the 91st Congress was not what one would call a bright spot insofar as legislation for retired Federal employees is concerned, we did at last succeed in getting the second spouse bill passed. And, of course, the Tax Reform Act of 1969 did provide some relief to our senior citizens with their severely restricted income. Hopefully, this Congress will deal more effectively with the problems facing our senior citizens, and especially our retired Federal employees.

During the current session of the 92d Congress I have introduced several bills which would deal with the problems facing our senior citizens and our retired Federal employees. The first group of bills would provide assistance to most of our senior citizens, and include the following: Very early in this session I introduced H.R. 454 to amend title II of the Social Security Act to provide a 10-percent across-the-board increase in benefits. That legislation has now been enacted and signed by the President. In addition, I am supporting still further benefits in social security benefits. H.R. 850 would extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns. H.R. 3144 would amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes. This bill, commonly referred to as the Hosmer bill, corrects an obvious misinterpretation of earlier legislation on the subject of food supplements. H.R. 4983 amends the Internal Revenue Code of 1954 to allow a deduction to tenants of houses or apartments for their proportionate share of the taxes and interest paid by their landlords. Housing is one of the most serious problems facing our senior citizens. H.R. 5021 amends the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training, and education programs, opportunity for social contacts, and for other purposes. This bill also meets one of the more pressing needs of our senior citizens. It is my firm belief that a significant portion of the health problems experienced by senior citizens stem from poor nutrition.

H.R. 7437 would amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer—including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness. Clearly personal expense has increased drastically in recent years. The increase, due primarily to inflation, would probably justify an even larger personal exemption. H.R. 7836 would amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing. This bill would also help to solve the problem of finding adequate housing for all Americans. H.R. 7924 amends the Internal Revenue Code of 1954 to provide that the personal exemption allowed for a taxpayer for a dependent shall be available without regard to the dependent's income in the case of a dependent who is over 65—the same as in the case of a dependent who is a child under 19. This bill gives more incentive to children who attempt to care for their parents.

The next group of bills primarily affects our retired Federal employees. This group of dedicated former employees of the Federal Government has continually been ignored as the Congress has sought to deal with the impact of inflation and other problems on the various retirement programs.

Specifically, my bills provide:

H.R. 4442 would change the rate of reduction in Government group life insurance at age 65 or date of retirement, whichever is later, from 2 percent a month to 1 percent a month, and halt the reduction at 50 percent, and finally would restore to 50-percent all insurance now reduced below that amount.

H.R. 4439 provides for increased annuities under the Civil Service Retirement Act. The biggest increase would go to those receiving less than $3,600 per year. The amount of the increase would be less for those receiving the largest annuities at the present time. Those now receiving less than $3,600 per year would receive a 13-percent increase, those receiving between $3,600 and $4,800 per year would receive a 9-percent increase, those receiving between $4,800 and $6,000 per year would receive a 7-percent increase, those receiving more than $6,000 per year would receive a 5-percent increase.

H.R. 4441 provides for minimum annuities for employee annuitants and spouse survivor annuitants. Two hundred and seventy-nine thousand annuitants received a monthly income of less than $100, and in this minimum annuity bill a single person would receive an annuity of no less than $100 a month, and it provides that a retiree with a family would receive an annuity of no less than $200 a month. The bill which I introduced has for its purpose a guaranteed annuity for all of our Federal employee annuitants and survivors of at least $100 per month and $200 a month for an annuitant with a spouse or dependent. I am sure that my colleagues all agree that it is impossible for a single person to exist on less than $100 a month, and for a family to live on less than $200 a month in today's economy. It is embarrassing not only to Members of Congress but to American citizens, and this type of legislation has wide support. I trust that my colleagues will support me in this legislation to at least give a substance of this world's goods to those who have served this Government.

H.R. 4751 would equalize civil service retirement annuities in several respects.

H.R. 4443 provides that any reduction in annuity because of survivor benefits would be restored to a retired employee during any period of nonmarriage which occurs after retirement. Under present law a survivor annuity means a reduction in retirement payments. This reduction is not lifted if the survivor expires before the retiree.

H.R. 4445 would amend the Social Security Act to include in the supplementary medical insurance program all prescribed drugs. The drugs would have to be prescribed by a physician participating in the medicare program before payment could be made for the drugs.

H.R. 4446 is an amendment to the Internal Revenue Code and would restore to individuals who have attained the age of 65 the right to deduct all expenses for medical care.

H.R. 7436 would amend the Social Security Act to eliminate the requirement that extended care services follow hospitalization in order to qualify for payment under the medicare program.

H.R. 4444, H.R. 7864, and H.R. 7920 all deal with the problem of excluding retirement income from taxation. H.R. 4444 excludes the first $5000 received as civil service retirement annuity from the Federal Government, from Federal income tax. H.R. 7920 excludes from Federal income tax the first $5,000 of retirement income from any public retirement system, providing the taxpayer is at least 65 years old. H.R. 7864 excludes from state inheritance taxes, and Federal estate tax all income received by means of a Federal Civil Service survivor annuity.

Finally, Mr. Speaker, I would like to insert in the RECORD a timely article from the May 24 issue of U.S. News & World Report, entitled: "Senior Power—A Growing Force in Politics."

The article follows:

[From U.S. News & World Report, May 24, 1971]

"SENIOR POWER"—A GROWING FORCE IN POLITICS

RISING AMONG AMERICA'S OLDER PEOPLE IS A MOOD OF REBELLION. MANY ARE TRAPPED IN POVERTY. OTHERS WORRY OVER INFLATION. NOW THE ELDERLY ARE BEGINNING TO RAISE THEIR VOICES—AT THE POLLS

Now it is "senior power" that is surfacing across the U.S. as 20 million older Americans seek a better place for themselves in the nation's life.

Nearly all of these Americans are getting Social Security benefits and medicare from the Government.

More than half own their homes debt-free. Increasing numbers are covered by pension plans developed in government, business and industry.

Yet for many, the fruits of old age are turning bitter.

Almost 5 million aged are officially described as living in poverty. Millions of others fear the same fate, as the inflationary squeeze tightens on fixed incomes.

ECONOMIC CASTOFFS?

Beyond that, many—perhaps most—of America's elderly are beginning to see themselves as social and economic castoffs from the community at large.

Today, possibly more than at any time since the Townsend movement of the 1930s, older Americans are beginning to organize and act on their own behalf.

In New York, Governor Nelson A. Rockefeller is getting a sample of senior militancy following his decision to cut social programs, some of them affecting old persons.

At a May 7 conference on aging, elderly hecklers interrupted his speech several times. One aged man tried to engage him in debate. Protesters waved placards warning the Governor: "You can't ignore our vote."

Senior citizens flocked to the polls in California last year to help oust from office one of their own—68-year-old Senator George Murphy—who had voted against medicare and increases in Social Security benefits.

In Florida elections, they played an important part in the defeat of the president of that State's upper house, a man they deemed hostile to legislation for the elderly.

In dozens of States they have pushed successfully in the last two or three years for such programs as hot lunches for shut-ins, low-cost housing for the elderly poor, and tax allowances. In 26 cities, they have put across reductions in bus fares for the aged.

PLANS TO HELP

Congress this year is considering more than 190 major proposals for helping older Americans.

Already passed by both houses is a 10 per cent increase in Social Security payments—the second round of increases in 16 months. Other bills propose improvements in health insurance, employment opportunities for the aged, low-income housing and nursing homes.

Also on the agenda is a White House conference on aging, to be held in November, bringing together top authorities in this field to aid their ideas on easing the problems of the aged.

What is giving the older people in America much of their political clout is the fact that as many as 70 per cent of them will turn out on Election Day to vote.

GROWING IN NUMBERS

Older Americans are gaining strength in sheer numbers, too.

Today there are 20 million Americans aged 65 or more and an additional 8.6 million aged 60 to 64. The 1970s are expected to bring a 20 per cent increase in these groups, at a time when declining birth rates hold U.S. growth as a whole to less than 15 percent.

Because life spans are lengthening, Americans aged 75 or more are increasing at a faster rate than those aged 65 to 74, a situation that points to increases in medical problems of the aged.

Still, an estimated 81 per cent of the U.S. elderly get around without help. Another 8 per cent manage with mechanical aids, and 6 per cent get by with the assistance of another person. Only 5 per cent are housebound because of physical ailments.

MANY IMPROVEMENTS

In other ways, too, the situation of older Americans shows marked improvement over what it was 30 to 40 years ago.

About two thirds of elderly householders own their homes, and 80 percent of these senior citizens have paid off their mortgages.

While median family income for older people was estimated at $5,500 a year in 1970—compared with $10,500 for younger families—these figures do not tell the entire story.

A recent study by Dr. Hale N. Tongren, chairman-designate of the department of business administration at George Mason College in Fairfax, Va., asserted this:

An aged family with a cash income of $5,500 would actually be doing as well as a younger couple earning $7,200 a year, or even more—assuming that its sources of income approximate the pattern found in a Government analysis of income in 1963.

Reasons: Older people benefit from U.S. income tax allowances, the elimination of the Social Security tax, ownership of a home in many cases, and a differential in medical costs as a result of medicare.

FLOW OF "NEW PRODUCTS"?

Dr. Tongren concluded:

"The recognition that aged persons may have more discretionary cash than would be expected from their incomes may prompt market researchers to develop new products suitable to older persons. As birth rates decline, the over-65 age group will become an even larger segment of the population than it is today, and the market does not ignore a potentially profitable group for very long."

Militant spokesmen for the elderly might question the dollar value assigned by Dr. Tongren to these fringe benefits.

Even so, a 1968 survey of savings and loan companies in California—where assets of the elderly admittedly are believed to be higher than in most States—showed that 52.8 per cent of savings accounts came from persons aged 60 and more.

Some growth in affluence among the aged also is reflected in rather expensive "retirement communities" springing up across the U.S.—not only in California and Florida but in Oregon, New York, Maryland and elsewhere.

"SUN CITY" AND LUXURIES

There are complete towns like "Sun City" near Phoenix, Ariz., as well as condominium-type apartment houses for older people located in downtown or busy suburbs.

There are those that offer luxury—and find plenty of customers.

One example is the "Leisure World" establishment at Laguna Hills south of Los Angeles, where 14,000 persons aged 52 and over pay anywhere from $20,000 to $50,000 plus maintenance charges for apartments.

At their disposal are tennis courts, bowling greens, an 18-hole golf course, a swimming pool, scores of "hobby" clubs, a restaurant, classrooms, libraries, medical clinic, closed-circuit television and free bus transportation to Los Angeles. Six-foot walls and guards who patrol grounds and buildings around the clock provide physical security—a major preoccupation of the elderly.

About one third of Laguna Hills' inhabitants work part time or full time. A few become disenchanted with living among their own kind exclusively, and move out. But most stay on, if only to use "Leisure World" as a home base for travels in the U.S. and abroad.

THE AGED POOR

For about one quarter of all Americans over 65, classified as living in poverty, "Leisure World" might as well be located in another galaxy.

Such Americans, drawing a cash income of less than $2,194 a year for a couple, fight a daily battle against increasing costs of food, clothing, medical care, utilities, rentals and—if they own a home—property taxes.

Medicare benefits are partially offset by rising medical costs—including a near-doubling of premiums for supplementary medical insurance paid by the recipients in recent years.

Liberalizing of Social Security benefits and eligibility is expected to reduce for a time the number of older Americans living in or near poverty.

Social Security for most of America's elderly, however, is becoming not just the base of retirement income but the bulk of it.

Despite the growth of pension systems, 93 per cent of single persons over 65 and 81 per cent of elderly couples are not covered by such plans. A Government study in 1968 showed that 41 per cent of older couples and 58 per cent of elderly "singles" had no established income of $300 a year or more, other than Social Security.

Result: Even with the latest raises in benefits, half or more of older Americans will be subsisting entirely—or nearly so—on Social Security payments averaging out to $1,560 a year for individuals and $2,340 a year for couples.

Income from part-time work is limited by Social Security rules under which 50 per cent of earnings above $1,680 a year and 100 per cent above $2,880 are deducted from benefits.

RETIRING TOO EARLY?

As economists see it, many elderly persons—and many not so elderly—are being swept into retirement before they are ready for it.

About 50 per cent of all men claiming Social Security in recent years accepted a reduced benefit at the age of 62. About 1 in 5 of these had not worked for the prior 12 months.

Result, for many older Americans, is that the gilt on the "golden years" is wearing thin.

Recently a 76-year-old woman in Swarthmore, Pa., told a U.S. Senate special committee on aging:

"I am one of those elderly people, living alone, who has become poor since becoming old. Unable to work any longer, I am trying to get along on my Social Security of $64 per month income, besides drawing a few dollars from a fast-dwindling nest egg in the bank and an occasional fee from private French teaching and some baby-sitting.

Similarly, a 76-year-old man in Alhambra, Calif., said:

"I retired 10 years ago with my home paid for, and no debts.

"After 10 years my property taxes have doubled. Every service and general living costs have skyrocketed and medical, doctor and hospital costs are as near to robbery as a cost can get—$600 for removing a cataract from one eye, almost $400 for the hospital."

As younger Americans moved from the city to the suburbs in the last 25 years, the elderly poor have stayed behind, for the most part. Many cling stubbornly to their homes, often located in deteriorating neighborhoods. Others move into low-cost hotels and rooming houses—the "retirement community" of the poor.

Such older persons, even more than the affluent elderly, feel increasingly their isolation from the mainstream of American life.

LIKE "SOLITARY CONFINEMENT"

Said John B. Martin, U.S. Commissioner on Aging:

"About 5 million older Americans are living in a type of solitary confinement. No one cares about them. Although many are physically and mentally able to participate effectively in community affairs, they live in rooms like prisoners, rarely venturing out."

Fear of muggings keeps many old people off the streets, especially in big cities. A New York City study indicated that of 137 elderly persons interviewed, each had been assaulted at least once.

Also contributing to isolation of the elderly is the scarcity and rising cost of public transport for those unable to drive.

TRANSPORTATION PROBLEMS

In outlying areas, this problem becomes acute. One study for the National Council on Aging found that one third of the elderly poor and one fifth of the near poor had transportation problems. At a hearing conducted by the West Virginia Commission on Aging, an aged man from a rural area reported this:

Since neither bus or taxi was available, he paid for an early morning appointment with his doctor. But the doctor didn't see him until early afternoon, so he had to give the driver $1 for lunch. The doctor's examination, plus laboratory test and two pharmaceutical prescriptions brought his total outlay to $31.03—one third of his monthly Social Security check. This man said it would be a long time before he would feel able to make another such trip—although the physician had told him to return in two weeks.

Among such older persons, nutrition becomes an increasing cause of poor health. Many are anxious to keep food bills to a minimum. Other causes of improper diets are lack of mobility, emotional stress and loneliness.

In an Iowa survey of 695 persons aged 65 years and over, only 1 person in 20 was choosing a nutritionally desirable diet. In America's big cities social workers have found instances of elderly poor virtually starving to death rather than accepting welfare.

It is against this background of want, insecurity and isolation that "senior power" is becoming a battle cry of elderly militants. Aged homeowners are in the forefront of rebellion against property tax increases that in some places have raised levies to $1,500 a year or more on relatively modest homes.

Governor Ronald Reagan's push for a reduction in welfare and medical-insurance payments in California brought picketing from elderly demonstrators, and a protest rally of 1,300 persons.

In Florida, which has 1.1 million retirees, "'senior citizen" organizations are joining forces on behalf of legislation to liberalize the State's Homestead Exemption Law which forgives local and county property taxes on the first $5,000 of assessed value of home property purchased by newcomers.

MASSACHUSETTS' EXPERIENCE

Nowhere are older Americans exerting pressure more busily than in Massachusetts.

There a former Congress of Industrial Organizations leader, Frank Manning, heads up a Statewide Massachusetts Legislative Council for Older Americans that pushes aid for the elderly.

In 1968 it was able to activate a dormant housing plan for older persons of low and moderate income. Result, to date, is the building of 14,000 units—"just a start," said Mr. Manning.

In 1969, the Massachusetts legislature made senior citizens eligible for half fares on public transit in the Boston area—24 hours a day, not just in nonrush hours as in other cities.

More recently, the Council persuaded legislators to broaden the State's hot-lunch program for poor or shut-in elderly. At present a drive is under way to get State help in solving the transportation problems of older persons living in isolated areas.

The growing "senior power" of older Americans brought the Council at least 70 requests for endorsement in last year's election. Endorsements finally were given to six. All won. Mr. Manning added this cautionary note:

"It's a good record, but this is something we have to use carefully—not as a scourge against any politicians who may disagree with us from time to time."

A WARNING

Also heard is the warning that older Americans should not "ghettoize" themselves further by concentrating on issues that affect older people only. Said Walter Newburgher, president of the Congress of Senior Citizens of Greater New York:

"We're fighting for universal national health care—not just for the old but for everybody. We want to show the young people we're with them, not on the fringes of society. Our people don't want to be shoved aside and isolated."

Nationally, problems of the elderly are becoming an important political issue.

Such organizations as the National Council of Senior Citizens and the American Association of Retired Persons are pushing for bigger Social Security payments and a wider variety of aids to older persons. Some Congressmen are suggesting a minimum income of $1,800 for all individuals of 65 and over, and $2,400 for a married couple. Others would like a formula adjusting benefits periodically to rises in cost of living, and a liberalizing of present rules which, in effect, discourage Social Security recipients from earning more than $1,680 a year.

As many authorities see it, what is needed now is more emphasis on keeping elderly people active and independent rather than becoming early candidates for nursing homes.

NEEDED: TAX BREAKS

Suggested is legislation providing elderly homeowners with bigger exemptions in property taxes and other aids to an independent life in their own homes. Also being promoted are "home worker" programs providing elderly persons in need with daily visits and hot meals, as well as periodic help in housecleaning and transportation.

Observed Dr. James E. Birren, director of the Institute of Gerontology at the University of Southern California:

"Older people need a variety of small aids to keep them going. But this requires somebody to put it all together. The cost of not doing something like this will become greater as more and more older people enter institutions of one kind or another."

Few authorities would care to predict what solutions to the problems of the elderly will emerge in times ahead.

There is wide agreement, however, that "senior power" is on the move in a drive to recapture for older Americans a worthwhile place for themselves in the day-to-day life of the nation.

SOME SURPRISING FACTS ABOUT AMERICA'S ELDERLY CITIZENS

In today's "youth culture," 1 American in every 10 is 65 years of age or older, and the proportion is growing steadily.

Older Americans carry considerable political heft. Those 65 or older comprise nearly 1 of every 7 people of voting age and, since they go to the polls in heavier proportion than the rest of the electorate, they are an even larger share of votes actually cast.

Nearly 1 out of 5 is still working or looking for a job.

Their buying power—now 60 billion dollars a year—makes older Americans a big and growing market for clothing, health aids, retirement homes, travel, recreation and a host of other goods and services.

Nearly a third of those over 65 live in just four States—California, New York, Pennsylvania and Illinois. Many States have an unusually high proportion of older persons, including Florida, Iowa, Nebraska, Arkansas, South Dakota and Missouri.

Among these older people, women are far more numerous than men—7 women for every 5 men. Most of the women are widows, most of the men still married.

Source: U.S. Census Bureau; U.S. Dept. of Health, Education and Welfare.

ED REINECKE: A NEW KIND OF LIEUTENANT GOVERNOR

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. GOLDWATER. Mr. Speaker, in many States across this Nation, the Lieutenant Governor's duties are restricted, by State constitutions, t. serving in the absence of the Governor, assuming the governorship upon his death, serving as a nonvoting member of the State senate, and other housekeeping duties.

Generally, in other States, he is a most underutilized elected public official. Often the executive branch, headed by the Governor, looks at him as a part of the legislature. The legislature considers him an adjunct of the Governor.

In California we are fortunate to have a Lieutenant Governor who not only carries great responsibilities but who also functions as an important part of State government. Governor Reagan describes him as "the executive vice president of our firm."

He has often been given the difficult task of providing the high level leadership needed to develop workable solutions to the problems facing the State.

Examples, during the past 2 years, of that leadership are illustrated by what has been accomplished when he was asked to:

First, act as the Governor's liaison to the Federal, State, and local governments.

Second, coordinate the development of California's crusade to protect our environment.

Third, make Californians, especially our youth, aware of the dangers of drug abuse.

Fourth, put the State's electronic data processing system in order.

Fifth, find summer jobs for our youth.

In addition to these problem solving tasks, the Lieutenant Governor serves as an active member of numerous boards and commissions. The most important of these are: Member of the University of California Board of Regents; member of the California State College Board of Trustees; and member of the State lands commission.

With 2 years of extensive activity under his belt, the Lieutenant Governor will concentrate his efforts in the following areas: First, a scientific and technological approach to meeting the problems of our environment. He accomplishes this as chairman of the State Environmental Policy Committee; second, higher education, and especially the youth it serves. He expects to devote considerable time to this area as a member of the board of regents and the board of trustees; third, as the State's chief executive officer for intergovernmental relations, he will bring together all levels of government to concentrate on major issues such as revenue sharing, model cities, and the reallocation of public services; and, finally, fourth, attract new business and industry to the State, with resulting employment for our citizens. This is his newest thrust now that responsibliity for the State department of commerce has been assigned to his office.

Lieutenant Governor Reinecke is an engineer by profession, a Cal-Tech graduate. I had the honor to succeed him in the U.S. Congress. I present the following speech of our former colleague delivered last week here in Washington:

Remarks by Lt. Gov. Ed Reinecke, National Federation of Independent Business, Washington, D.C., May 19, 1971

SOCIAL WELFARE AND THE WORK ETHIC INTRODUCTORY REMARKS—ACKNOWLEDGEMENTS

We hear a great deal these days about how our society is systematically destroying its environment and it's true. Our air, land, and water have, during recent years, been subjected to unprecedented abuse. It has taken us a long time to come to our senses, but finally, we are starting to do something about pollution. Yet as serious as pollution is, I am not here to talk about it, but about what I consider to be a more potentially disastrous problem.

Our country may be faced with a form of pollution, governmental pollution—more insidious, more destructive, and in many respects, more dangerous to the future of our society than all of the abuses committed on our natural resources. Too many people would just as soon ignore the fact that our society is rapidly becoming a welfare state—a society in which the dole replaces the paycheck: where food stamps substitute for employment: and where those working for a living are supporting an ever increasing governmental burden.

Welfare in this nation seems to have no goal—no direction—and more important, no foreseeable end—only an expanding future. In my years in Washington, I was very much aware of the tendency to raise the ante on every welfare type program. That tendency is still continuing. I read recently that an investigation by Senator Carl Curtis of Nebraska showed that if all the welfare bills introduced in the present Congress were put in effect, the cost for the new bills alone would far exceed the national budget. It is too easy for organized pressure groups to secure continuing increases in programs which emanate from a single source; that is, from Washington. The best protection for true welfare reform is to see to it that the welfare needs of each state are set by the state legislatures and not by the United States Congress.

Welfare is, in my opinion, the single most important factor in the destruction of the work ethic in this country, as well as causing the financial crises facing all levels of government. How serious is the welfare problem? I think a few figures will give you an idea.

In 1960 there were about 180 million people in this country. The total expenditures for public assistance were just over $4 billion. A little arithmetic tells us that this equates to roughly $20 per man, woman, and child living in the United States. Now let's take a look at 1969. The population had grown to 202 million. Welfare expenditures had also grown.

In 1969 this country spent $12 billion to support its public assistance programs. The population had increased about 10 percent, but the cost of welfare had increased 300 percent.

We are watching carefully the proposals which are coming out of the House Ways and Means Committee. We do not know all of the full details, but we are concerned by some of the things we hear. According to newspaper accounts, the State of California would "save" $166 million under this proposal. However, the overall Federal program is estimated to cost another $5 billion per year within two years. Since California pays approximately 10 percent of all Federal taxes, it appears that a $166 million saving may cost California taxpayers 10 percent of the $5 billion national increase—or save $166 million to spend $500 million. News accounts also indicate that present eligibility of 15.8 million persons will increase to about 26 million—the naive must assume that these costs will be pulled back from other Federal programs. My experience here in Washington does not indicate that we can realistically find reductions of this magnitude, in other programs.

As all of you businessmen know, our society has had a traditional work ethic. I think you will agree that this work ethic has been a key element in this Nation's development and prosperity. The fact that this country is the most highly developed industrial nation in the world suggests rather strongly to me that we didn't get to this point by looking for handouts from anyone.

This very development that we have been able to support the growth of welfare. We have taken more and more from those who work so that we could support more and more of those who do not or cannot. We have created a system that not only fails to help people to help themselves, but has damaged their spirit and has removed the incentives to work. Why are so many people apparently willing to accept welfare rather than employment?

Some would have us believe that the dramatic increases in caseload are the result of inflation. Others tell us that unemployment is the cause. Some social scientists tell us that the concept of the family unit has eroded. The acceptability of rising divorce rates, the increase in the number of illegitimate children, and unmarried households suggest that the family as we know it today may not long exist. I am convinced that all of these factors contribute to the welfare problem. I am not convinced, however, that they account for all of the increases in welfare rolls. Abuse is in most cases legal use. Reform must be aimed at the system—not the recipient.

Let me give you my theory. Over the years this nation has prospered and living standards have risen commensurate with our rapid growth. At the same time that men and women like yourselves have been building this nation, there has been a less productive element that has nonetheless asked that the system support them. These nonproductive individuals have exerted continuous and increasing pressure on the system in an effort to close the rapidly expanding gap between the working taxpayers' standard of living and their own. As all levels of government yield to the increasing militancy of recipients and their pressure groups, the last vestiges of meaningful standards of eligibility and control of welfare expenditures are being destroyed.

This continued agitation of the so-called "welfare rights organization" and other self-appointed lobbies for the poor have set as their present objective to achieve a $6,500 a year minimum income for a family of four from public funds. As a result of such agitation, the feeling is developing in certain areas of society that welfare is really a permanent form of national income redistribution. Even by their own propaganda, the welfare rights groups calmly expect at least 25 percent of the population nationally to be supported by the government without working. Naturally they don't say how long they expect such a situation to continue before national bankruptcy sets in.

Closely allied to the welfare rights lobby has been problems created by the legal services program. As a result of suits filed on behalf of their clients, these so-called poverty lawyers have struck down many of the reasonable restrictions and eligibility requirements. The key case was the supreme court decision which said that duration of residency in a locality cannot be a welfare requirement—despite the clear intention of Congress to allow a residency requirement to be instituted. It is the height of folly for one agency of government to employ lawyers to attack the policies of another agency, or even of the state governments. In the State of California alone, seven court cases already resolved will cost state, county and federal governments $112.2 million. There are four more cases still pending which, if decided adversely, will cost the three levels of government $732.8 million, for a total of $845 million. In other words, this kind of activity against the welfare system will cost the taxpayers nearly a billion dollars alone.

I am deepy disturbed when I see proposals before the Congress which would not only legitimize such activity but would institutionalize it and insulate it from effective control. I am referring particularly to the proposal to set up the legal services program as an independent corporation.

Creating the public service corporation, financed by federal dollars, of course, gives to these legal services attorneys what they have sought since the beginning of the program, namely, a permanent home.

Legal services attorneys would no longer be responsible to the President, and the veto power which governors presently have over programs active in their states would be eliminated by all of the proposals currently being discussed in Washignton.

Without Congress, the President or state governors to oversee the work of the legal services corporation, the kind of activity we are presently witnessing in some areas, where taxpayers are in effect helping to finance their own destruction, would become the rule of the day.

Be protected from scrutiny: Even the one element which has been built into the public service corporation proposals supposedly to protect the government—the audit by the Government Accounting Office (GAO)—will be subject to the so-called "attorney-client privilege" of non disclosure of details even for normal auditing procedures.

This kind of shied for ethical attorneys as well as radicals and revolutionaries of all kinds is what is provided for in the legislation now under consideration.

When a doctor applies for a medicare or medicaid payment, he must supply every detail of the care he provided the patient. He must include, of course, the patient's name, address, etc. But in addition, he must describe at great length the services performed.

Certainly, the doctor-patient relationship is of equal importance with the client-attorney relationship. Yet nobody has suggested that by filling out medicare forms, the doctor is violating his relationship with his patient who must seek Federal assistance to meet his doctor bill. Why then cannot the same rules apply to those who must depend on Federal dollars for their legal assistance, especially when there is a good cause for investigation?

We have seen how strongly forged the chair has become, and the difficulties we face in trying to break the cycle.

Many members of Congress take the same attitude. They feel that the best way they can serve their own states is to help out their friends who are administrators in the State governments by turning the problem over to H.E.W. and to the Congress. They throw up their hands and say that welfare is a national problem and therefore the Federal Government should handle it.

But welfare is not a national problem. Welfare is a local problem that occurs in every one of the 50 States. And unless we think of welfare recipients as individuals who have real problems and personal difficulties which must be overcome, we will end up with a spiritless army of national dependents. We will have a corps of people existing on Federal handouts, people who are no longer considered to be local responsibilities. I can think of no more inhuman and callous method of handling the very deep social and personal difficulties which afflict our welfare clients.

Been wary of schemes which promote increased federalization of the welfare system. The governor, when he transmitted his welfare reform program to the state legislature, laid this down as a fundamental principle. He said:

"The idea of simply surrendering our authority and administrative machinery to the same huge Federal system that created the crisis in the first place is simply unacceptable to me."

Very few people fully understand the degree and extent to which the Federal Government is responsible for this mess. There is little comprehension of the problems which Federal regulations have caused us. As you know, for a state to participate in the Federal programs, it must adhere to the regulations handed down by the Secretary of Health Education and Welfare. Over the years the interpretation of these regulations has become consistently more extreme. To put it bluntly, the State of California and other states have had practically no control over the kind of program which they want to administer in their own States. Under the H.E.W. regulations, the State either does it Washington's way or there will be no money to do it at all. The H.E.W. position has been simply to force the States into ever increasing caseloads and widening eligibility requirements. As a result, the State itself has no control over the level of State funds which must be poured into these programs. The single most important factor in the threatened bankruptcy in many of our State treasuries has been the unreasonable regulations of H.E.W.

In California, we are attempting to redirect welfare and to give it a purpose of moral as well as financial reform. Our basic reforms are:

Increase assistance to the truly needy.

Require recipients who are able to work to seek employment; train for a job or serve the community if asked as a condition for receiving welfare.

Make medical benefits comparable to the health coverage available to most working men and women.

I think the explanation was very clearly given by the governor when he said:

"The working men and women in California who pay for this program are providing a level of health care for others, that they can't possibly afford for themselves. Most health care plans or industrial and union programs offer no more than eight services with the individual paying part of the cost for each of those. Medi-cal offers 20 totally free services with no restrictions whatsoever on utilization. . . The per capita health costs per year for the average citizen is $312. The average cost per medi-cal recipient was $517 last year."

Strengthen family responsibility as the basic element in our society.

Develop an automated pension type system of paying grants to the aged, totally and permanently disabled and the blind who cannot work.

We are trying to break the welfare cycle by providing a system with the specific goal of employment and job training required for all able-bodied welfare recipients. Untrained recipients will be provided public service jobs to develop their employment skills. This will not be another WPA program, for it will have as its goal the development of skills and eventual employment in the private sector.

California has already identified thousands of temporary jobs in its state government that need being done and that will provide job training for recipients. In addition, we are asking local governments to inventory their needs so that we may provide even more opportunities for recipient training. It should be understood at this juncture that we will not be requiring recipients to "work off their grants"—this, the Federal Government says, is against the law—rather we are going to provide temporary on-the-job work-training.

California does not intend to be swallowed up by the welfare monster. We are, in spite of the promised coming of the Federal Family Assistance Plan, moving ahead with a number of welfare reforms in an attempt to slow the growth of the welfare rolls and to provide increased assistance to the truly needy. Left unchecked, the welfare bill for California for fiscal year 1971–72 will reach nearly $3 billion. Where will these billions come from? I know you have the answer—the working taxpayers and businessmen. Whether it is tax from local property, retail sales, business inventories, withholding, or income tax, it is the same people who pay. Let me make one more point concerning taxes—it doesn't make one iota of difference as to who distributes this money—Federal, State or local governments—it still remains tax monies paid in by you. I am convinced that no amount of reform will solve all of the problems of welfare, but I do believe we can make a significant impact on many of the more glaring problems confronting us. We are moving ahead in California: New York has a silimar program and other States are watching to see how we fare. We have a massive job—No, a massive opportunity ahead of us not only in California, but in the Nation as a whole. We must give welfare a meaningful goal and we must resist the easy answer of raising taxes. I call on each of you to join with me in seeking a meaningful and lasting solution to the welfare problem. I ask each of you to express your opinions and concerns to your State and Federal legislators—finally, I ask you to help rebuild the attitudes toward the dignity of work that has been the corner stone or our country. Thank you.

THE LATE HONORABLE ROBERT J. CORBETT

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, I want to take this opportunity to express my deep regret over the passing of my good friend and colleague on the Post Office and Civil Service Committee, the Honorable Robert J. Corbett, of Pennsylvania.

I served with Bob Corbett for 10 years in the committee and can attest to his deep regard for and dedication to public service.

He justifiably called himself the little man's Congressman. He represented the interests of common men of all the country, not only of his own district in Pennsylvania. With Bob Corbett's passing, a great voice of the people has been stilled.

I know I speak for all my colleagues in saying that we share the great loss with his family to whom we express our deep and sincere sympathy.

THE TECHNOLOGICAL WAR

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. SCHMITZ. Mr. Speaker, at this point in the RECORD I would like to insert chapter 1 from a new book entitled, "The Strategy of Technology: Winning The Decisive War," written by Dr. Stefan Possony and Dr. Jerry Pournelle.

This chapter gives a basic introduction to some of the factors which must be considered in what the authors term the technological war. Technological warfare is defined as—

> The direct and purposeful application of the national technological base and of specific advances generated by that base to attain strategic and tactical objectives. It is employed in concert with other forms of national power. The aims of this kind of warfare, as of all forms of warfare, are to enforce the national will on enemy powers; to cause them to modify their goals, strategies, tactics, and operations; to attain a position of security or dominance which assists or supports other forms of conflict techniques; to promote and capitalize on advances in technology to reach superior military power; to prevent open warfare; and to allow the arts of peace to flourish in order to satisfy the constructive objectives of society.

To prevent Soviet victory at the crucial technological level of warfare we must understand this form of conflict. The following article sets forth some of the essential elements which determine the outcome of the struggle for technological superiority:

THE TECHNOLOGICAL WAR

The United States is at war. Whether we consider this to be the Protracted Conflict initiated in 1917 by the Bolsheviks or something new brought about by the march of technology in this century, the war is taking place and it cannot be escaped. The field of engagement is not everywhere bloody. Except for financial sacrifices, many citizens of the West and subjects of Communism may be unaware that the conflict has been going on until the decisive moment, if it ever comes, is upon them. For all that, the Technological War is most real, and we must understand its nature. Our very survival depends upon not losing in the technical arena.

The nature of the enemy and the nature of technology both dictate this state of warfare. The U.S.S.R. is a power-oriented dictatorship, whose official doctrine is Communism: that is, a chiliastic movement which seeks to liberate—we would say enslave—the entire earth. It is not necessary for all of the individual leaders of the U.S.S.R. to be true believers in this doctrine. Since the Soviet Union is a dictatorship, the usual dynamics of dictatorship apply. One of the fundamental facts about dictatorship is that losing factions within its ruling structure forever lose their positions and power. They may retain their lives, but they retain little else, and often they do not survive. Thus, such rulers, whether sincere or cynical, have a powerful incentive to conform to the official ideology or line of the top man or group. Moreover, they compete with each other for power. If the most powerful faction counsels aggressive expansion—whether out of sincere belief in the ideology, because expansion creates more opportunities for advancement, or because it expects aggression to prop up a tottering regime—failure is the only way through which its influence in the governing structure will be reduced. Every successful aggressive action increases the influence of those who counsel aggression.

If aggressive moves encounter stern opposition, so that the ruling faction is not only not rewarded for its expansionist policies but finds its national power decreased, changes in the official policy may take place. Such failures, consequent punishment, and resultant troubles for the dictatorship may serve to place in power a more cautious group dedicated to defense of the empire and the status quo; but it is obvious that this turn to pure defense has not yet happened in the U.S.S.R. We do not mean that Communist aggression will necessarily be decided by the C.P.S.U. government in the Kremlin. Other Communist states may play a role, and at this writing there is growing danger of conflict between the U.S.S.R. and Maoist China which could easily spill over and involve the United States. Aggressive actions may occur because of internal pressures, especially in a period when the Communist system will decline, and it is possible, although unlikely, that aggressive initiatives will be taken by non-Communist states. Despite all those complications the U.S.S.R. is the single most important and strongest opponent of the United States. Consequently, American strategists must primarily be concerned with Soviet strategy and the threat posed by the U.S.S.R.

The nature of technology also dictates that there will be conflict. Technology flows on without regard for human intentions, and each technological breakthrough offers the possibility for decisive advantages to the side that first exploits it. Such advantages will be fleeting, for although the weaker side does not have weapons based on the new technology yet, it is certain that it will have them in the near future. In such circumstances, failure to exploit the capability advantage is treason to the Communist cause. There are no ideological reasons for not exploiting the advantage, only operational ones. Capability combines with ideology to produce a powerful effect on intentions, which, be they ever so pure before the advantage was obtained, cannot fail to change with the increasing capabilities: if capabilities grow, intentions become more ambitious.

Thus, it is futile and dangerous to base modern strategy on an analysis of the intentions of the enemy. The modern strategist must be concerned with the present and future capabilities of his opponent, not with hopes and dreams about his goals. The dynamics of dictatorship provide a continuing source of ambitious advisors who will counsel the rulers of the Soviet Union toward aggressive action, and only through continuous engagement in the Technological War can the United States ensure peace and survival.

Because the goals of the United States and the U.S.S.R. are asymmetric, the strategies each employ in the Technological War will be different. The United States is dedicated to a strategy of stability, of being a stabilizing rather than a disturbing power; of preserving the status quo and the balance of power rather than seeking conquest and the final solution to the problems of international conflict through occupation or extermination of all opponents. The U.S.S.R. is expansionist; aggressive; a disturber power which officially states that the only true peace is that of world Communism. The United States has conceded the initiative in the Protracted Conflict, and is to a great extent bound to a policy of reacting to Communist advances, rather than seeking the initiative in undermining Communist power.

Because we have conceded the initiative in the phase of the Protracted Conflict which deals with control of territory and people,[1] we must not abandon the initiative in the Technological War. We are engaged in war, not a race, although it may appear to be a race to many of us. But it is a race in which we must stay ahead, because if we ever fall behind, the opponent will blow up the bridges before our runners can cross them. They will deny access to the tools of the Technological War exactly as they have denied access to their territory, which they call the "peace zone" in distinction to the rest of the world, which is the "war zone." If we are to be on the defensive in the Protracted Conflict, survival demands that we retain the initiative and advantage in the Technological War. We know that U.S. supremacy does not bring on global war, let alone a war of conquest; we held an absolute mastery during our nuclear monopoly. We can be certain that the Soviets would not be as passive were they to gain supremacy.

The Technological War is the decisive struggle in the Protracted Conflict. Victory in the Technological War gives supremacy in all other phases of the conflict, to be exploited either by thermonuclear annihilation of the opponent or simply demanding and obtaining his surrender. The Technological War creates the resources to be employed in all other parts of the Protracted Conflict. It governs the range of strategies that can be adopted in actual or hot war. Without the proper and superior technology our strategy of deterrence would be meaningless. Without technological advantages, we could never fight and win a small war thousands of miles from our homeland, or prevent the occupation of Europe and Japan.

Up to the present moment technological warfare has largely been confined to pre-hot war conflict. It has been a silent and apparently peaceful war, and engagement in the Technological War is generally compatible with the strong desires of most of our people for "peace." The winner of the Technological War can, if he chooses, preserve peace and order, act as a stabilizer of international affairs, and prevent shooting wars. The loser has no choice but to accept the conditions of the victor, or to engage in a shooting war which he has already lost.

Technological War can be carried on simultaneously with any other forms of military conflict, diplomatic maneuvers, peace offensives, trade agreements, detente, and debacle. It is the source of the advanced weapons and equipment for use in all forms of warfare. It renders cold war activities credible and effective. Technological warfare combined with psychosocial operations can lead to a position of strategic dominance.

This new form of warfare has its roots in the past, but it is a product of the current environment. World War II was the last war of industrial power and mobilization, but it was also the first war of applied science. The new war is one of the directed use of science. The manner of its use is shown by the changing nature of warfare. Wars of the past were wars of attrition of the military power which was a shield to the civilian population and the will to resist. The new technology has created weapons to be applied directly and suddenly to the national will.

Definition of Technological Warfare

Technological warfare is the direct and purposeful application of the national technological base[2] and of specific advances generated by that base to attain strategic and tactical objectives. It is employed in concert with other forms of national power. The aims of this kind of warfare, as of all forms of warfare, are to enforce the national will on enemy powers; to cause them to modify their goals, strategies, tactics, and operations; to attain a position of security or dominance which assists or supports other forms of conflict techniques; to promote and capitalize on advances in technology to reach superior military power; to prevent open warfare; and to allow the arts of peace to flourish in order to satisfy the constructive objectives of society.

The emergence of this new form of war is a direct consequence of the dynamic and rapidly advancing character of the technologies of the two superpowers and of certain of the U.S. allies. Its most startling application to date has been the Soviet and American penetration of space and the highly sophisticated articulation of specific technical achievements in other aspects of modern conflict—psychological, political, and military.

Its foremost characteristics are dynamism and flexibility, while surprise is its main strategic utility. The superpowers can expand their technologies and employ them unhindered by actions short of all-out war. The nature of the technological process reinforces the uncertainty of war and of the enemy's courses of action. The indicators of success in maintaining a position of dominance are vague and inconclusive because of dynamism, variability, and uncertainty; thus, unless this form of warfare is fully understood, it is possible to lose it while maintaining to the last the illusion of winning.

The importance of this new form of conflict lies in the challenge it poses to the continued national existence of the participants. Just as the Romans deliberately increased their national power by adding seapower to landpower, and just as the major nations of the world increased their power by adding airpower to their surface power, the U.S.S.R. is adding technological power to its existing capabilities.

Technological advances can produce a small number of weapons with a decisive capability, as illustrated by the atomic bomb. Since some technological changes can occur unobtrusively and yet be decisive, the real power situations are never transparent and never fully understood, so that the power of the opponent, as well as one's own power, remains partially unknown. This unavoidable ignorance is the source of direct challenge to the security and existence of the participants in the Technological War. Technology itself does not automatically confer military advantages, and a blind faith in technology uncoupled with strategic analysis and deliberate participation in the Technological War can lead to disaster. Like all wars, the Technological War requires a deliberate strategy, and it must be conducted by commanders who understand fully the objectives they have been instructed to reach.

The Technological War is not synonymous with technological research. The instruments of technological research and development are required for successful participation in the Technological War, but their existence does not ensure their proper use. Research itself does not create technology but is merely one of technology's major prerequisites; and technology by itself cannot bring victory or guarantee national survival.

FOUNDATIONS OF THE TECHNOLOGICAL WAR

Fundamentals of technological strategy

There are three overall aspects to technological strategy. Enumerating them does not constitute a strategy but merely sets forth certain criteria with which to judge the conduct of the conflict. These are shown on Chart 1.

CHART 1.—*Aspects of technological strategy*

Superior Forces In Being
Modernization of Weapons.
Modernization of the Technological Base.

Superiority must be constantly maintained and modernization must be continuous by a power that is determined not to end the Technological War by destroying the enemy. At all times, the defending nation in the Protracted Conflict must maintain sufficient forces in being to assure that the enemy does not end the conflict by *coup de main*, or an overwhelming surprise blow. This is a dynamic process, requiring careful judgment. What is certain is that we can no longer depend on a strategy of mobilization, relying on overseas allies to bear the initial

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Footnotes at end of article.

brunt of the war while we convert from a peace to a war economy. We must have a force in being which cannot be destroyed by the enemy.

Secondly, this must be a modern force. It is unimportant if we surpass the enemy in capability to conduct horse-cavalry conflict, or even guerrilla war, if we do not have a force that can fight successfully with modern high-energy weapons. The situation is not symmetrical; if we possess superiority or supremacy, we need not end the conflict by destroying the enemy, and will not do so because of our essentially defensive grand strategy. However, we cannot afford to allow the enemy superiority or supremacy, because he could use it to force so many concessions—particularly from our then-unprotected allies—that the contest would be decided in his favor.

Finally, we must assure that the technological base from which our forces in being are derived is truly modern and creative. We must be certain that we have missed no decisive bets in the Technological War, that we have abandoned no leads which the enemy could exploit for a decisive advantage over us. For every weapons system he has, we must have a counter, either through defending against the weapon or through riposte against him if he uses it. More important, we must keep a sufficient technological base to allow us to generate the counter-systems to any new weapons he constructs or may suddenly invent.

Dimensions of the technological war

The dimensions of the Technological War range farther than any conflict previously known in human history. They include the aerospace, from ground level to trans-lunar space; the ground and the underground deep within the earth; and the surface of the seas and the underwater world we call inner space. The battlegrounds of the Technological War could include every conceivable area in which military conflict can occur. Yet, this is merely the final aspect of the Technological War. Actual military battle may never take place. The dimensions of the war also include the nonmilitary struggles, psychopolitical warfare, ideological warfare, economics and trade, and the educational process. A college campus with students shrilly screaming obscenities at the police, and a quiet laboratory populated with soft-spoken men armed with chalk and blackboards are equally important battlegrounds. Technological Warfare in its decisive phase will aim at bypassing the other forms of military conflict and striking directly at the will to resist. Military power may be used, and thermonuclear war may be necessary to consolidate the victory, but the true aim of the Technological War is the denial, paralysis, and negation of all forms of hostile military power and of hostile psycho-political pressure through tactics of demonstration, terror, despair, and surprise, conducted in concert perhaps with other forms of warfare. Specifically, genuine Technological War aims at reducing the use of firepower in all forms to a minimum.

An overview of the nature of technology

Before we examine the strategy of Technological War, it is necessary to understand the nature of technology. Contrary to what people have often been encouraged to believe, it is not necessary to be a scientist or technologist to comprehend the general nature of technology, or to employ technology in a strategic contest. Indeed, sometimes specialization on one aspect of technology prevents understanding of technology in its broader sense. The following discussion is a nontechnical introduction to the general nature of technology and strategy. Later sections of this book will develop each of these themes more fully, but because of the interdependence of strategy and technology in modern warfare, it is not possible to organize this book in discrete sections and chapters. Modern Technological Warfare is a mixture of strategy and technology, and their interrelationships.

The primary fact about technology in the twentieth century is that it has a momentum of its own. The stream of technology flows on endlessly, and it is impossible to dam it. There remain only four choices. You may swim with the stream, exploiting every aspect of technology to its fullest; you may attempt to say where you are relative to the competition by swimming in spurts; you can attempt to crawl out on the bank and watch the rest of the world go past; or you can attempt to swim against the stream and "put the genii back in the bottle." Since nearly every nation, and certainly both superpowers, swim in more or less the same technological stream, only the first course of action makes sense. To continue the analogy for a moment, there is a fog over the surface of the water, so that you cannot know exactly what and how your opponents in the race are doing. An opponent may tell you he has crawled out on the bank and is enjoying the view, while in fact he is either treading water or racing away from you. If you do not intend to lose, you have little choice but to swim with the current as long and as hard as you can.

The impersonal nature of technology makes meaningless the gunpowder era phrase arms race. It is fashionable at present to speak of the action-reaction arms race, in which each power constructs weapons for fear that the other has done so. According to this theory,[3] the primary reason nations arm themselves is that they react to others. In fact, in the Technological War, opposing powers essentially react to the impersonal stream which carries them along. They really have no choice and never will have so long as the current flows and there is asymetry of information between them. The fog of war is made denser by confusion caused partly by deliberate deception and partly by self-deceptions. Only when the Communist states have transformed themselves into open societies and there is a complete exchange of information—that is, when the fog has lifted from the stream of technology—can meaningful efforts to arrange the contest on a more economical and less risky basis be successful. Until that time we must engage in the Technological War. It is fairly obvious that rationalization of the conflict will not come in our lifetimes. We would do well to expect that even if the U.S.S.R. were to change its character, other threats might arise in its stead.

Arms races in the nuclear era differ from those in the gunpowder era in one fundamental way: they are qualitative rather than quantitative. In the gunpowder era, numbers of divisions, tanks, battleships, and aircraft gave rough estimates of the strength of the possessor and his capability to defend himself. It was possible to overcome an enemy by sheer numbers of weapons alone. In the nuclear era, numbers remain important, of course, but the primary strength lies in quality of weapons and their survivability. Nuclear weapons can destroy an enemy's entire military power in one strike if the attacker possesses sufficient qualitative superiority. This too is a result of the nature of modern technology.

One of the most easily observed phenomena of technology is that it moves by "S" curves, as illustrated in Figure 1 [not printed in the RECORD]. Note that the top of one curve may be the base of another following it. Although the stream moves on inexorably, it is possible to exploit one or another aspect of technology at will. Which aspect to exploit will depend on several factors, the most important being your goals and your position on the S-curve.

To illustrate the S-curve concept, consider the development of aircraft, and in particular their speed. For many years after the Wright brothers, aircraft speeds crawled slowly forward. In 1940, they were still quite slow. Suddenly, each airplane designed was faster, until the limits of subsonic flight were reached. At that point we were on a new S-curve. Again, the effort to reach transsonic flight consumed many resources and much time, but then the breakthrough was made. In a short time, aircraft were traveling at multiples of the speed of sound, at speeds nearly two orders of magnitude greater than those achieved shortly before World War II.[4]

Technology is interdependent: advances in one sector of technology soon influence areas which might naively have been believed unrelated. For example, the development of molecular chemistry techniques led to the art of microminiaturization, which allows development of computer technology beyond the expectations of only a few years ago. The revolution in computer sciences has made possible the development of on-board computers for missile guidance, and thus of accuracies not previously predicted. Increased accuracy has made possible the destruction of missile silos with much greater ease and smaller warheads, and has led to the development of Multiple Independently Targetable Re-Entry Vehicles (MIRV), each of which uses on-board guidance computers. The increased kill capability stimulated research into silo hardening techniques, which led directly to the present hard rock silo designs. And that development also made it possible to conduct certain mining operations that were previously financially infeasible. Examples of interdependence can be given without limit.

Thus, technology influences nearly every aspect of national life. In particular, technology influences strategy, forcing strategic revolutions at frequent intervals. There are those who say that strategy never changes. If they mean literally what they say, they have never appreciated the effects of the airplane and the ICBM, the possibilities for surprise attack created by these radical new weapons delivery systems coupled with thermonuclear explosives, and the effect they have on ground battles. If, however, they mean that the principles of strategy have not changed, they are more nearly correct, as we will discuss below.

The important fact is that technology paces strategy to some extent, and forces the development of new military strategies which take the new technology into account. As we will show, it is dangerous to regard this relationship as one-sided. Technology and strategy are interrelated, and strategy can and should also pace technology.

Despite the critical importance of technology, it remains an impersonal force, largely because we have never made an effort to understand it. Although America is the leading technological power—perhaps because we are the leading technological power—we do not really comprehend technology. As a consequence, technology remains largely a matter of individual initiative, and we have failed to develop a strategy of technology, let alone a strategy for winning the Technological War.

THE DECISIVE WAR

The technological contest is a war. It is not a game against an impersonal force, it is a deadly conflict with an intelligent and implacable enemy. We do not suppose that a military commander who conducted his battles as they occurred, understanding neither the terrain nor his enemy and preparing only for the battle that he had already fought, would be properly performing his task. Yet, too often this is precisely what happens in the Technological War, which may be the most decisive engagement in the history of mankind. Technology has grown

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Footnotes at end of article.

into the driving force, dictating to strategy; and strategy is conceived of as employment of systems already created by the technologists; that is, strategy is confined to operational decisions. This is akin to allowing the recruiting and supply officers to decide the conduct of a traditional land war.

The danger in the Technological War is that it closely coupled with the Protracted Conflict, and a decisive lead in the Technological War can be converted into a decisive advantage in military weapons. Note that military power and technological power are coupled, but are not identical; military technology is not in and of itself a weapon system, but it can be used to create weapons systems. Thus a commanding lead in the Technological War can be achieved before a corresponding lead in military technology has been obtained. As an example, the Soviet Union could, through the development of nuclear defense technology, obtain a decisive lead in the Technological War at a time when the United States still possessed a clear superiority in deliverable weapons. This technology could then be used to create defense systems, and if the United States took no countermeasures during the deployment of those defensive systems, we would find ourselves in an inferior military position.

Victory in the Technological War is achieved when a participant has a technological lead so far advanced that his opponent cannot overcome it until after the leader has converted his technology into decisive weapons system. The loser may know that he has lost, and know it for quite a long time, yet be unable to do anything about it. To continue the above example, if the Soviet Union were able to develop the technology for producing an impenetrable ICBM defense system, and we were unable to obtain the same technology in time to deploy systems of our own before his were installed and operational, we would be beaten, even though the U.S.S.R. might spend several years in deployment of his own system. Our only choices would be the development of a penetration system that his defenses could not counter (such as manned bombers of very high capabilities),[5] surrender, or preventive war.

This is the unique feature of the Technological War. Military superiority or even supremacy is not permanent, and never ends the conflict unless it is used. The United States is committed to a grand strategy of defense, and will never employ a decisive advantage to end the conflict by destroying her enemies. Consequently, she must maintain not only military superiority but technological supremacy. The race is an alternative to destructive war, not the cause of military conflict.

Proper conduct of the Technological War requires that strategy drive technology most forcefully; that there be an overall strategy of the Technological War, allocating resources according to well-defined objectives and an operational plan, not merely strategic elements which make operational use of the products of technology. Instead of the supply officer and munitions designer controlling the conduct of this decisive war, command must be placed in the hands of those who understand the Technological War; and this requires that they first understand the nature of war.

Lest the reader be confused, we do not advocate that the Technological War be given over to the control of the scientists, or that scientists should somehow create a strategy of technological development. We mean that an understanding of the art of war is more important than familiarity with one or another of the specialties of technology. It is a rare scientist who makes a good strategist; and the generals of the Technological War need not be scientists any more than the generals of traditional military conflict need to be good riflemen or railroad engineers.

Like all wars, the Technological War must be conducted by a commander who operates with a strategy. It is precisely the lack of such a strategy that has brought the United States to the present low point in prestige and power, with her ships seized across the world, her Strategic Offensive Forces (SOF) threatened by the growing Soviet SOF—and with the United States perplexed by as simple a question as whether to attempt to defend her people from enemy thermonuclear bombs, and unable to win a lesser war in South East Asia.[6] Because we have no generals and no strategy, we must muddle through the most decisive conflict in our national history. We are not doing a good job.

There have been a few exceptions to this unsatisfactory record of American performance. General Bernard Schriever created a military organization for strategic analysis which was responsible for our early commanding lead over the Soviets in Ballistic missiles, despite the fact that the U.S. had allowed the U.S.S.R. many years' head start in missile development after World War II.[7] The Air Force's Project Forecast was an attempt to let strategy react to, then drive, technology; it too was a creation of General Schriever's.

In the Navy there have also been notable attempts to allow strategy to influence technology and produce truly modern weapons systems. The long-term results on the careers of the officers involved have been similar to those of the officers identified with General Schriever in the Air Force: failure. Our military organizations have not been geared for commanders who understand the Technological War, even though this is the most decisive of all wars we have fought. Yet in the few cases where the proper actions have been taken, the payoff in the Technological War has been very great. Unfortunately, the men who were involved in making these contributions to the nation have suffered for doing so.

THE ELEMENTS OF STRATEGY

What is strategy?

Because there seems to be little understanding of strategy and its effect on the Technological War, we will briefly review some general principles of strategy and warfare. Our purpose is not to teach the elements of strategy, which would require another book, but rather to make the reader aware of strategy and some of its complexities.

"According to the traditional concept of military strategy it should mean the art of employing military forces to achieve the ends set by political policy. This definition was formulated by [Sir Basil Henry] Liddell Hart in 1929 and it hardly differs from that of Clausewitz. Raymond Aron in his recent book follows it almost word for word.

"In my view this definition is too restrictive because it deals with military forces only. I would put it as follows: the art of applying force so that it makes the most effective contribution towards achieving the ends set by political policy. . . .

"In my view the essence of strategy is the abstract interplay which, to use Foch's phrase, springs from the clash between two opposing wills. It is the art which enables a man, no matter what the techniques employed, to master the problems set by any clash of wills and as a result to employ the techniques available with maximum efficiency. It is therefore the art of the dialectic of force, or, more precisely, *the art of the dialectic of two opposing wills using force to resolve their disput.*"[8]

In our judgment it would be hard to better the above set of definitions, provided we use, instead of force, the broader expression power and force. On this basis, we may see several important aspects of the Technological War and its strategy. First, we see that strategy involves two opposing wills. This in itself sets the Technological War apart from the simple development of technology. *The development of technology is a game against nature, which may be uncooperative, but which never deceives or actively conspires to prevent your success.* The Technology War is a contest with an intelligent opponent who seeks to divert you from seeing his purpose, and to surprise you with his results.

Secondly, strategy involves the use of power and force. In the Technological War, the more power is extant, the less often force needs to be used in the primary or decisive mode of the conflict. In the place of battles, the Technological War general disposes his own resources so as to maximize the power he holds and at the same time compel the enemy to make maximum dispersal of his. To make the enemy counter each move you make, and dance to your tune, is the aim of a Technological War strategy. In the ideal, if the enemy were required continually to build purely defensive weapons which might protect him from your weapons but which could not possibly harm you, you could be said to have won a major engagement in the Technological War. In the contest between wills, seizing and holding the initiative is of utmost importance; as indeed it has been for a long, long time:

"You hear that Phillip is in the Chersonese, and you vote an expedition there; you hear that he is in Thessaly, and you vote one there. You march the length and breadth of Greece at his invitation, and you take your marching orders from him."[9]

But if the power ratio is ambiguous, the decision as to who is the stronger will be made by force, which is the application of power in battle. Other things being equal, battles are won by superior technology. But clearly superior technology prevents battle.

The principles of war

War is an art; it is not an exact science. Precisely because there is an intelligent opponent, there are real uncertainties about war, not merely statistical uncertainties which may be measurable. Every attempt to reduce war to an exact science has ended in dismal failure. The advent of the computer and systems analysis, useful as both may be, has not changed this fact, although it has often been forgotten.

Part of the traditional method of learning the art of war is studying the principles of war. These principles are a set of general concepts, like holds in wrestling, and no exact group of principles is universally recognized. Some strategists combine several into one or divide one of those we show here into several. The principles given on Chart 2 will serve well enough for our purposes.

CHART 2.—*The Principles of war*

The Principle of the Objective.
The Principle of the Initiative.
The Principle of Surprise.
The Principle of the Unity of Command.
The Principle of Mass (Concentration of Force).
The Principle of Economy of Forces.
The Principle of Mobility.
The Principle of Security.
The Principle of Pursuit.

It will be noted that some of these principles, if carried to their extremes, would be contradictory. They are intended to serve not as a formula for the planning of a battle, but rather as a set of guides or as a checklist which the planner ignores only with peril. They are as applicable to the Technological War as to any other war. At first glance, it might seem that one principle or another might be more directly applicable to the Technological War than the others, but in fact none can be disregarded if success is to be achieved. We will have occa-

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Footnotes at end of article.

sion to refer to them from time to time in the analysis below.

STRATEGY AND TECHNOLOGY

It must also be considered that the United States today has no technological strategy. We have, instead, a series of independent and often uncorrelated decisions on specific problems of technology. This is hardly a strategy. A technological strategy would involve the setting of national goals and objectives by political leaders; it would be integrated with other aspects of our national strategy, both military and nonmilitary (Initiative, Objective, and Unity of Command); it would include a broad plan for conducting the Technological War that provided for surprising the enemy, pursuing our advantages (Pursuit), guarding against being surprised (Security), allocating resources effectively (Economy of Forces), setting milestones and building the technological base (Objective), and so forth. Lesser conflicts such as that in Vietnam would be governed by a broad strategic doctrine instead of being considered as isolated and treated as crises.

In our national strategy, far too much attention has been given to current affairs and to specific conflict situations at particular times and places. There has been no serious attempt to integrate the individual decisions, or relate them to a comprehensive grand strategy that is adequate to overcome the challenges. The few attempts we have made to manage technological decisions properly were disastrous; examples are the ludricous "savings" achieved through the TFX and the equally dismal saving through over-management of the C5A program. We have confused a strategy of technology with centralized interference in the design or production of specific weapons and the imposition of a "standardized management plan." The results are that our performance in Vietnam was quite unsatisfactory, we have failed to exploit our superior technology to grasp a commanding lead in either inner space or outer space, our merchant marine where it exists at all flies the proud flags of Panama and Liberia, and many of our young men fight overseas with weapons that make use of principles discovered by Roger Bacon in the thirteenth century.

The reasons for this dismal performance are complex; it is not necessary to understand all of them and it is not germane to blame anyone. Events caught up with us, the stream of technology swept us along, and only recently did we begin to realize the nature of the Technological War. In fact, one reason we have no strategy of technology is that not everyone realizes we are at war; but perhaps the most important reason is the basic failure to understand the nature of technology itself, and particularly the problems of lead time which produce a crisis-oriented decision process.

Crises have kept coming endlessly, and we have had to meet them. Decision makers at the national level concentrate on fighting today's fire, partly because they hope that the current trouble will be the last but mostly because of the long lead time involved in technology. A president called upon to spend money in any fiscal year actually is spending money to solve the problems of a president two terms later. But even if we try to find comfort in expenditures for research and development, we must understand that these are oriented to specific projects and tasks and do not result from technological strategy.

This is illustrated by our lack of effort to construct an organization for conducting technological warfare. The review of the annual budget and of individual projects in basic research, in applied research, in development, and in procurement is the only process by which our technological development is controlled directly. Other influences such as the statements of requirements and the evaluation of military worth are felt only at the level of individual projects. Overall evaluation of the research and development effort and of its relations to strategy is rudimentary.

An example of how irrelevant factors influence our efforts, and perhaps one of the decisive signs of the times: the January 20, 1969 issue of *Aviation Week and Space Technology*, the most influential journal in the aerospace field, included a report entitled "Viet Lull Advances New Weapons." The article makes clear that the budgetary funding level of many advanced new weapons systems, including research and development, basic technology, and actual system procurement, is largely dependent on the continuation of a "lull" in the Vietnam war. Given a proper strategy for the Technological War and proper command of our efforts, the title should read "Advanced New Weapons End Vietnam War."

FOOTNOTES

[1] Robert Strauz-Haupé *et al., Protracted Conflict* (New York: Harper, 1969); Stefan T. Possony, *A Century of Conflict*, 5th ed. (Chicago: Regnery, 1969).

[2] We define as technological base the sum total of resources needed to produce and constantly modernize the tools of war and peace. Those resources include scientists, inventors, engineers, laboratories, laboratory equipment, funds, information flow, incentives, etc., as well as industry and the economy as a whole, which we do not discuss in this book.

[3] The theory is essentially that of Lewis Richardson, who made up elaborate differential equations to try to demonstrate the mathematical relationship between the arms expenditures of nations and international blocs, and found a reasonable fit in the single case of the pre-World War I Entente and Alliance. No empirical confirmation of the Richardson theory has been found, and the specialized assumptions required to make the World War I history fit the theory leave the entire effort in a questionable state. Richardson's theory is presented in L. F. Richardson, *Arms and Insecurity* (Pittsburgh: Boxwood Press, 1960). His most vigorous contemporary champion is Anatol Rappaport, in *Fights, Games, and Debates* (Ann Arbor: University of Michigan Press, 1960). The results of one unsuccessful attempt to find a modern instance of a Richardson arms race are reported in Pournelle, *Stability and National Security* (U.S. Air Force, 1969). We have found that in the nuclear era, expenditures on weapons simply do not fit the Richardson equations.

[4] In common engineering parlance, *an increase by an order of magnitude is approximately a tenfold increase*. Astronomers, be wary.

[5] We would, of course, have not only to invent and develop these bombers but build them in quantity, fly them, train the pilots, etc., and do it all within the time limits of U.S.S.R. deployment.

[6] Since this book is intended to be a discussion of principles, not of current specific problems, it may well be in print long after the present war in Vietnam is ended. We venture to predict, however, that for many years, after this is written (1970) there will be wars in Asia, including South East Asia and the area formerly known as Indo-China.

[7] The authors recall the frustration of Wernher von Braun and other rocketry experts when the last of the V-2 rockets brought to the United States were used, not for development of rocket sciences, but as supersonic test beds for aircraft parts to avoid spending the funds required for construction of supersonic wind tunnels. This retarded the development of both missiles and supersonic aircraft, of course.

[8] General d'Armée André Beaufre, *Introduction to Strategy* (New York: Praeger, 1965), p. 22.

[9] Demosthenes, *First Phillipic to the People of Athens*.

ENVIRONMENTAL AGENDA FOR WEST VIRGINIA

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. HECHLER of West Virginia. Mr. Speaker, last month I was invited to speak at Morris Harvey College, Charleston, W. Va., to the Citizens for Environmental Protection. I pondered for awhile after receiving the invitation from Dr. Carol Wilcox, and finally picked up the telephone to call her. After expressing appreciation for the invitation, I said to her:

> You have so much talent and knowledge in your own organization that instead of my coming out and speaking to you, why don't you speak to me? If this is agreeable with your members, why not ask some of them to present brief papers on various aspects of environmental problems you believe deserve priority? Then we can discuss the questions raised and perhaps arrive at an "environmental agenda" for the 1970's.

The Citizens for Environmental Protection agreed to undertake this responsibility, and on April 24, 1971, we met in Charleston, W. Va. The entire discussion was not recorded, but there follow the prepared remarks of those participating:

PARTICIPANTS IN ENVIRONMENTAL HEARING WITH CONGRESSMAN HECHLER AT MORRIS HARVEY COLLEGE, APRIL 24, 1971

CITIZENS FOR ENVIRONMENTAL PROTECTION, INC.

In order of appearance:

Carol (Mrs. H. G.) Wilcox, Ph. D., President, Citizens for Environmental Protection, Inc.; Prof. David E. White, Ph. D., Director, Division of Forestry, West Virginia University; John L. Boettner, LL. B., Graduate of WVU Law School, Appalachian Research and Defense Fund, Inc.; Mary Jane (Mrs. Carl M.) Hedrick, Sheriff and Treasurer of Tucker County, Rep. of Cheat Valley Conservancy, Inc.

Nick Casey, Honor Student, Graduating Senior, President of Student Council, Charleston Catholic High School; E. Dandridge MacDonald, LL. B., Graduate of University of Virginia Law School, Appalachian Research and Defense Fund, Inc., Chairman, CEP's Water Pollution Committee; Diane (Mrs. H. L.) Snyder, Environmental Chairman, Kanawha Garden Council, Chairman, CEP's Pesticides Committee; William Call, CPA, LL. B., and Ph. D., Assistant Professor of Economics, WVU—Kanawha Valley Graduate Center.

Wendell Drake, Liaison and Staff Person, United Fund—Kanawha Valley Central Labor Council; Nancy (Mrs. Robert) Cassady, Concerned Citizen, Opponent of thru-city route for interstate for 7 years; Norman Williams, Out-going Deputy Director, West Virginia Department of Natural Resources; Dennis Spriggs, Ph. D., Assistant Professor of Chemical Engineering, WVU—Kanawha Valley Graduate Center, Chairman, CEP's Air Pollution Committee.

OPENING REMARKS BY DR. CAROL WILCOX, AT ENVIRONMENTAL HEARING WITH CONGRESSMAN HECHLER, APRIL 24, 1970

One of the most conspicuous characteristics of American society today is the pervasive sense of powerlessness, even among those who have shared most generously in the American dream. Events and institutions seem to be shaped by forces over which we have lost control. Our economy relentlessly grinds on, degrading the environment, wasting resources, dehumanizing people, maiming workers; and no one really seems to know how to bring it under rational control. The war in Vietnam goes on, seemingly without reference to the conscience and ideals of most Americans. Defense budget increases, and security diminishers. The rich get richer and the poor get poorer.

Meanwhile, government staggers under a mounting burden, with outmoded machinery. Legislative bodies move—if they move at all—at a glacial pace; and their procedures, seniority systems, vanished. Bureauracies are seemingly inpenetrable, except to those vested interests who always seem to know the secret combination and whose voices are readily heard. Administrators, both in government and business, treat inquiring, concerned citizens as troublemakers, bent on harassment and headlines. "We are the experts," they say, and "you must trust us to do the job."

And so it is that plans are projected, decisions made, and resources committed, and citizens are the last to know.

The capacity of government at all levels to listen and respond to its people is in grave question. As Nobel Prize-winner George Wald said appropos of the growing disaffection over Vietnam: "The majority is not silent; the President is deaf!"

Environmental organizations like CEP are based on the premise that an informed and concerned citizenry is an indispensable ingredient of the effort to restore balance and respect to the treatment of the natural world. But this presupposes the availability of channels into the decision-making process; not decision-makers who will listen only if we scream and holler long enough, but decision-makers who actively promote and solicit citizen input and involvement.

That is why we are so delighted today to have Congressman Ken Hechler with us to listen to our views and, by exchanging ideas and information with us, to stimulate thought and action on his part as well as ours.

Mr. Hechler's concern with protecting the environment has been amply approved in the years he has served in Congress. He was a pioneer advocate of coal mine health and safety legislation. He was the only West Virginia Congressman to vote against the SST. And now, he is the originator of a historic bill to abolish the scourge of strip mining nationally. It is a tribute both to his energy and the urgency of the issue, that his strip mine bill now has more than 60 co-sponsors in the Congress; while Senators McGovern and Nelson are introducing a companion bill in the upper house. We are privileged to welcome you, Mr. Hechler.

Opening Remarks by Rep. Ken Hechler

Thank you very much, Dr. Wilcox. I am sure that all of us will profit from this new experience, and most of all myself. I am here today as a big sponge to soak up knowledge and inspiration on the key environmental questions which confront us in West Virginia. Your guidance and information will be extremely helpful to me in my role as a Representative in Congress, when the Congress grapples with many of the most important issues which affect and determine what kind of a state we want West Virginia to be in the future.

Since I promised not to deliver a speech, and I am here to listen and learn, I shall yield back the microphone and officially declare that I am now ready to sit back and gain the benefit from your knowledge.

Planning, the Price System and Pollution

(By David E. White)

The individuals and groups such as Citizens for Environmental Protection have come some major and far-flung victories in recent weeks. In the South, construction of the Cross-Florida Canal, which posed a threat to the flora and fauna of one of the nation's truly unique areas, has been stopped by the President after a hard-hitting campaign by conservation groups; In the West, in the majestic Bitterroot Mountains, resources management has come under indictment by an investigating committee headed by my good friend Arnold Bolle of the University of Montana School of Forestry; and here in West Virginia we've had some success against the ravages of strip-mining.

But my purpose this afternoon is not to rejoice with you over these victories in the cause of environmental protection, for these victories are of meager dimension when one looks to the future and contemplates the scope and complexity of the problems that lie ahead. Up to now, the battle for environmental protection has been waged crisis-to-crisis, largely negative in its posture, often substituting emotion in the absence of information, all the while attempting to overcome the results of more than a century of laissez-faire industrialization and social apathy.

But the time is fast approaching when the thrust of environmental concern must become more positive in its approach, more systematic in its working, encompassing more of our institutions, and relying on a greater store of knowledge. What I am describing is a situation wherein environmental management will be action instead of reaction, with the focus broad and comprehensive rather than narrow and selective.

I have just two points to make concerning what I think will be required in the decade ahead if we are to avoid further fouling of the environment. The first point has to do with land-use in West Virginia. The second is national in scope and involves economic policy.

We in West Virginia should begin immediately to develop a land-use policy and a land-use plan for the entire State. We should begin now to identify those natural and economic factors that will influence our State over the next 10, 20, or 30 years and to lay plans for orderly and advantageous use of our resources. Such forecasting and planning is perhaps more important for West Virginia than for most states, for few states possess so much in the way of natural wealth or are so heavily dependent on the land resource for economic well-being.

Sound land-use planning, i.e., land-use planning supported by thorough research, focused on the public interest, and implemented by effective legislation, can be a boon to everybody. It can free the conservationist of the fear of despoliation; it can provide the public resource administrator with clear guidelines; and for the private sector, the investor on whom we must depend for the continuance of our economic well-being, it can create a climate of confidence.

None of us should underestimate the importance of this last point. A few weeks ago, as I joined with the hundreds of others who protested the stripping at Laurel Run, I thought of the tragic waste and loss created no matter what the outcome. Here were two respectable citizens, a landowner and a strip mine operator, both conducting themselves within the law as they understood it, yet being forced to incur severe losses because the law or the interpretation of the law did not meet the needs of the times. In the case of the Cross-Florida Canal, $50 million had been spent on the project before it was terminated. Think of the plight of the private sector of our economy in a situation like this where existing law and the planning that goes into it does not reflect the wishes of the people. I submit that people such as you and I, who have lately changed the rules of the game regarding natural resource use, have a further obligation to make these rules as clear and complete as we can, and the way to do it is through comprehensive land-use planning.

Another benefit of land-use planning is evident when we consider what is happening in Washington regarding revenue sharing. In the March 10 message to the Congress on the subject of Rural Community Development, the President had this to say:

"The statewide planning process which would help States and localities coordinate activities carried on under both urban and rural community development revenue sharing will be established in legislation that I will submit shortly. It would require annual preparation of a comprehensive statewide development plan outlining spending intentions for programs in metropolitan, suburban, smaller city, and rural areas alike. The $100 million Planning and Management Assistance Program which I proposed in my message to the Congress on Urban Community Development Revenue Sharing would provide funds which States and local jurisdictions could use in this planning process."

To most Americans the term planning seems to mean loss of freedom and individuality. The suggestion I offer here today is just the opposite: In a future marked by complexity, rapid change, and a delicate balance between economic and environmental matters, planning provides us with the one hope for freedom and individuality.

And now to turn to the nation at large, and specifically to our system of free enterprise, or, to use the economist's term, the price system.

The price system has been much maligned by conservationists and environmentalists as the culprit which has led us to environmental degradation. All one needs to do to come to this conclusion is to look at what industry has done to the land, air, and water while in pursuit of profit.

But the fact of the matter is, we have a degraded environment today, not because of *adherence* to the price system but largely because we have *abandoned* it.

In a true price system, each firm and industry must assume the full burden of the costs it generates. Those industries which have exhibited the most rapid growth in recent times are the ones which have been able to pass off a share of their costs of production to the public.

Nowhere is the evidence more clear than in those industries which use great amounts of energy in substitution for labor. Aluminum has replaced steel in our beer cans, and nylon has replaced cotton in our shirts because both the aluminum industry and synthetic fiber industry rely heavily on energy in relation to other input. And energy is cheap. Why? Partly because energy fuels producers are able to avoid certain of their costs. (We can leave this city in any direction and see the evidence.) One of the principle arguments in favor of strip mining is the nation's great need for electric power. But if we should decide to drink our beer from steel cans and go back to cotton shifts, perhaps we wouldn't miss the strip-mined coal at all. Or to put it another way, if the price system were really operating and strip-mined coal had to bear all the costs of its production and pollution, it might long since have become uncompetitive and we wouldn't have to contemplate abolition.

What I am suggesting here for the future is a careful study of all those industries which create social costs through pollution, and a program to internalize these costs through taxes, fees, penalties, or any other practicable means.

The U.S. Army Corps of Engineers—Sweet and Sour Pork[*]

(By John L. Boettner, Jr.)

If there is one major reason why dams, canals and other "big water" projects are constructed it is that the Senators and Congressmen feel that their area has not received its share of big Government construction. To a disturbingly large degree, this type of thinking has dominated our nationwide water and land resources program.

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[*] Quoted from *The Diligent Destroyers,* George Laycock.

Each year the Corps gets a little less than 2 billion dollars for its civil works projects. Most of this money is funnelled through the Omnibus Rivers and Harbors Act commonly referred to as the "pork barrel".

The term "pork barrel" is believed to go back to the days of slavery. As a special treat, the plantation owner would call his slaves around him and then knock the top off a barrel of delicious preserved pork. There would be a mad rush with everyone reaching into the barrel for as big a chunk of pork as he could get.

History has failed to credit the person who noted the similarity of this custom with that of handing out choice Federal projects.

One of the basic facts of Washington political life is that you do not rock the boat that is carrying the pork barrel . . . and I am not naive enough to hope that this grab bag system of temporary welfare will change within the near future. However, I do think that we, as citizens, should insist upon a new brand of pork—the sweet pork of pollution control.

For example, in West Virginia, the U.S. Army Corps has been ordered to build the Rowlesburg Reservoir project in Tucker County. The dam is to be a concrete structure 271 feet high. The dam will cause the flooding of almost 10,000 acres, much of it being prime farm land along the Cheat River. During the spring and summer seasons, a great deal of this impounded water will be released to flush out the river pollution, mostly in Pennsylvania around Pittsburgh. As a result of this huge water release, there will be thousands of acres of land along more than 30 miles of the river that will be nothing but mud flats for almost half a year.

Not only is the Rowlesburg Reservoir to be an admitted environmental disaster, it is also a waste of money—to be exact 35 million dollars worth.

There is no conceivable way that West Virginia can benefit from the construction of this dam. In fact, Tucker County is being stripped of valuable land that no longer can be taxed to support its schools and other public services. . . . This is sour pork.

On the other hand lets think of what we could do with 35 million dollars together with the skill of the U.S. Army Corps of Engineers.

Instead of a dam that few people want we could stop pollution and acid mine drainage at its source rather than flushing it away to create problems elsewhere. This is sweet pork.

Instead of a dam, we could plan a program to have the corps remove all the gob piles currently polluting and causing siltation of our navigable rivers and streams. This is sweet pork.

Instead of daming up the rivers, the U.S. Army Corps could be cleaning them up. This is sweet pork.

These and other solutions must come from the Halls of Congress. This Congress must provide this direction and the best place to start is to cancel the Rowlesburg Reservoir project. Already many injuries inflicted upon our environment are wounds that cannot heal. Let us not rub salt into those wounds by the construction of this dam.

Valleys flooded beneath giant reservoirs are flooded for all foreseeable time. Scenic and free flowing rivers once dammed are forever lost.

The message then for Earth Week, 1971, is for Congress to free the U.S. Army Corp of Engineers by giving this highly skilled group a new mission of rebuilding the nations supply of clean and healthy water.

Or in other words to make a new fountain of life out of the old pork barrel. How sweet it would be.

Cheat Valley Conservancey of Tucker County

(By Mary Jane Hedrick, Sheriff of Tucker County)

Fellow Citizens: I stand here today, representing the Cheat Valley Conservancy, the people of Tucker County, and my family.

The Cheat Valley Conservancey, Inc. was formed June 24, 1970, to oppose the construction of the Rowlesburg Dam and to keep the Cheat River a wild, free flowing, scenic stream that has history dating back to 1776 when St. George (then Fort Minear) became the first settlement in Tucker County. Markers have been erected by the West Virginia Historical Society for the village itself and for Fort Minear and the St. George Academy. Many other historical points of interest stand in the valley waiting for private development to allure the tourist.

If constructed the Rowlesburg Dam would be a concrete gravity dam 271 feet high and 1,695 feet long. The full pool elevation would be 1,632 feet above sea level. The permanent pool elevation would be 1,420 feet above sea level. 1,632 feet minus 1,420 feet equal 212 feet, which is the fluctuation of the waterline around the lake.

This fluctuation will creat "mudflats" over approximately 20 miles of the stream bed and the fertile bottomland now under cultivation. Many of the homesites and cabins of the Cheat Valley are located within the 300 foot strip to be purchased above the full pool mark. This fact will eliminate at least 155 families from the area. The Corps of Engineers do not have a sponsor for this recreation that is supposed to be developed within the 300-foot strip. The West Virginia Department of Natural Resources have rejected the recreation, say it is not feasible, that the great recreation potential exists as the river and the land is today and should be further developed by private individuals.

Tucker County has two state parks within 30 miles of the Rowlesburg Dam site. The Monongahela Power Company has applied for a permit to construct a power dam with a recreation aspect near the Canaan Valley State Park. This development will more than double the tax revenue for Tucker County while the Rowlesburg Dam will remove at least 25% of the now taxable land from the books.

Tucker County is already 42% owned by the federal government and with the land required by Rowlesburg the federal government will own at least 75% of the land. With only 269,869 acres in the entire county this does not leave much for the people. Tourist visiting has become a way of life of our area. We have always been ready to share as a true mountaineer what we have. However, we feel we have just about come to the end of the trail when asked to sacrifice the Cheat River and its fertile and scenic valley.

Not only will the county government be affected by loss of tax revenue but our school system as well. A survey of the 1970–71 enrollment shows that at least 10% of the students would be re-located with their families. We have to assume that these people will leave Tucker County for there is no other place for them to locate here. If we lose 10% of the students our state aid will be cut. So the schools lose county tax and state aid.

Tucker County the proposed recreation site of the East is losing its citizens, its heritage, its government, its educational system; indeed its identity as a county for what?

Water Quality: Cheat River appears to be clear. The Monongahela River at Pittsburgh is heavily polluted by industry. Pollution dilution will be carried on.

Flood Control: Tucker County will receive very little; indeed West Virginia will receive only $29,000 compared to the over all sum of $2,094,000. The greater benefit goes to Pennsylvania.

Hydrolectric: Monongahela Power let their permit expire because for hydroelectric the project is not feasible.

The recreation lands will be bought even without a sponsor held 10 years and disposed of as surplus lands. A very unfeasible use of fertile lands now under cultivation and producing a livelihood for people.

No recreation, no power production, no water quality needed here. If the Rowlesburg Dam is constructed for flood control only we will be spending $1.06 to save $1.00.

Governor Moore has offered misgivings to the project and asked for a complete reevaluation.

Senator Randolph believes a complete independent environmental study needs to be made of the project.

Senator Byrd met with the Cheat Valley Conservancy and seemed concerned. The Corps of Engineers themselves appear concerned over the project. Land acquisition which was slated to begin this year has been halted until an Environmental statement can be filed.

There is concern over Rowlesburg by local citizens, out of state visitors, cabin owners, fishermen, sportsmen, boaters, etc. The young and old have come to love the river and the valley. What price can be placed on the present recreation, historical and scenic sites, on the 4–H camp, the golf course on St. George on Holly Meadows. I have no price to place on my home in the valley for I and my family wish to remain in Tucker County in West Virginia as do my neighbors and many of their children.

What will the answer be??? To date the Environmental Draft statement does not present a clear picture of the effect of Rowlesburg on the lives of people.

Environmental Pollution

(By Nick Casey, President of Student Council, Charleston Catholic High School)

The environment and pollution are the key issues which invade every discussion these days. It is an important topic for businessmen, concerned adults, and the innocent youth. By "innocent" I mean in the sense that we are being handed something we didn't create. I'm not using this to lessen our responsibility but to give you an idea of how we sometimes feel.

Every generation is left with the wonderful technical advances of its predecessors and sometimes unfortunately the shortcomings of this same technical progress. This is the situation today's youth are caught in.

Pollution is a loss. A by-product of useful production which serves no purpose and doesn't benefit anyone. It only endangers and disgusts all those who breathe it, smell it, hear it or live with it. I've lived in the Kanawha Valley my entire life; so while I'm not an expert on pollution I feel I have excellent first hand knowledge of it. In the past several years since pollution has become an issue I've noticed things in the valley which appear to be the sole result of pollution.

Mornings in Charleston have their own particular qualities. If the wind is blowing up the river you get the smell of dead fish from the South Charleston plants; if the wind is blowing down the river you get a heavier ammonia smell from the plants at Belle. These odors vary according to the way the winds blow so on some days your interesting contrasts.

Sunrise during the summer is the same as it has always been but the fog or smog seems to linger in the valley for longer and longer periods each year. The smog often stays until mid-afternoon and if you attempt any strenuous sports or other activities which cause you to lose your breath it will probably stay lost until you get in and out of the smog.

One thing which has always disgusted me is the Kanawha River. I have lived near or on the river for 16 years; never once have I swum in it. The reason is pollution. The river is filthy and dangerous because of chemical pollutions. The river is filthy and dangerous because of chemical pollutants. Sewage and storm sewers dump into the river and the trash along the banks makes the dirty gray water even less appealing.

Almost all the other activities associated with water are lost because of pollution. Boating is almost as bad as swimming in the river and the smell of the river on a hot day is stifling. Fishing is a lost art. The best fishing spots are around the sewers where catfish and carp gather to feed. You can imagine the quality of the fish you catch.

Pollution associated with people is growing in the valley. Along roads, in parking lots or residential areas you see the effect of more and more people. Liter and cans infect every road. Paper thrown from cars and other disposable paper products are scattered everywhere. Traffic congestion has grown and air pollution from cars is as dangerous as the potential of more traffic accidents: and in downtown Charleston the ever present smell of carbon monoxide.

Most of my criticism has been directed at large scale industrial polluters. But the public in general and the "innocent" youth are not so innocent. People are as responsible for the environment and pollution as any industrial firm. Most of the roadside trash has been deposited by careless individuals who simply out of habit throw trash anywhere. People drive their car to work everyday but few are willing to use public transportation or walk in order to cut air pollution. Teenagers are just as guilty as their older counterparts. They throw trash, drive cars and create noise pollution with their music as any classical loving adult will testify.

Pollution is more than the great amount of smoke and liquid waste we see everyday. It is the cigarette butts and wrappers people drop. Everyone is willing to put the blame for pollution on someone else but nobody is willing to admit their own guilt. People blame industry but are blind to the fact that their buying power is what controls industry. Pollution is a habit, everyone does it, consciously and unconsciously. Ask any person on the street and he will probably feel something must be done. As for writing letters or attending anti-pollution meetings he won't have the time. I don't feel people are apathetic, they are really concerned but they won't make the small sacrifices necessary to achieve some real action. Industry won't make the sacrifices necessary to self-regulate and clean up in the same way that a person will toss a gum wrapper on the ground rather than take a few extra steps to deposit it in the proper receptacle.

Practically, economics is a big factor. To me a layman recycling appears to be a good answer. Wastes are no longer useless byproducts but resources to draw from. If this practice is feasible in some industries such as glass and aluminum I'm sure it can be applied to other industries through technology. Technology which seems to have created the problem will also have to solve it before it is too late. What is needed, not only in Charleston but everywhere, is a co-operative effort by industry, government and the public. When all involved are willing to accept their responsibility and make the necessary sacrifices we will begin to achieve large scale success.

A BASIC RIGHT—WATER POLLUTION CONTROL

(By E. Dandridge McDonald)

Mr. Congressman, ladies and gentlemen. My name is Dan McDonald, and I am an attorney with Appalachian Research and Defense Fund, Inc., a regional public interest, legal services program. I am also chairman of the Water Pollution Committee of Citizens for Environmental Protection.

America, America, God shed his grace on
Thee; and crown thy good with brotherhood
From sea to shining sea

Mr. Congressman, if our Nation's rivers and lakes have anything to say about it, and if those who use the oceans for waste disposal have anything to say about it, our seas will not, or could not, remain "shining" for very long at all. Already (a) color and heat variations have been observed in sea water near mainland cities and populous islands; (b) offshore drilling rigs have spewed millions of gallons of crude oil onto the sea's surface; and (c) individuals and governments alike use the ocean as a garbage dump.

The environmental fervor which has built up in the past several years has been manifested in voiced concern and enacted legislation. That fervor is still apparent today, this last day of Earth Week, despite the fact that those marching on this day in our Nation's Capitol are struck with another kind of fervor, no less vital than mine. But their issue today and ours, have several things in common.

We both think that citizens have the right and the obligation to make their voices heard.

We both think that not only must our institutions, on all levels, respond to the call of the people, but also that our leaders actually serve us with wisdom, honor and foresight.

We both believe that there are things to be done.

We both believe that they are not being done quickly enough.

We are here to talk about an environmental bill of rights, because we believe that we have certain non-political, non-governmental God given human rights. Two of those rights are the right to clean air and the right to clean water.

Mr. Congressman, it has been my experience that both individuals and institutions will work toward common goals if leadership and incentive are provided. And that's where the government comes in. I had an industrial leader tell me just yesterday, "whatever Federal and State pollution abatement standards are set, we will meet them."

The following thoughts occur to me to help us realize our right to clean water:

Water quality criteria should uniformly include uses for recreation, drinking and aquatic life. Because adequate at-source treatment exists or is being developed, there should ultimately be no "industrial only" classification.

Ultimately, tertiary treatment must be required for all municipal and industrial wastes. While treatment techniques will vary from effluent to effluent, this treatment will include biological aerobic and anaerobic digestion, plus such advanced techniques as slow and fast sand filtration, lime and alum coagulation, activated carbon adsorption, electrodialyis, ion exchange, reverse osmosis, and other procedures to be developed.

The rivers and lakes belong to all the people. Therefore, we must have a right to know what is going into them, and what we are drinking and using. We must be equipped to do the research if polluters do not. We must know (a) which of the 106 elements are being discharged and in what quantities and combinations; (b) what the synergistic and catalytic effects of these elements and chemicals are on other elements and chemicals in the water; and, (c) what their effect is on aquatic life, marine biology, and the human body.

Armed with this knowledge we must learn (a) how to eliminate completely those elements and chemicals which are harmful; (b) how to oxidize or neutralize all other discharges, including the ever-present acid mine drainage; (c) how to protect our existing ground water systems from receding water levels and from such pollutants as detergents or trace elements from underground discharges: and, (d) how to develop low-cost, efficient home chemical sewage treatment units which can be made available and perhaps required for all rural housing now discharging into waterways.

Given this knowledge and these techniques, we should (a) make our water quality standards and the concommitant permits to discharge wastes tougher and tougher, ultimately aiming for a potable, high dissolved oxygen content water: (b) provide for regular, frequent water quality reports for municipal water systems: and (c) provide for citizens suits and mandatory fines for violation of water quality standards.

Finally, all this will take money. While the Federal Government is a source of funds, industries and municipalities must also be encouraged to engage in pure and applied pollution control research, through tax incentives; mandatory percentage of gross sales requirements; as a condition of permitting dumping, or some other method. With a gross national product of over one trillion dollars, money is not the problem, incentive and order of priority are.

I firmly believe we can clean up our lakes and rivers if we want to. And frankly, I want to see us take advantage of the favorable climate for such reform while it exists.

Thank you.

THE PESTICIDE PROBLEM

(By Mrs. H. L. Snyder)

This poster, copied for me by my son from Punch magazine, illustrates very well the main point I have to make regarding the pesticides which are stable and collect in the tissues of the animals which consume them. These are the fat-retained chlorinated hydrocarbons which are placed in small quantities in the air or water to kill some pest, but which do not readily break down into harmless forms in the soil or water but tend to accumulate there in increasing amounts. These remain in the fat tissues of the animals which eat the plant and water vegetation. As these animals are consumed by predators, this pesticide is not consumed as well, but remains in the body fat of the predator. Since these animals have eaten many smaller ones, the amount remaining is thus magnified. This follows all the way up to the top of the so-called food chain as animals prey on the ones below. Man is up there.

We lay down a tremendous barrage of poisons at the buzz of a bug. The entomologist has recently been joined by the farmer in his concern about the number of beneficial insects being wiped out. When the bees are killed, the farmer can see that this is a serious problem. Frank Graham, in his book "Since Silent Spring" states, "Of the three million insect species known to exist only .1% are classed as pests." Frank Egler writing in American Scientists (52)1: 110 Mar. 1964, bemoans the fact that horticulturists blithely recommend that certain parts of the garden not be sprayed so as to protect the beneficial insects, thus implying that bad insects will go where they can get killed and good insects go where they will thrive, not to mention the intelligence of the chemicals themselves to stay where they are put and not move past the garden wall, in ground water, in surface runoff, into bodies of animals in the food chain and, finally not meet and react with other chemicals to form even more critical compounds.

We in America have the largest concentration of DDT in our tissues of people in any other country. It is between 12 and 14 parts per million. We are the absolute leaders in this area. Nobody else is running even close. If we stop using it tomorrow, because of its peculiar properties it will still be around an undetermined number of years. I'm singling out DDT because everyone has heard of it and it is the most dramatic of its sisters and its cousins and its aunts all of which share the same characteristics to some degree.

The writer of publication booklet #9842 " 'A' Bombs, Bug Bombs and Us" which deals with work carried out at Brookhaven National Laboratory under the auspices of the U.S. Atomic Energy Commission, states, "Two aspects of environmental pollution—radioactivity and pesticides—illustrate most effectively the problem of the inability of earth's air and water currents to dilute man's wastes and poisons. The lessons from these call for restraint and a gradual revolution in the use of environment and in pest control. Two ecological ideas are at the heart of these pollution problems: first, is the principle that substances released into the environment move in pathways loosely described as cycles and often return concentrated to threaten man himself; second, the poisons used to control pests have effects on many populations, not merely the pest; effects of these poisons include: (a) killing of some wild animal populations, especially those of predatory animals which regulate populations of other animals; (b) causing population eruptions of other species, which may become new pests, while (c) the old pests remain and evolve new ability to survive the poisons. The short life cycle of insects means that their capacity for rapid evolutionary change is great. When plants are sprayed with pesticides the individuals of the pest species that are most resistant are naturally the ones to survive and reproduce a generation more resistant to the pesticide."

Prof. Charles F. Wurster of N.Y. State University's Biology Dept. who is also Chairman of the Scientists Advisory Committee, Environmental Defense Fund writes in the new book Agenda for Survival, an essay detailing results of certain studies and experiments of the effects of DDT on birds and fish. It is a fact that DDT is causing the extinction of some species of birds by interfering with their calcium producing ability which in turn causes the eggs they lay to be mere membranes many times, incapable of supporting a chick to maturity. As Frank Graham said of the British when they were faced with the death of large numbers of song birds due to pesticide poisoning. "They did not engage in the specious debate over 'What do you want? Birds or People?' of which I am heartily weary. They sensibly took it as a sign that their environment had sickened and took steps to undo the damage by banning the offending pesticide and taking a hard look at the others." To continue with Wurster. Another serious indictment of DDT is that it is interfering with the photosynthesis process on which all life on earth depends. It is having a serious effect on fish reproduction—salt and fresh water. In some cases 100% mortality of the fry occurs. Food from the sea supplies many nations with the bulk of their diet.

Other data regarding pesticides in general are contained in the remarks made by Congressman Obey prefacing the introduction of a bill in the H.R. aimed at strengthening our controls of pesticides. This bill is identical to the one introduced in the Senate by Senators Humphrey and Nelson. He stated that DDT was found by FDA geneticists in a special study to cause mutations in rats and is the cause of cancerous tumors in other animals. That University of Wisconsin scientists have reported that hard pesticides, including DDT and dieldrin reduce resistance to and raise death rates from viral diseases. That each year pesticides may poison up to 30,000 persons seriously enough to require medical attention. The list goes on to detail fish kills which are numbered in the millions.

The proposed bill is good, but in light of the knowledge about the dangers of pesticides which is rapidly mounting, I propose two amendments that will make it even stronger. The first would amend Section 5 which deals with registration to repeal the registration of the 15 pesticides which the Rachel Carson Trust for the Living Environment has singled out in calling for a voluntary ban on them by individuals. These are: Aldrin, chlordane, DDT, DDD, DDE, dieldrin, endrin, heptachlor, lindane, toxaphene, arsenic, mercury, lead, 2,4,5-T and 2,4-D. The second amends Section 9 dealing with certificates for purchase and use to specify that only those people involved in vital services such as food production or protecting the public health from a serious outbreak of some disease may receive certificates for purchase and use of other commercial pesticides. We should not be allowed to purchase poisons for aesthetic purposes such as gardening. Organic gardening is more trouble, but we can no longer afford dangerous short cuts.

Mr. Obey described one of the most glaring weaknesses of the old law as the section dealing with cancellation procedures. I'm sure that the average person is terribly confused by cancellation announcements that apparently aren't worth the paper used to report them. The long, drawnout procedures presently permitted may take up to two years with the pesticide in question being produced and sold all the while. This situation has been most frustrating not to say frightening! The new bill will reduce the time considerably and require immediate suspension of any pesticide under investigation. I gather that it might be expressed as guilty until proven innocent of any ability to harm organisms now or in the future. This is what is needed. It is long overdue.

PROPOSED AMENDMENTS TO H.R. 4596

I. Amend Section 5 registration to repeal registration of the 15 poisonous substances listed by the Rachel Carson Trust for the Living Environment with the request that we voluntarily ban them. These are:

Aldrin, Chlordane, DDT, DDD, DDE, Dieldrin, Endrin, Heptachlor, Lindane, Toxaphene, Arsenic, Mercury, Lead, 2,4,5-T, 2,4-D.

II. Amend Section 9 certificates for purchase and use to specify that only those people involved in vital services such as commercial food production or protecting the public health in the event of a serious outbreak of disease may receive them.

Do it yourself—Pesticide (Insecticides, herbicides etc.) Avoid following: Aldrin, Chlordane, DDT, DDD, DDE, Dieldrin, Endrin, Heptachlor, Lindane, Toxaphene, Arsenic, Mercury, Lead, 2,4,5-T and 2.4-D.

Do it yourself—Audubon Society suggests the use of the following pesticides only if natural methods for controlling insects fail. Read directions carefully. Spot treat only—never broadcast. Healthy soil and proper diversified planting discourage pests. Cleanliness around outside, elimination of stagnant water, choice of insect-resistant plants (and a variety of them), insect eating birds (have nesting houses to attract them) all help. If you have a serious problem, try soapy water sprays, plain water sprays, or a light oil spray first. If you must resort to further measures (and remember, most insects are beneficial), use the following cautiously after carefully reading directions.

For:

Aphids—May be washed off; or Pyrethrum, Rotenone, Nicotine Sulphate (Black Flag).

Caterpillars—Rotenone, Diazinon [1]; Methooxychlor, or the carbarly, Sevin.[2]

Chiggers—Malathion.[3]

Chinch Bugs—Diazinon, Sevin.

Cut Worms—Diazinon, Sevin.

Earwigs—Try dessicants in dry places—Silica gels such as Dri-Die SG67, or diatomaceous earth, "Permaguard".

Grasshoppers—Diazinon, Sevin.

Japanese Beetles—Milky Spore disease for grubs (available at Fairfax Biological Lab., Clinton Corners, N.Y. Malathion or Sevin for adults.

Lawn Moths—Diazinon, Sevin.

Leaf Hoppers, Leaf Miners, Leaf Rollers—Diazinon.

Mites (red spiders)—Oil spray; hot water.

Scale insects—Diazinon, Sevin, Malathion.

Spitlebugs—Malathion, Sevin.

Thrips—Nicotine Sulphate, Diazinon, Malathion, Rotenone.

Wireworms—Diazinon.

Wood Borers—Diazinon.

Wasps, Hornets—Rotenone applied to nest after dark. Cover tightly with cotton batting after dusting.

Mosquitoes—Eliminate all standing water in cans, bottles, etc. Use Pyrethrins and oil to kill larvae (make sure you have larvae. Don't do this preventively). Short-lived insecticides such as Abate, Dibrom as adult mosquito killers. (Keep birdbath clear with fresh water every day; never use oil or detergents in them to control larvae. This kills birds.)

Gypsy Moths—Overrated pests. Research under way. Consult local Agriculture Department. Sevin as last resort.

Household Pests: Ants—Dessicant powders into woodwork cracks (Dri-Die, SG67 or diatomaceous earth "Permaguard".)

Bed bugs, roaches, fleas, silverfish—above mentioned dessicants or Malathion or Diazinon.

Recommended reading: The Basic Book of Organic Gardening. Rodale (available in paper back 1.25).

Bibl., Chas. Woman's Club, G.A.S.P., User's Guide to the Protection of the Environment", Swatek; "Since Silent Soring", Graham.

THE EFFECTS OF POLLUTION ON THE FREE MARKET ALLOCATION OF RESOURCES

(By Dr. William Call)

Congressman Hechler, ladies and gentlemen. My name is William Call; I am an attorney, CPA and Assistant Professor of Economics at the Kanawha Valley Graduate Center of West Virginia University.

My purpose in speaking to you this afternoon is a very simple one, and that is to point out that contrary to the belief which might be held by some, government efforts toward pollution control, rather than being an interference with the free market system, are in reality usually a means by which a free enterprise system can be made to work better as it attempts to allocate an economy's scarce resources to the production of the goods and services most desired by society.

The reason I say this is because of the generally accepted recognition by economists that for a purely competitive economic system to work at its best to produce those things most desired by members of the economic society, all costs must be taken into consideration in making pricing and output decisions within that system. That is, for the system to work most efficiently, if one were to add up all the costs considered by firms in making their business decisions, their total would have to equal all of the costs expended by members of the economic society in the production of the goods and services by that society. And since the costs of pollution do not enter the producer's decision making process, whether they be the deleterious effects of discomfort of poor health or the costs of abating or repairing these condititons, they are what the economist calls "social costs", the omission of which from business calculations must be considered to be a malfunctioning of the free market system.

Let me explain by way of a simple illustration. Suppose that we are considering two firms, one producing, say, shoes of a certain type, and the other, say, paper of a certain quality, both of which are produced under conditions of pure competition. Further, for purposes of simplicity of illustration, let us assume that the shoes are produced under conditions in which all costs to society are represented by money costs paid by the firm to the owners of factors of production such as the labor and capital used in producing shoes. In other words, shoes in this example are produced under conditions in which if the firm desires to use part of our society's resources, its technology and the legal environment are such that it must pay for these resources, and record those payments—its costs—upon its books of account.

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[1] Diazinon—Toxic to birds.

[2] Sevin—Toxic to bees.

[3] Malathion—Toxic to man and animals.

Let us assume, however, that this is not the case in the hypothetical paper industry, but that the technology and legal environment there are such that the firm is spilling pollutants into the environment, without being required to reimburse the members of the community for their costs of repairing house paint, clothing, health and so on caused by these practices. Therefore, the economist would say that this firm is incurring social costs, or costs to society which are not being recorded on its books.

Let us now consider how a free market economy would operate in such a situation as it attempted to produce those goods and services most desired by members of our economic society and to channel our limited productive resources into the production of those items. Although this system can be described very rigorously in both graphical and mathematical terms, I will attempt very briefly to explain what economic theory would hold that it could be expected to do.

First, we would expect each producer to add up its costs of producing each good, add on some profit for itself and place a price tag equal to the sum of these on each good. Note, however, that since the paper producer did not include its social, i.e., pollution costs, in its computations, its price would be less by an amount equal to the per unit cost of abating or repairing the nuisance caused by the production of this good, had all costs been recorded. The shoe producer, on the other, would include all costs of production in its computation. Next, we would expect consumers to make purchasers from the wide range of products available to them in light of their incomes, tastes and most importantly the price of each product. We would expect that if consumers wanted a good badly enough they would pay a high price for it; if they wanted it less badly, they would pay less. Let us assume, however, that they wanted both the shoes and the paper equally as much, but that they could only afford to buy one of these goods.

Let us assume further that the total costs, both social and private, of producing each were the same, but that because the paper manfacturer did not have to pay for his social costs, the price of paper were to be lower than that of shoes. Which product would be produced and purchased? The answer, of course, is the paper, since the paper firm, by pushing the cost of abatement of repair of damage caused by its technology onto the public, has actually received a subsidy unwillingly given by the victims of its nuisance, which allows it to charge a lesser price than if it had been required to count all of its costs. Therefore, more paper and fewer shoes would be produced and sold than would have been the case if the market had reacted to all of the costs involved in producing each good. Scarce resources of our country would therefore be used to produce goods that our residents would buy only because their costs of production were lower by the amount of this subsidy.

How can we make our system of "mixed capitalism" work more perfectly so that the "unseen hand" of competition is better able to decide the collection of goods and services most wanted by society?

The answer is to cause firms to include all costs, both social and private, in their decision making process. Perhaps this could be done by the enactment of legislation which would provide in an equitable manner for the ultimate prohibition on such undesirable practices, by which firms would be forced to purchase the equipment or other resources needed to abate these nuisances. Or, alternatively, a tax might be imposed on such firms which could be used to meet the cost of repairing or abating damage done to the ecology by such practices.

In either case, firms would then have to record these costs on their books of account, and therefore all costs would then be taken into consideration in the firm's pricing and output policies. Consumers then would have an opportunity to choose or not choose the goods they desire at a price which included all costs of production, and we would have caused the market system to work as it is supposed to work in making these decisions for us.

I hope, Congressman Hechler, that you and the other members of our federal government will work toward the equitable achievement of these goals in a manner consistent with the other needs of our citizens.

Thank you.

LABOR'S ROLE: IN-PLANT POLLUTION

(By Wendell Drake)

Organized labor has always been concerned about in-plant pollution and its effect upon its members. Over the years labor leaders have been successful in vastly improving the work place through the collective bargaining process. In addition, labor has proposed legislation at both the state and federal levels that sets minimum standards for all employees, whether union or not. To this degree labor unions have had some success.

In recent years, some International Unions have adopted strong policies about improving the quality of our environment outside the work place. AFL-CIO President George Meany has made several speeches in which he referred to "the overall threat to our environment" as one of the critical issues that unions will have to address throughout the 1970's. The late Walter Reuther of the United Auto Workers (UAW) proclaimed that "the environmental crisis had reached such catastrophic proportions that the labor movement now is obligated to raise the question at the bargaining table." Also the Oil, Chemical and Atomic Workers Union (OCAW) presented demands at the bargaining table at the last round of oil industry negotiations.

Both UAW and OCAW came away from negotiations empty handed on the issue. The Steelworkers (USA) and Communications Workers (CWA) are now engaged in negotiations with similar demands. It is likely that they too will come away empty handed. Why? Perhaps the best answer was given by one union leader: "The first principle of collective bargaining is that you can't win a major concession from management unless your members are willing to strike for it. Our members are not willing to strike for clean air, and until they are, it won't be a real bargaining issue."

There are some isolated instances where unions have teamed up with environmental action groups to prevent corporations from blackmailing the citizens by threatening to lay-off large numbers of workers because of governmental and citizen pressure to comply with air quality standards. Such an example was recently observed at the Union Carbide's Marietta, Ohio, Ferro-Alloy's Plant where the local union, worked with Ralph Nader's Associates.

On "In-Plant" problems the 1970 Occupational Health & Safety Act is a direct result of Labor's effort. It was first introduced in 1968 under the Johnson Administration and never got out of committee. It was reintroduced in 1969 under the Nixon Administration. The Administration then introduced its own version which was backed by the National Manufacturing Association which was obviously inferior. The issue then became which Bill Congress was to act upon. Organized Labor worked hard and most of the provisions of their law was enacted. The law becomes effective April 28, 1971. However, the Administration did not ask for a supplemental appropriation for the remainder of the Fiscal Year 1971 and no provisions in the 1972 budget for operation of the newly created Institute of Occupational Safety and Health, a vital part of the Act if it is to be enforced as intended.

The law covers about 57 million wage earners of the estimated 80 million presently in the nation's work force, and it covers 4.1 million work places. It does not cover employees of the U.S. or any state or political subdivision of a state. It does provide for inspections of plants and they will occur when *any* interested party, including employees, *demonstrates* that a hazard exists. Inspectors may be accompanied by representatives of both management and labor, which is something very important. The law also provides that anyone who gives advance unauthorized notice is subject to a fine and/or jail term. (This wasn't true before.) The law will be administered by the Secretary of Labor with H.E.W. responsible for research in Health and Safety areas and determination of exposure levels that are acceptable and safe.

Let me read you excerpts from a H.E.W. conducted inspection made at Allied Chemicals plant in Moundsville, in February 1971 on Mercury contamination of employees:

"Exposure to metallic mercury occurs primarily through inhalation but absorption can also take place through the digestive system and the intact skin. The American Conference of Governmental Industrial Hygienists (ACGIH) has established 0.1mg/m3 (with notice of intended change to 0.05mg/m3) as the level of mercury vapor which can be tolerated continuously over an eight-hour period with no apparent ill effects.

"The biological threshold of mercury absorption can be gauged through an analysis of mercury in urine.

"The symptoms of acute mercury poisoning are: (1) excessive salivation with a metallic taste; (2) abdominal pains with nausea and vomiting; (3) sore mouth, tongue and throat with small ulceration; (4) kidney shutdown; (5) bloody diarrhea; (6) liver damage; (7) shock; and eventually (8) death, which can occur in a few days.

"If the exposure to mercury is lower so that it does not cause acute poisoning, but above the threshold limit value and the exposure time is prolonged, then chronic mercury poisoning can develop. This is the most common of the two types of poisoning seen among those occupationally exposed. The symptoms of chronic mercury poisoning are: (1) sore mouth, which is generally the first symptom, associated with puffy and bleeding gums, loose teeth, pain on eating, excessive salivation with a metallic line in the gums; (2) nervous system changes, primarily trembling of hands, lips, tongue, and eyelids. Inability to write legibly, then inability to perform any manual task with accuracy; (3) personality change characterized by shyness, irritability, and complete change in social behavior; (4) eventually permanent damage to the eyes, kidney, brain, and probably other organs of the body."

The following is the result of 11 individuals tested at the Allied Chemical plant:

"Concentration (micrograms per liter)—116.0; 375.0; 830.0; 660.0; 324.0; 240.0; 310.0; 170.0; 430.0; 660.0; 116.0; 64.0." Excretory Threshold limit value: 250 micrograms per liter.

What is being done here locally? A tentative date of May 8th, is set for a conference at IAM Local Lodge No. 598 in South Charleston on Occupational Health. A team of scientists and medical doctors are to meet with union members working at the Union Carbide's South Charleston, Institute, Alloy, Annmore, and Marrietta plants to answer questions regarding the nature of various substances that may be harmful to the health of employees, and suggest a program that will be corrective in nature. Also, some blood testing and lung function tests may be done at the meeting.

In addition, this same team will conduct an epidemiological study in one or more of the earlier mentioned plants sometime in the near future.

I conclude by asking Congressman Heckler to use his influence to secure adequate funds for the Occupational Health and Safety Law and to urge the Secretary of Labor to invoke Emergency Powers upon request when cause is shown.

Thank you.

POLLUTION CAUSED BY NEW ROADS IN CHARLESTON, W. VA.

(By Mrs. Robert Cassady)

Congressman Hechler, Dr. Wilcox:

In my remarks I am referring to Charleston-proper (i.e. East Charleston), which extends from Elk River to and beyond the Kanawha City Bridge. East Charleston is the central city; it is only one-mile wide, it is densely populated and its air is already dangerously polluted, largely from industry. If the through-city route for highways is finalized for East Charleston, then the city's hills which provide the beautiful natural setting will be permanently destroyed by blasting them out to within a few feet of their crests for the highways. Also the air will be worsened due to the greatly increased volume of through traffic; while the finalizing of the route through the town will mean that the hundreds of tank-trucks that now travel through the city carrying lethal materials and subject to wrecks and spills will be routed through on a permanent basis, endangering the lives of thousands of residents.

Many town residents have protested the through-city routing of highways for Charleston-proper and asked for the bypass with access roads up the natural hollows. I myself have written over one hundred letters to Washington protesting the unrealistic and unethical routing; protesting also the manner in which the "thruway"—as the route through East Charleston is sometimes called locally—is known to have been "planned" by local special interest groups, which groups then handed the route to the State Road Commission with the demand that the Commission find for it and no other.

Protest groups were formed as early as 1964 or earlier, and other such groups have been organized from time to time since then to protest the through-city route for East Charleston, But protesting through the prescribed channels—I refer to writing letters to Washington, attending the so-called "open" hearings held by the State Road Commission and petitioning—is an exercise in futility. These prescribed channels, far from being open for legitimate protests, are in fact set up to contain and suppress popular criticism of the going practices in order that organized opposition will not develop. The average American finds that he is politically impotent.

If the through-city route, now approved by Secretary Volpe, is built through one-mile-wide, densely populated East Charleston, it will mean that the hills through the town will be permanently destroyed, with the many trees, that are not only beautiful but also give off much needed oxygen, being blasted out, along with the soil, the birds and other small wildlife. All that will be left will be a high rock-rise, as in strip mining. This rock-rise will look out over the city where the beautiful hills once stood. If this is done it will be said of Charleston and West Virginia that never before was so much of a city's natural environment destroyed in order that a few could profit.

For the truth is that the plan to route highways through Charleston-proper where they will displace many people, originated in the local Chamber of Commerce because local special interest groups demanded the "thruway" for East Charleston. These special interest groups—realtors, money-lending institutions and land speculators—will profit, just as they foresaw, but the profits will have been amassed at the expense of a great many average people in the town. For although residents who can afford to move up into South Hills, or entirely away from the polluted and disfigured valley-town, will do so, others will have to remain, captives of conditions over which they have no control.

Perhaps the basic issue here is: should the present Administration in Washington repeatedly claim it is its sincere desire to save the natural environment, preserve cities for people and control pollution, at the same time it is permitting its Highway Department to destroy the city hills of the capital of West Virginia, escalate air pollution and degrade the town and its average, middle- and low-income families? Are Americans to continue to be asked to believe what the government says it is doing rather than what they see it is doing? Is the credibility gap to continue to widen?

Is the environment which the people consider their natural home to continue to be systematically destroyed by the government? Or will there be a change—a change which favors the people, their cities and the natural environment?

And finally, are not the present practices employed by the highway hierarchy responsible for the present day dislocation in cities for which those who can escape are escaping, and for the discouragement and disaffection of thousands of others who cannot escape to better conditions and are rendered homeless and rootless?

THE DILEMMA OF THE CITIZEN AS CIVIL SERVANT

(By Norman Williams)

A provocative, if slightly tongue-in-cheek study, entitled *The Peter Principle* suggests that bureaucrats tend to reach their own "level of incompetence", by virtue of being kicked upstairs repeatedly in response to bureaucratic needs which are not consonant with their individual talents or abilities.

As a card-carrying member of the West Virginia State government who has reached and hopefully surmounted his level of incompetence, I am prepared to join the ranks of pundits and soothsayers by offering an hypothesis which may throw a little light into the hidden recesses of the bureauracy.

Appropriately enough, I have chosen to call my new theory *The Williams Whistle-Blowing Hypothesis*, and it commences by stating as a general principle that bureaucracies may be compared to electric toy trains. Hauling its freight or passenger cars at the assigned speed, the bureaucracy travels round and round on its track, through model towns, under model mountains, past model countrysides.

In its own terms, the bureaucracy may be regarded as a huge success. But in terms of changing human needs, it may be largely, if not wholly, irrelevant.

Examples come readily to mind. The automobile bureaucracy, turning out cars designed to maximize profits through built-in obsolescence, gimmickry, and safety hazards. The insurance bureaucracy condoning if not cooperating with this anti-consumer procedure. The defense bureaucracy perpetuating a fantastically wasteful military adventure. And so on—Ralph Nader watchers are well aware of the toy train syndrome.

My second postulate is that toy-train bureaucracies are operated by people who are also free citizens. In my limited experience, I have noted how most, if not all, bureaucrats sooner or later become aware of glaring discrepancies between what their organization is supposed to be accomplishing and what it is actually accomplishing.

Herein lies the dilemma. As tax-payers and as consumers, we bureaucrats often become the victims of other bureaucrats. We can and do feel outrage, frustration and even despair because our human needs are ignored or circumvented by other toy train bureaucracies.

Yet something, sadly enough, usually prevents us from identifying with those who are being victimized by our own bureaucracy. Something prevents us from speaking out against the destructive policy, the misuse of funds, the deceptive bill—in a word, from blowing the whistle in the public interest. What is inhibiting us?

My third postulate isolates three factors which will tend to dictate my bureaucratic response to a given situation. The three factors are:

1. *Clubism.* I accept the "Rules of the Club" and I adhere to those rules through thick and thin because my career and my upward mobility depend upon submission to this discipline.

2. *Cronyism.* However, within the framework of the rules, considerable leeway exists for the exercise of individual judgement. I therefore tend to follow the counsel of those with whom I have established rapport, people to whom I feel instinctively responsible, both inside and outside the bureaucracy.

3. *Bread-and-Butterism.* I know where my own economic self-interest lies and I will always act to protect that interest.

In my view, the recent controversy over abolishing strip mining in West Virginia supports this hypothesis. Numerous individuals at decision-making levels of state government had access to evidence of gross damage being done to our environment and to small property-owners' rights by strip mine operators. Although many readily admitted their deep concern privately or during an unguarded moment, the actual whistle-blowers were indeed few and far between.

Clubism, cronyism and bread-and-butterism effectively kept the great majority of decision-makers, from the reclamation inspector to the member of the legislature and the governor, in line with the status quo.

Nevertheless, a countervailing force is at work. I believe it will triumph over short-range considerations in the end. Consisting of an amalgam of the sense of civic responsibility which each of us harbors, and the growing awareness of the unit of our environment, this force sooner or later obliges each of us to face and resolve our dilemma as citizens.

It has been alleged that whistle-blowing may be a sort of subversive activity. According to this theory, by breaking down the necessary barrier between the elective-appointive executives who make policy, and the civil servants who, mercifully removed from the spoils system, carry out that policy, the whistle-blower is striking at the roots of the civil service system.

I reject this argument. Civil servants are not second-class citizens. Civil servants depend on the quality of the environment as much as anybody else; they have as much stake in its preservation; and they have as much right to speak out as private citizens in defense of the environment.

Indeed, civil servants may have a special obligation to speak out. For it is true that irreversible decisions affecting the environment are generally made in that sort of interface existing between the regulatory agency and the regulated industry. The ecological implications of such decisions may dawn upon the public months or even years later. I suggest whistle-blowing civil servants can and should perform a vital public service by helping to inject into such closed-door sessions the community's determination to fully protect the environment.

Whether or not the Williams whistle-blowing hypothesis will some day take its place with the Peter principle as an epochal breakthrough in our understanding of bureaucratic dynamics, the time must come and come soon when bureaucracies, large or small, achieve through the efforts of all of us, lay and professional alike, receptivity to the changing needs of the people they are meant to serve.

Concern for Quality of Life

(By Dr. Dennis Spriggs)

Mr. Hechler, my name is Dennis Spriggs, a breather of air, a drinker of water, and a partaker of the fruits of this earth. This is so because I can survive no other way and because I rather enjoy living. At least I find it superior to any alternative. And this explains why I am here today: I must express to you my concern for the quality of our life.

This is so urgent a matter that the tendency is to include in this short presentation the whole of my concerns. But this is futile, so I shall attempt to make one point only. This point is:

"We have allowed and are continuing to allow external, impersonal dogmas to run our lives. Further, I fear that our leadership does not even recognize this as a problem."

What does this mean and what are these impersonal forces? There are many, but to demonstrate the point let's consider only one of them, a two-headed monster called:

"Growth and profits are always good."

Throughout the history of our country we have labored under the assumption that growth and profits are good. In fact, they are to be sought as our prime objective because from them flow all that makes life possible. With profits, companies can pay employees and employees can buy the things they need. And growth is necessary because profits increase and life becomes better and better. This is the American dream. Our leaders have told us so. They are still telling us so. And, we believe.

But consider for a moment one trap that such blind devotion leads us into. Growth and profits are good, so all of our endeavors must result in growth and profit or they are not worthy. We hesitate to do anything that cannot be justified as being "profitable", profitable in the monetary sense. The trap is that we fail to see the worth in any undertaking if it lies outside the rationale of growth and profit.

We can prove this. Who in his "right" mind today would think of operating a business if it were not profitable? Yet is not the *real* reason for operating a business merely to supply goods and services that people need? So, we are trapped. We cannot do a thing for its legitimate reason. We must hide behind the profit dogma.

Let's proceed to the concern of this day—the degradation of our environment. Most reasonable people want a cleaner world. But how do they go about getting it? Again, it must be "profitable". We cannot even clean up our world unless this sacred cow is preserved!

What, then, is the alternative? For myself, I want to live in a world where man is free to do things just because he wants to do them. I want to live in a world that is free of chemical odors. I want this and am willing to work toward this goal regardless of any external measure of its worth. I want it, therefore, it is justified.

I want a world in which it is possible to see for miles and miles through clean air. The only impairment in vision that I shall tolerate is that of fogs lying quietly in our valleys on cool spring mornings or mists swirling about mountain peaks warning of the coming storm. I want this, therefore, it is justified.

Mr. Hechler, in this presentation I have not attempted to point out specific air pollution problems that should command your attention. I could have. I could have mentioned the severe odor problem in the Kanawha Valley. I could have told you that the State Air Pollution Control Commission considers it a difficult problem, of low priority. You should also know that in the face of this public admission of the difficulty of the problem, the various chemical companies are content to sit and agree. And, those of us with a dislike for the smell of carbon disulfide must suffer the abuse of this arrogant indifference.

Also omitted from this presentation were other justifications for cleaning our environment and limiting growth. I could have reminded you that our earth might die, or that man, at least, might die if these affronts are not corrected. But, you know these things, so they were omitted.

I intended only to make one point and that is:

Please, Let's remember the real reasons for our undertakings—because people want them and need them. Let's not rely on some external, irrelevant standard such as profit figures to be a judge of the worth of our endeavors. Because, as we are reminded by the Little Prince ". . . for those of us who understand life, figures are a matter of indifference."

URGENT NATIONAL NEEDS—PRESIDENT KENNEDY'S PROPHETIC MESSAGE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. TEAGUE of Texas. Mr. Speaker, as we fact the challenges and difficulties of the 1970's, it is well to note that only a decade ago we faced equally difficult decisions. As we attempt to plan for a significant and aggressive national space program for the 1970's, it is well to remember that on this date in 1961 the late President John F. Kennedy made an equally difficult and challenging decision. It is time again that we seize the initiative and make a positive decision for a strong national space program. I include President Kennedy's decisive words in the Record of 1961 as a reminder to all of us of the importance of our national space effort:

Address of President John F. Kennedy, May 25, 1961

SPACE

Finally, if we are to win the battle that is going on around the world between freedom and tyranny, if we are to win the battle for men's minds, the dramatic achievements in space which occurred in recent weeks should have made clear to us all, as did the sputnik in 1957, the impact of this adventure on the minds of men everywhere who are attempting to make a determination of which road they should take. Since early in my term our efforts in space have been under review. With the advice of the Vice President, who is Chairman of the National Space Council, we have examined where we are strong and where we are not, where we may succeed and where we may not. Now it is time to take longer strides—time for a great new American enterprise—time for this Nation to take a clearly leading role in space achievement which in many ways may hold the key to our future on earth. [Applause.]

I believe we possess all the resources and all the talents necessary. But the facts of the matter are that we have never made the national decisions or marshaled the national resources required for such leadership. We have never specified long-range goals on an urgent time schedule, or managed our resources and our time so as to insure their fulfillment.

Recognizing the headstart obtained by the Soviets with their large rocket engines, which gives them many months of leadtime, and recognizing the likelihood that they will exploit this lead for some time to come in still more impressive successes, we nevertheless are required to make new efforts on our own. For while we cannot guarantee that we shall one day be first, we can guarantee that any failure to make this effort will find us last. [Applause.] We take an additional risk by making it in full view of the world—but as shown by the feat of Astronaut Shepard, this very risk enhances our stature when we are successful. But this is not merely a race. Space is open to us now; and our eagerness to share its meaning is not governed by the efforts of others. We go into space because whatever mankind must undertake, freemen must fully share. [Applause.]

I therefore ask the Congress, above and beyond the increases I have earlier requested for space activities, to provide the funds which are needed to meet the following national goals:

First, I believe that this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to earth. No single space project in this period will be more exciting, or more impressive to mankind, or more important for the long-range exploration of space; and none will be so difficult or expensive to accomplish. Including necessary supporting research, this objective will require an additional $531 million this year and still higher sums in the future. We propose to accelerate development of the appropriate lunar spacecraft. We propose to develop alternate liquid and solid fuel boosters much larger than any now being developed, until certain which is superior. We propose additional funds for other engine development and for unmanned explorations—explorations which are particularly important for one purpose which this Nation will never overlook; the survival of the man who first makes this daring flight. But in a very real sense, it will not be one man going to the moon—we make this judgment affirmatively—it will be an entire nation. For all of us must work to put him there.

Second, an additional $23 million, together with $7 million already available, will accelerate development of the Rover nuclear rocket. This is a technological enterprise in which we are well on the way to striking progress, and which gives promise of some day providing a means for even more exciting and ambitious exploration of space, perhaps beyond the moon, perhaps to the very ends of the solar system itself.

Third, an additional $50 million will make the most of our present leadership by accelerating the use of space satellites for worldwide communications. When we have put into space a system that will enable people in remote areas of the earth to exchange messages, hold conversations, and eventually see television programs, we will have achieved a success as beneficial as it will be striking.

Fourth, an additional $75 million—of which $53 million is for the Weather Bureau—will help give us at the earliest possible time a satellite system for worldwide weather observation. Such a system will be of inestimable commercial and scientific value; and the information it provides will be made freely available to all the nations of the world.

Let it be clear—and this is a judgment which the Members of the Congress must finally make—let it be clear that I am asking the Congress and the country to accept a firm commitment to a new course of action—a course which will last for many years and carry very heavy costs, $531 million in the fiscal year 1962 and an estimated $7–9 billion additional over the next 5 years. If we are to go only halfway, or reduce our sights in the face of difficulty, in my judgment it would be better not to go at all. This is a choice which this country must make, and I am confident that under the leadership of the Space Committees of the Congress and the Appropriations Committees you will consider the matter carefully. It is a most important decision that we make as a nation; but all of you have lived through the last 4 years and have seen the significance of space and the adventures in space, and no one can predict with certainty what the ultimate meaning will be of the mastery of space. I believe we should go to the moon. But I think every citizen of this country as well as the Members of Congress should consider the matter carefully in making their judgment, to which we have given attention over many weeks and months, as it is a heavy burden; and there is no sense in agreeing, or desiring, that the United States take an affirmative position in outer space unless we are prepared to do the work and bear the burdens to make it successful. If we are not, we should decide today. [Applause.]

Let me stress also that more money alone will not do the job. This decision demands a major national commitment of scientific and technical manpower, material and facilities, and the possibility of their diversion from other important activities where they are already thinly spread. It means a degree of dedication, organization, and discipline which have not always characterized our research and development efforts. It means we cannot afford undue work stoppages, inflated costs of material or talent, wasteful interagency rivalries, or a high turnover of key personnel.

New objectives and new money cannot solve these problems. They could, in fact, aggravate them further—unless every scientist, every engineer, every serviceman, every technician, contractor, and civil servant involved gives his personal pledge that this Nation will move forward, with the full speed of freedom, in the exciting adventure of space.

MRS. MARJORIE MERRIWEATHER POST FETES WOUNDED VIETNAM VETERANS

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. SMITH of New York. Mr. Speaker, on May 12 my wife had the pleasure of attending a garden party given by Mrs. Marjorie Merriweather Post in honor of wounded veterans of the Vietnam conflict. Mrs. Smith was privileged to speak with many of these courageous young men, and she came awav with an even greater sense of appreciation for the sacrifices made by these brave men.

I wish to take this opportunity to pay tribute to Mrs. Post for her own very special and extensive efforts over a period of many years in behalf of our servicemen. The following copy of a news release addresses itself to one of the many tributes payed to Mrs. Post for her patriotic efforts:

MRS. MARJORIE MERRIWEATHER POST FETES WOUNDED VIETNAM VETERANS

WASHINGTON (May 17, 1971)—In his Armed Forces Day message, President Nixon called upon all Americans to pause on May 15 in honor and appreciation of the men and women of our Armed Forces, "not only for their sacrifices but for their constant guardianship of freedom and justice throughout the world."

One Washington resident, in a continued expression of her admiration and respect for the American serviceman, quickly and quietly set forth to participate in this celebration in her own way—by hosting a lavish garden party for a large group of Washington area hospitalized Vietnam Veterans.

The hostess was Mrs. Marjorie Merriweather Post, famed Washington socialite. The May 12th garden party marked the *fifth consecutive year* that Mrs. Merriweather Post has entertained hospitalized sailors, soldiers, and Marines from Bethesda Naval Hospital and Walter Reed Army Hospital at her Hillwood estate.

The first social at Hillwood for servicemen was held on Flag Day, June 14, 1967. This was Mrs. Post's initial "Welcome Home" to the heavy influx of wounded Vietnam casualties returning to the Washington area, in conjunction with the Marine Corps League's "Operation Appreciation" Program.

Mrs. Merriweather Post has ministered to the needs of many returning servicemen from the battlefields of Vietnam and has taken an individual interest in several of them. Over the years, she has sponsored a variety of entertainment and enjoyment for the recuperating servicemen ranging from concerts, stage shows, and musicals to attendance at athletic events, Christmas parties and gifts, trips to local restaurants and night clubs, etc.

In recognition and appreciation of her demonstrated concern and solid support for the American hospitalized serviceman, and for her lifetime of philanthropy and public service, the Marine Corps League, a Congressionally-chartered national veterans service organization of active duty, retired, and honorably discharged U.S. Marines, bestowed its top award, the "Dickey Chapelle Award" upon Mrs. Marjorie Merriweather Post at their 1969 national convention in Miami Beach, Florida.

The Dickey Chapelle Award is presented annually in memory of newswoman Dickey Chapelle who was killed by a Viet Cong booby-trap while on patrol with a Marine Company on November 4, 1965.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SCIENTIST'S REPORT SHOWS DANGER

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. BURTON. Mr. Speaker, I would like to include in the RECORD a thought-provoking article about the possible environmental impact of the SST. This interesting article was written by Mr. Scott Newhall and was published in the May 17, 1971, issue of the Newhall Signal:

SCIENTIST'S REPORT SHOWS DANGER

(By Scott Newhall)

A calamity of almost unthinkable magnitude will face the human race if the SST is ever actually produced and becomes operational.

Briefly, the calamity can be described thus:

If 500 supersonic transports of the type now being designed ever actually fly at their planned 60,000-foot altitude, then in ten years the entire human population of our planet faces the possibility of blindness.

The emissions from the SST and its foreign counterparts will so disturb atmospheric conditions that the intensity of ultra-violet radiation from space will be enormously increased on the surface of the earth, and the eyes of both men and animals will be destroyed. (That is, unless they wish to live undergound or in radiation-proof communities.)

This shocking fact is at present contained in an as-yet unpublished University of California report. It is, however, planned for publication in the respected technical journal Science, in about two weeks' time.

Until now, almost all of the opposition to the SST has been regarded as a combined general protest from various "do-good" conservation groups and thoughtful members of Congress. But this shocking revelation is in no sense a vague ecological jeremiad.

It is contained in a report of investigations carried out under direction of one of the world's most renowned scientists, Dr. Harold S. Johnston, professor and dean of chemistry at the University of California at Berkeley. Dr. Johnston is principal investigator with the Inorganic Materials Research Division of the University's prestigious Lawrence Radiation Laboratory, which has been in the forefront of world science centers studying all aspects of the nuclear age.

Dr. Johnston has not made his findings public, and has not been queried on this, out of respect for his position as a scientist. The results of scientific research follow a prescribed route: they are first revealed to colleagues, then a first general announcement comes in a scientific publication, from which they are picked up and given circulation by the news media.

Dr. Johnston's findings are still two weeks away from publication in Science.

Unexpectedly, the SST, which appeared to be a dead issue, was resurrected in Congress and approved by the House last week. It is now again a political football on the Pennsylvania Avenue gridiron.

Some scientists not on the Berkeley campus, familiar with Dr. Johnston's study informed this reporter that in view of the resurgence of the SST in Congress they felt that this terrifying information deserved public attention.

Therefore, a brief resume of the basis for this potential catastrophe follows:

To begin with, the planet Earth is shielded by an atmospheric belt, called the troposphere, in the altitudes at which the SST and its foreign counterparts are designed to fly.

This is a stagnant belt in which there is very little atmospheric disturbance. It contains a high amount of ozone.

Ozone is an unstable molecule of oxygen containing three atoms of oxygen per molecule (chemically 0_3), whereas the most stable form of oxygen which sustains life is the molecule containing two atoms (chemically 0_2).

Ozone has the peculiar property of absorbing ultraviolet radiation. That is the invisible radiation which is shorter in wave-length than visible light, and longer than X-rays. It is the radiation which causes sunburn.

Ultra-violet radiation is health-giving in relatively small amounts. If that amount is increased only slightly, it can be tremendously damaging. Snow-blindness, skin cancer, and similar injurious effects are associated with ultra-violet overdoses. The retina of the eye is most sensitive and easily damaged.

Life as it now exists on earth has developed under an ozone shield which filters out all but a very small amount of the ultra-violet radiation emitted by the sun's corona.

The SST comes into the picture at 60,000 feet because among the many emissions from its jet power plant there is a considerable amount of nitric oxide. This nitric oxide left behind by an SST will act as a catalyist in the ozone shield, transforming the ozone into normal oxygen which has little or no effect on filtering out ultra-violet radiation.

Since the ozone belt is relatively stagnant, the nitric oxide is not dissipated, and its quantity at that altitude becomes cumulatively greater, and more and more ozone is broken down with the path of every supersonic transport, no matter what flag it flies.

It is reported that Dr. Johnston's calculations indicate that in ten years the earth's ozone shield will have been destroyed to such an extent that massive amounts of ultra-violet rays will reach the surface of the planet. And these massive doses of ultraviolet radiation could, in turn, destroy the eyesight of the human race, unless they withdraw from the light of the day.

As of this writing, no hint of Dr. Johnston's report has been brought to public attention, possibly not to the attention of Congress.

If President Nixon is aware of the tragedy quotient of the SST no word of it has leaked from the White House, nor has any indication of it been given by virtue of recent political decision to resurrect the defunct high-level transport.

Actually, it has been reported that Dr. Johnston has encountered some resistance to his findings, and publication of his report, at least in part, has been withheld pending certain investigations.

DEDICATION OF COMMUNITY PARK IN LEFLORE, OKLA.

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. ALBERT. Mr. Speaker, recently I had the opportunity to participate in the dedication of a community park in the small eastern Oklahoma community of Leflore. That park, beautiful, tranquil, and designed to provide many hours of enjoyment for people of all ages, was constructed by "green thumbers" sponsored by the Oklahoma Farmers Union.

It was a delight for me to participate in the dedication and it is a pleasure for me to recognize the outstanding work done by Green Thumb, Inc., not only in my State of Oklahoma, but throughout the country. They have been particularly active in Oklahoma, where they are sponsored by the Oklahoma Farmers Union. Their hard work and dedication have won the attention and gratitude of the Oklahoma State Senate and I include at this point in the Record a resolution adopted by the Oklahoma State Senate congratulating and commending the Oklahoma Farmers Union and Green Thumb, Inc.:

A Resolution Congratulating and Commending the Oklahoma Farmers Union for Sponsoring the Green Thumb Project Which Won the National Award; and Directing Distribution

Whereas, the National Farmers Union has sponsored the Green Thumb, Inc.; and

Whereas, the Green Thumb, Inc., has employed over 3,000 older, retired farmers on beautification projects; and

Whereas, the Oklahoma Farmers Union has sponsored the Green Thumb Project in Oklahoma; and

Whereas, the "Green Thumbers" employed under this project average 69 years of age and have an average income, exclusive of earnings from the Green Thumb Project, of approximately $900.00 per year including Social Security payments; and

Whereas, Oklahoma's Green Thumb Project has been awarded the National Award for its outstanding work in beautifying numerous parks and recreation areas throughout the State of Oklahoma.

Now, therefore, be it resolved by the Senate of the 1st session of the 33rd Oklahoma Legislature:

Section 1. The Oklahoma State Senate hereby congratulates and commends the Oklahoma Farmers Union, Chester L. Stone, Oklahoma State Director of the Farmers Union Green Thumb Project, and the senior citizens whose inspiring efforts have made an important contribution to the beauty of this state for which all Oklahomans are greatly indebted.

Section 2. The Industrial Development and Park Department, the Oklahoma Historical Society, the Employment Security Commission, the Department of Institutions, Social and Rehabilitative Service, the Department of Health and the municipalities and other agencies and organizations which cooperated in the Green Thumb Project are hereby extended the commendation of the State Senate.

Section 3. Copies of this Resolution shall be distributed to the U.S. Secretary of Labor, the Oklahoma Congressional delegation, the Executive Committee of the Oklahoma Farmers Union, the Oklahoma State Director of the Farmers Union Green Thumb Project and each of the agencies set out in Section 2 hereof.

Adopted by the Senate the 6th day of May, 1971.

MUTUAL FUND ADVERTISING

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. STUCKEY. Mr. Speaker, recently Senator Harrison Williams suggested in a speech that the time has come for the Securities and Exchange Commission and Congress to update the restrictions on mutual fund advertising and mass merchandising techniques, as follows:

The present legal restrictions on mutual fund advertising should also be the subject of prompt S.E.C. action. These restrictions again put your industry at a competitive disadvantage with bank trust departments whose advertising is not subject to S.E.C. regulations.

Since only three out of ten adults even know what mutual funds are your concern with this problem is understandable. While mutual funds may not be a suitable investment for every American, the public should not be deprived of learning about a type of security which is particularly suited for the small investor.

Over the years the S.E.C. has applied advertising restrictions on mutual fund shares which are similar to those applied to new issues. This position has limited fund advertising for most purposes to the familiar "tombstone ad" or through the use of a prospectus. I have grave doubts as to whether these restrictions are presently necessary or appropriate.

No one here believes that mutual fund advertising should go unregulated. But there are alternatives between the S.E.C's position and the abolition of all restrictions which are compatible with our concepts of investor protection.

To start with, revisions are necessary in the regulations governing mutual fund prospectuses. The prospectus is intended to provide the average investor with full disclosure. It should also inform him as to the risks and benefits of his proposed investment. Unfortunately, under current S.E.C. requirements prospectuses are replete with highly technical jargon which is incomprehensible to the average investor. They contain lengthy discussions about matters far removed from the concept of investment risks and benefits. Immediate action should be taken to create a clear, concise and informative document—perhaps a summary prospectus. While the Commission is currently studying this matter, prompt action should be taken especially in the mutual fund area.

In the field of advertising the S.E.C. has over the years regulated ads which go beyond the "tombstone". For example, there are special rules governing the advertisements of investment advisers. Broker-dealers are in most instances only subject to the antifraud requirements of the Securities Acts. It should therefore be possible to develop an Advertising Code which permits a mutual fund to tell its story in a reasonable and balanced manner. Close S.E.C. scrutiny would protect investors against abuses and give assurances that the Code was being observed.

The Securities and Exchange Commission itself in transmitting its institutional trading study to Congress on March 10, 1971, recommended a lessening of restrictions on mutual fund advertising and mass merchandising techniques as a way to make the mutual fund distribution system more efficient. Donald C. Samuel, chairman of the No-Load Mutual Fund Association, has indicated this is especially important for those investment companies which sell their shares to investors at net asset value without a sales load or commission. They must rely almost entirely on advertising.

Under present provisions of the Securities Act of 1933 mutual fund shares may be offered and sold only by means of a prospectus. The law requires complete financial and other information, and Congress has assured full disclosure by strict penalties.

Section 2(10) of the law includes all kinds of advertising by newspaper, magazine, radio, or television in the definition of prospectus. Only a tombstone advertisement; that is, an advertisement that does no more than identify a security is exempt.

Our job in Congress is to protect the public interest and investors by giving the SEC laws which stimulate an ever-expanding securities industry, with more and more investors in American free enterprise, so we have capital with which to increase the gross national product and promote jobs and prosperity for all. Today there are about 8½ million mutual fund shareholders among the 31½ million investors in our securities markets. We live in an era of television, computers, data processing, radio, microwave relays, and a communications technology that did not exist when Congress wrote the Securities Act of 1933.

I agree with Senator WILLIAMS and the SEC that the mutual fund distribution system will be improved by an updating of the unrealistic restrictions on mutual fund advertising. For years the SEC has permitted the oral solicitation of indications of interest among investors in purchasing a security before a registration statement has become effective and prior to delivery of a prospectus to an investor. The law now also permits a summary of prospectus to be used, and in some cases a preliminary prospectus.

Since mutual funds are in constant registration with the SEC and are continuously offered to the public like a new issue, I think it would increase investor protection and promote the public interest to broaden the existing exemption in section 2(10)(b) of the Securities Act of 1933 to include in advertising solicitations of interest, solicitations of offers to purchase, and offers to sell mutual fund shares, under proper SEC regulations. The law should continue to require that a prospectus meeting the disclosure requirements of section 10 of the 1933 act be provided to an investor at or before the time a sale is consummated. In order to provide a point of departure for discussion and suggestions, I am introducing an appropriate amendment to the 1933 act reflecting these proposed changes. I invite the comment of my colleagues and all interested persons.

TRIBUTE TO JAMES W. STANCIL, CHAIRMAN, BOARD OF VETERANS APPEALS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. TEAGUE of Texas. Mr. Speaker, it is a privilege for me to pay tribute to Mr. James W. Stancil, who is retiring from the executive branch of our Government after more than 36 years of dedicated public service.

A native of North Carolina, Mr. Stancil received his LL.B. degree from Southeastern University Law School in 1941 and was admitted to the District of Columbia Bar the same year. After serving in the Navy during World War II he joined the Board of Veterans Appeals as an attorney. He advanced rapidly and in 1957 was appointed Chairman of the Board of Veterans Appeals by the then Administrator of Veterans Affairs, and approved by President Dwight D. Eisenhower. While serving as Chairman he continued his education and in 1965 was awarded the degree of master of science in public administration by George Washington University.

The Board of Veterans Appeals, a statutory appellate body, provides independent and objective appellate review of all questions on claims for benefits under laws administered by the Veterans' Administration, and finally decides all issues of fact and law involved therein. During Mr. Stancil's 14 years as Chairman, more than 400,000 appeals were decided here in Washington and another 170,000 were adjudiciated in field offices. Through his judicial temperament, deep concern for equity and justice and dynamic leadership he motivated and inspired his staff to decide appeals with sympathetic understanding so as to reflect the generous intent of the law.

Jim Stancil's sustained contribution to the successful conduct of the VA mission has been outstanding. He has earned the respect and esteem of officials, both in and outside of the VA for maintaining the highest possible standards in administering the appellate program. He has earned the highest honor awards that the VA can give, including the Exceptional Service Award and the Meritorious Service Award. Mr. Stancil has also received many awards and commendations from veterans national service organizations such as the American Legion, the VFW, DAV, AMVETS, and their service officers at the grassroot State and county levels. He also received the B'nai B'rith National Service Award for his exceptional contribution to the hiring of the blind.

Mr. Stancil's efforts were always directed toward excellence in service to veterans and quality of appellate decisions. He played a leading role implementing the "Statement of Case" law passed by Congress to provide an elaborate system to insure due process for the protection of veterans and their dependents, making the right of appeal more meaningful. Mr. Stancil also utilized another law to obtain independent medical opinions from leading medical schools and institutions where warranted by the medical complexity or controversy in a case. The use of medical experts who are not employees of the Veterans' Administration added objectivity to the appellate process. He also faithfully implemented the law to make separate findings of fact and conclusions of law in each appellate decision.

Jim Stancil was an outstanding chairman with profound and sympathetic concern for the welfare of the veterans or our great Nation. On his retirement he can be proud of the organization that he chaired for so long. Mr. Speaker, I include at this point in the RECORD letters received from two Administrators of Veterans' Affairs under whom Jim Stancil served:

MERCANTILE NATIONAL BANK OF CHICAGO,
Chicago, Ill., May 14, 1971.

Mr. JAMES W. STANCIL,
Chairman, Board of Appeals,
Veterans' Administration,
Washington, D.C.

DEAR JIM: I have been given to understand that you are planning on retiring and having the opportunity of enjoying more leisure, travel, and happiness. I don't believe I have ever known anyone in the public service who has been more devoted and given so energetically of his time and effort than you have to the veteran, his widow and orphan. You have put into action and deeds the words which President Kennedy spoke in his Inaugural Address when he said, "Ask not what your country can do for you but rather what you can do for your country." I realize full well that during the years I served as Administrator of Veterans Affairs, you gave unstintingly of yourself, which made my job so much easier.

I only hope that with the additional leisure time you will have the opportunity of coming to Chicago so that I as well as your many friends in this area can see more of you.

It gives me a great deal of pleasure to join with your many friends in recognizing your loyalty to God and Country and to offer my humble admiration to a man whose life has been dedicated to the difficult and often painful task of serving his fellow man.

Most sincerely,
JOHN S. GLEASON, JR.

MANUFACTURING CHEMISTS' ASSOCIATION, INC.,
Washington, D.C., May 13, 1971.

Mr. JAMES W. STANCIL,
Chairman, Board of Veterans' Appeals,
Veterans' Administration,
Washington, D.C.

DEAR JIM: Congratulations on your decision to retire from the active list. After such a long and illustrious career, you deserve a change in the direction of a slower pace.

I know you are pleased to be able to look back on the great opportunity you had and took advantage of in assisting American war veterans. I consider myself most fortunate to have served with you during a large span of this service.

Best wishes to you and Pauline for many years of peace and contentment.

Sincerely,
W. J. DRIVER.

GREGORY STRAUBINGER—VOICE OF DEMOCRACY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. KEMP. Mr. Speaker, it was my good fortune to be a guest at the 37th Annual Convention of the Erie County Council, Veterans of Foreign Wars. One of the highlights of that convention is the annual Voice of Democracy broadcast scriptwriting contest.

The top award this year went to Gregory Straubinger, a student at Maryvale Senior High School. Greg is a senior and plans to attend Ithaca College in the fall.

His teachers, Mrs. Loughren and Mr. Texido, involved in his scriptwriting preparation, certainly are to be congratulated for their inspiration. I was deeply moved by the comments of this young man. When we hear such eloquence and wisdom from a high school senior, it seems to add dignity to all young men and women. It restores our confidence in the future of this country.

I commend Gregory's remarks to the attention of my colleagues and include his script at this point:

The 24TH ANNUAL VOICE OF DEMOCRACY BROADCAST SCRIPTWRITING CONTEST

When I think of the United States, I think of many things; I think of hot dogs, baseball games and the Statue of Liberty. But foremost in my mind when I think of the United States are the ideals that this country was founded on; the ideals of liberty, equality, and justice. These concepts are the cornerstone of the American Dream. A dream that made this country great, and a dream that has withstood the trials of nearly 200 years, and that dream is founded on a deep faith in and devotion to one single concept, just one word—and that word is freedom. We hear the word freedom used over and over these days. We all talk about freedom of speech and freedom of the press. We have all used the phrase "it's a free country", but living in this free country many of us have forgotten how that freedom came about.

The first Americans were not born with all the freedoms that we've come to take for granted. They had to fight for their freedom; and just as they fought to gain freedom, so must we fight to retain it. Each and every American must play a personal role to preserve freedom. Naturally not all of us can take up arms and guard our freedom with military might; but, all of us—man and woman, young and old alike, can and must do something. We can all respect and encourage law and order, for without law, there is no freedom. We can speak out in support of our country (for freedom of speech can work both ways), and we can all be aware that while the actions of a person or group may seem honorable on the surface, they may be aimed at undermining the freedom that this country now enjoys. We must be constantly on guard against any force that would seek to reduce the basic freedoms of this country.

These basic freedoms must be preserved, defended and protected. They must be made meaningful, both for ourselves, and for those around us. It is the duty of every American to exemplify the things that this country stands for. We must listen, with an open mind, to those whose views may differ from our own as well as to those who share our own opinions. We must not prejudge, but rather evaluate each man on his own qualifications, respecting the right of every man to his own opinion, and using reason and compromise, rather than force and violence to uphold freedoms. Only by extending equal rights to all can we ensure that all Americans will understand the concept of true freedom.

As a teenager, I feel that freedom carries with it a duty to realize a point that many young Americans today fail to see: the point that freedom should be used as a tool to improve America, rather than a shield from behind which to attack it. America's youth must understand and prepare for effective citizenship rather than destructive violence. Effective citizenship means more than just involvement. An effective citizen is more than just a protestor marching with a sign or a jeering heckler in a crowd. An effective citizen is one who has solutions as well as problems; one who sees rights as well as wrongs. An effective citizen cannot be lulled into passive acceptance by the chants of a publicized minority; an effective citizen has the ingenuity and the drive to make his own views known, for they are the opinions of a true American. Young people are encouraged to write to Congressmen and Senators, not only with complaints but also when they approve of something. Why not let your representatives know that you're behind them? Effective citizens are not a silent majority—but rather a majority with a voice.

Effective citizens are concerned, informed, and active Americans who keep their country's welfare in mind. And so must we all be concerned, informed and active citizens—

Concerned that freedom is truly meaningful to all Americans;

Informed as to the real meaning of freedom, not just in our words, but in our thoughts and deeds; and

Active as effective citizens, serving this nation and acting always in its best interest.

These three qualities are the makings of a patriot, for a patriot is nothing more than a man with an eye on America's future—and a foothold in freedom—our heritage.

MAY DAY DISRUPTION—NEVER AGAIN

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. MILLER of Ohio. Mr. Speaker, since the violent demonstrations here several weeks ago, I have had time to reflect upon the activities of those few days, analyze the various accounts, and contemplate what the future holds for this City and Nation.

First, I must commend the performance of the District of Columbia Police Department in fulfilling its responsibility despite provocation, ridicule, and abuse. The degree of restraint and discipline they exercised while controlling and containing a very volatile situation was exemplary. Given the unprecedented purpose and tactics of the "May Day" demonstrators, I cannot see how the law-enforcement officials of this city could have better handled the problem.

I feel that this exercise in so-called civil disobedience was no more than a license for destruction and violence under the guise of protest. The "May Day tribes" spoke of peace while at the same time harassing, threatening, and intimidating the citizens of this community whose only crime was wanting to get to work. Work is a word that seems to be completely missing from the four-letter vocabulary of these hooligans. Their manner, behavior, language, and tactics typify a new lifestyle which is totally lacking the responsibility and discipline that comes with an honest day's work.

The news media has extensively reported the grievances of those arrested during the demonstration. Some alleged their innocence. Others contended that their civil rights had been violated. Many deplored the conditions during their incarceration. On May 6 CBS News Commentator Eric Severeid responded to these charges in this manner:

> They could be asked why they were indignant that a number of innocent bystanders were also swept up in a police dragnet, when they themselves, when they tried to stop traffic, made no distinction between say, Pentagon officers and haberdashery clerks trying to get to their shops. Or why they were furious at delays in the legal processing of their cases when they had set out to put a full stop to all processes of government here. Or why they resent the unsanitary conditions of their detention centers when, had their plans succeeded there would be no sanitation anywhere in the city, including the hospitals.

Public policy is not made in the streets by a group of revolutionaries. This Government will not permit anarchy nor stand idly by and permit the intimidation of its citizenry by a raving band of fanatics who preach peace and love on one hand and practice violence and hate on the other. I wonder if these anarchists and their sympathizers would have condoned the same tactics and behavior by a group of brown-shirted neo-Nazis. I dare say they would be the first to express their indignation and demand that their civil rights be protected.

Many of us may believe that the worst is over—that somehow the disruptive tactics of the May Day demonstrators have been discredited and proven ineffective. But our experience should tell us that just as sit-ins and mass marches became acceptable tools of protest, so may massive civil disobedience become the tactic of the future. The precedent, although unsuccessful, has been set and the novelty of having a lawless holiday is enticing to many in the radical movement who are constantly seeking new thrills and excitement. Like a herd of sheep they will follow the drumbeat of hardcore anarchists like Rennie Davis. Davis has already vowed to return to this city in several weeks for a repeat performance, and again prey upon the boredom, idleness, and discontent of many young people in this country.

The Congress will soon be called upon to reimburse the District of Columbia for the costs and expenses it incurred during the weeks of demonstration as well as to replenish the funds expended by the Departments of Interior and Defense. I, for one, want some assurances before picking up this $3 million tab that certain limitations on the use of public property in the District of Columbia will be imposed to prevent the reoccurrence of such damages and inconvenience to the American people.

Many of my colleagues will recall that on June 11, 1969, by a vote of 377 to 51 the House passed H.R. 1035 which redefined the use of publicly owned land in the District of Columbia for unauthorized and unlawful encampments such as overnight camping. For other uses of public property the bill also requires the posting of a bond or surety to cover the costs of damage and repair to public property. If the Senate had acted favorably to this measure, I feel we would have been in a better position to cope with recent demonstrators who used public property as staging areas for their tactics and a playground for their adolescent and malicious behavior. Public officials should be empowered to deny permits to those groups whose intent is disruption and whose presence will result in destruction of public property. I do not think we can expect, nor should we ask, the American taxpayer to continue to foot the bill for such vandalism and destruction.

In an attempt to prevent another wave of disruptive and destructive activities, I am today joining several of my colleagues in sponsoring a bill identical to H.R. 1035 and urging that it be given prompt consideration.

If this body saw the overwhelming need for this legislation 2 years ago, that need is even more apparent and pressing today. The Congress has a responsibility to the American people to insure accessibility to all public grounds and buildings and see that they are available to the citizens of this Nation at all times.

HOMEOWNERSHIP CONSERVATION LOAN INSURANCE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. ANDERSON of California. Mr. Speaker, the unemployment rate in my home State of California is nearing 8 percent. This represents over 675,000 persons who are ready and willing to work, but cannot find jobs. This represents more than mere numbers—this represents families—families with children in school, breadwinners with obligations. These persons have payments to make, on homes, on furniture, and on cars.

In times of high unemployment, the period between jobs is considerably longer. These long periods of unemployment create hardships of varying degrees, but no one has a greater hardship than the person who must make monthly payments on a home mortgage.

For this reason, Mr. Speaker, I am introducing legislation which would enable temporarily unemployed homeowners to avoid foreclosure. Under this bill, the Government would insure loans made by financial institutions to homeowners who, because of unemployment, cannot meet their monthly mortgage payments.

To be eligible for this loan, an individual must show that, first, he owns and occupies a single-family dwelling situated in an area of substantial unemployment. Secondly, he must demonstrate that the mortgage is not in a principal amount exceeding $33,000. Third, the homeowner must show that he has no other practical means of avoiding defaults in the payment of principal and/or interest charges on the mortgage covering his home. Fourth, in order to qualify for the loan, a person must be unemployed, or has been forced to take temporary employment at a salary which does not exceed 50 percent of his former salary.

The Government-insured loan shall not exceed an amount equal to 1 year's mortgage payments and shall have a maturity not exceeding 5 years. In carrying out this proposal, the Secretary of Housing and Urban Development shall borrow funds from the general insurance fund established by the National Housing Act.

Mr. Speaker, this legislation will aid those Americans who cannot meet their mortgage payments due to the substantial unemployment which has stricken our country. While I much prefer an economic policy that provides for full employment, I feel that we must act to protect the lives of families who are suffering in this time of economic distress.

FAIR SHOTS AND FOUL

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, we are witnessing a continuing brushfire war between press critics of the administration and administration critics of the press. Personally I think this dialog, at times heated, has been conducted in the national interest, for certainly neither of these two powerful influences in our national life should be free from honest criticism—and indeed much that is most salutary both in the interpretation of current events and in the administration of government is the result of that natural tension arising from the fact that both the Government and the press take seriously their mandate to serve the public interest.

This brushfire war, like any other, has seen its share of errors—of potshots that hit wide of the mark. But there has also been the occasional salvo that hits dead on target, with a message that should perhaps be noted by others besides those to whom it was addressed. Two weeks ago Walter Cronkite, a national institution whom we all love and cherish, took a few potshots which were embarassingly wide of the mark, alleging that the Nixon administration was involved in "a grand conspiracy to destroy the credibility of the press." This week the editor of "Monday" fires an answering round which in my view is right on target. Surely it is no disservice to Mr. Cronkite and the other gentlemen of the media and press to suggest that they will receive fewer rounds of hostile fire if they take a little more care in aiming their own shots. I would like at this point to insert "Monday's" Open Letter to Walter Cronkite in the RECORD:

AN OPEN LETTER TO WALTER CRONKITE

DEAR WALTER: Let's face it. When it comes to criticism, you big boys at the top can dish it out but you just can't take it.

Last week, sounding like the main speaker at a John Birch Society rally, you accused the Nixon Administration of "a grand conspiracy to destroy the credibility of the press." You said it was impossible precisely to know the motives of this conspiracy, but you took a wild stab at it anyway. You asked: "Is it too much to suggest that the grand design is to lower the press' credibility in an attempt to raise their own and thus even—or perhaps tilt in their own favor—the odds in future electoral battles."

The answer is: yes, it is too much to suggest unless you include as co-conspirators all those who criticize the press in which case you would number among them. While you may see an Administration media critic under every bed, the sounds you hear are merely echoes of your own criticisms over the years. For example:

CRONKITE CRITICISMS

In an address before the Association of Industrial Advertisers in New York City on May 5, 1967, you said: "The press—and by that generic term I mean all of the reporting media—has not been without its sins in Vietnam. As the military has more than once complained, we have indeed, taken individual squad or platoon actions out of context and blown them up to appear to be the story of an entire battle—an error which can seriously mislead the public as to the nature of victory or defeat." This is, of course, the precise criticism President Nixon made of media coverage of the Laotian incursion, coverage which concentrated on only four of 22 South Vietnamese battalions involved in the operation.

In this same speech, you suggested that the way to restore credibility to the media would be by stripping away "the veils of secrecy and in exposing to full public gaze the works and decision-making processes . . ."

In another address before the William Allen White School of Journalism at the University of Kansas on March 24, 1969, you said of television that "our cameras and our lights and our tape trucks and even our microphones are obtrusive. It is probably true that their presence can alter an event . . ."

PRESS NOT PERFECT

In November of last year, at the Sigma Delta Chi convention, you said that "a fair portion of what we do is not done well. There are things we are not doing we ought to do. There are challenges that we have not yet fully met. We are a long way from perfection. Our problems are immense, and they are new and unique."

Another puzzling aspect of your blast is why you are so upset over what Administration media critics are saying since they are, for the most part, repeating what has been said by non-governmental people both inside and outside of your own industy. In an article on the press in TIME magazine in September of 1969, a Lou Harris poll showed criticism of the press "undoubtedly on the upswing" and your own CBS News Chief, Richard Salant was quoted as calling it not a conspiracy but "a healthy skepticism."

INHERENT LIMITATIONS

Just last December in a speech before an honorary leadership fraternity at Washington and Lee University, your CBS Washington correspondent, Rober Mudd, said that "the inherent limitations of our media make it a powerful means of communication, but also a crude one which tends to strike at the emotions rather than the intellect . . ." He stressed that for the television journalist, "this means a dangerous and increasing concentration on action which is usually violent and bloody rather than on thought; on happenings rather than issues; on shock rather than explanation; on personalization rather ideas."

"Our broadcasts have not improved," Mudd declared. "If anything, their quality has declined. The tube has become a trip, a national opiate, a baby sitter who charges nothing, something to iron by and to shave to and to doze over."

TV GROUP THEATER

Joseph P. Lyford, professor of journalism at the University of California at Berkeley, has put it differently: "Today television is relaying versions of a group theater. . . . The purpose of the new play is largely the play itself. The script has concerned itself with proclamations and ultimata rather than questions. The language is loud and verbose and increasingly aimed at destruction rather than the restoration of the dialogue. . . . Time given by television and the press to the staged event is time taken away from reporting the happenings that are not contrived. . . . If the day comes when television is freed from its dependence on what this or that angry crowd is doing, we will get a very different perspective on what is going on inside this country and inside our heads."

The most liberal member of the Federal Communications Commission, Nicholas Johnson, has put it another way: "Radio and television mold minds, 200 million of them, in numerous ways every day. It is long past time that we find out just what it is these potters are making out of the clay they knead inside our heads."

WHO'S THE MESSENGER?

It is currently popular for individuals such as yourself, Walter, to look upon the media critics, as you put it in your speech, as "enemies of freedom;" to martyrize yourself as merely the messenger being executed because he is the bearer of bad tidings. Perhaps it is time you gave serious thought to just exactly who IS the messenger being executed because he's bringing bad news: you or the media critics?

Sincerely,

MONDAY.

WHO CARES ABOUT POLLUTION?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. DERWINSKI. Mr. Speaker, the Suburban Life chain of publications serving the southwest suburbs of Chicago has a very interesting editorial page which includes periodic columns written by its staff members expressing their personal views on various subjects.

Miss Lynn Bogigian, in the Thursday, May 20, Suburban Life, authored a very thoughtful commentary on pollution and its relationship to the behavior of individuals which I believe should be appreciated by all concerned with the problems of pollution.

The editorial follows:

WHO CARES ABOUT POLLUTION?

(By Lynn Bogigian)

"Pollute the air, the streams and lakes, and erode the land until the environment is so poisoned that life can no longer be enjoyed."

This is one of 22 methods used to destroy a country as listed in "Decision," a publication of the Billy Graham Evangelistic Association.

Although it is difficult to imagine pollution destroying a land which has survived war, natural disaster and other tragedy, ecologists have made the prediction. However, not many people seem to care.

Saying "The air sure stinks today" or "Look at all the dead fish floating in the dirty water" is going to stop pollution about as fast as our "Earth Day" and "Earth Week" activities have.

Consumer crusader Ralph Nader rightfully attacked youths as "hypocrites" who jumped on the ecology band wagon to participate in the first "Earth Day" activities, only to forget the pollution fight as soon as the day was over.

The question is, should we add pollution to our apathy list or should we make individual attempts to do something?

In looking at the present situation, we might ask ourselves how many people carry litter bags in their cars, only to decorate roadsides with their contents when they are full?

Are any women concerned about wasting electricity when they use their electric curlers, hair dryers or fingernail buffers? Do any of them worry about a species of animals becoming extinct, as they urge their husbands to buy them furs?

How many men cough and sputter from city air as they are cruising to work in automobiles which do not contain non-lead gasoline? Do any men shun purchasing a powerboat for a canoe or a sailboat?

Have you ever heard a teen say, "I think I'll turn down the volume of my radio so I don't create noise pollution?"

Let's face it. Personal pleasure and convenience comes before concern for the environment. Most people feel the ecological problem will not become unbearable during their lifetime so they bequeath dirty air and water to future generations.

Perhaps we should not condemn the lifestyle of young people living in communes and "getting back to nature." Living the simple life off the land has not yet become known as a pollutant.

DALLAS ACES RETAIN WORLD BRIDGE CHAMPIONSHIP

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. COLLINS of Texas. Mr. Speaker, everyone in Texas was proud to see the Dallas Aces Bridge Team retain its World Bridge Federation Championship. We have just received word from Taiwan that the Dallas Aces defeated the highly regarded French team.

For several years, Ira G. Corn, Jr. has been assembling this great bridge team.

This year's victory was especially meaningful. The teams playing this year in the World's Championship were considered to be far superior to those the Dallas Aces beat last year in winning the World's Championship. This French team was considered a favorite by many and was an excellent bridge group. The Dallas Aces took the lead against the French team in the first finals match and never lost it. The second and third rounds were seesaw affairs, but in the fourth round, the Dallas team added 17 IMPS—International Match Points. They won by a total of 62.

Throughout all the 50 States we share the pride that all of you have in seeing this championship remain in the United States. And, we in Dallas are especially proud of having the best in the world there in our home town.

THE SPORTSMAN'S VOICE IN CONGRESS: YOUR ONLY HOPE FOR SURVIVAL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert in the RECORD a speech given by my dear friend and colleague, the Honorable JOHN P. SAYLOR, before the 100th anniversary meeting of the National Rifle Association at the Sheraton-Park Hotel in Washington, D.C., on Sunday, April 4, 1971:

THE SPORTSMAN'S VOICE IN CONGRESS: YOUR ONLY HOPE FOR SURVIVAL

(By Hon. JOHN P. SAYLOR)

Ladies and gentlemen, now that I have complimented you, lauded the organization, praised its leaders, and made those platitudes expected of any speaker—I now want to take off the gloves.

The ponderous title of my speech is, "The Sportsman's Voice in Congress: Your Only Hope for Survival."

What is supposed to follow the recitation of that title is a gentle reminder that you, the sportsmen of America, are dependent upon the Congress of the United States for survival.

Yes—I said "survival."

You can see right away that my so-called reminder is not going to be gentle.

Two of the voices in Congress interested in your survival are before you today. My good friend from the other side of the political aisle, Congressman John Dingell of Michigan, and myself, have fought the good fight for conservation, environment, and the preservation of the American sportsmen for more years than we like to admit.

Without concocting false modesty, we have also been in the forefront of the battle to save private firearms in the United States since the Kennedy-King-Kennedy assassinations, and the resulting wave or public hysteria against the, "instruments of national calamity."

In 1968, the American sportsman was trampled underfoot during a vote on the infamous Gun Control Act. At that time, we counted 118 House Members on our side of the question. The opposition rallied 305 Members to the cause of Gun Control.

In 1969, the issue was never presented so directly and tempers began to cool. During the cooling process, caution was the watchword and if memory serves me correctly, only 7 Members of the House could be found who had the courage to be four-square for repeal of the 1968 Act.

Last year, the Congress was ready for another great debate on the issue but in the end, compromises were the order of the day. The sportsman of the nation found some relief, but the big issue was not joined.

Here it is 1971, and the *Great Issue* could be waiting in the wings for the 92nd Congress.

I would wager a bet right now that you are thinking the *Great Issue* is the forthcoming battle over control—confiscation—of handguns.

You are wrong! The great issue is, or should be, repeal of the Gun Control Act.

I say the issue "should be" concerned with the Gun Act of '68 for the very simple reason that in that Act alone, the issue of the survival of the American sportsman is ultimately joined.

Instead of going on the offensive with an all-out, intelligent assault on the 1968 anti-firearms act—you—the American sportsman—expect your champions in Congress to fight another rear-guard, delaying, retreating skirmish such as we fought in 1970 over the issue of 22 caliber rimfire ammunition.

Instead of choosing the battleground, you allow the editorial writers, the left-wingers and the timorous technocrats in the Treasury Department choose the issue, and the rules of the conflict.

Why is this so?

In my view, as one who has been on the firing line, the reason we in Congress fight rearguard actions is that you do not have the appetite for another great congressional battle over gun control.

That's right—I have challenged the courage of this group as representatives of all the sportsmen throughout the United States of America.

Believe me when I say that I am unhappy to note this deplorable state of affairs.

The state of the situation is simply this: when a showdown vote comes on some issue in Congress that deals with guns—you crank-up your letter-writing, telegram-sending, telephone-calling legions and march with arms locked to the Capitol demanding that this Congressman, or that Senator, vote your way on the issue.

When the vote is over, you happily or sadly trudge back to your comfortable pursuits in life and, in effect, put the matter out of your minds.

Instead of constant contact with your representatives in Congress, you have become, literally, one-shot Charley's.

Rather than develop, persuade, educate, representatives over a period of time, you have become issue-oriented, one-day or one-week, consultants.

Instead of planning ahead, instead of going to the hustings to find new men to replace those dedicated to gun control and gun confiscation, you take "pot luck" with the legislators the political system produces in each election.

And you have become all too complacent about your tried and true congressional champions!

Ladies and gentlemen, I warn you, and I can assure you, that this one-shot, issue-by-issue, good-friends-for-the-moment attitude is costing you dearly in the halls of Congress.

What I am saying is that you need to help your anti-gun-control Congressmen on other issues and with other problems.

You must broaden your outlook. There are a hundred, a thousand, issues before Congress where you can and should be helping: conservation, outdoor recreation, mine reclamation, and the like.

This "help" is a two-way street. Where common ground and common interests meet, sportsmen should be on hand with support to Congress. Perhaps you have not thought about these "other areas" of common interest to sportsmen.

Congress is in the process of revising the one-hundred year old mining laws and the issues involved affect you directly.

The Public Land Laws are going to be revised and you should be involved in the changes. These are just two easy examples. I could go on.

I say in all candor that you must re-think your relationship with the Congress if you are going to achieve the kind of support needed to insure victories over more attempts at gun control and gun confiscation.

I conclude these sometimes hard, but well-intentioned remarks with a line-up of the forces in our society dedicated to the total control of the American citizen's right to keep and bear arms.

About 90% of the nation's daily newspapers are for gun control; about 50% of the nation's weekly newspapers; I estimate 100% of the television commentators; around 60% of the radio commentators; legions of do-gooders, armies of sob-sisters—

All these are arrayed against the small band in Congress who have their finger in the dike preventing total confiscation of America's firearms.

Our numbers in the Congress have dwindled. It is your responsibility to bring more Members over to our side.

This task cannot be done simply from Washington, D.C. It has to be done at the grass-roots level throughout the nation.

The survival of the American sportsman rests in the hands of Congress.

I suggest, I urge you to increase the number of hands.

CRANFORD, N.J.: MODEL TOWN

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mrs. DWYER. Mr. Speaker, it is my honor and pleasure today to call the attention of our colleagues to the Township of Cranford, N.J., as it celebrates its 100th anniversary this year. Cranford, located in the center of Union County, is a scenic community situated on the banks of the Rahway River. Cranford has been called the "Venice of New Jersey," and, in fact, such notables as Mark Twain and Grover Cleveland vacationed in Cranford from time to time. More recently, Cranford was described as a "Model Town" by the Daily Journal of Elizabeth, N.J., in an editorial last month. Following is the editorial as it appeared on April 19, 1971:

Model Town—100-Year-Old Cranford Is an Example for the Professional Planners.

While the Lindsays and Daleys in New York and Chicago, and even the Dunns in Elizabeth, surround themselves with professional planners and talk about billions of dollars in federal aid to rebuild the cities, no one has been able to spell out what the big cities should become, if by chance, they do get all that money.

Presumably they will grow some more, but perhaps it is because they were too big to start with that the cities became impersonal beehives for business and crime.

One hundred years ago people settled in Cranford for the same reason that the cities are losing people today. They wanted beauty, elbow room, convenience and a place to live without too many problems.

Fortunately, Cranford is among those few middle class communities that have resisted the temptation to swallow the George Babbitt wisdom that growth is progress and that more growth is even better.

If Cranford does indeed represent middle class America, then there is much to commend in the standards of that class. The results in Cranford are community pride, beauty, acceptance of diversity and an interest in the harmony of man and his environment.

Long before ecology became a popular interest, the people of Cranford built the town around the Rahway River. It is an enduring symbol of Cranford's resistance to becoming just another community dedicated to commerce; rather, it is a community that takes care in protecting its natural blessings.

Our urban planners should look to the Cranfords of America to see how to build new towns. They won't learn much in the cities except the mistakes of the past.

NORTH CAROLINA'S NO. 1 "GOOD GUY"

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. GALIFIANAKIS. Mr. Speaker, I should like to commend to my colleagues a remarkable tribute to a remarkable young man, Charles Dunn, who is director of the State bureau of investigation in North Carolina.

An energetic and effective public servant whose life and career have been truly exemplary, Charles Dunn is also a man of such towering principle that I suspect 5 million Tar Heels would agree that he is North Carolina's No. 1 "good guy."

I would also like to add my personal commendation to the author of this article, Bob Wilson, who has so aptly characterized his subject; and to the News and Observer, the major Raleigh newspaper which saw fit to honor Charles Dunn as "The Tar Heel of the Week."

North Carolina is often described as "the Goodliest land under the cope of heaven." Charles Dunn is making a major contribution toward keeping it so.

The complete text of the article follows:

[From the Raleigh, (N.C.) News and Observer, May 23, 1971]

"The Tar Heel of the Week"—Apparently, the Guy's for Real

(By Bob Wilson)

Dear Sunday Editor:

Remember that assignment you gave me a couple of weeks ago, the one about Charlie Dunn? You wanted to know, among other things, if he's really as good as he seems. What's behind those baby blue eyes? What, if anything, is this seemingly impeccable young man on the move really up to?

Well, I can tell you the score on that one. The image is real. And that's frustrating, because a good Tar Heel of the Week needs some conflict, an element of the classic struggle between the Good Guy and the Bad Guy.

If anybody bodes ill for Charlie Dunn, the curmudgeon is hiding in the woodwork.

So what's there to write about? As it turns out, Charlie is still a pretty interesting fellow. He's not an easy man to interview—the subject keeps slipping back to the SBI—yet, the articulate delivery of prose about rising crime rates, drugs and other societal mischief occasionally detours to a revealing statement about himself.

For instance, he's long harbored a secret desire to be a policeman. Not the administrative type. He wants to be out there on the thin blue line ("If only I were 10 years younger"). I asked if that's his Walter Mitty dream, and he sort of nodded his head and went on about "That's where a young man can make a lasting contribution to society" and then turned right around and said that maybe he'd like to run a weekly newspaper.

I thought he was pretty well pinned down to the police bit, but I should have known better. Charlie was a newspaperman before he signed on as Gov. Dan Moore's top assistant in '64. Before that he was an aide to former Congressman Horace Kornegay. Printer's ink flows through his veins, just like the rest of us. So, he'd like to be either a policeman or an editor, right? Partly. He still talks about leading a band. That's right, a band.

Now, you tell me what Charlie Dunn really wants to do, and I'll pass it on to him. I don't believe he knows. He just shrugs when conversation turns to his next job.

"I've enjoyed life," he said last week, a maddening philosophical prelude that seemed to beg the question. Then he got down to the meat of it, saying he's never held a job for more than four years and that while he's been switching around, people he grew up with are inching toward retirement benefits and the All-American good life. A hint of wistful reflection there. Only 34 years old and already pondering retirement?

I don't think so. Charlie has another good 30 years in him before calling it quits. If he calls it quits. This guy never really stops, just kind of runs on perpetual motion. It's an eccentricity he took out of Hertford County, through Chapel Hill and two degrees, and right up to the stratospheric level of state government.

He's an honest cuss, too. That makes it even harder to spice up a piece on him. I suspect Charlie didn't even rob the cookie jar when he was a youngster.

Yep, he's honest all right. First thing Dan Moore heard when he asked Charlie to be his right-hand man was: "I didn't actively support you."

"That's no problem," Moore replied. "I want good men."

Charlie made a good name for himself during his reporting days in the middle and late '50s. He was with the Durham Evening Sun, a fortuitous circumstance that eventually led to co-authorship of former Gov. Luther Hodges' book, "Businessman in the Statehouse." Charlie's mighty proud of that collaboration. He'll generally mention it within 30 seconds after you're introduced to him.

Charlie spent some time in Washington as Kornegay's legislative assistant in 1963, the same year he married Durham's Martha Sherrill. They have one daughter, Sherrill, age four. Marriage brought some domesticity into his life, and the SBI probably has taken a good bit out again.

To really understand Charlie Dunn, you have to understand his relationship with the SBI.

He works up to 18 hours a day, day in and day out, and that often includes weekends. It's not fair to label Charlie "Mr. SBI," which he isn't. The SBI is a multi-faceted organization with, happily, a top-drawer roster of agents and technicians. Charlie's job is to put the bureau on a level keel after years of low morale and turbulence.

That's why Bob Morgan picked the one-time newsman when he became attorney general in 1969. He could see Charlie's administrative cool, how it came through in periods of crisis. Morgan knew, too, that Charlie had a good working knowledge of the SBI from his days as Dan Moore's assistant.

So, Morgan offered Charlie the job. And Charlie thought it was a joke. Incoming Lt. Gov. Pat Taylor had already told him the Senate chaplaincy was open, and might be something different for a while.

"Whenever I saw Morgan and Taylor," Charlie recalls, "I asked them if I was going to get a badge or a Bible."

Charlie took over an organization in deep trouble. Not only was the personnel situation cause for worry, but the bureau's equipment badly needed updating. The Klan and sundry black militants had better radio nets than the SBI, and one bureau car was showing over 90,000 miles on the odometer.

The SBI is a different organization today. Drop by the old white mansion on Blount Street and take a look at those young faces in the offices and new laboratory building. The working atmosphere is strikingly informal, so much that Charlie goes around on a first-name basis with everybody.

There are problems within the SBI, to be sure, and the biggest one is money. It's almost always money. Charlie has overcome a lot of obstacles facing the bureau since 1969, but the funds squeeze remains the toughest.

Comes the inevitable question, of course. Is he sniffing the political trail?

You can't get much of an answer out of him. Charlie Dunn, after years of trying to catch evasive responses from politicians, is pretty good at it himself now. He's firmly non committal, even tantalizing to a degree.

"I can't wait to see what I'll finally settle down in," he tells you. "Only I'll probably never settle down . . . I like to be where the action is, where there's a challenge."

GEORGE HOLLAND RETIRED FROM VETERANS' ADMINISTRATION AFTER 28 YEARS OF DEDICATED SERVICE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. TEAGUE of Texas. Mr. Speaker, this week a personal friend of longstanding, a fellow Texan, and a dedicated and skilled public servant will retire from the Federal Government after a distinguished career serving America's veterans and their dependents. He is George L. Holland, who leaves his post as director of the Contract Compliance Service in the Veterans' Administration after over 28 years of Federal service.

George had a distinguished military career during World War II as an infantry officer. He came to the Veterans' Administration in 1945 as assistant to the Chief of the Contact Division. During his years at the VA, Mr. Holland has served in various high level positions mainly involving veterans benefit activities. In 1961, he had the distinction of being the first Negro to head a major Federal office, when he was appointed manager of the large Veterans Benefits Office in Washington, D.C., which at that time contained an extensive outpatient clinic and served thousands of veterans and their families. He has been promoted to positions of increasing responsibility including field director of Area 1 in the Department of Veterans Benefits having overall supervision over 14 regional offices with almost 4,000 employees. George also served as a Special Assistant to the Administrator of Veterans Affairs. He has many times been recognized for his outstanding work and in 1965 received the Veterans' Administration Exceptional Service Award. He was the first Negro to be so honored by the Veterans' Administration.

Mr. Speaker, the Veterans' Administration is losing one of its most valuable employees with the retirement of George Holland and the veterans of America are losing one of their greatest champion. I am proud of the personal friendship we have enjoyed as we have worked together on behalf of our Nation's veterans.

SAVE THE WHALE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. BEGICH. Mr. Speaker, much debate and energy is directed toward eliminating pollution and protecting our environment in urban areas. However, these same and sustained efforts are needed in rural America, too. I am particularly concerned about one of the great natural resources that is dear to the hearts of all Alaskans. I am alarmed at the decreasing number of great whales in the waters off Alaska and other parts of the world.

The number of great whales could greatly increase if stocks were given the opportunity to rebuild. This fact is particularly illustrated by the observation that whales in the Antarctic region have dropped in a dozen years from two-thirds of the total catch to one-tenth. The International Whaling Commission has contributed to the decimation of the Antarctic whale resource and unless conservation measures are immediately enacted, the Arctic whale will become extinct.

The Alaska State Legislature has passed a joint resolution urging the International Whaling Commission to set quotas based on scientific sustainable yield principles and implementation of the proposed international observers scheme. They have also requested that the Secretary of the Department of the Interior take unilateral conservation measures to save this great natural resource. I enclose a copy of the resolution for the RECORD:

ALASKA STATE LEGISLATURE HOUSE JOINT RESOLUTION NO. 37

Be it resolved by the Legislature of the State of Alaska:

Whereas the sustainable harvest of great whales today is but a small fraction of what it could be if those stocks were given the opportunity to rebuild; and

Whereas this fact is particularly illustrated by the fact that the harvest of whales in the antarctic region has dropped in a dozen years from two-thirds of the total catch to one-tenth; and

Whereas the quotas receiving tacit, if not explicit approval by the International Whaling Commission have contributed to the decimation of the antarctic whale resource and unless conservation measures are immediately acted upon, the Pacific and arctic whale resources will also be destroyed; and

Whereas, as an example of the latter statement, this year's quota set by the North Pacific Commissioners for sperm whale is 240 per cent of the sustainable yield as estimated by reputable scientists; and

Whereas all of these facts lead to the conclusion that unless stringent measures are taken at once by the various whaling countries in concert, all species of the great whales may very well be extinct in the near future;

Be it resolved by the Alaska State Legislature that the International Whaling Commission immediately take action to prevent the further decimation of the great whales of the world, including the setting of quotas based on a scientific, sustainable yield principle, and the implementation of the proposed International Observer Scheme; and be it

Further resolved that as a unilateral conservation measure the Secretary of the Department of the Interior is urgently requested to retain all eight of the great whale species on the endangered species list, these being the Bowhead, Right, Blue, Humpback, Gray, Finback, Sei and Sperm Whales.

MISS FRANCES UPHAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. LONG of Maryland. Mr. Speaker, on June 1, 1971, one of my constituents, Miss Frances Upham, 1120 Stevenson Lane, Towson, Md., will be retiring from 47 years of service as a social worker, teacher, and social work consultant. At present, Miss Upham is a professor of social work at the University of Maryland, and a consultant to the Maryland State Department of Employment and Social Services and to the Baltimore Veterans' Hospital. A former student of Miss Upham, Mrs. Inge Falk Badrron, 2100 West Rogers Avenue, Baltimore, Md., wrote:

> Facts and statistics cannot possibly express the great dedication and devotion with which Miss Upham has carried out her life work of helping people. She is not looking for recognition, as she herself knows that she is always doing her very best, and that is all that can be expected of any person.

Following is a summary of her service in social work since 1924:

SUMMARY OF SERVICE

1966–71: University of Maryland, School of Social Work and Community Planning. Professor of Social Work and Chairman of the Human Behavior Sequence.

1952–66: Louisiana State University, School of Social Welfare Faculty member.

1949–52: Veterans' Administration, Washington, D.C., Regional Office Casework Supervisor.

1948–49: Hospital for Joint Diseases, New York City, N.Y., Chief Casework Supervisor.

1945–47: University of Indiana, Graduate School of Social Work, Faculty member.

1943–45: University of Missouri, Undergraduate Curriculum, Faculty member.

1942–43: Missouri State Crippled Children's Service, Medical Social Consultant.

1940–42: City Health Department, Toledo, Ohio, Director of Social Services.

1935–40: Locust County Hospital, Toledo, Ohio. Developed and directed demonstration project on medical social work.

1933–35: Mount Sinai Hospital, New York City, N.Y., Caseworker.

1932–33: Lying-in Hospital, New York City, N.Y., Director of Social Services.

1924–32: Mass. Memorial Hospital, Boston, Mass., Caseworker.

Under the sponsorship of the National Association of Social Workers, she organized a pilot program on postgraduate education for social workers, beyond the Master of Social Work, and became the first educational director of the project. She is the author of several professional articles and a book entitled "The Dynamic Approach to Illness," published in 1949 by the Family Service Association of America.

It is a pleasure to honor Miss Upham by including her accomplishments in the CONGRESSIONAL RECORD.

AMERICAN SUPPORT OF GREEK DICTATORSHIP EXPOSED

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. EDWARDS of California. Mr. Speaker, I have, over the past few years, brought the situation in Greece and American involvement in the affairs of that tragically oppressed country, to the attention of my colleagues. I would like, once again, to urge my colleagues to attend to this grave and disgraceful situation. Mr. Pete Laine, in an article appearing in the Miami Herald, has outlined the situation with forthrightness and honesty and I commend his article to all friends of freedom:

DESPITE REGIME'S REPRESSION: UNITED STATES STAYING COSY WITH GREEKS

(By Pete Laine)

WASHINGTON.—Despite the lumpy mattress, the U.S. government is in bed to stay with a Greek dictatorship denounced by the Council of Europe for political repression, torture and murder.

The U.S. has, in fact, moved closer to the ruling Greek colonels than at any time since they seized power four years ago.

The U.S. heavy arms embargo was lifted last fall. The Greek army chief was received by the Pentagon this spring. Last month, Commerce Secretary Maurice Stans visited Athens and gave the junta its biggest boost yet.

Ignoring the estimated 1,200 political prisoners held under martial law, Stans lunched with nine officials and praised the "sense of security" the Papadopoulous regime had given American business.

At the State Department, where policy on Greece is dutifully defended, one theory holds that Stans was carried away by the enthusiastic welcome arranged by his military hosts.

The colonels' happiness was understandable since it is widely believed, here and in Greece, that they are in power only because they enjoy U.S. favor—or, what counts as much, because people think they enjoy it.

The mere appearance in Athens of a high-ranking Nixon Administration official was enough to inflate that image.

Secretary of State William Rogers said in March he was "disappointed that more has not been done" by the rightist junta to restore democracy in Greece. But President Nixon, in his annual report on foreign policy, omitted mention of the Greek question.

In defending U.S. policy, administration spokesmen invariably maintain that the junta is relaxing its iron rule or at least intending to restore democracy.

But critics of U.S. policy, in Congress and in the Greek freedom movement, cite the junta's many broken promises. They insist the return of Greek democracy is as far away as ever.

Why, then, does the U.S. deal with a government whose internal politics it privately deplores? The answer is that the U.S. has an overwhelming need for military bases in the eastern Mediterranean.

Soviet influence in the area has risen steadily, and the Mideast remains perhaps the most likely trigger for World War III.

The U.S. has at least seven unclassified major facilities in Greece, including NATO's Souda Bay naval base and the missile-firing station on Crete. On an average there are 2,000 U.S. sailors in Greek ports every day. Greek airfields were invaluable to the U.S. during the Jordan evacuation crisis last fall.

But Senate investigators who went to Greece this year—and were tailed by plainclothes police—came back with a disquieting observation.

If the chips go down in the Mideast, they reported, the U.S. may not get the strategic benefits for which it is now paying such a heavy price in terms of world opinion.

The investigators for the Foreign Relations Committee, James Lowenstein and Richard Moose, pointed out that Greece has trading interests and up to 50,000 nationals in the Arab world.

Any U.S. plan to use Greek bases against the Arabs "could involve risks which no Greek government might consider worth taking," they said.

They agreed that the junta's "greatest asset" was the widespread belief that it had U.S. support. They said potential domestic opposition felt "betrayed" by the U.S.

"The Greek people believe the U.S. supports the regime, and therefore consider opposing it futile," they added, "while the U.S. interprets absence of outward opposition as evidence of support for the regime."

Administration policymakers here dismiss this "vicious circle" theory as over-simplified. They say that the Greek resistance movement is confused and weak, and that there's a limit to what the U.S. could do to help anyway.

This position is attacked head-on by John Rountzounis, spokesman for Friends of Greece, a freedom organization here. He said the junta would "crumble" if the White House merely indicated it no longer had U.S. approval.

"The Greek military from within would destroy the junta in a matter of weeks," he said.

Rountzounis also disputed the strategic rationale of U.S. policy. "The military question," he said, "was not important enough to enslave a nation of eight million people."

The colonels pulled their 1967 coup just before elections were due, ostensibly to avert a Communist victory. Rountzounis said, however, that the Communist bloc never had more than 17 percent of the nation's vote.

There were reports at the time that a leftist government would have taken Greece out of NATO.

In this connection, Sen. J. W. Fulbright (D., Ark.) suggested to administration witnesses before the Foreign Relations Committee that the U.S. helped the colonels grab power by activating a NATO plan to deal with a threatened Communist takeover.

Fulbright remained unconvinced by the witnesses' denials. They conceded that the U.S. was caught in "a very painful dilemma" in Greece.

Fulbright was angered because the heavy arms embargo, imposed by the Johnson Administration soon after the coup, was secretly broken following the Soviet invasion of Czechoslovakia in 1968. Officials conceded that $28 million worth of shipments were made to Greece at that time.

Moose and Lowenstein reported that Greece actually received more over-all military aid from the U.S. while the embargo was in effect—a total of $26 million—than it got in a comparable period before the embargo was imposed.

The real reason the U.S. lifted the embargo, they indicated, was that the junta put pressure on the U.S. by buying arms from France, thus lessening U.S. influence over its affairs.

Internally, they reported, progress toward the return of democracy in Greece was "frozen" and, by the junta's own terms of reference, the long-promised free elections were still distant and uncertain.

"The (U.S.) policy of friendly persuasion has clearly failed," the investigators concluded. "The regime has accepted the friendship and the military assistance, but has ignored the persuasion . . . we see no evidence that this will not continue to be the case."

Administration officials privately agree that no policy change is due. They say the military stakes are too high for any policy risks to be taken.

The exiles pin their hopes on a change of administration in Washington next year. "We think any kind of Democratic administration will deal very harshly with the junta," said Rountzounis.

While the freedom movement regarded Stans' praise of the junta as an outrage, he added, it also found some consolation in his visit. The junta must have compelled business interests to prevail on Stans to help its image, he explained—"they must be getting jittery."

GEORGIA AND ARMENIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. DERWINSKI. Mr. Speaker, this week we will observe the independence days of two small Republics, Georgia and Armenia. While we can commemorate, we can hardly celebrate, as these countries enjoyed their freedom for less than 3 years.

Georgia became independent on May 26 and Armenia on May 28, 1918. Soviet governments were set up in both nations in 1921, first in Georgia, February 25, and later in Armenia, April 2.

Since World War II, approximately 60 nations, most of which had been colonies of Great Britain and France, have become independent. Forty-four of these new countries are either smaller in area or have fewer people than either Armenia or Georgia.

The Armenian Soviet Socialist Republic consists of 11,306 square miles and has a population of 2,493,000, while the Georgian Soviet Socialist Republic has 26,911 square miles and 4,688,000 people.

As my colleagues study the list of countries which I will insert in the RECORD at the conclusion of my remarks, they will see that 19 of them are smaller in area than Armenia and that 22 are smaller than Georgia. They range in size from tiny Nauru, 8 square miles, to Ceylon, 25,332 square miles.

Twenty-eight of the forty-four nations have fewer inhabitants than Armenia, while only two have as many as Georgia. They range from Nauru's 6,500 people to Malawi's 4,642,000.

Both Armenia and Georgia exceed the following 16 countries in both area and population: Barbados, Cyprus, Equatorial Guinea, Fiji, The Gambia, Jamaica, Kuwait, Maldives, Malta, Mauritius, Nauru, Singapore, Swaziland, Tonga, Trinidad and Tobago, and Western Samoa.

Mr. Speaker, I take all statements about mellowing Communists with a huge grain of salt. I will believe that the Soviet Empire is mellowing when it follows the example set by other European nations and restores freedom and independence to Armenia and Georgia.

The table follows:

Nation	Square miles	Population (thousands)	Became independent
Barbados	166	263	1966
Botswana	275,000	668	1966
Burundi	10,747	3,614	1962
Central African Republic	236,293	1,607	1960
Ceylon	25,332	12,846	1948
Chad	495,753	3,618	1960
Congo (ex-French)	132,046	907	1960
Cyprus	3,572	630	1960
Dahomey	43,483	2,801	1960
Equatorial Guinea	10,852	296	1968
Fiji	7,055	519	1970
Gabon	102,089	495	1960
Gambia	4,005	373	1965
Guinea	94,925	4,087	1958
Guyana	83,000	758	1966
Israel	7,993	2,991	1948
Ivory Coast	127,520	4,389	1960
Jamaica	4,411	1,959	1962
Jordan	37,500	2,322	1946
Kuwait	6,178	658	1961
Laos	91,429	3,033	1949
Lesotho	11,716	941	1966
Libya	679,358	2,011	1952
Malawi	36,100	4,642	1964
Maldives	112	108	1965
Malta	122	318	1964
Mauritania	419,231	1,189	1960
Mauritius	720	800	1968
Mongolia	592,664	1,240	1945
Nauru	8	7	1968
Niger	489,189	3,946	1960
Rwanda	10,166	3,734	1962
Senegal	75,750	3,922	1960
Sierra Leone	27,699	2,588	1961
Singapore	225	2,034	1965
Somalia	246,201	3,026	1960
Southern Yemen	112,000	1,276	1967
Swaziland	6,704	429	1968
Togo	21,850	1,908	1960
Tonga	269	83	1970
Trinidad and Tobago	1,979	1,099	1962
Western Samoa	1,130	141	1962
Zambia	290,586	4,442	1964

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"—the question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"—the question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

SMALLER BUSINESS ASSOCIATION OF NEW ENGLAND, INC., PRESENTS ITS PROPOSALS FOR CONGRESSIONAL ACTION

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. MORSE. Mr. Speaker, members of the Smaller Business Association of New England, Inc.—SBANE—visit Washington annually to present their program for legislative action. Consistently, their recommendations have been thoughtful and constructive. This year was no exception.

On May 19 SBANE organized an excellent luncheon in the Rayburn Building for Members of Congress who serve on the Select Committee on Small Business and those who are from the New England area. The luncheon was well attended and the 1971 legislative presentation itself was excellent.

Great credit for the day's event must go to SBANE officers, in particular President Joseph F. McPhee, Vice President Edward H. Pendergast, Jr., and Executive Vice President Lewis A. Shattuck. But when an organization has energetic, competent leadership, this invariably suggests an active, concerned membership. In a sense, therefore, all SBANE members deserve to be commended for the May 19 presentation.

Members of Congress know that SBANE over the years has established a reputation as one of the most responsible organizations of its kind in this country. Since 1938 it has well served not only its New England members but the national small business community at large. It has done this through its responsible advocacy of measures by Congress to help this vital group of American businessmen regardless of the region in which they are located.

SBANE's legislative program for 1971 covers the important subjects of staffing levels at the Small Business Administration, taxation policies affecting small businesses, U.S. Government procurement policies affecting small businesses, and conversion of our economy to a peacetime basis. Concern with this last problem is an example of the forward vision of SBANE members.

I include the full text of SBANE's legislative proposals for 1971 in the RECORD so that they may come to the attention of my colleagues. I urge that the proposals receive careful attention and study.

ABOUT SBANE

The Smaller Business Association of New England, Inc., is a private, non-profit, nonpartisan association of New England small companies. It was founded in 1938 to promote and protect the welfare of small business throughout the six-state region. This is accomplished by:

(1) grouping together, articulating the needs of small business, and taking common action;

(2) promoting and supporting legislation and government activities beneficial to small business and opposing those activities and legislation detrimental to the interest of the smaller business;

(3) cooperating with other small business groups; and

(4) the education of the small businessman and others in the problems which they must face in order to be successful, and the education of the small businessman as to matters which both threaten and preserve the system of free, profit-incentive, private, competitive enterprise.

The major emphasis in the programs offered to the membership are in the areas of legislation on the national level and education programs.

Besides appearances before various Congressional committees, the Association appears on Capitol Hill once a year for a Washington Presentation of specific proposals designed to assist small business.

The Association is also a member of the Small Business Economic Council, which was formed at the request of President Nixon in September, 1970, to promote awareness of small business problems with key administrative officials.

The education activities are many and varied. They include seminars and conferences held throughout New England often sponsored in conjunction with leading New England universities and Federal agencies such as the Small Business Administration.

Best known of SBANE's educational programs for the past 12 years has been the annual "Live-In" Seminar on the campus of the Harvard Business School.

The Association also publishes a monthly magazine, New England Business, containing information and educational features for the small business executive and news about SBANE's monthly activities.

The Association's services also extend to counseling its members on small business problems and serving as a source of business information. Furthermore, the Association provides government liaison, procurement assistance and offers its members group insurance programs and trade missions.

SBANE offices are located at 69 Hickory Drive, Waltham, Massachusetts 02154.

I. SBANE 1971 PROPOSAL FOR THE SMALL BUSINESS ADMINISTRATION

The SBA was created in 1953 with modest manpower. It has had equally modest manpower increases ever since. Yet the SBA has been charged with ever-widening responsibilities. These responsibilities (without the necessary staffing to cope with them) are damaging to the effectiveness of the Agency. This Association recommends that additional manpower be authorized in 1971 to enable the SBA to meet its responsibilities and to deal more effectively with the needs of the more than 5,000,000 small businesses that employ 50% of the country's workforce and account for 40% of its Gross National Product. The Association also urges Congress to continue to protect the independence of the SBA.

The pattern of responsibilities vs manpower

The first box, which follows, illustrates how the SBA's responsibilities have proliferated over the past 18 years. A comparison with the second box reveals how manpower has been allotted to meet these responsibilities. The two are far from balanced. While the SBA's staffing has never been generous, today it is woefully inadequate to the tasks it is being asked to perform, to the point that overall effectiveness of the agency is in jeopardy.

The stress on agency personnel, however, is more than quantitative; SBA staffers are being called on to do a variety of jobs in a variety of areas quite outside the normal small business sphere.

[Box 1: Expansion of SBA Responsibilities since 1953]

Procurement/management/technical assistance

1963—Voluntary Sub-Contracting Program.

1965—SCORE—Service Corps of Retired Executive.

1967—Technology Utilization Program.

1968—Evaluation/Assistance with Economic Opportunity Loans.

1968—Section 8(a) Contracts.

1969—Certificate of Competency expanded.

1969—Introduction of Section 406 to hire management consultants for disadvantaged.

Financial assistance

Business Loans

1965—Economic Opportunity Act.

1967–68—Minority Enterprise.

Disaster Loans

1961—Drought and Excessive Rainfall.

1961—Displaced Business.

1964—Natural Disasters.

1964—Product Disaster.

1966—Trade Adjustment.

1969—Coal Mine Health & Safety Act.

1970—Egg Act/Poultry & Wholesome Meat Act.

1970—Occupational Safety and Health Act.

1958—Small Business Investment Act State/Local Development Cos.

1965—Lease Guarantee Program Guarantee Surety Bonds.

Loan Processing/Closing Loans for Other Agencies

1957—Department of Interior—fishing vessels.

1961—Area Development Authority.

BOX 2.—SBA MANPOWER SINCE 1962

Calendar year	Central office personnel	Field personnel	Total agency personnel
1962	709	2, 383	3, 092
1963	751	2, 465	3, 216
1964	783	2, 587	3, 370
1965	769	3, 016	3, 785
1966	840	3, 091	3, 931
1967	1, 014	3, 433	4, 447
1968	1, 019	3, 262	4, 281
1969	974	3, 228	4, 202
1970 (November)	1, 006	3, 144	4, 150

The financial assistance quagmire

For example, since the mid-1960's, the SBA has placed a major part of its services in the area of minority enterprises. Unfortunately, this involvement has had to be at the expense of other established, ongoing programs, as the minority enterprises role was never properly staffed to begin with. Instead, key personnel were shifted from other areas and programs and asked to do a job that not only required many business skills but involved the social area as well.

Small business procurement hurt

It is with the Procurement, Management and Technical Assistance function (PMA) that the SBA manpower shortage has had its worst effect on small business. Here highly-trained personnel were diverted to provide intensive assistance to minority enterprises. The result of spreading these specialists so thin has been a marked decline in small business procurement.

An expanding loan-making role

In addition to assuming responsibility for minority enterprises, the SBA has over the years been made responsible for processing and closing loans for other agencies. These include loans to owners of fishing vessels for the Department of Interior (which has involved the SBA in the complex field of Admiralty Law); loans to clients of the Economic Development Commission; loans for financial rehabilitation to owners and/or tenants of non-residential property and urban renewal areas for the Department of Housing and Urban Development.

Coupled with the expansion in Financial Assistance programs has been a 55.4% increase in guaranty loan activity and a dollar increase of 98.1%. Yet incredibly, field staff to deal with these growing functions has actually decreased since 1967.

More responsibilities seen for the SBA

The outlook for the future is for a continued expansion of SBA responsibilities. The whole subject of conversion from military/space production to the civilian area, itself a separate section in this proposal, presents an awesome challenge to the SBA. Moreover in March of 1970, President Nixon by Executive Order directed the agency to expand its Advocacy Program to represent the interests of small business before other Government departments. These burdens would be considerable under favorable staffing conditions; under present conditions they are probably overwhelming.

SBA independence vital

This Association is alarmed by the President's proposal, as part of his overall reorganization of Government, to make the SBA a part of a larger department. We have traditionally opposed this; our reasons for doing so are as valid as they were in the past. At a time when SBA effectiveness is impaired by a critical lack of manpower, the prospect of seeing the agency merged into a catch-all department serving the needs of large and small business alike is distressing to say the least. Small business is bound to suffer by any such amalgamation, and the programs designed to help small businesses are bound to be tragically compromised. As an SBANE member put it in a letter to his Congressman some years ago: ". . . if there were to be a consolidation of . . . agencies, the SBA should take over the Department of Commerce. I make this suggestion on the grounds that the most important segment of any structure is the foundation. Small business is the foundation of the American economy." We hope that Congress will, as it has in the past, defend and protect the independence of the one agency in Government that the small businessman can rely on.

II. SBANE 1971 PROPOSAL FOR—TAXATION

SBANE supports Tax Reform for Small Business. Specifically, the Association urges reinstatement of the 7% Investment Credit as being the single most effective tax incentive to stimulate economic growth. Furthermore, SBANE endorses the following points of Senate Bill 544: The increase in the Net Operating Loss Carryover Period from 5 years to 10 and the increase in the number of permissible Shareholders in a Subchapter S Corporation: It opposes the limitation of Net Assets to $1 million as being too restrictive. In S. 1615 and H. 7692, SBANE supports all provisions except one: the establishment of a cross-over point at which a greater tax would be paid by Corporations earning in excess of $1 million. The Association has specific counter-proposals to make to this provision.

Senator Bible's bill

S. 1615, introduced by Senator Alan Bible, Chairman of the Senate Small Business Committee, is a comprehensive plan for tax reform and simplification. It encompasses a total package of meaningful change which will give significant tax incentives to small business, without creating serious adverse revenue effect to the Government.

The Bill is broken into eight sections covering a wide area of concern to small business. One section deals with the adjustment of the normal tax rate for corporations. Presently, corporations pay a fixed normal tax at the rate of 22% on taxable income. In addition, a surtax of 26% is payable on all taxable income in excess of $25,000. The Bill proposes a graduated normal tax ranging from 20% on taxable income that is not in excess of $50,000 to a maximum of 24% on taxable income in excess of $1 billion. The crossover point at which a greater tax would be levied would be at the $1 million taxable income level. This would have the effect of shifting an added burden to larger corporations. We do not support this. We believe a more realistic approach was contained in SBANE's 1970 proposal which called for a $50,000 surtax exemption for those corporations which have earnings of $50,000 or less. This exemption would be gradually reduced to the present amount of $25,000 for corporations with taxable incomes in excess of $100,000. Only a single exemption would be available to members of a controlled group.

A modification in the tax reduction proposal urged

Another meaningful approach to tax reduction is found in the proposal to exempt operating income for a five-year period. Such a plan, although new to U.S. tax concepts, is no novelty and has been employed successfully in other western industrialized nations.

In addition to the "tax holiday" plan, and in lieu of the proposal to increase the dollar amount of the surtax exemption, another way to mitigate the adverse effect of the corporate surtax is found in the proposal to allow a maximum of five surtax exemptions per family group. Such a proposal would effectively increase the income of the group by increasing that portion of income that would be taxed at the normal rate. Hence, an additional $100,000 of a company's income could be taxed at the rate of 22%, effecting an immediate savings of $26,000 per year. Such a plan could be limited to small businesses, without shifting any burden to larger corporations, nor would it result in any significant revenue loss.

Retain the new ADR System

Since the introduction of Senator Bible's Bill, the Administration has taken significant action in the area of providing more liberalized depreciation practices. We believe that the new ADR System (Asset Depreciation Ranges) should be given a chance to become effective. Thus, those portions of Senate Bill 1615, which deal with depreciation policies, we feel should be held in abeyance subject to a review of the ADR System's performance.

Reinstate investment credit

We do, however, strongly recommend some sort of limited restoration of the 7% investment credit as being the single most important tax incentive Congress could give to small business at this point in time.

SBANE supports fringe benefit equalization

The Tax Reform Act placed serious limitations on certain fringe benefits for shareholders of electing small business corporations. Effectively, it placed a ceiling of $2500 on the amount that can be set aside in a qualified trust and for which a tax deduction can be obtained. Thus, shareholder-officers of electing small business corporations are, for tax purposes, grouped with self-employed individuals, and both are discriminated against in comparison to employees of larger firms. S. 1615 provides equalized treatment of fringe benefits. We strongly support this.

SBANE supports loss carryovers

The Bill also contains a number of proposals that only conform to the tax treatment of similar items between corporations, electing small business corporations, and partnerships. Of these, the most significant and worthy of support allow for the amortization of organization expense of a partnership and the carryover of unused operating losses of electing small business corporations. The latter proposal has considerable merit. In the past, shareholders of these corporations have not been allowed to utilize operating losses in excess of basis. In subsequent periods when the shareholder had positive basis, the unused losses were not available for deduction. This is contrary to the rules which apply to partnerships, which allow a current deduction for any unused operating loss not claimed in prior years due to insufficient basis.

Senator Bennett's bill

The Administration's small business tax relief bill as introduced by Senator Bennett, appears to be rather short on relief, although it does encompass at least in part one major recommendation that would have a major positive effect on small business.

SBANE supports longer net operating loss deduction period

This is the increase of from 5 to 10 years in the period during which a net operating loss can be carried forward. This provision would apply both to individuals and small business corporations. It has always been one of the major goals sought by small business, and it would appear now that its realization in the present Congress is attainable.

Increase in shareholder maximum supported

In addition, the Administration has proposed to increase the number of shareholders permitted in a Subchapter S corporation from 10 to 30. This will be particularly helpful to those businesses wishing to offer stock to key employees.

Modification of net asset limitation provision urged

The only restrictive provision in the Administration's net operating loss proposal is its definition of a small business. A small business under this provision can have no more than 250 employees, or 250 shareholders, or net assets in excess of $1 million. The limitation on net assets, however, would eliminate a number of small businesses that would otherwise qualify. SBANE recommends that this restriction be modified.

SBANE urges Senate passage of Interstate Taxation Act

The House has twice passed this legislation by overwhelming majorities. This year, SBANE urges the Senate to report the bill out of committee and enact it into law. The legislation would have a decided, positive effect in encouraging interstate commerce, as it would remove the single largest roadblock facing small businesses wishing to engage in such commerce. As things stand now, small businesses encounter a virtual jungle of uncertainty in determining if they are indeed subject to the tax, and if so, in computing the tax. A single example of the almost incredible nature of the problem: due to varying methods for determining taxable property, it is not uncommon for the aggregate of the allocation factors for all the states in which a corporation does business to total more than 100%; accordingly, many corporations actually pay state taxes on more than their entire income or capital. The Interstate Taxation Act would help put a stop to situations such as this. The Association feels that it deserves support.

III. SBANE 1971 PROPOSAL FOR—PROCUREMENT

Small business historically has been discriminated against in the procurement of government contracts. While the SBA has tried with some success to promote the cause of small business, many hurdles still remain in the path of smaller firms competing for government contracts. Small business does not seek undue advantage, simply an equal opportunity, SBANE recommends the following to promote small business procurement. First, a downward revision in small business size standards. Two, that the government should continue to rely on the private sector of the economy for its service needs and that Congress enact legislation to give the force of public law to this policy. Three, the establishment of mandatory set-asides in total package procurement programs. Four, the establishment of a contract disputes clause to give subcontractors a means of appeal to the government.

When the Small Business Set-Aside Program was implemented, the size standard for most industries was that the number of employees of a qualifying company could not exceed 500 persons. This has been expanded in recent years to where a size standard of 1000 employees is common, and recently we note in one area a size standard of 1500 employees. This Association contends that a company which employs from 1000 to 1500 people can hardly be considered a small business.

SBANE therefore recommends that Congress direct the review of the entire practice in the setting of these standards; it also recommends that any proposal to change size standards be published in advance in the "Commerce Business Daily" instead of (or as well as) in the "Federal Register." This will better enable the small businesses affected by such changes to respond.

THE SERVICE CONTRACT CONTROVERSY

There are at least five cases currently pending before Federal courts contesting the legality of service contracts. These suits have been brought by Federal employee unions; they seek to have such contracts cancelled and to have the work involved given to their members. A decision in favor of these unions would have a devastating effect on the entire $85 billion a year service industry and upon the economy as a whole.

Historically, it has been the policy of the Government not to start or maintain any commercial activity to provide products or services for its own use, if such products or services could be obtained from the private sector. The reversal of this policy has long been the goal of Federal Employee Unions, the General Accounting Office, the Civil Service Commission, and others.

SBANE believes that legislation is needed now to resolve this controversy by clearly defining Government policy; by defining costing criteria that can be uniformly applied to determine the relative economy of contracting for services vs. in-house performance; and by defining the legality of service contracts.

SBANE further believes that to deny the Government the ability to go "outside" for those services which can be performed by the public sector would mean (a) an inflation of Government costs; (b) the further swelling of the Government establishment; (c) a decline in the quality of services; (d) damage to several thousand U.S. businesses; (e) a loss in tax revenue to the states; (f) a fundamental denial of the free enterprise system.

THE CASE FOR MANDATORY SET-ASIDES

The very concept of weapons system management through total packaging procurement restricts small business participation in the competition for many items that normally they could produce. The program vests the prime contractor with absolute authority to manage the total package, thereby eliminating the possibility of the Government contracting directly with small businesses for the many thousands of parts and components required by a modern weapons system.

Moreover, at the present time, other than a no-teeth voluntary small business subcontracting program, there is no way for the DOD or SBA to require participation in a definite subcontracting program. While some large firms are providing good programs, too many companies are merely talking about providing them.

SBANE therefore recommends a change in the ground rules. We specifically urge Congress to pass legislation that would require a subcontractor set-aside program to be established in connection with any total package procurement program, and that it be negotiated prior to the awarding of the prime contract. Such contractual obligation to subcontract is necessary if small business is to have a fair chance to compete.

A contract disputes clause needed

SBANE urges that contracts and purchase orders issued by a Government prime contractor to a subcontractor contain a disputes clause giving subcontractors access to the appropriate Government contracting officer and/or the Armed Services Board of Contract Appeals when a dispute cannot be settled between sub and prime.

Such a clause is standard in all Government prime contracts, but the prime contractor is prohibited from including such a clause in subcontracts. The intent of this is apparently to insulate the Government from direct claims by a subcontractor, and implies that unresolved disputes between prime and sub be handled by (a) arbitration, (b) lawsuit, or (c) by having the prime institute an appeal to the Government on behalf of the sub. While this may protect the Government, it leaves a subcontractor with too few safeguards.

For example, a prime contractor does not have to assert a claim on behalf of a sub and is naturally unlikely to do so if the dispute is the result of any action by himself.

This leaves the lawsuit as sole recourse. Unfortunately, when suits have been brought in Courts of Competent Jurisdiction, such courts have ruled with reasonable consistency that the written terms of the contract are the whole terms and that no clause for action is justified.

SBANE concurs with Professor Harold C. Petrowitz in a report prepared for the Senate Select Committee on Small Business, dated July 28, 1966, in recommending: "That contracts and purchase orders issued by a Government prime contractor to a subcontractor contain a 'disputes' clause giving the subcontractor access to the appropriate Government officer, and if necessary, the Armed Services Board of Contract Appeals in the event of a dispute related to the terms and conditions of the contract, when such a dispute cannot be settled by the subcontractor with the Prime." Further, this right should accrue to a subcontractor whether the dispute is the result of actions by the Government or by the prime.

IV. SBANE 1971 PROPOSAL FOR—CONVERSION FROM A MILITARY/SPACE-ORIENTED ECONOMY

For many small businesses, conversion is the most critical topic for the 1970's. We believe that the slow progress in converting is one of the prime factors accounting for the persistent sluggishness of the economy and for a catastrophic waste of human resources. SBANE urges Congress to help correct this situation by taking the following steps. First, that Congress extend the State Technical Services Act (H.R. 6976-Morse). Second, that Congress approve Senator Kennedy's Bill S32, which will provide loans to small businesses wishing to convert. Third, that Congress authorize a limited plow-back tax credit for civilian research and development. Fourth, that Congress eliminate the penalties now incurred by a company awarded an unsolicited research contract. Fifth, that no new federal agencies be created to deal with the conversion problem.

What the Government does now to facilitate the shifting of emphasis of the economy from a military-space to a civilian product base will have great effect in the performance of large and small business alike for many years to come. We don't think it overstates the seriousness of the problem to say that what is done now will influence the American leadership role in product technology, manufacturing, research and development capabilities, and engineering capabilities, by either enhancing this leadership position or by virtually eclipsing it.

SBANE urges Congress to help in the conversion effort by implementing the following legislation and by adopting the following positions:

First, we support the extension of the State Technical Services Act, originally authored by Representative Silvio Conte. This extension has been at least suggested by Representative Bradford Morse in his recently introduced bill HR 6976. SBANE feels that for small business, conversion is as much a technological problem as it is a financial one. The extension of this act will continue to make necessary technical asistance available to small businesses wishing to shift product lines and update technology.

Second, SBANE urges a "yes" vote on Senator Kennedy's Bill S32, which would provide loans to businesses wishing to convert. This is the other necessary part of any effective conversion program: money. Such loans, as provided for in this bill, would be administered by the SBA; this we also support.

The third area requiring Congressional action in the opinion of the Association is in the encouragement of civilian research and development.

SBANE urges Congress to authorize a limited plow-back tax credit for such undertakings. We also feel that the penalties currently incurred by companies engaging in unsolicited research be eliminated. These are two things that small business vitally needs to convert successfully.

Finally, SBANE maintains that to create new Government agencies to deal with the conversion problem would be to create waste. A more positive approach would be to fund the efforts of existing agencies that already have at least some of the resources to make a contribution in this area, and are able to make a contribution immediately.

HON. WILBUR MILLS ADDRESSES JOINT SESSION

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1971

Mr. DORN. Mr. Speaker, our beloved, distinguished, and able colleague, Chairman Wilbur Mills, offered hope and encouragement to our depressed textile industry and its 2½ million employees in a dynamic address to a joint session of the South Carolina General Assembly on May 19. The Honorable Mr. Mills was invited by a unanimous vote of the South Carolina House and Senate. Mr. Mills was introduced by His Excellency, the great and able Governor of South Carolina, the Honorable John Carl West.

I commend to the attention of my colleagues in the Congress, and to the American people, the timely and superb address of our much admired and revered colleague:

REMARKS OF THE HONORABLE WILBUR D. MILLS BEFORE THE JOINT SESSION OF THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA, MAY 19, 1971

Mr. President, Mr. Speaker, Honored Guests, Members of the General Assembly of South Carolina; you do me great honor by extending to me the privilege of addressing this distinguished legislature. I am aware that this is a privilege not extended lightly or often, and I am all the more honored by that fact.

Throughout the history of this nation, there has never been any doubt that there does exist in these United States the sovereign State of South Carolina. Nor has there been any doubt that the elected representatives, whether in this distinguished legislative body, or in the national Congress, pursue their deeply held principles of government and the interests of this State with persistence, with imagination and with great effectiveness.

Anyone who is privileged to serve in a legislature gains a highly personal feeling for the traditions of the legislative functions of our government. I think that most of us hold in special esteem the assemblies of the thirteen original States where the traditions and strengths unique to the American legislative process began. None of these State legislatures has a stronger heritage of independence of thought and action than the Commons House of South Carolina which began in Colonial times and which has been carried forward by this Assembly.

The history of this State and of our nation is richer through the lives of many leaders who began their public careers in this Assembly. The names of Rutledge, Pinckney, Moultrie, Marion, Sumter, and Pickens are familiar to us through their contributions to the founding of this nation. For the most part, these men began their public lives by service in this Assembly.

One could not mention the men who have served in this Assembly without referring to John C. Calhoun, Member of Congress, Senator, Secretary of War, Secretary of State, and Vice President. No man in the history of our country has brought more power of intellect and legislative and political skill to forward the interest of his State and to achieve a change in national policy than John C. Calhoun. His leadership in defeating the move toward high tariffs which were strangling the South is rightly regarded as one of the great political victories in our history.

Mr. Speaker, you have established yourself in the annals of legislative history. I am informed that your service as Speaker of this House for 31 years exceeds the service of any speaker of any parliamentary or legislative body. I cannot fail to mention the service of my friend, the President pro tem of the Senate, the Honorable Edgar A. Brown, who has served in this legislature for 48 years—42 in the Senate.

No State is represented in the national Congress with greater fidelity and legislative skill than South Carolina. I have noted the portrait of the late Honorable L. Mendel Rivers which I understand was just recently unveiled. I can assure you that this "Son of South Carolina" is remembered as fondly in the Congress in Washington as he is in this Assembly.

I have visited in South Carolina on a number of occasions. I have always been impressed with the hospitality shown me by people in this State. The warmth and friendliness is akin to the welcome always found in Arkansas. What has struck me most is the vitality of the people of South Carolina and their hopes and aspirations for the future.

Hidden behind the headlines of dissent and struggles in the courts is the social and economic progress being made in this State. One of the forces behind that social and economic progress has been the realization of the attractiveness of South Carolina as a place to work and to live. The textile industry is playing a vital role in the economic and social progress of this State. Textile mills in South Carolina operate more than one-third of the textile spindles in the United States. South Carolina mills weave 42 percent of all cotton cloth produced in the United States. Approximately one-half of all industrial jobs in South Carolina are in the textile industry.

The contributions to social and economic improvement by the textile industry in this State are indicated by the fact that 21 percent of the textile employees are black. The importance of this opportunity for work in more skilled and higher paying jobs is indicated by the fact that the national average of employment of blacks in industry is only 10 percent. Unfortunately, recent plant closings also indicate the economic force of the textile industry in the many communities in South Carolina. Citizens of such cities as Greer, Spartanburg, Clifton, Lexington, Rock Hill, Greenville, Allendale, and Greenwood have experienced the disastrous economic impact of plants closing. Other communities throughout the State are experiencing difficulties as a result of short work weeks.

I have visited in some of these communities, and I therefore, understand the special fervor with which the interest of this industry is supported by its citizens.

I have not come to Columbia, South Carolina, to enjoy your gracious hospitality and to accept the honor you do me by addressing this distinguished body, only to ignore the Concurrent Resolution adopted by this Assembly on March 17 of this year. I refer to S. 283 introduced by Senators Long, Lake and Bonner, the subject matter of which is somewhat familiar to me. Concurrent Resolution S. 283 memorializes the President and the Congress to take steps necessary to restore order to international trade in textiles and commends the President for rejecting the Japanese unilateral textile export restraint offer.

There stands before you one member of the Congress who has been appropriately memorialized. Moreover, some of you have been kind enough to write me directly on this matter. I can also assure you that my Congressional colleagues from South Carolina have not hesitated to make their views known. By now I understand the feelings in South Carolina toward the initiative of the Japanese textile industry.

I welcomed the declaration of the Japanese textile federation as a meaningful step toward a solution to the problems of international trade in textiles. In view of the circumstances, my deep respect for the members of this body, and my own personal commitment to an acceptable solution to problems of textile imports, I want to share with you my position on this matter. In doing so, I believe it necessary to place in perspective all of the efforts to maintain a healthy and growing textile industry in the United States.

Last May 2 marked the tenth anniversary of the announcement by President John F. Kennedy of his 7-point textile program, which addressed itself to a deeply troubled textile industry. In the decade that has followed, the actions initiated under that program successfully dealt with a number of disadvantageous conditions in the industry.

Two-price cotton no longer plagues the cotton textile manufacturer.

More reasonable depreciation schedules for textile machinery were implemented. Investment incentives were enacted, and the textile industry responded with much higher levels of investment.

There has been a high degree of cooperation between employees and management groups in the textile industry and the Department of Commerce in product and market research.

The Small Business Administration has played an important role in assisting in some of the financing of modern equipment in textile plants.

On the other hand, the changes in the law to permit industries seriously injured by increased imports to obtain government assistance have not worked well. Indeed, the criteria of the escape clause provision in the Trade Expansion Act of 1962 were drawn and have been administered so rigidly that no reasonable opportunity has been afforded the textile industry under this law to have its problems of competitive imports considered on their merits.

Finally, however, the directive by President Kennedy to the Department of State to convene an early conference of textile-exporting and importing countries was acted upon. Very soon thereafter there emerged the Long-Term Arrangement on Cotton Textiles.

I do not suggest that the problems of the textile industry were solved by President Kennedy's 7-point textile program. I do mean to convey to you it was an action program which was responsive to some of the needs of the textile industry at that time. I see a number of men in this chamber who played a vital role in the development and implementation of that program.

Since the negotiations of the long-term arrangement on cotton textiles, which constituted international recognition of the problems which we face in international trade in cotton textiles, there have been a number of developments which bear on the current situation. While the cotton textile arrangement has worked fairly well, this country has found it necessary to accommodate itself to ever-increasing imports of cotton textiles as more of the developing countries started producing textiles for exports, primarily aimed at the American market. Indeed, between 1961 and 1970, imports of cotton textiles increased 150 percent despite the restraints imposed under the international agreement.

At the time the cotton textile arrangement was negotiated, no similar agreement was reached on imports of textiles of wool and of manmade fiber. At that time, the United States had only recently increased its duties on imports of most wool textiles in response to the serious conditions of the woolen industry in this country. In addition, imports of textiles of manmade fiber were at levels which did not present an immediate problem to the domestic textile industry.

During the decade which has followed, imports of textiles of manmade fiber have soared. Many foreign exporters, despite increases in cotton textile imports to the United States, shifted to the production of manmade fiber textiles. Between 1961 and 1970, imports of textiles of manmade fiber increased 1300 percent. Most of the volume of this increase has taken place in the last 5 years.

In the mid-1960's, the United States and the other major trading countries were engaged in the Kennedy Round of trade negotiations. During this period, spokesmen for the textile industry called attention to the growth in imports of textiles of manmade fibers and the further increases which would take place if an arrangement similar to the cotton textile arrangement were not negotiated. Although the tariff reductions on textiles agreed to in the Kennedy Round were not substantial, no action was taken to secure an international understanding on textile imports of manmade fiber and wool.

By 1968, the sharp rise in textile imports and the obvious threat that such trends in trade posed for the textile industry resulted in the President as a candidate pledging action on the problem of textile imports.

Shortly after his inauguration, President Nixon assigned high priority to the problem of negotiating a textile agreement on manmade fibers and wool. He sent a delegation headed by Secretary of Commerce Stans both to Europe and to the Far East, but these early efforts met with little understanding either in Europe or in the textile exporting countries in the Far East. These efforts to negotiate an agreement have continued unsuccessfully. Early in 1970, it appeared obvious that the major textile exporting countries, primarily Japan, would not come to terms unless it were indicated that the United States would take unilateral action to maintain its own domestic textile industry.

At the request of leaders of the textile industry and their workers and the shoe industry and unions representing shoe workers, I introduced in the Congress a bill providing for import quotas on both textiles and shoes. I had previously indicated in public statements, indeed in speeches in this State, that if an agreement were not reached providing reasonable restraints on textile exports to the United States, the Congress would be forced to act. I was told that the introduction of a bill would be helpful in convincing our trading partners that an international agreement was preferable to action by the Congress.

During the Committee's consideration of the trade bill which I introduced, the bill incorporating the President's own trade proposals and the many other import quota bills pending before the Committee, a number of members of Congress, myself included, consulted with the President. The President was advised that it would be *impossible* to pass trade legislation which provided for import quotas for *one* industry alone without import quotas being approved for other industries.

Despite this advice, Secretary of Commerce Stans appeared before the Committee at the end of the public hearings and stated that, due to failure of textile negotiations, the President would support import quotas for *textiles* but would *oppose similar meas-*

ures for the *shoe industry* or for *other* industries.

The Committee on Ways and Means was faced with the task of reporting a bill that would be approved by both Houses of Congress and become law. The Committee fashioned a bill which provided import quotas on textiles *and shoes* and included provisions covering every trade proposal made by the President. This task was not made easier by the President's announcement during the Committee's work that he would *veto the trade bill if its provisions went beyond import quotas for textiles alone.* The President thus placed the Congress in an almost impossible situation: On the one hand, everyone knew that a bill containing quotas on *only* textiles could not be reported and could not pass the House. On the other hand, he would veto a bill which did contain shoe quotas. As many of you know, the vote in the House was extremely close due in part to support by Administration officials of a move to amend the bill along the lines approved by the President; that is, import quotas for textiles alone.

With the continued insistence by the President's spokesmen for a trade bill providing import quotas solely for textiles and nothing else, the fate of the House-passed bill in the Senate was as predicted by many of us.

With the end of the 91st Congress and further discussions with the Japanese at a complete standstill, I became increasingly concerned that no action of any kind was being taken, or contemplated, to stop the further rapid growth in imports of textiles. I reintroduced the trade bill as passed by the House in the previous Congress as an indication and indeed a hope that successful negotiations could proceed with Japan.

These negotiations had been going on for a period of two years. There were no developments which could change my assessment, and that of a majority of the Ways and Means Committee members, that trade legislation providing quotas for only the textile industry could not pass the Congress. When it was suggested to me that the Japanese textile industry itself might be willing to undertake voluntary restraints which would be monitored by the Japanese government under its own trade law, I indicated that I would be willing to support that move as a beginning and meaningful step in achieving reasonable controls on imports of textiles into the United States. Bear in mind, my friends, that no other action was being taken or appeared possible.

I believe my position to be consistent with all the past statements I have made in support of a healthy and growing textile industry in the United States. I believe that such initiative on the part of the Japanese textile industry would convince other major exporters to take similar action.

I still hope that arrangements can soon be reached which will provide immediate restraints on imports of textiles into the United States. I expect Japan to effectuate its Declaration not later than July 1st. In the face of increasing imports, such restraints are needed as soon as possible. Under such an arrangement we can be responsive to the long-run interest of the textile industry and avoid the risk of world confrontation on trade policies which would serve no one's interest.

I have discussed this situation with leaders in the textile industry. I understand the reasons for the industry's reluctance to embrace the Japanese textile industry's initiative as a step in the right direction. On the other hand, I have expressed the hope that the declaration of the Japanese textile industry be given an opportunity to work and that the continued lack of decisive response to increases in imports of textiles will turn to statesmanlike decisions both on the part of the Japanese and our own government. I repeat, nothing else had been accomplished. I am deeply concerned that if we continue without some restraints, the adjustment problems will grow larger and meaningful accommodation far more distant.

It may well be that in the end, the Congress will have to approve statutory controls on textile imports. Over 30 years of experience in the Congress and 13 years as Chairman of the Committee on Ways and Means indicate to me that such a step is not possible without providing similar restraints on imports of other products, which *could* mean a complete reversal of this country's trade policy. As I have stated, the President apparently knows of another way to obtain the protection which the textile industry is seeking and, at the same time, prevent other protectionist developments from accompanying that relief, but I do not. He has not shared his views in this regard with us.

Under the impasse we now face, we are unable even to amend the provisions of our trade law which would afford effective relief to our domestic producers seeking relief from injurious import competition.

I would say again that I respect the views of this legislature on the issues confronting the textile industry for I am aware of the importance of this industry not only to the State of South Carolina but to our national economy.

I will continue to work for an acceptable international arrangement which will provide the needed restraint on imports of textiles. I am hopeful that such an arrangement will be worked out very soon. If such an arrangement is not forthcoming, I renew a pledge that I gave in Greenwood three years ago—"I did not become Chairman of the Ways and Means Committee to preside over the destruction of American industry. Thus, you can be assured that I do not intend to see this great textile industry go down the drain."

FEDERAL INSURANCE ADMINISTRATION COMES THROUGH

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. LENT. Mr. Speaker, the Federal Insurance Administration within the Department of Health, Education, and Welfare has just come forth with a comprehensive program for making "crime insurance" available to the people of this Nation at moderate rates.

I applaud this incentive and look forward to its implementation on August 1.

Although I would much prefer that the problems of crime insurance be solved by the private insurance industry, their reluctance forced the Congress into taking action.

This much-needed and timely program was recently announced by Federal Insurance Administrator, George K. Bernstein, and, after reviewing the program thoroughly, I feel it is a worthy solution to an acute problem in many areas, most notably in New York.

I am sure I speak for many of the people of my district and in many other communities when I say that I welcome the reappearance of crime insurance, this time at "affordable" rates.

THE AUTOMOBILE INDUSTRY AND PROGRESS

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. CEDERBERG. Mr. Speaker, we have been hearing a lot these days about the automobile industry and its purported lack of responsibility to the Nation. Some would have us believe that the corporate leaders in the industry are ogres of some sort who sit in oak-paneled offices plotting against the American auto-buying public in terms of both the cost and safety of their product.

I would like to bring to the attention of my colleagues the transcript of a press conference which was held recently in Flint, Mich., the home of General Motors and, I believe, a community which should be able to give a sense of what the automobile industry means to a community.

The participants in the conference include community leaders, GM stockholders, and hourly rated employees in Flint plants. The thrust of the conference was not to extol any auto manufacturer as a paragon of virtue nor was it that this industry is the personification of crass materialism at the expense of the buying public. The individuals involved merely attempted to outline some of the often overlooked aspects of the production of automobiles and the relationship that industry can have with a community.

The truth, in fact, is that the automobile industry has been, and is, trying to better the communities in which it is situated. That it is trying to perfect, at reasonable cost to both the consumer and the manufacturer, devices which will make the auto a more safe and efficient, and less environmentally damaging, means of transportation. Obviously there is a long way to go. But it has been a long way from the Tin Lizzie to the sleek and comfortable cars of today. The automobile industry can and will continue to make progress in providing Americans with the safest and best land transportation available in the world. And it will continue to contribute immeasurably to the health and well-being of the communities in which it operates.

I heartily recommend the following transcript to my colleagues for their consideration:

Press Conference—Stand-Up and Speak-Out for General Motors

Larry Ford. At this time, I would like to call on Mr. Arthur Summerfield who will address you.

Arthur Summerfield, Sr. Members of the Stockholders' Committee, guests, and members of the press: Flint was the first city to greet General Motors as it arrived on the American industrial scene. General Motors was born here in Flint. In the past half century, we have been reflected generously in its growth to become the world's greatest manufacturing business. Now we see vicious attacks from questionable sources and disruptive forces. As the city where General Motors was founded, Flint aligns itself in the front ranks of those opposing abusive censure of the automobile industry—censure is generated largely by rabble rousing tactics and this statement is made by a group of citizens whose faith in General Motors is firm and abiding and is reciprocal of a General Motors investor to many years in Flint and to the nation's well being. And we invite all those in the court to join in the spirit and in action at this crucial point of time in our nation's history and we invite them to stand up and to speak out and to speak up. Now the attacks do more than assail General Motors. Following the classic unscrupulous pattern, they pinpoint General Motors primarily because it is the largest. They are also corrective of the entire automobile industry—Ford, Chrysler and American Motors. Inevitably, the assault embraces the concept of free enterprise as we know it. Thus it is aimed at the vital fabric of all ways and our way of life itself. It chisels away at the foundations of constitutional government and erodes our democratic system. Its technique prefers taxation to stability and discontent to harmonious industrial peace and progress. If this vicious practice is allowed to continue, it could only mean the loss of confidence in all the industries of America which provides jobs and strengthens the cinemas of our country. Now while we address our concerns to the entire nation, we focus our remarks on Flint because Flint is the most important link in the General Motors industrial chain from the standpoint of investment, employment and manufactured products. And to paraphrase St. Paul, we are citizens of no main city. Let us speak to all the people and we have the credentials.

From Flint, as concepts business giants as Durant, Chrysler, Dort, Nash, Mott, Curtis, and a host of others who helped lead this nation in the greatest standard of living progress that this world has ever known. In the Flint area, the number of General Motors employees exceeds 72,000 men and women. The General Motors annual payroll is nearly $600,000,000 in this area. Some 24,000 persons in this area own General Motors shares and more than 75% of them own less than one hundred shares. The average weekly wage is $191.00, placing these employees in the top one-third income group in the entire country. In 1970, General Motors paid local governments and the school districts in Genesee County a total of $28,000,000 in taxes. Contrary to being reluctant tax payers, as industry is all-too-often pictured to be, General Motors has prepaid its taxes to help a unit neighbor, it has been in the forefront and our efforts on behalf of the funds for schools, recreation, for health services and to us in Flint, General Motors is as much people as it is products.

Now we do not delude ourselves that General Motors is paternal toward Flint where all wise are faultless. We too reserve the right to dissent and to criticize. We recognize unfinished tasks and the need for constant improvement. We stand four square behind the constructive efforts of industry and the private sector to improve our environment and to promote the longevity and the safety of all. Nevertheless, we do not let shortcomings of the present becloud the progress that we have made nor dull the promise of a bright future under the free enterprise and democratic system.

Now it is with these thoughts in mind that we, citizens of Flint, stockholders of General Motors and other corporations in this industry, consider ourselves as aroused adversaries, adversaries against disruption and arrogant agitators, agitators whose radical goals would tear down our corporate system and our fundamentals of business freedom. Their primary target strikes at the transportation industry which provides one job out of every six in America and indirectly generates employment in related businesses and those who have destroyed our system have contributed least to progress as we know it. The substitute systems that they offer has failed dismally to produce a quality of life even approaching the well being we enjoy in America today.

Unfortunately, their inflamatory and false challenges are receiving attention in the halls of congress and in some courts of the law. We protest their use of America's legislative chambers as podiums to spread their poison across this nation and we are fearful that recent legislation, partially politically by these dissidents which will bring and could bring economic chaos to the nation itself. Now there is a strong attachment in allegiance between Flint and General Motors and our traditions and routes are intertwined and very deep. We have a mutual stake in the future: Our reciprocal respect and growth achieve, not by destroying, but rather by building and we pay more heed to craftsmanship than we do to baseless criticism. We believe that what we have in this land of America is worth fighting for and that's why citizens of Flint are proud to stand up and speak out for General Motors in the automobile industry.

And here is what we propose to do: The annual meeting of General Motors and shareholders takes place a week from today in Cobo Hall in Detroit and last year's meeting was a travesty but saw a small well-organized minority led by a group which collectively owned reportedly twelve shares of General Motors stock attempt to intimidate directors and shareholders into establishing policies and directorate which could only be detrimental to General Motors and the free enterprise system is of special importance to the citizens of the Flint area, we propose to be present at next Friday's meeting to show that our voices can be heard in support of our way of life. And we are asking that those Flint area shareholders in General Motors Corporation join us next Friday in a Calvacade to Cobo. Transportation will be provided and other necessary arrangements will be made. Others will provide the details. Again, let me repeat once again—time my friends is running out. If we are to preserve our way of life and the free enterprise system and the well being of the Flint area, we must now stand up and speak out. Thank you very much.

Larry Ford. Thank you, Mr. Summerfield. Next, I would like to call on Mayor Francis Limmer to make a few remarks. Mayor Limmer.

Mayor Francis Limmer. First of all, I, as the mayor and a citizen, am interested in safety devices, anti-pollution devices and improved bumpers. Furthermore, I am interested in what General Motors means to the city of Flint and to Genesee County, because without General Motors Genesee County would be the poor farm of the entire state of Michigan. I say and I can back this up because of what happened in recent weeks that the silent majority does not speak out, and I am here, I believe, as a representative of the silent majority; and that is to work with General Motors and not against them. I agree that they are not perfect, but I believe that they are working to become as perfect as they can. And I want to pledge my support for what they are trying to do because I know what they mean to us. Thank you.

Larry Ford. Our next speaker is the Chairman of the County Board of Supervisors, Mr. Harold Hayden.

Harold Hayden. Thank you, Larry. I am here with a double capacity, primarily as Chairman of the County Board of Commissioners and as a hourly-rated employee of Chevrolet for the past 26 years. As the mayor indicated here, nobody is professing, not one person would say that General Motors is a utopia as far as inter-activities are concerned but I for one who has been an hourly-rated employee for 25 years have negotiated with General Motors as a union representative can readily say that I know that as far as the County is concerned, as far as the City is concerned, as far as the growth of free enterprise is concerned, that General Motors has led the way. I give reference to services that are provided for residents of Genesee County. I look at Burton Township, Flint Township, Genesee, Grand Blanc, City of Swartz Creek and I have looked at the amount of tax dollars that General Motors contributes day in and day out to the growth of these areas of government as far as Genesee County is concerned, then the ultimate end is obvious—over $28,000,000 which is more than the operating budget of the city of Flint, is more than the single operating budget of Genesee County. This amount of money, tax based is poured into Genesee County annually. I'm concerned about jobs at Genesee County. I'm concerned about jobs in the City of Flint. As a life-long resident of this area and as the representative of the government, I look and view with increasing alarm when 40% of automobiles sold in California are foreign made. I'm alarmed when 16% of the automobiles that are sold in this country are foreign made because each percent that are sold represents a significant amount of jobs for union people in the United States. Now, if you want to get biased about it, when you start talking about unions, when you start talking about management, talk about income, and for each percent you relate to approximately 20,000 jobs.

Now this is significant because in Genesee County there are approximately 70 some thousand General Motors employees. So if you relate that to 3 or 3½%, that would wipe out the whole total employment force of Genesee County. This is alarming to retired members of the General Motors family whose livelihood and income is based solely upon the income of their retirement pensions that they receive from General Motors. These people have given their lives—the better part of their lives—30, 35 years; 20, 25 years; 15 years of employment in an organization they had faith and confidence in. If they didn't, they wouldn't have been there. I believe that the disagreements, I believe that the misunderstandings of the difference of opinions that may be within the confines of the General Motors family can be worked out with them there and I, as a member of that family, have constantly striven in that direction and I have never, never, found one individual, and I don't care whether he is a plant manager, or whether he is a foreman on the line who was reluctant to stand and collectively bargain fairly to improve the working conditions of the workers of the plants and to produce a better product than anybody else. We in the General Motors family and I say we, because our employees take pride, in our employment as far as General Motors is concerned because we are part of the team and we will fight among ourselves that as in the navy, let somebody else talk about your ship, then you will find out where the loyalties lie. So, I take pride in being a part of this interview this morning as a member of the Genesee County Board of Commissioners and as its Chairman, but more as a citizen of Genesee County and as an employee of Chevrolet Motors Commission. Thank you.

Larry Ford. Thank you, Mr. Chairman. Our next speaker is of course the fairest of them all, all of us, that is, Mrs. Madge Day.

Thank you very much. I speak simply and I hope humbly for the thousands of women in this city and this country who get out and pound sidewalks, ring doorbells, raise money from boutiques and cake sales, and so on, in an effort to be good citizens. They do this in addition to their families and domestic responsibilities and they do it because it is a part of their lives. It is a part of everyone's life to become involved in the community in which they work. In this sometimes monumental effort, the greatest possible aid and assistance through the years that I have lived in Flint and know anything about civic efforts here, has been the complete dependence that we have in many ways on the corporation. Money is, of course, of a very great importance but even more so is the calibre of leadership and assistance and advice that we are able to draw from the corporate management of Flint. I will not go into the question of the importance of the economic system as far as jobs are concerned because there are others on the panel who can give you statistics. I can only say that as a woman, what is more threatening to a security of an economy, even though we have the cake sales and we have the doorbells and we have the things to give us a coherent picture, than to feel that our men are employed and our economic picture is safe. For this reason, it does behoove us to support this corporation which has meant so much to Flint in all of the years that are passed and certainly must continue to do so.

Larry Ford. Our next speaker is certainly no stranger to us, Mr. Harding Mott.

Harding Mott. I am pleased to be on this committee that stands up and speaks out for General Motors. My father, Mr. C. S. Mott, will be 96 years old June 2. Certainly his life has been intertwined with the General Motors growth and prosperity. He had made a fortune in this business but has remained in Flint and intends to do so and to reinvest the returns from his business life back into the enrichment of Flint. He has chosen Flint as a model city and I think the group here will endorse the type of spirit which exists in Flint when we can close ranks with our public and private sector and stand up for what is right in America, we have no fear of the future. Now, as you all know, the principal income of the Mott Foundation comes from dividends paid regularly by General Motors. In addition, General Motors pays $28,000,000 in taxes. Certainly, if their business were destroyed or lessened by threats of legislation that was indiscriminate, the future of Flint would be very dismal as well as the Foundation. So I am glad to be affiliated with this effort. Certainly, if you look at the annals of General Motors' social responsibility, you will find that they are in the forefront of all industries for improvement of social conditions. They have, I believe, over 2,000 people working on a mission on antipollution devices and I can assure you that General Motors will do what is proper. We don't say that they are perfect, but we do say that they are being maligned to an extent of where it threatens the very integrity of themselves and the business world. I hope that all people in the City of Flint who are free on Friday will join the cavalcade to Cobo and stand up and speak out.

Larry Ford. Our next speaker is Mr. Syd Melet.

Mr. Melet. I appreciate very much the opportunity to be a member of this Committee because of the strong feelings that we, particularly the merchants of Flint, are concerned. I speak as a representative of this particular group. However, I would like to put on a different base or just rather confine it to Flint. I think this applies not only to Flint, not only to General Motors. I think it applies to the entire automobile industry and to all cities throughout the country. And I was particularly interested when hopefully that this would gather and attract national attention.

Now, as business people, we certainly are knowledgeable to the fact that constructive criticism is good, it helps, it's normal, but we talked to a lot of people on the street. We talked to the men who work on the lines, their wives, the members of all segments of the normal city structure, and they aroused to the point that they feel it's time that the silent majority, so as to speak, stand up and speak out because of the unfairness of the situation as it exists today.

I think that General Motors and the automobile industry in itself, has responded beautifully to the constructive criticism that has been brought up. Now I think it's passed the point of constructive criticism. I think it has gone to the point where they are using the industry itself as a whipping boy. I think that we gained national prominence. There may be individual projects that people are using this for selfish projects that they have in mind. So it's passed the particular point where it has been helpful. And it has given license to so many people to buy foreign cars.

We speak of foreign cars taking the increase in registration each and every year. This adds to it and I think if we reflect on the automobile industry per se, I think we will find that it becomes the key of the economy of the backbone not just of Flint, not just of the State of Michigan, but the nation as a whole. So, we are very anxious and very thrilled that this Committee is going down to the annual meeting of stockholders' in Detroit and hopefully to be the Stand Up and Speak Out for the majority, the silent majority, which it's time that it makes itself heard. Thank you.

Larry Ford. Our next speaker, Mr. Peter Kleinpell.

Peter Kleinpell. Thank you, Mr. Ford. If the term doesn't scare you too much, I think of myself here this morning as a consumer advocate. I'm an advocate for the interests of 47,000 school children in our public schools. I'm an advocate for their nearly 100,000 parents, many of whom are employed by General Motors. They are all consumers of the benefits of General Motors' citizenship and General Motors' residency in the City of Flint. I might add that it would probably be interesting to you to realize, if you don't already, that as president of a debt free, bond free solvent school district, a lot of people wonder how we got that way. It has been said before that General Motors is a large contributor of taxes. Many people don't realize how large.

Forty-two percent of the total taxes collected within the school district in the City of Flint are paid by General Motors. In 1970 and 1971, our school district will collect approximately $11,500,000 of the 27.2 million that will be collected in the City of Flint. This will come from General Motors Corporation.

In addition to being our largest taxpayer, people have alluded to the civil and social responsibility of this great corporation. Let's take a look at that and see how it relates to our schools. Among others, we have an ecology program in the Flint School System where student representatives from our high schools meet on a regular basis with Chevrolet officials to discuss ecological problems and how General Motors is attacking them.

We have a program with Buick which is a work experience program for our P.P.P. students. The entire cost of this program is picked up by the Buick Motor Commission. We have a Co-op program with Chevrolet which is also a work experience program similar to the one at AC and at Buick. We have a similar work experience program with General Motors Parts Division. These are things that the Corporation does that they don't have to do. This is part of good citizenship.

Also during Michigan Week, General Motors Institute will host 50 students from each of our Junior high schools and 100 students from each of our Senior high schools for a career exploration project. The students will tour GMI and become acquainted with career opportunities and engineering, computers, technology sales, marketing and so forth.

I also should mention that a major share of money available for the world famous community education concept comes through the Mott Foundation which Mr. Mott alluded to a moment ago and are administered through the Mott Program which is an important part of education: $5,000,000 a year. You can see why the school district is glad to stand up and be counted and speak out. We're General Motors supporters and we're Flint supporters and I'm sure you can all see why.

Larry Ford. Thank you. Our next speaker is Mr. Bud Summerfield.

Bud Summerfield. Thank you, Mr. Chairman. Ladies and Gentlemen, I'm speaking as a citizen and also as an automobile and truck dealer. Let me say at the outset that I personally am certain that I reflect the feelings of this group that we stand foursquare for the conservation of our resources with improved and ever-improving safety of the products that we have been selling for many years for a continuous steady improvement as far as the omissions of gas pollution and also for improvement as far as pollution of waters, rivers and lakes. We hope that we can in this great industrial society preserve a balanced ecology for the sake of our children and our grandchildren.

But I personally feel very strongly in our industry and therefore all industry because it is such a big industry and has been singled out somewhat excessively with a little too much attention as to some of the shortcomings as to where we are today, where we'd like to be, but very little is said about the progress that has been made without government interference and without undue pressures.

From the dealer's point of view and as an employer, as well as a wage earner, the important problem of course is a difficult one for all of us, and apparently a growing problem which therefore means it is going to have a greater deal of effect on the standard of living and the prosperity of our entire nation.

Mr. Hayden referred to the sixteen percent of the vehicles apparently being sold in the United States are imported automobiles. He also referred to the recent sales on the West Coast where approximately 40% of recent sales are imported cars, not American manufactured cars. And I would like to point out that in the main, that the foreign car and truck manufacturers have not even begun to work out a distribution system of any large scope in the so-called Middle West, between the Appalachians on the one hand and the Rockies on the other and that, of course, is the largest market in the United States.

So if this is allowed to continue, again it has effects to go far beyond our city here and far beyond the automobile industry as such. I know engineers, a safety engineer, and ecology engineer, we are reasonably technically oriented, but the legislation on these very, very technical problems has been, to say the least, somewhat disturbing because we feel, or at least I feel, that it hasn't been done on an entirely cooperative basis and the selection of arbitrary deadlines by well intentioned but certainly not technically oriented people in Washington has been, we think, a case of legislation that certainly is a little hasty and certainly needs amendment as far as the popular important matter of air pollution.

In a pamphlet that General Motors put out and sent to every college campus in the country last year, according to their own engineers, the total amount of tons, not percentages, the total amount of tons of air pollutants being emitted from automobiles began declining back in 1967.

Now that comes from some of the innovations that were put into the vehicles starting back in 1960 and 1961, and as the older cars were gradually retired, then you had less per car, obviously. Now, it's not perfect yet. Heavens no! And it needs to be worked on and hard, but it needs to be done in a framework of cooperation and in a framework of working towards a mutual objective.

I think one of the most disturbing things about this whole effort that is directed toward our industry is that it does seem somewhat inconsistent and somewhat disjointed. For instance, you have on one hand the unrestricted imports coming into this country. Of course, those countries don't allow the reverse. I'm sure you realize that. We have the unrestricted imports and yet you have this great improper balance of payments situation. There's been so much about it in the papers that it is effecting our very currency on an international basis.

There seems to us to be an inconsistency there and can have effects far beyond the City of Flint and far beyond this industry. The cause as I understand, according to the press, based on a federal court ruling, approximately a year ago, despite the great pressures on one hand to work on air pollution and get this thing solved within the framework of the Muskie bill by '75 or '76, the Clean Air Bill, that under penalty of criminal action, the automobile corporation is not even allowed to work together on this program. We cannot exchange things. We cannot even work together. Somehow, something needs to be adjusted there.

Legislation, I think, is therefore on technical things cannot be arbitrary and then more recently, utilizing the halls of congress which is obviously a very fine springboard. The remarks are getting more violent, and I refer to a reporter's remarks in the press. Of course, I wasn't there last week, but when this industry or the people in it are accused of fraud, that's a pretty strong word, and district attorneys, congressmen and senators, apparently, nobody can find anybody with, I think I'm quoting accurately, "any guts".

But I don't think that's what made this country great, nor do I think it's the way out of our problems. We need constructive cooperative efforts to improve our products. This includes management, labor, all employees, dealers, those of us in distribution, and those employees in government. Our country already has been beset with a number of tensions in the complex world we live in and we certainly want to continue to see it improve, but fighting among ourselves, inflammatory talk, poor legislation, inconsistencies such as I just mentioned is certainly an important thing for this whole country to take a look at and reassess.

So, I personally am pleased to be a small part of this little local committee of a big country, and all we're asking is that, in my opinion, a more constructive approach to these problems become the way and the method in which we solve them. I thank you.

LARRY FORD. Dr. James Dooly. Dr. Dooly, would you come forward now.

Dr. JAMES DOOLY. I am very pleased to be here this morning, to speak in defense of General Motors, especially in our community here in Flint. I believe I speak not only as a citizen, but as a physician and certainly I think the things I wish to express are representative of the opinions of the 375 doctors of Genesee County Medical Society which I represent. The contribution of General Motors in this community and certainly in most any community in the country in which it's involved in recreation. They are intimately involved in education and most certainly in the health of the citizens of this community. In that last category is, of course, where my primary interest lies. General Motors is under criticisms by a number of people. Most of this revolves around safety.

In my opinion, it's incongruous to give any validity to this criticism, when we consider on one hand, General Motors is contributing millions of dollars throughout this country to improve work standards of its employees and the health of its individual employees. As a physician, who has practiced in this city for 16 years, I can tell you that the plants of this city and the personnel of General Motors are genuinely interested in their employees. For if we do not keep our employees healthy, then the corporation not only loses an employee, but the citizens as a whole, that is, you and I, pick up the loss in work days, man power and the cost of the individual being off his job.

I think that more importantly, General Motors has brought to this community, with its total involvement, unquestionable economic advancement, that the citizens in this community who are employed in General Motors Corporation and this is true, of course, of those employed in other cities, have experienced an economical growth that has allowed them peace of mind and security in our present chaotic age.

This is important when you view it as a physician. This allows people to plan their future and more important than that, it allows them the opportunity to plan with some degree of certainty the future of their children, which of course we are all primarily interested in. The mental health of this community and of any community in which we are involved, I am sure is better because of their presence. I believe this county and this state and this entire nation needs concerned industry, such as this.

LARRY FORD. Our last speaker, but certainly not least, Mr. Ron Warner.

RON WARNER. Thank you Mr. Ford. Ladies and gentlemen. I am pleased to be here and to participate in this effort to be part of this action. I appear here as the president of the United Fund.

I have been privileged to be chosen to serve this organization and unite in the benefit of all the people in this area for the second year. I think the record will show and I think it's a pretty good thing to look at the record, that I have personally been involved in this community, in this state, in the nation, in social responsibility long before it was a popular thing to do.

Now I am a retiree of General Motors and I don't want to emphasize that but because I worked for General Motors for 36 years and have been involved in social responsibilities, I am in a pretty good position to measure what has been done by them—economic activity is the basic supporting element of all progress and we are an industrial nation.

Therefore, we have an interest in what has been happening and want to speak out because we know, as an industrial nation, we require energy and there is an energy shortage in this nation, and, if we are going to continue to grow and to continue to be a number one nation in the world then, we've got to have more power to run the industry as we grow and this energy must be generated for the most part, by the burning of fossil fuels or by atomic energy.

Now, it's going to take some time to do this, but we've got to have the time and to set standards that can be met in recognition of the problems to resolve these issues. Now, I'd like to look at the social scene because as president of the United Fund, that's where my work is confined and I'm working full time as a volunteer in this effort.

Now I would like to look at the social scene just briefly. Change is accelerating in an unprecedented rate. Transport urbanization has caused a dispersal of contributors, insulated many citizens from our most crucial social problems. This dispersal has resulted in the loss of sense of community. There has been a rise in bureaucracy, and institutional complexities have increased. Bureaucracy has created duplication in ways to resources. Confusion has seriously affected our decision making and our sense of values. That's some of things we are talking about today.

Personal as well as social problems appear gigantic in size and unmanageable in their complexities for many of our citizens. Now that sounds very dismal, doesn't it? Now I look to the future with confidence. We as a community, whether we consider ourselves a city, a state or a nation, have the resources of people and money needed to do what we wish to do. True, we have not indicated this by our most recent record of performance. It's quite evitable that we haven't had agreement on our objectives and our priorities need re-examination.

We have the strength, but it is fragmented. We are sorely in need of community organization efforts which will mobilize the strength of our nation and give it direction. This is where the United Way can come in. Incidentally, the United Way is in the process of reorganization nationally as well as in this community and you'll be interested to know, although Mr. Edward Cole, the president of General Motors, does not need another advocate, he is a member of the Board of Governors of the United Way as re-organized and when he was asked to serve, he said if you just want my name, forget it.

If you're going to give me a chance to function and be a part of the action in the united people of this nation, then I want to be a part of it. Now, the United Way has much to contribute. Widely different groups can coalesce under its banner of free association. It can speak for the community from a non-political base and help identify social goals, long range needs of people and current problems that need objective resolutions.

It is the vital alternative to bureaucratic government control and the most effective method in developing solutions to our social ills. Now that's my position, ladies and gentlemen, and I am happy to be a part of this effort to speak up and speak out.

NATIONAL INSURANCE WOMEN'S WEEK, MAY 16–22, 1971

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. BEGICH. Mr. Speaker, on the occasion of National Insurance Women's Week, May 16 through 22, I wish to take this opportunity to offer my sincere congratulations to the distaff side of the insurance industry. During the past 100 years, women have come a long, long way in establishing their right to careers in the business and professional world. Who ever heard of celebrating a National Insurance Women's Week in the year 1871?

Therefore today I salute the more than 11,000 women who are life insurance agents and the many others who handle other types of insurance, as well as all those women who are in any way connected with the insurance in writing and research, advertising, secretarial duties, and administration.

It is no wonder that women are making their mark in the insurance field. With specific reference to life insurance, about $155 billion or 15 percent of all life insurance is taken out on the lives of women. Furthermore, six out of 10 women have life insurance of some kind.

Dr. A. Leslie Leonard, president of the College of Insurance, said recently that the insurance industry no longer can afford the luxury of underutilizing the tremendous talents of women in the insurance business.

Let us bear in mind the following pertinent thought quoted from a report entitled, "American Women, 1963-68":

> For the majority of American women there are greater opportunities than ever before; the issue is to what extent they will use them.

And these opportunities surely include the field of insurance.

MASSACHUSETTS STATE SENATOR JOHN F. PARKER

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. CONTE. Mr. Speaker, being a member of the minority in any legislative body, I am sure my colleagues on this side of the aisle will agree, is certainly not the best of all possible worlds. Nevertheless, many of our better public officials have learned to live with such adversity and to flourish in spite of that obvious handicap. I want to draw the attention of this body today to one such gifted legislator, State Senator John F. Parker of Taunton, Mass., the very talented and respected minority leader of the Massachusetts Senate.

John Parker's longevity in the Massachusetts Senate is such that he can remember those long ago days when his party was the majority. And while he certainly would prefer such a setup, he has nonetheless proven that the minority side, given proper leadership, can be an effective force for progress.

Senator Parker has long provided that leadership and, through nearly 20 years of service in the Senate, has also managed to become one of the most beloved, as well as respected, public officials in the entire Commonwealth of Massachusetts.

The affection with which this man is held will be demonstrated Wednesday night, May 26, when 1,000 of his friends and colleagues will gather at the Venus de Milo Restaurant in Swansea, Mass., to pay tribute to this outstanding public official. Doubtless the crowd would be even larger were all his many friends to attend, but it is limited by the physical dimensions of the selected site.

We in this Chamber, Mr. Speaker, have heard much rhetoric over the years concerning the glory of public service, the need for dedicated officials at all levels of government, and the duties and responsibilities of citizenship.

In view of this, I think it is appropriate that we take a moment or two here to recognize one who has spent nearly all his life in the public arena and dedicated all his actions to the commonwealth.

Born and educated in Taunton, Mass., John Parker entered public life at a very early age when he was elected to his hometown's school committee. After 9 years of service there he was elected mayor of Taunton and served 7 years until his election as State senator.

Perhaps it should be mentioned here that prior to entering public life he was a sports writer for the Taunton Daily Gazette. There are some who would say that this is a pretty good preparation for the sometimes raucous world of Massachusetts politics.

He later combined the writing talents he honed as a ballpark reporter with the lessons he learned in politics to produce a most enjoyable book titled, "If elected, I Promise . . . ." It was more humorous than Dave Meggyesy's book, more revealing than Jim Bouton's, and more fun than just about any I have ever read.

John Parker surely is a man of many talents. Having served in the Senate with him from 1953 through 1958, I can bear witness to that. Above all things, however, he is a serious, dedicated, and talented public official.

He has waged long campaigns in the State for prison reform and against exorbitant costs of hospitalization. For 5 years he fought for a price tag bill in the legislature that would require all bills requiring a State expenditure in excess of $100,000 to carry estimated cost figures when they come before the legislature for debate.

Just this year his perseverance paid off. The price tag bill is now law in Massachusetts.

John Parker was born with a natural talent for debating. His active public life has sharpened that talent to the point where today he is generally considered one of the best, if not the best, debater in the entire Massachusetts Legislature which numbers 280 members.

The unique qualities of this man have been recognized by his constituents for years. But they have also been recognized by his fellow Bay State Republicans who chose him for their State chairman in 1965 and 1966, and by his colleagues in the senate who chose him their minority leader in 1967 and have returned him to that post ever since.

For all his service and all his accomplishments, his friends are honoring him tomorrow night. But, most of all, they will come out to pay tribute to John because he remains today one of the warmest and best liked men in the Commonwealth.

This appreciation dinner is certainly well deserved and, I am confident, it will be one more glorious milestone in a career that already boasts many and will garner many more in the years to come.

Mr. Speaker, it has been an honor for me today to pay tribute to my former colleague, my warm friend, and a great public servant, Massachusetts Senator John F. Parker.

SOLAR ENERGY, HAS ITS TIME COME?

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. RONCALIO. Mr. Speaker, the House will soon consider a resolution to create a Select Committee on Energy Resources to conduct a complete investigation of all aspects of the immediate and long-range problems in meeting the power demands of the Nation.

I am pleased to submit for consideration an extensive and alarming report on the energy crisis by E. J. Hoffman, associate professor at the University of Wyoming and research engineer with the Natural Resources Research Institute.

While several of his comments directly relate to Wyoming's resources, I believe the overall implications are relevant to consideration of the House resolution.

In a related area, Professor Hoffman has been helpful in suggesting how the University of Wyoming can contribute to the solution of these problems through participation in programs contemplated in H.R. 7248 to improve mineral conservation education.

The legislation, which is presently before the Education and Labor Subcommittee on Education, would fund conservation institutes in training and research related to the problems the Select Committee on Energy Resources will examine.

I believe both of these measures are timely opportunities for the House to support a rational and positive approach to the complicated and urgent issue of maximum beneficial utilization of energy resources without impairment of environment or exhorbitant consumer prices.

The following article appeared in the May 16 issue of the Laramie, Wyo., Boomerang:

WYOMING PROFESSOR SAYS PRESENT FUEL SUPPLIES SHORT; MAN WILL HAVE TO RELY ON SOLAR-DERIVED ENERGY SOON

A grim picture of vacant factories, silent machines and heatless homes has been painted by a University of Wyoming professor who warns industrial and government leaders alike that we are running out of fuel.

Citing the need for increased funding of research directed toward more efficient use and conservation of fuels, E. J. Hoffman, associate professor and research engineer with the Natural Resources Research Institute (NRRI) at the University of Wyoming, told Congressional leaders recently, "We are only buying time . . . in the end, we are going to have to rely on solar-derived energy.

"A synthetic fuels industry along with power generation may ultimately account for nearly 10 billion tons of coal per year. Inasmuch as our present estimated strippable reserves are only 114 billion tons, this ready resource could be exhausted within 10 years," he said.

Hoffman called for a "pattern of energy conservation," saying there should be emphasis on more efficient use of fuels, even rationing, and more efficient means for power generation. He proposed that a comprehensive energy policy be instituted and followed, with the necessary funding, to obtain the optimal use of all eneregy resources.

Traditionally, government funding is required," Hoffman said. "On the other hand, more immediate applied research and development is ordinarily generated by private industry, oriented to the consumer. Thus, if the private sector is in the business of acquiring coal reserves, for instance, it should probably also be in the business of funding and supporting coal conversion research and development. The alternative may become the rationalization of the fuels industry."

The United States is estimated to have some 3,000 billion tons of coal reserves, of which only 114 billion tons are strippable. The balance would be much more difficult to mine and would probably require in situ methods, that is, the coal would have to be converted to liquid or gaseous fuel on the spot.

Wyoming has the greatest reserves of coal in the country, with 546 billion tons. Of this, only 23 billion tons are considered strippable.

"The present fuels demand, if it came all from coal conversion, would require six to seven billion tons per year. And this is expected to double in less than 10 years. Thus, there is a situation which, theoretically, could exhaust Wyoming's strippable reserves in three years; the country's in only a little more than a decade," Hoffman pointed out.

"Our own governmental officials from Wyoming are very aware and concerned that a fuels crisis is imminent," he said, adding that he could not speak for other states. "In the fuels industry, though, which should be most concerned, there seems to be a communications gap with top management. In other words, the policy makers have not yet got the word. At the higher levels of management, it is sometimes believed that a technology of coal conversion already exists, and that they can sign a contract tomorrow for a coal conversion plant. Such is not the case."

With regard to other natural fuels, Hoffman said, "we used to speak of some oil-producing state as Colorado, Wyoming, or Oklahoma having reserves to last the country x-number of years. Now these reserves would not even last one year.

"Reserve-production ratios show a steady decline. Present reserves of crude oil amount to about 30 billion barrels and we are using nearly four billion barrels per year. The north slope amounts to maybe 10 billion barrels. At a predicted doubling in rate, we would have to have a north slope discovery every one or two years just to keep even.

"We rely significantly on imports, and, while abetting our own resource consumption, over-reliance could stagnate the country's own fuel industry. It is a 'tightrope' sort of situation which has to be kept in balance."

"The way it boils down is that a crisis or emergency has to actually occur before anything will be done. This seems to always be the case in any matter. But," he warned, "there may come a day when we will be satisfied just to keep warm."

More efficient means of converting coal to electricity are required, Hoffman believes. "At the present, in round figures, two-thirds of the fuel burned is dissipated as waste heat—only one-third goes to electricity. This means that only one-third of the potential power is realized while two-thirds is injected into the surroundings. This is not only a waste, it is a source of pollution and an unnecessary one, at that."

"Efficiency is one of the mitigating factors in resource and ecology conservation. We need a double-pronged attack—we need vehicles and appliances that operate at reduced levels of consumption and at increased efficiency—and we need to consume less power individually and develop power generation facilities that operate more efficiently."

In calling for increased awareness of the fuels crisis and increased participation in research to solve it, Hoffman charged that nuclear energy has been accorded a "Cinderella" status and caused work on fossil fuel conversion to be put off.

"Whether this disproportionate emphasis on atomic energy development was due to guilt feelings derived from creation of the bomb is now beside the point," he said. "But the fact remains that the atomic energy program has been funded at levels of the order of half a billion dollars a year, while coal conversion has been funded at about 15 million—reportedly less than the amount spent on public relations for atomic energy."

Hoffman feels the potential for development of nuclear energy has been idealized. "When we are told there is more energy in a block of granite than a similar-sized block of coal, or that a cubic mile of sea water contains some fantastic amount of energy, these are ideal values. Not brought into perspective is the efficiency of recovering and using this energy. It could be very possible that more energy could be spent in separation and recovery than is generated for end-use. What is needed to be known is how much other energy is introduced into the system in recovery, refining, etc., as compared to what is retrieved—not just what is hypothetically intrinsic."

A complete re-cycling of carbonaceous materials—which are, in effect, just stored solar energy—is envisioned by Hoffman whereby waste heat would be used to heat buildings or houses and also, combined with waste carbon dioxide from coal or other energy conversion processes, could be used to stimulate plant growth under controlled conditions as in greenhouses.

In his work with the NRRI, Hoffman and associates have succeeded in converting low-grade coal into liquid fuel and gas. He has also used shredded waste paper and rubber tires, cow manure and polyethylene plastic containers—all carbonaceous materials—to produce a synthetic fuel.

"While the organic waste materials might be put to better use as fertilizer, or recycled, it is nevertheless possible that processes and technology developed for coal conversion can be used eventually to aid in air pollution control and in solid-waste disposal and, at the same time, be integrated with agriculture. Greenhouses could use the carbon dioxide and waste heat to grow crops and the residue left from the conversion process could be turned back into the soil as nutriments or converted to additional fuel. In final analysis, solar energy—which is stored in all carboneous materials—may be the ultimate energy source."

A TRIBUTE TO THE REVEREND E. B. PHILLIPS

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1971

Mr. REUSS. Mr. Speaker, the Reverend E. B. Phillips of Milwaukee, soon will retire from the pulpit of the Greater Galilee Baptist Church. During his 18-year ministry in Milwaukee, he has founded a day-care center and Headstart program, developed a youth program which brings 500 teenagers together for weekly events, and has tripled the membership of his church.

There follows an article from the May 8 Milwaukee Sentinel:

THE NAME BUT NOT THE MAN WILL STAY AT PHILLIPS CENTER

After May 31 the E. B. Phillips Day Care Center and Head Start Program will be without a familiar figure—the Rev. E. B. Phillips.

The pastor of what is believed to be the largest black church in the city will retire from the pulpit of the Greater Galilee Baptist Church, 2432 N. Teutonia Ave., after an 18 year ministry here.

He founded the day care center named for him in 1962 in the basement of his church. Not only that, he tripled the membership of the church to 2,400 men, women and youths and led in several clergy projects.

The congregation, which celebrated its 50th anniversary in 1970, has planned a full week's "farewell program" for the Phillipses beginning May 16. He has served the church longer than any other pastor.

Ernest Blake Phillips was born in 1906 in Banks, Ark., and entered the ministry in June, 1934. He had four years of theological training in St. Louis at the John W. Wilkerson Institute, from which he was graduated in 1937. He also spent two years at the Ideal Bible College in Chicago.

CHANGES NOTED

He was a pastor seven years in St. Louis and 12 years at the St. Paul Baptist Church in Terre Haute, Ind.

When he and his wife, Gertie, came to Milwaukee in 1953, the black population was much smaller than it is today. So was the collective voice raised in behalf of racial equality.

A few clergymen and social workers would occasionally nudge the consciences of white Milwaukee about racial discrimination. Those who did speak up emphasized 'blacks and whites together."

Then came black militancy and "black power," the open housing marches, street protests and school boycotts. "Black power" spoke louder to some people than integration.

But Phillips preferred integration throughout.

"Blacks and whites won't succeed in anything by hating each other," he commented. "Until we have an integrated society we're not going to have progress or peace. When race hatred becomes broken down it will be done through the church."

"I AGREE—OBJECT"

Phillips said the militant leadership of Father James E. Groppi has neither helped nor harmed his community work through the children's centers, youth and adult programs.

"I agree with his goals, but I object to his methods," Phillips said.

"As a gospel preacher, my method is the peaceful way—working through committees, conferences, workshops, education, teaching human relations.

"Black power? Well, if it means economic, educational, political and yes, church power, I'm for it. But to clench your fist, get out in the street and yell 'Black power!' and be destructive—that's no good."

Through his day care center and Head Start program he sees "black power" forming early in life. But it does not have to be "black power," for white children are just as welcome as blacks in the programs.

PROGRAM REACHES OUT

"The programs are for the underprivileged, for pre-school children, whose parents are middle class preschoolers learn," he said.

But the success of the program has caused some problems.

School teachers have told him that when children from his program get to kindergarten they find it "old stuff."

Phillips himself does not operate the children's programs. That is reserved for the black and white teachers. He often comes down to watch them, however.

"The church also ought to be an educational center for such things as home and money management and a motivation and inspiration for service and achievement," he said.

White churches have a long way to go to achieve integration," he said. "But so have black churches. They, too, could do more to welcome whites into their membership.

MEMBERSHIP TRIPLED

"Of course, the singing and the services are different in the black church, but that's from tradition and misunderstanding. It should be no bar to integration.

Phillips has not only tripled the membership, but developed a youth program which brings 500 teenagers together for several events during the week.

He said his members have helped in this. "When I came here there were only two professional people in the congregation," he said. "Now I have the help of 35 professional people who help with the youth program, music and administration."

Phillips, who reached 65 in March, will spend his retirement as a free lance evangelist and pastoral counselor with headquarters in Marion, Ill.

"SET TO KEEP GOING"

"I can't let myself deteriorate by doing nothing," he said. "I've got to keep going by conducting evangelistic meetings. I have done this during the past year."

Also, he said, he will have more time for family life. The troubles of other families—those of parishioners and nonparishioners—have cut into his days and nights.

"It's not unusual to get a phone call at 2 a.m. to come right over and help some couple," he said. "And when they have that much confidence in you, why, you have no choice. You've got to get up and go."

COST $13,000

He talked about the early days of the center for children when he and Mrs. William E. Finlayson launched it.

"There were no problems at first. But remodeling the building to come up to city standards, required an expenditure of $13,000," he said.

The United Community Services, the day care center and the church divided the expenses to put the building into shape. It housed a Jewish congregation, until the Baptist church purchased it in 1961.

As he watched the children with their toys, games and songs, he said much remains to be done. The two programs reach a little more than 100 youngsters, and there are 500 in the immediate neighborhood who need the programs.

PROGRESS REPORT ON A BRICKMAKER-DIPLOMAT

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. MIZELL. Mr. Speaker, I am sure many of my colleagues will recall the specialty, if not immediately the name, of Mr. George Black, a 92-year-old resident of Winston-Salem and one of my most notable constituents.

Some months ago, in his "On the Road" segment of the CBS Evening News, Charles Kuralt "discovered" Mr. Black, a master of the brickmaking profession, plying his craft in a simple workshop near his home.

The exposure was greater than Mr. Black, or probably Mr. Kuralt, ever dreamed possible, and in February, Mr. Black was brought to the White House for a conference with President Nixon.

Shortly thereafter, in mid-March of this year, Mr. Black became an American ambassador of sorts, when he was asked to show the people of Guyana, a developing nation in South America, the secret to his handmade bricks.

Mr. Black's diplomatic mission won the acclaim of the Guyanese Prime Minister, Mr. Forbes Burnham, and it also won the admiration of his fellow citizens in the Fifth District of North Carolina and throughout America.

Many articles have been written about Mr. Black's journey into the diplomatic world, and I have selected one, written by Rick Edmonds of the Winston-Salem, N.C., Twin City Sentinel, which provides particularly good insight to the remarkable man and his remarkable mission.

At this time, I include the text of that article in the RECORD of today, for the benefit of my colleagues:

BRICKMAKER DOES WELL AS DIPLOMAT

(By Rick Edmunds)

Winston-Salem brickmaker George Black is four weeks into his diplomatic mission to Guyana and by all reports is doing just fine.

When the 92-year-old Black left here in mid-March, his relatives called the State Department in Washington, a bit anxious about how the long flight to South America would affect his health.

"They told us that a band was playing and people were applauding as he got off the plane," Mrs. Delores McGee, one of Black's granddaughters related. "The first thing he said was 'When do we get to work?' "

Miss Evelyn Abrams, another granddaughter who is along on the trip, has written home that the party is being "treated like royalty," The equatorial climate apparently agrees with Black, and a slight cough he had when he left in March has cleared up.

Black did go right to work teaching the Guyanese people brickmaking. Within a week of his arrival a brickmaking kiln like the one behind his house on Dellabrook Road had been set up in a coconut field near Guyana's capital, Georgetown.

Black has been eating meals daily with the prime minister, Forbes Burnham, and the mud mill has been visited by various dignitaries including the American ambassador.

The prime minister's wife, Mrs. Burnham, even stopped by one day and tried her hand at shaping a brick.

The brickmaking project, sponsored by the U.S. Agency for International Development, is highly organized. The Guyanese government assembled a group of students who are learning the craft from Black and will in turn teach it to others.

Miss Abrams writes that the five-year-old nation, formerly British Guiana, is physically quite underdeveloped. There are few brick buildings, and one of the hopes of the project is that Black's relatively simple technique can generate a building boom all over the new country.

Black, Miss Abrams, and 17-year-old Thomas Brabham, Black's brickmaking assistant, plan tentatively to return to Winston-Salem the first week in May, probably by way of Washington where Black was greeted by President Nixon in February.

Charles Kuralt, who brought Black to sudden fame this winter with a CBS-news report on his craft, has been in Guyana with a camera crew, filming a follow-up story.

The Knight Newspapers dispatched South American correspondent Don Bohning to look in on the project and Bohning in a Charlotte Observer article March 29 found Black as garrulous and cheerful as ever.

"I never been made over so much in my life," Black told Bohning. "I just feel good over the way people are treating me now. I've never met finer people. I haven't heard an oath since I've been down here.

"In my hard struggles I always asked the Lord to let my last days be my best days. I feel like He's answering my prayers."

CARLTON GOODLETT ASSAILS GULF OIL POLICIES

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. DELLUMS. Mr. Speaker, Carlton Goodlett of San Francisco, is undertaking a novel approach to combatting prejudice and racism. He has purchased five shares of stock in approximately 30 leading corporations, and hopes to bring about institutional change through the voting rights accorded stockholders.

One company singled out for initial action is Gulf Oil. For its late April stockholder meeting, Dr. Goodlett prepared an overall statement and a nomination of minority directors. His efforts were rebuffed, but I find his statement and nominating speech quite interesting, and I insert them in the RECORD at this point:

STATEMENT TO THE STOCKHOLDERS OF GULF OIL CORP., ATLANTA, GA., APRIL 27, 1971

(By Carlton V. Goodlett)

I. GENERAL STATEMENT OF CONCERNS

Mr. Chairman, it is apropos to paraphrase the statement of a young black army inductee headed for the hell-hole of Vietnam, who said, "Why should black people and chicanos sacrifice their lives ten thousand miles from home, foolishly killing yellow men with whom they have no quarrel, for racist white America, when America, to which I'll be returning, will remain the same old hell-hole with business as usual and racism as usual?"

The United States of America continues to be a polarized country composed of two nations, one white and one black, both separate and becoming daily more unequal. The black population ranges between 23 and 25 million persons, with an estimated gross product of $45 billion per year, 4.5 per cent of the nation's total $1 trillion. In many metropolitan areas where a number of our stations are located, blacks comprise from 80 to 90 per cent of the population; and upon a cursory survey, contribute substantially to the gross revenues of our corporation.

Employment discrimination

Despite the fact that blacks have perennially patronized Gulf service stations, the policy of Gulf Oil Corporation has not been one of reciprocal response to the needs of the black community for jobs and advertising in its community newspapers, so as to reflect our corporation's appreciation of its responsibility in a free economy to observe, on one hand, fair and equitable employment policies and, on the other, fair and equitable expenditure of advertising dollars.

The insensitivity of corporate enterprise to its responsibility to obey fair employment laws is amazing and in many instances distressing. We readily condemn the felon who violates the law: however, is a corporation which violates fair employment statutes less guilty, and is not the violence which the corporation inflicts upon the hopes and aspirations of non-whites as grave to society as the deeds of the felon who robs and steals? Racism is a disease which will destroy the human personality: and similarly, institutional racism will destroy a great nation.

We are demanding full equity in the employment of women and racial minorities, with no differentials in salary or opportunities for upgrading because of covert forms of discrimination.

It is regrettable that Gulf Oil Corporation is one of America's 50 largest corporations with an excess of 2,500 top executive positions, none of which are filled by a single black person.

The fair employment practices statutes demand that there shall be no discrimination in employment based upon race, color, creed, sex or age: racial minorities, especially blacks, chicanos and oriental Americans, and also women, be integrated in all jobs categories of Gulf Oil Corporation, from the Board of Directors room all the way down to the janitor's closet. This, we believe, Gulf Oil Corporation has failed to do. Moreover, the conditions cited for the black population reflect similar forms of covert institutionalized racism practiced against chicano and oriental Americans.

ADVERTISING DISCRIMINATION

For the past quarter of a century, blacks have patronized our service stations; the response of Gulf Oil has not been reciprocal to the black community's needs, by providing sustained advertising in the black community newspaper so as to reflect our awareness of the responsibility to allocate an equitable expenditure of our advertising dollars to the community which contributes to our profits. The black community cannot develop a viable press as long as corporations such as Gulf continue to practice a policy of discrimination and insensitivity to the black community's demands for a proportionate share of Gulf Oil Corporation's advertising dollars.

It is the right of every black purchaser to demand that promotional money derived from black customers be returned to the black community, so that the black nation may maintain a black-owned communications media which reflects its $45 billion purchasing power.

No person in this meeting will accept personal responsibility for the discrimination which Gulf Oil Corporation practices upon black Americans in job opportunities and allocation of advertising dollars. However, our continued silence and inaction on these problems represent a silent conspiracy against the constitutional mandate of freedom, equality and justice.

To rectify these wrongs three recommendations are made in the form of motions:

1. That management be instructed to issue within the next 6 months a full report to our stockholders of its distribution of employees based upon race and sex, delineating policies of promotion in the main job categories.

2. That stockholders be given a report on the expenditure of advertising dollars in both the white and the black press.

3. That a stockholders' fair employment and fair advertising committee be appointed to assess the data and recommend to management a remedial program in fair employment and fair advertising, which will allow our corporation to lead the oil industry in meeting the serious challenges of the crisis-threatening '70's.

II. DIRECTORS NOMINATIONS

Mr. Chairman: One of the important purposes of this annual meeting of stockholders is the election of 10 directors. Inspection of the roster of officers and directors of our company reveals that those who have selected the 10 nominees to serve as directors until the next annual meeting of stockholders remain either uninformed or unconcerned about two of the most important and controversial issues now threatening the corporate tranquility: (1) the lack of women in management and direction of private enterprise, and (2) the lack of opportunities provided members of racial minorities: notably black Americans, Chicano Americans and Oriental Americans, to participate meaningfully in the process of distillation so necessary for the development of the new directional thrust required of corporate enterprise in a nation polarized by social revolution.

First, let us consider the question of participation by women in our operation and management. One of the most discriminated-against groups in our society happens to be women. The majority of stockholders in all U.S. business enterprises are female, and I doubt that Gulf Oil Corporation differs from the national pattern. Male chauvinism is the cause of Gulf's failure to utilize more women in operation and management.

Now let us consider the matter of racial minority participation in operation and management, a question which daily becomes more crucial. We live in a society which is being destroyed by racism, and our company is a microcosm reflecting that society. We must begin, at the highest level of operation and management, by deeds and not words alone, to end discrimination based upon both sex and race. One of the great obstacles to racial harmony in the Nation is the refusal on that part of private enterprise to recognize the genius and skills of the racial minorities. Black Americans have a unique contribution to make in the thrust that private enterprise must create if peace and tranquility are to be restored in the revolutionary social upheaval now threatening the Nation.

Mr. Chairman, a grave question disturbs many stockholders of our company: namely, the covert and insensitive role it plays in supporting Fascist regimes such as Portugal and South Africa, particularly the former, in their oppression of the indigenous people who form the national liberation movements of Angola, Mozambique and South Africa. If racial minorities and women were members of the policy-making boards of our company, we believe that Gulf would more adequately recognize its international responsibilities, and refrain from being a party, overtly or covertly, to the support of racists who build and maintain colonial empires and thwart the will of millions of people of color throughout the world to throw off the yoke of white U.S. imperialism.

Nomination of directors

As an initial effort to correct the inequities of representation on our boards of directors, which reflect male chauvinism and racism, I nominate two additional persons as directors of our company.

Mrs. Aileen Hernandez, the female nominee, is a free-lance business consultant and lecturer on urban affairs. Mrs. Hernandez is the new president of the National Organization of Women, a civil rights group formed in October, 1966, to bring women into the mainstream of American life "in truly equal partnership with men." Professionally, Mrs. Hernandez has advised business, labor, government and private groups on groups on programs for utilizing the talents of minority groups and women, and assuring these groups full access to education, housing and employment opportunities. She has served as deputy director, California fair employment practices commission, and as commissioner, U.S. equal employment opportunity commission. Among many civic and political affiliations, she serves in the Urban League, the American Civil Liberties Union, steering Committee of the National Urban Coalition, and Board of Directors of San Francisco Mount Zion Hospital.

Willie L. Brown, Jr., Esq., attorney at law, state assemblyman 18th district, San Francisco, is the second nominee. Mr. Brown is a distringuished Californian who is a member of the San Francisco black community, a graduate of San Francisco State College, 1956, and the Hasting College of the Law, 1958. He presently serves as chairman of the Ways and Means Committee in the California Assembly. His legislative interests include employment opportunities, civil rights and liberties, conservation and ecological issues, consumer protection and criminal law reform.

Mr. Chairman, in the belief that the election of these two distinguished Americans to such positions of importance will be beneficial to our company, these two names: Mrs. Aileen Hernandiz and Willie L. Brown, Jr., Esq., are submitted as nominees for the board of directors.

We are being judged, by both women and blacks, not for our platitudinous statements but for our deeds.

CONGRESS VERSUS THE PRESIDENT, SOME ARGUMENTS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. LENT. Mr. Speaker, James Reston, political columnist of the New York Times, recently wrote of the struggle between the Congress and the President in foreign policymaking. I believe Mr. Reston captured the pertinent arguments of this fundamental matter of prerogative and I subscribe to his conclusion. So that my colleagues and constituents may have the benefit of this farsighted article, I enter it here:

[From the New York Times, May 15, 1971]

Unbalanced Government

(By James Reston)

Washington, May 15—The ancient dilemmas of American politics are back in the headlines again: How to give the President the powers necessary to defend the nation in a time of nuclear weapons and international ballistic missiles, and still maintain the control of Congress. How to keep him strong enough to govern the nation without allowing him to impose his will on the people and their representatives in the Congress.

There is another question that is central to the present debate: How to keep the President from using the authority he clearly must have in a major nuclear crisis—when the nation could be devastated before the Congress could even be assembled—in more limited emergencies like the Vietnam war.

This is the new element in the old struggle between the executive and legislative branches. The invention of nuclear weapons and intercontinental ballistic missiles has clearly destroyed the old concept of an "equal balance" between the President and the Congress, and another invention—national television—has added to the President's advantage in the ancient struggle. But the struggle goes on because President Johnson and President Nixon have been assuming that the new Presidential powers of the nuclear missile age may be applied to limited emergencies.

This is the assumption that is now being challenged by Senators Mansfield, Fulbright Javits and others.

Unfortunately, Mr. Mansfield and Mr. Fulbright have not done much better than Presidents Johnson and Nixon in clarifying this distinction between Presidential power in primary emergencies and Presidential power in secondary emergencies.

In his conduct of the Vietnam war, for

example, President Nixon has asserted his right, as he sees it, to invade Cambodia and Laos even without prior consultation with the Congress, and Senators Mansfield and Fulbright, among others, fearing that the Congress may be losing all effective control over Presidential power, are now trying to compel him to get all American troops out of Vietnam by the end of this year and cut the American forces in Europe.

So there is a new and more subtle aspect now to the old struggle of executive vs. legislative power. It is not merely who rules—the President or the Congress—but when and under what circumstances.

Even before the invention of nuclear weapons and intercontinental ballistic missiles and national television, this was an endless and unresolved controversy.

Only very rarely in the hitsory of the Republic have the White House and the Congress managed to establish the mutual trust, self-restraint and cooperation that are essential to give the President adequate power and the Congress adequate control.

During the critical days before the two World Wars, when United States influence might have been used to prevent the tragic divisions of Western civilization, the American Presidents were too weak to conduct an effective diplomacy for peace.

During the Civil War, the complaint was not of Congressional but of Presidential dictatorship.

The Senator of that day were much more outspoken against the dominance of the President than Senators Fulbright or Javits are today. Many of them back in the war between the states believed that the 37th Congress in 1863 would actually be the last to meet in the Capitol in Washington. Senator Wade, according to George W. Julian's memoirs, "said the country was going to hell, and the scenes in the French Revolution were nothing in comparison with what we should see here." Even in his gloomy moods, which are not infrequent, Senator Fulbright never went quite that far.

Nevertheless, the controversy goes on and will continue to do so, for the Founding Fathers, when they were allocating power between men at Philadelphia, were consciously and purposely ambiguous.

They knew conditions would change. They wanted the Executive and the Congress to struggle for power and to clarify the problem in the struggle.

That is what is happening now in Washington. On the ultimate questions of life and death of the nation, the President will inevitably prevail. But in lesser emergencies, as Vietnam has proved, the need for Congressional oversight and veto is obvious.

Passing bills to give the Congress more power to restrain the President is not likely to be more effective than the power the Congress already has over money, and refuses to use.

So, although candid and trustful consultation between the White House and Congress is, and always has been, hard to come by, there is really no more effective compromise, particularly after the inventions of the atomic bomb and the long-range missile.

Since then, the President cannot be deprived of decisive power. As Walter Lippmann said back in 1941, even before the invention of the atomic bomb, "this difficulty can be resolved, but only by the display of self-restraint, objectivity of mind, and magnanimity which are rare indeed in public life. The difficulty will never be restored by those who, if they like the President, are for him regardless, who if they do not like him, incite Congress to resist him. . . . It is no good depriving him of necessary power. It is no good arguing that mechanical provisos and limitations are a real substitute for consultation, common council, and continuing accountability."

That is a fairly good description of where the President and the Congress are in May of 1971.

AN OPEN LETTER TO WALTER CRONKITE

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. GOLDWATER. Mr. Speaker, in this week's edition of the Republican National Committee's weekly publication, Monday, there is an excellent reply to Walter Cronkite's recent charge that the Nixon administration is guilty of a conspiracy to destroy the credibility of the press. I hope my colleagues will take the time to read the following piece.

The article follows:

AN OPEN LETTER TO WALTER CRONKITE

DEAR WALTER: Let's face it. When it comes to criticism, you big boys at the top can dish it out but you just can't take it.

Last week, sounding like the main speaker at a John Birch Society rally, you accused the Nixon Administration of "a grand conspiracy to destroy the credibility of the press." You said it was impossible precisely to know the motives of this conspiracy, but you took a wild stab at it anyway. You asked: "Is it too much to suggest that the grand design is to lower the press' credibility in an attempt to raise their own and thus even—or perhaps tilt in their own favor—the odds in future electoral battles?"

The answer is: yes, it is too much to suggest unless you include as co-conspirators all those who criticize the press in which case you would number among them. While you may see an Administration media critic under every bed, the sounds you hear are merely echoes of your own criticisms over the years. For example:

CRONKITE CRITICISMS

In an address before the Association of Industrial Advertisers in New York City on May 5, 1967, you said: "The press—and by that generic term I mean all of the reporting media—has not been without its sins in Vietnam. As the military has more than once complained, we have indeed, taken individual squad or platoon actions out of context and blown them up to appear to be the story of an entire battle—an error which can seriously mislead the public as to the nature of victory or defeat." This is, of course, the precise criticism President Nixon made of media coverage of the Laotian incursion, coverage which concentrated on only four of 22 South Vietnamese battalions involved in the operation.

In this same speech, you suggested that the way to restore credibility to the media would be by stripping away "the veils of secrecy and in exposing to full public gaze the works and decision making processes . . ."

In another address before the William Allen White School of Journalism at the University of Kansas on March 24, 1969, you said of television that "our cameras and our lights and our tape trucks and even our microphones are obtrusive. It is probably true that their presence can alter an event . . ."

PRESS NOT PERFECT

In November of last year, at the Sigma Delta Chi convention, you said that "a fair portion of what we do is not done well. There are things we are not doing we ought to do. There are challenges that we have not yet fully met. We are a long way from perfection. Our problems are immense, and they are new and unique."

Another puzzling aspect of your blast is why you are so upset over what Administration media critics are saying since they are, for the most part, repeating what has been said by non-governmental people both inside and outside of your own industry. In an article on the press in TIME magazine in September of 1969, a Lou Harris poll showed criticism of the press "undoubtedly on the upswing" and your own CBS News Chief, Richard Salant was quoted as calling it not a conspiracy but "a healthy skepticism."

INHERENT LIMITATIONS

Just last December in a speech before an honorary leadership fraternity at Washington and Lee University, your CBS Washington correspondent, Roger Mudd, said that "the inherent limitations of our media make it a powerful means of communication, but also a crude one which tends to strike at the emotions rather than the intellect . . ." He stressed that for the television journalist "this means a dangerous and increasing concentration on action which is usually violent and bloody rather than on thought; on happenings rather than issues; on shock rather than explanation; on personalization rather than ideas."

"Our broadcasts have not improved," Mudd declared. "If anything, their quality has declined. The tube has become a trip, a national opiate, a baby sitter who charges nothing, something to iron by and to shave to and to doze over."

TV GROUP THEATER

Joseph P. Lyford, professor of journalism at the University of California at Berkeley, has put it differently: "Today television is relaying versions of a group theater. . . . The purpose of the new play is largely the play itself. The script has concerned itself with proclamations and ultimata rather than questions. The language is loud and verbose and increasingly aimed at destruction rather than the restoration of the dialogue. . . . Time given by television and the press to the staged event is time taken away from reporting the happenings that are not contrived. . . . If the day comes when television is freed from its dependence on what this or that angry crowd is doing, we will get a very different perspective on what is going on inside this country and inside our heads."

The most liberal member of the Federal Communications Commission, Nicholas Johnson, has put it another way: "Radio and television mold minds, 200 million of them, in numerous ways every day. It is long past time that we find out just what it is these potters are making out of the clay they knead inside our heads."

WHO'S THE MESSENGER?

It is currently popular for individuals such as yourself, Walter, to look upon the media critics, as you put it in your speech, as "enemies of freedom," to martyrize yourself as merely the messenger being executed because he is the bearer of bad tidings. Perhaps it is time you gave serious thought to just exactly who IS the messenger being executed because he's bringing bad news: you or the media critics?

Sincerely,

______ ______.

PROTEST ACTIVITY INSULTS VETERANS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. TEAGUE of Texas. Mr. Speaker, during the last week of April, Washington experienced one of the many demonstrations against the war in Vietnam which has become "old hat" with most Washington residents. The local papers were full of articles and pictures of the Vietnam veterans throwing their medals away and other visible means of protest. Similar pictures appeared on the front pages of papers all over the country.

Meanwhile, on about page 7 of one of the leading papers of this country, appeared the following AP article which no doubt speaks for the many thousands of Vietnam veterans who believe differently than those who appeared in Washington:

PROTEST ACTIVITY INSULTS VETERANS

DENTON, TEX.—Four ex-servicemen who are now college students—two of them Vietnam veterans—said Monday they believe the veterans against the war protesting in Washington, "owe the majority of American veterans an apology for pretending to represent us."

"The vets against the war have finally pushed us enough," Ray Pistole, 23-year-old junior at North Texas State University and spokesman for the group, said. "When they threw their medals at the Capitol and called us murderers for going to Vietnam, that's all we could take," Pistole said.

"They called us murderers of innocent children, which we weren't, and they pretend to represent all of us, which they don't," Pistole said.

"And they attempt to oversimplify the issue at hand. If you are going to simplify it, it would not be whether we should or should not be in Vietnam, but whether the United States, as the vanguard of the free world, should insure emerging nations the right to self-determination."

Pistole, who said he served 10½ months in Vietnam, and J. D. Green, Denton junior, and Fred Gonzales, Dallas sophomore, are all members of the some 50-member, NTSU Ex-Marine Association.

"We are not representing the organization, but rather ourselves," Pistole said. Green is an officer veteran of Korea and Gonzalez, a Green Beret now in the reserve, serves as president to the NTSU ex-Marines.

The fourth veteran, John McCann, a University of Dallas student, said he did represent the feeling of the veterans association at his school

"We decided to air the other side of the war issue to the news media," Pistole said at the afternoon news conference.

Pistole, who said he owns several combat ribbons, said he served as a scout during his tour with the 1st battalion, 5th Marines in Que Son and Hue.

"In Washington we saw this past weekend, waving over our Capitol, the Viet Cong flag. Obviously, the people waving this flag did not know what it represents. It represents the assassination of elected officials, the intimidation of a country's people and the denial of their right to determine their own form of government."

As for the throwing of medals on the Capitol steps, Pistole said "they must not have sweated, bled and cried in the name of that medal that I and many others have. If they had, they would have more respect of what the medals speak for."

CONGRESSMAN AT LARGE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD with pride and warm affection a fine article about a distinguished Member of this body, the Honorable WRIGHT PATMAN, entitled "Congressman at Large" which appeared in the Credit Union magazine of May 1971:

CONGRESSMAN AT LARGE

"Scourge of the big bankers."

"The bankers' nemesis." "The last of the Populists." "Something of an idealist." "He fights and fights and fights."

These are some of the ways in which headline writers have referred to Rep. Wright Patman (D-Texas). Privately and sometimes not so privately, some of the people with whom Mr. Patman has not seen eye to eye have made much stronger references to his actions, his beliefs, and his character. These have included bankers, politicians (as high as you can go), members of the Federal Reserve Board of Governors, foundation officials, and many others.

Something else he has been called, and with good reason, is "Mr. Credit Union," and he is frequently referred to as "the best friend credit unions have ever had in Washington."

Mr. Patman is chairman of the House Banking and Currency Committee, ranking member of the House Select Committee on Small Business, vice-chairman of the joint House-Senate Economic Committee, and chairman of the joint House-Senate Committee on Defense Production.

But he probably is best known for his more than 40 years of continuous battling for plentiful credit on reasonable terms and against high interest rates and tight money policies imposed by the Federal Reserve System.

WHAT KIND OF MAN?

At 77, Mr. Patman is a big man, well over six feet, and huskily built. His face shines with the pinkness of health, and his manner is always courteous, gracious, almost grandfatherly. He is admittedly, old-fashioned in many of his ways and beliefs, and his speech—usually gentle, with more than a touch of Texas drawl—is completely lacking in pseudo-intellectualisms, legalistic double-talk, or affected Washingtonese.

His English is plain, straightforward, and when appropriate, has an edge of rural simplicity about it. He likes a good joke and a good story, and a gentle rustic humor often comes through what he's saying. His courteous, homey attitude is an honest representation of the man, but it should not be mistaken for artlessness.

Someone who knows Mr. Patman well relates that he has seen him questioning a witness who obviously was a little contemptuous of Mr. Patman's abilities—and maybe of his intelligence. "This guy was being evasive and very clever and superior, and maybe not quite honest and responsive to questions. Mr. Patman led him out on a long branch, excusing himself for his plain speech and sort of admitting his lack of finesse, and then all of a sudden he sawed that branch right off." While Mr. Patman may seem to take a kind of simple, downhome approach to things, he is a long, long way from being naive, as many an adversary has found out.

It goes without saying that Mr. Patman is a shrewd and accomplished politician. He has been elected to the House 22 consecutive times; only one man, Rep. Celler of New York, has been in the House longer. Mr. Patman has been elected to office 26 straight times, locally and nationally, and is proud of the fact that he won every time by a clear majority; no runoff election ever has been necessary. You don't do that by being politically inept.

WHAT ONE MAN CAN DO

Mr. Patman is tough in other ways, too. It takes courage for one man to challenge the President of the United States (especially when he's a member of the same party); to attack and attempt to impeach the Secretary of the Treasury, when his name is Andrew Mellon; to defy and threaten the biggest banks in the country; and take on single-handedly the whole powerful Federal Reserve system—but Mr. Patman has done all of these and more.

One of the accomplishments he's proudest of was his successful fight for the so-called veterans' bonus back in the 1930s. After World War I a law was passed entitling veterans, based on numbers of days served in this country and overseas, to adjusted compensation for their service. These payments were to mature in 1945, but during the Depression much pressure was put on the government to pay the adjusted compensation in a lump sum. The argument was that veterans needed the money right then, and should not have to wait until 1945.

Mr. Patman agreed, and also believed that the lump-sum payment would inject a much-needed shot in the arm to a lagging economy. Though he was considered a "mere upstart from Texas" at the time, and though it made him "very unpopular on the hill," he fought for several years for his bill providing immediate payment to veterans. President Roosevelt vetoed such a bill in 1935, and Mr. Patman fought him on it, although he had campaigned hard for FDR and of course was a fellow Democrat.

Finally, in 1936, the President's veto was overriden and the then enormous sum of $2.49 billion was promptly disbursed to ex-servicemen.

While this was a long time ago, its effects extend right down to the present day, and may well explain Mr. Patman's long-standing feud with the Federal Reserve Board. Shortly after the bonus payments were made, the Federal Reserve doubled reserve requirements on U. S. banks. "I have never forgiven them for that, and I don't believe I ever will," Mr. Patman said. "They tightened up the money supply when my legislation was specifically aimed at loosening it. It prolonged our recovery from the Great Depression."

Mr. Patman's championing of the bonus bill—like most of his activity in Congress through the years—points out his consistent and long-standing support of the "little man" and his opposition to the rich, the powerful, and the privileged.

Probably the most dramatic example of this came in 1932 when he got up on the floor of the House and demanded the impeachment of Secretary of the Treasury Andrew W. Mellon for "high crimes and misdemeanors" that included conflict of interest and indifference to the will of the people. Mellon never was impeached; before he had to answer Mr. Patman's charges he was saved by President Hoover, who made him ambassador to Great Britain.

Mr. Patman has been in innumerable legislative battles and legal fights since he first decided to run for public office, but probably the closest he came to actual physical harm was back in the 20s when he was district attorney. It was a rough area in those days around Texarkana, Texas; because four states come together there, crime was rampant and escape from the law was made easier by crossing one state line or another. Mr. Patman was determined to solve the problem of hold ups and robbery, and learned that there was a connection between all this violence and the houses of ill fame that abounded in the area.

In one day he padlocked 24 such places. In short order it developed that there was a very definite connection between vice and crime in Texarkana and certain unsavory characters in Chicago, and Mr. Patman learned from the governor of Texas that an assassin was on the way from Chicago to liquidate him. The governor sent a bodyguard of Texas Rangers to protect Mr. Patman as long as necessary, and the Rangers gave him a six-shooter and made him learn to use it.

"I never had to use it," he said. "I never wanted to use it, and I'm glad I never had to. I still have that old six-shooter around somewhere."

A THOUGHT TO PONDER

Fighting for what may appear to be unpopular causes doesn't bother Mr. Patman in the least if he's convinced he's in the right. Many years ago he memorized a bit of favorite verse—he doesn't know the author—and he likes to recite it to himself occasionally even today, sometimes, he says, in the middle of the night:

"He has no enemies," you say.
My friend, you boast is poor.
He who hath mingled in the fray of duty that the brave endure
Must have made foes.

If he has none, small is the work that he has done.
He has hit no traitor on the hip; has cast no cup from the perjured lip;
Has never turned the wrong to right;
"Has been a coward in the fight."

Mr. Patman is well known for voting the way he thinks, not necessarily the way his party, or even the folks back home, would want and expect him to. He's also well known for working himself and his staff very hard, indeed, and there's a connection between the two.

"When I first came to Congress I sincerely and honestly believed Congress was made up of good people, the best in their districts; educated, cultured people, and that I'd have to work an hour or two a day extra to keep up with the smarter ones. My first impressions have held up; I have worked with 3,000 or 3,500 people in Congress since I came to Washington, and while there is an occasional rotten apple in every barrel, they are the exception, and these people have proved to be fine, hard-working, honest representatives of the people."

Mr. Patman hasn't changed his mind about the character of people who serve in Congress, and he hasn't given up putting in a "little extra time" to keep up with the best of them.

He averages at least 10 hours a working day, and Saturday is "cleanup day" and he's in the office along with part of his staff. On Sundays he's likely to be found in his office before he attends services at Washington's First Baptist Church—and often on Sunday afternoons too, when there's work he feels must be done. He lives 2½ miles from his office in the Rayburn Building, and usually walks either to or from the office, sometimes both ways.

He reads and attends to all the mail that comes into his office, and there is a lot of it. Only a small portion, interestingly, comes from his own district; because of his reputation as a friend of the ordinary or average man, he receives mail from all across the country. He is proud of this mail, and proud of the fact that he often is considered "Congressman-at-large" for people wherever they happen to live.

He reads everything available about credit unions, including publications and other materials from Credit Union National Association, and he also regularly receives a number of league publications. His staff is instructed to keep up on everything pertaining to credit unions, and to follow up on any credit union matter that needs attention.

Why does he sometimes not vote the way the people back home expect? "I consider that the people sent me here to do what they would do if they were here and voting," he said. "The folks back home must trust me to know more about how to vote than they do; I'm on the scene, I read and study reports, hear debate, keep up with the matter on a day-to-day basis; I *must* know more about it than they. I have to risk reelection every two years to convince them I was right. They do trust me, as the record shows."

A LONG LIST

The Congressman from Texarkana has sponsored, or co-sponsored a lot of major legislation through the years, some of which he is especially proud. Besides the "bonus bill" these include: coauthorship of the Robinson-Patman Act of 1936, its purpose the protection of small business; authorship of the resolution in 1941 creating the House Committee on Small Business and of most major small business legislation that has passed the House for 20 years; co-authored the Smaller War Plants Corporation Act of 1942; authored the Veterans Emergency Housing Act of 1946; co-authored the Full Employment Act of 1946; co-authored the Area Dedevelopment Act of 1961; author of many housing bills including the Housing and Urban Development Acts of 1965 and 1968; and authored much legislation dealing with banks, savings and loan institutions, and the general financial community.

Of course of special interest to the credit union movement is his longtime interest in, support, and sponsorship of legislation for the benefit of credit unions.

It goes back to the Federal Credit Union Act of 1934. "My first credit union connection was back in the early 30s," Mr. Patman recalled, "when I met those fine gentlemen Mr. Filene and Mr. Bergengren. Senator Morris Sheppard of my own state was sponsoring a federal credit union bill, and I told him if he could get it through the Senate I would do my best to get it through the House." Under his co-sponsorship, the bill passed in 1934, and since then Mr. Patman has authored and supported more credit union legislation than any other lawmaker. For this he has earned the movement's highest honor, the Credit Union Distinguished Service Award, and he is one of only three persons ever to receive it. And he has earned credit unions' profound respect and gratitude.

Most recent legislation supported by Mr. Patman, and very important to the future of the movement, was the Independent Agency Bill of 1970, which he originally conceived and of which he was the author. This act established the National Credit Union Administration as a separate agency and gave federal credit unions the same organizational level status and banks and savings and loan associations.

WHY LITTLE MAN?

Why has Mr. Patman always stood up for the little man, and always taken his part whenever he saw a confrontation between special interests and the people's interest?

"Because the big boys have everything," Mr. Patman said. "They can afford the best lawyers, the brainiest people, the best public relations people. They certainly don't need me. But what about the middle and low-income people? They just don't have anyone especially charged to protect their interests; they're discriminated against because they just don't have the help and support in Congress they should.

"As a Congressman I think I'm here to help people; I've always had that attitude, though sometimes I've been almost alone in the positions I've taken. I've taken a lot of heat and unpopularity over the years, but this hasn't deterred me. Somebody has to stand up for the little man."

And that's what chairman Patman does, seven days a week.

CONGRESSMAN McCLORY'S PEACE PROPOSAL

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, today my good friend and colleague from Illinois (Mr. McCLORY) has offered a Vietnam peace proposal in the form of a House concurrent resolution—a proposal which I feel deserves the serious attention and careful consideration of this Congress, and the administration. The resolution states that it is the sense of the Congress that a date certain of November 30, 1971, should be set for the withdrawal of all American forces from South Vietnam, subject to three conditions. Those conditions are: a total cease-fire by August 15, 1971, to be supervised by a U.N. military observer group; an exchange of all prisoners of war by September 1, 1971, to be supervised by the U.N. Commission on Human Rights; and commitments by North Vietnam and all other governments having military forces in South Vietnam to withdraw by November 30, 1971, to be supervised by a U.N. military observer group.

I do not find the recommendations embodied in the McClory resolution to be inconsistent with the principles and preconditions for peace enunciated in the various pronouncements of the President. You will recall that in his Vietnam message of October 7, 1970, the President proposed a "cease-fire-in-place" to be "supervised by international observers," "the immediate and unconditional release of all prisoners of war held by both sides," and negotiating a timetable for the complete withdrawal of all forces from South Vietnam.

In his Vietnam report of April 7, 1971, the President made the following statement:

> Our goal is a total American withdrawal from Vietnam. We can and we will reach that goal through our program of Vietnamization if necessary. But we would infinitely perfer to reach it even sooner—through negotiations.

In that report, the President also rejected the unconditional and unilateral American announcement of a date for total withdrawal, because, in his words:

> We would remove the enemy's strongest incentive to end the war sooner by negotiation.

The McClory resolution also rejects such a unilateral and unconditional announcement, but it does suggest setting November 30 of this year as the target date for the withdrawal of all foreign troops from South Vietnam, contingent also on a total cease-fire by August 15, and the release of all prisoners by September 1.

The McClory resolution would thus seem to bridge the gap between those who set a date for the unconditional and unilateral withdrawal of all American troops, and those who insist on certain prior conditions and who would rather not discuss a date at this time. The McClory resolution thus provides an additional incentive for achieving a negotiated settlement at Paris by setting a timetable for a mutual cease-fire, a mutual exchange of prisoners, and a mutual withdrawal of all foreign troops from South Vietnam.

I therefore commend the gentleman from Illinois on his initiative, and again urge the Congress to give this concurrent resolution its careful consideration.

SOIL STEWARDSHIP WEEK

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. SEBELIUS. Mr. Speaker, since the terms "conservation" and "environment" have become household words, I think it is appropriate for those of us from rural and small town America to point out to the growing number of citizens who are becoming aware of the need to have and improve our environment that this goal has always been a concern of the American farmer. Farmers are, in fact, the pioneers of our Nation's newly discovered program to save our environment.

This week, May 16–23, is Soil Stewardship Week in which we recognize the dedicated conservation efforts by farmers, ranchers, and our State and county conservation committees and employees for their personal commitment to our natural resources. These dedicated stewards have made it possible for the American farmer to utilize and conserve our limited soil and water resources in such a way that, for the first time in history, man has a realistic chance to win the war against malnutrition and hunger.

Today one farm worker produces food and other farm commodities for himself and 44 others. Through the American farmer, the U.S. consumer is provided the highest quality diet at the lowest cost in the history of the world. Our ability to produce food and fiber can and should be our greatest weapon in our Nation's efforts for peace.

Mr. Speaker, the Kansas wheat belt is referred to as the "breadbasket of the Nation." Kansas farmers have earned this title through effective conservation programs and are truly pioneers in our Nation's conservation program.

Prompted by the dust bowl days of the 1930's, Kansas conservation has initiated 79,906 individual plans for conservation practices on 26,639,222 acres. The Kansas team of trained soil scientists, volunteer leaders, and concerned farmers has produced 268,754 miles of terraces and diversions; 278,458 acres of grassed waterways; 90 watershed applications; 1,663,337 acres of range seeding; 85,889 farmponds; and 1,320,044 acres of cropland converted to other uses. This astounding record illustrates a united effort involving Federal, State, and local cooperation directed by local citizens. Yet, there is still much to be done. Only 36 percent of the 29,623,793 cropland acres in Kansas has been treated adequately for conservation and erosion control.

A constant challenge faces Kansas farmers and American agriculture in spite of conservation investments and technological advances. How to feed a hungry and troubled world? As a result of the population explosion, land development, and widespread abuse of our limited soil resources by nonagriculturalists, only 8 inches of topsoil are left across the United States for farmers to use in providing either "feast or famine." This fact is even more dramatic in view of projections by U.S. Department of Agriculture economists that consumers will spend about $206 billion for food in 1980—an increase of $97.8 billion, almost 100 percent, over similar expenditures for 1970.

The keystone to success in satisfying this great demand for food and fiber is adequate farm income. The great disparity between agriculture and the rest of our affluent society must be eliminated if we expect farmers to continue to invest in soil and water conservation practices and if we expect our younger generation to make the same commitment. Since the average age of farmers is 52, this truly is a turning point in our history.

I am hopeful that the 92d Congress will enact legislation to perpetuate conservation efforts and to guarantee economic prosperity for family farming units throughout America. Without the efficiency and productivity of the family farm operation, our whole economy would suffer.

Mr. Speaker, the farmer must commit himself to saving and improving his environment, because his livelihood depends upon it. I think during Soil Stewardship Week it would be most fitting for our urban citizens to pause and reflect upon what kind of commitment they should make to this cause.

What each and every American is willing to do in fulfillment of this responsibility will determine the state of our environment. It is important to realize the environment is not someone else's responsibility. Our environment is each citizen's front yard, sidewalk, road, air or water. It is the character of rural or small town America and of urban America.

The farmer believes that he has the responsibility to save and improve our environment. Let us hope during Soil Stewardship Week that all Americans can come to realize this basic responsibility.

OUTSTANDING SERVICE RENDERED AT MARION, ILL., VA HOSPITAL

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. GRAY. Mr. Speaker, we are prone to take for granted the good work of our public servants and employees who labor unnoticed in our public institutions such as hospitals, nursing homes, educational institutions, and other places so important to our welfare.

I am fortunate to have a U.S. Veterans' Administration hospital in my district at Marion, Ill. A friend and constituent, Mr. John L. Norris of Marion, Ill., has called to my attention the good work being performed by the officers and employees at the Marion hospital.

Under previous leave granted me, I am inserting in the RECORD the letter Mr. Norris wrote to Administrator Donald E. Johnson concerning the fine service rendered at Marion:

MARION, ILL.,
May 15, 1971.

Mr. DONALD E. JOHNSON,
Administrator, Veterans' Affairs,
Washington, D.C.

DEAR SIR: In view of all the controversy about what is wrong with the Veterans Administration and the Veterans Administration Hospitals, I think it is time someone spoke out as to what is *right* with the VA Hospitals and the Veterans Administration.

I have been a patient in the Marion, Illinois VA Hospital a number of times in the past few years. The treatment I received on every occasion was above reproach. Not only from the medical standpoint but administrative as well. The personnel of the Veterans Administration and this hospital had nothing to gain from me financially, politically, socially or in any other manner, yet the treatment extended to me from the entire staff was excellent.

Everyone is extremely busy yet they have time to extend courtesies and personal needs. It would be wholly unfair for me to single out any one person for praise because they are *all* doing a wonderful job.

The place is spotlessly clean and functions as a well organized business.

Speaking from the point of a disabled veteran, I salute you and your entire organization. Thanks again.

Very truly yours,
JOHN L. NORRIS.

P.S. You may feel free to quote this letter in its entirety or any part thereof.

DOD CITATION FOR RICHARD G. CAPEN, JR.

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. KEMP. Mr. Speaker, it is an honor and a privilege to call to the attention of my colleagues, the DOD Distinguished Service Citation awarded to Richard G. Capen, Jr., the former Deputy Assistant Secretary of Public Affairs. Dick Capen certainly played a key role in maintaining the critical lines of communication to and from the Department of Defense.

It is difficult to add to the eloquent praise directed toward my good friend, Dick Capen, by Secretary Laird, so at this point I include the official citation:

DEPARTMENT OF DEFENSE

To RICHARD G. CAPEN, JR., for distinguisred service in the Department of Defense from January 1969 to May 1971 as Deputy Assistant Secretary of Defense for Public Affairs and as Assistant to the Secretary for Legislative Affairs.

Dick Capen's energy, intelligence, and good judgment have been a primary stimulus for positive results in numerous defense programs. In particular, his relations with members of the Senate and the House of Representatives have won broad congressional support for the critical defense legislative programs. During a particularly challenging period of reduced military spending, changing priorities, and shifting world affairs, he has deepened public and congressional understanding of the many difficult and complex issues faced by the Department of Defense. His dynamic and positive attitude coupled with a warm and sensitive personality have enabled him to perform with rare distinction duties of the greatest importance in maintaining our national security posture. His perception and accurate evaluation of congressional attitudes have made it possible for him to provide invaluable advice to senior officials of the department.

His high sense of duty and loyal and dedicated service have been an inspiration to all with whom he has been associated. It is with great pleasure and deep appreciation that I award to Richard G. Capen, Jr. the Department of Defense Distinguished Civilian Service Medal.

MELVIN R. LAIRD,
Secretary of Defense.

APRIL 26, 1971.

ALL AMERICA CITY AWARD PRESENTED BY ASTRONAUT ALAN BEAN AT DALLAS, TEX., LUNCHEON

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. TEAGUE of Texas. Mr. Speaker, it was my pleasure to attend a luncheon marking the presentation of the designation of Dallas, Tex., as an All America City, on Monday, April 19, 1971. Astronaut Alan Bean was the principal speaker. I am inserting Captain Bean's address:

PRESENTED BY ALAN L. BEAN, NASA ASTRONAUT, ALL AMERICA CITY PROGRAM, DALLAS, TEX., APRIL 19, 1971

Thank you. It's a great honor for me to be invited here today to take part in the ceremony in which you as citizens of Dallas receive the All America City award. This is a monumental achievement, particularly at this time in our country's history when so many unresolved problems confront the city.

The short-sightedness of worrying only about the "now" permeates our country. Many forget too easily that to be the most prosperous nation in the world has taken the foresight, commitment, and perseverance of preceding generations. But many people find themselves unwilling and unable to commit to sensible, well-thought-out long-range plans, and carry them through.

Too often the citizens only react to change and events as they occur rather than acting to control those that are bound to happen and can be foreseen. As members of this community, you have an option to design the future rather than let the future impose on you its whimsical, often destructive design.

You have the power to set clearly defined goals—the basis of which seek to satisfy the precept that:

"The paramount goal of a city is to guard the rights of the individual, to ensure his development, and to enlarge his opportunity."

I feel that our nation's space program has similar long-range goals—more specifically: "To enlarge individual opportunity, to improve the quality of life." Many critics expose the point and view that, "for the sake of humanty we must sacrifice our space program." I would like to share with you my feeling that "in the name of humanity we must maintain a strong space program."

I feel that our space program is important to us as individuals and to us as a nation for four important reasons:

1. It sets the pace for much of our technological growth.
2. It motivates our young people to excel at a critical time in their life.
3. It influences the rest of the world in a positive way with regard to the United States.
4. It provides a perspective of man's place in this vast universe.

Before we look at those individually, I would like to talk about the money each of us as taxpayers spends on space . . . and, show a short film clip of the flight of Apollo XIV.

The cost of our space program is perhaps the most misunderstood aspect of our space exploration. For example, this year:

3.2 billion dollars—1.4% of the total Federal budget (Russia spends about twice as great a percent of its budget).

This per person is about:

(Figures determined by dividing each Federal budget by 200 million)

Space, $16 per person.

Defense, $387 per person.

Foreign aid, $20 per person.

Agriculture, $29 per person.

Community development, $98 per person.

Human resources:

(Welfare and social security—$303; health, education, and manpower—$124; veterans—$53).

$480 per person (30 times the space budget).

We spend $16 per person on cosmetics, $35 per person on alcoholic beverages, $17 per person on tobacco.

It becomes clear if we had no space program at all, the effect on the other programs would be hardly noticeable. Remember, we have not spent, nor do we plan to spend, any of this money in space or on the moon.

Let's look at what we receive for our investment in the future:

Our space program is our best spur to technological growth.

Except for DOD what other candidates are there?

Trying to return to a simpler life is wishful thinking.

We cannot drop out of world society; it is competitive whether we like it or not.

Advancements in technology offer our best, maybe our only hope—problems getting tougher.

Still servant, not master. Strength overshadows our weakness. Success overshadows our failures.

Not technology or space exploration vs. mankind.

Better off than we have ever been:

Freer from disease (polio, measles).

Work hours.

Per capita output.

Mind not muscle.

New wealth, not distributing existing wealth.

Give a man a fish and you feed him for a day; teach him to fish and you feed him for a lifetime.

Discover new ways to fish and new fishing grounds and you improve his life, his children's lives, and his children's children's lives.

Our space program motivates young minds. See boys and girls.

Understanding that their world will be complex.

Does anything else motivate these eager minds?

Their concern for our earth, its people, its air, this was brought about, I feel, by view of earth from space—first on Apollo 8—this may be the most important contribution of the space effort.

Our space program has a positive effect on the world.

When Pete Conrad, Dick Gordon, and I . . . people criticized us because of:

Vietnam

Deplorable condition of our ghettos

Plight of our poor

Racial inequalities

They all loved us for Apollo exploration:

Positive step for all men

Freely and openly done

Apollo 11—Hundreds of millions of people stirred because they were human beings on this planet.

Apollo 13—The world was joined in praying and hoping for the safety of the crew as it made its way back to earth.

In fact, we as Americans are happy with ourselves.

We can relate to ourselves (as individuals and other elements in our society).

We can relate to others (other individuals and other countries).

Our space program provides perspective on our future in the universe.

World grim, empty place for many people.

No goal or vision except material advancement.

Difficult to build your life around an empty heart and mind.

As I was on the way back from our visit to the ocean of storms:

Only things visible—earth, moon, sun, and stars.

Man and man's accomplishments invisible.

All these visible forever chained to predictable paths.

Only man free to move . . . to think.

Whenever his imagination and his dedication. . . .

The space program inspires the nobler instincts in man.

It revives the human spirit.

A poet once said: "There is something in man that surpasses man."

I feel these words are meaningful when we view our space program.

Important, too, today when we view the efforts that you citizens have put into this building of a greater Dallas, a future Dallas which will be for the mutual benefit of all its citizens.

This all-American city award is only the beginning of a critical, continuing journey for all Dallas citizens as changes and challenges will be present in the future just as they were in the past—just as our first landing on the moon by Neil Armstrong and Buzz Aldrin was just the beginning of a long and difficult journey for our country in space exploration. It will require a renewal of commitment by each of us to think and act in terms of the overall and future well being of all of us.

Each must ask himself:

"What am I personally doing as an individual and, equally important, what are the organizations of which I am a member doing to support programs and policies that I believe are worthwhile on a community and a national level?"

What am I personally doing today to support them?

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the missing.

Sp4c. Richard Bauer, U.S. Army, 574–24–2576, Anchorage, Alaska. Single. The son of Mr. and Mrs. Gene Bauer, Anchorage, Alaska, 1968 graduate of Diamond High School. Officially listed as missing November 4, 1969. As of today, Sp4c. Bauer has been missing in action in Southeast Asia for 567 days.

NOISE IN NEW YORK: OR I CAN'T HEAR YOU WHEN THE SUBWAY IS RUNNING

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. RYAN. Mr. Speaker, few New Yorkers need much convincing that their city is the noisest in the world. Their ears and their nerves have been telling them that for years.

Today, the ambient noise level in mid-Manhattan is already over 80 decibels—and rising. While knowledge of the effects of noise on human beings is far from complete, we know that this level is certainly high enough to contribute significantly to physical damage and mental stress. These hazards of noise cannot be overstated. Excessive exposure to loud noise can result in temporary and even permanent hearing loss. It disrupts sleep, causes annoyance, interferes with speech. Research has shown that high levels of noise can have adverse respiratory, glandular, cardiovascular, and neurological effects. Noise can reduce a worker's efficiency and is a cause of industrial accidents. It can even affect property values.

Yet, in New York City subways, passengers are routinely subjected to noise levels of 90 to 98 decibels. "Curve squeal" averages 103 decibels, while an express train passing in a local station can blast passengers waiting on the platform with 109 decibels.

Some 2 million automobiles and more than 100,000 trucks move daily in and about the city creating noise levels in excess of 95 decibels.

Construction sites—New York City has 10,000 construction projects and 80,000 street repair jobs annually—can generate localized noise levels in excess of 100 decibels. Pedestrians walking by a row of air compressors may encounter noise as high as 110 decibels.

Add to this the clamor of vendors, household appliances, air conditioners, sirens, and jet aircraft flying overhead. The result is an urban noise disaster.

It is essential that something be done to combat this crisis. As a Member of Congress long concerned about noise and its control, I have introduced a legislative package for a comprehensive Federal program of noise abatement. These proposals are put forth in my Noise Abatement and Control Act of 1971 (H.R. 6986 and H.R. 6987), my Noise Disclosure Act (H.R. 6988 and H.R. 6989) my Occupational Noise Control Act of 1971 (H.R. 6990 and 6991), and my Office of Noise Abatement and Control appropriations bill (H.R. 5043 and 6984 and H.R. 6985). I am pleased that dozens of my colleagues in the House of Representatives have joined in cosponsoring this legislation.

These bills would provide much-needed funding for the newly established Office of Noise Abatement and Control within the Environmental Protection Agency and would provide funds for State and local governments to combat the hazards of noise.

This legislation would give greater protection to workers from the dangers of on-the-job noise.

It would direct the head of the Office of Noise Abatement and Control to set strict noise standards to protect the public health and welfare and would insure that these standards were enforced.

It would require that all noise-producing machinery shipped in interstate commerce be labeled as to their operational noise level so that the consumer could take the noise the machine creates into account when he consider buying it.

And it would direct the Federal Government to use its tremendous procurement and purchasing power to promote a more quiet environment.

However, if the rising menace of excess noise is to be combated effectively, it will take more than Federal action alone. State and local governments, as well as individual citizens, must all take an active role in fighting noise pollution.

New York City has made a start in that direction. A Bureau of Noise Abatement has been established within the Environmental Protection Administration. The aim of this new bureau, headed by Robert Bennin, is to set priorities on the types of noise to be controlled; to establish guidelines for city agencies in purchasing and licensing machinery; to educate the public on the dangers of noise; to encourage research on noise effects and control technology; to encourage noise reduction considerations in urban planning and land-use management.

Most significantly, however, the city is preparing a comprehensive Noise Control Code for presentation to the city council, based in large part on the recommendations of the mayor's task force on noise control issued in January 1970. In testimony before the ad hoc congressional hearing on noise pollution which I held in New York City on February 8, 1971, Environmental Protection Administrator Jerome Kretchmer outlined the focus of the proposed code. At that time he said:

> We expect the Code to take a three-pronged approach to the noise problem:
>
> It will (1) incorporate the general "unnecessary-noise" standards that are usual in today's noise control ordinances; (2) establish specific sound level standards for a wide variety of such sources as air compressors, pavement breakers, large air conditioning systems, refuse compacting vehicles and the like; (3) mandate the establishment of ambient noise quality zones for the entire City . . . We believe this code will become a model for the rest of the Nation.

Hopefully, this noise control code will be completed in the very near future and adopted by the New York City Council. The noise in our cities can no longer be ignored. As a problem it ranks in seriousness with the pollution of our air and our waters. It must be attacked vigorously by all levels of government, by industry, and by individual citizens. For the sake of our health, our sanity, and the well-being of our cities, we have no other choice.

I include the letter of recommendations dated January 1970 to Mayor John V. Lindsay by his Task Force on Noise Control. I commend it to the attention of my colleagues:

TASK FORCE LETTER OF RECOMMENDATIONS TO MAYOR JOHN V. LINDSAY

DEAR MR. MAYOR: Your Task Force on Noise Control submits in this letter its Recommendations derived from its study of the problem of noise in the City of New York. Accompanying these recommendations for effective action against noise are supplementary reports of individual Task Force subcommittees preceded by an explanatory Preface.

Moved by a concern for the future of New York City, the Task Force believes that noise has reached a level intense, continuous, and persistent enough to threaten basic community life.

More than at any time in the City's past, there seems to be no escape for City resident and worker from daily acoustical assaults on these senses. Vehicular traffic, jet aircraft, subway trains, construction equipment and air-conditioners, as major noise sources, degrade the health and well-being of New York residents.

The economic health of the City suffers as well. New York based businesses find that the noisy environment hampers work and inhibits employee recruitment. This contributes to their movement to the quiet of the suburbs.

Firmly convinced that noise is not an intractable problem and that it can be brought under adequate control, the Task Force set these objectives for its study:

1. To define the problem.
2. To identify the chief sources of noise in the City.
3. To investigate the various means and resources by which noise may be reduced.
4. To establish acoustical criteria, taking into consideration the needs and requirements of the City, for its present and future residents.
5. To test whether principles and methods, learned in the course of the investigation, could be actually applied, i.e., by this temporary group in at least one or more limited cases.

This report contains the results of our pursuit of these objectives, with details given in the reports of the subcommittees. An overall pictorial summary presentation is given in the center-fold of the report.

As a result of its study, the Task Force makes the following Recommendations:

GENERAL RECOMMENDATIONS

1. The city must provide leadership

The City Administration must provide the imaginative and bold leadership necessary to a large-scale and comprehensive program of noise control. As a leader among the world's cities, New York must exert leadership in meeting urban environmental problems.

It cannot be stressed too strongly that success or failure of a noise abatement program will be determined by the City Administration. No other governing body is so closely tied to the lives of New Yorkers. No other force can do so much to improve the environmental quality of the City.

Such leadership must not be short-lived; rather it must be sustained and purposeful in order to overcome temporary setbacks or waning expression of interest.

2. Noise control must be basic to planning

Noise control must be recognized as an essential element of basic City planning and development. The physical environment—homes, roads, parks, subways, factories and offices—must be thought of as indivisible from the total organic system which makes up the community. Consequently, noise abatement, like air or water pollution control, must be regarded as an environmental problem integral to the complex of urban life.

3. New sources of noise must be prevented

In planning and developing noise abatement programs, the City should give first priority to preventing new sources of noise from encroaching on the environment. Prevention of new noise sources is considerably easier than abating old, well-established sources, since prevention costs less and encounters less bureaucratic red tape and fewer vested interests.

To this end, the City Administration must use its purchasing power to insure that new equipment and replacements that it buys for its own use incorporate noise control features. This can be a most persuasive form of leadership and serves as an incentive to research and development by suppliers of such products.

On the subject of noise prevention, the Task Force wishes to draw the City's attention to the serious problems raised by new increases in air travel. This matter is made more urgent by the approaching introduction of larger and more powerful aircraft and the prospect of supersonic transport. We ask for an intensification of the study being made to devise better airplane approach systems, runway location and orientation, and only to the extent felt necessary, rezoning or possible condemnation of property areas surrounding metropolitan airports.

4. The public and private sectors must cooperate

A creative partnership must be established between public agencies and private enterprise. Business must be made aware that when it rejects or delays noise control measures, it contributes to urban blight and degrades the community on which it depends. The argument that noise control is too expensive for business is no longer valid, if it ever was. The deterioration of the environment is too expensive for business.

One can not expect business to initiate noise abatement programs on its own, however, until the City Administration demonstrates that such programs are indeed feasible and permanent. By taking serious steps toward this end, the City can help create an attractive environment which will encourage new businesses to locate here and deter established firms from joining the suburban exodus.

The City's Environmental Protection Administration should enlist the support and collaboration of local businesses, such as real estate, construction and public utilities, which have the clearest fundamental stake in an improved City environment.

5. Effective acoustical design must be adopted by business

Business must be encouraged to incorporate effective acoustical design features in its products. When product noise control becomes a basic design parameter, everyone benefits. The consumer and bystander appreciate the quieter operation, and business itself profits from better sales. Examples of improved sales resulting from quieter products are refrigerators, automobiles, and outboard motors.

The theory that noise synonymous with power and that consumer acceptance is poor unless a product roars is not generally true. While a young sports car enthusiast might revel in the roar of his car, the vast majority of the public does not. The Rolls Royce concept that high performance, quality craftsmanship and quiet operation are all ingredients of product excellence has done much to influence automotive design in Detroit. Noise control has become a basic design factor in the automotive industry, and it has been demonstrated that the general public wants quiet and is willing to pay for it.

Given the experiences of businesses which have successfully marketed quiet products and the example set by the noise reduction program of the City Administration, enlightened business can change noise control from a hope into a reality.

6. The city must exercise its full powers to effect noise control

The City Administration must press for realistic noise criteria and encourage sustained noise controls. However, the Mayor lacks crucial enforcement power over some vital services performed by such agencies as the Transit Authority, the Port Authority and all Federal agencies. These limits of jurisdiction can be substantially overcome by full exercise of all noise abatement powers that the City commands, and by the persuasion to action that such leadership implies. Federal, state, and independent agencies might well be moved to greater effort by the example of the City and by the direct appeal by City officials that they do so.

7. The Environmental Protection Administration must be authorized to regulate and control, and the Environmental Control Board to adopt and amend rules to eliminate disturbing noises

The local law establishing the EPA fails to express this authority or jurisdiction. Lest this program go by default of responsibility, the law needs amendment in parallel language currently in the law to regulate and control air pollution. (See Specific Recommendation No. 1.)

8. The Environmental Protection Administration must determine acoustical values

The Environmental Protection Administration must establish standards by which noise limits may be set, regulations may be developed, and controls may be enforced throughout the City.

The Task Force recommends the following acoustical criteria on which the community's noise regulations might be based:

1. Noises above the hearing conservation criterion of 85 dB(A) on a continuous basis are injurious and should not be permitted.

2. Noises interfering with the normal level of speech—above 52 dB(A)—should be reduced as soon as possible.

3. A desirable limit for noise in wholly residential areas is 40 dB(A) in daytime hours and below 30 dB(A) during nighttime hours.

These criteria are based on the individual's needs for safety, social communication, and rest.

To illustrate the City's noise problem, we have shown in the centerfold chart some typical noises to which the citizen on the sidewalk is exposed.

RECOMMENDATIONS FOR AN EPA PROGRAM

We propose the following recommendations as the first steps toward an eventual comprehensive program to be mounted by the Environmental Protection Administration, which will have to be strengthened so that it will be authorized to control noise effectively. To achieve the most beneficial long-range results from an attack on noise on all fronts, implementation of the recommendations should be concerted and simultaneous.

Specifically, we urge that a special department of noise control be established within the EPA and authorized to carry out the proposed program.

1. The EPA should continue the liaison work, originally begun by the Task Force, between City government and the business community, to encourage business to assist government to make this a "Quieter City." Noise abatement by business is essential and should be sought voluntarily. Among the groups most receptive to EPA initiatives might be the following:

(a) The designers and manufacturers of machines and vehicles which are sources of noise and which are purchased by the City and independent authorities operating within the City.

(b) The users, other than the City, of such machines and vehicles, such as the construction industry, private cartage and private transportation. The present New York Business Environment Council is expanding its activity to embrace all dimensions of environmental concern—air, noise, water, solid waste disposal—and we recommend that this Council be invited to continue its liaison work between government agencies and the City's business community.

2. In line with the above Recommendations, the EPA should take over the work done by the Task Force as formal liaison among branches of City government, independent authorities and Federal agencies operating within the City. The EPA should guide the actions of these agencies in implementing noise control measures. EPA's authority over noise specifications should extend into the following areas:

(a) Purchasing, leasing, operating, maintaining and retrofitting machines and vehicles used by City agencies and authorities.

(b) Controlling machines and vehicles owned by private organizations who operate under City licensure or permit or who perform work under City contracts.

(c) Providing such noise abatement specifications for inclusion in codes administered by other City agencies.

3. The EPA should undertake a comprehensive survey of noise in the City. This survey should:

(a) Investigate existing acoustical levels in various areas of the City.

(b) Determine major sources of noise.

(c) Establish cumulative and temporal noise characteristics from multiple sources.

(d) Determine contribution of major noise sources to the total noise level.

(e) Investigate the influence of architectural forms such as site utilization, choice of materials, and building shape on noise levels.

The only previous attempt at a survey in New York was undertaken in 1930. Since then, advances in scientific measurement, in addition to sweeping changes in the City's environment, have made these findings obsolete and grossly inadequate to the present noise problem. Therefore, we recommend that a noise survey be conducted periodically, every five years. Such a survey is essential to the environmental inventory of the City.

4. The EPA should also maintain a continuous supervision of noise conditions in the City by doing the following:

(a) Setting up a continuous monitoring system, similar to the current air pollution daily index, to provide a daily noise profile for the City.

(b) Receiving, analyzing and acting upon the public's complaints, both specific and general; and encouraging public interest and participation in the development of effective noise abatement programs.

(c) Establishing an inspection system which would include the following activities:

(i) training a staff of inspectors in the use of noise measuring instruments and noise data;

(ii) assigning to the staff of inspectors the tasks of responding to public complaints, checking City and private machines and vehicles, and otherwise assisting in the enforcement of the regulations controlling noise.

5. The EPA should establish a research organization within the department of Noise Control responsible for providing the EPA Administrator, the Mayor, and other governmental officials with authoritative information on the latest technological and economic developments in noise control.

The organization should collect and maintain a library of noise and vibration information, abatement measures, detailed data on sources, and regulatory action taken in other parts of the world.

This research organization would also be charged with establishing acoustical criteria to be used in formulating a policy of noise control for the City.

SPECIFIC RECOMMENDATIONS

A. The Task Force believes that there are provisions in the present laws governing noise control which need to be changed. We are aware that this would require a sustained and vigorous presentation of amendments before appropriate city and state bodies. But the City of New York can do no less for its citizens if the crescendo of noise is ever to be brought under adequate control. Therefore, we urge the following for speedy adoption:

1. *Corrective amendment to EPA law.*—The present law which established the EPA should be amended. In its present form, the law gives jurisdiction over the City's noise problem to the EPA. However, it fails to express the authority of the EPA and the Environmental Control Board in the vital area of adopting and amending rules regulating and/or prohibiting harmful or objectionable noise.

In analogy with the express power over air pollution, the "Functions" of the EPA with respect to noise abatement, except as otherwise provided by law, must be broadened in Paragraph 1403, subsection 3 of Local Law No. 3 of 1968, to include jurisdiction "to regulate and control noise disturbances." The jurisdiction of the Environmental Control Board to adopt and amend rules not inconsistent with other provisions of law in Paragraph 1404, subsection 2, by adding a sub-paragraph (c) should include

(c) regulating or prohibiting noise disturbances from any sources whether fixed or movable."

2. *Corrective amendment to State motor vehicle statute.*—The Task Force finds that vehicular traffic, especially truck traffic, is the single constant source of pervasive noise in the City.

The Task Force is convinced that the State's open highway regulation permitting trucks to operate at a noise level of 88 dB(a)—measured at 50 feet from the center of the lane in which the truck is traveling and based on a speed of 35 m.p.h.—is completely unrealistic for conditions in the City. This law was intended to control noise on the open highway and not in the City where the building lines of many streets are only 60 feet apart, meaning that the permissible noise level on the sidewalks of New York under the State statute is well above the hearing conservation criterion.

3. *City ordinance to prohibit excessive truck noise.*—In the event that the state law is not amended to meet the needs of the State's urban population, New York City should promulgate its own standards in an ordinance or regulation to limit the noise of motor vehicles. While working to obtain corrective state legislation, or to develop a City regulation, which might require permission from the State legislature, sometimes a long and arduous process, the City should seriously consider routing truck traffic away from noise sensitive areas.

B. Jet aircraft noise increasingly threatens the peace and quiet of City residents and there seems to be no immediate prospect that the situation will improve. The abatement of such noise presents legal problems entirely different from those of regulating vehicular traffic noise. Truck noise is presently regulated by State statute. Aircraft landing and takeoff are regulated, respectively, by the Federal Aviation Administration and the New York Port Authority. The City Administration has no formal jurisdiction over either agency.

This can probably be resolved only at the federal level where aircraft noise is the subject of federal administrative control. Aside from lobbying for adequate federal legislation and regulation, the City can exert its influence on independent agencies that control airports and air traffic and noise levels over the City. It can also control aviation noise by not permitting City property to be used for heliports and short take-off and landing (STOL) ports until there is acceptable evidence that the aircraft meet the City's noise control standards. It can be more persuasive if it has established a practical noise abatement program for the whole City. By the force of such example and achievement, the City may properly request cooperation and obtain strong public and press support.

CONCLUSION

The more the Task Force studied the problem of noise in the City, the more its members were impressed with the urgency of alleviating this form of pollution of the environment. However, we also realized that urgency is not synonymous with emergency. Since New York seems to be in perpetual crises, to raise the spectre of another crisis would be self-defeating. Rather, we place our hope in the leadership of the City Administration.

We believe that a climate of pulbic acceptance of that leadership already exists among the people, and that the public hopes for and expects a proper resolution of noise issues now before the City.

Among the issues we refer to is the conflict over the location of short take-off and landing (STOL) or helicopter ports in the City. In this case, the overriding public interest for noise control is being opposed by powerful private interests.

We wish also to call critical attention to the construction industry's practice of ignoring the availability of new, less noisy construction equipment. Demolition and construction are permanent features in the City, but they can be made less irritating if available and elementary noise controls are required.

Once again we wish to stress the importance of planning adequately for the introduction of supersonic transport (SST). If the City waits to determine its noise limits until after the SST has been developed and is in operation, it may be too late and too costly to the aviation industry to make the correction. And if the SST is then operating from other cities, if may be highly adverse to the City's transportation requirements to prohibit the SST here. That is why the City must establish and publish acoustical standards as early as possible as part of a comprehensive plan that would balance private and public interests.

If the Task Force had one goal in this study, it was this: to help our City achieve a desirable environment in which noise levels would not interfere with the well-being of its people.

Our study naturally makes us very conscious of the enormity and complexity of the task of controlling noise. Yet we recognized that the problem is not confined to noise alone or to its sources. It has a broader perspective. In essence, it is part of our efforts to clean streams, lakes, and the air, to replace slums with better housing, and to improve the quality of life.

Armed, at first, only with our conviction that much of the technique for noise control is already available and waits upon the simultaneous awareness of buyer and manufacturer, the Task Force has made progress in some very practical areas. We have recommended cooperation between government and business as essential; and we have succeeded in several instances in bringing that cooperation about. The story of our accomplishments is found in the Preface to the Subcommittees' Reports which accompanies this letter.

The Task Force is very grateful for the time and energy our many contributors from both private and public life have unstintingly given us. We acknowledge our debt to them in the Appendix to this letter.

We have been especially fortunate in having, Mr. Mayor, your steadfast interest, concern and support for this project. Your approval of the new Building Code, with its noise control provisions, is an important step forward. Also, we wish to thank members of your administration who, with your support, have shown remarkable foresight in establishing the Environmental Protection Administration.

Mr. Mayor, in a new awareness of the gradual deterioration of urban life and in a new determination to reverse the trend, our city has begun to improve itself, to restore the wholesomeness of its air and water and the cleanliness of its neighborhoods. Excessive noise can and must be brought under control just as the other forms of pollution are being controlled.

Your Task Force is convinced that our people, our government, and our industry can, with your good leadership, produce the *diminuendo* we need to recover and conserve the quality of urban life.

Sincerely,

NEIL H. ANDERSON,
Chairman.

THE MAYOR'S TASK FORCE ON NOISE CONTROL

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Benjamin B. Bauer; Vice President, CBS Laboratories.

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THE DISASTER LOBBY

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. DON H. CLAUSEN. Mr. Speaker, Thomas R. Shepard, Jr., the distinguished publisher of Look magazine, recently spoke before the Soap and Detergent's Association's annual meeting in New York.

In my judgment, this speech gets to the heart of many of today's controversies and I urge my colleagues in the House to read carefully what Mr. Shepard has to say about "The Disaster Lobby":

THE DISASTER LOBBY

One morning last fall, I left my office here in New York and hailed a cab for Kennedy Airport. The driver had the radio turned to one of those daytime talk shows where the participants take turns complaining about how terrible everything is. Air pollution. Water pollution. Noise pollution. Racial unrest. Campus unrest. Overpopulation. Underemployment. You name it, they agonized over it. This went on all the way to Kennedy and as we pulled up at the terminal the driver turned to me and said—and I quote—"If things are all that bad, how come I feel so good?"

Ladies and gentlemen, I wonder how many Americans, pelted day after day by the voices of doom, ever ask themselves that question: "If things are all that bad, how come I feel so good?"

Well, I think I have the answer. We feel good because things *aren't* that bad. Today, I would like to tell you how wrong the pessimists are, and to focus an overdue spotlight on the pessimists themselves. These are the people who, in the name of ecology or consumerism or some other ology or ism, are laying siege to our state and Federal governments, demanding laws to regulate industry on the premise that the United States is on the brink of catastrophe and only a brand new socio-economic system can save us. I call these people The Disaster Lobby, and I regard them as the most dangerous men and women in America today. Dangerous not only to the institutions they seek to destroy but to the consumers they are supposed to protect.

Let's begin with a close-in look at that drumbeat of despair I heard in the taxicab and that all of us hear almost every day. Just how much truth is there to the Disaster Lobby's complaints?

Take the one about the oxygen we breathe. The Disaster folks tell us that the burning of fuels by industry is using up the earth's oxygen and that, eventually, there won't be any left and we'll suffocate. False. The National Science Foundation recently collected air samples at seventy-eight sites around the world and compared them with samples taken sixty-one years ago. Result? There is today precisely the same amount of oxygen in the air as there was in 1910—twenty point nine five per cent.

But what about air pollution? You can't deny that our air is getting more fouled up all the time, says the Disaster Lobby. Wrong. I can deny it. Our air is getting less fouled up all the time, in city after city. In New York City, for example. New York's Department of Air Resources reports a year-by-year decrease in air pollutants since 1965. What's more, the New York City air is immeasurably cleaner today than it was a hundred years ago, when people burned soft coal and you could cut the smog with a knife.

Which brings us to water pollution. The Disaster Lobby recalls that, back in the days before America was industrialized, our rivers and lakes were crystal clear. True. And those crystal clear rivers and lakes were the source of the worst cholera, yellow fever and typhoid epidemics the world has ever known. Just one of these epidemics—in 1793—killed one of every five residents of Philadelphia. Our waterways may not be as pretty as they used to be, but they aren't as deadly either. In fact, the water we drink is the safest in the world. What's more, we're making progress cosmetically. Many of our streams will soon look as wholesome as they are.

Perhaps it's the fear of overpopulation that's getting you down. Well, cheer up. The birth rate in the United States has been dropping continuously since 1955 and is now at the lowest point in history. If the trend continues, it is remotely possible that by the year four thousand there won't be anyone left in the country. But I wouldn't fret about underpopulation either. Populations have a way of adjusting to conditions, and I have no doubt that our birth rate will pick up in due course.

I now come to the case of the mercury in the tuna fish. How did it get there? The Disaster Lobby says it came from American factories, but then the Disaster Lobby believes that all the evils in the world come from American factories. The truth, as scientists will tell you, is that the mercury came from deposits in nature. To attribute pollution of entire oceans to the nine hundred tons of mercury released into the environment each year by industry—that's less than forty carloads—is like blaming a boy with a water pistol for the Johnstown Flood. Further proof? Fish caught forty-four years ago and just analyzed contain twice as much mercury as any fish processed this year.

Speaking of fish, what about the charge that our greed and carelessness are killing off species of animals? Well, it's true that about fifty species of wildlife will become extinct this century. But it's also true that fifty species became extinct last century. And the century before that. And the century before that. In fact, says Dr. T. H. Jukes of the University of California, some one hundred million species of animal life have become extinct since the world began. Animals come and animals go, as Mr. Darwin noted, and to blame ourselves for evolution would be the height of foolishness.

Then there is the drug situation. Isn't it a fact that we are becoming a nation of addicts? No, it is not. Historically, we are becoming a nation of *non*-addicts. Seventy years ago, one of every four hundred Americans was hooked on hard drugs. Today, it's one in three thousand. So, despite recent experimentation with drugs by teenagers, the long-range trend is downward, not upward.

Another crisis constructed of pure poppycock is the so-called youth rebellion, to which the Disaster Lobby points with mingled alarm and glee. But once you examine the scene in depth—once you probe behind a very *small* gaggle of young trouble-makers who are sorely in need of an education, a spanking and a bath, not necessarily in that order—you can't find any rebellion worth talking about. A while back LOOK commissioned Gallup to do a study on the mood of America. Gallup found that, on virtually every issue, the views of teenagers coincided with those of adults. And on those issues where the kids did *not* see eye-to-eye with their elders, the youngsters often tended to be *more* conservative.

The same assessment can be made of the putative black rebellion. There isn't any. Oh, there *are* the rantings of a lunatic fringe—a few paranoid militants who in any other country would be behind bars and whose continued freedom here is testimony to the fact that we are the most liberated and least racist nation on earth. But the vast majority of black Americans, as that same Gallup study revealed, are staunch believers in this nation.

How about unemployment? The Disaster people regard it as a grave problem. Well, I suppose even one unemployed person is a grave problem, but the record book tells us that the current out-of-work level of six per cent is about par. We've had less, but we've also had more—much more. During the Kennedy Administration unemployment topped *seven* per cent. And back in the *recovery* period of Franklin Roosevelt's second term, unemployment reached twenty-five per cent. So let's not panic over this one.

That word "panic" brings me to the H-bomb. Some people have let the gloom-mongers scare them beyond rational response with talk about atomic annihilation. I can't guarantee immunity from the bomb, but I offer the following as food for thought. Since World War II, over one *billion* human beings who worried about A-bombs and H-bombs died of other causes. They worried for nothing. It's something to think about.

One final comment on the subject. Members of the Disaster Lobby look back with fond nostalgia to the "good old days" when there weren't any nasty factories to pollute the air and kill the animals and drive people to distraction with misleading advertisements. But what was life *really* like in America a hundred and fifty years ago? For one thing, it was very brief. Life expectancy was thirty-eight years for males. And it was a gruelling thirty-eight years. The work week was seventy-two hours. The average pay was $300. Per *year*, that is. The women had it worse. Housewives worked ninety-eight hours a week, and there wasn't a dishwasher or vacuum cleaner to be had. The food was monotonous and scarce. The clothes were rags. In the winter you froze and in the summer you sweltered and when an epidemic came—and they came almost every year—it would probably carry off someone in your family. Chances are that in your entire lifetime you would never hear the sound of an orchestra or own a book or travel more than twenty miles from the place you were born.

Ladies and gentlemen, whatever American businessmen have done to bring us out of that paradise of a hundred and fifty years ago, I say let's give them a grateful pat on the back—not a knife *in* it.

Now I'm not a Pollyanna. I am aware of the problems we face and of the need to find solutions and put them into effect. And I have nothing but praise for the many dedicated Americans who are devoting their lives to making this a better nation in a better world. The point I am trying to make is that we are solving most of our problems . . . that conditions are getting better, not worse . . . that American industry is spending over three billion dollars a year to clean up the environment and additional billions to develop products that will keep it clean . . . and that the real danger today is *not* from the free enterprise Establishment that has made ours the most prosperous, most powerful and most charitable nation on earth. No, the danger today resides in the Disaster Lobby—those crape-hangers who, for personal gain or out of sheer ignorance, are undermining the American system and threatening the lives and fortunes of the American people.

When I speak of a threat to lives, I mean it literally. A classic example of the dire things that can happen when the Disaster Lobby gets busy is the DDT story.

It begins during World War II when a safe, cheap and potent new insecticide made its debut. Known as DDT, it proved its value almost overnight. Grain fields once ravaged by insects began producing bumper crops. Marsh land became habitable. And the death rate in many countries fell sharply. According to the World Health Organization, malaria fatalities dropped from four million a year in the nineteen thirties to less than a million by 1968. Other insect-borne diseases also loosened their grip. Encephalitis. Yellow fever. Typhus. Wherever DDT was used, the ailment abated. It has been estimated that a hundred million human beings who would have died of one of these afflictions are alive today because of DDT.

But that's not the whole story. In many countries, famine was once a periodic visitor. Then, largely because of food surpluses made possible by DDT, famine became relatively rare. So you can credit this insecticide with saving additional hundreds of millions of lives.

Then in 1962, a lady named Rachel Carson wrote a book called "Silent Spring", in which she charged that DDT had killed some fish and some birds. That's all the Disaster Lobby needed. It pounced on the book, embraced its claims—many of them still unsubstantiated—and ran off to Washington to demand a ban on DDT. And Washington meekly gave them their ban, in the form of a gradual DDT phase-out. Other countries followed the U.S. lead.

The effects were not long in coming. Malaria, virtually conquered throughout the world, is having a resurgence. Food production is down in many areas. And such pests as the gypsy moth, in hiding since the nineteen forties, are now munching away at American forests.

In some countries—among them Ceylon, Venezuela and Sweden—the renaissance of insects has been so devastating that laws against DDT have been repealed or amended. But in our country the use of DDT, down to ten per cent of its former level, may soon be prohibited entirely.

The tragedy is that DDT, while it probably did kill a few birds and fish, never harmed a single human being except by accidental misuse. When the ultimate report is written, it may show that the opponents of DDT—despite the best of intentions—contributed to the deaths of more human beings than did all of the natural disasters in history.

In addition to endangering human life, the Disaster Lobbyists are making things as difficult as possible for us survivors. By preventing electric companies from building new power plants, they have caused most of those blackouts we've been experiencing.

By winning the fight for compulsory seat belts in automobiles, they have forced the sixty-seven per cent of all Americans who do not use seat belts to waste two hundred and fifty million dollars a year buying them anyway.

By demanding fewer sizes in package goods on the ground that this will make shopping easier for the handful of dumbbells in our society, they are preventing the intelligent majority of housewives from buying merchandise in the quantities most convenient and most efficient for their needs.

And I don't have to tell anyone in this room what the Disaster crowd has done and is doing to make washday a nightmare in millions of American homes. By having the sale of detergents banned in some areas and by stirring up needless fears throughout the country, they have created the kind of chaos that may set cleanliness back two generations. And again, as in everything they do, they have missed the point entirely. As Vice President Charles Bueltman of the Soap and Detergent Association recently pointed out, detergents with phosphates are perfectly safe, eminently effective and admirably cheap. And if they foam up the water supply in some communities, the obvious remedy is an improved sewer system. To ban detergents is the kind of overkill that might be compared wtih burning down your house to get rid of termites.

But of all activities of the Disaster Lobbyists, the most insidious are their attempts to destroy our free enterprise system. And they are succeeding only too well. According to Professor Yale Brozen of the University of Chicago, free enterprise in the United States is only half alive. He cited as evidence our government's control of the mail, water supplies, schools, airlines, railroads, highways, banks, farms, utilities and insurance companies, along with its regulatory involvement in other industries.

And his statement was made prior to introduction in Congress last year of a hundred and fifty bills designed to broaden government influence over private business.

Fortunately, most of the bills were defeated or died in committee. But they will be back in the hopper this year—along with some new bills. And they will have support from the darlings of the Disaster Lobby—Senators like Moss, Proxmire and Hart and Representatives like Rosenthal of New York.

If so many important people are against free enterprise, is it worth saving? I think it is. With all its faults, it is by far the best system yet devised for the production, distribution and widespread enjoyment of goods and services. It is more than coincidence that virtually all of mankind's scientific progress came in the two centuries when free enterprise was operative in the Western world, and that most of that progress was achieved in the nation regarded as the leading exponent of free enterprise: the United States of America.

For in the past two hundred years—an eyeblink in history—an America geared to private industry has conquered communicable diseases, abolished starvation, brought literacy to the masses, transported men to another planet and expanded the horizons of its citizens to an almost incredible degree by giving them wheels and wings and electronic extensions of their eyes, their ears, their hands, even their brains. It has made available to the average American luxuries that a short time ago were beyond the reach of the wealthiest plutocrat. And by developing quick-cook meals and labor-saving appliances, it has cut kitchen chores in most homes from five hours a day to an hour and a half . . and as a result has done more to liberate women than all of the bra-burning Betty Friedans, Gloria Steinems and Kate Milletts combined

But the practical benefits of free enterprise are *not* my principal reason for wanting to preserve the system. To me, the chief advantage of free enterprise is in the word "free". "Free" as opposed to controlled. "Free" as opposed to repressed. "Free" as in "freedom".

I am always amazed that members of the Disaster Lobby—libertarians who champion the cause of freedom from every podium, who insist on everyone's right to dissent . . . to demonstrate . . . to curse policemen and smoke pot and burn draft cards and fly the flags of our enemies while trampling our own—these jealous guardians of every citizen's prerogative to act and speak without government restraint are also the most outspoken advocates of eliminating freedom in one area. When it comes to commerce, to the making and marketing of goods, our liberty-loving Disaster Lobby is in favor of replacing freedom with rigid controls.

And let us not minimize the value of this freedom of commerce to every man, woman and child in our country.

This is the freedom that makes it possible for the consumer to buy one quart of milk at a time—even though a government economist may think gallon containers are more efficient and quarts should be abolished.

This is the freedom that enables the consumer to buy rye bread if he prefers the taste—although someone in Washington may feel that whole-wheat is more nutritious and rye should be outlawed.

This is the freedom that allows the consumer to buy a refrigerator in avocado green despite some bureaucrat's desire to have all refrigerators made in white because it would be more economical that way.

For in a free economy, the consumer—through his pocketbook—determines what is made and what is sold. The consumer dictates the sizes, the shapes, the quality, the color, even the price.

And anyone who doubts the importance of this element of freedom ought to visit one of those grim, drab countries where the government decides what should and what should not be marketed.

But this is the direction in which the Disaster Lobby is pushing *our* country. What surprises me is how few of us seem to recognize the enormity of the threat. Instead of fighting back, we keep giving in to each inane demand of the consumerists—in the hope, I suppose, that if we are accommodating enough the danger will go away.

Well, ladies and gentlemen, it *won't* go away. If I accomplish nothing else today, I hope I can make that fact transparently plain.

Take the Nader group, for example. I have heard many businessmen dismiss Ralph Nader and his associates as well-meaning fellows who sincerely want to help the consumer by improving business methods. Forget it. Mr. Nader isn't interested in seeing American industry clean house. What he wants is the *house*—from cellar to attic. His goal is a top-to-bottom takeover of industry by the government, with Mr. Nader, himself, I would guess, in charge of the appropriate commission.

Find it hard to believe? Then listen to this Associated Press report of a speech he made last September, and I quote. "Consumer advocate Ralph Nader has proposed that corporations that abuse the public interest should be transferred to public trusteeship and their officers sent to jail." End of quote.

Well, we all know which corporations abuse the public interest in the eyes of Mr. Nader, don't we. *All* of them. The automobile companies. The tire companies. The appliance companies. The drug companies. The food companies. And yes, indeed, the soap and detergent companies.

What Mr. Nader really desires, ladies and gentlemen, is for the government to take over *your* companies and to toss all of you into the calaboose, presumably without a trial. At least, he never said anything about a trial.

Does anyone still think Mr. Nader and the rest of the Disaster Lobby are just some harmless do-gooders? Those who know them best don't think so. Federal Trade Commissioner Paul Rand Dixon, for example. Not long ago, he said of Mr. Nader—and I quote—"He's preaching revolution, and I'm scared."

So let's start fighting back! It's not an impossible task because the Disaster Lobby is, by and large, not too bright and far too preposterous. All we have to do to win over the American people is acquaint them with the facts.

We must show them that the consumerists are for the most part devout snobs who believe that the average man is too stupid to make his own selections in a free marketplace.

Our Disaster group opponents also have the most cockeyed set of priorities I have ever encountered. To save a few trees, they would prevent construction of a power plant that could provide essential electricity to scores of hospitals and schools. To protect some birds, they would deprive mankind of food.

To keep fish healthy, they would allow human beings to become sick.

One curious feature of the Disaster Lobby is an almost total lack of ethics. I say "curious" because these are the people who demand the maximum in ethics from private industry. Not long ago, an organization favoring clean air ran an ad soliciting funds from New Yorkers. It was full of half-truths and non-truths, including this sentence: "The longer you live with New York's polluted air and the worse it gets, the better your chances of dying from it." But we know that New York's air is *not* getting worse. Just let some private company run that ad and see how fast the consumerism boys would have a complaint on file with the FTC.

Immaturity is also a characteristic of the Disaster man. His favorite question is, Why can't we have everything? Why can't we have simon-pure air *and* plentiful electricity *and* low utility rates, all at the same time? Why can't we have ample food *and* a ban on pesticides? I recommend the same answer you would give a not-too-intelligent five-year-old who asks, "Why can't I eat that cookie and still have it?" You explain that you just *can't* under our present technology.

Just recently, the Coca-Cola Company felt it necessary to reply to environmentalists who demand immediate replacement of glass and metal soft drink containers with something that will self-destruct. "A degradable soft drink container sounds like a fine idea," said Coca-Cola, "but it doesn't exist. And the chances are that one can't be made."

And Edward Cole, president of General Motors, responding to a government mandate for drastic reductions in exhaust emissions within the next four years, stated: "The technology does not exist at this time—inside or outside the automobile industry—to meet these stringent emission levels in the specified time."

This inability of the Disaster people to accept reality is reflected in their frequent complaint that mankind interferes with nature. Such a thing is patently impossible. Man is *part* of nature. We didn't come here from some other planet. Anything we do, we do as card-carrying instruments of nature. You don't accuse a beaver of interfering with nature when it chops down a tree to build a dam. Then why condemn human beings for chopping down a lot of trees to build a lot of dams . . . or to do anything else that will make their lives safer or longer or more enjoyable?

When it comes to a choice between saving human lives and saving some fish, I will sacrifice the fish without a whimper. It's not that I'm anti-fish; it's just that I am pro-people.

The Disaster Lobbyist's immaturity shows up again and again in his unwillingness to compromise . . . to understand that man must settle for less than perfection, for less than zero risk, if he is to flourish. Failing to understand, they demand what they call "adequate testing" before any new product is released to the public. But what they mean by adequate testing would, if carried out, destroy all progress. If penicillin had been tested the way the Disaster Lobby wants all products tested—not only on the current generation but on future generations, to determine hereditary effects—this wonder drug would not be in use today. And millions of people whose lives have been saved by penicillin would be dead.

We simply cannot test every aspect of human endeavor, generation after generation, to make absolutely certain that everything we do is totally guaranteed not to harm anybody to any degree whatsoever. We must take an occasional risk to do the greater good for the greater number. But that, is a rational, mature evaluation—something of which the Disaster Lobby seems utterly incapable.

So this is the face of the enemy. Not a very impressive face. Not even a pleasant face. We have nothing to lose, therefore, by exposing it to the American people for what it is.

The time for surrender and accommodation is past. We must let the American public know that, once free enterprise succumbs to the attacks of the consumerists and the ecologists and the rest of the Disaster Lobby, the freedom of the consumer goes with it. His freedom to live the way he wants and to buy the things he wants without some Big Brother in Washington telling him he can't.

Truth and justice and common sense are on our side. And Americans have a history of responding to these arguments. All we have to do is get the story out . . . as often as possible, in as many forms as possible. And let's not vitiate our efforts by talking to each other—one businessman to a fellow businessman. The people we must reach are the consumers of America, and they're out there right now listening to propaganda from the other side . . . and, as often as not, agreeing with it. But why shouldn't they? They have yet to hear the truth.

It's a bit late to make a New Year's Resolution, but I suggest this one for anyone willing to chip in with a tardy entry. Let us resolve that nineteen seventy-one will be the year we help convince the people of America that our nation is a great one, that our future is a bright one and that the Disaster Lobby is precisely what the name implies. A disaster.

NATIONAL TRANSPORTATION WEEK, 1971

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. BEGICH. Mr. Speaker, the present week, May 16 through 22, 1971, has been set aside by Presidential proclamation as National Transportation Week. I deem this an observance of more than ordinary importance, and I desire to comment on it.

It is entirely right and proper that we pause to give thought to the vital, everyday function of transportation. It is one of the most basic of human activities, and one of the most universal. Transportation is the nerve center of commerce, and the underpinning for virtually all economic endeavor. It embraces a taxi ride or a transcontinental train movement of fruit. It is all encompassing.

The proclaiming of National Transportation Week is an acknowledgment of the contributions to our national life made by men and women who move people and goods throughout the country, and around the world, night and day. A major purpose for setting aside this, the third week of May as National Transportation Week is to focus attention of the public on the importance of transportation to our economy and our well-being, and to the achievements and accomplishments of all forms of transportation.

Our transportation system has given us a degree of mobility unequaled in all of history. Paced by transportation, we have transformed a vast wilderness area into a strong, dynamic nation in a relatively few decades. And it has accorded us a full measure of national security.

Transportation has met the challenges of the past. Now, it faces newer, greater challenges in the decades which lie ahead. The burdens will be substantial, and the responsibilities will be grave. They are burdens and responsibilities which must be met. Only a well coordinated, balanced transportation industry, manned by dedicated people, will be able to satisfy the demands the future will bring.

It is in this light, Mr. Speaker, that I join with others all across the land to salute our transportation industry and all its people.

HON. THOMAS J. DODD

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. STEELE. Mr. Speaker, Tom Dodd, whose public service began in the FBI and was crowned with two terms in the U.S. Senate, died Monday at his home in Old Lyme. Born on May 15, 1907, in Norwich, he graduated from Providence College and Yale Law School, class of 1933. He then devoted his life to public service. As Jack Zaiman, political editor of the Hartford Courant, so fittingly describes this man once known as the Crusader from Connecticut:

> No man looked more like a United States Senator than Thomas J. Dodd. His bushy white hair gave him a sort of regal bearing, and his booming old-style political oratory made him sound like someone whose natural place was in the Senate.

Mr. Speaker, Tom Dodd lived with his wife, Grace, in the district I now represent. He will be missed by all who knew him. Therefore, under leave to extend my remarks in the RECORD, I include the following editorial from the Hartford Courant which, in quiet words, succinctly but warmly tells of Tom Dodd's dedicated service to Connecticut and his Nation:

THOMAS J. DODD

> Thomas J. Dodd was described as "a gentle sort of man" by an interviewer some years ago. But beneath his soft-spoken manner, dwelt the spirit of a fighter for causes in which he believed. And though he seldom raised his voice, he nonetheless said what he thought, whether it was popular with his party of many years, the Democrats, or anyone else. Perhaps that is why he often received more mail than any other member of the Senate during his two terms with that body, and why he once asserted that he had been accused of being both a left- and a right-winger. That his latter years were clouded by his Senate censure in 1967 for financial misconduct should not diminish the many contributions Mr. Dodd made both to his state and his nation.
>
> Many of the crusades upon which Mr. Dodd embarked first focused nation-wide attention upon conditions and issues which were to become uppermost in our priorities. Juvenile delinquency, drug abuse, civil rights, crime and gun controls were among these. Always an advocate of justice, law and order since his days with the Division of Investigation, the forerunner of the Federal Bureau of Investigation, Mr. Dodd knew at first-hand crime's causes and effects. His experience as

state director of the National Youth Administration helping young persons to get jobs and training during the Depression, surely gained him insight to understanding their problems, adding expertise to his chairing the Senate Subcommittee on Juvenile Delinquency. From that position he contributed his knowledge to formulation of bills to stem delinquency and drug abuse.

Other distinctions in Mr. Dodd's long career of public service must include his leading the International Military Tribunal's case against 21 major World War II criminals at Nuremberg which gained him a Presidential citation, the Medal of Freedom and, from Italian President Gronchi in 1958, that nation's Commander of the Order of Merit.

Soon after his election by Connecticut's First District to the House of Representatives, Mr. Dodd received the unusual honor for a junior Congressman of being named to the House Foreign Aid Committee. And he served his nation overseas as a representative to Latin America and to the Congo. In addition, Mr. Dodd worked for years toward passage of the Nuclear Test Ban Treaty and was an avid adherent of Mr. Nixon's Vietnam policy collecting and delivering petitions of support from some 40,000 Connecticut residents last year.

Thus, he lived, a man committed to public life, proud of his patriotism and proud to serve his country, selecting what he thought was right, no matter what the party affiliation of its other proponents, and giving no quarter until he had seen the cause through to the end. Thomas J. Dodd must be remembered for that while Connecticut and the nation mourn the loss of a tireless worker for its good as he saw it.

POLICEMEN OF THE YEAR

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. MIZELL. Mr. Speaker, it is with great pride that I announce to my distinguished colleagues in this House the names of four outstanding citizens of my congressional district who have been named Forsyth County, N.C., Policemen of the Year.

They are Chief Deputy Walt Speas, State Highway Patrolman C. L. Peeler, and City Policemen J. B. Foy and W. R. Wall.

The awards were made recently at a Police Week banquet sponsored by the Sertoma Club.

I believe, Mr. Speaker, at a time when law enforcement officers are so often the targets of attack, both verbal and physical, it is good for us to remember what a vital and unselfish service to their communities and to the Nation they serve.

And it is a special honor, indeed, to announce these four men whose service has gone beyond the daily courage and devotion to duty that distinguishes every officer, to be singled out by their own fellow officers for these coveted awards.

I am sure my colleagues join me in congratulating each of these gentlemen for a job well done.

Following is the text of an article from the Winston-Salem Journal of May 14, 1971, describing the contributions of each of these gallant men:

FOUR NAMED POLICEMEN OF THE YEAR

Chief Deputy Walt Speas, State Highway Patrolman C. L. Peeler and City Policeman J. B. Foy and W. R. Wall were named Forsyth County officers of the year at the annual Police Week banquet last night.

About 600 people, many of them area law enforcement officers and their wives, attended the dinner at Mount Tabor High School and heard Joseph I. Woods, a former Cook County, Ill., sheriff, speak.

Speas, who has not missed a day of work in 34 years at the Sheriff's Department because of sickness, was a near unanimous choice by his fellow officers. He joined the department Dec. 7, 1936, when Ernie G. Shore was elected sheriff and is considered one of the best criminal investigators in the state.

PFAFFTOWN JAYCEE

Peeler, a State Highway Patrolman since July 1, 1960, was characterized by fellow officers as a man with courage, enthusiasm and integrity. He is a graduate of Salisbury's Boyden High School, U.S. Air Force veteran and Pfafftown Jaycee.

Foy, who was named police officer of the year, is a veteran of 25½ years with the department. He was described as a quiet, patient man who is unselfish, sincere and a backbone of the department. He has been a foot patrolman, radio dispatcher, jailer and uniformed officer.

Wall, who was selected as rookie of the year, joined the police force July 16, 1969, and served six months on the police reserve. He is a native of Forsyth County and is married and the father of two girls.

HARD WORK AND SELF RELIANCE: BANKER'S ADVICE ON PROBLEMS

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. DANIEL of Virginia. Mr. Speaker, most of us are so involved with the intricacies of living, that we seldom take time to think about life. We meet a man who has achieved a degree of success, who appears happy and satisfied, and the thought crosses our minds: How does he do it?

This past Saturday, May 22, the Danville Register of Danville, Va., carried an interview with just such a man, Mr. M. C. Martin, Negro bank board chairman of First State Bank in Danville. In simple words, Mr. Martin restated a code and a pattern which has guided his life:

> I have always liked working. In the beginning, I studied hard and worked long hours. I felt that I should also give the community the best service I could, because I owed the city and community my living.

A better formula for a good life I have never heard.

It is traditional in interviews such as this to seek advice for coming generations. In this regard, Mr. Martin stated:

> I don't think violence is the way out, but preparation for earning a livelihood. Trying to become as nearly independent as possible, I think, will go a long way toward reaching the goal that most young people set for themselves.

I do not believe more honest, straightforward advice can be given or heeded by anyone—old or young, rich or poor, black or white.

In the thought that my colleagues in the Congress will be interested in this story, it is offered for reproduction in the CONGRESSIONAL RECORD:

HARD WORK AND SELF RELIANCE: BANKER'S ADVICE ON PROBLEMS

(By John H. Brubaker III)

The Chairman of the Board speaks thoughtfully in the late afternoon from behind his desk at First State Bank. Another day of business completed, he looks forward to working carefully through the next one.

A successful man who has worked hard to achieve that success, M. C. (for Maceo Conrad) Martin believes that hard work can solve many problems and that an individual must take responsibility for his own improvement.

"As I grew up on the farm," Martin says, "my father instilled in me the fact that a man usually gets what he works for. I have found that it's true."

Martin was raised in Pittsylvania County by his father, Romey O. Martin, a farmer and school teacher. He attended public schools there, graduated from Pittsylvania Institute at Gretna and attended Virginia Union University in Richmond for two years.

While at Virginia Union, Martin, received his first banking experience as an employee of Richmond's Mechanics Savings Bank.

Martin returned to Pittsylvania to teach in the public schools for two years.

When the First State Bank in Danville opened in 1919, Martin's father and his former principal at Pittsylvania Institute served as directors. They recommended Martin for a position with the new bank.

Martin started as an assistant cashier and was made cashier six weeks later. He smiles as he remembers the bank's staff at that time. It included the president, Martin and a part-time janitor.

In 1930 he was promoted to vice-president and cashier, and in 1952 he became the bank's fourth president. Last year he "retired" to serve as chairman of the board.

Respected throughout the profession, Martin has acted as secretary of the National Bankers Association for 23 years and as president of that organization for five years.

He is a trustee of Virginia Union University, a member of the YMCA board of managers, a past president of the Virginia Council on Human Relations, chairman of the Danville Community Improvement Council, chairman of the finance committee of Calvary Baptist Church and a member of the Virginia Commission on Higher Education Facilities.

He has been Grand Treasurer of the M. W. Prince Hall Grand Lodge of Virginia, F. & A. Masons since 1928, and currently serves as Imperial Treasurer and Past Imperial Treasurer of A.E.A.O. Nobles of the Mystic Shrine of North and South America and as chairman of the executive board of the Virginia State Association, Order of Elks.

Martin's primary interest, however, always has been in banking.

He has seen many changes take place at First State since he began work there. The number of employees has been raised to 12, the number of machines has been increased substantially and the bank has renovated its interior several times.

Most significantly, Martin notes, the bank-customer relationship has changed. "When we started," he says, "the extension of credit was relatively simple because we knew practically everybody—who was honest and who was not. Now it's a little more difficult."

Something which has not changed is Martin's attitude toward his work. "Banking is my life," he says. "I enjoy meeting people and advising them and guiding the bank along what I consider to be sound lines of operation."

First State and M. C. Martin both have

been successful. To what does the board chairman attribute his success?

"I have always liked working. In the beginning I studied hard and worked long hours," he remembers. "I felt that I should also give the community the best service I could because I owed the city and community my living."

His foremost effort throughout his career has been seeking to improve the quality of life of members of his race.

"All my life there has been some dissatisfaction among the young people, and among older people too," he says. "We sought to better them by helping them not be dependent on anyone else, to be self-supporting."

In the past 10 or 15 years, Martin notes, impatience, particularly among young blacks, has increased and has been expressed outwardly in a number of ways.

However, he says, "I don't think violence is the way out, but preparation for earning a livelihood. Trying to become as nearly independent as possible, I think, will go a long way toward reaching the goal that most young people have set for themselves.

"Also, I feel that their participation in political life and in civic areas can mean a lot," he adds.

Martin says that he strongly believes that blacks should make an effort to see that equal opportunities are open to all people for making a respectable living.

"However, I think we have to feel the responsibility ourselves," he concludes, "and not expect anything to be handed to us without putting forth our best effort. Hard work can solve a lot of our problems that now remain unsolved."

M. C. Martin intends to go on working hard as chairman of the board for as long as he can. "I think I possibly could work for another 10 or 15 years," he smiles.

With the energy of a man dedicated to hard work, Martin will return daily to his desk at First State for as long as he is able, enjoying the business of helping other people.

FROM SEA TO SHINING SEA: UNDER ASPHALT AND CONCRETE

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. BRASCO. Mr. Speaker, America is choking on city traffic and accompanying pollution. Masses of vehicles, evergrowing in numbers, are clogging our arteries of commerce, communication, and individual movement. As this phenomenon mounts in volume, menace, and intensity, it seems that the Nation is deliberately turning its back on the only possible answers.

Detroit will never provide one. They are actually still feebly trying to deny that their cars are killing what is left of the clean air of the Nation. How could we even think that autos, trucks, and buses cause air pollution?

Look at the skies over New York. Keep it in mind next time you ride or get caught behind some belching polluter of this automotive gender. Only the stench is worse than the filth.

To accommodate this flood of internal combustion engine-powered monstrosities, America is slowly but surely disappearing under ribbons of low-cost concrete and asphalt. The liver and lights of scores of cities have been torn out and trampled in the name of expressways, freeways, and other transportation disasters. All accommodate vehicles at the expense of people, the quality of urban life and destruction of property and historical sites.

As air pollution mounts, so do waste difficulties at the other end of the cycle. Autos are junked in growing numbers. Their eventual disposal poses a major problem.

Instead of answers that make sense, such as mass urban transit, we hear demands for an SST. For the first time recently, an aroused public and an aroused Congress soundly defeated this ultimate in noise pollution and taxpayer subsidization of fast travel for the very rich. In order to reform transport, at least we will not keep the jackass in the cart. Yet we still lack a clearly enunciated transportation policy. And first and foremost on any agenda comes mass urban transit, above and below ground.

For years, the highway interest organizations, to say it kindly, have been able to tap the Federal highway trust fund. Overseen by the Department of Transportation, it thrives because of contributions in the form of user taxes. Money is doled out to States on a quarterly basis. Then it is allocated to various projects. This is how the Interstate Highway System has been built.

Why cannot the same principle be applied to urban mass transit? I have joined with a number of Members who have introduced such legislation.

Our cities are facts of life. They contain a growing massive majority of our people. The cities produce the lion's share of our national wealth. They provide Government with most of its annual revenue—in particular the cities of a few States. Why then must cities sit silently and suffer in patronized isolation, begging for a mere jot and tittle of their own money? The people those cities represent deserve to have their interests catered to.

My home State of New York pays in more than $23 billion annually to the Federal Treasury. It receives in return less than $3 billion annually in Federal moneys. New York City contains more than 8 million Americans. Yet, it cannot obtain adequate Federal aid for its mass transit situation. Right here in the Nation's Capital, a subway system is in jeopardy, held captive to the demands for more highways through existing neighborhoods. The Three Sisters Bridge is perhaps a classic example of an unnecessary piece of work at the people's expense. Why dump more cars into this city? It is totally at war with logic to attempt such a feat.

Urban Congressmen have gone along with nonurban programs for far too long. We have begged and pleaded for our causes for too long in vain. We must have significant Federal subsidization of subways and high-speed trains. The Metroliner success is but a small indication of the success we can have.

It is time to siphon massive quantities of existing Federal highway trust fund moneys into mass urban transit building. The problems have been studied to death. We know their dimensions and the answers to them. Further so-called studies merely put facts to death.

Cities, suburbs, and rural areas are like three people who have been thrown overboard tied together. Without cooperation, all will drown. So unless one or two of them can breathe under water, I suggest they work together. It would be the best form of travel ever discovered.

U.S. STRATEGY BEYOND VIETNAM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. CRANE. Mr. Speaker, there is a growing national concern over U.S. involvement in Indochina, the procurement of military manpower, and the frequency and manner of demonstrations related to the Vietnam war. The U.S. News & World Report recently carried an exclusive interview with the Secretary of Defense, Melvin Laird, on these matters. I would like to include it in the RECORD at this time.

As the national security is an issue which far transcends these sporadic and emotional aberrations, such as we witnessed in the Nation's Capital recently, Mr. Laird's remarks are especially valuable.

The article follows:

U.S. STRATEGY BEYOND VIETNAM

(Exclusive Interview With Defense Secretary Melvin R. Laird.)

The time has come, says America's defense chief, to stop arguing over the war—with all its mistakes and frustrations. Instead: Start paying attention to future U.S. security.

An onrushing Soviet Union is only one Pentagon worry. Convincing Congress that defense is worth 80 billion dollars a year is another. Mr. Laird came to the conferencce room of "U.S. News & World Report" for this interview.

Q. Mr. Secretary, the Nation has just witnessed another period of demonstrations against the war in Vietnam. In your opinion, what is the underlying basis for this opposition?

A. When you get right to the heart of it, I think the answer is that the American peo- are tired of war. They are understandably frustrated and concerned over the length of time we have been engaged in a costly war. They want peace.

When I became Secretary of Defense, I said that my service should be judged on whether or not I was able to help restore and maintain peace. The quickest way to do that remains through negotiations, but Vietnamization will also terminate American involvement in the fighting.

I believe if there is one lesson to be learned from Vietnam, it is that we must have a national-security strategy that will prevent all forms of war—not just nuclear war. We don't want any more Vietnams. That is why we must have a realistic posture as far as U.S. strength is concerned, and that is why we have changed our long-term national-security strategy.

Q. Do you think the opposition will fade?

A. I am confident that as the American people come to understand our new strategy of "realistic deterrence," and as we focus more on the problems that confront us beyond Vietnam, opposition to defense programs will diminish, and support for an adequate military posture will increase.

Q. Would there have been less opposition to Vietnam if the war had not required so many young draftees to go over there to fight?

A. I think the decision in 1965 to use the draft to furnish much of the manpower for Vietnam was a mistake. It would have been better to call up the Reserve and the National Guard to help fight the war. That was a political decision, rather than a military decision, that was made at that time.

However, I do not believe it does us any good at all at this time to go back and debate all the past decisions on whether we should have gotten involved as we did on the ground for example, or whether we should have used the Reserve and National Guard and not Selective Service. The fact is that those decisions were made.

Since becoming Secretary of Defense, I have tried to change the public debate and dialogue in America from "Why Vietnam?" to "Why Vietnamization?" I think it is beneficial that in this country today we're debating whether we should be out in 6 months, in 12 months or in 18 months. This is an entirely different dialogue from the one that existed two years ago. Now I believe the time has come once again to shift the dialogue from "Why Vietnamization?" to "Beyond Vietnam"—to focus instead on the question: "What's in store for us, from the national-security standpoint, beyond Vietnam?" I'm concerned about where this country is going to be after Vietnam.

Let me put it another way: The Vietnamization program is attaining our objectives as far as Southeast Asia is concerned. We have successfully planned and made provision to terminate American involvement in the war. The fastest way to disengage, of course, is still through negotiations in Paris, but we needed an alternative should Paris fail. So we planned and pursued Vietnamization as the alternate path for American disengagement—and Vietnamization is working.

Again I want to stress that the national-security problem that concerns me most today as Secretary of Defense is not Vietnamization. That is now set. What concerns me as Secretary of Defense is what's going to happen after Vietnam—and what we need to do in our planning and programming to meet the tremendous weapons momentum of the Soviet Union.

Q. What is it about the U.S.S.R. that is so worrisome?

A. Since 1965, the Soviet Union has been in a better position than the U.S. to muster its resources in the national-security field and apply them to a tremendous build-up in the strategic area as well as to an expansive modernization program for their Navy and to improvements and modernization in their ground forces.

During this same period, we reached the point where we were devoting up to 22 billion dollars' worth of our assets in a single year to the extra costs associated with the Vietnam conflict, while the Soviet Union's annual cost for supporting that war ranged from half a billion to over 1 billion dollars.

They were able to conduct their defense planning with a military-budget level that was close to that of the United States. They were able to use far more of their defense resources on programs that carried them to their present position of rough equality as far as strategic weapons are concerned and that permitted them to go forward with naval modernization and ground-force modernization.

This has given them a tremendous advantage—while we have been tied down to Southeast Asia since 1965. They also have other advantages.

One of our big problems is the cost of military manpower. Our budget this year—the budget now before the Congress—has about 52 per cent devoted to pay and related manpower expenses. In 1964, the same items took only about 34 per cent of our budget. As we project through 1974, manpower-personnel costs will probably climb over 60 per cent.

Let me emphasize that this amount—more than half of the defense budget—does not include buying any weapons, ammunition, ships, research and development or anything else. It doesn't provide us any investment or modernization, either.

The manpower costs in the Soviet Union's defense budget claim close to a third of their defense resources instead of the more than half that ours claim. So when you take a comparable amount of total-resource effort devoted to military programs, you can see what the Soviet Union can do to improve its over-all strategic position compared with what we can do. And that is precisely what they have done during the past six years.

Q. Just how well have the Soviets done while we've been tied down in Vietnam?

A. As I mentioned, they have reached a position of more or less parity in the strategic-nuclear-weapon area. I believe that the American people perhaps would be willing to accept a position of parity in strategic nuclear weapons, but I am also convinced that they will never accept a position of inferiority. Certainly I won't, as Secretary of Defense. But that seems to be the direction we're headed for in the strategic field unless there is success in the strategic-arms-limitation talks now under way, or unless we take further remedial action. This is what concerns me.

I have been serving as Secretary of Defense during a period when defense-budget requests by the Administration have generally been going down and, on top of that, when the Congress has been reducing even those requests which the President has made. This was not the situation that existed in the 1960s when defense budgets were going up—not down.

Q. What has caused this turnaround in Congress?

A. The turnaround is due to several considerations, but certainly one of them has to be the frustration over the war. This is why it is so important to get into a public discussion in this country over what faces us beyond Vietnam in other vital areas—and for the public to understand the issues that lie ahead.

Q. Mr. Secretary, are you concerned about the way the Soviet Union is extending its military reach in the Mediterranean area?

A. The Soviets are extending their naval and air power not only in the Mediterranean area but throughout the world. And they have recently shown an interest in deploying not only planes and ships but also military men and hardware in various areas.

One of the areas is the Indian Ocean, and I think that over the last few weeks the experience in Ceylon may give us a signal of what their intent is in that area. They have actually gone forward in a very short period of time and arranged for the stationing of jet-fighter aircraft in Ceylon at a time when a jet warplane is not the best instrument to help in quieting the kind of insurrection that's going on in Ceylon.

In the Mediterranean area as well, they've gone ahead and inserted several squadrons of new aircraft and new, sophisticated military equipment and manpower.

I believe that this is being done not only because of the Arab-Israeli problem but also because of their desire to have increased capability in the Mediterranean area. This could have a tremendous effect upon the so-called balance of power between the NATO allies and the United States on one hand and the Soviet Union and the Warsaw Pact countries on the other.

I intend to make this a very important part of my discussions and consultations with the NATO defense ministers in Brussels later in May and also at the Nuclear Planning Group meetings in Germany. I do believe that this is something that affects not only the balance of power in the Middle East but also the total balance of power, particularly on the southern flank of NATO.

Q. How active is the Soviet fleet in the Mediterranean?

A. The Soviet naval presence is something that has been developing during the last several years. Back in 1963, the Soviets had about 750 steaming days in the Mediterranean—or an average of about two ships a day at sea. This year we estimate that they will exceed 18,000 steaming days—or some 50 ships a day at sea, on the average.

Many people look at this as just part of the confrontation between the Arabs and the Israelis. I think it goes far beyond that, and that's why we have to address this from the standpoint of an over-all balance not only in the Mediterranean area but also in all of Europe.

Q. With Soviet land-based aircraft stationed along North Africa, could you maintain the U.S. Sixth Fleet in the Mediterranean in a showdown?

A. It depends on what your premises are. If you had no Allied land-based aircraft in the European area, it would be most difficult. But I would assume we would have NATO bases available. That would present a different situation.

Q. You talked about the NATO ministers' meeting. How would you suggest they help cope with this increasing Soviet penetration in the Mediterranean?

A. I think they have to increase the amount of the resources that they devote to national security. We made a step in the right direction at the last Defense Planning Committee meeting, in which they established for the first time a special infrastructure account—the European defense-improvement program—to which only the European nations will contribute.

I am hopeful that through this special European defense-improvement program we will be able to achieve a more equitable sharing of the burden in terms of finances and military forces during the next five years.

Q. What do you mean by "infrastructure" in this case?

A. It's the cost of maintaining NATO forces and NATO bases and communications, airfields and so forth. The Europeans have come forward on their own to promise an additional billion dollars for defense over the next five years. That, I believe, is a significant step, although a small one. It's the first time that we've had any purely European movement in that direction.

Q. Specifically, does this mean more planes and ships in the Mediterranean to counteract the Soviet presence?

A. This will mean a greater allocation of resources on their part. And when we talk about planning, we're talking about the total force of all the NATO allies—the naval, land and air forces of all NATO members—as well as command and control, communications and other logistics support.

Q. How long do you see the U.S. maintaining ground forces at current strength in Europe?

A. I would only say that we have no present plans for any reduction.

Q. You spoke earlier about changing the country's long-term military strategy. Can you describe in more detail what you mean?

A. Yes, but first let me briefly explain the background:

During the Eisenhower years in the 1950s we had a strategy which was referred to by many as "massive retaliation." It was successful because it did prevent nuclear war. It also prevented conventional-type war, so it was a realistic and credible strategy for that period.

In the 1960s a new strategy was developed which was referred to by some as "assured destruction" or "flexible response." That also was a realistic strategy for preventing nuclear war, but it was not realistic from the standpoint of preventing the type of war that we have been involved in for so long in Southeast Asia.

It did prevent a nuclear exchange with the Soviet Union at the time of the Cuban missile crisis, for example—largely because President Kennedy had a 4 or 5-to-1 strategic nuclear superiority over the Soviet Union.

But it was not able to prevent a Vietnam. And that is precisely the challenge that we face and are seeking to meet in the 1970s.

We had to develop a strategy that could effectively deter not only nuclear war but all levels of armed conflict. But at the same time we had to develop this new strategy in a way that faces up to the realities of the 1970s: the strategic reality, the manpower reality, the fiscal reality and also the political reality.

And that is why we have developed a new defense strategy to implement the Nixon Doctrine—a doctrine based on the President's three principles of partnership, strength and a willingness to negotiate.

We call this new strategy one of realistic deterrence because it does face up to the realities of the 1970s. It recognizes, for example, the strategic reality of what is going on in Russia and the People's Republic of China.

We are not so much concerned about what Red China will be capable of doing in the next few years; it is the danger from Russia that is our principal concern at this point. If we slip into a position where we do not have the nuclear means to provide a realistic deterrent, and if we become a second-rate nuclear power, I would not be able to assure you that we could deter a nuclear exchange.

Q. Do you plan to cut back on manpower? If so, does that mean you can cut down on new outlays for equipment?

A. Manpower cuts have been and will continue to be made as planned, but they will tend to have the opposite effect from that which you indicate. When you cut down on manpower, it is essential that you place more emphasis on modernizing the forces you retain.

Let me give you a specific example: We have an old Navy. This year I am asking Congress to provide more than 3 billion dollars for new ship construction and conversions of older ships. I personally would like to have asked for more, because we have a Navy that badly needs modernization.

Q. Can you tell your strategy "realistic deterrence" if we keep cutting down on manpower, if we are in danger of becoming a second-class nuclear power, and if the Navy is in such bad shape?

A. The fact of the matter is that I don't think we will have a realistic deterrent if Coingress decides to keep making substantial reductions in the defense budget. I try to be realistic about my approach to the Congress, too. This is part of the political reality I mentioned.

Let me be perfectly frank with you. Successful implementation of the strategy of realistic deterrence is the most difficult and challenging national-security effort we have ever undertaken in this country. We have to make it work in an environment of strategic nuclear parity—a reality that leaves little margin for error and no room for failure. It has to be implemented in a period of vigorous Soviet military expansion at sea, on the land, in the air and in space.

Although we have made substantial cuts in United States military manpower, it is important to recognize that our new strategy emphasizes increased partnership. While it requires that the United States continue to do its part in sharing the defense burden, it looks to our friends and allies to bear more of the burden of their own defense.

The United States must continue to maintain adequate strength in areas that are primarily our responsibility, while improving substantially the capabilities of our smaller active forces through modernization and improved readiness. At the same time, we are placing increased emphasis on our reserve components in order to be able to maintain greater over-all capabilities within the more limited resources that are available for defense. This is an integral part of the "total force" plannning approach that is part of our new strategy.

We can have realistic deterrence if we can gain the understanding and support of Congress and the American people not only for the needed and necessary modernization programs for United States forces but also for the security assistance that we will have to provide to our allies as they take up more of the burden of their own defense.

Q. How much are you asking of Congress this year?

A. The total expenditure level is 76 billion dollars.

It has been suggested that to keep future budgets down we give some thought to cutting our manpower below the 2.5 million men we now plan to have at the end of fiscal year 1972. With that reduction, we will already have come down by over 1 million men from our peak strength levels.

And I can say that at the present time we are giving thought to the possible need for reducing military manpower still further in order to meet other critical requirements in the defense budget. This would only be possible by improving the training and modernization of our National Guard and Reserve forces and by increased efforts on the part of our allies.

Q. Is there any hope of keeping the defense budget down by reaching an arms-control agreement with the Soviets?

A. No other department in Government is more interested than we are in reaching meaningful agreements, in acquiring understandings with the Soviet Union in the field of strategic weapons and in other fields such as mutual and balanced force reductions in Europe—a matter that would, of course, require NATO action. But there has been no evidence as of today that such agreements are quickly and easily negotiated—and Soviet momentum continues.

Now, if we take unilateral actions to cut back our defense programs, as many people in this country would have us take at this time, I believe that our chances for any kind of meaningful and substantial agreement with Moscow would drop almost to zero. We have shown our restraint in many ways. Unfortunately, it has not been matched by the other side.

Q. The arms-control talks have been going on for two years. A lot of people are wondering just how long you are going to give the Soviets before going ahead with new weapons. Have you come to a decision on this?

A. Last year, as we moved forward to our new strategy, I said that we would have to make some difficult decisions. We did make some of them in the 1972 budget.

We have planned funding at the maximum feasible rate consistent with good management for the development of the B-1 strategic bomber for the Air Force and the ULMS—the underwater long-range-missile system—for the Navy.

At the time the 1972 budget was submitted to the Congress, there was an indication that perhaps the Soviet Union was slowing down its deployment of offensive strategic weapons systems. Now new evidence shows that in both offensive and defensive strategic-weapons systems the Soviet Union is going forward with new construction programs.

Q. Does that mean you will go back to Congress and ask for more money to keep up with the U.S.S.R.?

A. It will be necessary to give serious consideration to that kind of action. Whether we have to do it depends on whether the Soviet Union contnues its weapons momentum. As Secretary of Defense, I will not hesitate to recommend any actions I believe necessary to protest our country and to prevent war.

Since the 1965–67 time period, we've had a virtual moratorium in this country on the deployment of any new strategic offensive-weapon launchers. We have the same number of launchers that was approved in the mid-1960s in our missile-carrying submarines and in our land-based missile force.

You have to compare this moratorium with the momentum that the Soviet Union has developed during this same period, while we have been engaged in Vietnam.

Let me put it another way: We have established a goal for 1972 of allocating up to 7 per cent of the gross national product of this country for defense purposes. In 1968, we were allocating 9.5 per cent of gross national product to defense.

But the catch was that we weren't allocating it to the same areas that the Soviet Union was. We were spending a lot of it in Vietnam.

That's one reason for our virtual moratorium on new strategic offensive-weapon launchers and our slowness in modernizing conventional forces. Those are the precise areas in which the Soviets have developed their momentum.

"WE HAVE TO FACE FISCAL REALITY"

Q. Mr. Secretary, if you plan to allocate 7 per cent of our national output to defense in 1973 and 1974, will that mean a hefty increase in defense spending and possibly fresh opposition in Congress?

A. As I said, I would not hesitate to recommend increases if they are needed and necessary. I think that my role as Secretary of Defense is to provide for national-security requirements.

If we're going to have a viable foreign policy—if we're not going to be either the world's policeman or the world's isolationists—we simply have to maintain a viable defense policy. And that's what our strategy of realistic deterrence is all about.

We have to face a fiscal reality—I realize that. We have the problem of allocating our resources to other sections of our society.

We have to face a political reality as far as the Congress is concerned, for example.

We have to face a strategic reality with the tremendous build-up in the Soviet Union's military strength.

And we have a cost-of-manpower reality in which we will spend approximately 18 billion dollars more in fiscal year 1972 for 133,000 fewer people in uniform than we had in fiscal year 1964, just before the Vietnam build-up began.

In providing for realistic deterrence, I don't happen to believe that 7 per cent of the gross national product is asking for an allocation that is unreasonable.

Q. What would that translate into in billions of dollars for the military in 1973 and 1974?

A. It would be a defense budget in excess of 80 billion dollars, but in terms of constant dollars it would approximate our 1964 spending levels. Right now, we're about at the 1964 pre-Southeast Asia spending level.

Again, I should point out that people don't seem to understand that our manpower costs in 1972 will have nearly doubled since 1964, even though we will have fewer military and civilian personnel. Now, that is really a 100 per cent cost growth.

We hear a lot of talk about cost growth in our weapons systems. In the last five years or so we have had about a 50 per cent growth in acquisition costs of our major weapons systems, based on the amounts already approved by Congress and the estimated cost growth to date. A good deal of this is a result of inflation.

We probably have a greater problem with inflation than any business or any other department of Government, because when we start to build a new weapons system it takes us from five to 10 years before that system comes into use.

Q. Could you spell out your personnel problem?

A. In 1964, before Vietnam, we had a force of almost 2.7 million men and women in our military services. The cost of supporting them was about 14.7 billion dollars. By mid-1972 we'll be down to a force level of about 2.5 million military personnel, but our costs for this manpower will be up to about 27.3 billion dollars.

Nor is this going to be the end.

We are starting our young men and women in the military service at about $2,700 a year for pay and allowances. A New York City policeman can start at about $10,000. We're going to be out trying to compete for these same people for a volunteer force. So we haven't seen the end.

We are still not at the level that we should be in order to compete for manpower for the military services.

According to a survey conducted more than a year ago, about 13,000 service families were receiving public assistance of some kind. We hope that that has declined this year with the new pay increases, but that isn't a very good situation.

Q. Does this mean that you're going to have to content yourself with below-average volunteers in the future?

A. We're trying to move in the other direction. We have a moderate pay increase before the Congress at the present time, and we will recommend another pay increase in the 1973 budget. But we're going to have to make do with less military manpower, and that is why we're stressing the total-force concept in planning for a realistic deterrent during the 1970s.

That means, as I have said, that we must place a greater reliance upon our Reserve and our National Guard, and they must understand that they will be called and used as a quickly available source of manpower to augment the active forces if we have a military emergency.

We must plan for this in our total-force concept here in the United States, but we also must plan on a better use of military resources as far as our allies are concerned under this total-force concept. That's why, in Asia, where there are large manpower reserves, we must call upon the Asians for allocation of greater manpower in their own defense.

To help our allies and friends in Asia utilize their manpower effectively will require greater military assistance. In order to have a realistic deterrent, in order to avoid future Vietnam wars, total-force planning in Asia and elsewhere is most important and is an essential element in our new strategy.

OUTLOOK: YEARS OF AID FOR SAIGON

A. How long will financial aid to South Vietnam be necessary?

A. I believe that certainly, throughout the five-year defense plan that I've put before the Congress, South Vietnam will need substantial military assistance. And I believe it will go far beyond that time frame.

Q. In terms of dollars and military hardware, how much would it amount to—5 billion dollars a year?

A. Certainly not that high, but the military-assistance program will be very substantial program as far as Southeast Asia is concerned, if we are going to maintain a realistic deterrent in that area.

Not only that: We're going to have U.S. naval and air forces present in Asia for a long time to come. There's no one in the United States Senate that I am aware of who is standing up and advocating that the various multilateral and bilateral agreements we have in Asia be abandoned. I haven't seen Senators calling for the cancellation of the SEATO Treaty or cancellation of any of the other agreements which have been approved through our constitutional processes here in this country.

Q. Returning to the war itself, Mr. Secretary, when do you foresee the end of American fighting in Vietnam?

A. The ground-combat responsibility will be turned over to the South Vietnamese sometime this summer, completing phase I of the Vietnamization program.

But this must be kept in mind: Although they will not have a combat responsibility, some American ground-combat troops will be in Vietnam until all American forces are withdrawn. U.S. ground-combat forces will have a security role—protecting other Americans—as long as any of our forces are there. Also, as the President has said, we will maintain an American presence in Vietnam until the prisoner-of-war question is resolved.

Q. What is the outlook beyond this summer? Can U.S. withdrawals be speeded up?

A. The Vietnamization program is going forward according to a plan approved by the President. As you know, he has stated that we have a plan and we are implementing that plan. We have been withdrawing our men at the rate of about 12,500 a month. Last month the average rate was increased to more than 14,200.

The troop ceiling when the President took office was 549,500. On May 1, 1971, the authorized strength was 284,000. We beat that target by more than 10,000. On December 1, actual strength will be below the new 184,000 ceiling, and the withdrawals will continue after that date. The President will make another announcement about November 15.

Now, some people would like to speed up the Vietnamization program. Curiously, others resist it entirely out of fear that it will give the South Vietnamese the capability of invading North Vietnam and expanding the war.

The fact is the Vietnamization program will give the South Vietnamese the capability of coping with the North Vietnamese and Viet Cong threat inside their country in order to maintain their security and to make their own choice of government.

But let me put Vietnamization in perspective with regard to our new strategy and total-force concept which I mentioned earlier.

Our new strategy emphasizes partnership in sharing the burdens of security rather than continued heavy reliance on the United States as the principal contributor. Other nations must do more on their own, with the U.S. providing specialized support as necessary and appropriate.

This is exactly what Vitenamization is all about—the Vietnamese taking over the responsibility for their own security programs with help from us, increasingly through our security-assistance programs rather than through a U.S. presence. I have put it this way in the past: security assistance, yes—U.S. manpower, no.

But the approach of the strategy of realistic deterrence is not limited to Vietnamization. In the Republic of Korea, in Cambodia and elsewhere, we are also seeking to move forward to help those countries who want to protect their own security—but at the same time counting on them to use their own resources to the fullest degree possible and to work together in efforts to maintain or restore peace.

In other words, rather than relying so heavily on our own forces as we have done in the past, we must recognize and apply this total-force approach.

Of course, implementing a policy of this nature cannot be accomplished overnight. Our friends and allies must recognize and understand the realities of the 1970s, and they must make the increased effort required on their part.

Q. Would you encourage further South Vietnamese operations in Cambodia and Laos?

A. The South Vietnamese are willing to operate in Cambodia and in Laos when it's to the interest of their security for them to do so.

When President [Nguyen Van] Thieu and I talked about South Vietnam's operation in Laos last January, he was very much aware of the fact that his Administration must maintain security inside its own borders. That is why he was unwilling to put a large proportion of his regular forces into Laos—and he actually used only around 1½ per cent of his regular forces for the operation in Laos.

Q. Would you like to have seen President Thieu put more than 1½ per cent of his forces into Laos?

A. I think it was their decision to make—not ours. I think that some of our military people would like to have seen more, but President Thieu must assess the security and political situation within his own country and make his own decisions. And we don't get involved in their political process.

AS VIETNAMIZATION PROCEEDS

Q. If the Vietnamization program continues to progress, what kinds of American forces are likely to be left in Vietnam a year from now?

A. There will be a mix. As we withdraw and complete phase 1 of our Vietnamization program, at least 40 per cent of the troops who are left will have a combat capability and will be responsible for security. The rest will have logistics and advisory responsibilities. Actually, the proportion of combat to support personnel will vary.

Q. Do you see any time over the next 18 months when American ranks in Vietnam will be filled by volunteers only?

A. The possibility of having all volunteers in Vietnam was a matter which was given a great deal of consideration some 18 months ago when we made the decision to move toward zero draft calls leading to an all-volunteer force as a Defense Department goal.

We decided, however, that limiting assignments to Vietnam to volunteers only would slow up our goal of having an all-volunteer force by June 30, 1973. In essence, we had to make a choice between a worldwide all-volunteer force and one for a particular area of the world.

I've spent a lot of time talking to sergeants and lieutenants and corporals and, by my count, personally interviewing more than 4,000 military men this past year. I found that a man volunteering for Vietnam has certain problems as far as his family is concerned.

When he goes home and tells his wife and children that he has volunteered for a year's tour in Vietnam, he has a problem. He would rather be ordered to Vietnam. I think you can understand that it's a little easier for him to handle that situation within his family.

Q. Do you believe the draft can be eliminated entirely?

A. I believe we can reach the goal of an all-volunteer force in the United States—but certainly not before the middle of 1973.

Q. How do you go about doing away with the draft?

A. Some of the things we have been trying to do are to increase public understanding of the problems people have in the military and to increase the respect that the people in this country have for military service. We'll never get a volunteer force just by increasing pay and taking care of housing and education and many of those other things that are necessary.

We've got to do something about increasing respect for military service—respect for the military profession. Probably there is no other profession—with the exception perhaps of the politician—that is held in lower esteem in this country today. This situation has got to be changed.

Q. Has any major country ever achieved a volunteer force?

A. The United Kingdom is, of course, a major country, and they have an all-volunteer force right now.

"OUR GOAL IS TO BRING MEN HOME"

Q. Is there any chance at all in the foreseeable future that you will stop sending draftees into combat in Vietnam?

A. I haven't given up on that possibility, but I do want to make a point about this:

There are people who say if we did not have draftees going to war, there would no longer be opposititon to the fighting in Southeast Asia. I don't think these people understand what the public's concern is all about in this country. Whether the men we send to Vietnam are draftees or volunteers is not going to make much difference as far as support or nonsupport for the United States position in Southeast asia is concerned.

The families of draftees are being reduced to a low number as the President's withdrawal program goes forward—and there still is vocal opposition to the war. I keep hearing that opposition to the American presence in Vietnam will disappear as soon as we have an all-volunteer force, but I just don't think those people know what they're talking about.

Certainly what I want to keep the focus on is terminating American involvement in the war rather than debating whether the war should be continued with draftees or regulars. Our goal is to bring our men home, and that is what we are doing.

Q. Opposition also has focused on the Laos incursion earlier this year. Was Laos worth the effort, militarily?

A. The South Vietnamese had some very hard, tough fighting in Laos. But with few exceptions they fought well. I don't think they could possibly have done that a year ago or two years ago. And I believe that the Laotian operation will prove to be important as far as the South Vietnamese military forces are concerned.

I would not like to assess now what the Laos operation did to North Vietnamese supplies and manpower, because the effects of that operation will not be fully known, really, until September or October.

Q. Are American casualties going to drop in the months ahead?

A. Casualties, hopefully, will continue to go down as we turn over combat responsibilities to the South Vietnamese.

Battle deaths have been going down steadily, as you know. When I first came in as Defense Secretary, they were running at about 300 a week and had been as high as 500 a week. Combat deaths are now averaging below 50 a week.

As far as American casualties are concerned, they are going down and should continue to go down. Needless to say, I won't be satisfied until they are zero.

Q. Is morale among the U.S. soldiers in Vietnam a serious problem?

A. Morale will continue to be a concern as the war keeps winding down, as our men have fewer combat responsibilities and more and more time becomes available. We recognize that there are racial and drug problems, too, and we are trying to do the best we can to meet these problems.

Q. Is the drug problem getting worse?

A. The drug situation concerns me greatly because of the easy access to drugs in that part of the world. Heroin worth $500 in the United States can be purchased in Vietnam for $15. Marijuana is easily accessible.

Q. Is it more a problem now than it was in Korea, say, or in World War II?

A. It is more of a problem because of the easier access: Drugs were not available in World War II or in the Korean conflict in the amounts they are now in Vietnam. But let's be candid and recognize that the drug problem is much greater in our total society than it was in World War II and Korea, and the armed forces are a reflection of our society.

Q. Do you have evidence of any subversive effort on the part of the enemy to make drugs available?

A. I think that the enemy finds it to his advantage to make them easily available—and cheap. The only evidence that I have, however, is the free accessibility within South Vietnam.

Now, the source of the heroin and how it is transported is something that is pretty difficult to pin down, but I think that we should look at all aspects of it and do everything we can to stop the flow. It is a matter that I personally took up with the Government of South Vietnam, and I will continue to work on it.

Q. Mr. Secretary, do the Soviet Union and Communist China still contribute heavily to the Communist war effort in Indo-China?

A. Yes. About 75 per cent of the supplies, equipment and support for the enemy comes from the Soviet Union and the Eastern European satellites, and the remaining 25 per cent from Red China. The volume of aid is about the same as in recent years.

Q. Would it be appropriate for American businessmen to trade with Red China, in view of Peking's role in Vietnam?

A. You could make a case for it on the basis that we already trade with the Soviet Union, and most of the outside support for the war comes from them. But I don't make that case. I also don't oppose all forms of trade.

You could make the case that we should approve the same list of trading commodities for Red China that we have for the Soviet Union. I don't make that case, either.

Q. Do you want a more stringent list for Red China?

A. As you know, this is currently under study in the executive branch, but there are different considerations that could apply.

One, for example, has to do with the question of technology. There is a lower level of technology in China than in the Soviet Union. You have to look at the technology when you consider what exports will help a country that is a potential enemy.

"NEW STRAGETY TO MAINTAIN PEACE"

Q. A final question, Mr. Secretary: To sum up, you seem to be saying that this country should now begin to think more about peace than about the war in Vietnam. Is that a fair assessment?

A. Certainly I have no quarrel with that assessment. Everything we are doing in Indo-China and in our new strategy is intended to achieve and maintain peace.

I want to leave to my successor a defense establishment that is engaged full-time in maintaining peace through realistic and effective deterrence of all forms of war. I think that goal can be achieved, but to achieve it we need the understanding and support of Congress and the American people as we look beyond Vietnam.

FORGET ALL THE CRITICISMS—NIXON IS REALLY THE ONE

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. SCOTT. Mr. Speaker, I would call the attention of my colleagues to an article written by the French analyst, Claude Julien, which carries the headline "Forget All the Criticisms—Nixon Is Really the One." His candid picture of today's political events, reprinted in Newsday, describes the President as a much misunderstood man and the victim of unfair and bad publicity.

Citing the President's sincerity in his efforts to end the war in Vietnam, Julien comments that—

> In four years, the Johnson-Humphrey Administration sent more than 500,000 men to Vietnam. In less than two years, Mr. Nixon reduced American troop strength by more than half.

The full text of the article which first appeared in Le Monde, Paris, follows:

FORGET ALL THE CRITICISMS—NIXON IS REALLY THE ONE

(NOTE.—The President, writes the distinguished French analyst, Claude Julien, is a much maligned man. All the unfair bad publicity, he argues, must make the President wonder "what has to be done to win favor with the gods, the journalists, the people, the Democrats, the North Vietnamese and the Viet Cong.")

President Nixon is a much misunderstood man. This, anyway, was implicit in the opening passages of his television address to the American nation earlier this month. He referred to reports on the situation in Southeast Asia on radio, TV and in the newspapers, and there was more than a hint that he felt they had done him mean justice.

Not only did he appear to feel that the success of the Vietnamization policy was being questioned; he seemed to think there was some doubt about his own sincerity. "Our goal is a total withdrawal from Vietnam. We can and we will reach that goal," he insisted.

Yet such is the influence of the mass media in the United States that a large segment of public opinion appears to take these words somewhat less than literally. Democrats in the two houses of Congress maintain a constant clamor for a peace policy as though this were not already Mr. Nixon's overriding concern.

Even more serious is the fact that Hanoi and the Provisional Revolutionary Government (PRG) in South Vietnam share the doubts of this vociferous American opposition. So the Paris peace talks are deadlocked.

This may not seem to matter. Mr. Nixon is confident of the success of his withdrawal policy. In less than two years he has pulled 265,000 troops out of Vietnam, and by December 1 of this year will have repatriated 100,000 more—"over two-thirds of the number who were there when I came into office."

It may at first sight seem strange that doubts persist since the President's actions do appear to be in line with his declared intentions. Mr. Nixon needed a certain courage when, during the 1968 presidential campaign, he let it be known that he had a plan to end the war.

OBJECT OF CALUMNY

There was a considerable risk. Had he lost the election, he would have been able to multiply his attacks on a Democratic administration and nary a soul would have known for certain whether he really did know of some way out of the nightmare. Victory brought with it the necessity of implementing the plan successfully, or evoking again the image of Tricky Dick, the cunning politician stopping at nothing to satisfy his ambition.

Ambition and cunning. These certainly are the two essential qualities of this misunderstood, maligned, unjustly criticized politician, the consistent object of calumny throughout a career in which other character traits have also emerged—stubbornness, perseverance and the tireless courage of a man who never acknowledges defeat.

After eight years in Dwight D. Eisenhower's shade as vice president, he was beaten in the 1960 fight for the presidency by the late John F. Kennedy.

Two years later came another failure when he lost the California gubernatorial election. At this point, hardly turned 49, like an aging actor reluctantly leaving the stage, he bade farewell to politics, accusing the press of "kicking me around," and went back to his lawyer's career.

Since being elected to the House of Representatives in 1946, Richard Nixon had weathered many humiliations only to fail at the last hurdle. His adversaries attack him on many scores: for an anti-Communist passion which they claim is his substitute for a political program, for his indecent eagerness to have Alger Hiss condemned on charges of espionage in order (they say) to swing the newsreel cameras onto himself, for a demagogy which, ingratitude of ingratitudes, went down in American history not as Nixonism but as McCarthyism; and for a certain tactlessness which he personally justified during a television program, arousing public sympathy with a moving account of his childhood poverty.

NOT THE FIRST VICTIM

Tough he may be, but he has been the chosen victim of a vindictive press for a long time. How did he manage to resist the temptation to abandon the political stage in 1962, one wonders. His qualities cannot be denied, nor can his political flair and fervor.

Yet he missed getting into the White House in 1960 by the narrowest of margins and because of one trivial detail: He was less photogenic on TV than John Fitzgerald Kennedy. Once again he had fallen victim to the mass media.

And when, in 1968, he finally returned to the front rank, it was to triumph over Hubert Humphrey by a slender margin of 500,000 votes out of a total of more than 72,000,000 cast. Yet it was Mr. Nixon who wanted to end the Vietnam war, the war which his adversary, Mr. Johnson's vice president, had in four years helped to enlarge and intensify without managing to introduce the faintest ray of hope for a solution. In four years, the Johnson-Humphrey administration sent more than 500,000 men to Vietnam, worsened the budgetary deficit and left urgent domestic needs without sufficient credits, while inflation gathered speed within a recession.

In less than two years Mr. Nixon reduced American troop strength in Vietnam by more than one half, destroyed "enemy bases in Cambodia," succeeded in "the disruption of enemy lines" in Laos and thereby reduced "the capability of the North Vietnamese to sustain major offensives in South Vietnam."

In short, he could report that he had succeeded in the difficult policy of Vietnamization, and indispensable and decisive stage on the path to peace. Yet the press maintains its critical attitude, the Democratic opposition is harrowing him and public opinion polls show that his popularity in the U.S. is declining.

The President may well wonder what has to be done to win favor with the gods, the journalists, the people, the Democrats, the North Vietnamese and the Viet Cong.

This political slugger and pillar of sincerity then chose to play his final trump. He told the nation, "In my campaign for the presidency, I pledged to end American involvement in this war. I am keeping that pledge. You should hold me accountable if I fail." Little room for ambiguity here. Mr. Nixon would no longer be President after 1972 if, by that time, the Americans are still in Indochina.

A few weeks ago he privately told a businessman that he would stand down in 1972 if the U.S. economy were not back on its feet by then. As Stewart Alsop said in a recent issue of Newsweek, "so shrewd and longheaded a professional politician as Richard Nixon" would not risk making a double bet—on Vietnam and on economic progress—if he were not absolutely certain of winning it.

And what of those who bet against him? Democratic senators Edmund Muskie, George McGovern, William Fulbright, for example, harass Mr. Nixon constantly. How convinced are they that the President does not want peace and cannot secure it? This question is of course of very limited interest inasmuch as these critics have not staked their seats in the Senate on the outcome. And in any case one such mistake does not necessarily compromise a politician's career.—*Claude Julien, Le Monde, Paris.*

NEW PLANT DEDICATED

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. MIZELL. Mr. Speaker, it is always a pleasure to recognize outstanding achievements, no matter what the field of endeavor may be.

One outstanding achievement I would like to comment on at this time is an innovative approach to cleaning up a large portion of the Nation's land pollution.

As everyone here knows, much of our landscape today is blighted by abandoned, deteriorating automobiles. Millions of these unsightly vehicles now line our highways as symbols, not only of an environmental nightmare, but of a national disgrace as well.

But a company in North Carolina has set about to remove these battered wrecks from the countryside of our State. The United Auto Disposal Co. recently conducted formal opening and dedication ceremonies for a new automobile fragmentizing plant in Kernersville, N.C., a part of the Fifth Congressional District, which I am privileged to serve.

This new fragmentizing plant, according to its owners, is capable of shredding abandoned automobiles, at a rate of one every minute, into steel balls about the size of a fist. These balls are then recycled for new uses, thus conserving a natural resource, and, in the best spirit of free enterprise, doing it at a profit.

It was a privilege to serve as principal speaker at the dedication ceremonies, and I was greatly impressed with the concern and the expertise that went into this project, and I am sure my colleagues join me in congratulating the United Auto Disposal Co. for this outstanding and innovative achievement. This is a giant step in the right direction toward winning the fight against pollution.

A more complete explanation of the new facility is included in an article published in the February 1971 edition of Secondary Raw Materials, a trade publication.

For the benefit and information of my colleagues, the article follows:

UNITED AUTO DISPOSAL CO. DEDICATES NEW PLANT

Officials of United Auto Disposal Company conducted formal opening and dedication ceremonies for their new plant in Kernersville, North Carolina on December 28, 1970.

Many state, county, and local city officials as well as representatives of the auto wrecking industry and the press were present for the occasion.

PRINCIPAL SPEAKER

Congressman Wilmer D. Mizell of the Fifth Congressional District of North Carolina was the honored guest and principal speaker at a luncheon held at the Albert Pick Motel in conjunction with the official opening and dedication of North Carolina's first automobile fragmentizing plant.

NEW PARTNERSHIP

The plant, United Auto Disposal Company, is located in Kernersville, North Carolina on U. S. Highway 421 West and was formed as a partnership by two of North Carolina's oldest and largest scrap metal processing companies, Brenner Iron and Metal Company of Winston-Salem and Levin Brothers of Burlington. Brenner Iron and Metal Company is a subsidiary of Brenner Industries.

COMMUNITY SPIRIT

Paul Ebert, General Manager of United Auto Disposal, welcomed the visitors and guests who were present and commented about how pleased he and his company are to be a part of the Kernersville Community. The Kernersville area of North Carolina was selected as the site of this installation because of its central location to the Triad Area. In addition, its close access to Interstates 85 and 40 should encourage the disposal of autos within a large radius of the plant.

ABANDONED AUTOS

In commenting on the culmination of nearly nine months of construction work, Abe Brenner, one of the officials of United Auto Disposal and Executive Vice President of Brenner Industries, commented that "Our fragmentizing installation, now completed, has the capacity to shred every abandoned automobile that would be generated in this area. If a problem NOW exists regarding abandoned autos in this part of North Carolina, that problem would have to be getting people to WANT to dispose of these battered hulks that litter our highways."

United Auto's equipment is capable of taking autos with car seats left in them, which should be of tremendous help to the auto wrecking industry and to the enforcement of the open-burning laws. In continuing his comments, Mr. Brenner stated "That a spirit of citizenship and cooperation will be necessary to completely solve this environmental and pollution problem."

SECRETARY OF TRANSPORTATION

Secretary of Transportation John A. Volpe commented recently that "In our major cities, cars are being abandoned at the rate of 1 or more every 30 minutes; in Chicago it is 2 every 15 minutes. We have reason to believe that there are between 10,000,000 and 30,000,000 junked automobiles lying about the countryside and laid to rest in automobile graveyards." This problem has also been an acute problem in this area.

RECYCLING

Seymour Levin, another United Auto official and Vice President of Levin Brothers, commented that "The recycling of old autos through United Autos' fragmentizing plant will help conserve the natural resources of America." This fragmentizing plant has the capacity to shred old autos at the rate of one a minute, turning them into chunks of steel about the size of your fist. This product is then shipped back to steel mills and foundries to be remelted and made into new products of steel.

There are now only approximately 75 fragmentizing plants scattered throughout the United States. The plant, representing an investment of slightly more than $1,000,000, is powered by a 3,000 horsepower motor, one of the largest in the Duke Power Company's system. The giant hammermills are fed by an electric Pedestal Crane and the Control Tower in which the fragmentizing operator performs his functions very closely resembles a Control Tower seen at airports.

Once an auto is placed in the hammermill, it then goes through a system of being shredded and on to conveyor belts where powerful suction forces remove the lint and fabric material and blows this into silos. Continuing on its way over many conveyors, dirt is separated from the auto and the non-ferrous material is separated from the steel of the automobile by magnetic separator drums. The final end product is moved off the end of the conveyor into railroad cars.

WEIGHT CONTROLS

An interesting feature at United Auto's plant is the 70 foot long scale suitable not only for weighing incoming trucks which bring in old autos to the plant, but also being able to weigh loaded railroad cars prior to their leaving the plant on their journey to steel mills. This scale, one official commented, is perhaps the largest privately-owned scale in the southeast.

CHAIRMAN OF THE BOARD

Morris Brenner, chairman of the Board of Brenner Industries, stated that "One of the plus factors which we feel will benefit the surrounding cities is the fact that the fragmentizing equipment can also shred discarded refrigerators, stoves, washers and dryers." One city official attending the opening luncheon stated that this in itself will generate a great deal of saving on landfill costs to his city.

DEAN OF THE COMPANY

After lunch at the Albert Pick Motel, visitors and guests were transported by bus to the plant site where a huge red ribbon was cut by Sol Levin who was referred to as "The Dean of this Company." Mr. Levin has been in the scrap processing industry more than half a century and recollects quite vividly in comments that he made "of the old horse and buggy days and when old autos were cut up with an ax."

VISITATION

Visitors were then given a demonstration of the shredding process and then allowed to roam throughout the plant area inspecting equipment and facilities.

CREATIVITY IN CRISIS

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. ROONEY of Pennsylvania. Mr. Speaker, I would like to call the attention of my colleagues to the centennial exhibition of the Episcopal Diocese of Bethlehem, Pa., entitled "Creativity in Crisis." This fine art exhibition is evidence of the diocese's recognition of the problems which face humanity today. The diocese is celebrating its opportunity to serve society in the next hundred years as well as its past century of distinguished service.

The organization and success of this art exhibition is partly due to the centennial art committee cochairmen, Mrs. Philip I. Berman, who lent the exhibition many of the Berman's own art treasures, and Mrs. Peter Prichett. The centennial exhibition exists because of the desire of museums and institutions as well as private citizens from the United States and abroad to make the centennial celebration of the Bethlehem Episcopal Diocese a relevant, meaningful occasion.

The exhibit was on public display at Lehigh University from April 24 through May 14, and currently is being displayed at the Reading, Pa., Public Museum and Art Gallery through June 13. From June 20 through July 24 the collection will be exhibited at the Everhart Museum, Scranton, Pa.

I invite the attention of my colleagues to the catalog of the Centennial Exhibition—Diocese of Bethlehem reprinted below in part:

CREATIVITY IN CRISIS, 1871–1971

How do men face crises?

Some in fear and frustration. Some in chaos and confusion. But some with courage and confidence.

As the people of the Diocese of Bethlehem of the Episcopal Church came to their Centennial year, it was obvious that the affairs of men were in crisis. We were living in one of the great watershed ages of society, a wonderful and a terrifying time.

We, of the Christian Church, bring to this age a Judeo-Christian heritage of faith that for us answers fear, brings order out of chaos, and grants courage. "Power to the people" can be understood as a profoundly religious expression. It is a modern paraphrase of St. John's words, "As many as receive Him, to them gave He power."

Thus, the theme of the Centennial quite naturally became "Creativity in Crisis." We would celebrate not a hundred years just past but a long and ancient tradition of faith in God who continues to create. We would witness in this radically changing time to One who works in change; who said, "I make all things new." We would share with all men our hope in the future as an exciting and joyful opportunity to build new relationships in a better world. Peace and power, love and joy for all men are the Centennial keynotes.

We are celebrating this Centennial ideology in many ways, not the least of which is through the arts—music, poetry, drama, painting and sculpture. For the artist deals in the crisis of creation as the very nature of his being. He gathers up the questions and the answers of his intimately personal life as well as of the social order and creates "things old and things new." In that sense, the artist is truly religious whatever his professed allegiance or lack of it to conventional religion. He makes the creative gift of his life to others. There is no greater gift.

The purpose of the Centennial Art Exhibit, then, is to sample the creativity of the past one hundred years that these men and women of special gifts may speak to us for the years that are ahead. Some speak quietly, some boldly. Some speak in desperation and some in courage. Some speak in a distant coolness and others in an almost embarrassing intensity. So be it. This is the human condition. God reveals something of Himself and His world in every man.

We thank those who through their willingness to share in the Centennial made this exhibit possible: Lehigh University, the Metropolitan Museum of Art in New York City, the Philadelphia Museum of Art, the Muriel and Philip Berman Collection, Mrs. Katharine Terry, M. Gabriel Loire, Madam Francoise Gilot-Salk, the Reading Museum of Art and the Everhart Museum of Scranton.

We express appreciation to Mrs. Peter Prichett and Mrs. Philip Berman, co-chairmen, who with their committee made all the arrangements.

In honor of the Centennial, the Diocese of Bethlehem happily makes the gift of this exhibit to all people.

(Rt. Rev. Frederick J. Warnecke.)

LENDERS TO THE EXHIBITION

Philip and Muriel Berman Collection.
Harry Bertoia.
Lehigh University.
Gabriel Loire, Chartres, France.
Metropolitan Museum of Art.
Bishop Paul Moore, Jr.
Philadelphia Museum of Art.
Francoise Gilot-Salk.
Katherine Terry.
Washington Cathedral, Washington, D.C.
Bishop Frederick Warnecke.

INTRODUCTION

One hundred years ago—the country was beginning to unite again after a disastrous Civil War—the Metropolitan Museum in New York was about to open its doors for the first time—the automobile and telephone had not yet been invented—and in eastern Pennsylvania the Episcopal Diocese of Bethlehem became a reality.

One hundred years—a changing world—the computer, penicillin, heart transplants, supersonic airplanes, polio vaccine, atomic bombs, a trip to the moon, modern art.

One hundred years—only man's life-style has changed—his longings, purpose, fulfillment remain the same.

One hundred years of crisis and fulfillment. All of the artists included in this exhibition were painters ahead of their time—with an important message—with innovative methods of expression. The crisis of the times encouraged the creativity of the artist. It hardly seems possible that some of the paintings included in this exhibition, which we calmly accept as beautiful—caused a sensation when first exhibited many years ago. Somehow the ideas and ideals of these prophets prevail—they have been heralders of achievement in the arts.

Looking to the future—We commissioned a magnificent lithograph and poster—created expressly for this Centennial by Francoise Gilot-Salk—representing a tapestry of ideas synthesizing our hopes for the future of man.

We present Tonal Sculpture—a new art form by Harry Bertoia. The combination of pure lyrical sculpture, capable of magnificent musical sound—actually the creation of sculpture as a new musical instrument.

We exhibit a new free spirit in ecclesiastical art—a loosening of bonds and trappings—a reverence for the old but excitement in the new—a true creation of self-expression—a giant step into the next century. (Mrs. Philip Berman).

ACKNOWLEDGMENTS

In the preparation of this catalogue and exhibition we were assisted by the following individuals to whom the Centennial Art Committee wishes to express its gratitude: Evan H. Turner, Director, Philadelphia Museum of Art; John Tancock, curator of American Art, Philadelphia Museum of Art; Gertrude Toomey, registrar, Philadelphia Museum of Art; Thomas P. Hoving, director, Metropolitan Museum of Art; John K. Howat, curator, American Paintings and Sculpture, Metropolitan Museum of Art; W. Deming Lewis, president, Lehigh University; Professor Francis J. Quirk, curator, Permanent Collections, Lehigh University; Philip Berman, Allentown, Pa.; Rt. Rev. Frederick J. Warnecke, Episcopal Diocese of Bethlehem; Harry Bertoia, sculptor, Bally, Pa.; Charles Elliott, Jr., director, Reading Public Museum and Art Gallery; Carl E. Ellis, curator of art and assistant director, Everhart Museum, Scranton, Pa.; Robert C. Muir, vice president, Huntzinger Printing Corp., Camden, N.J.

We wish to express our appreciation to Madame Francoise Gilot-Salk of France and California for creating an original lithograph and poster which has become the emblem of the Centennial. Mrs. Philip Berman, Allentown, Pa.; Mrs. Peter Prichett, Bethlehem, Pa.

CREATIVITY IN CRISIS

Creation is love expressed—

The Universe and Mankind reflect God's love. In the same way, I believe that creativity is the core of the living force which allows Man, to evolve, to go forward, triumphantly over the destructive forces within himself and in the World.

A crisis represents danger as well as opportunity, or rather opportunity as well as danger.

The Christ said "Let the dead bury the dead."

A crisis arises when some of our values or ideas become like withered leaves, they have to fall in order to release a new process of growth.

A crisis can carry a message of "Hope" rather than "anxiety."

Man as a sentient and thinking being must become the conscious vehicle of creativity and love rather than the vehicle of negativity and death.

In my project I used the image of a youth opening the path to a child.

It could be St. John the Baptist and the Christ. The youth (St. John) in half-shadow is the truth which starts to emerge in the present, sheltering and making possible (the Christ) becoming in full light, light itself, self-evident and thoroughly expressed in the future. But it can be true of all of us—if we allow creation to be continued. The Youth holds the stick of *"Order"*, discipline of the self which relates to the landscape, where on top of a Mount stands the Church, *"Tradition and Teaching"* and shows direction toward the open skies of infinite possibilities.

These are a few of the thoughts I had in mind when working on this project.

(Francoise Gilot-Salk.)

PAINTINGS

Francoise Gilot-Salk. Cover—"Creativity in Crisis." c.1971. Gouache, 25¾ x 19¾ in. Commissioned especially for the Centennial Celebration. Lent by the artist.

1. George Innes (1824–1894). "Tenafly Oaks, Autumn." c. 1892. Oil, 30 x 45 in. Lent by Lehigh University.

2. Winslow Homer (1836–1910). "A Rainy Day in Camp." c.1871. Oil. 19⅞ x 36 in. Lent by the Metropolitan Museum of Art, Gift of Mrs. William F. Milton, 1923.

3. Thomas Moran (1837–1926). "The Teton Range." c.1897. Oil, 30 x 45 in. Lent by Metropolitan Museum of Art, Bequest of Moses Tanenbaum, 1939.

4. James McNeill Whistler (1834–1903). "Lounging." c.1894. Lithograph. 13¾ x 10¼ in. Lent by Philip and Muriel Berman Collection.

5. Mary Cassatt (1844–1926). "Two Women, One Sketching." c.1869. Oil, 30 x 25 in. Lent by Philip and Muriel Berman Collection.

6. John Singer Sargent (1856–1925). "Madame Belleroche." c.1884. Oil, 21½ x 17½ in. Lent by Philip and Muriel Berman Collection.

7. John Henry Twatchman (1853–1902). "Horseneck Falls." c.1890–1900. Oil, 30 x 26 1/16 in. Lent by the Metropolitan Museum of Art, Bequest of Miss Adelaide Milton De Groot (1876–1967), 1967.

8. Theodore Robinson (1854–1896) "Old Mill." c.1892. Oil x 21⅞ in. Lent by the Metropolitan Museum of Art, Gift of Mrs. Robert W. Chambers, 1910.

9. Childe Hassam (1859–1935). "Broadway at 42nd Street." c.1902. Oil, 26 x 22 in. Lent by the Metropolitan Museum of Art, Bequest of Miss Adelaide Milton De Groot (1876–1967), 1967.

10. Albert Jean Adolphe (1865–1940). "Over the Roof Tops." c.1905. Oil, 20 x 37 in. Lent by Philip and Muriel Berman Collection.

11. George Luks (1867–1933). "Boy With Bowl." c.1921. Oil, 30 x 25 in. Lent by Lehigh University. Gift of Wilson Collection.

12. Ernest Lawson (1873–1939). "Harlem River." c.1915. Oil, 20 x 34 in. Lent by Lehigh University, Gift of Wilson Collection.

13. Robert Henri (1865–1929). "Irish Girl." c.1927. Oil, 28¼ x 20 in. Lent by Philip and Muriel Berman Collection.

14. Maurice Prendergast (1859–1924). "The Rogue." c.1920. Oil, 28½ x 31½ in. Lent by Lehigh University, Gift of Mr. and Mrs. Ralph L. Wilson, 1921.

15. William Glackens (1870–1938). "Nude Dressing Hair." c.1914. Oil, 30 x 25 in. Lent by Lehigh University, Wilson Collection, 1952.

16. John Sloan (1871–1951). "The Telephone." c.1906. Drawing, 17½ x 12¾ in. Lent by Philip and Muriel Berman Collection.

17. George Bellows (1882–1925). "The Agitators." c.1915. Drawing, 26 x 17½ in. Published in "The Masses" 1915. Lent by Philip and Muriel Berman Collection.

18. Marsden Hartley (1877–1943). "Fruit in Basket." c.1935. Oil, 22 x 36½ in. Lent by Lehigh University, Wilson Collection, 1960.

19. John Marin (1870–1953). "Delaware River Country, Pa. No. 3." c.1916. Oil, 19 x 16 in. Lent by the Philadelphia Museum of Art.

20. Charles E. Burchfield (1893–1967). "June." c.1953. Watercolor, 40½ x 30½ in. Lent by Lehigh University. Gift of Wilson Collection, 1965.

21. Edward Hopper (1882–1967). "House in Italian Quarter, Gloucester." c.1923. Watercolor, 14 x 20 in. Lent by Philip and Muriel Berman Collection.

George Bellows purchased this painting from Hopper's first exhibition (Rehn Galleries) in 1924, as a Christmas present for his wife. He died the following year. Mrs. Bellows always referred to it as the "Yellow House."

22. Georgia O'Keeffe (born 1887). "After a Walk Back of Mabel's." c.1929. Oil, 40 x 26½ in. Lent by the Philadelphia Museum of Art.

23. Arthur B. Carles (1882–1952). "Turkey." c.1927. Oil, 64 x 51½ in. Lent by the Philadelphia Museum of Art.

24. Gifford Beal (1879–1956). "Palm Trees, Haiti." c.1945. Oil, 24 x 36 in. Lent by Lehigh University. Gift of Ralph L. Wilson, 1958.

25. Milton Avery (1893–1965). "Nude." c.1956. Oil, 40 x 30 in. Lent by Philip and Muriel Berman Collection.

26. Eugene Berman (born 1899). "View in Perspective of a Perfect Sunset." c.1941. Oil, 34 x 49 in. Lent by the Philadelphia Museum of Art.

27. Raphael Soyer (born 1899). "Girl Thinking." c.1949. Oil, 27 x 30½ in. Lent by Philip and Muriel Berman Collection.

28. Andrew Wyeth (born 1917). "Landscape." c. early 20th century. Watercolor, 13¾ x 20⅜ in. Lent by the Philadelphia Museum of Art.

29. John Heliker (born 1909). "Still Life With White Flowers." c.1960. Oil, 25 x 40 in. Lent by Lehigh University.

30. Jack Levine (born 1915). "Careless Love." c.1954. Sepia etching, 17½ x 27¾ in. Lent by Philip and Muriel Berman Collection.

31. Leonard Baskin (born 1922). "Self Portrait, Age 42." c.1964. Colored woodcut, 32 x 23½ in. Lent by Philip and Muriel Berman Collection.

32. Paul Jenkins (born 1923). "Phenomena—West Spector." c.1964. Oil, 20 x 73 in. Lent by the Philadelphia Museum of Art.

33. Sidney Gross (1921–1969). "U.F.O. No. 27." c.1966. Oil, 36 x 30 in. Lent by Lehigh University, Louis and Betty Adler Foundation.

34. Andy Warhol (born 1930). "Portrait of Jackie Kennedy." c.1963. Silk Screen, 40 x 32 in. Lent by the Philadelphia Museum of Art.

35. Roy Lichtenstein (born 1923). "Sweet Dreams, Baby." c.1966. Colored lithograph, 36 x 25¼ in. Lent by Philip and Muriel Berman Collection.

36. Francoise Gilot-Salk. Color Plate No. 1. Ochre. c.1971. Lithograph, 25¾ x 19¾ in. (Color plates for original lithograph "Creativity in Crisis".)

37. Color Plate No. 2. Blue. Lithograph.

38. Color Plate No. 3. Deep Grey. Lithograph.

39. Color Plate No. 4. Light Violet. Lithograph.

40. Color Plate No. 5. Red. Lithograph.

41. Color Plate No. 6. Beige. Lithograph.

42. Color Plate No. 7. French Grey. Lithograph.

No. 36 through No. 42 are original individual printings from the 7 different color plates created by the artist, which when properly superimposed create the finished lithograph. They were done by Madame Gilot-Salk at the renowned House of Mourlot in Paris, France. Lent by the artist.

43. Francoise Gilot-Salk. "Creativity in Crisis." c.1971. 25¾ x 19¾ in. Completed lithograph in colors from the original above seven plates. Created especially for the Centennial Celebration. Lent by the artist.

SCULPTURE

1. Harry Bertoia (born 1915). "Musical Sculpture." c.1968. Welded bronze, 75 in. high.

2. Harry Bertoia. "Tonal Inconel." c.1968. Aluminum bronze, 52 in. high.

3. Harry Bertoia. "Bush." c.1966. Green bronze, 21 in. high.

4. Harry Bertoia. "Hollow Forms." Iron, 10 x 8 x 10 in.

5. Harry Bertoia. "Spray." c.1967. Stainless steel, 61 in. high. Sculpture lent by the artist.

ECCLESIASTICAL ART

1. Designed by Katherine Terry. "Frontal." Original cartoon for the War Memorial Chapel, Washington Cathedral, Washington, D.C. 10 x 30 in.

This abstract design symbolizes "the union of all sacrificed souls with the sacrifices of our Lord, all drawn up into the glory of the Risen Christ."

2. Designed by Vienna Anderson, Chasuble. "Celebrate Life." Rich embroidery on hopsacking, 51 x 57 in.

(Gift to the Right Reverend Paul Moore, Jr., Bishop Coadjutor of the Diocese of New York, by St. Stephen's and Incarnation Church, Washington, D.C., and Associated Parishers. Presented to Bishop Moore at the General Convention, Houston, 1970.)

3. Designed by Katherine Terry, inspired by Mrs. Charles Mastin. "Red Stole." Embroidery on wool, 7 feet 10 in. long.

The seven pointed star of Bethlehem and the stylized "plates" from the seal of William Penn, also found in the seal of the diocese, relate this stole to the Bishop of Bethlehem. The fleur-de-lis, symbol of the Trinity, recalls Trinity Cathedral, Newark, New Jersey, of which Bishop Warnecke was dean. A red stole is used for Confirmation and Ordination, both specifically acts of a bishop. Red is also the color of the Holy Spirit. Lent by The Right Reverend Frederick Warnecke.

4. Designed by Katherine Terry. "White Stole." Embroidered raw silk, 7 feet 10 in. long.

The symbolism relates to a bishop and the church. The ship represents the church on its course in the world. The anchor is hope, the cross on the sail is faith, the mast the pastoral staff of the bishop, and so portrays the bishop as shepherd. On the yoke of the stole is the seven pointed star of Bethlehem. Lent by The Right Reverend Frederick Warnecke.

5. Gabriel Loire, Artist (Chartres, France). "Design for Stained Glass Window." Tempera, 17½ x 40 in.

Installed at Talbot Hall, Chapel of Hope, Jonestown, Pa. This magnificent many faceted window reflects the spirit of the institution, an open group therapy center for adolescent girls. The intense blues of the sky and stars express hope and renewed life, and are reminiscent of Bethlehem. The window is 9 x 28 feet. Lent by the artist.

6. Designed by The Reverend John Henry Hopkins, Jr. (composer of the hymn "We Three Kings of Orient Are"). "The Bishop's Staff." c.1882. 65 in. high.

Shaft is ebony, ivory, holly, teak and sandalwood. The base of the shepherd's crook has inscribed the names of the first bishops of the Diocese of Bethlehem. The curve of the crook is magnificently carved and encrusted with jewels and colored enamel. Centered in the crook is a figure of Christ as the Good Shepherd standing in the midst of His flock. The sheep represent the continents. "The smallest and youngest being America, and this is the lamb in His arms, the dearest place of all." In contrast the Bishop is directed to carry the staff so that the Angel, bearing a cross, faces toward the Bishop, to remind him that he must be prepared to suffer if needed here upon earth.

The Bishop's staff is a reminder that the Bishop is the Chief Pastor of the Diocese. Property of the Diocese of Bethlehem. Lent by The Right Reverend Frederick Warnecke.

A TRIBUTE TO SMALL BUSINESS WEEK CELEBRATED IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. BEGICH. Mr. Speaker, the people of Alaska are preparing to celebrate Small Business Week, in honor of the enterprising spirit that has bolstered the commercial position of the State to an extraordinary extent.

The growth of Alaskan commerce over the past few years is truly phenomenal. Much of this is clearly the product of what well can be regarded as big business—the fishing, mining, lumbering industries, for example; and the developing oil boom on the North Slope. But for every case of big business enterprise in Alaska, there are 10 to 20 examples of small businessmen in action, and the activity thus generated is vital to the soaring State economy. Small groceries, launderettes, trucking concerns, builders and building supply outfits, airlines, haberdashers—just to name a few small business enterprises in Alaska. There is also the rapidly growing tourist trade, almost all of which rebounds to the advantage of the small businessman.

In the grand tradition of the American frontier, Alaska has been founded on the enterprising spirit of adventure, fostering the growth of hundreds upon hundreds of independent commercial ventures, to the distinct advantage of the State.

I would like at this time to pay tribute to the independent man of commerce in the sovereign State of Alaska, on the occasion of Small Business Week.

MILITARY PROMOTIONS BASED ON RACE RELATIONS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. RARICK. Mr. Speaker, the new Army now announces that officers' efficiency reports are to include performance rating in race relations.

In other words, our officer cadre must now take positive action to promote race relations if they are desirous of promotion or maintaining a good efficiency rating.

Gone forever are those days when Army officers were promoted because of leadership, performance, and intelligence. Now, that officer who does not exemplify an exceptional race relations performance can not only expect not to be promoted, but may suffer being relieved of his duties, that is, unsatisfactory performance.

I insert a news clipping and General Westmoreland's interview with the Army Family reporter on race relations at this point:

[From the Army Times, May 19, 1971]

OER'S TO INCLUDE RACIAL RELATIONS

WASHINGTON.—Two sensitive areas of officer performance—race relations and relief for cause—will receive more attention from raters on future Officer Efficiency Reports.

Newly changed regulations require a special OER to be filed whenever an officer is relieved of his duties for cause, as for example, unsatisfactory performance.

The changed reg. AR 623–105, also calls for specific narrative comments "as appropriate, to indicate the quality of performance in the equal opportunity area of commanders and all other officers with supervisory responsibilities."

The Army's sharper focus on equal rights performance of commanders followed up a directive by Defense last December which ordered all services to take such Defense authorities at the time made it plain they wanted commanders who "drag their feet" on equal opportunity matters to be denied promotion and face possible removal from command or similar penalties.

Under the new OER rules, a special report is required whenever an officer is relieved for cause, regardless of the number of duty days involved.

For the first time in the OER reg, a policy has been adopted of requiring full details on why an officer has been relieved for cause.

Not only must the reasons be given, but the person who directed the relief must be identified—and he must give the explanation.

In addition, the OER must rate an officer's performance for the full period of the report, not merely on his brief foulup.

The official instructions in the changed reg say:

"When the reason for submitting a report is the relief of the rated officer for unsatisfactory performance, the rater or indorser, whoever directed the relief, will include in the report pertinent details as to the causes for the relief and actions taken by him to insure the correctness of the relief, to include positive notification to the rated officer that his relief was for unsatisfactory performance.

"If the rated officer's relief for unsatisfactory performance was directed by an official other than the rater or indorser, that official will prepare and authenticate for attachment as an enclosure to the report a statement containing the information required above.

"The ratings and comments on the efficiency report prepared by the property designated rater and indorser will be completed in consonance with the provisions of this regulation to insure that the report contains an evaluation of the rater officer's manner of performance during the entire period and not just for a limited period or the incident which results in his relief."

The new rules could make a significant difference—possibly saving many officers' careers—in such situations as, for example, where a division commander might relieve an officer who is well respected and highly rated by his brigade commander.

[From the Family, May 19, 1971]

GEN. WILLIAM C. WESTMORELAND

Gen. William C. Westmoreland, former U.S. commander in Vietnam and Army Chief of Staff for nearly three years, holds stewardship over the Army during one of its most perilous periods. The 57-year-old officer is top soldier at a time when the Army is caught in the crossfire of scandals in its ranks and participation in an increasingly unpopular war.

For his on-the-record views on public confidence in the service, the volunteer Army, the Calley case and the state of soldier discipline, FAMILY held an exclusive interview with the general late one afternoon last month. Asking the questions were Army Times Associate Editors Gene Famiglietti, Randall Shoemaker and Larry Carney, and FAMILY Editor John Greenwald.

RACIAL DISCRIMINATION

FAMILY. Do you think the Army has done all that it can do to insure that Negroes are treated fairly and equally, not only in terms of official policy but right down to man-to-man, commander-to-troop relationships? Or do you think there is still more the Army, from the Pentagon to the orderly room, can do toward treating blacks?

WESTMORELAND. In the first place, I think you should recognize that the United States Army has been a national leader in integration. We have made an important contribution to American society over the years. But certainly we cannot rest on our laurels. We are not doing so. I had an indepth study made on this problem in 1969, and at that time we became keenly aware of the problems involved. I initiated a number of programs designed to insure equal opportunity and rid our ranks of discrimination. Basically, I think we have accomplished this, but we haven't "batted a thousand." We encounter problems every day.

The policy which the Secretary and I have enunicated, however, is well understood. Both of us have spoken at equal-opportunity conferences here in Washington and a Fort Monroe, Va. We are continuing to study the matter. We have set up equal-opportunity officers at the major headquarters to advise commanders. We have established committees to discuss and lay bare the problems in order to bridge the communication gap which has existed, to some degree, between blacks and whites.

We are doing out best to utilize black officers in the most effective way. We have a splendid group of black officers. We are concerned that we are not getting enough black lieutenants into our ranks. This hurts us now and creates a problem for the future as well. We've designed special programs to attract additional black lieutenants. As you well know, I have been a great champion of the black soldier. He certainly has performed well for me over the years—particularly in Korea and Vietnam.

The race-relations problems we face also exist in our civilian society. They are problems which must be addressed. We are addressing them head-on in order to make known throughout the ranks the fact that *any* discrimination is not tolerated within the United States Army.

Reaction to the Calley case

FAMILY. Are you surprised about the reaction that appears to be pouring into the Pentagon, Capitol Hill and the White House on the conviction of 1st Lt. William L. Calley? Are you surprised that the people seem to be taking the Army to task?

WESTMORELAND. It would be improper for me to talk about the Calley trial, the findings, the sentence, or any of the testimony given. On the other hand, I will talk about the principles involved.

The Army is guided in its conduct by the laws of the land. The Geneva Conventions of 1949 were ratified by the U.S. Senate and came into force for our country on Feb. 2, 1956. On that date, they became a part of the law of the land. Accordingly, the Army adheres to them. Technically speaking, we must. From a moral standpoint, however, we would not be a party to any other type of action.

Cases involving alleged violations of the rules of land warfare, as specified by the Geneva Convention, have been handled strictly in accordance with the Uniform Code of Military Justice. A military court is a jury of officers. In some cases the court can contain NCOs, also. In the Calley case the court consisted of six officers. All these officers had combat experience, and five had served in Vietnam. This was a jury-type action conducted strictly in accordance with the UCMJ—a part of the American system of justice. The review procedures established by the UCMJ are carefully prescribed and will, of course, be followed.

I think this due process came as somewhat of a shock to the American people. Unfortunately, the Army couldn't do anything about this. Any statement about this case could have jeopardized the trial; in other words, it could have been prejudicial to the accused. To protect his interests, the Department of the Army did not, and could not, offer any explanation of the events to the American public.

IMPOUNDMENT BINGE BY BUDGET BUREAU COSTS PRESIDENT IN LEGISLATIVE SUPPORT

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. EVINS of Tennessee. Mr. Speaker, in an excellent article in the National Journal, writer Andrew J. Glass in a comprehensive, indepth study reports as follows:

White House officials have increasingly come to recognize that resentment over the frozen funds on Capitol Hill may cost President Nixon vitally needed support for his legislative program.

Certainly the arbitrary and excessive impounding and freezing of funds appropriated for important and essential programs and projects by the Congress by the Office of Management and Budget has aroused deep resentment in many areas of the Congress because these impoundments constitute an assault on the constitutional power of the purse of the Congress.

The National Journal in its article lists the strong opposition to excessive impoundment of funds appropriated by the Congress by many leaders and Members including:

Speaker CARL ALBERT, Majority Leader HALE BOGGS, Majority Whip THOMAS P. O'NEILL, and Representatives CHARLES E. BENNETT, ROBERT N. GIAIMO, EDWARD P. BOLAND, chairman of the Subcommittee on HUD-Space-Science Appropriations; JAMIE L. WHITTEN, chairman of the Subcommittee on Agriculture-Environmental and Consumer Protection Appropriations; WILLIAM L. HUNGATE, WILLIAM R. COTTER, and ELLA T. GRASSO, and others.

Senator Majority Leader MIKE MANSFIELD and Senators ALLEN J. ELLENDER, chairman of the Senate Appropriations Committee; JOHN SPARKMAN, chairman of the Banking and Currency Committee; SAM J. ERVIN, chairman of the Judicial Subcommittee on Separation of Powers; HUBERT H. HUMPHREY, HENRY M. JACKSON, CHARLES McC. MATHIAS, JR., Senator FRANK CHURCH.

Organizations who have announced their opposition to the excessive impoundment of appropriated funds by OMB include:

The National League of Cities—U.S. Conference of Mayors; National Association of Home Builders, American Transit Association, National Housing Conference, National Association of Housing and Redevelopment Officials, Highway Users for Safety and Mobility; American Association of State Highway Officials, the AFL-CIO, among others.

Mayors John Lindsay, of New York, Thomas J. D'Alesandro, of Baltimore, Lee Alexander, of Syracuse, N.Y., and others have testified in opposition to the freezing of funds for important programs for the cities.

Many other officials and leaders not listed in the Journal article have testified before various Appropriations Subcommittees as in opposition to impoundment.

Because of the importance of this subject to my colleagues and the American people, I place excerpts from the National Journal article in the RECORD herewith.

The excerpts follow:

A major political battle is underway over $12,373,000,000 that Congress has appropriated for the current fiscal year but which the Administration is refusing to release to spend.

As the fight has progressed, White House officials have increasingly come to recognize that resentment over the frozen funds on Capitol Hill may cost President Nixon vitally needed support for his legislative program.

Consequently, the Administration is now taking a more conciliatory approach in its dealings with Congress on the issue. A net total of $389,000,000 has been released from previously blocked accounts since late March, when the unspent funds reached a peak 1971 level officially reports as $12,762,000,000.

The practice of declining to spend appropriations signed into law is known as executive impoundment.

Although impoundments rose to an all-time record level of $12,900,000,000 during fiscal 1970, political attacks against the policy remained relatively muted so long as Mr. Nixon could defend the practice as an essential instrument in his anti-inflation campaign.

But this year, the emphasis has shifted from combating inflation to spurring a sluggish economy and checking unemployment, which stood at 6.1 per cent of the work force in April. These were principal goals behind President Nixon's adoption of the "full employment" idea in his fiscal 1972 budget.

In view of this change in focus, Democrats in Congress, aided by like-minded pressure groups, have attacked impoundments, raising four basic charges:

That a Democratic-controlled Congress substantially reordered national priorities in 1969 and 1970 by redrafting large portions of the Nixon budget only to see this reordering undermined by impoundments.

That the money being withheld is heavily weighed with sums culled from programs initially enacted during Democratic Administration's—programs aimed at easing the fiscal plight of big U.S. cities, which are for the most part under Democratic political control;

That the Administration intends to withhold the impounded money well into fiscal 1972 (which begins July 1, 1971), when it will eventually be released in conjunction with next year's appropriations in an effort to shock the economy out of its doldrums and cut the unemployment rate prior to the 1972 national elections;

That the President views the impounded money as a bargaining chip, with legislative approval of major Administration proposals as his price for releasing a substantial portion of the funds.

Almost all of the impounded money is being withheld as a matter of policy not by the agencies to which the appropriations were made but by the Office of Management and Budget, formed last year as a successor to the Budget Bureau in an effort to give the President tighter control over federal outlays.

OMB Director George P. Shultz has rebuffed an informal proposal by members of the House Appropriations Committee that his agency keep them abreast of specific impoundments. "I would not want to make a commitment that every time we turn around . . . we make a report and send it around——

But top OMB officials privately concede that Shultz has yielded to anti-impoundment pressures in recent weeks—at the very least halting an upward spiral in the level of withheld funds. Specific impoundments released since March 26 include:

All $109 million that had been withheld from private U.S. maritime interests for payment of operating-differential subsidies:

$20 million of $38 million for the Office of Economic Opportunity.

$48 million of $49 million for an emergency credit revolving fund run by the Farmers Home Administration in the Agriculture Department.

Still, the over-all downward trend is only a 3-per cent drop from the peak level, and many major accounts remain impounded.

For example, OMB officials have refused to release any of the $1,175,500,000 now blocked in four huge frozen accounts of the Housing and Urban Development Department—for low-rent housing, model cities, urban renewal and basic water and sewer grants.

On a selective basis, OMB also has staked out fresh areas for impoundment. Thus, in late April, an impoundment order froze $25,000,000 earmarked for Alliance for Progress loans in Latin America, on grounds that there was no current demand for these loans.

Democratic leaders in the House have raised the issue of Administration impoundments as one of their major political themes this year.

The issue reached the House floor on April 27, when Majority Whip Thomas P. O'Neill, Jr., D-Mass., introduced a joint resolution instructing Mr. Nixon to release forthwith all impounded monies (H.J. Res. 577).

The President is holding these funds back for one reason, O'Neill told his colleagues. "(He) hopes to make these funds available in September so that the economy of the nation will be high. He has his eye on the election of 1972, and he wants to look good. That is why it is unfair."

The anti-impoundment drive, now in full swing as a publicity campaign, gained momentum in late March, when a heavily Democratic delegation of mayors from the nation's leading cities tried in vain to bring House Democratic leaders behind the Nixon revenue-sharing plan.

The main leadership response was to seek to change the focus to the impoundment issue, an area in which the mayors and the House leaders are in full accord.

Thus, while O'Neill was announcing his resolution in the House, Majority Leader Hale Boggs, D-La., said:

"It (impoundment) is particularly wrong now because the President is asking for revenue sharing with no strings attached. He is talking about revenue sharing for the cities when at the same time he is holding up funds that have been appropriated that are desperately needed by the cities.

Albert's role—House Speaker Carl Albert, D-Okla., has lent his personal prestige to the drive. At a March 25 press conference, the Speaker decried impoundments as "simply unacceptable."

His attack followed by two days a White House meeting between the President and big-city mayors at which, Albert learned the mayoral delegation raised the impoundments issue.

Following the Speaker's initiative, two freshman Democrats from Connecticut, Reps. William R. Cotter and Ella T. Grasso, announced that they would present a resolution to the House Democratic Caucus calling for "immediate release of all such appropriated funds." Their resolution was passed April 22 on a motion by Boggs.

Several members of the appropriations panel have spoken out against the Nixon impoundments. They include Reps. Robert N. Giaimo, D-Conn.; Edward P. Boland, D-Mass., chairman of the Subcommittee on HUD-Space-Science; Joe L. Evins, D-Tenn., chairman of the Subcommittee on Public Works—AEC; and Jamie L. Whitten, D-Miss., chairman of the Subcommittee on Agriculture-Environmental and Consumer Protection.

Evins' attitude is typical of the appropriations subcommittee chairmen whose sectors of the budget have been affected by the impoundments.

In a March 23 statement, he accused OMB of "arrogating power vested in Congress by the Constitution by disregarding priorities set by Congress and substituting its own judgment—rewriting legislation and appropriations—in effect, exercising what amounts to unconstitutional item vetoes."

An OMB decision to impound $600,000 for an American Museum of Atomic Energy at Oak Ridge, Tenn., has particularly infuriated Evins. The fiscal 1972 budget channels money for the museum (which would be built in his home district) into the general fund of the Atomic Energy Commission, a step that Evins calls "an unconstitutional item veto."

Until this year, Evins chaired the HUD appropriations subcommittee now headed by Boland.

Evins and others have focused much of their criticism on public works impoundments.

The Administration has impounded $91,700,000 in fiscal 1971 funds which Congress appropriated to begin construction on 145 public works projects which had not been approved in the President's budget. Funds for all of the new projects initiated by Congress are impounded, although some Administration-budgeted starts are going ahead.

Rep. William L. Hungate, D-Mo., has introduced a resolution (H. Res. 305) stating that it is the sense of the House that the President "should provide for the immediate release of funds which were appropriated by Congress for public works . . ." The resolution has 78 cosponsors.

Rep. Charles E. Bennett, D-Fla., entered the dispute after the President on Jan. 19 indefinitely froze funds for construction of a cross-Florida barge canal, which was begun in 1964 and is about one-third complete. Some $60 million has been appropriated to date for the project.

It is not a simple question of impounding funds, Bennett said. It is a simple question of repudiating the Constitution. There is not a court in the land that is going to uphold the President in this action.

On March 30, Bennett introduced a resolution (H. Con. Res. 244) to create a Joint Committee on Impoundment of Funds, which would conduct a continuing review of impoundment practices.

In Ford's (Gerald Ford, R.-Mich. House Minority Leader) estimation, the Administration's initial loss in the House on the supersonic transport program was directly related to the President's impoundment policies. "The issue was decided by Members who opposed the President's project because he had put their projects on ice. They found it difficult to vote for jobs for aircraft workers in Seattle when the Administration had cut off jobs at home." Ford said.

Republicans who acknowledged to Ford that their SST votes were influenced to some degree by impoundments include Reps. H. Allen Smith, Calif., who has a half-completed freeway project in his district; John J. Rhodes, Ariz., whose district would benefit from the central Arizona water supply and irrigation project; and Joel T. Broyhill, Va., who has a yet unstarted $10 million flood control project in his Washington, D.C., suburban district.

The Senate matches the House in the intensity of its concern over impoundment. But Senate criticism has aimed more at an alleged erosion of legislative power over the public purse and less at specific impoundment actions.

Majority Leader Mike Mansfield, D-Mont., told National Journal: "I don't think the President has the right to impound funds. They must spend the money, unless they have good and valid reasons for not doing so."

On April 5, Mansfield proposed that the House, which by tradition initiates all appropriations bills, should go to court to force the President to release impounded funds. "A grave constitutional question is involved," Mansfield said.

Mansfield has not brought the impoundments issue before the Senate Democratic Policy Committee, which he heads. One member of the panel said privately: "It's a damn good issue for us. But, right now, Ervin is running with the ball. I think the guys would like to see what develops over there first."

The informant was referring to Sen. Sam J. Ervin Jr., D–N.C. chairman of the Judiciary Subcommittee on Separation of Powers, which held hearings critical of impoundment practices in late March.

Two potential 1972 Democratic Presidential nominees have entered the impoundments dispute: Senators Hubert H. Humphrey, Minn., and Henry M. Jackson, Wash.

A powerful apostle of the anti-impoundments faction is Sen. Allen J. Ellender, Chairman of the Senate Appropriations Committee.

Ellender's threat to use the powers of the Senate Appropriations Committee to combat future impoundments and to rescind old ones could be a serious one.

There isn't a day that passes that they (OMB) don't come around and ask us for something, Thomas J. Scott, the committee's veteran chief clerk, told National Journal.

Two companion sets of public hearings during the current session have brought the impoundments issue into sharper focus in the Senate.

The first was held March 3–4 by the Subcommittee on Housing and Urban Affairs of the Committtee on Banking, Housing, and Urban Affairs. A second set was before Ervin's Judiciary subcommittee, March 23–25.

Sen. John Sparkman, D–Ala., chairman of the full banking committee and the subcommittee holding the hearings, sought to require the Nixon Administration to justify its withholding of $1.3 billion in funds for public housing, model cities, mass transit and water and sewer programs.

Ervin plans to introduce legislation to permit any Member of Congress to challenge impoundments from the House or Senate floor, without prior reference to a congressional committee.

High-Level members of the President's personal staff who must deal directly with Congress or with the press recognize that the President has suffered a blow from the high levels of impoundments.

Presidential Counselor Clark MacGregor told National Journal that some impounded funds would be realeased in mid-May. In meetings with the President, MacGregor has urged lifting impoundments on a selective basis. One purpose, he said, might be to aid sections of the country hit hard by unemployment, such as Seattle, where layoffs at the giant Boeing Co. have increased since termination of the SST program.

MacGregor said he also favors releasing funds for activities such as housing for the elderly—a program popular on Capitol Hill. Freeing funds for such programs as these, he said, will entail "small dollars, but benefits."

As the chief Nixon Liaison on the Capitol Hill, MacGregor is mindful that the release of impounded funds would improve chances of passage for other Nixon-backed programs.

MacGregor said "there is no question" that the Administration lost an SST decision in the House March 16 because of executive impoundments. You could say it was a determining factor, he said.

In a "deep background" session with reporters on April 7, Herbert G. Klein, director of communications for the executive branch, said the impoundment process has caused more individual complaints on Capitol Hill than any other issue.

Klein said May 10 "It (the impoundment policy) is not locked in concrete. At least the concrete has not dried."

Of the appropriated funds that were impounded March 26, OMB reports that $10,798,000,000 is being reserved for use in fiscal 1972 and beyond $1,025,000,000 is being held "for contingencies", $570,000,000 is being held up until specific projects for which these monies are earmarked are approved.

A wide range of powerful interests directly affected by the impoundments policy have entered the dispute, seeking to compel the Administration through a combination of political pressure and threats of legal action, to release the money.

Hard-pressed for funds, the nation's Governors and mayors have led the fight against Administration impoundments, with Democrats and Republicans joining equally in the battle. They have been bolstered by a host of quasi-public and private groups.

The National Governors' Conference, meeting last August in Lake of the Ozarks, Mo., challenged the Administration's basic right to impound funds.

On March 28, the Democratic Governors' Caucus, meeting in St. Louis, passed a resolution calling upon the President "to release all funds already appropriated by Congress but currently being withheld."

At a two-hour meeting with Mr. Nixon on March 23, a 30-member delegation of big-city mayors sought release of $1.3 billion in appropriated urban funds.

From the witness chair, Baltimore Mayor Thomas J. D'Alesandro III, D. asked the panel: What can the cities of this country do to get the money released? What can Congress—and, in particular, this committee—do?

The remaining mayoral witness, Lee Alexander, D-Syracuse, N.Y., chairman of the National League of Cities Community Development Committee, voiced strong support for the Nixon general revenue-sharing concept.

But, he said, "it is difficult to focus our attention on these reforms when it appears that some of our most essential programs currently aiding our cities are being curtailed. We would be able to approach a discussion of the President's proposals with greater confidence if full use were being made of the present meager funds."

Statements attacking the impoundment policy have been issued by the National Housing Conference, and the National Association of Housing and Redevelopment Officials (NAHRO), which represents housing authorities and urban renewal departments.

The Executive Council of the AFL–CIO, meeting May 11 in Atlanta, said the impoundments revealed "a firm determination to manipulate the federal treasury as a political tool in preparation for the 1972 election campaign."

The AFL–CIO added, in a statement, that the Administration had made "a cynical political decision to hold the funds until they can be doled out piecemeal to achieve maximum economic impact at a time when maximum political effect is desired.

The Nixon Administration's impoundment policies raise both constitutional and political questions which have yet to be resolved.

Although the Constitution offers no specific instructions on impoundment of appropriated funds, it does offer guidelines.

An item veto is not provided. The President must either veto an entire bill or sign it into law. Congress may override the veto with a two-thirds majority.

In the military sphere, the Constitution reserves to Congress the right to "raise and support armies" and "provide and maintain a Navy."

Mr. Speaker, the broad opposition in Congress and throughout the Nation to the action by OMB in the freezing and impounding of funds during a period of high unemployment testifies to the need for the administration to release funds in the public interest.

REVIEWING POVERTY IN AMERICA

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. DELLUMS. Mr. Speaker, I insert in the RECORD today a clearly focused overview of poverty and welfare in this country, contributed by a young man, Greg Bowers, whom I met recently on a speaking engagement at San Jose State College in California. I believe it would be valuable for my colleagues to keep in mind the vivid picture drawn by this man's research. We in the Congress have the responsibility for addressing the problem of poverty with more than stopgap measures or token programs that fail to answer the despair of those who have missed out on the American dream.

The material follows:

POVERTY

(By Greg Bowers)

I. No statistics can describe the sterility of hope and mind that characterizes poverty. No statistics can measure the emptiness of time as unemployment weighs heavy on idle hands. No statistics can depict the despair of the worker who brings home a paycheck that is totally inadequate for the sustenance of his family.

Yet some statistics are necessary. They do provide more tangible dimensions of the poverty problem and they do give us a "handle," as they say, in dealing with it. The statistics show that poverty is a pervasive phenomenon in our Society, even though we have made some significant inroads against it. In 1959 about 22% of our population were defined as poor by the official Government definition developed by the Social Security Administration. By the end of 1968, that number had been reduced to 13%—a very substantial gain in the fight against poverty. Yet, that 13% still represents some 25 million people, many of whom—the severely disabled, the aged, and those generally unfit for work—are not able to bring themselves out of poverty.

Though many of those 25 million people have incomes considerably above the median income of the general population in many other nations of the world, they are poor—and pitifully so—by US standards and prices. According to the poverty index prepared by the Social Security Administration, any nonfarm family of four which has an income of less than $3,553 per year is considered poor. That sum works out to only $2.43 per person per day to live on.

The statistics provide still other dimensions. About one-half of the nation's poor families live in the South, though poverty is well known throughout the nation. One-half of the poor are children under eighteen. Poor families are frequently larger than average size. About one-fifth of the poor are aged 65 and over; and many of the poor are in families headed by women. Perhaps most striking and baffling of all, one-third of the poor consist of families in which the father worked throughout the year, (1A)

They are the people who are in the backwaters of the economy—on small marginal farms where there just is not enough to take a living out of the soil any more. They are people who get sick and don't work for six months of the year. They are people who are dependent on seasonal types of industry. They are people who are not very skilled, who can't produce a lot, people of low intelligence. (2A)

A majority of the welfare recipients in the country are white (58%) and thousands of them—many from high-paying jobs, especially in engineering—are now discovering the shock of poverty for the first time. Forty-two per cent are nonwhite, more than three times their proportion of the population—testimony to the dislocation and discrimination in American society. Hundreds of thousands of blacks left the Deep South in the two decades following World War II. But a number of studies indicate that by and large they went north (and still go, though in smaller numbers) looking for work, not welfare. Most do not seek public aid until several years after they arrive. (2B)

II. Poverty, in addition to being a pervasive phenomenon, is also a very complete phenomenon; and its roots are many. People are poor because of low productivity due to a lack of education or training. They are poor because they may be handicapped or in ill health, or victim of discrimination, or had their skills made obsolete by a changing technology. They may be insufficiently mobile to go where the jobs are or they may be ignorant of them. They may be retired without a sufficient pension or savings. Or they may have family responsibilities which prevent them from going to work. Some are poor because poverty breeds poverty through family instability, delinquency, or a lack of opportunity to develop one's full potential. Most are poor for reasons outside their own control and obviously need the help of others. (1B)

III. Today, the lives of fully 13.5 million Americans depend on the jury-rigged red-taped apparatus of welfare in the US—increase of 70% over five years ago and a jump of 41% in the last 14 or 15 months alone. In Boston, incredibly enough, one person out of every five receives some sort of public assistance. In New York and San Francisco, the figure is one in seven, in Los Angeles, one in eight. (3A)

California and New York together account for 3,000,000 people receiving aid and distribute almost 37% of the nation's welfare money. The Cook County rolls will increase from 485,000 at the end of 1970 to 625,000 this year. In Newark, 25% of the population is getting aid, and Essex County Welfare Director Philip K. Lazaro says: "We are on the brink of financial disaster."

The drastic rise is almost uniform across the states, regardless of geography and size. In Los Angeles, the case load is now above 800,000 and rising by 10,000 to 15,000 a month. In the ten years from 1960 to 1970, the number of people AFDC covers has risen from 3,023,000 to 9,500,000; the cost has gone from $1,056,000,000 to $4,800,000,000. In the Northeast, Pennsylvania's welfare of costs have gone from $314 million in 1967 to an estimated billion dollars this year, and its welfare population has more than doubled; in Massachusetts, 3.9% of the population received help five years ago, while 8.6% get it now. In the Southwest, Texas saw its welfare rolls grow 67% in one year after a change in the laws. In the Midwest, Michigan expects to have one citizen in seven on welfare by 1972; last month Governor William Milliken proposed a cut in school funds of $15 million to help pay the current bill. (2C)

Currently there are four State-administered programs for which the Federal Government pays most of the costs as well as many limited local programs in which the Federal Government plays no role. The Federally financed programs are Old Age Assistance, Aid to the Permanently and Totally Disabled, Aid to the Blind, and Aid to Families with Dependent Children. In 1968 some 11 million persons of the 25 million poor received aid from one or another of them during some part of the year. It is this difference of some 14 million which has become a major rallying point of those who would guarantee assistance to all in need. For the current public assistance programs are not universal but categorical, and many of the poor do not fit the prescribed aid categories. (1C)

For present AFDC families—or any family with children and no employed parent—FAP will guarantee a minimum income: $2,400 in Federal funds for the typical family of four, but the family will not be eligible for food stamps. Stamps for a family of four works out to be about $864. States, mainly in the South, that pay less than the Nixon minimum would not be required to make any contributions at all to the plan—a bonus that may pay political dividends for the President; in the North, where welfare payments generally considerably higher, the exception is that states would pay two-thirds of the difference between the FAP level and their own—with the Federal government kicking in the final third and probably a bit more. But the real attraction for the states, as HEW planners see it, is the stipulation that no state's welfare bill in the future need be more than 90% of what it is now. In other words, regardless of how the welfare rolls grow, the Federal government promises to make up the added cost.

FAP also contains a new and comprehensive plan for the "working poor"—up to 11 million Americans whose full-time breadwinners cannot pull them across the poverty line. They constitute about 40% of all poor Americans but have generally not been able to qualify for welfare assistance. Under the President's plan, a "working poor" family of four would be able to keep their earnings and receive a government income supplement as well. The Federal booster drops off when the family's own income goes above $3,920, safely above the poverty line. Inclusion of the working poor could nearly double the number of those on welfare to 24 million—although Presidential advisers doubt everyone eligible would apply. (3B)

Suppose John Brown had a job making $2600 per year, then he would still be entitled to receive $1320 from the Federal Government.

UNSATISFACTORY SATISFACTION

I Substandard Living Conditions:

A. Welfare diets are substandard almost by definition and the results are inescapable: listlessness and lack of energy for adults and children alike. "The kids go to school most of the time with nothing at all," complains a militant New York welfare mother. "Now when he does that he's gonna nod. He's gonna be nodding all the time. And the teacher can call on him from 9 until doomsday and his mind ain't gonna catch on." (3C)

B. Last year a freelance writer, Mrs. June Bingham, tried to live on a welfare food budget. She learned about flash hunger pains and biscuits to assuage them, but even more about the debilitating effect of a lack of protein and vitamins. "I began to understand why poor children fall asleep in class," she reported. At the end of her welfare week, she had an egg for breakfast. "It gave me indigestion. I think perhaps it always will. If the occupational hazard of poverty is a chip on the shoulder, then the occupational hazard of affluence is insensitivity." (2D)

C. The public housing has been absolutely inadequate, unhealthy and unsafe for normal living conditions. For instance, New York City's Broadway Central Hotel, where the 31 year old black welfare recipient currently lives with her nine children and with 300 other welfare families who, for a complex range of reasons, have been unable to find low-cost apartments. The Broadway Central once ranked among Manhattan's most fashionable establishments, but last week it was a warren of despair. Some doors sagged on broken hinges, the bilious green walls were grimy and graffiti-stained and the gagging stench of excrement oozed from a hallway toilet. Mrs. Neal stared dully as an enormous cockroach skittered across a table, fell to the floor and disappeared under the filthy carpet. "I sleep on the floor," she said wearily. "We only have one bed, you know, and so sometimes I sleep on the floor." Mrs. Neal sighed as she gazed around the room, which contained only one dilapidated dresser, a table, one small soiled chair, a packing trunk and the rickety bed. Down the hall from Mrs. Neal's room, hot water hissed from a broken tap in the men's room. "I just make it," she finally said quietly. "I just make it." Health conditions in kitchenless rooms where families must cook on hot plates and wash dishes in bathroom sinks are atrocious. "Dysentery in these places is almost epidemic," reports Dr. Emil Pascarelli, chief of community medicine at Roosevelt Hospital. "There is a much higher incidence of respiratory and strep infections." Mrs. Angelica Mangual, a crippled mother of five living at the Manhattan Towers, put it simply and poignantly. "Because we're always getting colds, you know, and infections." (3D)

II. Inequities in Various States:

A. There are, as you are undoubtedly aware, many other criticisms leveled at our present welfare system. In addition to the charge of inadequate coverage, there is that of inadequate benefits and widespread differences among the states in the levels of benefits paid. The average benefit to families with dependent children is $40 per month per recipient. But average payments range among states from about $8 to $65 per month per recipient. Even if one allows for geographic differences in the cost-of-living, many of the states' benefit levels are obviously much too low; and the inequities are readily apparent in a system that permits people who are equally poor to receive such unequal aid. (1D)

B. For none of the State-administered programs has there ever been a national, uniform standard. Though the Federal Government pays approximately half the cost of all the basic programs except General Assistance, how much an individual receives is determined by what his state is willing to spend. In Mississippi, a mother and three children under AFDC must live on $840 a year; in New Jersey, the same family would receive $4,164, with no other circumstances of their lives changed. Washington sets some of the rules. To get at the funds, the states and localities meet the rules, often grudgingly, and then set some of their own. Rarely is bureaucracy flexible enough to encompass complex human situations. Often regulations that were sensibly written to prevent abuses end up strangling the system. (2E)

A. The excessive surveillance by the welfare establishment has also come under censure. There has been severe objection to the substantial and "overly zealous" caseworker involvement in the regulation of the welfare recipients' lives. (1E)

B. In Detroit, it means the threat of "special investigation" visit at 3 am and the warning that "indications of faulty housekeeping" may jeopardize assistance. "Indeed, a vigorous investigation in Nevada recently resulted in the disqualification of 22 per cent of all AFDC cases because previously undeclared income rendered them ineligible. Yet other studies in other states have shown the amount of fraud to be far less than the myth would have it. In perhaps the most celebrated case of its kind, a welfare crackdown in Newburgh, N.Y., in 1961 turned up only one able-bodied man on the town's welfare rolls. More recently, Vermont's Republican Gov. Deane C. Davis hired a pair of Pinkerton detectives to look into the rapid growth of state welfare costs under his Democratic predecessor. As it happened, the $10,000 paid by Davis for the investigation far exceeded welfare losses in the seven cases of chiseling that it turned up. In New York, Columbia welfare expert Ginsberg estimates the number of ineligibles on the rolls at only 2 to 3 per cent. (3E)

IV Lack of Incentives:

A. Finally, the charge of perverse incentives is raised. As currently set up, aid to families with dependent children encourages the break-up of the family. In many instances, husbands have allegedly deserted their wives so that the wives could collect assistance payments which would have been denied to them if their husbands were living with them. In addition, the wide disparity in state benefit payments serves to encourage uneconomic migration and compounds the welfare problem elsewhere. And lastly, the whole concept of forcing relief recipients to give up all or a major part of every relief dollar for every dollar earned certainly operates to discourage any incentive to work. (1F)

B. In Berkeley, Calif., a young husband and father, unemployed but trying to improve his future by attending college at night, is receiving aid. His caseworker informs him that by going to school he is violating the rules: he must be available for employment at all times. He quits school and is still on welfare. In New York's Puerto Rican barrio, a 32-year-old woman, born into a welfare family, has lived through an unremitting succession of misfortunes to herself and her five children. She takes some pride in having manipulated public and private welfare agencies to produce benefits of $368 a month. She has never had a stable family life with a man. She finally finds one: a neighbor with a steady job who wants to marry her. But he cannot: she and her children would lose all aid, and they are beyond his means of support.

She and many others are victims of the "notch effect" that diminishes the impact of America's welfare programs by diminishing incentives for self-improvement. A realistic example: a family receives benefits of $350 a month. The mother gets a $450-a-month job, but it involves expenses such as travel and baby sitters. The salary, however, puts her over the allowable income—the notch—and because the family loses all benefits there is no incentive to work. (2F)

SOLUTION

I A. President Nixon does not characterize his recent welfare reform proposal as a minimum income guarantee for families with children (because it requires male-headed families receiving it to register for work training) it can be considered one for practical purposes. When such plans are universal, rather than restricted to a selected population category, they have been more commonly referred to in the literature as a negative income tax. No one likes the negative income tax label and the trend is to try to avoid it. Hence, the rise of such names as "income supplementation" plans or "family assistance" plans: The latter is the term for Mr. Nixon's welfare recommendation. Thus, the Nixon proposal makes assistance available to all low income families with children, including those of the working poor. Third, the payments are structured in such a way as to provide more financial incentive for work or training than does the present welfare mechanism. Families with no income receive a set minimum income guarantee which will vary by family size. Families with income receive a smaller governmental income supplement. As a family's earned or imputed income rises, the governmental supplement decreases—but only by a fraction of the increase in income. Thus the plans give each income supplement recipient some incentive to work. Those who work will always have somewhat more income than those who do not. (1G)

B. The FAP game plan for the nonworking poor is considerably more complex, controversial and problematic. Basically, all state and Federal sanctions against the presence of employed adults in welfare families will be swept away. Indeed, all able-bodied adults—except mothers of pre-school children will be required to sign up for jobs or job training. The system will rise or fall on the effectiveness of a program of 150,000 new job-training slots and a network of day-care centers for half a million children. The centers are the key to channeling mothers—the majority of nonworking adults now on welfare—into the job market. Whether it is wise—or practicable—for government to force mothers to go to work is the subject of hot dispute. The likelihood is that most of these women—and welfare men as well—will have to work at substandard wages of $1.20 an hour—a prospect that spurs welfare activists to complain about "slave labor" and insist that these are the only spots open in plantation psychology. But HEW architects insist that these are the only spots open in the economy—even after unemployment returns to normal levels—and that they will provide beneficial "experience and skills." Richard Nixon's campaign emphasis on putting the poor to work—in one incarnation, FAP was actually referred to as "workfare"—has reinforced doubts about the possibly punitive aspects of the program. (3F)

Nixon: "I think those who refuse to register for work and accept work or training should be ineligible for welfare payments, and we have written such a stipulation into our welfare-reform proposal." The President was responding to arguments from the liberals that the work requirements for those on welfare would be too stiff or impractical. From the standpoint of congressional liberals, the vast number of those now on welfare are aged or families with dependent children. Also, at a time the United States is suffering 6% unemployment, it is especially unrealistic to expect that those in need of welfare are going to be given jobs, even if properly trained. (4A) The FAP has been attacked because it simply does not give the poor enough money to bring them above the poverty line (currently set at $3,967 for an urban family of four). By the Government's own standards, the proposal falls as short of the goal as the present system. A more fundamental criticism is that FAP does not offer any broad attack on the structural causes of poverty, as many Great Society programs attempted to do. (2G)

C. One possible alternative: the President could put aside his revenue-sharing plan and instead propose a full federal take-over of welfare. A number of benefits might result: the states and cities would have available for other programs the $6 billion they now spend on welfare—in effect, the no-strings money they would get under revenue sharing; with only the Federal Government financing welfare, one standard of aid would apply nationally, and one set of rules. (2H)

D. Since Nixon's plans must, for cost reasons, start out by closing only a portion of the poverty gap, there obviously will remain a need for other assistance for very large segments of the population. It seems doubtful that the nation could ever completely substitute the new system for the multiple structure we now have, particularly because it will never be flexible enough to meet the many-faceted needs of the poor, the multi-sided causes of poverty and geographical differences. Certainly for some time to come we must expect that we will continue to have in many areas, much the same kind of welfare system we now have. If that is so, we shall still be left with much of the so-called "welfare mess" and things will have been made even more complicated rather than simplified. We will then wind up with much of our present troubles plus a program that is completely new and different, and possibly incompatible in philosophy, concepts and mechanisms. (1H)

Therefore, I suggest the following implements be amended to Nixon's Family Assistance Plan.

II Substandard Living Conditions:

A. Provide a Federally financed guaranteed income so that all of the poor, including those who are single, would receive a total income above the poverty line; so that the people will not starve from lack of proteins and vitamins.

B. Provide modern and adequate living conditions, so that the people will not have to live in condemned housing.

III Inequities in Various States:

A. Provide an equal amount of guarantee income in every state, so that all the people will be able to live above the poverty line.

IV Incentives:

A. Provide Federally financed educational institutions which would include room and board; so that all the people would have an equal opportunity to further their education. So that the nation as a whole, would benefit by the investment in her human resources.

B. Provide Federally financed medical institutions, so that all the people that cannot afford it will be able to have adequate medical attention.

C. Provide an expansion in technological advancement, such as Oceanography, Ecology, Bacteriology; so that all the people will have an equal opportunity for employment.

D. Provide child care centers for those parents who are tied down by their children.

E. Provide decent (on the job training) positions for those who can't complete their education; but if they decide to continue their education, provide an equal opportunity for them to recontinue their education.

I In any case, it seems to me that the Congress and the thought leaders of our country should undertake serious examination of this subject in order to prepare for early action. We must overcome the failures of our present welfare system and we must take immediate steps to alleviate in an important degree the evil of poverty.

REGULATORY AGENCIES' GUIDELINES TO FINANCIAL INSTITUTIONS IN COMPLYING WITH FAIR CREDIT REPORTING ACT

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mrs. SULLIVAN. Mr. Speaker, the financial pages of last night's Washington Evening Star carried a news article from the New York Times news service under the headline "Many Home Loans Frozen by Credit Reporting Act." The article stated that, "ironically," a law intended to help consumers has resulted in "a new and completely unforeseen problem" that is "threatening to cut off the flow of funds to thousands of qualified home buyers all over the country."

This fear was based on interpretations said to have been reached by "lawyers all over the country" that the Fair Credit Reporting Act, which was enacted October 26, 1970, and went into effect a month ago today on April 25, 1971, as a new title VI of the Consumer Credit Protection Act of 1968, may place mortgage lenders in the position of being "consumer reporting agencies" if they relay to the FHA or VA the required credit bureau reports on applicants for Government-insured or guaranteed home mortgages.

I do not doubt that some lawyers may have seen such a possibility in the new act. I know that the American Bankers Association recently reported the possibility of this kind of interpretation. Some banks are said to have decided to hold off for the time being on issuing FHA or VA mortgages until the law is changed or other assurance is given that they would not be regarded as "consumer reporting agencies" merely by turning over to the FHA or VA a credit report on the applicant obtained from a credit bureau. A bill was introduced yesterday, I find, to amend the new law to clarify the position of so-called "joint users" of credit bureau reports.

Aside from the fact, Mr. Speaker, that banks have been notoriously disinterested, by and large, in writing FHA and VA mortgages, I do not think there is any real basis for the fears some bankers have expressed about their "unforeseen" problems under the Fair Credit Reporting Act.

FEDERAL RESERVE ANNOUNCEMENT DISCUSSES "JOINT USERS" ISSUE

By coincidence, the Federal Reserve Board today made public the policy guidelines prepared jointly by the Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board in carrying out their administrative and enforcement responsibilities under the act among the financial institutions which they respectively supervise. The document contains 60 different situations covered in question-and-answer form, one of which is particularly relevant to the issue of "joint users" raised by some bankers. This discussion, under question 19, is as follows:

> 19. Does a financial institution become a consumer reporting agency by transmitting information obtained from outside sources to another party involved in the same transaction?
>
> No. The financial institution would not become a consumer reporting agency since it is a joint user of the same information with the other party involved in the same transaction. For example, a financial institution does not become a consumer reporting agency by transmitting such information to an insurer or guarantor (as in the case of FHA, VA, private insurers or insured student loan programs), or to a participating financial institution in connection with the same transaction, or to a collection agency in connection with its efforts to collect on the transaction. Furthermore, the procurement and transmission of a consumer report to FHA, VA, or other similar insuring or guaranteeing entity is for determining whether the entity will issue its insurance or guaranty to the holder of an obligation and not whether it will issue insurance to the consumer involved.

The underscoring, Mr. Speaker, was included in the Federal Reserve announcement.

EMPHASIZES NEED FOR REGULATORY AUTHORITY

Mr. Speaker, I think one point that this issue raises is the glaring omission from the Fair Credit Reporting Act of clear authority to the enforcement agencies—particularly the Federal Trade Commission which has primary enforcement responsibility under the new law—to issue regulations to implement the law. If we had not included regulation-issuing authority to the Federal Reserve Board under the Truth in Lending Act, title I of the Consumer Credit Protection Act of 1968, there would have been innumerable situations in which lawyers might have argued endlessly over alleged gaps or unclear language in the statute, with resultant demands for immediate amendment of the law. Instead, the Federal Reserve has been able to meet any compliance problems head-on in Regulation Z and in the numerous amendments or interpretations it has issued to that regulation since its original promulgation early in 1969.

A majority of the conferees from the House wanted to provide similar authority for the issuance of regulations under the Fair Credit Reporting Act. The credit reporting industry vigorously opposed such a provision however, and the Senate conferees declined to agree to it. The record of our hearings and of the debate in the House on the conference report shows that some of us felt right along that the omission of regulation-issuing authority would eventually be recognized as a serious deficiency in the legislation.

EMPHASIZES NEED FOR REGULATORY AUTHORITY GUIDELINES

In the absence of regulations which would have the effect of law, the guidelines just issued by the Federal Reserve on behalf of all of the regulatory agencies having supervision over Government-insured or regulated financial institutions subject to the Fair Credit Reporting Act should clarify any of the problem situations likely to arise for them under the law. As the guidelines point out, banks or other financial institutions could conceivably find themselves in the position of being regarded as consumer reporting agencies under some circumstances—that is, where they act in the capacity of credit bureaus and pass along to others information obtained from outside sources, but not in case they relay to FHA and VA the credit reports which the FHA and VA require as part of an application for an insured or guaranteed mortgage.

Under unanimous consent, therefore, I submit as part of my remarks the announcement today from the Federal Reserve Board and, following that, the newspaper article referred to in my remarks:

FEDERAL RESERVE PRESS RELEASE

MAY 24, 1971.

The Board of Governors of the Federal Reserve System today issued a series of questions and answers to assist financial institutions in complying with the Fair Credit Reporting Act (a portion of Public Law 91-508). The general purpose of the Act, which became effective on April 25, is to assure fair and accurate reporting of information regarding consumers.

The questions and answers were prepared jointly by the staffs of the Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board, each of which will issue them to institutions under their supervision. The information is not a regulation of the Board, and is merely designed to provide guidance to financial institutions. Institutions that act in accordance with the information, however, will be regarded by the Board's examiners as acting in compliance with the Act.

A copy of the questions and answers is attached along with the text of the Fair Credit Reporting Act.

FINANCIAL INSTITUTIONS AND THE FAIR CREDIT REPORTING ACT

An April 25, 1971, the Fair Credit Reporting Act became effective (Public Law 91-508, Title VI of the Consumer Credit Protection Act). It is designed to insure fair and accurate reporting of information regarding consumers. It restricts the use of reports on consumers, and in certain situations requires the deletion of obsolete information. It requires notice to consumers when the use of a credit report contributes to the denial or increase in the cost of credit or insurance, or denial of employment. Disclosures must also be made when credit is denied or the cost is increased on the basis of other information from third parties, and when investigative consumer reports are used. Under the Act consumers are entitled to disclosure of the information maintained in their files by consumer reporting agencies, and procedures are provided for the correction of erroneous information. The collection, use, and referral of information on consumers for credit, insurance, employment and other purposes by financial institutions is directly affected by this Act.

Financial institutions are likely to be subject to the Act as credit grantors, purchasers of dealer paper, issuers of credit cards, and employers. In some instances, a financial institution may even be a consumer reporting agency under the Act as a result of the type of information about consumers that it provides to others. In general, the Act does not apply to commercial transactions.

This pamphlet contains the text of the Act and questions and answers explaining the Act's applicability to the operations of a financial institution. It has been prepared to inform financial institution examiners of the principal statutory requirements of the Act, and to serve as a guide for its enforcement. The pamphlet is not designed to answer all questions that might arise under the Act; rather, it is to assist financial institutions in developing a working knowledge of the Act and its requirements. The questions and answers are being distributed jointly by the Federal Reserve Board, Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation and Federal Home Loan Bank Board, and are applicable to the operations of financial institutions subject to the enforcement authority of these agencies.

The statute is unclear in some instances as to its application to financial institutions. Court decisions may ultimately construe provision of the statute in ways contrary to the information in this pamphlet. Although copies of the pamphlet are being made available to financial institutions, the information in the pamphlet should not be relied upon without advice of counsel. Nevertheless, institutions that act in accordance with them will be regarded by examiners as acting in compliance with the Act.

QUESTION AND ANSWERS [1]

I. The financial institution as a user of consumer reports

1. May a financial institution obtain a consumer report from a consumer reporting agency in connection with a consumer's application for an extension of credit?

Yes. Reports may be obtained for this purpose, as well as certain other legitimate business purposes. Reports (known as "consumer reports" under the statute) may also be obtained in connection with the review or collection of an account, in connection with employment, or the underwriting of insurance. § 604 (See question 25 for a list of permissible purposes.)

2. Are new procedures required to obtain a consumer report?

Yes. The financial institution must identify itself and certify to the reporting agency (called a "consumer reporting agency" under the statute) the purposes for which the information is sought. It must also certify that the information will be used for no other purpose. § 607

3. Must certification be given each time a consumer report is requested?

No. A written blanket certification by the financial institution could cover all inquiries to a particular consumer reporting agency.

4. Does a financial institution which uses a consumer report have any new responsibilities to the consumer?

Yes. If a financial institution denies employment or if it denies credit or insurance for personal, family, or household purposes, or if it increases the cost, even partially because of information in a consumer report *from a consumer reporting agency,* it must make disclosures to the consumer. It must advise him orally or in writing that information in the report caused or contributed to the denial or increase in cost, and inform him of the name and address of the consumer reporting agency issuing the report. The financial institution is not required to disclose the nature of the information in the report. § 615(a) (See question 56 which deals with the denial of employment based on a consumer report.)

5. What would constitute a "denial" of credit?

If any condition is imposed, without which credit would not be extended, and it is imposed because of information in the consumer report, there is a "denial" which would require disclosures. This would include cases where a larger downpayment, a shorter maturity, a co-signer, guarantor, or additional collateral is required as a condition of extending credit. If a consumer applies, for example, for a credit card limit of $1,500, and only $1,000 is approved because of information in a consumer report, a "denial" has occurred.

6. Does a financial institution have any responsibility to the consumer when it obtains information from someone other than a consumer reporting agency?

Yes. Disclosures must be made when credit for personal, family, or household purposes is denied or the charge is increased even partially because of information obtained from someone other than a consumer reporting agency bearing upon the consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living. Disclosure would not be required if the denial is based on the financial institution's own experience with the consumer, on his credit application, or on the institution's own credit policies. Where disclosures are required they must be made regardless of whether the information is obtained currently, or is already in the files. At the time credit is denied or the charge increased, the financial institution must inform the consumer orally or in writing of his right to make a written request for disclosure of the "nature" of the information. If the consumer requests this information within 60 days, the financial institution must tell him the nature of the information orally or in writing. Note that these requirements apply only in the case of credit, and not in the case of insurance or employment where disclosures are required when a report from a consumer reporting agency is involved. § 615(b) (See question 4.)

7. What would the "nature" of the information include?

It would include information that the consumer's credit history with another financial institution is poor, his income is not what he represented it to be, he has not been employed or has not lived at the address indicated on the application for the period specified, that his debts are greater than represented, that a statement that his debts are current is inaccurate, and so on. The nature of the information should be given with enough detail to enable the consumer to question the accuracy of the information if he believes it is erroneous.

8. In disclosing the "nature" of the information, must the source be disclosed?

Although the statute does not require that the source be disclosed, it may be impossible to identify the "nature" of certain information without also revealing the source.

9. Do the requirements of disclosure by a user of information discussed in question 4 through 8 apply in the case of information about a co-maker, guarantor, or surety?

Yes. In these instances disclosures, as indicated above, should be made to the co-maker, guarantor or surety to whom the information relates.

10. Are these rules applicable when a fi-

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[1] Answers should be read in the context of the surrounding questions and answers, which, in many cases, are structured to relate to each other.

nancial institution decides not to honor an overdraft on a checking account on the basis of information from a third party?

Yes. If an overdraft is denied on the basis of information from any outside source, disclosures must be made. This is so whether or not the account ordinarily includes overdraft credit privileges (for example, "check credit"). No disclosures need to be made if the denial is based on the financial institution's general policy not to honor overdrafts.

11. Must disclosures be made when a financial institution which issues credit cards refuses to authorize a merchant to honor a credit card, or, itself, refuses to honor a credit card, because of information received from any outside source?

Yes. The issuer would have to disclose the name and address of the consumer reporting agency, or the consumer's right to know the nature of the information when it was received from someone other than a consumer reporting agency. In the latter instance, where a merchant is involved, it would appear that he would need to make disclosures on the issuer's behalf, since the consumer must receive notice of his right "at the time such adverse action is communicated to the consumer." However, if the information does not bear upon the customer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living (for example, if the information is simply that the card is lost, stolen or being used in an unauthorized manner), or if the information is not obtained from an outside source, disclosures would not be required.

12. Do these requirements for disclosure by users of information apply to *business or commercial transactions?*

No. The "user" requirements of disclosure apply only in the case of credit or insurance for personal, family, or household purposes, or in connection with employment. In other words, in the case of credit, they are applicable to the general type of consumer credit transactions covered by Regulation Z, but do not include agricultural credit.

13. Must a financial institution make any disclosure to the consumer when it denies credit of increases the charges solely on the basis of its prior transactions or experiences with the consumer, or on the basis of unverified information furnished by the consumer on his application?

No. There is no responsibility of disclosure in these circumstances. However, if credit is denied or the cost increased because of information obtained from third parties in the process of verifying information on the application, then disclosure must be made. § 603(d)(3)(A).

14. If one department or branch of a financial institution obtains information on the consumer from some other department or branch of the same financial institution as to its prior transactions or experiences, and denies credit or increases the charge based on this information, must disclosures be made?

No. Disclosures are required only when information is obtained from an outside source. However, disclosures must be made if the department or branch transmitting the information relays information obtained from third parties outside the financial institution, and the institution either denies or increases the cost of credit based upon the information.

15. What are some actions that a financial institution should consider taking to insure that it can comply with the requirements imposed on a user of consumer reports?

First, file the appropriate certificate mentioned in question 2 with each consumer reporting agency whose services are expected to be used. Retain a file copy. Instruct employees that consumer reports may be obtained only for the purposes specified in the Act and certification. Develop procedures for making required disclosures to consumers when credit, insurance, or employment is denied, or when the cost of credit or insurance is increased, based on information obtained from outside sources. Record all inquiries to reporting agencies or others, as well as the information obtained through those inquiries, so that accurate disclosure can be made to consumers.

Forms may be useful to advise the consumer of the name and address of the consumer reporting agency (when a consumer report is involved), or to advise him of his rights to request the nature of the information when other outside sources are involved.

II. The financial institution as a consumer reporting agency

16. Is it possible that a financial institution could be a consumer reporting agency?

Yes. If the financial institution regularly passes on information in its files about a consumer, other than information solely as to its transactions or experiences with the consumer, it may be considered a consumer reporting agency. A consumer reporting agency is any entity which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. § 603(d), (f)

17. Does this apply to the regular exchange of information between correspondent finanical institutions, or between a holding company and its subsidaries, or between subsidiaries of the holding company?

Yes. However, a branch or department of a financial institution may furnish information to another branch or department of that financial institution without becoming a consumer reporting agency.

18. What information may a financial institution give to third parties in response to inquiries about a consumer, without becoming a consumer reporting agency?

The financial institution may relate information solely as to its transactions or experiences with the consumer. For example, the financial institution may disclose that the consumer had a history of delinquency, or was current, and could give other information as to the status of any loans or deposits with it. To assure that it does not become a consumer reporting agency, it should not regularly give out information contained in credit applications bearing on the consumer's credit worthiness, credit standing, credit capacity character, general reputation, personal characteristics, or mode of living. In addition it should not regularly give out information obtained in reports from consumer reporting agencies, or any other information obtained from third parties. For example, a financial institution which obtained information as a "user" may become a consumer reporting agency if it subsequently conveys the information to another financial institution.

19. Does a financial institution become a consumer reporting agency by transmitting information obtained from outside sources to another party involved in the same transaction?

No. The financial institution would not become a consumer reporting agency since it is a joint user of the same information with the other party involved in the same transaction. For example, a financial institution does not become a consumer reporting agency by transmitting such information to an insurer or guarantor (as in the case of FHA, VA, private insurers or insured student loan programs), or to a participating financial institution in connection with the same transaction, or to a collection agency in connection with its efforts to collect on the transaction. Furthermore, the procurement and transmission of a consumer report to FHA, VA, or other similar insuring or guaranteeing entity is for determining whether the entity will issue its insurance or guaranty to *the holder of an obligation* and not whether it will issue insurance to the consumer involved.

20. If a financial institution regularly obtains information for its customers about the sufficiency of funds to cover checks on drawee banks and gives the information to such customers does it become a consumer reporting agency?

No.

21. If a financial institution becomes a consumer reporting agency are there any restrictions on the type of information which may be furnished?

Yes. Certain obsolete information may not be furnished by a consumer reporting agency. The Act defines obsolete information to include information about the following:

Bankruptcies which antedate the report by more than 14 years;

Suits and judgments, paid tax liens, and accounts placed for collection or charged to profit and loss which antedate the report by more than 7 years;

Arrests, indictments, or convictions of crime which antedate the report by more than 7 years; and

Any adverse information which antedates the report by more than 7 years.

Refer to § 605 of the Act for information as to when the time periods begin to run.

22. Are there any situations in which these restrictions on obsolete information do not apply?

Yes. They do not apply in connection with a credit transaction expected to involve $50,000 or more in principal, or the underwriting of insurance which is expected to involve a face amount of $50,000 or more. They also do not apply to information for employment at an annual salary of $20,000 or more. § 605(b).

23. Must a financial institution which is a consumer reporting agency remove this obsolete information from its own files after the 7 and 14 year periods, although it wishes to use the information solely for its own use?

No. It need not remove the information from its files. However, by not removing it, the financial institution may be exposed to civil liability in the event that prohibited information is negligently released. § 617.

24. What are the responsibilities of a financial institution which regularly furnishes information other than as to its own transactions and experiences with a consumer and thus becomes a consumer reporting agency?

It must maintain procedures to assure that the obsolete information specified in the Act is not released, except where permitted as indicated in question 22. Procedures should be maintained to assure that the information is given only for the permissible purposes listed in § 604 of the Act. Reasonable procedures are necessary to assure maximum possible accuracy of the information in any consumer report. Certifications must be obtained from all users of the information that it will be used only for authorized purposes. The identity of new users must be verified. A consumer reporting agency may not furnish a consumer report to any person if it has reasonable grounds for believing that the report will not be used for an authorized purpose. § 604, § 605, § 607.

In addition, a consumer reporting agency has other responsibilities to consumers as discussed in Section III of these questions and answers.

25. What are the authorized purposes for which consumer reports can be furnished?

Reports may be furnished only in the following circumstances:

In response to a court order;

In accordance with the written instructions of the consumer to whom it relates;

In connection with an extension of credit involving the consumer (or review or collection of his account);

For employment purposes;

In connection with the underwriting of insurance;

In connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality in which the determination of an applicant's financial responsibility or status is required by law, or

For any other legitimate business need in connection with a business transaction involving the consumer (for example, on a consumer who wishes to establish a checking account in the financial institution, or a builder checking the financial condition of a prospective buyer). § 604

26. Are there any other situations in which a consumer reporting agency may furnish information?

Yes. It may also furnish identifying information to a governmental agency for other purposes, limited to the consumer's name, address, employment, and former addresses and places of employment. § 608

III. Responsibilities of a financial institution to consumers when it is a consumer reporting agency

27. Does a financial institution that is a consumer reporting agency have responsibilities to consumers with respect to the information it has on file?

Yes. Upon the request and proper identification of any consumer, the financial institution must disclose to him the "nature and substance" of all information, except medical, that it has in its files. In addition, it must disclose the sources of the information, except in the case of investigative consumer reports as noted in question 49. The financial institution must also disclose the recipients of any consumer report within six months preceding the request (two years in the case of reports furnished for employment purposes). Accordingly, a financial institution which is a consumer reporting agency should keep a dated record of each recipient of information about a consumer, even when the inquiry is oral. § 609

28. Must the consumer make a specific request for disclosure of sources and recipients of reports?

No. A consumer's general request about information in his file requires disclosure of the nature and substance of the information and sources and recipients.

29. Are there any limitations on when disclosures must be made to consumers?

Yes. Disclosure need be made only during normal business hours and only on reasonable notice by the consumer. § 610(a)

30. Can the consumer require that disclosure be made either in person or by telephone?

Yes. Disclosures must be made to him if he appears in person and furnishes proper identification. Disclosures must also be made by telephone if the consumer makes a written request for telephone disclosure and properly identifies himself. In making disclosures by telephone, the financial institution can require that any toll charge must be borne by the consumer. § 610(b)

31. If the consumer asks for disclosure in person, can he be accompanied by another party?

Yes. He can be accompanied by one other person of his choosing, who must furnish reasonable identification. The consumer may be required to furnish a written statement granting permission to the financial institution to discuss the customer's file in that person's presence. § 610(d)

32. How must disclosures be made to the consumer?

Disclosures may be made either in writing or orally. If given orally, the consumer or his representative should be given reasonable opportunity to make notations of the information being disclosed.

33. Does the financial institution have to explain the information in the consumer's file?

Yes. It must provide trained personnel to explain any information furnished to the consumer. § 610(c)

34. What is the meaning of the consumer's "file"?

It means all of the information on that consumer (bearing on his credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living) recorded and retained by the financial institution, regardless of how the information is stored. Any financial institution which is a consumer reporting agency under the Act should maintain a central file of information on the consumer, or be capable of collecting all the information it might have on the consumer in its various departments or branches for disclosure to the consumer. § 603(g)

35. Can the financial institution charge the consumer for making disclosures to him in connection with his file?

Yes, depending on the time when the consumer requests information about his file. If he makes the request either within 30 days after receiving notice that a user of a consumer report has denied or increased the charge for credit or insurance (or denied employment) on the basis of the report, or within 30 days of notification from a debt collection agency affiliated with the financial institution that the consumer's credit rating may be, or has been, adversely affected, the information must be furnished free of charge. However, the financial institution may impose a reasonable charge for making disclosures to the consumer if the request is not made within the 30 day time limit, and the charge is indicated to the consumer prior to making disclosures. § 612.

IV. Disputes about material in a consumer reporting agency's file

36. What must a financial institution which is a consumer reporting agency do when a consumer questions the completeness or accuracy of an item of information in his file?

The financial institution must, within a reasonable period of time, reinvestigate and record the current status of the questioned information, unless it has reasonable grounds to believe that the dispute is frivolous or irrelevant. The Act provides that the presence of information in the consumer's file contradicting his contention does not, in and of itself, constitute reasonable grounds for believing the dispute is frivolous or irrelevant. § 611(a).

37. What must the financial institution do if reinvestigation indicates that the information was inaccurate, or if it can no longer be verified?

The information must be promptly deleted from the file. § 611(a).

38. What if reinvestigation appears to confirm the information?

If reinvestigation does not resolve the dispute with the consumer, he is entitled to file a brief statement setting forth the nature of the dispute. This statement may be limited to 100 words, if the financial institution provides the consumer with assistance in writing a clear summary of the dispute. Unless there are reasonable grounds to believe that the dispute is frivolous or irrelevant, all subsequent consumer reports containing the information in question must clearly note that it is disputed by the consumer, and provide either the consumer's statement or a clear and accurate codification of summary of it. § 611(b), (c)

39. Is there any requirement that the financial institution notify past recipients of reports on the consumer in the event disputed information is deleted or a statement or notification of the dispute is filed by the consumer?

Yes. The consumer may request that a financial institution which is a consumer reporting agency provide prior recipients with notification that the information has been deleted, or a copy of the statement, codification or summary of the dispute. It must be given to any person specifically designated by the consumer who has received a consumer report containing the disputed information within the preceding two years for employment purposes, or within the preceding six months for any other purpose. § 611(d)

40. Must the financial institution disclose the consumer's right to request this notification to prior recipients?

Yes. The financial institution must orally or in writing clearly and conspicuously disclose to the consumer his right to make the request. The disclosure must be made at, or prior to, the time the information is deleted or the consumer's statement regarding the disputed information is received. § 611(d)

41. May a financial institution charge the consumer for furnishing notification of deleted or disputed material to prior recipients of his report?

Yes, depending on the time when the consumer makes the request, whether the financial institution normally charges users of reports for furnishing them, and whether the material is found to be inaccurate or can no longer be verified. If the consumer makes the request either within 30 days after he receives notice that a user of a report has denied or increased the charge for credit or insurance (or denied employment) on the basis of the report, or within 30 days of notification from a debt collection agency affiliated with the financial institution that the consumer's credit rating may be, or has been, adversely affected, the information must be furnished free of charge. If the request is received after 30 days, a charge may be made for furnishing notification to prior recipients. The amount must be indicated to the consumer prior to furnishing the information and it may not exceed the charge that the financial institution would impose on each designated recipient for a consumer report. If the financial institution makes no such charge, then it may not charge the consumer for furnishing information about the dispute to prior recipients. In any event, the statute prohibits the imposition of any charge for notifying prior recipients of the deletion of information which is found to be inaccurate or which can no longer be verified. § 612

V. The financial institution as a purchaser of dealer paper

42. Does a financial institution which regularly purchases dealer paper have specific responsibilities with regard to those transactions?

Yes, if the financial institution wishes to avoid becoming a consumer reporting agency. When a dealer calls the financial institution before credit is extended to inquire whether the institution will either extend credit directly to his customer or purchase the retail contract, and the financial institution denies the credit or increases the cost, even partially because of information from outside sources, the dealer and the financial institution must each make certain disclosures to the consumer to keep the financial institution from being considered a consumer reporting agency.

Whenever such a request is made, the dealer must advise the consumer of the name and address of the financial institution. If the financial institution denies credit or increases its cost, it must follow the normal procedures of a user of information from outside sources. If the financial institution's decision was based on a report from a consumer reporting agency, it must give the consumer the name and address of the agency. If its decision was based on information from a third party, which is not a consumer reporting agency, the financial institution must disclose to the consumer his right to make a written request to the financial institution within 60 days for disclosure of the nature of the information.

If the decision to deny credit or increase its cost is based on the financial institution's prior experience with the consumer or its general credit policy (for example, size of downpayment or maturity required) it would not need to make any disclosure to the consumer. However, a denial requiring disclosures occurs when any condition is imposed on the dealer contract on the basis of information from any outside source. This may include increasing the discount or dealer reserve or taking the paper with recourse. It may also include requiring a larger downpayment, shorter maturity, a co-signer or guarantor. § 603(d)(3), § 615.

43. If, subsequent to an extension of credit to a consumer, a financial institution sells the consumer's obligation to a third party (including a collection agency), and furnishes information on the consumer which was obtained from outside sources to the third party in connection with that sale, does the financial institution become a consumer reporting agency?

No. Such a transaction is a business transaction which is generally beyond the scope of the Act.

VI. Investigative consumer reports

44. What is an "investigative consumer report"?

This would be a consumer report compiled from personal interviews with neighbors, friends, associates or others as to the consumer's character, general reputation, personal characteristics, or mode of living. § 603(e)

45. What are the responsibilities of a financial institution as a user of an investigative consumer report?

When such a report is requested from a consumer reporting agency, the financial institution must mail or deliver written notice to the consumer within three days that an investigative report including information as to his character, general reputation, personal characteristics, and mode of living may be made. He must also be informed that he may make a written request for the "nature and scope" of the investigation. If the consumer makes a written request within a reasonable period of time, the financial institution must make a complete and accurate disclosure of the "nature and scope" of the investigation. One way to do this (although not required by the law) would be to furnish the consumer a copy of any questionnaires to be used in the investigation. Within 5 days after the consumer's request (or 5 days after the time the report was first requested by the financial institution, whichever is later) these disclosures must be made in writing by mailing them or otherwise delivering them to the consumer. § 603(e), § 606, § 609(a)(2)

46. Are disclosures required in all instances when investigative consumer reports are used?

No. They are not applicable when the report is to be used for employment purposes and the consumer has not specifically applied for the position. § 606(a)(2) In addition, they are not required if the financial institution conducts an investigation for its own purposes, using its own employees.

47. What if a financial institution denies credit, insurance or employment or increases the charge for credit or insurance based upon information in an investigative consumer report?

The financial institution must make the "user" disclosures described in Section I.

48. Are special requirements imposed on a financial institution that is a consumer reporting agency if it prepares an investigative consumer report for a third party?

Yes. Adverse information (other than public record information) in such a report cannot be included in a subsequent consumer report unless verified in the process of making the subsequent report, or unless received within the three months preceeding the date the subsequent report is furnished. § 614

49. If a consumer requests disclosure of information in his file, must the financial institution disclose the nature and substance of the information contained in the investigative consumer report?

Yes. However, the source of information acquired solely for use in preparing an investigative consumer report and actually used for no other purpose, need not be disclosed. § 609(a)(2)

VII. Responsibilities of a financial institution when it furnishes or uses consumer reports for employment purposes

50. Can a financial institution give out information on a consumer in response to an inquiry about the consumer for employment purposes?

Yes. However, if it regularly furnishes information other than as to its own transactions or experiences with the individual, it may become a consumer reporting agency. § 603(d), § 604

51. What is the definition of a report used for "employment purposes"?

It means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee. § 603(h)

52. Do the restrictions on furnishing obsolete information apply to information furnished by a financial institution for employment purposes if it is a consumer reporting agency?

Yes, except where the information is to be used in connection with the employment of an individual at an annual salary which equals, or which may reasonably be expected to equal, $20,000 or more. In that case, the restrictions on obsolete information do not apply. § 605(b)

53. Are there special requirements if a financial institution, which is a consumer reporting agency, furnishes a report for employment purposes which contains matters of public record (such as liens, judgments, pending law suits, arrests, convictions, etc.) which are likely to have an adverse effect on the consumer's ability to obtain employment?

Yes. At the time the information is reported to the user, the financial institution must notify the consumer of the fact that public record information is being reported, together with the name and address of the person to whom such information is being reported.

As an alternative, the financial institution need not make these disclosures if it maintains strict procedures designed to insure that, whenever public record information which is likely to have an adverse effect on a consumer's ability to obtain employment is reported, it is complete and up-to-date. The statute provides that items of public record relating to arrests, indictments, convictions, suits, tax liens, and outstanding judgments shall be considered up-to-date if the institution reports the current public record status of the item at the time the report is reported. § 613

54. In evaluating a potential employee. may a financial institution obtain a consumer report from a consumer reporting agency or other information from present or former employers?

Yes. However, financial institutions insured by the Federal Deposit Insurance Corporation should not rely entirely upon a consumer report to obtain information as to whether an individual has been convicted of a crime involving dishonesty or breach of trust to meet Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829). Information relating to such crimes is relevant to meeting the requirements of Section 19 regardless of when the conviction occurred, whereas such information, if older than 7 years, will probably not be contained in a report from a consumer reporting agency, unless the report is to be used in connection with employment at an annual salary of $20,000 or more.

55. Must the consumer be notified if the report takes the form of an investigative consumer report?

Generally yes, if the financial institution requests the report from a consumer reporting agency. However, notification would not be required if the report is obtained in connection with employment, promotion, or reassignment for which the consumer has not specifically applied. Otherwise, he must be notified of the request for an investigative report within 3 days of the request, and the financial institution must otherwise comply with § 606, as outlined in questions 45, 46 and 47.

56. Does the financial institution have any responsibilities to the prospective employee if employment is denied on the basis of a consumer report?

Yes. If employment is denied, even partially on the basis of information in a consumer report from a consumer reporting agency, the individual must be given the name and address of the consumer reporting agency making the report. However, if employment is denied because of information from a source other than a consumer reporting agency, no disclosures are necessary. § 615

VIII. Penalties, liabilities and the act's effect on State law

57. What are the civil liabilities for failing to comply with the Act?

The Act provides civil liabilities for either willfully or negligently failing to comply with the requirements of the Act. The liabilities apply to financial institutions as users of consumer reports and as consumer reporting agencies where they are acting in that capacity. In the case of negligent noncompliance, a financial institution may be liable to the consumer for any actual damages substained by the consumer, court costs and reasonable attorney's fees. If the failure to comply is willful, a financial institution may also be liable to the consumer for punitive damages. § 616, § 617

58. Is there any protection where a financial institution which is a "user" has made a good faith attempt to comply?

Yes. A user of information will not be held liable if he shows by a preponderance of evidence that at the time of an alleged violation he maintained reasonable procedures to assure compliance. § 606(c), § 615(c)

59. What is the statute of limitations on civil liability?

Any action must be brought within two years from the date on which the liability arises, except in certain situations where there has been a material and willful misrepresentation, in which case the action may be brought within two years after discovery by the consumer of the misrepresentation. § 618

60. Are there any criminal penalties?

Yes. The Act provides for a fine of not more than $5,000 or imprisonment of not more than one year, or both, in the case of any person who willfully and knowingly obtains information from a consumer reporting agency under false pretenses. The same criminal penalty can be imposed upon any officer or employee of a financial institution which is a consumer reporting agency who willfully and knowingly provides information from a financial institution's files about a consumer to a person not authorized to receive it. § 619, § 620

61. What effect does the Act have upon State law?

This Act does not annul, alter, affect, or exempt any person subject to the provisions of this Act from complying with the laws of any State with respect to the collection, distribution, or use of any information on consumers, except to the extent that those laws are inconsistent with any provisions of this Act, and then only to the extent of the inconsistency. § 622

(NOTE.—The text of the act appears at this point in the press release, but is not being included in the CONGRESSIONAL RECORD.)

[From the Washington Evening Star, May 24, 1971]

Many Home Loans Frozen by Credit Reporting Act

(By Robert J. Cole)

NEW YORK.—Bankers have been predicting for some time that mortgage money is going to be much easier to get now.

However, just as the predictions are beginning to come true, a new and completely unforseen problem has come up that is threatening to cut off the flow of funds to thousands of qualified home buyers all over the country.

The problem, ironically, is the Fair Credit Reporting Act, which went into effect last month as a new federal law guaranteeing anyone the right to find out what is on file about him in his local credit bureau and to correct any errors that may be there.

But the way the law is being interpreted, any organization that provides others the same services as a credit bureau—such as a bank, a savings and loan association, a credit union and others—are also considered as credit bureaus and as such must open their files to consumers.

SECRECY UPHELD

As a consequence, many lenders who have no intentions of opening up their files to consumers have simply stopped taking applications for mortgages to be insured by the Federal Housing Administration and the Veterans Administration.

Until the new federal law went into effect, this is how the program worked: You applied for an FHA or VA mortgage loan at the lender of your choice. He checked your credit through normal channels, usually a local retail credit bureau, and forwarded this information to the government for evaluation. If the government approved, you got your mortgage loan. It was as simple as that.

The beauty of an FHA or a VA mortgage loan, of course, is that you don't have to use as much of your own money as you do with conventional mortgage loans.

Now, however, lawyers all over the country have taken the position that if lenders continue to operate the same way in providing credit information on you, they automatically become "consumer reporting agencies," and therefore subject to the same requirements as credit bureaus.

Rep. Richard T. Hanna, D-Calif., who brought the issue into the open not long ago, remarked: "We are now in the middle of a bureaucratic morass which is already having a severe and negative impact upon, of all things, mortgage financing."

The Federal Trade Commission, the Federal Reserve Board and other agencies empowered with policing the law already have decided that the Congress did not intend that mortgage lenders to be placed in such jeopardy but have not given the industry the assurance it needs to grant FHA and VA mortgage loans.

APPLICATION FROZEN

"The result of all this government thrashing is that thousands of potential homeowners throughout the nation are finding themselves in limbo," Hanna said. "Their applications for mortgage loans have been frozen and will stay in that condition until the mess is straightened out."

The picture may improve soon.

The Federal Reserve Board said it hoped to have new guidelines for its member banks by tomorrow. The Federal Trade Commission said it expected to have similar guidelines "sometime this week."

Both government agencies will tell lenders that they will be considered "joint users" of credit information and, therefore, not subject to the same requirements as credit bureaus when granting mortgage loans.

While these guidelines will give the lenders assurance that the government would not consider them in violation of the law, it will not protect lenders against suits by consumers.

OKLAHOMAN TO TAKE REINS OF COLLEGE OF TRIAL LAWYERS

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. EDMONDSON. Mr. Speaker, Oklahoma will receive a signal distinction in July when one of your constituents, Mr. Hicks Epton, of Wewoka, takes office as president of the American College of Trial Lawyers.

Mr. Epton is taking on this challenging task at 69, an age when many men think more of retirement than of moving on to new important responsibilities. But this is typical of Mr. Epton's long and distinguished career in the law.

As a trial lawyer myself, I am gratified to see a man of Mr. Epton's philosophy of law take this distinguished and influential post. Mr. Epton is deeply disturbed about the delays in justice which are bogging down our judicial processes, as I am. He plans as one of his first steps in his new job to name a well-financed committee to study these trial processes and recommend improvements. I am with him all the way on this project.

One of Oklahoma's finest reporters, Miss Ivy Coffey, of the Daily Oklahoman, has written an excellent story on Mr. Epton. This story, "Country Lawyer Speaks Out" appeared in the Oklahoman magazine, Oklahoma's Orbit, on May 23, 1971. I would like to have it appear in the RECORD, and I hope all Members of this body will take note of Mr. Epton's comments on the state of our judiciary and some of his ideas for improvement:

Country Lawyer Speaks Out

(By Ivy Coffey)

A country lawyer from Wewoka, Okla., wants to change the world.

Come July, he'll have a chance to do just that.

Hicks Epton, who sincerely believes the world revolves around his beloved Wewoka, will take office that month as president of the American College of Trial Lawyers.

Epton has already had an ever-widening effect on the conduct of trials. But he's not yet satisfied. He wants to wreak even greater changes.

For openers, he'd like to:

Speed the wheels of justice in these United States.

Chase the "suborners of perjury and jury fixers" from our courtrooms.

Replace them with qualified attorneys dedicated to seeking out the truth.

Eliminate judges whom he terms "Dead Flies in the Ointment".

Now 69-years-young, Epton will be installed during ceremonies in London.

You can bet your bottom dollar he'll be playing the country lawyer bit to the hilt. It's a role he heartily enjoys.

But the country lawyer bit is a front for a serious, dedicated man; a man who long before the practice was popular joined novelist Erle Stanley Gardner in campaigns to upset the convictions of innocent people.

Epton has played a leading role during the past decade in national studies on ways to upgrade the administration of justice.

The surge in crime—up 148 per cent in the last decade—has led to a desperate condition which demands action to head off a national scandal and to upgrade the administration of justice.

The situation was summarized by a former government official as ". . . a non-system where police don't catch them (criminals), the courts don't try them and the prisons don't reform them."

Courts, already undermanned, have become bottlenecks at every level by the sheer volume of cases. New defendants' rights defined by the U.S. Supreme Court have assured legal counsel to the poor. This has multiplied the number of pre-trial motions, trials and appeals. Chief Justice Warren Burger in a memo to federal judges before the start of the new year urged a speedup, saying, "Public patience is running out and we must respond."

Added to the difficulty of getting the accused to trial is the question of expediting the trial to completion. This phase is compounded by incompetent judges, many of whom are politically appointed or selected, and by inexperienced, inept lawyers.

Trials themselves turn into marathons. Courtrooms have become theaters and television allows the nation to watch the principals outside the courtroom.

He said there are two major issues in the administration of justice today:

Interminable delays, not only in getting criminal cases to trial, but in disposing of them after they reach the courtroom.

A return to advocacy training, the rejuvenation of trial skills.

Epton will name a top committee (and it will be well-financed, he said) to study the delays in the process of a trial.

He cited the Charles Manson murder case, which ended March 29 after a nine-month, two-part trial which was the longest criminal proceeding in California history and possibly in United States history.

"I have a firm conviction that the public is entitled to know whether it's necessary to spread a criminal trial over almost a year. If not, how do you stop it?"

Epton, who admires the English system of justice, said the "most intricate" trial in England would last a maximum of 10 days. He said a case lasting seven days in England could take seven years in the United States reaching the U.S. Supreme Court.

"At a distance I don't know if 5 minutes is too long (in the Manson case)," Epton continued, "but the public is entitled to an informed answer with emphasis on informed."

"The public has to be in on this—it's a three-legged stool—judges, lawyers, concerned persons."

Epton said "a big thing" in his program will be a return to advocacy training, pleading a man's cause in court, "a rejuvenation of trial skills, not minimal ones. The trial load and the appellate load would be halved if competent lawyers were available."

Epton said only 10 universities offer adequate advocacy training to law school students.

"We must get back to that," he said. He acknowledges that lack of training and lack of interest in criminal law have affected the system of justice.

"We've wrapped our pharasaical robes around us and stayed away from criminal courts and too often leave them to suborners of perjury and jury fixers. This is morally and professionally wrong." Epton said.

"It's foolish to brush aside criticism, Epton added. He feels strongly the legal profession must brush up its image and even more important, must sharpen its skills.

(A recent public opinion survey of 1,717 persons across the nation indicated (32 per cent) the ordinary person cannot afford really good lawyers and (20 per cent) that lawyers don't really have a client's interest at heart.)

Epton's concern for criminal cases was reflected in the preface he wrote for "The Trial Manual for the Defense of Criminal Cases," a two-year study he participated in and which, he said, "hit the bloodstream of the profession." He said he preferred to call the manual a guide for "minimal skills presenting adversary matters."

"I don't like the word 'technique,'" he added. "It seems like a hot shot method of teaching little boys to get big verdicts."

The work was intended as "a tool which could be used reasonably well in the defense of persons charged with crime by the disciplined lawyer experienced in some degree in the trial of criminal cases . . . there simply were not and are not enough experienced defense lawyers to go around . . ."

"Ours continues to be an adversary system," Epton wrote. "If it works to any reasonable degree there must be fairly competent advocates on both sides, else the skill of one may tend to overbalance the scales and defeat the search for truth."

Epton said "it seems proper to observe that already emerging is a new professional pride in many lawyers, who, for the first time in decades, have appeared in criminal court defense of parties charged with crime. An ancient idealism has been stirred . . . this byproduct may prove to be one of the greatest benefits of the expansion of the due process concept."

The Wewoka lawyer was one of 15 members of a committee named by former Chief Justice Earl Warren to formulate uniform rules on admissibility of evidence and competency of witnesses in civil and criminal trials in U.S. district courts.

Epton described the report of the five-year project, which was completed recently.

"This work will enable a young man to go into federal court with foreknowledge of rules of evidence. We dealt in specifics, not platitudes. It's just like the story of the old lady who cooked with gin. You might not like her food but you liked her gravy. Lawyers who may not like our rules will sure like the gravy."

Epton was the "only lawyer west of the Mississippi" involved in the five-month study of courtroom disruption made by the American College of Trial Lawyers last year. The report sounded a warning to "that small but vociferous and disruptive element in the bar, which uses the court for foreign and alien purposes of politics rather than for ascertaining the truth."

"Everything revolves around Wewoka, depending on how far you reach," Epton said.

His reach includes frequent cross-country travel to take part in the national panels probing the legal profession. And it goes beyond London, where he will assume leadership of the American College of Trial Lawyers.

Epton's reach will be extended even further in August when he and his wife will go to Yugoslavia for the World Peace Through Law conference. This trip will follow Epton's conferences with England's bar leaders, including the lord chancellor.

Epton's law office in a Wewoka bank building reflects his enthusiasms, interests and zeal for his profession.

He pointed to a framed parchment on the wall and said, "That sums up my philosophy." It was written by Francis Bacon, 16th century English essayist, philosopher and statesman:

"Hold every man a debtor to his profession; from the which as men of course, do seek to receive countenance and profit; so ought they of duty to endeavor themselves by way of amends to be a help and ornament thereunto."

A look at the books and pictures in Epton's office tells something of his interests. There are books about Baptists, travel, horses, the law. There is an Oriental wood carving of a horse.

(Epton wrote a touching report, "Lady Is Dead," when the family's beloved Tennessee walking horse, Nodding Lady B., which had been theirs for 20 years, died in 1969 at the age of 24. "No effort will be made to replace her. It simply could not be done. An epic has closed."

There are family pictures, a picture of a friend, Lord Denning, who was involved in the Profumo case trials in England, and an autographed picture of the late Erle Stanley Gardner, lawyer, founder of "The Court of Last Resort," and prolific author of Perry Mason mysteries.

There is a picture of Elisha J. Brown, first white citizen of Wewoka, not related to the Seminole Indian Browns but adopted into the tribe. He operated the first Indian trading post at Wewoka in 1866.

Epton joined Gardner in a long effort to gain the release of a man convicted in Oklahoma for murder. This was an unpopular cause, he recalled, long before deprivation of rights cases drew wide attention. They received no pay or gratitude for their efforts "not even a postage stamp." After 10 years it was ruled the man was convicted illegally.

"When the man drew his first breath of clean air out of prison." Epton chuckled, "he looked at us and said, 'It sure took you long enough to get an innocent man free.'"

Epton sometimes interrupts serious talk or storytelling, leans back in his leather chair and "pontificates," as he calls it.

Some comments during an afternoon of "visiting":

"You touch life in so many points in county seats but you can't tell young people that. Lawyers have outmarried themselves. Their wives point out there is no ballet, no opera in little towns."

"Maybe I have an impish sense of disdain. But if we didn't laugh, we might cry."

"There's so much to write, so much to read, so much to do, so many songs to sing, so many young folks to be concerned about."

"Due process is a two-edged sword. We must give due process or criminals (accused) will walk the streets."

"People should keep their eyes to the hills with a little vision."

"When we (lawyers) forget we are dealing with humans, individual beings, we have lost the point."

"Give me the facts and the law will take care of itself."

"The best part of my job is I like people. Everyone is distinct. There's a high test of morality in assaying the facts."

"War is the ultimate in cruelty, the ultimate in lack of law."

"Law is really not very logical. We must essay our human materials."

Epton combines legal terms, Scriptures and colloquialisms into eloquent expressions of philosophy. His brother, the Rev. T. Hollis Epton, pastor of the First Baptist Church at Duncan, separated his "folklore comments from Holy Writ and suggested appropriate Scriptures" for "The Ten Commandments for Trial Lawyers" they wrote "The Practical Lawyer," an American Bar Association publication.

"We hope it will stimulate many others to write their own set of commandments. We can collect and share them. Thusly may the testing fires of advocacy be rekindled in our profession," lawyer Epton said.

The Eptons' commandments for trial lawyers:

Thou shalt be diligent.

Thou shalt be steadfast and courageous.

Thou shalt be loyal.

Thou shalt possess true humility.

Thou shalt keep perspective.

Thou shalt be sincere.

Thou shalt subordinate thine own ego to the cause.

Thou shalt remember thou art dealing with human beings.

Thou shalt be captain of the trial ship.

Thou shalt remember thy unnamed clients are the administration of justice and the legal profession.

Epton pointed out the faults of some judges in a 1964 address before the American Bar Association section on judicial administration meeting in New York City, titled "What's Wrong With Trial Courts—or Dead Flies in the Ointment"

The title is from Ecclesiastes: "Dead flies cause the ointment of the apothecary to send forth a stinking savour; so doth a little folly him that is in reputation for wisdom and honor."

Epton discussed "bad attitudes and habits of good men and average to excellent judges," citing:

The judge who thinks he is anointed—not merely appointed.

The judge who fails to realize that justice, not speed should be the aim of all litigation.

The judge who assumes he is a presiding officer. ("Most of the travesties, the horse play, the grandstanding, the ham acting is the direct and proximate result of loose, sloppy, unplanned bench work . . . deplorable as is the pusher, the milk toast presider is worse.")

The judge who fails to realize that justice must appear to be done as well as being done. (Epton agrees strongly with the long-standing English concept that it is vital that justice appears to be done as well as being done.)

The judge who has no consideration for the time and energy of the lawyers involved.

The judge who assumes he knows as much about the case as the lawyer who has worked on it for months.

The judge who considers lawyers and juries as sometimes necessary but always nuisances. (Epton cited the example of a judge who decided the county attorney was not properly investigating a homicide so the judge switched his robe for khakis, conducted an investigation and then a vigorous trial with the intended conviction but subsequent unintended reversal on appeal—all with the result that a guilty man went unpunished.)

The judge who kow-tows. (This judge leaks important, confidential information and "opens the windows to the hot winds of prejudice."

But Epton concludes. "The task of a judge is seldom easy and even less often appreciated."

Epton wrote in The Oklahoma Bar Journal in October, 1969, "However much we would like to believe that the average citizen feels he can get an even shake with some preferred character, the solemn truth is he does not believe it . . . the public is asking some questions which only the lawyer and the judge can answer."

He also stated the virility, independence and authority of the courts depend on their acceptance by the public. "And the acceptance finally rests on the understanding and approval of the generally informed citizen on the work of the courts and of the legal profession . . . thus it is not so much to say that the administration of justice should be and indeed is everybody's business and should be the concern of every citizen."

REPORT FROM CONGRESSMAN ED ESHLEMAN

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. ESHLEMAN. Mr. Speaker, I have just recently sent my constituents a newsletter. I am including the contents of that newsletter in the RECORD at this point.

CHINA COMPARISON

Most Americans have been encouraged by the signs that our icy relations with Red China are beginning to thaw. We all wish President Nixon well in his attempt to ease world tensions by reaching out to China. But we must not let our optimism blur realities. For instance, we must be a little wary of the kind of press reports that followed the visit of the U.S. table tennis team to the land of Mao. Those reports stressed things like the admiration the American ping-pong players expressed for the austerity and discipline they observed behind the Bamboo Curtain. But, in the United States, austerity and discipline are known by other terms—poverty and repression.

CONTROVERSY OR CONSEQUENCES

The Nation's Capital is at once the symbol and the center of our living democracy. At any given time, on any given issue, there will be Americans who disagree passionately and intelligently with policies fashioned in this city. But the essence of our system of government is that for those who disagree, there are accepted ways to try to persuade others without infringing on their rights. A minority may become a majority in this country if it is prepared to work hard for a just cause or a valid idea; and the vast majority of Americans understand and accept those ground rules. The few who are not prepared to accept the ground rules then must accept the consequences of their actions.

POLICY CHANGE

It was little noted in the news media, but the Nixon Administration announced a foreign aid change that should make sense to many Pennsylvania Dutchmen. The change was announced by George Shultz, the Director of the Office of Management and Budget. He said that the "Marshall Plan mentality" of the past, where the U.S. gave away vast sums to other Nations, is being replaced by the "Yankee trader" outlook. That's a system whereby the U.S. will consider "what our stakes are" and do some "hard bargaining" before sending U.S. funds abroad.

GROWING LARGER

Sometime this year, the boundary lines of the 16th Congressional District will be redrawn. The present makeup of Lancaster, Lebanon and Lower Dauphin Counties is 30–50,000 people shy of the number needed prior to the election in 1972. The best guesses are that the new District will take one of two forms. One plan might add more of Lower Dauphin County to the 16th. The addition of Steelton, Highspire and Derry Township (Hershey) to the present District make-up would provide the proper population balance. The second plan might add a portion of Chester County to the District and drop the present portion of Dauphin County. In other words, Lancaster and Lebanon Counties would stay together, and a section of Chester County would be used to make the District big enough. That section would run from Honey Brook, to Coatesville, to Parkesburg and to Atglen. Whichever plan finally emerges, the population of the 16th and the job of representing it will grow substantially as a result of redistricting.

WITH PLEASURE

Recently, I had the pleasure of playing host to Miss Lancaster County in Washington, D.C. Miss Barbara Jo Wilkerson, who has since given up her title to get married, came to the Nation's Capital to make presentations at the White House and on Capitol Hill. She was accompanied by Mrs. Donna Weaver, a former Miss Pennsylvania, and Mr. James Althouse of the Ephrata Jaycees. We all got together on the Capitol steps for the picture on the right which also includes Sam Youse and Bill Walker of WGSA Radio in Ephrata and Bob Walker (no relation they say) of my staff.

WORTH MORE

The value of the average American home has gone up markedly during the past decade, the Commerce Department reports. From $11,900 in 1960, the average house went up to $17,000 during the decade, an increase of 43 percent.

POLL OPINION

The polling of the American people has become a political art of great consequence. Some politicians anxiously await each week's polls so that they'll know which way to talk and think. Other politicians manipulate the polls to make the results say something which supports that politician's viewpoint. This causes me to think that perhaps the whole technique of sampling opinion deserves to be called into question. For example, one recent national poll showed that 72 percent of the American people say they support President Nixon in his plan to end the Vietnam War. But those results came just a few days after another poll reported that about that same percentage of the American people support the proposal to withdraw all our forces from Vietnam by December 31, 1971. Since these two opinions cannot be resolved rationally, neither poll proved anything except that the American people are frustrated by and tired of this war. But that fact does not need a poll to measure it, and the political use that has been made of these two polls, which say one thing but mean another, does a disservice to national policy-making. And, I think that it's about time to raise some questions about that kind of disservice.

COMMENT ON CANCER

As one who has fought a successful round against cancer, I am encouraged by the new program that is underway toward conquering the disease. A recent statement in the *Baltimore Sun* caught my eye in this regard. "All of us must believe, as well as hope, that the dread affliction of cancer will yield in time, as other diseases already have, to medical science. President Nixon, following through on promises made earlier in the year, now proposes to concentrate, invigorate, accelerate and dramatize, too, the Government's cancer research efforts. He would add $100 million to the program and he would set the goal as a cure. There is every indication that Congress and the American people will give their warm endorsement." The House already has acted on the proposal and authorized the extra money.

WELFARE WISDOM

The problem with the present welfare system, according to one humorist, is that people neither love it *nor* leave it.

HISTORY OF BUNK

It wouldn't be very nice to say that you might have guessed it, but the word "bunk" meaning nonsense probably originated in the House of Representatives. In the 16th Congress (1819–1820), Representative Felix Walker, a North Carolina mountaineer, arose and began such a lengthy, irrelevant speech that many of the other Representatives walked out. Apologizing, he explained, "I'm talking for Buncombe," a county in his district. The phrase caught on and came to mean any empty speech. Eventually it was shortened to just plain "bunk."

RIDING THE RAILS

"I've been working on the Amtrak" may never make it as a popular song, but Congress and millions of people are hoping that the new National Railroad Passenger Corporation is the beginning of a new era in mass transportation. The aim of the new firm is to get people back riding trains on short-haul trips. Altogether, Amtrak took over 285 operating pasenger trains, some of them on very unprofitable routes. It got $40 milion in Federal start-up funds and established a new system of 184 passenger trains serving 85 percent of the nation's urban's population. Now Amtrak faces several immediate tasks. Ticket procedures at terminals must be modernized. Food services must be upgraded. And, success is hoped for in the training program that has been launched for reservation clerks, ticket sellers, conductors and porters to improve services all down the line. Planned for the future is a central reservation and time-table information service. A customer will dial one number and reserve a seat on any train under Amtrak. One big job will be to get rid of the Civil War-era coaches now being used and install clean, modern rolling stock. With all these improvements, the service believes it will take about three years to re-orient Americans to rail travel. Only then can Amtrak begin to profit from its only source of revenue—the passenger ticket. And only then can we know if there is any chance of restoring the steel wheel on the steel rail as a primary part of the Nation's transportation system.

A COURT CLASSIC

Those of us who believe strongly in the need for broad-based court reform in the United States are being provided with a classic case in California to prove our point. Ruchell Magee, a San Quentin convict, came to court in San Rafael, California a year ago, but his trial still hasn't started. The reason—no judge. The first judge was allegedly murdered by Magee with a gun allegedly supplied by Angela Davis, now Magee's codefendant. The second judge was accused of prejudice by Magee and stepped down. The third left because of Magee's peremptory challenge. If they finally get a judge, and if the twelve jurors are picked at roughly the same rate, the trial should begin in about thirteen years.

PRIORITIES PICTURE

There are some who talk a great deal about changing national priorities and those who do something about it. The chart below proves the point.

PERIPHERAL CANAL ISSUE REVISITED

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. HOSMER. Mr. Speaker, over the past few months, serious misinformation has been distributed about the environmental problems of San Francisco Bay and the Sacramento-San Joaquin Delta by opponents of further water development for California.

Their goal is to end the Federal Bureau of Reclamation's Central Valley project and the California State water project. Their war cry has been that these projects will lead to the complete destruction of the environment of San Francisco Bay and the delta, and that both the Federal Government and the State of California has a callous disregard for the protection of this estuary system.

However, to the contrary, the proposal to construct a peripheral canal linking these projects in the delta will primarily benefit this area. Furthermore, the State has made ironclad guarantees that the environment of the bay and delta will be protected.

Perhaps the best exposition of the State's commitment to this area has been made by the California secretary for resources, Norman B. Livermore, Jr. Just a year ago, Mr. Livermore wrote to then Secretary of the Interior Walter J. Hickel and made the following commitment for the State:

> In meeting the federal and state export requirements, it is the state's unequivocal position that in water-deficient years the Delta interests must continue to receive a full supply of available water for protection of the Delta's environment and water rights. In other words, if there is not adequate water in the Delta to meet any water quality criteria which will be established by the Water Resources Control Board and to meet any requirements under an agreement which would be be reached with Delta interests and the Department of Water Resources and the Bureau of Reclamation, then the federal and state export projects would be required to assume any such shortage of supply, and the Delta area would have a prior right.

More recently in San Jose, Calif., Mr. Livermore discussed the environmental benefits of the peripheral canal, and I commend his comments to you which were presented before the Water Week Luncheon of Civic Leaders in San Jose, Calif.:

ENVIRONMENTAL BENEFITS OF THE PERIPHERAL CANAL

(By N. B. Livermore, Jr.)

I greatly appreciate your invitation to be here today and to participate in this civic water luncheon.

This is another evidence of the new attitude of environmental awareness on the part of civic groups in California. I congratulate you on the time and effort you all are taking to consider in depth some of the problems of our water environment in this State.

Water is one of those environmental amenities we seem to take for granted. We use it for so many things that we often lose sight of its intrinsic value. Yet, water has no substitute in our domestic, industrial, and agricultural life. As a liquid it quenches our thirst, cools our factories and homes, and irrigates our crops. As a vapor it provides force for electric power generation, it presses our clothes, and clears our heads. As a solid (if used in moderation in a tinkling glass!) it adds a note of cheer to our frequently frenetic lives.

So many of our citizens think water has "always been there" that they turn to its use without a thought.

I suggest to you that we need to clear our heads a little in thinking about water. I suggest also that we need to substitute positive thoughts and facts to replace the considerable amount of misinformation that is circulating in Northern California in this important matter; particularly on the subjects of the Sacramento-San Joaquin Delta, the Peripheral Canal, and San Francisco Bay.

Some of the "misinformation" about water which is being circulated by certain individuals, the press, and groups is apparently believed by enough people to give us cause for concern.

What is this inaccurate and misguided misinformation?

One item which has disturbed me is the idea that we can get away today with the practices and follies of yesterday when water was readily available and our population was only a fraction of what it is now; this is the abuse of the transport function of water. In other words, because water is still handy enough in some areas, it is used as a ready means of carrying away—and temporarily hiding—many of the waste products of our modern life.

POLLUTION IN SAN FRANCISCO BAY

You here in the San Jose area know what I mean by this! You can look out to the north and see that San Francisco Bay is threatened today by a pollution problem which some experts contend is worse than the one faced by Lake Erie.

Dr. Erman Pearson of the University of California, an international authority on the problem of waste discharges and their effect on aquatic life, recently completed a detailed study of San Francisco Bay in which he pointed out that 776 million gallons of toxic effluents are being discharged into the Bay system every day. He also stated that more than 60 tons of oil and grease, mostly from municipalities, are also being discharged into San Francisco Bay each day. These were only two of the four problems he listed; the others were biostimulation and coliform bacteria. He added his voice to those who are recommending regional waste disposal programs, as did the report by Kaiser Engineers for the State Water Resources Control Board last year.

California water law recognizes that no one has a right to waste our water, nor to pollute it with wastes. The use of fresh water to dilute polluted matter is not considered a beneficial use of water in a state where the water supplies are limited geographically. The communities around the Bay simply *must* take measures to clean it up, just as they have in San Diego Bay.

THE 1969 WATER QUALITY CONTROL ACT

With the Governor's strong leadership, in 1969 the Legislature passed the Porter-Cologne Water Quality Control Act, which is the toughest water protection law in the Nation. Under this Act, waste dischargers who violate regional regulations are now subject to Cease and Desist orders from the regional quality control boards and are also liable for $6,000 a day fines if these orders are ignored.

In the San Francisco Bay Region, 289 municipal and industrial waste dischargers come under the jurisdiction of the regional water quality control board. I am sure you have been aware from press reports of the number of cease and desist orders which have been issued in the central, South Bay, and Contra Costa County areas.

A long battle is ahead of us if we intend to have a healthy bay in San Francisco.

THE EXAMPLE SET BY SAN DIEGO

I say that it will be a long battle because we have the experience of the battle for San Diego Bay behind us, which took ten years to reach a successful conclusion. The municipalities and industries around San Diego Bay recognized that the cleanup job had to be done by *their own efforts*. There is—as you know—almost no freshwater inflow into that Bay. No one could claim, as some are doing with regard to San Francisco Bay, that "if you only increase the freshwater inflow into the Bay" the problem would solve itself.

San Diego realized that only aggressive action by government and industry together, plus a bond issue of $60 million for advanced treatment facilities and an ocean outfall, would result in a clean bay which today is a source of pride to everyone. The San Diego communities, by their own aggressive corrective action, now have a bay largely restored to its original state of quality; the fish have returned; beaches are clean; the public can swim in it, use it, *enjoy* it.

THE DELTA

A substantial part of the water which flows out through the Sacramento-San Joaquin Delta has first been stored upstream by many reservoirs. Part of that stored water represents excess flood flows which formerly took lives and destroyed property. Downstream communities below Shasta, Trinity, Oroville, and Folsom Dams now benefit from the more controlled flows which smooth out winter floods and summer droughts which were formerly characteristic of this part of the State.

As far as the State Water Project is concerned, you all know that the cost of the large dams, reservoirs, and conveyance aqueducts is being paid for by water agencies who have contracted for portions of the stored water. You also know that since the construction of Shasta Dam and its operation in 1944, releases of water down the Sacramento to the Delta have been made in such a way that the intrusion of ocean salt water has been held back from 90 percent of that area. This is a vast improvement over the historic condition which, in dry years, saw saline water penetrate far into the interior of that rich agricultural zone.

Voices are raised which want to increase that bonus benefit and, in addition, demand a guarantee that sufficient amounts of water be released to continue the practice of flushing away waste discharges from municipalities and industries in the westernmost Delta.

The Director of the Department of Water Resources has told the State Water Resources Control Board that, if Bay and Delta interests want water stored by the state and federal governments behind dams to be released at their direction in natural low-flow periods to help assure high-quality water, there is no reason they should not pay for this stored water, just as valley farmers and Southern Californians do.

WATER ECONOMICS

This has carried us to the second area of misinformation: some people appear to have the idea that benefits and advantages that accrue to water users over and above normal use of water somehow do not have to be paid for.

Municipal, industrial and agricultural uses of water are beneficial uses of this resource. You here in San Jose have been paying for your water for years. Customers of East Bay Municipal Utility District pay. People in the City of San Francisco pay. Customers in this area who use water from the South Bay Aqueduct of the State Water Project, and those in Contra Costa County who are users of water from the Contra Costa Canal of the Central Valley Project also pay.

Should someone approach these users and request additional water beyond normal flows for the purpose of moving the salt water line to a point farther west from the Delta for the purpose of flushing away increasing wastes, they would feel justified in requiring that this additional use ought to be paid for.

The principle is the same whether the

water arrives by means of closed aqueducts from the Sierra or through a collection point, such as the Delta, where it is pooled before diversion to customers of the Central Valley Project and the State Water Project. In both cases, large costs have been incurred in constructing upstream storage reservoirs and conveyance facilities which are being amortized over the years. Extra usage of water, made possible by these expensive facilities, must be paid for.

THE PERIPHERAL CANAL

Although the idea of a Peripheral Canal along the eastern edge of the Sacramento-San Joaquin Delta is not new, and was adopted after many years of exhaustive study which resulted in the rejection of other alternatives—to many people it seems to be a new and unfamiliar concept which has developed suddenly. They are not sure of its effectiveness; they wonder if the environmental-ecological problems of the Bay and Delta have been studied enough.

I am aware that the San Jose area too, is receiving an increasing barrage of hasty generalizations and misinformation about the Canal.

I wish I could tell you who live here near the south end of San Francisco Bay that the Peripheral Canal will correct all of the pollution problems in the Bay; but such is not the case. We all recognize the danger to the Bay of pollution which is now taking place and which has to be corrected by people in the Bay Area itself by setting up corrective pollution controls just as the people of San Diego did.

I can, however, suggest to you some points about the Peripheral Canal as it affects the Delta—some of these having relation to the Bay.

Point No. 1: For over 15 years, and after the investment of $10 million dollars, experts have been studying and devising means to protect and enhance the environment of the Delta. This has included the work not only of engineers, but of knowledgeable persons in other fields such as biology, water chemistry, soil problems, economists, and fish and game experts.

Point No. 2: After studying and rejecting other alternatives, the idea was adopted of a Peripheral Canal hydraulically isolated from the Delta. Although it skirts the eastern edge of the Delta, it will be provided with some 11 release gates to permit fresh water to be injected into some of the Delta's deadend sloughs and channels. The distribution of these releases will improve Delta water quality for irrigation, for fish growth and wildlife enhancement.

Point No. 3: Reservoir releases will continue to protect 90 percent of the Delta from salt water intrusion. The positive westward flow of water, distributed around the eastern edge of the Delta will reduce the threat of scouring of existing channels and drawdown in the southern Delta. Without the Canal, these conditions will worsen when authorized diversions are increased over the years by the state and federal water projects. Normal fish migration patterns will be restored with the Canal in operation; without the Canal, fishery conditions will steadily worsen.

Point No. 4: The Canal will help reduce the threat of floods in the northeastern Delta. Flood flows will pass through the Canal for storage in San Luis Reservoir in Merced County, to be used for water needs farther south.

Point No. 5: The Canal will not interfere with commercial navigation or recreational boating—which other plans, now discarded—would have done.

Point No. 6: The Delta, as you know, is the common point of collection and diversion of water into aqueducts of the Central Valley Project and the State Water Project. Water transported by those aqueducts will serve agencies in six counties of the Bay Area: Alameda, Santa Clara, Contra Costs, San Benito, Santa Cruz, and Monterey, as well as agencies in Central and Southern California. Collectively, these agencies comprise two-thirds of California's population and a substantial portion of California's agricultural economy.

You in Santa Clara County, and people in neighboring Contra Costa and Alameda Counties will be interested to know that the Canal will make available a much better quality of water through the South Bay Aqueduct—for yourselves—and through the Contra Costa Canal—for Contra Costa County. Approximately 600,000 acre feet annually will be delivered by the Canal to these three counties.

Point No. 7: In its capacity for diverting water southward for agriculture and other uses, the Canal will not be the only purveyor diverting water from the Delta, as many people would have us believe.

On the contrary, San Francisco's Hetch Hetchy and East Bay's other High Sierra projects will be diverting 1½ million acre-feet annually from the Delta by 1990. At this same time, the State Water Project, of which the Canal will be a part, will be diverting some 2 million acre-feet to the Metropolitan Water District in Southern California. In other words, for every four parts of watei that Southern California will divert, another three parts will be diverted by the Metropolitan San Francisco Bay region.

Point No. 8: Let me emphasize: the Peripheral Canal does not increase the pumping capacity of the pumps that feed the state and federal aqueducts nor will it increase the authorized amount of water slated for delivery to these projects. It simply solves the water conveyance, water quality, and fishery problems in the Delta related to carrying water across the Delta to the existing pumps. In other words, it will in itself have absolutely no effect on the Delta outflow.

Point No. 9: The only apparent solution to the pollution problem facing the Bay is a comprehensive collection, waste treatment, and disposal system such as is recommended by Kaiser Engineers in its Bay-Delta Water Quality Control Study which was published in March 1969, and is available from our California Water Resources Control Board for all who care to study it.

Point No. 10: With the Peripheral Canal, we can do an excellent job of protecting and enhancing the Delta by regulating the freshwater flow so that the proper amount is on hand at all times. Diversion of winter and spring floods flows tributary to the Bay does not increase the pollution into the Bay. To protect the Bay at all times of the year, waste discharge facilities must be designed to operate at summer flow levels because the intermittent and unpredictable nature of floodflows renders them unreliable and therefore unusable for assimilating wastes by any muncipality or industry.

Point No. 11: Much of the criticism of the Peripheral Canal has been voiced by a few groups who envision a chance for a '"free ride" for their area from the federal and state water projects in the hope of reducing waste treatment costs and delaying the time when their area must participate in a regional waste treatment, collection, and disposal system.

GUARANTEES OF ENVIRONMENTAL QUALITY IN THE DELTA

With regard to the State's approval of the Peripheral Canal, I would like to quote from my letter of April 28, 1970, to the Secretary of the Interior transmitting the official views of the State of California on the Bureau of Reclamation's Peripheral Canal feasibility report:

"In meeting the federal and state export requirements, it is the state's unequivocal position that in water-deficient years the Delta interests must continue to receive a full supply of available water for protection of the Delta's environment and water rights. In other words, if there is not adequate water in the Delta to meet any water quality criteria which will be established by the Water Resources Control Board and to meet any requirements under an agreement which would be reached with Delta interests and the Department of Water Resources and the Bureau of Reclamation, then the federal and state export projects would be required to assume any such shortage of supply, and the Delta area would have prior right.

"The State strongly recommends authorization and funding of the Peripheral Canal by the Congress as soon as possible to protect and enhance the environment and ecology of the delta and to firm up authorized export water supplies of the federal Central Valley Project and the California State Water Project.

"The State wishes to emphasize again, as stressed above, that the authorizing document require that the Peripheral Canal must be designed, constructed and operated in such a manner that the ecological system in the Delta be protected and maintained, and enhanced where possible."

THE U.S.G.S. REPORT

Speaking of flood flows, the California Water Commission discovered that the actual work done by the team under the U.S. Geological Survey—which receive much press notice in this area when their written report was released last July—was done during a non-typical water year—a flood year.

No similar definitive study had been made by them during a dry year or a low water year. The scientists discovered that large freshwater inflows to the Bay tended to flow on top of the heavier saline water which remained at the bottom of the Bay. Mixing of these waters reduced the saline content of the Bay. This, of course, our State water experts knew. They also knew that there might be a mechanism other than tidal exchange which might be contributing to the removal of pollutants from San Francisco Bay.

In a detailed exposition which the U.S.G.S. team gave to the Water Commission, they made the point clear that their data was not quantitative—only qualitative; that they had no timetable as to when the data might be quantified; that this particular report was far from conclusive; and that it only represented a hypothesis for consideration. In other words, they emphasized that their flood-year study analyzed only one portion of the qualitative question; their testimony made it clear that their studies did not speak to the extremely important influence of tidal action in relation to Bay pollution.

This detailed presentation to the Commission was vastly different and much more factual than the reports many of us had previously received through the news media which, truthfully, consisted largely of reporting on what had been said by others. The U.S.G.S. team made no judgment nor did they express any opinion regarding the Peripheral Canal, as was widely attributed to them by the press and other groups.

PRESERVATION OF THE BAY-DELTA FISHERY

In closing, one final thought is somewhat puzzling: no opponents who claim the Peripheral Canal will ruin the ecology and environment of the Bay-Delta estuary—and they always join Bay problems with Delta problems—have expressed an opinion as to what would occur in the area if this facility should *not* be built. They simply have not taken into account the serious damage that would occur to the Delta ecology, sport fishery, and recreation without the Peripheral Canal.

Even with the great strides being made to preserve the environment, fishery, and ecology of the Bay-Delta estuary by controlling Bay filling and pollution, the fishery (salmon, striped bass, and other anadromous fish) that migrate through the entire estuary would be severely damaged if the Peripheral Canal were eliminated in favor of any known alternative. Several plans were considered that could meet the water conveyance and quality needs of the water project; but the Peripheral Canal is the *only* alternative endorsed by the Department of Fish and Game, and the *only* one that we know of that can protect the fishery as well as provide for the needs of the water projects.

SUMMARY

In sum, the Peripheral Canal must and will be built. This cross-delta facility, which was authorized by all the people in California by the statewide election of 1960, is necessary for California agriculture, for our neighbors to the south, for water supply to many other California communities including your own Santa Clara County, and for the preservation and enhancement of the ecology, fisheries, and recreation in the Delta.

REVENUE SHARING: MORE OR LESS?

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 1971

Mr. McFALL. Mr. Speaker, revenue sharing has become the pie-in-the-sky of the 1970's, calculated to win friends for the administration—the kind of friends who will stand steadfast in the 1972 elections. Any Congressman who dares oppose the President's revenue-sharing plan risks being cast as a villain in the eyes of local officials who are understandably desperate for adequate funds to meet current operating costs and totally frustrated in any effort to improve or expand government services to meet modern demands.

Their plight is serious. They are victims of the misguided economic policies of the very administration that now offers revenue-sharing as a cure-all—policies that produced an inflation-recession resulting in low productivity, spiraling prices, and high unemployment. Caught in the squeeze, local and State governments have suffered a loss of tax revenues because people who are unemployed and businesses that are not making a profit do not pay taxes. But at the same time, local and State governments are faced with mounting costs on an inflationary market, increased needs for services, and a drain of funds through unemployment compensation payments to those who have been on the jobless rolls for a prolonged period. Where are they to find the increased revenues to meet their needs?

Taxes are never popular. State and local taxes are the least popular and the most difficult to assess and collect. So it is small wonder that Governors and mayors would see hope in the prospect of having federally-collected tax moneys turned over to them to spend as they see fit to meet what they consider to be their most pressing needs. But is it the function of the Federal Government to serve as a tax-collection agency for the local governments?

We are most sympathetic to their needs. What they need is more money. There is no doubt or disagreement on that score. But the question in my mind is, would the administration's revenue-sharing plan really provide more money for the neediest—or would it provide the illusion of more, and the slowly dawning reality of less?

To answer that question, we have to examine the sources from which the additional revenues will come. And what we find is an emerging pattern of Federal cutbacks in grants for specific purposes, for the sake of providing the unearmarked funds that look so attractive to mayors and Governors as they survey their "laundry list" of programs that need funding. The result is not more revenue, but in some cases less—and the loss of programs that have been started and cannot be continued in the face of cutbacks in categorical grants voted by Congress to meet demonstrated national needs.

Let us take, for example, the need for public library services. In enacting the Library Services and Construction Act of 1970, Congress gave recognition to the need in a free society for an educated public, for the ready availability of information and intellectual stimulus that is provided by a free public library system.

To keep pace with the needs of an expanding population and a more sophisticated social structure, Congress voted funds for the construction of new libraries, extension of library services, and promotion of programs of inter-library cooperation. For the fiscal year ending in June 1972, Congress authorized appropriations of $112 million for library services and $80 million for library construction, for a total of $120 million, an amount that is admittedly not overgenerous in view of the need.

But that amount has been reduced in the President's 1972 budget recommendations to a mere $18 million for library services, with no funds whatsoever requested for library construction.

The defense may be made that it is the prerogative of the Executive to reduce amounts appropriated by the Congress for specific programs, and that former Presidents have exercised that prerogative. It is true that both President Kennedy and President Johnson made minor adjustments in appropriations requests for library services and construction, amounting to a total reduction of $66 million over the 6-year period from 1963–68, an average of 4 percent of the congressional appropriations for those years.

By contrast, the present administration recommended library appropriations which were $300 million short of authorized amounts in the past 2 years, a cut of over 83 percent. And now, for fiscal 1972, the administration proposes a 100-percent cut in library construction funds, totally eliminating the $80 million item authorized by Congress for new libraries, and reducing the $112 authorized for library services to $18 million, representing again an 83-percent reduction in funds.

Such a massive cutback insures the failure or discontinuation of library programs that were initiated with the assurance of Federal funding at a consistent level from year to year. If those funds are no longer forthcoming, the initial investment made in previous years is lost, and the program is lost before the people know it.

The librarians know it, and they are concerned.

I have a letter from Mr. Oscar W. J. Smaalders, the county librarian in Modesto, Calif., in my district, who wrote to me:

> We are greatly concerned about the 1972 budget requests, specifically the cutback in LSCA Title I funds. This would seriously endanger the continued financing of some very valuable programs in this area. It would certainly decrease our ability to extend library services.

I call attention to this because it is a typical example of funds being quietly withdrawn while all attention is being directed, by fanfare and full publicity, to the promise of more Federal funds for States and cities to spend as they choose. This is the picture of the rich uncle who gives with one hand and takes away with the other.

The Modesto County library is only one of many libraries that would be adversely affected by the administration's budget slashes. And this is only one budget item that has been cut. There are many more programs—in health, education, housing, welfare, transportation—that are vital to the people's needs, that are now receiving Federal support, and are threatened with drastic slashes in order to provide funds for unspecified, unproved programs.

This is not revenue sharing; this is merely revenue shuffling—the process of taking money that has been allocated for libraries, schools, hospitals, medical research, highways, and parks, and transferring it to the big pie labeled "revenue to share."

It is a wasteful and inefficient approach to government—an encouragement to abandon programs that are working, and to initiate new ones at their expense. Worse than that, it is deceptive—a paperwork transaction that creates the illusion of more and the end result of less.

Before the people can be convinced of the good faith of the administration in its revenue-sharing proposal, they will have to be assured that budget items will be restored to the level authorized by Congress.

HOUSE OF REPRESENTATIVES—*Wednesday, May 26, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord shall guide thee continually, and thou shalt be like a spring of water whose waters do not fail.—Isaiah 58: 11.

O God of truth and love, grant unto us a creative awareness of Thy presence and a confident assurance of Thy power as we live through these days which try men's souls.

Give us to see, as never before, that if we are to live triumphantly in these troubled times we must cultivate the larger life of love, the higher hope of happiness, and learn to be more obedient to the leading of Thy holy spirit.

Grant that our President, our Speaker, and the Members of Congress may face their perplexing problems with courage, carry their heavy burdens with confidence, and by Thy grace continue to work for a world where men shall live together in peace.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a joint resolution of the Senate of the following title:

S.J. Res. 29. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week," and for other purposes.

A GREAT DAY FOR EVERYONE BUT THE NEWS MEDIA

(Mr. ABERNETHY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ABERNETHY. Mr. Speaker, yesterday President Nixon appeared in Mobile to participate in a program inaugurating construction of the Tennessee-Tombigbee Waterway. It was a wonderful day. The rains let up. The sun came out and shone brightly on the large and enthusiastic assemblage of many thousands. The President was well received.

Even so, the image of the meeting as portrayed by the CBS network and the media in general was quite the opposite and most disgraceful.

I might say, Mr. Speaker, that not one single antiwar banner was lifted or even seen. No demonstrators were on the scene. There were no peaceniks and no beatniks. There were no insulting shouts from the President's listeners. And in the crowd of thousands I did not see one single long-haired or long-bearded, or blue-jeans-dressed punk. Not one. Oh yes, there was one and he was a CBS cameraman. His hair was hanging on his shoulders and chest.

The President was in a fine humor and fine fettle. So was the crowd. His speech was excellent, frequently applauded and well received. In all it was a great day for him, for the large assemblage of listeners and for America.

It is too bad the biased television networks, especially CBS, and the up-country segment of the news media seem unable to report the facts.

CREATING A SELECT COMMITTEE TO INVESTIGATE ENERGY RESOURCES

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 155 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 155

Resolved, That there is hereby created a select committee to be composed of seven Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

The committee is authorized and directed to conduct a full and complete investigation of all aspects of the energy resources in the United States, including (1) the availability of oil, gas, coal, and nuclear energy reserves; (2) the identification of the ownership of such reserves; (3) the reasons and possible solutions for the delay in new starts of fossil fueled powerplants; (4) the effect of pricing practices by the owners of energy reserves; (5) the effect of the import of low sulfur fuels; (6) measures to increase the availability of pipelines, railways, barges, and ships needed to transport fuel materials; (7) measures to close the gap between the supply and demand for electric energy; and (8) the identification of the environmental effects of the electricity industry.

For the purpose of carrying out this resolution the committee, or any subcommittee thereof authorized by the committee to hold hearings, is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

The committee shall report to the House as soon as practicable during the present Congress the results of its investigation and study, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

CALL OF THE HOUSE

Mr. ADDABBO. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 109]

Abourezk
Adams
Alexander
Anderson, Ill.
Ashley
Baring
Barrett
Belcher
Bell
Betts
Biaggi
Brooks
Brown, Mich.
Broyhill, Va.
Burke, Fla.
Cabell
Camp
Chisholm
Clark
Clay
Cotter
de la Garza
Dent
Devine
Diggs
Dwyer
Edwards, Ala.
Edwards, La.
Evins, Tenn.
Fisher
Flowers
Flynt
Frenzel
Frey
Gallagher
Gettys
Giaimo
Gibbons
Gray
Griffiths
Halpern
Hastings
Hawkins
Hays
Hogan
Ichord
Johnson, Pa.
Karth
Kee
Keith
Landrum
Latta
Leggett
Long, La.
McCloskey
McCulloch
Mann
Martin
Mathias, Calif.
Mayne
Metcalfe
Mikva
Miller, Calif.
Mills
Mink
Minshall
Monagan
Moorhead
O'Neill
Passman
Patman
Pirnie
Podell
Price, Tex.
Purcell
Rangel
Rees
Reuss
Riegle
Roberts
Roe
Rooney, N.Y.
Rostenkowski
Rousselot
Roy
Roybal
Runnels
Ruppe
Scherle
Scheuer
Slack
Smith, Calif.
Smith, Iowa
Spence
Steele
Steiger, Ariz.
Stubblefield
Stuckey
Taylor
Thompson, N.J.
Thone
Ullman
Waggonner
Watts
Whalley
Wilson, Charles H.
Winn
Wydler
Wyman

The SPEAKER. On this rollcall 323 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE A REPORT ON H.R. 8687

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services have until midnight tonight, May 26, to file a report on H.R. 8687, a bill to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluations for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The SPEAKER. Is there objection to

the request of the gentleman from Louisiana?

There was no objection.

CREATING A SELECT COMMITTEE TO INVESTIGATE ENERGY RESOURCES

The SPEAKER. The gentleman from Tennessee (Mr. ANDERSON), is recognized for 1 hour.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, the resolution before us, House Resolution 155, is to create a select committee to be composed of seven Members to be appointed by the Speaker.

The responsibility of the committee shall be to investigate all aspects of the energy resources in the United States, including the availability of oil, gas, coal, and nuclear energy reserves; the identification of the ownership of such reserves; the reasons and possible solutions for the delay in new starts of fossil-fueled powerplants; the effect of pricing practices by the owners of energy reserves; the effect of the import of low sulfur fuels; measures to increase the availability of pipelines, railways, barges, and ships needed to transport fuel materials; measures to close the gap between the supply and demand for electric energy; and the identification of the environmental effects of the electricity industry.

What we are talking about is the future of mankind and the survival of life on this planet.

This Nation—indeed the entire world—must reach out in many new directions and dimensions in the field of energy resources and applications.

If energy consumption trends continue in the United States and other highly industrialized nations, it will not be long before we face an energy crisis of truly enormous proportions.

The time has come when we must start thinking about conservation of energy resources. There is some finite amount of oil, gas, coal, and uranium available. The United States has never had a national energy policy. It is time that we start to form one.

As international power politics grow in intensity, and as emerging nations seek to industrialize, our call on foreign oil and gas is likely to become more precarious, not less.

We are fortunately blessed with several centuries of coal reserves. But here we must think about increasing costs, the demands, present and future, of the chemical industry, the impact of stringent new pollution laws, and the ramifications of the monopolization of coal by the oil industry.

Controlled fusion, in which the raw energy source would be virtually inexhaustible, is a possibility, but only that. No one knows when, if ever, such a process will be technically and economically practicable. It is my understanding that the Soviets are pursuing this objective with a great deal more vigor than are we. A national energy policy should evaluate our efforts and most likely call for an acceleration.

If we are to give due thought to the future of our planet and to the generations that will live on it, it is best that we consider that the energy crisis exists now—and that our energy resources are priceless. We need a national policy designed to conserve that which we have, while aggressively developing means of tapping new resources by controlled fusion, sophisticated biochemical cycles, the direct harnessing of solar energy, and so forth.

I would suggest these steps as part of a national energy policy:

First. A program of research designed to increase B.t.u. efficiencies of generating plants and distribution systems.

Second. Mandatory measurement and publication to consumers of the energy efficiency of all electric appliances and machinery.

Third. Now research into office and dwelling designs that require minimum power to maintain temperature, humidity, and airflow.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Tennessee. I am delighted to yield to the gentleman.

Mr. GROSS. Mr. Speaker, it seems to me that this resolution creating still another commission in Government is more notable for what it does not contain than for what it contains. Would the gentleman care to put a price tag on this proposed commission, just to start a few questions?

Mr. ANDERSON of Tennessee. Of course, the appropriations for the proposed select committee would be submitted to this current Congress. It is my understanding that the expenditure would be approximately \$½ million within the next year and one-half.

Mr. GROSS. What about the invasion of the jurisdiction of the standing committees that are already in existence with staffs sufficient to go into the matters included in the resolution? It seems to me in reading this list that the proposed new commission would be invading the jurisdiction of a half dozen regularly established committees in the House of Representatives.

Mr. ANDERSON of Tennessee. Of course, as the gentleman well understands, this committee would not have any legislative powers. One of the problems at the present time is that there is such a great fragmentation in the regular committee structure regarding the various aspects of the energy problems.

I visualize this committee as being an aid to the other House committees in terms of a full-time study of a very, very vital national problem and being of assistance to the other committees rather than being an infringement on their character and the rules that they operate under.

Mr. GROSS. This is more than aid on one vital matter. There are several matters involved in the proposal.

Do I understand that the staff director of this proposed commission has already been selected? Does the gentleman know the identity of the person who is going to head the staff of this commission?

Mr. ANDERSON of Tennessee. I cannot answer that, that would be entirely up to the Speaker of the House.

Mr. GROSS. And the gentleman says it is going to cost one-half million dollars?

Mr. ANDERSON of Tennessee. That is my understanding. That is the estimate at this point.

Mr. GROSS. There is another question I would like to ask the gentleman.

Where is it proposed to house this new commission and park the cars that will have to be accommodated? We have run out of space in the various parking garages. Where are we going to park the cars of the staff director, the assistant director, and the assistants to the assistants?

Mr. ANDERSON of Tennessee. I understand that all of the particulars have been worked out by the gentleman who is the author of the resolution.

Mr. GROSS. Who is the author? Does the gentleman say it has all been worked out?

Mr. ANDERSON of Tennessee. The author of the resolution is my distinguished colleague, the gentleman from Tennessee (Mr. FULTON).

Mr. GROSS. All these details have been worked out?

Mr. ANDERSON of Tennessee. He will be speaking later, but my understanding is they have been worked out.

Mr. GROSS. I will be very interested in getting the answer to that question for the information is not provided in the resolution.

Mr CELLER. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Tennessee. I am delighted to yield to the gentleman from New York.

Mr. CELLER. Does the gentleman know that presently there are 58 special groupings of Members constituting special and select committees, boards, commissions, and joint commissions of the House, committees of the House and the Senate, and that the proposed committee would make the 59th special entity? Does the gentleman understand that, and does he not think it is time that we should stop creating special groups and leave the matters in the hands of the general standing committees which have jurisdiction? What does the gentleman have to say about the proliferation of all these special groups? Are they not like barnacles on the legislative ship? Also they are difficult to remove.

Mr. ANDERSON of Tennessee. I can appreciate what the gentleman has said. The committees to which the gentleman has referred were all created by the Congress. The subject area of the proposed Select Committee would be such as not to be merely a matter of creating an additional committee, but it would be an additional tool that will help to give some full-time thought to a serious problem. I wonder how many total days of attention to this specific matter in the past couple of years all of these committees combined may have given to it. I know it has been appreciable. But we are talking about a full-time, properly staffed committee effort, which I think is needed.

Mr. CELLER. Mr. Speaker, will the gentleman yield further briefly?

Mr. ANDERSON of Tennessee. I am happy to yield to the distinguished gentleman from New York.

Mr. CELLER. For example, under the language of the bill for the establishment of this special group there is listed "the effect of pricing practices by the owners of energy reserves." We have now pending in the Judiciary Committee a number of bills with reference to pricing practices concerning those who manufacture energy. Am I going to run a race with you to conduct the hearings in my committee while you conduct hearings in your committee on pricing practices, predatory practices, reciprocal relations between various companies, all of which are embodied in the provisions in the pending resolution? Am I to conduct a contest with you? I can assure you that if this resolution is adopted, I am going to conduct hearings immediately on the bills before my committee, and they will be in competition with your efforts. Do you think that is proper procedure? Frankly, the Standing Committee should have preference.

Mr. ANDERSON of Tennessee. The author of the resolution, of course, can speak much more in detail to that subject. He will be speaking later. But at this point I will say to the gentleman in the well that the idea is not competition but cooperation and assistance, sir, with your committee and what you have planned. It would be a tool of assistance rather than a matter of competition or running a race.

Mr. MACDONALD of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Tennessee. I yield to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. The gentleman from New York has raised a point that I believe goes to the heart of the matter. There is a grave problem in these fields. I agree with the gentleman wholeheartedly because there is a grave problem. The subcommittee of which I have the honor to be chairman has been conducting since May 4 and currently, just before the call of the House, was still conducting—I left the hearings—on the subject that the gentleman suggested there should be a special committee to consider. Are we doing something wrong in our special way of handling the problem so that we need another committee to do what we are currently doing with staff, with interested people? We have been holding these hearings since May 4. So I would like to know from the gentleman why he thinks another committee is necessary to do a job that we are currently doing. It is not an idea that we have; it is something that we are currently doing.

Mr. ANDERSON of Tennessee. I have every respect for the distinguished gentleman from Massachusetts and his very excellent committee. I know the gentleman is doing a superb job. But may I ask you this: Are you looking into new energy fields? Are you looking into biochemicals? I wonder if the gentleman's committee has within its jurisdiction and is looking into such matters as what our total energy resources are. Are we doing enough to go into the biochemical field, which shows some prospect? Are we doing enough research to conserve what we have in terms of creating more efficient electrical machinery and equipment?

Mr. MACDONALD of Massachusetts. Mr. Speaker, if the gentleman will yield further, I should like to call the attention of the House and of the gentleman to the fact that three measures set out in the subparagraphs here are currently being considered by the Committee on Interstate and Foreign Commerce. We are doing it; we are not talking about it.

I have with me, if the gentleman will yield me time later, the whole record of what we have done up to this time.

I ask the gentleman: Does he believe there should be another select committee to oversee what we are doing? If we are doing something wrong, what are we doing wrong? I should like to hear the gentleman's opinion.

Mr. ANDERSON of Tennessee. I see it not as overseeing what the gentleman is doing, but as a study which can be of valuable assistance to his committee. Undoubtedly it is going to take some time.

Mr. MACDONALD of Massachusetts. I am sure the gentleman will hear from the distinguished gentleman from California (Mr. HOLIFIELD), later, if he will grant him any time, under this rather closed rule procedure.

I should think, when this whole matter came up, consideration should have been given to it. Nobody from any committee which could be adversely affected was invited to testify before the Rules Committee. I believe in my own mind if we had been invited this measure would not be here today.

Frankly, I should like to have the gentleman justify why the measure is here, inasmuch as we are doing all that is physically and mentally possible to cure the problem that is the problem.

What is the thinking? Is it that the Committee on Interstate and Foreign Commerce and my subcommittee in particular are not doing what we should be doing?

Mr. ANDERSON of Tennessee. I will let the author of the measure speak to that.

Mr. MACDONALD of Massachusetts. I point out to the gentleman that there are three subparagraphs involved:

> (7) measures to close the gap between the supply and demand for electric energy; and (8) the identification of the environmental effects of the electricity industry.

Frankly, we are doing that right now. If the gentleman is not aware of it I am sorry for him, because we have been holding hearings since May 4.

Mr. ANDERSON of Tennessee. I do not want to cut the gentleman off, but I do have a time problem.

Mr. MACDONALD of Massachusetts. I thank the gentleman.

Mr. ANDERSON of Tennessee. There were published in the CONGRESSIONAL RECORD four different notices of these hearings. The Rules Committee always operates with an open door. Our chairman will hear any Member on any subject.

Mr. CELLER. Mr. Speaker, will the gentleman yield briefly?

Mr. ANDERSON of Tennessee. I yield to the gentleman from New York.

Mr. CELLER. The Judiciary Committee at the present time has a special committee concerning the sources of energy along the Continental Shelf. Under the auspices of a former Member of the House, Ed Willis from Louisiana, very important reports were rendered. We are continuing that study, particularly with reference to the Gulf of Mexico, the shores of Texas and Florida and other States.

Is this going to mean that our inquiry will have to recede and your inquiry take precedence?

Mr. ANDERSON of Tennessee. No.

Mr. CELLER. Are we going forward with our inquiry while you go forward with yours on the same subject? I do not see the efficacy of that at all.

Mr. ANDERSON of Tennessee. Mr. Speaker, I am sure it would not interfere with or impede or reduce the urgency of what you are doing in that area.

I do have a time problem.

Mr. CELLER. I thank the gentleman.

Mr. ADDABBO. Mr. Speaker, I rise in support of House Resolution 155 to create a Select Committee on Energy Resources in the House of Representatives. I am proud to be a cosponsor of this important legislation and I want to commend our colleague, the gentleman from Tennessee (Mr. FULTON), for his leadership in the introduction of the resolution.

The subject of the Nation's energy resources is a complex one, requiring scientific expertise as well as careful consideration of the environmental questions which inevitably arise. As a nation I believe we are far behind in identifying the extent of existing resources and we have not even begun to estimate with any real accuracy the future needs in this area.

That is the purpose of House Resolution 155—to establish the machinery for a full and complete investigation of all aspects of the energy resources in the United States. This involves a study of the availability of oil, gas, coal, and nuclear energy reserves. It involves pricing practices by those who own and control energy reserves and the effect of importation and transportation policies. Perhaps the most important aspect of the energy problem and the most urgent task of the proposed select committee will be to recommend ways to close the gap between supply and demand for electric energy while at the same time meeting the environmental dangers inherent in many proposed expansion programs of private and public utility companies.

The energy crisis in New York City has

frightened the entire Nation and placed this question in the forefront of the public spotlight and well that it has. The gap between supply and demand in electric energy is now a subject of discussion among concerned citizens and the public is ready to consider well reasoned proposals for closing that gap.

In my opinion and in the opinion of the other cosponsors of this resolution, those carefully researched recommendations should come from a select committee of this House which can provide a forum for the leading experts in energy resources to debate and discuss the issues we have outlined above. House Resolution 155 would create a seven-member committee charged with the responsibility for conducting an investigation into these questions and with a goal for reporting its recommendations to the House during this Congress.

I urge you to support and vote for House Resolution 155.

Mr. JONES of Alabama. Mr. Speaker, we have under consideration a resolution to create a select committee to conduct a full and complete investigation of all aspects the energy industry.

The energy industry is of basic importance to all segments of our economy. Without sufficient electricity our industries will not be able to provide the jobs needed if we are to solve unemployment problems. If the cost of electricity goes up, then the prices of products made with that electricity—from aluminum and steel, to automobiles and dishwashers—go up.

To examine all the facts about availability and price of power we must look at more than just the electric utilities. Electricity is generated by water, coal, oil, gas, or uranium. Undeveloped hydroelectric sites are relatively scarce and will not play a major role in providing additional generating capacity.

Therefore, we must find out the facts about the fossil and nuclear fuel resources. How much of a supply do we have, and who owns it?

These facts seem simple enough—but the truth is that there is no place in government that you can go to find them out. For instance, we know that there has been an accelerated consolidation of ownership in the coal industry during the last 5 years. And we know that large oil companies were very active in this consolidation through acquisition of coal companies. These facts came out mainly because of Securities and Exchange Commission disclosure regulations.

What we do not know, because nobody is entrusted with finding out, is how much of the Nation's coal reserves are held by the large companies. We also know that companies with oil and coal interests have purchased or acquired uranium reserves, and in some instances, uranium processing plants. But we do not know the full extent of such acquisitions.

The responsibility for gathering information of this type is either scattered among several agencies, or nonexistent. For example, the Federal Power Commission, which has authority over electrical utilities, also has some regulatory authority over the natural gas industry. However, it is not concerned with coal, oil, or uranium, the other basic fuels for generation of electricity.

The Bureau of Mines has some authority in the coal area, but evidently is not charged with keeping track of resource ownership. The Office of Emergency Preparedness has a role to play in keeping tract of supplies of basic fuels, but it is apparently a relatively limited authority.

What we need in order to plan for the future are the full facts about the Nation's energy supplies—their amount, their location, their ownership, their transportation, and their use. It is my belief that the select committee proposed in House Resolution 155 will have the mandate to develop these facts.

With such facts we can determine whether or not the ownership of basic energy resources is becoming too concentrated for the best interests of the Nation. If such a decision is made, then the facts will enable us to decide what legislative steps would be appropriate to deal with the problem.

In my remarks today I have dealt mainly with the question of ownership of the raw materials of energy—coal, oil, natural gas, and uranium. I have done this because I feel that the Nation benefits from the competition among these various fuels. Thus if the price of oil rises too much there is opportunity for some of its users to shift to coal, thereby creating pressure against unrestrained price increases.

If interfuel competition is reduced or eliminated the pressure is relaxed or removed, to the detriment of the country. I want to know, and the select committee will be able to find out, if a monopoly situation is developing which threatens this interfuel competition.

However, by emphasizing this aspect of the work of the proposed select committee, I do not wish to slight the importance of the other roles set forth in House Resolution 155. Questions concerning importation of low-sulfur fuels, transportation facilities, electric energy supply and demand, and environmental effects of electricity production all require searching examination.

These questions are all matters of legitimate congressional concern. If we are to fulfill our responsibility we need complete information about all aspects of them. The proposed select committee will be able to fill that need. Therefore, I urge passage of House Resolution 155.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I yield 2 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), and I ask unanimous consent that he be allowed to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MEMBER-ELECT BILL MILLS

Mr. GERALD R. FORD. Mr. Speaker, it is most gratifying to Members on this side of the aisle that we will soon have another Republican colleague in BILL MILLS, who has just won a solid victory in the First Congressional District of Maryland. He will succeed our former colleague, the distinguished Secretary of the Interior, Rogers C. B. Morton, with whom he served for 8 years here on Capitol Hill as administrative assistant.

The Member-elect from Maryland, Mr. MILLS, overcame a 2-to-1 Democratic edge in registration with a comfortable majority—according to unofficial returns, of approximately 4,500 votes. His Democrat opponent, a popular State senator, campaigned on the theme that this special election was a chance for Eastern Shore voters to repudiate the Nixon administration's domestic record, and he had the strong backing of Governor Mandel and former Governor Tawes and other prominent Maryland Democrats.

Of course, we had some prominent Maryland Republicans working for BILL MILLS—Vice President SPIRO AGNEW, Secretary Morton, and our former colleagues who are now Maryland's U.S. Senators. But if the Democrats wanted to turn this into a Nixon referendum, as I seem to remember they did in the last special election in South Carolina, I sincerely hope and trust they will be consistent now that the voters have spoken decisively in favor of the President and the President's party. I congratulate BILL MILLS on his personal achievement and I also congratulate him on his stalwart support of President Nixon's program.

I understand Mr. MILLS was once a Democrat himself, and to this I can only say that there is more rejoicing in Heaven over one sinner that repents than over 99 who have never strayed. We welcome conversions and pray for more.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of House Resolution 155 is to create a select committee charged with studying all aspects of the energy resources situation in the United States.

The Speaker will appoint seven members, naming one as chairman. No party breakdown is assigned.

The committee is to study such matters as: First, the availability of various energy reserves and their ownership; second, why fossile fuel powerplants are not being built more rapidly; third, effects of imports of low-sulfur fuels; fourth, how to increase electrical power output and its effect on the environment; and, fifth, how to increase pipeline, railroad, and other transport facilities for fuels.

The usual investigative authority is granted the committee. It shall report its findings during the 92d Congress.

Mr. Speaker, like the weather, there is a lot of talk and complaining about the Nation's energy problems, but no one seems to be doing much about them.

However, I believe today here in the House of Representatives we are going to have an opportunity to do something very important about these problems by establishing a House Select Committee on Energy Resources.

When the idea of this select committee was first broached to me, I was very much impressed and pleased to join in its sponsorship.

Those of us cosponsoring this resolution are doing so far a variety of reasons.

I would venture to guess that the most prevalent among these reasons was our concern over the predicted power blackouts and brownouts for the past winter, blackouts and brownouts which, fortunately, did not occur for the most part.

However, it is important that the failure of these predictions to come to pass not be interpreted as indicating that we have come to grips with our power problems and solved them.

This simply is not the case.

The fact is that we were given a reprieve of sorts this past winter and the Nation's energy demands simply did not rise to predicted expectations.

In reality, the energy shortage prediction has not so much been averted as postponed; nature and circumstance simply combined to give us a little extra time.

It is up to us to use this time and not fritter it away as we have tended to do in the past because the threat of power shortage is very much with us still and could bring a national crisis at anytime during the late spring or summer if an unseasonal hot spell of any duration strikes.

Therefore, we must use the time which is still available to us to commence work on some form of coherent national energy policy to evaluate our future needs and insure that these needs are adequately met.

It is my conviction that the Congress should have a strong voice and firm hand in the formulation of such a policy.

It seems to me that a select House committee to study the energy resources would give us the information and data necessary to help in this task.

In this connection I was particularly pleased to note the emphasis placed on environmental problems as they relate to energy production by the gentleman from Tennessee (Mr. FULTON).

Certainly it was my understanding in cosponsoring this resolution that its intent was not confined simply to the production aspects of the Nation's energy problems but, rather, to the overall picture including the very sobering environmental concerns which are related directly and indirectly to energy production.

Any proposed solution to our energy problems must consider fully and resolve to the greatest degree possible these legitimate and urgent environmental concerns.

We have gained some time in the effort to anticipate our energy needs of the immediate and long-range future; to deal with these needs on an anticipated, rather than an emergency basis.

The establishment of this Select Committee on Energy Resources would be a valuable tool to employ in this effort.

The information and data collected and compiled by this select body could give us the information which we so vitally need to play the role that the Congress must play in the establishment of any national energy policy.

At the same time, it is not my desire or purpose to take away any authority from any standing committee of the House.

Mr. CARTER. Mr. Speaker, the bill under consideration today would create a seven-member committee to investigate all aspects of the energy resources of the United States. As we view the tremendous increase in demand for power resources relative to the available supply, it becomes evident that the United States faces a serious power problem. The time has come to coordinate our efforts in order to find a solution to this problem, and I believe that the creation of such a committee will aid in the coordination of the myriad activities in this regard.

Compared with 10 years ago, 1969 energy consumption represents a 51.2-percent increase, at an average growth rate of 4.2 percent annually during this period.

Over the past decade, consumption of dry natural gas increased 75.4 percent; waterpower, 55.8 percent; petroleum and natural gas liquids, 44.4 percent; and bituminous coal and lignite, 37.7 percent. Anthracite consumption declined 49.8 percent. The use of nuclear energy, which was negligible 10 years ago, has jumped to 141 trillion B.t.u.'s.

The largest energy increase of 1969, in terms of consumption, was in electric utility power, 12.1 percent; followed by energy for household and commercial needs, 6.9 percent; industrial uses, 5.2 percent; and transportation, 4 percent.

Petroleum, continuing as the dominant fuel, supplied 43.2 percent of all energy demands in the United States in 1969. Other energy sources include: natural gas, which supplies 32.1 percent of total energy needs; bituminous coal and lignite, supplying 20.1 percent; waterpower, furnishing 4 percent; anthracite, which supplies 0.4 percent; and nuclear energy, furnishing 0.02 percent.

In 1969, coal was still the major fuel for generating electric power and the domestic demand for it rose 1.1 percent to 505 million tons.

The mining of coal represents a major industry in Kentucky, particularly in the southeastern portion which I represent. Since 1968, coal production has increased from 101,156,000 tons to 126,000,000—a preliminary estimate—an increase of approximately 25 percent. At the same time, the price of coal sold under contract has increased from $3.91 per ton to an estimated $5 per ton, approximately 30 percent. For many special types of coal or coal not mined under contract, prices are often much greater than the above amounts. During 1969, the price of high grade metallurgical coal was approximately $12 to $13.

Given this dynamic, changing pattern in energy demand and supply, it is easy to understand the different opinions about the future of the energy market in the United States as shown by various forecasters. Although nuclear power supplies only a minute part of present energy demands, some forecasters expect uranium and thorium will become the largest single source of energy for the Nation within the next 3 decades. However, given our larger resources of coal and oil shale, and the technological prospects for converting them into fluid fuels, the dominance of the petroleum-like fuels is thought likely to continue for the rest of this century. For the most distant future, there are hopes that certain forms of hydrogen atoms, which are present in nature, can be used as fuel in the fusion process, which in essence could provide an inexhaustible supply.

Although Federal activities in this field are numerous, as yet no effort has been made to coordinate them through comprehensive planning and the development of policy guidelines. Increased sources of power are being demanded, while at the same time, many sources of fuel are in short supply. Antipollution laws, as well as those for mine health and safety, also exert upward pressure on the cost of extracting, refining, and consuming fuel.

The economic well-being of our Nation depends on an adequate supply of low-cost energy. Providing fuel to generate such quantities of energy will pose a substantial problem for the energy industries and necessitates the formulation of a comprehensive national energy policy. I submit that the select committee, to be created by House Resolution 155, is an excellent means by which to begin such policy formulation, as well as to encourage the coordination of the myriad activities presently carried out by the Federal Government. It is my feeling that such a committee is essential to the well-being of our Nation.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 8 minutes to the author of the resolution, the gentleman from Tennessee (Mr. FULTON).

Mr. FULTON of Tennessee. Mr. Speaker, I am pleased to explain House Resolution 155, which was approved overwhelmingly by the Rules Committee on May 18.

This resolution, sponsored by more than 100 Members of the House, would create a Select Committee on Energy Resources.

The sponsors of this resolution come from all geographical areas of the country and include many of my colleagues of the Republican Party.

I would like the House to indulge me for a moment while I cite a few of the statements from experts in the energy field.

From a recent speech by a member of the Federal Power Commission, I quote:

> It is almost impossible to pick up any metropolitan newspaper on any given day without finding some reference to a national energy crisis or a local or regional power shortage or the problems of getting new or additional natural gas service for some community or other.
>
> Increasingly, these accounts reflect some direct tie to the economic welfare of the community—a housing project stalled for lack of gas, a plant shut down or prevented from expanding for lack of industrial fuel,

general commercial slowdown resulting from voltage reductions.

Time magazine's business section for April 19 features an article called "getting more power to the people." Its conclusion:

> Whatever the specifics, the prime essential of a national energy policy is that all pieces fit into a sensible pattern of fuel production and use.
>
> The present lack of policy is leading to a combination of intermittent shortages and soaring prices.
>
> If it continues, the nation may find itself starving for energy in the midst of potential plenty, and paying an exorbitant price as a result.

Mr. NEAL SMITH, chairman of the Small Business Subcommittee of the House which has looked into this situation, had this to say on March 25, 1971:

> There is no question that energy problems, including periodic blackouts, will be a continuing serious problem and that small businesses as well as individual customers are greatly affected by any shortage of energy.
>
> They are affected by increases in prices, inconvenience, and even lay-offs and need to know what possibility there is that there will be any kind of energy shortage in the future and whether it is advisable to depend heavily upon a particular fuel source.
>
> In addition to that, we need to continue to develop national policies which will assure overcoming the shortages which will exist for at least 5 years.

Senator RANDOLPH, of West Virginia, member of the Senate Interior Committee, made the following statement in February 1971:

> Some policy must be established which will permit the managers of the fuel industries to plan nationally for the critical years ahead.
>
> Present public policies toward energy are so fragmented and inconsistent and administered by so many different agencies of government that it might truthfully be said that this country has no energy policy at all.

From the CONGRESSIONAL RECORD of February 11, 1971, Congressman ROBISON said:

> Mr. Speaker, at the moment I do not see much chance existing that any inquiry of this sort might develop on its own—either downtown in the executive branch, or here on Capitol Hill.
>
> This is because, in both instances, there is a confusing jumble of overlapping responsibilities, whether one is referring to those carried by different departments, agencies, or bureaus within the administration, or to legislative committees within the Congress.

The U.S. News & World Report of February 15, 1971, summarized the situation as follows:

> A midwinter wave of numbing cold has caused a crisis and sounded a warning in large areas of this country.
>
> The crisis: widespread shortages of electrical energy developed as power demands soared with dropping temperatures and some major generators broke down.
>
> The shortages came close to paralyzing the lives of more than fifty million people in the Northeast and around Chicago.
>
> The warning: more, and perhaps worse, crises are possible during the continued cold and stormy weather that forecasters see ahead.
>
> Said John A. Carver, Jr., a member of the Federal Power Commission, on February 3:
>
> "The way our demand for energy is growing faster than our ability to supply that energy, any year we don't have a problem will be a lucky year.
>
> "I've never seen cutbacks like we're seeing now, whatever else it might mean at the present time, it means we're going to have to live with this for the foreseeable future unless the good Lord sees fit to change the weather—and I don't think that will happen."
>
> The out look for the remainder of February, according to the long-range forecasts of the National Weather Service, is for temperatures to continue averaging well below normal throughout the area from the Great Plains eastward to the Atlantic Ocean and from Canada deep into the Southwest.
>
> The Northeast was where the winter power crisis hit hardest.

The Chief of the Office of Emergency Preparedness said:

> The energy problems facing the Nation require the formulation of a National Energy Policy. Lead times for solving the problems are long, and time is running out.

General Lincoln, who is also Chairman of the President's Oil Policy Committee said:

> All our mental efforts should be directed to developing policies and building programs which will maintain adequacy during the next few years and give assurance of secure and sufficient energy for the last half of the decade and beyond.

Dr. Wilson M. Laird, Director of Interior's Office of Oil and Gas, said last week:

> The Nation, facing a major energy gap, should elect to develop its domestic fuel resources rather than drift into greater dependence on foreign energy sources.

The Federal Trade Commission, in a report dated May 14, said this:

> It is essential that these areas be fully explored—either by the Congress or by an agency or institution designated and funded by the Congress.

From a recent report by the National Coal Policy Conference:

> Energy is a vital ingredient in our national life.
>
> Without it, nearly everything stops—as we discovered in the Northeast blackout years ago.
>
> Energy consumption is growing five times as fast as population, and countless industrial processes depend on increasing amounts of fuels and electric power.
>
> Our affluent society has come to depend upon energy-consuming conveniences to a degree unknown a few decades ago.

Also, I would like to insert in the RECORD a letter I addressed on April 29 to the Speaker supporting the need for the creation of the select committee, outlining the number of people needed and my pledge to complete the study during the 92d Congress.

Mr. Speaker, we are all aware that man's ability to convert the earth's finite store of energy, coal, petroleum, natural gas, and uranium, into such useful forms of energy, transportation, heat and useful, beneficial byproducts has steadily grown from the time usefulness of coal was recognized 800 years ago, until the present time.

The pattern of growth continues, but as I have said, storm warnings are with us.

The consumption of energy, which required millions of years to accumulate, has proceeded at a pace which can best be illustrated by reminding ourselves that half of man's total energy consumption has taken place in the last 30 years—as much in 30 years as in the preceding entire history of man.

Just as energy consumption measures the extent of our industrial progress, so it also measures the extent of the degradation of the environment.

The cheapness of energy is the basis of our affluence.

Our affluence is the basis of our wastefulness and our insatiable demand for more and more of everything, puts a bigger and bigger load on our diminishing resources.

The result is what we call the energy crisis and the environmental crisis, two sides of the same coin.

The purpose of this resolution for the creation of a House select committee is to lay the foundation for the House of Representatives and the Congress itself to assume its proper role in charting the course for the American people in the difficult task of reconciling our goals of economic expansion and growth and our goals of a livable environment.

That reconciliation, Mr. Speaker, will involve choices and compromises so fundamental in nature that only the Congress should make them.

It is inconceivable to me that the Congress should wish to abrogate to the executive branch or to the judicial branch or to the so-called fourth branch of Government, the regulatory agencies, all of which play an increasingly vital role in decisionmaking energy matters, the responsibility for making the kinds of choices and compromises which are continually being made.

The basis for the reassertion of congressional prerogatives has to be knowledge of the situation and the gathering of that knowledge for the benefit of the House, the Congress, and the people.

That is our objective.

The National Coal Association in a recent statement supporting a Department of National Resources called attention to the fact that decisionmaking powers are now spread over a number of Federal agencies and suggested that Congress set up a Committee on Energy to take over from the 14 congressional committees that now deal with energy.

Mr. Speaker, I have no quarrel with the fact that many committees of the House, such as Interstate and Foreign Commerce, Interior, and Public Works, and others have partial jurisdiction and responsibility in this area, but I believe that we are faced with a national crisis of such proportions that the creation of a select committee that would concentrate in this field only is urgently needed.

We envision an active committee whose first task would be to lay out an investigative program to ferret from this bureaucracy where we now stand as outlined in the resolution itself.

This would require a professional staff

carefully supervised to see that the end product of its work would be instructive and useful to the Members of Congress and to the public.

We know that this report cannot be encyclopedic either factually or in cataloging policy choices.

Five-foot stacks of books are not that useful to busy Members, but a fair and balanced picture can be assembled which would be helpful to the Congress and its committees.

Badly needed perspective can be achieved and a select committee is the right mechanism.

The committee would be authorized to investigate all aspects of the energy resources in the United States, including, first, the availability of oil, gas, coal, and nuclear energy reserves; second, the identification of the ownership of such reserves; third, the reasons and possible solutions for the delay in new starts of fossil-fueled powerplants; fourth, the effect of pricing practices by the owners of energy reserves; fifth, the effect of the import of low-sulfur fuels; sixth, measures to increase the availability of pipelines, railways, barges, and ships needed to transport fuel materials; seventh, measures to close the gap between the supply and demand for energy; and, eighth, the identification of the environmental effects of the production and transmission of energy.

Under the select committee's supervision, the staff would answer questions such as these:

Where are we really in our resource inventory, particularly in the matter of present deliberability?

The people are not adequately informed as to where we stand now and where we will likely be, given present trends.

How can they be made so?

What institutional mechanism should be created?

How can they be kept responsive to the Congress and to the people?

These may seem very broad, but if what we want is a compendium of bureaucratic answers, we can get these by addressing a questionnaire to the executive and regulatory agencies.

I want to say to my colleagues in the House that time is fast running out.

I know of no legislation pending that is more urgently needed and I ask your support.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. FULTON of Tennessee. I am glad to yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. With reference to page 2, line 1, of the resolution authorizing the investigation of "the effect of pricing practices," will this include a study on environmental costs in their relation to pricing practices?

Mr. FULTON of Tennessee. Yes; it will.

Mr. HECHLER of West Virginia. With reference to page 2, line 7, of the resolution, will the investigation and "identification of the environmental effects of the electricity industry" include the environmental effects of strip mining?

Mr. FULTON of Tennessee. My answer is definiely "Yes."

Mr. HECHLER of West Virginia. I thank the gentleman from Tennessee for his frank answers, and although I feel there have been too many energy studies undertaken without action, I shall probably support this resolution in the hope that it will bring more balance and objectivity into discussions which have been based on preconceived conclusions. There is absolutely no reason why, whenever efforts are made to protect the environment, industrial and some Government sources rush in and charge that such protection would create an "energy crisis" and stunt our economic growth.

I am pleased to learn that this investigation contemplates a study of the relation of environmental costs to the price of electricity. One of our problems has been that damaging practices like strip mining have been so inexpensive because environmental costs have not been cranked in. Dr. Lee A. DuBridge, at that time science adviser to the President, made a very thoughtful observation on this point on February 3, 1970, when he testified before the Senate Government Operations Committee, as follows:

> Whether the doubling of power every 10 years will or should be continued as a trend in the next 20 years is a subject that calls for careful examination. While population growth is responsible for about one-third of this growth, the fact is that per capita consumption of electric power has been increasing roughly three times as fast as population growth. This increase in per capita consumption of electric power results from a higher standard of living and greater mechanization but to some extent it is influenced by the pricing policies followed by the electric power industry—the notion that power should be priced to consumers under promotional rate structures that encourage greater and greater usage. Power has become cheaper and cheaper and therefore more attractive. It also results from longstanding Federal polices that also stress the lowest possible price for electricity.
>
> * * * * *
>
> It may be that energy consumption is growing so fast in part because the price does not include the full cost to society of producing and delivering it. I believe that efficient power production is just as important as ever to our economic growth, but we delude ourselves and perhaps shortchange future generations when the price of electricity does not include the cost of the damaging impact its production imposes on the air, water, and land. If the total social cost of electricity or other products are included in its price, consumers will have the inherent ability to consider the effect of their decisions on the environment.

Also, electric growth historically has been encouraged by vigorous promotional activity on the part of the electric utilities. This is illustrated by the advertising campaign of Edison Electric Institute in Life magazine for September 4, 1970, as follows:

> The electricity that lights your home is the cleanest form of energy known. It's absolutely flameless, absolutely without combustion. So it follows that flameless electric heat is the cleanest, purest home comfort you can buy.

But the fuels that generate this electric energy pollute the air with smoke, fly ash and sulfur dioxide and pollute our waters with acid and other wastes. Just as important is the fact that "the all-electric living" concept promoted by the electric industry causes a severe drain on our needed fuel resources.

Only in the latter half of the sixties has this Nation begun to be aroused by the threat to our environment from the onrush of technological progress. Public opinion has forced government at all levels to exert greater pressure on industry and municipalities to take effective steps to improve the quality of our environment. At the same time, we must find new ways to conserve our resources for future generations of Americans. But, we must do this now, even though all information is not yet in—and never will be.

It is with mixed emotions that I shall probably support this resolution. Environmental control technology has not kept pace with production technology and advertising budgets. The time is here when we must act instead of studying. With the fervent and optimistic hope that this resolution might result in a balanced and objective investigation, I shall somewhat reluctantly vote for the resolution.

Mr. ANDERSON of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. FULTON of Tennessee. I yield to the gentleman from Tennessee.

Mr. ANDERSON of Tennessee. In view of the shortage of time, the gentleman recalls this morning that we discussed several questions and answers that relate to the environmental areas.

Mr. Speaker, I ask unanimous consent that I may place those questions and answers at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The material referred to follows:

QUESTIONS AND ANSWERS ON HOUSE RESOLUTION 155

Q. Item 3, in the second paragraph of the resolution, indicates that the committee would study "the reasons for and possible solutions for the delay in new starts of fossil fueled powerplants." Can the gentleman assure us that the committee would not necessarily consider these delays unwarranted? Is it not possible that these delays are, in many cases, desirable to allow time for studies of social and environmental impact of the proposed powerplants?

A. I am happy to assure the gentleman that the committee will have no preconceived notion, overall, as to the merits or demerits of these delays. Indeed, it could be that the delays result from inadequate advance planning by the utilities. We are going to look at this question from all sides.

Q. Item 6 specifies that the committee investigate "measures to increase the availability of pipelines, railways, barges, and ships needed to transport fuel materials." Does this imply that the committee would regard these particular modes of fuel transportation as necessarily required to solve the current energy problem?

A. No, it does not. The committee will examine all means of transporting fuel materials and transmitting energy. It may prove unnecessary to move more rapidly into pipelines or ships. As my colleagues know, each form of transportation and transmission has its drawbacks. Pipelines and tankers especially involve major safety problems. Each form, and its implicit problems, will be given due consideration in the committee's studies.

Q. Item 7 indicates that the committee will examine "measures to close the gap between the supply and demand for electric energy." Will the gentleman assure us that this does not imply an assumption that we have to continue at the present rate of increasing demand for energy?

A. Yes, as my colleague knows, we have a continuing increase in energy consumption which is clearly one of the root causes of the present problems. One of the committee's chief objectives will be to examine ways of reducing the demand for energy.

Mr. EVANS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. FULTON of Tennessee. I yield to the gentleman from colorado.

Mr. EVANS of Colorado. Mr. Speaker, according to studies by the Department of Interior, in 1980 the United States will be consuming more than 88 quadrillion B.t.u.'s of energy on an annual basis. This compares to a use of 59 quadrillion B.t.u.'s in 1967.

This is such a vast amount of energy it boggles the mind, but perhaps a breakdown of where this energy will come from will be even more amazing.

To have and use 88 quadrillion B.t.u.'s of energy in 1980, just 8½ years from now, we will consume 6½ billion barrels of oil, nearly 25 trillion cubic feet of natural gas, and 665 million tons of coal. But that is not all. In addition, we will consume 725 billion kilowatt-hours of electricity from nuclear-powered generation and an additional 340 billion kilowatt-hours from water generated electricity.

For something like the past 50 years, the rivalry between suppliers of energy for their share of the market, encouraged by Government policy, has been more invigorous at times and has led to some great improvements in the efficiency of energy production, processing and transportation, as well as a revolution in use.

The question is, have these Government policies provided the impetus and the certainty that we will have the 88 quadrillion B.t.u.'s of energy to use in 1980.

There is a clear-cut Government responsibility involved. The Federal Government has, by law, controlled energy development, production, transportation and consumption, and the question now is, are our laws adequate to assure sufficient and properly balanced development and use of energy in the years ahead?

Economic studies prove the gross national product and consumption of energy are closely related. This is in addition to the obvious energy requirements for the comfort health, and safety of the more than 200 million people. Further, the very security of this Nation is totally dependent upon our assured ability to produce needed energy.

These facts are not only true for today but also underpin our security, standard of living, and economic growth in the years ahead. We must be assured of an adequate supply and reserves of energy not only to 1980 at the staggering level anticipated, but on into the future. We must know that we can stay ahead of huge amounts of energy we shall consume.

As every barrel has a bottom, so too do most of our sources of energy have limits. We must anticipate, well in advance of our approach to the bottom of any such barrel, the development of new energy sources. The development of these new sources of energy must be given sufficient leadtime so that their availability is assured before current sources of energy are depleted.

As we move on into this era of staggering energy consumption we must be certain, beyond question, that satisfying our increased needs of tomorrow will not result in a staggering destruction of our environment. Unless we anticipate, unless we know, unless we plan years in advance, we may find that we will have neither the required energy nor a desirable environment.

I submit that these facts make it imperative that a select committee be authorized to assist this House and the Nation to secure the inventorying, planning, studies, and recommendations that will assure us of timely and adequate supplies of energy in the future, developed in a fashion that assures a healthful environment.

Mr. Speaker, I yield back the balance of my time.

Mr. MACDONALD of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. FULTON of Tennessee. Mr. Speaker, I cannot yield to the gentleman since I have already yielded back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Speaker, as cosponsor of the resolution to create a select committee to investigate all aspects of energy resources in our country and to present recommendations, I cannot emphasize too strongly how desperately we need a total commitment in the field of energy resources.

I believe that the most critical problem we face in terms of pollution as well as in terms of need is an adequate and pollution-free source of energy to heat, cool, and light our homes and industries, power our equipment, and drive our transportation of all sorts.

The key to developing our energy resources to meet demands of coming decades is a national energy policy. Thus far, we have taken only miniscule steps toward this; we need a crash program.

The national energy policy would evaluate for the near-term future our needs for energy, our potential sources of energy, the best sources of that energy, and would seek to channel development into the best sources. It should consider establishing a national system, into which every supplier of energy is integrated, to meet the shifting energy requirements to avert blackouts and brownouts, and to cope with crisis situations.

This policy is necessary for planning and program purposes, but I think we must embark immediately on an all-out program to develop a pollution-free source of unlimited energy by the end of the decade. This is within our grasp technologically if we are willing to make the kind of commitment we did in splitting and harnessing the atom, and in putting a man on the moon.

Creation of a select committee, it seems to me, is a logical and practical approach to a monumental problem that has received minor attention. I feel it is well within the province of the Congress to provide the leadership in ending the fragmentation, mixed jurisdictions and uncoordinated operations that mark our means of supplying energy throughout this country.

This action is vital in the present Congress, because we for too long have been ignoring the peril of present policies—or more precisely, the lack of them. I am certain that a select committee can accomplish its objectives in this Congress and provide the basis for a new, coordinated national program that recognizes the scope of our energy problems and prepares to meet it.

Mr. QUILLEN. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Speaker, and my colleagues, I will admit that when I saw this resolution after it had come from the distinguished Committee on Rules, and never having seen it before, that I was somewhat shocked. Now, why should I be in that state? Merely because we have jurisdiction of those matters? No, I do not think that is important. I think it is because they have put this resolution out here without any of us ever having been heard in committee on it.

We were never invited to comment on this, and in our discussion with the chairman he never heard of the resolution until it came out. And we have not suffered any great pride of authorship, but it is a simple matter that these matters are already subject to the jurisdiction of a subcommittee which now exists and which is under the able chairmanship of the distinguished gentleman from Massachusetts (Mr. MACDONALD) and that is the Subcommittee on Communications and Federal Power. You talk about hearings, why, please listen to this:

May 4, four witnesses. May 6, four witnesses. May 7, three witnesses; May 11, three witnesses; May 12, five witnesses; May 13, four witnesses; May 25, eight witnesses, and the committee heard four witnesses this morning, and the final six witnesses are scheduled for tomorrow.

Mr. MOSS. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. Not at this time, I would like to get through with my statement, and I think I can clarify this to the point where I believe the House can get an understanding about what was done up to now by the Subcommittee on Communications and Federal Power, and that is that they have reached the very heart of this resolution.

Now, let me comment a bit about what is contained in this resolution. The proposed study would involve most of the jurisdiction of the committee, which pertains to oil, gas, electric power, and some transportation matters.

Three of the items that have been mentioned here, if you pick up this resolution and look at it, items 3, 7, and 8 are presently the subject of hearings, which I just mentioned to you a minute ago.

If you want to talk about item No. 1, there is a record of that in the Federal Power Commission at the present time, the availability, the identification and the ownership of such reserves are practically all known. There may be some small reserves that are not known, but all of that which passes in interstate commerce, which is 95 percent of the oil and gas power produced in this country, goes through the Federal Power Commission, and is regulated by it, so we know what there is.

What about world supply? I am not talking about electricity because we do not get electricity from abroad, but I am talking about gas and oil. We know where all the gas and oil supplies are in the world. It has already been discovered, and we also know the potential of what the remainder is, and I am talking about a very substantial portion, let me tell you that, because the scientists do know approximately what there is in various parts of the world. So the identification of the owner is already known, and we have inquired into that matter I do not know how many times.

You ask me if these hearings on electric reliability are extensive? May I say to the Members that this 9-pound package on the table is just the testimony of Mr. Nassikas, who is the Chairman of the Federal Power Commission. This is only one. So this gives you some idea that actually what we are talking about here is being covered in these hearings. So if we accept this resolution there will be a duplication of the efforts of one which is going on already.

So that there can be no misunderstanding about any of the things mentioned here, let me refer to item 3, the reasons and possible solutions for the delay in new starts of fossil-fueled powerplants; items 7 and 7 measures to close the gap between the supply and demand for electric energy, and the identification of the environmental effects of the electricity industry.

The identification of the environmental problems of the electric power industry is in the siting bill and the whole question is being covered.

I happen to have a plant which will probably be $100 million in my own district. It is going to be nuclear we think, if the environmental question is ever cleared for us. But under this siting bill, all of this would be done. So when you got down to placing a plant someplace, the whole question of environment would be already determined and construction could proceed expeditiously.

What you are trying to do—most of what this subcommittee is to do is exactly what the gentleman from Tennessee seeks to do. I think if he had a chance to talk with either the chairman of the committee or the chairman of the subcommittee, he would have known of these matters which he is so anxious about and which concerns us just as it does the distinguished gentleman from Tennessee. I do not know of any reason why he would want to go out and just get another committee formed, which I suppose would have at least seven and one or two from our committee, one on each side, to duplicate what our committee is doing or has done already.

I note that some parts of this with reference to monopoly is being covered by the distinguished chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER). So that is a part which I know the gentleman is interested in which goes into the question of the pricing practices by owners of the energy resources.

What the gentleman wants done is exactly what the committee wants done and the chairman of the full committee as well as the chairman of the subcommittee.

I do not know of anything that has been gone into more intensely by any subcommittee or full committee of the Committee on Interstate and Foreign Commerce than this subject. I know his answer for it because I got it in my mail the other day.

This siting bill is of the utmost importance and is going to be brought up on the floor sometime soon. The whole effect of it is to clear the way so that we can get some of these energy plants built and get the energy we must have in the next 10 years if this country is going to be heated and we are going to supply industry and business and so that the country can continue to grow.

Mr. MOSS. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. MOSS. As the gentleman knows, contrary to the general requirement of the Committee on Rules in all of the resolutions passed this year authorizing studies and investigations in these instances, on this select committee the language is:

> However, the committee shall not undertake any investigation of any subject which is being investigated for the same purpose by any other committee of the House.

That language is not included.

Mr. SPRINGER. Yes.

Mr. MOSS. That language which I just read is from the committee resolution for the Interstate and Foreign Commerce.

Mr. SPRINGER. That is right.

Mr. MOSS. It is not in this resolution.

Mr. SPRINGER. So you then have to act and give them that.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. CELLER. The Committee on the Judiciary has before it a number of bills concerned with oil, coal, and uranium, particularly with reference to the sources of supply of these energy producing materials.

In addition, there are bills that provide for the investigation of companies that are manufacturing energy from fossil fuels and uranium to see that they do not unite and merge so that a coal company cannot control an oil company or vice versa and also so that a uranium company cannot control a coal or oil company and vice versa.

Now what is the Committee on the Judiciary going to do with reference to these matters if this committee has the same jurisdiction? What, I ask you, shall be my duty in that regard?

Mr. SPRINGER. I understand the position of the distinguished gentleman. It is the same as ours. I do not see that we can move on those bills, at least to the credibility of this House as long as the same matters are under investigation by another committee. I just do not think it is beneficial for one thing and I think it is bad legislation for another thing.

Mr. Speaker, in view of the shortage of time, I am going to yield back the balance of my time, but because of the time used over there I had hoped to be able to yield to a member on this side.

Mr. HÉBERT. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the distinguished gentleman from Louisiana.

Mr. HÉBERT. I thank the gentleman for yielding.

Mr. Speaker, I just wanted the gentleman to yield to say that I am completely in accord with the gentleman and I associate with the comments he has made. It seems to me that we may as well abolish all committees of the House if we adopt this procedure.

Mr. SPRINGER. I thank the gentleman.

Mr. BROTZMAN. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Colorado.

Mr. BROTZMAN. I thank the gentleman for yielding. I, too, would like to associate myself with the tenor of the gentleman's remarks. Having served as a member of that particular Subcommittee on Communications and Power that is dealing with this problem currently, I also well recollect how thoroughly we went into this particular problem on at least two or three prior occasions attempting to bring forth some legislation. So I feel that the inquiry has been thorough and, of course, there is no more critical area to be looking at than this. As the gentleman has said, hearings were currently underway. So I would like to add my voice as a former member of that committee in support of the gentleman's position.

Mr. QUILLEN. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr.

Goodling), for a unanimous-consent request.

Mr. GOODLING. Mr. Speaker, I rise in strong opposition to House Resolution 155, a resolution which would establish a select committee of seven Members of the House of Representatives. These Members would be appointed by the Speaker and would be authorized to investigate all aspects of energy resources in the United States.

To put the matter bluntly, the establishment of such a select committee would be a wasted effort, a duplication of a subcommittee that presently is constituted to perform precisely the responsibility that would be assigned the select committee provided for under the provisions of House Resolution 155.

The House Subcommittee on Communication and Power is the subcommittee to which I refer. This is a subcommittee of the House Committee on Interstate and Foreign Commerce, and its chairman is the Honorable Torbert H. Macdonald of Massachusetts.

It is my understanding that Mr. Macdonald's subcommittee came into being in the 1965–67 period, in that time when the eastern sector of the United States was plagued with electric power failures. This subcommittee has been functional and it is, at present, holding hearings on the power reliability and similar bills that have been introduced to this body.

The historical data sheet issued by the House Committee on Interstate and Foreign Commerce informs us that the jurisdiction of the House Subcommittee on Communications and Power extends to: First, Interstate and foreign communications, second, Weather Bureau, and, I call your special attention to these last two items, third, petroleum and natural gas—including interstate oil compact—and fourth, interstate electric power.

It seems quite apparent, then, that House Resolution 155 is superfluous. We have too much duplication in our legislative process already, and there is no point in approving legislation that would compound the problem. Toward the end of greater legislative efficiency, I strongly urge that House Resolution 155 be defeated.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. Mr. Speaker, as a cosponsor of an identical proposal, House Resolution 328, I am pleased to join the distinguished gentlemen from Tennessee (Mr. Fulton and Mr. Quillen) in urging the adoption of this resolution to create a sorely needed Select Committee on Energy Resources.

In recent months nearly everyone has been talking about the now well-publicized energy crisis. Few, however, have come up with plans to meet it.

The studies, reports, and hearing records on the subject would fill this Chamber.

Various offices in the Department of the Interior are concerned with the methods used and the rates at which we deplete our natural resources: The Office of Science and Technology is concerned with new methods of extraction and transmission; the Federal Power Commission has a responsibility to see to it that consumers receive adequate supplies of energy at reasonable prices; the Environmental Protection Agency has the responsibility of formulating standards to make sure that the generation, delivery, and consumption of energy are done in a manner consistent with the Nation's requirements for clean air and water; and the Office of Emergency Preparedness is charged with seeing that our Nation receives adequate power in the event of disaster or attack.

Even State and local public utility commissions have some authority over various parts of the problem.

There has been a proliferation of responsibility, but a disturbing lack of solutions.

Everyone has a "piece of the action," but no one has overall responsibility for a national energy policy.

All of these various agencies in the executive department and independent offices are dedicated to fulfilling their own particularly defined responsibilities.

They are "mission oriented," and limited by statute and regulation to considering only one aspect of a highly complex picture.

But this will no longer do.

It is we in the Congress, not the unelected technicians and bureaucrats downtown, who have the major responsibility to give direction to these reports toward a national solution to our energy needs.

We have the duty of defining a rational, orderly, environmentally safe, and economically sound national policy for utilizing our resources to create the energy we have too long taken for granted.

I am convinced that this proposed committee is the proper vehicle to inform the House, and enable us to develop this national policy.

To say this is not to ignore the proper role of other committees concerned with the problem. Many have indeed already been working in this field. To take just one example, a subcommittee of the Small Business Committee, under the direction of its able chairman, the gentleman from Iowa (Mr. Smith) began hearings last fall on the fuel and energy crisis. We produced a committee report, which I commend to the attention of my colleagues, that I believe is helpful in sketching the dimensions of the problem, and in recommending steps toward improving the situation.

In particular, one of our committee's recommendations is that legislation should be considered "to designate a single Federal agency with responsibility, authority, and jurisdiction for establishing a national energy policy." I believe that this proposed new select committee will be in the best position to examine this proposal.

Our Small Business Subcommittee will be continuing its investigations with hearings in July, paying special attention to the alarming trend toward concentration of ownership in the energy field. This concentration—particularly the expansion of control by our major oil companies over other energy resources, such as coal and uranium—poses a serious threat of lessening competition to the detriment of all consumers, as well as small businessmen. In my opinion, it should concern all of us here, and I for one intend to intensify my efforts to investigate this development.

This matter of concentration is another matter which this new committee must examine.

For, despite the efforts of our Small Business Committee and other committees, it is only by the creation of a single committee, charged exclusively with the responsibility "to conduct a full and complete investigation of all aspects of the energy resources in the United States," that we can be sure of getting the most complete picture.

And I am pleased to note, Mr. Speaker, that this investigation will take full cognizance of the needs of all consumers, and the rightful demand of all Americans that the environmental consequences of energy policy be fully appreciated, and planned for.

Finally, I endorse this proposed committee, because of its vital importance to my own New England region.

This is not the time, Mr. Speaker, to launch into a recital of the long history of neglect of our fuel and energy needs that we have suffered. It is well known that we pay the highest prices in the Nation for electric power, and for the heating oil which produces that power, as well as heats our homes, our schools, our hospitals, and our factories. Let me simply say that, in my view, this new committee should have representation from all regions, including my own. With that kind of representation, I am confident that New England's interests will receive a fair hearing.

Again, I commend the gentlemen from Tennessee for their leadership and initiative, and I urge all my colleagues to vote for this resolution.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. McKinney).

Mr. McKINNEY. Mr. Speaker, the inconvertible fact is that we face an energy crisis that will only deepen in the next decade unless we commit ourselves to the task of aggressively seeking to meet our energy needs. The topic is mundane and perhaps boring. It does not generate the sense of urgency surrounding the problems of war and peace, health, or education. And yet, gentlemen, electricity is the life blood of our technological society and without an adequate supply, some parts of this Nation will in fact either wither or not fulfill their potential for growth and development.

The problem, as we know, is not simply a matter of throwing away your electric toothbrush or sweating through a hot summer without the air-conditioner. We have built an electric society—a society which has moved beyond the candle, a society whose creative industrial genius has been inspired by the potential uses of electric power. To stifle that innovative genius because we have failed to produce adequate energy would contravene the American tradition of technological leadership.

Two items in this morning's New York Times put the extent of the power crisis in a frightening perspective. An editorial entitled "Disaster Plan for Power" commented on New York State Public Service Commissioner's startling proposal that the power crisis in New York can only be met if electricity is withheld from all buildings started or rehabilitated after July 1. The consequences of such an action are beyond the scope of understanding for a nation which, since the days of Edison, has held an unquestioning faith in the limitless power of the wall socket.

Beyond the problems of New York City the paper carried another article, "Power Rise Urged for the Needs of Poor." It is in the area of the underdeveloped parts of our country that the consequences of a power crisis are in the long run most devastating.

Our efforts to provide the benefits of the "age of affluence" to all Americans cannot succeed unless we can supply the basic component for industrial growth—electric power.

While our need for additional sources of power is urgent and demands immediate congressional action, we face the related complication of environmental integrity and pollution as they relate to the production and use of electric power. It would be the final absurdity that in our rush to produce power we destroy our environment.

Concern with the effects of technology on the environment is not a moot question. The polluting effects of nuclear powerplants and the stringing of high voltage powerlines across the countryside should give us pause for thought. In this whole area we need guarantees that the methods we employ to supply power are the ones which effect the best possible compromise between technology and the environment.

For these reasons I urge your support of the establishment of a select committee to investigate the energy resources of the United States.

In addition, over the next 20 years our electric energy requirements will expand by 248 percent. By 1980 it is projected that we will spend $90 billion to meet these requirements. This monumental sum of money alone demands that we have a clear picture of how our national energy capabilities must be expanded, shaped, and modernized.

We can no longer afford to treat this issue in a haphazard, splintered fashion. Today, we have the opportunity to enact legislation that will put us on the road toward a coordinated approach toward achieving both low-cost energy and a high-quality environment.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Tennessee (Mr. BAKER).

Mr. BAKER. Mr. Speaker, as one of the cosponsors of this legislation to establish a select House committee to study the Nation's energy problems, I rise in support of the resolution before us today and respectfully urge adoption of the measure.

The inadequate capacity of our energy resources threatens to cause power shortages in all parts of our Nation during peakload periods this summer. I feel it is essential to the national welfare for a short-term select committee to conduct an in-depth investigation of the Nation's energy resources and our future requirements for these resources.

Such an investigation can provide pertinent information on how we can meet our power needs and perhaps prevent an energy crisis during the coming summer months.

According to the Federal Power Commission, the anticipated demands on our Nation's electric power generating capacity are most likely going to be greater than our present supply can provide. Even if there are no breakdowns, no more supply shortages nor unexpected eventualities, most of the Nation will barely be able to squeak by this summer.

The FPC reports in all probability there may be blackouts, brownouts, power cutbacks, and reductions such as were experienced this past winter in New York, simply because everything did not go well and eventualities did occur.

A prolonged energy shortage could seriously impede our national security and jeopardize our very existence. While I hope such an energy shortage will never occur, we must admit there is a possibility. Therefore, we must take immediate action to avoid any kind of an energy crisis.

Mr. Speaker, ever since the 1965 power disruption that plunged much of the Northeast section of the United States into darkness, the residents of most of the larger urban centers have been wondering when such blackouts would reoccur. Unfortunately, blackouts and brownouts have become a fact of urban living. In 1970, for example, over 50 power shortages occurred across the Nation and the Federal Power Commission warns that almost every section of the country could experience them again this summer.

The threat of major power shortages is enough to warrant serious congressional attention. However, this is just one of the many problems which plagues the supply of energy in America; it is, so to speak, the tip of the iceberg.

In the years ahead we will have to face many problems in the energy field and these problems will grow more complex as time passes. For example, there is the problem of environmental pollution and its relationship to the production of energy and relationship of energy supplies to environmental quality.

Adequate and dependable supplies of energy must be obtained to meet the criteria of low-cost and long-term energy supplies. The means and methods of transporting this energy with dependability must also be obtained.

We must insure that the interests of the consuming public are protected, including such factors as an adequate supply of energy and fuel at reasonable prices and the maintenance of a sound competitive structure in the supply and distribution of energy to provide consumers with the widest possible choices at reasonable prices.

Finally there is the problem of financing the necessary research required to assure the continued supply of energy at low cost with the maximum protection of the environment.

At the present time there are numerous energy studies underway by industry, Government, and private groups to find solutions to these and other energy problems. But most of these studies or investigations are narrow in scope, focusing on specific problems of interest only to the group making the study. No attempt has been made to comprehensively analyze the entire spectrum of our energy policy.

To fill this void, my colleagues and I recommend the adoption of this resolution. This measure will create a select committee to investigate the energy resources of the United States. The major purpose of this investigation is to seek a clear picture of the condition of our national energy capabilities and to seek ways in which our present and future energy resources can be expanded, reshaped, and modernized to meet future energy needs. The investigation proposed by House Resolution 155 will also examine such problems as availability of oil, gas, coal, and nuclear energy; reasons and possible solutions for delays in new fossil fuel powerplants; the effect of pricing practices by owners of energy reserves; and measures to close the gap between the supply and demand for energy.

If we are to meet future demands for energy we must take steps now to insure the availability of energy supplies, while at the same time, preserving the quality of our environment. This resolution is a good beginning toward achieving this goal.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Speaker, I have but 2 minutes, which is sufficient time for me to get myself in deep trouble by speaking the truth, and somebody has to say it.

We know how to produce energy from atomic plants. We have plants ready to operate; they are not operating. The magic word is "environmental concern." We have an Alaskan oil deposit which is ready to tap, but we do not tap it. What prevents it? The magic word "environment." We have shale oil deposits in Utah and Colorado—a source of oil larger than the combined original deposits in Texas and Oklahoma and Kansas. We are working on the technology, but what lurks in the background as the big impediment? Environmental concern. We are building a powerplant on the Navajo reservation. What is wrong with that? That plant will burn coal, and that is bad. Not that we do not have coal, but burning coal is bad for the environment.

You get letters just like I do. "Do not

dam one more river for hydroelectric power because you will ruin the environment." That is just as foolish as saying that we should dam every stream in the country.

Today we are working on trying to develop geothermal power. We are talking about generation by biochemicals and talking about techniques involved in trapping solar energy for utilization.

Members of the House, you have to realize that if we are going to solve the problems we face, we have to solve them with the tools we have and not with some dream for the future. All of us are environmentalists, but let us bite this bullet and put the matter in proper perspective.

We must be concerned with every element of the environment. But we must never fear facing facts because an emotional climate creates potential political hazard.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it should be made very, very clear that notice of the hearings was put on the calendar twice and printed in the Record four times, and not a single witness appeared before the Committee on Rules in opposition to the resolution. It was reported out without a dissenting vote from the Committee on Rules.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from West Virginia (Mr. Staggers).

Mr. STAGGERS. Mr. Speaker, I thank the gentleman for yielding.

Mr. MACDONALD of Massachusetts. Mr. Speaker, will the gentleman yield to me?

Mr. STAGGERS. I yield 1 minute of my time to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. Mr. Speaker, I would like to point out the fact that the reason no one appeared before the Rules Committee was the fact that no affected committees were notified that hearings were being held. I can guarantee that many committees would have appeared had there been proper notification.

I would like to point out further that the very purpose that this bill purports to have, which is to hurry up the solution to this problem—and there is no one here in the House who does not agree it is a problem—the very reason for this resolution really would be to defeat what we are doing currently in the Committee on Interstate and Foreign Commerce.

Mr. Speaker, I rise to express my strong opposition to House Resolution 155. I do so not because I do not share many of the same concerns which the measure's sponsor, Mr. Fulton, has expressed—but rather because I do share those concerns. And as chairman of the Subcommittee on Communications and Power, I have done more than express my concern. I have held extensive hearings in the past; I am in the middle of 3 weeks of hearings at the present time; and I have committed our subcommittee to reporting out legislation in this session of Congress.

These efforts on the part of our subcommittee will be greatly impaired should the House adopt the resolution before it today.

Before I deal with the specific points in the resolution to which I object, I would like to bring to the attention of my colleagues a matter of general concern.

It is my understanding that the Rules Committee held hearings on the resolution on Tuesday, May 18. Despite the fact that our subcommittee's jurisdiction is directly affected, I received no notification of these hearings. I might add that May 18 also happened to be the day that the Commerce Committee was tied up in dealing with the railroad strike settlement. I understand that despite all the support in the way of cosponsors which Congressman Fulton had picked up for this measure, he was the only witness to appear before the Rules Committee. The committee acted the same day to report out the bill on a nonrecord vote. I take the word of my colleague from Tennessee that this nonrecord vote was in fact "unanimous."

I understand that I am not alone with regard to the lack of notification. The chairman of our full committee, Congressman Staggers, had no word of the hearing, Chairman Aspinall, whose committee's jurisdiction is also affected by the resolution, received no notice. Neither did Congressman Holifield in his capacity as chairman of the Joint Committee on Atomic Energy.

I will not attempt to speak for these gentlemen since they are present today and prepared to speak for themselves against this resolution. However, I will speak for myself and for the subcommittee of which I am privileged to be the chairman.

I am proud of our record in that area of the Nation's energy picture over which we have jurisdiction. I refer specifically to two of the eight problems with which the proposed select committee would deal. They are items 7 and 8, and I quote:

> Number seven: measures to close the gap between the supply and demand for electric energy; number eight: the identification of the environmental effects of the electric industry.

In March and then again in July of 1969, our subcommittee held hearings on electric power reliability. These hearings were resumed in May of last year. On May 4 of this year, the subcommittee began its final round of hearings, dealing with the questions of powerplant siting and environmental protection. The focus of these hearings is H.R. 6970 which I introduced. Let me state once again, so that there cannot be any misunderstanding, that I hope to have electric power reliability and availability legislation on the House floor before the end of this session. Our record is nearly complete. In the area of electric power, the informational needs which Mr. Fulton speaks about have already been met. I see no need whatsoever to go back over the same ground. It is a waste of the Congress time and of the taxpayers' money.

I note with interest the action of the Rules Committee itself on March 2 of this year when it reported out the various investigatory resolutions of each of the standing committees. The Rules Committee at that time amended the resolutions to read that:

> The committee shall not undertake any investigation of any subject which is being investigated for the same purpose by any other committee of the House.

I can certainly understand the concern expressed herein, and if this principle is applied to the resolution before us today, it would seem to eliminate the need for such a select committee altogether.

There is another reason for caution here. The creation of a select committee would, I believe, greatly impair the chances for meaningful legislation in the area of electric power. Frankly, there are those who would welcome the opportunity to avoid the responsibility of facing the cold, hard facts of the present electric power crisis with which we are faced. While I certainly do not suggest that this is the intent of those who propose this select committee, I fear that such a committee could become the vehicle for circumventing the jurisdiction of our subcommittee.

It is my feeling that the creation of this select committee will add nothing to the efforts to clarify the admittedly complicated energy problems which plague this country. Our subcommittee has developed a good working expertise in the area of electric power especially and is now ready to act decisively in the public interest. Frankly, I would be careful not to lend my vote to any measure which might serve to thwart that public interest.

I ask my colleagues to defeat House Resolution 155 so that the progress which has been made will not be impaired.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield to me at this point?

Mr. STAGGERS. I am delighted to yield to the distinguished gentleman from California (Mr. Holifield).

Mr. HOLIFIELD. Mr. Speaker, I do not think I need to take but one-half minute.

Mr. Speaker, this bill should be defeated. It encroaches upon the jurisdiction of several committees of the House.

Here is the work that we did on energy—a study of energy, not nuclear energy alone, but coal, oil, and gas energy—in the last 2 years in the Joint Committee.

These six volumes have more information in them than any special committee could gather together in 1 year, and I will give it to them if they will face the realities of the situation.

Mr. Speaker, I do not think I need any more time. But the proliferation of special committee without any rooms to house their staffs is getting to be ridiculous around here. The standing committees trying to do their job are being interfered with by this type of proposed legislation.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. I want to say in line with what the gentleman from California has said, that as chairman of the Subcommittee for the Legislative Branch of Government we cannot hardly fund the special committees. We have no place to house them.

Mr. HOLIFIELD. You have no place to hide them?

Mr. ANDREWS of Alabama. House them.

Mr. HOLIFIELD. That is the point I just made—we are short of committee hearing rooms. Every time we make a new committee, whether it be a standing committee, a special committee, or any other official House committee, we create an impossible housing problem.

Mr. Speaker, House Resolution 155 would create a select committee composed of seven Members of this body appointed by the Speaker. The select committee would have the task of investigating the Nation's energy resources and providing this body with a full, factual, and fair report upon which the various standing committees could draw in working toward a common goal for the future to insure and assure that this Nation will have the energy capacity and energy resources required to meet our power needs of tomorrow and achieve our dual objective of low-cost energy and high-quality environment.

Mr. Speaker, I am in complete agreement with the objectives of the resolution and I do not question for a moment the sincerity of the distinguished sponsor and cosponsors of the resolution in the approach recommended. I have serious reservations in my mind whether yet another committee to conduct yet another study is needed to inform this body of anything which is not already well known or is readily available.

For example, the committee's task would include a study of the availability of nuclear energy reserves, the identification of the ownership of such reserves, measures to close the gap between the supply and demand for electric energy and the identification of environmental effects of the electric energy. These are matters which have been studied over the years by the Joint Committee on Atomic Energy. These studies have resulted in voluminous printed volumes such as I have here—which are available to Members of this body as well as to the public. For years the Joint Committee has been doing its job of developing a public record regarding uranium reserves, reactor development programs, and all aspects of the development of nuclear power. In 1969 and 1970, the Joint Committee held extensive hearings which are recorded in a four-volume "Environmental Effects of Producing Electric Power." As far as I am aware, Mr. Speaker, the Joint Committee's volumes on the environmental effects of producing electric power—regardless of the fuel source—are by far the most comprehensive treatment of that subject anywhere—within this body, the executive branch, industry or in the academic world.

So I must ask, Mr. Speaker, what is to be gained by having these matters explored again by the select committee proposed by the resolution?

Mr. Speaker, the areas to which I have already referred to do not give the full picture of information which is already available to other committees of this body and which would be duplicated by the proposed study—if indeed all of the efforts could ever be duplicated within the time period which the resolution calls for.

The proposed select committee would be authorized and directed to conduct a full and complete investigation of the reasons and possible solutions for the delay in new starts of fossile-fueled powerplants. This subject—for all types of powerplants—was explored at length during the last session by the Subcommittee on Communications and Power of the Committee on Interstate and Foreign Commerce. That subcommittee, under the leadership of my distinguished colleague, Mr. MACDONALD, is again this session holding extensive hearings on bills relating to powerplant siting and environmental protection.

Mr. Speaker, I am informed that numerous studies are underway at many levels of Government to reexamine the energy supply/demand situation—many of these studies were initiated as a result of the sudden—to some—realization that the superabundance of energy resources which has heretofore characterized the U.S. economy might no longer be available to meet even near-term needs. Examples of some of these studies are:

The administration established an energy subcommittee of the Domestic Affairs Council to study and recommend ways to alleviate fuel shortages and to insure an adequate supply in future years.

The Office of Emergency Preparedness monitors the energy situation and its Director monitors the President's Oil Policy Committee.

The Federal Power Commission is updating its 1964 "National Power Survey." The revision will include an analysis of the electric power industry's probable patterns of development through 1990, including projections of power loads, fuel requirements, and sources of fuel supply to meet these expected loads.

The Department of the Interior has several studies underway for the purpose of surveying energy problems for both the shorter range and onward to the year 2000.

That Department has asked the National Petroleum Council to study the needs for oil and gas and to submit a report by January 1972.

The National Science Foundation is conducting several studies in the energy field.

In addition to these studies sponsored at the Federal level, there is continuing surveillance of the energy field by the Office of Science and Technology, the Atomic Energy Commission, the Federal Power Commission, the Tennessee Valley Authority, the Bureau of Reclamation, et cetera.

Mr. Speaker, I submit that there is no need for any additional study to demonstrate that this Nation faces an energy crisis. The warnings from Chairman Nassikas of the Federal Power Commission and others concerning this situation should come through loud and clear—there is no time or need for further study—action is what is required if an already bad situation is not allowed to become even worse.

Mr. Speaker, I have repeatedly warned of power shortages, as has been evidenced by blackouts and brownouts, and have called for our Nation's electric utilities and appropriate agencies of Government at all levels to redouble their efforts and join forces to establish realistic, long-range plans for the selection and utilization of sites for large generating facilities so as to best meet the dual public demand for electric power and environmental protection. In this regard, words in the Joint Committee on Atomic Energy's report on the AEC's fiscal year 1970 authorization bill issued on June 17, 1970, are almost prophetic. I would like to place those words in the RECORD at this point:

EXCERPTS FROM HOUSE REPORT No. 91–314

The Committee has noted with concern in the past year the increased public opposition, not a little of it wholly unreasoning, to the construction of all electrical generating sources and their transmission systems. While a preponderance of this opposition has of late been concentrated on nuclear powerplants, coal and other fossil-fueled plants, hydro-electric projects and pumped storage facilities also have experienced significant difficulties in this regard. *It seems that what should be a genuine, legitimate, and quite understandable concern about the effects on the environment of large powerplants has been transformed in many instances into an insistence on pristine purity that will brook no balancing of two worthwhile but somewhat competing values; namely, the goal of clean air and water and natural beauty, on the one hand, and the objective of abundant, economical, and reliable electric power on the other.*

Neither of these goals can be achieved without some impact on the other. The task confronting the responsible and the informed is to harmonize these contending goals and, to the greatest extent possible, minimize the effects on the environment that inevitably flow from industrial growth. As the chairman of this Committee observed recently (Representative Chet Holifield, D.-California), unless the demands for clean air and clean water are kept in perspective—that is, unless there is a reasonable and fruitful union between industry and the environment—the anti-technologists and single-minded environmentatlists may find themselves conducting their work by the light of a flickering candle.

Unfortunately, it may require several serious electrical "brownouts," or even worse one or more blackouts on the order of the Great Northeast Blackout of 1965 before the full realization dawns on the average homeowner and businessman, and on the community wishing to attract new industry through assurances of plentiful electric power, that the price to be paid in environmental effects from a new powerplant in the area may be quite small in relation to the price to be paid in other ways for not making adequate provisions for accepting that plant. The latter price may include the well-being of the community concerned—a loss at least as direct and adverse as any that might have accompanied continued progress in the community in terms of its standard of living as well as in its industrial growth.

Moreover, one fundamental factor often overlooked is that once a shortage of electrical energy is permitted to exist, corrective action to eliminate the shortage and accommodate the normal growth in demand of power would in all likelihood consume the major portion of a decade. *The serious implications for our national welfare of such a sustained period of shortage of energy are manifest.* Accordingly, sufficient advance planning to take into account the long lead times which exist in the electrical utility business is required if adequate capacity is to be available when and as needed. Irresponsible actions of a few persons cannot be permitted to interfere with installation of such capacity after being properly planned.

* * * * *

In too many instances the Committee believes that data concerning the relative impact of the various types of thermal powerplants on the environment are not being conveyed to the public despite the fact that these data are well documented, particularly in the Committee's published hearing records. Where this has been the case it has often led to concerted opposition to construction of the facility in question and, in turn, to intervention in the AEC's licensing proceedings, which, since they are required by law to be held in the local community, offer—as they were designed to offer—a convenient forum for intervenors.

Inevitably this has led to licensing delays, many of them unnecessary, which seriously threaten the scheduled operational availability of such facilities. The cumulative effect of the delayed availability of a number of these powerplants could have very serious consequences on the reliability of this Nation's electrical energy supply. This seems particularly true considering that, quite apart from delays in licensing, there has been in several cases and there can be expected in other cases significant slippage in the online availability of a number of large-sized nuclear powerplants due to technical problems encountered during construction.

The problem is exacerbated by the fact that large-scale fossil-fueled plants, particularly those incorporating new concepts, are also experiencing startup and reliability difficulties. *If these problems continue and possibly multiply, their conjunction at a time of spiraling energy demands could lead to an energy crisis in this country that would recognize no geographical or regional boundaries.*

* * * * *

As suggested above, current conflicts between production and distribution of electricity and protection of the environment—regardless of the fuel employed—are a prelude to larger long-term problems. The seriousness of the siting situation has been reviewed by the Committee during recent hearings. Also, it is emphasized by recent reports noting that the United States will require more than three times its existing generating capacity within the next 20 years. An interdepartmental study, "Considerations Affecting Steam Powerplant Site Selection," sponsored by the Office of Science and Technology, pointed out last year that "The need for coordinated planning to identify the prime sites that will best satisfy the many economic and environmental requirements for future plants is rather obvious." . . .

* * * * *

The industry trade magazine, Electrical World, has asserted that—

"One of the utility industry's most pressing needs is for a long-term policy approach that will assure the availability of generation plant sites in the decades ahead.

"The pinch is already being felt. Hardly a region in the Nation has escaped some kind of hassle over powerplant siting. At the moment, two or three of the larger utilities are in a bind either because they are being restrained from using the sites they have acquired, or because the sites they have considered do not satisfy certain requirements.

"There are several reasons why the problem of plant siting promises to become more critical in the years ahead. First, the expanding population with its increasing industrial and recreational needs is preempting land areas suitable for siting. Second, the geometric expansion of power generation, involving single units in the 1,000-megawatt range, greatly escalates the physical requirements—particularly the water requirements—for sites. Third, society's increasing sensitivity to environmental values is already greatly reducing the availability of sites."

The magazine cited site identification surveys, State-sponsored reservations or zoning, and advance utility purchases as means of overcoming the problem, and concluded:

"But whatever approach is taken, we think that the public interest will be served by reserving, designating, or acquiring plant sites as far ahead as possible. Further, we think much is to be gained by informing the public as far in advance as possible of the planned uses of such sites. Unless some thoughtful, constructive approach is worked out, this problem of plant siting will go from worrisome, to critical, to disastrous in the years ahead."

In the eyes of the Joint Committee the problem of electric generating plant siting has already passed the "worrisome" stage—it is becoming critical. Intense and strengthened followup actions are essential to the initial efforts on the Interdepartmental Steam Power Plant Siting Study. *Therefore, the Committee urges that the Nation's electric utilities and appropriate agencies of government at all levels redouble their efforts and join forces to establish realistic, long-range plans for the selection and utilization of sites for large generating facilities so as to best meet the dual public demand for electric power and environmental protection.*

A half century ago, procedures were initiated for rational, regional development of the power potential of our Nation's rivers. Now more meaningful efforts should be directed toward applying similar comprehensive planning principles to systematic solution of siting difficulties associated with the burgeoning number of thermal stations and their power transmission systems. *Reliance on ad hoc, plant-by-plant arrangements has already proved inadequate; a bold new approach is long overdue.*

Mr. Speaker, despite clear indications for at least half a decade that this Nation would be facing serious power shortages if reasonable provision was not made for our clearly foreseeable needs, we are now confronted with an energy crisis of serious proportions. The old adage "forewarned is forearmed," which I have always particularly liked because it is an acknowledgment of man's reasoning faculties, is apparently no longer operative.

Mr. Speaker, the need for an effective, comprehensive energy program administered by a governmental body which would realistically weigh both energy needs and environmental considerations is painfully obvious. No additional studies are needed to justify that need. The select committee which would be created by House Resolution 155 would neither satisfy that need nor result in any significant progress toward that need.

With all due respects to my distinguished colleagues who joined in sponsoring this resolution, I urge that the resolution not be passed.

Mr. QUILLEN. Mr. Speaker, I would like to yield to the gentleman from West Virginia 3 minutes of my time.

Mr. STAGGERS. I thank the gentleman.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I thank the gentleman from West Virginia, chairman of the Committee on Interstate and Foreign Commerce, for yielding.

Mr. Speaker, as laudatory as the objectives of this resolution may be, it is not needed unless there is no action by our committees. Our committees are at work on it now. At this point I do not think it is the proper time for this House to pass this type of legislation.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Speaker, as I oppose House Resolution 155, I wish to advise my colleagues that there are certain aspects of House Resolution 155 that are of grave concern to me and I want to comment on them.

First, I wish to make it clear that I am aware of the energy problems facing this Nation and I also firmly believe that vigorous and decisive action must be taken at once if we are to avoid an energy shortage this summer or next winter and in the years ahead. In hearings held before our committee during the last year the fact that we are fast approaching an energy crisis was made abundantly clear time and again.

Last year our committee, as a first step to establish an overall mining and minerals policy, handled legislation which was subsequently approved by Congress and was signed into law by the President. This was the Mining and Minerals Policy Act of 1970. This act for the first time established a national minerals policy. It specifically includes all the fuel minerals, oil, gas, coal, oil shale, and uranium. Briefly, this act requires the Secretary of the Interior to report annually to Congress on the state of the domestic minerals industries and to recommend appropriate legislation when necessary. This act is not a total solution to either our minerals or our energy problems, but it is a good foundation on which to build. It brings together for the first time all policies relating to minerals and mineral fuels. It is an orderly and considered first step to our minerals problems.

I cite this act merely as a recent example of the Interior and Insular Affairs Committee's activities in the minerals fuels and energy field.

In my opinion House Resolution 155 will raise serious jurisdictional questions with existing House committees. For example, item (1) of House Resolution 155, the availability of oil, gas, coal, and nuclear energy reserves, is clearly within the jurisdiction of the Interior and Insular Affairs Committee. The House rules assign to the Committee on Interior and Insular Affairs of the House—and I cite only pertinent sections of those rules—responsibility for mineral reserves on the public lands; mining interests generally; and petroleum conservation on the public lands and conservation of the radium supply in the United States.

The conflicts with item (2), the identification of the ownership of reserves, is less clear but where those minerals occur on the public lands of this Nation, which incidentally make up about one-third of our total land area, I am convinced that again the responsibility lies with the House Committee on Interior and Insular Affairs.

I will not make a detailed comparison of the remaining five items in House Resolution 155 with the present jurisdictional responsibility of the Committee on Interior and Insular Affairs. I am convinced, however, that there are substantial areas of conflict or duplication that would raise serious jurisdictional questions.

For these reasons I must oppose House Resolution 155.

Mr. Speaker, I again want to emphasize that I am not minimizing the seriousness of our energy problem, but I am not convinced that House Resolution 155 offers a solution. This resolution would set up another investigative body to conduct studies and prepare reports on the energy situation. At the present time I know that there are at least five or six ongoing studies in this area. The field is fast becoming overcrowded with these investigations. I have heard it said, and it may well become a near truth, that if all the energy studies and reports were burned we would not have an energy shortage. However, in all seriousness I must state, in my opinion, that House Resolution 155 does not afford a solution to our admittedly grave energy problem.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Kentucky, chairman of the Committee on Education and Labor.

Mr. PERKINS. Mr. Speaker, in my judgment the legislative jurisdiction with regard to the subject matter before us happens to be that of the House Committee on Interstate and Foreign Commerce. I, personally, have faith in the chairman and membership of that committee. They will see to it that we will have an effective energy policy in the future. Therefore, I oppose the resolution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. Very briefly.

Mr. GROSS. I will make it brief. I cannot think of a better way to save one-half million dollars than to vote down this resolution, and I am ready to vote.

Mr. STAGGERS. I thank the gentleman from Iowa.

Mr. GARMATZ. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the distinguished chairman of the Committee on Merchant Marine and Fisheries.

Mr. GARMATZ. Mr. Speaker, I oppose the resolution. In fact, I think it encroaches upon the jurisdiction of the Committee on Merchant Marine and Fisheries, plus the fact that on page 2, line 3, it states: "Measures to increase the availability of pipelines, railways, barges, and ships needed to transport fuel materials".

Therefore, I am opposed to the resolution.

Mr. MOSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from California.

Mr. MOSS. Mr. Speaker, I am rising in opposition to House Resolution 155 on the grounds that the creation of a Select Committee To Study Energy Resources in the United States is highly inappropriate and contrary to the public interest.

Mr. Speaker, the resolution lists a number of specific aspects which the Select Committee is expected to study. Among these aspects are:

> (7) Measures to close the gap between the supply and demand for electric energy; and
>
> (8) The identification of the environmental effects of the electricity industry.

Mr. Speaker, the Subcommittee on Communications and Power under the able chairmanship of the gentleman from Massachusetts (Mr. MACDONALD) has been conducting hearings since May 4 on a number of bills dealing exactly with these particular subjects. These bills, and among them is one of my own—H.R. 3838—seek to expedite procedures involving the siting of bulk powerplants and of high voltage transmission lines. They also seek to extend additional protection for our environment so that adverse impacts on the environment will be minimized.

Mr. Speaker, to establish a select committee at this very moment which cuts across the jurisdiction of the Communications and Power Subcommittee of the Committee on Interstate and Foreign Commerce can only serve further to delay badly needed powerplant siting legislation.

As a matter of fact, enactment of this legislation is being urgently asked for by the President of the United States, and the administration has submitted to the Congress a bill now pending before the subcommittee—H.R. 5277—which was introduced jointly by the chairman of our full committee, the gentleman from West Virginia (Mr. STAGGERS), and the ranking minority member, the gentleman from Illinois (Mr. SPRINGER).

I might observe that I have introduced similar legislation during the preceding Congress and I regret to say that at that time the administration did not see any urgent need for this legislation and therefore did not support the enactment of such legislation.

Now, however, that voltage reductions, brownouts, and blackouts have become regular events in parts of the country any delay in the enactment of this urgently needed legislation would be inexcusable.

Of course the power industry has been opposing—at least up to now—enactment of any legislation dealing with power reliability and power adequacy. Under these circumstances, the establishment of a select committee to study many aspects of our energy resources would only furnish the industry with an additional argument favoring delay. Their argument to the Congress would be: Let us not do anything until the proposed select committee has completed its study and made its recommendations.

Mr. Speaker, it is not only the jurisdiction of the Interstate and Foreign Commerce Committee which the proposed select committee would infringe upon. The same is true of the jurisdiction of the Public Works Committee, the Ways and Means Committee, the Merchant Marine and Fisheries Committee, and the Joint Committee on Atomic Energy. All of these committees have legislative jurisdiction with regard to particular aspects of energy resources and environmental protection, and the establishment of a new select committee would tend to hinder rather than further the legislative output of these committees.

Mr. Speaker, there is another reason why I think that consideration should not be given at this time to House Resolution 155. While this resolution was introduced on January 26, 1971, by the gentleman from Tennessee, (Mr. FULTON), it lay dormant in the Rules Committee until that committee decided to report this resolution to the floor without advising the affected standing committees of its intention to do so. The standing committees were not given an opportunity to present their views to the Rules Committee and I for one find such procedure not in keeping with the usually courteous consideration given the committees by the Committee on Rules. It has, if my memory is correct, been their policy to require notification of affected committees so that the members of the Rules Committee as well as the Members of this body would have available to them the entire picture before voting on a resolution calling for the establishment of a select committee which cuts across the jurisdiction of several standing committees.

Mr. Speaker, for these reasons, I object to the adoption of House Resolution 155 on principle and as a matter of sound congressional practice.

Mr. STAGGERS. Mr. Speaker, I would like very briefly to say this: I think the argument that has been made here for this resolution is the best argument against it: the proponents of the resolution want action, and they want it now. That is exactly what our committee is doing. We have conducted these hearings, as the distinguished gentleman from Illinois (Mr. SPRINGER) stated, and we are working hard on reporting legislation in this area to the House. Mr. SPRINGER pointed to the volume of the testimony which just a single witness has submitted.

The volumes that I have in my hand

is the testimony taken this year. These two volumes here represent testimony taken last year, all on this very subject of energy. Now, the proponents of this resolution want us to duplicate the whole thing which has taken us so many, many hours, days, and weeks to do.

Mr. FULTON of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. Not at this point, because I want to complete my statement. I have great admiration for the gentleman from Tennessee, and I am sure he was diligent in proposing this resolution. I regret, however, that I must oppose it, because, Mr. Speaker, this resolution cuts across the jurisdiction of about six committees in this House. We have in our resolution authorizing investigations a clause providing that we will not trespass on any other committee's jurisdiction. But here is a select committee that wants to conduct our investigation and that would cut across the jurisdiction of six committees, and the select committee would be without any legislative authority whatsoever. When that committee would have completed its hearings we would have to start hearings all over again. So I say that we might just as well handle them in the first place.

The gallant gentleman from Tennessee (Mr. ANDERSON), for whom I have great respect and who is handling the bill today, with great aptitude and fairness, stated that no one in opposition to the resolution appeared before the Rules Committee. I am certain he is correct. But I did not know about this resolution. Therefore, I did not appear. I do not think this House would want to pass any kind of legislation where the interested standing committees did not have an opportunity to appear in opposition to such legislation. That is the democratic process. I am not blaming the Committee on Rules a bit. I am sure the eminent chairman of that committee and its entire membership sought to do their duty. I merely say that we too have important responsibilities and they lie in the areas covered by the resolution; and we have the power to do the job.

Mr. FULTON of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. Not at this point.

I say that, Mr. Speaker, if there was only one side presented on a question like this the Rules Committee should have an opportunity to hear arguments on the other side.

Therefore, let us send this resolution back to the Committee on Rules, and permit them to hear all sides. Then they can bring it back to the House if they still believe there is some merit to it.

This whole subject is being covered, as I have shown you here, by several standing committees. The gentleman from California (Mr. HOLIFIELD) made a study of some aspects of these problems in his committee. The gentleman from Maryland (Mr. GARMATZ) said the study would cut across the jurisdiction of his committee. Practically every committee chairman here realizes that if we are going to set up a select committee which would cut across the jurisdiction of several standing committees in the House of Representatives then we might as well give up our regular standing committees and just have it all done by a select comittee.

In 1946, we had a reorganization of the House. Before that we had a large number of select committees and at that time we eliminated them. And yet here we are going to set up another select committee to cut across the jurisdiction of several standing committees. I do not think that is the thing to do. If we do this we will be going back to where we were in 1946.

This resolution should be defeated.

The SPEAKER. The time of the gentleman from West Virginia has expired.

Mr. QUILLEN. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER. The Chair will state that the minority side has 3 minutes remaining and that is all the time that is remaining.

Mr. QUILLEN. I thank the Speaker.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, the best way to save a half million dollars is to defeat this resolution.

Very frankly, the House of Representatives, 7 years ago, authorized a committee, known as the Public Land Law Review Commission, to review the public lands of this country. We spent approximately $7½ million on that Commission, and that committee or Commission has available for any Member of the House of Representatives, the Committee on Rules, the Committee on Atomic Energy, and any other committee, and anybody else, a complete study of all of the energy and fuel resources in this country, including the offshore areas of the Outer Continental Shelf.

We have already spent $7.5 million to collect this information. There is absolutely no reason in the world to duplicate that effort now by creating a Select Committee on Energy Resources.

The distinguished gentleman from Colorado (Mr. ASPINALL) was Chairman of that Commission. It was appointed under President Johnson. It did its work. It completed its work. It made its report to the President, and that information is before the various committees of the Congress now for action.

The committees are now working on those recommendations.

All that will happen, if you set up this select committee, is to duplicate the work that is already available, and gathered from every agency of the Government, every source of private and public information.

All the reports are critical. All you have to do, all the Committee on Rules had to do, and all the gentleman from Tennessee had to do, if they wanted to, in order to find this information is just to ask for it. Of course, if the gentleman did not know about this— I realize he may not have been a Member of the Congress when the Commission was authorized but he was a Member when it was reported. There is no reason to establish this select committee. I realize that it may cut across committee jurisdictions and that may be one reason to oppose it. But if the Congress has already done the job and has already printed the information that you are going to ask for or need, and has already paid for it, it certainly is about time to forget this business and defeat this resolution and get on with the regular business of the day.

Mr. FASCELL. Mr. Speaker, as a cosponsor of the resolution to establish a Select Committee on Energy Resources, I rise in strong support of the principles which this proposal endorses.

Experience dictates that we must have a long-range energy needs study and close examination of all environmental factors.

This issue is familiar to all of us. From my own experience, I concluded some time ago that the following should be implemented:

One, a complete review of the power needs of the country now and for the next 10 years to determine the extent of the requirements on a total basis so that we can begin to get some public understanding and knowledge of the environmental disruption which will be involved and the cost that will be required to prevent it; and

Two, an appropriate interagency or other mechanism established at the Federal level so that there will be total coordination and cooperation among the Atomic Energy Commission, the Department of Interior, the Federal Power Commission, and State and local agencies.

I made these recommendations to the President, the Atomic Energy Commission, the Federal Power Commission and the Council on Environmental Quality, and was understandably encouraged to read the recommendations released last October in a report entitled "Electric Power and the Environment." The recommendations made in the report, which was prepared by the Energy Policy Staff of the Office of Science and Technology in the White House, fully integrated the suggestions I had made earlier in the year.

The study proposed in the resolution now pending before us is an integral part of our approach and solution to the whole question of our power needs. Questions have been raised by leading environmental groups concerning the emphasis of the resolution on power, and the deemphasis, in their judgment, on the important environmental factors. While I understand that many of the questions raised have been satisfactorily answered by the proposal's main sponsor, I would point out that we also have scheduled for consideration today a resolution to create a Joint Committee on the Environment. Included in the proposed committee's outline of duties is a continuing comprehensive study and review of the character and extent of environment changes that may occur in the future and their effects. Power supplies are specifically recommended for study in the bill.

Although the joint committee would not have legislative jurisdiction, it is empowered to make reports to the appropriate standing committees of the Congress relative to the environmental impact of pending proposals. I would hope that this committee would closely monitor all legislative activities which might have potential environmental impact, and make the proper input and recommendations.

I would stress again the vital importance of developing and following comprehensive, long-range power needs studies in close coordination with potential environmental effects. We must know the probable environmental effects of increased power usage and fuel extraction and integrate the solutions to any possible detrimental effects into future power delivery proposals. We cannot continue, as we have in the past, to work on an ad hoc basis. The danger lies in reaching a critical stage where power demands dictate resource extraction and powerplant construction without regard to environmental considerations. We cannot allow that to happen.

I urge approval of our overall efforts to solve the combined problem we face.

Mr. **DULSKI**. Mr. Speaker, I am in complete support of the pending legislation, House Resolution 155, to create a Select Committee on Energy Resources.

As a Representative from the Niagara Frontier in western New York State, with the famous Niagara Falls in our back yard, I am well aware of the demands and the problems related to electrical energy.

Additionally, natural gas first was discovered and used from wells located in the western New York-Pennsylvania area. Indeed, we still have a few operating wells although most of them have been depleted of their original supply. Many have been converted to use as storage wells in order to meet peak demands.

Our area also has been dependent for years on oil and coal. In fact, coal has been the prime fuel for the generators to supplement the supply of electric power provided by hydroelectric plants.

Even though we have the world's greatest supply of hydroelectric power in our back yard, we on the Niagara Frontier still are very much aware—and indeed have been the victims—of blackouts and brownouts.

NO DEMAND PEAK IN SIGHT

The increased demand for energy of all kinds has overwhelmed the industry and the increase shows no sign of either peaking or tapering off.

As the demand continues to mount, the problems are manifold, including a shortage of production, inadequate transmission lines, weak interconnections to permit communities to help one another in emergencies, and a decline in exploration of new fields of supply.

New York State, because of its population density, has had many harrowing experiences as a result of power shortages. At first these usually came only in winter time when the intense cold over protracted periods imposed fantastic demands upon the various energy systems.

Today, we have the problem year around—in the heat of summer to meet the demand for power to operate air-conditioning units and in spring and fall because of the necessity for down time to permit maintenance and repair of operating and production facilities.

Mr. Speaker, in connection with this general subject, I recently directed an inquiry to Chairman Joseph C. Swidler, of the New York State Public Service Commission. Mr. Swidler, as many of you may remember, is a former Chairman of the Federal Power Commission and, indeed, held that office at the time of recent major power crises.

At this point I would like to quote from Chairman Swidler's letter regarding the natural gas situation:

> As to natural gas the situation at the moment is bleak. Underground reserves are large but finite, and demand keeps growing against a constantly diminishing resource base. There is still a great deal of gas in the ground, but for a variety of reasons the ratio of reserves to annual production has declined year by year.
>
> For the intermediate term, that is for the next decade or two, the problem is one of stimulating exploration and development by the oil companies and by the gas transmission pipelines which have acquired a stake in gas production. The most likely immediate prospects are offshore Louisiana and Texas in the Gulf of Mexico. This acreage is controlled by the Department of the Interior. Regular and frequent offerings of leases in the Federal domain by the Interior Department would be the largest single contribution to alleviation of gas supply shortages, but new drilling will not begin to improve supplies for a couple of years.
>
> Finding a solution to the problem of bringing oil from the North Slope of Alaska would make possible a substantial improvement in gas supplies. A great deal of gas is entrained with the oil, and there is wide interest in a pipeline from the North Slope through Canada to the United States, but the gas cannot be produced until the oil can be marketed.

Chairman Swidler also has some strong views on the tax incentive picture as it relates to oil and gas. He feels it would be advantageous to limit some of the tax incentives which now apply to overseas production of petroleum so that the relative incentives would be increased for exploration at home.

With regard to domestic petroleum exploration and development, Mr. Swidler feels we must seek new sources for natural gas, including LNG. In this connection, he says that a close look should be taken at the offshore leasing policies of the Federal Government.

Mr. Swidler is in complete accord with the need for a basic review of the energy policies and the institutional framework in which they are demonstrated. He feels we need to determine their adequacy to assure a balanced and economical energy supply under present conditions as well as under the conditions to be anticipated in the future.

NEED FOR SINGLE AGENCY ON ENERGY

Mr. Swidler feels that one vitally needed change—and with this proposal I have great sympathy—is the creation of a single agency to oversee all of our energy minerals. He feels, as I do, that a single agency would be less susceptible to pressure from individual industries than the present system of specializing along commodity lines.

Turning to the problems in the power field, Chairman Swidler wrote me:

> The problems in the power field are somewhat different. Here the basic problem is not a lack of fuel, although fuel supplies have been tight and increasingly expensive.
>
> Rather, the problem lies in the difficulty faced by the public utilities in bringing new capacity on line. Some of the delay is due to licensing difficulties at the Federal level. Local objections on environmental grounds have also played a part.
>
> Governor Rockefeller has submitted to the Legislature a proposal for a certification procedure for major utility facilities under which the Public Service Commission would attempt to reconcile energy needs and environmental interest in a so-called "one-stop" procedure.

As for Chairman Swidler's reference to the Governor's proposal for a new certification procedure, this proposal so far has not been acted upon by the legislature and the prospect at this juncture does not appear good.

Of course, State legislation would only deal with one State and would not in any way cure the administrative and procedural problems of the Federal licensing agencies—particularly the Atomic Energy Commission and the Federal Power Commission.

It is my hope that these matters will be among the prime items for investigation by the select committee.

The House Subcommittee on Communications and Power of the Committee on Interstate and Foreign Commerce has been holding hearings on the problem of power siting. This is a major factor in the dearth of new power projects throughout the Nation.

In my own State of New York, there has not been a major power project developed for the past 10 years, since the tandem development of the new hydroelectric plant at Niagara Falls and the hydroelectric facility at Massena on the St. Lawrence River.

I recognize fully the concern of our people about the danger to the environment caused by conventional and nuclear powerplants.

At some point, however, there must be a determination of how we are to proceed, and we must get moving on the construction of these plants because the time element is long range, whatever the decisions.

It will take a half dozen years to build the plants and put them into operation after the sites are chosen and the plans are developed. Adding construction and crank-up time, this means another decade before we can have major new plants on the line.

The public outcry already is mounting. Modern kitchens and laundries, modern heating and air conditioning are pretty useless conveniences without the energy to run them. A public accustomed to these conveniences is not going to tolerate repeated and increasingly severe shortages, brownouts, and breakdowns. Nor should it.

We in Congress must lead the way in bringing about some acceptable procedures for increasing the power energy capacity and utilization of our natural resources.

I am confident the proposed select committee can analyze the overall problem and make necessary and appropriate recommendations with dispatch.

Mr. DOW. Mr. Speaker, I rise in support of House Resolution 155 that creates a Select Committee on Energy Resources. The purpose of the committee is to investigate all aspects of energy in the United States.

Nothing could be more important to the progress of our society than the assurance that energy will be available for its growth over the coming years. This is just as basic as food for the human body.

The scope of the investigation is considerable and touches upon some of the most vital of our concerns for a sure and expanding source of energy. For example, one area for investigation is the availability of oil. We can suppose that that will include such factors as the shale oil reserves in the West. Coal is another consideration for the committee. It should consider new processes for liquifying coal and thereby increasing the value of our immense coal resources.

Another aspect is the critical matter of conversion from high- to low-sulfur fuels.

It is noteworthy that the resolution encompasses also a concern for the environmental effects of the electricity industry. Here we enter what is probably the most critical of all the controversies surrounding the field of energy resources. For there is a wide gap in the thinking of authorities on nuclear power regarding the safety of nuclear powerplants. On the one hand, there are those scientists who assert that modern nuclear facilities are almost completely safe, with the possible question about the effects of explosion within such a plant. On the other hand, there are responsible authorities who claim that the environs of nuclear plants are dangerous for humans. They point especially to claimed evidence that incidents of cancer are greater in areas downwind from nuclear powerplants. And, of course, they portray the vast damage that might result in the event of an explosion within such facilities.

It should be a grave concern to us that a critical matter such as the safety of nuclear facilities is a matter of dispute among scientific authorities. For the layman, the puzzle is all the more appalling since the mathematical language of radiological measurement is beyond comprehension by all but experts. This is well highlighted in the exchange of correspondence between myself and Dr. Seaborg, Commissioner of the Atomic Energy Commission, which appears in the CONGRESSIONAL RECORD of this year at pages 6786 and 16279. While Dr. Seaborg's reply, commencing on the latter page, serves to illuminate more fully the processes of measuring radioactivity, it also reveals how highly complex the problem is.

Considering the vast scope and range of these many major concerns about our energy sources, it is not only right but absolutely essential that the people's representatives shall provide a thorough airing of all aspects. Hopefully, the work of this select committee will bring to its recommendations a good judgment and commonsense, that will place the many conflicting concepts in proper perspective and provide a practical evaluation of all that must be weighed in the entire field of energy resources.

Mr. BRASCO. Mr. Speaker, this Nation must admit the existence of, and confront the reality of, what amounts to a desperate national energy crisis. We have reached a point where lack of an adequate supply of power is hamstringing vital segments of our economy.

No industrial society can survive, much less grow, without an adequate supply of energy and power. If we do not guarantee this to America as soon as possible, we shall swiftly fade from the ranks of first-class industrial states.

We are becoming resource poor in a good many areas. Already, the United States must import vast quantities of first-class raw materials. Iron ore, oil, natural gas, chromium, bauxite, and tin immediately come to mind. Where would we be without foreign copper, and a dozen other raw materials that no modern manufacturing establishment can survive without? All the more reason for immediate attention to be paid to our power needs.

It is a fact that there have been increasing numbers of shortages of coal, oil, natural gas, and other fuels that make the wheels of society move; that heat homes and businesses; that make life tolerable.

Blackouts and brownouts of recent years are only forerunners of a crisis that now looms over us so massively that it can no longer be ignored. We have literally run out of time. It is imperative that we formulate and put into execution a national energy policy.

An immediate inventory is required of all sources of energy. Simultaneously, we need an intelligent assessment of what our immediate and forseeable energy needs are going to be.

At the same time, we have to determine where our supplies of necessary fuels are going to come from. Will they be available here at home? Will we have to begin massive purchases abroad, and if so, from whom?

Who owns such reserves, abroad and domestically, that we may have to have access to? What are the environmental consequences of a national fuel policy? What about transport of them, once they are found and made available? How will these energy policies, if pursued abroad, affect our foreign policy? Above all, Congress must take a lead here, without allowing any other authority to break new ground.

Presently, our regulatory agency structure, or fourth level of government, has primary responsibility for energy policy. Yet this, of course, is diffused in a variety of agencies.

At the same time, there are a series of congressional committees who are all vitally concerned with various aspects of the energy problem we are touching upon today. Yet, no single committee has complete jurisdiction over what is transpiring in every area. This leads us to one inescapable conclusion.

A centrally located group, operating with congressional authority, must seek an end to fragmented, inconsistent and partially administered policies in this area by a variety of agencies. This can never be forthcoming from the executive branch, especially from regulatory agencies, who have not shown any initiative or awareness of their responsibility to the public in recent times.

Overlapping responsibilities are also largely to blame. Whenever one or another group of authority seeks action, there is immediate conflict of spheres of influence among committees or agencies. The situation has reached emergency status and the luxury of delay is now out of the question.

When 50 million people face hardship because of power breakdowns or shortages, we must have more than whines from government and utilities to conserve power wherever possible. This devastating failure of both government and utilities highlights our danger.

Every major authority, from the Federal Power Commission and the Office of Emergency Preparedness to our mass media and the general public are demanding positive action. It is incumbent upon us to act.

Therefore, I support House Resolution 155, which would establish a Select Committee on Energy Resources, the fate of which we decide today. In this way, the Congress meets its responsibility while meeting the challenge head on. We assert prerogatives of the Congress while acting to solve the most pressing problem in this area.

Such a committee, adequately staffed would ascertain what energy sources are available, who owns them, pricing practices, environmental side effects of energy use, transportation, and a host of other answers we must have almost immediately.

It could recommend what we have in the way of resources, what the people should know about the situation, what institutional mechanisms are necessary, if at all, and what actions we must take immediately.

The urgency of this situation nullifies partisanship. Summer is a time of danger, just as well as winter. We must anticipate emergencies. This step would be justified in the fullest sense of the term. We have little time left, if any at all. Let us not waste a moment. Let us approve this special body and instruct it to move ahead with the greatest dispatch.

Mr. FUQUA. Mr. Speaker, as a cosponsor of this legislation I would like to commend my distinguished colleague from Tennessee (Mr. FULTON) for his leadership in bringing this measure to the floor.

The fuel crisis of recent years, manifested in brownouts and blackouts, has received a great deal of publicity. Johnny Carson scores the Con Edison Co. because of the power shortages in the Northeast. We make jokes about it, gripe about it, blame others for it, and do little about it. This body has an opportunity today to provide for a comprehensive study of the energy resources of this country, and I believe that it is essential that this is done.

We need a comprehensive national energy policy that will insure that this country has an adequate fuel supply. We must develop this policy to insure adequate exploration, development, utilization and conservation of our energy resources or this country is headed for a serious fuel crisis.

In 1969, the electric power industry used more than 310 million tons of coal, 250 million barrels of oil, 3½ trillion cubic feet of gas, and 380 short-tons of uranium ore to produce 82.7 percent of the electric energy consumed in this country. The other 17.3 percent was produced by hydroelectric facilities. And yet, over the next 20 years, America is going to increase its electric energy consumption by 250 percent.

The long-term implications of our energy policies is necessary and I am convinced that this resolution will provide the best vehicle for such a study. The cost of fuel is rising rapidly and is becoming a real burden on our lower income citizens. We must address this problem before the cost becomes prohibitive.

There is a definite interrelationship between fuels and this must be realized before any comprehensive national energy policies can be established. Again, this resolution will provide the most logical vehicle to define this interrelationship and provide us with a workable energy policy.

This legislation is essential if we are ever to understand the problems that confront us in the area of national energy resources and I commend this resolution to this body.

An investigation of our national energy resources must be undertaken with full awareness of the need for prudent environmental techniques in the development and utilization of these resources. There is no reason why the investigation of our energy resources and the conservation of our environment should be mutually exclusive. Conversely, they go hand in hand and should be so considered by the select committee.

Mr. LLOYD. Mr. Speaker, as an original supporter and cosponsor of this resolution because of the overwhelming need for maximum effective study and research into the Nation's energy crisis, I now frankly state that chairmen of standing committees who have spoken today have changed my mind.

They have revealed that standing committees have in fact been conducting the research and have compiled the factual data which I consider to be necessary to the public interest, and are prepared to do the full job.

I have consistently opposed the proliferation of study commissions, committees, and administrative agencies. At the time I sponsored this resolution I was not advised of the essential work already being performed. This resolution was offered in good faith and with proper intent, but, Mr. Speaker, I believe standing committees are doing their work well and with dedicated intent in the best interests of this country. I, therefore, feel the resolution and the expenditure necessary thereto, to be unnecessary.

There has also been a very significant intervention. The gentleman from Tennessee (Mr. FULTON) advises today that he has entered into agreement with the organization, Friends of the Earth, that any studies conducted by the select committee established by this resolution would conform to guidelines laid down by Friends of the Earth. While having no particular quarrel with Friends of the Earth, I do not believe this Congress should make special concessions to any special group.

Mr. JONES of Tennessee. Mr. Speaker, the time is approaching when we must recognize that our Nation's resources, which once seemed to exist in endless supply, are indeed limited. Every year, the demand on our resources is increased, as our population grows and as our industry expands.

Our energy resources are of particular concern, since virtually everyone in the country is dependent upon them for lighting, for heat, for the operation of numerous household appliances, and for transportation. The day has long since passed when we can assume that these energy sources will be available in abundance for the asking.

As our society has become more sophisticated, especially in its technology, things which once seemed to be luxuries have become necessities. Our society has become geared to the advances of science. A horse would still get us from one place to another, but we have become dependent upon the automobile, the train, and the airplane.

We could still go into the woods and chop firewood to heat our houses—if we were lucky enough not to be charged with trespassing—but we have become dependent upon oil, gas, coal, and electricity for heat.

In our hospitals, electric power has become literally a matter of life and death in such things as artificial lungs, kidney machines, electrocardiograms and such.

The point I want to make is this: we can no longer afford to deal with our energy resources in a haphazard fashion. We must employ some foresight and planning for the needs of future generations in respect to their needs for energy.

There is also an economic factor involved with our energy resources. Since virtually everyone in the country is a consumer of these resources, the energy industry is vital to our economic health. Price rate levels can have an enormous inflationary or depressing effect on our economy. Steps must be taken to insure that our economy does not fall victim to a lack of preparation on our part.

I urge the Members of this body to vote for the resolution to create a select committee to conduct a complete investigation of all aspects of the energy resources in the United States. We cannot continue to depend on blind faith to see us through.

I thank the gentleman for yielding.

Mrs. HECKLER of Massachusetts. Mr. Speaker, there are few issues before the Congress more complex and more important than the evaluation and development of energy resources.

Energy problems relate to a wide range of subjects such as mining, foreign policy, ecology, nuclear physics and others. Unfortunately, the Congress has never had a way to take an overall look at energy.

Utilization of our energy resources urgently needs a comprehensive examination if we are going to solve existing and potential problems in a balanced, effective and comprehensive way. The very real need to balance increasing power requirements against the necessity for increasingly stringent environmental protection can only be achieved through a delicately planned approach to the issue. This requires a careful investigation of every relevant factor.

The New England States are among those which could most benefit from a thorough Congressional examination of our energy resources. Due to a variety of factors, New England pays the highest power rates in the country. Our area has suffered serious oil shortages that have deprived homes, schools and businesses of heating oil and have caused unconscionably large increases in the price of heating oil. Unless solutions are found soon, the New England situation promises to worsen. It is clear that other areas of the country will be likewise affected.

As one who has long been involved in the issue of improving energy policies, I am grateful to the efforts of the distinguished gentleman from Tennessee (Mr. FULTON) for his work in developing legislation to create a Select Committee on Energy Resources. I am pleased to be a cosponsor of the bill and I hope the committee can be organized as soon as possible in order that it can begin its investigations.

The enactment of House Resolution 155 is most important to Congressional understanding of energy problems and I urge this body to give it unanimous approval today.

GENERAL LEAVE TO EXTEND

Mr. ANDERSON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the resolution under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. There is no further time remaining.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken.

Mr. ANDERSON of Tennessee. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 128, nays 218, not voting 86, as follows:

[Roll. No. 110]

YEAS—128

Abernethy
Abzug
Addabbo
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Ashley
Aspin
Badillo
Baker
Begich
Belcher
Bevill
Biester
Bingham
Blanton
Boggs
Boland
Bolling
Brasco
Bray
Brinkley
Buchanan
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carter
Chisholm
Clay
Cleveland
Colmer
Conte
Conyers
Corman
Coughlin
Culver
Davis, Ga.
Delaney
Dellums
Denholm
Dow
Drinan
Dulski
Duncan
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Fish
Ford, William D.
Forsythe
Fulton, Tenn.
Fuqua
Gonzalez
Grasso
Green, Pa.
Griffin
Halpern
Hanna
Harrington
Hathaway
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks, Wash.
Howard
Ichord
Jacobs
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Koch
Kuykendall
Lennon
Link
McCloskey
McCormack
McDade
McFall
McKinney
Mazzoli
Meeds
Melcher
Mikva
Minish
Mitchell
Mollohan
Montgomery
Morse
Murphy, Ill.
Myers
Nichols
Obey
O'Konski
Pepper
Pike
Price, Ill.
Pryor, Ark.
Quillen
Randall
Rees
Reid, N.Y.
Robison, N.Y.
Roncalio
Rosenthal
Roush
Ryan
St Germain
Sarbanes
Shipley
Sisk
Stanton, J. William
Stephens
Stokes
Thone
Ullman
Vander Jagt
Vanik
Vigorito
Wampler
Whitten
Wolff
Wyatt
Young, Fla.
Zion
Zwach

NAYS—218

Abbitt
Andrews, Ala.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Bell
Bennett
Bergland
Blackburn
Blatnik
Bow
Brademas
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burleson, Tex.
Byrne, Pa.
Byrnes, Wis.
Byron
Caffery
Carney
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Collier
Collins, Ill.
Collins, Tex.
Conable
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
Dellenback
Dennis
Derwinski
Dickinson
Diggs
Dingell
Donohue
Dowdy
Downing
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Erlenborn
Eshleman
Findley
Flood
Foley
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Frenzel
Fulton, Pa.
Galifianakis
Gallagher
Garmatz
Gaydos
Goldwater
Goodling
Green, Oreg.
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Harvey
Hawkins
Hébert
Helstoski
Hicks, Mass.
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Jarman
Johnson, Calif.
Jonas
Kazen
Keating
Keith
Kemp
King
Kluczynski
Kyl
Kyros
Landgrebe
Lent
Lloyd
Long, Md.
McClory
McClure
McCollister
McDonald, Mich.
McEwen
McKay
McKevitt
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mizell
Moorhead
Morgan
Mosher
Moss
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
O'Hara
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Poage
Poff
Powell
Preyer, N.C.
Pucinski
Quie
Railsback
Rarick
Reid, Ill.
Rhodes
Riegle
Robinson, Va.
Rodino
Rogers
Rooney, Pa.
Rousselot
Ruth
Sandman
Satterfield
Saylor
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shoup
Shriver
Sikes
Skubitz
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton, James V.
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Van Deerlin
Veysey
Waldie
Ware
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wright
Wydler
Wylie
Yates
Yatron
Young, Tex.
Zablocki

NOT VOTING—86

Abourezk
Adams
Alexander
Anderson, Ill.
Baring
Barrett
Betts
Biaggi
Brooks
Broyhill, Va.
Burke, Fla.
Cabell
Camp
Clark
Cotter
de la Garza
Dent
Devine
Dorn
Dwyer
Edwards, La.
Esch
Evins, Tenn.
Fisher
Flowers
Flynt
Frey
Gettys
Giaimo
Gibbons
Gray
Griffiths
Hansen, Wash.
Hastings
Hays
Hillis
Johnson, Pa.
Karth
Kee
Landrum
Latta
Leggett
Long, La.
Lujan
McCulloch
Mann
Martin
Mathias, Calif.
Matsunaga
Metcalfe
Miller, Calif.
Mills
Mink
Minshall
Monagan
O'Neill
Passman
Pirnie
Podell
Price, Tex.
Purcell
Rangel
Reuss
Roberts
Roe
Rooney, N.Y.
Rostenkowski
Roy
Roybal
Runnels
Ruppe
Scherle
Slack
Smith, Calif.
Smith, Iowa
Spence
Steele
Stubblefield
Stuckey
Teague, Tex.
Waggonner
Watts
Whalley
Wilson, Charles H.
Winn
Wyman

So the resolution was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Evins of Tennessee for, with Mr. Waggonner against.

Mr. Stubblefield for, with Mr. Dent against.

Mr. Biaggi for, with Mr. Hays against.

Until further notice:

Mr. Rooney of New York with Mr. Anderson of Illinois.

Mr. Rostenkowski with Mrs. Dwyer.

Mr. Giaimo with Mr. Devine.

Mr. O'Neill of Massachusetts with Mr. Price of Texas.

Mr. Miller of California with Mr. Martin.

Mr. Charles H. Wilson with Mr. Smith of California.

Mr. Barrett with Mr. Steele.

Mr. Slack with Mr. Camp.

Mr. Stuckey with Mr. Spence.

Mr. Teague of Texas with Mr. Pirnie.

Mr. Matsunaga with Mr. Wyman.

Mr. Cotter with Mr. Whalley.

Mr. Brooks with Mr. Johnson of Pennsylvania.

Mr. Fisher with Mr. Broyhill of Virginia.

Mr. Gettys with Mr. Esch.

Mr. Roberts with Mr. Betts.

Mr. Roe with Mr. Scherle.

Mr. Leggett with Mr. Mathias of California.

Mr. Karth with Mr. Latta.

Mr. Alexander with Mr. Hillis.

Mr. Clark with Mr. Ruppe.

Mr. Dorn with Mr. Abourezk.

Mr. Flowers with Mr. Minshall.

Mr. Podell with Mr. Smith of Iowa.

Mr. Passman with Mr. Burke of Florida.

Mr. Monagan with Mr. Mann.

Mr. Watts with Mr. Winn.

Mr. Flynt with Mr. Frey.

Mr. Roy with Mrs. Griffiths.

Mr. Runnels with Mr. Gibbons.

Mr. Purcell with Mr. Edwards of Louisiana.

Mr. Gray with Mr. Cabell.

Mrs. Mink with Mr. Metcalfe.

Mr. Mills with Mr. Lujan.

Mr. Long of Louisiana with Mr. Landrum.

Mrs. Hansen of Washington with Mr. Hastings.

Mr. Rangel with Mr. Reuss.

Mr. Roybal with Mr. Baring.

Mr. Kee with Mr. de la Garza.

Mr. VANDER JAGT changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader about the program for the remainder of the week, if any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. BOGGS. Mr. Speaker, in response to the gentleman's inquiry, we have completed the legislative program for this week. It is my hope to ask that we will meet at 10 o'clock tomorrow morning for the purpose of permitting Members to have most of tomorrow off. Of course, there is no program on Monday as everybody knows, and the program after the Memorial Day recess is as follows:

For Tuesday and Wednesday, we have the Private Calendar to be followed by:

H.R. 3613, Emergency Employment Act of 1971 with 2 hours of general debate remaining on the bill since we have already consumed 1 hour of general debate.

That is to be followed by:

House Resolution 449, Capitol Police expansion and overtime pay.

On Thursday, H.R. 7109, NASA authorization, open rule, 2 hours of debate.

H.R. 7960, National Science Foundation authorization, open rule, 1 hour of debate.

On Friday, the legislative appropriation bill for fiscal year 1972.

Conference reports may be brought up at any time, and any further program will be announced later.

Mr. GERALD R. FORD. Mr. Speaker, if the gentleman will permit me to ask a question at this point, I have heard that there was an agreement between the chairman and the ranking minority member of the Committee on Education and Labor that, although they would conclude debate on the Emergency Employment Act of 1971 on Tuesday, they would not start to read the bill until Wednesday. Is my understanding correct?

Mr. BOGGS. I am not privy to such an agreement, and therefore cannot answer the gentleman.

Mr. GERALD R. FORD. I see the gentleman from Minnesota (Mr. QUIE) on the floor.

Mr. BOGGS. Perhaps the gentleman could inquire of him as to whether there is any such agreement.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Minnesota.

Mr. QUIE. I observe the gentleman from New Jersey (Mr. DANIELS) on the floor also. He and I have been talking about this matter, and I will express my understanding with the gentleman from New Jersey (Mr. DANIELS). Perhaps it would be better if I would ask the gentleman from Michigan to yield to him.

Mr. GERALD R. FORD. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. It was my understanding earlier today with the gentleman from Minnesota (Mr. QUIE) that he would consume 1 hour of debate on Tuesday and carry over the balance of the debate for Wednesday, and then make every effort to complete consideration of the bill on Wednesday.

Mr. QUIE. That is the understanding.

Mr. GERALD R. FORD. If that is the case, could we take up and finish on Tuesday House Resolution 449 so we would have a clear calendar on Wednesday?

Mr. BOGGS. I am afraid we cannot do that because the Member on this side is handling that measure and is most insistent that it be called up on Wednesday. We do not expect any problem with the resolution. So far as I know all Members, or at least all that I have spoken to, are in favor of the resolution relating to the police.

Mr. GERALD R. FORD. So the program for Tuesday is as recommended or agreed to by the gentleman from New Jersey and the gentleman from Minnesota. Is that the schedule?

Mr. BOGGS. Yes; apparently so. I have been informed that a great many Members are attending parliamentary conferences of one kind or another. Apparently some arrangement has been made here, but it is our determination to finish consideration of both of those measures, the resolution pertaining to the police and the employment bill by Wednesday, regardless of how long it takes.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would just like to ask what has become of House Resolution 424, scheduled for today, to create another unnecessary commission? Has that been put over for the future?

Mr. BOGGS. The answer is yes, it has been.

Mr. GROSS. Could we be assured that it will not see the light of day again? I shall not pursue that question.

The gentleman wants to come in at 10 o'clock in the morning. What about 9 o'clock? Would that not give Members an ever earlier hour to clear out of Washington? What about 9 o'clock, a quorum call, and then adjourn? Would that be satisfactory?

Mr. BOGGS. It would be perfectly all right with me, Mr. Speaker, but some of our Members do not rise as early as the gentleman from Iowa, and they have expressed a preference for 10 o'clock. The gentleman can eat a late breakfast tomorrow morning.

Mr. GROSS. In other words, that is a little early, 9 o'clock?

Mr. BOGGS. A little early.

Mr. GROSS. I just wanted to help the Members have as near as possible a full day away from their arduous duties here.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

150TH BIRTHDAY OF THE LONG ISLAND PRESS

(Mr. ADDABBO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, the daily newspaper which serves the residents of my congressional district and others in Long Island, N.Y., celebrated its 150th birthday last week. The Long Island Press has grown with the communities of Long Island during those years and the Press has always been a responsible and progressive spokesman in connection with the many issues affecting the development of Long Island.

I am proud to join with the many friends and readers of the Long Island Press in extending congratulations on the occasion of the paper's 150th anniversary and best wishes for many years of continued publication, success and service to our residents. At this point I would like to place in the RECORD the text of the birthday editorial which appeared in the May 21, 1971 edition of the Press:

OUR BIRTHDAY WISH AND PLEDGE

The Long Island Press is 150 years old this year. It's nice to be 150—old enough to know you can't do everything you want right away, young enough to believe that man's condition can be improved if he works hard enough at it.

We're delighted by all those nice expressions of good wishes we've gotten from President Nixon, Governor Rockefeller, Mayor Lindsay and our own Long Island leaders. Our own wish, and our pledge, is to keep doing the job we've been trying to do these 150 years—to serve our readers by bringing them the news, good and bad, about Long Island, and by working with them to improve our community.

Long Island, in the shadow of the world's greatest city and so inextricably involved in its fortunes, has always had to struggle to establish its own identity and realize its own aspirations.

The Press, in the van of that struggle, has grown and changed as our island has grown and changed. We started on primitive flatbed presses, our type set by hand, when Astoria was still farm and marshland, when the Hempstead Plain was still a prairie and the whaling boats still sailed out of Sag Harbor, Greenport and East Hampton. Now we have high-speed presses, and those sophisticated electronic devices that are revolutionizing the communications industry. And we need every one of these new methods to keep pace with our changing world.

Throughout, we have made it a matter of basic policy not just to shine The Press Spotlight on what we regard as wrong, but also on what can be done to make it right—not only to say nay, but to say yea.

We have no patience with those who adopt causes as the frivolous choose modish clothing, losing interest in the old as each new style appears. We have stayed with one cause—to improve the quality of life on Long Island—day in, day out, for 150 years, and we pray we shall continue for another 150, at least.

We are proud that long before ecology became a household word we led the efforts to conserve Long Island's precious and irreplaceable natural resources—our wetlands, our beautiful beaches, the purity of our waters, the quality of the air we breathe.

Of all of the honors we have won, we are proudest of the National School Bell Award given to The Press in 1961 jointly by the seven largest education organizations in America, for campaigns to improve the quality of the schooling our children get and to build the new public schools and public colleges that a growing Long Island so desperately needed.

Long before drugs became a universal problem, we warned of its dangers and sought, as we still do, the elusive answers; we have exposed frauds; we have sought tax equity and aid to the poor that does not penalize the middle-class wage earner, and we have fought, often against powerful Manhattan interests, for the mass transit relief so long denied to Long Island.

These are some of the things we have fought for, often with the help of public officials and often in face of their indifference, hostility or inertia. Only a free press, in a free nation, can do this kind of job.

Yet never in our 150 years, perhaps in the nearly 200 years of the Republic, have there been so many ominous signs of attack on the freedom of the press to inform, to question, to prod, to campaign.

Now we face what seems to be a concerted assault on the media by the Washington administration. The press, like all institutions, is imperfect and subject to criticism and correction. But this new assault is not simply the time-honored counterattack of those under fire. It appears aimed at the credibility of the press itself and at its right to criticize.

We have long come to expect this kind of attack from our enemies and home-grown radicals, left and right, who would destroy a free press the moment they assumed power. But democracy cannot survive without the freedom of its citizens to speak out without fear of reprisal.

Freedom of the press is the insurance policy that guarantees freedom itself.

THE FIGHT AGAINST THE FAP GAP

(Mr. NIX asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NIX. Mr. Speaker, title IV of H.R. 1 has been hailed by this administration as a great potential reform of the welfare system of the United States. It is instead a wholesale retreat. Mrs. Roxanne Jones of the Philadelphia Welfare Rights Organization brought some startling facts on this subject to my attention.

The basis of all welfare legislation in our States has been that women with children had as their obligation the raising of those children in a normal family atmosphere. This was just common sense. Properly raised children can stand on their own feet when they are adults.

There is to be a new rule under the FAP or Family Assistance Plan. Mothers with children over 3 are to be forced to go to work and their places in the home are to be taken by strangers, by third parties.

This is not all. The Federal minimum wage does not apply. In the case of welfare recipients under this bill, they will have to take jobs that are three-fourths of the Federal minimum wage. The present Federal minimum wage is $1.60 an hour, so recipients must accept $1.20 an hour or $2,400 a year.

What is more, provisions which would insure that welfare mothers would not have to take a job that endangered health and safety or was too far from home have been removed from H.R. 1.

The law today provides that a mother has the right to refuse a child care arrangement she believes is inadequate. But not under the FAP plan. They will have to accept whatever child care facilities are offered by the Department of Labor or be cut off welfare. In addition, there are no child care standards written into the legislation. All or a part of these costs may have to be paid by the child's family. For income tax purposes, the limit on a tax deduction for this purpose is $750 a year, whereas some authorities estimate that the actual cost for one preschool child is $2,100 a year.

All of this is based on the assumption that the trouble with the welfare system is the people on welfare. That idea is the type of argument similar to the age old argument over which came first the chicken or the egg. I can assure the Members of the House, based on my experience in my own district, that people do not want to go on welfare, they are forced to go on welfare because there is no room for them in the economic system. Mothers with children who have to support and raise their families have no choice. They must take welfare. There is very little work for them and certainly there is not enough work for all of them.

Governor Reagan of California wrote to 309,485 employers in the State of California, making a personal request to each employer asking them to each hire one welfare recipient. Out of the 309,485 requests, the net number of people who were employed as the result of the effort was 26.

In 1969 the Department of Health, Education, and Welfare conducted a study on aid to families with dependent children. Only 20.1 percent of the welfare mothers were in the labor market and one-third of these could find no employment. This is an unemployment rate, which is five times the national average.

Any group of people who suffer 500 percent more unemployment than the national average needs assistance. But, assistance is being reduced. For example, this bill provides that recipients under the FAP can no longer draw food stamps. This was an important item for welfare families.

In fact, under an earlier version of FAP, favored by the administration, a $1,600 Federal payment was to be supplemented by an $864 in food stamps for a total of $2,464. This bill cuts out the food stamp provision while raising the Federal payment to $2,400 for a $64 loss.

This program is basically a punitive one. While it is true that the welfare program is costly and burdensome, remedial legislation must get at the causes of the problem. These causes are economic. I submit to you that mothers of poor children do not want to be poor, nor are they living lives of luxury.

The problem we face with H.R. 1 is that since it has now been reported from the House Ways and Means Committee, the danger is that it will be referred to the House of Representatives with a closed rule. We will be forced to take it or leave it. This is unfair and it will prove to be a victory of great price to the sponsors of this legislation, since it could destroy any value which this legislation has. If H.R. 1 becomes law in this condition, we will be forced to come back and take up this problem again but as a much more divided country.

The gap in H.R. 1 is based on a gap in understanding between the people of this country. Welfare has become an emotional issue. This bill will make it a much more emotional issue, one about which there will be even less understanding.

I ask the Members of the House to contact the Committee on Rules and ask the members of that committee to support an open rule on H.R. 1 so that we may have a full and fair debate on a bill that needs amending unless the burden of welfare reform is supposed to be carried by American mothers whose families are on welfare.

ARMS SALES TO LATIN AMERICA

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, this morning a Department of State official delivered to me a reply to a letter which I wrote on May 11 to Secretary Rogers, asking for an explanation of the reasons for the President's decision to lift the ceiling on U.S. arms sales to Latin America.

Because this matter is of considerable interest to the Congress, I shall place the text of my letter and the reply in the RECORD.

First, however, I would like to make some brief comments.

I find nothing in the Department of State letter to assuage my concern that our policy toward Latin America is based not on a carefully evaluated estimate of our national security but rather on the exigencies of the moment—in this case, as viewed by the Pentagon and determined by them to be in our national interest.

I do not question the sovereign right of each and every Latin American country to replace worn out or obsolete military equipment—or even their need to do so.

But I do question the reason for a precipitous change in U.S. policy on our participation in such procurement, and the manner in which the change was effected.

Several years ago, after full deliberation, the Congress set a $75 million ceiling on our annual military aid and sales to Latin America. We recognized at that time that an emergency could arise which would require the lifting of that ceiling before the President had full opportunity to consult with the Congress. And for that reason we gave the President the authority to suspend the ceiling, expecting, however, that such authority would not be used unless it was "important to the security of the United States."

The reply sent to me by the direction of the Secretary of State does not point to any such development. Conditions described in the letter, cited as a justification for the President's decision, have existed for some time. They continue to exist today. But there is no emergency, no visible involvement of any important security interest of this country, which would warrant the suspension of the ceiling in the final quarter of this fiscal year just as the Congress is studying the administration's proposals for fiscal 1972.

Two sentences in the Department of State letter tend to strengthen my own impressions regarding the real reason for the presidential determination.

The letter states that U.S. inability or unwillingness to meet Latin military sales requests "does not prevent military purchases but, instead, results in acquisition from third countries of equipment frequently more advanced and more costly."

And it goes on to say that—

> Many [Latin American] nations . . . could be expected to seek other suppliers if we could not meet their needs. . . .

This appears to be the real reason for changing our policy.

Is it a valid reason?

Is it really important from the standpoint of our national interests and security, and of our hemispheric relations, that the United States remain the No. 1, or No. 2 seller of military arms to Latin America?

Must we jump in just because somebody else—some European country—may get the contract?

There is a story in this morning's Washington Post, reporting that President Allende of Chile has already criticized the U.S. decision to increase military sales in Latin America as being "negative."

But just last night, one newspaper reported that Chile is trying to buy $30 million's worth of jets from our country.

The Department of State reply to me does not mention that sale. And I do not know whether or not such an overture has been made by Chile. But it seems to me that there is no call for the President of that country to criticize our decisions if his country is—or hopes to be—among our customers.

Mr. Speaker, foreign policy is a serious matter. It should not be made, so to speak, by shooting from the hip. And neither should it be changed just because someone else may make a sale in an area in which the Pentagon determines or feels that the United States ought to have more influence and visibility.

I know of no American Ambassador to any Latin American country, who has initiated the request for the lifting of the ceiling on our arms sales to Latin America. Neither was the request initiated by the military command in the field.

If any high-ranking Department of State official felt that this move was necessary, I was not aware of it until the text of the Presidential determination was made available—somewhat belatedly—to our committee.

This entire foreign policy decision was obviously made by those at the Washington level of the Military Establishment who are genuinely concerned about loss of sales and decreasing U.S. influence.

Mr. Speaker, the Committee on Foreign Affairs is presently holding hearings on the President's proposals for reorganization of our military and development aid programs. Contained in those proposals is a request for a doubling of the statutory ceilings on arms sales to Latin America—from $75 to $150 million annually.

This will provide an opportunity for a full consideration of all the issues in evolving U.S. arms sales policy in Latin America for fiscal year 1972 by all interested, Defense, State, and the Congress.

The waiver on the fiscal year 1971 program lifting the congressionally imposed ceiling is weakly justified as "important to the security of the United States" to by-pass this process and should not have been used.

DEPARTMENT OF STATE,
Washington, D.C., May 26, 1971.

Hon. DANTE B. FASCELL,
Chairman, Subcommittee on Inter-American Affairs, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of May 11 expressing concern regarding Presidential Determination 71-12, dated April 9. This Presidential Determination waived the $75 million ceiling on the aggregate of the total amount of military assistance, cash and credit sales, credit guaranties and loans, excluding training, to Latin American countries during fiscal year 1971 as imposed by Section 33(a) of the Foreign Military Sales Act, as amended.

The Department of State shares the concern of Congress that Latin America's relatively scarce economic resources not be unduly devoted to military expenditures to the detriment of social and economic development. Total Latin American defense expenditures have, however, been among the lowest of any region in the world, averaging only about two per cent of the GNP, and these countries do have a legitimate need to update and replace obsolete and worn out equipment. Much of this equipment is of World War II or Korean War vintage previously provided by the United States under the Mutual Security Act and its successor legislation.

At the present time there are fewer than 300 jet combat aircraft in all of Latin America, not including Cuba. With the exception of Peru's French Mirages, all of these aircraft are subsonic. While Argentina, Brazil, and Colombia are awaiting delivery of Mirages, the air forces of many Latin American countries lack planes which can fly as fast as conventional commercial airliners providing service to their countries.

The major countries of the area are determined to carry out force modernization programs to meet what they consider valid security needs. Experience has shown that refusal or inability on our part to be responsive to their requests does not prevent military purchases but, instead, results in acquisition from third countries of equipment sometimes frequently more advanced and more costly, both to purchase and maintain, than that originally sought from us. In addition, our inability to respond to reasonable requests is often interpreted by Latin American leaders, civilian as well as military, as evidence of United States disinterest in the area or of paternalistic judgments on our part concerning the defense requirements of the countries involved. Such reactions undercut our overall efforts to maintain mature and mutually beneficial relationships with these countries. Conversely, we view a responsive military sales policy as an important contributor to the maintenance of such relationships.

As you pointed out, United States Government sales of military equipment to Latin America averaged $38 million during fiscal years 1966–1970, whereas the "Foreign Military Sales Congressional Presentation" dated March 9, 1971, estimated that total cash and credit sales would be $72 million this fiscal year. This sudden increase is attributable primarily to the following factors:

(a) The number of requests for cash and credit sales which we received grew sharply in fiscal years 1970 and 1971, as the Latin American countries increasingly saw the need to replace obsolete and worn out military equipment.

(b) In addition, since there had been no FMS credit in fiscal year 1970, many nations deferred purchases until such credit was forthcoming. Congress did not make this credit available until late December 1970. We are, therefore, attempting in this fiscal year to meet a two-year requirement for credit purchases, i.e., for FY 1970 and 1971.

(c) Both price inflation and qualitative improvements in the conventional equipment now available for purchase have continued to raise the cost of military materiel. The pressure against our $75 million ceiling, which was established in 1967, has increased accordingly.

(d) Still another consideration is that, while some of the deliveries of major end items are spread over a period in excess of one year, the law requires us to count the entire amount of the purchase against the year in which the contract order is signed by the requesting country.

Although the March 9 Congressional Presentation document showed an estimated total of only $72 million for FY 1971 sales, we had already received an additional number of what we considered to be reasonable purchase requests prior to the time this document was published. We were unable to process these requests because of the $75 million ceiling. Had the President not decided that it was necessary to waive the ceiling for this fiscal year, the total volume of sales would have remained close to the $72 million shown in the Congressional Presentation document.

The following paragraphs, which are keyed to the numbered questions posed in your letter, will, I hope, further clarify the Department's position and rationale in recommending a waiver of the ceiling for fiscal year 1971:

1. There has been no basic reevaluation of our military assistance and sales programs to Latin America since the Congressional Presentation dated March 9, 1971. The President's decision to waive the $75 million ceiling was made on the grounds that it is important to United States security to be able to respond to pending requests from Latin American countries for reasonable purchases to modernize their forces, and that for the reasons given above these requests could no longer be accommodated within the existing ceiling. This same consideration also underlies our request to increase the $75 million ceiling to $150 million in the newly proposed 1972 International Security Assistance legislation.

2. Details of requests for military equipment and actual cash sales contracted during the period July 1, 1970–April 9, 1971 are contained in enclosure 1. No credit sales were made during this period, due first to the absence of credit authorization and then to the ceiling limitation. Specific dates indicate when cash sale offers were accepted by the purchasing country. Although the total value of all requests received was some $92.575 million as of April 9, actual contracted sales amounted to some $45 million. Until the Presidential Determination was signed, it had been necessary to suspend the processing of many cash and credit requests so that the $75 million ceiling would not be exceeded.

3. It is anticipated that the total FMS cash and credit sales program for fiscal year 1971 will range between $140 and $150 million. This would include some or all of the $92.575 million in cash sale requests already received plus some $54 million in proposed credit sales. As of this date some $82 million in FMS cash sales have been contracted. Details of proposed FMS credit utilization are contained in enclosure 2.

4. It was necessary to waive the $75 million ceiling at this time in order to enable us to be responsive without further delay to the increasing number of legitimate requests for military purchases. Inasmuch as there was no FMS credit in fiscal year 1970, which resulted in the deferment of purchases that year, it was not deemed prudent to impose another postponement this fiscal year. Many nations faced by this situation could be expected to seek other suppliers if we could not meet their needs. In addition, waiver of the ceiling was essential to enable the Latin American countries to utilize some $54 million in FMS credit of the total authorized by Congress in late December, 1970. These funds must be obligated before the end of this fiscal year.

5. As the Secretary's memorandum to the President pointed out, responsiveness to legitimate and reasonable requests for military equipment is an important element in maintaining our traditional security relationship with Latin American countries. This relationship diminishes the prospects that any powers or elements unfriendly to the United States may advance their influence and objectives in this region. In view of our shared location in the Western Hemisphere and our close political and economic relations, it is in the best interests of the United States that we continue to cooperate with the Latin American counries in their efforts to maintain their security capabilities. Moreover, our own national security is clearly enhanced by friendly and cooperative relations with Latin America, and these relations are importantly influenced by our attitudes toward what these countries perceive to be their security requirements. We therefore considered it necessary to recommend the waiver of the $75 million ceiling during the current fiscal year.

We believe the President's decision to be responsive to reasonable Latin American requests for military equipment will contribute to the maintenance of close and mutually beneficial relations with the countries of this important area. The Department has long appreciated your interest and cooperation, and we would value your support in this matter.

I would appreciate it if you would treat the information contained in enclosures 1 and 2 as confidential. If I can be of any further assistance, please do not hesitate to let me know.

Sincerely yours,

David M. Abshire,
Assistant Secretary for Congressional Relations.

Committee on Foreign Affairs,
May 11, 1971.

Hon. William P. Rogers,
Secretary of State,
Washington, D.C.

Dear Mr. Secretary: This is in reference to your letter of May 5th, transmitting a copy of Presidential Determination 71–12, dated April 9, 1971, waiving the $75 million ceiling on fiscal 1971 military assistance, sales and guarantees to Latin America.

Section 33(a) of the Foreign Military Sales Act requires the President promptly to report to the Congress whenever he determines that a waiver of that limitation is "important to the security of the United States."

The intent of the Congress in including that requirement in the statute seems perfectly clear: the Congress has been concerned about some countries of Latin America diverting scarce resources to military uses. In enacting Section 33(a) of the Foreign Military Sales Act, the Congress indicated that the United States should not participate in such military spending in excess of $75 million in the current year unless important considerations of our national security dictated otherwise.

I am concerned, therefore, to find that neither the President's Determination nor the Background Memorandum in which you recommended the waiver, attempt to justify it except in the broadest, most general terms.

Your Background Memorandum reports that the Latin American countries "are in the process of modernizing their armed forces . . ." You further state that "it is important to our security to be responsive to reasonable and legitimate requests for conventional military equipment from the countries of Latin America . . ." You do not explain, however, why the $75 million ceiling is not reasonable and why it should be removed.

As you know, during fiscal years 1966–1970, United States sales of military equipment to Latin America averaged $38 million a year. The sales program proposed for fiscal year 1971 was almost twice that amount—$72 million. According to the "Foreign Military Sales Congressional Presentation" dated March 9, 1971, that $72 million estimate was still adequate two months ago.

I would, therefore, appreciate your cooperation in furnishing me with the following information in further explanation of the course of action you had recommended to the President:

1. What has happened during the past 60 days to prompt the basic reevalution of the military assistance and sales program for Latin America, reflected in the Presidential Determination?

2. What military equipment has been sold to Latin America during the period July 1, 1970 to April 9, 1971? Please give details, including the dollar amount of each sale, the country concerned and the date on which each commitment was signed or the transaction completed.

3. What is the size of the military sales program currently proposed for fiscal year 1971? Please provide details including the names of countries, kinds of equipment, terms and dollar amounts of each sale planned for the remainder of the current fiscal year.

4. Why was it necessary to remove the $75 million ceiling in the fourth quarter of fiscal year 1971? Could not some of the proposed sales have been postponed so as to afford the Congress the opportunity to review them during the consideration of the fiscal year 1972 program?

5. What are the specific reasons for your conclusion that U.S. national security would be adversely affected by our country's failure to be "responsive" to Latin America's requirements for military equipment valued in excess of $75 million during the current fiscal year?

I will appreciate your early reply.

Sincerely yours,

Dante B. Fascell,
Chairman, Subcommittee on Inter-American Affairs.

CHRISTIAN REACTIONS TO THE LENINGRAD TRIAL OF SOVIET JEWS

(Mr. McCORMACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, earlier this month, the world was again shocked to learn of harsh sentences imposed upon nine Russian Jews charged with "anti-state" activities, but whose only real crime was their desire to leave the Soviet Union and emigrate to Israel, where they could live and be respected as Jews.

On numerous occasions, Members of this House have spoken out against the Soviet violation of basic human rights—rights presumably guaranteed even by the Soviet's own Constitution. Today, with those new sentences still disturbing me, I again associate myself with the protests against the situation which has led to the trials, and to the trials themselves. Another trial is now taking place in Riga, and others are scheduled.

As the great poet, William Shakespeare, once told us, "Sweet are the uses of adversity." The terrible Soviet persecution of its Jewish citizens has provided eloquent evidence that the cause of human rights cuts across racial, political, and religious lines. When asked once why he had spoken out so forcefully on behalf of Soviet Jewry when his own people here in the United States were so badly treated, the late Martin Luther King declared:

> The denial of human rights anywhere is a threat to the affirmation of human rights everywhere.

And now there has come to my attention a most impressive compilation of Christian reactions to the first Leningrad trials of Soviet Jews held last December—the trial which ended in death sentences to two of the defendants, but which world outcries of protest succeeded in getting commuted. Prepared by the Interreligious Affairs Department of the American Jewish Committee, the compilation shows us again that we are all indeed our brother's keepers—that human liberty is indivisible. This study records the written and spoken words; but perhaps even more impressive is the record of many thousands of Christians who participated in public prayer meetings, rallies and peaceful demonstrations.

At a time of racial and religious polarization in so many places, it is comforting to find such unity and brotherhood in pursuit of justice for Soviet Jewry.

Mr. Speaker, I include in the Record this compilation prepared by the American Jewish Committee:

Christian Responses—International

INTRODUCTION

On December 24, 1970, eleven Soviet citizens, nine of them Jews, were found guilty of treason in Leningrad for the attempted hijacking of a plane. Two of the eleven were sentenced to death by the firing squad.

This event called forth a profound and widespread protest from Christian leadership on every level in many parts of the world. The protest was highlighted by assurances of diplomatic intervention on the part of Pope Paul VI, telegrams and public statements from Roman Catholic cardinals and bishops in the United States and abroad, and by the leaders of international and interdenominational Christian bodies such as the World Council of Churches in Geneva and the National Council of Churches in New York.

Reactions of protest and concern from Christian leadership came from such diverse sources as the Primate of the Greek Orthodox Church of North and South America, heads of mainstream Protestant denominational groups in the United States, leaders of evangelical Protestant communions and associations, and the leading Arab Christian prelate in Israel, Archbishop Joseph Raya of Galilee. The Leningrad trial also elicited widespread editorial comment in the Christian press. Response within local communities in the United States was equally strong. State and local councils of churches, community ecumenical groups, associations of clergy and laymen, Christian spokesmen of distinction, and ordinary citizens joined with the Jewish community and with a variety of civic and professional leaders in a remarkable display of solidarity. Not only did Christians express their protests through telegrams and letters to Soviet and American government officials, many thousands participated in public prayer meetings, rallies and peaceful demonstrations.

Some of the protest was directed to the severity of the sentence, pointing out the cruelty of the death sentence for an action never culminated. Some comment centered around the right of Soviet Jews (and minorities in other countries) to emigrate to the country of their choice as a basic human right, and argued that the attempt to emigrate should not be labelled treason.

Some comments related the Leningrad trial to the ongoing repression of the civil and religious rights of Jews in the Soviet Union and the embracing issue of Russian anti-Semitism; others related the plight of Soviet Jews to the persecution of other communities, such as the Basques in Spain, or blacks in South Africa and in the United States.

Some drew parallels with contemporary issues such as the trial of Angela Davis or the plight of prisoners in Vietnam. Some protested the death sentences within the context of a general protest against capital punishment.

The world-wide outrage stirred by the Leningrad trial and the barbarity of the sentences undoubtedly disturbed Soviet officials. On December 31, 1970, the Soviet Supreme Court commuted the two death sentences to 15 years at hard labor, and reduced the sentences of three other defendants.

To document the depth and breadth of Christian concern on this issue, Mrs. Judith Banki, Rabbi James Rudin, and Gerald Strober of the Interreligious Affairs Department of the American Jewish Committee, have assembled the following compilation of statements and activities, which covers the period from December 24, 1970 when the trial and sentences were first announced, to mid-January, 1971.

Because of the necessity of a cut-off date, some impressive documentation which reached us later is not included in the body of this text, such as a stirring resolution on anti-Semitism in the Soviet Union which was adopted by the House of Delegates of the National Federation of Priests' Councils, meeting in Baltimore; an expression by six leading New Jersey clergymen under the auspices of the New Jersey Council of Churches on behalf of Soviet Jewry; and a moving editorial in the *Christian Index*, published by the Georgia Baptist Convention—all of which occurred in March. Possibly, some material falling into our alloted time period may have escaped our scrutiny. Nevertheless, the record, as it stands, provides a powerful expression of Christian witness to an inescapable moral issue which Jews in the United States and other parts of the world acknowledge with appreciation.

Rabbi MARC H. TANENBAUM,
National Director of Interreligious Affairs.

[From the National Catholic News Service, Dec. 28, 1970]

VATICAN CITY.—The Holy See will do "all in her power" on behalf of two Soviet Jews condemned to death for planning to hijack a plane in Leningrad, according to the Vatican City daily *L'Osservatore Romano.*

The newspaper referred to the two condemned men as "Soviet citizens" and made no mention in its brief editorial note of their being Jewish.

Eleven persons, nine of them Jews, were found guilty of treason in Leningard on December 24 for the attempted hijacking.

L'Osservatore Romano said: "Numerous appeals, some of them from high sources, have come and are coming to the Pope for the Holy See's intervention on behalf of two Soviet citizens condemned to death at a trial in Leningrad.

"Regarding that trial a group of persons demonstrated in St. Peter's Square, in an orderly and respectful way, while the Pope was giving his Christmas Day message.

"It is well known that the Holy See does not have official relations with the Soviet Union. However, we are in a position to give assurance that the Holy See is trying, in this present case as well, all in her power to respond to the appeals received. In this she is inspired by those principles of humanity and those sentiments of Christian charity that are the constant guide to her action, without distinction of persons."

The group in St. Peter's Square was Italian Jews who held up signs that read: "Freedom for the Jews in the U.S.S.R."

The Grand Rabbi of Jerusalem and other interested groups have sent messages to the Pope, asking him to intercede.

Frederico Allesandrini, the Vatican's press officer, told NC News that the Holy See "will do all that is possible in obtaining clemency" for the two men.

He said the Holy See's actions "under similar circumstances in the past" offered assurance of this.

The *L'Osservatore* editorial also mentioned the 16 Basques in Burgos, Spain, who were on trial for the murder of a Spanish police official.

L'Osservatore said the Holy See was continuing to respond to appeals for clemency in the Burgos trial "for the same reasons" as those of the Soviet trial. The newspaper said the Holy See "has not ceased to display her most eager interest to the Spanish government."

STATEMENT OF DR. EUGENE CARSON BLAKE, GENERAL SECRETARY WORLD COUNCIL OF CHURCHES

GENEVA, SWITZERLAND, December 25, 1970.—On this Christmas Day I appeal to all governments to consider amnesty and pardon for prisoners, especially for those whose offenses are considered by those governments to have been of a political nature.

Today I think especially of the Jews condemned in Leningrad, the Basques in Spain, the blacks on Robins Island in South Africa. It is of the essence of true humanity for the strong to show mercy.

STATEMENT BY HIS EMINENCE ARCHBISHOP IAKOVOS OF THE GREEK ORTHODOX CHURCH OF NORTH AND SOUTH AMERICA

(Read at Foley Square rally by the Reverend Robert Stephanapolous, Orthodox Ecumenical Director, Dec. 30, 1970)

In this Season of spiritual significance, when peace and justice are emphasized in both the Jewish and Christian religious traditions, The Greek Orthodox Archdiocese of North and South America joins with all men in calling for brotherhood, peace and mutual understanding.

We join in this present expression of concern for Jews living in the Soviet Union, calling upon the responsible leaders of that Nation and of all Nations to guarantee the equality and security of its citizens under the law, no matter what their religious beliefs or their ethnic origins may be. We urge the leaders of the USSR to give assurances of due process of law and the guarantee of full justice under the Soviet legal code for those presently on trial in Leningrad. As believers in God's love and mercy, we petition them to show clemency and compassion in the exercise of their responsibilities toward justice. We appeal to their sense of humanitarianism and deep concern for the rights of self-determination and self-expression in this present context. As signatories of the Human Rights Convention, the leadership of the USSR is obliged in conscience to respect and implement the stipulations of this Convention, without any exception. Any latent or overt anti-Semitism should be suppressed and every systematic effort made to dispel incidents of oppression, persecution and imprisonment of the Jewish or other religious minorities in the Soviet Union.

CARDINAL RAUL SILVA HENRIQUEZ—CABLE TO POPE PAUL VI

SANTIAGO, CHILE,
December 29, 1970.

Cardinal Villot—Vatican State Secretary: Responsive to the concern of Jewish community we beg to request Holy Father if he deems it well founded to exercise high moral value mediation asking clemency for citizens tried for attempt emigrating Soviet territory.

[From the Religious News Service, Dec. 30, 1970]

NEW YORK.—The managing editor of *Religion in Communist Dominated Areas,* a National Council of Churches' publication, has called on Dr. Eugene Carson Blake, the American general secretary of the World Council of Churches, for a series of appeals against repression in various Communist countries.

In a cable to Dr. Blake at his headquarters in Geneva, the editor, Dr. Blahoslav Hruby, made this plea:

"Hope that the World Council of Churches will:

"1. Vigorously demand justice for Leningrad Jews and others secretly condemned for acts not carried out;

"2. Request Soviet government (to) permit Jews (to) emigrate to Israel and other USSR citizens to countries of their choice.

"3. Include Anti-Semitism in the USSR, Poland, and other countries in WCC campaign against racism;

"4. Forcefully protest against violation of human rights and persecution of dissenting writers, scientists, students, nationalities, Baptists, Orthodox, Catholics, Moslems and other believers in the USSR and any other country;

"5. Condemn Soviet occupation of the Baltic states, Czechoslovakia and other countries."

[From the Religious News Service, Dec. 30, 1970]

AUSTRALIAN CHURCHMEN ASK U.S.S.R. TO COMMUTE DEATH SENTENCES

SYDNEY.—Australian church leaders have cabled Soviet President Nikolai V. Podgorny urging commutation of the death sentences imposed on two Russian Jews for allegedly attempting to hijack a Soviet plane.

The churchmen also sent a telegram to U Thant, Secretary General of the United Nations, asking for U.N. intervention in the case.

Both the cable and the telegram were signed by Norman Cardinal Gilroy, Archbishop of Sydney; Bishop R. W. Dann for the acting Anglican Primate of Australia, Archbishop Frank Woods; the Rt. Rev. F. McKay, Moderator General of the Presbyterian Church of Australia; the Rev. K. C. Daws, General President of the Methodist Church of Australia; and Rabbi Israel Porush, President of the Jewish Ministers Association.

[From the Religious News Service, Dec. 28, 1970]

JERUSALEM.—Israel's leading Arab Christian prelate, Archbishop Joseph Raya of Galilee, prayed at St. Elias Church in Haifa that "Almighty God would enlighten the minds of Soviet leaders not to carry out the death sentences," which the archbishop called "awful and terrible."

Christians of many denominations responded to an unprecedented call from the Dominican Friars of St. Isaiah House in Jerusalem for a joint silent prayer meeting on behalf of the condemned Jews. The interdenomination service was held in the Basilica of the Holy Sepulchre.

Several Jerusalem Christian church leaders cabled Metropolitan Nicodim of Leningrad and Novgorod, head of the foreign relations department of the Moscow Patriarchate who recently paid a 10-day visit to Israel.

They urged the Russian prelate to inform Soviet authorities about their "deep concern" over the fate of the accused, especially those condemned to death.

Meanwhile, protesters burned a Soviet flag in front of the headquarters of the Russian Orthodox Mission of the Moscow patriarchate in Jerusalem. Archimandrite Hieronymous, head of the Mission, called on Dr. Zerah Wahrhaftig, the Minister of Religions, to protest the demonstration.

The protestors had urged the archimandrite to transmit their petition to the Soviet government to spare the lives of the men sentenced to death.

Reportedly, the Russian Orthodox churchman declined to receive the petition on the grounds that he was a church representative, not a government envoy.

He agreed, however, to convey Wahrhaftig's message of protest to Metropolitan Nicodim.

[From the Religious News Service, Jan. 5, 1971]

"AN ECUMENICAL SILENCE" THEME OF PRAYER GROUP

JERUSALEM.—More than 200 Christians of several denominations gathered in the Chapel of Calvary at the Basilica of the Holy Sepulcher here weekly during December to pray for the Soviet Jews facing sentences for hijacking in Leningrad.

The prayer service, led by Anglican Archbishop George Appleton and Father Marcel Dubois, O.P., highlighted an ecumenical development which has been quietly taking shape in the Holy City for the past three years.

A small group of Christians began meeting weekly to pray for peace in the Middle East. Then they attended the liturgical services of the various denominations—Anglican, Byzantine Catholic, Melkite Catholic, Roman Catholic, and Scottish Presbyterian.

The participants, however, felt that the lack of sacramental sharing of the Eucharist in such services emphasized the disunity of the Churches. So they developed "the ecumenism of silence."

During December the group met weekly in the Chapel of Calvery (where Protestants and Eastern Catholics have no standing whatsoever and the chapel is maintained jointly by Latin Catholics and Greek Orthodox). A half-hour of silent prayer is concluded with the Lord's Prayer said by each of the participants in his own language.

The group plans to continue the "ecumenism of silence" at other holy sites—the stations on the Way of the Cross, Gethsemane, the Dome of the Ascension, and possibly the Jewish Western Wall and the Esplanade of the Temple.

[From the Religious News Service, Jan. 6, 1971]

TORONTO.—Christian leaders joined Jewish groups throughout Canada in appealing for commutation of the Soviet-imposed death sentences.

Roman Catholic Coadjutor Archbishop Philip F. Pocock of Toronto joined the protest against the death penalties. In a letter to all pastors of his archdiocese, Archbishop Pocock called for "prayers of your people for the reduction of the cruel sentences imposed upon those who were seeking liberation from oppression."

The Catholic prelate said that while the attempted hijacking could not be condoned, the efforts to emigrate should not be considered as treason.

The Canadian Council of Churches sent telegrams to the Soviet Ambassador in Ottawa, to Prime Minister Pierre Elliott Trudeau and to External Affairs Minister Mitchell Sharp deploring the severity of the sentences.

The Baptist Federation of Canada has appealed for "mercy" for the Russian Jews through the Soviet Ambassador to Canada.

Those who spoke at an interreligious rally in Toronto were Anglican Bishop Suffragan Lewis Garnsworthy of Toronto; the Rev. Eoin Mackay, associate secretary of the Canadian Council of Churches; the Rev. Dilwyn Evans, moderator of the Presbyterian Church in Canada's General Assembly; and the Rev. Leland Gregory of the Baptist Convention of Ontario and Quebec.

[Telegram]

SOVIET EMBASSY,
Ottawa, Ontario, Canada,
December 29, 1970.

We as a group of Christian Religious Sisters want to protest against the injustice of the Leningrad trials. We urge that the death sentences be revoked. We urge, too, that the Jews in Russia wishing to do so be allowed to emigrate to Israel.

Sister DONNA PURDY,
(And 12 other Roman Catholic Sisters of Canada.)

[From the Jewish Chronicle, Jan. 8, 1971]

FIGHT FOR SOVIET JEWRY

LONDON.—Protest marches and demonstrations against the treatment of Soviet Jewry were held in several provincial centres last week.

Many thousands marched through the centre of Manchester last Friday in a mass demonstration of solidarity with their brethren in the Soviet Union. Those taking part included Jewish communal and religious leaders and two well-known Christian ministers, the Rev. Paul Guiness, general secretary of the Manchester and District Council of Christians and Jews, and the Rev. Kenneth Ridgway, an executive member of the council . . .

In Sheffield 300 people, many carrying demonstration posters, stood on the steps of the city hall amid the Christmas decorations in silent protest. The Lord Mayor of Sheffield (Alderman Sidney Dyson) expressed his belief in the "brotherhood of man and the family of world citizenship" and condemned tyranny and restriction of freedom. Rabbi Isaac Chait protested against inhumanity and injustice and "against the vicious, savage sentences which have been imposed on those who have been guilty of no crime." Other speakers were the Provost of Sheffield, who called the people to prayer, and the Rev. Dr. Oliver Beckerlegge, secretary of the Free Church Council in Sheffield. . . .

A protest meeting and a march through Birmingham was due to be held yesterday (Thursday). Among those taking part were the Anglican Bishop of Birmingham, Members of Parliament and other civic, religious and communal leaders.

In addition, the British Council of Churches sent a telegram to Metropolitan Nicodim, urging him to "use your influence with the Soviet authorities to have death sentences on those convicted in Leningrad trial commuted. This Council is urging similar clemency for Basques sentenced to death in Spain."

Following the commutation of the death sentences, the Archbishop of Canterbury stated: "Christian people will join the Jewish community in gratefulness for the reprieve of the Jews sentenced to death in Leningrad, and in prayer that the coming year will be one of hope."

U.S. RESPONSES OF NATIONAL AND DENOMINATIONAL LEADERSHIP

STATEMENT OF DR. CYNTHIA WEDEL, PRESIDENT, NATIONAL COUNCIL OF CHURCHES JANUARY 6, 1971

As 1970 ends the National Council of Churches wishes to commend the authorities responsible for the fact that another year has passed without execution of any convicted criminal in the United States.

In particular, we wish to commend Governor Winthrop Rockefeller for commuting the sentence of all fifteen convicts on "death row" in Arkansas from death to life imprisonment. We urge the governors of all the other states of the United States in which there are prisoners under sentence of death to follow his example. We commend the government of Spain as well for commuting the death sentences of six Basque nationalists and the Soviet Union for reducing the sentences of two Jews condemned to death for planning to hijack an airplane.

Without trying to assess their guilt or innocence or the fairness of their trials, the National Council of Churches considers that no condemned men deserve such a harsh and irreversible sentence. We hope that the diminishing use of capital punishment in most nations is a trend that will be reflected in all, until the modern firing squad, gallows, electric chair, gas chamber and guillotine join the Roman cross as relics of man's earlier barbarity.

We are not as yet—in this country or anywhere—ready to claim that we are free from barbarity. We remember with deep sorrow the young men and women, black and white, who were killed during the year by police action in Jackson, Mississippi; Kent, Ohio; Augusta, Georgia and elsewhere, without having been tried or convicted of any crime. They were even less deserving of the death penalty.

We call upon those who bear the heavy responsibility of governments to exercise their great powers during 1971 with such wisdom and restraint that the amount of violence in our nation will be reduced and the inflicting of death by the state upon its citizens avoided.

[Telegram]

DECEMBER 29, 1970.

Ambassador ANATOLY DOBRYNIN,
U.S.S.R. Embassy,
Washington, D.C.

The Leningrad trials of eleven Jews are a fresh reminder of the struggle of the Jewish people to retain their religious and cultural identity in circumstances guaranteed by the UN Declaration on Human Rights. For many Jews living in the Soviet Union and elsewhere this means the right to emigrate to Israel where their religious and cultural tradition has an honored and protected place. We support the petition of those Soviet Jews who wish to emigrate to Israel and hope that the government will make this possible.

We also are distressed to hear of the death and prison sentences ordered for the eleven Jews who were accused of illegally planning to take a small twelve seat plane and fly it abroad. It is our hope and plea that the Supreme Court of the Russian Federation of the Supreme Soviet will exercise compassion in reviewing these sentences and thus eliminate the death penalties and reduce the harsh prison sentences. Finally we pray that Jews desiring to emigrate to Israel in the future will have their petition rapidly and favorably processed so that they are not driven to desperate measures.

Dr. BARTON HUNTER,
Executive Secretary, Department of Church in Society, The Christian Church, (Disciples of Christ), Indianapolis, Ind.

[Telegram]

DECEMBER 29, 1970.

HIS EXCELLENCY,
THE AMBASSADOR OF THE U.S.S.R.,
Embassy of U.S.S.R.,
Washington, D.C.

YOUR EXCELLENCY: We are greatly concerned over the plight o the elevent persons recently convicted for the attempted hijacking of an airplane in the USSR. While the seizure of any plane, though especially ones carrying passengers, is to be condemned there are extenuating circumstances in this particular case. The defendants desired very strongly to leave the Soviet Union and go to Israel, something which the Soviet authorities would not permit—perhaps because of the opposition of the Arab countries.

We in the United States are familiar with similar problems. Fortunately, our Supreme Court has held that freedom to travel is an important constitutional and human right. As church leaders, we have also defended on many occasions the rights of persons whose views and actions have made them extremely unpopular. We therefore respectfully, but strongly, urge that the government of the USSR permit these eleven defendants, and others so desirous, to leave the Soviet Union and proceed either to Israel or to some other country if that seems preferable. Your country and ours alike should demonstrate to the other nations of the world a high standard of respect for human rights.

Respectfully yours,

A. DUDLEY WARD,
General Secretary.
HERMAN WILL, Jr.,
Associate General Secretary, Board of Christian Social Concerns United Methodist Church.

[Telegram]

DECEMBER 29, 1970.

To His Excellency, Mr. ANATOLY DOBRYNIN,
Embassy of U.S.S.R.,
Washington, D.C.

YOUR EXCELLENCY:

The severity of sentences passed upon eleven defendants accused of planning to hijack a plane for the purpose of going to Israel from Leningrad has caused grave concern within the United Presbyterian Church in the U.S.A. We are particularly dismayed at the death sentences pronounced for Mr. Mark Dymshits and Mr. Eduard S. Kuznetsov. These sentences seem to us to go far beyond the severe punishment asked by the recent Anti-Hijacking Convention endorsed by the International Civil Aviation Organization.

As officers of the United Presbyterian Church in the USA, we appeal to you to communicate our concern to your government. We plead for clemency and for the commutation of the death sentences on humanitarian grounds. We urge that the religious motivation of the defendants is a mitigating circumstance of paramount consideration in world society, including the Soviet Union, which guarantees in its Constitution the free exercise of all religious beliefs.

Most Respectfully,
The Reverend WILLIAM LAWS,
Moderator.
WILLIAM P. THOMPSON,
Stated Clerk.

[Telegram]

DECEMBER 29, 1970.

Hon. WILLIAM ROGERS,
Secretary, U.S. Department of State.

DEAR MR. ROGERS: The attached is a telegram from our office to the Soviet Ambassador in the United States.

May we assure you of our wholehearted support of any approaches by our Government to the Government of the Soviet Union, which, as published reports indicate, are designed to register concern over the harshness of the sentences passed and appeal for clemency for the two persons sentenced to death.

The Reverend WILLIAM LAWS,
Moderator.
WILLIAM P. THOMPSON,
Stated Clerk.

[From the Religious News Service, Dec. 30, 1970]

PRESBYTERIAN' LEADERS ASK CLEMENCY FOR U.S.S.R. JEWS

NEW YORK.—The Presbyterian churchmen cabled Metropolitan Nicodim of Leningrad and Novgorod, chief of foreign affairs for the Russian Orthodox Church, urging him to approach the Soviet government with a plea that the sentences be commuted. . . . The cable to Metropolitan Nicodim said: "We are not presuming to sit in judgment on the defendants' case, nor are we critical of the Soviet judicial system but we are dismayed by the harshness of the sentences, particularly in view of the religious overtones of the case.

"May we appeal to you as a colleague in the World Council of Churches to exert your good offices in communicating our plea for clemency to the authorities concerned and to approach your government with your own prayerful plea for a commutation of sentences on humanitarian grounds."

TELEGRAM SENT TO AMBASSADOR DOBRYNIN

DECEMBER 29, 1970.

I am distressed that two [Jews] have been sentenced to death by the Soviet Union. This sentence for a political crime could be interpreted around the world as harsh and inhumane punishment with anti-Semitic overtones.

CARL E. BATES,
President, Southern Baptist Convention.

[From the National Catholic News Service, Dec. 28, 1970]

NEW YORK.—Fourteen leading American intellectuals, including Father Theodore M. Hesburgh, have issued a statement here charging the Soviet Union with launching a campaign "to intimidate the untold numbers of Soviet Jews who wish to maintain their Jewish identity."

The statement was released here as a result of the trial of eight Jews in Leningrad on charges of plotting to hijack a Soviet airliner. Two of those convicted of the charge by the Soviet court have been sentenced to death.

The statement noted that those arrested and tried in Leningrad had been among those Jews who had circulated appeals to Soviet officials seeking help in their efforts to leave Russia for Israel.

"These people," the statement declared, "have been chosen as object lessons to intimidate the untold numbers of Soviet Jews who wish to maintain their Jewish identity and who want to exercise their elementary human right to leave the country to settle in Israel.

"Confronted by a wholly unanticipated upsurge of Jewish national consciousness, the regime has resorted, characteristically, to repressive measures, beginning with police interrogations, expulsion from the party, discharge from employment, suspension from university, and ending in this trial and others still to come."

The anti-Semitism evident in the Leningrad trial was supported in the statement by a list of alleged Jewish plots going back to 1911, and the time of the Tsars. The statement also claims that much of the evidence used at the trial was similar to that which was employed against Jews in Stalin's time.

Referring to the eight Jews convicted at the trial as the "Maccabees of today," the statement concluded: "We cry out against the cruel attempt to destroy their spirit. Is there an anguished conscience left in the world to witness and protest this outrage against the last great remnant of East European Jewry that survived the Nazi holocaust?".

In addition to the president of the University of Notre Dame, other signers of the statement were: Saul Bellow novelist; Noam Chomsky, linguist; Henry Steele Commager, historian; Abraham J. Heschel, theologian; Alfred Kazin, critic; Arthur C. Kornberg, Novel laureate; Dwight Macdonald, critic; Arthur Miller, Pulitzer Prizewinning playwright; Hans J. Morgenthau, political scientist; Bayard Rustin, civil rights activist; Robert Penn Warren, Pulitzer Prizewinning author; George Wald, Nobel laureate; and Eugene Wigner, Nobel laureate.

[From the New York Times Jan. 5, 1971]

TO THE EDITOR

Millions have been gladdened by the news that at long last the Soviet Government has heard the voice of world conscience. Yielding to universal pressure, it ordered its supreme court to commute the death sentences of Mark Dymshits and Edward Kuznetsov. I, too, rejoice for—as the rabbis taught—a life saved is a world saved. Still, my happiness is marred; fifteen years of hard labor, at a very special camp, is still a mortal threat.

What disturbs me even more is that Russia's system of justice, which can sentence a man for an alleged plan not acted upon, remains unchanged. Unchanged, too, is her emigration policy, which forbids Jews to leave the country for Israel.

In a totalitarian country, a man is the state's property. He must have no other thoughts or longings than the ones the authorities command. Hence all Jews whose hearts are in Israel are considered potential criminals.

All Soviet protestations notwithstanding, the Jews condemned at the Leningrad trial were condemned because they are Jews who wish to return to the land of their forefathers.

We must not forget that Erets Yisrael is a thorn in the flesh of the Soviet Union.

For this fledgling state is intent on building a society in which freedom, justice, and humanity flourish, in which Jews can live as Jews—a society that is not beholden to the U.S.S.R. and that frowns on the Marxist myth of an order in which all distinction of class and peoplehood will disappear.

So will, according to the myth, anti-Semitism. Indeed, it might; if Soviet Russia continues her discrimination, Jews themselves will have disappeared.

The commutation of the two death sentences, gratifying as it is, must not cloud the realization that the existence of Jews in the Communist world is in jeopardy. All men concerned with the welfare of their neighbors and devoted to justice must demand, and demand again, that every Jew who wishes to leave Russia be permitted to do so.

To move to another country ready to accept the applicant is one of the inalienable rights of man, honored by all civilized countries. The right of mobility is no trifling matter. It is part of human dignity, and we must not allow the dignity of Jews to be trampled on by a pitiless government. Day after day, we must remind the Soviet Union to act as a member of the world community.

Msgr. JOHN M. OESTERREICHER,
The Institute of Judaeo-Christian Studies, Seton Hall University.
SOUTH ORANGE, N.J.

[From the National Catholic News Service, Dec. 29, 1970]

SOVIET TRIAL OF JEWS FOR HIJACKING CALLED BARBARIC

SOUTH ORANGE, N.J.—The trial in Leningrad of 11 persons, nine of them Jews for conspiring to hijack a Soviet plane was called barbaric by Catholic clergymen and laity active in establishing Judaeo-Christian relations.

"We protest not only against the two death sentences, but against the entire Leningrad trial," said Msgr. John M. Oesterreicher, director of the Institute for Judaeo-Christian Studies at Seton Hall University, and institute staff member Father Edward H. Flannery in a statement. Other staff members also endorsed the statement.

Noting that official Russian sources had admitted that the alleged hijackers never came near a plane, their statement said that "a plan not acted upon is not a crime; hence, the entire court proceedings are unfair, indeed barbaric.

"All Soviet protestations notwithstanding, the two Jews condemned to face the firing squad were condemned because they are Jews, because their hearts are in Israel. In a totalitarian country a man is the property of the state; he must have no other longings than the ones the state commands.

"Moreover, the state of Israel, intent on building a society in which freedom, justice and humanity flourish, in which Jews can live as Jews, a society that is not beholden to the USSR, and that frowns on the Marxist myth of a classless order in which, anti-Semitism will automatically disappear, frightens the Russian communists. The Leningrad defendants are victims of this fear."

The statement asked for "an end to an uncivilized judicial system and to all forms of anti-Semitism in the Soviet Union" and that "Jews be given the exercise of their inalienable right of moving to Israel if they so desire, and Israel is ready to accept them."

The statement also protested against "the repressive, indeed cruel treatment of Basque patriots by the Franco government." (Six Basques were sentenced to death and nine others to long prison terms after being convicted by a military court in Burgos, Spain, of the murder of a police official.)

[From the Religious News Service, Dec. 29, 1970]

GROUP ASKS U.S. ACTION ON LENINGRAD SENTENCES

WASHINGTON, D.C.—Three leaders of the interreligious Appeal of Conscience Foundation met here with Secretary of State

William P. Rogers to discuss U.S. action on the sentencing of all persons convicted of air-hijack plotting, nine of them Jews, to severe punishment by a Soviet court in Leningrad.

The delegation declined to elaborate on plans the Nixon Administration had for appealing on behalf of the 11, two of whom were sentenced to death before a firing squad.

Robert J. McCloskey, a State Department spokesman, said the U.S. had "taken action which we hope will be helpful." He did not give additional details.

Representing the foundation were Rabbi Arthur Schneier of Park East Synagogue, New York; Father Charles M. Whelan, S.J., assistant editor of America, the Jesuit weekly; and Francis E. Dorn, a former Congressman from Brooklyn.

The plight of Soviet Jews is one of the major concerns of the foundation.

Community Responses in the United States

[From the Providence Visitor, Jan. 8, 1971]

Religious Leaders Stress Concern for Soviet Jews

Bishop McVinney and leaders of the various religious denominations in Rhode Island, issued a statement last week expressing the concern of the Chrisitian community of Rhode Island regarding the recent Leningrad trial of 11 Soviet Jews, accused of planning to hijack a plane last June. . . . The statement follows: "We, the undersigned, wish to convey the concern of the Christian community of Rhode Island over the incident of the Leningrad trial, and to raise our voices in protest with freedom-loving peoples everywhere.

"We deplore the accusation of 'treason' applied to Soviet Jews who wish to emigrate to Israel, their spiritual homeland. The reaction of the Soviet state constitutes a denial of freedom of free entry and departure. How else can this unjust and flagrant violation of liberty be interpreted, except as an attack upon the dignity of the citizen, particularly the Jewish citizen, our brother? When the freedom of any people is imperiled, the freedom of all men is imperiled.

"The Jewish people have so often been the victims of tyranny. But now, the conscience of the Christian community must decry a further affront to their dignity."

The signatories of the statement were The Most Rev. Russell J. McVinney, D.D., Bishop of Providence; the Right Reverend John S. Higgins, D.D., Bishop of Rhode Island; The Reverend John B. Graybill, Ph.D., Stated Clerk Providence Presbytery; The Reverend R. Vernon Lawson, Conference Minister United Church of Christ; The Reverend W. Eugene Motter, Executive Minister Rhode Island Baptist State Convention; The Reverend Morrill O. Martin, District Superintendent of the R.I.-South Eastern Mass. District, United Methodist Church; The Reverend Daniel J. Carlson, Dean of Rhode Island District Lutheran Church, and The Reverend Wayne Artis, Ph.D., Executive Director, Council of Churches of Rhode Island.

[From the Connecticut Jewish Ledger, Dec. 30, 1970]

The Rev. James Webb, executive secretary of the Connecticut Council of Churches, and the Rev. William Riley, representative to the Jewish community of the Ecumenical Commission, Archdiocese of Hartford, joined in [a] statement pointing out that the accused in a crime that never took place only had "a common desire to seek freedom outside the Iron Curtain."

Emphasizing that no disrespect for the process of law was intended, the leaders cited the fact that the defendants were held incommunicado for six months—contrary to Soviet law—and could not even choose their own lawyers for a trial "by anti-Semitism from the first arrests to the final verdict."

"In this season," they continued, "when men's thoughts turn to brotherhood and peace on earth, we cry out for justice and humaneness; for adherence to an internationally accepted standard of fairness; for commutation of the harsh sentences exacted by a government which apparently can brook no deviations from its imposed doctrine.

"We call upon our government officials and all people of good will to forcefully register their protests to the trial and its verdicts and to make all efforts to alleviate the plight of those already sentenced, as well as those who still languish in Soviet jails awaiting the ordeal of future trials."

[From the Connecticut Jewish Ledger, Jan 7, 1971]

Hundreds Keep Vigil for Soviet Jews at Woodbridge Synagogue

Some 700 area residents attended a prayer vigil in behalf of Soviet Jewry Wednesday night at Congregation Bnai Jacob, Woodbridge (New Haven).

The vigil was part of a worldwide outcry against the death sentences handed down to two Jews for conspiracy to hijack a plane in Leningrad.

Both Jewish and non-Jewish religious leaders spoke at the vigil, which began with a half-hour prayer service.

The Rev. Harold Clement, black pastor of the African Methodist Episcopal Zion Church and past president of the Connecticut Council of Churches, equated the oppression of Jews in Russia with that of blacks in the United States.

It is impossible for either Jews in Russia or blacks in the United States to get a fair trial, the minister noted, adding that the black community gives all its "strength and support" to the Jewish people.

Minorities must use every necessary means available to protest and even disrupt the machine of oppression," he declared, "calling for the release of all Jewish political prisoners."

The Rev. Mr. Whitlock, president of the Greater New Haven Council of Churches, asserted, "This act of legalistic oppression on the part of the Soviet courts is in direct contravention to the Universal Declaration of Human Rights, subscribed to by the Soviet at the Teheran Conference, which asserts that every individual has the right to live in the country of his choice. . . .

Mr. Whitlock maintained Jews and Christians alike "must stand and be counted." "Neither can be neutral," he said, "for the bell that tolls for the Leningrad nine tolls also for us. If the Jewish minority in the Soviet Union must live in bondage how can we here, Jew, and Christian alike, be free?"

Albert Moschette, chairman of the Connecticut Policy and Action Committee of the Italian-American Civil Rights League, read a brief statement in support of the vigil. . . .

The Rev. David McDonald, representing the Archdiocese of Hartford, cited a statement by Pope Paul VI in support of Jews worldwide and said it was his "privilege to offer the support of the Catholic Church in this vigil."

Resolution on Treatment of Jews in the Soviet Union

"As Christians, as men of conscience and as representatives of our respective denominations in the State of Connecticut, we reiterate our past pronouncements for freedom, dignity and self-determination for all people and against oppression and tyranny wherever it may be found.

"We do now raise our voices to join those millions of men of good will who protest the treatment of Jews in the Soviet Union.

"We call upon our President, Richard M. Nixon, the State Department, our Ambassador to the U.N. and all other appropriate agencies of our Government to call for the immediate end to the acts of repression and discrimination against Soviet Jews, and to grant them the right to live as Jews in Russia and the right to leave and live in other countries of their choice.

"So long as these injustices persist, we as men of conscience cannot and will not be silent. In anguish we raise our voices and call for immediate action to end this repression."

BOARD OF DIRECTORS,
Connecticut Council of Churches.
HARTFORD, CONN., *January 15, 1971.*

[From the Long Island Press, Feb. 22, 1971]

2,000 Decry Soviet Policy on Jews

(By Glenn Singer)

More than 2,000 Long Islanders from over 60 synagogues and religious organizations gathered at Mitchel Field in East Meadow yesterday to protest alleged Soviet persecution of Russian Jews.

Rallying in Hangar 6 at the former Air Force Base, the protesters heard political and religious leaders decry Russian policies toward Jews, and they watched as 11 young people, dressed in Soviet prison garb, ate a 300-calorie meal of beet soup and black bread, designed "to create a spirit of sharing the suffering of Soviet Jewry." . . .

The Rev. Jonathan G. Sherman, bishop of Long Island, said he had sent a pastoral letter to be read in every congregation in the Diocese of Long Island yesterday morning, stating:

"The suppression of organized religion in Soviet Russia is an incontestable fact. The plight of three million Russian Jews, who can neither assert their religious or cultural identity nor leave the Soviet Union, has captured worldwide attention and concern. As Christians, who share this suffering with our Jewish brethren and who share also our common faith in the just and merciful God, we cannot pass by on the other side."

He continued: "It is not only Jewish believers who are suffering today in Soviet Russia. Christian believers also are subjected to interrogations, to beatings, to fines, to the confiscation of religious literature, to the breaking up of religious services and houses of prayer and to imprisonment.

"As we look back to the nightmare of the Nazi gas chambers in World War II, the horror lies not only in the suffering of the innocent, but in the failure of civilized and religious people to speak out. At this point my concern is for the honor of this nation, which boasts of its tradition of civility, of independence, of human rights." . . .

Rabbi Marc Tanenbaum . . . of the American Jewish Committee, received vociferous response from the audience when he proclaimed that "we will never be silent again. We will march and march until Jews of the Soviet Union are given their freedom. We are not anti-Soviet—we are pro-human rights—let them leave."

Tanenbaum added, referring to the Soviet government: "We don't ask you to love the Jews, but simply to honor the universal declaration of human rights. Stop becoming the greatest purveyor of anti-Semitism under the guise of anti-Zionism in the world today."

Yesterday's rally was the third action by the Long Island Committee for Soviet Jewry. It previously sponsored a 2,500-car motorcade from Roosevelt Field in Garden City to the Russian compound in Glen Cove and the continuing daily "Minyan at the Gate" there, which is in its fifth week.

[Telegram]

DECEMBER 30, 1970.

His Excellency, Premier ALEKSEI KOSYGIN,
The Kremlin,
Moscow, U.S.S.R.

EXCELLENCY: The Long Island Interfaith Council, representing religious and lay leaders of the Roman Catholic, Protestant and Jewish faith communities on Long Island, joins with men and women of conscience throughout the world in condemning the Soviet government's repressive policies against Soviet citizens of the Jewish faith who have attempted to assert their religious and cultural identities as Jews.

We are shocked at the severe penalties that have been handed down in the Leningrad "hijacking" trial and urge your government to act promptly and commute the death sentences. We note that there would have been no hijacking "plot" had Soviet authorities heeded the pleas of hundreds of Jews who have petitioned for the elementary human right to leave the USSR in order to join families and brethren in Israel.

We deplore the attempt of any government to intimidate people whose real "crime" is that they were born and seek to live as Jews. We urge you to reconsider and reverse a policy that pursues the anti-Semitic excesses that have stained the pages of recent history.

Sincerely,

FRANK H. BRENNAN,
Cochairman.
Rev. CLAYTON L. WILLIAMS,
Cochairman.
Rabbi BERNARD KLIGFELD,
Cochairman.

Roman Catholic members of the Interfaith Council include Rev. Patrick E. Shanahan, Superintendent of Schools for the Rockville Center Diocese, Rev. R. Emmett Fagan, Executive Director for Catholic Charities and Rev. Paul E. McKeever, editor of *The Long Island Catholic*, the diocesan weekly newspaper. Protestant participants include Rev. David Parker, Rev. Robert Wieman and Rev. John Dykstra representing the Long Island Council of Churches. The Council's Jewish members include Harold Applebaum and George Berlstein of the American Jewish Committee, Dr. Stanley Greenberg and S. Stanley Kreutzer of the American Jewish Congress and Kurt Kelman and Joel Komarow of the Anti-Defamation League of the B'nai B'rith.

[From the Scarsdale Inquirer, Dec. 31, 1970]

CATHOLIC-JEWISH COUNCIL ASKS SOVIETS TO CANCEL SENTENCES FOR HIJACKERS

The Scarsdale Catholic-Jewish Council has sent a wire to the Soviet Embassy "expressing horror" over the punishment ordered by the Soviet Union of the eleven persons who sought to emigrate from that country. The wire, drafted by Father Henry d'Anjou of IHM, asked that the Soviets cancel the sentences that have been meted out.

The Scarsdale Council was organized in February of this year to promote mutual understanding and creative dialogue between Catholics and Jews on the parish level. . . .

[From the Reporter Dispatch—Jan. 4, 1971]

WHITE PLAINS, N.Y.—The massing of community opinion against the sentencing of Soviet Jews for an alleged hijacking last month was noted Saturday in a community service of prayer and protest conducted a' Temple Israel Center, White Plains. . . . Some Christian participants in the service were the Rev. Charles H. Churn, Jr., president of the White Plains-Greenburgh chapter of the National Association for the Advancement of Colored People; the Rt. Rev. Msgr. Charles J. McManus, pastor of St. Bernard's Church, White Plains; the Rev. Frank Watson, president of the White Plains Association of Religious Leaders.

[Telegram sent to Secretary of State William Rogers]

JANUARY 4, 1971.

Hon. ANATOLY DOBRYNIN,
Soviet Ambassador,
Washington, D.C.

HONORABLE AMBASSADOR: We are shocked and pained by the results of the trials in Leningrad. Thirty years ago our countries fought together to defeat the racial, religious, and cultural repression of Nazism and Facism. The high proportion of Jews among the accused and the incredible severity of the sentences lead fair men everywhere to suspect that the virulent forces we combatted together have re-emerged. We plead that your country will show that this is not so by extending clemency and by allowing your free citizens to live where they choose.

Most sincerely,

Rev. WILLIAM H. HARTER,
Rev. LINDA B. HARTER,
Margaretville-New Kingston United Presbyterian Parish, Catskill Mountains—New York State.

[From the Baltimore Catholic Review, Jan. 5, 1971]

STATEMENT OF CARDINAL SHEHAN

Throughout the civilized world men and women of all faiths are appalled at the severity of the sentences meted out to the eleven Leningrad Jewish defendants charged with conspiracy to hijack a Soviet airliner. I join my voice with the chorus of protest at the harsh and inhuman handling of these unfortunate victims of Soviet intimidation.

The crime which has brought the full weight of Russian harshness on the heads of the Jewish defendants is their outspoken desire to retain their Jewish identity and in many instances to leave the U.S.S.R. to begin life anew in Israel. The conspiracy trial seems to be a facade erected to provide a grim warning to more than three million Soviet Jews to go along quietly with the government program of ethnic, cultural and religious repression which has so long been the lot of this tormented minority.

I call for clemency on the part of Soviet leadership and an end to this systematic and dehumanizing harassment.

WASHINGTON, D.C.

During the greater part of December 1970, a silent vigil was maintained across from the Soviet Embassy in Washington, D.C. This vigil manifested concern for the plight of the Soviet Jews and there was Christian participation in the vigil.

The Rev. John F. Steinbruck, Pastor of the Luther Place Memorial Church, was one of the Christian leaders who came to the vigil every day. In fact, on Christmas Day, after completing his major service, Rev. Steinbruck marched in the vigil. Other Christian leaders who participated were Msgr. Geno Baroni of the United States Catholic Conference and the Rev. Philip R. Newell, Associate Executive Director of the Council of Churches of Greater Washington.

[From the Cleveland Plain Dealer, Jan. 2, 1971]

OTHER FAITHS JOIN JEWS IN RED PROTEST

(By Albion Gorisek)

CLEVELAND, OHIO.—The non-Jewish community responded in a most humanitarian way to the petition drive protesting Soviet death penalties against alleged hijackers.

Clergymen and laymen of all faiths helped man some of the 10 booths set up to collect signatures. Almost 20,000 were obtained during the 12-hour drive.

At the Euclid Arcade, the Rev. Thomas L. McCray of Greater Avery A.M.E. Church on Wade Park Avenue assisted booth workers. At another booth in Severance Center, the Rev. Robert W. Hare, Presbyterian pastor of the Congregation of the Reconciliation, the "floating" church, passed out petitions.

And one of the most unusual requests for petitions came from the cloistered Carmelite Monastery in Cleveland Heights. However, the nuns' response there should not have surprised anyone who knows anything about nuns these days, even those shut off from the world as the old cloisters were.

[Telegram, Dec. 29, 1970]

ANATOLY F. DOBRYNIN,
Soviet Ambassador,
Washington, D.C.:

We respectfully request that you use your good offices with your government to insure that the current hijack trials in Leningrad be publicly held and free of religious prejudice. We ask you to use your influence to assure every Soviet citizen the basic human rights of freedom of religion and freedom to emigrate.

Rev. JOHN WESSEL,
Director of Interreligious Affairs, Catholic Diocese of Cleveland.

Public statements in support of the Soviet Jews were also issued by the Rev. Richard Drake, President, Cleveland Council of Churches, and the Rev. Donald Jacobs, Executive Director of the Cleveland Council of Churches.

STATEMENT ISSUED DECEMBER, 29, 1970

The original decision of the Soviet Union, sentencing the two Russian Jewish pilots to death for the recent attempt to emigrate from Russia, shocked the conscience of Christian people. The severity of the punishment was clearly out of proportion to the crime committed. Furthermore, the fact that the attempt of the Russian Jews and non-Jews to use the plane to gain their freedom must be taken into account. My spirit feels a strong affinity with the Jewish people who desire to unite with their fellow Israelites in their homeland of Israel. May God speed the day when such injustice and oppression of people, which denies them their birthright of God-given freedom, will be removed from the world. For the sake of human brotherhood, I add my voice to those of other thousands in speaking out against the present oppression of the Jewish people of Russia.

Rev. JOHN E. WITTE,
President,
Greater Cleveland National Association of Evangelicals.

[Telegram, Dec. 29, 1970]

CANTON, OHIO.

Ambassador ANATOLY F. DOBRYNIN,
USSR Embassy,
Washington, D.C.:

Representing various religious bodies in this city, Catholic, Orthodox, Protestant and Jewish, we join the many thousands of voices in this country and throughout the world in appealing to the government of the Soviet Union for clemency in behalf of the Jews currently on trial. We urgently request that you release them in the name of human justice and mercy.

ALBERT B. GILL,
Executive Secretary,
The Ecumenical Association.

[Telegram, Dec. 29, 1970]

Hon. ANATOLY F. DOBRYNIN,
Soviet Ambassador,
Embassy of the USSR,
Washington, D.C.

DEAR SIR: It is shocking to learn from our Jewish friends that anti-Semitism is still rampant in the Soviet and that political trials are presently under way again. The era of Stalin appears to be with us yet; unfavorable comparisons with Hitler and the whole Nazi ideology force themselves upon us. The communistic system certainly must wish to justify itself before the world as the system most beneficial to mankind generally and individually. That, of course, is not my belief; what I hear confirms me in that conviction. What answers in fact or in philosophy does USSR have to account for the present treatment of Jews and the current trials? Please do everything in your power to see to it that justice is done in Russia and that your image before the world is such as you truly desire. Yours in Christ.

Rev. THOMAS A. REDDING,
Director of Community Relations of the Toledo Catholic Diocese.

[Telegram, Dec. 29, 1970]

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR SIR: Our friends in the Jewish community assure us that political trials against Jews who have shown interest in migrating to Israel are under way in Russia. Police repression, secret hearings, rigged evidence—the whole sick gamut—appear to be again in force. Please do everything in your power, find the arguments which might appeal to the Soviet mentality, to stop this continuation of what has to be the longest standing sin of that part of the world which owes is origin to Christianity. Anti-Semitism, unfortunately, is a Christian heritage, even in Russia. Western men of good will have an historic responsibility to crush this evil wherever we see it. Yours in Christ.

Rev. THOMAS A. REDDING,
Director of Community Relations of the Toledo Catholic Diocese.

[Telegram, Dec. 30, 1970]

His Excellency, ANATOLY F. DOBRYNIN,
Soviet Ambassador to the United States,
Washington, D.C.

YOUR EXCELLENCY: The sentences meted out to Jews, recently tried for alleged hijacking attempts, are further examples of the determination of the Russian Government to silence those Jews who wish to leave the oppressive confines of the Soviet Union and emigrate to Israel, to freedom.

We call upon the Russian Government to grant clemency to Mark Dymshits and Eduard Kuznetsov, and to free all Russian Jews who desire to live in freedom outside the borders of the Soviet Union. Please know that the world will not remain silent while crimes against humanity are committed.

The EXECUTIVE COMMITTEE,
The Metropolitan Area Religious Coalition of Cincinnati.

[Telegram, Dec. 22, 1970]

Ambassador ANATOLY F. DOBRYNIN,
U.S.S.R. Embassy,
Washington, D.C.:

As Americans of various faiths, deeply concerned about human dignity and the inherent rights of mankind, we urge the prompt release and exoneration of Soviet Jews now being held incommunicado. We are convinced that the trials are political in nature, designed to stifle the quest for religious freedom and the right of emigration, contrary to the guarantees of your own constitution. The conscience of humanity is aroused and the USSR must understand that its anti-Jewish policies are morally intolerable to free men everywhere. We strongly urge your active intervention to end all acts of anti-Semitism in the Soviet Union.

SIGNERS

Bishop James W. Malone, Catholic Diocese of Youngstown.

Rabbi Mendel L. Abrams, President, Board of Rabbis of Greater Youngstown.

Rev. Norman M. Parr, Executive Director, Youngstown Area Council of Churches.

Very Rev. Isaiah Chronopoulos, President, Eastern Orthodox Clergy Association.

Phillip A. Millstone, Chairman, Jewish Community Relations Council of Youngstown.

In addition to these telegrams and statements, Jewish and Christian religious leaders participated in a series of public rallies in Cincinnati's Fountain Square and in Akron, Canton, Dayton, Toledo and Youngstown.

[From The New World, Jan. 1, 1971]

PRAYERS ASKED FOR SOVIET PRISONERS

CHICAGO, ILL.—Catholics of the Archdiocese of Chicago have been asked to pray for the success of Vatican efforts to secure clemency for the Soviet citizens in Leningrad condemned recently by Soviet courts.

In a letter to pastors, Msgr. Francis W. Byrne, Vicar General wrote:

"The recent trial and sentencing of Soviet citizens by the tribunal in Leningrad have caused grave concern for men of good will throughout the world. Today (December 29) the Vatican announced it is doing everything in its power to urge the Soviet government to grant clemency to the condemned.

"In the spirit of brotherhood highlighted by the Second Vatican Council, Catholics of the Archdiocese are urged to pray for success of the Vatican intervention and clemency for the Leningrad prisoners. Pastors are asked to include these intentions in the prayers of the faithful at Holy Mass."

STATEMENT

"In the same vein and in the spirit of religious freedom, we urge the U.S.S.R. to release the 33 Soviet Jews who have been arrested, imprisoned, indicted and are now being tried for what appears to be no other crime than their professed desire to emigrate from Russia and to seek their destiny as Jews in Israel and elsewhere.

"We urge all people of goodwill to join in prayer for the welfare of all now in shackles and urge a united mankind to join in every effort to put an end to enslavement in whatever form and wherever it is found."

Signers of the statement were Archbishop Coadjutor Leo C. Bryne of the Archdiocese of St. Paul-Minneapolis; Dr. Melvin A. Hammarberg, president of the Minnesota Council of Churches; Rabbi Arnold M. Goodman, president of the Minnesota Rabbinical Association; Dr. Arnold T. Olson, past-president of the National Association of Evangelicals, and the Rev. Anthony M. Coniaris, pastor of St. Mary's Greek Orthodox Church.

[From the Religious News Service, Dec. 29, 1970]

MINNESOTA CHURCHMEN ASK PRAYERS, ACTIONS FOR POWs, JEWS SEEKING TO LEAVE USSR

MINNEAPOLIS.—Five Minnesota religious leaders have urged prayers and action in behalf of prisoners of war in Vietnam and 33 jailed Jews seeking to leave the Soviet Union.

Their statement was issued through the regional office of the National Conference of Christians and Jews.

"At this season of the year, when our homes are aglow with festival lights, decorated with holiday symbols signifying 'Peace on Earth, Goodwill to Men' and religious freedom for all, our sympathies well up for the hundreds of our American men now being held as prisoners of war in North Vietnam," the statement declared.

"We urge that the North Vietnamese government allow the prisoners of war to maintain contact with their families and not limit the holiday gifts which they may receive from their dear ones. We pray for the early release of all prisoners of war being held by both North and South Vietnam.

[Telegram, Dec. 31, 1970]

To the Ambassador of the USSR, Washington, D.C.

YOUR EXCELLENCY: Personally and on behalf of the 43 member Ecclesiastical units of the Texas Conference of Churches, permit me to express appreciation for the commutation by the Supreme Court of the Russian Federation of the death sentences of the two Jews initially condemned to death.

At the same time, I must express profound concern regarding the Leningrad trials of eleven people, nine of whom are Jews. This concern, I feel, represents the feeling of Christians and of free people in the world. The trials stand as the latest example of the historical oppression of the Jewish people in their attempt to secure religious and cultural identity.

It is our firm conviction that people wishing to emigrate to Israel or elsewhere should be permitted to do so. This must be the position of free people everywhere.

Most Rev. JOHN L. MORKOVSKY,
President,
Texas Conference of Churches.

TEXAS

On December 29, 1970, the Houston Jewish Community Council sponsored a mass rally for Soviet Jewry that was attended by over 1600 people. Statements were read by leading Christian ministers including Southern Baptists, a representative of the Episcopal Bishop, the Director of the Commission for Interreligious Affairs of the Catholic Diocese of Galveston, Houston and by Bishop John L. Morkovsky, the President of the Texas Conference of Churches.

Over 1,000 people attended to Interreligious Community Prayer Vigil in Dallas on December 30th. The meeting took place in the sanctuary of Temple Emanu-El. Nearly half of the participants were Christians including clergy leaders of the black, brown and red communities. The Roman Catholic Bishop, Thomas Tschoepe; the Executive Director of the Greater Dallas Council of Churches, Rev. Louis Saunders; the Minister of the black CME Church and the pastor of the First Mexican Baptist Church all spoke at the vigil. The latter pastor prayed in Spanish.

[From the Dallas Morning News, Dec. 30, 1970]

LET MY PEOPLE GO—AN URGENT CRY FOR HELP

DALLAS, TEX.—Less than 25 years after the fields of Europe had been desecrated with the ashes of six million Jews, the Soviet Union is once again unloosing the same deadly virus which led to the Holocaust. Once again the world is witnessing an instant replay of Nazi-like repression directed at those whose only crime is that they wish to remain Jews. Once again false arrests and mock trials, searches and seizures, interrogation and imprisonments are being inflicted upon a Jewish minority as an expression of official governmental policy.

There has been a long history in the Soviet Union of anti-Semitic persecution. Jews have faced discrimination in education and employment. They are not permitted to know the history of their people or to learn any aspect of Jewish literature from the Bible to the present. Jews are not permitted to maintain any kind of religious, educational, cultural, or communal institutions, such being denied to them and to no other ethnic or religious minority in the USSR. This religious and cultural genocide has now intensified, and recent events cause alarm and grave fear for the physical safety of Soviet Jews.

If the world community had expressed sooner its revulsion at Nazi persecution, perhaps the tragic events that followed could have been avoided.

If we, now, turn the spotlight of truth and world conscience on the inhumanity toward Jews in the Soviet Union, perhaps another such painful page in history will not be written.

We call upon Dallas citizens, Jews and Christians alike—all who believe in religious liberty—to communicate their concern to the Soviet Embassy in Washington and to our government officials. We must insure that the rights of Soviet Jews as equal citizens of the Soviet Union and their freedom to worship without fear be restored. We also urge, if the USSR is unwilling or unable to grant such freedoms, that, in the name of humanity, its Jewish minority be permitted to emigrate to Israel or any other welcoming country. In the words of the Bible, "Let my people go that they may serve me."—Exodus 7-8-9

RESOLUTION

On December 31, 1970 the Los Angeles City Council approved the following resolution:

Whereas, a sister city of Los Angeles, Eilat in Israel, has asked our city government to speak out on the plight of those recently convicted in Leningrad, Soviet Russia; and

Whereas, the two Jews who were sentenced to death have had their sentences commuted in response to world public opinion; and

Whereas, these two defendants, as well as nine others, are still subject to heavy prison sentences; and

Whereas, there are reports of other trials planned of Jews in Leningrad again, in Riga, and in Kishinev; and

Whereas, the citizens of Los Angeles have a special relationship to our brothers and sisters in Eilat and a universal concern for humanity, justice, liberty and freedom of movement; and

Whereas, the Soviet Union signed the Universal Declaration of Human Rights which guarantees, among other things, the right to freely emigrate;

Now, therefore, be it resolved that the Council of the City of Los Angeles request that the United States State Department and the President continue to do all within their power to importune the Soviet Union into granting clemency in all cases and to permit all those arrested, and all others who wish to do so, to freely emigrate, including to Israel; and

Be it further resolved that the City Clerk send copies of this resolution to the United States State Department and the President of the United States.

Prior to the Council's action, key Southern California religious leaders appeared before the City Council seeking support for the resolution. These leaders included:

The Very Rev. Father Charles S. Cassassa, S.J., Chancellor of Loyola Universiy.

Dr. David Lieber, President, University of Judaism.

Dr. Horace Mays, Executive Director, Los Angeles Council of Churches.

Dr. Luther Olmon, Chairman, Public Affairs Commission, Council of Churches of Southern California.

Rabbi Jacob Ott, Chairman, American Zionist Council, Los Angeles.

Dr. Randall Phillips, President, Los Angeles Council of Churches.

Dr. Carl Segerhammar, President, Pacific Southwest Synod, Lutheran Church in America.

Dr. Forrest Weir, General Secretary, Council of Churches of Southern California.

[From the San Francisco Chronicle, Dec. 31, 1970]

A "RALLY OF CONSCIENCE" HERE FOR SOVIET JEWS

"Tyranny against Jews is tyranny against all men," Mayor Joseph Alioto told a cheering crowd of about 1000 in San Francisco last night at Temple Emanu-El.

Addressing a "Rally of Conscience" to protest the recent sentencing of nine Soviet Jews convicted of attempted skyjacking, the Mayor concluded "all men must be passionate in raising their voices against anti-Semitism, whether it be here or in Russia."

The mayor was joined by the Most Rev. Archbishop Joseph T. McGucken [and Dr. Russell S. Orr, President, Northern California Council of Churches] and Congressman-elect Ronald Dellums of Berkeley at a demonstration marked by expressions of concern from Bay Area civic leaders as well as members of the community.

The rally ended several hours before word was received here that the sentences had been commuted by the Soviet Supreme Court.

Dellums said "If there's repression anywhere, we're in trouble everywhere." He cited the examples of "the Basque freedom fighters, the fighters of oppression here in the U.S. and the Russian Jews."

The archbishop added his prayer that "Each man may live under his own vine and his own fig tree," and gave the rally his blessing.

Speaking for the California Labor Federation was its executive secretary-treasurer John F. Henning, who noted that . . . "I am truly sorry that the vision of another holocaust spoils this joyous holiday season."

Those attending the rally were encouraged to send telegrams to government officials and members of Congress as well as to Anatoly F. Dobrynin, Soviet Ambassador to the United States, demanding the release of Jews kept involuntarily in Russia and decrying the Leningrad trials.

[From the Catholic Northwest Progress, Jan. 1, 1971]

ARCHBISHOP PLEADS FOR SOVIET JEWS

SEATTLE, WASH.—Archbishop Thomas A. Connolly this week sent a telegram to both President Richard Nixon and United Nations Secretary-General U Thant urging them to intercede on behalf of the two Jews sentenced to death by a Soviet court for their participation in an alleged plot to hijack an airplane and flee to Finland.

In petitioning the two world leaders to act for a mitigation of the death sentence, Archbishop Connolly was following the example of Pope Paul VI. The Pontiff made a similar plea earlier.

A total of 31 persons were tried by the Communists for the hijack attempt, but only two were given death sentences. The others received severe prison terms.

The harshness of the sentences has drawn criticism from all corners of the world: even the Communist press in France and Italy has been critical of the verdict.

It is reported that the persons involved were not anti-Soviet per se, but that they were chaffing under the restrictions the Communists were imposing on the Soviet Jews. They were anxious to vacate the country and settle in Israel. Since the men were attempting to leave Russia without proper authorization, the Soviet courts ruled their actions as treasonable.

Archbishop Connolly's telegram indicated his shock at the severity of the sentences and pressed President Nixon and U Thant to convey to the government of the Soviet Union an earnest request that the verdict be reconsidered.

The Israeli government, speaking through Prime Minister Golda Meier, has charged the Soviet Government with a ruthless, systematic persecution of Soviet Jewry that threatens to equal that inflicted by the Hitler regime within a short time.

[In addition to the Archbishop's telegram, similar messages were sent by the Church Council of Greater Seattle, the Washington State Council of Churches, and the Episcopal Diocese of Olympia].

[From the Seattle Post Intelligencer, Jan. 2, 1971]

JEWISH LEADERS "HAPPY" AT RULING

SEATTLE, WASH.—Catholic and Protestant church organizations in the Seattle area hailed the decision to commute the sentences.

And Jewish, Catholic and Protestant organizations are calling upon people of all faiths to observe a Sabbath of Concern for Soviet Jewry on the weekend of January 8–10.

[From the Jewish Transcript, Jan. 14, 1971]

600 CONGREGATIONS PRAY FOR SOVIET JEWS

SEATTLE, WASH.—Congregations in over 600 Catholic, Protestant and Jewish places of prayer in an area from Tacoma to Edmonds in Washington said prayers for the Soviet Jewry on Friday, Saturday, and Sunday, January 8–10 in one of the greatest combined efforts for a group in another country in years.

The churches acted on an emergency request of William Cate of the Church Council of Greater Seattle who had letters sent out by General Secretary Everett J. Jensen, of the Washington State Council of Churches.

Excerpts from the letter read as follows: "The social and political condition of Jews in the Soviet Union is worsening. Jews have difficulty in performing their religious practices; they are denied exit permits to emigrate to Israel and many are tried on seemingly trumped-up charges.

"We of the Protestant community join with our Jewish brothers and in conjunction with the Roman Catholic Archdiocese of Seattle, in calling for a Sabbath of Concern for Soviet Jewry.

"As churchmen we should be concerned about liberty, justice and brotherhood for all men everywhere. Our culture has dealt poorly with the Jews in particular. They do need a sense of undergirding and brotherhood. You and your people can share with them not only this weekend, but until their condition is bettered."

Accompanying the letter was the following prayer which was used in churches throughout the area:

". . . We remember, therefore, this day, our Jewish brethren who suffer and who are oppressed in the Soviet Union. In the midst of the threat of death and of prison, they still long for a land of promise and hope. We beseech you, Father, not only to uphold and protect them in this time of trial, but to open ways for them to share with their own people their religion and heritage in a land of their own choosing.

"We pray for the Soviet people so that they, too, might catch a vision of a world of brotherhood and of human dignity. Keep them from the hurt of persecution so that they, in turn, might not come to fear the threat of oppression in themselves.

"We pray for ourselves so that we harbor not hatred and animosity towards any man nor any race. May we, too, find fulfillment in Thy promise of brotherhood for all and thus be saved from selfishness and indifference and might learn to live for one another.

"Thanks, Father, for hearing our prayers; stir us up now to do Thy will. Amen!"

[From the Sum and Substance, Nov. 23, 1970]

THE JEWISH DEFENDANTS AT LENINGRAD

(The following article by Father John B. Sheerin, C.S.P. Editor of the *Catholic World* appeared in 23 Roman Catholic papers in the United States during the last week of November 1970:)

According to reports coming out of Russia, the Soviets are preparing to try 31 persons at Leningrad for an attempted hijacking at a Leningrad airport last June. Most of the defendants are Jews, many of whom had recently applied for permission to emigrate to Israel. The director of the London Institute of Jewish Affairs has said that the case may have been trumped up by Soviet police to punish Jews who want to emigrate. (This case is not to be confused with the hijackings of two Soviet planes to Turkey in October.) Many American Jews fear that the trial is the opening gun of a major drive against Jews in Russia.

The right to emigrate is a natural and legal right. I suppose the Soviets want to ban emigration to Israel at this time because it would be unwelcome to their Arab comrades-in-arms. Why then would the Soviets go to the trouble of faking a trial? Why don't they simply forbid emigration even though it is a human right?

One reason is that they have been attacking the democracies for violating human rights. They have been very vocal on this point in the United Nations. Some months ago, the newspaper *Izvestia* editorialized about the unflagging efforts of the Soviet Union on behalf of human rights and claimed credit for the Soviets for the fact that the U.N. had adopted a series of measures aimed at the implementation of human rights. *The Review*, published by the International Commission of Jurists, commented wryly in its March, 1970 issue that the Soviets should be given credit for their work in supporting human rights "in countries other than their own."

Secondly, it appears that the Soviets are engaged in a campaign to Russify all of Russia, absorbing all national and ethnic groups into national life and the Soviet monolith. There have been about 20 trials of Tartars who wanted to return to their homeland in Crimea.

At the present time, the approximately 2½ million Jews in Russia have no ethnic or religious existence as a minority. They are dispersed over the vast expanse of Soviet Russia. They have no Yiddish papers, no meeting places, no means of communicating their Jewishness to their children save in their homes.

The Vatican II Declaration on Religious Freedom insisted on "the right of men freely to hold meetings and to establish educational, cultural, charitable and social organizations, under the impulse of their own religious sense" (Ch. I, 4). There seems to be no overt physical persecution of the Jews in Russia, rather a systematic repression of any and all social expression of their religious and ethnic identity. Thousands have applied to leave the country.

One Jewish visitor to Russia recently told me that 400,000 have requested permission to leave. They realize the danger of official reprisals from the Government but they feel that their present status is so sub-human that they have nothing to lose by their protests.

This would be an appropriate time for Pope Paul to reiterate the human rights asserted in the Declaration on Religious Freedom. The American Government might also call attention to the implausible trial at Leningrad and ask for information. Possibly the Soviets will bar the press from the trial. If so, the United States would do well to ask that impartial observers be invited to the proceedings.

The U.N. Human Rights Commission decided to set up a special working group to investigate violations of human rights in the Middle East and Southern Africa—and the Soviet Union voted very ostentatiously for this inquiry. Since the Soviet Union is so solicitous about human rights in other countries, it ought to welcome an investigation into this highly dubious trial at Leningrad. Dubius? Perhaps this is not the word to describe the trial of 31 "accomplices" in the hijacking of a plane that never actually got off the ground.

[From the Commonweal, Jan. 7, 1971]

The Leningrad 11

The humanitarian instincts of the USSR have never been marked by consistency, but there is a particular inconsistency in the Soviet's unrelenting concern for Angela Davis and its lack of visible concern for the 11 defendants in the Leningrad hijack case. Passion in the one direction would seem to dictate some visible concern in the other. At this writing, it's not to be found.

The two cases admittedly have no legal relationship. However, there is the link that in both cases justice and individual rights are put to an additional testing by biases which exist in crucial official areas—against black militants in the Davis instance; against Jews in the instance of the Leningrad 11.

This is not to suggest that one or the other is necessarily victimized in being brought to trial; it is rather to say with respect to the Soviet that if the Davis case deserves the enormous attention it is accorded on Radio Moscow (where Angela Davis is likened to Joe Hill, to Sacco and Vanzetti), and if it merits the marshaling of public opinion (e.g., the appeal to Nixon from 14 top Russian scientists), no less worthy is the case of the Leningrad 11.

That the Leningrad 11 were tried in virtual secrecy, that news of the proceedings was rigorously suppressed, that the sentences were Stalin-like in their severity, beclouds the nature of Soviet motives and further discredits Soviet understanding of justice and right, particularly as these apply to Soviet Jews. One is driven to the conclusion of protesting Americans, that the Soviet made the Leningrad 11 an object lesson to intimidate the untold numbers of Jews in Russia who wish to maintain their Jewish identity.

What is beyond dispute is that the Soviet stands dishonored until it rectifies the injustice done at Leningrad and removes the intolerable restrictions on travel and emigration, which drive people to desperate acts like the alleged Leningrad hijack plot.

[From the Christian Century, Jan. 6, 1971]

Legal Brutality and the Anguish of Separation

Every year the spirit of joy and peace which belongs to both Hanukkah and Christmas is strained by the knowledge of particular cases of human misery. The plights of two groups half a world apart have become especially vivid in the past several weeks. What these groups have in common is the anguish of forced separation from their people—a separation due in each case to the harsh policies of a great power.

The more immediately urgent of these two cases—literally a life-and-death matter—is the distress of Jews in the Soviet Union who seek to emigrate to Israel. It is one of the bitterest ironies of this era that the government which was the first officially to establish an ideology of international socialist fraternity maintains a totalitarian system of absolute national statehood. The Leningrad trial which condemned two would-be Jewish emigres to death (a sentence cynically announced on Christmas Eve) can hardly be understood by Jews anywhere as other than a brutal warning of the consequences of solidarity with Israel. Mark Dymshits and Eduard Kuznetsov, along with nine others (seven of whom are Jews), were convicted of planning to hijack a Soviet airliner. But the trial was closed to the international press, notwithstanding the Soviet Union's tardy support for international sanctions in hijacking cases.

Moreover, this case did not involve any *actual* hijacking, yet it resulted in the death penalty when prison terms were provided for under the applicable law. Humanitarians everywhere can only conclude that the sentence is an injustice in the extreme and that there is strong reason to be suspicious if the trial itself as an exercise in political and religious repression. We must hope that worldwide protest and the appeals process in the Soviet courts will at least result in commutation of sentence and some modification of emigration policy. So far this case has offered nothing but bad news for Sovietlogists who in recent years have detected a more humane jurisprudence and a more moderate foreign policy in the U.S.S.R.

The other case is the predicament of thousands of young Americans who are draft exiles in Canada. In addition to material necessities, these opponents of the Vietnam war and the draft require a special ministry to their spiritual and emotional needs, which are aggravated by their refugee status. On request of the Canadian Council of Churches, the World Council of Churches last month asked its member churches voluntarily to contribute $70,000 for each of the next three years for an ecumenical aid program. The WCC rightly insists that the issue is ministry to people in need, not support for draft evasion. Moreover, Americans are reminded that their country served for generations as a sanctuary for refugees from European military conscription.

We do not desire or expect nation-states to cease to exist or to become only minor entities in the international system. But we long for the day when the transcendent fact of human identity will be honored by national governments above the particularities of legal identity. Vigorous support for the rights of Jews in the Soviet Union and for the ministry to U.S. refugees in Canada is a good place to begin.

[From the Christianity Today, Jan. 29, 1971]

Jews in Soviet Union

(By Harold Lindsell, editor)

The plight of the Jews in the Soviet Union continues to worsen. The reduction in the death sentences of some Jews convicted of a hijacking offense that never became airborne indicates no change of mind or heart by Soviet officials. It is specious for Soviet scientists to appeal for acquittal of Angela Davis when justice and equity are virtually nonexistent in their own country. I think it would be helpful for the Russian scientists to come to America and watch the trial of Angela Davis and for representative Americans (including some of Miss Davis's friends) to go to Moscow and watch Soviet legal proceedings.

None of this, however, should cause us to forget the suffering Jews in the Soviet Union. Their plight reminds me of the Jews' captivity in Egypt and of God's great deliverance of them in the Exodus. It is difficult to understand why the communists are unwilling to allow the Jews—whom they hate and persecute—to emigrate to Israel. I should think that they not only would be delighted for them to depart but also would do all they could to encourage and assist them.

[From the Connecticut Catholic Transcript, Jan. 1, 1971]

Brutal, as Always

There is reason to believe that the sentences passed on 11 Soviet citizens for conspiracy to hijack an airplane were so severe not because of the seriousness of the crime these people were accused of contemplating, but because nine of their number are Jews.

Anti-Semitism is nothing new in Russia. In *Khrushchev Remembers*, Stalin's successor recalls the dreadful pogroms that he witnessed when a child in czarist Russia. And in that same book there is plenty of evidence, some inadvertent, of the crudest sort of anti-Semitism under official auspices in the Soviet era. The regime has relentlessly sought to suppress Jewish religion and culture.

At the same time, it has stonily refused the Jews' pleas to be allowed to emigrate to Israel. They are to be made to stay where they are and undergo the grinding out of their identity. The slightest evidence of a determination to get away is being draconially dealt with, because it represents the persistence of a hope which the authorities are determined to quench. Here is another instance of the brutal inhumanity of the Soviet system.

[From the Catholic Review, Jan. 15, 1971]

Love, Justice and the Jews

Baltimore, Md.—Continuing evidence of anti-Semitism in the Soviet Union may well be coupled with Moscow's participation in armed threats against the existence of Israel as an independent nation.

That evidence may become obscured if a minority group of militant U.S. Jews continues its announced policy of harassing Soviet diplomats in New York. Many of the Soviet diplomats in New York are, of course, identified with the United Nations. They have a right to function, as diplomats, without interference.

No particular group, and no individuals, have been officially connected with criminal actions against Soviet facilities in the United States. Nobody knows who planted a bomb at the Soviet Embassy's cultural center in Washington a week ago, although Jewish extremists have—correctly or incorrectly—been generally blamed for the act.

In any event, President Nixon and Jewish leaders in 27 U.S. cities have expressed a sense of outrage over anti-Soviet attacks in this country.

Muriel Dobbins, writing in *The Sun*, reports that the White House has released telegrams exchanged by Mr. Nixon and 50 Jewish leaders, emphasizing that "irresponsible criminal actions" against Soviet facilities are harmful to the cause of Jews in Russia. Among Jewish businessmen condemning such acts on grounds that they are "morally wrong, injure the cause of Soviet Jews and undermine the cause of democracy in America" were two Baltimore men, Irving Blum and Jerold C. Hoffberger.

Jews throughout the world have long suffered at the hands of anti-Semitic forces, including Christians and atheists, but they have also obtained wide support because of a convincing moral posture. There is concern today that the moral position of Jews, in Israel and elsewhere, will be undermined by undemocratic and even criminal acts. That is why responsible Jewish leaders have been so quick to repudiate the threat of terrorism as an instrument of Jewish policy.

In London, the current issue of *The Tablet* begins its front-page comment with these words: "Anti-Semitism is endemic in Russia, as in most of Eastern Europe. Although in the early years of Russian communism Jews played a prominent and sinister part, present Soviet policy in the Middle East uses Jew-baiting as a handy tactic to impress the Arab world. The Leningrad trial of nine Jews for "intended hijacking and the coming trials of Jews for similar offenses is an expression of its latest phase."

(It would be unfortunate and improper to leave an impression, based on that brief extract from a long article, that Soviet Jews were alone in playing a "prominent and sinister" role in developing the communistic state.)

Charlotte Saikowski, a staff correspondent for *The Christian Science Monitor*, writes this week from Moscow that "Jews have little weight in the party and government apparatus." She relates that Jews are thought to comprise 1.2 per cent of the population, although according to Soviet statistics, 7.6 per cent of the scientific workers in 1969 were Jewish.

It is understood that the refusal of Moscow authorities to permit the emigration of Jews to Israel is based on at least two major considerations: They do not want to lose qualified professional workers, and they do not want to increase either the population or the technical capabilities of Israel.

The conscience of the world demands a permanent end to anti-Semitism. There have been significant gains, as illustrated in a recent four-day conference at the Vatican between Catholics and Jews with a goal of destroying all forms of racism and discrimination.

Catholics, with a particular devotion to the Jewish mother of a Son who changed the course of history, have a permanent commitment to the inseparable qualities of love and justice.

[From the Catholic Universe Bulletin, Jan. 8, 1971]

The One-Way Street of Iron

Cleveland, Ohio.—Whether or not the nine Jews and two Gentiles who were sentenced for trying to steal a small plane to get out of the Soviet Union were victims of a secret police plot, two central facts are undeniable.

First: There are more than three million Jews in the Soviet Union, many of whom would like to go to Israel where they could freely practice their religion.

Second: Like everybody else in the USSR, the Jews are behind the iron curtain, which exists not to keep people out but to keep people in.

The iron curtain, evident in all its ugliness in such places as Berlin is a standing insult to mankind. It is a hideous denial of the rights of humanity.

The right to emigrate was laid down by Pope John XXIII, in his encyclical Pacem in Terris (Peace on Earth) as one of the inalienable God-given rights of human beings. This right, like many others, is held in contempt by communist governments. And so we have the iron curtain; and so we have a show trial in Moscow of some people accused of trying to steal (not hijack) a small plane in which to fly to Israel because their right to go there had been denied.

"With profound concern," said Prime Minister Golda Meir of Israel in an address to an emergency session of Israel's parliament, "we have watched the growing severity of the Soviet authorities toward the Jews. And all of this for one crime and one alone: their request to the government of the Soviet Union to be allowed to leave and settle in Israel."

Only a fortnight earlier, the Soviet authorities had been accused by Archbishop Ambrose Senyshyn of genocide (murder of a people) perpetrated upon Catholic and Orthodox Christians in the Soviet-held Ukraine.

The communist contempt for human rights is not likely to change. But communist rulers—whether in Russia, in Poland, in North Vietnam or wherever—are not immune to world public opinion. The world should be tireless in reminding them that people have rights, and that mankind does not look kindly upon brutal suppression.

[From the Pilot, Jan. 2, 1971]

Let My People Go

Boston, Mass.—Our generation, which experienced the Nazi persecution of the Jews, seems destined to have to endure another, and hopefully lesser, version of Jewish oppression, this time in the Soviet Union. For many years there have been waves of anti-Semitic propaganda which are usually followed by one or another open assault on some area of the Jewish community. The pattern is now a familiar one, made increasingly complex by the existence of the state of Israel and the understandable desire of some Jews to emigrate to that state.

Although the Soviet Union officially announces that appeals for emigration will be honored, especially when they involve the uniting of families, the number of appeals granted is miniscule and these often wait many years for permission. In these circumstances the Jews of Russia are caught in a pincer that cannot fail to cause them pain. In their own country, they are deprived of those institutions which support their religious and cultural traditions, the things that make it possible to live as Jews. When they seek to leave the country, they are counted as disloyal and branded as criminals. It is a cruel dilemma that must be resolved.

The recent trial of the alleged skyjackers indicates how the pincer works in practice. Unable to leave the country any other way, some Jews are moved to desperate actions. When they act, they are caught, and then given the heaviest possible sentences, quite inconsistent with the crime. This example of heavy-handed Soviet justice cannot be lost on other Jews and so they must choose to accept the *status quo*, difficult as it is, or risk life imprisonment or death.

There is, of course, an answer that is readily available, and it is not a new one. It is the same as that demanded by Moses of the Pharaohs centuries ago in a context not totally dissimilar "Let my people go . . ." can be answered in the affirmative and those Jews who wish can leave for their historic homeland in Palestine. The Soviet Union, which has appealed for clemency in the trial of the Basques, now has an opportunity to show its own good faith. It has the further opportunity of allowing peaceful emigration and, in effect, resolving the whole problem.

[From the Providence Visitor, Dec. 30, 1970]

Italian Lesson

Milan's distinguished newspaper, *Corriere della Sera*, once sent the noted writer, Indro Montanelli, to cover a diplomatic reception in New Delhi, India. The late Eleanor Roosevelt was the guest of honor. According to the Montanelli account, the former first lady's effusiveness in the receiving line was in direct proportion to the skin pigmentation of the various guests. She gushed over African notables, was slightly cooler to East Indians and awarded Britons, Italians and West Germans with mere perfunctary nods. The reportage was sophisticatedly European, biting satiric and possibly just a little bit malicious.

But the point established by Signor Montanelli was not a groundless one. Just as conservatives have something of a party line, so do liberals. The term "knee-jerk liberal" has been coined to describe those who wait until a party line has been laid down before they disclaim about human injustice. No one usually bothers to mention that hewing to such a line exacts a terrible price: the voluntary surrender of one's freedom to speak independently.

The failure of the liberal community to condemn roundly the latest savagery being perpetrated against Soviet Jews is lamentable. Perhaps the signal has not yet been given. One wonders, just when will it be given? Or *will* it be given? The trumped-up charges and antihuman verdict of the Leningrad court are as blatant an affront against the stanchions of civilization as anything that has hit the front pages over the past decade. Whoever gives the signal should certainly lose no time in doing so. The fact that Jews happen to be white and live half a world away should not exempt them from the solicitude which is usually lavished upon those who are deprived of ordinary justice. Locally, one can only hope that Rabbi Saul Leeman's plea will not fall upon deaf ears. Strong letters of protest should be written. At a time of year when the festivities of Christmas and Hanukkah coincide, the silence of so many people of all faiths constitutes betrayal of passivity. It seems to give new validity to the term "knee-jerk liberal." While we fully deplore the deprivation of human rights experienced by patient sufferers in all societies, including our own, we puzzle over the general insouciance of the world press in its apathy toward people who desire only a basic human hight; to be united with members of their own faith and culture. The expression of such a wish has marked off two people for the firing squad. Surely this should be worth a ringing poem or two from the Berrigan pen. May we look forward to one? Or must we wait for that mysterious puppeteer, whoever he may be, to pull his magic string and thus trigger the irresistible signal?

Indro Montanelli saw these inconsistencies within the liberal establishment with much older eyes than ours because he was a European. We think it is fair to say that his eyes, while slightly more cynical than ours, were certainly much less naive.

The true liberal humanitarian responds on his own to genuine need. He is impervious to what others have determined to be the priorities. He is objectively disinterested in the creedal backgrounds of those whom he helps and he is absolutely colorblind.

This was the Montanelli recipe. It is as valid today as the day he wrote it.

One need not be an accomplished reader of Italian in order to get the point.

GRATUITOUS ATTACK ON NIXON ADMINISTRATION BY NICHOLAS JOHNSON

(Mr. WYATT asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. WYATT. Mr. Speaker, last night's edition of the Washington Evening Star contains an interview with that total partisan gadfly member of the Federal Communications Commission, Nicholas Johnson, in which Johnson gratuitously attacks the Nixon administration in regard to its commitment to the arts.

He then wanders off into another of his irresponsible attacks on Vice President AGNEW and advocates broadcast freedom to promote drug lyrics and to glamorize the use of marihuana as using "the public airwaves" in the public interest.

Regardless of this man's advocacy, as a Commissioner of the FCC, of the uncontrolled use of the public airwaves to promote drug use, his partisan attack on the Nixon administration for its action in assisting the arts should not stand unanswered.

The fact is that in this year of financial trouble, the Nixon administration did ask in its budget request for the appropriation of $30 million for the arts, and an equal amount for the humanities. This is double any amount previously requested by any administration. The fact remains that this man chose to remain silent when his administration was in office, and requested trifling amounts by comparison. It seems he simply cannot stand to see the current administration get credit for a real effort to assist the arts.

It may well be that the United States should be making an even greater effort on behalf of the arts. But anyone truly interested in seeing that this is done should not be part of a vicious partisan attack on an administration that in 1 year doubles any previous effort made by our Government.

What I have said has not referred to the total impropriety of a Commissioner of a regulatory body interjected himself through the news media as Johnson has often done in matters on which the very same Commission must inevitably pass judgment on in the future.

Johnson's careless partisanship and loose tongue easily qualify him for the "mouth of the year" award.

COUNTRIES MEET TO DISCUSS MATTERS OF COMMON CONCERN

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. FRELINGHUYSEN. Mr. Speaker, it is not often that I find it necessary to rise to object to the remarks of another Member. However, the other day an insinuation was made on the House floor that several other Members and I may have violated the Logan Act. The charge arose in connection with our attendance at a so-called Bilderberg meeting, held in Woodstock, Vt., last month.

First, let me say that I am proud to have been invited to be a participant at this meeting. Secondly, I want to say that the idea that my colleagues or I tried to influence foreign governments, secretly or otherwise, in relation to any disputes pending between their government and our own is patently absurd.

The Bilderberg meetings have been held on an annual basis, bringing together leading citizens from Western Europe, the United States, and Canada to discuss informally contemporary issues facing the world community. A list of the participants, as well as the purpose of the meetings, is distributed to the press prior to the beginning of the discussions.

These discussions are held in private and are off the record to allow an unfettered exchange of ideas. Irrespective of their official positions, all participants attend in a strictly personal capacity.

These meetings do not attempt to formulate policy or even reach conclusions. No resolutions are submitted for discussion or are voted upon. The purpose of the exchange of ideas is to present a comprehensive review of the problems listed on an agenda. Those who attend, it is hoped, may be better informed, and have a greater understanding of the issues so they may use their influence to cope effectively with major problems.

To suggest that there is some kind of conspiracy connected with these meetings is preposterous. To intimate that any decisions are made which might influence this country's relations with other countries is absurd.

Mr. Speaker, Americans have been meeting with citizens of other countries to discuss matters of common concern since this country was founded. I hope we shall never accept the argument that we cannot trust ourselves to talk with others, in private, about the world as it is, and as it may become.

SUPPORT BY THE PRESIDENT FOR THE ARTS

(Mr. HUNGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, in connection with the statement made by my distinguished colleague the gentleman from Oregon (Mr. WYATT) I should like to join the gentleman in commending the President on the leadership he has shown in the field of the arts. If there is any one field where he deserves credit for providing leadership and showing proper concern it is this. I understand he doubled the budget for the arts this year, and he had doubled it last year over preceding efforts. Those of us who consider this an important factor and phase of American society can only applaud his actions in this field.

Mr. WYATT. Mr. Speaker, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Oregon.

Mr. WYATT. I thank the gentleman for his comments. I am particularly interested in this matter because I serve, as the gentleman from Missouri knows, on the Appropriation Subcommittee having jurisdiction over this matter. I believe I realize he does have a really genuine and sincere interest in these matters, and the gentleman from Missouri certainly does.

Mr. HUNGATE. I thank the gentleman for his contribution.

SEVENTY-THREE MEMBERS CALL FOR VOICE OF AMERICA TO BROADCAST IN YIDDISH LANGUAGE INTO SOVIET UNION

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. RYAN), is recognized for 15 minutes.

Mr. RYAN. Mr. Speaker, I am introducing today on behalf of 71 Members of the House of Representatives a resolution calling up on the Voice of America to broadcast in the Yiddish language into the Soviet Union. In addition, 73 Members have joined in sending a letter to the Director of the U.S. Information Agency urging him to direct the Voice of America to undertake such broadcasts.

I am introducing this resolution on behalf of our colleagues from Alabama (Mr. BUCHANAN), Maryland (Mr. GUDE), Massachusetts (Mr. MORSE and Mr. O'NEILL), New York (Mr. SCHEUER), myself and our other 65 colleagues. The list of sponsors follows:

Mr. Addabbo, Mr. Anderson of Illinois, Mr. Annunzio, Mr. Archer, Mr. Ashley, Mr. Badillo, Mr. Barrett, Mr. Biaggi, Mr. Bingham, Mr. Boland, and Mr. Buchanan.

Mr. Burke of Florida, Mr. Burke of Massachusetts, Mr. Burton, Mr. Carey, Mr. Celler, Mr. Coughlin, Mr. Crane, Mr. Danielson, Mr. Donohue, Mr. Dow, Mr. Drinan, and Mr. Eckhardt.

Mr. Edwards of California, Mr. Eilberg, Mr. Esch, Mr. Fish, Mr. Flood, Mr. Foley, Mr. Gallagher, Mr. Giaimo, Mr. Gonzalez, Mrs. Grasso, and Mr. Gude.

Mr. Halpern, Mr. Hathaway, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Horton, Mr. Koch, Mr. Kyros, Mr. Lent, and Mr. Long of Maryland.

Mr. Mazzoli, Mr. McDade, Mr. Melcher, Mr. Mikva, Mr. Minish, Mr. Moorhead, Mr. Morse, Mr. Nix, Mr. O'Neill, and Mr. Pepper.

Mr. Podell, Mr. Powell, Mr. Price of Illinois, Mr. Pucinski, Mr. Rees, Mr. Reid of New York, Mr. Riegle, Mr. Rosenthal, Mr. Rostenkowski, Mr. Ryan, Mr. Scheuer, and Mr. Sisk

Mr. Stafford, Mr. Tiernan, Mr. Whitehurst, Mr. Wolff, and Mr. Yates.

The religious and cultural repression of Soviet Jewry continues. Some 3 million men, women, and children are being subjected to a systematic policy of spiritual extermination. The ultimate aim is the destruction of Soviet Jewry as a people, their identity obliterated under the onslaught of an official policy which denies them the freedom to live as Jews and the freedom to leave.

Today, in the Soviet Union, no Jewish schools, either in Yiddish or in Russian, are provided for the Jewish minority.

Today, in the Soviet Union, no Jewish theater exists, either for Moscow's 500,000 Jews, or for Leningrad's 250,000 Jews.

Today, in the Soviet Union, there are no Jewish libraries, no social centers.

Today, in the Soviet Union, no Jewish daily newspaper, either in Yiddish or Russian, exists.

In 1926, there were 1,103 synagogues in the Soviet Union. Today there are less than 60, and almost half of these are located in the non-European parts of the Soviet Union, where less than 10 percent of the total Jewish populace resides.

Alleged highjackings of planes have been charged, and almost every individual accused has been a Jew.

Emigration is severely restricted, despite the Universal Declaration of Human Rights and the International Convention on the Elimination of Racial Discrimination, both of which state that—

> Everyone has the right to leave any country, including his own . . .

The plight of Soviet Jewry is abundantly clear. In the midst of this tragedy, though, there is some hope. Within the Soviet Union, a truly heartening development is occurring. A civil rights movement, with Jews in the vanguard, is demanding of the Soviet Government freedom to emigrate. Worldwide sympathy has been aroused, and expressions of opposition to the Soviet Union's policies have been heard from many corners. In the House last year, we passed a resolution on December 31—House Resolution 1336—urging "fair and equitable justice for—the Soviet Union's—Jewish citizens."

Yet, once having expressed our opposition to Soviet policy, we cannot then contentedly sit back. We must continue our support for the Jews of the Soviet Union. A vehicle to that end—a vehicle which can be of the greatest psychological importance—is to utilize the Voice of America to broadcast into the Soviet Union in Yiddish, the mother tongue of Soviet Jewry. In the 1959, Soviet census—the latest data available—it was reported that 2,267,000 Soviet Jews speak Yiddish. Most of them can understand Russian as well. But the significance of broadcasting to them in their own mother language cannot be underestimated.

Let me quote from a recent article to illustrate the importance of Yiddish to Soviet Jews. Dr. Elias Schulman, adjunct associate professor at Queens College, CUNY, has written, in an article entitled "Soviet Yiddish Literature Today," which appeared in the May 1971 issue of the American Zionist:

> A Jewish community concentrated in a limited number of large and small cities creates a millieu hospitable to literature. Moreover, the Soviet Jewish community has a vibrant tradition of creating and appreciating literature. There is thus a firm basis for Yiddish writing. The opportunities for realizing this literature, however, are severely limited. The government does everything possible to discourage Yiddish writers from their creative efforts. It is only due to external pressure and the devotion of Yiddish writers in the Soviet Union that Yiddish writing manages to survive.

Dr. Schulman points out, and I stress this:

> The single remaining avenue of Jewish expression is Yiddish literature.

Perhaps the most eloquent words about the importance of the Yiddish language to Soviet Jewry are those which Der Nister, one of the major Soviet Yiddish writers and one of Stalin's victims, wrote some years ago:

> I write in Yiddish not because I cannot write in any other language or in a language which is more widely used, but because there is no one with whom you can be as sincere, honest, and truthful as you are with the mother who gave you birth. What sense can all of my work have if I should think that the language of my people is dying out? I have always been an optimist. I believe in the existence of my people and my language.

The Voice of America can broadcast to Soviet Jewry in Yiddish. The precedents exist. Currently, the Voice broadcasts to several population groups within the Soviet Union whose numbers are less than the total of Soviet Jewry. For example, the Voice broadcasts in their native languages to 1.3 million Estonians, to 1.8 million Slovenians, 1.9 million Latvians, to 2.73 million Lithuanians, to 2.74 million Albanians, to 2.83 million Georgians, and to 2.94 million Armenians.

The Voice of America should broadcast to Soviet Jewry in Yiddish. Leonid Rigerman, the 30-year-old physicist who I and some of my colleagues aided in emigrating from the Soviet Union earlier this year, said this past March 30:

> The Voice of America . . . and the BBC are the only sources of information for Soviet citizens that are believed.

The Voice of America must broadcast to Soviet Jewry in Yiddish. These oppressed people need hope. They need to know that the world and the United States care about what is happening to them. By broadcasting in Yiddish, we can provide unparalleled psychological support for the 3 million Jews of the Soviet Union.

It is to these ends that 71 Members have today joined in introducing the resolution calling upon the Voice of America to broadcast into the Soviet Union in the Yiddish language, and that 73 Members have joined in signing the letter to the Director of the U.S. Information Agency urging him to direct the Voice to undertake such broadcasts.

The full text of the letter to the Director of the U.S. Information Agency, and the list of the 73 signatories to it, follow:

MAY 26, 1971.

Hon. FRANK SHAKESPEARE,
Director, U.S. Information Agency,
Washington, D.C.

DEAR MR. SHAKESPEARE: We are all aware of the oppression under which the Jews of the Soviet Union suffer. Their government has pursued a course of religious and cultural repression, aimed at destroying the Jewish identity of the 3,000,000 Jews now living in the Soviet Union. Virtually all of those who wish to emigrate are barred from doing so.

Much has been said of the impact of world opinion in attempting to ameliorate this tragic situation. World opinion did, in fact, play a significant role in producing the reductions in sentences of the 9 Jews accused and convicted of an alleged highjacking. In this effort to muster world opinion, the House of Representatives played a significant role by its passage of House Resolution 1336 last December 31.

However, much of these effects of world opinion, and of the world support for the Soviet Jews, is unknown to them, because the Soviet press bars them from the knowledge of the world sympathy they have aroused. They need hope.

That hope and that knowledge can be provided by the Voice of America, which broadcasts into the Soviet Union. Currently, however, the Voice of America does not broadcast in Yiddish, the native tongue of many of the 3 million Soviet Jews. True, many of them can speak Russian, as well as Yiddish, and so can understand our current broadcasts. But, some of them cannot. And equally important, the very fact of broadcasting in Yiddish can be an enormously important psychological uplift for these oppressed people.

Currently, the Voice of America has several target populations smaller than the total of Soviet Jewry. For example, the Voice broadcasts to the following target population in their native tongues:

Estonian, 1.3 million.
Slovenian, 1.8 million.
Latvian, 1.0 million.
Lithuanian, 2.73 million.
Albanian, 2.74 million.
Georgian, 2.83 million.
Armenian, 2.94 million.

We urge you to direct the Voice of America to begin broadcasts, as soon as possible, in the Yiddish language. As we have said, this action would fill a need which exists, and it would provide psychological support of enormous importance to the 3,000,000 Jews of the Soviet Union.

With best regards,

Sincerely,

Members of Congress: William F. Ryan, John Buchanan, Gilbert Gude, F. Bradford Morse, Thomas P. O'Neill, James H. Scheuer, Joseph P. Addabbo, John B. Anderson, Frank Annunzio, and Bill Archer.

Thomas L. Ashley, Herman Badillo, William A. Barrett, Nick Begich, Mario Biaggi, Jonathan B. Bingham, Edward P. Boland, J. Herbert Burke, James A. Burke, Philip Burton, Hugh Carey, Emanuel Celler, Lawrence Coughlin, Philip Crane, and John Culver.

George Danielson, Harold D. Donohue, John G. Dow, Robert F. Drinan, Bob Eckhardt, Don Edwards, Joshua Eilberg, Marvin L. Esch, Hamilton Fish, Daniel J. Flood, Thomas S. Foley, Cornelius E. Gallagher, and Robert N. Giaimo.

Henry B. Gonzalez, Ella T. Grasso, Seymour Halpern, William D. Hathaway, Augustus F. Hawkins, Ken Hechler, Henry Helstoski, Frank Horton, Edward I. Koch, Peter N. Kyros, Norman F. Lent, Clarence D. Long, and Romano L. Mazzoli.

Joseph M. McDade, John Melcher, Abner Mikva, Joseph G. Minish, William S. Moorhead, and Robert N. C. Nix.

Claude Pepper, Bertram L. Podell, Walter E. Powell, Melvin Price, Roman C. Pucinski, Thomas M. Rees, Ogden R.

Reid, Donald W. Reigle, Benjamin S. Rosenthal, and Dan Rostenkowski.

B. F. Sisk, Robert T. Stafford, Robert O. Tiernan, G. William Whitehurst, Lester L. Wolff, and Sidney R. Yates.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

George Romney took himself from a poverty-ridden boyhood to a succession of business and trade association jobs, climaxed his corporate career by revitalizing American Motors, then became Governor of Michigan, and is now Secretary of Housing and Urban Development.

EXCHANGE OF SOCIAL SECURITY AND CIVIL SERVICE CREDITS

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 15 minutes.

Mr. HOGAN. Mr. Speaker, the present social security and civil service laws provide much needed retirement, disability and survivors protection to the great majority of the Nation's civilian work force. There is, however, a small group that migrates from private to Federal employment who may end up with inadequate protection, or even no protection at all in some cases.

From time to time legislation has been introduced to correct this situation, but up to now no action has been taken. One such piece of legislation, H.R. 918, was introduced by Congresswoman MINK of Hawaii and I am proud to be included in the cosponsors of the bill. The bill is rather simple in concept in that it provides that whenever a person has credit under social security and under the civil service retirement program his credits will be combined in whatever way will give him, or in the case of his death his dependents, the highest benefits.

The need for legislation providing for a transfer of credits between social security and the civil service system has been demonstrated over and over again. In the past legislation providing for a transfer of credit between the two systems has not been acted on for a number of reasons. The primary reason, however, is probably that jurisdiction over the two programs resides in two committees of the House—social security comes under the jurisdiction of the Committee on Ways and Means while the civil service system is under the jurisdiction of the Committee on Post Office and Civil Service. This split jurisdiction would not have impeded action on the measure if the measure were as simple in execution as it is in concept. Because of the complexities of the civil service and social security systems, there would be some administrative problems to solve before any exchange of credits program could work. Therefore, whenever legislation of this type comes up, the problems involved in the execution of the plan are rolled out and the responsible committee suggests that a study be made. For example, a transfer of credits scheme was proposed in the Department of Health, Education, and Welfare's social security bill, H.R. 5710, in 1967. The clean bill, H.R. 17550, that was reported, however, contained no such provision, while the reports of both the House and Senate committees recommended that a study be made.

The report on this study was sent to the chairman of the Committees on Ways and Means and Finance in January 1969 and recommended that there be a transfer of credits between the social security and civil service systems. Up to now, however, no legislation has been acted on.

Mr. Speaker, I believe that there has been too much delay in this matter and that the appropriate way to fill this serious gap in the retirement, disability and survivors protection of a significant part of the Nation's work force is to legislate rather than to study. Therefore, I urge the chairmen of the appropriate committees to act promptly on the matter, to report out a bill so that the full House may have an opportunity to express itself on this important matter.

In concept, the legislation needed is not very complex. It needs to provide only that whenever an individual works for the Federal Government and for a private employer he should be given credit for all of his work under one system or the other so that his benefits will be maximized and the cost of the benefits should be shared between the two systems in proportion to the payments he had made to each program. If there are problems to be solved in working out the administrative details of such a program, I should be quite happy to assist the responsible committees in whatever way they would request. My wish is that action on the measure begin soon.

ELDERLY, HANDICAPPED DESERVE TRAVEL FARE BREAK

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 15 minutes.

Mr. ROSENTHAL. Mr. Speaker, today I introduce legislation to permit the elderly and the handicapped to travel free or at reduced rates on the Nation's commercial air, rail, and buslines.

My bill will benefit the elderly and the handicapped, with their limited incomes and critical mobility problems, and it will help the transportation industry, with its large number of empty seats.

There are 20 million Americans age 65 and over, including nearly 1 million in New York City alone, plus more than 6 million Americans who are severely handicapped.

Similarly legislation has been introduced in the Senate by Senator HUBERT H. HUMPHREY.

Persons 65 years of age and older would be able to travel at free or reduced fares on airlines, railroads, and buslines.

The same discounts would be available to the blind, the mentally and physically handicapped, and persons traveling in their attendance on airlines. Rail and buslines are already covered under present law.

This legislation would be permissive, allowing the carrier to decide for itself how much, if any, discount to offer.

Airlines currently offer discounts of 33 to 50 percent to certain young passengers as part of a program to encourage young persons to acquire the aviation habit early so that they will become steady airline passengers as adults.

The Nation's rail and buslines have offered reduced fares for more than three decades to the blind and their sighted guides as well as to handicapped persons and their attendants.

For years, the railroads permitted a deterioration of service so as to drive away passengers. Now the Congress has established Amtrak to try to reverse that trend, if it is not already too late. Amtrak would, in my opinion, be wise to follow the suggestion of this bill and offer special promotional fares to the elderly as a major part of its effort to lure people back to riding trains.

Vast numbers of our senior and handicapped citizens are on fixed incomes—more than 25 percent of the elderly have incomes below the poverty level. These are the people who suffer most in times of inflation, and each fare increase can be a severe blow to them.

Fare reductions for the elderly and the handicapped could prove beneficial to all concerned.

New York City's subways, for example, reduced fares for senior citizens during offpeak hours and experienced a 26-percent increase in ridership the first year. I anticipate a similar response for the air, rail, and buslines if my proposal is adopted.

There is not a carrier in the transportation business that could not use the extra business. They all have more empty seats than they need. Airline load factors last year, for example, were just under 49 percent for both truck and local service carriers.

Adoption of my proposal would open up a virtually untapped market of millions of persons.

But beyond the economics involved, there are some very real human considerations.

Meaningful fare concessions could well encourage elderly and handicapped persons to travel more often. That would go a long way toward relieving some of the misery and boredom of advanced age and infirmity, permitting them to visit friends, and relatives more easily.

Studies show that only 40 percent of Americans, age 50 and over, have ever traveled by airplane. The figure for the population as a whole is only 47 percent. Senior citizens currently make up only 5 percent of the airlines' customers.

But that does not mean that they do

not want to travel by air. More and more would like to, but they find the door locked. My bill could be the key to unlock that door, giving millions of Americans not only the opportunity but the needed encouragement to get more enjoyment out of life.

There are all kinds of promotional and discount fares for young people, businessmen, servicemen, clergy, and families. The time has come to do something for the forgotten Americans, the elderly and the handicapped.

H.R. 8754

A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced rate transportation to handicapped persons and persons who are sixty-five years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are sixty-five years of age or older

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403(b) of the Federal Aviation Act of 1958 is amended (1) by inserting after "persons in connection with such accident;" the following: persons who are sixty-five years of age or older, and handicapped persons when the handicapped person requires such attendance;", and (2) by inserting at the end thereof the following: "As used in this section the term 'handicapped persons' means the blind and other persons who are physically or mentally handicapped, as further defined by regulations of the Board."

SEC. 2. Section 22 of the Interstate Commerce Act is amended by inserting after "or commutation passenger tickets;" the following: "noting in this part shall be construed to prohibit the transportation of persons who are sixty-five years of age or older free or at reduced rates;".

CRIPPLED CHILDREN'S SERVICES: MENTAL RETARDATION EMPHASIS

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. CORMAN) is recognized for 10 minutes.

Mr. CORMAN. Mr. Speaker, I would like to bring to the attention of my colleagues a budget consideration that is critical to the future health and productivity of many of this Nation's young children. I am referring to the portion of maternal and child health budget which provides funds to States through formula grants for crippled children's services. Since the original authorization under title V of the Social Security Act in 1935, crippled children's services have provided care to hundreds of thousands of handicapped children. More recently, many States have been forced to eliminate services, delay needed services to crippled children, lose program personnel and freeze vacant positions.

In 1935, when the program was first established, crippled children's services were provided to those youngsters with orthopedic handicaps that were surgically correctable, and very few other types of handicapped children were accepted into State programs. With advances in medical science and preventive medicine, the reduction of cases of poliomyelitis and bone tuberculosis allowed the States to expand their definitions of handicapped to include epileptic children and those with congenital heart defects. Programs now meet the medical needs of children with cystic fibrosis, hemophilia, leukemia, cerebral palsy, hearing defects, and many congenital defects.

Prior to 1963 few retarded children were included in crippled children's programs. The 1963 amendment earmarked funds especially for retarded children and States were able to remove limitations on providing care to such children. Many children who are mentally retarded as well as physically handicapped are now able to qualify for services. In 1969, over 45,000 children with some form of mental retardation received care under crippled children's funds.

Many crippled children's agencies are providing followup care for the large number of children who are handicapped as a result of the worst German measles—rubella—epidemic in U.S. history—1963–65. The children affected in the early months of the epidemic are now of school age and therefore the full impact of their defects is now apparent. Some children, thought to be mildly affected at first, exhibit signs of brain damage and have learning problems. The number of severely handicapped children with hearing defects on crippled children's rosters has been increasing.

The authorizing legislation for crippled children's services provides that services should be made available to children in all States by 1975. If this commitment is to be fulfilled, there must be a considerable increase in appropriations to allow for program expansion. In 1970 crippled children's services were appropriated $58 million, in 1971 this appropriation was increased to $58.6 million, not even enough to allow for the standard rate of inflation. The result of this limited appropriation was that many crippled children's programs were unable to continue providing services at their present program level, and, in fact, many have had to make substantial cutbacks in the variety of services provided as well as the number of children reached. All crippled children's programs in the States of Delaware, Montana, New Mexico, and North Carolina have completely halted their intake programs with the exception of extreme emergencies. Other States including Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, and South Carolina are experiencing similar problems and consequently have had to severely limit the number of children served. Other State programs are making little or no progress toward the inclusion of additional handicapped and mentally retarded children.

I urge my colleagues to join me in asking that funds for the maternal and child health service be considerably increased. Medical care provided to crippled children is only one portion of a very worthwhile overall program designed to improve the quality of life among our Nation's most valuable resource, our young children.

PANAMA CANAL TREATY SITUATION: REPREHENSIBLE JOURNALISM

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD), is recognized for 20 minutes.

Mr. FLOOD. Mr. Speaker, in an effort to alert the Congress and the people of our country to the dangers in the Caribbean, in which the Panama Canal is a key objective of Communist power, I have addressed this body on many occasions concerning various aspects of the isthmian problem. There are only two serious issues: First, retention by the United States of its undiluted treaty based sovereign rights, power and authority over the Canal Zone and Panama Canal; and second, the major modernization of the existing canal. However important all other questions may be, they are irrelevant and should not be permitted to confuse the crucial issues of sovereignty and major modernization.

With few exceptions, the mass news media of the United States, always urging generosity on the part of our country to "little Panama," never presents realistically the absolute necessity for adequate U.S. authority where there are grave U.S. responsibilities. These obligations include exclusive sovereign power, rights and authority over the Canal Zone for the maintenance, operation, sanitation, and protection of the strategic Panama Canal. This waterway is located in a region of endemic revolution and endless political turmoil, at times featured by violence, assassinations, and even organized mob assaults on the Canal Zone that required the use of the Armed Forces of the United States to protect the lives of our citizens and the canal itself.

In an interpretative report written on the isthmus under the title of "Trouble Brewing in Panama," Jeremiah O'Leary, Latin American correspondent of the Evening Star of Washington, D.C., in the early May 13, 1971, edition of that paper, warns of the possibility of a new outbreak of violence comparable to that of January 1964. Unfortunately, his treatment of this subject is highly unrealistic and could not be better calculated to bring about violence and to undermine the United States, which is solely responsible for maintaining the security of transit.

The following are some of the objectionable features of his article. It—

First. States that "U.S. presence in the Canal Zone is much more irritating than it has to be" and describes it as an annoying "coexistence."

Second. Urges cession to Panama of parts of the Canal Zone—France and Albrook Fields.

Third. Suggests that "Panamanian courts ought to handle all matters involving their own citizens" in the zone but does not mention the fact that U.S. citizens involved in cases occurring in Panama are tried in Panamanian courts.

Fourth. Condemns U.S. control of the 5-mile Thatcher Highway that connects the Thatcher Ferry Bridge with the road system of Panama but fails to mention that the control of this highway is part of Canal defense.

Fifth. Criticizes the operation of U.S. commissaries in the Canal Zone, which are absolutely necessary for the health and morale of Panama Canal employees and protection against unfair practices.

Sixth. Incorrectly refers to the annuity paid Panama by the United States as a "yearly rent" for the Canal Zone, which, as will be later shown, is grossly misleading.

Seventh. Condemns the 1903 Treaty as the principal cause of the main problems with Panama but does not define its chief points.

Eighth. Fails to state that the sources of revenue in the Canal Zone give Panama one of the highest per capita incomes in Latin America and that some 15,000 Panamanians are employed in the Zone.

The essential facts are brief and simple. In the 1903 Treaty, Panama granted the powers of sovereignty en bloc in perpetuity to the United States, and to the entire exclusion of the exercise of Panama of any such sovereign rights, power or authority, for which grant there was an indemnity paid to Panama by the United States. In addition, the United States secured title to all privately owned land and property in the zone by purchase from individual property owners, making the Canal Zone the most costly territorial acquisition in U.S. history.

As to the annuity, this is not a "yearly rent" but was originally an annual obligation of the Panama Railroad for $250,000 assumed by the United States in the 1903 treaty. This amount was later adjusted to $430,000 because of the devaluation of the gold dollar and, still later, increased by $1,500,000 from State Department appropriations, making a total annuity of $1,930,000.

The hostile views expressed by Mr. O'Leary are not surprising to me for they conform to the majority report in the 1967 booklet on "Panama Canal Issues and Treaty Talks," published by the Center for Strategic Studies of Georgetown University, in which he was an active participant. Additional information on the 1967 report can be found in my analysis of it in an address to the House on June 8, 1967, on "Panama Canal Issues and Treaty Talks: Defects and Validities" in the CONGRESSIONAL RECORD, volume 113, part 11, pages 15192–151207. In that address, I quoted the full text of the minority views in the 1967 report by Vice Adm. T. G. W. Settle and Dr. Donald M. Dozer. Their views, which are based upon knowledge of the subject, destroyed the credibility of the majority report to which Mr. O'Leary subscribes. Like so many North Americans, he seems obsessed with the idea that the United States should give to other countries vast sums of our taxpayers' money without the least semblance of authority as to how the donations should be used.

As I have stated many times before and shall continue to do so, the issue on the Isthmus is not U.S. control of the Panama Canal versus Panamanian but U.S. sovereignty versus Soviet domination. The acquisition of Cuba by the U.S.S.R. was made for the specific purpose of the final takeover of the canal, with complete domination of Panama and the rest of Latin America. All of this, which is so plain to realistic observers, is absolutely ignored by Mr. O'Leary whose shabby sentimentalism overwhelms his judgment and furthers Soviet policy.

If the United States should leave the Isthmus, which the Communists are aiming to bring about, the U.S.S.R. would immediately dominate the canal enterprise and Panama would be treated as are the Soviet satellites adjacent to the Soviet Union, for the only protection that Latin American countries have today against Soviet assault is that which the United States is able to give them. Furthermore, the ability of the United States to give any such aid or support would be seriously impaired unless it continues in control of the Panama Canal and its protective frame of the Canal Zone.

Mr. Speaker, I would close this critical commentary with the observation that it is difficult to understand how anyone with the resources now available could undertake to discuss the problems of the Panama Canal and ignore the long established Soviet policy to drive the United States from the Isthmus. The dissemination in the mass news media of the Nation's Capital of such superficial, trivial, erroneous, and misleading information as that in the O'Leary article is an impelling reason for the House to adopt without further delay the pending House resolutions on Panama Canal sovereignty introduced by my able and distinguished colleague from Missouri (Mr. HALL) and myself, and cosponsored by many other Members of the House.

As the indicated news story is not only inadequate but also irresponsible, reprehensible and vicious, I deem it appropriate that the foregoing analysis be made of the O'Leary article, which I quote as part of my remarks along with the text of the cited identical resolutions to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Canal Zone and Panama Canal:

[From the Evening Star, May 13, 1971]

INTERPRETIVE REPORT: TROUBLE BREWING IN PANAMA

(By Jeremiah O'Leary)

PANAMA CITY.—A renewed outbreak of the 1964 Anti-American violence is regarded as a distinct possibility by level-headed people of both nationalities here in the narrows of America where the Republic of Panama and the United States uneasily coexist.

Panama like the rest of Latin America, is undergoing a new surge of nationalism while the U.S. presence in the Canal Zone is much more irritating than it has to be.

There are annoying circumstances in the coexistence that might be easily remedied, except that the Treaty of 1903 requires an act of Congress to change anything.

Here are just a few examples of the impasses that pour fuel on what smoulders here:

UNUSED AIR BASE

France Field, a naval air station on the Atlantic side of the zone, has not been used by the United States since World War II and Panama wants to utilize the acreage. But it is geographicallly inside the 10-mile wide Canal Zone and U.S. law would apply to anyone, even Panamanians, who lived or worked there. For example, the U.S. minimum wage would have to apply, and Panama is not about to let that happen. So France Field sits.

Albrook Field on the Pacific side houses nothing much more strategic than a private flying club and a Geodetic Survey headquarters. The U.S. does not use it and Panama can't.

If two Panamanians have a traffic accident in the Canal Zone, they go before U.S. courts and perhaps to a U.S. zonian jail. An American who offends gravely in the zone might go to a federal prison in the U.S., but a Panamanian offender goes to a U.S. jail in the zone. It seems reasonable to many Americans that Panamanian courts ought to handle all matters involving their own citizens.

Panama cannot collect income taxes directly from its citizens who work and live in the zone. The U.S. collects the tax and hands it over to Panama and contested cases cause all sorts of arguments.

One of the most annoying is that of a road from Panama City to two fast growing Panamanian towns—Arrajian and La Chorrera. To reach these areas, Panamanians must cross a 5-mile stretch of the Canal Zone over a two-lane road that was built in Model T Ford days. The U.S. won't repair it or widen it because it has no use for the road. Being inside the zone, the stretch cannot be touched by Panamanian engineers. Americans shrug helplessly and Panamanians fulminate every time they traverse the potholed stretch.

There are retail stores in the zone that undersell Panamanian stores, which they can do since the Panama Canal Co. subsidizes the stores through procurement and transportation facilities. Americans in the zone find California oranges on the shelves in a land where oranges grow prolifically.

UNITED STATES IN NO HURRY

The reason little can be done to change the situation is that the U.S. occupies the zone through a 68-year-old treaty. Any change requires a modification of the treaty that in turn requires ratification by the Senate, an often lengthy process.

The U.S. is in no hurry to renegotiate the treaty. Washington's strategy is to handle it as a three-way package, using Panama's anxiety over the existing waterway to obtain a better deal for the projected sea-level canal some time in the next 30 years.

The existing treaty makes two assumptions: First, that Panama is sovereign and can do what it likes with its territory and second that it grants the U.S. certain rights in the Canal Zone. It does not cede or transfer territory; it merely gives the U.S. the right to act in a sovereign way over a strip of land through which the canal passes.

What has grown into being in Panama is a dichotomy. The republic is a military dictatorship but has only private enterprise, a mildly supervised press and largely civilian government.

The Canal Zone, on the other hand, is presided over by an Army general, David Parker, has no private enterprise and the newspaper is government-owned. The canal company is wholly owned by the U.S. government and the sole stockholder is the secretary of the army.

Panama gets a yearly rent and benefits hugely from the canal. It would be a steamy backwater of little interest to anyone if the canal were not here.

But the bifurcation of her territory by a foreign power and the exercise of sovereignty within the zone by the U.S. becomes more intolerable every year. The Zonians do not help much with their George Wallace stickers, general contempt for the Panamanians and the colonial style in which they live.

Panama and the U.S. are supposed to be negotiating not one but three new treaties—one to change arrangements on the existing canal; one for a new sea-level canal at some future time and one for military bases. But the only treaty that matters much to the Panama today is the canal they see and the zone they despise.

Resolution

Whereas it is the policy of the House of Representatives and the desire of the people of the United States that the United States maintain its indispensable sovereignty and jurisdiction over the Canal Zone and Panama Canal; and

Whereas, under the Hay-Pauncefote Treaty of 1901 between the United States and Great Britain, the United States adopted the principles of the Convention of Constantinople of 1888 as the rules for the operation, regulation, and management of said canal; and

Whereas, by the terms of the Hay-Bunau-Varilla Treaty of 1903 between the Republic of Panama and the United States, the Republic of Panama granted full sovereign rights, power, and authority in perpetuity to the United States over the Canal Zone for the construction, maintenance, operation, sanitation, and protection of the Panama Canal and to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority; and

Whereas under the Thomson-Urrutia Treaty of April 6, 1914, proclaimed March 30, 1922, between Republic of Colombia and the United States, the Republic of Colombia recognized that the title to the Panama Canal and Panama Railroad is vested "entirely and absolutely" in the United States and in the United States granted important rights in the use of the Panama Canal and Railroad to Colombia; and

Whereas from 1904 through June 30, 1968, the United States has made an aggregate net investment in said canal, including defense, of over $5,000,000,000; and

Whereas said investment or any part thereof could never be recovered in the event of Panamanian seizure, United States abandonment of the canal enterprise, or under any other circumstances; and

Whereas under article IV section 3, clause 2 of the United States Constitution, the power to dispose of territory or other property of the United States is specifically vested in the Congress; and

Whereas 70 per centum of Panama Canal traffic originates or terminates in the United States ports; and

Whereas said canal is of vital strategic importance and imperative to the hemispheric defense and to the security of the United States as well as Panama itself; and

Whereas, during the preceding administration, the United States conducted negotiations with the Republic of Panama which resulted in proposed treaties under the terms of which the United States would relinquish its control over the Canal Zone and Panama Canal with the gift of both to Panama; and

Whereas the present revolutionary Government of Panama seeks to renew negotiations with the United States looking toward a similar treaty or treaties: and

Whereas the December 1, 1970, report by the Atlantic-Pacific Interoceanic Canal Study Commission revives the entire canal situation, including surrender of the Canal Zone to Panama and operation of the Panama Canal by an international organization not subject to laws of the United States; and

Whereas the recommendations of said Commission would place the United States in a position of heavy responsibility without requisite authority and invite a takeover by Soviet power of the isthmus as occurred in Cuba, other Latin American countries, and at the Suez Canal: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Government of the United States should maintain and protect its sovereign rights and jurisdiction over said Canal Zone and Panama Canal and that the United States Government should in no way forfeit, cede, negotiate, or transfer any of these sovereign rights, jurisdiction, territory, or property to any other sovereign nation or to any international organization which rights, sovereignty, and jurisdiction are indispensably necessary for the protection and security of the entire Western Hemisphere including the canal and Panama.

SHOCKLEY ON INTELLIGENCE AND RACE

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, race relations continue to deteriorate and as domestic violence, shootouts, and crimes increase, the politicians look for solutions in more taxpayer handouts. Liberals and egalitarians who refuse to admit their errors would aggravate the problems by seeking more regulations and control. Yet Prof. William B. Shockley, Nobel laureate and scientific intellectual whose interest in approaching a solution by understanding of the root causes rather than treating hysterical effects, is unable to get the National Academy of Sciences to even consider the genetics approach to intelligence and race.

Last evening's paper carried the tragic reports of a race riot among U.S. military personnel at Travis Air Force Base, Calif.; the dismissal of all criminal charges against the Black Panthers Bobby Seale and Ericka Huggins; from Korea, the report of exploding handgrenades to protest so-called racial discrimination; and in our Nation's Capital a mayor's proclamation setting aside May 17 to June 18 as "NAACP month."

The incidents and problems of the day cry out for honest and realistic solution. Can they but remind all of the need for Dr. Shockley's investigation and scientific approach on racial differences.

Every American must be convinced by now that something is wrong in the racial policies and social justice programs undertaken by our National Government. A change is necessary at an early date—before it is too late.

It must be apparent to even the most brainwashed egalitarian and idealistic dogooder that groups are not individuals and that there is a greater difference between whites and blacks than the myth and superstition of the color of the skin.

I include related newsclippings at this point:

[From the (Washington, D.C.) Evening Star, May 25, 1971]

Letters to the Editor

INTELLIGENCE AND RACE

Sir: Your editorial exhibited typical examples of the unsearch dogmatism that characterize rejection of my proposals—there is no way to determine truth—it would be harmful to know. I doubt neither the sincerity nor the good intentions of your editorial writer. I diagnose his obtuseness as having a theologico-scientific foundation. I call it the "Apple of God's Eye Obsession"—God meaning, for some, the proper sociobiological order of the universe. True believers of this obsession hold that God has designed nature's laws so that good intentions suffice to ensure humanity's well-being.

The theory that intelligence is largely determined by the genes, and that the races may differ in distribution of mental capacity offends equalitarian-environmentalism—an important feature of the contemporary form of the "Apple of God's Eye Obsession." The preponderance of the world's intellectual community resists the fact that nature can be cruel to the newborn baby. Babies too often get an unfair shake from a badly-loaded parental genetic dice cup. At the acme of unfairness are features of racial differences that my own research inescapably leads me to conclude exist: Nature has color-coded groups of individuals so that statistically reliable predictions of their adaptability to intellectually rewarding and effective lives can easily be made and profitably be used by the pragmatic man-in-the-street.

Neither your editorial nor the related article (by John Lannan on April 28) report the new research findings and inventions of my paper. My new analysis concludes that one typical "Negro" population has individuals that differ greatly in percentage of Caucasian ancestry—probably from 5 percent to sixty percent. I also reported that twelve presidents of predominantly black colleges concur in the opinion that their majority students, who are black in their colleges, are relatively advantaged academically by attitudes towards race as if "inverted prejudice" gave blacks a motivational advantage over whites. If my recommended research on such students confirms my estimate of one IQ point increase for each 1 percent increase of Caucasian ancestry, we must dismally predict that elimination of prejudice will not remedy the tragic disadvantages of our black minority and must search for other solutions. But if white genes are disadvantageous in these colleges, then this new fact may unlock the door to a cure for unjust discrimination. No matter what is found, contrary to your editorial's position, the truth should contribute to diagnosis and treatment.

My faith in the power of reason and the goodness of man is what puts me at odds with my articulate, but often anonymous critics. I was distressed that many members of the Academy (of Science), who opposed accepting the report of the Academy's Committee on Policy with Respect to Studies of Genetic Quality, did so, not on scientific grounds, but because misunderstanding of it might tarnish the Academy's image. The tone of the report did contribute to intellectual integrity by emphasizing that, regardless of politics, science must seek and express truths about national problems.

William B. Shockley.

Sir: It has been a pleasure to have had access to some of the editions of the Star in my present situation, though I somehow have always recognized a certain Republican influence. This letter is in reference to a recent editorial on the theories of the Nobel laureate, Dr. Shockley. It was headed "Intelligence and Race."

It seems very fitting that his name be Shockley, for it was somewhat the effect I received after reading the thoughts of a seemingly intelligent, prize winning scientist.

The learning power of the American black man is unsurpassed, if properly tutored in the right environment and books of quality are made available. When the black man was kidnapped to this country, he was divided from family, stripped of his own religion and at the time not allowed to practice the white man's. Every man and woman was made to produce more of their kind and given plenty of help. They were ignorant of the new land and the new cultures. They were to stay that way; only their labor was needed. To start from scratch on building a new nation of blacks with no learning materials, no tutor, no comprehensible language to call their own anymore, they still survived.

Survived to the point that if a one-year-old white boy and a one-year-old black boy were allowed to come up in the same environment and taken to the best academic, vocational, industrial, sports, and military training centers, and never exposed to racial, social prejudices, it would be impossible to define a difference in the capacity to learn, where racial mental structures are concerned.

As far as genes are concerned, Dr. Shockley should know that black is a dominant color, and where the off-spring of an interracial couple is concerned, regardless if the father is black and the woman white, or vice-versa, that child is considered black by all standards and no brighter in his ability to learn than any other black man. In fact, if he is not brought to understand and accept his being, he is subject to many miserable paranoid disturbances and may suffer mental blocks and become unbearably dumb in dealing with his fellow man.

Samuel Carl Turner.

Sir. We are no longer shocked by students who would rather teach than learn, clergymen who would rather destroy than save and lawmakers who would rather pander than provide leadership. Now we have scientists (?) who would rather brow-beat than study.

The decision by the National Academy of Sciences not to direct, or support, studies that might be termed "racist" is the most objectionable yellow-bellied example of socio-moralistic equivocating I have ever heard of.

That some person or persons may be embarrassed, or frightened, or angered by yet-to-be-reached conclusions that might be reached by a long-term study group on racial hereditary differences in unfortunate, and certainly not sufficient cause to blockade such a study.

These scientists who decree they will not study are traitors to generations to come.

Herbert B. Berkowitz.

Sir. It would be hard to find anyone with so little knowledge of his subject as the writer of your editorial "Intelligence and Race." He started by referring to the "Shockley thesis of the inherent mental superiority of the white race. . . ." Such a conclusion could only be reached by deliberate misreading of everything Shockley has written on the subject. There was a labored effort to portray Shockley as a lone genius who strayed from his field into some oddball aberration. An attempt was made to show that he seized on a few bits and pieces of "dubious evidence' to arrive at his aberration, and that he is a lone voice crying in the wilderness. Both are far wide of the mark.

Shockley is far too competent a scientist to do so absurd a thing as to draw conclusions from one Army study. The Army data were but one small addition to the large volume of information in the field that Shockley has examined. Nor would he be silly enough to talk about isolating "the single component of inherent mental capacity," as your editoral did. In an official statement four years ago the National Academy of Sciences found that "There is general agreement that both hereditary and environmental factors are influential; but there are strong disagreements as to their relative magnitudes. . . ." Shockley thinks it is high time to find the magnitudes more exactly.

The idea of striking a match to light one's way in a powder factory is precisely the one Shockley seeks to ward off. He suggests that a policy resting on the undocumented dogma of racial intelligence may well be a bonfire in the factory instead of a match if, indeed, there are substantial differences. Some of the evidence which is convincing to Shockley is admittedly dubious but it is so large, consistent, and continuing, that nobody with his scientific mind is likely to ignore it in favor of a dogma with no evidence at all to support it.

Archie R. Sabin.

Alexandria, Va.

[From the (Washington, D.C.) Evening Star, May 25, 1971]

600 Brawl at Air Force Base—Blaze Ruins Barracks in Travis Strife

(By Brendan Riley)

Travis Air Force Base, Calif.—More than 600 servicemen brawled with each other here last night after what a base spokesman described as a racial incident in a mess hall.

It was a third day of disorders at this Northern California base, a major embarkation point for Southeast Asia.

A civilian fireman at the base died of apparent smoke inhalation last night fighting a deliberately set blaze which partially destroyed a barracks for transient officers, a base spokesman said. Another fireman was hospitalized with facial burns and at least five men were treated at the base hospital for injuries sustained in fights, a spokesman said.

At least 100 military personnel were detained by military police, the spokesman said.

"LARGE SHOW OF FORCE"

The brawling men were dispersed by 11 p.m. after 300 military security police and 78 men from the Solano and Napa County sheriff's offices and four area police departments converged on them in a large show of force." The spokesman said no shots were fired and no tear gas was used.

The dead fireman was identified as James T. Marshberger, 47, of nearby Napa, employed at the base fire department.

The base commander, Col. John Blake, sealed off the base to all visitors and summoned off-duty military police. The base is 45 miles northeast of San Francisco.

Investigating officers said several fights broke out Sunday after a white Air Force woman was "was roughed up," United Press International reported.

FIGHTING WIDESPREAD

An Air Force spokesman said last night's violence appeared to be connected to "racial trouble," but a spokesman for Solano County Sheriff Albert Cardoza said, "The blacks have been fighting the blacks, the whites fighting the whites and the blacks and whites fighting each other."

He added, "It's an internal thing between the men themselves. We really don't know what created it. It just seemed to start up over nothing."

An Air Force spokesman said last night's fight broke out in a mess hall during the evening meal, with blacks and whites throwing salt and pepper shakers and other tableware.

HOSE TURNED ON MEN

The number of men involved grew and they began milling around an enlisted men's barracks area. It turned into an "all-out melee" about 8 p.m. The barracks fire broke out about then, the spokesman said.

Firemen at one point sprayed water from a high-pressure hose on a surging group of men near the flaming barracks. Several windows were broken by rocks.

The mess hall fight was between groups of black and white servicemen, said Herb Prouty base information officer.

"I'm sure part of it is racial, but it's not all racial," he said.

A free-for-all erupted Saturday afternoon in an airmen's club. A half dozen minor injuries were reported in a series of fights which the spokesman said were racially oriented and which continued Sunday.

Yesterday had been quiet up until the mess hall outbreak.

Military police patroled the base in combat dress with loaded automatic weapons. Civilian police were summoned under a mutual aid pact with area law enforcement agencies.

[From the Evening Star, Washington, D.C., May 25, 1971]

NAACP Month Is Proclaimed by the Mayor

Mayor Walter E. Washington yesterday issued a proclamation setting aside May 17-June 18 as "NAACP Month."

"I call upon the people in the Nation's Capital to participate in this endeavor by reminding their families, friends and neighbors of the significant contributions of the District of Columbia branch of the National Association for the Advancement of Colored People to our city, and urge everyone to support the programs of this outstanding organization," the mayor said.

NAACP officials originally had hoped to receive the proclamation on May 17 but did not because of a misunderstanding with the mayor's staff. The document was presented yesterday at a ceremony in the mayor's office.

[From the Evening Star, Washington, D.C., May 25, 1971]

Black Soldiers Are Blamed for Grenade Blasts

Seoul.—Black soldiers protesting racial discrimination are blamed for a rash of grenade explosions at a U.S. camp 35 miles south of Seoul. One American and three Koreans have been injured by the blasts.

Five grenades exploded Saturday night and early Sunday at Camp Humphreys. A military spokesman denied a report that two more grenades went off today. He said an explosion had been heard, but it was the work of Koreans blasting at a construction site nearby.

The spokesman refused to comment on reports from U.S. military sources and Korean police that the grenade explosions were the work of black soldiers angered by their treatment by the Army. The Seoul newspaper Hankook Ilbo said 10 unidentified Negro soldiers were responsible for the weekend explosion.

The U.S. spokesman confirmed that 50 fragmentation grenades, two incendiary grenades and 16 smoke grenades had been stolen on the base before the explosions.

[From the (Washington, D.C.) Evening Star, May 25, 1971]

Equalize Per-Pupil Costs Across City, Wright Orders

(By Barry Kalb)

Judge J. Skelly Wright, finding "continuing substantial discrimination" within the District school system, today ordered that per-pupil expenditures from the D.C. budget not deviate in any school by more than 5 percent from the average citywide expenditure in the city's elementary schools.

Wright said in today's opinion that he seeks "to make a reality" of his landmark 1967 decision which stated that:

"If whites and Negroes, or rich and poor, are to be consigned to separate schools, pursuant to whatever policy, the minimum the Constitution will require and guarantee is that for their objectively measurable aspects these schools be run on the basis of real equality."

The case ruled on today was a follow-up to the suit brought in 1967 by former school board member Julius W. Hobson, which alleged both racial and economic discrimination in the D.C. school system.

Hobson has charged continuously that the school system was not complying with the 1967 decree and prepared figures purporting to show that per-pupil expenditures varied widely throughout the city, favoring especially the whiter and more affluent area west of Rock Creek Park.

Wright today granted, almost word for word, the remedies sought by Hobson in his follow-up suit. He ordered:

Beginning Oct. 1, 1967, per-pupil expenditures for all teachers' salaries and benefits from the regular D.C. budget in any single elementary school "shall not deviate by more than 5 percent from the mean per-pupil expenditure for all teachers' salaries and benefits at all elementary schools in the District of Columbia school system."

The 5 percent limit may be exceeded "only for adequate justification on an individual school basis shown to this court in advance."

By next Oct. 1, by June 1, 1972, and by each succeeding Oct. 1, the school system must provide information "sufficient to establish compliance with this order for equalization of per-pupil expenditures for all teachers' salaries and benefits."

INFORMATION WANTED

Included in this information for each elementary school must be such things as income level of the school's neighborhood from latest available U.S. Census data; total number and percentage of students of each race as of no more than 30 days before filing; total operating expenditures from the regular D.C. budget; total expenditures from various non-budget sources, and per-pupil expenditures from all sources combined.

Wright noted that although the over-all District school population is about 98 percent black, the 13 schools west of the park have an enrollment about 74 percent white.

"The west of the park area continues to have schools which are identifiably more white and wealthy . . . That the west of the park schools have 27 percent higher expenditures per-pupil for teachers' salaries and benefits in 1971 is prima-facie evidence of discrimination," Wright said.

Wright said that, according to figures given him the per-pupil expenditure west of the park was $136 above the citywide average.

He rejected arguments by the school system that race is not a factor in expenditures because there is a wide variance in per-pupil expenditures in the predominantly black east of the park schools.

"CRAZY QUILT" SPENDING

Even if such a "crazy quilt" spending pattern exists, Wright said, "Whereas white children in wealthy neighborhoods have only a slight chance of being assigned to an elementary school where the expenditure per-pupil is less than the citywide average, children in poorer black neighborhoods face a substantial probability of such assignment."

"The wealthy and the white are virtually guaranteed more money—in almost every instance substantially more than 5 percent above the city average."

He also rejected the argument that the difference in expenditures results largely from the fact that more experienced and therefore better paid teachers are in schools with higher expenditures and that the child with a more experienced teacher is not necessarily getting a better teacher.

The school system argued, Wright noted, that only when a teacher has more than six years experience is there a difference in teaching quality. But "the west of the park school is still favored in that it has a higher percentage of teachers with six years or more experience than schools in the rest of the city," Wright said.

[From the (Washington, D.C.) Evening Star, May 26, 1971]

SEALE JUDGE CITES BURDEN OF FINDING JURY, DROPS CASE

NEW HAVEN, CONN.—The judge who dismissed murder-conspiracy charges against Black Panthers Bobby G. Seale and Ericka Huggins has ruled that finding an unbiased jury to retry them would be impossible without a superhuman effort which neither side should have to endure.

Superior Court Judge Harold M. Mulvey dismissed the charges yesterday one day after declaring a mistrial because the jury could not reach a verdict in the case against Seale, Panther national chairman, and Mrs. Huggins, a local party leader.

JUDGE'S STATEMENT

"With the massive publicity attendant upon the trial just completed," Judge Mulvery said in dismissing the case, "I find it impossible to believe that an unbiased jury could be selected without superhuman efforts, efforts which this court, the state and these defendants should not be called upon either to make or to endure."

Seale and Mrs. Huggins each faced two capital charges—kidnaping resulting in death, and aiding and abetting murder—plus conspiracy to kidnap and to murder. Mrs. Huggins also was charged with binding with criminal intent.

The charges stemmed from the fatal shooting of Alex Rackley, a 24-year-old Panther from New York whose body was found in a shallow riverbed on May 21, 1969.

The prosecution maintained Rackley was slain on orders from Seale and other Panther leaders for being a suspected police informer.

CHIEF WITNESS

Seale did not take the stand in the six-month long trial, in which four months was spent selecting the jury. But defense witnesses described the state's chief witness against him, George Sams Jr., as a chronic liar who hated Seale because of an incident in which the Panther leader expelled Sams from the party.

Sams admitted giving orders for Rackley's death at the scene of the killing, and another prosecution witness, Warren Kimbro, admitted firing the first shot into Rackley. The second shot was fired by Lonnie McLucas, who was convicted last summer of conspiring to murder Rackley.

According to Garry's affidavit, the jury's final vote was 11 to 1 for acquitting Seale on all charges except conspiracy to murder, and 10 to 2 for acquittal on that charge.

In Mrs. Huggins' case, the affidavit said, the final votes were 11 to 1 for acquittal on all charges except kidnapping resulting in death, on which 10 jurors favored acquittal, one wanted conviction on that charge and another favored conviction on simple kidnaping.

Seale was being held today on an earlier four-year sentence on contempt charges for interruption at the Chicago riot trial. The government earlier had opposed a motion for bail, citing the charges here. An assistant U.S. attorney said the government has until noon tomorrow to file a brief opposing Seale's release on bail.

David Rosen, Seale's local attorney, also said the Panther leader is charged with violating probation in California on a 1967 weapons charge.

Seale's probation expired two days ago, and California authorities have not announced whether they plan to credit him for time served in Connecticut or require him to be returned to the West Coast.

At the Black Panther national headquarters, cofounder Huey P. Newton attributed the judge's ruling to "the might and power of the people."

LEGISLATIVE PACKAGE TO HELP MUNICIPALITIES FIGHT WATER POLLUTION

The SPEAKER. Under a previous order of the House, the gentleman from Massachuetts (Mr. HARRINGTON) is recognized for 20 minutes.

Mr. HARRINGTON. Mr. Speaker, I am today introducing two pieces of legislation to provide strong Federal financial assistance to the municipalities of this country to aid them in their efforts to combat water pollution.

The first bill would authorize the Federal Government to spend up to $2 billion per year to provide 100 percent funding for the planning of municipal waste treatment facilities.

The second bill provides 90 percent Federal aid for the construction or upgrading of municipal waste treatment plants. A total of $25 billion over a 5-year period at $5 billion per year would be spent in this effort. This bill is identical to one which was recently introduced in the Senate (S. 1781) by Senator GAYLORD NELSON. The provisions of both bills would be administered by the Environmental Protection Agency.

The pollution of our waterways has become a matter of great national concern, and rightly so. U.S. News & World Report estimated that water pollution causes approximately $12 billion in property damage alone every year in the United States.

Many State and Federal laws have been on the books and many more have been proposed which require municipalities to build waste treatment plants. But the inability of many cities to pay the construction costs is ignored by the law. The plants nevertheless must be built. Laws which require the construction of water pollution abatement facilities, but which fail to recognize the dire financial straits facing many of our cities and our towns are both unjust and unrealistic.

There are many estimates of the total cost of halting municipal pollution in this country. But one fact is clear—the cost is very high. Estimates range from $20 billion to over $50 billion. Water pollution experts tell us that the greatest single cause of water pollution in the United States is uncontrolled sewage systems in municipalities.

Let us look at some specific examples of the costs which municipalities must face in order to abate their water pollution.

The town of Salisbury, Mass., in my congressional district, was told last year that its voters would have to raise $2,693,800 to build a State-required sewage treatment plant. Salisbury has a population of approximately 4,200. This represents $643 per person. The town of Ipswich, also in the Sixth Congressional District, faces a total cost of $3,110,000 for the construction of a secondary sewage treatment plant. Ipswich's population is about 11,000 or about $282 per person.

Lynn is the largest city in my congressional district. It stands as an excellent example of a municipality with grave financial problems and with a grave pollution problem. The city of Lynn has the highest tax rate in the Commonwealth of Massachusetts. It is a city from which much sewage is dumped into the Atlantic Ocean. As a result, Lynn has been put under a great deal of pressure from Federal and State authorities to build a modern sewage treatment plant in order to abate that pollution. The estimated cost for abating the polluting in Lynn is $12 million. With its financial situation, Lynn can hardly afford to expend that money without substantial Federal financial assistance.

My congressional district is one of four through which the Merrimack River flows. The Merrimack River has been ranked as the eighth most polluted river in the country. The polluted condition of this river is a potential if not real health hazard. But beyond this, the Merrimack River's pollution has caused great financial losses to the communities located within its basin. A study which was released by the Federal Water Pollution Control Administration's Northeast Regional Office in Boston, Mass., in December 1968, pointed out:

> When one considers that pollution conservatively costs the local communities in the Merrimack Basin $37 million a year, then a pollution abatement program costing $100 million, $150 million, or even $200 million that can be repaid in less than 6 years is not prohibitive even on a local basis. The construction of such facilities is not only necessary to protect the health and welfare of the public, but mandatory from an economic viewpoint.

We have then established that municipalities of this country face great financial burdens in abating water pollution. Further, it can be easily seen that the municipalities cannot face this burden alone. Yet it is equally clear that the pollution must be stopped. The two bills which I am introducing today can and will resolve this conflict if they are enacted.

The first bill authorizes the Administrator of the Environmental Protection Agency to make grants for 100 percent of the cost of planning waste treatment facilities. He is authorized to appropriate up to $2 billion per fiscal year for these grants, and any of those moneys not expended within the fiscal year shall be returned to the Treasury.

Any grants to be made under the act can only be made to municipalities which apply for assistance in the planning of waste treatment facilities, and the life of the grant can be no longer than 12 months.

This bill recognizes the need to utilize the most up-to-date water pollution abatement methods. Grants may only be made for planning which is in accordance with the water quality standards of the State in which the municipality making the application is located, and grants may be made for the planning of only the most modern and efficient waste treatment facilities.

The second bill, as I stated earlier, provides for 90-percent Federal funding for the construction of municipal waste treatment plants. This legislation operates on the same basis as our Interstate Highway System. By using the same highly successful financing system as was used to build our Interstate Highway System, we can clean up our waters.

When Senator NELSON introduced this bill, he pointed out that an approach similar to this was used in the Urban Mass Transportation Act amendments last year, and that it has been proposed for the water pollution control program by the National League of Cities.

The funding gaps between authorizations and appropriations for many existing pollution abatement programs have severely crippled our antipollution efforts. The measure which I am introducing today authorizes the Administrator of the Environmental Protection Agency to incur obligations up to $25 billion during the next 5 years, with Congress liquidating the obligations at the rate of $5 billion per year. In other words, this bill guarantees that the full $25 billion will be available for the program by committing the Congress to appropriate those funds expended by the Administrator of EPA as he is authorized to do under the bill; for example, at the rate of no more than $5 billion per year for 5 years.

This bill provides that a municipality will receive only 50 percent Federal funding if "enforceable water quality standards have not been established for the waters into which the project discharges." The "enforceable water quality standards" are those which have been agreed upon by State and Federal pollution control authorities. Standards which have been set by State pollution control agencies alone are not sufficient for the receipt of 90 percent funding.

At the present time all 50 States have submitted water quality standards to EPA. In the few cases where there is still some dispute over minor points in the standards, these disputes will be resolved within the next fiscal year so as not to affect the operation of this program. Thus, by the end of the next fiscal year the 90 percent funding would be available in all States.

Mr. Speaker, several pieces of legislation have been introduced in the Congress to halt ocean dumping. These two bills which I am introducing today are very much related to stopping ocean dumping since a great deal of the sewage which is put into our Nation's rivers by municipalities eventually finds its way to the oceans, and causes a deterioration of these waters as well.

I have spoken many times about the extremely serious water pollution problem which our Nation faces today, and I have pledged to do what I can as a Member of Congress to provide financial assistance to municipalities so that they can attempt to abate their water pollution. These two bills which I am introducing today are in response to the pledges which I have made.

I strongly urge the rapid approval of both these bills to provide Federal financial assistance to municipalities to abate water pollution. The need for the legislation is clear and the need is urgent. Every day which we spend debating water pollution is a day in which the water pollution in our country becomes worse. I am hopeful that we will act before the damage to our waters and natural resources becomes irreparable.

SAVE THE CHILDREN'S HEALTH

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, support of H.R. 7657 is increasing. The bill which would extend for an additional 5 years the children and youth comprehensive health projects and maternal and infant care projects which are now slated for oblivion as of June 30, 1972, has at this time 46 cosponsors. There are at present 67 children and youth programs and 57 maternal and infant care programs in existence delivering comprehensive health care to almost half a million children and youth of lower socioeconomic levels in central cities and rural areas. These projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

I urge our colleagues to become cosponsors of this legislation. I am appending to my statement further information regarding one of these programs.

THE UNIVERSITY OF TEXAS
MEDICAL BRANCH,
Galveston, Tex., May 12, 1971.

Re H.R. 7657
Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

SIR: One of the most constructive and valuable programs of cooperation between this community, the University of Texas Medical Branch and the Federal Government has been the Children and Youth Project. It has made possible both qualitative and quantitative improvement in the quality of care for low income children of this city. Evidence of this is found in the fact that prior to this program people from our low income area had an extremely low frequency of the utilization of available medical resources, while under the C & Y Program their rate of utilization is at the median for middle income families. In part, this relates to a night satellite clinic we operate in the low income area and, in part, it represents the outreach of the program to people whose capacity to find medical care in the past has been limited.

It is my understanding that funding of these projects is being re-evaluated and I thought it might be useful to you to have these remarks plus the appended summary prepared by the director of our local project. If there is additional information which would be helpful to you, we would be most pleased to provide it.

Sincere best wishes,
C. W. DAESCHNER, M.D.,
Professor and Chairman,
Department of Pediatrics.

CHILDREN AND YOUTH PROJECT NO. 648,
GALVESTON, TEX.

The Galveston Children and Youth Project is responsible for the total comprehensive care of indigent children in the City of Galveston. The project functions as an integral part of the Department of Pediatrics at the University of Texas Medical Branch. During its three and one-half years of existence 8071 children have been completely evaluated. Inpatient service is provided at the University of Texas Medical Branch hospital with funds from the project reimbursing the State for the children's hospitalization. The project provides outpatient services, both at the University and at a Satellite Clinic in the heart of the poverty area of the City. This clinic operates two nights a week to allow patients of working parents to be able to attend without any loss of income to the family. Dental services are provided through the Galveston Independent School District Dental Clinic. Funds for this purpose are provided by the Children and Youth Project. This clinic is also located in the poverty area.

The project works closely with some nineteen community agencies. Many of the corps staff of the project serve on the advisory boards of such organizations as the Galveston Day Care Center, Family Services, etc. In addition, the project works closely with the School Health Program of the Independent School District and the Galveston City Health Department. There are no funds, other than those from the Children and Youth Project available at the present time for payment for inpatient or outpatient services for these children, except for the small number of families who are on the aid for dependent children program. The latter are eligible for medicaid benefits. There is no hospital district in Galveston. The funds provided by Galveston County for patients hospitalized at the University have been limited to adults from the City of Galveston and adults and children from the mainland.

CONGRESSMAN HANSEN OF IDAHO INTRODUCES H.R. 8724, THE MANPOWER TRAINING AND EMPLOYMENT ACT OF 1971

(Mr. HANSEN of Idaho asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANSEN of Idaho. Mr. Speaker, I have today introduced H.R. 8724, the Manpower Training and Employment Act of 1971. This bill is essentially the same as the one I introduced in June of 1970 for the purpose of consolidating the many existing manpower programs, and of building upon the solid accomplishments of the manpower foundation created by the Congress in the Manpower Development and Training Act of 1962, as amended.

Now is the time to expand, to build further on the demonstrated accomplishments of these manpower programs. In response to changing manpower needs, the bill I have introduced contains essential improvements and additions. The measure strongly reflects the principles of revenue sharing and decentralization as advocated by the administration; and I believe it avoids the pitfalls which prompted an adverse response to the President's special revenue sharing for manpower proposal on the part of some of my colleagues in the House Education and Labor Committee and, more recently in modified form by the House Rules Committee.

The Manpower Training and Employment Act of 1971 incorporates a public service employment feature urgently needed at the present time to relieve pressing pockets of unemployment; and, to enable our fiscally hard-pressed State and local governments to keep up with expanding demands for public services. Contrary to other proposed public service employment measures, including the one recently reported out by the House Education and Labor Committee, my bill would assure that individuals who went on public payrolls are provided with the necessary education and training to enhance their attachment to the labor force and assure that quality public services would be provided. Central to the provision is the concept of career development. To do less than this is a disservice both to the public and to the participants in public service employment programs.

The existing administrative structures and manpower expertise developed through 8 years of program operations under the Manpower Development and Training Act of 1962 must not be lost in the rush to decentralize manpower program initiatives. The Manpower Training and Employment Act of 1971 I am proposing would provide for orderly institutional change without destroying the solid base which has been established by the Congress under the Manpower Development and Training Act of 1962; and, in effect would provide for the expansion of State and local agency manpower capability and responsibility—a trend given great impetus by the 1968 amendments to the MDTA which vested greater responsibility for program control with the States.

North American Rockwell Information Systems—Narisco—under contract with the Department of Labor, recently completed a systems analysis of the MDTA instituitonal training program. Narisco's comments regarding the potential of MDTA structures and agency relationships for decentralization are worthy of my colleagues attention:

> It is our opinion that decentralization will improve the program and that the MDTA institutional training program may be one of the best Federal systems for decentralization for a number of reasons. The program has operated for eight years a joint Federal-State/employment-training system, it has established standards of practice and, through CAMPS, has developed procedures for coordination with many agencies and at several levels. Experienced staffs have developed in the States. The program has also been characterized by progressive relaxation of Federal controls and increased State authority. The conditions under which decentralization will be undertaken appear to be very favorable in this program.

Unlike other pending comprehensive manpower legislation, my Manpower Training and Employment Act of 1971 would strengthen the structures for interagency planning and cooperation in the conduct of our national manpower program. In spite of the complexity of manpower problems, adequate structures for Federal interagency cooperation and coordination of manpower programs and resources do not now exist to the extent I feel is desirable. My bill addresses this problem by providing for a National Manpower Advisory Council whose members would be appointed by the President and represent all Cabinet-level agencies having a manpower input or expertise. The Council would establish national manpower goals; advise all manpower agencies of the Federal Government on manpower programs and services; review the administration and operation of manpower training programs; and report to the President and to the Congress concerning their findings including recommendations for legislative change. This provision would help us avoid some of the problems engendered by unilateral agency administration of multiagency manpower input which have plagued us in the present manpower program. Manpower problems acknowledge no agency jurisdictional boundaries. I hasten to assure those who see this as diffusion of program responsibility, that such is not the case. Based on the findings of such an advisory council which is not an arm of any single agency as the present National Manpower Advisory Committee, the Congress will clearly be better able to identify program lines and fix or shift the burden of responsibility. The Council, with its full-time staff, should greatly assist in providing the Congress with feedback concerning program areas needing legislative action or additional oversight—a gap we have long needed to fill.

As my esteemed colleague the gentleman from Illinois (Mr. Pucinski) so clearly pointed out upon introducing a similar measure, H.R. 18101, to create a National Manpower Advisory Council:

> We have bits and pieces of manpower programs which are carried out by many agencies at State and Federal levels. We should not limit our consideration of any new legislation to only those programs conducted by the Department of Labor. We need to give serious consideration to overall national manpower programs that would be coordinated through an effective body at the Federal level.

The National Advisory Council which I propose would be an effective national coordinating council and is almost identical to that proposed by the gentleman from Illinois (Mr. Pucinski).

We must take definitive steps now to assure that manpower efforts authorized under existing manpower legislation such as the Economic Opportunity Act and the MDTA are not permitted to expire by default because we in the Congress did not act on legislative proposals now under consideration. The Manpower Development and Training Act of 1962 is notable for its continuous bipartisan support in both Houses throughout its history. Since enactment in 1962 and in the 8 years of subsequent operation and improving amendments, this measure sustained only a handful of "nay" votes in both Houses; no other legislation that I know of has such a phenomenal record. Now we are facing the possibility of terminating, without an appropriate substitute, this program which has had such broad support from the Congress as well as from administrators in State and local government.

Very shortly program administrators are going to face some exceptionally vexing problems. The MDTA title II training authority, for example, will expire on June 30, 1972; this time is not so far in the future as we might like to believe. Since all program disbursements must be made prior to December 30, 1972, this already has program implications for skills centers as well as for other multioccupations projects which comprise the bulk of institutional training effort.

To make certain that all funds are disbursed by that date, it is necessary to start phasing out programs, including those now ongoing in some 70 manpower training skills centers praised by the Congress, the public, and envied by our friends in other countries; and, given priority program status by the 1968 amendments to the MDTA. With a termination date just a little over a year away, it is simply not possible to carry on a realistic program or to maintain effective program participation levels. Right now, agencies administering educational components are planning the phaseout of programs in order to keep within the existing statutory termination dates. They are obliged to do this because manpower legislation now before this House contains no transitional provisions nor does the legislation contain any assurances that the institutional training capability developed under the MDTA will be used in the future. Previous experiences supported by expert testimony—Dr. Sar Levitan, before the House ad hoc hearing of the Task Force on Poverty, April 1969—further indicate that there is absolutely no intention of continuing to use this national manpower training resource.

I reemphasize that MDTA institutional training is but one of the programs faced with termination if we fail to come to agreement on a suitable compromise. As harassing as the administrative difficulties may be, my chief concern is that they may be terminated at a time when they are urgently needed by persons who require manpower training and services to become or to remain self-supporting. I am thinking of those who are now facing employment dislocations due to our changing national priorities; I am thinking particularly of returning Vietnam veterans as well as the out-of-work aerospace employee. We have a moral obligation to assist the veteran in making a smooth transition back into civilian employment, and a concomitant obligation to provide a mechanism for the person displaced by Federal contract termination or reduction to return to suitable gainful employment. MDTA programs are now doing these things.

The strong relationships that have been developed between the educational community and manpower and other agencies under the existing MDTA must be continued and strengthened. Undoubtedly, one of the benefits not foreseen by the designers of the MDTA in 1962 is the catalyzing effect the program has had on public education establishments. This is evidenced by shortened training times, expanded occupational offerings in secondary and postsecondary vocational programs, and by heightened awareness of the role supportive services must play in any education and training endeavor. Perhaps more than any other factor, MDTA paved the way for the 1968 amendments to the Vocational Education Act which greatly enhanced the flexibility of the Nation's vocational programs. This is not surprising as MDTA institutional training is largely in the hands of vocational educators who have devoted their energies to MDTA training and retraining programs. These individuals have figuratively had their feet in the two worlds of vocational education and manpower training, and, for this reason, have been effective change agents.

To conclude, the Manpower Training and Employment Act of 1971 which I am proposing, builds upon what many have described as a well-administered program, a program that practically runs itself. It does not seek to enshrine the MDTA in perpetuity, but rather contains essential and timely improvements over the existing MDTA. It provides for a public service employment program which acknowledges the stated objections of the administration to similar measures which have been proposed; it expends upon the principles of revenue sharing in manpower by further providing for the decentralization of manpower training programs to State and local governments; and, it would build upon, rather than destroy, the structures which have been operating effectively for the past 8 years and trained over a million people, and use the manpower instructional and administrative expertise developed at Federal, State, and local levels. For these reasons, and others, I advocate the changes reflected in the Manpower Training and Employment Act of 1971 which are effective and realistic compromises between the many and conflicting manpower measures now before this House.

Mr. Speaker, I include as a part of my remarks, a brief analysis of the major provisions of H.R. 8724, along with the text of the bill itself.

Statement of findings and purpose: Section 2 sets forth the basic purposes of the act—to provide occupational training to unemployed and underemployed individuals, to assist in the relief of skills shortages both in critical and in emerging occupations.

Manpower requirements, development, and evaluation: Title I establishes the National Manpower Advisory Council, and directs the Council to prepare an annual report pertaining to manpower requirements, resources, research, utilization, training and evaluation; it further sets forth provisions for evaluation, information, and research programs and for training and technical assistance.

Training and skill development programs: Title II describes the various manpower training services, and activities that may be conducted with assistance under this act, including the Job Corps now under the Economic Opportunity Act of 1964. It further sets forth the requirements for State participation under the act, including the establishment of State manpower advisory councils; provide for a comprehensive manpower planning system at the State level; establishes State apportionment of benefits; describes participant eligibility and allowance payments; and, sets forth the responsibilities of the Secretary of Health, Education, and Welfare and the Secretary of Labor.

Labor market information and employment development programs: Title III establishes a labor market information and job-matching program; career and employment development programs in both public and private agencies; career training through public service employment with public and private nonprofit agencies; and, an emergency employment assistance program to provide relief to designated job-distressed areas.

Miscellaneous: Title IV contains provisions relating to the authority of the Secretary of Labor and the Secretary of Health, Education, and Welfare to enter into contracts, arrangements, or agreements to carry out the purposes of the act; maintenance of State effort for vocational education; appropriations, advance funding, limitation on the use of appropriated funds; acceptance of voluntary services; and, the effective and termination dates of the act.

The material referred to follows:

SECTION-BY-SECTION ANALYSIS OF THE MANPOWER TRAINING AND EMPLOYMENT ACT OF 1971

Section 2. Statement of Findings and Purpose

The Congress finds that there are critical needs for more and better trained personnel in vocational occupational categories; that technological developments have rendered the skills of many obsolete; that youth experience particular hardship in entering the labor force; that many youth and adults are underemployed; that many professional employees are in need of brief refresher or reorientation education courses to become qualified for other employment in their professions; that there are great unfilled needs in public service employment; that it is essential to link together and coordinate more effectively the efforts of governmental and public and private agencies in performing manpower services; that it is the intent to continue assistance to special racial, ethnic, cultural, and linguistic groups such as the Opportunities Industrialization Centers and SER and others; and, that it is therefore necessary to establish a comprehensive and coordinated manpower program to fulfill the identified needs.

TITLE I—MANPOWER REQUIREMENTS, DEVELOPMENT, AND EVALUATION

Section 101. National Manpower Advisory Council

The National Manpower Advisory Council shall be appointed by the President and shall consist of fifteen members. The duties of the Council include establishing national manpower goals, advising the Secretary of Labor and the Secretary of Health, Education, and Welfare concerning their duties under this Act, and reviewing and evaluating programs, services and activities conducted under this Act. The Council may obtain technical assistance and the services of professional, technical, and clerical staff necessary to the performance of its duties. In addition the President shall appoint a special assistant for manpower activities, advising the President on manpower and acting as liaison to the National Manpower Advisory Council. One per centum of the funds available for Title I are reserved for activities conducted under this section.

Section 102. Manpower Report

The National Manpower Advisory Council shall send an annual report pertaining to manpower requirements, resources, research, use, training, and evaluation to the President and to the Congress. The Manpower Report shall also include reports and recommendations from the Secretary of Labor and the Secretary of Health, Education, and Welfare concerning their responsibilities under the Act.

Section 103. Evaluation, Information, and Research

The Secretary of Labor shall evaluate the impact of technological progress and develop solutions to resultant problems; establish a program of factual studies of practices of employers and unions which tend to facilitate or impede the mobility of workers; appraise the adequacy of manpower efforts to meet the Nation's manpower needs; and promote, encourage, or directly engage in information programs. The Secretary of Labor and the Secretary of Health, Education and Welfare shall establish a program of experimental, developmental, demonstration and pilot projects for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and education and training problems of worker groups. They shall also carry out a special program of supportive services including mobile employment service units, residential support, mobile health and education units, relocation payments, and follow-up services to families residing in rural areas. The Secretary of Health, Education, and Welfare shall arrange for research and investigations to further the education and training objectives of the Act and provide for a system of continuing evaluation of all training programs conducted with assistance under the Act.

Section 104. Training and technical assistance

The Secretary of Labor and the Secretary of Health, Education, and Welfare shall provide programs of training and technical assistance, including in-service training and staff development for organizations offering programs under the Act; the development and distribution of technical manuals, guides, and other resources; the establishment and operation of an information service to inform persons concerned with manpower programs and services about resources, techniques and concepts useful in the conduct of training under this Act; and, make special assignments of personnel to public or private agencies to provide technical assistance. Twenty-five per centum of the sums for Title I and two per centum of the sums for Titles II and III are available for training and technical assistance authorized by this section.

TITLE II—TRAINING AND SKILL DEVELOPMENT PROGRAMS

Part A—Manpower Training Programs and Services

Section 201. Programs, Services, and Activities

Programs, services, and activities under this title include but are not limited to basic education, outreach, counseling, recruitment, placement, and follow-up, prevocational orientation, institutional training, supportive services, work experience, part-time employment for students in grades nine through twelve, programs for persons in correctional institutions, programs for recent military separatees, programs for persons residing in redevelopment areas, upgrading persons who are underemployed, and retraining and refresher programs.

Section 202. Eligible Individuals

Priority for selection shall be given to unemployed or underemployed persons with special emphasis given to persons from poor families and individuals who are heads of households. Out-of-school individuals sixteen years of age or older shall be eligible for participation in programs authorized by the Act.

Section 203. Selection of Trainees

The Secretary of Labor shall establish standards and criteria for individuals eligible for participation and shall provide a program of testing, counseling and selection. Individuals meeting the established standards and criteria may also be referred for training by appropriate public and private agencies and organizations.

Section 204. Training allowances

Basic training allowances, equal to 40 times the minimum hourly wage with dependents' allowances are provided for full-time program participants who are not being compensated by an employer. Special allowance provisions are made for public assistance recipients, those under 18 years of age who are not heads of households, inmates of correctional institutions and persons engaged in employer-compensated on-the-job training or work experience. Training allowances may not be paid for a period of more than 104 weeks. Participants who successfully complete a program of not less than 15 weeks shall receive a completion bonus equal to twice the weekly allowances to which he is usually entitled.

Section 205. Comprehensive manpower plans

The Secretary of Labor and the Secretary of Health, Education, and Welfare shall enter into agreements with the Governor of each State under which a State Manpower Advisory Council shall develop and administer a comprehensive manpower plan for the State. Such agreement shall require long-range program planning, an annual program plan, the official designation of local planning areas, the establishment of procedures to coordinate all local area plans into a State plan; the use to the maximum extent feasible for all organizations which are capable of contributing to the program with priority given to skills centers and other programs operated by State or local education agencies; the establishment and operation of a data system; the conduct of manpower programs, services, and activities in accordance with rules, regulations, and procedures, and the evaluation of programs assisted under this Act. State Manpower Advisory Councils are authorized to obtain the services of professional, technical, and clerical personnel to enable them to carry out their function under this section. For the purposes of carrying out their function State Manpower Advisory Councils may receive from the Secretary of Labor and the Secretary of Health, Education, and Welfare an amount equal to 1 per centum of the State's apportionment but not more than $300,000 nor less than $150,000; except that for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, such amount shall not exceed $50,000. Where a State fails to submit a comprehensive manpower plan or where a plan is disapproved, the Secretaries of Labor and of Health, Education, and Welfare shall jointly formulate and carry out a comprehensive manpower plan in such State.

Section 206. Apportionment of benefits

Eighty per centum of the sums for Part A of Title II shall be apportioned to the States, provided that no State shall be apportioned less than $1,000,000 with the exception of the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands which shall receive $100,000 each. Fifteen per centum of the funds may be expended by the Secretary of Labor to carry out the purposes of Title II and the remaining five per centum may be expended by the Secretary of Health, Education, and Welfare. The Secretary of Labor and the Secretary of Health, Education, and Welfare may make reapportionments provided that no funds are reapportioned prior to the end of the ninth month of the fiscal year. States which have a comprehensive manpower plan approved by the Secretaries shall have the authority to approve all applications for programs and services that conform to the State plan.

Part B—Duties of the Secretary of Labor

Section 211. General responsibilities

The Secretary of Labor shall determine the skill requirements of the economy, promote and encourage the development of broad and diversified training programs and develop policies for the adequate occupational development and maximum use of the skills of the Nation's workers.

Section 212. State agreements

The Secretary of Labor is authorized to enter into an agreement with each State for the purpose of carrying out his functions and duties under this title.

Section 213. Rules and regulations

The Secretary of Labor shall prescribe such rules and regulations as he may deem necessary and appropriate to carry out his responsibilities under this Act.

Part C—Duties of the Secretary of Health, Education, and Welfare

Section 221. General responsibilities

The Secretary of Health, Education, and Welfare shall enter into agreements with States under which the appropriate State education agencies will undertake to provide training through public educational agencies or institutions or through arrangements with private educational or training institutions.

Section 222. Rules and regulations

The Secretary of Health, Education, and Welfare may prescribe such rules and regulations as he may deem necessary and appropriate to carry out his responsibilities under this Act.

Part D—Amendments and repeals affecting existing laws

Section 231

The Economic Opportunity Act of 1964, as amended, is further amended by repealing section 106, amending sections 115, 810 (a), and 833(b).

Title I, part A of that Act is transferred to the Manpower Training and Employment Act of 1971, and new sections 241 and 251 are added.

Section 261

The Manpower Development and Training Act of 1962, as amended, is repealed.

Title I, part B of the Economic Opportunity Act of 1964, as amended, is repealed.

Title V, part A of the Economic Opportunity Act of 1964, as amended, is repealed.

TITLE III—LABOR MARKET INFORMATION AND EMPLOYMENT DEVELOPMENT PROGRAMS

Part A—Labor market information and job matching program

Section 301

The Secretary of Labor shall develop a comprehensive system of labor market information on a national, State, local or other basis including information regarding: the nature and extent of impediments to developing individual employment potential; job opportunities and skill requirements; labor supply in various skills; occupational outlook and employment trends; and, economic and business development and location trends.

Section 302. Job Matching Program

The Secretary of Labor shall develop and publish information on available job opportunities throughout the United States and develop a program for matching qualifications of unemployed, underemployed, and low-income persons with employment requirements and job opportunities.

Section 303. Pilot Projects

The Secretary of Labor shall develop and carry out pilot projects designed to assess and demonstrate the effectiveness of reducing unemployment of individuals and to increase the mobility of unemployed workers by providing assistance to meet their relocation expenses.

Loans or grants provided under this program shall be subject to such terms and conditions as the Secretary shall prescribe. Of the funds appropriated for a fiscal year to carry out this Act, not more than $10,000,000 may be used for the purposes for such loans and grants.

Section 304. Funds Authorized

Not less than 2 per centum of the sums appropriated to carry out titles I, II, and III of the Act shall be available for carrying out the provisions of section 303.

Part B—Career and employment development programs

Section 311

The Secretary of Labor and the Secretary of Health, Education, and Welfare shall stimulate and assist job development programs that will serve to expand employment.

Section 312. Careeer Training Through Public Service Employment

The Secretary of Labor and the Secretary of Health, Education and Welfare shall carry out a program of training and career development under which federal, State and local government and public and private non-profit agencies provide jobs, services, education and training to unemployed and underemployed persons to meet State, county and other municipal needs for public services.

Section 313. Financial Assistance

The Secretary of Labor shall enter into arrangements with eligible applicants to make financial assistance available. Such assistance shall be available for a period of not more than 104 weeks.

Section 314. Eligible Applicants

Eligible applicants shall be units of Federal, State and general local government; and other public agencies and institutions; and non-profit hospitals and nursing homes and Indian tribes.

Section 315. Applications

Applications shall include provisions setting forth assurances that the activities will be administered by the applicant; a description of the area to be served; assurances that consideration will be given to filling jobs that provide sufficient prospects for advancement or suitable continuous employment; description of the methods to be used to recruit, select and orient participants; a description of the jobs to be filled; the wages or salaries to be paid participants; the education, training and services which complement the work performed; procedures for an annual review by an appropriate agency of the status of each person employed in a public service job under this title; and, such other assurances, arrangements, and conditions consistent with the provisions of this Act, as the Secretary of Labor and the Secretary of Health, Education, and Welfare deem necessary.

Section 316. Approval of Applications

An application may be approved if the Secretary of Labor with the concurrence of the Secretary of Health, Education, and Welfare determines that the application meets the requirements set forth in section 315; the approval request for funds does not exceed 80 per centum of the cost of carrying out the program; an opportunity has been provided to the Governor and the State Manpower Advisory Council to submit comments with respect to the application; and, an opportunity has been provided to officials of units of general government to submit comments to the Secretary.

Section 317. Special Conditions

The Secretary of Labor shall not provide financial assistance for any programs unless he determines that the program will result in an increase in employment opportunities and will not result in the displacement of currently employed workers; persons employed in a public service job shall be paid wages which shall not be lower than the Federal, State or local minimum wage or the prevailing rates of pay in the same labor market for persons employed in similar public occupations; and, persons participating in the programs will be assured of benefits at the same levels as other employees of the employer.

Section 318. Arrangements for Technical Assistance

Where training capabilities of the applicant do not meet the requirements established by the Secretary of Health, Education, and Welfare, he shall provide or arrange for technical assistance to the applicants.

Section 319. Annual Review

The Secretary of Labor and the Secretary of Health, Education, and Welfare shall conduct an annual review and evaluation of training programs funded under this Part and shall report their findings to the National Manpower Advisory Council.

Part C—Emergency employment assistance

Section 321

The Secretary of Labor in consultation with the Governor of a State shall give relief and designate labor areas as job distressed areas when there is an unusually high proportion of low income families or where there is substantial and persistent unemployment or underemployment.

Section 322. Financial Assistance

The Secretary of Labor shall enter into arrangements with the Governor of the State to make financial assistance available for the purpose of providing employment. Requests for funds shall not exceed 80 per centum of the cost of providing employment. Such assistance shall be available for a maximum period of 52 weeks; however, if the criteria of Section 321 are still met at that time, assistance may be extended for an additional 52 weeks.

Of the funds available for the purposes of carrying out Title III, not more than 20 per centum shall be available for carrying out programs authorized under this Part.

Section 323. Applications

Each application shall be submitted by the Governor of the State in such form and shall contain such assurances as the Secretary of Labor may prescribe.

Section 324. Rules and Regulations

The Secretary of Labor shall prescribe rules and regulations to assure that programs under this Part have adequate administrative controls, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

TITLE IV—MISCELLANEOUS

Section 401. Maintenance of State Effort

No training program financed by the Federal Government under this Act shall be approved unless the Secretary of Health, Education, and Welfare has satisfied himself that neither the State nor the locality in which training is carried out has reduced or is reducing its level of expenditure for vocational education and training.

Section 402. Other Agencies and Departments

The Secretary of Labor and the Secretary of Health, Education, and Welfare shall use the available services or facilities of other agencies and instrumentalities of the Federal Government.

Section 403. Appropriations Authorized

For the fiscal year ending June 30, 1972 there is authorized to be appropriated: $75,000,000 for title I; $450,000,000 for part A of title II; $75,000,000 for parts B and C of title II; $115,000,000 for part D of title II; $300,000,000 for title III; and $2,000,000 for title IV.

Such amounts as may be necessary are authorized for subsequent fiscal years.

Section 404. Advance Funding

Appropriations for carrying out this Act are authorized to be included in the appropriation for the fiscal year preceding the fiscal year for which they are available for obligation.

Section 405. Limitations on the Use of Appropriated Funds

Funds appropriated under this Act may be transferred with the approval of the Office of Management and Budget between departments and agencies of the Government if such funds are used for the purposes for which they are specifically authorized. The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to accept and use in carrying out the provisions of this Act funds appropriated to carry out other Federal statutes if such funds are used for the purposes for which they are specifically authorized and appropriated. Any equipment and teaching aids purchased by a State or local education agency with funds appropriated to carry out the provisions of part A of title II shall become the property of the State upon certification of the Secretary of Health, Education, and Welfare that they are no longer needed for instructional programs authorized by this Act. No portion of the funds to be used under part A, title II shall be appropriated directly or indirectly to the purchase, erection, or repair of any building.

Funds appropriated under this Act shall remain available for one fiscal year beyond that in which appropriated.

Section 406. Authority to Contract

The Secretary of Labor and the Secretary of Health, Education, and Welfare may make grants, contracts, or agreements, establish procedures, and make payments, or otherwise allocate or expend funds made available under this Act as they deem necessary to carry out the provisions of this Act.

Section 407. Acceptance of Voluntary Services

The Secretary of Labor and the Secretary of Health, Education, and Welfare may accept voluntary and uncompensated services in carrying out their responsibilities under this Act.

Section 408. Definition

For the purpose of this Act, the term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

Section 409. Effective Date; Transition Provisions

This Act shall take effect July 1, 1971. Notwithstanding the repeals made by Section 231, the Secretary of Labor and the Secretary of Health, Education, and Welfare may continue to use the authority provided in such repealed provisions of law for such period of time as may be necessary, but not in excess of two years beyond the effective date of this Act.

Section 410. Termination of Authority

All authority conferred under title II of this Act shall terminate at the close of June 30, 1975.

H.R. 8724

A bill relating to manpower requirements, resources, development, utilization, and evaluation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That this Act may be cited as the "Manpower Training and Employment Act of 1971".

STATEMENT OF FINDINGS AND PURPOSE

Sec. 2. The Congress finds that there is critical need for more and better trained personnel in many vital occupational categories, including professional, scientific, technical, and apprenticeable categories; that even in periods of high unemployment, many employment opportunities remain unfilled because of the shortages of qualified personnel; and, that it is in the national interest that current and prospective manpower shortages be identified and that persons who can be qualified for these positions through education and training be sought out and trained as quickly as possible. In addition, improved training and employment opportunities are vital to developing capacity for self-support by public assistance recipients, and the manpower system must assume special responsibility and accountability for training, placing, and upgrading these persons.

The Congress further finds that the skills of many persons have been rendered obsolete by dislocations in the economy arising from technological developments, foreign competition, relocation of industry, shifts in market demands, and other changes in the structure of the economy. With additional education and training, many of these persons could make a greater contribution to the national economy and share more fully in its benefits.

The Congress further finds that the problem of assuring sufficient employment opportunities will be compounded by the extraordinarily rapid growth of the labor force in the next decade, particularly by the entrance of young people into the labor force, that improved planning and expanded efforts will be required to assure that men, women, and young people will be trained and available to meet shifting employment needs; that in order to become qualified for reemployment or full employment many persons now unemployed or underemployed must be assisted in providing themselves with skills that are or will be in demand in the labor market; that the skills of many persons now employed are inadequate to enable them to make their maximum contribution to the Nation's economy; and, that it is in the national interest that the opportunity to acquire new skills be afforded to these people with the least delay in order to alleviate the hardships of unemployment, reduce the costs of unemployment compensation and public assistance, and to increase the Nation's productivity.

The Congress further finds that many professional employees who have become unemployed because of the specialized nature of their previous employment are in need of brief refresher or reorientation education courses in order to become qualified for other employment in their professions.

The Congress further finds that there are great unfilled public needs in such fields as health, recreation, housing, neighborhood improvement and public safety, maintenance of streets, parks, and other governmental facilities, rural development, transportation, beautification, conservation, and other fields of human betterment and public improvement and that to meet these urgent public needs it is necessary to devote greater resources to public service and to expand public service employment at various levels.

The Congress further finds that it is essential to link together and coordinate the efforts of Federal, State, and local public and private agencies involved in performing manpower services; to develop new approaches for improved services and changes in traditional organizational patterns used to assist economically disadvantaged and insufficiently trained individuals; and to coordinate the Nation's manpower needs and services as closely as possible with economic development, transportation planning, new residential housing, and other factors related to the development of new job opportunities.

The Congress further finds that technical, financial, and educational support provided to heretofore disadvantage ethnic, racial, cultural, and linguistic groups, such as but not limited to that under the provisions of the Manpower Development and Training Act of 1962, as amended, to the Opportunity Industrialization Centers of SER, shall be continued under the intent and provisions of this Act.

It is therefore the purpose of this Act to require the Federal Government to appraise the manpower requirements and resources of the Nation; to develop and to apply the information and methods needed to deal with the problems of unemployment and underemployment; to develop new approaches for improved manpower services; and, to establish a comprehensive and coordinated manpower program, designed to provide greater opportunities for education, training, and related services necessary to assist individuals in developing their full economic and occupational potential, involving the efforts of all sectors of the economy and appropriate agencies at all levels of government.

TITLE I—MANPOWER REQUIREMENTS, DEVELOPMENT, AND EVALUATION

NATIONAL MANPOWER ADVISORY COUNCIL

Sec. 101. (a) The President, after consultation with the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity, shall appoint a National Manpower Advisory Council.

(b) The National Manpower Advisory Council shall consist of fifteen members and shall be appointed, without regard to the civil service laws, for terms of three years, except that (i) in the case of initial members, five shall be appointed for terms of one year each and five shall be appointed for terms of two years each, and (ii) appointments to fill vacancies shall be only for such terms as remain unexpired. The Council shall include persons representative of labor, management, agriculture, public and private education, vocational education and rehabilitation, and manpower programs. The Council shall meet at the call of the Chairman, who shall be selected by the President, but not less than three times a year.

(c) The Council shall:

(1) establish national manpower goals and develop appropriate standards for programs and services designed to meet such goals;

(2) advise the Secretary of Labor and the Secretary of Health, Education, and Welfare concerning the administration of, preparation of general regulations for, and operation of manpower programs and services supported with assistance under this Act;

(3) review the administration and operation of manpower training, services, and other activities provided under this Act, including the effectiveness of such programs and services in meeting the purposes for which they are established and operated, make recommendations with respect thereto (including recommendations for changes in the provisions of this Act and related manpower Acts), and make an annual report of its findings and recommendations as provided in section 102 of this Act; and

(4) conduct independent evaluations of programs carried out under this and related manpower Acts and publish and distribute the results thereof.

(d) Members of the Council who are not regular full-time employees of the United States shall, while serving on the business of the Council, be entitled to receive compensation at rates fixed by the President, but not in excess of $100 per day, including traveltime; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

(e) The Council is authorized, without regard to the civil service laws, to engage such technical assistance as may be required to carry out its functions; to obtain the services of such full-time professional, technical, and clerical personnel as may be required in the performance of its duties; and to contract for such assistance as may be necessary, and to this end not to exceed one per centum of the sums appropriated in any fiscal year to carry out title I of this Act shall be available only for the activities authorized by this section.

(f) The President shall appoint a special assistant for manpower to serve on his staff; to coordinate the manpower activities of the various Federal departments, agencies, and commissions; to act as liaison with the National Manpower Advisory Council; to act as the President's principal advisor on manpower; and to report and to make recommendations to the President and to the Congress on the manpower implications of the Federal budget and manpower programs generally.

MANPOWER REPORT

Sec. 102. The National Manpower Advisory Council shall transmit to the President and to the Congress within sixty days after the beginning of each regular session (commencing with the year 1972) a report pertaining to manpower requirements, resources, research, utilization, training, and evaluation. Such report shall include a complete and full report of the activities, findings, and recommendations of the Secretary of Labor and the Secretary of Health, Education, and Welfare in respect to their responsibilities under this Act; and, the findings and recommendations of the Council (including recommendations for changes in the provisions of this and related manpower Acts).

EVALUATION, INFORMATION, AND RESEARCH

Sec. 103. To assist the Nation in furthering technological progress while avoiding or minimizing individual hardship and widespread unemployment and to assist in expanding work oportunities and assuring access to those opportunities for all who desire them, (a) the Secretary of Labor shall:

(1) evaluate the impact of, and benefits and problems created by technological progress, and other changes in the structure of production and demand on the use of the Nation's human resources; establish techniques and methods for detecting in advance the potential impact of such developments; develop solutions to these problems, and publish findings pertaining thereto;

(2) establish a program of factual studies of practices of employers and unions which tend to facilitate the mobility of workers or which impede mobility, including but not limited to early retirement and vesting provisions and practices under private compensation plans; the extension of health, welfare, and insurance benefits to laid-off workers; the operation of severance pay plans; and, the use of both extended and short-term leave plans for education and training purposes. A report of these studies shall be included as part of the National Manpower Advisory Council's report required under section 102;

(3) appraise the adequacy of the Nation's manpower development efforts to meet foreseeable manpower needs and recommend needed adjustment to the National Manpower Advisory Council, including methods for promoting the most effective occupational use of and providing useful work experience and training opportunities for untrained and inexperienced youth; and,

(4) promote, encourage, or directly engage in programs of information and communication concerning manpower requirements, de-

velopment, and utilization, including prevention and amelioration of undesirable manpower effects from automation and other technological developments and improvement of the mobility of workers.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall establish:

(1) a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations or agencies or through contracts with other private organizations for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and education and training problems of worker groups such as the long-term unemployed, disadvantaged youth, displaced older workers, the handicapped, members of minority groups, veterans returning to civilian employment, and other similar groups. In carrying out this paragraph the Secretaries shall, where appropriate, consult with the Secretaries of Commerce and Housing and Urban Development and the Director of the Office of Economic Opportunity and other agencies. Where programs under this paragraph require institutional training, including but not limited to basic education, employability and communications skills, prevocational training, vocational and technical programs, and supplementary or related instruction for on-the-job training whether conducted at the job site or elsewhere, appropriate arrangements for such training shall be made by the Secretary of Health, Education, and Welfare in consultation with the Secretary of Labor. They shall also seek the advice of consultants with respect to the standards governing the adequacy and design of proposals, the ability of applicants, and the priority of projects in meeting the objectives of this Act.

(2) a special program of supportive services to families residing in rural areas provided that such services are necessary to (i) participate in education and training programs authorized under this Act or (ii) obtain employment. Such special supportive services may include but are not limited to:

(a) a special program of mobile employment service units to provide recruitment, counseling, and referral to education and training programs or employment for persons residing in rural areas;

(b) residential support for those persons referred to education and training programs when such programs are offered beyond a reasonable commuting distance from the person's home;

(c) a special program of mobile health and education units to provide counseling, health and hygiene education and referral of persons requiring health care to appropriate agencies for such service;

(d) relocation payments and other special services as needed to assist unemployed individuals and their families to relocate to another area where a suitable job has been located; such assistance shall be limited to those persons who have participated in education or training programs offered under this Act before relocation or to those who have been accepted for on-the-job training with a reasonable expectation of continued employment upon completion of the on-the-job training by the employer;

(e) a special program of follow-up services of up to one year, to heads of households who have participated in programs authorized under this Act and who have relocated in order to obtain full time employment; such services shall be established to assist families in adjusting to a new socio-economic environment and may include, but are not limited to problems of a health, education, housing or family financial nature; and,

(f) in addition to those special supportive services, participants shall be eligible for other education, training and manpower services authorized under this Act.

(c) To further assess the effectiveness of various methods and approaches used in carrying out the purposes of the Act, the Secretary of Health, Education, and Welfare, after consultation with the Secretary of Labor, shall:

(1) arrange, through grants or contracts for the conduct of such research and investigations as give promise of furthering the education and training objectives of this Act; and

(2) provide, either directly or through grants or contracts for a system of continuing evaluation of all training programs conducted by public and private schools and training agencies and organizations, with assistance under this Act, including their impact on communities and participants, their implication for related programs, the effectiveness of various methods and materials and the adequacy of their mechanism for the delivery of services and report the findings, including recommendations for corrective actions and their implications, of such evaluation to the National Manpower Advisory Council.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 104. (a) In carrying out the provisions of this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare shall provide, directly or through grants, contracts, or other arrangements, training for specialized or other personnel and technical assistance, which are needed in connection with the programs established under this Act or which otherwise pertain to the purposes of this Act, including the provision of training and technical assistance to designated State and Area Manpower Advisory Councils. The Secretaries shall:

(1) plan for, establish, and maintain a program of training, including but not limited to in-service training and staff development, and technical assistance to public and private agencies, institutions, and employers in order to assist such organizations in sponsoring or operating programs more effectively and providing services under this Act, in the most effective and efficient manner possible;

(2) provide for the development and distribution of technical manuals, guides and other resources in order to assure the early dissemination of information concerning advances or improved techniques, developed both as a result of this Act and through other sources, related to manpower training, services, and activities and their delivery;

(3) shall plan, establish, and operate, directly or through contract, an information service, to make available to agencies, organizations, and other groups and persons concerned with manpower programs and services, information on resources, techniques, and concepts useful in the conduct of training programs under this Act. Such information shall include that derived from research, experimental and demonstration programs, and the evaluated experience of Federal, State, and local operations. The information shall be so designed as to be helpful in the establishment and improvements of training programs and related activities covered under titles I, II, and III of this Act; and,

(4) make, upon appropriate request, the special assignment of personnel to public or private agencies and employers to provide technical guidance with regard to programs funded under this Act, but no such assignments shall be for a period of more than two years.

(b) Twenty-five per centum of the sums appropriated in any fiscal year to carry out title I in addition to two per centum of the sums appropriated in any fiscal year to carry out titles I, II, and III of this Act shall be available only for training and technical assistance authorized by this section. In carrying out the purposes of this section, 50 per centum of the sums available shall be for the use of the Secretary of Labor and the remaining 50 per centum shall be for the use of the Secretary of Health, Education, and Welfare: *Provided*, That the use of such sums is jointly planned to avoid unnecessary duplication and waste.

TITLE II—TRAINING AND SKILL DEVELOPMENT PROGRAMS

PART A—MANPOWER TRAINING PROGRAMS AND SERVICES

PROGRAMS, SERVICES, AND ACTIVITIES

SEC. 201. The programs, services, and activities for which funds under this title may be expended shall include, but are not limited to the following:

(1) basic education, literacy training, communications and computation skills, and high school equivalency programs, which will assist individuals to become more employable or facilitate their participation in occupational training;

(2) outreach, counseling, testing, recruitment, referral to work or to training, placement, and followup services necessary to assist individuals to achieve success in employment;

(3) prevocational orientation to introduce those of limited experience to alternative occupational choices;

(4) institutional training, including cooperative occupational training programs, and on-the-job training for unemployed individuals and underemployed individuals, including training of employed workers for the purpose of upgrading their skills and improving the use of available manpower;

(5) supportive services, including health, minor medical and dental services, physical examinations, the furnishing of prosthetic devices, child care, referral for family counseling, legal services, uniforms and tools required for entry level employment in occupations designated by the Secretary of Labor, bonding, licensing and credentialling fees when required for employment within the area of training, relocation subsistence payments to assist individuals and their families who must move to another area in order to receive training or become employed after training, and other special services, including residential support, deemed necessary to assist individuals to become more employable or facilitate their participation in programs assisted under this title;

(6) work experience for unemployed and disadvantaged individuals, including the performance of socially useful work in public and private agencies or organizations in the fields of health, public safety, education, recreation, streets, parks, and municipal maintenance, housing and neighborhood improvement, conservation and rural development, beautification, and other fields of human betterment and community improvement, including the establishment, operation, or strengthening of any such program;

(7) part-time employment, on-the-job training, or useful work experience for students in ninth through twelfth grades (and youths of equivalent ages) to assist them in remaining in or returning to school; and, with such employment opportunities developed in consultation with education authorities to enhance, to the extent feasible, the educational growth of such students;

(8) appropriate education, training, and related manpower services for persons in correctional institutions to assist them in obtaining suitable employment upon release, including the provision of such programs and after release from correctional institutions

as special programs designed to aid in the rehabilitation process;

(9) appropriate education, training, and related manpower services for persons who have recently been or will shortly be separated from military service;

(10) appropriate education, training, and related manpower services for unemployed and underemployed persons residing in areas designated as redevelopment areas by the Secretary of Commerce under the Area Redevelopment Act or any subsequent Act authorizing such designation.

(11) appropriate education, training, and supportive services, including career restructuring and development, for upgrading persons who are unemployed or underemployed in respect to skill level or hours of employment; and,

(12) retraining and refresher programs of education, training and supportive services for persons, including professionals, paraprofessionals, and others, who are unemployed or will be unemployed because of the specialized nature of their previous employment, because of technological, economic, or other changes in the economy and who need such programs and services to prepare them for employment for an occupation compatible with their previous education and skills.

ELIGIBLE INDIVIDUALS

SEC. 202 (a) Priority for selection shall be given to those unemployed or underemployed persons who cannot reasonably be expected to secure appropriate full-time employment without education and training.

(b) Special emphasis shall be given to the employment and training needs of persons who are from poor families using as an index of poverty the minimum income per household of a given size, composition, and farm or nonfarm status, as set forth by the Social Security Administration.

(c) Priority in providing training and employment opportunities among eligible persons shall be given to individuals who are heads of households. For purposes of this Act, the term "head of household" shall include any person who contributes more than one-half the support of one or more other persons.

(d) Out of school individuals sixteen years of age or older shall be eligible for participation in programs authorized by the Act: *Except*, That individuals less than 16 years of age shall be eligible for participation only in programs authorized in section 201(7).

SELECTION OF TRAINEES

SEC. 203. (a) The Secretary of Labor shall establish standards and criteria for individuals eligible for participation in programs, services, and activities authorized by the Act. The Secretary shall provide a program for testing, counseling, and selection for the determination of eligibility for participation: *Except*, That individuals meeting the established standards and criteria may be referred to training by appropriate public and private agencies and organizations. Upon certification from the responsible training agency the Secretary of Labor shall make provisions for training and subsistence allowances and transportation allowances as may be appropriate.

(b) The selection of persons for training and services under this Act and for placement shall not be contingent upon such person's membership or nonmembership in a labor organization.

(c) Persons shall not be referred for training in an occupation which requires less than two weeks training, unless there are immediate employment opportunities in such occupation.

TRAINING ALLOWANCES

SEC. 204. (a) The Secretary of Labor may, on behalf of the United States, enter into agreements with States under which the Secretary of Labor shall make payments to such States either in advance or by way of reimbursement for the purpose of enabling such States, as agents for the United States, to make payment of weekly allowances to persons selected for training pursuant to the provisions of section 203 and undergoing such training in a program operated pursuant to the provisions of the Act.

(b) For the purpose of this section, a basic allowance shall be equal to 40 times the minimum hourly wage provided in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended: *Provided*, That such basic allowance through June 30, 1972, in any State shall not be less than the amount of the average weekly gross unemployment compensation payment (including allowances for dependents) during the calendar year 1969 for a week of total unemployment in such State.

(c) For the purposes of this section, a dependent's allowance shall equal $5 per week for each dependent, to a limit of six dependents.

(d) Persons, except those specified in subsection (c), who are participating on a full-time basis in the following programs, (1) institutional training or, (2) other manpower development activities which are not compensated by an employer or subject to subsections (h) or (i); shall receive a basic allowance plus a dependent's allowance for his dependents as specified in subsection (c) for each week of full-time participation: *Except*, That no individual shall receive allowances under this subsection that are less than the unemployment compensation (including allowances for dependents) to which such persons would be entitled under any Federal or State employment compensation law if he were not participating in such activity.

(e) The following participants in full-time institutional training or other manpower development activities described in subsection (d) shall not be entitled to allowances provided in subsection (d):

(1) A public assistance recipient under programs assisted under titles I, IV, X, XIV, and XVI of the Social Security Act, who shall be paid, in addition to any public assistance payments to which he may be entitled, incentive payments of not more than $10 per week under regulations prescribed by the Secretary of Labor.

(2) A participant who is under eighteen years of age, or who is not the head of a household as defined in Section 202(c) of this Act. Such participant shall receive a suitable weekly allowance, determined in accordance with rules prescribed by the Secretary of Labor, but not to exceed the basic allowance prescribed in subsection (b): *Provided*, That any allowance under this paragraph shall not be less than the unemployment compensation (including allowances for dependents) to which such person would be entitled under any Federal or State unemployment compensation law if he were not participating in such activity. An individual who is not subject to this paragraph at the commencement of the period shall not become subject thereto until the completion of such period.

(3) A participant receiving unemployment compensation under any Federal or State unemployment compensation law. Such participant shall receive for each week of training, allowances equal to the difference between (1) any allowance to which he would otherwise be entitled under subsections (d) or (e) of this section and (2) the unemployment compensation (including allowances for dependents) which he received for such week.

(4) A participant engaged in employer-compensated on-the-job training or work experience assisted under this title. The allowances of such participants shall be computed in accordance with subsections (d) or (e), as appropriate, and shall be reduced in accordance with rules and regulations prescribed by the Secretary of Labor, which shall take into account the hours of such work experience or on-the-job training and the amount of compensation therefor.

(5) A participant who is an inmate of a correctional institution. The allowances of such participants shall be computed in accordance with regulations prescribed by the Secretary of Labor.

(f) A participant engaged in the activities described in subsection (d) on less than a full-time basis shall receive a reduced basic allowance computed in accordance with regulations prescribed by the Secretary, and a dependent's allowance if participation is in excess of twenty hours each week. Public assistance recipients shall receive an incentive payment as provided in subsection (e). Such reduced basic allowance shall be computed taking into account: (1) the hours of participation in such activity; (2) the allowance to which he would be entitled under subsections (d) or (e) if he were engaged in training on a full-time basis; (3) compensated work experience or on-the-job training assisted under this title in which the participant is engaged; and, (4) unemployment compensation that the participant is receiving.

(g) No allowance under subsection (d), (e), or (f) of this section may be paid for any portion of a training period that extends beyond one hundred and four weeks.

(h) Workers in programs providing work experiences under this Act shall be compensated at a rate not less than the applicable minimum wage rate, but in no case less than the wage prescribed by section 6(b) of the Fair Labor Standards Act.

(i) Workers engaged in employer-compensated on-the-job training under this Act shall be compensated at a rate not less than the higher of (1) the applicable minimum wage rate, or (2) the prevailing wage paid to workers of like experience performing similar work in the locality.

(j) A participant undertaking training or work-experience or other manpower development activity described in subsection (d) on either a full-time or part-time basis, shall receive allowances for transportation and subsistence in addition to the applicable training allowance or wage. The amount of allowances provided under this subsection shall be determined in accordance with regulations prescribed by the Secretary of Labor.

(k) A participant who has successfully completed a program of full-time participation of not less than fifteen weeks duration in institutional training or other manpower development activities described in subsection (d) shall receive, upon completion of his period of participation, a completion bonus which shall be equal to twice the allowance to which he is entitled under (d) or (e) for his last week of full-time participation during such period.

(l) Upon certification by the responsible training agency that a person who has been referred for training does not have a satisfactory attendance record or is not making satisfactory progress in such training, the Secretary of Labor shall forthwith terminate his training and subsistence allowances, and his transportation allowances except such as may be necessary to enable him to return to his regular place of residence after termination of training, and withdraw his referral.

COMPREHENSIVE MANPOWER PLANS

SEC. 205. (a) The Secretaries of Labor and Health, Education, and Welfare shall jointly enter into an agreement with the Governor of each State under which a State Manpower Advisory Council will develop and administer a comprehensive manpower plan for the State. Such council shall be appointed by the Governor with the approval of the Secretaries and shall consist of representatives of the appropriate State agencies concerned with manpower programs and services, including the State education agency and the State employment service, and representatives of labor, management, rehabilitation, public and private agencies active in the manpower field and the public. Each such agreement shall:

(1) require each comprehensive manpower plan to set forth a long-range plan for programs and services to be carried on with assistance provided by this Act, for the State as a whole and by local planning area, extending over three years beginning with the fiscal year for which the comprehensive manpower plan is submitted, describing the present and projected needs for programs and services provided for in this Act, and setting forth the long-range program objectives;

(2) require each comprehensive manpower plan to set forth an annual program plan, for the State as a whole and by local planning area, which describes the content of, and allocation of Federal and State funds to programs, services, and activities to be carried out under the plan during the year for which Federal funds are sought, designates the agencies and organizations which shall carry out the plan and indicates how and to what extent such programs, services, and activities will carry out the program objectives set forth in the long-range program plan;

(3) require each State to officially designate its local planning areas, which shall include provisions for representation of all geographic areas within the State, and which shall be reviewed and approved by the Secretaries;

(4) require the establishment of Area Manpower Advisory Councils of the same membership and composition as the State Manpower Advisory Council: *Except*, That all Mayors within the planning area shall be represented on the Council, such Councils shall be appointed under such procedures as are established by the State Manpower Advisory Council and which have been approved by the Governor and by the Secretaries;

(5) require the establishment of procedures to coordinate all local area plans into a State plan, to provide for circumstances where a local area fails to submit a plan, and to provide for appeal by Area Manpower Advisory Councils to the Secretaries: *Provided*, That such procedures shall be reviewed and approved by the Secretaries;

(6) require the use to the maximum extent feasible of public and private profit and nonprofit agencies and organizations, and of all the State and local agencies and organizations, which are capable of contributing to the program, with priority given to skills centers and other education and training programs operated or arranged through State and local education agencies;

(7) require the establishment and operation of a data system that will provide, in readily accessible form, statistical information sufficient to enable evaluation of the effectiveness of programs carried out under the plan and to determine means of improving their effectiveness;

(8) provide for the conduct of manpower programs, activities, and services in accordance with procedures, standards, and regulations established under the provisions of this Act;

(9) provide for the evaluation of programs, activities, and services assisted under this Act, and the publication and distribution of such reports including recommendations as to their effectiveness;

(10) provide for the distribution of funds to State Manpower Advisory Councils, Area Manpower Advisory Councils, and agencies and organizations providing programs, services, and activities under an approved plan; and

(11) provide for regularly scheduled meetings of the State manpower advisory council including the assurance that not less than one public meeting of the State manpower advisory council is held each year at which the public is given the opportunity to express views concerning manpower training, programs, and services.

(b) State manpower advisory councils are authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this section and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

(c) From the sums appropriated pursuant to section 206(a) for any fiscal year, the Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to pay to each State manpower advisory council an amount equal to the reasonable amounts expended by it in carrying out its functions under the Act in such fiscal year, except that the amount available for such purpose shall be equal to 1 per centum of the State's apportionment under section 206(a), but such amount shall not exceed $300,000 and shall not be less than $150,000; *Except*, That for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, such amount shall not exceed $50,000 each.

(d) Where a State fails to submit a comprehensive manpower plan to the Secretaries within a reasonable time, or the Secretaries disapprove such a plan under the authority of subsection (e) of this section, the Secretaries of Labor and of Health, Education, and Welfare taking into consideration such local area plans as may have been developed, shall jointly formulate and carry out a comprehensive manpower plan in such State. Such program shall meet the requirements of the Act applicable to plans submitted by States: *Except*, That where the Secretaries have discontinued payments with respect to a portion of a plan under subsection (e) of this section, the program that they carry out directly shall provide the same types of programs, services, and activities as provided in the portion of the plan with respect to which payments were discontinued. In carrying out this section where a State has failed to submit a plan or the Secretaries have disapproved it, the State's apportionment may be used by the Secretaries to carry out a program in that State. In carrying out this section where the Secretaries have discontinued payments, the sums withheld may be used by the Secretaries.

(c) When the Secretary of Labor and the Secretary of Health, Education, and Welfare after reasonable notice and opportunity for a hearing to the Governor of the State that submitted a plan; finds: (1) that the plan has been so changed that it no longer complies with the requirements of the Act, or to the standards and guidelines prescribed pursuant to the Act; or (2) that in the administration of the plan there is a failure to comply substantially with any such requirement; the Secretaries of Labor and of Health, Education, and Welfare shall notify the Governor that no further payments will be made with respect to such plan (or in their discretion, further payments with respect thereto will be limited to portions thereof not affected by such failure), until they are satisfied that there will no longer be any failure to comply. Until they are so satisfied, the Secretaries shall make no further payments with respect to such plan (or shall limit payments to portions thereof not affected by such failure).

(f) The Secretaries of Labor and of Health, Education, and Welfare shall, in consultation with and with the concurrence of the National Manpower Advisory Council, prescribe such standards, rules, and regulations as they may deem necessary and appropriate to carry out the provisions of this part.

APPORTIONMENT OF BENEFITS

SEC. 206. (a) For the purpose of effecting an equitable apportionment of Federal expenditures among the States in carrying out the programs authorized under part A of title II of this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare shall apportion 80 per centum of the funds available for such purposes in accordance with uniform standards and in arriving at such standards shall consider only the following factors: (1) the proportion which the labor force of a State bears to the total labor force of the United States; (2) the proportion which the unemployed in a State during the preceding calendar year bears to the total number of unemployed in the United States in the preceding calendar year; (3) the proportion which poor individuals residing in the State bear to the total number of poor individuals of the United States; (4) the proportion which the insured unemployed within a State bears to the total number of insured employed within such State; but in no event shall any State be apportioned less than $1,000,000; *Except*, That for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, such amount shall be $100,000 each.

(b) Fifteen per centum of the funds appropriated to carry out the purposes of part A of title II may be expended by the Secretary of Labor as he finds necessary or appropriate to carry out the purposes of title II: *Provided*, That where such programs require institutional training, the Secretary of Health, Education, and Welfare shall agree to arrangements for such training.

(c) Five per centum of the funds appropriated to carry out the purposes of part A of title II may be expended by the Secretary of Health, Education, and Welfare as he finds necessary or appropriate to carry out the purposes of title II: *Provided*, That prior to the development of preemployment training the Secretary of Labor shall concur that there is reasonable expectation of employment for such persons entering training.

(d) The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to make reapportionments from time to time where the total amounts apportioned under this section have not been fully obigated in a particular State, or where the State or appropriate agencies in the State have not entered into the necessary agreements, and the Secretaries find that any other State is in need of additional funds to carry out the programs authorized by this Act: *Provided*, That no funds apportioned with respect to a State in any fiscal year shall be reapportioned before the expiration of the ninth month of such fiscal year and only upon fifteen days prior notice to such State of the proposed reapportionment.

(e) Where the Secretaries of Labor and Health, Education, and Welfare have approved a comprehensive manpower plan developed and submitted in accordance with the provisions of section 205 of this part, the State shall have authority to approve all applications for programs and services that conform to such State plan.

PART B—DUTIES OF THE SECRETARY OF LABOR

GENERAL RESPONSIBILITIES

SEC. 211. In carrying out the purposes of this Act, the Secretary of Labor shall determine the skill requirements of the economy, develop policies for the adequate occupational development and maximum use of the skills of the Nation's workers, promote and encourage the development of broad and diversified training programs, including on-the-job training, designed to qualify for employment the many persons who cannot reasonably be expected to secure full-time employment without such training, and to equip the Nation's workers with the new and improved skills that are or will be required. Whenever appropriate, the Secretary of Labor shall coordinate and provide for combinations of programs, to be pursued concurrently or sequentially, under this Act with programs under other Federal Acts, where the purposes of this Act would be accomplished thereby.

STATE AGREEMENTS

SEC. 212. (a) The Secretary of Labor is authorized to enter into an agreement with each State, or with the appropriate agency of each State, pursuant to which the Secretary of Labor may, for the purpose of carrying out his functions and duties under this title, use the services of the appropriate State agency, and, notwithstanding any other provision of law, may make payments to such State or appropriate agency for expenses incurred for such purposes.

(b) Any agreement under this section may contain such provisions as will promote effective administration, protect the United States against loss and insure that the functions and duties to be carried out by the appropriate State agency are performed in a manner satisfactory to the Secretary.

RULES AND REGULATIONS

SEC. 213. The Secretary of Labor shall prescribe such rules and regulations as he may deem necessary and appropriate to carry out his responsibilities under this Act.

PART C—DUTIES OF THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

GENERAL RESPONSIBILITIES

SEC. 221. The Secretary of Health, Education, and Welfare shall, pursuant to the provisions of this title enter into agreements with States under which the appropriate State education agencies will undertake to provide training to equip persons referred to the Secretary of Health, Education, and Welfare pursuant to section 203. Such State agencies shall provide for such training through public educational agencies or institutions or through arrangements with private educational or training institutions where such private institutions can provide equipment or services not available in public institutions, particularly for training in technical and subprofessional occupations, for training the disadvantaged, or where such institutions can, at comparable cost, (1) provide substantially equivalent training, or (2) make possible an expanded use of the individual referral method, or (3) aid in reducing more quickly unemployment or current and prospective manpower shortages. Such agreements shall contain such other provisions as will promote effective administration (including provisions (1) for reports on the attendance and performance of trainees, (2) for immediate certification to the Secretary of Labor by the responsible training agency with respect to each person referred for training who does not have a satisfactory attendance record or is not making saisfactory progress in such training absent good cause, and (3) for continuous supervision of the training programs conducted under the agreement to insure the quality and adequacy of the training provided), protect the United States against loss, and assure that the functions and duties to be carried out by such State agency are performed in such fashion as will carry out the purposes of this title. The Secretary of Health, Education, and Welfare shall give preference to training and education provided through State vocational education agencies and other State education agencies. However, in any case in which he determines that it would permit persons to begin their training or education within a shorter period of time, or permit the needed training or education to be provided more economically, or more effectively, he may provide the needed training or education by agreement or contract made directly with public or private training or educational facilities or through such other arrangements as he deems necessary to give full effect to this Act.

RULES AND REGULATIONS

SEC. 222. The Secretary of Health, Education, and Welfare may prescribe such rules and regulations as he may deem necessary and appropriate to carry out his responsibilities under this Act.

PART D—AMENDMENTS AND REPEALS AFFECTING EXISTING LAWS

SEC. 231. (a The Economic Opportunity Act of 1964, as amended, is further amended as follows:

(1) Subsection (e) of section 106 is repealed.

(2) Subsection (b) of section 115 is amended to read as follows:

"(b) The Director may enter into agreements with States to administer, assure, or assist in the administration of the programs provided in this part. The Director may, pursuant to regulations, pay part or all of the operative or administrative costs of such programs."

(b) Section 810(a) of the Economic Opportunity Act of 1964 is amended by striking the word "and" immediately preceding paragraph (3) thereof, by substituting a semicolon for the period at the end of the subsection, and by adding the following:

"and (4) with the approval of the Secretary of Labor, in Job Corps Centers operated under title II of The Manpower Training and Employment Act of 1971."

(c) Section 833(b) of the Economic Opportunity Act of 1964 is amended to read as follows:

"(b) Individuals who receive either a living allowance or a stipend under this title shall, with respect to such services or training:

"(1) for the purposes of subchapter III of chapter 73 of title 5 of the United States Code, be deemed persons employed in the executive branch of the Federal Government;

"(2) for purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), be deemed employees of the United States, and any service performed by an individual as a volunteer shall be deemed to be performed in the employ of the United States;

"(3) for purposes of the Federal tort claims provisions in title 28, United States Code, be deemed employees of the Government; and

"(4) for purposes of the subchapter I of chapter 81 of title 5 of the United States Code (relating to compensation to Federal employees for work injuries), be deemed civil employees of the United States within the meaning of the term 'employee' as defined in section 8101 of title 5, United States Code, and the provisions of the subchapter shall apply except as follows:

"(A) In computing compensation benefits for disability or death, the monthly pay of a volunteer shall be deemed that received under the entrance salary for a grade GS–7 employees, and sections 8113 (a) and (b) of title 5, United States Code, shall apply to volunteers; and

"(B) Compensation for disability shall not begin to accrue until the day following the date on which the injured volunteer is terminated."

SEC. 232. (a) Title I, part A, of the Economic Opportunity Act of 1964, as amended (sections 101–118), is transferred to the Manpower Training and Employment Act of 1971 and inserted as sections 233 through 250, respectively, as amended by subsection (e) of this section.

(b) All references to part A of title I of the Economic Opportunity Act of 1964 or any provision thereof are hereby deleted from the Economic Opportunity Act of 1964. Any reference to part A of title I of the Economic Opportunity Act or any provision thereof in any other law of the United States shall be deemed to be a reference to title II of this Act or the corresponding provision thereof.

(c) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available in connection with the functions transferred by subsection (a) of this section as the Director of the Bureau of the Budget shall determine shall be transferred to the Department of Labor.

(d) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem necessary in order to effectuate the transfer provided for in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(e) Sections 233–250 of this Act as transferred by subsection (a) are amended as follows:

(1) The word "title" shall be substituted for the word "part" wherever it appears.

(2) The word "Secretary" shall be substituted for the word "Director" wherever it appears.

(3) The words "Department of Labor" shall be substituted for "Office of Economic Opportunity" wherever they appear.

(4) Section 235(1) is amended by deleting all the words in paragraph (1) following "United States" and substituting the following: "or a native and citizen of Cuba who arrived in the United States from Cuba as a nonimmigrant or as a parolee subsequent to January 1, 1959, under the provisions of section 244(a) or 242(d)(5), respectively, or any person admitted as a conditional entrant under section 203(a)(7) of the Immigration and Nationality Act".

(5) Paragraphs (2) through (5) of section 235 are redesignated as (3) through (6), respectively, and the following new paragraph (2) is inserted:

"(2) has attained age fourteen but not attained age twenty-two at the time of enrollment;".

(6) The reference in sections 235(5) to sections 104 and 105 are changed to "236" and "237", respectively.

(7) The reference in section 208(c) to section 609 (3) is changed to "235(1)."

(8) The reference in section 239(b) to "part B of this title" is deleted and the following is substituted therefor: "title II of this Act and title I of the Economic Opportunity Act of 1964".

(9) Section 240 is amended by adding a new subsection (c) to read as follows: "(c) In conducting programs under this title, the Secretary shall consult with the Secretary of Health, Education, and Welfare with regard to institutional * * *".

(10) Section 241 is amended by adding a new subsection (c) as follows: "(c) Under such circumstances as the Secretary may determine, he may prescribe by regulation changes in the amount and method of payment of allowances and provision of expenses to correspond more closely to the methods and amounts prescribed in section 204 of this Act. Such changes may include provision of higher allowances to cover appropriate enrollee expenses and offsetting charges to enrollees for living expenses.".

(11) Section 244(d), as amended, is further amended by deleting "the Department of Labor and".

(12) Section 244(c) is amended by inserting a comma after the word "feasible", by deleting the words "in accordance with section 637(b) of this Act", and by changing the reference to 109(c) to 241(c).

(13) Section 244(e) is further amended by striking out the comma and inserting a period in lieu thereof after "employment service offices" and deleting the words "and

shall furnish copies of such records to the Secretary of Labor."

(14) Section 245(a) is amended by striking out the reference to section 608 and substituting in lieu thereof "section 605."

(15) Section 245(b) is amended by striking out both references to "part B of this title" and substituting in lieu thereof "Title I of this Act" and by striking out the reference to section 608 and substituting in lieu thereof "section 605."

(16) Section 246 is amended by striking out the last sentence.

(17) Section 247(c) is amended by striking out the word "Act" and substituting in lieu thereof "title".

(18) Section 249 is amended by striking out subsection (a) and the first sentence of subsection (b), and redesignating subsections (b) through (d) as subsections (a) through (c), respectively.

(19) A new section 251 is added to read as follows:

"ADDITIONAL AUTHORITIES

"Sec. 251. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this title, to—

"(1) utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and, with the consent of any State or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement;

"(2) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this title as he deems necessary to carry out the provisions hereof, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditure for construction, repairs, and capital improvements; and

"(3) expend funds made available for purposes of this title, without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him; but the Secretary shall not utilize the authority contained in this subsection—

"(A) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this title, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which it is needed, and

"(B) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority.

Sec. 261. (a) The Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2571 et seq.), is hereby repealed.

(b) Title I, part B of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2701 et seq.), is hereby repealed.

(c) Title V part A of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2701 et seq.), is hereby repealed.

TITLE III—LABOR MARKET INFORMATION AND EMPLOYMENT DEVELOPMENT PROGRAMS

Part A—Labor Market Information and Job Matching Program

Sec. 304. (a) The Secretary of Labor shall develop a comprehensive system of labor market information on a Nation, State, local, or other appropriate basis, including but not limited to information regarding:

(1) the nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

(2) job opportunities and skill requirements;

(3) labor supply in various skills;

(4) occupational outlook and employment trends in various occupations; and

(5) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends. Information collected under this subsection shall be developed and made available in a timely fashion in order to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under this Act and under the Economic Opportunity Act of 1964 as amended, the Social Security Act, the Public Works and Economic Development Act of 1965, the Wagner-Payser Act, the Vocational Education Act of 1963 as amended, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other revelant Federal statutes.

JOB MATCHING PROGRAM

Sec. 302. The Secretary of Labor shall develop and publish on a regular, timely basis information on available job opportunities, throughout the United States on a National, State, local, or other appropriate basis for use in public and private job placement and related activities and in connection with job matching programs conducted pursuant to this subsection. The Secretary is directed to develop and establish a program for matching the qualifications of unemployed, under-employed, and low-income persons with employer requirements and job opportunities on a National, State, local, or other appropriate basis. Such programs shall be designated to provide a quick and direct means of communication among local recruitment, job training and placement agencies and organizations, and between such agencies and organizations on a National, State, local or other appropriate basis, with a view to the referral and placement of such persons in jobs. In the development of such a program, the Secretary shall make maximum possible use of electronic data processing and telecommunication systems for the storage, retrieval, and communication of job and worker information. The Secretary is authorized, for the purposes of carrying out programs authorized under this subsection to make grants to State or local agencies for the planning and administration of the program, including the purchase or other acquisition of necessary equipment.

PILOT PROJECTS

Sec. 303. (a) In carrying out the program described in section 302 during the period ending June 30, 1974, the Secretary of Labor shall develop and carry out, in a limited number of geographical areas, pilot projects designed to assess or demonstrate the effectiveness of reducing unemployment of individuals and to increase the mobility of unemployed workers by providing assistance to meet their relocation expenses. In carrying out such projects the Secretary may provide such assistance, in the forms of grants or loans, or both, only to involuntarily unemployed individuals who cannot reasonably be expected to secure full-time employment in the community in which they reside, have bona fide offers of employment (other than temporary or seasonal employment), and are deemed qualified to perform the work for which they are being employed.

(b) Loans or grants provided under this subsection shall be subject to such terms and conditions as the Secretary shall prescribe, with loans subject to the following limitations:

(1) there is reasonable assurance of repayment of the loan;

(2) the credit is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs;

(3) the amount of the loan, together with other funds available, is adequate to assure achievement of the purposes for which the loan is made;

(4) the loan bears interest at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (ii) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purposes;

(5) the loan is repayable within not more than ten years; and,

(6) of the funds appropriated for a fiscal year to carry out this Act, not more than $10,000,000 may be used for the purposes of this subsection.

(c) A report on the activities and achievements under this section shall be included in the report required under section 102.

FUNDS AUTHORIZED

Sec. 304. Not less than 2 per centum of the sums appropriated in any fiscal year to carry out titles I, II, and III of this Act shall be available only for carrying out the provisions of section 302 of this section.

Part B. Career and Unemployment Development Programs

Sec. 311. The Secretary of Labor and the Secretary of Health, Education, and Welfare shall stimulate and assist and, where necessary, develop, in cooperation with interested agencies both public and private, job development programs that will serve to expand employment by the filling of those service and related needs which are not now being met because of lack of trained workers or other reasons affecting employment or opportunities for employment. Such programs shall include activities designed to promote job restructuring and redesign for the purpose of providing more effective use of manpower, including the adoption of employment practices that will remove unreasonable barriers to employment, without reducing productivity, and expand the opportunities for upward mobility.

CAREER TRAINING THROUGH PUBLIC SERVICE EMPLOYMENT

Sec. 312. The Secretary of Labor and the Secretary of Health, Education, and Welfare shall carry out a program of training and career development under which Federal, State and local government, and public and private nonprofit agencies provide jobs, services, education and training to unemployed and underemployed persons to meet State, county and other municipal needs for public services: *Provided,* That priority shall be given to creating jobs and training programs in environmental control, health, housing, and transportation.

FINANCIAL ASSISTANCE

Sec. 313. The Secretary of Labor shall enter into arrangements with eligible applicants in accordance with the provisions of this Act in order to make financial assistance available for the purpose of providing employment for unemployed and underemployed persons in jobs providing needed public services, and training and manpower services related to such employment which are otherwise unavailable. Such assistance shall be available for a period of not more than 104 weeks.

ELIGIBLE APPLICANTS

Sec. 314. Financial assistance under this Part shall be provided by the Secretary of

Labor only pursuant to applications submitted by eligible applicants who shall be—

(a) units of Federal, State, and general local government; and

(b) other public agencies and institutions (including public service agencies and institutions of the Federal Government); and

(c) nonprofit hospitals and nursing homes, and Indian tribes.

APPLICATIONS

SEC. 315. An application for financial assistance for a public service employment program under this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(5) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(6) a description of unmet public service needs and a statement of priorities among such needs;

(7) description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(8) the wages or salaries to be paid participants and a comparison with the prevailing wages in the area for similar work;

(9) the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(10) the planning for and training of supervisory personnel in working with participants;

(11) a description of career opportunities and job advancement potentialities for participants;

(12) procedures for an annual review by an appropriate agency of the status of each person employed in a public service job under this title; and procedures pursuant to which, in the event that any such participant and the reviewing agency find that the participant's current employment situation will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and the participant shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling;

(13) assurances that agencies and institutions to whom financial assistance will be made available under the this Act will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary;

(14) assurances that the applicant shall, where appropriate, maintain or provide linkages with upgrading and other programs under other Federal or federally supported manpower programs for the purpose of:

(A) providing those persons employed in public service jobs under this Act who want to pursue work with the employer, or in the same or similar work as that so performed under the agreement with opportunities to do so and to find permanent, upwardly mobile careers in that field; and

(B) providing those persons so employed who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare themselves for, and obtain work in other fields;

(15) assurances that all persons employed thereunder, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed or underemployed persons;

(16) assurances that to the maximum extent possible, technical, supervisory, and administrative personnel shall be recruited from among fully qualified, unemployed or underemployed persons;

(17) ways in which the program shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged; and

(18) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary of Labor and the Secretary of Health, Education, and Welfare deem necessary, in accordance with such regulations as shall be prescribed.

APPROVAL OF APPLICATIONS

SEC. 316. An application, or modification or amendment thereof, for financial assistance under this Act may be approved only if the Secretary of Labor with the concurrence of the Secretary of Health, Education, and Welfare determines that—

(1) the application meets the requirements set forth in Sec. 315;

(2) the approvable request for funds does not exceed 80 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement;

(3) an opportunity has been provided to the Governor of the State and to the State Manpower Advisory Council to submit comments with respect to the application to the applicant and to the Secretary; and,

(4) an opportunity has been provided to officials of the appropriate units of local government and to the appropriate Area Manpower Advisory Council to submit comments with respect to the application to the applicant and to the Secretary.

SPECIAL CONDITIONS

SEC. 317. (a) The Secretary of Labor shall not provide financial assistance for any program under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program will result in an increase in employment opportunities over those which would otherwise be available with priority given to disadvantaged and low income groups in filling such opportunities and will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), and will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(2) persons employed in a public service job under this Act shall be paid wages which shall not be lower than (A) the Federal, State, or local minimum wage for the most nearly comparable covered employment, or (B) the prevailing rates of pay in the same labor market area for persons employed in similar public occupations;

(3) all persons employed in a public service job under this Act will be assured of benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(4) the provisions of section 2(a)(3) of Public Law 89–286 shall apply to such agreements;

(5) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants; and

(6) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) For programs which provide work and training related to physical improvements, special consideration shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(c) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary of Labor.

(d) The Secretary of Labor shall prescribe regulations to assure that programs under this part have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

ARRANGEMENTS FOR TECHNICAL ASSISTANCE

SEC. 318. Where training capabilities of the applicant under this part do not meet the requirements established by the Secretary of Health, Education, and Welfare, he shall provide or arrange for technical assistance to applicants in carrying out the provisions of this part.

ANNUAL REVIEW

SEC. 319. The Secretary of Labor and the Secretary of Health, Education, and Welfare shall conduct an annual review and evaluation of training programs and projects funded under the provisions of this part and shall report their findings to the National Manpower Advisory Council.

PART C—EMERGENCY EMPLOYMENT ASSISTANCE

SEC. 321. Special consideration will be given by the Secretary of Labor in consultation with the Governor of a State to give relief and designate labor areas, as defined by the Secretary of Labor, within the State a job distressed areas when there is an unusually high proportion of low income families or where there is substantial and persistent unemployment or underemployment or if the annual average rate of unemployment in the labor area has been either (i) 50 per centum above the national average for three of the four preceding calendar years; (ii) 75 per centum above the national average for two of the three preceding calendar years; or (iii) 100 per centum above the national average for one of the two preceding calendar years.

FINANCIAL ASSISTANCE

SEC. 322. (a) The Secretary of Labor shall enter into arrangements with the Governor of a State in order to make financial assistance available for the purpose of providing employment for unemployed persons residing in designated labor areas in jobs providing needed public services.

(b) Requests for funds shall not exceed 80 per centum of the cost of providing employment, unless the Secretary determines that special circumstances or other provision of law warrants the waiver of this requirement.

(c) Such assistance shall be available for a maximum period of 52 weeks; however, labor areas that meet the criteria of section 321 at the end of such time may request additional assistance for a period of not more than 52 weeks: *Provided*, That for the purposes of determining eligibility for continued assistance, individuals employed under the provisions of this part shall not be counted as employed for the purposes of determining the annual average rate of unemployment. Requests for funds for such additional assistance shall not exceed 70 per centum of the cost of the program.

(d) Of the funds appropriated in any fiscal year for the purposes of carrying out Title III, not more than 20 per centum shall be available for the purposes of carrying out programs authorized under this Part.

APPLICATIONS

SEC. 323. Each application for financial assistance shall be submitted by the Governor of the State in such form and contain such assurances as the Secretary of Labor may prescribe.

RULES AND REGULATIONS

SEC. 324. In carrying out his duties under this Part, the Secretary of Labor shall prescribe rules and regulations to assure that programs under this Part have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

TITLE I—MISCELLANEOUS

MAINTENANCE OF STATE EFFORT

SEC. 401. No training program which is financed in whole or in part by the Federal Government under this Act shall be approved unless the Secretary of Health, Education, and Welfare satisfies himself that neither the State nor the locality in which the training is carried out has reduced or is reducing its own level of expenditures for vocational education and training, including program operation under provisions of the Smith-Hughes Vocational Education Act, titles I, II, and III of the Vocational Education Act of 1946 and the Vocational Education Act of 1963, as amended, except for reductions unrelated to the provisions or purposes of this Act.

OTHER AGENCIES AND DEPARTMENTS

SEC. 402. (a) In the performance of their functions under this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare, in order to avoid unnecessary expense and duplication of functions among Government agencies, shall use the available services or facilities of other agencies and instrumentalities of the Federal Government, under conditions specified in section 305(a). Each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary of Labor and the Secretary of Health, Education, and Welfare and, to the extent by law, to provide such services and facilities as either may request for his assistance in the performance of his functions under this Act.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall carry out their responsibilities under this Act through the maximum use of all possible resources for skill development available in industry, labor, public and private educational and training institutions, State, Federal, and local agencies, and other appropriate public and private organizations and facilities.

APPROPRIATIONS AUTHORIZED

SEC. 403. (a) There are hereby authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter such amounts as may be necessary to carry out the provisions of title I.

(b) There are hereby authorized to be appropriated $450,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter such amounts as may be necessary to carry out the purposes of part A of title II.

(c) There are hereby authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1972, and for each year thereafter such amounts as may be necessary to carry out the purposes of parts B and C of title II.

(d) There are hereby authorized to be appropriated $115,000,000 for the fiscal year ending June 30, 1972, and for each year thereafter such amounts as may be necessary to carry out the purposes of part D of title II.

(c) There are hereby authorized to be appropriated $300,000,000 for the fiscal year ending June 30, 1972, and for each year thereafter such amounts as may be necessary to carry out the purposes of title III.

(f) There are hereby authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1972, and for each year thereafter such amounts as may be necessary to carry out the purposes of title IV.

ADVANCE FUNDING

SEC. 404. (a) For the purpose of affording responsible Federal, State, and local officials concerned, adequate notice of available Federal financial assistance for programs, services, and activities provided for under this Act, appropriations for carrying out this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing the appropriation action, the provision of subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

LIMITATIONS ON USE OF APPROPRIATED FUNDS

SEC. 405. (a) Funds appropriated under the authorization of this Act may be transferred, with the approval of the Director of the Office of Management and Budget, between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to accept and use in carrying out the provisions of this Act funds appropriated to carry out other Federal statutes if such funds are used for the purposes for which they are specifically authorized and appropriated. To the extent that the provisions of this Act are inconsistent with the provisions of such other Federal statutes, the provisions of the latter shall govern, except as provided under the Intergovernmental Cooperation Act of 1968.

(c) Any equipment and teaching aids purchased by a State or local education agency with funds appropriated to carry out the provisions of part A of title II shall become the property of the State upon certification of the Secretary of Health, Education, and Welfare that such equipment or teaching aids are no longer needed for the instructional programs authorized by this Act.

(d) No portion of the funds to be used under part A, title II of this Act shall be appropriated directly or indirectly to the purchase, erection, or repair of any building except for minor remodeling of a public building necessary to make it suitable for use in training under part A.

(e) Funds appropriated under this Act shall remain available for one fiscal year beyond that in which appropriated.

AUTHORITY TO CONTRACT

SEC. 406. (a) The Secretary of Labor and the Secretary of Health, Education, and Welfare may make such grants, contracts, or agreements, establish such procedures (subject to such policies, rules, and regulations as they may prescribe), and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as they may deem necessary to carry out the provisions of this Act, including necessary adjustments in payments on account of overpayments or underpayments. The Secretaries may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or an approved State plan. Any funds so withheld shall be available for reapportionment by the Secretary of Labor and the Secretary of Health, Education, and Welfare in accordance with section 206: *Except*, That funds withheld during a fiscal year to cover amounts expended in a prior fiscal year shall be available for immediate reapportionment.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall not use any authority conferred by this Act to assist in relocating establishments from one area to another. Such limitation shall not prohibit assistance to business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

ACCEPTANCE OF VOLUNTARY SERVICES

SEC. 407. The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized in carrying out their functions and responsibilities under this Act, to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

DEFINITION

SEC. 408. For the purpose of this Act, the term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

EFFECTIVE DATE: TRANSITION PROVISIONS

SEC. 409. (a) This Act shall take effect July 1, 1971.

(b) Notwithstanding the repeals made by section 209, in order to permit an orderly transition from programs carried out under the provisions of law repealed, to programs carried on under this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare may continue to use the authority provided in such repealed provisions of law for such period to time as may be necessary, but not in excess of two years beyond the effective date of this Act.

TERMINATION OF AUTHORITY

Sec. 310. (a) All authority conferred under title II of this Act shall terminate at the close of June 30, 1975.

(b) Notwithstanding the foregoing, the termination of title II shall not affect the disbursement of funds under, or the carrying out of, any contract, commitment, or other obligation entered into prior to the date of such termination: *Provided,* That no disbursement of funds shall be made pursuant to the authority conferred under title II of this Act after December 30, 1975.

STRIP MINING

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, I want to recommend to my colleagues an article in the May 24 Wall Street Journal which discusses the almost insurmountable obstacles to effective reclamation of stripmined lands.

As the article points out, reclamation may, in many cases, have been feasible 25 years ago when much smaller equipment was used to stripmine. But where today's enormous shovels are used—some of them capable of digging down 160 feet—it is, in most cases, virtually impossible to restore the land to any semblance of its original condition.

I have visited the stripmined areas in southeastern Ohio and can testify personally to the appalling destruction wrought by this modern equipment. It is difficult to conceive of this land ever being restored to its former beauty and productivity. This is why strip mining of coal should be outlawed forever.

I ask that the article be printed in the Record at this point.

[From the Wall Street Journal, May 24, 1971]

Hiding the Scars—Some Strip-Mined Land Now Is Being Reclaimed, But Task Is Enormous; Today's Massive Machinery May Bar Future Recovery; Tough Legislation Urged—How To Make Indian Mounds

(By Everett Groseclose)

Gene Lanning, a maintenance supervisor for Ohio Ferro Alloys Corp., likes nothing better than to see Friday afternoon roll around. As soon as the whistle blows at the factory in Philo, Ohio, he jumps into his camper and roars out into the sticks.

In southeastern Ohio, weekend camping is as common as strip mining for coal—and that's really common. One thing, however, sets Mr. Lanning apart from outdoorsmen in other parts of the country, and that is his favorite camping ground.

"To look at this," Mr. Lanning declares as he waves his hand to indicate the wooded hillsides and ponds that stretch for miles southward from the hamlet of Cumberland, "you might never know it's been strip-mined. Why, the way it is now, it's almost as good as it was before the miners came in." Streams and ponds are alive with fish; deer hunting rates as some of the best in the state; beaver and muskrat are trapped during the winter.

It hasn't always been that way. Barely 20 years ago the valley that yawns southward from a small mountain known as Windy Hill looked more like a moonscape than a landscape, the handiwork of miners in pursuit of coal. Hundreds of acres, often as far as the eye could see, were chewed up and spit out by giant power shovels, leaving a terrain of jagged rock, deep trenches and mountains of raw, desolate earth.

ENVIRONMENTAL DESTRUCTION CONTINUES

Throughout the Appalachian coal belt, thousands of acres, laid waste by miners as soon as they had scooped out the last chunks of coal, are still the way the countryside near Cumberland once was. Moreover, such environmental destruction is still going on, because strip mining for coal, one of the cheapest of industrial fuels, continues to grow. Thus, the coal-mining industry is booming, particularly in states such as Ohio, Pennsylvania, Kentucky and Tennessee.

But changes are clearly in the wind. Two counties in Kentucky have outlawed strip mining. In West Virginia, the state legislature has enacted a two-year ban on strip mines in 22 counties so far untouched by them. In 33 other counties, strip mining remains legal, but efforts to outlaw it are believed to be gaining support. And in Ohio, a bill backed by powerful conservationists would, among other things, require strip miners to restore land to its original contour.

In addition, President Nixon recently proposed federal regulations that would require all states to set standards for reclamation within two years. But Rep. Ken Hechler, a West Virginia Democrat who calls the Nixon proposal "toothless," wants faster and more decisive action. He introduced a bill that would ban strip mining for coal within six months after enactment and provide federal funding of reclamation in a limited number of instances.

THE HAVOC OF STRIP MINING

Whether legislation to control strip mining and force reclamation of old sites will ever get through Congress remains to be seen. But a visit to southeastern Ohio, where two of the country's largest strip-mine operators have been working and reclaiming some land for years, gives an observer a fairly good picture of the havoc brought by strip mining and what a certain amount of land might eventually look like if stiff reclamation laws are passed. It also helps explain why many students of strip mining are convinced that reclamation of land currently being stripped by mammoth machines may be impossible.

"The first thing that hits you when you get into strip-mining country is the mind-boggling immensity of the problem," says Richard L. Lancione, a lawyer in Bellaire, Ohio. He heads a group called Citizens Concerned About Strip Mining, which is sponsoring the Ohio law. "Literally thousands and thousands of acres have been turned upside down, destroyed for all practical purposes," he says.

The kind of devastation Mr. Lancione is talking about is much in evidence about 10 miles west of Cumberland, where Ohio Power Co., a unit of America Electric Power Co., operates what is said to be the world's largest power shovel. Known as "Big Muskie," the machine's boom is so long the operator frequently can't see the 220-cubic-yard shovel in the early-morning fog. The shovel, operating from the bottom of a trench, is capable of stripping off soil—called overburden—to a depth of more than 160 feet to expose a layer of coal. Once the overburden is stripped off-it is called the "spoil bank"—a term critics say is extremely accurate.

Surrounding the shovel are hundreds of acres of devastated earth and jagged rock. Trudging along the bottom of the trench, Walter Smith, a young forester who is superintendent of reclamation for Ohio Power, says that "as soon as the stripping is finished, the bulldozers move in to grade the surface," in effect shaving off cones of piled soil. After grading, Mr. Smith says, "we move in to plant seedlings."

THE TREE-PLANTING APPROACH

Ohio Power's basic approach to reclamation involves planting trees, which the company hopes may someday be reaped as lumber. "We plant about 1,000 seedlings per acre, and we reclaim about 1,300 acres per year," Mr. Smith says. But even to the untrained eye, it is clear that areas mined in recent years can never regain their original appearance and vegetation, largely because mining machines in use today leave such devastation.

Areas mined years ago, generally with much smaller equipment that left much smaller scars, are usually the spots that companies point to with pride as having been reclaimed. And, indeed, some such areas are relatively attractive. For instance, the wilderness area frequented by Mr. Lanning of Ohio Ferro Alloys was mined with small equipment more than 25 years ago.

Trees that were planted then are now up to 40 feet tall and 18 inches in diameter. They help hide the ugly "final cuts"—trenches more than 50 feet deep on their uphill side left when the shovel made its final pass. How such areas would look today if larger mining equipment had been used is sheer guesswork. But critics familiar with the techniques of mining agree with 47-year-old Mr. Lanning, who has watched strip mining all his life, when he says he believes that "it would look absolutely terrible."

Nonetheless, such areas illustrate what can be accomplished in certain locations with reclamation. With its trees growing nicely, Ohio Power decided in 1964 to polish up its image by carving out primitive campsites in the reforested acreage south of Cumberland. Currently the company has 18 such campsites. Visitors, who must obtain a free permit from the company, can hunt on the property or fish in some of the 300 ponds the company has created—most of them by damming up final cuts every few hundred yards. "On the weekends during the summer, I'll give you a dollar for every pond you can find that doesn't have a fisherman on it," Mr. Smith says.

If Ohio Power's reclamation projects are partially successful, they are also partly "showcase" efforts. Others have gone even further. A striking example of showcase reclamation and what can be done if enough money and effort are pumped into the job can be found near the village of Cadiz, about 35 miles northeast of Cambridge, Ohio. There, Hanna Coal, a division of Consolidation Coal Co., has built a 400-acre public park. Called Sallie Buffalo, the park comprises a 27-acre lake, parking space for house trailers, a lodge for parties and facilities for picnicking and camping.

Thousands of lovers of the outdoors visit Sallie Buffalo each year, and long-time residents of the area are the first to say the park is a vast improvement. Walking along the shore of the lake as he flips a lure into the water and then retrieves it, Herman Eberling, a retired steelworker, tells how he has "lived around here all my life." Mr. Eberling adds: "This park is certainly a lot better than the way it was when this country was all torn up, but it's still old beat-up mining country."

PROVING IT CAN BE DONE

C. Arthur Wallace, general superintendent for land use and reclamation for Hanna Coal estimates that Hanna has put $130,000 into the park and its facilities. "Yeah," he concedes "it's awfully expensive—too expensive to do very much of it. We did it mainly just to prove it could be done, but I think it's worthwhile from everyone's viewpoint."

Hanna Coal has also been working on a far more economical approach to reclamation near Cadiz. The company has planted 12,000 acres of strip-mined land with a perennial legume called crown vetch. On certain types of soil, the legume grows well and cattle thrive on it.

Showing a visitor across the gently rolling pastureland stocked with registered Hereford cattle that the fussiest rancher would take pride in owning, Mr. Wallace says that Hanna Coal is "making a tiny profit" on its cattle operations. "The company keeps asking me what we're going to do with all this (stripped) land," Mr. Wallace declares. "My answer is that five years from now we're going to be in the cattle business in a big way."

In Hanna Coal's case, that may be true. But certainly it isn't true for many other coal-mining concerns. The reason: Hanna Coal is unusually fortunate. The overburden on much of the land mined by the company is mostly limestone. Unlike so-called acid sandstone, which covers most seams—or layers—of coal, plant life grows relatively well on limestone spoil banks. Says Mr. Smith of Ohio Power: "When you've got a spoil bank that's acid sandstone, you just plant your trees and pray."

The type of spoil created by strip mining is indeed a crucial factor in the difficulty of reclamation. Nothing will grow on soil that contains small chunks of coal or powdered coal. The earth directly above most coal seams is heavily acid. This type of material is sometimes the last to come out of the final cut; thus it is what occasionally goes on top of the spoil bank.

GETTING RID OF THE "GOB"

In addition, numerous companies have run into difficulty in disposing of a waste product from coal that is called "gob." Essentially, gob is inferior coal. In many cases, it is removed from mined coal before the fuel is shipped to its user. Companies have tried various means of disposing of gob, usually involving one kind of attempt or another at burying it in low-lying areas and covering it over with nontoxic soil.

Frequently burying gob works poorly. Hanna Coal's Mr. Wallace, for instance, says that attempts to bury gob on about 250 acres near Cadiz have been only partly successful. The problem is that rainwater tends to seep through the non-toxic overlayer into the gob, drain downhill and emerge at a lower terrain level, polluting both land and streams. Such seepage often results in drainage almost the color of blood. "That water will eat the nails right out of your boots," says Donald E. Richter, field director of the Ohio Reclamation Association, a group formed in 1945 by coal-mining concerns to handle much of their reclamation work.

Rugged terrain also sometimes makes it impossible for miners to reclaim strip-mined land. Particularly in mountainous Appalachia, experts say, the terrain is simply so rough that power shovels can make only one pass, throwing the spoil downhill. In many instances, the mountain is so steep that the spoil disperses itself as it tumbles downhill, leaving only the ugly final cut and no spoil bank to grade.

Most critics object the loudest to abandoning final cuts with little or no effort to reclaim the land. The reason, of course, is that the final cut is the most obvious and lasting scar. Even in countryside that isn't particularly mountainous, the final cuts are almost never filled. Instead, they are dammed up every so often, which allows the toxic materials left in the bed to be covered by water. Once these cuts are covered, the poisonous effect of coal is contained. Fish, beaver and other forms of wildlife can thrive in such ponds.

THE COST OF FILLING

Still, critics decry the scars and generally contend that coal-mining companies should fill them in. Thus far, in most parts of the country, coal companies have successfully resisted drives to require them to fill final cuts. Their motivation is simple. "The cost of filling in the high wall is very, very expensive. That's why it's not done," declares Mr. Richter of the Ohio Reclamation Association. Besides, he adds, "by knocking off the top of the high wall, you only ruin more surface areas."

Still another major reason companies are reluctant to put money and effort into reclamation projects is that they plan to mine most areas again. Take Hanna Coal's crownvetch pastureland, for example. "We're nowhere near through mining around here," Mr. Wallace says. With the development of larger equipment capable of digging ever deeper after one of the 12 seams of coal below the surface in Ohio, companies can reach coal that wasn't possible before.

Typical of what has happened and what is continuing to happen is Mr. Wallace's prized pastureland. It was first mined almost 40 years ago with an eight-cubic-yard shovel. Then came a 22-cubic-yard machine. Later came longer-boomed shovels that would move 45 and 65 cubic yards in one bite. Currently a 105-cubic-yard Hanna Coal machine is operating in the area, and larger machines, such as Ohio Power's Big Muskie, are being developed.

A variety of other problems also make reclamation difficult; not the least of these is time. For many areas, planting trees is the most logical step. But a year-old tree usually is barely more than a sprig one foot to three feet tall. Ten-year-old trees usually have attained a height of only 10 to 20 feet, depending on the type of tree and the soil condition. Generally trees take 20 to 25 years to mature.

More mundane difficulties aren't unusual, either. A constant problem for operators attempting to grade strip-mined land is dispersal of huge chunks of rock, sometimes as large as a two-story house. "When you run into a rock so big you can't move it, you just pile dirt around it and call it an Indian mound," Mr. Wallace says.

UNITED NATIONAL POLICY NEEDED IN RELATION TO ENERGY RESOURCES

(Mr. DAVIS of Georgia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DAVIS of Georgia. Mr. Speaker, although there are a number of diverse Federal programs and directives relating to energy resources, there seems to be little, if any, activity designed to bring together all of these programs under a united national policy directed toward a specific goal.

The Federal Power Commission franchises and regulates services and rates; the Tennessee Valley Authority and the Rural Electrification Administration provide and underwrite the cost of electrical power; offices in the Department of the Interior and corresponding agencies in the States preside over the quantity and manner of mineral extraction; the Atomic Energy Commission licenses and subsidizes nuclear power sources; but comparatively little is done in the way of comprehensive planning and policy guidance.

The steadily rising public demand for more energy and the need to develop and consume our energy resources in a manner consistent with the Nation's needs for clean air and water, the location of power transmission lines, the siting of plants and refineries, and the public's degree of acceptance of nuclear powerplants, have led to a host of public policy considerations not thought of a decade ago.

Last September, unexpected warm weather caused power shortages from the Carolinas to New York.

Already a number of utility companies are refusing to take on new industrial customers.

Basic fossil fuels are in short supply, and the resulting competition for available supplies is adding measurably to our inflationary spiral.

Rising fuel and power costs last year accounted for roughly half of the increase in the industrial commodity index.

In the next 10 years, according to the Chase Manhattan Bank, the petroleum industry alone will have to spend at least $300 billion on capital and exploration.

In the last decade, the industry spent only one-half that amount.

If higher interest rates persist, utilities will be forced to request additional rate hikes.

Increases in royalty payments, such as we have seen recently in Libya, will act to raise the cost of imported fuels.

Antipollution, mine health, and safety laws will also exert upward pressure on the cost of extracting, refining, and consuming fuel.

Spiraling construction costs will have to be absorbed in higher consumer costs.

The current high level of concern for environmental quality is dramatizing the basic conflict between the growing need for power, the prudent exploitation of fuels and minerals, and the necessity to keep our air breathable and our water potable.

The House Commerce Committee Report of the Air Quality Act of 1967 emphasized that the well-being of the Nation depends on an adequate supply of low cost energy, and the same report stressed that research aimed toward technological breakthroughs in the production of power consistent with the Nation's clean air and water requirements ought to be of the highest priority.

We are all aware, Mr. Speaker, that a serious energy gap is no longer remote, and that such a gap would have grave implications for the future prospects of further increasing our productivity and standard of labor.

It is my belief that a comprehensive oversight of this Nation's energy resources and all the various implications of their availability and use is now sorely needed, and I commend House Resolution 155, to establish a select committee with such oversight, to my colleagues.

STATEMENT OF HONORABLE FERNAND J. ST GERMAIN, U.S. REPRESENTATIVE IN CONGRESS, FIRST DISTRICT, RHODE ISLAND, ON THE FLOOR OF THE HOUSE OF REPRESENTATIVES, WHEN INTRODUCING A BILL TO GIVE FEDERAL INSURANCE AND CERTAIN REIMBURSEMENTS TO THE AMERICAN FISHING INDUSTRY, WEDNESDAY, MAY 26, 1971

(Mr. ST GERMAIN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ST GERMAIN. Mr. Speaker, the mercury ruling by the Food and Drug

Administration has virtually wiped out the swordfish industry in this country. Most Americans have eaten their last swordfish dinner unless the mercury guideline can be changed.

The swordfish catastrophe, however, is just one of a series of blows that have hit the American fishing industry in the past 2 years. Last year coho salmon fishing was eliminated in Lake Michigan as a result of DDT contamination. This year DDT residues in chubs have risen above FDA requirements, eliminating a $3 million product. Lake Michigan is now a "Dead Sea" as far as commercial fishermen are concerned. Fishing vessels stand idle and fishermen are without jobs throughout the Great Lakes region.

Southern California fishermen have lost the kingfish to DDT. In times past the kingfish meant an annual catch of 500,000 pounds worth up to $100,000.

In the past year mercury findings have been particularly damaging. Fisheries with an annual production of $2.5 million, drawing on the Western Basin of Lake Erie, the Pickwick Reservoir in Tennessee, and Lake Calcasieu in Louisiana have closed, because the fish in these waters contained excessive mercury.

The tuna fish industry has suffered a $2.4 million inventory loss due to mercury findings.

The FDA impoundment of swordfish has meant an inventory loss estimated at 4 to 5 million pounds with a value of up to $2.5 million. To the swordfishermen of New England, southern California, and the gulf, it also means the obsolescence of their vessels or the cost of refitting them for other use unless the FDA changes its mercury guideline.

Now there are rumblings about other foreseeable contaminants—cadmium, arsenic, selenium, PCB, and so forth.

The fishing industry is naturally concerned that these toxic substances might result in hazardous concentrations in one fish after another before proper environmental safeguards can be instituted.

Commercial fishing has always been a risky business, but the fishing industry today faces greater uncertainties than ever before. It can be rightfully asked why one segment of our society should have to bear the consequences of several generations of environmental carelessness on the part of our society.

In an attempt to set up some economic protections and safeguards, I am introducing a bill which would establish an insurance program for the fishing industry much like crop insurance for the farmer.

My bill would create a Federal insurance corporation so that fishermen and fish dealers could take out insurance on the produce they sell—insurance that their fish remains marketable. It would provide indemnity against excessive losses caused by health authority action preventing the marketing of fish as a result of environmental disasters, or newly discovered toxic contaminants.

If, for example, high mercury levels were discovered in another fish in the future, an insured fisherman would not be plunged into debt at the same time that his livelihood was taken away, as happened with swordfish. His insurance would offset to some degree the loss of future earnings.

Suppose an oil tanker spills its contents over a clam bed and wipes out a year's clam harvest. The insured shellfisherman could collect a year's earnings for the loss of his product.

Two years ago Hurricane Camille disrupted the oyster growing waters in the Gulf. The health quality of the waters could not be assured and consequently the oyster beds were closed. The oyster harvest was lost for an extended period. The insurance program I am proposing would protect the earnings of the shellfishermen to some extent from such unpredictable disasters.

While title I of my bill, the insurance proposal, is designed for the future, I am convinced that something must be done to assist the fishing industry in recovering from recent losses.

The swordfish situation stands out dramatically. In December the FDA ordered that cold storage stocks of swordfish not be marketed after testing 62 samples and finding that the average mercury content exceeded the 0.5 parts per million guideline. Shipments from Japan the major source of swordfish to this country, were discontinued. The swordfish dealer in the country cooperated by keeping their product off the market.

The swordfish dealers were forced to hold more than 4 million pounds of swordfish as FDA testing proceeded. After 3 months of testing the FDA announced on May 6 that between 89 percent and 95 percent of the swordfish tested was above the guideline and that the mercury level averaged more than 1 part per million.

The FDA recommended "that the public stop eating this fish until or unless the situation can be remedied." It is hardly likely that the situation will be remedied unless the FDA changes its guideline. The tested swordfish were caught worldwide. They came from every major fishing ground. It appears highly improbably that swordfish will be found in some new fishing area without similar mercury residues.

It also appears that the methyl mercury in swordfish is due to a centuries old natural leaching process and is not the result of manufacturing effluents dumped into the oceans and thus subject to correction by pollution control efforts. Manmade mercury pollution of water bodies is reversible, as the recent reopening of the Brunswick, Ga., estuary has shown. In May of 1970, fishing was stopped there as a result of mercury contamination from a chemical plant. The plant stopped dumping and by the end of the year the waters were again yielding noncontaminated seafood.

But a drive by environmentalists will not save the swordfish. Stopping the dumping of mercury effluents by manufacturing firms will not give us mercury-free oceans. Museum specimens up to 100 years old preserved at the Smithsonian Institute have been tested for mercury and have been found to exceed the FDA limits. Mercury appears to be present in the oceans without the help of modern technology. Thus there is little hope among those in the swordfish industry that the mercury level will fall below the guideline 5 or 10 years from now. Modern technology has only served to detect mercury in what our ancestors have eaten for hundreds of years.

There are still almost 4 million pounds of unmarketable frozen swordfish sitting in dealers' warehouses. This represents a substantial investment to the dealers. Financially speaking, only what is bought back by importing countries can be salvaged. The rest, according to FDA regulations, cannot even be sold as cat food. Nor can it be mixed with another fish into some form of fishcake to lower the concentration of mercury below the 0.5 parts per million guideline. It is a total loss.

Title III of my bill authorizes direct grants to companies holding impounded swordfish stocks. Funds are also designated to reimburse fishermen for obsolete vessels and equipment. This section of my bill is also applicable to the chub fishermen of Lake Michigan where as many as 35 vessels may be rendered obsolete. Three million dollars is proposed for reimbursement purposes this year and a similar amount for next year.

Title II would give swordfishermen, and other commercial fishermen in similar circumstances, subsidies to make up for the loss of a year's business. This could be as much as 70 percent of their previous year's gross earnings.

I consider title II and title III as emergency provisions necessary at this time. The creation of a Federal insurance program for the fishing industry would make such measures unnecessary in the future.

The fishing industry is a $3 billion business at the wholesale level. It is a vital part of our economy. It provides employment for 140,000 people. It is an essential part of our food production. It must not be allowed to decline. My bill would give some economic stability to the fishing industry and take some of the uncertainty out of a business which has today become even riskier than it was in the past.

MIAMI NEWS POLITICAL WRITER, CHARLES HESSER, TO RETIRE ON MAY 28

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, May 28 marks the retirement of one of Florida's most outstanding political writers. On that date Charlie Hesser will retire after 30 years as a reporter. For the last 25 of these 30 years, Charlie has been associated with the Cox newspaper chain's Miami News. Since joining the News in 1946, he has been the only reporter the paper has assigned to cover sessions of the Florida Legislature in Tallahassee. As a result of this long association with the legislature, Charlie's impact on Florida government has been considerable.

Charlie has been a reporter in the finest tradition of the profession. His reporting has always been thorough, objective, and fair.

One of his editors has noted that his hallmark has been the fact that Charlie always had the confidence of all parties involved in a story. He is known as a newsman who could be trusted—who would get the story straight. His editor also says he has more lines to more people than anyone else in business in Florida. He goes on to say that there were no secrets in politics for Charlie. On his beat, he was constantly ahead of the day-to-day events, and always got the inside story.

Charlie's counterpart on the competing newspaper, the Miami Herald, John McDermott, started out with Charlie 30 years ago when they both worked for the Columbus, Ga., Ledger Inquirer. Now, McDermott is political reporter for the Knight newspaper, the Miami Herald, a morning paper, while Charlie's career took him to the Miami News, an evening paper. Although they have been competitors for many years, McDermott has called Charlie—

> A hell of a newspaperman and a gentleman. I have never known a more honest or more solid citizen, nor a more competent gatherer and reporter of the news.

I recall seeing Charlie once in a hallway at the 1956 Democratic National Convention. He was conducting a 20-minute indepth interview with a national political figure with no more equipment than a pencil stub and a matchbook cover to write on. The next day, he wrote an entire column based on that interview, and it was almost a verbatim transcript of that conversation.

One of his primary interests has been education. He backed a State university for Dade County for years, arguing that the population justified it. When Florida International University came into being, Charlie justly felt that his numerous articles over a 5 or 6 year period significantly contributed to making the university a reality.

He was also a strong crusader for teacher salary increases and campaigned vigorously for a special session of the legislature to raise teachers' pay.

Always an intense student of government, Charlie long supported governmental reform. As an astute political writer, he was constantly aware of the ins and outs of the Florida political scene and reported it faithfully.

He was also an early advocate of the Sunshine State Turnpike, and can now ride on it proudly, knowing that perhaps his articles helped to pave its way.

Charlie was born in Fort Scott, Kans., on February 3, 1911. He began school there, later moving with his family to St. Louis, Mo., and Tampa, Fla., finally settling in Dunnellon, Fla., where he graduated from high school.

He attended the University of Florida where he started out to be an architect, but soon switched to journalism. One of his journalism professors says Charlie was the brightest student he ever had.

Following his graduation from college, he started a weekly newspaper in High Springs, Fla. There, he met the former Pauline McGriff, whom he married in Tampa on May 8, 1937. Their daughter, Susan, was born in 1946. She is married to Stephen C. Knapp, and has one son. Susan has inherited her father's interest in the news media and works for the Fort Lauderdale News.

From High Springs, the Hessers moved to Lake City, Fla., where Charlie served as advertising business manager for the Lake City Reporter for 2 years. He then became assistant advertising manager of the Columbus, Ga., Ledger Inquirer, where he later served as Sunday magazine editor and then promotion manager.

During World War II, he served in the Navy with the Public Information Unit stationed in Charleston, S.C. Upon his discharge he began his career with the Miami News.

During the course of his career, he has been offered high-level jobs by at least two Florida Governors. However, he chose to stay with his chosen profession of journalism. He has served as president of both the Florida Press Club and the Florida Legislative Press Club, and has appeared regularly as an interviewer on a local television program. He has also had a Sunday column in the Atlanta Journal Constitution for 15 years and plans to continue writing it.

Over the years, he has had personal contact with Presidents Truman, Eisenhower, and Kennedy and all of Florida's Governors for the last 25 years. Six former Governors, including the Honorable Spessard L. Holland, Fuller Warren, Charley Johns, Leroy Collins, Farris Bryant, and Claude Kirk and our present Governor Reubin Askew, plus a host of State and community leaders and personal friends, plan to attend a dinner in Charlie's honor on May 28 at the Standard Club in the DuPont Plaza Hotel, Miami, Fla.

As a former member of the Florida House of Representatives, I got to know Charlie well. Later, when I came to Congress, he continued to cover my activities, along with the other members of the Florida congressional delegation.

On May 5, 1971, the Florida Senate honored Charlie Hesser by passing a resolution which says, in part, that his qualifications included "A passion for the truth; aggressiveness in seeking out the complete truth; accuracy in reporting that truth; and at the same time, a deep respect for his fellow man as has been evidenced by his steadfast refusal 'to make news' at the expense of a person's reputation."

Mr. Speaker, I ask our colleagues, and particularly those in the Florida delegation, to join with me in expressing our best wishes to Charles Hesser and the hope that he will enjoy a well-deserved retirement.

POSTMASTER GENERAL BLOUNT DEDICATES MISSOURI'S SESQUICENTENNIAL STAMP

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, Saturday, May 8, was a significant day, both for my home city of Independence, Mo., and the State of Missouri. It was my privilege to leave the city of Washington early that morning with Postmaster General Winton M. Blount and Deputy Postmaster General in Charge of Operations, Jim Josendale, to head west to the Truman Library for the dedication ceremonies of Missouri's sesquicentennial stamp. It was one of those first-day ceremonies which stamp collectors all over the world gather to be sure that they will have first-day covers. This stamp was different from any other because the Missouri statehood stamp was the first 8-cent postage stamp in the history of our country.

It was a thrill to be accorded the opportunity with General Blount to have a brief visit with our 32d President, Harry S. Truman, at his home on North Delaware on his 87th birthday. At the Truman home that morning were such distinguished visitors as our former Vice President and now Senator from Minnoesota, HUBERT HUMPHREY, former Secretary of the Treasury, John Snyder, and former Treasurer of the United States, Georgia Neece Gray. Hundreds of well-wishers stood in the beautiful May sunlight just outside the gate on North Delaware Street waiting and hoping Mr. Truman would emerge in order that they could give their own special greeting for the "Man of Independence" they all love so much. The entire city was enveloped in a festive mood. Like St. Charles, Mo., earlier this year, Independence, the "Queen City of the Trails" added its jewel to the firmament of continuing events that comprise Missouri's sesquicentennial celebration of 1971.

It was no accident that the Postmaster General chose May 8 for the first day issue of Missouri's sesquicentennial stamp. It was Mr. Truman's 87th birthday. The face of the special issue stamp was a reproduction of a mural by that distinguished artist, Thomas Hart Benton. The original is on the north wall of the main hall of the Truman Library in Independence. It is the first sight a visitor sees as he comes into the library through the main entrance. And it was also no coincidence that Mr. Truman's birthday was chosen for the dedication of this stamp not only because the mural entitled "The Winning of the West" is a part of his library but because at the time Mr. Benton was on the scaffold working on this mural, Mr. Truman stepped up to ask that he might be handed the brush to help on the mural. Today, the famous brush marks of our former President are preserved as a part of the azure blue sky in the upper right hand portion of the mural. These very same brush marks are faithfully carried on the Missouri sesquicentennial stamp.

Saturday, May 8, was a beautiful day on the south steps of the Truman Library at Independence. There was a large crowd of several thousand assembled. Mr. Truman's old field artillery battery provided the presidential salute.

After introduction of the artist, Thomas Hart Benton, our Lt. Gov. William S. Morris and other dignitaries including members of the Missouri Legislature, city officials, Federal and State judges were introduced. Gov. Warren E. Hearnes then welcomed to Missouri our Postmaster General and proceeded to introduce him as the principal speaker to present Missouri's sesquicentennial stamp and to announce its first day of issue on May 8, 1971.

General Blount did not talk long but he said a lot in his brief remarks. He pointed out that the painting by Thomas

Hart Benton, in its mural sweep, contained a panorama of history. Earlier the Governor had pointed out that our State of Missouri had sent forth writers, artists, patriots, and statesmen of the quality that enriched America. He predicted our No. 1 citizen, President Harry S. Truman, would be accorded a place in history as one of the greatest American Presidents.

Postmaster General Blount in his speech made reference to Senator Benton, forefather of the artist and proceeded to describe the move from the temporary capital at St. Charles Mo., to the permanent State capital at Jefferson City, Mo., in 1826. Following his description of the mail service from Washington to St. Louis and on to Jefferson City in 1823, General Blount pointed out there is no more sensitive barometer to trace the growth of a nation than its postal history. He saluted the Butterfield Overland Mail Service of 1858 and described the Pony Express of 1860. He said the history of carrying the mails parallels the history of the development of our Nation.

In his closing moments he made reference to launching of the U.S. Postal Service on July 1, 1971, expressing the hope it will mean better service to the 200 million mail customers in the United States.

The remarks of Postmaster General Winton M. Blount in my judgment deserves to be perpetuated as a part of the CONGRESSIONAL RECORD. That is why I would have his speech made a part of the RECORD at this time. General Blount's remarks follow:

REMARKS BY POSTMASTER GENERAL WINTON M. BLOUNT

It is a pleasure to be with you today. Being in Missouri reminds me of one of the more outlandish requests we received for a commemorative stamp—and believe me, we receive some pretty far out requests.

Not too long ago, we were asked to bring out a stamp commemorating what was claimed to have been the first daylight armed bank robbery in the country. This event occurred in Liberty, Missouri, in 1866, and the participant was said to be one of the best known men of his day—Jesse James.

I hope that the bank robbery people—who did not get their stamp—will settle for this one.

Missouri, indeed, has a colorful heritage and that heritage will be recalled in programs sponsored statewide by the sesquicentennial commission. I hope that issuance of this stamp will encourage tens of thousands of Americans from beyond your borders to come here and see for themselves what the show me State has to show them.

The names of three prominent Missourians come to mind today. Two are named Thomas Hart Benton. When your State was born, Senator Benton—as perhaps the most powerful western legislator—helped to make history. His grandnephew has painted that history with a vividness that has brought him world renown.

It is his mural in the Truman Library, of course, that is the basis of our postage stamp. I am told that Mr. Benton had an apprentice painter to help him on this project. The third prominent Missourian, President Truman, applied the first brushstroke of paint to the mural. Today, by the way, is President Truman's 87th birthday anniversary. To honor this great American, we chose this day to dedicate this stamp. I know that I speak for all of you when I say, "happy birthday, Mr. President."

In terms of Missouri progress, quite a span has separated the two Thomas Hart Bentons.

When Senator Benton was representating the new State in Washingon, D.C., Jefferson City was not much of a city, either. In 1826, when the leigslature moved there from the temporary capital at St. Charles, Jefferson City was, in fact, a community of 31 families. Pigs wandered through the streets. Business and industry consisted of a general store, a gristmill, a distillery, some tanneries and a hotel.

But Missouri was on its way to development. Postmaster General John McLean reported to President Monroe in 1823, and I quote, "There will be in operation the next year, stages for the conveyance of the mail from the city of Washington to St. Louis . . . the weight of the mail required stages (rather than post riders) on this route."

Postmaster General McLean would have been dismayed if he could see the weight of today's mail. We delivered more than 84 billion pieces of mail last year and that total will be higher this year.

I don't suppose there is a more sensitive barometer to trace the growth of a nation than its postal history. Our commemorative postage stamps colorfully and dramatically capture the forward surge of America.

Two such events are centered in Missouri—the inception of the Butterfield Overland Mail Service in 1858, and two years later, a faster service that also excited the Nation—the Pony Express.

John Butterfield telegraphed President Buchanan the good news, and I quote, "The overland mail arrived today at St. Louis from San Francisco in twenty-three days and four hours."

The President replied: "It is a glorious triumph for civilization and the union."

A more glorious triumph was just over the horizon. The pony express carried mail on a record-breaking run from St. Joseph, Missouri to Sacramento, California in a mere seven days, 17 hours.

Those were high moments in the history of carrying the mails and in the development of our Nation.

The dynamics of America, that surging insistence to get the job done better and faster, were exemplified in this 19th century era.

Eras come into being, serve their times, and fall out of being. An era begins July 1 with the launching of the U.S. Postal Service.

Postal traditions for service will remain, but the mechanics for advancing these will take a drastic departure.

First of all, the Postal Service is removed from politics. As a criterion for naming Postmasters, we no longer express curiosity as to how the applicant for the job cast his vote. Merit will motivate.

Second, there will be collective bargaining in good faith between postal management and employees to determine working conditions and wages.

Third, postal rates, pegged to eliminate deficits, will be set by postal management on recommendation by a panel of expert rate commissioners, and

Fourth, there will be authority to obtain adequate financing for the postal system by issuing bonds.

What will all of this mean to the 200 million mail customers in the United States? It will mean better service.

Just two weeks ago we announced a plan whereby we intend to provide next day delivery for air mail letters going to principal cities within a 600 mile distance. We intend to provide second day delivery to other principal cities throughout the United States.

This is only the first step of a master plan to provide better mail service for our customers. This is a major challenge for all of our employees. However, based on what I have seen thus far, they are adopting a "can-do" attitude and getting the job done.

We have come a long way from the seven day, seventeen hour delivery time from St. Joseph to Sacramento on the Pony Express. But we still have a big job ahead of us.

With the tools made available to us by the Postal Reorganization Act, I promise you that this job will be done.

DROUGHT IN TEXAS AND OKLAHOMA

(Mr. PURCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PURCELL. Mr. Speaker, a drought as serious as those of the "dust-bowl" days has been ravaging Texas and Oklahoma. The attention of this House has been brought to the problem before. I am convinced we have reached a point in time, though, at which every additional day of neglect for the economy of this area will be felt in pocketbooks in every State from Maine to Hawaii.

In Wichita Falls, Tex., 2.13 inches of measurable precipitation were recorded between the 1st of January and the end of April. The city has recently finished a 55-day stretch without any measurable precipitation. To date just over 30 percent of the normal rainfall for the same period has occurred.

Wichita Falls is a city of almost 100,000 people. Surrounding it are literally dozens of counties with almost 100 percent agriculturally oriented economies. I have flown over them, and I have been in nearly every one of them in the last several weeks. Half of the stock tanks in the western half of my district are bone dry, Mr. Speaker.

In bad dry spells people often have to trim their cattle to their foundation herds and maintain them until better conditions arrive. In my district ranchers have been selling even their foundation herds—just to keep from having to haul carcasses out of their pastures.

Vernon, Tex., is 50 miles west of Wichita Falls. Vernon, whose average rainfall for the first quarter is 3.49 inches, had just 0.76 of an inch during the first quarter of this year.

Vernon is the county seat of Wilbarger County. The utterly critical nature of this drought is beyond belief. In 1970 the farmers of Wilbarger County raised 69,966 acres of wheat. This year the wheat crop will not be harvested. In the same county, 43,913 acres of feed grains were raised. Only a small portion of the 1970 yield will be realized.

The story is the same or worse for dozens of counties in that area. The next county west of Vernon is Hardeman County. There will not be enough wheat harvested to use for seed next year. Not only will there be no income this year, but next year's seed will cost $3 per bushel.

It is obviously not just the farmers who have been victimized, though. The towns in these counties are in existence from day to day because of the agriculture industry which surrounds them.

The hardware store operator cannot go buy a new pair of slacks because the farmers have not been able to buy any of his implements. The clothing store operator cannot buy the new fence for his backyard from the hardware store because no one has been able to buy any of his merchandise. He could not get a fencepost in the ground out there anyway.

This drought has now gone beyond the stage in which it solely affects the farmer. The store operators, the business community, and the things like donations to keep the local Scout troop running have all suffered—and suffered significantly.

The banks in these towns are pressed to the limit. They have done all they can to help the communities—farmers and businessmen alike. But when an area's earning power is broken, everything disintegrates with it. I was asked by a man in Quanah, Tex., the other day if it was going to take a tornado killing a hundred people to get the kind of assistance they needed.

Further to the northwest is Amarillo, Tex. In the last 12 months Amarillo has received 8.71 inches of measurable precipitation; 1.65 inches of that came in the form of a prairie blizzard, drifting most of the helpful moisture against fences and hedgerows. In March, a critical month for the development of the 1971 winter wheat crop, the Amarillo area received 0.10 of an inch of rain.

The normal annual rainfall for Potter County is 19.67 inches. The last time a year's aggregate precipitation reached that average was 18 months ago.

Southwest Oklahoma is no better off. Lawton, Okla., a city 60 miles north of Wichita Falls, has received 2.9 inches of precipitation during 1971. In the first 4 months of the year less than 10 percent of the normal annual rainfall total had been recorded.

Time is past, Mr. Speaker, for economic assistance just for the farmer. Just as the rural townspeople trailed the farmers and ranchers into the economic ravages of this dought, so will they follow them out of it. That is, there will be a considerable time lag between getting the farmer back on his feet and getting the rural communities back on theirs.

For this reason, I strongly believe the administration, the Department of Agriculture, and the Office of Emergency Preparedness must reconsider the recent announcement of limited assistance to the drought stricken areas. Agricultural assistance alone is no longer the crying need for this area.

The Secretary of Agriculture has issued a declaration of which falls short of the assistance which is needed. That assistance can come only from a Presidential declaration. Under the present situation, the Department of Agriculture is the only Federal authority which can provide assistance.

Even so, the farmers and ranchers are baffled at some of the special emergency assistance. I was sent a two-page form the other day by a farmer who wanted me to fill it out. He could not understand all the certifications and regulations demanded of him in the application. When representatives from the Department came to my office last month. I specifically asked if there would be procedural logjams. I was given an explicit no and 2 weeks later received a form they had told me would not be used. This fuels the resentment northwest Texas has developed at the Federal Government's drough actions to date.

Presently, Commodity Credit Corporation-owned feed grain is for sale at reduced prices to ranchers caught by the drought—if they can get their applications filled out properly. Others have been allowed to graze livestock on cropland taken out of production under the cropland adjustment program. These things are helpful, but they do not replace water.

Nor do they replace critical drops in retail sales, of the absolute loss of the area's earning power. In stark terms, the limited assistance which has been granted under the Secretary's declaration does not put dollars where they are needed.

A presidential declaration would bring all the emergency assistance capabilities of the Government to the area. If this administration's commitment to rural America is as good as its word, this will be done.

Additionally, loans should be made available for business as well as agriculture. Over $100 million in rural water and sewer system construction grants, which have been appropriated by Congress but impounded by the administration, should be released. They should be released not as loans, but as grants as we designed the programs in this very room.

If the commitment is genuine, Mr. Speaker, public works of all kinds will be accelerated throughout the area. Relief should be given to those facing eviction for a failure to pay mortgages as a consequence of the disaster. Efforts should be made to see to it that business losses will be at least offset somewhat for those communities depending so heavily upon agriculture.

I earnestly hope the commitment of this administration to rural America is real. Hundreds of thousands of Texans and Oklahomans are waiting for proof—and help.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COTTER, for Tuesday and Wednesday, May 26 and 27, on account of attending Senator Dodd's funeral.

Mr. KEE (at the request of Mr. BOGGS), for today, on account of official business.

Mr. GALLAGHER (at the request of Mr. MOSS), for Wednesday, May 26, through June 4, 1971, on account of official business.

Mr. BROOKS (at the request of Mr. WRIGHT), on account of serving as an official delegate to NATO Interparliamentary Conference.

Mr. ROONEY of New York, for balance of today and tomorrow, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MELCHER, for 60 minutes, on June 7, to revise and extend his remarks and include extraneous material.

Mr. RYAN, for 15 minutes, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. SHOUP) and to revise and extend their remarks and include extraneous matter:)

Mr. HOSMER, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. HOGAN, for 5 minutes, today.

Mr. STEELE, for 15 minutes, on May 27.

Mr. FINDLEY, for 10 minutes, today.

(The following Members (at the request of Mr. DAVIS of South Carolina) and to revise and extend their remarks and include extraneous matter:)

Mr. ROSENTHAL, for 10 minutes, today.

Mr. CORMAN, for 10 minutes today.

Mr. FLOOD, for 20 minutes, today.

Mr. RARICK, for 15 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. HARRINGTON, for 20 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HOLIFIELD, to extend his remarks made in Committee and include extraneous material.

Mr. RANDALL, in two instances and to include extraneous matter.

Mr. GROSS and to include extraneous matter.

Mr. CARTER to extend his remarks immediately following those of Mr. QUILLEN today.

(The following Members (at the request of Mr. SHOUP) and to include extraneous matter:)

Mr. BURKE of Florida.

Mr. GUDE.

Mr. MCCLORY.

Mr. BAKER.

Mr. DERWINSKI in two instances.

Mr. MORSE.

Mr. HANSEN of Idaho.

Mr. HOSMER in two instances.

Mr. ZWACH in two instances.

Mr. BOB WILSON in two instances.

Mr. CHAMBERLAIN in two instances.

Mr. HALL.

Mr. SCHWENGEL in two instances.

Mr. MILLER of Ohio.

Mr. ASHBROOK in two instances.

Mr. HUNT.

Mr. MYERS.

Mr. SCHMITZ in two instances.

Mr. SEBELIUS.

Mr. PELLY in two instances.

Mr. CARTER in two instances.

Mr. DENNIS.

Mr. DICKINSON.

Mr. KEMP.

Mr. DUNCAN.

(The following Members (at the request of Mr. DAVIS of South Carolina) and to include extraneous matter:)

Mr. ADDABBO.

Mr. CORMAN.

Mr. ROONEY of Pennsylvania in two instances.

Mr. O'NEILL in two instances.

Mr. ROY.

Mr. BADILLO in three instances.

Mr. ZABLOCKI in three instances.

Mr. PEPPER.

Mr. DOW.

Mr. RODINO.

Mr. BLANTON in two instances.

Mr. DANIELS of New Jersey in two insances.

Mr. VANIK in two instances.

Mr. WOLFF in three instances.

Mr. Drinan.
Mr. Rarick in three instances.
Mr. Hagan in two instances.
Mr. Begich in five instances.
Mr. Hamilton.
Mr. Carney in two instances.
Mr. Foley in two instances.
Mr. Bennett in two instances.
Mr. Gonzalez in three instances.
Mr. Brasco.
Mr. Rogers in 10 instances.
Mr. Dingell.
Mr. Mahon in two instances.
Mr. Delaney in two instances.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S. J. Res. 29. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week," and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on May 25, 1971, present to the President, for his approval, a bill of the House of the following title:

H.R. 4209. An act to amend the Revised Organic Act of the Virgin Islands.

ADJOURNMENT

Mr. DAVIS of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, May 27, 1971, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

762. A letter from the Secretary of the Army, transmitting the annual report of the U.S. Soldiers' Home for fiscal year 1970, and a copy of the report of the annual general inspection of the Home for 1970 by the Inspector General of the Army, pursuant to 24 U.S.C. 59, 60; to the Committee on Armed Services.

763. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting the semiannual report on the strategic and critical materials stockpiling program for the period ended December 31, 1970, pursuant to section 4 of the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

764. A letter from the Commissioner of the District of Columbia, transmitting the annual report of the Office of Civil Defense of the District of Columbia, pursuant to section 6 of Public Law 686, 81st Congress; to the Committee on the District of Columbia.

765. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission with respect to docket No. 281, *The Creek Nation East of the Mississippi, Plaintiff,* v. *The United States of America, Defendant,* pursuant to 60 Stat. 1055; to the Committee on Interior and Insular Affairs.

766. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission with respect to docket No. 334–D, *The Absentee Shawnee Tribe of Oklahoma (on behalf of the Shawnee Nation), Plaintiff,* v. *The United States of America, Defendant,* pursuant to 60 Stat. 1055; to the Committee on Interior and Insular Affairs.

767. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to prohibit the importation into the United States of pre-Columbian monumental and architectural sculpture, murals and any fragment or part thereof, exported contrary to the laws of the country of origin, and for other purposes; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

768. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in management of training under the Government Employees Training Act in the Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 1161. A bill to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act; (Rept. No. 92–229). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 4263. A bill to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order; with amendments (Rept. No. 92–230). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 1. A bill to amend the Social Security Act to provide increases in benefits, improve computation methods, and raise the earnings base under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to authorize a family assistance plan providing basic benefits to low-income families with children with incentives for employment and training to improve the capacity for employment of members of such families, to achieve more uniform treatment of recipients under the Federal-State public assistance programs and otherwise improve such programs, and for other purposes; with amendments (Rept. No. 92–231). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 8687. A bill to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; with amendment (Rept. No. 92–232). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 8723. A bill to impose an additional excise tax on cigarettes, with the proceeds being used for cancer research programs through a newly established cancer research fund; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho:

H.R. 8724. A bill relating to manpower requirements, resources, development, utilization, and evaluation, and for other purposes; to the Committee on Education and Labor.

By Mr. BINGHAM (for himself and Mr. Rosenthal):

H.R. 8725. A bill to provide for the settlement of certain land claims of Alaska natives, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BOW:

H.R. 8726. A bill to amend title 5, United States Code, to authorize the payment of increased annuities to secretaries of justices and judges of the United States; to the Committee on Post Office and Civil Service.

By Mr. BUCHANAN:

H.R. 8727. A bill to amend section 112 of the Internal Revenue Code of 1954 to remove the dollar ceiling on the amount of combat pay received by commissioned officers which may be excluded from gross income; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN:

H.R. 8728. A bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAPPELL (for himself, Mr. Sikes, and Mr. Mathis of Georgia):

H.R. 8729. A bill to amend the Small Business Investment Act of 1958; to the Committee on Banking and Currency.

By Mr. DON H. CLAUSEN:

H.R. 8730. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

H.R. 8731. A bill to amend the Internal Revenue Code of 1954 to exempt from the tax on the use of civil aircraft amateur-built aircraft which are operating under experimental certificates; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 8732. A bill to establish a National Research Data Bank; to the Committee on Government Operations.

By Mr. DINGELL (for himself and Mr. Carney):

H.R. 8733. A bill to amend the Railroad Retirement Act of 1937 to provide for the purchase of certain securities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FORSYTHE:

H.R. 8734. A bill to require no-fault motor vehicle insurance as a condition precedent to using the public streets, roads, and highways, in order to promote and regulate interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON:

H.R. 8735. A bill to authorize $2 million for assistance to municipalities in planning waste treatment facilities; to the Committee on Public Works.

H.R. 8736. A bill to amend section 8 of the Federal Water Pollution Control Act, relating to grants for the construction of treatment works, in order to increase the Federal share of construction costs and to authorize the obligation of certain amounts for such grants, and to amend section 10 of the act relating to water quality standards, and for other purposes; to the Committee on Public Works.

By Mr. HARSHA:

H.R. 8737. A bill to establish drug abuse control organizations in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. JOHNSON of California (for himself and Mr. Wyatt):

H.R. 8738. A bill to establish methods of payment for national forest timber, and for other purposes; to the Committee on Agriculture.

By Mr. JONES of Alabama (for himself and Mr. Bevill):

H.R. 8739. A bill to establish within the Bankhead National Forest in Alabama the Sipsey National Recreation Area and the Bee Branch Wilderness; to the Committee on Agriculture.

By Mr. KOCH:

H.R. 8740. A bill to amend the Internal Revenue Code of 1954 to provide that the deduction for expenses paid for care of dependents shall be fully available to both male and female taxpayers without regard to their martial status, and to increase the dollar limits on such deduction; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Badillo, Mr. Wolff, Mr. Edwards of California, Mr. Link, Mr. Rosenthal, Mr. Eilberg, Mrs. Grasso, Mr. Addabbo, Mr. Harrington, Mr. Roybal, Mr. Bell, Mr. Metcalfe, and Mr. Helstoski):

H.R. 8741. A bill to provide for the treatment of members of the Armed Forces who are narcotics addicts; to the Committee on Armed Services.

By Mr. KOCH (for himself, Mr. Badillo, Mr. Edwards of California, Mr. Frenzel, Mr. Link, Mr. Rosenthal, Mr. Forsythe, Mr. Eilberg, Mrs. Grasso, Mr. Addabbo, Mr. Harrington, Mr. Roybal, Mr. Bell, Mr. St Germain, Mr. Metcalfe, and Mr. Helstoski):

H.R. 8742. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the development and operation of treatment programs for certain drug abusers who are confined to or released from correctional institutions and facilities; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. Badillo, Mr. Wolff, Mr. Edwards of California, Mr. Frenzel, Mr. Link, Mr. Rosenthal, Mr. Forsythe, Mr. Eilberg, Mrs. Grasso, Mr. Addabbo, Mr. Harrington, Mr. Bell, Mr. Metcalfe, and Mr. Helstoski):

H.R. 8743. A bill to amend the Social Security Act to provide that Federal welfare payments may be made with respect to an individual who qualifies therefor on the basis of drug-caused disability or incapacity only if such individual is undergoing appropriate treatment; to the Committee on Ways and Means.

By Mr. McMILLAN:

H.R. 8744. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958; to the Committee on the District of Columbia.

By Mr. MATSUNAGA:

H.R. 8745. A bill to provide that a guarantee of repayment made by the State of Hawaii may be accepted by the Farmers Home Administration in lieu of a real property lien; to the Committee on Banking and Currency.

By Mr. MEEDS:

H.R. 8746. A bill to require an immigrant alien to maintain a permanent residence as a condition for entering and remaining in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 8747. A bill to provide for the establishment of a Metropolitan Drug Addiction Commission to coordinate and make more effective in the New York metropolitan area the various Federal, State, and local programs for the control, treatment, and prevention of drug addiction; to the Committee on Interstate and Foreign Commerce.

H.R. 8748. A bill to establish the Office of Drug Abuse Control within the Executive Office of the President; to the Committee on Interstate and Foreign Commerce.

By Mr. MYERS (for himself and Mr. Cleveland):

H.R. 8749. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the establishment of standards related to rear-mounted lighting systems; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN (by request):

H.R. 8750. A bill to provide for increased participation by the United States in the International Development Association; to the Committee on Banking and Currency.

By Mr. PERKINS:

H.R. 8751. A bill to amend the Railroad Retirement Act of 1937 to provide that a spouse otherwise qualified may be entitled to a full spouses' annuity at age 55; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 8752. A bill to amend title II of the Social Security Act to reduce from 60 to 50 the age at which a woman otherwise qualified may become entitled to widow's insurance benefits; to the Committee on Ways and Means.

By Mr. ROBINSON of Virignia:

H.R. 8753. A bill to amend part II of the Interstate Commerce Act in order to completely exempt certain farm vehicles and farm vehicle drivers from the provisions thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL:

H.R. 8754. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced rate transportation to handicapped persons and persons who are 65 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL (for himself, Mr. Rhodes, and Mr. Steiger of Arizona):

H.R. 8755. A bill ratifying and confirming an agreement by the Secretary of the Interior providing for the issuance of a lifetime grazing permit to the Gray family now consisting of Jack Gray, Henry Gray, and Robert Louis Gray, relating to the grazing of cattle within confines of the Organ Pipe Cactus National Monument; to the Committee on Interior and Insular Affairs.

H.R. 8756. A bill to provide for the establishment of the Hohokam Pima National Monument in the vicinity of the Snaketown archeological site, Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VANIK:

H.R. 8757. A bill to amend the Internal Revenue Code of 1954 to provide for the taxation of gains at death; to the Committee on Ways and Means.

By Mr. BOB WILSON:

H.R. 8758. A bill to amend titles 10 and 37, United States Code, to provide equality of treatment for married female members of the uniformed services; to the Committee on Armed Services.

H.R. 8759. A bill to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria; to the Committee on Armed Services.

By Mr. WOLFF (for himself, Mr. Podell, Mr. Schwengel, Mr. Badillo, Mr. Mikva, Mr. Rosenthal, Mr. Mitchell, Mrs. Chisholm, Mr. McCormack, Mr. Mazzoli, Mr. Reid of New York, Mr. Seiberling, and Mr. Halpern):

H.R. 8760. A bill to prohibit commercial flights by supersonic aircraft into or over the United States until certain findings are made by the Administrator of the Environmental Protection Agency and by the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WYDLER:

H.R. 8761. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. BUCHANAN:

H.J. Res. 667. Joint resolution authorizing the President to designate the week consisting of the first 7 days in July of each year as "American Creed Week"; to the Committee on the Judiciary.

By Mr. CARTER:

H.J. Res. 668. Joint resolution to authorize the President to proclaim the month of January of each year as "National Volunteer Blood Donor Month"; to the Committee on the Judiciary.

By Mr. HUNGATE (for himself, Mrs. Chisholm, Mr. Coughlin, Mr. Danielson, Mr. Dingell, Mr. Erlenborn, Mr. Esch, Mr. Forsythe, Mr. Garmatz, Mr. Gude, Mr. Harvey, Mr. Hechler of West Virginia, Mr. Horton, Mr. Mann, Mr. Mayne, Mr. Mikva, Mr. Mitchell, Mr. Moorhead, Mr. Sarbanes, Mr. Seiberling, and Mr. Symington):

H. Con. Res. 322. Concurrent resolution urging review of the United Nations Charter; to the Committee on Foreign Affairs.

By Mr. RYAN (for himself, Mr. Buchanan, Mr. Gude, Mr. Morse, Mr. O'Neill, Mr. Scheuer, Mr. Addabbo, Mr. Anderson of Illinois, Mr. Annunzio, Mr. Archer, Mr. Ashley, Mr. Badillo, Mr. Barrett, Mr. Biaggi, Mr. Bingham, Mr. Boland, Mr. Burke of Florida, Mr. Burke of Massachusetts, Mr. Burton, Mr. Carey of New York, Mr. Celler, Mr. Crane, Mr. Danielson, and Mr. Donohue):

H. Res. 454. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. RYAN (for himself, Mr. Dow, Mr. Drinan, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. Esch, Mr. Fish, Mr. Flood, Mr. Foley, Mr. Gallagher, Mr. Giaimo, Mr. Gonzalez, Mrs. Grasso, Mr. Halpern, Mr. Hathaway, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Horton, Mr. Koch, Mr. Kyros, and Mr. Lent):

H. Res. 455. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. RYAN (for himself, Mr. Long of Maryland, Mr. Mazzoli, Mr. McDade, Mr. Melcher, Mr. Mikva, Mr. Minish, Mr. Moorhead, Mr. Nix, Mr. Pepper, Mr. Podell, Mr. Powell, Mr. Price of Illinois, Mr. Pucinski, Mr. Rees, Mr. Reid of New York, Mr. Riegle, Mr. Rosenthal, Mr. Rostenkowski, Mr. Sisk, Mr. Stafford, Mr. Tiernan, Mr. Whitehurst, Mr. Wolff, and Mr. Yates):

H. Res. 456. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

194. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the use of surplus unsubsidized agricultural food products; to the Committee on Agriculture.

195. Also, memorial of the Legislature of the State of Tennessee, relative to daylight saving time; to the Committee on Interstate and Foreign Commerce.

PETITIONS, ETC.

Under clause 1 of rule XXII,

79. The SPEAKER presented a petition of the Marshall Islands Nitijela, Majuro, Marshall Islands, Trust Terirtory of the Pacific Islands, relative to its appreciation for the improvement of conditions throughout Micronesia, which was referred to the Committee on Interior and Insular Affairs.

SENATE—*Wednesday, May 26, 1971*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of grace and God of glory make us mindful of that great "cloud of witness" before whom we run life's race. We thank Thee for those Americans whose last march is ended, whose battles are all fought, whose victories are all won, and who lie awaiting the final bugle call. May our memorial to them be a world at peace where justice abounds and love prevails.

Bless us as we work this day. Give journeying mercies as we travel. Watch over us in our separation. And return us safely to this Chamber, restored in heart and mind and spirit.

In all our ways help us to reflect the truth "Blessed are the pure in heart, for they shall see God." Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 1, Public Law 86–420, the Speaker had appointed Mr. UDALL as a member of the U.S. delegation of the Mexico-United States Interparliamentary Group.

The message also announced that the House had agreed to the amendments of the Senate to the concurrent resolution (H. Con. Res. 316) providing for the adjournment of the Congress from May 27, 1971, until June 1, 1971.

The message further announced that the House had passed House Joint Resolution 556, a joint resolution providing for the observance of "Youth Appreciation Week" during the 7-day period beginning the second Monday in November of 1971, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled joint resolution:

S.J. Res. 29. A joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week," and for other purposes.

The enrolled joint resolution was signed by the President pro tempore.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 556) providing for the observance of "Youth Appreciation Week" during the 7-day period beginning the second Monday in November of 1971, was read twice by its title and referred to the Committee on the Judiciary.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 26, 1971, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 29) to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week," and for other purposes.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 25, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT NEXT WEEK FROM TUESDAY TO WEDNESDAY AT 11 A.M.; FROM WEDNESDAY TO THURSDAY AT 10:30 A.M.; AND FROM THURSDAY TO FRIDAY AT 10 A.M.

Mr. MANSFIELD Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday next, it stand in adjournment until the hour of 11 a.m. on Wednesday; that when it completes its business on Wednesday, it stand in adjournment until 10:30 a.m. on Thursday; and that when it completes its business on Thursday, it stand in adjournment until 10 a.m. on Friday.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

(Subsequently, the order was changed to provide for the Senate to convene at 9:30 a.m. (instead of 11 a.m.) on Wednesday, June 2, 1971.

COMMITTEE MEETINGS DURING SENATE SESSION TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate proceeded to consider executive business.

The PRESIDENT pro tempore. The clerk will state the nomination.

UNITED NATIONS

The legislative clerk read the nomination of W. Tapley Bennett, Jr., of Georgia, to be Deputy Representative of the United States of America in the Security Council of the United Nations, with the rank of Ambassador.

The PRESIDENT pro tempore. Without objection, the nomination will be considered and confirmed.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nomination.

The PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of two unobjected-to bills on the calendar, Calendar Nos. 131 and 132.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

MARITIME APPROPRIATION AUTHORIZATION, 1972

The Senate proceeded to consider the bill (H.R. 4724) an act to authorize appropriations for certain maritime programs of the Department of Commerce, which had been reported from the Committee on Commerce with amendments, on page 2, in line 12, strike out "$2,-200,000" and insert in lieu thereof "$2,520,000".

And in line 13, add a new section, as follows:

SEC. 2. Section 3 of the Maritime Academy Act of 1958 (46 U.S.C. 1382) is amended by inserting a new subsection (c) to read as follows:

"(c) In any case where the Secretary has not, prior to the enactment of this subsection, furnished a suitable vessel to a State as authorized by subsection (a) of this section, the Secretary may, in lieu of furnishing such a vessel, repair, recondition and equip (including all apparel, charts, books, and instruments of navigation) as necessary, a vessel which is owned by a State on the date of enactment of this subsection, for use as a training vessel for a maritime academy or college meeting the requirements of this Act."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read, "An Act to authorize appropriations for certain maritime programs of the Department of Commerce, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–132), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of this bill is to authorize appropriations for certain maritime programs of the Department of Commerce for fiscal year 1972. The bill, as amended, would also amend the Maritime Academy Act of 1958 (46 U.S.C. 1381 et seq.) as is described hereafter under the title "Explanation of Amendments".

The authorization is in accordance with Public Law 90–81 (46 U.S.C. 1119) which provides that after December 31, 1967, only such sums as the Congress may specifically authorize by law may be appropriated for the Maritime Administration for—

(1) Acquisition, construction, or reconstruction of vessels;

(2) Construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships;

(3) Payment of obligations incurred for operating-differential subsidy;

(4) Expenses necessary for research and development activities (including reimbursement of the vessel operations revolving fund for losses resulting from expenses of experimental ship operations);

(5) Reserve fleet expenses;

(6) Maritime training at the Merchant Marine Academy at Kings Point, N.Y.:

(7) Financial assistance to State marine schools; and

(8) The vessel operations revolving fund.

BACKGROUND OF THE LEGISLATION

On February 17, 1971, the Secretary of Commerce transmited legislation (H.R. 4724 and its companion bill, S. 981) to the Congress to authorize appropriations, without fiscal year limitation as the appropriation Act may provide, for certain maritime programs of the Department of Commerce for the fiscal year 1972. The letter of transmittal from the Secretary of Commerce and an accompanying statement of the purposes and provisions of the legislation appear hereafter under the title "Departmental Reports."

On March 30, 1971, the committee held hearings on S. 981, the companion bill to H.R. 4724. On April 20, 1971, the House of Representatives passed H.R. 4724 without amendment.

GENERAL STATEMENT

The Merchant Marine Act, 1970, (Public Law 91–469) set forth a new maritime program which included the construction of approximately 300 ships over a 10-year period, substantial improvements in the operating-differential subsidy program, and a number of other provisions to revitalize the U.S.-flag merchant marine and restore this country to its place as a leading maritime nation.

This bill represents funding requirements for the second year of expanded activities under the new maritime program. Approval of this authorization will permit the Maritime Administration within the Department of Commerce to expand its shipbuilding program, improve the operating-differential subsidy program, continue research and development efforts designed to produce improvements and savings in the design, construction, and operation of U.S.-flag merchant vessels, as provided for in the Merchant Marine Act, 1970, and carry on related functions required by the Merchant Marine Act 1936.

An explanation of the appropriations authorized by category follows:

(*a*) Acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, $229,-687,000.

The fiscal 1972 authorization is an increase of $42,187,000 over the 1971 appropriation of $187,500,000. This represents requirements for the second year of expanded ship construction. Contract awards for 22 ships are anticipated in 1972, an increase of three over the planned 1971 level. The new maritime program calls for reaching a level of 30 ships per year by 1973, and anticipates maintenance at that rate throughout the 1970's to provide a total of approximately 300 new ships.

The Assistant Secretary of Commerce for Maritime Affairs advised that the 1971 construction subsidy rate maximum of 45 percent is planned to be decreased to 43-percent subsidy in 1972 in accord with the provisions of the Merchant Marine Act, 1970. The committee was also informed that further decreases in 2-percent increments are planned to reach a maximum rate of 35 percent in 1976 and thereafter, as set forth in that act.

The committee believes that the ship construction request is sound and will properly fund the second and final year of the initial buildup phase in preparation for the full-scale effort to reach a construction level of 30 ships per year in fiscal year 1973.

(*b*) Payment of obligations incurred for operating-differential subsidy, $239,145,000.

This amount represents a $33,855,000 decrease from the fiscal 1971 amount of $237 million (including a requested $80 million supplemental—see Senate Report 92–106).

The 1972 authorization for payment of obligations incurred for payment of operating differential subsidy would provide for the continued payment of such subsidies to American operators to enable them to compete with their foreign-flag counterparts.

(*c*) Expenses necessary for research and development activities (including reimbursement of the vessel operations revolving fund for losses resulting from expenses of experimental ship operations) $25 million.

This represents an income of $4,300,000 over the 1971 appropriation of $20,700,000. The program for 1972 has been planned to expand and redirect maritime research and development efforts with emphasis on practical application of new technology through coordination and cost sharing with the maritime industry. The funds would provide for the continuation of key programs carried out in the areas of advanced ship development, advanced ship operations and maritime technology, and for the phased layup of the NS *Savannah*.

(*d*) Reserve fleet expenses, $4,318,000.

This represents a $357,000 decrease from the $4,675,000 authorized for fiscal year 1971. The requested funds are for expenses to be incurred in the preservation and custody of reserve fleet vessels and the decrease in the amount results from the reduced number of ships in the reserve fleet.

(*e*) Maritime training at the Merchant Marine Academy at Kings Point, N.Y.; $7,300,000.

This amount is for the continued maintenance and operation of the U.S. Marchant Marine Academy at Kings Point, N.Y. The increase of $500,000 over the 1971 level is required, mainly, to complete rehabilitation of the Mallory Pier. Additional funds are also required in order to effect compliance with the President's Executive orders on pollution abatement and for mandatory pay increases. The 1972 program anticipates continuation of the current graduation rate of about 215 merchant marine officers annually. The appropriation covers individual cadet costs at an annual amount of $475. This expense covers items such as uniforms, textbook allowances, library books, and so forth.

The committee made no change in any of the above provisions. They are as proposed by the administration and passed by the House of Representatives.

EXPLANATION OF AMENDMENTS

The committee adopted three amendments to H.R. 4724, all of which relate to State marine schools.

As transmitted by the Secretary of Commerce and passed by the House of Representatives this legislation would have authorized appropriations of $2,200,000 for State marine schools. This represented a decrease of $245,000 from the fiscal year 1971 level. The $2,200,000 included $450,000 for grants of $75,000 to schools located in the States of New York, California, Texas, Maine, Massachusetts, and Michigan. The amount also included $949,000 for the payment of $600 per qualified student per annum to each of the schools to assist in defraying the cost of uniforms, books, and subsistence for such students. Finally, it included $801,000 for the maintenance and repair of Government-owned training vessels which are on loan to all the schools except the school in Michigan.

The committee amended the bill in order to add $320,000 to the amount for State schools for the following two purposes: (*a*) $150,000 to permit the five schools located in New York, California, Texas, Maine, and Massachusetts to effectuate their student admission plans for fiscal year 1972; (*b*) $170,-000 for the repairing, reconditioning, and equipping of a vessel owned by the State of Michigan, the vessel *Allegheny*, to be used as a training vessel for the Great Lakes Maritime Academy at Northwestern Michigan College.

The committee determined that an additional $150,000 was needed for the five State schools, mentioned above, in order to permit them to proceed as planned with respect to the level of enrollment of students during fiscal year 1972. Pursuant to section 6 of the Maritime Academy Act of 1958 (46 U.S.C. 1385) these schools have been receiving from the Government $600 per qualified student per year. During the peak sealift requirements of the Vietnam war, the schools were encouraged to expand their enrollment. In January 1971, the schools were informed that Government assistance during fiscal year 1972 would be reduced to the 1965 (pre-Vietnam) student enrollment level. This represented a reduction of 250 students from the projected enrollment, and in light of the short notice period involved, was viewed as unduly disruptive to planning. The additional $150,000 will permit the schools additional planning time to accommodate the reductions.

The $320,000 added by the committee also includes $170,000 for repairing, reconditioning, and equipping the vessel *Allegheny*, which is owned by the State of Michigan, for use as a training vessel by the Great Lakes Maritime Academy at Northwestern Michigan College. The committee received an estimate from the Maritime Administration that this amount would be needed to recondition the vessel and permit it to meet U.S. Coast Guard safety requirements and State pollution laws.

Under the authority provided in section 3 of the Maritime Academy Act of 1958, the Secretary has loaned to each of the States with a marine school, except Michigan, a Government vessel for training purposes. These vessels are maintained at Government expense. The additional $170,000 and the amendment to section 3 of the Maritime Academy Act of 1958, will permit the Great Lakes Maritime Academy to have a suitable training vessel, as do the other State marine schools.

COST OF THE LEGISLATION

Enactment of this bill and subsequent appropriation of the amounts authorized will result in a cost to the Government of $507,970,000.

ELIGIBILITY OF CERTAIN ALIENS TO OPERATE AMATEUR RADIO STATIONS

The bill (S. 485) to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(l) of the Communications Act of 1934 (47 U.S.C. 303(l)) is amended by inserting at the end thereof a new paragraph as follows:

"(3) Notwithstanding paragraph (1) of this subsection, the Commission may issue licenses for the operation of amateur radio stations to aliens admitted to the United States for permanent residence who have filed under section 334(f) of the Immigration and Nationality Act (8 U.S.C. 1445(f)) a declaration of intention to become a citizen of the United States: *Provided,* That when an application for a license is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further,* That the requested license may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such license."

SEC. 2. Section 310(a) of the Communications Act of 1934 (47 U.S.C. 310(a)) is amended by adding at the end thereof the following new paragraph:

"Notwithstanding paragraph (1) of this subsection, a license for an amateur radio station may be granted to and held by an alien admitted to the United States for permanent residence who has filed under section 334(f) of the Immigration and Nationality Act (8 U.S.C. 1445 (f)) a declaration of intention to become a citizen of the United States: *Provided,* That when an application for a license is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further,* That the requested license may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such license."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–133), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

GENERAL STATEMENT

This bill would amend section 303 (dealing with operators) and section 310 (dealing with station licenses) of the Communications Act of 1934 to permit the Federal Communications Commission to issue licenses for the operation of amateur radio stations by aliens who have filed a declaration of intention to become citizens of the United States.

S. 485 was introduced by the Senator from Arizona, Mr. Goldwater, and cosponsored by 34 other Senators. Hearings were held on S. 1466 on October 8, 1970, and as reported by your committee was identical to S. 485. Senator Goldwater and the Chairman of the Federal Communications Commission, Mr. Dean Burch, and the president of American Radio Relay League, Inc., testified in support of the legislation. There was no opposition to the bill and on October 14, 1970, the Senate passed S. 1466.

HISTORY AND NEED FOR LEGISLATION

The Communications Act now generally provides in sections 303(l) and 310(a) that only citizens and nationals of the United States shall be licensed by the FCC to operate amateur radio stations. Prior to 1964, the sole exception to this were Canadian citizens pursuant to a 1952 treaty between the United States and Canada. In 1964, however, Congress amended those sections (78 Stat. 202), to provide another exception to this general requirement.

Under the 1964 exception the Commission is empowered by sections 303(l)(2) and 310(a)(5) to issue an "authorization" to an alien who has an amateur radio operator and station license issued by his government, if the alien's government affords a reciprocal opportunity to the U.S. citizens; and if, after notifying the appropriate agencies of government of the application, the Federal Communications Commission receives no information that would make the grant of such authorization incompatible with national security interests. This "authorization" allows an alien to operate his amateur radio station in the United States, its possessions, and the Commonwealth of Puerto Rico. Sections 303(l)(2) and 310(a)(5) also specifically provide that "other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of such authorization."

While this amendment has worked well according to the witnesses who testified an anomaly exists through inadvertence because there is no provision for aliens who are permanent residents and intend to become citizens. Thus if an amateur radio hobbyist is merely visiting the United States on a student, business, or tourist visa, he may obtain an authorization to operate amateur radio equipment while he is here. But, if the same person decided to settle in this country, he will find himself completely cut off from all right to enjoy his ham radio pursuits until he actually becomes a citizen. Nevertheless, for example, resident immigrants are required to pay U.S. taxes, and are inducted into the military.

S. 485 would allow the Commission to license, for amateur radio operation, aliens who have filed first papers to become U.S. citizens, and who could qualify technically for an amateur license. It should be noted, however, that the Commission conducts license examinations only in English, and it is expected that an alien who applied for an amateur license would need sufficient familiarity with the English language to pass the examination.

SECURITY CONSIDERATIONS

Amateur radio operators share frequencies with other licensees or other authorized operators; thus, there is little, if any secrecy in amateur radio transmission. Furthermore, every alien who is issued a visa is given a security check before entering the United States. Witnesses who testified on S. 1466 said it seemed doubtful that anyone would attempt to use there shared frequencies to breach the national security or that anyone intent upon such a use would be inhibited by the lack of a license.

PROCEDURE TO BE FOLLOWED

This bill gives very wide latitude to the Federal Communications Commission in imposing such terms and conditions as may be necessary in the public interest. It specifically provides that other provisions of the Communications Act and of chapters 5 and 7 of title 5, United States Code (formerly, the Administrative Procedure Act), shall not be applicable to any request or application for, or modification, suspension, or cancellation of any such license. Thus, the license is of a somewhat unique variety and is not entitled to the protections ordinarily associated with a licensing procedure. Hearings would not be required, and termination which could be for any reason, may be in any manner and without prior notice. As an example of the Commission's latitude, it could restrict operation by these licensees to a specific location or area, to a specific frequency or frequencies, to specific modes of operation such as continuous wave Morse code, amplitude modulation voice, or single sideband voice, and/or to specific hours of the day. It could require all transmission to be in English, have call letters or signs transmitted at more frequent intervals than required for citizen amateurs, or require that logs of all transmission and operations be submitted at regular intervals, et cetera.

In short, such procedures as are deemed desirable may be incorporated into rules, adopted without the necessity of public rulemaking procedures under the Administrative Procedure Act, and promulgated by the Commission. It is not the intent of the committee to establish the procedures to be followed. But your committee hopes that the Federal Communications Commission, in working out the procedures implementing this legislation, will not establish cumbersome procedures that may defeat the objectives that underlie the purpose of the bill. Moreover, delays necessitated by coordinating with appropriate agencies must not be permitted to derogate from the very type of good will which the bill intends to promote. The committee expects, therefore, that all agencies involved will treat such matters expeditiously.

CONCLUSION

The committee believes that with the security safeguards written into it, the bill is in the national interest and will rectify an oversight which was inadvertent.

WHO WOULD WANT TO BE A COP?

ADDITIONAL COSPONSOR OF S. 120

Mr. MANSFIELD. Mr. President, in the New York Times of yesterday, there is an article entitled "Who Would Want To Be a Cop?" It is written by Howard Whitman, a journalist, and author of "Terror in the Streets," a study of crime in America.

In view of the trend which seems to become accentuated each year as far as the life of a policeman is concerned, I ask unanimous consent, first, that I be allowed to be a cosponsor of S. 120, a bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers, which was introduced by the distinguished Senator from Pennsylvania (Mr. Schweiker), and, secondly, that this article be incorporated in the Record at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article ordered to be printed in the Record is as follows:

Who Would Want To Be a Cop?

(By Howard Whitman)

There was a time when policemen didn't like to be called cops. They preferred the dignified appellation, "police officers." Theirs was a profession. Many may still feel that way, but they'll settle for "cop." Compared to "pig" it sounds like a compliment.

Why would any literate, intelligent, good-looking young fellow want to go into police work? True, they get sensitivity training to help them absorb vilification (they think this way: "A pig is mighty useful around a farm—for cleaning up garbage"). But what about a blast in the head with a shotgun, a bombed squad car, a sniper's bullet?

Eighty-six police officers were killed criminally during the last full year (1969) for which complete statistics are available. An astounding total of 35,202 were stabbed, beaten, assaulted, bullet-wounded. The 1970 total, when the F.B.I. finishes compiling it, is expected to be as bad or worse.

Among the incidents were these:

Chicago—Two "community relations" policemen (of all people; these were dedicated to healing social ills through friendship) killed by sniper fire as they strolled their assigned neighborhoods.

Baltimore—An officer ambushed and doused with flammable fluid; then set afire. (He survived, badly burned.)

Odessa, Del.—A state policeman hit by a shotgun blast fired through the door of a state police office.

Berkeley, Calif.—A new patrolman, 28 years old, on the force ten months, shot in the head, fatally, by a man who walked up behind him when he was writing a traffic warning.

(And in New York last week, two patrolmen were shot and killed, and two shot and critically wounded—in two separate incidents.)

So back to the question: Who would want to be a cop?

Pennsylvania has the oldest state police force in the country, founded in 1905. It has one of the top-rated police academies, just outside the town of Hershey. I went there, seeking an answer. The first thing I saw was a photo on the bulletin board. It showed Hershey's World War II memorial smeared with the words, "Pigs Die Soon."

"That's the second time," Capt. Robert L. Brubacker, superintendent of the academy, commented. "We sandblasted it off once. This time, after we've cleaned it up we're thinking of spraying it with plastic so the paint won't adhere."

"Why display this on your bulletin board?" I said.

"We want the cadets to know what they're getting into."

In one of the small rooms in cadets' quarters I met Richard Flanigan, age 26, of Worthington, Pa. He was polishing his .38-caliber Colt Mark III for inspection.

Why be a cop?

"I'll admit I'm a little scared, but not enough to make me change my mind," he said. "It does make you think, especially me, I have a wife and a little daughter eight months, and nobody to take care of them if I get. . . ." He didn't finish the sentence. He went right on. "How do you suppose I felt when I saw a bulletin which was being circulated around here, saying 'Kill a pig a week?' "

James C. Fleming was another cadet in training. Younger, just 23. From Grampian, Pa. Not married, engaged. He said: "I've thought it through. It was either school teaching or police work; these were my career preferences. I actually went to teacher's college, but my final decision was police work—so I'm here.

"My fiancée, she's 21, has misgivings of course. She'll say to me, 'Jim, are you sure? It's so dangerous. After we're married, I might get threats, anonymous phone calls. Isn't that what they do?' I had to say sure, it does happen."

Fleming ran a hand through his red hair. "I was with the 129th (Main Support Command) at Danang on a M–60 machine gun. And at Quangtri. Constant danger. I can take some more."

"I think what we're holding onto," young Fleming explained, "Is the thought that we're needed. Our country is threatened by what you might call enemies within. What would happen if guys like us weren't around to contain those enemies. When I graduate and get my assignment, the way I feel is—I'll be doing just as much, or more, than I ever did with the old M–60 to protect my country."

He added, "And to help you and your family sleep at night."

INTERVIEW OF SENATOR HAROLD E. HUGHES ON "MEET THE PRESS"

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be incorporated in the Record the transcript of the "Meet the Press" program on Sunday, April 4, 1971, at which the guest, Senator Harold E. Hughes, our distinguished colleague from Iowa, was interviewed by Robert Novak, of the Chicago Sun-Times, Peter Lisagor, of the Chicago Daily News, Bonnie Angelo, of Time, and Charles Quinn, of NBC News.

There being no objection, the telecast was ordered to be printed in the Record, as follows:

Meet the Press, Produced by Lawrence E. Spivak. Guest: Senator Harold E. Hughes, Democrat of Iowa

Panel: Robert Novak, *Chicago Sun-Times,* Peter Lisagor, *Chicago Daily News,* Bonnie Angelo, *Time,* Charles Quinn, *NBC News.*

Moderator: Lawrence E. Spivak.

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Mr. Spivak. Our guest today on MEET THE PRESS is Senator Harold E. Hughes, Democrat of Iowa. Senator Hughes was elected in 1968 after serving three terms as Governor. He is a member of the Senate Labor, the Armed Services and the Veterans Affairs Committees, and chairman of the Special Subcommittee on Alcoholism and Narcotics.

Senator Hughes is being increasingly mentioned as a possible Democratic presidential candidate.

Mr. Quinn. Senator, you have said that you would decide late this year or early next year whether you will seek the Democratic presidential nomination. Today, which way are you leaning: for or against?

Senator Hughes. If I had to make a judgment today, I would say I would be leaning for.

Mr. Quinn. Could you tell me why, sir?

Senator Hughes. I think, on the basis of our initial endeavors, and those who are traveling around the country in my behalf, there seems to be a broad base of interest and hopefully an adequate amount of financing, at least to carry it to the moment of making a decision which would be probably next December or January.

Mr. Quinn. You have indicated now that you are leaning for. What do you see that might change your mind between now and next December?

Senator Hughes. The possibilities that might change my mind would be the fact that financing is very difficult, the fact that the base of support would not be broad enough to want—to enter the primaries. This sort of a thing, generally, could lead to the decision not to enter primaries and to withdraw.

Mr. Quinn. Why do you want to be President? What do you think there is that you have to offer the American people?

Senator Hughes. I think, in the history of my political lifetime and experience and the work that I have done and my two years here in the Senate, that there is a broad base in America that needs to be filled, and I think the capability of meeting the challenges, the problems of America today, are ones that I have some capability of filling. I think I have the ability to communicate to people all over America. I think I have the ability to communicate to them with reason and responsibility—and to hope to bring the country together again.

ANNOUNCEMENTS

Mr. Novak. Senator, as a very strong opponent of the Vietnam war, if you were to enter New Hampshire and other primaries, wouldn't you just be taking votes away from Senator George McGovern, who is running as an anti-war candidate?

Senator Hughes. I think there is an entirely different situation in primaries in America this year than there has ever been before. There is not only New Hampshire, but there are two other states that have primaries at approximately the same time. We now have, I believe, 19 legalized primaries in the country, plus three possibilities with State General Assemblies meeting. I don't believe that Senator McGovern and I would be taking votes away from each other so as to hinder or hurt the efforts of either one. I think there are differences between Senator McGovern—in the way we present ourselves and our appeal to the people.

Mr. Novak. What is the difference between you and Senator McGovern?

Senator Hughes. I think generally the people will have to decide that, Mr. Novak. I think in appearances, the approaches, the methods we use, and also, on some issues, I am sure there will be differences between us.

Mr. Novak. In your public statements, Senator Hughes, you talk a lot about moral reconciliation and race relations and the drug problem, but I find very little about the Middle East crisis, the economy, disarmament. Is it because you are not conversant with those subjects?

Senator Hughes. No, I certainly wouldn't say that, Mr. Novak. I would say the reasons are that I simply don't rush to the press galleries with a press release every time I make a speech somewhere in the country related to some subject, or a section of a speech. There is seldom a time that I talk anywhere, generally in the country, that I do not cover these subjects.

Mr. Novak. Do you feel that on international relations you are conversant enough to be President of the United States?

Senator Hughes. I feel that on international relations I am probably much more conversant than members of the press corps may realize. As Governor of my state, I conducted trade delegations all over the world, including Western Europe, South America, Mexico, Canada, the Orient. We have sister-state relationships with Yamanashi Prefecture in Japan and Campeche, Yucatan, in Mexico. We have a state-to-a-nation program, Iowa to India, in agricultural support. I have conversed with the leaders of nations both in the economy and in political leadership over the world in the last five years.

Miss Angelo. Senator, what is your view on the verdict the trial of Lieutenant Calley?

Senator Hughes. My original reaction to the verdict of the trial was one somewhat of shock, as a result of the fact that I didn't expect a penalty to apply that would hold death a probability in it.

As time carried on and I read more of the verdict and the decision of life imprisonment, I realized that the basic factor involved in it is the fact that there are 22 deaths involved in the conviction, of innocent civilians—men, women and children—and that as a result of this and the combat officers who sat as a jury and conducted the trial, obviously these deaths cannot be ignored in wartime or otherwise. I am hoping through the appeals system that if the conviction is upheld mercy will be applied in Lt. Calley's position, but I still say that the ruthless and merciless deaths of innocent civilians in war, must be curbed.

Miss Angelo. Senator, if it's a war crime that we are talking about here, where do you think the blame should stop? Should there be more court martials, more actions brought at a higher level?

Senator Hughes. I think the responsibility for giving orders—there are presently other men who are charged and are coming to trial in this matter, as we all know, and there is no way that we can assess the evidence that will be presented against them. I think we have been through the history of the World War II trials, the trials in the Orient and the trials at Nuremberg, and we realize the effects of those and of the upholding of the sentences by the United States Supreme Court. But I think right now what is needed in the world—it is my intention to present shortly after Easter a sense of the Senate resolution that would in fact appoint an International Commission of eminent jurists to conduct a study of the destruction and death inflicted on civilian populations by the military conflicts of the post World War II period. I think this is essential now. I would also propose new international standards for the protection of civilian populations during war and establish principles of assessing both national and personal responsibility for failure to adhere to those protective standards.

I think a total review is necessary. We certainly don't condone the actions of the North Vietnamese or the Viet Cong or anything in our own military, and as a result of this, in worldwide conflicts I think we must begin doing something about it.

Miss Angelo. Would this International Commission you suggest be an American-inspired commission? How would you—what would be the body that would pick the commission?

Senator Hughes. I think it should be initiated, I think the sense of the Senate resolution would initiate it from American governmental standards. I think either the chiefs of state could appoint members to the commission or the supreme courts of the various national states involved could appoint members of the commission.

Mr. Lisagor. Senator Hughes, another question on the Calley case. President Nixon has said that he will make the final determination. Do you think it is proper for the President to have intruded himself or to have intervened in what seems to be a judicial procedure now?

Senator Hughes. To say the least, Mr. Lisagor, I think it would be unusual that he would announce it at this particular time. I think everyone knew that the final appeal on this case and other cases of similar nature would be the President of the United States. As a result of this, the President made an announcement that I think is very early in nature, and I suppose was made with the intent of trying to cool off the national reaction to this particular Calley decision.

Mr. Lisagor. Senator, you have expressed the view that if the President were to make an announcement of a final commitment for total withdrawal from Vietnam, negotiations could begin with Hanoi on the prisoners of war issue.

I would like to know why you think that is the case.

Senator Hughes. I think a time-certain for total withdrawal of American troops in Indochina would indicate to the enemy, as they have suggested themselves, that negotiations could be begun, that we were going to be totally withdrawing from Southeast Asia. There has never been any total evidence that our intentions were total withdrawal from Vietnam or Southeast Asia. As a result of that, I think it would rapidly begin with instructions at the Paris Peace Conference given by our government, negotiations on exchange of prisoners, that could possibly lead to other things. I think it would be a natural flowthrough as a result of that decision.

Mr. Lisagor. Would you agree with the President that as long as prisoners are held in North Vietnam we ought to keep a residual force of some kind in South Vietnam?

Senator Hughes. I think if we keep a potential strike force in South Vietnam it will hinder the exchange and negotiation for exchange for prisoners rather than enhance it, myself.

Mr. Lisagor. Would you like for the President next Wednesday night to announce a time-certain for withdrawal, Senator, and if so, do you think that will diffuse the issue in American life?

Senator Hughes. I certainly would hope that he would announce a time-certain for total withdrawal, not leaving a residual there. I would also hope that he could increase the rate of withdrawal that he has mentioned from the 12,500 to approximately 16,500, and if he would raise it to the level of 16,500, it would mean that after November no new men would have to be sent to Vietnam. I think we could then give the order not to send draftees to Vietnam any further, and the 2,000 men needed in the future, I believe, could be filled from the 2.5 million other American forces around the world. These are possibilities that I would hope the President would consider.

Mr. Spivak. Senator Hughes, during the Johnson Administration you supported the war effort, and I believe you must have thought it was a moral effort. Why did you support it then?

Senator Hughes. In the initial years of the war in South Vietnam, when I was Governor of the State of Iowa, in '63, '64 and '65—and I was on the famous mission in Vietnam along with George Romney in which he indicated he had been brainwashed during our tour over there—I did not really take the personal time to look into the details of the beginning of the war. I was involved totally in state government. I was also Chairman of the [Democratic] Governors' Conference. I had the responsibility as Chairman of the Governors' Conference of supporting the position of the President of the United States.

In the beginning of the second term as Chairman of that Conference, I asked to be relieved from that position because I felt very strongly that I had to begin changing my position, but the members of the Executive Committee indicated to me that they thought this would be a drastic reflection on the Administration and asked me to stay out the balance of that year, which I did.

I supported the war on the basis of simply supporting my Commander-in-Chief rather than looking at the moral reasons behind the war.

Mr. Spivak. What led you to decide that this was an immoral war? I believe you have said that.

Senator Hughes. After numerous briefings by the total establishment, from the Secretary of State, the Secretary of Defense and all the members of the Administration, as to what was taking place there, and the results of it, it was obvious that the intelligence was indicating things that were wrong. Friends started to impress upon me the fact that what we were doing there in the beginning was wrong; we shouldn't be doing it; so I started reading about it. I tried to prepare myself to better understand the reason we were there. I thought we had legal commitments to be there, and when I came to find out that we didn't have the legal commitments, that there was a great question about the Gulf of Tonkin incident itself, I began to change my mind.

Mr. Quinn. Senator, getting back to the Calley trial, you said you hoped that when all the appeals were exhausted, mercy would be applied. Do you think that life in prison is too severe a sentence?

Senator Hughes. I thought the decision applied by the court when they had the choice of death or life was a merciful decision. Having been a Governor of a state and having had to sit in judgment over life or death myself, and having led the battle against capital punishment in my own state, I do not believe in capital punishment. When I said mercy would be applied, I hope that within the confines of the decision itself, on the basis of the crime, mercy will be applied to the Lieutenant, judging the crime itself and not the temper of the country.

Mr. Quinn. What do you mean by that, sir?

Senator Hughes. I mean the nature of the crime, the fact that 22 civilians died innocently and apparently were murdered, and if the lesser sentence is indicated, to do that, then, the President is the only man who can judge that in his executive capacity.

Mr. Quinn. If you were President, what would your position be?

Senator Hughes. I couldn't state that today. I would have to look at the record completely, know the complete set of circumstances around it and arrive at a decision then at that point.

Mr. Novak. Senator Hughes, you have referred to the Vietnam War as a civil war between dictatorships. Do you mean then that if you were President after all the U.S. troops are out, we should completely abandon our South Vietnamese allies and give them no more support?

Senator Hughes. I think an example of what I was talking about, Mr. Novak, is this: Number one, right presently, today, with the elections upcoming in Vietnam, I believe in the House in August and for the Presidency in October, we are involved in attempting to influence that election. We are giving information to this administration, to the Thieu-Ky regime. I introduced along with Senator Eagleton of Missouri, a sense of the Senate resolution to try to reform the Thieu-Ky regime, to allow free operation of political parties, to allow freedom of the press, to release political prisoners, and to prevent the contraband activities of this government in dealing openly on the streets in things such as heroin and other stolen materials. I think unless this government reforms itself that we certainly should limit the extent of support we are willing to give it. I think we have got to shape this government up in a proper form.

Mr. Novak. Do you mean you would abandon the treaty commitments unless they put up a government that met your liking, is that correct?

Senator Hughes. What treaty commitments?

Mr. Novak. We have many commitments with the Saigon government.

Senator Hughes. We have oral commitments with the Saigon government. We have no treaty commitments that have been approved by the Senate of the United States to my knowledge, and, as a result of that, I think that when a free and open election is held and the people have made their selection and their choice, our obligation to all of Southeast Asia is to do the best we can to rebuild that part of the world, to regenerate, to help them in every way we possibly can.

Miss Angelo. Senator, as Chairman of the Subcommittee on Alcoholism and Narcotics, you have a special concern with this field. Which do you think poses the greater problem to our people today, alcohol or marijuana?

Senator Hughes. Alcohol, by far.

Miss Angelo. Would you then legalize marijuana or take some step in that direction?

Senator Hughes. I am not prepared at this point to say marijuana should be legalized or not legalized. I am a member of the National Marijuana Commission appointed by the Senate, and I wouldn't want to be prejudiced in attempting to support that.

Miss Angelo. But there have been many studies made on marijuana by the United States Government. Is the government being candid with the people on the findings from these studies?

Senator Hughes. I think the government is becoming much more candid on the finding of these studies, and I could draw a parallel between alcohol and marijuana and the effects of it, but it would take some time to do so. I think at the present time with the order for a national report on marijuana passed by the Congress of the United States, signed by the President, that is due by the first of next January, we should let this very thorough worldwide study be taken and draw final conclusions from that. That I hope will give us the necessary information to give an honest answer to the people of America and the world.

Mr. Lisagor. Senator Hughes, you have said that unless the Democratic Party reformed, what happened at the Democratic Convention in 1968 would be "a tea party," to use your words. Compared to—what would happen in 1972? What did you have in mind?

Senator Hughes. The frustrations of the people who have worked through the Democratic Party and who are working in campaigns and will be working in campaigns to try and support various presidential candidates in 1972 are going to be long in mind about the convention of 1968.

The McGovern Commission, the Party Reform Commission, has set out some 25 requirements. The National Committee has endorsed them. Some 38 states have taken active roles in trying to reform their state selection processes.

It more or less guarantees equality of representation of all people in America, black, white, yellow, red or brown, the female or male, young and old, and all those in between. If it works properly, we are going to see a different kind of convention in '72 than we have ever seen before.

Mr. Lisagor. But Senator, Vietnam was the crux of the issue that tore the party apart in 1968. Now the President says that that won't be an issue in '72. Do you think he is correct in that?

Senator Hughes. I doubt very much that he is correct in it. Unless he certainly changes his policies as of to date, I don't see how we can possibly be totally disengaged from Southeast Asia by 1972. I don't say this in the hope that it will be an issue. I hope the President succeeds. I hope he can withdraw all American forces from Indochina, and I hope the war can be quieted down to the extent that it will not be a major issue, but it is very doubtful in my mind that it can.

Mr. Spivak. We have less than four minutes.

May I ask you this question about the Middle East, since you say you know more about foreign policy than the newsmen have given you credit for. You oppose further involvement in South Vietnam, but you have indicated a willingness to get involved in the Middle East. Is it your judgment that the United States has a vital interest in the Middle East?

Senator Hughes. My judgment is that the United States has a total commitment to Israel, that we have had from the very beginning in the forming of this small nation, that we have had a commitment over this long period of years of the lifetime of this country, that we have tried to keep the balance of power between Israel and the Arab nations by supplying arms, that Israel has not asked us to supply manpower and come in and fly airplanes and fight their war for them, that they are willing to do the fighting themselves, if we maintain a balance of power. That balance of power has been on the minus side. It has been actually on a ratio of about four-to-one in favor of the Arabs—because of the improved efficiency in training of the Israelis themselves. I do think we have a commitment to the nation of Israel, and there is no comparison between Israel and Vietnam.

Mr. Spivak. How far would you go to fulfill that commitment? Suppose the Russians do get into this and the Israelis can't hold their own, how far are you prepared to go?

Senator Hughes: It is my personal belief that Russia does not want these two great powers to come in total confrontation in Israel. They have a heavy investment in Egypt. We have a heavy investment in Israel. The Russians have indicated, I think, through the steps taken for peace in the Middle East, that they are hopeful that some sort of a resolution of these differences can be brought amicably. I believe this is the hope today and that we should continue the pressure to try and negotiate these differences and to bring into direct negotiation the Israelis and the Arabs.

Mr. Spivak: We have two minutes.

Mr. Quinn. Senator, depending on how things work out or don't work out, would you be interested at all in the Vice Presidential nomination?

Senator Hughes: I can recall only one man running for the Vice Presidency. That was John Kennedy in 1956. I am not interested in it to the extent that I am even looking the ground over with the hope of having myself in a position to be selected by the nominee of the Democratic Party to be his running mate. In the first place it would be very difficult for a man like me simply to accept the second position and parrot the opinions of the nominee over a period of a number of years. There would be many questions of conscience involved in it that I would have to resolve myself. But in the final analysis, I suppose I would have to weigh whether I could be of benefit to my nation and the people of my nation by accepting the position.

Mr. Novak: Sir, The New York Times has quoted you as not denying an interest in the occult and in extra-sensory perception. Those are essentially private beliefs, but they would be important for a President of the United States. Have those beliefs influenced your decision-making on public policy?

Senator Hughes: No. They wouldn't influence my decision on public policy at all. I believe I have a healthy interest in those fields, and extra-sensory perception, the ability to expand the utilization of the mind—I was pleased to feel that at least one of our last astronauts on his way to the moon shared a similar interest with me.

Miss Angelo: Can you conceive any set of circumstances that might make you, outside the Democratic Party, lead or work very strongly for a fourth liberal party?

Senator Hughes: There are certainly no circumstances on the scene today that would bring that about.

Mr. Spivak: Our time has run out, and we must stop. I am sorry to interrupt.

Thank you, Senator Hughes, for being with us today on Meet the Press.

UNANIMOUS CONSENT AGREEMENT RELATING TO RESOLUTION ON REORGANIZATION PLAN NO. 1 OF 1971

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself, I ask unanimous consent that at 3 p.m. on Wednesday next the resolution on reorganization plan No. 1 of 1971 be laid before the Senate, and that debate be limited to 2 hours, to be equally divided and controlled by the majority and minority leaders or their designees, and that the vote on the resolution occur at 11 a.m., Thursday, June 3, 1971, any other rule of the Senate notwithstanding.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The unanimous consent agreement reads as follows:

Ordered, That the resolution disapproving the reorganization plan No. 1 of 1971 (S. Res. 108) be laid before the Senate at 3 p.m. on Wednesday, June 2, 1971, and that debate thereon be limited to 2 hours, to be equally divided and controlled by the majority and minority leaders or their designees.

Ordered further, That a vote on the adoption of the resolution occur at 11 a.m. on Thursday, June 3, 1971.

Mr. MANSFIELD. Mr. President, I will yield what time has been delegated to me to the distinguished chairman of the committee, the Senator from Arkansas (Mr. McClellan).

MEMORIAL DAY

Mr. SCOTT. Mr. President, today is the last day before the Memorial Day recess, and therefore I would like to note that we in the Senate are conscious of the sacrifices of those who have served their country in all our wars; who have served with gallantry and distinction; who have served in wars whether they be popular or unpopular at home; who have risked and often made the supreme sacrifice; who have taken the brunt of risk and danger as the cutting edge of the Nation's will; who have lived and who have died in simple patriotism for love of country; to whom the baffling clamor of dissent can oft serve only to confuse; who knew their duty and did it; who have kept the Nation strong and kept our purpose clear and kept our will alive.

These are the people who serve in the highest sense of the word. We remember them this Memorial Day weekend as "glory guards, with solemn round, the bivouac of the dead."

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under previous order, morning business will be transacted until 10 o'clock, and each Senator will be limited to 3 minutes.

A MATTER OF TRUST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a column by Mr. Anthony Lewis, which appeared in the New York Times, entitled "A Matter of Trust," which covers Mr. Lewis' analysis of an interview with Xuan Thuy, North Vietnamese chief negotiator at Paris, be incorporated at this point in the Record, together with an article entitled "Illogic in Vietnam," by Tom Wicker, and published in the New York Times of May 25, 1971, and a speech which I made in the Senate on May 6, 1971, on the American prisoners of war and their relationship to the conflict in Vietnam.

I would make only one addition. When I made the speech I said that as of April 27, 1971, there were 352,794 U.S. casualties. As of May 15, 1971, the casualties numbered 354,024.

There being no objection, the material was ordered to be printed in the Record, as follows:

A Matter of Trust

(By Anthony Lewis)

Paris.—After an interview with Xuan Thuy, North Vietnam's chief negotiator in the Paris peace talks, two impressions are the strongest: He is utterly confident that his side will win the war it has been fighting in Indochina for 25 years. He is deeply suspicious of American policy and motives.

As the Americans who have dealt with him in the talks have found, Mr. Thuy is articulate, informed and usually affable. His manner in the interview was relaxed, his language not markedly rigid; he laughed now and then as he made some rhetorical thrust.

But he gave no indication that his Government was prepared to give ground on its aims or its negotiating tactics. And the air of confidence was striking. When he said the outcome of the war was "evident now," he smiled as if he were stating the obvious.

His view of the United States Government came out tellingly in the reiterated statement that he did not believe President Nixon intended to withdraw all American forces from Vietnam at anytime. The conditions laid down by the President for setting a withdrawal date, he said, were only "a pretext" to cover a decision against getting out: If North Vietnam gave way on one condition, such as the prisoners, Mr. Nixon would just raise another.

After all that has happened in Vietnam, Hanoi's skepticism about American intentions is not exactly surprising. But its view of the Nixon withdrawal program does indicate how large a gulf still exists between the two sides here in Paris, not only in aims but in understanding of each other.

Most Americans, even some critical of the President's policy, believe that Mr. Nixon has started an irreversible process. The United States is getting out of Indochina; it has no choice in terms of political or military realities. The only real question, now is how much more damage will be done to the Indochinese people—and to ourselves—before we finally go.

But Hanoi does not see it that way, and the reason is clear enough. A very wise student of the Vietnam tragedy, and of the talks here, put it as follows:

"It is a matter of trust. They just fundamentally mistrust us."

The continuing deadlock on the most emotional and therefore obstructive issue in the talks, the prisoners, is a result of that mistrust.

The U.S. side in the peace talks cannot see why the North Vietnamese do not make a gesture on the prisoners—provide more complete lists of the Americans held, release some or all at once or make a firm commitment to release them if President Nixon does at last put a terminal date on American military involvement in Indochina.

As the Americans see it, such steps would cost Hanoi nothing. While most unusual in a war—prisoners are normally left till the end of hostilities, as Hanoi points out—it would improve North Vietnam's negotiating leverage to take action now, and put the President under much greater pressure.

That is logical thinking, but it does not take account of the mistrust in Hanoi. There, it appears, the prisoners are seen as protection against an American-escalation of the war. If the card is given up, the Communist side fears, the United States might feel more free to go on bombing indefinitely all over Indochina, including North Vietnam.

Mistrust and misunderstanding are also factors in Washington. President Nixon knows that the Communists returned French prisoners after France settled at the Geneva conference in 1954 and withdrew her forces, yet he continues to tell the American public that the only way to get our prisoners out is to refuse to fix a time for final withdrawal—the reverse of logic.

And so the prisoner issue remains in its paradoxical position: We refuse to set a date for total withdrawal until they make a commitment to release the prisoners; they refuse to make any commitments until we set a date.

Because of such a difference, men have to go on killing and being killed, brutalizing themselves and others for no convincing cause. Is it possible? How will it look to history? Against the fact of mistrust, one feels the hope of sanity.

One side or the other may still change its tactics and make a gesture of faith. Xuan Thuy may get fresh instructions and at some point this summer offer a commitment on the prisoners. Or President Nixon may find reason to change his policy of openended war.

Illogic in Vietnam

(By Tom Wicker)

Washington.—An interview with Xuan Thuy, North Vietnam's chief negotiator in Paris, by Anthony Lewis of The New York Times, has made plain the essential illogic of President Nixon's stand on the so-called "P.O.W. issue."

In fact, as Eugene McCarthy pointed out in a weekend speech at a peace rally in Minneapolis, the policy of "Vietnamization" itself appears illogical if it is really Mr. Nixon's aim to insure South Vietnam "a chance" for self-determination.

The President has insised that he will not set a date for the complete withdrawal of American forces from Indochina until Hanoi promises more than a mere discussion of the prisoner issue. "We need action on their part and a commitment on their part with regard to the prisoners," he said on April 28.

But what is the threat, if any, which makes this stand credible? Mr. Nixon also has said that all American troops will not leave South Vietnam—a "residual force" of unspecified size will remain—until the prisoners are released. But a residual force certainly cannot effect the release of the prisoners if the larger force of this year or last year could not do so.

Thus, Mr. Nixon's stand not only can do nothing to effect the release of the prisoners; it is also an explicit admission that the policy of unilateral withdrawal cannot be a policy of total withdrawal but one of withdrawal to some point to be determined by Mr. Nixon. On that basis, if we are to keep some troops in South Vietnam until the prisoners are released, we may keep both troops and prisoners there forever.

All of that, Mr. Thuy told Mr. Lewis, merely confirms the suspicion of Hanoi that Mr. Nixon does not intend a total withdrawal, but plans to keep enough American force in Indochina to guarantee the survival of a non-Communist South Vietnamese regime—a so-called "Korean solution."

It may well be that Mr. Nixon is correct that "a promise to discuss means nothing from the North Vietnamese." Even so, if he is determined to stick with his withdrawal policy, it is difficult to see what could be lost by extensive secret discussions, in Paris and elsewhere, to see if there could not be developed an understanding, tacit or explicit, that Washington and Hanoi would announce simultaneously (a) a date for the completion of the American withdrawal, and (b) that on the same date or sooner the P.O.W.'s would be released, probably in several installments.

This would not only remove the necessity for the residual force, which would be a certain point of political controversy in this country and elsewhere it would also at a stroke deprive all the potential Democratic Presidential nominees (save Senator Henry Jackson) of their chosen position on Vietnam.

Mr. McCarthy is another matter. He hinted strongly that he is thinking more nearly in terms of a third-party candidacy than of another run within the Democratic party. And in addition, he set himself apart from the Democratic aspirants by advocating a negotiated settlement rather than a unilateral American withdrawal by a certain date.

Mr. McCarthy pointed to the inescapable but often obscured fact that there is little chance the United States can have more influence than it now has on the future of Indochina *after* it has pulled out all its forces (either at Mr. Nixon's order or under Congressional mandate). But to negotiate now, while there is some rough equilibrium of forces and with the lure of cutting short a war costly to all sides, might produce more acceptable arrangements than withdrawal or the "Korean solution." It might even get the prisoners home more swiftly.

Mr. Thuy lent credence to this view when he expressed to Mr. Lewis that because of the failure of Mr. Nixon's efforts to win a "military victory" through escalation in Cambodia and Laos, the North Vietnamese now have only to wait for the fruits of an inevitable victory of their own.

If that represents Hanoi's attitude, it will not be possible to negotiate any kind of an Indochinese settlement with out substantial concessions from Washington and Saigon—presumably the acceptance of an interim arrangement for sharing political power in South Vietnam among all contending elements until a longer-term arrangement can be reached by the parties themselves.

It is true that that might open the door to a Communist take-over at some point in the future. But withdrawing all American troops will far more surely open the door, and prolong a sad, destructive, pointless war by how many years no one can say.

Congressional Record, May 6, 1971, Pages 13810–11

Mr. Mansfield. Mr. President the question of the POW's has been receiving significant attention both in this country and in Paris as well as in Hanoi. The number of POW's has been estimated at approximately 1500 but figures have been given by North Vietnam to the effect that they hold approximately 400 U.S. prisoners of war.

The question of the POW's figures significantly and, in some respects, overridingly in the matter of ending the war in Vietnam. The Administration has said that we will maintain forces in Vietnam until all POW's are released. Hanoi has said that they will not even begin to discuss the fate of the prisoners until a termination date has been set and then, according to press reports from the North Vietnamese Delegation in Paris, they have indicated this matter could be settled promptly.

If a termination date were set and negotiations in earnest begun, there would be no useful reason, in my opinion, for North Vietnam to keep the U.S. POW's there. If a termination date is not set, then we are confronted with the paradoxical situation which results in more and more American casualities, perhaps more and more POW's and more and more of a determination on the part of North Vietnam to hang on to the POW's.

A terminal date for ending the war could lead to the release of the POW's. A continuation of the war with increased casualties and an increase in the number of POW's would make a bad situation worse. As it is now, it appears to me that both sides of the coin are the same as far as the POW's are concerned. The present approach makes hostages of the POW's with the result that the possibility of their release fades into the distance even as the casualties and the cost increase week by week, month by month, year by year. If we agree to a termination date and the prisoners are not released, we still retain all our options and, thereby, lose nothing in the attempt.

On April 16 the President gave another reason in addition to the POW issue for not fixing a terminal date on the involvement. That was to give South Vietnam "at least a chance" to defend itself against North Vietnam. With an army which is larger than North Vietnam's, equipped, trained, supplied, paid and advised by Americans over a period extending from 1955 to the present, I would say that if they are not in a position now to have "at least a chance" to defend themselves, then they never will be. It is their country. It is their future. It is their decision, not ours.

Over the years I have not deviated from my position that we had no business becoming involved, militarily, in Vietnam. We have no foundation and never have had for the pursuit of our intervention there.

352,794 casualties as of April 27, 1971, 120 billion dollars wasted, demoralization and divisiveness at home and abroad, drug addiction, graft, corruption, fraggings, the laying waste of a country and the "wasting" of lives—that is what Vietnam has entailed, that is what Vietnam means—even now.

(NOTE.—As of May 15, 1971, the casualties now number 354,024.)

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DESIGNATION OF PERIODS FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY, JUNE 2, THURSDAY, JUNE 3, AND FRIDAY, JUNE 4

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday, June 2, following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to extend beyond 10 a.m., with statements therein limited to 3 minutes, and that at the conclusion of the period for the transaction of routine morning business the unfinished business be laid before the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that on Thursday, June 3, following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to extend beyond 11 a.m., with statements therein limited to 3 minutes, and that upon the conclusion of the period for the transaction of routine morning business the resolution on Reorganization Plan No. 1, 1971, be laid before the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that on Friday, June 4, immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, and that upon the conclusion of the period for the transaction of routine morning business the unfinished business be laid before the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE RULE OF GERMANENESS FOR THE PERIOD JUNE 1 THROUGH JUNE 4, 1971, INCLUSIVE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Pastore rule of germaneness, paragraph 3 of rule VIII of the Standing Rules of the Senate, be waived throughout the 4 days, June 1 through June 4, inclusive.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I have asked for a waiver of the Pastore rule during that period for the simple reason that there is a time agreement and votes have been scheduled at times certain. Time is under the control of certain Senators during those days—at least, on the 2d, 3d, and 4th of June—and any Senator who wishes to speak on nongermane subjects has to get time from the time that is under control.

Mr. SCOTT. Mr. President, reserving the right to object—and I shall not object—this is a good time to waive the rule of germaneness, because we are in the commencement season and speakers are not required to be germane in the country; and perhaps it would be just as well if we could have a certain amount of "wanderment" in the Senate.

Mr. BYRD of West Virginia. Mr. President, the rule of germaneness is a very efficient and useful instrument for the expedition of business in the Senate, when used in a reasonable fashion; and when time is not under control, I believe it is good to enforce the rule of germaneness. But when time has been blocked out and is divided and controlled by virtue of an agreement—as in this instance—with votes scheduled at a time certain, nothing is to be saved by way of the time of the Senate by enforcement of the Pastore rule. Indeed, the time of the Senate might well be saved by its waiver, and it is for that reason that the waiver has been agreed to during the period specified.

RESOLUTION AUTHORIZING RELEASE OF DOCUMENTS OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. WILLIAMS. Mr. President, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 128

Resolved, That the Senate authorizes the release to the Attorney General and Secretary of Labor of such documentary evidence in the possession and under control of the Senate which was obtained pursuant to S. Res. 360 and S. Res. 35, Sec. 4 and further authorizes such action thereon with regard to the documentary evidence as will promote the ends of justice consistently with the privileges and rights of the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. WILLIAMS. Mr. President, since March of 1970, the Committee on Labor and Public Welfare has been engaged pursuant to Senate resolution in an examination, investigation and study of the United Mine Workers of America's election of 1969. During this time the committee has held public hearings into the election in February, March, May, June, and September of 1970. Those hearings were published as a committee document of the 91st Congress. In addition to the public hearings, committee investigators and accountants have been engaged for some months in a detailed investigation of the possible misuse of funds of the union in the course of the 1969 election. This investigative activity has reached into several States, involves many documents and a number of witnesses.

Besides the activity of the Senate in conducting this investigation, both the Department of Justice and Department of Labor have been engaged in investigative activities relating to the 1969 Mine Workers' election.

As a result of the Labor Department's investigation, the Secretary of Labor, through the Attorney General, has brought a suit to set aside the 1969 election. That action, which is entitled "James D. Hodgson, Secretary of Labor, against United Mine Workers of America, Civil Action No. 62-70," is now pending trial on June 2 in the U.S. District Court for the District of Columbia.

I have been requested, as chairman of the Committee on Labor and Public Welfare, by the Attorney General and the Secretary of Labor to provide those departments with evidence that was developed by our committee relating to the misuse of funds and other matters that may have a bearing on the suit to set aside the election and in connection with other related investigations. In this connection I wish to inform my colleagues that the investigative work has been completed. I expect the Committee on Labor and Public Welfare to take official action regarding the investigation within the next month. However, because of the impending nature of the activities of the Departments of Justice and Labor, I believe that the interests of justice and the goals sought by the Senate in originally directing the committee to conduct this inquiry will be accomplished in the most beneficial manner by the Senate authorizing the Attorney General and Secretary of Labor to have this information from our files.

I have therefore submitted a resolution which would authorize the release of this documentary evidence pursuant to rule XXX of the Standing Rules of the Senate.

The resolution, of course, is related to documentary evidence acquired in connection with the investigation and would not authorize the release of materials relating to internal Senate matters.

I ask unanimous consent that the letters from the Secretary of Labor and the Deputy Attorney General be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
Washington, D.C., May 25, 1971.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: I understand that the Subcommittee on Labor of the Committee on Labor and Public Welfare has, within the last few months, conducted an extensive investigation into the election of International officers held by the United Mine Workers of America on December 9, 1969. I have been advised that certain information may have been obtained during the investigation which may be helpful in establishing violations of Title IV of the Landrum-Griffin Act in the case of *Hodgson* v. *United Mine Workers of America* presently scheduled for trial in the United States District Court for the District of Columbia on June 2, 1971. I would appreciate it if the Subcommittee would make the files containing its investigative findings available to the Department of Labor for review in order that a determination can be made as to whether the evidence uncovered by the Subcommittee investigators may be utilized in the trial.

I am pleased to note that cooperation between members of the Subcommittee staff and Department of Labor staff members in sharing investigative findings may result in valuable additional information being made available to the Court for its consideration.

Sincerely,

J. D. HODGSON,
Secretary of Labor.

OFFICE OF THE
DEPUTY ATTORNEY GENERAL,
Washington, D.C., May 25, 1971.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am advised that the Subcommittee on Labor of the Senate Committee on Labor and Public Welfare has recently completed an investigation of alleged election irregularities occurring in various Districts of the United Mine Workers of America in connection with the election of the Union's international officers on December 9, 1969.

A conference held on May 24, 1971, between members of the Subcommittee staff and representatives of the Departments of Justice and Labor indicate that information in the possession of the Subcommittee may be helpful in the conduct of litigation to set aside the last election of the United Mine Workers which the Court has scheduled for trial beginning June 2, 1971.

I would, therefore, appreciate it if you would permit representatives of the Department of Justice to examine the material in the possession of the Subcommittee and to utilize any material which may be determined to be useful.

Sincerely,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

Mr. PROUTY. Mr. President, I strongly support the resolution offered by the distinguished junior Senator from New Jersey (Mr. WILLIAMS).

I agree that it is essential that this resolution be considered and agreed to today.

Intensive investigations have been conducted by the Justice Department, the Labor Department, and our Labor Subcommittee, Mr. President, since the United Mine Workers' election on December 9, 1969, which resulted in the reelection as President of William A. Boyle.

Several legal actions have been instituted, both civil and criminal, as direct and indirect results of circumstances surrounding this election.

Others, I feel sure, are under active consideration.

At the present time, the case of Hodgson again United Mine Workers of America is scheduled for trial in the U.S. District Court for the District of Columbia on June 2, 1971.

This is an action by the Secretary of Labor to set aside the results of the United Mine Workers' election conducted on June 9, 1969.

It has been brought pursuant to the provisions of title IV of the Labor-Management Reporting and Disclosure Act of 1959, commonly known as the Landrum-Griffin Act.

As noted by my friend from New Jersey, the Secretary of Labor has today made a written request that our Labor Subcommittee make its files containing our investigatory findings available to his Department for review.

The primary purpose of this request is to ascertain whether any evidence uncovered by our committee's investigators can be utilized in the trial currently scheduled to commence next week as to the legality of the 1969 election.

If this request is granted, the Department of Labor can also use any relevant evidence, of course, in connection with any other legal actions it may be contemplating.

Likewise, Deputy Attorney General Richard G. Kleindienst has written Chairman WILLIAMS today making a similar request on behalf of the Department of Justice.

I understand that our committee intends to consider its investigation of the United Mine Workers in executive session within the next month or so, after which it will issue a public report and possibly recommend certain courses of action to the Departments of Labor and Justice.

As I further understand the situation, however, the Senate Rules prohibit release of any evidence or information to outside parties obtained during the course of a committee investigation which has never been made part of a formal committee hearing record.

That, Mr. President, is the urgency which compels us to introduce this resolution today and to ask for its immediate consideration and passage.

The only manner in which the requests of the Labor and Justice Departments, requesting access to our committee's evidence, can be complied with is if the release of such data is authorized by the U.S. Senate.

This is an opportune time to demonstrate that two branches of our Federal Government—the legislative and the executive—can act with bipartisan cooperation to equitably promote the ends of justice. Without such cooperation, the litigation scheduled for next week might well be decided without consideration of all the available and relevant facts.

I, therefore, urge all my colleagues on both sides of the aisle to support this resolution offered by the chairman of our committee in order that the results of our Labor Subcommittee's investigation of the United Mine Workers may be made available to the appropriate executive departments.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with the preamble, reads as follows:

S. RES. 128

Whereas, the Senate, pursuant to S. Res. 360, 91st Congress, 2nd Session (agreed to March 12, 1970) and S. Res. 35, Sec. 4, 92nd Congress, 1st Session (agreed to March 1, 1971) has directed the Committee on Labor and Public Welfare to examine, investigate, and make a complete study of any and all matters pertaining to the United Mine Workers of America election of 1969; and

Whereas, the Secretary of Labor has brought suit to set aside the UMWA election of 1969 in the case of James D. Hodgson, Secretary of Labor vs. United Mine Workers of America, Civil Action No. 662–70, now pending in the United States District Court for the District of Columbia; and

Whereas, the Attorney General and the Secretary of Labor have asked the Committee on Labor and Public Welfare for information arising from the Committee's examination, investigation and study that may bear on the aforementioned suit to set aside the election and on other investigations of the Departments of Justice and Labor relating to that election; and

Whereas, by the privilege of the Senate and by Rule XXX of the Standing Rules of the Senate, the information may not be revealed and documents withdrawn without the consent of the Senate; therefore be it

Resolved, That the Senate authorizes the release to the Attorney General and Secretary of Labor of such documentary evidence in the possession and under control of the Senate which was obtained pursuant to S. Res. 360 and S. Res. 35, Sec. 4 and further authorizes such action thereon with regard to the documentary evidence as will promote the ends of justice consistently with the privileges and rights of the Senate.

ORDER FOR ADJOURNMENT FROM TUESDAY, JUNE 1, UNTIL 9:30 A.M., WEDNESDAY, JUNE, 2, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday, June 1, it stand in adjournment until 9:30 a.m. on Wednesday, June 2, 1971.

The PRESIDING OFFICER (Mr. Gravel). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DOMINICK. Mr. President, I ask unanimous consent that during the debate on my amendment, which I will call up at 10 a.m., under the unanimous-consent agreement, my aide, Mr. Robert Old, be permitted in the Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Stevenson). Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The President pro tempore laid before the Senate the following letters, which were referred as indicated:

Reports on Final Determination Relating to Claims of Certain Indians

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination with respect to Docket No. 334–B, the Absentee Shawnee Tribe of Oklahoma (on behalf of the Shawnee Nation), plaintiff, v. the United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination with respect to Docket No. 274, the Creek Nations, plaintiff, v. the United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

Report of District of Columbia Office of Civil Defense

A letter from the Commissioner, Government of the District of Columbia, transmitting, pursuant to law, a report of the District of Columbia Office of Civil Defense, for the fiscal year 1970 (with an accompanying report); to the Committee on the District of Columbia.

Proposed Amendment of Certain Shipping Acts

A letter from the Chairman, Federal Maritime Commission, transmitting a draft of proposed legislation to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes (with accompanying papers); to the Committee on Commerce.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Improvements Needed in Management of Training Under the Government Employees Training Act, Department of Defense, dated May 25, 1971 (with an accompanying report); to the Committee on Government Operations.

Proposed Prohibition of Importation of Certain Works of Art

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to prohibit the importation into the United States of pre-Columbian monumental and architectural sculpture, murals, and any fragment or part thereof, exported contrary to the laws of the country of origin, and for other purposes (with an accompanying paper); to the Committee on Finance.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of Oklahoma; to the Committee on Agriculture and Forestry:

"Senate Concurrent Resolution No. 41

"A concurrent resolution memorializing the Congress of the United States to adequately fund the upstream watershed-protection and flood prevention program of soil conservation service and maintain the Department of Agriculture as a Federal Department with cabinet status; and directing distribution

"Whereas, the Soil Conservation Service, the technical arm of the United States Department of Agriculture, is the only federal agency which receives appropriations from the Congress directly earmarked for the assistance of local conservation districts; and

"Whereas, the important work of this agency has worked wonders in eradicating the ugly scars of the dust bowl from Oklahoma farms and ranches and helped to restore Okahoma waters to their former pollution-free condition; and

"Whereas, under Public Law 83–566, Oklahoma presently has thirty percent of all the planned upstream flood prevention reservoirs in the United States and over $109 million has been spent on construction of such facilities in Oklahoma alone; and

"Whereas, the true 'team effort' displayed by past adequately funded work of these programs must rightfully share a lion's portion of the credit for Oklahoma's sterling performance as an antipollution state; and

"Whereas, these programs offer the best means of solving the environmental problems of the nation; and

"Whereas, the successful conservation and other programs of the Department of Agriculture point to the necessity for maintaining the agency as a Department of the President's Cabinet.

"Now, therefore, be it resolved by the Senate of the 1st session of the 33rd Oklahoma Legislature, the House of Representatives concurring therein:

"Section 1. The Congress of the United States shall be and hereby respectfully is urged to enact legislative appropriations providing for adequate and consistent funding of the programs of Public Law 78–534, Flood Control Act, 1944, and Public Law 83–566, 1954, as well as the many other worthy programs of the Soil Conservation Service in preference to other pollution prevention programs.

"Section 2. The Congress of the United States shall be and hereby respectfully is urged to resist efforts to relegate the United States Department of Agriculture to a position less than its deserved importance as a cabinet level department of the United States government.

"Section 3. Be it further resolved that authenticated copies of this Resolution be transmitted to: the President of the United States; the Presiding Officers of the United States Senate and House of Representatives; each member of the Oklahoma Congressional Delegation; and the chairman of the Agriculture Committee of each house of the United States Congress."

A resolution of the Legislature of the Territory of Guam; to the Committee on Finance:

"Resolution No. 228

"Relative to requesting the United States Congress to extend to residents of Guam the benefits of Section 228 of the Social Security Act which provides for social security payments to certain uninsured persons over the age of seventy-two

"Be it resolved by the legislature of the Territory of Guam:

"Whereas, Section 228 of the Social Security Act provides benefits for certain uninsured individuals who have attained the age of seventy-two (72) years, and who are residents of the United States, as defined in Subsection (e) of Section 228; and

"Whereas, Subsection (e) of Section 228 of the Social Security Act provides that the United States means the fifty states and the District of Columbia, thereby excluding the territory of Guam; and

"Whereas, this limited definition contained in Subsection (e) of Section 228 of the Social Security Act excludes many individuals, not only persons who have previously been receiving the benefits in one of the fifty states or the District of Columbia and come to Guam, but also the permanent residents of the territory of Guam, many of such individuals being greatly in need of such social security benefits; and

"Whereas, the Social Security Act in practically all other particulars applies to the territory of Guam, and this exclusion for persons over the age of seventy-two (72) who are uninsured would appear to be an oversight by the Congress of the United States, who has most favorably looked upon the people of the territory, considering them to be entitled to all of the benefits accruing to United States citizens, a citizenship which they regard most highly; and

"Whereas, many of the citizens of the United States residing in Guam who are over the age of seventy-two (72) and uninsured are greatly in need of the assistance set forth in Section 228 of the Social Security Act, such residents often being without moneys necessary to properly and happily live out their senior years; now therefore be it

"*Resolved,* that the Eleventh Guam Legislature does hereby respectfully request the Congress of the United States to extend the benefits of Section 228 of the Social Security Act to residents of the territory of Guam, so that its uninsured senior citizens may receive the benefits thereof; and be it further

"*Resolved,* that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the Senate, to the Speaker of the House, to the Chairman of the House Ways and Means Committee, to the Chairman of the Senate

Finance Committee, to the Chairman of the House Subcommittee on Territorial and Insular Affairs, to the Chairman of the House Committee on Interior and Insular Affairs, to the Chairman of the Senate Committee on Interior and Insular Affairs, to the Secretary of the Interior, to the Commissioner, Social Security Administration, Baltimore, Maryland, to Guam's Washington Representative, to the Manager, Social Security Administration, Agana, Guam, and to the Governor of Guam."

Two resolutions of the Legislature of the Territory of Guam; to the Committee on Interior and Insular Affairs:

"RESOLUTION No. 212

"Relative to expressing the wholehearted support of the people of Guam for Bills H.R. 3237 and S. 1400 pending in the United States Congress which provide a non-voting delegate in the House of Representatives for the territory of Guam

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, Bills H.R. 3237 and S. 1400 are presently pending in the United States Congress, introduced by the Honorable Phillip Burton in the House, and the Honorable Henry Jackson in the Senate, which Bills if enacted would provide a non-voting delegate for the territory of Guam in the United States House of Representatives, which delegate would have such privileges in the House of Representatives as would be afforded him under the rules of the House, receive the same compensation, allowances, benefits as a member of the House of Representatives, and be entitled to whatever privileges and immunities as are given the Resident Commissioner for Puerto Rico; and

"Whereas, the people of Guam are ever anxious to obtain the full measure of democratic government enjoyed by their fellow American citizens in the rest of the United States, and therefore the provisions for the first time in the history of the territory of an official spokesman for the people of Guam in our Nation's Capitol with a seat in the United States House of Representatives is indeed a step forward for the people of Guam in their quest for self-government consonant with their status as American citizens and as inhabitants of an island of immense importance to the defense of the United States and the rest of the free world; and

"Whereas, in view of the recent grant by Congress of the right of the people of Guam to elect their own chief executive, it is the hope of all that this clear indication of the faith that Congress has in the political maturity and stability of the people means that the granting of an elected delegate to the House of Representatives from Guam is also a strong possibility, especially since the former territories of Hawaii and Alaska had non-voting delegates to Congress long before they ever had elected governors; and

"Whereas, not only will the proposed legislation clearly benefit the people of Guam, who at last will have a voice in the most important legislative assembly in the world, but also it will benefit Congress itself since the members can obtain direct and candid information about the problems of the people in this part of the world; now therefore be it

"Resolved, That the Eleventh Guam Legislature does hereby, on behalf of the people of Guam, express wholehearted support of Bills H.R. 3237 and S. 1400 pending in the Congress of the United States to provide for a non-voting delegate in the House of Representatives for the territory of Guam, and does further express the hope that such legislation will be given quick and favorable consideration; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to Representative Phillip Burton, Chairman of the House Subcommittee on Territorial and Insular Affairs, to the Chairman of the House Committee on Interior and Insular Affairs, to the Chairman of the Senate Committee on Interior and Insular Affairs, to Senator Henry Jackson, to the Speaker of the House, to the President of the Senate, to Senator Allott, to Senator Daniel K. Inouye, to Representative Abzug, to Representative Anderson, to Representative Badillo, to Representative Chisholm, to Representative Drinan, to Representative Edwards, to Representative Harrington, to Representative Hawkins, to Representative Kastenmeier, to Representative Matsunaga, to Representative Meeds, to Representative Mikva, to Representative Mink, to Representative Rosenthal, to Representative Ryan, to Guam's Washington Representative, and to the Governor of Guam."

"RESOLUTION No. 211

"Relative to inviting the "Friends of the Earth" to use its best efforts to assist the people of Guam in opposing the acquisition of Sella Bay by the Federal Government

Be it resolved by the Legislature of the Territory of Guam:

"Whereas, this Legislature has consistently and continuously expressed its support for the preservation and conservation of the unspoiled and unexploited areas of Guam, desiring that the unique coral ecology and reef environment of the territory be preserved for future generations; and

"Whereas, one of the most prevalent threats to the cause of the preservation and conservation of the lands of the territory is the proposed acquisition by the Federal Government of Sella Bay and the surrounding area, one of the most scenic on the island, being ideal for open beaches and recreation for the people of Guam; and

"Whereas, the organization known as the "Friends of the Earth" has been exceedingly effective in the fight for the conservation of other natural and scenic areas, and being interested in seeing the development of a Guam National Seashore which would include the area of Sella Bay, has recently expressed interest in helping the people of Guam in opposing the acquisition of the Sella Bay area as an ammunition wharf, indicating that they would be willing to devote their time and organization to assisting the people of Guam in the preservation of their ecology; and

"Whereas, the Eleventh Guam Legislature wishes to express to the "Friends of the Earth" the gratitude of the people of Guam for its interest in protecting the ecology of the natural seashore of Guam and to invite the "Friends of the Earth" to use its best efforts, including the taking of any legal action which it might feel appropriate, to help the people of Guam in opposing the acquisition of Sella Bay by the Federal Government for the development of an ammunition wharf; now therefore be it

"*Resolved*, that the Eleventh Guam Legislature does hereby invite the "Friends of the Earth" to use its best efforts, including the taking of any legal action which it might feel appropriate, to help the people of Guam in opposing the acquitision of Sella Bay by the Federal Government for the development of an ammunition wharf; and be it further

"*Resolved*, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, to the Secretary of the Interior, to the Secretary of Defense, to the Secretary of the Navy, to the Attorney General of the United States, to the Chairman of the Senate Committee on Interior and Insular Affairs, to the Chairman of the House Committee on Interior and Insular Affairs, to Representative Patsy T. Mink, to Guam's Washington Representative, to the President of Friends of the Earth, to the Pacific Representative of Friends of the Earth, and to the Governor of Guam.

A joint resolution of the Legislative Assembly of the State of Oregon; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION 1

"Whereas a resolution of our nation's myriad and diverse problems is contingent upon a viable partnership between the Federal Government and strengthened state governments; and

"Whereas the Federal Government, by its extensive reliance on the graduated income tax as a revenue source, has virtually preempted the use of this source from state and local governments, thereby creating a disabling fiscal imbalance between the Federal Government and the state and local governments; and

"Whereas increasing demands upon state and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes; and

"Whereas federal revenues based predominantly on income taxes increase significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth; and

"Whereas the fiscal crisis at state and local levels has become the overriding problem of intergovernmental relations and of continuing a viable federal system; and

"Whereas the evident solution to this problem is a meaningful sharing of federal income tax resources; and

"Whereas the United States Congress, despite the immediate and imperative need therefor, has failed to enact acceptable revenue-sharing legislation; and

"Whereas in the event of such Congressional inaction, Article V of the Constitution of the United States grants to the states the right to initiate constitutional change by applications from the legislatures of two-thirds of the several states to the Congress, calling for a constitutional convention; and

"Whereas the Congress of the United States is required by the Constitution to call such a convention upon the receipt of applications from the legislatures of two-thirds of the several states; now, therefore,

"Be It Resolved by the Legislative Assembly of the State of Oregon:

"That pursuant to Article V of the Constitution of the United States, the Legislative Assembly of the State of Oregon does hereby make application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several states a constitutional amendment which shall provide that a portion of the taxes on income levied by Congress pursuant to the Sixteenth Amendment of the Constitution of the United States shall be made available each year to state governments and political subdivisions thereof, by means of direct allocation, tax credits, or both, without limiting directly or indirectly the use of such moneys for any purpose not inconsistent with any other provision of the Constitution of the United States; and be it further

"Resolved, That this application shall constitute a continuing application for such convention pursuant to Article V of the Constitution of the United States until the Legislatures of two-thirds of the states shall have made like applications and such convention shall have been called by the Congress of the United States unless previously rescinded by this Legislative Assembly; provided, however, that the application contained in this resolution shall be deemed effective only if, prior to the Congress issuing a call for a convention, Congress enacts legislation establishing a plan for the convention and requir-

ing that the convention be limited in its consideration to only those items specified in this resolution; and be it further

"*Resolved,* That certified copies of this resolution be presented forthwith to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to the Legislatures of each of the several states attesting the adoption of this resolution by the Legislative Assembly of the State of Oregon."

A joint resolution of the Legislature of the State of Arizona; to the Committee on the Judiciary:

"House Joint Resolution 2

"A joint resolution ratifying the proposed amendment to the Constitution of the United States; providing that the right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age

"Whereas, the Ninety-second Congress of the United States of America at its First Session, in both Houses, by a Constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

" 'Joint Resolution

" '*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled* (*two-thirds of each House concurring therein*), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'Article XXVI

" 'Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" 'Sec. 2. The Congress shall have the power to enforce this article by appropriate legislation.'

"Therefore be it resolved by the Legislature of the State of Arizona:

"1. That such proposed amendment to the Constitution of the United States of America be and the same is hereby ratified.

"2. The Governor is requested to transmit certified copies of this Resolution to the Administrator of General Services, Washington, D.C., and the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States."

A resolution of the Utility Workers Union of America urging the support of the national health security bill to the Committee on Finance.

A letter regarding a resolution adopted by the Congress of the United Mexican States extending congratulations to the Senate for having approved the ratification of Protocol II to the Treaty of Tlatelolco; to the Committee on Foreign Relations.

SENATE RESOLUTION 108 DISAPPROVING REORGANIZATION PLAN NO. 1 OF 1971—REPORT OF A COMMITTEE—MINORITY VIEWS (S. REPT. NO. 92–136)

Mr. PERCY. Mr. President, I am filing today on behalf of the Committee on Government Operations and its distinguished chairman (Mr. McClellan) the committee's report on the President's Reorganization Plan No. 1. The committee agreed on May 25 in executive session to approve this reorganization plan, by disapproving by a vote of 10 to 3 Senate Resolution 108, the Resolution of Disapproval sponsored by Senator Williams. The leadership has indicated that 2 hours of debate on the resolution are scheduled for the afternoon of June 2, from 3 p.m. to 5 p.m., with the vote taking place at 11 on Thursday, June 3.

I am pleased also to note that the House Government Operations Committee approved the plan, and yesterday the House, by a vote of 224 to 131, overwhelmingly supported Executive Reorganization Plan No. 1.

The PRESIDING OFFICER (Mr. Tunney). The report will be received and printed; and the resolution will be placed on the calendar.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Julio Morales Sanchez, of Puerto Rico, to be U.S. attorney for the district of Puerto Rico; and

Joel D. Sacks, of the Virgin Islands, to be U.S. attorney for the Virgin Islands.

By Mr. THURMOND, from the Committee on the Judiciary:

Solomon Blatt, Jr., of South Carolina, to be a U.S. district judge for the district of South Carolina;

Robert F. Chapman, of South Carolina, to be a U.S. district judge for the district of South Carolina; and

Warren H. Young, of the Virgin Islands, to be a judge of the District Court of the Virgin Islands.

By Mr. EAGLETON, from the Committee on the District of Columbia:

Hubert B. Pair, of the District of Columbia, to be an associate judge of the District of Columbia Court of Appeals.

J. Walter Yeagley, of Virginia, to be an associate judge of the District of Columbia Court of Appeals.

Mr. MAGNUSON. Mr. President, as in executive session, from the Committee on Commerce, I report favorably sundry nominations in the U.S. Coast Guard which have previously appeared in the Congressional Record and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they may lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER (Mr. Eagleton). Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed at the end of the Senate proceedings on April 30, 1971.)

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SPARKMAN (for himself and Mr. Tower) (by request):

S. 1951. A bill to enable the Federal Reserve banks to extend credit to member banks on any sound collateral at a uniform rate of interest;

S. 1952. A bill to extend Federal Reserve reserve requirements to all checking accounts and to make Federal Reserve credit equally available to all institutions subject to those requirements;

S. 1953. A bill to require all insured banks to clear checks at par;

S. 1954. A bill to enable Federal Reserve banks to invest in certain obligations of foreign governments;

S. 1955. A bill to eliminate the dollar limitation on the cost for construction of Federal Reserve bank buildings; and

S. 1956. A bill to encourage member banks of the Federal Reserve System to invest in community corporations. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARRIS (for himself and Mr. Mathias):

S. 1957. A bill to amend the Internal Revenue Code of 1954 to provide for the valuation of a decedent's interest in a closely held business for estate tax purposes. Referred to the Committee on Finance.

By Mr. HUMPHREY:

S. 1958. A bill to establish a National Domestic Development Bank to provide an alternative source of credit to State and local governments for the purpose of financing public and quasi-public facilities of all types, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. DOLE (for himself, Mr. Bentsen, Mr. Burdick, Mr. Curtis, Mr. Harris, Mr. Pearson, and Mr. Tower):

S. 1959. A bill to provide that certain highways extending from Laredo, Tex., to the point where U.S. Highway 81 crosses the border between North Dakota and Canada shall be known collectively as the "Pan American Highway". Referred to the Committee on Public Works.

By Mr. EAGLETON:

S. 1960. A bill to allow a credit against Federal income tax for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65. Referred to the Committee on Finance.

By Mr. PELL:

S. 1961. A bill to amend title II of the Social Security Act to provide for voluntary agreements between ministers and their employers to treat ministers as employed persons. Referred to the Committee on Finance.

S. 1962. A bill to provide for the crediting of certain past employment by certain persons subject to the National Guard Technicians Act of 1968. Referred to the Committee on Armed Services.

By Mr. HOLLINGS:

S. 1963. A bill to foster a comprehensive, long-range, and coordinated national program in marine science, technology, and resource development, and for other purposes. Referred to the Committee on Commerce.

By Mr. ROTH (for himself and Mr. Brock):

S. 1964. A bill to authorize the Office of Management and Budget to establish a system governing the creation and operation of advisory committees throughout the Federal Government which are created to advise officers and agencies of the Federal Government. Referred to the Committee on Government Operations.

By Mr. ALLEN:

S. 1965. A bill for the relief of Giuseppe Rosone, his wife, Rosalia Rosone, and their child, Rosario Rosone. Referred to the Committee on the Judiciary.

By Mr. BROCK:

S. 1966. A bill to establish a National Emergency Wage-Price Stabilization Board to promote and encourage price and wage decisions consistent with the public interest and control inflation. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MAGNUSON (by request):

S. 1967. A bill to amend the joint resolution expressing the sense of the Congress with respect to the shipping in U.S. vessels of products purchased with loans from the United States in order to apply the provisions of such joint resolution to other types of credit assistance. Referred to the Committee on Commerce.

By Mr. KENNEDY (for himself, Mr. PROUTY, Mr. CRANSTON, Mr. EAGLETON, and Mr. PELL):

S. 1968. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPARKMAN (for himself and Mr. TOWER) (by request):

S. 1951. A bill to enable the Federal Reserve banks to extend credit to member banks on any secured collateral at a uniform rate of interest;

S. 1952. A bill to extend Federal Reserve requirements to all checking accounts and to make Federal Reserve credit equally available to all institutions subject to those requirements;

S. 1953. A bill to require all insured banks to clear checks at par;

S. 1954. A bill to enable Federal Reserve banks to invest in certain obligations of foreign governments;

S. 1955. A bill to eliminate the dollar limitation on the cost for construction of Federal Reserve bank buildings; and

S. 1956. A bill to encourage member banks of the Federal Reserve System to invest in community corporations.

Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, the Chairman of the Federal Reserve Board, Mr. Arthur Burns, has sent up six bills to me requesting that they be introduced for consideration by the Senate.

On behalf of myself and Senator TOWER I am introducing these six bills. I ask unanimous consent that the text of each bill and a copy of the letter which accompanied each bill be printed in the RECORD at this point.

There being no objection, the bills and letters were ordered to be printed in the RECORD, as follows:

S. 1951

A bill to enable the Federal Reserve banks to extend credit to member banks on any sound collateral at a uniform rate of interest

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 10(b) of the Federal Reserve Act (12 U.S.C. 347b) is repealed.

FEDERAL RESERVE SYSTEM,
Washington, D.C., May 21, 1971.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Under section 13 of the Federal Reserve Act, a Federal Reserve Bank may extend credit for periods not exceeding 90 days to its member banks on their promissory notes secured by obligations eligible for discount or purchase by the Reserve Banks.

Such credit is typically secured by obligations of, and obligations fully guaranteed as to principal and interest by, the United States or any agency thereof. Those obligations, plus cable transfers, bank acceptances, bills of exchange, and certain municipal warrants are obligations eligible for purchase by Reserve Banks. Obligations eligible for discounting by the Reserve Banks are limited to notes issued or drawn for agricultural, industrial, or commercial purposes, with a maturity at the time of discount of not more than 90 days. Under section 14, the Reserve Banks establish what are described as the "basic" rates of interest on credit to member banks under section 13.

Under section 10(b) of the Act, a Reserve Bank may extend credit for periods not exceeding four months to its member banks on their promissory notes secured to the satisfaction of the Reserve Bank. The law presently requires that the rate of interest on such an advance must be at least one-half per cent higher than the highest basic rate in effect at the lending Reserve Bank.

For several years the Board of Governors has recommended legislation that would permit member banks to borrow from the Reserve Banks on security of any sound assets without paying such a "penalty" rate of interest whenever technically ineligible paper is presented.

The Board believes that the need for enactment of such legislation has increased as member banks have reduced their holdings of Government securities and broadened the scope of their lending in order to meet the expanding credit demands of their customers. Many of these loans cannot qualify as security for Federal Reserve advances except at the "penalty" rate of interest, although their quality may be equal to that of presently "eligible" paper.

The Board has firmly and unanimously favored authorizing the Reserve Banks to extend credit to member banks on sound collateral without regard to the present "eligibility" provision. It again urges such legislation to avoid penalizing those uses of credit that generate sound paper that is not "eligible" under existing law.

Such paper would include, for example, home mortgages and municipal obligations that meet the test of soundness. The Board could by regulation prescribe limitations on the maturity of the paper offered as collateral. However, presumably all FHA and VA guaranteed loans would become eligible as collateral for advances. We hope that making such obligations eligible for advances at the same rate as other obligations would tend to encourage member banks to increase their portfolio of such obligations.

Unlike drafts submitted previously, which would have made extensive revisions in the Federal Reserve Act, the attached draft bill would accomplish our recommendation in a very simple manner. It would repeal the last sentence of section 10(b) of the Act, which presently requires imposition of the "penalty" rate of interest on paper that does not meet the "eligibility" requirements of section 13.

The Board urges your early and favorable consideration of this bill.

Sincerely yours,

ARTHUR F. BURNS.

S. 1952

A bill to extend Federal Reserve reserve requirements to all checking accounts and to make Federal Reserve credit equally available to all institutions subject to those requirements

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19 of the Federal Reserve Act (12 U.S.C. 374, 461, 464, and 465) is amended in the following respects:

(a) by adding at the end of subsection (a): "For the purposes of this section, the term 'depositary institution' means any institution organized under the laws of the United States, a State, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands that engages to any extent in the business of receiving deposits subject to withdrawal by check, except any organization operating under section 25 or section 25(a) of this Act or any organization that does not do business within the United States except as an incident to its activities outside the United States."

(b) by amending subsection (b) to read as follows:

"(b)(1) Every depositary institution shall maintain reserves against its demand deposits in such ratios and according to such reasonable basis or bases as shall be determined by the Board subject to the following:

(i) The average required reserve ratio for aggregate deposits not exceeding $5,000,000 shall be not less than 7 per centum nor more than 14 per centum;

(ii) The average required reserve ratio or ratios for aggregate deposits exceeding $5,000,000 and not exceeding $100,000,000 shall be not less than 8 per centum nor more than 20 per centum;

(iii) The average required reserve ratio or ratios for aggregate deposits exceeding $100,000,000 shall be not less than 10 per centum nor more than 22 per centum.

(iv) The $5,000,000 figure may be increased by the Board to not more than $10,000,000 or decreased to not less than $2,500,000, and the $100,000,000 figure may be increased to not more than $500,000,000 or decreased to not less than $50,000,000.

"(2) Every member bank shall maintain reserves against its deposits other than demand deposits in such ratios and according to such reasonable basis or bases as shall be determined by the Board, except that the average required reserve ratio or ratios for such deposits shall be not less than 3 per centum nor more than 10 per centum.

"(3) Notwithstanding the foregoing limitations, the Board may prescribe any reserve ratio with respect to any indebtedness of an office of a depositary institution in any State of the United States or the District of Columbia that arises out of a transaction in the ordinary course of its banking business with respect to either funds received from or credit extended by such institution to an office outside the States or District of Columbia of a bank organized under the law of a foreign country or a dependency or insular possession of the United States, except that the average required reserve ratio or ratios applicable to such indebtedness shall not at any time exceed 22 per centum.

"(4) Every depositary institution subject to this subsection shall make reports concerning its required reserves to the Board at such time and in such form as the Board may require. In the event that the Board determines that a depositary institution has violated any provision of this section applicable to it, in addition to the penalties that may be authorized by other provisions of law, such institution shall be subject to a penalty not exceeding $1,000 per day for each day during which such violation continues. Such penalty may be assessed by the Board in its discretion and, when so assessed, may be collected by suit or otherwise by the Federal Reserve bank of the district in which such depositary institution is located. Whenever it shall appear to the Board that a depositary institution has willfully violated the provisions of this section regarding required reserves or reports with respect thereto, the Board, after having warned the institution to discontinue such violations, may report such facts to the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or any State authority that insures the institution's deposits, which shall immediately commence proceedings to terminate the status of the institution as an insured institution.

(c) in subsection (c) by changing (1) "member bank" to read "depositar institution subject to subsection (b) of this section" and (2) "of which it is a member" to read of the Federal Reserve district in which its head office is located".

(d) in subsections (f) and (g) by changing wherever they appear therein (1) "member bank" to read "depositary institution subject to subsection (b) of this section" and (2) "member banks" to read "depositary institutions subject to subsection (b) of this section".

SEC. 2. Section 11(e) of the Federal Reserve Act (12 U.S.C. 248(e)) is repealed.

SEC. 3. Section 13 of the Federal Reserve Act is amended by adding at the end thereof the following paragraph:

"Each Federal Reserve bank may discount paper for, and make advances to, any depositary institution in its district whose deposits are subject to the provisions of this Act regarding reserves, to the same extent and subject to the same limitations as such Federal Reserve bank may discount paper for, and make advances to member banks under the provisions of this Act."

FEDERAL RESERVE SYSTEM,
Washington, D.C., May 21, 1971.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Board of Governors recommends legislation (1) to authorize a more flexible system of graduated reserve requirements, (2) to apply such requirements to the demand deposits of all depositary institutions that accept deposits subject to withdrawal by check, and (3) to authorize the Reserve Banks to extend credit to such institutions on the same basis as they extend credit to member banks.

Since 1964 the Board has recommended that the Congress extend Federal Reserve reserve requirements to all federally insured banks. In this connection I would like to bring to your attention the following observations based on the enclosed data:

(1) The rate of growth in deposits in nonmember banks has consistently exceeded the rate of growth in deposits in member banks during the last decade.

(2) Nonmember bank deposits now constitute approximately 18 per cent of the money supply.

(3) Within the money supply total, the nonmember bank component has regularly responded less and more slowly to monetary restraint than has the member bank deposit compoment; in fact, in the years (1966 and 1969) when the Federal Reserve was trying hardest for monetary restraint, nonmember banks added more to the money supply than did member banks.

The Board believes that, rationally and equitably, all of our nation's institutions that offer checking deposits should be required to maintain reserves against those deposits in the same amount and form that are applicable to member banks.

Otherwise, if present trends continue, reserve requirement changes as a tool of monetary policy will, sooner or later, become practically ineffective. Even now, the incentive to avoid reserve requirement costs by shifting to a nonmember status is a factor that the Federal Reserve must reckon with in considering any increase in reserve requirements to achieve stability goals.

Because of economies of scale in banking, the application of reserve requirements to deposits in small institutions is more onerous than the application of those requirements to deposits in large institutions. Accordingly, in applying reserve requirements to small institutions, whether member or nonmember banks or other nonmember depositary institutions, the Congress might consider it appropriate to establish graduated reserve ratios for demand deposits. By authorizing the imposition of lower reserve ratios against some or all of such deposits (say, the first $5 or $100 million), the Board would be able to develop a rational and equitable reserve requirement system consistent with the effective implementation of monetary policy.

As in the past in recommending extension of Federal Reserve reserve requirements to nonmember banks, the Board believes that all institutions subject to such requirements should have access to Federal Reserve credit facilities on the same basis as member banks.

A draft bill based on the foregoing considerations is enclosed. The Board urges its introduction and enactment.

Sincerely yours,

ARTHUR F. BURNS.

TABLE 1.—DOLLAR CHANGE IN MONEY SUPPLY COMPONENTS AS A PERCENT OF THE DOLLAR CHANGES IN TOTAL MONEY SUPPLY 1960–1970 [1]

Period	Member bank demand deposits	Nonmember bank demand deposits	Currency and coin
1960	150.0	(2)	(2)
1961	67.4	19.6	13.0
1962	9.1	45.5	45.5
1963	39.3	26.8	33.9
1964	51.4	23.0	25.7
1965	44.9	28.2	26.9
1966	21.1	26.3	52.6
1967	63.2	18.8	40.6
1968	55.4	23.6	20.9
1969	15.6	43.8	40.6
1970	55.8	16.8	27.4

[1] Based on December to December dollar changes not seasonally adjusted for each component.

[2] Not definable.

TABLE 2.—COMPONENTS AS A PERCENTAGE OF TOTAL MONEY SUPPLY, 1960–70

Last month of year	Member bank demand deposits	Nonmember bank demand deposits	Currency and coin
1960	65.4	14.3	20.3
1961	65.4	14.5	20.1
1962	64.6	14.9	20.5
1963	63.7	15.3	21.0
1964	63.2	15.7	21.2
1965	62.3	16.2	21.4
1966	61.4	16.4	22.1
1967	61.6	16.6	21.8
1968	61.1	17.1	21.8
1969	59.7	17.9	22.4
1970	59.5	17.9	22.6

[1] Based on last month of year not seasonally adjusted data.

TABLE 3.—PERCENT ANNUAL RATE OF CHANGE IN COMPONENTS OF THE MONEY SUPPLY, 1960–70 [1]

Period	Total money supply	Member bank demand deposits	Nonmember bank demand deposits	Currency and coin
1960	−0.5	−1.2	1.5	0.4
1961	3.2	3.3	4.3	2.0
1962	1.5	.2	4.6	3.3
1963	3.7	2.2	6.6	6.1
1964	4.7	3.8	7.0	5.7
1965	4.7	3.4	8.5	6.0
1966	2.2	.7	3.6	5.4
1967	6.6	6.8	7.6	5.4
1968	7.8	7.1	11.2	7.5
1969	3.1	.8	8.0	5.9
1970	5.4	5.0	5.1	6.6

[1] December to December changes based on not seasonally adjusted data for each component.

S. 1953

A bill to require all insured banks to clear checks at par

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding the following subsection:

"(k) No insured bank shall pay any check drawn on it at less than its face amount or make any charge, by exchange or otherwise, against a person in his capacity as payee or indorsee for the payment of such checks and remission of the proceeds thereof. For each violation of this subsection, the offending bank shall be subject to a penalty of not more than $100, which the Corporation may recover for its use."

SEC. 2. The first paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 342) is amended by striking ": *Provided further,* That nothing in this or any other section of this Act shall be construed as prohibiting a member or nonmember bank from making reasonable charges, to be determined and regulated by the Board of Governors of the Federal Reserve System, but in no case to exceed 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor by exchange or otherwise; but no such charges shall be made against the Federal reserve banks".

SEC. 3. The amendments made by this Act shall become effective one year after the date of the enactment of this Act.

FEDERAL RESERVE SYSTEM,
Washington, D.C., May 21, 1971.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking, Housing, and Urban Affairs, United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In some areas of the United States, many of the commercial banks that are not members of the Federal Reserve System make charges for the payment of checks drawn on themselves when the checks are presented by mail. These charges are generally known as "exchange charges" and the banks that impose such charges are referred to as "nonpar banks" because they do not pay at par, that is, at face value, all checks drawn on them.

Deposits in checking accounts constitute the bulk of our country's money supply. The efficient operation of our economic machine requires that checks, like currency, be interchangeable at their face value. Present provisions of the Federal Reserve Act expressly prohibit the making of exchange charges against the Federal Reserve Banks and, as a practical matter, all checks drawn on member banks and collected through the Federal Reserve collection system are paid at par. Whatever reasons may have once existed for the making of exchange charges, it is the Board's opinion that, under today's highly developed system of check collection, there is no sound reason for any bank, whether member or nonmember, to pay less than the face amount of checks drawn upon it. Any expense that a bank incurs in the payment of checks should be absorbed by the bank or borne by its customers—the depositors who drew the checks—rather than by the payees or indorsees. This is the practice followed today by most banks.

It is obvious that nonpar banking involves inequities. For example, a seller of goods or services who is willing to accept checks in payment may receive less than the price agreed upon if the purchaser draws his check on a nonpar bank. On the other hand, he may receive full payment even if the check is drawn on a nonpar bank, because some such banks follow a discriminatory practice of "parring" items only for certain persons. In any event, as long as banks are permitted to impose exchange charges, a seller cannot be certain that he will receive full payment for checks that he accepts for his goods or services.

In addition to such inequities, nonpar banking involves unjustified costs and inefficiencies. For example, where a collecting bank presents a check to a drawee nonpar bank and pays an exchange charge and the charge is passed back through other collecting banks to the payee's bank and ultimately to the payee, each of the banks as well as the payee must make appropriate reversing entries in its books to take account of the fact that the item was not paid at its face amount.

The unjustified costs and inefficiencies of nonpar banking often take a somewhat different form. Some banks are willing to "absorb" exchange charges on checks cleared through them in return for the maintenance of a minimum deposit by the forwarding bank. To pass a check through such a bank frequently involves circuitous routing, perhaps to places quite distant from the drawee bank, thereby unnecessarily delaying the time of payment of the check.

While nonpar banks today obtain substantial income from charging exchange, banks that have shifted from a nonpar to a par status have been able to operate profitably through the substitution of an appropriate system of service charges levied against their depositors for the expense of handling transactions in their accounts. Thus, while the elimination of exchange charges will greatly facilitate the efficient operation of our nation's banking system, the loss of exchange income should not be detrimental to individual banks.

For the reasons indicated above, the Board, beginning in its Annual Report to the Congress for 1965, has annually recommended enactment of legislation that would require all insured banks to pay checks drawn on them at par, that is, without deduction of exchange charges.

The trend of legislation in this area at the State level has been toward requiring banks to pay the face amount of checks drawn upon them. In recent years, Georgia, Florida, Minnesota, Mississippi, Missouri, North Dakota, South Dakota, and Tennessee have enacted legislation along these lines. However, nonpar banks still exist in Alabama, Arkansas, Louisiana, North Carolina, South Carolina, and Texas.

Accordingly, despite the progress in the direction of par clearance that has been made at the State level, the Board continues to favor enactment by the Congress of a requirement that all insured banks pay at par all checks drawn on them. In order to afford nonpar banks a reasonable time within which to adjust their practices, it is recommended that such legislation be made effective one year after the date of its enactment.

A draft of a bill for this purpose is enclosed.

Sincerely yours,

ARTHUR F. BURNS.

S. 1954

A bill to enable Federal Reserve banks to invest in certain obligations of foreign governments

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14(e) of the Federal Reserve Act (12 U.S.C. 358) is amended to read as follows:

"(e) (1) With the approval or upon the direction of the Board of Governors of the Federal Reserve System and subject to such regulations as the Board may prescribe:

"(A) to establish and maintain accounts in foreign countries and to appoint correspondents and establish agencies in such countries:

"(B) to buy and sell through such correspondents or agencies (i) bills of exchange and acceptances arising out of actual commercial transactions that have not more than ninety days to run, exclusive of days of grace, and that bear the signatures of two or more responsible parties, and (ii) any securities that are direct obligations of, or fully guaranteed as to principal and interest by, any foreign government or monetary authority and that have maturities from date of purchase of not exceeding twelve months and are denominated payable in any convertible currency; and

"(C) to establish and maintain accounts for such foreign correspondents or agencies, for foreign banks or bankers, or for foreign states as defined in section 25(b) of this Act.

"(2) Whenever any Federal Reserve bank establishes an account or agency or appoints a correspondent pursuant to this section, any other Reserve bank, with the approval of the Board, may be permitted to conduct, through the Reserve bank establishing such account or agency or appointing such correspondent, any transaction authorized by this section, subject to such regulations as the Board may prescribe."

FEDERAL RESERVE SYSTEM,
Washington, D.C., May 21, 1971.
Hon. JOHN SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs, United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Since February 1962, the Federal Reserve Bank of New York has engaged in foreign currency operations on behalf of the System Open Market Account and under directions of the Federal Open Market Committee. These operations have been encouragingly successful in accomplishing their basic purposes, and have thus helped to safeguard the value of the dollar in international exchange markets.

These operations have been implemented in part by the establishment of reciprocal credit balances or "swap" arrangements between the New York Reserve Bank and foreign central banks. The authorization for System foreign currency operations adopted by the Federal Open Market Committee requires that foreign currency holdings in excess of minimum working balances be invested insofar as practicable, and that such investments be in accordance with the provisions of section 14(e) of the Federal Reserve Act.

Under section 14(e), idle amounts held by the Reserve Bank in an account with a foreign bank may be invested in bills of exchange and acceptances that arise out of actual commercial transactions and have maturities of not more than 90 days, or they may be placed in an interest-bearing time account with the same or some other foreign bank. However, in certain instances there has been a scarcity of such paper for investment, time deposit facilities have not always been conveniently available, and, under present law, such idle funds could not be invested in obligations of foreign governments, such as foreign treasury bills. On the other hand, a foreign central bank having a balance or reciprocal credit or "swap" arrangement with the Federal Reserve Bank of New York may invest idle funds in its account with the Reserve Bank in interest-bearing United States securities.

The disadvantage in this respect under which the Reserve Bank must operate would be remedied by an amendment to section 14(e) of the Federal Reserve Act that would specifically authorize Federal Reserve Banks to buy and sell securities with maturities not exceeding 12 months that are issued or guaranteed by foreign governments.

The Board recommends the enactment of such an amendment to the law. A suggested draft of a bill for this purpose is enclosed.

Sincerely yours,

ARTHUR F. BURNS.

S. 1955

A bill to eliminate the dollar limitation on the cost for construction of Federal Reserve bank branch buildings

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the ninth paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 522) is repealed.

FEDERAL RESERVE SYSTEM,
Washington, D.C., May 21, 1971.
Hon. JOHN SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs, United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Board of Governors recommends repeal of the dollar limitation on the cost for construction of Federal Reserve bank branch buildings.

Under section 10 of the Federal Reserve Act, the aggregate costs incurred by the Reserve Banks for the construction of branch buildings after July 30, 1947, is limited to $60 million. This amount has been almost fully utilized, and the remaining amount will be sufficient to permit construction of only a relatively small proportion of the facilities for which we now see a need.

Repeal of the limitation would not mean that the Reserve Banks could construct whatever branch buildings they consider appropriate. Under the third paragraph of section 3 of the Act the Reserve Banks would still need the Board's approval of their branch building programs. The Board would continue to consider the proposed construction or improvement in the light of the needs of the branch, the type of proposed construction is generally in keeping with the prevailing economic situation.

Repeal of the limitation would mean that the Federal Reserve System would be in a position to continue to provide increases in services that are necessary to keep the System responsive to the needs of the public. As our population grows and shifts it is necessary to increase the quantity and quality of our services and in some cases shift the performance of some functions from one locality to another. While technological improvements in the method of handling many Federal Reserve operations have helped to stem the need for additional space, volume increases have more than offset the savings.

Some idea of the growth in the workload of Reserve bank branches is indicated by the volume increases in the following activities from 1959 through 1969:

Currency operations: Increased from 1.5 billion items to 2.1 billion items, or 39 per cent.

Coin operations: Increased from 3 billion items to 5.2 billion items, or 74 per cent.

Check collections: Increased from 1.4 billion items to 2.7 billion items, or 89 per cent.

The Board would be glad to furnish you with more detailed information concerning the operations of the Reserve bank branches and the recent and planned costs for construction of such facilities, either in conjunction with a hearing on the enclosed draft bill or at such other time as you may consider more appropriate.

Sincerely yours,

ARTHUR F. BURNS.

S. 1956

A bill to encourage member banks of the Federal Reserve System to invest in community corporations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by adding at the end thereof the following:

"Tenth. To acquire shares of one or more corporations engaged solely in promoting community welfare, such as the economic rehabilitation and development of low-income areas: *Provided,* That in no event shall a bank's aggregate investment in such shares exceed 2 per centum of its capital stock and surplus. Every investment pursuant to this paragraph shall be subject to such definitions, requirements, and restrictions as may be prescribed in regulations or orders issued by the Comptroller of the Currency in the case of national banks, or by the Board of Governors of the Federal Reserve System in the case of State member banks."

FEDERAL RESERVE SYSTEM,
Washington, D.C., May 21, 1971.
Hon. JOHN SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Board of Governors recommends legislation to encourage member banks to participate in the improvement of their communities. As leading members of their communities, banks are expected to participate in community programs. In some cases this responsibility can be fulfilled by contributing funds or services. In others, the appropriate form of participation is an investment in stock of a corporation established for a particular purpose.

An example of the kind of investment the Board has in mind would be in a corporation to promote the economic rehabilitation and development of low-income areas. The Congress has specifically provided for some participation by banks in corporations for this purpose. The Housing and Urban Development Act of 1968 amended section 5136 of the Revised Statutes to authorize member banks to purchase stock in community development corporations established pursuant to Title IX of that Act.

The Congress has also enacted legislation that serves as a basis for bank supervisory agencies to permit member banks to participate in community improvement by indirect means. For example, under the recent amendments to the Bank Holding Company Act the Board is authorized to permit a holding company to engage in activities that are so closely related to banking as to be a proper incident thereto. Community improvement is one of several activities the Board has decided meets that test.

Some banks, however, prefer to participate in community programs directly rather than through a collateral affiliate in a holding company. Some prefer to participate through investments in corporations established pursuant to provisions of State laws enacted especially for the purpose of promoting community development. Some prefer to use their initiative and establish the type of corporation they believe will best serve the particular needs of their community.

In view of the strong public interest supporting participation by banks in aiding their communities achieve our national goals, the Board recommends that the Congress enact legislation specifically authorizing national banks to invest in community corporations, whether chartered or sponsored by the federal or state government and whether or not pursuant to a particular statute dealing with community development.

Such legislation would not itself authorize state member banks to invest in community corporations, because the corporate power of a state-chartered bank is a matter of state law. Nonetheless, it would encourage investments by banks in those states that do not prohibit banks from making such investments. It should also encourage states that do prohibit such investments to re-examine their position.

To assure that such investments do not adversely affect the soundness of the individual institution, the Comptroller of the Currency, as to national banks, and the Board of Governors, as to state member banks, should be authorized to impose limitations on the nature and scope of such investments.

A draft bill for this purpose is enclosed. The Board urges its introduction and enactment.

Sincerely yours,

ARTHUR F. BURNS.

By Mr. HARRIS (for himself and Mr. MATHIAS):

S. 1957. A bill to amend the Internal Revenue Code of 1954 to provide for the valuation of a decedent's interest in a closely held business for estate tax purposes. Referred to the Committee on Finance.

Mr. HARRIS. Mr. President, I introduce for myself and the distinguished senior Senator from Maryland (Mr. MATHIAS) a bill to amend the Internal Revenue Code of 1954 to provide for the valuation of a decedent's interest in a closely held business for estate tax purposes.

The primary purpose of this bill is to solve a Federal estate tax problem facing virtually every farm and ranch family in the United States and one, which if not corrected, could result in a virtual end to many types of family enterprise in both business and agriculture in a single generation.

In recent years, an upward trend in the sales prices of farm and ranch properties, primarily caused by speculators investing in land, has produced higher and higher taxes at the death of the farmer or rancher. Often the heirs have little or no cash with which to pay these death taxes. This has already forced the liquidation of many family livestock operations, and could force the sale of countless other ranches and farms on the death of present owners.

In contrast to farms and ranches, the valuation of publicly traded stocks and securities generally reflects their earning power, and such stocks and securities can be sold on death without destroying a family business. Thus, decedents whose estates consist of farms or ranches or other small businesses involving real estate are discriminated against in comparison with those whose estates consist of marketable securities.

The prime reason for the upward trend in valuation is the Internal Revenue Service's interpretation of the requirement in the Federal estate tax regulations that the estate tax be imposed on "market value" of the property held by the decedent at the time of his death. Today the price for which farm or grazing land might sell to speculators is out of all proportion to what it will earn for farm or grazing purposes.

Unfortunately, however, many revenue agents refuse to give any consideration whatsoever to the earning capacity of a ranch or farm in determining its value for estate tax purposes. To the contrary, they rely only on inflated sales prices of similar farms which have been gobbled up by land speculators. Thus, the family which does not have substantial outside assets cannot pay the estate taxes. So, the property has to be sold and cannot be passed on to the next generation.

The bill I am offering is, I believe, a sound approach to this problem. It would also assist the small businessman and applies to any case where a decedent owned an interest in a closely held business whether in proprietorship, partnership, or corporate form.

The bill provides that the estate's representatives would have the option of having the decedent's interest in the business valued either at its market value, as at present, or the higher of the decedent's cost basis or a value based on the reasonable earning power of the business. In order to qualify for this option, my bill provides that the decedent must have been in the business for at least 10 years prior to his death, and his heirs would have to continue the business for at least 5 years after his death. In addition, this bill would provide that under the market value alternative all relevant factors should be considered in valuing a business interest, including the earning capacity of the business and the degree of control represented by the interest being valued.

Mr. President, I am hopeful that at long last we can take action to solve this problem. I introduced this legislation in the 90th Congress and again in the 91st Congress. The need for corrective legislation has been increasing and further delay would indeed be unfortunate.

Mr. President, I ask that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1957

A bill to amend the Internal Revenue Code of 1954 to provide for the valuation of a decedent's interest in a closely held business for estate tax purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2031 of the Internal Revenue Code of 1954 (relating to gross estate) is amended by adding at the end thereof the following new subsection:

"(c) VALUATION OF INTERESTS IN A CLOSELY HELD BUSINESS.—

"(1) GENERAL RULE.—The value of a decedent's interest in a closely held business shall be determined, at the election of the executor, by either—

"(A) the value of the interest in a closely held business as determined without reference to this subsection (except paragraph (5)), or

"(B) the higher of—

"(i) the adjusted basis of the interest in a closely held business as determined under section 1011, or

"(ii) the operating value of the interest in a closely held business which shall be an amount equal to the average annual operating return for the base period multiplied by the capitalization factor.

"(2) LIMITATIONS ON OPERATION OF GENERAL RULE.—If—

"(A) an interest in a closely held business has not been held by the decedent for the base period (including any period subsequent to the time of his death and prior to the valuation date), or

"(B) such interest is sold or exchanged within 5 years after the decedent's death,

then the value of such interest shall be determined under paragraph (1)(A). For purposes of subparagraph (A), if the decedent's basis in such interest is determined in whole or in part by reference to the basis in the hands of a transferor, donor, or grantor, or by reference to other property held at any time by the decedent, then the holding period of such transferor, donor, or grantor, or the decedent with respect to such other property, shall be included in determining the period for which the decendent held such interest.

"(3) TIME AND SCOPE OF ELECTION.—The election provided for in this subsection shall be exercised by the executor not later than the time prescribed by section 6075(a) for filing the return with respect to the estate tax (including extensions thereof), and shall be made in such manner as the Secretary or his delegate shall prescribe by regulations. Such election shall apply only to interests in a closely held business which the executor specifies in such election. If an election is not specified by the executor, the value of an interest in a closely held business shall be determined under paragraph (1)(A).

"(4) DEFINITION OF TERMS.—For purposes of this subsection—

"(A) INTEREST IN A CLOSELY HELD BUSINESS.—The term 'interest in a closely held business' shall mean an interest in a closely held business as defined in section 6166(c).

"(B) CAPITALIZATION FACTOR.—The term 'capitalization factor' shall mean that numerical quotient obtained by dividing 100 percent by the percent per annum common stock yield shown in the earnings-price ratio index for the calendar quarter ending immediately prior to the valuation date as published in the Federal Reserve Bulletin.

"(C) OPERATING RETURN.—The term 'operating return' shall mean that part of the taxable income of the closely held business which bears the same ratio to the entire taxable income of the closely held business for a taxable year (as defined in section 63 but excluding therefrom the deduction for capital gains provided by section 1202), as the decedent's interest in a closely held business bears to the total interests in the closely held business.

"(D) AVERAGE ANNUAL OPERATING RETURN.—The term 'average annual operating return' shall mean one-tenth of the sum of the base period operating returns for the base period.

"(E) BASE PERIOD.—The term 'base period' means the 10 consecutive taxable years of the closely held business immediately preceding the valuation date. In the case of any base period year which is a short taxable year, this subsection shall be applied in the manner provided in regulations prescribed by the Secretary or his delegate.

"(F) VALUATION DATE.—The term 'valuation date' shall mean either the date of the decedent's death or the alternate valuation date provided for in section 2032.

"(5) SPECIAL RULE.—In the case of an interest in a closely held business the value of which is not determined under paragraph (1)(B), the value thereof shall nevertheless be determined by taking into consideration, in addition to all other factors, the demonstrated earning capacity of such business and the degree of control of such business represented by such interest."

(b) Section 1014(a) of the Internal Revenue Code of 1954 (relating to basis of property acquired from a decedent) is amended by inserting before the period at the end thereof a comma and the following: "or, in the case of an interest in a closely held business, the value thereof as determined under section 2031(c) at the applicable valuation date".

SEC. 2. The amendments made by the first section of this Act shall apply only with respect to estates of decedents dying after the date of the enactment of this Act.

By Mr. HUMPHREY:

S. 1958. A bill to establish a National Domestic Development Bank to provide an alternative source of credit to State and local governments for the purpose of financing public and quasi-public facilities of all types, and for other purposes. Referred to the Committee on Banking, Housing, and Urban Affairs.

NATIONAL DOMESTIC DEVELOPMENT BANK ACT OF 1971

Mr. HUMPHREY. Mr. President, I am today introducing the National Domestic Development Bank Act of 1971. This bank will provide a major new source of capital funds and technical assistance for cities and towns across the Nation to undertake a wide range of vitally needed public projects.

Cities, townships, school districts and other governing bodies desperately need new health centers, sewage treatment facilities, recreational areas, fire departments, schools, day-care centers, water purification, and treatment plants.

Yet, these same municipalities are strapped to pay for modern facilities. Money has always been a problem. It was one when I was mayor of Minneapolis over 20 years ago. Today, the lack of finances has a new urgent quality: cities are fast approaching the fiscal breaking point.

In short, with high property taxes, income taxes, increased sales taxes, wage taxes, death taxes, outmoded methods of financing public construction, and soaring operating expenses, local governments are not about to undertake public facility projects which they simply cannot afford.

But, these local governments are confronted with the hard fact that they cannot afford not to build:

A lack of public development will mean fewer jobs.

It will mean drab and unstimulating school buildings.

It will mean inadequate medical and hospital centers.

It will mean poorer services in our communities.

It will mean a cutback in the investment of private resources.

And, it will mean a continuation of the urban and rural crisis.

There is a staggering backlog of public facility construction applications awaiting the commitment of Federal funds. This was documented in hearings on March 3 and 4, 1971, before the Housing and Urban Affairs Subcommittee of the Senate Committee on Banking, Housing, and Urban Affairs.

The program backlog for urban renewal amounts to more than $2.75 billion for 900 projects. The unmet demand for water and sewer facility construction totals $2.5 billion. There is a $560 million backlog in public housing—with 474 localities calling for the construction of some 263,000 units—and an unmet request from our cities for $645 million for assisted lower- and moderate-income housing. The Model Cities program, which held such great promise, saw only 50 percent of initial applications and 30 percent of initial program budgets approved under the original Federal budget for fiscal 1971. Our States and cities have submitted some 103 new and 14 amendatory applications for capital grants and loans to improve their mass transit systems, with a total project cost estimated at over $7.1 billion, including a Federal share of more than $2.3 billion.

The administration has impounded funds appropriated by Congress for the current fiscal year to begin construction on 145 more public works projects—$91.7 million—across the Nation. This executive branch action has also focused national concern on unmet needs for school and college assistance, hospital construction and modernization, the building of additional court facilities and correctional institutions, rural conservation and pollution abatement projects, and nationwide highway and airport development programs.

To meet the public development demands of our Nation, we need a bold and imaginative way of mobilizing capital.

The United States is a leading partner in international banks assisting the development of other nations—the World Bank, the Asian Development Bank, and the Inter-American Development Bank, with authorized capital levels ranging from $1.1 billion to $27 billion.

Why cannot these established principles of international financing be applied in our own Nation? Why cannot this assistance given to other countries to develop public facilities and an economic base, also be extended to our own cities and towns faced with the decline of public services and the outmigration of businesses?

The National Domestic Development Bank Act proposes that we do, in fact, direct the same form of extensive financial assistance to our critical public development needs at home. It is based on long established principles of public financing. I need only cite the precedents of the Reconstruction Finance Corporation, the Federal Land Banks, the Banks for Cooperatives, the Federal Intermediate Credit Banks, the Rural Electric Bank, and the Rural Telephone Bank.

These institutions were created to bring in capital at a time and place when the need was critical. Their financial investment success in transforming despair into opportunity for millions of Americans enabled them to evolve as independent, quasi-public organizations. The same public demand, and the same institutional organization, govern the establishment of the National Domestic Development Bank.

The National Domestic Development Bank will be a national institution sponsored by the Federal Government. But it will emphasize decisionmaking at the local level where the problems are known first hand. Communities and regions will determine their own development priorities under a comprehensive plan.

The Presidentially appointed Board of Directors will be composed of Federal, State, county, and local officials as well as representatives of the general public.

The bank's lending activities will be carried out directly through regional operating divisions. Each region will have an advisory committee broadly representative of local governments, economic groups, and the public.

The bank I propose will have a primary capitalization of $3.5 billion. This initial capital will be raised mainly through public stock subscriptions, and dividend income will be partially exempt from the Federal income tax in order to provide an incentive for investors. The lending power of the bank will be multiplied by the issuance of bonds on the national investment market.

National Domestic Development Bank loans will be made for the following purposes:

First, cities, counties, and States will be able to borrow money for basic community facilities at rates comparable to municipal bonds.

Second, 40-year loans also will be available to nonprofit or quasi-governmental organizations receiving Federal funds and pursuing public purposes for the construction of housing, medical, and other public facilities.

Third, loans over a 20-year period will be made to business organizations for economic development purposes in specially designated areas.

While financial assistance is crucial, it is not enough. To achieve sound community and economic development, the bank will offer technical assistance in the planning of projects, the coordination of other funding sources, and the integration of current Federal programs with the overall development plans of the community.

And, finally, the National Domestic Development Bank will not just help build facilities; it will also act as a protector of the environment. Too often, public development is merely a way to produce concrete shells. This bank will have a broader responsibility. It will require that every project plan guarantees that the earth, water, and air will be preserved in their natural beauty and healthfulness.

But I believe the bank must also develop the technical and financing expertise that is essential in anticipating the environmental impact of a rapidly changing and expanding technology in the United States. In addition to community and economic development, there is a basic demand in this Nation for substantially increased energy resources and for greatly improved transportation facilities and systems. An escalating pollution hazard will be the natural consequence of intensive efforts to meet these basic needs, unless effective assistance is provided to communities and our various industrial sectors to meet the environmental protection standards that will be increasingly applied and enforced by Government.

It is important, at this point, to emphasize the basic philosophy and objectives of the financing of public development under this act.

The National Domestic Development Bank will provide an orderly, continuing source of capital funds for our financially beleaguered communities.

It will allow us to tackle local financial problems in a rational and comprehensive way by eliminating the stop-start history of public construction.

It will multiply the purchasing power of Federal, State, and local revenues by amassing long-term credit commitments for public construction.

It will expedite Federal financial aid and end the application backlog problems plaguing our cities and institutions.

It will facilitate economic development in areas of this Nation confronted with high unemployment.

It is a development program for all the communities of America.

It can mean industrial parks and more jobs.

It can mean good schools, libraries, and medical and hospital centers close to the people.

It can mean an end to the deterioration of our transportation systems and the extensive development of mass transit facilities.

It can mean better police and fire departments.

It can mean parklands and clean water and well-planned waste disposal and treatment facilities.

It can mean comprehensive day care and community service centers.

It can give our people new recreational areas and campsites.

It can provide expanded adult education, job training, and cultural enrichment opportunities.

It can help produce good lower and moderate-income housing, in planned open-space residential neighborhoods.

And it can make possible an overdue start on the renewal of business centers in our small towns and core cities.

The National Domestic Development Bank Act can launch a comprehensive attack upon urban and rural blight. It can trigger new private investment and provide jobs in a slumping economy.

The list of needed public development has no end.

We have neglected public development too long. And, we have succeeded in becoming a nation that is privately wealthy but publicly poor.

The time to redress that imbalance is now.

Revenue sharing can bring only partial relief to the fiscal crisis facing our State and local governments.

In 1968, the Bureau of the Budget estimated capital financing needs for public development would reach $528 billion over a 10-year period. With inflation and a rising public demand for improved services, it is now expected that this public facility construction cost estimate will more than double within a decade.

Money costs will be higher and so will the already high price of municipal bonds. It is time that we changed our antiquated methods of financing public construction to meet the mounting needs of our growing population.

The bill I am introducing today evolved from my work with mayors, county commissioners, and other local officials, when, as Vice President, I maintained a continuous and direct liaison with local governments in the channeling of Federal assistance to meet their immediate problems.

Based on this firsthand experience, it is my firm conviction that the cost of inaction, the cost of permitting the public needs of America to pile up unmet, is too great a price to pay.

The cost to the Federal Government in establishing the National Domestic Development Bank will be a small fraction of the development value the Bank can generate.

Let us begin now on our urgent domestic agenda.

Let us begin now to shape our future, to build an America that addresses both the physical needs of our people and the spirit of man as well.

Mr. President, I ask unanimous consent that a section-by-section summary, a question and answer description, and the full text of the National Domestic Development Bank Act be printed at this point in the Record.

There being no objection, the bill, summary, and description were ordered to be printed in the Record, as follows:

S. 1958

A bill to establish a National Domestic Development Bank to provide an alternative source of credit to State and local governments for the purpose of financing public and quasi-public facilities of all types, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Domestic Development Bank Act".

FINDINGS AND PURPOSE

Sec. 2. (a) The Congress hereby finds and declares that—

(1) population increases and rising demands for a safe and prosperous life have created an unprecedented demand for (A) basic community facilities, such as streets, schools, hospitals, housing, water, sewer, waste disposal, and mass transit facilities, and parks and playgrounds, and (B) economic development in urban ghettos, disaster areas, and labor surplus areas, as well as in new towns and new cities;

(2) the existing institutional structure for providing funds—the municipal bond-Federal grant arrangement—cannot provide at reasonable cost the amounts necessary to satisfy these growing demands. The financial needs of our growing communities require the full mobilization of skills and resources in all levels of government, Federal, State, and local, as well as in the private sector; and

(3) the most effective use of funds can only be made when information and technical expertise regarding engineering requirements, financial and economic factors, Federal programs and funding levels, and comprehensive area problems and planning are readily available from a single source.

(b) The purpose of this Act is to establish a National Domestic Development Bank system which will provide an alternative source of funds for community facilities and economic development, which will involve national investment markets and all groups of investors, and which will furnish information to coordinate Federal, State, and local programs with local problems and governments.

DEFINITIONS

Sec. 3. As used in this Act—

(1) "Bank" means the National Domestic Development Bank established by section 4;

(2) "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, or any agency or instrumentality thereof;

(3) "local government" means any county, municipality, or other political subdivision of a State, or any agency or instrumentality thereof, or any school or other special district created by or pursuant to State law; and

(4) "obligation" means any bond, note, debenture, or other instrument evidencing debt.

ESTABLISHMENT OF BANK

Sec. 4. (a) There is hereby created a body corporate to be known as the National Domestic Development Bank, which shall have succession until dissolved by Act of Congress. The Bank, which shall not be an agency of the United States Government, shall maintain such offices as may be necessary or appropriate in the conduct of its business. For the purposes of jurisdiction and venue, the Bank shall be deemed a citizen and resident of the District of Columbia.

(b) No individual, association, partnership, or corporation, except the Bank, shall hereafter use the words "National Domestic Development Bank" as the name or a part thereof under which he does business.

GENERAL POWERS

SEC. 5. The Bank shall have, in addition to the special authority conferred by section 8 of this Act, the power—

(1) to sue and be sued, and complain and defend, in its corporate name and through its own counsel;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal, by the board, such bylaws, rules and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, have offices, and exercise the powers granted by this Act in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, and own, hold, improve, use, or otherwise deal in and with, any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Bank;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, and to require bonds for them and fix the penalty thereof; and

(9) to enter into contracts, execute instruments, incur liabilities, and do all things which are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

BOARD OF DIRECTORS; MANAGEMENT

SEC. 6. (a) The Bank shall have a board of directors which shall initially consist of fifteen members to be appointed by the President of the United States as follows:

(1) one member to be appointed from the Federal Reserve System;

(2) four members to be appointed from among the heads of departments and agencies in the Executive branch of the Government;

(3) four members to be appointed from among those who represent the public generally, one of whom shall be appointed, by and with the advice and consent of the Senate, to serve as President of the Bank and chairman of the board of directors;

(4) two members who are Governors of States from among nominees of het National Governors' Conference;

(5) two members who are elected officials of county governments from among nominees of the National Association of County Officials; and

(6) two members who are elected officials of city governments from among nominees of the National League of Cities.

(b) (1) Directors appointed under clauses (1), (2), and (3) of subsection (a) of this section shall serve at the pleasure of the President or until their successors have been appointed.

(2) One director initially appointed pursuant to each of clauses (4), (5), and (6) shall be designated by the President of the United States to serve until the first annual meeting of the stockholders, and one director appointed pursuant to each such clause shall be designated by the President of the United States to serve until the second annual meeting of the stockholders. Vacancies occurring pursuant to this paragraph at the time of each such annual meeting shall be filled by election by the stockholders at such meeting from among nominees as provided in subsection (a) of this section. Directors elected pursuant to this subsection shall serve for terms of two years. The board may appoint a member to serve for any unexpired term of any such director.

(c) The board shall hold regular bimonthly meetings and shall hold other meetings at the call of the chairman. A majority of the board shall constitute a majority for the transaction of business. Any vacancy in the board shall not affect its powers or duties.

(d) Any director who is an officer or employee of the United States shall serve without additional compensation for his services as a director.

(e) The management of the Bank shall be vested in the President of the Bank, subject to such policies as the board of directors shall prescribe from time to time.

INITIAL EXPENSES

SEC. 7. In order to facilitate the formation of the Bank, the Secretary of the Treasury is authorized to pay initial organizing and operating expenses. There is hereby authorized to be appropriated a sum not to exceed $500,000 for this purpose.

SPECIAL AUTHORITY

SEC. 8. (a) Subject to the provisions of this Act, the Bank is authorized—

(1) to make commitments to purchase, and to purchase, service, and sell, on terms and conditions determined by the Bank, any obligation (or participation therein) of a State or local government issued wholly or partly to finance the construction of basic community facilities or public works of any type;

(2) to make or guarantee loans to State and local governments to finance the construction of basic community facilities and public works of all types (including loans to nonprofit or quasi-governmental organizations and entities to finance the construction of housing, medical facilities, and other facilities which are supported by Federal or State programs and are determined by the Bank to have the attributes of public facilities); and

(3) to make loans for the purpose of facilitating economic development in geographical areas designated by the Council of Economic Advisers as being low income, depressed, or labor surplus areas, disaster areas, or areas in need of direct investment to further the national public interest or other special help to stimulate economic activities within those areas.

(b) The Bank shall develop criteria to assure that projects assisted by it are not inconsistent with comprehensive planning for the development of the communities in which they will be located, or disruptive of Federal programs which authorize assistance for the development of like or similar categories of projects, or inconsistent with Federal policies directed at the protection of the environment.

(c) A loan made or guaranteed under this section may not exceed the total capital cost of the project to be financed, and shall be made for a term determined by the Bank; except that the term of a loan made under paragraph (2) of subsection (a) shall not exceed the life of the project or forty years, whichever is less, and the term of a loan made under paragraph (3) of subsection (a) to a private person for a project consisting primarily of profitmaking facilities shall not exceed twenty years.

(d) All obligations purchased and loans made pursuant to this section shall bear interest at a rate determined by the Bank which shall be low enough to be competitive with municipal bonds.

(e) In any case in which the Bank undertakes to provide assistance to a State or local government under subsection (a) for the construction of a project for which a department or agency of the Federal Government (under another law of the United States) will also provide funds,

(1) the assistance provided by the Bank under subsection (a) may be in the full amount needed by the State or local government to finance such construction (including the amount of the funds which will be provided by such department or agency), with the funds to be provided by such department or agency with respect to such construction thereupon becoming payable (notwithstanding any contrary provision in the law under which they are payable) to the Bank in lieu of being paid directly to such government, and

(2) the Bank may accept in return (A) an obligation or obligations of such State or local government covering only the difference between such full amount and the amount of the funds which are payable with respect to such construction by such department or agency, plus (B) a commitment from such department or agency to pay the funds which are to be provided by it and are payable to the Bank as described in paragraph (1),

in order to insure that such State or local government will not have to include within its debt limit that portion of the indebtedness incurred for the financing of such construction which is attributable to funds provided by the Federal Government.

(f) The Bank is authorized to establish a financial and technical advisory staff for any metropolitan area upon a determination by the board that the amount of the Bank's activity in such area is sufficiently large to support a full financial and technical advisory staff. The staff shall process applications and requests for assistance from that area and shall assist applicant in obtaining such assistance.

(g) Except as otherwise specifically provided in this Act, the Bank may impose charges or fees for its services with the objective that all costs and expenses of its operations should be within its income derived from such operations.

REGIONAL OPERATING DIVISIONS

SEC. 9. (a) The Bank shall establish regional operating divisions. Each division shall be charged with responsibility for assessing borrower eligibility, and making loans within its region or geographical area. To the maximum extent feasible, the boundaries of the regions or geographical areas respectively represented by the several regional operating divisions shall be the same as the boundaries of the areas respectively served by the regional offices of the various Federal departments and agencies.

(b) Each regional operating division shall transact all of the Bank's business within its region with the assistance of the metropolitan area advisory staffs.

(c) Each regional operating division shall be supervised by a three member panel appointed by the board. In addition, an advisory committee of not less than eighteen nor more than twenty-five persons representing all governments and all socioeconomic levels within the division's region shall be appointed by the board to develop policies and guidelines for the division's activities.

TECHNICAL ASSISTANCE

SEC. 10. (a) The Bank shall have, in addition to a staff adequately equipped in the field of development banking, personnel qualified to give advice in the following fields (and any other categories of advice appropriately related to the Bank's activities):

(1) The Federal Government, particularly its organization and operation relating to State and local governments.

(2) All phases of all Federal grant-in-aid programs.

(3) Methods of administering the development and operation of community facilities.

(4) Technical data and requirements in

fields appropriately related to the Bank's activities, including the following:

(A) roads, hospitals, schools, and airports;
(B) urban mass transit systems and bridges;
(C) housing, municipal buildings, and parks;
(D) courthouses;
(E) water and sewage facilities and air pollution controls; and
(F) commercial developments.

(b) The Bank shall give any necessary technical assistance under this section to applicants for assistance under section 8. No fees for preliminary advice shall be charged; however, after an application has been accepted for processing, the Bank may charge reasonable fees for continued assistance under this subsection.

(c) The Bank is also authorized to undertake research and information gathering, and to facilitate the exchange of advanced concepts and techniques relating to municipal growth and development among State and local governments.

STOCK

SEC. 11. (a) The Bank shall have one class of common stock, which shall have voting rights and have a par value of $100 per share. Stock shall be sold to investors throughout the country.

(b) All moneys received by the Bank in return for its common stock shall be accumulated in a stated capital account. All net earnings from the operations of the Bank shall annually be transferred to its general surplus account. Such dividends as may be declared shall be paid by the Bank to the holders of its common stock and shall be charged against the general surplus account, but in any one fiscal year dividends shall not exceed 6 percent of the par value of the common stock issued and outstanding and shall be payable out of the net earnings of the Bank for that year.

CAPITALIZATION OF THE BANK

SEC. 12. The Bank's stated capital shall be limited to $3,500,000,000, which shall be raised, insofar as it is feasible, by the sale of the Bank's common stock, and the remainder shall be provided as follows:

(1) The Secretary of the Treasury is authorized to purchase obligations of the Bank in the amount of $300,000,000 a year for a period of ten years. If the Secretary finds it is necessary for the successful operation of the Bank to waive the payment of interest and principal for any given year such interest shall then be added to the principal of the obligation. The Bank is authorized to include appropriate provisions in the instruments evidencing the obligations provided for in this paragraph. Each purchase of obligations by the Secretary under this paragraph shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. The Secretary may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this paragraph.

(2) The Secretary of the Treasury is additionally authorized to purchase debentures of the Bank in the amount of $300,000,000 on emergency call of the Bank.

(3) Each public borrower from the Bank at the time of receiving loans shall be required to purchase stock until it holds an amount of stock equivalent to $.50 per capita for each person within its jurisdiction or for each person expected to be served by the facility or facilities involved. The borrower shall purchase stock equal to one-twentieth of the amount of his loans until he reaches the $.50 per capita maximum requirement. For the purposes of paragraphs (1) and (2) of this section, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include such purchases. All redemptions, purchases, and sales of obligations or debentures under such paragraphs shall be treated as public debt transactions of the United States.

OBLIGATIONS OF THE BANK

SEC. 13. (a) The Bank is authorized to issue and have outstanding obligations (including but not limited to the obligations and debentures described in section 12) having such maturities and bearing such rates of interest as may be determined by the Bank. Such obligations may be redeemable at the option of the Bank before maturity in such manner as may be stipulated therein. The amount of the Bank's indebtedness outstanding at any one time shall be limited to fifty times the Bank's paid-in stated capital.

(b) The Government National Mortgage Association (hereafter referred to as the "Association") is authorized, upon such terms and conditions as it may deem appropriate, to guarantee the timely payment of principal of and interest on such obligations (other than obligations and debentures described in section 12) as shall be issued by the Bank. The Association shall collect from the Bank a reasonable fee for any guaranty under this subsection and shall make such charges as it may determine to be reasonable for the analysis of any obligation proposed to be issued by the Bank. In the event the Bank is unable to make any payment of principal of or interest on any obligation guaranteed under this subsection, the Association shall make such payment as and when due in cash, and thereupon shall be subrogated fully to the rights satisfied by such payment. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guaranty under this subsection.

FEDERAL PAYMENTS TO THE BANK

SEC. 14. (a) With respect to such amounts of loans of the Bank as may be specified in appropriation Acts, the Secretary of the Treasury is authorized to make, and to contract to make, annual payments to the Bank in such amounts as are necessary to equal the amount by which the dollar amount of interest paid by the Bank on account of its outstanding obligations exceeds the dollar amount of interest received by the Bank on account of obligations purchased or loans made by it pursuant to section 8.

(b) There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to carry out his functions under this Act, including such sums as may be necessary to make the annual payments required by contracts entered into by the Secretary of the Treasury pursuant to subsection (a) of this section.

FEDERAL INSURANCE OF OBLIGATIONS TO THE BANK

SEC. 15. (a) The Secretary of Housing and Urban Development (hereinafter in this section referred to as the "Secretary"), upon application by the Bank, is authorized to insure any loan made by the Bank under section 8(a) (including, for purposes of this section, any obligation purchased as provided in paragraph (1) thereof), and to issue a commitment for the insurance of any such loan prior to the date of its execution or disbursement thereon upon a determination that all of the applicable criteria established by or under this Act will be met with respect to such loan.

(b) The insurance of any loan under subsection (a) and any payments pursuant thereto shall be made on such terms and conditions, and in such manner and form, as the Secretary shall by regulations prescribe, and shall provide for the payment in full to the Bank of the outstanding principal balance of the loan together with any unpaid interest, upon default by the borrower, in accordance with procedures set forth in such regulations.

(c) The Secretary is authorized to charge and collect premiums for insurance under this section. Such premiums shall be fixed at the lowest possible levels which are determined by the Secretary to be reasonable and sufficient to keep the insurance program under this section in a sound and secure condition and maintain the fund established by subsection (d) at a level adequate to meet all anticipated losses, but in any event shall be lower for loans made under paragraphs (1) and (2) of section 8(a) than for loans made under paragraph (3) of such section.

(d)(1) There is established a revolving fund to be used by the Secretary in carrying out his functions under this section. All premiums charged as provided in subsection (c), and all other receipts under the insurance program, shall be deposited in the fund. All payments with respect to insurance under this section shall be made from the fund. Moneys in the fund not needed for the payment of current operating expenses or the payment of insurance under the program may be invested in bonds or other obligations of, or bonds or other obligations guaranteed as to principal and interest by, the United States.

(2) There is authorized to be appropriated as initial capital for the revolving fund established by paragraph (1) the sum of $10,000,000.

(e) In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Secretary shall (in addition to any authority otherwise vested in him) have the functions, powers, and duties set forth in section 402 (except subsection (c)(2)) of the Housing Act of 1950.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 16. (a) The financial transactions of the Bank shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and other papers, things, or property belonging to or in use by the Bank and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians.

(b) The expenses of any audit performed under this section shall be borne out of appropriations to the General Accounting Office, and appropriations in such sums as may be necessary for this purpose are authorized. The Bank shall reimburse the General Accounting Office for the full cost of any such audit, and the General Accounting Office shall deposit sums received as reimbursed into the Treasury as miscellaneous receipts.

AUDIT REPORT TO CONGRESS

SEC. 17. A report of each such audit of the Bank for any fiscal year shall be made by the Comptroller General to the President and to the Congress not later than six months following the close of such fiscal year. The report shall set forth the scope of any such audit and shall include a statement (showing intercorporate relations) of assets and liabilities; a statement of capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the Congress informed of the operations and financial condition of the Bank, together with such recommendations with respect thereto as the Comptroller General may deem advisable, including a report of any impairment of capital or lack of sufficient capital noted in the audit. A copy of each report shall be furnished to the Secretary of Housing and Urban Development, the Secretary of the Treasury, and the Bank.

TAX EXEMPTION

SEC. 18. (a) The Bank, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority: except that (1) any real property and tangible personal property of the Bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the Bank shall be subjected both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

(b)(1) Subsection (a) of section 116 of the Internal Revenue Code of 1954 (relating to partial exclusion from gross income of dividends received by individuals) is amended to read as follows:

"(a) Exclusion from Gross Income.—

"(1) DOMESTIC CORPORATIONS.—Gross income does not include amounts received by an individual as dividends from domestic corporations (other than the National Domestic Development Bank), to the extent that the dividends do not exceed $100.

"(2) NATIONAL DOMESTIC DEVELOPMENT BANK.—Gross income does not include 50 percent of the amounts received by an individual during any taxable year as dividends from the National Domestic Development Bank."

(2) Such section 116 is further amended by striking out "Subsection (a)" in subsection (b) and inserting in lieu thereof "Subsection (a)(1)".

NATURE OF STOCK AND OBLIGATIONS

SEC. 19. (a) All obligations issued by the Bank shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All stock and obligations issued by the Bank pursuant to this Act shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States.

(b) The Federal Reserve banks are authorized and directed to act as depositaries, custodians, and fiscal agents for the Bank, for its own account or as fiduciary, and such banks shall be reimbursed for such services in such manner as may be agreed upon; and the Bank may itself act in such capacities, for its own account or as fiduciary, and for the account of others.

PREPARATION OF OBLIGATION

SEC. 20. In order to furnish obligations for delivery by the Bank, the Secretary of the Treasury is authorized to prepare such obligations in such form as the board may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Bank. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith, shall remain in the custody of the Secretary of the Treasury. The Bank shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

UNITED STATES NOT LIABLE

SEC. 21. Except as otherwise specifically provided in this Act, the United States shall not be liable for any debts, defaults, acts, or omissions of the Bank.

ANNUAL REPORT

SEC. 22. The Bank shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

AMENDMENTS RELATING TO FINANCIAL INSTITUTIONS

SEC. 23. (a) The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by inserting "or obligations of the National Domestic Development Bank," immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

(b) Section 5200 of the Revised Statutes (12 U.S.C. 84) is amended by adding at the end thereof the following new paragraph:

"(14) Obligations of the National Domestic Development Bank shall not be subject to any limitation based upon such capital stock and surplus."

(c) The first paragraph of section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464 (c)) is amended by inserting "or in obligations of the National Domestic Development Bank;" in the second proviso immediately after "any political subdivision thereof;".

(d) Paragraph (2) of section 14(b) of the Federal Reserve Act (12 U.S.C. 355) is amended by inserting ", or any obligation of the National Domestic Development Bank" immediately before the period at the end thereof.

SEPARABILITY

SEC. 24. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 25. There are authorized to be appropriated, without fiscal year limitation, such sums as may be necessary to carry out the purposes of this Act.

SECTION-BY-SECTION SUMMARY—NATIONAL DOMESTIC DEVELOPMENT BANK ACT

Sec. 2: Sets forth the Findings of Congress which make this bill necessary; that there is an unprecedented demand for community facilities to provide for our growing population and that an alternative method for financing these facilities is imperative. It states that the purpose of the Act is to create a National Domestic Development Bank System.

Sec. 3: Contains definitions of terms used in the Act.

Sec. 4: Establishes the Bank as a body corporate and reserves the use of the name "National Domestic Development Bank".

Sec. 5: Grants the Bank the general powers of a corporation.

Sec. 6: Provides for an initial fifteen (15) member Board of Directors, to be appointed initially by the President, with the following composition:

1 representing Federal Reserve System

4 representing departments and agencies of the Federal government

4 representing the public generally (appointed by the President with advice and consent of the Senate)

2 State governors (nominated by the National Governors Conference)

2 elected officials of county government (nominated by the National Association of County Officials)

2 elected officials of city government (nominated by the National League of Cities)

Subsequently, the representatives of state and local governments will be elected from those nominated by stockholders of the Bank.

Sec. 7: Authorizes $500,000 for organizational and initial operating expenses.

Sec. 8: Outlines the special authority of the Bank:

(a)(1) To purchase obligations of state and local governments issued to finance community facilities or public works of any type

(2) To make or guarantee loans to

(a) State and local governments

(b) Nonprofit and quasi-governmental entities for financing projects supported by state or Federal programs or otherwise having the attributes of public facilities

(3) To make loans for economic development in areas designated by Council of Economic Advisers as needing government assistance.

(b) To reject any projects inconsistent with comprehensive planning for the communities being served.

(c) To loan money for up to forty (40) years for public facilities and twenty (20) years for economic development projects.

(d) To set interest rates competitive with rates on municipal bonds.

(e) To loan the entire cost of a project which is partly financed by a Federal assistance program, taking back obligations from both the local and the Federal government for their respective shares so that only the amount of the local share will be counted for its debt limit.

(f) To provide a financial and technical advisory staff for each active metropolitan region.

(g) To impose appropriate fees and charges.

Sec. 9: Provides that the Bank's lending activity will be carried out through regional operating divisions supervised by a three (3) member panel appointed by the Board of Directors. Each region will also have an advisory committee of 18 to 25 persons broadly representative of governments, and economic groups within the region.

Sec. 10: Authorizes assembly of a staff to give technical and economic advice including preliminary assistance with applications to the Bank and general advice during the construction period. In addition the Bank may undertake research and facilitate information exchange among Bank customers.

Sec. 11: Provides for one class of common, voting stock with a $100 par. Dividends in any one year may not exceed six per cent (6%) of the value of stock outstanding and must be paid out of net earnings.

Sec. 12: Capitalizes the Bank at $3.5 billion to be provided from the sale of common stock and, if necessary, by purchases by the Treasury Department of the Bank's obligations in yearly amounts of $300 million. Each public borrower must subscribe to purchase common stock in an amount equal to $.50 multiplied by the population within the jurisdication, in increments of 1/20th of the face amount of a loan.

Sec. 13: Authorizes the Bank to sell bonds on the national market in an amount up to 50 times its stated capital to raise monies necessary to finance projects which are applied for by the users of the Bank. These bonds will be guaranteed by the Government National Mortgage Association and pledge the full faith and credit of the United States.

Sec. 14: Authorizes annual federal payments to the Bank in an amount sufficient to make up the difference between interest paid by the Bank on its obligations and the interest received from its loans to local governments.

Sec. 15: Provides for federal insurance of Bank loans, by the Department of Housing and Urban Development, and authorizes appropriations of $10 million to establish a revolving fund for this purpose.

Secs. 16 and 17: Provides for an annual audit by the General Accounting Office and a yearly report by the General Accounting Office to the Congress.

Sec. 18: Amends the Internal Revenue Code to exclude from gross income 50% of the amounts received as dividends by a stockholder during any taxable year.

Sec. 19: Makes the bonds of the Bank lawful investments.

Sec. 20: Authorizes the Secretary of the Treasury to prepare and print the Bank's bonds.

Sec. 21: Provides that the United States is not liable for debts, defaults or actions of the Bank other than those specified in the Act.

Sec. 22: Orders that an annual report be submitted to the President and the Congress.

Sec. 23: Contains technical amendments to Federal banking statutes.

Sec. 24: Provides that any invalid provision of this Act may be severed and that the remainder continues in full effect.

Sec. 25· Authorizes to be appropriated without fiscal year limits such funds as may be necessary to carry out the purpose of the Act.

THE NATIONAL DOMESTIC DEVELOPMENT BANK ACT OF 1971

(Introduced by Senator HUBERT H. HUMPHREY, May 26, 1971)

1. What is the National Domestic Development Bank?

The National Domestic Development Bank is a national lending institution under the directorship of federal, state, and local officials, as well as representatives of the general public. The Bank will provide a new source of capital funds to enable cities and towns to undertake a wide range of public projects.

2. What will the Bank do?

It will make 40-year loans to State and local governments to finance the construction of basic community facilities and public works of all types. Loans can also be made to non-profit organizations for housing, medical, and other public facility construction.

The Bank is also authorized to make 20-year loans to business organizations for economic development in areas designated by the Council of Economic Advisers as being labor surplus, depressed, low income, or disaster areas, or areas in need of direct investment to further the national public interest.

3. Why is this Bank needed?

First, there is a limited market for state and municipal bonds. These bonds are one of the first types of securities to be affected by tight money periods. This was made very clear during 1969–70, when many municipal bond issues had to be cancelled because the market could not absorb them. The Bank will assure that municipalities will always have a market for their securities. It will provide communities with an alternative means of financing public development.

Second, the capital financing needs of our states and cities are growing at a rapid rate. In 1968, the Bureau of the Budget estimated a ten-year need of $528 billion.

At the same time, cities are fast approaching the fiscal breaking point. Cities need new ways of obtaining development money that do not sharply increase their public debt burden, putting an additional strain on limited revenues.

4. Won't the Bank complicate public development financing?

On the contrary, the Bank will create a more simplified, flexible, inexpensive, and efficient way to raise capital. It will provide a single source where cities and towns can obtain financial and technical assistance. It will coordinate aid under various federal programs with additional financing, cutting red tape and extended application review procedures.

5. Is this an agency of the Federal Government?

No, the Bank will not be an agency of the U.S. Government and its budget will be independent of the Federal budget.

6. How much will it cost?

The cost of the Bank will be very low. Start-up costs will be $500,000 for organizing expenses and $10 million to establish a revolving insurance fund at the Department of Housing and Urban Development to insure Bank loans. In addition, Congress will need to enact annual appropriations to make up the difference between interest rates paid by the Bank on its bond issues, and the interest rate it charges to borrowers. The net cost would be minimal, however, because the Treasury would collect taxes on the earnings of Bank bonds.

7. Will the Bank have unlimited bonding capacity?

No. It can only borrow on national investment markets for lending to state and local governments and other qualified users at fifty (50) times the amount of paid-in capital stock of this corporation. In addition, the Bank must lend at rates competitive with municipal bonds.

8. Where does the Bank's capital reserve come from?

It comes from three sources:

(1) Sale of stock to the public. One investment incentive will be the exclusion from gross income of 50 percent of dividend earnings from this stock, for Federal income tax purposes.

(2) Sale of stock to public users of the Bank. Each user must buy a small amount of stock in increments as it obtains Bank loans, until it has purchased an amount of stock equal to 50 cents per capita.

(3) The Treasury is authorized to purchase special bonds up to $300 million per year for ten years, and this money can be used for capital reserve.

9. What assurances are provided investors?

First, all bonds sold by the National Domestic Development Bank will be guaranteed by the Government National Mortgage Association, and the full faith and credit of the United States is pledged to the payment of all amounts under this guaranty.

Second, all loans made by the Bank will be insured by the Federal Housing Administration, and a $10 million insurance revolving fund is established for this purpose.

10. What interest rates will be charged to the borrowers of this Bank?

Under this bill the Bank will set interest rates at a level that is competitive with municipal bond rates.

11. Will borrowers have to come to Washington to apply for loans?

No. The Bank's lending operations will be carried out directly through regional operating divisions, coinciding basically with the regional offices of the various Federal departments and agencies.

12. Will the Bank assist in any way other than providing loans?

Yes. One of the major services of the Bank is to maintain a technical staff that can give advice on Federal programs, on comprehensive planning and administration of the development of community facilities, and on technical data and requirements relating to the facilities eligible for financing. In addition, the Bank will do research, collect information, and facilitate the exchange of ideas on new technology and improvements in public administration relating to local and regional public development.

13. What projects will the Bank help finance?

A wide range of public facility construction is possible under this Act. Some examples are:

Schools and libraries
Medical centers and hospitals
Mass transit systems
Industrial parks
Police and fire departments
Water and sewer systems, and waste disposal and treatment facilities
Parks and recreation areas
Community service and day care centers
Public housing
Job-training and adult education centers.
The renewal of town and city business centers.

By Mr. DOLE (for himself, Mr. BENTSEN, Mr. BURDICK, Mr. CURTIS, Mr. HARRIS, Mr. PEARSON, and Mr. TOWER):

S. 1959. A bill to provide that certain highways extending from Laredo, Tex., to the point where U.S. Highway 81 crosses the border between North Dakota and Canada shall be known collectively as the Pan American Highway. Referred to the Committee on Public Works.

THE PAN AMERICAN HIGHWAY

Mr. DOLE. Mr. President, on behalf of myself and Senators BENTSEN, BURDICK, CURTIS, HARRIS, PEARSON, and TOWER I am introducing a bill which will require no expenditure of Federal funds, no outlay of the taxpayers' money but will create a significant investment in inter-American goodwill and better relations and pay increasing dividends of understanding and closeness to all the peoples of the Western Hemisphere.

This bill would designate certain highways extending from Laredo, Tex., to the point where U.S. Highway 81 crosses the border between North Dakota and Canada as the Pan American Highway. The actual roadways which would comprise the highway already span the United States from Canada to the Mexican border, largely along the route of U.S. Highway 81.

South of our border, beginning at Nuevo Laredo, Mexico, the highway winds through Mexico, Central America, and on down the South American continent to the Republics of Chile and Argentina. This ribbon of highway is more than a thoroughfare, a path for visitors and commerce; it is an artery of communication and understanding between these sister states of the Americas and their diverse and great peoples.

Within our country there has been growing interest in several Plains States concerning the development of an intercontinental highway. Organizations in many States have been working for years to promote this idea. My predecessor in the Senate, the Honorable FRANK CARLSON, first introduced legislation to designate a Pan American Highway. His efforts were well received by the people who would live along the route of the highway, and enthusiasm for the project has been maintained and increased over the years.

Under any circumstances it would be fitting that our country join with our neighbors to the north and to the south in forming this inter-American bond, but it is particularly appropriate that our country proceed with the designation of this symbolic highway, because agreement has recently been reached on construction of the last physical link of the route, a 250-mile segment in Columbia and Panama. With the completion of this section, an unbroken 14,000 mile road will run from Alaska to the southern tip of South America.

The complete Pan American Highway is close to becoming a reality. The time is at hand for the United States of America to match its support for the construction of this highway with the designation of its own portion of the system.

I ask unanimous consent that the text of this bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1959

A bill to provide that certain highways extending from Laredo, Texas, to the point where United States Highway 81 crosses the border between North Dakota and Canada shall be known collectively as the "Pan American Highway"

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purpose of any law, regulation, map, document, record, or other paper of the United States, those highways which extend from Laredo, Texas, to the point where United States Highway 81 crosses the border between North Dakota and Canada and which are listed in subsection (b) of this section shall be known collectively as the "Pan American Highway".

(b)(1) Except as provided in paragraph (2), the highways which shall be known collectively as the "Pan American Highway", and the cities between which such highways extended, are as follows:

Highways: Interstate System Highways 35, 35E, 35W, 235, and 29; United States Highways 81, 77, and 377; and Nebraska Highway 92.

Extending from south to north between the following cities: In the State of Texas, the following cities: Laredo, San Antonio, Austin, Waco, Fort Worth, Dallas, Denton, and Gainesville; in the State of Oklahoma, the following cities: Ardmore, Pauls Valley, Oklahoma City, and Guthrie; in the State of Kansas, the following cities; Wichita, Newton, Lindsborg, Concordia, and Belleville; and in the State of Nebraska, the following cities: Geneva, York, Columbus, and Norfolk; in the State of South Dakota, the following cities: Yankton, Madison, Brookings, and Watertown; in the State of North Dakota, the following cities: Wahpeton, Fargo, Grand Forks, Drayton, and Pembina.

(2) If more than one of the highways listed in paragraph (1) extend between any two points between any two of the cities listed in that paragraph which are not separated by any other city listed in that paragraph, the Secretary of Commerce shall designate which of those highways shall be included in the group of highways to be collectively known as the "Pan American Highway".

By Mr. EAGLETON:

S. 1960. A bill to allow a credit against Federal income tax for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65. Referred to the Committee on Finance.

TAX CREDIT FOR ELDERLY HOMEOWNERS

Mr. EAGLETON. Mr. President, I am introducing today, for appropriate reference, a bill to provide persons 65 and over a Federal income tax credit of up to $300 for State and local real property taxes or for rent constituting property taxes.

Approximately two-thirds of all persons 65 and over own their own homes and would like to remain in them. But many are being driven from their homes because of prohibitive property taxes and maintenance costs. Others are being forced to liquidate other assets to pay their taxes. Those who do give up their homes find it difficult to locate living quarters at rents they can afford.

The costs of homeownership have risen even more rapidly than have prices generally. In many communities, property taxes have doubled or even tripled in the past 10 years, and understandably so. The property tax is the source of 85 percent of the revenues raised by local governments for schools, police, fire protection, and other essential services.

Because the property tax is based on the value of the property rather than on the income of the owner, retired homeowners with reduced incomes pay a disproportionately large percentage of their income for property taxes.

Even those elderly people who rent do not escape since landlords inevitably pass property tax increases on to their tenants.

Because of this intolerable burden, all too many older citizens find themselves in the unhappy position of having to choose between their own financial survival and the welfare of their community when new school taxes or bond issues are proposed.

Obviously, the responsibility for providing property tax relief to the elderly lies primarily with the States. More than half of the 50 States now provide some relief through either the homestead exemption or circuitbreaker plans. The Advisory Commission on Intergovernmental Relations recommends the circuitbreaker plan as providing "significant property tax relief at modest cost to those who need it most, without disrupting the regular property tax system."

The bill I introduce today is not a substitute for the relief that should be provided at the State level. For instance, it cannot provide relief to those whose income is so low that they have no Federal income tax liability. I do believe, however, that the Federal Government does have a responsibility to ease the property tax burden on elderly taxpayers.

Federal law now permits taxpayers to deduct real property taxes from their gross income. This relief, of course, is available only to those who itemize their deductions. In 1969, 6.9 million tax returns were filed by persons 65 and over. Of these, only 3.3 million—less than one-half—itemized their deductions. As a result, 3.6 million elderly households received no benefit from this deduction.

There is now no Federal tax relief at all for those elderly people who rent their personal residences.

The bill I introduce today would provide Federal tax relief to all elderly people of moderate means who pay property taxes or rent their residences.

This would be accomplished through a tax credit of up to $300 against property taxes paid on an owner-occupied residence or against 25 percent of rent paid on a personal residence. This tax credit would be available to those 65 and over who have adjusted gross incomes of $6,500 or less.

The people who would benefit from this tax credit have been paying taxes—Federal, State, and local—for over, and in many cases well over, 40 years. I believe the Federal Government can afford to give them this measure of relief from the burden of taxation on their homes during their retirement years.

By Mr. PELL:

S. 1962. A bill to provide for the crediting of certain past employment by certain persons subject to the National Guard Technicians Act of 1968. Referred to the Committee on Armed Services.

RETIREMENT CREDITS FOR NATIONAL GUARD TECHNICIANS

Mr. PELL. Mr. President, in the 91st Congress, a law was enacted to bring technicians employed by the National Guard into the civil service retirement system. Unfortunately, a small number of National Guard technicians were excluded from the complete range of benefits for which they would have otherwise been eligible under the new law.

In 1958 the National Guard underwent a pseudoausterity program in which the National Guard attempted to reduce their visible payrolls by moving a number of their technicians from direct employment to employment under service contracts. These technicians continued to do their same jobs and they received the same pay from the same finance offices of the Department of the Air Force while they were on service contract, yet they were not considered National Guard employees.

Many of these technicians remained under the status of service contract employees for a number of years. In 1970, Air National Guard technicians were made Federal employees and brought into the civil service retirement system with retirement credits given to them for their previous service. However, retirement credits were not provided to those estimated 361 technicians who had been employed under service contract.

Mr. President, today I introduce a bill to correct that oversight by providing that retirement credits be given Air National Guard technicians for the time they spent on service contract status previous to 1970.

This is a simple bill to remedy a needless inequity. I would hope that it would be favorably considered.

By Mr. HOLLINGS:

S. 1963. A bill to foster a comprehensive, long-range, and coordinated national program in marine science, technology, and resource development, and for other purposes. Referred to the Committee on Commerce.

NATIONAL OCEANIC ACT OF 1971

Mr. HOLLINGS. Mr. President, on March 5, 1970, I stood here and criticized the Nixon administration for not taking leadership in the oceans. I urged then that the President adopt a proposal to create an independent National Oceanic and Atmospheric Agency to provide civilian leadership in this vital field. Later the President proposed a smaller National Oceanic and Atmospheric Administration, housed in the Department of Commerce. I supported that proposal because I believed that the President genuinely wanted a strong oceans program. I believed that he wanted to take strong executive action.

Yesterday I looked over that speech I gave just 14 months ago. I feel like a prophet of doom. Nothing has basically changed. A new agency has been created, but it is not being given adequate support. It is being sniped at and roadblocked by minions of the President, who have a vested stake in the proposed Department of Natural Resources. No one in the Executive Office or in the White House has seen the promise of the oceans. So we steadily fall behind as the Russians and the Japanese sail ahead. We study the oceans for 12 years, but the Russians and the Japanese act.

We have waited long enough. We have had in-depth studies, critical analyses, ad hoc task forces, uncountable conferences, congressional hearings, advisory councils, and an executive reorganization. We have jawboned so much, the 1960's are known as the decade of ocean rhetoric. Countless times the Congress has had to take the lead when the Executive refused to. The President said he would lead when he created NOAA in the Department of Commerce. We have waited patiently for the President to act. But it is clear that he will not.

Mr. President, I am introducing today the National Oceanic Act of 1971. It is a short bill, but it will get the job done. It very simply amends the Marine Resources and Engineering Development Act of 1966 to authorize sufficient money to be appropriated to carry out marine science, technology, resource development and management, and other programs in related oceanic areas. It would authorize $23 billion over the next 5 years to take advantage of the promise of the oceans and to solve some of the abuse that man is pouring into the oceans. It would begin with a $2 billion program in fiscal year 1972.

It will fund programs of marine science to learn what we must know to combat marine pollution. It can bring jobs to areas like Burbank, Seattle, Long Island, Charleston, which are hard pressed by the cutback in aviation and military spending. It can fund programs to restore Lake Erie and to take major steps to prevent the rest of the Great Lakes from becoming dead. It can work to rehabilitate New England fisheries. It can find new sources of food through aquaculture. And explore for new mineral resources on the continental shelves surrounding the country. New sites for powerplants; facilities for developing the equipment needed to work in the sea; and management of our invaluable costal natural resources. And above all, it will fund programs for technology assessment, so that this time we will not have to destroy the marine environment while reaping its riches.

The program I offer here is small in comparison to the good we shall find. It will add immeasurably to our knowledge, our wealth, our security, and our well-being. The $23 billion program I propose for the next 5 years is still less than the estimated $25 billion per year that industry in the United States is spending on their marine programs. But it will act as a catalyst to release the full energy of the creative talents of the United States to use the oceans fully and well. And we shall reap a harvest one-hundredfold.

Mr. President, this country needs bold leadership to redirect and readjust to present realities. We are spinning our wheels on revenue sharing, a proposed reorganization of Government, and switching to a volunteer draft. But what are we doing for the people unemployed because of cutbacks in aerospace and military spending. In Burbank, Lockheed has laid off 67,000 people. In Seattle, 20 percent of the work force is unemployed. What is being done for them? We need to readjust our priorities in this country. We need to readjust to creative programs that will offer jobs for thousands and reap untold benefits for the country.

For 12 years the Congress has urged and cajoled three administrations to strengthen ocean programs. Now we have the crisis at hand. The Nixon administration would not see the opportunity to create jobs and work in the oceans. Now the Congress must force the issue. We must readjust and redirect our energies. And I propose that we direct our energies into the oceans.

Mr. President, I ask unanimous consent that the bill, the National Oceanic Act of 1971, be printed in the RECORD, along with a table showing how my proposal contrasts with that of the administration.

There being no objection, the bill and table were ordered to be printed in the RECORD, as follows:

S. 1963

A bill to foster a comprehensive, long-range, and coordinated national program in marine science, technology, and resource development, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering, and Resources, and for other purposes, approved October 15, 1966, as amended (33 U.S.C. 1101 et seq.), is amended by adding at the end thereof the following new title:

"TITLE III—OCEAN DEVELOPMENT

"SEC. 301. This title may be cited as the 'National Oceanic Act of 1971'.

"SEC. 302. In order to further carry out the general purposes of the Act and to carry out marine science, technology, resource development and management, and other programs in related oceanic areas under the general authorities of the departments or agencies concerned, there is authorized to be appropriated to each of the following departments, agencies, and institutions the following amounts for the five fiscal years beginning July 1, 1971:

(a) National Oceanic & Atmospheric Administration, Department of Commerce—$7,500,000,000.

(b) Maritime Administration, Department of Commerce—$3,725,000,000.

(c) United States Coast Guard, Department of Transportation—$4,700,000,000.

(d) United States Navy, Department of Defense—$5,200,000,000.

(e) National Science Foundation—$420,000,000.

(f) Department of the Interior—$555,000,000.

(g) Atomic Energy Commission—$250,000,000.

(h) Environmental Protection Agency—$375,000,000.

(i) Smithsonian Institution—$100,000,000.

NATIONAL OCEANIC ACT OF 1971

[In millions of dollars]

	President's budget request, fiscal year 1972	Hollings' proposed oceans program, fiscal year—					5-year total
		1972	1973	1974	1975	1976	
National Oceanic and Atmospheric Agency	335.7	500	984	1,486	2,008	2,540	7,478
Maritime Administration	499.0	500	650	750	825	1,000	3,725
Department of Defense	218.0	220	500	850	1,400	2,200	5,170
Department of Transportation (Coast Guard)	659.6	660	750	900	1,100	1,300	4,710
National Science Foundation	68.8	70	120	200	280	350	920
Department of Interior	33.8	35	60	100	160	200	555
Smithsonian Institution	3.1	3	6	12	25	50	96
Atomic Energy Commission	8.7	9	20	45	75	100	249
Environmental Protection Agency	17.0	20	35	60	100	160	375
Annual total		2,017	3,125	4,403	5,973	7,900	[1] 22.8

[1] Billion.

By Mr. ROTH (for himself and Mr. BROCK):

S. 1964. A bill to authorize the Office of Management and Budget to establish a system governing the creation and operation of advisory committees throughout the Federal Government which are created to advise officers and agencies of the Federal Governments. Referred to the Committee on Government Operations.

FEDERAL ADVISORY COMMITTEE STANDARDS ACT

Mr. ROTH. Mr. President, I introduce, for appropriate reference, a bill, to be known as the Federal Advisory Committee Standards Act, which would authorize the Office of Management and Budget to establish a system governing the creation and operation of advisory committees throughout the Federal Government.

Advisory committees have contributed substantially to the effectiveness of the Federal Government in the past. But as the function of Government has become more complex and the decisions more difficult, numerous advisory committees have sprung up to advise the President and other decisionmakers in the Federal agencies and the Congress. Over 2,600 interagency and advisory committees exist today and it is possible that this figure could be as high as 3,200.

Mr. President, in spite of the large number of advisory committees and their participation in the processes of government, Congress has neglected to provide adequate controls to supervise their growth and activity. As a result, the use of committees or advisory groups has come under strong attack in the press and other media as wastes of time, money, and energy. The creation of another committee is often viewed by the public as another indication of inefficiency and indecisiveness in Government.

HISTORY OF ADVISORY COMMITTEE LEGISLATION

The House Government Operations Committee recognized a need for control of advisory committees in 1957. Following hearings that year, Congressman FASCELL introduced an amendment to the Administrative Expenses Act of 1946, H.R. 7390, which provided guidelines on the internal activity of advisory committees. This proposal passed the House on July 10, 1957, but was not passed by the Senate. However, the Senate Government Operations Committee did press the Bureau of the Budget to review the operations of advisory committees in the executive branch. The Bureau's report, "Standards and Procedures for the Utilization of Public Advisory Committees by Government Department Agencies" was issued on February 2, 1959, and finally formalized by President Kennedy in Executive Order No. 11007, dated February 25, 1962.

The Bureau of the Budget later initiated action in this area. In 1964, the Bureau issued Circular A–63, which it supplemented in 1965, requiring each agency to submit to the Bureau an annual report covering the activities of each advisory group it chairs, "composed of officers or employees of more than one department or agency of the Government." These reports summarize committee activities and actions taken to terminate and establish advisory committees. Since 1965, Circular A–63 has not been revised.

The Federal Advisory Committee Standards Act was drafted following hearings which took place in the House on Special Studies during the spring of 1970, and is identical to legislation introduced earlier this year by the Congressman from Connecticut, Mr. MONAGAN, H.R. 4383. Mr. MONAGAN, then chairman of the Special Studies Subcommittee, noted that it was virtually impossible to compile a complete list of Presidential committees because of the wide range of methods used to create them. The House hearings went on to reveal an astonishing waste of Government funds because of inadequate controls over the fifth branch of Government, the Federal advisory committees.

WHAT THIS LEGISLATION WILL ACCOMPLISH

This proposal encompasses many reforms for the Federal advisory committee system. I consider three to be of the utmost importance:

First, reduction in the number of committees: Controlling the number of advisory committees is one of the most serious problems that must be faced. If there are 3,200 advisory or interagency committees, this number must be substantially reduced. Each existing committee must be reviewed to reestablish the validity of its charter, its objective, and to further establish that its charter does not overlap another committee or Government body.

This legislation will require that the Congress and the Office of Management and Budget review each of the advisory committees in existence. Each standing committee of the House and Senate will be required to make a review of the activities of the advisory committees under its jurisdiction. It will determine if the assigned responsibilities should be revised, merged with another advisory committee, or whether the committee should cease altogether. Similarly, the Office of Management and Budget will be required to review the activities of all existing advisory committees and make recommendations to the President as to corrective action.

Following this initial review, it will be incumbent upon the Congress to see that no advisory committee be created in the future whose function could be performed by an advisory body already in existence, or by the Congress itself. Further, requirements are proposed for future legislation creating congressional advisory committees. On the other hand, the Office of Management and Budget will be required to undertake an annual review in addition to the initial review mentioned above. This legislation, however, envisions that the Office of Management and Budget will prescribe guidelines for the creation of advisory committees in the executive branch, and their activities.

Second, establishment of a repository of committee reports in the Library of Congress: A repository is needed for reports of the President, Congress, and various agencies, which will be available for general use. No such facility presently exists.

This legislation will require each advisory committee to submit at least one copy of each report and background material, if appropriate, to the Library of Congress. The Library of Congress will be required to establish a repository for these reports and make them available for congressional and public use.

Third, requirement of executive accountability: Millions of dollars each year are provided the President to establish Presidential advisory committees. The annual cost of operating 198 Presidential committees, as reported in a 1970 survey by the staff of the Special Studies Subcommittee of the House Government Operations Committee, is over $48 million. This figure comprises about 75 percent of the cost of the operations for all Federal advisory committees and does not include 54 other Presidential committees which the survey later identified. This is disturbing when we consider that OMB Circular A–63 and Executive Order 11007 do not provide mandatory guidelines for the activities of Presidential committees. This is an area in which legislation is most urgently needed.

Under this legislation, Presidential advisory committees will be subject to the same regulations as those committees formed by the Congress or by the executive agencies. The President will be required to submit to Congress, within 1 year after receipt of a Presidential advisory committee report, a report containing his views of the committee's recommendations. This report by the President will enhance the effectiveness of Presidential committees. Public interchange between the President and the Presidential advisory committees resulting from these reports will aid in providing for meaningful discussion of issues of importance. It may help alleviate the pessimistic attitude toward such committees which now exists in the public sector.

THE RELATIONSHIP OF ADVISORY COMMITTEES TO FEDERAL DOMESTIC ASSISTANCE PROGRAMS

Mr. President, as a Member of the other body, my staff and I conducted a review of the Federal grant system. As a result of that 8-month study we found that no one in the Federal Government knew how many Federal programs there were in existence. We concluded that the Federal Government must do more to inform the public of the various benefits available from Federal programs. I have introduced the Program Information Act, S. 718, in order to achieve this. The Federal Advisory Committee Standards Act will provide a similar function with regard to reports on advisory committees.

The relationship of Federal programs to Federal advisory committees is much deeper, however. In my study I revealed an overlapping and duplication of many programs in the Federal agencies. This overlapping of similar programs has resulted in an inefficient sharing of responsibilities between agencies. Thus, for coordinated executive action to exist, the Federal agencies have been forced to resort to "patching" interagency responsibilities through the use of numerous interagency committees. The Congress and the executive branch have initiated numerous programs and the bureaucracy has reacted by creating committees to control the situation. It is my belief, therefore, that a reduction in the number of overlapping Federal programs will likewise result in a reduction in the number of interagency committees.

CONCLUSION

Mr. President, this legislation requires that the Office of Management and Budget propose recommended guidelines to be followed by advisory committees in the executive branch. I recognize that some Members believe that the Congress should determine these guidelines. However, by having the Office of Management and Budget prescribe the guidelines to be followed by executive advisory committees, I believe Congress recognizes that the use of such bodies is an executive function. However, this legislation does suggest to the executive branch that failure to improve the present system will lead to the institution of congressional guidelines on executive use of advisory bodies.

I wish to commend Congressman MONAGAN and the members of the Special Studies Subcommittee for their fine efforts in this area, and I ask unanimous consent that the text of the bill be printed at this point in the RECORD, along with the recommendations of the House Committee on Government Operations relating to advisory committees, and the Office of Management and Budget Circular No. A-63, and Executive Order 11007.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1964

A bill to authorize the Office of Management and Budget to establish a system governing the creation and operation of advisory committees throughout the Federal Government which are created to advise officers and agencies of the Federal Government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Advisory Committee Standards Act".

FINDINGS AND PURPOSES

SEC. 2. The Congress finds that there exist numerous committees, boards, commissions, councils, and similar groups which were established to advise officers and agencies in the executive branch of the Federal Government or the Congress, or both, that the present need for some of these bodies has not been adequately reviewed, and that such a review would reveal that some of them should be disestablished; and that the functions of many others should be revised; and that standards should be prescribed to govern the creation, administration, and operation of such bodies.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) The term "Director" means the Director of the Office of Management and Budget.

(2) The term "advisory committee" means a committee, council, board, commission, task force, or similar group established or organized under a statute, an Executive order, or any other means, to advise and make recommendations to an officer or agency of the executive branch of the Federal Government or to the Congress, or both, but such term excludes standing or special committees of the Congress, any local civic group whose primary function is that of rendering a public service in relation to a Federal program, as well as any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies.

(3) The term "Presidential advisory committee" means an advisory committee the members of which are appointed by and advise the President.

RESPONSIBILITY OF COMMITTEES OF CONGRESS

SEC. 4. (a) In the exercise of its legislative review function, each standing committee of the Senate and House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction with a view to determining whether the responsibilities assigned it should be revised, whether it should be merged with any other advisory committee, or whether it any longer performs a necessary function. The committee shall take appropriate action to obtain the enactment of the legislation necessary to effectuate the results of its reviews under this subsection.

(b) In its consideration of legislation creating, or authorizing the creation of, an advisory committee, each standing committee of the Senate and of the House of Representatives shall have the responsibility of assuring that no advisory committee will be created if its functions will be performed by an advisory committee already in existence, or by the committee itself, and that any such legislation—

(1) shall contain a clearly defined mission for the advisory committee,

(2) shall require the membership of the advisory committee to be fairly balanced in terms of the particular responsibilities of the committee,

(3) shall contain appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority, but will instead be the result of its independent judgment,

(4) shall contain provisions dealing with authorization of appropriations, the date for submission of reports (if any), the duration of the advisory committee, the publication of reports and other materials, and the authorization for, and limitations on the use of, subpenas, to the extent that the standing committees determines the provisions of section 10 dealing with such matters to be inadequate,

(5) shall contain provisions which will assure that the advisory committee will have adequate staff (either supplied by an agency or employed by it), will be provided adequate quarters, and will have available funds to meet its other necessary expenses.

RESPONSIBILITIES OF THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

SEC. 5. (a) The Director shall establish and maintain within the Office of Management and Budget a Committee Management Secretariat, which shall be the principal agency within such office having responsibility for matters relating to advisory committees.

(b) The Director shall, immediately upon the enactment of this Act, institute a comprehensive review of the activities and responsibilities of each advisory committee then in existence with a view to determining whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised, the results achieved; whether it should be merged with other advisory committees, or whether it any longer performs a useful function. Upon the completion of the Director's review he shall make recommendations to the President with respect to action he believes should be taken. Thereafter, the Director shall carry out a similar review annually. Where appropriate, the Director shall cooperate with agency heads in making the reviews required by this subsection.

(c) The Director shall, to the extent permitted by statute, prescribe administrative guidelines and management controls to be applicable to advisory committees. The Director shall, to the maximum extent feasible, provide advice, assistance, guidance, and leadership to advisory committees with a view to the improvement of their performance. In carrying out his functions under this subsection, the Director shall consider the recommendations of each agency head with respect to means of improving the performance of the advisory committees advising him. The Director shall cooperate with the Civil Service Commission in carrying out the Intergovernmental Personnel Act with respect to training members and staffs of advisory committees.

(d) The Director shall include in budget recommendations the sums he deems necessary for the expenses of advisory committees, including the expenses for publication of their reports where appropriate.

RESPONSIBILITIES OF THE PRESIDENT AND HIS DOMESTIC COUNCIL

SEC. 6. (a) The President shall assign to the Domestic Council responsibility for evaluating and taking action, where appropriate with respect to all public recommendations made to him by Presidential advisory committees (except to the extent that they deal with national security matters).

(b) Within one year after a Presidential advisory committee has submitted such a public report to the President, the President shall make a report to the Congress containing his views on any recommendations contained in such report and stating either his proposals for action with respect to the recommendations or his reasons for inaction.

(c) The President shall, not later than March 31 of each calendar year (after the year in which this Act is enacted), make an annual report to the Congress on the activities, status, and changes in the composition of advisory committees. The report shall contain the name of every advisory committee, the date of and authority for its creation, its termination date or the date it is to make a report, its functions, a reference to the reports it has submitted, a statement of whether it is an ad hoc or continuing body, the dates of its meetings, the name and occupation of its current members, and the total estimated annual cost to the United States to fund, service, supply, and maintain such committee. Such report shall include a list of advisory committees established by statute which the President has recommended abolishing together with his reasons therefor and the recommendations made to the President by the Director of the Office of Management and Budget together with resultant action.

RESPONSIBILITIES OF LIBRARY OF CONGRESS

SEC. 7. At least one copy of each report made by every advisory committee and where appropriate background papers prepared by consultants shall be submitted to the Library of Congress. The Librarian of Congress shall establish a depository for such reports where they shall be available to public inspection and use.

RESPONSIBILITIES OF AGENCY HEADS

SEC. 8. Each head of a department or agency of the United States shall, subject to applicable statutes, establish administrative guidelines and management controls for advisory committees set up to advise him, which shall be consistent with directives of the Director under section 5(c). An informational system relating to advisory committees and their operation shall be maintained within each department or agency.

TERMINATION OF EXISTING ADVISORY COMMITTEES

SEC. 9. Each advisory committee in existence on the date of enactment of this Act is hereby discontinued, effective on the last day of the second calendar year which begins after the date of enactment of this Act, unless prior thereto the creating authority has by appropriate action continued the existence of such committee. The property, funds, and unexpended balances of appropriations of advisory committees discontinued by this section shall be disposed of as the Director shall provide.

ADMINISTRATION OF ADVISORY COMMITTEES

SEC. 10. (a) Unless otherwise provided in the statute which creates, or authorizes the creation of, an advisory committee; such committee shall terminate within two years after its creation.

(b) The Director, after study and consultation with the Civil Service Commission, shall establish uniform fair rates of pay for comparable services of members, staffs, and consultants of advisory committees in a manner which gives appropriate recognition to the responsibilities and qualifications required and other relevant factors. Unless otherwise provided by statute, no member of an advisory committee or of its staff shall be paid compensation for his services at a rate in excess of the rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the advisory committee away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(c) Unless otherwise provided by law or by the agency head which creates it, each advisory committee shall meet at the call of its chairman but not less than two times each year. Minutes of each meeting of each advisory committee shall be kept and shall contain a record of the persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory committee. The accuracy of all minutes shall be certified to by the chairman of the advisory committee.

(d) Each advisory committee shall keep such records of its activities as will fully disclose the disposition of any funds which may be at its disposal and the nature and extent of its activities in carrying out its functions. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of each statutory advisory committee.

(e) Each advisory committee is authorized to request from any department, agency, or independent establishment of the Government any information it deems necessary to carry out its functions; and each such department, agency, and instrumentality is authorized to furnish such information to such committee upon an official request therefor.

EFFECTIVE DATE

SEC. 11. This Act shall become effective ninety days after the date of its enactment.

THE ROLE AND EFFECTIVENESS OF FEDERAL ADVISORY COMMITTEES (H. REPT. No. 91–1731)

RECOMMENDATIONS

The Committee on Government Operations makes the following recommendations for improving the effectiveness of time, effort and money invested in the use of existing or new advisory and interagency groups as instruments of Government.

A. Philosophy and policy

1. The Congress should spell out in public law the philosophy behind and need for advisory bodies and definitively establish policy and administrative criteria for their use at all levels of government.

The Committee on Government Operations, in its continuing study, should undertake the work necessary to determine the feasibility and language of the proposed legislation.

2. When considering the creation of an advisory commission, committee, or council, Congress should recognize that much of the exploration of facts can be performed either under the auspices of the standing committees of the Congress or by existing agency advisory committees.

Whenever possible Congressional committees should be utilized to take advantage of their expertise, and available resources to accomplish what might otherwise be delegated to an advisory body. This is not always possible due to jurisdictional problems and for other reasons. However, whenever possible Congress should carry out such functions in order to maintain its primary role of setting statutory policy for the nation.

Standing legislative committees should take note of the existing advisory committees to government within their jurisdiction. At present this is not possible because there is no source in the executive branch that can provide the Congress with the necessary information.

3. In creating a temporary or ad hoc public advisory body the Congress should provide it with adequate guidelines and policy criteria.

Such guidelines should include a clearly defined mission, balanced representation, assurance of autonomy, legislative authorization for funds, a time certain for termination, a time certain for submission of any report, a release procedure for the report, the right to obtain information from the departments and agencies, a direction that departments and agencies should provide the committee with requested information and a mandate that the executive branch should provide administrative and housekeeping services.

4. In the absence of general statute, the executive branch of the Federal Government should update, revise and restate its advisory and interagency committee policy to insure that adequate administrative guidelines and policy criteria exist.

The Office of Management and Budget should move vigorously to update, revise and amend the existing guidelines. Publicly announced Presidential advisory committees as well as interagency committees chaired by the President and Vice President should be included within the scope of the new rules. Further, the revised rules of operation should be applicable to all committees created by public law, providing they do not conflict with statutory guidelines. The Office of Management and Budget should have the supervisory management responsibility for both interagency and advisory committees.

5. Presidential advisory and interagency committees in existence for more than two years with a budget and staff should secure authorization from the Congress for continuation and be subject to review by the budget and the appropriations process.

6. The President should establish responsibility with the Domestic Council for evaluation and follow-up action, if appropriate, of the public reports made to the President by interagency or advisory groups, not related to national security matters.

Many reports and their recommendations are of great importance. If they receive no consideration, they have little or no value. The Domestic Council with staff has been established by statute. Evaluation of advisory body reports is a proper function for the Council to perform in its policy role. Unless decisions are fed into organized machinery, there is very little effective follow through for worthwhile proposals.

7. The President should submit to the Congress within one year of receipt of the public report of an advisory group made to the President, his views on the conclusions and recommendations, and state either his proposals and actions or his reasons for nonaction.

This procedure would help to justify the investment in advisory groups and their utilization. It would assure that Government funds would not be wasted but used as economically and efficiently as possible. Because this procedure provides for accountability to the public and the Congress, it would insure more discriminating use of advisory groups.

B. Reporting and follow-up

8. The President should make an annual report to the Congress, which can be directed to the Committee on Government Operations, on the activities, status and changes in the composition of interagency and advisory bodies. The report should list statutory committees, interagency and advisory, which the President recommends abolishing and the reasons for such recommendations.

Included with the list of committees should be White House Conferences, publicly announced Presidential commissions and task forces. A copy of the report should be forwarded to the Office of the Federal Register, National Archives and Record Service, General Services Administration for informational use by the United States Government Organizational Manual and for the same purpose to the Joint Committee on Printing of the Congress for use in making up the Congressional Directory.

The report should contain the name of the committee, the date created, authority for creation, termination or report date, function, submitted report(s), status as an ad hoc or continuing body, dates of meetings, names and occupations of current members and total estimated annual cost to the Government to fund, service, supply and maintain such committee. The report would be of interest to committees of the Congress and to the public as advisory groups are established, either pursuant to law or to facilitate carrying out responsibilities vested in the President or executive agencies.

C. Federal organization and management

9. The Office of Management and Budget should be strengthened as to its committee management mission. This would necessitate the creation within the Office of Management and Budget of a Committee Management Secretariat. There should be an annual systematic review by the Office of Management and Budget and department or agency heads of the current need for all interagency and advisory committees. This should also include a review of membership and staff.

The OMB should oversee the overall agency advisory system and the use of experts and consultants who serve on advisory committees within Government to determine whether their use is proper and in line with committee management guidelines. OMB should provide the leadership and stimulation needed to get the departments and agencies to do the committee management job they ought to be doing. The Office should maintain a comprehensive information system concerning governmental advisory committees. OMB should have staff to carry out these functions. The resulting savings in the economy and operation of committees probably would far exceed the cost.

A small and carefully selected number of career officials, experienced in Government and in the management of committees, should be recruited for a central secretariat and made available to the presidential commissions, committees and task forces created each year. The individuals should be knowledgeable in the areas of administration, housekeeping, budgeting and funding. The Office should work closely with the General Services Administration in obtaining space, desks, audio-visual materials, conference rooms, other equipment and services, and be available to help evaluate future needs for resources.

10. The Office of Management and Budget should help to improve the performance of committees through education and training programs.

The Civil Service Commission provides training in management subjects to which the departments and agencies send representatives, and the Office of Management and Budget should cooperate with the Civil Service Commission in establishing training courses in committee management from which agency and committee personnel could benefit. The Civil Service Commission should promote and coordinate the training program.

11. The Office of Management and Budget together with the Civil Service Commission should study the varying rates of payment per day for consultant members of advisory bodies and establish uniform government rates for comparable services.

The review should include the various public laws involved.

12. Departments and agencies should establish fixed procedures and responsibilities for committee management and reporting. Departments and agencies should maintain complete and accurate records on all committees.

To be effective, the committee management responsibility should be maintained at the highest organizational level such as the Office of the Secretary, Undersecretary, Assistant Secretary, or the Office of the Director. Each department and agency should be requested to submit an annual report containing data on all committees to the Office of Management and Budget by April 30.

13. The Office of Management and Budget should promptly consider the recommendations contained in the annual reports concerning committees submitted by the agencies and departments and should act expeditiously upon them. This should aid in the prompt elimination of committees for which a need no longer exists.

14. A permanent depository within the Legislative Reference Service of the Library of Congress should be created where the public reports of advisory groups would be available. All commissions and committees should be required to forward a copy of their reports and appropriate background papers from consultants to the depository in the Library of Congress.

D. Committee management

15. Public advisory committees dealing with public policy issues should be as independent as possible and free from influence from the source of their appointment.

Members of a committee and its staff must be as free as possible from collusion or conflict of interest. Committees must not acquire a feeling of being obliged to defer to any authority; otherwise they cannot do an objective task of reviewing the problems or programs belonging to that authority or problems affecting that authority. This recommendation is not directed at either technical or very short term ad hoc groups whose mission is to implement or advise on a program task. The members of the advisory body must be sufficiently involved to impose the required sense of direction on the staff.

16. The scope of the mission of a committee should be defined clearly.

A charter with vague goals and broad authority leads to the loss of valuable time and effort when the committee attempts to determine what it is supposed to do.

A committee should have the authority to obtain information necessary to carry out its mission, and governmental agencies should be obliged to furnish such information.

17. Advisory gorups should be provided balanced and broader representation through appointment of members from varying social and economic constituencies.

The Office of Management and Budget should be given the function of overseeing this requirement.

Many of the current advisory groups are composed of individuals associated with the involved program or mission. Effort should be made by the departments and agencies of the government to include a greater number of "non-expert" interested and knowledgeable individuals on each advisory group. The departments and agencies should review their procedures to insure that a greater number of such public members are appointed. Inclusion of environmentalists, consumers, geographic representatives, noninvolved persons and others would be helpful in providing a balance to a group.

Industry advisory committees are required under Executive Order 11007 to be reasonably representative of the group of industries or the single industry to which the committee relates.

18. Congress should provide advisory groups with the funds to publish their work when it involves public studies and reports.

19. The Office of Management and Budget with the departments and agencies should make certain that appointment to continuing advisory committees be for a limited period of time.

The Office of Management and Budget should determine through study the standards for what this period of time should be.

20. Adequate procedures should be established for the termination of all committees, both interagency and advisory, created by statute or other means.

Provisions should be made in the document of creation, regulation, OMB guidelines, or executive order, if one exists, for a means or time certain to terminate the committee.

EXECUTIVE ORDER 11007

PRESCRIBING REGULATIONS FOR THE FORMATION AND USE OF ADVISORY COMMITTEES

Whereas the departments and agencies of the Government frequently make use of advisory committees; and

Whereas the information, advice and recommendations obtained through advisory committees are beneficial to the operations of the Government; and

Whereas it is desirable to impose uniform standards for the departments and agencies of the Government to follow in forming and using advisory committees in order that such committees shall function at all times in consonance with the antitrust and conflict of interest laws:

Now, Therefore, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The regulations prescribed in this order for the formation and use of advisory committees shall govern the departments and agencies of the Government to the extent not inconsistent with specific law.

SEC. 2. As used herein,

(a) The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, that is formed by a department or agency of the Government in the interest of obtaining advise or recommendations, or for any other purpose, and that is not composed wholly of officers or employees of the Government. The term also includes any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, that is not formed by a department or agency, but only during any period when it is being utilized by a department or agency in the same manner as a Government-formed advisory committee.

(b) The term "industry advisory committee" means an advisory committee composed predominantly of members or representatives of a single industry or group of related industries, or of any subdivision of a single industry made on a geographic, service or product basis.

SEC. 3. No advisory committee shall be formed or utilized by any department or agency unless

(a) specifically authorized by law or

(b) specifically determined as a matter of formal record by the head of the department or agency to be in the public interest in connection with the performance of duties imposed on that department or agency by law.

SEC. 4. Unless specifically authorized by law to the contrary, no committee shall be utilized for functions not solely advisory, and determinations of action to be taken with respect to matters upon which an advisory committee advises or recommends shall be made solely by officers or employees of the Government.

SEC. 5. Each industry committee shall be reasonably representative of the group of industries, the single industry, or the geographical, service, or product segment thereof to which it relates, taking into account the size and function of business enterprises in the industry or industries, and their location, affiliation, and competitive status, among other factors. Selection of industry members shall, unless otherwise provided by statute, be limited to individuals actively engaged in operations in the particular industry, industries, or segments concerned, except where the department or agency head deems such limitations would interfere with effective committee operation.

SEC. 6. The meetings of an advisory committee formed or used by a department or agency shall be subject to the following rules:

(a) No meeting shall be held except at the call of, or with the advance approval of, a full-time salaried officer or employee of the department or agency, and with an agenda formulated or approved by such officer or employee.

(b) All meetings shall be under the chairmanship, or conducted in the presence of, a full-time salaried officer or employee of the Government who shall have the authority and be required to adjourn any meeting whenever he consider adjournment to be in the public interest.

(c) For advisory committees other than industry advisory committees, minutes of each meeting shall be kept which shall, as a minimum, contain a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the committee. The accuracy of all minutes shall be certified to by a full-time salaried officer or employee of the Government present during the proceedings recorded.

(d) A verbatim transcript shall be kept of all proceedings at each meeting of an industry advisory committee, including the names of all persons present, their affiliation, and the capacity in which they attend: *Provided*, That where the head of a department or agency formally determines that a verbatim transcript would interfere with the proper functioning of such a committee or would be impracticable, and that waiver of the requirement of a verbatim transcript is in the public interest, he may authorize in lieu thereof the keeping of minutes which shall, as a minimum, contain a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued or approved by the committee. The accuracy of all minutes shall be certified to by a full-time salaried officer or employee of the Government present during the proceedings recorded.

(e) Industry advisory committees shall not be permitted to receive, compile, or discuss data or reports showing the current or projected commercial operations of identified business enterprises.

(f) In the case of advisory committees

other than industry advisory committees, the department or agency head may waive compliance with any requirement contained in subsection (a), (b) or (c) of this section when he formally determines that compliance therewith would interfere with the proper functioning of such a committee or would be impracticable, that adequate provisions are otherwise made to insure that committee operation is subject to Government control and purpose, and that waiver of the requirement is in the public interest.

SEC. 7. The head of each department or agency sponsoring an advisory committee may prescribe additional regulations, consistent with the provisions and purposes of this order, to govern the formation or use of such committees, or the appointment of members thereof.

SEC. 8. An advisory committee whose duration is not otherwise fixed by law shall terminate not later than 2 years from the date of its formation unless the head of the department or agency by which it is utilized determines in writing not more than 60 days prior to the expiration of such 2-year period that its continued existence is in the public interest. A like determination by the department or agency head shall be required not more than 60 days prior to the end of each subsequent 2-year period to continue the existence of such committee thereafter. For the purpose of this section, the date of formation of an advisory committee in existence on the date of publication of this order shall be deemed to be July 1, 1960, or the actual date of its formation, whichever is later.

SEC. 9. The requirements of this order shall not apply:

(a) to any advisory committee for which Congress by statute has specified the purpose, composition and conduct unless and to the extent such statute authorizes the President to prescribe regulations for the formation or use of such committee;

(b) to any advisory committee composed wholly of representatives of State or local agencies or charitable, religious, educational, civic, social welfare, or other similar nonprofit organizations;

(c) to any local, regional, or national committee whose sole function is the dissemination of information for public agencies, or to any local civic committee whose primary function is that of rendering a public service other than giving advice or making recommendations to the Government.

SEC. 10. (a) Each department and agency utilizing advisory committees shall publish in its annual report, or otherwise publish annually, a list of such committees, including the names and affiliations of their members, a description of the function of each committee and a statement of the dates of its meetings: *Provided*, That the head of the department or agency concerned may waive this requirement where he determines that such annual publication would be unduly costly or impracticable, but shall make such information available, upon request, to the Congress, the President, or the Attorney General.

(b) A copy of each such report shall be furnished to the Attorney General, and all records and files of advisory committees, including agenda, transcripts or notes of meetings, studies, analyses, reports or other data compilations or working papers, made available to or prepared by or for any such advisory committee, shall be made available, upon request by the Attorney General, to his duly authorized representatives, subject to such security restrictions as may be properly imposed on the materials involved.

SEC. 11. This order supersedes the directive of February 2, 1959, entitled "Standards and Procedures for the Utilization of Public Advisory Committees by Government Departments and Agencies," and all provisions of prior Executive orders to the extent they are inconsistent herewith.

JOHN F. KENNEDY.

THE WHITE HOUSE, *February 26, 1962.*

[F.R. Doct. 62-2073, Filed, Feb. 27, 1962; 11:34 a.m.] [27 F.R. 1875, 1876, 1877; 2-28-62].

OMB CIRCULAR No. A-63

EXECUTIVE OFFICE OF THE PRESIDENT, BUREAU OF THE BUDGET,
Washington, D.C., March 2, 1964.

Circular No. A-63.

To the Heads of Executive Departments and Establishments.

Subject: Management of interagency committees.

1. PURPOSE AND SCOPE

This circular sets forth general guidelines and instructions for the establishment, use, and termination of interagency committees. To the extent consistent with law, it applies to all departments and agencies of the executive branch.

For the purposes of this circular, the term "interagency committee" means any formally constituted committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, that is composed of officers or employees of more than one department or agency of the Government and that is organized to meet from time to time for purposes of formulating advice or recommendations, or for any other stated purpose.

Executive Order No. 11007 of February 26, 1962, prescribes certain regulations regarding the use of public advisory committees. There are a few such committees which have members from two or more Federal agencies in addition to the public members. Such committees are also included within the scope of this circular which establishes additional (and complementary) guidelines regarding interagency committees.

2. GENERAL POLICIES

(*a*) *Responsibility for committees.*—The responsibility for the management of interagency committees (hereafter referred to as committees) rests with the chairmen of such committees or, in cases where a subordinate official chairs a committee, with the head of his department or agency. The chairman should be held responsible for the conduct of all committee activities. Dual or rotating chairmanships may have the effect of confusing or dividing responsibility for the committee's work and should generally be avoided.

The chairman should direct the administrative arrangement for the committee including the calling of meetings and preparation of agenda and reports. Secretariat services should generally be provided in full by the chairing agency.

(*b*) *Agency contributions.*—Contributions by member agencies (other than the chairing agency) to the support of committees should be limited to cases where the subjects to be considered are within the scope of authority and responsibility of several agencies and no single agency has paramount responsibility. If the activities of the committee meet this test and if it is not practicable for the chairing agency to provide for the full support of the committee, consideration should be given to the contribution of the time of agency staff and other participation in kind before transfers of funds are proposed.

Contributions by members which take the form or payments of funds should be used only in those cases where the need is so compelling or urgent that the committee must be established immediately and no practicable alternative can be found to meet its immediate financial needs. Financing of the activities of the committee through a single agency, if feasible, should be recommended to the Bureau of the Budget for consideration in connection with the next budget submission of the chairing agency.

(*c*) *Approval of exceptions.*—There may be circumstances in which the special needs of a committee require a dual or rotating chairmanship or in which contributions of funds by member agencies are required. In such cases, the prior approval of the Director of the Bureau of the Budget should be obtained. At that time, consideration will also be given to any special funding and administration support arrangements required by committees with dual or rotating chairmanships. In the case of existing committees which have dual or rotating chairmen or are financed by transfers of funds from several agencies, the approval of the Director of the Bureau of the Budget should be obtained if such arrangements are to be continued when the committees are extended beyond 2 years under the provisions of section 2(g) of this circular.

(*d*) *Functions of committees.*—Committees are established primarily for the purpose of assuring necessary interagency consideration or coordination of executive branch programs or problems. Committees should be used for such functions as advising, investigating, making reports or recommendations, exchanging views, and so forth. Responsibility for performance of operating or executive functions, such as making determinations or administering programs, should not be assigned to committees. The committee's "terms of reference" should be defined as accurately as possible; that is, the scope and nature of the committee's assignment, the official to whom the committee will report, and what it is that the committee is expected to do, for example, advise, investigate, report, recommend, and so forth.

(*e*) *Method of establishment.*—Committees should be established, insofar as possible, by means which permit maximum flexibility in determining the membership, functions, and duration of the group. Therefore, agencies should not propose the establishment of committees by legislation unless there is a clear need to do so. Further, proposals to establish committees by Executive order should be limited generally to cases where specific delegations of statutory authority or formal assignments of responsibility are being made to a number of agencies and a coordinating committee is to be utilized. Committees dealing with general problems of interagency coordination or cooperation, which can be set up appropriately under existing authority, should be established by less formal documents such as memoranda of agreement, exchange of letters, etc. If they are to be standing committees, notice of their establishment or extension (under section 2(g) of this circular) shall be published in the Federal Register in order to facilitate convenient and permanent reference by Federal agencies, unless this would be inconsistent with law or regulations, or where such publication would not be in the national interest.

(*f*) *Committee membership.*—In order to facilitate the work of committees, the membership should be limited to those agencies having a substantial interest in all major facets of the subjects to be dealt with. Agencies having a limited interest in a committee's work should be invited to participate when matters concerning their area of interest are to be considered. Informal reports should be made to interested but nonparticipating agencies, as necessary.

(*g*) *Duration of committees.*—Standing committees should be established only when the subject matter clearly indicates that benefit will accrue from recurrent group consideration or coordination. Temporary committees or ad hoc handling and disposition should be used for transitory matters. Standing committees should be terminated as soon as practicable and ordinarily not later than the end of the second fiscal year after that in which they were established. If the chairing agency determines in writing that the continuation of the committee beyond 2 years is necessary, its life may be extended for one or more additional 2-year periods or for a shorter time.

In case of committees established by law, Executive order, or pursuant to Presidential direction, the head of the chairing agency shall advise the Director of the Bureau of the Budget if he believes that a committee should be extended beyond 2 years. The Director will make such recommendations to the President as may be appropriate regarding the amendment of laws, Executive orders, or Presidential directives dealing with such committees.

For the purpose of this circular, the date of formation of a committee shall be deemed to be June 30 of the fiscal year in which the committee was established. In the case of committees established prior to July 1, 1962, the date of formation shall be deemed to be June 30, 1962. (Extensions of committees also covered by Executive Order 11007 will be handled in conformity with the provisions of that order and will be reported on under this circular for the fiscal year in which the extension occurs.)

3. COMMITTEE MANAGEMENT LIAISON

The head of each agency responsible for the management of committees shall designate an officer to assist him in the discharge of his responsibilities under this circular. The name, title, office, and telephone number of this officer should be transmitted to the Bureau of the Budget by May 31, 1964. Changes in the designation of such officers should be reported promptly.

4. COMMITTEE MANAGEMENT

The head of each agency will issue such internal agency orders as are necessary to carry out the policies under this circular. As a minimum, such issuances should provide for maintenance of a file containing the information listed in the attachment of each committee and subcommittee chaired by the agency.

5. NOMENCLATURE

In order to achieve uniformity within the executive branch, designation of types of committees, established hereafter, should be in accordance with the following schedules:

(a) The terms "commission," "council," or "board" may be confused with independent agencies of the executive branch and should be reserved for committees established by legislation.

(b) All interagency groups of a continuing nature (standing committees) established by other means should be called "committees" and their subordinate units should be called "subcommittees."

(c) All ad hoc groups should have titles giving a clear indication of their temporary status. Terms such as conference, task force, team, party, group, panel, etc., can be used to denote such groups.

Where feasible, committees already in existence should have their titles changed (at the time of their extension or otherwise) in order to bring them into conformity with the preceding guidelines.

6. REPORTS

Each agency shall submit a report on the committees and subcommittees which it chairs to the Bureau of the Budget by April 30 of each year, covering the current fiscal year. The report shall include the following information:

(*a*) The names of committees established by legislation, Executive order, or at the direction of the President which are in existence at the time of the report and, when required under the provisions of section 2(g) of this circular, recommendations regarding the continuation of such committees.

(*b*) The names of committees which are supported by interagency contribution of funds or which have dual or rotating chairmanships and, when required under the provisions of section 2(c) of this circular, proposals regarding the continuation of such arrangements.

(*c*) Notice of the intended continuation of committees beyond 2 years under the provisions of section 2(g) of this circular. Such reports shall contain an explanation of the accomplishments of the committee and the reasons for its continuation.

(*d*) The number of all other committees and subcommittees classified as standing or ad hoc, and; for each category, the number created, the number terminated, and the number in existence at the beginning and end of the fiscal year.

(The first report under this circular should be submitted by May 31, 1964. In the case of committees whose date of formation is deemed to be June 30, 1962, under the provisions of section 2 above, the first report shall include the information required in connection with the continuation of such committees.)

Inquiries to the Bureau of the Budget about this circular should be addressed to the Office of Management and Organization (code 128, ext. 21764).

KERMIT GORDON,
Director.

ATTACHMENT—CIRCULAR NO. A-63

DATA TO BE MAINTAINED IN AGENCY COMMITTEE MANAGEMENT FILES

1. Name of each committee or subcommittee chaired by the agency.

2. The means and date of its establishment and the name and title of the official who established the committee.

3. The departments and agencies which are members of the committee or subcommittee and those agencies which send observers. Also, the names and titles of the chairman and other members serving on the committee.

4. A list of all subcommittees (and their chairmen) for each parent committee.

5. The "terms of reference" of the committee or subcommittee (as described in section 2d).

6. The estimated duration of the committee or subcommittee.

7. A description of the financing arrangements; a statement of the funding source or sources; a listing of agency contributions, where authorized; and a statement of the authority through which the committee is given financial support.

8. An estimate of all other costs of the committee, including agency staff time (other than secretariat) devoted to committee work, except in cases where the staff time represents less than one-fourth of a man-year.

9. The secretariat and staff, including the size and organizational location or an estimate of the man-hours required for performing secretariat services, and an estimate of the costs involved in the performance of secretariat functions.

SUPPLEMENTARY INSTRUCTIONS FOR REPORTS UNDER BUREAU OF THE BUDGET CIRCULAR A-63

The following instructions are issued as a supplement to the annual reporting requirements under Circular A-63, due April 30, 1965. They are designed to obtain certain additional data along with the agency reports on the basis of which the Bureau of the Budget will prepare information requested by the President at the Cabinet meeting on February 25. They also clarify some of the instructions in A-63 about which questions arose during last year's review.

1. The regular report required under Circular A-63, section 6, should be transmitted by the head of the agency and should be supplemented by the following information:

(*a*) A statement that an assessment has been made of the agency's participation in, as well as chairmanship of, interagency committees and that the report reflects steps taken or recommendations to eliminate or modify all unnecessary or outmoded interagency committee activities. In view of the President's desire that the work of all committees be continuously reviewed, it is suggested that committees extended under section 2(g) at the time of last year's report be reviewed to ascertain whether they should be continued. No specific report on such review will be required, however, under section 6 this year.

(*b*) A list of the names of committees chaired by the reporting agency, that have been abolished during fiscal year 1965.

(*c*) A list of recommendations made by the reporting agency to chairing agencies suggesting changes in the terms of reference or the abolishment of committees.

(*d*) A list of committees where the reporting agency has withdrawn from regular membership.

2. The regular report under A-63 will be prepared in accordance with the same provisions as last year. The following will clarify some of the issues raised in the course of the 1964 review:

(*a*) Under sections 6a and 6b, report the names of all such committees each year, even though recommendations are required in alternate years only.

(*b*) The requirement to report on or obtain Budget Bureau approval for transfers of funds extends only to the direct support of the activities of a committee and its staff. It is not necessary to report under this section the support of projects that are endorsed or recommended by committees, but carried out under contract with one of the members.

(*c*) Section 6c requires certain narrative information to be supplied in support of intended continuation of committees beyond 2 years.

(*d*) Section 6d requires the number of all other committees; that is, those not already covered by sections 6 a, b, and c.

(*e*) Where recommendations are required (as in 6a) or Budget Bureau approval is required (as in 6b) sufficient explanation should be supplied so that the Director of the Budget Bureau can determine what action would be appropriate under section 2g or section 2c of A-63.

(*f*) The current chairing agency of a committee should report on that committee to the Bureau of the Budget and make any recommendation or determination required under the circular, regardless of whether another agency is considered to be the sponsoring agency or to have the primary interest. The current chairing agency should consult with other interested agencies in reaching its conclusions. A committee which has dual chairmen should be reported by both agencies.

(*g*) As indicated in section 1 of the circular, its provisions apply throughout the subcommittees in the same way as to committees. Thus, reports under 6 a, b and c are to include subcommittees.

(*h*) The following tabulation should be prepared for those committees chaired by the agency, which are not reported under sections 6 a, b, and c.

	Standing committees	Ad hoc committees	Total
Number of committees in existence on June 30 of the previous year			
Number of committees created, or expected to be created, during the reporting year			
Number of committees abolished, or expected to be abolished, during the reporting year			
Number of committees to be in existence on June 30 of the current year			

3. General reminders:

(*a*) Is the designation of a committee management liaison officer current?

(*b*) Are field as well as headquarters committees included in your report?

(*c*) Have steps been taken to achieve uniformity of nomenclature to the extent provided in section 5 of the circular?

(*d*) Has provision been made for publication in the Federal Register of information required by section 2*e*?

4. Please provide four copies of your report.

By Mr. BROCK:

S. 1966. A bill to establish a National Emergency Wage-Price Stabilization Board to promote and encourage price and wage decisions consistent with the public interest and control inflation. Referred to the Committee on Banking, Housing, and Urban Affairs.

NATIONAL EMERGENCY WAGE-PRICE STABILIZATION BOARD ACT OF 1971

Mr. BROCK. Mr. President, I introduce today a bill to establish a National Emergency Wage-Price Stabilization Board to promote and encourage price and wage decisions consistent with the public interest and to control inflation. I feel that there is a need for such a high level Wage and Price Board as one facet of an effective incomes policy aimed at restoring economic stability.

Inflation is taking a heavy toll on all Americans.

Workers in industry have been barely able to keep even despite fatter pay checks. Since 1965, when the inflationary spiral started shooting up, the average weekly wage has risen $29 while inflation has whittled the real gain down to $2.72.

Retired people on fixed incomes have been hard hit by rising expenses of housing, medical care, and other goods and services.

Young people, especially the newly married, find they are priced out of the market for single family homes. Many are forced to turn to small apartment units or to mobile homes.

Businessmen find profit margins shrinking. Efforts to control costs and boost productivity often lead to strikes or other labor difficulties.

And finally, homeowners are pinched by climbing property taxes, soaring costs of maintenance and service items.

A contributing factor in the dollar crises abroad has been our domestic inflation. Inflation has raised the price of our exports and made them less competitive. We have ended up with a balance-of-payments deficit and an excess of dollars abroad.

The President's economic program to combat inflation has been showing results. The Bureau of Labor Statistics reports that for the first 3 months of 1971 the increase in consumer prices was the lowest in 4 years. The 2.7 percent on a seasonally adjusted annual basis is evidence that the President's program is making headway. In addition, we are seeing important economic growth by the increase in the annual rate of housing starts. However, I believe that in light of the crises that the dollar is facing abroad there is a need for an additional tool to implement a broadly based incomes policy.

Arthur F. Burns, Chairman of the Federal Reserve Board, recently testified before the Senate Banking, Housing, and Urban Affairs Committee as to a number of measures that might be taken. Among these he listed the establishment of a high-level Wage and Price Review Board which, while lacking full enforcement power, would have broad authority to investigate, advise, and recommend on price and wage changes.

As Chairman Burns pointed out, the problem is a multifaceted one and requires that a number of measures be taken.

First, on the list of measures that I feel are essential in the fight against inflation is fiscal responsibility. The Joint Congressional Committee on Reduction of Federal Expenditures reported that as of May 6, 1971, Congress has increased estimated outlays for fiscal 1971 and 1972 by about $610 million and $1,370 million, respectively, and has decreased estimated receipts for these 2 fiscal years by $157 million, and $2,657 million, respectively. The cumulative effect of congressional actions to date on outlays and revenues is to increase the estimated unified budget deficit for fiscal 1971 by $768 million to $19.3 billion and the estimated unified budget deficit for fiscal 1972 by $4,027 million to $15.7 billion. Most completed congressional actions directly affecting outlays and receipts affect outlays and receipts for the trust funds in which there is a projected surplus, so the projected deficits of $25.5 billion for fiscal 1971 and $23.1 billion for fiscal 1972 in Federal funds are not materially affected. These figures are very disturbing and point up the need for Congress to exercise greater restraint in authorizing Federal spending if we are ever to curb inflation.

Second, to increase the efficiency of our free enterprise system we should vigorously enforce the antitrust laws and revise our labor laws particularly so far as national emergency strikes are concerned.

Third, to increase the productivity of our working force, we should establish more effective Federal training programs and computerized job banks.

And finally, we should establish a multifaceted incomes policy that would include a high-level Price and Wage Review Board to investigate, advise, and recommend on price and wage changes.

In essence the idea of an incomes policy is to employ the power of Government to persuade the decisionmakers to keep wage and price increases consistent with productivity and noninflationary developments of the economy. Many different measures have been suggested to accomplish this including a full-pledged general wage and price ceilings, a temporary wage and price "freeze," the establishment of a voluntary wage-price stabilization review board, "jawboning" by the President, the restoration of wage-price "guideposts," and the levying of a tax penalty on excessive price increases.

Unless relief is achieved soon, full controls may become a last resort, but they do not address the basic issue of the problem. Additionally, enforcement would be virtually impossible under present social and political conditions and it is doubtful that they would be effective. In fact, the adoption of wage-price ceilings could provide a false encouragement that inflation was being curbed and thus undermine the determination of Congress and the President to pursue responsible fiscal and monetary policies. Moreover, the abrupt adoption of ceilings would probably present many problems of equity because it would penalize workers whose wage increases had lagged behind the general parade as well as business firms which had tried to hold down price increases. Thus I seek a more acceptable alternative.

It would appear to be too late for mere "jawboning" against inflation by the President with the momentum having already gathered behind the spiral of wages and prices. Similarly, it is hard to see how the institution of wage-price "guideposts" would be effective unless there was a formal Government board to help obtain compliance with them.

Finally, the idea of a surtax on profits as a means of curbing the spiral of wages and prices is completely out of focus with the nature of the spiral. Such a measure would fall short of attacking the basic problem faced in the cost-push type of inflation we are experiencing today. To the contrary, it would make solution of the problem through new technology even more difficult.

In sum, I feel that we must promptly institute a more formal incomes policy if we are to succeed in halting inflation. The basic instruments against inflation must continue to be responsible fiscal and monetary policies. But as a supplement it would be helpful if the President with legislative authorization, could appoint a Wage-Price Stabilization Board whose function would be to exert pressure in behalf of the public interest to bring the rate of increase in labor compensation back into line with the rate of increase of productivity, and to prevent excessive and unjustified price increases.

The National Emergency Wage-Price Stabilization Board, which would be established by my bill, would consist of three members to be appointed by the President, with the advice and consent of the Senate. It would prepare and publish standards and criteria by which price and wage decisions can be measured in terms of their inflationary impact upon the economy. The Board would also be authorized to investigate and direct public attention to the course of wage-price decisions. The Board would also recommend action to the President and legislation to Congress. The primary power of the Board would rest not on compulsion, but with the power to focus public attention and bring public pressure against excessive settlements and price increases.

Although the administration has taken steps in the direction of a more formal incomes policy in the publication of periodic inflation alerts and the appointment of a Purchasing and Regulations Review Board as recommended by the Joint Economic Committee Republicans last year, I feel that the establishment of a National Emergency Wage-Price Stabilization Board is an essential adjunct to our incomes policy.

By Mr. MAGNUSON (by request):

S. 1967. A bill to amend the joint resolution expressing the sense of the Congress with respect to the shipping in U.S. vessels of products purchased with loans from the United States in order to apply the provisions of such joint resolution to other types of credit assistance. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference, a bill to amend the joint resolution expressing the sense of the Congress with respect to the shipping in U.S. vessels of products purchased with loans from the United States in order to apply the provisions of such joint resolution to other types of credit assistance.

I ask unanimous consent that the bill and an accompanying statement of its purposes and provisions be printed in the RECORD.

There being no objection, the bill and statement were ordered to be printed in the RECORD, as follows:

S. 1967

A bill to amend the joint resolution expressing the sense of the Congress with respect to the shipping in United States vessels of products purchased with loans from the United States in order to apply the provisions of such joint resolution to other types of credit assistance

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint Resolution Requiring agricultural or other products to be shipped in vessels of the United States where the Reconstruction Finance Corporation or any other instrumentality of the Government finances the exporting of such products", approved March 26, 1934 (15 U.S.C. 616a), is amended by inserting after "loans" the following: "or other credit arrangements or guarantees, whether for public or private account,".

STATEMENT OF PURPOSES AND PROVISIONS

Last October 21st, after many years of effort by maritime management, labor and proponents of the merchant marine in the Government, President Nixon signed P.L. 91–469, the Merchant Marine Act of 1970.

Hopefully, the passage of this new federal maritime program, in which you played so prominent a role, will assist this nation to regain its rightful position of strength and prestige upon the seas.

It will take at least two years, and possibly three, however, before the new vessels contemplated in this program can be in service; and meanwhile, there is an acute need to maintain the existing merchant fleet, or the promise of the new program cannot be achieved.

The new program, for example, makes available to presently unsubsidized operators the tax deferment benefit as a means of enabling them to amass the capital necessary for new ship construction.

But the tax deferment benefit is helpful only insofar as an operator has earnings to deposit, and there can be no earnings without ships, nor can there be ships without cargo.

The cargo situation, of course, particularly with respect to Government-generated cargoes, has become increasingly critical in recent years, and primarily as a result of this, the privately-owned American-flag merchant marine has declined from January 1, 1970 to March 1, 1971, from 931 to 771 ocean-going vessels, both active and inactive.

A major part of this drop, as might be expected, has been in the unsubsidized breakbulk liner and tramp fleet, which is almost entirely dependent for its existence on the carriage of government cargoes, and which, during this 14-month period, has been reduced by 110 ships as a result of foreign transfers and scrappings.

Currently there are only 84 ships in the U.S.-flag fleet classified by the Maritime Administration as dry cargo tramps.

Moreover, there is every reason to believe that, unless positive steps are taken now, this decline will continue at an even more rapid pace in the months ahead.

Last winter, as you undoubtedly know, oil import quotas were increased to meet a feared heating oil shortage, and when this emergency failed to materialize, employment opportunities for independent American tankers in the coastwise trades were reduced.

Now, with the summer coming on, this situation will be worse, and we expect to find not only an increased number of independent tankers in the grain trades, competing with dry cargo vessels for these cargoes, but also an influx of proprietary tankers operated by the major oil companies, which already receive federal benefits such as depletion allowances which are not available to those who must rely solely on operating ships as a means of making a living.

We forecast that unless corrective action is taken, the 84 dry cargo tramps which we cited earlier will be reduced to less than half that number by the year's end.

Obviously, the best way to alleviate this situation would be to provide more cargo; and one way of doing this would be to make available to American-flag ships cargoes which we believe that the Congress, in enacting our cargo preference laws, intended them to have, but which have been denied to them by various interpretations of the laws.

For many years, for example, the Department of Agriculture has had in effect an Export Credit Sales Program—the GSM–4 program—providing short-term credits to approved buyers on a list of eligible agricultural exports.

American-flag ships, however, have been excluded from the carriage of these exports by a ruling of the Attorney General, made at the request of USDA, that this program is not subject to the provisions of P.L. 664.

A few years ago this ruling was reaffirmed by the Attorney General, in deciding on a request for a review of the initial decision, on the grounds that P.L. 664 does not apply to GSM–4 because it is not a Government-sponsored program but, in effect, a loan program backed by a bank guarantee from either a domestic or a foreign bank.

It should be noted, however, that in the event the bank guarantee fails, the Commodity Credit Corporation has the obligation to guarantee or protect the loan interest of the Government since the exporter of the agricultural commodities receives payment against the ocean documents and has no further financial obligations.

A recent example of this was the failure of the Intra-Bank of Beirut, in which CCC took an active role in reorganizing the bank in an effort to protect the Government's position on loans totalling approximately $26 million.

The exclusion of American-flag ships from this program has been of great concern to the U.S. shipping community because the program has been used in increasing measure in recent years as a means of financing agricultural exports.

According to USDA statistics, for example, exports under the GSM–4 program totalled 723,667 long tons during F.Y. 1970, or just about 10% of the total volume of P.L. 480 exports which moved under the Cargo Preference Act during that period.

More important, the GSM–4 exports approached the 1970 total and reached 675,226 tons during just the first six months of F.Y. 1971.

One way of rectifying this situation, of course, would be through an appropriate amending of the Cargo Preference Act, Section 901(b) of the Merchant Marine Act of 1936, and we would strongly support such an amendment.

Another means which has occurred to us, however, would be an amendment of Public Resolution 17, which already specifically deals with the use of loans to finance the export of agricultural commodities.

We are therefore appending a revised version of P.R. 17, in which language to be added to this amendment is indicated by underscoring, and we respectfully request that you introduce this amendment into the Senate.

Although we have not, at this time, conferred with other segments of the industry, we do know that the need for cargo is the common bond which ties all otherwise-diverse segments of the American merchant marine together, and we are confident that this resolution would have the support of all maritime management and labor groups.

By Mr. KENNEDY (for himself, Mr. PROUTY, Mr. CRANSTON, Mr. EAGLETON, and Mr. PELL):

S. 1968. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; referred to the Committee on Labor and Public Welfare.

AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL SCIENCE FOUNDATION

Mr. KENNEDY. Mr. President, as chairman of the Special Subcommittee on the National Science Foundation, I am today introducing an authorization bill for the Foundation. I am happy to welcome the cosponsorship of Senator PROUTY, the distinguished ranking minority member of the subcommittee, and Senators CRANSTON, EAGLETON, and PELL. The essential feature of my bill is that it completely restores funds for institutional support for science and science education to fiscal year 1971 levels without compromising funding levels of other NSF programs.

At a point in time when support for both basic research and certain categories of applied research are being withdrawn by other agencies, the role of the National Science Foundation as a focal point for scientific research becomes increasingly important. The 1972 budget for scientific research project support amounts to 41 percent of the total NSF budget request, an increase of $81.9 million over fiscal year 1971. The importance of increasing our national base of fundamental research support cannot be overemphasized. Without basic research there can be no meaningful advances in applied research or technology. At a time when basic research support from other sources is being curtailed, it is essential to retain the highest possible levels of support for basic science within NSF.

In addition, it is important to recognize the fact that the uncontrolled, unplanned proliferation of technology has resulted in extensive damage to our environment, some possibly irreversible. The land has been stripped, made barren and subject to erosion in some places. The atmosphere has been polluted. Biologic chains have been distorted and disrupted, with consequent impact upon all life on earth because of the delicate interrelationship and interdependence of life forms. The need to apply knowledge gained through basic research to specific problems facing our society has never been more evident. Programs such as research applied to national needs will help scientists and engineers from many disciplines pool their respective talents and bring them to bear on the problems facing our society.

More extensive basic and applied research into the social sciences must be encouraged. Problems related to the increasing size and complexity of our society with accompanying crowding and inequitable distribution of resources are causing severely adverse secondary effects. The social sciences have been relatively neglected as compared to the physical and biological sciences in past years. It is essential that much more time, money, and effort be put into the social sciences if the monumental problems of society are to be solved. During the forthcoming hearings on NSF authorization bills, I intend to ascertain the extent to which the social sciences are being emphasized within NSF. I am also particularly interested in the definition of problems to be included in the RANN program.

A major feature of my bill is the restoration of funds for NSF educational programs, which have suffered a 34 percent cutback in the administration's budget proposal for fiscal year 1972. The basis of a strong national scientific capability is a strong educational program. The administration's budget cuts in this area have caused great concern among the Nation's leaders in science and education. A curtailment of educational programs at this time will lead to a serious deficit in scientists and technologists 10 or 15 years in the future. There is good evidence that the highly publicized "oversupply" of scientists and engineers is in fact a maldistribution of resources, not an oversupply. This maldistribution is further evidence of the need for increased research in the social sciences to enable us to better predict and project society needs.

Education is a continuing process. Cutbacks such as those proposed by the administration would destroy many educational programs now in existence, making their restoration at a future time difficult or impossible. Moreover, it would withdraw a major source of support from many medium-sized and small colleges which emphasize undergraduate rather than graduate programs. The importance of maintaining diversity, both geographic and programmatic, among our institutions of higher learning is self-evident. The proposed reduction in NSF funding of science education would deal a major blow to colleges whose primary interest is teaching rather than research. My bill completely restores educational funds to fiscal year 1971 levels.

Finally, Mr. President, my bill authorizes a total budget of $900 million for the NSF for fiscal year 1973. This sum is the amount estimated by the agency to be required, based upon the following assumptions:

First, increased support by NSF of basic programs being phased out by other agencies;

Second, continuation of its present levels of support for scientific research;

Third, continued growth of the gross national product at its present rate; and

Fourth, increased innovative programs in science education. This budget figure also allows for continuation of ongoing educational programs at their present levels.

We cannot afford, as a society, to allow the erosion of our scientific capability. In science, as in no other field of endeavor, research and education are inseparably intertwined. The continued success of our technological society depends heavily upon a continued expansion of our understanding of the natural world around us, and of the forces and factors instrumental in molding the character and behavior of our people. Continued assurance of adequate support for scientific activities must be a top priority item to insure our national vitality.

Mr. President, I ask that the full text of the bill I am submitting be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1968

A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Science Foundation Authorization Act of 1972".

Sec. 2. (a) There is hereby authorized to be appropriated to the National Science Foundation, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, $668,516,215 for the fiscal year ending June 30, 1972, and 900,000,000 for the succeeding fiscal year.

(b) Of the sums appropriated pursuant to subsection (a) of this section for each fiscal year—

(1) not less than $34,500,000 shall be available only for institutional support for science; and

(2) not less than $104,316,215 shall be available only for science education support.

Sec. 3. Appropriations made pursuant to authority provided in sections 1 and 5 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

Sec. 4. Appropriations made pursuant to this Act may be used, but not to exceed $7,500 for official reception and representation expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

Sec. 5. In addition to such sums as are authorized by section 2 hereof, not to exceed $3,000,000 is authorized to be appropriated for the fiscal year ending June 30, 1972, for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

ADDITIONAL COSPONSORS OF BILLS

S. 34

At the request of Mr. Kennedy, the Senator from Oklahoma (Mr. Bellmon), the Senator from Washington (Mr. Jackson), and the Senator from Alaska (Mr. Stevens) were added as cosponsors of S. 34, the Conquest of Cancer Act.

S. 325

Mr. BEALL. Mr. President, on January 27, 1971, I introduced S. 325 which would establish a survivors annuity program for widows of military personnel.

At the time I introduced the bill I told the Senate:

> Most Americans would be surprised, as were many Members of Congress, to learn that the widow of a retired military man does not automatically receive part of the earned retirement pension her husband was receiving at the time of his death.

S. 325 is designed to correct this inequity. I am pleased to announce to the Senate today that 28 Members of the Senate have joined with me on this measure. I am delighted that the administration has endorsed the concept and will submit legislation which I understand will be substantially similar to my proposal.

In view of this development at the Executive level, and the strong support for the measure, as evidenced by its cosponsorship by over one-fourth of the Senate, I believe that S. 325 should be enacted in this Congress.

I certainly will do everything I can to bring this about. In addition, to Senators Thurmond and Tower who were on the original printing, I ask unanimous consent that the following Senators be added as cosponsors at the next printing of the bill:

> James Allen, Alan Bible, Wallace Bennett, Clifford Case, Alan Cranston, Robert Dole, Peter Dominick, Paul Fannin, Mike Gravel, Edward Gurney.
>
> Clifford Hansen, Philip Hart, Mark Hatfield, Ernest Hollings, Hubert Humphrey, John McClellan, Lee Metcalf, Walter Mondale.
>
> Joseph Montoya, Charles Mathias, Frank Moss, Edmund Muskie, John Pastore, Claiborne Pell, Winston Prouty, Ted Stevens.

The PRESIDING OFFICER (Mr. Tunney). Without objection, it is so ordered.

S. 1316

At the request of Mr. Curtis, the Senator from Kansas (Mr. Dole) was added as a cosponsor of S. 1316, a bill to increase from 50 to 80 percent the Federal payment for any cooperative meat inspection program carried out by the States.

S. 1497

Mr. STEVENS. Mr. President, on April 5, 1970, I introduced S. 1497, to authorize the inclusion of the Russian mission in the inclusion of the Russian Monument and to redesignate the monument as the Sitka National Historical Park. As my introductory statement of that date indicates, the Senator from Alaska (Mr. GRAVEL) joined me in sponsoring this legislation. Yet, Senator GRAVEL's name does not appear as a cosponsor on the face of the bill, although the introductory statement and press accounts accurately reflect the fact that he joined in introducing this legislation. Accordingly, I ask unanimous consent that Senator GRAVEL be added as a cosponsor at this time.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

S. 1742

At the request of Mr. BROCK, the Senator from South Carolina (Mr. THURMOND), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOPER), and the Senator from Kansas (Mr. DOLE) were added as cosponsors of S. 1742, a bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin of the serviceman.

S. 1775

At the request of Mr. CURTIS, the Senator from Vermont (Mr. AIKEN), the Senator from Maryland (Mr. BEALL), the Sentor from Kentucky (Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. SAXBE), the Senators from Pennsylvania (Mr. SCOTT and Mr. SCHWEIKER) were added as cosponsors of S. 1775, a bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes.

S. 1828

At the request of Mr. DOMINICK, the Senator from Idaho (Mr. JORDAN), the Senator from New Mexico (Mr. FANNIN), the Senator from Delaware (Mr. BOGGS), and the Senator from Nebraska (Mr. HRUSKA) were added as cosponsors of S. 1828, the Conquest of Cancer Act.

S. 1872

At the request of Mr. CASE, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 1872, a bill for the relief of Soviet Jews.

S. 1943

At the request of Mr. DOLE, the Senator from Kansas (Mr. PEARSON) was added as a cosponsor of S. 1943, a bill to provide for the mandatory inspection of rabbits slaughtered for human food.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 38

At the request of Mr. STEVENS, the Senator from Oregon (Mr. HATFIELD) and the Senator from Maryland (Mr. BEALL) were added as cosponsors of Senate Resolution 38, giving legislative authority to the Senate Select Committee on Small Business.

EMERGENCY LOAN GUARANTEE ACT OF 1971

AMENDMENT NO. 114

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. CRANSTON. Mr. President, last week Senator SPARKMAN introduced, for himself and others, S. 1891, the Emergency Loan Guarantee Act of 1971.

Under that act, the Secretary of the Treasury is authorized to guarantee loans to major business enterprises in order to provide emergency credit. Although the bill is drafted in general terms, and does not mention Lockheed, administration officials acknowledge that the bill was proposed for the specific purpose of helping the deeply troubled Lockheed Aircraft Corp. avoid bankruptcy.

As a general rule, I believe that it is economically unwise for the Government to frustrate the workings of the free enterprise system. Only in extraordinary circumstances should the Government become the banker of last resort. The Treasury Department believes the plight of Lockheed calls for such action.

However, if the Government is to act as a banker of last resort, it must be a prudent banker. It must take every reasonable step to protect the taxpayer's dollar.

I believe that any time the Government uses the Loan Guaranty Act to prevent a corporation from going into bankruptcy, the corporation should be required to elect a new top management team. The management team that brought the corporation to the brink of bankruptcy should not be saved by the Government. It should not be allowed to continue mismanaging the corporation with the use of Government funds. As one California business leader told me:

> If the U.S. Government establishes a policy of rescuing companies on the verge of bankruptcy when the management has been as inept as Lockheed's obviously has been, without demanding a management change, the word will be out: Be wasteful. Be careless. It doesn't matter; Uncle Sam will come to the rescue!

This will lead to a highly undesirable situation, accompanied by widespread waste, inefficiency—and pleas for more taxpayer's money for more companies for bailout purposes.

Today, I am introducing an amendment to the Emergency Loan Guarantee Act of 1971 which would require any corporation seeking assistance under the act to replace the present management team with a new top management team selected by the stockholders.

More specifically, an applicant corporation would have to meet the following conditions in order to be eligible for a loan guarantee:

First. All members of the present board of directors must resign, thereby permitting the election of a new board of directors.

Second. Subject to applicable State law, the new board of directors must be elected by the shareholders in accordance with procedures permitting the cumulative voting of shares.

Third. The chief executive officer of the corporation and the next ranking four executive officers shall serve on the board of directors.

Fourth. No person who was a director, officer, or employee of the corporation during the year prior to the date the corporation applies for the loan guarantee shall be eligible to serve on the new board of directors.

Fifth. The Secretary of the Treasury is given the authority to promulgate regulations necessary to carry out the purposes of my amendment. My amendment would require that the above conditions must remain in effect throughout the period that any portion of the federally guaranteed loan is outstanding.

My approach would give maximum protection to the taxpayer by bringing about a change in company management while still preserving full stockholder control of the company. It would protect Lockheed's lenders, creditors, and employees, and save the firm from the disruptions and stigma of court proceedings. It would, in a word, produce the best elements of receivership without the trauma of bankruptcy.

Mr. President, I ask unanimous consent that the full text of my amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 114

On page 4, after line 10, insert a new section as follows:

"SEC. 4. No corporate enterprise shall be eligible to receive a loan guaranteed under this Act unless, during any period in which the loan is outstanding, the following requirements and conditions are observed with respect to the management of the enterprise:

"(1) Subject to applicable State law, persons serving on the board of directors of the enterprise shall have been elected by the stockholders in accordance with procedures permitting the cumulative voting of shares.

"(2) The chief executive officer of the enterprise and the next four ranking executive officers, as determined by the Secretary, shall serve on the board of directors.

"(3) No person who was a director, officer, or employee of the enterprise at any time during the one-year period immediately preceding the date on which application for the loan is made shall serve on the board of directors.

The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.

Redesignate succeeding sections accordingly.

ADDITIONAL COSPONSORS OF AMENDMENTS TO THE MILITARY SELECTIVE SERVICE ACT

AMENDMENT NO. 106

At the request of Mr. HATFIELD, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of Amendment No. 106 intended to be proposed to Amendment No. 76, intended to be proposed to the bill (H.R. 6531) an act to amend the Military Selective Service Act of 1967, and for other purposes.

AMENDMENT NO. 113

At the request of Mr. EAGLETON, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Amendment No. 113 intended to be proposed to the same bill (H.R. 6531).

NOTICE CONCERNING HEARINGS BY THE SUBCOMMITTEE ON AGING OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. EAGLETON. Mr. President, hearings have previously been announced for the Subcommittee on Aging of the Committee on Labor and Public Welfare to be held on June 1 and 2, beginning at 9:30 a.m. in room 4232. In addition to the bills previously listed to be heard, the subcommittee will also consider S. 1925, a bill to promote the advancement of research in aging through a comprehensive and intensive program for the systematic study of the aging process in human beings.

ADDITIONAL STATEMENTS

LET'S LEARN ABOUT THE BREEDER

Mr. GRAVEL. Mr. President, I would like to declare my strong support for the suit announced the other day by Dr. Margaret Mead, president of the Scientists' Institute for Public Information, against the Atomic Energy Commission under the National Environmental Policy Act.

The suit against the AEC is asking the Federal Court in the District of Columbia to rule under the National Environmental Policy Act of 1969 that the AEC must prepare and circulate an environmental "102" statement on the environmental implications of the fast-breeder nuclear-reactor program as a whole, not merely on one related facility now under construction, and that the "102" statement must consider alternatives to the breeder program, as stipulated in section 102(2)(c) of that law.

The law suit by the Scientists' Institute for Public Information may produce the information so badly needed in Congress before we vote on hundreds of millions more tax dollars for the breeder program. The breeder reactor is a new kind of nuclear reactor which the AEC claims is "essential" to assure this country adequate electricity "for centuries." The AEC expects to license about 500 plutonium breeders for operation in the next 29 years, and to spend about $2.4 billion of tax dollars on breeder development.

Permanent radioactive poisoning of the planet could be the unintentional side-effect of this program, and so it is urgent that the public and we in Congress obtain the information on which to begin debating the wisdom and the morality of such a gamble. Just how much do we treasure our planet, and appreciate our chance here?

How do we feel about creating a legacy of undisposable radioactive waste which man must try to keep confined with 99.99 percent success for at least 50 generations to come?

It is by no means true that the plutonium breeder, or any other kind of nuclear fission reactor, is essential to generate abundant electricity. Alternatives exist, and today I am releasing a statement about our choices prepared April 2, 1971, by Dr. Hannes Olof Alfven, the 1970 Nobel Prize winner in physics. Dr. Alfven is professor of physics at the University of California in San Diego, and is presently in residence at the Royal Institute of Technology in Stockholm. I ask unanimous consent that his statement be printed as the final section of these remarks today.

On March 25, I raised the question of an environmental "102" statement on the breeder program at the National Newspaper Association, and this was followed up by an inquiry from my office to the AEC.

The AEC told us that it will soon release a "102" statement on the fast flux test facility—FFTF—which is only one part of this year's breeder budget request, and that no "102" statement is required on the breeder program as a whole.

Several hundred million tax dollars—perhaps a billion—have already gone into the breeder, and now the AEC is asking Congress for another $100 million or more this year, and yet another $2,000 million in projected costs, without ever providing an analysis of the overall ecological hazards of the breeder program and the alternatives to it. I believe this is exactly the type of information gap which the environmental policy act is meant to prevent. I commend the Scientists' Institute for Public Information for taking action on this important issue.

I would like to point out that, in December 1970, the Department of Transportation produced an environmental "102" statement on the supersonic transport—SST—which discussed the possible adverse environmental effects of a large-scale SST operation, not just two prototype planes. Does the AEC have some privilege which the Department of Transportation does not have? The AEC is calling the breeder program its highest priority energy program. Let us learn about it. Let us hope the court requires a "102" statement for the whole program.

Dr. Alfven's statement reads:

FISSION AND FUSION REACTORS

(By Hannes Olof Alfvén)

In the long run fossil fuels cannot satisfy the rising energy demand in the world. There are only three sources of energy known which are sufficiently powerful!

(a) Solar energy.
(b) Fusion energy.
(c) Fission energy.

The first one is completely pollution-free, the second one almost pollution-free. The third one is necessarily combined with production of large quantities of radioactive poisonous elements.

In my opinion, the dangers associated with the fission energy have not received necessary attention. Whether the pollution caused by fission reactors in normal operation is below a safe level or not is a controversial matter. If a reactor goes out of control, the consequences may be terrible. Even if extreme safety precautions are taken, the large quantities of radioactive material in them constitute a permanent danger. For example, in periods of political or social unrest, sabotage against reactors may cause catastrophes. Furthermore, in a full scale fission programme, the radioactive waste will soon become so enormous that a total poisoning of our planet is possible. Under such conditions safety margins which are acceptable in other fields, are inadequate. It is not evident whether the waste problem can be solved in a satisfactory way.

If solar energy or fusion energy were available now at comparable cost no one would use fission energy (for peaceful purposes). Unfortunately this is not the case. Solar energy is available but at prohibitive cost. However, there are new interesting solar energy projects which should be examined carefully.

Concerning the fusion energy, there is a general agreement that no *fundamental* obstacle is likely to prevent the construction of a fusion reactor but there are a number of difficult scientific and technical problems which must be solved. There is much speculation about how much *time* is needed to solve these problems, but it is just as much a question of how much *effort* has to be spent.

In my opinion a solution of the fusion problem is less distant today than the Moon was when the Apollo project started. This means that if a national effort of the same kind as the Apollo programme were made, the fusion energy would be available in a comparable time. If this is achieved, the fission reactor, especially the breeder, will be of interest only as a danger which must be eliminated as soon as possible.

The views expressed here are shared by many competent physicists. They are basically different from those on which the present policy is based. An important decision about the future energy policy of the USA—and the whole world—should not be made until a thorough discussion has taken place involving advocates for all the three different alternatives for solving the energy problem.

APRIL 2, 1971.

BELMONT ABBEY COLLEGE HONORS CARDINAL COOKE

Mr. DOLE. Mr. President, recently I had the pleasure of addressing the graduating class of Belmont Abbey College in Belmont, N.C. I considered it a distinct honor to be invited to share this special day with the fine young people who were receiving their degrees from Belmont Abbey.

An additional pleasure for me was the opportunity to meet and visit with one of America's outstanding religious leaders, Terrence Cardinal Cooke, of New York, who was awarded an honorary doctor of laws degree by the college.

Cardinal Cooke, the spiritual leader of more than 2 million New York Catholics, is universally respected by Americans of all faiths for his work in behalf of the underprivileged in America, the men and women of our Armed Forces, and closer relations among people of good will through the world.

The citation accompanying the degree conferred upon Cardinal Cooke bears testimony to the accomplishments and qualities of this most gracious and dynamic religious leader, and I ask unanimous consent that this citation be printed in the RECORD.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

BELMONT ABBEY COLLEGE

The president and the faculty of Belmont Abbey College—To all who shall behold this document: Greetings and peace in the Lord

In March of 1968, the Most Reverend Terrence J. Cooke was named seventh Archbishop of New York; in April of the following year Pope Paul VI created him Cardinal. Except perhaps for Rome itself, the Archdiocese of New York has been called the most complex organization in the Catholic Church. A mere recital of statistical facts about it reveals a problem in administration to stagger the imagination. It has two million communicants, over twelve thousand priests, nuns, and religious, 403 parishes. It embraces 4,700 square miles which stretch from Staten Island, through the crowded streets of Harlem, the endless high-rise dwellings of the Bronx, to the elegant estates of Scarsdale. Within its boundaries are found in concentrated form not only all the racial and social conflicts that bedevil American society at large, but all of the strains generated by a time of rapid change in the lives of average Catholics.

To cope with this gigantic task, Divine Providence has called a native New Yorker who comes from very humble origins. Terence Cooke was born in a tenement on Manhattan's Upper West Side. He emerged from these surroundings with a personal acquaintance with poverty and a deep and abiding concern for the poor and underprivileged. It was this which influenced his decision to do graduate study in social work at The Catholic University of America and the University of Chicago after his ordination to the priesthood.

From the moment of his installation as the Ordinary of New York, Cardinal Cooke was destined to be the "man in the middle," standing between those who feel betrayed and threatened by all of the changes in the Church and those who demand instant transformation of its venerable traditions; between those who fail to see the need for any new interpretation of Christian commitment and those who would abandon fundamental doctrines; between the interests of the very rich and the aspirations of the very poor.

But if complexity and conflict are the challenges of his Archdiocese, Terrence Cardinal Cooke has proven superbly qualified to meet them. In his response to this awesome array of issues, one note consistently emerges as the special theme of his pastoral vision—that is the note of mediatorship, harmony, convergence—in short, he embodies the virtue of Christian love, which is brotherhood, the refusal of exclusion, isolation, opposition.

As Bishop, he mediates between the spiritual and the secular. He must administer a vast organizational structure—not for the purpose of profit, or of any merely temporal interests, but ultimately for the spiritual needs of the people. The proof of this is the way in which this admirable "overseer," for this is what the word bishop means, has brought to bear the resources of the Archdiocese to the pursuit of goals so signally Christian.

He has spoken out repeatedly against American provincialism which would isolate our nation from concern with the larger human community, under the illusion that its spiritual and temporal welfare can be separated from theirs. The two-thirds of the world living in destitution and hunger form part of our human family for which we cannot escape responsibility. "The notion," he has said, "that we are our brother's keeper (or better still), our brother's brother!" is not only a basic religious truth, but a practical guideline for world economic, social and political policy. To the Synod of Bishops, meeting in Rome, he recommended the establishment of a world fund for human development for the underprivileged; he has initiated such a program within his own Archdiocese.

Although dedicated to the cause of world peace and international cooperation, he is charged with responsibility of the ministry of Chaplains who serve Catholics in the Armed Forces of our country. To communicate his personal care for these men he has made numerous visits to Vietnam, Korea, and bases around the world.

His opposition to all racism and his quest for racial justice have been relentless. In public statements, in sponsoring conferences and studies of racial problems, in his support of public forces directed toward the eradication of racism, he has exemplified the social teaching of the Gospels.

Interest in persons is not viewed by him as an abstract ideal, but as a Christian duty to be daily translated into concrete action. His determined attack on urban and poverty problems which afflict his people witnesses so clearly that Christianity must be in the marketplace where the lives of men are lived. The affirmation of the value of "this world" implied therein is an authentic expression of an incarnational theology. It is not that the Church is less focused on the sacred and spiritual, but that true worth of "the human" looms larger in Christian thought in our time, especially since Vatican II.

His publicly expressed support for Welfare and other programs which benefit the poor; his pleas for a redirection of national resources toward the relief of the inequities in our society; his work as a member of President Lyndon Johnson's National Commission on the Causes and Prevention of Violence; his efforts to improve relations between Roman Catholics and Jews; his fostering of ecumenical bonds between Protestant and Catholic Christians—all bear the distinct mark of his remarkable and cordial personality.

In acknowledgement of his leadership in shaping the social conscience of the Catholic Church in America, and in recognition of his achievement in mediation of the two worlds, the secular and the sacred, demonstrating what Christian love means in practice, the President of Belmont Abbey College, in the presence of the Faculty, now proclaims His Eminence Terrence Cardinal Cooke doctor of laws honoris causa.

And that the rights and privileges of this high Degree be accorded to him for all time, we issue this Decree under our Seal at Belmont Abbey College in Belmont, North Carolina, this the sixteenth day of May, in the Year of Our Lord Nineteen hundred and seventy-one, and of the Founding of this College, the ninety-fifth.

INCREASED ARMS SALES TO LATIN AMERICA

Mr. BAYH. Mr. President, it is with concern and disappointment that I note President Nixon's decision to raise the limit on military credit sales to Latin America from $75 to $150 million. At a time when Latin American leaders have expressed a hope that an armaments race can be avoided in the hemisphere, the President has arbitrarily decided to double the limit set by the Congress.

This action seems to indicate that just as the Nixon administration's priorities at home are sadly out of focus, so it misunderstands the real needs of the Latin American people.

Furthermore, it is another example of how this administration flaunts the will of the Congress. The Foreign Military Sales Act of 1968 clearly represented the sense of the Congress; that some Latin American countries were diverting scarce resources from social and economic projects to military uses and that the ceiling of $75 million was adequate and in accordance with security considerations in the hemisphere. Now the President has violated the intent of that legislation.

He does have the power—under certain circumstances—to raise the ceiling imposed by the Congress. Section 33(a) of the Foreign Military Sales Act gave the President authority to act in such a manner when he determined that a waiver would be "important to the security of the United States." Thus, if a new security threat has emerged in the hemisphere, the President is well within his authority to waive the limitation.

But as late as March 9 of this year, at the time of the "foreign military sales congressional presentation," a figure of $72 million was considered adequate for arms sales for Latin America in fiscal year 1971 by the Nixon administration. Has the situation changed since then? Does the President believe a new threat now exists? If so, the American people and the Congress should be informed. We should know the nature of the new security problem which has caused so dramatic a reappraisal of our military assistance and sales program.

If the President's decision has no valid strategic basis, if it simply uses tax dollars to further subsidize the sales of arms to Latin America, if it is simply part of a competition with Western European suppliers for the Latin American arms market, the Congress should act. We should not sit idly by and permit the administration to distort our clear purpose by making this decision in the last 2 months of the fiscal year and thus avoiding congressional review.

We should seriously consider whether it is necessary to amend the Foreign Military Sales Act so as to compel the executive branch to be more explicit in justifying waivers of provisions specified by the Congress.

Nothing that I have said should be misconstrued to imply dictation to the Latin Americans as to how they should spend their money. They are sovereign nations with the right to determine their own policies and their own allocations of resources. But this decision by the President directly involves the United States and the Congress, and it is as a Senator and as an American concerned with our role in the world that I speak.

This decision means that the Latin American peoples will be further indebted to the United States for the amount of the arms purchases. To us, $75 million is a mere drop in the balance-of-payments deficit. But to the capital-scarce countries of this hemisphere, it is a relatively large amount of hard-earned foreign exchange. It seems to me we should be encouraging the investment of such scarce resources in schools, in homes, in job-producing industry—not in prestigious but irrelevant military hardware.

Because of the policy and constitutional issues involved, I have today written to the chairman of the Senate Foreign Relations Committee requesting him to consider calling the appropriate administration officials to testify on the reasons why the credit sales limit has been raised.

I note that the distinguished chairman of the House Subcommittee on Inter-American Affairs of the Committee on Foreign Affairs (Mr. FASCELL) has already written a letter to the Secretary of State requesting fuller information on this matter.

Mr. President, I ask unanimous consent to insert that letter into the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON FOREIGN AFFAIRS,
May 11, 1971.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: This is in reference to your letter of May 5th, transmitting a copy of Presidential Determination 71–12, dated April 9, 1971, waiving the $75 million ceiling on fiscal 1971 military assistance, sales and guarantees to Latin America.

Section 33(a) of the Foreign Military Sales Act requires the President promptly to report to the Congress whenever he determines that a waiver of that limitation is "important to the security of the United States."

The intent of the Congress in including that requirement in the statute seems perfectly clear: the Congress has been concerned about some countries of Latin America diverting scarce resources to military uses. In enacting Section 33(a) of the Foreign Military Sales Act, the Congress indicated that the United States should not participate in such military spending in excess of $75 million in the current year unless important considerations of our national security dictated otherwise.

I am concerned, therefore, to find that neither the President's Determination nor the Background Memorandum in which you recommended the waiver, attempt to justify it except in the broadest, most general terms.

Your Background Memorandum reports that the Latin American countries "are in the process of modernizing their armed forces. . ." You further state that "it is important to our security to be responsive to reasonable and legitimate requests for conventional military equipment from the countries of Latin America. . ." You do not explain, however, why the $75 million ceiling is not reasonable and why it should be removed.

As you know, during fiscal years 1966–1970, United States sales of military equipment to Latin America averaged $38 million a year. The sales program proposed for fiscal year 1971 was almost twice that amount—$72 million. According to the "Foreign Military Sales Congressional Presentation" dated March 9, 1971, that $72 million estimate was still adequate two months ago.

I would, therefore, appreciate your cooperation in furnishing me with the following information in further explanation of the course of action you had recommended to the President:

1. What has happened during the past 60 days to prompt the basic reevaluation of the military assistance and sales program for Latin America, reflected in the Presidential Determination?

2. What military equipment has been sold to Latin America during the period July 1, 1970 to April 9, 1971? Please give details, including the dollar amount of each sale, the country concerned and the date on which each commitment was signed or the transaction completed.

3. What is the size of the military sales program currently proposed for fiscal year 1971? Please provide details including the names of countries, kinds of equipment, terms and dollar amounts of each sale planned for the remainder of the current fiscal years.

4. Why was it necessary to remove the $75 million ceiling in the fourth quarter of fiscal year 1971? Could not some of the proposed sales have been postponed so as to afford the Congress the opportunity to review them during the consideration of the fiscal year 1972 program?

5. What are the specific reasons for your conclusion that U.S. national security would be adversely affected by our country's failure to be "responsive" to Latin America's requirements for military equipment valued in excess of $75 million during the current fiscal year?

I will appreciate your early reply.

Sincerely yours,
DANTE B. FASCELL,
Chairman, Subcommittee on Inter-American Affairs.

AN APPEAL TO NORTH VIETNAM

Mr. HRUSKA. Mr. President, it was my privilege today and that of my friend and colleague from Nebraska (Mr. CURTIS) to present to Ambassador David K. Bruce, head of our delegation to the Paris peace talks, petitions signed by some 32,000 Nebraskans and other midwesterners appealing to the North Vietnamese for humane treatment for our prisoners of war in Southeast Asia.

The signatures were painstakingly collected by the Forgotten Americans Committee, an Omaha-headquartered group which has devoted strenuous efforts the past year and a half to seeing that our prisoners of war are not forgotten Americans.

These signatures, which include a number from Nebraska's neighboring States of North and South Dakota, Kansas, and Iowa, were transmitted to us by the Governor of Nebraska who received them from the committee in a ceremony at the Nebraska State Capitol.

The Governor and the Forgotten Americans Committee asked us to see that the petitions were delivered to the leaders of the North Vietnamese Government so that they would have first-hand knowledge of the concern which a large and representative share of our midwest citizens feel for our servicemen who are prisoners of war or missing in action.

My colleague and I delivered those petitions to Ambassador Bruce earlier today with the request that they be delivered in as cogent a manner as possible to the North Vietnamese delegation in Paris.

It should be noted, Mr. President, that although the number of petitions we presented was voluminous—filling a large packing box—it was only a token number of the signatures which could have been collected had the time and resources been available.

Ambassador Bruce was most gracious to take a few moments from his tremendously busy schedule to accept the petitions personally and pledged an earnest attempt to deliver them to the North Vietnamese delegation.

I was pleased to hear him report that he thinks there has been some slight improvement this past year in the North Vietnamese attitude on the prisoner-of-war situation. He noted that while talks have never yet arrived at a stage which could be considered negotiations, our delegation persistently seeks every opportunity for improvement in the situation.

While the action of the South Vietnamese in liberating a number of Vietcong prisoners has not yet elicited any reaction from the North Vietnamese, Ambassador Bruce pointed out that "one has to hope."

We all maintain our hope, I am sure. But I am proud to say we have in Omaha and Nebraska a group of active and dedicated Americans who are doing more than hoping. They are working tirelessly under the auspices of the Forgotten Americans Committee to do whatever they can to attract and stimulate public attention to the prisoner-of-war problem.

The some 32,000 signatures presented to Ambassador Bruce today are addressed to Minister Xuan Thuy, Representative of the Republic of North Vietnam at the Paris meeting.

The petitions urge North Vietnam to:

First, release the names of all prisoners.

Second, release all sick and injured prisoners.

Third, allow the exchange of mail between all prisoners and their families.

Fourth, allow impartial inspections of prison facilities to be made immediately.

Fifth, provide proper diet and medical care for all prisoners.

The Forgotten Americans Committee was organized in Omaha early last year. Its stated objectives are to aid servicemen who are prisoners of war or missing in action in Southeast Asia, and to provide solace and consolation to the families of those servicemen.

The committee has been very active in keeping the POW problem in the forefront of Nebraska and Midwest thinking in the past year and a half. Among other projects which it has sponsored was a rally at Omaha's Municipal Stadium last year at which Comdr. Lloyd Bucher, captain of the *Pueblo* was the featured speaker.

Two Nebraska ladies are among a delegation of more than 165 wives and relatives of missing and imprisoned servicemen who left here last week on a special mission to Geneva, Paris, and other world capitals to:

First. Seek support from all countries for provisions of the Geneva Convention;

Second. Ask the North Vietnamese and NLF delegations for a firm commitment regarding release of prisoners of war so that the way can be cleared for withdrawal of U.S. troops from Indochina.

The group is in Paris today where they hope to meet with North Vietnamese and Provisional Revolutionary Government representatives.

The family members' trip is motivated by President Nixon's statement April 29 that—

> As far as any action on our part of ending American involvement completely, and that means a total withdrawal is concerned, that will have to be delayed until we get not just the promise to discuss the release of our prisoners, but a commitment to release our prisoners.

Such a commitment from the other side, the wives and relatives feel, could lead to an immediate breakthrough in settling the war. They also urge acceptance of the Swedish Government's offer to intern all POW's of the Vietnam conflict.

The delegation hopes to express our concern for all prisoners of war, and all those affected by the conflict in Vietnam. It hopes the countries represented at this meeting will resolve to demand impartial inspection of all POW camps, a complete accounting of all prisoners and those missing, immediate release of the sick and wounded, and that mail flow be in accordance with the provisions of the Geneva Convention.

Members of the family group also will travel to other European cities, to visit government officials and embassy delegations in their quest for support. Most are paying all of their own expenses. Some have received support from local citizens groups in their home areas.

Nebraskans in the delegation are:

Mrs. Dennis Thomte of Omaha, sister of Capt. Loren Torkelson, USAF, taken prisoner by North Vietnam on Aprl 29, 1967.

Mrs. Carolyn Standerwick of Bellevue, wife of Col. Robert Standerwick, USAF, missing in action in Laos, February 3, 1971.

ARMS CONTROL AND DEFENSE POLICY

Mr. HUMPHREY. Mr. President, the Arms Control and Defense Policy Committee of the Democratic Policy Council has adopted a statement calling on the Nixon administration to take immediate steps to bring about a freeze on further deployment of offensive and defensive nuclear weapons and on the testing of new weapons systems in this period of intensive negotiations with the Soviet Union.

As I have noted in a separate statement, we must seize this opportunity to slow down the momentum of the strategic arms race and a freeze on weapons deployment and testing—with all appropriated funds placed in escrow pending the outcome of these intensive negotiations—establishes an environment conducive to reaching an agreement on the limitation of defensive nuclear weapons, together with measures on limiting offensive weapons.

The Arms Control and Defense Policy Committee has also adopted a statement that analyzes the 1972 defense budget as proposed by the Nixon administration. I ask unanimous consent that it be printed at this point in the RECORD; and I ask unanimous consent that my statement of May 23, 1971 urging a freeze on the deployment of both defensive and offensive weapons by the U.S.S.R. and the United States, be printed at this point in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT BY THE COMMITTEE ON ARMS CONTROL AND DEFENSE POLICY

STRATEGIC ARMS NEGOTIATIONS

A great opportunity is offered in the understanding of the government of the United States and the Soviet Union to negotiate intensively toward an agreement on the limitation of defensive missiles together with certain measures on offensive weapons. This opportunity must not be missed. A proper sense of urgency must now pervade the strategic arms limitations talks. What is needed is the political initiative that can make the talks themselves an instrument for mutual restraint.

The administration should now take immediate steps to bring about a freeze on further weapons deployment and on the testing of new systems.

In the absence of such a freeze during the past two years, both countries have continued to accumulate more and more nuclear arms of increasing cost, complexity and destructive capacity. Under the Administration's rationale that we must bargain from ever-increasing strength, the fact of the talks has even been used to justify decisions to go ahead with new weapons programs. The Soviet Union has also proceeded with substantial increases in its strategic offensive forces and has resumed work on its ABM system around Moscow. The risks of further escalation and proliferation have gone unchecked.

Both countries must now behave as great powers and take immediate action to end the nuclear arms race. Both countries must now recognize that their strategic nuclear arms can serve no purpose except to deter the other's use of such arms and that the existing forces are more than ample for this purpose.

Also welcome is the assertion that this first step will facilitate further negotiations to limit all strategic arms. So that the opportunity for full and effective control may not be lost or irremediably damaged, both sides should decide now to refrain from any action that might jeopardize this prospect.

The joint announcement indicates that an initial agreement may be concluded this year. This agreement should provide for a complete ban or at least a severe limitation on ABMs. The stability of the mutual deterrent would be further guaranteed by a measure of control over offensive missiles which involves meaningful qualitative and quantitative limits. This would permit extension of the freeze on further weapons deployment and on the testing of new systems while negotiations proceed for effective limitation of all nuclear armaments.

THE 1972 DEFENSE BUDGET

We view with alarm the Nixon Administration's proposal to increase defense spending authority by $6 billion in FY 72—at the same time that the cost of Vietnam is shrinking by $4 billion. This is in striking contrast to the President's commitment to readjust national priorities and his promise to spend the savings from Vietnam on our pressing domestic needs.

Less obvious, but even more disturbing, is the fact that in its proposed defense budget for FY 72 the Administration fails to formulate any defense policy. Despite pronouncements about a doctrine of "realistic deterrence" the budget reflects no principles or policies and places no lid on over-all defense spending.

The upward momentum of our over-all defense spending continues unchecked. There is no evidence that questionable weapons projects have been reexamined; no major weapons program has been cancelled during the last year. Instead, the defense budget for 1972 continues to include some weapons projects of dubious merit and mission, and others which are overly sophisticated and inordinately expensive. Also continued is the emphasis on technology for its own sake without compensating military value. Moreover, the Administration proposes to insert a number of "wedges"—weapons systems whose costs will expand dramatically over the next five years. The new advanced manned bomber, the new tactical aircraft being developed by both the Air Force and the Navy, and the ABM—each would require spending tens of billions of dollars over the next decade. The rise in the Navy share of the total budget may presage a massive modernization program, without any explanation as to the size of the fleet justified by a doctrine of so-called "realistic deterrence."

We welcome the reductions in manpower that have been made and the consequent savings. But these savings are being eaten up by increases in the cost of new military hardware. Again, the budget reflects no serious thought about the balance between manpower and materiel.

Fortunately, Congress can be expected to trim some of the excesses from the President's defense budget. But Congressional cuts, while useful in themselves, do not make up for deficiencies in executive policies and leadership.

MUTUAL FREEZE ON NUCLEAR WEAPONS DEPLOYMENT

The news of a possible arms control agreement between the United States and the Soviet Union is most encouraging. I want to congratulate both our own government and the government of the Soviet Union for demonstrating a willingness to reach a compromise, which I am certain can only be in the mutual interest of both countries and in the interest of mankind.

The statement released by the President and the official news service in Moscow leads us to believe that we can reach through patient and prudent negotiations an agreement to limit the deployment of antiballistic missiles. In addition we can expect some accompanying or subsequent agreement on offensive strategic nuclear weapons.

These steps which I urged the Administration to take in my Senate speech of March 25 represent a potentially significant breakthrough. Much work still lies ahead, but now the hope for a halt in the arms race may finally become a reality.

Now that a formal agreement is in sight we should immediately seek a mutual freeze on the deployment of both offensive and defensive nuclear weapons, pending the conclusion of a formal agreement.

The weapons programs now underway are costly and contribute to the arms race. If we expect a formal agreement eventually to limit ABM deployments to a very low level, an immediate freeze will make the formal agreement easier to reach and would be far less costly.

This mutual freeze, which I have already proposed in a Senate resolution, would include ABM and MIRV—the multiple independently targeted reentry vehicle—as well as other offensive weapons systems.

One principal rationale for the development and deployment of our MIRV was the Soviet ABM. Now that the Russians have agreed to halt their ABM deployment at 6 ABM sites, our present MIRV arsenal is more than sufficient to penetrate this partial ABM system. With the ABM rationale gone and the climate more promising for future agreements on offensive nuclear weapons, we should not proceed with our MIRV or our ABM program.

During the freeze, we should put in escrow all funds appropriated for further defensive and offensive missile deployment. If at some point during the year we find sufficient justification for releasing these funds they will be readily available. Therefore, by taking this step we would not be placing any risk on our security.

A mutual freeze on defensive and offensive weapons systems will assure the political climate where productive negotiations leading toward an agreement can take place.

THE "HIGH CHAPARRAL" TV SERIES

Mr. FANNIN. Mr. President, in March I sent a letter to the National Broadcasting Co. urging the network to reverse its decision to cancel the television series "The High Chaparral."

In my letter, I pointed out that the series has performed a public service by showing what life in the Old West was really like and by demonstrating the contributions of Spanish-speaking people in the early development of the Southwest region.

My appeal drew a negative response from NBC, and a sizable amount of mail from people in a number of States who were appalled at the network decision to end the series.

It is not yet too late to reverse the NBC decision. "The High Chaparral" series could be restored easily. I still have hope that the popular demand for continuation of "The High Chaparral" will have its effect.

Mr. President, as a further expression of the deep interest that Arizonans have in this series, I ask that a resolution passed by the Pima County Board of Supervisors be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZ.

(Relating to "The High Chaparral" television series)

Whereas, The residents of Pima County, Arizona, have made known through their individual voices and through the news media their wish to have continued for their television viewing a series entitled "The High Chaparral"; and

Whereas, The Board of Supervisors, as the elected representatives of the residents of Pima County, share the popular local feeling that the series has treated with honesty and dignity the history of our southwestern country, particularly in its treatment of the Mexican-American and Indian cultures;

Now, therefore, be it resolved by the Pima County Board of Supervisors, That it petition the National Broadcasting Company to continue "The High Chaparral" television series.

Passed and adopted this 4th day of May, 1971.

PIMA COUNTY BOARD OF SUPERVISORS.
DENNIS WEAVER, *Chairman.*

SOIL CONSERVATION PROGRAMS FOR INDIAN LANDS

Mr. HARRIS. Mr. President, over the past years the soil and moisture conservation program within the Bureau of Indian Affairs has done much to improve Indian lands throughout the Nation. As a result of this program, erosion and flood damage have been reduced in many areas and the productivity of Indian lands has been increased.

Although the funding for the soil and moisture conservation program has remained at the same approximate level for several years, the costs of the program have been steadily increasing. As a result, conservation programs throughout the Nation are being reduced. This is, indeed, an unfortunate development.

In addition to improving the Indian lands, which certainly is a worthwhile program of the Federal Government, soil and water conservation programs do much to improve our environment. It is estimated that approximately 50 percent of the pollution in lakes and streams comes from silt. Wind erosion is, of course, a factor in air pollution.

The protection and improvement of our natural resources must receive the full support of the Federal Government. I intend to ask for additional funds for this program, which serves not only the best interests of the American Indian, but is beneficial to the entire Nation.

Mr. President, I ask unanimous consent that a letter I received from officials of the Indian Soil Conservation Association in Anadarko, Okla., and a letter I received from Louis R. Bruce, Commission of Indian Affairs on this subject appear at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

INDIAN SOIL CONSERVATION ASSOCIATION,
Anadarko, Okla., March 29, 1971.

Hon. FRED R. HARRIS,
U.S. Senate,
Washington, D.C.
(Attention: Mr. Fred Gibson).

DEAR SENATOR HARRIS: We wish to thank you for your efforts on our behalf in the past in connection with appropriations for the Soil and Moisture Conservation Program within the Bureau of Indian Affairs.

We realize the Senate Sub-Committee on the BIA appropriation has completed their hearings; however, we would appreciate any assistance you may be able to render in providing adequate funds to at least keep the program operating at present levels in the Anadarko Area.

During the past ten years the Soil and Moisture Conservation staff, within the Anadarko Area Office jurisdiction, has been reduced from fifty-one to forty-four positions. If the fiscal year 1972 funds are limited to an amount not to exceed the 1971 allocation, it will cause another reduction in force in the Anadarko Area.

We hear a lot these days about the quality of our environment and what should be done about pollution. The programs which accomplish soil and water conservation make a vital contribution to the enhancement of our environment. Nationwide, about 50% of the pollution in lakes and streams is silt. Silt is soil which has become detached and transported by the forces of erosion. Wind erosion or wind borne soil contributes to air pollution. Western Oklahoma has seen several days this spring that remind us of the "Dust Bowl Days of the 1930's."

Federal funds, administered by the Soil and Moisture Conservation activity in the Anadarko area, has been effectively applied in the past years, when one considers that land operators are spending $6.50 of personal funds for each $1.00 the BIA is spending for the Soil and Moisture Conservation Program.

Your assistance and cooperation in the past has been sincerely appreciated, and we ask you to again do what you can to assure adequate funds in the Bureau of Indian Affairs budget to support this program.

Sincerely yours,
JACK MCLANE, JR.,
President.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D. C., May 11, 1971.

Hon. FRED R. HARRIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARRIS: Reference is made to your April 20 inquiry regarding the Bureau of Indian Affairs Soil and Moisture Conservation program for the Anadarko Area in Western Oklahoma. The information provided by Mr. Jack McLane, Jr., President of the Indian Soil Conservation Association, reflects accurately the downward trend in Soil and Moisture Conservation program emphasis which has occurred over the past few years, not only in the Anadarko area but for the Indian Bureau as a whole.

The Bureau-wide level of funding for this program has remained fairly constant for several years, with additions being allowed only to cover part of the personnel pay cost increases. Increasing material and supply costs, operating expenses, and within-grade increases have reduced rather substantially the base for the Soil and Moisture Conservation program. The net result is that fewer positions and projects can be funded and supported now than was possible a few years ago. This reduction in program base has had to be shared by all of the areas.

The Soil and Moisture Conservation program for the Bureau of Indian Affairs has been considered, along with all other Indian programs, to determine its priority to share in increases which were allowed for the total Indian Bureau. We are optimistic that natural resource programs, such as this one, will be able to rate a somewhat higher priority in the near future. Indian people have expressed a strong desire to have more help in the development and management of their agricultural lands.

Sincerely,
LOUIS R. BRUCE,
Commissioner.

THE INDUSTRIAL-MILITARY COMPLEX MYTH

Mr. SAXBE. Mr. President, the letter I am about to insert in the RECORD, and the accompanying breakdown, speak for themselves. I think they offer another instance where we puncture the myth surrounding that wispy and misunderstood animal that goes under the name of military-industrial complex.

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the letter and analysis were ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C., *May 20, 1971.*

Hon. WILLIAM B. SAXBE,
U.S. Senate,
Washington, D.C.

DEAR BILL: We have all heard of the so-called industrial-military complex. There is the suggestion that it dominates our economic and social life.

When attending a so-called "Senior Statesmen" conference at the Pentagon, the members of which are "has beens" such as myself, an occasion arose to draw to the attention of those present that the so-called industrial-military complex was, in fact, a myth. To establish my point, I represented that if one would add up to the value of the common stock of the 10 largest companies that can be logically included in the industrial-military complex, one would get a total that is less than the value of the common stock of *one* cosmetic company.

Everyone present challenged the authenticity of what I said, including the Comptroller of the Air Force. The result was a wager and he has now expressed a willingness to pay. Attached is a rather thorough documentation that made him admit defeat. You will see the market value, as of April 26th, of the 10 largest was $4.7 billion. The market value of Avon on the same day was $5.6 billion.

You may find this interesting, as I do.

Sincerely,

E. R. QUESADA.

COSMETICS FIRMS

	Common stock outstanding	Exchange quote as of Apr. 26	Current market value	Capitalization
1. Avon	57,475,608	97¾	5,618,240,682	309,064,000
2. Revlon	12,443,499	77	958,149,423	434,359,079
Total			6,576,390,105	743,423,079

[1] Capitalization=Long term debt+preferred stock+common stock+capital surplus+retained earnings.

Source: Moody's Industrials Cumulative Index, Apr. 13, 1971. Standard and Poor's Index, February–March 1971. Wall Street Journal (WSJ), Apr. 27, 1971. OASD (Comptroller), 100 Companies List.

PRIME DEFENSE CONTRACTORS

Firm	Common stock outstanding	Exchange quote as of Apr. 26	Current market value	Capitalization[1]
1. Lockheed Aircraft	11,359,000	12⅛	137,629,663	657,291,000
2. General Dynamics	10,538,712	29¼	308,259,326	449,273,000
3. McDonnel Douglas	27,248,950	36⅛	984,368,319	1,462,893,716
4. United Aircraft	12,106,005	44	532,664,220	791,936,140
5. North American Rockwell	22,158,930	26½	587,211,645	913,827,900
6. Litton Industries	28,552,382	30¾	877,985,747	1,325,768,000
7. Grumman	7,117,664	20⅞	148,581,236	235,569,564
8. Ling Temco-Vought	2,423,759	22¾	55,140,517	1,768,966,000
9. Boeing	21,683,102	24¼	525,815,224	1,433,189,000
10. Raytheon	13,766,773	41⅛	566,158,540	301,734,149
Total			4,723,814,437	9,340,448,469

[1] Capitalization=long term debt+preferred stock+common stock+capital surplus+retained earnings.

THE DEMOCRATIC AGENDA, STATEMENTS OF THE DEMOCRATIC POLICY COUNCIL

Mr. HUMPHREY. Mr. President, on May 13 the Democratic Policy Council adopted a number of statements dealing with the national economy and national priorities, including guaranteed employment opportunity, welfare reform, national health insurance, the release of impounded funds, the fiscal dividend, gift and estate tax reform, and a seven-point program to break out of the Nixon recession-inflation muddle.

It is often said these days that political parties no longer take decisive stands on controversial matters, that the emphasis is on compromise and trying to be all things to all men. I believe these recent actions by the Democratic Policy Council demonstrate that at least one party is willing to speak forthrightly and clearly, even though certain of these positions are likely to be controversial, among Democrats as well as the public at large.

As chairman of the policy council I take considerable pride in the willingness of the council's membership to deal with these difficult and controversial issues and to provide some basis for evaluating Nixon administration policies on the domestic scene.

I commend these statements to the attention of my colleagues of both parties and to the public. I ask unanimous consent that the statements adopted by the Democratic Policy Council on May 13 be printed at this point in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

THE DEMOCRATIC AGENDA

GUARANTEED EMPLOYMENT OPPORTUNITY

The 1946 Employment Act committed this nation to a policy of full employment. Democratic Administrations of the sixties reduced the unemployment rate from 6.5 percent in December 1960 to 3.3 percent in December 1968. Since the Nixon administration has taken office, unemployment has climbed to 6 percent and over—close to the prevailing unemployment at the end of the last Republican administration.

We have worked hard to guarantee civil rights and education, and we must now meet our commitment to full employment opportunity. We believe the government should stand ready now to guarantee every American employment opportunity. We therefore recommend immediate action on several measures that will help to realize the goal of employment opportunity for all:

First, we urge the President to sign the comprehensive public service employment legislation that will soon be passed by the Congress. This action would provide $4 billion in Federal funds over the next five years to create up to 500,000 jobs in areas of high unemployment as well as meeting critical manpower needs in schools, hospitals, parks and other public services.

Second, the Congress should enact and fund a concentrated selective employment program. Areas that rely almost exclusively on a sole employer should have immediate and concentrated financial assistance available to channel these skills into other activity. Since the majority of these dislocations occur as a direct result of federal policy decisions, it is well within its scope of responsibility to provide alternative employment opportunities in these areas.

Third, we urge the full funding of existing federal programs directed to increase job opportunity, manpower training and education and health care. If the present gap between authorizations and appropriations of existing categorical aid programs were reduced to the gap that existed in 1966 (estimated at 20 percent compared to the current 35 percent gap), $6 billion more in federal revenues would go to states and localities—$1 billion more than the Nixon administration proposes in its general revenue sharing programs.

Fourth, we urge the Congress to increase substantially the Administration's belated request for supplemental appropriations for 1971 summer youth employment programs. High unemployment among teenagers is one of the chief contributing factors to explosive conditions in the nation's cities. The failure of the Nixon administration to submit to this Congress any request for additional funding for summer employment programs, particularly the Neighborhood Youth Corps, until after the Senate's Democratic leadership repeatedly called for action only serves to underscore the meagerness of the $61 million finally requested. Furthermore, we urge the Congress to restore through legislative action what the President has so callously dismantled through executive fiat: the President's Council on Youth Opportunity, the only agency within the Federal government committed solely to the problems of youth, especially the poor and disadvantaged.

Fifth, we call for appropriate and immediate legislative action to couple reductions in military and aerospace expenditures with speedy action to deal with the severe economic damage those cutbacks impose upon the millions of Americans and hundreds of communities which have grown to depend upon high levels of arms and aerospace spending. Federal military and space contracting policy should create positive incentives for conversion planning at the industry level, aiming toward specific plans for alternative employment of facilities and workers which may be released as military orders shift or decline. Moreover, while military cutbacks are occurring, the national government should significantly increase total resources available for research, development and production for transportation, housing, health, environmental protection, public safety, nutrition, and other areas of compelling domestic need.

WELFARE REFORM

For more than a generation, welfare programs throughout the nation have grown in size and cost, but accomplished little in terms of the human dignity of the poor. Rather, these programs, with gross and inequitable disparities in state standards and payments, have been counter-productive and have made despair the only way of life available to the poor. In addition, the exploding costs of welfare, together with the Nixon recession, have threatened to bankrupt many state and local governments.

Poverty is a national problem which calls for a national solution, federally financed and administered, with equity for all recipients regardless of their residence. State and local governments more sensitive to the needs of the poor should not continue to bear a disproportionate share of what is clearly a national problem. State and local governments currently pay almost half our welfare costs, which now total $15 billion and may be expected to reach $25 billion within the next five years.

At the heart of the welfare crisis today is the Aid for Dependent Children program. In the last ten years, the number of people on AFDC has risen from slightly more than 3 million to 9.5 million. The cost to the federal, state and local governments has skyrocketed from slightly more than $1 billion to nearly $5 billion—about a third of all welfare expenditures. If the federal government assumed all the costs now borne by the states and localities, they would receive more money than would be received under the Nixon general revenue sharing and Family Assistance Plan combined.

We believe that (1) the federal government must make a commitment to provide a minimum level of income to all individuals, and (2) the present mosaic of welfare programs is both excessively complex and unduly costly. We believe it would be desirable to introduce a single plan that would meet the commitment of government as simply and as economically as possible by the federal government's assumption of full financial responsibility for all welfare programs. We also call for economic policies that ensure a job at living wages for all who can work and a decent income for all those unable to support themselves. We cannot continue to delude ourselves that the welfare rolls are populated with unwilling workers, when in fact well over 95 percent are unemployed because they are aged, disabled, minor children or mothers of those children.

We oppose the Nixon Family Assistance Plan as initially presented to the Congress because its benefits are grossly inadequate and because it perpetuates the present myths of a system that has failed to meet the needs of poor people.

We are particularly concerned that the Nixon Family Assistance Plan violates many of the legal and constitutional rights of welfare recipients guaranteed by equal protection and due process of law. Other provisions will cause unnecessary harassment of recipients as well as deprive them even further of their dignity and right to privacy.

We recommend a comprehensive and fully federalized welfare system; one which would embody, as a minimum, the following elements:

(1) immediate minimum payment equal to, if not greater than, officially designated poverty levels as related to the cost of living in each locality and to annual cost of living adjustments, graduated upwards by 1976 to a level of adequacy as defined by the Bureau of Labor Statistics lower standards budget;

(2) uniform eligibility requirements among all jurisdictions with guarantees which will protect the basic legal and human rights of all recipients;

(3) universal child care system and child development program;

(4) meaningful public service employment;

(5) comprehensive federal minimum wage legislation covering all workers at not less than $2.00/hr;

(6) reevaluation of the levels of all other social insurance benefits presently paid for by federal, state and local governments;

(7) guarantees that any work requirement will respect the rights of mothers of preschool and school age children to remain in the home;

(8) provisions for economic incentives to work by assuring that persons who work will always have more income than those who don't.

We further recommend the immediate federal assumption of all "adult" welfare categories, with federal assumption of AFDC within three years.

NATIONAL HEALTH INSURANCE

The soaring cost of health care in this nation is rapidly becoming the overriding domestic issue of our day. Hospital charges have tripled in the last decade, while physician fees have risen by 150 percent. Insurance premiums have soared to keep pace with these costs. In short, behind the soaring costs of health care, we have a health system riddled with inefficiencies—a system that attracts physicians where they are needed least, treats patients where it costs the most, and overloads one facility only to leave neighboring facilities empty.

We therefore urge the immediate passage of the Health Security Act—legislation that proposes sweeping reforms of this inadequate system of organization, delivery and financing of health care. In contrast to administration proposals, the Health Security Act will not place any further responsibility in the hands of the insurance industry, which has already abundantly demonstrated its failure to serve the people. A detailed comparison of the Health Security Act and all other proposed legislation leads to the following conclusions:

All are based on the premise that good health care is a fundamental right of every American;

Only Health Security guarantees that right through a single universal system, without using a means test and with the same benefits for everyone.

All are offered as a response to the chaotic state of the present health care system;

Only Health Security provides the leverage needed for real reform of the system.

All recognize the importance of health maintenance and the possibilities of reduction in costs through early preventive care;

Only Health Security removes all barriers to timely care by eliminating deductibles and coinsurance and by assuring the patient that he will not be billed by the doctor.

All are concerned with economic delivery of health services and the need to prevent further skyrocketing of costs;

Only Health Security provides health care directly and at the lowest costs, with no waste of the health dollar on private insurance carriers as the middleman.

All aim to promote optimum care through development of prepaid group practices offering comprehensive continuous health services in the most effective and economical manner;

Only Health Security undertakes not only to remove the barriers to prepaid group practice but to provide real financing incentives for expansion of this desirable form of providing health services.

All are in response to rising pressures for public accountability and a voice for the consumer in the health system;

Only Health Security assures public accountability by guaranteeing consumer participation at all levels of administration.

There is no cheap or easy way to meet our urgent public sector needs. We believe that the realization of the priorities outlined above requires commitment to a vigorous tax program. We suggest these approaches:

RELEASE OF IMPOUNDED FUNDS

The President has now impounded more than $12 billion of appropriated federal funds. For Mr. Nixon to substitute his judgment for the express decisions of the Congress—a judgment now involving more than $12 billion of public money—is executive arrogance of the highest order. He has, for example, withheld almost a billion dollars for low-rent public housing; he has withheld $583 million for the model cities program. He has withheld $200 million for water sewerage facilities and $5.852 billion for highway aid.

At a time of substantial unemployment, the President's actions are particularly outrageous. Prompt release of these funds would provide thousands of jobs in local communities across the nation, as well as providing state and local governments with urgently needed federal revenues in a variety of priority areas. The present total of impounded funds is more than twice the amount proposed by Mr. Nixon for general revenue sharing.

On April 27, 1971 the Democratic leadership introduced a joint resolution instructing the President to release these impounded funds. We strongly request the immediate passage of this resolution by both the House and the Senate.

FISCAL DIVIDEND

Each year this nation produces, under its current tax scheme, a fiscal dividend of about $12 billion. At the end of the tenth year, that fiscal dividend will total $120 billion annually. Today, this fiscal dividend is swallowed up each year by defense, maritime subsidies, space and other programs. These funds have been appropriated almost as a matter of course while social and domestic needs have been an afterthought forced to compete—and invariably lose out to—programs of business subsidies, space and defense. Programs in the domestic and social areas have, in the past, either been underfunded or forced to justify new taxes. We think the time has come for the burden of justifying the need for increased funds to be placed on the proponents of additional funds for business subsidies, space and defense.

We urge the Congress, by joint resolution, to commit that fiscal dividend to such major public sector domestic problems as housing, education, crime, health care and pollution—an action which could be achieved without raising a single existing tax rate or by asking private consumption to grow at less than the public sector.

GIFT AND ESTATE TAX REFORM

As a result of a relatively progressive federal income tax, we have achieved a situation where the top three percent of our population in terms of income receives 15 percent of the total after-tax income. However, we have in this nation today no effective estate or gift tax. As a result, the top three percent of our people in terms of wealth owns 90 percent of the wealth in our nation. The time has long since passed when this kind of situation can be tolerated in a democracy with such urgent domestic social needs.

Pending consideration of uniform progressive taxation of all forms of enrichment, we recommend a complete overhaul of estate and gift taxes so that massive concentrations of wealth cannot continue to be passed from generation to generation without taxation. Even modest reforms in this area would provide at least $3 or $4 billion in additional revenues that could be committed to the public sector. More significant reforms would produce substantially more. For example, individuals owning some $80 billion in assets die each year. If those assets were effectively taxed at an average of 25 percent, an additional $20 billion would be available to federal, state and local governments.

BREAKING OUT OF THE NIXON RECESSION-INFLATION MUDDLE

The gap grows between political rhetoric and economic record. Despite some $75 billion of goods and services going down the drain forever, with nearly a doubling of unemployment, a stepped up pace of inflation, and a crisis in the value and role of the dollar in world markets, Mr. Nixon continues to bury problems and resurrect promises.

Given the deficiencies in housing, health, education, diets, ecological quality, law enforcement, transportation and other essentials, it is a national tragedy that we must resign ourselves not just to the $75 billion loss of potential output to date, but also to the $50 billion of potential output that will be sacrificed in the remaining months of 1971. These losses also reflect intervals of involuntary unemployment of varying duration for many tens of millions of American workers.

The hard facts are these:

After two years of stagnation and decline, recovery from the Nixon Recession is barely perceptible. The prospects for substantial recovery are bleak. Performance is so far behind promise that the administration's goal for the year 1971 is already judged to be impossible.

Yet, hardly a day goes by without some glowing statement by the President or one of his top advisers bragging about the encouraging progress and the favorable signs for vigorous recovery ahead. But talk alone will not pull the economy out of the doldrums.

THE RECORD IN 1971

Every serious economic analyst agrees that the performance of the economy so far this year has been disappointing. That includes many government economists when talking off-the-record. The increase in production in the first quarter was due mostly to the rebound from the General Motors strike in the fourth quarter of 1970. The change between the third quarter of 1970 and the "auto-rebound" first quarter of 1971 failed to reveal a strong underlying uptrend. Here are the changes that took place between these two quarters:

Gross National Product, measured in constant dollars, was up at an annual rate of only 1.2 percent.

Industrial production declined 1.6 percent.

Unemployment rose from an average of 5.2 percent of the labor force to 5.9 percent (6.1 percent in April, 1971).

Prices, as measured by the overall GNP price index, rose at a yearly rate of 4.5 percent in the third quarter of 1970 and 5.2 percent in the first quarter of 1971.

There is no evidence in these figures that the recovery is progressing at a satisfactory rate nor that inflation has been brought under control. The April rise in wholesale prices at an annual rate of 6 percent is far from reassuring.

Just to keep unemployment from rising, the economy must normally grow at the rate of more than 4 percent a year. During the past six months, growth has been at far less than half this rate and unemployment has increased. When the economy moves ahead again, productivity will improve, the labor force will grow and average hours worked will lengthen; large increases in output will be needed to make any dent in the level of unemployment. There is not enough stimulus in the administration's program to get the economy moving vigorously enough to reduce unemployment in the months ahead.

President Nixon proclaimed his economic conversion to the Keynesian fraternity early this year. The huge deficit for fiscal year 1971—now reluctantly projected at near $20 billion—should have taught the President that a recession inevitably brings large deficits. Yet the President does not distinguish between deficits resulting from recession and deficits resulting from constructive measures to pull the economy out of recession. The former is passive and only cushions the decline in incomes; the latter is active and stimulates recovery.

The President says that he is now resigned to a balanced budget at full employment. But on a national accounts basis the Nixon program calls for a surplus and not balance at full employment. Nor is there magic in an exact balance at full employment. Sometimes a full employment budget balance does not provide enough restraint on private spending to prevent excess demand and inflation. At other times, a balance in the full employment budget does not provide enough stimulus to the private economy to reach full employment. As happens so often, Mr. Nixon embraces a slogan but not a policy.

THE NEED FOR FISCAL STIMULUS

Recent developments make it quite clear that we are in the midst of a sluggish recovery that will not bring the economy back to full employment without additional stimulus. The situation is reminiscent of 1959–60 when the Eisenhower-Nixon administration assured us that full employment was just around the corner. Then, as now, the Republican administration refused to recognize the urgent need for fiscal stimulus. Then, as now, the administration revealed no serious interest in reaching full employment. Restrictive policies aborted the 1959–60 recovery and, unless current policies are changed quickly, the recovery which is barely visible is also likely to be aborted.

AN $8 TO $10 BILLION ADDITIONAL FISCAL STIMULUS IS NEEDED TO MOVE TOWARD FULL EMPLOYMENT

We are painfully mindful of the fact that, despite stagnation in output—industrial production is still below the level when the Nixon administration took office—and the sharp rise in unemployment, inflation has not been brought under control. The Nixon administration has relied exclusively on overall monetary and fiscal policies to moderate the inflation, without much success. We have repeatedly warned the President that a price-wage or incomes policy, backed by labor and management and including a range of government action, would be needed to supplement monetary and fiscal policies if inflation is to be contained.

A VIGOROUS INCOME POLICY

These actions will embrace governmental purchase policies and practices, stockpile dispositions, temporary variations in import policies, selective credit controls and above all focusing the inflation concern of the public on management and labor decisions. This will require active governmental intervention in influencing and setting prices and, in conjunction with unions, in establishing standards for wage increases. The President has shunned this advice. Private firms have continued to increase prices at record rates even in the face of weak demand. The Democratic Congress has twice enacted stand-by controls for use by the President, but he has only seen fit to use them in one industry. The problem is an economy-wide problem, and must be tackled by a coherent, comprehensive, national system of price-wage restraints.

The policies that should now be pursued include more stimulus to private demand through monetary and fiscal actions, together with new approaches and leadership for moderating price and wage increases. The stimulus is needed to accelerate economic recovery, and the price-wage policy is needed to prevent prices and wages from rising too fast as recovery accelerates.

The major emphasis in the effort to stimulate demand should be on fiscal policies and primarily on larger public expenditures for meeting the essential needs of our people. Fiscal stimulus should be achieved by more spending and not tax cuts. Any action taken now to promote quicker recovery should not under any circumstances permanently reduce the revenue potential of the federal tax system. Nor should it involve long-run rigid expenditure commitments which might be inappropriate when—hopefully—full employment is restored.

A proper example of the application of this principle was the decision by the Democratic Congress to delay the social security tax increase—a tax which falls most heavily on the low income groups—from January 1, 1971 to January 1, 1972. This delay, opposed by the President, increased disposable income in 1971, but will not affect disposable incomes in 1972. By contrast, the proposed liberalization of depreciation allowances—which is now under attack by legal and economic experts—would not only have the effect of reducing taxes for business by $2.5 billion this year and by over $4 billion a year five years from now when the revenues may be needed to contain inflation or to finance urgently needed government programs, but is also a subsidy devoid of principles of equity.

A PROGRAM OF ACTION

There are a number of responsible fiscal actions that could be adopted now without permanently impairing the strength of the federal fiscal system. These include:

Benefits for the aged, the incapacitated and the victims of broken families through social security and welfare programs should be increased substantially and immediately. There is no better time for providing more fully for our poor than when added benefits will stimulate a lagging economy. The nation's economy is now operating at some $60 billion below potential so that not only can we afford better provisions for our less privileged, but we need to do it to help restore full employment. Increased Federal resources for these needs and for other purposes will help states and localities cope with their fiscal crises resulting from rising needs and diminishing revenues attributable to the Nixon Recession.

Release impounded funds for all essential authorized purposes toward the combined goals of more fully meeting needs that the Congress has provided for and to stimulate recovery.

Enactment of a strong and flexible program of public employment to give jobs to those who cannot find them in the private economy. This program would also automatically decline or disappear when private jobs become plentiful.

Increase minimum wages to generate more consumer income.

Immediate implementation on a national basis of the extended unemployment compensation program which is scheduled to go into effect not later than January 1, 1972. Under this legislation, unemployment compensation is extended for a period of 13 weeks when insured unemployment exceeds 4.5 percent. This is too high because total unemployment will have to reach about 6 percent to assure this added duration of benefits. A 4.5 percent total unemployment rate is more reasonable. Also, full federal financing of this supplement would speed implementation and would be fully compatible with the more expansive fiscal policy that is required.

Only if increased expenditures cannot be accomplished quickly, the income tax cuts now scheduled for 1972 and 1973 can be accelerated. Such action, which would reduce taxes $4.5 billion this year, would help to strengthen consumer demand now, but it would not reduce taxes in 1973 below the levels now legislated for that year.

A constructive program of fast-start and rapid-implementation public works projects that will help overcome some basic deficiencies in state and local facilities.

The unemployed are not the only Americans whose income has been eroded by the recession and inflation. For the first time in more than a generation highly trained professionals in large numbers cannot find jobs that utilize these valuable skills. These talents should be put to work by the government in improving and protecting our environment and providing efficient public services.

We believe these actions should help achieve full recovery in a reasonably short period of time. But we are not certain. It depends on how soon and how far the administration goes in supporting these expansionist economic policies.

This nation cannot afford to wait until there is a new administration 20 months hence to cut unemployment and to restore economic growth and price stability. The Democratic Party is therefore determined to do its utmost to promote the earliest and most vigorous recovery that can be achieved, irrespective of its political impact in November 1972. We are prepared to cooperate in the formulation of the policies needed to achieve these objectives. But we cannot force the administration to carry out these policies. Unless and until President Nixon moves forward aggressively and vigorously, the nation will continue to suffer serious unemployment, huge losses in production, and painfully slow progress toward price stability.

BANKING COMMITTEE EMPLOYEES RETIRE

Mr. SPARKMAN. Mr. President, I would not want the occasion to go by without commenting briefly about the retirement of two faithful and longtime employees of the Committee on Banking, Housing and Urban Affairs. I refer to Mrs. Caro MacNeill Pugh and Mr. Charles L. Egenroad who will retire from the committee staff—and thus as employees of the Senate—at the end of this month.

CARO MACNEILL PUGH

On May 31, 1971, Caro Pugh will return to her native State of North Carolina and thereby will terminate a 30-year career of Federal employment. Except for 1 year when Caro was employed by the Home Owners Loan Corporation, her entire Federal service has been with the U.S. Senate. Caro came to the Senate in 1942. In 1945 she worked for a short while for the Senator from her home State, former Senator Josiah William Bailey, of North Carolina. In 1947 she joined the then Banking and Currency Committee staff as a clerical assistant where she has continued her employment with the Senate.

During her tenure with the committee and with the Senate, Caro has carried out her duties in a fashion which exemplifies the highest tradition of the Senate and the committee, and in turn we have benefited and have been enriched by her enthusiastic, dedicated, and conscientious work.

Indeed, we shall miss Caro Pugh around the committee and around the Senate, and we express our gratitude to her. We wish her the very best in her future and for her happiness.

Just in passing, I might comment that Caro has served the committee under six chairmen. To some degree that is quite a feat in itself. She served under the chairmanship of former Senator Charles W. Tobey, of New Hampshire; former Senator Burnet R. Maybank, of South Carolina; former Senator Homer E. Capehart, of Indiana; Senator J. W. Fulbright, of Arkansas; former Senator A. Willis Robertson, of Virginia; and the present chairman of the committee, the position in which I have the honor to serve.

CHARLES L. EGENROAD

On May 31, 1971, Charles Egenroad will retire, terminating 21 years of Federal service. Charlie commenced his career in the Senate in 1947 with former Senator Homer E. Capehart, of Indiana. He served in progressively important positions in Senator Capehart's office and was administrative assistant to Senator Capehart in 1955 when Charlie left Senate service for a position in the private enterprise sector. Charlie returned to the Hill in 1958, joining the then Banking and Currency Committee staff as a professional staff member.

During Charlie's service on the committee he carried out his duties in a way that exemplifies the highest tradition of the Senate and our committee. He has always worked very diligently, and members of the committee, as well as the Senate, have benefited from his advice and counsel over the years during which he has served us.

Naturally, we hate to see Charlie leave, but we understand his desire to retire, and though he will be missed, we all wish him good luck, good health, and I might say in an endearing way, "good golfing" in the future.

I might also say that Charlie Egenroad has served under three chairmen of the committee: Senator J. W. Fulbright, former Senator A. Willis Robertson and, of course, the incumbent chairman, me.

MAJOR GENERAL SUTTON RETIRES

Mr. ALLEN. Mr. President, Maj. Gen. William J. Sutton will soon retire as Chief, U.S. Army Reserve, and I wish to pay tribute to this outstanding soldier and patriot. He is due the thanks of a grateful Nation for his distinguished service with the U.S. Army and as Chief, U.S. Army Reserve. He has a host of admirers in the State of Alabama including all of the members of the Alabama congressional delegation in the House and Senate.

The Department of Alabama, ROA has recently saluted Major General Sutton in the following language:

A Salute

> On the occasion of His Retirement, the Department of Alabama, Reserve Officers Association, proudly salutes Major General William J. Sutton, Chief of the Army Reserve. General Sutton's untiring defense of the Reserve Program and his unflagging efforts in behalf of the nation's defense qualify him as a true modern Minute Man. General Sutton cared enough for his belief in the Reserves to put his own career on the line in challenging powerful forces who would have abolished the Reserve Program as we know it.
>
> His courage in standing up for what he believed was in the highest traditions of the nation and those who have defended it throughout its history.
>
> As the first Chief of the Army Reserve since Congress gave the position permanent status, General Sutton continues to carry out his duties with the same zeal and distinction which marked his efforts in the years preceding Congressional sanction of his office. He continues to work tirelessly in improving the Reservists' position in the defense structure.
>
> Knowing this, the Department of Alabama, ROA, salutes a singularly distinguished American, Major General William J. Sutton.

THE SILENT PALESTINIANS

Mr. HATFIELD. Mr. President, there are many aspects of the present status of negotiations in the Middle East that have been of particular concern in public debate. However, as a New York Times editorial points out, little attention has been given to the involvement of the Palestinians in reaching a settlement.

Mr. President, I ask unanimous consent that the editorial from the May 26, 1971, edition of the New York Times be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Silent Palestinians

> Secretary of State Rogers' effort to promote a disengagement along the Suez Canal as a first step toward a Middle East settlement has tended to divert attention from other key issues in the Arab-Israeli dispute. One of these concerns the future of two-and-a-half-million restive Palestinians. The Palestinian cause has also been eclipsed lately by the defeat and dispersal of Palestinian guerrilla forces in Jordan and because of deep divisions within the Palestinian leadership.
>
> It would be a serious mistake, however, to conclude that the disruptive potential of the guerrilla movement has been permanently destroyed or to imagine that any agreement negotiated in the Middle East can endure if the aspirations of the Palestinians as a people are ignored.
>
> King Hussein's recent military victories over the *fedayeen* are due at least in part to the substantial withdrawal of support from the guerrilla movement by Arab states which have begun to see in the Rogers initiatives hope for a diplomatic solution to their problems. If that hope should be destroyed or, as one Jordanian scholar put it, "if the guns start firing on the Suez Canal again, the *fedayeen* will be racing down the main streets of Amman."
>
> To complete the rout of Palestinian extremism, which has done so much over the year to exacerbate conflict in the Middle East, it will be necessary not only to maintain the momentum toward peace but to begin at an early date to include in the negotiations for a settlement some spokesmen for the more moderate, relatively silent majority of Palestinians.
>
> It is unfortunate that during his recent visit to the area, Secretary Rogers apparently ignored petitions for a hearing from West Bank Palestinians who have courageously rejected the noncompromising position of the guerrilla leaders but who do not accept King Hussein as their spokesman either. Their plea for Palestinian self-determination on the West Bank under international supervision, free from pressure from Israel or Jordan, deserves the sympathetic hearing in the United States and the United Nations that it has already received in some quarters in Israel.

THE SPACE RACE: DO WE LET THE RUSSIANS MAKE OUR DECISIONS FOR US?

Mr. PROXMIRE. Mr. President, a few weeks ago a column by Mike Hughes appeared in the Wisconsin Sun Prairie Star-Countryman entitled "Onward to Mars." The column is a spoof about how this Nation can be prodded into new space and defense programs by Russian moves in these areas—wholly without any inquiry whether such programs are actually needed.

For example, the author conjures up a speech by a Soviet official in which he refers to Jules Verne's Fantastic Voyage, a novel about a space crew which is miniaturized and injected into man's bloodsteam. The Soviet official says:

> How strange it is, when fiction and nonfiction blend into one. This very process has been nearly perfected by the Soviet Union.

Later in the day, after the Soviet announcement is reported in the United States, a prominent Senator takes the floor of the Senate to proclaim:

> We must be the first nation to land a man on the liver.

The same thing happens in the House of Representatives, where a ranking Congressman is heard to declare:

> I'm not going to have no g— d— commie walking around on my spleen.

The result: the United States ends up spending some $100 million a year to perfect the process of injecting a space crew into man's bloodstream.

Mr. President, naturally this is a parody. But there is a substantial element of truth in it. We are currently embarking on a $9 billion program to construct a space shuttle, and plans are also in the works to build a space station.

One of the principal arguments advanced for going ahead is that the Soviet Union plans to put up a space station of its own.

Mr. President, it may be that we need a space station. And it may be that we need a space shuttle to get us there. But I have written to NASA on a number of occasions to ask whether, in fact, there is a need for the space shuttle-space station. All NASA has told me in reply is that first, the shuttle would enable us to continue to have an active space program, and second, it would reduce the costs of the space program. But why do we actually need it? What would it help us to accomplish that we could not otherwise accomplish? NASA seemingly has no answers to these questions.

Mr. President, we must insist on a firm, solid justification for the space shuttle before we pour out any money for it. And if such a justification cannot be made, Congress simply ought to strike this item from the space budget.

Mr. President, I ask unanimous consent that the column entitled "Onward to Mars" be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

Onward to Mars

A large building near the Ukraine is an important keystone to Russia's national and international policy.

The building is known as Stradavaresk. The name, among members of our CIA and State Department, has become legendary. Russia's Stradavaresk ranks with the most feared institutions of the Third Reich.

Unfortunately, none of our government workers have ever successfully translated the name. It's made up of contractions from several Soviet dialects, but a good, rough translation is: Factory For the Production of Space Stations, Moon Rockets, SST's, and Frisbees.

The origin, and the manner in which it became a legend, is this:

During the 1950's, Russia and America were competing evenly in the battle to get to the moon.

One day, Igor Margavak, chief engineer in charge of space exploration, was appearing before the Central Budget Committee. "You'll note that I am requesting only seven billion dollars for the biennium, which is less than my American counterparts are getting," he said.

"Very fine," Bureau Chief Nicholai Narsty said. "And could you explain again why we need the space program?

"Certainly," Igor said. "The view from up there should be just terrific."

There was a very long silence.

"Uh . . . We could bring back some rocks and analyze them and send them around to stamp, coin, and rock shows."

Another long silence.

"We could take some swell snapshots and show them to the leaders of neutral nations during cocktail parties . . . Or we could . . ."

Igor Margavak is currently working as a laundromat repairman in northwestern Siberia.

That night, Willie Pallaas, head of the Committee on Thinking, heard about it from Narsty. He approved of the decision.

"Then we'll forget about our space program?" Narsty asked.

Pallaas thought about that, "No, No, we won't. If we forgot about it, America will forget about it. Instead, we'll take advantage of the situation. You see, Americans have a dreaded fear of not being first at anything."

"But why?"

"I'm not sure, but I'll demonstrate."

The next morning a prominent Soviet official commented publicly that, "The Soviet Union has grown rapidly in the field of retroactive introspection. Within a decade we will have doubled the United States in this area."

The reaction was immediate. Two southern senators immediately announced. "We must close the retroactive introspection gap." The Defense Department received a 2.5 million dollar allocation to face the problem. And the Readers Digest even asked, "Are we periled by retroactivity?"

(Eventually, of course, someone looked up the words in a dictionary, and the matter was quietly dropped. However, it's interesting to note that the Defense Department never did admit its mistake. It still receives its 2.5 million every year for Retroactive Introspection Defense. The money is slipped off to provide tanks for a fishing village just south of Sicily.)

To be doubly sure, Pallaas offered two more illustrations. He referred to a Jules Verne novel, Fantastic Voyage, in which a space crew was miniaturized and injected into a man's bloodstream. "How strange it is, when fiction and nonfiction blend into one," Pallaas said. "This very process has been nearly perfected by the Soviet Union."

That afternoon, (a Southern Senator) waved his fist and shouted, "We must be the first nation to land a man on the liver."

And (a ranking Congressman) said, "I'm not going to have no ——— ——— commie walking around on my spleen."

And to this day, America is still spending over $100-million annually on the project.

And then Pallaas announced to the world press, "The Soviet Union is without a doubt the world leader in the production of pneumatic tire pumps." Within a year, Americans had manufactured enough tire pumps to supply the world for 47 years. They are currently filling silos throughout the middle west.

With all of that proof to support his theory, Pallaas went into the plan.

To begin with, he selected a former insulated underwear factory near the Ukraine. This was picked for two reasons: 1) It was in the open and easily viewed by spy planes, satellites, etc. 2) It was very solid and official-looking.

For added effect, he constructed an 18-foot-high electrified fence around it, along with a moat, 73 trained German shepherds, and a half-dozen machine gun turrets. Five smokestacks were placed on top, and a dry ice machine was used to pour out artificial smoke. Windows were placed everywhere, so that passersby could see what appeared to be rockets, space stations, and SST planes. (Actually, all of them were mock-ups, purchased from a Japanese movie company.)

A total of 110 people were employed there. They were broken down as follows: 35 men to guard the place, two semi-senile scientists, one pretty lady who mingled with CIA spies and whispered secrets to them, 72 people who were employed manufacturing Frisbees.

It worked beautifully. Every now and then the semi-senile scientists would shoot off a 'moon rocket', which usually landed in a wheat field seven miles away. The pretty lady told the CIA "They've almost got it. They're almost to the moon." Americans spent billions to try to beat them there. Meanwhile, Soviet scientists were free to follow their real interest, which was trying to discover the formula for Coca-Cola.

When America landed on the moon, the pretty lady immediately spread a new secret. "The Russians are bypassing the moon. They say it isn't important anyway. They're going on to Mars."

And Soviet officials began announcing. "Our nation WILL be the first to orbit a space station."

And American generals were spotted running about the halls of the Pentagon, screeching, "They're going to Mars!"

By this point, Americans had spent over 35 billion dollars on space exploration, the SST project, etc. And the Russians had surpassed even Malibu in frisbees-per-capita.

And by this point, Willie Pallaas was a Soviet hero of epic proportions.

"How long do you think this can go on?" the pretty lady asked him one evening. "Surely the Americans will question this some day."

Willie pulled out a cosmic map. He pointed to Saturn, Jupiter, Neptune, Uranus, Pluto. "That should be good for a century, at least." He smiled softly. "And by then we'll have it. We'll have the formula to Coca-Cola. The world will be ours."

And he began polishing up his next speech. "Within a decade, the Soviet Union will become the first nation to land a man on the sun . . ."

GOVERNOR OGILVIE'S MESSAGE ON WELFARE REFORM

Mr. PERCY. Mr. President, on May 20, Gov. Richard B. Ogilvie delivered a special message on welfare reform to the Illinois General Assembly. Recognizing that Illinois literally faces a crisis in its welfare system, which is draining the State's resources without adequately meeting the needs of welfare recipients, the Governor proposed a comprehensive, 11-point reform plan involving manpower, medical, and administrative changes.

For almost 2 years, the Congress has been considering President Nixon's family assistance plan, which would bring relief to financially burdened States and dignity to millions of unfortunate Americans. As we have delayed action on this proposal here in Washington, the conditions in many States have grown worse, as Governor Ogilvie's report on Illinois testifies.

Mr. President, in order that my colleagues may better understand the disastrous effects of our present welfare system on my State and may measure the response to the welfare crisis offered by a very able executive, I ask unanimous consent that Governor Ogilvie's message be printed in the Record.

There being no objection, the message was ordered to be printed in the Record, as follows:

Special Message on Welfare Reform

(By Richard B. Ogilvie, Governor of Illinois, to the 77th General Assembly, Thursday, May 20, 1971)

To the Honorable, the President of the Senate, the Speaker of the House, and the Members of the 77th Illinois General Assembly:

The failures of this nation's welfare system are failures of historic magnitude. The example of Imperial Rome may prove to be prophetic for us.

Welfare is warping our nation. The President did not overstate the crisis when he called the system "a monstrous, consuming outrage."

It is a human outrage and a fiscal monster. It robs the poor of their dignity, and the taxpayers of their hard-earned dollars.

The welfare system embodies all the worst of our failures—moral, fiscal, administrative and legal.

Where in the system do we find charity, service, work, dignity, respect and responsiveness?

Think of the children whose lives are being distorted by this hopeless environment, and what that means for the future.

I do not propose to offer any simplistic solutions to this tragic and complex problem, for "easy" solutions are flights from reality. It is not enough just to condemn deadbeats, to blame the southern states, to propose miraculous increases in benefits, or to indulge in other forms of oversimplification.

The Congress has considered this issue for two years, yet the impact of any action it may take now appears to be several years away. Meanwhile, we must act to solve our own problems as best we can.

This is the challenge we face. It is a challenge to be met before this General Assembly completes its work on pending appropriations on June 30.

THE PROGRAM

The program I am proposing today embraces manpower, medical and administrative changes. It has 11 major parts:

1. A strengthened work requirement for all able-bodied recipients of welfare.
2. Creation of new jobs in public service to make use of this work force.
3. New training, day care and other backup support for job placement efforts in all parts of the economy.
4. Revamping of our least effective program—General Assistance—to permit funds within the welfare budget to be shifted to job-related programs.
5. A clamp-down on the escalating cost of the medical assistance program.
6. Tightening of welfare procedures to prevent improper use of public funds, and even the appearance of impropriety.
7. Simplification of our absurdly complex system of welfare administration to free caseworkers to concentrate on essential services.
8. Administrative efforts backed by strong sanctions to secure all available existing federal funds.
9. Development of a long-range program to improve family planning and family stability among our low-income population.
10. Top-to-bottom restructuring of the entire social service function of state government at the earliest opportunity.
11. Reform of our basic private laws to insure that every poor family has legal and economic rights equal to others in our society.

In all, execution of these 11 major initiatives will require completion of dozens of separate but interrelated actions which I am outlining today.

Before discussing these initiatives in detail, however, it is important to understand the nature of the situation in which we now find ourselves.

THE FISCAL CONTEXT

Two years ago at this time, the members of the General Assembly were beginning legislative hearings on the income tax.

After extended debate, the tax was enacted with bi-partisan support. It was designed to provide—and should have ensured—revenues adequate to finance this state during a period of rising costs extending beyond this fiscal year.

Had it not been for one factor, Illinois today would possess resources sufficient to provide ample funds for the schools and the other major programs that we all desire for our state.

That factor—which overshadows every other fiscal consideration—is the runaway cost of welfare.

The demands of welfare are producing a crisis in Illinois state financing which is every bit as serious as the crisis which led to passage of the income tax.

Even with the income tax, state revenues grow less than 7 per cent a year, while expenditures in state government typically rise between 10 and 15 per cent a year.

This increase results in part from the requirements placed upon state government by a population which more and more demands improved health services, better education, additional recreation lands, and the other vital services that government can provide.

The welfare budget, by contrast, has increased by approximately 30 per cent in each of the past two years.

This year, the welfare budget will exceed $1.12 billion, *double the amount of three years ago.*

The growth of welfare costs will absorb 85 per cent of the growth in all state revenues the coming fiscal year.

If we are unable to secure relief and if current rates of increase continue, the welfare budget next year *could well exceed $1.5 billion.*

The single most important change we must make is to reorient the welfare program to the concept of work.

Altered federal regulations and the recent economic downturn have greatly reduced the significance of work as an element in the total welfare program in Illinois. In the early 1960s, work relief programs were common. With the advent of the Work Incentive (WIN) Program in 1967, Congress in effect prohibited work relief programs for persons receiving aid to families with dependent children (AFDC). As a result, the former programs all but vanished.

The recent economic situation has compounded the problem by bringing more persons onto welfare rolls and by making it more difficult for those who are on welfare to get off.

All of this has occurred at a time when people are becoming more aware of the need for expanded services, better health care, a cleaner environment—in short, at a time when there is much to be done.

The program I am proposing today is founded on the old-fashioned notion of working for a living.

This reflects no conclusion on my part that welfare recipients are less inclined to work than are other members of our society. The program, instead, stems from my conviction that so much needs to be done in our society that every able-bodied citizen should be hard at work. And I include in this number the persons who are receiving welfare assistance from the state.

For this reason, the program I am proposing today rests on the fundamental requirement that all recipients of public assistance who are able to work should work. And for the first time, we are offering a realistic opportunity for them to do so.

1. STRENGTHENED WORK REQUIREMENT

To enable this emphasis on work to be effective I am proposing the following requirement:

Each applicant for welfare benefits will be examined for employability before assistance is given. "Employability" should be redefined so that the burden is shifted to the recipient to prove that he is unemployable. Present definitions of employability are vague and scattered throughout the statutes. They should be combined and revised so that each recipient is clearly classified as either employable or unemployable before he goes on the rolls. Persons who are temporarily incapacitated, in full-time attendance at an approved educational institution, or required to remain at home for family reasons will be classified as "temporarily unemployable." Their cases will be reviewed every six months.

Regular efforts will be made to place recipients in available jobs. Under present conditions once a person goes on welfare he is rarely visited by a caseworker. He receives his checks by mail. We will require all employable recipients in metropolitan areas of the state to visit a state employment office at least once a month to pick up their checks. At this time, they will meet with employment counselors. Rural recipients will make similar visits to appropriate offices.

The work requirement is to be strictly enforced. The Department of Public Aid last year dropped only 60 persons from the rolls because they refused a job opportunity. We hereby serve notice that any recipient who refuses work will be summarily denied further benefits.

2. NEW PUBLIC SECTOR JOBS

The work requirement I have proposed will have meaning only if there are jobs available. In the present economy, it is evident that not enough jobs are available in the private sector to employ persons with considerable skills, to say nothing of relatively unskilled welfare recipients.

Nonetheless, there is much work—particularly in the public sector—crying out to be done. We are simultaneously doling out millions of welfare dollars to persons who could be working on these jobs that need to be done. In these circumstances, the establishment of an innovative job program is in order.

Welfare statistics provided by local units of government indicate that there are more than 20,000 employable recipients of General Assistance. This number has almost doubled in the past twelve months. I propose that a work relief program, developed jointly by the state and by local units of government, be established to provide useful and constructive employment for these persons.

Able-bodied men among these recipients will be put to work in jobs such as cleaning lakes and waterways, removing rubbish, and providing protection in the parks. Certain of these men should be employed directly by the state. The remainder should be employed by local governments.

Direct compensation for those jobs should be provided. Hourly wages should be set at levels sufficient to provide each man an amount of money at least equal to what he would have received as a welfare grant. Instead of receiving a dole, he will be compensated for services actually performed.

I am also proposing an institutional work program. Under this program, recipients will work in hospitals, nursing homes, child care facilities and comparable public and quasi-public institutions. The program will be especially tailored for AFDC recipients.

This initiative is possible because of recent improvements in the WIN program. During fiscal 1971, the number of persons trained by WIN will triple, and in spite of the economic downturn, the number actually placed in jobs should increase one and one-half times. Recognizing this dramatic progress, the federal government will nearly double the program in Illinois next year, which means training opportunities for an additional 7,000 persons.

By coordinating efforts with institutions, individuals will be trained for useful and constructive jobs which can meet some of the immediate service needs of the people of this state.

3. NEW TRAINING, DAY CARE AND OTHER BACK-UP SUPPORT FOR JOB PLACEMENT EFFORTS

We can point with pride to our progress in the difficult area of manpower training and support. Nonetheless, we must do more.

The success of the new work programs will be dependent upon major organizational changes and administrative improvements within the Department of Labor.

Legislation has been submitted to combine the Welfare Rehabilitative Service (WRS) and the Work Incentive Program (WIN) to enable comprehensive manpower services in Cook County to be delivered in an effective, coordinated way by the state Department of Labor. An employability review is to be made for each recipient as fast as jobs can be developed.

This combination of WRS and the WIN program represents a new approach to the development of manpower services. In the past, WRS and WIN have *competed* to provide services to the same recipients, and this duplication of effort has been far too common. With a common effort, they can provide a strong and integrated program which can furnish manpower services better than ever before. As a part of this change, it will be possible to place the burden of the employable recipients on the Department of Labor, freeing public aid caseworkers to deal with other services.

While I believe that the proposals for employability review and the institutional work program are sound, they do not go far enough. There are too many other potentially employable persons, including 25,000 AFDC mothers with no children less than six years old who could be working. Most important, there are also 14,000 unemployed males whose families are recipients of aid under the AFDC-U category. In two key ways, we must insist upon changes in federal requirements:

1. The requirement that severely restricts work relief programs for recipients of AFDC and AFDC-U should be changed.

2. The federal government currently imposes upon the states an income-exemption formula for recipients of AFDC that is so open-ended that it is virtually impossible to terminate assistance to recipients who do find a job. In addition to disregarding $30 plus one-third of the monthly income, states must also deduct all work-related expenses. Under these restrictions, it is possible for a family making more than $10,000 per year to continue receiving a welfare check and full medical coverage as well. I am requesting a federal waiver for Illinois to limit the application of the $30 and one-third formula to an income level not exceeding 133 per cent of the recipient's grant. I am also asking that the state be permitted to define work expenses.

Changes are vital in another area. I am proposing today another in a series of measures to expand greatly the availability and use of child care so that mothers with children will not be prevented from working.

Currently, the state pays rates that are not consistent with the minimum cost of adequate child care. As a result, the rates discourage welfare mothers from finding child care for their children so that the mothers may seek work or training. Therefore, I am directing that the child care rates paid by the Department of Public Aid be raised substantially.

Not only will these higher rates provide an incentive for welfare mothers to participate in work and training, but also they will stimulate the development of much-needed day care centers in low-income neighborhoods. Three-fourths of the cost of this increase will be borne by the federal government. This investment should be repaid many times in the form of decreased welfare costs because of the increase in the number of working mothers.

4. REVAMPING THE GENERAL ASSISTANCE PROGRAM

Undertakings of the magnitude I have proposed cannot succeed without substantial additional funds. In the past, we have assumed that a public job program would be undertaken only if more federal funds were made available.

Illinois can act now on its own, however, if we have the will to revamp our least effective and most abused welfare program.

In most states, aid for persons who are ineligible under the federally-assisted programs is administered and largely paid for on a county or local basis. Illinois follows that pattern with regard to administration, but 90 per cent of the cost is borne by the state. This is a responsibility with which I do not quarrel, but it has led to anomalous and unfortunate results.

Foremost among these is the waste resulting from minimal efforts by certain local personnel to ensure that the state money is spent wisely and properly.

Quality control reviews, for example, have indicated that the state may have been losing as much as $20 million annually in federal matching funds because Cook County caseworkers have been placing recipients on General Assistance rather than applicable federally-funded categorical programs.

Despite a work requirement which applies in theory to General Assistance in the state's most populous county, a dismal failure to enforce it has made the provision virtually meaningless.

One alternative would be for the state to take over administration of this program. But this would not be sensible for several reasons, among them that local government—not the state—has the most potential as an employer. To take full advantage of manpower which could be productively employed, programs must be run by local governmental units concerned.

For these reasons, I propose a complete revamping of the existing General Assistance program.

A first step will be an intensive review of all recipients to shift every possible case to federally-supported programs. Second, Department of Labor specialists will review all potentially employable General Assistance recipients and inventory all potential jobs—both public and private—with which they might be matched. Recipients determined to be employable will be assigned to local governments and quasi-public institutions as fast as jobs are identified.

It is important to recognize that this program can be made operable only if each local governmental unit will assume the responsibility for putting into productive employment individuals it might not otherwise hire. To provide the incentive, I am proposing that payments be made, in the approximate amount of present General Assistance payments, to local governments and suitable institutions to employ persons who are now on welfare.

This initiative will mean that state dollars saved by transferring recipients to federal programs can be shifted to more productive use. It will mean that dollars spent will be for work performed.

Because of the complexity of these undertakings, I recommend that existing public aid legislation be revised to permit these transfers to be made gradually, as the work program evolves, and at the discretion of the state director of public aid. As we progress—and as local governments cooperate by putting people to work in jobs which their citizens want done—it is my hope that all able-bodied employable Illinois citizens will be engaged in productive work.

5. CLAMPING DOWN ON MEDICAL COSTS

The program which has absorbed the largest share of the increased welfare dollar during the past five years has been the medical assistance program. Today it accounts for more than 40 per cent of the total of state and federal welfare expenditures.

Spending for Medicaid has grown at an unbearable rate. Projected program costs for Fiscal Year 1972 are four and one-half times greater than medical assistance costs in 1966, the first year of the program—$360 million compared to $80 million. In Fiscal Year 1971, Medicaid expenditures are projected to increase by more than 40 per cent over the 1970 level, an increase almost six times greater than the growth of state revenues.

Medicaid in Illinois has provided unlimited access to most services with little or no regard for standards of need or proper levels of utilization. This program of unrestricted benefits, far broader than the coverage available through private plans to almost all the taxpayers of Illinois, has forced up the costs of care for everyone. The state is currently paying more than $800 a year for health care for an average family of four on welfare medical assistance.

In my recent special message on health care, I outlined steps to increase the availability of health care and to control medical costs generally. The development of prepaid health plans in Illinois was specifically proposed, and such plans can have a major impact on reducing the costs of our Medicaid program. We are making the initial efforts to develop prepaid health care plans in areas where large numbers of state and federal employees are now purchasing forms of health care.

Several measures must be taken now, however, to reduce abuses and over-utilization, to prevent excessive cost increases and to ensure that our dollars buy only essential health services.

1. To place some restraint on unnecessary utilization without limiting vital services, a system of co-payment should be provided which will require the person receiving service to *share* the cost on a token basis. This is a principle present in every major private health insurance plan and also in the federal Medicare program under Social Security. It is a sound procedure and should be established this year for all state-supported medical assistance programs.

Under the co-payment plan, the person receiving the health care would pay directly to the provider of care. This amount would then be deducted from the amount billed to the state. We believe a fair payment schedule for this purpose would be:

$1 for each visit to a doctor, dentist, or other health provider.

$1 for each prescription or pair of eyeglasses.

$3 for each day of a hospital stay.

It will be necessary to obtain the cooperation of the federal government in making changes in its current restrictive regulations in order to accomplish this reform in Illinois.

2. The state can no longer tolerate the present open-ended method of hospital payment for assisted full cost. To encourage sound hospital management and to limit the unacceptable growth of state expenditures on hospital care, we will establish a new system of hospital reimbursement based on rates determined in advance and set for fixed periods of time.

3. More Department of Public Health medical review teams of nurses and physicians will be created to follow up patients in nursing homes to ensure that each patient is receiving the medically appropriate level of care. These teams will also review each case strictly to see that each patient is actually receiving the level of care for which the state is paying.

4. The Department of Public Aid Medical Administration will take several steps to correct instances of abuse and over-utilization by the provider or the recipient. This will be accomplished by providing a quarterly summary of expenses to both the recipient and the caseworker for verification that services billed were actually rendered, and by a computerized review of all claims. All questionable items will be screened individually by a professional review team.

5. The Department of Public Aid and the Department of Public Health jointly will conduct a program to control hospital utilization by limiting the length of stays to

pre-established norms and by developing a system of advance approval for non-emergency admissions.

6. TIGHTENING WELFARE PROCEDURES

Few subjects so irritate the taxpayer as abuse of our welfare procedures—and for good reason—because the misapplication of welfare payments is tantamount to theft of state tax money.

The irony is that many of the most flagrant abuses can be attributed to defects in the system itself. Reviews of erroneous payments have revealed, for example, that more than two-thirds of what at first appeared to be abuses were in fact mistakes made by caseworkers themselves.

It is imperative, therefore, that we tighten procedures to avoid abuse. In welfare, just as in the administration of justice, it is important to avoid even the appearance of impropriety.

Today, I am ordering implementation of the following steps:

An applicant for welfare will be required to verify his economic status before receiving assistance. There is a school of thought among welfare administrators that initial eligibity determinations should be made on the basis of a simple declaration.

Although I agree that the process can be simplified, I believe also that the process should require more than the potentially self-serving statement of an unknown person walking in off the street. This situation is far different from that of the income tax, to which it is some times compared, inasmuch as there is substantial machinery to enforce the tax laws and, because of the withholding mechanism, the dollars involved are less. Accordingly, careful vertification of address, income, and family size, through Social Security information and other documentation, will be strictly required.

The fraud detection unit in the Department of Public Aid will be strengthened by the addition of trained investigators. The new fraud detection personnel will function like inspectors-general. Additionally, I am asking court administrators to provide better facilities to judges trying to dispense justice in this most painful category of cases.

Food stamps will be denied to those who are not truly in need. Federal regulations have permitted college students perfectly able to secure support from their parents to obtain free food stamps intended for poor persons. I intend to insure that no college student receives public assistance of any kind unless he produces a signed affidavit from his parents stating they are unable to provide for his support and have not listed him as an exemption on their income tax return.

Eligibility for assistance for all recipients who are not classified as "permanently unemployable" will be reviewed every six months. Currently we are redetermining eligibility by mail. Henceforth we will require that all potentially employable persons appear in a public aid office every six months for review of eligibility.

I am confident that these measures will help stem actual and potential abuse of this system.

7. SIMPLIFYING THE WELFARE SYSTEM

Our welfare system has evolved in patchwork fashion. Each new regulation—each new attempt to meet human needs—has resulted in program additions. Today the system is so complex that it is unmanageable by its administrators and incomprehensible to its users. Its tortured regulations fill some 3,000 pages.

Major simplification is essential if public aid employes are to perform their major tasks of eligibility determination, on the one hand, and on the other, provide the services designed to promote self-sufficiency.

The method of computation of a public assistance grant for example, is extremely complex.

As a result, numerous computational errors are made. In addition, there are so many components of the grant and so many items tailored for special circumstances that employes spend most of their time on these matters.

I am providing, effective July 1, a complete simplification of this process. Basic needs, including food, clothing, household supplies and personal essentials, will be reduced to a single figure set by family size, with an additional amount for children more than five years old. Special needs for aged, blind, and disabled persons relating to their particular circumstances, and special needs which are employment-related for AFDC recipients will be retained. All other needs will be incorporated into the basic grant.

These simplifications will enable public aid employes to devote more time to essential tasks. It is estimated that these changes will free up as much as 50 per cent of their time. This will enable major emphasis to be placed on other matters, including the application process. Under the new program, the department can process applications within 30 days, as mandated by the federal courts, without sacrificing attention to questions of eligibility.

In addition to these administrative simplifications. I have requested in the budget for the Department of Public Aid 900 new positions for the coming fiscal year, and I have instructed the department to begin filling those positions immediately.

8. INCREASING FEDERAL SUPPORT

During the past two years, I have placed high priority upon the effort to increase the level of federal aid. As a result of this effort, I was able to announce in my budget message our intention to secure for the state an additional $75 million in 1972.

I intend to conduct this search for additional funds more aggressively than ever, and in several ways.

Efforts will be intensified to secure an additional $75 million from the federal government for reimbursement for services to former and potential welfare recipients. Under federal law, a state is entitled to three-for-one reimbursement for social and rehabilitative services provided to persons who might become recipients of public aid if these services are not provided. Few states have thus far taken full advantage of this opportunity.

If we are successful, we estimate that we will increase our collections of federal dollars by $75 million in Fiscal Year 1972. The limitations currently being considered by Congress, however, could reduce this amount by as much as $50 million.

This is one of our most important efforts. If this effort is not successful—if the federal government denies funds to programs designed to provide services to people *before* they have to seek welfare—then we will have to give serious consideration to reducing affected budgets for the Departments of Mental Health, Corrections, and Children and Family Services.

I have designated the Department of Public Aid as the state agency responsible for the coordination of the service program for potential recipients, and have instructed the heads of all the human service agencies to cooperate in every conceivable way.

Unfortunately, not all state and local government employes have shared the concern we have shown for maximizing federal dollars. Consequently, I am constrained to announce the application of sanctions to require the requisite cooperation:

Immediate suspension will be required for any public aid employe who places a recipient upon a program funded by state money when a federal alternative is available. In light of the state's fiscal condition, losses of millions of dollars for reasons of bureaucratic lassitude and ineptitude are inexcusable. Henceforth, the loss of a single dollar will be unacceptable.

Regular audits of each local General Assistance unit will be made and payments will be withheld for the percentage of those recipients found eligible for federal programs. The only way I know to make governmental administrators accountable is to make their unit of government pay for their mistakes.

I have discussed a number of initiatives with immediate impact upon our welfare problem. There are, in addition, initiatives in three areas with a potential long-term effect upon our welfare population which I feel we must address. They include family planning, basic government reorganization, and poverty law reform.

9. FAMILY PLANNING AND COUNSELING

No child is so likely to become a ward of the state as the unwanted child of a poor family. Simple planning and counseling services are a prerequisite to stable and happy families. For this reason, the budget for the Department of Children and Family Services has been granted larger percentage increases under this administration than has any other state agency. More action is necessary.

Family planning information should be disseminated to all public aid recipients of child-bearing age. Family planning guidance is not being made available to the broad spectrum of public aid recipients and to other indigent persons. Public assistance employees have no definite guidelines for dispensing this information to aid recipients or for referring them to appropriate family planning agencies of the Department of Public Health and local agencies. Every public aid recipient of child-bearing age has the same right to this kind of information as do the more well-to-do, and should be made aware of available family planning. This will become the policy of the Department of Public Aid.

Divorce should be as accessible to welfare mothers as to other women. Statistics from legal aid programs indicate that divorce is the most frequently sought legal service. Thousands of Illinois mothers receiving AFDC payments for their families long ago were deserted by their husbands, but are precluded from the possibility of remarriage and renewed family life by their inability to secure a divorce. To end this demoralizing situation, I am instructing the Department of Public Aid to authorize payments for divorce services for AFDC mothers.

10. RESTRUCTURING OF STATE HUMAN SERVICES

Illinois now has at least 15 separate agencies reporting directly to the governor and theoretically providing human services related to welfare. Sometimes they duplicate each other's efforts and work at cross-purposes. Often they leave gaps in service on the assumption that the responsibility belongs elsewhere.

I believe it is imperative that we reorganize the entire agency structure in the general human services area. This must be a well-conceived, thoroughly planned, top-to-bottom change.

A plan under the executive reorganization powers accorded the governor in the 1970 Constitution will be submitted to the General Assembly next year.

Change of this magnitude should take place, however, only after the most intensive analysis and research. Clearly, organizational change is needed, but we should not have organizational change for the sake of change. We must know more about program results and our own objectives before we act.

Continuing funds are required for the Illinois Institute for Social Policy's research program and for its two operational programs in the Peoria area and the Woodlawn district of Chicago. Much of the content of this message reflects the work of the institute, and its innovative programs may well chart the way to national leadership for Illinois in the field of welfare reform.

II. BASIC POVERTY LAW REFORM

Our basic laws often act arbitrarily to deprive the poor of their rights and their possessions. This is not only demoralizing and destructive of initiative and hope, but it is economic bad sense. Often the result of unjust private gain is an increase in the cost of public welfare. It makes sense, then, in terms of the welfare budget alone, to protect the poor from victimization by unscrupulous loan sharks and landlords. Basic reforms are in order. The General Assembly should act positively on the bills now before it to give additional rights to tenants and consumers.

The long-term measures I have outlined will be of scant assistance if we are unable to meet the challenges of this year, and the next.

For all the 11 steps that I am recommending, there is only so much that we can do here in Illinois to help ourselves, and to meet the overwhelming challenge of skyrocketing welfare costs.

The challenge, and the need, are basically national in nature and dimension. In all candor, I cannot report that the outlook is bright.

We have budgeted $65 million this year in new federal welfare revenues, yet the funds are not yet assured. Thus, we are left with the prospect of a budget badly out of balance.

In this extremity, several attitudes are important. It is important not to strike out wildly and prematurely. We must not be pushed into grant cuts until the last possible moment. If cuts must be made, they should first be made in services such as Medicaid which are of least direct impact upon those in need.

It is important that we see the problem clearly as one for *all* Illinois, rich and poor, Chicago and rural communities. And it is important that action be taken *now*. I have been to Washington on numerous occasions on this issue. I plan to go again, and again, and again, if it is necessary.

Finally, we should not have a falling out here in Illinois on this most divisive issue. The battleground is in Washington, and to press our case successfully there, we must rise above partisan politics here.

The issue and the need are of historic dimensions. Let our actions here rise to the challenge we face.

NORTH GEORGIA COLLEGE

Mr. TALMADGE. Mr. President, it was my privilege to address the Honor's Night program on May 14, 1971, at North Georgia College in Dahlonega which has one of the finest Army corps in the entire United States.

I was very pleased to read in the June edition of "Soldiers," the official magazine for the Department of Army, an excellent article on North Georgia College. This is a well deserved salute to an outstanding college and a meritorious Army ROTC program, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REVEILLE ON CAMPUS

(By Larry Mitchell)

A cannon booms. Reveille sounds. It is 6:15 a.m., not at any Army post but at North Georgia College. The cannon and reveille sound for the 500-man Corps of Cadets at the school—but they are also heard by almost an equal number of women students.

Women students at a military school? Unheard of any place else, doubtless, but since its establishment back in 1873 on the site of the original U.S. Government Gold Mint at Dahlonega, Ga., the school has been coeducational.

North Georgia College was started as "a school for the study of agriculture and mechanical arts, accompanied by military training." Today agriculture and "mechanical arts" are no longer in the curriculum, but it remains the only 4-year, coeducational, liberal arts, state-supported, military college of its type in the country. About 1,200 students—cadets, coeds and commuters—are registered.

Classified by the Department of the Army as a military college, North Georgia College requires that all male students participate in the Corps of Cadets. Qualified cadets who so desire are placed on contract status at the end of their sophomore year as a first step to commissioning upon graduation. To facilitate administration and training, the corps is organized into a brigade and two battalions, each consisting of three or more companies.

Immediately upon arrival the freshman cadet is assigned to a company which quickly becomes the focal point of his campus life. Regular Army officers on ROTC duty conduct the military program at the college. Training closely resembles that of the Regular Army. Cadets wear a slightly modified Regular Army uniform until off duty which for most cadets comes at 5 p.m.

Following ROTC classroom work in military history, communications, combat intelligence, map reading, organization and related subjects, the cadet applies his knowledge in practical field problems.

The formal ROTC courses are basically those prescribed by the Army. However, several aspects of the overall military program are unique. The local unit of the National society of Scabbard and Blade prepares junior class ROTC cadets for summer camp at Fort Bragg, N.C. Says Cadet Captain Bill Hauserman, captain of the Blue Ridge Rifle Drill Team, "You get practical experience here through field problems and you come out with self-confidence that you'll later need on active duty and then in civilian life."

As one result, in 5 of the last 10 years the "Outstanding Cadet" designated at Fort Bragg summer camp has been from North Georgia.

Under guidance of the ROTC instructor group, Scabbard and Blade also provides seniors with experience in small unit tactical problems, leadership reaction courses and map and compass work.

Additional military skills in mountaineering and counter-guerrilla operations are the specialty of the Order of Columbo Mountaineering Platoon. Volunteer members of this organization become experts in rappelling in the mountainous terrain of the Blue Ridge mountains. They are often coached and aided by soldiers from the nearby U.S. Army Ranger training camp.

The North Georgia Cadet Corps also provides the structure for an intramural athletic program. On-campus sports include football, volleyball, track, tennis, swimming, table tennis and horseshoes. Intercollegiate competition is offered in basketball, baseball, soccer, tennis, drill and rifle marksmanship.

The cadet system also encourages involvement in management of student affairs with cadet officers and noncoms responsible for the conduct of most activities and organizations within the corps. The wide range of student organizations includes a scuba diving club, a parachutists club, a mining club which explores abandoned gold mines in the North Georgia area, men's and women's drill teams (the Blue Ridge Rifles and the Blue Ridge Ruffles, respectively), rifle teams and local fraternities and sororities.

These organizations, along with the sports program, offer a break from academic routine. At the new Student Center cadets and coeds have available a cafeteria, bookstore, bowling alley, a 300-seat theater, television, stereo music in living room areas and organizational meeting rooms.

The full schedule of college courses plus military training mean that the life of the North Georgia student is a busy one. As Cadet Captain Jim Johnson, commander of Foxtrot Company and captain of the newly chartered chapter of the Association of the United States Army, says: "I think the one word that best describes the life of a cadet at North Georgia is 'demanding.' I wouldn't try to fool anyone and say it's easy, and it's not always fun. But I do think that in the end all the pressures and responsibilities that are thrust upon you do help to make both your educational and military experience beneficial."

In this setting the student grows each day academically, physically and socially, while preparing for a military career. Attesting to the success of the program, approximately half of the officers commissioned from North Georgia College in the past decade remain on active duty.

North Georgia College holds fast to the invitation that first marked the opening of its doors on January 6, 1873: "Whosoever will may come."

"NO WONDER WE'RE BROKE"

Mr. FANNIN. Mr. President, a constituent, James Morse of Yarnell, Ariz., brought to my attention an advertisement in the May 24, 1971, U.S. News & World Report.

He suggested—and after looking at the advertisement, I agree—that it should be brought to the attention of the U.S. Senate.

This ad was put in the magazine by the Warner and Swasey Co. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

NO WONDER WE'RE BROKE!

Here is the tragic list of 138 billion dollars (one hundred and thirty-eight *billion!*) this country has been giving or "loaning" to foreign countries, 1946 through 1969 (even higher today). We have *borrowed* billions so we could give them away—the interest alone on our debt is now in the billions of dollars every year! And we are *still* borrowing *more* to give *more* away.

Yet every few days we hear that another one of these nations has insulted Americans, stolen even more of our property, driven us out of its country which we saved and rebuilt.

What—*what*—have all these American billions accomplished?

Afghanistan	$407,000,000
Ceylon	165,600,000
Cyprus	22,200,000
Greece	3,886,500,000
India	8,246,700,000
Iran	2,336,000,000
Iraq	102,000,000
Israel	1,226,100,000
Jordan	643,000,000
Kuwait	50,000,000
Lebanon	93,000,000
Nepal	137,500,000
Pakistan	3,721,600,000
Saudi Arabia	93,200,000
Syrian Arab Republic	60,500,000
Turkey	5,600,400,000
United Arab Republic (Egypt)	912,200,000
Yemen	42,600,000
Central Treaty Organization	54,100,000

Near East and South Asia Regional	$1,510,600,000
Argentina	888,000,000
Bahamas	35,100,000
Barbados	100,000
Bolivia	548,100,000
Brazil	3,779,300,000
British Honduras	5,300,000
Chile	1,704,300,000
Colombia	1,205,500,000
Costa Rica	191,500,000
Cuba	52,100,000
Dominican Republic	463,900,000
Ecuador	311,200,000
El Salvador	135,200,000
Guatemala	331,000,000
Guyana	61,000,000
Haiti	118,700,000
Honduras	119,000,000
Jamaica	74,800,000
Mexico	1,168,200,000
Nicaragua	176,000,000
Panama	246,300,000
Paraguay	135,700,000
Peru	759,400,000
Surinam	10,500,000
Trinidad and Tobago	62,900,000
Uruguay	162,200,000
Venezuela	490,600,000
Other West Indies	8,000,000
Central America Regional	144,200,000
Latin America Regional	1,891,300,000
Vietnam	5,895,400,000
Burma	100,500,000
Cambodia	341,300,000
China (Republic of)	5,141,800,000
Hong Kong	43,700,000
Indochina, Undistributed	1,535,200,000
Indonesia	1,128,300,000
Korea	7,829,000,000
Laos	641,100,000
Malaysia	90,200,000
Philippines	2,078,800,000
Ryukyu Islands	387,400,000
Singapore	40,000,000
Thailand	1,192,400,000
Western Samoa	1,500,000
East Asia Regional	767,100,000
Algeria	185,300,000
Botswana	16,500,000
Burundi	6,800,000
Cameroon	32,900,000
Central African Republic	5,000,000
Chad	8,700,000
Congo (Brazzaville)	2,100,000
Congo (Kinshasa)	430,700,000
Dahomey	12,200,000
Ethiopia	375,700,000
Gabon	7,500,000
Gambia	2,200,000
Ghana	267,300,000
Guinea	107,800,000
Ivory Coast	73,400,000
Kenya	66,200,000
Lesotho	4,800,000
Liberia	272,100,000
Libya	229,700,000
Malagasy Republic	13,200,000
Malawi	25,000,000
Mali, Republic of	25,300,000
Mauritania	3,300,000
Mauritius	1,500,000
Morocco	758,900,000
Niger	16,600,000
Nigeria	289,100,000
Rwanda	6,900,000
Senegal	38,100,000
Sierra Leone	43,100,000
Somali Republic	76,800,000
Southern Rhodesia	7,000,000
Sudan	104,800,000
Swaziland	700,000
Tanzania	65,000,000
Togo	15,100,000
Tunisia	627,100,000
Uganda	36,000,000
Upper Volta	12,700,000
Zambia	40,800,000
Central and West Africa Regional	$8,000,000
East Africa Regional	26,400,000
Africa Regional	165,300,000
Malta	8,200,000
Spain	2,228,100,000
Yugoslavia	2,890,700,000
Oceania-Trust Territory of the Pacific Islands	230,800,000
British Oceania	1,500,000
Non-Regional	6,610,400,000
Albania	20,400,000
Austria	1,166,600,000
Belgium-Luxembourg	2,005,200,000
Czechoslovakia	193,000,000
Denmark	919,600,000
East Germany	800,000
Finland	151,500,000
France	9,415,900,000
Germany (Federal Republic)	5,020,300,000
Berlin	131,900,000
Hungary	31,500,000
Iceland	89,300,000
Ireland	193,000,000
Italy	6,043,000,000
Netherlands	2,470,300,000
Norway	1,253,300,000
Poland	577,300,000
Portugal	534,400,000
Sweden	188,100,000
United Kingdom	9,697,500,000
U.S.S.R.	186,400,000
Europe Regional	2,763,900,000
Japan	4,137,900,000
Republic of South Africa [1]	150,600,000
Canada	51,600,000
Oceania-Australia	825,900,000
Oceania-New Zealand	88,100,000
Non-Regional	1,434,000,000
Grand Total	138,028,500,000

Source: Agency for International Development, U.S. State Department.

[1] Repaid in full with interest. Some other countries have paid some interest and principal (18½ billion) on some of their borrowings from the United States.

"Charity begins at home", and that always seems to mean America. Maybe it should have stayed here.

THE JUVENILE JUSTICE SYSTEM

Mr. BAYH. Mr. President, in an article which appeared recently in the P.I.C. News, the newsletter of the Public Information Center in Washington, D.C., Mr. Stephen Clapp describes vividly and forcefully the shortcomings of our juvenile justice system.

Entitled "A Child's Day in Court," the article reviews the processes by which youngsters are handled from their first encounter with the police to their subsequent adjudication and commitment to an institution, from which they leave far worse in most instances than when they entered.

Mr. Clapp's incisive comments with regard to the manner in which the juvenile justice system abrogates its responsibility to work with, treat and rehabilitate delinquent youth, is certainly worthy of studied consideration by this body.

Under the guise of "parens patriae," the philosophy of the juvenile court as it was first conceived, the court today has failed not only with regard to its intended purpose, but with regard to providing youth with basic constitutional rights.

This occurs, despite recent Supreme Court decisions, which have set forth clearly the rights which must be afforded juveniles during the adjudicatory stage of the juvenile court proceeding.

The conditions which Mr. Clapp alludes to in this Nation's detention centers, in so-called correctional institutions and in training schools for juveniles, are a matter of record of the Subcommittee to Investigate Juvenile Delinquency.

The brutalizing and inhumane treatment and conditions which exist in many leave lasting scars upon youngsters who are subjected to these humiliations.

Mr. President, the inescapable fact is that the juvenile justice system has failed with regard to the treatment and rehabilitation of not only delinquent youth, but with regard to youngsters who have been dumped into the system, because of neglect, truancy, or being beyond parental control and for our failure to provide alternatives to the institutional process.

The Subcommittee on Juvenile Delinquency has recently concluded a series of hearings on the status of, and shameful conditions in some of our juvenile detention and correctional institutions, and I intend in the near future to propose legislation that I believe will help ameliorate or eliminate such conditions.

I ask unanimous consent that the article, entitled "A Child's Day In Court," written by Stephen Clapp, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A CHILD'S DAY IN COURT

(By Stephen Clapp)

The youth crime rate is accelerating at a pace almost four times faster than youth population growth. One reason for this is the nation's juvenile court system, which frequently serves to foster, rather than prevent, delinquency in the young.

Treatment of children in juvenile proceedings is frightening and bewildering at best; brutal and dehumanizing at worst. Frequently, youths held in detention for reasons they cannot understand have committed suicide. The remainder are apt to enter a lifetime of crime.

"I think it is clear to everybody that the juvenile justice system is not fulfilling its mandate," Richard W. Velde, associate administrator of the Law Enforcement Assistance Administration (LEAA) told the Senate Juvenile Delinquency Subcommittee on March 31. "It does not correct. It does not rehabilitate. Sadly, it does not even meet ordinary standards of human decency in some cases."

Juvenile courts, along with mental hospitals and treatment centers for alcoholics and drug addicts, belong to the growing therapeutic sector of the nation's social control effort. In theory, they offer rehabilitation, rather than punishment, to individuals whom society has judged unacceptably deviant in behavior. Juvenile courts operate on the premise that society should serve as a loving parent (*parens patriae*) in place of the child's own inadequate parents.

But the juvenile court system does not offer its ministrations without a price. In exchange for supposedly kindly treatment, the juvenile offender gives up the rights and protections afforded individuals under the criminal justice system. Although a series of recent Supreme Court decisions have established a juvenile's rights to adequate notice, counsel, silence and the opportunity to confront his accusers before he is deprived of liberty, other areas of juvenile justice remain a lawless limbo of discretionary authority.

"There may be grounds for concern that the child receives the worst of both worlds," said a 1966 Supreme Court opinion, "that he gets neither the protections afforded to adults nor the solicitous care and regenerative treatment postulated for children."

As the court's responsibilities have grown, the promise of treatment has come to seem little more than a polite fraud, in which such magic words as "juvenile delinquent" (i.e., youthful criminal) "stopping" (arrest) and "detention" (jail) are substituted for more realistic language.

The police are the initial contact for most children who are later labeled juvenile delinquents. They decide whether the child will become more deeply involved in the criminal justice system. But many police officers receive no training in how to deal with juveniles. Officials have never reached a consensus as to proper procedures, labels, or controls.

"Are juveniles arrested, or 'detained,' or what?" asks Jonathan Weiss of Columbia University's Center for Social Welfare Policy and the Law in the current issue of the Dusquesne Law Review. "Often police, security guards, and others are given broader powers to detain children than they normally possess for adults. Courts have decided that juveniles may be arrested and held for appearance on information and belief alone. Yet whether an actual arrest has been made is not always clear. Parents have no way of knowing what an arrest means or why the police believe their child needs extra controls; for the child it is an ambiguous and frightening act of authority."

In theory, police "stop" children, rather than arrest them, as a favor to the child. Arrest records are harmful to an individual's permanent record. But "stoppings" can be used as a cover for police misconduct and brutality, since no standards for false arrest apply. Because detention is not labeled arrest, police can extract confessions from youths for eventual use in court, which they could not do against arrested adults without proper safeguards.

Little is known about the effect on children of various police procedures, including such seemingly innocuous habits as fingerprinting. No State absolutely prohibits fingerprinting of juveniles and fingerprinting is routine in some states no matter what the cause of detenton. No effort has been made to assess the psychological impact of fingerprinting, which most people associate with criminals, and no judicial or procedural safeguards surround the event.

In many localities, police officers, probation officers, and social workers have the power, at any time, to place a child in detention with no way out. Bail frequently does not exist for children, and officials are reluctant to release a child into the custody of parents whom they feel are responsible for the problem in the first place. All that is needed to prolong confinement for weeks or months is the signature of a judge, which is often pro forma.

Recently, a 13-year-old boy from Browns Valley, Minnesota, hanged himself in the Wilkin County Jail after waiting 41 days for a hearing on a delinquency petition. Like many juveniles awaiting disposition, he had been placed in a solitary cell for protection from hardened adult inmates. Youths in Philadelphia, on the other hand, have no problems with loneliness. There, because of overcrowding in city jails, juveniles are subject to homosexual gang rape—even in the sheriff's van that take them to court.

The National Council on Crime and Delinquency (NCCD) estimates that every year about 100,000 children under 18 are locked up in jails. Many are there as a result of poor court policies or the absence of shelter facilities for children who need temporary care but not secure custody. (See "Crash Course for Crime" P.I.C. News 1:9)

"Anyone who knows anything at all about the deplorable state of jails in this country will begin to have some insight into the problem of juvenile recidivism," says LEAA's Velde. "Virtually none of the jails in this country offer any programs that can be called rehabilitative."

Even where detention facilities are designed especially for children, they may be virtually indistinguishable from adult jails. A case in point is the District of Columbia's Receiving Home, which has been condemned by a series of investigators, beginning with a Presidential crime commission in 1966.

The Receiving Home is a two-story, red brick building on a three-acre tract in Northeast Washington. The doors are always locked, the windows are barred, and a small playfield is surrounded by a high wire fence. Enlarged to a capacity of 90 beds in 1957, the Home has held as many as 200 children at one time, some for as long as six months. Although none of these children has been tried or convicted of a crime, a 1968 Children's Bureau study found that the Receiving Home "is so overcrowded that delinquency contagion, assaults, excessive isolation of children, attacks on staff, breakdown in controls and security, and general failure of program should normally be expected . . . The majority of the time the children vacillated between . . . boredom and bedlam."

Last fall, Judge Harold H. Greene, chief judge of the D.C. Juvenile Court, said the facility was not an acceptable substitute for a home and ordered a new institution built within two years. Judge Greene found that children who merely talked back to a counselor could be placed in a cell measuring five by ten feet and containing only a bed, a washbowl and a toilet. During the day, the mattress was removed from the bed, and the child sat either on the bedsprings or on the floor throughout the daylight hours.

"Those in isolation are provided with no instruction, guidance, counseling, recreation or even reading materials," Judge Greene found. "They are simply left in their cells for periods as long as 18 days, with but the most minimal contact with anyone. The isolation cells are locked, and they are located inside a ward which is itself locked and in which no counselor is on duty. Thus, a child in isolation confronted with some urgent need or emergency can secure assistance only if he is able to pound the doors with sufficient force to attract the attention of a counselor in a neighboring ward, who may be more than 70 feet and two locked doors away."

After outlining the horrors of the Receiving Home, Judge Greene—in the same opinion—recommended that "detention, both pre-trial and post-conviction, of juveniles accused of law violations, should be resorted to more frequently than it has been in the past." Needing no encouragement, D.C. police stepped up their already questionable juvenile detention practices, and the Juvenile Court sent the "overflow" from the Receiving Home to two institutions for convicted youth offenders at Laurel, Maryland.

For the future, the welfare department plans a fortress-like 288-bed-capacity Receiving Home in direct contravention of a survey by the National Council on Crime and Delinquency, which recommended a 110-bed facility as a maximum. The District still lacks solidly planned alternatives to locking up detainees, and accused delinquents still spend an average of seven weeks in detention before disposition.

"The community's wealth—its children—are being destroyed by the unreasonable and arbitrary detention controls presently maintained by the juvenile court in the District of Columbia," NCCD's 1970 survey concluded. "As long as these obsolete controls exist, and as long as the juvenile court refuses to acknowledge its legal responsibility in the control of juvenile detention, misuse and overuse of detention will prevail."

When an accused offender comes to trial, juvenile courts generally operate on the principle that criminal trial procedure is a poor way to discover the facts. Prosecutors do not have to make their case beyond a reasonable doubt, and there is no necessity for corroboration of a child's confession.

Abuse of juvenile court procedure led to *In re Gault*, a landmark Supreme Court decision in 1967. Gerald Gault, a youth in Arizona, was arrested on the complaint of a neighbor for making an obscene telephone call. His parents were never formally notified of the event or, in fact, of any other proceeding. At the two hearings on the complaint, the neighbor never appeared in court. When Mrs. Gault asked why, she was told by the judge that it was not necessary. None of the witnesses were sworn in, no transcript was made. Gerald Gault was questioned by the judge and made damaging admissions. At the end of the second hearing, the judge committed the boy—who was 15 at the time—to a juvenile institution for the remainder of his minority. When the case reached the Supreme Court, that body overturned the decision, noting that "under the Constitution the condition of being a boy does not justify a kangaroo court."

Weiss, the Columbia lawyer, cites the similar case of Gregory W. in New York. After a victim had described an attack by a 20-year-old, police picked up 12-year-old Gregory. After repeated quizzing and coaching, Gregory produced a confession that suited the facts. The police then found out that during the time the crime was committed, Gregory had been confined to a security ward. Undaunted, they went to his place of confinement and resumed their questioning, producing a confession indicating that he had escaped before committing the crime.

"The highest court in New York finally ordered the confession excluded over a dissent that said it was clear the child needed custodial care," says Weiss. "Gregory was schizophrenic. One doubts that any doctor would consider his experience therapeutic."

Another category of proceedings involves allegations of "delinquency." Here the usual pattern of criminal procedure receives a Kafkaesque twist; instead of determining whether a juvenile's acts are criminal, the court tries to decide whether his character is criminal.

"A concept of delinquency is hard to deal with as a lawyer since it is a description rather than a sharply focused fact, or a label based on sharply defined fact," says Weiss. "More important, it is difficult for a juvenile to comprehend an investigation of delinquency dealing with acts, personal description, and issues of specific 'morality.' In short, his whole character and its weak spots receive a thorough assault from all directions. What is at stake? What are the issues? What is being examined? What does all this mean to him? If the lawyer is at sea, the juvenile drowns."

Even more damaging are cases in which children are accused of being "wayward" or "beyond parental control." Once this vague concept is applied to a child, it usually means commitment and confinement. Some parents have used beyond control proceedings as a means of punishing their children. A parent calls the court, and the child is arrested and incarcerated. A hearing is held somewhat later. If the parent wants the child back, the punishment is generally over. If not, off to jail. In New York City, if the parents file a beyond control complaint in order to get psychiatric or social assistance for their child, they lose control and must beg the court's permission to visit him.

"'Beyond control" in Washington was recently renamed PINS ("persons in need of supervision") as part of the Nixon Administration's "model" crime bill for the District of Columbia. Maple Glen, a converted correctional facility, currently holds about 50 runaways and other children judged uncontrollable by the court. Once committed, a child can be held in PINS for up to two years at the discretion of social workers. PINS children can be any age. Almost half are girls, an unusually high percentage for detention population. The Maple Glen director says his biggest problem is that neither he nor his staff is accustomed to working with girls.

Although PINS is a new program, it has received no new funds. PINS staff are simply reform school personnel retooled for a new mission. When the program began, staff morale was so low that counselors threatened a strike. There is one part-time psychiatrist for the PINS population, and four caseworkers. The casework supervisor resigned shortly after the program began.

"Nobody knows what PINS is, including the staff," a D.C. welfare department social worker told *P.I.C. News*. "Basically, it's just locking kids up so they won't run away. Nobody is helping them with their problems there. It's a device to get problem kids out of Junior Village (the District's center for homeless children) into the country. They've told social workers to get the kids out to Maple Glen and not to worry about what services are available when they get there. After PINS, the kids will probably go to reform school and then on to prison."

To the child, a "beyond control" proceeding is a devastating experience. "Arrayed against him are his parents and the officers of the state," says Weiss. "He feels often, and often justly, that his parent is at fault. He knows he risks imprisonment and is being described as immoral. Yet often he has no one to stand up for him. Here is the potentially most traumatic situation of them all—in a court theoretically designed to protect him, all the forces he knows attack him. In the author's opinion, 'beyond control' hearings and proceedings are the worst aspect of juvenile courts."

After the experience of the trial or hearing, a youth confronts a determination of what is to be done with him. At this point the crucial figure is the juvenile court judge, who often lacks staff or even basic qualification for the job. Many juvenile judges are adult criminal court judges temporarily wearing a different hat. A study of juvenile court judges in the mid-1960's revealed that half had no undergraduate degrees; a fifth had received no college education at all; another fifth were not members of the bar. More than 80 percent of the judges reported no psychologist or psychiatrist available to them on a regular basis.

In El Paso, Texas, Juvenile Judge Edwin F. Berliner sent about 75 children each year to juvenile homes hundreds of miles away without a hearing or legal counsel until the practice was uncovered by antipoverty lawyers. The judge's technique was to get parents of troublesome children to sign an "agreed judgment" that committed their child to a state institution.

Steven Bercu, the lawyer who disclosed the practice, calls Judge Berliner "the greatest single cause of crime" in El Paso County.

In New York City, the Family Court routinely spends four minutes in disposing of a case. Dr. Sol Chaneles, president of Urban Resources, Inc., watched a Family Court Judge commit a 15-year-old girl to six months observation in an adult psychiatric ward of a public hospital on the basis of a typographical error in a court document. The girl had run away from a convent leaving a note saying, "I don't want to live here anymore." By mistake, the court typist had transcribed the note without the word "here," leaving the impression that the girl was suicidal. But in the four minutes allotted to the case there was no time for verification or correction.

Dr. Chaneles also observed a Family Court judge "verbally crucify" an eight-year-old boy for three weeks of truancy from his second grade class. The judge then committed the child to a state training school for two years—"to correct his ways."

For many judges, there is no alternative to committing a child to an institution. Entire states have no probation services for juveniles. Florida, for example, told the Law Enforcement Assistance Administration that 60 per cent of its youth offenders are committed to institutions without prior experience on probation. Iowa also reported that the lack of juvenile probation services forced the court to depend on state institutions.

A recent study of 208 inmates of the Indiana Girls School showed that 125 were committed solely because they were runaways and 19 because they were truants. Indiana reformatories also include such "criminals" as a 16-year-old boy who stole 75 cents and a girl who was arrested in a small town for carrying a can of beer.

Institutionalization virtually destroys whatever hope remains that a child can be helped by the juvenile justice system. Most training schools and reform schools are little better than jails. "In state after state I have seen children held under inhuman conditions," reports Howard James, author of *Children in Trouble*. "And, with one or two exceptions, even the best institutions are cold and unloving—places where children either give up, or fight back, or run."

At the Ferris School for Boys in Wilmington, Delaware, James found that it was the policy of the Youth Commission to discipline boys by slapping them; this resulted in several punctured eardrums. In Florida, he found boys beaten black and blue with a weighted leather paddle—sometimes until they bled. At the Marianna School in Florida he found a boy in bloody pajamas who had eaten a light bulb and was trying to cut his wrists with a broken light cover. James had to notify the nurse on duty himself, because the guard had not bothered to do so.

"With the exception of a relatively few youths, it is probably better for all concerned if young delinquents were not detected, apprehended or institutionalized," comments Milton Luger, director of the New York State Division for Youth. "Too many of them get worse in our care."

Rhode Island, which spends $12,400 a year to maintain a child in a training school, acknowledges a 75 per cent failure rate. Nationwide, according to an FBI study, some 72 per cent of youths under 20 arrested in 1963 were arrested again within five years.

Recent court decisions granting mental hospital patients a "right to treatment" as compensation for their loss of liberty have broad implications for the juvenile justice system. (See also "Lawless Prisons" *P.I.C. News* 1:9). But there is little agreement over what "treatment" consists of in juvenile delinquency, let alone whether "right to treatment" also means "right to cure." Can a youth demand release from an institution if it fails to cure him of homosexuality, for example?

Right to treatment also poses political problems. "If . . . a delinquent youth may demand and secure his release, does the youth's 'right' thereby override the community's 'need' for protection?" asks Dr. Nicholas N. Kittrie, a law professor at American University. "The right to treatment must be so defined and construed as not to deprive it of broad public support."

As much as judges may shake their heads over what goes on inside juvenile institutions, they find it difficult to make meaningful changes in the absence of other machinery. A judge is legally responsible for what happens to a youth until he is discharged from care. In practice, however, a youth is usually sent to a large state-run institution far removed from the court that committed him. And most juvenile judges are only too happy to get a troublesome child out of their immediate jurisdiction and into the care of a remote facility.

"As the law is now devised, we have more responsibility for aftercare than an adult court does," Judge Orman W. Ketcham of the D.C. Juvenile Court told *P.I.C. News*. "How can a judge control what goes on at our Children's Center at Laurel, Maryland? Legally, he should. The problem is how to make it work."

Reform of the juvenile justice system will take place only when judges, and those who appoint them, show as much interest in protecting children from society as they do in protecting society from its children.

Weiss, the Columbia lawyer, suggests a number of first steps that juvenile courts could take to reduce the probability that they will harm children rather than help them:

The courts should protect children's rights by supervising commands or requests to families, by schools, police and social workers. Misbehaving public officials should be held liable for their actions.

No police officer should be allowed to stop or detain a juvenile except to prevent him from damaging property or person—and actual knowledge of this should be required. Any other arrest should be made by juvenile officers, who should also be called on immediately in cases of detention by a police officer.

A lawyer devoted entirely to the child's interest should be offered to accompany the child through every step of the juvenile process, beginning with the first expression of interest by public officials in the child's well-being.

A child should be tried only for specific acts of law violation. He should receive all traditional criminal safeguards in the process.

"Beyond control" hearings should be abolished as an ugly, misdirected and destructive procedure.

A finding of delinquency should be made only at a special hearing concerned with past acts proved.

"Suffering children deserve no less," Weiss concludes.

THE THREAT TO NATO

Mr. GOLDWATER. Mr. President, during the recent debate over the Mansfield amendment to cut American NATO forces by 50 percent we heard repeated references to the strength of the Warsaw Pact nations in relation to those of the NATO Alliance. However, I believe it would be instructive for us to read a point-by-point appraisal of this important situation by one of the men directly responsible. Mr. President, recently General David A. Burchinal, deputy commander in chief, U.S. European Command, testified as to the relative strength of the East/West forces in Europe before a House Appropriations subcommittee on the Department of Defense.

In reading General Burchinal's cold, statistical assessment of the threat faced by the allied forces in Europe I shudder to think what would happen if our Government had been shortsighted enough to adopt as policy the Mansfield proposal. It may come as a surprise to some Members of the Senate to learn that American commanders in Europe believe that at the present time—without any force reductions whatsoever—the Warsaw Pact enjoys a superiority of over twice the number of ground divisions as are available to our NATO forces. It might further interest the Senate to learn that General Burchinal regards the Soviet naval and air buildup in the Mediterranean area alone as a significant military threat to United States and NATO forces.

Among the more important points developed by General Burchinal are the following:

First, the ground force threat to NATO Europe consists of over 160 Warsaw Pact divisions of which more than two-thirds are Soviet.

Second, the Warsaw Pact ground forces are prepared either for nuclear or conventional warfare and are equipped with the very latest weapons and equipment.

Third, Warsaw Pact air operations against Allied Command Europe could be carried out by some 6,000 tactical fighters, light bombers, medium jet bombers, and reconnaissance aircraft based in the pact forward area.

Fourth, to facilitate air defense of pact territory and enhance offensive capabilities to penetrate NATO defenses, the Communists have massed in Eastern Europe's forward area "the densest and most sophisticated electronic environment in the world."

Fifth, the naval threat to NATO Europe includes the Black Sea, Baltic, and northern fleets, plus the forces from these fleets deployed in the Mediterranean Sea.

Sixth, the strategic missile threat to NATO Europe is posed primarily by some 600 medium- and intermediate-range ballistic missile launchers at sites in western U.S.S.R. This strategic missile threat is one for which we in Europe have no truly comparable force.

In summarizing his view of the military threat to NATO, General Burchinal told the House subcommittee:

> I believe that Soviet policies and objectives are aimed at changing the strategic offensive/defensive power balance in order to explore their current and growing conventional superiority in the European area.

Mr. President, because of the recent debate on the Mansfield amendment and the promise of some Members of the Senate to renew the demand for large reduction of our forces in NATO at a later date, I believe General Burchinal's complete statement to the House subcommittee would prove highly instructive. I ask unanimous consent that General Burchinal's statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of David A. Burchinal, Deputy Commander in Chief, U.S. European Command, Before the Appropriations Committee, Subcommittee on Department of Defense, U.S. House of Representatives

Mr. Chairman, Members of the Committee:

I welcome the opportunity to meet with this Committee for discussions on the United States European Command and its contribution to the defense of NATO. In these times, we firmly believe that a strong and continuing United States military presence is essential to the NATO Alliance, to the security of North America and to peace in Europe.

I will sketch in broad outline the threat we face, review our forces, their readiness, and how we are working with our allies to improve their capability so they can assume a greater share of the defense burden. I will touch on some of our very real problems and what we are doing about them. Let me add, Mr. Chairman, that the deliberations of your Committee are of the greatest importance to us, because the budget requests of the Services provide and support the forces for the European Command.

Before turning to the substance of my presentation, I would like to identify my position and relationship to the Commander in Chief of the United States European Command, General Goodpaster. He has command responsibilities both as the Supreme Allied Commander Europe—SACEUR—and as the United States Commander in Chief Europe—USCINCEUR. As USCINCEUR, his command encompasses all United States military forces assigned to him to carry out his mission, including those committed to the NATO Alliance. As a unified commander of United States forces, General Goodpaster is responsible to the Secretary of Defense and the President through the Joint Chiefs of Staff.

The scope and nature of General Goodpaster's NATO functions as Supreme Allied Commander, Europe are both demanding and time consuming. They require that he be physically located most of the time at his NATO Headquarters in SHAPE, Belgium. Because of this, he has delegated to me and the Joint Staff of Headquarters United States European Command in Stuttgart, Germany, broad authority to run the day-to-day activities of the US Command, and we operate at all times within policies and procedures approved by General Goodpaster, the Joint Chiefs of Staff and the Secretary of Defense. Thus, I devote most of my time to unilateral United States matters so that General Goodpaster can devote the greater part of his time to the military problems of the Allied Command Europe.

THREAT

Before addressing the US and Allied forces in Europe, I would like to briefly mention the threat to Europe and the US by Soviet and Warsaw Pact forces, because it is principally in this context that the US contribution to the defense of Europe should be viewed.

Beginning about 1965, it became apparent that the Soviets had begun a priority program to improve their strategic offensive and defensive posture. Concurrently, they made intensive efforts to increase the capability and readiness of the Soviet and other Warsaw Pact air, ground and naval forces for conventional warfare.

The primary mission of the military forces of the USSR and its allies is to protect the Soviet homeland, to guarantee the inviolability of the entire Soviet Bloc under the Brezhnev Doctrine, to cast doubt on the efficacy of the NATO shield and thereby to increase Soviet influence in the affairs of Western Europe, and to promote Moscow's expansionist objectives in the Mediterranean, North Africa and the Middle East. We have seen positive indicators—in 1953 in East Germany, in 1956 in Hungary and 1968 in Czechoslovakia—of Soviet readiness to employ military force to maintain the Communist system established within the captive nations of Eastern Europe during and following World War II. Outside Continental Europe, we are now witnessing the employment of the USSR's rapidly growing naval power and to some extent, her air power, in the pursuit of Kremlin goals. North Africa and the Middle East, in the Indian Ocean and the Caribbean.

The ground force threat to NATO Europe consists of over 160 Warsaw Pact divisions of which more than two-thirds are Soviet. The Warsaw Pact ground forces are well prepared for either nuclear or conventional warfare. They are equipped with very modern weapons and combat vehicles, with massive inventories of tanks and armored personnel carriers, an impressive and growing number of tactical missile launchers and larger numbers of artillery weapons.

Warsaw Pact air operations against Allied Command Europe could be carried out by some 6,000 tactical fighters, light bombers, tactical reconnaissance aircraft and medium jet bombers based in the Pact Forward Area and western USSR. The Pact air forces are being steadily modernized with new generation fighters and bombers, and the Soviets have recently introduced into operational units advanced interceptor types.

To facilitate air defense of Warsaw Pact territory and enhance offensive capabilities to penetrate NATO defenses, the Pact nations have many thousands of pieces of ground based military electronics equipment in the East European forward area—the densest and most sophisticated electronic environment in the world. At the same time, major improvements are being made in their strategic defenses by expanding surveillance and tracking systems, increasing the density of deployed air defense weapons—SAMs, AAA, improved interceptors—and by undertaking extensive passive defense measures for vital installations. For example, many hangarettes to protect aircraft have been built on Soviet airfields and at some national airfields in the forward area. A mobile surface-to-air missile system has been introduced into the forward area to protect field armies on the move.

The naval threat to NATO Europe includes the Black Sea, Baltic and Northern Fleets, plus the forces from these fleets regularly deployed in the Mediterranean Sea. These naval forces have more than 150 operational major surface combatants and about 250 operational submarines. Aerial surveillance and air strike capabilities are provided by some 600 light and medium bombers and reconnaissance and antisubmarine warfare aircraft of Soviet Naval Aviation.

For the US European Command, the Soviet build-up in the Mediterranean is of major significance. The initial Soviet naval presence in the Mediterranean in 1963 and 1964 was primarily for the purpose of "showing the flag" and for psychological effect on the littoral governments and populations. Since the Arab-Israeli war, however, the naval force in the Mediterranean has been built up to an average strength of some 40 to 50 units—with peaks much higher. A typical force in the Mediterranean would have ships equipped with SAMs and ships/submarines equipped with SSMs. This Soviet naval power has been significantly augmented by the introduction more than two years ago of land-based air into Egypt. Today, the Soviet naval and air forces in the Mediterranean constitute a significant military threat to US and NATO forces.

The presence of this substantial military force, the ongoing aid programs to the more radical Arab states, and the presence of Soviet military personnel in the role of technicians, advisers and, in the case of Egypt, operators of air defense systems, support their objective of gaining a position of political dominance based on military power along the southern littoral of the Mediterranean and throughout the Middle East.

The strategic missile threat to NATO Europe is posed primarily by some 600 medium and intermediate-range ballistic missile launchers at sites in western USSR. This strategic missile threat is one for which we in Europe have no truly comparable force.

With respect to the intercontinental missile threat, it is our view that the USSR is attempting to gain clear strategic advantage so as to weaken the viability of the US deterrent force. The current Soviet inventory of operational ICBM launchers is about 1,400 and deployment is continuing with newer types. This contrasts with our own ICBM force of 1,054 launchers. Moreover, the USSR's submarine-launched strategic missile program is gaining momentum with production and deployment of the Y class nuclear-powered submarines with 16 missile launch tubes, and could surpass our Polaris force in number of launch tubes during 1974.

To summarize the threat, I believe that Soviet policies and objectives are aimed at changing the strategic offensive/defensive power balance in order to exploit their current and growing conventional superiority in the European area. Should the Soviets gain confidence in their ability to deter resort by the West to the use of nuclear weapons in response to massive conventional aggression in Europe, new options would open including the threat of employment of the USSR's and Pact's powerful conventional forces to achieve political aims. Already—as we currently see in the Middle East—the Soviet Union is pursuing much more aggressive policies in situations which would have been unthinkable a few years ago. I think that as Soviet strategic and conventional power mounts, the Kremlin will consider that the risks to them in such expansionist moves progressively are decreasing.

NATO VERSUS WARSAW PACT FORCES

Since I am speaking as a US commander, I will address only US forces and their readiness in detail. However, I believe it is significant to present an overview of opposing force levels in Europe particularly in regard to the Central Region of Europe where we have the vast majority of US forces.

Comparisons of relative military potential are difficult and complex, and must be carefully assessed to avoid misleading conclusions—especially in the broad scale of NATO versus the Warsaw Pact.

In terms of existing ground divisions of all categories the Warsaw Pact enjoys a superiority of over twice the number available to our NATO forces. The preponderance of Pact ground forces is particularly significant in the Central Region. While we are generally a match for the Pact in APC's, in terms of tanks the Pact has better than a 2 to 1 advantage with in-place forces. The Pact has about a third more artillery in-place than NATO. NATO plans to increase its tactical aircraft strength in the Central Region during a build-up, but even this substantial gain will not fully overcome the pact's 50 percent quantitative superiority in tactical aircraft strength.

It is significant to note that the United States contribution of army forces in Europe contained in the NATO totals amounts to 4⅓ divisions and two Armored Cavalry Regiments in-place with some increase after build-up based on today's readiness posture. In regard to the US Air Force contribution, we have more than 400 tactical aircraft in the Central Region during peacetime, and a planned augmentation capability to expand this number. Essentially all of NATO's air augmentation is provided by the United States. Overall, US forces on hand in Central Europe in peacetime represent about 25 percent of NATO's total force.

USEUCOM FORCES

Our primary mission in USEUCOM is to maintain the readiness of our assigned forces to meet the United States commitment to NATO and be prepared to protect the interests of the United States anywhere in our assigned area. For this purpose we have a total military population of about 240,000. The Army provides the bulk of this strength.

Table A shows our major U.S. Army forces in Europe. These forces are commanded by Lt. General Collins, with headquarters in Heidelberg.

TABLE A: USAREUR FORCES

3—Mechanized Infantry Divisions—Less ⅔ of one Division Dual-Based in CONUS
2 Armored Divisions
3 Armored Cavalry Regiments—Less 1 Dual-Based in CONUS
1 Brigade in Berlin
SETAF in Italy
1 Air Defense Command
Chaparral/Vulcan Battalions in Divisions
Non-Divisional Artillery

Table B lists our assigned naval forces—the Sixth Fleet, operating in the Mediterranean and composed of units on rotation from the Atlantic Fleet. Admiral Wendt's European Naval Headquarters is located in London. NAVEUR's personnel strength is about 27,000 men. The naval forces have no equivalent of dual-basing, but our Sixth Fleeet directly reflects the commitments, readiness and availability of forces in the Atlantic Fleet.

TABLE B: EUCOM NAVAL FORCES

Attack Carriers, with embarked Air Wings
Cruisers
Destroyer Types
Submarines (including Polaris)
Amphibious Force, USCM Battalion Landing Team
Patrol Squadrons, land-based.

Our Air Forces in Europe, numbering about 44,000 officers and men, are under the command of General Holzapple. His headquarters is at Wiesbaden. Listed in Table C are the major USAFE forces.

TABLE C: USAFE FORCES

Tactical Fighter Squadrons—Some Dual-based in CONUS
Tactical Fighter Air Defense Squadrons
Tactical Reconnaissance Squadrons
Some Dual-Based in CONUS
Tactical Airlift Squadrons
Others committed from CONUS
Tactical Electronic Warfare Squadrons
Some Dual-Based in CONUS

DUAL BASING

Over the past several years, a significant number of US Army and Air Force units have been relocated from Europe to the United States under a concept known as "dual-basing." Initiated primarily as a means of reducing the Balance of Payments deficit, it has actually increased defense expenditures due to the requirement of maintaining two sets of equipment for many dual-based units and rotating elements of these forces to Europe annually for exercises.

The bulk of these forces were redeployed in 1968 with the codeword designation REFORGER (for Army units) and CRESTED CAP (for Air Force Units), and just last year additional Air Force squadrons were added to the dual-based list. Dual-based forces are not a substitute for in-place forces in or near their combat positions on a daily basis.

OPERATIONAL READINESS OF USEUCOM FORCES

I would like now to review the readiness of our forces. Not all are currently considered fully combat ready.

There are many reasons for this, including our share of reductions the Services have been forced to make, lower assigned personnel strengths and skill levels, funding constraints such as less money for training and exercises, and the priority of Vietnam requirements. I have listed separately for you the primary reasons some of these forces are considered not fully combat ready.

Army Example: For example, of the units reporting in USAREUR, a number of units have reported they are below their programmed strength, are short the required critical skills or do not have the required personnel distribution by category or grade.

Let me touch on some of the details of this particular example. Our Army forces are not only short in the number of men; the turn-over rate is also high. This shortage and turbulence is further compounded by a shortage in some specialties and grade imbalances in middle grade officers and senior enlisted grades. These shortages, combined with the austere funding, have a direct impact on the other measurement categories of training and equipment readiness. It should be noted that one of the immediate consequences of a reduction in funds has been the reduction of foreign national workers we can employ. This has required use of military personnel for housekeeping duties, and a number of troops are thus diverted daily from their primary military duties.

Naveur: Our naval component also has personnel problems; however, these are primarily shortages in specific critical skills at the petty officer level rather than shortages of manpower. These critical skill shortages plus the lack of readily available repair parts for the aging fleet, combine to degrade combat readiness of the fleet.

Usafe: The conversion of one wing from F–100 to F–111 aircraft is reflected in both the equipment and personnel figures shown for our Air Forces in Europe. The remaining shortages are temporary in nature and do not constitute a trend or chronic deficiency.

Dual Based: The readiness of dual-based forces is of direct interest to the European Command. A breakout of the readiness of these dual-based forces has also been furnished separately to the Committee.

IMPROVEMENTS

I do not wish to convey to the Committee that these deficiencies prevent us from performing our primary combat mission. We still maintain a very respectable capability to provide—with our Allies—for the initial defense of Europe; however, it does place us in the position of relying heavily upon rapid and massive augmentation for any sustained action.

And I wish to emphasize the qualitative improvements which have been and are being made in our forces as a direct result of past budgetary actions by the Congress. The ongoing conversion of our F–100 squadrons to F–4 and F–111 aircraft significantly increases our combat capability, as do the A–6A and A–7 aircraft presently operating with the Sixth Fleet.

The Army forces are receiving excellent modern equipments in the form of new, improved armored reconnaissance vehicles, as replacements for the M60 tanks in armored cavalry squadrons. We are replacing the older H–13 and H–34 helicopters with the newer OH–58 and UH–1D/H equipment.

We have recently completed the conversion of our Pershing missiles to an improved configuration, have equipped a number of battalions with the self-propelled versions of the Hawk anti-aircraft missile system, and now have Chaparral/Vulcan anti-aircraft battalions in the field.

The combat capability of our Marine forces was significantly improved with the deployment of the USS GUAM with its amphibious landing craft and vertical assault, helo capability.

There has been a marked improvement in the survivability of our Air Forces both with the introductions of the Chaparral/Vulcan low level defense systems and the completion of several hundred aircraft shelters in the Central Region.

PERSISTENT PROBLEM AREAS

These and other qualitative materiel improvements have made it possible for the command to maintain a very respectable fighting capability in spite of the reductions in forces and funds over the past years.

Conversely, we have some problem areas which continue to impair somewhat our combat capability. As I mentioned previously, we are dependent on rapid, timely and substantial augmentation if we are to undertake sustained combat operations and strike action. In order to have the capability to accept this augmentation we need more reception air bases for our Air Forces in order to reduce the high density base utilization now required and to increase survivability. We must have access to the ports, both sea and air, and we must have the men to operate them if we are to move the mass of personnel and great quantities of material which is required for any sustained operation. We must have the associated communications capability to provide for direction and supervision of these movements. We must establish the prepositioned equipment for a usable line of communication (LOC) from these ports to the battlefield. I will discuss this in greater detail later.

The Sixth Fleet requires increased and improved antisubmarine warfare capability to insure its freedom action, as well as increased capability to counter the growing surface-to-surface missile threat.

While we are making improvements in our electronic warfare capability, the Warsaw Pact continues to make major improvements in this area. Development and procurement programs are underway in each of our Services; however, by the time the products of these programs enter our inventory, we will probably see a greatly increased and new capabilities in the enemy's electronic warfare forces.

The US communications network in Europe as presently configured requires considerable modernization and improvement if it is to continue to be able to carry out its essential tasks.

Most of these problems are outgrowths of the current minimal force posture and budgetary constraints, and there are no short term quick or easy solutions.

REQUIREMENT FOR AUGMENTATION RECEPTION CAPABILITY

One of the most pressing problems we face in planning for wartime operations is the growing need for early augmentation forces from the US. Every military force reduction we experience translates into that many more troops which must be brought back to Europe if we are threatened by war, in order to regain our essential fighting capability. Dual-based Army and Air Force units are scheduled to return and additional rapid reaction Air Force units are to be deployed. Also the Army units designated to work the ports and man the lines of communication must be moved in. Additionally, filler personnel for the in-place 4⅓ division force structure are scheduled to be brought in to bring the units up to wartime strength, as are additional combat service support units to assure the necessary effectiveness of logistic units to support our combat forces. Since strategic cargo airlift is at a premium in the initial phases of deployment, where possible, equipment for redeploying units has been prepositioned in Europe so that the troops with their individual arms and equipment can be quickly moved.

Army units, as a rule, do not have great strategic mobility; therefore, it is these units which present the greatest problems in a situation requiring rapid buildup. Equipment for the Army dual-based units (REFORGER), is already in place in Europe.

NECESSITY OF A LOC

I also have a few brief comments on the UK/BENELUX/FRG LOC, Mr. Chairman, a project which your staff reviewed in depth in January 1970. The LOC must be in existence for us to support both the planned augmentation of forces in Europe in an emergency, and the Army and Air forces already there. Without the peacetime preparations necessary to establish a LOC in wartime is to leave our committed forces without wartime support and therefore unable to carry out their assigned missions.

BENELUX ONLY LOC ROUTE

The LOC route through the BENELUX is certainly far less desirable than a route through France, but it is—at present—the only real and practical option open to us. The Bremerhaven LOC, less than 100 miles from the Iron Curtain in the Federal Republic of Germany, is the most vulnerable access route of all available in wartime, not only from air action, but from ground attack. Austria's and Switzerland's neutrality blocks all routes from the south, and France who asked us to remove our facilities from her territory, will make no promises to allow us back in wartime. We simply cannot accept these risky alternatives as a basis for war planning. Our logistic weaknesses can be seen by both the Warsaw Pact nations, and our NATO Allies.

LOC AGREEMENT STATUS

We are making progress in this area. I am pleased to report that an Overall LOC Agreement is very close to completion. In the meantime, we have 12 draft annexes in the final stages of preparation to be presented to the host governments. These technical annexes will identify, in detail, how the specific support will be provided the US by the host nation.

ARMY LOC/PORT PACKAGE

We are very near in most respects, to realizing the prerequisites essential to establishing an LOC in wartime. Although the LOC will depend primarily on host nation support, Army units must also be designated and be capable of immediate response to requirements for operation of the US LOC. These units, with their equipment, have been identified by the Army, and as necessary, will be airlifted into their areas of employment to activate the LOC. Some of the equipment required for their use is too heavy and bulky for airlift, and the logical solution is to preposition it in the area of intended use. For this reason, the Army needs PEMA funds to buy heavy equipment to be prepositioned, and OMA funds to maintain the equipment when in storage. NATO funds will be available to construct what additional facilities may be needed.

COLLOCATED BASES FOR USEUCOM AUGMENTATION AIR FORCES

Two major problems face this command with respect to basing of tactical air forces: First, there would be serious overloading of the relatively few air bases we currently have by US wartime augmentation air forces which emphasizes our need for additional bases to support these planned deployments. And, secondly, additional bases are needed to provide SACEUR the flexibility to shift planned deployments to different base areas in the event the situation dictates.

We plan to make maximum use of all available Allied airfields to alleviate these problems. The Allied airfields would not be used by US augmentation air forces during peacetime. However, to reduce critical delay in the wartime employment of air forces, these airfields must be maintained during peacetime in a status that would permit their early operational use by US tactical air squadrons should augmentation of the US European Command be directed.

We would depend on varying degrees of host nation support at the Allied airfields until adequate US logistic support is established. The US has surveyed a number of potential "collocated" bases, nominated by the countries concerned for the collocation of our forces, to determine the facilities that could be made available and what is required on our part.

While the concept of collocated basing with our Allies is desirable for dispersal of forces and flexibility of operations, there are certain disadvantages. The distances from these Allied bases to existing US Main Bases complicate resupply and introduce problems in communications for command and control. There will be entry costs for those bases where storage areas are inadequate for prepositioned WRM and where peacetime safety criteria that has been specified by NATO, US and the host nation for the munitions portions of the prepositioned WRM must be met.

Unless we can preposition some personnel and materiel on the bases in peacetime, delays in effective utilization at the outbreak of war will occur until personnel and WRM can be moved to the bases.

FRANCE AND NATO

Basic strategic relationships in Europe have been directly affected by the uncertainty regarding possible French participation as a wartime partner of the west. In 1966, France disengaged herself from the military organization of NATO, and has since given no assurances about what role she might play in the event of war.

President Pompidou has not altered this official political position, although our rapport with the French military continues to be excellent in all respects.

However, their refusal to let us make necessary arrangements in peacetime and the risks involved in the possibility that they would not fully cooperate with NATO are so great that we must make alternative provisions now, for access to and support of our forces in the Southern Region, as well as to maintain an assured LOC to the Central Region as I discussed earlier.

Inability to count on French forces, airspace, facilities and geography in our wartime plans, coupled with the neutrality of Austria and Switzerland, effectively cuts NATO into two separate parts; we therefore, have a clear need for a well-planned system of bases throughout the Mediterranean area. While there are many obstacles to developing such a system in the unsettled political situation that exists in many parts of that area today, there are steps which we can take to improve our position there.

SOVIET SUBMARINE ACTIVITY IN THE MEDITERRANEAN

In view of Soviet submarine activity in the Mediterranean, it is essential that we continue to improve our ASW forces in that area. Continuous surveillance of submarines is a key peacetime requirement. It is too late to go searching for them after a war starts.

MEDITERRANEAN BASES

In our attempts to create a better basing situation in this region, we have taken a careful look at such possibilities as expanding certain facilities we must have in the Mediterranean to meet a wider range of requirements. Such actions could provide much needed military and political flexibility. They would help to avoid some of the constraints in contingencies, and greatly assist in our peacetime surveillance of the Mediterranean. They may be eligible for NATO infrastructure support, which could result in our realizing at least modest improvements.

SPAIN

We believe that our excellent port and airfield complex in Spain and our operating rights there enhances considerably our operational effectiveness in Southern Europe and in the Mediterranean. Spain is the key to military access to that area, as the United Kingdom is, and has been for Central Europe in the two great wars of this century. The new agreement that went into effect last September guarantees five more years of US tenure in this geographically critical area. Spain's growing military potential could provide needed assistance in the defense of the Mediterranean.

MAP AND FMS

At least a brief word is in order on the effect of Military Assistance on the US presence in Europe. To a great extent, US Military Assistance Programs (MAP) and Foreign Military Sales (FMS) have since World War II bolstered the defense capabilities of our NATO Allies, and have helped to a substantial degree in reducing the need for US forces within the European Command. From 1950 to 1967, more than 12 billion dollars in US military grant aid was furnished to nine NATO countries in Western Europe. All of those countries today sustain their own defense requirements and have, since 1962, purchased over six billion dollars' worth of defense articles and services from the United States.

Only three NATO countries—Greece, Turkey, and Portugal—still receive US grant aid military assistance. Portugal's program has always been quite small, and those for Greece and Turkey have been decreasing in recent years. For these countries, too, the transition from grant aid to sales is being made as rapidly as possible.

It is appropriate to note at this point that the cash which our other NATO allies pay for their FMS purchases from the United States improve our balance-of-payments position. The funds which are used to finance Foreign Military Sales credits (to Greece, for example) are repaid with interest.

BURDEN SHARING FOR NATO DEFENSE

In May of last year, the NATO Defense Planning Committee approved a proposal to study Alliance Defense Problems for the 1970s (AD–70). The study included a review of resources and identified burden sharing problems. The NATO Defense Ministers agreed to study areas of cooperation, recognizing the principle that major US disengagement from Europe would seriously endanger the Alliance. The Ministers also recognized the need for assisting the US Government in alleviating the financial problems associated with maintaining its forces in Europe.

In September 1970, President Nixon at Naples stressed the importance of NATO nations doing more for their own defense. The President stated that while we are concerned that we get all the financial help that we can, the long-term need was for members of the NATO Alliance to shore up and build up the strength and capability of their armed forces.

The NATO Defense Planning Committee, meeting in Ministerial Session in December 1970, endorsed the conclusions of the AD–70 Study which identified specific areas of improvements in NATO's conventional deterrent. In addition, ten European Ministers launched a purely European effort to improve their own defense. The program is known as the European Defense Improvement Program (EDIP) and consists of the following:

Financial contributions to NATO infrastructure program over five years for aircraft shelters and NATO communications.

Force additions/improvements over five years.

Military assistance to Turkey is provided by the Federal Republic of Germany (FRG).

The NATO ministers will meet on 28 May 1971 to review progress on the Defense Program.

OFFSET

In addition to these NATO efforts on burden sharing another opportunity for DOD budget relief is the bilateral offset talks with the FRG.

US–FRG offset agreements were traditionally based on military procurement in the United States. As German need for U.S. equipment declined, the agreements also included financial arrangements and understandings on financial cooperation. In the negotiations going on for a new agreement beginning in FY 1972, U.S. and FRG officials are considering German measures of direct budgetary support, in addition to a considerable amount of military procurement. The negotiations are now centered on the size of such a budgetary contribution.

FORCE REQUIREMENT/REDUCTIONS

The last matters I want to discuss today are force requirements and the impact of past reductions.

Military personnel and cost reduction programs have been underway since 1965, and the pressure for more reductions in Europe has continued through 1970. The basic rationale underlying many past reductions is that we can cut supporting organization, base and facilities without reducing combat effectiveness. But the U.S. European Command is well beyond the point where such a rationale is at all credible. If there was any fat in our programs, it was trimmed long ago.

Any further reductions will require us to eliminate complete functions and programs, whole base complexes, and major combat units. Such reductions, without corresponding negotiated reductions in Warsaw Pact forces, will inevitably damage our operational effectiveness, our NATO relations, and will bring into serious question the military capability of the Alliance and the U.S. commitment to it. Actions of this nature would be clearly contrary to the NATO AD–70 conclusion that the commitment of substantial North American forces deployed in Europe is both politically and militarily essential for effective deterrence and resistance, and to insure NATO solidarity. It would seriously undermine the presently agreed—and sound—NATO concept for defense and agreed strategy, as well as destroying its credibility in the eyes of the Soviets and Warsaw Pact.

President Nixon put it very clearly in his Foreign Policy Report in February of this year, when he said:

"No token presence could serve our purpose. Our substantial contributions of United States forces—about 25 percent of NATO's peacetime capabilities in Central Europe—insures the viability of the strategy of flexible response. It enables us to found Alliance defense on something other than reliance on the threat of strategic nuclear war. It is the basis of our Allies' confidence in us. It links European defense to a common strategy and to the nuclear power of the United States."

Since 1962, we have made substantial reductions in our military strength in Europe. The current levels are, in my judgment, the absolute minimum needed if we are to maintain credible deterrence and thereby hope for a lessening of tensions and the realization of some detente in Europe. To further reduce this force—already weakened by deficiencies in its readiness as we have discussed today—is an open invitation to Soviet and Warsaw Pact adventurism. I believe that this risk directly increases as the Soviets continue their move to a position of relative nuclear parity with the United States.

We in Europe do not believe that a war between NATO and the Warsaw Pact need inevitably to escalate from conventional to all-out nuclear war. There are strong constraints on both sides against resorting to nuclear exchanges. But, this very fact emphasizes our need to build up and maintain strong conventional fighting forces—forces that can hold-the-line while we reinforce, mobilize, and give people time to talk. The Soviets, by nature, are pragmatic, and strong, in-place conventional forces can make them realize that any confrontation, conventional or nuclear, will be an adventure so costly that they cannot afford it.

So much for the status of our US European Command and our ongoing efforts to carry out—effectively—the United States commitment to NATO. We will continue to seek—and find—solutions to our US and NATO problems in Europe, and we can use all the help we can get, including the very essential support of this Committee in our endeavor. We firmly believe that our Nation's security is unequivocally involved in the security of Europe—that the defense of North America starts at the Iron Curtain.

The NATO Alliance has been successful in Europe for a generation. The relative military and political stability that has been achieved is, in fact, one of the elements that has, paradoxically, produced a euphoria of detente. But the threat is still present and growing, and Europe and the Middle East remain potentially the arena for a most serious confrontation between the powerful and sophisticated military forces of the Communist Bloc and those of the West. There is now no clash of arms, but the clash of ideologies, wills, opposing aims and doctrines is clear enough. In this area we still have most at issue—and most at stake.

We in Europe recognize that the involvement in Southeast Asia has, of necessity, placed us in a relatively lower priority for resources. During this period we too have made our contribution to that effort in reduced manpower, delay in modernization and loss of funds. We have made continual adjustments to lessen the impact of these shortfalls, and we have paid a price in our readiness posture. The services are making major efforts to reverse this trend, but the ever increasing requirements for resources to meet problems here at home and steady inflation have not yet permitted a total resolution of our problems in Europe.

Today we are prepared to fulfill our NATO commitments. At the same time, we find the military capabilities of the Warsaw Pact nations increasing—substantially and dangerously. It is my firm belief that support for this essential US contribution to NATO in the European theater should be high on the priority list of this Congress.

We recognize that, from a practical standpoint, we cannot recoup overnight; that our present situation has resulted over a six year period; but now is the time for the turning point, for action to begin to increase the readiness of our forces.

Mr. Chairman, it has been a personal privilege and pleasure to meet with you again and to appear before this distinguished Committee today. I wish to thank you for the opportunity to discuss the status of the US European Command as we see it. I hope that it will contribute to your deliberations on the current budget requests of the Services, upon whom we depend to carry out our missions in Europe. I am prepared for questions or discussion of any subject of particular interest to you.

NASA'S SPACE SHUTTLE PROGRAM

Mr. MONDALE. Mr. President, an authoritative study has concluded that NASA's proposed multibillion-dollar space shuttle program cannot be justified on economic grounds.

This study thus destroys NASA's principal justification for developing this enormously expensive project.

The NASA budget request for fiscal year 1972 contains $100 million for further development of the space shuttle.

This figure is only the tip of an iceberg. The ultimate cost of developing a shuttle could be well over $12 billion.

The shuttle, along with the space station, represents NASA's next commitment to a huge manned space program. The total development costs of both the shuttle and station will be at least $20–$25 billion over the next decade.

Yet, in October 1970, a Rand Corp. report for the Air Force—RM–6244–1–

PR—concluded that the development of the shuttle is "not easy to justify."

The summary of this Rand report concludes that:

> . . . the total space funding requirements over the next 20 years are not significantly different for plans that use the shuttle for space transportation and those that accomplish the same missions without the shuttle. All of these results indicate that criteria other than cost should be used to evaluate the desirability of the space transportation system.

Rand's conclusions are devastating.

NASA's primary justification for development of this multibillion-dollar project is that it would be more economical than existing boosters.

But since the shuttle is not cost-effective—as Rand concludes—then there is no basis whatsoever for spending billions to develop it.

Using traffic rates based on NASA and Defense Department estimates, the Rand report considered eight alternative space plans for use of the shuttle. Only in one of these eight plans did the shuttle demonstrate a net monetary gain by 1990. And Rand concluded that even those savings "seem to be marginal."

Moreover, since the report was written last fall, the research and development cost estimates of the shuttle have increased by almost $3 billion—from $9 billion to approximately $12 billion.

This increase thus obliterates even the marginal savings originally projected by Rand.

Most significantly, Rand makes it clear that unless we are committed to a greatly expanded space budget, the shuttle makes no economic sense at all.

Acording to the Rand report, the decision to proceed with the shuttle will mean a NASA spending level of $75 billion to $140 billion between 1975 and 1990—depending on which options are adopted. In short, it will mean a vastly expanded space program—designed primarily to accommodate more costly manned space extravaganzas.

The report observes that shuttle development requires a peak civilian space budget for 1 year in excess of $7 billion, about double the present annual budget. Other annual funding levels, the report notes, will not be as large as the peak levels, but "would also exceed current budgets by significant amounts."

While these budget peaks could be somewhat alleviated by deferring various types of missions, the report concludes that:

> None of those—plans—examined in this study resulted in savings in space transportation costs sufficient to compensate for the space shuttle's research, development, test, engineering and investment costs through 1990.

For as the report points out, reducing shuttle operations reduces the shuttle's cost-effectiveness. Heavy traffic and heavy payload favors the shuttle concept, "while light traffic favors the use of current or new expendable launch systems."

For example, under one NASA projection for use of the shuttle between 1978 and 1990, there would be 970 NASA missions—or an average of 74 missions per year. The weight of the payloads launched would peak at a maximum of over 6 million pounds in a single year—or 3,000 tons.

Yet, during the decade of the 1960's, NASA exceeded 30 launches per year only once—36 in 1966. And in terms of the weight of cumulative payload launched, 1969 was NASA's biggest year with 442,358 pounds—221 tons—over 97 percent of which was attributed to the four Apollo flights.

It is obvious that a system designed to place in orbit up to 3,000 tons of payload per year is intended to do far more than accommodate unmanned, instrumented flights. For in 1969 and 1970, the total payload of such unmanned flights was approximately 5 tons for each year.

It is no wonder, then, that eminent space scientists like Dr. James Van Allen and Dr. Thomas Gold strongly oppose the shuttle. They argue that there is no scientific justification for such an expanded space program and that real progress can be made in space with lightweight, instrumented flights—without men.

In its conclusion, the Rand report states that:

> It is possible that within 50 years, space will be frequented by vacationers, tourists, and industrial manufacturing concerns, as a result of launch systems descended from the first reusable shuttle. At some time the urge to start toward that goal will be great enough to warrant the development of a reusable space transportation system. The principal question is whether that time is now.

I believe that the American taxpayer will conclude that there are more urgent needs here on earth which deserve priority.

Mr. President, I ask unanimous consent that this Rand report be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE SPACE SHUTTLE AS AN ELEMENT IN THE NATIONAL SPACE PROGRAM

(By R. D. Shaver, D. J. Dreyfuss, W. D. Gosch and G. S. Levenson)

(NOTE.—This research is supported by the U.S. Air Force under Project RAND—Contract No. F44620-67-0045—Monitored by the Directorate of Operational Requirements and Development Plans. Deputy Chief of Staff, Research and Development, Hq USAF. Views or conclusions contained in this study should not be interpreted as representing the official opinion or policy of RAND or of the United States Air Force.)

PREFACE

In September 1969, the President's Space Task Group recommended that the Department of Defense and the National Aeronautics and Space Administration jointly develop a low-operating-cost space transportation system (STS), the principal element of which would be a two-stage, fully reusable, low-operating-cost earth-to-space shuttle. Although a space shuttle may make the transportation of men and materials into space more efficient, and may also reduce the cost per pound of payload in orbit, compared with present booster systems, many important questions remain unanswered:

1. What levels of space traffic are necessary to justify economically the development of a shuttle?
2. What should the size and operating characteristics of the shuttle be?
3. When should development **start?**
4. How would the shuttle help the Air Force and NASA realize their respective goals?
5. How will technological obsolescence affect operations, in view of the expected 20-year (or longer) operational lifetime of the STS?

This Memorandum concentrates on questions of economic justification and potential STS funding problems. It is believed that the economic issues discussed here will have important implications for future Air Force actions on the STS and on possible alternative booster programs.

This is an interim report of an STS study that is presently under way at Rand. Additional results will be published when the study is completed.

This Memorandum is an updated version of RM-6244-PR, which was published in April 1970. The original report was based on research completed in January 1970, before the fiscal 1971 budget was announced. Changes and modifications in the mission models and system concepts have occurred since the original report was prepared; the more significant of these have been incorporated in this revision. These changes, however, do not affect the basic conclusions of the original report. Neither the original nor this updated version reflect the more recent changes in the DOD and NASA space budgets.

A talk based on the text of the original report was presented at the AIAA Advanced Space Transportation Meeting in Cocoa Beach, Florida, on February 5, 1970.

SUMMARY

The concept of a two-stage, fully reusable launch vehicle that can place a 50,000-lb payload into low earth orbit is currently being studied by the Department of Defense (DOD) and the National Aeronautics and Space Administration (NASA) for possible inclusion in a future space transportation system. Although such a vehicle has been recommended for development by the President's Space Task Group (STG), that development is not easy to justify. Based on traffic rates derived from conservative options in the STG and DOD space plans, this space shuttle, with an estimated RDT&E[1] cost of almost $9 billion, could show a net (undiscounted) transportation cost saving of $2.8 billion by 1990. However, shuttle development would require a peak civilian space budget in excess of $7.0 billion in 1975, about double the present level. Other annual funding levels, while not as large as the peak levels, still exceed current budgets by significant amounts. Alternative space plans might be adopted that would alleviate budget peaks by slipping various elements in the basic space plan (e.g., reduced shuttle operations), but none of those examined in this study resulted in savings in space transportation costs sufficient to compensate for the space shuttle's RDT&E and investment costs through 1990. Also, while a saving of $2.8 billion seems large, total NASA program costs for a variety of plans range from about $75 billion to about $140 billion (1975 to 1990), and any program uncertainties could cancel these savings or make them appear small by the time they are predicted to be realized.

Some transportation cost savings might be augmented by redesigning satellites to use the excess payload potential of the shuttle, by employing the shuttle to recover and reuse satellites, or by using the shuttle for satellite maintenance in orbit. Very preliminary estimates have shown cost savings directly attributable to satellite redesign to be between $150 million and $200 million per year. These savings could strengthen the economic rationale for the shuttle.

While primary emphasis has been placed on a shuttle with a 50,000-lb payload capability, preliminary cost estimates indicate that there is little difference in total space transportation costs through 1990 for design payload

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Footnotes at end of article.

weights as low as 25,000 lb, as long as the cargo-bay volume remains at 15-ft diameter and 60-ft length. Furthermore, the funding peaks in the civilian space budget would not be reduced markedly by designing the space shuttle for a smaller payload weight. At the same time, considerations such as flexibility in satisfying unanticipated future requirements and the ability to realize promised satellite cost savings argue for the larger shuttle.

It appears that estimated costs for individual designs of generic shuttles having a given payload capability would not vary significantly, using presently available cost-estimating techniques. Also, the total space funding requirements over the next 20 years are not significantly different for plans that use the shuttle for space transportation and those that accomplish the same missions without the shuttle. All of these results indicate that criteria other than cost should be used to evaluate the desirability of the space transportation system.

I. INTRODUCTION

Despite the recommendations of the President's Space Task Group (STG) for expeditious development of an earth-to-orbit shuttle system, (1) and the strong support of various governmental agencies for such program, (2–4) the prospects for an operational space shuttle before 1980 are not bright. The long-range attractiveness of a low-recurring-cost reusable space transportation system (STS) whose prime element in the shuttle is widely acknowledged—many feel that such a system will be necessary to exploit the full potential of space. Nevertheless, the appropriateness of and justification for immediate shuttle development are being challenged on two principal grounds: (1) the development risks are too high, and (2) national funding priorities presently exclude a space program sufficiently large to warrant shuttle development. (5) Others question the depth and completeness of the favorable analyses advocating this development. (6)

We need not repeat the criticisms of shuttle development here. Instead, by reviewing the case for shuttle development, we shall illuminate some potential trouble areas. Since the most persuasive case for the shuttle derives from its supposed economic advantages, the bulk of our remarks will deal with funding of space programs and the effects of shuttle development and operation.

The STG, the Department of Defense (DOD), the National Aeronautics and Space Administration (NASA), the President's Scientific Advisory Council (PSAC), and many engineering and scientific organizations and societies, e.g., the AIAA (7) have all identified the shuttle as an important element in a future national space program. In the time period since these reports were made public, support for their proposals within the administration and the Congress has not mounted noticeably, and both the administration and the Congress are now deeply immersed in reducing "nonessential" government spending. Space programs are particularly visible targets for cost reduction, and those that lack solid scientific worth or are unduly expensive are certain to be questioned. Still, strong pressures for maintaining current U.S. preeminence in manned space flight remain; many feel that Congress would act favorably on a modest proposal to support a civilian space program, possibly at a dollar level somewhat less than one-half of one percent of the GNP per year, on the grounds that it would help basic scientific research, maintain a viable national technology base, contribute to national security, and build national pride and prestige.[2] Assuming the existence of a modestly funded manned-space-flight program, it remains to be determined whether a shuttle system should be developed to support this program.

II. IS THE SHUTTLE ECONOMICALLY ATTRACTIVE?

Could the RDT&E [3] costs of the shuttle be recovered within an acceptably short period of time? To address this question completely, the analyst must consider (1) estimated space traffic rates (hence, national space plans), (2) shuttle design (size, configuration, etc.), and (3) the availability of the requisite technology. This Memorandum will not address questions about technology or their relevance to the desirability and philosophy of shuttle development; [4] nor do we treat the important questions of which shuttle design or configuration is the most attractive. Further, we have restricted our attention to new two-stage launch vehicles that are fully reusable, LOX–LH$_2$ rocket-propelled, and have vertical-takeoff and horizontal land-landing capability, automatic self-checkout, and other desirable features that make routine shuttle launch and recovery operations conform more nearly to aircraft-like operations than to current launch-vehicle procedures. Our primary consideration is a shuttle having a 50,000-lb payload capacity and a 10,000-cu ft cargo bay; secondary consideration is given to shuttles having a cargo bay of the same volume but smaller design payloads.[5]

To estimate space traffic rates, we have used the STG National Space Plan Option III and DOD Space Plan B, a modest military space plan that emphasizes current, well-defined military support missions.(1) Because of the generally conservative traffic-rate estimates implied by these plans, this is a more severe test of the economic justification of the shuttle than would result from using the more ambitious plans found in the STG report.

For simplicity, in this study the shuttle will be regarded as economically desirable if after a specified period the total savings over other methods for accomplishing the same total effort exceed the costs of the shuttle's RDT&E and investment. (This very narrow definition will be expanded later.) Obviously, the total number of shuttle launches required during that period importantly affects the shuttle's desirability; heavy traffic favors the shuttle concept, while light traffic favors the use of current or new expendable launch systems. In estimating traffic rates from the various space programs defined by the STG and DOD, care must be taken to determine which payloads (and how many) can fit in the shuttle's cargo bay and how many launches are needed to support the various military, unmanned civilian, and manned NASA programs (scheduled crew rotations, space-station logistics, in-orbit propellant-transfer demands, etc.).

Given our tentative launch-traffic estimates (both DOD and NASA launches), an estimated cost for shuttle RDT&E plus facilities of $9.0 billion, an assumed 100-flight useful lifetime, and a two-week-shuttle turnaround time, the money recovered by the shuttle would exceed its cost after about 11 years of operation (late in 1987).[6] The annual launch cost savings in the mid- and late 1980s would often exceed $1 billion per year. Ignoring other factors, our estimated traffic rates (about 60 launches per year in the mid-1980s) seem to justify initiation of shuttle development.[7] However, neither NASA nor DOD alone would have sufficient space traffic by 1990 to warrant separate shuttle developments.

The estimates of the shuttle's useful lifetime and its turnaround time were taken directly from the STG report. (1) Together, those estimates largely determine the total number of vehicles to be purchased over a specified time and therefore strongly influence conclusions about shuttle desirability. We have estimated a requirement for 10 shuttles (exclusive of the three vehicles required for test and evaluation) through 1990 to support the basic space plan. Were the vehicles never to crash, wear out, or become too obsolete to use, the space plan could be supported with only three shuttles, saving $3.3 billion in investment. Similarly, if turnaround times were doubled (four weeks rather than two), we would have to add three more vehicles, at an incremental cost of $1.3 billion. If the shuttle's useful lifetime were halved (50 flights rather than 100), six additional vehicles would be required, at a cost of $2.45 billion. The final decision to develop a fully reusable shuttle must, of course, reflect much more than a simple cost summary. For example, the space plan used to generate a traffic model should be analyzed carefully, since the average yearly expenditure required for it is larger than the current (and declining) space budget, and the amount by which its peak funding exceeds current funding levels is substantial. This latter peak, occurring as early as 1975, is particularly troublesome as it is caused primarily by the shuttle's development schedule. These points are discussed in more detail later in this Memorandum.

As well as we can estimate at this time,[8] the civilian space plan proposed by the STG cannot be implemented if the NASA budget is limited to $4 billion, or even $5 billion, per year (see the Appendix for a brief description of the major hardware items and their estimated costs). Excluding all consideration of a manned flight to Mars, a follow-on manned lunar exploration program, and a 50-man orbital space base, the joint funding of the shuttle and an earth-orbital space station could lead to a NASA budget in excess of $7 billion in 1975.[9]

Slippage of the shuttle's initial operational capability (IOC) date past that of the space station would help reduce these funding peaks. At the same time, such delays could seriously perturb current space planning.

Other hardware would have to be modified or developed to support crew rotations to and from the space station. If new expendable boosters were developed and the Apollo Spacecraft modified, this hardware would then tend to encourage further delay in the shuttle's development schedule by weakening the uncertain case concerning the shuttle's economic advantages. Not only would there be a desire to exploit the new expendable boosters at least to the point of recovering their development costs (savings over current launch hardware), but also the existence of a new, cheaper-than-current launch system would increase the shuttle's break-even level of launching traffic, hence moving the break-even point further into the already uncertain future. Previous justifications for rapid shuttle development have hinged explicity upon acceptance of the STG space plans, and hence on a large space funding peak in the mid-1970s. Thus, the case for shuttle development is still open.

If the shuttle is desirable economically but may not be funded because of annual budget limitations, then it is important to extend the analysis to include alternative space plans that may be more acceptable from a funding standpoint and to reassess shuttle cost benefits for these new plans.

III. IS THE SHUTTLE ECONOMICALLY DESIRABLE, GIVEN ALTERNATIVE SPACE PLANS?

To generate alternative space plans that still attempt to satisfy the objectives for U.S. activities in space described by the STG, we have modified the basic STG Option III by delaying, stretching, or eliminating various program elements in the basic plan (which we shall call Plan 1). These modifications suggest seven alternative plans (see Table 1): Plans 2, 3, and 4 aim at reducing NASA's mid-1970s funding problems, and Plans 5 through 8 represent attempts to reduce the overall space budget level by eliminating the lunar exploration program. Some plans achieve both goals, but only at the cost of decreating the scope of the national space program. None are recommended as replacements for those in the STG report; rather, they serve as comparisons for the purposes of our analysis.

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TABLE 1.—ALTERNATIVE SPACE PLANS, IOC DATES FOR MAJOR PROGRAM ELEMENTS

Program element	IOC date							
	Plan 1	Plan 2	Plan 3	Plan 4	Plan 5	Plan 6	Plan 7	Plan 8
Space station	1977	1977	1981	1981	1977	1977	1981	1981
Space base	1984	1985	1987	1987	1984	1985	1987	1987
Lunar station	1981	1983	1983	1983	(1)	(1)	(1)	(1)
Lunar base	1983	1985	1985	1985	(1)	(1)	(1)	(1)
Shuttle	1977	1982	1977	1981	1977	1982	1977	1981
Nuclear ferry	1981	1983	1983	1983	(1)	(1)	(1)	(1)
Lunar tug	1983	1985	1985	1985	(1)	(1)	(1)	(1)

[1] Program eliminated.

In examining these alternatives, we shall focus on several closely related issues regarding the shuttle and its development:

1. At what level of the annual nonmilitary space budget is a space shuttle economically advantageous?

2. Should the shuttle and a space station be developed simultaneously, and if not, which should be given priority?

3. If the shuttle's IOC is delayed into the 1980s, how are the current civilian and military space plans affected? And should a new expendable launch vehicle be developed in the interim?

The remainder of this Memorandum will be concerned primarily with the first issue; the others are touched on only in passing.

We have subdivided the alternative space plans into five interrelated programs:

1. A manned earth-orbital program consisting of a 12-man space station that grows to a 50-man base and scientific and experimental modules located near the station; the cost of supporting the station is included (along with the transportation costs).

2. A manned lunar exploration program consisting of a 6-man orbiting lunar station, a 6-man permanent lunar base, scientific modules for both the station and the base, and hardware to construct the lunar base; the transportation costs are included.

3. A program containing all the elements of the STS, including their RDT&E costs, investment costs, and support costs.

4. A residual program including all other (unmanned) civilian programs and overhead costs.

5. A military space program.

Table 2 lists the major elements of these programs and the Plan 1 schedules for each.

TABLE 2—PLAN 1 SCHEDULE FOR PROGRAM-ELEMENT PROCUREMENT AND YEARLY SHUTTLE FLIGHTS

Item	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
	Number of items to be procured													
Manned earth-orbital program:														
Living module	1	0	0	0	1	0	2	0	0	0	0	0	0	0
Working module	1	0	0	0	1	0	3	3	0	0	0	0	0	0
Nuclear-power module	0	0	0	0	0	0	2	0	0	0	0	0	0	0
Manned lunar program:														
Lunar-station module	0	0	0	0	2	0	0	0	0	0	0	0	0	0
Lunar base	0	0	0	0	0	0	1	0	0	0	0	0	0	0
STS program:														
Shuttle	2	0	1	0	1	1	1	0	1	0	1	1	0	1
Nuclear ferry	0	0	0	0	1	0	1	0	1	0	0	1	0	1
Lunar tug	0	0	0	0	0	0	1	0	0	1	0	1	0	0
Saturn V	0	0	0	0	2	0	2	2	0	2	0	2	0	2
Saturn V (downrated)	1	0	0	1	3	0	5	1	1	0	0	1	0	1
Orbital fuel depot	0	0	0	0	2	0	0	0	0	0	0	0	0	0
	Number of shuttle flights													
NASA	14	9	10	12	36	34	42	41	39	40	39	39	46	46
Military	27	22	24	22	17	20	20	17	17	20	20	20	20	20

The breakdown in year-to-year total obligational authority (TOA) for the various programs is shown in Fig. 1 [not printed in the RECORD]. Costs for all of the unmanned portions of the basic space plan are taken directly from Refs. 1 and 3. We shall not vary these costs as we examine alternative plans, except as necessary because of changes in the STS, on the assumption that neither the scientific nor military programs will depend explicitly on the existence of the shuttle but will be funded on their own merits. We have arbitrarily placed the shuttle's entire RDT&E and investment costs under NASA's budget. This, of course, accentuates NASA's budget problems while lessening those of the DOD.[10]

The previously mentioned NASA funding peak in 1975 is evident in Fig. 1, as is a somewhat lesser peak in 1981 (due to preparations for the lunar program and the space base). The cumulative space-plan costs through 1990 are estimated to be $141 billion, an average of $7.0 billion per year (an average NASA budget of $4.9 billion per year). Figure 2 compares annual NASA costs for Plans 1 through 4 (those plans that include a lunar program). The attempts to reduce the funding peak in the mid-1970s by delaying various program elements are seen to be effective, although a peak occurs between 1980 and 1982 for Plans 2 and 4 because of concurrent shuttle and lunar-program developments. Plan 3, in which the space station is delayed but not the shuttle, does not result in as great a decrease in the 1975 peak as do Plans 2 or 4, but it has no sharp peak in the early 1980s. The total costs of each space plan are shown in Table 3. The differences among the totals seem small.

TABLE 3.—TOTAL COSTS THROUGH 1990 FOR PLANS 1 THROUGH 4

	Costs (billions)	
	NASA	NASA plus military
Plan:		
1	$97.6	$141.4
2	97.4	142.7
3	94.6	138.4
4	94.9	139.0

Figure 3 shows comparative year-by-year costs for Plans 5 through 8. (These plans are, in essence, Plans 1 through 4 without a lunar-program component.) The cost trends noted for Plans 1 through 4 also occur in these four plans, except that peaks caused by the lunar program in the early 1980s are reduced. The total cumulative costs are less than those for plans 1 through 4, as shown in Table 4.

TABLE 4.—TOTAL COSTS THROUGH 1990 FOR PLANS 5 THROUGH 8

	Costs (billions)	
	NASA	NASA plus military
Plan:		
5	$80.4	$124.2
6	81.4	126.7
7	78.3	122.1
8	77.9	123.0

It is possible to consider each of these eight alternative plans without a shuttle, replacing it with Titan III and Saturn V derivatives and modified Apollo hardware where necessary. Ignoring the effects on space planning arising from funding considerations,[11] we have examined the cost differences that would result from removal of the shuttle in each plan. Figure 4 shows the cumulative savings or cost increases caused by development and use of the 50,000-lb-payload shuttle for each plan. In only the base case, Plan 1, does the shuttle demonstrate a net monetary gain by 1990, and even under this plan, the savings seem to be marginal. Unanticipated increases in the shuttle's RDT&E or operating costs would quickly deplete any savings indicated, and because of the basic uncertainty in our cost estimates, such increases cannot be ruled out.

If the entire STS were to be abandoned (i.e., the shuttle, the nuclear ferry, the lunar tug, the orbital fuel depots, and the orbit-to-orbit chemical shuttle for synchronous-orbit flights), the total costs to accommodate the projected space traffic through 1990, using the basic space plan, would be increased by $3 billion over the costs that would result if only the shuttle were abandoned. Since this cost differential appears after an operational lifetime of less than 10 years for the lunar-specific elements, a lunar program using existing hardware (modified as necessary) seems inefficient, i.e., the nuclear ferry is a worthwhile investment compared to employing existing hardware.

Even though there are apparent large differences in pace among Plans 1 through 4, their total costs through 1990 are nearly iden-

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tical. Delaying various program elements within the plans does not produce a sharp decline in total expenditures; such delays only vary the years in which these expenditures occur. Clearly, different plans are not equivalent in their effects on U.S. manned-space-flight activities. Delaying the space station would affect many aspects of these activities; similarly, delaying the shuttle's IOC date past that of the space station would increase costs for both NASA (about $300 million per year for support of the 12-man station) and the DOD (about $150 million per year). We urge further study of the tradeoffs between funding-peak problems associated with concurrent shuttle and space-station development, the loss to U.S. manned-space-flight activities associated with funding the shuttle first, and the added yearly cost penalty (to both NASA and the DOD) associated with giving priority funding to the space station.

IV. WHAT IS A GOOD SIZE FOR THE SHUTTLE?

There continues to appear in the literature discussions about shuttle size selection. Protagonists for shuttles smaller than that recommended in the STG report argue that the decreased capability per launch would be compensated for by the decreased cost of development and procurement, and in addition might lessen development risks. We will test this assertion for shuttles sized to carry payloads between 25,000 and 50,000 lb by estimating their RDT&E, investment, and launch-operations costs through 1990.

The estimated RDT&E costs for a space-shuttle development program are shown in Fig. 5 as a function of design payload for a constant cargo-bay volume of 10,000 cu. ft.[12] The costs do not vary directly with design payload; only modest RDT&E cost savings result from a large payload reduction. Total space-program transportation costs (through 1990) for Plan 1 (which includes the lunar program) and Plan 5 (no lunar program) are shown in Fig. 6 for space shuttles with design payloads of 25,000, 40,000, and 50,000 lb. Included in these costs are RDT&E, investment, and operational costs of an orbit-to-orbit shuttle.[13]

Several cost factors interact to make total transportation costs insensitive to design payload: (1) RDT&E costs decrease only slightly with decreasing design payload weight at a fixed payload volume; (2) reducing the design payload increases the number of shuttle flights for those missions the shuttle can support, thus increasing both operational and investment cost per mission; (3) smaller-payload shuttles cannot support all the project missions, forcing the use of expendable launch vehicles for some payloads; and (4) the orbit-to-orbit shuttle frequently cannot be recovered as shuttle design payloads are decreased, so an increasing number of orbit-to-orbit shuttles must be expended rather than recovered and reused. These cost advantages and disadvantages tend to cancel each other for the range of design payloads considered. Thus total cost provides little basis on which to choose between different shuttle sizes.

Several other factors influence the selection of a size of a shuttle. These include (1) annual funding problems; (2) future mission-model uncertainties; (3) obsolescence; and (4) uncertainties in current cost estimates. Although we have touched only on the first of these factors (and we note that the annual funding peaks for a 25,000-lb-payload shuttle would be nearly as great as those shown earlier for a 50,000-lb design), the other considerations would appear, on balance, to favor larger shuttles.

V. WILL SATELLITE COST SAVINGS JUSTIFY THE SHUTTLE?

Transportation cost savings are not the only benefits promised by the shuttle development. It is often asserted that the availability of a low-cost earth-orbital STS will produce significant savings in total space-system costs, over and above those directly associated with launch vehicles. Satellite R&D and hardware costs could probably be substantially reduced if satellites did not have to be designed to an irreducible minimum weight but could take advantage of the excess shuttle payload capacity. Recovery and reuse of satellites might pay a handsome cost dividend for certain satellite systems, while in-orbit maintenance might save money for others. The magnitude of these additional savings is often implied to be great, or at least sufficient to erase any nagging doubts about the desirability of the shuttle, but it has remained unquantified. Such savings are difficult to measure but bounds can be crudely estimated.

In seeking an upper bound to payload cost savings, we ask, "How much money, in theory, is invested in satellite programs whose cost will be affected by the existence of a low-launch-cost shuttle, and what fraction of this investment can be recovered by changes in satellite design or system operation?" In practice, only a moderate portion of the entire space budget will be influenced by the development of the shuttle (ignoring launch costs and procedures). Some space programs, particularly those involving manned space flight, are already designed to take advantage of the shuttle. Other missions, such as placing hydrogen fuel in orbit for nuclear ferry flights to the moon, are simply not subject to cost-benefit tradeoffs. Still, many unmanned satellites, mainly military, mostly modest in volume and weight, are theoretically subject to design or operational changes resulting from reduced launch and recovery costs per payload. For the military and civilian space programs mentioned above, which might be benefited by the shuttle, we have tentatively estimated the total costs to be between $1.5 billion and $2.0 billion per year.

Were all these costs recoverable, or nearly recoverable, the shuttle would quickly pay for its R&D costs, and few would question its worth. However, ignoring satellite recovery and reuse, the savings resulting from redesigning satellites are likely to be less than the reductions in launch costs,[11] which we estimate to be between $300 million and $400 million per year. Assuming that each shuttle flight costs on the average only one-tenth as much as a current launch operation, we estimate total satelilte cost savings of between $150 million and $200 million per year. These savings are not negligible; nor are they stupendous. Figure 7 shows the sum of transportation and satellite cost savings for Plans 1, 4, and 5, using the lower of these two bounds.

Potential satellite cost savings do affect shuttle selection and the development schedule. Smaller shuttles offer less potential than large shuttles for realizing satellite-redesign cost savings. In fact, many future payloads that require synchronous orbits already approach the equivalent of a 25,000-lb low-earth-orbit requirement; thus the possibility of satellite redesign being affected by the lower launch costs of a smaller shuttle is already doubtful. Also, most satellite systems involved are likely to be funded, whether or not a shuttle is developed. Thus programs calling for early shuttle development are favored.

We have said little about potential cost savings arising from recovery, reuse, or in-orbit maintenance of satellites. Such savings probably affect a smaller percentage of the total budget than do those from satellite redesign, but a higher fraction of the former may be actually recoverable. No inclusive estimates of cost savings from satellite recovery, reuse, and in-orbit maintenance exist, but as an order-of-magnitude estimate, we place them at about equal to those from satellite redesign. We also note that the two satellite cost savings are not directly additive. The same satellite systems are involved in both, and the two options are competitive methods for reducing system costs.

VI. OTHER CONSIDERATIONS

If neither total transportation cost savings nor total satellite cost savings are sufficient to justify the shuttle's large RDT&E expense, it is still possible that other attributes of the shuttle might trip the decision in favor of it.(11) Most of these attributes involve convenience of operation or an enhanced use of space. We shall not discuss convenience here; however, arguments about the increased use of space imply a major impact on the space program and deserve further consideration.

It seems inevitable that low-cost transportation to earth orbit will open up space to an extent that cannot be fully anticipated. If space transportation resembles other transportation systems, in effect, the impact of low-cost space transportation may be difficult to overestimate. But how low does this cost have to be for space to be fully exploitable? Surely, space transportation systems have a long way to go before they will be available to the general public. Tourism, for example, would require that recurring costs be reduced by at least an order of magnitude below those attributed to the shuttle.(12) Moreover, it does not seem likely that commercial enterpreneurs will become involved in space in the next 20 years, although there is some disagreement on this point.(13)

What, then, are the space activities that present shuttle designs are supposed to engender? Probably not scientific missions. Some space-exploitation missions, e.g., communications or navigation, might be created, but the biggest impact of the shuttle will probably be in the military domain. Military missions that have unique capabilities when performed from space have already been identified and, where justified, acted upon. There are other missions, however, that have ground-based competitors, and the cost-effectiveness of these missions will undoubtedly be sensitive to launch-vehicle costs.[15]

Some space systems that lack ground-based counterparts have not received serious consideration for funding simply because they are too expensive. Some of these programs (usually experimental feasibility investigations) would clearly benefit from low-cost transportation. As has been true in many similar nonspace enterprises, promising but nonessential programs might be funded if they were inexpensive, in the hope that the additional expenditures would produce a useful system. The ultimate worth of untried programs is impossible to estimate; only direct experience is likely to help.

This brief discussion by no means settles the question of whether or not new mission potentials justify a shuttle development. Some new space programs would likely be funded once a shuttle became operational, and no doubt, some of these would turn out to be very worthwhile. To attempt to justify the shuttle on this basis would, however, be risky—a gamble on an uncertain future.

VII. OBSERVATIONS AND CONCLUSIONS

The space shuttle promises many future advantages, including cost savings, if the STG schedule for an orbiting space station, space base, and lunar programs can be implemented. However, serious funding difficulties exist that may force rescheduling of the STG programs, in which case near-term development of the currently proposed two-stage fully reusable shuttle may or may not be desirable. Viewed over the long term, the shuttle has definite merit, but its immediate economic justification depends on the pace that is finally adopted for the national space program.

Our studies to date have produced these tentative observations:

1. Cost considerations provide little basis

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for selecting an optimum shuttle size; on the other hand, flexibility in meeting unanticipated launch requirements, potential for satellite cost savings, and growth potential favor a larger rather than a smaller shuttle.

2. Cumulated over a time period of 20 years, the differences between total space funding requirements for shuttle-supported and no-shuttle plans are insignificant. This may suggest that cost criteria should be regarded as secondary in the evaluation of shuttle desirability.

3. The STG schedules calling for shuttle IOC by 1977 should be studied further. Such an IOC date at once raises two concerns: Is present technology adequate to plan on only a five-year R&D and procurement program (from 1972 to 1977)? And could adequate funding be obtained to support such a program within so short a time span, while the program itself remains subject to question?

4. Shuttle system appears most advantageous with an early IOC date and heavy expected space traffic. However, early IOC dates cause large, near-term funding peaks. While these peaks can in some measure be reduced through judicious rescheduling of the various space-program elements, the amount of early funding required and the need for immediate program start are still formidable problems. Furthermore, any significant delay in the shuttle's IOC date will seriously reduce whatever economic advantage the shuttle has over competing, nonreusable systems.

Finally, it may be that the proper way to take a longer view of a new STS is to consider it as the first in a long line of reusable launch systems, leading eventually to a truly low-cost, high-utility system. It is possible that within 50 years, space will be frequented by vacationers, tourists, and industrial manufacturing concerns, as a result of launch systems descended from the first reusable shuttle. At some time the urge to start toward that goal will be great enough to warrant the development of a reusable space transportation system. The principal question is whether that time is now.

APPENDIX.—HARDWARE DESCRIPTIONS

To compare the budgets of the proposed alternative space plans over the next 20 years, it is necessary to consider the costs of the various hardware items required in each plan. The items considered are *representative* of the types that would be required but are not necessarily those currently being studied by NASA, nor are they necessarily the elements that NASA would actually procure for a given plan. General descriptions of the major hardware items and their development and production costs are given below.

Space shuttle

The space shuttle represents a unique type of vehicle. There are no previous historical data upon which its development and production costs can be based; therefore, analogs of current hardware cost data and estimating relationships have been applied.

Assumptions about applicable estimating relationships have been made by breaking the space shuttle into appropriate components for which there are available data. The major-component breakdown and the relevant data base are as follows:

1. Structure: high-speed aircraft.
2. Propulsion: Liquid-rocket and turbojet engines.
3. Subsystems: manned-spacecraft components, primarily non-structural, such as avionics, environmental control systems (ECS), electrical power, etc.
4. Thermal protection: high-temperature materials.

The gross weight and estimated costs of the 50,000- and 25,000-lb.-payload shuttles are given in Table AX1. Estimated costs for the 40,000-lb.-payload shuttle were obtained by interpolation between the 25,000- and 50,000-lb.-payload shuttles.

TABLE A-1.—ESTIMATED COSTS FOR VARYING PAYLOAD CAPABILITY

[In millions of dollars]

Payload (lb.) (polar launch)	R.D.T. & E.	Facilities	First unit[1]	Launch operations[2]	
				Fixed	Recurring
50,000	8,735	250	436	1.0	2.52
40,000	8,100	250	385	1.0	2.22
25,000	7,400	250	342	0.9	1.97

[1] First-unit costs are following ground- and flight-test articles. These costs include spares and AGE at 30 percent. Other numbers of units can be estimated by using a 95 percent cumulative-average log-linear learning curve.

[2] The fixed launch-operations costs include propellant, launch control and recovery, program integration, command and control facility, equipment maintenance, etc. First-flight recurring costs are based on 0.75 percent of first-unit shuttle costs less spares and AGE for refurbishment, and were arbitrarily selected to follow a 90 percent cumulative-average log-linear learning curve.

Space Station and Base

We have assumed that the space station and base would be built from common modules that would require the development of only three unique modular forms. The complete 50-man base would consist of the following modules: maneuvering, zero-g, artificial g, nuclear power, hub, hangar, warehouse, hospital, living quarters, and assorted booms and fairings.

The core, zero-g, warehouse, hospital, and living-quarters modules have been assumed, for the most part, to be common and have been designated the A Module, for estimating purposes. The hub and hanger modules have been assumed common and designated the B Module. The third module, the nuclear-powered module, is unique and has no commonality with the other two. Development costs are related to the other forms of modules, although there are functional differences among them all. The assumptions on commonality were based on similar form, structural weight, and subsystems (reaction control, electrical power, communications, ECS, and crew stations and controls).

The components of the large space base would be grouped in eight A Modules, four B Modules, and two nuclear-power modules. The initial small space station (12 men) would require only one A Module and one B Module. Weights and costs of space-station and base components are given in Tables A-2 and A-3, respectively. The modules of the space station and base would be equipped for experiments to be performed in earth and lunar orbit and at the base. First-unit cost for equipped experimental and scientific modules would be from $120 million to $160 million.

TABLE A-2—WEIGHTS OF SPACE-STATION COMPONENTS

Subsystem	Weight (lb)		
	A module	B module	Nuclear-power module
Structure	64,000	45,700	47,200
Adapter	2,600	2,600	
Electrical power	6,000	2,750	4,700
ECS	9,000	3,000	
Communications	2,110	1,100	
Stability and control	170		
Navigation and guidance	1,500		
Crew system and display	8,260	2,000	
Shielding			100,000
Electrical power (nuclear only)			26,450

TABLE A-3—COSTS OF SPACE-STATION COMPONENTS

Module	Cost (in millions of dollars)		
	Development	First unit	Launch operations
A module	2,500	190	90
B module	1,065	96	53
Nuclear-power	250	70	0

Lunar station and base

Two modules would be used for the lunar station and one for the lunar base. The station, which is to be capable of housing 12 men, would consist of a living module and a zero-g module; the lunar base, also to be capable of housing 12 men, would be a single module. Because there are major differences between the station and the base, additional development cost is incurred for the latter, although other costs are common to both station and base. Weights and costs of lunar-station and base components are shown in Tables A-4 and A-5, respectively.

TABLE A-4.—WEIGHTS OF LUNAR-STATION AN BASE COMPONENTS

Subsystem	Weight (pounds)		
	Zero-g module	Living module	Lunar-base module
Structure	40,000	40,000	40,000
Adapter	2,600	2,600	2,600
Electrical power	14,000	14,000	16,000
ECS	5,000	5,000	7,500
Communications	650	200	650
Stability and control	200	200	
Navigation and guidance	1,000	0	0
RCS	900	900	
Crew system and display	3,000	5,000	3,000

TABLE A-5.—COSTS OF LUNAR-STATION AND BASE

Item	Cost (In millions of dollars)		
	Development	First unit[1]	Launch Operations[1]
Lunar station	2,800	190	90
Lunar base	1,400		

[1] Costs are common to station and base.

The construction module that would be used to build the lunar base has a gross weight of 10,000 lb, a development cost of $75 million, and a first-unit cost of $25 million.

A lunar-descent stage would also be required to place payload on the moon (the lunar base, the construction module, etc.). This stage would have a gross weight of 150,000 lb., a development cost of $380 million, and a first-unit cost of $16 million.

Space booster

For those periods when the shuttle is not in use or when payloads are of such volume or weight that the shuttle cannot accommodate them, we have assumed that several boosters would be employed, including the Saturn V (SIC, SII, SIVB, and IU), Saturn VD (SIC, SII, and IU), Titan III-D, and Titan III-M.[16] Costs for the first units of these boosters procured after development are given in Table A-6. (The costs used in this study reflect the learning-curve effects of these prior units.)

Footnotes at end of article.

TABLE A-6—COSTS OF SPACE BOOSTERS

Booster	Cost (In millions of dollars) 1st unit	Cost (In millions of dollars) Launch operations
Saturn V	215	40
Saturn VD	185	25
Titan III-D	31	(1)
Titan III-M	26	(1)

[1] Costs included in hardware.

Six-man Apollo spacecraft

For those alternative space plans in which the shuttle operation would be delayed or in which there would be no shuttle, a six-man modified Apollo spacecraft would be used. This vehicle would have a gross weight of 20,000 lbs., a development cost of $1 billion, a first-unit cost of $300 million, and a launch-operations cost of $73 million.

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FOOTNOTES

[1] Research, development, test, and engineering.

[2] See Refs. 8, 9, and 10 for arguments supporting this position.

[3] Research, development, test, and engineering.

[4] This topic is treated in Ref. 5.

[5] In this Memorandum, a 50,000-lb-payload shuttle is a shuttle that can place 50,000 lb of discretionary payload into a 100-n-mi-high circular polar orbit. Its payload capacity for other orbits varies, being as high as 80,000 lbs at 100-n-mi-high circular orbits of 28.5-deg inclination.

[6] In most cases, our conclusions are based on comparisons of the shuttle with current launch systems. When other launch systems are used as a comparison, we shall so note.

[7] In this preliminary study, we have generally not considered such economic factors as discount rates and inflation, although these will be important considerations in any final decision.

[8] Our current estimates are quite crude. At the completion of the ongoing NASA space-base studies, substantial improvements in these estimates should be possible. Nevertheless, we do not feel that this crudeness alters our principal results.

[9] The annual funding estimates developed at Rand and those in the STG report (for Option III) compare as follows:

	Costs (In billions of dollars) Fiscal year 1974	Costs (In billions of dollars) Fiscal year 1975	Costs (In billions of dollars) Fiscal year 1976
Rand estimate	6.4	7.1	6.7
STG estimate	5.0	5.4	5.5

These differences are almost entirely attributable to contrasting estimates of the shuttle's RDT&E costs, the STG estimate being only $5.0 billion, compared to our estimate of $9.0 billion, or possibly more.

[10] It might be suggested that the DOD provide funds for a portion of the shuttle development, on the basis that the shuttle is responsive to their transportation needs. One possibility would be for the DOD to pay a percentage of the total costs commensurate with its projected use rate. Another would have the DOD and NASA share the costs at the same ratio as their anticipated launch cost savings. Regardless of the total costs subsumed in the military budget, we will anticipate funding-peak problems, and, in fact, the burden might be shifted to two agencies rather than one.

[11] It might be noted that removing the shuttle program altogether diminishes most of the funding-peak problems mentioned above, i.e., if the shuttle is not developed, much of the pressure for delaying other programs would be relieved.

[12] Other studies (e.g., classified work by I. Rattinger, et al., Aerospace Corporation) have demonstrated that the ability of the space shuttle to support military, lunar, and interplanetary flights is drastically curtailed if the volume of the cargo bay is reduced significantly below this figure. However, total RDT&E costs appear to be a strong function of this bay size. Whether shuttles of smaller bay size are worth considering depends on the anticipated mission model, but preliminary investigations indicate that small-volume shuttles do not support the military and deep-space requirements sufficiently to amortize even the smaller RDT&E costs.

[13] The costs of Saturn and Titan launch vehicles required for launching NASA payloads that exceed either the volume or weight capabilities of the shuttle are not included in Fig. 6. Most of the large NASA hardware (e.g., space-station and space-base models) for earth-orbital and lunar missions are launched using the Saturn vehicles. In the case of the delayed IOC of the shuttle, Titan vehicles are used for operational resupply.

[14] This tentative conclusion was reached by Carl Builder, of Rand, in a theoretical analysis of the relative savings resulting from a new low-cost booster and redesigned satellites. He discovered that if satellite design were assumed to be optimized for current high-cost boosters and then reoptimized to make use of a new low-cost shuttle, it would be possible to estimate the total savings without detailed design knowledge. For example, if the launch costs are reduced by 90 percent, two-thirds of the total savings will be the result of differences in launch costs, and only one-third will be due to satellite savings.

It is possible that future systems using current launch hardware would not be optimally designed, for whatever reasons present systems are not minimum-cost. The existence of a shuttle could have a catalytic effect, spurring changes in present satellite design and management practices. In that case, the shuttle could produce cost savings larger than those indicated by present studies.

[15] An enhanced use of space could increase the total costs of the space program. It is assumed in this discussion that other, nonspace costs could be reduced by an even greater margin, thus showing a net gain for the country as a whole.

[16] The Titan III–D and Titan III–M are uprated versions of the Titan III–C.

MEMORIAL DAY

Mr. DOLE. Mr. President, on Memorial Day we pause to honor the memory of those who died in the fight for freedom for our country and our way of life. This commemoration of our dead servicemen originated on the 25th of April 1866, when the Daughters of the Confederacy at Columbus, Miss., decorated the graves of Federal and Confederate troops alike. Today, we pay honor, not only to those soldiers killed in the tragic War Between the States, but to all Americans who have given their lives that we may enjoy freedom.

During the lifetime of our Nation more than 1 million men and women have lost their lives defending her borders and her ideals. Their sacrifice has made America free, but it is now our job, our responsibility, to keep America free.

Today, as often in the past, there is unrest in America. We have been engaged in a war in Southeast Asia since 1962, a long and difficult war. Many have doubts and reservations about this war—as I do myself. But, American involvement in Vietnam is ending. President Nixon promised deescalation of our involvement in Southeast Asia, and he is keeping that promise. And, he is keeping that promise in such a way that those who answered America's call during this time of crisis will not have spent their lives in vain. The heroism and courage of those men and women has not been wasted in the war in Vietnam.

During this Memorial Day as we honor our fallen heroes, it is proper that we think of another group of heroic men who have given and sacrificed a great deal for America. I speak of those who now languish in enemy prison camps.

As American involvement in the war is wound down, more attention is being focused on the plight of the 1,600 American servicemen who are held captive or who are listed as missing in action in North Vietnam, South Vietnam, Laos, and Cambodia. President Nixon has consistently urged the release of these prisoners and has repeatedly stressed the United States' desire for the immediate release of all prisoners by all parties to the conflict. However, every proposal including the recent Swedish initiative to provide for internment of prisoners in a neutral country has been categorically rejected by the North Vietnamese.

Nonetheless, we must continue to do everything possible to obtain the freedom of these men. We must show by our resolution that we stand ever ready to support them as they stood ready to defend us.

And so on this Memorial Day as we honor our dead, let us also remember those who still live and who need our continuing and determined support. Let us unite to give them the support they so justly deserve. And let us resolve that they shall not be forgotten by their fellow citizens. And let us make our concern a living memorial to their sacrifice and an end to their imprisonment.

GOVERNMENT REORGANIZATION

Mr. BROCK. Mr. President, Government reorganization stands as one of the most critical pieces of legislation facing the 92d Congress. As a member of the Government Operations Committee, I am most anxious to see this workable, viable piece of legislation pass.

President Nixon's plan to reorganize and consolidate seven Cabinet-level departments, emerges as a progressive key to opening doors for a more responsive Government.

In an article published in the Chattanooga Times, my point has been succinctly stated. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A NEW DIRECTION

No one has to support every detail of President Nixon's drastic plan for restructuring the sprawling bureaucy we call "the government," in order to agree with his basic premise that essential public policies and programs can surely be carried out more effectively through a more efficient organization.

In his legislative message to Congress, he spelled out proposals to reorganize and consolidate seven Cabinet-level departments into four new ones. It is by far the most ambitious plan since the post-war unification of the armed services under the Defense Department. Other changes have been made, to be sure, such as the creation of the Health, Education and Welfare, Housing and Urban Development, and Transportation departments. But these were extensions rather than consolidation.

What Mr. Nixon has in mind is basically a new approach to the problem of policy making, program planning and project administration. He would abandon the idea of fixing the interrelationship between the government and segments of the nation grouped on the basis of special interest, for the more sensible one of bringing together agencies according to their mission.

Thus, the Department of Natural Resources would retain the functions of the Interior Department while taking in the Forest Service from Agriculture, and policy control of water programs from the Army Corps of Engineers. Both are desirable shifts.

The Department of Human Resources is a broadened HEW. It would acquire manpower training programs and the Women's Bureau from the Labor Department. Again, the change makes sense in corollating functions already underway but separated by bureaucratic lines.

A Department of Economic Affairs would encompass the programs of Labor and Commerce, as well as many of those now in Agriculture and Transportation. Coordination in planning and carrying out programs so directly centered on the economy of the country would be made much simpler by the reform.

Finally, the new Department of Community Development would center around HUD, while gathering in functions of various other agencies now concerned with strengthening communities, new or old, urban or rural, over the nation.

It would be easy to criticize details of the sweeping proposal, but hard to suggest specific improvements. No doubt congressional committees, always jealous of their prerogatives, as well as entrenched interests, will make their voices heard in protest. But no fundamental shift in government comes easy and no drastic change is swiftly made. The important thing right now is that President Nixon has drawn a new and better map, and invited Congress to take a first step down its roadway to progress.

WALTER S. JACKSON, CHIEF OF THE NORTH CAROLINA CHEROKEE INDIANS, DIES

Mr. ERVIN. Mr. President, on April 26, 1971, Walter S. Jackson, principal chief of the eastern band of the Cherokee Indians, died at the National Institutes of Health in Bethesda, Md. Through close personal association, I knew Chief Jackson as a man who was devoted to the welfare of his people and whose efforts in their behalf went far beyond the call of duty. He will be sorely missed, not only on the Cherokee Reservation, but throughout North Carolina.

My deepest condolences go to his wife, Sally O. Jackson, who steadfastly watched at his side throughout his long illness, to his children, and to his mother.

I would be derelict in my duty if I failed to acknowledge the extraordinary medical assistance which Chief Jackson received at NIH. The entire staff of the cardiac unit, sixth floor west, building 10, of the National Institutes of Health deserves recognition for the professional care and the humane concern which they gave to the chief, and for their personal kindnesses to Mrs. Jackson during the chief's lengthy and critical illness. No effort was spared by these fine members of the medical profession in their attempts to restore the chief to health. Scores of people gave him constant attention—doctors, nurses, technicians, and supporting personnel. And when the end came, the chaplain, the social worker, and the entire administrative staff assisted Mrs. Jackson with every difficult detail.

Mr. President, words are not adequate to express the loss which North Carolina experienced with Chief Jackson's passing. However, I would like to insert in the RECORD excerpts from "The Cherokee One Feather" of May 5, 1971, which express more ably than I could, the deep loss of the Cherokee people.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Cherokee One Feather, May 5, 1971]

PRINCIPAL CHIEF DIES IN MARYLAND HOSPITAL

Principal Chief Walter S. Jackson died Monday, April 26 at the National Institutes of Health in Bethesda, Maryland. He is succeeded by Noah Powell.

Jackson, 47, had been a patient there since January 29 when he underwent open heart surgery, then developed a kidney disorder.

He was elected principal chief in a landslide victory in 1967 succeeding Jarrett Blythe. Other tribal service included four years as vice chief and 12 years on the council. He served as North Carolina's delegate to the Indian Affairs Commissioners Conference in Nevada in 1969 and to the 1968 conference in Kansas of the Governors' Interstate Indian Council.

Chief Jackson was born and raised on the Qualla Indian Boundary and received his education in the Indian schools here. He served three and one-half years in the navy and was discharged as a Shipfitter 1st Class.

On his return home he trained under the G.I. Bill until he accepted a job as a pipefitter at Fontana Dam.

In 1951 Jackson accepted employment with the Cherokee Historical Association where he worked as manager of the Oconaluftee Indian Village.

During his tenure as vice chief he was in charge of the tribal police, fire and sanitation departments.

An active councilman, Jackson served as Chairman of the Council during a portion of his six terms. Some of the objectives he championed were:

1. Improvement of reservation roads by blacktopping
2. Reopening of tribal rolls
3. Securing a new gymnasium for the school
4. Obtaining a new elementary school
5. Prevention of the removal of the BIA hospital and establishment of the present PHS hospital
6. Formation of the Cherokee Boys Club

Working as a community leader in his native Soco, he was chairman of the Soco Community Club for approximately ten years.

Jackson was a member of the Steve Youngdeer Post of the American Legion and a member of the Veterans of Foreign Wars. He was an active member of the Macedonia Baptist Church.

Chief Jackson is survived by his wife, Mrs. Sally Sneed Jackson; a son, Walter Jr., and a daughter, Mrs. Mary West, of Cherokee; two stepsons, George and Richard Sneed of Cherokee; the mother, Mrs. Mary Queen Jackson of Cherokee; three brothers, Boyd and Jack of Cherokee and Johnny of Raleigh; six sisters, Mrs. Naomi Bowman, Mrs. Edith Bradley, Mrs. Barbara Robie and Miss Sadie Jackson of Cherokee, Mrs. Mackie Abram of National City, Calif., and Mrs. Jean Bryant of Charleston, S.C.

ABOUT 1,200 ATTEND LAST RITES

Last Friday was a strange day.

Puzzled tourists wondered at the street lined with shuttered shops.

Flags whipped briskly in the spring wind—at half mast.

Friday was the day that the Cherokee nation buried their chief—the first chief to die in office in 91 years. It was a day of sadness, of pomp and of pride. When the day was over the people began to realize just how important the position of principal chief is to the Eastern Band of Cherokee Indians.

The funeral was held in the Charles George Memorial Gymnasium so that all who wanted to attend would be seated. And they came—from Big Cove, Snowbird and Soco; from Birdtown, Cherokee and Painttown the people who elected Chief Jackson came. From other reservations, tribal leaders came along with representatives from the state, county and federal governments. The local business community was well represented. All the people came to pay their respects to the Cherokee's dead leader.

The night before had been spent in the traditional Cherokee sitting up at the Macedonia Church, then on Friday the body was taken to the gym that Jackson had fought for during his days as a councilman.

Banked by flowers the services began with the Snowbird Quartet singing in their native language. Rufus Edmisten, Mr. and Mrs. Jaskson's friend and assistant to Sen. Sam Ervin, delivered the eulogy. Then Lou Crowe in a high sweet voice sang "The Holy Hills of Heaven Call Me." The Rev. Enoch Owl and the Rev. James Parris officiated.

Ushers were Robert Evans, John Standingdeer, Alvin Chiltoskie, Frank West and Issac Welch. They estimated that 1,200 people attended the funeral.

Pianists were Rosilee Teesateskie and Lucy McLaughlin.

Pallbearers were members of the Cherokee Boys Club. Honorary pallbearers were members of the tribal government. The Steve Youngdeer Post provided a 12 man honor guard.

The entire tribal police force stood at attention as the chief's body was brought through the honor guard to the waiting hearse marked by the seal of the Cherokee nation in the window.

Chief Jackson was buried with full military honors at the Jackson Family Cemetery in Soco Valley.

Chief's Death Noted by Congressional Leaders

During Chief Jackson's last illness his condition was the concern of many of his friends in Washington, D.C. These friends visited with Walter when it was allowed and comforted Mrs. Jackson and the chief's sister, Mrs. Naomi Bowman, when he was too sick to have visitors.

After Walter's death, Sally Jackson asked special friend, Rufus Edmisten, Sen. Sam Ervin's assistant, to deliver the eulogy at the Chief's funeral.

North Carolina's congressional representatives immediately issued statements.

Sen. Sam Ervin, Jr. said, "North Carolina has lost a great leader. He virtually ignored his own material well-being, indeed his own health, in order to serve the Eastern Band of Cherokee Indians. He was a true friend."

Sen. B. Everett Jordan said, "Jackson was willing to sacrifice everything for the good of his fellow man. He was a great leader of the Cherokees and served them as an ambassador of the highest caliber. Our state will sorely miss him."

Rep. Roy A. Taylor issued the following statement concerning the death of Chief Jackson:

"I was very sorry to learn of Chief Walter Jackson's death. He was a warm, friendly individual whom we all looked forward to seeing when he came to Washington. He always seemed to have the welfare of the Cherokee Indians at heart, and vigorously pursued those programs which he felt would improve their social and economic conditions.

"The chief's ability to combine his congenial manner with serious purpose caused him to be one of our favorites and we join the people of Cherokee in missing him."

Jackson Only Second Chief To Die in Office

Walter S. Jackson was the 20th man to hold the position of Principal Chief since the tribal reorganization in 1869. He was only the second chief to die in office. The first was Lloyd Welch who served from 1875 to 1880. Welch was succeeded by the famous Nimrod Jarrett Smith.

Carl Lambert, Official Historian of the Eastern Band, noted recently that Jackson will be the tenth chief to be buried in the Soco Valley. The others are Yonagusta, Stillwell ,Saunooke, Andy Standingdeer, Jesse Reed, Bird Saloneeta, John Goins Welch, David Blythe, John Tahquette and Henry Bradley.

Lambert is concerned that some of the graves of former chiefs are unmarked and that when the people who know the locations die, the knowledge will die with them. He believes that putting appropriate headstones would be a good project for the tribal government or some local service organization.

Editorial From the Cherokee Boys Club Newsletter

We at the Cherokee Boys Club had the honor and privilege of working closely with Chief Jackson since our beginning. When he was Vice-Chief he went to the Council and helped us get the land and the original donation which the Tribe gave us to get us started.

Throughout the years we have had the privilege of working with him on many projects, not only for the club, but for the entire Reservation. We have had the privilege of traveling with him on many, many trips. We know without a doubt that every decision he made was not made for his personal benefit, but for the benefit of our Cherokee people and our Reservation. We know that he made many trips, made many phone calls, wrote many letters, saw many people, to help promote ideas and projects for our people when he was not physically able even to be working.

We could go on and on with his accomplishments, but we are very thankful for the fact that while he was alive, even before he became ill, that we always thanked him and told him of our appreciation for the job he was doing, not only for us but for all of his people.

We thank God for having had the opportunity of knowing him and working with him. We pray that with the help of God we will be able to continue the many projects which Chief Jackson has helped us to start and has helped us to develop. We thank God for the great leadership which Cherokee has always had and for the great leadership which we know we will continue to have. We must remember that our leaders however, can accomplish only as much as we as followers help them to accomplish.

We learned many years ago that there is no limit to what can be accomplished if we will pray for each other, rather than criticize each other. Since our leader was a Christian, he is now being rewarded for his faith and for his work. Since we who remain were his friends, we will be rewarded throughout the years by his inspiration and ideals which will continue to live with us.

Many Travel To Attend Funeral

One of Walter Jackson's qualities was that a man's station in life made no difference in whether he liked him or not. However, Walter was the leader of the Eastern Band of Cherokee Indians and in paying respect to both the man and the position many people attended the Chief's funeral Friday representing groups.

Tribal leaders attending were: Tribal Chairman Bety Mae Jumper of the Seminole Tribe of Florida, Choctaw Chairman Emmett York and Community Action Program Director Phillip Martin and Chairman Buffalo Tiger of the Miccosukee Tribe of Florida. Jarrett Blythe, former Principal Chief of the Eastern Band was present.

From the United Southeastern Tribes came: Wayne Zunigha, Joe Long, Sherman Carter and Key Wolfe.

The Cherokee Historical Association was represented by Carol White, Harry Buchanan and Francis Haezel.

Others in attendance were: Harry Rainbolt, Assistant Commissioner of the Bureau of Indian Affairs; Keith Snyder, U.S. Attorney from Asheville; Tom Woodard, Superintendent of Swain County Schools; Bob Goforth, North Carolina Department of Conservation and Development; James Baily, Tribal Attorney; John Bacon and Wilbur Creaswell, Tribal Auditors; June Myers, former tribal clerk, and representatives from each of the plants on the reservation.

Special friends from Washington were Wilbur Paul, Nick French and Martha Moore.

Both the state police and the park service were represented.

Eulogy for Walter S. Jackson, Delivered at Cherokee, N.C., April 30, 1971

(By Rufus L. Edmisten)

Friends of the Chief, I want to express a tribute to a man whom we mourn today in these hills he loved so much. I come to you today with a sad heart, but in a spirit of thanksgiving because we shared the privilege of knowing Walter Jackson. Although the man has passed away, his spirit and his accomplishments are with us.

One of the great things about this Country is that a man, regardless of his station in life, can achieve great things. America has produced many leaders of the people, and Walter Jackson was such a man. Walter's life bore witness to the rewards of a lifetime spent in devotion to high principles and to the improvement of the lot of his fellow men.

The man we honor today struggled hard and steadfastly against the forces of death, with the stoic courage for which his people have long been admired. But he did not struggle alone. By his side in a strange and distant city were his faithful, devoted wife Sally, and his sister Naomi Bowman. As winter waned and spring came to these hills of North Carolina, they waited and watched through countless hours of agony and silence. hoping against hope, while the signs of life rose and fell. Not one time did Sally Jackson cease in her absolute devotion to the man she loved and the man who loved his people so deeply. She bore the burden with a rare dignity, befitting the wife of the Chief.

Perhaps the highest tribute that can be paid Walter is to proclaim that he was a man of the people, be they high or low, black, white, or red, rich or poor; indeed, he was a friend to all. The history books may not often record this virtue, but it makes a man great in the book of life.

Rudyard Kipling, in his famous poem "If", said:

If you can talk with crowds and keep your virtue,
Or walk with Kings—nor lose the common touch,
If neither foes nor loving friends can hurt you,
If all men count with you, but none too much:
If you can fill the unforgiving minute
With sixty second's worth of distance run,
Yours is the earth and everything that's in it,
And—which is more—you'll be a Man . . .!

Walter Jackson was a man. He walked with the great and powerful, yet he never forgot the common man. Walter believed that true worth was in doing, not in seeming. His great contribution was that he did something each day; he did not merely dream of great things to do by and by.

On the many ocasions when Walter came to Washington to do something for his people, he worked in his quiet and effective way; yet when he was victorious, as he often was, he never attempted to take the honor for his achievements. Whether Walter was working in Washington for a new high school on the reservation, or whether he was here at Cherokee seeking to establish the Boy's Club, he had in mind one steady purpose: the advancements of his people. Never did he seek tribute for himself. In fact, as Senator Ervin said upon hearing of Walter's death, "North Carolina has lost one of its finest leaders. Walter Jackson devoted all of his life to his people. He virtually ignored his own material well being—and indeed, his own health—in order to serve the Eastern Band of the Cherokee Indians. He was a true friend."

Walter loved these mountains, these valleys, and these coves, and often he spoke of them and the people they have produced. As these mountains tower in Western North Carolina so did Walter's character and his devotion to the simple people of his home place. Walter derived his strength from these mountains, and he was always mindful of the 121st Psalm, which opens with the words "I will lift up mine eyes unto the hills, from whence cometh my help."

My friends, this is the way Walter Jackson lived. I do not attempt to make him larger in death than he was in life. I simply want him to be remembered as the good and decent man he was, a man who devoted his life to the needs of his people, and who was always able to defeat the forces of hate and jealousy with forgiveness and compassion.

Those of us who admired and loved him, and who accompany him to his rest today, pray that what he was to us during his life on earth will be an abiding inspiration to those of us who remain to carry his torch.

FRANK DRYDEN—OUTSTANDING ALUMNUS OF PARIS HIGH SCHOOL

Mr. COOK. Mr. President, this past Saturday, Mr. Frank Dryden, executive vice president of the Tobacco Institute, was presented an award as the outstanding alumnus of Paris High School, Paris, Ky.

I think it most appropriate that this honor was accorded to Mr. Dryden, as most of his career as a public servant has been directed toward serving the needs of Kentucky as well as the Nation.

Upon graduation from the University of Kentucky he became a marketing specialist with the U.S. Department of Agriculture until 1953. He has also held the following positions:

Administrative assistant to former Senator Earl Clements, 1953–56;

Member of professional staff, U.S. Senate Committee on Appropriations, 1957, 1958, 1962, and 1964;

Deputy chief clerk, U.S. Senate Committee on Rules and Administration, 1958–62;

Director, Joint Congressional Inaugural Committee for 1961 Presidential Inauguration;

Deputy Director, Office of Emergency Planning, Executive Office of the President of the United States, 1964–66;

Alternate member of President's Conference on Administrative Procedures, 1962;

Executive Vice President, Tobacco Institute, 1966 to present;

World War II, lieutenant and captain with the 111th Infantry Combat Team—bronze star, beach arrowhead, combat infantryman's badge, honorably discharged as major.

Member: Baptist Church, Kiwanis Club, Capitol Hill Burro Club—past president—former Senate Office Building Administrative Assistants, and Phi Delta Theta.

VIETNAM REVISITED

Mr. MONDALE. Mr. President, my distinguished and extraordinarily able colleague from Hawaii (Mr. INOUYE) recently addressed a gathering at George Washington University on the tragic war in Vietnam.

His words capture the horror and folly of this war. More importantly, he provides a clear analysis of the lessons we must learn from this tragedy.

Senator INOUYE's speech should give all of us renewed hope that America can emerge from this experience a wiser people, able to avoid any repetition of the mistakes of the past.

I ask unanimous consent that Senator INOUYE's remarkable speech be printed at this time in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

VIETNAM REVISITED

I wish to speak to you this evening about the most tragic difficulty which has faced our nation this past decade and which despite the claims of some political pundits is still very much responsible for the death in our spirit—I speak of Vietnam.

Some who claim to measure the public mood have told us Vietnam is no longer an issue—but I do not agree. I do not think the people are apathetic about Vietnam—they are rather discouraged—they rather have a feeling of some impotence concerning their ability to bring significant change to American policy.

These feelings are fully shared by many of us in the Congress but I think we must continue to face up to the issue which is Vietnam and to exert our maximum effort to bring about a truly new policy.

Vietnam is and remains the crucial issue facing our nation.

I believe that but for this we would not see our Nation so torn by violence, so pummeled by bombing, and so wracked by inflation, or so polarized into opposing groups. If it were not for Vietnam our many problems of inadequate housing, and inadequate funds for education, health, pollution control, the problems of the draft, and innumerable other difficulties with which we wrestle would be immeasurably easier to resolve.

I believe, therefore, that the time is overdue that we re-examine the problem which is Vietnam despite the understandable desire of most Americans to push this unhappy subject from their minds.

I can understand the reluctance of many Americans to think about what we are doing in Vietnam and elsewhere in Indochina.

I can appreciate their reluctance to let it intrude on their thoughts. It is unpleasant to hear of massacres such as occurred at My Lai. It is unpleasant to talk of American war crimes. It is a most unpleasant task to bring criminal charges against American soldiers who, under the stress of combat, commit acts which no civilized people can tolerate or ignore.

Distasteful as it may be, Vietnam remains a problem that must be discussed and dealt with, if it is ever to end.

It would seem that the conflict raging in Southeast Asia is now entering a new and perhaps critical phase. The broader nature of this conflict bcomes ever more evident.

The whole question of our continued and increased involvement in these areas which recent events raise, directs our attention to what should be the lessons of Vietnam. I believe it would serve us well to take a good look at them.

This war has, to date, cost our nation the lives of over 45,000 of our finest young men. And the grim toll continues to mount each week. This climbing death toll is a tragedy fully appreciated only by those loved ones who bear the primary burden.

We must add to this total of dead the more than 295,000 Americans who have been wounded in battle—more than half of whom were wounded seriously enough to require hospital care. And of these numbers, many horribly scarred and mangled.

A new dimension has ben added to this problem of the wounded. Because of the helicopter and the advances of medical science many more seriously wounded survive than was the case in previous wars. Men who formerly would have died on the field of battle are now living—though some exist as virtual vegetables.

Such has not always been the case. In my own situation, I remember well that day in World War II when I was wounded. It was about three o'clock in the afternoon. It was nine o'clock in the evening, six hours later, that I reached a forward aid station, and 1 a.m. by the time I got to a field hospital. Today, that time lag has been cut to less than an hour in most cases. The result has not only been a reduction in loss of life, but also a rapid increase in the number of permanently disabled who now flood over veterans hospitals; invalids whom we are not caring for with adequate funds, facilities, and programs.

This war has also brought forth a new breed of Americans—Americans bitter with their government—Americans without faith in our institutions or our leaders.

And our cost in this conflict is, of course, not a measure of the war's total cost. We must add the more than 125,000 South Vietnamese troops who have died to date. These still die at a 20,000 annual rate. We must also add the 4,000 dead among our other allies, who have been fighting there.

And we must add the 25,000 Vietnamese civilians who were killed last year and the more than 25,000 the year before plus the more than 100,000 civilians who were wounded each year.

This war's cost must also be measured in the number of enemy dead, which are estimated at more than 700,000, in addition to their uncounted wounded.

We must add further the awesome cost of the damage wrought on the Vietnamese countryside by the use of modern weapons of conflict. This includes the destruction of plant and animal life and the changes we have wrought in the ecology of the land—changes which will endure for many years.

The cost of warfare is fantastic. World wide military expenditures now total $200 billion a year. These are increasing at a 7 percent annual rate with no limit in sight. This is more than three times the rate of increase in the value of our gross world product. Meanwhile education and health expenditures remain not only far less but are showing no per capita increases. Today, the nations of this earth spend an average of $7,800 per year for each man in military uniform while spending an average of $100 per year for education for each child of school age.

As we bear these awesome burdens of war, and witness our many other pressing, but as yet unmet needs, we must ask ourselves—why don't we stop? Why don't we bring this Vietnam war to an end?

It is to this question that I wish to address myself today.

We had taken an important step towards ending this war. We had publicly and officially concluded this war could not be won militarily.

While this was a significant move, I regret that the steps we have taken subsequent to this declaration have not been consistent with that conclusion. Our actions have not demonstrated acceptance of that fact. We still speak blithely of Vietnamization of the war—of a military victory for the Saigon government. We named our adventure into Cambodia "Operation Total Victory". We stage and support a South Vietnamese incursion into Laos. We verbally unleash the South to invade the North. As long as we pace our withdrawal to the take-over of our share of the fighting by the forces of Thieu and Ky and to the level of military activity of the Viet Cong and the North Vietnamese forces, we will be unable to end our involvement in Vietnam. We can be forced to retain our military presence We will not be the master of our own forces nor of our destiny in Southeast Asia.

The one essential step which we must take to bring this war to an end is to admit to ourselves—and to the world—that we made a tragic mistake. We must acknowledge that the Vietnam war has been a failure—that victory is unobtainable.

This is a difficult admission to make—especially when we remind ourselves of the enormity of this war's cost. Few want to admit error in judgment—and even fewer, when it involves a cost of nearly 50,000 American lives.

It is difficult to face up to the charge that these men's lives may have been wasted. And so we continually struggle to come up with a justification for continuing this war. We walk a tight rope of uncertainty.

We say we will withdraw our American troops—but there is to be no deadline. The grand justification for our continuing presence—the Vietnamization of the war—means merely we will substitute to the maximum extent possible, Americans killing and being killed by Asians, with Asians killing Asians.

The success of Vietnamization demands the military success of the government in Saigon and the defeat of the Communist forces. To achieve this success will require the continued presence and involvement of American troops in vast, if unknown, numbers.

There was a time when nearly all Americans supported the Vietnam war. On the important Tonkin Gulf Resolution only two Senators voted in opposition. Our most vocal doves of more recent years were not in that number. And neither, I must say, was Senator Daniel K. Inouye.

Looking back, I was convinced that there was legal and technical justification for our involvement in Vietnam. There were our treaty obligations under SEATO and other agreements. There were the reports of inhumane killing and slaughter of South Vietnamese civilians by the Viet Cong. There were the reports of some 8,000 political assassinations by the end of 1964.

Yes, one can agree that there may have been justification—but events have clearly demonstrated there was at the same time an error of judgment—an error of judgment which has involved four American Presidents as well as the lives of almost 50,000 Americans.

The rationale for our involvement in Vietnam assumed our ability to win the war and, thereby, gain the peace, and rebuild a nation—a nation at peace with itself, and the world.

Not only have we been unable to "win the war", but we now find our actions almost indistinguishable from those of the enemy. We developed operation Phoenix—employing mercenaries to torture, assassinate and murder members of the Viet Cong infrastructure. The ends now justify our means. We have adopted those tactics which we self-righteously condemed a few years ago.

We employed instruments of war we deemed too horrible for use on European battlefields. We have used chemical agents. Defoliants and tear gas. We have employed tear gas not as a non-lethal weapon to avoid the killing of non-combatants, but as an agent to drive the enemy from his lair so we can gun him down.

Yes, we entered Vietnam as friends. We embraced the people of South Vietnam as brothers and sisters. An untold number of Americans made the welfare and the freedom of these Vietnamese people their personal cause. We tried to heal the bodies of the sick, and the injured. We tried to educate the children and help the farmers increase the food supply. In so many ways our cause was certainly humanitarian and moral.

But as we increased our presence, and as the conflict became increasingly an American war, we found a change taking place—a change in our national attitude as well as a change in the character of the war. The Vietnamese, whether friendly, neutral, or unfriendly, became "gooks." Our soldiers viewed them increasingly with contempt and suspicion. Some came to consider all Vietnamese as enemies in their inability to distinguish friend from foe in the kind of guerrilla war we were fighting. "The only good 'gook' is a dead one," became their philosophy.

And so now we have My Lai. We have American soldiers and officers charged with the murder of women and children. And we have American generals charged with trying to keep these tragic incidents from becoming more widely known, and the perpetrators from being punished.

We established a price list for the accidental killing of Vietnamese in non-combat accidents. For instance, our military trucks, careening through narrow village streets, have killed many Vietnamese natives. The relatives of accidental victims of our unconcern can collect from Uncle Sam, $318 for a year old child. $201.95 for a ten year old. And if the son or daughter is twenty years of age the family gets just over $30 whereas we may pay as much as $100 for a water buffalo, and 400 times his daily wage to the surviving wife of a wage earner who loses his life through an American's misadventure. In 1969, we paid out a total of $1,231,920.16 in claims to the South Vietnamese. Is this our war reparations?

I was deeply saddened by what happened at My Lai—but I was not surprised. When men are trained to hate and to kill with proficency, and when they reach the frame of mind where those whom they have come to help are called "gooks", and when we place impersonal price tags on human beings, we should expect My Lais to occur. When we consider a six months old baby an enemy—when war reaches such a stage—when it causes Americans to so act—it is time we called a halt. There can no longer be any justification for the war's continuation. Nor can any legal argument be considered a sufficient reason for continuing the fighting and killing.

Almost all our leaders have admitted that there is no military solution to this conflict—that it must be resolved politically.

I know it is the prayer of every American that the course upon which the President has now embarked our Nation in Indochina is a correct one. This is a prayer which I share deeply and fully. As a member of the United States Senate and as an American citizen, I want very much to support my President, particularly on an issue of such magnitude, in these trying times.

But if the experience of this past decade has within it any lessons—particularly for the Congress—for those of us who are fixed with some direct responsibility for the conduct of our Nation's foreign policy—then we must recognize and act on that higher responsibility to our Nation's welfare. We cannot abdicate our responsibility.

I, therefore, could not support the President's decision to widen the war. I deplored the President's decision to launch an American attack into Cambodia.

Neither could I welcome the more recent incursion into Laos.

The President's words and actions must make us doubt our ability to learn from the past. His are the same arguments which were summoned forth in sending advisors to South Vietnam a decade ago. These are but a repetition of what we heard when advisors became combat divisions. It is but a reiteration of the voices which were raised in justification of the bombing of North Vietnam. Must each American President learn anew from the experience of his own administration?

Our President's arguments indicate that this may be so. He opened other and even more dangerous chapters in the tragedy of our involvement in Indochina. History shows that this involvement came in a three step phase. First, American advisors were sent to assist the South Vietnamese. Second, with the Tonkin Gulf Resolution, our President requested of the Senate the authority to deploy American combat troops to Vietnam. Third, was the bombing of North Vietnam. The war escalated and still there was no victory in sight, and President Johnson then moved to de-escalate the war.

And now, President Nixon, has expanded the conflict, to Cambodia and to Laos and increased the bombing once again.

Our President presented us with a fait accompli. These expansions were initiated without prior consultation with the Congress much less its approval.

President Nixon has renounced his own earlier statements of policy and purpose. This is no longer a war to be curtailed, contained or settled politically, this is now once again a war for military victory.

The President justifies his action as necessary to prevent the defeat and humiliation of our great Nation. Frankly, what is so wrong with a great people swallowing some pride and admitting mistake? What is the test to true greatness? Is it to continue and expand a bankrupt policy? I think not. I pray not.

Can we possibly achieve peace by insisting that Hanoi, and China, and the Soviet Union, must acknowledge defeat and admit humiliation? I think not.

If we are to be true to ourselves—to our highest ideals—we must be big enough to place the peace of the world and the saving of human life above saving face. We must be willing to admit error and so adjust our policy. For neither our conscience nor the conscience of mankind will permit us to use our awesome weapons of war which will be essential if we insist on military victory and expand this conflict to that end.

Yes, a political solution will require that we swallow some pride—that we even lose some face. Difficult as that may be for the United States, I believe it will be essential and we must face up to the unpleasant task.

By so doing we can close an unfortunate chapter in our history. We can ring down the curtain on the Vietnam war, and do so a little stronger for lessons we have learned.

It is not our will or courage which is being tested. It is our judgment.

If we truly learn our lesson from this tragic experience and apply it as a guide for future action, then we can say our Nation's sons have not died in vain. Their sons and younger brothers, and your sons and mine, may be saved because of their suffering and sacrifice.

To learn our lesson we must look to the origins of our Vietnam involvement. How did this come about?

It grew out of a period in our history when out of our fear of Communism and fear of being called "soft on Communism", we went to the aid of every self-proclaimed anti-Communist on the face of the globe. It grew out of the McCarthy era. It was part of the fall-out from charges of a China sell-out, and the public condemnation of a great American patriot, General George Marshall.

Vietnam grew out of an oppressive atmosphere which produced a Title II as part of our Internal Security Act authorizing the establishment of American concentration camps. It grew out of times which approved the destruction of an Oppenheimer for his views and friendships.

Vietnam grew out of a post World War II period in which we held unchallenged military supremacy in the air, at sea, and in nuclear power. It grew out of the mistaken belief that such power provided an adequate response to "wars of liberation". Military might became a substitute for understanding.

Vietnam grew out of an almost religious fervor to fight monolithic Communism wherever and whenever we sensed its presence.

Vietnam grew out of an American public opinion which encouraged our intervention at any time and place whenever a leader of a foreign government found himself insecure in his seat of power and could "con" us into the belief that the only alternative to coming to his rescue was a Communist takeover and, therefore, a threat to our national security.

Having described the conditions which led to Vietnam, what then are the lessons?

I believe there are several.

Vietnam should teach us to be very cautious in making commitments less we be "conned" into offering our men and our treasury to scoundrels who proudly proclaim "send me help and I will fight the Communists for you". Some of these now live in fancy European villas and have fat Swiss bank accounts. We must be very selective when and where we involve our Nation. Every currently non-Communist part of the world is not necessarily vital to our security.

Vietnam should teach us that we must whenever we have the opportunity, decide in favor of people and not tyrants.

Vietnam should teach us that though we may have superior weapons and military hardware, conscience will not permit, or circumstances may prevent, their use. Our possession of this vast arsenal may encourage our engagement in circumstances where it is of no value. Therefore, weak countries may be able to nip with relative immunity at the heels of the mighty.

Vietnam should teach us that it is very easy to get embroiled on a very limited scale in conflicts where the pay-off may look good, but which have a capacity to spread, dragging us in ever deeper in a futile effort to salvage our investment.

Vietnam should teach us a greater realism of our limited ability to effect change in the social, economic, and political order of a Nation or a people, as well as the possibility disastrous affects of such misdirected efforts on ourselves as a people, and as a Nation.

These then are some of the lessons which must be clearly kept in mind as we look to the future in Cambodia, in Laos, and in Thailand. Our involvement now may be quite limited. The pay-off may look good. But the dangers are also great. It is much easier to get in than to get out.

Despite the Nixon Doctrine—or Doctrines which have now been enunciated, our future course in Southeast Asia is far from clear. It is certainly not clear to Hanoi and Peiping. How could it be when it is unclear to us?

It can only be clarified if we go beyond Vietnamization. We must, therefore, take additional steps.

The first of these is, as I have said, to acknowledge failure for our Vietnam policy. We must admit error in judgment. Neither we, nor the governments we support, can militarily win the war in Indochina. We must make clear that we seek a political settlement.

Second, we should propose an immediate and complete cease fire without terminal date. To secure such a cease fire, we should if necessary, be prepared to unilaterally halt all offensive operations and limit our forces and those under our control to purely defensive roles. Negotiations with an enemy is always a difficult process, but it is more difficult while the fighting rages, than after it has been halted.

The talks in Paris are getting no place. There is no sign of progress. But Vietnam is not isolated from the larger problems of Southeast Asia—from the problems of Cambodia and Laos.

We should, therefore, call for a conference on the over-all problems of this area known as Indochina. This should be an Asian conference, and not a European conference trying to impose European solutions on Asian problems.

It is time that we and other Western powers realize that these Asians are no longer wards of Western colonial powers. We should recognize not only their weaknesses, but also their apparent strengths—the desire, capacity, and ability to govern themselves.

We should make it crystal clear that we will abide with the outcome of these political negotiations. Accordingly, we must forthrightly face the possibility of an Indochina in the sphere of influence of Hanoi.

It is true that such a policy is not without risks. But neither is the current policy—a policy with no end in sight after nearly a decade of fighting.

Throughout most of my years in public life, I have wrestled in my own mind and conscience with the problem. I have joined Presidents and bishops, as well as military men, in support of some of our actions. I hope that I have learned—that we have all learned—from this tragic experience. I hope that we as individuals have learned more humility—and also that we have learned some humility as a Nation.

This knowledge will serve us and mankind well in the years ahead.

A RICH ENVIRONMENTAL LEGACY IN ALASKA CAN BE INSURED

Mr. STEVENS. Mr. President, one of the most perplexing problems facing our Nation today is the question of how we may make sufficient use of the great natural resources of the State of Alaska and, at the same time, preserve and insure a rich environmental legacy for our own and succeeding generations.

A great debate over this question has been carried on at all levels of Government, in the media, and has even reached into the campus and the home. As a representative of the people of Alaska, and as a resident and frequent beholder of its natural beauty, I have been deeply concerned with this problem and have been active both as a participant and as an auditor of the debate.

You will be pleased to know that at least one company in one recent situation found a viable and workable answer to this problem, a solution which should be of benefit to the people of Alaska while having a minimal present and future impact upon the ecology.

This solution is described in a recent U.S. district court decision in Alaska, Sierra Club against Hardin, in which the plaintiffs sought to have the sale of timber in Alaska's Tongass National Forest by the U.S. Forest Service declared invalid. There is an aspect to this decision which will be most reassuring to all of us who have sought an answer to the problem of how to use and simultaneously protect the environment of Alaska. The court's decision in favor of the defendants was based to a significant degree upon the fact that the company purchasing the timber, U.S. Plywood-Champion Papers, Inc., had selected and retained a "blue-ribbon panel of conservationists" to supervise the selection of a site for the company's mill which would have the least environmental impact.

In the language of the court:

> . . . U. S. P. (U.S. Plywood-Champion Papers) had expended substantial sums to insure that the impact of the mill would be minimized by comprehensive site planning and the most advanced technology available. The mill site selection was supervised by a blue-ribbon panel of conservationists selected from universities in the United States and Canada. A specially commissioned field study sponsored by U.S.P. resulted in a seventy page technical report published in November of 1969 by the Institute of Marine Science of the University of Alaska. It seems unlikely that in investigation by federal experts would have been more comprehensive and unbiased.
>
> Considering the impressive credentials of the U.S.P. panel of environmental experts assigned to the project, the high quality of its research product, the advanced stage of planning as of January 1, 1970, and the exorbitant cost of any further delay, the Forest Service was justified in its reliance upon U.S.P.'s environmental studies.

In its conclusions, the court adds:

> The Forest Service was justified in relying on the environmental impact investigation conducted by U.S.P., and under the circumstances the Act was complied with "to the fullest extent possible."

The decision includes the names of the members of this blue-ribbon panel, and I would like to cite them here, as they are a most impressive group of environmental scientists. They are: Dr. Donald J. Zinn, professor of zoology, University of Rhode Island; Dr. R. Van Cleve, dean of the College of Fisheries, University of Washington; Dr. A. Starker Leopold, professor of forestry and zoology, University of California, Berkeley; Dr. Stanley Cain, professor of natural resources, University of Michigan; and Dr. Ian McTagart, dean of graduate studies, University of British Columbia.

Certainly, U.S. Plywood-Champion Papers, which is one of our Nation's leading forest products companies, is to be commended for its foresight in selecting and using this panel of eminent conservationists. In the first place, they have found a viable solution—one acceptable to a Federal court—to the development of one of Alaska's great natural resources. However, in the broadest sense, the company has demonstrated that through the right cooperative effort between industry and people who understand the environment, Alaska and our Nation can, indeed, progress while preserving and ensuring the protection of our natural beauty and our resources.

EVENTS IN EAST PAKISTAN

Mr. BAYH. Mr. President, all of us have watched with deep concern the events of the past 2 months in Pakistan. We watched first as the Government of Pakistan, reportedly with considerable disregard for human life, suppressed those in East Bengal who favored either a looser confederation of the two halves of the country or complete separation.

We read that the West Pakistan armed forces employed arms we had given or sold them on credit to kill their fellow countrymen. We watched as the members of a political party which won a majority in all Pakistan in a freely contested election was destroyed—its members jailed or killed.

And after that we watched in the hope that the Pakistan Government would begin to make genuine efforts at reconciliation with the people of East Bengal. We waited in the hope that that Government, to which we have given nearly $4 billion in economic aid alone, would undertake serious relief efforts in the aftermath of the fighting.

For many weeks that Government insisted that no outside relief assistance was necessary. Despite continuous reports from East Pakistan of disrupted communications and potential starvation, despite a flow of refugees from East Bengal across the Indian border, that Government insisted that all had, in fact, returned to normal. In the face of such divergences between official assurances and reports from the field, I have made known my concern regarding the relief effort being made in East Pakistan.

Several weeks ago I and several other Senators sent a telegram to the Secretary of State urging that he instruct our representative to the Pakistan aid consortium to withhold further economic assistance to Pakistan until international inspection provided assurance that relief needs in East Bengal were truly being met. Whether such a step was taken still remains uncertain. However, the Pakistani Government has finally reversed its stand. It has agreed to permit some officials of United Nations affiliated agencies into East Pakistan.

I believe our Government should not intervene in internal political issues which must be settled—hopefully by conciliatory means—among the people of Pakistan themselves. But we do have a responsibility to see that our aid not be used to exacerbate the problem. We have a humanitarian responsibility, too, regarding relief. I believe those responsibilities must be actively fulfilled.

With a similar view in mind the Members of Congress for Peace through Law issued a statement on Tuesday stressing the necessity of an immediate and vigorous relief effort in East Pakistan. The statement indicates that the Pakistan Government's intentions toward its own people are, in effect, on trial now. It indicates, too, that attitudes in the U.S. Congress toward future economic aid to Pakistan cannot help but be affected by the speed and authenticity of that Government's effort to succor its own citizens.

Mr. President, I ask unanimous consent to insert that statement into the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

MCPL Urges Relief for East Pakistan

Washington, D.C., May 25—The following is a statement endorsed by members of the World Trade and Economic Assistance Committee of Members of Congress for Peace through Law:

We welcome the announcement that the Government of Pakistan is prepared to mount a relief effort in East Pakistan and is seeking aid from the United Nations and several countries.

The promise of this report must soon become a reality, since emergency relief assistance is essential if the famine which threatens in the East is to be averted.

The evidence is increasingly clear that catastrophe threatens the long-suffering people of East Pakistan.

It may not occur all at once. Some people may die sooner and some later, but the odds are high that millions of lives will be lost in a famine of immeasurable proportion unless relief efforts begin soon. The precedent is certainly there. In 1943, over one million Bengalis died in a major internal famine when transport facilities were disrupted by the Second World War. East Pakistan is, in fact, chronically short of food and has been heavily dependent on foreign food aid during the past decade. It is one of the most densely populated areas in the world.

There are serious problems inherent in mounting the major relief effort that is required. During a time of civil strife, feeding starving people may be a political act. Such aid may be misused.

We certainly cannot tell the Pakistanis what to do. But we can make clear our urgent concern that every possible step be taken to avert mass starvation.

Various claims have been made that the situation in the East is under control, but formidable problems still remain.

The Civil Administration is functioning normally only in the very few large urban centers. In the rural areas and district level towns day to day administration was adversely affected by widespread defections of Bengali civil servants. In addition, the victims of the cyclone of last year have no food and the hardships they suffered have not been significantly alleviated in the interim period between the beginning of cyclone relief efforts in November 1970 and the outbreak of disturbances in March of this year.

Although sufficient stocks for perhaps two months may exist in these urban areas, over 80% of the population lives in the countryside.

Transportation facilities (and medical health services) have been crucially disrupted by the fighting which took place during the civil strife. The major railway bridge on the road that connects Chittagong Port (the primary entry port for shipments of foodgrains) with Dacca, the capital, and all points north has been destroyed. It will be six months before it can be rebuilt.

Vehicles provided for cyclone relief efforts have been appropriated by the Central Government Army for military purposes. These vehicles were originally provided by many countries bilaterally and by international relief organizations for relief purposes.

The U.S. has already reacted favorably to the request of the Indian Government for assistance in caring for the estimated 3 million Pakistani refugees who have crossed the border into the Indian states of West Bengal, Assam and Tripura. Their need is great and the Indian Government does not have the resources to cope with it alone. The special social and political problems their presence poses for that Government are considerable and we should not underestimate them.

It is because we recognize how much needs to be done that we welcome the new position taken by the Government of Pakistan in requesting international relief assistance.

There is no wish in Congress to withhold economic assistance to the Government of Pakistan if appropriate and necessary relief measures are being taken.

But there must not be another Biafra.

No one will know, until it is too late, the dimensions of the disaster which could occur in East Pakistan without concerted action now. No one will know how many children will die—or how many of them will grow up with minds stunted because of protein deprivation during the crucial years of early childhood.

We take no position on the independence of East Pakistan or on the political demands of the Bengalis, though we hope for some resolution short of further violence.

But we *do* take the position that people should be saved from starvation and pestilence, regardless of political factors.

We intend to watch closely the events of the coming weeks in East Pakistan. We hope that the Government authorities there will continue to move in the right direction—and move with the despatch the situation requires—in pursuing a humanitarian relief program for all the people of East Pakistan.

U.S. economic assistance to the Government of Pakistan has been suspended since the outbreak of civil disturbance in the East at the end of March. The position of the Congress on further economic assistance to Pakistan will, of course, be affected by the alacrity and progress of relief efforts in the East.

Senator Birch Bayh, Senator Lee Metcalf, Senator Walter Mondale, Congressman Peter Frelinghuysen, Congressman Michael Harrington, Congressman Parren Mitchell, Congressman John Moss, Congressman Thomas Rees, Congressman James Scheuer, Congressman Charles Whalen.

RECENT ADDRESS BY SENATOR MAGNUSON ON OUR RELATIONS WITH CHINA

Mr. COOPER. Mr. President, the distinguished senior Senator from Washington (Mr. Magnuson) delivered an address in Seattle before the spring reunion of the Seattle Scottish Rite on May 22, on the subject, "China, a Chance for a Change."

In his prepared remarks, Senator Magnuson points to the readiness of President Nixon to take the intiative for improving relations with China, and Senator Magnuson outlines certain areas in the field of international trade, health, and peaceful exchanges which both China and the United States should explore as steps for advancing the cause of international peace and cooperation between our two countries.

Senator Magnuson has long been a leader in encouraging the development of East-West trade and for improving our relations with China. His views are thoughtful and timely, and I am very happy to bring them to the attention of Members of the Senate and the American public.

Mr. President, I ask unanimous consent that the recent address by the distinguished senior Senator from Washington (Mr. Magnuson) be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

China: A Chance for Change

(By Senator Warren G. Magnuson)

It is a pleasure for me to address this meeting of the Scottish Rite. I am familiar with your organization in some detail, having participated often in various of its activities over the years.

But additionally, I wanted to come here to have the opportunity to discuss a subject that is of immense importance to the United States and its future in the world community, and of importance to you as concerned citizens of Washington State and this nation.

The subject is the relationship of the United States to the Peoples Republic of China.

Until just a few weeks ago the Peoples Republic of China was referred to by politicians and the media as "Red China." Ping-Pong diplomacy has now made it respectable to address that nation by its national title: The Peoples Republic of China.

Call it what you will, China is a nation of 800 million people that is just as real as Mount Rainier and just as much an inescapable factor in our lives as the present sorry state of our economy.

Over the years—about 15 of them to be exact—I have been the subject of considerable political criticism because of my advocacy that the United States take its head out of the sand and recognize the reality of mainland China.

For 15 years I have urged that peaceful trade in nonstrategic items with China would be to our advantage and further the cause of world peace.

I am sure a few of you have seen some of the literature attacking my patriotism as well as my judgment on this issue—it flourishes about once every six years, just when I am seeking reelection.

But last month, half a dozen ping-pong players with a strong assist from Premier Chou-En lai and President Nixon redeemed my patriotism for the doubters and made some of my previous pronouncements words of prophecy.

But my purpose this evening is not to say "I told you so". Let's get down to substance and talk about the merits and the guidelines of a responsible and productive relationship with the Peoples Republic of China.

There are certain basic premises that we must recognize and always keep in mind:

1. The political system of mainland China totally repudiates the basic concepts of individual liberty to which this nation and all democratic institutions must and should adhere. And I oppose Communism in any form or guise.

2. The Peoples Republic of China must be considered a skillful and devoted adversary of the United States in the conduct of world affairs.

3. It is against the national security of the United States to assist the Peoples Republic of China in any manner which tends to bolster China's strategic strength or military power.

4. We are totally justified and prudent in being skeptical of the motives of mainland China and we must recognize that China for its own reasons of national security must no doubt view this nation with a similar lack of trust.

With these premises in mind, let us focus for a few minutes on our previous China policy under a harsh light and realistically judge its wisdom and effectiveness.

In 1949, the armies of Mao Tse-Tung, routed the nationalist Chinese and gained control of the mainland. In November of 1950, Chinese armies swarmed over the Yalu River separating North from South Korea, and for the first and up to now only time, clashed with American forces. By 1954 they had withdrawn.

We viewed China, not unreasonably, as an enemy and aggressor and a threat not only to her non-Communist neighbors, but to world peace. Accordingly, we proceeded to encircle her, pursuing a policy of containment with a chain of military bases extending through South Korea, Okinawa and Taiwan, to Vietnam and Thailand.

Diplomatically, we not only refused to recognize the government in Peking, but utilized our military and economic power to convince our allies to withhold recognition. And we manned the barricades of the United Nations to prevent the admission of Red China.

We established a total embargo on Sino-American trade and sought to force our allies to do the same.

Cherishing the illusion of our own power which followed our victories in World War II we expected the Peking political regime to shrivel up and collapse. I even had hoped it would. So far, it hasn't happened.

So with inflexibility, we maintained the same basic policy for two decades, while one by one our allies faced up to the realities of China.

We sought diplomatic isolation of China. Today it is we who are becoming increasingly isolated from vast numbers of the world's peoples who view us as the one holding up self-determination for that nation.

Fifty-nine nations in the world presently have diplomatic relations with or recognize mainland China. Of these, 7 are members of NATO and among our closest allies: Britain, Canada, Italy, France, Denmark, Norway and the Netherlands. Eight non-Communist nations have extended recognition to China within the last two years.

We believed in isolating China from World Trade. China's foreign trade has now reached $4 billion annually. Through 1960 three quarters of China's trade was with other Communist states. Today Japan and West Germany are China's chief trading partners, followed closely by Britain, Australia, and Canada.

In 1969, Sino-Japanese trade amounted to $625 million. The Japanese view the China market as one of great potential, as the Chinese economy continues to develop, and its market for imports accelerates.

With the exception of a narrowing list of strategic items, that embargo is not working. China can import from Europe and Japan virtually everything it wants or needs.

The embargo is successful only in depriving American businessmen and farmers of access to the China market—and in reinforcing Chinese hostility and suspicion.

So maybe, just maybe, there are better alternatives.

Maybe twenty years of uncompromising, twenty years of embargo, twenty years of encirclement and containment, or cold war rhetoric have left us less secure than we might have been.

Though at the time it appeared a reasonable policy, we are now living in a changing world. Today we are testing the waters of change, and our modest steps have elicited a response in kind from Peking. It was not so much the mere admission of a Table Tennis Team to China, but the extraordinary welcome that signaled a new opening for some sensible approaches to Peking.

You and I know that it is not sentiment that moves hostile regimes toward accommodation, although a healthy respect for the fact that life itself has a tenuous hold on this planet in the nuclear age, cannot be dismissed as mere sentiment. Realistically, it is the hope and expectation of mutual benefit that moves governments as well as man. And the mutual benefits to be derived by civil Sino-American relations can be of profound significance.

In the geopolitical framework, there is a clear benefit in strengthening the Chinese-American axis of the Soviet-Chinese-American triangle. In 1949, at the inception of our China policy, we perceived mainland Chinese quite accurately as Soviet fueled and dominated. Today the independence of China from the Soviet Union cannot be doubted.

The development of normal relations between China and the United States may well tend to restrain Soviet foreign adventures, particularly in the Far East. As for current negotiations on arms control and disarmament, to exclude China with its home grown nuclear capacity, from such talks is attempting to assemble a jigsaw puzzle while excluding a third of the pieces.

But perhaps the most immediate mutual benefits are to be derived from a sharing of experience and techniques in solving the problems of 20th century survival: health, housing, population density, education, transportation, compatible resource development and anti-pollution techniques.

While China remains in many ways industrially primitive who can say that we cannot benefit in unimagined ways from the lessons it is learning in coping with the care and feeding of 800 million people—coping, let's face it, far more successfully in material terms than any densely populated nation in the world.

I am told that the Chinese have made sharp advances in medical research and, perhaps more significantly, they have developed techniques for bringing basic medical care simply and economically to even the most primitive and isolated communities. While our own agricultural techniques remain one of the marvels of the modern western world, China, too, has been able to move from chronic famine to food surplus in several basic crops. Surely the sharing of agricultural and conservation techniques will not prove a one-sided venture.

While the centralized manipulation of and control of thought and behavior are offensive to our cherished concepts of individual freedom, there is little doubt that our social scientists and educators can gain extraordinary insights into the human condition from observing closely such strenuous experiments as the movement of Chinese university students from the cities to rural areas and the integration of work and study.

Of course, our technology can be of enormous benefit to the Chinese people in areas which have little bearing upon the military or strategic capacity of the Peking regime. For example, in Tacoma, Washington, we have a firm that has pioneered in the development of the technology of prestressed concrete for a variety of purposes including housing. Is there any doubt that the Chinese could benefit from knowledge of the unclassified technology involved in this technique? It there any doubt that out of any such exchanges new markets for American technology and "know how" would logically flow, unless inhibited by self-imposed trade barriers?

Of course, trade is the traditional avenue of mutual benefit among nations. Despite the economic buffetings we have suffered this year, Washington remains a great exporting state. Our port operations have expanded an average of 12% in each of the past ten years. Yet we have been handicapped by the off-limits signs which we ourselves have posted upon one of our greatest potential traditional trading partners, mainland China. And now we are faced with the need to overcome the 20 year handicap which we have imposed upon ourselves, as against our European and Asian trading competitors. If we overcome the handicap we can begin to realize the economic benefit from having the closest U.S. ports to the Orient and China.

Today China represents a strong potential market for food grains, chemical fertilizers, certain types of metals and a wide range of machinery products. However, with the exception of manufactured fertilizer and advanced producer goods China is capable of fulfilling her needs from her present trading partners. Thus, the mere dropping of trade barriers will not propel us into the China market. It will take an aggressive and competitive sales effort against strong and entrenched competition. That is precisely the kind of challenge which Yankee traders have met successfully in the past.

Aside from direct trade between the United States and China our share in the volume of third country trade with China has significant potential, once trade controls are liberalized. The Department of Commerce has now authorized the use of U.S. origin commodities or materials as components in certain farm products destined for mainland China. Thus, last year General Motors sold 80 truck engines to an Italian company for export to China as a component of Italian dump trucks. As yet minimal, this third country market promises substantial future business.

The time is ripe for change. While winding down the Indo-China war, the President, to his great credit, has indicated a readiness to take the initiative and to respond to signals of reciprocity from Peking by dismantling the structure of embargo and discrimination against normal nonstrategic trade with China.

I believe it is up to each of us, to the extent of his ability, to contribute to the forming of a new constructive and realistic China policy.

To this end, I have recently conferred at length with Secretary of State Rogers who shares my belief in the need for new directions in our China policy.

In January I created in the Senate Commerce Committee a new Subcommittee on Foreign Commerce and Tourism whose first assigned task is an exploration of the potential for trade with mainland China.

I have also proposed and the Senate has unanimously endorsed, a proposal for the creation of a World Environmental Institute to serve as a pool of knowledge and talent on environmental problems, to which all nations will have equal access. It was an express objective of this proposal that China not be excluded.

We are working with the organizers of the World Environment Conference scheduled to be held under the auspices of the United Nations in Stockholm in the summer of 1972 to assure that nations who are not members of the United Nations, such as the Peoples Republic of China, will be extended invitations to participate.

In my work in the Senate as Chairman of the Appropriations Subcommittee on Health, Education and Welfare, and as Chairman of the Senate Commerce Committee with its primary interest in problems of transportation and commerce, I am convinced that the potential for a new cooperative relationship with the Chinese exists.

To our benefit and the benefit of the world we can re-discover one-third of the world's population. And there is so much we can share that would not detract from our security, yet enrich our nation and the multitude of millions that live across the Pacific in China.

As Chairman of the Senate Subcommittee that considers all appropriations for health, education and welfare I have a deep and—due to events in my own family—personal commitment to the goal for finding a cure for cancer.

Of late there has been considerable political rhetoric about the importance of a moon shot approach to finding a cure for cancer. Surely we should intensify our efforts and there is much we can do in cooperation with other nations. Would it not be a great service to humanity as well as a safe and prudent national effort to enlist the cooperation of other nations such as China in a common effort of pooled research and resources to wipe this dread disease from the earth?

There are so many dread disasters that mar the fabric of society! Why cannot nations of different political persuasion find a common and peaceful bond in the effort to rid all nations of tragically high infant mortality rates, or the deforming menace of Ruebella (German Measles)? Even though a nation may be our adversary for purposes of national security can it not be our ally in a war against disease?

In recent years our nation has learned more about transportation safety than any nation in the world. Yet there is much more to be learned—55,000 people a year are still dying on our highways. And while we have the safest airline system in the world, even that can be improved upon by better air traffic control systems and landing aids.

We surely do not wish the Chinese any success in the race for might in this world, but is it important to our national security that their citizens have a high risk of death or injury on their highways or airways? These present productive areas for exchange and export of technology.

Similarly, we are learning much more about farming the seas to provide foods and medicines for the world. It cannot possibly be important to our national security that people die in China or elsewhere from malnutrition. Are we the kind of people that could knowingly seek political advantage from such an awful fact?

Surely it is possible to work cooperatively with China and other nations in exploring what science can do to find food from the sea for hungry children.

In the common effort to solve such problems we might learn to live with political diversity in the world community. We pride ourselves in having a national society in which diversity is welcomed and respected as solid evidence that we are in fact a free people. We must learn to exist with political diversity in our world community.

It is my own view that if we can move ahead with peaceful exchange in non-strategic matters such as health care, transportation, environmental control and trade, that we may find such efforts are successful and productive methods of asserting our influence in the world community.

War is no longer a very acceptable or even successful method of securing international objectives. I hope no one is surprised or disappointed that we may be emerging as a more civilized nation looking upon war as a last resort rather than an automatic response to conflict.

If we really want to compete for world leadership and influence let us intervene with trade, and technological exchange and sound ideas for advancing the quality of life for all humans. That is so much better and so much more consistent with the will of our people than killing and maiming and then footing a large tax bill to try to patch things up again.

Now I am not naive and I am keeping in mind the basic harsh facts about China that I outlined earlier. I understand that whether we want bloodshed and war is not always a decision we alone can make. Thus as it takes two sides for war it also takes two sides for peace. But if we at least show that we are willing to try peace—without letting down our guard—we might start a new way of living for people all over the world.

President Kennedy in his last, perhaps most significant major address, a "strategy for Peace" delivered in June of 1963, spoke of a need to alter our relations with the states of the Communist world to seek out areas of common interest and mutual benefit. His words have not lost their point and I would close my speech with President Kennedy's words:

"Let us not be blind to our differences—but let us also direct our attention to our common interests and to the means by which those differences can be resolved. And if we cannot end now our differences at least we can help make the world safe for diversity. For, in the final analysis our most basic right is that we all inhabit this small planet. We all breathe the same air, we all cherish our children's future. And we are all mortal."

COMMENCEMENT ADDRESS BY DR. GORDON W. BLACKWELL

Mr. THURMOND. Mr. President, Dr. Gordon W. Blackwell, the distinguished president of Furman University, Greenville, S.C., delivered the commencement address during recent graduation exercises at Winthrop College, Rock Hill, S.C., on May 9, 1971.

Dr. Blackwell is noted for his outstanding administrative capability and his accomplishments at Furman University. His remarks reflect his keen insight into the processes of education development.

Mr. President, I ask unanimous consent that this commencement address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Winthrop College Commencement Address by Gordon W. Blackwell, President, Furman University

President Davis and I have several things in common. We both flatter each other in public. We both spent happy years at the Florida State University. We both have headed distinguished public colleges for women. Your president is doing a great job here at Winthrop. He is an outstanding educator.

Finally, President Davis and I share the distinction of having survived in our present respective positions somewhat beyond the current average tenure for college presidents which is five years. This may actually be the greatest feat of all!

I am always pleased to participate in a commencement, for here we have dramatized the progress of young people in their education. At commencement time we recognize that our nation has no need for young men and women fitted all to the same pattern, content to sit back and enjoy a prosperous conformity. Educators and students must be aware that these times require creative people—individuals with independent minds—individuals who seek the truth—individuals who can and will meet the challenges and opportunities of the future with vigor, with imagination, with courage.

There is a statement which I am sure you graduates have heard around here, but I shall repeat it for your parents and friends. Almost a century ago Charles Duncan McIver, illustrious crusader for women's education in North Carolina, was wont to say: "Educate a man and you educate an individual; educate a woman and you educate a family." Truer words were never spoken.

And how would Dr. McIver react to the women's liberation movement if he were here today? Of course, I don't know but it is interesting to speculate, perhaps a look at some basic trends with reference to women in American society will help give perspective.

Well, first off we can say that there are more women than men since women live longer, a baby girl born today has a life expectancy of 74 years.

Especially in the cities does the single woman predominate. She is enjoying independence at an earlier age than formerly. She will usually have her own apartment, even when remaining in her home town. She wants independence early and generally gets it. Apartments and vacation cruises for "singles" are the in-thing these days.

Another trend has been for more and more American women to work outside the home. In 1890 Governor Ben Tillman recommended that South Carolina should have a state college for women and so we have Winthrop College. In that same year, 1890, less than a fifth of the American women were working; today the proportion is nearer one-half. With women earning $36 billion yearly in salaries and wages, women are entering technical occupations and the professions with increasing frequency. Furthermore, one of every two wives with husband present and children six to seventeen years of age are working.

In 1890 the average age of a mother when the youngest child reached six years was 38. By the early 1960's it had dropped to 32. Mothers now have a longer potential period in which to follow a career since they bear their children at an earlier age.

Furthermore, women have accounted for most of the increase in the American labor force since World War II. For example, between 1950 and 1970 the female labor force increased by 71 percent, while the male labor force rose only 18 percent.

Also the more education a woman has, the more apt she is to be working. About three-fifths of the 3 million women college graduates are working or seeking work. College girls today will work not three or five years but some say an average of more nearly 25 years.

There are many reasons which lead women to work in increasing numbers. Many become dissatisfied with the chit chat at afternoon bridge or with listening to the perennial minutes at the garden club. They desire to feel productive. Many want to keep intellectually alive and consequently they move into one of the professions. And many families find it difficult to make ends meet in the face of the high cost of living, so the wife works as soon as the youngest child reaches school age.

Moving now to another point, a peculiar characteristic of American communities has significance for women. The local community is the social milieu in which women play their multiple roles. There are many voluntary organizations in every community and women provide most of the leadership for these groups. De Tocqueville in the last century, and Charles and Mary Beard later, noted that Americans are great "joiners" and volunteer workers. The number and variety of these organizations are a source of wonderment to visitors from abroad.

An analysis of *Who's Who of American Women* shows that by far the largest single grouping is notable because of leadership in voluntary organizations. Women may be expected to play increasingly important parts in these local groups. And these groups will play an increasingly important part in preparing the woman of tomorrow to make the adjustments that tomorrow will demand.

In addition to gains by women in the world of work and in voluntary community leadership, women in America have achieved a large measure of equality of opporunity with men in the ballot, in family life, and in other important matters. Women cast approximately as many ballots as men in the presidential elections. Women are significant as stockholders in America's great corporations. Women control at least 60 percent, some say as high as 85 percent, of all personal expenditures.

Progress has been made also toward equality in education. For example, in 1890 less than 3,000 women graduated annually from American colleges and universities. Eighty years later the number is over 300,000, and it appears certain that women will secure a college education with increasing frequency in the future.

But what has been the significance of all these changes for the personality development of women? Each woman faces the necessity of charting her own course of development somewhere between putty-like conformity to prescribed cultural norms on the one hand and autonomous personal action on the other hand as called for by women's liberation. In American society the pressure for conformity by women has always been great, varying of course from region to region, from community to community, and among different social strata and ethnic groups. But the problem for the contemporary woman has become conformity to what? The many new social patterns and new aspirations encouraged by women's liberation provide a maze of multiple statuses and roles fo reach woman, often involving frustrating conflict.

Her probable mobility adds to the complexities facing her. Changing values in the society make it difficult for her to keep her social moorings. The culture and social structure do not provide her with sufficiently clear guidelines and high predictability in interpersonal relations. The social situation is not clearly defined for her. Social adjustment often proves difficult. According to a noted sociologist Robin Williams, "If such disillusion of the social pattern involves values central to the person's self-identity, the shattering of stable social expectations seems catastrophe for personality integration." It just could be, then, that the trends I have noted and the further precipitate changes called for by women's liberation may constitute a mental health hazard for the very people the movement seeks to free.

From what I have said, it should be clear that the objectives of education for women are more complex than for men. The educational needs of a woman relate to her potential roles as homemaker, mother, citizen, worker, and an attractively intelligent, feminine person. If a career becomes a reality for a woman, as we have seen is more and more frequently happening, the career may be of the split type occupying only a brief period before and immediately after marriage, then a longer period after the children are of school age. Many women experience the two-way stretch of home and job in tandem. These are among the complexities of the adjustment problem of women.

A study of sophomore girls at Vassar College some years ago revealed that the chief goal of most of them was to marry and have their 2.7 children. This still remains the primary objective of college women, I trust.

Why then is it good that you who are graduating today have successfully completed a college education? I suggest, first, that it is good because you who have experienced a liberating education will more likely have the maturity, the serenity, the breadth of interests and the fundamental sense of values which are required in the effective handling of the trying responsibilities of motherhood and homemaking.

Next, in your role as responsible citizens you will require the ability to discriminate between the significant and the trivial, the true and the false, the relevant and the irrelevant, the objective and the biased. As educated women you stand out from the rest and must be ready, yes eager, to assume community leadership.

Furthermore, in view of occupational trends, you should have or should plan to secure the preparation for work at levels commensurate with your own potential. You should be prepared to take your places in the many professional or technical positions which are now open to women. Especially has the profession of teaching at all levels of education never been more important, nor the need more urgent for effective teaching techniques and sound mastery of subject matter.

And now I shall conclude with an excerpt from a radio script, "The Educated Woman," broadcast by CBS a few years ago. At one point in the program, as explained by the narrator, the late Edward R. Murrow, the distinguished Pulitzer prize-winning poet and playwright, Archibald MacLeish, argues with his self-made antagonist in an original dialogue. The antagonist speaks first.

ANTAGONIST. A hundred years ago, there were still silly people around who thought women were so inferior to men that they couldn't be educated beyond the female seminary level, which is why the sensible people had to found women's colleges. We know much better today; we know that men and women do not differ at all in intellectual capacity. There are even women at Harvard!

MACLEISH. A great advance, but does science really believe now that there is *no* difference?

ANTAGONIST. Oh, of course, there are still the obvious biological . . .

MACLEISH. Well *vive* those differences anyway. But is it merely biological? Physiological?

ANTAGONIST. You mean to say you still think there are intellectual differences?

MACLEISH. I don't know that "intellectual" is the word. But differences other than architectural, yes. The great revealer of the human animal is the art he makes. Do you really see no difference between the poems made by men and the poems of women from Sappho down to Emily Dickinson and Marianne Moore?

ANTAGONIST. You are going to say that poems by women are inferior?

MACLEISH. Sappho inferior?

ANTAGONIST. Well then what difference?

MACLEISH. The greatest of all differences. A difference in sensibility, in perception.

ANTAGONIST. A difference which affects the education of women?

MACLEISH. Yes.

ANTAGONIST. How?

MACLEISH. By making the education of women more important than the education of men.

ANTAGONIST. Well, the court will hear you on that.

MACLEISH. Two reasons. One, the sensibility of women makes them more susceptible to the kind of education which our time most deeply needs.

ANTAGONIST. What education is that?

MACLEISH. The education of the emotions, of the power to feel. Our danger in this time is that we will perish of the dry rot of abstraction—of factual information, of intellectuality.

ANTAGONIST. And what's the second reason?

MACLEISH. That women, as long as children go on being born as they now are, are in a far better position than men to affect the human future, to keep the civilization alive. For civilization is not just knowing. Civilization is a way of feeling what you know, what you think you know, at least.

In summary, I agree with Charles Duncan McIver that women have a unique role in the furtherance of civilization. In his words, "The proper training of women is the strategic point in all culture." But proper training must take into account social and economic trends and must be related to the needs of women not of yesterday but of the tomorrow to which women's liberation is leading us.

And so I congratulate you as young college educated women. For you, this day is an open door to a future that can be as full and rewarding as you are willing to make it. My best wishes go with you.

ERVIN HEARINGS ON PRIVACY, IV—TESTIMONY OF ROBERT F. FROEHLKE

Mr. ERVIN. Mr. President, during the past several days I have introduced into the CONGRESSIONAL RECORD prepared statements from former Army intelligence agents who testified at the Subcommittee on Constitutional Rights hearings on computers, data banks, and the Bill of Rights. These men have described how military intelligence was conducted and the uses to which the raw data collected was put.

Today I would like to place in the RECORD the testimony of Mr. Robert F.

Froehlke, Assistant Secretary of Defense (Administration) that relates to military surveillance activities. Mr. Froehlke informed the subcommittee what the Department of Defense has learned about such activities and what changes in policy and organization have been initiated to conform investigative and counterintelligence activities to the rights of our citizens and the requirements of our Nation.

I would also like to put in the RECORD a document detailing the Army's intelligence gathering requirements prior to the first disclosures about the civil disturbance program. This document, dated February 1, 1968, is entitled "Annex B (Intelligence) to the Department of the Army Civil Disturbance Plan (U)."

Mr. President, the Department of the Army Civil Disturbance Information Collection Plan has already been placed in the CONGRESSIONAL RECORD. Senator BAYH of Indiana, a member of the subcommittee, introduced this document on Tuesday, March 2, 1971. It begins on page 4553 of the RECORD for that day. I am calling attention to this document because of its pertinence to the Army's intelligence gathering program. I think that it should be read in conjunction with the materials I am introducing today.

I ask unanimous consent that the statement of Mr. Froehlke and the February 1, 1968, Annex B (Intelligence) be printed in the RECORD as this point.

There being no objection, the statement and annex were ordered to be printed in the RECORD, as follows:

STATEMENT OF ROBERT F. FROEHLKE, ASSISTANT SECRETARY OF DEFENSE (ADMINISTRATION), TO THE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS OF THE SENATE JUDICIARY COMMITTEE, MARCH 2, 1971

Mr. Chairman, distinguished members of the Subcommittee: The Department of Defense welcomes this opportunity to discuss with the Subcommittee the activities of the Department of Defense as they relate to the general right of privacy of citizens and to respond to the inquiries which you, Mr. Chairman, have addressed to the Department.

The Secretary of Defense and his civilian and military assistants in the Department of Defense share your concern that activities of the Department of Defense be and remain consistent with constitutional rights and other legal protections of individual citizens in the performance of its national security mission. Adequate safeguards must be maintained to insure the continuation and strengthening of civilian control and cognizance of such activities.

On December 23, 1970, I was directed by Secretary of Defense Laird to review all policy directives relating to the conduct of investigative and counterintelligence activities in the Department of Defense. In addition, I was directed to inform the Congress and the public of the changes which are being made in policy and organization.

It is my purpose today to inform you of the situation I have found and the changes in policy and organization initiated to insure that DoD investigative and counterintelligence activities are completely consistent with constitutional rights, all other legal provisions, and national security needs.

I will first address the specific subject of information collected primarily through Military Service investigative organizations and utilized by the Department of Defense and other Departments and Agencies of Government, which is obtained from, or relates to, the civilian community—that is, persons not affiliated or connected with the Department of Defense.

Within the past year, there has been a focus of official and public attention on the fact that for a period of time during the 1960's the Military Services were engaged in the collection and analysis of information on persons and organizations not affiliated with the Department of Defense. Clearly there is no precedent for the scope and intensity of information collection and analysis related to the civilian communities which occurred in the period in question. The character and extent of information collection undertaken by the military and the curtailment of this activity during the past two years can only be understood if related to the circumstances which initially led to the military involvement.

The collection, storage, and analysis of information related to the civilian community has been the focal point of current discussion and concern. This informational aspect of military involvement is only a part of, and inseparably related to, the more direct and comprehensive involvement of the Military Services in civil disturbances, namely the prepositioning or actual use of military forces to cope with violence in civilian communities.

The history of the United States contains a number of instances when civilian authorities used National Guard or Federal troops in connection with domestic disturbances. Article IV, Section 4, of the Constitution of the United States provides: "The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence."

As early as 1795, the Congress passed statutes implementing this Constitutional provision. Currently applicable enabling statutes include Sections 331, 332, and 333 of Chapter 10 of the United States Code.

Between 1786 and 1921, Federal military forces were used in connection with domestic disturbances approximately 30 times, according to a list compiled by the War Department for the Senate. Approximately seven of these instances occurred in the aftermath of the Civil War. Some five of them occurred in territories, rather than in states.

It is apparent that prior to 1960 instances of civil disturbances necessitating the use of Federal troops were sufficiently infrequent and isolated as to preclude any necessity for detailed contingency planning by Federal civilian or military authorities. Therefore, there was no need for collection of information to assist in such contingency planning.

In the early 1960's incidents of civil disturbances, unfortunately, increased in frequency and intensity. Federal troops were deployed in Oxford, Mississippi, in 1962 and 1963. Federal troops were again committed in Tuscaloosa and Huntsville, Alabama, in June 1963. Federal troops were deployed, although not committed, in Birmingham, Alabama, in June 1963 and were pre-positioned, but again not committed, in Washington, D.C., in August 1963. Federal troops were deployed during the Selma-Montgomery, Alabama, march of 1965. During this period, there were also a number of other instances of civil disturbances which occasioned alerts but not deployments of Federal troops.

Officials charged with responsibility for the commitment, deployment, or potential deployment of Federal troops in this period foresaw and expressed the need for improved planning in connection with Federal activities and participation in assistance to states and local communities during civil disturbances.

Following the commitments or prepositioning of Federal forces during the 1962–63 period, each at the orders of the President, the Joint Chiefs of Staff delegated specific responsibilities in connection with future use of Federal troops in civil disturbance situations. The Commander-in-Chief of STRIKE Command was assigned responsibility for the selection, movement and prepositioning of Federal forces when the Department of Defense was so directed by the President. The Chief of Staff of the Army was designated as Executive Agent for the Joint Chiefs of Staff to command Federal troops either personally or through a designated personal representative when Federal troops were committed in connection with civil disturbances by order of the President.

In 1964, although there was no prepositioning or commitment of Federal troops in connection with civil disturbances, the Department of Defense received a number of requests for information and assistance of various types related to and in anticipation of civil disturbances. In June 1964, the Deputy Secretary of Defense, by memorandum, directed that any requests for assistance by the Department of Defense in connection with civil disorders be referred to either the Secretary of Defense or the Deputy Secretary of Defense. In July 1964, the Secretary of Defense, by memorandum, reiterated that such requests could only be approved by the Secretary or Deputy Secretary of Defense. He further directed that any such requests be immediately reported to the Secretary or Deputy Secretary.

In 1965, Federal troops were committed only once—in Selma, Alabama. There were, however, four other major riots and civil disorders in the country, the largest having taken place in the suburb of Watts, Los Angeles, California. During the latter riots, 3 law officers and 33 civilians were killed and more than 1,000 persons injured.

In 1966, according to the compilation of the Permanent Subcommittee on Investigations of the Committee on Government Operations, U.S. Senate, there were 21 major riots and civil disorders. Seven of these necessitated the use of National Guard troops. In 1967, according to the same compilation, there were 83 major riots and civil disorders and the National Guard was used in 25 of them. The 1967 riots and disorders resulted in 83 killed and almost 2,00 injured. Out of the 83 disorders, sniping occurred in 35 and looting in 50 of them. The largest and the most destructive of the major disorders in 1967 were those in Newark, New Jersey, and in Detroit, Michigan. In July 1967, Federal troops were alerted but not prepositioned in Newark, New Jersey. Federal troops were committed for the restoration of order in Detroit.

In the first seven months of 1968, there were 57 major riots and civil disorders. The National Guard was used in connection with 29 of these disturbances and Federal troops were prepositioned or committed in four of them, three of which were concurrent.

Strife continued during the remainder of 1968, 1969 and into 1970. The National Guard, under control of State officials, was employed 78 additional times during the latter part of 1968. Federal troops were prepositioned in Chicago in August, 1968, in connection with the Democratic Convention. In 1969, Federal troops were prepositioned on two occasions at Washington, D.C. Events in New Haven, Connecticut and Washington, D.C. in 1970 generated a requirement again to preposition Federal troops. While the intensity of the disturbances may have diminished in 1969 and 1970, State officials still found it necessary to employ National Guard forces on 67 occasions in 1969 and on 49 occasions in 1970.

Prior to the summer of 1967, the involvement of the Military Services in collection of civil disturbance information could be characterized as minimal but increasing. July and August of 1967, however, marked a turning point.

In mid July, Federal troops were alerted for Newark, New Jersey, in connection with large-scale disorders which were occurring there. The riots in Detroit began on July 23 and continued until July 31. Federal troops were committed. Shortly after the beginning of the Detroit riots, the Secretary of Defense created a Civil Disturbance Task Force under the Chairmanship of the Under Secretary of the Army. This was an interdepartmental task force and included membership from the White House and the Department of Justice, as well as other agencies.

During the riots in Detroit in July 1967, Mr. Cyrus Vance, who had previously served as Deputy Secretary of Defense, was the personal representative of the President and the senior Federal official in Detroit. In September 1967, Mr. Vance filed an extensive report on his experiences in Detroit. In his report he stated, "In order to overcome the initial unfamiliarity of the Federal troops with the area of operations, it would be desirable if the several Continental Armies were tasked with reconnoitering the major cities of the United States in which it appears possible that riots may occur. Folders could then be prepared for those cities listing bivouac sites and possible headquarters locations, and providing police data, and other information needed to make an intelligent assessment of the optimum employment of Federal troops when committed." His report also stated, "The assembly and analysis of data with respect to activity patterns is needed. I believe it would be useful to assemble and analyze such data for Detroit, Newark, Milwaukee, Watts, etc. There may be 'indicator' incidents; there may be typical pattern of spread; there may be a natural sequence in the order in which the several types of incidents occur. All of these should be studied."

In response to the increasing frequency and intensity of civil disorders, the Army's experience in Detroit, and to Mr. Vance's after-action report, the Department of the Army undertook through a task group to evaluate the roles and functions of the active Army and of Reserve component units in urban riots. This task group subsequently became the Army Civil Disturbance Committee. It made numerous recommendations which resulted in the formulation and issuance of a comprehensive civil disturbance plan on February 1, 1968.

Through the period 1965–1968, there was a crisis-oriented attitude with respect to civil disorders. During the entire period, and particularly in 1967 and 1968, heavy emphasis was placed by civilian and military officials at the highest levels of Government on improving the preparedness of the Federal Government structure, including the military, for dealing with multiple, large-scale, concurrent civil disturbances.

It is significant that around 1967, the character of the major disturbances underwent a change. Prior to this point in time, the civil disturbances had largely arisen in connection with racial matters, and had apparently been precipitated by a chance incident. Later, although racial incidents continued, a new potential for major civil disturbances also arose. This potential centered on planned and usually pre-announced assemblies of persons from across the nation to protest the war. Many of the potential participants in these pre-announced assemblies announced their intention to disrupt the government. It was the cumulative impact of these developments which led to the Army being tasked to plan for possible commitment of Federal troops in as many as 25 major cities concurrently.

On April 10, 1968, the National Advisory Commission on Civil Disturbances, known as the Kerner Commission, filed its report. This Commission reported that the Army Staff Task Group had conducted a study on which the Commission had relied heavily. The Commission commended the Army for undertaking this over-all review. One of the Commission's recommendations was:

"The Commission further recommends that Federal-State planning should ensure that Federal troops are prepared to provide aid to cities not presently covered by the Army's 'planning packet' effort."

It is also significant to note that a Commission finding stated that "the absence of accurate information, both before and during disorder, has created special control problems for police."

Primary responsibility for assistance from the Military Services in connection with civil disturbances was placed on the Army. As I mentioned earlier in my statement, the Chief of Staff of the Army was designated as Executive Agent for the Joint Chiefs of Staff for civil disturbance matters in 1963. On April 5, 1968, the Secretary of the Army was formally designated Executive Agent in civil disturbance matters for the Secretary of Defense.

It was against this general background, and in this period of crisis, that the involvement of the Military Services in collection and analysis of information on civilians and organizations not affiliated with the Department of Defense occurred. These so-called intelligence activities were only one facet of the overall planning and operations required from the Military Services in connection with civil disturbances.

Although all of the Military Services were subjected to requirements connected with information collection related to civil disturbances, the Department of the Army had the responsibility for the principal effort. The other military departments had a collateral role consisting primarily of responding to intelligence requirements developed by the Army planners to the extent the other Services possessed information which filled the specified need.

Essentially two types of organizations and information collection and handling activities became involved in information collection on people and organizations which were part of the civilian community. The first of these organizations and activities was that which normally conducts background investigations on Department of Defense personnel and others who have a need for access to classified information. This is essentially an investigative organization located in field offices throughout the country. The organizational structure of this type of activity in the Army varied over the period 1963–1969, but since 1965 has comprised the United States Army Intelligence Command.

The second of these organizations is the tactical intelligence units organic to combat units, such as a division. The primary mission of such units is to be prepared to support their command when committed to combat operations. In only a few known instances, did such a tactical military intelligence detachment become involved in collection of information on civilians and civilian organizations. At this point, I will confine my discussion to the activities of investigative-type units, and thereafter I will address the activities of tactical intelligence units.

Neither the investigative-type organizations nor the tactical intelligence units organic to combat operations stationed in the United States are engaged in positive or foreign intelligence activities. Neither the Defense Intelligence Agency nor other organizations concerned with foreign military intelligence were involved in the collection or utilization of information on United States civilians and civilian organizations not affiliated with the Department of Defense.

Turning back to the involvement of investigative-type activities, it is relevant that in the Air Force and in the Navy background investigations are conducted by the same organizations and the same personnel charged with the responsibility of conducting criminal investigations. In the Army, criminal investigations are conducted by the Criminal Investigation Division, a separate agency from the United States Army Intelligence Command, which conducts background investigations. In all three military departments, the organization or activity which conducts background investigations also is tasked with such related counterintelligence requirements as are authorized and necessary for that military department.

Investigative and related counterintelligence collection activities can be divided into categories based on the nature or techniques utilized for collection of the information. Generally, these categories are: (1) liaison, (2) public media, (3) direct agent observation, and (4) covert. Liaison collection involves the obtaining of information from Federal, state and local authorities by personal contact and written inquiry. Collection by public media involves the clipping and noting of news publications, and the monitoring of commercial telecasts and radio broadcasts. Direct agent observation involves the use of personnel to personally observe activities and events and would include personal surveillance. Covert collection involves deception and the attempt to preclude awareness by those on whom information is being collected. Covert collection includes, for example, agent penetration of an organization by the use of credentials other than those identifying the agent as a military investigator.

The involvement of Army investigative and related counterintelligence organizations in the collection and utilization of information related to civil disturbances had its genesis in 1963. At that time, after several deployments of Federal troops, the Chief of Staff of the Army was designated as Executive Agent for the Joint Chiefs of Staff to command Federal troops committed to civil disturbances. Concurrent with this designation, the investigative and counterintelligence organizations of the Army, at that time organic components of the several Continental Armies, were assigned the mission of briefing the personal representative of the Army Chief of Staff on the scene. In addition, directives specified that upon the issuance of an executive order by the President committing Federal troops in connection with the civil disturbances, the investigative and related counterintelligence units in that particular Continental Army area immediately came under the operational control of the personal representative of the Chief of Staff of the Army.

From 1963 to 1965, the investigative and related counterintelligence units of the Continental Armies had the mission, in connection with civil disturbances, of being prepared to provide initial briefings to the Commander at the time of commitment of Federal troops by the President. In addition, they were to be prepared thereafter to provide the informational needs of the Task Force Commander during the period of troop commitment. In order to prepare for the requirement of an initial briefing, civil disturbance information began to be collected. The collection means which were authorized by directives of the Continental Army Command were by liaison and reviewing the public media. Generally, direct agent observation could be resorted to in an emergency situation by authority of the Continental Army Commander. Covert collection was prohibited without the specific approval in each case of the Commander, Continental Army Command, after coordination with the Federal Bureau of Investigation as provided in the Delimitations Agreement.

On January 1, 1965, the United States Army Intelligence Command was activated. It included all Army investigative and counterintelligence units in the United States which had formerly been parceled out among the various Continental Armies. It did not, of course, include the tactical units assigned to combat operations organizations. The same policies authorizing and restricting methods of collection which previously pertained were incorporated into the directives of the Intelligence Command. The Commander of the United States Army Intelligence Command reserved to himself the authority to approve any covert collection.

As early as 1963, there are records of complaints about the failure, or inability, of the Army's investigative and counterintelligence units to provide adequate civil disturbance information prior to the commitment of Federal troops. In retrospect, it is clear that such Army units could not satisfy the requirements for civil disturbance information by authorized collection means, namely, liaison and public media review.

Early in 1965, it appears that the Army staff was tasked to provide a daily Civil Disturbance Situation Report. There is no record to indicate who imposed this requirement. However, in September 1965, the Secretary of the Army, in a memorandum to the Deputy Secretary of Defense, recommended that the daily Civil Disturbance Situation Report be discontinued. The recommendation of the Secretary of the Army was based on a similar recommendation by offices in the Army Intelligence Command. The recommendation was approved.

Nevertheless, the number and variety of requirements for specific information related to civil disturbance continued to increase through 1967. Following Detroit, direct agent observation was increasingly used to fill requirements.

Let me emphasize, however, that even during this period a small proportion of the total time and effort of personnel assigned to investigative and counterintelligence organizations was used for collection or processing of civil disturbance information. The great majorty of investigative personnel were at all times engaged in the routine personnel background investigations.

It is also evident that both civil and military authorities continued to be dissatisfied with the quality and quantity of civil disturbance information provided.

The increased concern, activity and planning led to the issuance of the comprehensive Army Civil Disturbance Plan in January 1968. On February 1, 1968, the Intelligence Annex to the Civil Disturbance Plan was issued. The Intelligence Annex contained a one page list of general essential elements of information, and there was limited tasking by specific units and types of units.

In the first six months of 1968, however, the level of riots continued high and at an even greater intensity. It was in this period that the extensive riots following the assassination of Dr. Martin Luther King occurred. Official concern grew. Law enforcement agencies, including Federal agencies, made known to the high civil authorities their lack, in quantity and quality, of the necessary resources to cope with the increasing demands for information. As a consequence, a more comprehensive and detailed intelligence document was issued on May 2, 1968. This was the Department of Army Civil Disturbance Information Collection Plan. It was classified Confidential. It was rescinded on June 9, 1970 and declassified on February 24, 1971. I will provide a copy for the record.

This Civil Disturbance Information Collection Plan provided that predisturbance information would be obtained by drawing on other Federal as well as state and local forces. These forces secure such data in the course of carrying out their primary duties and responsibilities. It further provided that United States Army Intelligence Command personnel would not be directly used to obtain civil disturbance information unless specific direction to do so had been received from Headquarters, Department of Army. Covert operations by United States Army Intelligence Command personnel were prohibited without the prior approval and direction of the Assistant Chief of Staff of Army for Intelligence.

This collection plan contained the following preamble:

"It is recognized that Army assistance to local or state authorities in peacetime, as well as in wartime emergency, is a long standing tradition in our country. In most instances to the past, such assistance was rendered with a minimum of advance information concerning the situation. The current civil disturbance situation dictates a change in the degree to which the Army must seek advance information concerning potential and probable trouble areas and trouble makers.

"The Army is well aware that the overwhelming majority in both the anti-war and the racial movements are sincere Americans. It also realizes that in both groups there is a small but virulent number who are out to tear America apart. During demonstrations and disturbances these are the activists that control the violent action. These are people who deliberately exploit the unrest and seek to generate violence and terror for selfish purposes. If the Army must be used to quell violence it wants to restore law and order as quickly as possible and return to its normal protective role—to do this it must know in advance as much as possible about the well springs of violence and the heart and nerve causes of chaos. To do less means the professional violence purveyors will have a better chance to achieve their end aims—law breaking, social disintegration, chaos, violence, destruction, insurrection, revolution.

"In obtaining the information called for in this plan the Army seeks only to collect that needed to exercise honest and sound judgment of the measures to be taken in suppressing rampant violence and restoring order—to assure that only the mildest effective measures are exercised—to insure that no overstepping of the degree of force or circumscription needed is applied—to conserve military resources and to avoid infringement on the responsibility and authority of civil government agencies—to insure pervasive vigilance for the fundamental rights of private citizens by the selective and enlightened use of force in restraint against those who are truly violating the rights of their fellow citizens."

The Collection Plan directed specific tasking of organizations within the Army to provide civil disturbance information. In addition, it contained a standing request for pertinent information which might be obtained by the Department of the Navy, Department of the Air Force, the Defense Intelligence Agency and other Department of Defense agencies. In addition, it requested civil disturbance information from a number of non-DoD Federal agencies and offices.

This Collection Plan received wide distribution including the Office of the Secretary of Defense, the National Security Council, and the Department of Justice.

This Civil Disturbance Information Collection Plan imposed requirements in extensive detail in four categories: predisturbance activities, activities during civil disturbance, post disturbance activities and international activities related to civil disturbance. The requirements were both comprehensive and detailed, and, in the light of experience, substantially beyond the capability of military intelligence units to collect. They reflected the all-encompassing and uninhibited demand for information directed at the Department of the Army.

Despite the limitations in the Civil Disturbance Information Collection Plan on the methods of collection, it is apparent that many of the requirements which the United States Army Intelligence Command was asked to satisfy could not conceivably be collected by liaison or public media-type collection. It is highly improbable that many of the requirements listed could be obtained by other than covert collection. Indeed, many of these requirements could not be satisfied by any collection means and certainly not with the resources available. So comprehensive were the requirements levied in the Civil Disturbance Information Collection Plan that any category of information related even remotely to people or organizations active in a community in which the potential for a riot or disorder was present, would fall within their scope. Information was sought on organizations by name or by general characterization. Requirements for information were even levied which required collection on activities and potential activities of the public media, including newspapers and television and radio stations.

In summary, the Department of Army Civil Disturbance Information Collection Plan was widely distributed throughout the Federal Government, and to officials of each state government. It expressed the need and desire for every conceivable type of information related to civil disturbances and the people and organizations who were or might become involved in civil disturbances. The United States Army Intelligence Command vigorously attempted to comply with the Civil Disturbance Information Collection Plan requirements.

The Army's Civil Disturbance Information Collection Plan was rescinded on June 9, 1970.

At this point, I would like to turn to the source of legal authority for the use of the military in collecting civil disturbance information and to the matter of civilian control of the military in connection with these activities.

Basic authority for the use of the Armed Forces in connection with civil disturbances is Article IV, Section 4 of the Constitution and Sections 331, 332 and 333 of Title 10 of the United States Code.

The civil disturbance information collection activities of the Military Services were all integrally connected to the use or potential use of Federal troops under this authority. This information collection was obviously considered necessary and essential to the effective use of Federal military forces in connection with the widespread riots and domestic disorders occurring in this period.

In none of the documents of record, however, during this period of crisis do we find a specific legal rationale for this use of military resources to collect civil disturbance information. Indeed, it would be surprising, had such a rationale been prepared, since the information collection was so inseparably a part of the total use of Federal troops. In order to carry out the President's order and protect the persons and property in an area of civil disturbance with the greatest effectiveness, military commanders must know all that can be learned about that area and its inhabitants. Such a task obviously cannot be performed between the time the President issues his order and the time the military is expected to be on the scene. Information gathering on persons or incidents which may give rise to a civil disturbance and thus commitment of Federal troops must necessarily be on a continuing basis. Such is required by Sections 331, 332 and 333 of Title 10 of the U.S. Code since Congress certainly did not intend that the President utilize an ineffective Federal Force.

It is worthy of note that none of the activities referred to above were prohibited by Federal or state law. Two cases have been decided in the lower Federal courts where action has been brought by individuals seeking to enjoin collection by military organizations of civil disturbance type information on persons and organizations not affiliated with the Department of Defense. One suit, the *ACLU et al v. Westmoreland et al* was recently heard in the Federal District Court in Chicago. This action was ordered dismissed by the District Judge and that order is now on appeal. In the other case, *Tatum et al v.*

Laird et al, the court dismissed plaintiff's motion for a preliminary injunction on the grounds that plaintiff failed to state a cause of action and showed no unconstitutional action and alleged no unlawful action on the part of defendants. The appeal from the order of the District Court has been argued before the Court of Appeals and a decision on the appeal is pending.

Since no use of civil disturbance information was made or intended to be made that would result in any action to the prejudice of any individual or organization, it is difficult to perceive how the Constitutional rights or even the right of privacy could be impinged by the collection of such information. Even were the individual rights of some individuals indirectly affected, however, the Supreme Court has repeatedly held that such rights of individuals are not absolute but are under certain conditions subject to incidental limitations upon their exercise. (*United States* v. *O'Brien,* 391 U.S. 367 (1968))

We recognize, of course, the fact that their activities were legal does not resolve the question from a policy standpoint of whether such activities, at any particular point in time, are appropriate.

It is evident from the record during this period that all of the officials involved—military, as well as civilian—recognized at all times that Federal troops could not be committed in connection with civil disturbances except by Executive Order by the President. While House personnel participated in the general planning and direction of the total civil disturbances planning. They were also involved in the establishment of requirements for and the tasking of the Military Services to provide the civil disturbance information needed. The records also demonstrate that the Attorney General was recognized by all as the Chief Law Enforcement Official of the Federal Government. The Department of Justice similarly participated in the planning and direction of the civil disturbance activities, including civil disturbance information collection by the Military Services.

Nonetheless, the records reveal that little, if any, direction and guidance was provided to the Military Services from the White House or the Department of Justice in written form. There were, of course, the several Executive Orders, which during the period, committed Federal troops to assist in controlling major disorders. Numerous memoranda of record of inter-agency group meetings at the White House and elsewhere, however, demonstrated that the highest level of civilian officials participated. Even in the detailed planning performed by the civil disturbance task force, headed by the Under Secretary of the Army, both the White House and the Department of Justice had representation.

The degree of civilian participation was in some cases, quite detailed. For example, civilian officials at times dealt directly with collection groups in the field. In one case, it appears that there were attempts by a civilian official to deal directly with an individual agent while he was engaged in direct agent observation.

I might also mention that the committees of the Congress were made aware of the military's participation in the collection of civil disturbance information. For example, on April 25, 1968, the Permanent Subcommittee on Investigations of the Committee on Government Operations of the Senate held a "conference on problems involved in the Poor People's March on Washington, D.C." Both the Under Secretary of the Army and the Assistant Chief of Staff for Intelligence of the Department of the Army were interrogated intensively to determine whether their efforts to collect information on the potential for civil disturbance in connection with the Poor People's March were adequate. The conference was also attended by the Attorney General, who was similarly interrogated.

In a number of instances during this period, the potential for disorders was perceived from announced intentions of various organizations to promote mass demonstrations of large numbers of people from all over the country for demonstrations in a specific city, often Washington, D.C. Some demonstration leaders publicly announced their intent to disrupt the functions of government. Information was desired on the numbers of persons from a variety of organizations from many locations across the country who might attend such demonstrations. No organization had sufficient trained personnel of the types needed to collect such information except organizations within the Military Services.

The records clearly indicate that military resources were employed because civilian agencies—Federal, state and local—had demonstrated a lack of capability to provide the quantity and types of information believed to be necessary effectively to cope in a timely fashion with the emergency then prevailing.

At this point, I would like to discuss briefly some of the types of collection activities which were conducted. The collection requirements levied on the United States Army Intelligence Command, both in the form of specific requests for information and by the Civil Disturbance Information Collection Plan, necessitated an increasing use of direct agent observation as a means of collection to supplement information collected by liaison and from public media. Direct agent observation included such activities as attendance at civilian meetings and gatherings, personal photography and the recording of what was said at the meetings attended.

There is, of course, a rather hazy distinction between what has been characterized as direct agent observation, on the one hand, and covert collection, on the other. When major riots and civil disorders were prevalent, as well as in their aftermath, covert collection was authorized by the appropriate authority. The instances of covert collection were coordinated with the Department of Justice as required by the Delimitations Agreement.

Since mid-1967, there have been four events, in connection with which Army personnel have conducted major covert operations. These operations included, in some instances, penetration of civilian organizations connected with pre-announced assemblies with a high potential for civil disturbances. These events were the march on the Pentagon in October 1967, the Washington Spring Project in May to June 1968, the Democratic National Convention in August 1968 and the Presidential Inauguration in January 1969. For example, during the Democratic National Convention agent personnel were used as photographers under cover of fictitious firms to photograph and record interviews with leaders and members of the demonstrations and to film actual demonstrations in Chicago. During the same period, agent personnel, consisting of Negro teams and hippie teams, joined with potentially violent elements across the country and travelled with them to Chicago. To a lesser degree than occured in Chicago, the same methods were employed during the Inauguration activities in January 1969.

In addition to these instances, a civil disturbance related covert collection was authorized for an agent to enroll at New York University to monitor a special course entitled "New Black Revolt" in early 1968.

Military investigative personnel performed two distinct and different functions during the Democratic National Convention in Chicago and the Republican National Convention in Miami in 1968.

At the request of the Secret Service, personnel from the Army's Criminal Investigation Division, from the Naval Investigative Service and from the Office of Special Investigations of the Air Force were loaned to the Secret Service for augmentation of their security forces for the protection of the President, Vice President, and Presidential and Vice Presidential candidates. These personnel, used in connection with the Convention and Convention facilities for security protective purposes, were on loan to the Secret Service under the provisions of Section 2, P.L. 90-331, enacted June 6, 1968. These personnel from the Military Services were under the operational control of the Secret Service. They were not engaged in any type of information collection activities.

Personnel from the Army Intelligence Command were used for information collection activities in connection with civil disturbances and demonstrations in Chicago and in Miami during the Conventions. In Chicago, Army Intelligence Command personnel were augmented by personnel from the Naval Investigative Service.

Those engaged in information collection activities had no connection with the official activities of the Conventions. They were concerned solely with civil disturbances. They were not on duty in the Convention Halls. Subsequent inquiry has revealed that several of these personnel individually attended Convention sessions, but not in any official capacity. According to the best information available, there were a total of three such spectator visits—one in Miami and two in Chicago.

Electronic surveillance was not employed by Defense personnel either at Miami or in Chicago. No private communications—radio or wire—of any political headquarters or political persons were monitored. During the riots in Chicago, Army personnel acting in support of the Federal troops prepositioned there, did use radio receivers to listen to citizens' band broadcasts.

As I mentioned earlier, the primary responsibility for collecting civil disturbance type information was assigned to the Department of Army. The other Military Services were requested to provide such information as was in their possession or as came to their attention which fell in the categories of civil disturbance information. Other than the Army, the Services were not tasked for collection of civil disturbance information.

With reference to the entire record of the collection of civil disturbance information by the Military Services, several conclusions are apparent.

The Army investigative and related counterintelligence organizations were the units primarily tasked for collection of information in connection with civil disturbances. Until about 1967, they generally responded slowly and unenthusiastically to this assigned task. Beginning in 1967, however, the tasking of the Army investigative and related counterintelligence organizations was more formal and comprehensive. The units thereafter responded, in many cases, quite aggressively.

From the vantage point of hindsight, the guidance and direction to the military for collection of civil disturbance information was too often general and oral rather than in written form. Directions flowed from meetings of civilian officials, attended by military officers. In many cases, requests for specific civil disturbance information were transmitted by telephone. For example, a senior Justice Department official would telephone a request to the Department of the Army to know immediately what was occurring at a specific corner in a specific city at that moment.

Particularly after 1967, it appears that the volume and variety of information requested to be collected, originating both in the Civil Disturbance Information Collection Plan and in specific requests from various officials of Government, was so great that it obviously could not be collected by the means of collection authorized. Thus, there was a practical inconsistency between the level of demand for information imposed and the methods of collection authorized.

In attempting to meet the demands for immediate information, the investigative and related counterintelligence organizations of the Army relied increasingly on direct agent observation. In some cases, the rather obscure demarcation between direct agent observation and covert collection was probably transgressed. Where covert collection clearly was considered to be needed to fulfill the information request imposed, authority was sought and often received from proper authorities. The general requirement for coordination of covert collection with the Department of Justice was strictly followed.

As I mentioned earlier, the collection of civil disturbance information by the Army was primarily the responsibility of its investigative and related counterintelligence organizations. It is the activities of these that I have been discussing. In addition, however, in some instances, tactical intelligence units assigned to combat forces stationed in the United States, engaged in information collection activities in the civilian community. While few such units were so engaged, it appears that these units were less constrained in their methods of collection than were the investigative and related counterintelligence organizations. Civilian control or even knowledge of these few activities did not exist. These instances were few. We are aware of one unit that was so engaged and there are indications that one additional unit may have been so engaged. At this point, it is not clear whether such collection activities were directed at civil disturbance potentials or were conducted for the ostensible purposes of installation security or both. Both cases are now under formal investigation, and it would be inappropriate for me to discuss them in more detail at this time.

The product of collection activities which I have described were assembled in various files.

In 1963, Army investigative and counterintelligence units were assigned the mission of briefing the Army Chief's of Staff personal representative immediately upon the commitment of Federal troops in connection with a civil disturbance. Files began to be compiled and maintained in field offices to provide data from which to prepare the required briefings. These files covered individuals and organizations who were believed to have a potential for influencing civil disturbances. Files where kept on persons and organizations who conceivably might contribute directly or indirectly to the creation, exacerbation or continuation of civil disturbances. They were also kept on persons and organizations who were believed to have a potential for assisting in preventing or ending civil disturbances.

Such files, as you know, were ordered destroyed in the spring of 1970. Therefore, it is impossible to examine such files to determine to what particular individuals and organizations they related or the specific contents of the files. All the evidence strongly indicates that the files were comprised primarily of voluminous newspaper clippings. They also contained a number of reports from third agencies, both Federal, state and local. To a lesser degree, they also contained the products of direct agent observation reports.

There were undoubtedly files prepared containing material relating to a large number of well-known public figures. The degree to which files were kept on political office holders and political candidates cannot at this time be ascertained with a high degree of certainty. For example, the evidence indicates that there was a file bearing the name of Senator Adlai Stevenson III, in the field office of the Army's investigative and counterintelligence unit in Chicago and that this file consisted wholly or primarily of newspaper clippings.

There is some evidence, that a clipping file was prepared or maintained on Congressman Mikva. Further, in the 5th Army Daily Intelligence Summary, dated July 6, 1970, Congressman Mikva was among those reported as attending an anti-war demonstration on the 4th of July at NIKE HERCULES site (ARADCOM Site 19) at Promontory Point. There is no way to determine how this information was collected. There is a dossier on Judge Otto Kerner containing a personal security background investigation in the Army's Investigative Records Repository related to his assignment as a National Guard officer, but there are no entries since 1952.

It is also clear that the existence or nonexistence of a file bearing an individual's name is not determinative as to whether there was information collected in some form which related to that specific individual. Material collected and filed on one individual or organization could have and often did contain references to others.

Most of the information on civil disturbance incidents collected in the field offices of the Army's investigative and related counterintelligence units was forwarded to Directorate of Investigations at Headquarters of the Intelligence Command. There it was incorporated into a civil disturbance data file. The primary uses made of the material collected and filed locally was for the purpose of answering specific requests from higher authorities for information in the event of civil disturbances, and to familiarize new personnel with the community in which the unit was located.

Some civil disturbance type information was forwarded from Headquarters, Intelligence Command to the Investigative Records Repository also located at Fort Holabird. In some cases, the information was integrated into files kept for other purposes at the Investigative Records Repository. Civil disturbance information was also disseminated to other command headquarters and to other agencies in the Federal Government and, in some cases, undoubtedly, to state and local agencies.

As I previously indicated, the civil disturbance material collected was voluminous. Some headquarters units, including the Army Intelligence Command, undertook to reduce civil disturbance information to a computer data system in order to manage the unwieldy mass of information with which they were attempting to deal. There is no evidence that there was any attempt to conceal the establishment of computer programs to handle such material. These undertakings were treated as purely management decisions.

While the records do not reveal senior official civilian participation in the creation of the data banks, a need for such a step had for some time been realized and discussed by civilian officials. For example, in an extensive report of civil disturbance planning and operations prepared for the Under Secretary of the Army to send to the Secretary of Defense on 2 August 1968, it was noted that at that time:

"Jurisdictional and budgetary restrictions currently preclude expansion and improvement of the Army's analytical personnel staffing and the automation of the Army's data base for Army production of CONUS civil disturbance intelligence."

This detailed report, incidentally, demonstrates very vividly the awareness of civilian officials in considerable detail of the civil disturbance information collection activities by Army units and the problems which existed. For instance, the Under Secretary stated in this memorandum:

"The effectiveness of the intelligence apparatus to provide advance notice of unrest is limited by the Delimitations Agreement which restricts Army involvement. This agreement assigns the FBI the responsibility for advising the other subscribing organizations of important developments in the categories of domestic espionage, counterintelligence, sabotage, subversion, and other intelligence matters affecting internal security. Because of the regulatory restraints imposed by this agreement, it has been DA policy that the procurement of domestic intelligence on subversive activities by Army counterintelligence agents be accomplished by liaison with civil law enforcement agencies at all levels (primarily the FBI). When the security of Federal forces is endangered or where employment of Federal forces is imminent, on-the-spot physical observation may be undertaken by military personnel. The FBI and the Army must rely heavily upon reports from local police whose intelligence gathering systems vary widely both as to operating philosophies and efficiency."

The memorandum also stated:

"In addition to the jurisdictional and budgetary restrictions, effectiveness of the intelligence apparatus in providing advance notice of impending unrest is impeded by the fact that the occurrence of racial disturbances has defied prediction. Racial incidents in nearly every case have been precipitated by seemingly innocuous incidents, usually alleged police brutality.

"In the collection and reporting of information during quiet periods, coordination of field elements of USAINTC, FBI, and local enforcement agencies is outstanding and no problems are known to exist. During disturbances, however, the need for a rapid flow of factual information to the task force commanders becomes acute. Although a major contributor of raw information to the Army, the FBI does not produce the type finished intelligence needed by the Army. This situation has required the Army to establish a costly DA Counterintelligence Analysis Element to collate, evaluate, and disseminate civil disturbance intelligence.

"At the national level, the Attorney General is responsible for the supervision and coordination of intelligence relating to civil disturbances. A need exists for a committee or board to explore, at the national level, means for improving the production and dissemination of civil disturbance intelligence information. Recognizing this problem, efforts are underway to alleviate coordination problems.

"On 12 April 1968, the USofA sent a letter to the Department of Justice, proposing the establishment of a domestic Civil Disturbance Intelligence Board. Justice, DOD, and other appropriate agencies would be represented on the Board. The Board would explore means for improving the collection, production, and dissemination of intelligence related to civil disturbances. The status of this proposal is unknown.

"The Department of Justice has established an Interdivision Information Unit (IDIU) to gather and computerize civil disturbance information. U.S. Attorneys throughout the country have been tasked to collect information during disturbances. When IDIU has completed and computerized its data base, Justice will be able to provide the Army with finished intelligence. A matter of greater importance would be the ability to forecast on the potential for civil disturbances in the United States through the mid-1970's.

"The Department of the Army has developed collection plans, improved the supporting communications, preselected emergency operations centers, recruited additional Negro agent personnel, established a Civil Disturbance Intelligence Office, published a Counterintelligence Estimate and supporting Compendium, and assisted the District of Columbia in improving its collection evaluation and dissemination of intelligence."

This report to the Secretary of Defense was based on the activities of the Civil Disturbance Steering Group, chaired by the Under Secretary of the Army, which according to the records, met formally at least 13 times between April and August 1968. There is, incidentally, no record that this report was ever transmitted to the Secretary of Defense.

I would also like to call the Committee's attention to DOD Directive 3025.12 dated June 8, 1968, entitled: Employment of Military Resources in the Event of Civil Disturbances. This is a directive which formally provided for the establishment of a Department of Defense Civil Disturbance Steering Committee, which had already been informally established and had been operating for some time. It is also the directive which designated the Secretary of the Army as Executive Agent for the Secretary of Defense in matters relating to civil disturbances. It also assigned specific responsibilities to the Secretary of the Army, including the responsibility of providing intelligence data to the National Military Command Center on a daily basis to insure that national command authorities were adequately informed. I shall be glad to provide you a copy of this directive.

I would like to turn now to the steps which have been taken and are being taken to deal with the type situations which I have described in my testimony.

In December 1968, at a meeting of the Civil Disturbance Steering Committee, the Under Secretary of the Army expressed concern at the Army's efforts to obtain civil disturbance information which might not be worth the effort. He expressed a desire that the civil disturbance information collection efforts be more sharply focused on essential requirements and that the mission be more precisely delineated. As a result, efforts were undertaken in the Army staff to accomplish this objective. In early January 1969, the Army staff proposed a new mission statement for the Army's counterintelligence role in civil disturbances. The staff also proposed a primary mission for the civil disturbance branch of the Office of Army Assistant Chief of Staff for Intelligence. It was to "foster Department of Justice leadership in development of agreed roles and missions for various Federal agencies in civil disturbance intelligence collection and production."

In the latter part of January, the Army Assistant Chief of Staff for Intelligence advised the Under Secretary of the Army by memorandum of the complete background on the development of the Army's civil disturbance intelligence mission which resulted from the review of the activities of the Intelligence Command.

On February 5, 1969, the Under Secretary of the Army wrote a memorandum to the Vice Chief of Staff. In this memorandum, the Under Secretary expressed concern that the Army's intelligence activities related to civil disturbance problems might exceed the strict requirements. He noted that past Army intelligence activities had resulted from gaps in the effort of civilian agencies who "have been unable or unwilling to pursue collection efforts in a satisfactory manner." The Under Secretary further expressed concern that the efforts related to civil disturbances intruded into essentially civilian areas of concern and could result in a diffusion of the Army's limited manpower. The Under Secretary then expressed what he believed to be proper concept for the role of the Army concerning collection and utilization of information related to civil disturbances.

The Under Secretary, in this memorandum, approved with modifications, the revised mission which had been recommended to him by the Director, Civil Disturbance Planning and Operations. He directed that in the collection of civil disturbance information, primary reliance be placed on liaison with local, state, and Federal police and law enforcement authorities. He directed that covert collection operations were prohibited unless approved by the Federal Bureau of Investigation and approved in advance in each specific case by the Under Secretary of the Army. The Under Secretary concurred in the recommendation that efforts be made to persuade the Department of Justice to accept a larger role in systematically reviewing the entire civil intelligence area. He designated the General Counsel of the Army to explore the matter with the Department of Justice.

The Under Secretary also designated the General Counsel of the Army to develop for consideration of the Secretary of the Army appropriate guidelines for future collection activities, and directed that the Assistant Chief of Staff for Intelligence provide information and assistance to the General Counsel.

Following the memorandum of the Under Secretary of the Army on February 5, 1969, a detailed review was made on many aspects of the civil disturbance related activities of the U.S. Army Intelligence Command. During this period, specific requests for civil disturbance collection were forwarded from higher authority to the Army's Assistant Chief of Staff for Intelligence. They were consistently returned with a recommendation that the Department of Justice be requested to fulfill the collection requirement in accordance with the intent of the memorandum from the Under Secretary of the Army dated February 5, 1969.

The discussions between the General Counsel of the Army and the Department of Justice continued during this period and on March 18, the Department of Justice established an Inter-Agency Committee to coordinate and evaluate intelligence pertaining to civil disorders. During the remainder of 1969, the Department of the Army continued its review of the U.S. Army intelligence involvement in civil disturbances for the purpose of determining the methods and effects of reducing the Army's role. The full implementation of the memorandum of the Under Secretary of the Army of February 5, 1969 was held in abeyance while discussions with the Department of Justice, related to primary roles in this area, continued.

On April 24, 1969, the Under Secretary of the Army directed that distributions by the Army of civil disturbance information be limited to Department of Defense agencies and to specified Federal agencies unless permission was obtained from the Under Secretary of the Army for distribution to others. In May, 1969, the Army Assistance Chief of Staff for Intelligence advised the U.S. Army Intelligence Command not to initiate civil disturbance studies and collection activities unless specifically approved in advance by Headquarters, Department of the Army. On June 17, 1969, the same guidance was forwarded to the Continental Army Command and through them to all Army units based in the Continental United States.

As a result of an internal review, the civil disturbance and biographic data bank at Fort Holabird was ordered destroyed on February 19, 1970 by the Army Assistant Chief of Staff for Intelligence. Just prior to that time, the U.S. Army Intelligence Command was directed to take a number of specific actions with reference to civil disturbance information. These included the destruction of personality lists, the discontinuance of spot reports to the Department of the Army, except those which indicated situations likely to require use of Army troops, the discontinuance of the daily civil disturbance summary to the Department of the Army, and the discontinuance of input of civil disturbance information into computer programs. On 5 March 1970, the Continental Army Command was advised to destroy its computerized civil disturbance data bank and so ordered on April 1. On March 6 the Secretary of the Army in a memorandum to the Chief of Staff, established new policy on the use of data banks for civil disturbance information. This memorandum resulted in a Department of the Army letter on April 1, requiring approval at the Secretary of the Army level for use of automated data banks for civil disturbance information, and requiring destruction of any such computerized data bank operations unless they could be justified to the Secretary under the new policy.

On March 20, the Army took action to have all copies of civil disturbance publications Vol. 1 (Cities and Organizations of Interest) and Vol. 2 (Personalities of Interest), known as the "Compendium", destroyed. A certificate of destruction was requested. The destruction of all copies has not yet been assured.

On June 9, 1970, the Department of the Army promulgated a new and comprehensive policy on the collection, reporting, processing, and storing of civil disturbance information.

The cornerstone of this new Army policy is that the Department of the Army relies on the Department of Justice at the National level for civil disturbance planning, threat, and early warning information.

This new policy prescribes that Army intelligence resources will not be used for collection of civil disturbance information until the Director for Civil Disturbance Planning and Operations has made a determination that there is a distinct threat of civil disturbance beyond the capability of local and state authorities to control. The policy further provides that even after such a determination had been made, that collection will be limited to liaison. Overt collection, other than liaison, requires approval by Headquarters, Department of the Army. Covert methods of collection continue to require concurrence of the Federal Bureau of Investigation and specific prior approval by the Under Secretary of the Army. All civil disturbance information reporting was ordered stopped and not resumed except by order from Headquarters, Department of the Army.

The policy further provides that civil disturbance plans and support material will not include listing of organizations and personalities not affiliated with the Department of Defense, with the exception of listings of local, state, and Federal officials who have duties related to the control of civil disturbances and appropriate data on vital installations and facilities. Material prohibited by this policy, then in storage, was required to be destroyed.

A June 9, 1970 Army message also rescinded the Army's Civil Disturbance Information Collection Plan of May 2, 1968.

On December 15, 1970, the Department of the Army issued a formal policy on counterintelligence activities concerning civilians not affiliated with the Department of Defense. The intent and purpose of this policy was to make applicable to all counterintelligence activities concerning civilians not affiliated with Department of Defense the type of constraints that had been imposed in the June 9 policy with respect to civil disturbance activities.

The Department of tne Army, in order to assure compliance with the Directives of June 9 and December 15, 1970, has instituted an extensive inspection exercise for all appropriate Army activities. An Inspector General team has been utilized for this purpose.

As I mentioned earlier, the prior activities of two tactical intelligence units are being formally investigated by a special board at the direction of the Secretary of the Army.

On December 23, 1970, The Secretary of Defense also instituted a review of information collection activities of all defense organizations which impacted on persons and organizations not affiliated with Department of Defense.

On February 17, 1971, the Secretary of Defense issued a Department of Defense Directive on a Defense Investigative Program, making changes in the organization of Department of Defense investigative and related counterintelligence activities. The purpose of the organizational changes was to ensure that in carrying out Department of Defense missions, investigative and related counterintelligence activities are consistent with individual Constitutional rights, legal provisions, and traditional understandings of the American public of relationships of military investigative activities and the civilian community.

DoD Directive 5200.26, designates the Assistant Secretary of Defense (Administration) to act for the Secretary of Defense for all investigative program matters. It requires the Assistant Secretary of Defense (Administration) to direct and manage the Defense Investigative Program and to conduct or provide for inspections of program activities and to monitor program accomplishments within established policy. Within each Military Department, responsibilities for investigative activities are vested in the Under Secretary or a designated Assistant Secretary.

In addition, this Directive establishes a Defense Investigative Review Council. This Council is chaired by the Assistant Secretary of Defense (Administration), and its membership consists of the General Counsel for the Department of Defense, the Under Secretary of each Military Department and the Director, Defense Intelligence Agency. The Council is charged with responsibilities to assist the Assistant Secretary of Defense (Administration) in preparation of policy guidance and the development or review of recommended changes in procedures or practices for the Defense Investigative Program. It is also to review standards, criteria and scope as appropriate of investigations and related counterintelligence activities.

One of the first actions of the Defense Investigative Review Council was to review and make recommendations with respect to the Secretary's then proposed Directive on acquisition of information concerning persons and organizations not affiliated with the Department of Defense.

DoD Directive 5200.27 was issued effective March 1, 1971.

This directive provides for the first time a Department of Defense wide policy on this subject. It establishes for the Defense Investigative Program general policy, limitations, procedures, and operational guidance pertaining to collecting, processing, storing, and disseminating information concerning persons and organizations not affiliated with the Department of Defense.

This Directive is applicable to all Department of Defense personnel, components, and organizations within the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and U.S. territories and possessions.

It prohibits collecting, reporting, processing, or storing information on individuals or organizations not affiliated with the Department of Defense except where essential to the accomplishment of the following Department of Defense missions:

1. Protection of DoD functions and property.

2. Personnel Security.

3. Operations related to civil disturbances.

With respect to the mission of protection of DoD functions and property, the Directive specifies that acquisition of information is justified by only the following types of activities:

1. Subversion of loyalty, discipline, or morale of Department of Defense military or civilian personnel by actively encouraging violation of law, disobedience of lawful order or regulation, or disruption of military activities.

2. Theft of arms, ammunition, or equipment, or destruction or sabotage of facilities, equipment, or records belonging to DoD units or installations.

3. Acts jeopardizing the security of DoD elements or operations or compromising classified defense information by unauthorized disclosure or by espionage.

4. Unauthorized demonstrations on active or reserve DoD installations.

5. Direct threats to DoD military or civilian personnel in connection with their official duties or to other persons who have been authorized protection by DoD resources.

6. Activities endangering facilities which have classified defense contracts or which have been officially designated as key defense facilities.

7. Crimes for which DoD has responsibility for investigating or prosecuting.

With regard to the third Department of Defense mission—operations related to civil disturbance—the Directive specifies:

"Upon specific prior authorizations of the Secretary of Defense or his designee, information may be acquired which is essential to meet operational requirements flowing from the mission assigned to the Department of Defense to assist civil authorities in dealing with civil disturbances. Such authorization will only be granted when there is a distinct threat of a civil disturbance exceeding the law enforcement capabilities of state and local authorities."

DoD Directive 5200.27 specifies a number of prohibited activities which include the following:

1. There shall be no physical or electronic surveillance of Federal, state, or local officials or of candidates for such offices.

2. There shall be no electronic surveillance of any individual or organization except as authorized by law.

3. There shall be no covert or otherwise deceptive surveillance or penetration of civilian organizations unless specifically authorized by the Secretary of Defense or his designee.

4. No DoD personnel will be assigned to attend public or private meetings, demonstrations, or other similar activities for the purpose of acquiring information the collection of which is authorized by this Directive without specific prior approval by the Secretary of Defense or his designee. An exception to this policy may be made by the local commander concerned, or higher authority, when, in his judgment, the threat is direct and immediate and time precludes obtaining prior approval. In each such case a report will be made immediately to the Secretary of Defense or his designee.

5. No computerized data banks shall be maintained relating to individuals or organizations not affiliated with the Department of Defense, unless authorized by the Secretary of Defense or his designee.

I would like to call your attention particularly to the third prohibition which I enumerated. It states that there shall be no covert or *otherwise deceptive surveillance.* As I noted earlier in my statement, there has been confusion as to the demarcation between direct agent observation and covert collection. The prohibition of "deceptive surveillance" is specifically designed to prevent the occurrence of any marginal or even slightly questionable cases.

By way of operational guidance, this Directive provides that access to information obtained under its provisions shall be restricted to Governmental agencies which require information in the execution of their duties. The Directive further provides that information within the purview of this Directive, regardless of when acquired, shall be destroyed within 90 days unless its retention is required by law or unless its retention is specifically authorized by criteria established by the Secretary of Defense or his designee.

In a number of provisions of this Directive, authority to approve specific actions or to waive prohibitions is reserved to the Secretary of Defense or his designee. At the time this Directive was issued, the Secretary of Defense also issued the appropriate delegations of authority. Depending on the specific provision, these delegations are made to the Secretary of the Army, the Chairman, Defense Investigative Review Council, or the Under Secretary of the Military Department. This delegation of authority by the Secretary of Defense specifically provides that the authority so delegated may not be further delegated.

In order to assure compliance with this policy, a system of scheduled and unscheduled inspections and visits to all potential military collectors of information is being initiated. Each member of the Defense Investigative Review Council will personally participate in these inspections. It is the intention to begin with a small staff element to carry out the newly assigned responsibilities. However, as much staff as is needed will be provided to insure compliance with this Defense-wide policy.

One of the high priority items currently being addressed by the Defense Investigative Review Council is the matter of eliminating prohibited information from existing investigative files. The physical screening of all these files would obviously be a monumental undertaking. Before the release for use of any such file, a requirement has been imposed to screen out and destroy all materials which are not authorized to be filed under the new policy.

The Defense Investigative Review Council is also currently reviewing both the organization and management of military department investigative activities with a view toward improving the efficiency and responsiveness of such activities.

ANNEX B (INTELLIGENCE) TO DEPARTMENT OF THE ARMY CIVIL DISTURBANCE PLAN (U)

Reference: Maps, Civil Disturbance Planning Packets (where available) or special editions of commercial map reproductions provided by Army Map Service.

1. (C) SITUATION

a. General

(1) Civil disturbances which are beyond the control of municipal or state authorities may occur at any time; however, in the past the majority have been a summer occurrence. The majority will probably continue to occur in hot weather which is particularly unsettling in crowded, urban centers. Dissatisfaction with national policy manifested in the anti-draft and anti-Vietnam demonstrations, and the environmental conditions contributing to racial unrest and civil disturbances in the United States are recognized factors within the political and social structure. As such, they might provide a preconditioned base for a steadily deteriorating situation leading to demonstrations and violent attacks upon the social order. The consistency and intensity of those preconditions could lead in time to a situation of true insurgency should external subversive forces develop successful control of the situation. Federal military intervention may be ordered to save life and property, alleviate suffering, and restore law and order.

(2) Analysis of civil disturbances: see OACSI, DA, Counterintelligence Research Project, CI Special Study, subject: Civil Disturbances CONUS—1967 (U), dated 31 July 1967.

b. Dissident Elements

(1) Civil rights movements

Although widespread, civil disturbances have occurred as individual, localized actions apparently resulting more from a general climate of opinion than from specific covert orders from a single source. There is no indication of directional control by any single organization, nor does any one organization appear to have sufficient authority or power to exercise such control. An effective consolidation of organizations or the formation of a supra-control agency could alter the situation in a short time and provide an improved capability for the development of subversive direction of civil disturbances. Meaningful degrees of subversive influence and organized control are distinct future possibilities in the United States civil disturbance problem.

(2) Anti-Vietnam/Anti-Draft Movements

Anti-Vietnam and anti-draft movements have increased in scope and number in the past two years. Protests against war have been common for many years and have generally followed the pattern of marching, picketing, and distributing literature by individual groups. The first nation-wide attempt to coordinate these peace movements was effectively made in the spring of 1966 by the Spring Mobilization Committee to End the War in Vietnam (SMC). In 1966 the SMC coordinated and staged anti-war rallies in San Francisco, New York City, and a number of minor demonstrations in other cities. Because of the success of the SMC's initial endeavor, the anti-war movement established the National Mobilization Committee to End the War in Vietnam (NMC) to act as a permanent coordinating committee for demonstrations. Originally distinct from, but aligned with the NMC in ideology, were the anti-war/anti-draft groups. At the present time, even though the anti-war/anti-draft groups profess individuality and separation from other groups, their similarity of aims and actions operate to have almost the force and effect of an interlocking directorate similar to the NMC. Very strong support to the anti-war movement is also forthcoming from such "left" groups as the Communist Party, USA (CPUSA), the CPUSA youth front group, the W. E. B. Du Bois Clubs of America (DCA), the Students for a Democratic Society (SDS), Youth Against War and Fascism, the Progressive Labor Party and a veritable host of smaller organizations. Tactics of the various organizations have undergone a change from passive actions to more militant actions, with "direct confrontations" now the main objective. Although the majority of anti-war protesters appear reluctant, for moral, practical, or legal reasons, to engage in public demonstrations of a nature which violate existing laws, there is a significant minority of professional agitators and young students who advocate either violent action or so-called disobedience of such a nature that violence is almost sure to ensue. Although many of the more articulate voices in the peace movement counsel against illegal actions, it appears that they have slight influence on those persons already committed to such action.

(3) Subversive Conspiratorial Aspects

a. Peace movement

Although it cannot be substantiated that the anti-war and the anti-draft movements are acting in response to foreign direction, it must be pointed out that by their activities they are supporting the stated objectives of foreign elements which are detrimental to the USA. Many leaders of the anti-war and anti-draft movement have traveled to foreign countries, including Cuba, East Europe and North Vietnam to meet with Communist leaders. Therefore, the possibility exists that these individuals may be either heavily influenced or outright dominated by their foreign contacts. They may, in turn, influence their followers, the majority of whom have no sympathy for the Communist cause, but are unaware of their leaders' affiliations. Groups, such as The Resistance and the Students for Democratic Society (SDS), have openly announced their continuing intention to violate the law by aiding and abetting individuals desiring to criminally evade the draft. Both these groups have become increasingly more militant and are co-sponsors of illegal demonstrations against the draft, the military, and civilian and government recruiters on college campuses.

b. Civil rights movement

The Progressive Labor Party (PLP), a Marxist-Leninist group, was able to capitalize on an incident in order to spur Negroes to violence in Harlem and Bedford-Stuyvesant, New York City in 1964. Another Communist oriented, Marxist Leninist group, the Revolutionary Action Movement (RAM) has been shown to be conspiring to commit murder and wanton acts of vandalism. The Student Nonviolent Coordinating Committee (SNCC) and in particular its chairman, H. Rap Brown, has been instrumental in aggravating tense situations in ghetto areas and in prolonging civil disorder. While most civil rights leaders are moderates and the majority of the Negro population abhors violence, a sufficient number of individuals seem susceptible to the violent rallying cries of the militants to make these individuals dangerous to society.

c. Friendly forces

USCONARC and CONUS Armies, and the U.S. Army Intelligence Command support the Department of the Army by continuing current reporting of information on civil disturbances.

2. (C) ESSENTIAL ELEMENTS OF INFORMATION (EEI)

All CONUS-based major Army commands and subordinate commands will report information as obtained to satisfy Department of the Army EEI relative to:

a. Plans, operations, deployment, tactics, techniques, and capabilities of individuals, groups or organizations whose efforts are to reduce U.S. military capabilities through espionage, sabotage, subversion, treason, propaganda and other disruptive operations.

b. Patterns, techniques, and capabilities of subversive elements in cover and deception efforts in civil disturbance situations.

c. Civil disturbance incidents or disorders which involve CONUS military installations or personnel.

d. Thefts of significant quantities of weapons and ammunition from civilian companies or industries. Thefts of significant quantities of government weapons and ammunition from Active Army, Reserve, National Guard, or ROTC installations and facilities.

e. Strikes, civil disturbances, and labor disturbances which affect military installations, or other strikes or labor and civil disturbances of sufficient magnitude to indicate a probable employment of federal troops to preserve or restore order.

f. Information concerning opposition that may be expected by military forces if called upon to maintain or restore order. Specifically, possible courses of action, methods and capabilities, weapons and support.

g. Impact or significance of changes in federal, state, or municipal laws, court decisions, referendums, amendments, executive orders, or other directives which affect minority groups.

h. Cause of civil disturbance and names of instigators and group participants.

i. Indicators of potential violence:

(1) High unemployment rate among minority groups.

(2) Noticeably heightened crime rates among minority groups.

(3) Dissatisfaction and complaints arising from disparity of average income between the whites and the non-whites.

(4) Declining rapport between law enforcement officials and minority groups.

(5) Migration of large numbers of a minority group into a city slum area.

(6) Protests of the minority community relative to conditions in slum areas, such as de facto segregation in housing and schools, lack of jobs, lack of recreational facilities, police brutality, and overcharging of goods and services by local merchants.

j. Indicators of imminent violence:

(1) Presence or participation in local activities by militant agitators.

(2) Increase in thefts and sales of weapons and ammunition.

(3) Increase in efforts of extremist, integrationist, and segregationist groups to instigate violence, e.g., increase in numbers of handbills, pamphlets, and posters urging acts of violence.

(4) Increase in number of incidents of window breaking, false fire alarms, thefts, and other harassments of damaging nature to the community.

(5) Reports and rumors of planned violence.

(6) Presence of known instigators of violence.

3. (C) ORDERS AND REQUESTS FOR INFORMATION

a. Supporting plans of USCONARC and CONUS Armies, and the U.S. Army Intelligence Command will include provisions for rapid reporting and dissemination of responses to the above EEI in the following priority consistent with appropriate security regulations:

(1) Task Force Commander

(2) Army Operations Center (AOC), DA

(3) MDW or CONUS Army wherein the disturbance is imminent or in progress.

(4) USCONARC/USARSTRIKE

(5) CINCSTRIKE

b. Comanders will insure that units and personnel are familiar with announced EEI.

c. Local liaison with federal and civilian agencies by the military intelligence operating elements of the USAINTC is encouraged.

4. (C) INTELLIGENCE AND COUNTERINTELLIGENCE OPERATIONS

a. Information required to accomplish the mission of the Chief of Staff, U.S. Army, will be obtained through all resources available to the commanders, to include intelligence reports, estimates, studies, and special studies prepared by the commands.

b. OACSI, DA, will prepare and disseminate reports, estimates, studies, and special studies, as appropriate, from information obtained or received at the national level.

c. The primary organization for direct support of the Department of the Army in the coverage and reporting of information on civil disturbances is the U.S. Army Intelligence Command. The Command's operational planning will include provisions for providing civil disturbance information to the Task Force Commander upon announcement of his appointment and thereafter.

d. Upon dispatch of Personal Liaison Officer by the Chief of Staff, U.S. Army, to the area of anticipated trouble, ACSI, DA, will, in turn, designate an ACSI point-of-contact (ACSI–POC) who will respond to satisfy the requirement of the Chief of Staff, Army (CofSA) Personal Liaison Officer.

5. (U) MAPS—appropriate maps for the objective area will be provided by the Army Map Service.

6. (U) COUNTERINTELLIGENCE SUMMARY (see Section 4 of the Civil Disturbance Planning Packet pertaining to the objective area and current SPIREP).

GREECE

Mr. KENNEDY. Mr. President, the situation in Greece is a matter of continuing concern to Americans and people throughout the world. On April 21, Mr. Elias P. Demetracopoulos delivered an informative address to students at the Massachusetts Institute of Technology. I feel the address will be of interest to Senators, and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

GREECE—A NEW VIETNAM?

(By Elias P. Demetracopoulos)

I would like to discuss the situation in Greece; a situation which I believe not only denies the Greek people basic democratic rights but is also harmful to the national interests of the United States and contains the seeds of another "Vietnam." The element of time is terribly important in this connection, as the dangers posed by the current Greek situation leave little time for constructive action by the United States. In other words, I believe the clock is running out in Greece, and unless some major changes are forthcoming in American policy toward Greece, both the U.S. and NATO are apt to be faced with the reality rather than the potential of explosive political, military, and economic developments on NATO's Southern Flank.

U.S. foreign policy in Greece, inherited by the Nixon Administration, is based on the hypothesis that the present dictatorial regime provides sufficient military, political and economic stability to satisfy America's strategic interests in the area—the kind of stability, supposedly, which could not be guaranteed by any realistic alternative.

If that were true—if indeed the regime offered the only reasonable hope of stability in Greece—it would be possible for me to understand, even though both as a Greek and as a supporter of free democratic systems of government as a matter of moral and political principle, I am strongly opposed to dictatorship in any form. In my opinion, however, the premise that the Junta has or can bring stability to Greece is false. On the contrary, not only has the Junta failed to provide stability in spite of dictatorial and ruthlessly repressive tactics; it has actually created instability, uncertainty and the very real risk of civil war in Greece.

First, let us begin with the premise that the Junta has brought military stability. Both Pentagon and other senior U.S. officials claim that the Greek armed forces and terrain, as well as the U.S. and NATO bases in Greece, are necessary to maintain control of the Eastern Mediterranean, to deter direct communist aggression from the North, and to provide a vital link with Turkey which would otherwise not be a viable military ally. In addition they cite increased Soviet naval strength in the Mediterranean to strengthen their argument. I agree with their assessment as to the importance of a strong and stable Greece as far as NATO is concerned. They key question then is: have the Colonels indeed provided this stability?

The Greek armed forces today are far less effective than they were prior to the coup. They are mainly an internal security force in which the Junta-controlled elements watch not only potential civilian opponents but also the very real latent opposition in the armed forces themselves. To this effect the continuing purges of the Greek military establishment four whole years after the April 21, 1967 coup are a key indicator.

The Junta has systematically removed from the armed forces an alarming number of the officers they consider unreliable. These hundreds of officers were trained at enormous American expense in the U.S.; other NATO countries and Greece, since the Truman Doctrine of 1947. The officers purged were not and could not possibly be communist, considering the nature of the recruiting process and the close ties between the Greek Armed Forces and the U.S. military and intelligence communities. Indeed many of these officers fought against the communists in the Greek guerrilla war. In fact, the officers purged by the Junta were generally considered by Washington, the NATO authorities and the Joint U.S. Military Aid Group to Greece to represent the elite of the Greek officer corps. Their only sin was to have opposed the illegal seizure of power by a relatively small group of officers. It is interesting to note that "the hatchet fell with particular alacrity," according to the May 1969 issue of *Le Monde Diplomatique*, "on those officers who, during the German occupation . . . chose the path of resistance, either inside Greece or outside, especially those who served in the 'Sacred Battalion' which distinguished itself in all Mediterranean campaigns alongside the British forces. . . . For any man who was capable of choosing to fight against an oppression (the Nazis) is perfectly capable of fighting a new oppression. . . ."

The usurpers, the officers who seized power four years ago, are reliably reported to number no more than 300, with a good percentage of them having intelligence and security training and background.

The purging of the cream of the Greek officer corps and a preoccupation with the internal security duties make the combat effectiveness of the Greek armed forces in time of full mobilization of the reserves an agonizingly open question mark for NATO planners. Thus the illegal seizure of power by the Junta and its subsequent actions have not only seriously weakened the combat capabilities of the Greek armed forces; they have also undermined Greece's political and moral ability to fulfill its NATO commitments. For any crisis which required full mobilization would in all probability lead to the speedy overthrow of the Junta. This really explains why the Junta thought it wise to "defuse" the Cyprus crisis in November 1967. The armed forces have become mostly a police force which, under the new constitution, are also charged with preserving the "existing Social Order." The same reasoning applies to the U.S., NATO bases and other American listening posts and propaganda machinery operating on Greek territory. These bases are important. Yet in view of the climate in which they exist today it is a real question how much long-range strategy in the area can be built around them.

The Soviet naval build-up in the Mediterranean, the Middle East crisis, the events in Czechoslovakia and the outflanking of Greece and Turkey by the Soviet Union's rapid strategic deployment along North Africa's coastline and the Middle East, were used by the Johnson and Nixon Administration as reasons for supporting the Junta. This is indeed tragic, since the Junta's actions have weakened the military capabilities and stability of the Greek armed forces and consequently NATO's strength in the area.

Let us now turn to the key question of political stability which the supporters of the 1967 coup—including the Junta itself—cite as one of the price benefits of the current Greek dictatorship. Measuring political stability is not easy when there is martial law and press censorship, when no opposition is permitted, and when violence, although on the increase, is still sporadic. The Junta alleges that they stepped in to save the country from the danger of communism—yet even Greek Conservative leaders emphasize the fact that the danger of communism was nonexistent in Greece. They overthrew a conservative government.

Those who place too great an emphasis on the confused political situation in Greece as a justification for the Colonels' coup must remember that Greece fought a hard and dirty war against a foreign dominated and supported communist aggression at the peak of the "Cold War" in Europe. The victory, although assisted greatly by U.S. material help and advice, was finally wrested with Greek, and only Greek, blood. If Greece were able to win this victory under a parliamentary government with basic democratic institutions functioning it is inconceivable that the current military dictatorship is necessary to correct alleged political instability.

There are some who argue that there was no political stability prior to the Junta and that the present arrangement is at least an improvement. This argument is superficial. Its evaluation needs a detailed recording of the events and the over-all background that preceded the coup.

The fact is that political stability was damaged in the 1965-67 period by the intervention of the Greek Monarchy and its military establishment in the political process, thus perverting the institution of parliament and the mechanism of achieving political stability which had worked well until then. This was done by repeatedly denying the use of the best safety valve available to real democracies—free elections.

In 1963 and early 1964, the eight years of conservative (ERE) rule under Prime Minister XX Constantine Caramanlis, ended at the polls with the largest majority in modern times for the Center Union Party led by the late George Papandreou. The peaceful transfer of power was accomplished in the middle of the Cyprus crisis involving the threat of a shooting war with Turkey, following years of impressive aggregate growth and financial stability.

The victors (the Center Union) promised a better distribution of income, a more rapid modernization of Greece to enable it to enter the Common Market, and a reform of Greece's intsitutions which included a reduced role of the Crown in controlling the Armed Forces and the political processes. In short, a return to the intent of the constitution which would have the King "reign, not rule." In foreign policy, Greece was to become a fully equal member of the NATO Alliance, with a real voice in determining its own destiny. In pursuing these goals there is no question that the Papandreou Government committed a number of mistakes and lost many opportunities.

The Center Union party was soon faced with the violent and growing opposition of the Crown, the Armed Forces leadership, and the economic oligarchy—an opposition which was enjoying the support of a large part of the official American establishment in Athens. The result was the overthrow of the elected government and a series of almost comic-opera attempts to make parliamentary rump-governments from mid-1965 through Christmas 1966. The agreement of the Conservative and Center Union Parties to hold elections in 1967 in order to restore real parliamentary government, and thus political stability, led directly to the Colonels' coup, only a few weeks before the elections were to be held under the conservative government of Mr. P. Canellopoulos—who, by the way, has spent a good part of the last four years under strict house arrest.

The Athens Colonels have since persecuted the leaders of all of Greece's major political groupings, i.e., the conservatives, the royalists, the Center Union—among whom were several of America's best friends—as well as the left and the extreme left. They have resorted to systematic torture of opponents, as was shown at the Strasbourg hearings of the European Human Rights Commission and as has been publicly condemned by leaders of the British, Danish, Swedish, Norwegian, Dutch and Italian governments, among others.

Many senior U.S. government officials, at the time of the Colonels' coup, argued that there was little the U.S. could have done because the coup took the U.S. by surprise and once it was successfully carried out the U.S. was faced with a *fait accompli*. This is untrue as the threat of dictatorship in Greece was spotted early and this threat greatly disturbed politically prominent Americans well before the actual coup took place.

As early as September 4, 1962, and again on October 13, 1963, Senator Barry Goldwater (R-Ariz.) in published interviews with this writer stated: "I am particularly concerned about the political developments in that country (Greece) and I do believe that careful investigation should be carried out on those accusations against our U.S. Embassy role in Athens in the last Greek elections." And in 1963 he said: "I am against the establishment of a dictator any place. That is why I strongly attacked the suggestion made that the establishment of a dictatorship in Greece would be an effective solution to Greece's problems. Oh, Lord, No. Greece is the most sophisticated, civilized country in the world. Our democratic way of government came from Greece. It would be tragic if Greece, where democracy itself was first founded, were to go back to a dictatorship. I can't even imagine the Greeks thinking about it."

And in the summer of 1966 a galaxy of highly placed and influential U.S. personalities, covering the spectrum of American political life, condemned publicly, very strongly and in no uncertain terms, the possibility of a military dictatorship of any kind in Greece, under whatever pretext. They also urged the Johnson Administration to take all necessary steps to ensure that such a catastrophic development for American interests will not occur.

Their names are: The Speaker of the House of Representatives J. McCormack, Senators V. Hartke, S. Thurmond, E. McCarthy, J. Javits, W. Morse and E. Kennedy; the Chairmen of the House Judiciary, Armed Services and Agriculture Committees, Congressmen E. Celler, M. Rivers and H. Cooley; the former Chief of Naval Operations, Admiral A. Burke, the former Supreme NATO Commander in Europe, General L. Norstad; and the Governor of California E. Brown.

They spelled out their views to me in question-answer format, taped, typed and in officially signed press interviews, which received wide coverage both in Europe and America. In short, there were numerous, early and authoritative warnings given to Washington, but to no avail.

Since 1947, America has played a decisive role in Greece, and, beginning in 1959 with Ambassador Ellis Briggs—now a strong advocate of the Athens Colonels—America has pursued disastrous, contradictory and vacillating policies—policies largely influenced by inter-service and personality rivalries. Should these policies be continued the communists will have an opportunity to organize and lead a liberation movement in Greece, for the first time since the late 1940's, with wide support and backing from non-communist elements in both Greece and Western Europe. Such a movement, even if led by communists, would ironically be formed under the banner of returning democracy to Greece. Thus, the tragic makings of a new Vietnam in Greece are all present.

It is very important for Americans to understand that there is widespread belief in non-communist Europe that Washington was involved, either by commission or omission, in the April 21, 1967 coup and is responsible for keeping the Athens Colonels in power. While the substance of the more extreme forms of these theories has not been proven yet, the U.S. should realize that these beliefs have done much more than the criticism of the Vietnam War or the de Gaulle policies to undermine basic U.S. positions and interests in this vital area. This point, in many ways the most telling, is supported by such a personality as Mrs. Helen Vlachou-Loundras, well-known publisher of the most influential conservative Greek newspapers, who was forced into exile in London, when, after the Junta seized power, she bravely refused to publish under censorship. Mrs. Vlachou-Loundras spoke about the Greek regime in London on October 17, 1968:

"So the moment of truth is approaching, and the first brand new European dictatorship since the war is about to emerge, born of The Pentagon by the CIO, reared by NATO, surrounded by doting businessmen. It is no use criticizing the Americans, divided as they are between those who would like to chase the junta but can not do it, and those who can and will not." In this connection it is very significant that the Johnson Administration in December 1967 let down, in a shameful, unbelievable and humiliating way, even the ultra-conservative greek monarchy which, since the Truman doctrine of 1947, has been a basic element of U.S. foreign policy towards Greece. This happened when King Constantine finally decided to overthrow the Junta in his armed but ill-fated attempt.

That is why I strongly believe that an over-all and thorough congressional investigation of the U.S. role vis-a-vis Greece would not only be completely justified but also urgently advisable if the blunders of the past are not to be repeated and a new "Vietnam" is to be avoided.

The European reaction to the Greek coup can be gleaned in the following statements: West German Deputy, Klaus Schultz, said, "It was 36 years ago that Hitler took power in my country. And he did it under conditions far more democratic than those imposed by the Greek colonels." British Deputy Robert Edwards, during the debate whether to expel Greece from the Council of Europe for violating the 18-nation organization's statutes on human rights, said: "I am amazed at some of these speeches. We heard them between the wars—Franco was going to hold elections. Hitler was no dictator and Mussolini made the trains run on time."

In a futile attempt to improve their international image, to buy desperately needed time and to overcome the stubborn refusal of Greeks of prestige and ability to work for the regime, the Junta announced a referendum on a new constitution in September 1968. This document, which received the private blessing of some American officials, in fact makes the Armed Forces the sole final source of power, the guardian of the status quo and the dispenser of civil liberties in Greece. Thus the constitution in effect gives the wolves the responsibility for guarding the lamb by giving the Athens Junta full power to "protect" the liberties they had already seized from the Greek people.

The subsequent referendum on the Colonels' constitution carried out under conditions of martial law, resulted in a Soviet-style vote of 92.2%. The really free sentiments of the Greeks became manifest a few weeks later when over 300,000 people in Athens spontaneously demonstrated against the regime and for democracy on the occasion of the funeral for George Papandreou, the last elected Prime Minister.

Let us turn now to the economic stability that allegedly the junta brought to Greece.

Under democracy the Greek economy had achieved one of the highest rates of economic growth in the world together with monetary equilibrium. Greece was officially and repeatedly cited as one of the two or three countries, which made the best possible use of American economic aid and achieved a spectacular recovery from the ravages of war. Sustained sharp increases in domestic saving, coupled with massive inflow of foreign long-term development capital, allowed for an accelerated capital formation and expansion of the industrial basis of the economy. But instead of burdening you with details I may simply refer to assessment of the free Greek economy by the Nobel prize winner Professor Paul A. Samuelson on May 22, 1967 in Newsweek.

In short, the junta inherited a sound and rapidly growing economy the momentum of which somehow survived the Colonels although there are increasing signs of deceleration and strain. It, indeed, takes some time to undo a good thing! . . . Reaping the benefits from the successful development efforts under parliamentary governments the junta in vain strived to buy popular support through measures of utter financial irresponsibility.

For example, a massive giveaway took place when all farm debts amounting to some $280 million to the formerly U.S.-financed Agricultural Bank were written off. This not only penalized farmers who had paid their debts but probably convinced all farmers, who constitute some 45% of the total population, that there is no point in paying future loans. What is perhaps worse is that the immense resources distributed in this way have not been directed towards raising farm productivity and bringing about the long needed structural reform of Greek agriculture.

The Government made numerous appeals to attract foreign capital. Its most publicized achievement for political, propaganda and lobbying reasons, was the signing of a lucrative contract with Litton Industries (a few weeks after coming to power) which guaranteed the latter a handsome annual fee as well as a commission on all investments it induced to come to Crete and the Western Peloponnesus. It is of interest to note that Litton withdrew its proposals prior to the coup, due to overwhelming parliamentary opposition. Litton produced some studies and very small investments coming mainly from the Litton group companies. It would seem that even their corporate name has not been sufficient to overcome the doubts of those who might have put their money in Greece. That is why this contract was terminated.

Although most foreign investors found pre-Junta Greece a favorable spot for private enterprise, a difficulty did arise in the case of the Esso-Pappas refining, petrochemical and steel complex. This contract was strongly criticized by the Center Union before it came to power and was renegotiated to Greece's advantage while they were in power. Oddly enough, Thomas Pappas of Boston has since then managed to avoid, with Junta approval, most of the less profitable investments he was supposed to undertake and he has emerged as one of the most influential and vocal backers of the Junta in the U.S.

Much has been made of an agreement of the Junta with Onassis to establish a new refinery, aluminum plant and tourist investments, reportedly totaling some $600 million. It is significant that the Onassis effort to build the alumina-aluminum plant in partnership with the U.S. Reynolds Metals Company has fallen through. On April 15, 1971 the Junta publicly and strongly hinted that the agreement with Onassis is likely to be cancelled while Onassis has requested international arbitration.

By contrast to the massive net inflow of capital from abroad for investment purposes in pre-Junta Greece, today this type of capital inflow is equal to zero on a net basis. It is the first time since the end of World War II that Greece has such a heavy short-term debt burden.

The overindebtedness created for the economy by the large amounts of short-term borrowing abroad in order to conceal the impending balance of payments crisis may well lead to external insolvency in the next few years.

In summary, instead of bringing about stable economic growth the Junta has presided over a tragic misuse and waste of national resources, in an attempt to buy acceptance and some semblance of legitimacy. The resulting "gold rush" to extract favorable concessions from the Athens Colonels in return for supporting their dictatorship has resulted in the sacrifice of important Greek economic resources and interests which no parliamentary government could have undertaken and remain in office.

The political anomaly of a new post-war dictatorship in present day non-communist Europe has led to a suspension of some $55 million of European Investment Bank loans to Greece under the Treaty of Association with the Common Market. The long-run future of Greece's association with the Common Market, the first of its kind, is in fact in doubt. As Greece's chief Common Market negotiator John Pezmatzoglu, then Deputy Governor of the Central Bank, said in a 1966 Bank of Greece message, the economic union of Greece with the EEC was based on the mutually agreed, basic objective of an ultimate political union of Greece with its European partners.

Since then the Governor of the Central Bank, Professor X. Zolotas, an internationally respected central banker, and the equally prominent Professor J. Pezmatzoglu have resigned in protest over the Junta and its policies. In fact, the great bulk of Greece's trained professionals have refused to participate in the Government, a phenomenon which has seriously hindered efforts at rational economic policy formulation and implementation.

I believe that it is imperative for the Nixon Administration, which is in the advantageous position of having no responsibility for the events of April 21, 1967 and December 13, 1967 to conduct a basic and ugrent review of U.S. policy towards Greece on the following grounds:

A. The assumption that the current military regime in Athens has or can bring stability is incorrect.

B. The Junta has greatly weakened Greece's military capability and political ability to fulfill its NATO commitments.

C. The situation in Greece is potentially dangerous. If present policies are continued, a new Vietnam could result.

D. The widespread belief in Europe that the U.S. is responsible for the coup and for keeping the Colonels in power is seriously damaging to America's position in Europe.

E. The existence of a military dictatorship in Greece is morally and politically repugnant especially to the extent that it appears that the United States is supporting this regime.

In considering U.S. policy towards Greece I would like here to make several points directed primarily to American conservatives. It has been a tragedy that many American opinions and actions concerning Greece have been viewed as a political issue between conservatives and liberals. As a result of the opposition to the Greek Junta by many prominent American liberals, all too many American conservatives have not realized the true nature and intent of the current Greek regime. While Greek political liberals have suffered as a result of the coup, as many Greek conservatives with well-known anti-communist credentials have been suppressed, imprisoned, and driven into exile by the Junta. In fact, many of the most severe critics of the coup and the current regime could be described as conservatives.

In the light of the Athens Colonels' past and continued repression of anti-communist Greek conservatives and the often-forgotten fact that the Colonels seized power from a conservative government, I would ask some American conservatives who have either largely remained neutral or have supported the current Greek regime to reconsider their positions. For the situation in Greece cannot be described or understood along American political lines. In this case both American liberals and conservatives, perhaps for different but compatible reasons, should oppose the authoritarian dictatorship imposed on the people of Greece by a small group of colonels in Athens.

Thus, in reviewing U.S. policy towards Greece I would suggest that the following specific changes in the policies inherited by the Nixon Administration would be both in the interest of the United States and the Greek people:

1. A clear-cut public condemnation of the Greek Junta by the Nixon Administration and real efforts of disassociation from the Johnson Administration policies, attitudes and methods used in dealing with Greece.

2. Terminate immediately and completely all U.S. military aid to the Athens regime and reverse the disastrous decision taken on September 22, 1970 to resume delivery of major U.S. military equipment to the Athens Colonels. Such a decision gave in effect official public U.S. government approval to the Athens military dictatorship.

3. Take the initiative for joint NATO action against the Junta by exercising maximum diplomatic, economic and military aid pressure, on a well-coordinated basis, in behalf of the Atlantic Alliance. Such an American initiative will take options away from Moscow policy-makers and will build up U.S. influence in NATO and among the European liberals, intellectuals and youth. Such a U.S. initiative would have worldwide favorable repercussions and Washington will be in a better position to exploit existing turmoil among Moscow's Eastern European communist satellites, non-satellites and the communist parties in non-communist Europe.

4. Give full U.S. support to the efforts of the Common Market and the Council of Europe to isolate morally, politically and economically the Athens Colonels.

5. Find appropriate ways and means to support actively and effectively all anti-Junta, anti-communist elements who represent the vast majority of the Greek people.

6. Strong efforts should be made to dispel the belief of U.S. involvement and support of the Greek Junta in Greece and the rest of Europe, including the use of the Voice of America. Such efforts are essential to forestall violent anti-American backlash in Greece, which otherwise is a virtual certainty.

In evaluating the merits of the above basic recommendations it is important to understand the following points:

A. All the above peaceful measures are sufficient if used effectively, in my opinion, to overthrow the Greek dictatorship without bloodshed, and without risking American lives, as you do in Vietnam today, or you did in Korea, Lebanon and in the Dominican Republic. The Nixon Administration must have learned some very valuable lessons with the events in Pakistan, the crisis in Peru and the negotiations over the Spanish bases. These events proved the grave risks inherent in dealing with anti-communist military dictatorships and should help dispel the myth that such regimes serve effectively the U.S. interests.

B. If the Junta is overthrown by these peaceful measures proposed to the Nixon Administration, Washington will be in a much better position to deal also with the Middle East crisis, having the full support and cooperation of the liberated (with American support) Greek people, and the U.S. and NATO bases presently in Greece will not any longer be surrounded, as is the case today, by an increasingly hostile population, which makes their value presently, in the case of emergency, at least doubtful.

C. More than 100,000 hard-core Greek communists live in various parts of the Eastern European communist world, including the thousands of young children abducted by the retreating Greek communist guerrilla forces in 1949. These children are now completely trained militarily and indoctrinated. Greece has very extended and rugged mountain frontiers with her northern communist neighbors. These facts may represent, at a given moment, an ace in the hands of Moscow and Peking.

D. Greece's unique geographical position places her athwart the crossroads of Europe, Asia, the Middle East, and Africa. The Middle East and Africa are two areas where the Greeks for centuries have maintained the closest ties and interests. On the northern borders of Greece is a kaleidoscope of three different kinds of communism: the Peking style in Albania (where hundreds of Chinese advisors are stationed in this first Chinese beachhead in Europe), the Moscow style in Bulgaria, and the Tito style in Yugoslavia. This fact itself makes Greece a very good western "window," an ideal listening and influence post for the Southeastern European area. But it also makes Greece far more exposed to external communist and Slavic-chauvinistic pressures now greatly complicated by the current Sino-Soviet confrontation.

E. The U.S. record, over the last decade clearly shows a very benign attitude toward right-wing military coups while registering great alarm over left-wing ones. The so-called Schwartz doctrine (State Department senior official and former top Pentagon authority on international security affairs) makes clear the U.S. will not interfere with extra-constitutional, totalitarian rule by anti-communist governments. This double standard justified accusations all over the world and, naturally, Greece.

We were all dismayed at the ruthless crushing with Soviet military power of the modest liberal reforms which were taking place in Czechoslovakia. No satellite could be allowed to sway that far from orthodoxy and control in the minds of Warsaw Pact hard liners. Moscow paid a heavy price in terms of world condemnation and the discrediting of hard-core Czech communists. To many, the parallel of the U.S. position in Greece is disquieting. And Moscow's diplomats and propagandists are counter-attacking criticism aimed at their Czechoslovakian action by pointing to the U.S. role in Greece since April 1967. For the coup against the prospect of a liberal but pro-NATO government was carried out by people closely connected with the U.S. military, intelligence and financial complex, with U.S. weapons and using a top-secret emergency NATO plan. All in the name of anti-communism, the preservation of the orthodoxy of Greece in the Western Alliance and protecting the Monarchy—which the Junta forced into exile eight months later. Moscow intervened with Soviet troops to crush what she considered dangerous Czechoslovak liberalization tendencies.

While I do not believe that the use of U.S. troops to protect the freedom of the Greek people was, or is, necessary, it is a tragedy that the Johnson and Nixon Administrations played the role of Pontius Pilatus while U.S.-supplied tanks were used to crush Greek democracy even though ample warnings about the impending coup existed. That the Johnson and Nixon Administrations, on many occasions, has given the impression of supporting the dictatorship of the Athens Colonels, is doubly disquieting, considering that the freedom of the Greek people was guaranteed by NATO which Greece freely joined as a free nation in 1952.

In the process the U.S.'s best friends were systematically destroyed. In the end the Greeks will force their oppressors out of power. The process could be bloody and might well involve the U.S. in another Vietnam-type situation. It is, therefore, legitimate to ask why long-term U.S. interests are being sacrificed in Greece for the sake of an ephemeral appearance of security and stability and whether it is wise to continue along this road to disaster much longer.

ARTICLE SURVEYS IMPOUNDMENT OF APPROPRIATED FUNDS ISSUE

Mr. ERVIN. Mr. President, the Judiciary Subcommittee on Separation of Powers, of which I am honored to serve as chairman, has recently been studying the constitutional questions raised by the practice of Executive impoundment of appropriated funds.

The subcommittee conducted hearings on this important issue in March, during which it was revealed that the Nixon administration has impounded more than $12 billion in funds that have been lawfully appropriated by the Congress for a variety of Federal programs and projects.

The magnitude of this impoundment raises questions about the proper roles of the President and the Congress under the Constitution, especially relating to the power of the purse of the Congress, and whether Congress, or the Executive, or a responsible interplay between the two, will determine our national priorities.

These questions are farreaching, and the subcommittee has been attempting to shed some light on them and recommend some possible solutions to what I regard as an erosion of the constitutional powers and prerogatives of the Congress. Within the next few days I expect to introduce legislation designed to help resolve some of these problems.

In the meantime, I recommend to everyone interested in this subject an article which appeared in the National Journal of May 15, 1971, entitled "White House Report/Impoundment Policy Fuels Political Struggle With Congress," by Andrew J. Glass.

This comprehensive article, representing a broad spectrum of views, surveys the impoundment issue and puts it into perspective. I believe that the questions involved here are of such importance that this article should be read by everyone concerned with a proper separation of the legislative and Executive powers.

Mr. President, I ask unanimous consent that the article from the National Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHITE HOUSE REPORT/IMPOUNDMENT POLICY FUELS POLITICAL STRUGGLE WITH CONGRESS

(By Andrew J. Glass)

A major political battle is under way over $12,373,000,000 that Congress has appropriated for the current fiscal year but which the Administration is refusing to spend.

As the fight has progressed, White House officials have increasingly come to recognize that resentment over the frozen funds on Capitol Hill may cost President Nixon vitally needed support for his legislative program.

Consequently, the Administration is now taking a more conciliatory approach in its dealings with Congress on the issue. A net total of $389,000,000 has been released from previously blocked accounts since late March, when the unspent funds reached a peak 1971 level officially reported as $12,762,000,000.

The practice of declining to spend appropriations signed into law is known as executive impoundment.

Justification: Although impoundments rose to an all-time record level of $12,900,000,000 during fiscal 1970, political attacks against the policy remained relatively muted so long as Mr. Nixon could defend the practice as an essential instrument in his anti-inflation campaign.

But this year, the emphasis has shifted from combating inflation to spurring a sluggish economy and checking unemployment, which stood at 6.1 per cent of the work force in April. These were principal goals behind President Nixon's adoption of the "full employment" idea in his fiscal 1972 budget. (*See No. 6, p. 283.*)

In view of this change in focus, Democrats in Congress, aided by likeminded pressure groups, have attacked impoundments, raising four basic charges:

That a Democrat-controlled Congress substantially reordered national priorities in 1969 and 1970 by redrafting large portions of the Nixon budget, only to see this reordering undermined by impoundments;

That the money being withheld is heavily weighted with sums called from programs initially enacted during Democratic Administrations—programs aimed at easing the fiscal plight of big U.S. cities, which are for the most part under Democratic political control;

That the Administration intends to withhold the impounded money well into fiscal 1972 (which begins July 1, 1971), when it will eventually be released in conjunction with next year's appropriations in an effort to shock the economy out of its doldrums and cut the unemployment rate prior to the 1972 national elections.

That the President views the impounded money as a bargaining chip, with legislative approval of major Administration proposals as his price for releasing a substantial portion of the funds.

White House: Almost all of the impounded money is being withheld as a matter of policy not by the agencies to which the appropriations were made but by the Office of Management and Budget, formed last year as a successor to the Budget Bureau in an effort to give the President tighter control over federal outlays. (*For a report on OMB budgeting procedures, see No. 4, p. 151.*)

John D. Ehrlichman, assistant to the President for domestic affairs, told *National Journal* in an interview: "Impounding has been a magnificent propaganda achievement by the Democrats. I must say, you have to give them credit for doing a good job in telling a falsehood until it has become part of the daily lexicon."

Ehrlichman said that, aside from routine impoundments, the amount actually being withheld by OMB is $4,000,000,000.

Moreover, he said, the Kennedy and Johnson Administrations consistently impounded more money at any given point than the Nixon Administration has—whether the impoundment level is measured by the actual amount withheld or as a percentage of total spending. (*For impoundment trends, see graph, p. 1027.*)

Administration approach: "The President's budget managers justify the impoundments as a necessary process in order to:

release appropriated funds on an orderly basis;

meet spending limits imposed on them by Congress, such as the debt ceiling (currently $430 billion) and expenditure ceilings added as amendments to fiscal 1970 and 1971 appropriations bills;

reduce the danger of an inflationary spiral, particularly in construction costs, which is still held to be a serious problem.

OMB Director George P. Shultz has rebuffed an informal proposal by members of the House Appropriations Committee that his agency keep them abreast of specific impoundments. "I would not want to make a commitment that every time we turn around, we make a report and send it around. . . . If we did, we would be buried in paperwork," Shultz said.

But top OMB officials privately concede that Shultz has yielded to anti-impoundment pressures in recent weeks—at the very least halting an upward spiral in the level of withheld funds. Specific impoundments released since March 26 include:

All $109 million that had been withheld from private U.S. maritime interests for payment of operating-differential subsidies;

$20 million of $38 million for the Office of Economic Opportunity;

$48 million of $49 million for an emergency credit revolving fund run by the Farmers Home Administration in the Agriculture Department.

Still, the over-all downward trend is only a 3-per cent drop from the peak level, and many major accounts remain impounded.

For example, OMB officials have refused to release any of the $1,175,500,000 now blocked in four huge frozen accounts of the Housing and Urban Development Department—for low-rent housing, model cities, urban renewal and basic water and sewer grants.

On a selective basis, OMB also has staked out fresh areas for impoundment. Thus, in late April, an impoundment order froze $25,000,000 earmarked for Alliance for Progress loans in Latin America, on grounds that there was no current demand for these loans.

OMB officials estimate that impoundments will fall to between $12.2-billion and $12.0 billion by the end of the fiscal year. They expect another drop of about $1 billion on July 1 with the release of construction and public works funds.

HOUSE

Democratic leaders in the House have raised the issue of Administration impoundments as one of their major political themes this year.

Republicans have come to the President's defense, charging that the Democrats are indulging in partisanship. Democrats in Congress, they say, made no similar demands on Democratic Presidents who impounded funds.

Leadership resolution: The issue reached the House floor on April 27, when Majority Whip Thomas P. O'Neill, Jr., D-Mass., introduced a joint resolution instructing Mr. Nixon to release forthwith all impounded monies (H.J. Res. 577).

"The President is holding these funds back for one reason," O'Neal told his colleagues. "(He) hopes to make these funds available in September so that the economy of the nation will be high. He has his eye on the election of 1972, and he wants to look good. That is why it is unfair."

Joining the debate, House Minority Leader Gerald R. Ford, Mich., wondered why O'Neill had failed to voice similar concern over impoundments when they occurred in the Kennedy and Johnson Administrations. "If it was bad then, it is bad now. If it was good then, it is good now."

O'Neill replied that the situation is "sadly different," since joblessness is currently running above 6 per cent, against a 3-per cent average in the Johnson Administration.

O'Neill's proposal, if it should pass, would be subject to a Presidential veto and, if vetoed, would need a two-thirds majority in both chambers to gain enactment.

Response to mayors—The anti-impoundment drive, now in full swing as a publicity campaign, gained momentum in late March, when a heavily Democratic delegation of mayors from the nation's leading cities tried in vain to bring House Democratic leaders behind the Nixon revenue-sharing plan.

The main leadership response was to seek to change the focus to the impoundment issue, an area in which the mayors and the House leaders are in full accord.

Thus, while O'Neill was announcing his resolution in the House, Majority Leader Hale Boggs, D-La., said:

"It (impoundment) is particularly wrong now because the President is asking for revenue sharing with no strings attached. He is talking about revenue sharing for the cities when at the same time he is holding up funds that have been appropriated that are desparately needed by the cities. . . ." (*For reports on revenue sharing, see Nos. 14 and 15.*)

Albert's role—House Speaker Carl Albert, D-Okla., has lent his personal prestige to the drive. At a March 25 press conference, the Speaker decried impoundments as "simply unacceptable."

His attack followed by two days a White House meeting between the President and big-city mayors at which, Albert learned, the mayoral delegation raised the impoundments issue.

Following the Speaker's initiative, two freshmen Democrats from Connecticut, Reps. William R. Cotter and Ella T. Grasso, announced that they would present a resolution to the House Democratic Caucus calling for "immediate release of all such appropriated funds." Their resolution was passed April 22 on a motion by Boggs. Appropriations Committee: To date, the anti-impoundment campaign has failed to secure the support of Rep. George H. Mahon, D-Tex., chairman of the House Appropriations Committee.

Mahon's position—Taking a stand long in favor among senior members of his committee, Mahon said that the "weight of experience and practice bears out the general proposition that an appropriation does not constitute a mandate to spend every dollar appropriated. . . ."

"I believe it is fundamentally desirable that the executive have limited powers of impoundment in the interests of good management and constructive economy in public expenditures," Mahon said.

A well-informed member of the Appropriations Committee, who asked anonymity, said: "George is too deeply into the economy-in-government bag to make any sort of fuss about impoundments. But he has a tacit understanding with Albert and Boggs not to break up their act."

Several members of the appropriations panel have spoken out against the Nixon impoundments. They include Reps. Robert N. Giaimo, D-Conn.; Edward P. Boland, D-Mass., chairman of the Subcommittee on HUD-Space-Science; Joe L. Evins, D-Tenn., chairman of the Subcommittee on Public Works-AEC; and Jamie L. Whitten, D-Miss., chairman of the Subcommittee on Agriculture-Environmental and Consumer Protection.

Evins' position—Evins' attitude is typical of the appropriations subcommittee chairmen whose sectors of the budget have been affected by the impoundments.

In a March 23 statement, he accused OMB of "arrogating power vested in Congress by the Constitution by disregarding priorities set by Congress and substituting its own judgment—rewriting legislation and appropriations—in effect, exercising what amounts to unconstitutional item vetoes."

An OMB decision to impound $600,000 for an American Museum of Atomic Energy at Oak Ridge, Tenn., has particularly infuriated Evins. The fiscal 1972 budget channels money for the museum (which would be built in his home district) into the general fund of the Atomic Energy Commission, a step that Evins calls "an unconstitutional item veto."

Until this year, Evins chaired the HUD appropriations subcommittee now headed by Boland.

A member of the White House staff told *National Journal* that in July 1970—shortly before the President vetoed the fiscal 1971 HUD appropriations bill—Evins, in a letter urging the President to sign the bill, said: "There is no requirement in the bill, of course, requiring the release of these funds."

Public works: Evins and others have focused much of their criticism on public works impoundments.

(The Administration has impounded $91,700,000 in fiscal 1971 funds which Congress appropriated to begin construction on 145 public works projects which had not been approved in the President's budget. Funds for all of the new projects initiated by Congress are impounded, although some Administration-budgeted starts are going ahead.)

Rep. William L. Hungate, D-Mo., has introduced a resolution (HRes 305) stating that it is the sense of the House that the President "should provide for the immediate release of funds which were appropriated by Congress for public works. . . ." The resolution has 78 cosponsors.

Rep. Charles E. Bennett, D-Fla., entered the dispute after the President on Jan. 19 indefinitely froze funds for construction of a cross-Florida barge canal, which was begun in 1964 and is about one-third complete. Some $60 million has been appropriated to date for the project.

"It is not a simple question of impounding funds," Bennett said. "It is a simple question of repudiating the Constitution. There is not a court in the land that is going to uphold the President in this action."

Mr. Nixon cited environmental protection as grounds for terminating the canal project. His action is being challenged in a court suit in which the state of Florida is a complaining party.

On March 30, Bennett introduced a resolution (HConRes 244) to create a Joint Committee on Impoundment of Funds, which would conduct a continuing review of impoundment practices.

Republicans: House Republicans have remained relatively quiet. Generally, GOP Members have defended the President only after he has come under Democratic fire for impounding funds.

Shortly before O'Neill introduced his resolution, Ford told *National Journal:* "I admit that in effect it's a line-item veto, but there's no question that he has the final authority to impound."

In Ford's estimation, the Administration's initial loss in the House on the supersonic transport program was directly related to the President's impoundment policies. "The issue was decided by Members who opposed the President's project because he had put their projects on ice. They found it difficult to vote for jobs for aircraft workers in Seattle when the Administration had cut off jobs at home," Ford said. (*For House votes on the SST, see votes T2 and 25, No. 12, p. 644; votes 89 and 90, p. 1074.*)

Republicans who acknowledged to Ford that their SST votes were influenced to some degree by impoundments include Reps. H. Allen Smith, Calif., who has a half-completed freeway project in his district; John J. Rhodes, Ariz., whose district would benefit from the central Arizona water supply and irrigation project; and Joel T. Broyhill, Va., who has a yet-unstarted $10-million flood control project in his Washington, D.C., suburban district.

SENATE

The Senate matches the House in the intensity of its concern over impoundment. But Senate criticism has aimed more at an alleged erosion of legislative power over the public purse and less at specific impoundment actions.

Senate complaints range across the full ideological spectrum, but are lodged, for the most part, in the Democratic camp. (An exception is Sen. Charles McC. Mathias Jr., R-Md., who said: "The power of the purse—the power of Congress to determine the expenditure of public money—must be preserved if we are to preserve the fundamental balance between the legislative and executive branches.")

Leadership view: Majority Leader Mike Mansfield, D-Mont., told *National Journal:* "I don't think the President has the right to impound funds. They must spend the money, unless they have good and valid reasons for not doing so."

On April 5, Mansfield proposed that the House, which by tradition initiates all appropriations bills, should go to court to force the President to release impounded funds. "A grave constitutional question is involved," Mansfield said.

(The Supreme Court has not ruled on the constitutionality of executive branch impoundments, nor has it defined clearly who would have legal standing to bring a suit testing this executive practice.)

Mansfield has not brought the impoundments issue before the Senate Democratic Policy Committee, which he heads. One member of the panel said privately: "It's a damn good issue for us. But, right now, Ervin is running with the ball. I think the guys would like to see what develops over there first."

The informant was referring to Sen. Sam J. Ervin Jr., D-N.C., chairman of the Judiciary Subcommittee on Separation of Powers, which held hearings critical of impoundment practices in late March (*For background on the Senate Democratic Policy Committee, see No. 10, p. 499.*)

Presidential hopefuls: Two potential 1972 Democratic Presidential nominees have entered the impoundments dispute: Sens. Hubert H. Humphrey, Minn., and Henry M. Jackson, Wash.

Humphrey—In an interview, Humphrey told *National Journal:* "We're really going to have a ring-a-ding on this one. What is happening is another one of those great periodic reviews that involve a basic redistribution of power between the Presidency and the legislature.

"I don't have any immediate answer. We have no firm blueprint. We'll just have to try out one form of pressure, and, if that doesn't work, we'll have to try another.

"It's one thing, you know, to temporarily withhold funds. But it's quite another to cancel them—to impose their will over that of the people's elected representatives.

"There's no question that the President is going to open the flood gates of spending in 1972. No Democratic politician who thinks about these things can come to any different conclusion.

"But we may have to pay the bill later on. It would be ironic if a Democratic President had to impose spending restraints in 1973 as a result of essentially politically motivated decisions by the Republicans in 1972."

Jackson—although he is regarded by the White House as the least antagonistic to the President's policies of the potential Democratic candidates, Jackson is nontheless critical of impoundments.

In an April 14 Senate speech, Jackson said: "I believe the country would be benefited if a high rate of unemployment were to occur in the Office of Management and Budget. In particular, the President would be better advised if he had a 'Doctor Yes We Can' rather than a 'Doctor No We Can't.'"

Jackson was referring to OMB Director Shultz, whom he called "Nixon's Dr. No."

Appropriations: A powerful apostle of the anti-impoundments faction is Sen. Allen J. Ellender, chairman of the Senate Appropriations Committee.

Ellender's predecessor in that position, the late Sen. Richard B. Russell (D-Ga., 1935–71), firmly believed that a President could not be compelled to spend an appropriation.

Ellender feels differently. In an April 13 speech in Shreveport, La., Ellender took note of Mansfield's proposal that the House force a court test on impoundments, without mentioning the Majority Leader by name. "Frankly, I do not put much credence in this suggestion," Ellender said.

Next, he mentioned an Ervin proposal—that legislation be enacted requiring the President to lay a decision to impound funds before Congress, with the legislature having the option of overturning that decision through affirmative action of both houses within 60 days.

Ellender expressed no opinion on this alternative.

Finally, Ellender said: "A third proposal is for Members of Congress individually and as a body to say 'no' to other policies whose approval is being sought by the President.

It may be in the long run this will prove the most effective. . . . I suspect we are going to see more and more of this thinking in Congress in the days ahead if changes are not made."

Ellender views the impoundments issue as "a political question" and says "its ultimate solution must be found on political grounds."

Ellender's threat to use the powers of the Senate Appropriations Committee to combat future impoundments and to rescind old ones could be a serious one.

"There isn't a day that passes that they (OMB) don't come around and ask us for something," Thomas J. Scott, the committee's veteran chief clerk, told *National Journal*.

Ellender, however, has yet to take specific action against the Administration in retaliation for impoundments.

Hearings: Two campanion sets of public hearings during the current session have brought the impoundments issue into sharper focus in the Senate.

The first was held March 3–4 by the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs. A second set was before Ervin's Judiciary subcommittee, March 23–25.

OMB Deputy Director Caspar W. Weinberger defended the Administration's position before both subcommittees.

Sparkman—Sen. John Sparkman, D-Ala., chairman of the full banking committee and the subcommittee holding the hearings, sought to require the Nixon Administration to justify its withholding of $1.3 billion in funds for public housing, model cities, mass transit and water and sewer programs.

Although Sparkman was critical of specific impoundment decisions, he told Weinberger: "I think that this is a wise use of power, when some occasion arises that justifies the impoundment. I think the President has the right, and I might even say the duty, to impound those funds. I think they should be a matter of deferral, and I think in the past they have been."

Ervin—The Separation of Powers Subcommittee hearings did not concentrate on any particular impoundments, turning instead to basic power relationships.

In a novel departure from customary Senate procedures, the chairman and subcommittee staff were buttressed, at Ervin's invitation, by six constitutional lawyers. The visitors sat on the dais and asked questions along with the Senators who were present.

Ervin's views differed somewhat from Sparkman's. As he put it: "Impounding—or reserving, freezing, withholding, sequestering, depending on semantical choice—is not a new concept and when undertaken for proper purposes, it may be quite useful in effective economy. . . .

"However, impoundment unfortunately occurs under circumstances when the executive branch, for reasons of its own, wishes to avoid expending sums which the Congress has explicitly directed to be spent for some particular purpose. It is this situation which poses a threat to our system of government and which so patently violates the separation of powers principle."

Ervin plans to introduce his legislation the week of May 17. It permits any Member of Congress to challenge impoundments from the House or Senate floor, without prior reference to a congressional committee.

THE ADMINISTRATION

High officials within OMB, where the chief impoundment decisions are made, are reluctant to discuss the fresh wave of congressional pressure to unfreeze funds—particularly on the record, lest their comments trigger further pressure.

But a top OMB official agreed to discuss the problem at length, provided he could present his views anonymously. The official said Members of Congress who have raised the impoundments issue are engaging in "a political charade."

"I question whether they really do want to resolve it in black-and-white terms," he said. "It's all one great big game. It's become a little battle. 'The Administration is impounding money Congress appropriated.' It makes good headlines. People can understand that. On the other hand, the Hill people can still scream economy."

CHIEF EXECUTIVE

President Nixon also inclines toward this view. When he was asked about impoundments March 22 in a televised interview with Howard K. Smith of ABC News, the President replied:

"When I was a Senator and a Congressman, I played all of these games, too, with very little success. These games are going to be played. The efforts will be made (by legislators), some of them with the very best of intentions, to hamstring the executive, the President. When it is the proper thing to do, it will be done."

Mr. Nixon went on to observe that "you can have only one Commander-in-Chief." He rested his case for impoundments on his national security powers, where Presidents have traditionally sought to defend impoundment actions; he did not comment on domestic-program impoundments.

In the past, Mr. Nixon has displayed sensitivity to the potential power of Congress to mandate spending in the domestic area.

In January 1970, President Nixon vetoed a Labor-HEW appropriations bill (HR 13111) that added $1.1 billion to his budget request, and included a requirement that impacted areas education money be spent.

He acted partly on the grounds that "nearly nine-tenths of these increases is for mandatory programs—which leave the executive branch no discretion whatever either as to the level or the purpose of the added expenditures." The veto was sustained.

(The President also grounded his veto decision on a legal memorandum from William H. Rehnquist, assistant attorney general (Office of Legal Counsel), which said: "With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such broad powers is supported by neither reason nor precedent." Rehnquist's position was useful as a justification for vetoing the bill, but it has come back to haunt the Administration in the impoundment controversy.

(OBM Deputy Director Weinberger says he disagrees with Rehnquist's memorandum. Weinberger's reasoning is that other provisions of law may enable a President to decline to spend a mandated appropriation.)

White House staff: High-level members of the President's personal staff who must deal directly with Congress or with the press recognize that the President has suffered a blow from the high levels of impoundments.

MacGregor—Presidential Counselor Clark MacGregor told National Journal that some impounded funds would be released in mid-May. In meetings with the President, MacGregor has urged lifting impoundment on a selective basis. One purpose, he said, might be to aid sections of the country hit hard by unemployment, such as Seattle, where layoffs at the giant Boeing Co. have increased since termination of the SST program.

MacGregor said he also favors releasing funds for activities such as housing for the elderly—a program popular on Capitol Hill. Freeing funds for such programs as these, he said, will entail "small dollars, but big benefits."

As the chief Nixon liaison on Capitol Hill, MacGregor is mindful that the release of impounded funds would improve chances of passage for other Nixon-backed programs.

MacGregor said "there is no question" that the Administration lost an SST decision in the House March 16 because of executive impoundments. "You could say it was a determining factor," he said.

In response to letters from Democratic Members of Congress complaining about the impoundments, MacGregor tends to defend the practice by citing legal and statutory precedents, rather than deal with the problem directly. In responding to one letter, he added a postscript in his own hand which noted that impoundments were "a regular practice in the Kennedy and Johnson Administrations."

Klein—In a "deep background" session with reporters on April 7, Herbert G. Klein, director of communications for the executive branch, said the impoundment process has caused more individual complaints on Capitol Hill than any other issue.

Klein also predicted that some of the impounded money would be released within the next 45 days—by mid-May. He agreed with MacGregor that the controversy has made it difficult to obtain votes for other Nixon programs, such as revenue sharing and executive reorganization.

Klein said May 10: "It (the impoundment policy) is not locked in concrete. At least the concrete has not dried."

Budget office: The MacGregor-Klein view is discounted within some OMB circles.

Weinberger told *National Journal* that he knows of no plans to change policies, despite what the two White House aides said.

"They are trying to make it sound like a reversal of policy where none exists," another OMB executive said. "It's very interesting what's going on."

This official, while agreeing with Weinberger's assessment, nevertheless said that "a certain amount always gets loosened up under pressure."

Weinberger—In testimony before the Senate Appropriations Committee April 19, Weinberger announced that a peak level of impoundments reached in late March had been cut back at that point by $255 million in a selective thaw of previously frozen funds.

But Weinberger said that the released funds were routinely freed according to previous plan and not as a result of pressure from Capitol Hill or other sources.

A $33-million release for the emergency credit revolving fund of the Agriculture Department's Farmers Home Administration was included in the package. Sen. Robert Dole, R-Kan., the Republican National Chairman, has stressed in his recent political meetings with the President that the GOP was paying insufficient attention to the nation's farmers and might have to pay the consequences in the 1972 election.

The release also involved such items as foreign military credit sales and military construction—all areas where impoundments have not come under specific attack in Congress.

The White House arranged April 28 to have Weinberger defend the policy at a regular afternoon press briefing. Weinberger told reporters that the practice began when Thomas Jefferson would not release funds for two gunboats because the Indians had turned friendly along one of the rivers on which the gunboats were planned to be used.

Weinberger served as finance director for the State of California (1968–69) and as chairman of the Federal Trade Commission (1970) before assuming his present position. He is widely viewed in Congress as the chief instrument of the Nixon impoundment policy.

"He's the man with the ax," said Bill Keel, administrative assistant to Rep. Evins. "He did the same thing for (California Gov. Ronald) Reagan as he's doing for Nixon."

For his part, Weinberger told the Senate Appropriations Committee, "My experience in government has been an unceasing attempt to reduce government expenditures at all levels."

Weinberger also feels that the OMB is the only agency that has the overview necessary to make balanced judgments on government spending. As he put it in March 24 testimony to the Ervin subcommittee:

"The whole nature of the appropriations process is such that Congress is, in one way or another, virtually prevented from having—or at least from taking—an over-all look at the effect of their total actions . . . There is only one agency in the government that has, in a sense, the over-all responsibility or at least does look at the over-all picture at any given time."

While Weinberger carries the burden of blame for impoundments on Capitol Hill, he also has his defenders there. Sen. Charles H. Percy, R-Ill., said: "Without OBM, we would have fiscal insolvency. He is probably cursed by more departments than anybody else."

Shultz is known to be more cautious than Weinberger in asserting the political extent of OMB's power to impound. Thus, after Evins assailed Shultz over impoundments at House Appropriations Committee hearings, Shultz told Evins privately: "There is a lot of truth in what you said."

Process—Asked how and why impoundments occur, a top OMB official told *National Journal:*

"Sometimes the decision is rather drab and routine and bureaucratic. It's a management tool, really. It's as simple as all that. It can range from there to something that is so politically sensitive that you're not going to be told: you're going to have to figure it out for yourself."

Of the appropriated funds that were impounded March 26, OMB reports that $10,798,000,000 is being reserved for use in fiscal 1972 and beyond; $1,025,000,000 is being held "to contingencies"; $570,000,000 is being held up until specific projects for which these monies are earmarked are approved; $115,000,000 is impounded "to effect savings"; and the remaining $255,000,000 is being held up for a variety of reasons, including pending program changes, specific decisions by the agencies not to spend the money, and reductions required by acts of Congress.

A significant fraction of impoundments carry no policy implications whatever, OMB officials say.

As one example, they cite $957,000,000 which has been set aside for naval construction. These funds cannot be used in fiscal 1971, even though they were appropriated for that year, because they involve later stages in the shipbuilding process. "Such reserves remove the temptation for goldplating," an OMB official said.

Policy judgments—On the other hand, OMB does impose policy judgments on the impoundment process.

For example, $200 million of the $600 million Congress appropriated for fiscal 1971 for urban mass transit—part of a five-year, $3.1-billion program—will not be released until fiscal 1972. An OBM official said privately:

"I don't want yesterday's priority to be today's. We want to put this program on a visionary trend. If we pass it all now to them (the Transportation Department), 90 per cent would be committed to buses because that's where the pressure for grants is centered. But what we want is some visionary thinking."

Transportation Under Secretary James M. Beggs says the impoundment is justified because the funds cannot be spent efficiently until the new fiscal year.

But he resents OMB placing its policy judgments over those of the experts in his department. "They shouldn't get so deep into policy that they're making judgments on buses," Beggs said.

Analysis—In explaining over-all impoundment policies, a top-ranking OMB official departed from the legalistic justifications that are offered in testimony on Capitol Hill. Instead, he assumed that OMB had the theoretical power to impound, if not always the political power, and he went on from there.

"Most of the things in the budget are uncontrollables and on-going programs which for one reason or another the President can't touch. That leaves only a fringe at the top which is reported in the press as 'the Administration's program.'

"Once Nixon decided he did not want to cut the defense budget any more—that's where the real money is—there was very little room for us to play with, to get his program in and still stay within a predetermined ceiling of $229 billion.

"That's why so many of the cuts had to come in things like highway construction (where $5.85 billion is impounded) and in public works. When you impound in these areas, you're not cutting anything out; you're not throwing anyone on the street. You're just not starting something. And if you're going to try to control inflation, it's a darn good area to impound.

"We tell (the President) that you can't be capricious about impoundments; that you have to have a policy. And Nixon does have a policy, because what it comes down to in the end is his judgment over the really small margin we have to play with. Take urban renewal and model cities (where a total of $783 million is impounded). Nixon doesn't believe in (the programs). Draw your own conclusions.

"When you ask will we ever give it back, the answer is I just don't know. It depends, I suppose, on what the screams are."

PRESSURE GROUPS

A wide range of powerful interests directly affected by the impoundments policy have entered the dispute, seeking to compel the Administration, through a combination of political pressure and threats of legal action, to release the money.

Hard-pressed for funds, the nation's Governors and mayors have led the fight against Administration impoundments, with Democrats and Republicans joining equally in the battle. They have been bolstered by a host of quasi-public and private groups. But, to date, their efforts have been unsuccessful.

Governors: The National Governors' Conference, meeting last August in Lake of the Ozarks, Mo., challenged the Administration's basic right to impound funds.

The Governors formed a three-man committee to examine the impoundments, assess their effect on state programs and make recommendations to the full group at the next conference, which is scheduled for September 1971.

The committee was composed of Govs. Forrest H. Anderson, D-Mont.; Jack Williams, R–Ariz.; and Frank L. Farrar, R-S.D., who was defeated for reelection last year. (Anderson and Farrar were chosen because they had previously served as attorneys general of their states.)

On March 28, the Democratic Governors' Caucus, meeting in St. Louis, passed a resolution calling upon the President "to release all funds already appropriated by Congress but currently being withheld."

State legal test: While the National Governors' Conference was in progress, the Missouri State Highway Commission filed suit in the U.S. District Court for the Western District of Missouri for release of $28 million in withheld funds. Thereupon, the Governors passed a resolution endorsing the suit.

The case (Civil No. 1616) is expected to go to trial in early June before U.S. District Judge William H. Becker in Kansas City. OMB Director Shultz and Transportation Secretary John A. Volpe are listed as the defendants.

Judge Becker already has ruled three times against the government on pre-trial motions: The government unsuccessfully sought to have the suit dismissed on the grounds that the Missouri Highway Commission had failed to obtain permission to sue; that it lacked proper legal standing, and that it did not possess a sufficient cause of action.

Mayors: At a two-hour meeting with Mr. Nixon on March 23, a 30-member delegation of big-city mayors sought release of $1.3 billion in appropriated urban funds.

While sympathetic in his comments, the President made no commitments. He said that congressional passage of his general and special revenue sharing legislation would do much to relieve the mayors' plight.

About a week after the White House session, an OMB official said privately that the mayors' group had made an impact. "If anything happens on impoundments," he said, "it won't be because of the Hill stuff but because of what the mayors said."

Earlier in the month, the mayors' umbrella organization, the National League of Cities-U.S. Conference of Mayors, had buttressed their anti-impoundment campaign with testimony before the Sparkman subcommittee. In this instance, the lobbying effort fell on sympathetic ears, but the panel was not in a position to help.

From the witness chair, Baltimore Mayor Thomas J. D'Alesandro III, D, asked the panel: "What can the cities of this country do to get the money released? What can Congress—and, in particular, this committee—do?"

The remaining mayoral witness, Lee Alexander, D-Syracuse, N.Y., chairman of the National League of Cities Community Development Committee, voiced strong support for the Nixon general revenue-sharing concept.

But, he said, "it is difficult to focus our attention on these reforms when it appears that some of our most essential programs currently aiding our cities are being curtailed. We would be able to approach a discussion of the President's proposals with greater confidence if full use were being made of the present meager funds."

In testimony before the Ervin subcommittee, San Francisco Mayor Joseph L. Alioto, D, said he was exploring the possibility of seeking court injunctions to force the Administration to release at least some of the impounded money. Alioto testified that the impoundments had raised "grave constitutional questions" and had created "a desperate situation for the cities."

URBAN GROUPS

Much of the pressure for release of funds has focused on the $1.4 billion withheld in the urban area and including such activities as urban renewal, model cities, public housing, water and sewer grants and mass transit. Administration spokesmen have informally pledged to release all of these funds during fiscal 1972; but they have made no commitment to spend fiscal 1972 appropriations in these categories.

Among those appearing at the witness table to attack urban impoundments at the Sparkman hearings were:

B. R. Stokes, general manager of the San Francisco Bay Area Rapid Transit District (BART), who spoke as vice president of the Institute of Rapid Transit, an industry group;

George L. DeMent, president of the American Transit Association, who said that the impoundments indicate that the Administration has placed "the problem of urban immobility at a very low national priority";

John A. Stastny, president of the National Association of Home Builders and a Chicago-based builder, who said, "It is hard to reconcile this general withholding of available funds with the Administration's emphasis upon housing production as a vital spur to the economy." (*For a profile of NAHB, see No. 9, p. 431.*).

Statements attacking the impoundment policy have been issued by the National Housing Conference, which has its roots in the New Deal era, and the National Association of Housing and Redevelopment Officials (NAHRO), which represents housing authorities and urban renewal departments.

In mid-April. NAHRO circulated a memorandum to Administration officials and selected Members of Congress containing data on what the impoundments had done to impair local housing and urban renewal programs. (*For a profile of NAHRO, see Vol. 2, No. 11, p. 579.*)

The NAHRO memorandum, based on a survey of 250 state and local agencies, was accompanied by a letter to Sen. Sparkman that said: "Unless action is taken immediately to release these funds before July 1, many local programs will not survive and others will face drastic curtailment of their operations."

Highways: Several Washington groups representing highway contractors have protested the major fraction of impoundments—$5.85 billion—in their area.

The Johnson Administration first impounded highway trust fund monies in 1966. (Since the unspent portion is borrowed by the Treasury to meet its needs, the impoundments serves the additional purpose of enabling the government to restrict its borrowing in private capital markets to the extent that the money is available internally.)

The Nixon impoundment was ordered in September 1969, when the President declared a 75-per cent cutback in new federal construction to reduce inflation. Highway spending is now funded at an annual rate of $4.6 billion, against an appropriated level of $5.5 billion.

John W. Gibbons, public relations director for the Highway Users for Safety and Mobility, an umbrella group for the highway builders, told *National Journal*:

"We have not taken a policy position against any specific cutbacks. . . . Some of our people are reluctant to take a position that might appear to bind the hand of the President in the control of inflation, and, therefore, they are not about to jump on him as a special interest."

Alfred E. Johnson, executive director of the American Association of State Highway Officials, said: "As far as I know, you can't force the executive branch to spend anything the legislative branch provides. We've worked at it, because we have a need there. . . .

"As far as we're concerned, we're getting a lot of amateurish budget control over there in that shop. Of course, some of them are not very strong on the highway program anyhow.

"One of our problems is that there are people over there (in OMB) who have no idea of the transportation needs or problems of the big part of this country. . . . They know what happens in Cambridge, downtown Boston, they know what happens here, what happens in Manhattan Island and they fly from one to the other."

Johnson said he had "a private understanding" that the highway program would be funded at an annual spending level of $4.6 billion until 1975, regardless of congressional efforts to increase that amount.

An OMB official told *National Journal* that even under "a drastic revision of policy" no more than $1.5 billion of the impounded $5.85 billion could be released in the next 12 months, "unless you wanted to have every contractor in America doing nothing else but building highways." (For a report on highway trust fund impoundment, see Vol. 2, No. 30, p. 1599.)

AFL–CIO: The Executive Council of the AFL–CIO, meeting May 11 in Atlanta, said the impoundments revealed "a firm determination to manipulate the federal treasury as a political tool in preparation for the 1972 election campaign."

The AFL–CIO added, in a statement, that the Administration had made "a cynical political decision to hold the funds until they can be doled out piecemeal to achieve maximum economic impact at a time when maximum political effect is desired."

ASSESSMENT

The Nixon Administration's impoundment policies raise both constitutional and political questions which have yet to be resolved.

Framers' intention: Although the Constitution offers no specific instructions on impoundment of appropriated funds, it does offer guidelines.

An item veto is not provided. The President must either veto an entire bill or sign it into law. Congress may override the veto with a two-thirds majority.

In the military sphere, the Constitution reserves to Congress the right to "raise and support armies" and to "provide and maintain a Navy."

Sen. Frank Church, D-Idaho, who wrote on the impoundments problem in the June 1970 *Stanford Law Review*, makes a fundamental distinction between those impoundments where Congress prescribes the conditions under which they may be made and impoundments that occur despite a mandatory appropriation.

Church concludes: "If we are to preserve our democratic institutions . . ., the President cannot be allowed the further privilege of ignoring a *mandated* appropriation. It is this form of impoundment that represents a grave threat to the integrity of Congress."

Writing in a 1969 issue of the *George Washington Law Review*, Louis Fisher, a scholar at the Library of Congress, said:

"(A) *constitutional* issue emerges only when Congress finds a legislative program canceled or abbreviated because the President considers the purpose unwise, wasteful or inexpedient. He then no longer operates on the basis of legislative authority."

Political power: It is most unlikely that the future course of impoundments, at least in the near-term, will be governed by constitutional restraints.

Despite contrary opinions in the Nixon Justice Department, top OMB officials regard appropriations as permissive ceilings rather than instructions that must be obeyed. These officials are highly conscious of the fact that they receive their directions from and owe their primary allegiance to the President. As long as the basic constitutional argument remains unresolved, these restraints bear little weight.

The course of impoundments is more likely to be affected by economic and political factors.

Should the economy be sagging when the new fiscal year opens July 1, the President is more apt to apply the expansionary spending principles he originally set forth in his January full employment budget and substantially lower the ratio of impoundments to appropriations.

If the Congress, on a systematic basis, fails to pass Administration-sponsored bills in apparent retaliation for the impoundments policy, then the President is more apt to reconsider that policy.

As Fisher writes: "The struggle between the President and Congress over impounded funds is essentially political. The decisive appeal is not to legal principles and Court decisions but to constituencies and agency support. . . .

"Since the President lacks an item veto, he must impound the unwanted funds to preserve his budgetary objectives and maintain control over his executive officials."

Yet another Presidential scholar, Arthur Selwyn Miller, writing in a 1965 issue of the *North Carolina Law Review*, said that the President "can and may withhold expenditure of funds to the extent that the political milieu in which he operates permits him to do so."

It is evident that concerned lawmakers have as yet been unable to devise and implement an effective means of legislative control over impoundments. Congress still lacks a means to permit the Administration discretion over spending while denying the Administration unlimited powers over the public purse.

LBJ: A MATTER OF PERSPECTIVE

The impoundment process has been widely condemned on Capitol Hill and regularly defended in the White House—a fact illustrated in the career of Lyndon B. Johnson.

While Mr. Johnson served in the Senate (D-Tex., 1951–61), he condemned the Eisenhower Administration's failure to create a new division in the Marine Corps. and to construct more Polaris submarines, despite congressional mandates to do so.

During hearings held in 1959 by his Preparedness Investigating Subcommittee of the Senate Armed Services Committee, Sen. Johnson said:

"Do we have centralized control in this country? Do we no longer have a coequal branch of government? I had thought we had a constitutional responsibility to raise an army. I had the thought we had a responsibility to appropriate funds. I had the thought that once Congress passed the appropriation bill and the President approved it and signed and said to the country that 'This has my approval' that the money would be used instead of sacked up and put down in the basement somewhere."

From the vantage point of the Presidency, Mr. Johnson altered his outlook on impoundments. During his Administration (1963–1969), impoundments of appropriations climbed steadily, eventually reaching a $10-billion plateau.

In an economic message to Congress, issued Sept. 8, 1966, Mr. Johnson said that his policy would be to withhold, whenever possible, appropriations that exceeded his budget recommendations.

The same month, in signing an agriculture appropriation that exceeded his budget request by $312.5 million, Mr. Johnson said:

"During a period when we are making every effort to moderate inflation pressures, this degree of increase is, I believe, most unwise." Rather than veto the bill, Mr. Johnson decided not to spend certain items "in an attempt to avert expending more in the coming year than provided in the budget."

THE ADMINISTRATION'S IMPOUNDMENT CASE: BUILDING ON 50 YEARS OF PRECEDENTS

Although the practice of impounding funds on a significant scale began 50 years ago, its nature has changed markedly over time. Today, the Nixon White House is able to cite a half-century of precedents and legislative actions in defending its withholding of funds which Congress has appropriated.

Early years

Impoundments first came upon the Washington scene in 1921, with the formation of the Budget Bureau. The bureau's first director (1921–23), Charles G. Dawes, held that the amount appropriated by Congress was not necessarily the amount to be spent.

Antideficiency: Dawes, who later served as Vice President in the Coolidge Administration (1925–29), justified impoundments through his reading of the Antideficiency Acts of 1905 and 1906 (33 Stat. 1257, 34 Stat. 49), as well as under new powers granted him under the Budget and Accounting Act of 1921 (42 Stat. 20).

The Antideficiency Acts, passed at a time of budget deficits, introduced the technique of regular allotments to prevent "undue expenditures in one portion of the year that may require . . . additional appropriations to complete the service of the fiscal year." They allowed the President to waive or modify apportionments in the event of "some extraordinary emergency or unusual circumstance which could not be anticipated. . . ."

Dawes said the Acts implied that budgeting procedures should make provision for savings per se as well as for preventing deficiencies.

Limits: Yet, in creating reserve funds in the Treasury, Dawes pursued a concept far narrower in scope than the Office of Management and Budget embraces today. Dawes merely said that an agency was not required to spend its full appropriation if it could fulfill its objectives by spending less.

Thus, Dawes said: "We have nothing to do with policy. Much as we love the President, if Congress, in its omnipotence over appropriations and in accordance with its authority over policy, passed a law that garbage should be put on the White House steps, it would be our regrettable duty, as a bureau, in an impartial and nonpolitical and nonpartisan way, to advise the Executive and Congress as to how the largest amount of garbage could be spread in the most expeditious and economical manner."

(Joseph Cooper, chairman of the political science department at Rice University and one of the few academic experts on impoundment practices, recently observed: "I am sure today the Budget Bureau would tell you that they could impound the funds for such purpose.")

Depression: In 1931, President Hoover, acting under the pressure of the depression, applied Dawes' procedure—which was to set aside annual budget reserves through specific "savings"—to impose an overall 10-per cent cut in federal spending.

President Roosevelt, employing a classical economic formula that he was later to abandon, also pursued tight government spending policies early in his first term.

Acting under the 1933 Economy Act (48 Stat 8), Roosevelt in that year issued his Executive Order 6166, which shifted the function of "making, waiving and modifying apportionments of appropriations" from department heads to the budget director. This set the stage for centralizing policy making on future impoundments in the White House.

At the same time, the Roosevelt order impounded unexpended balances for various government functions that he had abolished in the same order and returned the money to the Treasury's general fund. These efforts encountered no serious resistance in the economy-minded Congress.

War priorities: A new stage in the impoundment process began in the 1940s, when World War II expenditures took priority over non-defense public works. For the first time, an Administration sought to control not only the rate of program implementation but also the execution of particular programs which had been voted by Congress and signed into law by the President. By the end of 1943, about $500 million in scheduled public works projects had been impounded.

For the first time as well, some Members of Congress attempted to reassert legislative authority over spending and to impose restrictions on impoundment of funds. A rider that banned impoundments within the War and Navy Departments, except by direction of Congress, passed the Senate in 1943, but it was deleted from the final defense appropriations bill.

Although the Roosevelt era impoundments were the first to come under widespread challenge, the continued desire for economy and the wartime atmosphere blunted attacks in Congress that sought to confine executive branch impoundments to those that did not imperil specific programs.

Postwar pattern

With the end of World War II, the Budget Bureau sought firmer statutory grounds for its impoundment actions. Legislation was drafted within the bureau and eventually passed in 1950 as Section 1211 of the General Appropriation Act of 1951 (64 Stat 595).

Statutory base: In that year, instead of preparing separate appropriations bills for each major government function, the House Appropriations Committee reported an omnibus measure, giving President Truman latitude to cut the amount by $500 million, provided no domestic program was cut by more than 15 per cent.

By the time the Senate began debate on the bill, South Korea had been invaded from the north, and the President unilaterally curbed domestic outlays in view of sharply increased military spending and the danger of a runaway inflation.

The 1950 law is the foremost citation currently offered by the Nixon Administration in justifying impoundment practices. The statute amended the Antideficiency Acts by stating: "In apportioning any appropriation, reserves may be established to provide for contingencies or to effect savings whenever savings are made possible through changes in requirements, greater efficiency of operations or other developments subsequent to the date on which such apportionment was made available."

Anti-inflation policy: The meaning of "changes in requirements" and "other developments" has been broadly interpreted to grant the authority to impound as a means of combating inflationary pressures.

Increasingly, Administrations also have justified impoundments by citing the Employment Act of 1946 (60 Stat 4), which formally acknowledged federal responsibility for maintaining economic stability. (Although the Act does not specifically mention inflation, the need for price stability could be inferred through the stated goal of maximum purchasing power and the development of policies to "avoid economic fluctuations.")

Yet, the series of spending controls that Congress and various Administrations have imposed throughout the postwar years has never resolved the question of whether the responsibility for controlling inflation implied in the 1946 law falls primarily on Congress or on the President.

Defense pressures: After World War II, a series of congressional majorities sought to establish spending floors or minimums on specific items in the defense arsenal against the wishes of the Presidents.

This period saw a shift from Congress' practice of seeking to cut military spending requests—which until then had been traditional and which is once more paramount in Congress today. This reversal of the customary executive-legislative relationship resulted in a series of impoundments.

Air Force role—Thus, Congress voted in 1949 to increase the newly independent Air Force from 48 to 58 groups. President Truman signed the bill, but he announced that he had directed the Pentagon to place the extra $614 million in reserve.

The Truman Administration also canceled construction of an aircraft carrier, the *United States*, designed to carry long-range bombers with nuclear weapons. Acting in his role as Commander-in-Chief, Mr. Truman ordered the strategic nuclear bombing mission to be confined to the Air Force, thus obviating the operational requirement for the carrier.

B–70 dispute—Congressional efforts to bolster the defense budget persisted into the 1960s, following a pattern established in the Truman period.

One hotly contested impoundment involved the B-70 (RS–70) bomber, a long-range aircraft once billed as the successor to the B–52.

The controversy arose when Congress in 1961 added $180 million to the $200 million requested by the Kennedy Administration for B–70 development. Defense Secretary (1961–68) Robert S. McNamara refused to release the unwanted funds.

In 1962, the House Armed Services Committee voted to direct the Pentagon to spend not less than $491 million on the project in fiscal 1963. The spending bill specifically "directed, ordered, mandated and required" the Secretary of the Air Force to spend the full amount.

In response, President Kennedy wrote to Rep. Carl Vinson, (D-Ga., 1914–65), who was then the committee's chairman, urging that the word "authorized" be substituted for "directed" and observing that the change would be "more clearly in line with the spirit of the Constitution."

After a private talk in the White House rose garden, Vinson acceded to the President's request. Only two RS–70 prototypes were built.

Justifications

Professor Cooper has written that since 1950, executive branch claims regarding the President's authority to impound "have expanded so greatly as to establish virtually a qualitative difference between executive contentions before and after that date."

The current spirit was exemplified by Charles L. Schultze, a budget director (1965–68) in the Johnson Administration. When asked to state legal authority for impounding highway trust funds, Schultze replied that "basically, it is the general power of the President to operate for the welfare of the economy and the nation in terms of combating inflationary pressures."

Counterattacks: From a political standpoint, President Johnson found that this legal justification failed to placate regions hard hit by the highway cutbacks. Sensitive to the rising criticism of his action, the President released more than $1.2 billion in impounded funds on the eve of a March 1967 conference with the nation's Governors.

Ceiling on spending: While faced with pressures to release impounded funds, the Johnson and Nixon Administrations have at the same time faced spending ceilings imposed by a succession of Congresses. The ceilings have served as a rationale for impoundments.

Thus, in the fall of 1967, after debating a proposal to cut federal spending by $5 billion, Congress passed legislation (81 Stat 662) requiring the President to cut outlays by $2.5 million under a complex formula that gave the White House some discretion in how the cuts would be made.

The Revenue and Expenditure Control Act of 1968 (82 Stat 251) combined a surtax with a spending ceiling of $180.1 billion, necessitating a $6-billion cut in the Johnson budget.

Congress also set spending ceilings in fiscal 1970 and 1971 appropriations bills, while at the same time providing that the ceilings would move up or down to account for the efforts of Congress' own changes in budget line items and for outlay changes in uncontrollable spending programs.

The House Appropriations Committee, in imposing its 1971 spending ceiling, said in a report (H. Rept. 91–1033):

"(We are) not seeking to advance a vehicle for broad-axe type cutbacks that would leave to the executive the allocation of any spending reduction to specific agencies and programs. The whole idea was to focus on the totality of federal spending by putting the control of *total* spending in the hands of Congress, adjustable *only* by the Congress."

Historical analysis: In surveying the historical pattern of impoundments, Cooper concludes that the grounds for withholding are "weak" to the extent that they do not contribute to greater efficiency.

"The fact that the executive may regard impoundment as a convenient and even essential means of achieving widely agreed upon policy objectives . . .," Cooper said, "does not mean that it is a legal one.

"Thus, fundamentally, the best case the executive has for impoundments that impair or negate programs is simply precedent, simply the fact that since the mid-1950s it has done so repeatedly."

OMB'S LIST OF IMPOUNDED FUNDS

This table lists the funds impounded by President Nixon as of May 11, according to the Office of Management and Budget. Items are listed by accounts within the agency to which the appropriation was made. The activity or program for which the impounded funds were earmarked is listed where available. The current total of impoundments, $12,373,000,000, reflects a net drop of $389,000,000 from the fiscal 1971 peak, which was reached March 26. Amounts are rounded to millions of dollars.

PRESIDENT'S EXECUTIVE OFFICE

Appalachian regional development	$191
economic opportunity program	18
Peace Corps, salaries and expenses	7
foreign economic assistance:	
investment guaranty fund	110
development loans	72
prototype desalting plant	20
supporting assistance	14
Philippine education program	1
foreign military credit sales	122
Inter-American Social Development Institute	24

AGRICULTURE

Agricutural Research Service	5
Agricultural Stabilization and Conservation Service	47
Farmers Home Administration:	
water and waste disposal grants	56
housing for domestic farm labor	1
mutual and self-help housing	*
direct loan account	72
self-help housing land development funds	1
emergency credit revolving fund	1
Food and Nutrition Service, special milk program	2
Foreign Agricultural Service	4
Rural Electrification Administration, loans	25
Forest Service:	
brush disposal	15
forest roads and trails	217
Youth Conservation Corps	1

COMMERCE

Census Bureau, 19th decennial census	11
Economic Development Assistance, regional programs	1
Inter-American Cultural and Trade Center	5

DEFENSE

shipbuilding and conversion	957
military construction	235
homeowners assistance fund	6
special foreign currency program	5
Canal Zone operating expenses	4
Corps of Engineers:	
general construction	38
flood control—Mississippi River and tributaries	4

HEALTH, EDUCATION, AND WELFARE

Health Services, Mental Health Administration:	
buildings and facilities	2
medical facilities construction	2
regional medical programs	34
National Institutes of Health:	
construction	21
neurological disease and stroke	2
general medical sciences	6
National Eye Institute	1
other	1
Office of Education:	
higher education	13
community education	8
school aid in federally impacted areas	10
Social and Rehabilitation Service:	
services and facilities	2
programs for the aging	1
Social Security Administration, construction	22

* Under $500,000.

HOUSING AND URBAN DEVELOPMENT

Low-rent public housing	$942
Model cities	583
Basic water and sewer facilities	200

INTERIOR

Bureau of Land Management, roads and trails	11
Bureau of Indian Affairs, road construction	64
Bureau of Outdoor Recreation, land and water fund	30
Bureau of Mines, drainage of anthracite mines	4
Bureau of Sport Fisheries and Wildlife:	
national aquarium (terminated)	9
fish and wildlife restoration	7
wildlife refuge fund	4
National Park Service, road construction	69
Bureau of Reclamation	28

JUSTICE

Federal Prison System, building and facilities	16

TRANSPORTATION

Coast Guard, reserve training	2
Federal Aviation Administration:	
facilities and equipment	129
grants-in-aid for airports	51
airport and airway trust fund	682
Federal Highway Administration:	
federal aid to highways	5,852
other highway programs	411
Federal Railroad Administration, Amtrak grants	38
National Highway Traffic Safety Administration, state and community highway safety	208

OTHER AGENCIES

Atomic Energy Commission:	
operating expenses	110
plant and capital equipment	59
Environmental Protection Agency, operations	7
General Services Administration:	
public buildings construction	60
additional court facilities	12
National Aeronautics and Space Administration, research and development	12
Veterans Administration, construction	1
Atlantic-Pacific Interoceanic Canal Study Commission	1
District of Columbia, loans for capital outlay	81
Farm Credit Administration:	
short-term credit investment fund	112
banks for cooperatives investment fund	148
National Science Foundation, salaries and expenses	10
United States Information Agency, special international exhibitions	2
miscellaneous agencies	1
Total	[1] 12,373

[1] According to HUD budget officials, the $942 million listing for low-rent public housing refers to loan fund borrowing authority which is available to HUD as needed to supplement private financing. HUD says the actual impoundment figure is $192.5 million, almost all of which is unavailable due to legislative restrictions. HUD officials also noted that the OMB compilation fails to list $200 million in impounded urban renewal funds. With these corrections, the total impoundment figure is $11,823,500,000.

PRESIDENTIAL SPENDING: THE OTHER SIDE OF THE COIN

Presidents have exercised varying forms of spending discretion—other than impoundments—to reduce legislative control over spending. Some of these techniques have been employed with congressional approval while others have not. The techniques include:

Lump-sum appropriations: Single-figure grants which give the President broad power to spend are common during wartime emergencies. In World War I, President Wilson received $100 million for "national security and defense," to be spent at his discretion. A typical appropriation during World War II provided $23.6 billion in a lump sum for the Army Air Corps.

Recent appropriations for the Atomic Energy Commission have been handled on a lump-sum basis, although the AEC has never strayed far from the spending guidelines laid down each year by the Joint Atomic Energy Committee.

Contingency funds: Appropriations of contingency funds are generally meant to cover unforeseen events, such as natural disasters that require relief. But Presidents have used contingency funds to underwrite their favorite projects.

For example, when President Kennedy established the Peace Corps by executive order in 1961 (Exec Order 10924), he funded the agency for its initial seven months with foreign aid contingency funds.

The Defense Department now has a $5 million contingency fund for "emergencies and extraordinary expenses." In fiscal 1971, the Pentagon estimates that it will spend all but $500,000 of the contingency money.

Transfer authority: Various statutes permit the President to take funds that have been appropriated for one purpose and apply them to another.

It was on the basis of transfer authority that President Nixon was able to extend immediate financial aid to Cambodia following the U.S. intervention there in April 1970. Months later, Mr. Nixon appealed to Congress to approve $255 million in military and economic aid for Cambodia. Of that sum, $100 million was to restore funds that the White House had already diverted to Cambodia from other programs.

Reprograming: This term describes shifts in appropriated funds from one purpose to another within the same budgetary account, without statutory authority. In most cases, the agency head involved in reprograming will check informally with the appropriate Members of Congress before proceeding.

In one recent reprograming action, $800,000 was provided for the supersonic transport program—after Congress had voted to halt SST development—through an informal approach to Sen. Robert C. Byrd, D-W. Va., chairman of the Senate Appropriations Committee's Transportation Subcommittee.

A member of the appropriations panel discussed, on an anonymous basis, how the reprograming was accomplished:

"One of the SST people called up Bobby Byrd and told him that they had no authority to spend beyond March 31. They asked wether it would be all right with him to tap a research contract they had over in the department (Transportation) so they could continue to pay salaries and that kind of thing until Congress sorted out the mess and voted some more money (to close down the program). Of course, the Senator said that would be fine. He then told some of the other people (on the Appropriations Committee) that if they had any objections they could express them directly to the department."

In recent years, Defense Department reprogramming has exceeded $1 billion a year.

Timing of appropriations: Funds voted by Congress also may be transferred from one year to the next. Although Congress has sought to restrict the use of deferred balances, a statute passed in 1870 (16 Stat. 230) permits wide categories of funds to "remain available until expended." These funds are known as "no-year money."

Administrations also have speeded up expenditures, most often in efforts to stem economic declines.

In 1961, for example, President Kennedy directed the Veterans Administration to accelerate the payment of $258 million in life insurance dividends, making the entire amount available in the first quarter rather than over the year.

Internal financing: Some federal activities are financed, in whole or in part, through funds generated by governmental programs. These funds include customs revenue, grazing fees, mineral leases and the sale of public lands. Federal officials have wide discretion in deciding how to allocate funds generated outside the taxing process.

The Defense Department, which derives profits through post exchanges and movie theaters, spends surpluses on recreational facilities.

Unauthorized commitments: The Constitution says that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." But Presidents from time to time have found it expedient to make fiscal obligations without first seeking or acquiring congressional approval. Some historical examples:

In 1803, President Jefferson accepted France's offer to sell the whole of Louisiana for $15 million, although the transaction exceeded instructions from Congress to negotiate a more limited purchase for $2 million.

In 1861, while Congress was adjourned, President Lincoln directed his Treasury Secretary to advance $2 million to three private citizens to finance "military and naval measures necessary for the defense and support of the government. . . . He acted without statutory authority.

In 1907, President Roosevelt decided to send the "Great White Fleet" around the world in a show of American naval power, despite the refusal of Congress to appropriate funds for that purpose. Roosevelt countered by noting that he already had enough money to sail the fleet halfway around the world, and that "if Congress did not choose to appropriate enough money to get the fleet back, why, it could stay in the Pacific." (The money was forthcoming in 1908.)

IMPOUNDMENTS IN URBAN SECTOR

This table lists impoundments of major housing and transit programs for fiscal 1971. Program backlog is the total demand for funds for approved programs and does not include pending applications. Unmet demand is the difference between program backlog and the Nixon Administration's spending plans. In most cases, the Nixon budget and the funds withheld add up to the appropriation. In the case of model cities, however, the Administration now plans to spend more than the $375 million it budgeted; thus, the budget figure and the amount withheld fall short of the appropriation. All figures are in millions of dollars.

	Appropriated	Nixon budget	Withheld	Program backlog	Unmet demand
Urban renewal	$1,200	$1,000	$200	$2,756	$1,756
Model cities	1,107	375	583	(1)	(1)
Water and sewer	350	150	200	[2] 2,500	2,350
Public housing	320	128	192	560	432
Mass transit	600	[3] 269	200	[3] 1,000	[2] 731
Total	3,577	1,922	1,375	[4] 6,816	[4] 5,269

[1] Approximately 50 percent of initial applications and 30 percent of initial program budgets were approved for model cities program. Few, if any, additional cities are to be designated under pending fiscal 1972 budget.

[2] $465,000,000 of the total backlog is listed as active backlog for fiscal 1971.

[3] Capital grants only. The total Administration budget for mass transit is $400,000,000.

[4] Excluding model cities.

Source: Senate Committee on Banking, Housing and Urban Affairs.

ON YOUTH

Mr. KENNEDY. Mr. President, a recent editorial in the London Times on the perspective of youth in Britain struck me as particularly applicable to the situation throughout the industrialized nations of the Western World. Whether in Britain, or France or the United States there is a new criticism of the institutions of society and a new awareness among the young that at the same time thrills and frightens the fathers and grandfathers of the critics.

The question finally posed is one that we too must grapple with in the United States:

> The young of 1971 will push Britain towards objectives which are aesthetic, idealist, and humane, at the expense of other objectives which are materialist, powerful and profitable. How far they will succeed in changing the balance, and how quickly, is much more difficult to know.

Because of the relevance of this article for our own Nation, I ask unanimous consent to insert this editorial, "The Critique of the Young" in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CRITIQUE OF THE YOUNG

The faults of the fathers are visited on the son. That is nothing to the visitation of the faults of the sons on the fathers. Each generation is influenced by its own context in history, but it is the immediately older generation against which it reacts, whose defects it finds so hard to tolerate.

The generation against which the revolt of youth is now directed is not the generation of the grandfathers—indeed many of the grandfathers, or the great grandfathers like Lord Russell, seem unexpectedly sympathetic. Students are not now alienated by the attitudes of the last remaining Victorians, or those who were born, like Mr. Macmillan, in the 1890s. On the contrary the admired Edwardian qualities of sangfroid and style are now fashionable virtues.

The generation which is now the object of protest is the middle generation, the middle-aged middle-class generation, which dominates the life of the West. We are so accustomed to the notion that the men of the 1950s are the older generation, that it has been almost overlooked that the average age of the fathers of university students is now between forty-five and fifty-five, and that the new older generation was born between 1915 and 1925.

This is a generation with which one can sympathize, whether or not one belongs to it. Take the life history of a man born in 1915. His first three years were war years, the food not too good, his father probably in the trenches, his mother oppressed by the dolours of rationing and a lonely home. When he was fourteen the slump started in Wall Street; he was eighteen in 1933, when there was very few jobs to be had, the year Hitler came to power. His twenty-first birthday coincided with the Spanish Civil War. He was twenty-four when war broke out in 1939, and thirty when it was over.

This generation too reacted against the generation of its fathers. The generation which died in the 1914–18 war believed in traditional concepts which had no practical use for a generation with no margins for error. In 1914 the young officers went to die in pursuit of honour; in 1939 they hoped not to die in pursuit of victory. The present generation replaced the ethic of glory with the ethic of cost-effectiveness.

What the men of fifty most admire are likely to be their own virtues, effectiveness, reason, practicality, resilience, administrative capacity, reliability, and that restrained ruthlessness which is characteristic of good-natured men who have felt that magnamimity was beyond their position. Events have created a generation of fifty-year-olds who are over-focused, who are executives rather than leaders, who have had to cultivate a grey determination against the odds.

The political personalities of this generation are schooled in avoiding the risks of exhibitionism. With the none too fortunate exception of Mr. Powell, British politics leave the impression that the development of strong individual personality ceased abruptly in 1910. Lord Hailsham, Mr. Crossman, Lord Butler, Mr. Macmillan, all have, to put it mildly, highly developed personalities. No one could see any of them on television without knowing he had seen a remarkable man. Now even the student of politics has to fix his attention, almost against his will, to remember which calm and orderly administrator holds which post—let alone the cubalistic art required to decipher the shadows.

This loss of political grandeur, or gain of political competence, is matched in the ordinary life of this generation. The war babies of 1914–18 became the great generation of the suburbs, the quiet return to the small family in the small home within 45 minutes of London Bridge station or of Charing Cross. They almost invented the separate family, with three bedrooms, one bathroom, two children, one car. Their sexuality was delimited by the semidetached; their religiosity rose only to the family festivals, weddings and baptisms; they ceased to attend their friends' funerals, which occurred in suburbs remote from each other, and attended their memorial services instead.

In the family discipline declined. In part this was a reaction against the Victorian discipline which still persisted in England fifty years ago. In part the absence, at work or war, of the father, and his belief in reasonable tolerance, relaxed the demands of his authority. In any case, four people in a small house in South London cannot maintain the almost viceregal discipline of the English papa which depended on large premises, personal hauteur, and servants.

It is at the world which the middle-aged generation dominates that the young now look. The first thing they notice is that the world is astonishingly ugly. Their fathers have erected since the war some tens of thousands of office blocks, almost all dull and mean despite their size, some hundreds of thousands of houses, mostly very small and many of poor construction, some hundreds of thousands of lamp standards, almost all hideous. Their fathers have pulled down a large number of beautiful buildings which they did not have the skill to replace with other beautiful buildings. They have continued since 1945 a process whereby England has become an uglier country decade by decade.

The young notice too that their fathers are not enjoying themselves, even if they have been successful. Never has there been such a time for the oppressive sense of failure which lies at the heart of human success. In Britain and the United States the leaders in industry, or education, or politics—though not the scientists—talk and work like men who are conducting a long strategic retreat, two thousand miles backwards on foot. Indeed our leaders' virtues are the virtues of withdrawal under fire, resolutely conducted for years on end.

They notice that their fathers have lost the sense of the romance and mystery of the world, the religion of nature that might have uplifted some, the religion of God that would have uplifted others. This is surely the result of too narrow a focus; the world of the spirit is seen not straight ahead but out of the corner of the eye.

They notice that their fathers have not created a just society and have accepted or failed to control the tyranny of the large scale; this has been the failure of Britain and West Europe, the disaster of the United States, and the catastrophe of the Soviet Union. The big centralized organization is the enemy of men as individuals; its logic demands and its power permits that it should treat them as commodities. No so can admire a father whose system of work treats him as a thing.

There is a social ugliness in this. The economic power systems of the West and East both depend, at present inevitably, on inhumanly large corporations. In the East it is bureaucratic centralization, the most offensive way of running the system. In the United States, and to a lesser extent in Britain, the young see their fathers as dominated by a mechanical commercialism in which, if man is the measure of all things, money is the measure of man.

Again the young can see the connexion between commercial motivation and the ugliness of the environment, not only because it is cheaper or more profitable to pollute the air and water with the excreta of industry, but because each structure expresses character, and bad architecture expresses bad character. What is the most important corporation in Britain? Probably Shell, which has in fact a relatively tolerable corporate personality. Which is the ugliest building in London? After the London Hilton, that brilliant monument of anti-American propaganda, it is probably the Shell building. Why is it so ugly? Not merely because it is a bulky square building of an unattractive shape, but because, like the Hilton, it asserts a set of values which, because of their limitations rather than any positive vice, are less than human. Shell built a battery box for middle managers because the logic of their structure required a battery of men.

The young look at their fathers' world and see that much of what their fathers say is bogus. They hear talk of private enterprise and think of General Motors, with its annual product larger than that of New Zealand. They listen to the ideals of public ownership and think of commuter traffic on the Southern line. They hear Mr. Benn rhapsodize on technology, and think about the strontium-90 content in the bones of seals in Greenland. They do not believe that the people who accept responsibility for the system in fact control it, and to a large extent they are right.

The older generation finds it particularly difficult not to be self righteous about the revolt of the young because it has itself been a generation of reason and tolerance. The Victorians, the Edwardians, still believe in authority; their successors in the middle class are liberal rationalists almost to a man. It is very hard for a liberal-minded man to tolerate a revolt against his liberalism, or a rational man to tolerate a revolt against reason. Nor should he give up reason and tolerance merely because it is out of fashion with some of his children's contemporaries.

The young however have a case. Let us put the charge. Ugliness? Guilty. Commercialism? Guilty. Dark and palsied materialism? Guilty. Racial prejudice? Guilty. Wordly prudence? Guilty. Neglect of world and British poverty? Guilty. Technological arrogance? Guilty. Dehumanization? Guilty. Family isolation? Guilty. Boredom? Guilty. Universal Dullness reigns o'er all? "I think we may plead Not Guilty to that, M'Lud, or, at least put in a plea in mitigation."

If one sees where society is at fault, it is too easy to suggest that it can be remedied by reversing what the previous generation has believed in. Fortunately however the relationship between parent and child is one of acceptance as well as rejection; not all the father's ideas are discarded, though all are eventually transmuted.

What the young do know is that the hard gained victories of the past do not in themselves meet the problems of the present. The social democracies of the West are, on the whole, reasonably and tolerantly governed. Nevertheless social democracy by itself has not proved strong enough to overcome the pressures of mass organization and man's commercialism and individual life. Some young people use this as argument for revolutionary change, and want to call in a Maoist revolution to force society into a new and more egalitarian mould. Others want to use the flexibility of democracy to adapt to its present problems. In Britain it seems more than likely that the reformists will win over the revolutionaries.

In each individual life, however, there may be a crisis between hope and despair, the rational hope that our system is still capable of development and the despair that argues that the system can only be broken. This choice is present in almost all the preoccupations of the young, and despair is the close enemy of our present student population.

What sort of world would the young like? It is a dream world, but it is a dream towards which they will try to move. They want fraternity more than liberty. They would like a world of increasing beauty, a clean world, and one aesthetically in growth rather than decline. They would like a world with awe and rapture in it. They would like the sexual life of Paradise rather than of Pinner. They would like a world of expanded rather than contracted consciousness; their interest in both sex and drugs is the obverse of the narrowed executive focus of their fathers' generation. They want to shatter the consciousness their fathers wanted to control. They would like a world of less organization in which each man should "do his own thing" (the last conspicuous examples of that were the great Victorians). They would like a world in which nations as well as individuals could show generosity. In short they want to see Prometheus unbound and fire from heaven descend on every head.

Life will not be like that, not only because paradisial dreams are hard to fulfill. Their mood includes the sentiments of awe and love which belong to religion, but seems deficient in humility. Just as the fifty-year-olds cannot bring themselves to realize that their children have just as much to reject as they did, so the young do not understand the ways in which they only equal or less than equal their fathers.

They do not understand the astonishing power of selfishness even in characters as benign as they would wish to be. They do not understand the danger that any revolution will in the end lead to the victory of the most cynical and detestable members in it. They lack proposals even of superficial plausibility for bringing about what they want to achieve. They have a certain Shelley-like gentleness and sweetness about them which history has not often seen to prevail. In history the Spartans and the Roundheads overcome the Athenians and Cavaliers. They lack the toughness of a generation which has been through two wars and a slump.

Nevertheless the critique of the young will become a familiar view of life. Our dry, impersonal, metropolitan, mechanized, commercial society, with too little love and too limited a passion, is not a satisfactory envelope for human beings. The real merit of our civilization is dribbling away through our fingers. As with the early nineteenth-century Romantics, whom they so closely resemble, some of the leaders of the young will destroy themselves with drugs or disordered sexuality or other forms of despair. But the rejection by the stronger spirits who survive of what is most degrading in our society will influence their generation and our future.

The young of 1971 will push Britain towards objectives which are aesthetic, idealist and humane, at the expense of other objectives which are materialist, powerful and profitable. How far they will succeed in changing the balance, and how quickly, is much more difficult to know.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER (Mr. Stevenson). Under the previous order, the Chair now lays before the Senate the unfinished business which the clerk will state.

The assistant legislative clerk read as follows:

> H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate resumed the consideration of the bill.

The Assistant Legislative Clerk. The Senator from Colorado (Mr. Dominick) proposes an amendment No. 108 to amendment No. 76 as proposed by the Senator from Pennsylvania (Mr. Schweiker), for himself and others, as follows:

> In the proposed new section 501 of the amendment strike out "July 1, 1972" and insert in lieu thereof "January 1, 1973".

The PRESIDING OFFICER. The time from now until 1 p.m. is under the control of the Senator from Colorado (Mr. Dominick) and the Senator from Mississippi (Mr. Stennis).

Who yields time?

Mr. DOMINICK. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 15 minutes.

Mr. DOMINICK. Mr. President, in the report on the pending bill, beginning on page 64, supplemental views have been filed, at least one of which is mine. I believe it is important to take a look at the individual views, because they really form the background for the amendment which I am proposing today.

As I told the very distinguished chairman of the committee, the Senator from Mississippi (Mr. Stennis), at the beginning of the hearings, I would support a 2-year extension of the Military Selective Service Act in committee, but I also made it crystal clear on a number of different occasions that I reserved my right to change that position on the floor and that I was so voting to insure that we would have a bill before us on the floor which we could properly debate.

For a long period of time, I have been advocating the so-called volunteer army. The question whether we can get a volunteer army and have it operate effectively for the defense of the country depends on a number of factors.

For example, one factor would be: What is the threat that the United States faces in the next decade? Second, how is that threat, if it should materialize, but suppose it did—and God forbid that it would—with what type of weaponry and with what type of personnel would we be meeting that threat?

As a result of the first hearing, I asked the chairman—and he was gracious enough to comply—that the full committee be given as much of an intelligence briefing as possible, in order to be able to determine what components we might need in our Armed Forces in view of the strength of potential enemies around the world over the next decade.

It became apparent during the process of the briefings that it would be difficult if not impossible to get this type of answer from the intelligence community because, of necessity, it would involve a great number of policy questions which they were not equipped to answer and which, in fact, it would have been improper for them to have answered in view of their knowledge as intelligence gatherers as opposed to determining the policy which would be used after that intelligence had been gained.

The next factor which we have to consider in a volunteer army is: What are we going to do to insure that we will get the required manpower in the various specialties so that we will not find ourselves with only a paper force?

I submitted a number of questions to the Assistant Secretary of Defense for Manpower and Personnel, Mr. Roger T. Kelley, and I have put a number of these into my individual views beginning on page 64, as follows:

> Question: You are requesting a total end strength for FY 72 of 2,505,000 million military personnel. We may be going over some old ground but it would be helpful to know your most optimistic and pessimistic estimates of achievable FY 72 end strengths if the draft were terminated on July 1, 1971.

In other words, if the draft was not extended at all.

Continuing reading:

> Also for end of FY 73 if the draft were terminated on July 1, 1972.

The latter is the proposal advanced by the distinguished Senator from Pennsylvania (Mr. SCHWEIKER).

Mr. Kelley, after having had an opportunity to go back, took his figures and started working on them and his answers are now part of the RECORD.

He replies as follows:

> Answer: If the draft were terminated on July 1, 1971, the supply of voluntary manpower would not be adequate to meet the FY 72 budgeted strength of 2,505,000 of which 2,145,000 are enlistees.
>
> The planned requirement for new enlisted accessions for FY 72 is 528,000 for all Services to maintain budgeted strengths. The Department of Defense estimates that the maximum potential voluntary enlistment supply of FY 72 would be about 315,000 in the absence of the draft and new Project Volunteer incentives. This would be about 213,000 fewer men than needed and enlisted strengths would be 213,000 less than the 2,145,000 budgeted. The shortage would primarily occur in the Army where enlisted strengths would be about 651,000 instead of the 808,000 budgeted for FY 72.
>
> In addition, the strengths of the Reserve and National Guard components would fall rapidly and shortages in particular skill areas, such as the Army's ground combat arms, would be severe.
>
> If the Project Volunteer incentives are enacted, the FY 72 shortfall in new accessions would be in the range of 110,000–113,000 depending on the program enacted and whether the actual results in terms of increased enlistments are closer to the optimistic or more conservative estimates.
>
> The President's budget for FY 73 has not yet been determined and firm strength objectives are not available. If the FY 72 strength levels are maintained for the end of FY 73, the estimates for FY 73 would be comparable to those for FY 72.

In other words, we would have a shortfall on the pessimistic side of about 213,000 and on the optimistic side, 115,000.

Continuing reading:

> If strength reductions occur, fewer new accessions would be required in FY 73 than in FY 72 and the "shortfall" between requirements for new personnel and the supply of new personnel in the absence of the draft would be smaller in FY 73 and in FY 72.

Mr. President, this was an extremely important question and an extremely important answer, it seemed to me.

First, I think it is important to note that they were judging their figures on the basis of 2,505,000.

The Senate committee in the process of its deliberations did not come out with an average end strength for fiscal 1972 of 2,505,000. It came out with an average end strength of 2,407,000. This was by action of the committee in the process of reduction by—and I think the Senator from Mississippi will correct me if I am wrong, but I believe that I am correct—50,000 in the Army, 3,000 in the Navy, 3,000 in the Air Force, leaving the Marines at its budgeted strength.

This comes down, therefore, to an average fiscal year 1972 strength of 56,000 less than had been requested by the Defense Department. This means that we will have about 100,000 people less in the Armed Forces at the end of fiscal 1972 than the Department of Defense requested.

Taking that into account, therefore, and assuming again that the proper volunteer incentives will be implemented, the figures which the Assistant Secretary for Manpower gave to us, and which I have recounted from the hearings, must of necessity be reduced. In other words, there will be less of a short fall than that estimated by Mr. Kelley since the committee, in effect, reduced the fiscal year 1972 end strength by 100,000.

The next question I think we have to look at is the question of whether we in fact have the proper incentives for people to enlist.

The President proposed, and I supported the administration proposition, that we increase the pay scales and quarters allowances particularly for the lower grades of enlisted personnel and that we make it a considerable amount. Nevertheless, the amount we put in was considerably less than what the House did. The reason that the committee took this position, as I understand it—and to me it was certainly true as far as I was concerned—was first the budgetary impact that the House bill would have on the fiscal 1972 budget, where they would have added on $1.7 billion, which amount is not accounted for in the budget.

This would be raised either by taking it out of procurement—which I think would be extremely difficult for us to do with the tremendous short fall we now have insofar as our defense weaponry is concerned—by raising the taxes—and I have heard no one suggest that—or by trying to obtain it in some other way, possibly by increased deficit spending which is already programed for fiscal 1972.

Nevertheless, the $1.7 billion add-on would be an exorbitant amount, particularly in view of the fact that the 91st Congress passed a law which authorized the President to grant military personnel an automatic pay raise at the beginning of the calendar year based on the cost of living index, which is estimted now, if my recollection is correct, to be about a 7.4-percent increase over present pay scales.

I ask the Senator from Mississippi whether my recollection is correct on that point.

Mr. STENNIS. Mr. President, I am glad to try to answer the question. I think the Senator is substantially correct. In January 1971, the amount is $1.2 billion for the miiltary.

Mr. DOMINICK. So in January 1972, there would be a substantial increase.

Mr. STENNIS. It will be the same thing in January 1972, $1.2 billion.

Mr. DOMINICK. Mr. President, I thank the chairman. It seems to me that this piled on top of the raise we are giving here does provide a very substantial pay increase for the personnel in the military service which will in turn provide very important incentives for them in the process of trying to develop this volunteer army corps.

So, we have two components. First we are down 100,000 at the end of June 1972, over what had been anticipated by the Manpower Division of the Department of Defense.

Second, we are going to have a substantially larger pay raise by that time than is actually set forth in the pending bill because of the factors that I have just mentioned; namely, the bill that was already in effect under the 91st Congress.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I yield myself 10 additional minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 additional minutes.

Mr. DOMINICK. So the volunteer incentives as far as pay are concerned are in; the manpower is down. There are a number of other volunteer incentives which have not been taken into account and which are really not spelled out either in my individual views or in the questions and answers which I submitted to Mr. Kelley.

For example, what are we going to do about making sure that we have the right component for the forces which are needed for the defense of the country in view of the threat which may be sustained against this country and this Nation over the next decade?

What components are we going to need?

Are we going to need an infantryman with a rifle over his shoulders to fight through the jungles?

We cannot really tell yet.

Are we really going to be using nuclear weaponry? Heaven forbid, if we can possibly avoid it.

Are we in fact going to find ourselves in a fight of any kind? I would sincerely hope that we do not. I think that the Nixon program has worked so admirably up to date that we can face generations of peace. I think it is important to keep in mind all of this, that the reason we have any armed force at all is not only to defend our country and our national interest in the event of an actual struggle, but also because of the enormous importance of giving the President, whether it be President Nixon or any other President, negotiating room with international affairs so that they can get their positions and policies more easily adopted.

We, therefore, have to determine, as I said, what the need is for 2,407,000 people in the military service.

The Senator from Arizona (Mr. GOLDWATER) and I brought this matter up to the chairman in the process of the hearings. The distinguished Senator from Ohio (Mr. SAXBE), who is now on the floor, was present when we did this.

The chairman was kind enough to say that he would later hold personnel hearings to determine what we might do on a whole variety of different factors. For example, why do we need medical officers on a base in the United States? Most of these bases are close to civilian localities where very fine medical service is available. Would it be cheaper and more effective and maybe very higher quality of medical care would result for the personnel located at those bases if we were to have a contract with local doctors, so that they would be on call to take care of the military personnel instead of having the persons in uniform providing the same services, receiving the pay scale, which they do, which usually is not as much as they would make in private practice, but which would entitle them to a lot of benefits and special considerations which they receive not only while they are in the service but after they have retired from the service.

Why do we need, for example, a man in uniform running a supply store? Why can we not have a contract for a civilian who is an expert in this field and have him do it? And would it not be more economical? No one knows the answer to that because we have not yet been able to have the hearings. However, there are many specialties and techniques which we now have for military personnel, which entitle them to special privileges and special consideration and benefits after they retire which, if we could, on an economical basis, transfer over by independent contracts to civilians who were working in the private sector, we could not only effectively reduce the instrength size of our support mechanism for our fighting troops, but we might also be able to cut down substantially on the overall expense of our military personnel

Mr. President, the distinguished Senator from Mississippi has promised that later on this year, as soon as he can get to it in the military procurement bill, and when this particular bill we have before us has been passed and finally enacted one way or another, he would hold hearings on these points. I realize that there are a number of people who do not believe in a voluntary army. I heard the distinguished Senator from Massachusetts (Mr. KENNEDY) say yesterday, in connection with an amendment he proposed, that he did not believe in a volunteer army, that he thought it was wrong, and that he thought everyone should be drafted, because if we did not, all we would get would be a low-income people. I do not agree with that position at all and I never have.

The volunteer army concept is a concept upon which this country was created. It is a concept upon which we have operated on every occasion except those times when we have been engaged in actual hostilities. It is a concept which will relieve, in my opinion, a great deal of the pressure which is now on these young people, whereby they feel they are on a conveyor belt of one kind or another from the time they are 16 years of age, because they have to determine what in the world they are going to do when they become 18 and subject to the draft, and the determination of what their lifework may be in the event they get out of the service safely or in the event the draft does not catch up with them.

No draft is fair, and I do not care what kind of draft it may be, unless and until there is compulsory military service or governmental service for everyone in the United States, as we had in effect during World War II. When only a portion of the people are being taken, no matter how equitable we try to be, it is absolutely impossible to conduct it fairly. One person is taken and another is not. Why? It may be the luck of the draw in the lottery system. Is that good or bad? It depends on the personality of the people involved. Is it good or bad to be sent to Vietnam? Again, it is the luck of the unit to which one is assigned, or the skills needed at that particular moment. For some people it would be good and for others it would be bad.

There is no fair method by which a draft can be operated with even-handed equity for the young people of this country. There just is no way it can be done that I can see, although I think we have moved to a fairer system than we ever had before.

Now, having said all these preliminaries, I wish to get down to the meat of the coconut and why I have suggested we continue the draft for 18 months as opposed to the 1-year suggested by the Senator from Pennsylvania.

First, by the time we finish this debate, assuming the Senator from Alaska (Mr. GRAVEL) does not hold it up too long, we will be in a position where we will have to go to conference with the House and come up with a final form of a bill.

The PRESIDING OFFICER. The Senator's additional 10 minutes have expired.

Mr. DOMINICK. Mr. President, I yield myself 5 additional minutes.

I do not know what that conference will bring forth, but I do know this. Whatever the pay scales are that will be determined either today or after the conference, these pay scales are only a part of the incentives the Department of Defense or the administration is trying to put into effect in order to create a volunteer army or a zero draft, if one wishes to put it that way. It will be in effect somewhat less than a year, probably, if the amendment of the Senator from Pennsylvania should be agreed to.

Then, let us suppose that next year we find ourselves in the Middle East in a very difficult situation and we suddenly feel there is a need to show determination toward the Soviets or whatever country might be involved, with which we might be head to head at that point, and we need the draft, and it is going to expire again July 1, 1972.

The difficulty with this is that we would not have given the system long enough to find out if we could get enough volunteer forces because we would not have had the opportunity to put in all the incentives that have been planned to create such a force.

Second, and this is perhaps the most important of all, we will then be engaged in a frantic election year. Although we have only one announced candidate on the Democratic side for the Presidency, Mr. President, you know and I know we have a large number of people in this country on the Democratic side, and people in the House, who are looking at the primaries next year in order to determine who is going to be the candidate for the Democratic Party in the November election.

We will be coming up to convention time for both the Democrats and the Republicans. We will have 435 House Members running for election or reelection; we will have one-third of this body running for election or reelection.

How in the world, with the problems we are having this year in an off year election, do we expect to be able to put through what may be desperately needed for the security of this country? How in the world do we think we are going to be able to put that through and get it passed in time to make a draft effective starting July 1, 1972?

If we go to the amendment I have proposed, which is less than came out of committee by 6 months, and which is 6 months more than the Schweiker amendment proposes, we will have a date of December 31, 1972, before the draft expires. That would be the Senate position. That means it will be after the election; it will mean that although the draft may be an issue for some of the candidates during the election period, it really will not be made a political football and the draft should not be made a political football. We are talking about the defense and the manpower of the country. We are not talking about a political issue, as such.

Now, we come up to the House and the House has 2 years and we have 18 months. I cannot say what will happen in that conference. The House is going to stand pretty tight on it. From all that I have heard from members of the Armed Services Committee on the other side, I understand that they will stand pretty tight, but it might be that they might compromise between the 18-month period that I have suggested and the 2-year period that they have, somewhere around a 20-month period.

If they do, Mr. President, that 20-month period is exactly what the Secretary of Defense has said that he needs in order to get to a zero draft call.

The **PRESIDING OFFICER.** The Senator's additional time has expired.

Mr. DOMINICK. I yield myself an additional 2 minutes.

So the adoption of this amendment on an 18-month basis gives us time to put in the necessary ingredients to encourage more enlistees to work out the pay scales, and to see in particular how the automatic raise of January 1, 1972, will fit into this picture.

It will get us past that political boiling pot of July, when we might have to put the draft back in if the Schweiker amendment were adopted. It will give us an opportunity to negotiate with the House, where we can give not as much as the administration or the Defense Department would like, but at least have an even chance of getting down to a zero draft call basis.

I think it is really of great significance, and again I call the attention of my colleagues to the data which I have in my individual views on pages 64 and 65 indicating the end strength; indicating the number of shortfall enlistees which Mr. Kelley believes we would have if we have no draft, or just an extension for 1 year.

I think, with these things combined, there is a position in here for January 1, 1973, which makes sense, which gives the country some assurance that we are still going to have the necessary negotiating room in foreign affairs and which will enable us to put into action the various incentives which are needed in order to come to a voluntary army, which I think is of enormous importance to the prestige, morale, and strength of this country.

Mr. President, I reserve the remainder of my time.

The **PRESIDING OFFICER.** Who yields time?

Mr. STENNIS. Mr. President, I yield myself 15 minutes.

Mr. President, I will direct this question to the Senator from Colorado. I do not have my records immediately available here now, but, as I recall, this particular amendment was not voted on in the committee. Is that correct? We had a vote on the 4-year——

Mr. DOMINICK. The Senator is correct. The vote was on 4 years, 1 year, and 2 years.

Mr. STENNIS. I thank the Senator very much.

In the beginning, I want to make a few overall remarks about the bill as a whole. As any Selective Service Act would be, it is a rather complicated matter. There are a great many issues involved and very delicate situations. That was true 4 years ago. It is even more true today. And on top of that, we have the proposition of the war in Vietnam and its probable duration, the uncertainty that goes with it, the sourness that goes with it. I just state that as part of the background.

I want to make these general remarks about the bill. There are a great number of amendments. Some pertain to the substance of the bill, and some pertain to the duration of the extension of the draft. Some are just purely matters of policy connected with the war. But this measure, as proposed by the committee is, I believe, a sound and well-balanced bill.

The Senator from Massachusetts, who has been diligent in the subject matter for several years, has said that he thinks the committee fully went into these matters, had ample hearings, and actually considered all of these major points. That does not mean that every member saw every point the same, but every idea had a chance at the conference table, including this amendment now for 18 months.

The bill as a whole, Mr. President, is a necessary extension of the draft law, I think, for a 2-year period, the minimum time required, as agreed to by the committee by a vote of 13 to 3.

As reported by the committee, the bill includes a reasonable increase in pay for the four lower grades, and also a reasonable increase for the two lower grade commissioned officers, second and first lieutenants.

The bill was written by the committee leaves for future determination the question of what added increases, if any, may be applied where needed in the light of experience. That is an argument I made here yesterday. The bill includes a relatively small sum of money to be used as possible bonus payments for new enlistees who sign up in the Army for combat units. That was fully reviewed here yesterday, and, on a rollcall vote, was sustained as a part of the package bill.

The bill carries with it certain draft reforms heretofore noted. We have very, very few amendments so far proposed in the field of so-called draft reform.

Mr. President, the committee bill also includes far-reaching innovations written in by the committee for the first time in the history of draft law extensions. One is that there is a limitation placed upon the number of inductees that can be brought into the service for each 12-month period, a limitation on the President's power. In other words, if our recommendation is followed, we will now have a legislative determination of the maximum number that can be brought in in any 12-month period.

We put a so-called escape clause provision in, whereby the President, as Chief Executive, if he certifies to the Congress, in effect, the emergency need for more, will have that authority extended beyond that year. That is merely a cautionary proviso to enable him to take care of emergencies, when he certifies it and gives his reasons, which makes that an open question then for the Congress.

Second, in this bill we have set a limit on the number of men that can be inducted into each of the services, and we carried a limitation upon those numbers, and that limitation included a reduction. We did not grant the full request to the Department of Defense for the large number that they requested, but put a limitation on it, which, if it becomes law, will amount to a 56,000 net reduction in average strength.

The way it operates now, there is an end strength and an average strength, and that gets to be complicated. But after this matter has operated for a period of time during that fiscal year, it will have reduced the number that many, and will have saved, in round numbers, about $560 million.

Of course, next year will be another matter. I hope that we can reduce those top figures substantially more. It is my plan to recommend such a reduction if the facts will support it. That is another step forward in the legislative field with reference to manpower.

I think unless we reduce the manpower, we are going to face an almost impossible situation, with continued mounting military costs, in view of the high cost of weaponry. But for personnel and the costs directly connected with personnel in the military, it already takes between 52 and 55 cents out of every military dollar spent. So there is where some reductions must be made.

As an overall proposition, some Members of this body, as I understand, do not favor any draft extension of any kind. There are many Members who realize, though, that there is no other adequate plan in readiness that will actually meet the manpower needs of our Nation except an extension of the draft.

For this latter group I have this special word, if I may: In my opinion, a 2-year extension of the draft is absolutely essential to supply the necessary manpower needs for our military services for the next 2 years. We can argue this volunteer army concept, and we will all day long and until action on this bill is finally finished, but there is nothing definite about it, there is nothing certain about it, and from my experience during the last 15 months that I have considered the issue, I find the more men study it and get down and wrestle with it, the less they think of it. I do not believe it now has anything like the strength of solid support, even within the administration, that it had a year ago.

I am trying to deal with the realities of the situation. The big point here now, though, is that there is no other remedy available, no other plan that can be put into operation, and the only source for having a substantial yield on this manpower problem is to reenact this extension of the draft, and, as I say, I think for a minimum of 2 years.

In making this point, I am directing my primary attention to the manpower that is necessary to supply the crews of our carriers at sea, our ICBM missiles here on our own soil, and our Polaris submarines as they plow the seven seas. I am speaking of our nuclear-powered submarines, equipped with nuclear weapons, and also our attack submarines at sea. I direct my attention to the manpower that is necessary to supply the crews for our B-52 bombers stationed here and on foreign soil, our strategic nuclear forces as well as our ground-to-air missile crews here at home, and many other essential groups that are totally tied to our safety and our defenses here at home.

The requirements for NATO and for Vietnam are in addition to the groups that I have mentioned. So even if we were not at war in Vietnam or anywhere else, based on my knowledge of this situation as it works, we would have to extend the draft now for a couple of years, anyway, in order to insure a continuity, a flow of men who have the necessary talents, the aptitudes, and the ability to take the training, and who, under severe testing, would have the integrity to be placed in charge of these crews that I have mentioned, with no reference to Vietnam.

We find—and I was surprised to know it was this high; I asked them to bring me figures showing what percentage of these crews are draft induced; these are rather elite boys I am talking about here, in intelligence and aptitude—that the range is from 42 to 47 percent of those first-term young fellows who are now out under the water somewhere in our Polaris submarines in many areas of the world, who were induced, in part at least, by the Selective Service. This means that if we do not have a Selective Service Act in operation, we will not get most of those young fellows. And that is true of the ICBM crews, it is true in the electronics field, it is found in many areas of our military defense. It is found even on our carriers, and I was surprised at that one also. Those youngsters who work out there on those decks, I do not know what specific term they apply to them, but they are the ones who make it possible for the planes to take off and to land; I found that somewhere in the neighborhood of 42 percent of those young fellows in their first term were induced, in whole or in part, to enlist because of the draft. And in the Air Force, the percentage is even higher.

So let us not pursue the illusion, now, that the Air Force is an all-volunteer organization, or that the Navy is, or even that the Marine Corps is. The hard records show that a third of those men are induced by the draft to join the Marine Corps. And that is no reflection on those men at all, as I have said.

We argued here a week about NATO. If we were not in NATO, and if we were not in the Vietnam war, these figures that I have given would apply with equal force.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. STENNIS. I yield myself 5 more minutes.

There are many more amendments proposed, which will all be fully debated, of course, but I especially urge every Member of the Senate to support the 2-year extension regardless of the fate of the other proposed amendments. I consider 2 years absolutely essential for our security; and an extension of any time less than 2 years, I think, would be a reckless gamble with the security of our people here at home, not to mention the war or NATO.

As I say, to me it is a reckless gamble with the security of our people here at home, and if I am correct in that, no one wants to take that gamble. I have been amazed, as I say, at the percentage of these men whose enlistments were draft induced.

Mr. President, I am not speaking of these things in terms of politics. This is not a political matter, certainly not for me, and I do not believe it is for the other Members of this body. But if we are going to turn around now, in the face of all that has happened so far, and turn our backs on the no-draft extension, the 4-year draft extension, the 2-year extension, and the extension of only 1 year, as I say, and adopt an extension of a year and a half, we are heading right into an election. Eighteen months from the expiration of the present law would make the draft expire on December 31, 1972, which means that all during the election campaign, this matter would be thrown into possibly every contest, to some degree, with respect to Members of the House, all of whom would be up for election. It would be thrown into contest in the Senatorial races for a third of the Members of this body, who would be up for election, and it would be right in the middle of the campaign for the Presidency of the United States. It seems to me that that would be the worst time we could select to have this matter expire, from a practical political standpoint.

Mr. President, as soon as the Presidential race was over, I think the lameduck Congress would have to be summoned back here to consider further extending the draft. After it had been a red hot issue during that campaign, some action would have to be taken by the lameduck Congress, so-called, which would serve for the 60 days or so before the beginning of the new Congress.

We are inviting trouble, and we are just compounding the trouble we are already in. This is a difficult, sticky matter to handle now.

If we throw it into the election campaign, with all the different contesting ideas and explanations about it, we will be doing—I say with all deference—a disservice to our people as well as neglecting their security—their security, not the Vietnamese war and not NATO troops for Europe.

I speak with great deference of a highly valuable member of our committee, the Senator from Colorado, who has made—as he always does—fine contributions to this bill in the writing of it. One reason why I outlined this matter as a whole at this time was to give him credit for some of the stronger provisions in the bill.

The PRESIDING OFFICER. The Senator's additional 5 minutes have expired.

Mr. STENNIS. I yield myself 5 additional minutes.

The Senator has contributed fine thoughts. I want to point out that he frankly says that his position is that he does not believe in extending the draft at all—that is, he wants the volunteer army. I am sure he is honest about that, as he is about this. But we are up against a practical matter here, in which we have to do some hard things—not the popular things, but some hard things.

I point to the previous votes that have been taken on the amendments to the bill. I know that some of those votes were hard to decide, yes or no, and there is political dynamite in some of them. At this time, although it was not necessarily the popular vote, it was what a great majority of this body thought was the necessary vote to defeat those amendments. I trust and I hope that the result with this amendment will be the same, for the same reasons.

Mr. President, I yield back the unused portion of the last 5 minutes.

Mr. DOMINICK. Mr. President, I yield myself 2 minutes to reply briefly to the distinguished Senator from Mississippi. There is no one for whom I have higher respect.

I want to make myself crystal clear that although I am for the volunteer Army, I have said over and over again that I recognize that it will take time to get there. So that I do not want to cut it off right now. That is the purpose of my 18-month proposal—in order to give us time to put that into effect.

I realize that the chairman and others of great goodwill and judgment do not feel that we should get rid of the draft, or at least not for 2 years at the minimum and probably longer than that. I do not happen to agree with that position. It is for that reason that I have offered this amendment. It would get us by the election. It would not require us to try to take the matter up again during the middle of the election, as a 1-year extension would. I think this is a feasible and practical method of handling it.

At this time, I yield 15 minutes to my distinguished friend, the Senator from New York (Mr. BUCKLEY), who has asked to be added as a cosponsor of my amendment. I ask unanimous consent that his name be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, I am pleased to be the cosponsor of the amendment introduced by the Senator from Colorado (Mr. DOMINICK) which would extend the induction authority for a period of 18 months.

The amendment authored by my colleague, who is a member of the Senate Armed Services Committee, represents a prudent and sensible course. It recognizes that the national security requires less than a 2-year extension of the draft. It also takes into consideration the possible adverse effects on national security if only a 1-year extension is passed; adverse effects on our security which might be especially severe, in my opinion, if the Senate were to combine a 1-year extension with the lesser increases in compensation provided for in the bill reported by the Senate Armed Services Committee in contrast with those adopted by the House of Representatives.

The amendment now under debate is not just a down-the-middle compromise between the 1-year extension proposed in the Hughes-Schweiker amendment and the 2-year extension provided for in the bill now under consideration. In my judgment, an 18-month extension will greatly enhance the chance of achieving a conversion to a system of all volunteer military forces at the earliest feasible time, first, without risk of an insufficient period within which to prove the feasibility of the volunteer concept, and second, without significant risk to our interim ability to maintain the minimum level of forces required by our national security.

In order to reach an independent conclusion as to how rapidly we can move to an all-volunteer military, my staff and I have studied carefully the various factors which will influence the speed with which we can achieve this objective. The most significant of these are: aggregate force level requirements, manpower available in the combat branches of the Army, and the continuing strength of our Reserve and National Guard Forces.

With respect to the level of forces to be maintained, the present administration has already achieved a very substantial reduction in forces from 3.5 million men under arms in 1968 to 2.7 million men by June 30 of this year. While the administration has proposed further reductions to a total force of 2.5 million men by June 30 of 1972, the Senate Armed Services Committee has proposed a further cutback by that date to 2.4 million men in anticipation of additional force reductions which are planned by the administration for the following fiscal year.

The target strength of 2.4 million men would appear to be adequate to meet the projected needs of national security, especially as the additional cutback of 100,000 men proposed by the Senate Armed Services Committee would not reduce the effective strength by that amount. The reason for this is that the reduction would take place primarily in the numbers of new recruits inducted into the armed forces, which recruits spend nearly 6 months in training and whose training in turn absorbs the attention of significant numbers of training and support personnel.

The feasibility of terminating the draft must be measured against the number of new men who must be recruited into the armed services each year to maintain a given level of forces, which is to say the number of true volunteers who can be expected to enlist during a given year. To put it another way, the number of first-term recruits, or "accessions," to utilize the military term, must equal each year the number of persons terminating their military service plus or minus the number by which the desired level of forces is to be increased or decreased.

If the level of forces are to be maintained at a constant figure from year to year, then yearly accessions must simply equal voluntary or involuntary separations. But if, as in the present case, there is to be a reduction in the level of forces by 300,000 men from 2.7 million on July 1, 1971, to 2.4 million by June 30, 1972, the number of accessions required is lowered by 300,000. Thus in the near future, there is an inbuilt "cushion" which will help achieve an orderly transition to an all-volunteer military.

According to estimates provided by the Department of Defense, a force level of 2.4 million by June 30, 1972, will require 428,000 new recruits during the coming fiscal year. This is a larger figure than would ordinarily be needed to maintain a stable volunteer force at that level because an all-volunteer force will have a larger rate of reenlistment than one which consists of a mixture of draftees and true volunteers.

One of the difficulties in trying to make a projection beyond the coming fiscal year, should the draft be terminated as proposed in the Hughes-Schweiker amendment, is the fact that contrary to normal expectation, the number of accessions required for fiscal year 1973 would not necessarily be less than those required for fiscal year 1972. The reason for this is that no cushion will be provided through a continuing decline in force levels. In other words, the problem of meeting requirements for aggregate force levels is likely to be more difficult in fiscal year 1973 than it is for the coming year.

We are now able to confirm the accuracy of the Gates Commission estimate that we are currently recruiting about 250,000 true volunteers each year at current levels of compensation. This comprehension has been made possible by extrapolating figures based on the number of recent enlistments by young men having high lottery numbers who had adequate assurance that they would not be drafted, thus confirming them to be true volunteers. The problem thus resolves itself into trying to determine by what rate voluntary enlistment would increase in response to the significant increase in compensation proposed by the House of Representatives and, to a lesser degree, by the Senate Armed Services Committee.

Without any increase in compensation, and assuming the termination of the draft after 1 year, a shortfall of 178,000 personnel could be anticipated. This projected shortfall would be considerably lessened by passage of the administration's first-step compensation increase, and might hopefully disappear within the coming year, if the larger increase adopted by the House were to be passed. Also, the higher rates of compensation could be expected to lower accession requirements below the 428,000 figure by encouraging a higher rate of reenlistment.

I use the word "hopefully" precisely because only experience can conclusively test the effect of the larger compensation increases on reenlistment rates. We do know, however, that administration testimony places the shortfall at between 10,000 and 30,000 men, assuming enactment of the smaller increases. Given only a 1-year extension of the induction authority, there is a substantial risk that the effects of the increases might not be fully reflected through increased enlistments—and we might find ourselves entering fiscal year 1973 with higher accession requirements and no basis for predicting that a serious shortfall could be avoided.

However, based on the evidence on hand, it is reasonable to assume that the projected needs of the military can be substantially achieved within the 18-month period provided for in the pending amendment. It is impossible, of course, to forecast accurately the extent to which the increase in volunteers might fall short of the desired levels.

Any such shortfall, however, should be relatively small—certainly not dangerously large—and the overall considerations of the morality and equity and wisdom involved in the return to an all-vounteer military more than offsets the possibility of a significant margin of error in the making of these forecasts. Moreover, in the event that experience should prove the infeasibility on relying on voluntary enlistments to maintain the level of forces required by our national defense, it will be possible to reconsider the matter at a later date. In the meantime, however, the existence of a reasonable deadline for the conversion to all-volunteer forces will insure that the Defense Department will continue every effort to make the transition as quickly as possible. It should be noted, in passing, that the projected aggregate force level of 2.4 million men by June 30, 1972 is the lowest since 1950—that is to say in 20 years, which does suggest that the prospects for phasing out the draft are the best in 20 years. It should also be noted that the eligible manpower pool has increased so markedly, due to population increases, that a much smaller percentage of eligible males need enlist to satisfy accession requirements.

The second major factor which must be taken into consideration in studying the feasibility of an early phase out of the draft has to do with the ability of the United States on a volunteer basis to maintain sufficient numbers of men trained in combat skills, that is to say in armor, artillery, infantry, combat engineers, and signal corps. Although the evidence indicates that the number of true volunteers is in excess of the 4-percent figure suggested by some opponents of an all-volunteer military, it is difficult to determine current figures with accuracy or to judge how successfully young men can be induced to select these branches as a result of revised recruiting methods and of the special incentives which are now before the Senate.

The decisive defeat given yesterday to the Kennedy amendment, which would have eliminated the special bonus authority sought by the administration, has preserved a key element in the program for making an all-volunteer military a reality. It is the judgment of careful students of the problem, including the Gates Commission and the administration, that these various inducements will achieve the required results within the 24 months proposed by the administration. The evidence also suggests that we should achieve these results, or be very close to achieving them, within the 18-month period provided for in the amendment under consideration.

The third area of concern has to do

with our ability to maintain the strength of our National Guard and active military Reserve Forces in the absence of conscription. The evidence indicates that about 70 percent of Guard and Reserve enlistments are draft induced. I am convinced, as is the Pentagon, that certain reforms now under consideration will in time guarantee an adequate continuing rate of enlistment in these forces. It will undoubtedly take longer for the proposed changes to have their desired effect, but it should be kept in mind that the existing 6-year enlistment period in the Reserve permits a longer period within which to achieve the transition.

The innovations which have already been undertaken by the various services to make military careers more attractive and competitive appear to confirm the expectations that a conversion to all volunteer forces is a practical objective which is achievable within the near future.

I believe the administration is to be commended for the significant strides which have already been taken toward the achievement of this objective. Draft calls have already been reduced from 340,000 men in fiscal 1968 to 200,000 in the last fiscal year and we are now approaching an annual induction level of 120,000 men. President Nixon's appointment of the Gates Commission resulted in a comprehensive analysis which confirms the feasibility of phasing out the draft while underscoring the inequity of that system especially at the current rates of compensation. I think the administration can only be faulted in its failure to adequately inform the American public of the true progress it has achieved toward attaining the goal of all-volunteer forces.

I do part with the administration as to the schedule of the pay and other benefit increases which the Gates Commission has recommended and which the House of Representatives has subsequently adopted. Instead of implementing these increases in two stages, I believe that they should be put into effect in one stage so as to achieve a more rapid transition.

I firmly believe, Mr. President, that an 18-month extension will avoid the dangers inherent in the 1-year extension proposed by the Hughes-Schweiker amendment, namely the danger that there will not have been sufficient time to give the feasibility of conversion to all volunteer forces a fair chance to succeed. We must remember that there has developed a significant trend to antimilitarism—a temporary one, I hope—and also that it will take some time for the new increases to have their desired effect. If we should find, at the end of 1 year, that volunteer enlistments have not achieved a rate sufficient to enable us to meet our minimum requirements thus forcing a return to the draft, then the basic concept of an all-volunteer military might be unfairly and decisively damned. On the other hand, the evidence amply supports the belief that 18 months will prove an adequate period for this transition, and at the same time will provide pressures on the military to achieve the goal of all-volunteer forces at the earliest date feasible.

The PRESIDING OFFICER (Mr. CHILES). Who yields time?

Mr. DOMINICK. Mr. President, how much time remains to both sides?

The PRESIDING OFFICER. The Senator from Colorado has 47 minutes remaining and the Senator from Mississippi has 68 minutes remaining.

Mr. DOMINICK. Does the Senator from Mississippi wish to proceed at this point?

Mr. STENNIS. Well, Mr. President, there are certain Senators who want to speak on this amendment who are temporarily detained in committee meetings where quorums have to be made. However, I will yield myself 10 minutes at this time.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, Members of the Senate speak with great assurance that what they have been assured will happen. I do not think that anyone knows what will happen or has any clear idea about it under this experimental voluntary system for the Air Force, Marines, Navy, and Army. When we say volunteer army that is not just the Army. The program in sight for the future—at last as hoped for—is that everything will be voluntary, even the Reserves and the National Guard, without any inducement, coercion, or persuasion that a draft law would give. There would be no law on the books, when that day comes, when those assurances are supposed to work. I frankly do not see a chance of any kind for the Reserves to survive in a no-draft world or a no-selective-service world. I have said that from the beginning.

I have warned the Reserves about it, and publicly commented on it at the first hearing, that we had not heard from them. They came over a few days later and testified but so far as I know, there has been no appreciable activity by them of concern about what may be their fate under this so-called volunteer plan.

I believe they do not think it is ever going to be put into effect and if it is tried, it will not work.

That is a dangerous position to take, I think, because we can get dismembered in the meantime.

As to the National Guard, conditions being what they are, I know that the States would have to make some kind of provision to insure that they have a guard, to some extent at least, for the protection of their people and the enforcement of their laws. With conditions as they are today, something would have to be done.

But what makes the National Guard a strong, going concern now, with the men they have, is the Federal dollars behind them, the Federal manpower. We call it Federal because they come in under inducement of the Selective Service Act and that is what makes the National Guard a going concern.

But let us not rest. I am not willing to rest. I have warned the Reserves and the National Guard that it is clear they cannot possibly live where there is no Selective Service Act to induce their members to come in.

I do not know what is going to happen to them. They may think that somewhere down the line something will be done to coerce them or that great amounts of pay will be granted, or something will get these young men to come in or some who are not so young but who have already had service.

I do not think that enough billions of dollars can be run off the printing press to pay the entire cost of volunteer services, volunteer Reserves, and a volunteer National Guard.

That is my conclusion. It may sound a little harsh, but it is the reality that I see in this matter.

I note here that the pay increases, even at the highest level, would only increase a man's pay who is serving in the Reserve by $29.20 a month. That would be his increase under the high level.

If he were a good brick mason, he would make that much in 2 or 3 hours. So far as pay is concerned, he would rather make that extra money with a little overtime work or even regular time work than to be in the Reserves.

Some would come, but there would not be enough who were so constituted that they would like service that well.

Let us be careful now when we say that we have been assured that the Reserves will be taken care of or that this thing will work for them.

Mr. President, returning to the Dominick amendment, the January 1, 1973, termination date which the amendment proposes would undoubtedly result in a reduction of draft-motivated enlistments into the Active and Reserve Forces among 17 and 18 year olds during fiscal year 1972 and the first half of fiscal year 1973 since persons in these age groups would assume that they would not become subject to induction in fiscal year 1973. Also, many of those persons who receive low sequence numbers in the draft lottery to be held in July 1972 and who would otherwise be motivated to enlist during the last half of calendar 1972 would not do so since they would know that they would not be inducted in 1973.

In summary, if the induction authority ended on January 1, 1973, even with the higher pay bill, the inability to meet manpower requirements with volunteers would result in substantially reduced and unbalanced forces in fiscal year 1973, inadequate to meet our security requirements.

An 18-month extension, therefore, would mislead the Nation, particularly the young people. Personal and career plans which would be made on the assumption that the draft could cease to exist on January 1, 1973, would be subject to subsequent disruption since it would almost certainly be necessary to extend the draft next year.

I have already mentioned that this matter would be right in the heart of the election campaign and would have to be passed on no doubt by a so-called lame duck Congress after the presidential and congressional election of November 1972.

I have in mind that if this 1-year extension had been passed—which I do not believe it would be—that this would throw the whole matter right into the crux of the situation during the national convention of 1972. That would be a honey.

Other things will be coming to a head then. It seems to me that it would be grave error to pitch this matter into the middle of those conventions.

This, I repeat, is another time when I believe the membership has just got to face up to the hard realities of life and do the hard things, not the easy things, not the pleasant things, but the hard things.

We will bring down the wrath of some people on us, but if we want to put off and not do these things now and not exercise our best judgment, it will not only bring the wrath of the people down on our heads later, but it could also well mean the lack of security of our people that we would be confronted with.

I hope that this amendment will be rejected and that it will not appeal enough to the logic of the membership to be agreed to. At the same time, a part of that thought is that the membership will realize—and I believe it will—that 1 year is not enough.

I hope that we will finally take a firm position here on the 2-year extension.

That vote will not come until next week. However, it is so much related to the situation we are debating that I brought it in anyway.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. DOMINICK. Mr. President, I was delighted to have the chance to discuss these things with my chairman. He is not only a distinguished gentleman, but he also expresses his opinions forcibly and very gracefully.

However, I really do not think what he is saying is accurate. What he is saying in effect is that if we put this at 18 months, we will get it over into the political field.

The very effort I am making is to get it out of the political field because, unlike my chairman, I am pretty well convinced that the 1-year extension is going to pass as opposed to 2 years. If the 1-year extension is passed, then we certainly have the whole draft situation wound up in the political boiling pot in a presidential year with conflicts going on all over the country on this issue. I can conceive of nothing that would be more difficult than to have Congress come back in session during July while Senators are running for reelection, while Senators are running for the Presidency, while conventions are about to be held, while the Representatives are up for reelection, and have to debate this draft bill which is an emotional matter.

If we take the 18-month period, as I have been suggesting, it will not be at issue at that time. It will not be at issue until after the election. It might be necessary to have a lame duck session. I do not like lame duck sessions and made myself clear on this matter last year. However, if we compromise with the House, the 93d Congress could take it up if we have to have another further extension over and beyond January 1973. I personally do not think we will need this.

If I were sure, Mr. President—and I say this to my distinguished chairman with all good humor—that the pay provisions we have in the bill, or that have been suggested by the Senator from Iowa, would provide a sufficient force so that we could defend the interests of this country, I would vote for 1 year.

If I were sure that the pay increases and other incentives which have been proposed by the administration would not bring in a force sufficient for the defense of this country, I would vote for 4 years. However, I do not think that is true.

The problem is that we have not had the opportunity to test it. We have not had the opportunity to test a situation like this since prior to 1940, over 31 years ago.

It seems to me that it is time we give a chance to the people who wear the uniform of this country to do it with pride, to do it with respect, to do it as a career, to have the incentives there for them to do it in that manner, and not to find themselves herded into the military, in many cases, against their will, against their desire, and, in many cases, to the hardship of their families and themselves.

As soon as we get to a situation where there will be respect for the man in uniform, the better off we will be. I can say with deep conviction that I get tired of hearing speeches around the country and in this Chamber critical of the military, whether it be about the Army, or any other branch. Our servicemen are performing the missions civilians have given them to perform, and then civilians get up and pull the rug from under them all over the country.

The Committee on Foreign Relations makes commitments, the executive branch makes commitments, and the State Department makes commitments; and in order to make these commitments realistic and credible there has to be a certain military force to back them up. Yet everyone in the military gets kicked around. I think that it is tragic.

One of the important features we will have as we get to a volunteer army will be to have a situation where people are proud to serve and to defend the interests of this country which is the task that has been asked of them by civilians. That is one of the strongest points in favor of the volunteer army I can think of.

We have the hearing record of the Gates report before us. We asked a number of questions about it, some of which are very pertinent.

On page 584 of the hearing record the question was asked of Secretary Kelley:

> What are those major areas in conclusions of the Gates report with which the Department agrees?
>
> Answer. Basic conclusion: The Department agrees with the basic conclusion of the report that the interests of the Nation will be better served by an all-volunteer force than by a mixed force of volunteers and draftees.

That is the point I was just making. Then, on page 585 the question was asked:

> What are those major areas of the Gates report with which the Department disagrees?
>
> Answer. Timing: The Department did not believe at the time the report was published that an all-volunteer force could be achieved by July 1, 1971. The Department does not believe now that an all-volunteer force can be achieved by that date.

I agree with them and I have so stated. I do not think we can do it by that time because we will not have even the pay incentives in by that time. I am not sure we can do it by 1972. The main difficulty with 1972 was not only the pay incentives, but also the political situation with which we will be faced if we find the volunteer concept will not work and we therefore have to renew the draft. To do it in 1972 would be very difficult, indeed. We would have to bite a hard bullet at that point.

The 18-month situation, on the other hand, gets us past that period and gives us the opportunity not only of keeping this matter from becoming a political football in 1972, but also it would give us the opportunity in our discussions with the House to see if we can get an all-volunteer force by that time and to have further negotiating room in conference.

The basic points are very simple. I thought the Senator from New York (Mr. BUCKLEY) made them extremely well in his support of my amendment. How do we know how many people we can bring in? We have not tried it since 1939. When we did try it then we had a pay scale that was far below in comparison to what we are proposing now. I say let us give it a chance. Let us give our citizens the right, as they grow up, to choose their own careers. This is a fundamental in this country for all citizens. If we do not maintain the right for the young people to exercise that right as they grow up we are going to continue to have the problems we have had in the past.

I can say without personal feeling that I have one son in the Army. He got in 1 day ahead of the draft. It can be said he was an enlistee, but he was an enlistee because of the draft. I have another son. If this act is extended for only 1 year, as I suspect it will be, he would escape the draft; but if it is extended for 18 months he will be subject to the draft. If it is extended for 2 years he obviously would be subject to the draft. So I am not doing this because of any personal situation so far as my family is concerned.

Unlike the Senator from Mississippi, I do say that the 1-year amendment is going to pass and if it does I think we will have problems and then, the only conference position we have is to either maintain the Senate position of 1 year or to compromise on January 1, 1973. However, if we go into that conference with January 1, 1973, we are in a far better position for a good compromise with the House.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

QUORUM CALL

Mr. STENNIS. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

Under the unanimous-consent agreement, the vote on the pending amendment is scheduled to occur at 1 p.m. There will be other speakers on this matter, but they are not available just now.

With the understanding that the matter has been cleared with the leadership on both sides, and that it is agreeable to them, I ask unanimous consent that the Senate now take a recess, subject to the call of the Chair, but in any event not to extend later than 12:15 p.m. today.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi? The Chair hearing none, the Senate will stand in recess, subject to the call of the Chair, to reconvene not later than 12:15 p.m.

Whereupon, at 11:41 a.m., the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 12:03 p.m., when called to order by the Presiding Officer (Mr. BENTSON).

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, the Pastore rule of germaneness having been waived for today, I ask unanimous consent that the Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 5 minutes on two nongermane subjects, the time to be equally divided between the two sides.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, the Senator from Wisconsin is recognized.

SHORTEST MISSILE GAP IN HISTORY

Mr. PROXMIRE. Mr. President, we have just witnessed the shortest missile gap in history.

In mid-April, Secretary Laird and Senator JACKSON issued a series of "scare 'em" statements based on the fact that the Russians had dug 40 new holes in the ground.

On the wholly unproven assumption that these holes were designed for the huge new 25-megaton SS–9 missiles, Secretary Laird told us that—

> The U.S. may be moving towards a second-rate strategic position.

Senator JACKSON charged that—

> The overall strategic balance may be tilting in Moscow's favor.

I said at the time that this was a new round of the annual "scare 'em" propaganda and that, when one considers the facts and the paucity of data, these were highly exaggerated, and even semihysterical, conclusions. I said that every year, just when the crocuses push through the winter soil and the forsythia and dogwood burst into bloom, one can predict a new round of speeches based on selected intelligence data telling us that the Russians are 10 feet tall.

While the Soviets had dug new holes in the ground, there was no hard evidence that they had tested an MIRV or deployed the SS–9 missiles in the holes.

Now the facts are out. The New York Times reports today that—

> The Central Intelligence Agency concluded that at least two-thirds of the large new silo holes recently detected in the Soviet Union were intended for the relatively small SS–11 intercontinental missile and not for a large new weapon as the Defense Department has suggested.

The source was Senate Republicans who were informed of the CIA assessment by non-Government arms control experts who were briefed by the intelligence agency.

The strategic balance did not "tilt." We have not become a second-rate power.

In a month, without the U.S. lifting a finger or spending a dime, this missile gap was closed. The "scare 'em" technique boomeranged.

The lesson is clear. The practice of selective disclosure of partially analyzed intelligence data by the Pentagon and its allies should stop. Congress and the American public must not be swept off their feet by leaks designed merely to propagandize for a bigger and fatter military budget.

Mr. President, I ask unanimous consent to have the New York Times article to which I referred inserted in the RECORD at this point in full.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CIA SAID TO DOUBT PENTAGON'S VIEW ON MISSILE THREAT—SENATE GOP SOURCES SAY AGENCY THINKS SOVIET SILOS ARE FOR EXISTING ARMS—PROTECTIVE STEP SEEN—MOSCOW IS BELIEVED TO BE "HARDENING" INSTALLATIONS FOR ITS SS–11'S

(By John W. Finney)

WASHINGTON, May 25.—Senate Republican sources reported today that the Central Intelligence Agency concluded that at least two-thirds of the large new silo holes recently detected in the Soviet Union were intended for the relatively small SS–11 intercontinental missile and not for a large new weapon as the Defense Department has suggested.

This assessment casts a different light on Moscow's strategic intentions at a crucial time in the negotiations with the Soviet Union to achieve some limitation on defensive and offensive strategic weapons.

It now appears to some arms control specialists that the Soviet Union, rather than seeking to achieve a first-strike capability against the United States with large new missiles, is following the American course of trying to protect its missiles against attack with "hardened" silos.

SIXTY NEW SILOS DETECTED

Some 60 large new missiles silos in the Soviet Union have been detected in recent months by means of reconnaissance satellites. The C.I.A. was said to have concluded that at least two-thirds were intended for the SS–11 intercontinental missile, which is comparable to the Minuteman ICBM of the United States.

Some non-Government sources with access to Central Intelligence Agency information said that all but 15 of the new holes were situated in existing SS–11 missile fields.

The Senate Republican sources said they had been informed of the C.I.A. assessment by non-Governmental arms control experts who earlier had been briefed by the intelligence agency. These sources declined to be identified by name.

The Defense Department declined today to comment on the reported C.I.A. assessment because, as a department spokesman put it, "We would not have any comment on a speculative report like that."

But the spokesman said the department still held to the interpretation that the Soviet Union was deploying a modified version of its large SS–9 intercontinental missile or an entirely new missile system.

Much of the concern and speculation over the intended purpose for the new silos has sprung from their unusual size.

According to data obtained by the satellites, the holes were larger than those that had previously been dug for the SS–9, a large intercontinental missile that Defense Department officials have suggested the Soviet Union may be deploying as a "first strike" weapon against the United States's Minuteman force. This in turn gave rise to official speculation that the Soviet Union was planning to deploy an improved version of the SS–9 or perhaps an ever larger, more powerful weapon.

Senator Henry M. Jackson, who first disclosed the detection of the new silo holes on a national television program March 7, said at the time that "the Russians are now in the process of deploying a new generation, an advanced generation of offensive systems." The Washington Democrat, a member of the Senate Armed Services Committee, described the development as "ominous indeed."

The Defense Department took a somewhat more cautious interpretation, saying that it had detected new ICBM construction but was not sure what the Soviet Union's intentions were.

But in a television appearance on March 10, Melvin R. Laird, the Secretary of Defense, said that the silo construction "confirms the fact that the Soviet Union is going forward with construction of a large missile system.

"We cannot tell at this time whether it is a modified version of the SS–9 . . . or whether it is an entirely new missile system," he said.

SECRETARY GIVES WARNING

Then, in speech April 22 before the American Newspaper Publishers Association, Mr. Laird said the United States had fresh intelligence information "confirming the sobering fact that the Soviet Union is involved in a new—and apparently extensive—ICBM construction program."

He warned that if this Soviet missile build-up continued, the Defense Department might find it necessary to seek a supplementary appropriation for more strategic weapons.

Last week, Administration officials were reported to have said that the Soviet Union was pressing ahead with its new missile program so rapidly that test firings of an improved SS–9 or an entirely new and larger missile were expected by this summer.

On the basis of new intelligence information, the C.I.A. was said today to have concluded that the larger holes could be explained not by a Soviet move to a larger missile but by an engineering step intended to protect the existing Soviet missile force.

According to the intelligence agency's analysis, the larger holes can be explained as an effort to "harden the silos by emplacement of a concrete shell around them, to protect the weapons against the blast effects or a nuclear explosion. The larger hole is required to accommodate the concrete liners, according to the C.I.A. analysis."

OLD MISSILE FIELDS UTILIZED

It was said that the first evidence that the Soviet Union might be "hardening" its missile sites rather than developing a new missile system appeared in the fact that the new holes were detected primarily in existing SS–11 missile fields.

If the Soviet Union was deploying a new weapon, it presumably would not situate the new missile emplacements among older missiles, according to the C.I.A. view.

The conclusive piece of evidence was said to have been received early last week when reconnaissance satellite pictures were received showing silo liners arriving at the missile holes. The photographs were said to have indicated that the liners at neither the SS–11 nor the SS–9 sites were big enough to accommodate larger missiles, and those at the SS–9 sites did not seem intended for weapons of altered design.

The United States started hardening its Minuteman silos some years ago as it saw the Soviet Union expanding its ICBM forces, and then began "superhardening" them as the Soviet Union began deploying the SS–9 missile.

Some arms control specialists now maintain that the Soviet Union now is turning to hardening its SS–11 and SS–9 missiles as it sees the United States deploying multiple independently targeted re-entry vehicles, or multiple warheads, known as MIRV's, which potentially could acquire the accuracy to strike precisely at Soviet missile sites.

This was a point made today before the Senate Appropriations Committee by Dr. Herbert Scoville Jr., a former official of the C.I.A. and the Disarmament and Arms Control Agency, now chairman of the Strategic Weapons Committee of the Federation of American Scientists.

A hardening of the Soviet missile sites, he observed, "would not contribute to a first-strike capability and, if anything, would be an indication that a first strike was not a critical Soviet policy objective."

If it now turns out that the Soviet Union is only hardening the SS–9 and SS–11 missile silos, he said, "We must ask ourselves how many times we are going to allow the 'weaponeers' to come before the Congress and the people shouting 'missile gap,' when in reality they are only creating another 'credibility gap.' "

BRUNO BITKER CALLS FOR RATIFICATION OF HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, Bruno V. Bitker is one of our most distinguished fighters for human rights. He has had vast experience in this field, and we can not afford to ignore his arguments. When the 11th Annual Governor's Conference on the United Nations met at the Institute of World Affairs of the University of Wisconsin—Milwaukee, he was the natural choice to head the Panel on Human Rights. The panel concluded that it is high time for the United States to ratify the United Nations human rights conventions now pending before this body, and that there is no legal or other reason not to do so. As a matter of fact, the Genocide Treaty is now, I see, on the Executive Calendar.

Mr. President, I ask unanimous consent that the report to the conference of the Panel on Human Rights be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF PANEL ON HUMAN RIGHTS

The protection of human rights is one of the very purposes of the United Nations. The Universal Declaration of Human Rights is not law, only a statement of the basic human rights within the context of conditions which prevail in the world today, which closely parallels United States law.

The members of the panel discussed the fact that the United States has not ratified three human rights conventions which are now pending before the Senate:

1. The United Nations Convention on the Political Rights of Women;
2. The ILO Convention on the Abolition of Forced Labor;
3. The International Convention on the Prevention and Punishment of the Crime of Genocide.

President Nixon recommended ratification of the one on genocide in February, 1970, which has been before the United States Senate since 1949; in addition, Secretary of State Rogers stated that the genocide treaty would be in our national interest, which is one of the tests frequently applied to whether or not a treaty should be ratified, and Attorney General Mitchell accompanied this statement with an opinion to the effect that there is no legal objection to ratification of this treaty.

Besides the three conventions mentioned above, the Economic and Social Council of the United Nations has recommended for ratification three conventions on discrimination in employment, in education, and in women's salaries. The United States has literally wiped out racial discrimination in this country—on paper, at least—by statute, Constitution, Supreme Court decisions, and administrative orders, but for some reason the United States has been unwilling to enter into a treaty to make racial discrimination illegal on an international basis.

How a treaty affects the sovereignty of a country was also discussed by the panel members, and it was pointed out that whenever a country enters into a treaty, it gives up a little of its sovereignty because, like any contract, each party to the contract gives up something or there would be no contract or treaty.

The enforcement of human rights treaties was also discussed, and the proposal for a United Nations High Commissioner for Human Rights was considered to be a practical approach for such achievement.

In view of the panel discussion, the following recommendations were made:

1. That the United States Senate ratify the human rights conventions that have been placed before it for consideration and action: the genocide convention as well as those on forced labor and the political rights of women.
2. That the United Nations create the office of a United Nations High Commissioner for Human Rights, which has been proposed for consideration by the General Assembly, and that the office in order to implement human rights instruments be given the power to examine situations resulting from complaints of violations.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the recess be reinstituted with the previous understanding, and that it not extend beyond 12:15 p.m. today, the time to be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At 12:08 p.m. the Senate took a recess subject to the call of the Chair.)

At 12:15 p.m. the Senate reassembled when called to order by the Presiding Officer (Mr. BENTSEN).

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be taken equally from both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

YEAS AND NAYS ORDERED ON SENATE RESOLUTION 108, REORGANIZATION PLAN NO. 1 OF 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order for me to ask for the yeas and nays on the reorganization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on Senate Resolution 108, relative to Reorganization Plan No. 1, which will occur at 11 a.m. on Thursday next.

The yeas and nays were ordered.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado, amendment No. 108.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, I notice it is now 12:20 p.m. and the vote is scheduled for 1 p.m. How much time is remaining for each side?

The PRESIDING OFFICER The Senator from Colorado has 9 minutes remaining and the Senator from Mississippi has 30 minutes remaining.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. SAXBE. Mr. President, I rise in opposition to the amendment for the limitation of 18 months. I am well aware that in offering the amendment the author believes that the limitation of 1 year would be disastrous in that the draft would come up at a time of the national elections, making it extremely difficult to extend. I am well aware of this and the danger that would result should it be before this body in a period of 1 year.

I think a 2-year limitation is the minimum that we should consider. The reason I say this is that we do have and will have after this legislation 2.5 million men in the various services at many stations around the world. We have commitments under 42 treaties, and we have commitments under thousands of executive agreements. While we have a military presence that is winding down in Vietnam, it is not winding down in Europe and in connection with NATO. It is not winding down in a great many of our naval installations; and it is certainly not winding down in the 6th Fleet and the 7th Fleet in their important spheres of activity and influence. It is not winding down from the standpoint of our existence in a world which has traditionally been a dangerous world.

I know we talk a great deal about our hope of living in peace and it is right that we should do this because we have the obligation to try to control our tempers and to live in friendship and harmony with our friends and neighbors throughout the world. But the history of the world indicates this is not so. We cannot expect to live peaceably in Washington, D.C., without policemen, nor in any of our home States, even though we would like very much to think we could do it. We come to the realization that there are bad people in the world and that there are people who plot against our continued enjoyment of democracy and freedom.

We know there are strong governments that disagree very strongly with our approach to the freedoms that our citizens enjoy. While no one conceives of America as an aggressive military power—no one in this body anyway—I think most would agree there are certain defenses that are necessary.

Therefore, 2 years as an extension as contrasted to the 4 years as in the past is a completely reasonable amount of time.

I opposed some of the other amendments in committee that would have changed this and yesterday I voted for the Kennedy amendment which would knock out the "bounty system," as I would refer to it. I have little confidence that with the present antimilitary attitude in this country we can survive with the volunteer army.

In a volunteer army, or a mercenary army, whatever one chooses to call it, that is planned to occur, I fear it would not be possible to recruit normally the type of people desired or to hold those people without becoming a mercenary foreign legion-type operation. The French had a foreign legion to fight unpopular wars and I could foresee the time that a demagog in this country could use a mercenary army to advance selfish causes for himself or a group in this country.

My opposition is based upon my unwillingness to accept a concept at the present time of a volunteer army. I cannot help but feel that we must bear the burden, or not assume the burden; and if we are not willing to bear this burden in this country, then I believe we should cut down our commitments to where a garrison army, such as we had before World War II, could sustain it.

The distinguished Senator from Colorado talked about fairness in the 18-month proposal, and also spoke about fairness in the opportunities for people to serve. Fairness does not exist in many of the things in which we quote fairness. Fairness does not exist in the draft when a man with a punctured eardrum or a man with flat feet is passed over, or when a girl is passed over; only those who happen to fit in the slot are drafted. Yet, we flaunt fairness as one of the goals for which the draft strives.

I do not believe when it comes to fairness this body is in too good shape to pass on that. Out of 235 sons of Members of Congress, as near as I can determine, over one-half were waivered out for one reason or another. I am talking about those eligible for the draft. Of the 230 or so, only 26 actually went to Vietnam.

I cannot help but feel when we talk about fairness it should apply to everyone. Fairness as a doctrine of selective service can best be served with an obligation by everyone in this country, an obligation that is handled by a local board, such as our selective service local boards.

If we extend this for 12 months, or at the most for 18 months, that will be the end of selective service and a breakdown of the boards. I believe that the chance for the volunteer Army, as the Gates Commission pointed out, should come before we phase out selective service. If, as the Gates Commission believes, the pay will be attractive enough for the volunteers, then we could have a "no call" draft; but certainly it should be there as a standby as long as we hold ourselves up in the world as a country which believes strongly enough in its freedom to fight for it, if we are forced to do so.

I understand what the Senator from Colorado is attempting to do and I admire his skill in presenting his case. But I do not agree with him and I cannot help but feel if we want to have a "no call" draft the best thing to do is to proceed as we have set out to do, with a reasonable increase in the pay and then see what the results are before we junk a system on a supposition that it might work.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 16 minutes remaining.

Mr. STENNIS. I yield myself 5 minutes.

Mr. President, as I said this morning, the Dominick amendment is tied in with the amendment offered by the Senator from Iowa (Mr. HUGHES) to put $1.7 billion additional money into this bill.

I have here now a letter signed by the Joint Chiefs of Staff, dated the 26th of May, which I term a highly significant letter. Ordinarily the members of the Joint Chiefs of Staff favor increased pay for their men, increased pay for quarters and allowances, and items of that kind, but this is a letter that relates to the Hughes amendment involving $1.7 billion, and I read:

> In our dual capacities as members of the Joint Chiefs of Staff and Chiefs of the military services, we want to advise you of our unanimous support of the Administration's FY 1972 military pay proposals without the proposed amendments now pending in the Senate.

The bill has in it the amount recommended by the Department of Defense.

Continuing with the letter:

> Given our responsibilities for the well being of our men and women, we wholeheartedly support all feasible actions to improve pay and living standards. But we also have other responsibilities, notably including the provision of forces adequate to the national security. The President's proposals, as embodied in the Senate draft bill, strike the right balance among requirements. We believe that the selected pay increases that the President has proposed are an appropriate first step during FY 1972 to promote our objectives for volunteer enlistments. We likewise support the institution of the contemplated second step in FY 1973.

Well, I say they will support any increase ordinarily and plug for it and help originate it. But I quote again:

> Conversely, the necessity to absorb any substantial portion of the proposed additional pay increase of approximately $1.7 billion at the expense of other accounts would severely disrupt essential defense programs and substantially impair our capabilities to meet national security requirements.

Now, Mr. Packard's letter that I received and put in the RECORD yesterday said, in effect, that if this $1.7 billion goes in, it will be absorbed by some other account. I quote again:

> We want the Senate and you to know that we collectively support the position of the Administration and Department of Defense on military pay proposals for FY 1972 and do not support—

Do not support—

> amendments thereto now pending in the Senate.
>
> The Chairman, Joint Chiefs of Staff, Admiral Moorer, now absent at a NATO conference in Europe, concurs in the above.

This is signed by General Westmoreland; General Meyer, Vice Chief of Staff, U.S. Air Force.

I am told over the telephone General Ryan supports this letter—he is advised of it and authorizes his vice chairman to sign it—Admiral Cousins, Vice Chief of Naval Operations, Admiral Zumwalt being away, but has authorized his vice chief to sign. It is also signed by General Chapman, Commandant of the Marine Corps.

I say, Mr. President, that is a highly significant letter, highly unusual and very persuasive; very persuasive in its content.

I shall refer to that later. I have sent a copy of the letter to each Senator's desk.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. STENNIS. Mr. President, I yield the floor.

Mr. GRAVEL. Mr. President, will the Senator from Mississippi yield me one-half minute?

Mr. STENNIS. I yield the Senator from Alaska 1 minute.

Mr. GRAVEL. Mr. President, since the issue here revolves around whether or not we have the financial capability to pay a decent living wage, I ask unanimous consent to have printed in the Record the testimony yesterday before the Defense Subcommittee of the Committee on Appropriations, in which leading American scientists suggested weapons changes that could result in tens of billions of dollars of savings over the next 10 years.

Because I consider this testimony so important to a more complete understanding of the options open to the Congress in this area, I ask unanimous consent that the complete written statement be published at this point in the Record, to demonstrate that we can find the money to pay a decent living wage to those whom we choose to go into military service and those who volunteer for service.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Testimony of Herbert Scoville, Jr., on the Fiscal Year 1972 Defense Budget Before the Defense Subcommittee of the U.S. Senate Appropriations Committee, May 25, 1971

Mr. Chairman: I appreciate very much the privilege of being able to express to this Committee my views on the Proposed FY 1972 Defense Program and Budget. In my presentation I shall concentrate on analyzing the threats which have been used to justify the expansion in the Budget for US strategic forces. I shall also discuss in some detail why these do not justify at the present time large expenditures for two of these systems, the Minuteman III and Poseidon. Two of my colleagues will then cover several additional US strategic weapons programs which appear to be either unnecessary, premature, or, aimed in the wrong direction. Professor Goldberger will review the proposals for Safeguard ABM deployment and for the large increase in funds in this year's budget for the development of the B–1 aircraft. Professor Kistiakowsky will show how the AWACS air defense program makes no sense in the age of mutual missile deterrence. He will also argue that expanded funding for ULMS at this time might only lead to a premature commitment to a system which would be directed against the wrong type of threat. In addition, Dr. Gelb will argue that no more than nine attack carriers are required and no anti-submarine carriers. All of the recommendations in their statements have the approval of the Federation Executive Council; those referring to strategic weapons are approved by the Strategic Weapons Committee—which I chair—as well.

In this period of limited availability of funds and resources we cannot afford the luxury of prematurely spending large sums to build strategic weapons to try to provide protection against imaginary threats—when by so doing we place ourselves in a poorer position less able to deal in the years ahead with real dangers to our security. Such unnecessary expenditures frequently serve only to fuel the arms race and commit us to major additional funding in the future.

The basic aim of our nuclear strategic forces is to provide, as Secretary Laird has said, a realistic deterrent against nuclear attack by maintaining a second strike capability and removing all incentives for initiating nuclear war even in a crisis. It must be emphasized, however, that the maintenance of a realistic overall deterrent does not require that every single strategic force provide by itself a deterrent in all circumstances. While it is desirable to maintain more than one type of deterrent force in order to have flexibility as technology advances—the US has done this with its triad of submarine missiles, ICBMs and intercontinental bombers—it is not necessary that each one of these systems be invulnerable to every conceivable Soviet tactic.

This concept has been long recognized but is too often overlooked. For example, until we had a long range missile deterrent force, the Air Force kept a fraction of its bombers on airborne alert to eliminate their vulnerability to a surprise attack. However, once we had a missile force, we were willing to accept the vulnerability of bombers on the ground since our overall deterrent was still maintained.

At the present time the US deterrent has, as its cornerstone, the invulnerable Polaris SLBM force, supplemented by more than a thousand ICBMs and a large number of intercontinental bombers. Each of these latter two systems might separately become vulnerable by the end of the decade, but there is nothing which could threaten the Polaris element of the deterrent for the foreseeable future. Furthermore, no plausible scenario has ever been put forward in which both Minuteman and the Bombers could be simultaneously destroyed in a surprise attack. Therefore, our basic strategic requirement for a realistic deterrent is satisfied now and will remain so in the foreseeable future.

Today, I should like to discuss two threats which have been posed as endangering the survivability of our deterrent. One, the threat of a Soviet ABM neutralizing our retaliatory capability, and, two, the threat of Soviet missiles destroying our land based ICBMs. I will show that these threats are less than, or behind in time schedule, the estimates which were made several years ago, and that the US has already overreacted to these same threats. I conclude that there is no need for further new reaction now, even taking into account the recent evidence on Soviet ICBM and ABM buildup to which Secretary Laird has pointed with such alarm. In fact, we can and should defer some programs. Premature or excessive reaction can, in the long run, produce less security by stimulating otherwise avoidable weapons programs and by precluding desirable SALT agreements.

I. SOVIET ABM THREAT TO U.S. STRATEGIC MISSILE FORCES

That a large nationwide Soviet ABM could pose a threat to our deterrent has been understood for more than a decade. In the mid-60's, the U.S. began to respond to a possible Soviet deployment of such a system (the Moscow ABM and the Tallinn air defense systems) by developing MIRVs for the Poseidon SLBM and the Minuteman III. The fear that the Tallinn system was an ABM soon proved illusory and in 1968 the Soviets even stopped the further deployment of their Moscow ABM system. A month ago, Secretary Laird announced that the Soviets have resumed ABM deployment in the Moscow area with new types of interceptors; however, such new deployment would have to be greatly enlarged and extended to many other areas before it could possibly require the Poseidon or Minuteman MIRV systems. If President Nixon's hopes, expressed last week, for an ABM limitation at SALT are realized, we would never need such deployments.

Even though it is now generally admitted that the Russian ABM program would not require U.S. MIRV deployment for many years, it has sometimes been argued that they could secretly and rapidly upgrade their anti-aircraft defenses (SAMs) into an ABM. Why then aren't we converting our Nike Hercules SAMs instead of dismantling them? If a Russian ABM defense of populations is so easy, why have President Nixon and Secretary Laird repeatedly said that with all U.S. technology we do not know how to build an ABM system which will protect populations? Why is the Defense Department seeking $15 billion for a Safeguard system which even its proponents say will not protect the U.S. people against the Soviets? No, this imaginary upgrading of SAMs has been invented to justify more advanced U.S. weapons, and to make more difficult the achievement of an agreement at SALT. The United States cannot continue to base our national security programs on a double standard which attributes to the Soviets capabilities which we would never consider possible for ourselves.

In spite of the absence of any early need for additional weapons to overcome a Soviet ABM, the U.S. has gone ahead rapidly with both the Poseidon and Minuteman III programs. Two Poseidon equipped submarines, each with 160 warheads with yields several times that of the Hiroshima bomb, have already gone to sea and approximately 100 Minuteman have been converted to carry MIRVs. Yet if we were responding correctly to the threat in the late 60's, we have more than 3 years to spare now and this deployment is thus unnecessary. We have thus already deployed a counter to a Soviet ABM—and done so many years before it would be required.

If this were only a premature and wasteful expenditure of funds it might be excusable on the basis of conservative military planning; however, this deployment has probably foreclosed any opportunity to negotiate an agreement with the Soviets at SALT that would prevent Russian MIRV deployment. In the long run such MIRV programs could, because of the relatively larger payload capacity of Soviet missile systems, lead to a net decrease in our security and force us to react with expensive new weapons programs. Furthermore, one form of a possible ABM agreement at SALT which the Soviets are reported to have accepted was a U.S. proposal to halt ABM construction everywhere except around capital cities. While there are many problems which must be solved in order to negotiate such an agreement, this or any other severe ABM limitation would, if successful, preclude the need for any U.S. MIRV programs to insure our deterrent. Thus, our premature deployment could be a complete waste of up to $10 billion. Since there is no early security requirement for these MIRVs, we should wait to see if we can eliminate their need forever. This is clearly an example where we have not timed our strategic weapons programs to match the threat and have gone forward at great expense with the deployment of new weapons because technology was available. Let us not continue this folly any longer.

II. SOVIET THREAT TO ATTACK LAND BASED ICBM'S AT THEIR BASES

The direct attack threat to our land based missiles has not exceeded and is, in fact, behind the estimates used by Secretary Laird in 1969 when he initially justified the Safeguard ABM program. He then referred to the growing first strike threat from the Soviet SS–9 missile force which would be equipped with MIRVs. It was estimated that by continuing the deployment of 50–60 SS–9s per year and completing their MIRV test program which was claimed to have started in 1968, the Soviets could have 500 SS–9s, each equipped with three MIRVs operational by 1975. On this basis, Congress agreed to go ahead with the Safeguard deployment at two Minuteman sites. Yet with a decreased threat over that estimated in 1969 and with the possibility of a SALT agreement the Congress is now being asked to fund four ABM sites.

The fear of a Soviet "first strike," which has been used since March 1969 to obtain appropriations for Safeguard and other weapons programs, is without any foundation in fact. It was argued that the only logical explanation for the continuing SS–9 buildup was a Russian desire to acquire a first strike capability.

However, the Soviets have not taken any of the other steps needed to be able to contemplate or even threaten a first strike. They have done nothing which could provide protection from our large Polaris force. They halted all deployment of ABMs for more than three years and have even offered to limit ABMs as an initial SALT agreement; yet without such a nationwide system they would be completely exposed to any U.S. retaliation. It must be remembered that a 50% or even 95% effective first strike can only lead to national suicide for Russia.

Moreover a first strike is not the only, or the most logical, reason for the SS–9 program. A large payload missile could satisfy a number of other objectives; for example, (1) the maintenance of an "assured destruction" capability by insuring penetration of the U.S. Sentinel and later Safeguard ABM systems, or (2) the acquisition of a "second strike" counterforce capability. We have justified our own MIRV programs and the increased payload of Poseidon on both these objectives.

Rate of Soviet large ICBM deployment

What has actually happened since the spring of 1969? By official DOD statements, the rate of SS–9 deployment has actually been cut back. Since August 1969 the Soviets have started the construction of only a handful of new SS–9 launchers, and the program appears to have leveled off below 300. On the other hand, this spring it has been reported that the Soviets are beginning construction on several tens of new large silos. I do not know precisely what several tens means, but the highest figure which has been mentioned in the press is 60. Even if one adds this new construction to the few additional SS–9s, of the last couple of years, it would appear that the Soviet construction of new large ICBM launchers is only about half that predicted when Secretary Laird first justified Safeguard. At this rate of construction it would appear that it would not be until 1976 or later that the USSR would have about 500 large ICBMs. While this new program may now be accelerating over the rate of the last two years, it would be almost impossible for the 500 to be achieved earlier than 1975, the originally predicted date.

What are the specific security implications of this new large missile construction which would warrant increased alarm and advancing U. S. strategic weapons programs? We obviously deplore that the Soviets have chosen to resume deployment of large missile launchers after one and a half years of apparent restraint. This is a major step in the wrong direction. But it is not clear why such new deployment presents any increased threat over that which had been used for planning purposes for many years. One must not be stampeded into percipitate reaction by expressions of horror at a new large missile silo. One must attempt to analyze how this program could affect our security.

One explanation for this new program is that the Russians are building harder silos for their SS–9s to provide protection from a counterforce strike by the U.S. MIRVed missiles currently being deployed. Such hardening would, of course, not contribute to a first strike capability and, if anything, would be an indication that a first strike was not a critical Soviet policy objective. It would, however, explain why no new missile has yet been tested for these silos.

Alternatively, Senator Jackson has made the reasonable suggestion that this new construction is to house a new Soviet missile which will be used to deliver a future MIRV capability. In evaluating the significance of this possibility it is important to remember that in all previous estimates of the Russian threats it has been assumed the SS–9 was capable of delivering any type of MIRV system that Soviets chose to develop. It has the payload capacity to carry six, ten, or even more MIRVs, and the only question was the accuracy which could be achieved. The only reason for using 3 MIRVs in the 1969 calculations was that the Soviets tests involved three re-entry vehicles and thus a three MIRV capability could be operational earlier than a more numerous MIRV system. If this assumption on the SS–9 capability was correct, then the new construction should have no effect one way or another on the timing of the MIRV danger. It is just another form of the previously estimated SS–9 threat. We mustn't fall into the trap of reacting twice to the same threat.

If it was wrong, and the Soviets are developing a new missile system for their MIRVs, then the former estimated dates were much too early. If they have to go through the development cycle for a completely new missile in order to have a true MIRV, then an initial operational capability could not occur at the earliest before two to three years from now. More importantly, if they are going to have to construct new silos for their MIRVed missiles and not use the existing 280 SS–9 silos, then the time at which they would have a force which could threaten Minuteman is several more years away. Even at the rapid rate of 60 MIRVed missiles per year they could not have as many new missiles operational as they now have SS–9s until about 1977. Thus, the new silos could mean a delay of three or more years in the threat. At worst, the new missiles are a slowed continuation of the previously estimated large missile threat.

Soviet MIRV program

The Soviet MIRV program is also behind that estimated in 1969. It is no longer thought that the 3–MRV system which began testing in August 1968 had a MIRV capability. Late in the fall of 1970 the Defense Department announced that tests of a modified form of this system had been observed and might be the indication of a true MIRV. However, since that time this fear seems to have become less well established, and just recently Secretary Laird reaffirmed his estimate that the Soviets probably did not now have a MIRV capability, but could have one beginning in 1972. A recent press report indicated that the two tests observed last fall may have been malfunctions. So, it would appear that even now the Soviets may not have started testing the type of MIRV system which could threaten Minuteman. At the very worst, a test program for a three MIRV system has only been under way for 6 months, and it would probably be another 18 months before the Soviets could begin to have an operational system. This is to be contrasted with President Nixon's and high Defense officials' statements in the spring of 1969 that the footprint of the Soviet MRVs appear to have a pattern for destroying Minuteman. If the Russians are to have a real threat to Minuteman with a limited number of missiles or with a new large missile system instead of the SS–9s, then they will have to develop a system which could deploy 6 or even more independent warheads. While such a system is certainly within their technological ability, it could not become operational until about 2 years after the first test. Their present experience with the 3 reentry vehicles system is probably not of much value.

In sum, the Soviet threat to Minuteman, both in terms of numbers of large missiles and of MIRVs, is several, and perhaps as much as 5 years behind that estimated by Secretary Laird in 1969. This delay is most critical in evaluating the need for ABM defense of Minuteman which Dr. Goldberger will discuss, but also important in considering the U.S. offensive missile and MIRV programs.

III. U.S. MIRV PROGRAMS

In defending his budget for the Poseidon and Minuteman III programs, Secretary Laird in his Posture Statement, declared these were needed to improve ABM penetration and our retaliation capability if the Minuteman force were almost completely destroyed. He said:

"Should part of our missile force be unexpectedly and severely degraded by Soviet preemptive actions, the increased number of warheads provided by the remaining MIRV missiles will insure that we have enough warheads to attack essential soft urban industrial targets in the Soviet Union. At the same time, the MIRV program gives U.S. increased confidence in our ability to penetrate Soviet ABM defenses, even if part of our missile forces are destroyed." [1]

In addiiton, he stated:

"It is estimated that the accuracy of the SS–9 could be substantially improved by 1975–76. With this improved reentry vehicle accuracy, the projected Soviet SS–9 missile force could pose a serious threat to the future survivability of undefended Minuteman silos." [2]

Thus, in Secretary Laird's own words, the Soviet threat to Minuteman which would require MIRVs on our Minuteman III or even Poseidon would not occur for 4–5 years. If the new launcher construction is for the Soviet ABM, then this threat will be even later. We have already shown that the delay in the Soviet ABM program, even taking into account the resumption of deployment around Moscow, would not require U.S. MIRVs until an even later date. Since we have already completed testing of both the Poseidon and the Minuteman III systems, we have a hedge if some unforeseen danger to the entire deterrent arose earlier. We could always deploy our already developed systems before the threat became a reality.

Thus, appropriations of the funds for the Poseidon conversion and Minuteman improvements are certainly premature and an extravagance. We recommend that they be eliminated from the FY 1972 Budget at a saving of about $1.6 billion. In the case of Minuteman, the MIRV program is not only premature but questionable regardless of how the threat develops. A total expenditure of about $5 billion to put 3 warheads on 550 of these missiles on the grounds that 95% of them might be destroyed would not appear to be the type of investment that the U.S. government ought to make. A far more satisfactory way of improving our security and maintaining our deterrent force would be to negotiate a severe limitation on ABMs at SALT, thus guaranteeing that our retaliatory force can inflict unacceptable damage on the Soviet Union.

Advance Ballistic Reentry Systems—ABRES

The Current FY 1972 program calls for the expenditure of $87 million for the development of Advance Ballistic Reentry System, (ABRES). While a certain amount of research on reentry systems would assuredly appear in order, we believe that part of this program should be curtailed, i.e., that which is designed to increase the accuracy or even might appear to increase the accuracy of our MIRV systems. President Nixon on page 133 of his State of the World message, February 25, 1971, stated that—

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[1] Fiscal Year 1972–76 Defense Program and the 1972 Defense Budget, March 15, 1971 p. 66.

[2] Op. Cit p. 46.

"Our deployment of MIRVs serves the same purpose (seeking to improve the survivability of our forces). They do not have the combination of numbers, *accuracy*, and warhead yields to pose a threat to the Soviet land based ICBM forces."

Secretary Laird has also, on several occasions in answer to Congressional criticism, stated that we are not attempting to achieve MIRV accuracy which will appear to the Soviets as a first strike weapon. President Nixon even announced that we would unilaterally halt a program for improving such accuracy in order to avoid being provocative to the Soviet Union.

Yet, each year the Defense Department comes in seeking sizable additional funds for advance reentry systems, some of which could clearly lead to improved accuracy. In fact, any guidance system improvement would probably look to the Soviets as leading to an improved first strike capability and provide impetus for raising the level of the arms race. Furthermore, there is no security need for improved guidance for reentry systems if we are only building a deterrent force. Our present systems are more than adequate to retaliate against urban targets. They are even quite adequate to destroy the type of hard target, i.e., steel mills, which Dr. John Foster, DDR&E, on August 5, 1969 testified as a justification for improved MIRV accuracy.[3] One should remember what a 20 KT explosion over Nagasaki did to heavy industrial structures at a distance of more than half a mile. The yield of U.S. MIRVs, even for the Poseidon, is several times that of the Nagasaki bomb.

Thus, we would strongly recommend that the ABRES program be revised to eliminate any development aimed at improving the accuracy of U.S. MIRV systems. This would be in accord with President Nixon's own professed objective and would avoid stimulating the arms race which, in the long run, can only be a detriment to our national security. This might involve a saving of $50 or more million dollars in 1972 alone and possibly greater savings in future years.

Recommendations

We recommend that henceforth the U.S strategic forces program be geared to a realistic evaluation of the nature and timing of the threats to our deterrent. Premature funding can only lead to unnecessary expenditures for weapons systems which may never be needed or are designed to do the wrong job. It can stimulate the arms race, forcing in the future even larger outlays for further advanced weapons and reducing in the long run U.S. and world security. We must stop being stampeded into expanded budgets by alarms over Soviet weapons programs, such as the new large silo construction, when mature analysis will show no new and perhaps a decreased threat.

I specifically recommend that:

(a) the continued Procurement of Minuteman III and Minuteman Force Modernization be cancelled with a saving of $839 million FY 72 funds.

(b) The conversion of SLBMS to Poseidon Configuration and Continued Procurement of Poseidon Missiles be deferred in FY 72 with a reduction of up to $800 million in FY 72.

(c) The further research on advanced MIRV guidance systems for improved accuracy be halted by reducing the $87 million proposed for ABRES.

Now is the time for restraint and the exercise of leadership on the road toward improved security through arms control.

SALT

Last week the U.S. and USSR jointly announced that they "have agreed to concentrate this year on working out an agreement for the limitation of the deployment of ABMs" and that "together with concluding an agreement to limit ABMs they will agree on certain measures with respect to the limitation of offensive strategic weapons." It is a welcome announcement after 18 months of negotiation during which the arms race has accelerated that at last we are going to get down to concluding a specific agreement.

This situation provides additional reasons in support of the arguments made in this testimony. In the first place, the rapid deployment of MIRV can only give Soviet opponents of arms limitations an excuse to oppose the SALT agreements that are still closer to fulfillment. In the second place, the deployment of U.S. MIRV becomes potentially especially wasteful if an agreement on ABM is imminent since the MIRV is our answer to a Soviet ABM—an ABM which now seems especially unlikely to arise because it will be precluded by agreement. Third, the irreversible deployment of U.S. MIRV tends to make agreements on MIRV impossible, just when there is a greater hope that they might succeed. And it throws away our bargaining chip to secure a halt in the Soviet MIRV program by making our MIRV program a fait accompli. In political terms also an agreement on ABM might logically be followed by a U.S. Soviet agreement on offensive weapons like MIRV. President Nixon has stated that this preliminary agreement "will create more favorable conditions for future negotiations to limit strategic arms."

Thus the new SALT possibilities suggest, for many reasons, that this Committee should escrow the MIRV funds until the negotiating situation is clarified next year.

TESTIMONY OF MARVIN L. GOLDBERGER ON THE B-1 BOMBER AND SAFEGUARD ABM BEFORE THE DEFENSE SUBCOMMITTEE OF THE U.S. SENATE APPROPRIATIONS COMMITTEE, MAY 25, 1971

It is a great privilege to appear before you to transmit my views on the continuing evolution of the Safeguard ABM system and on the proposed development of the B-1 bomber. I am testifying as Vice-Chairman and Chairman-Elect of the Federation of American Scientists and my statement has the support of the Strategic Weapons Committee of the Federation, as well as that of the Executive Committee. I have been involved with strategic weapon considerations for many years as a consultant to the Department of Defense and to the President's Science Advisory Committee where, as a member of that group (1965–69) I served as chairman of the Strategic Weapons Panel. I have retained an active interest in the area in connection with my Federation work and am quite up to date on classified information.

DISCUSSION OF THE B-1 BOMBER

The B-1 bomber is being proposed by the DOD as a replacement for what is frequently referred to as the "aging" B-52 strategic bomber fleet. The B-52 has proven to be very youthful. In 1969, Secretary Laird said that the newest model B-52's will last under projected usage until sometime early in the 1980's with appropriate modifications. In fact, it seems clear that the B-52 lifetime could be extended even further if the planes were flown less.

The B-1 bomber was called in 1963 when I was chairman of the DOD Strategic Weapons Panel, the advanced manned strategic aircraft (AMSA). The concept of the plane has changed very little in the intervening years. It is a plane in the weight range of 350–400,000 pounds with a payload of 50–100,000 pounds and an unrefueled range of 6100 miles. Its armament would consist of SRAM (Short Range Attack Missile), SCAD (Subsonic Cruise Armed Decoy), and BDM (Bomber Defense Missile) and conventional nuclear weapons. It will have elaborate new avionics. Other features of the plane are small radar cross section and low infrared signature. It is to have a supersonic, high altitude, speed of Mach 2.5; its cruise and low altitude penetration speed will be about Mach 0.85. For 240 aircraft, the number usually cited, the cost including RDT & E, and ten year operating costs will be about $14 B. Each plane will cost $30.8 M. Experience has shown such cost estimates are usually low.

This is to be contrasted with the advanced model B-52's which have an unfueled range up to 12,500 miles and a payload of 75,000 pounds. Its armament is virtually the same as that projected for the B-1. Its shortcomings with respect to the B-1 are its much greater take-off distance, absence of a high altitude supersonic capability, 40% lower speed on the deck, and higher infrared signature (although, in the supersonic mode, the B-1 will light up like a Christmas tree). It should be stated that if the B-52-G's and H's were refitted with advanced turbo-fan engines which are state of the art, essentially the only way in which the B-1 would be superior is in its supersonic mode, a dubious plus. This refitting could be done at a cost of about $1 B.

There are two fundamental problems in connection with bomber forces: One is vulnerability on the ground, and the second is the capability of the force to penetrate Soviet air defense. The ability of the B-1 to escape depressed trajectory submarine launched missiles is only marginally superior to that of the B-52. Since a large fraction of our B-52's can be put into the air in less than fifteen minutes, our developing missile launch warning systems means that the B-52's aren't too deficient in their escape abilities although, to be sure, the B-1 will be less vulnerable.

The penetration capabilities of the two planes are difficult to compare or to assess on an absolute basis. One can get a variety of estimates about what fraction of B-52's could penetrate Soviet air defense. The Soviets have built a massive defensive system with great depth and redundancy. In addition to various families of surface to air (SAM's) systems, there is reason to believe that there may be a high altitude interceptor with down-looking radar. Such a development would tend to minimize any speed advantage of the B-1 over the B-52. Nevertheless, it is the conviction of the Air Force, which I share, that a bomber attack coordinated with ICBM's would be very effective.

There is no denying the fact, however, that even though bombers have played an important historical role in our strategic force arsenal, and even though they pose a fearsome threat to the Soviet Union, they are no longer the cornerstone of our deterrent force. An attempt to restore them to that role by building a fleet of two hundred or so B-1 bombers which would *itself* conceivably provide an adequate deterrent does not make sense. It is significant that the Soviet Union has not chosen this route, even though our own air defense is far less formidable than their own.

Finally, it should be noted that the B-52 actually has two significant advantages over the B-1 in spite of its having only subsonic capability. These both derive from its greater unrefueled range. First, the B-52's can be flushed and loiter for a considerable period without need for refueling before returning to base. Second, the alert force can actually make the whole trip to target and to escape without refueling. The B-1 force requires a much more elaborate and, of course, more vulnerable tanker fleet, a fact usually not emphasized by the Air Force.

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[3] Hearings on National Security Policy and Scientific Development of the Committee on Foreign Affairs. First session. July–August 1969. p. 259.

Our conclusion is that since the B-52 force will last at least into the early 1980's, there is no reason other than nostalgia to embark at this time on the creation of a new bomber force of what is really a marginally superior product. It is not entirely unlikely that a new concept of an airplane like the C-5A, which would serve as a highly mobile launching platform for long range standoff weapons, should be considered.

DISCUSSION OF ABM

I wish now to turn to a discussion of ABM. The bomber issue, important though it may be for its ability to waste large sums of money, fades into insignificance by comparison with the threat to mankind posed by a continuation of the arms race, and this is paced by ABM.

For the past two years, the Department of Defense has been trying to convince Congress and the American people that U.S. security is being threatened by the continuing buildup of Soviet strategic forces. This threat has been used as the principal justification for beginning the deployment of the so-called Safeguard ABM system to defend our Minuteman force of 1000 ICBM's in hardened silos. The auxiliary roles for the system (when fully deployed) are to provide a light area defense against a future Chinese ICBM threat, to afford some protection against an accidental launch of a missile targeted against the U.S., and to help defend our bomber force. Another and perhaps over-riding argument for Safeguard has been its role as a "bargaining chip" in the Strategic Arms Limitation Talks (SALT).

A very large number of highly qualified scientists, men with intimate familiarity with strategic weapon systems and full access to all intelligence information, have taken sharp issue in Congressional testimony with the threat evaluation presented by DOD spokesmen. They have taken an even stronger position with respect to the utter inability of the Safeguard system itself to have any bearing whatsoever on the projected threat, let alone the actual one. Since the very small number of civilian scientists who have testified in favor of Safeguard have almost to a man avoided talking about the technical capability of the system, one can only conclude that they, too, concur in the judgment that, from a scientific standpoint, Safeguard is a disaster, completely useless militarily.

With regard to the SALT bargaining chip position, I would like to say the following: I am not a Sovietologist or a psychologist, let alone an expert on Soviet psychology. But it seems only common sense that if the Soviets are, in fact, twenty feet tall and are rapidly getting to the point where they actually threaten our security, then it is extremely unlikely that they have a ten foot yellow streak down their backs so that they will be frightened by our construction of a totally worthless ABM system. The *Safeguard* ABM system, and please note the emphasis on the word Safeguard, must be defended on its own merits. If its only purpose is bluff, lets make it out of wood and paper maché. It is time that this whole charade of threat and irrelevant response is brought to an end. We can no longer continue the kind of irrationality which feeds the arms race and which, at every turn, decreases our security.

Let me discuss briefly the question of the threat to our strategic deterrent forces. The basic premise of the U.S. deterrence posture has been that we have the capability to absorb a first strike and still be able to retaliate and inflict unacceptable damage upon an enemy. Our ability to do this and the certainty in the mind of any enemy that an attack on the U.S. means suicide is the name of the deterrence game.

We have insured our deterrent strategy by the creation of a "triad" of strategic nuclear weapon systems: The Minuteman force of 1000 ICBM's and 54 Titan missiles, the SAC bomber force, and the Polaris submarine force now being retrofitted into the Poseidon-MIRV system. It has until recently been our policy to maintain that each one of these three independent forces could do the deterrence job alone. More recently, President Nixon has noted that while each force is capable of inflicting a high level of damage, it is the three taken together that provide us with an unquestionable capability of unacceptable damage. It is consequently somewhat surprising how often the argument is made that the Soviet Union is striving for or has nearly achieved or may very well soon have a "first strike" capability. If the Soviet Union were to attempt a first strike against the U.S. without suffering essentially total destruction of its own civilization it would have to accomplish the following: The simultaneous and nearly total destruction of both Minuteman and SAC bombers, *and* destroy the polaris/Poseidon fleet entirely within a matter of minutes. Finally, they would have to be able to destroy virtually all surviving missiles or airplanes headed their way. This is a technical impossibility now and for the foreseeable future.

There is "no," repeat "no" way that the bombers and missiles can be struck simultaneously and effectively. The problem is simply a geometrical one. We know immediately of the launch of a Soviet missile attack on Minuteman. The flight time is 30 minutes. The alert SAC force can be flushed in less than 15 minutes. If the Soviets were to time a sub launched missile attack on bombers (flight time less than 15 minutes) to coincide with their launch against Minuteman, the latter could be launched after the bombers were hit. If an attempt were made to have missiles impact on bomber and Minuteman bases simultaneously, the bombers can take off at the warning of the ICBM launch. It would appear impossible to have simultaneous launch *and* arrival of weapons of sufficient size, accuracy, and numbers as to constitute a serious threat to our land based forces. There is, of course, another possibility the Soviets must consider: The Minuteman force could be launched on warning of a massive ICBM attack. I am not advocating such a dangerous policy, but it is always a last ditch option an enemy cannot ignore.

But this is only the easy part of the Soviet problem. There is the invulnerable Polaris/Poseidon fleet. In dealing with that element of our deterrent, the Soviets could not be content with trailing and killing a few subs. This is not an anti-submarine warfare problem of the conventional variety. The Polaris fleet must be destroyed simultaneously and *totally*. We cannot predict how long the Polaris fleet will remain invulnerable to such an attack. Speculations as to what developments might occur in the next decades such as "making the seas transparent" can be countered by a variety of means.

In his testimony before the Armed Services Committee on 20 April 1971, Dr. W. K. H. Panofsky outlined in great detail the threat posed by the Soviet ICBM force to Minuteman. He points out that the current force of 300 SS-9 missiles at present threatens only, at most, the same number of Minutemen. There is no firm evidence at present of a true MIRV (Multiple Independently Targeted Reentry Vehicle) capability. One can only speculate about when such MIRV's will appear or when the more numerous SS-1's might be upgraded into silo killers or whether the current flurry of Soviet hole digging is the precursor of a new system or what have you. One simply cannot predict when the danger to Minuteman will, in *our* judgment, become unacceptable. Much depends on what we consider is the number of surviving Minutemen we "need." I shall return to this point shortly in connection with the Safeguard mission of Minuteman defense.

We have become numb to the sheer power that resides in our strategic nuclear forces. One single Poseidon boat constitutes the third greatest nuclear power in the world! A single Poseidon with 160 warheads in itself constitutes a deterrent to any rational enemy. Fifty Minuteman III missiles constitute a similarly awesome threat. The full Poseidon fleet will carry 5,000 warheads. In my opinion, there has never been an adequate study of the consequences of a full scale nuclear attack. All estimates of death and destruction, horribly large as they are, are surely *underestimates*.

Let us turn to the role of ABM in the strategic picture and of Safeguard in particular. The decision by the U.S. to proceed with the development and deployment of MIRV was predicated on the assumption that the Soviets would deploy a massive ABM system and that reentry vehicles themselves were the ultimate decoy or penetration aid. The size of the force was based on a "worst case" projection. As it turns out, the Soviet ABM never materialized. The absence of substantial ABM makes a first strike by the Soviet Union totally unrealistic. The token deployment around Moscow is not a serious threat to our deterrent. Nevertheless, it has had a fantastic effect on us as has the so-called Tallin air defense system.

One can only speculate as to what has motivated the Soviet Union to press forward with their deployment of such a large number of land based ICBM's. They have now about 1500. We are certainly over-deterred by this force since we have no ABM either. We have talked about deploying one for about 12 years, however. Although we would like to understand how the Soviets view their own deterrent capability, the important fact is that our deterrent is not threatened by their large ICBM force nor by their growing submarine forces, as we have discussed above.

What, then, is the use of Safeguard? To destroy all but 50 Minutemen, should we sit out such an attack, the Soviets would have to put off the order of a two thousand RV's into the attack, even if we assign a reliability or kill factor probability to each RV as high as 80%. In the face of such an attack, Safeguard contributes virtually nothing. I cannot go into this in detail because of security classifications, but I presume the Committee is familiar with the argument. I fully subscribe to the conclusion drawn by Dr. Panofsky: *"The protection offered by Safeguard for the Minuteman Force is negligible*. Even if Safeguard functions prefectly, it offers significant protection to Minuteman only over a very narrow band of threats; if the threat continues to grow as rapidly as it can technically, Safeguard is obsolete before deployed; if the threat levels off, Safeguard is not needed. For Safeguard to have any significant effectiveness at all in protecting Minuteman, the Soviets would have to "tailor" their threat to correspond to it."

There have been other arguments put forth in favor of Safeguard, namely the anti-China mission and protection against accidental launch. Congress wisely rejected the area defense concept involved in the defense against the Chinese threat. We *certainly* have a deterrent, if not first strike capability against China and will have for many years. In addition, deployment of an area defense *might* cause the Soviets to worry about their own deterrent and thus lead to further escalation of their strategic forces. The utility of the area defense against accidents is dubious. It would have to be a very special accident, without decoys or other penetration devices to be effective; furthermore, an unrealistic degree of readiness would have to be assumed.

We conclude that the only marginal mission for Safeguard is Minuteman defense and, as the Ad Hoc Group for Safeguard for FY 1971 appointed by the Secretary of Defense (of which I was a member) reported to the Secretary on 27 January 1970:

"If the only purpose of Safeguard is defined to be to protect Minuteman, Phase II A as defined in March 1969 should not proceed. Instead, a *dedicated system* for active defense of Minuteman should replace or, if the need for the MSR is proved, augment Phase II A."

The Department of Defense is taking this proposal seriously and is recommending spending $65 M in FY 72 to develop prototypes for such a dedicated hard site defense. I heartily endorse this effort since such a defense could extend the effective lifetime of Minuteman in the face of a much greater spread of potential Soviet threats and at much lower cost than Safeguard. The ferociously expensive and vulnerable missile site radar (MSR), the true weak link of Safeguard, surely would be eliminated. If the MSR were in any sense needed, it would again be an Achilles heel. If it is not necessary or is redundant, we're wasting money.

Now we come to the serious question of what type of deployment decisions should be made now and in the near future. I feel that Safeguard defense of Minuteman is a total waste of money and that the system should not be allowed to evolve. Soviet fear, if any, about Safeguard must center on the view that it will eventually develop into an urban-industrial defense; this could further stimulate the arms race. The present threat does not warrant a deployment on a true hard site defense even if we were technically capable of making the decision now.

The most effective way to insure our deterrent would be to reach an agreement at SALT to eliminate (or limit to a minimal value) ABM.

I want to explain why this is so. Every surprise attack scenario ever invented for a Soviet surprise attack assumes that the Soviets will use an ABM to shoot down these incoming offensive weapons which the attack could not locate and destroy. This includes, especially, our Polaris force of sea-based weapons.

Therefore, without an ABM, no first strike is possible, and our missile deterrent would be assured of effectiveness. By contrast to the effectiveness of an ABM agreement precluding, or sharply limiting ABMs, the use of an ABM to protect some Minuteman missiles would have only minor effectiveness in ensuring our deterrent.

Federation of American Scientists Testimony Before the Defense Subcommittee of the Committee on Appropriations, U.S. Senate

(By Dr. George B. Kistiakowsky)

Mr. Chairman. It is a pleasure to appear before this Committee to discuss the questions of Bomber Defense and of the Undersea Long-Range Missile System. The positions that I shall present are agreed positions of the Federation of American Scientists which I share. They have been approved by the Executive Committee of the Federation including its Chairman, Herbert F. York; Vice Chairman, Marvin L. Goldberger, who is here today; Professor Lincoln Wolfenstein of Michigan; Dr. Leonard Rodberg of the Institute for Policy Studies; Director, Jeremy J. Stone; Professor John Rasmussen of Yale; Professor George W. Rathjens, and Professor Lee Grodzins of MIT. Since these two weapons systems are strategic the positions have been approved by the Federation's Strategic Weapons Committee, chaired by Herbert Scoville, Jr., who is also here today and including Dr. Goldberger and Dr. Morton H. Halpern of the Brookings Institution.

Does it make sense to purchase a defense of cities against Soviet bombers, when a national decision has been taken that a defense of cities against Soviet missiles is impossible?

Let me say at the outset that I shall, for completeness sake, mention four or five different purposes which an air defense system might serve. But one should be fully aware that the system being requested by the Air Force fits only one of them—that of defending the Nation's cities against Soviet bombers. It raises the question with which I have entitled these remarks: Does it make sense to purchase a defense of cities against Soviet *bombers*, when a national decision has been taken that a defense of cities against Soviet *missiles* is impossible? The question answers itself. It would be preposterous to buy the AWACS air defense system if this is indeed the purpose of buying it as we believe it is. Let us now consider several possible rationales for continental bomber defense.

PURPOSE I: FACADE DEFENSE

Here the purpose is to prevent the Soviet bombers from getting a "free ride," to "complicate" the Soviet bomber penetration problem, and to avoid our own feeling of being "naked" against the Soviet bomber threat. This is, in our view, the posture in which the country has been for most of the last decade. The SAGE–BUIC bomber defense has been in existence and operation, but it has been no secret that a small number of Soviet missiles could disrupt its effectiveness.

PURPOSE II. DEFEND AMERICAN AGAINST FULL-SCALE ATTACKS BY SOVIET BOMBERS

In this case, it would be necessary to buy a defense against bombers that could *not* be destroyed in an initial missile attack. The bomber defense would have to be effective far beyond the U.S. borders because the Soviet Union might buy a very fast (supersonic) plane or long-range stand-off missiles.

The Projected Air Force program seems to be designed to have these characteristics. With AWACS, command and control of interceptors is put in the air. A new, fast interceptor arising from a modified F–14 or F–15 would seek out incoming bombers.

PURPOSE III. COAST GUARD OF THE AIR

Here the purpose is to survey U.S. airspace and to announce unauthorized entry into U.S. airspace. No attempt is made to maintain the capability to destroy large numbers of incoming aircraft.

PURPOSE IV. N-TH COUNTRY BOMBER ATTACKS

For this purpose, parts of the existing SAGE-BUIC bomber defense might be maintained for defense against bombers of the People's Republic of China or, conceivably, against attacks of the Republic of Cuba. For this purpose, we would not need to fear widescale disruption of the bomber defenses.

Facade defense seems wasteful

The Federation opposes the idea of a Facade Defense. The Defense Department does seem to have conceded that the SAGE-BUIC bomber defense is, indeed, a facade as an anti-Soviet defense.

Bomber defense without a city missile defense is like a chain with a missing link

The Federation also opposes Purpose II, the bomber defense designed to protect population against full-scale Soviet bomber attack. We reason, as the methaphor goes, that a "chain is only as strong as its weakest link." The major threat facing the United States, and the weakest link in our defense, concerns Soviet missiles. By themselves, Soviet missiles can devastate this country. And the extent to which our country is devastated by these missiles can be determined by the Soviet Union—unilaterally—by building more or fewer missiles.

An effective bomber defense would be very expensive, necessarily involving AWACS, and the Over-the-Horizon Backscatter radar and a new air defense interceptor. In 1969, Congressman Henry S. Reuss of Wisconsin argued that a ten year cost estimate of AWACS/F–106X would be $12.1 billion, and related SAM–D missile interceptors, if desired, could cost another $2.5 billion. Professional studies of high-risk electronic systems of this kind always suggest the likelihood of cost-overruns of 200% or 300%. In short, ten year costs for a bomber defense that proposes to be effective would be a few tens of billions of dollars.

Still worse, the bomber defense might not work at all. AWACS is definitely a high-risk electronic project and low performance in such systems is common.

Even if the system worked from an electronics point of view, the Soviet might be able to neutralize it with countermeasures. For example, an excellent question of Senator Peter H. Dominick's in the Senate Armed Services Committee Hearings revealed last year that AWACS might not be able to discriminate between decoys and bombers if the Soviets bought a sophisticated penetration aid such as our proposed SCAD.

In the 1968 Status of U.S. Strategic Power hearings of the Preparedness Investigating Subcommittee, Dr. Harold Brown—then Secretary of the Air Force—mentioned a fifth rather esoteric rationale for bomber defense. He argued that if U.S. air defenses were "very weak," the Soviet Union might use their missiles to "disrupt the launch of our retaliatory forces until their bombers could arrive" and destroy "most of our remaining weapons." The Russians would have to be crazy to try this and this argument completely overlooks the existence of Polaris submarines. It is significant that Dr. Brown argues that the Soviets "cannot succeed" in a first strike and explains why without any reference whatsoever to our bomber defenses. Indeed, if the security of our retaliatory weapons depended critically on our bomber defenses, the Nation would be in serious danger.

Dr. Brown also argued that the absence of air defense would permit the Soviet Union to "feel free" to use all its missiles on our retaliatory forces, counting on its bombers to attack our cities. In fact, the Soviet Union can do that anyway.

FAS supports Coast Guard of the air capability

We support the notion, Purpose III, of maintaining the "Coast Guard of the Air" capability which we believe would save several hundred million dollars a year over the costs of maintaining the present system.

Tactical AWACS questioned

If the Committee concludes that AWACS is not a desirable purchase for strategic defense, it is hard to believe that the very same system is necessarily the best possibility for tactical purposes. After all, in local wars, it is not necessary to have all our command and control off the ground. In local wars, it is irrational to put airplanes that cost $40 or $50 million each over enemy territory.

This is not a time in American history when we can afford to buy unnecessary weapons. Today our domestic needs are not simply another priority but a threat to the maintenance of domestic tranquility.

In conclusion of my remarks on bomber defense, Mr. Chairman, I would like to quote from an exchange between Senator William Proxmire of Wisconsin and Mr. Charles Schultze, the former Director of the Budget, before the Joint Economic Committee:

Chairman Proxmire. Let me ask you, why were the bad decisions not ferreted out as the defense budget went through the review process in White House deliberations?

Mr. Schultze. Let's take the example of the new proposed so-called AWACS system, which is a complex downward-looking radar for a new continental air defense system. I do not remember the specifics of it very well, but I do recall when it was proposed it was looked at very carefully by the Budget Bureau and you will find that as a matter of fact when you compare various air defenses it turns out this system is about the best you can get, as far as I can tell.

If you compare a number of alternatives, it is more effective at slightly lower cost than most. And this kind of thing the Budget Bureau did look very carefully at.

Quite frankly, however, what we did not look at so closely was, do you need an air defense system of this magnitude at all?

Chairman PROXMIRE. You did not look at it, you say?

Mr. SCHULTZE. Well, those are the——

Chairman PROXMIRE. That question was never brought out, was it?

Mr. SCHULTZE. *They did not get looked at that way.* June, 1969, Joint Economic Committee Hearings.

Mr. Chairman, the Executive Branch cannot be depended upon to ask itself the fundamental "why?" questions about bomber defense or many other weapon systems. This is one important reason why the Federation of American Scientists is appealing to your Committee to ask these questions.

ULMS

If you do not know the nature of the threat against which you are seeking protection, it would be a mistake to freeze upon the design of the weapon system proposed to counter that threat.

Turning now to the question of ULMS, we are faced with the following problem. We do not know whether a future threat to Polaris will emerge from a new method of detecting them, from methods of trailing them, from methods of destroying them without locating them, or what. Therefore we do not know whether a replacement for Polaris should be: (a) quieter; (b) faster; (c) with longer range missiles; (d) made of different materials; (e) smaller; (f) larger; or what. Under these circumstances, it would be a mistake to freeze on a design prematurely. The ULMS submarines would be very expensive. If we are not careful, we could build an expensive replacement for Polaris and then find out that it was as vulnerable to whatever threats faced Polaris as Polaris.

For example, ULMS is usually justified as having longer range missiles than Polaris. But the threat most often mentioned in connection with Polaris is the possibility—which we do not consider very plausible—that Polaris submarines was the threat, what good would it do to build a new submarine with longer range missiles? In answer to this, some respond that the ULMS submarine could be stationed in our continental waters where other submarines could not follow. But if we want missiles in continental waters, why build an ocean going submarine? This is just an example, but it illustrates the problem.

At the moment, the precise nature of the potential long term threat to Polaris is unknown since there is no foreseeable technology which could neutralize this Polaris or Poseidon deterrent force. However, if a danger arises, it could come from two general developments, ABM's and ASW. For an ABM to be able to cope with Poseidon, it would have to be able to deal with a minimum of several thousand warheads which could be concentrated on a relatively few Soviet targets. It would be a tremendous problem for the defense to overcome such simple saturation tactics. Other countermeasures would undoubtedly also be effective.

In principle, the ABM might be designed to destroy the Poseidon missile and its warheads shortly after launch and before the individual warheads had time to separate. But this, too, presents awesome problems since the defense interceptor would have to destroy its targets within a few minutes of their launch and as far away as 2,500 miles from the Soviet Union. Even if technically feasible, such a system would be extraordinarily expensive and would require long lead times for development and deployment, thus providing ample opportunities to develop countermeasures.

The problems in creating an ASW system which could neutralize the Polaris-Poseidon system appear extremely difficult for the Soviets. These submarines can operate over millions of square miles of open ocean on all sides of the Soviet Union. It might become possible, for the Soviets to locate and track a single submarine and destroy it coincident with a coordinated attack on the U.S. continent. But it seems an almost inconceivable task, with foreseeable technology, to destroy about 30 submarines simultaneously; this is the number which might be found on station at one time. The U.S. has over many years spent tens of billions of dollars on ASW and does not even approach such a capability. The Soviets are well behind the U.S. in this field and have for geographic reasons alone a much more difficult task. They do not control the land masses adjacent to many ocean areas, thus complicating tremendously the deployment of a detection and tracking system.

Even if by some technological breakthrough it were possible to make the oceans transparent so that submarines could be continuously located, and this is most unlikely, it would be necessary to have some mechanism for destroying all the submarines at a given moment. After all, the atmosphere is transparent to radars, but no one has any idea of how to destroy bombers on air alert or how to build an ABM system which could provide protection to the populations. For the Soviets to deploy attack submarines or surface craft so that they could destroy all these U.S. submarines at a specific instant would seem virtually impossible. A wide variety of countermeasures against such tactics would be available to U.S. forces. Furthermore, the Soviets cannot rely on killing Polaris submarines with ICBS since the subs could, at normal cruising speeds, move out of the lethal area around the aiming point during the time of flight of the missile. All these factors combine to lead to the inescapable conclusion that our Polaris deterrent fleet will not be threatened in the coming decade and probably not in the next as well. The Soviets might develop a partially effective ASW defense in the restricted waters in the neighborhood of the U.S.S.R., but not in the open oceans. The U.S. would have ample warning to take counteraction if it saw such a capability developing.

Nevertheless, since the SLBM force is the cornerstone of the U.S. deterrent, and since secure submarine missiles tend to stabilize the strategic balance, it is prudent to carry out research on new submarine systems which might have decreased vulnerability in the event that some relevant technological breakthroughs will occur in the distant future. However, at the moment, the nature of the threat is still unknown so it would certainly be premature to build any actual submarines. We do not even know whether the new system should be designed to overcome ABM or ASW or both. The design criteria could vary radically for one or the other. For example, if it were ABM then the number of missiles and warheads and their inflight invulnerability to nuclear explosions are the critical factors. If it were ASW, then the multiplicity of submarines, their quietness, reduced acoustic reflectivity and the ability to operate over wider ocean areas and rest on the bottom at great depths appear most important. These latter factors argue for smaller, perhaps faster submarines, with fewer missiles having longer range and if necessary lower payload while the former argue for bigger submarines with many large payload missiles. Even if the decision were that the ULMS design should be optimized against an ASW threat, which would seem likely since there are other ways of dealing with ABM's than building new submarines, there will be many trade-offs depending on the nature of the developing ASW threat, which is presently only a speculation in the eyes of U.S. planners.

Recommended ULMS program

In light of the preceding, it is clearly premature to freeze on an ULMS design in the near future. The potential threat neither requires such speed nor permits firm decisions on the nature of the system. The Administration proposal for trade-off studies would seem to recognize this, but the budgeting of $110 million for FY '72 and the reference to submarine and facility design might indicate a freezing on the nature of the system which would not be warranted at this time. This fear is further supported by Secretary Laird's statements over the past year on the need to make "tough" and "expensive" decisions within the next twelve months. There are reports that ULMS will be one and a half times as large as Polaris and carry 50% more large missiles with MIRV's. It is hoped that the Navy is not prematurely extending its outdated and costly philosophy of large battleships and large carriers to large submarines. ULMS could become another example of rushing into costly programs to react to an imaginary threat just because more advanced technology appears to be possible. Instead of preparing to deploy new submarines, we should prosecute research and development on a broad front, small submarines as well as large, so that if a threat should actually develop we would be in a better position to respond to it in good time instead of concentrating on a threat which never arises. A point worth noting is that any new longer range missile which may come out of the recommended program should be compatible with existing platforms if at all possible so that it would not be used as a pretext for asking for the deployment of new model submarines.

Summary

(1) The commencement of a construction and deployment program for ULMS is not required at this time by any foreseeable risk to the U.S. Polaris—Poseidon deterrent force. To undertake such a program now might only result in expensive outlays for a system optimized against the wrong theat.

(2) Research and development should be continued on advanced missile submarine systems on a broad front so that the U.S. would be able to deal with any specific threat if it should develop. This should include small, as well as large, submarines. The proposed $110 million FY '72 budget item for ULMS should be reviewed in detail to see if it is warranted in the light of the lack of requirement to construct new submarines in the near future.

STATEMENT OF LESLIE H. GELB ON U.S. NAVY CARRIERS BEFORE THE DEFENSE APPROPRIATIONS SUBCOMMITTEE OF THE U.S. SENATE APPROPRIATIONS COMMITTEE, MAY 25, 1971

Mr. Chairman, distinguished members of the Subcommittee: It is a privilege and an honor to testify before you on the subject of United States Naval attack carriers and carrier task forces.

I have not come to say that the carrier has become the dinosaur of the seas, like the battleship—too large and unwieldy to survive. The carrier still has, I believe, an important, although more limited role in the foreseeable American arsenal.

In FY 1972, the President plans to operate thirteen attack carriers (CVA's) with escorts and associated ships at a very rough cost of $600 million for each carrier task force and three anti-submarine carriers (CVS's) with associated ships at a very rough cost of $300 million per carrier group including procurement and R. & D. This would mean a distribution of two carriers forward deployed for European-Middle East contingencies backed up by four carriers in reserve and three carriers forward deployed for Pacific contingencies with six carriers in reserve, and one strategic reserve.

The President's FY 1972 budget contains no request for a new attack carrier (CVAN-70 at an estimated procurement cost of $850 million). Yet, as you know, there are many decisions for you in this budget which relate to carriers: naval manpower ceilings, 48 F-14's at a cost of $1.034 billion, S-3A ASW aircraft production at a cost of $373 million, one nuclear escort (DLGN) at $209.2 million, seven destroyers (DD963) at $599.2 million, one logistics ship (AOR) at $56.5 million, and three rescue and salvage ships (ATS) at $83 million.

Also, as you know, Secretary of Defense Melvin Laird has said that he is convinced that we "will require construction of an additional nuclear powered carrier for the Navy to ensure adequate attack carrier capabilities for the 1980's and beyond."

Almost all Navy budget decisions of a general purpose force character relate more or less directly to aircraft carriers.

As your Subcommittee has been doing, the most sensible way to decide each carrier and carrier-related issue is to look at the broader issues upon which they depend:

The total number of carriers required, and beyond that to

The total number of tactical air sorties required in all theaters, and beyond this to

The range of contingencies in which carriers can and should be employed.

My statement will focus on the latter issue, namely on the *situations* in which the Navy proposes to use carriers and on the *feasibility* of using carriers in such situations.

Three basic contingencies[1] will be considered: (1) conventional war with the Soviet Union, including war at sea; (2) all other conventional wars; and (3) crisis diplomacy. These contingencies will be discussed, where relevant, in terms of the four basic carrier missions: (1) producing tactical air sorties against land targets; (2) attacking enemy surface ships; (3) attacking enemy submarines; and (4) defending the carrier.

What I will be saying, then, will be largely a matter of judgment, not an assertion of objectivity. My hope is that through the presentation of another point of view issues and questions can be raised for your consideration.[2]

CONVENTIONAL WAR AND WAR AT SEA WITH THE SOVIET UNION

By virtually everyone's estimate, conventional war and war at sea with the Soviet Union is extremely remote. But, war usually seems remote prospectively and inevitable retrospectively. What little we know of the Soviet power structure and internal struggles can give us no confidence that its leaders necessarily will eschew the use of military forces in the foreseeable future. In sum, we must continue to plan and buy forces for the possibility of conventional war with the U.S.S.R. and with the notion that if we buy the right forces it may reduce the possibility of attack.

Conventional war with the Soviet Union could take two forms: a re-run of a World War II-type conflict or a short (one to three months) relatively intense but limited conflict. The long war for major stakes seems highly unlikely. Were the initial conflict to persist beyond a few months, the risk of nuclear weapons coming into play would be high. It is difficult to divine the political objectives that could justify these risks. If any kind of conflict were to erupt in the European theater, it would probably be short-term and with limited objectives.

Under certain circumstances, one could imagine a Soviet attack on Rumania or Yugoslavia, for instance, in the name of ideological purity (but, in fact, as a means to maintain Soviet control in Eastern Europe), that might involve the United States. One could also imagine the Soviets "opportunistically" squeezing Berlin were our forces again to be tied down in Asia. In either or any event, Soviet leaders might simply miscalculate an American response. War, then, would ensue in a limited area as each side tested the will of the other before deciding to negotiate.

Regardless of the kind of potential war in Europe, it is difficult to visualize a role for U.S. carriers against land-based targets. In the first place, the 2,000-plus tactical aircraft deployed in Europe by the U.S. and our NATO allies will constitute the basis of the NATO tactical air effort in a conventional war in Europe. Eight wings of this total are U.S., with 8 more wings in the U.S. ready to be deployed. Secondly, the vulnerability of carriers to concentrated and sophisticated attack casts serious doubt about whether the carriers could add at all to this NATO total. If U.S. carriers are within range of Soviet land targets (that is, if our carriers are in the eastern Mediterranean or in close in the North Sea), they would also be in range of combined large-scale attacks by Soviet land-based aircraft, submarines, and surface-to-surface missiles. In order to stay within range, our carriers would have to operate in a geographically circumscribed area. Soviet surveillance and detection systems would make it virtually impossible for the carrier to be undiscovered. Anti-submarine warfare is not sufficiently reliable to afford protection against Soviet submarines with sensitive sonars. Most importantly, the carriers would be quite vulnerable to Soviet launched air-to-surface missiles with terminal guidance, making each missile the equivalent of a World War II kamikaze attack.

The Navy, it should be said, disagrees with this reasoning and contends that the carrier is virtually invulnerable or can absorb a number of hits and be operational again in a matter of hours. The Navy points to its air defense, escort ships, electronic jamming capabilities, and improvements in fire and damage control. These features do make a difference, and the combined defensive capabilities of the carriers could well destroy a high percentage of attacking missiles. But, what we are talking about are probabilities.

The Soviet Union would, in all probability, launch a large number and variety of missiles against our carrier. Assuming the carrier defenses against this attack could destroy as many as 80% of the incoming missiles (and this is a very optimistic assumption), the probabilities amount to a virtual certainty that our carrier would take about a dozen hits.

Some estimates claim that as few as four or five well-placed hits by Soviet air-to-surface missiles or acoustic homing torpedoes that tend to home on the screws would be sufficient to preclude normal flight carrier operations. This, in turn, would expose the carrier to further damage. Recent tragic experiences with the Forrestal and the Enterprise—where in each case an accidental firing of one of our rockets led to many deaths and extensive damage by fire and explosion—indicate how little it might take to put a carrier out of operation and force it to retire.

The vulnerability of the carrier operating within range of Soviet aircraft has implications for the decision to go forward with the F-14. The F-14 will not make the carrier invulnerable to a Soviet air attack. If the carrier were to be deployed beyond the range of Soviet aircraft and deep interdiction targets in Europe, the F-14 would not necessarily be needed at all.

Land-based tactical aircraft are, of course, also vulnerable. But their vulnerability does not have the same implications as carrier vulnerability. Given the multiplicity of air fields in the European theater, protective shelters for the aircraft, and the relative ease in repairing bombed runways, land-based aircraft and air fields have a better chance of absorbing attacks and still remaining operational. While there is obviously disagreement on what to count as a carrier expense versus a land-based aircraft expense, almost all estimates agree that sea-based aircraft are at least one-fifth more costly than land-based aircraft. Land-based aircraft are also better situated for the combat support role that would be required in a short-term conflict.

This discussion does not mean that the carrier cannot conceivably play some role in conflicts against the Soviet Union. In a long war, the carrier could be used in an essentially defensive mission—with ASW capability—to protect friendly convoys; and with attack capability, to deny the small yet growing Soviet fleet ready use of the seas. With a Soviet naval force of two ASW helicopter cruisers, some twenty odd SSM cruisers and destroyers, fifty odd and building anti-ship missile launching submarines, against more U.S. ships, carriers, and land and sea-based aircraft, there would not be much of a contest in a general war at sea against surface ships. The only real threat would be from Soviet submarines attacking our convoys.

In a short war, the only conceivable use for a carrier would eventuate if the Soviets were to regard the carrier as a sanctuary. Possibly, in a war for limited stakes the Soviets might allow the carrier to launch attacks against land targets without counter-attacking if they believed that sinking a U.S. carrier would lead to a major escalation of the conflict.

In an emergency where many air fields had been overrun, carriers could be stationed in the western Mediterranean or off the western coast of France—out of range from Soviet attack aircraft—to support operations in Central Europe. But, this would be a high risk venture. Carriers so used would have to operate in a circumscribed area and would be subject to high priority Soviet submarine attack. Moreover, aircraft launched from these carriers at such a long range would not be able to stay on target for long.

Five conclusions follow from this analysis:

1. Regardless of the total number of tactical air sorties required in the European theater, carriers should not be counted upon to add to that total number because of their vulnerability—except in emergencies. Hence, we should not buy carriers for this purpose. (Carriers for a Middle East contingency will be discussed in the next section.)

2. The relative cost and locational advantages of land-based tactical aircraft and the seemingly absolute vulnerability of carrier-based aircraft to a sophisticated and determined Soviet attack, indicate that land-based tactical aircraft should constitute the basis of our attack air arm for contingencies against the Soviet Union.

3. Because the carrier is not well suited for attacking land-based targets in a war against the U.S.S.R. and should not therefore be employed in this role, the F-14 would not be required.

4. One forward deployed carrier requiring two back-up carriers, according to naval standards of operation, would be entirely sufficient to maintain a peacetime American presence in the Mediterranean.

5. In the event of prolonged conflict, a

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[1] I do not discuss the role of the carrier in a nuclear war. Some carrier aircraft are capable of carrying nuclear weapons. But, they add little to the 7,000 tactical nuclear weapons deployed in Europe or to our strategic nuclear deterrent. Moreover, the carrier would be an easy and inviting target to a Soviet counter-nuclear attack.

[2] For an excellent balanced discussion of carriers, see Arnold M. Kuzmack, *Naval Force Levels and Modernization*, Brookings Staff Paper, 1971. Mr. Kuzmack discusses carrier force levels of 12, 15 and 18.

total of three carriers with mixed decks to accommodate ASW aircraft, could be readily employed on an emergency basis for defensive missions. One or two carriers could also be re-deployed from the Pacific area in a matter of weeks.

OTHER CONVENTIONAL WARS

United States participation in conventional wars against China, North Korea, North Vietnam, and the U.A.R. still have to be counted as possibilities. There has been almost continuous war in these areas since World War II. The regional power balances remain unstable. War readily could erupt again, and on the basis of past experience and present commitments, the chance of U.S. involvement cannot be considered unlikely.

For the purpose of discussing the carrier, China is included with the other much smaller countries. Despite her size, China like the others does not possess the kind of advanced weapons systems that could seriously threaten the carrier. The air, surface ship, and submarine threats posed by these nations would, by all accounts, be manageable by the defenses of our carrier task forces. The China threat to our carrier is growing, but for the foreseeable future it will not reach high risk proportions.

The carrier, therefore, can fulfill all of its missions in these contingencies. The issue remains, nevertheless, as to how many carriers would be required for these contingencies. This, in turn, raises the controlling issues of (1) the proportion of land-based to sea-based aircraft; and (2) the availability of bases.

For any sustained combat in the Pacific theater, land-based air can produce more sorties more cheaply on a daily basis than a sea-based platform. Consequently, more land-based aircraft have been used in the Korean and Vietnam conflicts, and more land-based aircraft likely will be used in the future.

At the maximum in both the Korean and Vietnam conflicts, only five carriers were simultaneously employed to produce tactical air sorties. Most of these sorties were for the purpose of deep interdiction and had only marginal impact on the course of the wars. It is difficult to visualize the future need for more than five carriers at any one time.

The issue of base availability, I believe, strengthens the need for the carrier. It is true that there are well over 1,500 airfields in non-communist countries, that many of these fields should be available in war, and that Air Force bare base kits speed up the operational time of land-based craft. It is also persuasive to argue that we ought not to intervene in a conflict where the attacked nation or its neighbor do not see fit in their own interests to allow our use of their fields. But, there is a question of the future reliability of these bases and the chance that airfields in the attacked nation would be overrun.

Carriers do not depend on these vagaries. They can be counted upon to set up and produce sorties more reliably and more rapidly than land-based air not on the scene. Moreover, carriers can be a useful and flexible supplement to land-based sorties.

These advantages of the carrier over land-based aircraft appertain most especially to a potential Middle East war. If Israeli forces were being overrun, we might well want to intervene or threaten intervention in order to stop the fighting. It is likely, in such an event, that Turkey, Saudi Arabia, and Iran would deny us the use of their airfields. Our carriers, then, would be our only recourse.

Two conclusions can be drawn from this discussion:

1. The three carriers available for the Mediterranean-Atlantic theater are sufficient for Middle Eastern contingencies.

2. A total of two carriers, backed up by four, is sufficient for peacetime deployment in the Far East, with the Navy surge capability being able to provide five carriers on station when required.

CRISIS DIPLOMACY

The use of the carrier in crisis diplomacy may be its most important mission. While gunboat diplomacy and showing the flag no longer carry the full meaning of the Kaiser sending a gunboat to Agadir or Teddy Roosevelt sending the Great White Fleet around the world, the essential role is still there. Carriers allow us to threaten to intervene in a crisis without committing ourselves to intervention.

Sending a carrier forward in a crisis—as with any show of force—is risky. It might involve us in fighting even though that was precisely what we are trying to avoid. Yet, crises may be riskier without this kind of management tool. At any rate, the President should be given the option to have carriers available and to use them appropriately.

Carriers are the best way we have of providing protection for rescuing and evacuating American citizens when their lives are threatened abroad—as in the recent Jordanian crisis.

Carriers were used after the recent EC-121 incident to deter further North Korean attacks on our aircraft.

Carriers could be used to cool down a tense situation, perhaps where China was threatening an attack on Taiwan.

As far as budget dollars are concerned, the availability of the carrier for crisis diplomacy costs nothing extra. Carriers in peacetime forward deployment can completely fulfill this mission.

ASW CARRIERS—CVS'S

This statement deliberately has made no distinction between attack carriers and ASW carriers. It has, rather, attempted to treat the total number of carriers of all types required by the contingencies in which carriers can and should be employed.

I have done so for two reasons. First, land-based aircraft (P–3) purportedly can provide the same ASW coverage as sea-based ASW aircraft (S–2 and S–3A) at less cost. This is the case except in very remote parts of the South Atlantic, South Pacific and the Indian Ocean. Second, where more intense ASW operations are required, namely against a Soviet threat to convoys in the Atlantic, this could be managed by the total of three or carriers that could be available in a Soviet contingency. This, of course, assumes that these carriers would have mixed decks with ASW aircraft.

Our present ASW carriers are of World War II vintage. They do not add to the missions carriers can and should perform. They should be phased out.

CONCLUSIONS

1. In the three contingencies discussed, the carrier:

(a) in a war against the Soviet Union, can play only a *limited* defensive role because of its vulnerability;

(b) in all other conventional conflicts, can continue to perform a *useful* role; and

(c) in the risky, but necessary moves of crisis diplomacy, plays a *key* role.

2. A total of nine carriers (all CVA's) is sufficient for these missions. This would entail phasing out the three CVS's and the six oldest carriers after the two new nuclear carriers enter the fleet. It would also mean continuing to postpone a decision on CVTN–70. It would take a number of years to implement this reduction to a nine carrier force When implemented, this decision could result in a rough annual savings of $3 to $4 billion.

3. All carrier-related budget decisions (aircraft, escort, service ships, manpower) should be made consistent with the nine carrier total and with the missions the carrier would be performing. This raises questions about funds for the F–14 and S–3A (because their missions might no longer be required), and funds for other escort and service ships (because, in some cases, a sufficient number of ships of modern design may be already available for a nine carrier force).

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, the pending amendment No. 108, offered by the distinguished Senator from Colorado (Mr. DOMINICK) would involve an unnecessary risk for the country in that it would extend the Selective Service Act only 18 months.

There are several reasons why I feel an 18-month extension is inadequate.

First, 18 months would not allow enough time for the various administrative and pay incentives proposed by the Department of Defense to take hold before the legal requirement for military service is removed.

Just yesterday the Senate endorsed the enlistment bonus and early next month it is my hope other pay incentives for the lower grades will be approved.

Mr. President, at least 2 years are needed for the impact of these changes to be felt. Only after such a test period will the Nation know whether or not it will be necessary to extend the draft further in order to provide minimum manpower levels needed to insure our national security.

Second, the timing involved in this proposal is risky. I say that because under this amendment expiration of the draft would fall on January 1, 1973, rather than at the end of a fiscal year as has always been the case.

The Senate should realize that if it becomes necessary to extend the Selective Service Act beyond the 18 months provided by amendment No. 108 this duty would either fall in an election year or upon a lame-duck Congress.

This would result from the fact that extension would be required in 1972 and could easily come in the fall during the heat of a national election. Further, it is not inconceivable an extension bill could be left in the hands of the so-called lame duck Congress which would be in office between election day and December 31, 1972.

Mr. President, I do not mean to imply that Congress could not deal with a draft extension under such circumstances. However, the record shows that absenteeism in committees and even for record votes is high in such periods as the responsibilities on the membership are considerable.

Third, I am convinced that the Reserve and Guard Forces could not be adequately manned unless the draft is extended a minimum of 2 years. The Senate should not forget that approximately 75 percent of the men in the Guard and Reserve are draft induced. Once the legal obligation to serve in uniform is removed, experts predict Guard and Reserve enlistments will nosedive.

Presently the waiting list for Guard and Reserve units are dropping steadily. The Department of Defense reports the waiting list for the Army National Guard was down 21.4 percent in March compared with the numbers available in December of 1970. The Air Force and Army Reserve are witnessing similar drops.

Finally, let me say that other unfavorable results could stem from approval of this amendment. These would include a shortfall in physicians and regular volunteers who would take a chance on being called under an 18-month extension.

Mr. President, I have nothing but respect and admiration for the distinguished Senator from Colorado (Mr. DOMINICK). He is a valuable member of the Senate Armed Services Committee. However, I believe his proposal for an 18-month rather than a 2-year extension involves a risk this country should not take. I urge my colleagues to reject this amendment and support the committee recommendation for a 2-year extension of the Selective Service Act.

Mr. DOMINICK. Mr. President, we do not have much time left. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 9 minutes remaining.

Mr. DOMINICK. I yield myself 4 minutes.

Mr. President, I have listened with great interest to the comments of the chairman, the comments of my distinguished friend from South Carolina (Mr. THURMOND), and the comments of my distinguished friend from Ohio (Mr. SAXBE).

If I recollect correctly, during the vote which we had in committee on the question of whether we were going to have a 4-year extension, a 2-year extension, or a 1-year extension, all the Senators who have spoken to date were recommending a 4-year extension.

I think it is important to bring this to the attention of the Senate, because I think there are a large number of Senators who really feel that we cannot get to a volunteer army at all, and that we are going to have to continue the draft system.

I do not think that is true, and I have not felt that way for a long time. As I have pointed out in my individual views, the committee itself has now put the end strength of the armed services at 2.4 million instead of 2.5 million—in other words, a difference of about 100,000 people by the end of fiscal year 1972. Mr. Kelley, in answer to my question, which may be found on page 89 of the supplemental hearings or in my individual views, said that there would be a shortfall of 110,000 to 113,000 by the end of fiscal 1972 if the volunteer incentives were in and that estimate was based on a fiscal year 1972 end strength of 2.5 million.

If we cut the total down to 2,400,000, which is what the committee directed, then by Mr. Kelley's own estimate, we would have a shortfall of only 10,000 to 30,000, at the maximum.

Incidentally, what we are talking about here is what steps should be taken in order to get into operation a volunteer army concept or a no-draft concept, whichever one wishes to talk about.

I frankly would like to get there as soon as possible. The Senator from Mississippi very kindly said, at one point, that he thought I would like to get there immediately. I would; he is correct. But I cannot get there immediately, and I know it, because we do not have the incentives in. We have got to give them a long enough time to prove that they will work, because I yield to no one in my belief in the need for a strong defense for our country. I am absolutely convinced that we need to maintain that strength. I am also absolutely convinced that we can do it if we give each young man, as he is growing up, the freedom of choice as to what career he wishes to follow, and not have hanging over him all the time the question, whether he likes it or not, that he is going to have to take a chance on being called into military service. I would suspect that we would get a lot more career service volunteers, over a period of time, particularly once the Vietnam war is quieted down. And we must remember that by the end of 1972, which is the time my amendment, if adopted, would expire, the Vietnam War will be substantially wound down, we will have had further hearings to determine what portion of our support forces can be turned over to civilians, and we will also have had in operation, for a period of 18 months, the incentives, which will enable us to determine whether we can make up what Mr. Kelley admits, under the committee bill as we have it here, would only be a shortfall of 10,000 to 30,000 over a year's period of time.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. STENNIS. I yield the Senator from Maine 2 minutes, or such time as she may require.

Mrs. SMITH. I thank the Senator. Two minutes will be ample, I am sure.

Mr. President, I know of no one who wants to extend the draft however we extend it. I know of no one who really wants the draft, if we could get along without it. I personally am committed to the all-volunteer force. We had long hearings in the Senate Armed Services Committee, days and weeks of them. We have to take someone's judgment who has gone into this story from the beginning to the end, and we are told that 2 years will be needed to go through the transition; otherwise, we would have only chaos.

I want to keep my commitment and continue to be for the all-volunteer force. But we must know whether we can get the numbers that are needed, whether we can get the kind of people we need, and whether the American taxpayers are going to be willing to pay the bills.

There is nothing magic about that 2 years. Certainly, 1 year is not sufficient. I think 18 months is not as good as even the 1 year. But the authorities who have gone into this very thoroughly say that 2 years will be needed; and I hope very, very much that the Senate will see fit to vote the 2-year extension and vote down the 18 months.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I certainly commend the Senator from Maine for her very fine analysis of this situation and her penetrating remarks. She has summed up in very few words the hard findings of our committee, as a considerable majority of us saw it. We have planted this bill on that idea, and we modified the administration's views considerably in the bill as a whole. I agree with her.

I have to say that I do not believe that the volunteer army concept, which includes all our services, is going to work. But I am reconciled to the fact that it is going to be tried; and if this is going to happen, I want it to be tried in such a way that it will not wreck the armed services. That is why I think that 2 years is the least possible reasonable time we should adopt.

In fairness to the concept of volunteer services, it would take 2 years of effort to give it anything like a fair trial. So I hope the Senate will stand firm on the minimum of 2 years and will also stand firm again when this question comes up as a matter of whether or not it is going to be extended for just 1 year.

Mr. President, that is all I have to say at this time. I think the Senator from Colorado is entitled to close the debate. I am not holding back any time for any purpose.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I am not going to delay the Senate much longer.

I want to sum up, as strongly as I can, the reasons why I have offered this amendment and why I think it is important.

First, the administration—and the testimony before our committee—said that they agreed with the Gates report, that a volunteer army was the system to which we ought to go as rapidly as possible. Second, they disagreed with the Gates report in the fact that it could be done before the end of fiscal 1971. So their disagreement was a matter of timing, not anything else.

We have before us a 2-year bill which was voted in after the 4-year proposal had been voted down and after a 1-year proposal had been voted down, if I recall correctly, by a 13 to 3 margin.

I told the chairman and the Senator from Maine (Mrs. SMITH), our respected leader on the minority side, that I would vote for a 2-year extension to get it out of committee, but that I was reserving my right to change my mind at such time as the debate took place on the floor.

Mr. President, I want to see the volunteer force implemented as quickly as practical. The Department of Defense timing for the implementation of the volunteer force was based on an end strength of 2,500,000, and the committee has recommended an end strength of 2,400,000. With the end strength of 2,400,000 at the end of fiscal 1972, there will be under the most optimistic DOD estimates, only a shortfall of 10,000. However, this is a "guesstimate" because the incentive pay along with other volunteer incentives is not in, and therefore we do not yet have the first hand knowledge as to whether all of this will work.

It seems to me that to throw this into a boiling election pot in July, when everybody is running for election, running for the Presidency or the House or the Senate, or whatever, when conventions are being prepared for both parties—in fact, perhaps more than two, as I read in the newspapers—when all these things are occurring, when the extension of the draft would be coming up if needed, would make a very difficult choice for many people and a hard bullet to bite, if we are asked at that point to extend the draft.

If we have 18 months, we go to conference with the House with that. They have 2 years. Almost certainly, they are going to be just as tough and just as hard as they have been in past conferences, and that means we are either going to get 2 years out of the House or we are going to get some kind of compromise. So I would say that probably—I am only "guesstimating" this because I have not had any detailed talks with any people on the other side—that we would come out with about 20 months. Twenty months is exactly what the Secretary of Defense has said, in testimony before our committee, he needs in order to get to a zero draft call. It seems to me that, rather than risk the political heat of a July debate, we would be far better advised to put together an 18-month extension of the draft in the Senate, for conference with the House, and debate it in conference, to see whether we are going to maintain a Senate position or whether we are going to go to a 2-year extension.

I strongly suspect that the 1-year extension has a good possibility of being adopted. If that happens, we would go to conference with the House, and we would have a situation in which we would end up with an 18-month situation, as opposed to a possible 20-month situation.

The point I am making, is that, we have the fundamental responsibility to determine at what point we will be——

The PRESIDING OFFICER. The 5 minutes of the Senator have expired.

Mr. STENNIS. Mr. President, what is the parliamentary situation? How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 1 minute remaining.

Mr. STENNIS. I yield back the 1 minute, or I yield it to the Senator from Colorado if he wants it.

Mr. DOMINICK. I appreciate that and would like just to complete my sentence.

It seems to me that what we are trying to do here is to determine at what best point we can get to an all-volunteer force. The sooner we can get there the better off we will be.

TIME CERTAIN FOR VOTE ON AMENDMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the Hughes amendment occur at 5 o'clock.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so desired.

Mr. STENNIS. May I inquire of the Chair whether that means that all the other parts of the unanimous consent agreement remain as they are.

The PRESIDING OFFICER. That is correct. The Senator has stated it correctly.

The hour of 1 o'clock having arrived, the question is on agreeing to the amendment of the Senator from Colorado (Mr. DOMINICK) No. 108.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CHILES (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from West Virginia (Mr. RANDOLPH). If he were present and voting, he would vote "nay;" if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from Nevada (Mr. BIBLE), the Senator from Idaho (Mr. CHURCH), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. METCALF), and the Senator from Utah (Mr. MOSS) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from Connecticut (Mr. RIBICOFF) and the Senator from New Hampshire (Mr. MCINTYRE) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Hawaii (Mr. FONG), and the Senator from Wyoming (Mr. HANSEN) are are necessarily absent.

The Senator from Utah (Mr. BENNETT), and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from New York (Mr. JAVITS) is absent by leave of the Senate on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Texas (Mr. TOWER) is detained on official business.

The Senator from Connecticut (Mr. WEICKER) is necessarily absent attending the funeral of the late Senator Thomas Dodd.

Also, the Senator from Colorado (Mr. ALLOTT) is absent on official committee business.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from New York (Mr. JAVITS), the Senator from South Dakota (Mr. MUNDT), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 8, nays 67, as follows:

[No. 77 Leg.]

YEAS—8

Buckley
Dominick
Griffin
Jordan, N.C.
Mansfield
Miller
Pearson
Roth

NAYS—67

Aiken
Allen
Baker
Bayh
Beall
Bentsen
Boggs
Brock
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fulbright
Gambrell
Goldwater
Gravel
Gurney
Harris
Hatfield
Hollings
Hruska
Hughes
Humphrey
Jordan, Idaho
Kennedy
Magnuson
Mathias
McClellan
McGovern
Mondale
Montoya
Muskie
Nelson
Pastore
Pell
Percy
Prouty
Proxmire
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Williams
Young

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Mr. Chiles, for.

NOT VOTING—24

Allott
Anderson
Bellmon
Bennett
Bible
Church
Fong
Hansen
Hart
Hartke
Inouye
Jackson
Javits
Long
McGee
McIntyre
Metcalf
Moss
Mundt
Packwood
Randolph
Ribicoff
Tower
Weicker

So Mr. DOMINICK's amendment (No. 108) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. TUNNEY) laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on the District of Columbia.

(The nominations received today are printed at the end of Senate proceedings.)

LEAVE OF ABSENCE

Mr. GOLDWATER. Mr. President, the President has asked me to represent him at the Paris Air Show, and I ask unanimous consent that I may be absent from the Senate all of next week.

The PRESIDING OFFICER. Without objection, leave is granted.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The PRESIDING OFFICER. Under the unanimous consent agreement, the time from now until 5 p.m., will be equally divided and controlled between the Senator from Iowa (Mr. Hughes) and the Senator from Mississippi (Mr. Stennis). The question is on agreeing to title IV of the Schweiker amendment, known as the Hughes amendment.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the amendment to be voted on at 5 o'clock, the so-called Hughes amendment.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, with all courtesy to the author of the amendment, the Senator from Iowa, I wish to be recognized briefly while we have so many Senators here.

The amendment of the Senator from Iowa is next and the vote will be at 5 p.m. I think the Senator from Iowa is entitled to the floor first, but I wish to call to the attention of Senators my efforts to sum up in a few words the significant points.

Yesterday I placed in the Record, and there appears at page 16793, a letter to each of my colleagues with reference to the Hughes amendment, in which I undertook to sum up in a few paragraphs the major points involved. I call that letter to the attention of Senators and I hope they will read it.

On the succeeding page, page 16794, there appears a short statement I made with reference to servicemen living below the so-called poverty level, in which we set up certain facts, which I shall refer to again in the debate.

Mr. President, I call that to the attention of Senators in the hope they will read that information in the Record.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HUGHES. Mr. President, I yield myself such time as I may use.

Mr. President, the pending amendment gives the Senate an opportunity to end an inquity and restore comparability in military pay.

The basic question we face is one of simple justice: Are we willing to pay our servicemen a living wage when they are putting their lives on the line for our country?

I am pleased, of course, that the Armed Services Committee approved substantial pay increases. But these increases still do not go far enough. They do not close the gap which developed over years of neglect, from 1952 to 1964, followed by years of across-the-board pay increases, which added amounts to a small base. They do not close the gap between military pay and comparable civilian pay.

For 13 years, from 1952 until 1964, men with less than 2 years' service got no pay increases. They fell behind. In today's situation, overall military pay has increased over 154 percent since 1952, but pay for junior enlisted men has gone up only 86 percent.

In order to put things back into line, we need substantial increases in pay for the lower ranks. My amendment does that, Mr. President, in what I believe is a comprehensive way. Over 80 percent of the money—80.6 percent to be exact—will go to men in the pay grades of E–5 and below, and O–1's and O–2's. Most of these men are in their first 2 years of service.

The committee bill, by contrast, increases basic pay by an average of only 36 percent—instead of my proposal for 68.6 percent—and makes only a token increase in quarters allowance.

Much has been said on the need for additional basic pay, Mr. President, but not enough on this quarters allowance. That allowance was established 8 years ago, in 1963. The Department of Defense estimates that there are more than 1 million members of the Armed Forces in all pay grades who must secure housing in the civilian economy. My amendment tries to recognize this problem by proposing a quarters allowance which approximates the actual expense which servicemen incur in today's inflated housing economy. Without these increases, military men will be required to divert significant portions of their basic pay to meet housing needs. We need to bring the quarters allowance back into line with today's economic conditions.

This will cost money. Of course it will. But the additional $1.7 billion which I propose need not subtract from vitally needed hardware programs. The Defense Department will have ample opportunity to convince the Congress that every penny proposed for ABM and MIRV and the B–1 and so forth is justified.

I also know that a pay increase of $1.2 billion is already projected for next January. Unfortunately, since that increase will be on the same across-the-board basis as recent pay hikes, the enlisted men will get little benefit from this huge added cost. Today's Air Force Times figures that, even including the Senate committee's pay hikes, next January's increase will add only $14.87 to a recruit's salary. By contrast, it will add $204.21 to the salary of a major general.

These discrepancies are intolerable. We keep increasing and distorting the relationship between pay for higher grade officers and pay for enlisted men. My amendment tries to correct some of that distortion.

Why should the pay increase come now? I know that there are many other demands on the Federal budget. But I also know that continuing one economic injustice is no more acceptable than continuing another. I reject the argument for delay. I do not believe that we should deny to men under fire what we believe is just in a future time of peace.

The administration has projected these increased costs for fiscal year 1973. Although they may not have been formally approved by the Joint Chiefs of Staff, those distinguished men supported those increases.

These projected pay increases were supplied to the House Committee on Armed Services by the Office of the Assistant Secretary of Defense for Manpower and Reserve Affairs in reply to questions asking how the Department intended to make military pay competitive with pay in the civilian economy, in light of their intention to move to zero draft calls by July 1, 1973.

Let me quote from General Westmoreland before the House Armed Services Committee:

> We support the DOD fiscal year 1973 program which will substantially close the gap between the military and civilian income levels. Military compensation will have, at last, reached the military compensation standard which was established as a goal several years ago. The standard consists of competitive pay levels which bear a reasonable relationship to wages in the civilian economy for equivalent levels of work.

Admiral Zumwalt of the Navy and General Ryan of the Air Force each testified that this total pay package is necessary to make military pay competitive with civilian pay levels.

What will be the consequences of a pay increase now? The administration is threatening reductions in civilian and military personnel perhaps to the level of 250,000.

If the Pentagon cuts military personnel—perhaps some of those people now getting along in Europe—we would save almost $10,000 per man. In fact, the Senate Armed Services Committee has already saved the budget over one-third of the amount by which I would increase it with this amendment by reducing average military strength by 56,000. That action saves us $560 million. Perhaps additional cuts could save us more.

But when the Defense Department talks of reductions in civilian employment, I become suspicious.

In the current fiscal year alone, according to the President's economic report, employment generated by the Defense Department will drop by four times the amount mentioned—a total of 1 million jobs. I have not been impressed by these arguments emphasizing employment while employment of so many other persons in Defense programs has been ended. I recognize that we need adequate programs to deal with this problem, and I will support proposals in this area. But I am concerned that the administration would exact a heavy tax on our young servicemen to pay for one more year of defense production.

Assistant Secretary of Defense Packard qualified his letter by saying:

> If the cut were to be applied proportionately . . .

This need not be the case. Perhaps more hardware could be cut. The Department of Defense will have to choose among the alternatives and present their recommendations to the Congress. When the procurement bill is debated, these considerations can be addressed.

The real question, Mr. President, is one of adequate pay for men in uniform. If it is justified next year, why not this year?

Part of the justification for an increase in military pay comes from the facts about suffering and indignity which junior enlisted men now undergo. I have read many letters pointing out individual and family hardships, and I may read more this afternoon. We all have received such letters.

The stark fact remains that we are currently drafting men for the welfare rolls. I know that only 778 military families would remain eligible for welfare under the proposed family assistance plan.

POVERTY IN THE MILITARY

The Department of Defense has reported that only 778 families would be eligible for welfare payments under the proposed family assistance plan standard.

The distinguished chairman of the Armed Services Committee commented that:

> The entire 778 families in a sense are not typical military families for the grade concerned—and (this) should not be used as an argument for maintaining that the military pay system is inadequate.

No doubt it is true that many of these unfortunate young men have experienced disciplinary problems in the service, some of them have been broken in rank, and others are divorced or separated from their spouses.

It is my contention that many of these problems are aggravated unnecessarily by the subsistence level pay rates imposed on these young servicemen.

Every other Senator probably receives the kind of mail I receive from military servicemen asking advice on how to cope with unhappy family situations.

The financial support of a young man's family is one of his principal responsibilities. The low rates of pay in our military seriously impair his effectiveness in supporting his family. In fact, figures supplied by the Office of the Assistant Secretary of Defense for Manpower and Reserve Affairs indicate that "collectively, slightly more than half of all the wives of enlisted personnel with less than 2 years of service held some sort of paying job."

But my amendment is not designed to save only 778 military families. I believe that servicemen should not even be forced to live near welfare levels. Military pay is not and should not be considered a substitute for welfare.

The real question is not whether X or Y number of families are on welfare, but rather, Is their pay comparable for civilian work? On the basis of comparability, junior enlisted men do not receive enough. How can one consider a starting salary of under $4,000 comparable or fair, when the common beginner's pay for unskilled blue collar work is $6,000 and the starting salary for a New York City policeman is $9,500?

Promotions are not that fast. In order for a single enlisted man to reach a level of comparability—say, around $6,000—he must reach the rank of E–6 under the committee's bill. (It would be E–4 under the Hughes amendment.)

Yet the average years of service at the time of promotion to E–6 is 5.7 years in the Army, 7.6 years in the Navy, and 13.5 years in the Air Force.

Low pay still discriminates against married enlisted men. The facts are that nearly one out of every four men in their first term of military service are married—330,000 men. These men must be separated from their families—and thus pay for their separate housing—or they must bear the full cost of moving them, since they receive no transportation allowance. Thus, they have extra costs, they get into debt as do most families in their early years of marriage, and they have inadequate pay to put them on their feet. I have read letters citing individual cases several times in the discussion of this bill.

I have tried to answer and put in perspective some of the arguments which have been raised against this amendment.

Although it is a costly proposal, it would do no more than make aware to our leaders what the true costs of military activities are. Instead of relying on the tax in kind imposed by the draft, and instead of putting much of the cost of war on younger soldiers rather than older taxpayers, we should share the burden more fairly.

I would hope that Americans will never again have to fight and die in war. We cannot put a price on human life. We cannot pay a man enough to make him want to die. But we can pay a man enough to live—and live decently and honorably, to support his wife and his children, and not increase the problems of his family life by giving him less than honorable pay. And we can pay him enough to give our leaders pause before they commit men to battle by fully understanding the cost of war.

It is a higher national priority to give men the ability to live than to force them to take substandard wages when they might die.

I yield such time as the Senator from Pennsylvania (Mr. SCHWEIKER) will need to speak on this subject at this particular time.

Mr. SCHWEIKER. I thank the distinguished Senator from Iowa for yielding me such time as I may require, and I should like to begin by complimenting the Senator for the leadership he has provided as a member of our Senate Armed Services Committee, and for his expertise and the work he has done in this very vital area of pay.

I think this is one of the two most important issues in this bill, and I think it has ramifications far beyond the draft bill, as far as its meaning to America is concerned. By just about any standard that we use on pay, our GI's are at the bottom of the economic ladder; and I think if we go back into history, we will find that the Pharaohs of Egypt, the Caesars of Rome, and the kings of Europe paid their soldiers proportionately far more than we pay our American GI's. I think that is a pretty sad commentary on where our GI's fit into the pattern.

I think this Hughes-Schweiker amendment on pay might well be called, in these days when liberation is on everyone's lips, the economic liberation amendment for the American GI, because that is exactly what it would do. It is exactly what the Gates Commission, headed by former Secretary of Defense Gates from my own State of Pennsylvania, recommended, and it is even what the Joint Chiefs of Staff, the leaders of the military establishment, point to as needed for equity in this particular area.

I shall quote in a moment from the report of the House Armed Services Committee, which they filed in the other body, relating to testimony given by General Westmoreland, Admiral Zumwalt, General Chapman, and General Ryan of the Joint Chiefs of Staff, concerning their reaction to what our proposal is.

Senators must understand that our proposal, in essence, accepts the administration's pay recommendations. The only difference between what we are proposing and what the administration is suggesting is that we are combining in 1 year the pay increases that they want to step out over 2 years.

That is the only real issue in this whole matter. It is not that the GI's are not entitled to it. No one is arguing that. And it is not that the GI's do not need it; no one is arguing that. The only argument is whether or not we in fact are going to give it to them this year, or whether we are in fact going to make them be poor for another year, and then give it to them. That is the logic we are confronted with in terms of the amendment now before us, because no one has argued the need, the necessity, or the wisdom of doing what our amendment suggests. The only argument is as to whether to do it in two steps or one step.

It is a little like the poor boy down on the corner saying you only want to give him half what he needs now because you want to make him be poor for another year.

I read, now, from General Westmoreland's own testimony before the House Armed Services Committee:

> We support the DOD fiscal year 1973 program—

That is the program we are talking about here, the second step of the ladder—

> which will substantially close the gap between the military and civilian income levels. Military compensation will have, at last, reached the military compensation standard which was established as a goal several years ago. The standard consists of competitive pay levels which bear a reasonable relationship to wages in the civilian economy for equivalent levels of work. Reaching the standard in fiscal year 1973 will also facilitate future annual studies of the adequacy of pay levels which are required by statute. It remains to be seen whether the combined fiscal years 1972 and 1973 programs—

That is the level we are talking about in our amendment· We are combining the 2 fiscal years.

> will provide the necessary incentive to achieve a zero draft environment. Certainly it should have some effect on our modern volunteer army program. But the fiscal years 1972 and 1973 programs—

Which is our amendment—

> are actions which should be taken under any circumstances in the interest of members of the military organization, and in the future interest of providing the best possible national security system. There is a limit as to which pay alone can or should be relied upon as an incentive for military service. Military service should not be predicated entirely upon financial return. Nevertheless, the financial rewards should be fully competitive with those in the civilian sector.

So here is General Westmoreland, arguing that what we are proposing is needed. He is arguing that what we are proposing is needed from the standpoint of equity, from the standpoint of fairness, and from the standpoint of equalizing civilian and military wage scales. In fact, he has no argument against it, and does not make such an argument.

Mr. HUGHES. Mr. President, will the Senator yield at that point?

Mr. SCHWEIKER. I am glad to yield to the Senator from Iowa.

Mr. HUGHES. The Senator has just read into the RECORD again a quotation from General Westmoreland. I would like to repeat that the legislation that passed the House of Representatives included the projected pay raise for fiscal 1973. In response to that, the Chairman of the Armed Services Committee has stated in the RECORD, as I read it this morning, that this is not the case, that these proposals represent nothing more than a tentative planning study.

As I understood the Senator's quotation from General Westmoreland which was made, I believe, before the House Armed Services Committee—

Mr. SCHWEIKER. That is correct.

Mr. HUGHES. In which he says—

> We support the fiscal year 1973 DOD program.

Which will substantially close the gap between military and civilian income levels, he was supported by Admiral Zumwalt of the Navy and General Ryan of the Air Force and others, who have testified that this package is necessary to make military and civilian pay competitive?

Mr. SCHWEIKER. I am sorry; will the Senator repeat that?

Mr. HUGHES. Admiral Zumwalt of the Navy and General Ryan of the Air Force each testified that this total pay package is necessary to make military pay competitive; did they not?

Mr. SCHWEIKER. Yes. I was going to read that in a moment, because I think it is very relevant, and makes the point that all we are attempting to do is establish the level of pay which the DOD itself suggested, the only difference being that we want to do it this year instead of making the GI's wait 2 years.

Mr. GRAVEL. Mr. President, will my colleague yield?

Mr. SCHWEIKER. I yield.

Mr. GRAVEL. There seems to be some discrepancy, because the Chairman of the Armed Services Committee today passed around to our desks a letter from General Westmoreland which seems to be at variance with the statement he made earlier.

The statement here is quite clear. It says:

> The President's proposals, as embodied in the Senate draft bill, strike the right balance.

So apparently the Joint Chiefs of Staff, including General Westmoreland, feel that the Senate bill is the right balance, and apparently he takes a different view here. There are two Houses of Congress, and he is apparently running with both Houses. Does the Senator have any views on that?

Mr. SCHWEIKER. Yes; I would suggest the latter. The letter the Senator refers to, which I saw on my desk for the first time, and it surprised me, was an effort by some people to meet the present situation. But it will not obscure the record, which is very clear and quite concise, and I have more documentation, which I shall get to in a moment, that Assistant Secretary Kelley and Deputy Secretary of Defense Packard said the same thing.

Mr. GRAVEL. Is the Senator suggesting—I realize we are talking about distinguished gentlemen—but is my colleague saying these gentlemen alter their statements for the sake of tactical arguments on a day-to-day basis? Is that the conclusion that we in the Senate must come to, that these distinguished gentlemen will say whatever may support their argument?

Mr. SCHWEIKER. I think what they are saying in the letter, and I have read it very carefully, is only that they think our amendment is right, but they want to divide it into two parts, for 1972 and 1973. They think our amendment is proper, because it says, right in that letter:

> We believe that the selected pay increases that the President has proposed are an appropriate first step during FY 1972 to promote our objectives for volunteer enlistments. We likewise support the institution of the contemplated second step in FY 1973.

So in that very letter they say they accept our recommendations, they only want to wait a second year for the second half.

Mr. GRAVEL. But at the time of their testimony before the House, they were willing to accept what the House passed?

Mr. SCHWEIKER. They were saying, from what I just read, that to have equity, comparability, and any standard of fairness, we would have to adopt both steps, that one step without the other was quite meaningless and would not meet the need. So in essence they argued, "We need the total package we are proposing."

The only difference appears to be the 1 year, and they have not yet made a case as to why we have to wait the 1 year. No one has even suggested why we should wait the 1 year. That is the issue, and they have evaded that question.

I might read further. Here, again, are the Defense Department's own comments, prepared under the name of the Office of the Chief of Legislative Liaison, by a colonel, in response to a Capt. Fletcher Hamilton. If the Senator will recall, Captain Hamilton is the medical doctor and scientist who has done this study of poverty in Western Europe that I read into the RECORD several days ago, and they are responding to his charges. Listen to what they say:

> The combined fiscal 1972 and fiscal 1973 programs—

That is our amendment—

> are built on a military pay standard which establishes competitive military pay levels which bear a reasonable relationship to civilian wages for equivalent levels of work.

They are obviously saying that, if we only do half the job now, we are only halfway comparable. They are obviously saying that, if we adopt only one, we are only halfway meeting the standard. I think this letter is an adroit sleight of hand to show that they can accomplish the thing in two steps, but they give no good reason for not doing it in one step.

Mr. GRAVEL. I ask this question respectfully, with respect to all parties involved: Is there a possibility that the administration may have secured from the military an agreement not to push for the total pay increase because this might support the logic of not extending the draft? Is there a possibility that there might be a "conspiracy" afoot here to maintain the draft in this country; because, if we did raise the pay level, obviously the Gates Commission proposal would be before us, and we obviously would not need the draft, and we would have the full argument? Is there a possibility that between the White House and the Joint Chiefs of Staff there might be a sort of entente cordiale about what will transpire so that they can ward off any efforts to do away with the draft or to decrease the time in which the draft is needed? What is the Senator's view?

Mr. SCHWEIKER. I think the answer is "yes."

There is no question in my mind that, if we adopted the two-step pay proposal which they suggested in one step, we obviously could end the draft a year sooner. I think that is the obvious conclusion, and it is exactly the point of my 1-year amendment, which will be taken up following this amendment. Then, all the excuse for a 2-year extension of the draft evaporates, because we have already, in one fell swoop, brought the level up.

They do offer one other argument: They say that to put these two pay steps into 1 year's increment would possibly cause them to lose some of the other military appropriations for other purposes.

In essence, what they then say is—and some of the suggestion here is—that they might have to sacrifice some of their other implements of war in lieu of paying the GI what fairness dictates he should be paid if the two were put into 1 fiscal year. What they are really saying is that they do not place too high a value on whether our GI gets paid his fair share or not. I think that is the essence of the argument.

Mr. GRAVEL. It adds a greater injustice, because it is taxing these GI's, either draftee or enlistee, at the rate of $3,600 a year so that they can pay for an increase and R. & D. and other facets of the military.

Apparently, Congress does not have the guts to place the tax where it properly belongs—on all the people of this country. But since the Joint Chiefs of Staff and Congress lack the guts to do it, perhaps we can get the generals. Since we have ample testimony that we have an excess of generals in the European Command, perhaps we can ask for a cut in pay starting with the top levels, so that we can meet this new demand. Then I think we might have a different reaction.

I am struck by this letter I have received, that these people are getting their raises. They have had raises in the past, and the person at the bottom of the ladder went for a 10-year period without getting a single proper adjustment in his income level. I cannot quite see the logic of it and I think my colleague cannot see it, either.

(Mr. BEALL took the chair as Presiding Officer.)

Mr. SCHWEIKER. I thank the Senator.

Mr. President, I should like to continue with the documentation of the views of the Joint Chiefs of Staff. Earlier, I read General Westmoreland's statement.

I should like to read Admiral Zumwalt's statement before the Armed Services Committee of the House, in the report dated March 25, 1971:

> Admiral ZUMWALT. These proposals establish—that is, the two-step pay proposals that the Senator from Iowa and I are proposing—an internally equitable and externally competitive pay system which we consider of major importance. We believe the combined proposals will lead us to our goal much more effectively, and less expensively than H.R. 4450, which is based on the President's Commission on all Volunteer Armed Forces (Gates report). The DOD proposals, although lacking some desired features are, for the most part, a realistic attempt to bring the military pay and allowances system up to an acceptable standard relative to the national labor force.

Now I should like to read from General Ryan's statement:

> General RYAN. As stated in previous testimony, we do not know whether these incentives, which supplement those in the fiscal year 1972 program, will provide the necessary wherewithal to achieve a zero draft environment.

They say they do not know, but they will find out 1 year sooner if the Hughes-Schweiker amendment is adopted. They will learn 1 year sooner whether they are going to be able to raise the volunteer army levels, instead of waiting 2 years to find out. Why wait to find out in 2 years, when you can find it out in 1 year?

I continue reading from General Ryan's statement:

> We do know that these actions will benefit all military men, first-term and career, by alleviating certain inequities in the present military pay structure. This will be accomplished by adopting a standard which establishes competitive military pay levels.

That is the amendment we are proposing here today.

> These levels bear a reasonable relationship to civilian wages. This has been our goal for many years.

I read now from the statement of General Chapman, Commandant of the Marines:

> It is my opinion that the proposal for fiscal year 1973 military compensation—

That is the second step, and a part of our amendment.

> Is a step in the right direction and a necessary one to provide the serviceman with equitable compensation. In addition, improvements of this nature are essential if we are to move toward a zero draft. I am unable at this time to determine whether they will be sufficient to provide the services the quality accessions and retention of quality career personnel which are necessary.

General Chapman admits that he does not know, either.

The point here is that we can find out a whole year sooner whether a volunteer army is feasible, by adopting this amendment.

I have in my hand a news story published in the Navy Times, headlined "Single Pay Hike Package Is Endorsed by Packard." That "single pay package" is the amendment before the Senate today. I read from the article in the Navy Times:

> WASHINGTON.—While there were reports that the White House is unhappy over the prospect of the Congress' enacting its two-year pay raise proposals in a single law effective this year, Defense's number two official endorsed the action.
>
> Deputy Assistant Secretary of Defense David Packard told a press conference last week, "We felt that it would be wise not to take the full step at this time and if the Congress wants to move faster and will give us the money to move faster, I would see nothing wrong with this.

Here is the Deputy Secretary of Defense saying that if Congress wants to speed up this program, if Congress wants to put the two steps in one, if Congress wants to find out a year sooner whether the all-volunteer army is acceptable, he—Mr. Packard, the Deputy Secretary of Defense and number two man—"would see nothing wrong with this."

> I think in equity it would be a good thing. These fellows are not getting paid what they ought to be paid.

So the administration's whole case here keeps constantly changing, depending on exactly when the officials are quoted about the view on the pay raise.

> The only problem we have is that, to the extent that pay comes out of our hide otherwise, we'll have less funds to do some of the things that we're already low on. We have already been pinched on these things.

That is the point I made a moment ago—that the only reason they are really concerned about putting a second pay raise in effect right now is that it may come out of the budget in some other form.

Yet it is clear that if we earmark the money for pay, and the appropriations bill clearly shows the pay, this need not necessarily be the case. The interesting part of this whole argument is that the House Armed Services Committee did, in fact, come to the same conclusion that the Senator from Iowa (Mr. HUGHES) and I did, and that is that the pay is needed now. The House Armed Services Committee saw its duty and decided to vote out the one package pay situation right now and eliminate the two-step concept as proposed by the administration. So that the House Armed Services Committee saw the wisdom of not making poverty-stricken GI's wait another year in addition to the first year in order to get equity in their pay.

Not a single statement in all the ones that I have read here from the leaders of the Military Establishment disagrees that the pay raises are not fair or equitable or are needed or are essential. There is not one dissenting vote. All of the Joint Chiefs of Staff, as well as the Deputy Secretary of Defense and the Assistant Secretary of Defense, say the same thing, that we need it, that we need it for equity and it is long overdue.

It is only the attempt, somehow, to divide it into two parts which throws the whole idea of a volunteer army at least as far as it is practical enough is concerned, back 2 years, because if we do not pay the people for 2 years we cannot get a real reason whether that is the right situation or not.

I should like to quote now from Assistant Secretary of State for Manpower Roger Kelley in the area we are talking about, and what he says about the issue:

> Now I don't want to infer from what I am saying that I am in the Gates Commission camp as to what we should do about military pay. The Gates Commission conclusions seem to be that we should have very substantial increases in the pay of those with under 2 years of service, we should do something for the junior officer, and pretty much of the rest of the picture will take care of itself. I think the two measures of any major adjustment made in the pay system have to respect both the external factors of competitiveness and the internal factors of relationship. I think it would be wrong and unrealistic to make massive increases in the pay of military first termers and just forget about the career force. This would be counterproductive to the direction in which we are trying to move.

I point out in the proposal accepted by the other body and the Armed Services Committee of the House that it takes into account the point that Mr. Kelley is talking about, considering all of the career services, which is a slight differentiation from the Gates level of funding.

Mr. Kelley says what we are in essence saying that the first termers, junior enlisted men and junior officers, are taken care of in the first step. That is the first step that was proposed by the administration, career officers, and people who have more expertise in the system. They are taken care of by the second step.

That is a concern which Mr. Kelley expresses. So we are, in essence, combining his concern and putting both proposals into one package. This is what the Department of Defense suggested in a two-step situation and what the House Armed Services Committee and the other body did by its floor action.

To sum up our position here, at long last we think that we should come out of the dark ages on military pay. By any standard we use in terms of measuring the GI's economic compensation, it is below any equitable standard, below most industrial States' welfare standards, below welfare standards, below the minimum wage standard which is established federally, and below the poverty level definition.

So here we have our GI's being taxed twice, with a double tax, one tax being 2 years compulsory military service and the other tax being that while they are under that involuntary service, they have to get pay which is a poverty stricken wage that no other segment of our society is asked in any way to receive.

I think that, as I mentioned a moment ago, even the Pharaohs of Egypt, the Caesars of Rome, and the kings of Europe treated their army personnel better than we are treating our enlisted GI's right now.

I think it is a shame and a disgrace. Whether we believe in the all volunteer army or whether we do not, equity demands that we take away this double tax, at least if we are going to continue paying them so that they lose 2 years of their livelihood; because more than any other one thing, they are being sent to areas where their lives are in jeopardy.

As I pointed out when debate opened on the pending bill, this is the only bill

Congress considers whereby it compels a young man to go abroad and possibly be killed, the only situation where we keep him on the lowest rung of the economic ladder, give him the worst deal on the track, and give him the lowest form of compensation imaginable.

So I think that those who believe in a volunteer army and those who do not, in all good conscience, have to say at least that we must come out of the dark ages of medieval Europe and pay our GI's something approaching equity and liberate them in terms of their economic livelihood.

Mr. STENNIS. Mr. President, I yield 15 minutes to the distinguished Senator from Illinois (Mr. Stevenson).

The PRESIDING OFFICER (Mr. Beall). The Senator from Illinois is recognized for 15 minutes.

Mr. STEVENSON. I thank the Senator from Mississippi.

Mr. President, no one questions the desirability, the elementary justice of paying the members of our armed service an adequate and fair compensation and of paying it now. The Senate Armed Services Committee has already recommended over $1 billion in pay increases, nearly 95 percent of which would go to personnel with less than 2 years of service. The Hughes amendment would increase military compensation by a total of $2.7 billion. Since there are many vital nonmilitary needs competing for limited Federal resources, it is reasonable to ask what the extra $1.7 billion for the military will buy.

More than half of the additional $1.7 billion, about $885 million would provide pay increases for those with more than 2 years of service. Yet, the greatest need exists for those with less than 2 years service. Servicemen in this category still suffer from the 13-year period between 1952–64 during which they received no general pay increase.

Mr. President, I ask unanimous consent to have printed in the Record an analysis of the distribution of the Hughes amendment pay increases at the various pay levels, marked table 1.

There being no objection, the table was ordered to be printed in the Record, as follows:

TABLE I

[Dollars in millions]

	Senate Armed Services Committee bill		Additional under Hughes amendment	
	Under 2 years	Over 2 years	Under 2 years	Over 2 years
Basic pay	$850.3	$57.7	$723.0	$193.9
Dependents assistance	55.8	23.2	62.0	43.1
Quarters allowance	0	0	15.7	624.4
Subsistence allowance	0	0	14.3	23.5
Total	906.1	80.9	815.0	884.9

Mr. STEVENSON. Mr. President, the Hughes amendment gives the most benefits to those who are in the least need. Despite those facts, proponents of the amendment have argued that the extra $1.7 billion is needed to take military personnel out of poverty. The facts do not support this claim.

The bill which the Armed Services Committee has placed before us would raise the basic pay rates of personnel with under 2 years of service by an average of 36 percent over present levels.

An unmarried man entering the service at the lowest pay level, E–1, would receive regular military compensation at an annual rate equal to $3,978.78. A married man at the E–1 level would receive $4,576.76 a year.

Moreover, it is important to understand that nearly all entering servicemen remain at the E–1 level for less than 4 months. They then are promoted to the E–2 grade level which, under the committee bill would increase their regular military compensation pay rate to $4,243 for a single serviceman and $4,835 if he were married. The great majority of first-year servicemen reach the E–3 pay level by the end of the first year. This means that the actual first-year annual pay for military personnel is some combination of the E–1, E–2, and E–3 pay rates—perhaps somewhere in the vicinity of $4,700 to $4,800 for a serviceman with dependents.

The 1970 official Government poverty line is $3,968 for a family of four. And the Defense Department informs me that less than 350 of the more than 130,000 military personnel currently at the E–1 level have families of four or more.

Our debt to our servicemen is great. And surely this rich country can afford more than a subsistence level for servicemen only marginally above the poverty line.

It is nonetheless instructive to point out what is included in regular military compensation, because too often we look solely at basic pay. The figures I have been quoting for regular military compensation include not only basic pay, but also allowances for quarters and subsistence as well as the tax advantages which accrue because these allowances are nontaxable. They do not include the value of free medical services offered to military personnel and their families. Nor does regular military compensation include commissary privileges and other fringe benefits. When the value of these benefits is added to regular military compensation, even personnel at the lowest pay level receive income substantially above the poverty line.

By contrast, it is worth pointing out that 5.2 million American families encompassing more than 20 million people exist with incomes below the poverty line. Five million single Americans subsist on income below the poverty line of $2,010 for one person. By contrast, the nearly 120,000 single military personnel at the E–1 pay scale—the lowest level—are paid at an annual rate of nearly $4,000. This figure is substantially above the present minimum wage and would be approximately equal to the minimum wage if it were raised to $2 per hour. And again, it must be remembered that the E–1 pay grade is only a starting point, followed by a nearly automatic pay increase within 4 months and periodic increases thereafter.

Mr. President, I ask unanimous consent to have printed in the Record at this point a tabulation which lists the annual regular military compensation for each grade level from E–1 to E–4, the number of dependents and the official Government poverty line for families of varying size.

There being no objection, the tabulation was ordered to be printed in the Record, as follows:

TABLE II

Pay level (under 2 years service)	Regular military compensation under Senate Armed Services proposal		Number of military personnel with families of size					
	Single	Married	1	2	3	4	5	6
E–1	$3,978	$4,576	119,180	11,455	1,864	560	155	97
E–2	4,243	4,835	203,174	23,320	3,894	857	222	202
E–3	4,509	5,097	295,685	60,132	15,095	2,463	565	344
E–4	5,413	5,851	403,454	122,807	39,457	10,163	3,120	2,081
Poverty line by family size			$2,010	$2,604	$3,099	$3,968	$4,680	$5,260

Note: Total military personnel E–1 through E–4 in poverty: 798 families.

Mr. STEVENSON. Mr. President, although these statistics demonstrate that military personnel are a long way from poverty, we nonetheless must do better. Our goal must be to put military pay on a par with civil service pay for similar jobs. However, it would be a major mistake to move to this goal at a cost of $1.7 billion before the Congress has first undertaken some of the basic pay reforms recommended in the Defense Department's 1967 compensation study, known as the Hubbell Commission Report. If the Hughes amendment is adopted, many inequities in the military pay system will be frozen in.

We have heard some mention of the benefits of an additional pay increase now as opposed to having it a year from now. One of the reasons for not doing it now is because the delay would give Congress the opportunity to eliminate some of these inequities in the present system.

Let me just mention three examples of these inequities the Hubbell Commission pointed to:

First, there is severe discrimination against bachelors who, in some pay grades, receive as much as 30 percent less than a married man performing similar work in the same service and pay grade.

Second, in-kind pay—particularly the quarters allowance—is inequitably distributed, depending on accidents of assignments and availability of quarters, rather than equal pay for equal jobs. For example, a serviceman stationed in the

Washington, D.C., area is much better off if he is fortunate enough to obtain quarters on base rather than off base because the quarters allowance is insufficient to purchase him decent housing off base.

Servicemen at the same pay grade and with the same length of service stationed at Fort Hood would probably be much better off if he lived off base rather than on base. His quarters allowance would purchase him decent housing and he would likely have some portion of that allowance left over for other expenditures.

Third, in many cases, personnel performing the same job at the same pay grade are not given the same discretion over how to spend their income. Some receive large amounts of in-kind pay which must be used for a specific purpose, while others receive all or nearly all cash income which can be spent for any purpose.

The Hughes amendment would take us to some so-called average comparability standard without correcting any of these inequities. As a result, the opportunity to reform the pay system to maximize the efficiency of every dollar spent on pay may be lost for years to come. Once we are at average comparability, the way to vary pay rates to eliminate these internal inequities will be to increase pay for certain groups; cutting pay for a group will be politically impossible. As a result, the military compensation system could be on the average above comparability. I doubt that the achievement of military pay scales above comparability would constitute the best use of scarce Federal dollars, particularly in view of our pressing domestic needs in education, housing, pollution control, and mass transit. Indeed, the $1.7 billion increase proposed by the Hughes amendment for the military could better be spent on those needs.

Under existing law any increase in Federal civilian employee salaries automatically calls forth a corresponding increase in military basic pay. Such an increase in civil service pay is scheduled for January 1, 1972, and will result in a $1.2 billion increase in military pay expenditures above and beyond the increases we are considering today. Adoption of the Hughes amendment would add unnecesarily to the already heavy cost of the pay increase next year.

The best way to proceed is to first rectify the glaring inequities existing in the pay scales for personnel with less than 2 years service. The provisions in the Armed Services Committee bill accomplish this objective. The next step is to undertake much needed comprehensive reform in the military compensation system, reform geared to the necessities of an all-volunteer armed service.

It has been claimed that the $2.7 billion pay package is necessary to pave the way for a voluntary army. But it is impossible to project the aggregate pay costs necessary for a volunteer military—at least in its initial years—unless we first have an idea of the required military manpower needs.

If manpower levels were targeted at 2.3 million men by the end of fiscal year 1972, instead of the 2.4 million in the present bill, the Army—which is where the most critical problem would exist—would need about 100,000 accessions duirng fiscal year 1972 to meet its needs.

According to the Defense Department, approximately 87,000 true volunteers—volunteers who are not draft induced—would be expected with no pay increase.

Under the Armed Services Committee recommended pay increase package, the Army could expect nearly 30,000 additional true volunteers for a total of slightly more than 115,000—15,000 more than would be needed to meet a 2.3 million force level. And this does not include additional volunteers who might enlist as a result of the advertising and additional recruiters associated with the new project volunteer program. Assistant Secretary Kelley expects project volunteer to add another 35,000 to 45,000 volunteers. So the best estimates available indicate we could move easily to a voluntary military at force levels only 100,000 below those recommended in the committee bill without the $1.7 billion in additional funds provided by the Hughes amendment.

By the same token we probably could not move immediately to a volunteer army of 2.4 million without the Hughes amendment. Approximately 20,000 to 45,000 draftees would be needed, depending upon the success of the project volunteer program the military is undertaking. However, I am strongly convinced that manpower levels can be reduced to 2.3 million or below by the end of fiscal year 1972 without endangering national security or diminishing the effectiveness of our military forces.

Mr. President, in view of the facts I have set out I urge my colleagues to join in opposing the expenditure of an extra $1.7 billion as proposed by the Hughes amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I thank the distinguished Senator from Illinois and commend him for the very fine speech and analysis of the problem. His conclusions about an additional pay increase at this time are unanswerable. I know that it took the Senator a great deal of effort to prepare a statement with such penetrating depth. He certainly has made a contribution to the debate. I wish more Senators could have heard the Senator's statement. I commend him highly.

Mr. GRAVEL. Mr. President, will the Senator from Iowa yield to me for 20 minutes, if he has time available?

Mr. HUGHES. Mr. President, I am glad to yield to the Senator from Alaska for 15 minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 15 minutes.

Mr. GRAVEL. Mr. President, I once wore the uniform of the U.S. Army. I was proud of that uniform and proud of my years of service to my country.

Men and women who serve as the first line of defense for their Nation's security and the cause of individual liberty should be proud people. The importance of their role is beyond question.

But what are they to think when we continue to ask them to fight a war for a purpose no one really understands?

What are they to think when we continue to fill the lower enlisted ranks with conscripted men who have no interest in military service, no zest for a military career, and, quite often, men who upset the morale and capability of the units in which they serve?

What are our professional service men and women to think when we provide rates of compensation so low that many military families are forced onto the welfare rolls and others forced to live in situations of economic privation?

Our men and women in uniform wonder about the public policy that regulates their lives. And there is little wonder that so many of them are protesting aloud.

By dealing with the pay issue firmly and forthrightly Congress can cure many of the ills that beset our military today.

By adopting the amendment now before us, we can provide a level of compensation that would do justice to those now in uniform. We can demonstrate that the Congress fully understands their problems and supports their interests.

By adopting this amendment we assure that no person will have to make an unfair financial sacrifice to serve his country.

And by so doing we will attract in sufficient numbers men who want to serve to replace those who are required to serve against their will.

In arguing against the House version of the pay increase, the Senate Committee on Armed Services points to raises given the military in recent years and those that may be forthcoming through normal appropriation processes.

But in reality these recent increases do nothing to erase the discrimination of the previous 13 years from 1952 through 1964, when the basic pay of enlisted members with less than 2 years of service remained unchanged.

As a result there remains today a wide gap between military pay at the entry level and what could be earned in the civilian economy. The pay package in the committee bill offers only half a loaf to remedy this inequity—and consequently fails to remedy it altogether.

Meanwhile within the past year 50,000 married young men in uniform were on relief. There are 50,000 married young men who were placed on relief by calculated Government policy, a policy that is followed today. Although 23 percent of U.S. military personnel in their first term are married men, the military compensation structure does not even admit the existence of family support needs. According to the U.S. Code title 37, section 403(a), "A member in pay grade E–4 (less than 4 years' service), E–3, E–2, or E–1, is considered at all times to be without dependents." Although they exist in reality, the military chooses not to recognize these people, who are forced onto relief rolls and to welfare.

A new recruit now receives $270.49 monthly regular compensation for a total of $3,245.87 per year. This amounts to only 62.5 percent of what he could earn as a civilian, and after 2 years of service the figure has climbed to a mere 67.8 percent. Not until his fifth year in the armed services will a man's military pay be comparable to what he could earn in the civilian sector.

That is after 5 years. We wonder why those drafted and who enlist do not reenlist in the service.

The treatment given GI's in their first term of duty as a result of these inequities is shameful. One cannot fail to be convinced of this fact when the $3,500 per year of a married recruit with two children is compared with the Federal poverty line of $3,900 for the same size family. I do not know how anyone could come to this Chamber and say that this policy does not engender great injustice.

Although a number of families obtain some relief from their desperate plight by applying for welfare payments, this assistance is by no means available to all. A 1969 Defense Department survey of State welfare directors revealed that 21 States refuse to give aid to service families.

In California, for instance, a military man is considered a "fully employed person." To qualify for aid a family must meet a deprivation requirement either through the absence or the unemployment of the father.

In other States, a GI may be technically eligible for welfare but nonetheless unable to obtain it. New Jersey is a case in point. It uses the subterfuge of the legal status of military reservations to deny welfare benefits to residents of the military community. The State contends that because these installations belong to the Federal Government, the inhabitants do not reside in New Jersey. One cannot blame the States for failure to assume what is clearly a Federal burden.

The hardships which befall first-term military personnel because of low pay are further compounded by the dislocations associated with service life. When making changes of station, careerists are given free travel of dependents, transportation of household effects, dislocation allowances, trailer allowances, transportation of automobile overseas, overseas allowance, and evacuation allowance. If they are unaccompanied, careerists receive a $30 a month family separation allowance. But the underpaid and often-moved first-termer is ineligible for all of these benefits.

The poverty cycle for enlisted men stationed in Europe is even more acute. These men go into debt to move their families overseas and then, because they are denied Government housing, they must try to live like the Europeans.

Since the Government transports furniture only for careerists. GI's go further in debt to buy household items. Moreover, job opportunities for servicemen and their wives are almost nonexistent abroad, and there is absolutely no possibility of receiving welfare payments or food stamps which are sometimes available in the States.

In my own State of Alaska, there are 250 military families where the serviceman is of a rank of E-3 or lower which are presently receiving food stamps. In addition, there are 24 military families receiving general assistance from the State Department of Health and Welfare. This makes a total of 274 military families receiving these two types of financial assistance, but does not include families receiving medical assistance, aid to dependent children, day care services, or surplus commodities.

This, of course, is what brings into question many of the figures that are raised here by opponents of the amendment, and, of course, the figures put forth by the Department of Defense.

Curiously enough, the Department of Defense in its Survey of Military Families on Welfare, January 16, 1970, counted only 10 military families in Alaska as receiving financial assistance in all the eligible categories.

Such a wide disparity between the Department of Defense's figures and those which I received from Alaska's Department of Health and Welfare leads me to challenge the credibility of the Department of Defense's survey for the entire Nation. That survey estimates a total number of 13,572 cases and 12,589 actual military recipients of financial assistance.

However, these statistics do not even begin to tell the whole story in Alaska.

So if we are to compare, in all fairness, these figures with the number of such families in Alaska, it would be but a fraction of the 250 poverty families that actually are there. It is easily seen that the case is understated by the Department of Defense.

In Anchorage, where housing rentals average 40 percent above comparable accommodations in Seattle, approximately 2,000 military families who are ineligible for the overseas housing allowance customarily paid to servicemen in Alaska, are presently living off base. The basic housing allowance for an E-4 with dependents is $105 per month. However, the city of Anchorage estimates that the average rental cost for a standard two-bedroom apartment in Anchorage runs between $190 to $250 or more per month. Furthermore, military personnel who are ineligible for on-base housing must pay the travel expenses for their families and the moving of their household goods to Alaska.

The net result of these factors is that military families where the head of the household is in the lower military pay grades and who live off base have a choice of housing limited to substandard accommodations unless they live in low-rent public housing. Reflecting on the plight of off-base servicemen, 10 percent of all low-rent public housing units in Anchorage are occupied by military families.

So here we have a case where servicemen earning the lowest wages paid by the military are forced to live off base in an area where housing rentals are the highest in the United States.

If our military family elects to buy or build a home in Alaska, the situation is worse. The average home construction costs in Anchorage run approximately 87 percent above those in Seattle for a single-family home.

About half the military personnel stationed in Alaska are located in the Anchorage area. Another third are stationed in the interior of Alaska, near Fairbanks, where rental housing has been 75 percent and more above comparable rentals in Seattle, and home construction costs in Fairbanks are just about double those of Seattle.

Thus, in Alaska, the military man and his family live in accommodations far more costly than he has ever experienced before. He buys goods which are relatively higher priced and in general finds himself outpriced in an inflated market.

Meanwhile, his neighbor has been able to bargain or negotiate a salary level adequate to meet prevailing prices. Contract construction wage levels in Alaska, for example, have run 80 percent above prevailing U.S. hourly rates.

Thus, the military man and his family find themselves bound to the military installations in their use of the military commissary, the post exchange and the recreational facilities provided by the military. And this takes place in a State where the military man and his family have always been welcome and have been encouraged to participate in the full range of community activities.

Many of the outlying areas of Alaska are economically and socially depressed and could greatly benefit from the input of the military man, as well as that of State and Federal government employees. Yet, because of his inadequate salary level in an area with a high cost of living, the military man is in effect prohibited from making a much needed contribution.

I might suggest that this administration take under advisement that the increased pay could act as a catalyst to develop the economic standing of those families that have fallen into such a condition.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. GRAVEL. Mr. President, I ask unanimous consent to have 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, throughout the State of Alaska, all enlisted military ranks suffer a loss of purchasing power as a result of high living costs despite additional military allowances.

Mr. President, at this point in my statement, I ask unanimous consent that the RECORD show a series of charts which illustrate the economic situation in Alaska insofar as it relates to the military establishment there and to the man in uniform.

There being no objection, the charts were ordered to be printed in the RECORD, as follows:

TABLE 1.—DOD COMPONENT IN THE ALASKA POPULATION, MILITARY AND MILITARY DEPENDENTS, FROM 1964-69

	Military	Military dependents	Total
Year:			
1964	35,000	37,100	72,100
1965	33,000	34,700	67,710
1966	32,000	32,900	64,900
1967	33,000	32,400	65,400
1968	33,000	31,800	64,800
1969	33,000	30,360	62,360

Source: Alaskan Command records.

Note: Military personnel and dependents as a percent of the resident Alaska population was 29 percent in 1964 and 21 percent in 1969 while the total of military and dependents declined from 72,100 to 62,360 over the same period.

TABLE 2.—ESTIMATES OF ALASKA MILITARY PERSONNEL RESIDENT DISTRIBUTION, BY ELECTION DISTRICT [1]

Election district [2]	July 1, 1969	Apr. 1, 1960	Net change: Number	Net change: Percent	Military personnel
Alaska	294,560	226,170	68,390	30.2	32,360
1. Ketchikan-Prince of Wales, total	14,910	11,840	3,070	25.9	330
Ketchikan (2)	12,810	10,070	2,740	27.2	330
Prince of Wales (1)	2,100	1,770	330	18.6	
2. Wrangell-Petersburg (3)	5,970	4,180	1,790	42.8	20
3. Sitka (4)	7,770	6,690	1,080	16.1	70
4. Juneau (5)	[3] 13,330	9,750	3,580	36.7	230
5. Lynn Canal-Icy Straits (6)	3,620	2,950	670	22.7	20
6. Cordova-Valdez, total	4,540	4,60	−60	−1.3	70
Cordova-McCarthy (7)	2,240	1,760	480	27.3	70
Valdez-Chitina-Whittier (8)	2,300	2,840	−540	−19.0	
7. Palmer-Wasilla-Talkeetna (9)	7,000	5,190	1,810	34.9	
8. Anchorage (10)	[4] 114,150	82,830	31,320	37.8	14,460
9. Seward (11)	2,700	2,960	−260	−8.8	50
10. Kenai-Cook Inlet (12)	13,550	6,100	7,450	122.1	450
11. Kodiak (13)	9,870	7,170	2,700	37.7	1,670
12. Aleutian Islands (14)	8,660	6,010	2,650	44.1	3,660
13. Bristol Bay (15)	5,040	4,020	1,020	25.4	470
14. Bethel (16)	7,750	5,540	2,210	39.9	100
15. Yukon-Kuskokwim, total	6,780	6,400	380	5.9	1,000
Kuskokwim (17)	2,850	2,300	550	23.9	270
Yukon-Koyukuk (18)	3,930	4,100	−170	−4.1	730
16. Fairbanks-Fort Yukon, total	48,900	45,030	3,870	8.6	9,170
Fairbanks (19)	47,320	43,410	3,910	9.0	5,920
Upper Yukon (20)	1,580	1,620	−40	−2.5	250
17. Barrow-Kobuk, total	9,060	5,690	3,370	59.2	240
Barrow (21)	4,480	2,130	2,350	110.3	100
Kobuk (22)	4,580	3,560	1,020	28.7	100
18. Nome (23)	6,390	6,090	300	4.9	290
19. Wade Hampton (24)	4,570	3,130	1,440	46.0	100

[1] All data including 1960 census data have been rounded to the nearest 10.

[2] 1960 election (census) district indicated in parentheses.

[3] Special census taken December 1968 tabulated 12,853.

[4] Special census taken October 1968 tabulated 113,522.

Source: Alaska Department of Labor, "Current Population Estimates by Election District Alaska 1969."

Note: Of the total of 32,360 persons in 1969 the area breakout is: 740 in southeastern, 16,630 in south-central, 9,170 in interior, 5,230 in southwestern, and 630 in northwestern.

TABLE 3.—TOTAL EMPLOYED WORKFORCE IN ALASKA AND THE DEPARTMENT OF DEFENSE. COMPONENT OF THAT WORKFORCE FOR THE PERIOD 1950-69

[In thousands of persons]

	12 month average— 1950	1955	1960	1965	1967	1969
Total employed workforce	78.5	108.8	100.1	114.0	121.7	130.9
Department of Defense	31.0	59.0	41.5	39.5	40.4	39.0
Military personnel	26.0	50.0	33.0	33.0	33.7	32.4

Note: The number of military personnel in Alaska has held steady since 1960 at about 32,000 men. With the increase in the workforce generally over the 10-year period, military personnel as a percent of the workforce has declined from 40 to 24 percent.

TABLE 4.—DOD WAGE AND SALARY EXPENDITURES INI ALASKA, FISCAL YEARS 1960-70

[In millions of dollars]

Fiscal year	Military wages and salaries	DOD tota expenditures
1960	$127.8	$307.5
1961	124.1	301.0
1962	128.8	264.6
1963	129.5	302.0
1964	132.7	327.9
1965	149.5	303.7
1966	163.0	312.4
1967	164.1	325.0
1968	154.8	352.0
1969	146.7	337.4
1970		313.0

[1] Composed of military and civilian wages and salaries, construction, and procurement.

Source: University of Alaska, Institute of Social, Economic, and Government Research.

TABLE 5.—ALASKA PER CAPITA INCOME AS A PERCENTAGE OF THIS U.S. AVERAGE FOR THE 20-YEAR PERIOD (1950-69)

PER CAPITA PERSONAL INCOME—ALASKA, FAR WEST, AND UNITED STATES, 1950-69

Calendar year:	Current unadjusted dollars: Alaska	Current unadjusted dollars: Far west [1]	Current unadjusted dollars: United States	Ratio: Alaska to United States
1950	$2,385	$1,788	$1,496	1.59
1951	2,835	1,975	1,653	1.72
1952	2,614	2,068	1,734	1.51
1953	2,493	2,103	1,805	1.38
1954	2,302	2,089	1,785	1.29
1955	2,275	2,210	1,876	1.21
1956	2,446	2,326	1,976	1.24
1957	2,325	2,397	2,045	1.14
1958	2,357	2,430	2,068	1.14
1959	2,509	2,572	2,161	1.16
1960	$2,835	$2,621	$2,215	1.28
1961	2,681	2,691	4,264	1.18
1962	4,731	2,808	2,368	1.15
1963	2,785	2,906	2,455	1.13
1964	3,052	3,043	2,586	1.18
1965	3,226	3,182	2,765	1.17
1966	3,473	3,410	2,980	1.17
1967	3,798	3,602	3,162	1.20
1968	4,116	3,895	3,421	1.20
1969	4,513	4,158	3,680	1.23

[1] California, Washington, Oregon, Nevada.

Source: Office of Business Economics, U.S. Department of Commerce. 1960-69 revised estimates; Survey of Current Business, April 1970.

Note: For the decade of the 1960's Alaska per capita personal income as a percent of the U.S. average declined by 11 percentage points by 1965 and ended the period 5 points off the 1960 ratio of 1.28. These figures are in current unadjusted dollars and hence vastly overstate the ratio since Alaska's price level differentials are greater than inflation in the United States as a whole.

TABLE 6.—COST-OF-LIVING INDEXES FOR 4 MAJOR CITIES IN ALASKA COMPARED TO SEATTLE, WASH. FOR THE PERIOD 1964–68 [1]

City and year	All items	Food [2]	Housing: Total [3]	Housing: Rental [4]	Apparel and upkeep	Other goods and services [5]	All items less housing
Anchorage:							
1964	123	121	132	162	110	120	119
1965	122	123	130	157	110	117	118
1966	122	123	130	152	112	116	118
1967	121	122	130	146	108	116	117
1968	119	119	127	142	110	115	115
Fairbanks:							
1964	134	138	143	188	124	127	130
1965	133	140	141	187	124	123	129
1966	132	139	141	180	122	122	127
1967	132	142	140	179	120	121	127
1968	132	139	141	176	126	120	127
Juneau:							
1964	124	123	133	150	118	119	120
1965	124	126	134	151	116	116	119
1966	125	127	135	147	115	117	120
1967	127	132	137	147	115	119	122
1968	126	130	135	146	117	117	121
Ketchikan:							
1964	119	118	121	126	117	117	117
1965	117	119	121	127	116	113	116
1966	118	122	122	127	114	113	116
1967	118	123	122	126	117	113	117
1968	119	121	122	124	118	115	117

[1] Based on the average pattern of expenditures of Alaskan wage and clerical-worker families of 2 or more persons who were full-year residents in the state during 1959 or 1960. (Average expenditures of families living in Anchorage, Fairbanks, Juneau, or Ketchikan were combined with a system of weights based on the estimated number of consumer units in each city as derived from the 1960 Census of Population.)

[2] Includes food at home and away from home.

[3] Includes rent, hotel and motel rates, homeownership costs (mortgage principal and interest payments, taxes, insurance, maintenance, and repairs), fuel and utilities, household furnishings and operation. (Intercity indexes measure differences in the costs of maintaining a home as reflected in principal payments and mortgage interest charges. These indexes cannot be used to measure changes in acquisition costs, i.e., interest rates and the prices of owned homes purchased in current markets.)

[4] Average contract rent for tenant-occupied, 2-, 3-, 4-, and 5-room dwellings meeting defined standards, plus cost of heating fuel, utilities, and specified equipment when the cost of these items is not included in the monthly rent.

[5] Includes transportation, medical care, personal care, recreation, reading and education, tobacco, beverages, and miscellaneous expenses.

Note: (1) The indexes for food, clothing, and housing (owned and rented) are presented along with the index for all items together. (2) In southcentral Alaska (Anchorage) rental housing is 42 points over Seattle while food and the average on all items are 19 points over Seattle. (3) In interior Alaska (Fairbanks) rental housing is 76 points over Seattle, food is 39 points, and the overall average is 32 percent. (4) In southeast Alaska (Juneau) rental housing is 46 points over Seattle, food is 30, and the overall average is 26 percent over Seattle.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

TABLE 7.—CONSTRUCTION COST INDEXES FOR CERTAIN ALASKA CITIES BASED ON SEATTLE (1967)

City	Index
Point Barrow	360
Nome	230
Kenai	210
Kodiak	200
Fairbanks	190
Sitka	180
Juneau	180
Anchorage	170

REAL ESTATE COSTS PER SQUARE FOOT, ANCHORAGE, ALASKA, 1968

	Production cost		Total occupancy cost	
	Seattle =100	United States =100	Seattle =100	United States =100
Single-family dwelling	177	190	176	187
Multi-family dwelling	126	130	146	150
Rental			139	147
Shopping center	151	159	224	228
Rental			226	230
Commercial warehouse	134	142	144	157

Note: (1) While these indexes are, of course, made up of other components in addition to wage and salary costs, they do indicate the large differentials involved in the price level profiles of these several cities. (2) Kodiak is twice Seattle's costs, Nome is 130 points over Seattle, and Point Barrow is greater than 3½ times the Seattle cost structure. (3) While not shown in the table, real estate costs per square foot in Anchorage where most servicemen are based—figured on a single-family dwelling—are 87 percent higher than total occupancy costs in the United States as a whole; the multi-family dwelling case is 50 percent higher. This helps explain why military personnel tend not to become a part of the community in living patterns.

Source: R. W. Fischer, ch. II of this report.

TABLE 9.—ALASKA PURCHASING POWER COMPARISONS FOR A FEDERAL CIVILIAN EMPLOYEE IN ANCHORAGE (WITH A FAMILY OF 4)

Grade (GS, step 1)	Base pay	Equivalent purchasing power of salary plus COLA	Alaska purchasing power penalty (−) or advantage (+) (percent)
1	$3,776	$3,550	−6
2	4,108	3,915	−5
3	4,466	4,257	−5
4	4,995	4,761	−5
5	5,565	5,297	−5
6	6,137	5,853	−5
7	6,734	6,434	−4
8	7,384	7,099	−4
9	8,054	7,796	−3
10	$8,821	$8,590	−3
11	9,657	9,455	−2
12	11,461	11,330	−1
13	13,507	13,464	0
14	15,841	15,921	+1
15	18,404	18,638	+1
16	20,982	21,389	+2
17	23,788	24,410	+3
18	27,055	27,939	+3

Note: If military pay grades are equated to these civil service grades as can easily be done, then we see that all grades in the enlisted ranks suffer a purchasing power penalty for living costs in Alaska even after accounting for allowances.

Source: Note to appendix tables 2–9; equivalent figures by linear interpolation. Anchorage data, family of 4.

TABLE 8.—AVERAGE HOURLY EARNINGS OF CIVILIAN WORKERS IN MAJOR DIVISIONS OF ALASKA'S PRIVATE SECTOR

	Alaska	United States	Ratio Alaska to United States ×100
Mining	$5.44	$3.19	171
Contract construction	7.50	4.11	182
Manufacturing	4.86	2.83	171
Food processing	3.31	2.64	125
Lumber and wood products (including pulp)	4.74	[1] 2.51	189
Wholesale trade	4.34	2.88	151
Retail trade	3.50	2.01	174
Finance, insurance, and real estate (weekly)	111.21	95.46	116

[1] Weighted average of lumber and wood products and paper and allied products, Alaska weights.

NOTES

Of special significance is the ratio of Alaska hourly earnings to the rest of the United States. In 6 of these 8 sectors the hourly earnings in Alaska are 50, 60, 70, 80, and 90 percent above those in the same sectors elsewhere in the United States. Note the implication for military personnel whose pay scales are so different.

Regional inflation can be expected also to place a substantial direct and indirect burden on the subsistence sector, the rural unemployed and underemployed, and Alaska Natives generally. The bias of the price structure against low-income people has been noted above. In addition, a substantial component of the cash income enjoyed by these people lacks any explicit or implicit cost-of-living adjustment; this is true of State welfare programs as well as the prices of furs, fish, etc., produced by traditional methods. It is, on the other hand, in the remote Native villages where price differentials are most extreme. The hypothesis that prevailing high money wage levels also reduce Native employment opportunity by imparting to Alaska industry an additional bias in favor of capital and skill intensity deserves to be investigated.

Source: Monthly Labor Review; and Alaska Department of Labor, Employment Security Division, Statistical Quarterly.

TABLE 10.—MILITARY WAGE AND SALARY INCOME AS A COMPONENT OF TOTAL ALASKA PERSONAL INCOME BY REGION, 1970

[In millions of dollars]

	Interior Alaska	Southeast Alaska	Southcentral Alaska
Total personal income [1]	$205.0	$160.0	$570.0
Military wage and salary disbursement	51.6	3.1	93.0
Military as a percent of total	25	2	16

[1] Based on 1966 figures and conservatively extrapolated to fiscal year 1970.

Note: If ½ of total military wages and salaries in Alaska presently go to the enlisted ranks, then the Hughes pay amendment would increase total personal disposable income in Alaska perhaps as much as $47,000 000 to $50,000,000, assuming an average pay increase of 67 percent in enlisted ranks. With these same assumptions, the increase in personal disposable income would be broken out regionally as follows:

South central Alaska—additional $30,000,000 (½×$93,000,000×⅔=$30,000,000).

Interior Alaska—additional $17,000,000 (½×$52,000,000×⅔=$17,000,000).

Southeast Alaska—additional half million dollars (½×$3,100,000×⅔=$500,000).

Source: Subregional economic analysis of Alaska, 1968, and Department of Defense data, May 26, 1971.

Mr. GRAVEL. Mr. President, the Alaska situation is not typical of conditions nationally, but it is only a slight exaggeration of the total problem.

How did it happen? What is the explanation of this shameful abuse and exploitation of our servicemen? The answer is not hard to find.

Because of the draft, fair and equitable treatment of the first-term enlisted man has not been necessary. Why pay a man a decent salary when you can force him to work for slave wages? Put simply, no increase in first-term pay is required so long as the services can get all the bodies they need just for the asking.

While pay for the officers corps and other careerists has more than kept pace with the civilian economy, the result of conscription has been to depress military compensation of enlisted men to a point where a disenfranchised minority has been compelled to bear a grossly disproportionate share of the costs of defense. Underpaid servicemen are currently taxed to the tune of $2 billion, or $3,600 per man. This amounts to a rate of taxation of about 51 percent, or three times the normal tax for their income level.

Although this is obviously a highly regressive tax levied unequally on those least able to afford it, most people do not even know it exists. They do not, because the form of taxation is a "hidden" tax-in-kind—it is taken out of the soldier's and sailor's hides rather than their paychecks. Benjamin Franklin got at the crux of the matter over 200 years ago when commenting on the legality of impressment of American merchant seamen.

I want to stress that this is a quotation from over 200 years ago of Benjamin Franklin. I quote him:

> But if, as I suppose is often the case, the sailor who is pressed and obliged to serve for the defense of this trade at the rate of 25 shillings a month, could have 3 pounds 15 shillings in the merchant's service, you take from him 50 shillings a month; and if you have 100,000 in your service you rob that honest part of society and their poor families of 250,000 pounds per month, or three million a year, and at the same time oblige them to hazard their lives in fighting for the defense of your trade; to the defense of which all ought indeed to contribute (and sailors among the rest) in proportion to their profits by it; but this three million is more than their share, if they did not pay with their persons . . .
>
> But it may be said, to give the king's seamen merchant's wages would cost the nation too much—

Which is exactly the same argument here today, 200 years later—

> and call for more taxes. The question then will amount to this; whether it be just in a community hat the richer part should compel the poorer to fight for them and their properties for such wages as they think fit to allow and punish them if they refuse?

That statement is 200 years old, and it is as relevant today as it was 200 years ago.

I quote again the last sentence, because I think it goes to the heart of this pay argument. Benjamin Franklin concluded:

> The question then will amount to this; whether it be just in a community that the richer part should compel the poorer to fight for them and their properties for such wages as they think fit to allow and punish them if they refuse?

The **PRESIDING OFFICER**. The Senator's time has expired.

Mr. **HUGHES**. Mr. President, how much additional time does the Senator require?

Mr. **GRAVEL**. I think 2 minutes.

Mr. **HUGHES**. I yield the Senator from Alaska 2 additional minutes.

Mr. **GRAVEL**. The $2.5 billion it would cost to pay our servicemen as they should be paid are really only budgeted costs. In terms of real costs of resources expended a volunteer army properly paid would be cheaper. I emphasize that: It would be cheaper for the taxpayers. Conscription inefficiently allocates resources requiring civilians with a given productive capacity outside the service to labor within it at a lesser wage. In general, any institution with a source of inexpensive labor is bound to be overly labor intensive relative to the economy and grossly inefficient.

There can be no justification for using the draft as a means of compelling young men to serve at substandard pay. That alone is reason enough to reject the committee pay proposal in favor of the one adopted by the House. You do not abolish an inequity by abolishing only half of it. And yet that is precisely what the committee proposes to do.

The committee pay package amounts to only $1.03 billion as compared with the House version of $2.71 billion. Of these totals, $850 million and $1.573 billion, respectively, would go to increase the basic pay for members of the uniformed services with under 2 years of service. This translates into a pay increase of 36 percent in the committee proposal as opposed to 68.8 percent in the House package.

The almost identical administration and committee pay proposals are simply inadequate, as admitted by Assistant Secretary of Defense Roger T. Kelly, when he said:

> There is still a disparity between our recommended and higher pay levels and their civilian counterparts.

Such a failure to meet the level of pay demanded by the standards of equity requires compelling reasons for its justification. The only justification which has been given is the plea of budgetary constraints, but this rings hollow coming from a bureaucratic establishment which can find justification for so many weapons that have never been fully developed because they proved to be poor bargains and useless for our defense.

There is, in fact, no compelling reason whatsoever for refusing to pay our servicemen a fair and equitable wage, and paying it now.

I therefore support the Hughes amendment to incorporate into H.R. 6531 the pay proposal approved by the House.

This pay bill—which is within $20 million of the cost of the increase in military compensation recommended by the Gates Commission to create an all-volunteer force—would provide basic pay increases for approximately 50,000 officers and 1,400,000 enlisted men on active duty. In addition, approximately 6,500 officers and 518,000 enlisted men in National Guard and Reserve units would receive the same percentage increase in their basic pay. The two lowest enlisted grades of E–1 and E–2 would receive increases of nearly 100 percent.

It is important not to overlook the impact this increase would have on our National Guard and Reserve units.

They suffer from the same malaise that afflicts our active duty units. Too many members of these units are there to avoid the draft. One argument that is used to justify a continued draft is the need for manpower fall-out for our Reserve and Guard components. But this method of acquisition weakens these units just as surely as it weakens our active duty forces.

The Gates Commission surveys indicated that 75 percent of the enlisted personnel fulfilling their initial 6-year military service obligation in the Reserves were there only because of the draft.

That is hardly the basis for creating a healthy first-line back-up force.

The Gates Commission study shows that the pay increase now before us for the active duty forces will automatically be as effective for the Reserves and should provide enough enlistments to meet necessary requirements.

As the Commission expressed it:

> For men who are interested in extra income, reserve activity does not offer the earnings potential of part-time civilian work because it is too infrequent. For some men it could become an attractive alternative as a second job. Certainly a necessary if not sufficient condition for voluntary reserve participation is a level of drill pay attractive enough to make military instruction preferable to other part-time activities. While the pay level in the early years of service has been too low to attract voluntarily the high quality of recruits which the reserves have enjoyed over the past ten years our studies show that a more reasonable qualitative mix can be obtained voluntarily.

Mr. President, I do not believe it will be any easier 2 years from now for Congress to adopt a pay increase for our military adequate to meet the needs of a voluntary active duty and Reserve force.

We are talking about a large sum of money. But it is a tax already extracted in disproportionate amounts from a small segment of our population. It is time we all share the burden.

In doing so we will strengthen the competency and morale of our forces. And hopefully, we will increase for all Americans the respect that they should have for the men who wear the uniform of the U.S. Army.

The **PRESIDING OFFICER**. Who yields time?

Mr. **STENNIS**. Mr. President, I yield myself 15 minutes.

As far as a chance to get to the minds of Senators now is concerned, there are other matters, committee meetings and various things going on, to attract their attention, and I have no way, and no speaker has any way, to get the facts before them. I did write a letter to each Senator yesterday afternoon and sent it out for distribution this morning, and also put it in the RECORD. I call attention to the fact that a copy of that letter is on the desk of each Senator, and also appears on page 16793 of the RECORD of yesterday.

Mr. President, I know about these pay bills. They do not have to come from a committee. They do not have to have the recommendation of a committee, nor the President of the United States, nor any of the other recommendations that usually go along with a measure before it passes. Based on most of my experience here, just anything that is proposed, or almost anything that is proposed, in the way of a pay increase, especially for a large group, will pass.

But somewhere, some time, the Senate is going to have to turn down a pay increase. If we do not, there is going to be a revolt of the taxpayers at the polls, and I say that deliberately and seriously, and I have known of some instances where it has occurred in the past few years, in the cases of some Senators who were up for reelection, where they had espoused the cause of huge salary increases one after the other, and it backfired on them. So I say in all seriousness, somewhere, some time, some one is going to have to start voting against these proposals.

This proposal, and I speak with great deference to the Senators who propose it, is serious business. It does not have the recommendation of the President of the United States. It does not have the recommendation, really, of the Joint Chiefs of Staff; I know Senators have this testimony—I have heard such testimony as long as I have been here—from the Joint Chiefs of Staff. They are supposed to rally to the cause for their men who are in service. I do not particularly object to that. I just point out that we cannot just take their recommendation, especially when it is so qualified as it is by the letter sent to me yesterday.

I have the figures here now that I have brought out before. This is no group who are all in the poverty level and have been neglected all these years. We had an increase this January for those in the military service. I espouse their cause in lots of areas. I have helped get them pay raises many times. But there was an automatic increase in the military pay in January 1971, of $1.2 billion. Another automatic increase is coming up January 1, 1972, estimated to be $1.2 billion. This is cranked into law now, so that both get an automatic increase, the civil service and the military. And some of that is certainly justified. But the taxpayers are noticing this more and more, too; $1 billion extra is in the bill that the committee recommends. That is a $3.4 billion increase to this group within the brief span of 13 months—a $3.4 billion increase. If the Hughes amendment passes, that will add to it $1.7 billion, and that adds up to a $5.1 billion increase for the employees in one department of the Government, the military, in the brief period of 13 months, counting two Januaries.

Can you beat that? Where is that money coming from? This $1.7 billion is not even in the budget.

The budget recommendations, when made this January by President Nixon, were already about $12 billion in the red. I will get the exact figure, but the 1972 budget was approximately $12 billion in the red, by calculation. Now we are going to pile more on that—an additional $1.7 billion, which the President is totally against. Where are we going to get the money?

As the Senator from Louisiana (Mr. LONG) once said, with respect to another matter, "We will pay it out of the deficit," meaning that we will add it to the deficit.

We do not have the money. We will just add it to the deficit. What does that mean? That means it adds to inflation, and that means the people who do not get their pay increase, the taxpayers—the military people are taxpayers, also—but the average taxpayer on the outside will have to pay more taxes sometime. Because of inflation, his dollar will buy less at the grocery counter and at the service station and at the clothes counter, and that will be true with respect to all the necessities that make up the daily cares and problems of the average taxpayer in America. What does he get out of this? Nothing, except inflation and the prospect of a tax increase whenever we have the courage to come around to it.

No one recommends a tax increase to take care of this money. No one has even thought about it. They have not considered that. Just add it on, and we will pay it out of the deficit. That is why I say that sometime, somewhere, someone here is going to have to start to say "No."

The exact figure as calculated by the Administration for the year beginning July 1, 1971, is $11.6 billion, if everything turns out as rosy as it hopes.

So we will add $1.7 billion today, and we will have the wheels turning; everyone who is going to get the increase will be happy, to a degree; and let the others worry later.

Mr. President (Mr. JORDAN of Idaho), I know how these things developed. They got off on the idea that we would not have to have the Selective Service Act; that everyone is going to be a volunteer; that they are going to volunteer for the Air Force, for the Navy, for the Army, and for the Marine Corps.

Selective Service Director Tarr told me that he spoke to people, young and old, and they were all in favor of the volunteer army concept. But when he said, "All those who would volunteer, hold up your hand," not a hand went up. I do not blame them.

I have the highest regard for Mr. Gates. I called him up and spoke to him about coming before our committee; I gave him a chance to do so. The Gates Commission recommended the so-called volunteer Army and pay increases to go into effect June 30, 1971. That is what started this talk about these pay raises. Well, what happened to their recommendation? The President of the United States turned it down; he said, "No."

So far as legislation for this year is concerned, it is as dead as a doorknob. It has been rejected in the home of its friends, and that is no reflection on the men who composed it. We just decided not to try. Instead, we have the recommendation by the Department of Defense and by the Secretary of Defense and by the President of the United States.

I know that these people testify in favor of pay increases for the military whenever they have a chance. The heads of other departments would testify to that, and I would not blame them for that. But the responsibility is in this Chamber. We have decisions to make. We cannot do things just because someone wants them done.

In this context I will refer in a moment to a letter addressed to Senators, from which I shall read briefly again. But first, Mr. President, I want to respond to the so-called poverty level plea that has been brought in here to make us believe that great hordes of these people are living in poverty and are having an awfully severe time—even worse, it is claimed, than Napoleon's soldiers suffered, as I recall the Senator's statement:

> The proponents of this amendment assert that the extra unbudgeted $1.7 billion in their proposal is needed to solve the poverty problem. The plain fact is that after the substantial pay increase recommended by the committee and without the Hughes-Schweiker amendment, a newly enlisted man just out of high school will make as much or more than his fellow high school graduates in civilian life. Under the committee bill, a new recruit will earn, in regular military compensation, $3,979. After basic training, which lasts about three and a half to four months, he would earn $4,244.

That is, if he proves to be worth anything.

> Typically, he would be promoted twice more before he had been in the military a year and three months. Thus, within this time, while still an E–4, to which he would be promoted in his first two years, he would be earning $6,608.

Those are just hard facts. That is not something a computer estimated somewhere. This is just plain arithmetic.

> On the outside, in civilian life, an average working 18- to 19-year-old earned only $3,200 in 1968. The average working 20 to 21 year old earned about $5,000. These figures have probably increased by several hundred dollars since 1968. But even if they have increased 20 percent in two years, the point still remains that under the Armed Services Committee bill—

Unamended by Senator HUGHES—

> a young man in the Army will earn as much or more than he will in civilian life.
>
> The Hughes-Schweiker amendment merely piles an additional, unnecessary, inflationary, unbudgeted $1.7 billion on top of the already significant increase.

I have some figures with respect to the families about whom we have been hearing, who were so poverty stricken. Someone said something about one in Western Europe.

Mr. President, the general rules do not permit these lower level enlisted men in the service to take their wives and children to Western Europe, and I think it is a good rule. I believe we have too many of those dependents over there now from other groups. Anyway, they go. They will not let them go and receive this extra compensation, at least, and some of them have gotten into rather severe straits over there and have had a pretty rough time. But it was partly because they were trying to live outside the regular Army allowances and the preparation that is made by the services to take care of men who are in the service.

We have the actual figures here about the so-called poverty line, and we ran it down to where there are only 778 families that will be below the poverty line if this bill is enacted in its present form.

For my part, I favored the increase last year for these lower grades. We had problems here last year about bringing up the extension of the Selective Service Act, and it all got mixed up in this vague plan about a so-called volunteer Army. I am sure that the Senator from Massachusetts will recall that.

The committee bill puts the money where it belongs.

I can tell the Senator a little story about that. When the proposal came out to put all this money on the little fellow, the question came up about those in the higher brackets and the Pentagon getting busy to cook up something for themselves. That is where those figures came from that the Senator is espousing here today. That generated the second part.

As the Senator from Illinois (Mr STEVENSON) has pointed out——

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The time of the Senator from Mississippi has expired.

Mr. STENNIS. I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 additional minutes.

Mr. STENNIS. About—I am not certain of these figures but a great part—at least over half—of the money in the amendment does not go to the poverty level group that the Senator is shedding tears about, but is given to the group in the higher brackets. So the so-called poverty matter will be taken care of by the committee bill, largely.

The committee bill was concluded with a lot of uncertainty about the so-called volunteer services but it was concluded to be not only sound in fiscal affairs but also virtually necessary with reference to getting the plan in motion.

I am not in favor of the voluntary service plan because I do not believe it will work. Someone just had a dream. It is a flight from reality. But, it may—it may. I would want to hope it will be tried. It will. I would want it to have a fair chance, and for that reason I fought here yesterday for the provision that gives the pay for the bonus. I do not want to strip it clean. We are going to have a try at it. I want it to have a reasonable amount of money to see what it will do. I feel this way, however, that the only thing that will remain on the books will be the pay increase. Once that is put on here, we will never come back and erase it. Whether the plan works or not, that pay increase will still be there.

I urge my colleagues, for the reasons I have already given, to let us be reasonable and take one step at a time. It is not going to add one iota, in my opinion, to the stature or the workability of the so-called volunteer plan, to put all the money in this bill. I just do not believe the sound judgment, in the end, of those in this body is going to take this big step and swallow this money that will not exist unless it is ground out with printing presses, with no provision whatever made to pay it back, but to pass it on to future generations who will have to pay it.

Mr. President, there has been a lot of talk about unfair treatment. When a man serves his country, he has to sacrifice in rendering that service. Many men in this Chamber have already done that for their country. The next generation will have to do the same and make sacrifices, too. We cannot make a soft bed out of this thing for everyone. This pay bill will not, either.

I venture to say that when the bill becomes law as written, the average fellow in the services and his family will be better off under it and better taken care of by the services than the average taxpayer who has to dig up the money to pay his taxes every year.

We are even taxing charwomen. They have to pay taxes on their meager earnings under our present income tax laws. This is not going to move fast enough, anyway, if it is workable at all. The Senator need not worry about that.

Mr. GRAVEL. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. GRAVEL. If I could ask my colleague a question, because he has made the point that we tax charwomen. We also tax E–1's, and they are paid less than charwomen. But the point my colleague addressed himself to is the one we should focus on right now, and that is, will the pay increase which the committee came up with, really do away with putting soldiers on welfare?

There is a discrepancy in the figures, and perhaps my colleague can answer it, but the Department of Defense in its survey of military families on welfare on January 16——

The PRESIDING OFFICER (Mr. BEALL). The time of the Senator from Mississippi has expired.

Mr. STENNIS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 additional minutes.

Mr. GRAVEL. The Department of Defense stated that 10 military families in Alaska received financial assistance, but when I contacted the State of Alaska through the office of the Commissioner of HEW, I got the figure of 274 families. That is almost 95 percent off.

How could we have such a disparity in the figures in Alaska where we have a population of 300,000? It might lead us to believe that such disparities exist throughout other States.

Mr. STENNIS. You folks deal there at a poverty level higher than the average income level down here. But those figures were taken before the increases in the bill were figured in, before it was taken into consideration, and this bill raises the average income and puts them in much better business; and that is why I say they will be better off than the average taxpayer.

Mr. GRAVEL. I thank my colleague. He has answered my question, that, of course, there is no way to answer the disparity the Department of Defense comes up with and the figures the Commissioner of Health, Education, and Welfare in the State of Alaska comes up with, which seems to be 95 percent off. We can, however, wonder what type of assessment is made by the Department of Defense regarding poverty level figures which we are inflicting as part of Federal policy.

Mr. STENNIS. They will take care of themselves. I understand that your figures were made before we figured in the 1971 increase last January and before we figured in the 1972 increase coming up in January 1972 and before the increase in the bill here is figured in, which has $1 billion in it, unless you defeat it on final passage. That will take $1 billion away from them, if you do.

Mr. GRAVEL. I think my colleague still does not dot the "i." This is a simple statement, that the Department of Defense says only 10 families are collecting welfare benefits.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. STENNIS. Mr. President, I yield the floor.

Mr. GRAVEL. The State of Alaska is paying 274 families. It is not a question of figuring in the pay; or of projections in not figuring in the pay. These are actual facts. One group says 10 people and the other group says 274 people.

Mr. STENNIS. Why does not the Senator send the Department of Health, Education, and Welfare in Alaska these new figures and ask them to resurvey them for him to see what they say then? According to the plans, there will be time, because the Senator has stated that this debate is going to last all summer according to his formula.

Mr. GRAVEL. Will the chairman assure me that we would have time to delve into these figures and get some accurate figures? We are talking about such an unbelievable disparity between what the Department of Defense in putting out and what the State of Alaska seems to be putting out. Let us see how this is going in the other States.

Mr. STENNIS. It is obvious we cannot legislate with what the State of Alaska says when they did not have the new figures before them. If they refigure and resurvey it, I would have some faith in what they say; but their facts are not up to date.

Mr. GRAVEL. This call was made to the State of Alaska last week, asking them how many military people are getting welfare checks, and it comes to 274.

Mr. STENNIS. Some of the increases have not gone into effect.

Mr. GRAVEL. I thank my colleague.

Mr. STENNIS. I thank the Senator very much.

Mr. President, I yield the floor.

Mr. HUGHES. Mr. President, how much time remains to both sides?

The PRESIDING OFFICER (Mr. BEALL). Forty-three minutes remain to the Senator from Iowa, and 69 minutes to the Senator from Mississippi.

Mr. HUGHES. Mr. President, I yield 10 minutes to the distinguished Senator from California (Mr. CRANSTON).

The PRESIDING OFFICER. The Senator from California is recognized for 10 minutes.

Mr. CRANSTON. Mr. President, every year the Senate must decide how much it believes should be spent for the defense of our Nation.

Since coming to the Senate, I have earnestly worked for a reduction in defense expenditures consistent with national security.

The defense dollar still looms large in comparison with the sums spent on critical domestic needs that relate directly to our unity, to our strength, and hence also to our national security.

No one doubts that defense spending has enriched this Nation in certain ways.

Certainly, it has brought certain material wealth to my State of California.

But few would question the fact that the enormous military sums which are spent yearly and which are intended to keep us free from foreign aggression, are in fact, a major cause of the unraveling of the social fabric that threatens the very freedom we seek to defend.

The priority question—the question of how and where we spend the taxpayer's money—is with us today, not as we decide whether or not to build an aircraft carrier or a strategic bomber, but as we grapple with how much we should pay the men who may have to fight and perhaps die for this country.

We should consider matters of equity, of human dignity, and of how low service pay hinders our ability to discard an unfair and undemocratic system of military conscription.

I plan to join with Senator PROXIRE in his forthcoming effort to place a ceiling on defense outlays.

But I want to express my support today, for the Hughes amendment to increase military pay.

The Hughes amendment would add $1.7 billion to the fiscal 1972 budget.

But this increase would help reduce the near-desperate financial plight that many servicemen now endure—welfare payments, substandard housing, moonlighting, and debt.

I know that members of this body have seen the shoddy military housing on bases in their States.

I know we have all seen the mail from heavily indebted service families pleading for congressional assistance.

Without a substantial pay increase as provided in the Hughes amendment, the Congress will perpetuate a disgraceful system where service families are forced into poverty.

Typical of this national scandal is the situation in and around Sacramento, the capital of my State, where there are several military installations.

Some 2,000 of the 12,000 military men and women there are numbered among Sacramento County's poor people. They earn wages far below the levels the Federal Government defines as poverty.

According to the Air Training Command at Mather Air Force Base, east of Sacramento, young airmen with families "generally are forced to live in substandard housing, have no funds for leisure, and are forced to eat below their desired standards."

In Sacramento proper, I understand that there are 1,882 young enlistees in the lowest three pay grades who are in the subpoverty level. They earn from $144 to $181 a month for the first 2 years of their service.

The commander of the Sacramento Air Materiel Area at McClellan Air Force Base, also near Sacramento, declares that a startling number of young airmen have had to sign up for food stamps so their families could survive.

Those who do receive aid of this sort are fortunate, in one sense.

There are uncounted other cases where a serviceman fails to meet standards for welfare and food stamp programs—not because he does not need help, but only because he is considered "a fully employed person" by State officials.

The outrages at Sacramento are being repeated at military bases all around the United States.

Even in Western Europe, thousands of American military families live in poverty.

How long is the Senate of the United States going to abdicate its moral responsibility in this matter?

How long will the Senate participate in maintaining a system which spawns a class of forgotten poor, who must carry the burden of fighting and dying for our affluent Nation?

I say this must end. It must end now. It must end at once.

Representative STEIGER, of Wisconsin, inserted in the RECORD on March 31 a series of articles on poverty in the Armed Forces.

I would like to read an excerpt from one of these in order to bring to the Senate's attention, the case of A1c Burl Oliver, stationed at Mather Air Force Base in Sacramento.

The material reads:

> Oliver, as an E3 with less than two years service, makes $180.90 a month in base pay.
>
> In addition, he and his wife receive $45.60 for rations, $60 for housing—even the FHA low-income apartment complex in Folsom costs $110 a month—and $4.50 a month for clothing.
>
> It comes to a total of $291 per month. A figure low enough to exempt him from income tax payments. He pays social security, however. Should he stay in the Air Force long enough to achieve higher rank—and more money—he will be eligible for on-base housing, which is less expensive.
>
> But Burl Oliver is not likely to stay in uniform when his four years are up.
>
> Like many other first-termers, he shrugs at the non-cash side "benefits" of service—hospital facilities, base commissary food which is about 30 percent less expensive than downtown markets, and lower rates at such base exchange services as barbers, cleaners, dry goods, appliances, clothing and television repair.
>
> "A lot of people point out the additional benefits we receive," he explained, "but that varies on an individual basis.
>
> "I feel they compensate a little, but nowhere near as much as some people feel they do".
>
> Now 24, he is embarrassed that he and his family must be in the food stamp program as they live from payday to payday every two weeks.
>
> Oliver, like others surveyed by the Air Force, is quietly frustrated by his plight.
>
> Money, he said, would not be his primary reason for re-enlisting—but it will certainly be a factor.
>
> "I'm just not cut out for the Air Force, he explained quietly.
>
> "I'm in a position that I can't do anything about. It wasn't my fault.
>
> "I'm sure there as a lot of other guys in the same position. All we can do is hope things will be rectified one of these days."

There are thousands of Mr. and Mrs. Burl Olivers all over this Nation.

And unless we approve the Hughes amendment, we will have a direct hand in producing thousands more.

The total income of lower ranking married soldiers with children rarely exceeds $5,000 per year.

I would like to read a letter and a telegram revealing the tragic circumstances many military families find themselves in as they struggle to eke out a living on a starting salary for a private of $143.70 per month.

I have omitted the names of those who sent the letters in order to protect their privacy:

The telegram reads:

> My son, ———, presently attached to Fort MacArthur urgently needs your help.
>
> He was denied a hardship discharge although his father is under a doctor's care.
>
> His wife and children are in such desperate financial straits.
>
> They have even asked welfare for food stamps.
>
> I pray to God that you can help us in this matter.

The letter reads:

> DEAR SENATOR CRANSTON: I am 21 years old and in the United States Army.
>
> In the six months I've been in the army, I have been A.W.O.L. four months in order to support my wife and two children.
>
> In these six months my family has moved three times due to lack of funds.
>
> Friends and family have loaned us money in order to feed and clothe our children.
>
> Because of these loans and overdue debts, which run about $150 a month without rent and food, our financial state is getting definitely out of hand.
>
> I have talked to military lawyers and they say it would do no good to apply for a discharge.
>
> I was wondering if you might be able to help me get a discharge from the army.
>
> I would be more than happy to serve in the reserves if possible but it is impossible for my family to live on what the army pays.
>
> Any help you could give would be gratefully appreciated.
>
> If you can help, please write a letter to my wife.
>
> I want you to know that any help you can give will be most gratefully appreciated.
>
> Thank you so very much.

With this shameful type of military poverty rampant, the Senate Armed Service Committee reported:

> A principal consideration in the committee not accepting the higher House version pay proposals was the general contraints under which the entire Federal budget is operating today.

The committee went on to say:

> The administration also opposed the House version pay increases because it was felt that these increases would necessarily have to come out of other parts of the defense budget.
>
> The committee considered that this would be an exceedingly poor trade-off for fiscal 1972 and weaken national security.

Mr. President, it is difficult for me to believe that with a $75 billion fiscal year 1972 budget, the committee could not find it possible and proper to adopt the house pay measure to raise basic pay for draftees and other enlisted men by 68 percent.

The Senate committee has in effect told these young men that our national defense needs can only be met by making paupers of tens of thousands of its fighting men.

I find it incredible that given the choice of providing young Americans with a decent wage and buying certain weapons systems of highly dubious value, the committee chose the dubious weapons systems under the banner of fiscal responsibility and national security.

There is reason to believe that many of the systems actually have the effect of decreasing our security.

If the Senate acquieses to the committee's position, it will do a deep disservice to those who serve their country.

It is an American tradition to link the

concept of honor with service in our armed forces.

There can be no honor when service means impoverishment.

There can be no honor when family life in the military becomes a ruinous financial burden.

There can be no honor in service to one's country when that nation's rewards are rich in rhetoric aid poor in wages.

Mr. President, there can be no honor to the Nation in forcing its soldiers into poverty.

The desperate economic plight of first-term servicemen and other military personnel can only be met with substantial pay increases.

We must confront the problem of military poverty head on.

I will not accept the fact that this Government can pay billions of dollars for weapons systems that may actually decrease rather than increase our security, while refusing to pay our soldiers a decent wage, thus plunging them into demeaning poverty.

In the name of equity and social justice, the pay increases called for by the able Senator from Iowa, are critically needed.

An improved pay bill is also an essential building block on which the Congress can rid this Nation of an undemocratic and inequitable draft.

A volunteer army will only become a reality with improved pay incentives.

The goal of an all-volunteer army is supported by the President.

It is supported by the Department of Defense.

It is supported by the Joint Chiefs.

But is is crystal clear that if the Senate adopts the Armed Services Committee's pay package, it will undermine the volunteer concept.

As the House Armed Services Committee reported:

> It is unrealistic to the committee, therefore,to set zero draft calls as the goal and delay until at least another year providing the adequate tools for reaching that goal.

Mr. President, debate in the Nation and in the Congress on the all-volunteer force has continually focused on two questions:

Is it desirable, and is it feasible?

Until the draft is abolished, this country cannot escape the fact that it is using an undemocratic device to conscript young men into the armed services.

National conscription has existed for only 34 of the nearly 200 years of American independence.

Since World War II, the draft has become a bad habit of political convenience that needs to be broken before it further jeopardizes our freedom.

The injustice of the draft, and the embittered youth which it creates, are reason enough to adopt volunteerism as the basis for our military manpower requirements.

Beyond these unfortunate factors lies a war in which our involvement was only made possible by the steady supply of young draftees our Nation could send to Southeast Asia.

Presidential escalation of the war was directly related to the President's ability to raise draft calls.

At the time of the Gulf of Tonkin resolution, the Army numbered 973,328 men.

By election time of 1966, that number had grown to 1,397,899 men.

Ending the draft will not bring peace on earth.

It will not keep the Nation out of all wars.

But it will severely limit the propensity of this Nation to seek military solutions to political problems by relying on an unlimited pool of manpower.

As to the feasibility of the volunteer concept, Mr. President, the Gates Commission and others have provided us with convincing evidence that this Nation's military manpower needs can be met without conscription if certain steps are taken to improve compensation and management of military personnel.

The stock phrase that a volunteer army "will not work" is expertly refuted by my distinguished colleague from Colorado, Senator DOMINICK, who ably summarized the necessity for pay incentives to institute the all-volunteer force. He said:

> From this brief analysis it appears that we are fairly close to being able to move to the all-volunteer force if the Senate and the House agree to the committee-imposed FY 1972 strength averages. However, before anyone unequivocably assumes that we can move to the all-volunteer force and eliminate the draft, let me add a word of caution. The Department of Defense has stated, and I agree, that the all-volunteer force cannot be implemented without proper incentives. The biggest incentive, at the moment, is pay. . . . The immediate thing we can do in this bill is improve the pay.

It is clear, Mr. President, that the gap between a supply of voluntary manpower and military needs is not substantial and could be closed by increased incentives.

The volunteer concept will work, Mr. President, if the Senate permits it to work.

The Senate Armed Services Committee tells us that they have saved $1.6 billion by refusing to go along with the House pay provisions of $2.7 billion.

But with these announced savings comes the statement that "the committee believes that there is no realistic prospect for meeting the needs of the armed services before July 1973, without the extension of the induction authority for this length of time."

The committee has thus decided to continue the unfair practice of conscripting men and then paying them poverty wages while announcing savings to the taxpayers. These alleged savings are, in reality, only an indirect tax on the servicemen themselves.

The Armed Services Committee has given a tax break to the Nation, while it taxes those not fortunate enough to escape the tentacles of the draft.

It is clear to me, Mr. President, that what the committee is saying in essence is this: The volunteer army will not work because the committee will not provide the Department of Defense with the tools to construct it.

Without the adoption of the Hughes pay provisions, the Senate will be going along with this cynical reasoning which prejudges the possibility of creating a volunteer army, and at the same time refuses to enact legislation which would enable us to institute an all-volunteer force.

If we adopt the committee's pay provision, we must realize that we are, in fact, severely crippling the volunteer army's chances of being a success.

Without adequate financial incentives at the levels proposed by Senator HUGHES, it will be difficult for us to move to abolish the draft.

The issue of military pay is a complex one.

Despite the complicated pay tables and the jargon of the military's financial operations, the American people will soon figure it out if the Congress is unwilling to pay servicemen a decent living wage.

It will be no secret from the American people if we make the end of the draft a virtual impossibility by imposing questionable budgetary constraints on increasing pay.

The Members of the Senate must decide a basic question of fairness.

The concept of an all-volunteer force is being philosophically damned on the grounds that it is theoretically "unworkable."

In actuality, this biased prejudgment will be transformed into a cynical self-fulfilling prophecy if we deny the concept of an all-volunteer force the pay incentives which it needs to work.

Mr. President, finally let me say that what we are proposing here is a tax break for millions of Americans and, in effect, a tax on those who serve in our Armed Forces. We are asking them to pay for the costs of operating our government by not paying them what we should pay them to serve our country. Mr. President, I support the Hughes amendment.

Mr. HUGHES. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. BYRD of West Virginia. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from Iowa has 29 minutes remaining and the Senator from Mississippi has 67 minutes remaining.

Mr. BYRD of West Virginia. Mr. President, neither of the Senators in control of the time is presently on the floor. I will take the responsibility of yielding 5 minutes to the Senator from Alaska from the time under the control of the Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. The Senator from Alaska is recognized for 5 minutes.

Mr. GRAVEL. Mr. President, the officers and men of the 6th Armored Cavalry of the U.S. Army presented to me today a petition signed by over 650 of their members in support of increases in military pay. With their petition, they have given me a "Statement of Concern" in which they express dismay over the actual status and the public radio and television advertisements regarding The New Army.

These fine men say quite bluntly:

> The new Army simply does not exist.

They say further, and Mr. President, I do agree, that—

> The only effective advertisement, in the long run, is a real, substantial, improvement in the quality of the serviceman's life, and that includes a much needed pay increase.

These men by their petition say that longer hair and beer in the mess halls are appreciated but do not represent the fairness that they are entitled to. Mr. President, the tradition of underpaid servicemen should stop.

Mr. President, I will read the letter from the 1st Squadron Human Relations Council, Sixth Armored Cavalry:

May 25, 1971.

Subject: Statement of Concern
The Senate of the United States
U.S. Capitol, Washington, D.C.

Dear Sirs: We the members of the Human Relations Council of the 1st Squadron, 6th Armored Cavalry, have initiated the attached Petition trusting that it will receive the due consideration we feel it deserves.

We have found it very disconcerting to watch the uncertain fate of efforts made, on behalf on the servicemen, to equalize pay. We think it amazing that any Senator could ask young men to serve, and perhaps die for their country, and yet not want to lend himself to this effort to make soldiers—both those who have been drafted as well as those who are career-soldiers—first class citizens and respected government employees.

In this regard, we feel that the House-passed version of the Bill contains an acceptable minimum. We don't feel that $5000 per year for a Private is asking too much when any less has been deemed near poverty. Nor do we think a minimum Housing Allowance of $165 a month is unreasonable.

Ask a soldier what he thinks of the New Volunteer Army. As a soldier, he watches television advertisements aimed at attracting new enlistments and groans in disbelief. Except for men in a few pilot projects, the new Army simply does not exist. The only effective advertisement, in the long run, is a real, substantial, improvement in the quality of the serviceman's life, and that includes a much needed pay increase.

We respectfully urge your careful consideration of this matter so vital to the future of this Nation's Armed Services.

Respectfully,
The 1st Squadron,
Human Relations Council,
6th Armored Cavalry.

Mr. President, I ask unanimous consent to have printed in the Record the petition of the 1st Squadron Human Relations Council of the 6th Armored Cavalry.

There being no objection, the petition was ordered to be printed in the Record, as follows:

Petition

We, the undersigned members of the 6th Armored Cavalry, respectfully submit the following statement:

"Those who are asked to serve in our nations Armed Forces have—almost, it seems, by tradition—been underpaid. Now, it is the hope of the Government to encourage a substantial increase in the volunteer and reenlistment rates by making the Armed Forces more attractive to those who might seriously consider a career in the service.

The moral obligation of a "fair and just wage" aside, we are of the opinion that the much celebrated "beer in the mess halls" and "longer hair" regulations—while appreciated—do not represent a *substantial* incentive for anyone to stay in the Armed Services.

We, therefore, urge your careful consideration of efforts to fully equalize pay-scales for Armed Services Personnel.

Mr. HUGHES. Mr. President, I yield 7 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 7 minutes.

Mr. BUCKLEY. Mr. President, I wish to speak in support of title IV of the Hughes-Schweiker amendment. Not only are the increases in compensation provided for the lower enlisted grades required by considerations of fundamental equity, but I feel strongly that the increases in pay and other benefits will assure the fastest possible transition to all-volunteer forces.

Although the proposed $2.7 billion package exceeds the administration's request for the coming fiscal year by $1.2 billion, it goes no further than what the administration agrees will be required for fiscal year 1973 in order to provide the full range of benefits necessary to complete the phasing out of the draft. I can sympathize with the administration's budgetary caution and with its fear that the full increases in pay and other incentives may be made at the expense of other items in the military budget which cannot be further reduced except at grave risk to our national security. Yet, I feel that the imperative needs for justice and for an early elimination of the draft require enactment of title IV.

There has been ample evidence presented to illustrate the stark inequity of the pay now being received by our servicemen, principally those in the lower grades. The combination of compulsory service made possible by the draft plus draft-induced first enlistments have combined to force large numbers of our young men to serve their country for compensation substantially below that which their labor would command in the open marketplace. The net effect of this is to require that these men not only serve in the military, but that they do so at a considerable sacrifice of earning power. This in effect imposes on them a tax in kind equivalent to 40 percent of their potential earnings.

Thus if Congress enacts the proposed compensation increases, it will not really be adding to the total burden of the taxpayers. Rather it will be shifting the unique burden of this tax-in-kind from first-term recruits and draftees to the entire taxpaying public which ought to bear the full burden of paying for our national defense. Under these circumstances, I submit that those of my colleagues who regard themselves as fiscal conservatives need have no qualms about supporting the compensation increases reflected in the Hughes-Schweiker amendment.

A moment's reflection on the current economic status of our servicemen in the lower grades, whether serving abroad or in the United States, underscores the urgent need for substantial increases irrespective of the desire to move from dependency on the draft to full reliance on armed services manned entirely by volunteers. Large numbers of our service families are living at below poverty levels. It is incredible, but true, that many of them must rely on welfare payments to supplement service pay.

Although the provisions of the amendment now under consideration would increase current rates of pay among the lower grades by almost 100 percent, in contrast to the 50-percent increase recommended by the administration and by the Senate Armed Services Committee, the fact is that the increases proposed in the Hughes-Schweiker amendment would result in a basic pay, plus tax-free allowances, equivalent to $4,991.48 annually. This is hardly lavish pay for men required to risk their lives on behalf of their country. Moreover, these increases approximate those which the Gates Commission concluded would be required both in the interest of equity and to secure an all-volunteer military.

The proposed pay increases, of course, extend well beyond the lower grades, up the echelon of command. These increases for long-term career men, however, are also required, although perhaps not in the amounts provided for at the highest levels. If the critically needed pay increases for the lower grades are adopted and there is a failure to make some adjustment in compensation up the line, there would develop inversion or compression of pay scales which would not only threaten the morale of career men but which fail to make the necessary distinction between experience and skill on the one hand and relative inexperience on the other.

Thus, a consideration of all factors supports the simple proposition that fundamental fairness to those called upon to serve the Nation requires the great bulk of the adjustments contemplated in the amendment now being debated, irrespective of the merits of an all-volunteer military. However, those of us who feel strongly that the time is overdue to move to an all-volunteer military, who believe that this is the only system appropriate to the United States in times other than those of great national emergency, must recognize that the phasing out of reliance on the draft can never be achieved except under circumstances which make a military career competitive with other civilian careers.

The administration, of course, argues that a 2-year extension of the draft, coupled with a two-phase increase in benefits, will provide both the incentive and the time within which to make the transition to an all volunteer army by the target date of June 30, 1973. This may very well be true. Our objective, however, must be to attempt to achieve draft zero sooner than that if possible; and this we cannot do, in my estimation, unless we enact now the full range of increases which it is conceded will ultimately be required. Also, enactment of the full range of increases now will provide an important assurance that the feasibility of the all-volunteer concept, in the light of the minimum long-term force requirements of the United States, will be given a fair trial. It is simply impossible to estimate with precision how long it will take our young men emerging from schools to respond to the new incentives to a military career, especially in view of the current mood of antimilitarism.

As Congressman HÉBERT, chairman of the House Armed Services Committee, has pointed out, the $2.7 billion package provides the administration with the tools which it requires in order to achieve the administration's goal of an all volunteer military.

As I noted earlier, the increase in basic pay, subsistence allowances and quarters allowances incorporated in title IV closely approximates the recommendations of the Gates Commission for first-term recruits, while providing necessary increases for other military personnel. The net effect will be: First, to increase markedly the number of true volunteers entering the military for the first time, thus lowering the current reliance on draftees to meet the gap required to sustain our Armed Forces at the desired levels; and second, to increase the number of higher grade enlisted men and officers who will decide to remain in the armed services by lessening the disparity between what they are receiving in the services and what they might be paid for their skills in the civilian market. Thus reenlistment rates and retention rates will be increased with the result that not only will valuable skills be preserved for the military, but the net number of new recruits required to sustain appropriate levels of forces will be reduced.

It has been argued, in favor of the compensation package approved by the Senate Armed Services Committee, that implementing the proposed increases in two stages will permit an assessment of the response to the first stage which would make it easier to adjust the mix of the second stage—as between pay increases, housing allowances, and so forth—so as to provide the most attractive package possible within a given expenditure. The problem which I see with this is that it is by no means certain that the response to the first phase can be accurately projected to the second phase. In the meantime, should the first phase prove to have provided insufficient incentives to realistically test the feasibility of the all-volunteer concept, valuable time will have been lost—time which could conceivably jeopardize acceptance of the concept. I believe that if both phases are adopted at this time, as is proposed in the Hughes-Schweiker amendment, we will be provided with the best possible basis for estimating the impact of the various incentives on actual volunteer enlistment, without in any way precluding our ability to adjust the mix a year from now in the light of actual experience so as to achieve maximum results within a given budget.

Mr. President, there is another feature in the title IV portion of the Hughes-Schweiker amendment which commends itself, namely, its preservation of the enlistment bonus authority which has been deleted from the House version. In terms of the overall cost of the proposed increases, this is not a large item, yet it is a crucially important one. The problems faced in achieving an all-volunteer military are not so large in terms of achieving a given aggregate force level as it is in terms of achieving the necessary combination of forces, especially with respect to the Army's combat arms, namely, the Infantry, Artillery, Armor, Combat Engineers, and Signal Corps. As Assistant Secretary of Defense Roger T. Kelley testified:

> There is nothing unique about special pay incentives to the military. The function of pay is to attract and retain people needed by an organization. The regular pay system does this substantially, but from time to time there are needs which are not met by the regular pay structure, and it is in these instances that organizations, including the military, have turned to special pay incentives. . . . The enlistment bonus is especially well suited to the Army combat skills supply problem. The Army wants to attract large numbers of volunteers from the combat arms, but it also wishes to retain only a small percent of these people as career NCO's in the combat skills. Most combat soldiers are young men. . . . So the role of special pay in this area is to attract the majority of them for a limited time, rather than to retain all of them for a lifetime. . . . For those whom we wish to keep, in the combat skills, on a career basis, existing law provides adequate incentives through proficiency pay and reenlistment bonuses.

The need for this bonus authority was stressed at a recent meeting which I had with Lt. Gen. George I. Forsythe, who has been given special responsibility for planning the conversion to an all-volunteer army. In his briefing, he stated that the bonus authority would be critical to enabling the Army to attract volunteers for the Army's combat forces, especially for the infantry, armor, and artillery. He pointed out the self-evident fact that other military assignments provided personnel with special training and skills which were transferable to civilian life. Therefore, both in terms of equity and in the highly practical terms of attracting the necessary manpower, special inducements would undoubtedly be required to achieve sufficient volunteers.

In conclusion, Mr. President, I would like to say that I share the administration's concern that any increase in the cost of compensation over and above the $1.5 billion requested by the administration might be made at the expense of essential research and procurement items in the defense budget. I wish to go on record at this time as believing that we cannot afford either to pay our men less than what their services are worth and what is required to assure the success of an all-volunteer system, nor can we afford any further reductions in the amounts which have been budgeted for military research and hardware. I would hope that all those who vote in favor of title IV will consider the $1.2 billion in extra costs as an addition to the defense budget submitted by the administration and not as a substitution for other critically important items now in the budget. We must keep in mind that any society's first priority must be its own defense.

Mr. THURMOND. Mr. President, will the Senator yield me 4 minutes?

Mr. BYRD of West Virginia. Mr. President, I yield 4 minutes to the Senator from South Carolina on behalf of the Senator from Mississippi (Mr. STENNIS).

Mr. THURMOND. Mr. President, serious warnings that deep manpower cuts, contract reductions, and base closures could result if the pending amendment is passed were issued yesterday by Secretary of Defense Melvin Laird.

My remarks Tuesday reference title IV of amendment No. 76 were made prior to the receipt by the Senate Armed Services Committee chairman of a letter from Secretary Laird warning about such cuts.

The Secretary based his comments on the likelihood that if the pay amendment passed the money would have to come from other programs in the defense budget. I agree that if this amendment is approved it is extremely unlikely the Congress will provide a separate appropriation to support it.

In this context Secretary Laird warned the Senate that the $1.7 billion cut from defense programs "would have an extremely serious impact upon our national security."

Secretary Laird stated further:

> If the cut were to be applied proportionally among manpower and other areas of the budget, it would involve (a) reductions of over 250,000 military and civilian personnel below authorized levels for June 1972 and (b) a cut of over $2 billion in budget authority outside the pay area, requiring a 6% cut in contratcs planned for the FY 1972 program. This would lead to major base reductions and realignment actions and serious economic dislocations.

Mr. President, in addition to the points made by Secretary Laird, I am concerned that the Senate would approve a pay hike of this size without hearings.

It is not fair to our men and women in service to divide up the pay boosts involved in this $1.7 billion increase without the Senate Armed Services Committee having justification hearings.

These proposed pay increases are based on a planning scale which was to be changed based on experience. These changes would result from findings developed from the first year of the $1 billion pay hike approved by the Senate Armed Services Committee.

Commenting on this point, Secretary Laird stated in his letter of May 25, 1971, as follows:

> Before doubling increases sought by the President, it is only prudent to assess the consequences in a practical situation. After we have gained some experience, and further information, we can better determine the approximate mix of actions best suited to realize our volunteer objectives.

Mr. President, I support higher pay for our service men and women because they deserve it. I have always supported these pay increases and I do it today not to boost the volunteer armed services but rather because higher pay is justified.

The Senate Armed Services Committee has approved $1 billion in additional pay for the approaching 1972 fiscal year and I stand by that raise.

The well-being of the entire Defense Establishment, not only the men and women in uniform, will suffer if the Senate starts throwing money around on huge pay bills on which not one word of testimony has been held. I urge my colleagues to take a fiscally responsible position on this matter and oppose the pending amendment.

Mr. STENNIS. Mr. President, I am glad to yield 10 minutes of the time in opposition to the amendment to the Senator from Iowa (Mr. HUGHES) to use as he sees fit.

Mr. HUGHES. Mr. President, I am pleased to yield 10 minutes to the distinguished Senator from Arizona (Mr. GOLDWATER).

UPHOLDING FREEDOM WITHOUT THE DRAFT

Mr. GOLDWATER. Mr. President, I rise today to reaffirm my strong commitment to the all-volunteer military. In particular, I want to present the case for enacting a more substantial military pay increase than either the Senate or House bill provides.

Mr. President, putting aside all arguments surrounding the volunteer military proposal, we are still left with convincing reasons why the rewards for military service should be immediately and significantly improved. Simply out of a sense of equity alone, justice demands that we increase the compensation offered to our servicemen. We must be willing to take the practical steps that are crying out to be done so that military service shall be treated as a rewarding and important profession.

Mr. President, the hidden tax which is imposed on Americans who are valiantly serving their country should be removed even if we do not end the draft. The idea of regarding first-term military personnel as some kind of medieval conscripts who can be forced to labor for the Government at half of what the civilian market will pay is unworthy of a modern civilized nation. And yet, this is exactly the way in which the present draft law treats our junior servicemen. In other words, to induce the same number of individuals who are being drafted or who are enlisting on account of the draft to become true volunteers, the Government would have to offer them earnings which are 50 percent higher than what they are now given.

To make this injustice even more disturbing, it should be pointed out that the first-term servicemen who suffer it constitute a very small portion of our total population. In truth, our Nation is demanding that some 100,000 to 200,000 of its young persons shall absorb the entire financial burden of manning the military on a draft basis instead of a volunteer system.

Mr. President, something must be done and done right now to eliminate this gross inequity. To this end, I have joined with the Senator from Oregon (Mr. HATFIELD) in offering legislation which would boost military salaries immediately by an amount that would offer each of our servicemen a decent income reflective of his important profession. To be specific, our proposal provides for an immediate 50-percent increase in basic pay for first-term enlistees and a 28-percent increase for officers in their first 3 years of service.

Also, the legislation includes an increase in special pay for physicians and dentists and the wider use of proficiency pay for all skilled individuals. In addition, it carries a rise in hostile fire pay and extra pay for those who serve in a combat zone but who are not at the front lines. Furthermore, our proposal would institute several other reforms, including the expansion of educational opportunities and the provision of better housing opportunities. All these matters and more are accounted for in the volunteer military legislation which the Senator from Oregon and I have introduced, and these are the kinds of improvements I would like to see incorporated into the bill now before us.

Mr. President, at this time, I will take just a moment to describe some of the differences between the bill reported by the Senate Armed Services Committee, the House-passed measure, and the legislation sponsored by the Senator from Oregon and myself.

First, the Senate committee bill includes a pay increase for active duty members of the armed services totaling about $1 billion. The House version provides for a $2.7 billion rise, and the bill I sponsored, which implements the Gates Commission proposals, grants an overall compensation increase of $3.2 billion. Thus, the Gates Commission increase is nearly three times larger than the Senate bill.

A second difference lies in the fact that the Gates Commission proposal increases basic pay by $2.7 billion while the House bill lifts basic pay by $1.8 billion. What the House bill does is to allocate almost $900 million for increases in quarters and subsistence allowances. While these changes are important, I personally prefer making a major boost in basic pay because this will enable each serviceman to make his own choice as to how he will divide his income among his various living expenses.

Also, a rise in basic pay would avoid the complaint raised by single men that they will be overlooked since they receive no dependents' subsistence payments and the argument heard from personnel living on base that they would not benefit from any increase in off-base housing allowances.

Mr. President, I have previously stated my belief that military compensation should be increased in its own right. For this reason, I view any of the three proposed pay boosts as a helpful improvement over present conditions. I happen to prefer the increases recommended by the Gates Commission because they are the most sizable ones and they have the most relevance to the concept of an all-volunteer armed force.

Mr. President, some have claimed the volunteer service is not feasible regardless of what incomes are held out to young men. They charge the Army will suffer a drastic shortfall in enlistments for combat categories. And they predict the Reserves will be doomed if there is no draft to induce enlistments. But, Mr. President, these charges are wrong and just as wrong as they could be. Let me explain why.

First, Mr. President, it should be recognized that we very nearly have an all-volunteer military force right now. The hobgoblin about having to raise a military force of over 2 million volunteers all at once is just that, a scare tactic. Actually there are in the military today over 1¼ million servicemen who are members of the career forces. Each of these men has voluntarily reenlisted beyond his first term of service.

What is more, documented studies prove there are approximately 825,000 true volunteers who are in their first term of service. These are individuals who admit they would have enlisted in a military service even had there been no threat of induction. In fact, the Gates Commission found that at least half of all enlistments are made up of true volunteers and a recent Department of Defense study confirms this. The Pentagon's report indicates that 58 percent of all Regular Army enlistments during 1970 were by true volunteers. This data is founded upon an analysis of enlistments made by young men who held lottery numbers which made them safe from the draft.

Accepting these findings, this means we are talking about a military force which already includes 2.1 million true volunteers, with approximately a quarter million new ones entering the services each year. Thus even without any salary increase, without any stepped-up advertising efforts, and without any fringe benefits changes, the United States can count on a strong and stable military force numbering about 2,335,000 men.

Now when we place this figure against the end year military strength of 2.4 million men, which the Senate Armed Services Committee has set for the services in fiscal year 1972, we can see that it is not at all impossible or improbable to move into an all-volunteer force once these pay raises and other improvements are put into effect. Can anyone seriously tell me that a basic pay hike of approximately $2,000 a year for each recruit will not be sufficient to attract an additional 65,000 enlistments? Can anyone properly contend our national security would be so gravely imperiled by a difference of some 65,000 troops that our Nation could not risk testing the voluntary system for a year or so?

Mr. President, I believe these questions answer themselves, and I would like to turn to the unfounded fear that the Army will be unable to meet its requirement for combat personnel. One answer is, of course, that the numbers of individuals required to fill combat occupations is constantly declining in the modern military. For example, the Gates Commission projected the percentage of Army enlisted men in ground combat occupations will fall to 11 percent in a post-Vietnam environment. In fact, the United States may have nearly arrived there at the present moment in view of the huge troop withdrawals which President Nixon has achieved from Vietnam. Only last week Army Secretary Resor disclosed that 70 percent of all American ground combat units have been withdrawn from Southeast Asia; and in general, the combat personnel remaining there have turned over practically all combat responsibility to the South Vietnamese.

Combining this much lowered combat requirement with the increase in hostile fire pay and the initial enlistment bonuses which can be offered to individuals choosing combat occupations, I believe, with the Gates Commission, that the Army's special needs as well as those of the other services will be adequately met by the reforms established in the measure proposed by Senator HATFIELD and myself.

Of course, in the transition period leading to an all-volunteer military, the Army would continue to use the services of men who were drafted before the volunteer system was inaugurated. And before I move on to the third criticism which is erroneously made about the volunteer concept, let me mention there are fallback means by which the military could ease any unexpected difficulty in obtaining enlistments. For one thing, with civilian ceilings having been lifted recently by the Defense Department, I believe many thousands of positions now being filled by enlisted men could be transferred to civilians. In addition, the Pentagon might take a fresh look at its current ban against reenlistment which is being imposed against many servicemen who have performed their military duties well but are prevented from reenlisting because they have not qualified for higher ranks. There might be an extra 15,000 men whom the Army could keep each year by removing this single barrier alone.

These are only two of the available solutions which the military could use in a crunch to obtain an additional 50,000 men or more if they were really needed.

Mr. President, another specter which has been raised on the Senate floor is that the voluntary military will mean the destruction of the Standby Reserves. The charge is often uttered, but it has never been proven.

Mr. President, the critics of a volunteer system completely overlook the fact that the President's Commission on an All-Volunteer Armed Force devoted an entire chapter running 20 pages in length to the problem of our Reserve forces. From its first meeting on, the Commission squarely faced the fact that perhaps 75 percent of the enlisted personnel in the Reserves are there because of the draft. It is precisely in order to surmount this hurdle that the Gates Commission recommended an increase in drill pay of 90 percent for those in the first year of Reserve service and 64 percent for persons in their second year. Also, the Commission proposed an increase of 6 percent after the sixth year of service, which is when most decisions to reenlist are made.

Furthermore, the Gates Commission noted the size of Reserve enlistments could be swelled by pitching a greater appeal to high school graduates than is is now being done. By merely setting their standards a bit lower than college recruits, Reserve units clearly could meet their needs for new enlistments from a waiting list of untapped high school graduates.

Mr. President, with 37 years as a Reserve officer and approximately 8 years of that time on active duty, I would not for the world take any action which I suspected of damaging the strength of our Reserve force. To the contrary, I believe the proposal which the Senator from Oregon and I have introduced will provide for something that has never been tried before, and that is a real basis on which to build a working Reserve. For we propose to establish a universally effective Reserve with units that could actually be called up. We fully recognize that the first line of defense backing up the volunteer military will be the Ready Reserves including the National Guard.

Under the legislation we have introduced, we can try, without forcing anyone, to interest each young man into taking some kind of military training, expecting that as he gains experience he will posses a real pride in fulfilling a vital defense role for his Nation. We can also seek to attract young persons by appealing to their interest about the art of military science and about the qualities of maturity they will gain by learning the disciplines of respect, of time, and of work. In truth, Mr. President, I think we can do a pretty good job with developing the Reserves by putting an appeal to our young men to associate themselves with some Reserve unit on a voluntary basis.

Mr. President, I will conclude my remarks by stating my deep conviction the voluntary military will work. I know it is right. I know it is founded on the basic American devotion to freedom—the freedom to do what one wants with his life so long as in doing it he does not hurt someone else. As President Nixon profoundly expressed in 1970:

> By upholding the cause of freedom without conscription, we will have demonstrated in one more area the superiority of a society based upon belief in the dignity of man over a society based on the supremacy of the State.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 10 minutes, or so much thereof as I may require.

When I last spoke on this general subject, I referred to certain figures about where the increase goes under the committee bill and where it goes under the Hughes amendment. I did not have the exact figures on that, but I have received them now. With respect to the $1 billion in pay, 92 percent of the increase in the committee bill goes for those in the services with under 2 years of service. In other words, it is applied to the man who is the inductee or the conscriptee. After he gets in and is promoted and the added pay is added on at each grade, that brings this group above the poverty level, and I will refer to that again.

When we come to the Hughes amendment, the one now being debated, of that $1.7 billion, less than half, only 48 percent of the extra $1.7 billion, goes for the people in the service with under 2 years of service.

We talk about the poverty level. If they do not get up in the promotion brackets in 2 years, they are not asked to reenlist or to enlist. They are released, and are not there any more. Only half of this amendment goes to help these new men, anyway. They get 92 percent of this $1 billion. One of the reasons why the President of the United States is opposed to the Hughes amendment, as is the Department of Defense and Secretary Laird, is that only 48 percent goes to the lower-level group.

The Joint Chiefs of Staff made some general statements about favoring it at some time and thought it would be a good thing, as stated by the Senator from Pennsylvania. They are always ready to boost the cause generally of their men in the service, and that is all right. But when the chips were down and they got down to making a choice, they sent a letter to me, and I sent a copy to each Senator. The Chairman of the Joint Chiefs of Staff and the Chiefs of Staff say they are opposed to this amendment. They do not want this money at this time.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I will yield in a moment.

They say they are against this amendment, and they give their reasons, as I have said.

So let us not be led off by some soft talk that somebody testified before a committee sometime, somewhere, just talking in generalities and possibilities. Here is a letter dated this morning. I telephoned this morning and said that all of the Chiefs of Staff did not sign this. I asked, "How do they feel?" I was told that the only reason why some did not sign it was that they were not here, and that they authorized their vice chiefs to sign in their places.

I yield to the Senator.

Mr. HATFIELD. I thank the Senator for yielding.

I am a little confused, I must confess. I should like to ask the Senator from Mississippi if he can clarify the matter to which he just referred—that somewhere, somehow, sometime, some testimony has been given to certain committees that may mean one thing but that a letter today may mean something else.

What are we to expect from these representatives of the Joint Chiefs of Staff and Deputy Secretary of Defense Packard, when they testified before the House committee that they supported the pay increase represented in this amendment? Does the Senator mean they were kidding us, they were fooling, they were playing games with us?

Mr. STENNIS. The Senator will have to ask them what they meant. I have in writing what they mean, in this letter. They speak for themselves. I do not speak for them.

Mr. HATFIELD. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. HATFIELD. Do I correctly understand, then, that when they testify before a standing committee of one body of Congress, we are to discount what they say and we can only wait until they send a letter on the day we are to vote on some issue to find out what they really mean?

Mr. STENNIS. The Senator will have to judge for himself about what they meant or what they said. I say that now we have come to the bottom of this thing, where they have had to make choices and have had to say where they stand. I do not know what happened, but I know they have always favored increases of all kinds that I ever heard seriously discussed. That is why I sent the Senator a copy of their letter and said this is a significant statement, referring to their letter. It is a significant thing, and it is the hardest kind of proof, in my opinion.

We have to deal with these realities. I said, "The attached letter from the Joint Chiefs of Staff is a highly significant communication," and I still say that.

Mr. HATFIELD. Mr. President, will the Senator yield further?

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. STENNIS. I will yield for a question, but not for an argument.

Mr. HATFIELD. It is for a question.

Mr. STENNIS. I yield.

Mr. HATFIELD. May I ask, then, exactly what the position of the President of the United States is as of this moment, as contrasted to the time when he submitted the budget and said these words:

> In addition, I am directing the Secretary of Defense to recommend for the 1973 fiscal year such further additions to military compensation as may be necessary to make financial rewards of military life fully competitive with those in the civilian sector.

As the Senator knows, the present pay scale that has been recommended by his committee is not competitive; whereas, the amendment offered by Senator Hughes would make it competitive. I should like to know where the President of the United States stands as of today.

Mr. STENNIS. There is an open line to the President. I suggest that the Senator phone him. I do not say that in a facetious way. That is the way I find out. I ask him.

No plan has been submitted by the President except the plan we have in the bill, and he stands on it, and I stand on it.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. GRAVEL. I do not want to address a question, but merely to dispute one conclusion.

Mr. STENNIS. I yield to the Senator, briefly.

Mr. GRAVEL. It is with respect to this being a significant letter. It is not a significant letter. It would be significant if the Joint Chiefs of Staff stepped forward and disagreed with the President of the United States and said, "We really believe in our hearts, as stated to the House committee, that we should pay these people a decent wage." It is not significant when we consider what these four gentlemen are expected to do. They are going to agree with the Commander in Chief, because they are military people.

I would hope that a significant letter could be brought forward indicating their true beliefs, which I conclude to be contrary to the course which is described today.

Mr. STENNIS. Contrary to the letter?

Mr. GRAVEL. Contrary to the letter.

Mr. STENNIS. The Senator will have to take that up with them. I think the letter speaks for itself. I have confidence in them. I stand on it in making this argument.

The proponents of this amendment—I say this will all deference—are trying to win an argument here about $1.7 billion on a poor-mouth argument about poor-boy pay and discrimination and about the pay being below the poverty level. Still, the same Senators give more than half their money to the group that is far above the poverty level. The proponents of this amendment cannot win this argument on a poor-mouth argument. If they introduce a tax bill to raise this amount of money from the people, they will have a real argument and indicate that they really want to do something about it.

Mr. GRAVEL. Will the Senator join me in that amendment?

Mr. STENNIS. No. This money is not needed now. But the Senator would convince me and many other people that he really believed in his amendment much stronger than he has shown as yet.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HATFIELD. Does the Senator consider that when a new weapons system is asked for and support is given to it by the Senate Armed Services Committee, that is poor-mouthing for increasing the budget for special arms or special weapons systems?

Mr. STENNIS. We do not get those weapons with any "poor mouth" money. But I have helped kill more requests for weapons, helped kill them in that committee, expensive weapons, than the Senator has read about. I will have to give him that list some time. It might make him happy.

Mr. HATFIELD. I am sure it would.

Mr. GRAVEL. My colleague from Mississippi is a distinguished historian who has been following many statements of some of our finest leaders in the past. Let me quote one:

> Whether it be just in a community that the richer part should compel the poorer to fight for them and their properties for such wages as they think fit to allow and punish they if they refuse to fight. . . .

That is a statement made 200 years ago by Benjamin Franklin on military pay.

Mr. STENNIS. The Senator will never be able to say how Benjamin Franklin would vote on this bill merely from a 200-year-old quotation. [Laughter.] The Senator cannot justify that on anything Benjamin Franklin said then, although I slow down and salute his statue many times, down here on Pennsylvania Avenue.

Now, Mr. President, I have some figures—I do not want to frighten anyone—but I have already said that under this bill the inductees will fare better, and their families will, on the whole, than the average taxpayer does today who is paying taxes. We are running up the cost to $5.1 billion in increases for the military alone. I am somewhat promilitary but within this brief span of 13 months we have in the appropriation bill this year—to pay the retirement pay for the military for 1 year and it is an obligation which cannot be reduced—$3.4 billion.

Now there is already a total accrued on retirement liability, as of fiscal year 1971—in other words, the Government has a liability that is accrued against it—that totals $115 billion. That is in retirement pay alone. I am just pointing out how we are running this thing along. It is galloping along, and before we buy one weapon under the military now, we have to spend 52 percent of all the budget with reference to personnel. This bill carries the provision for a reduction in that personnel. I am proud of the fact that it did. It is not a great reduction but it is a start, Let us begin. We began in the bill. With some luck, we will cut that even faster.

Mr. HATFIELD. Will the Senator from Mississippi yield?

Mr. STENNIS. Briefly I am glad to yield, as I have some other matters to discuss.

Mr. HATFIELD. I shall be brief. Would the distinguished chairman of the Armed Services Committee give for the Record a comparison of last year's total of the military budget and the comparison to this year's request—in general?

Mr. STENNIS. I do not have that figure at the tip of my tongue. We will get it for the Senator. It is a little more this year than last year. I am disappointed in that.

Mr. HATFIELD. Is it not $2 or $3 billion more?

Mr. STENNIS. The request was. I was expecting it to be a little less but it was not. It is more. I am concerned about that.

Mr. HATFIELD. That will be primarily the——

Mr. STENNIS. If the Senator is in favor of the pending amendment then he is in favor of putting on $1.7 billion more.

Mr. HATFIELD. But the increase is in weapons primarily from last year, is it not?

Mr. STENNIS. One pay increase went into effect in January 1971. Another pay increase, for another $1.2 billion, will go into effect in January 1972. Then we are putting in $1 billion more in the bill and the pending amendment proposes to put in another $1.7 billion more than that. So I do not know where we are going until we take this vote.

Mr. President, if I may not yield further for the moment, I want to speak about the poverty matter again. In analyzing the incomes of the 778 military families left in proximity to poverty, of those, no recognition is given to the various fringe benefits, including medical benefits, which of course are extended without charge, and military facilities such as commissary rights which, under present rules, must sell goods at least on the average of 20 percent less than in comparable civilian stores, and certain other benefits. Moreover, in some cases, some men are receiving special pay not included for this purpose.

Those fringe benefits, commissary benefits with the 20 percent, the medical benefits, those are all things that the taxpaying families of the United States outside the military that I have been talking about do not get.

It shows again where you cannot win this vote now on that poverty argument. You may get enough votes to pass your amendment but not on that basis because the facts wholly fail to sustain that argument, except in a few cases that I could call isolated cases. You will never get such a thing as absolute justice in all cases under any activity in the Government, or out of the Government. I have gone over this once before but I want to read——

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. STENNIS. Mr. President, for the time being, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. Mr. President, I yield 10 minutes to the distinguished Senator from Oregon (Mr. HATFIELD).

The PRESIDING OFFICER. The Senator from Oregon is recognized for 10 minutes.

Mr. HATFIELD. Mr. President, I thank the Senator from Iowa for yielding me this time.

Mr. President, we have heard a great deal in the last few minutes about two basic points as they relate to the Hughes amendment. One has to do with the letter received by the chairman of the Senate Armed Services Committee indicating the position of the Joint Chiefs of Staff as being opposed to this amendment.

Mr. President, I think that the colloquy we had a few moments ago illustrates one of the great problems we have as Members of the U.S. Congress when we are asked to make budget allotments and appropriations. All of us do not serve on the Armed Services Committee. We all have our own respective assignments and, therefore, if we want to inform ourselves about any activity, we have to look to the committee record of the testimony that was given to that committee by the various witnesses which were called on, or who asked to come and give testimony.

I think it is appropriate, then, that we who are not on such committees be able to rely upon the evidence of the testimony given in such records. I think it is a poor procedure to wait until the day upon which we are called to vote upon an issue, to be given the kind of position which is opposite to that given in the testimony before the committee as being the true position. I think this is very much in point at this time, when we were talking a few moments ago that the letter now in hand is the true position of those representing the Pentagon and particularly the Joint Chiefs of Staff.

Mr. President, let me summarize the record for you again upon which until today we could only go on as the basis for the position of those representing the military needs of this country.

The Assistant Secretary of Defense for Manpower and Reserve Affairs, Roger T. Kelley and the Joint Chiefs of Staff further supported this proposal in testimony before the House Armed Services Committee.

I want to make the point clear that they specifically supported this. The Department of Defense, and the President of the United States indicated in correspondence to and testimony before to the House Armed Services Committee. In fairness to them, it should be made clear that they supported the fiscal year 1972 and the fiscal year 1973 increases to be implemented over the next 2 years—not this year. But there is no reason why the two pay increases should not be combined and implemented for fiscal year 1972.

Let me quote again the President of the United States, who made clear when he submitted the administration legislation to Congress that he wanted pay increases that, as he said, would be fully competitive with those in the civilian sector.

He said:

> In addition, I am directing the Secretary of Defense to recommend for the 1973 fiscal year such further additions to military compensation as may be necessary to make financial rewards of military life fully competitive with those in the civilian sector.

I want to emphasize the point that he was not talking about raising it just to the poverty line. The President's words were, "fully competitive with those in the civilian sector."

Now, in a letter dated May 25, the Department of Defense indicated that there are already more than 10,000 mlitary families eligible for welfare. More than 10,000 serving in the uniform of their Nation are eligible for welfare.

Irrespective of whether one is for or against the draft as a method of manpower procurement, I say that it is unconscionable that any American stand by and permit that situation to continue.

The letter further indicates that more than 1,000 military families would still be eligible if the administration's proposals were adopted.

I think the principle is the same, whether it is 1,000 or 10,000. The fact that we have 1,000 military families eligible under this pay scale for welfare benefits in addition to the military benefits is, I think, unconscionable. It is not in keeping with the President's own recommendations. He did not say he wanted it to be just comparable to the welfare benefits or the poverty level. He said that he wants it to be fully competitive.

If one wants to go into that further, may I recommend again some very interesting statistics developed by Milton Friedman, professor of economics at the University of Chicago. Professor Friedman, as we will recall, was the economic adviser for Senator Goldwater when he was our candidate for President in 1964. I do not think that Professor Friedman can be considered as any wild-eyed liberal or as being on the left side of the political spectrum.

He indicates to us through these studies that in order to bring this up to what would be considered comparable pay, we must get the figure above $5,000, which is what could be earned by the same individuals in civilian occupations.

I think it should be considered that we are getting some contradictions not only in the testimony given before the House Armed Services Committee, which supported the proposition of comparable pay, but also from Deputy Secretary of Defense Packard who was recently quoted in the "Navy Times" as favoring accelerating the implementation of its proposals as embodied in the Hughes-Schweiker amendment.

Again, I think it is very difficult for those of us who are not serving in that capacity and are not the recipients of special letters to really understand what the Department of Defense really wants.

I would like to go for a few moments into the logic and illogic of the Department of Defense's present position as represented in the letter. It has been said that 250,000 military and civilian personnel will have to be cut if the pay increases are implemented, thus jeopardizing national security. That is a quote from Deputy Secretary of Defense Packard.

This is the first time in my memory that the Department of Defense has argued against an increase in the defense budget on the grounds that it would cut their effectiveness. It has usually been stated that a decrease of 100,000 men means roughly a cut of $1 billion. Therefore, I think the inverse should also be true. Therefore, in contrast to the Deputy Secretary's argument, one might conclude that an extra 100,000 men might be added to our forces by increasing the budget as advocated in the pending proposal. However, there is no assumption in the proposal that other portions of the defense budget would have to be cut.

I have favored in the past and continue to favor significant cuts in the defense budget and will continue to do so if the facts so indicate, but there are other areas of the budget that can be cut if further reductions in spending are necessitated by increasing military basic pay.

Even if the Deputy Secretary's assertions regarding cuts were to become a reality, there are many instances within the Defense Department where cutbacks and a reduction in manpower of this magnitude would probably increase military effectiveness and national security rather than weaken it.

Mr. President, I would like to reiterate that I am in full agreement with the Senator from Arizona (Mr. GOLDWATER) in his preference for the Gates Commission proposal. The record will show that he and I cosponsored the method that would implement that commission's report. The Gates Commission report by and large is similar to the pending proposal.

Let us not forget that the Gates Commission was composed of very distinguished individuals who are very familiar with military life. General Norstad and General Gruenther were former commanders of NATO under President Eisenhower.

The Gates Commission report focused more money in the hands of the first-term enlistee than either the pending amendment, which was the House proposal, and the fiscal year 1972 and fiscal year 1973 proposals of the Department of Defense.

The Gates Commission proposal would have placed $50 per month more in the hands of the first-term enlistee than the modified Schweiker proposal. But the modified Schweiker proposal is much closer to these recommendations than the pay table reported out of the Senate Armed Services Committee.

The Gates Commission proposal totals approximately $3.1 billion for the strength levels we are speaking about for the next fiscal year.

The pending amendment is approximately $2.7 billion in contrast to the $1.5 billion of the Senate Armed Services Committee.

Although there is an increase in quarters allowances, which are not as important as basic pay increases, 50 percent of these quarter allowance increases are focused in the ranks of E–5's and below.

Mr. President, from the point of equity alone, irrespective of the fate of the draft, pay increases of this magnitude or larger should be made this year.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUGHES. Mr. President, I yield 2 additional minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 2 additional minutes.

Mr. HATFIELD. Mr. President, raising pay just above the poverty line by supporting the recommendations of the Senate Armed Services Committee and the administration is doing a grave disservice to our servicemen.

Mr. President, it would amount to a 50-percent tax on the first-term enlistees when we consider that the average enlistee would earn $5,200 in civilian life. We are talking about the first-term enlistee receiving $3,200 total military compensation including room, board, and medical expenses.

While pay increased 111 percent for men with more than 2 years of service between 1948 and 1969, pay for men with less than 2 years of service increased 60 percent for the same period.

Those pay increases in recent years have only accounted for inflation.

Other costs generated by conscription, such as the effects of "channeling" upon individual lives, are estimated to be $3 billion annually. I think it ought to be made clear that the draft is costing us a great deal of money. In other words, as the Gates Commission report states:

> For each $1 of tax-in-kind collected . . . "—and that is what it is—a tax-in-kind—" . . . an average of $2.50 is foregone by the public.

That means in the gross national product. Consequently, we are paying higher taxes for the maintenance of the inequitable, the inefficient and uneconomical draft.

Mr. President, I shall have more to say on the draft later on. However, at this point I merely wanted to emphasize that we have to consider comparable pay and not be merely satisfied with bringing it up to the poverty level.

It is one thing to require young men to serve in military uniform. It is another thing to ask them to subsidize their own service, as we are requiring them to do by giving such low pay scales.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 31 minutes remaining.

Mr. STENNIS. Mr. President, I yield myself 10 minutes at this time.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, much of this is repetition.

Various emphasis are placed on matters from time to time.

Now, I want to review briefly a point I made in the letter I wrote to each Senator yesterday afternoon. First, I wish to say to the Senator from Oregon that I have full sympathy with his statement that those Senators who are not members of the Committee on Armed Services are certainly entitled to the facts. We had complete hearings this year and we put all the facts in the printed record. Any other information we have is open to the Senator from Oregon.

Furthermore, with respect to the letter that was received today, I did not ask for the letter. It just came. I did talk to them on the telephone about these men who did not sign it after the letter arrived. I wanted to know why. I expected that point to be raised. But this is not something cooked up by the manager of the bill and the Joint Chiefs. They would not do a thing like that. This is a very serious letter and I think they mean what they say. They say they do not want this money next year, they are against it.

Mr. HATFIELD. Mr. President, will the Senator yield for a brief point?

Mr. STENNIS. I yield.

Mr. HATFIELD. Mr. President, I appreciate what the Senator has said. I frankly feel it places him in a difficult role. I have not indicated I felt the chairman or any member of the committee cooked up the letter. The committee held hearings, and suddenly on this day the Senator receives this letter. I have full sympathy with the chairman. I appreciate his frankness.

Mr. STENNIS. I appreciate the statement of the Senator from Oregon.

I am glad they sent the letter. I am not spurning it, but I want to assure the Senator from Oregon that I did not originate it.

Now, Mr. President, back to these facts to which I was referring. Of the money the committee put in the bill, 92 percent is to increase those in the lower levels with 2 years and less. The man in the lowest grade, under the committee bill, will get a 50.2-percent increase.

Everything considered, I do not think any apology needs to be made for military pay legislation generally.

Since 1963 basic pay will have increased 112 percent, including the 7.4-percent projected for January 1, 1972. I think these lower grades have been neglected some, and we had this up in committee last year. Personally I was willing for this increase to have come last year, and so were other Senators. But things were so crowded it was decided not to bring up the Selective Service Act last year, with the marching and the trouble we were having.

I do want to read just a few of the statistics about the so-called policy matter and show where this 92 percent of the money we have been talking about is going to go.

Under the committee bill, the new recruit, the new man coming in, will receive $3,979. After basic training he would earn $4,244. Typically he would be promoted twice more before he had been in the military a year and 3 months. Thus, within the grade he would reach at this time, he would have earned $6,608. That compares highly favorably, indeed, with his counterpart in civilian life, the 18- to 19-year-old who was earning $3,200 in 1968.

An average working 20- to 21-year-old earned about $5,000 in that period. These figures have probably increased by several hundred dollars since 1968, but even if they increased 20 percent in 2 years, the point still remains that under our bill a young man in the Army will earn as much or more than the man in civilian life. The Hughes amendment merely piles an additional unnecessary, inflationary $1.7 billion on top of that, as I have said.

Furthermore, Mr. President, with reference to the Gates Commission report, I speak with all deference to Mr. Gates. He is the former Secretary of Defense. Other noted gentlemen served on the Commission. However, that is not a full time responsibility and many things can creep in. I think that the President was astounded and many men were astounded when that recommendation came out that we could have the volunteer services by June 30, 1971. That is just a few days from now. No one is advocating that now, and no real preparation was made to carry it out.

It was not repudiated by the President; he just did not follow it. He could not justify it and take it to his bosom as something he could take to the American people and Congress.

The report is just a mass of figures, a collection of facts. I called former Secretary Gates on the telephone. We talked about him coming down to testify. I invited him to come in if he desired to come down. He has not been slighted or ignored in any way. I find no one now who takes that report seriously. It was not before the committee except that someone said back some time ago it was not practical and did not solve the problem.

Mr. GRAVEL. Mr. President, would the Senator yield?

Mr. STENNIS. I yield.

Mr. GRAVEL. My colleague has found someone who takes it seriously. I do.

I would like to direct a question to the Senator. If the President of the United States wanted to maintain the powers he now has to draft young men, would it not be a very plausible tactic to oppose part of the pay increase so that a case could be made that we could not implement a volunteer service because we would not have the money to do it? Would that not be a sound approach for the President if he wanted to maintain the draft, even if he made promises to do away with it?

Mr. STENNIS. No. I do not think it would be a sound approach. It would be a false approach and it would be unworthy of a President. I do not think he is trying to do that.

I voted for this bonus proposition. If they are going to have this trial run I thought I would see what they do with it. I do not think it will work. They are going to be driven away from the volunteer service. It will not work. I do not know what the cry will be then.

There are too many men involved. One cannot go down to 12th and Pennsylvania and buy an army. What kind of army would you have, if you bought one, Mr. President?

Mr. GRAVEL. You could buy an army such as we had in the Revolutionary

War, the Civil War, and the Spanish-American War.

Mr. STENNIS. No.

Mr. GRAVEL. That is the kind that could be bought, and that saw us through history and saw us through it well.

Mr. STENNIS. They were fighting for a cause. Something came up yesterday about buying a substitute in the Union Army, not the Confederate Army, 100 years ago. I did not bring that up.

Mr. GRAVEL. Does the Senator mean the Confederacy was secured by people on a voluntary basis alone?

Mr. STENNIS. They were fighting for a cause that is known as a lost cause today.

Mr. GRAVEL. Maybe we have no cause today. Maybe that is the problem. Why is it today we lack a cause? Is this Nation threatened? Why is it that young people do not respond to this emergency?

Mr. STENNIS. I think they respond when properly led.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I said the other day I did not think the people would respond to an undeclared war indefinitely, nor fight this war indefinitely. People should be told when they are in a war, and then fight with the expectation of winning it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUGHES. Mr. President, I yield 1 minute to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mr. CRANSTON. Mr. President, I would just like to point out one other aspect of this measure to Senators whose minds are in doubt. At a time when unemployment is as high as it is, at a time when consumer power is as low as it is, I think we should take into account what this amendment would do for people badly in need of help in an inflated economy.

In my own State of California, where some 250,000 servicemen are currently stationed, anywhere from $314 million to $720 million (according to an extrapolation made from Department of Defense figures) would be added to the personal disposable income of these people if this measure is passed.

That certainly is not my primary reason for supporting the amendment; but it certainly is an important consideration in my mind.

Unemployment in California is among the highest in the country. My State is suffering a severe business recession. Both the unemployment and the recession stem from policies of this administration designed to fight the inflation that is primarily caused by the Vietnam war—the very war that is responsible for all these men being under arms. Elementary justice demands that we do far more than we are now doing to correct this inequity and to ease the burden somewhat for the people who are carrying the heaviest load of the war.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I am willing to yield half a minute or 1 minute to the Senator from California.

Mr. CRANSTON. I am through.

Mr. GRAVEL. Mr. President, I would like that half a minute.

Mr. STENNIS. I yield.

Mr. GRAVEL. I would like to reinforce that argument. In my State of Alaska we have unemployment in our urban areas of 16 or 18 percent. This pay raise would have the effect of giving $50 million in Alaska to human beings to buy bread and milk. How important is that? That could happen right now. It would do something for the people, not only the military personnel who are receiving slave wages, but would ripple out through the economy of Alaska, California, and many other States.

I find it unconscionable that we could stand here, with the good pay that we receive, and not be willing to pay a decent wage to the young men we press into service.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 2 minutes to try to answer the two Senators who have just spoken.

Mr. President, if the purpose of this pay bill is to expand into a relief measure or to pump money into the economy of Alaska and California, we ought to pass a bill for the relief of all the people throughout the country, and let all people, inside and outside the Department of Defense, share in it. There is a make-work bill I would support, and that would be one that would apply throughout the Nation, for public works projects that were needed, for something constructive that would have long life, that would create wealth, and pay back the cost of the projects many times over. But if we are going to order a weapon or pass a pay increase bill just to stimulate the economy, let us have a bill that applies to all the people throughout the country.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. GRAVEL. The reason why this is a relief bill is that the slave wages we pay to our enlisted men are now abominable. That is the reason why it is a relief bill—no other reason.

Mr. STENNIS. Mr. President, I yield myself 2 minutes. I want to go back to the E–4. Our friends are emphasizing the poverty aspect. The E–4 man I mentioned a while ago would get a promotion, if he earned it, after 1 year and 4 months. His pay would be about $5,851. After he had been there 5 years, his salary would be $6,608.

The main point to be made is that the rates in the bill are competitive with the $3,200 to $5,000 earned by those on the outside in 1968, which I have explained could be increased 20 percent and still, under our bill as the committee wrote it, the military man's pay would be competitive.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 3 minutes.

Mr. HUGHES. Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator from Iowa has 10 minutes remaining.

Mr. HUGHES. How much time does the affirmative side have?

The PRESIDING OFFICER. The Senator from Mississippi has 15 minutes remaining.

Mr. STENNIS. Mr. President, I will yield the Senator from Iowa 2 minutes.

Mr. HUGHES. I thank the distinguished chairman of the Armed Services Committee.

Mr. President, we have been talking about poverty in the military, and I have heard letters read into the RECORD in the last several days indicating the great financial distress that has been created not only for enlisted men in the armed services but also officers in the armed services.

I should point out in all of this that we are talking about an approximately $1.7 billion pay increase. Included in that $1.679 is assistance for subsistence and assistance for quarters. Of that total approximately, $782 million goes to assistance for quarters and assistance for subsistence. As a result of that, we find 68 percent of the total basic pay that goes into this increase goes to those in the first 2 years of service and 32 percent of it goes to those with over 2 years of service.

Of the assistance for quarters and subsistence, we find approximately $105 million goes to those with under 2 years of service and $146 million to those with over 2 years of service, because officers, the O–1's and O–2's have had a great deal of difficulty also.

We are talking about the difficulty of letting our men and women in service live with dignity and not in poverty or on the borderline of poverty. I think there is no question that many of those people back in 1968 were living in poverty and borderline poverty, at least to the extent that they qualified to receive assistance from the Federal Government at that time.

I want to compliment the distinguished chairman of the Armed Services Committee for his continuing effort to increase the pay levels over the years, as well as his efforts right now to increase the pay levels, and to do it in the areas which he feels are important and necessary.

All of us in this body know today what the House has approved. And we know that, regardless of which side prevails today, even if the chairman's side prevails today, there is going to be a compromise between the position the Armed Services Committee has taken and the position the House of Representatives has taken, and that we will not prevail 100 percent down the line. So we will arrive at a figure somewhere between the one we are talking about, unless the Hughes-Schweiker amendment prevails. It will probably be a figure between the position taken by the Armed Services Committee, and the position taken by the House of Representatives.

It is important to point out that at a time when the military really has been on trial, particularly by virtue of the fact that we are in Indochina, this question has been brought to the minds of all Americans. I think one of the saddest byproducts of the whole conflict is the fact that it has brought forward and raised questions in the minds of Americans of the entire military institution. This has really created in the minds of the young the overall impression that the military is fighting because they enjoy fighting for us or because they enjoy spending as much money as they can get their hands on to use in destruction.

In order to recover the respect and dignity of serving in the Armed Forces, it is going to be absolutely essential to pay adequately. If a man is going into the armed services, whether he is drafted or a volunteer, he should have the assurance of this Nation behind him, that he will receive a comparability of pay, so that his family, his wife and his children can live in dignity. One out of four men in the first two pay grades is a married man, and does have the burdens of a wife or a wife and children and the problems moral and social, of maintaining their existence. These families can be maintained at a level that is not only acceptable to them in comparison to the way they have lived, but at a level befitting the dignity of this Nation. At a time when our economic increase has been so great, in the last decade, every serviceman has a right to expect that this Nation will support him in a decent fashion, while he is serving his country, and his wife and children will have the same opportunity that other young American families have.

The **PRESIDING OFFICER**. The Senator's time has expired.

Mr. **HUGHES**. I yield myself 2 additional minutes.

I think the statistics quoted by the chairman of the Armed Services Committee are correct for the time they prevailed. He is careful to note that a draftee's age is 18 or 19 years—I think the average age for draftees is about 19.5, if I recall correctly—and, therefore, we are talking about increasing the comparability of pay for that age group since 1968 to that of 1971. If the statistics we have are believable, and I believe they are or I would not be stating them here, average pay has now increased, outside the military, for blue-collar workers, to around $6,000 a year.

This basic pay bill includes a substantial increase in pay, but it still leaves the beginning pay at around $4,000 a year. Even with the increases the chairman has pointed out for the first 15 months of service, if a man moves through those without difficulty and advances, it would take him a year and a quarter to get to the point of being equal in comparability with the lad who graduated from high school and went immediately to work.

No one questions the fact that the distinguished chairman wants the men in the military to share with all the rest of us. He knows better than most the burdens they bear, the conflicts they face, and the problems they have. He is faced with a dual problem here today: one of trying to keep an ever burgeoning budget in line to the best of his ability, while dealing with problems——

The **PRESIDING OFFICER**. The Senator's time has expired.

Mr. **HUGHES**. I yield myself 1 additional minute.

While dealing with problems of national security, and I am deeply sympathetic with that position. But I believe it is up to the people of this country to face the moment and the day realistically, and to accept now, not in 1973, the fact that these men have a right, in America, to expect that this country will give them an equal share in American life while they are serving in the military services. I ask no more, and I think every American would expect it.

There is no longer any reason to put this off, to speculate into the future. If the military budget is going to be increased—and we have had an opportunity to face this military budget—with requests for hardware and armaments in the future, if it cannot be realistically trimmed back and still protect the security of this Nation, then we should, by all means, appropriate the necessary funds to increase the salaries of these men to an adequate level.

Mr. President, I yield the floor.

The **PRESIDING OFFICER**. Who yields time?

Mr. **STENNIS**. Mr. President, how much time remains to each side, please?

The **PRESIDING OFFICER**. The Senator from Mississippi has 13 minutes remaining. The Senator from Iowa has 4 minutes.

Mr. **STENNIS**. Mr. President, I suggest the absence of a quorum, with the time to be charged to my side.

The **PRESIDING OFFICER**. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **STENNIS**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **STENNIS**. I yield the Senator from Alaska 3 minutes, and ask that we may have order so that the Senator may be heard.

The **PRESIDING OFFICER**. The Senate will be in order. The Senator from Alaska is recognized.

Mr. **GRAVEL**. I thank my colleague.

Mr. President, I should like to more or less wrap up the arguments a little bit, before we get into the closing moments, rather than waste this time in a quorum call.

The Senator from Mississippi has stated that after the pay raise with which the committee has come forward has been instituted, we will still have under welfare, according to the Department of Defense statistics, about 778 families of enlisted men.

I question those figures from the Department of Defense, for the simple reason that the Department of Defense, with respect to something that I have some knowledge about, the State of Alaska, reported that there were only 10 families of military people there who happened to be on welfare.

When I called the commissioner of health and welfare of the State of Alaska and asked him how many people we were paying checks to, his office came up with 274 families—quite a disparity, 10 families as opposed to 274. It is hard to know whom to believe.

In this case, I do not say that the Department of Defense were lying, but I am compelled to say, since the State of Alaska is actually paying out checks to 274 such families, that it is pretty compelling evidence that there must be some fudging going on in the records they give to us.

Then, of course, we come to the fine letter we received today on our desks. I think that letter is a little bit of a hoax. I do not say this harshly, but just as a point of realism, anyone who would expect the Joint Chiefs of Staff to come forward on this day and disagree with the Chief Executive, their Commander in Chief, is dealing in wishful thinking. Obviously, the Joint Chiefs of Staff will come forward and say, "If the President says that is good for the country, we agree with him." It would be an unusual letter if they said, "We disagree with the President."

Mr. **HATFIELD**. Mr. President, will the Senator yield?

Mr. **GRAVEL**. I yield.

Mr. **HATFIELD**. The Senator makes an excellent point when he talks about the variation of statistics here as to welfare. Let me add for the record that the Defense Department, itself, has given a variation of the increase from 33,000 families on welfare to 20,000 families on welfare, to the most recent of 10,000, and they have not been accounted for by pay increases.

Mr. **GRAVEL**. I am reminded of what my professor of statistics said when I took Statistics 101 in college. He said, "Figures don't lie, but liars sure can figure." Whenever the hat fits, we can wear it.

Part of this policy is cheating Americans. We cheat the Americans we press into service, because we impose an unfair tax on them.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **GRAVEL**. May I have 1 additional minute?

Mr. **STENNIS**. I yield 1 additional minute to the Senator.

Mr. **GRAVEL**. I think it is patently unfair that we draft these people, send them out to be killed in our behalf, to defend our lives, to defend our property, and then, with the lowly wages we pay them, we ask them to pay in excess of a 50-percent tax burden.

I cannot think of anything more patently unjust and unfair for us, as part of an unconscionable national policy, to sustain what I shamefully regret to say is a policy that has been developed by this administration in an effort to hang on to the draft, because It would be full well realized by all that if this pay raise were to pass, the draft would not be necessary on July 1, 1971, which is, of course, what was stated by the Gates Commission.

The **PRESIDING OFFICER**. The time of the Senator has expired. Who yields time?

Mr. **HUGHES**. Mr. President, I yield 2 minutes to the distinguished Senator from Pennsylvania.

Mr. **SCHWEIKER**. Mr. President, I should like to point out, for the benefit of Senators, that the pending bill includes no funds for basic allowances for quarters.

The distinguished chairman of the committee said that this adequately takes care of enlisted men and their problems. But here is the committee report which says the committee provides no funds for increases in basic allowances for quarters. This is the key. There are no funds for any quarters allowance in the administration's and the committee's bill. The Hughes-Schweiker amendment has such funds in it.

Here is a letter from the Deputy Assistant Secretary of Defense that says:

> Increasing the quarters allowance will therefore eliminate the serious inequity which now exists between those members fortunate enough to secure government quarters and those who must seek housing in the civilian economy.

The most serious inequity is a quarters allowance. There is no quarters allowance in the bill before the Senate, except for the Hughes-Schweiker amendment.

Here is a letter from a lieutenant in Vietnam who wrote us when he saw the story in the Army Times that the Armed Services Committee of the Senate has voted to delete the boost in quarters allowances for the current military pay bill:

> SIR, I feel this would be grossly unfair.

Then the lieutenant goes on to explain why he cannot make ends meet. We have not had any change in this since 1953.

So we do not even begin to get equity under the pending measure.

I should also like to point out, in talking about equity and the increases, that in 1967, the GI received $100 a month, and before that it was $78 a month. For 12 years there was no increase in a GI's pay. For 12 years he got $78 a month. Name one other group in this society which has not had a pay increase for 12 years. Would there not be strikes and trouble and unrest if any other group in our society did not get a pay increase for 12 years?

Then there is a second lieutenant who received $220 a month for 12 years. That is the poverty we are talking about. That is the equity.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. STENNIS. I yield 3 minutes to the Senator from Maine.

Mrs. SMITH. Mr. President, I am convinced of the validity of the statement made by the Defense Department officials that the pending amendment, if adopted, would be harmful to our national security; that serious misallocations would be necessary, taken from the defense budget resources. If adopted, this amendment would require the firing of 250,000 personnel and closure orders on bases—Air Force bases, Army bases, naval stations, and Navy shipyards.

Those who vote for this amendment must be prepared to answer the questions of the personnel receiving these rif notices and must be prepared to explain the closures in their States. If this amendment is adopted, the effect will simply be to rob Peter in order to pay Paul.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, do I have 4 minutes remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. STENNIS. I yield myself 3 minutes.

Mr. President, the Senator from Pennsylvania has been misinformed in what he said about someone reading in the newspaper in Vietnam about the quarters allowance and wrote to him about all the quarters allowance being stricken out.

The quarters allowance for the lower four grades comes under what is called the Dependents Assistance Act. Basic quarters allowance for upper grade men and officers comes in another bill. The Dependents Assistance Act in this bill, the committee bill, provides $79 million. I invite the Senator's attention to this. I am reading from an official document that cites the book and page and the law. It is $79 million. So he just had the wrong facts.

As I have said, somewhere, some time, along the way, the Senate has to turn down some pay increase proposal that is made on this floor. This pay increase does not have the endorsement of the President of the United States. It does not have the endorsement of the committee. It does not have the endorsement of the Department of Defense. It does not have the endorsement of the Joint Chiefs of Staff of the four services.

Instead, Mr. President, we have already increased military pay, beginning this January, by $1.2 billion under law that is already on the books. Automatically, they will receive another $1.2 billion increase in January 1972. The committee bill, if passed, provides an additional $1 billion and a $3.4 billion total as a certainty within the brief span of 13 months; and this has really filtered down to the lower grades; 92 percent of this billion dollars in the committee bill goes to these lower four grades.

So I say that we must meet realities here and postpone this increase. I hope the amendment is rejected.

The PRESIDING OFFICER (Mr. EAGLETON). Who yields time?

Mr. HUGHES. I yield 30 seconds to the Senator from Alaska.

Mr. GRAVEL. Mr President, the economic impact for some States, which I have had the opportunity to compute, is as follows: New Mexico, $38 million; Virginia, $196 million; Florida, $153 million; Georgia, $150 million.

This will be the economic impact in those communities.

Mr. HUGHES. Mr. President, I yield myself the remainder of my time

Mr. President, all we are appealing for here today is fairness and equity for every man in the armed services. I think this is no time, at a late date, to panic on the basis of the implications that there will be closings, reductions, with the States losing facilities and plants. The only decision today before this body is the simple fact that a man in the military or a woman in the military, the wives and children, are entitled to live in dignity the same as we do who work in the private sector of the economy. The military has been under enough of a burden, with their families, wives, and children. They should not have to live in any other than decent circumstances, nor should they be forced to moonlight or to work under unusual conditions if Congress is willing to support them the way they should be supported at this particular time in American history.

The PRESIDING OFFICER (Mr. EAGLETON). All time on the amendment has now expired.

The question is on agreeing to the amendment of the Senator from Iowa (Mr. HUGHES).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. TOWER (when his name was called). On this vote I have a pair with the distinguished Senator from Washington (Mr. JACKSON). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. MATHIAS (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Illinois (Mr. PERCY). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. GOLDWATER (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Wyoming (Mr. HANSEN). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate. In view of the situation which arose last Friday on a close vote, I ask that the well be cleared and that Senators take our seats.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Washington (Mr. JACKSON), the Senator from Alabama (Mr. SPARKMAN), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Nevada (Mr. BIBLE), the Senator from Idaho (Mr. CHURCH), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. METCALF), and the Senator from Utah (Mr. MOSS) are absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. MOSS), the Senator from Michigan (Mr. HART), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Hawaii (Mr. FONG), the Senator from Ohio (Mr. Taft), the Senator from Wyoming (Mr. Hansen), and the Senator from Illinois (Mr. Percy) are necessarily absent.

The Senator from Utah (Mr. Bennett), the Senator from New York (Mr. Javits), and the Senator from Oregon (Mr. Packwood) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

Also the Senator from Colorado (Mr. Allott) is abent on official committee business.

If present and voting, the Senator from New York (Mr. Javits) and the Senator from South Dakota (Mr. Mundt) would each vote "yea."

On this vote, the Senator from Ohio (Mr. Taft) is paired with the Senator from Colorado (Mr. Allott). If present and voting, the Senator from Ohio would vote "yea" and the Senator from Colorado would vote "nay."

The respective pairs of the Senator from Wyoming (Mr. Hansen) and that of the Senator from Illinois (Mr. Percy) have been previously announced.

The result was announced—yeas 31, nays 42, as follows:

[No. 78 Leg.]

YEAS—31

Bayh
Brock
Brooke
Buckley
Burdick
Byrd, W. Va.
Case
Cook
Cranston
Gravel
Harris
Hatfield
Hollings
Hughes
Humphrey
Kennedy
Mansfield
McGovern
Mondale
Montoya
Muskie
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Stevens
Symington

NAYS—42

Aiken
Allen
Baker
Beall
Bentsen
Boggs
Byrd, Va.
Cannon
Chiles
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fulbright
Gambrell
Griffin
Gurney
Hruska
Jordan, N.C.
Jordan, Idaho
Magnuson
McClellan
Miller
Prouty
Roth
Saxbe
Scott
Smith
Spong
Stennis
Stevenson
Talmadge
Thurmond
Tunney
Weicker
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Goldwater, for.
Mathias, for.
Tower, for.

NOT VOTING—24

Allott
Anderson
Bellmon
Bennett
Bible
Church
Fong
Hansen
Hart
Hartke
Inouye
Jackson
Javits
Long
McGee
McIntyre
Metcalf
Moss
Mundt
Packwood
Percy
Sparkman
Taft
Williams

So Mr. Hughes' amendment (No. 76) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. Senators will please be seated. Senators who wish to discuss other matters will please go to other parts of the building.

WORLD TRADE

Mr. FANNIN. Mr. President, last week the Senate Finance Subcommittee on International Trade held a most enlightening series of hearings. The objective of these hearings was to explore the significance of major changes now underway in the structure of the world economy and the American economy, and some of the events that led to these changes.

These hearings brought out a sharp contrast between the thinking of the economic theorists and some of the American leaders who actually are involved in world trade.

On one hand we had Hendrik S. Houthakker, a member of the Council of Economic Advisors, who seemed to contend that American world trade problems are more imagined than real.

Professor Houthakker told the subcommittee:

> The point I want to make is that imports not infrequently are blamed for developments of purely domestic origin.
>
> In fact there are relatively few important sectors of the economy where imports constitute a large enough percentage of supply to affect employment and profits to a serious extent. The notion that we are being flooded with imports will not bear examination.
>
> In 1967, the last year for which comprehensive data are available, there were only 25 four-digit manufacturing industries (out of a total of about 400) where imports accounted for 20 percent or more of total shipments; these 25 industries represented only 2.5 percent of the value of domestic shipments in all manufacturing. There is no reason to think that these figures will be very different for more recent years."

Thus we have one of the most influential of economic theorists telling us we really do not have a problem. Professor Houthakker appears to treat any import penetration of up to 20 percent in an industry as trivial. It may be trivial on paper as an academic problem in economics, but Henry Ford II tells us that for each percentage point that foreign car manufacturers gain in the American market, some 20,000 U.S. jobs are lost. In April 1970, foreign cars took 13.5 percent of our American market; this past April they claimed 16.7 percent. A little simple math indicates that about 64,000 American jobs have been lost in a year because of the increased share of the U.S. auto market going to imports.

Keeping Professor Houthakker's testimony in mind, let me give you some excerpts from the testimony of Kenneth N. Davis, Jr., former Assistant Secretary of Commerce for Domestic and International Business:

> America is in deep trouble in international trade—trouble far more severe and important to the nation than the public has realized. There is growing evidence that our trade difficulties are at the root of two of the most critical problems confronting the nation's policy makers today—persistent high unemployment in the United States and the threatened demise of the dollar as the foundation of the world monetary system.
>
> "After many years of balance of payments deficits, our country has reached a crucial turning point. We must make long overdue changes in our trade policy now if we are to continue as the world's leading industrial nation. "Unfortunately, despite the crisis atmosphere, there is still no consensus that trade is the fundamental problem.

And Mr. Davis recommended:

> New legislation is definitely needed, both to spur U.S. exports and also to prevent the wiping out of major American industries by extreme import penetration.

Mr. President, I would like to point out that Mr. Davis reached his conclusion through hard, practical experience. He told the subcommittee:

> My chief duty at the Commerce Department was to work with American industry on its problems in international trade. Because of my previous business background, I had come to Washington convinced that the world was fast becoming a global marketplace. That the jet freighter and instant communications would inevitably result in a free flow of trade seemed to me to be a foregone conclusion. I am as convinced as ever that we will one day have such a world. But my experience in Commerce convinced me that much more than jets and communications satellites will be required to break down trade barriers and wipe out economic nationalism. I saw firsthand that our trade representatives have no real negotiating leverage to deal with such inequities as Japan's trade and investment restrictions against our companies. I became convinced that stronger action must be taken by the United States to assert its rights to fair and equitable treatment in world trade.

Mr. President, you can clearly see that we have serious disagreement among our people as to whether there is a trade problem.

Perhaps one of the reasons that many people feel we do not have a problem is the manner in which trade statistics are compiled by our Government. I was distressed to see yet another editorial in the Sunday New York Times citing a trade surplus in 1970. We certainly did not have a trade surplus; we have a sizable deficit.

The manner in which our statistics are compiled excludes charges, costs and expenses incurred in bringing goods into the United States. In other words, imports are valued on an f.o.b. basis for statistical purposes.

In addition, the statistics issued by our Government also include government financed exports in the total of exports to figure our trade balance. These foreign aid giveaways clearly should not be included in such statistics.

Foreign trade statistics compiled on an FOB basis and including foreign aid giveaways support the erroneous conclusion that America is holding its own in the world market.

I believe those of us who deal each day with unemployed constituents, with industries hardpressed by cheap imports, with labor unions—we know that there is a problem. Contrived statistics don't alleviate the problem; they do not produce jobs or save industries.

Our Senate Finance Committee chairman, the distinguished Senator from Louisiana, stated the case superbly on this floor 2 weeks ago. Senator Long said that bad figures lead to bad conclusions. He suggested that the books are kept in an erroneous fashion to justify an erroneous policy.

Mr. President, in his talk on May 11, Chairman LONG spoke of "entrenched, faceless bureaucrats" who have thwarted efforts to compile meaningful statistics on our true trade situation. It is hard to understand why anyone should want to continue misleading the American people, but apparently there is a hard core of bureaucrats who believe that they know best and the facts be damned.

When the facts are made available, we see a quick fade in the rosy picture painted by the official Government figures. The 1970 trade surplus quickly disintegrates and becomes a most definite deficit.

Neither is this a new development. We have had balance-of-trade deficits every year since 1966.

Mr. President, I ask permission to include in the RECORD at this point a table which shows the facts about our balance of trade during the past 11 years.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

BALANCE OF TRADE, 1960-70

[In billions of dollars]

	Total exports (1)	Less Government-financed exports (2)	Commercial exports (3)=(1)−(2)	Total imports f.o.b. (4)	Estimated imports c.i.f. [1] (5)	Overall balance (6)=(1)−(4)	Commercial balance (7)=(3)−(5)
1970	42.7	1.9	40.8	40.0	44.0	+2.7	−3.2
1969	37.4	2.2	35.2	36.0	39.6	+1.4	−4.4
1968	33.0	2.9	30.1	32.0	35.2	+1.0	−5.1
1967	39.9	2.8	28.1	26.8	29.5	+4.1	−1.4
1966	29.4	2.7	26.7	25.6	28.2	+3.8	−1.5
1965	26.7	2.6	24.1	21.4	23.5	+5.3	+.6
1964	25.7	2.8	22.9	18.7	20.6	+7.0	+2.3
1963	22.4	2.6	19.8	17.1	18.6	+5.3	+1.2
1962	21.0	2.1	18.9	16.4	18.0	+4.6	+.9
1961	20.2	1.7	18.5	14.5	16.0	+5.7	+2.5
1960	19.6	1.6	18.0	14.7	16.2	+4.9	+1.8

[1] Imports including the cost of insurance and freight.

Mr. FANNIN. Mr. President, Senator LONG has introduced S. 1815 which would require that the publication of statistics relating to value of imports include charges, costs, and expenses incurred in the importation. I was most happy to join as a cosponsor of this bill.

Once we remove the blinders, it is easy to see that something is wrong in foreign trade as far as America is concerned. We begin to see the causes behind the Department of Labor estimate that there was a loss of about 700,000 job opportunities in a 4-year period because of imports. Although there was an estimated increase of 300,000 jobs attributable to exports we still are left with a 400,000 deficit for the years 1966–69. Since then it appears that the job export has accelerated considerably, costing American workmen an estimated 107,000 jobs in the electronics industry alone last year.

No, Mr. President, I cannot "buy" the conclusion that we have no problem. Nor do I believe that the answer is to give displaced workers and industries "adjustment assistance." We already have far too many people in this Nation living on handouts.

I also reject the idea that we cannot do anything about trade inequities. One witness at our hearings suggested that if we were to reopen negotiations for the General Agreement on Tariffs and Trade, we might lose some of the "concessions" that we now have. My question is, "What concessions?" I cannot imagine the United States being any worse off than we are regardless of how any new negotiations might come out.

And I am not the least worried about the warnings that our demands for fair treatment by our trading partners could touch off a world trade war.

Mr. Ely R. Callaway, Jr., president of Burlington Industries, Inc., stated the situation well in appearing before our subcommittee:

> Many predict that a trade war is coming. I say that a trade war is here—we are in it, and we are losing it.

He said that America has acted like a pitiful, helpless giant because of the threats by foreign nations that they would somehow "retaliate" if the United States attempted to correct current trade inequities.

Our discussions last week delved into these inequities at some length—and yet we only scratched the surface.

Mr. Callaway summed it up this way:

> In summary, Europe has found very effective ways, by "hook or by crook", to keep our products from excessive penetration of their markets; they have found ways to effectively limit the Japanese penetration of their markets; they (particularly the EEC) have thus forced the Japanese to try even harder to capture the U.S. market; and all the while they have threatened us if we do to them what they are doing to us. They have bought from us only those things that are in their self-interest to buy, and this will continue, I predict.
>
> And what have the Japanese been doing? They have been doing everything right—for themselves! The Japanese are extremely able people and they have developed a system of domestic and international trade which, in my opinion, is unbeatable. The heart of the system—and its main strength—is that the entire Japanese nation is the equivalent of one company bigger and stronger and more aggressive than any one company the world has ever known (or even thought of). This is the ultimate of all the monopolies ever dreamed. Every segment of the Japanese nation—from the workers, through the business executive, the banker, the trading company—all are in partnership with their government—working diligently for one common purpose—to become the world's #1 economic power.
>
> The American people and American businesses are protected by our laws from being harmed by American monopolies. For this reason, our antitrust laws are good (although, in practice, I think most businessmen in the U.S. feel strongly that our antitrust laws are often enforced and/or interpreted by our government to a silly and very harmful extreme). Even so, the fundamental purpose of these laws is to protect Americans from the ravages of monopolies.
>
> Where are the laws which protect Americans from the ravages of the most powerful—and the most aggressive—monopoly ever devised? Do we really believe that the location of this monopoly—10,000 miles away—makes it any less harmful to America than if it were located in Georgia or Connecticut?
>
> Do we really believe that the Japanese monopoly was developed for any purpose except to capture any portion of any major market that might be desirable for them in America or elsewhere? Of course, it was developed for that purpose—and it's working! Beautifully! For the Japanese.

Mr. Callaway went on to describe what an American firm runs up against when the Japanese decide they want to enter a U.S. market:

> Let me give you one illustration as to why Ford Motor Company (long recognized as one of the world's greatest in mass production of the highest technology products) cannot compete profitably against the Japanese if the Japanese make up their minds to capture a big portion of Ford's business. I think most knowledgeable men in industry will agree that if Ford cannot compete with Japan—no one can.
>
> I illustrate by taking a purely hypothetical case. Suppose that the antitrust laws of the U.S. were suddenly suspended for only one day, and that a merger of a number of our biggest and best companies were allowed. Assume that only this one giant merger were permissable and that the next day all other companies in the U.S. would again be subject to our normal antitrust laws. Assume now that a new corporation is formed—let's call it "American Monopoly, Inc."—and that it is a result of a merger of the following companies which had banded together during that one day moratorium I mentioned:
>
> General Motors;
> Chrysler Corporation;
> Standard Oil of New Jersey;
> Atlantic-Richfield;
> The Chase Bank;
> Bank of America;
> U.S. Steel;
> Kennecott Copper (and Peabody Coal);
> IBM;
> RCA;
> Sears Roebuck;
> J. C. Penney; and—
> Burlington Industries!
>
> And—let's assume that this new giant goes to the U.S. Government and say "We would like to capture a big part of Ford Motor Company's business. Will you help us? Will you let us 'fix' prices—will you give us total protection against imports into our own markets while we are doing whatever we need to do in capturing Ford's business?"
>
> Assume Uncle Sam says to American Monopoly, Inc.—"Yes we will help you. We will cooperate, in fact we'll be your financial partner in case you run into difficulty in the process—go ahead!"
>
> Now—under all of these assumptions—how long would the Ford Motor Company last? As long as ten years? Let's ask Mr. Ford.
>
> Of course we are fortunate that in America our antitrust laws won't allow an American Monopoly, Inc., to exist. American business could not compete with such a monopoly, and the American people would lose much in the process.
>
> But we do have such a monopoly—in fact

> an even stronger one than my hypothetical one—competing against American industry right here in our own market! And that monopoly—Japan, Inc.—has as its number one purpose the desire to capture a very substantial portion of the richest market in the world—the U.S. market. Our laws and our trade policies are not adequate to counter the obvious competitive advantages in "Japan, Inc."

Mr. President, this monopoly power in Japan is devastating not only in the export field but in the Japanese home market.

Joseph S. Wright, chairman of the board of Zenith Radio Corp., explained to our subcommittee:

> In order to support her invasion of the U.S. TV set market with the use of extremely low pricing policies, Japan has maintained a closed market to imports of television products and has fixed and kept domestic prices at artificially high levels. With a closed domestic market, insulated against foreign competition, domestic prices can be easily fixed at a high figure.
>
> It has been reported that the Fair Trade Commission in Japan recently found six of the larger Japanese TV set makers guilty of fixing retail prices in Japan and that decision coupled with the TV dumping case here in the United States appears to have the Japanese consumer quite upset, for he has realized that he has been subsidizing exports to the United States by paying higher than necessary purchase prices, as well as higher taxes to support government subsidies . . . If the Japanese market were completely open and competitive, as is the case in this country, television receivers could be manufactured in the United States and successfully sold in Japan at competitive prices.

Mr. President, earlier this year the Tariff Commission unanimously ruled that:

> The imports of television receivers from Japan, sold at less than fair value, have adversely affected the prices of comparable domestically produced receivers in the United States and have caused substantial loss of sales by U.S. producers.

In addition to dumping, Mr. Wright pointed out that the Japanese employ other unfair incentives:

> In the area of Japanese government export subsidies and incentives, there is good reason to believe that the Japanese government provides a whole host of subsidies beginning with the remission of a commodity tax and including such things as export credits, accelerated depreciation and a variety of other tax advantages and insurance against loss in export.
>
> While these bounties and grants are a little difficult to find in the original Japanese statutes, they are effectively summarized in a State Department memorandum of November 6, 1968, entitled "Japan's Export Promotion Techniques."

Mr. Wright complained that the U.S. Government concentrates almost entirely on political and diplomatic considerations, showing little interest or understanding in the practical day-to-day problems of business. He noted that in some instances the deck is stacked against American businessmen:

> In another area, the Assistant Attorney General in charge of the Antitrust Division has taken a peculiar and ambivalent position. For example, while he is closely watching for violations of the law by U.S. businessmen, he apparently has chosen to take no action against those who have dumped imports into the United States in criminal violation of Sec. 72, Title 15 of the U.S. Code which is part of the Revenue Act of 1916. The Assistant Attorney General, if anything, appears to be biased away from helping the U.S. businessman injured by imports, for he has gone on record in recent testimony before the United States Tariff Commission stating that in determining forces responsible for alleged injury, he is confident that in a number of cases the role of imports will be found to have been greatly exaggerated. He has taken no apparent note that the Japanese export TV pricing and practices in the United States through their U.S. subsidiaries and agents here, are probably just as collusive, anticompetitive, and illegal under our laws as the Japanese government found their domestic pricing to be under their laws.

More interesting testimony came from Fred J. Borch, chairman of the board of General Electric Co. He presented and explained a table showing the excess in domestic price levels over export price levels for seven countries in 1960, 1964, and 1970. I request that the chart and explanation be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCESS OF DOMESTIC PRICE INDEXES OVER EXPORT PRICE INDEXES (EXPRESSED IN PERCENT)

	G. 1960	H. 1964	I. 1970
Japan	−20	+3	+33
Italy	−19	+5	+16
United Kingdom	−4	+1	+21
France	−10	−1	+18
Germany	−2	+2	+5
Canada [1]	−7	+1	+2
United States	−3	0	+4

[1] Because of a statistical change in the Canadian export index in 1961, and following, in the case of Canada the 1961 figure is used instead of 1960.

> Column G indicates that, in 1960, all countries export price levels were relatively higher than the domestic price levels—with the Japanese and Italian levels very appreciably higher.
>
> Column H for 1964 shows a near statistical equilibrium, but with domestic price levels generally slightly higher than export price levels.
>
> Column I shows the dramatic change that took place between 1964 and 1970 with domestic price levels from 16% to 33% higher than export price levels in Japan, Italy, U.K. and France.

Mr. FANNIN. Mr. President, it is evident that the great export production of many of our trading partners is made possible only when governments help exporting industries at the expense of the domestic consumers. Mr. Borch mentioned some of the tactics used by competitors:

> Each major industrial country has its own technique in particular combinations, for pushing exports and limiting or barring imports. Some clearly favor specific products for export, at the expense of others in their domestic economies. Most have industries which they protect from the rigors and challenges of international competition—specialty electronics, communications gear and heavy electrical equipment are particular favorites.
>
> In looking around for an explanation for this discrepancy between domestic and export prices—which one must admit is quite an economic phenomenon—some have pointed to relative increases in productivity. Such increases are highly desirable, here as well as abroad, and would account for an improvement in exports. And we know that in some foreign countries, notably Japan, the productivity increase has been substantial. But it would be naive to explain these figures wholly on the basis of increased productivity even in the case of Japan, and certainly in the case of France, Italy, and the U.K.
>
> I am convinced on the basis of all the evidence I have seen, that the answer is that we have been out-maneuvered on the international economic front. I refer to the combination of export rebates, dual pricing, tilted tax structures, indirect export subsidies, import restrictions, non-tariff barriers, restrictive procurement policies, and the like, which we face in international competition. Our trading partners like to point out that we, too, have import and trade barriers and this we must admit. On the other hand, the statistics I've just cited indicate quite clearly at least to me, that our restrictions have not been near the order of magnitude of theirs as borne out by the fact that our domestic prices and our export prices are in much greater equilibrium. In short, we have not been able to so successfully shield our export prices from the effect of inflation nor to restrict imports to the same degree.
>
> I think the time has come when we can no longer view this situation with complacency. The recent currency crises, as well as a host of other indications, tell us that we cannot continue to maintain free trade unless it becomes fair as well as free.

Mr. President, I have cited here a few of the important statements made during last week's hearings.

As a result of these hearings, and my recent trip to Japan, and several years of observing the acceleration of imports and the evaporation of American jobs, I would like to say that I definitely believe we have a very serious problem.

The U.S. government has failed and is failing to protect the best interests of our workers and our industries. Misguided efforts to buy friends in international relations have cost us jobs and have brought us to a precarious position in world trade. Our generosity has been regarded not as an expression of good will but as a sure sign of weakness. We are being treated not as benefactors but as suckers.

This is not an indictment of the executive branch of Government alone, nor of any single administration. It took a while for us to get in the current mess, and there is plenty of credit for everyone.

Congress is at fault for allowing the GATT agreement to stand unchallenged for too many years. It is my hope that the creation of our International Trade Subcommittee is a start toward a closer scrutiny of trade matters and toward a means whereby the Senate can "advise" as well as consent.

There are several actions that should be taken immediately or in the very near future.

First, we need to pass legislation to give American industry a more nearly equal break with foreign competitors. One step in this direction would be passage of S. 1476, my bill to effectively apply American antitrust provisions to foreign manufacturers. Another needed step is the speeding up and strengthening of existing laws concerning dumping and countervailing duties. I introduced such legislation last session and will do so again soon.

Further, we should pass S. 1815, the

bill to revamp the method of figuring our balance of trade.

On the administrative front, our trade officials should press Japan, the European Economic Community, and other nations with trade barriers to eliminate these impediments to American products. They must demand reciprocity.

America has been unilaterally lowering tariff and nontariff barriers. This must stop.

It would be preferable to have our trading partners lower their barriers, but if they fail to do so, we should make it clear that we will reinstate ours at a comparable level. It is ridiculous that American television sets and autos are effectively barred from Japan when we allow the Japanese to flood our markets. When the Japanese slap a 17-percent tariff on one of our American-made cars, we should assess a comparable tariff on their cars.

Furthermore, it is time that the European Economic Community lower its trade barriers not only to the United States but to Japan and other nations. Because of the tough Common Market barriers, only 3 percent of Japan's exports go to Europe. Thus, the Japanese are forced to concentrate on the American market.

Negotiations should start, and legislation should be passed, to quickly rectify the inequities which now hamstring American industries and eliminate American jobs.

We also should give serious consideration to legislation which would allow our industries to adopt some of the successful tactics used by their foreign competitors. The Domestic International Sales Corporation (DISC) concept is one possibility. This would give our export manufacturers a tax incentive to seek markets abroad.

We should reexamine and weigh carefully the effect of our antitrust law on our export industries. Some adjustments in this law and its enforcement may well be needed if other efforts to correct trade inequities fail.

Mr. President, I wish to reemphasize the fact that America has a very serious trade problem. It goes much deeper than any one industry—not just textiles, not just steel, not just autos, not just consumer electronics, not just shoes. Rather than moving toward our goal of 4 percent or less unemployment, we are headed in the other direction toward 8 percent, or 10 percent or more by 1975.

The problem is not new; it began more than a decade ago and now is nearing crisis proportions. We must move forward to meet the challenge and preserve jobs for Americans.

Mr. President, in the statement I have just presented to the Senate. I pointed out the rapidly deepening penetration of American markets by foreign prolucts.

The Wall Street Journal today carried an article describing the great success of Toyota and Datsun autos in America. This article contains an estimate that Toyota and Nissan—Datsun—are expected to double their U.S. sales in the next 4 years.

In this article, a Japanese auto official denies that dumping is a part of his firm's strategy. The article does not delve, however, into the matter of subsidies and Japanese Government incentives to its auto industry.

Neither does this article mention the great disparity between American and Japanese tariffs and nontariff barriers. It costs only about $50 to bring a Toyota into the United States, but Ford Motor Co. would have to pay $450 to get a Pinto into Japan. Thus the Japanese have exceedingly easy access to our market while having extensive protection of their home market. No wonder they can concentrate on export sales.

Mr. President, I ask unanimous consent that this article be printed in the RECORD to provide my colleagues with further information on the Japanese progress in capturing a most significant portion of the American car market.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SMALL JAPANESE CARS SCORE BIG SUCCESSES IN AMERICAN MARKETS

(By Charles B. Camp)

DETROIT.—The Americans' strategy seemed simple enough at first. Since the Germans were waging the major invasion of home territory, the Germans would be attacked head-on. And it would be a fight to the finish: small car against small car.

The enemy, of course, was Volkswagen. And the strategy adopted by U.S. auto makers here initially seemed to be successful: Volkswagen's U.S. sales share slipped as American minicars—Gremlin, Vega and Pinto—scored rapidly expanding sales.

But the victory may well have been pyrrhic. For while eyes were turned toward the Atlantic, a new and potentially more devastating invasion was picking up steam from across the Pacific. And the invasion, engineered by Japan's Toyota Motor Co. Ltd. and Nissan Motor Co. Ltd.—the No. 1 and 2 auto makers of that island nation—is gaining momentum even as import-leader Volkswagen seems to be losing ground.

Detroit, indeed, is worried. Imports of Toyota and Nissan, which makes Datsun cars, have soared from less than 4 percent of total auto imports in 1965 to nearly 30 percent today. Volkswagen's share, on the other hand, is currently 38 percent, down from 67 percent, in 1965 (Volkswagen's American volume, however, is still considerably higher than either Toyota or Nissan. In 1970, Volkswagen sold 570,000 cars in the U.S., compared with Toyota's 196,000 and Nissan's 104,000.)

Toyota and Nissan together now outsell American Motors Corp. What's more since General Motors Corp.'s Vega and Ford Motor Co.'s Pinto hit the market last September, sales of Toyotas and Datsuns have exploded—rising 65 percent and 159 percent, respectively—and have far outpaced the gains in the total car market or the percentage increases of any other domestic or foreign big-volume sellers.

SLICK PROMOTERS

What really irks Detroit, however, is the fact that Toyota and Nissan are neatly beating the Americans at their own game. While Volkswagen has been content to rely mainly on its relatively unchanged and unstylish "bug," the two Japanese companies have been producing smartly styled models that are more powerful than their U.S. rivals. Furthermore, Toyotas and Datsuns are slickly promoted, loaded with popular options and yet still priced at or under the tag on American small cars.

U.S. auto makers are also alarmed by the possibility that Toyota and Nissan may be just scratching the surface of their sales potential. Once concentrated on the West Coast, they now are rolling eastward across the country in force. And both companies are pouring millions into warehouses, dealer-training programs and new office buildings.

Some analysts say combined sales of Toyota and Nissan could double to three-quarters of a million cars by 1975. To bolster this rapid expansion, the two are currently building up their dealer and marketing organizations—and they're sparking defections from Detroit in the process. Nissan's sales vice president was once at General Motors. Toyota's sales manager is an ex-Ford man, and its advertising manager was formerly at American Motors. "We've also picked up a number of regional personnel from Chrysler and American Motors," says James McGraw, Toyota's national sales manager.

Highlighting the success of the Japanese is the fact that Nissan signed up more than 300 dealers in the past year, thereby expanding its dealer force by 50% to more than 900. Furthermore, both Nissan and Toyota are recruiting General Motors, Ford and Chrysler dealers, some of whom now are selling Toyotas and Datsuns as second lines.

A FLEET OF SUBMARINES?

In a few instances, Big Three dealers have defected completely. Al Mitchell, a successful Ford dealer for 17 years, recently dropped his Ford franchise in Cranston, R.I., to become exclusively a Toyota dealer. "My profit per car now far exceeds what it was when I was selling Fords—with a lot less headaches," Mr. Mitchell says.

Such Japanese victories are demoralizing for U.S. auto men. "One of our marketing guys tells me that the way to handle the Japanese is to have our own fleet of submarines," says John Z. DeLorean, general manager of General Motors' Chevrolet division.

Some auto makers here, however, are counting on Toyota and Nissan tripping over their own rapid expansion. They cite the fact that a decade ago—when imported auto sales were booming—many importers were eventually undone by quick expansion that was neither well-financed nor supported by an efficient service network.

Nissan, in fact, has already experienced some growth pains. "We've grown a little too fast. We aren't going to add any more dealers this year," says Yutaka Katayama, head of Nissan's U.S. subsidiary, Nissan Motor Co. Nissan has also rationed cars to some of its dealers and has had a shake-up in its marketing organization, with one top Japanese official being stripped of some previous powers.

SCRAMBLING FOR FOOTHOLDS

Such setbacks, however, are thought to be temporary by most Detroit auto makers, who now are contemplating the possible introduction of competitive cars—even smaller than the Pinto, Vega or Volkswagen bug—by 1975. And to compensate for market losses in the U.S., the Americans are scrambling to get footholds in Japan—second only to the U.S. as the world's biggest car market. The Americans' goals are twofold: participation in the Japanese market (including that country's exports to other growing Asian markets) and gaining access to cheap parts and components for use in future U.S.-built import fighters.

These links are currently hard to forge due to a maze of Japanese investment restrictions aimed at protecting Japanese firms from foreign control. However, under pressure from the U.S., which helped to get the Japanese auto industry back in business after World War II, Japan is somewhat easing its restrictions and the U.S. Big Three are busily trying to nail down deals with Japanese rivals of Toyota and Nissan.

At the moment, Chrysler seems to be making the most progress in cementing Japanese relations and has made arrangements with Mitsubishi Heavy Industries Ltd. to buy a 35% interest in that company's automaking subsidiary for $100 million over the next three years. Chrysler is already importing a limited number of Mitsubishi-built Colts for marketing by Dodge dealers and plans to increase this program in the next few years. Furthermore, Ford's chairman, Henry Ford II, and James Roche, chairman of GM, both recently visited Japan to discuss similar deals wth other Japanese companies.

More importantly, some Detroit sources believe Chrysler might draw on Mitsubishi for engines to include in American Motors, which doesn't yet have any specific Japanese ties, is shopping for parts in Japan. And Ford has entered into an automatic-transmismission venture in Japan with Toyo Kogyo Co. and, ironically, Nissan. Thus far, however, all the American companies have been mum concerning plans for bringing parts from Japan to the U.S.

One important reason that U.S. auto makers are interested in Japanese parts is the enormous gap between American and Japanese production costs. Chevrolet's Mr. DeLorean says it takes 100 hours of labor to build an average car; and on the basis of $7 an hour in the U.S. versus $1.40 an hour in Japan, Mr. DeLorean says the Japanese auto makers start with a $500-per-car cost advantage.

Such cost-advantage estimates may be high. Nevertheless, a key part of the marketing strategy of Toyota and Nissan is undercutting U.S. prices. Since the introduction of Ford's Pinto at $1,919 and Chevrolet's Vega at $2,090, Toyota and Nissan have emphasized models that are priced competitively or cheaper (both have cars that are almost $200 less than the Pinto).

Such a strategy has caused some U.S. auto makers to suspect that the two Japanese firms are resorting to "dumping," or selling their units in export markets at a loss, in order to gain a foothold in the U.S. and to bolster production, thereby spreading fixed costs over a broader base. Dumping is a violation of international trade rules, and Toyota and Nissan flatly deny the practice. "We don't do that," says Toyota's Mr. McGraw. "It's illegal." And Nissan's Mr. Katayama says his company makes "a profit on every car" it sells to its U.S. subsidiary, and the subsidiary makes another profit when it sells them to dealers.

Nobody in Detroit asserts that Toyota and Nissan are prospering on price alone. "They have a tremendous product with great workmanship and a very tough price," says Robert Lund, Chevrolet's sales manager, Henry Ford II calls the cars of the two Japanese companies "excellent." And Road & Track, a car-buff magazine, recently rated the Toyota Corona and the Datsun 510 ahead of the Vega, the Pinto and the Volkswagen "beetle" after road-testing them all.

"BIG HOMER"

To further enhance their attractiveness for American buyers, both Toyota and Nissan have taken major steps to adapt their models to the needs of American drivers and passengers. Nissan, for example, uses a special dummy it calls "Big Homer," modeled after a typical American physique, to set the interior dimensions of its U.S.-bound cars. And both the Toyota Corona and Datsun 510 are equipped with relatively high horsepower to handle the demands of American freeway driving.

Furthermore, at a time when Detroit is trying to reduce the number of models offered, the two Japanses giants are touting increased variety—including Detroit-type hardtops and fastbacks. And popular options, for which U.S. car makers charge extra, are often included in the base price of Toyota and Nissan models.

Perhaps because of their growing array of products, the Japanese companies' sales per dealer have risen dramatically. Toyota dealers averaged 222 car sales last year, up from only eight in 1965. In fact, the average Toyota dealer actually outsold the average Plymouth dealer last year. (The average Toyota dealer was nevertheless still outsold by the typical Volkswagen dealer, who retailed 500 cars last year.)

Toyota and Nissan dealer profits have been further boosted by the two companies' initially successful efforts to crack the lucrative market for medium-priced cars and trucks. Toyota recently added a new line of pick-up trucks, while Nissan introduced a $3,600 two-seat sports car. And Datsun dealers average one truck sale for every two cars.

The growing product lines of the Japanese companies, coupled with their expanding U.S. market areas, has created serious distribution problems—not the least of which is transporting vehicles and parts across the Pacific Ocean. "Getting (boats) to get my cars here is my number-one problem," says Toyota's Mr. McGraw.

SHOPPING IN CANADA

Some automotive analysts believe shipping problems are encouraging both Toyota and Nissan to weigh full-scale assembling of cars in Canada, even though such a move would surrender some of their manufacturing-cost advantages. Hiraki Miki, vice president of Nissan's Canadian company, confirms that there's "a good possibility" Datsun might decide to open a big assembly plant in Canada within the next five years. And sources say Toyota, which already has a small assembly operation in Nova Scotia, is examining the economics of more extensive Canadian production.

Whatever happens in Canada, Toyota and Nissan are planning on maintaining a strong U.S. market—particularly since the sales and production of both have started to slow on their native soil. "Neither of us is willing to accept their idea of no more growth," says a Nissan official.

And neither Japanese firm is willing to see itself outstripped in the U.S. by the other. In fact, their competition in the U.S. is as fierce as the battle bteween Chevrolet and Ford. Toyota's sales a year ago were double those of Nissan, but aggressive selling by Datsun has narrowed this gap by 60%.

Toyota and Nissan are also facing future competition in the U.S. from other Japanese automobiles, including Mitsubishi's Colt, Toyo Kogyo's Mazda and Fuji Heavy Industries Ltd.'s Subaru. Honda Motor Co., famous for its motorcycles, is also beginning a car sales effort. Thus far, however, the Japanese competitors of Toyota and Nissan have a long way to go; their sales last year accounted for only 1% of U.S. car imports.

THE LUMMI INDIAN AQUACULTURE PROJECT

Mr. MAGNUSON. Mr. President, on March 25, 1971, Dr. Wallace Heath, of the Oceanic Foundation of Hawaii, spoke to the American Oceanic Organization about the Lummi Indian aquaculture project presently underway in Puget Sound.

Throughout their history, the Lummi Indians have been a seafaring people, and to turn to aquaculture is a natural move for them. But no one guessed the extraordinary success that they would achieve in a short time. Aquaculture has not been well received in the United States. Yet it is clear that through projects such as those of the Lummi Indians aquaculture is growing at an exponential rate. It offers employment and economic independence for the Lummi Indians; it has enormous food potential for the United States and for other countries of the world. The record of Lummi Indian achievement in aquaculture is outstanding.

I ask unanimous consent that the remarks of Dr. Heath about the Lummi Indian aquaculture project be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

LUMMI INDIAN AQUACULTURE

The Lummi Indians began a project in 1969 to create seawater ponds on their tidelands for growing seafood. Since their 5,000 acres of tidelands are their only major resource, aquaculture offers the best possibility of economic independence for the tribe.

Starting in June, 1969, the Lummi Indians constructed their first oyster hatchery and nursery in the Northwest and had it in operation three months later. By August of 1969 they had converted 100,000 Donaldson rainbow trout to seawater successfully.

Between September and November, 1969, they moved 75,000 cu. yds. of sand and rock to create a 4-acre research area with 8 ponds up to 1.5 acres in size. All of this was completed and in operation by March 1970, when it was officially dedicated.

By October 1970, six months later, the trout had grown on the average from one-tenth pound to two pounds, totalling 9,000 lbs. of growth in an 0.8-acre seawater pond. Due to the high natural food content in the seawater they consumed only one pound of supplemental trout food per pound of fish growth. Thus, these fish grew by a factor of twenty in six months.

Silver (or Coho) salmon were grown from .03 lb. to 0.3 lb. in six months, or grew by a factor of 10. Experimental marketing of young silver salmon has gone well in its first stages. All of the trout-sized fish have been sold. A consumer acceptance study is being conducted.

Oyster seed from the Lummi Shellfish Hatchery was placed in the ponds in April. It grew from ¼ inch to 3½ inches by October. They doubled their weight every two weeks on the average. It is estimated that they will reach the half-shell market size after only two summers of growth, rather than the normal 3 to 4 years required with past methods.

Based on the results of the first year's work as well as other work in various parts of the country, the Lummis began building the second phase of the project. This included a 750-acre pond, a fish hatchery, and a commercial shellfish hatchery. Two miles of dikes were built in three months during the fall of 1970. Hatchery construction is now beginning in the spring of 1971. By September 1971, they shall have the capacity to produce 100 million oyster seed and 4 million fish.

Other essential features of the project included the two year training of over 100 Lummis in various phases of aquaculture. Fifteen Lummis are in colleges or universities this year. This speaks well for a tribe that has had only 2 or 3 college graduates in its history. Next year at least 10 more will go on to higher education from the training program.

Considerable tribal business reorganization is taking place with the guidance of professional businessmen. A young Lummi staff's receiving intensive training in management and more is planned for the near future. The first marketing efforts are now paying off with ample market potential for the crops now planned next year.

A very significant aspect of the project has been the high degree of integration of federal and private agencies. Tap Pryor, president of the Oceanic Foundation, was the first to give funds. These paid for the organization costs and matched federal funds. EDA was the first federal agency to support the research aspect. OEO soon followed to provide the research ponds with Lummis doing the construction. The Department of Labor provided funds for training and the Oceanic Institute carried out the training program. Several agencies collaborated in this training. These incuded BCF, BFW, Western Oyster Co., Washington Department of Fisheries, West Washington State College, and the University of Washington.

There have been numerous problems of interest to others. Technically, there is always some disease needing attention, though there was a very little mortality in the dirt ponds either for fish or oysters (1% or less). The salt-water freezes the fish when it drops below −1° C. Fish must be moved to fresh water or deeper seawater then. But this is similar to moving livestock from high to low pasture in the winter time. We have now made provisions for this. The oysters are not harmed by freezing.

Foremost in problems has been the persistent and unrelenting opposition. This is partly due to the involvement of tidelands but is mainly due to the fact that it is an Indian project. A minority of the whites and Indians on the reservation have been very loud in opposition. This appears to be a normal condition for any new project.

In summary, the project has been very successful in growing fish and oysters. Over 350 tribal members have received training or employment in the early stages. About 200 Lummis will be employed by the project by 1973. It is expected that full production by 1973 or 1974 will gross about $3,000,000 based on the results so far. This will be a firm economic foundation for the entire tribe and set a precedent for the aquaculture potential in the Puget Sound area.

LAKE-RAIL SERVICE FOR GRAIN

Mr. MAGNUSON. Mr. President, a recent speech by John A. Creedy before the Buffalo, N.Y., Chamber of Commerce is of some merit to those interested in the low-cost shipment of bulk cargo. Mr. Creedy is president of the Water Transportation Association and speaks with authority on his industry.

Mr. President, I ask unanimous consent that the text of Mr. Creedy's remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Implementing Plan for Low Cost Lake-Rail Service on Grain for New England

It is a pleasure to be back in Buffalo today. We are certainly delighted with the amount of interest that has been aroused in the grain trade and throughout New York and New England by the proposal we have made for a coordinated lake-rail movement on grain via Buffalo.

The word is coming back to us that we have a sound idea which could result in a great deal of new business for Buffalo. The problem is to get it implemented. That's why I'm here. I want to tell you what you can do to help.

Let me first briefly review what the proposal is and what the problems are. In essence the proposal is very simple. It is to combine the low cost of highly efficient Great Lakes transportation to Buffalo with the economies of the most modern unit train transportation from Buffalo into New England.

We are not proposing anything that hasn't been successfully accomplished elsewhere. We are simply suggesting that successful technologies readily available in other parts of the country be combined and applied to improve the efficiency of the transportation of grain into New England. Our study indicates that about a 50 per cent saving in transportation rates is possible.

A number of things have to happen before that saving can be achieved. The first change that would have to be made in the chain of improved productivity is to provide incentive to the New England grain and feed people to modernize their plants and increase their storage capacity. We were told that a 30 per cent reduction in transport costs would be incentive enough for them to construct fast car-unloading facilities, put in extra track and extra storage so that they can receive 25 or more 100-ton hopper cars at a time, unload them and get them back to the railroad very promptly.

Then the lake-front area owned by the Niagara Frontier Transportation Authority should be developed as an ultra-efficient bulk handling storage and transfer facility. For that we need to adopt the successful technology available in such volume grain loading areas as in Illinois. A loop railroad track large enough to handle 100, 100-ton hopper cars and modern rail car loading facilities so that a train of cars keeps moving steadily and 10 thousand tons can be loaded in a few hours would be required. On the lake side, the self-unloaders would empty into the storage facility. The lake steamers would shuttle back and forth independent of the train and the train would shuttle back and forth to New England independent of the boat; neither would have to wait for the other.

Such an operation of course would help stimulate all kinds of bulk traffic as well as grain and would be a great thing for the port of Buffalo and the economy of the region. Cheaper grain brought into this port would of course stimulate the livestock and poultry industry for northern New York as well as for New England.

Although the overall freight rates would be much lower the proposition should be attractive financially to both railroads and lake carriers because much greater utilization of equipment is proposed. It should be possible to load that unit train twice a week. On the average freight cars are loaded only 15 times a year. The difference in utilization of course justifies the savings.

At Albany, New York, the Penn Central very happily delivers unit train loads of grain from the Midwest to the Cargill facility for export at rates much lower than the WTA study proposes. The heart of our idea is to match the economies of the service to Albany, as far as possible, and apply them to the Buffalo-New England route. If they can do it to Albany, and make money, why can't they do the same sort of thing to New England and make more money? That's really all we are saying.

What would happen if this proposal were adopted? Our New England friends tell us that the poultry industry in New England is being shut out of its own home market by imports of broilers and even eggs from the southeast. Why do New Englanders eat chickens raised in Georgia? Because the freight rates from exactly the same corn growing areas which supply New England, over precisely the same distances are substantially lower to the Southeast. Why are they lower? Because the southern railroads have vigorous barge and truck competition. Why is there a unit train into Albany at low rates? Because there is vigorous competition on export grain via the St. Lawrence Seaway and via the Mississippi River and New Orleans.

New England agricultural experts tell us that the difference in grain rates is the chief reason the New England poultry industry is shut out of its home markets. Equalize the freight rates, they say, and the New England poultry industry will be supplying every supermarket in New England.

Why aren't the freight rates equalized? Because there is no competition for the railroads serving New England. The purpose of our proposal is to provide a viable, lake-rail route that will compete with the all-rail and produce the best efficiencies of railroading and water transportation in the public interest.

Why isn't this sensible proposal which no one has attacked as economically unsound, which would provide profitable traffic for the railroads and greatly expand traffic if the New England poultry industry recaptures its home markets, why isn't this proposal welcomed and adopted at once?

The word trickling back to us from the lower echelons of some of the railroads involved is that they now have a monopoly of the traffic and they don't see why they should share it with the lake carriers. Bear in mind, we don't expect all the grain to move via Buffalo. But even if it did, all of it would move substantial distances by rail. A lot of it would move all-rail, particularly in the winter, if the same level of rates and the same type of service, distance considered, were applied to the all-rail service. There's 2,400,000 tons of it moving into New England for poultry and livestock annually today. That traffic could easily expand to over 6,000,000 tons if the WTA proposal is adopted and has the effect anticipated.

But the idea of maintaining a monopoly of the traffic has a powerful hold on the minds of most railroads. They have been reluctant to join with water carriers even when the public would benefit from a substantial reduction in overall transport costs. They don't like to see a water-rail service competing with an all-rail service because that means the introduction of price competition, rate reductions. Railroads do not, as a matter of policy, compete with each other on rates.

I hope this initial reaction of some railroad staff does not represent rail top management thinking. We should get some meaningful cooperation. If their position solidifies into a plain determination not to cooperate in order to maintain their monopoly of the traffic, I think such a position is untenable.

We're dealing here with huge institutions— the railroads. These institutions hold the answers. If they are like most institutions, they don't move until they are pushed. And that's what you can do to help this project—and the Port of Buffalo—along, you can do a little pushing.

The railroads are certainly pushing for a great many things they want. They want everyone to help them on their problems; why isn't it in the public interest for the New England poultry industry to get a little help in return particularly when the railroads can make money—and perhaps a lot of money—doing so?

I think we have to take a realistic view of the situation. We do have a legal recourse. The Interstate Commerce Act very clearly states that "it shall be the duty of every common carrier subject to this part to provide and furnish transportation upon reasonable request therefor . . . (and) to establish reasonable through rates with common carriers by water." In another section the law states that they must "afford all reasonable proper and equal facilities for the interchange of traffic between their respective lines and connecting lines" and further states specifically that a connecting line includes a common carrier by water.

In the past 25 years, the water carriers have produced a solid line of Supreme Court precedents which simply confirm that that language means what it says. The weakness of going the route of litigation is that it takes three to seven years to get a decision and by that time all the chickens in New England, such as remain today, will be long gone, according to the New England poultry industry.

The traditional position of the Commission has been: if you don't like something the railroads are doing, file a complaint and we'll process it. But that may take the better part of a decade.

The Commission has the power to prescribe rates from the Port of Buffalo into New England in connection with a water carrier and has often said it would not hesitate to exercise its power under the proper circumstances. But of course in exercising it there would have to be long drawn-out litigation.

Other regulatory Commissions have been successful in moral suasion or jawboning the industries they regulate. They have said: we have the power to institute a proceeding and make you do something you know you ought to do in the public interest, but we would much prefer to have you do it voluntarily. A word to the wise has been sufficient. Costly and time-consuming litigation has been avoided while everyone's *right* to litigate has been preserved.

We would like to see the Commission take leadership in some of these areas in which very large transport savings appear possible by issuing some sort of policy statement recognizing the Commission's responsibility for the proper functioning of the industry under the statute. Perhaps such a policy statement might go something like this:

"Our attention has been called to the concern the New England poultry industry has over the competitive disadvantage under which it suffers because of disparity in freight rates on feed grains as between New England and the Southeast. The National Transportation Policy places a responsibility on the Commission to develop, coordinate and preserve a national transport system by water, highway and rail as well as other means, adequate to meet the needs of the commerce of the country. The railroads and the water carriers are reminded that under Sections 1(4) and 3(4) common carriers are required to provide transportation service upon reasonable request and that through routes and rates with common carriers by water are also mandated. It is clearly in the public interest that the best efficiencies of both water and rail services, in combination, be offered to the public. The Commission would be pleased to see both rail and water carriers examine the potential for improving the efficiencies of services into New England and propose joint rail-water rates reflecting the unit train efficiencies commonly available for commodity movements in this and other sections of the country."

If the ICC were to issue a policy statement along these lines it would be very helpful. I doubt very much if the railroads could afford to ignore it. I think something would be done to improve the efficiency of grain transportation into New England via a water-rail route.

What can you do about all this?

First of course you can reinforce our activities by making a request to the railroads involved, in the stately language of Section 1(4), that the rail common carriers provide and furnish transportation on reasonable request therefor from Buffalo to New England and establish reasonable through routes with water carriers at the same level of efficiency which is readily available elsewhere in the country.

Second, you may wish to suggest to the ICC that it take an interest in the problem on behalf of Buffalo and issue a policy declaration along the lines of the draft above.

Third, it will interest you to know that I have had very cordial interest in the proposal we have made expressed by the Governors of the New England states, by Governor Rockefeller's office, by Mayors of many cities, by the Agriculture Departments of the New England states and by the economic development and transportation departments of the various states. I think you can reinforce that cordial interest by activities of your own expressing the interest of Buffalo in promoting efficient water-rail service.

Fourth, I think the Department of Transportation, which is headed by a New Englander, could be very helpful in this whole struggle. The support of Buffalo for more efficient transport service for New England would be greatly appreciated in that quarter.

Fifth, the problem of developing water-rail services over Great Lakes ports is not unique to Buffalo but is a common problem of almost every Great Lakes port. You may wish to join with other ports in their efforts to achieve rail rates to and from the ports which are comparable to the all-rail, cost and distance considered, and reflect the best efficiencies of modern railroading. Senator Robert Taft recently pointed out that rail rates to and from Great Lakes ports are rigged at such a high level that competition from the Great Lakes ports is shut out. In essence, we have the same problem here. Midwest manufacturers have an extra cost burden placed on them because the rail rate structure prevents them from reaching ocean transportation at the closest Great Lakes port. New England farmers have an extra cost burden placed on them, because the combined efficiencies of Great Lakes and unit train service are denied them. Every port will be interested in this problem and will come to your assistance.

This is a good time to move. The low cost water highways of the Great Lakes are urgently needed to meet the growing demands of the economy for expanded and improved transport services. The railroads freely admit that they do not have the resources to invest in enough equipment and facilities to keep up with the needs of the growing economy. Particularly in the Northeast, the drag of inefficient transport service is becoming a greater and greater burden on the productivity of the economy. The WTA proposition is a self-financing project which will utilize the efficiencies of lake transportation, improve the efficiency of rail transportation and bring in more business for the Northeast. If we all work together, I think we can make it a reality. Buffalo could provide the breakthrough in water-rail cooperation long sought by government and business and open a new era in which water carriers and railroads work as "willing partners" to bring to the public the best efficiencies of each means of transportation at drastically lower overall rates.

THE U.S. MERCHANT MARINE TODAY—SPEECH BY EARL CLARK

Mr. MAGNUSON. Mr. President, I recently had occasion to read again a speech that was made some time ago by Mr. Earl Clark relating to the Jones Act. Mr. Clark is well known to the Members of this body. He was formerly Deputy Maritime Administrator, is codirector of the Labor-Management Maritime Committee, and is the author of a fine book on maritime policy entitled, "The U.S. Merchant Marine Today: Sunrise or Sunset."

I believe that Mr. Clark's speech, which relates to the application of the Jones Act to our noncontiguous States and Puerto Rico, is quite timely. I also believe that it would be of interest to Senators. Consequently, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE U. S. MERCHANT MARINE TODAY

Ladies and Gentlemen:

I count myself most fortunate to have the privilege of visiting this beautiful gem of the Caribbean. It is our first visit and the answer to a lifetime of anticipation. I was particularly pleased to have been invited through my good friend, Gay Brunelle, whose reputation is widely known not only in Puerto Rico but on the continent as well. I want to thank one and all for being such gracious hosts to Mrs. Clark and to me.

I want to address you this evening on the same subject as the title to my recent book called *The U.S. Merchant Marine Today,* copies of which your propeller club requested and received in quantity of recent date. But I think I would like to amend the title for this occasion to read *the U.S. Merchant Marine Today With Special Emphasis on Puerto Rico.*

From an overall point to view, let us first turn to certain facets of our past maritime history. At the end of World War II the United States was the most powerful maritime Nation in the world. Today in commercial shipping we have sunk to fifth place, some say sixth place, in deadweight tonnage. When World War II ended, we were carrying some 57 percent of all our foreign waterborne commerce. Today we carry something less than 5 percent. No other Nation can equal or even approach this decline.

Now what was the blueprint that helped bring about this downward trend? I believe the following elements summarize it in essence:

1. The sale of 1,113 U.S. war-built vessels to foreign Nations—an altruistic and gracious act but somewhat deleterious in its competitive impact.

2. The lax policies of transfer to foreign registry, creating an additional mass exodus of some 740 large oceangoing merchant ships or over 7 million dwt from 1946 through 1968.

3. Acceptance of the runaway flag philosophy and its copartner, the flags of convenience—which have built up huge fleets of American-owned foreign flag shipping.

4. Full latitude on the part of the United States-based corporations to engage simultaneously in dual U.S.-foreign flag operation. By using cheaper foreign labor and avoiding U.S. taxes these corporations have built up a strong foreign competitive merchant fleet owned by U.S. citizen corporations.

5. Reliance for over two decades upon old World War II vessels bought at bargain prices under the Ship Sales Act of 1946, with little or no provision for new ship replacement on the part of numerous steamship lines.

6. The past failure of any real positive government implementation of our National Maritime policy.

These are some of the major ingredients in a decidedly negative maritime program principally responsible for our maritime decline. Let us examine the extent to which these processes have facilitated the growth of foreign flag shipping owned by foreign affiliates of the United States parent companies. As of December 31, 1968, there were 436 foreign flag ships in this category amounting to over 18 million DWT. As of the same date, other U.S. citizen entities owned and/or controlled 115 additional foreign flag vessels of some 4,172,000 DWT.

The adverse effects of this trend upon our domestic economy have been numerous. Every ship transferred was a ship lost to U.S. flag. Each transfer meant a crew lost, diminished income from shipping and reduced U.S. tax income. The general economy was correspondingly affected.

Foreign ships owned by U.S. parent companies have thus accentuated foreign shipping competition and helped reduce U.S. flag participation in our foreign commerce to an all-time low.

Aside from the massive build-up of foreign merchant fleets, through sale and transfer of U.S. flag ships, new foreign construction has further sharpened the competitive edge. In fact, with the prorgess of time many of the old transferred ships have been replaced by new foreign tonnage.

A large segment of American-owned foreign flag shipping operates under the so-called flags of convenience. The name is normally applied to denote a convenient escape from American wages, U.S. standards of living, U.S. taxes and operating rules and regulations.

The flight of American capital to such flags has aptly begotten the designation of "runaway" flags. A national policy calling for the return of so-called runaway ships to U.S. availability in time of national emergency is termed "effective control" by the Military Establishment. Its effectiveness is considered exceedingly tenuous in many circles within the maritime community.

Such concepts and practices have impaired our merchant fleet strength. Its current status is aptly described by the capable Chairman of the Federal Maritime Commission, Mrs. Helen D. Bentley, in a recent address at Pensacola, Fla. She pointed out that as of July 31, 1970, there were only 792 active privately owned U.S.-flag ships—the lowest since the end of World War II. Only 27 Government merchant ships were active on that date. Of the 792 ships, only 333 were built since 1950. Of these, some 50 to 60 are from 17 to 20 years old. She further pointed out that even our expected program of some 300 new ships approximating 10 million deadweight tons is dwarfed by the Japanese who on December 31, 1969, had 1,989 ships of over 34 million deadweight tons—all 15 years of age or less—and who expect by 1974, to increase this to 60 million deadweight tons. The director of the boilermakers and Iron Shipbuilding Marine Council estimates that without a positive maritime program the United States would decline to some 272 active private merchant ships by the same date (1974).

With the Soviet Union adding some 1,000,000 DWT a year to a fleet already consisting of 1,717 ships of well over 12 million DWT, the comparative status of our overall U.S. Merchant Marine stands out in bold outline. Neither our commercial well being nor our national defense can countenance an increased disparity in merchant seapower.

One may well ask what new and positive changes, if any, are on the horizon. Fortunately, there are some. President Nixon has proposed a new maritime program for building some 300 of the newest, fastest and most capable ships in the world. He is the only President to advocate and support a real positive maritime program in the last two decades and for this he deserves the highest respect and admiration of the maritime community. Legislation to effectuate this program is now moving through the Congress of the United States. We have in Maritime Administrator Andrew Gibson not only a man of wide marine experience, but of capable and sagacious judgment as well. He has unrelentingly pursued a course of maritime advancement for the country and, hopefully, he will win his program and bring it through to reality. The Nation is thus moving in the right direction—that of developing a strong American merchant marine. If vigorously pursued, the flight of American capital to foreign steamship operations may be stemmed and even reversed.

One of the specific provisions of the new maritime legislation is that all shipping which receives any Government support must divest itself of foreign-flag interests within a 20-year period or lose Government subsidy for its U.S. flag vessels. In the liner trade, this divestiture must be rather immediate. Thus the Nation is moving toward foreign flag divestiture even in the foreign commerce wherever Government support is involved.

This is good, for it is high time that we stop building up foreign flag shipping at the expense of the U.S. Merchant Marine. Now let me make it clear that I am not against foreign flag shipping as such. We need foreign shipping in international waterborne commerce. But when we surrender some 95 percent of all our own foreign commerce to foreign shipping, it is time to start changing things. It is time to start in the direction so vigorously pursued by other maritime nations.

For example, England transports 37 percent of her foreign commerce in her own ships; France 48 percent; Norway 43 percent; the Soviet Union 50 percent; Japan 50 percent; Sweden 30 percent; Germany 30 percent, and Greece 39 percent, to mention a few.

Now it must be clear that if we are to move toward greater U.S. flag participation in our foreign commerce—and especially under the new administration program—then we cannot afford to take a converse position with respect to our domestic commerce.

In the domestic field, there are also some good signs on the horizon. The Journal of Commerce in its issue of August 27, 1970, announced that Sea-Land Service, Inc. is "negotiating on arrangements which will enable it to provide a direct link, by full-fledged containerships, between gulf ports and the hub of its domestic and overseas transshipment network in Puerto Rico." Such an event would offer shippers in the expansive Mississippi Valley region, greatly increased container carrying capacity with lower inland transportation cost to reach a port with direct sailings to Sea-Land's Puerto Rican hub. Sea-Land is to be complimented for this move. However, I understand that presently only some few conventional break-bulk ships with limited container capacity now ply this trade. More break-bulk shipping appears to be the immediate pressing need.

In my view, we are on the threshold of a myriad of innovations in U.S. merchant shipping which will render it more competitive than at any time in its history. At such a time our cabotage laws as provided in the Jones Act must not be weakened. Let us look at some of the adverse results if we open our domestic commerce floodgates to foreign shipping.

Such an introduction of foreign shipping would render many Puerto Rican seamen jobles with a direct adverse effect upon the economy of the commonwealth and upon the employment status of its citizens. The taxes paid by U.S. flag operators, which are quite substantial, would be seriously diminished. Puerto Rican reliance on foreign shipping would prove precarious at best. As has been historically true, many of these foreign flag fleets would disappear whenever and wherever homeland needs for shipping elsewhere demanded.

During World Wars I and II, we saw what an exodus of foreign shipping did to the United States. This was never portrayed more clearly than by the distinguished chairman of the Merchant Marine and Fisheries Committee of the House of Representatives when on August 27 of this year he pointed out and I quote:

"Prior to World War I, this country let its Merchant Marine decline to a low ebb. No Federal assistance was provided. We relied almost completely for the carriage of our foreign trade upon the vessels of supposedly freindly countries.

"When World War I broke out in Europe in 1914, the vessels of those friendly foreign countries suddenly deserted the United States foreign trade to serve the pressing needs of their own countries abroad and the cargo for export piled up on our docks. The few ships that did come here raised their rates to astronomical levels. Indeed, freight rates rose over 1,000 percent. At that time we frantically engaged in a shipbuilding program—but too late."

Mr. Garmatz indicated this country had learned a bitter lesson and "that we should never again find ourselves completely reliant upon foreign ships."

He concluded that "an American Merchant Marine capable of serving as a military or naval auxiliary in time of war is a basic ingredient of our defense establishment and necessary to our national security."

Economic change can modify the course of shipping as well as world conflagrations. Actually, even in peace time, the decrease of U.S. shipping and reliance on foreign shipping has rarely meant lower rates and shipping costs. Once U.S. shipping is out of the way, costs on given trade routes have actually increased in many cases. The abandonment or modification of the Jones Act to bring in foreign shipping does not necessarily mean lower rates as conference rates, for the most part, would then apply, which means that rates on particular items of cargo are the same, whether U.S. or foreign.

If present trends continue, transportation costs will most certainly be driven downward with the passage of time. New investments in containerization; new ship construction; the roll on/roll off vessels; the lash type ships; the Sea Bees and expansion of trailer areas and modernized terminals—these all show signs of rendering greater service at lower cost. Many of these improved innovations are being brought into the Puerto Rican trade by Sea-Land; Seatrain; TTT, Lykes and others, thus ever increasing the quality of service. Certainly, this is no time to surrender such possibilities and potentialities in our domestic commerce to foreign shipping.

In the new Nixon legislation now before the Congress, construction fund privileges with tax deferment are for the first time extended to carriers engaged in the domestic commerce. This should provide financial incentive to domestic carriers to accelerate new ship construction and provide even better means of domestic transportation. Furthermore, with new marine technology, containerization, and constantly improved shipping service, the price-transportation-cost ratio should correspondingly improve. Certainly in all these specific areas, foreign shipping can do no better. America's lead in marine technological advancement and new shipping methods may even narrow the gap between domestic and foreign operating costs to a point where, in some areas, the American cost potentials will be at no appreciable disadvantage.

The argument has been advanced that ocean freight is a *major* cause of higher prices for the things Puerto Rico must import. On April 1, 1970, the Federal Maritime Commission staff, after long and exhaustive study and research, found little support in fact for such a contention. To quote from a principal finding, the commission staff study indicated and I quote, "examination demonstrated that the effect of ocean freight charges on the wholesale selling price is relatively small compared to the impact of Puerto Rico's marketing system."

An extended research into some of the basic consumer food items, including rice, meats, eggs and vegetables showed retailer markups outrunning transportation cost increases by several times.

In the so-called intermediate class of imports, including cast iron pipe, fittings, enamels, paint, lacquer, libricants, etc., the impact is somewhat greater, and comparison with retailer markup is more difficult since much of it moves directly between the mainland supplier and the manufacturer in Puerto Rico.

However, where retailer markups do exist, the percentage is greater. The commission found that some 41 articles examined, "the price—transportation—cost was from 5 to 19 percent on some commodities, most of which were foodstuffs, and of the remaining items studies—also mainly foods—the ocean freight charge was 4 percent or less."

Actually, Puerto Rican retail prices have increased from a 100 base index in 1958 to 116 by 1967, the latest figures of the FMC report. During the same period Puerto Rican ocean freight rates declined from 100 to 98 by 1960, increased back to 100 in the indices in 1962 and declined somewhat steadily to 1967, the year the study terminated. Taking foods alone, the rates southbound, compared to total food imports, showed total traffic increasing from a base index of 100 to 234, while ocean freight on foods remained rather constant with periodic declines. Using a different base year, shipping costs to Puerto Rico declined from an index rating of 100 in 1958 to a low of 88.4 in 1969.

Let us take into consideration the cost increase as related to locally produced foods. The Commission staff study found that "between November 1966 and November 1967 alone, the overall cost of living increased 4 percent and that during this period the price of locally produced foods increased almost three times as much as that of imported foods. The cost of living index on locally produced food climbed 9.7 percent while the index on imported foods rose 3.5 percent." The cost of the other Puerto Rican produced products rose during the same index period from a par 100 in 1958 to 163 in 1969.

It must be noted that while freight rates do not appear to be the major cause of increased prices in Puerto Rico, the industry must, nevertheless, strive to drive them downward in the interest of contributing to a stronger economy. Puerto Rico transports 99 percent of her total imports by water. Eighty-one percent of the total value of Puerto Rico's imports are from the continental United States. Domestic production of food and certain other consumer articles is not sufficient for the demand. Under this circumstance, it is highly important that the rate structure in the Puerto Rican-U.S. domestic trade be frequently examined. Meanwhile, the fact that ocean freight rates have a relatively smaller effect on the wholesale selling price, as compared to other facts of the marketing system, is important, and it certainly argues against any hasty condemnation of the Jones Act in such matters.

Let us look at a summarization of the pros and cons under the Jones Act as it relates to Puerto Rico.

1. Foreign-flag lines provision their ships in their homelands. U.S.-flag ships purchase here and on the continent.

2. Foreign-flag companies pay no taxes. U.S.-flag lines do.

3. Foreign crews spend less in Puerto Rico. U.S. seamen spend more—both of time and money.

4. Many foreign-flag ships operate with lower standards of safety. U.S.-flag ships must be built to ABS standards and meet U.S. Coast Guard inspections, therefore, normally safer ships.

5. Foreign-flag ships subtract from our balance of payments position. U.S.-flag shipping overall adds almost one billion dollars a year to our balance of payments on the favorable side of the ledger.

6. Foreign-flag shipping employs foreign seamen. Reportedly, some 47,000 Puerto Ricans are employed in the Maritime industry. They are principally related to American-flag operation. On ships plying the U.S.-Puerto Rican trade, 60 percent are Puerto Rican crewmen.

7. Foreign ships give no assurance of continuity of service when international emergencies demand their return to their homeland. U.S.-flag ships seek to provide continuity of service at all times and in all circumstances.

8. Foreign shipping makes little or no improvement in Puerto Rican local port facilities. U.S. shipping has helped in innovative investments in such improvements estimated at some $100 million.

9. Foreign shipping gives no assurance of stability of rates. The presence of U.S.-flag ships assures rate stability as found by the Federal Maritime Commission.

10. Foreign shipping is not fundamentally motivated by any specific purpose of strengthening the economy of Puerto Rico. Its interests are directly related to the needs of the respective homelands. U.S.-flag shipping must devote itself to promoting the economic welfare of Puerto Rico as a part of the National economy.

To amend or weaken the Jones act to the point where substantial tax income and the employment of U.S. citizens, including those of the Commonwealth of Puerto Rico, are traded off for foreign flag entry into our domestic commerce would be penny wise and pound foolish.

If there are legitimate and reasonable adjustments necessary for the promotion of our domestic commerce, let us make them. However, this does not mean a weakening of our basic maritime laws. Even temporary suspension of coastwise laws by legislative enactment does not appear too satisfactory. The suspension of Puerto Rico's behalf for the transport of lumber from the northwest under Public Law 87–877 in 1962 resulted in the approximate equivalent of one full shipload of lumber being transported in a year's time. Because of this experience the suspension was never extended.

Placing reliance on domestic ships for domestic commerce has greater potential and in so doing, we do not abandon our cabotage laws. To my knowledge, none of the other maritime nations in the world have so abandoned their domestic shipping, nor can they afford to do so.

So much for the Jones act. What about the more basic needs of the commonwealth?

It seems to me the more pressing need in Puerto Rico is for more industrialization to meet three major problems—rising population, unemployment and inadequate family income. Puerto Rico is to be commended for its foresight and initiative in this regard. First with its *PRIDCO* activities and later under the more successful *EDA* program.

Puerto Rico is moving rapidly to attract business and industrialization to the commonwealth. The common market which exists between the mainland and the commonwealth is avaluable asset to be employed in this direction. With EDA offices in New York, Philadelphia, St. Louis, Chicago and Los Angeles, the advantages of Puerto Rican investment and development are being fully disseminated with ever increasing results. Both light and heavy industry are on the upswing in Puetro Rico, bringing benefits to the people of the commonwealth. Shipping must play its part for efficient shipping services at reasonable cost. This is a must and a vital part of the whole process. I intend to do all I can to make this amply clear in Washington and elsewhere. His excellency, the Honorable Luis A. Ferré, Governor of Puerto Rico, and the Honorable Jorge L. Cordova, your resident commissioner in Congress who speaks before our National Propeller Club Convention this year, are vigorously pursuing such desired goals.

Shipping can help in such efforts under the new maritime programs now before the Congress. It will call for a ten year U.S. merchant shipbuilding program of some 30 new fast ships per year for a total of 300 ships. Over the ten year period, these 300 ships will be built at an estimated cost to the government of some $2.5 billion dollars. When private funds, which will be considerably in excess of Federal expenditures, are added, this shipbuilding program will call for some $6 billion in total cost. The New York Journal of Commerce on September 4, 1970, listed a number of companies that had already advised the Maritime Administration of their desire to build ships. The total has now reached some 84 vessels. These ships will be of the most modern design, incorporating all the innovations of advanced technology. In some cases, one ship could well replace as many as four or five and even more of the old conventional vessels now in operation and be competitive with anything afloat.

Bulk carriers will, under this bill, be eligible for Federal construction financial support, including not only subsidy-differential costs but tax-deferred privileges on construction funds as well. This latter privilege, under the new legislation, will now be granted in the domestic commerce also. The proposed legislation of the administration provides support and incentives in both the ship construction and operating fields. Reductions in costs in both areas are envisaged through greater efficiency and increased productivity. New maritime dawnings are on the horizons. New hopes are being engendered. New avenues of service are being opened. Internal divisions within the maritime community are lessening as the industry closes its ranks in the face of this new legislative program and the opportunities it engenders. This is no time to sell the maritime industry short. This is no time to surrender to foreign shipping. This is a time to build a strong U.S. merchant marine to improve our economy and the economic health and welfare of our people and especially those of the Commonwealth of Puerto Rico.

America's major problems of eliminating unemployment, providing better housing, insuring better care for the needy, improving medical care for the sick and aged—all call for positive action. None of these desirable goals can be attained by destroying any vital segment of our economy, including merchant shipping. When we destroy vital producers of American wealth, we at the same time destroy our sources of revenue.

There is much that needs to be done in America and as soon as we can reasonably detach our troops from the Vietnam conflict and devote more of our attention to the needs of our people at home, the better off we shall be and, by God's grace, I believe we shall achieve both these ends.

It has been such a real pleasure for Mrs. Clark and I to visit your beautiful island Commonwealth. Your gracious welcome and hospitality have created in us an appreciation beyond our ability to express, but let us say it as best we can with a heartfelt muchas gracias.

MEDICAL LIBRARY ASSOCIATION DAY

Mr. HUMPHREY. Mr. President, there is at the desk a joint resolution (S.J. Res. 103). I ask unanimous consent that the committee to which the joint resolution was referred be discharged from further consideration of the resolution, and that the Senate proceed to its immediate consideration.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I do not intend to object—it is my understanding that this matter has been cleared with the ranking minority member of the committee, the Senator from Nebraska (Mr. HRUSKA). Is that correct?

Mr. HUMPHREY. May I say that not only has it been cleared with the Senator from Nebraska (Mr. HRUSKA), but also with the chairman of the subcommittee, the chairman of the full committee, the minority leader, and also by a polling of the Judiciary Committee.

Mr. GRIFFIN. I thank the Senator.

The PRESIDING OFFICER. The clerk will state the joint resolution by title.

The legislative clerk read the joint resolution (S.J. Res. 103) by title, as follows:

> A joint resolution to authorize the President to designate June 1, 1971, as "Medical Library Association Day".

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Minnesota? Without objection, the committee is discharged from further consideration of the joint resolution, and the Senate will proceed to its consideration.

Mr. HUMPHREY. Mr. President, on June 1 of this year, the National Medical Library Association will hold its annual meeting. The joint resolution I introduced on Monday, May 24, authorizes and requests the President to proclaim June 1 as "National Medical Library Day."

The medical libraries represented by those attending this meeting are an increasingly important factor in providing quality medical care to the American people. The benefits of medical research are more readily available to doctors and medical staffs throughout the country. The Medical Library Assistance Act, enacted in 1965, has made funds available to the medical community, through the National Library of Medicine. The sum of $40.8 million has been granted since the enactment of the legislation.

However, much more remains to be done, Mr. President. Far too often, scientific and medical breakthroughs are not widely enough dispersed. Too frequently, the knowledge exists that would permit the curing of a disease or easing a disability, but it is not available to those treating those who suffer.

We must expand the facilities and quality of medical libraries nationally. Funding must be made available for this important task. We must also see to it that the trained personnel are available. Training grants for the specialized skills required must be increased. The important mission of these libraries and those who operate them must be expanded. We must make sure that the sick and disabled are given the very best and up-to-date treatment. Our network of computerized medical libraries are helping make sure this is the case.

It is for this reason that I introduced the joint resolution. Declaration of a "National Medical Library Day" will help bring the importance of these libraries before the American people—the people these storehouses of medical knowledge are designed to serve.

I ask unanimous consent to have printed in the RECORD certain references and tables.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF FIGURE CAPTIONS

Figure I—National Health Expenditures in 1969 for health care, medical research and communications.

Figure II—Percentage Distribution of Funds by Program for the period July 1, 1965 through June 30, 1970.

Figure III—Percentage Distribution of Program Funds by personnel, materiel, techniques and services for the period July 1, 1965 through June 30, 1970.

Figure IV—The number of resource grants distributed by type of institution.

Figure V—The funding distribution of resource grants by type of institution.

Figure VI—Hierarchiacal Structure of Medical Library Network Plan.

Figure VII—A comparison of the distribution of national interlibrary loan activity before and after the establishment of Regional Medical Libraries.

Figure VIII—Regional Distribution of MLAA Funds provided by the Research, Training, Resources, Construction and Regional Medical Library Programs of the NLM.

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TABLE I.—COMPARISON OF NLM AUTHORIZING, APPROPRIATIONS, AND UNFUNDED PROJECTS UNDER THE MEDICAL LIBRARY ASSISTANCE ACT OF 1965 FOR FISCAL YEARS 1966-70 (JULY 1, 1965, TO JUNE 30, 1970)

[In millions of dollars

(A)

Program	Funds authorized	Funds appropriated and awarded	Percentage of authorized funds appropriated	Number of projects
Resources	$15.0	$11.8	79	402
Construction	40.0	11.3	28	11
Research and development	15.0	6.0	40	103
Regional medical libraries	12.5	4.7	38	10
Training	5.0	4.5	90	28
Publications	5.0	2.3	46	43
Special scientific projects	2.5	.2	8	7
NLM regional branches	10.0	0	0	0
Total	105.0	40.8	39	604

(B)

Program	Difference between authorized and appropriated funds	Project funds requested but unavailable
Resources	$3.2	$0.9
Construction	28.7	34.8
Research and development	9.0	.5
Regional medical libraries	7.8	.9
Training	.5	.3
Publications	2.7	.2
Special scientific projects	2.3	0
NLM regional branches	10.0	0
Total	64.2	37.6

TABLE II.—NLM RESEARCH AND DEVELOPMENT PROGRAM GRANTS AND CONTRACTS AWARDED FISCAL YEARS 1966-70 (JULY 1, 1965, TO JUNE 30, 1970)

Category	Number of projects	Amount (million)
Library services, operations, and manpower	14	$2.1
Biomedical communications, usage, and tools	43	3.0
History of medicine	46	1.0
Total	103	6.1

TABLE III.—NLM TRAINING PROGRAMS, FISCAL YEARS 1966-70 (JULY 1, 1965, TO JUNE 30, 1970)

	Projects funded	Individuals [1] supported
A. Training grants:		
Nondegree programs	6	77
Degree Programs:		
Masters	9	143
Ph. D	5	33
Total	20	[2] 253
B. Fellowships:		
Postdoctoral Research:		
History	6	6
Biochemical Communications	2	2
Total	8	8

[1] During 1966-70; some for more than 1 year.

[2] Training programs funded during 1966-70 will have provided training for approximately 350 individuals, some of whom will actually receive this training in fiscal year 1971. Funds awarded totaled $4,460,000.

TABLE IV.—NLM publications program: grants and contracts, fiscal year 1966-70.

	Number of projects
Abstracts	8
Atlases	6
Bibliographies	6
Critical reviews	1
Handbooks and catalogs	8
Monographs	3
Translation projects	6
Other media	5
Total	43

Total awarded, $2.3 million.

TABLE V.—LIST OF INSTITUTIONS RECEIVING NLM CONSTRUCTION GRANTS (FISCAL YEARS 1967–70)[1]

	RML region	Type of institution	Award	Net square feet area	Volume capacity
Boston University, Boston, Mass	I	Medical school	$1,017,891	29,900	100,000
Brown University, Providence, R.I	I	do	536,331	14,119	100,000
Rutgers, the State University, New Brunswick, N.J	II	do	541,293	12,498	100,000
Jefferson University, Philadelphia, Pa	III	do	1,765,636	44,465	145,000
George Washington University, Washington, D.C	IV	do	1,295,595	29,271	80,000
Wayne State University, Detroit, Mich	V	do	1,459,567	50,107	130,000
Auburn University, Auburn, Ala	VI	Veterinary medical school	101,229	4,000	17,000
Southern College of Optometry, Memphis, Tenn	VI	Optometry school	176,525	5,924	20,000
University of Nebraska, Omaha, Nebr	VIII	Medical school	1,636,077	59,629	273,000
University of Utah, Salt Lake City, Utah	VIII	do	1,121,450	35,425	190,000
University of Texas (medical branch), Galveston, Tex	IX	do	1,598,406	48,783	150,000
Total			11,250,000	334,121	1,305,000

[1] Congressional appropriations were not made for construction until fiscal year 1967.

TABLE VI.—LIBRARIES RECEIVING NLM GRANTS TO SERVE AS REGIONAL MEDICAL LIBRARIES IN ELEVEN GEOGRAPHIC REGIONS

Regions	States	Funds (millions)	Operational
No. 1—New England: New England Regional Medical Library, the Francis A. Countway Library of Medicine, Boston, Mass.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.	$1.020	Oct. 1, 1967
No. 2—New York: New York and Northern New Jersey Regional Medical Library, New York Academy of Medicine, New York, N.Y.	New Jersey (northern counties: Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren), New York.	.336	Feb. 16, 1970
No. 3–Mideastern: Mideastern Regional Medical Library, College of Physicians of Philadelphia, Philadelphia, Pa.	Delaware, New Jersey (southern counties: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem).	.715	July 1, 1967
No. 4—Mid-Atlantic: Mid-Atlantic Regional Medical Library, Post Office Box 30260, Bethesda, Md. (NLM).	Maryland, North Carolina, Virginia, Washington, D.C., West Virginia.		
N o. 5—East Central: Kentucky-Ohio-Michigan Regional Medical Library, Wayne State University, Detroit, Mich.	Kentucky, Michigan, Ohio	.256	Apr. 1, 1969
No. 6—Southeastern: Southeastern Regional Medical Library, A. W. Calhoun Medical Library Woodruff Research Building, Emory University, Atlanta, Ga.	Alabama, Florida, Georgia, Mississippi, Puerto Rico, South Carolina, Tennessee.	$0.470	Jan. 2, 1970
No. 7—Midwest: Midwest Regional Medical Library, the John Crerar Library, Chicago, Ill.	Illinois, Indiana, Iowa, Minnesota, North Dakota, Wisconsin.	.325	Nov. 18, 1968
No. 8—Midcontinental: Midcontinental Regional Medical Library, University of Nebraska Medical Center, Omaha, Nebr.	Colorado, Kansas, Missouri, Nebraska, South Dakota, Utah, Wyoming.	.228	July 1, 1970
No. 9—South Central: University of Texas, Southwestern Medical School at Dallas, Dallas, Tex.	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.	.178	Feb. 1, 1970
No. 10—Pacific Northwest: Pacific Northwest Regional Health Sciences Library, University of Washington, Seattle, Wash.	Alaska, Idaho, Montana, Oregon, Washington.	.639	Oct. 1, 1968
No. 11—Pacific Southwest: Pacific Southwest Regional Medical Library, Center for Health Science, University of California, Los Angeles, Calif.	Arizona, California, Hawaii, Nevada.	.512	Sept. 1, 1969

TABLE VII.—COMPARISON OF SCOPE AND LEVEL OF NLM'S SERVICES

	Fiscal year—		
	1964	1967	1970
Interlibrary loans	130,555	175,000	100,611
Reference requests	20,154	25,514	21,702
Technical services:			
Items cataloged	14,157	14,529	17,767
Publications added	91,105	112,301	121,942
History of medicine services:			
Reference	281	1,338	1,461
Index medicus:			
Articles indexed	144,057	168,310	[1] 210,000
Issues distributed	7,600	(2)	5,151
Abridged index medicus			1,924
Bibliographics prepared	1,102	(2)	(3)
Medlars searches		4,733	[4] 22,000
Recurring bibliographies		10	18
Literature searches			23,351
Audiovisuals distributed			72,865

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[1] Includes NLM and United States and foreign sources under contract.

[2] Not available.

[3] See Medlars searches.

[4] NLM: 3,520; U.S. centers, 10,560; foreign centers; 7,920.

The PRESIDING OFFICER. The question is on agreeing to the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. Res. 103

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as a tribute to the important and dedicated work performed by the medical librarians, the President is authorized and requested to issue a proclamation designating the day June 1, 1971, as "Medical Library Association Day" to coincide with their annual convention.

A REPORT OF THE JOINT ATOMIC ENERGY COMMITTEE RE NAVAL NUCLEAR PROPULSION PROGRAM

Mr. SYMINGTON. Mr. President, last Saturday, May 22, the Joint Committee on Atomic Energy, of which I am a member, distributed to the press copies of a hearing and report on the naval nuclear propulsion program for 1971 for release to the public on Monday, May 24.

Neither I nor my staff saw this testimony or report prior to its publication; nor was a copy of the printed document delivered to my office. We obtained it upon request after news stories of its content appeared in my State.

The report contains conclusions and recommendations purportedly made by the members of the committee; but as a member of that committee, I was never asked to comment on said conclusions or recommendations.

In all the years I have served in the Senate on various committees, I cannot recall any committee of which I was a member releasing a report of committee recommendations without first obtaining the permission of the members involved.

One recommendation in particular in this report on the naval nuclear propulsion program, with which I do not agree, and to which I would have filed an objection, is the following:

> The Joint Committee recommends that Congress approve the Navy's recommendation to substitute CVAN–70 advance procurement funds in the fiscal year 1972 budget for the support ships identified by the Navy as having a lower priority.

I was against the CVAN–70 request for funds last year—which funds the Congress deleted—and will oppose any effort to include funds in the fiscal year 1972 budget for this additional nuclear aircraft carrier.

In that I did not have an opportunity to comment on this report prior to its publication, I would not only like to record my disagreement with the above recommendation, but I would also note that I reserve judgment on any and all of the conclusions and recommendations expressed therein.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA ON WEDNESDAY, JUNE 2, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday next, June 2, following the remarks of the two leaders under the standing order, the distinguished senior

Senator from Virginia (Mr. Byrd) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations reported earlier today and which are at the desk.

There being no objection, the Senate proceeded to consider executive business.

The PRESIDING OFFICER. The clerk will state the first nomination.

U.S. DISTRICT JUDGES

The legislative clerk read the nomination of Solomon Blatt, Jr., of South Carolina, to be a U.S. district judge for the District of South Carolina.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Robert F. Chapman, of South Carolina, to be a U.S. district judge for the District of South Carolina.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Warren H. Young, of the Virgin Islands, to be a judge of the District Court of the Virgin Islands.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. ATTORNEYS

The legislative clerk read the nomination of Joel D. Sacks, of the Virgin Islands, to be U.S. attorney for the Virgin Islands.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Julio Morales Sanchez, of Puerto Rico, to be U.S. attorney for the District of Puerto Rico.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DISTRICT OF COLUMBIA COURT OF APPEALS

The legislative clerk read the nomination of Hubert B. Pair, of the District of Columbia, to be an associate judge of the District of Columbia Court of Appeals.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of J. Walter Yeagley, of Virginia, to be an associate judge of the District of Columbia Court of Appeals.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. GRIFFIN. Mr. President, I ask that the President of the United States be immediately notified of the confirmations of the nominations.

The PRESIDING OFFICER. Without objection, the President will be so notified.

Mr. BYRD of West Virginia. Mr. President, for the Record, I wish to state, on behalf of the majority leader, that contacts were made with interested parties on both sides of the aisle, including the two South Carolina Senators, prior to the consideration of the nominations by unanimous consent today, and all parties expressed approval of the request for unanimous consent to proceed immediately to the consideration of the various nominations.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate proceeded to consider legislative business.

Mr. BYRD of West Virginia. Mr. President, as far as I can determine, I am about to suggest the last quorum call for today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTEREST RATES TURN UP

Mr. BYRD of Virginia. Mr. President, the Wall Street Journal in a comprehensive article published May 25, said:

> Interest rates are headed back up again . . . Rates for both short term loans and bonds have jumped sharply in recent weeks, offsetting much of the decline that had been registered since they hit historic highs last year.

Last February, on the floor of the Senate, and again in an interview with Economist Eliot Janeway, I warned that heavy Government borrowing would force an increase in interest rates. I believe we are seeing that prediction come true.

The Federal Reserve Board, of course, could reverse the upward interest rate trend by increasing the flow of the money into the economy. But this would be highly inflationary and could spur interest rates even higher as lenders sought protection from anticipated declines in purchasing power of their money.

The more the Federal Reserve manipulates upward the money supply the greater the fear of inflation and the greater risk of renewed international assaults on the dollar.

The Federal Government is on a highly unsound financial basis. The national debt increased $25 billion between May 1970, and May 1971.

During the last 3 years of President Johnson's administration the accumulated Federal funds deficit was $49 billion; during the first 3 years of President Nixon's administration the accumulated Federal funds deficit will be $62 billion.

Thus, during that 6-year period the Federal Government will have run a Federal funds deficit of $111 billion.

This is the primary cause of the weakening of the American dollar, the primary cause for the inflation we are experiencing. This is eating into the housewife's grocery money and into the wage-earner's paycheck.

The dollar will continue to decrease in value until the Government puts its financial house in order.

I ask unanimous consent that the text of the Wall Street Journal article of May 25, 1971, captioned "Interest Rates Reverse Downward Trend, Stir Fear for the Economy," be published at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

INTEREST RATES REVERSE DOWNWARD TREND, STIR FEARS FOR THE ECONOMY

(By Charles N. Stabler)

New York.—Interest rates are headed back up again, and that's bad news for the effort to get the economy humming once more.

Rates for both short-term loans and bonds have jumped sharply in recent weeks, offsetting much of the decline that had been registered since they hit historic highs early last year. Some economic analysts say pressures are building that seem likely to drive interest costs even higher in the weeks and months to come.

As rates go higher, economic analysts get increasingly worried. "The current situation in the money and bond markets is rather precarious," Henry Kaufman, economist for the securities firm of Salomon Brothers, warned yesterday in a talk to the New York Society of Securities Analysts. "A further increase in interest rates will bring about again a sequence of financial events which will eventually abort the current economic recovery."

STALLING HOUSING RECOVERY

Among the more immediate dangers: The long-delayed revival of the housing market could be stalled for lack of money because mortgage interest rates of 7½% (the current common level) aren't competitive with rates available to investors elsewhere. Rates on corporate bonds, for example, have shot up recently to 8½% and more. The same high yields could pull money out of the stock market—and, indeed, may already be doing so. This could lead to stock price declines that, in turn, would shake public confidence in the economy. Thus, some analysts worry, major stimulants that administration and private economists have counted on to encourage economic growth—mainly housing and consumer spending—could lose their momentum.

Looking further ahead, some analysts see even greater dangers. For example, economists at First National City Bank are warning that additional rate increases could prompt the money managers of the Federal Reserve System to increase the flow of money into the economy in an effort to hold down rates and thus keep the recovery going. But, say these economists, one result would be to stimulate further inflation. This, in turn, would spur interest rates even higher as lenders sought protection from anticipated declines in the purchasing power of their money.

The pressures reflected by interest rates are complex and shot through with cross-currents, economists concede. Among the major determinants: the government's policies on spending and borrowing and the amount of lending capacity funneled into the markets by the Fed; the needs now and in the future for borrowed money to finance construction, industrial activity and state and local government projects, and, finally, what lenders and borrowers think about economic conditions, especially inflation.

CHARTS LIKE ROLLER COASTERS

Over the past year and a half, these pressures generated price changes for borrowed money that make the statistical charts of analysts look like roller coasters. The cost of borrowing in the bond market for, say, highly rated utilities soared to 9½% last June, tumbled to 7% in February and now is back up to around 8⅜%. Treasury bills, a short-term government security that is the bellwether of the money market, started 1970 at close to 8% in yield and then plunged dramatically to a low of 3¼% in March. Now they're back up to a yield of around 4⅓%.

Banks' prime rate, the base interest charge required of the most credit-worthy corporate customers, was a record 8½% at the beginning of 1970 but, starting in March that year, sank swiftly, hitting a low of 5¼% last March. It was boosted to 5½% recently and there now are widespread predictions it will go up again soon, possibly to 6%.

Other rates, too, are expected to rise. For example, Salomon Brothers' Mr. Kaufman predicts a 5% to 5½% range for Treasury bills in the second half of this year. Continued large volume of corporate bond offerings would push that rate above 8½%, he adds.

All this has come about because of a combination of fundamental changes in the economy and the monetary policies of the Federal Reserve. The economy slowed last year largely because the Fed sharply restricted the expansion of money supplies in 1969. Interest rates tumbled as credit demand slackened in the sluggish economy. Then, as the economy began to recover late last year, credit demand rose sharply while the Fed followed a policy of moderate expansion of money. Finally, in just the past few weeks, interest rates have rebounded.

ADDITIONAL STRAINS LOOM

Just ahead loom additional strains on the credit markets.

The Treasury may be faced with a sharp increase in its needs for borrowing, for example. In addition, corporate financing requirements are heavy because of the economic expansion.

The money managers at the Federal Reserve are handicapped in coping with the higher interest rates by continued fear of inflation and the risk of renewed international assaults on the dollar. Although the Fed has said its target for expansion of money supply this year is around 6% over last year, actual expansion so far this year has been at about a 9% annual rate. Trying to bring down interest rates would require massive new injections of money into the credit markets, putting the 6% target even further out of sight.

In addition, lowering interest rates in this country, while interest rates available in other nations remain high, would encourage even greater outflows of speculative "hot money" in search of the best market return. The result would be to generate new pressures on the value of the dollar in terms of other currencies.

QUORUM CALL

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Tuesday, June 1, is as follows:

The Senate will convene at 12 o'clock noon, following the Memorial Day recess.

Following the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of the routine morning business, the Senate will resume its consideration of the unfinished business, the extension of the draft.

When the Senate completes its business on Tuesday, June 1, it will adjourn until 9:30 a.m. the following day, Wednesday, June 2.

As a reminder to Senators, on Thursday June 3, at 11 a.m., a vote will occur on Reorganization Plan No. 1. The yeas and nays have already been ordered on this vote.

Moreover, a vote will occur on the Hatfield amendment at 1 p.m. on Friday, June 4; and a vote will occur not later than 4 p.m. on that day, Friday, June 4, on the Schweiker amendment. Undoubtedly, all of these votes will be rollcall votes; but I wish to offer a caveat to the effect that rollcalls during this period are not necessarily limited to those I have mentioned, and they may occur on conference reports, amendments to amendments, and so forth.

I should also mention the fact that the Pastore rule of germanness has been waived during the period Tuesday, June 1, through Friday, June 4, by virtue of the fact that an agreement has been reached controlling the time during those days and providing for votes at times certain.

Mr. President, I suggest—for the last time today, hopefully—the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, does the distinguished assistant Republican leader have anything further at this time?

Mr. GRIFFIN. No.

ADJOURNMENT UNTIL TUESDAY, JUNE 1, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of House Concurrent Resolution 316, as amended, that the Senate stand in adjournment until 12 noon on Tuesday, June 1, 1971.

The motion was agreed to; and (at 5 o'clock and 52 minutes p.m.) the Senate adjourned until Tuesday, June 1, 1971, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 26, 1971:

District of Columbia Council

The following-named persons to be members of the District of Columbia Council for terms expiring February 1, 1974:

Margaret A. Haywood, of the District of Columbia; reappointment.

Joseph P. Yeldell, of the District of Columbia; reappointment.

Henry K. Willard, of the District of Columbia, vice Philip J. Daugherty, term expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 26, 1971:

United Nations

W. Tapley Bennett, Jr., of Georgia, a Foreign Service officer of the class of career minister, to be Deputy Representative of the United States of America in the Security Council of the United Nations, with the rank of Ambassador.

U. S. District Court

Solomon Blatt, Jr., of South Carolina, to be a U.S. district judge for the district of South Carolina.

Robert F. Chapman, of South Carolina, to be a U.S. district judge for the district of South Carolina.

District Court of the Virgin Islands

Warren H. Young, of the Virgin Islands, to be a judge of the District Court of the Virgin Islands for a term of 8 years.

U. S. Attorneys

Julio Morales Sanchez, of Puerto Rico, to be U.S. attorney for the District of Puerto Rico for the term of 4 years.

Joel D. Sacks, of the Virgin Islands, to be U.S. attorney for the Virgin Islands for the term of 4 years.

District of Columbia Court of Appeals

Hubert B. Pair, of the District of Columbia, to be an associate judge of the District of Columbia Court of Appeals for the term of years prescribed by Public Law 91-358, approved July 29, 1970.

J. Walter Yeagley, of Virginia, to be an associate judge of the District of Columbia Court of Appeals for the term of years prescribed by Public Law 91-358, approved July 29, 1970.

EXTENSIONS OF REMARKS

NATIONAL VOLUNTEER BLOOD DONOR MONTH

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. CARTER. Mr. Speaker, we are living in an age of scientific wonders, not the least of which is the transplantation of human organs. Actually, however, the first successful human tissue transplant took place more than 150 years ago, in 1818, when James Blundell, the English physician, performed a blood transfusion to control hemorrhage in a woman following childbirth.

The miracle of that first transfusion has been repeated hundreds of millions of times. Although there have been many dramatic advances in the practice of medicine, there is still no substitute for the vital, living human tissue—blood. The person who gives blood to help another is performing a service as unique and as indispensable today as it was a century and a half ago.

To honor the millions of Americans who share "gifts of life" with the ill and injured, and to remind others of the need, the month of January has been observed for the past 2 years as National Blood Donor Month. In 1970 and 1971, the observance was established following a joint resolution of Congress asking the President to proclaim it. National Blood Donor Month was initiated by the American Association of Blood Banks and has the support of the American National Red Cross, the American Medical Association, the American Hospital Association, and other national organizations.

Once again, these organizations are urging the designation of January as National Volunteer Blood Donor Month.

There is a great need to encourage more eligible people to voluntarily donate blood. A recent National Academy of Science report indicated that blood obtained from paid donors generally carries a higher risk of transmitting hepatitis than does that from unpaid donors. Figures ranging from 1.4 to 13.7 cases per 1,000 units of "commercial" blood have been reported.

The need for transfusion blood has never been greater. Open heart surgery, for example, is totally dependent on the availability of fresh blood obtained from donors whose blood type is compatible with that of the patient. The transfusion of blood platelets, together with cancer chemotherapy, is prolonging for months, even years, the lives of many leukemia patients who formerly would have died in a few weeks. Massive transfusions of whole blood and blood components are saving the lives of countless accident victims, patients undergoing general surgery, and victims of a variety of blood disorders, such as hemophilia.

To meet the increasing need, the American Association of Blood Banks, representing 1,500 community and hospital blood banks and 3,500 professional members in the 50 States, strives unceasingly to persuade adults in good health to become volunteer blood donors. The association, the world's largest devoted specifically to blood banking, transfusion services and related areas, carries on numerous other programs to improve the quality and safety of blood transfusions, further research, and conserve available blood supplies. One of its most valuable services is the national clearinghouse program. Through this program, a donor may give blood at his local AABB blood bank or Red Cross Blood Center and have the credit transferred to a patient almost anywhere in the United States. By enabling blood banks with surpluses to lend to those with shortages, the program aids significantly in the nationwide utilization of blood supplies.

Our Nation's blood banks are truly "Guardians of Life" whose service protects all of us. They need the support of all our citizens in their vital work. I urge you to take favorable action on asking the President to proclaim January 1972, National Volunteer Blood Donor Month.

INDUSTRIALIST GEORGE STINSON PROVES HIS LEADERSHIP IN RECYCLING EFFORT—EDITORIALS INDICATE ATTENTION TO CONSTRUCTIVE PROGRAMS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 26, 1971

Mr. RANDOLPH. Mr. President, it has now become widely accepted that the development and use of methods to recycle our precious natural resources is essential to our efforts to provide a clean, healthful environment. It is gratifying to me to regularly observe the efforts of individuals and industries as they work to bring this goal to fruition.

One of the leaders in the effort to develop practical recycling technologies is George A. Stinson, president of National Steel Corp. Under his leadership, National Steel continues to point the way in this important field.

Mr. Stinson spoke last week in Follansbee, W. Va., at a banquet marking the beginning of Steelmark Month. At that time he reviewed the progress National Steel continues to point the way in this products.

National Steel's plant at Weirton, W. Va., has for some time been engaged in important research on the recycling of steel containers. Other industrial installations, notably Continental Can facilities in Florida, have done equally important work in this field.

Mr. Stinson's address and the work of his company were noted in an editorial in the Weirton Daily Times edited by Paul Glover. The accomplishments in Florida were discussed in an editorial in the Orlando Sentinel.

Mr. President, I ask unanimous consent that these two editorials be printed in the RECORD.

There being no objection, the editorials were ordered printed in the RECORD, as follows:

[From the Weirton (W. Va.) Daily Times, May 19, 1971]

MAN OF CONFIDENCE

George A. Stinson, president of National Steel Corp., of which Weirton Steel is a division, was the speaker at the Steelmark Month kickoff banquet in Follansbee Monday night and reiterated the commitment he made before a U.S. Senate committee that the steel industry is "hard at work and will continue at that work" until the recycling of all steel containers can be carried out as a "regular routine matter with benefit to all of us who value the preservation of our raw materials and our environment."

He called for cooperation by the government, the public and producers of all container materials.

National Steel, like all other steel companies, is deeply involved in environmental problems, including air pollution and stream pollution, and millions of dollars have been spent and will continue to be spent to correct these problems.

Much of Weirton steel's production goes into the canning industry. The Tin Mill here is one of the largest and most up to date in the world.

Mr. Stinson, who has had a close attachment to the Weirton Steel and the Weirton community, has spoken often in the Weirton area and he always tells the story as it is. Despite the continually multiplying problems confronting the steel industry generally including the import threats, Mr. Stinson has always spoken very optimistically and inspiringly of the steel industry generally and Weirton Steel in particular.

In Monday's address he described how Weirton Steel was one of the first steel companies in the nation to experiment with recycling of tin cans and steel cans and he gave assurances that "the future for steel in the container market is bright." Its competition—aluminum, paper, glass and others—is tough, but Mr. Stinson assures that the future of the tin can is secure because it is inexpensive, it is totally reliable because of its greater strength, it is convenient to use and it can be disposed of, collected, separated and recycled with greater facility than any of its competition.

Mr. Stinson said he was impressed with the friendly spirit and cooperative nature of the local communities.

He paid tribute to the sponsors of Steelmark Month and underscored the fact that the observance originated in the Ohio Valley.

The Steelmark observance not only pays tribute to the men and women who make steel, but encourages people to buy products made of American steel.

With the American economy confronted with critical problems, it is reassuring to have people like Mr. Stinson come to Weirton and express their hopes with such supreme confidence and in the tradition of the past administrators of the Weirton industry.

[From the Orlando Sentinel, May 14, 1971]

RECYCLING METAL CANS

One of the great fears of ecologists—that the nation will be interred under a mammoth pile of beer cans—will be unfounded if a pilot program started this week is successful.

With the endorsement of Gov. Reubin Askew and Apollo 7 Astronaut Walter Cunningham, an ecology advocate, five Florida metal can recycling plants will be buying cans at salvage prices for recycling.

Two of these centers are in Central Florida—the Continental Can plants in Auburndale and Winter Garden—and will be receiving scrap cans at $10 a ton for those made of steel and aluminum, $20 a ton for all-steel and $200 a ton for all-aluminum cans.

Continental isn't trying to make money from the project; the company just wants to break even and keep the cans from being a blight.

This seems to us an excellent opportunity for civic and fraternal groups to make money and help clean up the environment at the same time.

ENDORSEMENT OF PUBLIC SERVICE EMPLOYMENT

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, recently the Governor of Pennsylvania, Milton J. Shapp, submitted to my subcommittee a statement endorsing H.R. 3613 to provide emergency employment in times of high unemployment. As Governor Shapp points out, public service employment would help alleviate two serious national problems—rising unemployment and deteriorating public services. Based on the most recently released statistics from the Department of Labor, Pennsylvania has 12 major areas of persistent and substantial unemployment, constituting an unemployment rate of over 5 percent. As the chief executive of a State in which 258,000 are unemployed and another 801,500 are on public assistance, Governor Shapp fully realizes the inability of the States to financially meet such great civic responsibilities without the immediate assistance of the Federal Government.

I would lke to draw special attention to the projected institution of a public service program in the State of Pennsylvania resulting in virtually no major adjustments in existing State employment procedures. H.R. 3613 is designed to promote public service employment which can be coordinated to prevailing State requirements and to promote public service jobs which can be expanded occupationally once high unemployment recedes. Therefore, I would encourage my colleagues to carefully read the following testimony from Governor Shapp and consider the merits of a public service employment program in each of their States:

TESTIMONY BY GOV. MILTON J. SHAPP

The Commonwealth of Pennsylvania strongly supports the Emergency Employment Act of 1971 (HR 3613) which could pump $4 billion into public service jobs for the unemployed and underemployed over the next five years. Estimates are that it would mean half a million useful new jobs—some 150,000 of them immediately . . .

A very similar bill was vetoed by the President last year on the grounds that it would lock people into dead-end, make-work jobs. We believe that this bill overcomes such objections. It requires that special consideration be given to jobs with advancement prospects, with built-in training, and in occupational fields most likely to expand in the public and private sector as unemployment recedes. It demands assurance that the employing agency tie in with upgrading and other manpower programs to meaningful careers.

There can hardly be much danger that such jobs would be "make-work." There is more real work urgently needed now than we could hope to get done with a dozen times the money provided by this bill. State and local governments are driven closer to the wall of fiscal disaster daily by their public service needs and costs. Our most essential services are shockingly, dangerously understaffed. Streets are not repaired; transportation grows more sporadic; houses are collapsing; neighborhoods rot; schools abandon essential services; crime and delinquency mount; health and welfare services are tragically inadequate. It has been estimated that there is a need for 5.3 million public service jobs suitable not only for the marginally skilled but for out-of-work technicians and laid-off production workers and that 140,000 jobs in 130 of our largest cities can be filled immediately by untrained workers and another 140,000 by skilled or paraprofessional workers. Community service needs in the fields of public health, welfare, safety, child care, neighborhood preservation and so on are almost limitless. In Pennsylvania, our Department of Public Welfare alone could place 5,000 more people *today* in its mental health and mental retardation, geriatric, public assistance, child welfare and general health facilities, and has already submitted estimates to that effect to the Regional Manpower Administrator and the State CAMPS Committee . . .

The bill singles out employable public assistance recipients as particularly appropriate for this program. It specifies that work and training programs related to physical improvements give special consideration to deteriorating, low-income areas. It could make a significant dent in the public assistance rolls, which are substantially affected by job availability. And even more discouraging to a recipient, many of the best training programs running at present lead only to more disillusionment because the expected jobs never materialized and the training proved only another revolving door back out into more unemployment. This bill does guarantee immediate jobs—useful work at decent wages in which the recipient can take pride . . .

Pennsylvania has long expressed its commitment by actual outlays of substantial State monies for training and employment. We had a State manpower training program before the Federal Manpower Development and Training Act. Based on our past experience in Pennsylvania, this State could implement a large public employment program with little or no major disruption in the State's operation. The Department of Welfare alone could immediately produce 5,000 new jobs. The Commonwealth has already developed a system which could accommodate itself to a public service employment program in the following ways:

1. The Non-Civil Service classification of State Work Program Trainee presently used by the State's New Careers Programs, is suited to a wide range of other public service jobs. This position carries all benefits of regular State employes except for permanent status and participation in the State Retirement Plan.

2. The position carries an hourly wage of $1.82 which could be adjusted according to the requirements of the bill. Civil Service and personnel procedural requirements have been revised to allow flexibility for entry into the system and protection within it.

3. All enrollees would have an equal opportunity to compete for available permanent Civil Service jobs in their areas of training.

4. A delivery system for supportive services directly and/or by contract is established and functioning now providing health services, transportation, child care, counseling, adult education, etc., to enrollees of the presently operating programs described above.

5. Entry level Civil Service positions, particularly in the health and public assistance fields, have been revised to allow hiring of the hard-core disadvantaged after an individualized minimum of training. Career mobility is a built-in feature of the Civil Service system. . .

Pennsylvania State Government is not only a large potential public service career employer but a considerable Pennsylvania permanent employer as well, as there are currently 130,000 employees on the State payroll. The ability of the State, however, to increase the number of State employees is limited without Federal assistance, especially in light of the rapidly rising unemployment rate and its resultant rise in public assistance caseloads. . . .

A public employment program which is properly identified as such, will lessen the human and fiscal waste inevitable to the job-oriented programs that promise permanent employment but live up to only a fraction of their expectations in a period of large-scale unemployment. . . .

Pennsylvania endorses a program of public service employment because our people (in all categories of the work force) need jobs now, and because much public work needs doing now. We view it as an emergency measure, rather than a total expression of what national manpower should be. We hope that its passage will be followed up by a comprehensive revamp of the total manpower picture to realign fiscal and programatic priorities into a well-articulated and coordinated national work planning, work training and work providing system. . . .

The Emergency Employment Act of 1971 by matching people who badly need work to new jobs of increasingly urgent national civic need, can be an important milestone in our national drive toward full and meaningful employment.

POOR RONALD REAGAN

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. HUNGATE. Mr. Speaker, since welfare reform will soon be before the Congress, I thought this recent article of Art Buchwald may be of some help:

POOR RONALD REAGAN

(By Art Buchwald)

No matter how I try, I can't stop worrying about Gov. Ronald Reagan's personal financial situation. As everyone knows by now, Gov. Reagan had such bad financial reverses last year that he didn't have to pay state income taxes.

Instead of Californians sympathizing with him over these financial reverses, they became upset and felt there was something wrong because they had to pay taxes and Reagan didn't.

Very few people in the state said, "If the governor makes $44,000 a year as salary and has assets of around $1 million and still can't pay his state income taxes, then he must be hurting very badly, and needs pity rather than censure."

My first thought was that the governor

should seek legal aid from the local Office of Economic Opportunity. Although Reagan is trying to abolish legal aid for the poor in California, I'm sure the poverty lawyers would take his case anyway, just to prove that they will take anybody in dire financial straits, regardless of race, creed, or elective office.

To make sure, I telephoned a CRLA (California Rural Legal Assistance) lawyer in California and asked him if he would take Reagan as a client.

"Yes," he said, "he would qualify for free legal aid. Our charter specifically says that any governor of a state whose finances are in such poor shape that he doesn't have to pay personal state income taxes is in no position to pay a lawyer, and is therefore eligible for free legal advice. It would be our pleasure to help Gov. Reagan in any way we could."

"How would you go about it?"

"From a legal standpoint it would probably be the most interesting case we've ever handled. Most of our cases have had to do with people who didn't pay any state income taxes because they didn't make any money. This would be the first time we represented someone who made money but didn't pay income taxes.

"Surely there is something wrong with the system if the governor of the largest state in the Union has been hurt so badly financially that he can't pay any taxes."

"But what legal defense would you have for him?" I asked.

"First we would have to find out what financial reverses Reagan had, whether they came from cattle, oil, real estate, or the stock market. Then we would prove that it wasn't his fault that his investments went sour. It was probably due to the general economy."

"But the Republicans are in charge of the economy right now. Wouldn't it look bad if Reagan blamed his own party for the fact he had such a bad income situation?"

"I guess you're right. We'll have to think of something else. Perhaps we could persuade the courts to allow the governor to make one motion picture a year.

"Or a new 'Death Valley Days' series," I suggested.

"I was thinking of a remake of the 'Grapes of Wrath,'" the lawyer said. "They could shoot most of it around Sacramento, so the governor wouldn't have to be on location too long. But the important thing is to get him healthy financially so he doesn't have to eat from the public trough.

"This thing has far more ramifications than anyone wants to admit," he said. "We're trying to pull the poor up by their bootstraps so they become honest, hard-working citizens. But if they see somebody like Gov. Reagan, who has worked all his life and still has nothing left over for income taxes, they're going to say to themselves 'The hell with it. Let's stay on welfare.'"

THE POST OFFICE ROBBERY

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. SEBELIUS. Mr. Speaker, there is an old expression in my home State of Kansas that when a farmer is faced with an unpleasant decision he is caught between a rock and a hard place. That is precisely the position I think we faced during the last session of Congress regarding postal reform legislation.

Faced with wildcat strikes that threatened our Nation's postal service and faced with deteriorating service throughout the postal system, it was obvious overhaul and reform was urgently needed. It should also be recalled that during consideration of the postal reform bill Congress amended the bill to protect the right of postal employees to join or not join a union. Under the circumstances, there was no choice but to support postal reform legislation.

Mr. Speaker, since that time I have been most concerned over recent developments within our postal system.

First, I know the well-advertised decision to take politics out of the Post Office was long overdue and correct. Nevertheless, I am concerned over a system that in reality made sure the political patronage system of the past would remain intact and a system that in many cases will not even allow a competitive examination to determine personnel placement.

Second, in voting for postal reform legislation, I expressed concern that this reorganization would simply mean higher postal rates, a further decrease in service in our rural areas, and finally the closing down of many of our rural and smalltown postal offices. Since last session of Congress we have had a postal increase, the service has not improved, we have lost many regional offices, and we are waiting for the other shoe to drop regarding our local post offices.

What has happened to the concept that our national mail service was established as an economical way for our citizens to transmit messages rather than being run as a profitmaking corporation?

Recently, the editor of the Salina Journal, Mr. Whit Austin, summed up this situation very well in an editorial called "The Post Office Robbery." Mr. Austin clearly makes a case for the problems newspaper publishers face regarding postal rate increases, but perhaps even more to the point, he states correctly that the burden will fall upon the farmer, the senior citizen, and the residents of rural and small-town America. I should like to pose the question many of my constituents are asking: If postal reorganization means higher postal rates, a further decline in rural service, loss of our regional post offices, the closing down of many of our rural post offices, and a locked-in noncompetitive patronage system of the past, who needs it?

I commend the following article from the Salina Journal to the attention of my colleagues, all of whom were between a rock and a hard place regarding postal reform legislation last session of Congress:

The Postoffice Robbery

Newspaper publishers rightly are concerned about the increases in mailing costs. And so should be the subscribers!

Maynard Watkins, The Journal's circulation manager, estimates that the postal hike on second class mail to go into effect Sunday will increase mailing costs about 28 percent. This jump The Journal is prepared to absorb for the time being.

But if all the projected increases in newspaper rates eventually are put into effect, mailing costs will increase three times. If this were to happen, Watkins estimates The Journal's annual postage bill would jump from $60,000 to $180,000—or about a nickel per copy.

Nearly a third of The Journal's circulation is now carried by mail. We are seeking to find other methods of delivery and undoubtedly will be able to divert some circulation from the postoffice. But for those who must receive their newspapers and magazines by mail, a surcharge probably will be necessary if all the increases are put into effect. This hasn't happened yet, however.

If it does, the burden will fall upon the farmer and the residents of small towns—those already getting the short end of the stick. City prices will not be affected where carrier delivery is possible.

Everyone, of course, will pay more for magazines taken through the mails. And businesses with heavy mailings will suffer as well. No one will escape entirely the new lug.

Out at Hays, Lloyd Ballhagen comments in his News on the sad situation as follow:

"Got any 6-cent stamps laying around the house?

"Better use them. This week. Or else you'll have to add a two-cent stamp to them.

"As of Sunday, the U.S. Postal Service will raise regular postage on a letter to eight cents. Air mail will go up to 11 cents. Penny postcards go to six cents. All second and third-class rates, plus some fourth-class rates will increase by from 10 to more than 20 percent.

"What has happened? Congress has turned over the rate-making powers to the board of governors. No longer do our lawmakers set the rates. They've apparently decided others are more capable of determining how much it should cost us to mail a letter.

"The mail was established as an economical way for the public to transmit messages. It never was supposed to support itself. Suddenly the bright idea occurs, somewhere along the line, that the Post Office Department should be self-sustaining. That it shouldn't be subsidized as much by tax money. That the users of the mail should try to pay their own way. Wow!

"Applied to other areas of government, this means only those who use the public schools should pay for the schools, only those who use the police or fire departments should pay for them, only those who use the streets should pay for them. A radical departure from our system.

"The Post Office Department is in trouble, they say. It needs more money, they say.

"It's not in trouble for the lack of funds but for the overabundance of bureaucracy. It, like the railroads, is so bogged down in civil service bureaucrats that no Postmaster General, no matter how dynamic and efficient, can streamline the department.

"As a result, we'll all pay through the nose after Sunday—for our right to use the mails—a public service institution."

LATEST SEGMENT OF "THE FBI STORY"

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. ZWACH. Mr. Speaker, while we have found the Federal Bureau of Investigation under heavy attack by some Members of Congress and some of our mass news media people, out in countryside America, where I come from, the people seem to believe that the FBI and its Director, J. Edgar Hoover, are doing a commendable job.

As a further example of this attitude, I insert in the Record an editorial by Father Roger Vossberg of the St. Cloud

Visitor, a Catholic weekly, in our Minnesota Sixth Congressional District:

Now the FBI

"The case against the FBI is very weak, indeed . . . If anybody wants to make a more convincing case against the FBI, surely it should take the form of saying that it is underachieving rather than overzealous." This is the view of columnist William F. Buckley of the Washington Star Syndicate.

In his defense of the FBI, Buckley points out the spectacular rise of major crimes such as car theft, mugging, rape and murder over the past ten years. "That requires intensified police activity, refined methods of crime detection and improvement in the judicial and penological systems."

Buckley points out the great job the FBI has done in counteracting subversion, a far more subtle brand of crime. "During the '30s, '40s and '50s, subversion was mostly the organized job of the Communist Party, as agents for the Soviet Union. The FBI brilliantly penetrated the CP, and the tightly-disciplined Communists were neutralized."

Buckley is right when he points out: "After all, when one gets mugged, raped, murdered or blown up these days, it is not done by the FBI, but by those the FBI failed to lay its hands on".

(Personally, I would feel much more comfortable living in a city or the country if I knew the FBI were on the job there. I have no fear whatsoever of the FBI, the state highway patrol, the sheriff, the local police. I try to respect them and when tagged or warned for traffic violations, I have always found they were right and they were kind.

On the other hand, I fear to live in cities or other areas where crime is rampant and where it is not safe for anybody to be out after dark. I am always happy to see the police around and have the assurance that the FBI is trying to do its job of spotting and identifying dangerous characters and possible plots against life and property).

FIGHT DELINQUENCY

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. HALL. Mr. Speaker. Andrew McCanse, editor of the Greater Kansas City Medical Bulletin, speaks for many in a recent editorial about delinquent medicare payments. As Mr. McCanse states, the Kansas City Medicare Office is 34,000 claims behind.

It is most unfortunate that physicians who diligently and methodically care for their patients, then fill out the reams of forms, must then be compelled to wait months and months for payment of accounts receivable, while all the time seeing themselves castigated daily in the news media as the culprits who are responsible for the high cost of health care.

For the enlightenment of all, I offer the editorial by Editor McCanse:

Fight Delinquency

Around the first of March one of our local society members called to say that he was not receiving Medicare payments. He called the appropriate number and was told that the Kansas City Medicare office was about 34,000 claims behind in processing, dating back to October, 1970.

At the annual session of the House of Delegates of the MSMA in St. Louis two weeks ago, one of the delegates pointed out that Medicare in his area of southern Missouri was behind in processing claims for his multispecialty group to the tune of $150,000 since January.

The Bulletin called the local Medicare office to inquire about the situation. After several calls to a busy number, contact was established and we were told that the Medicare people were working very hard. Furthermore, they did not wish to discuss the matter of being behind in processing claims since they did not feel this would be good publicity.

The intent of these comments is not to castigate a system of health care payment or to reflect on individuals who run the system. More accurately our intent is to draw public attention to the matter of delinquency in paying for a contracted service and to ask what can be done to control this backward slide before the system becomes as far behind as our court system is in trying cases.

Our federal government has felt the pinch of inflation in other ways besides failing to hire enough people to administer Medicare claims. Look at the new enlarged one page narcotics form recently received which now has a four page set of instructions, a new prescribing number which has doubled or tripled in size and requires five times as much tax as the previous form ($5.00). The penalties for incorrectly filing the form also have increased considerably.

Perhaps we should hire some of the public relations people from the Pentagon to sell us on the idea of accepting with pleasure late payments from Medicare and the change from simplicity to extreme complexity in prescribing certain medications.

Some might think it wiser to use reason in solving these problems with haste, and let the quality of the result do the selling for itself.

RAILROAD LEGISLATION

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. DULSKI. Mr. Speaker, the railroads are rolling again as a result of emergency legislation swiftly enacted by the Congress last week and signed into law within hours by the Chief Executive.

In a nutshell: This is no way in which to run the railroads—or the country.

I opposed the emergency legislation just as I have opposed each similar bill in the past.

It was less than 6 months ago that Congress last was required to enact similar stopgap legislation. And that was the third "emergency" congressional action of 1970 to avert a rail tieup.

Between January 1953 and December 1970, the respective Presidents appointed 75 emergency boards under authority of the Railway Labor Act, with 53 relating to rail disputes and the others to airline disputes.

SEVEN TIMES UP THE HILL

The Congress has been called upon seven times since 1953 to enact emergency legislation to deal with a major railroad strike. The first was in 1963, with three more coming in 1967. In 1970 there again were three instances, and the latest incident was the action last week.

The need is obvious. We need to establish a regular procedure for dealing with these national emergencies when the railroads face shutdown.

I don't have the solution. At the same time, there is no shortage of recommendations before the congressional committees and they offer many variations.

What I do feel—and very strongly—is that the Congress needs to act to find a permanent solution. Let the legislative committees work out their best judgments and then let us have up-or-down votes in the House and the Senate. Only in this way can we move toward putting a solution into law.

CANNOT JUSTIFY INACTION

We in Congress cannot justify inaction on a permanent system, thus forcing now-repetitious emergency action whenever a railroad impasse arises.

Mr. Speaker, the two daily newspapers in my home city of Buffalo, N.Y., have editorialized on the subject and it is interesting to note their differing approaches. One criticizes my vote of last week which is its prerogative. I will let my record and position stand for themselves.

As part of my remarks I include the two editorials.

[From the Buffalo Evening News, May 19, 1971]

Write a New Rail Labor Act

One wonders how many more disruptive railroad labor disputes the nation must endure before Congress ceases to legislate only crisis-to-crisis stopgaps and begins to legislate broad, long-range reforms to cope with fundamental causes of these periodic disputes.

With the strike precipitated by 13,000 signalmen already on, Congress had no better immediate choice, given its past defaults, than it had in the one-day strike last December when it ordered the strikers back to work, extended a cooling off period in which to negotiate a settlement—and prayed.

Even the granting of an interim pay raise to sweeten the bitter no-strike ban for the workers echoes last December's stopgap technique.

It's all as predictable as tomorrow's sunrise, or as the next rail crisis. But what if no settlement is reached voluntarily when this new cooling-off period expires? Congress and the President will be no more ready to tolerate a prolonged strike then than now.

Nor should they. While the dwindling passenger service has dulled the public's immediate personal awareness of the damage a nationwide rail strike can do, trains still haul more intercity freight than all trucks, barges and airplanes combined. Thus a rail strike can quickly rot tons of perishables headed for the supermarkets and close down or severely curtail industrial operations, such as the steel and auto plants in Buffalo.

President Nixon has twice urged Congress to remodel existing laws so that labor disputes in the sensitive transportation industry—airlines, trucking and maritime as well as rails—can be more skillfully handled.

By discouraging premature federal intervention into the bargaining process, his plan would encourage more serious bargaining in the early stages of negotiation. Once faced with a national strike threat, however, the President would have wider options for promoting a settlement. This would give him an element of surprise, and one option would involve appointing an impartial body to choose between the final union or employer offer, totally imposing that choice on all parties. This would, contrary to the customary practice of splitting the difference, prod each party to be more flexible and reasonable in an effort to get its own plan accepted.

Congress has wholly ignored these recommendations, and has come up with nothing else in their place. Opponents claim the last-best-offer approach is really compulsory arbitration. But how free and how fair is the existing condition where a national rail strike is demonstrably intolerable, where workers go nearly two years without a raise, where the Washington scenario is so predictable as to become a part of the tactics of one side or the other, and where—in the crunch—Congress would surely impose a settlement, with all the political implications that holds? The time for something superior to interminable irresolution is long overdue.

[From the Buffalo Courier Express, May 20, 1971]

NO OTHER CHOICE BUT TO VOTE RAIL-STRIKE HALT

Congressional action in voting an emergency law to end the nationwide railway strike was, of course, a stopgap measure. It did not resolve the basic problem of averting these crippling tieups. Only some form of permanent adjudication machinery can, hopefully, do that.

But under the circumstances, this was the only thing that could be done as Congress—and the Nation—stood on the edge of the cliff being pushed. Along with the majority of the Western New York congressional delegation, we suppose the public too is fed up with having these periodic blackjack strikes wind up before Congress for resolution when they should be resolved before a nonpolitical, expert panel.

However, first things come first. The strike had to be ended. So we wonder what on earth Rep. Thaddeus J. Dulski, Buffalo Democrat, was thinking about when he voted against ending it. Of course no one really likes compulsion; no one likes the compulsion, or the blackjack, this kind of strike either.

The fact that these rail strikes have kept coming up with such regularity is largely due to the failure of Congress in the past to update the basic railway law, to put arbitration machinery into it because all else obviously has failed. Compulsory arbitration is the next logical step. This should be given top priority for it is in the public's interest, the interest of the larger majority.

RESOLUTION TO CONSTRUCT HOSPITAL AT MOUNTAIN VILLAGE, ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. BEGICH. Mr. Speaker, one of the most serious problems facing Alaska today is the inadequate medical and health care available to the residents of the State. In many villages, there are neither hospitals nor trained personnel to administer to the health needs of the villagers. In Mountain Village, Alaska, the situation is particularly critical.

When a villager in Mountain Village, Alaska, requires hospital attention, he is flown to Bethel for this medical care. Many times, bad weather prohibits flights between these two places and radio communication is very unreliable. This situation, needless to say, endangers the life and health of the people of Mountain Village as well as villages in similar situations throughout Alaska.

For this reason, the Alaska State Legislature has asked the Alaska Native Health Service of the U.S. Public Health Service to construct and operate a hospital at Mountain Village. The medical crisis in Alaska demands that we direct more attention to the health needs of our people. I heartily concur with the legislature's request and I include a copy of the resolution for inclusion into the RECORD:

HOUSE JOINT RESOLUTION NO. 71, ALASKA STATE LEGISLATURE

Relating to the construction and operation of a hospital at Mountain Village, Alaska

Be it resolved by the Legislature of the State of Alaska:

Whereas the people in the area of Mountain Village have no hospital and are required to fly to Bethel for medical care;

Whereas bad weather often prohibits flights between these places; and

Whereas radio communication is very unreliable; and

Whereas this situation endangers the life and health of the people of Mountain Village, Yukon Delta and the whole coastal area within that terrain;

Be it resolved that the Alaska Native Health Service of the U.S. Public Health Service is requested to construct and operate a hospital at Mountain Village, Alaska.

KANSAS BEEF MONTH

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. ROY. Mr. Speaker, the month of May has been officially proclaimed by Kansas Gov. Robert Docking as "Kansas Beef Month." In light of this special observance, I would like to take this opportunity to point out to my colleagues the importance of the beef industry to my State and the Nation.

Kansas ranks third among the 50 States in total number of cattle and calves, with 6,618,000 head as of January 1 of this year. Even more significantly, this figure represents a 10-percent increase over the previous year—the largest increase of any State in the Nation.

The beef business, cattle production and feeding, is the No. 1 industry in the State of Kansas in terms of dollar sales. The No. 2 industry is meatpacking, a business which is closely aligned to the overall beef industry.

In 1965, the latest year for which comprehensive figures are available, cattle production and feeding accounted for $597 million in sales. Meatpacking accounted for $591 million. In 1969, based on unofficial records, the cattle industry became Kansas' first billion dollar business. With the multiplier effect, the cattle industry generates several billions of dollars into the Kansas economy each year.

Beef cattle are the No. 1 source of income on Kansas farms, having surpassed wheat several years ago.

Total red meat production on Kansas farms in 1970, including lamb and swine as well as beef, was 1.6 billion pounds. This represents a 23-percent increase from 1969.

These figures tell a clear story—that the beef industry is, more than ever, vitally important to the State of Kansas. Dollars do not tell the whole story, however. The average per capita consumption of beef in the United States is now 113 pounds per year. Americans consume far more beef than any other meat product.

Kansans have taken the lead through the years to insure a smoothly functioning beef industry to meet the heavy demands of the American public.

In 1919, at its State convention in Hutchinson, Kans., the Kansas Livestock Association founded the National Livestock and Meat Board. This organization has become the promotion, research, and education arm of the cattle industry, seeking to provide a better product for the consumer. It is financed solely by producers and feeders.

Another national honor recently came to Kansas when Mr. Frank Smith, manager of the Pratt Feedlot in Pratt, Kans., was named National Commercial Feeder of the Year for 1971. Mr. Smith is one of the leaders in the greatly expanded cattle feedlot industry in Kansas, where the numbers of cattle on feedlots has increased 168 percent in the last 5 years.

The cattle industry has faced some difficult economic conditions in past years, but it has solved many of its problems without having to resort to Federal price support programs. It has concentrated on more efficient production and marketing procedures. The cattle facts program, for example, provides producers and feeders with better market intelligence.

On a national basis, the production and feeding of beef cattle represents 20 percent of all agricultural income. In Kansas, the beef industry is one of the bulwarks of the economy. Beef products are important weapons in the fight for a nutritionally rich diet for all Americans.

I congratulate members of the Kansas beef industry and the Kansas Livestock Association for their hard work and accomplishments through the years, and I offer my support to them in the future.

A BILL TO ESTABLISH METHODS OF PAYMENT FOR NATIONAL FOREST TIMBER

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. JOHNSON of California. Mr. Speaker, for nearly 4 years Members of Congress and representatives of the forest service and the forest products industry have been discussing payment practices in the sales of national forest timber. As a participant in those discussions and the Representative of a district in which several billion board feet of national forest timber were sold during this period, I have become thoroughly familiar with the issue. It is my belief that legislation should be considered to establish policy in this matter: The following bill is offered for that purpose:

H.R. 8738

A bill to establish methods of payment for National Forest timber, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That payment for National Forest timber shall be made before removal unless the purchaser provides an acceptable surety bond guaranteeing payment within thirty days of removal. In lieu of a surety bond, a purchaser may deposit negotiable securities of the United States accompanied by power of attorney and agreement authorizing sale of such securities if payment is not made as above provided.

If purchaser stores logs off the sale area before scaling and has provided an acceptable payment guarantee, payment must be made within thirty days of such storage unless the purchaser executes an instrument consenting to seizure and sale of such stored logs by the United States with guarantee of free access to the United States or its assigns to permit effective possession and removal of such logs from the storage site in event of failure of sureties to meet payment demands within thirty days after notification of default in payment by purchaser. Such instrument consenting to seizure and sale shall provide that such action shall be stayed if there is a bonafide dispute over the volume or value of the timber involved and the timber purchaser is pursuing administrative or judicial means to resolve the dispute. Payment for all logs which are in storage off the sale area on December 31, must be made by not later than June 30 of the following year.

The effect of the bill would be to continue the Forest Service's present practice of accepting negotiable securities of the United States or surety bonds as guarantees of payment for logs stored prior to the measurement used to determine the volume subject to payment. This practice has been in use for a dozen years without one instance of government loss due to failure to pay for stored logs. More than two-thirds of the national forest timber sold in California currently involves this practice. It should be continued for these reasons:

First. Its history of successful use.

Second. Because of the seasonal nature of logging activities in most of California, logs must be stored to provide full-year mill production and related employment.

Third. The most accurate log "scaling" (measurement) is possible in the mill after multi-segment logs are cut to standard lengths, because such cutting reveals the extent of defects in the interior of the logs and this information is needed to obtain the net volume.

Fourth. The Forest Service's timber appraisal premise assumes year-around processing of logs and does not treat interest charges as a cost of operation. The Forest Service data, basic to appraisals, comes from studies which have individual-log-segment scaling as an integral practice. Increase costs, due to delay of trucks for scaling, are not recognized in Forest Service timber appraisals, at least in California.

Fifth. A change from the present practice would require the replacement of payment guarantees with borrowed capital to cover the value of stored logs. Such capital would be difficult for some long-term operators to obtain and would unnecessarily increase costs without recognition in Forest Service appraisals. Some operators may have to reduce the length of their work year because of the inability to raise cash for logs stored for year-around operation.

Sixth. Through the competitive bidding procedure used in Forest Service timber sales, the government receives more than the appraised value for timber in most sales. The modification of the use of payment guarantees would tend to reduce the extent of overbidding.

In sum, Mr. Speaker, the present method of guaranteeing payment for national forest timber has been working well. A change is not warranted until substitute measures are available which give equal assurance of payment and fair treatment to timber purchasers. This bill will authorize continuance of present practice and assurance that the government could recover stored logs in the unlikely circumstances that payment was not made. There never has been need for such action.

WILDERNESS ACT SLOWDOWN

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. DENNIS. Mr. Speaker, we are moving much too slowly to implement the purposes of the Wilderness Act by adding to areas to be classified as wilderness, as provided in that law.

The President has proposed the inclusion of additional wilderness areas.

Our colleague, JOHN SAYLOR, and other Members have introduced legislation providing, as I understand it, interim and de facto wilderness classifications in order to protect major areas of our national forests until their status is finally determined.

I urge my colleagues, and the appropriate committees, to give early and favorable consideration to these legislative and executive proposals, so that our irreplaceable and dwindling wilderness areas may be preserved for future generations.

I include a copy of a recent and worthwhile editorial from the New York Times on this important subject:

FOREVER SLOW

In an increasingly crowded and polluted nation, it is imperative to set aside lands which are still virtually untouched by man. Such lands are essential to preserve an ecological balance for nature and to provide an opportunity for solitude for human beings. Recognizing this need, Congress in 1964 passed the Wilderness Act which established procedures by which lands could be declared "Forever Wild."

Approximately nine million acres were defined as wilderness in the original law. In the more than six years since its enactment, only another million acres have been added. Review of possible wilderness lands has proceeded with discreditable slowness.

In accordance with the law, the President is required to submit an annual report to Congress on the wilderness program with his recommendations for the inclusion of additional areas. This week Mr. Nixon proposed adding fourteen areas. He also resubmitted proposals on which Congress failed to act last year.

Despite the fanfare of a White House presentation to launch this message, the President's recommendations are relatively modest. Six of the fourteen new proposals are for areas of less than 5,000 acres each. The old and new recommendations total only three million acres.

Secretary of the Interior Morton cites several sources of opposition to the designation of wilderness areas including local governments fearful of losing part of their tax base, hunters who are barred from such areas, and mining and timber companies. This list omits perhaps the most powerful opponents—the higher-level Federal bureaucrats. Once a stretch of land is classified as wilderness, these officials lose their administrative power to decide its fate.

Acknowledging that the evaluation process is seriously behind schedule, Secretary Morton declares that he has Presidential backing for a speed-up. If past performance is any guide, the wilderness program will need all the White House support it can get. Indeed, President Nixon is likely to find that additional executive action is necessary if his Administration is to lead the way toward the comprehensive wilderness system envisaged in the 1964 law.

Meanwhile, Representative John Saylor of Pennsylvania, the ranking minority member of the House Interior Committee, has introduced a bill to classify several major areas in the national forests as defacto wilderness to protect them from logging and development until the Forest Service reaches a judgment on their status. Significantly, President Nixon's fourteen proposed wilderness areas are in national parks, monuments and wildlife refuges but none is in a national forest. Yet the forests contain some of the purest and most beautiful wilderness and are subjected to probably the greatest economic pressure. If they are not to fall victim to logging, road-building and other development while bureaucratic torpor prevails, Congress must give them interim protection by passing the Saylor bill. In fact, the economic pressures on all the public lands are so powerful that other initiatives are needed from the President as well as Congress to save the vanishing wilderness.

KNIGHTS OF COLUMBUS—THEIR WORTHWHILE ENDEAVORS

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. BRASCO. Mr. Speaker, we have many fine organizations in New York State which concern themselves with projects deserving of public recognition. Among these is Knights of Columbus, which is presently committed to the fight against drug abuse, a problem which is endangering communities across the Nation.

In cooperation with the State narcotics addiction control commission, Knights of Columbus is sponsoring an educational program called SPAN, aimed at heightening the awareness of both parents and students to this menace.

Governor Rockefeller, recognizing the tremendous value of this commitment, paid tribute to Knights of Columbus in proclaiming the month of May 1971, as Drug Abuse Prevention Month in New York State. I think it is fitting that his proclamation be included in the RECORD at this time:

PROCLAMATION

The abuse of drugs today threatens to destroy the very fiber of American character and, along with it, the American future.

While people of all ages are affected by this menace, drug abuse among the young is especially tragic.

Drug abuse is a complex problem which requires vigorous action by public and private agencies alike. The State of New York has been a pioneer in coming to grips with this problem through programs of prevention, law enforcement, and addict treatment.

Many citizen groups are also deeply committed to help.

Among these is the Knights of Columbus, which is cooperating with the State Narcotics Addiction Control Commission in sponsoring an education program called "SPAN," or Students and Parents Against Narcotics. The Knights of Columbus hopes to bring this program to communities throughout our state and to enlist the aid of other fraternal and civic organizations in the promotion of this most worthwhile program.

It is fitting that recognition be given to the Knights of Columbus and to all other public-spirited citizens and organizations engaged in the battle against drug abuse.

Now, therefore, I, Nelson A. Rockefeller, Governor of the State of New York, do hereby proclaim the month of May, 1971, as Drug Abuse Prevention Month in New York State.

TELL IT AS IT IS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. HUNT. Mr. Speaker, on May 20, 1971, Congressman KOCH extended his remarks to again call attention to a proposed bill (H.R. 854) which he also has introduced under about 10 other numbers in this Congress. The gentleman from New York fears the Government is building a mountain of dosiers filled with erroneous, misleading, and false information, and he suggests every person mentioned in Government files should have a chance to review the records and make corrections he feels necessary.

After reading the gentleman's comments I began to realize what he might mean when he refers to erroneous information being made a matter of record. Our colleague stated, in placing an article from New York Times of May 19, 1971, in the CONGRESSIONAL RECORD, that "It reports the alleged use of the Boy Scouts of America by the FBI as informers." The article he placed in the RECORD does no such thing, but this is a typical example of the type of erroneous and misleading statements about the FBI we are hearing all too often on the floor of this House.

Apparently, neither the Congressman nor the New York Times is troubled by any moral issue in using or publicizing documents stolen from the FBI. And if that were not bad enough, each distorts the contents to suit his own purpose. I doubt if our colleague would knowingly ride in a stolen automobile, but he is apparently willing, for the sake of publicizing his proposed legislation, to use any vehicle, even the pages of documents obtained through burglary of U.S. Government space.

But most significant is the fact that our colleague has done exactly what he claims so many others are doing. He has set forth and made a matter of permanent record a completely erroneous statement.

As I said, the New York Times article does not state the FBI is using Boy Scouts as informers. It reports in some detail the fact that a stolen FBI document had commented favorably about a Rochester, N.Y., program—not an FBI program—to enlist Boy Scouts to report to the proper authorities matters which might help reduce the crime problem or which might affect public safety. The article indicates that at a 1969 Scout rally the Boy Scouts received a pamphlet suggesting 60 signs of trouble that they should report. These included such things as faulty traffic signs, blown-out street lights, fires, youngsters playing with matches, trees blown down, flooded viaducts, suspicious strangers in neighbors' homes and suspicious stranger loitering about schools.

It seems to me that this is the sort of information any citizen should report to the police. If we have reached the stage that telling the proper authorities of such matters makes one an informant then I suggest our Nation is indeed in serious trouble. To report such information is purely and simply a matter of good citizenship and, after all, teaching citizenship is a very important part of the Scouting program.

In spite of much that has been said, in our free and open society law enforcement agencies can do an effective job only with citizen cooperation. It is impossible for the police to be everywhere and know personally of every law violation. As a former member of the New Jersey State Police I know that in this country we are most fortunate that the vast majority of our citizens are law-abiding people who respect law enforcement and call upon them for assistance or to report dangerous situations when the facts require it. This surely does not make the average citizen an informer and the implication in the statement from the gentleman from New York is grossly unfair to the FBI, to the police, to the Boy Scouts, and to everyone who believes in fulfilling what is generally recognized as a very basic and fundamental civic responsibility.

Indeed, numerous organizations, both within and outside of our Government, have recognized and urged citizen cooperation and involvement in the law enforcement process. It would seem that this involvement, whether by adults or by young people of Boy Scout age, is both desirable and to be encouraged rather than ridiculed. As an example of what other organizations have done, I would like to place in the RECORD at this point the canons of American citizenship adopted and disseminated widely by the American Bar Association:

CANONS OF AMERICAN CITIZENSHIP

Every American citizen should recognize the duty to:

1. Uphold the laws of the United States, and the states and communities.
2. Defend our country from invasion and our government from overthrow by force, violence, or subversion.
3. Encourage respect for law and order and insist upon solutions of differences and grievances by processes of law and never by resort to violence or other unlawful means.
4. Support those charged with the enforcement and administration of our laws; voluntarily act as a witness and serve as a juror.
5. Harbor no prejudice against anyone because of race, religion or national origin.
6. Maintain pride in family, heritage and church as well as in community, state and nation.
7. Keep informed on issues and candidates, and vote in every election.
8. Respect the rights and opinions of others.
9. Participate in religious, charitable, civic, educational or other activities to promote the welfare of the community.
10. Acknowledge that 'responsibilities' are as important as 'rights' in the preservation of freedom and justice.

OUTSTANDING ROTC PROGRAM AT TEXAS TECH UNIVERSITY, LUBBOCK, TEX.

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. MAHON. Mr. Speaker, as one who has given solid support through the years to the Reserve Officer Training Corps programs in the colleges of the country, I am especially proud of Texas Tech University in Lubbock, Tex., my hometown, for the outstanding job it is doing to maintain a strong ROTC program on its campus.

I would like to take special note of the fact that the 820th Air Force ROTC detachment at Tech was selected to receive the Outstanding Unit Award for exceptionally meritorious service. Out of 170 Air Force ROTC units in the Nation, Tech's program was one of only five selected to receive the outstanding unit awards this year.

The following citation accompanied the presentation of the Air Force Outstanding Unit Award to Texas Tech's ROTC Detachment 820:

CITATION TO ACCOMPANY THE AWARD OF THE AIR FORCE OUTSTANDING UNIT AWARD TO AIR FORCE ROTC DETACHMENT 820, TEXAS TECH UNIVERSITY

Air Force ROTC Detachment 820 distinguished itself by exceptionally meritorious service of University, regional national and international significance during the period 30 September 1968 to 30 September 1970. Throughout this period Air Force ROTC Detachment 820 managed all available resources and accomplished outstanding pursuits of the Air Force ROTC mission—to select, motivate, educate and commission career oriented Second Lieutenants in response to Air Force requirements. Success of these enthusiastic and untiring efforts was achieved through a comprehensive University, community, national and international relations program, expanded and personalized recruiting and retention program, an integrated education and Corps Training plan, extremely ambitious extracurricular and motivational activities, and a vastly improved academic stature and faculty integration within Texas Tech University. This combination produced Second Lieutenants of the highest quality with versatile backgrounds and strong dedication toward an Air Force Career. The outstanding initiative, resourcefulness and distinctive accomplishments of Air Force ROTC Detachment 820 reflect great credit on the detachment, Air University and the United States Air Force.

MEETING OF BOARD OF VISITORS TO THE U.S. MILITARY ACADEMY 1971

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. TEAGUE of Texas. Mr. Speaker, the annual meeting of the Board of Visitors of the U.S. Military Academy was held at the Academy, April 30 and May 1, 1971. The Board is generally briefed by the Superintendent as the first order of business. I include the presentation made by Maj. Gen. William Knowlton, Superintendent of the Academy:

SUPERINTENDENT'S REMARKS, BOARD OF VISITORS BRIEFING

During the next day and a half, we shall endeavor to focus in on the current operations of the Military Academy, stressing those items which are of most concern to us and to the Department of the Army.

I am sure that you noticed while looking over the itinerary that you will receive a number of other briefings today. Therefore, I shall cover only the highlights of our programs, the details of which you will receive at subsequent briefings.

I think it important that you keep in mind the mission of the Military Academy as it will help you in your final assessment of our operation.

SLIDE 1

Simply stated our mission is to *train* and *educate* cadets to become career officers. It means that we must prepare them to become second lieutenants with the knowledge and capacity to progress upwards through positions of greater responsibility.

SLIDE 2

Inherent in this mission are several objectives—the military, mental, moral, and physical development of each cadet—and each receives emphasis.

Each cadet is required to meet the same standards of conduct, of discipline and of academic performance. They are required to participate and be proficient in basic physical training and in either intramural athletics or the intercollegiate program. Last but not least, each cadet accepts as his own, the same high standards of integrity and honesty.

With our ultimate goals in mind, let us first look at the instruction portion of the mission.

In the academic area, the past year has been largely one of consolidation. During the decade of the sixties, we made great strides in our academic program, which have resulted in a more flexible curriculum, a growing faculty, the advent of a modest research program, and several organizational shifts. The majority of these shifts are near completion, and thus this year has afforded us our first chance to view the combined effect of these measures. As we have watched them through this year, their success has been apparent. I must point out, however, that even though it has been a year of relative stability, it has not been without a continuing self-review. Several curricular studies have been completed or are underway at this time, and we have continued with our plan of gradually implementing the approved recommendations of the Faculty Review Board.

That Board, appointed by the former Chief of Staff of the Army, General Johnson, sought to review our faculty composition and structure with a view toward recommending any changes it felt necessary or desirable. It found that we must constantly seek to adhere to the highest standards of the educational community; that some departures from normal personnel administrative procedures may be desirable to meet those standards; that the tenure component of the faculty should be increased; and that every effort should be made to assure that outstanding officers continue to be assigned to the Academy. With regard to these recommendations—with which we fully concur—we have moved forward in a phased implementation. The number of our appointed tenure associate professors has now risen to thirty-three. A committee is now meeting to select one, or possibly two, more. These especially selected officers provide us with greater continuity as they are assigned permanently to the Academy until their retirement with thirty years of service. When appointed, they generally have had fifteen years of service in the line, in graduate school, and as instructors, and so bring a wealth of valuable experience to the faculty. We encourage these officers to remain abreast of developments in the Army, and through visits to the field and Army schools they have continued to remain extremely aware of current theoretical and practical changes. In this vein, the fellowship program with the Army War College for the tenure faculty, now in its first year, is proving eminently successful. In addition, our modest Faculty Research Program—which now includes some nine participants—is proving to be most stimulating to the cadets and to the faculty, and beneficial in our relations with other educational institutions.

In the area of curricular studies, one committee was appointed to review the role of foreign language study at the Military Academy. After an extensive analysis, the committee concluded that the foreign language courses as offered at present are both fundamental to the future Army officers' educatitonal requirements and responsible to foreseeable needs. We now permit qualified cadets to validate a foreign language. Two committee studies are presently underway: one is directed at an analysis of the load carried by cadets—in all aspects of their education and training at the Academy—and will offer its conclusions later this year. The second committee is conducting a study complementing the first: the sequencing of academic courses in the four year program, with the aim of seeking any changes which may prove to be desirable. This report is also expected this summer.

As a result of a study of the management science/operations research discipline completed last year, a new elective field in Management was created. It comprises courses encompassing both the engineering and socio-economic approaches to this area, and is interdisciplinary in nature. Some 5% of the First and Second Classes have enrolled in this field this year.

The Academy is now in the second academic year in which cadets have been permitted to concentrate their eight elective course choices in an area of their particular interest or aptitude. The results of the program are extremely gratifying, allowing the cadet an experience in making course selections, as well as affording him the opportunity to gain some degree of specialization in an area of his particular interest. It is a modest program, and sufficiently flexible that no restrictions are placed on cadet choice. We have sought to keep our curriculum broadly-based, feeling that the future Army officer must have an equally firm grasp of the social sciences and humanities as he must of the sciences. Based on our successful experience in this program, thirteen new selective courses were developed and approved for implementation during the next academic year. These courses will bring the total number of electives to 150, and thus further insure that a reasonable breadth of course choices will be available for cadet selection.

General Jannarone will cover all of these areas, and more, in greater detail during his talk with you.

In the critical areas of leadership development, military training, physical training and motivation, the Department of Tactics continues to review its programs in light of the ever changing social environment from which we receive our cadets. While our values remain constant and the goals of these programs are unchanged, the methods of achieving and inculcating these values must change to remain effective and to prepare our graduates properly to face conditions in our Army today. The new Fourth Class System and the Yearling Sponsor Program continue to spark progress in the motivational area; and we have confidence that revisions to the Military Training Program, especially the introduction of duty-time airborne training for cadets, will be important additions. Airborne training for cadets has been conducted in former years but always on a leave-time basis. The Class of '73 has been offered a duty-time program this coming summer and has responded enthusiastically. More than 94 percent of the Class volunteered for airborne training. Eleven of the non-volunteers are already airborne qualified, and some of the rest are physically disqualified.

In addition to the Yearling Sponsor and Duty-Time Airborne Programs, the Recent Graduate Returnee Program and the Senior Officer Visit Program are specifically aimed at career motivation. In the Recent Graduate Returnee program, young officers, who have graduated in the last 2-3 years, return to discuss wtih cadets the problems and challenges facing the junior leader in our Army today; in the Senior Officer Visit program our senior Generals discuss frankly the most controversial and sensitive issues facing our Army and the Nation. From the quality and quantity of questions asked of our recent graduates and senior officers, both programs appear to be successful.

In an effort to keep abreast of contemporary problems within the Corps and to give the cadets a further voice in the formulation of major policy decisions, the Commandant has formed two councils to advise him in the area of drug abuse education and in human relations. The Alcohol and Drug Dependency Intervention Council or ADDIC and the Human Relations Council are advisory bodies composed of both cadets and officers designed to review and recommend certain curriculum input in each area and to present a forum where all aspects of contemporary problems can be aired. The fact that we have encountered no major problems in either of these sensitive areas is indicative of the success of the councils to date. You will be briefed further on both these areas by the Commandant.

The 1971–1972 academic year will see the first twelve tactical officers who were selected to attend Graduate School for their masters degrees in conjunction with the assignment as Company Tactical Officers. As a direct result of a great deal of effort and support at all levels, we now have a total of 24 officer spaces validated for graduate school for these critical positions. The provision of officers educated in counseling, psychology and the management of personnel cannot help but benefit the cadets, who are influenced greatly by their continuous contact with their Company Tactical Officers.

I have thus far touched on recent changes in our military training program and some of our attempts at increasing cadet motivation. I would now like to discuss our Physical Education facilities. In our Physical Education Program we seek to develop physical skills, mental health, and efficiency, and desirable character traits—as well as to provide indoctrination in recreational sports to insure a physically active career. The proposed alterations to the gymnasium and the construction of the Cadet Athletic Center are sorely needed. The scope of the athletic program and the number of cadets engaged in this program have increased greatly during the past few years, while facilities to accommodate these activities have not kept pace. Colonel Anhart and Cadet McDonald will outline in detail the breadth of our athletic program during your visit to the Commandant's office. I am sure their comments will be borne out by your own observations of the physical activity of cadets.

I want to address you briefly on the Cadet Honor Code and System. Each cadet accepts as his own the Honor System, which embodies the highest standards of honesty and integrity. As you well know, this topic is one that has received considerable adverse and, I should add, distorted publicity from our news media. The Honor System is the wellspring of all that we strive for at the Academy and our cadets fully understand the importance of holding firmly to a system that will never be compromised or diluted in order to appease the whims of those who do not—and perhaps will never—fully comprehend its meaning or purpose. You will be briefed in greater detail on this subject by Cadet Pat Finnegan, Chairman of the Cadet Honor Committee, when you visit with the Commandant of Cadets.

I would like to digress from my script for a moment to discuss the Honor Code and the Honor System, by mentioning a specific case. My reason for talking about this case is that Congressman Anderson became involved in it. In a form letter to many who wrote him, he stated that he intended to ask the Board of Visitors to re-examine the Honor Code at West Point which he found archaic. The best description of Mr. Anderson's views were contained in last Sunday's New York Times, in an article about him in the Magazine Section. One word in the article underlies the difference between our views. The article said:

> "Anderson recalled a young man he had appointed to the Military Academy who was expelled after turning himself in for having *inadvertently* told an upperclassman that he had shined his shoes the previous evening rather than several days earlier. The honor code had been violated."

In actuality, the young man lied *deliberately* in order to avoid the minor punishment for not shining his shoes and in full knowledge that the act was dishonest. He was offered legal counsel and the option of a Board of Officers once the Honor Committee had unanimously found him guilty. He refused the lawyer and the Board of Officers, stating that he wished to resign. His resignation was accepted. The two key points are that the offense was not inadvertent, but deliberate; the young man was not expelled, but resigned.

The other night I talked to the Second Class for an hour and a half. The last half hour I leaned heavily on the subjects of honor, integrity and morality. They are going to be next year's First Class, and the response was terrific. In the course of that talk I put on a slide with a quote from Newton D. Baker that is half a century old:

> "Men may be inexact or even untruthful in ordinary matters and suffer as a consequence only the disesteem of their associates or the inconvenience of unfavorable litigation; but the inexact or untruthful soldier trifles with the lives of fellow men and with the honor of his government. It is therefore no matter of pride but rather a stern disciplinary necessity that makes West Point require of her students a character of trustworthiness that knows no evasions."

The quote may be fifty years old, but I do not think we can improve upon it. Here is a quote from last month which is a modern version of the importance of this subject. General Westmoreland said:

> "I am convinced that the Army can survive almost anything except a lack of personal integrity among its leaders. I have made it a personal goal of mine to press home to every leader in the Army—from senior general down to the newest corporal—the need for absolute honesty and morality in everything they do."

At the same time we must acknowledge that today's cadets come from a society in which many of the important terms are believed to be "quaint." These words are not as often used in the home, in the schools, and in the church (if they go to church). For that reason, the Cadet Honor Committee has a much tougher educational job than in our day. A member of this year's First Class Honor Committee said to me, "We did a good job of enforcement this year, but we should have spent more time on education." I want to tell you that next year's Honor Committee has already been working very diligently under its chairman, who has spent several hours with me at his request. That Committee intends to do a better job on education. They are now producing six television films for our internal television system here; so that the instruction given next year's Plebes will be of uniform quality and so that there will be no question as to what the instruction said.

In summary, the Cadet Honor Committee faces problems in education and understanding which were unknown to us. The cadets in general support the Code very strongly. The attacks of the last year have served to unify the Corps behind the Honor Code, rather than to dilute its importance.

Two significant events relating to the expansion program have occurred since the Board last met. First, a contract for construction of the Cadet Activities Center was awarded on 18 December 1970. Because the low bid received last May exceeded the appropriated funds by a considerable sum, an additional $10.7 million had to be authorized by Congress prior to award of this contract. Construction began in January and is scheduled for completion in March 1974.

Secondly, the USMA Planning Advisory Board was established in December to provide advice and recommendations to Department of the Army concerning the Academy's construction program. The general attitude of the Board has been a desire to help USMA obtain faciliites which the Board determines to be valid requirements, and to reestablish rapport between the agencies responsible for West Point construction and the Congress. The Board has recommended hiring a prominent architectural firm to conduct a comprehensive review of the West Point Master Plan and all outstanding expansion related requirements. Plans for this study are now being formulated.

Colonel Broshous, Director of the Expansion Planning and Control Office, will give you a detailed status report and discussion of the expansion program in his briefing this afternoon.

Remaining in the facilities area for a moment—the Department of the Army has been most generous in providing manpower and funds to support the increasing operational requirements as new facilities are completed and we request your support in recommending to the Department of the Army that this policy be continued. However, one area that has lagged in recent years is the maintenance and repair of many of the older buildings on the post. A lack of funds has resulted in a backlog in this area of essential maintenance approaching 5 million dolars. Your assistance is requested in assuring that funds are made available on an annual basis to reduce this sizeable maintenance backlog.

Concerning the Academy's Admissions Programs, I would like to touch briefly upon each of the three recommendations made by the Board of Visitors last year. The first was "That the current intensification of the admissions effort be continued." We were not able to maintain the momentum of the previous year because of unexpected losses in the professional forces working on our behalf in admissions. However, we have made substantial gains in the computer assisted admissions area and in our publications. Resources for use next year in the admissions area will be at the highest level and we do expect commensurate improvements in our ability to bring the name of West Point before the parents and candidates and to handle the increased level of interest expected next year.

The second recommendation of the Board was "That the Academy continue its efforts to assist Members of Congress in quality-ranking applicants for admission"; this has been acted upon with excellent results. The interest generated by this attempt on our part to communicate useful data to each Congressional Office has also resulted in increased participation by Congressional staff assistants in our Educator Visit Program which we feel goes a long way toward achieving the best possible working relationship with each Congressional Office.

The third recommendation read "That the Academy continue to work towards beneficial standardization of Congressional applicant procedures." We again have published an update of the Congressional Guide for USMA Admissions and will be discussing this publication with every Congressional Office during the coming few weeks. This publication, as you know, gives to the Congressional Office our recommendations which, if followed, will do much toward standardizing procedures throughout the country.

Just a brief word on the admissions status, more of which you will get during the admissions briefing. Last year, as perhaps you recall, West Point had 6003 candidates which was the largest number in the history of the Academy. Although this year our candidate population is down slightly, the total of 5500 plus will be the second largest number of candidates in our history. From this number of candidates, we have already selected a class of unusual strength and, for this, much of the credit must go to the efforts of the Congress.

The time has come when we must give serious consideration to a reevaluation of the present five-year service obligation for our graduates. The Commandant of Cadets raised this subject before this board last year citing that the five-year obligation was "a factor which operated to reduce motivation towards completion of the Academy Program and as a deterrent to the acceptance of an appointment" to the Academy.

There are many factors which cause us to recommend a reduction of this obligation. Return to peacetime environment, the anti-military atmosphere which prevails and the changing image of the Army are some of the most salient factors.

At this point we are unable to evaluate accurately the impact of all of these factors on our admission program, cadet motivation efforts and officer retention. However, the five-year obligation appears to be one of the influencing factors and one on which we can take positive action. The others are less tangible. For example, the psychological impact on some cadets and junior officers of the five year obligation is that it is of such duration that it presents a ring of unreasonableness or a feeling of indentured federal service. Actually none of these factors have been quantified by cold-hard statistics.

Another factor is that the nation-wide demand for quality students is thinning the ranks of qualified candidates from which we can choose. The competition is offering some attractive incentives.

For example, the four-year ROTC Scholarship Program at a college of their choice provides a healthy monthly stipend, a free education and only a four-year obligation. Pending legislative proposals, if enacted, will make the ROTC Program even more attractive and competitive. Further, the ever expanding state university system and the student grant-in-aid program which have increased since 1964 when the five year obligation was enacted, provide opportunities for an excellent education with little or no obligation or commitment on the part of the recipient. Hence, in this era of change and the increasing competition for high caliber young men we believe that we must once again propose a four-year service obligation to maintain our competitive program.

We believe that one year of obligated service for each year of schooling is logical and equitable for both the individual and the Army alike. If the Army cannot motivate a youngster during his four years at West Point and during the early years of his service, then it seems to me that the fifth year is of little value to either the man or the Army.

We would like your support for this change, or your comments on it.

Last fall, the House Appropriations Committee requested the Secretary of Defense to make a comprehensive evaluation of the staffing requirements of the three service academies. We were advised recently that the Committee had concluded that our December 1970 staffing level is adequate for our mission of instructing and training the Corps of Cadets through expansion. If the restrictions on our manpower requirements which these conclusions imply are accepted formally, the Academy will be sorely pressed to fulfill its vital roles as an academic institution, a military installation, an Army community, and a national historic landmark. In this regard, I would like to advise the Board of the following conditions and seek your advice and assistance.

The staffing data submitted to the Committee did not specify any future needs. Further, and even more meaningful, the Department of the Army on-site evaluation of our manpower requirements conducted in January/February of this year recognized our then current need as being 285 spaces (55 officer, 108 EM, and 122 civilians) greater than what appears to be the OASD Committee recommendation. It should be noted that even this assessment did not provide for further expansion requirements. Acceptance of the staffing levels recommended by the OASD Committee will lock in the Academy with little room to maneuver. With incremental build-ups of the Corps strength still pending, and with acceptance of new and expanded physical facilities just on the horizon, the Academy must be afforded the opportunity to update its manpower requirements.

A precise staffing ratio such as the 1:1 (staff/cadet) implied by the House Committee cannot be applied at West Point. Consideration must be given to changes in staffing requirements which result from the assumption of greater responsibility for area support (commissary, hospital, etc.) stemming from base closures and an expanding military community.

A summary sheet is available for you should you desire it. This sheet illustrates our original manpower requirements for the Expansion Program; our current strength; our requirements as evaluated by the Department of the Army; and what we project as additional needs through FY 1973. I feel that the basic Expansion Plan projections were well conceived; and am proud that the current projections for FY 1973 include fewer manpower resources than had been anticipated at the outset of our expansion effort. We are satisfied that Department of the Army recognized the validity of our needs, but concerned that the OASD Committee's recommended staffing could restrict our mission capability. Certainly, the shortfall of 76 officer, 110 enlisted and 199 civilian spaces depicted on our summary sheet poses a serious problem for the Academy. Above all we must have sufficient instructors. The requirement is directly proportioned to the strength of the Corps and is based on an accepted instructor to cadet ratio and the demands of the curriculum.

If I may disgress again, I might explain our view of the OSD study. If I draw comparisons with the other service academies, the purpose is not to denigrate them, but to explain our problem comparatively. While Annapolis has been at a strength of 4417 for some years, and the Air Force Academy has essentially completed its expansion, we have not yet completed the process. Our requirements are becoming greater, not lesser. We also have a more favorable student-teacher ratio in the classroom than the other two academies. For budgetary reasons, both the other two major service academies have expanded the number of cadets assigned to each teacher. We have not. In a day when many students complain about the impersonal nature of education in America, we feel that the close association between the teacher and the student made possible at West Point has both inspirational and motivational value. I have taught in the classrooms at West Point and know how well I got to know each of my cadet students. I like to think I had an influence on their development by virtue of this close contact.

When Dr. Benson, the Deputy Assistant Secretary of Defense for Education visited West Point for less than a day, it appeared as though he had made up his mind before his visit that our classes should be larger. Yet, at the same time that he told me our classes were too small, he asked why we were more effective than the other two academies in the retention of cadets. I believe there is a very definite link between the close contact which our small classes provide and the retention rate of cadets at West Point. Our small classes have been traditional since the days of Sylvanus Thayer. They are a hallmark of West Point. We ask your support for a continuation of this important policy.

The operation of West Point as a military installation, educational institution and national showplace is an expensive venture. We realize this and do our best to exact the greatest value from every dollar spent. The Department of the Army has in turn, provided support for our highly essential resource requirements. In this regard and in view of the increasingly stringent constrictions being imposed on funding programs, request this Board recommend that the Department of the Army continue to provide for the increasing operational and maintenance costs of the Academy and support its manpower requirements.

And now I would like to depart from my script to mention a facet of today's America which bothers me very much, and which I presume bothers you. This is the appearance on nationwide television, or before the Committee of Congressman Dellums, of graduates and former cadets who traffic in the name of West Point and use it to denigrate the Nation and the Army. There are about 20 of these who had connection with West Point, but every service academy has a similar group. Since we have over 20,000 living graduates, this small group of less than 20 makes up less than one-tenth of one percent. I suppose we could say that a 99.9 percent record of success is good, and that we should not worry about the one-tenth of one percent. However, with the access of modern television, this small group wields an influence in America far beyond its numbers.

There are three kinds of people in this group. The first are those who attended West Point very briefly and who left. Such a man is Jan Barry Crum, who has written letters and articles in the New York Times and who appeared on the six hour TV spectacular on war crimes. He alleges to have seen crimes and atrocities when he served in Vietnam.

The fact is that he served in Vietnam in about 1963 as a radio repairman on an airfield. This was in the days before U.S. troop involvement, before airfields came under any sort of attack, and when military dependents lived with their families in Vietnam. While he won a Commendation Medal for his radio repair work, he just was not in a position or a time frame to see the sort of thing which he alleges.

His appearance at West Point was very brief. He entered in July 1964 and started his resignation from West Point in late September 1964, after one month of Plebe academics. Although his letters to The New York Times say that he left West Point because of the immorality of Vietnam, there is *no* indication of that view in his resignation. Instead, it stated that he believed his career lay in the writing of creative fiction rather than the military. I might suggest that perhaps he has already entered on this career. This one month exposure to Plebe academics is the background from which he testifies as to the content or lack thereof in the West Point curriculum.

The Freedom of Information Act has led us to a decision not to release the factual information on Crum and others in this first group. We have few enough personal records exempt from public attack so that we need to preserve the protection of medical records and efficiency-report type of files. Hence, despite the attractiveness of lashing back at those like Crum who misrepresent their background, the Army has decided that the risks of engaging in counterattack outweigh the advantages.

The second type of man who traffics in the name of West Point is exemplified by Louis Font. During war, not all young men who come to West Point do so from a desire to serve. In any large group there are a few who enter in the hopes of an uninterrupted education and of a war that will be over when they graduate. Louis Font entered in 1964 in the same class as Jan Crum. When he graduated in 1968, the war was still going on. He applied, as a member of the top five percent of his class, for immediate graduate schooling. (The top five percent of a given class is eligible to go directly to graduate school. We discourage this, considering that a few years of troop duty make them better soldiers and better scholars. Four or five still go each year.) At the end of the first of his two years of graduate school, Louis Font contacted the ACLU and began organizing his departure from the Army as a conscientious objector. In February of 1970 he filed application, a few months before graduation from his advanced schooling at Harvard. He first claimed conscientious objection to only the Vietnam War. When this was ruled as insufficient grounds, he shifted his stance to being against all wars. Recently, he has become even more irrational in some of the charges which he has filed and press conferences which he has held.

We can do and have done something with this kind of individual. Louis Font's file contained clear indications from his peers that they thought he would "ride the education gravy train" and then try not to repay in service. Accordingly, in arriving here last spring, I set up a committee—including a member of the Commandant's staff—to interview all those who wished to go directly to graduate school. Each is interrogated at length on his motivation, and the results of the file are known to the board. Each is asked if he has any hesitation at all about a normal career in a combat arm in the Army. Each is also told that if such hesitations come to him later, he should withdraw from the education immediately. The results of this program have been very good, and we should not have the case of another Font appearing at graduate school.

Within West Point we have changed our philosophy somewhat. Formerly, we did our best to encourage cadets who were wavering to remain at West Point. Now, when a young man seems to have serious doubts about the military as a career and does not seem to have the type of character we desire in the Army, we encourage his departure. Two or three have left this year under those circumstances.

As a final step, we have screened the incoming candidates for signs of disaffection. We may need your support in this. Recently, the Academic Board turned down a young man with excellent academic and athletic qualifications. However, the file indicated that he refused to stand for the National Anthem. It was the opinion of the Academic Board that we did not need this kind of young man at West Point. While we might convert him to a more patriotic stance, there are enough good young men in America who are already patriotic that we do not need to take this risk.

The third kind of young man trafficking in the West Point name make up a more difficult category. There are only one or two of them. They were good cadets and started off as good officers in combat with decorations for bravery. In each case there seems to have occurred some searing experience which resulted in alienation. Such a case is Laughlin in the Class of 1965. He has recently appeared before Representative Dellum to denounce one or two of his commanders in Vietnam. At West Point, we just do not have the information to assess the reasons for this sort of a case. One hunch is that the cause is peer pressure in the intellectual community. In one or two other cases we have found the female of the species more deadly than the male, and have found young men who fell under the influence of young ladies of liberal persuasion. I am sure that the Department of the Army is analyzing these cases.

As I said at the beginning, we should not lose our perspective on this small group. They do make up less than one-tenth of one percent. However, the damage they do is extensive. We all hope that the actions we all hope that the actions we are taking will reduce this contingent to zero.

Thank you again for taking the time to come to West Point for this important mission.

U.S. MILITARY ACADEMY MANPOWER REQUIREMENTS[1]—FULL EXPANSION—FISCAL YEAR 1973

	Officer	Enlisted men	Civilian	Tota
USMA plan for expansion "Gray Book" (developed to implement Public Law 88-276 which increased Corps strength from 2,529 to 4,417)	850	1,050	2,892	4,792
Current DA authorization fiscal year 1971 (as of June 30, 1971)	817	967	2,541	4,325
Fiscal year 1971 requirement as recognized by D/Army MPR utilization survey, February 1971	862	1,056	2,662	4,580
USMA fiscal year 1972 requirements	15	-------------	74	89
USMA fiscal year 1973 requirements	6	2	3	11
Full expansion, fiscal year 1973	883	1,058	2,739	4,680
Optimum USMA staffing as assumed from advance advice on OSD Drake commitee report on service academy manning comparisons	807	948	2,540	4,295
Shortfall	76	110	199	385

[1] Does not include resources for support of Stewart Field.

REMARKS OF HON. GEORGE I. BLOOM DELIVERED TO THE 38TH ANNUAL CONFERENCE OF THE SOUTHEASTERN ELECTRIC EXCHANGE

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. ROONEY of Pennsylvania. Mr. Speaker, I would like to call the attention of my colleagues to the timely remarks delivered to the 38th Annual Conference of the Southeastern Electric Exchange meeting on March 31, 1971, by the Honorable George I. Bloom, chairman of the Pennsylvania Public Utility Commission and president of the National Association of Regulatory Utility Commissioners.

Mr. Bloom, a long-time friend, is an outstanding public servant in a position of authority and responsibility. In addition, as evidenced by his remarks, he is an American deeply concerned about the protection of our environment. His suggestions regarding more unified, in-depth environmental studies prior to construction of new power facilities are sincere and poignant.

He is optimistic about the progress of technology in his field, but his comments are aptly laced with caution in regard to the unrestricted use of resources.

I believe my distinguished colleagues will find Mr. Bloom's address of considerable interest and outstanding merit:

STATEMENT BY HON. GEORGE I. BLOOM

Mr. President, members of the Exchange, and guests, as we meet here today, in beautiful Boca Raton, in this peaceful setting, I am sure that we are all concerned and mindful of the fact, that we are living in a troubled United States, in a troubled world. We are living in a country that hardly resembles the one that our forefathers bequeathed to us.

America! It was once fired by hope, but now so many are permeated with despair. It was once guided by confidence, but now so many are filled with doubt.

And, indeed, the people are increasingly questioning the government's compassion; its concern and ability to cope with our national and local problems—to carry out the great mission, that we have felt that America was destined to achieve. I do not have to enumerate all of the symptoms and syndromes—indicating a loss of patriotism and love of country; a loss of faith in our religious principles; a loss of faith in the church; a deterioration in the moral fabric of the people—not only in our country, but throughout the world.

While all of us have these complex concerns to face, those of you in the electric utility business, rendering great service to the people of America, have your own very special and specific problems.

We, as regulators, also have our problems. And, some of the difficulties you are experiencing, run parallel with the problems of the regulators. So, the regulators and the electric utility interests have some *common* concerns, and I am sure we will continue to work together, to find a solution to these problems in the public interest. When your program chairman, Mr. Harris, invited me to appear before you today, he suggested that I deal with this question: "In the light of clamor for more government voice in energy policy, where should such new powers reside, and how far should they reach?"

At the outset, I express the conviction, that the extent to which government has a voice in energy policy, should not be determined upon the basis of clamor for it.

Clamor—the amount of noise generated for a proposal—is hardly an accurate measure of the proposal's wisdom. In fact, clamor is a capricious and inconsistent thing, for example, ever since the Con Edison blackout of 1965, there has been much clamor for insurance against a recurrence; and there has been just as much clamor against the construction of the generating stations needed to provide that insurance.

One of the great difficulties of our time, is that in many instances government pays too much attention to the clamor, and becomes addicted to what I shall call the quote "instant cure" unquote. The instant cure approach sees only the immediate problem, and acts to solve it, without recognizing that the solution immediately or eventually, creates other problems of equal or even greater magnitude.

One of the areas in which the instant cure approach is being applied today, and which particularly concerns the electric industry, is environmental control.

Pollution of the environment—the creation of waste materials that cannot be recycled into something useful—has been with us always, and is an unavoidable incident of human existence.

But within the last five years or so, the term "environmental pollution" has become a cause celebre, and millions of words have been spoken and written about it; political careers are being built upon it; and innumerable bills against it, have been introduced in our Federal and State legislatures. From the noise being made about it, one would think that environmental pollution is a brand new threat, in the same way that sputnik loomed suddenly and without prior warning upon our horizon.

The nature of the noise being made over environmental pollution, is a demand for instant cure. If an automobile cannot be operated without creating exhaust gases, stop making automobiles. If electric energy cannot be generated without fossil fuel, without throwing sulphur dioxide into the atmosphere, then stop the use of fossil fuel. But under present day technology, that is possible only by the use of atomic reactors, and they in turn produce radioactive waste materials, that must be disposed of in some fashion. Very well, stop the use of such reactors. In my own state of Pennsylvania, there is a legislative proposal that would place a five-year moratorium on construction of atomic reactors.

The instant cure approach to environmental pollution, is so popular today, that if anyone dares to suggest a more careful diagnosis than the instant cure permits, he is placed in the same category as those—who oppose motherhood, the flag and the deity.

The sorriest defect of the instant cure approach, in environmental pollution as in everything else, is that it promises so much more than it produces. It has been made into a kind of current fad, and when the instant cure fails to really cure, the public's attention will wane and turn away to something else. Thus, the very worthwhile cause of cleaning up the world in which we live, will falter because of public disillusionment with quack cures.

Our job—yours as electric company people and ours as regulators—is to do the sane and sensible things that *can* be done to clean up the environment and make it livable, and to keep on doing those things after the clamor has subsided, and the public has lost interest in the present crusade.

Let us lay down some standards—of what constitutes a sane and sensible approach, and apply them.

First, the extent to which government should have a voice in any matter—including the field of environmental control in the production of electric energy—depends upon whether that matter involves an important public interest, and whether that interest can be safeguarded or promoted only by governmental intervention.

I accept, as I am sure you do, the concept that cleanliness of the environment is a very important public interest. There are some who say that it is not a vital public interest—vital in the strict sense that our very lives depend on it—for there is considerable disagreement, in the scientific world, as to whether we are approaching the viable limits. But even if we were nowhere near those limits, we would still want a world of cleanliness and beauty, and to leave such a world to our children.

Can this important public interest be safeguarded or promoted by governmental intervention? I believe that the answer is yes, from many standpoints.

First, although you are here today as representatives of utility managements, the managements are responsible to boards of directors, and the boards of directors are very keenly interested as they should be, in the net per share. I am sure that as individuals, the board members are just as concerned as we are about the environment; but as board members, either they will produce the best possible net per share, or they will find themselves ex-board members. In short, they are not pollution-control-minded as board members, and cannot reasonably be expected to spend the stockholders' money for that purpose unless government intervenes to say "you must".

Second, improvement of the environment is going to cost a very large amount of money. Superficially, this money will be forthcoming from the corporations, which install the devices or pollution control, or from government. But ultimately—and this point the instant cure experts completely ignore—the only possible source of this money is the public, either as taxpayers, or as consumers of the goods produced by the corporations.

In your industry, there is no source of money for pollution control other than the ratepayers.

Certainly, you will obtain the capital funds for pollution control devices from investors; but the ratepayers must provide the return required to attract those investors, and pay off the capital obligations through depreciation charges.

There is no point in going into a long dissertation of why utility rates must be regulated. The significant aspect here is that they are regulated; and that governmental intervention is necessary, to assure that the rates do contain an ingredient for pollution control which is neither more nor less than is necessary, to provide proper return and amortization of capital. Regulation must recognize the monies expended and invested, by the electric industry in dealing with pollution, as well as other costs.

I now lay down another standard, that if governmental intervention is necessary, to the protection or promotion of some important public interest, the power of government should be exercised, only after the problem affecting it has been clearly defined, and only after all of its possible solutions have been explored, not only from the standpoint of how well they solve the problem, but also from the standpoint of whether they create new ones.

Unless we use this approach—careful definition, and careful consideration of the consequences of various solutions—we are apt to get instant cure results, with their attendant problems of even greater magnitude.

The shortest clear definition of the problem confronting the electric industry and its regulators, is to find a sensible balance between two public needs. One of those needs is a clean environment. The other is electric energy.

In the present state of technology, at least, these needs are in conflict. The more we produce electric energy, the more we must also produce ashes, or sulphur dioxide, or atomic waste; and the more we must occupy the landscape, with generating stations and transmission lines. It is principally upon the construction of new generating stations and transmission lines, that the environmentalists have centered their attack.

We can, of course, moderate the impact of energy on the environment, by air pollution control devices, by cooling towers, by giving our generating stations, and transmission lines, the maximum possible sightliness. But the fact remains that there is an inverse relationship, between the quantity of electric energy produced and the quality of the environment.

Many people—including most of the instant cure experts—seem to be unaware of this relationship, for they assume that growing demands for electricity, can be provided despite the proposals for a halt in the construction of new facilities.

Other people—some of whom are responsible persons—are aware that reduction of pollution, necessarily entails reduction or elimination of growth of electric output, and are at least willing to consider paying that price. I shall comment later on this, but at this point, I would focus your attention upon the governmental mechanism employed, to maintain the reasonable balance between clean environment and energy supply.

I think it safe to say, that in most jurisdictions, that mechanism is nonexistent.

For example, in my native Pennsylvania, there are at least ten state agencies, each with jurisdiction over some aspect of environmental control; and in addition, local political subdivisions exercise environmental controls, through zoning restrictions, smoke control ordinances and the like.

Before ground may be broken for a new generating station, consents must be obtained from many—and sometimes all—of these agencies.

When it is considered that each such agency, has the single minded purpose of administering its own particular phase of environmental control, and when it is further considered, that a generating station cannot be built if any one of the agencies, whose consent is required, refuses that consent, it will be obvious that, at best, the construction of the station is subject to appreciable delay and at worst, it may be prevented altogether.

One of the best examples of this is the Branchburg-Whitpain line in the eastern part of my state—one of the most important power transmission links in America. Work on that line has been seriously delayed by area environmentalists, and an historical society.

They induced the former U.S. Interior Secretary to intervene in their behalf before our commission, and the council for preservation of historical sites, has been responsible for delaying completion of the line and withholding approval for the right to cross the Delaware River into New Jersey. An alternate route has just been approved after two years delay.

The nature of the matter was well stated, in the report entitled "electric power and environment", issued last August by the energy policy staff, Office of Science and Technology, Executive Office of the President. It says:

"It is necessary, however, that a *single* agency empowered to carry out these functions, be established in each State or region of the Nation. The agency should assure that all legitimate environmental concerns, are satisfactorily resolved, and it must also assure, that once it grants such a certificate, construction can in fact proceed".

It is for the reason expressed in that quotation, that I commend to your attention, and urge your support, for the Model State Utility Environmental Protection Act which has been evolved by the National Association of Regulatory Utility Commissioners.

The substance of that model act is, that a utility proposing to erect a generating station or transmission line, would have to apply to the regulatory commission for consent, and justify the facility in terms of its purpose, location and design; that all environmental agencies, State and local, would have notice and opportunity, to present their positions, and their recommendations for environmental protection; and that after all the evidence is in, the regulatory commission would issue an order subject to court review, granting, conditioning, or refusing its consent to the utility's proposal. No other State or local approvals would be required.

In short, the fragmented environmental jurisdictions would be eliminated; there would be developed a record, upon which the commission would take into consideration, all of the interests of the public—in clean air and water in the appearance of the landscape, in maintaining tax values, and in assuring an adequate supply of electric energy; and the commission would resolve all of these interests in a single decision.

Earlier I noted that some responsible persons, have recognized that reduction of pollution, entails reduction or elimination of the growth of electric output, and are willing to consider paying that price.

Up to the present time, the entire philosophy of the electric industry has been that the public's demand for power, should not only go unchecked but in fact should be stimulated as far as possible; and that the sole objective, is to keep abreast of that demand.

We as regulators have generally accepted this philosophy, and all of our endeavors, particularly in the last five years or so, have been in the direction of pushing, and helping the industry, to catch up with soaring demand for service.

I realize that any other philosophy is repugnant to you, partly because it would be novel and unfamiliar, and partly because the entire American business community, of which your industry is a part, is committed to the axiom that growth is essential to prosperity, and perhaps to survival.

Repugnant as the idea may be, I offer the possibility that continued growth, instead of being essential to survival, may destroy it.

As to what underlies that statement, I would like to identify some of the responsible persons, who have given thought to the idea.

The report on "Electric Power and the Environment," to which I referred earlier, represents the combined efforts of Chairman Nassikas of the FPC, Commissioner Ramey of the AEC, and equally distinguished representatives of other Federal agencies. Against that background, I now quote another significant passage from the report:

"But the basic question of whether electricity use is growing too rapidly, cannot be answered on an individual plant basis—an answer requires a broad examination of the significance of all forms of energy to the economy and the public welfare, including analysis of the form and amount of energy, that would be used if the projected increases in electricity consumption were materially curtailed . . .

It may well be timely, to re-examine all of the basic factors, that shape the present rapid rate of energy growth, *in the light of our resource base,* and the impact of growth on the environment. . . . The authors of the report, in questioning the propriety of allowing uncontrolled growth of electrical use, were well aware that control would have economic consequences; and although the report does not specify what those consequences might be, it is obvious that the authors were thinking, not only of the electric industry, but also of the impact that reduced energy supply would have upon the industrial, commercial and residential users. Nevertheless, the authors do question whether our resource base warrants uncontrolled energy growth.

Ages ago, the earth stored up deposits of coal, oil, gas and uranium, and nature has not added an ounce of these substances since. This is our capital, and once consumed, cannot be replaced. Until the industrial revolution of the 1800's the draw on our fuel resources was infinitesimal. The checks we wrote against our fuel account through time really became significant in the middle third of this century. Those checks are now enormous and with no halt in the upward curve of fuel use in sight, we are treating our capital as if it were inexhaustible.

No doubt it is inexhaustible, in the sense that the day will never come when we will have consumed the last pound of coal or uranium or the last gallon of oil or the last cubic foot of gas in the earth.

But if you will keep in mind that our present rate of energy use is only a fraction of what is projected for the year 2000 and thereafter, and if you will consider that we are now consuming the most easily reached fuel deposits so that future sources will become less and less accessible, it will be obvious that the future cost of fuel can easily become so prohibitive as to make it exhausted from the economic standpoint.

Some of you are probably saying to yourselves, that as recently as thirty years ago, no one dreamed that energy could be obtained from splitting atoms, and that somehow or other, science will pull us through again, with an energy source both plentiful and inexpensive.

Maybe so, maybe the physicists will find a way to create nuclear fusion, without the intervention of fission, and to sustain and control the fusion, so that it can be converted into useful energy. If they do this, we would in fact have a virtually inexhaustible energy source, for the deuterium needed for atomic fusion abounds in the oceans; and since fusion is far cleaner than fission, many of our environmental problems would disappear. I fervently hope so. I believe, however, that we must face the facts as we now know them and act accordingly.

If we don't, and if we lose our gamble that science will just somehow find an answer, the world is going to be a bleak one—perhaps an impossible one—for the generations that follow us.

Please do not misunderstand me, for I am not advocating that government immediately clamp down on the growth of electrical use. Earlier, in discussing the environment, I said that the power of government should be exercised, only after the problem, before it has been clearly defined, and only after all possible solutions have been explored, not only from the standpoint of how well they solve the problem, but also from the standpoint of whether they create new ones.

In noting that regulators are pushing the electric industry to catch up with soaring demand, at a time when sentiment in some quarters strongly suggests curtailment, I may have created a contradictory impression in your minds. If so, I want to dispel it—and with all the emphasis at my command.

By no stretch of the imagination, do I think you are going to rush out and adopt instant cure proposals, or any others related to them, in giving you these thoughts. *Nor, do I necessarily think that you should do it, or have to do it.*

But, the point I want to make is that it *does* require *thought,* deep thought, because it is such a serious matter for the future.

It requires—and you must give—hard and cogent thinking, as an industry, in terms of how these problems can be licked. It is possible to meet energy demand *and* conserve our natural resources, in the same manner as America has always been able to meet, and overcome, one crisis after another. Just as we excelled Russia and its Sputnik in landing the first man on the moon so, too, can your industry overcome the grave problems confronting it.

I firmly believe that you must start to center your attention and effort, in concert with government, on a *concentrated crash program* of research for the break-through to tomorrow's bright horizon.

The most promising possibility is atomic fusion, but research should explore other areas as well. It is elementary—but vital—to caution you not to wait until the essential resources are exhausted and then start to worry.

Regulators too must play their part—a very responsible one—in allowing every electric utility to set up a reasonable amount for research and development—to go into a common effort to maintain and improve present and future service.

Working together, the nation's energy suppliers, the regulators, and the champions of environment, can solve this pressing problem.

It will take good minds, high dedication, and perseverance. There is no doubt, as to our ability to achieve the eventual triumph—the great reconciliation between mighty competing forces—which will provide for ourselves and our descendants a better America.

WASHINGTON REPORT

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. MINSHALL. Mr. Speaker, under leave to extend my remarks, I wish to insert at this point in the RECORD my May Washington Report.

WASHINGTON REPORT

(By Congressman WILLIAM E. MINSHALL)

MAY, 1971.

Opinion poll results, below, represent the views of more than 20,000 who returned completed questionnaires. Vietnam, law and order, and the national economy continue to be of prime concern to a majority of those polled. Future "Washington Reports" will deal with what we in Congress are trying to do about these critical problems. Thanks to all of you who once again have made the Minshall Poll a great success. Results will be sent to the President, Cabinet Members and agency heads, leaders of both parties in House and Senate and to the news media.

[In percent]

	Yes	No	No opinion
1. Should the United States give diplomatic recognition to Red China?	65.8	29.5	4.7
2. Do you think the United States should begin trade relations in nonstrategic materials with Red China?	64.5	31.8	3.7
3. Should we recognize and resume trade with Cuba?	26.7	64.4	8.9
4. Do you support the President's Vietnam policies?	55.9	42.1	2.0
5. To curb inflation and unemployment, what actions should the Federal Government take?:			
(a) Wage-price controls for all	44.0	41.8	14.2
(b) Wage-price controls for certain industries only	37.4	48.0	14.6
(c) Reduced government spending	73.4	15.3	11.3
(d) Work programs for the jobless	77.8	10.6	11.6
6. Should the Federal Government subsidize a guaranteed annual income for the poor?	23.1	69.4	7.5
7. Would you be willing to pay higher taxes for completely nationalized health care?	32.3	62.9	4.8
8. Do you favor my bill to raise personal income tax exemptions to $1,200?	89.6	6.0	4.4
9. Are you in favor of federally subsidized public housing for your community for low-income and welfare families?	32.3	62.9	4.8
10. Do you favor my revenue-sharing bill to return part of all Federal taxes to State and local governments for their use?	81.8	12.0	6.2
11. Do you feel that fair, unbiased news coverage is being presented by:			
(a) Newspapers	26.3	64.3	9.4
(b) Television	30.4	59.7	9.9
(c) Radio	35.9	49.2	14.9
(d) News magazines	31.7	48.0	20.3
12. What is the most critical issue facing the Nation today? (1) Vietnam—29.0 percent; (2) Law and order (Crime: 4.7 percent; Courts: 1.9 percent; Civil disorders: 20.0 percent)—26.6 percent; (3) National economy (Inflation: 13.8 percent; Unemployment: 6.1 percent; Taxes: 2.2 percent)—22.1 percent)—22.1 percent; (4) Environmental pollution—7.1 percent; (5) Welfare costs—4.5 percent; (6) Miscellaneous—5.9 percent; No opinion—4.8 percent.			

MINSHALL BILLS

Since my March newsletter I have introduced or co-sponsored the following legislation: H.R. 6713, to create a Great Lakes Basin Conservation Program to curb soil and water resource losses and enhance fish, wildlife and recreation resources . . . H.R. 6935, Truth in News Broadcasting, to require that all TV-radio broadcasters clearly identify for audiences news sequences that have been staged, altered or edited. . . . H.R. 6955, to strengthen Federal inspection of imported meat and meat products. . . . H.R. 7732, to limit U.S. Supreme Court Justices and Federal judges to earning outside income only when work is in the public interest and require them to file annual financial disclosures similar to those now required for Members of Congress. . . . H.R. 7837, $750 tax deduction for home repairs. . . . H.R. 7673, establish Cuyahoga Valley National Historical Park. . . . H.R. 8054, amend the Clayton Act to prevent below-cost sales aimed at destroying competition. . . . H.J. Res. 646, Constitutional Amendment to reverse recent U.S. Supreme Court ruling on mandatory school busing. Copies of these bills may be obtained by writing to my Washington office.

COUNTRY LIVING IN OHIO

"Country Living in Ohio" is the theme of this year's fifth annual Smithsonian Institution Festival of American Folklore. If you plan to be in Washington July 1–5, make it a Buckeye reunion on the Great Mall between

the Capitol Building and Washington Monument. Ohio music, cooking and crafts will be featured.

NEW PARENTS?

Proud new parents should telephone my Cleveland office for a copy of the very informative government publication, "Infant Care," mailed to you without charge.

YOUTH APPRECIATION WEEK

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. RANDALL. Mr. Speaker, on Monday, May 24, we passed House Joint Resolution 556, providing for the observance of Youth Appreciation Week for a 7-day period beginning the second Monday in November.

It was my privilege to support this resolution. Of course, it passed unanimously without any need or reason for a rollcall vote. But I know there are a lot of Members of the House who would have welcomed a call of the roll so that they could be recorded in black and white as having been in favor of it.

As a member of Optimist International, I am privileged to report that we have received letters from Optimist Club members from all over our congressional district suggesting the timely enactment of a resolution on "Youth Appreciation Week." As my colleagues in the House may know, the Optimist Clubs have for many years had a slogan "Friend of the Boy." That has recently been amended to include all youth of both sexes.

As a matter of history, the initial motto was "Friend of the Delinquent Boy." Realizing that there are millions of nondelinquent boys, that motto was later amended to "Friend of the Boy." Later on there was a realization that it is almost impossible to be a "Friend of the Boy" without also being a "Friend of the Girl" and that is how more and more Optimist Clubs activities became involved with youth of both sexes.

Recognition for the prompt enactment of the resolution for Youth Appreciation Week should go to the gentleman from California (Mr. EDWARDS), who is chairman of the subcommittee of the House Judiciary Committee. He took the floor last Monday to ask unanimous consent to call up the resolution for the observance of Youth Appreciation Week.

I thought it was noteworthy that the preliminary recitation of this resolution pointed out that a vast majority of our youth are constructive citizens and serious about the present and the future and are willing to work on special projects for the benefit of their fellowmen.

The resolution went on to emphasize that the achievements of youth are often overlooked by the majority of the adult community and that there should be a special acknowledgment of the constructive activities and responsible characteristics of our young people.

I am convinced that the great majority of the youth of our congressional district stand out in sharp contrast to those young people who visited the Nation's Capital this year during the period from May 1 through May 5. Those who came to Washington only to create disturbances, in my opinion, are a small minority. The freaks, the weirdoes, and the crazies are only a small fraction of the total of American youth. I am proud that the Optimist Clubs of America recognized that the majority of young Americans are concerned with the betterment of America and the world. The Optimist International was determined that there be an appreciation for our youth who have rejected passivity on the one hand and violence on the other hand and who stand for reform on the middle ground in accordance with the law.

Mr. Speaker, I could recite so many instances of worthwhile youth activities in our country. There are the millions of members of the 4-H Clubs of America. They actually total 3.5 million. There are 4½ million Boy Scouts and 3¼ million Girl Scouts.

The observance of Youth Appreciation Week is not new. Last year more than 1,800 civic organizations participated. As a member of Optimist International, I am proud to say that the first Youth Appreciation Week was sponsored by the Optimist Club 16 years ago. In the February issue of the Optimist, the magazine of Optimist International, there is an article which clearly depicts the immense benefits and values derived from the increase in participation of our young people in nationwide projects. There is no geographical region in either of the two nations of the United States and Canada that does not observe Youth Appreciation Week during November of each year.

It is my hope that the calendar week in November set aside to honor the youth of America will continue to motivate them to be concerned about their country. I hope they will continue to cling to the truths and ideals that America symbolizes, as well as continue unending their efforts for the betterment of their country.

STATEMENT ON MEMORIAL DAY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. CARNEY. Mr. Speaker, I include the following statement:

STATEMENT ON MEMORIAL DAY

My good friends, I am honored by your hospitable invitation to be with you on this occasion. For while Memorial Day is perhaps, in essence, the saddest day of our year, it is at the same time one of the most important of days.

It provides a quiet and reverent moment during which we can pause to reflect on some of the great and awesome responsibilities of life, and requires us—as does no similar event—to look reality squarely in the eyes. While we may find this uncomfortable, we can nonetheless be thankful for the opportunity, for it is often rewarding.

Memorial Day, originally conceived in honor of the dead Union heroes of our tragic Civil War, has by force of circumstances taken on a new significance over the years and now stands as a tribute to those Americans who gave their lives in all our wars. Unfortunately, these wars have been numerous and our list of fallen heroes has grown to shocking proportions. No matter what we say here in their honor, it is understatement, for their sacrifice was unbounded and knows no parallel in our National history. It therefore behooves us to speak in more than words of reverence. We owe our war dead a debt of gratitude which cannot be repaid through words alone.

Our duty is twofold: to work for peace in the hope of establishing a world of reason—for which our heroes fought and died; yet also to insure, through vigilance, the National security. If there seems a conflict here, it is only verbal, for surely there is no conflict between strength, on the one hand, and a genuine, abiding desire for peace and harmony, on the other.

On many occasions past we have expressed the hope that world peace—that seeming will-o'-the-wisp of destiny, would settle down upon us in the manner of the all-embracing night; that we might then turn our energies to other more productive work than war. The time for turning these hopes to reality is now at hand. For as Woodrow Wilson once observed, ". . . the real fruition of life is to do the thing we have said we wished to do. There are times when words seem empty and only action seems great. Such a time has come, and in the providence of God, America will once more have an opportunity to show the world that she was born to serve mankind."

These words of Wilson, representing the hope for peace in a world that was once again already on the road to war, cannot be dismissed on these grounds alone. Indeed, the thought conveyed is too powerful to so dismiss. It is the thought upon which all united efforts are in effect today, with the object of peace in mind. God willing, it is this thought that shall, in fact, provide the salvation of the world, in the physical sense; that the work of God may continue among a world of peaceful souls, dedicated to the labors of productivity and love, as opposed to killing and hatred.

This hope is now a firmly established part of the American dream.

THE NEED FOR A NATIONAL TRANSPORTATION POLICY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. PICKLE. Mr. Speaker, under a mandate from Congress, the Department of Transportation was due to present a national transportation policy statement by May 21.

They never made it.

For more than a year, DOT has been working on formulation of a policy which will give direction not only nationally, but also to our State and local governments. This direction is desperately needed.

In the 91st Congress, we forged out massive transportation legislation: The Airport-Airways Development and Revenue Act, Urban Mass Transportation Assistance Act, Rail Passenger Service Act, and the Federal-Aid Highway Act.

But there is no one in the driver's seat.

What we have instead, is the Congress trying to collectively hold the reins. What we need in reality is the DOT setting up clear-cut direction.

I cannot, in fairness, lay the fault alone at the feet of Hon. John Volpe, Secretary of Transportation. I know him to be a man dedicated to his job.

I can, however, fault the administration and/or the O.M.B. Unfortunately, the long-awaited national transportation policy is held captive by the administration's dream of revenue sharing and reorganization. This is faulty thinking at its best. Already, revenue sharing is being remolded into action programs by the House committees.

Reorganization may have a somewhat better chance.

But, Mr. Speaker, if we wait for either reorganization or for revenue sharing, we may never get a national transportation policy. At the very best, it would delay such a policy for at least one year, possibly two. The delay is unnecessary and unrealistic. I call on DOT to release a national transportation policy now.

RESOLUTION, NATION VILLAGE OF GAMBELL

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. BEGICH. Mr. Speaker, I am greatly concerned about the deplorable housing conditions in the Native villages in Alaska, particularly the Native village of Gambell. The northwest region of Alaska is exposed to severe weather conditions and the present housing facilities lack adequate heat and insulation. The fuel rates in that part of the State are the highest in the Nation and the large quantities consumed each winter make living in these areas an extra financial burden.

Besides the inadequate health conditions in the bush area, the most important problem to Alaskans is the inadequate housing conditions. I have toured the northwest area many times, and I am constantly amazed at the severe lack of adequate housing in this cold-weather area of Alaska.

The IRA Council of the Native village of Gambell has passed a resolution that merits the consideration of the entire Congress. I have, therefore, included it in the RECORD:

NATIVE VILLAGE OF GAMBELL—JOINT RESOLUTION NO. 71-1

Whereas, we, the duly elected committee, consisting of four members from the City and four members from the I.R.A. Council has full power and authority to request Housing from the State under the provisions of the Constitution and By-Laws of each Council, and

Whereas, the Native Village of Gambell, being in dire need of adequate housing, and

Whereas, the Village, with a population of about 400, has been neglected from any Housing Programs in the past, and

Whereas, most houses are inadequate and poorly built from scrap lumber, and

Whereas, the village is located in an area where high winds and cold climates are prevalent the year round, and

Whereas, the price of fuel rates about the highest in the nation, and about five barrels of fuel are consumed by most at twenty seven dollars per barrel per month, and

Whereas, the present location of housing is in danger of high seas and shore waves as witnessed in the past, and reconstruction and relocation would be costly and impractical the houses would be built at a safer site, and

Whereas, the village now has electrical power from AVEC;

Therefore be it resolved, that Gambell be considered for housing and a representative be sent to Gambell at the earliest time possible.

RARICK REPORTS TO HIS PEOPLE ON GERMANY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. RARICK. Mr. Speaker, I recently reported to my people on the defeat of the proposal to reduce or withdraw U.S. troops from West Germany.

I insert my report in the RECORD at this point:

RARICK REPORTS TO HIS PEOPLE ON GERMANY

Today in my report I thought we'd talk about Germany. U.S.-German relations have been in the news lately, both in connection with U.S. dollars and proposals to withdraw troops stationed there.

Earlier this year in explaining my serious conscientious reservations on casting our vote to extend the draft, when it expires on June 30 of this year, I pointed out that I could find no moral, ethical, or legal justification for drafting American men for military service in an army of occupation in Germany 27 years after World War II is over. In such prolonged service our men are reduced to the role of mercenaries performing at best the mission of serving as political pawns, or honorary hostages, to pacify foreign diplomacy and enhancing U.S. prestige.

A good example to illustrate the misuse of American servicemen as political pawns almost three decades after the end of World War II is West Germany, where approximately 215,000 American troops are stationed today—almost as many as the 259,300 now in Vietnam and supposedly being phased out.

A few days ago on May 19, the United States Senate defeated a move to bring home American troops from West Germany and other NATO countries of Europe.

Lending their verbal support to President Nixon in opposition to any U.S. troop withdrawals from NATO countries were ex-Presidents Truman and Johnson as well as 21 identified CFR members—this withdrawal dealt primarily with bringing Americans home from Germany.

It is strange that many of the same legislators who voted for stopping the draft voted against any U.S. troop withdrawal from Germany. It also is most unusual that some of those same Senators who are considered doves on Vietnam and who backed the Cooper-Church Amendment for pulling all troops out of Vietnam voted against reducing U.S. troop strength in Germany.

One of the arguments offered against withdrawal from NATO countries, of which the U.S. occupation troops in the Federal Republic of Germany makes up the greatest number, is that it would make Germany vulnerable to Russian intimidation if not invasion—we might lose Germany. Is our occupation force there to police Germany or to protect her with our men as mercenary soldiers? To bolster such thinking, Chairman Kosygin of the Soviet Union conveniently influenced public hysteria by his timely calling for U.S. troop reduction in Europe at a Moscow luncheon honoring Canadian Prime Minister Trudeau. The timing was perfect—as if Trudeau carried the message and had acted as an "honest broker" between the great powers. The inference in Washington was made to appear that support of troop withdrawal from Germany would be opposing the President and supporting the Soviets. No one even suggested that it might be vice versa.

The double standard of the position on withdrawal of troops from Germany when considered with a vote such as the Cooper-Church Amendment on Vietnam withdrawal is clear when one understands that it is the Russians our men and allies are fighting in Vietnam—the Viet Cong and North Vietnamese but supply the real estate and cannon fodder. Conservatively speaking, 80% of the military arms and equipment used by the North Vietnamese and Viet Cong are estimated to be supplied by Russia. Yet the American people are supposed to believe that it is morally right to disengage our troops from combat with Russia's allies in Vietnam but morally wrong not to maintain our occupation forces in West Germany to prevent further Russian aggression from her Warsaw Pact allies.

If our fighting men in Vietnam are denied victory, does it not make sense that the deterrent value of U.S. occupation troops in Germany will be ineffective? It is reasonable to assume that in Germany under Russian attack, U.S. fighting men would also be denied the offensive authority to win. Germany would become Vietnam all over again. East Germany would serve as the sanctuary and the West German Communists by guerrilla action would take the place of the Viet Cong and National Liberation Front.

Germany would become but another Vietnam.

It is reasonable and proper for American parents as well as other taxpayers to ask just why we are forced to continue drafting American men to be stationed in Germany. Is Germany still a hostile nation? A threat to international peace? Balance of payments? Or are there other reasons? Few are buying the Russian threat or the German bodyguard theories.

Most Americans are sick and tired of serving as world policemen and would like to see American soldiers come home from wherever they are stationed in foreign countries. It is only human that Americans are becoming more and more critical about U.S. troops being assigned to Germany years after a war under the farce of serving as an occupation force. Many Americans are asking, "Are we going to keep Germany occupied forever? Why do we have to protect the Germans now? Why don't they do it themselves? Why not a Germanization program for Germany to protect itself, similar to the Vietnamization plan?"

Neither the government nor the news media ever explain to the ordinary citizen why we must not force the Germans to defend themselves; why we must keep U.S. troops there, not only to protect what's left of Germany, but what's left of Free Europe.

At most, the U.S. Occupation Force in Germany offers a false sense of security to the German people and our NATO allies. Other than the economic benefits provided the German economy by American military pay checks and spending and the show of force which American men provide, the U.S. military presence is but a political pawn to German politicians. The Germans would be much better off without the false protection furnished by U.S. military forces. Denied U.S. manpower, the Germans would be forced to recruit their own men and defend their own country against Soviet threats.

Whoever heard of a national policy of defending a conquered enemy against threats of aggression from an ally with whom we trade, negotiate and entertain diplomatic relations here in Washington, D.C.?

With leaders of the U.S. and Kosygin of the USSR now announcing talks over negotiating troop strength in Europe, it should be obvious to the West German leaders that the underlying significance of the Senate vote on the Mansfield Amendment was not concern by the Administration for German freedom and independence but rather because of German's proximity to the Middle East. U.S. troops are retained in Germany as a staging area for the Arab-Israeli war. The doves' reaction to troop reduction in Germany was not over fear of Soviet threats to the Germans but rather over threats to some mystical balance of power in the Middle East.

During the waning days of the last Congress, the Senate added language to an appropriations bill forbidding use of U.S. ground combat forces in Laos, Thailand, and Cambodia but by a 60 to 20 vote refused to bar U.S. troops from involvement in defense of Israel. This vote defeating an amendment to ban the sending of American ground troops to Israel must be regarded as expressing a positive intent to authorize American ground combat forces in the Middle East.

No reasonable conclusion can be reached but that the Washington doves who are against supporting Vietnamese anti-Communists are superhawks when it comes to defending Israel against the same Red armament and aggression. Such thinking and threat to our people are borne out by this double standard in the use of our troops and can be the only explanation why the same doves do not want any U.S. troop withdrawal from Germany.

After all, U.S. troops in Germany are readily available to the Middle East. They can hold maneuvers and train openly. Their continued presence does not incite any new fears or tensions that might be aroused by a U.S. troop buildup in the Middle East or in another country. And most Germans do not object. After 27 years they've accepted occupation. It reaps financial benefits—avoids drafting German men, and the Germans have been conditioned to believe we'll protect them from Soviet aggression.

As the U.S. and the Soviets prepare to negotiate away the Germans' "security" provided by occupation troops, the German leaders would seem to be in a better position to demand reunification of their country rather than make additional compromises to try to retain the false security of U.S. forces.

If the prevailing reason for continuing to quarter U.S. troops in Germany is to stop Soviet advancement, then why should not the Germans be free to reunify their nation, develop their own nuclear deterrent, and raise and support their own standing army? The free world needs a free Germany much more than they need us.

Maintaining a security force of occupation by continuing to draft American youth 27 years after the end of World War II is unrealistic. We cannot justify either occupying or defending Germany forever.

Considering the conventional military power of the Warsaw Pact nations, it is highly questionable whether the NATO power constitutes an effective deterrent without the advantage of nuclear weapons.

Nowhere in the world do the German people constitute any threat to free people. Therefore, if Germany is not a power and does not constitute a threat, continued U.S. occupation can only be for reasons other than preventing Germany threatening world peace.

Historians and geopolitical strategists have often said what the Huns and Turks have experienced, that Germany is the defense of Europe against Asia. Likewise, a strong and free Germany is the surest bulwark to the expansion of Communism. That is why German reunification is important and in the interest not only of the United States but of the remaining free world.

A look at the map of Central Europe will show why Germany should be reunified and why Germany must be freed to become a nation on her own.

We no longer have any business defending or promising to bodyguard any part of Europe against anyone. Defending Berlin is a job for Germans and Europeans—not Americans. We can supply the tools and expertise but not the manpower. Germans are an able, industrious people—more soundly prosperous and progressive in many ways than we are. The German National Bank alone possesses sufficient U.S. paper dollars to demand all remaining U.S. gold reserves.

With or without the consent of any of our World War II allies, we should negotiate a peace treaty with the government of West Germany, recognizing it as the lawful government of all Germany and freeing any restrictions on German sovereignty—leaving those people unhindered to organize and defend themselves.

We should repudiate the nuclear nonproliferation treaty, give the Germans a reasonable time to prepare their own defenses and then withdraw our military aid and presence from all of Germany, exerting whatever diplomatic pressures available to persuade France, Great Britain, and the Soviet Union to do likewise.

Our own diplomatic and military resources which include our young men should be devoted to the defense of our own country.

BIG BUS BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. SCHWENGEL. Mr. Speaker, the Washington Post featured an article on bus safety in its January 14, 1971, issue. The article reports on a speech delivered by Dr. William Haddon, Jr., on the subject of bus safety. Dr. Haddon is the former Director of the National Highway Safety Bureau.

The article follows:

SAFETY EXPERT BLAMES BUS DESIGN FOR SEVERE INJURIES IN CRASHES

An automotive safety specialist yesterday blamed inadequacies in the design of school and other buses for "most, if not virtually all injuries of any severity" to their occupants in crashes.

Dr. William Haddon, Jr., president of the Insurance Institute for Highway Safety here, made the charge in Detroit in a speech prepared for the Automotive Engineering Congress of the Insurance Institute for Highway Safety.

He said existing technology and hardware make it "straightforwardly possible" to "package" bus occupants with great safety, especially with changes in fore-and-aft bus dimensions and in maximum permissible speeds.

Haddon protested that this is but one of a large number of issues that affect the life and health of millions, but that "are not usually talked about except within groups with special interest."

The engineer-physician, who was the first director of the National Highway Safety Bureau, said there is no "adequate federal standard" for truck braking rates, even though heavy trucks commonly can't be braked to a stop in distances less than two to three times those required by passenger cars.

"In many emergencies, regardless of the skill of their drivers, this guarantees" that trucks will collide with other vehicles, Haddon said.

As an example, he cited a "multi-vehicular holocaust" on the New Jersey Turnpike on Nov. 29, 1969, in which one of several causal factors was the inability of a huge truck to stop in a short space. The truck "plowed into the vehicles and people ahead," Haddon said. He said that even though hundreds of thousands of trucks a year crash, there is an absence of truck design to prevent spillage of hazardous cargoes.

SCIENCE AND GOVERNMENT REPORT NOTES ADMINISTRATION'S HEAVYHAND

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. BRADEMAS. Mr. Speaker, a very disturbing account of political interference in the filling of the Federal Government's high-level scientific and technical posts appears in the authoritative Washington publication, Science & Government Report, of April 1, 1971. This journal, which is a valuable source of news and analysis on the crucial subject of science and government relations, points out that the present administration has frequently put politics before professional ability in making its selections for what have traditionally been apolitical appointments. The effects of this shift in policy can only be to the detriment of the Federal service and the American people.

Mr. Speaker, I include the text of this article in the RECORD at this point:

SCIENCE & GOVERNMENT REPORT

The Nixon Administration is compiling an impressive record of silencing, intimidating, or rejecting for employment scientific and technical specialists whose opinions or professional findings on public policy matters differ from its own. The record ranges from the cancellation of high-level appointments at the National Science Foundation and the Department of Health, Education, and Welfare to the screening off from the press of civil service statisticians whose findings do not support the Administration's optimistic prophecies on the nation's economy. The most defensible thing to be said in behalf of the Administration in regard to these matters is that it is the instinct of any government to seek loyalty and harmonious performance from its officials. But, on the basis of the visible record—and it is reasonable to assume that that is only part of the whole story—it is clear that the Administration has passed from mere orchestration into the selective intimidation of disinterested judgment and even the suppression or distortion of technical information when such suits its purposes.

The process began early in the Administration when the appointment of Franklin Long, of Cornell University, to the directorship of the National Science Foundation was aborted at the last minute for no apparent reason other than his public record of opposition to the Administration's strategic weapons policies. Following grumbles of indignation from elder statesmen of science who reminded the President that theretofore the NSF directorship had been considered a-political, Nixon humbly apologized and promised it wouldn't happen again. Subsequently, however, the intended appointment of John H. Knowles, of

Harvard Medical School, to the top scientific post in HEW was dropped as an offer of conciliation to the Neanderthals of the American Medical Association. Then last spring, the all-but-announced appointment of George S. Hammond, of Caltech, to the No. 2 post at NSF was suddenly called off after he spoke out publicly against the U.S. invasion of Cambodia.

LATEST ACTION

A more recent episode concerns the directorship of an Environmental Institute that President Nixon has proposed be created with joint government and private financing. According to the New York *Times*, the name of Alain C. Enthoven, who was Assistant Secretary of Defense for Systems Analysis under Robert S. McNamara, was about to emerge from the White House clearance procedure when he was vetoed by H.R. Haldeman, the President's Chief of Staff. Enthoven, who left the Pentagon when the Nixon Administration took office, is a Democrat. The *Times* quotes him as speculating that he was turned down because in his Pentagon days, he sought to reduce military spending.

Then there is the case of the career civil servants at the Bureau of Labor Statistics (BLS) who prepare the official figures on what have become major political embarrassments to the Nixon Administration—unemployment and the consumer price index. For the past 20 years, these specialists have met monthly with the press to release their figures and answer questions concerning the intricacies of statistical fluctuations in the American economy. According to the business and economics affairs reporters who regularly met with the BLS statisticians, no question ever arose as to their ability, dedication to informing the public, or professional integrity.

A few weeks ago, the Labor Department announced that the briefings would be terminated, the monthly information would be confined to press releases, and that if amplification were desired, it would be provided by high-level appointees of the Department. This change, according to an announcement, would "avoid the awkwardness of subjecting the professional staff of the Bureau of Labor Statistics to questions with policy implications"—which, in translation from Obfuscation, the official tongue in such matters, means questions that arise from puzzlement over the irreconcilability of Mr. Nixon's cheery economic views and his statisticians' cold and gloomy numbers.

GAG RULE

The carnage wrought on free expression of expert opinion in the SST fight will never be known, since neither the silencers nor the silenced are proud of their performance. In the course of the struggle, it became known that one NIH staffman suddenly and inexplicably begged off from testifying before a Congressional committee. It was expected that his testimony would be in line with warnings that a fleet of SST's might produce atmospheric effects that would contribute to an increase in skin cancer cases. By and large, pro-SST expert testimony came from scientists and engineers in government employ, or with close financial ties to the government. The opposition tended to be located some distance from federal funds.

Considering the depressed financial state of scientific and technical institutions throughout this country, it is interesting to speculate on the possible effects of the telephonic effort in behalf of the SST that was conducted by Edward E. David Jr., the President's science adviser. Confronted by petitions of scientists and engineers opposed to the SST, the Administration naturally desired to line up scientists and engineers who favored it. The route that brought David into the fray is not clear, but whether a conscript or a volunteer in this quest, he personally favored construction of two prototypes for experimental purposes, and supporting the SST did no violence to his own judgment. In view, however, of this Administration's amply evidenced willingness to exact political loyalty in return for its favor, it is, at the least, not impossible that some anti-SST preferences were discretly hushed in preference to making a costly wrath on the part of the political types immediately around Nixon. After all, a call from President Nixon's science adviser is not an everyday occurrence in the life of a financially pressed laboratory director.

Any attempt to saddle the Nixon Administration with a charge of deliberate intimidation of independent policy-affairs judgment among scientists and other specialists immediately runs into the fact that this country's professional communities resound with a variety of publicly stated opinion, with most of it, by rough measure, anti-Administration. Furthermore, the Nixon Administration must be credited with various acts in behalf of scientific freedom, among them the elimination of the antiquated blacklist for HEW advisory groups and an encouragement of scientific and technical exchanges with Communist bloc nations.

Nevertheless, there should be no illusions about the instincts of Nixon and his inner political circle. He and his bunch got to the White House through a savage political struggle in which they were counted out several times, and they are not naturally disposed to indulge the notion that scientists and other specialists should be given free rein to voice their professional opinions, regardless of the political implications. In this regard, the scientific community and its institutions will have to look after themselves. As political issues increasingly come to contain complex scientific and technical components, the value as well as the irritation of free voices increases commensurately.

THE INTERNATIONAL MONETARY CRISIS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. SCHMITZ. Mr. Speaker, the current international monetary crisis is multifaceted and, to economists—to say nothing of the layman—very confusing. Since some West German banks refused to exchange marks for dollars, and the West German Government in effect revalued its currency by allowing the value of the mark to float, and people in Europe began to change dollars into gold, there has been much talk of the adverse roles played by special drawing rights, Eurodollars, the International Monetary Fund, and international banking speculators. There has also been much criticism of the German Government for its action.

At the outset it must be clear that the German Government did not really initiate any policy on its own. It merely recognized the situation that had developed. It revised its policy to bring it into accord with the laws of economics which, like the natural law, men defy only at their peril.

The United States these days seems to be the last to recognize these immutable laws, and here is where the problem largely lies.

The archcriminal is inflation. U.S. inflation is comparatively greater than German and other foreign inflation, and this drives down the purchasing power of the dollar abroad. Americans, with one exception, are usually slow to realize this. Wages go up, profits go up, and costs go up—almost everyone tries to keep up with the inflation. However, people on fixed incomes in an inflationary economy are the ones hardest hit by the inflation. Although the dollar amount of pensions or fixed payments stays the same, the dollar value—because of inflation—goes down. It is the same with foreign currencies. Though most Americans in America do not immediately feel the acute pressures of inflation—salaries and wages go up—foreign currencies—with a fixed ratio to the dollar—register the decline in the value of the dollar quickly. Thus, they must revise the exchange rate or lose money. This is what Germany has done.

Another consequence of the inflation—decline in the value of the dollar—is that people abroad begin cashing in their dollars for gold, since gold is more stable than the dollar. Sources at the Federal Reserve estimate—conservatively—that there are four to six American dollars in Europe for every $1 the United States holds in gold. There are—again conservatively—$60 to $70 billion in American currency in Europe. The latest reports show the U.S. balance-of-payments deficit to be approximately $20 billion annually. All this means that if people and governments abroad today demanded—as they can—gold in exchange for dollars, we could not pay. We are broke many times over.

Fortunately, Europeans look not just to gold as a backing for U.S. currency, but to our productive capacity as a nation. Gold, however, is the ultimate standard, and if U.S. policy continues the way it is now, inflation may destroy all confidence in the dollar.

The solution is to beat inflation. Inflation is fueled by excessive union wage demands and by corresponding corporate price increases which spiral upward in a vicious cycle. But the real fault lies not with the unions, nor with business, but rather with Government.

The cause of inflation is the money supply. If the U.S. Government abided by economic law instead of financial fiat, the money supply would increase only to match production. At worse, says Economist Milton Friedman, the U.S. could tolerate a 1- or 2-percent inflation, but not the present 5 or 6 percent.

Many people blame debt financing—the practice of borrowing from future generations for present needs. Actually, debt financing is not itself inflationary. The way the U.S. Government operates debt financing, however, it is. Because the Government is the only entity in our country able to spend money it does not have; and because debts are incurred by Government on paper only—by merely juggling the books—irresponsible spending and monstrous inflation are the result. Needless to say, if you and I conducted our financial affairs like that, we would be in "debtor's prison" before we could say "International Bank for Reconstruction and Development."

One way to curb the Government's irresponsible money appetite would be to reduce the debt limit—the maximum debt the Government is allowed to accumulate. But when the question of raising the U.S. debt limit came up for its final vote in the House of Representatives recently, I was one of only three Members of Congress voting against it.

If Congress and the President do not face up squarely to the problem of inflationary spending—vote buying—inflation will keep growing, the balance-of-payments deficit will continue to worsen, the United States will price itself out of world markets and Uncle Sam will go deeper and deeper into bankruptcy.

TENNESSEE CELEBRATES ITS 175TH YEAR AS A STATE

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. BAKER. Mr. Speaker, on June 1, the Volunteer State of Tennessee will observe its 175th anniversary as a State of the United States of America.

As we mark this occasion, a review of the State's historical highlights is in order.

Tennessee entered the Union in 1796 as our 16th State. Previously, it had been part of the Carolina grant of Charles II of England and home of the Cherokee Indian tribes. During 1784–88, settlers from North Carolina formed the "state of Franklin" in the area now encompassed by Tennessee, and from 1788–96, Tennessee was part of the territory south of the River Ohio.

Rich in heritage, Tennessee has been known as the Volunteer State since the "glorious era" of Andrew Jackson, "Old Hickory," who led his army of "Tennessee Volunteers" to victory in the Battle of New Orleans at the close of the War of 1812.

Andrew Jackson, by the way, was one of three Presidents of the U.S., who hailed from Tennessee—the others being James K. Polk, and Andrew Johnson. Tennessee has also produced some of America's most outstanding citizens and most courageous heroes, including John Sevier, the first governor, Sam Houston, Sam Davis, Nathan Bedford Forrest, Sgt. Alvin York, and Cordell Hull.

In 1848, when Governor N. S. Brown called for 2,800 volunteers to fight in the Mexican War, Tennessee sent 30,000 troops—thus confirming its reputation as the Volunteer State.

At the onset of the Civil War, Tennessee joined the Confederacy; yet its volunteers were clad in both gray and blue. Many decisive, bloody battles, such as Shiloh and Chattanooga, were waged on Tennessee soil during the War Between the States.

The Volunteer State rejoined the Union in 1866. Since then Tennessee has enjoyed a progressive century of growth through its industrious people, its natural resources, its manufacturing, agriculture, tourism, and, of course, the TVA.

Tennessee had grown in population from 105,000 in 1800 to 1,002,717 in 1850, and by 1900 boasted a population of more than 2 million. The recent 1970 census shows that almost 4 million people live in Tennessee, with the four major metropolitan areas—Memphis, Nashville, Knoxville, and Chattanooga—containing almost half the population.

Memphis, with 620,000, is the largest city in the Southeast, having surpassed New Orleans and Atlanta in population.

Manufacturing, which produces goods valued at more than $4.6 billion annually, has taken top place in the State's diversified economy. The chief industrial center, Chattanooga, makes more than 1,500 different products, and in 1967 its value added by manufacture was $617,000,000. Textiles, chemicals, apparel, electrical equipment, machinery, and furniture are among the main products manufactured in the State.

Agriculture has always played an important role in the State's vibrant economy, with farm receipts totaling $677,637,000 in 1969. Lumbering, which provides jobs for 40,000 Tennesseans, is also significant, as the State's wood products are valued at more than $500 million annually.

Producing a wide variety of minerals, Tennessee leads the other 49 States in zinc and pyrites. Other mineral products include silver, copper, coal, and phosphate rock. In 1969 the State's mineral production was valued at $213,017,000.

Tourism is of increasing significance as more visitors are attracted each year to the scenic beauty of the Great Smoky Mountains, Lookout Mountain, and the Cumberland Plateau; to the 25 major lakes with more than 10,000 miles of shoreline; to the rolling hills and green farmland of middle Tennessee and the deltas along the Mississippi River. In 1969 tourists spent more than $640,000,000 while enjoying "the beautiful world of Tennessee."

Gov. Winfield Dunn, who was recently elected the first Republican Governor of Tennessee in 50 years, has done much to promote tourism throughout the State. He said:

> We think this great State of ours is so rich in beauty, so steeped in history, so abundantly blessed with natural resources, that we shall refer to it as "the Beautiful World of Tennessee."

Previously, it had been referred to as "the three States of Tennessee," east Tennessee, middle Tennessee, and west Tennessee, but now the Governor has consolidated them into one "big, beautiful world."

Tennessee's new commissioner of conservation, William L. Jenkins, recently said:

> Tennessee is as representative of America at its best as any of the states of the Union. Rich in historical significance, abundant in folklore, Tennessee offers an opportunity for all citizens to recapture the spirit of America.

Tennessee's birthday will be observed next Tuesday, June 1, with the type of homespun commemoration which will be appropriate and appealing to the people of the Volunteer State. There will be an old-fashioned watermelon cutting on the grounds of the State capitol. An historical skit and a fireworks display will highlight the celebration, which Gov. Winfield Dunn plans to make a great day in the colorful history of Tennessee.

WELFARE REFORM

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. DELLUMS. Mr. Speaker, more than 70 percent of black families in the United States have income below the $6,500 level which Bureau of Labor Statistics survey show to be the minimum needed for health and decency. Yet, the Nixon administration has directly rejected one of the congressional black caucus' most crucial recommendations—a $6,500 guaranteed adequate family income for four.

The administration continues to advocate its racist and repressive family assistance plan—FAP—against which we have declared our opposition. In addition, the administration has given its support to an even more repressive version of FAP which was approved by the Ways and Means Committee on May 13. This bill (H.R. 1) contains provisions which comprise a vicious attack on five million black women and children who make up almost half the aid to families with dependent children—AFDC—population.

The congressional black caucus must and will fight these racist provisions with every weapon at our disposal.

The Family Assistance Act sets a minimum and a maximum Federal payment of $2,400 a year for a family of four. There is no requirement that States maintain present payment levels in the 45 States where they now exceed $2,400 in cash plus food stamps. In fact, nine of our 10 welfare families are likely to be worse off, since $2,400 a year is above present payments levels for only 10 percent of them.

The $2,400 amount proposed by the Ways and Means Committee is actually less than the $1,600 proposed earlier by the administration. The earlier bill provided $1,600 in cash plus $864 in food stamps. The committee's proposal would make recipients ineligible for food stamps.

States would be encouraged to reduce payments. If States increased payments above the amount recipients received in cash and food stamps combined as of January 1, 1971, the States will have to pay the entire cost of these increases.

Some States have been providing increased payments under the present welfare system in accordance with the rising cost of living. There is no provision, in FAP, for cost-of-living increases of the Federal payment of $2,400. Thus, cost of living increases, essential in our unstable economy, will be denied for the poor.

We feel that the burden is on the administration to prove that there will be a $75 billion cost to the Government as a result of establishing a $6,500 payment level. Since the black caucus has not suggested, moreover, that these funds be raised through a 58-percent surtax on income, we believe the administration has raised a false issue which will have the effect of stymieing serious discussion.

In light of an unemployment crisis of massive proportions, including a 33-percent unemployment rate among welfare mothers who are actually looking for work, the forced work requirement of the family assistance plan can only be seen as punitive and unnecessary. In addition, the plan will only help the lowest wage earners and will deny them the protection of the Federal minimum wage. As presently written, the bill does not guarantee that recipients will be assigned to suitable employment. In addition, 200,000 public service jobs in face of 10-percent unemployment rate in the black community is ludicrous.

I note with interest that the administration stated its willingness to back provisions for suitable work opportunities and requirements, and the caucus anticipates their efforts to change H.R. 1 to reflect these views.

The overall support given the present FAP by the administration would indicate, however, a failure of commitment to principles the caucus set forth.

For example:

First. Families will still be required to register for work even though the lack of adequate training, child care services, and employment opportunities will result in more harassment than help for the poor.

Second. We find it difficult to comprehend why the already obnoxious provisions of the original FAP, requiring mothers of children over 6 to register for work, would have been changed to include mothers of children over 3, forcing them to turn their preschoolers over to a third party rather than to perform the essential work of caring for their own.

Recipients will have fewer rights under the FAP than they now have. People who lost their jobs can be denied assistance. Welfare recipients are assumed to be guilty before trial. The right to appeal unfavorable decisions is curtailed. Illegal residency requirements may be imposed. In short, in countless ways, the administration's enforcement of such provisions violate the letter and spirit of our recommendation.

The President's report indicates that over 10 million persons are now assisted by the food stamp program and this is triple the number aided just 16 months ago. It is further stated that new and more liberal regulations on food stamps have been published in the Federal Register and will be implemented during the summer. What the administration fails to mention, however, is that under the new regulations over 2 million present participants in the program will be seriously hurt by the new schedules; 350,000 eliminated and 1.7 million receiving substantially reduced benefits.

In addition, testimony before the Senate has disclosed that an additional 2 million persons will be excluded because of the new restrictive definition of what constitutes a household in the regulations. The blind, aged and disabled in 10 States will be rendered ineligible for the program in the one and two person category. It is estimated that hundreds of thousands will also be eliminated because of the new regulations regarding proposed maximum allowable resources.

The administration is recommending to Congress that the food stamp program be eliminated when the welfare reform bill is passed. The new Department of Agriculture regulations might accomplish that task prematurely.

Although the Department of Agriculture supports a "standstill" budget for child nutrition programs based on an estimated 6.6 million eligible children, testimony before the House Education and Labor Subcommittee on April 26, 1971, placed the figure at 10 million eligible children. I remind the administration of its pledge and our recommendation that no children in America go hungry.

The black caucus recommends a fully operational cash assistance program whereby welfare families will receive additional cash in lieu of food stamps. Yet, the administration's proposal of a maximum benefit of $2,400 includes the cash value of the stamps and is actually less than the cash-food stamp package originally proposed.

My views presented here echo in large part the overall philosophy developed by the National Welfare Rights Organization. I strongly endorse the efforts made by NWRO and I urge my colleagues to carefully analyze the following studies prepared by the organization dealing with upcoming welfare reform legislation:

THE WAYS & MEANS WELFARE BILL, H.R. 1: THE GAPS IN F.A.P.

NATIONAL WELFARE RIGHTS ORGANIZATION,
Washington, D.C.

The Family Assistance Plan (Title IV of H.R. 1) will soon be released by the House Ways and Means Committee chaired by Wilbur Mills. The House of Representatives is expected to vote on the bill during June.

The bill has been sold to Congress and the American people by the Nixon Administration as a reform of the welfare system. The bill does make several positive changes in the welfare system. It provides cash assistance to families with an employed father in the home for the first time. It raises the payment level for recipients in states which now pay the least. It provides substantial benefits to the aged, disabled and blind. Yet, even in these programs a number of provisions restrict certain benefits and require poor families and aged, disabled and blind individuals to pay too heavily for the benefits they do receive.

Based on our careful study of how the bill's provisions affect poor people's income, legal rights, ability to find meaningful employment and medical care, the National Welfare Rights Organization stands firmly opposed to the bill.

The Family Assistance Plan (F.A.P.) is not welfare reform. It is not a step toward welfare reform. It is a giant step backward. It is worse than the present, inadequate welfare system. F.A.P. must be opposed and defeated by those who believe in improving the conditions and opportunities of poor people.

Meet with your Congressman now. Explain to him how the provisions of this bill really affect poor people. Urge him to vote against the Family Assistance Plan. Attached to FAP are Social Security benefit increases and increases for the aged, disabled and blind. But if the bill were defeated Congress will enact these measures on their own merits. If liberal members of Congress join the vote against F.A.P. it can be defeated. Only if liberals defeat the bill will Congress want to consider a better welfare bill, one that will increase and protect the rights of poor and low-income Americans.

CASH BENEFIT PROVISIONS

1. *Payment level inadequate.* F.A.P. sets a minimum and maximum payment of $2400 a year for a family of four. Payments would never go above $2400; there is no commitment to adequate income or to maintaining present payment levels in the 45 states where payments are now above $2400. The payment level is $1600 below the official poverty level and $4100 below $6500 the minimum amount of family needs to subsist at a decent level which is NWRO's position based on Department of Labor Surveys. NWRO's $6500 has been introduced by 21 members of Congress including the entire Black Caucus, H.R. 7257.

2. *$2400 is less than $1600.* The $2400 amount proposed by the Ways and Means Committee is actually less than the $1600 proposed earlier by President Nixon. The earlier bill provided $1600 in cash plus $864 in food stamps for a total of $2464. Ways and Means has made recipients ineligible for food stamps.

3. *Nine out of ten welfare families could be worse off.* $2400 a year, $200 a month is above present payment levels for only 10% of the welfare families, those in Alabama, Arkansas, Louisiana, Mississippi and South Carolina. In addition, poor families in Puerto Rico, the Virgin Islands and Guam will receive less than $2400—$1330 in Puerto Rico even though the cost-of-living on that island is 20% higher than in Washington, D.C. Recipients in the Virgin Islands and Guam along with those in the other 45 states 90% of the families, could receive less than the meager payments they receive under the current welfare system. While payments go up in five southern states and Puerto Rico, Mississippi and Puerto Rico will be the only places where the increases will be substantial.

4. *States would be encouraged to reduce payments.* State governments will not have to spend more than they spend during calendar year 1971 no matter how many more people get on welfare. The federal government will pay for the costs due to more people getting on welfare. However, if states increase payments above the amount recipients received in cash and food stamps combined as of January 1, 1971 the states will have to pay the entire cost of these increases While the $2400 payment means most states will save money in the first years of the plan, they are not likely to pass this money along to poor people. Most states will keep the savings because they now spend more than they want to on welfare.

In fact, states may cut the amount they spend on welfare. No state is required to maintain present payment levels. They can cut back to the federal $2400 and not spend anything on welfare. By reducing payments, states can save even more than they would by maintaining benefits. It will be much easier for states to cut benefits under F.A.P. than under the present system which requires that a state percentage reduction plan be approved by H.E.W.

5. *Present cost-of-living increases will be denied.* In addition to the possible cuts in the amount recipients receive, poor people will be denied the cost-of-living increases states have been providing under the present welfare system. Between 1969 and 1970, 25 states increased the payment levels of AFDC families, raising grants for over one million recipients. In the same period only ten states cut grants, reducing payments to 250,000 recipients. There are no provisions

in F.A.P. allowing increases in the federal payment of $2400. States will have no incentive to provide increases since they must pay for them entirely with state and local money. Poor people will become poorer as the cost-of-living rises.

6. *Family Maximum Imposed.*

A family of two people receives, $1,600; three people receive, $2,000; four, $2,400; five, $2,800; six, $3,100; seven, $3,400; and eight (or more), $3,600.

Families' payments vary with the number of people in the family. The more people, the more money it can receive. However, families of more than eight members will be able to get no more than $3,600, the amount a family of eight receives. FAP discriminates against large families.

7. *Discrimination against single individuals, childless couples, families and against blacks.* F.A.P. provides benefits only for families with children. Single individuals and couples without children receive no benefits whatsoever, unless they are aged, disabled or blind. They must rely on almost nonexistant state and local relief programs.

Families with children would receive only half as much as the aged, disabled and blind. While a family of four receives $200 a month, by July, 1973 an aged couple will receive the same amount.

Half of the families on welfare are black. Only one-fifth of the aged, disabled and blind recipients are black. The program that is largely black will pay half as much as the program that is largely white.

FORCED WORK PROVISIONS

1. *The forced work requirement is more repressive and punitive than present law.* In the light of growing unemployment these provisions will only serve to deny benefits to needy people, harass innocent citizens, destroy family life and deny real opportunities for advancement. Families with members considered employable will be referred to O.F.F., "Opportunities For Families," a separate program run by the Labor Department. Recipients who refuse to participate will be thrown off welfare. However, the lack of adequate training, child care and employment provisions means no real opportunities, only harassment for poor people.

2. *Mothers with children over 3 years old will be forced to work.* All family members will be required to register and accept a job offer unless they are specifically exempted. Under present law only those specifically referred to work are forced to register. Mothers of children over three and children over sixteen and not in school are among those not exempted and forced to work. Mothers with a father in the home who registers need not register. But if there is no father in the home the mother will be forced out of the home into a job.

3. *Stable family life is threatened.* If a family member refuses to register or refuses a job that member is cut off welfare. This includes a mother in cases where there is no male parent in the home. Payments for other members of the family will not be sent to that member. Instead the children's welfare is required to be paid to a third party. The government can pay the children's benefits to someone outside the home whom the government believes will be more interested in the well-being of the children than the mother who prefers to work raising her family rather than work outside the home at a menial, low-paying job. A receeipient who refuses a job will not be entitled to a hearing before the third party payments begin. Third party payments were not required by earlier versions of F.A.P., and should be restricted to cases where the mother is proved to be unable to manage funds.

4. *The plan will help only the very lowest paid workers.* Recipients will be allowed to keep only the first $720 a year they earn one third of their earnings above $720 and still receive assistance. Unless family members receive training allowances or have school children who work, the most a family of four can receive in welfare and wages combined is $4140 a year. This provision will not allow a family to work its way out of poverty since the poverty level will be above $4140 by the time the bill goes into effect.

5. *The incentive to work will be less than under present law.* Under current law, recipents retain the first thirty dollars they make each month plus the entire amount of their work related expenses and a third of the remaining income. Under the O.F.F. provisions of H.R. 1, recipients will retain $60 instead of $30 plus a third of their remaining income. However they will not retain any of their income to cover work related expenses except for some portion of their child care costs. Recipients will be forced to take money for transportation, lunch, union dues, uniforms, tools and income and Social Security taxes out of their earnings. This usually amounts to far more than the $30 additional amount recipients are allowed under the bill.

6. *The incentive to work is completely destroyed if you get sick.* F.A.P. recipients must spend a third of their earnings on medical bills before they become eligible for Medicaid coverage. Since F.A.P. recipients are allowed to keep only a third of their earnings in the first place, this means a family will be reduced to the basic welfare level of $2400 before they get Medicaid.

7. *Recipients are not protected by the federal minimum wage.* It is unlikely that recipients will be referred to jobs paying the minimum wage since the jobs available to the poorest workers are not covered by the minimum. The bill forces recipients to take whatever work is available unless the job pays less than three-fourths of the federal minimum. The present federal minimum wage is $1.60 an hour so recipients must accept $1.20 an hour, or $2400 a year.

8. *Recipients may be referred to any type of job.* The only language in the bill on the suitability of the job prevents recipients from being forced to strike break. Provisions insuring that no one would have to take a job that endangers health and safety or that is too far from home have been removed. The clause allowing a person to refuse a job for "good cause" means little without some definition written in the bill.

9. *Opportunities for training are restricted.* The bill makes it very clear that the purpose of F.A.P. is to subsidize low wage paying employers rather than enable poor people to become self-supporting. Families headed by a college or university student will *not* be eligible for benefits. Under current law welfare mothers are regularly attending college in the WIN Program. Under F.A.P. family heads will be denied the opportunity to receive the training necessary to enable them to advance to the limit of their capabilities.

10. *Child care opportunities are almost non-existant.* Mothers with children will be required to accept whatever child care facilities are offered by the Labor Department or be cut off welfare. Under present law a mother has the right to be consulted about the adequacy of the child care arrangement. No standards that child care arrangements must meet are written in the bill. Authorization of funds for child care in this bill are totally inadequate. Families may be asked to pay all or part of the child care costs although some of these costs may be credited to the family's income. Child care authorities estimate the actual cost at over $2100 a year for the care of just one pre-school child, but the bill allows a total cost of $2000 for a family of four for all child care plus earnings of school children. The bill also limits the amount of child care costs that may be deducted from income under the income tax law to $750.

11. *The federal government will not provide jobs.* Public service employment authorized by F.A.P. would receive federal funds for only three years: 100% in the first year, 75% in the second and 50% in the third, nothing thereafter unless states fund the entire cost. More extensive legislation has been passed by Congress but vetoed by President Nixon.

12. *Jobs for welfare recipients are not available.* The punitive nature of the forced work requirement assumes that jobs are available for welfare mothers and that the rolls are filled with employable people who simply refuse to work. Neither assumption is correct. The 1969 H.E.W. Study of Aid to Families with Dependent Children reports that 20.1% of welfare mothers are in the labor market. Of these, 66.5% are working. 33.5% are unemployed—looking for work but unable to find it. This is over five times the national unemployment rate.

Governor Reagan of California wrote to 309,485 employers in the state asking each to hire one welfare recipient. Only 13,000 employers responded. A total of 337 jobs were reported but only 26 actual jobs resulted from the effort. The average salary was $71.00 a week.

LEGAL AND CONSTITUTIONAL RIGHTS

1. Recipients would have fewer legal rights under F.A.P. than they have now. The few legal rights to welfare poor people enjoy under current law are seriously undermined or outright denied by H.R. 1. Several provisions fly in the face of constitutionally protected rights to equal protection and due process of law. Many provisions further demean poor people and destroy their family life, dignity and pride and make them less able to stand on their own.

2. Needy people who lose their jobs can be denied assistance. The present law says that payments are based on current needs, no matter what the family's past earnings were. Under H.R. 1, this concept is rejected. Income received in the previous three calendar quarters is to be deducted from benefits due the family in the current quarter even if in reality all the income has been spent. A family could be denied assistance for six to nine months under this provision.

3. Families are denied the right to prompt assistance. Aged, blind and disabled recipients may receive assistance simply by filling out a form and stating that they are eligible. On the other hand, families may be put through a long and complicated investigation of eligibility before they can receive assistance. There is no language in the bill stating that families must receive aid promptly. This is a clear act of discrimination. Experiments with the declaration form under present law show no evidence of cheating.

4. *Recipients will be cut off assistance and fined for failure to report their income every three months.* Recipients who fail—for whatever reason—to report accurately all earnings plus other income from Social Security and other sources will be cut off and fined $25 for the first offense, $50 for the second and $100 for later times. If found guilty of fraud, recipients would be fined $1000 or be imprisoned for one year or both. Under the Medicaid provisions of H.R. 1, hospitals and nursing homes must be reviewed by "program review teams" before those hospitals and nursing homes which abuse the program can be cut off. People under the F.A.P. provisions of H.R. 1 are not given this review opportunity.

5. *Recipients must reapply every two years.* Since the provision noted above requires recipients to report accurately their income every three months, there is no need for this provision which forces a family to reapply as if it had never been receiving assistance. It is a means of harassing recipients and encouraging those eligible for aid to go without it.

6. *Recipients and applicants can be de-*

nied adequate representation. The Secretary of H.E.W. is given broad authority to ban certain people from entering Family Assistance offices to help recipients obtain their legal rights. Furthermore, the bill contains language which could be used to interfere with organizations like N.W.R.O. which are attempting to organize recipients.

7. *Families can be cut off assistance if they fail to apply for other benefits.* If a family is informed that it may be eligible for Social Security, Unemployment Insurance and similar benefits and fails to apply for them within 90 days it will no longer receive Family Assistance benefits.

8. *The right to appeal decisions is curtailed.* Recipients and applicants may apply for a hearing if they feel they have been unjustly treated. However, hearing procedures need not conform to present regulations nor to the requirement set forth by the Supreme Court in *Goldberg* v. *Kelly*, 397 U.S. 254 (1970), that benefits be continued pending a hearing decision. Therefore the rights to present evidence, cross-examine witnesses, and be heard by an impartial hearing examiner are not guaranteed, although they are granted to citizens and corporations in their dealings with other federal agencies and to welfare recipients under the current law. In addition, factual rulings made by hearing examiners are not permitted to be appealed to the courts.

9. *Illegal residency requirements may be imposed.* States which choose to supplement above the federal $200 a month payment may also choose to impose a one year residency requirement as a condition of eligibility for supplementary payments. F.A.P. would obligate the Federal Government to follow the state's decision in administering the supplementation. This entire provision violates the Constitution as interpreted by the Supreme Court in *Shapiro* v. *Thompson*, 394 U.S. 618, April 21, 1969.

10. *Step parents of F.A.P. children are held liable for support payments.* Under present federal welfare law, a step parent must support the children of his or her spouse only if there is a general state law requiring all step parents to support their step children. Only a few states have such general laws. This provision of F.A.P. would require step parent support and thereby provision of F.A.P. would require step parent support and thereby discriminate against the poorest families by imposing an unnecessary financial hardship. Rather than reducing the amount of government funds necessary for the support of step children, it will increase the need for welfare payments. A mother with children will be deterred from remarrying because her new husband would be forced to support the entire family. Step fathers would be encouraged to leave home so that the mother and children could receive higher payments. The Supreme Court has ruled that such provisions are illegal under the present law in *King* v. *Smith*, 392 U.S. 309, June 17, 1968.

11. *There is no limit on parents' support obligations.* Even if a mother or father cannot afford to support the children, a parent who leaves home would be obligated to the United States government for every cent the family receives from F.A.P. unless the amount of support payments were fixed by a court order. If no court order has been issued, the ability of the parent to pay is not permitted to be a factor in limiting his or her liability. Many fathers do in fact leave their wives and children because they cannot afford to support them. Parents who travel in interstate commerce to avoid supporting their children are subject to a fine of $1000, a year in prison, or both.

12. *Advisory committees may exclude recipients.* Advisory committees to evaluate the program would be composed of representatives of labor, business, the public and the government. Representatives of recipients and recipient organizations are not specified.

MEDICARE AND MEDICAID PROVISIONS

1. *Basic principles of the present Medicaid Program are undermined in a separate part of H.R. 1, Title II.* Recipients would have to pay for services now completely paid by the government and the quality of the services which is already horrible in many communities would be cut back further. The requirement that a state provide a comprehensive Medicaid program by 1977 is eliminated. States will be able to cut back on services already provided.

2. *Medicare Recipients would have to pay part of their hospital bills.* After the 30th day of hospitalization a recipient would have to pay $7.50 a day. After the 60th day a recipient would have to pay $15.00 a day. The longer a person is ill the lower his ability to pay becomes. But the federal government reduces its contribution and forces the recipient to increase his as time goes by.

3. *Recipients would have to pay part of their nursing home bills.* After the first 60 days of nursing home care, the Federal Government reduces its contribution by one-third. For mental hospital care a one-third reduction is made after the first 90 days and after one year there is no Federal contribution.

4. *Services covered by Medicaid may be cut back and people eligible for assistance for the first time under F.A.P. are not necessarily eligible for Medicaid.* States are not required to spend more on Medicaid than they now spend. Rather than paying for the additional cost of the program, the Federal Government will allow states to reduce the medical services provided under medicaid and to decide whether or not newly eligible families with a father employed full-time will be eligible for Medicaid at all.

5. *Profiteering by nursing homes in rural areas will be encouraged.* Requirements that nursing homes in rural areas have at least one full-time registered nurse on staff would be dropped.

II. RECIPIENTS BELOW VARIOUS FEDERAL FLOORS, JULY 1970

[Cash and food stamp bonus combined]

State	Grant level	Number of recipients
$1,600 per year, $133 per month: 249,000 or 2.7 percent:		
1. Puerto Rico	$53	249,000
$2,200 per year, $183 per month: 572,700 or 6.6 percent:		
2. Mississippi	160	124,000
3. Alabama	168	146,000
4. Arkansas	181	53,700
$2,400 per year, $200 per month: 872,500 or 10.2 percent:		
5. South Carolina	184	63,800
6. Louisiana	190	236,000
$2,800 per year, $233 per month: 2,123,700 or 24.4 percent:		
7. Missouri	202	162,000
8. Tennessee	204	157,000
9. Georgia	205	237,000
10. Florida	206	242,000
11. West Virginia	210	104,000
12. Nevada	212	14,800
13. Indiana	214	93,000
14. North Carolina	222	137,000
15. Arizona	231	58,700
16. Maine	232	45,700
$3,000 per year, $250 per month: 2,871,500 or 32.9 percent:		
17. Texas	237	284,000
18. New Mexico	240	56,900
19. Oklahoma	243	99,900
20. Delaware	245	23,000
21. Kentucky	245	135,000
22. Maryland	248	149,000
$3,300 per year, $275 per month: 4,900,900 or 57.4 percent:		
23. Nebraska	252	34,000
24. Ohio	252	306,000
25. Utah	258	39,500
26. Wisconsin	263	85,600
27. California	267	1,378,000
28. Oregon	271	83,000
29. Wyoming	273	6,000
30. Montana	274	16,400
31. Colorado	275	80,900
$3,600 per year, $300 per month: 5,601,900 or 64.3 percent:		
32. District of Columbia	$278	51,200
33. Idaho	282	18,400
34. Iowa	283	71,100
35. Kansas	284	61,400
36. North Dakota	295	11,500
37. Virginia	295	105,000
38. Hawaii	297	28,300
39. Michigan	297	312,000
40. Rhode Island	297	42,100
$4,000 per year, $333 per month: 6,282,100 or 72.1 percent:		
41. Illinois	316	427,000
42. New Hampshire	324	11,200
43. Minnesota	329	91,000
44. South Dakota	330	18,000
45. Washington	333	133,000
$4,200 per year $350 per month: 6,952, 200 or 79.7 percent:		
46. Vermont	334	13,100
47. Pennsylvania	339	508,000
48. Massachusetts	340	149,000
$4,500 per year, $375 per month: 8,563, 200 or 90 percent:		
49. Connecticut	356	91,000
50. New York	362	1,140,000
51. New Jersey	371	380,000
$4,800 per year, $400 per month: 8,709, 200 or 100 percent:		
52. Alaska	399	146,000

III. SHOULD A MOTHER WORK FOR $1.20/HR.?

(Weekly)

A mother of 3 working 40 hours a week at $1.20 per hour earns	$48.00
Social Security tax (5.2%)	2.50
Other deductions (union dues, hospitalization, etc.)	2.50
Net pay	43.00

(Her costs)

Bus fare at $1.00 per day	5.00
Lunch away from home ($1.50 is reasonable; allow $1.00/day)	5.00
Extra personal expenses; clothing, tools, cleaning and laundry, etc. ($10.00 is reasonable, allow $5.00/wk.	5.00
Bus fare to get 3 children to babysitter or child care center ($3.00 is reasonable; allow $2.00)	10.00
Child care for 3 children: HEW estimates $2,100/yr/child, or $40.00 per week per child. We estimate $25.00 per week per child for babysitter. Allow $20.00/wk/child	60.00
Total	85.00
Net loss from working full time at $1.20 per hour	−42.00

Work without pay is slavery! work for minus pay is tyranny!

FAP-OFF grant is $2,400 per year for a mother with 3 children each week that comes to	$46.15
As a reward for working, a mother with three children ends up with	4.15

A family of four needs $6,500 a year or $125 a week net for minimum health and decency in 1971.

WHAT IS A REAL WORK INCENTIVE?

(Weekly)

Mother of three working 40 hours at $2 per hour	$80.00
Social security tax (5.2%)	4.16
Other deductions (union dues, hospitalization)	2.84
Net pay	73.00

(Her costs)

Bus fare	5.00
Lunches	5.00

(Her costs)—Continued

Laundry, etc	$5.00
Children's transportation and child-care provided in her neighborhood, free.	
Total	−15.00
Net real income	58.00
Adequate income grant, $6,500/year	125.00
One-third of her real income is exempt in computing her grant (⅓×$5=$20)	20.00

The family ends up with $145 and actually improves their standard of living by working.

The mother has a choice of whether she wants the additional money or the additional time with her children.

PROPELLER CLUB OF THE UNITED STATES SUPPORT COMPLETION OF CROSS-FLORIDA BARGE CANAL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. BENNETT. Mr. Speaker, the Cross-Florida Barge Canal, authorized and funded by the Congress, is a national project which will benefit all Americans. The canal has wide support, not only in Florida, but across the country.

An indication of this support is the resolution recently adopted by the Propeller Club of the United States. Mr. William M. White, president of the Port of Jacksonville, Fla., chapter of the Propeller Club has called to my attention a recent resolution adopted by the Southeast Regional Convention of the Propeller Club. It is similar to the action taken earlier this year at the national convention of the organization.

I include in the CONGRESSIONAL RECORD a copy of Mr. White's letter to me and the resolution of the national organization backing the Cross-Florida Barge Canal, which is economically justified, will help the environmental control in central Florida, and is needed for national defense, especially in light of increasing Soviet Navy activity in Caribbean.

The material follows:

PROPELLER CLUB
OF THE UNITED STATES,
Jacksonville, Fla., May 12, 1971.

Representative CHARLES E. BENNETT,
House of Representatives, House Office Building, Washington, D.C.

DEAR REPRESENTATIVE BENNETT: Delegates attending the Southeast Regional Convention of the Propeller Club of the United States held recently in San Juan, Puerto Rico unanimously adopted a resolution calling for completion of the Cross Florida Barge Canal. A copy of this resolution is enclosed for your information.

This action re-emphasizes the favorable position taken at the National Convention and the importance of this project to the local sixty (60) clubs and thirteen thousand (13,000) members of the Propeller Club across the nation.

Your restudy of this project and support for its completion without further delay will be appreciated.

Sincerely,

WILLIAM M. WHITE,
President.

THE PROPELLER CLUB OF THE UNITED STATES, POSITION NO. 10–1971, THE CROSS-FLORIDA BARGE CANAL

BACKGROUND

The Cross–Florida Barge Canal project, linking the Gulf intracoastal waterway and the Atlantic intracoastal waterway, was authorized by Congress in 1942 to promote the National defense and facilitate the transportation of material and supplies under both wartime and peacetime conditions.

In addition to providing flood control, water supply hydrology and navigation, the Army Corps of Engineers' project plans approved by Congress were designed to prevent or eliminate danger to the environment.

The Corps' action in considering the need for protecting the environment and maintaining ecological balance was in keeping with its long-standing practice in construction of other water resource projects.

Each year since 1962 Congress has appropriated funds for the design and construction of the Cross–Florida Barge project. In its fiscal year 1971 appropriations, Congress specifically directed that the project not be delayed for any additional environmental impact studies, feeling that sufficient studies already had been made to prove that the environmental quality would not be disturbed but would, in fact, be enhanced over the years.

On January 19, 1971, President Nixon ordered a halt to further construction work on the Cross–Florida Barge Canal. He indicated he was taking such action on recommendation of the Council on Environmental Quality. The Council had pointed out to him "that the project could endanger the unique wildlife of the area and destroy this region of unusual and unique natural beauty." Subsequently, the Army Corps of Engineers ordered all work on the project stopped. At that time the project was one-third complete and the United States had expended more than $50 million on design and construction. The Canal Authority of the State of Florida has disbursed an additional $12 million since 1964 when actual construction on the project got under way.

Water transportation interests, water resource development interests, and the Congress of the United States are united in the belief that continued development of the Cross–Florida Barge Canal is essential to the nation's defense posture, and transportation needs of the country as a whole. They believe this can be accomplished in harmony with ecological considerations.

POSITION

The Propeller Club of the United States appeals to the President of the United States to re-consider his action on the Cross–Florida Barge Canal and to allow construction on this essential project to proceed without further delay in accordance with authority already granted by the Congress.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

PUERTO RICO AND THE MINIMUM WAGE

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. BADILLO. Mr. Speaker, one of the major pieces of legislation currently before the Congress is that which seeks to raise the Federal minimum wage. A particularly controversial issue—and one which the House General Labor Subcommittee carefully examined in recent hearings in San Juan—is the proposal that the minimum wage be fully applicable to Puerto Rico, on the same basis as it would apply to the 50 States.

Although much has been written about the effects of the minimum wage in Puerto Rico, I do not feel that labor's side of the issue has been adequately presented or fully considered. Furthermore, opponents of the proposal seem to want separate treatment for Puerto Rican workers, even though they are American citizens entitled to the same benefits and protections as other American citizens.

I have recently received a letter from Sr. Nicolas Nogueras Rivera, president of the Puerto Rico Free Federation of Labor. In urging that the minimum wage be fully applied to Puerto Rico, Sr. Nogueras presents a forceful and perceptive argument. As he aptly notes, Puerto Ricans are American citizens and deserve equal treatment.

Commenting on the position of certain industrial groups and special business interests, Sr. Nogueras comments that—

> Sometimes they have expressed the idea of leaving out Puerto Rico from the benefits of the National Labor Standards Act. In other occasions, they talk about flexibility, meaning that the law should continue with the so-called Special or Industrial Committees, where employers have practically the dominant privileged position. In some occasions, they maintain the position that some industries in Puerto Rico may afford to pay the statutory increases, but not all the industries or employers.

This Puerto Rican labor leader continues his letter by noting that Puerto Rican workers are entitled to equal protection and the opportunity to achieve a standard of living at the same level as their fellow Americans on the mainland:

> We are just simply and plain and loyal American citizens entitled to the *equal protection of the law*. The American citizenship of which we are really proud should not be understood only to receive grants-in-aid; to enjoy subsidies and protection for agricultural, commerce and industries and help to carry on the economic burden of the local government of the Commonwealth. The American citizenship contemplates also the fulfillments of individual and social duties. They, the conservative and ultra-reactionary employers, do not believe in economic and social justice; do not believe Puerto Ricans are entitled to the high standards of living of the continental fellow Americans; they do not believe in the constitutional precepts of the *equal protection of the law*.
>
> The Puerto Rico Free Federation of Labor ("Federación Libre de los Trabajadores de Puerto Rico") founded 1899 by the late Santiago Iglesias Pantín, and the membership and leaders are hopeful that the people will be protected in their rights to live a

decent life and to receive the economic justice of the federal law to face, to some extends, the inflationary spiral so as to afford our people the opportunity to pay goods, commodities in general and services so badly needed in the homes of the Puerto Rican families, integrated by loyal American citizens.

Attached to Sr. Nogueras letter was a copy of a statement which the Puerto Rico Free Federation of Labor submitted to the General Labor Subcommittee last fall. Although this statement does not specifically pertain to minimum wage legislation, it eloquently expresses the status and plight of the Puerto Rican labor movement and petitions the Congress for equal treatment under the laws we enact. As I mentioned in my speech on Puerto Rico earlier this month, wages on the island are only a fraction of those on the mainland, although the cost of living in Puerto Rico is much higher than in many U.S. locales. If we are going to effectively grapple with the urban crisis and the impending influx of Puerto Rican migrants, we must make certain that Puerto Rico receives its full and fair share.

Mr. Speaker, I commend the Federation's statement to the attention of our colleagues and am pleased to present it herewith for inclusion in the RECORD:

STATEMENT OF MR. NICOLAS NOGUERAS RIVERA, PRESIDENT OF THE PUERTO RICO FREE FEDERATION OF LABOR TO THE HOUSE GENERAL SUBCOMMITTEE ON LABOR ON PROPOSED BILLS AMENDING THE NATIONAL LABOR STANDARDS ACT

Distinguished members of the Subcommittee: We have the privilege to appear before the general Subcommittee of Labor on behalf of the Puerto Rico Free Federation of Labor founded in 1899 under the leadership of the late Santiago Iglesias Pantin and voicing the sentiments of the toiling masses of Puerto Rico integrated by loyal Americans. We are urging, as we have done before, that in considering any amendment or amendments to the National Labor Standards Act, Puerto Rico be treated as if it were a state of the Union and that no discrimination be made affecting the Puerto Rican working people, your fellow citizens. We base our petition on the following points:

1. By the Treaty of Paris signed with Spain, the United States assumed the responsibility of the political destiny of Puerto Rico. This island was occupied by the American troops in 1898. In 1900 the U.S. Congress adopted the Bill Foraker and a civil government was established in our beloved island. In 1917 the U.S. Congress approved the Jones Act and a new Organic Law was extended to Puerto Rico and American citizenship was bestowed to the people of this Island. Thus, we are, by the will of Congress and the people of the United States, American citizens. And we are proud of being Americans. And we have shown and demonstrated once and again that we have been loyal and fullfledged Americans. And there are no two different classes or categories of American citizenship.

2. In 1938 the U.S. Congress considered it proper and justified in adopting the Fair Labor Standards Act making it applicable to Puerto Rico in equal footing with continental United States. The late Santiago Iglesias Pantin, who by that time was Resident Commissioner of Puerto Rico in Washington approved the congressional action together with our Free Federation of Labor and our working people in general. There seems to be no valid reason to continue since 1940 discriminating against Puerto Rican labor in the application of the Federal Labor Standards Act. In 1940 the law was amended with the excuse of protecting the needlework industry. All other industries were covered by the protection. As we have said in previous statements "this long break has produced anxiety, social and economic frustrations, hopelessness in the hearts and homes of the working people and have developed malnutrition and diseases and has hampered the normal development in the social and educational fields in a great segment of underpaid labor";

3. The discrimination of the Wage and Hour and Public Contracts Law against the working people of Puerto Rico who are also American citizens doesn't assure the people of Puerto Rico the equal protection of the law. The Constitution of the United States was adopted and amended to guarantee the equal protection of the law to every citizen of our Nation. A minimum wage rate for agricultural workers and other for industrial employees have been established to workers on the mainland nationwide and uniformly. But when coming to Puerto Rico and other territories integrated by American citizens, by loyal Americans, wage rates are lower and the procedure to fix them are let to special industry committees where labor has a minority vote;

4. Sometimes you have to hear and endure the argument that we do not pay direct federal taxes; that we do not economically cooperate to keep the public structure of the administration. This is one of the falacies that have been used once and again by some enemies of the United States in Puerto Rico; by secessionists. The people of Puerto Rico are one of the best buyers of the American production both on the mainland and of this island. In all that we buy we pay all the costs of production; all the taxes; all the wage increases; all the interests; all the expenses from the area of production to the market in Puerto Rico. And we have to buy and pay the high prices of commodities with the low wages received by the toiling masses, who, naturally have a very low buying power;

5. In 1938 when Congress adopted the National Labor Standards Act and extended it to Puerto Rico fixing a minimum wage of 25 cents an hour, the employers in Puerto Rico vigorously opposed the Act and used almost the same arguments they are using nowadays. But they are not opposing federal subsidies; grants-in-aid; and other federal programs to protect agriculture, commerce, business, etc.

6. Inflation is constantly deducing the buying power of the dollar and the discrimination in wages make it impossible for the American workers in this American territory to keep pace with the high standards of living and inflation in the mainland. And we buy with low wages the high priced commodities.

7. We suggest that the definition of "State" should include Puerto Rico and that this island be treated in the law and in its amendments just as any of the states of the Union are treated or will be treated. We in Puerto Rico are American citizens as are the citizens of New York, California, Louisiana or Michigan. We have fought side by side with our fellow Americans from the mainland during the First and Second World War; during the Korean War and recently in Vietnam.

We are confident that the distinguished members of the Honorable Subcommittee on Labor will understand the position of organized labor and the toiling masses of Puerto Rico who have to face the constant resistance of employers who have in their hands means and ways to fight against any measure of the U.S. Congress destined to afford to our people in this island economic and social justice and the American way of life to which we are entitled.

PUBLIC SAFETY AND POLICE POWERS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. DRINAN. Mr. Speaker, I take pleasure in including in the RECORD an excellent statement from America magazine, the National Catholic Weekly, edited by the Jesuits of the United States. This statement, entitled "Public Safety and Police Powers," appeared in the May 22, 1971, issue of America and states that the thousands of arrests made by the police of demonstrators in early May in Washington would be legal only "by changing the Constitution to permit 24- or 48-hour detention by the police of any citizen for reasons of public safety." America magazine goes on to state, however, that—

> As a nation . . . we have wisely declined to give the police this authority. It is too easily abused. These days, the government can find a need for public safety anytime it wants to.

The article from America magazine follows:

PUBLIC SAFETY AND POLICE POWERS

Through the technique of mass arrests, the Washington, D.C., police force efficiently thwarted the efforts of the "Mayday Tribe" to disrupt the government during the opening days of May. But the mass arrests themselves demonstrated that, where public safety is the issue, constitutional principles will be disregarded until order has been restored. The ancient Romans immortalized this principle in the words *Salus populi, suprema lex;* we might render it in modern English as "no government, no rights."

The principle is sound enough, but its application must be carefully restricted to situations of the utmost urgency. When police cleared the parks, the bridges and the traffic circles in Washington, they were confronted with mobs openly dedicated to public disruption. In the process of suppressing those mobs, the police also swept up large numbers of peaceful sympathizers and a small number of curious onlookers and completely innocent bystanders. The arresting officers did not have time to distinguish between the zealots, the eggers-on, the sympathizers, the fire-watchers and the casual passers-by. Anyone caught within the limits arbitrarily declared off-bounds was rounded up and hauled away, without any of the usual niceties of constitutional procedure.

It would be possible to legalize everything the police did during the recent demonstrations by changing the Constitution to permit 24- or 48-hour detention by the police of any citizen for reasons of public safety. As a nation, however, we have wisely declined to give the police this authority. It is too easily abused. These days, the government can find a need for public safety anytime it wants to. It is better to bend the Constitution now and then rather than declare open season on our individual freedoms.

For the same reason, when the Attorney General of the United States claims the authority to wiretap, without court approval, any group suspected of domestic subversion, as Mr. Mitchell did in an appeal filed with the U.S. Supreme Court on May 8, that authority must be emphatically denied him. We should take it as a simple fact of life that government authorities will use wiretaps whenever they think it indispensable to do so. But if we are to preserve any privacy, we must maintain the basic principle that government surveillance of individuals and organizations, by wiretap or otherwise, is the exception and not the rule.

Where foreign espionage is concerned, delicate problems of international diplomacy justify maximum swiftness and secrecy in our government's counter-operations. But where domestic subversion is the issue, it will be the rare case in which the F.B.I. or the police do not have time to secure a court order permitting wiretapping. The necessity of securing the order, under penalty of not being able to use the information acquired in a criminal prosecution, will effectively deter the government from conducting dragnet wiretaps. It will also be a constant reminder, to both the government and to all of us, that freedom and privacy, however much restricted in times of great peril, are primary constitutional values and therefore not subject to routine suspension.

A NEW STAGE OF CIVILIZATION

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. DICKINSON. Mr. Speaker, a very discerning constituent of mine sent me a copy of a short article she has written which I found to be most profound and impressive. I would like to share it with my colleagues and include it herewith:

A NEW STAGE OF CIVILIZATION

(By Mrs. Zell Gaston Pope, Georgiana, Ala.)

About twenty years ago a Maxwell Field Chaplain spoke to our county teachers' organization on the development of our civilization in regard to social acceptance of murder. He said we had finally come to reject any form of civilian murder except for self-defense, but we still accepted mass murder in the form of war as right and honorable as long as we could consider the victims as a part of an enemy nation. He predicted that some day we would reach a stage of civilization when we would realize that war murder is as wrong as civilian murder. I am hoping and praying that the present anti-war sentiment will bring us to that stage.

According to the news media, however, we are still lagging in some relative priorities. The Calley incident of civilian murders made top news while the list of our fighting men killed, wounded, and missing can hardly be found on some obscure page in small print, and with no TV mention at all. Are not our military sons also innocent victims of a war they did not make or ask to fight? Are we so steeped in the customs and traditions of war that we cannot honorably admit that we love and cherish the lives of our sons as much as our daughters and children? There is public concern about the right and wrong of the death penalty for criminals and their unsanitary prison conditions. But what about the present count of our 262 thousand men in the death row horrors of Vietnam? We criticize the irresponsible attitude of todays youth and continue with a draft law that is so disrupting to their careers that they do not know how to plan their lives.

As an ordinary American citizen, I may not always be able to see the difference between political honesty and personal ambition among the antiwar candidates, but I am with the young people who plan to take their anti-war campaign to the polls. As a former student and teacher of history, I know there have been economic causes of all wars and I know that ending this one now will create an economic problem. But just as we would not legally allow the murder of a son in a civilian home for the sake of family economy, I do not think we should continue battlefield murder for the sake of national economy. I believe we should have strong military defense at home and lock our doors to outside intruders, but to continue sending our troops to foreign nations because we are afraid they might intrude on us is too much like going over and murdering my personal enemy because I'm afraid he might come over and murder me.

I believe that an international extension of our personal morality based on Christ's teaching of peace through love is our only hope for the survival of our present civilization and that if we continue our "might makes right" policy with Russia, we will end up like the proverbial gingham dog and calico cat.

REPORT TO THE THIRD CONGRESSIONAL DISTRICT OF NEW YORK

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. WOLFF. Mr. Speaker, earlier this month, I sent to my constituents in the Third Congressional District of New York a report on Federal activities of interest to them. Included in the report were my thoughts on the economic situation in this country, revenue sharing, and the lack of progress in the Paris peace talks. I would like to include a copy of my report at this point in the RECORD:

A REPORT FROM YOUR CONGRESSMAN, LESTER L. WOLFF, THIRD DISTRICT, N.Y.

MAY 1971.

DEAR FRIEND: The past several months have been unusually busy for the beginning of a new Congress and there is much to report. First, for those of you who want to visit or correspond with me in Washington, note my new office address: 403 Cannon House Office Building, Washington, D.C. 20515. For my Queens constituents, I have a new direct New York City line to my District office (212) 423-1050. The Nassau number remains unchanged (516) 767-4343.

NEW COMMITTEE ASSIGNMENT

Last month I was elected sole downstate Member of the Veterans' Affairs Committee. In addition to continuing service on the Foreign Affairs Committee, I sought the added assignment because I believe Congress must devote greater effort to meeting the needs of former servicemen. It is my intention to use this new Committee assignment to push for a shake-up of Veterans' Hospital care, a new VA Hospital for Long Island and needed benefits for those who have served our country.

I shall be making a special effort in the area of veteran re-employment and job training. Unlike the programs which existed after World War II and the Korean War, the Federal Government has not given the needed attention to helping discharged servicemen secure jobs. This is especially important because the generally poor employment picture complicates this problem. I will try to find a solution to the growing Vietnam Veterans narcotics addition problem. I am hopeful that in my new position on the Veterans' Affairs Committee I can be of direct assistance to Long Island veterans.

This is an appropriate place to note that with my reappointment to the Foreign Affairs Committee, I am continuing, as a ranking Member, to serve on three Sub-Committees: (1) Asian and Pacific Affairs; (2) Near East; and (3) Foreign Economic Policy.

FOREIGN AFFAIRS COMMITTEE REPORT

During my April visit to Paris, Ambassador Bruce, our chief negotiator to the Paris Peace talks, reported a complete stalemate.

Congressman Rosenthal and I arranged an informal meeting with the North Vietnamese chief negotiator, Nygen Vy, the first informal conference in 1½ years, since Senator Vance Hartke of Indiana saw them. I cannot report great progress in any area. However, as "small steps for man" have been taken before, this could prove to be one of them leading to discussions on the fate and release of our POW's—a cease fire and peace.

Their response was that if a reasonable termination date were set for our presence in Vietnam, they would arrange for the release of "all captured Americans" in their custody and would guarantee the safety of all of our withdrawing forces.

I do not fully trust the words of Hanoi, but since we are engaged in a "phased Vietnamization and withdrawal", as articulated by President Nixon, we could gain lives and safety for our forces and those who are rotting in prison camps by testing this proposal.

If we set a date and Hanoi fails to release our POW's according to plan, we have the option to rescind our withdrawal date. By failing to respond to this proposal, we are failing our men who pay with their lives in Vietnam and those at home who pay with their dollars to support the war while conditions at home continue to erode.

Recently, as a Member of the Middle East subcommittee of the House Foreign Affairs Committee, I visited Israel to assess the U.S. interest in this troubled land. The Soviet design for a take-over of the entire Middle East has been a long standing policy. Our nation, concerned with our own basic Middle East interests, cannot permit this "take-over" to occur. It would be an invitation for further penetration into Africa, India and Pakistan and control of the Mediterranean; it is in our interest to continue supporting the independence of the State of Israel.

In Israel, I found a strength of purpose and dedication seemingly unparalleled. This type of support was unfortunately not evidenced by the South Vietnamese.

Israel has built strong defenses and has put those items that they have been permitted "to purchase" from us to good use. To request the Israelis to cede defensive capabilities by giving up strategic areas would be an open invitation to rekindle the war which could involve the entire world. In my talks with leaders, Israel requested not one American soldier to do battle for them. They need and should have U.S. materiel to meet the combined Soviet-Arab challenge. Gerald Ford, Republican Leader of the House of Representatives said: "U.S. security is tied to Israel's". Since the program of materiels support closely follows the Nixon Doctrine, to do less than fill Israel's materiel needs would be in conflict with our basic interests.

INDOCHINA

The war in Indochina continues to be on center stage in Washington. I have been active on several different projects to end the conflict.

More than 40 colleagues from both parties have co-sponsored my legislation to send a high level U.S. study team to the October South Vietnamese presidential elections to determine whether these elections are fair and free. Senator Adlai Stevenson of Illinois sponsored similar legislation in the Senate. Protecting the South Vietnamese right of self-determination has been the avowed purpose of our involvement. We have the right and the responsibility to determine if this purpose has been fulfilled.

A large bi-partisan group of my colleagues and I have sponsored the Vietnam Disengagement Act providing for the orderly and total withdrawal of all U.S. forces from Vietnam by a fixed date. This measure assures maximum protection for our troops during the withdrawal period, provides for the safe return of all American POW's and gives the South Vietnamese fair notice they will be responsible for their own defense. This is the only responsible path to pursue. We should not get out in the same haphazard way that we got into this war.

I have sponsored and endorsed several resolutions and statements in Congress making certain that the total withdrawal of U.S. forces includes the return of all our prisoners of war. The POW situation concerns me greatly and I think it imperative that we maintain our interest in these brave men until they are finally back on American soil.

ECONOMIC ILLS CONTINUE

The rate of inflation has slowed just slightly and the level of unemployment remains excessively high—obviously the lack of coherent, responsible national economic policies has taken its toll on Long Island. I am continuing to work with industrial and labor leaders on Long Island to increase employment opportunities and bring new business to our area.

The President, responding to repeated requests to give special attention to our particularly severe unemployment problem, has designated Nassau and Suffolk among the 14 regions in the country selected for special relief.

The Congress has also acted to help fight our economic problems. I was proud to be counted on the "Low interest honor roll" compiled by Banking and Currency Committee Chairman Wright Patman to fight high interest rates and am even more pleased that our effort has seen a reduction in interest rates.

Extension by Congress of unemployment compensation as a means of immediate relief and to secure the release of blocked federal funds as a long-term solution to our economic weakness is under consideration. I am a sponsor of both efforts.

I have written to you many times about the short-sighted fiscal and monetary policies pursued by 2 consecutive Administrations. I reiterate my fundamental commitment to a reordering of national priorities which can effect a net reduction in federal spending and, at the same time, provide constructive employment for all Americans. Nurturing of special interests through costly and unproductive programs must stop.

LONG ISLAND SOUND AND ITS SHORELINE

After years of working on this problem, it has been highly gratifying to have secured substantive Federal action on the conservation of the Sound and its shoreline.

I had two staff members at the New England River Basins Commission meeting in March. The Commission announced a preliminary timetable for their comprehensive three year study of the Sound.

The Environmental Protection Agency held an enforcement conference designed to secure industrial, municipal and private adherence to existing water quality laws for the Sound. Hundreds of polluters—most of them on the Connecticut side of the Sound—are violating existing laws which, if enforced could effectively clean up the Sound. I pledge to use all the power I can command to improve the water quality of the Sound.

Closer to home, the Interior Department completed a study I requested of Udall's Cove, at the tip of Little Neck Bay, and reported that portions of the Cove have ecological value worth protecting. The Department's Bureau of Sports, Fisheries and Wildlife said it favored conservation of the land for open spaces recreation and offered to work with local authorities to achieve this goal.

In Hempstead Harbor, the Town of North Hempstead applied to the Army Corps of Engineers for permission to fill 26 acres of marshlands preparatory to enlarging the Town incinerator. At a public hearing called at my request by the Corps, I opposed this request and suggested the Town use the Port Washington sand pits as a short-term location for dumping incinerator residue. I urged the Town to show some initiative by moving toward modern means of refuse disposal including recycling and residue treatment. Creative and imaginative solutions to the solid waste problem are the only alternative to being buried in our own garbage.

Further east is the Bayville-Oyster Bay area where the State would like to locate a bridgehead for a Long Island Sound crossing. I am continuing to oppose this project with the goal of protecting the 5,000 acre federal wildlife refuge created by the Town at my suggestion three years ago. The bridge battle has been long and difficult, but I am convinced that the public can win if we sustain our interest and continue to cooperate.

ASK CONGRESS

It has been my privilege to serve as moderator of the new nationally broadcast television show "Ask Congress." Now seen in approximately 20 major cities across the country, "Ask Congress" is a non-profit, bipartisan public affairs show which presents leading members of Congress, answering viewer questions. You may watch "Ask Congress" in New York at 11:30 p.m. every Sunday on WPIX, Channel 11.

SOCIAL SECURITY BOOST

The newly convened 92nd. Congress took quick action to pass legislation which I cosponsored to raise Social Security benefits by 10 percent. This was the minimum increase required to enable those on Social Security to keep pace with sharply rising inflation and unless the cost-of-living spiral is checked, another increase will be required.

To solve this constant emergency action on Social Security benefits, I am an author of legislation, the concept of which was endorsed by the President, to provide automatic cost-of-living increments in Social Security payments. Senior citizens and others receiving Social Security would not have to wait for the legislative and bureaucratic machinery to provide needed and justified increases. There is reason to believe that such a change in the Social Security law might be enacted this year thereby resolving the inflationary bite on Social Security pensions.

SAVING THE MUSTANGS

A justifiable public outcry gained momentum in recent months against the continual destruction of the remaining wild horses on our Western plains. The mustang population has been reduced since the start of the century from an estimated two million to fewer than 17 thousand today.

Long Island has become a center of national interest in saving the mustangs from extinction. A number of constituents called this subject to my attention early in the current Congressional Session. I promptly authored a strong measure to protect the mustangs and hearings have already been held in the House and Senate on legislation which I proposed along with Congressman Baring and Gude and Senators Jackson, Nelson and Mansfield.

There is an excellent prospect of prompt legislative action on this measure which would instruct the Secretary of the Interior to take steps to protect the remaining wild horse herds from destruction for commercial or other purposes.

AID FOR THE CITIES AND STATES

The financial plight of state and local governments will not be solved by the President's revenue sharing proposals. New York State would pay more than 12 percent of all taxes and receive only 10.68 percent of "shared revenue" under the President's proposal, obviously not a Fair Share.

I think the Federal Government should assume the burden of welfare, the largest expenditure of city, county and state governments. Since much of the problem has been created by the in-migration, especially to New York, from all over the United States, this would save New York State and the local governments in the State approximately $1.7 billion a year compared to the ½ billion to be returned via revenue sharing.

Such financial relief should enable New York State to assume the full cost of public education and eliminate unfair and regressive local property taxes as the base for education. The net effect of such a program would be fair taxation, better public services and more responsible administration.

I am pleased that House Ways and Means Committee Chairman Wilbur Mills is giving high priority to welfare reform. Inequities and waste in the present system must be eliminated. Public assistance is essential but wasting the public's money is wrong.

I welcome your comments and suggestions on the wide range of issues pending before Congress.

Sincerely yours,

LESTER L. WOLFF,
Member of Congress.

THE UNKNOWN SOLDIER: KNOWN BUT TO GOD

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. DUNCAN. Mr. Speaker, today I would like to place in the RECORD a composition that ties in with the day we observe with reverence and dedication—Memorial Day.

Written by Mr. Gene Rickett of Knoxville, Tenn., the work is called "The Unknown Soldier." It follows:

THE UNKNOWN SOLDIER: KNOWN BUT TO GOD

(By Gene Rickett)

Known but to God, is the unknown soldier.
Laying in his tomb, he represents the war dead.
Known but to God, is the fate of our country, protected by those, who lie in our stead.
Known but to God, he represents a great army, of loved ones to us, who will never more roam.
Known but to God, are the souls of the last ones.
May they rest in peace, til God calls them home.
Known but to God, is the strength of our nation.
United by him, we know we will stand.
Divided among us, are the strangers of Satan.
Known but to God, our life's in his hand.
Known but to God, are the hearts of all people.
Known but to him, we must do what we can, if we should lose, our life to gain freedom.
Known but to God, is the freedom of man.
Known but to God, is the fate of our country.
Divided by fear and troubles within.
Known but to God, we must seek the right answer.
Down on my knees, is the place where I've been.

"YOU ARE THE FLAG" GRAND PRIZE WINNERS—PITTSBURGH

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. MOORHEAD. Mr. Speaker, patriotism might be said to be love of country, pride in it, desire to serve it.

On April 7 it was my pleasure to call to the attention of my colleagues in the RECORD the unique "You Are the Flag" essay contest, sponsored by the Duquesne Light Co., Pittsburgh, in cooperation with the Allegheny Trails Council, Boy Scouts of America, which had the twofold aim of encouraging a meaningful vision of America in our young people, and honoring our bicentennial.

The 15 grand prize winners have now been chosen by a panel of local educators, business and civic leaders from among more than 25,000 seventh and eighth grade entrants in Allegheny and Beaver Counties. Their prize will be a 3-day all expense paid "Cradle of Democracy" Historic Flag Expedition to Boston.

Mr. Speaker, I feel quite honored to have been asked to present the certificates of award to the grand prize winners on June 14 in Flag Plaza, Pittsburgh, and would like at this time to announce them to you, and share some of their inspiring essays with you, as well as some of the remarks of the judges.

In these days of questioning and dissent, it is refreshing to know that patriotism is not dead in our youth. Congratulations to the winners, sponsors, judges, and all involved in this contest.

GRAND PRIZE AWARD WINNERS—DUQUESNE LIGHT CO. "YOU ARE THE FLAG" ESSAY CONTEST

1. Suzanne Ague, 8th Grade, 926 Mina St., Pgh. 15212 (231–8291), Latimer Junior High School, Pgh. (321–0312), Principal: A. Bellini, Teacher: Frank M. Craig.

2. Bob Beggs, 8th Grade, 200 Belladonna Dr., Glenshaw 15116 (486–4046), Shaler Junior High School (486–1900), Principal: Edward A. Winkler, Teacher: Mrs. Lois Kazenski.

3. Michelle Brewer, 8th Grade, 1002 Deerfield Dr., Elizabeth 15037 (384–7714), Elizabeth Forward Junior High School (751–5903), Principal: A. Raymond Kochis, Teacher: Ronald F. Corbin.

4. Joye Kosis, 8th Grade, 506 Ehman Ave., Baden 15005 (869–9443), Baden-Economy Junior High School, Beaver (869–2146), Principal: Fred Milanovich, Teacher: Virginia Woodling.

5. Donna Marie Little, 8th Grade, 158 Holiday Park Dr. (Plum Borough), Pgh. 15239 (793–9196), St. John Baptist School (793–0555), Principal: Sister Mary Mark Lowry, Teacher: Sister St. Helen Sullivan.

6. Melanie Matich, 8th Grade, 5308 Adobe Dr., Pgh. 15236 (653–3492) Whitehall Junior High School (881–8848), Principal: William John, Teacher: Vance R. Bunardzya.

7. Mark Reilly, 7th Grade, 347 Fingal Street, Pgh. 15211 (431–9007), St. Mary of the Mount Elementary School (431–4645), Principal: Sister Clare Roche, I.H.M., Teacher: Sister deRicci Baker, I.H.M.

8. Jill Scheide, 8th Grade, 3218 Mt. Troy Rd., Pgh. 15212 (321–3315), St. Aloysius School, Reserve Township (821–1454), Principal: Sister Barabar Mary, Teacher: Mrs. Ann Stockhausen.

9. Allen Schriver, 7th Grade, M.R. #2, Baden 15005 (869–7203), Principal: Fred Milanovich, Teacher: Virginia Woodling Baden-Economy Junior High School, Beaver County (869–2146).

10. Matthew Scroeder, 8th Grade, 106 Link Ave. Pgh 15237 (366–0319), St. Teresa School, North Hills (364–4216), Principal Sister Marcia, O.S.B., Teacher: Mrs. Mae Crenner.

11. Mary Beth Styslinger, 7th Grade, 292 Hansell Ave., Verona 15235, Seneca Junior High School, Penn Hills, Principal: J. D. Snyder, Teacher: Miss A. L. Jerema.

12. Anna Tepsic, 8th Grade, R.D. 1, Industry, 15052 (643–8214), Western Beaver Junior-Senior High School (643–8500), Principal: Carlisle McPherson, Teacher: Mrs. Sabina Walsh.

13. Joseph Tierney, 7th Grade, 1330 Sheridan Ave. Pgh. 15206 (326–8518), Sacred Heart School, Pittsburgh (441–1582), Principal: Sister Irene Mary, Teacher: Sister Mary Clark.

14. Arnd Von Waldow, 8th Grade, 2629 Middle Road, Glenshaw 15116 (486–0518), Hampton Middle School, Hampton Township (486–6000), Principal: Raymond Snyder, Teacher: Mrs. Katherine McCormick.

15. Joan M. Zolkoski, 7th Grade, 1071 Woodlow St. 15205 (922–1309), St. James School (921–6059), Principal: Sister Lucia Marie, S.C., Teacher: Russell Steiner.

YOU ARE THE FLAG

(By Suzanne Ague)

You are the flag. Not just ordinary colors, white, blue, and red made from bits and pieces of cloth, but a symbol for our great nation and for what this nation and its citizens stand. So what do the letters spell? To many they just spell flag; but to an American, they stand for:

F: Freedom stands for the European immigrants who came to the shores of the United States. For Negro slaves in slavery until brave men under the stars and stripes fought for and won their freedom in 1865. This is the flag that stands for freedom for everyone.

L: Love. The love Nathan Hale showed for his country when he regretted "that he had but one life to give for his country." Love that America gave to "the sick, the homeless, the afflicted." No child will die of starvation in the United States when we have the ability to keep it from happening. The love shown to defeated enemies that we have aided after our victories.

A: Achievement which America made in putting the first flag on the North Pole. Achievement to keep it waving in the war of 1812, when our National Anthem was written. Achievement to be the first flag on the moon. Achievement in discovering cures for Polio, Yellow Fever, Smallpox, and measles.

G: Greatness for its outstanding power that it held with humility for many years. The greatness that all religions may worship freely. Every boy and girl no matter who they are can have free education. Greatness for what the flag means.

The flag isn't an ordinary piece of cloth with colors on it. Freedom, Love, Achievement, and Greatness, "You are the flag."

WHY AM I HERE?

(By Bob Beggs)

How stark my shadow looks against this gray, desolate surface. Why am I here? I have asked this question before in years past. In the peacefulness and loneliness here on the moon, I can review my life.

My origin dates back to 1777. I did not look the same as I look now. Originally, my stars numbered thirteen, but presently fifty stars adorn my field of blue. The nation which gave birth to me, the United States of America, preserved the traditions and ideals of its original thirteen states, which is represented by my thirteen red and white stripes. My future at that time was uncertain.

The year 1814 found me waving over Fort McHenry while the British were bombarding it. "Why am I here, I asked. I was not harmed, and when morning dawned, a young man was inspired to write the "Star Spangled Banner."

I recall that tragic time when my nation was divided. I witnessed much bloodshed as I was carried into battle. That question again: Why am I here? I could not have realized that this was a great turning point in the history of my young nation.

In the years to follow, two more wars affected my motherland: World Wars I and II. I was the symbol of a democratic nation which fought to make the world safe for democracy. We were victorious. However, the struggles continue. Mine is not a country at rest. It is continuously growing and searching.

I've looked back long enough. It is time to look forward. There beyond this dismisal horizon, shining like a jewel against the black sky, is earth. How precious a gem it is. My nation, under God, must preserve it.

THE FLAG'S MEANING TO ME THROUGH THE YEARS ONE TO THIRTEEN

(By Michelle Brewer)

It is hard to put into words my feelings about the flag. I will start from the beginning of my knowledge of the flag and recall the special meanings it has for me. I remember as a pre-school child watching a television program, where one of the main attractions was to teach the children to stand with the hand over the heart and recite the pledge of allegiance to the flag. I recall how pleased I was when I could recite the pledge, and was praised by my parents for learning so quickly. At this time I had no idea what it was all about.

When I became of school age, once again, every day the class would stand and recite the pledge to the flag. It still had little meaning to me. When I was in fourth grade we learned about the flag's history. I was anxious to tell my parents what I had learned, not realizing they already knew all of this information.

When I attended football games with my family, I remember how my parents looked so proud as they stood up looking at the flag.

When I became a Girl Scout and participated in the Flag Ceremony, it had a special meaning to me. I carried out my procedure with honor.

I remember my father assigning me the job of erecting the flag and taking it down on all special occasions at our home. I was proud to have this job and handled the flag with tender, loving care.

As I became older and interested in the news of the day, I recall all of the trouble about people misusing the flag and being disrespectful to it. This bothered me because I was always taught to respect and honor it. Through all of these encounters with the flag, my feeling for it was still not quite established in my mind, other than it's red, white and blue standing for my country.

The true meaning came to me after all of these years as I stood and touched the flag that draped over the casket bearing the body of my brother. He loved the flag enough to fight to protect it and died that it may ever fly in freedom. This flag to me means the love of my country. Love strong enough to die for, as my brother did, for a land I call home, my country, the United States of America.

YOU ARE THE FLAG

(By Joye Kosis)

You, the flag of the United States of America, symbolize the brave pioneers who first settled in our country and endured the hardships of the wilderness building a country where freedom of religion, speech, and press could long endure. You represent the colonists who bravely defended America in the Revolutionary War to keep these important freedoms and make our land independent and free from foreign rule. You stand for the laws of the nation which give the people the opportunity to elect their own officials to represent and speak for them. You are courts where justice reigns, with trial by jury and protection of life, liberty, and property. You fly over a nation where a firm stand was taken against slavery in a four year struggle between brothers in the Civil War. You are a banner of people of all races, all colors, and all religions proudly working side by side to make our nation a leader of nations. You signify open arms welcoming refugees and the homeless who are seeking shelter. You are the great defenders who fought oppression in the two World Wars. You are charity that provides for the underprivileged in our nation and abroad. You are opportunity of education for all. You are happiness, under God, which gives us values that are permanent and enduring rather than those that fade and die. So I will respect you, honor you, and fly you and be proud I am an American.

You Are the Flag

(By Donna Marie Little)

What is the flag? What is the symbol for which it stands? It is the land, and the people on the land. It is the bright new sun, peeking its head over the horizon; the morning dew, sparkling on the new grass. It is a child, building a snowman in mid-winter. It is rain, announcing a new spring, and the rays of the sun, painting bodies stretched on the beach. It is the brightly colored leaves of autumn in mid-September. It is the soft, stirring breeze, and the familiar smell of salt water; it is the "little bit of everything" smell in big cities.

It is people: the farmer who tills the soil; the factory worker, the refuse collector, the plumber, the electrician, the construction worker, the man who forges steel. It is the doctor; the teacher, leading a child to discover new things; the dentist, and, in a special way, it is the family, gathered around the table, giving thanks to God for another Thanksgiving Day.

It is a lot of happy memories: the house you grew up in; the town and the people you loved; that favorite teacher who made learning such fun; that one special friend. It is your very own dream, never to be revealed.

It is the Pilgrim, dying as he faces the hardship of a new land. It is the minuteman at Concord; the battle of Lexington; the freezing cold that made men die at Valley Forge. It is "Old Glory" at Appomattox; it is a surrender, in 1865, that established America a free nation, indivisible. It is George Washington, accepting the Grand Union flag of the new American Nation. It is the North, fighting the South, in a Civil War where men died, that their brothers might be free. It is the raising of the 48-star flag over Mount Suribachi, in Iwo Jima. It is our beloved Tom Dooley and Alan Shepard; it is James Meredith at the doors of Mississippi State University. It is Medgar Evans, bathed in his own blood. It is men like John and Robert Kennedy, and Martin Luther King.

See that flag!

Young Americans, stand tall! That flag is yours! You are the flag!

You Are the Flag

(By Melaine Matich)

When I recite the Pledge of Allegiance, I am doing more than just talking to a piece of cloth. I am saying that I believe in the aspirations we are trying to achieve and in the way of life represented by the flag.

The flag stands for the basic rights of man. What other flag stands for so many freedoms? The right of free enterprise has played a big part in the dynamic growth of our country. The right to vote gives each of us a voice in our way of life. This right is now being extended to eighteen year olds. This, and other constructive changes, are possible under this flag.

It is true that all men have not always been given their guaranteed rights. However, this same flag will help them in their struggle to attain their rights. Much needs to be done to see that all who live under this flag are treated equally. The fact that we are talking and thinking about our shortcomings shows we care. You and I are the flag! We must care!

The flag has been with us through good times and bad. It took part in the expansion of our country. It was tested to the utmost during the Civil War, but weathered the storm.

Today, once more, it is being tested by some who have chosen to desecrate and burn our symbol. Because of its foundation, the flag will withstand this test, too. No other flag would allow dissent of this nature. It is willing to undergo changes to make what it stands for a reality for all and not just a dream of a few.

Today, this symbol of our way of life flies proudly on another heavenly body, the moon. The flag represents hope for the future.

You are the flag! Are you satisfied with yourself?

You Are the Flag

(By Mark Reilly)

Lady Liberty, a nation, a seamstress of renown, threads her shining needle with white and black . . . and plunges it into the fabric of royal blue. She has been sewing for quite some time—almost two-hundred years now—on a banner made of people.

(Who are the people?)

A few of her stars have fallen, Abraham, John, Martin and Bob, but she patiently picks them up, one at a time, and repairs the breach with new material.

(Who are the new?)

Of course, breaches are made to be filled and tears to be mended. Diplomacy, industry and commerce are a tough fabric to sew, and medicine and science are no small thing; yet each great star depends on the small, the neat little stitches that hold it in place.

(Who are the small?)

Valley Forge and Bunker Hill needed many stitches; and in 1861, the lady wept when her banner of freedom was torn in half . . . and brother fought brother in the Civil War. She needed much thread, then. Much strong thread.

(Who are the strong?)

However, her restless peoples are her strength. She is a young nation, working with a raw and tough fabric; a fabric never seen before in the halls of history; a fabric woven from the fleece of freedom. Freedom, threaded on the needle of good will, and thrust into the very moon above, a standard for all peoples to rally to, the banner of a new thing in this old world.

Stand tall, *every* American, so that all the nations will see the needlework of the Lady called Liberty! Line up and make a thread . . . for it is your day to enter the eye of the needle. You *are* the flag.

The Many Faces of the Flag

(By Jill Scheide)

From the tattered remnant of the Red, White, and Blue waving proudly over Fort McHenry to the flag hanging motionless in the atmosphere of the moon, our flag stands for America. It reflects our past, present and our future. America was built on ideals . . . ideals that could not be relinquished as long as man dreams of freedom and a better life for himself and his family. The flag is the symbol of the American dream. Dreams that a man could do better than his father and his children, better than himself. America may not be perfect, but it has the strength, the ability to see it to a day when every man can call each other brother. America's strength lies not in its government or in a handful of men in Washington, but in its people. Its citizens are America's greatest resource. When Americans start believing that they don't count, that's when we lose everything, our strength, respect and courage. So when we are pledging our allegiance to our flag we are really expressing loyalty to ourselves.

The flag is a multitude of faces, backgrounds, races and religions. It is the President in the White House, the colored kid in the slums. It is the demonstrators, militants, the radicals and conservatives. Some people say, eliminate those who protest, but if we do we are taking away people's rights to be themself, even though they are different than yourself. But weren't all our great men militant or radical? They wanted a country where you could walk free and fear nothing from anybody. Wasn't that revolutionary then? Are you not condemning the younger generation for wanting just that? We are a part of the flag, a vital part, for we represent America's future, someday we hope to be as glorious as our past.

You Are the Flag

(By Allen Schriver)

You are the flag! You symbolize a country that will be 200 years old in 1976. You represent the dreams of those who explored this land, and the bitter struggle of the pioneers who carved a new land from a wilderness. Many men have risked their lives and fortunes in your honor.

You are more than just a brightly-colored piece of cloth. Each stripe, star and color has a special meaning. Your thirteen stripes, alternating red and white, stand for the thirteen original colonies. Each star, one for each state now totaling fifty, symbolizes dominion and sovereignty, as well as high hopes.

The flagmakers of 1777 left no records to tell why they chose the colors, red, white and blue as your colors. But in 1782, the Department of State said your colors have these meanings:

Red stands for hardiness and courage.

White is the symbol of hope, purity, and innocence.

Blue, the color of heaven, stands for loyalty, friendship, justice, truth and reverence to God.

Even your letters have special meaning:

F stands for *faith* in our country;

L stands for *loyalty* to our country;

A is *Amo*—the latin word for *love* for our country; and

G stands for *glory* of our country.

Just a short time ago, you traveled with two of our astronauts on a historic journey to the Moon. You now stand on soil 238,548 miles from Planet Earth. You carried with you American ideas, American history and American feelings.

We salute you, "Old Glory"! You are the symbol of the mighty, yet humble Nation that we have become.

My Flag

(By Matthew Schroeder)

The flag is a symbol of liberty and justice for one and all,
Wherever it's displayed today
In stores and on classroom walls.
The flag to me is wonderful
In every perfect way
Since Betsy Ross first stitched the stars and stripes of yesterday.
It makes me think of battlefields,
Of boys in grey and blue,
It makes me wonder of the men who gave their lives for you—
They also gave their lives for me;
For strangers of all races,
Who came across the ocean blue
To settle in new places.

But most of all it makes me think of
America our nation.
Of all our presidents, old and new,
Who've won through their frustration.
I am so very proud to be raising a loyal hand,
To this great flag that flies above our great
United land.

You Are the Flag

(By Mary Beth Styslinger)

I am the flag of the United States of America. I am the symbol of liberty and justice to the American people. I am the symbol for the independence of this country. That is all I am, for I am just a symbol. It is the people who are the flag. They are the ones who make it stand. My colors would have no meaning if it had not been for the people. Because of our leaders and the fathers of our country, I do have meaning. My thirteen stripes stand for the original colonies and the stars for the states we have now. In the words of George Washington . . . "We take the stars and blue from heaven, the red from our Mother country, separating it by white stripes, thus showing we have separated from her, and the white shall go down to posterity, representing liberty." I have stood through many a war, gaining more meaning every time. I have been respected, sometimes revered, and sometimes mistreated. Lately it seems I am more mistreated by those who protest what our leaders are doing. In their own way, these protesters only serve to make me have more meaning. If I didn't stand for justice, the protesters could not protest. If I didn't stand for liberty, they would not be free to use me to demonstrate against injustice. And so as my country learns to walk and grows in knowledge, I become prouder and more meaningful as a symbol of truth, justice, liberty, and the dreams of men before I was born and men who are yet to be born. I am the American flag. I am the American people. I stand proudly as their symbol for:

F—reedom
L—iberty and
A—llegiance with
G—od.

You Are the Flag

(By Anna Tepsic)

To my grandparents, who came from Europe, our Flag meant a great deal. To them our Flag represented a refuge where they could live, work and raise children in peace. In America they found that peace and an abundance of pride in living like free human beings. They came here looking for domestic tranquility and they found it. My grandparents, mere peasants, had a feeling that America was too far from their grasp and too great a dream to ever really be here, but Kahlil Gibran said, "In the magnifying glass of man's eye the world looks greater than it is."

Love, freedom, tranquility, justice . . . are just a few of the things which the Flag means to me. When I see the Flag and hear the National Anthem, many thoughts race through my mind. I think of all the men who have died at Valley Forge, Gettysburg, in Korea, Germany, and Guadalcanal, and those dying in Vietnam. And I think of all the great inventors who assisted in making our country great. While these thoughts race through my mind, tears course down my face, and I think how proud I am to be an American. I get an indescribable sensation when I read these words, "With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessings and His help, but knowing that here on earth God's work must be our own." These are the words of J. F. Kennedy.

"The world's richest person is the one who can say . . . I am an American!"

This statement by Paul Powell, Secretary of State, rings true in the hearts of Americans today, but for it to live on in the future, we must continue to stand for Truth, Justice, and Freedom.

You Are the Flag

(By Joseph Tierney)

Although the flag of the United States represents a glorious heritage and a great nation, it also has to stand for the dark side of our country. In this essay I want to say that the flag must also bear the ugly half of the United States.

Too many people are under the impression that the flag represents only something beautiful or wonderful. The United States is far from a perfect nation and there are a great many problems left unsolved. These problems include the war in Asia, pollution in the water and air, poverty, prejudice, drugs, runaway inflation, rioting, campus unrest, a high crime rate, and many more.

Sometimes when I see the flag I think of something dark or evil.

Besides, the flag's colors seem to have lost their meaning. The red represents the blood of the men that have fought and died for our country . . . now many men refuse to be drafted. White stands for purity . . . now there is so much obscenity that there are demonstrations against it. Blue is supposed to mean justice . . . but there are still many prejudices against many people.

Despite all of this, the flag in itself is not something bad or evil. It merely represents something which may have both good and bad. And the United States does have many admirable qualities, all of which we should be proud of.

A flag, of course, is no better than what it represents. If what the flag symbolizes is honorable, then the flag is honorable. If what the flag stands for is evil, then the flag is evil. Therefore, in order to improve the image of the flag we must improve what it represents, the United States.

You Are the Flag

(By Arnd Von Waldow)

I was born under the flag of Germany, a country which was destroyed by a dictatorship, injustice and war. I lived seven years under the flag of Brazil. My friends were very poor, many of them were colored and suffering from malnutrition. Now I am in the United States of America. I urged my parents to apply for citizenship. I want to live here for the rest of my life because I like you (the flag) and the ideals for which you stand.

The first English words which I learned in school was the Pledge of Allegiance. I understand that these words if taken seriously can protect this country from the way Germany went and can create conditions which are better than those from which my Brazilian friends are suffering today. When I say together with my parents for the first time as an American citizen the Pledge of Allegiance to you I feel that I am taking over a responsibility. This nation is indivisible so I have to make my contribution to bring together young and old, rich and poor, black and white. You stand for liberty and justice for all. This means that I must help to protect this and make my contribution that it really becomes true. My greatest wish is that your colors are respected as a symbol of peace by all nations. I understand that without peace in our nation and in the world nobody can enjoy liberty and justice.

You Are the Flag

(By Joan M. Zolkoski)

Whenever I watch the American flag as it dances with the wind in the schoolyard or salute it every day in the classroom, or while singing the National Anthem at the beginning of a baseball game, a warm image comes over me. I can picture the millions of men and women fighting to preserve our flag. I do not mean the cloth of the flag, but the nation it stands for.

The flag most certainly should and does mean more to me than a vision of Betsy Ross sewing by the fireside. To me it stands for the two-hundred trying years the many people have courageously tried to preserve and make our nation what it is today. It stands for the thousands upon thousands of young men giving their lives because they believe our nation is worth fighting for. Also is represents to me, all the great women and men who have striven excessively to keep our United States going. By this, I mean not only political leaders but those who work through fields of science and art. These are people such as Albert Einstein, Robert Kennedy, Clara Barton, Jonas Salk and Neil Armstrong.

Most important, however, I feel the flag represents us, the people of America who may not have gotten our name in history books but are playing our role as American citizens. If it weren't for us there would be no reason for our nation to stand, no reason to have a government, no reason to fly a flag. Yes, we, the common people of America make the nation. We are the country, we are the flag.

In that "we", I include not only myself and others but you too. Yes, you also make the country, you also make the flag!

Comments of Judges: "You Are the Flag" Essay Contest

Judge William S. Rahauser, Allegheny County Orphans Court: Industry is to be congratulated and I hope the essay contest will be continued.

The essay contest was an impressive exhibition of our young people. It was proof that a lofty stimulus will produce a spiritual reaction of depth and feeling.

The contest and the content of what these young people had to say was an encouraging proof that our oncoming generation has both the patriotism and the ability to carry our nation forward in the years to come.

William R. Jackson, Sr., Chairman of the Board, Pittsburgh DesMoines Company: It is very encouraging to see the thoughtfulness and perception with which the boys and girls view the problems in our country today.

Their expressions of faith, that the principles of freedom and liberty will survive and will help solve the unrest is also encouraging.

It is reassuring to see these expressions of faith and belief in the younger generation and they suggest that the generation gap is not as wide as some people think.

William J. Stephens, Chairman of the Board, Jones & Laughlin Steel Corp., President, Flag Plaza Foundation: Four hours of a thrilling experience! The response to the essay contest, "You Are The Flag," clearly demonstrated the deep and real feeling of the boys and girls of school age as they address themselves to writing about their flag. Make no mistake—they care! They do not understand disrespect to the flag shown by the few. They are proud of their flag and see it in their hopes for the future and the future of the world.

Duquesne Light and Flag Plaza Foundation have blazed new trails, through this magnificent effort, to record the thoughts of the students 12 to 14 years of age. Their love of their flag comes through in many expressions. Would that all the essays could be printed and read by those who believe that devotion to the flag is waning in the hearts and minds of the young.

Judge Maurice B. Cohill, Allegheny County Common Pleas Court: Congratulations to the Allegheny Trails Council, Boy Scouts of America and to Duquesne Light Company. It was inspiring to participate in the judging of this contest. If all of our young people could concentrate on projects such as these, I'm sure we could operate Juvenile Court on a part-time basis.

E. H. Eaton, Treasurer, PPG Industries, Inc., Treasurer, Flag Plaza Foundation: The "You Are The Flag" Essay Contest has stimulated students to think about the development of their country and the responsibilities each citizen has to this country. The sponsor of the contest is to be congratulated for backing a contest with such meaningful results.

Alfred W. Wishart, Jr., Director and Secretary, Pittsburgh Foundation: In addition to being a bit weary after reading these essays, my mood is one of surprise at the depth and grasp of these young people and hope in the insights and spirit which they all evidenced. These young Americans are all worthy of commendation. I hope my judgments have been adequate and fair. It has been a pleasure to participate in this contest.

Robert L. Richmond, Senior Vice-President, Ketchum, Inc.: Duquesne Light is to be congratulated and lauded for sponsoring this essay contest in Allegheny and Beaver County Schools. While such a program is always meaningful, it has provided a much more vital focus at this point in time.

For me, it has underscored that our greatest American resource is our young. But only if they are properly lead and educated! The Flag Foundation's program properly accentuates the positive and by so doing helps to beget that sort of a response from Young Americans.

This nation, or no nation, can constantly withstand constant abuse and derision about its every institution. Each and every firm and company in our free enterprise nation has the obligation to help *teach* the fundamentals of freedom and responsibility upon which all else depends. Hurrah for Duquesne Light for helping to *light* the way here in Pittsburgh as we move into our third century in 1976!

James R. McIlroy, President, Anvil Products Co.: I am impressed by the undoubted sincerity of these young people in writing on a "square" subject. Their essays reflect the feelings of an age group which has begun to appreciate, but has not yet begun to doubt, its heritage. May these feelings and this strength and faith carry them through those turbulent late teems!

James H. Bierer, President, Pittsburgh Corning Corp.: Judging 55 essays on "You Are The Flag" has been a rewarding experience—it proves once again that the majority of American boys and girls stand for the things that have always made this country strong.

Duquesne Light Company has performed a great service in promoting the contest. Winners and losers alike just have to be better citizens because of their participation.

W. McCook Miller, Esquire, Senior Partner, Kirkpatrick Lockhart, Johnson & Hutchinson, Secretary, Flag Plaza Foundation: I see now one of the whys of the generation gap—these girls and boys are far ahead of what I was in their day. When I was their age, I couldn't possibly have written with the imagination and clarity they uniformly show.

Leonard Swanson, Vice-President and General Manager, WIIC–TV: The reflection of confidence in our nation evolving from the efforts and expressions of the young people in this "You Are The Flag" contest were most heartening—and encouraging. As a judge, I wanted to generalize that these youngsters are indeed representative of the vast majority of our nation's young people—and that our future will be in responsible, sane hands, in spite of our worst fears exaggerated today as a result of excessive, instant communication reflecting all of our world's ills. The meaning of our American Flag has not changed, and the participants in this outstanding contest support this opinion.

Richard L. Thornburg, U.S. Attorney: The Flag Plaza Foundation and Duquesne Light Company deserve the highest commendation for affording youngsters the opportunity to express themselves regarding their flag. I found the essays to be well prepared and thoughtful and—as we might expect in a free society—reflecting a variety of viewpoints. All who assisted in this project and put in the long hours necessary to bring it to fruition are owed a debt by us all.

Reverend Dr. Robert J. Lamont, First Presbyterian Church: I was impressed by the clarity of thought and sincerity of spirit expressed in many of the essays as they related to American history and most especially to the deep-seated hopes of the 7th and 8th graders. I was pleased to be asked to serve as a judge and I was encouraged by the attitude of these young people who seem to be determined to be part of the solution, rather than part of the problem of our day.

Paul E. London, Executive Vice President, Beaver County Times: I hope 7th and 8th grades across the country feel as the writers of these essays do about our flag and country—for if they do, we as older citizens need not be so terribly concerned about the future of "Old Glory." I hope that in the near future our government can spend millions advertising projects "like this" instead of advertising military recruiting.

Mrs. Carmen R. Capone, First Vice President, Allegheny County League of Women Voters: I was extremely happy to serve as a judge for Duquesne Light's "You Are the Flag" essay contest. I hope the contest will be continued because it makes the youngsters think about patriotism and what the flag really stands for, and helps to counteract publicity about those who desecrate our flag.

Dr. Edwin C. Clarke, President, Geneva College: Duquesne Light Company should be congratulated for inaugurating this imaginative educational program which helps to focus the attention of the young people on our country's history, and, hopefully, stimulates them to have an appreciation of the things that are good and which should be nurtured and continued.

I appreciate the time and effort given by the teachers and thousands of students who responded in such a capable manner.

It was encouraging in reading the essays to learn of the breadth of the knowledge of these young people and their appreciation of those things which make our country great.

IN FAVOR OF THE SST

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. DERWINSKI. Mr. Speaker, while the American SST appears dead as a result of the onslaught against it in this session of Congress, I do not believe that we have heard the last of this subject.

Now that the dust has settled a bit, I trust it is possible for one to comment on the subject without the furor that has existed.

WBBM–TV, Chicago CBS station, editorially opposed the SST but, in keeping with their policy, presented the opportunity for a proponent of the plane to state the positive point of view. On Tuesday, May 18, Peter Reich, aerospace editor of Chicago Today, expressing his own views and not those of that publication, presented a very effective argument in favor of an American SST.

The editorial follows:

IN FAVOR OF THE SST

There are honest differences of opinion concerning the wisdom of building an SST—an aircraft that will fly 300 passengers from Chicago to Europe in less time than it now takes to drive to Springfield.

My own newspaper, *Chicago Today*, believes other projects should take precedence—and has said so editorially.

Yet nearly 20 years of aerospace reporting have convinced me that President Nixon is right: The supersonic jetliner will be a good thing for the United States and for the world.

As one of the first newsmen actually permitted to fly through the sound barrier in a jet interceptor, I am satisfied that a faster-than-sound jetliner will not change our weather, will not cause skin cancer, and will not irradiate its passengers.

Moreover, tests indicate that one American SST, flying at 1,800 miles an hour—that's three times as fast as jetliners now fly and faster than a pistol bullet—will not pollute our air any more than three compact cars going along at 60 miles an hour.

As for the thunderclap-like sonic boom—people on the ground won't even hear it. That's because our SST's will not be permitted to fly beyond the speed of sound while over land, only while over the oceans.

What an American SST will do is this: It will assure our nation's continued leadership in commercial aviation.

We took that lead shortly after World War II. We kept it through the Jet Age, and today most of the world's flying public flies in American jet transports. Our Boeing 747's are the undisputed queens of the skies.

But if we don't build the SST, we will be throwing it all away—and suffer serious economic consequences as a result.

Regardless of what Congress does tomorrow, a fleet of SST's will be built.

The only question is: Will it be built in the United States?

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the missing:

Sgt. Robert L. Luster, U.S. Army, RA11710378, Upper Sandusky, Ohio. Married. The son of Mr. and Mrs. Fred Luster, Upper Sandusky, Ohio. Graduate of Columbia High School. Officially listed as missing January 23, 1969. As of today, Sergeant Luster has been missing in action in Southeast Asia for 853 days.

SOVIET UNION SEEKING CREDIT FROM THE UNITED STATES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. CRANE. Mr. Speaker, at the present time the Soviet Union is seeking credit for the purchase of $15 million to $100 million of purebred livestock from the United States.

Two Russian missions have called on Agriculture Secretary Clifford M. Hardin and his staff to inquire about extensive cattle purchases. Unlike the wheat purchases made here and in Canada several years ago, the Russians are no longer willing to pay in gold for their purchases.

The Department of Agriculture has stated:

> It is now only a question of whether the Russians are willing to go ahead at our prices. If they want to buy, we are ready to cooperate.

Before any such agreement is made, it is important that the Department of Agriculture understand the misgivings of many Americans about such extension of credit to the Government of the Soviet Union.

The Committee on Soviet Jewry, for example, wrote to Agriculture Secretary Clifford Hardin, stating:

> We oppose this sale for many reasons. But primarily, our opposition stems from the bankrupt moral philosophy of the Russian government by not allowing their Jewish citizens cultural and religious freedom, or the right to emigrate.

Shall the U.S. Government help to subsidize a government which has deprived its own citizens of all basic and elementary freedoms? More and more Americans are concerned about the fact that such subsidization encourages the Soviet Government in its policy of tyrannizing all Soviet citizens who seek to retain their own religious and cultural identities.

Before we entertain the possibility of such a deal with the Soviet Union, let us look briefly at only one single area of life under communism, that of the treatment of religion.

In recent days there has been a great deal of discussion about the alleged "liberalization" of life in the Soviet Union. Many clergymen have expressed the view that communism and Christianity are, in fact, compatible and that past misunderstandings may have been based upon ignorance rather than truth. Carrying this new philosophy into action we find a new Christian activism, one which holds that capitalism and not communism may be the enemy.

Yet a recently published volume, "Aspects of Religion In The Soviet Union, 1917–1967," reminds us of the fact that ever since the Russian Revolution of 1917, religion has been held in disrepute in the Soviet Union and from that time forward the most strenuous efforts have been made by the Soviet Government to eliminate it.

In 1925, for example, the League of Militant Atheists was formed in the Soviet Union to publish and spread antireligious material and, like the government's economic plan, an atheistic 5-year plan was launched in 1927 and again in 1932. The program aimed at the complete disappearance of God's name from the U.S.S.R. by 1937. In the late 1930's the league was reported to have 3.5 million members.

The much heralded decree on the separation of church and state and of school and church of January 23, 1918 was not aimed at religious freedom or tolerance but at the undermining of the very existence of religion. The clergymen of all faiths were deprived of voting rights and were considered obscurants and enemies of the people, not engaged in work. By order of Lenin, the All Russian Extraordinary Committee for the Suppression of Counterrevolution was established in 1918 and during the first 3 years of Communist rule thousands of clergy were victims of Soviet terror.

According to official Soviet data, for example, 423 churches were closed and 322 destroyed in the first half of 1929, and 1,440 churches were closed by the year's end. Synagogues were converted into clubs, Buddhist monasteries were closed, mosques were converted into atheist museums, and the printing of the Koran was prohibited.

No one who reads this volume, edited by Richard J. Marshall, Jr., and published by the University of Chicago Press, will suffer under any further illusions.

In the essay, "The Communist Party and Soviet Jewry," Zvi Gitelman, professor of political science at the University of Michigan, discusses one of the more bizarre aspects of the campaign against the Jewish religion: the trials. On Rosh Hashanah, 1921, the Evsektsiia—the Jewish section of the Communist Party—in Kiev "tried" the Jewish religion in the same auditorium, ironically, where the Beilis trial had been held. According to a non-Communist source, a weird cast of characters appeared before the "Judges:" a lady dressed in old-fashioned clothes explained that she sent her children to kheder—religious school—because, she proclaimed haughtily, she was no "low class tailor or cobbler" but of a "distinguished religious family."

This was submitted as evidence that the Jewish religion was a creature of the bourgeoisie. A "rabbi" testified that he taught religion in order to keep the masses ignorant and servile. When someone in the audience accused him of being a "lying ignoramus," stormy applause broke out, according to a stenographic report. The culprit in the audience was immediately arrested. After further testimony by a corpulent woman bedecked with glittering gold and diamond rings, the Evsektsiia "prosecutor" summarized "the case against the Jewish religion" and asked for a "sentence of death for the Jewish religion."

The "judges" retired to their chambers and returned with a verdict of death to the Jewish religion. Professor Gitelman reports that a similar trial—this time of the kheder—took place in Vitebsk. The yeshiva was tried in Rostov, and circumcission was "put on trial" in Kharkov in 1928.

In 1924 a "Red Haggadah" was read which substituted the deliverance from czarist rule for deliverance from the pharaoh's oppression. Following the example of the living church—the Communist dominated effort at using religion to serve political purposes—the Evsektsiia tried to set up a "living synagogue" in 1924. "Communism is the Mosaic Torah translated by Lenin into the Bolshevik tongue," one of its founders declared. The "living synagogue," however, died a quick death and Professor Gitelman estimates that of the one thousand rabbis in the U.S.S.R. only six are known to have had pro-Communist sympathies. In 1922–23 alone over 1,000 kheders were closed. In Vitebsk 39 kheders with 1,358 students and 49 teachers were shut down.

In his foreward to the volume, Richard Marshall, Jr., criticizes those who have tended to overlook and minimize Soviet religious persecution:

> Exponents of the . . . "soft" view would appear to be unaware of the harsh repressive measures taken against various religious groups and individuals throughout the last half-century (and as recently as the early sixties) for no other reason than the fact of their religious beliefs. They also do not face up to the contradiction between the guarantee of freedom of confession, on the one hand and, on the other, the strictures placed upon religious instruction by a continuing and extensive campaign of antireligious propaganda . . . Furthermore, they do not seem to be aware of either the tenacity of traditional religion or of the increased interest in religion in the USSR, especially among the intelligentsia, which has been manifested in a variety of ways since Stalin's death.

Despite a 50-year campaign calling for its eradication, religion remains a force in modern Russia. Many in the West believed that the death of Stalin would usher a more liberal period into the life of Soviet citizens. In an essay concerning "Khrushchev's Religious Policy, 1959–1964," Donald A. Lowrie and William C. Fletcher tell a far different story. Fletcher is director of the Centre de Recherches et d'Etude in Geneva and Lowrie is past director of the YMCA press.

They point out that at the 22d Congress of the Communist Party in 1961 Khrushchev openly gave his support to the antireligious campaign which by then was well under way:

> The battle with survivals of capitalism in the consciousness of the people, the changing by our revolution of the habits and customs of millions of people built up over centuries, is a prolonged and not a simple matter. Survivals of the past are a dreadful power, which like a nightmare, prevail over the minds of living creatures. They are rooted in the modes of life and in the consciousness of millions of people long after the economic conditions which gave them birth have vanished.

Khrushchev declared that:

> . . . Communist education presupposes emancipation from religious prejudices and superstitions which hinder individual Soviet people from fully developing their creative powers. A well thought out and well proportioned system of scientific atheist propaganda is necessary, which would embrace all strata and groups of society to prevent the spread of religious attitudes, espe-

> cially among children and juveniles . . . the interests of building communism require that questions of communist education stand at the center of attention and activity of each party organization . . .

Discussing the Stalin period as a "liberal" one with regard to religion, the Soviet atheist journal Nauka i Religya stated in its April 1962 issue that:

> During the period of the personality cult, all churches, and the Orthodox Church in particular, received a number of privileges which contradicted Lenin's decree on the separation of church and state.

Reference here is being made to the temporary suspension during World War II of blatant religious persecution in an effort to unite the country against the German invader.

Beginning in late 1961, children under 18 years of age were forbidden to attend Baptist worship services and by the fall of 1963 this restriction was being applied in Orthodox churches as well. In 1963 the Central Committee of the Komsomol urged that services not be allowed to begin if children were present in church.

These measures are without parallel in Soviet history, for the most that was ever done in the thirties was to claim that it was illegal for parents to force children to go to churches against their will. Similarly, priests were categorically denied the right to give religious instruction to children. These restrictions were far more severe than the regulations introduced in the Stalin era when priests had not been allowed to teach religion to children in groups larger than three. Denial of parental rights was given ideological justification in 1962 at a Komsomol congress, when it was explained that freedom of conscience does not apply to children and no parent should be allowed to cripple a child spiritually.

Judaism in the U.S.S.R. is subject to unique discrimination. Jewish congregations are not permitted to organize a nationwide federation or any other central organization. Judaism is permitted no publication facilities, and no Hebrew Bible has been published for Jews since 1917, nor is a Russian translation of the Jewish version of the Old Testament allowed. The study of Hebrew, even for religious purposes, has been outlawed and the production of religious objects, such as prayer shawls, is prohibited.

The numbers of Jews in the Soviet Union is over 3 million, of whom more than 1 million have been estimated to be believers. For these there are approximately 60 synagogues and rabbis. or one synagogue and rabbi for each 16,000 believers. No new rabbis are being trained and the average age of rabbis is over 70. Little hope remains for a continuation of Jewish religious life in the Soviet Union.

The campaign against religion has mounted in recent years. Mr. Oliver Clement, an orthodox professor, declared that from 1959 to 1962, the number of churches open decreased from 22,000 to 11,500 and the number of priests carrying on their functions from 30,000 to 14,000. More than half of the monasteries have been closed, from 69 in 1958 to 31 in 1962. Of eight seminaries reopened in 1945, two have been closed and two have been almost stripped of students.

Religion, we must remember, has been the enemy of all modern tyrannies. Mussolini stated, "Religion is a species of mental disease." Karl Marx called it the "opium of the people" and Hitler denounced Christianity not only because Jesus was a Jew, but because it was cowardly to speak of giving love for hate.

Tyranny is also the enemy of religion. The Soviet Union, in its more than 50 years of Communist rule, has wasted no effort in teaching us this lesson.

Given the fact that this tyranny is not loosening up, but, in fact, tightening up as a period of re-Stalinization appears to be upon us, it makes little sense to extend credits and to propose business deals with those who are enslaving millions of men, women, and children. For the Department of Agriculture to approve such an agreement would be a cynical act, especially for an administration which declares that human freedom and human dignity is its goal. Strengthening tyrants has never been the path to either peace or freedom. It is not the path to peace and freedom today.

QUESTIONS PRESIDENT'S STAND ON POW ISSUE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. WOLFF. Mr. Speaker, many responsible Members of Congress and other citizens of this country have recently questioned the wisdom of the President's insistence that all American troops will not leave South Vietnam until our prisoners of war have been released. All of us are deeply concerned over the safety of our POW's and those missing in action, of course. But after talking last month with Senator Nguyen Ninh Vy, Deputy Head of the North Vietnamese delegation to the Paris peace talks, I can only conclude that the President's intransigence on this point is not only prolonging our involvement in the war, but is also postponing the release of our prisoners. In my judgment, if the administration set a date for withdrawal of all our troops, the North Vietnamese would promptly enter into discussion for fixing a date for release of all our POW's being held in North Vietnam. I will therefore continue to urge that the administration set such a date and force the North Vietnamese to fish or cut bait.

The New York Times of May 25, included two perceptive columns on our involvement in Vietnam. I would like to include at this point in the RECORD Tom Wicker's provocative analysis of President Nixon's stand on the POW issue, and Dean Acheson's thoughts on winding down the war:

ILLOGIC IN VIETNAM

(By Tom Wicker)

WASHINGTON, May 4.—An interview with Xuan Thuy, North Vietnam's chief negotiator in Paris, by Anthony Lewis of The New York Times, has made plain the essential illogic of President Nixon's stand on the so-called "P.O.W. Issue."

In fact, as Eugene McCarthy pointed out in a weekend speech at a peace rally in Minneapolis, the policy of "Vietnamization" itself appears illogical if it is really Mr. Nixon's aim to insure South Vietnam "a chance" for self-determination.

The President has insisted that he will not set a date for the complete withdrawal of American forces from Indochina until Hanoi promises more than a mere discussion of the prisoner issue. "We need action on their part and a commitment on their part with regard to the prisoners," he said on April 28.

But what is the threat, if any, which makes this stand credible? Mr. Nixon also has said that all American troops will not leave South Vietnam—a "residual force" of unspecified size will remain—until the prisoners are released. But a residual force certainly cannot effect the release of the prisoners if the larger force of this year or last year could not do so.

Thus, Mr. Nixon's stand not only can do nothing to effect the release of the prisoners; it is also an explicit admission that the policy of unilateral withdrawal cannot be a policy of total withdrawal but one of withdrawal to some point to be determined by Mr. Nixon. On that basis, if we are to keep some troops in South Vietnam until the prisoners are released, we may keep both troops and prisoners there forever.

All of that, Mr. Thuy told Mr. Lewis, merely confirms the suspicion of Hanoi that Mr. Nixon does not intend a total withdrawal, but plans to keep enough American force in Indochina to guarantee the survival of a non-Communist South Vietnamese regime—a so-called "Korean solution."

It may well be that Mr. Nixon is correct that "a promise to discuss means nothing from the North Vietnamese." Even so, if he is determined to stick with his withdrawal policy, it is difficult to see what could be lost by extensive secret discussions, in Paris and elsewhere, to see if there could not be developed an understanding, tacit or explicit, that Washington and Hanoi would announce simultaneously (a) a date for the completion of the American withdrawal, and (b) that on the same date or sooner the P.O.W.'s would be released, probably in several installments.

This would not only remove the necessity for the residual force, which would be a certain point of political controversy in this country and elsewhere; it would also at a stroke deprive all the potential Democratic Presidential nominees (save Senator Henry Jackson) of their chosen position on Vietnam.

Mr. McCarthy is another matter. He hinted strongly that he is thinking more nearly in terms of a third-party candidacy than of another run within the Democratic party. And in addition, he set himself apart from the Democratic aspirants by advocating a negotiated settlement rather than a unilateral American withdrawal by a certain date.

Mr. McCarthy pointed to the inescapable but often obscured fact that there is little chance the United States can have more influence than it now has on the future of Indochina *after* it has pulled out all its forces (either at Mr. Nixon's order or under Congressional mandate). But to negotiate now, while there is some rough equilibrium of forces and with the lure of cutting short a war costly to all sides, might produce more acceptable arrangements than withdrawal or the "Korean solution." It might even get the prisoners home more swiftly.

Mr. Thuy lent credence to this view when he expressed to Mr. Lewis that because of the failure of Mr. Nixon's efforts to win a "military victory" through escalation in Cambodia and Laos, the North Vietnamese now have only to wait for the fruits of an inevitable victory of their own.

If that represents Hanoi's attitude, it will not be possible to negotiate any kind of an

Indochinese settlement without substantial concessions from Washington and Saigon—presumably the acceptance of an interim arrangement for sharing political power in South Vietnam among all contending elements until a longer-term arrangement can be reached by the parties themselves.

It is true that that might open the door to a Communist take-over at some point in the future. But withdrawing all American troops will far more surely open that door, and prolong a sad, destructive, pointless war by how many years no one can say.

DEAN ACHESON: ON WINDING DOWN

(By Dean Acheson)

The present debate about the President's intentions regarding troop withdrawals from Vietnam arises from what he has said rather than from what he has done. The logic of the facts is plain. When Mr. Nixon announced the beginning of troop withdrawals the authorized troop strength in Vietnam was 549,000; actual troop strength probably a few thousand less. Withdrawals actually made since that time, plus the 100,000 announced by the President to be made by December 31, 1971, will amount to 365,000, leaving a remainder from authorized strength of about 185,000 in Vietnam. The average withdrawal rate over the thirty months of the operation has been 12,000 per month.

What are the prospects for withdrawals in 1972, a Presidential election year? One would hardly expect a reduction of the monthly rate. A continuation of the rate would leave about 40,000 men in Vietnam at the end of the year, rather fewer than remain in Korea. If the process of strengthening the organization, training, and armament of the Vietnamese Government forces is to be successful in 1972, this would seem to require an end to such sorties as that into Cambodia in 1970 and into Laos in 1971. A sensible way of preparing the South Vietnamese military establishment to assume full defense of Vietnam would not be to enlarge its theater of operations to include over three times the area of Vietnam. Furthermore, the way to remove the Vietnam issue from the 1972 political campaign in the United States would not seem to be to enlarge the war. Whatever their critics may say of the President's political advisers, it can hardly be believed that they are that obtuse.

Should we, however, assume that the logic of events would point to leaving 40,000 American troops in Vietnam at the end of 1972? If the Vietnamization program has been successful, these troops will not be needed to effect a final withdrawal or to prevent a sudden takeover of South Vietnam by the North. If it has not been successful, they will be too few. In any event, this country will have done all that one country can do for another to give it the opportunity to preserve itself from such dangers as faced Vietnam.

It has been said that the United States should not withdraw all its forces from Vietnam until satisfactory arrangements have been made for the return of our prisoners. With that few will disagree. To say this, however, is not to argue for maintaining in a dangerous position an aggregate of troops wholly insufficient to enforce the return of the prisoners.

Years ago Justice Brandeis told me of once having been pressed, while at the bar, to do something he was unwilling to do. He replied, "I must inform you that I cannot do what you ask. So that you may know that my refusal is final, I give no reasons." Bad reasons for a refusal carry no conviction. Soon the end of our effective military presence in Vietnam will be plain enough to be no military secret. Before that time arrangements for the return of prisoners can be made and sufficient trust established to insure what Hanoi would have no reason for refusing.

Once this has been done, the logic of the facts would make clear a complete withdrawal from Vietnam by the end of 1972.

HEARINGS ON CORRECTIONS PRACTICES UNDERWAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. CONYERS. Mr. Speaker, Subcommittee No. 3 of the Committee on the Judiciary has embarked on a series of hearings explorative of corrections practices in the United States. The next hearing date is June 2, at 10 a.m., in room 2226, Rayburn House Office Building, where the first witness will be the Honorable Ramsey Clark, former Attorney General of the United States.

In opening this new series of hearings, Subcommittee Chairman KASTENMEIER made the following remarks:

With this morning's hearing, the Subcommittee embarks on a probe of corrections practices in the United States, their faults and shortcomings. We shall be concerned both with Federal corrections on the one hand and state and local corrections on the other. We shall seek to determine and report what Federal action, if any, will appropriately stimulate improvements at the state and local levels. Where legislation seems needed, we shall propose its enactment.

If there is any single proposition as to which there is virtually no disagreement, it is that corrections reform presents a major—if not *the* major—domestic challenge of our time. It has been charged, for example, that many, if not most, of the nation's corrections institutions are correctional in name only; that state after state reports that most of its prisons and jails have no program to rehabilitate the offender, or indeed that conditions prevail which can make a criminal where none existed before. The clear implication is that prisoners are often subjected to a kind of "warehousing" under conditions that virtually assure their further deteriorization.

These charges were not made by some dissident or radical, but by the Attorney General of the United States as recently as last February. Mr. Mitchell went on to point out that one state had reported that half of the inmates in one of its jails had not been convicted, but were being detained for lack of bail; that in many localities no effort is made to separate first offenders from hardened criminals or juveniles from adults. The facilities themselves, he said, were often antiquated and overcrowded.

This was the context in which President Nixon had instructed the Task Force on Prisoner Rehabilitation to recommend what could be done in this area to enable determination of how the ex-offender "could best achieve a lastingly productive and rewarding return to society." In its report of April 1970, the Task Force recommended development of a program of jobs and job-training for ex-offenders as well as a program for improvement of correctional institutions, stressing the need for so-called "community-based" corrections.

It must, of course, be borne in mind that national concern about the American correctional system did not begin with the present Administration. In 1967 President Johnson's Commission on Law Enforcement and the Administration of Justice issued its general report, "The Challenge of Crime in a Free Society," including findings and recommendations relating to the problems facing the nation's correctional system. These findings and recommendations were in turn based on a Task Force Report on Corrections, published under the chairmanship of former Attorney General Katzenbach. That, also, included recommendations for achieving community-based corrections and for improving correctional institutions.

In the hearing starting today, the Subcommittee will seek to ascertain, among other things, the extent to which the recommendations of the various task force reports on corrections have been implemented or remain to be carried out. At the outset, however, we shall hear a number of witnesses who have basic criticisms to make of the corrections system in one or more of its aspects. Very probably, also, the Subcommittee will wish to make some visits to correctional institutions. The ultimate direction of our probe remains to be determined as the hearings progress.

CENTERS OF HIGHER EDUCATION

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. MORSE. Mr. Speaker, in this era of increasingly diverse and difficult pressures on our colleges and universities, ranging from severe financial strains to campus unrest, and the need for greater institutional relevance, a widespread search is underway for men and women with the dedication, the administrative skills, the creative energy and courage, and the strong leadership capabilities necessary to insure the continued effectiveness and, in some cases, the very survival of our centers of higher education.

As an alumnus of Boston University I was, indeed, gratified to read that such a man has been found to head that institution. According to the description provided by Emanuel Goldberg in the Jewish Times, Dr. John R. Silber is ready, willing, and exceedingly able to take on the prodigious tasks at hand. I am, indeed, pleased to share this outstanding profile with my colleagues in the House, and know they join with me in wishing him every success in his position as president of Boston University and meaningful progress in the realization of the objectives he has espoused.

The article follows:

DR. SILBER: AWAKENING B.U.'S SLEEPING GIANT

Ever since the late Daniel L. Marsh centralized and built Boston University into mammoth size and consideration at the higher education counter, the tug on the Commonwealth Avenue campus has been to combine quantitative considerations with across-the-board quality. There has continued, however, the traditional pattern of seeing the well-heeled among B.U.'s 100,000 or so alumni either ignore completely development appeals from their needy alma mater or give liberally to the prestigious colleges of their children.

In fact, when one evaluates how much a B.U. education meant to so many graduates, particularly those who were the children of the Depression, the situation in some cases was scandalous.

Now along comes a 44 year old Texan, Dr. John R. Silber, who is a philosopher and

Kant authority, as well as a first rate academic administrator as witness his celebrated and innovative tenure as Dean of the College of Arts and Sciences at the University of Texas, who has already managed to electrify—for the first time—the 100 year old, Methodist-founded institution in Boston.

I haven't met him yet but must confess that I quivered when his appointment was first announced and he promptly sounded off in the press, even before taking over the job, about the need for financial aid to B.U. from the city and state. After his arrival, some feedback indicated that Silber was not a hail-fellow-well-met and, in fact, was quite a solitary figure and provocative in utterances at various meetings. What gives, one thought?

But now we know.

The other day, speaking to alumni, B.U.'s new President announced a series of distinguished new faculty appointments, including the creation of "University Professorships" and the advent of a cadre of outstanding scholars from abroad. More of the same has been promised in the near future.

B.U., despite overwhelming financial obligations and puny endowment, Silber opined, was going to the top—or, by implication, if financial failure ensued, would have to throw in the sponge entirely.

There couldn't have been a better time for B.U. to take this position for nearly all private institutions in America, which conduct business as usual, face the possibility of either extinction or plummeting to mediocrity. Silber also recently announced an excellent administrative appointment in making Daniel J. Finn, a B.U. trustee and former Administrator of the Boston Housing Authority and one of the city's finest public servants, Director of Community Relations.

As one probed deeper, I learned from one of the leading education writers in the country that she considered John Silber to be "one of if not the" most exciting college President in the United States. In this day and age, Prexy, even a young and dynamic one, can't serve too long—so Silber may have a half dozen years to complete the prodigious task of lifting middle-brow B.U. into the elite sphere of American higher education and of energizing the fund-raising potential of alumni and friends.

He has an excellent board chairman, Hans Estin, to pull with, as well as really interested and dedicated trustees (in stark contrast to the window-dressing of yesteryear). He must also overcome the historic fact that B.U. has occasionally had narrow, conventional approaches and uninspiring objectives.

Silber's record as the person who first brought Operation Headstart to the attention of the Johnson administration (comments of Senator Ralph Yarborough of Texas in the December 31, 1971, Appendix of the Congressional Record) attest that he will not let the pursuit of excellence become the Holy Grail—rather that he will press for the right mix of the underprivileged, the ghetto, the need for "relevance" and community-orientation in today's university while not compromising the essential academic posture. He seems stern, too, and unlikely to tolerate excess permissiveness with students or the antics of the "crazies."

Silber's maturity and sensitivity should also assist him in explaining to irate alumni why a Howard Zinn cannot be fired merely because he fans tempestuous disagreement (here I heartily commend a dip into B.U. history, during the infamous Joe McCarthy era, when the institution courageously refused to bend to pressure in the Professor Halpern case).

One hopes that President Silber can fully document and communicate effectively the story of B.U.'s long, many and continuing contributions to our community (whether tax money will roll in as a result is another question).

But one thing is sure: if Dr. Silber keeps pressing his thesis, "A B.U. Second to None," he'll galvanize at long last the 100,000 sleeping giant alumni, along with a torrent of foundations, corporations and individuals—and then even Harvard had better look out!

COMMENCEMENT ADDRESS AT DEPAUW UNIVERSITY, MAY 23, 1971

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following commencement address which I gave at DePauw University on May 23, 1971:

COMMENCEMENT ADDRESS

I was thinking about the problems of DePauw students when my wife, Nancy, and I were here as students years ago. At that time we were concerned about the hours for women, visitation rights, the administration's intransigent attitude toward alcohol on campus, intown housing, and frequent run-ins with the campus security police.

It is heartening to learn that some twenty years later all these matters have been resolved and the great work of the university can go forward unimpeded.

Let me assure you that you have made progress. I am almost embarrassed to admit to you that we had to have our dates in by 10 p.m. on week nights. I can recall delivering my future wife to the front door of the Tri Delt house at the ghastly hour of 10 minutes after 10 in the evening, and being threatened with banishment from the Tri Delt house by the House mother; expulsion from the University by the administration and incarceration by the campus police.

Not even the most revolutionary campus radical among us ever dreamed that we could achieve no hours for women.

In this instance, if not in others, the system has been responsive.

When you entered DePauw three years and 9 months ago, the Vietnam war was at the peak of its intensity. Today, although things are better, men still die there, and you will live your entire life profoundly affected by Vietnam and its aftermath.

When you entered DePauw a lightning-quick war had just been fought in the Middle East, and as you leave a peace is still to be won.

When you entered only the science majors among us could define the word ecology. As you leave, the threat to man's environment is a paramount concern for all.

You came to DePauw after the summer of the race riots and during your years here the nation became acutely disturbed by acts of violence and demonstrations of non-violence.

Your college years have introduced the phenomenon of student unrest, and the tragedies of Kent State and Jackson State have been seared into our minds.

During your college years: man set foot on the moon;—a United States Senator and a civil rights leader were brutally assassinated; a Justice of the U.S. Supreme Court resigned under fire, and two Presidential nominees were rejected by the Senate as unfit for the Court.

A bomb exploded in the United States Capitol, a President resigned, there was the McCarthy campaign from the left, the Wallace campaign from the right, and a new form of political protest: the mass demonstration.

During your DePauw years, There were: heart transplants; hijackings; the Pueblo incident;—Hurricane Camille and an earthquake in California;—and getting down to really important things:

The New York Mets won a World Series; mini skirts gave us all an uplift; Jackie Kennedy married Aristotle Onassis; and Kate Millet and Germaine Greer dealt a devastating blow to the hapless American male.

Whatever happened to the four placid and peaceful years of study and reflection in the sequestered halls of academia which were once the birthright of every college student? Apparently they have vanished, and perhaps forever, because one of the distinguished characteristics of the United States in the 1970s is that virtually every major institution is under fire and in a state of crisis:

From the military to the university; from Lockheed Aircraft to the Methodist Church; from the courts of justice to the county hospital; from the U.S. Congress to the Ford Foundation.

Indeed, for an institution not to be in a state of crisis is almost a badge of dishonor and ill repute.

Take a look about you:

The people, the President says, are simply fed up with government at all levels. Any politician can tell you that people are beginning to doubt whether their government is responsive; whether they can make a difference in the decision making process; whether government can meet its problems before they occur or only fight off disaster after they occur.

The welfare system is a colossal failure.

It is costly; almost impossible to administer; degrading to the recipient.

No one is satisfied with it.

Our most responsible health officials say we are faced with a breakdown in the delivery of health care unless immediate and drastic action is taken. Health costs are rising rapidly, while access to health care is inequitable, and the quality of care is not as good as it ought to be.

In education, teachers strike, students riot, whites and blacks clash, taxpayers revolt, and we have a crisis in the classroom.

The cities are described by the poet: "Why are the mayors all quitting? Why are the cities all broke? Why are the people all angry?

Why are we dying of smoke? Why are the streets unprotected? Why are the schools in distress? Why is the trash uncollected? How did we make such a mess? The battle against crime falters?

Our law enforcement agencies are undermanned and undertrained.

The courts are clogged, and prisons become universities of crime.

Not even the church stands serene, its growth has leveled off, new construction has slackened, circulation of religious publications is down, and there is an alarming lack of interest in the organized church among large segments of the population.

And, as one constituent reminded me the other day, we don't even know how to keep the same time in Indiana.

And so it goes. Before the Congress it is hard to find a witness who does not speak in apocolyptic terms about his concern, whatever it is.

We live, of course, in a maze of paradoxes. The GNP doubles in a decade, as cities and states teeter on the edge of bankruptcy.

We have built a nation of incredible wealth, and yet never have the problems of the poor so beset us.

We have passed civil rights laws of sweeping dimensions, yet discrimination still denies jobs and housing to millions, and many young still grow up stunted, inarticulate, and angry.

We are progressing, but our expectations soar, and the gap widens between where we are and where we would like to be.

So you graduate at a time when the mood of the nation is troubled and our problems seem more stubborn and incurable than they once did.

I mention these crises—not to depress or to discourage—but because I believe that our best hope for resolving them is men and women who possess the finest qualities of a liberal arts education.

What disciplines, if not the liberal arts, will better cultivate the imagination, lengthen the perspective, sober the judgment, refine the taste, broaden the sympathies, encompass the relatedness of things in balance and proportion, and give direction and purpose?

In the tradition of the liberal arts, we have been taught the importance of knowledge, not for the sake of knowledge, or to give immediate results. Measurable in dollars, but as a means to enhance the quality of life. People sensitive to the impact of these crises on other people are in short supply.

This nation needs people who see that too many for too long have been in a headlong rush toward progress and power measured in terms of dollars, miles of concrete laid, miles per hour achieved, killowatts generated, nuclear missiles stockpiled, who recognize that this nation is rich enough to provide for all Americans health care, education, and the basic necessities—if we have the will to redirect our resources to the goal of improving the quality of life.

In the liberal arts tradition, we can break free from the limitations of ignorance and prejudice, from the prisons of class, race, time, undue self-interest, and the servitude of the crowd. The man or woman unencumbered by these limitations brings to the challenge of these crises a freshness of perspective and a quality of judgment that is rare and essential.

In this tradition of the liberal arts we know that we cannot hide from these crises in our tidy suburbs and green country clubs. They come crashing down upon us in the form of tax dollars demanded, congested traffic, an assault on the streets, an impoverished family, or an unresponsive elected officials.

These things happen because the institutions that have served many of us well, serve others very inadequately, or not at all, and we know our duty is to deal with them.

In this tradition we have been educated to a point beyond which we can educate ourselves. And there is hope to be found in people: who can push beyond traditional approaches, who can reject the cascade of platitudes and cliches that inundate most of our problems, who can push aside the deception which accompanies the soaring rhetoric, who can analyze and articulate with precision and clarity, who can adapt to new disciplines, ideas, methods, and integrate them to solve problems.

I do not deceive myself about the contributions those of us educated in this tradition can make to solving these challenges.

Some of us are apathetic.

Others become quickly discouraged, and lose hope.

Some figure that if they take care of themselves and their own, everything will work out all right.

Some respond with passion, thrashing away with great fervor and little skill.

Some become cynical and blame someone or something for everything that goes wrong.

All of us show some of these attitudes some of the time. A liberal arts education is not a panacea for the crises which surround us or the attitudes that deter us.

But, a fine liberal arts education has produced, and will continue to produce, more than its share of people who can make a constructive contribution to solving these challenges. I hope you shall be among them.

All of us congratulate you and hail your entry to the ranks of college graduates. A new college graduate, like a newly minted coin, shines with a luster that the more tarnished graduates among us admire and even envy. We include in our congratulations parents and relatives for whom this is a very special day, and who deserve some credit, too, for your achievement—although you might, at the moment, be reluctant to admit it. And all of us who are visitors join you who graduate in expressing our deep sense of gratitude to President Kerstetter, the faculty, and the trustees, and the DePauw family, for making DePauw the kind of institution it is.

From this memorable afternoon you travel diverse paths—to graduate schools, marriage, military service and, if I read the employment figures correctly, a few of the more fortunate among you, after four years of college study, may even find a job.

We wish you Godspeed.

But none of you will be left untouched by the crises that confront us. You have been equipped, as few in this day have been, to deal with them constructively. Not all of you will. But the hope is that enough of you will to move this Nation, in your generation, a step or two closer to a more perfect union.

CONGRESS FUMBLING CRISIS STRIKE ISSUE

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. CHAMBERLAIN. Mr. Speaker, the action taken by Congress on May 18 in ending a 2-day nationwide railway strike is but the most recent reminder of the urgent need to find a better way of settling disputes which threaten the broad national interest and potentially even the security of the country. Unfortunately, the stopgap agreement passed by Congress offers no hope of avoiding such crises in the future. This problem has been near the top of the list of President Nixon's priority requests both to the 91st and 92d Congresses. Other proposals have been introduced as well but still we have had no effective action by the Congress. In an editorial on Wednesday, May 19, 1971, the Jackson Citizen Patriot made clear what it thinks about this failure of the Congress in a persuasive argument entitled "Congress Fumbling Crisis Strike Issue." I commend it to the attention of my colleagues and to the House leadership:

CONGRESS FUMBLING CRISIS STRIKE ISSUE

National welfare strikes, such as the one in which 13,000 signalmen briefly tied up the rail system with an immediate, potentially dangerous effect on the economy, have got to go.

Which is something that has been said a thousand different ways over the past half century.

There is utter frustration even in saying it because society, through its government, never has made the difficult decision to end such walkouts through the only device which protects the rights of both employer and employe—compulsory arbitration.

Until that decision is made, the strikes will continue to occur, as they have despite the elaborate laws made available by the government.

Compulsory arbitration and legal machinery which will make it possible to bar walkouts in industries and services vital to the public interest, is resisted on both sides of the bargaining table.

Both labor and management, generally speaking, would rather operate in the traditional atmosphere of free bargaining. Each fears that it will lose something through compulsion as each has done when the federal government actively intervenes in labor disputes. Even though arbitration procedures are freely used in labor-management relations, particularly in the field of handling grievances, the final step to compulsory arbitration as a substitute for collective bargaining appears to be frightening in both the corporate board rooms and the union offices.

But is there any other permanent answer to the strike against the public interest and one which has ramifications far beyond the workers and the industry involved?

If there is another solution, it has failed to appear over decades of debate and legislating on labor-management relations.

The right to strike seemingly is so deeply ingrained into the American consciousness—and its political system—that even anti-strike legislation in fields of public service, such as education and health and safety services, often is rendered ineffective.

Administrators, management, enforcement agencies, and even the courts resist every possible way that hard decision that puts the final barrier to the right to strike and imposes penalties for those who disobey the law.

This hesitancy is more evident in Congress where one crisis strike after another is dealt with through emergency legislation without coming to grips with the nub of the matter, which is a permanent decision to provide for compulsory arbitration or its equivalent.

That is exactly what happened in the present dispute. It was ended by an "emergency" resolution designed to make the walkout illegal, while offering the signalmen an interim wage increase.

Thus does Congress once more go through the charade of putting off a strike and delaying a crisis without really offering anything which will keep these public interest strikes from happening. It may only have achieved a delay in the real crisis for a few months.

Because organized labor is powerful in the political field and stoutly resists any incursion into the right to strike, no matter how disastrous a given walk-out may be, positive improvement in the field of labor legislation is almost impossible to come by.

And so, ten years from now, we expect to be saying about the current crisis strike, whether it be on the rails or elsewhere, that something needs to be done.

If Congress makes that unnecessary we shall be surprised—pleased, to be sure, but certainly surprised.

JIM HUNTLEY, COLLEGE ATHLETE OF THE MONTH

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. KEMP. Mr. Speaker, I have heard some commentary to the effect that competitive athletics are coming under increased attack by those who believe that competition precludes cooperation. I disagree, Mr. Speaker, and as a prime example I can point with pride to Brooks Robinson of the Baltimore Orioles. He has been helping the youth of America find the best answers to life with his cooperative desire to give young people super leadership. Brooks feels this is necessary if we are to help our youth bring peace and love and renewal to our country and the world.

Brooks Robinson is a member of the Fellowship of Christian Athletes as am I. The FCA is not an assembly of saints, but a group of strugglers, such as Sport magazine's college athlete of the month—Jim Huntley, in the good fight of faith propagating a he-man brand of Christianity that is Christ-centered.

Mr. Speaker, each month, Sport magazine runs a feature titled "college athlete of the month." The award goes to a student who has lettered in one or more intercollegiate sports. But more important, he is a young man who has made an outstanding contribution to his college through his involvement in meaningful community activities.

It will be my pleasure to be on hand when Sport magazine honors all 12 athletes of the month for the 1970–71 school year on June 8 at the Madison here in Washington, D.C. It will be particularly gratifying to see Jim Huntley get his award, not only because he is a member of the Fellowship of Christian Athletes, but also for the fact that he is from Hamburg, N.Y., which is in my congressional district.

Mr. Speaker, at this point I include an article from Sport magazine concerning Jim Huntley:

JIM HUNTLEY, ITHACA COLLEGE

(By Gene Sunshine)

(NOTE.—Beginning with this issue, SPORT introduces a new monthly feature, College Athlete of the Month, which will honor college athletes who are making significant contributions to their campuses, communities and society. Candidates are nominated by their respective schools, and all winners receive engraved awards at special presentation ceremonies.)

Jim Huntley has a gift for understatement. A 22-year-old senior physical education major at Ithaca (New York) College, Huntley modestly describes himself as "sort of an active person." He spends his time participating in three varsity sports, working for the service-oriented Ithaca Fellowship of Athletes he organized last fall and hitting the books hard enough to make Dean's List three times in a row. That's Huntley's version of "sort of" active.

Jim was a defensive guard on the football team, a parallel bar specialist on the gymnastics team and the fifth man on Ithaca's crew last year. Surprisingly, he seems to prefer to talk about his work for the nonsectarian Ithaca Fellowship of Athletes, which was inspired by a Fellowship of Christian Athletes' conference he attended in Missouri.

Huntley, a native of Hamburg, New York, started his organization by gathering together about 30 male and female students, most of them varsity athletes. They elected him president, and he immediately began preparing for the group's first project, a weekly learn-to-swim course for the physically handicapped and mentally retarded children of Ithaca.

Using the college's pool, the group held swim sessions every Saturday, beginning in November and running through April. Ten children were involved in the program, which enjoyed remarkable success. "One boy didn't even want to put his face in the water," Jim recalls. "His parents had spent summers with him at the lake but they could never get him to put his head under water. But we got him to swim 15 to 20 yards. We did it with a snorkel that he liked. We put it underwater, and one time he just didn't think anything about it and he just went in and got it."

Huntley said that the college students involved in the program couldn't help being impressed with the enthusiasm of the youngsters. "It was just amazing to watch how eager they were to learn how to swim," he said. "They never gave up." None of the college students had any special training in teaching swimming, but some had taken a course, "Physical Education for Atypical Children," which was helpful. Now the Fellowship is planning on extending its program during the upcoming academic year. "We hope to work right around the area," Jim says. "There are some schools that need people to officiate, and there is a reform school for boys that needs people to help set up physical education facilities." The organization also hopes to bring some speakers to campus and take children to some of the college's sporting events.

No matter what time of the year it is, the kids will be able to watch Huntley perform. He's a fine athlete, as evidenced by the fact that he made the gymnastics and rowing teams even though he had never participated in either before transferring to Ithaca from Lehigh as a sophomore. "I got interested in gymnastics while I was taking a parallel bar course," Jim said, "and I wanted to stay active." He was introduced to crew by a football teammate (Ithaca's team won the Metropolitan New York Championship). "Right from the start I liked it," he said. "It's a fantastic sport because you are busy all the time."

So is Jim Huntley. Sort of.

WARNING TO THE UNITED STATES

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. GROSS. Mr. Speaker, I am inserting in the RECORD at this point an excellent editorial from the Waterloo, Iowa, Daily Courier on the dollar crisis in Europe.

With billions of American dollars floating around the world, and especially in Europe, foreign financial experts have repeatedly warned the United States that it must correct the staggering deficit in its international balance of payments. All too little heed has been paid to these warnings and recently a dollar crisis was precipitated when Europeans rallied around the German mark, thus giving clear notice that the American dollar is no longer regarded as the world's soundest currency.

If those who manage the financial affairs of the United States wish to avoid an international financial debacle, they will do well to heed this and other warnings.

The editorial follows:

DOLLAR CRISIS IN EUROPE GIVES WARNING TO THE UNITED STATES

An uneasy truce seems to exist in Europe so far as attacks upon the dollar are concerned but it would be a mistake to dismiss the seriousness of the current threat to international financial stability.

The subject is complex and controversial. However, it is plain that Europeans, particularly the West Germans, are rushing to their banks to get rid of their dollars for the simplest of all reasons. Their faith in the ability of the United States of America to resolve its domestic financial problems is wavering. Thus the Europeans are rallying around the Deutsche Mark, the most stable and valuable currency on the continent.

Admittedly there is a basis for European fears. For more than half a decade, the United States has refused to come to grips with a raging inflation whose effects are felt keenly abroad because the dollar is the only international medium of exchange.

Aware of the adverse consequences to their own economies should the dollar lose its international eminence, our friends and trading partners in Europe have in the past protected it—as they put it in exchange for our physical protection of them with troops and arms.

The current crisis exhibits that Europeans see a limit to this reciprocal arrangement. So many dollars have flowed out of the United States in recent years that our financial allies are no longer willing to purchase all of the surplus dollars to get them out of circulation. At the same time speculators are abandoning their dollars, seeking the safer and more stable Deutche Mark—adding to the surfeit.

None of the solutions is painless. Raising the value of the Deutsche Mark in relation to the dollar, or letting our currency find its own value in an open exchange, does not get at the roots of the present crisis.

The financial crisis is not a "German problem" as some suggest, but an American and Free World problem.

Nor does the offer of the United States to sell attractive securities to banks in Europe in order to blot up some of the surplus dollars do more than postpone a solution.

The dollar crisis in Europe is a warning to us that we must start putting our economic affairs in order if we want to be the world economic leader. Phrased another way, if we want to continue to enjoy the present standard of living and freedoms that we have, we had better start biting the economic bullet at home.

A catastrophe may be averted this time by the support that the dollar has received. There is little doubt, however, that there are only so many shocks that the dollar can take before it succumbs.

SENATOR BUCKLEY SPEAKS ABOUT THE PROBLEMS OF POLICE IN OUR SOCIETY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. BIAGGI. Mr. Speaker, in recent years this Nation has experienced an unprecedented attack on its law enforcement system. Policemen have been subject to verbal abuse not only on the streets of our cities but also in the hallowed halls and grounds of this building. They have been the victims of sniper fire and wanton assaults in ever-increasing numbers. And now, in New York City especially, we are witnessing what appears to be an all-out war on the police.

This trend takes on the appearance of outright anarchy with every slaughter and it must stop. Cooler heads must prevail in order for our police system to survive and remain an effective and fair dispenser of justice for all. More sober minds must put the difficult task of the law enforcement officers of our Nation in perspective.

I am pleased to present, in this regard, the remarks of the distinguished junior Senator from New York, Mr. James L. Buckley. His recently delivered address given before the Police Conference of New York State focuses on the fine efforts made by the Metropolitan Police Force in the District of Columbia during the potentially chaotic demonstrations of early May. I urge my colleagues to read his message printed at this point in the Record.

Speech by Senator James L. Buckley at the Police Conference of New York State, the Pines Hotel, South Fallsburg, N.Y., May 17, 1971

I would like to discuss a new dimension of a problem which is not just a police problem, but a problem of our society as a whole. I speak of the problem which confronted the police of the District of Columbia and the citizens of the city of Washington during the Mayday protests of two weeks ago.

To place these in perspective, I think it is useful to go back a few years and to review the events which paved the way for this challenge to the Federal Government.

This country has had a long history of mass demonstrations; of demonstrations organized to express concern, to express dissent. But these other demonstrations, by and large, have observed the legitimate limits of dissent; and although some from time to time have gotten out of hand and have triggered rioting and destruction and injuries, they have represented lawful exercises of our great constitutional rights of petition and assembly—lawful because they never set out as a matter of deliberate purpose to trample on the rights and freedoms of others.

But in recent years, principally on our campuses, we have seen the growth of something dangerously different. We have seen a step-by-step testing of the limits of outrage; of the limits to which the lives and rights of others could be trespassed upon with impugnity. Accidental aggressions became deliberate; and as campus and civil authorities backed down, excusing the militants with talk about the understandable frustrations of young idealists or the righteousness of their non-negotiable demands, the militants reacted with new demands and new reports to force. Thus we have seen an escalation in the tactics of confrontation politics from picketing and shoving to sit-ins and shutouts, to kidnappings, to the destruction of files, to the fouling of offices, to arson, to orchestrated bombings, to the closing down of entire universities.

All this, of course, in the name of causes of such transcendent righteousness that those who advocated them assumed special immunity to flout the law and to throw the rights and lives of entire communities into jeopardy. These causes, let us recall, have not been exclusively or even principally concerned with the Vietnam War.

They have ranged the gamut from the right to shout obscenities at Berkeley, to the propriety of a proposed gymnasium at Columbia, to campus recruitment by the police, to abolition of ROTC. As Jerry Rubin once observed, if there had not been a Vietnam war, the New Left would have invented one.

And so a self-righteous corps of self-styled revolutionaries have been given their head and encouraged to seek out ever-grander targets for their increasingly refined guerrilla tactics; and in the process we have made celebrities of the Abbie Hoffmans and the Jerry Rubins who roam about the country's lecture circuits preaching their special brands of disruption and anarchy. "The system is corrupt," they shout, "the system must be destroyed."

This is the background which is necessary to an understanding of what took place in Washington during the first week of May. The Mayday confrontations were different in quality and purpose from the earlier, often moving, mass protests against the war which had taken place in April. Those who wrote the Scenario for the week beginning May 2nd had far more in mind than the peaceful expression of dissent. Theirs was a program which had as its explicit purpose the disruption of the city of Washington and the stoppage of the Federal Government. And their stated objectives went far beyond an immediate American withdrawal.

The Scenario was written by the "Peoples Coalition for Peace and Justice" and its adjunct, the "Mayday Collective." They had their nonnegotiable demands and they distributed their literature in which they described their demands and their specific goals.

To give you the flavor of what they planned for the first week of May, let me quote from this literature—literature incidentally, which featured the Viet Cong flag and never the American flag, except as a symbol of death:

"The same military machine that is choking Vietnam is killing black people and young people in America. Angela Davis, dope-smokers, draft-resisters, poor people, the people who are trying to challenge the stronghold it now grips us with.

"We will go to Washington in May to focus in on the war, poverty, racism, sexism that (are) the natural outgrowths of maintaining American capitalism and imperialism.

"In May we will take to the streets in righteous anger and force the American Government to accept the wishes of the American people . . .

"Mayday begins the first national implementation of the peoples peace . . . we will ask Government workers to join us in implementing the treaty by striking against Nixon on May 3–7. We will jam into their hallways and offices . . .

"And on May 3 we will enter some 26 roads and bridges in the downtown Washington area, in rush-hour traffic, to stop the Government."

So we see the true dimensions of the Mayday confrontations. They were not so much anti-war as anti-America. They rallied behind the Viet Cong flag; and, if the Government of the United States refused their preposterous demand to ratify their "peoples peace treaty," which for all intents and purposes was drafted in Hanoi, they would—in their own words—"stop the Government."

This was the challenge which the Mayday tribe and their camp followers presented to the city of Washington and to the Government of the United States; and they boasted that they would bring into the city some 70,000 to 100,000 persons to make good their threat. It was a naked challenge to the authority of government, and to the rights of a city of 800,000 persons.

And it was a challenge that was met firmly, effectively and efficiently by what must be one of the great police forces of this or any nation. The innocents who had flocked to Washington to join in the fun of paralyzing a city were quickly put on notice that the authorities intended to do their duty, and tens of thousands of them quietly stole away. But the 20,000 or so who stayed on fully intended to carry out the planned disruptions, flooding the streets with their thousands, slashing tires, overturning trucks; and, when deflected by the police, they roamed through residential areas relieving their frustrations through random acts of vandalism.

Throughout this period, the police methodically and tirelessly did their job, and did it in the only way it could be done. They countered mass invasions of buildings and key intersections with mass arrests after first using bullhorns to warn the crowds to disperse. As a result of their action and self-restraint, injuries were kept at an absolute minimum and the city of Washington was kept open and the Government of the United States allowed to function.

But now that the city has been saved, now that civil order has been maintained, now that the Government has demonstrated that it will not be intimidated, we are hearing the predictable cries about police state tactics and the denial of constitutional rights—all those charges which these days we have come to expect anytime anyone attempts to draw and enforce the clear distinction between the lawful exercise of the rights of free speech and assembly on the one hand, and the unlawful acts of coercion, disruption, destruction on the others.

Those who raise their voices in protest against the actions taken by the city of Washington seem so exclusively concerned with the rights of those who sought to close down the city, that they appear oblivious of the rights of the public at large. They are unconcerned, apparently, over the rights of the 800,000 persons who live and work in the District to go about their daily lives in peace, secure in their persons and property; unconcerned for these citizens' right to unobstructed streets for their own legitimate use and for all those public uses—fire engines, ambulances, and the lot—on which the safety of a great city and its people depends. True, some innocent passersby were undoubtedly swept into the vans used in the mass arrests. But what was the practical alternative? Bystanders had been warned to stay away from the disruptions, and the police had to clear the streets and office buildings if the city and Government were to continue to function.

True, thousands of those arrested were kept in hastily mobilized compounds without adequate sanitary facilities, and often without food for long hours at a time. But does this mean that we must keep on hand 10,000 or 20,000 standby cells just in case we need to cope with future emergencies of the kind created by the May Day collective? And what about the long hours which the thousands of police were forced to go without food as they worked to keep the city functioning?

True also, some pre-arrest procedures were dispensed with, and long delays were experienced in the processing of individual cases. But again, what was the alternative if the essential, emergency job of protecting the rights of the public was to be accomplished?

The arrested demonstrators can well be asked, in the words of Eric Sevareid, "Why they are furious at delays in the legal processing of their cases when they had set out to put a full stop to all processes of government here. Or why they resent the unsanitary conditions in their detention centers when, had their own plans succeeded, there would be no sanitation anywhere in the city, including the hospitals."

I believe that we need to give careful study to what was done to cope with these demonstrations. As we have been spared this kind of confrontation through most of our history, we may still have much to learn about more effective countermeasures and about keeping these measures in the closest possible harmony with our proud traditions of individual justice. But to say that the emergency measures taken in Washington two weeks ago represented a suspension of the constitution is to distort what in fact took place, and to state that a free society cannot as a practical matter protect itself against mass action. This is to enshrine legal abstractions at the cost of the common sense which is part and parcel of any system of constitutional rights. As former Justice Arthur Goldberg once wrote, "While the constitution protects against the invasion of individual rights, it is not a suicide pact."

And now we come to what ought to be the principal lesson to be drawn from our most recent experience with confrontation politics.

Freedom is a fragile thing. It is not the natural state of human society, but a state which is achieved through sacrifice, through self-discipline, through a common understanding of the need to substitute the mechanisms of representative government for force. Freedom thrives where civil order thrives and where there is the broadest willingness to abide by the rules. This is not to suggest that the rules may not be wrong or may not need changing; but it does suggest that the rules must be changed in accordance with the rule book if the conditions of a free society are to be preserved.

Any reading of history will indicate that when a people is required to choose between anarchy and civil disorder on the one hand, and a restriction of their freedoms on the other, a people will usually decide in favor of order even at the expense of some of their freedoms.

This is why we need to be so very concerned about this growing impulse to anarchy, this flowering of confrontation politics. This is why it has become so important that those who occupy positions of moral or civil responsibility begin making the necessary distinctions between lawful dissent and the unlawful disruption of the rights of others, why it is time that we stopped excusing and flattering our self-styled revolutionaries. This is why we must begin drawing the necessary lines.

Happily, in Washington this month, the city and federal authorities drew the line and let it be known that we as a society intend to survive with our freedoms intact, and that we will not be bullied by the new anarchists among us.

There is still another lesson to be learned from this month's experience, and that is the critical role which a skilled, courageous and professional police force is called upon to play in the protection of a free society. Although thousands of troops had been mobilized and deployed in case the demonstrations got out of hand, these were largely kept out of sight. It was the police of the city of Washington who had the prime responsibility for maintaining order in the city; and it was the police who during those three critical days waged a successful effort to keep the thousands of rioters from closing down the city. It was the police, not the military, who held the line between civil order and chaos.

In so doing they deprived the rioters of what they wanted most—the drama of confrontation between civilians and the military. What the citizens of this country saw instead was a demonstration of mob control which highlighted the full role of their police in the protection of their rights. They saw and understood that the police exist not only to protect them from the aggressions of the criminal, but from the disruptions and violence unleashed by the arrogant few who claim some superior monopoly on morality or high principle.

Attorney General John Mitchell summed up as follows the special accomplishments of the forces of law which the country witnessed two weeks ago;

"I am proud of the Washington City Police. I am proud that they stopped a repressive mob from robbing the rights of others. I am proud that they did so in the best tradition of the peace officer—with firmness but restraint, exercising no more authority than necessary to accomplish their duty of protecting the Washington citizenry. I am proud that they gave their opponents no excuse to cry, 'police brutality!' I am proud that they have presented to the world a picture of police fairness and effectiveness—a picture that can go a long way to counter the unfavorable police image that extremists have tried to palm off on the American public."

I want to echo the attorney general's sentiments. I believe that the kind of professionalism exhibited in Washington two weeks ago, and the kind of professionalism which the police of New York State routinely display will build a new respect for our law enforcement officers, a better understanding for some of the problems which they face today, and a new appreciation of their critical role in preserving our freedoms.

I know that recent times have been hard ones for you who have chosen the honorable career of policeman. But I believe your steadfastness in your duty, your self-restraint, your courage and cool in the face of often outrageous abuse will achieve once again that broad-based respect which Americans have traditionally shown their police. And in the meantime, I want to express this citizen's gratitude for your fidelity.

TAX REFORM

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. VANIK. Mr. Speaker, as part of a package of tax reform bills, I have today introduced legislation which provides for the income taxation of unrealized appreciation from a decedent. The gain, which is treated as having been realized by the decedent taxpayer in his final taxable period, is treated as long-term capital gain. Losses on depreciated property are also taken into account in determining the net gain or loss from property which is acquired from a decedent. There are two exemptions from the tax on gains at death. First, the tax will not apply to gain on household or personal effects if the fair market value of the household or personal item at the time of death is less than $2,000. Second, property which passes to the surviving spouse—and is eligible for the estate tax marital deduction—will not be subject to the tax. So that decedents possessing a relatively small amount of appreciated property at death will not be subject to the tax, the bill also provides that each decedent is considered to have a minimum basis in property which passes as a result of his death of $60,000—or the fair market value of the property, if lower.

Generally, the rule relating to the basis of property acquired from a decedent is not changed by this bill. The bill provides, however, that an interest in property which is received by a surviving spouse, and is not subject to the tax on gains at death, will have a basis in the hands of the surviving spouse equal to the basis of the property to the decedent immediately before his death. The bill also contains a provision changing the time when a decedent's last income tax return must be filed and provisions permitting the Secretary or his delegate, in certain situations, to extend the time for paying the tax due on gains at death.

A detailed explanation of the bill follows:

This bill adds a new section, section 84, to the Code which provides for the inclusion in the decedent's final income tax return of the gains and losses which would have been taken into account if the taxpayer had sold all the property which is considered "to have been acquired from or to have passed from the decedent"—within the meaning of section 1014(b)—at a selling price equal to its fair market value at death. Property which is income in respect of a decedent is not subject to the tax on gains at death and is treated in the same manner as under present law. If the decedent's fiduciary elects the alternate valuation date for estate tax purposes, the property is considered to have been sold by the decedent at its value on the alternate valuation date. The gains and losses arising as a result of this section are considered to be amounts received from the sale or exchange of capital assets held for more than 6 months, that is, long-term capital gain or loss. For purposes of computing the losses under this section, the provisions in present law relating to the disallowance of losses from wash sales and the provision limiting the deductibility of capital losses by individuals will not apply.

Two types of property will not be subject to the tax on gains at death. A household or personal item which is acquired from a decedent will not be subject to the tax if the fair market value of the item at death—or the alternate valuation date—is less than $2,000. If the value is in excess of that amount, the property is to be subject to the tax like any other property acquired from a decedent. Losses due to the depreciation in value of personal and household items will be disallowed, following the usual rules relating to losses of a personal nature. Also exempt from the tax on gains at death is property which passes, or has passed, from the decedent to his surviving spouse, but only to the extent that the property interest is deductible under the present estate tax marital deduction.

The new section also contains three basis rules to be used in computing the tax on gains at death. The first rule provides a minimum basis in property owned by the taxpayer at his death. According to this provision, property acquired from a decedent will be considered to have a minimum total adjusted basis to the decedent of $60,000, or the fair market value of the property, if lower. If the actual basis exceeds $60,000, then the gain or loss is computed from the actual basis. If the fair market value of the property is less than $60,000, that value will be the basis for determining gain.

The second basis rule relates to property acquired before the date of enactment. So that only appreciation occurring after the date of enactment will be subject to the tax on gains at death, the bill provides that if the basis of the property—determined under the normal rules—is less than the fair market value of the property as of the date of enactment, the basis for determining gain shall be the fair market value on the date of enactment.

However, depreciation which occurred prior to the date of enactment may be taken into consideration in determining the net gain or loss from the provision imposing a tax on gains at death. The third basis rule provides for the allocation of basis between the marital share of the decedent's property—which is not subject to the tax on gains at death—and the nonmarital share of the property—which is subject to the tax. The basic objective of using allocated, rather than actual, basis is to eliminate any incentive for the decedent or his fiduciary to transfer any particular piece of property to the surviving spouse. For example, without a basis allocation rule, considerable incentive would exist to transfer low basis property to a surviving spouse so that the gain on that property woud escape taxation at the decedent's death. To avoid this effect the bill provides a basis rule which requires allocation of the total basis among all property—other than cash—before computing the taxable gain, with a carryover of the allocated basis in the case of property on which the gain is not subject to taxation at death.

If the application of the provision providing for taxation of gains at death produces a net long-term capital loss the amount thereof may first be utilized against the net capital gain for the decedent's final taxable period. Any amount remaining may be carried back to each of the three taxable years preceding the decedent's final taxable year. The net loss eligible for carryback shall first be carried, as a net long-term capital loss, to the third preceding year and any amount remaining, after use as a net long-term capital loss in that year, may be carried back to the second and first preceding years in the same manner. If any loss remains after the application of the loss as a net long-term capital loss in each of the three preceding years, one-half of the amount of any remaining loss may be carried back, as an ordinary loss, to the three preceding years in the same manner. The carryback of a loss may not increase or produce a net operating loss for the year to which it is carried back.

The bill also provides that the executor may, in certain circumstances, collect a proportionate share of the tax on gains at death from a person to whom property was transferred by the decedent during the decedent's lifetime. In certain situations property which is transferred during the decedent's lifetime will, nonetheless, be subject to the tax on gains at death. This would occur, for example, if the decedent transferred property during his lifetime reserving the right to revoke the transfer.

Although the estate is liable for the tax on gains at death with respect to the property transferred, it is appropriate to provide that the executor of the decedent' estate may collect a proportionate portion of the tax generated by the property transferred during the decedent's lifetime from the transferee.

While the normal basis rule relating to property acquired from a decedent is not changed, the bill provides that property acquired from a decedent by a surviving spouse—and not subject to the tax on gains at death—will have a carryover basis in the hands of the surviving spouse. This carryover basis is, however, determined by taking into consideration the basis allocated to the marital property for purposes of determining the tax on gains at death.

With respect to the decedent's final income tax return, on which the tax on gains at death will be reported, the bill provides that the return will in no case be due before 9 months after the date of decedent's death. Since the valuation for estate tax purposes will be utilized in computing the tax on gains at death, it is appropriate to provide that the decedent's final income tax return may be filed on or before April 15 following the close of the calendar year or within 9 months after the date of the decedent's death, whichever is later.

Provisions for obtaining an extension of time for the payment of the estate tax are made applicable to the income tax on gains at death. Thus, under the bill, the Secretary or his delegate may extend the time for payment of the income tax on gains at death for a reasonable period not to exceed 12 months from the date on which the tax is due. Also, if the Secretary or his delegate finds that the payment of the income tax on gains at death would result in undue hardship, he may extend the time for payment for a reasonable period not in excess of 10 years. Further, if a decedent's estate consists largely of an interest in a closely held business, the executor may elect to pay the income tax on gains at death which is attributable to the closely held business interest in two or more—but not exceeding 10—equal installments.

The bill provides that it shall apply to decedents dying on or after the first day of the first calendar year beginning after the date of enactment.

SURVIVAL OF JEWS IN RUSSIA

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. O'NEILL. Mr. Speaker, once again the survival of the Jewish people has been seriously threatened by the Government of the Soviet Union. It is no longer sufficient for the people of the Jewish faith residing in Russia to endure every kind of political, social, and religious persecution. Now they must submit to harassment, arrest, and persecution for attempting to leave the Soviet Union.

The Soviet Union, with its oppressive and discriminatory social structure, has proved to be uninhabitable for a people who merely desire to practice their religion and live in peace, without fear of reprisal. The kind of treachery which forces a people to want to flee from their homeland is indeed extreme. And not content with the day to day harassment of the Jewish citizenry and their subjugation through official sanction, the Soviet Union has initiated the most inhuman and calculating tactics aimed at vanquishing the Jewish people and destroying their culture. While this corruption of justice takes place, the free people of the world stand idly by and watch the travesty unfold. It is apparent that decisive and quick action is necessary to save the Jewish people from further persecution. The Soviet Union is a world power and as a world power should be made more responsive to the humanitarian concerns of the rest of the world. Such irresponsible action by a government of the world community of nations is inexcusable and reflects not only on the Soviet Union, but likewise on the United States.

Pressure must be brought to bear on a government which has hardened itself to the suffering and torment of a people whose history is one of continuous struggle against adversity and hostility. As a Nation of free people who value highly the right to live in peace and tranquillity, and who also cherish and respect the right of other people to seek that same freedom, we must exert ourselves on the behalf of the enslaved Jews of the Soviet Union and secure for them the dignity and justice to which every human being is entitled.

I join my colleagues, friends and constituents of the New England Region of the Zionist Organization of America in calling upon the Soviet Government to permit Soviet Jews freely to practice their religion and maintain their culture.

The resolution follows:

RESOLUTION ON SOVIET JEWRY

At a meeting of the New England Region of the Zionist Organization of America, held on Sunday, May 16, 1971 at the Sidney Hill Country Club, Chestnut Hill, Mass., the following resolution on Soviet Jewry was passed:

This meeting strongly condemns the mock Leningrad trials, the religious, political and racist repression of the Jews in Soviet Russia. It deplores unequivocally persecutions and the refusal of the Soviet government to permit Jews to leave the Soviet Union, in accordance with the Universal Declaration of Human Rights and the International Convention on the Elimination of Racial Discrimination, subscribed to and ratified formally by the Supreme Soviet, which clearly obligates governments to recognize that "everyone has the right to leave any country including his own."

It called upon the Soviet government to permit Soviet Jews freely to practice their religion and maintain their culture.

HOUSE OF REPRESENTATIVES—*Thursday, May 27, 1971*

The House met at 10 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The righteous shall be in everlasting remembrance.—Psalms 112: 6.

O God, our Father, we pause at this altar founded by our forefathers to bow our heads in prayer and in praying to call to mind again those who over the years have given their lives for our country. For them we are most thankful and our hearts sing with gratitude. May their devotion to freedom and their dedication to our country fire us in our endeavors to keep liberty alive between these shores and on this planet.

We pray for the guidance of Thy spirit as we face the demands of these days and as we respond to the call of duty. Help us now and ever to work together with those who do justly, love mercy, and walk humbly with Thee.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4724. An act to authorize appropriations for certain maritime programs of the Department of Commerce.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 485. An act to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations; and

S.J. Res. 103. Joint resolution to authorize the President to designate June 1, 1971, as "Medical Library Association Day".

THE HONORABLE WILLIAM O. MILLS

The SPEAKER. The Chair has the honor of requesting the Member-elect, the Honorable William O. Mills from Maryland, to come to the well of the House.

The Chair recognizes the gentleman from Maryland (Mr. Garmatz).

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland, the Honorable William O. Mills, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with respect to his election.

I might say, Mr. Speaker, that Mr. Mills will represent the First Congressional District of Maryland and will succeed the Honorable Rogers C. B. Morton, now the Secretary of the Interior.

I might add, Mr. Speaker, that Mr. Mills was the administrative assistant to Congressman Morton and was very well known and respected on the Hill here.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. WILLIAM O. MILLS of Maryland appeared at the bar of the House and took the oath of office.

A COMMENDATION TO AN OUTSTANDING ATHLETE, SMYLIE GEBHART

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I rise to commend an outstanding athlete and a great American—Smylie Gebhart from my hometown of Meridian, Miss. Smylie is one of four NCAA college All-Americans that will tour military hospitals in the Pacific during the last part of June.

For the past 2 years he has been a key figure in Georgia Tech's outstanding defensive unit and was the 1970 team leader in "defensive big plays." Smylie is majoring in industrial management at Georgia Tech.

I am quite proud of Smylie Gebhart and the other All-Americans who are giving up part of their summer vacation to visit with our hospitalized servicemen. I am sure all my colleagues will join me in commending these athletes.

FLORIDA'S LIEUTENANT GOVERNOR ADAMS ADDRESSES MEETING OF THE WATER RESOURCES CONGRESS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the Water Resources Congress was formed earlier this year when the National Rivers and Harbors Congress and Water Resources Associated were combined. At the first regional meeting of the combined membership of the Water Resources Congress, Florida's Lt. Gov. Tom Adams was scheduled as the keynote speaker. He became ill and had to be hospitalized, and his address was delivered by an aide. It is a significant message and I feel that the membership of the Congress will welcome an opportunity to read it.

Because of his long and active championship of conservation programs, Governor Adams is an outstanding authority on this subject. I submit his address for reprinting in the Congressional Record:

Remarks by Lt. Gov. Tom Adams

In union there is strength . . . and the union of two strong organizations gives a greater strength than each had before . . . and, so, as we meet here today, as members of the Water Resources Congress, we can be confident that we have a strength of purpose and a unity of goals second to no other group devoted to the beneficial development of our Nation's water resources and the proper protection of our environment.

All of you here today have devoted your efforts to the orderly land productive development of America's vital water resources. The effort has been rewarding, if sometimes frustrating, and one in which we all can take pride.

Effective effort must be based on unity of purpose . . . and the water resources congress has that unity today. Some of us began our efforts with the Mississippi Valley Association, then we functioned as Water Resources Associated.

Our companions in cause, the Rivers and Harbors Congress, were diligently and effectively pursuing much the same goals as were we.

In this age of an awakening and popular concern for our environment, it became apparent that if challenges were to be met, our groups must meet them with a singleness of purpose . . . with concentrated and united effort . . . with the sure knowledge that there would be no duplication of effort which could dilute the ultimate impact of either organization.

As is proper in matters this important, the question of a merger of purpose and effort was put before the boards and memberships of the Rivers and Harbors Congress and of Water Resources Associated.

The union was approved and the merger was accomplished with a quiet pride by both groups. Both organizations had left their imprint upon the history of water resource development and each knew that in uniting, the combined body would go forward to even more historic accomplishments.

It is vitally important at this time in man's history that we pursue our purpose with all the strength we can find . . . for man is facing a decade of decision which will shape the world of the future.

Wasteful and rapacious use of any, or all, of our natural resources will so change our environment as to render it hostile to human life . . . and this, obviously, must not happen.

The challenge facing us . . . facing the water resources Congress . . . is one of adequately and effectively informing Americans of the solutions to environmental problems that we know will work.

Ecology . . . environment . . . pollution . . . bio-degradable . . . have all become catch phrases in a popular cause—and this is as it should be. But they have also, too often, become scare words . . . "Wolf" words . . . used by cynical and selfish people to further their own political or financial aims.

One of the goals we must accomplish is to render these polluters of the mind . . . these distorters of fact . . . ineffective and impotent so that Americans *can* be informed properly . . . *can* shape and implement solutions to environmental concerns . . . *can* be certain that all of our efforts are toward the same purpose of saving our Nation's natural resources.

The weight of these challenges grows with each day . . . we have freezes upon public works . . . we have an unwarranted presidential abrogation of the rights of a sovereign state which stopped a project supported by five previous Presidents . . . we have confusion of purpose between sincere and well-meaning groups interested in an ecological balance between man and nature.

We have inconsistencies of effort which puzzle and upset our citizens . . . for instance, in Florida, on the one hand, we are experiencing the worst drought in 60 years, and, on the other hand, a group of citizens are clamoring mightily that we drain our Rodman pool.

South Florida is dying of drought . . . and an impoundment in central Florida which replenishes our vital aquifer is threatened because it is a part of the cross-Florida barge canal.

Again, in Florida, we have one branch of state government telling us Rodman pool must be drained to save the trees . . . while the same agency is calling for a rise in other waters to help the trout spawn.

Inconsistencies at the national level beset our people.

It puzzles our people . . . shakes their confidence . . . that we have a Federal bureaucracy with so little apparent concern for our environment and safety that it stores biological warfare weapons in our Nation . . . that it dumps nerve gas off our shores . . . that it continues underground nuclear testing despite the inherent dangers in the present system.

These inconsistencies impress upon our people the fallibility of man's judgment, at times. It is difficult for some of us to trust completely the judgment of the Federal system which approves an Alaskan oil pipeline, which permits oil drilling in the Santa Barbara Channel, which grants new offshore oil drilling permits in Louisiana.

These inconsistencies make our task of informing and educating much more difficult . . . and much more important.

You know, it distresses me greatly, disappoints me, that some people are so quick to form unfounded judgments today when they hear the words "environment" or "ecology" mentioned.

It almost appears that to destroy, or invalidate, an effort to properly meet environmental challenges, all any group has to do is make a blanket claim that it will upset the ecology, or threaten the environment, without presenting any factual or pertinent material to support such claims.

No one in American today has a monopoly of concern; or, alone, has the sense of urgency that we are fast approaching a time of decision. All thinking men know and feel these things.

That is why we are here today . . . because we are truly concerned about our Nation and its future. We have arrived at a crossroads of centuries of wanderings down ecological byways and we must now find the true path for environmental survival or we will travel no more.

For, unless mankind chooses correctly and wisely, the earth will continue to feel the terrible stresses of population pressures and our natural resources will dwindle, or become so unusable that they no longer sustain life—and, then, life will come to an end.

Our hope is that through meetings like this, through the interplay of knowledge and the impetus gained by mutuality of purpose, that mankind will make the correct choices and we will embark upon a course which will mean a more abundant life for future generations.

We have reached a point in man's history when we can all too well see the results of centuries of waseful utilization of resources, of the unthinking unbalancing of ecological factors upon which our very lives depend.

No person, or group, deliberately set out to destroy our environment, to take any action, or to begin any sequence of events to threaten doom to the human race. But these events happened.

No person, or group, set forth with premeditation to foul our air, pollute our water, or poison our soil. But these events happened.

No person, or group, plotted to so upset our ecology that the vital relationship between atmosphere, soil and living organisms became so unbalanced that our environment went astray and threatened our survival. But these events happened.

We cannot let events such as these continue "to happen." Each change we make in our environment, each alteration we make in the delicate ecological balance that preserves mankind upon this planet, must be made with knowledge and concern for the consequences.

We cannot let events just happen anymore because there is no room left in this world for new mistakes of the past.

What we must talk about now is philosophy and not projects. We must return to the beginning so that we may start anew, and we must agree upon our basic goal so that we may properly structure means of implementation.

The basic goal is really simple to state, extremely complicated to achieve. It is the preservation of man in an environment which will sustain and nourish him. There can be no real disagreement on this goal—it is all-encompassing.

The disagreements come in the methodology, in the means of implementation and in the differences of opinion as to what environment will best sustain and nourish man.

The spectrum of disagreement is broad. It runs from the preservationists who would return man to growl over bones in a cave to the synthesists who would ignore the conservation of natural resources and simply manufacture substitutes to replace those depleted by mankind.

Most of us will forego a return to those days when man caught his food with bare hands and environmental change was wrought by fire, flood and earthquake.

Most of us would gladly forego an artificial atmosphere, manufactured water and synthetic soil to enjoy the real resources given us by nature.

We have fossils of the preservationists' past, the dinoasur and other victims of evolution. None of us want fossils of the future when the only tree to be seen would be in a museum and clear skies would exist only in photographs and drawings.

None of us want a nation polluted and so changed environmentally as to be unsuited for life. None of us want a nation returned to the past when survival was a struggle waged by man unaided by present skills and knowledge.

America is committed to the future. We have embarked upon projects which cannot be recalled, or undone, because the consequences lie far beyond our generation. We have a responsibility to the future to leave America a better land than we found it. We will fulfill that responsibility.

The projects to which we are committed are of great value, of great merit, as steps along the path to reach our goal of the survival of mankind.

These projects were proposed, planned and begun with sincere motives to better our Nation. They were proposed, planned and begun after long study and consideration of eventual effects upon man's ability to meld economy and environment into harmonious and beneficial balance.

They are not the products of chance, or of haphazard efforts to simply change the landscape for the sake of change.

These projects range from water conservation to balance out years of flood and drought, to harbor improvement and canals, to beach nourishment, and to the retention of wild areas for the people of our Nation.

Each project is a link in a chain. Break the link and the chain fails. Public works project, then, lie in as delicate an environmental balance as our ecology—an alteration to one causes a change to the other.

Because the balance is so sensitive we cannot let one project fall to the detriment of the whole. We cannot let any group embark upon a domestic domino theory in which they seek to stop first one project, then another and another until all fall and public works are brought to a standstill in America.

This would be no victory for conservation, and could well spell defeat for our chances of arriving at our basic goal of survival.

An America left defenseless against flood and drought, for instance, would be an America returned to the stone ages when man simply tried to exist against the elements.

And yet, we have sincere people seeking to do just this—we have equally sincere people who realize that man has continually changed his environment to meet his needs from the first time he dammed a stream to conserve water to the creation of such great projects as the Tennessee Valley Authority.

We must continue to change for we cannot meet the growing population pressures by returning to the past.

How can we stand still? How can we not move now to meet the drastic needs we know our population growth rate will require? How can we ignore the potential for good that this growth has for America?

Too many people equate growth with destruction while the opposite is true. Not to grow, to stagnate, is death. To live is to grow, and all nature shows us this to be true. Growth, as such is not evil. Uncontrolled growth, as in a cancer, is harmful and that is why we must plan our growth right now for a future which is beneficial to all.

Planned growth involves the proper conservation of water supplies, the protection of habitable land from flood and drought, the proper utilization and maintenance of our harbor areas for the transport of needed products and goods, and the proper public works planning which will lead growth to those areas best able to serve it.

These are critical years of survival for all of mankind, and America must be a leader in planning and implementing those projects which can serve as a model for the world.

For, America is not alone. The world faces the same challenges for survival . . . the same need for finding workable solutions.

There is no unanimity of agreement as to how best to meet these critical challenges . . . and there never will be.

But we have all reached one area of agreement—that man must survive in a beneficial and practical environment.

One area of agreement will lead to another and to another . . . and as long as men talk and plan and dream as we do, then we know we will reach our goal—and man will survive.

PAKISTAN SEEKS DOMESTIC PEACE THROUGH THE BALLOT

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, since the outbreak of armed revolt in Pakistan in late March, the press has shown a notable bias toward rebel groups. Only rarely has publicity been given to the Pakistan Government's view concerning the events which have taken place in East Pakistan. I feel that it is only fair to call the attention of the Congress to statements made by President Yahya Khan of that country on the present political situation in Pakistan. In a recent statement to foreign correspondents he again spelled out Pakistan's plans for an orderly transfer from military to civil rule in Pakistan and he explained the problems which Pakistan has encountered in recent weeks.

I submit President Yahya Khan's statements and a commentary which appeared in the New York Times of Tuesday, May 25, for reprinting in the RECORD:

YAHYA AGAIN SAYS AIM IS CIVIL RULE; PROMISES TO PRESENT PLAN FOR "ORDERLY TRANSFER"

(By Malcolmn W. Browne)

KARACHI, PAKISTAN, May 24.—President Agha Mohammad Yahya Khan said today that he was determined to bring about "an orderly transfer of power" to a civilian government.

General Yahya told a group of foreign correspondents at the presidential mansion here that he would present a plan for doing so in "two or three weeks.

"I have been saying for the past two years that it [the transfer] would happen," he declared, "and last December [when elections for a constitutional assembly were held] I said, 'By God, I've done it.'

"Well, I'll still do it even though some of my countrymen don't like the idea. They say: 'What the hell's going on? This will lead to chaos.'

"But I am determined on an orderly transfer of power to the elected representatives of the people."

MARCH MEETING PLANNED

The National Assembly elected last December was to have met March 3 to start to write a constitution that would return Pakistan to civilian rule. But General Yahya postponed the session when the Pakistan People's party, the dominant political group of West Pakistan, which had won only a minority role in the assembly, said it would not attend.

A series of protest strikes followed in East Pakistan, whose principal party, the Awami League, had captured a commanding majority in the assembly on a platform of regional autonomy.

General Yahya was asked today if his plan for an "orderly transfer of power" would also apply to the Awami League, which led the Bengali separatist movement in East Pakistan. The league was outlawed in the early stages of the army crackdown, which began on March 25.

The President replied that the Awami League, as a political party, would "remain forever banned."

SOME MEMBERS WELCOMED

But he said that many members of the Awami League had been misled by the separatist cause and were welcome to assume their functions as representatives later.

"Some people have spoken of a general amnesty for the Awami League," the President said.

"For those who were genuinely misled, all right, but for those who committed rebellion, murder, looting, raping and arson, no, I shall deal with those criminals."

Today's meeting was the first President Yahya has had with the foreign press since the military action began in East Pakistan.

He spoke particularly bitterly about Sheik Mujiburrahman, leader of the Awami League, who is now believed to be imprisoned on charges of treason.

"He was plotting against me," the President said. "He even tried to have me arrested, I hear he confessed that himself."

"What did he have to lose, for God's sake? I offered him the Prime Ministry on a silver platter and he refused it, always talking of separate legislatures for East and West Pakistan and so forth."

"I'll be damned if I'll see Pakistan divided," the President added.

Asked about the fate in store for Sheik Mujib, the President replied: "Why is that of any interest to you? Sheik Mujib is a citizen of Pakistan and the Government of Pakistan and the Government of Pakistan will deal with him as it sees fit."

WOULD NOT WHIP UP FRENZY

On the subject of Pakistan's hostile relations with India, the President said that "in their heart of hearts the [the Indians] don't want war," and added, "I could whip up a frenzy for war very quickly in my country but I refuse to do so."

President Yahya acknowledged that his nation was in a serious economic position. It has been caused in part, he said, by the looting of 600 million rupees—about $150,-million hundred—from banks in East Pakistan by the Awami League.

"We are going ahead with what we have but it is not enough," he said, "and we are accepting foreign assistance."

"We are not shouting at the top of our voices, 'we're dead and dying, help us,'" he said, "and I am not going to let a single man of my country die of hunger."

Touching on the severe strains on recent relations between Pakistan and the United States, President Yahya said that he had recently received a letter from President Nixon.

"It was a very warm, kind personal letter in which Mr. Nixon offered to do anything he could to help," he said.

Today's meeting at the presidential mansion was held primarily for the 10 correspondents who are being permitted to enter East Pakistan tomorrow for a four-day visit. They represent United Press International, The Los Angeles Times, The Washington Post, the West German news agency D.P.A., Agence, France-Presse, Le Monde, Far Eastern Economic Review, the Kyodo news agency and Asahi Shimbun and Yomiuri Shimbun of Tokyo.

PRESIDENT YAHYA KHAN SPEAKING TO A GROUP OF FOREIGN PRESS CORRESPONDENTS IN KARACHI, MAY 24, 1971

1. Power will still be transferred to elected representatives of the people.

Recent happenings in East Pakistan had been particularly disappointing for him because his scheme of things which had been going along fairly well had received a big jolt. But this was temporary. He had not lost the main aim, which has been, and still is, transfer of power to the elected representatives of the people. "We have struggled hard to hold elections. We shall not allow these elections to be destroyed."

2. International assistance welcomed.

He expressed his thanks to the world community to help restore normal life in East Pakistan. He welcomed the offer and gratefully accepted it. "But let me also say that my Government is not one of those who start shouting at top of their voice that we need this and that, please help us. So far we have been busy assessing what help we want from the world community. We have now completed that assessment and have conveyed our requirements to United Nations."

3. No starvation will be allowed in East Pakistan.

He stressed that there were enough stocks of food in East Pakistan for the next three months but the difficulty was that of movement, because of destruction of bridges and rail routes. "However, I will not allow a single person in my nation to die of hunger."

4. Requests to all bonafide refugees to return to their country.

He maintained that every genuine Pakistani who has left his country under threats, duress or fright shall be taken back into Pakistan. "I shall make sure that they do come back. Had it been purely Pakistan's affair, we might have sorted it out a long time ago. But I regret we were not allowed to do so by forces around us which made certain obviously blatant moves to interfere in our internal affairs."

5. Amnesty for all innocent persons.

The President said that he was prepared to grant amnesty to those who were genuinely misled but not to those who had rebelled against the country and had committed loot, murder and arson. Every country in the world had a right to deal with its criminals.

6. Possibility of war with India.

When a correspondent asked that after the threat from Mrs. Indira Gandhi, was there any possibility of war between India and Pakistan, the President replied "I am not threatening her. I have not held out any threat. Nobody wants war. War is not an answer. I am sure in her heart of hearts she does not want war. We have said that repeatedly. We have repeatedly told the world community that we de not want to fight a war with India. We have been telling them war is not an answer as it does not solve anything."

EXPANSION OF CAPITOL POLICE FORCE AND OVERTIME PAY

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, the House soon is to consider H.R. 449 providing for the expansion of the Capitol Police force and for overtime pay for these outstanding public servants.

I fully support the intent of this proposal.

Early in May, those of us in the Congress watched, along with the Nation, as these fine men withstood all of the insults and diatribe hurled at them by the so-called demonstrators who came here for the singular purpose of halting the Government of the United States.

Day after day, the men of the Capitol Police force acted far above the call of duty. They spent endless hours on duty and other endless hours on call. For days on end, they kept the buildings of the Capitol Hill area open to legitimate visitors yet secure from the masses of unruly dissidents and would-be revolutionaries who, were it not for the Capitol Police, would have made business in this very hall impossible.

During those trying days, it became painfully obvious that more men were needed to assist our Capitol Police and that provision should be made to compensate these officers for the dedicated work they performed.

H.R. 449 is designed to accomplish this, Mr. Speaker. It fills a void where a void has long existed. It will allow for orderly expansion of the force itself and will provide for payment to these men when they are called upon to perform the rigors of overtime duty.

It is a measure worthy of favorable congressional action and I urge its passage at the earliest possible moment.

DECEPTIVE STRIP MINE ADVERTISING

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, Environmental Action, Inc., of Washington, has furthered the investigation of Bethlehem Steel's deceptive advertising concerning its strip mine reclamation practices. This investigation was inaugurated by Ernest B. Furgurson of the Baltimore Sun. Since the West Virginia Surface Mining and Reclamation Association is planning a $180,000 advertising campaign on strip mine reclamation in West Virginia, and similar groups may be planning campaigns in other States, the following report may be of particular interest to my colleagues. It was printed in the May 15, 1971, issue of Environmental Action, as follows:

DEBUNKING MADISON AVENUE

Bethlehem Steel is neither the nation's largest steel maker nor its largest coal miner, but in the eyes of many veteran ad-watchers the giant corporation has carved out a niche for itself: it has one of the nation's most arrogant advertising divisions. In fact, the outrageousness of this nationally-run full-page color ad brings back memories of the infamous Potlatch "clean water" campaign of last year (Environmental Action, August 1, 1970).

Fishpond Lake is a pathetic, ugly fishing hole. Whatever slight beauty shows through does so in spite of the strip miners' efforts to eradicate it. And, whatever "reclamation" has been done is merely an obscene mockery of what Eastern Kentucky used to be before it was turned upside-down. One amazed observer bitterly commented, "I wonder why they didn't just truck in some plastic grass and shrubbery and get it over with?" One possible answer to that question is that acid mine drainage—sulfuric acid—it just as hard on plastic grass as it is on the real thing.

Besides luring this reporter to Letcher County, the ad attracted the curiosity of others. Bud Glendening of Washington's Center for Science in the Public Interest was so astounded by the difference between Bethlehem's claims and the actual sight that he told *Environmental Action*, "It completely reversed my opinions about the corporate structure in America, and it destroyed my faith in big business as a whole." And Ernest B. Furgurson, columnist for the Baltimore *Sun*, was infuriated enough to devote a whole column to the lake.

In actual fact, Fishpond Lake is not the beautiful paradise that Bethlehem's camera crew makes it out to be. Whereas it looks large, serene and lush in the ad, it is actually cramped and barely covered with scrub brush. The trees are sickly and struggling, and coal dust and debris is everywhere. In fact, Fishpond Lake is exactly what one would expect from a crew of industrial designers who had a great deal of money to spend—and no intention of ever returning to the scene of their well-publicized crime.

Even worse, the company implies that the lake is clean enough to support fish, and that fishing is excellent. According to the ad, Kentuckians are eternally grateful to Bethlehem for sparing them the ugliness of the former "holler" and installing a lake.

To a man, the 15 fishermen to whom I spoke said fishing was "lousy," although most had heard that it was a good place to fish. Even George Mullins, protagonist of the advertisement, admitted over the telephone that fishing was very uneven and that the lake had to be stocked several times a year. When queried further, the fishermen of Fishpond Lake generally explained that they chose the spot because there are no longer any fish in the poisoned streams of Letcher County.

Although, it is not obvious at first, this advertisement attempts to kill two birds with one lump of coal: On the one hand, the ad promotes Bethlehem as the company that really *cares* about the environment; at the same time, it tries to show that strip mining is, basically, all right—and, for God's sake, not to worry about it. Unfortunately, the ad bulldozes its way past the truth on both counts. Not only is the vast majority of strip mined land unreclaimable, but Bethlehem's connections with the "holler" which is now Fishpond Lake are so remote as to make a mockery of the company's publicity effort. Not only was the area not reclaimed by the company, but it was not even stripped by Bethlehem!

The original stripping in the Fishpond Lake area was done by Consolidation Coal Company, one of the giants of the industry, in the late 1940s and early 1950s. Consol "restored" part of the mined land by pushing some of the dirt around, but none of it was reclaimed.

In 1955 Bethlehem bought the land from Consol, augered along the bench that still remained, filled the auger holes and again failed to replant or reclaim the land. Several years later, the company, along with a neighboring Kentucky landowner, donated about 900 acres to the Commonwealth, Kentucky (via the Corps of Engineers) was shouldered with the burden of building the dam, creating the lake and transforming the mine bench into a road. Bethlehem, meanwhile, was given a large tax write-off for the donation and—worst of all—still holds title to all its original mineral rights.

The truly sad part of the Fishpond Lake fraud is that the lake is in the near-perfect spot for good reclamation. It was mined by the small machines of the 1940s and 1950s, it is located on the inside of a small horseshoe-shaped "holler" rather than on the outside edge of a hillside, the coal seam is a relatively thin one, and the coal of Letcher County is among the nation's lowest in sulfur content. Yet, the lake continues to be too acidic to support fish properly, the surrounding areas continue to erode and support only a minimum of natural vegetation, and the area —more than 20 years after it was mined and "reclaimed"—remains ugly and unnaturally barren.

In other words, even if everything the advertisement had depicted and claimed were absolutely true, it would not have proved the case for strip mining in general. The ad does not even attempt to deal with the problems of strip mined boulders and debris crashing through the houses of people who have the misfortune to live below a mine, it does not mention that there is so little wildlife that hunting is a dead sport. It ignores the vast problem of siltation. This advertisement, in fact, is a testimonial to the very cause it fights: strip mine reclamation, even under the best possible conditions, is impossible.

Bethlehem Steel owns 40,000 acres in Pike, Knott and Letcher Counties. Aside from its underground mining operations, the company is stripping at the rate of 800 new acres per year. And the three counties have enough coal to last for many decades.

Last year, when criticism of stripping markedly increased, Bethlehem issued a statement of its policy, part of which said:

"We recognized that the decision to begin surface mining in Eastern Kentucky would not be well received in some quarters; however, our Board of Directors carefully considered the matter and we believe their decision was a proper one. We appreciate the concern for conservation and environmental quality control and we would like to assure you that Bethlehem also has a sincere interest in the land and the proper utilization of our nation's natural resources."

Despite this, the destruction continues as mountains are shaved away for their contents, forests denuded and streams polluted. Strippers continue to stifle the job market by squeezing out the higher-employing underground mines. Bethlehem continues to produce the steel which, among other things, makes strip mining shovels—like "Big Muskie" in Ohio—large enough to scoop up three buses at one time.

Meanwhile, in stark contrast to the public relations efforts of this advertisement, Bethlehem makes life very difficult for both the people and the Commonwealth of Kentucky. The state, it turns out, has been wasting a good deal of money on public work's projects which are being destroyed by the stripping.

Near Fishpond, for instance, is another dammed lake built by Kentucky. Called Fishtrap Dam, it is a flood control-multipurpose project whose other purposes—fishing and swimming—are no longer possible. What is more disturbing to the authorities is that silt is filling up behind Fishtrap so quickly that it will be rendered useless within 20 years. Siltation is one of the worst symptoms of strip mined lands. Harry Caudill, noted Kentucky lawyer, remarked sadly, "We keep building these things and they're being destroyed by the coal companies as fast as they're built."

In Hellier, Kentucky the Pike County Citizens Association (PCCA) also has had some bitter experiences with Bethlehem. The citizens there struggled with the giant corporation for over a year in an effort to lease 16 acres of economically useless land for a town park. (Hellier, incidentally, has a population of 102.) After the battle, Tom Ramsey of the PCCA said bitterly, "Bethlehem is king down here. The people don't count for anything."

Like many of America's other corporate giants, Bethlehem has invested a great deal of money in covering up something that should not exist. All of Bethlehem's money cannot return the area around Fishpond Lake to its former simple, natural beauty. Moreover—and worse—all of Bethlehem's money could not even make Fishpond Lake a nice place to visit.

THE CROSS-FLORIDA BARGE CANAL SHOULD BE FUNDED FOR CONTINUED CONSTRUCTION

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BENNETT. Mr. Speaker, I would like to point out some very important reasons why the Cross-Florida Barge Canal should be promptly completed.

MY CONSTITUENTS' POINT OF VIEW: THE CANAL SHOULD NOT BE STOPPED ABSENT REPEAL OF LAW AND PUBLIC HEARINGS OPEN TO ALL

The press release of January 19, 1971, which halted the canal's construction has caused great anguish among my constituents who, looking forward to the benefits of the canal, have taxed themselves to the extent of many millions of dollars of local real estate taxes, all in support of the federally authorized and appropriated for Cross-Florida Barge Canal.

They know: That the canal was authorized in part for its defense values and that the Joint Chiefs of Staff said that the canal will provide "an additional and shorter line of communication between the gulf coast and the east coast" that would "reduce exposure of shipping to submarine attack"; that the project has a generous cost-benefit ratio, economic justification, and will have a job-producing and price-reducing value to aid all citizens; and that ecologically it has been given a clean bill of health by many ecologists, recreation experts and others keenly interested in ecology.

They strongly feel, unanimously as far as I can find, that the laws which established the canal should not be set aside except by duly enacted repealing legislation after opportunity for all points of view to be heard in open public hearings.

In response to their numerous requests, I seek to fulfill my responsibility by finding a solution and providing them with an answer that will, if possible, be acceptable to everyone. I think there is such a solution: Completion of the canal along the alternate route proposed by the Corps of Engineers while emphasizing ecological protections and environmental improvements in the area.

NO EFFECT FAVORABLE TO WILDLIFE IS ACHIEVEABLE BY HALTING CANAL

The January 19 press release mentioned as the reasons for halting construction: preservation of wildlife and protection of the beauty of the Oklawaha River. Neither is obtainable by halting the canal. If the canal is abandoned almost all of its acreage will revert to private ownership, residential and commercial uses once already underway; so no wildlife would be protected by simply ending the canal. In fact, wildlife protection would be hurt by such halt because the canal route does, for its narrow strip, protect some wildlife. National forest lands are on 15 miles of the 130 miles of Oklawaha river banks but much of this is at the mouth of the river, never planned for use by the canal. I have used as the length of the Oklawaha River the figure of 65 miles of a substantial stream —130 miles of banks—but the Corps of Engineers uses a larger figure of 150 miles of the waterway, which takes it to its sources ten miles further south.

OKLAWAHA'S BEAUTY CAN BE PRESERVED 100 PERCENT THROUGH BY-PASSING THE RIVER

All the beauty of the Oklawaha River, as it now is, can be 100 percent preserved through by-passing this river as proposed by the Corps of Engineers. Its wild beauty would not, however, be preserved by halting the canal. On the contrary, such halt would allow full residential and commercial exploitation by the reversionary owners; and the wild beauty would be thus destroyed, not preserved by halting the canal. Also, either the canal or another facility must be constructed to carry off the waters developed through the Four Rivers flood control project, or it will be necessary to use the Oklawaha River for that purpose.

A SUBSTANTIAL ECOLOGICAL PLUS IS ACHIEVEABLE BY COMPLETION OF THE CANAL

Admittedly any new use of relatively undeveloped land surface will create ecological changes. This is not to say, however, that the changes will necessarily be detrimental. For instance, in Florida the coming to the same general area of Florida of Disney World will bring much greater ecological changes than the canal could ever bring about; but very few people would doubt the value of this project.

The canal, moreover, brings about some ecological pluses by insuring that most of the undeveloped areas of the Oklawaha Valley will remain wild, except for such places as are set aside for public recreation by the government; and the canal also creates lake-type swimming, boating, and fishing areas not heretofore available for public enjoyment. Three hundred thousand such visitors came to these new Florida canal-produced recreation areas in the past year.

With easily attainable protection against possible negative ecological effects and with maximizing the beneficial ecological effects in the canal area, the end result will be a resounding ecological plus; and a really outstanding one if Government agencies coordinate their efforts in wildlife preservation in the nearby 430,000 acres of Ocala National Forest.

POTENTIAL ECOLOGY THREATS CAN BE ELIMINATED ENTIRELY WITHOUT ADDED COST

In 1970, the U.S. Geological Survey brought out a report on the canal which was universally, as far as I know, considered to be a report favorable to the ecological impact of the canal. It was generally so construed and only after the January 19 news release was doubt cast on this by a release issued February 24, 1971, stating that dissolved contaminants might enter the canal waters by canal traffic and that if they found their way into the aquifier of the State this might have an adverse quality effect on the water in the aquifer. I wrote the Geological Survey to ask what these contaminants might be; in what quantities; and whether or not they could be prohibited; or if allowed could their entry into the stream be protected against. By letter dated April 7 they agreed with me that the existence of a problem of contamination would depend on actions taken to prevent contamination and they went on to say that they did not have any data on the matter, saying:

> Although the U.S. Geological Survey's report "Geohydrology of the Cross-Florida Barge Canal Area, With Special Reference to the Ocala Vicinity (January 1970)" discusses the movement of canal water into the ground water system, we have made no studies of probable traffic in the canal and, therefore, have no statistics on which to base an estimate of the quantity of water soluble substances likely to be transported.

They suggested that I contact the Corps of Engineers on the question. I did this and received reassurances that should any such contaminants be allowed to use the canal, proper containerization, other protections, and operating procedures could absolutely prevent the presence of any such contaminants in the waters of the canal. Dr. J. A. Edmisten, director of the Office of Environmental Studies at the University of West Florida, has expressed the same opinion.

For any who might suggest that oil from propellers of tugs or barges in the canal might enter the aquifer, they should bear in mind that such oil would be miniscule, if any. Putting the matter in perspective, the above 1970 Geological Survey report shows that the drainage from Ocala Street sewers has already, for some time, poised a head of 35 feet of lubricating oil on the top of the water in the aquifer in the area of the canal. Nothing even remotely approaching this long-accepted penetration of the aquifer could ever be expected from canal usage. No oil from the canal need enter the aquifer at all. Plans for the canal involve plugging any water entrances from the canal to the acquifer if any, in fact, occur.

The Florida State Geologist Robert O. Vernon recently commented on the canal as follows:

> It's been claimed that it will ruin the aquifer; and that simply isn't true. It will not. It cannot.
>
> We of the Division of Geology for the State of Florida are convinced that our water resources can be controlled and managed through the construction of the barge canal and no damage will result to these resources.

AN EXCITING, UNIQUE, ECOLOGICAL PLUS COULD BE ADDED IF THE OCALA NATIONAL FOREST IS COORDINATED WITH THE CANAL DEVELOPMENT IN A PROPER MANNER

There are 430,000 wild acres in the Ocala National Forest in close proximity and sometimes touching the Oklawaha River.

It is known today that some animals that are endangered and in dwindling numbers have to be protected by having very large wild areas made available to them. A Florida panther—cougar—for instance, requires 25 square miles and a bear requires about 15 square miles. There are 6,000 deer in the Ocala National Forest, scores of bears, hundreds of turkeys, and the following endangered species: 10 panthers, 50 sandhill cranes, 30 eagles, 200 to 500 alligators, and 200 to 300 ospreys.

There are other things of historic and geological interest in this national forest. Mud Lake is one of only four such lakes in the world, and has great archeological, historical, and scientific value. It is in its final stages before turning to oil and it is millions of years old. There are 32 known prehistoric Indian middens in the area, mostly formed at least 3,000 years before the birth of Christ. Some of the earliest pottery in the United States has been discovered in these mounds. The burial place of King Utina, a contemporary and friend of the European explorers of 400 years ago has been identified on the shores of Lake Kerr. Also included is the site of the Panton-Leslie Indian Trading Post of the late 1700's. Marjorie Kinnan Rawlings wrote beautifully of this area in the "Yearling." Frederick Delius wrote some of his most beautiful music about this area when he lived nearby on the St. Johns River.

There are four publicly owned springs in the Ocala National Forest: Alexander Springs, the 13th largest spring in the world; Juniper Springs; Fern Hammock Springs, and Pine Springs, which has recently been discovered. Also there is an unusual but privately owned salt spring on the edge of the forest. The forest land stretches for miles on the banks of the St. Johns River and along Lake George, which lake is 70 square miles in surface, one of the largest in the United States.

In addition to Lake George, there are three other large lakes in the forest—Lake Dorr, Lake Bryant, and Lake Kerr, and there are over 600 lakes of lesser size in the area. There are within or immediately adjacent to these lands 58,340 acres of lake surface.

These points of interest form the basis for what could become a magnificent ecological preservation in conjunction with the canal development on its northerly ridge. Given the rapid development in the area which is already destroying the Ocala National Forest, this coordination of development and preservation could provide the last hope for significant wildlife preservation in this unique, subtropical part of our country.

The solution suggested would be a clear-cut manifestation of man's ability to preserve and utilize the environment not only for wildlife and natural beauty, but also for the progress of mankind. Such a solution could illustrate a perfect pattern for our future.

Mr. Speaker, I cite references here which sustain the contentions I have made on the defense, economic, and environmental aspects of the canal; also on the constitutional questions involved in any administrative discussion to terminate the canal:

REFERENCES

1. Defense Values: *Public Law 675* (H.R. 6999), 77th Congress, 2nd Session, July 23, 1942, authorizing the Canal for national defense.

Letter from Deputy Secretary of Defense to President Truman, May 29, 1951, outlining support by Joint Chiefs of Staff.

Letter from Congressman Carl Vinson, Chairman, House Armed Services Committee, to Congressman Clarence Cannon, Chairman, House Appropriations Committee, May 11, 1962, Canal should be constructed for defense.

Importance of the U.S. Inland Waterway System to Country's National Security, Richard B. Rhodes, Colonel, U.S.A., Industrial College of the Armed Forces, March 31, 1966, excerpt on need of barge traffic for national defense.

2. Economic Justification: *Potential Traffic and Transportation Cost Saving of Cross-Florida Barge Canal*, Arthur D. Little, Inc., report for Corps of Engineers, March, 1962 for economic justification.

Chief of Engineers Evaluation of Economic Benefits of Canal, June, 1962.

President Kennedy's request for initial construction funding for economic and defense reasons (House Document Number 128, 88th Congress, 1st Session, June 24, 1963).

Corps of Engineers testimony on economic justification (Hearings before House Public Works Subcommittee, House Appropriations Committee, March 10, 1970).

Canal Has Already Stimulated Economy, article Jacksonville Seafarer, Jacksonville, Florida, April, 1971.

Food Prices Lower With Canal, Statement by Florida Commissioner of Agriculture, Doyle Conner, Jacksonville Seafarer, April, 1971.

Future Benefits of Canal Unlimited, article Jacksonville Seafarer, April, 1971.

3. Environmental Gains: *House Public Works Appropriations Subcommittee Report* for environment and economy (House Report Number 91–1219, 91st Congress, 2nd Session, June 18, 1970).

Barge Canal Harmless to Underground Water, article from Miami News, Miami, Florida, November 6, 1970.

Letter from Dr. Joe A. Edmisten, Director, Office of Environmental Studies, University of West Florida, Pensacola, to Congressman Charles E. Bennett, April 28, 1971, on control of contaminants in Canal.

Letter from Col. A. S. Fullerton, Jacksonville District Engineer, to Congressman Charles E. Bennett, April 29, 1971, on rigid Canal inspection.

The Answers to the Council on Environmental Quality Summary of Environmental Considerations Involved in the Recommendation for Termination of Construction of the Cross-Florida Barge Canal, a paper presented by U.S. Representative Charles E. Bennett of Florida, May 5, 1971.

4. Constitutionality of Halt Order: *Chamber Pledges Fight for Canal*, article from Jacksonville Journal, Jacksonville, Florida, January 23, 1971.

End Canal Dispute, editorial from Jacksonville Journal, January 25, 1971.

Canal Halt Could Cause Legal Snarl, article from Florida Times-Union and Jacksonville Journal, January 31, 1971.

Probe Canal Halt, Bennett to be Asked, article from Florida Times-Union, February 6, 1971.

Foul Play in Canal Death? editorial from Tampa Tribune, Tampa, Florida, February 28, 1971.

Action to Halt Florida Canal Unconstitutional, Congressman Charles E. Bennett, speech before Jacksonville Bar Association, April 15, 1971.

Adams Says Nixon Broke Faith With Predecessors, article from Jacksonville Journal, May 1, 1971.

JAMES W. STANCIL, CHAIRMAN, BOARD OF VETERANS' APPEALS RETIRES

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, on May 31 the Chairman of the Board of Veterans' Appeals, the Honorable James W. Stancil, will retire after having served the Federal Government for more than 36 years. In my efforts on behalf of the veterans of the 22d District of Pennsylvania, I have become well acquainted with this distinguished public servant.

His quiet, unassuming demeanor coupled with his calm, reasoned approach to the problems of the moment have earned for him the respect and admiration of official Washington and its environs.

I must say in all candor that we have not always agreed. In fact, we have probably disagreed more often than we have agreed about the decisions of the Board of Veterans' Appeals. Despite the aura of argument that has surrounded our encounters, Jim Stancil has always been a gentleman, and an extremely effective advocate of his agency's position.

I have on several occasions sponsored legislation to authorize judicial review of Veterans' Administration decisions. Jim Stancil has consistently opposed judicial review. Judicial review has not yet become law. So, Jim Stancil retires from the battleground undefeated.

As the result of our friendly adversary relationship, however, the quality of the decisions of the Board of Veterans' Appeals has improved and the Nation's veterans have profited.

I for one will miss this ardent disciple of veterans law when he leaves the Washington scene.

Jim Stancil is self-made. He left his home in Clayton, N.C., when he was 15 years of age and located in the Washington area. He worked as a telegraph messenger to support himself and continue his education. He took a similar position with the naval powder factory in Indian Head, Md., and thus his Government career was launched. He was employed by Social Security in January 1937. While working in various clerical and administrative positions, he continued his education. He received his law degree and was admitted to practice in the District of Columbia in 1941. The Navy called him to active duty in 1942. He served honorably in the South Pacific area. Upon release from active duty in 1946, he came to the Board of Veterans' Appeals as a junior legal consultant. He quickly made his presence felt as he moved from one responsible position to another. He was appointed a member of the Board in 1952, made Vice Chairman in 1956 and Chairman in July 1957. While holding down the top job, he still found time to pursue his education and was awarded a master of science degree in public administration in 1965.

During Chairman Stancil's tenure many important changes were made in the appellate procedures, all pointing toward more professionalism and assuring the appellants due process under the law. He is known among his associates as the guardian of the rights of those he serves and as a man who decides appeals with his heart as well as his head.

His excellent administration of the appellate program has not been unrecognized. He has received the two highest awards the Veterans' Administration can confer, the Meritorious Service Award and the Exceptional Service Award. In addition, he has been cited by the Veterans of Foreign Wars, Disabled American Veterans, AMVETS, the Department Service Officers of the American Legion and the B'nai B'rith.

The high regard in which Chairman Stancil is held by his contemporaries is shared by President Nixon, VA Administrator Don Johnson as well as former VA Administrators Harvey Higley and Sumner Whittier. Their feelings for Jim are expressed in the communications that follow.

And now as his long and illustrious career comes to a close, we wish this dedicated public servant and his wife, Pauline, many years of happy and healthy retirement.

The letters follow:

THE WHITE HOUSE,
Washington, May 7, 1971.

Mr. JAMES W. STANCIL,
Chairman, Board of Veterans Appeals, Washington, D. C.

DEAR MR. STANCIL: The Administrator of Veterans Affairs has told me of your decision to retire from the Federal Service.

For more than thirty-six years you have worked faithfully well in the cause of good government. In particular, your profound dedication to the goals of fairness and justice has done much to raise the stature and the effectiveness of the Board of Veterans Appeals. As Chairman, you have provided unusually able leadership to the Board during these past fourteen years, and I am confident that the legacy you have prepared will benefit America's veterans for years to come.

You have earned the gratitude of all of our fellow citizens, and I want to take this opportunity to express my personal thanks as well as my best wishes for the years ahead to Mrs. Stancil and to you.

Sincerely,

RICHARD NIXON.

NATIONAL CITIZENS COMMITTEE
FOR REVENUE SHARING,
Washington, D.C., May 11, 1971.

Mr. JAMES STANCIL,
Chairman, Board of Veterans' Appeals, Veterans' Administration Central Office, Washington, D.C.

DEAR JIM: Warmest best on your retirement! I'm sure it will be lively.

But most importantly, I want to say thank you to you for literally thousands of people whose cause you served. Calmly, judicially, you made decisions affecting individuals and their lives. With tranquility you administratively ran and presided over the whole tide of request and appeals that flood to Washington and to the VA from all across America. In all of that time, the veteran has been well served and the agency too. It is no small task to see that appropriate decisions are made, that people for all their deep concerns and frequent emotions are made relatively happy. Your accomplishments have been towering.

So as one of your former bosses who admired you always—your integrity, your industry, your judicial temperament, my very best.

Most sincerely,
SUMNER G. WHITTIER,
Executive Director.

MARINETTE, WIS., *May 12, 1971.*

Mr. JAMES W. STANCIL,
Board of Veterans' Appeals, Veterans' Administration, Washington, D.C.

DEAR JIM: Tempus fugit! Sure does! It doesn't seem possible that you are about to retire. It seems only yesterday that I had the privilege and pleasure of working with you and Larry and the members of your very important Board, as well as the thousands of other V.A. personnel, all doing efficient and effective work for veterans.

Looking back, I take pardonable and understandable satisfaction in having had the opportunity of recommending your Board appointments to the President.

It will always be a source of great pride to you to look back on your years of service and know that you have daily been instrumental in bringing help and assistance to deserving veterans. To me this is the acme of a rewarding occupation.

And hearty congratulations to your successor. I know that he will carry on the tradition of genuine success so ably maintained by you and your grand predecessor, Bob Jarnagin.

Alice and I wish for Pauline and you a very happy, interesting and enjoyable retirement.

Yours sincerely,
HARVEY V. HIGLEY.

VETERANS ADMINISTRATION,
Washington, D.C., May 28, 1971.

DEAR JIM: John Masefield once wrote, "Love is a flame to set the will on fire."

Your life-style is a life of achievement, a love of service, and the people of the Veterans Administration and the veterans of America will miss your sure hand, steady judgment, and sensitive conscience at the Board of Veterans Appeals.

Jim, I am sorry to see you leave because you have been able to fashion accomplishments and success far in excess of that expected of one man.

As you reflect on your 36 years of public service, you will have the enduring satisfaction of knowing that your daily work has meant so much in erecting our sturdy and compassionate system of benefits and programs for the Nation's veterans and their families.

I might mention that if you ever get the urge to handle a rating schedule again, from Stuart, you will only be 190.2 miles from the ten rating boards at the St. Petersburg Regional Office.

You have been a good friend, and so, my friend, may I tell you that my very best wishes for the years ahead go with you and Mrs. Stancil to your retirement home in Stuart, Florida.

Most sincerely,
DONALD E. JOHNSON,
Administrator.

THE DESIGNATION OF "MEDICAL LIBRARY ASSOCIATION DAY"

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 103) to authorize the President to designate June 1, 1971, as "Medical Library Association Day."

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. POFF. Mr. Speaker, reserving the right to object—and I shall not object—I merely take this time to ask the distinguished chairman of the committee to make a brief explanation of the purpose of this resolution.

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield?

Mr. POFF. I am happy to yield to the gentleman.

Mr. EDWARDS of California. Mr. Speaker, Senate Joint Resolution 103 was passed by the Senate yesterday, and is a short resolution that is a tribute to the importance and to the dedicated work performed by the medical librarians throughout our country.

Mr. POFF. Mr. Speaker, I thank the gentleman for his explanation, and I support the resolution, and withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There being no objection, the Clerk read the Senate joint resolution as follows:

S.J. RES. 103

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as a tribute to the important and dedicated work performed by the medical librarians, the President is authorized and requested to issue a proclamation designating the day June 1, 1971, as "Medical Library Association Day" to coincide with their annual convention.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE HONORABLE WILLIAM O. MILLS

(Mr. GARMATZ asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GARMATZ. Mr. Speaker, today the monetary value of the House of Representatives and Congress here has risen. Formerly the value was "one MILLS." Today there is another "MILLS" who has been added to the House of Representatives, so you can see the value of the House of Representatives has gone up.

I realize that one mill does not mean too much from a monetary standpoint, but I think on the Republican side it is a great gain for those over there for having elected Mr. WILLIAM O. MILLS to the Congress here.

I am not sure—and I think things will have to be straightened out—as to which of the "MILLS" is running for the Presidency, whether it is WILBUR MILLS on the Democratic side, or WILLIAM O. MILLS on the Republican side. So I think he will have to be careful with any remarks or statements he may make relative to the Presidency.

Mr. Speaker, I yield back the balance of my time.

PEACE INITIATIVE IN THE MIDDLE EAST—USE OF COUNTERPART FUNDS TO REOPEN THE SUEZ CANAL

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, I wish to announce to the House the introduction of a bill which I hope will draw wide favorable response from all nations anxious to see peace in the Middle East. This measure—intended as an amendment to the Foreign Assistance Act—is being cosponsored by the gentleman from Michigan (Mr. BROOMFIELD) and myself. It is designed to cool down the Middle East crisis and hopefully serve as a first step toward a Middle East peace settlement. It is a bipartisan congressional initiative which springs from the heart of the American people—and we pray that it will be received as such.

As you know, one of the major objectives of Secretary of State Rogers' recent visit to that troubled area was to see what could be done about reopening the Suez Canal. Virtually all of the experts agree the canal reopening could be the most effective first step to create a new atmosphere in which real progress for peace could be made.

At present the United States owns more than $262 million in counterpart Egyptian pounds which are idle and subject to exchange rate losses, devaluations and inflation. It would be to the best interest of all if some of this U.S.-owned excess currency was put to a constructive purpose which cannot help but have a significant impact on the course of world history.

Our amendment would authorize President Nixon to make available up to $55 million in Egyptian pounds for economic assistance in reopening the Suez Canal to the ships of all nations on an equitable basis. It also would authorize other assistance activities designed to help implement a Middle East peace settlement.

Virtually every nation of the world would benefit from the reopening of the canal in greater trade and development. It is estimated the world economic loss is now running about a billion dollars a year from the canal being closed These savings on shipping surcharges should also result in higher U.S. exports which will benefit our own industries and workers.

You will note that our bill—as a condition of utilizing U.S.-owned excess Egyptian pounds—requires that the canal be made accessible to ships of all nations including Israel—on an equitable basis. So it should be with all international waterways.

The House may also be interested to know that no U.S. dollars would be used in helping to reopen the canal. The money would come from accounts where the United States currently has no maintenance of value guaranties. Of course, these are the accounts where we most often lose the value of our original investments—the income from the sale of Public Law 480 food commodities and repayment of other loans and credits. Since 1954, the United States has lost more than $2.2 billion worldwide in exchange rate adjustments, devaluations, and inflation. In the case of the United Arab Republic, the losses have totaled more than $200 million. This figure is almost four times the amount provided in our legislation which could accomplish something really constructive and lasting.

There is also ample precedent in using excess currencies for projects in the Middle East. The United States has done the same for Israel to help construct desalinization plants, schools and hospitals. I am pleased to say that I supported those programs also.

The reopening of the canal—with the proper priority and push—could be accomplished within 4 to 6 months. Despite the advent of supertankers, nearly 90 percent of the world's ships could use the canal if it were to reopen. This action would be a boon to the entire world and would reflect great credit upon our country.

The text of the bill follows:

To amend the Foreign Assistance Act of 1961 to authorize the President to expend certain foreign currencies for the purpose of providing United States financial assistance in the reopening of the Suez Canal, and for other purposes.

H.R. 8775

Be it enacted by the Senate and House of part I of the Foreign Assistance Act of *America in Congress assembled,* That title II *of Representatives of the United States of* 1961, relating to technical cooperation and development grants, is amended by adding at the end thereof the following new section:

"SEC. 220A. SUEZ CANAL.—The President is authorized to furnish United States financial assistance, on such terms and conditions as he may determine, for assisting the reopening of the Suez Canal after agreement on the reopening by the parties involved for the ships of all nations on an equitable basis including Israel either immediately or in the context of a final peace settlement, and for other assistance activities designed to help implement such a Middle East peace treaty. For the purpose of carrying out this section, there is authorized to be appropriated, out of accounts not insuring maintenance of value, not to exceed $55,000,000 in Egyptian pounds. Amounts appropriated under this section are authorized to remain available until expended."

REOPEN SUEZ CANAL?

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROOMFIELD. Mr. Speaker, over the past several weeks I have noted with satisfaction the real progress made in the conduct of negotiations to reopen the Suez Canal. To my mind, such an action is an important first step on the road toward an eventual settlement of the Middle East conflict; one which offers both sides ample reason to stop the shooting and get on with some serious bargaining.

That is why I applauded Secretary Rogers' important efforts of 3 weeks ago, and that is why I am joining my distinguished colleague from Pennsylvania (Mr. MOORHEAD) in sponsoring legislation that would authorize the use of $55 million in U.S.-owned foreign currency to help reopen the Canal, once an agreement to do so has been reached by Egypt and Israel. It is our feeling that the Congress should be on record in support of an agreement of this type, and it is our intention to seek additional cosponsors from both sides of the aisle in identical bills to be introduced next week.

I believe certain points of our legislation bear particular attention:

First. Since the whole point of the proposal is to give the parties some incentive for a settlement, no funds will be released until an agreement between them has been reached.

Second. As a condition of utilizing these funds, the bill requires that the Canal be made accessible to ships of all nations—including Israel—on an equitable basis.

Third. No U.S. dollars are being used here. All of the $55 million will be U.S. owned Egyptian pounds from accounts we have built up over the years and for which we have no maintenance of value guaranties. These are accounts where we most often lose the value of our original investments—the income from sale of Public Law 480 food commodities and repayment of other loans and credits. Since 1954, the United States has lost more than $2.2 billion worldwide in exchange rate adjustments, devaluations, and inflation. In the case of the United Arab Republic, the losses have totalled more than $200 million. So the figure we suggest in this bill is but a fourth of the money we have already lost in Egypt.

I would note further than there is ample precedent for using excess currencies on projects in the Middle East. We have already done so in helping Israel to construct desalinization plants, schools and hospitals.

Let me emphasize, Mr. Speaker, that it is not my purpose here to put pressure of any kind on either side of these negotiations. I have long held that a lasting settlement of the Mideast dispute must be reached freely by both parties without even a trace of external influence. A coerced agreement is not going to resolve anything.

The reopening of the Canal can be accomplished within 4 to 6 months for use by nearly 90 percent of the world's ships. With this legislation, Mr. MOORHEAD and myself are merely trying to make this reopening process a little less painful and, thereby, speed a development which will surely be welcomed around the world; welcomed not only by those commercial interests so long denied access to Suez, but by all men who hope for lasting peace in the Mideast. No action would better advance the prospects for a settlement in this crucial area of the world.

THE HONORABLE WILLIAM O. MILLS

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUDE. Mr. Speaker, we are all pleased to have BILL MILLS come with us today. Our new colleague brings with him a well-established background in the affairs of the First District of Maryland, having worked closely with the people of the bay country and the representatives of State and county governments for the past 8 years. The area which he represents in Maryland on both the eastern and western shores of the Chesapeake Bay has long been known as the land of pleasant living. This is due, in part, to the great and good work of his predecessor, Rogers Morton.

I think we can be assured that the land of pleasant living is going to become even more pleasant as BILL MILLS continues in Rogers Morton's footsteps.

Mr. Speaker, it is great to have BILL MILLS in our delegation.

THE HONORABLE WILLIAM O. MILLS

(Mr. HOGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOGAN. Mr. Speaker, I share the joy of my colleague from Maryland (Mr. GUDE) over the election of my good friend, BILL MILLS, as Congressman from the First District of Maryland.

I do not know of any man who comes to the House of Representatives better trained for the job that the man whom the voters in the First District of Maryland had the wisdom to elect—BILL MILLS. He served for a number of years as administrative assistant to Rogers C. B. Morton, our good friend and colleague, who is now Secretary of the Interior, and from our dealings with him over that period of time, we know of BILL MILLS' tremendous ability and devotion to his job. He comes to this job probably better trained than any of us came here because from his long experience in the legislative branch, BILL MILLS knows what it is all about.

So, Mr. Speaker, we welcome him enthusiastically and look forward to the pleasure of working with him for many years to come.

THE HONORABLE WILLIAM O. MILLS

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, it is a great pleasure to join with my colleagues from Maryland, both Democrats and Republicans, in welcoming WILLIAM O. MILLS to the Congress of the United States. We look forward to working with him here in the House of Representatives on the problems that affect our State and the Nation.

We know of his long experience with the workings of the Congress and we know he will make a great contribution to the work of this House and to the strength of our delegation. We welcome him here to the Congress, congratulate him on his victory, and look forward to the association that lies ahead of us.

TENNESSEE GENERAL ASSEMBLY OPPOSES BIG BUS BILL

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHWENGEL. Mr. Speaker, I have just received a letter from Representative Victor H. Ashe, who represents the Third District in the Tennessee House of Representatives. Enclosed in the letter was a copy of a resolution passed by the Tennessee General Assembly indicating their opposition to the big bus bill. The resolution calls for further study of the problems involved, before Congress acts on the bill.

This is an endorsement of a resolution I have had before the House for several sessions now, and I hope the action of the Tennessee General Assembly will quicken the interest of my colleagues in the further studies that my resolution calls for.

I am confident that this resolution is just the first indication of the strong grassroots opposition to any change in the permissible size of the vehicles on our highways.

I am inserting the resolution in the Extension of Remarks and commend it to the attention of my colleagues.

THE 1971 SECOND SUPPLEMENTAL APPROPRIATION BILL

(Mr. THONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THONE. Mr. Speaker, on May 20, 1971, the House of Representatives met to consider and vote on the conference report on H.R. 8190, the 1971 second supplemental appropriation bill.

The total amount of money requested in this bill was just under $7 billion to continue the operations of the Federal Government for fiscal year 1971, which ends on June 30.

The most controversial matter that the House took up in this bill was the SST. The House originally voted to use the funds in the bill—$85 million—to revive the SST project, rather than as termination funds as the money was first intended. The Senate rejected the revival of the project, but increased the termination appropriation to $155.8 million. The House rejected this amount of money, and agreed to an appropriation of $97.3 million for the termination of the SST. The $12.3 million appropriation, over and above the original cost the House agreed to, was merely for the administrative expenses of spending the other $85 million.

My "no" vote on this conference report was a vote against using $12.3 million of the taxpayers money to spend $85 million of the taxpayers money when, in fact, the Federal Government has more than enough employees to handle this termination without spending one additional cent on administrative costs. The Department of Transportation, which administered the Federal Government's involvement in the SST program, during fiscal year 1971, employed 106,517 people, and had a total budget of $11,239,200,000.

There was a great deal in this bill that had merit and my enthusiastic support, including $100 million for cancer research. However, the House, time and again, is forced to vote for wasteful, unnecessary and frequently hidden appropriations in order to save legislation that is worthwhile. This waste must be challenged. The President has requested, and the American people have supported, substantial funding in the area of cancer research. There are many bills pending in Congress to provide that funding—including one of my own—and further action is absolutely necessary in my opinion. I did not feel that it was necessary to continue to waste the taxpayers money on unnecessarily increasing the bureaucracy. In fact, that $12.3 million should have been added to the cancer research money, and not the SST bailout.

FEDERAL INCOME TAX DEDUCTION FOR PURCHASERS OF ANTIPOLLUTION CONTROL DEVICES FOR USED CARS

(Mr. LANDGREBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANDGREBE. Mr. Speaker, I have introduced today, along with 19 colleagues, a bill which will provide for a Federal income tax deduction for those who purchase qualified antipollution control devices for their used cars. I am convinced this bill will be of great economic assistance in lessening the causes of environmental pollution.

Specifically, the bill will amend the Internal Revenue Code to allow an individual taxpayer to deduct from his gross income the purchase price and installation charge for an antipollution device for his used car. It also provides that the Administrator of the Environmental Protection Agency shall determine the types of antipollution devices which meet set standards in controlling pollution, and are therefore eligible to receive the tax deduction.

I believe this legislation will have wide appeal among Americans and, more importantly, will provide an incentive for individual citizens to do something about pollution. Automobile pollution is one of the major threats to the quality of our environment and to the health of our citizens. Over 90 million cars are now emitting pollutants into the air and the automobile engine is responsible for three-fourths of the carbon monoxide, half the hydrocarbons, and almost half the nitrogen oxide pumped into the air each day.

While under the law today those cars produced since 1968 possess devices to lower their emissions, there are 60 million used cars which have no such protection. It, therefore, remains for us to encourage citizens to purchase and install on their pre-1968 cars pollution control devices which have been tested and proved effective. Under this bill, the EPA will be given the authority and responsibility to perform tests and promulgate standards. With the assurance of a tax deduction for the antipollution control device, I am convinced that we can stimulate many Americans to equip their cars with these devices and thereby greatly reduce the pollution of our air and the hazards to our health. I am also hopeful that this will encourage the automobile industry and others to develop and manufacture effective antipollution devices.

I would like to urge all my colleagues to give this legislative proposal their careful consideration and to join me in working for its adoption.

APPRECIATION FOR GI EDUCATIONAL BENEFITS

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues the following excellent letter by Dr. Fred Nelson of Palo Alto, Calif., to Veterans' Administrator Donald Johnson expressing his appreciation for the GI educational benefits and what they have meant to him.

College Entrance
Examination Board,
Western Regional Office,
Palo Alto, Calif., May 6, 1971.

Mr. Donald E. Johnson,
Administrator, Veterans Administration,
Washington, D.C.

Dear Mr. Johnson: I was just reading in the April 30th issue of the ACE *Higher Education and National Affairs* that you recently reported that over one million men and women are currently receiving the benefits of the GI bill. While reading that report, I wondered how many of that million *ever* have, or ever will, write to the VA to express their thanks.

I have personally received the benefits of the current GI bill from the summer of 1967 until January of this year, since on January 7th I was awarded a Ph. D. from Stanford University. I do want to take this occasion to express my sincere thanks to the VA for that very needed assistance over the past four years. I can't say that the GI bill made my Ph. D. possible, since I'm sure I would have eventually gotten the degree without it, but I would have been in debt to NDEA loans (which are increasingly difficult to obtain) by an equal amount. So with a combination of resources, the GI bill, a working (and underpaid) wife, a research assistantship, NDEA loans and personal savings, it became possible for an aging ex-naval officer to become a "doctor."

Because the process of receiving the GI bill's benefits, like most government programs, is so impersonal, I doubt that many recipients think about the fact that there must be other people on the other end as well. Any large governmental program, by its very magnitude, must be impersonal in many ways (computer-printed letters are rather impersonal); and few individuals would even know what real person to write to in order to express their appreciation.

Therefore, let me extend to you Mr. Johnson, as well as to all of the friendly and munificent computers and check-writers at the VA, my sincere and heart-felt thanks for the benefits of the GI bill that I have received over these past four years.

Sincerely yours,

FRED A. NELSON, Ph. D.

ADDITIONAL REMARKS TO THE REPORT ON THE DEFENSE PROCUREMENT AUTHORIZATION BILL

The SPEAKER. Under previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 30 minutes.

Mr. ASPIN. Mr. Speaker, I intend to introduce an amendment to H.R. 3818, the defense procurement authorization bill, to limit a part of defense spending to last year's level when the bill reaches the floor sometime in June.

The bill was reported out of the House Armed Services Committee with a budget of $21.8 billion for procurement and research and development. My amendment would result in a cut of $1.9 billion from this area of the budget, leaving the Pentagon requests for manpower untouched because they are not a part of this particular authorization bill.

I would like to add these additional remarks to the report on H.R. 3818 in support of my amendment.

An increase in defense spending is not consistent with winding down the Vietnam war and changing spending priorities. In fiscal year 1971 a total of $19.9 billion was authorized for procurement and R. & D. The fiscal year 1972 budget requests $21.8 billion for these same items. This should not be allowed to happen.

A check list of possible weapons systems which could be cut from this year's budget is given in table I. The total of all these systems is $4 billion, far more than is needed to reach last year's spending level. Given this choice of options, the Defense Department should be forced to hold spending to last year's level and Congress should impose a spending ceiling on procurement and R. & D. not to exceed last year's total.

Such a ceiling could be achieved by cutting some combination of weapons systems suggested in table I or it could be looked upon as a pure efficiency cut. To reach last year's level the $21.8 billion requested this year would have to be reduced by $1.9 billion or 9 percent. There is at least that much padding in this year's budget.

There are several examples. Excess base support is one. A look at the figures for the Navy will show why:

Pre-Vietnam, fiscal year 1965:	
Navy ships	956
Navy military strength	667,000
Navy clivlian strength	343,000
Planned, fiscal year 1972:	
Navy ships	657
Navy military strength	599,000
Navy civilian strength	347,000

While the total number of active ships between the two dates has dropped by about 30 percent, military strength has dropped by 10 percent and civilian strength has actually increased.

New ships are more sophisticated and, therefore, military strength would probably drop by less than the drop in number of ships, but the increase in civilian strength is a good example of padding.

As another example, the fiscal year 1972 Department of Defense budget request is based on an assumed and fiscal year 1972 Vietnam strength of 150,000 troops which is already out of date. The President's April announcement of accelerated troop withdrawal points to an end fiscal year 1972 Vietnam strength of 100,000. This reduction of 50,000 Vietnam troops would lower the procurement and R. & D. budgets by $0.4 billion. There is every indication that further adjustments will bring the real end fiscal year 1972 Vietnam troop strength lower still with even greater budget savings.

The point of all this is that there is slack in this year's Defense budget. In these times of pressing domestic needs and taxpayers' revolt we must get the maximum benefit from every dollar spent. A $19.9 billion ceiling by helping to tighten the budget, is designed to do just that.

Several other points should be made in defense of such an overall budget ceiling. First, it will not impose any hardship on the Department of Defense due to inflation. To buy last year's budget of $19.9 billion at this year's prices—assuming a 6-percent inflation rate—would mean an added cost of $1.2 billion. But offsetting this is a reduction in cost due to a winding down of the war.

INCREMENTAL COSTS OF THE WAR

[In billions of dollars]

	Fiscal year 1971	Fiscal year 1972	Net change
Procurement	3.90	2.30	−1.60
Research and development	.05	.02	−.03
Total	3.95	2.32	−1.63

While inflation increases the cost of last year's budget by $1.2 billion, winding down the war saves $1.6 billion. Thus even with the ceiling, the budget would be higher than last year's in net real terms.

Second, it is important to point out that we are talking about authorizations not appropriations. Even though authorizations last year were $19.9 billion, only $18.6 billion was appropriated. If we authorize the same amount as last year and the full amount is appropriated, there would be a significant increase in procurement and R. & D. even with the ceiling.

The end result is that the ceiling hardly imposes any real hardship on Defense spending. The net effect of inflation and winding down the war increases the budget by $0.4 billion in real terms. If the full amount is appropriated that would add another $1.3 billion. Thus, even with the ceiling, spending on procurement and R. & D. for fiscal year 1972 could increase by $1.7 billion over fiscal year 1971.

In addition there are two possible side effects of a congressional ceiling. First, it would help surface an issue that the Defense Department must face; that is the choice between quantity and sophistication in buying new weapons. One of the great problems in Defense spending is the exponential growth in the cost of replacement weapons. Table II shows what has happened to the cost in constant dollars of tanks, air-to-air munitions, and fighter aircraft. Similar charts could be made of other weapons. Because of increased—and in many cases unnecessary—sophistication the cost of weapons has grown at an accelerating rate.

Such cost increases have occurred largely because of our method of controlling forces by deciding the number of carriers, divisions, and wings that we wish to buy and then spending what is necessary to buy them. Under this system decisionmakers who are limited, for example, to the number of aircraft they can have will naturally choose the most sophisticated multipurpose model they can find. But if a ceiling were put on the dollar amount to be spent on aircraft perhaps they would choose to buy with the same money three aircraft of a less sophisticated model rather than one aircraft which is extremely sophisticated.

A second beneficial effect of a budget ceiling concerns the complicated problem of cost overruns. One possible way for Congress to cut through the cost overrun jungle of underestimated inflation, design changes, cost of spare parts, buying in, et cetera, is to impose a dollar ceiling on defense and force the Department of Defense to make its own realistic estimates and decisions.

A ceiling is not always an intelligent way to manage defense budgets or to control defense spending. But the cry for reordering of our national priorities and the cry of the taxpayers' revolt make it imperative that defense spending not exceed last year's levels. Thus it is desirable through use of a ceiling to hold spending to last year's $19.9 billion level.

A ceiling leaves the choice of the cut up to the military and the Department of Defense. Some weapons systems could be cut, or there could be an efficiency cut and tightening of the budget. In addition, a ceiling has some important incentives, namely that it would help to force the Department of Defense to face the problems of increasing cost of weapon sophistication and the problem of cost overruns.

Given present political realities and alternatives, a ceiling is probably the best way of controlling defense spending that we have.

TABLE I.—*List of possible weapons systems to be cut*

[In millions of dollars]

Weapon:	
Eliminate new DD963	600
Eliminate S-3A procurement	500
Eliminate F-14, more R. & D. on new plane	950
Cut 2 of 5 attack submarines	325
Cut ABM	1,200
Eliminate B-1	370
Eliminate AWAC's	145
Total	4,090

TABLE II.—INCREASED COST OF REPLACEMENT WEAPONS (IN CONSTANT FISCAL YEAR 1970 DOLLARS)

[Dollar amounts in thousands]

Weapon	Date	Amount
(1) Tanks:		
M-3	Early 1940's	$125
M-48	Early 1950's	175
M-60	Early 1960's	200
M-60A1E2	Early 1970's	500
MRT-70	Middle 1970's	900
(2) Air-to-air munitions:		
AIM-9B	Late 1950's	$10
AIM-7D	Middle 1960's	50
AIM-7F	Early 1970's	120
AIM-54	Middle 1970's	400
(3) Fighter aircraft:		
P-51	Early 1940's	$200
F-86	Late 1940's	400
F-100C	Middle 1950's	1,100
F-104C	Late 1950's	1,600
F-4B	Early 1960's	3,500
F-15	Middle 1970's	9,000

THE NEED FOR RENEGOTIATION

The SPEAKER. Under previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, June 30, 1971, marks the termination date of the Renegotiation Board, and once more it comes before the Congress for an extension—for the 10th time since it was created in 1951. The Board is the only independent agency whose exclusive function is to recapture excessive profits on defense, space, and certain other Government contracts; and so, the need for it to continue, serving as a guard over the excess profits that occur despite the improvement in the procurement process.

Unique conditions surround the defense-space market, which are not found in the private market which makes it susceptible to limited and ineffective price competition; and hence, to the possibility of excess profits. The items supplied are specialized and complex, and the cost and production experience is not usually reliable or available. The lack of adequate price competition, and the need for predictions, leaves a great susceptibility for inaccurate "profits," especially during the surge of procurement contracts that arise during military involvement.

The Renegotiation Board, is the only agency that exists, to check these contracts after the fact to assure that unnecessary profits are not made at the expense of the taxpayer. It complements the Truth-in-Negotiations Act, which does not apply in all areas of procurement, and which does not afford protection against inaccurate cost estimates.

The essential role of the Renegotiation Board is attested to by the substantial recoveries it has made of excess profits.

During the past year, the Renegotiation Board made 123 determinations of excess profits, totaling $33,453,457, according to the Board's 15th Annual Report of 1970. This brings the total amount of such determinations to $1,030,309,655 since the beginning of the Board's work.

In addition, during fiscal year 1970 the Board reports that contractors voluntarily gave price reductions and refunds to the Government totaling $18,168,705. This brought the total of such voluntary refunds and reductions to $1,352,145,897. Thus, like the draft, the Renegotiation Board brings in voluntary dollars as well as drafted dollars—more volunteers than draftees, in fact, over the long term. The record also indicates that 89 percent of their determinations are made by agreements with contractors.

And all these refunds are possible, even though it has a shortage of manpower. There are 232 employees who are required to oversee $48 billion of procurement—not nearly enough to prevent backlog of cases and insure proper oversight.

The need to extend the life of the Renegotiation Board is apparent. I urge my colleagues to support this extension.

As you may know, the House Ways and Means Committee has just reported out a bill, H.R. 8311, which among other things provides for the extension of the Renegotiation Board for 2 years. Public hearings were not held this year, but was considered in executive session for less than an hour.

Among other things, the bill provides for the transfer of jurisdiction of the Board cases from the Tax Courts to the Court of Claims, and changes the interest charged on refunds. In light of the significant changes that are in this measure, I would hope that it will come before the House floor under an open rule. I am inserting a copy of the letter I have written the chairman of the House Ways and Means Committee on this matter. I am also taking the liberty of enclosing an article written by the Chairman of the Renegotiation Board, Mr. Lawrence Hartwig. The material follows:

Hon. WILBUR D. MILLS,
Chairman, House Ways and Means Committee Longworth House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I understand that the Committee has acted on a bill to extend the Renegotiation Act of 1951. Although I have not seen the bill nor a report on it, I understand that the bill is very similar to H.R. 8311.

I readily understand your heavy Committee schedule, which resulted in the decision not to hold public hearings on this bill.

In view of the fact that there were no public hearings, and since the bill as reported does make significant changes in the Act, I believe that it would be appropriate for the House to consider this matter under an open rule. Accordingly, I respectfully suggest that you ask for an open rule on this bill, so that the record can be developed more fully and the Members may have an opportunity to offer amendments.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

THE NEED FOR RENEGOTIATION

(By Lawrence E. Hartwig, Chairman, the Renegotiation Board)

On March 7, 1955, at a time when defense procurement was sharply reduced after Korea, President Eisenhower recommended the extension of the Renegotiation Act of 1951 and stated: "I make this recommendation because I believe the welfare of the country requires it." Eleven years later, at the peak of the Vietnam buildup, President Johnson commented on signing yet another extension of the act: "We need this vital measure. It is another important tool in our constant quest to get a dollars worth of value for every defense dollar spent." Thus, in periods of both increase and decline in procurement renegotiation has been deemed necessary for the national welfare. By June 30, 1971, the present termination date of the act, it will have been in force for 20 years through nine extensions.

The purpose of renegotiation is the elimination of excessive profits on defense and space contracts and related subcontracts.

LEGISLATIVE HISTORY

Although the present act was adopted in 1951, statutory renegotiation as an instrument of national policy goes back to 1942. Prior to that time Congress sought to prevent excessive profits on ship and aircraft procurement by enacting the Vinson-Trammel Act of 1934 and the Merchant Marine Act of 1936; these statutes limited profits to fixed percentages of the contract price. The Renegotiation Act of 1942 provided for the renegotiation of individual contracts and subcontracts. Within a short time, however, the Renegotiation Act of 1943 was enacted. This act established a fiscal year basis for review of a contractor's total renegotiable business and prescribed specific factors to be considered in determining excessive profits. The 1943 act terminated on December 31, 1945. Subsequently Congress enacted the Renegotiation Act of 1948, which carried renegotiation to the effective date of the present act.

DEFENSE-SPACE MARKET

The continuing need for renegotiation was stated by President Eisenhower in his already quoted message as follows:

"In spite of major improvements, which we have achieved in our contracting and price redetermination operations, there nevertheless remains an area in which only renegotiation can be effective to assure that the United States gets what it needs for defense at fair prices. * * *"

The search for better ways to procure for defense and space needs has continued to the present time, and, indeed, significant improvements have been made. However, no conceivable improvement in the procurement process can alter two fundamental characteristics of that process: (1) the lack of a traditional market place to guide the pricing of most procurement, and (2) the fact that procurement is on a contract-by-contract basis.

There are significant differences between the defense-space market and the private competitive market. In the private market firms usually compete with each other in terms of quality and price and produce goods with a known technology and cost. These conditions, are not usually found in major segments of the defense-space market. Novel, costly and complex aircraft, missiles, space vehicles and other specialized items, which incorporate the latest advances in a rapidly changing technology, are purchased in that market. As Secretary Seamans said in the fall-1969 issue of this Journal (p. 3): "The desired characteristics of military systems frequently demand a quantum jump in the state of the art. In the commercial world this type of requirement is seldom laid upon large scale producers." Hence in the procurement of defense-space items, reliable production and cost experience is not usually available for accurately increasing costs. Contract costs are therefore but estimates, that is, predictions of future events. Like all predictions, they are subject to change by later developments. Thus, in the procurement of major weapons or space systems cost estimates may be widely off target.

EXCESSIVE PROFITS LIKELY

The pervasive cost uncertainty that characterizes most of modern defense and space procurement, coupled with the fact that in many of these contracts huge sums are at stake, makes price competition often too risky for contractors or too costly for the Government.

But even in the procurement of products similar in type to those traded in commercial markets, where price competition would seem to be feasible, a reasonable profit outcome is not always assured. Notwithstanding this basic similarity such defense-space items are often specialized; the demand for them is often irregular and, in some cases, geographically concentrated. Under such circumstances, price competition may be limited and ineffective. Although this lack of adequate price competition is a possibility even under quite "normal" conditions in time of war or national emergency, when there are sudden surges in the volume of procurement, this possibility is much greater. It is obvious, therefore, that contractors who are able to take Government contracts under these conditions may well make unusually high profits.

All in all, the conclusion follows that vast governmental expenditures are being made in the defense and space areas under circumstances where, regardless of the diligence of procurement officials, there is no guaranty against excessive profits.

The opportunity for contractors to realize excessive profits on Government business is further enhanced by the fact that all such business is awarded on a contract-by-contract basis.

This aspect of Government contracting cannot be emphasized enough because an individual price that has been carefully arrived at may nevertheless, as a result of unforeseen developments, produce excessive profits. As the 1956 report of the Joint Committee on Internal Revenue Taxation stated:

"If all prime contracts and subcontracts could be made at prices that were fair, not only in the light of the facts and circumstances then existing, but also in relation to all pertinent developments occurring later in the fiscal year of the contractor, principally additional production volume, and if all such present and future facts could be known by the procurement officer negotiating each individual prime contract, and by each industry purchasing agent negotiating each individual subcontract, there would be no need or justification for renegotiation at any time. Since this is not possible, it follows that an individual price that has been soundly negotiated and is honestly believed to be fair and proper at the time of the negotiation may prove, in relation to subsequent developments, to be unfair and improper in the sense that it yields excessive profits to the contractor." * * * (*Report of The Joint Committee on Internal Revenue Taxation Relating to Renegotiation*, 84th Cong., 2d Sess., Senate Document No. 126, p. 13.)

Procurement agencies price each contract separately and independently. On the other hand, renegotiation reviews the profit results of contracts after the fact on a fiscal year basis because the profitability of a contractor's participation in defense-space business can only be judged on the basis of his aggregate profit. This aggregate profit can only be evaluated retrospectively.

RENEGOTIATION ONLY REASONABLE DETERMINANT

All the facts relating to a contractor's future operations cannot be known to procurement officers at the time a contract is let, no matter how sophisticated the personnel and procedures may be. Renegotiation therefore provides the only means to determine whether the profit of a contractor—or a subcontractor—is reasonable.

To the extent that the need for any activity can be measured by its results, the need for renegotiation is well attested by its achievements. Excessive profits determinations made by the Renegotiation Board from its inception amounted to $997 million as of June 30, 1969; by now this figure has gone well over $1 billion. These amounts are before Federal income tax credits; net recoveries by the Government as a result of the Board's determinations amounted to $394 million as of the end of the last fiscal year.

Although the purpose of renegotiation is not the raising of revenue, the recovery of $394 million is significant. Furthermore, the material benefits of renegotiation cannot be measured solely in terms of recovery. Voluntary refunds and voluntary price reductions made by the contractors also reflect, at least in part, the impact of renegotiation. These refunds and price reductions are voluntary, that is, they are not made pursuant to contract terms. Consequently, it is probable that in many instances they were made because of, among other reasons, a realization that, were they not made, the amounts involved would be recouped in renegotiation. From the inception of the act through June 30, 1969, contractors and subcontractors reported to the Board $1.3 billion of voluntary refunds and voluntary price reductions.

DEFERS OVERPRICING

Renegotiation also has an impact on procurement as a deterrent against overpricing. Over the years, procurement officals have repeatedly testified to the value of renegotiation in their endeavor to negotiate closer prices; realizing that excessive profits will have to be refunded, contractors are more likely to agree to reasonable prices. The Senate Committee on Finance also recognized this effect of renegotiation in its 1966 report, in which it recommended an extension of the act:

"* * * the renegotiation process has had a deterrent effect on overpricing on Government contracts because of the realization that renegotiation is backstopping the allowable profits." (S. Rept. No. 1298, 89th Cong., 2d Sess. 2 (1966).)

There is no way to estimate the savings that accrue to the Government as a result of this deterrent effect, but there is reason to believe that the amount is quite large.

Over and beyond these benefits to the Government and taxpayers, renegotiation benefits the contractors as well, and not only because they, too, are taxpayers. The national economy as a whole is sufficiently competitive to guarantee, in the long run, fairness in the profits of a business enterprise selling in the private market; this is not necessarily true in the defense-space market. Because of the peculiar characteristics of that market, unintended and unanticipated profits cannot be avoided and excessive profits realized by a contractor may give him an unfair advantage over his competitors. Renegotiation helps to protect these competitors against such occurrences.

NECESSARY SUBSTITUTE FOR COMPETITION

Our economic system is based on the idea of the objectivity of market forces in an environment in which competition is presumed to adjust prices and costs to yield a fair profit. To the extent that the defense-space procurement process introduces—quite unavoidably—non-competitive elements, it may endanger that system. Renegotiation in all its aspects—both as a deterrent against overpricing and as an instrument for recapturing excessive profits—tends to assure that the rewards of defense-space business are comparable to those that would be obtained by contractors in a price competitive market. Thus to the extent that renegotiation ensures that no one profits unduly from such business, it is a valuable tool.

HEALTH CARE REFORM NEEDED NOW

The SPEAKER. Under previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 15 minutes.

Mr. ROSENTHAL. Mr. Speaker, the time has come for comprehensive reform in the financing and delivery of health care in the United States.

Americans last year spent $70 billion on health care—more than $325 for each man, woman, and child—yet this Nation ranks worse than 10 to 17 other countries in life expectancy and infant mortality.

Not only are we spending more today on health care than we were a decade ago—a 170-percent increase from $26 billion—but we are giving it a bigger share of our national wealth—from 5.3 percent of the gross national product to 7 percent.

Nearly two-thirds of that increase in expenditures in the last 10 years has not been for additional services but merely to meet price inflation. Overall medical costs have increased twice as fast as the cost of living; hospital costs alone have risen five times as fast as other prices.

And what are we getting for our $70 billion?

We rank 13th among industrialized nations in infant mortality; 11th in life expectancy for women; 18th in life expectancy for men; about 150 U.S. counties do not have a single doctor and another 150 have only one physician; twice as many black infants die in the first year of life as whites; poor people suffer four times as many heart conditions, six times as much mental illness, arthritis, and high-blood pressure as their more affluent neighbors; there is a national shortage of 50,000 physicians, 150,000 medical technicians, and 200,000 nurses.

Let me put it another way:

There is a significant shortage of trained medical personnel—ranging from doctors and nurses to technicans and paraprofessionals—and of proper facilities; and the personnel and facilities which we do have are inadequately distributed geographically. Compounding this is the problem of skyrocketing costs.

What, then, should we be getting for our $70 billion?

Everyone, all Americans, should be getting the same high quality of health care and at prices all can afford.

There is no conceivable reason why a person should get better health care because he lives in a better neighborhood, has a better job, has the right color skin or has more money. Health care should not be made available according to conditions of economics, age, sex, race, employment, or any other factor than one—need.

There is no conceivable reason why the wealthiest, most technically, and scientifically advanced nation on earth cannot also be the healthiest.

This has been aptly termed the paramount issue of the 1970's. I have joined nearly 80 colleagues in cosponsoring H.R. 22, the Health Security Act of 1971. I endorse this bill not as the solution to the problem, but because I believe it comes closer than any yet offered to making the American health care system truly the best in the world.

This is a consumer program, not a health industry-insurance company program, and the consumer will have a major voice in setting policy and running the system. Of course, the medical profession will also play an important role, but this will be a health care partnership, not a dictatorship.

The essential key to health care reform is a fundamental shift in emphasis from crisis medicine to preventive medicine.

The more we do today to prevent illness and keep the population healthy, the less we will have to spend tomorrow on cures and treatment.

Adequate health care is not a privilege. It is a fundamental right of all Americans.

This is basically contrary to the predominant philosophy of our present health care system—health service now centers around the independent practitioner, with care a privilege rather than a right.

We must revolutionize this system. We must step back at every level and critically reexamine the total health care system. The drastic revisions in health manpower, distribution, financing and training, the great task of reeducating both physicians and patients to a new health care system must begin now with innovations and encouragement at local, State, and Federal levels.

The President has shown he is aware of the national crisis in health care, but he has not demonstrated a willingness to take the steps necessary to solve it.

I welcome his support for the group practice concept, which he calls health maintenance organizations, and his support for increasing the supply of medical manpower in rural areas and urban ghettos. But I cannot support very much of his strategy for dealing with the problem.

One of the most serious shortcomings of the President's proposal, and of several others such as the American Medical Association's medicredit, is reliance on the private health insurance industry.

The private health insurance industry, which has traditionally shown far greater interest in wealth than health, must bear a large portion of the responsibility for the skyrocketing medical costs we are experiencing.

It has shown itself either unwilling or unable to do much, if anything, about keeping prices down. Its emphasis on treatment in hospitals rather than in less expensive outpatient facilities has helped send costs up.

The administration plan is industry oriented when it should be consumer oriented. The insurance companies can take care of themselves—it is time to help the American people for a change.

There are many other flaws in the administration plan—the poor, near poor, and the elderly would get far less protection than the rest of the population; even middle-income families would be hard pressed to meet the large deductibles and copayments required of them in major illnesses; medicare hospital coverage for the elderly would be decreased, as would medicaid help for the poor.

I am skeptical of the commitment to improving health care when its comes from administration that has vetoed several pieces of needed health legislation; impounded millions of dollars appropriated by the Congress for health programs; cutback spending on biomedical research and forced the closing of 19 National Institutes of Health centers.

As part of the new health care system that we must build, there must be a new health team. We need to expand the supply of medical manpower through the training of allied health personnel such as physician's assistants, child health practitioners, community health workers, and family planning aides.

Within the new health team system, duties and responsibilities would be allocated on the basis of actual capabilities for performing specific tasks, rather than by possession of a categorical title. Ideally, the distinctions among health personnel should be made on the basis of the nature of the judgments that each level is capable of making. This fluid system, directed by its most highly trained member, the physician, could provide superior health care with maximum efficiency, low cost, and better service for its recipients.

While I am hopeful of the President's new stance, his proposals should be carefully studied. I intend to exert all the pressure I can for legislation that will free health resources from their narrow, wasteful roles and divert them to the growth and expansion of the team system.

There is virtue in the concept of close physician-patient contact. But the population needs and environmental health problems stemming from neglect in housing, nutrition, and preventive medicine—shameful for a country of our wealth—have overwhelmed the capacity of the old system.

That system must be changed.

I support a system of prepaid national health insurance based on the proven social security concept. All the evidence indicates this public insurance system operates with greater efficiency and lower cost to the consumer than the private insurers.

I do not support a system that would abolish the personal doctor-patient relationship. Every person should be able to chose his own doctor, if he wishes, and all persons should have equal access to the same high quality of medical care and at prices they can afford.

I do not support a system of national health service in which the government owns and operates all facilities, and everybody works for the government. What I have in mind is a true partnership between the private and public sectors, between the health professional and the patient. There will be Government financing and administrative management, accompanied by private provision of personal health services through private practitioners, institutions, and other providers of medical care.

It must be a system truly responsive to the needs of the people, a health care system appropriate to our advanced and affluent Nation's needs and desires.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. William D. Ford (at the request of Mr. Boggs) for today through June 1, 1971, on account of official business.

Mr. Camp (at the request of Mr. Gerald R. Ford) for the week of May 17 on account of official business as member of the House Committee on Science and Astronautics.

Messrs. Frelinghuysen, Thomson of Wisconsin, Steiger of Arizona, Wiggins, and Lujan (at the request of Mr. Gerald R. Ford) on account of official business May 27 through June 1.

Messrs. Nix, Wright, de la Garza, Moss, Kazen, Udall, and Randall (at the request of Mr. Boggs) for today through June 1, 1971, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Boggs), and to revise and extend their remarks and to include extraneous matter:)

Mr. Aspin, today, for 30 minutes.

Mr. Gonzalez, today, for 10 minutes.

Mr. Rosenthal, today, for 15 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Bennett in two instances, and to include extraneous material.

(The following Members (at the request of Mr. Shoup), and to include extraneous matter:)

Mr. Robison of New York in two instances.

Mr. Duncan.

Mr. Nelsen.

Mr. Anderson of Illinois in two instances.

Mr. Findley in two instances.

Mr. Schwengel in two instances.

Mr. Hogan in five instances.

(The following Members (at the request of Mr. Boggs), and to include extraneous matter:)

Mr. Begich in five instances.

Mr. Brasco in two instances.

Mr. Gonzalez in two instances.

Mr. Flowers in six instances.

Mr. Carey of New York in four instances.

Mr. Dulski in six instances.

Mr. James V. Stanton in two instances.

Mr. Wolff in two instances.

Mr. Bingham in two instances.

Mr. Rangel.

Mr. Hagan in two instances.

Mr. Rarick in five instances.

Mr. Ryan in three instances.

Mr. Anderson of California in three instances.

Mr. Matsunaga in three instances.

Mr. Ichord.

Mr. Holifield.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 485. An act to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. In accordance with House Concurrent Resolution 316, the Chair declares the House adjourned until 12 o'clock noon on June 1 next.

Thereupon (at 10 o'clock and 19 minutes a.m.), pursuant to House Concurrent Resolution 316, the House adjourned until Tuesday, June 1, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

769. A letter from the Assistant Secretary of the Interior, transmitting an explanation of the delay in submission of the first annual report on the administration of the Federal Coal Mine Health and Safety Act of 1969; to the Committee on Education and Labor.

770. A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed contract for a research project entitled "Renovation and Operation of HRI Coal Gasifier," pursuant to Public Law 89-672; to the Committee on Interior and Insular Affairs.

771. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in docket No. 274, *The Creek Nation, Plaintiff,* v. *The United States of America,* Defendant, pursuant to 60 Stat. 1055; to the Committee on Interior and Insular Affairs.

772. A letter from the Chairman, Federal Maritime Commission, transmitting a draft of proposed legislation to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes; to the Committee on Merchant Marine and Fisheries.

773. A letter from the Administrator of General Services, transmitting prospectus for the construction of buildings at various locations in the United States, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

774. A letter from the Comptroller General of the United States, transmitting a report on the need for improved review and coordination of the foreign affairs aspects of Federal research by the Department of State and other agencies; to the Committee on Government Operations.

775. A letter from the Comptroller General of the United States, transmitting a report on more effective use of manpower and machines recommended in mechanized post offices, Post Office Department; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CAREY of New York (for himself, Mr. Celler, Mr. Koch, Mr. Addabbo, Mr. Scheuer, Mr. Rosenthal, Mr. Biaggi, Mr. Rangel, Mr. Badillo, Mr. Wolff, Mrs. Chisholm, Mr. Bingham, Mr. Podell, and Mr. Brasco):

H.R. 8762. A bill to provide States and localities with financial assistance to meet their responsibilities and increasing fiscal problems by providing them a general grant of Federal revenue which shall be allocated on the basis of need and State and local revenue-raising effort, and to create an income tax commission to study the feasibility of establishing a single system of collecting Federal, State, and local income taxes; to the Committee on Ways and Means.

By Mr. DELLENBACK:

H.R. 8763. A bill to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAGAN:

H.R. 8764. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

Mr. HALPERN:

H.R. 8765. A bill to amend section 1811 of title 38, United States Code, to raise the limit on the amount of direct housing loans which may be made by the Veterans' Administration; to the Committee on Veterans' Affairs.

H.R. 8766. A bill to establish the statutory maximum interest rate of 6 percent for Veterans' Administration guaranteed and direct loans and to expand authority to make direct loans to veterans where private capital is unavailable at the statutory interest rate; to the Committee on Veterans' Affairs.

By Mr. HECHLER of West Virginia:

H.R. 8767. A bill relating to the requirements for proof of entitlement to black lung benefits under the Federal Coal Mine Health and Safety Act of 1969; to the Committee on Education and Labor.

H.R. 8768. A bill to amend the black lung benefits provisions of the Federal Coal Mine Health and Safety Act of 1969, to facilitate proof of entitlement in certain cases; to the Committee on Education and Labor.

H.R. 8769. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 with respect to the amounts of black lung benefits in certain cases; to the Committee on Education and Labor.

H.R. 8770. A bill to extend for an additional year the existing program for payment of black lung benefits; to the Committee on Education and Labor.

H.R. 8771. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis; to the Committee on Education and Labor.

By Mr. HOWARD:

H.R. 8772. A bill to restore balance in the federal system of government in the United States; to provide both the flexibility and resources for State and local goverment officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. LANDGREBE (for himself, Mr. Baker, Mr. Buchanan, Mr. Collins of Texas, Mr. Dent, Mr. Eilberg, Mr. Forsythe, Mr. Gallagher, Mrs. Grasso, Mr. Halpern, Mr. Helstoski, Mr. Mazzoli, Mr. Mitchell, Mr. Rarick, Mr. Roybal, Mr. Schwengel, Mr. Veysey, Mr. Williams, Mr. Zwach, and Mr. Conable):

H.R. 8773. A bill to provide a Federal income tax deduction for expenditures for purchase and installation of air pollution control devices on used vehicles, and to provide for certification of such devices by the Administrator of the Environmental Protection Agency; to the Committee on Ways and Means.

By Mr. LATTA:

H.R. 8774. A bill to designate certain lands in the West Sister Island National Wildlife Refuge in Ohio as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. MOORHEAD (for himself and Mr. Broomfield):

H.R. 8775. A bill to amend the Foreign Assistance Act of 1961 to authorize the President to expend certain foreign currencies for the purpose of providing U.S. financial assistance in the reopening of the Suez Canal, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MORGAN:

H.R. 8776. A bill to make Flag Day a legal public holiday; to the Committee on the Judiciary.

By Mr. RIEGLE:

H.R. 8777. A bill to amend title 38 of the United States Code to provide public service employment for Vietnam era veterans; to the Committee on Veterans' Affairs.

By Mr. ST GERMAIN:

H.R. 8778. A bill to establish a comprehensive program of insurance and reimbursement with respect to losses sustained by the fisheries trades as a result of environment disasters; to the Committee on Merchant Marine and Fisheries.

By Mr. STEIGER of Wisconsin:

H.R. 8779. A bill to amend the State Technical Services Act of 1965 to make municipal governments eligible for technical services under the act, to extend the act through fiscal year 1974, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON of New Jersey:

H. Res. 457. Resolution relating to expenditure of funds from the contingent fund of the House of Representatives for certain allowances to Members, officers, and standing committees of the House; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

196. By the SPEAKER: Memorial of the Legislature of the State of Florida, relative to the appropriation of funds for improvements at the Tallahassee Municipal Airport; to the Committee on Appropriations.

197. Also, memorial of the Legislature of the State of Arizona, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

198. Also, memorial of the Legislature of the State of New Hampshire, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

199. Also, memorial of the Legislature of the State of Texas, relative to providing a Veterans' Administration hospital for the Rio Grande Valley area; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SIKES introduced a bill (H.R. 8780) for the relief of James F. Rausch, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE FEDERAL RESERVE MOVES FOR MORE POWER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. RARICK. Mr. Speaker, the Federal Reserve Banking System, a private financial money monopoly, now seeks to extend its reserve control over all U.S. banks.

The action would give greater control to the Fed through its "open market operations" in the regulation of the money supply and permit dictatorial power over implementation of its monetary policies.

Instead of Congress extending the Federal Reserve monopoly over non-Federal Reserve banks, it is past time for Congress to regain control of our money as provided in the Constitution. That is why I introduced H.R. 351 to buy back Federal Reserve Bank stock and restore control of our money to Congress under the pressures of concerned citizens rather than the secret control of our people's wealth by internationalists.

I include a newsclipping and the text of my H.R. 351, as follows:

FED SEEKS EXPANDED CREDIT ROLE

(By James L. Rowe Jr.)

The custodian of the nation's money supply is seeking legislation to give it increased control over the credit policies of the nation's financial institutions.

The Federal Reserve Board urges Congress in a report issued yesterday to make all institutions handling checking accounts subject to the Fed's reserve requirements on such accounts.

The reserve requirement, one of the Fed's tools for regulating the money supply, forces a bank to set aside a certain percentage of its assets as a "reserve" against its checking accounts—called demand deposits. There is a similar reserve requirement for savings, or time deposits.

By varying the reserve requirements, the Fed can either loosen or tighten the nation's credit policy. For example, if it raises the reserve requirement, member banks are forced to keep more deposits "on hand," reducing the amount they can lend.

Currently only banks that are members of the Federal Reserve system are subject to the Fed's requirements. While fewer than half the nation's banks belong to the system, they account for the bulk of U.S. banking assets.

As of March 31, 5,754 of the country's 13,700 banks were members of the system. But Fed member banks had deposits totaling $386.7 billion, about 80 per cent of the nation's banking total of $482 billion.

The legislation the Fed requests in its 1970 annual report would put not only nonmember commercial banks under its reserve requirements, but also any other institutions that offer checking accounts. While nearly every checking account in the country currently is offered by a commercial bank, a Fed spokesman said there are a few mutual savings banks that offer such accounts.

Also, he said, there are bills before a number of state legislatures, primarily in New England, that would give mutual savings banks authority to handle checking accounts.

"The reasons for that change in the structure of reserve requirements have become stronger with the passage of time. . .," the report says.

"Because demand deposits held by any institution are part of the country's money supply just as are those in member banks, applying the same demand-deposit reserve requirements to all such institutions would facilitate the effective implementation of monetary policy," the Fed's report says.

Reserve requirements may be varied within a range set by Congress. Currently, the range spreads from 12½ per cent for "country" banks with assets under $5 million to 17½ per cent for "reserve city" banks with assets over $5 million.

Changing reserve requirements, however, is a technique the Fed uses infrequently in its attempts to control the money supply. The tool the Fed uses the most is its "open-market operations." Through open-market operations the Fed, with the New York Federal Reserve Bank as its agent, sells government securities to contract the money supply, or buys them to expand it.

By selling securities, the Fed soaks up funds which banks might otherwise lend, or vice versa.

The Fed also recommends that the geographical limits on its ability to set reserve ratios—the reserve city bank-country bank dichotomy—be changed so that reserve requirements "would be based on the amount of an institution's deposits, without regard to the location of the institution."

The Fed again is pleading for legislation to give the government standby authority to guarantee private loans to firms "when such assistance appears to be the only practical way of avoiding a national financial crisis or of enabling such firms to continue activities essential in the national interest."

The White House has sent legislation to Congress seeking approval to guarantee $250 million worth of bank loans to the ailing Lockheed Aircraft Corp.

H.R. 351

A bill to vest in the Government of the United States the full, absolute complete, and unconditional ownership of the twelve Federal Reserve banks

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury of the United States is hereby authorized and directed forthwith to purchase the capital stock of the twelve Federal Reserve banks and branches, and agencies thereof, and to pay to the owners thereof, the par value of such stock at the date of purchase.

(b) All member banks of the Federal Reserve System are hereby required and directed to deliver forthwith to the Treasurer of the United States, by the execution and delivery of such documents as may be prescribed by the Secretary of the Treasury, all the stock of said Federal Reserve banks owned or controlled by them, together with all claims of any kind or nature in and to the capital assets of the said Federal Reserve banks, it being the intention of this Act to vest in the Government of the United States the absolute, complete, and unconditional ownership of the said Federal Reserve banks.

(c) There is hereby authorized to be appropriated, out of any funds not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act.

A TRIBUTE TO PRESIDENT KENNEDY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. CARNEY. Mr. Speaker, Saturday, May 29, 1971, would have been the 54th birthday of our late President, John Fitzgerald Kennedy. I think it is fitting and proper that we take time today to honor his memory and to reflect on his life and its meaning for America.

John Fitzgerald Kennedy was born on May 29, 1917, in Brookline, Mass. He was the son of Joseph Patrick Kennedy and Rose Fitzgerald Kennedy.

As a boy, John Kennedy attended public and private schools in Massachusetts, New York, and Connecticut. In 1940, he graduated from Harvard University cum laude. He also attended the London School of Economics and Stanford University.

During World War II, John Kennedy served in the Navy as a PT boat commander in the Pacific, and was decorated for heroic conduct in saving the lives of three members of his crew. He was also awarded a Purple Heart for a back injury which plagued him for the rest of his life.

After the war, Kennedy worked for a short time as a newspaper correspondent. In 1946, at the age of 29, he was elected to the U.S. House of Representatives from the 11th District of Massachusetts. Six years later, Kennedy defeated Henry Cabot Lodge for the U.S. Senate. He was reelected to the Senate in 1958.

Prior to the 1960 Democratic National Convention, Senator Kennedy announced his candidacy for the Democratic nomination for President. He took his case to the people and won primary election victories in New Hampshire, Wisconsin, Massachusetts, Pennsylvania, Indiana, West Virginia, Nebraska, and Illinois.

Senator Kennedy won the Democratic nomination for President on the first ballot, defeating his closest rival, Senator Lyndon B. Johnson, of Texas. The theme for Kennedy's acceptance speech was "The New Frontier," and he promised to get America moving again.

In one of the closest, hardest fought political campaigns in American history, John F. Kennedy defeated his Republican opponent, Richard M. Nixon, by a narrow margin and became the 35th President of the United States. He was the first Roman Catholic and the youngest man elected President in our Nation's history.

The Kennedy administration was marked by some mistakes and failures as well as some successes. Few of his successes with Congress were 100 percent. Compromises often had to be made before his legislative programs could be enacted into law.

In international affairs, the Kennedy administration successfully negotiated a limited Nuclear Test Ban Treaty with the Soviet Union. The Cuban missile crisis was brought to a satisfactory and peaceful conclusion. In response to the Russian launching of sputnik, President Kennedy accelerated the American space program. He predicted that we would land a man on the moon by 1970, and we did. He channeled America's idealism and know-how into the Peace Corps. Most significant was the Kennedy administration's overall efforts to effectuate a thaw in the cold war atmosphere that existed in the 1950's.

In domestic affairs, the Kennedy administration took two important initiatives. First, President Kennedy proposed a broad tax-reform program to the 88th Congress which was designed to reduce the tax burden on low- and middle-income families and to spur the economy; and second, President Kennedy began moving the country toward racial equality. He declared that it was the policy of this administration to assist blacks and other minorities in the struggle for their rights. In June 1963, President Kennedy sent a special message to Congress asking Congress to pass what was described as the most sweeping civil rights bill since Reconstruction days.

Accompanied by his wife, Jackie, the President journeyed to Texas in November 1963, to fulfill a speaking engagement. While greeting the enormous crowd which lined the route of his motorcade, President Kennedy was shot and killed by an assassin in downtown Dallas on November 22, 1963. Profound shock and grief extended out from the Capitol of the United States around the world. Dignitaries from 92 countries joined in the requiem for the fallen President. He was buried on November 25, 1963, in Arlington National Cemetery.

In 1960, America issued a "call to greatness," and John F. Kennedy answered that call. He provided the inspirational leadership that America and the world so desperately need. He was a man who valued courage above all the other virtues; and a man who won the hearts of Americans and people the world over with his quick wit and warm sense of humor. His close friends and associates most admired the tremendous capacity for growth he demonstrated while holding the office of President.

It is difficult to speculate on what President Kennedy would or would not have done if he had lived. But one thing is certain: President Kennedy exemplified all that is best in America. His leadership, his compassion, and his sense of humor are sorely missed.

ALASKA ASKS STUDY OF CANAL

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. BEGICH. Mr. Speaker, the growth of the southwestern part of Alaska is greatly dependent on accessibility of the deepwater seaport in that area. Presently the Yukon River is without a seaport at its mouth and Bethel on the Kuskokwim River is the best developed and most accessible deepwater seaport in the area. However, this is not enough to insure economic growth in southwestern Alaska.

The construction of a Yukon-Kuskokwim Canal would greatly enrich the economy of Alaska by making the products and resources of the Yukon and Kuskokwim River Valleys available to all markets.

Presently, there are no plans to build this needed canal. However, the Alaska State Legislature and the Governor have requested that the U.S. Army Corps of Engineers initiate a study and prepare a report on the feasibility of the construction of the canal between the Yukon and Kuskokwim Rivers. I am including into the RECORD for your information a copy of the joint resolution passed by the Alaska State Legislature:

ALASKA STATE LEGISLATURE, 1971—HOUSE JOINT RESOLUTION NO. 42

(Relating to a feasibility study for a canal between the Yukon and Kuskokwim Rivers)

Be it resolved by the Legislature of the State of Alaska:

Whereas the Yukon River is without a seaport at its mouth; and

Whereas Bethel, on the Kuskokwim River, is the best developed and most accessible deep-water seaport in western Alaska; and

Whereas construction of a Yukon-Kuskokwin canal would greatly enrich the economy of Alaska by making the products and resources of the Yukon and Kuskokwim River Valleys readily available to world markets; and

Whereas a canal linking the two rivers would greatly aid development, not only economic, but otherwise, of the region;

Be it resolved by the Alaska State Legislature that the Governor is respectfully requested, with the cooperation of the United States Army Corps of Engineers, to initiate a study and prepare a report on the feasibility of the construction of a canal between the Yukon and Kuskokwim Rivers.

TRIBUTE TO ZENON C. R. HANSEN

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. ROONEY of Pennsylvania. Mr. Speaker, I would like to pay tribute to a constitutent, Zenon C. R. Hansen, who on May 5, 1971, received the Human Relations Award of the Automotive and Allied Industries Division of the American Jewish Committee Appeal for Human Relations.

A brilliant executive committed to public service, Zenon Hansen is indeed well-deserving of this award. Aside from his outstanding record as president and chairman of the board of Mack Trucks, Inc., he has been a leader of many philanthropic, civic, and cultural programs. Mr. Hansen has been an outstanding industrialist committed to the improvement of human relations as well as to the growth of his business. His career, both public and private, is a fine example for others to follow.

I would like to call the attention of my colleagues to the award and the testimonial remarks made by Phillip I. Berman. President of Hess' of Allentown, with respect to Zenon Hansen's extraordinary talents and the achievements and goals of the American Jewish Committee.

The material follows:

THE AUTOMOTIVE AND ALLIED INDUSTRIES HUMAN RELATIONS AWARD TO ZENON C. R. HANSEN

The Automotive and Allied Industries Division of the American Jewish Committee is privileged to pay tribute to Zenon C. R. Hansen, a brilliant executive wno has made commitment to public service a cornerstone of his distinguished career.

Chairman of the Board and President of Mack Trucks, Inc., his 44-year career has been marked by innovative ideas and dedication to the advancement of excellence that have made him one of the most respected and eloquent representatives of the automotive industry.

At the same time, his love of country and his devotion to his fellow human beings has been expressed through leadership of scores of philanthropic, civic and cultural endeavors. Among these are: The Boy Scouts of America, the American Humanics Foundation, the Allentown Art Museum and the Allentown Symphony, as well as many patriotic organizations, colleges, universities and schools and enterprises promoting communal betterment. He has been honored by numerous organizations including the Freedoms Foundation at Valley Forge, the Douglas MacArthur Academy of Freedom and B'nai B'rith which in 1970 presented him with its Humanitarian Award. He has also been associated with voluntary organizations overseas including Noar L'Noar, an Israeli youth organization.

These are but a small sampling of this extraordinary man's activities in behalf of the common good. His business and public career have set standards for others to follow. His principles and achievements have been an inspiration to all who know him or have worked with him. The American Jewish Committee is proud to have its name linked with his.

PHILIP I. BERMAN TESTIMONIAL TO ZENON C. R. HANSEN—HUMAN RELATIONS AWARD DINNER, MAY 5, 1971

This is indeed a happy occasion.

All of us are pleased for this opportunity to pay tribute to Zenon Hansen, a distinguished leader whose business career and community activities are affirmations of man's capacity to do good. His sense of responsibility has been channeled into literally scores of effective causes. As a resident of Allentown, I know the respect and esteem he commands and I know how well-deserved is his reputation. I am honored to share this platform with him tonight and to participate in this event which gives him public recognition.

Tonight we are also affirming our support for the American Jewish Committee, a cause which for more than sixty years has claimed the devotion and commitment of men and women of many religions and from many walks of life. I know that some of you are familiar with AJC and many of its programs, while others may not be so informed. What I would like to do in the next few minutes is to give you a brief picture of what the committee has done, is doing, and hopes to achieve in the future.

A number of years ago, I was a member of a six man AJC Team which visited four countries in South America: Brazil, Argentina, Chile and Peru. We established a dialogue with the political leaders, the cardinals and papal representatives in each of these countries. This group was sent by the AJC to represent the liberal point of view for the Second Ecumenical Council. I have been a member of the Foreign Affairs Committee which has been active in the rights of many minorities in countries all over the world. Not only was I able to bring my resources to the committee's effort, but I became a more informed person through this involvement. Whatever I had to offer was better utilized through these channels. I mention my involvement in the committee, not so much to indicate what I have done, but rather to indicate what I have learned by working with it.

The AJC fights bigotry—its violent eruption and its causes. It was AJC research that first exposed the bigot as a twisted personality—as a man in need of psychiatric help.

It was the committee that launched the self-studies of Protestant, Catholic and Jewish religious texts which resulted in revised materials cleansed of derogatory statements about other groups. This continuing program will eventually bring revised religious texts into the hands of three-hundred-million people throughout the world.

It was AJC that first focused world attention on Soviet anti-semitism . . . on the plight of the blue-collar worker . . . on the need for a more effective coalition to examine the criminal justice system in our urban centers . . . and so much more.

Jews are human beings who wish to live as free people, and to build a decent society. For us this is not easy. In the Soviet Union, we see trials that are rigged against jews. We see official scapegoating of jews for everything from internal economic ills to world tensions. We see Russia cynically using its 3,000,000 jewish citizens as political hostages in its power game in the middle east.

You can't live in Russia as a jew, and you can't die in Russia as a jew. Russia consists of about 109 ethnic groups. Each ethnic group may keep its identity. Each one is considered a national group, and has a territory where it can live & its nationality be identified. Even tho jews are the 11th largest ethnic group in all of Russia, they are the only group that does not have its own territory in which to live and allow its identity & culture to flourish. Between 1961–64, there was persecution because of economic failures which the government could not admit. There were approximately 750 executions for so called "economic crimes." 50% of the victims were jews.

The American Jewish Committee, which was founded many years ago, in response to crimes against jews in Russia, was the first organization to expose & document Soviet Anti-Semitism. It is still in the vanguard as spokesman for 3,000,000 persecuted human beings, still living there.

On its own, and through the American conference on Soviet Jewry, we continue to focus the harsh light of world opinion on Soviet opportunism & the Russian's never-ebbing campaign to destroy jewish life & tradition in that country. During the many protests over Soviet anti-Semitism—such as the one which resulted in the commutation of the death sentence for two jews accused of a hijacking conspiracy which never even took place—the AJC played a major role in marshaling world opinion, in seeking dipplomatic moves by our nation and others, and in securing help from protestant & catholic leaders.

Jews are a univeral minority, through our long experience, we learn what creates and what destroys. We have learned many lessons which can serve the United States. Here in our own Nation we are experiencing a time of rapid social upheaval. Americans' responses demand the highest qualities of wisdom & reason. Yet in all too many instances, we have failed to meet the challenge—behaving less like a cohesive nation & more like a number of unrelated racial, religious & ethnic groups—each distrusting, and indeed, fearing, the motives of the other.

It is in this kind of atmosphere that AJC continues its efforts to promote solutions rooted in moderation. It is not an easy role. Immobilizing dissent & iron-fisted repression are much easier commodities to sell—and they are being sold by medicine men whose cure could kill the patient.

If we would keep America a nation that can produce social change through consensus, we must produce new approaches to our problems.

Just last year this American Jewish Committee launched its "Shaping Safer Cities" program. Briefly, it is a new kind of coalition of more than 50 national and local organizations which seek to reorder and streamline the law enforcement and the criminal justice systems in our urban centers.

The committee was the first agency to bring to national attention the plight of the white blue-collar worker—his frustrations and his feelings of being abandoned to the interest of others. Above all, we pointed out that to call him a damned racist was an untrue generalization which only succeeded in driving him toward backlash. Today this subject of backlash is high on America's agenda. In fact recently, the Ford Foundation gave AJC a grant of $250,000 to continue its work in this particular area.

In urban ghettos, the tensions between the police and residents have been the sparks which, in many cases, ignited into conflagrations. AJC's specific remedy has been a series of workshops for law enforcement officials. The pioneer effort has become standard operational procedure in New York, Philadelphia and other cities throughout the Nation.

In still another area, the committee has run conferences on the relationship between the mass media and race relations. These were attended by top media executives and representatives of minority groups. These conferences have become models for similar give-and-take sessions which have led to better understanding and impressive results in many cities.

Israel is of great concern to AJC. Surely the situation in the Middle East is of concern to all of us. I know that Mr. Hansen has done much to support the cause of Israel, and I am sure that he is in the mainstream of thinking Americans who consider it our Nation's moral responsibility to support and strengthen the only democracy in the Middle East.

Surely no American—Jew or non-Jew—can stand idly by while forces in this country seek to weaken Israel's strength by preventing American support for a nation which has the same aims and goals as our own.

The American Jewish Committee is committed to a nationwide educational program which explains Israel's peaceful and democratic aims. We present Israel's case where it matters most:

To opinion-molders in the United States Government.

To the general American public.

And to the leadership of the Christian church.

From my experience, I have found the American Jewish Committee to be flexible in the face of rapid change. So many institutions seem to be bewildered by the shock of change which is not only inevitable, but comes at such a rapid pace. I believe that AJC is responsive to society's needs and tries to meet these needs with a mature sense of responsibility.

The problems of change must be met by our American system, that is, by the institutions that make up the American way of life. The greatness of this Nation is found, in large measure, in the systems which it created to deal with this change. The AJC understands that laymen and professionals can form a partnership to keep institutions sensitive and responsive.

The American Jewish Committee functions through this partnership of professionals on the one hand, who are able to communicate their ideas and research, and intelligent laymen on the other hand, who, in concert with the professionals, form a wonderful combination of dialogue. The tradition of research on the problems of human attitudes and behavior about the reconciliation of the races, is done thoroughly and courageously through scholarship, scientific methodology, and understanding of human beings, the committee has established many of the landmark studies about bigotry, religious and racial prejudice, and the responsibility of society and government for the rights of all people.

The high level of professionalism, commitment, and integrity, have attracted to the committee, gifted people who are willing to give generously of their talent, time, and means, toward the perfection of American society.

These professionals and laymen recognize their obligation to work for the good of this Nation through the existing institutions. It is to the credit of the laymen who work on the committees, that they have seen fit to attract and inspire these professionals in the field of human relations who often disagree with each other and hold conflicting ideas. They sit in the same room with laymen who also may hold conflicting ideas, but who have less evidence and data about particular problems. Together, through dialogue, they hammer out ideas and directions which government and civic leaders, college professors, and businessmen all accept as valid and significant.

AJC is one of those rare organizations which quietly and effectively demonstrates faith in America to make order out of chaos. It provides one necessary reservoir of facts and ideas which leaders need to make government, business, religion, and education responsive to the needs of America's future.

I am proud to be part of so vital an organization, and thank you for supporting it so generously tonight.

"WE LOVE AMERICA DAY" IN CLINTON, MO.

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. RANDALL. Mr. Speaker, on May 21 at Clinton, Mo., which is the county seat of Henry County and a part of the Fourth Congressional District, which it has been our honor to represent these past dozen years in Congress, Mayor Gus S. Wetzel proclaimed that day "We Love America Day."

The spark for the drive that resulted in the proclamation by the mayor, came from members of the freshman class at Clinton Junior High School. Way back on May 12 the students commenced their work. They were helped along by a most interesting news story in the Clinton Daily Democrat of that date. These young people then asked Clintonians to put a circle around May 21 on their calendars. They asked that everyone participate in the patriotic theme by flying flags at their homes and wearing clothing that contained our beloved colors of red, white, and blue.

It is my privilege to report to my colleagues in the Congress that this fine group of young people, not yet old enough to attend senior high school, did such a good job of making this day a success that they placed posters in businesses around the courthouse square and distributed handbills throughout the entire community.

The leaders of this effort then proceeded to schedule an assembly which was held at the Clinton Junior High School on Friday, May 21. The program of the assembly included short talks on patriotism by several junior high school students. One of the finest literary efforts that I have read recently, was the wording of the proclamation, signed by the mayor, which was prepared by these same junior high school students. Without quoting from the proclamation verbatim, the principal idea was, while we have problems in this democracy, we also possess the opportunity to solve these problems peacefully without revolution. The resolution went on to recite that working together in a free society is one of the greatest opportunities to be found anywhere on earth. Certainly we should be proud of the fact that we enjoy this opportunity.

There is enough plaudits for everyone to share but I would be remiss if I did not mention the idea for "We Love America Day" originated in the American history class of Mrs. Julia Cary and was taken over as a project by a committee composed of: Glenda Arwood, Gloria Mintum, Debbie Thompson, Vencie Morgan, Kathy Ross, Melinda Glaspy, Lynn Barbee, Danny Glaspy, Murray Jennex, Judy Johnson and Vic Titus.

The event of May 21 was under the sponsorship of all of the 178 members of the Freshman Class buttressed by enthusiastic backing of Principal Jim Phillips as well as co-chairmen, Danny Glaspy and Kathy Ross.

Mr. Speaker, it is my privilege to add my salute to these young Americans of Clinton Junior High School who on their own decided on a project, then named it, and took the time and effort to carry it to a successful conclusion. By their hard work "We Love America Day," was a great success. Remember these are young people who had an idea and then proceeded to encourage their parents and other adult citizens to support a day set aside to recognize the freedom and rights that our country offers and which stands as a symbol throughout the world.

Activities of this kind by the youth of Clinton, Henry County, Mo., stand out in such a sharp contrast from what happened in the city of Washington on May 1st through the 5th of this very same month of May 1971.

The event of May 21 in Clinton, Mo., proved that while the freaks, the weirdos and crazies may be a much publicized aspect of American youth, I am convinced they are only a minor aspect compared to the great majority of our young people who are the kind that sponsored "We Love America Day" in Clinton, Mo. Its "hats off" with a standing salute from their Congressman and from everyone who recognizes the real worth of what they proceeded to accomplish on May 21 of this year. I am sure that I speak for all others who observed their fine efforts. We all hope they will not omit to repeat this effort next year.

SHRINER'S HOSPITAL FOR CRIPPLED CHILDREN

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, on Sunday, May 16, 1971, the Shriners celebrated the 49th anniversary of the opening of their first orthopedic hospital for crippled children. The Salaam Temple, of which many of my constituents are members, take an active part in this worthwhile project which provides care and treatment for children whose parents are unable to afford the expensive treatment necessary.

At the present time five young children from my own district are undergoing treatment which their parents could otherwise not afford. I am very proud of this tremendous effort on the part of the Shriners nationally and am especially proud although not surprised that Shriners in my district take such an active part in this crucial program.

At this time I would like to insert into the RECORD some additional information prepared by the Shriners regarding their program. I commend the information to the attention of my colleagues.

The information follows:

WHAT ARE THE FACTS ABOUT THE SHRINERS HOSPITALS FOR CRIPPLED CHILDREN?

22 SHRINERS HOSPITALS

The first Shriners Hospital For Crippled Children was opened in Shreveport, Louisiana, September 16, 1922. As the need increased, more Units were added until today there are 22 Units throughout the United States, Canada and Mexico. These Units of the Shriners Hospitals For Crippled Children represent a construction investment of many, many million dollars. It is not hard to realize the huge operating cost of these 22 Units when you consider that Shriners Hospitals actively care for approximately 30,000 patients each year (in and out-patients); that 8,000 of these patients are treated as in-patients, with an average days' stay of 45 days in the Orthopedic Units and 57 days for acutely burned children in the Shriners Burns Institutes; and that there are more than 66,000 out-patient clinic visits each year. Since the first hospital opened in 1922, more than 160,000 children have been treated, with 180,000 admissions to the hospital, and nearly 2,000,000 clinic visits to the out-patients' dept. Shriners Hospitals For Crippled Children have provided more than 14,000,000 Orthopedic patient days since the first Unit was opened in 1922, and Shriners Burns Institutes have provided nearly 100,000 patient days since the first Burns Unit was opened in Galveston, Texas, March 20, 1966.

The *Burns Institutes* of the *Shriners Hospitals for Crippled Children* have a threefold purpose—to save children's lives and restore their bodies through intensive care to prevent the crippling effects of severe burns, to undertake research in burns therapy, to advance medicine's ability to care for and treat children with burns, and to instruct medical personnel in the care and treatment of burned children.

The Shrine chose "Children's Burns" as an extension of the Shriners Hospitals For Crippled Children, because it was felt that severe burns in children, unless properly treated, are our country's greatest unmet medical need. Some authorities call burns the largest single hazard of childhood.

WHAT IS SO UNIQUE ABOUT A SHRINERS BURNS UNIT?

For one thing, special equipment and facilities enable the staff to provide superior care for severely burned patients. Patients are under visual observation at all times and electronic monitoring devices attached to a patient under intensive care transmit heartbeat, temperature, blood pressure and respiration to a central station. Special beds facilitate handling the patient when necessary. Laboratory teams constantly evaluate the patient's condition. The research program studies ways to improve the treatment of all types of burns. Special precautions are taken in treating burns because infection is one of the serious hazards, and unusual features for its control are used in the Burns Institutes.

What is the cost of patient care? It has been estimated that the cost of treatment for a severely burned patient may be more than $10,000. In addition to this, massive amounts of blood—often as much as 100 pints—are also needed.

As in the case of the Orthopedic Units, admission standards for the Shriners Hospitals For Crippled Children. Burns Institutes, are that a child must be fifteen years of age or under, and his parents or guardians are unable to pay for treatment. All patients are admitted regardless of race or creed.

TRANSFORMING VICTORY INTO DEFEAT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. SCHMITZ. Mr. Speaker, Epictetus said:

> The appearance of things to the mind is the standard of every action to man.

In no area of public opinion is the influence of the mass media so far reaching and profound as in that of foreign affairs. This is primarily due to the fact that virtually the only contact an individual has with those subjects on which he is forming an opinion comes through media channels.

This dependency makes balanced and accurate news coverage of foreign events essential for a correct general public understanding.

A recent Lou Harris poll dealing with Southeast Asia has confirmed beyond a shadow of a reasonable doubt that in at least one area of foreign news coverage blatant misrepresentation by large segments of the American media is taking place.

Having access to official fact sheets detailing the results of the South Vietnamese thrust into North Vietnamese Communist controlled areas of Laos last February, I was personally stunned when confronted with the results of this poll. The particular Harris poll question and response, which confirmed that misinformation is being distributed by the media under the cover of "news," was as follows—a cross-section of 1,580 households was asked between April 12 and April 15, 1971:

Do you feel the recent South Vietnam move into Laos was a success or a failure?

[In percent]

Success	24
Failure	45
Neither	8
Not sure	23

Assuming that very few of the 1,580 people polled had actually been on hand to witness the South Vietnamese operation, the appearance of failure, held by a margin of nearly 2-to-1 over success, must have been conveyed by the mass media.

Was it a failure? The South Vietnamese forces suffered losses of 1,400 killed and 4,700 wounded, while the Communist forces incurred 13,000 fatalities and tens of thousands of wounded. Four South Vietnamese battalions were put out of action as compared with 13 enemy battalions rendered ineffective.

Of the 40,400 U.S. helicopter sorties flown to support our allies, losses ran about 2 percent. This compared quite favorably with World War II daytime bomber losses over Nazi Germany which ran around 4 percent.

Enemy logistical losses were astronomical. There were 4,900 individual weapons, 1,900 crew-served weapons, tons of ammunition and other supplies either captured or destroyed. There were 100 enemy tanks put out of action, 300 enemy trucks destroyed by South Vietnamese ground forces and 4,300 trucks destroyed by U.S. air power flying missions over a greatly compressed trail area. Several enemy oil lines running south all the way from Haiphong Harbor in North Vietnam were cut and, when set afire, burned for several days.

The flow of enemy supplies for future military operations against the South Vietnamese and Cambodians was severely disrupted, giving these two nations more time in which to strengthen their forces. The North Vietnamese must now devote more resources to protecting former sanctuaries against the possibility of a demonstrated South Vietnamese capability to carry on an offensive against what was, until this operation, a secure area.

And yet only 24 percent of the people polled by Harris thought that this operation was a success. A successful military operation in Southeast Asia was turned into a psychological defeat in the United States, courtesy of our own informed media. Victory in the field was transformed into a club to smash American morale at home.

Someone once made a quip about snatching defeat from the jaws of victory. Perhaps this is what he meant.

HAPPY BIRTHDAY, JIM FARLEY

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. DELANEY. Mr. Speaker, on next Sunday, the 30, one of the outstanding figures of this century will celebrate his 83d birthday. I refer to the Honorable James A. Farley, former distinguished Postmaster General and model chairman of the Democratic National Party. The legendary accomplishments of this truly heroic man need no exposition here. Yet, as effectively active as Jim Farley has been in his event-filled lifetime, he still thrives on his work as chairman of the Coca-Cola Export Corp., and looks to the future with enthusiasm a 20-year-old could envy.

Rather than just pay tribute to another milestone in the life of a great man, I insert into the RECORD an account of a recent interview of Jim Farley which appears in the current edition of the monthly magazine "Harvest Years." Even as he used to point out how elections could be won, how legislation could be enacted, Jim Farley now points out how to enjoy the later years. Some may try to delay their entrance into that period of life but those later years do come, to us all. If we can follow his "Five Point Program," those years can be as fruitful for us as they are to Jim Farley.

The interview follows:

HY HALL OF FAME: JAMES A. FARLEY

Who set the pace for us yesterday and is still setting it today?

Many folks would single out *James A. Farley*, former U.S. Postmaster General and leader of the Democratic Party, who celebrates his eighty-third birthday on May 30. "Genial Jim" still has the physique of a man who can't be pushed around, the diamond-sharp eyes that "never forgot a face," the smile that can melt a Republican, and the voice of an Irish tenor on Saturday night.

Sitting in his office (he's chairman of the board of the Coca-Cola Export Corp.) surrounded by mementos of the past (photos of seven presidents he's known; autographed pictures from Roosevelt, Churchill, three Popes and Cardinal Spellman; pictures and souvenirs from countless trips) this 6 ft. 2½ in. 188-lb. dynamo dominates the room. We asked:

What advice can you give our readers on enjoying the later years?

"I don't know that I follow any regular program, but my philosophy, if you will, could break down into five points. The first point might be:

"Exercise regularly. Whenever the weather permits and the distance isn't too great, I make it a point to walk to wherever I'm going. It's a rule with me to walk every morning from my apartment to my office several blocks away. Since 1920 I've always taken a Turkish bath once or twice a week. I sleep well but only require about 6½ hours. I eat regularly and I've kept the promise I made to my mother when I was twenty-one—I don't smoke or drink."

But how do you stay so trim? We understand that for years you attended over 100 banquets and 75 to 80 business or civic luncheons a year.

"While it's true I probably attended more banquets and luncheons than any other citizen, I eat very little at public meals—maybe just a little meat and, of course, my favorite dish—ice cream. And I also keep fit by following my rule number two: "Keep busy at what interests you."

Mr. Farley, who was once known as "Three-Job Jim" (simultaneously Postmaster General, National Democratic Chairman, and Democratic Chairman of New York State) says that he is always in the office at least by 9 A.M. and works through to 5 or 5:30 P.M. Even on Saturdays when he's in town he goes to the office to answer mail and make telephone calls. Last summer he visited fifteen countries and thirty cities in six weeks, calling on Coca-Cola bottlers and other members of his organization. He also visited numerous ambassadors he knows personally, former King Umberto of Italy, and had an audience with His Holiness Pope Paul VI, accompanied by his two teen-age granddaughters, Carole and Gail Montgomery.

When he returned to New York, he personally dictated (and signed in his trademark green ink) over 400 letters to members of the Coca-Cola organization he'd called on, and answered hundreds of other letters that had piled up in his absence.

How can you keep track of so many people? Is it true you never forgot a face?

"When I was in politics I worked hard at getting to know people and places. In fact, in 1930 and 1931—long before the age of jet travel—I journeyed approximately 50,000 miles to personally see every Democratic state and county chairman in the country. I've always enjoyed traveling (two trips around the world, visits to all continents). There are few prominent people or places I haven't seen."

Experts say that Mr. Farley can still link up more names and faces than half the hostesses in Washington. "Big Jim" also admits to a bit of luck that helped his reputation for a fabulous memory. One famous story centers around Franklin D. Roosvelt's first whistle-stop campaign through the West. Mr. Farley was campaign manager, and at the end of one of Mr. Roosevelt's speeches, somebody in the crowd yelled, "Hello, Jim!" Farley roared back, "Hello, Frank!" making a lifelong friend of a local citizen who bragged that he "knew" Jim Farley. It seems that Farley had been corresponding with a railway clerk in that area, and even though he hadn't met the man, he took a wild chance that the voice belonged to his "pen pal." Sure enough, Frank wrote a delighted "thank you" letter.

In your book, the Jim Farley Story, you talk about looking forward to retirement. Is this still true?

"Frankly, I'd be bored to death if I wasn't active. I've always done everything to justify my existence in whatever job I held. If I couldn't make a contribution, I wouldn't want to be around. But while I'm still in good health and can travel, I feel I'm worthy my salt, whatever my age. Also, I believe that everyone should have some activity to enjoy outside of work. Which brings me to my point three:

"Seek recreation you enjoy. If I'm in town and if the Yankees or Giants are playing, I usually go to the game. I take in an occasional boxing match in Madison Square Garden. I've never been much of a fisherman, but the last time I went fishing in Miami I hooked one of the largest barracuda ever caught in those waters up to that time—the fish was put on exhibition. Also, I've been active in the Elks since 1914 and have been at most Grand Lodge meetings since 1918, when I've been in the country. I'm also active as a member of the board of directors of the Boys Club of America."

"Big Jim" also spends time socializing with his two daughters, son and ten grandchildren, two of whom accompanied him to Europe last year. And during the "sweet corn season" he frequently dines at his daughter's home in Scarsdale, N.Y. His wife, the former Elizabeth Finnegan to whom he was married in 1920, died in 1955.

Do you still get to Washington to see former associates?

"I'm always invited to the annual Gridiron dinner and I've made several visits during the Johnson and Nixon Administrations. I was an honored guest when President Nixon signed the bill creating the new Post Office agency."

When you were Postmaster General you campaigned for many improvements like air mail service. What do you think of the Post Office reorganization?

"Frankly, I'm not too keen about the bill finally enacted into law. I always felt that down through the years the post office people were among the most loyal and dedicated I ever met. If Congress gave the Post Office enough money to build facilities and provide adequate service, there wouldn't be need for any reorganization."

We hear you put a lot of stock in loyalty. Could you explain?

"My fourth point might be: Live by a buoyant philosophy. Loyalty is part of this philosophy, because if you don't have loyalty, you don't have anything. You owe loyalty to your church, your country, then to your family, your business, and your party. Loyalty and truth are the most valuable attributes you can possess and you're not entitled to any credit for them."

To his credit, no one has ever accused Jim Farley of taking a dollar or telling a lie. And even after his famous break with Roosevelt over the third-term issue, Farley remained loyal and worked behind the scenes to assure the re-election. On the Saturday preceding the election he wired 11,000 Democratic committeemen in New York State urging them to support Roosevelt. This demonstration of loyalty was printed on the front pages of most Sunday newspapers and was helpful in the Roosevelt victory.

Mr. Farley adds: "I don't think we now see the loyalty and devotion to party that we used to have. Now, reform elements talk in disparaging terms about the 'bosses' of yesterday. But I always thought the old-time bosses did a lot of good. These men supplied discipline, loyalty, and devotion to their people and the party. The Big Boss often went to bat in criminal cases, to help a working family and a problem son. But he never, never tinkered around suits between citizens and he never took money for helping a poor family in trouble.

"What finished the bosses was they did their job so well that the immigrants didn't need them after the first generation. The blast furnace of the American Melting Pot is the public schools; now the Welfare Department do all the things the Big Bosses used to do."

Are you still active in politics?

"Yes—and that touches on my fifth and final point—to Look to the Future. In my case, it's still politics and the success of my party. I made speeches in 1968 for Humphrey-Muskie. Incidentally, I've known Muskie since 1936 when he was head of the Young Democrats at Cornell University. He is a strong possibility for the presidency, having made an extremely good impression in 1968, and enhanced it. He is knowledgeable and a good public speaker, excellent on TV and at press conferences. He never makes extravagant statements."

Mr. Farley then mentioned another 1972 presidential possibility. "If Lyndon B. Johnson indicated that he had an interest in seeking the presidential nomination, he'd be a formidable contender in 1972.

That's really "looking ahead." And with his five-point program of regular exercise, busy interests, enjoyable recreation, uplift philosophy and looking to the future, Jim Farley, at eighty-three, continues to set a fast pace to follow.

"EMPLOYMENT OF THE HANDICAPPED: COMMUNITY ATTITUDES"

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. BYRNES of Wisconsin. Mr. Speaker, recently I had the pleasure of visiting with a charming young lady from my district who won third place in the national "Ability Counts" contest sponsored by the President's Committee and the Governors' Committees on Employment of the Handicapped.

Miss Jeri Hoffman of Green Bay researched and wrote an especially meaningful essay on community attitudes toward the handicapped. While we have accomplished much in the area of aiding the handicapped in finding jobs, there is much more left to be done, as pointed out by Miss Hoffman.

I am inserting the text of Miss Hoffman's essay in the RECORD and I would hope that my colleagues would take the time to read it and to seriously consider the points it makes.

EMPLOYMENT OF THE HANDICAPPED: COMMUNITY ATTITUDES

(By Jeri Ellen Hoffman)

"Few community endeavors are as visibly rewarding or poignantly satisfying as the rehabilitation and employment of even one neighbor."[1] This attitude toward the disabled has prompted in Green Bay another "team effort" for tackling problems.

Players need coaching; various agencies in my community prepare the disabled for useful roles in society. Ft. Howard and Howe Schools' provisions for the blind, deaf, and orthopedic, special education classes at all secondary schools, and the Northeast Wisconsin Technical Institute provide learning opportunities. Community Service Center, a regional facility for the mentally retarded, offers pre-school evaluation and post-school habitation and vocational training. Curative Workshop, Sheltered Industries, and Wisconsin Department of Health and Social Services—Division of Vocational Rehabilitation and Services to the Blind, provide occupational therapy and placement. Assisting in this latter task is an active district office of the State Employment Service. Abreast of the employment situation, it has an important awareness of job openings, needs, and trends and is knowledgeable about general skill levels and potentialities of the community's handicapped population.

Equally important is the cheering section: enthusiastic employers and concerned citizens. Green Bay employers find hiring the handicapped is good business. In my survey of 40 employers, 70 percent stated they are willing to employ handicapped persons "who have the qualifications to meet the job requirements and are able to safely perform the work involved." Sixty percent said they now have disabled persons in their employ or have had in the past. In all but one instance their performances were rated as "more than satisfactory."

Concerned citizens agree that the employment of those disabled among us is in the public interest. Without jobs, they cost tax dollars; with jobs they become taxpayers. But more important, with jobs, the disabled develop self-respect and become self-reliant, a status everyone seeks. Interested citizens, desirous of lending support, have formed voluntary public relations type groups, such as Brown County Committee on Employment of the Handicapped. Through cooperation of local news media, public service announcements like the "Hire the Handicapped" messages are aired at no charge. Soon the Leon Phillips Public Library Facility for the Handicapped will open in our city, and "architectural barriers to the handicapped are being programmed out of the new central library building now being designed for the greater Green Bay area.[2]

My community has made good yardage, but the championship is not yet ours! Lest we become smug and complacent, let us analyze some of the hurdles that jeopardize victory.

Unfortunately, only a fraction of the handicapped are now being adequately served. Charitable and tax-supported agencies are always inhibited by financial resources. Trained workers—therapists, nurses, and special teachers—are in short supply. Job placement at present is limited primarily to the office forces in clerical, technical, or drafting positions. Cal Strombeck[3] expressed the fear of many employers: "Placement of handicapped into the hourly labor force is restricted because of very real dangers inherent in the equipment necessary to manufacture paper products. Safety is essential; yet, I cannot help but urge local employers to consider employment statistics and performance records of disabled employees at Lockheed Aircraft or Westinghouse Electric for the assurance that the handicapped can perform a greater variety of jobs.

Furthermore, how many employers advertise positions which can be filled by handicapped applicants? How many announce training programs designed for disabled workers? In 14 days of reading "help wanted" ads in the *Press Gazette*, I found none!

Prejudice remains in my community. Employers are sometimes hesitant to hire another handicapped person if they've had a bad experience with a former disabled employee. "The same thing might have happened with a non-handicapped person, but this fact is often overlooked," comments Thomas Stout.[4]

Finally, finding acceptance and earning respect from one's co-workers is a challenge to any employee, but it remains an even greater task for the disabled. Community attitudes have not been effectively developed until each individual citizen demonstrates it is ability, not disability, that counts.

Winning the game brings team glory, but, more importantly, it develops rapport built on faith amongst its members. Paraphrasing psychologist Dr. John Salazar: "Not only the handicapped benefit when a community gets interested in rehabilitation. Something about working with the disabled makes all people more tolerant of each other. They discover love cures people—those who receive it and also those who give it."[5] Green Bay citizens have discovered this truth and are continually striving to "champion" the cause of hiring the handicapped.

FOOTNOTES

[1] "What Can We Do For the Handicapped?" *Platform*, February 1953, p. 21.

[2] Gerald A. Somers, Director, Brown County Library, Green Bay, Wisconsin.

[3] General Supervisor of Employee Relations, American Can Company, Green Bay, Wisconsin.

[4] Employment Consultant, Services to the Blind, Green Bay, Wisconsin.

[5] "So You're Going to Hire the Mentally Restored," President's Committee on Employment of the Handicapped, Washington, D.C.

THE SHAH OF IRAN SPEAKS ON THE FUTURE OF THE PERSIAN GULF

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. ZABLOCKI. Mr. Speaker, there has been increasing interest and concern about the future of the Persian Gulf and the Indian Ocean, particularly in view of the projected British withdrawal from that area by the end of this year.

Iran, as a state on the littoral of the Persian Gulf, is intimately involved in the events taking place there and the Shah of Iran will undoubtedly be an important figure in determining the future developments in that area.

It was, therefore, with particular interest that I read Dr. Alvin J. Cottrell's recent interview with the Shah on the problems and prospects of the Persian Gulf.

Dr. Alvin J. Cottrell, director of research at the center for strategic and international studies of Georgetown University interviewed the Shah of Iran in St. Moritz, Switzerland, on March 8, 1971. This report was published in the April issue of the periodical, New Middle East.

Because of the relevance of the Shah's comments to foreign policy decisions now being deliverated by our own Government, I include Dr. Cottrell's interview at this point in the RECORD and recommend the article to the attention of my colleagues:

SHAH OF IRAN CONCERNED OVER SAUDI ARABIA'S FUTURE—TRADITIONAL ARAB REGIMES ON THE GULF FACE YEARS OF CRISIS AND TURMOIL

The statement made on March 1, that the Conservative Government of Britain will implement the Labour Government's decision announced in January 1968, to withdraw its military protection from the Persian Gulf by the end of 1971, has quite naturally focused much attention on this oil-rich and trouble-laden area. This waterway, not more than 600 miles long and 185 miles across at its widest point in the Southern Gulf, contains two-thirds of the world's proven oil resources and one-third of its present production.

Further attention centered on the area as the Shah of Iran assumed the leadership in the negotiations for a five-year oil agreement with the principal western oil companies on behalf of the six OPEC nations of the Persian Gulf, Abu Dhabi, Iran, Iraq, Kuwait, Qatar and Saudi Arabia; (see article by Peregrine Fellowes in the February issue of *New Middle East*). The significance of the Shah's role as principal negotiator has more than merely economic significance, since it demonstrated that the other nations were prepared to accept his role as the leading participant in the negotiations.

Iran, moreover, is the most powerful country in the Gulf militarily (the army consists of 164,000 men organised into seven infantry divisions) and demographically—with a population which was said to be approaching 30 million. There can be little doubt that the Shah expects and intends to replace the British as the protector of the Gulf. The oil agreement called for an increase in payments to the Gulf states of between 10 and 11 billion dollars over the next five years. The Shah's role here is significant, since it marks his emergence in an active sense as the principal local ruler in the Gulf who can stand up to major western interests.

It was in the aftermath of these successful negotiations that the Shah spoke to me very candidly of the future of the Persian Gulf following Britain's final withdrawal. It is quite obvious, as has already been said by other commentators and analysists, that he intends to be the dominant power in the Persian Gulf.

His attitude is one of optimism and self-confidence in his own ability to be the leading power in the Gulf, and some pessimism with regard to the future of the Sheikhdoms and other states on the Arabian side of the Gulf.

As is well known, there are a number of outstanding claims and disputes which may not be resolved by the time of Britain's departure. Among the many serious issues which affect the Shah's relationship with the Arab states in the Gulf is the dispute over the Shatt-al-Arab, which is formed by the confluence of the Tigris, Euphrates and Karun Rivers at the head of the Gulf, and has long been a source of contention between Iraq and Iran. In my conversation with him the Shah discussed this dispute with Iraq and dismissed it, saying that he had often denounced the Treaty of 1937 which reaffirmed Iraqi sovereignty over the waterway and that he intended to ignore the Treaty, since he believed that it was no longer valid. He would send his own ships up the waterway, flying the Iranian flag, and without any regard to the provisions of the Treaty which gave Iraq sovereignty.

He considered this a closed matter, but of course it must be remembered that the problem of demarcation of undersea oil boundaries between Iran and Iraq has not yet been settled, although a paper agreement has been reached between Iran and Kuwait.

The Shah expressed Iran's continuing anxiety about the Iraqi claim to Kuwait. It should be recalled that Iraq, under the Kassim regime, threatened to occupy Kuwait in 1961, and was forestalled only by the landing of a British brigade group. He indicated, of course, that it is always possible that this claim could be reasserted at any time, but seemed confident that Iran possessed adequate military power, if left alone by outside powers, to cope with this situation.

The most serious outstanding issue threatening stability in the Gulf, however, is the Shah's claim to the three small and relatively uninhabited islands inside the Gulf near the Strait of Hormuz, approximately 50 miles from the Trucial Coast, the two Tumbs which are under the control of the Sheikhdom of Ras-al-Khaimah, and the island of Abu Musa, which is under the control of the Sheikhdom of Sharjah. It is worth noting, however, that the island is also reported to be claimed by the Sheikhs of Umm al-Qawain and Ajman. Iran claims these islands, and when the Shah relinquished his long-standing claim to Bahrain in May 1970, it was widely assumed in diplomatic circles that a tacit understanding had been made to let the Shah have the three islands in return for relinquishing his claim to the island of Bahrain.

Whether these rumours were true or not, the issue of the islands has still not been resolved, and the Shah made it quite clear to me that unless he could reach a negotiated settlement for the possession of the islands. Iran was prepared to consider the use of force to take them. The Shah's fear is that the islands could not be adequately defended against a determined aggressor by any of the Trucial Sheikhs.

At this point I raised the question of the future of the Federation of Arab Emirates. The Shah did not venture a prediction of its success or failure, but did say it could not succeed without his support, and it is well known that he will not support the Federation unless he gets the three islands. One of the arguments generally advanced is that the Sheikhdoms involved. Ras-al-Khaimah and Sharjah, would be willing to sell or cede the islands to Persia, but that they have been restrained because they require King Feisal's consent in order to permit the islands to be brought under the sovereignty of a non-Arab country.

The Shah dismissed this idea as somewhat incomprehensible to him, since, as he pointed out, the islands are in no way under the sovereignty of Saudi Arabia. Presumably, if he should decide to take over the islands, this would follow the end of British protection which would be terminated at the end of 1971. For the present, the situation remains somewhat embarrassing since Britain still has control over the external affairs of the Trucial Sheikhdoms until her protection is withdrawn.

The Shah spoke quite openly about the situation in the Arabian Peninsula, and it is my opinion that the Iranian Government is pessimistic about the future of the traditional régimes—Iraq being the only non-traditionally ruled state on the Persian Gulf. Many western observers have expressed the optimistic hope that the two largest powers of the Gulf—Iran and Saudi Arabia—might join together in maintaining the stability in the area, but it is quite clear that the Iranian Government is not particularly optimistic about the long-term prospects for the present Saudi régime, although it is acknowledged in Teheran that some progress towards modernisation has been made.

Should King Feisal's régime be replaced by a revolutionary officer *coup*, the Iranian Government is well aware that the position of all the shiekhdoms of the Southern Gulf would rapidly become untenable. The principal fear is that of an officer *coup* somewhat like the one which was carried out in Libya, although it is, of course, recognised by the Iranian Government that the situations are by no means exactly analogous. In fact, the Shah made a strong point of mentioning the *coup* in Libya, and commented with astonishment that he did not quite see how the United States and Britain were apparently caught so completely offguard.

We discussed the question of the nature of the officer corps in Saudi Arabia, and the Shah pointed out that many of the officers who were antirégime were educated in the West, particularly in the United States. This officer corps, particularly in the Army, tends to be middle class and it has, interestingly enough, not been, in the Iranian Government's view, sympathetic to the continuation of traditional rule of the kind which exists in Saudi Arabia and throughout the other traditionally ruled Gulf states.

Together with the possible changes in government on the Arabian side of the Gulf, the Shah discussed the oil agreement, which contains a provision in it regarding leap-frogging, i.e., a Gulf country going outside the Gulf area and joining with other countries, for example, Libya in the Mediterranean or elsewhere to raise oil prices. The agreement includes provisions that, for the duration of the settlement, no Gulf state which has the agreement will seek to increase government income nor will it impose further financial obligations on oil companies over and above those which have been accepted.

The Shah stated: "I certainly have no intention of leap-frogging," and said that he was sure that the other countries would not do so either, as long as they were under the present forms of rule. He did indicate that he could, of course, not guarantee what would happen if revolutionary forces overthrew the system of traditional rule on the Arabian side of the Gulf and in the Sultanate of Oman. Referring to the *coup* which brought about a change of leadership in Muscat and Oman from the old Sultan Bin Taimur to his 28-year-old Sandhurst-educated son, Qabus, he expressed a cautious optimism that this would improve the situation in Oman and that perhaps they would be able to deal with the threat of the revolutionary Dhofar movement known as the "People's Front for the Liberation of the Occupied Arab Gulf."

Iranian foreign policy has hitherto been almost completely preoccupied with the Gulf. The Shah said, however, that he was now thinking in policy terms which were considerably broader than just the Gulf. He said that he was now seriously considering and actively pursuing a Gulf of Oman policy. Part of Persia, he pointed out, extends into the Gulf of Oman. He was also talking with the Sultan of Oman on this matter and he hoped that he could establish some policy for joint naval defence in this area. It is worth noting that Iran has plans for a naval base at Jask in the Gulf of Oman. The Shah went on to say that he would inevitably have to begin thinking in terms of an Indian Ocean policy. He is already much concerned about the developments in Eritrea and indeed the whole Horn of Africa, and the threat which these developments pose to the Gulf of Aden and the Red Sea.

Here he spoke at some length about Iran's need for improved naval forces. He already has the largest modern navy of the littoral Gulf states, and also the most powerful air force of any of the Gulf states. Navy personnel total about 6,000 men. The Navy consists of approximately 30 vessels—minesweepers, patrol boats, destroyer escorts and several amphibious landing craft.

The principal combat ship is a destroyer that has been transferred from the British Royal Navy. The Iranian Air Force already has over 100 F5s. The Shah stated that Iran also has three squadrons of Phantoms with five more squadrons still to be delivered before 1975.

With regard to his Navy, he said that he would like to obtain some more modern naval vessels in the 3,000 ton class, and he also expressed interest in a helicopter-type carrier of the 25,000-ton Russian *Moskva* class. He made the important point that helicopters would be extremely valuable in a small, land-locked area of the Persian Gulf.

The Shah discussed at some length the role of the great powers in the area. He said that he had always favoured the British withdrawal and was implacably opposed to any reversal of the Labour announcement to withdraw by the end of 1971, because Britain's presence now was an anachronism and would, in this day and age, only be a continuation of imperialism.

He then discussed the U.S. presence in Bahrain which, as is well known consists of a converted seaplane tender and two ancient destroyers. He said that he considered this presence to be of little value as a deterrent force and yet it was adequate in providing a rationale for the Soviets to maintain a presence of their own in the Gulf, perhaps based on an Iraqi port. He seemed to be suggesting that it was worth seeing whether the Gulf could not be kept free of great power naval deployments, except for occasional and limited visits.

The Shah agreed, however, that if the Soviets maintained a presence in the Indian Ocean, then the United States would be foolish not to maintain one, too. He was aware of Soviet activities on Socotra and expressed interest in my remarks that many thought the reported landing of Soviet marine forces suggested the possibility that Moscow was attempting to train troops for tropical deployment. He repeated also what he has told other interviewers—that he would be very happy to conduct joint naval manoeuvres with British and U.S. forces either under the auspices of CENTO or otherwise.

Speaking of CENTO, he said that he did not wish to see it dissolved, although he seemed to discount its local security value. He said he would prefer to do business on a bilateral basis rather than rely on the CENTO type of treaty arrangement for the provision of local security.

As has been reported, Pakistan has been seeking to encourage Iran, and perhaps even Turkey, to withdraw from CENTO. The Shah, although not placing complete reliance on the agreement, is opposed to withdrawing from it. Although he did not say so, the reason Pakistan has apparently sought to have Iran withdraw from CENTO is that, while Pakistan has wanted to leave the Alliance for some time, she does not wish to do so unilaterally.

The Shah strongly believes that the Soviet Union is becoming a more conservative, i.e., traditional great power and gave me the impression that this was an important development because Soviet policy was no longer motivated primarily by communist ideology. In other interviews the Shah has been at pains to draw a careful distinction between a policy of good neighbour relations with the Soviet Union and unrelenting hostility to the machinations of international communism. There seems to be little doubt that while the Shah is still apprehensive about the Soviet intentions, he feels less threatened by them and thus more free to turn his attention to the Persian Gulf and adjacent areas.

Indeed, he said with much force that if any foreign power threatened Iran's territorial integrity, then the people of his country would fight. There was mention made of the Indian-Pakistani war of 1965, which did so much to damage Iran's relations with the United States, and it is clear that the U.S. failure to support a CENTO ally, or even let the Shah support his friend Ayub Khan, was a major turning point in the Shah's thinking.

From that moment onward, he became convinced that he could place little reliance on Western defence agreements in local disputes, and that if hostilities occurred with Iraq or elsewhere in the Gulf, Iran would have to defend hereself, alone if necessary. He is confident he can do this if outside forces do not interfere, and this explains his desire to exclude the great powers from the Persian Gulf.

The Shah's main aim is not one of domination; it is rather the realistic aim of attempting to limit, in the interest of all the Gulf states, the number of contending forces. After speaking to him, I am in no doubt as to his determination and sincerity on this question.

He discussed the local military balance in the Gulf and simply questioned whether any other state had adequate forces in the area except Iran. This led to a discussion of the effectiveness of any Saudi Arabian contribution to the defense of the Gulf.

As is well known, the Shah has been accused in the past of being unduly obsessed with the threat from Nasser's Egypt. He suggested, however, that the new Egyptian régime may be more preoccupied with problems at home following Nasser's death, and that concentration on affairs closer to home was evident even before Nasser's death.

The Shah's apprehensions seem to arise more from revolutionary threats to the other traditionally ruled states in the Gulf, but it should be emphasised that these apprehensions are overshadowed by his confidence that Iran has adequate forces for the task of protecting the Gulf if outside powers can be excluded.

Turning to more general issues, the Shah felt that too much attention, particularly in the United States, was given to the Arab-Israeli dispute, and that this preoccupation distracted western attention from vital interests in Iran and its Northern Tier neighbours.

The overwhelming impression after such a detailed and frank discussion is of a ruler who has considered carefully all the possibilities and whose foreign policy is based both on a careful calculation of national interest and a realistic appraisal of great power policies. The Shah's concern with the Persian Gulf is based upon Iran's economic interests. It is not aimed at conquest of territory nor at the exercise of exclusive domination. It is, however, an attempt to insulate one vital area of the world from the vicissitudes of great power rivalry. The Shah has come to realise that in local matters Iran must be capable of self-defense and here her interests, certainly in the maintenance of the oil trade, coincide with those of the western powers.

SST TURNDOWN—JUST HOW WISE?

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. CARTER. Mr. Speaker, the unusually erudite editor of the Glasgow, Ky., Daily Times, Mr. Carroll Knicely, has written an editorial which I feel would be of interest to the Members of this body.

Yesterday, the Tupolev, Russia's supersonic jet landed at Le Bourget Airport in Paris. At approximately the same time, the British-French supersonic jet, the Concorde, flew from Toulouse to Dakar in Senegal, both at speeds of approximately mach 2.

By canceling our SST contracts, the $800 million invested by our Government was irretrievably lost, the leadership to aeronautics was surrendered, and thousands of our people were thrown out of work. Our supersonic transport was conceived years ago during the Kennedy administration. In all probability it would have been far superior to both the Russian and the British-French counterparts.

The wisdom of this action of the Congress, as this editor points out, will be determined within the immediate future. I commend his article for your appraisal:

SST TURNDOWN—JUST HOW WISE?

In "The History of Invention," Egon Larsen recounts what happened when plans were announced to build the world's first long-distance passenger and freight railroad, between Manchester and Liverpool.

"A great campaign of abuse began. It was claimed that the terrible spectacle of a locomotive rushing by would affect people and animals: Ladies would have miscarriages, cows would cease to give milk, hens would lay no more eggs; the poisoned air from the engines would kill the livestock in the district as well as the birds in the trees and houses along that line would be set on fire by the sparks.

People back in the 19th century were silly and superstitious, of course. They had never even heard of skin cancer or sonic booms.

Yet if the English entrepreneurs had been prevented from building their railroad, other men in other countries would eventually have done so. The same is true of the supersonic transport.

Britain and France are going ahead with their Concorde and Russia with its TU-144, and in a few years we shall begin to find out how valid were the arguments of the opponents of the American SST—that it would upset the environment, that it would create annoying if not destructive sonic booms, that it would turn out to be an economic white elephant.

Generally, history has been against the doom-predicters. Every advance in transportation has been greeted with cries that it would wreak havoc with the environment or would be dangerous to life and limb, or simply wouldn't work.

But perhaps the SST is an exception. If it is, if the Concorde and TU-144 fail, then those who opposed the American SST will be remembered as the wise men of the century. If not—well, the catastrophes foreseen by the pro-SST forces need not come true, either.

At worst, the United States will have lost a number of years of leadership in aviation, have lost an unknown number of billions of dollars worth of business it might have had, have suffered unnecessary dislocation in the aviation industry.

As of now, however, the defeat of the SST presumably stands as an expression of popular feeling. For once, human values have been given precedence over the blind advance of technology.

Rejoice. But remember that the Manchester-Liverpool railroad was built, and hens are still laying eggs.

OUR VIETNAM VETERANS: NEITHER FORGOTTEN NOR FORSAKEN

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. HANSEN of Idaho. Mr. Speaker, today in Boise, Idaho, the Honorable Donald E. Johnson, Administrator of Veterans' Affairs, is delivering some timely remarks at a meeting of the Greater Boise Chamber of Commerce.

Mr. Johnson's address, entitled "Our Vietnam Veterans: Neither Forgotten Nor Forsaken," is evidence of the total commitment to our returning servicemen by the VA and by the Nixon administration to boost morale, to enhance the opportunities for meaningful employment and for continued education and training, and to provide the most comprehensive services and benefits possible to our Nation's war veterans, particularly in the area of quality health and medical care.

Mr. Speaker, I am inserting the text of the VA Administrator's remarks in the Record, and commend it to the attention of my colleagues:

Text of Remarks by the Honorable Donald E. Johnson, Administrator of Veterans Affairs, at the Greater Boise Chamber of Commerce Luncheon, Boise, Idaho, May 26, 1971

Chairman Ganz, President Anderson, Mayor Amys, distinguished officers, members and guests of the Greater Boise Chamber of Commerce: I am indeed happy and honored to be with you today.

Customarily, I understand, your luncheon guest speakers who are not fortunate enough to be residents of the Gem State's capital city demonstrate that they have done at least some homework by citing one or more vital facts relative to the 86-year history of your 1,400-member organization.

I wouldn't be so obvious.

However, I do appreciate Boise's magnificent, modern airport, for which you are largely, if not solely, responsible. Were it not for this facility . . . and considering the location of the old airport . . . I would be a Boise State College drop-in.

It is true, of course, that one of my principal tasks as Administrator of Veterans Affairs is reaching and persuading Vietnam era veterans who have dropped out of school to get back in school.

But by conventional means.

Senator Jordan didn't get beyond his first fact before he had convinced me that there was indeed more than enough reason for me to visit our great state and to meet with you distinguished Idaho citizens and leaders.

That reason is Idaho's nearly 100,000 veterans who, with their dependents and the survivors of deceased Idaho veterans constitute approximately one-half of the state's entire population.

It was unnecessary, of course, for Idaho's distinguished former governor to note that this audience, and the people of Idaho, are not only interested in but are entitled to know how and why the Veterans Administration spends more than $38 million annually here in Idaho and nearly $11 billion nationally for veterans' benefits and services.

Some weeks ago in response to the request of your very able executive vice president, Roger McGinnis, I suggested as a tentative title for my remarks today:

"Our Vietnam Veterans: Neither Forgotten Nor Forsaken."

Let me assure you here and now that while this suggested title implies a VA emphasis on benefits and services for five million Vietnam era veterans including nearly 20,000 here in Idaho who are now back in civilian life, the 23 million living veterans of the Korean Conflict, World War II, World War I, and the Spanish-American War and their families who are equally entitled to our concern and our care have not been forgotten and will never be forsaken.

The fact remains, however, that our Vietnam era veterans now back home and the millions who will be returning are America's *NOW* veterans.

They are the veterans *NOW* most in need of our help and *NOW* entitled to the most VA benefits.

Not only because their period of eligibility is still in force, and will remain in force for years to come, but because their nation is especially indebted to them.

Why?

I think that you know the answer.

Having fought not only the longest but the loneliest, most widely reported but least understood war in American history . . . they have come home.

To what?

To brass bands and parades and a hero's welcome?

Perhaps a few have. For most, however, their return has been distinguished only by indifference and even hostility. Regrettably, their readjustment has been further roadblocked by a lack of jobs resulting from the difficult transition from a wartime to a noninflationary, peacetime economy.

In view of these circumstances, I think you will agree that the emphasis we in VA are now giving to serving our Vietnam era veterans is as deserved as it is needed.

Before getting into specifics, however, permit me to comment briefly on a subject directly related to the Vietnam war and a subject of vital concern, indeed, of lifelong concern to me and, I am sure, to you and all thinking Americans.

I'm talking about America's Armed Forces, their morale and their effectiveness now and in the future, and thus our nation's security today and tomorrow.

I do not pretend to speak as an expert in military affairs, although I thought that I was one of the best when I served as an Infantry Sergeant in World War II, and I did note that Armed Forces Day was observed, albeit more quietly than in the past, on May 15th.

But I do speak with considerable knowledge and grave responsibility concerning America's veterans, and what they need and deserve in the way of benefits and services.

And how they came to be.

One need not be an expect in military affairs to know that wars and only wars produce war veterans.

And one need only recall recent history—the dark days before World War II, the "peace in our time" Munich Conference—to understand that weakness and unpreparedness invite war, if, in fact, they do not make war inevitable.

I tell you today as Administrator of Veterans Affairs, as the father of nine children—and my oldest son returned only recently from combat service in Vietnam—and as a concerned citizen, I tell you today that no one more fervently hopes and prays that the day will come, and soon, when the Vietnam war will be over; when any war, as an instrument of international policy, will be abandoned; when we need not add any more war veterans to the VA's rolls; and when we will find an America and a world at peace.

Until that day dawns, however, and I can assure you that no American President has ever worked harder than Richard M. Nixon to make it a reality, it is incumbent upon you and me and upon all Americans who care . . . who worry about . . . and who are willing to sacrifice for our national security, it is incumbent upon us to determine and then do what must be done to restore respect for our Armed Forces.

It is imperative that public confidence and pride in the integrity and decency, the unselfishness and courage, of the men and women who wear the uniform of our country be rebuilt and strengthened.

Service in our Armed Forces must once again become the hallmark of honor, not a stigma of shame.

You who wore our country's uniform with dignity and pride and thus served America and its people honorably and well—you know that this cause and effect relationship has not changed and can never change unless and until human nature itself changes.

We delude ourselves . . . worse, we compromise our nation's security . . . if we proceed to a zero-draft defense posture on the assumption that a sufficient number of young Americans will voluntarily enter and effectively perform in a profession, essential though it is, which is demeaned and degraded and downchecked at every turn by their families and friends and fellow citizens.

If the American people really want an adequate, effective, all-volunteer Armed Forces, then their attitude toward military service and those in service must change.

Not radically, but at least enough to merit the dedication, and devotion and unselfishness which General Leonard F. Chapman, Jr., the Commandant of the Marine Corps, asked of this year's graduates of the Virginia Military Institute.

General Chapman said . . . and I quote:

"Now, more than ever before, the profession of arms in the United States is an honorable calling—a needed service. And it demands all of the professional virtues of devotion to honor, duty, and country. But it also demands fundamental beliefs, firm and solid beliefs in the destiny and intentions of our country.

"No matter what is said in the form of modern rhetoric we must remain firm in these beliefs; and we must assure the people we serve—the American people—that we will maintain these beliefs in faithful service to them."

Unquote.

Those who may harbor an anti-military attitude need not abandon their anti-war principles.

I submit that there is nothing inconsistent with a desire for peace . . . a prayerful yearning for peace . . . by all 206 million Americans, and an intelligent realization of the need for adequate, effective Armed Forces to ensure and enforce that peace.

Nor is there anything inconsistent with the earnest desire of all Americans to bring to an honorable end to the war in Vietnam, and genuine gratitude to the brave young Americans who serve honorably and well in that difficult conflict.

Fortunately for these veterans, especially the amputees, the spinal cord injury patients, and the other severely disabled, the overwhelming majority of the American people publicly acknowledge their sincere gratitude to our Vietnam veterans for their courageous, unselfish, and uncomplaining service and sacrifice.

This gratitude to them and to 23 million living veterans of earlier wars has been given meaningful expression through the programs of benefits and services provided our Nation's veterans, primarily by the Veterans Administration.

In his kind letter of invitation Mr. McGinnis pointed out, most diplomatically, I might add, that you like to adjourn your luncheons no later than 1:30 p.m.

Certainly I do not want to be the first to spoil your unsullied record of translating this desire into reality.

So I won't attempt a review today of all of the major benefit programs administered by VA from the more than $6 billion we pay out each year in service-connected disability and death compensation and nonservice-connected disability and death pension checks to G.I. Bill education and training benefits, G.I. home loans, government insurance coverage and guardianship care.

But I would like to tell you a little bit about the most visible and, I hasten to add, the most complex benefit and service provided America's veterans by VA.

I mean the nation's largest and in my judgment the nation's finest hospital and medical care program.

With a capital "P."

Not because of the size of this program, but to underscore the four "p's" that make up the prescription labeled "VA Medicine."

P for People.
P for Past Performance.
P for Present Progress.
P for Exciting Potential.

First and most important are people. More than 136,000 skilled, dedicated, compassionate, hard working doctors, dentists, nurses, and other medical and para-medical personnel, including 254 full-time and 25 part-time employees at our VA hospital here in Boise. who are the VA's Department of Medicine and Surgery.

People, more than 2,300 Idaho veterans among the 843,000 veterans, the greatest number in history, who will be cared for in VA's 165 hospitals this year.

People, nearly 22,000 Idaho veterans among a record-high total of almost 7 million who will receive treatment at our 202 outpatient clinics or at private facilities reimbursed by VA.

People—thousands of other veterans cared for this year in VA's 76 nursing homes or in state and local public and private homes with VA per diem support.

As to Performance . . . VA medicine's record speaks for itself.

As often as I cite this record, and I do so at every opportunity, I find the following performance facts truly exciting. I think that you will, too.

VA medicine is primarily, if not solely, responsible for the elimination of tuberculosis as a killing and crippling disease.

VA medical research is responsible for the Pacemaker, the now well known electronic device that helps a cardiac patient by initiating, or continuing, a normal heart rhythm when the heart's controlling mechanism slows or fails.

With their successful kidney transplants, VA doctors helped pave the way for the world's famous heart transplants. A large percentage of the kidney transplants performed in this country were done by VA doctors. The world's only successful liver transplants were performed by a Denver VA hospital-university team.

Hemodialysis treatment of kidney diseases was pioneered by VA medicine.

I could go on to cite such now familiar medical developments as the laser cane for the blind, cobalt treatments . . . intensive care coronary, surgical and medical units . . . and psychotropic drugs that have virtually revolutionized the mental health profession, to name but a few of VA medicine's exclusive or cooperative performance highlights.

But I know the time factor involved.

So let me continue by acknowledging that my verbal assignment of VA hospital and medical programs facts to past, present or future time frames is arbitrary, at best.

In truth, of course, many facts that I might list under VA medicine's present, ongoing progress had their genesis in the past and must play an indispensable role if VA medicine is to realize its vast potential.

For example, for the past quarter of a century the VA hospital system has been a principal source of training for the nation's future doctors and nurses. In fact, each year half of the third and fourth year students in the nation's medical schools receive part of their training in our VA hospitals and through instruction provided by our 2,500 VA professionals who hold medical school faculty appointments.

In the coming fiscal year we will train 53,000 persons, the greatest number in the history of VA medicine, in 60 different categories of health services. And this number will increase in the years ahead.

You would be correct whether you put this fact under the heading of on-going progress or potential . . . or both.

Let me go one step further and say that the entire VA hospital and medical care program merits commendation for its progress as well as performance, and very careful consideration for its potential.

For the VA hospital system can provide not only a model for other systems that may be developed by the Health Maintenance Organizations, Health Care Corporations or by whatever name, but can also contribute to those new systems.

All of us are concerned, of course, personally or professionally, with the critical problem of quality health care—a problem that so concerns President Nixon that it was the subject of one of the most comprehensive Presidential messages ever sent to the Congress of the United States.

Quality health care for all Americans is not only essential, it is also possible. And it is possible, I tell you, largely because of VA medicine.

I am sure that all of you who have had an opportunity to study the National Health Strategy which the President proposed to the Congress will agree that it indeed takes a confident Administrator of Veterans Affairs, one who knows well the enormous potential of the VA hospital and medical care program, to submit, as I do here and now, that VA medicine can become and, in fact, is now ready to be:

A major factor in supplementing the facilities in which health care is provided for all of our citizens.

A resource for developing the manpower necessary to provide that needed and deserved health care for all of our people.

A means by which an equitable distribution of both facilities and manpower can be achieved.

And a laboratory in which new concepts for quality health care, and the cost of this care can be studied.

I don't want to anticipate the documentation of my case which I am confident the President will give me the opportunity to present.

But the following facts are hardly a secret.

By virtue of the locations of VA's hospital and medical facilities within 100 miles or two hours drive for 90 percent of America's 28 million living veterans, and in view of the broad range of services they provide, the VA hospital system has the potential for its own effective regionalization.

In short, the VA hospital system can be the kind of organization which the President had in mind when he pointed out in his health message that the consumer should not be forced to thread his way through a complex maze of separate service and specialists but, instead, should have a full range of resources available through a single organization.

More than this, the Veterans Administration hospital system, the nation's largest, by virtue of the sharing law, can also become actively engaged with all elements of the private sector in all forms of organizational, professional and functional regionalization.

Yet another fact.

Because of the extent of its already established relationship with medical, dental, nursing, pharmacy and schools of allied health sciences throughout the country and at last count, including 74 graduate departments of psychology, these totaled nearly 600 because of this relationship, and our medical training program which I mentioned a moment ago, VA is now ready to be a major source wherein the development and production of needed health manpower for the total health care system can be expanded.

I will conclude by citing a final example of VA medicine's truly exciting potential.

In his health message the President said that sickle-cell anemia, which almost always occurs in the black population, should be a targeted disease for concentrated research.

I have written the Secretary of Health, Education and Welfare advising that approximately 17 percent of our hospitalized veterans are black, that in any given year we see approximately 116,000 Negro-Americans in our hospitals, that because a significant percentage of our hospitalized veterans are black, a number of our clinicians and researchers have long had a rightful interest in sickel-cell anemia and that eight VA hospitals are actively involved in research directly related to sickle-cell anemia, and the Hematology Sections of many other VA hospitals are conducting a research which has some bearing on this disease.

In summary, with additional funding and in his health message the President said that "this Administration is increasing its budget for research and treatment of sickle-cell disease fivefold, to a new total of $6 million" with additional funding a number of additional worthwhile studies could be carried out by our research and clinical staffs.

Because government today is truly the responsibility of all Americans, not just those who have been elected or appointed to office, I have presumed on your hospitality to discuss some of the problems now confronting you and your government.

Obviously these problems are not going to be solved overnight. But I am confident that informed, concerned Americans such as you will ultimately find the wisest, most effective and most equitable solutions to these and all of the challenges we face.

Thank you for the privilege of being with you today.

ISRAEL—A NATION WITH MANY CHALLENGES TO FACE

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. DOW. Mr. Speaker, Israel has now begun its 24th year as an independent nation. No doubt 1971 will be among the most challenging years that this small nation will have to face.

Israel has had to confront many difficulties in the past, and her brief history has been punctuated with many crises. But the greatest danger to Israel today is that she will be forced to accept a one-sided settlement. Only the creation of defensible borders will offer Israel some reasonable hope that hostilities will not resume as soon as the Arabs feel they are ready for another round.

Many residents of the 27th Congressional District, like people from all across America, are continuing to express very great concern about the fate of Israel. I would like to take this opportunity to share with my colleagues one letter on this important subject that I recently received. I believe that the author of this letter, Rabbi Aaron Dector of Temple Beth Torah in Upper Nyack, N.Y., has eloquently expressed the feeling that many Americans have about the situation in the Middle East:

TEMPLE BETH TORAH,
Upper Nyack, N.Y., May 13, 1971.

Congressman JOHN DOW.

DEAR SIR: On the eve of the twenty-third anniversary of Israel's emergence as a nation (May 14, 1948), I am moved by the stirrings of many mixed emotions to write to you in order to sensitize your constituents to the unusual place that Israel has in the hearts and minds of the Jewish people as well as its centrality to Jewish theology and religion.

As Israel enters its twenty-fourth year, we are heartened by the recent visit of our Secretary of State William Rogers to the Middle East, which has not consummated peace, but has intensified the dialogue rather than confrontation between Israel and the Arab states.

Both President Nixon as well as Mr. Rogers recognize the need to continue supplying Israel with arms and other military "hardware" of the most sophisticated nature, because it is to the best national interests of the U.S. to maintain parity and balance in view of the vast outpouring of Soviet weapons to all of the Arab belligerents.

We hope that Mr. Rogers has arrived to a more understanding view of Israel's position. It is important that American citizens understand it as well. So, I write to you, as a Jew, who has served our country as a Chaplain under Generals Eisenhower and Patton.

The following points must be kept in mind if we are to maintain a rational approach to the problem of the Middle East:

1. The continued presence of 30,000 Soviet troops, pilots and experts in the most sophisticated weaponry poses a continued threat to the possible withdrawal of Israel from the Sinai and the Suez canal.

2. That nation most likely to benefit immediately from the reopening of the Suez Canal to Soviet Russia whose merchant ships and armadas could then dominate the Red Sea, the Gulf of Eilat, the Indian Ocean and the Far East, as they are, the Mediterranean Sea.

3. By its control of the sources of oil and transportation, Soviet Russia could then strangulate economically the free Western World that depends on these sources of energy, as well as threaten the U.S. and Japan, our strongest ally in the Far East.

4. Israel is the only road block to such domination, and remains the chief champion of the free world preventing Russia from making all of these waters a "mare nostrum." (our lake)

5. Mr. Nixon and Mr. Rogers are not naive. They oppose those careerists in the State Department who are Arabists and who, by selling out Israel, will also betray the best interests of the U.S. The President and the Secretary of State are fighting for time. Hence, their efforts for the continuation of dialogue not confrontation, in the hopes that some accommodation will be reached and that the attrition will wear out Russia, especially with the new mood of "dissent" in the young generation of Russian intellectuals, technologists, as well as among the Russian masses.

6. As for the actual territories involved, the Sinai did not belong to Egypt. It was *"acquired by conquest"* by the Egyptians in 1948, as East Jerusalem was conquered by Jordan in the same year. But Israel's reluctance to relinquish territory on the East side of Suez, again is bound up with the "Russian presence" and the Israeli suspicions of Egyptian (read Russian) "credibility." I am not asking anyone to strain their historic memory. You need not possess the historic perspective that brings you back to the Bible or the Jewish Commonwealth in Judea; nor even to the Holocaust; nor the Mandate after World War I; nor the United Nations Partition Plan of 1947; nor even the defeat of Egypt by Israel in 1956 when Israel reached the Suez, only to relinquish it at the request of President Eisenhower whose guarantees were not backed up in 1967.

No, all I ask my fellow Americans to do is to recall August 1970 less than a year ago, when the cease-fire initiated by President Nixon took effect. The Egyptians (please read the Russians) immediately violated the agreements, a violation confirmed by American intelligence.

7. To indicate that they are not recalcitrant, Israel is willing to accede to America's suggestion that they withdraw sufficiently to permit the re-opening of the Suez Canal. But Israel insists that no Egyptian nor Russian troops occupy the East Bank of the Suez. Israel will "accommodate" by permitting an Egyptian "presence" on the East Bank—that is, Egyptian patrols.

8. Israel insists on strong American guarantees on the security and inviolability of its borders. Why deny Israel the opportunity to negotiate from strength not vulnerability?

9. Israel is not prepared to capitulate nor to abdicate its position as protector of the free world in the Middle East. God and History have willed, and the Israelis have reaffirmed their determination that Jewish blood is not cheaper than oil; that Jews are not expendable; that Jewish genocide will not be repeated; that "Masada will not fall again."

10. Israel believes that her destiny as a nation is the fulfillment of God's promise to His people as documented in the Bible.

11. Finally, the Israelis believe that despite the brutality of war for the past 23 years, Israel reflects man's hope for free and creative development. Because Israel was born out of the pain and anguish of our people during the Nazi Holocaust, Israelis and Jews all over the world, believe that Israel is an "affirmation of man's will to live." But they not only wish to *live* but to *sustain man's faith:* man's faith in God, in human dignity; in himself.

12. There are no longer military solutions to the problems of our day. The Israelis want peace because they believe in it, and they *need* it, as the whole world *needs peace.*

13. Israel and her Arab neighbors will come to terms, and they must do it by face to face negotiation. Jordan and Lebanon present no real problem. Even the problem of the so-called "Palestinian refugees" and the "fedayeen" fade into insignificance, when contrasted with the *"real problem"* that the whole world and the United Nations must contend with.

That is the problem of the containment of the expansionism of Soviet Russia and its threat to peace and man's freedom.

Hence I call upon all Americans who believe in freedom, and justice and peace, to support our great ally, Israel and its gallant and courageous people. Israel is committed to a vast program envisioning the collaboration of its Arab neighbors in redeeming the Middle East from endemic disease, poverty, ignorance, dictatorship and feudalism. Israel is dedicated to the "conquest of the desert" from aridity and to the harnessing of the hatred in the wilderness of man.

As an American and as a Jew, I bespeak your help and support in this great human adventure that spells a beacon to the world, a "light unto the nations" and a hope for the redemption of all mankind.

Faithfully yours,

RABBI AARON DECTER.

UPPER NYACK, N.Y.

THIS I BELIEVE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. DUNCAN. Mr. Speaker, I was very proud to learn that a young man who goes to school in my congressional district is the State winner in the Tennessee Optimist oratorical competition.

The winner is Jerry Goodman, a sophomore at Doyle High School in Knox County.

I would like to place in the RECORD Jerry's speech for the pursuance of the readers of this document:

JERRY GOODMAN: THIS I BELIEVE

(Jerry Goodman, 15, son of Mr. and Mrs. John Goodman, Monticello Estates, Seymour, represented the South Knoxville Optimist Club in state Optimist Oratorical competition at Kingsport and emerged the state champion. He is a sophomore at Doyle High School, plays basketball and golf and dabbles in electronics. He has won the Zone competition twice out of four attempts. Jerry's "This I Believe" winning speech follows:)

At the beginning of the last decade John Kennedy told this nation that we must look to a new frontier and for the few brief years that he was our president, Americans once more held the hope and assurance that a new frontier would be the fulfillment of the American dream.

But with John Kennedy's death and the years of turmoil that followed—years of violence and mistrust—we lost sight of the vision which held for us so much promise. I believe that it is important for us to understand why the catch phrase "New Frontier" had the power to briefly revitalize a nation that had grown weary during the fifties.

The people who settled this country, the Pilgrams at Plymouth, were people who sought a new frontier. They sought escape from oppression, and in fact, sought escape from a society they felt had somehow failed them.

MANY SEEK ESCAPE

From its birth, American history has been filled with people seeking escape and renewed promise in the frontierland. From the Alleghenies to the Rockies to the Great Pacific. Americans created for themselves new frontiers.

When the geographical frontiers of this continent had been exhausted by the beginning of the 20th century, a new area of endeavor called, an area that had been little explored by the United States until that time. The rugged terrain of international politics.

And now, after two world wars and many smaller conflicts, Americans wish to escape this frontier for once again they feel trapped by the entanglements of civilization. The only wilderness that Americans can see today is one covered with concrete and inhabited by too many people. Americans have reached all the borders and like rats in a maze have turned back in confusion.

WHERE IS IT?

East has finally met West in a place called Vietnam. Civilization has circled the earth. Where in the world is the new frontier that Americans need to renew the promise of the American dream? Some people think the new frontier is not in this world at all but in the vast realm of outer space. Certainly it appears to us that our solar system is unencumbered with civilization's complexities. But the question, the grim question we must ask ourselves is this: Can we reach the new frontier before the old frontier dies?

In 1971—an age in which communities are growing into cities and rural areas are lit by neon, our very future, much less our next frontier seems in danger. We are on the brink of killing the human race in a number of highly sophisticated ways. We may choke to death on the byproducts of our progress.

We may starve to death because we have not learned to stop reproducing. Or, perhaps we may completely destroy the earth and her people in a nuclear holocaust. This is the old frontier and the new frontier is a million miles away. What do we do now?

OBVIOUS MISTAKE

When we hear the story of Adam and Eve in the Garden of Eden it's hard not to think of them with some contempt. Their mistake was so obvious, and it seems to us, could have been so easily avoided. Yet, so much of what we consider our progress—so much of our sophistication intellectually has been used to bring about the death of the earth. It is ironic that Adams, whom we laugh at, lost his garden by simply eating an apple while we have worked so hard at losing our garden.

I believe, I sincerely believe, if we are to have both a renewed frontier and a renewed future that we must stop running from ourselves. We must stop trying to escape the complexities of society. We must accept the challenge of living together. We must accept the challenge of the old frontier. Americans, indeed all the citizens of the world, must see how grand an opportunity it is to save the earth and ourselves. We lost one Eden. Will we lose another?

Jerry Goodman now will compete against 38 other speakers at the Optimist International Convention in Minneapolis, Minn., starting June 27. A total of $5000 in scholarships will go to the top four winners.

VIETNAM PERSPECTIVE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. DERWINSKI. Mr. Speaker, the debate over Vietnam continues to rage and, unfortunately, is being used by the political opportunists of this country in a manner that I believe is not in our long-term national interest nor that of the free world.

In an effort to direct public attention to the logic of President Nixon's position and to the fact that the war in Vietnam is caused by Communist aggression, I believe the column by Dumitru Danielopol, in the Joliet Herald News of May 17, is especially pertinent.

The article follows:

Dumitru Danielopol—Vietnam Perspective

Paris.—Any American abroad this spring is caught up in a storm of confusion over U.S. policy in Southeast Asia and the results of the South Vietnamese military strike into Laos.

Traveling through Africa and Europe, and forced to rely only on reports from Washington foreign correspondents or the violently anti-Nixon International Herald Tribune, I was left with the distinct impression that not only did the Laos operation collapse but that the South Vietnam army is in shambles and that the President's "Vietnamization" program was a flop.

"This is a completely erroneous picture," says Roger Massip, senior foreign editor of "Le Figaro," one of Paris' most powerful newspapers.

"In fact the operation in Laos was a success. Our correspondents in Saigon, Mas Clos, and a military expert, M. Pouget, went to look at things on the spot."

No one would have dreamed two years ago, says Massip, that the South Vietnam army could undertake such a difficult task by themselves in heavily fortified enemy territory.

They ran into unexpectedly heavy resistance, but gave an excellent account of themselves under very difficult conditions, said the French editor.

That kind of appraisal in Paris is worth noting. Conscious of their own failure in Indochina, the French give credit grudgingly.

There has been a deliberate effort to confuse the objectives of the Laos operation, Massip charges. He pointed out that President Thieu himself called it "limited in time and place."

"Most of the objectives were achieved despite very heavy opposition from the enemy," Massip said. "The results will be seen later."

He believes that the Communist forces suffered very heavy casualties both in men and supplies and that the operation helped blunt the North Vietnamese offensive strength.

Unfortunately, he adds both the American and French press preferred "pessimistic accounts of the operation."

This point of view is echoed by serious British analysts.

"The South Vietnamese army showed that it was capable of launching an attack outside its own borders," writes the London Economist "—during the period of the operation—when six (South Vietnamese) divisions were out of the country—there was almost no activity by the Viet Cong in any part of South Vietnam—very heavy casualties were inflicted on the enemy—and contrary to press reports, the operation boosted morale (both civilian and military) in South Vietnam generally—"

Both opponents and members of the Thieu government, says the British paper, affirm that the foreign press, by misrepresenting the results of the operation handed Hanoi "as big a propaganda victory as it had in the TET offensive in 1968."

"If the North Vietnamese inflicted such a defeat on our forces, why didn't they follow it up?" asks a South Vietnamese diplomat. "Why didn't they chase them all the way. If it was a rout, why didn't they finish us off and win the war? Why didn't they do it?"

The South Vietnamese in Paris have become resigned to a largely unsympathetic Western press.

"They have constantly predicted disasters for us," said the diplomat. "They said the TET offensive had been a serious setback, when in fact it proved to be a catastrophe for the North Vietnamese. They said the same about the Cambodian operation, and again they were proven wrong. I thing we should wait a while before judging the Laotian operation."

"There is a radical change in the situation since two years ago," says Massip. "The North Vietnamese aren't making any headway anywhere despite American withdrawals."

The answer, according to Massip's explanation, is that the Reds have been severely hurt, their capabilities blunted. With the rainy season upon them Massip believes, the Viet Cong and the North Vietnamese in South Vietnam find themselves in an awkward situation and short of supplies.

"Vietnamization is a reality. It works, and it works well," he says.

"Why isn't the good news reported?" I asked.

"It is difficult for newsmen who want to be fair to report this war differently than the current trend of opinion among newsmen in Saigon," says a correspondent of the London Sunday Times. "Some correspondents found the going rough when they didn't follow the majority who have been hostile to the Saigon regime and opposed to the U.S. involvement."

Maybe that's one of the answers in Indochina.

DISPATCHING OF DEEDS

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. BEGICH. Mr. Speaker, many communities in the Kuskokwim-Yukon area have been incorporated into fourth class cities and have been surveyed by the Bureau of Land Management. For the past 8 years, the residents of these communities were assured by the Bureau of Land Management that they would receive individual deeds to their property. As of today, many residents have not as yet received their deeds.

Because the residents do not have deeds to their land, many are unable to sell their property or obtain small business loans. Needless to say this hinders the progress and growth of the communities involved.

The Alaska State Legislature has requested that the Bureau of Land Management immediately dispatch deeds to the residents of the affected communities in the Kuskokwim-Yukon areas. I strongly support this resolution and I include it in the record for your consideration.

The resolution follows:

State of Alaska House Joint Resolution No. 32

Relating to the dispatching of deeds by the Bureau of Land Management to persons in Alaska

Be it resolved by the legislature of the State of Alaska:

Whereas many communities in the Kuskokwim-Yukon area have been incorporated into fourth class cities and have been surveyed by the Bureau of Land Management; and

Whereas residents of these communities were assured by the BLM at the time of incorporation that they would receive individual deeds to their property; and

Whereas some of these communities were incorporated and surveyed as long ago as 1964; and

Whereas residents of these communities have not received deeds to their property as of this date; and

Whereas this lack of individual deeds hinders progress in these communities and prevents residents from obtaining small business loans without great difficulty;

Be it resolved by the Seventh State Legislature that the Bureau of Land Management is respectfully requested to immediately dispatch deeds to the residents of the affected communities in the Kuskokwim-Yukon and other areas in Alaska.

CFR ON GERMAN TROOP REDUCTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. RARICK. Mr. Speaker, recent efforts to reduce U.S. troop strength in Germany were severely castigated by the news media. Some opinion molders such as Time magazine even equated congressional consideration of troop reduction in Europe to a new attack on Presidential power—not as to troop withdrawal from Vietnam—but limited solely to Europe.

Influential bipartisan suppport was recruited from top name "policymakers" in America not to support the President or the American people but to defeat any withdrawal of U.S. manpower from Germany.

Of the 24 identified experts and authorities on international relations recruited to do battle for the new cause celebre, 21 are members of that international cult known as the CFR, Council on Foreign Relations.

Continued German occupation by U.S. troops was a command decision by the unelected leadership of our country.

Germany is just too close to the Middle East for the CFR to permit any military reduction.

I ask that several newsclippings and a letter to the editor by Father Dismas Treder of Pulaski, Wis., be inserted in the RECORD.

The material follows:

[From the Green Bay Press Gazette, May 16, 1971]

NIXON CONDEMNS PLAN TO CUT FORCE IN EUROPE

KEY BISCAYNE, FLA.—President Nixon made his first personal statement Saturday condemning proposals to cut U.S. troops in Europe in half—and drew a statement of total accord from former President Lyndon B. Johnson.

Nixon also produced a bipartisan list of 24 former top officials who back his stand.

Nixon's statement had been shown to Johnson and prompted another from the former chief executive, which was released through the Florida White House:

"I have seen the President's statement opposing at this time a unilateral reduction of military forces maintained in Europe for the common defense. I am totally in accord with that statement.

ENCOURAGED RECONCILIATION

"American steadiness in support of NATO for more than 20 years has not only helped to bring security and progress to the North Atlantic community, it has also encouraged movement toward reconciliation with those toward the east. Unilateral reduction of our military forces in Europe would endanger what we have achieved in the past and shatter our hopes for the future."

Nixon's own statement said:

"At this point in time, it would be an error of historic dimensions for any of the North Atlantic Treaty allies to reduce unilaterally the military forces maintained in Europe for the common defense.

"As the most powerful member of the alliance, the United States bears a responsibility for leadership.

"Let us persevere to carry forward the policy of this nation under five successive presidents representing both political parties, confident that our united strength will promote the enduring peace we seek."

AIMED AT MANSFIELD

The Nixon statement was aimed point blank, without actually saying so, at a proposal by Senate Democratic Leader Mike Mansfield of Montana, who has submitted, as amendment to a bill that would extend the draft for two years, a proposal to slash the U.S. troop level in Europe from 300,000 to 150,000. The issue is slated for a Senate showdown vote Wednesday.

Nixon's statement was supplemented by a rundown of 24 big-name supporters who had held top defense, diplomatic and foreign posts in the administrations of Republican Dwight D. Eisenhower and the Democratic administrations of Harry S. Truman, John F. Kennedy and Johnson.

The issue has become the hub of perhaps the most intense lobbying of the administration.

The administration maneuvers blossomed from a conference at the Washington White House Thursday. At the time, officials made it clear that those present were being encouraged to lobby.

A White House official said that as far as he knew former President Truman had not been approached for support.

SEVERAL SAID "NO"

Several former officials who were sounded out said "no."

One of these was former Secretary of Defense Clark M. Clifford and another was former Deputy Secretary James Douglas. In addition, former Secretary Robert S. McNamara declined comment because of his position as head of the World Bank. The White House said, however, that McNamara did not want his abstention interpreted as nonsupport of the Nixon statement.

These are the backers listed by the White House:

Former Secretaries of State Dean Acheson and Dean Rusk; former Undersecretaries of State James Webb, Robert Murphy, Livingston Merchant, Douglas Dillon, George Ball, Nicholas deB. Katzenbach; former Defense Secretaries Robert Lovett, Neil McElroy and Thomas Gates; former deputy secretaries of defense, Roswell Gilpatrick and Cyrus Vance.

FORMER COMMANDERS

Former supreme allied commanders in Europe: Matthew Ridgway, Alfred Gruenther, Lauris Norstad, Lyman Lemnitzer; former U.S. ambassadors to NATO Charles Spofford, W. Randolph Burgess, Thomas Finletter and Harlan Cleveland; and former military governors or high commissioners for Germany Lucius Clay, John McCloy and James Conant.

Mansfield told a reporter in Washington Saturday he is unwilling to compromise. Win or lose, he said, he expects the attempt to have a beneficial impact, including, possibly, a U.S. troop reduction. He said he has made no head count for his proposal.

[From the Green Bay Press-Gazette, May 21, 1971]

PEOPLE'S FORUM

THE NIXON ADVISERS

EDITOR, PRESS-GAZETTE: So President "Nixon Condemns Plan To Cut Forces in Europe" (Press-Gazette, 5/16/71). What could be his motives, and who are his supporters? I felt a little reluctance to write about this, but happily I overcame it easily.

President Nixon claims our 300,000 troops are still in Europe "for the common defense." If the purpose is defense, we must assume there is an enemy. Could it be communism? Hardly. Ex-president Johnson and President Nixon favor increased trade with Russia and her Eastern-European satellites.

Haiphong harbor is being spared to allow 80 per cent of the supplies to reach North Vietnam—much of it on ships of our allies, mostly English. No wonder our soldiers in South Vietnam become discouraged and—lacking patriotic inspiration—turn to drugs.

Very recently President Nixon indicated the possibility of increased trade with Red China. Judge for yourself whether communism is really our enemy. Rather, isn't the entire affair a vast and tragic pretense, hoax and fraud?

If any big-shots still claim we are fighting communism, they can try telling it to someone still poorly-enough informed to believe it. They'd waste their efforts on me.

It is a quite well-known fact that the presence of a large contingent of United States armed forces in Europe and a lot of our foreign aid (much of which is used to bolster communism) figure heavily in the dollar crisis right now in Europe. Have we anything to gain by these disastrous policies?

Next, let's look at President Nixon's supporters in his opposition to Senator Mansfield, about pulling at least half our troops out of Europe. Ex-president Johnson is "totally in accord" with Mr. Nixon. His accord doesn't affect me at all. If it might, it would be extremely unfavorable.

The article in the Press-Gazette lists the 24 supporters of President Nixon. As I read the names, dark memories loomed up. Believe it or not, out of the 24 supporters, 21 are members of the Council on Foreign Relations—all except James Webb, Robert Lovett and Neil McElroy. For the remaining 21, check your Press-Gazette.

The CFR is not a branch of the federal government. It is a private, subversive organization (proof can be supplied) with only about 1,500 carefully selected members. But they are extremely influential. They have infiltrated the government. President Nixon has surrounded himself with at least 99 CFR members. This alone shows where President Nixon looks for guidance.

It is very worthwhile to watch the activities and pronouncements of CFR members. Be on the lookout for these: Henry Kissinger, Paul McCracken and Arthur F. Burns. The above three are extremely prominent CFR members. I have a list (dated June 30, 1969) of all the members.

I realize that many happy-go-lucky citizens are not even aware of the existence of the CFR—still less know the names of the members and their influence for evil. That is why I am so anxious to share my knowledge.

Reverend DISMAS TREDER,
Assumption Friary, Pulaski, Wis.

[From Time Magazine, May 24, 1971]

THE NEW ATTACK ON PRESIDENTIAL POWER

The congressional challenge to the President's foreign policy reached a new intensity last week. The Senate began a lengthy debate on whether to give Nixon a two-year extension of the draft; many argued strongly against it. Senator John Stennis, conservative chairman of the Armed Services Committee and a loyal supporter of Administration military policies, introduced a resolution that would curtail presidential power to make future wars. After years of objecting to the heavy U.S. troop commitment in Europe. Senate Majority Leader Mike Mansfield took decisive action: he introduced an amendment to the draft bill that would compel the Administration to reduce American forces in NATO by one-half.

It was the Mansfield move that most alarmed the White House. The dollar crisis in Europe had underscored Mansfield's complaint that the troop commitment was too costly for the U.S. The amendment, which comes to a vote this week, picked up considerable support. The Administration reacted vigorously claiming that it would lead to collapse of the Atlantic Alliance. Said a White House aide: "There is no fall-back position on this. We are going to fight it like hell, and we may lose. But there is no alternative."

Asinine. The President called on some notably big guns to help in the fight. He summoned foreign policymakers, past and present, Democratic and Republican, to a hastily convened conference at the White House. NATO Commander General Andrew Goodpaster and Robert Ellsworth, U.S. Ambassador to the Atlantic Alliance, arrived from Europe. Also on hand were George Ball and Dean Acheson, John J. McCloy and Henry Cabot Lodge, General Lucius Clay and General Alfred Gruenther—a reunion of the old U.S. foreign policy establishment. After the meeting, they presented a solid phalanx of support for the Administration. Snapped Acheson: "It is absolutely asinine to reduce forces unilaterally." Later in the week, even Lyndon Johnson weighed in with a stern warning against troop withdrawal.

The Administration also got an unexpected assist from, of all people, Soviet Party Chief Leonid Brezhnev, who gave a speech at Tiflis, in Stalin's Georgia homeland, recommending that the Soviets and the NATO powers start talking about mutual troop reductions in central Europe. Brezhnev challenged the U.S. to get serious about the subject. He asked rhetorically: "Don't these curious people resemble a person who tries to judge the flavor of a wine without imbibing it?"

Brezhnev's intervention further complicated an already intricate debate. Seizing the opportunity, Administration spokesmen spread the plausible message that it would be ridiculous to withdraw U.S. forces when there was a chance to use them to strike a bargain with Russia.

STRICT CONSTRUCTIONISM

While fighting off unacceptable amendments, the Administration had its hands full trying to salvage the draft bill itself. For the first time since 1940, when President Franklin Roosevelt persuaded an isolationist Congress to renew Selective Service, the Senate seriously considered whether to have a draft at all. Viet Nam, of course, was the reason. Some Senators argued that abolishing the draft would bring the war to a speedier conclusion.

Perhaps more important in the long run than the skirmishes over the draft bill was the defection of Senator Stennis. His resolution struck at the heart of the President's war-making powers. Not that he meant to be as unkind as he seemed. As the Senate sponsor of the draft-extension bill, he wanted to separate the problem of war making from the draft. But as a strict constructionist who opposed the Viet Nam War in the first place, he felt that the time was ripe to rein in the President's power to involve the nation in an undeclared war. His proposal would not apply to the Viet Nam War, but in the future it would allow the President to commit troops only in the case of an imminent or outright attack on the U.S., or if American citizens or armed forces were endangered abroad. He would then be permitted to use troops for a period of 30 days without congressional consent. In any other kind of conflict, only Congress could authorize going to war.

ENCROACHMENT

Testifying before the Senate Foreign Relations Committee, Secretary of State William Rogers replied that such a bill would be an unconstitutional encroachment on the President's powers. Said Rogers: "To circumscribe presidential ability to act in emergency situations—or even to appear to weaken it—would run the grave risk of miscalculation by a potential enemy regarding the ability of the U.S. to act in a crisis."

Beyond question the President needs freedom to act in an emergency, but that is not the issue that Congress is now pressing. While the Stennis resolution exempted Viet Nam, it was clearly the Indochina war that had prompted him and animated his supporters. Very little in that war has required instant presidential decision; the vital choices have been made only after weeks or even months of mulling over by the commanders in Viet Nam, the civilian chiefs at the Pentagon, and the President and his men at the White House.

The Pros and Cons of NATO Troop Withdrawal

Although the distinctions tend to fade in the heat of debate, the battle over the Mansfield amendment is being waged on three fronts—military, economic and political. According to both opponents and proponents, there is much more at stake than just the withdrawal of half of the 300,000 troops that the U.S. maintains in Western Europe. Some of the more telling arguments on both sides:

The heart of Mansfield's case is the huge cost—$14 billion annually—of the country's NATO commitments and its deleterious effect upon the U.S. balance of payments and the stability of the dollar. He points out that the U.S. annually incurs such NATO expenses as $2.9 million in land taxes on bases in Great Britain and Germany and $265 million for the employment of European nationals by U.S. forces. "In other words," he says, "we are paying them to stay there and defend them."

What happens when the U.S. comes up against a financial crunch while the economy is suffering? "They can give us a run on the dollar," Mansfield says. "They can make it difficult for us by increasing prices on American products exported to Europe. My amendment is designed to bring about an early relief to our pressing payments deficits abroad. If these troops that will be returned are disbanded upon their return to the U.S., it will represent a further gain for our budget as well as our balance of payments. The financial savings in that case could well be as high as $1.5 billion."

Secretary of State William Rogers holds otherwise. In economic terms, he argues, the amendment would have only "minimal benefits." Under present Pentagon plans, the troops would not be disbanded on their return, and the cost of maintaining those forces, Rogers says, would be about the same in the U.S. as in Western Europe. He does concede that bringing the troops home would improve the balance of payments picture, perhaps by as much as $700 million. But he also hints that the U.S. is trying to get West Germany to increase the offset payments that already counterbalance much of the cost of keeping U.S. troops in Europe.

The Pentagon is quick to argue the impact of withdrawal on NATO combat effectiveness. The five-division equivalent force now in Western Europe, says one general, could hold at the beginning of a conventional war for nearly a month, while waiting for reinforcements to mobilize. "But should that force be cut in half," he says, "we would lose that option, and it would be retreat, surrender or nukes." His assessment is presumably based on the near parity in peacetime troop strength—approximately 1,105,000 NATO to 1,270,000 Warsaw Pact—of the opposing European alliances. Should the U.S. withdraw 150,000 men, the Pentagon claims, this balance would be tilted.

Mansfield retorts that "our forces in Europe have been inflated and musclebound, with far more logistical than combat capability." He notes that among U.S. troops with NATO in Europe, there is one general or flag officer for every 2,343 men, whereas when he served in the Army, he says, the average ratio was one colonel for every 3,000 men. Mansfield's point is that the U.S. military in Europe has grown top-heavy. "It is my conviction," he says, "that trimming away the fat in the form of excess supplies and headquarters will result in a leaner, more mobile and more efficient combat force." Besides Mansfield has persistently argued that although the deployment of American troops in Europe shows the flag and acts as a trip wire to Warsaw Pact aggression, this could be accomplished just as readily with a greatly reduced force.

The real difficulty, according to Rogers, is the long-run diplomatic consequence of Mansfield's proposal. Any unilateral and massive troop withdrawal, he contends, would lead the Soviets to believe that "we're leaving the world," and create among Western Europeans a tremendous crisis of confidence in the U.S. It would, Rogers says, be a "major disaster for this country to let down NATO, which is as essential to our defense as to Western Europe's." He claims that the one thing forcing the Soviets to settle the Middle East question through diplomatic means is their knowledge that the U.S. will not pull back. He echoes the argument, made by the President, that any unilateral reduction of forces would "completely eliminate the possibility" of a negotiated mutual-reduction agreement with Russia.

Congress has drawn a bead on the issue of its own prerogatives. "Do you question Congress's right to bring back forces from Europe?" Senator William Fulbright demanded of Rogers at one point last week. "We're opposed to arbitrary limits," Rogers replied. Nixon in turn is opposing withdrawals partly as a matter of presidential pride and power. But the issue goes far beyond that.

Congress has been restive about the size of the U.S. military presence in Europe for at least five years. The general antiwar mood caused by Viet Nam has reinforced that feeling. But the issues are entirely different; far more is at stake in Europe.

The argument that the Western Europeans should pick up more of the burden is valid. It is incongruous for the U.S. to maintain 300,000 troops in Western Europe 25 years after World War II; obviously, there should be a reduction. The Administration, in essence, agrees. But Nixon has a strong case for calling the Mansfield amendment precipitate. The U.S. cutback need not be as abrupt as Mansfield would have it; preferably, the President should be free to execute it at his own pace, winning whatever concesisons he can from the East bloc.

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 3,200 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 259,300 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

THE 1971 BURKE QUESTIONNAIRE

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. BURKE of Florida. Mr. Speaker, late in March I sent out my annual questionnaire and today I would like to publish the results in the RECORD. More than 241,000 questionnaires were mailed to homes in the 10th Congressional District, which includes North Dade and Broward Counties of Florida.

This year I received a record number of responses—46,000—to the major issues of the day. As in the past, the results of this questionnaire will help to determine my votes on future legislation.

I feel that this is one of the best methods available to a Congressman for ascertaining the opinions of his constituency, and I would like to share my findings with you:

THE 1971 BURKE QUESTIONNAIRE

	Results
1. Do you consider the ABM system:	
(a) necessary?	71
(b) unnecessary?	29
Do you consider the SST:	
(a) necessary?	38
(b) unnecessary?	62
2. What policy do you favor:	
(a) not admitting Red China to the U.N.?	22
(b) admitting Red China to the U.N. *instead* of Nationalist China?	6
(c) admitting both Red China and Nationalist China to the U.N.?	52
(d) opening diplomatic and trade relations with the government of Red China without recognizing it formally?	20
3. What is the best U.S. policy for Vietnam:	
(a) increased military effort to achieve a military victory?	11
(b) the President's policy of withdrawing U.S. troops by stages while strengthening the South Vietnamese to assume responsibilty for their own security?	55
(c) withdraw all U.S. troops immediately?	21
(d) publicly setting an absolute date for withdrawal, regardless of events in the meantime?	13
4. Regarding national health insurance, which do you favor:	
(a) a program financed and operated by the federal government?	27
(b) a federally operated program financed by employer and employee contributions?	26
(c) income tax credits for the cost of purchasing private health insurance?	24
(d) complete reliance on the private health insurance structure?	6
(e) expansion of health maintenance plans?	8
(f) no new legislation in this area?	9
5. With respect to raising an army to defend the nation, which one of the following do you favor:	
(a) abolishing student and job deferments?	30
(b) continuing the lottery in its present form?	34
(c) replacing the draft system with an all-volunteer army?	36

	Yes	No
6. To fight inflation and unemployment, which actions are you willing to have the Federal Government take:		
(a) Control wages and prices?	75	25
(b) Spend less on domestic programs?	43	57
(c) Spend less on national defense?	54	46
(d) Raise income taxes?	14	86
(e) Establish public service employment programs to create jobs?	65	35
(f) Adopt the President's full employment budget with its deficit?	38	62
7. Do you favor President Nixon's proposal to make the Federal Government more efficient and responsive to citizens by reorganizing the executive branch, abolishing 7 cabinet level departments and creating 4 new ones in their place?	82	18
8. Do you favor returning a share of Federal tax revenues to State and local governments to help solve local problems?	84	16
9. To fight pollution, would you support:		
(a) Enactment of the President's $10,000,000,000 clean water program?	81	19
(b) Spending even more money and passing even stricter laws?	73	27
(c) Requiring manufacturers to prevent pollution even if it means that they charge higher prices for their products?	87	13
(d) Enactment of user fees and/or taxes on all polluters and users of water in order to fully finance Federal water pollution abatement programs?	86	14
(e) Leaving the problems up to the States?	27	73

SUN-SENTINEL EDITOR COMMENTS ON DEMONSTRATIONS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. ROGERS. Mr. Speaker, the recent so-called "peace demonstrations" in Washington during which radical and militant elements in our society sought to close the normal business and governmental functions in our Nation's Capital are the subject of an editorial by Mr. William A. Mullen, editor, the Sun-Sentinel, Pompano Beach, Fla.

I insert the editorial at this point in the RECORD for the benefit of my colleagues:

HOW LONG WILL ANARCHY BE LABELED DISSENT?

The contrast between the massive but generally peaceful protests against the Vietnamese war over the past weekend and the abuses currently being inflicted upon the Capitol by radical groups makes one wonder how long the representatives of American people will tolerate anarchy disguised as dissent.

The areas for the people to address themselves to their government are clearly spelled out in the Constitution of the United States, particularly in the First Amendment.

This, as is universally known, guarantees freedom of the press, which logically would include underground newspapers that do not violate the laws of libel, slander and obscenity; freedom of speech, which also has its compensating limitations within the law; the right of the people to peaceably assemble, which does not mean roving bands of looters, arsonists and maulers, and then petitioning of government for a redress of grievances.

This last-mentioned point allows no license for roving through the offices of our senators and representatives and damaging and defiling them as a self-righteous group of young people did to the offices of Sen. Barry Goldwater. The group indulged in the utterly childish gambit of firing a toy machine gun then splattering bags of red paint against the walls.

The point to be dramatized, as the permissives say, was the "massacre" of the war. The sheerest of nonsense.

What damage these young people inflicted was not to the office of a U.S. senator, but to the property of the people. For occupancy depends upon the sanction of that section of the electorate represented by said office. Thus, no group nor any individual has the right to deface nor to bomb public property in the name of dissent.

Nor does a trio of young girls, apparently enjoying fun and games as a news photo shows, have the right to invade the property of the secretary of defense to implant a Viet Cong flag as an anti-war protest

This, along with the other examples, demonstrates how the entire movement leans toward an anarchy that parallels conditions which prompted reaction against similar abuses nearly 200 years ago.

Heed these reasons:

"The history . . . is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states . . ."

"He has dissolved representative houses repeatedly, for opposing with manly firmness his invasions on the rights of the people . . ."

"He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining in the meantime exposed to all the dangers of invasion from without and convulsions within . . ."

And on and on the bill of particulars reads, including the efforts to arouse insurrection, to use mock trials to absolve the guilty, to obstruct justice by refusing to assent to laws; to deprive in many cases trial by jury—all intended to destroy the order and structure of existing society.

These items may be used against any of the leaders of the radical groups who have the avowed intention of bringing federal government to a grinding halt and to make the majority of this land subservient to the despotism of the few.

These are excerpts from the Declaration of Independence, a document signed by a handful of men determined to preserve the freedom of their fellowmen and an orderly system of society even if it meant their very lives.

All too clearly a similar declaration again is needed from our government leaders whose risk primarily will be the alienation of political forces that would destroy them anyway if their radicalism prevails.

A THANK YOU

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. ROGERS. Mr. Speaker, I would like to take this opportunity to commend and thank three companies who have been of great assistance to some people in my home State of Florida.

George and Rosemary Collett and their daughter, Janice, operate the Casa de Felicidades—Happiest House—a wildlife refuge in Venice, Fla., for more than 200 wounded or orphaned animals. The food bill for these victims of man and nature is $2,500 per year, which the Colletts had managed entirely out of their own pockets until three companies, Borden, Inc., the Gaines Meal Division of General Foods, and Hartz Mountain offered their help.

The donations of foodstuffs so generously made by these firms could very well cut the Collett's food bill in half and I know I speak for the Colletts and animals lovers all over the country in expressing my gratitude for these contributions.

RECOGNITION TO TOMORROW'S SCIENTISTS AND ENGINEERS

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. ZABLOCKI. Mr. Speaker, it was my distinct privilege on May 17 to have attended the 1971 awards banquet of the Tomorrow's Scientists and Engineers program. I was particularly proud that among the winners was a young man from my own district of West Allis, Wis., Jerome A. Johemko, a student at Nathan Hale High School. Accompanying him to Washington for the award presentation ceremony was his teacher sponsor, Mr. Bruce McKay.

As you know, Mr. Speaker, the "Tomorrow's Scientists and Engineers" program was established to encourage interest in science and engineering by recognizing and rewarding student research activities. The National Science Teachers Association, the Engineers' Council for Professional Development, Scholastic Magazines, Inc., and Standard Oil Co. of New Jersey, realizing the necessity for encouraging this type of independent investigative research on the junior and senior high school level, have joined forces in sponsoring and conducting this program.

Recognition is provided on a broad base to students who complete an experimental or investigative project or extensive field study and submit reports of their work in written form to teams of regional judges for evaluation. Students are encouraged to conduct their work in a manner that closely approximates the procedures and activities used by practicing scientists or engineers. To insure wide recognition, 900 awards are distributed in equal numbers in grades 7–8, 9–10, and 11–12 in each of 12 geographic regions.

Recognizing the desirability of providing added motivation, encouragement, and recognition for outstanding students, "Tomorrow's Scientists and Engineers" also grants 10 $6,000 scholarships to national winners selected from among the regional winners in grade 12. These are the 10 young men who were honored at the banquet dinner on May 17.

Mr. Speaker, I know you share with me the pride and satisfaction of seeing these young people excel in the important area of science and engineering. In order to share wtih my colleagues the accomplishments of these young award winners, I am pleased to place in the Record at this point their names: James T. Bennett, Benjamin Franklin Senior High School, New Orleans, La.; David H. Braun, Joliet Township West High School, Joliet, Ill.; Robert M. Hackman, Gateway Senior High School, Monroeville, Pa.; Martin E. Hicks, Joel E. Ferris High School, Spokane, Wash.; Jerome A. Johemko, Nathan Hale High School, West Allis, Wis.; James H. King, Minnechaug Regional High School, Wilbraham, Mass.; Michael J. Momenee, Cardinal Stritch High School, Oregon, Ohio; Mitchell S. Raps, Francis Lewis High School, Flushing, N.Y.; Gary Vitale, Miami Norland Senior High School, Miami, Fla.; David M. Wall, Arlington High School, Arlington, Tex.

It is also my honor to share with my colleagues the remarks of Dr. Robert Q. Marston, main speaker at the award banquet and Director of the National Institutes of Health. His speech, "Maintaining the Momentum of Science," follows:

Maintaining the Momentum of Science

(By Robert Q. Marston, M.D.)

It gives me a great deal of pleasure to take part in these ceremonies and to offer my very hearty congratulations to the winners of the Tomorrow's Scientists and Engineers Awards Program. I want also to congratulate the sponsoring organizations whose representatives are at the head table. Your combined effort serves as an inspiration not only to talented young people everywhere but to those of us on the other side of the generation gap who are interested in the future of science in a dynamic society.

This award program comes at a time when we are in a nation-wide ferment about the uses, the meaning, and the promise of science in our society. All of science is being asked a basic question—how can science and technology be applied most effectively to solve the problems of man?

But the question has a special urgency for the health sciences. The general perception of a "crisis in health care," a "crisis in health manpower," and a "crisis in medical schools" constitutes a significant consideration in the outlook for biomedical research in the decade of the 1970's. And, of course, it has a special relevance for an agency such as mine whose sole reason for being is the improvement of the health of the American people.

The years since World War II have witnessed a remarkable growth in American science. I would like to trace that growth very briefly, with respect to biomedical science in general and the National Institutes of Health in particular, and then pose some questions which the young winners and their colleagues will be grappling with in the years ahead.

Perhaps the single most significant impetus to American science was the publication 25 years ago of Dr. Vannevar Bush's remarkable and precedent-setting report, *Science, the Endless Frontier*. Dr. Bush's volume set off a chain of developments that are still in motion today. For example, his principal recommendations concerning medical research—Federal financial support for research projects, for research training, and for the institutions which conduct research—set the pattern which has been followed with great success for a quarter of a century.

The growth of both Federal and national expenditures for research and development was gradual until fiscal 1957, when a sudden expansion brought NIH research support to $125 million. Then, Federal support began to accelerate as Sputniks I and II gave a spurt to all U.S. science.

By 1967—ten years later—Federal support of biomedical research was twice the non-federal, or about $1.5 billion.

The rapid growth in Federal medical R & D tapered off in the years from 1967 to 1970. There was a plateau in NIH funding, or a decline, estimated as high as 25–30 percent, in terms of program support. This was not compensated by additional support from the private sector. The 1971 budget, however, checked this downward drift by maintaining present program levels and allowing for inflation. It also provided for substantial increases in selected areas such as reproductive biology, environmental health sciences, and cancer, heart and dental research.

A quarter of a century later it can be said that most of the proposals of the Bush report have been carried out with a success exceeding the fondest dreams of those days. But what can be said of the increase in knowledge for the improvement of human health which was the reason for the whole biomedical effort? Quickly and somewhat simplistically, we can answer:

Dramatic success in the control, prevention, and cure of acute biological events and diseases, such as the whole range of infectious diseases;

Progress in surgery and related fields;

Short-term control of physiological and biochemical processes at a very sophisticated level;

Significant but much more modest success in chronic diseases, and in problems of human development and behavior;

Provision of a sound scientific capability base for the future.

At the very least the accomplishments of biomedical science in this brief time have changed our whole concept of health and disease, have revolutionized the practice and teaching of medicine, and have raised the level of expectations of the people to a very high point indeed. Yet, the dangers of overpromise are so real that a candid view of the future requires some caution.

THE BIOMEDICAL SCIENCE FRONTIER TODAY

Many of the changes that civilization has witnessed in our lifetime have derived from the application of general laws of the physical sciences discovered, applied, and tested by brilliant and creative intellects. In contrast, biomedical science is still only "a scanty patchwork of basic principles that are truly known"—in the words of Paul Weiss, Professor Emeritus of the Rockefeller Institute.

What are today's prospects of biomedical research for attaining a consistent and comprehensive understanding of the phenomena of life? Reviewing the advances of the past in the unraveling of the genetic code, in protein synthesis, in virology, in cell biology and other fields, one can speculate on how long it will be before we can make broad generalizations about the nature of living things.

Such generalizations, however, will almost surely require major achievements in the pursuit of long-sought goals in biological research—ranging from cell differentiation to an understanding of the basic mechanisms of immunity.

In the biosciences, we may have to continue for many years to advance problem by problem and step by step, only rarely rewarded by a discovery as noteworthy as penicillin for infectious diseases or the decoding of DNA as a basis for progress in genetics. I would assert that, in either case, the biomedical frontier today is immensely more promising than 25 years ago. The prospect of using these sciences to improve further the health of mankind is bright indeed.

BASIC QUESTIONS REEXAMINED

Vannevar Bush's report focused not only on opportunities for science but on the national role in fostering science for social purposes. His charge was, "With particular reference to the world of science against disease—what can be done now to organize a program?" And secondly, "Can an effective program be proposed for discovering and developing scientific talent in American youth?" These questions have a familiar ring today. Despite the fact that programs have grown rapidly and scientific accomplishment has been dramatic, questions continue to arise regarding public policy in the support of biomedical research and the nature of the central organization of science.

The policy issues have been sharpened with the passage of years and more recently by the sense of impending change in national health programs. Any serious consideration of biomedical research policy must examine three related areas: the impact of such policies on health generally; their impact on the universes of science; and their impact on the institutions of higher learning, especially the medical and dental schools.

Let me focus on three issues which are still unresolved:

1. What is the nature of the decision-making process for a biomedical research program for the future?

2. What are the best mechanisms of support?

3. What should be the relationship with medical and other health educational schools?

There has been considerable discussion recently—both within the scientific community and in the halls of government—about the direction of research, the setting of priorities, the matter of "social relevance", and on how best to meet the needs of society. Some have viewed this increased questioning of the substance and direction of scientific research by non-scientists as a call for more emphasis on targeted versus fundamental research, on short term versus long term investment.

I believe on the contrary that these questions have a much more profound basis—that the public cares little how we weave our magic but only that we continue to do it. I believe society is quite as prepared as scientists to accept uncertainty where knowledge is lacking if they are so told. But many scientists—believing increasingly that only the short term, the immediate, has value in America—continue to promise unselectively that success is "just around the corner." The response often is, here's another $1 million, $10 million, or even $100 million to get us to the corner sooner.

Twenty-five years ago the problem in this country was to develop a national capability of excellence and effectiveness. That ambitious goal has been achieved so that today scientists and non-scientists see:

The biomedical sciences seem uniquely ripe for vigorous exploration;

We as a nation seem to be about to undergo major changes in our health delivery systems;

Today the question is raised with increasing urgency. How do we arrive at decisions in the use of this biomedical research capability? How best to apply the great potential of dedicated scientists and resources in the health field to grave national health problems?

I believe that we should maintain a position of flexible diversity. We should not tie ourselves to one course of action.

To make this possible, we need a portfolio of mechanisms for supporting science in this country. We should maintain as a backbone of this portfolio our regular research grants, now constituting somewhat more than half of the total expenditures of NIH. They represent the clearest and most effective mechanism to focus our resources on the most creative scientists with the best ideas. They constitute a powerful monitoring and evaluative device. These grants are distributed after successive review by two nonfederal groups—the study sections and the councils. In addition, however, training grants, fellowships, institutional support mechanisms, center grants, contract funds, and intramural programs all have an appropriate place in our total national endeavor.

Because biomedical research depends on the colleges and universities of this land, NIH has always had close ties with the academic community, first through individual project grants and later through institutionally oriented grants.

Here, too, we must maintain a kind of flexibility which will guarantee the independence and viability of the nation's colleges and universities, and at the same time help meet the national need for health manpower. The Administration's proposals in the health manpower field were designed with these purposes in mind.

The final issue I wish to pose is a question of priorities in the general allocation of resources. What is the place of biomedical research vis-a-vis the organization and delivery of health care and other national obligations? This issue is sharpened greatly by the contrast of rapidly escalating health costs at a time of severe budget constraints. Inevitably research has to compete with other national needs, both in health and in other areas of life.

Of great importance as this country seeks to provide a more rational health system for its people is the likelihood that biomedical research will be challenged as a less effective means of achieving that goal, at least in the short-run, when compared with other means. At a time of major national change in the health field, it is inevitable that the question of the relevance of research will be raised. Answers must be given in terms of national need, not defense of the status quo. A convincing case can be made that health care in the future, as in the past, will depend primarily on the knowledge base from which it is practiced.

History provides not only striking evidence of the high social yield growing out of biomedical science, but also of how, in time of greatest stress, nations have recognized the importance of basic research. Lady Florey, with whose husband, Howard Florey, I worked almost 25 years ago, visited us recently, and we discussed the wisdom of wartime England's allowing the continuation of studies of natural antagonisms which led to a reexamination of Flemming's mold and the production of penicillin. This activity was continued in the face of possible invasion. Indeed, several members of the laboratory had the mold sewn in the lining of their clothes, so that if England were invaded, those who escaped would still be able to continue the work.

Florey's 100 percent fatality of untreated mice and 100 percent survival with penicillin required little explanation. The applicability of the results of much of today's research is not as clearcut. There are benefit-risk ratios inherent in many modern discoveries which must be evaluated. I need only mention the antidiabetic drugs and the oral contraceptives to make the point. The character of this issue suggests that the biomedical sciences of the future will offer not only the challenges of probing the basic life processes which I mentioned earlier, but will test severely our ability to make sound judgments in applying the results. The use of the results from the application of scientific experiments must increasingly be weighed against social, economic, political and behavioral beliefs and desires in the population. For this reason alone, the biomedical science frontier is more challenging and more demanding than it was 25 years ago.

I believe the science teachers of this nation, and programs such as the one we are celebrating tonight can help the American people recapture the spirit and the flavor of Dr. Bush's vision of an "endless frontier." With public support based on this kind of understanding, our future is bounded only by our own creativity and will.

I would end by quoting three sentences from the Oxford History of America:

"America was discovered accidentally by a great seaman who was looking for something else: when discovered it was not wanted; and most of the exploration for the next fifty years was done in the hope of getting through or around it. America was named after a man who discovered no part of the New World. History is like that, very chancy."

Since the nature of biomedical research is to provide the unknown, we should not be surprised that predictions about the future are also chancy.

Again, let me congratulate the award winners and express my appreciation that some of the group will be visiting the NIH reservation tomorrow. You will receive a warm welcome, I assure you, and I hope your exposure to our scientists and their investigations will serve to increase your already keen interest in a career in biomedical research—a career which, in my opinion, cannot be matched for its personal satisfaction and its contributions to the welfare of mankind.

BOLIVIA AND CHILE

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. COLLIER. Mr. Speaker, a few days ago it was reported that Bolivia wants our Peace Corps in that country to pack up and go home within 90 days. Then we learned that the government of Chile is about to take over El Teniente, the world's largest copper mine which is U.S. owned, as part of President Salvador Allende's program to nationalize U.S. privately owned copper interests.

It is logical to believe that Allende's next step will be to notify our Government that it wants members of our Peace Corps in that country to get out, too.

Shortly after Allende, a dedicated Marxist, was elected in Chile, I publicly urged that we promptly withdraw the corpsmen from that country. After all, I do not believe the average taxpayer in this country is too anxious to provide technical aid, financed by them, to a Marxist regime. Hence, the departure of the Peace Corps from Bolivia brings me no great personal remorse but I would certainly like to see us move the Peace Corps out of Chile before we get an engraved invitation to depart at the request of the Allende government.

I do want to invite the attention of my colleagues to the fact that Bolivia has received $532,400,000 in foreign aid from the United States since World War II and Chile has received $1,376,500,000 during the same period.

Inasmuch as we had to borrow this $1,908,900,000 before we could make it available to Bolivia and Chile, we must add half again as much for interest. Ironically, this makes a total of $2,863,-

350,000 that we have spent to buy friends in Bolivia and keep Chile from going Communist.

POSITION PAPERS AND ABSTRACTS ON ENVIRONMENTAL POLLUTION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. WOLFF. Mr. Speaker, no problem facing our Nation today is more serious than that of pollution and the preservation of our environment. And no group is more aware of the gravity of this problem, and is doing more to help solve it, than the youth of America. Conscious of the delicate balance of this planet, they are in the forefront of our battles to halt pollution, preserve our wilderness, and stop the mindless advance of raw technology from drowning us in waste of water or choking us to death in exhaust fumes.

No better example of this concern, dedication, and willingness to strive for the cause of our environment can be found than that of the environmental control class of Roslyn High School, located in the Third Congressional District of New York.

That a high school would conduct such a class is in itself highly commendable. But the students in that class, and their teacher, Mr. Murray Kaufman, went further. They compiled over some months a series of position papers on the Federal Government's environmental programs and how they can be improved. These papers cover a wide range of topics—water, air, and noise pollution, solid waste disposal, mass transit, population problems, pesticides energy production—and all of them show not only sophistication in concept, but also firm grasp of the essential factors needed for effective action.

But they did not stop there. In the highest traditions of our democratic government, these students and their teacher traveled to Washington to present their papers, and their case, to representatives of the Federal Government. For several days, they visited with their Representatives in the Congress and with key personnel in the executive branch to present and discuss their ideas.

Mr. Speaker, it is an honor to represent such young men and women in the Congress, and I am proud to include in the CONGRESSIONAL RECORD three of the papers prepared by this class, and abstracts of the others:

ABSTRACT: THE ARMY CORPS OF ENGINEERS AND THE ENVIRONMENT

This paper discusses the history and organization of the Army Corps of Engineers. Then the relationship with Congress is explored and the nature of the "pork barrel" phenomenon described. Examples of the ill effects of determining policy by "pork barrel" are given and then a discussion of the economics (or lack of them) in the Corp's operations. The conclusion is that neither the Corps' cost figures, benefit figures, or benefit-cost ratio are accurate, and that, due to the "pork barrel", it doesn't matter in the passage of certain projects. Several examples of the Corps' depredations on the land are given, including the cases of the Everglades, the Cross-Florida Barge Canal, and the Rampart Dam.

The conclusion of this paper is that while the Corps has done many fine things for the country, the management of our resources should be shifted into the sphere of comprehensive planning rather than single project building. This would be best accomplished in the Department of the Interior after a clear break has been made from the old "spoils system". Our water is too important to be political prize money.

POSITION PAPER ON THE U.S. ARMY CORPS OF ENGINEERS AND THE ENVIRONMENT

The Army Corps of Engineers is the largest construction company in the world. Their annual budget is $32.3 billion; they are involved in close to 4,000 civil works projects distributed among 11 divisions and 38 districts.[1] Within the Corps, the work is done by 200 army officers, traditionally drawn from the top of the West Point classes, who supervise 40,000 civil employees.[2] Their civil work extends throughout the country and they have worked in many foreign areas as well.

The history of the Corps of Engineers is long and, in the balance, their efforts have greatly advanced this country. The Corps originated in the Act on March 16, 1802 which established a Corps of Engineers consisting of five officers and ten cadets to be stationed at West Point, New York, and to "constitute a Military Academy." Within a few years the headquarters of the Corps was transferred to Washington, but West Point remained under the Corps' control until 1866.[3] Initially their civil responsibility was confined to navigation along the Ohio and Mississippi Rivers. They also built the Chesapeake and Ohio Canal, and the continuation of the Cumberland Road. In 1852 rivers and harbors work was placed generally under the Army Corps;[4] in 1899 the responsibility to issue permits for dumping of refuse into waterways;[5] and in 1917, the 1852 act was expanded to apply also to works of improvement for flood control. The power to work in flood control for the nation as a whole was more explicitly established in the Flood Control Act of 1936.[6] The Corps has taken part in some of our most successful national enterprises—it built the Panama Canal, and it opened the West. But it is now necessary to examine its role in a changing society.

The Corps asserts that placing the maintenance of civil navigation in the hands of the Army is invaluable to national security. Some problems do arise on the assumption of such a large responsibility. The first is in terms of military effectiveness, their primary function. While their budget has trebled in the last 15 years, their work in Vietnam has not been completely satisfactory. This is due to a combination of factors, including the difficulties in dealing with climate and topography. However, the increasing commitment of the Corps to civil works of ever-increasing scope has also acted as a drain and a distraction from the primary responsibility of the Army Corps—their military endeavors.[7]

A large bureaucracy is necessary to sustain the Corps' national activities, and to keep their complex procedures running smoothly. At this point it would be fruitful to examine just how their civil projects are selected, planned, and financed. The Corps will be quick to say that they do not initiate any projects. This is true. First, local interests have to approach the Corps with a plan. They are referred to their local congressman or senator, who asks the Public Works committee to include an allocation for a preliminary examination in an appropriations bill. If this is passed, the Corps can then make a preliminary investigation to determine whether a full scale, expensive survey is indicated. In almost all cases, the District Engineer first calls for public hearings to obtain the views of interested parties. This is followed by field reconnaissance.

The report of the preliminary examination either concludes that the data available is sufficient to show that improvement is not justified, or that prospects for justified improvements are such that a full survey is warranted. The District Engineer submits his report to the Division Engineer. If he disagrees in whole or part, the report may be returned to the District Engineer with suggestions. He need not revise his views. The report of the Division Engineer consists of an endorsement with only those details as are essential to explain any difference of opinion. When the Division Engineer submits an unfavorable report he must issue a public notice of his recommendations so that all interests have the opportunity to appeal to the Board of Engineers for Rivers and Harbors, the next higher step. The Board passes on all reports and advises the Chief of Engineers. If the Division Engineer's report was favorable, and the Board's unfavorable, another public notice must be released, and the Board will reconsider in the light of response. The Board then passes along the whole file to the Chief of Engineers for the final recommendation. If the Chief of Engineers agrees to a favorable recommendation, a survey is authorized. It does not have to be submitted to any other bodies as the project is still under consideration. If the report is unfavorable it must be submitted to Congress through the President's office (Bureau of the Budget). Congress can recommend that the report be reconsidered after a year period, and the Corps also preserves this option by only commenting on *Current* justification of the project. Any review is conducted in the same manner as the original investigation.

The purpose of the survey is to determine more in-depth suitable plans and the economic justifications. If the economic justifications (cost-benefit ratio) appear favorable, considerable in-depth surveys and subsurface investigations are made. The progress of the survey report is much the same as that of the preliminary examination report. If the Bureau of the Budget decides that the project is not in accord with administration policy it can still be submitted, with that opinion included in the file. Then it must be authorized by both houses of Congress. After authorization there are four additional steps. The first two concern preparation of plans and specifications, and preparation and awarding of bids. Then a definite project report must go through the Division Engineer and the office of the Chief of Engineers. The fourth step is the appropriation. Appropriations are estimated on the basis of the costs of the preliminary examinations, surveys, and the big capital lay-out for the authorized project.[8]

The reason for the inclusion of this information is that it becomes obvious on reviewing the Corps' procedures that there is very little executive control over their actions and that the real relationship of the Corps to any other branch of government is to the legislature—which brings up the topic of "pork barrel". Senataor Paul Douglas stated in 1956, and it remains true today, "I think it is almost hopeless for any senator to try to do what I tried to do when I first came to this body, namely, to consider these projects one by one . . . Any member who tries to buck the system is confronted with an impossible amount of work in trying to ascertain the relative merits of a given projects."[9] The essence of "pork barrel' 'is that everyone wants something for his own constituency

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Footnotes at end of article.

and therefore cannot risk alienating any possible future support. Thus, everyone gets his own pet project, the Corps goes on, and very little comprehensive regional planning is done.

As an example, the Rivers and Harbors Act of 1965 authorized fifty-three new projects in twenty-three states. There was little in the way of planning or of setting national priorities. To be fair, many of these projects were as much Congress' fault as the Army's. According to the Corps, between 1910 and 1968, it recommended against construction on 4700 of the studies that Congress assigned it to make, and favorably on 3400.[10] There have been cases where the Corps was very unenthusiastic but still was ordered ahead. One such project was a plan to connect the Tennessee and Tombigbee rivers in Mississippi and Alabama with a navigable channel 253 miles long and with ten locks providing a total lift of 341 feet. The most favorable benefit-cost ratio the Corps could arrive at was 1.24 to 1. With the benefits of wages to workers on the canal, wildlife "enhancement", and free recreation stripped away, the ratio became 1.01 to 1 over 50 years. The Chief of the Corps said that the ratio of 1.24 to 1 made it economically justifiable. The Secretary of the Army, who reviews these reports, said he thought it was only "marginally" justified. His opinion was not even taken to the floor of the Congress as the appropriation sailed through the "pork barrel".[11]

Another example of the power of "pork" is the canal the Corps dug between the San Francisco port and Sacramento. Even at that price it was calculated that the benefit-cost ratio was about even. Although the Bureau of the Budget recommended that the project be turned down, it was passed, and in 1949 the first funds were appropriated. The price had gone up to $16 million. Six years later it had gone to $35 million. Still the Corps said the ratio was even. An independent study by the Stanford Research Institute calculated the ratio at .83 to 1. By 1966 the channel had cost $41 million.[12]

Congressional "log-rolling" goes on virtually unchecked by the executive. Because appropriations are presented in a lump sum in one bill, the president cannot veto one without vetoing all. On occasion this has occurred. Senator Ellender of Louisiana, the Chairman of the Public Works Committee, had this to say, "I will never forget the year when President Eisenhower gave us a challenge that if we put in the bill any new starts, he would veto them. He vetoed them, but fortunately Congress slammed him down, and I am proud to have led the fight to do just that." [13] On another occasion, President Johnson tried a different approach. In 1965 he asked for nine new starts and got 50.

Thus, the executive has virtually no control over this aspect of the public works program. The legislature and the Corps have worked out a comfortable symbiotic relationship which admits no interference from the administration. It is true that the report of the Chief of Engineers must go through the Secretary of the Army and the Bureau of the Budget, but I have given examples where this review was ineffectual. In addition, the civil works program must be examined in perspective to the function of the government. The Secretary of the Army is mainly concerned with military affairs, including the affairs of the bulk of the 1100 members of the Corps of Engineers.[14] And even the billion dollar budget of the Engineers is relatively insignificant to the Bureau of Budget.

To wind up the discussion of "pork barrel", one organization should be considered, the National Rivers and Harbors Congress—senators, construction people, congressmen, and representatives of the Army Corps and the Bureau of Reclamation. This organization plans the major appropriation campaigns. Most of their judgments are based on the Army's benefit-cost ratio. They also deal with other projects in the water resource development field. The Corps is not the only organization at work. Others include the Tennessee Valley Authority, Bureau of Reclamation, and Soil Conservation Service. The work of the National Rivers and Harbors Congress is to help the Corps and other organizations in their effort to spread the bounty.[15]

So far much has been said about the determination of the benefit-cost ratio. This is one of the areas where reform is most needed. Elizabeth Drew observes, "It has been remarked that the measurements are pliant enough to prove the feasibility of growing bananas on Pike's Peak." [16] Part of this is due to the inclusion of benefits difficult or impossible to assign a monetary value to, and part is due to the consistent miscalculation of the costs. Some of the benefits include the profits of the businesses which might be drawn, the lower price to shipper by barge rather than rail, and the enhanced land values (often the land which was under water and has been exposed—to the delight of speculators who bought it when it was still submerged). Flood control is one of the most popular benefits. And in the years since the flood control act, annual flood losses (in adjusted dollars) have increased. Power is another benefit, and it can be provided more cheaply. Pollution treatment, of "low-flow augmentation", the dilution of wastes with controlled flow from a dam or reservoir, is also considered a benefit although more effective methods of pollution control exist. There is no "market value" for the wilderness, although apparently there is for the man-made lakes that the Corps makes—even though they insist that the recreation remain free. The recreation benefits are therefore added in terms of what people would pay if they had to pay and they do not take into account the loss of the wilderness values.[17]

Costs, on the other hand, are consistently underestimated. The Trinity River project is another fine example of mistaken cost analysis. This project is intended to make Fort Worth, Texas, which is 400 miles away from the sea, into a seaport. The project was authorized on the calculation in 1962 of a cost of $790 million. The estimate now is well over $1 billion, and construction has not yet begun.[18] The project was originally justified in terms of shipping wheat. Now it is justified on the grounds of shipping gravel, although there is some question as to the necessity of shipping gravel from one end of Texas to the other.[19]

There is a long history of reports on the Corps' faulty economic analyses. The Hoover Commission of 1955 on reorganizing government stated, "If the Corps of Engineers adopted a policy of exerting more rigid requirements to determine economic benefits you could expect a reduction in the number of favorable reports." [20]

This criticism was echoed by Senator William Proxmire after a study of 380 Corps projects. "I consistently found that projects with an alleged benefit-cost ratio of less than two to one provide returns less than their cost. Costs of public works are invariably much greater than originally estimated because of poor estimates and inflationary pressures." [21]

Thus far I have considered only the economic and organizational problems in the operations of the Corps. If these were the only problems with the Corps, then there would be little distinction between it and any other government agency. However, the Corps is different. Its actions permanently change the face of the land. Its jurisdiction is nationwide. It has the power to alter almost anything.

What has the Army Corps of Engineers done to our land, what are they in the process of doing, and what do they plan to do? To begin in a small matter, note the conflict in policy between what the Corps does and the rest of the administration plans. The major beneficiaries of the Corps' flood control and irrigation projects are the large landholders in areas such as the Mississippi Delta and the San Joaquin Valley.[22] The Corps goes in and develops a new watering system. Then the landholders are paid not to grow crops on the land the Corps has made arable. The federal government, i.e., all of us, has paid for new irrigation and is now paying the farmers not to use it. The farmer pays nothing.

In larger matters of more than fiscal interest the Corps is playing a negative role. Because of the Corps, the Everglades, an environmental area unique in all the world, is threatened. The Corps constructed a series of dams and ditches at Lake Okeechobee, the source of the sometimes 90 mile-wide river which is the Everglades, and managed the water flow with the point of view of the farmers in mind. If the water level in the lake rose, water was sent to sea through the St. Lucie Canal so as not to flood the farmland. If the water level fell, the farms had first claim on what water there was. The park stands last in the water line. Finally, early in the '60's came four years of drought, the worst in a generation. Disaster areas were declared. Fires swept the river Everglades. Sloughs and ponds dried up. Park naturalists estimate that 90% of the alligator population died.[24]

This problem which the Corps brought about has been referred back to the Corps for solution. Their original prediction that all of Florida's water needs could be solved at $208 million was typically inaccurate. By the 1960's the cost had doubled. With the addition of the $76 million they estimate for correction it will hit the half billion mark.[25] Their solution of the problem also leaves some real questions.

But first there is the matter of canal C–111. This was a canal originally meant to carry overflow from the farms out to sea. But then Aerojet General moved in to manufacture solid fuel for the space program. Rocket motors would be barged down from Philadelphia—only the transportation inland remained a problem, and it would be no problem if canal C–111 became big enough to handle the barges. So the Corps dug the canal leaving one plug. And before they could pull it there was a public outcry. The canal would allow salt water into the fresh water Everglades. The canal was stopped.[26] It is now to be a part of the huge network of ditches the Corps has to dig to manipulate the water back down to the national park. It is interesting that the salt water intrusion barrier that the Corps denied the necessity for, has not been placed in the cheapest, most logical place, (which happens to be in full view of the highway) but hidden around a bend in the canal.[27] The Everglades are not saved yet. The water can always be shut off, and with the Corps playing "pork barrel" politics with Florida farmers and industrialists there is always a chance that it will be.

The problem with the Everglades is not the only problem plaguing Florida and the Corps of Engineers. There is the small matter of the Cross-Florida Barge Canal, a 107 mile waterway from Jacksonville to Yankeetown. It is estimated at $177 million. The first 27 miles have been completed with two dams and a reservoir. It will flood 13,000 acres of forests in the Oklawaha River basin. It is another unique area—home of alligators, panthers, and wild turkey. It is based on the alternating wet and dry states of the river basin. Once it is completely and permanently submerged, this ecosystem will be gone. This is not the only thing the canal may do. It is situated four miles to the north of the famous Silver Springs and may pollute the

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groundwater. The Corps claims it will have many advantages in boating, swimming, fishing, etc., but already there are log jams and weed clogs above the dams. To combat the weeds the Corps sprayed a herbicide. Now, they are rotting and lethal effects are predicted for the fish. In addition, a citizens group has picked up the Corps' age old problem and are making a suit on the basis of the fact that the operation of the canal may not be economical—that the benefit-cost ratio is unfavorable. They contend that the locks are too small.[28]

Here we have two examples of what the Corps is currently engaged in. In both cases an irreplaceable natural area is being threatened. In each case the Corps' economic analysis has been faulty. And in each case the Corps is serving a relatively small number of interests while damaging the greater common interest.

The Corps claims that it is becoming more environmentally aware. General William Cassidy, Chief of the Corps from 1964 to 1969 even institutionalized it in the form of a regulation. He states that the Corps will carry out a project "only when convinced that the sum of the prospective economic and esthetic gains would exceed the sum of the economic cost and esthetic losses."[29] It would seem that in this case too, the Corps uses faulty accounting. It would be interesting to discover under what system the Everglades loss would be a smaller loss than the gain of a barge canal.

The actions the Corps is publicizing now include the addition of biologists, ecologists and landscape artists to the staff. Lt. General Clarke, now Chief of the Corps, has also appointed an Environmental Advisory Board of six citizen conservationists. There are new laws requiring the Corps to consult the Interior Department before issuing dredge and fill permits, and to submit their plans as they affect the environment to the Environmental Protection Administration for review.

However the engineers continue to bear out the statement Senator Gaylord Nelson made while taking the unusual step of opposing a dam in his own state. "The Corps of Engineers is like that marvelous little creature, the beaver, whose instinct tells him every fall to build a dam wherever he finds a trickle of water. But at least he has a purpose—to store up some food underwater and create a livable habitat for the long winter. Like the Corps, this little animal frequently builds dams he doesn't need, but at least he doesn't ask the taxpayer to foot the bill."[30]

It is apparent that the Corps is not really mending its actions, just putting on a new face to suit a new time. The Oakley Dam is a good example of a combination of economic manipulation and ecological damage. The dam, to supply water for Decatur, Illinois, is filling with silt. So the Army has dusted off a 1939 plan to provide flood control, recreation, and incidentally water. The benefit-cost ratio came out wrong so "low-flow augmentation" was added. The dam would back water into Allerton Park, a 1500 acre natural park of Illinois University. An engineering report by an independent firm disclosed an underground water supply, and proved that advanced water treatment is more effective than "low-flow augmentation". These two solutions are not in the Corps' jurisdiction and the important difference (besides the fact that it would have a natural park) is that Decatur would have to pay for the underground water solution, while the Federal Government would pay for a dam.[31]

The Corps has various other plans in the offing. They plan to dam big Walnut Creek, a tributary to the Wabash River, which would flood one of the few remaining virgin forests in the Mid West. In Arkansas the state's own senators are proposing the declaration of the Buffalo River is forever wild to block dam construction. The last remaining stretch of natural river on the Columbia River is also being threatened.

All of this is hardly evidence of any new look on the part of the Army Corps of Engineers. This is the same kind of thinking that killed 90% of the alligators in the Everglades and may have injured the park forever. But the real big one is still around. Rampart Dam in Alaska, a plan to build a dam across the Yukon and create a lake larger than Lake Erie or the state of New Jersey. According to the Fish and Wildlife Service, 12,000 moose depend on that area. Taken together, the waterfowl coming south each year from the Yukon Flats comes to 1.5 million. About ten thousand cranes nest where the lake would be. About ten thousand geese also live there. In addition, The Yukon, denied its periodic flooding, would become less and less suitable for wildlife. Then there are the fish migrating beyond the dam—20,000 chinook, 50,000 coho, and 200,000 chum. Building the dam would also displace 1200 Athabascas Indians. The plan was shelved—not by the Corps, but by the Interior Department. And former Senator Gruening is still predicting that some day Rampart will be built—even though there is no market for the power, even though the power can be produced half as expensively, even though it would wipe out a priceless wild area.[32] And who will build Mr. Gruening's dam? The Army Corps of Engineers.

What we have here is an organization that has done much for this country. They have made our great rivers navigable, built our harbors. They dug the Panama Canal. They worked on the Capitol and the Washington Monument. But they are also the organization who could draw up plans for a billion dollar dam that would flood irreplaceable wilderness, or parch a unique park. What should their role be? Should their function be expanded to include sewage disposal and anti-pollution devices? As Elizabeth Drew writes, "Making anti-pollution part of the "pork barrel" may be just what it needs."[33] Or should their civil functions be transferred to another agency?

In this paper it has been shown that the problems of the Army Corps have included the unfortunate tendency to get the economics wrong, a lack of national view of goals and priorities, and the determination of project by "pork barrel." I do not believe that expanding the Corps' influence further will help to eliminate these problems. The Corps should return to its military duties and return civil construction to civil authorities. Our way of dealing with public works must change. The Corps' functions must not evolve upon some agency as the Bureau of Reclamation, which is as guilty as the Corps in many areas. The development of water resources should be assigned to one agency with the directive that a national strategy must be worked out, and that future water resource planning should go on at a regional, watershed, level. The obvious department that this falls under is Interior, or whatever department takes up environmental questions if the cabinet is reorganized.

There is no doubt that the Corps has done great service in the past, but there is equally little doubt that the present haphazard system of developing our water resources must be changed. The only way to take it out of the hands of the "pork barrel" politicians is to disrupt their tight little arrangement. Already the loss of estuarial land is alarming and the wild, clean river is a rarity. It's a trend that cannot be allowed to continue. The recommendations of this paper are simply that the Corps be taken out of Public Works, thereby hopefully to break up the tight little circle, and that the civil functions of the Corps be assigned to some new agency created by a synthesis of the existing water programs and under the control of the Department of the Interior. It is to be hoped that in this way the effects of our actions are carefully analyzed in the light of our environmental needs.

FOOTNOTES

[1] Michael Frome, "Dam the Rivers, Full Speed Ahead—Part 1", *Field and Stream*, Oct. 70, Vol. 75, no. 6, p. 59

[2] George Laycock, *The Diligent Destroyers*, Audobon/Ballantine, New York, 1970, p. 9

[3] Arthur Maass, *Muddy Waters: The Army Engineers and the Nation's Rivers*, Harvard University Press, Cambridge, 1951, p. 20

[4] Ibid., p. 21

[5] Michael Frome, "Dam the Rivers, Full Speed Ahead—Part III", *Field and Stream*, Dec. 70, Vol. 75, no. 8, p. 17

[6] Op. cit. Maass, p. 21.

[7] Op. cit., Frome, Part I, p. 59

[8] Op. cit., Maass, pp. 24–36

[9] Elizabeth B. Drew, "Dam Outrage: The Story of the Army Engineers", *Atlantic*, April, 1970, Vol. 225, no. 4, p. 55

[10] Op. cit., Laycock, p. 30

[11] Ibid., pp. 31–32

[12] Ibid., p. 33

[13] Op. cit., Frome, Part I, p. 59

[14] Op. cit., Drew, p. 53

[15] Op. cit., Frome, Part I, p. 128

[16] Op. cit., Drew, p. 56

[17] Ibid., p. 56

[18] Ibid., p. 56

[19] Ibid, p. 57

[20] Op. cit., Frome, Part I p. 128

[21] Ibid.

[22] Op. cit., Drew, p. 57.

[23] Ibid., p. 61

[24] Op. cit., Laycock, p. 47

[25] Ibid., p. 48

[26] Ibid., pp. 45–46

[27] Ibid., p. 51

[28] "Cloudy Sunshine State", *Time*, 13 April 70, p. 48.

[29] Op. cit., Frome, Part I, p. 128.

[30] Op. cit., Drew, p. 51.

[31] Ibid., p. 60.

[32] Op. cit., Laycock, pp. 75–78.

[33] Op. cit., Drew, p. 62.

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POSITION PAPER ON WATER POLLUTION LAWS: THE SEARCH FOR A BETTER TOMORROW

ABSTRACT

I. Water pollution is harmful and will eventually destroy us.

A. We are running out of oxygen.

B. We are running out of water.

C. Water pollution causes and aggravates many diseases.

II. There are certain barriers against anything but Federal control.

A. Pollution crosses political boundaries.

B. States cannot raise the funds to control pollution.

C. States are in competition for industry.

III. All pollution laws enacted should have pollution control standards set nationally.

IV. All pollution control laws should have provisions to ease the process of updating standards.

V. All existing agencies with jurisdiction in the environmental problems should be eliminated and replaced with one "super"

agency restricted to protecting our living environment.

VI. All laws should have fines enacted with a minimum fine and a maximum fine that would serve as a real deterrent.

A. Fine of a percentage of net daily profit.

B. Effluent charge.

THE SEARCH FOR A BETTER TOMORROW

Like those wanderers in centuries past who tilled and grazed land to exhaustion and then moved on, we in this century have too long and too casually abused our diminishing environment. The time has come when no longer can we sit back and wait for someone else to repair the damage already done and establish new standards to guide us in the future. One of those plots that we too frequently take for granted is our diminishing water supply. The convenience of turning on our faucets and receiving water has too often led to the fallacy that our water supply is infinite. And too often, we tend to believe that the water that comes out of our faucets is pristine. But no longer can we enjoy these fallacies without ultimately facing destruction. It is now the time to take action against environmental massacres and the agency that must lead the nation in this task is the Federal government.

BACKGROUND: THE PROBLEM

Seventy-five percent of the earth is made up of water bodies and of this, ninety-seven percent are the oceans.[1] Ninety-seven percent of the water, therefore, must be desalinized before it can be used for most purposes—a process far more expensive than even purifying our dirty water.[2] But what about the other three percent of our waters? Of this, glaciers and icecaps hold the largest share of fresh water and with present technology, we haven't started to tap these sources yet.[3] Thus, three percent of the earth's waters are fresh water and a major portion of this cannot be used. The amount of fresh water today is substantially the same as it was hundreds of thousands of years ago and yet the demand upon this water has increased at an alarmingly progressive rate with the increase in population. But running out of water is only one of the threats to human life in this area. By polluting our waterways, we could also run out of oxygen soon. Water plants are major producers of oxygen and by killing these plants, we are choking ourselves.

"By 1980 our effluents would be sufficient to consume all the oxygen of all the flow in dry weather of the twenty-two river basins in the United States."[4]

By consuming all this oxygen, we would eventually kill off all higher forms of life on earth. But consuming all our water and air is not the only threat of water pollution. Many diseases are both caused and aggravated by water pollution. Among these are cancer, genetic diseases, typhoid fever, fungus diseases, cholera, dysentery, hepatitis, polio, and diptheria. Many of the new types of viruses are probably spread in this fashion.[5 6 7] These water pollution problems are all capable of being solved with the proper legislation, enforcement, money, technology, and most crucial, the will to act to save our water—now.

THE LAWS

Among the various laws applicable to cleaning up our environment are many that specifically refer to our waterways. These include: The Rivers and Harbors Act of 1899, the 1899 Refuse Act, the Water Resources Act of 1964, the Water Resources Planning Act of 1965, the Water Quality Act of 1965, the Clean Water Restoration Act of 1966, and the Water Quality Improvement Act of 1969. Others have been passed and many more have been proposed. In addition to these federal laws, many states possess water pollution laws but *it is the Federal government that must be the leader in legislation*. There are certain barriers against most laws under state auspices that don't exist on the federal level. These are:

(a) pollution crosses political boundaries. Under Federal control there are fewer boundaries.

(b) states cannot raise the funds to control pollution.

(c) states are in competition for industry.

It is for these reasons that I shall turn my attention to Federal laws. The fact that we have as many laws as we do, and that we are proposing as many as we are, is encouraging. The laws on the books now are a start but we must go further. The concept of setting standards to control pollution is the proper attitude, but neither programs to control pollution nor enforcement of extant programs can be left to state governments. This policy leads to ineffective and inconsistent laws. For example, some states on opposite sides of a river have set different standards for thermal pollution. On the Ohio river, Kentucky set the maximum temperature at 93° while Indiana's was 90°F. Ohio set a limit of 93°F. while West Virginia, across the same river, chose 86°F.[8] Thus, when Federal legislation proposes to put the burden of control back in the hands of the states, you once more run into the three barriers. Therefore, I will propose: "that all pollution laws enacted should have pollution control standards set nationally."

Thus, even though Minnesota might have different conditions from California, both would have to conform to certain standards although both could enact stricter controls within the state.

Another serious fault in the present water pollution laws is in their failure to be able to be updated without having to go through the whole lengthy procedure of amending present legislation or enacting new legislation. Laws must have built-in provisions to facilitate updating of standards. If, for instance, a law required new standards be set every ten years, becoming more strict within the limits of technology and research, then as we gained new information, we would be able to mandate its use without having to pass a new law.

'Today's solution for a given problem may have to be modified tomorrow by the environmental consequences of today's decisions. Thus, we introduce the first cardinal necessity: constant surveillance of the environment for the ecological effects of our activities." [9]

My second proposal, therefore, is: that all pollution laws have provisions written into them that would facilitate the updating of standards without having to go through a lengthy legislative procedure."

Of the many existing laws that I have studied, such provisions were never included and therein lies one of the faults of these laws.

The most poorly developed part of our laws is the *enforcement*. First, we run into the problem of bureaucracies trying to enforce the laws. There are, it is estimated, thirty-eight agencies controlling water pollution in the Federal Government alone.[10 11 12] Included in these agencies are some working under a conflict of interest. For example, the AEC is in charge both of encouraging the development of nuclear energy and of protecting people and the environment.[13 14] My third proposal, therefore, is: that all existing agencies with jurisdiction in the environment be eliminated by congressional legislation or any other means necessary and that they be replaced by one 'super' agency restricted to protecting our living environment."

The recently formed EPA only coordinates all the bureaucracies and does not circumvent them. By having only one agency, it is possible to eliminate many administrators. Then, the extra funds from their salaries could be used to pay the salaries of enforcement agents. Another problem under enforcement, is the system of fining industries that pollute. Most laws containing any fines restrict these fines to a maximum civil fine of up to $10,000 daily. Some laws just specify that the fine is per violation and a company could, conceivably, pollute for three days and get fined as one violation. But even daily fines at these figures are not impressive. If an industry were to be fined the maximum fine for every day of the year, this would total $3.65 million. This is impressive as a fine until you realize that it is usually only the major industries—that gross $2 billion or more—who would receive these fines. And this figure is at a maximum fine for every day of the year. It is not conceivable that our court system, which is usually lenient, would impose the maximum fine over such a lengthy period, nor is it conceivable that it is possible to collect proof that an industry pollutes every day of the year. Thus, my fourth proposal is: "that in all future laws and where possible to amend existing laws, fines be enacted with a minimum fine (for example, $10,000) and a maximum fine that would act as a real deterrent."

This might not be a preset figure but instead, might be conceived of as a *percentage of a polluting industry's net daily profit*. By using an industry's net daily profit, the money to pay the fine would not be taken from personnel salaries. Thus, instead of charging one set fine which could be ineffective against one industry and could destroy a smaller industry, the industry would pay a fine based upon realistic abilities. Another system of fines would be *an effluent charge*. An industry in this system would be charged in relation to the extent of its pollution. Under any system of fines, the fine must not be a fee paid to allow an industry to pollute but must be a genuine deterrent against pollution. *We must insure that it is costlier to pollute than to prevent pollution.*

"The economic cost of polluting can be made as high as the profit accrued from pursuing policies which show little regard for the preservation of the environment." [18]

We must at all costs protect our environment and ourselves.

What of existing laws? I have mentioned several in this paper that already exist. We have recently passed many fine laws, but the 1899 Refuse Act is the finest environmental law yet written. It is fine because it is a workable law and not only can, but has worked. Because it allows dissatisfied citizens to carry through on litigation, it insures some results. Often, the Federal government, far removed from an area, does not prosecute a violator of Federal statutes. But a citizen who must live in the stench of an industry has the motivation to prosecute. Congressman Reuss summed it up well when he said, "Other state and Federal laws on industrial water pollution are full of holes and hopelessly inadequate." [19]

In summary, here are the proposals of this paper:

(1) that all pollution laws enacted should have pollution control standards set nationally.

(2) that all pollution laws have provisions written into them that would facilitate the updating of standards without having to go through a lengthy legislative procedure.

(3) that all existing agencies with jurisdiction in the environment problem be eliminated by congressional legislation or any other means necessary and that they be replaced by one "super" agency restricted to protecting our living environment.

(4) that in all future laws and when possible to amend existing laws, fines be enacted with a minimum fine (for example, $10,000) and a maximum fine that would act as a real deterrent.

These proposals have been based upon extensive research. Our present government should be commended on its present efforts

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Footnotes at end of article.

but it should not pat itself on the back vigorously that it loses sight of its goal. Like our ancient wanderer, our interests are aroused again and we are moving forward to a new plot.

"Realizing that our water and other resources are not limitless, that our environment is threatened, have we the will to solve these problems? We find ourselves on a frightening frontier—not one to be readily conquered, but one which could conquer us."

The right to a clean environment is an inalienable right of all men and it is a right we must begin to claim. Will we wanderers have the courage and will to take action on our dying plot of land called earth to protect and preserve her for our future generations; for *our* children?

LAWS AND THEIR FINES [15] [16] [17]

1899 Refuse Act: Not exceeding $2,500, nor less than $500.

Water Quality Act of 1965: Up to $10,000 per day.

Amendment to Federal Water Pollution Control Act (S. 3471): Up to $10,000 daily; (S. 3470): None.

Water Quality Improvement Act of 1969 (H.R. 4148; S. 7): Up to $5,000 civil; up to $14 million to clean.

Rivers and Harbors Act of 1899: None.

FOOTNOTES

[1] The University of the State of N.Y., *Water Pollution*, Albany, 1967, Introduction

[2] Harvey Lieber, "Water Pollution", *Current History*, July 1970, p. 29

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[4] *Waste Management and Control*, A report to the Federal Council for the Sciences and Technology by the Committee on Pollution, National Academy of Sciences, National Research Council

[5] *Op Cit*, SUNY, p. 10

[6] *Op Cit*, Harvey Lieber, p. 26

[7] Gerald Leinwand, *Air and Water Pollution*, New York Washington Square Press, 1969, p. 32

[8] Gene Bylinsky, "The Limited War on Water Pollution", *Fortune Magazine*, February 1970, p. 197

[9] Allen C. Nadler, "Environment Undivided", *Air Pollution*, N.Y., Science Institute For Public Information, 1970, p. 4

[10] *Ibid*, p. 3

[11] *Op Cit*, Harvey Lieber, p. 27

[12] Senator Edmund Muskie, "Fresh Water: a Diminishing Supply" *Current History*, June 1970, p. 367

[13] *Ibid*, p. 366

[14] *Op Cit*, Allen C. Nadler, p. 3

[15] *Current History*, ed., "Federal Penalties for Polluters", August 1970, p. 84

[16] "Water Quality Improvement Act of 1969", H.R. 4148 (S.7), p. 54

[17] The Library of Congress, *Legislative Reference Service*, 91st Congress, Second Session, Final Issue, pp. 27–46

[18] Senator George McGovern, "The Federal Government and The Environment", *Current History*, August 1970, p. 83

[19] Congressman Reuss, "The 1899 Refuse Act Provides Citizen's Handy Kit For Fighting Industrial Water Polluters" *Congressional Record—House*, vol. 116, pt. 8, p. 10040.

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ABSTRACT: A NEW FEDERAL ROLE IN SOLID WASTE MANAGEMENT

I. New Priorities—The Solid Waste Management Field desperately needs funds to rehabilitate old facilities and implement new techniques. Over half the federal budget is spent on defense, yet we are unable to defend ourselves from garbage. As Vietnamization of the War proceeds, less money should be spent on defense and this money must go to trash treatment.

II. Incineration and Landfilling—Some areas are now being treated by adequate incineration and landfilling operations. These facilities are to be left alone for now, but the residue of incineration can be recycled. Some landfilling areas are running out of acreage, and in these areas new programs must be initiated.

III. Recycling—Recycling, or reclaiming of refuse for further usage, must be implemented. Houston, Texas has already been operating a recycling plant for over six years. The necessary technology has already been developed. Federal grants should go towards the construction of reclamation centers in urban areas, where the problem is worst.

IV. Composting—A great portion of Solid Wastes is organic material, which can be graded, and then shredded and cured to produce a fertilizer or soil treatment. This is a valuable method of reusing the organic materials from nature. The composting technique has also been tried, and the necessary technology is ready to be applied. Government subsidies should not be granted to farming operations not using compost as a soil treatment.

V. Tax Proposals—Automobile Disposal Tax—A deposit would be made on all cars bought in the United States. This fee would be refunded to the final owner of the car, if he returned the vehicle to the proper reclamation center. This would encourage the returning of cars, and would help to set up a new waste psychology.

Deductions—Companies alloting funds for research and development in the Solid Waste field should be allowed to deduct such amounts from their corporate tax payments.

A NEW FEDERAL ROLE IN SOLID WASTE MANAGEMENT

Garbage has been a concern of man since his earliest history. The same techniques of burning, burying, or carting garbage away from the community are still being used today, as they were thousands of years ago, with some minor twists. With increasing population, greater concentration in urban areas, and drastic consumption of material goods, these methods will not be adequate.

The severity of the problem is made clearly evident by a check of the increasing rate of pounds per person of Solid Waste produced per day. The Department of Health, Education, and Welfare recently printed that 2.75 pounds of waste was collected per person in 1920. That figure has increased to 5.3 pounds today, and H.E.W. estimates that 1980 will see the figure leap to 8 pounds per day.[1] Under the management of present techniques, such a capacity of refuse would pile up in infectious mountains all across our country.

The actions of the government in this field are far from commendable, in reality they are less than satisfactory. The Solid Waste Disposal Act of 1965 called for improved sewer treatment facilities, continued possible alternatives. The Resource Recovery Act of 1970 calls for deeper research into reclaiming wastes and recommends possible implementation. Unfortunately these acts omit beginning the operation of some already tested recycling systems.

At the present rate 200 million tons of trash, about one ton per person, are collected annually in the United States.[2] Despite this the entire budget for the Office of Solid Waste Disposal in the Department of H.E.W. is 41 million dollars. Whereas a recent proposal for Supersonic Development requested 190 million dollars, and in 1969 President Nixon redressed Congress for 662 million dollars for support of the SST,[3] 41 million is an incidental amount of money. Without increased finances for solid waste treatment, projects like the SST will be able to transport Americans from one garbage dump to another.

Suggested in the following are various programs, that if implemented or planned for in the near future by our federal government, would help to set straight our solid waste crisis.

A NEW SYSTEM OF PRIORITIES

One of the primary purposes of a new Solid Waste Program is to gradually affect a new order of priorities. The grossest inadequacy of the federal solid waste program has been the inappropriate amount of funds granted to the Office of Solid Waste Management. Whereas garbage is one of the fastest growing and most threatening problems we now face, a budget of 41 million dollars will not help to alleviate this crisis.

Government leaders have asked Congress to appropriate millions of dollars which would have gone to an SST project, and half our federal budget is spent on our defense. The defense budget is designed to protect Americans from enemy forces in Southeast Asia, but the budget for the Office of Solid Waste Management is designed to protect Americans from themselves. Americans, as a country, are exhibiting poor economic techniques in the solid waste protection field. Finances for this vital circumstance existing today must be increased, as we move to a new knowledge of how to protect ourselves from ourselves. As Vietnamization of the War in Indochina progresses as our President has scheduled, funds for defense will decrease. A great portion of these newly available funds ought to be devoted to solid waste control, as new facilities require.

PRESENT INCINERATION AND LANDFILLING TECHNIQUES

Present proper techniques of incineration and sanitary landfilling should continue at their present rate of disposal. Unfortunately landfilling is a giant consumer of land. New York City has been using land at a rate of 200 acres a year. Landfilling can be a very useful operation when only unrecyclable materials are used. Fossil-fuel mining pits can be restored—an undeniable aid to the environment. Los Angeles has filled pits and gullies, upon which has been constructed a botanical garden and golf courses. Virginia Beach, Virginia has built a 60 foot trash hill which will see the construction of an amphitheatre, a soapbox derby run, and a winter sledding run. Landfilling is the least expensive process now being practiced. Incineration costs 3 to 10 dollars a ton, but landfilling costs only 1 to 3 dollars a ton.[5] In places where present landfilling areas are being exhausted, the new recycling system (discussed in a later section) can be instituted.

The incinerator faces other obstacles beside cost. Increasingly rigid air pollution restrictions and corrosiveness of flue gases produced by plastics may help to make the incinerator an obsolete incineration or disposal method.

In the areas where improper incineration and unsanitary landfilling or dumping are being practiced (an estimated 77% of all collected solid waste is deposited in over 14,000 open dumps throughout the country, 13% finds disposal in properly operated sanitary landfills, and nearly all of the remaining 10% is burned)[6] new measures for efficient and improved disposal must be instituted.

RECYCLING

Simply considered, recycling is a method of reclaiming garbage and using it over and over as an ore, or as a material with which to manufacture new high quality products, with benefits to society and our natural resources.

Where incineration plants now in use cannot be rapidly switched to the new system proposed in the following, recycling of the incinerator's residue can be practiced. The end product of incineration is a residue of mostly glass, ash, tin cans, and other iron and steel. The United States Bureau of Mines has developed a processing unit (mainly screens and magnetic devices) which will separate the major portions of the residue. A high intensity magnet can separate the different colored glass (iron containing) from the clear glass. Costs of operating such a process is estimated to be about 4 dollars per ton of residue.[7] The products of the separating process can be forwarded to the proper recycling industry (discussed in a later section).

Various attempts at establishing economically profitable recycling operations have met mediocre success. A plant in Houston, Texas has been operating for six and a half years.[8] The plant processes 25% of the solid waste product in Houston. The machines working inside the plant separate the garbage into paper, and a combination of crushed glass, yard refuse, and food waste. The most important aspect of this pioneering attempt at recycling was that it exhibited that the necessary technology is already for application.

Recycling has three powerful supporters. The amounts of solidwastes can be heavily diminished, credit towards the management of the wastes can be obtained, and pressure on the virgin resource can be reduced.

The Federal Government should sponsor the construction of accessibly located reclamation centers. The first of these projects should be in America's major urban areas, where the crisis has already reached striking proportions. Each reclamation center, staffed by civil service employees, would receive the solid wastes of its surrounding communities, businesses, and industries by two methods of collection. One would be by direct method. The community would be urged to separate their garbage into various groups (Aluminum cans, paper, glass, etc.). Every citizen would receive a specific amount of money for each pound of a recyclable material turned in. Aluminum which has already seen its first usage is worth 200 dollars a ton.[9] If a portion of this value was offered to the community through this method, public interest in separating and returning a vast percentage of their garbage would be increased. This would lower the amount of money needed for the normal collection and transportation of solid wastes to a disposal site.

The second method of collection would be by normal solid waste transportation vehicles. The vehicle would dump its normal load at the center. The load would then be processed by shredders, incinerators, prolysis units, and a paper fiber reclamation system, as well as a newly developed Bureau of Mines recovery unit for metals, glass, and sand.[10] The end products of passing through this system would be aluminum, other nonferrous metals, sand and steel, iron and steam, (all of which could be sold to recycling industries).

The money saved by community separation and transportation of their wastes would be used to finance the transportation of the separated materials to the proper industry site.

PAPER

Perennially 55 million tons of paper and paperboard are produced in the United States. About 20% of this is made from waste paper. Unfortunately, the waste is not forwarded from trash, but commercial use. 70% of it consists of corrugated board, newsprint, or what is called No. 1 mixed.[12] Most of this is low grade paper collected from office buildings and similar establishments. The paper collected regularly as community wastes should also be incorporated into a paper recycling campaign. A tree contains 50% cellulose fiber, about the same percentage as a truckload of urban trash.[13]

Last year the Black Clawson Company[14] a papermaking equipment manufacturer, announced a new system for recycling paper. The process involves pulping raw trash inside a device resembling a kitchen blender. A series of mechanical separators (screens and centrifugal devices) remove nondisintegrating objects (cans, shoes, bones, glass). A fine screen catches the cellulose fiber. Half of the cellulose fiber can be reclaimed at a product value, according to company officials, of about 25 dollars a ton.

This process will soon be used in a plant in Franklin, Ohio. The construction of the institution was and is being aided by federal grants, which should be larger, and more readily available.

Iron and Glass—

The previously mentioned Black Clawson system will also separate the metal and glass from the trash. In conjunction with the Black Clawson system, metals can be reclaimed by use of magnets. Sorting glass by color is the most difficult part of recovery. The U.S. Bureau of Mines uses a very high intensity magnetic field to separate colored glass according to iron content, which is related to color. Another device diverts glass into individual bins depending of the color of light transmitted by the fragment.[15]

A tremendous obstacle to the recycling of cans is the tin covering on metals used for can production. This tin coating is difficult and expensive to separate from the aluminum, copper, etc. Technology has developed a new coating system (TFS or tin free steel cans) of chromium and resin film, which is directly acceptable to the steel furnace.

It is questionable whether reclamation, separation, and transportation of trash glass is economically acceptable in some areas, since it is valued at about 15 dollars per ton.[16] Where it isn't economically possible the trash glass can be crushed and used in a blacktop aggregate "Glasphalt" has been used by the Owens Illinois Company to pave a street.[17] Though the value of the glass is reduced to that of sand or crushed rock, the elimination of transportation and disposal costs for the trash glass will save valuable funds.

Footnotes at end of article.

ESTABLISHING RECYCLING INDUSTRIES

The economic system under which Americans live operates on the principle of "supply and demand," where there is a demand for a product, a business will be established to meet that demand. It is the responsibility of the federal government to make a demand for products containing recycled materials—to create a new market.

The Federal Government orders tons of paper yearly for office use, for publishing governmental reports and activities, and many other uses. If the government specified that all the paper it orders contained 50% recycled fibers (where performance will not be effected), a booming business to produce paper from recycled fibers would rise. State governments, industries, naturally as well as other business' would follow the example of their Federal Government, and soon market size for recycled paper would be paramount. This same procedure could be followed in contracts for motor vehicles, food, glass, along with many other positive specification actions.

If the government were to follow such a program, it would be leading the way to a new waste psychology. It is a common (too common) American belief that only products made of virgin materials are valuable, and after one usage, a product must be discarded to be replaced by a new product. This is a conviction which has helped to thrust the United States into the solid waste disaster we face. It is the obligation of the United States government to show Americans that products of recycled materials are as useful as any other.

In effect today is a 10% depletion allowance that provides a tax break to growers of timber. This measure acts as a clear deterent to recycling of paper. If this depletion allowance was abandoned, the recycling cause would be aided, and in turn the plight of every American producing garbage would be aided. Freight rates work with such depletion allowances to hamper the emergence of recycling. Freight rates for iron ore and pulpwood are lower than those for scrap metal and scrap paper. These measures must be changed to encourage rather than deter people from recycling. To serve the public best these regulatory proposals must be enacted.

COMPOSTING

Permitting organic solid waste to biologically oxidate is an advantageous method of disposal of portions of municipal, agricultural, and industrial wastes. Phoenix, Houston, and St. Petersburg have all attempted composting. Composting can be accomplished by grounding or shredding organic wastes and allowing it to cure in windows occasionally turned, for several weeks, or in a giant slowly rotating cylinder for three to five days. Most previous attempts at composting have failed because there was no market for their decayed waste fertilizer.

Milwaukee has been a pioneer at composting their sludge into usable fertilizer.[18] It began in 1926 with a product whose brand name is Milorganite. Selling for $3.95 per 50 pound bag, it has reduced Milwaukee's sludge disposal to a very low seven dollars a ton. The success of the operation is attributable to a market for the material. To encourage more such investments, the government must work to create a market for composted fertilizers.

The government should persuade agriculturalists across the country to use composted fertilizers as alternatives to chemical fertilizers. This can be done by taxing the production and sale of chemical fertilizers, making them less economical to use. The government should make farmers aware that after 1973 no federal subsidies will be granted to farming operations not treating its soil with compost. The government should specify that all food orders for Army or any other governmental regulated use must be grown in soil treated with composted fertilizers.

TAX PROPOSALS

The following tax proposal should be enacted to collect funds for financing previously enumerated plans, and to help change the attitude of Americans towards their solid wastes.

Automobile disposal tax

In purchasing any automobile in the United States, the consumer pays a fee called the Automobile Disposal Tax. This money would be a deposit on the car. When the final owner of the vehicle is ready to discard it, he would be returned the fee, if he returned the car to the proper scrap metal or reclamation center. This would create an incentive for the public to properly dispose of their cars. That portion of the taxes collected and not remitted to the car owner would be added to solid waste management funds. The funds no longer needed to transport and dispose of junked cars would as well be added to the cause.

Corporate deductions

All corporations allotting funds for environmental research and development should be allowed to deduct, with total governmental approval, such amounts from their federal corporate tax payments. Such a policy would permit government to encourage industries to control their pollution without unnecessary interference. This tax deduction should take effect on the first day of 1972. In 1975, a six-man board, composed of three prominent industrial leaders, three officers of the Department of H.E.W., three officers of the Department of the Interior, and for Congressmen, three representatives would sit on the board. This board would determine the results of these tax proposals, their accomplishments and demerits. They would recommend to Congress any changes or possible alterations, or even the abolition of the taxes.

Find new offices

An Office of Solid Waste Research and Development should be established in the Department of H.E.W. This office will scrutinize the policies of this report and all others instituted by the government during the Office's existence. From the in-depth studies of this office will come recommendations for changes in existing programs, and suggestions for new projects.

The most burdening obstacle standing between garbage dumps infested with disease and an efficient Solid Waste Management Program is leadership. Much of the necessary technology has already been developed, and funds can be found if the leadership exhibits the necessity for them. With expert leadership, this technology and finances can be properly applied. This leadership will stimulate further research and will help us to acquire all the necessary properties to attain a disposal system complementary to all facets of American life. It is the role of the United States government to assume its proper leadership position and adopt the proposals made within this report. Once the government moves in the right direction, the majority of American people will join in on this battle and we can conquer an ugly opponent—Garbage.

FOOTNOTES

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ABSTRACT: ENVIRONMENTAL ACHIEVEMENT PROGRAM

Precise and planned action must be effected in order to help solve the environmental problems. The Environmental Achievement program hopes to be an organization that will be an actionary force for the environment by precise planning of pro environmental campaigns to educate mankind to take an active part in the fight against pollution. The program will consist of local, federal and regional chapters. Their efforts will try to incorporate environmental education in the school curriculum and to teach the problems and reasonable solutions within the grasp of the ordinary person.

ABSTRACT: THE DEMISE OF THE SST—AVIATION'S WHITE ELEPHANT

1. The SST is extremely detrimental to the environment.

2. Now that the United States' SST project has been halted, we must pass laws in Congress which would prohibit foreign SST's from landing here or flying over the United States.

3. A sonic Boom is a sudden shockwave created when a plane surpasses the speed of sound.

4. The bang-zone is the area of earth which would be hit by sonic booms during flight of the SST.

5. The SST must be prohibited, since it will: (a) cause increased noise pollution and annoyance (b) increase air pollution (c) produce climatic change.

6. The funds proposed for the SST should be used to develop an effective mass transit system. We must reorganize our priorities.

ENVIRONMENTAL BILL OF RIGHTS AMENDMENT

Section 1. The environment shall be protected from improvident destruction and degrading.

Section 2. The public wilderness will be kept forever wild and shall be protected.

Section 3. Environmental resources which all belong to the people will be preserved for the life, liberty and happiness of the people.

Section 4. The maintenance of ecological balance and a quality environment takes precedence over individual interest.

Section 5. The Congress shall have the

power to enforce this article by appropriate legislation.

ABSTRACT ON PESTICIDES AND THE ENVIRONMENT

Although pesticides have greatly helped to create the spectacular advance in American agricultural efficiency, they are also helping to destroy our environment, and us. It is of the utmost necessity that the federal government take steps to safeguard the American people from the use and misuse of these dangerous chemicals:

1. Federal registration must require testing of the impact of insecticides on the insect communities to which they are applied, or their potential for triggering pest resurgence and secondary pest outbreaks.

2. All chemical pesticides must be labeled as to their exact impact on the environment. Their killing capacity must be noted, as well as the specific uses.

3. The man who analyzes pest problems and recommends the chemicals to be used must be required by law to demonstrate his professional qualifications, as well as possess a federally issued license.

4. The federal government should underwrite some of the developmental costs of selective chemicals by supporting studies concerned with analysis of the material's health hazards, and its effect on the environment.

5. The federal government must consider enforcing a law which would prevent interstate commerce of pesticides.

6. The federal government must research and publicize biological methods of pest control. These methods must be used where and when possible.

ENVIRONMENTAL EDUCATION ABSTRACT:

Why?

1. Out of ignorance many Americans are unknowingly adding to the problem of pollution

2. In order to cope with coming ecological crises, the next generation must be prepared

How?

1. An environmental studies course in all public high schools.

2. Government supported teacher training programs

3. An administrative environmental education agency

When?

Now.

ABSTRACT: THE UNITED STATES POPULATION CRISIS

The absolute population and the population growth of the United States is increasing.

The ecology of this nation—and planet—cannot accommodate itself to this rising rich population. Because of this increase in this nation's population, valuable resources are being depleted, air and water is being polluted, problems of solid waste are being exacerbated, and tension due to overcrowding is being increased. This nation's population increment and a likely decrease in agricultural production might cause widespread hunger in this nation by or soon after the year 2000.

Population redistribution is not a solution to this crisis.

Families in this nation must average no more than two children. This goal cannot be accomplished by family planning of programs directed only at the poor.

Population control methods must include the repeal of restrictive contraceptive laws, the encouragement of voluntary sterilization by means of government bonuses and tax reductions, the repeal of all abortion laws and the encouragement of abortion by government bonuses, and the encouragement of marrying at a late age.

ABSTRACT: POSITION PAPER ON THE ROLE OF THE FEDERAL GOVERNMENT IN UTILIZING TECHNOLOGY

The utilization of technology has resulted in both benefits and harms to the society at large. As the rate of technological implementations increases with time, we are falling further and further behind in our efforts to control the negative effects of these implementations. As a result, we now face a major environmental and societal crisis. Existing institutions are unable to cope with these harms accrued from technological implementation. To fill in the deficiencies existing in the status quo, a comprehensive interdisciplinary agency needs to be formed in order to help with the management of technology for the social good.

ABSTRACT: POWER PRODUCTION FOR THE FUTURE

Presently the United States is facing a power crisis and methods for producing power in the future must be developed. Present day fossil fuel plants should be used until these new methods are developed but devices such as electrostatic precipitators and scrubbers should be installed on these plants.

Nuclear power is not the answer for our power crisis. Vast amounts of radioactive wastes must be disposed of if this is used and this poses a grave problem. Thermal pollution is also another problem posed by nuclear power and can cause irrevocable damage to the environment.

The Federal Government must give huge grants to organizations to research alternatives for producing electrical power. Such processes as fusion power show promise for the future and are safer than nuclear plants. Garbage burning plants show promise in the future as supplementary power plants. Only with research now will we be assured of adequate power for the future.

ABSTRACT: POSITION PAPER ON MASS TRANSPORTATION

In many of our cities, our society is facing the undesirable effects of the present transit systems which have been inadequately addressed for the past few decades. The near strangulation of traffic in our metropolitan areas has cost billions of dollars through delays in the delivery of goods and the performances of services. Even optimists do not believe that the transportation crisis will get much better in less than five years. In reevaluating our mass transit system we urge that:

1. In the older and larger cities which already have an extensive rail system, the federal government must see that these facilities are satisfactorily operated.

2. In newer cities, rail buses must be instituted to insure efficient mass transportation without the threat of air and noise pollution.

3. Studies to better the integration of different means of transportation must be promoted by the federal government.

4. Efforts to prevent an imbalance in favor of the private car must be taken by the federal government. The federal government must give its full support to proposals to:

A. Increase tolls on entry to cities over bridges and through tunnels;

B. Restrict cars on certain main streets of the city, and in all the downtown areas;

C. Attempt to make bus travel more desirable by featuring exclusive buslanes on express and highways.

5. The funds of the Highway Trust Fund must be equitably distributed, and redirected into a general transportation fund.

ABSTRACT: PROTECTING OUR COASTAL RESOURCES

I. Sewage:

A. Legislation requiring secondary treatment.

B. Federal aid for planning, financing, and construction of secondary treatment plants.

II. Industrial pollution:

A. Rewrite Federal Refuse Act of 1899, providing for larger fines.

B. Oil companies:

1. restrictions on drilling sites.

2. rewrite Water Quality Improvement Act of 1970, providing for larger fines.

3. set up a government agency dealing with oil spills.

a. regional emergency centers.

b. research methods to control oil spills.

c. be able to use volunteer civilian and military groups to clean up spills.

III. Prohibit land-fill and dredging, except in special cases.

IV. Shipping:

A. Commercial shipping:

1. improve enforcement of laws prohibiting pumping bilges and dumping wastes near shore.

2. Prosecute offenders under updated version of Federal Refuse Act of 1899 (see II A, above).

B. Pleasure boating:

1. require pollution controls on new marine engines.

2. marine toilets:

a. require holding tanks on all marine toilets.

b. require inexpensive pumping stations at marinas.

c. insure that sewage receives secondary treatment ashore.

ABSTRACT: POSITION PAPER—NOISE POLLUTION

A. Noise may be our most dangerous pollutant.

1. Noise level is twice as loud today as it was fifteen years ago and will probably double by the end of the seventies again.

2. Finding quiet and privacy is becoming impossible.

B. Cost of Adaptation.

1. Physical damage:

A. Hearing loss.

B. vascoconstrictive reflexes and cardiovascular dysfunction.

C. gastro-intestinal disorders.

D. endocrine and metabolic effects.

E. hypertension.

F. damaging to human fetus.

2. Psychologically:

A. induces tenseness and neurosis.

B. vertigo, hallucination.

C. interferes with dream process.

D. paranoia.

E. suicidal and homicidal impulses.

F. noise can not be gotten used to.

3. Some of our nation's gravest social problems and a great amount of disease and unhealthfulness are connected with the fantastic amount of noise that we are subjected to.

C. Sound can set bodies vibrating and with the proper combination of accoustic energy and frequency can crack windows, destroy rock formations and induce serious structural damage.

D. Millions of dollars are lost as a result of the damage that noise causes to buildings, equipment, and human beings.

E. Noise control in the U.S. is totally inadequate. Other countries, including Russia, have surpassed us in the area of noise abatement.

F. What must be done:

1. Recognize the actual danger and magnitude of the problem.

2. Noise must become an important consideration in the design of appliances, machinery, vehicles, and transportation planning.

3. Government should encourage manufacturers to make noise a consideration in the design of their products.

4. Establish an accrediting board to test and approve products.

5. All products must have decibal emissions displayed on them.
6. Government funding of testing labs.
7. Automobiles should be inspected periodically for noise output.
8. Elimination of SST.

ROCK CREEK CONTAMINATION

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. GUDE. Mr. Speaker, on April 22, 1971, the Washington Post ran a story by Thomas Grubisich giving special attention to some positive efforts some Washington area students are making toward cleaning up our polluted environment.

Mr. Gary Stanton, a student at the University of Maryland, and Mr. Richard Lohmeyer, a student at Montgomery College, in Montgomery County, Md., have worked to obtain the necessary funds for the project, which involves a study of the sources of pollution of Rock Creek, which runs through the Washington metropolitan area.

These students were successful in getting the needed funds through a grant from the National Science Foundation. As a result, they will inaugurate their study on June 1, 1971.

I want to congratulate all of the students who will devote their time and energy to this worthwhile study. While most of us have neither the training nor facilities necessary to undertake a scientific study of this type, I believe that these college students, who have translated dedication into practical action, have set an example for all. These students will use their education and particular circumstances, applying them to a problem in need of a solution, to the benefit of an entire community. Their efforts are commendable and we owe them our thanks.

The Post article describes the project in more detail and the benefits we will all derive from their dedication and involvement.

The article follows:

THIRTY STUDENTS TO PROBE SOURCES OF ROCK CREEK CONTAMINATION

(By Thomas Grubisich)

The signs in Rock Creek Park say the creek is so polluted it is unfit for human contact. But no one have ever pinpointed the major sources of pollution in the creek's 77-square-mile watershed.

That task will soon be undertaken—not by any of the government agencies responsible for that body of water, but by 30 students from the University of Maryland, Montgomery College and other area schools.

The students have received a $26,120 grant from the National Science Foundation for their study, which will begin June 1 and continue for 12 weeks. The University of Maryland will provide free use of laboratories and equipment and faculty supervision.

Richard Lohmeyer, a 21-year-old student at Montgomery College, who is one of the two coordinators of the study, said he hopes the research will provide the data that government agencies can use in drawing up recommendations to clean up Rock Creek.

"If the study has a good design plan," said an official at the water quality branch of the U.S. Geological Survey, "if the work is done carefully, if there is no contamination and if there is a good analytical procedure, I see no reason why it shouldn't be first class."

"If this study is carried out with the enthusiasm and intelligence its leaders have already shown, I am hopeful that something very worthwhile will result," said George Carley, director of the Interstate Commission on the Potomac River Basin.

Until the 1940s, Rock Creek ran relatively pure. President Theodore Roosevelt compared it favorably to the wild streams in the White Mountains of New Hampshire, where he used to go on climbs. For years the creek was a favorite—and safe—swimming place for children, even within the District.

At its headwaters near Laytonsville, Md., in Upper Montgomery County, the creek is as clear as a spring, which it is at that point. But as the creek runs its 30-mile length to the Potomac River, it collects a variety of pollutants—sediment, human and animal wastes, fertilizers, pesticides, chemicals and garbage. But no one knows the exact point of origin of many of these pollutants, or even if the worst offender is the urban areas or the farms.

"There has been a lack of money and manpower to get the research done and a lot of legal ramifications," said Carley.

Much of the property that drains into the creek is private, and researchers would have to seek permission to gain entry. Lohmeyer said the research group will ask owners of private land to cooperate with the study.

An official at the water quality branch of the Geological Survey said any attempt to trace all the major pollutants would be an enormous task.

"You have such a diversity of sources of contamination, complicated by the occasional overflow of combination storm and sanitary sewers, that it may be difficult for this survey to do more than past studies."

Lohmeyer said there is divided scientific opinion on this point. He said "zone sampling" techniques should isolate the sources of the pollutants. He also said water samplings will be taken during storm runoff.

The students' study will be based on the "Standard Methods for the Examination of Water and Wastewater," prepared and published by the American Public Health Association, the American Water Works Association and the Federation of Sewage and Industrial Wastes Association.

The most recent study on Rock Creek was done by the Maryland-National Capital Park and Planning Commission during the summers of 1969 and 1970. But that study states: "Many factors influencing the quality of the waters studied were not included in this investigation due to time, staff and equipment limitations . . . Data on turbidity, settleable solids, rate of flow, drainage paterns, biological oxygen demand, productivity, bacterial counts, organic and inorganic pollutants and bio-assays would be most useful."

The students' Rock Creek Study Project will provide data on settleable solids, bacterial counts and organic and inorganic pollutants.

The idea for the study came from Richard Lohmeyer. After last April's Earth Day, he decided to try to get a National Science Foundation grant under the Student Originated Studies (SOS) program for a study of Rock Creek.

He discussed the possibility with officials at Montgomery College, but because the institution, as a two-year school, was ineligible to be host under the SOS program, Lohmeyer took his plan to College Park. He won enthusiastic support in the microbiology department, and the university decided to become sponsor.

Most of the 20 student researchers who will be paid a stipend of $80 a week during the 12-week project are from College Park. Volunteers will be recruited from other area schools.

Faculty adviser for the study is Dr. Zigfridas Vaituzis, assistant professor of microbiology at Maryland.

NEW JERSEY STATEWIDE RECYCLING SYSTEM UNDERWAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. RODINO. Mr. Speaker, recycling is a concept of resource and solid waste disposal conservation that has been long heralded as a necessary tool to keep us from burying ourselves. And while the gestation period for translating this idea into reality has stretched over a number of years, the time of birth of a New Jersey statewide recycling system is now underway.

The State plan, to be submitted to EPA shortly for Federal funding, will propose the establishment of 25 regional centers at a cost of approximately $1 million each.

New Jersey's plan is the most comprehensive in the Nation, and when New Jersey's environmental protection commissioner, Richard Sullivan, submits the proposal to EPA I look forward to swift and favorable Federal action. This whole area of resource reclamation is long overdue and deserves, I believe, priority attention and priority funding.

[From the Newark (N.J.) Star-Ledger,
May 2, 1971]

RECYCLING: JERSEY CAN AID ECOLOGY AND SAVE MONEY, TOO!

(By Gordon Bishop)

New Jersey is burying millions of dollars worth of metals and materials in its garbage dumps each week at an incredible expense to the taxpayers—and the state has done nothing to halt this wasteful and destructive practice.

But these vast and vanishing resources could be easily recovered, at the same time reducing the soaring costs of garbage disposal.

For the first time, the state can greatly improve the environment and properly utilize its billion dollar resources, making a significant contribution to both the endangered ecosystem and the economy.

Last year, New Jersey generated nearly 75 million pounds of wastes each day. By 1985, the volume will far exceed 100 million pounds a day, more than half of it valuable materials that can be easily reclaimed.

The Garden State could become the first in the nation, or in the world, to develop and operate a complete recycling system as a successful environmental-economic venture, according to Thomas M. O'Neill, executive assistant to Commissioner Richard J. Sullivan of the State Department of Environmental Protection.

The initial investment for New Jersey would be an estimated $6 million, with the federal government paying three-fourths of the $25 million undertaking, or $19 million.

And once the system goes into operation, it would begin to reduce today's staggering costs of garbage removal.

Essentially, the system involves separation of refuse at the source (the home, apartment, factory or store) with raw garbage being deposited in one can or bin, and recyclable materials (glass, metal, paper, etc.) in another.

There would then be separate collections, trucks picking up only garbage or only recyclables. The recyclables would be taken to regional reclamation centers.

The garbage can be taken to sanitary landfill sites already in operation throughout the state, or brought to regional composing centers, where the garbage would decompose back into the earth, thus closing the ecosystem: From the earth, to the consumer, and back into the land.

The garbage also can be incinerated, or pyrolysized, a method of destruction without oxygen which reduces wastes to inert ash. Pyrolysis is the method now being developed by the federal government and industry as the alternative to incineration, which contributes to air pollution and makes heavy demands on the oxygen supply.

The economic and practical benefits of recycling far surpass the current methods of solid waste disposal, says O'Neill.

From the standpoint of the earth's disappearing resources, recycling offers the only practical and ultimate solution to saving the world's greatest, growing asset—garbage.

As the most urbanized state in the nation (more people and cars per square mile), New Jersey is fighting an uphill battle against population growth and development—and land becomes more and more valuable and scarce each year.

Sanitary landfill sites (garbage dumps) are costing much more to operate, and as the land is rapidly developed, the price for dumping our valuable resources will double and eventually triple.

"This utterly wasteful and expensive practice can and must be stopped immediately," declared Commissioner Sullivan, who puts recycling on the top of his environmental priorities.

"We're throwing away the only hope we have," Sullivan said. "At the rate we're gobbling up our natural resources and glutting our land with garbage, there won't be much left for future generations to enjoy."

Last year, the State Legislature declared that a "solid waste crisis" exists and vowed to resolve it immediately by empowering the Department of Environmental Protection to "undertake a program of research and development for the purpose of determining the most efficient, sanitary and economical way of collecting, disposing and utilizing solid waste."

The environmental department, however, can do little to enforce that law because the state this year cut the department's only funds—$250,000—to develop an effective utilization system.

"If we can present the federal government with a comprehensive master plan on a total, state-wide recycling system, it would cost New Jersey just about $6 million—less than a dollar per resident to save the environment," O'Neill explained. "It's a tiny price to pay when the end results will benefit everyone, especially the environment, which supports all life on the planet."

The proposed method of recycling separation at the source would be only an interim step until technology currently being developed is ready for installation. Then, all refuse will be able to be processed at reclamation centers equipped to do complete separation.

"The proposed approach is a natural to the ultimate method, which could take years and years to implement at a much greater cost," O'Neill said.

In preparation for the ultimate recycling system with its latest technology, O'Neill strongly believes the job can begin this year with the cooperation of all citizens.

Before an interim system can be set up, however, two new laws would be needed to make it work effectively. The first would make it mandatory for everyone to sort refuse into two separate cans—one for garbage, one for recyclables.

The second law would establish uniform collection and disposal, in which garbage would be picked up separately from the recyclables.

The State Public Utilities Commission (PUC) last year was empowered by the legislature to regulate only private scavengers and the state's more than 300 garbage sites, of which only 32 are deemed "satisfactorily sanitary."

Municipal operations, such as the City of Newark, now are handled by their own departments of public works, over which the PUC has no control.

For the recycling system to work satisfactorily, one law must be able to deal adequately with both the private and public solid waste operations.

Once these two laws go into effect, the system can be established. It would require about 25 reclamation centers throughout the state, O'Neill estimates, each costing about $1 million. That would amount to the $25 million, of which the state would fund about $6 million.

The reclamation centers would receive all the recyclables—steel and aluminum cans, glass bottles, paper products, rags and even the indestructible synthetics, which can be converted into building blocks having three times the strength of concrete.

New Jersey residents also would be required to stack their newspapers and magazines separately, as many already are doing.

The reclamation centers would be responsible for separating the sundry recyclables and transporting them to the industries that are now paying for these secondary materials—$200 per ton for aluminum, $20 to $25 per ton for paper and glass, and $10 per ton for tin cans.

The money from the sale of the used materials would pay for the cost of the recycling operation.

O'Neill expects the system eventually would lower the present costs of the overall solid waste program . . . and, if it becomes extremely efficient, perhaps even realize a profit.

One immediate benefit of such a system—without having to stress its environmental importance—is the reduction of the rate at which garbage dumps are now rapidly filling up.

The Solid Waste Industrial Council (SWIC), which represents the state's private garbage contractors, has warned that sanitary landfill sites are nearly exhausted, especially in North Jersey. Contractors now pass the weighty costs of landfill operations on to the taxpayer.

So desperate is the current situation that contractors are pleading with their commercial customers (department stores, business, industry) to install costly compactors ($6,000–$9,000 per unit) in a seemingly futile effort to slow down landfill operations. A compactor compresses wastes from one-half to one-third their size, and the average commercial establishment needs at least two to handle all their refuse.

Through recycling, today's landfill sites can last twice as long, or longer, O'Neill figures.

Essex County exemplifies the immense problems encountered by a congested area trying to manage today's mountainous volumes of solid waste in the most urbanized state.

The major dumping grounds for Essex County (and most of North Jersey) are the Hackensack Meadowlands to the east and the Great Swamp in Morris County to the west.

The meadows and the swamp are also the battle grounds of the ecologists versus the developers. The conservationists are demanding an end to all dumping because it contaminates the waters in the marshes and swamp, threatening the environment of the entire region.

The development of the meadowlands and the outlying suburbs in the northern counties will drastically reduce the available land for final deposit of solid waste and hence an increase in hauling garbage to undeveloped areas, according to the New Jersey Solid Waste Management Plan published last year.

The state's 21 counties operate in much the same way as Essex County. There are 22 municipalities in Essex and all but one—Caldwell—have twice-a-week collect service. Caldwell has a weekly pickup.

All but four of the Essex communities utilize private contractors to haul the bulk of their solid waste to the meadows or the swamp.

The large Oak Island garbage site in Newark is publicly operated. It is located on a marsh, tideland or flood plain and is locked in by land zoned for industrial development. The Oak Island dump is of "dubious sanitary quality," reports the State Bureau of Solid Waste Management.

Opened in 1965, Oak Island consists of two parcels of land, one 23 acres, the other 15 acres.

Last year, the 23-acre dump was filled to capacity, and the life expectancy of the remaining smaller tract is less than three years.

A total of 118 municipalities in eight counties now send their wastes to the meadowlands, dumping more than 25,000 tons each week, an additional 3,000 tons coming from out-of-state. Few of the meadowlands' dumps can "truly be termed sanitary," the Bureau of Solid Waste notes.

Seven municipalities now haul their garbage to the Great Swamp. The condition in Morris County is much more critical since all landfills will probably be closed within two years due to pollution hazards to the Great Swamp, which harbors a National Wildlife Refuge.

No proposals have yet been made for the disposal of these wastes once the Great Swamp is closed. And no official action has been taken to save both the land and the resources.

Official warnings, however, are a matter of record:

"It is now evident that the industrial economy of the United States must undergo a shift from a use-and-discard approach to a closed cycle of use and salvage, reprocess and reuse . . . or else faces the dire consequences of a congested planet that has turned into a polluted trash heap, devoid of plant and animal life, depleted of minerals, with a climate intolerable to man"—the U.S. Senate Public Works Committee.

"We must find a different way to live in the future. We can't afford to be a nation without trees (paper products, wooden houses, etc.) and buried in trash"—Virginia Knauer, President Nixon's adviser on Consumer Affairs.

Last year, the United States spent more than $4.5 billion to dispose of 350 million tons of garbage by crude methods that damaged the environment and destroyed valuable natural resources, charged the Federal Environmental Protection Administration.

Municipal refuse alone contained more than a billion dollars worth of minerals and the equivalent of more than a billion trees. At that rate, by 1980, there will be more trees used than can be grown, the EPA has calculated.

If secondary paper were used in equal quantities with virgin pulp, for example, the result would be the preservation of a forest of a half-billion trees covering an area the size of New Jersey, New York, Pennsylvania and Maryland.

If scrap copper and lead had not been recycled during the past 20 years, the United States would have long ago depleted these precious mineral resources, according to the National Association of Secondary Material Industries. And despite these salvaging efforts, only half of these minerals were recovered.

The reason? The majority of convenience-oriented people would rather toss away their wastes, than make a voluntary effort at recycling.

That is why New Jersey's environmental officials are seriously considering mandated recycling. It's the only approach—and hope—left, they say.

[From the Newark (N.J.) Star-Ledger,
May 3, 1971]

Ohio Town "Cleans Up" on Recycling

(By Gordon Bishop)

Recycling resources is not only good citizenship—it's a money-maker for one growing suburb in Ohio.

Fed up with unsightly garbage dumps and the mounting costs of waste removal, the suburban community of Franklin, Ohio, last month began its first recycling operation And the residents of Franklin (pop. 14,000) are learning that garbage disposal can be made to pay.

Concerned over air pollution from incineration of garbage and the increasing scarcity of landfill sites, Franklin officials decided to spend a half-million dollars of local funds to recycle their wastes, with the Federal Bureau of Solid Waste Management picking up most of the $2 million tab.

In time, Franklin's mayor and council hope their new recycling plant will be able to pay for itself and even show a sustained profit while converting a nagging municipal liability into a real economic asset.

A 1,000-ton-a-day recycling plant, for example, can produce 370 tons of industrial materials worth $8,600 at prevailing prices. The daily cost of operating such a plant is $2,900, or $2.90 per ton.

A breakdown of projected income from a 1,000-ton-a-day recycling plant includes:

200 tons of paper fiber at $25 per ton—$5,000.

80 tons of ferrous metals at $8 per ton—$640.

80 tons of glass cullet at $12 per ton—$960.

10 tons of aluminum at $200 per ton—$2,000.

Using these figures, based on present recycling technology, New Jersey's 37,000 tons per day of solid waste have an estimated market value of $318,200.

Today, practically all of the Garden State's waste winds up in the garbage dumps, less than 10 per cent (or $30,000 worth of paper, metals, glass, etc.) being recycled.

The New Jersey Department of Environmental Protection, however, is currently developing a statewide master plan for recycling, the largest such undertaking in the nation. Three-fourths of it would be financed by the federal government, the balance, or $6 million, by the state.

It would be an interim operation leading to a completely automatic reclamation program similar to the one in Franklin, Ohio.

In the Franklin operation, all refuse is collected as is and taken to the reclamation plant for separation.

As an interim step, New Jersey would have separation of refuse at the source with raw garbage being returned to the earth and the recyclables returned to the production line.

Once New Jersey's interim recycling program, if adopted, becomes effectively established, then regional automated reclamation centers can be developed. The need for separation of refuse at the source would terminate as each automated plant is installed.

The cost of total automation for New Jersey is estimated at $300 million, which amount can be paid off from the nearly half-million dollars a day from the sale of reclaimed materials.

In the long run, a complete recycling system could realize a profit, while saving the environment and the planet's disappearing resources, the state's environmental officials believe.

"Instead of a profitless investment in a dead-end installation (garbage dump or incinerator), recycling plants can yield valuable materials that have a ready market," remarked a Franklin engineer and landfill specialist.

The complete cycle of converting garbage and refuse into reusable materials now takes about 90 minutes. The method is described as "economic-ecologic perpetual motion."

In addition to its separation technique, the recycling plant also produces a soil conditioner of "proven excellence" and which can easily become available to farmers.

The system, designed by the Black Clawson Co. of Ohio, is considered "as the basis for a business to produce raw materials for industry rather than just a method for solving a disposal problem."

Some federal and state officials however, expressed concern over the ability of the "open market place" to absorb the new generation of secondary materials.

The Federal Environmental Protection Administration is looking at the possibility of stockpiling America's newly-found resources, so they'll be there in the event of a materials shortage.

"As long as the exploitation of natural resources is more profitable than recycling, even if it means in some instances taking the last drop of minerals out of the earth, there'll remain this hue and cry over the use of secondary materials," explained Matthew J. Mighdoll, executive vice president of the National Association of Secondary Material Industries.

"We can no longer enjoy the luxury of contenting ourselves solely with the familiar surroundings of supply-demand relationships, production schedules and cost control," Mighdoll said.

"We're a nation that exploits as if thére's no tomorrow. And when the trees or the mines or the land become depleted, we move on—to new forests, new ground. But nothing is forever," Mighdoll continued.

"Time has run out for voluntary action. Either industry or government must step in and reverse this destructive trend. But government cannot be too quick to act. Instead of banning the one-way bottle or can, as they're now talking about, leave the containers alone—just recycle them. Recycling is the solution—not bans on whole segments of a business community.

To stimulate the growth of new markets for secondary materials, scores of consumer action groups across the country are now demanding that all products be identified by content, clearly stating what percentage of recycled materials each product uses.

Environmental and consumer groups want at least 50 to 60 per cent of recycled materials in all packaging.

Newsletters are being mimeographed by the thousands by activists alarmed over the rapid deterioration of both the environment and the resources.

At the College of Medicine, and Dentistry of New Jersey, for example, Cyn Geerloofs, editor of the "Medwifery" newsletter, is busy crusading for consumer awareness of recycled products.

Mrs. Geerloffs has even gone so far as to urge her readers (doctors' and interns' wives) to select paper over plastic packages because the latter are not biodegradable.

"At least paper that's not recycled can decay and go back into the soil," Mrs. Geerloffs says.

Not to be left out, big business already has begun to bring together the fragmented nuts and bolts of recycling technology.

In additional to Black Clawson Co., the giant Monsanto Co. also is responding to the environmental crisis. As one of the world's largest manufacturers of synthetics, Monsanto has shifted its priorities to cleaning up the mess created essentially by industry.

Monsanto Enviro-Chem Systems has been working on a new technique for municipal wastes. Since late 1969, Enviro-Chem has been operating a 35-ton-per-day demonstration plant in St. Louis.

Monsanto's "Landgard" (so-named because it guards the land from the assaults of garbage) recovers iron and activated carbon from the residue of wastes.

(Interestingly, from filthy garbage comes activated carbon, which is used to treat and purify waste water.)

The flexible Landgard is totally adaptable to recycling, as any new separation and recycling techniques can be added to the front of the system.

Those materials not recovered are pyrolysized in a furnace that "bakes the wastes" through thermal decomposition of combustible materials. Pyrolysis needs no oxygen to combust materials into burnable gases and inert residue. The residue is innocuous, odor-free and will not contaminate ground waters or attract vermin.

Furthermore, it is possible to generate steam and electric power using heat from the pyrolytic process.

The U.S. Bureau of Mines, under the Department of Interior, has successfully conducted pilot projects of pyrolysis destruction at a Pittsburgh facility. Government and industry are developing similar techniques simultaneously, so the competition will be keen to deliver the biggest and best system at the lowest possible price.

By the end of the year, several major corporations are expected to jump on the recycling bandwagon before it passes them by.

Recycling is currently an $8 billion-a-year industry . . . and still only in its infancy.

[From the Newark (N.J.) Star-Ledger, May 4,
1971]

Recycling: Long Branch Is Trying To Waste Not, Want Not

(By Gordon Bishop)

After three years of research and planning, and with a volunteer task force of 1,000 citizens, the Jersey Shore community of Long Branch has been able to achieve a 7 per cent level of recycling of all municipal wastes.

The mayor of Long Branch calls it "unprecedented results" in municipal recycling.

Mayor Henry R. Cioffi happens to be right, at least in New Jersey, because no other community has tackled the reclamation job with such zeal and optimism.

While Long Branch's attack on solid waste has been commended, it points up the desperate need for a regional recycling system capable of achieving 90 or even 100 per cent reclamation, and with fewer people and less efforts involved.

For all of Long Branch's work, 93 per cent of its valuable resources—metals, glass, paper, etc.—still are buried in garbage dumps every day.

After 21 weeks of "increasingly successful and continuous operations," municipal employees and nearly 1,000 residents managed to salvage a half-million pounds of secondary materials. They sold them for $5,000.

Cioffi says he is now convinced the ultimate method can best be developed through regional reclamation centers.

Long Branch is currently seeking, together with surrounding communities, state and federal support in establishing the first regional reclamation center.

A plan under consideration by the state calls for approximately 25 regional centers, but the sites have not yet been selected.

The key to reclamation is education. Long

Branch has made a concerted effort to enlighten its residents to the value of recycling. Of the 31,000 residents, 1,000 are actively involved in the program.

Public symposiums on reclamation are held every Wednesday evening at 8 o'clock in Long Branch City Hall.

In addition to observers from other states, more than 50 communities in New Jersey have sent delegations to Long Branch to join in continuing studies of recycling potentials, together with various industrial and civic leaders.

More than a dozen communities are seriously cooperating in reclamation of their discarded refuse jointly with Long Branch.

At least two nearby municipalities—Manasquan and Brick Township—have received wide citizen support in launching their own limited recycling programs.

"But much remains to be done," says Cioffi. "We must strive for 100 per cent reclamation of all waste material—and terminate all pollution of land, water and air."

Last week, Long Branch collected 50,000 tin cans, 17,000 aluminum containers, 34,600 pounds of glass and 16,240 pounds of paper.

"Thus a small forest of 138 trees was saved from cutting by this paper reclamation in one single week—and with only 7 per cent of the refuse reclaimed," Cioffi adds.

More than two glass containers, nearly two tin cans and better than half an aluminum can were recovered for every one of the 31,000 men, women and children residing in Long Branch.

Cioffi also has attracted the Easy Rider set. This Saturday, members of the Highwaymen Motorcycle Club of the Shore will be on their hands and knees cleaning up public property at the southeast corner of Morris and Second Avenues in Long Branch.

Roger Wemsek, a Monmouth County road inspector and vice president of the cycle club, said his group volunteered to become a "Special Task Force" for the Long Branch Reclamation Project because "we seek to gain public respect and to be allowed to continue our enjoyment of motorcycling as a sport."

Wemsek said, "We know we must work for good purposes and we must prove our sincerity—that is why we volunteered our services in what we know to be the best of good causes."

Mayor Cioffi said after the cyclists prove themselves he will present each rider with an insignia for his jacket and machine, "setting them apart from useless idlers."

Long Branch, however, is an exception to the recycling rule. Most volunteer projects collapse uneventfully after a few weeks or months.

Such was the case in Metuchen. Glass recycling in a borough pilot area was discontinued April 15 because of "poor response from the people in the pilot area and the high cost of labor involved in separating the glass into the three color groups."

Sponsored by the Metuchen Jaycees and the local department of public works, the pilot project ended abruptly with a "Dear Citizen" letter:

"The experimental glass collection is over. Your glass will no longer be picked up by the borough sanitation department as a separate collection."

"Project Do Something" began Jan. 16 with on-curb pickups of glass, separated into three colors. Collections were made by the garbagemen every other Wednesday.

Response from the outset was listness, the Jaycees said. The program was losing $60 per pickup. Even a central collection program, suggested as an alternative, was abandoned as "not feasible."

In a more successful attempt, the State Department of Environmental Protection began a glass recycling program last summer in all state forests, parks and recreation areas.

Though it will cost more to separate the glass from other litter in the huge trash barrels, the price paid by the glass manufacturers—$20 per ton—more than makes up the difference, according to Joseph J. Truncer, director of the Division of Parks, Forestry and Recreation.

The state litter now goes to three sites for separation. The project was launched by Commissioner Richard J. Sullivan of the Department of Environmental Protection.

Sullivan is currently seeking total statewide recycling as the "only sound method of managing solid waste." His attention is now focused on Princeton, where, he says, he would like to establish a complete recycling system this summer.

Ultimately, the state will be forced to get into the recycling business simply as a way to hold back the staggering costs of garbage removal, predicts Sullivan's executive assistant, Thomas M. O'Neill, the state's chief authority on the planning and economics of reclamation systems.

So far, Sullivan and O'Neill have been getting scant environmental tokenism from the state, which this year cut out the only funds available for developing a recycling system. The amount needed was only $250,000.

The State Legislature is also languishing over the "solid waste crisis." The senate passed a bill April 27, which would give priority to recycled materials in all state purchases. The bill is in committee in the Assembly "for review and study."

Ecologists complain the bill is "vague and ineffectual" because it does not specify exactly what percentage of recycled materials the state will set for all goods it purchases.

Because more than half of all household refuse constitutes paper products, conservationists are demanding that at least 50 to 60 per cent secondary materials be used in all packaging.

By 1980, the demand for paper will exceed the supply and conservationists are worried that national forests will be razed during the coming paper crisis.

"Why wait till it's too late," asks the forceful Sierra Club. "Recycle now—while there's still a chance to save our forests, and resources."

The federal government offers no relief either. The newly-organized Environmental Protection Administration has failed to move Congress or the White House in providing a recycling bill similar to New Jersey's.

Environmental Protection Administrator William Ruckelshaus, a former assistant attorney general, warns that "our resources are not infinite in this country," but then dashes all federal hope by declaring, "We are going to wait until we really find out how far we are going to have to go before we do anything."

Ruckelshaus says the federal government—the world's largest single consumer—must begin to buy recycled products, but no bill has been authorized to back up that statement.

[From the Newark (N.J.) Star-Ledger, May 5, 1971]

RECYCLING: YOUR OLD TIRE DESERVES A SECOND GO-ROUND

(By Gordon Bishop)

The present hit-and-miss collection of cans and bottles is not the answer to either litter or solid waste, the container and bottling industries are the first to admit.

Less than 10 per cent are recovered by today's fragmented, voluntary programs.

In fact, those industries responsible for stamping out the billions of cans and bottles in the United States every year welcome total recycling systems, even if it requires laws to make it possible.

"The idea of mandated separation sounds as practical as anything I've heard," replied Jack M. McGoldrick, director of Corporate Environmental Affairs for the American Can Company, in response to New Jersey's approach to the recycling dilemma.

The New Jersey Department of Environmental Protection is considering the first state-wide recycling program in the nation, in which all refuse would be separated at the source—the home, apartment, business, or store. Garbage would be picked up separately from recyclable materials—metal containers, glass, paper, rags, textile, plastic, etc.

The Carbonated Beverage Container Manufacturers Association, which represents all the can industries, is anxiously awaiting the outcome of the Garden State's recycling proposal.

"Regional sanitation facilities will have to be constructed that can separate and salvage a wide variety of materials," stated Richard S. Gilbert, vice president of CBCMA.

"There are over 90 solid waste management systems now being developed—both through private industry and government funding—to do just this," Gilbert disclosed.

CBCMA is a member of the newly-established National Center for Solid Waste Disposal in Washington, a nonprofit organization designed to research and develop solid waste disposal systems.

The philosophy of the center is to utilize a total systems development approach, embracing reclamation and reuse of products, changes in distribution and marketing patterns, and development of new packaging materials.

Alcoa Aluminum already has solved the "ring-around-the-neck" nuisance, the metal ring on the necks of bottles that had to be snipped off before the glass reclamation centers would take them.

The new twist-off caps—called "Encore"—have begun to replace the old ring ones.

The glass and can people regard their current reclamation efforts as merely an interim measure to focus public attention on the vital need for recycling.

Proceeds from the sale of recycled containers are returned to the various environmental programs in the communities where the cans were originally collected.

The can companies are donating the promotion costs, the sites, the sorting, the preparation labor, and the freight charges to forward the cans to metal processors.

On March 20, New Jersey's Coca-Cola bottling plants began accepting Coke containers on Saturdays between 10 a.m. and 3 p.m. Coca-Cola pays five cents for each of its own bottles, and a half-cent for any bottle or aluminum can brought in.

The bottles, however, must be separated into three color groups—green, amber or clear.

The objective of the glass container industry is to salvage an estimated 11 billion bottles a year.

As a result of the demand for more recycling, a new industry has evolved. "Glasphalt" is the latest word to get into the ecoglossary. It means an asphalt aggregate of crushed bottles and jars.

The University of Missouri crushed 720,000 bottles and jars to make a 600-foot long strip of roadway, 20 feet wide. It is now being tested for its skid resistance and durability under normal traffic and weather conditions for at least two years.

Other uses for recycled glass are in the production of home-building materials—bricks, building blocks and glass wool insulation, as well as sewer pipe, reflector material for signs, glass beads and even as grit for chickens.

One of the most persuasive arguments for paper recycling has been published by Kimberly-Clark Corp., one of the largest paper producers in the world.

Referring to paper as "forever new," Kimberly-Clark cited the four basic reasons why recycled paper must be used, "even if forests were inexhaustible";

Paper with recycled content is more relaxed, physically more uniform.

Less mineral filler is required to provide a given level of opacity.

Quality can be tailored to the sheet—and at a lower cost to both producer and user.

And not least important—the environmental problems are reduced by the re-use. Otherwise paper would have to decompose through burning or burying to the carbon dioxide and water which form the basis of new growth of cellulose fiber. This would be a long-term cycle.

One industry's pollution can be another industry's resources. So it is with Con Edison and Port Authority. The power company's flyash residue from coal burning is the source material for PA's airport runways.

The 8,200-foot long runway at Newark Airport is the waste material from Con Ed's operation. Mixed with water and lime, the flyash aggregate is "stronger per dollar than any pavement material now in use," Port Authority claims.

A cubic yard of the flyash mix costs PA $3.80, as against $5 to $6 per cubic yard for crushed stone, and $12 per cubic yard for lean concrete.

PA presently uses all the flyash Con Ed can generate in its incinerators. Millions and millions of tons have been used in the last three years at Newark, Kennedy and La Guardia Airports. The Newark runways alone took 800,000 tons.

The rubber industry is equally concerned over its role in contributing to the environmental blight across the country.

Last year, the rubber industry consumed over three million tons of rubber—less than 10 per cent in reclaimed rubber. Most tires are tossed on the garbage heap or nearest vacant lot, where they become breeding grounds for rodents and vermin.

The U.S. Bureau of Mines, an arm of the Department of Interior, is working with several tire companies to develop a destructive distillation technique (carbonization) which reduces old tires to liquid oils, gases and carbon black, a source of material for new tires. This method results in the production of a high quality rubber granulate which can be used for a variety of products, including carpet underlays.

Reservoir linings also can be made from reclaimed rubber. Other uses can be for foundations, sea walls, culverts and drainage ditches to contain water and reduce soil erosion.

Industrial leaders are expressing grave concern over the quality of life on the planet—mankind's only home. They now realize that unless industry and the inhabitants on this planet change their destructive habits, life on earth will become increasingly intolerable during the next 20 years.

David P. Reynolds, executive vice president of Reynolds Aluminum, summed it up this way:

"Mankind's supply of breathable air, water, foods and important minerals and fuels is not boundless. Our environment is not a limitless receptacle for wastes. Earth's expanding population is aggravating the problem. We cannot go on indefinitely clogging our atmosphere, our waters or our land with increasing quantities of waste.

"Like the astronauts, we have to develop recycling systems—the conversion of wastes into usable materials."

[From the Newark (N.J.) Star-Ledger, May 23, 1971]

RECYCLE CENTER PLANNED

(By Gordon Bishop)

The state's first regional reclamation center is expected to be established in Mercer County sometime this summer, the New Jersey Department of Environmental Protection disclosed yesterday.

The state considered Mercer as the first regional project because several municipalities there already are engaged in successful recycling operations.

The initial regional program would take in Princeton, Hightstown, East Windsor, West Windsor and Roosevelt, all of which are currently conducting recycling operations on a voluntary basis.

Once the regional program gets under way, other Mercer communities will be tied into the network, according to Thomas M. O'Neill, executive administrative assistant to State Environmental Commissioner Richard J. Sullivan.

In a series of articles in The Star-Ledger earlier this month, a statewide regional reclamation system was proposed, involving separation of refuse at the source—home, factory, store, busness, apartment. Recyclable materials—glass bottles, metal cans, paper products, etc.—would be collected separately from raw garbage.

It is this approach the state has adopted in setting up a working regional reclamation system. Separation of refuse at the source eventually would be phased out as technology capable of sorting all waste is instilled at the regional reclamation centers.

The overall system—the first of its kind in the nation—would consist of 25 regional centers, each established at a cost of about $1 million. The state will seek federal matching funds as soon as the reclamation plan is fully developed. New Jersey would pay only $6 million, and the federal government the balance, or $19 million.

The proposal will be submitted to the federal Environmental Protection Administration (EPA) in conjunction with the Mercer County project, O'Neill said.

The state is now looking at several machines capable of sorting the recyclables to be collected in the Mercer communities and trucked to the regional center. The regional site has not yet been selected.

The Mercer program will be the model for other regional reclamation centers throughout the state, O'Neill said.

"Right now we're looking at some inexpensive separators which will be able to sort the recyclables that are picked up, probably once a week," O'Neill explained. "At first we're going to have to improvise a little, making do with some makeshift equipment just to get the job done. We'll have time to improve on the system, but we want to get it operating as soon as possible."

O'Neill said the department is also looking at a "magical mystery machine" capable of sorting everything. Such machines are in the experimental stage, but they may be ready for installation by the state as early as next year, O'Neill noted.

Eventually, the state plans to develop fully-automated regional reclamation centers in the coming years at an estimated cost of $300 million. Federal matching funds also will be sought for the final phase, expected to be implemented by 1975. The state hopes the final system will be financially self-supporting through the sale of recyclable materials.

Rep. Peter W. Rodino (D-10th Dist.), the dean of New Jersey's congressional delegation, said his office will do "everything it can" to help the state win federal funds for "this historic environmental program."

When the state submits its application for recycling funds, Rodino said he will rally congressional support for it. The application is expected to be presented to the EPA in Washington around July.

While Mercer County leads the recycling race, seven other New Jersey counties are moving ahead on reclamation programs.

In Monmouth County, Long Branch is also seeking to become a regional reclamation center. That Jersey Shore community has been in the "recycling business" more than six months, relying on some 1,000 citizen volunteers to sort all the cans, bottles and paper once a week in the rear yard of City Hall.

Long Branch is selling its recyclables to the Monmouth Township. Monmouth Processing is equipped to handle separated waste.

Volunteer recycling campaigns have been gaining momentum in Morris, Somerset, Hunterdon, Union, Essex and Bergen counties during the past year.

The state is considering regional reclamation centers in the coming months for Huntterdon and Somerset counties, in addition to the Long Branch-Monmouth program.

In Hunterdon, a growing number of residents in Flemington, Frenchtown and Milford are removing their cans, bottles and paper from garbage.

In Somerset, the suburban communities of Bedminister and Far Hills are recruiting legions of housewives and husbands for a continuing and expanding recycling project.

Initiative at the local level will be a prerequisite for creation of a regional reclamation operation. Those that receive increasing response and cooperation from a recycling endeavor will be the first to be considered for regionalization, O'Neill indicated.

In Union County, solid waste disposal has reached "crisis proportion" and the Board of Freeholders is trying to establish a regional system which would include recycling.

"A crisis arose about a year-and-a-half ago that resulted in the mayors of 17 municipalities passing resolutions pleading with the freeholders to assist them in the disposal of solid waste," said Union Freeholder William J. Maguire.

Since then, Union has come up with a regional solid waste plan, the central site to be in Linden. The mayors are scheduled to meet at 8 o'clock Tuesday night in the freeholders' public meeting room to discuss what course of action to take: Adopt the regional plan, or wait for a state program.

Arthur Price, chief of the State Bureau of Solid Waste Management, will present the Union County mayors with the latest developments from the Department of Environmental Protection.

A State Solid Waste Management Plan, unveiled last year as a "guideline for regional action," has not yet been adopted by any county government.

The state had hoped that county governments would utilize the solid waste plan, which called for regional disposal Centers.

The plan is flexible enough, O'Neill believes, to incorporate recycling. But so far, local and county officials have not given it much attention.

"That's one of the reasons why we're trying to institute recycling programs immediately, as one way of reducing the tremendous amounts of solid waste," O'Neill said.

Moreover, the state, he added, is concerned about burying a billion dollars worth of resources in garbage dumps every year at a staggering expense to the taxpayers.

"If we can pull out the valuable minerals and paper, we'll be cutting the amount of solid waste to be disposed in half," O'Neill said.

"Everyone seems to want recycling now, and we must try to deliver an economically feasible system right away," he said.

[From Newark (N.J.) Evening News, May 24, 1971]

PAPER RECYCLING UNDER WAY

(By Brian Smith)

Talk about ecology turned into action in Newark's South Ward yesterday when several tons of old newspapers were collected for recycling in a project aimed at cutting down the volume of the city's solid waste.

The program, a pilot project called Newark Environmental Waste Salvage (NEWS), began auspiciously as hundreds of South Ward residents turned over bags of old newspapers to a group of volunteers who spent five hours touring neighborhoods.

The newspaper collection drive is run by the city in cooperation with the Evening News and the Garden State Paper Co. of Garfield, subsidiaries of Media General Inc. of Richmond, Va. The reclaimed old newspapers are to be recycled into newsprint.

Yesterday's collection was the first in the drive to be conducted in the South Ward through November.

The drive got underway last Sunday when bags were distributed to South Ward homes. The residents were asked to put old newspapers in the bags and place them at the curbside for collection yesterday.

The effect of cooperation by residents was stated in bold print on the outside of the distributed bags: "Save newspapers in this bag. Five bags full will save one tree. Support recycling. Keep Newark clean." The bags themselves can be recycled.

BAGS FOR FUTURE

The collection yesterday began about 9:30 a.m. when five Evening News trucks, manned by volunteer drivers and about 20 members of the Rutgers Community Ecology Academy, began touring the South Ward. Where full bags were picked up, empty ones, provided by the National Newark and Essex Bank, were left for future collections.

In some cases, the volunteers had to ring doorbells to obtain the bags from residents who had not placed them at curbside.

$200 EARNED

By 2:30 p.m., several tons of newspapers were gathered and delivered to the Carter Paper Supply Co., a black business venture sponsored by The Evening News, The Carter firm, in turn, will bale the paper and sell it for recycling to mills, including Garden State.

William E. Hancock, director of paper stock procurement at Garden State, who helped to coordinate yesterday's collection, said the exact tonnage will be known later this week. But, he added, he expected the Rutgers volunteers to have earned about $200, or $10 a ton, for their efforts.

Seven other local organizations have been enlisted to take turns collecting the papers on a once-a-month basis. They, too, will receive $10 a ton for the papers collected from Carter Paper Supply. The next collection will be held June 27 by the South Ward Little League.

Hancock described yesterday's collection as "more successful than we had originally expected."

He commended the Rutgers volunteers, particularly Bill Wallace and Bierles Boston, both executives, for their work. He said Joseph Epps, assistant supervisor for sanitation in Newark, had canvassed the South Ward in a municipal station wagon and picked up about 1,400 pounds of newspapers.

During the collection, Samuel Friscia, public works director, and William Tedesco, supervisor of sanitation, cruised the South Ward, offering assistance and evaluating the program.

Hancock said he and Friscia will meet later this week to smooth any problems that may have developed yesterday.

CANCEL WORLD-CIRCLING TRIP

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. ZWACH. Mr. Speaker, yesterday, by a vote of 201 to 88, the House approved a study by the Committee on Post Office and Civil Service of the postal services of the United Kingdom, Germany, Switzerland, Italy, Japan, Taiwan, Vietnam, and Australia.

Mr. Speaker, I voted against that resolution.

It is commendable that the honorable members of the committee should want to make this world-circling trip to study the postal services of these countries.

However, I would like to suggest that as long as they are traveling around the world, they would include our Minnesota Sixth Congressional District in their study.

This week of May 25, our Washington office received newspapers of May 6, 13, and 20 in the same mail delivery. Some of our May 6 newspapers have not yet reached us.

Many of our office routines are based on information gleaned from our newspapers and to receive the papers 3 weeks after publication is to negate much of their usefulness.

I have been trying to find answers for this delivery delay, but so far the Post Office Department has not been able to give me a satisfactory explanation.

I have always sought lean and efficient operation of our Federal Government. I suggest to give lean and efficient management of the Post Office Department, the committee could well set the example by canceling this world-circling trip.

ALASKA COMMENDS U.S. ARMY EFFORTS

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. BEGICH. Mr. Speaker, one of the greatest problems plaguing the rural areas of Alaska is the inadequate medical services available to the residents of this area. I have addressed myself to this issue many times on the floor of the House of Representatives and I intend to do so many more times until medical services in the bush area can be improved.

Many emergencies in the Alaska bush areas have been greatly alleviated by the continued vigilance, perseverance, and self-sacrifice of the U.S. Army in Alaska. Maj. Gen. James F. Hollingsworth has been most cooperative in lending the services of his helicopter medical division to the people of the area.

I wish to express my sincere thanks and gratitude to General Hollingsworth and the men at Fort Richardson, Alaska, for their invaluable service. I wish to include for the RECORD a copy of a resolution passed by the Alaska State Legislature expressing their thanks to Major General Hollingsworth and the U.S. Army in Alaska.

The resolution follows:

HOUSE RESOLUTION NO. 10

Resolution commending U.S. Army efforts in the bush areas of Alaska

Be it resolved by the House of Representatives:

Whereas, it is universally recognized that emergency conditions in Alaska's bush areas have been greatly alleviated by the continued vigilance, perseverance, and self-sacrifice of the U.S. Army in Alaska; and

Whereas, nothing typifies these efforts more than the provision of vital medical services to needy outlying villages; and

Whereas, illustrative of the recent medical effort is the design and employment of a helicopter "medical pod", a virtually complete medical facility in mobile form, designed and employed through the concerned efforts of Major General James F. Hollingsworth;

Be it resolved that the House of Representatives sincerely commends the general continuing efforts by the U.S. Army in Alaska to alleviate bush medical conditions and particularly acknowledges and commends the efforts of Major General James F. Hollingsworth in bringing the helicopter "medical pod" into Alaskan operation.

PUBLICATION FROM COUNCIL ON ENVIRONMENTAL QUALITY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. DINGELL. Mr. Speaker, the Council on Environmental Quality publishes monthly the "102 Monitor" reporting on activities of the Council and providing information on environmental impact statements filed with the Council.

So that my colleagues and others will have access to this information, I insert the text of the May 1971 issue of the 102 Monitor at this point in the CONGRESSIONAL RECORD:

CEQ'S REVISED GUIDELINES TO BECOME EFFECTIVE JUNE 30

On April 23 the Council on Environmental Quality formally issued revised guidelines to Federal agencies on how to handle the environmental impact statements that they must prepare on any major action or legislation they propose that would significantly affect the environment. The new guidelines will apply to agency actions on which draft statements are filed after June 30. Agencies must update their existing procedures to incorporate the new requirements by July 1. (Many agencies have, in fact, already done so.)

The major innovations of the revised guidelines, as first proposed in January, have been retained. Draft statements must be available to the public for *90* days before an administrative action is taken (i.e. agency actions other than proposals for, or reports on, legislation). Final statements must be available for *30* days prior to such action.

The revised guidelines integrate the requirements of both Section 102(2)(C) of the National Environmental Policy Act and Section 309 of the Clean Air Act, as amended. (The latter calls for public comment by the Administrator of the Environmental Protection Agency on proposed legislation, regulations or agency actions affecting the EPA's areas of jurisdiction, i.e. water and air quality, solid waste, pesticides, radiation and noise.)

REVISED CEQ GUIDELINES ON ENVIRONMENTAL IMPACT STATEMENTS PREPARED UNDER SECTION 102(2)(C) OF THE NATIONAL ENVIRONMENTAL POLICY ACT

(Memorandum from Russell E. Train to the heads of agencies)

Attached are the Council's Revised Guidelines on environmental impact statements prepared under Section 102(2)(c) of the National Environmental Policy Act as published in the Federal Register. Also included (see section 8) are the Environmental Protection Agency's interim procedures under Section 309 of the Clean Air Act which requires review and public comment by EPA on certain proposed legislation and agency actions and regulations affecting EPA's areas of responsibility (air quality, water quality, solid waste, pesticides, radiation standards, noise).

The revisions in CEQ's guidelines apply to proposed agency actions for which draft environmental statements are circulated after June 30, 1971. Agencies are requested to update their procedures for handling environmental statements to take account of the revised CEQ guidelines prior to July 1. These updated agency procedures should be made available to the Council for consultation prior to formal issuance (Attention: General Counsel). The Council will invite the participation of OMB and EPA in this consultation.

In updating your Agency's procedures, your attention is directed in particular to the following:

(Section 3)

Agency procedures should provide guidance in identifying:

Those types of agency actions requiring environmental statements.

The appropriate time prior to decision for the interagency consultations required by Sec. 102(2)(C).

The agency "review process" for which the final environmental statement and comments are to be available.

Agency procedures should assure that advance comment from the Environmental Protection Agency is requested on proposed legislation, regulations, new construction projects and major actions significantly affecting the environment in the areas of EPA's jurisdiction (i.e. air and water quality, solid waste, pesticides, radiation standards, noise) (See section 8).

(Section 6)

(i) Environmental statements must include an adequate description of the proposed action to permit a careful assessment by commenting agencies.

(ii) The comment of EPA on water quality aspects should be requested in addition to any State or interstate certification on this aspect under Section 21(b) of the Federal Water Pollution Control Act.

(Section 8)

Agency procedures will need to take account of requirements for obtaining EPA comment under Section 309 of the Clean Air Act, as amended. Where an agency is filing an environmental statement which will be referred to EPA for comment, no change is required. In the case of proposed legislation or regulations where the matter affects the areas of EPA's jurisdiction and no environmental statement is going to be filed, such matters now must be referred to EPA for comment.

(Section 10)

Agency procedures must assure that, to the maximum extent practicable, the minimum 90 day and 30 day periods of public availability for draft and final environmental statements on administrative actions are observed. As noted, these periods may overlap. Agency procedures should also respond to the requirement that they "insure the fullest praticable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties." These procedures should include, where appropriate, provision for public hearings and availability of draft environmental impact statements in advance of such hearings. Updated agency procedures must also facilitate public access to draft and final environmental statements and the comments received.

Recent lower court decisions involving the National Environmental Policy Act (e.g. *EDF vs. Corps of Engineers*, D., Ark., LR-70-C-203, 1971; *EDF vs. Hardin*, D., D.C., CA 2319-70, 1971) indicate courts will require an adequate compliance with Section 102(d)(C) and that this process envisions that program formulation will be directed by research results rather than that research programs will be designed to substantiate programs already decided upon. . . . The [environmental] statement must be sufficiently detailed to allow a responsible executive to arrive at a reasonably accurate decision regarding the environmental benefits and detriments to be expected from program implementation. The statement should contain adequate discussion of alternative proposals to allow for program modification during agency review so that results to be achieved will be in accordance with national environmental goals.

Although the Supreme Court has not yet construed the Act, there is ample evidence in its treatment of Section 4(f) of the Department of Transportation Act in the *Overton Park* * case that it also will enforce compliance with the necessary procedural requirements.

We invite the earliest possible adjustment of your agency's environmental statement procedures to reflect the new requirements in the Council's guidelines and the rigor expected by Congress, the courts and the public in our implementation of the National Environmental Policy Act.

RUSSELL E. TRAIN,
Chairman.

Attachment.

[From the Federal Register, Apr. 23, 1971]

COUNCIL ON ENVIRONMENTAL QUALITY—STATEMENTS ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT

GUIDELINES

1. *Purpose.* This memorandum provides guidelines to Federal departments, agencies, and establishments for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment as required by section 102(2)(C) of the National Environmental Policy Act (Public Law 91-190) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (35 F.R. 4247) of March 4, 1970, that all Federal agencies, to the fullest extent possible direct their policies, plans and programs so as to meet national environmental goals. The objective of section 102(2)(C) of the Act and of these guidelines is to build into the agency decision making process an appropriate and careful consideration of the environmental aspects of proposed action and to assist agencies in implementing not only the letter, but the spirit, of the Act. This memorandum also provides guidance on implementation of section 309 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

2. *Policy.* As early as possible and in all cases prior to agency decision concerning major action or recommendation or a favorable report on legislation that significantly affects the environment, Federal agencies will, in consultation with other appropriate Federal, State, and local agencies, assess in detail the potential environmental impact in order that adverse effects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications to man, his physical and social surroundings, and to nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

3. *Agency and OMB procedures.* (a) Pursuant to section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102(2)(C) of the Act. Consequently, each agency will establish, in consultation with the Council on Environmental Quality, not later than June 1, 1970 (and, by July 1, 1971, with respect to requirements imposed by revisions in these guidelines, which will apply to draft environmental statements circulated after June 30, 1971), its own formal procedures for (1) identifying those agency actions requiring environmental statements, the appropriate time prior to decision for the consultations required by section 102(2)(C), and the agency review process for which environmental statements are to be available, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State, and local agencies, including obtaining the comment of the Administrator of the Environmental Protection Agency, whether or not an environmental statement is prepared, when required under section 309 of the Clean Air Act, as amended, and section 8 of these guidelines, and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact including procedures responsive to section 10 of these guidelines. These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines. The Environmental Protection Agency will assist in resolving any question relating to section 309 of the Clean Air Act, as amended.

(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality and the Office of Management and Budget, if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities.

(c) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by the Office of Management and Budget Circular No. A-85. For agency procedures subject to OMB Circular No. A-85 a 30-day extension in the July 1, 1971, deadline set in section 3(a) is granted.

(d) It is imperative that existing mechanisms for obtaining the views of Federal, State, and local agencies on proposed Federal actions be utilized to the extent practicable in dealing with environmental matters. The Office of Management and Budget will issue instructions, as necessary, to take full advantage of existing mechanisms (relating to procedures for handling legislation, preparation of budgetary materials, new procedures, water resource and other projects, etc.).

4. *Federal agencies included.* Section 102(2)(C) applies to all agencies of the Federal Government with respect to recommendations or favorable reports on proposals for (i) legislation and (ii) other major Federal actions significantly affecting the quality of the human environment. The phrase "to the fullest extent possible" in section 102(2)(C) is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible.

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* *Citizens to Preserve Overton Park vs. Volpe*, 1 ELR 20110 (March 2, 1971).

(Section 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.")

5. *Actions included.* The following criteria will be employed by agencies in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(i) Recommendations or favorable reports relating to legislation including that for appropriations. The requirement for following the section 102(2)(C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation and (ii) agency reports on legislation initiated elsewhere. (In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement.) The Office of Management and Budget will supplement these general guidelines with specific instructions relating to the way in which the section 102(2)(C) procedure fits into its legislative clearance process;

(ii) Projects and continuing activities: directly undertaken by Federal agencies; supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance; involving a Federal lease, permit, license, certificate or other entitlement for use;

(iii) Policy, regulations, and proceduremaking.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions, the environmental impact of which is likely to be highly controversial, should be covered in all cases. In considering what constitutes major action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. The lead agency should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from Federal action. "Lead agency" refers to the Federal agency which has primary authority for committing the Federal Government to a course of action with significant environmental impact. As necessary, the Council on Environmental Quality will assist in resolving questions of lead agency determination.

(c) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment, and serve short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that directly affect human beings and those that indirectly affect human beings through adverse effects on the environment.

(d) Because of the Act's legislative history, environmental protective regulatory activities concurred in or taken by the Environmental Protection Agency are not deemed actions which require the preparation of environmental statements under section 102(2)(C) of the Act.

6. *Content of environmental statement.* (a) The following points are to be covered:

(i) A description of the proposed action including information and technical data adequate to permit a careful assessment of environmental impact by commenting agencies. Where relevant, maps should be provided.

(ii) The probable impact of the proposed action on the environment, including impact on ecological systems such as wildlife, fish, and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water and public services, of the area in question.

(iii) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of the Act).

(iv) Alternatives to the proposed action (section 102(2)(D) of the Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(v) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(vi) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(vii) Where appropriate, a discussion of problems and objections raised by other Federal, State, and local agencies and by private organizations and individuals in the review process and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

(b) With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, the comment of the Environmental Protection Agency should also be requested.

(c) Each environmental statement should be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment."

(d) Where an agency follows a practice of declining to favor an alternative until public hearings have been held on a proposed action, a draft environmental statement may be prepared and circulated indicating that two or more alternatives are under consideration.

(e) Appendix 1 prescribes the form of the summary sheet which should accompany each draft and final environmental statement.

7. Federal agencies to be consulted in connection with preparation of environmental statement. A Federal agency considering an action requiring an environmental statement, on the basis of (i) a draft environmental statement for which it takes responsibility or (ii) comparable information followed by a hearing subject to the provisions of the Administrative Procedure Act, should consult with, and obtain the comment on the environmental impact of the action of, Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved. These Federal agencies include components of (depending on the aspect or aspects of the environment):

Advisory Council on Historic Preservation.
Department of Agriculture.
Department of Commerce.
Department of Defense.
Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Department of the Interior.
Department of State.
Department of Transportation.
Atomic Energy Commission.
Federal Power Commission.
Environmental Protection Agency.
Office of Economic Opportunity.

For actions specifically affecting the environment of their geographic jurisdictions, the following Federal and Federal-State agencies are also to be consulted:

Tennessee Valley Authority.
Appalachian Regional Commission.
National Capital Planning Commission.
Delaware River Basin Commission.
Susquehanna River Basin Commission.

Agencies seeking comment should determine which one or more of the above listed agencies are appropriate to consult on the basis of the areas of expertise identified in Appendix 2 to these guidelines. It is recommended (i) that the above listed departments and agencies establish contact points, which often are most appropriately regional offices, for providing comments on the environmental statements and (ii) that departments from which comment is solicited coordinate and consolidate the comments of their component entities. The requirement in section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific statutory obligation of any Federal agency to coordinate or consult with any other Federal or State agency. Agencies seeking comment may establish time limits of not less than thirty (30) days for reply, after which it may be presumed, unless the agency consulted requests a specified extension of time, that the agency consulted has no comment to make. Agencies seeking comment should endeavor to comply with requests for extensions of time of up to fifteen (15) days.

8. *Interim EPA procedures for implementation of section 309 of the Clean Air Act, as amended.* (a) Section 309 of the Clean Air Act, as amended, provides:

"SEC. 309. (a) The Administrator shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator, contained in any (1) legislation proposed by any Federal department or agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which section 102(2)(C) of Public Law 91–190 applies, and (3) proposed regulations published by any department or agency of the Federal Government. Such written comment shall be made public at the conclusion of any such review.

"(b) In the event the Administrator determines that any such legislation, action, or regulation is unsatisfactory from the standpoint of public health or welfare or environmental quality, he shall publish his determination and the matter shall be referred to the Council on Environmental Quality."

(b) Accordingly, wherever an agency action related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, radiation criteria and standards, or other provisions of the authority of the Administrator if the Environmental Protection Agency is involved, including his enforcement authority, Federal agencies are required to submit for review and comment by the Administrator in writing: (i) proposals for new Federal construction projects and other major Federal agency actions to which section 102(2)(C) of the National Environmental Policy Act applies and (ii) proposed legislation and regulations, whether or not section 102(2)(C) of the National Environmental Policy Act applies. (Actions requiring review by the Administrator do not include litigation or enforcement proceedings.) The Administrator's comments shall constitute his comments for the purposes of both section 309 of the Clean Air Act and section 102(2)(C) of the National Environmental Policy Act. A period of 45 days shall be allowed for such review. The Administrator's written comment shall be furnished to the responsible Federal department or agency, to the Council on Environmental Quality and summarized in a notice published in the Federal Register. The public may obtain copies of such comment on request from the Environmental Protection Agency.

9. *State and local review.* Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the environmental impact of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided as follows:

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the Office of Management and Budget Circular No. A–95, review of draft environmental statements by State and local governments will be through procedures set forth under Part 1 of Circular No. A–95.

(b) Where these procedures are not appropriate and where a proposed action affects matters within their jurisdiction, review of the draft environmental statement on a proposed action by State and local agencies authorized to develop and enforce environmental standards and their comments on the environmental impact of the proposed action may be obtained directly or by distributing the draft environmental statement to the appropriate State, regional and metropolitan clearinghouses unless the Governor of the State involved has designated some other point for obtaining this review.

10. *Use of statements in agency review processes; distribution to Council on Environmental Quality; availability to public.* (a) Agencies will need to identify at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures of this directive will be applied. It will often be necessary to use the procedures both in the development of a national program and in the review of proposed projects within the national program. However, where a grant-in-aid program does not entail prior approval by Federal agencies of specific projects the view of Federal, State, and local agencies in the legislative process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ significantly from those that have already been reviewed pursuant to section 102(2)(C) of the Act an environmental statement should be provided.

(b) Ten (10) copies of draft environmental statements (when prepared), ten (10) copies of all comments made thereon (to be forwarded to the Council by the entity making comment at the time comment is forwarded to the responsible agency), and ten (10) copies of the final text of environmental statements (together with all comments received thereon by the responsible agency from Federal, State, and local agencies and from private organizations and individuals) shall be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the President). It is important that draft environmental statements be prepared and circulated for comment and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved. To the maximum extent practicable no administrative action (i.e., any proposed action to be taken by the agency other than agency proposals for legislation to Congress or agency reports on legislation) subject to section 102(2)(C) is to be taken sooner than ninety (90) days after a draft environmental statement has been circulated for comment, furnished to the Council and, except where advance public disclosure will result in significantly increased costs of procurement to the Government, made available to the public pursuant to these guidelines; neither should such administrative action be taken sooner than thirty (30) days after the final text of an environmental statement (together with comments) has been made available to the Council and the public. If the final text of an environmental statement is filed within ninety (90) days after a draft statement has been circulated for comment, furnished to the Council and made public pursuant to this section of these guidelines, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap.

(c) With respect to recommendations or reports on proposals for legislation to which section 102(2)(C) applies, the final text of the environmental statement and comments thereon should be available to the Congress and to the public in support of the proposed legislation or report. In cases where the scheduling of congressional hearings on recommendations or reports on proposals for legislation which the Federal agency has forwarded to the Congress does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.

(d) Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these guidelines concerning minimum periods for agency review and advance availability of environmental statements, the Federal agency proposing to take the action should consult with the Council on Environmental Quality about alternative arrangements. Similarly, where there are overriding considerations of expense to the Government or impaired program effectiveness, the responsible agency should consult the Council concerning appropriate modifications of the minimum periods.

(e) In accord with the policy of the National Environmental Policy Act and Executive Order 11514 agencies have a responsibility to develop procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Agencies which hold hearings on proposed administrative actions or legislation should make the draft environmental statement available to the public at least fifteen (15) days prior to the time of the relevant hearings except where the agency prepares the draft statement on the basis of a hearing subject to the Administrative Procedure Act and preceded by adequate public notice and information to identify the issues and obtain the comments provided for in sections 6–9 of these guidelines.

(f) The agency which prepared the environmental statement is responsible for making the statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C., sec. 552), without regard to the exclusion of interagency memoranda when such memoranda transmit comments of Federal agencies listed in section 7 of these guidelines upon the environmental impact of proposed actions subject to section 102(2)(C).

(g) Agency procedures prepared pursuant to section 3 of these guidelines shall implement these public information requirements and shall include arrangements for availability of environmental statements and comments at the head and appropriate regional offices of the responsible agency and at appropriate State, regional, and metropolitan clearinghouses unless the Governor of the State involved designates some other point for receipt of this information.

11. *Application of section 102(2)(C) procedure to existing projects and programs.* To the maximum extent practicable the section 102(2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the Act on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

12. *Supplementary guidelines, evaluation of procedures.* (a) The Council on Environmental Quality after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will continue to assess their experience in the implementation of the section 102(2)(C) provisions of the Act and in conforming with these guidelines and report thereon to the Council on Environmental Quality by December 1, 1971. Such reports should include an identification of the problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures.

RUSSELL E. TRAIN,
Chairman.

APPENDIX I

(Check one) ( ) Draft. ( ) Final Environmental Statement.

Name of Responsible Federal Agency (with name of operating division where appropriate).

1. Name of Action. (Check one) ( ) Administrative Action. ( ) Legislative Action.

2. Brief description of action indicating what States (and counties) particularly affected.

3. Summary of environmental impact and adverse environmental effects.

4. List alternatives considered.

5. a. (For draft statements) List all Federal, State, and local agencies from which comments have been requested.

b. (For final statements) List all Federal, State, and local agencies and other sources from which written comments have been received.

6. Dates draft statement and final statement made available to Council on Environmental Quality and public.

APPENDIX II—FEDERAL AGENCIES WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT ON VARIOUS TYPES OF ENVIRONMENTAL IMPACTS

AIR

Air Quality and Air Pollution Control

Department of Agriculture—
Forest Service (effects on vegetation).
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Air Pollution Control Office.
Department of the Interior—
Bureau of Mines (fossil and gaseous fuel combustion).
Bureau of Sport Fisheries and Wildlife (wildlife).
Department of Transportation—
Assistant Secretary for Systems Development and Technology (auto emissions).
Coast Guard (vessel emissions).
Federal Aviation Administration (aircraft emissions).

Weather Modification

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Defense—
Department of the Air Force.
Department of the Interior—
Bureau of Reclamation.

ENERGY

Environmental Aspects of Electric Energy Generation and Transmission

Atomic Energy Commission (nuclear power).
Environmental Protection Agency—
Water Quality Office.
Air Pollution Control Office.
Department of Agriculture—
Rural Electrification Administration (rural areas).
Department of Defense—
Army Corps of Engineers (hydro-facilities).
Federal Power Commission (hydro-facilities and transmission lines).
Department of Housing and Urban Development (urban areas).
Department of the Interior—(facilities on Government lands).

Natural Gas Energy Development, Transmission and Generation

Federal Power Commission (natural gas production, transmission and supply).
Department of the Interior—
Geological Survey.
Bureau of Mines.

HAZARDOUS SUBSTANCES

Toxic Materials

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency.
Department of Agriculture—
Agricultural Research Service.
Consumer and Marketing Service.
Department of Defense.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.

Pesticides

Department of Agriculture—
Agricultural Research Service (biological controls, food and fiber production).
Consumer and Marketing Service.
Forest Service.
Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.
Environmental Protection Agency—
Office of Pesticides.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife).
Bureau of Land Management.
Department of Health, Education, and Welfare (Health aspects).

Herbicides

Department of Agriculture—
Agricultural Research Service.
Forest Service.
Environmental Protection Agency—
Office of Pesticides.
Department of Health, Education, and Welfare (Health aspects).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Reclamation.

Transportation and Handling of Hazardous Materials

Department of Commerce—
Maritime Administration.
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration (impact on marine life).
Department of Defense—
Armed Services Explosive Safety Board.
Army Corps of Engineers (navigable waterways).
Department of Health, Education, and Welfare—
Office of the Surgeon General (Health aspects).
Department of Transportation—
Federal Highway Administration Bureau of Motor Carrier Safety.
Coast Guard.
Federal Railroad Administration.
Federal Aviation Administration.
Assistant Secretary for System Development and Technology.
Office of Hazardous Materials.
Office of Pipeline Safety.
Environmental Protection Agency (hazardous substances).
Atomic Energy Commission (radioactive substances).

LAND USE AND MANAGEMENT

Coastal Areas: Wetlands, Estuaries, Waterfowl Refuges, and Beaches

Department of Agriculture—
Forest Service.
Department of Commerce—
National Marine Fisheries Service (impact on marine life).
National Oceanic and Atmospheric Administration (impact on marine life).
Department of Transportation—
Coast Guard (bridges, navigation).
Department of Defense—
Army Corps of Engineers (beaches, dredge and fill permits, Refuse Act permits).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
National Park Service.
U.S. Geological Survey (coastal geology).
Bureau of Outdoor Recreation (beaches).
Department of Agriculture—
Soil Conservation Service (soil stability, hydrology).
Environmental Protection Agency—
Water Quality Office.

Historic and Archeological Sites

Department of the Interior—
National Park Service.
Advisory Council on Historic Preservation.
Department of Housing and Urban Development (urban areas).

Flood Plains and Watersheds

Department of Agriculture—
Agricultural Stabilization and Research Service.
Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Reclamation.
Bureau of Sports Fisheries and Wildlife.
Bureau of Land Measurement.
U.S. Geological Survey.
Department of Housing and Urban Development (urban areas).
Department of Defense—
Army Corps of Engineers.

Mineral Land Reclamation

Appalachian Regional Commission.
Department of Agriculture—
Forest Service.
Department of the Interior—
Bureau of Mines.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
U.S. Geological Survey.
Tennessee Valley Authority.

Parks, Forests, and Outdoor Recreation

Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Land Management.
National Park Service.
Bureau of Outdoor Recreation.
Bureau of Sports Fisheries and Wildlife.
Department of Defense—
Army Corps of Engineers.
Department of Housing and Urban Development (urban areas).

Soil and Plant Life, Sedimentation, Erosion and Hydrologic Conditions

Department of Agriculture—
Soil Conservation Service.
Agricultural Research Service.
Forest Service.
Department of Defense—
Army Corps of Engineers (dredging, aquatic plants).
Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of the Interior—
Bureau of Land Management.
Bureau of Sport Fisheries and Wildlife.
Geological Survey.
Bureau of Reclamation.

NOISE

Noise Control and Abatement

Department of Health, Education, and Welfare (Health aspects).
Department of Commerce—
National Bureau of Standards.
Department of Transportation—
Assistant Secretary for Systems Development and Technology.
Federal Aviation Administration (Office of Noise Abatement).
Environmental Protection Agency (Office of Noise Abatement).
Department of Housing and Urban Development (urban use aspects, building materials standards).

PHYSIOLOGICAL HEALTH AND HUMAN WELL-BEING

Chemical Contamination of Food Products

Department of Agriculture—

Consumer and Marketing Service.

Department of Health, Education, and Welfare (Health aspects).

Environmental Protection Agency—

Office of Pesticides (economic poisons).

Food Additives and Food Sanitation

Department of Health, Education, and Welfare (Health aspects).

Environmental Protection Agency—

Office of Pesticides (economic poisons, e.g., pesticide residues).

Department of Agriculture—

Consumer Marketing Service (meat and poultry products).

Microbiological Contamination

Department of Health, Education, and Welfare (Health aspects).

Radiation and Radiological Health

Department of Commerce—

National Bureau of Standards.

Atomic Energy Commission.

Environmental Protection Agency—

Office of Radiation.

Department of the Interior—

Bureau of Mines (uranium mines).

Sanitation and Waste Systems

Department of Health, Education, and Welfare—(Health aspects).

Department of Defense—

Army Corps of Engineers.

Environmental Protection Agency—

Solid Waste Office.

Water Quality Office.

Department of Transportation—

U.S. Coast Guard (ship sanitation).

Department of the Interior—

Bureau of Mines (mineral waste and recycling, mine acid wastes, urban solid wastes).

Bureau of Land Management (solid wastes on public lands).

Office of Saline Water (demineralization of liquid wastes).

Shellfish Sanitation

Department of Commerce—

National Marine Fisheries Service.

National Oceanic and Atmospheric Administration.

Department of Health, Education, and Welfare (Health aspects).

Environmental Protection Agency—

Office of Water Quality.

TRANSPORTATION

Air Quality

Environmental Protection Agency—

Air Pollution Control Office.

Department of Transportation—

Federal Aviation Administration.

Department of the Interior—

Bureau of Outdoor Recreation.

Bureau of Sport Fisheries and Wildlife.

Department of Commerce—

National Oceanic and Atmospheric Administration (meteorological conditions).

Water Quality

Environmental Protection Agency—

Office of Water Quality.

Department of the Interior—

Bureau of Sport Fisheries and Wildlife.

Department of Commerce—

National Oceanic and Atmospheric Administration (impact on marine life and ocean monitoring).

Department of Defense—

Army Corps of Engineers.

Department of Transportation—

Coast Guard.

URBAN

Congestion in Urban Areas, Housing and Building Displacement

Department of Transportation—

Federal Highway Administration.

Office of Economic Opportunity.

Department of Housing and Urban Development.

Department of the Interior—

Bureau of Outdoor Recreation.

Environmental Effects With Special Impact in Low-Income Neighborhoods

Department of the Interior—

National Park Service.

Office of Economic Opportunity.

Department of Housing and Urban Development (urban areas).

Department of Commerce (economic development areas).

Economic Development Administration.

Department of Transportation—

Urban Mass Transportation Administration.

Rodent Control

Department of Health, Education, and Welfare (Health aspects).

Department of Housing and Urban Development (urban areas).

Urban Planning

Department of Transportation—

Federal Highway Administration.

Department of Housing and Urban Development.

Environmental Protection Agency.

Department of the Interior—

Geological Survey.

Bureau of Outdoor Recreation.

Department of Commerce—

Economic Development Administration.

WATER

Water Quality and Water Pollution Control

Department of Agriculture—

Soil Conservation Service.

Forest Service.

Department of the Interior—

Bureau of Reclamation.

Bureau of Land Management.

Bureau of Sports Fisheries and Wildlife.

Bureau of Outdoor Recreation.

Geological Survey.

Office of Saline Water.

Environmental Protection Agency—

Water Quality Office.

Department of Health, Education, and Welfare (Health aspects).

Department of Defense—

Army Corps of Engineers.

Department of the Navy (ship pollution control).

Department of Transportation—

Coast Guard (oil spills, ship sanitation).

Department of Commerce—

National Oceanic and Atmospheric Administration.

Marine Pollution

Department of Commerce—

National Oceanic and Atmospheric Administration.

Department of Transportation—

Coast Guard.

Department of Defense—

Army Corps of Engineers.

Office of Oceanographer of the Navy.

River and Canal Regulation and Stream Channelization

Department of Agriculture—

Soil Conservation Service

Department of Defense—

Army Corps of Engineers.

Department of the Interior—

Bureau of Reclamation.

Geological Survey.

Bureau of Sport Fisheries and Wildlife.

Department of Transportation—

Coast Guard.

WILDLIFE

Environmental Protection Agency.

Department of Agriculture—

Forest Service.

Soil Conservation Service.

Department of the Interior—

Bureau of Sport Fisheries and Wildlife.

Bureau of Land Management.

Bureau of Outdoor Recreation.

FEDERAL AGENCY OFFICES FOR RECEIVING AND COORDINATING COMMENTS UPON ENVIRONMENTAL IMPACT STATEMENTS

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Robert Garvey, Executive Director, Suite 618, 801 19th Street NW., Washington, D.C. 20006, 343-8607.

DEPARTMENT OF AGRICULTURE

Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 388-7803.

APPALACHIAN REGIONAL COMMISSION

Orville H. Lerch, Alternate Federal Co-Chairman, 1666 Connecticut Avenue NW., Washington, D.C. 20235, 967-4103.

DEPARTMENT OF THE ARMY (CORPS OF ENGINEERS)

Col. J. B. Newman, Executive Director of Civil Works, Office of the Chief of Engineers, Washington, D.C. 20314, 693-7168.

ATOMIC ENERGY COMMISSION

For nonregulatory matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 20545, 973-5391.

For regulatory matters: Christopher L. Henderson, Assistant Director for Regulation, Washington, D.C. 20545, 973-7531.

DEPARTMENT OF COMMERCE

Dr. Sydney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Washington, D.C. 20230, 967-4335.

DEPARTMENT OF DEFENSE

Dr. Louis M. Rousselot, Assistant Secretary for Defense (Health and Environment), Room 3E172, The Pentagon, Washington, D.C. 20301, 697-2111.

DELAWARE RIVER BASIN COMMISSION

W. Brinton Whitall, Secretary, Post Office Box 360, Trenton, N.J. 08603, 609-883-9500.

ENVIRONMENTAL PROTECTION AGENCY

Charles Fabrikant, Director of Impact Statements Office, 1626 K Street NW., Washington, D.C. 20460, 632-7719.

FEDERAL POWER COMMISSION

Frederick H. Warren, Commission's Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 386-6084.

GENERAL SERVICES ADMINISTRATION

Rod Kreger, Deputy Administrator, General Services Administration-AD, Washington, D.C. 20405, 343-6077.

Alternate contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration-ADF, 343-4161.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Roger O. Egeberg, Assistant Secretary for Health and Science Affairs, HEW North Building, Washington, D.C. 20202, 963-4254.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT [1]

Charles Orlebeke, Deputy Under Secretary, 451 Seventh Street SW., Washington, D.C. 20410, 755-6960.

Alternate contact: George Wright, Office of the Deputy Under Secretary, 755-8192.

DEPARTMENT OF THE INTERIOR

Jack O. Horton, Deputy Assistant Secretary for Programs, Washington, D.C. 20240, 343-6181.

NATIONAL CAPITAL PLANNING COMMISSION

Charles H. Conrad, Executive Director, Washington, D.C. 20576, 382-1163.

OFFICE OF ECONOMIC OPPORTUNITY

Frank Carlucci, Director, 1200 19th Street NW., Washington, D.C. 20506, 254-6000.

SUSQUEHANNA RIVER BASIN COMMISSION

Alan J. Summerville, Water Resources Coordinator, Department of Environmental Resources, 105 South Office Building, Harrisburg, Pa. 17120, 717-787-2615.

Footnote on following page.

TENNESSEE VALLEY AUTHORITY

Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tenn. 37401, 615-755-2002.

DEPARTMENT OF TRANSPORTATION

Herbert F. DeSimone, Assistant Secretary for Environment and Urban Systems, Washington, D.C. 20590, 426-4563.

DEPARTMENT OF TREASURY

Richard E. Slitor, Assistant Director, Office of Tax Analysis, Washington, D.C. 20220, 964-2797.

DEPARTMENT OF STATE

Christian Herter, Jr., Special Assistant to the Secretary for Environmental Affairs, Washington, D.C. 20520, 632-7964.

[FR Doc. 71-5705 Filed 4-22-71; 8:50 am]

FOOTNOTE

[1] Contact the Deputy Under Secretary with regard to environmental impacts of legislation, policy statements, program regulations and procedures, and precedent-making project decisions. For all other HUD consultation, contact the HUD Regional Administrator in whose jurisdiction the project lies, as follows:

James J. Barry, Regional Administrator I, Attention: Environmental Clearance officer, Room 405, John F. Kennedy Federal Building, Boston, MA 02203, 617-223-4066.

S. William Green, Regional Administrator II, Attention: Environmental Clearance Officer, 26 Federal Plaza, New York, NY 10007, 212-264-8068.

Warren P. Phelan, Regional Administrator III, Attention: Environmental Clearance Officer, Curtis Building, Sixth and Walnut Street, Philadelphia, PA 19106, 215-597-2560.

Edward H. Baxter, Regional Administrator IV, Attention: Environmental Clearance Officer, Peachtree-Seventh Building, Atlanta, GA 30323, 404-526-5585.

George Vavoulis, Regional Administrator V, Attention: Environmental Clearance Officer, 360 North Michigan Avenue, Chicago, IL 60601, 312-353-5680.

Richard L. Morgan, Regional Administrator VI, Attention: Environmental Clearance Officer, Federal Office Building, 819 Taylor Street, Fort Worth, TX 76102, 817-334-2867.

Harry T. Morley, Jr., Regional Administrator VII, Attention: Environmental Clearance Officer, 911 Walnut Street, Kansas City, MO 64106, 816-374-2661.

Robert C. Rosenheim, Regional Administrator VIII, Attention: Environmental Clearance Officer, Samsonite Building, 1051 South Broadway, Denver CO 80209, 303-837-4061.

Robert H. Baida, Regional Administrator IX, Attention: Environmental Clearance Officer, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, CA 94102, 415-556-4752.

Oscar P. Pederson, Regional Administrator X, Attention: Environmental Clearance Officer, Room 226, Arcade Plaza Building, Seattle, WA 98101, 206-583-5415.

ON THE FOLLOWING PAGES ARE ENVIRONMENTAL IMPACT STATEMENTS RECEIVED BY THE COUNCIL FROM APRIL 1 THROUGH APRIL 30, 1971

To obtain a copy of a statement, contact the person whose name is listed directly below the title of the particular agency involved. Telephone numbers refer to Washington, D.C., area code 202, unless otherwise indicated. Draft statements are not listed after final statements have been received on a proposed action previously covered in a draft statement.

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 20545, 973-5391; For Regulatory Matters: Christopher L. Henderson, Assistant Director for Regulation, Washington, D.C. 20545, 973-7531.

Draft

Title, description, and date

Proposed operation of Surry Power Station Units 1 & 2 by the *Virginia* Electric and Power Co. This nuclear plant is located on Gravel Neck in the James River about 25 miles northwest of Norfolk. Heated water will be released into the river. Very small quantities of radioactive materials may reach the environment. Dockets Nos. 50-280, 50-281, March 31.

Maine Yankee Atomic Power Station: Wiscasset, *Maine*. The Maine Yankee Atomic Power Co. has applied for a license to operate this pressurized water reactor. Impact: release of small amounts of radioactivity and discharge of heated condenser cooling water to Bailey Cove. Construction is mostly complete, April 13.

National Accelerator Laboratory, Batavia, *Illinois*. *Comments* on this statement from the EPA (draft was dated February 1, 1971), April 15.

Underground test programs for FY 1972, *Nevada* Test Site, covering tests of one megaton or less in the weapons and peaceful nuclear explosions programs. Statement covers need for testing, environmental setting, impact on environment (ground motion, radioactivity, hydrology) etc. Possibility exists that released radioactivity will be detectable offsite, April 15.

Newbold Island Nuclear Generating Station, Units 1 & 2: Bordentown Township, Burlington County, *New Jersey*. Statement outlines environmental impact of this station. The Public Service Electric and Gas Co. has applied for a license to build it. Operation of the plant will involve some thermal and radioactive discharges. Dockets Nos. 50-354, 50-355, April 20.

Los Alamos Scientific Laboratory Plutonium Facility, *New Mexico*. Prepared in support of the AEC's proposal for legislative authorization covering design and construction of this facility. Statement describes planned precautions for handling potentially harmful materials as well as the impact of the facility itself on the environment, April 22.

Rocky Flats Plutonium Recovery Facility: 12 miles south of Boulder, *Colorado*. Operated by Dow Chemical Co. for the AEC. More space is needed to meet increased production demands. Plans are to either make present 18 year old facility safer or to replace it. Very small amounts of plutonium are released to the environment. Report describes precautions taken to keep discharges within safe limits, April 28.

DELAWARE RIVER BASIN COMMISSION

Contact: W. Brinton Whitehall, Secretary, P.O. Box 360, Trenton, New Jersey 08603, 609-883-9500.

Draft

Title, description, and date

Amico Sand and Gravel Co.: dredging of 440,000 cubic yards of sandy material from the Delaware River 0.5 mile downstream of the Burlington-Bristol Bridge, Bristol, *Pennsylvania*, April 14.

American Dredging Co.: construction of dikes and filling in of area of 100 acres for eventual use as a deepwater marine facility. Project located in the Delaware River 650 feet downstream of the new Chester Bridgeport bridge. Bridgeport, *New Jersey*, April 14.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 388-7803.

Consumer and Marketing Service

Draft

Title, description, and date

Proposed revision of regulations governing the inspection of poultry and poultry products (some 1,200 poultry processing establishments must meet the standards of Section 21 (b) of the Federal Water Pollution Control Act.) Authorities can refuse or withdraw inspection when environmental requirements are not met, April 14.

Forest Service

Draft

Title, description, and date

Castaic-Haskell power transmission line. Issuance of a prelicense special use permit (to allow construction prior to issuance of FPC license) for right-of-way through Angeles National Forest. Length of line: 11.3 miles (3.3 miles through national forest). Purpose: to complete 2 of 4 circuits by July 1971 to enable water delivery through the Castaic Power Plant to Southern California water agencies. *California*, March 30.

Six Rivers Timber Management Plan, Six Rivers National Forest, *California*. Plan is based on even-aged management (clearcutting) to produce a maximum of wood products. Over a period of 10 years some 206.4 million board feet will be harvested. Statement discusses impact on soil, water, wildlife, fish, etc. Thought had been given to making Six Rivers National Forest a Wilderness area, April 5.

Proposal to designate the Sawtooth Wilderness and add it to the National Wilderness Preservation System. Hearings were held May 3 and 4. 185,368 acres of the Sawtooth Primitive Area plus 13,902 acres of contiguous National Forest land are involved. South Central *Idaho*, April 14.

Aqua Tibia Wilderness: Cleveland National Forest, Southern California. Proposed classification of 7,774 acres as Wilderness of what is now a Primitive Area. (Declassification of an added 9,719 acres of Primitive Area is recommended so roads, powerlines and a campground can be built), April 16.

Proposed Gallatin land exchange Nos. 2 and 3 with Burlington Northern Inc.. *Montana*. These exchanges are part of a larger ongoing land exchange program as authorized by the General Exchange Act of 1922. These particular exchanges will result in the U.S. receiving private inholdings totalling 21,479 acres that are of value in establishing the integrity of Yellowstone National Park, the Spanish Peaks Primitive Area, the Hyalite Basin, and other areas within the Gallatin National Forest. In return, the Forest Service will relinquish title to 10,243 acres of land within Gallatin National Forest, all of which is located on the West Fork of the Gallatin River west of U.S. 191 between Bozeman and West Yellowstone. Some of the land forfeited by the U.S. will involve acreage to sold for the "Big Sky" development by Chrysler Realty Corp. Some details of this proposed development are included.

Final

Title, description, and date

Construciton of two 500 kv powerlines across National Forest land by the Arizona Public Service Co. Lines will run from the Navajo generating plant to Phoenix, *Arizona*. (Between 265 and 300 miles, depending on which route is chosen.) The Forest Service must approve plans that involve their land, April 13.

Construction of a 345 kv powerline across Forest Service land by the Tucson Gas and Electric Co. Line will run between the Waterflow Power Plant (on the Navajo reservation) and Tuscon, *Arizona*. (Between 365 and 419 miles in length, depending on which alternate route is selected), April 13.

Rural Electrification Administration

Draft

Title, description, and date

Electric generating station, unit No. 3 (135,000) kv: Mooreland, Oklahoma. Statement relates to a loan application from the Western Farmers Electric Cooperative of Anadarko; to enable them to build this unit. Environmental impact of this addition to the station: small amount of water will be discharged to the North Canadian River, fossil fuel burning will release nitrogen oxides to the atmosphere, April 6.

Proposed revised use of funds previously loaned to the Arizona Electric Power Cooperative, Inc. by the R.E.A. Suggests funds be used for the construction of a 35.5 mile 230 kv transmission line between Saguaro and Three Points, *Arizona*, April 21.

Soil Conservation Service

Draft

Title, description, and date

Work plan for Union Creek Watershed, Union County, *South Dakota*. Land conservation treatment of 12,000 acres (terracing, contour farming, permanent grass cover for hay and seed production, crop residue use, farm ponds, 4 dams, 13 grade stabilization structures, 1.6 miles of stream channel enlargement). Purpose: prevention of flood damage, April 8.

DEPARTMENT OF COMMERCE

Contact: Dr. Sydney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Washington, D.C. 20230, (967-4335).

Final

Title, description, and date

Legislative proposal H.R. 650: turning over surplus Liberty ships to the States for sinking and use as offshore reefs. (The theory is that many marine animals need solid substrates to complete their life cycles, and the hulks would provide this. They would also provide shelter, etc.), April 13.

National Oceanic and Atmospheric Administration

Final

Title, description, and date

Tropical Cumulus Cloud Modification Project, Southern *Florida*, during summer season. Began in May, 1968. Clouds are seeded with silver iodide to encourage rain. Purpose: to learn feasibility of alleviating drought situation in this area. (Early experiments indicate rainfall may be increased by as much as 20-30%), April 6.

DEPARTMENT OF DEFENSE—DEPARTMENT OF AIR FORCE

Contact: Colonel Whitehead, Room 5E 425 The Pentagon, Washington, D.C. 20350, OX 7-1147.

Draft

Title, description, and date

New helicopter training mission at Hill Air Force Base, *Utah*. All Air Force helicopter training will be consolidated here, including combat crew training, air rescue, recovery, aircraft fire and rescue training. Fire training will involve open burning of jet fuel—this will result in some smoke and unburned jet fuel, April 21.

DEPARTMENT OF ARMY

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Chief of Engineers, Forrestal Building, 1000 Independence Avenue, Washington, D.C. 20314, 693-6329.

Draft

Title, description, and date

Flat Rock Creek local flood protection project, Tulsa, *Oklahoma*. Involves straightening and enlarging about 7,300 feet of the creek's channel, and about 4,600 feet of its tributary, Valley View Creek, March 19.

Clinton Lake project, Wakarusa River, *Kansas*. Involves construction of a dam and lake. Inundation of 7,000 acres of wildlife habitat and farmland and 50 miles of free-flowing intermittent streams. Purpose: to provide increased water supply and quality control, flood control, fish and wildlife enhancement, recreation, etc., March 26.

"S" Street channel improvements, Needles, *California*. Involves constructing 3,160 feet of concrete channel, and associated diversion structures. Purpose: to protect residential, commercial and public properties against floods and debris, March 30.

Rowlesburg Dam and Lake project, *West Virginia*. Dam will be on the Cheat River at Rowlesburg. Reservoir will have maximum pool of 7,175 acres (34 miles of the upper Cheat River, 400 villages and farm houses, including historic St. George, will be inundated. Purpose: flood control, hydroelectric power, low flow regulation, etc., March 30.

Klutina River flood control project: Copper Center, *Alaska*. Involves 4,400 feet of earthfill levee, construction of an access road to a borrow pit, etc., April 1.

San Antonio Channel improvement project: San Antonio River and tributaries, *Texas*. Involves about 33 miles of channel rectification (excavation of 9 million cubic yards of material, paving open channels, construction of 5 railroad bridges and 100 new highway bridges, etc.) About 21 miles are complete or under construction, April 6.

Clayton Lake, Jackfork Creek, *Oklahoma*. Construction of an earthfill dam and reservoir for flood control, water supply, recreation, etc. Capacity of reservoir is 11,300 acres. Archeological survey to be conducted as sites near project may contain historically significant artifacts, April 6.

Las Cruces local protection project, Las Cruces, *New Mexico*. Construction of Las Cruces Dam east of the city, diversion ditch between the Las Cruces and Alameda Arroyos, etc. Purpose: to provide flood protection for urban, suburban areas and adjacent agricultural lands, April 6.

Park River Conduit, Hartford, *Connecticut*. Expansion of present conduit system to enclose 3,716 feet of the river and a pumping station. Also planned is a junction structure, and a headwall on the North Branch. An auxiliary conduit 9,100 feet long is proposed to extend from the junction structure to the Connecticut River. A pumping station is also proposed. Purpose: flood control, water quality, etc., April 7.

Phillips Dam, Fitchburg, *Massachusetts*. Part of a flood control plan for N. Nashua River Basin. Construction of dam (1,700 feet long, 48 feet high) and reservoir (surface area of 105 acres at peak) on Phillips Brook. Purpose: retention of flood waters in spring, April 7.

Skiatook Lake, Hominy Creek, *Oklahoma*. Involves construction of a rolled earthfill dam about 3,590 feet long and 143 feet high, a reservoir and other facilities for flood control, water supply, water quality control, recreation, etc. About 20,000 acres of land will be involved. The lake will inundate about 26 miles of natural stream, April 7.

Dam and reservoir, Whitmanville Lake, North Nashua River Basin, Westminster, *Massachusetts. Dam* (1500 feet long) will be on the Whitman River. About ¾ mile of brook-type fishing and 75 acres of woods will be inundated. Purpose: flood control, industrial water supply, April 7.

San Leandro Creek flood control project, Alameda County, *California*. Construction of a trapezoidal earth channel and a rectangular concrete channel with rip rap transitional sections in between etc. Project about 2 miles long, from San Leandro Bay upstream to the Southern Pacific Co. railroad bridge. Purpose: to control flooding of this reclaimed marshland area, April 8.

Fowl River navigation project, Mobile Bay, *Alabama*. Dredging of 2.6 miles of channel from Ship Channel into and up Fowl River. 30 acres of marsh will be filled. Purpose: to allow unrestricted use by commercial and recreational boats, April 8.

Dog River navigation project, Mobile, *Alabama*. Dredging of an 8 by 150 foot channel from 3000 feet east of the Mobile Bay Ship Channel to and up Dog River (total distance of 26,200 feet). Also: 6 by 100 foot spur channels to the mouths of the Perch and Halls Mill Creeks. Overall length: 7.8 miles. Filling of 30 acres of high marsh will limit use by small animals and birds. Purpose: to permit full use of Dog River by commercial and recreational boats, April 8.

Navigation project for a small boat harbor on the Mississippi River at Pepin, *Wisconsin*. Involves an additional 434 foot long sand-filled breakwater, a 60 inch pipe culvert. Purpose: protection from wave damage and maintainable aeration facility, April 9.

Ipswich River, northeastern *Massachusetts*, navigation project. Involves dredging 6 foot deep channel 3 miles long, and construction of breakwater. Will be some destruction of shellfish habitat. Purpose: facilitate small boat navigation and provide mooring space, April 9.

Nookagee Dam, Westminster, *Massachusetts* project. Involves an earth-fill dam, 2,150 feet long and a reservoir that will cover 316 acres. Purpose: flood control, water quality improvement by low flow augmentation, etc., April 14.

Saxonville, *Massachusetts*, local flood control protection project. On the Sudbury River. Project involves 2,900 feet of earth dike, 750 feet of concrete floodwalls, straightening of 1200 feet of the river channel, etc., April 14.

Arkansas-Red River chloride control project, part I, *Texas, Oklahoma* and *Kansas*. Construction of 3 low-flow dams and 2 brine storage dams, other facilities for water quality control, etc. Purpose: to control brines entering Lake Kemp, so the water can be used for irrigation. 19,000 acres will be used, April 14.

North Nashua River channel improvement project, Fitchburg, *Massachusetts*. Involves rehabilitation and reconstruction of 5 miles of walls, cribs and grouted rip-rap. Also involves about 2,600 feet of channel excavation and removal of obstructions and depositions, April 14.

Rockfish Creek flood control project, Duplin, Pender, Sampson counties, *North Dakota*. Project includes 5.7 miles of clearing and snagging and 20.7 miles of deepening and widening (some of this on Doctors Creek). Spoil will be placed on one or both banks. It will be shaped and seeded. Construction will result in loss of about 80% of the standing crop of fishes in the reaches to be excavated, April 15.

Flood protection project, Hogtown Creek, Gainesville, *Florida*. Construction of a levee, pumping station, gravity structure to remove interior runoff, etc. Purpose: to protect a residential area (levee will be 2.5 miles long), April 15.

Beach erosion project, Oak Bluffs Town Beach, *Massachusetts*. Consists of beach raising and widening and construction of a stone groin at the southern end. Purpose: to provide a greater beach area and protect it from erosion, April 15.

Bristol Harbor navigation project, *Rhode Island*. Consists of an offshore breakwater 1600 feet long. Purpose: to protect vessels and shore facilities from storms, April 15.

Hurricane protection project, Westerly, *Rhode Island*. Involves raising and widening 17,000 linear feet of beach, constructing a dike, erecting 3 long groins, dredging Winnapaug Pond, etc. Purpose: hurricane protection and correction of beach erosion problem, April 15.

Lagoon Pond navigation project, Martha's Vineyard, *Massachusetts*. Dredging a channel 100 feet wide and 8 feet deep and extending a stone jetty 200 feet. Purpose: to provide adequate access to a deep water mooring basin, April 15.

Navigation project, Red Brook Harbor, Bourne, *Massachusetts*. Involves dredging to make an entrance channel 6 feet deep, 100 feet wide. Purpose: to improve public navigation and mooring capacity of Red Brook Harbor, April 15.

Lapwai Creek, Culdesac, *Idaho*. Stream channel shaping and construction of a levee. A rock quarry would be created in the process. Purpose: flood protection. April 20.

El Dorado Lake, Walnut River, *Kansas*. Construction of a 9,650 foot dam and conservation pool (that will inundate 8,000 acres of productive agricultural land). The greater prairie chicken (an endangered species) is found in the project area. Purpose: flood control, water supply, water quality control, recreation. April 21.

Wilson Harbor navigation project, *New York*. Involves dredging a 6-foot channel through Tuscarora Bay, and disposing of dredged materials on State Park land. When sufficiently dry, the dredged materials will be used for park purposes. Channel will enable recreation craft to use the Bay. April 22.

Local flood protection project for Jackson, *Minnesota*, on the west fork of the Des Moines River. Involves 1.4 miles of earthen levee, .1 mile of concrete floodwall, a 4.5 acre ponding area, etc. April 23.

Diked Disposal Area No. 2, Buffalo Harbor (Times Beach) *New York*. Project to complete stone dike enclosure to be used as a place to deposit polluted dredged materials from the harbor. Requires 46 acres. Dredged materials cause a mild "non-pungent" odor. Project area has been designated by law as a public park and recreation site. Statement implies that it will be eventually used for a park. April 23.

Final

Title, description, and date

West Tennessee Tributaries (Obion and Forked Deer Rivers) project. Construction has been underway since 1961. Work has been suspended pending determination of environmental impact. The Fish and Wildlife Service and the Tennessee Fish and Game Commission feel the amount of forest acreage recommended for acquisition in the mitigation report (2/3) is inadequate, March 31.

Rahway River New Jersey (East Branch), South Orange, New Jersey local flood control project. Construction of levees, flood walls, flume section, channel enlargement, one and a half miles of clearing and excavation, etc. Some trees over 100 years old would be removed. Construction will begin in September, 1971. No draft statement received, March 31.

Lahaina light-draft Harbor, Maui, *Hawaii*. Involves replacement of the existing harbor with a larger harbor 2000 feet to the northwest, construction of an entrance channel, access channel and turning area, off-shore breakwater, wave absorber, etc. Purpose: to accommodate 380 small craft (present harbor's capacity is 80). Lahaina is an historic whaling community. No draft statement received, April 14.

San Francisco Harbor Project—main ship channel (San Francisco Bar) *California*. First phase of San Francisco Bay to Stockton project. Four and a half miles will be dredged to a depth of 55–57 feet (present depth is 50 feet). Spoil would be deposited on the Bar south of the main ship channel. No draft statement received, April 14.

Falls Lake, Neuse River, *North Carolina*. Includes construction of an earthdam and a reservoir with a surface area of 12,490 acres (a lake about 20 miles long). Dam will be one mile above Falls. Purpose: flood protection, water supply, water quality control, etc. Land acquisition to begin in May, 1971. No draft statement received, April 15.

Trumbull Pond Lake; Trumbull, *Connecticut*. Includes concrete dam and storage reservoir (that will extend 2.5 miles up the Pequonnock River). Purpose: flood protection, municipal water supply, recreation, etc. An Indian relic site is located within the proposed reservoir area. Construction to begin in May, 1971. No draft statement received, April 15.

Wishart Point, *Virginia*, navigation project. Improvement along 2 mile reach of the bay. Involves dredging a channel 6 feet deep, 60 feet wide. About 4.2 acres of oyster grounds will be destroyed. Purpose: enhance recreational boating, spur crab harvest, provide harbor of refuge.

Blue Marsh Lake project, Tulpehocken Creek, Berks County, *Pennsylvania*. Includes dam 98 feet high, 1,775 feet long and creation of a lake with a surface area of 900 acres. Purpose: flood control, recreation, supply of industrial water and domestic water. Arsenic content of water a possible problem. No draft statement received.

Beach erosion control and navigation project, Atlantic coast of Long Island, Fire Island Inlet, and Shore Westerly to Jones Inlet, *New York*. Involves dredging clean sand and using it for beach replenishment, creation of a littoral reservoir with a capacity of 1,200,000 cubic yards, etc. Purpose: increased commercial fishing, better recreational opportunities, decreased vessel damage, prevention of damage to parkways and buildings, increased commerce, etc. No draft statement received.

Updating of summaries of coordination for projects included in the Rivers and Harbors Flood Control Acts of 1970. (final statements dated 11/16/70), April 19.

Views of interested state and federal agencies on the following projects are included:

Blue River Basin, *Missouri and Kansas*.

Calcasieu River at Devil's Elbow, *Louisiana*.

Corpus Christi Beach, *Texas*.

Eastern Rapides and South Central Avoyelles Parishes, *Louisiana*.

Fort Chartres and Other Drainage Districts, *Illinois*.

Marion, *Kansas*.

Running Water Draw, Plainview, *Texas*.

Steel Bayou Basin, *Mississippi*.

Tennessee-Tombigbee Waterway, *Alabama* and *Mississippi*. Plans for a 253 mile long project in three sections: river, canal and divide. Construction will take at least 9 years. Raising of water surface level may waterlog some local areas near the project and will make some important paleontologic sites unavailable. 70,000 acres of forest or agricultural land would be committed to the project. About 170 miles of tributary streams and 140 miles of the Tombigbee River would lose their identity as free-flowing streams. The impact that the 175 deep foot cut through the divide (in northeast Mississippi) will have on the water table is discussed. Future commercial, residential and industrial development along the waterway would have an additional environmental impact. Purpose: to provide a more direct connecting waterway between the eastern Gulf Coast and much of mid-continental U.S., April 20.

Elizabeth River, *New Jersey*, flood control project. Involves construction of levees, flood walls and flume, channel deepening, widening and realignment, bridge construction, pump stations, etc. Along the river for about 4 miles from its mouth at the Arthur Kill. Adverse environmental effects will result from the disposal of dredged material on marshland or flatland, development of marshland, etc. Construction will begin in July, 1971. No draft statement received, April 20.

Flood control project, East Grand Forks, *Minnesota*. Involves raising and widening 7,600 linear feet of earth levees, 1,500 feet of concrete floodwall, three pumping stations, etc. 40–50 trees would be removed, an acre of park property would be altered. No draft statement received, April 21.

DEPARTMENT OF NAVY

Contact: Charles Ill, Room 4C713, The Pentagon, Washington, D.C. 20350, OX 7–9100.

Draft

Title, description, and date

Use of target-ship hulls in exercises at sea, over 50 nautical miles from the U.S. coast. Only conventional explosives are used in warheads. 10–15 hulls are sunk annually. Involves possible damage to marine life from petroleum residue products in some hulls. Purpose: to evaluate weapon systems effectiveness, April 5.

Land acquisition at the Naval Submarine Base, New London, *Connecticut*. Acquisition of 36 acres for safety zone around expanded ammunition storage site. Present land use (swamp, woods) will remain unchanged, April 22.

Construction of the Defense Office Building Complex, *Washington, D.C.* To be located on 114.67 acres of Bolling Air Force Base, and will provide office space for 10,000. Major impact will be a socio-economic one on southeast Washington, April 23.

Land acquisition for the Naval Security Group, Homestead, Florida. Purchase of 568 acres of swampland to be used as a buffer zone. Purpose: to prevent site degradation by industrial and commercial encroachment (facility is an electronics operation). No change in land use expected, April 23.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Charles Orlebeke, Deputy Under Secretary, Washington, D.C. 20410, 755–8192.

Draft

Title, description, and date

Operation Breakthrough: attempts to demonstrate that many environmental problems can be solved by planning quality community environments. Another facet of this operation is an effort to accelerate the application of technological advances in building homes, etc. Will demonstrate advanced housing, total energy and solid waste disposal systems. Many environmental planning techniques are used on the sites. (Program is too complex to adequately outline here. Specific projects are not covered in detail in the statement), April 9.

DEPARTMENT OF INTERIOR

Contact: Office of Information, Public Queries, 18th and C Streets, N.W., Washington, D.C. 20240, 343–3172.

Bureau of Reclamation

Draft

Title, description and date

San Juan-Chama project, *Colorado-New Mexico*. Collection and Diversion Unit (a participating project of the Colorado River Storage Project). 110,000 acre-feet of water will be diverted annually from the upper tributaries of the San Juan River. Three diversion dams will be built: on the Rio Blanco, Little Navajo, and Navajo Rivers. 27 miles of concrete-lined tunnels will be constructed. Nearly 6,000 acres of land that serves as a winter range for elk and deer will be inundated. Purpose: dependable water supply for Albuquerque and irrigation water for the Middle Rio Grande Conservancy District, etc., March 26.

Pecos River Basin water salvage project: *New Mexico* and *Texas*. Involves clearing saltcedars and other undesirable phreatophytes (they absorb a lot of water). Estimated acreage still to be cleared is 34,000. Clearing is done with chemical sprays and by mechanical means. A major concern is the disruption of nesting areas for the mourning dove. Construction began in 1966, is now about 60 percent complete, March 31.

Hungry Horse Project in seeding clouds (with silver iodide), western *Montana*. An operational adaptation research project. Location chosen because of Bonneville Power Administration's concern over inadequate water supplies in Hungry Horse Reservoir. Project began in 1966. So far only very modest precipitation increases have been observed, April 2.

Monmouth-Dallas Division, Willamette River Project, *Oregon*. Involves: Johnson Hill Pumping Plant, 3 relift pumping plants, 34 miles of main channel, 60 miles of unlined canal and low-head pipe laterals, 76 miles of open ditch drains, etc. Purpose: to change present land use from production of dry land crops to higher value irrigated crops. 87,000 acre feet of the Willamette River will ultimately be diverted.

Navajo-Phoenix Transmission System, Navajo Project, *Arizona*. (Revised draft—first draft transmitted January 13, 1971.) Involves: design, construction and operation of two 500,000-volt transmission lines by the Arizona Public Service Co. The lines would link the Navajo project near Page with the Phoenix area, *Arizona*, by way of Moenkopi Switchyard near Cameron. Total length 250 miles. Between 43 percent and 52 percent of this project is on Federal land (excluding Indian land), April 9.

Mountain Park project, southwestern *Oklahoma*. Construction of dam and reservoir on Otter Creek, a diversion dam on Elk Creek, a 10.8 mile canal in between, an aqueduct system, etc. About 6,700 acres of wildlife habitat will be inundated. Purpose: provide water to Altus, Frederick, and Snyder. Also flood protection, etc., April 13.

Cosumes River Division, Central Valley Project, *California*. *Comments* on draft (transmitted 2/19/71) by Army, HEW, DOT, Regional Office of HUD, Cities and County of San Joaquin Advisory Planning Association. Also *comments* by USDA, April 15. Several agencies say more information is needed, April 22.

Navajo-Black Mesa Coal Haul Railroad, Navajo Project, *Arizona*. (Revised draft—first draft transmitted 1/13/71.) Railroad will haul coal to the Navajo Generating Station (about 5 miles east of Page) from Black Mesa lands, in Navajo County (jointly owned by the Navajo and Hopi tribes). Preferred route is 78 miles long. An electric railroad is planned, April 20

Overland Ditch and Reservoir Company application for a loan and grant to replace an unstable dam on Cow Creek, Delta County, *Colorado* (this would enlarge the surface area of the reservoir from 220 to 370 acres); make minor improvements on Hubbard Creek Dam; and rehabilitate the 2 mile long Upper Overland Ditch, April 22.

Huntington Canyon generating station and transmission line. The Utah Power & Light Co. plans to build a coal-fired thermal-electric generating plant to be constructed at Huntington Canyon, *Utah*. The company will be provided with some of the water they need by the Emery Water Conservancy District. Statement includes description of proposed plant and nearby coal mine, the 365-mile Camp William-Four Corners transmission line and sketches the considerable impact this facility could have on the environment. (For example, company does not plan to choose SO_2 removal equipment in time to have it installed when first unit goes on line. Sulfur oxide can cause "early aging" in vegetation. A natural forest is just to the west of the plant site, April 23.

Garrison Diversion Unit, Missouri River Basin Project, eastern and north-central *North Dakota*. Features include Lonetree Reservoir, Audubon Lake (a subimpoundment of the Snake Creek arm of existing Lake Sakawea). Shallow alkaline lakes and marshes will be adversely affected. These areas provide habitat for migrating sandhill cranes and other birds. Construction begun in 1968 and expected to continue for 10 more years. Purpose: delivery of Missouri River water for irrigation of 250,000 acres, municipal and industrial water supply, to develop and enhance fish and wildlife values of the state, to restore the levels and quality of the Devils Lake chain, etc., April 23.

Loan and grant application by Yolo County, *California*, Flood Control and Water Conservation District. *Comments* on draft (2/24/71) by the Corps of Engineers, EPA, California State clearinghouse, the Resources Agency of California, April 26.

Comments on draft (2/12/71) on the Tehama-Colusa Canal of the Central Valley Project, *California*. *Comments* by USDA, Corps of Engineers, EPA, the County of Yolo, the Glenn County Board of Supervisors, April 26.

Brantley Project (a dam and reservoir) on the Pecos River in Eddy County about 20 miles upstream from Carlsbad, *New Mexico*. Surface area of reservoir would peak at 11,700 acres. Major Johnson Springs, an historic area, would be inundated. Purpose: replace irrigation storage being lost at McMillan Reservoir which is filling up with sediment, April 26.

Jordan Aqueduct, Bonneville Unit, Central *Utah* Project. Involves burying a precast concrete pipeline 20.8 miles long along west side of Salt Lake County, and rehabilitation of Provo Reservoir Canal (work scheduled to begin in 1974). Purpose: to deliver imported water from Provo River to Salt Lake County, April 29.

Bonneville Power Administration

Final

Title, description and date

Bonneville Power Administration's statement in their Fiscal Year 1972 proposed program. This hefty report covers the construction and maintenance aspects (mainly for high-voltage main-grid transmission facilities necessary to connect generation sources to major load centers in the Pacific Northwest. In 1972, plans include beginning construction on 141 miles of new lines and 8 substations, etc. Critical comments from agencies, departments and individuals are included. Many are concerned about open burning. No draft statement received, April 6,

Office of the Secretary

Final

Title, description, and date

Proposed legislation "to establish a national land use policy and authorize the Secretary of the Interior to make grants to encourage and assist the States in the preparation and implementation of land use programs for the protection of areas of critical environmental concern and the control and direction of growth and development of more than local significance," etc., April 29.

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser, Director, Office of Special Projects, 400 7th Street, S.W., Washnigton, D.C. 20590, 426–4357.

Draft

Title, description, and date

Airport project, Ryan Airport, Baton Rouge, *Louisiana*. Runway extension, overlay and parallel and connecting taxiways. Purpose: to meet jet aircraft needs, March 29.

Airport project at Broken Bow, *Nebraska*. Acquisition of 42 acres in fee simple title, construction of runway extension and turnaround, etc. Purpose: to accommodate twin engine general aviation aircraft, March 31.

Airport project at Hastings, *Nebraska*. Involves acquisition of land, construction of a NE/SW runway and taxiway, etc. Purpose: to accommodate twin engine general aviation aircraft, March 31.

Airport project at Rexburg, *Idaho*. *Comments* on draft (3/2/71) by Corps of Engineers, March 31.

Comments by Interior, April 7.

Airport project at Colby, *Kansas*. Runway extension and improvements to accommodate larger planes, April 1.

Airport project at Pierre, *South Dakota*. Construction of runway and taxiway extensions, land acquisition, easements and grading for instrument landing system, etc., April 1.

Airport project at Livingston, *Montana*. Involves extension of runway, new lighting, etc., April 5.

Comments on draft by USDA, April 28.

Airport project at Lancaster, *South Carolina*. Expansion of runway, construction of taxiway and turn-around, April 5.

Airport project at Ortonville, *Minnesota*. Realignment, extension and resurfacing of NW/SE runway, etc. Purpose: to change air traffic pattern and to help community's economy, etc., April 5.

Airport project at Grand Canyon, *Arizona*. *Comments* on draft (3/25/71) by Albuquerque Regional Office of the Bureau of Sport Fisheries and Wildlife, April 5.

Comments on draft by Geological Survey, April 13.

Airport project at Gettysburg, *South Dakota*. Runday extension and resurfacing, purchase of 7.6 acres of land, etc., April 6.

Airport project at Anaconda, *Montana*. Construction of a turf runway. Purpose: to provide a crosswind runway for small general aviation aircraft, April 6.

Comments on draft by USDA, April 28.

Airport project at Clearfield, *Pennsylvania*. Development of a privately-owned airport into a general aviation airport. Involves construction of a paved runway, apron and connecting taxiway, etc. Site is on an abandoned mine, April 6.

Airport project at Allentown, *Pennsylvania*. Involves extension and improvement of runways, taxiways, aprons, etc. Purpose: to assure continued use by major commercial airlines, April 6.

Airport project at Wahoo, *Nebraska*. Involves acquisition of land in fee simple title, paving NE/SW runway, turnaround and taxiway, etc. Purpose: to provide safer, all weather airport for general aviation traffic, April 6.

Airport project at Minot, *North Dakota*. Involves extension of runway, addition of high intensity lights, acquisition of 440 acres of land, etc. Purpose: to accommodate jets, April 6.

Airport project at Reedsville, *Pennsylvania*. Involves runway extension and widening. Purpose: to accommodate increasing number of larger corporate aircraft, April 6.

Airport project at Pickens, *South Carolina*. Construction of 1,600 ft. by 100 ft. extension of runway, etc., to accommodate small business and executive jets, April 6.

Airport project at Iowa Falls, *Iowa*. Involves land acquisition, runway and taxiway construction, etc. Purpose: to provide an adequate public airport for Itawamba County and Fulton, April 7.

Airport project at Iowa Falls, *Iowa*, Involves widening and extending the NW/SE and N/S runways, paving taxiways and aprons, etc. Purpose: to accommodate twin engine planes and to make it an all weather airport, April 7.

Airport project at Loa, *Utah*. Involves runway extension, acquisition of land for airport development and clear zone, etc., April 12.

Airport project at Tecumseh, *Nebraska*. Involves acquisition of land for a limited airport, including clear zones, NNW/SSE runway, etc, April 12.

Airport project at Albert Lea, *Minnesota*. Involves extension of existing N/S runway, construction of a new NE/SW runway and taxiways, lighting and installation of Visual Approach Slope Indicators, etc. Purpose: to accommodate corporate turbo-jet planes, April 12.

Airport project at Mankato, *Minnesota*. Involves construction of cross-runway, taxiways, lighting, etc., April 13.

Airport project at Dothan, *Alabama*. Construction of runway extension, supporting taxiways, lighting system. Purpose: to permit full load usage of DC9–31 planes, C141 to land in dry weather and T–1A planes to land in all weather, April 16.

Airport project at El Dorado, *Arkansas*. Runway and parking ramp extension. Purpose: to accommodate jet aircraft, April 16.

Airport project at Williamston, *North Dakota*. Runway extension and widening, etc. Purpose: to accommodate industry-owned planes, April 16.

Airport project at Goldsboro, *North Carolina*. Expansion of parking apron, construction of taxiways, installation of Visual Approach Slope Indicator System, etc., April 16.

Airport project, Ogden, *Utah*. Construction of runway extension and lighting, parallel taxiway, etc., April 20.

Airport project, Mosinee, *Wisconsin*. Involves construction of parallel taxiway, cross-runway, runway extension, at Central Wisconsin Airport. One farmer is concerned about the effects of noise on the milk production of his dairy cattle, April 21.

Airport project at Henryetta, *Oklahoma*. Involves runway and lighting extension, construction of taxiways, etc., April 23.

Airport project at Chesterfield, *Virginia*. Development of a general utility-type airport with a 3,700 ft. paved runway to accommodate single engine and light twin engine aircraft. (Ultimately will be expanded to accommodate business jets, etc.), April 27.

Airport project at Sidney, *New York*. Involves land acquisition, construction of runway, taxiway, apron, parking area, perimeter fencing, installation of medium intensity lights, etc. Will allow business jets to land, April 27.

Airport project at Mt. Pleasant, *Tennessee*. Involves runway and apron extension, installation of lighting, etc. Purpose: to accommodate corporate jets, April 27.

Airport project at New Holstein, *Wisconsin*. Runway extension and overlay with bituminous concrete, etc. Slightly larger planes will be able to use the airport, April 29.

Final

Title, description, and date

Airport project, Walker Field, Grand Junction, *Colorado*. Runway extension, installation of high intensity lights, taxiway extension, etc. Purpose: to remove most weight restrictions and allow additional types of planes to use the field. Noise levels will increase, but no dwelling structures are in the area, March 29.

Great Falls International Airport project, *Montana*. Involves runway extension and reconstruction, acquisition of 30 acres for clear zone, etc. Purpose: to increase safety, to move air traffic under instrument landing conditions farther away from populated areas, etc., April 6.

Reidsville Airport project, Reidsville, *Georgia*. Construction of a general aviation airport involving land acquisition, a runway, stub taxiway, apron, April 6.

Airport project at Alma, *Georgia*. Involves expansion of runway and pavement overlay. Purpose: to accommodate executive jets, April 6.

Fostoria Metropolitan Airport project, *Ohio*. Construction of a new airport consisting of a paved runway, taxiway, apron, access road, etc., April 6.

Memphis International Airport project, Memphis, *Tennessee*. Runway and taxiway expansion. Purpose: to permit airplanes flying non-stop from Memphis to Los Angeles to carry a maximum load of passengers and cargo in 90° temperature, April 7.

Ogallala Airport project, *Nebraska*. Construction of a new airport involves acquisition of 285 acres, paving runway, taxiway, etc., April 8.

Airport project, Loup City Municipal Airport, *Nebraska*. Development of a new airport at site that includes present facility. Involves acquisition of land for development and clear zones, construction of NW/SE runway, taxiway, etc., April 20.

Kent County Airport, Grand Rapids, *Michigan*. Involves building a 1000 ft. by 100 ft. runway extension and parallel taxiway, additional high-intensity lights, etc., April 20.

Russell Field Airport project, Rome, *Georgia*. Runway extension to enable corporate jets to have greater margin of safety, April 20.

Federal Highway Administration

Draft

Title, description, and date

Route 60: Butler-Stoddard Counties, *Missouri*. From Poplar Bluff urban limits to Route 51 east of Fisk and Route 67 east to Route T. Project's purpose is to locate Route 60 to relieve congestion, upgrade it to a dual lane limited access facility. Project F–60–4(13), March 21.

US–76: widening of highway to make it a 4 lane facility. Begins at S–83 in Timmonsville, *South Carolina* and ends at Jefferies Creek near Florence. Length of project is about 8 miles, March 26.

Route C(106): construction of a bridge over Current River in Shannon County, *Missouri*. Also construction of bridge approach fills above flood stage. Present traffic uses toll ferry. Documentation required under Section 4(f) submitted to DOT on 2/11/71 because National Park Service land and Missouri Conservation land is needed for right-of-way. Project RS–726(2), March 29.

US–280: upgrading and realigning road between Opelika and Phenix, *Alabama*. Length of project is about 2 miles. Some controversy over which alternative for the route should be chosen. Federal Project No. 422( ), March 29.

New secondary road. Sac County, *Iowa*. Grading, draining and temporary granular surfacing from Lake View north for 4.5 miles. Would require 1.03 acres of Tomahawk Marsh. Purpose: to eventually provide direct connection between Lake View, Blackhawk Lake State Park and US–20. Federal project S–1706. County project K–4S–71, March 29.

I–295: Henrico and Hanover Counties, *Virginia*. From I–95 south of Richmond to Route I–64 west of Richmond (about 37 miles). Route crosses Hoke-Brady Battlefield Park and a mill race. Explanation of 4(f) action is including. Purpose: part of circumferential by-pass of Richmond. Projects I–295–3 (2), I–295–3(1), I–295–3(3), March 29.

Federal Aid Secondary Route No. 3704: Jefferson County, *Alabama*. Construction of a 490 foot bridge across Locust Fork of the Warrior River. Purpose: replacement of delapidated bridge, March 30.

I–40 (Ashfork-Flagstaff Highway): Coconino County, *Arizona*. Construction work on Supai Section in Kaibab National Forest between Pine Springs and Williams. Involves relocation and paving, grading and drains, building game fences, setting up water collecting system. Purpose: to remove a water producing well for median area, etc. Project I–40–3(19), March 30.

Route 1: San Luis Obispo County, between Baywood Park undercrossing and Route 101, *California*. Construction of 7.9 miles of freeway on new alignment (most of project will consist of conversion of existing expressway to freeway). Construction planned for 1976. Project SLO–1–101–P.M. 16.4/27.9, March 30.

State Highway 55 extension: Boise metropolitan area, *Idaho*. Construction of 6.5 miles of highway on new location from Overland Road north to Beacon Light Road. Federal project F–3271(16), March 30.

Correction to Highway Location Study Report. Idaho State Highway 55 extension: Ada County, *Idaho*. One possible corridor goes from S.H. 55's junction with Beacon Light Road southerly to a new interchange on I–80N, then southerly to Overland Road. Another follows existing S.H. 55. Project F–3271(b), April 15.

Freeway 518 and Iowa 1, Johnson County, *Iowa*. Freeway 518 from south of proposed interchange with US–218 (2 miles south of Iowa City) to the I–80 and I–380 interchange. Iowa 1: from west of County Road W–62 to Orchard St. Project is a bypass southwest of Iowa City, Projects F–518–4, F–1–4, March 30.

US–67: reconstruction of highway between junctions with 37th Avenue N. in Clinton, *Iowa* and County Road E–50 (distance of about 6.3 miles). A 4(f) determination is attached because project requires about 10 acres of Eagle Point Park. The Secretary of HUD has not given approval for transfer of this land to other use. Such approval is required for land purchased under the Open Spaces Program. Project F–67–2, March 30.

Route B: Cole County, *Missouri*. From Ellis Blvd. in Jefferson City to Wardsville. On new location, about 4 miles in length, controlled access. Present Route B will be retained. Project CO26–B(2), March 30.

US–169: construction of freeway on new alignment from Owasso to Collinsville, *Oklahoma*. State project F–267, March 30.

Connecting road between S.R. 170 and US–278, Beaufort County, *South Carolina*. Construction of new road on new right of way (will cross 1 mile of marsh land). Also involves construction of 3 bridges, etc. Total length of project is 7 miles, March 30.

South Carolina Route 11 Extension: construction of about 20 miles of highway on a new location from S.C. Route 28 at West Union, *South Carolina* to I–85 near Fair Play. Purpose: to provide a scenic route through Oconee County as well as provide a primary access route from I–85 to completed portion of S.C. Route 11. Project APL–5007(001), March 30.

US–321: widening road (4-lane) from I–20 to point near Crane Creek Elementary School. Length of project 2.7 miles. Richland County, *South Carolina*, March 30.

I–85 to US–123 Connector: Anderson and Pickens County, *South Carolina*. Construction of a new, two lane road (distance of about 6 miles). Plans include the acquisition of a large enough right of way for an eventual expansion to 4-lanes. March 30.

8052: Tipton County, *Tennessee*. Widening, resurfacing, etc. of 11.35 miles from S.R. 54 near Covington to the Haywood County line. FA Project S–8–52 (14), March 30.

US–287: Hardeman County, *Texas*. Construction of 2 additional lanes from the Childress county line, southeast to a mile west of Acme (a distance of 10.7 miles). Texas F 533, March 30.

Chippewa River Bridge, Rusk County, *Wisconsin*. Replacement of existing bridge and approaches with a new structure at a location approximately 2,300 feet to the east. Project 8798–0–00, March 30.

Ocala National Forest Road 23: Marion and Putnam Counties, *Florida*. Length not stated, but appears on the map to be roughly 20 miles. Purpose: to give paved access to northern part of the forest for hunting, fishing, camping, timber removal, etc. It is estimated that an annual average of 2 million board feet will be removed via F.H. 23. Project FH 23–1(1), State jobs 36519–1601, 76502–1601, March 31.

Loop 256: from State Highway 155, north of Palestine, west and south to US–79. Anderson County, *Texas*. Construction on new location of an ultimate 4-lane highway. On map provided, project looks to be a little over 1 mile in length. Purpose: bypass of Palestine. Texas S 2479, March 31.

Talladega Scenic Drive: Cleburne County, *Alabama*. Construction of 2-lane road southward for 2.6 miles from where last section ends. New road will be south of present S.H. 49. Project will enter eastern boundary of Cheaha State Park. Purpose: to serve local area, Cheaha State Park and provide access to planned Forest Service recreation areas. Project APL–1278(001), April 1.

North Spokane Freeway: construction of a freeway on the Nevada-Helena Corridor. Spokane, *Washington*. Begins at I–90 continuing to State Routes 2 and 395 near the

Little Spokane River. Length of project about 10 miles. About 610 families must be relocated, April 1.

US–231: widening, realigning, and grading of 3.2 miles of highway in Troy, *Alabama*. Part of over-all project to improve highway between Dothan and Montgomery. Project F–219(6), April 1.

I–59: construction of a rest area and welcome station on south bound lane just south of the Georgia State Line. DeKalb County, *Alabama*. Project I–59–2(24), April 1.

Eastern Bypass and US–80: Montgomery County, *Alabama*. Construction of a diamond interchange, relocation of existing frontage roads along Eastern by-pass. Federal project F–352(5), April 1.

I–65: Jefferson County, *Alabama*. From near the North Birmingham Golf Course to a point near 5-Mile Creek. Projects I–65–2(22), I–65–3(51), April 1.

Springerville-Clifton Highway (Sycamore Gulch-Silver Creek Section). Also known as Duncan-Alpine Highway (US–666) "Coronado Train". Present US–666 is being displaced by expansion of the Morence open pit mine. Involves construction of 1.93 miles of 34 ft. wide roadway. *Arizona*. Federal project F–051–2(2), April 1.

East First Street Extension: 1.57 miles of realignment and upgrading, partly on new location. From intersection of S.R. 53 and Ross to Church St. Rome, *Georgia*. Project SU–1778(1), April 1.

Northern Parkway: Baltimore, *Maryland*. Bellona Avenue to the Alameda. Requires 1.1 acres from Chanquapin Park. Will be replaced with 1.9 acres in immediate vicinity. Project US–1022(19)—BC–244–10–815, April 1.

S.R. 57: between $–10 and US–90 in Jackson County, *Mississippi*. Upgrading of existing route from 2 to 4 lanes. Project S–0119 (12) A, April 1.

South Carolina Route 56 at Spartanburg. Multilane widening from east Main St. Southeasterly to Secondary System Road S–88. (About 4.3 miles.), April 1.

S.R. 3: construction of a new by-pass east of Dyersburg, *Tennessee*. Location of this route will also influence future location of I–555 and S.R. 20. Project F–003–4( ), State project 23004–0205–04, April 1.

S.R. 34: widening of route on south side between point near Thompson Creek and Jaybird Road. Hamblen County, *Tennessee*. Length of project approximately 1 mile. FA project F–034–1(37), April 1.

Alabama S.R. 50: Lafayette, *Alabama*. Construction of 2.13 miles of highway from 500 ft. west of US–431 south of Lafayette to Alabama Highway 50, .06 mile east of eastern city limits. Project S–263–B, April 2.

Route 65: Taney County, *Missouri*, Boone County *Arkansas*. Involves improving alignment and surface of existing road from Route 165 8.6 miles to the Arkansas line (includes 2000 feet of construction in Arkansas). Missouri project F–6501(16), April 2.

Route 61: Lincoln County, *Missouri*. Widening 8.5 miles of the present road (from 2 to 4 lanes) between Bowling Green and Troy, April 2.

Route 61–54: Pike County, *Missouri*. Involves upgrading 8.1 miles of road to dual lane, controlled access, facility. From north of Bowling Green to south of Bowling Green. Purpose: relieve congestion, provide for future traffic. Project CO82–61(6), April 2.

Route BB: Rolla, *Missouri*. From 10th St.-Elm St. to Iowa St. Will connect 10th St. over the St. Louis-San Francisco Railroad. Purpose: to give Route BB traffic a continuous direct route to Route 63. Missouri project US–USG–1176(4), April 2.

State Route 151: Harrison County, *Ohio*. Construction of 2-lanes from junction of S.R. 212 and S.R. 152, to 0.9 mile east of Scio (a distance of 7.5 miles). Purpose: replace present road that cars cannot safely exceed 35 mph on. Ohio project S–780(8), April 2.

US–176: Spartanburg County, *South Carolina*. Widening about 5 miles (from 2 to 4 lanes) from Spartanburg to Pacolet, April 2.

Secondary Route 6371: Rutherford County, *Tennessee*. Upgrading 2.5 miles from Sulpher Spring Rd. to S.R. 10. Last segment of route to be upgraded. Will provide direct access between US–41 and US 231, and will open large section of the county for industrial and residential development. Federal project S–6371(2) State project 75–78–1301–03, April 2.

US–377: Denton, *Texas*. Re-routing of about a mile from existing US–377 north along Carroll Street to Hickory Street. Purpose: efficient, rapid traffic flow, April 2.

State Route 291: Campbell County, *Virginia* (west of Lynchburg). Also known as Northwest Expressway. Construction of 4-lane divided highway on new location from junction of Routes 297 and 126 north to Route 460. Purpose: relieve congestion on present 2-lane facility, etc. Federal project F–038–1(6). State projects 0291–015–102, PE–101, RW–201, C–501, April 2.

I–90. Involves widening of existing highway (construction of 6 new lanes from S.R. 5 to West Shore of Mercer Island, Seattle, *Washington*. Also involves building a tunnel through Mt. Baker Ridge and a floating bridge. Project I–90–1, April 5.

Washington Avenue extension: Jonesboro, *Arkansas*. Construction of a route from Jonesboro to US–63 By-Pass. Federal project S–1262(1), Job C–16–11, April 5.

Interstate H–2: West side of Pearl City, Oahu, *Hawaii*. Construction of 4.4 miles of highway from Waiahole Ditch to Waikakalaua Gulch. Will be parallel and supplementary to existing Kamehameha Highway. Purpose: fast, safe transportation and reduction in travel time between defense installations, April 5.

I–459: Pump House road interchange with US–280. Jefferson County, *Alabama*. Construction of multi-lane limited access highway from I–59 south of Bessemer (near 5-mile Creek) to a northeasterly point south of US–11. Pump House Road will be widened to 4 lanes along its present alignment. Four private lakes will be affected. Project I–459–4(11), S–3712(103), April 6.

I–40: (Kingman-Ashfork Highway) Yavapai County, *Arizona*. Three projects, covering a total distance of 16.79 miles, are involved: Mohave County Line-East, Juniper Mountain section and Juniper Mountain-Chino sections. Project will reduce grazing for cattle and wildlife. Purpose: rapid movement of national, state, and local traffic, etc. Arizona project I–40–2(53), (56), (59), April 6.

I–40: Navajo County, *Arizona*. Route to bypass city of Winslow on the north. Will alleviate congested condition. Project is 8.4 miles in length. Project 1–40–4(60) Unit I, I–40–4(61), Unit II and I–40–4(81) Unit III, April 6.

State Highway Route 169: Yavapai County, *Arizona*. Upgrading, realignment from Dewey to I–17. Two segments of the Prescott-Camp Verde Corridor are included: the Yarber Wash-Hackberry Wash section, and the Hackberry Wash to I–17 section. About 10 miles of construction are involved. Projects S–447–504, S–447–503, April 6.

State Highway Route 260: Clay Springs and Pinedale section, Navajo County, *Arizona*. These two projects lie about halfway between Heber and Show Low and comprise a total distance of 10.87 miles. Alignment will be improved, etc. Projects F–053–2(9), F–053–2(10), April 6.

US–67: White County, *Arkansas*. Construction of US–167 on new location from south end of present Search Bypass to junction with existing US–67–167 north of Bald Knob. (Length not stated, but map indicates preferred route involves about 12 miles of 4-lane highway). Federal projects F–021–3 (15), F–021–3(24). Jobs 5562 and 5619, April 6.

K–10: Douglas and Johnson Counties, *Kansas*. Upgrading of 12 miles of highway to 4-lane freeway, to relieve present congestion. Projects 10–23 F–078–6(18), 10–46 F–078–6 (19), April 6.

Kentucky Route 54: Parrish Ave., Owensboro, *Kentucky*. Widening existing road from 2 to 4 lanes between the Owensboro Interchange Limits and Bosley Rd. (1.05 miles), April 6.

SA–1: Lyndon, *Vermont*. Slight realignment to provide safe intersection with US–5. Involves rerouting of vehicular traffic around covered bridge to be retained for pedestrians. Project S 0245 ( )SA & SAB 7101, April 6.

State Highway Route 64: (Williams-Grand Canyon-Cameron Highway (Dead Indian Canyon Section) Coconino County, *Arizona*. New alignment of 2 miles as part of facility providing access to the south rim of the Grand Canyon from the east. Some scarring of natural landscape will occur. Project FLH–033–1(2), April 7.

Route 13: Polk and Greene Counties, *Missouri*. From Bolivar to Springfield. Purpose: to provide dual lane limited access facility for Route 13 (present road is 2 lanes). Missouri projects F–13–2(8), (9), (10), (11), (12) and U–13–2(13), April 7.

Route 54: Miller County, *Missouri*. Upgrading of present road to dual lane limited access facility from one mile west of Route FF to Cole County. Project F–54–3(22), April 7.

US–50: relocation of about 10 miles to provide high type limited access facility, connecting I–275 with Columbia Parkway and the proposed Red Bank Connector Expressway. Hamilton and Clermont Counties, *Ohio*. HAM–US–50–29.63/31.10 (unprogrammed). HAM–US–50–32.10/0.00 (unprogrammed), April 7.

South Carolina Route 9: 4-lane widening of 24 miles of highway between S.C. 265 near Ruby, and Bennettsville. On Market Street in Cheraw the grassy plots between the street and sidewalks would be used. South Carolina projects F–094–2, U–035–3(50), F–094–3, April 7.

Southeastern Beltway. Richland and Lexington Counties, *South Carolina*. Proposed multi-lane freeway from I–26 (just south of US–321) to an interchange with S.C. Route 555 (about 19 miles). Purpose: a circumferential freeway around the Columbia area. Impact: about 157 residences would have to be removed (⅔'s are mobile homes) and about 40 businesses. May be property value depreciation in some middle and upper middle class neighborhoods. Project U–045–1, April 7.

Secondary Route 4306: Hamilton County, *Tennessee*. Upgrading of 1.23 miles of highway from Austin Road in Hixton to Middle Valley Road. Purpose: alleviate dangerous railroad overhead and bridge. Federal project SU–4306(7). State project 33055–1305–03, April 7.

Secondary Route 4340: Hamilton County, *Tennessee*. Reconstruction from Hixon Pike to the new Sequoyan stream plant access road (about 2.3 miles north of New Salem), Federal project S–4340(1). State project 33064–1303–03, April 7.

Secondary Route 2624: Roane County, *Tennessee*. Construction of 1.22 miles of highway from 1 mile east of Post Oak to S.R. 61. Federal project S–2624(1). State project 73–068–032–03, April 7.

Secondary Route 4343: Hamilton County, *Tennessee*. Improving and straightening 1.2 miles from FAS 4427 at Ooltewah-Ringgold Rd. to Collegedate, April 7.

I–80: (Cheyenne-Archer portion) Laramie County, *Wyoming*. Construction of about 7.5 miles of highway. Rerouting of Bureau of Reclamation power lines is still open to suggestion. Project I–80–6(3), April 7.

US–31: Widening, etc., of .66 mile. Project is located where US–31 intersects with Federal Road. Purpose: to eliminate hazardous intersection. Lowndes County, *Alabama*, April 8.

S.R. 49: Tallapoosa County, *Alabama*. Construction of a rural type 2-lane facility. Length of project 1.72 miles. Involves relocation of section over the Central of Georgia Railroad, S–6203 ( ), April 8.

U.S.–98: Upgrading and widening highway. Begins in Mobile, *Alabama* and continues for 5.29 miles in the direction of Natchez, *Mississippi*. Project F–210 ( ), April 8.

U.S.–89: (Hickenburg-Prescott Highway). Proposed corridor relocation and improvement between Congress and Yarnell, *Arizona*. Length of project 4.5 miles. Projects F–025–1(9). Unit 1, F–025–1(10) Unit 11, April 8.

Boring Road Section, Mt. Hood Highway, *Oregon*. Proposal to build a freeway type interchange and grade separation structure over Mt. Hood Highway to improve safety, April 8.

Delaware Expressway (L.R. 1000, Section B), Philadelphia, *Pennsylvania*. Plans for a 6–8-lane divided highway from Queen Street in a northly direction 2.15 miles to Frankford Avenue. One hundred and thirty businesses and thirty residences must still be relocated. Project 1–1000–4–006–065, April 8.

S–2216: Replacement of existing country road with an all-weather paved road. Elbert County, *Georgia*. Federal Aid Highway Project S–2216(2). April 8.

I–70: Reconstruction of a 40-mile section between intersection with I–79 and the Pennsylvania Turnpike. Washington and Westmoreland Counties, *Pennsylvania*. Involves widening to accommodate 4 directional lanes with a wide median and berms, upgrading, interchanges, etc., April 8.

Innerbelt Freeway: Would connect James Island with North Charleston, *South Carolina*. Construction of 18 miles of multi-lane freeway. It would encroach on some marshland. Homeowners have objected to some alternative routes that would divide their communities. Letters of protest about other possible routes have also been received, April 8.

US–76: Widening from 2 to 4 lanes between Marion and Mullins, *South Carolina* (about 8.6 miles), April 8.

Road S–145: (Burtons Lane) Upgrading .3 mile of road in northern section of the Charleston Peninsula, *South Carolina*, April 8.

State Routes 8 and 111: Sequatchie County, *Tennessee*. Upgrading of highway (better alignment, etc.) from 2.5 miles south of Cagle to the Van Boren County line (a distance of 7.77 miles). Federal projects APD–067–1( ), APD–10–1( ). State projects 77002–0219–64, 77005–0204–64, April 8.

State Route III, White County, *Tennessee*. Project is a north-south bypass, 3.4 miles in length of Sparta. It will be a 4-lane divided highway. Federal project APD–100–1(1). State project 93052–1201–04, April 8.

State Route 61: Anderson County, *Tennessee*. Upgrading, realignment of 4.7 miles of existing S.R. 61, from 1000 feet northeast of Clinch River Bridge, northeasterly to S.R. 71. Purpose: safety, efficiency, improved access to state parks. Federal project F–079–1, April 8.

US–67: From 1 mile north of Midlothian to Dallas County line, *Texas*. Length—3.2 miles. Continuation of an existing multilane facility, April 8.

US–302: (The Barre-Montpelier Expressway) Berlin and Montpelier, *Vermont*. Construction of about .7 mile of 4-lane divided highway. Involves relocation of 1600 feet of the Winooski River. Project U 026–1(10), April 8.

International Airport Road, Anchorage, *Alaska*. Plans for a 4-lane divided facility from the airport terminal easterly for 2.4 miles. Project F–042–1(32), April 9.

US–80 to Junction I–10 Section of the Gila Bend-Buckeye Highway, Maricopa County, *Arizona*. Construction of two 38 foot divided roadways to serve as a connecting link between Buckeye, Arizona, and I–10. Length of these two combined projects is about 4.3 miles. Projects F–FG–023–1(2) and F–023–1(3), April 9.

North Platte Valley freeway corridor study. Wyoming state line to Broadwater. Sioux, Scotts, Bluff, Banner and Morrill counties, *Nebraska* (about 75 miles). This project represents one of 11 study route alternates. Nebraska Project F–300(15), April 9.

US–69: from Armstrong in Bryan County, northeasterly 27.2 miles to Atoka in Atoka County, *Oklahoma*. Involves relocation and development to freeway standards. Project requires 14 acres from the Durant Fish Hatchery. A 4(F) determination is attached. Highway will provide good access to the hatchery. Oklahoma project F–219, April 9.

Secondary Route 2591, Knox County, *Tennessee*. Construction of about 2 miles of proposed John Sevier Parkway from S–2591 near Neubert Springs Road to S.R. 71, April 9.

State Route 8: Hamilton and Sequatchie Counties, *Tennessee*. Improving alignment from 1 mile south of Sequatchie County line to S.R. 28 south of Dunlap. Purpose: improve safety, travel time, promote industrial and recreational growth. Federal project ADP–028–1( ). State projects 3301–0203–64 and 77001–0212–64, April 9.

S.R. 668: expansion and upgrading of highway from intersection of Secondary Route 633 near Hurt, *Virginia* to intersection of Secondary Route 640 near Grit. Project S–387 ( ), April 9.

State Route 6: Goochland County, *Virginia*. Widening of 5.6 miles of present road from 2 to 4 lanes. From the Henrico-Goochland County line west. Project S–528( ). State Proj. 0006–037–108, PE–101, RW–201, G–501, April 9.

US–13: Safety improvements (eliminating some median cross-overs, adding deceleration and acceleration lanes, etc.) from Delaware 10 to Coopers Corner, Kent County, *Delaware*. Project F–106(18), April 12.

Delaware Route 4: (Newark Beltway) Construction of 7.7 miles of multi-lane highway from Ogletown to New London Road. New Castle County, April 12.

Kentucky 17 and 467: Bridges and approaches at Grassy Creek (Pendleton County). Replacement of temporary bridges that are unusable during high water, April 12.

US–31: relocation from the Indiana-Michigan state line to north of Niles, *Michigan*, April 12.

Route M: Iron County, *Missouri*. Construction of 4.3 miles of highway (2 miles over an existing country road) from the stub end of Route M west to Route 4, April 12.

Ky–80: (Somerset-London Road) Construction of a multi-lane highway, including river crossing from Stab to point on river 2 miles downstream of existing Rockcastle River Bridge, Pulaski County, *Kentucky*. Purpose: to replace a segment with an unusually high accident rate. Project AP 100–95–61, APD 195(24), April 12.

I–670: Kansas City, *Missouri*. Construction of 0.9 mile of 6-lane freeway, mainly elevated, from intersection of I–29 and 35, to I–670 in *Kansas*. Will require 1.1 acres of West Terrace Park, April 12.

Loop 375: from I–10 to US–62–180. El Paso County, *Texas*. Involves construction of 7.3 miles of highway across desert terrain. Texas S 615, April 12.

I–65: Mobile-Baldwin Counties, *Alabama*. Projects I–65–1 (84) (85) (87). The last gap to be closed in I–65 between Alabaster and Mobile. Route will bridge many rivers, lakes, and streams in an area with much wildlife. It will provide bypass of Bay Minette. Project begins near US–43 (at end of construction on project 1–65–1(56) and goes to Project I–65–1(55) near Alabama 225, April 13.

S.R. 101: (Evergreen Parkway) Construction of 4-lane parkway from existing S.R. 101 northerly to Evergreen State College, *Washington*. Length of project 1.92 miles. Project FAS–1069, April 13.

Jefferson Freeway (Jefferson County, *Kentucky*). F 552 (8), SP 56–468–16L10. This short freeway segment will run from 3500 feet south of Louisville-LaGrange Road to 1123 feet south of Westport Road. Recommended location would divide Winchester Acres subdivision, April 13.

Topics Street 11: in Laredo on Washington St. between Santa Rita Ave. and Pinder Ave., *Texas*. Construction of a railroad overpass and approaches to serve as entrance to the old Fort McIntosh area. Length: 0.3 mile. Texas: T–T6 9012(2), April 13.

FAP Primary Route 24: Nansemond County and city of Chesapeake, *Virginia*. Widening existing section to six lanes. Project extends 2.962 miles west and 1.637 miles east of the West Corporate Limits of Chesapeake. Project runs through Dismal Swamps (one of largest swamp lands on east coast). Virginia projects F–024–3 ( ) and U–131–1 ( ), April 13.

Hood Canal Bridge Viewpoint, near Port Gamble, Kitsap County, *Washington*. Construction of access road connecting to S.R. 3, parking areas, rest room building, viewpoint platform. Site is bordered by State Routes 104 and 3. Project F–011–1. April 13.

S.R. 8: Construction of a rest area on the westbound lane identical to rest area on eastbound lane. Grays Harbor County, *Washington*. Project F–010–1. April 13.

S.R. 97: (Lincoln Rock Viewpoint), Chelan County, *Washington*. Construction of two-lane roadway, left turn channelization on S.R. 97, etc. Purpose: to provide safer access to Swakane Canyon Rd. and to provide a point from which to view Lincoln Rock. Project F–029–1. April 13.

S.R. 20: Reconstruction of 3.22 miles of 2-lane roadway, etc. from S.R. 153 to Beaver Creek. Okanogan County, *Washington*. Project F–052–3. April 13.

STH–69: (Illinois State Line-Monroe Road) Reconstruction of 5.6 miles of road between *Wisconsin*-Illinois state line and Monroe, Wisconsin. Involves relocation of 1.2 miles. Project requires 156 acreas of agricultural land. Project F 032–1(21), April 13.

USH 151: (Fond du Lac-Peebles Road) Fond du Lac County, *Wisconsin*. Reconstruction of USH 151 for 4 miles between Fond du Lac and Peebles. Purpose: reduce accidents, etc. Wisconsin Project T 035–2(16), April 13.

Kodiak Naval Air Station Highway Improvement, *Alaska*. Construction of 9.5 miles of two 12-foot lanes, all within the Naval Station. Purpose: to provide safe, efficient travel from Kodiak to the commercial air terminal on the Naval Station. Projects S–0391(4) and F–011–1(9), April 14.

US–80: Construction and surfacing of new roadway parallel to and 50 feet north of existing highway connecting Douglas and Bisbee, *Arizona* (about 8.5 miles). Purpose: to handle traffic between Cochise College, the Phelps Dodge smelter plant and Douglas. Federal project F–016–1(17) Unit I, F–016–1(18) Unit II Cochise Junior College-Douglas, F–106–1(19), April 14.

US–666/180: Proposed corridor relocation and improvement of 8.21 miles (Nutrioso-Alpine section in Apache County, *Arizona*. Road will be widened 12 feet, etc. Arizona project F–051–2(9) Unit 1 & (12) Unit II, April 14.

Pomona Freeway: Proposed widening from Mednik Ave. to 0.2 mile east of Rosemead Blvd., Los Angeles County, *California*. Project will provide 5 to 6 lanes in both directions, April 14.

U 280: (Davison Freeway), Highland Park, *Michigan*. Expansion and replacement of 1.3 mile length between the Lodge-Davison Interchange to the Chrysler-Davison Interchange, April 14.

US–49: construction of 25 miles of 4-lane highway from Jackson, *Mississippi* to 2 miles north of Bentonia. With exception of the location of road through Flora and Bentonia, the existing two lane road will be used. Projects SP-0008-3(8), SP-0008-3(9), and SP-0008-4(7), April 14.

I-280: construction of highway from east end of Stickel Bridge in Harrison, to Route I-95 in Kearny, *New Jersey* (2.3 miles), April 14.

S.R. 14: realignment and upgrading of highway from a point 8 miles south of Tijeras, *New Mexico* to a point 4 miles south. Seventy percent of land adjacent to the project lies within Cibola National Forest. Project S-1500(11), April 14.

US-277 and US-240: Eagle Pass, *Texas*. Relocation of these routes through the city, to handle more traffic. Texas S 752, April 14.

S.R. 28: construction of 2600 feet of 2-lane frontage road on both sides of S.R. 28 from Grant Road in East Wenatchee and running southerly. *Washington*. Washington F-030-1, April 14.

Bagdad-Hillside Highway, Yavapai County, *Arizona*. Realignment and widening of the section designated as Bagdad-Junction S.R. 97. Length of project approximately 4 miles. Project S-370-501, April 15.

S.R. 95 to Blaine Avenue, SR-US-30S to Blaine Avenue. West side of Marion, *Ohio*. Replacement of 2-way roads with multiple lane highway and separation of major railroad crossings. Between 99 and 134 residences will be taken. MAR-95-11.54, MAR-30S-15.22, MAR-30S-15.82, April 15.

S.H. Loop 9: Dallas County, *Texas*. Construction of 22.9 miles of controlled access highway from I.H. 20 north to Denton Tap Road. Purpose: to handle anticipated traffic between Dallas and Fort Worth. Eighty-four families, 2 businesses and a church will be displaced, April 15.

I-90: Kittatas County, *Washington*. Improvement of 5.25 miles from top of Easton Hill to point just east of Easton. Involves construction of additional lanes (some of new alignment), interchanges and frontage roads, additional on and off ramps, etc. Attached is 4(F) report as project (West Easton Interchange) takes approximately 13 acres of Lake Easton State Park. Project I-90-2, April 15.

S.R. 20: improvement from Mazama to Winthrop—a distance of 14 miles. Involves widening, better alignment, by-pass of Winthrop. *Washington*. F-05203, April 15.

I-65: northern Shelby and southern Jefferson Counties, *Alabama*. Construction of 4-6 lane highway. Generally parallel to and east of US-31. These two projects represent 2 of the 3 remaining projects needed to complete the 13.7 mile gap between Alabaster and Hoover. Project I-65-2(31) (32), April 16.

US-80: Lowndes County, *Alabama*. Construction of 2 additional lanes from 1 mile west of Big Swamp Creek to beginning of existing 4 lanes toward Montgomery (on attached map it looks like roughly 11 miles). Project F-139(6), April 16.

US-43: Bypass of southwestern Winfield, *Alabama*. Construction of 1.9 miles of highway. Project F-437, April 15.

Haines Highway: *Alaska*. Reconstruction of 40 miles from Haines to Canadian border. Crosses areas where salmon spawn, Bald Eagles, moose, and Brown Bears live. Project F-095-10(4), April 16.

State Highway Route 169: Del Norte and Humboldt Counties, *California*. Between Route 101 near Klamath and Route 96 near Weitchpec. Improvement of 41.9 miles of 2-lane road, April 16.

K-10: Johnson County, *Kansas*. Realignment of 7 miles ¾ of a mile south of DeSoto east and southeast to K-7 (part of a connection between Kansas City and Lawrence). Project 10-46 F-078-6(16), April 16.

U.S. 24: Kansas City, *Kansas*. Widening of 0.472 miles to 4-lanes from 385 feet east of the intersection with 43rd St., east to 36th St. Project 24-105 U-072-1(22), April 16.

Paducah-Tennessee State Line Road: McCracken County, *Tennessee*. Construction of 4.07 miles of 4-lane controlled-access highway. Begins .36 miles southeast of U.S. 60 continuing through an interchange between U.S. 62 and 45 and ending just southeast of Kentucky Highway 994. Construction also of east and west connectors with U.S. 60 and 45. Purpose: to provide a link with I-24, provide a bypass around Paducah, etc. April 16.

Route 24 and Route C, Randolph County, *Missouri*. Upgrading of 7 miles of narrow road to a modern 2-lane facility, designed to be expanded in future. From west of Huntsville to east of Moberly. Project will require land from Rothwell Park. Missouri project F-24-2-(1) and C088-24(5)U, April 16.

Hampton Bypass, Greenville, *South Carolina*. Proposed 8.5 miles of expressway from I-385 east of Greenville north to U.S. 29 near Taylors.

S.R. 195: Palouse County, *Washington*. Construction of 2-lane road from Pullman to Wawawaii Road. Will bypass Pullman and relieve congestion. Washington F-037-1( ) L-3875, April 16.

I-10 (Ehrenberg-Phoenix Highway): Maricopa County, *Arizona*. Statement covers 3 sections: Tonopah-Buckeye, Buckeye-Cemetery, Cemetery-Perryville. Construction of grade and drain for new 4-lane highway across 21.9 miles of scenic desert. Plan to relocate major specimen ocotillo and Saguaro cacti presently in path of construction. Federal projects I-10-2(16), I-10-2(28), I-10-2(31), April 19.

Kingman-Ash Fork Highway (I-40): Mohave County, *Arizona*. Two sections are covered: Lookout Wash and Yavapai County Line. New alignment for I-40 between Kingman and Ash Fork. Involves construction of 9.68 miles of 38 foot wide road across prime antelope and deer country. (Will replace dangerous section of U.S. 66). Federal projects I-40-2(41), I-40-2(44), April 19.

Holbrook Interstate Freeway, Unit I: Navajo County, *Arizona*. First of 2 projects which will replace U.S. 66 through Holbrook. From Leroux Wash 2 miles west of Holbrook to just west of 8th St. on the north side of town. Project I-40-4(30), April 19.

Route 25: Litchfield, *Connecticut*. Realignment of ¼ mile. Purpose: improve sight line at intersection with Maple St. State project 73-126, April 19.

Old Spartanburg Road (S-94): Greenville County, *South Carolina*. Widening 4.2 mile segment from S.C. Route 29 in Greenville, northeasterly to Brushy Creek Rd., April 19.

U.S. 17: Georgetown, *South Carolina*. Multi-lane widening of 6.8 miles from near Botts St. southerly to Secondary System Road S-23, April 19.

Bridge and approaches, Rivermont Ave. over Norfolk and Western Railway and Blackwater Creek. Lynchburg, *Virginia*. Purpose: replace deteriorating bridge, April 19.

U.S. 460: Giles County, *Virginia*. Involves construction of segment of a planned partial bypass of Pearisburg and the Ripplemead community. Project AC-ADD-02301(35), F-023-1( ), April 19.

I-8 (Yuma-Casa Grande Highway) Yuma, *Arizona*. Surfacing of 1.5 mile segment of interstate highway, from 4th St. to 16th St. (railroad underpass). Federal project I-IG-8-1(62), April 20.

I-15: Mohave County, *Arizona*. From Littlefield to the Utah state line. Four projects are involved: Littlefield traffic interchange—I-15-1(21); Cedar Pocket T. I. rest area—I-15-1(30); Littlefield to Cedar Pocket surfacing—I-15-1(27); and Cedar Pocket to Utah surfacing—I-15-1(29), April 20.

State Highway Route 177: Pinal County, *Arizona*. (Winkleman-Superior Highway, Superior south section.) Replacement of 3 miles, from U.S. 60 south, of old stretch of S.R. 177 that has poor horizontal and vertical alignment. Project falls within the boundaries of the Tonto National Forest. Arizona non-Federal-aid project S-316-505, April 20.

Santa Cruz Wash-Junction 1-10 section, of the Junction 1-10—Casa Grande-Picacho Highway: Pinal County, *Arizona*. Construction of 5.7 miles of 4-lane highway, with fenced right of way, etc. Construction will be along existing highway or right of way. Project F-014-1(5), April 20.

I-10: Ehrenberg-Phoenix Highway (Perryville Rd. to Bullard Rd., Bullard Rd. to 107th Ave., 107th Ave. to 67th Ave.). Maricopa County, *Arizona*. Involves construction of 14.8 miles of 4-lane highway through desert, agricultural and rural residential areas. Projects I-10-2(34), I-IG-10-2(37), I-10-2(40), April 20.

SR 115: Duval County, *Florida*. About 2.4 miles of 4-lane highway are planned between Trout River and the proposed interchange on I-295. Would replace 2-lane rural type highway, April 20.

S.R. 30 (U.S. 98): replacement of 2 existing bridges over the Carrabelle River with a single concrete steel structure. Some dredging and spoiling of the Crooked and Carrabelle Rivers and marshlands. Franklin County, *Florida*. Project F-017-2(27), April 20.

SR-331: Alachua County, *Florida*. Involves upgrading 2.75 miles of 2-lane rural highway to 4-lane divided highway. From State Road 329 to State Roads 20, 24 and 26. Federal job no. US-703(1), April 20.

Route I-44: Pulaski County, *Missouri*. Replacement of substandard road with dual lane highway for distance of 4.7 miles. Purpose: safety, efficiency. Missouri project I-44-2(32), April 20.

State Route 5 (Trenton bypass): Gibson County, *Tennessee*. Relocation from north of Trenton to north of Dyer (about 7.35 miles). Purpose: to bypass Trenton. Project F-04401 ( ), April 20.

Loop 335 around Amarillo, *Texas*. Section from U.S. 60 and 66 to U.S. 87 and 287. Improvement of existing roads to 4-lane facility, April 20.

STH-72 (Ellsworth-Elmwood Road). Reconstruction of existing road between Cave Creek and a point near the junction with STH 183 at Waverly, *Wisconsin*. Realignment of a portion of the road near Cave Creek requires 28 acres of tillable land. Project FAS 075( ), April 20.

I-17: Yavapia County, *Arizona*. (Copper Canyon to McGuireville section of the Cordes Junction to Flagstaff Highway.) 5.4 mile project crosses northwest corner of Montezuma Castle National Monument. Involves building a new road for northbound lanes, etc. Project I-17-1(48), April 21.

U.S. 17, SR 15, 20 and 100: St. Johns River Bridge at Palatka. Putnam County, *Florida*. A high level 4-lane structure is planned. Some realignment of the river channel will be needed, April 21.

U.S. 220: construction of a bridge over the C&O and B&O railroad. Bedford and Frederick Streets, Cumberland, *Maryland*. Maryland project U 907-1(2), April 21.

I-5 (Pacific Highway): redevelopment from a 4-lane to a 6-lane highway between the South Tigard Interchange and Tualatin River on I-5. Tigard and Tualatin, *Oregon*, April 21.

KY-54-Parrish Avenue: widening existing road from 2-lane to 4-lane curb and gutter section with a 20 foot median. Length: 1.05 miles. Owensboro, *Kentucky*, April 22.

U.S. 17: relocation of highway to bypass Edenton, *North Carolina*. Length: 6:6 miles. Project F-75(9), April 22.

Secondary Route 4431: Putnam County, *Tennessee*. Construction of 1.2 miles of highway from Willow Ave. and 12th St. to State Route 135 on new location. Project S-SU-4431(6). State project 71027-1310-03, April 22.

State Route 61: Clinton, *Tennessee*. From intersection with Hillcrest St., northeasterly about 3 miles to S.R. 61 near the Clinch River Bridge. Will improve capacity, safety, efficiency. Will not follow present path of

S.R. 61. Project F–079–1( ). State project 01005–0207–04, April 22.

I–20: 2 construction projects between Irondale and Leeds, *Alabama*. Along with a third proposed project, these projects will complete a 9.6 mile gap between I–59 in Birmingham and the Georgia state line. Purpose: to provide a bypass around suburban area of Irondale and East Birmingham. Projects I–20–1(30), I–20–1 ( ), April 23.

U.S. 31: Escambia County, *Alabama*. Replacement of 2-lane highway with what will ultimately be a 4-lane highway, on new location from one-half mile east of Canoe on U.S. 31 easterly for 4.7 miles. Purpose: safer, more comfortable travel. Projects F–226(6) and F–96(19), April 23.

U.S. 43: Clarke County, *Alabama*. Improving this highway to 4 lanes from Grove Hill to Thomasville (about 13.03 miles). Project F–231( ), S–1080–F, April 23.

I–19. Santa Cruz County, *Arizona*. (Otero-Carmen section of the Nogales-Tucson Highway.) Construction of 4.8 miles on highway. Study now in progress of where highway should be located in vicinity of Josephine Wash. Project I–19–1(25), April 23.

Route 110: Jefferson County, *Missouri*. Improvement of 5.2 miles of highway between Desoto and Route 67. It will be a 4-lane arterial highway. Purpose: safety. Old road (Route 110) will be maintained as service route. Missouri projects S–140(1), S–140(3), April 23.

Route 50: Cole County, *Missouri*. About 5.7 miles of highway will be upgraded to a dual lane facility, from Moreau River to west of Osage River. Present route has poor alignment, and is overloaded, April 23.

State Route 5 (Humboldt Bypass): *Tennessee*. From 500 feet northwest of Sugar Creek to SR–76. Length: 2.6 miles. Construction of 4-lane divided highway (only 2 lanes would be built at present). Project F–ect F–012–2( ), April 23.

U.S. 17: construction of 24 foot pavement parallel to the existing road, making a 4-lane divided facility. Starts about 2 miles east of the Caroline-Spotsylvania County line, *Virginia*, and ends about 1 mile west of this county line. Total length: 4.82 miles. Project F–012–2( ), April 23.

U.S. 36: bypass of Greeley on the east. *Colorado*. From the South Greely interchange of U.S. 34 and U.S. 85, easterly and southeasterly for about 11 miles to a point on present U.S. 34. Purpose: to continue the U.S. 34 bypass, improve safety. Project F–034–2(1), April 26.

KY–11 and KY–1325: bridges and approaches over Licking River and Flat Creek. Fleming and Bath Counties, *Kentucky*. Purpose: replacement of 2 weak bridges (one is a covered bridge), April 26.

State Route 13 in Lamar and Pearl River Counties between the N.O. & N.E. Railroad in Lumberton to the S.R. 13 interchange on I–59. *Mississippi*. Reconstruction of narrow, deteriorating section. Project F–023–1(27), April 26.

I–76: Camden, *New Jersey*. Statement covers section from Atlantic Ave. to a point south of Morgan Blvd. About 1.6 miles. It lists grade separation structures, streets that will be terminated, April 26.

Project will take 2.3 acres from Staley Park (an additional city park is under construction to replace it).

Route 460 (Farmville Bypass), *Virginia*. Construction of a 4-lane facility on new location from just west of intersection of Routes 15 and 460 west of Farmville, to a point east of Farmville. Length: about 8.48 miles. Federal project F–04–1(40)&(41). State project 7460–073–101, C–501, C–502, April 26.

C.T.H. "F": Taylor County, *Wisconsin*. Reconstruction from Lubin northeasterly 3.1 miles to the junction of STH 64. Wisconsin project S–052(17), April 26.

Kodiak, *Alaska*. Construction of 3.7 miles of 2-lane gravel road. Purpose: provide an all-weather road to the watershed of Monashka Creek, where a city water supply reservoir will be built. Project S–0391(2), April 27.

Homer East Road: Homer, *Alaska*. From junction with Sterling Highway northeasterly along existing route for 8.3 miles (will be a 2-lane concrete highway—it is now gravel). Project S–0414(2), April 27.

Fairbanks to Nenana Highway: *Alaska*. From 25 miles west of Ester to 7 miles west of Ester, along existing road. Then across new location to a point just east of Ester. Purpose: replace substandard road. Project F–037–1(25), April 27.

Appalachian Route 2697 (001). Bartow County, *Georgia*. Highway construction from the Cartersville-Rockmart Highway (S.R. 113) at a point north of Richland Creek, easterly to S.R. 293. Purpose: bypass Cartersville. Georgia project APL 2697(001), April 27.

Carroll County, *Georgia* (partly in Carrollton). Construction of a road from a point on S–835 (0.25 mile east of west city limit) northeast to S.R. 1, U.S. 27 (about 1.25 miles from city limit). Purpose: to open area to industrial development. State project APL 8009(001), April 27.

Lumpkin County, *Georgia*. Replacement of an unimproved county road between Lumpkin Park Road and State Route 60 with an all-weather paved road. Project S–2576(1), April 27.

State Route 15 (*Mississippi* Highway): relocation of highway between interchange with I–20 and a point on S.R. 15, 3.5 miles south (around the east side of Newton), April 27.

U.S. 45: Lee County, *Mississippi*. From the Chickasaw-Lee County line to U.S. 78, U.S. 45 Bypass at E/Main St. in Tupelo. Relocation and reconstruction as a 4-lane divided highway. Project F–002–5(2)(1), April 27.

U.S. 45: Noxubee County, *Mississippi*. (Around the east side of Macon.) Relocation from 3 miles south of Macon, bypassing Macon to the east, to a point about 4 miles north of Macon. Length: about 9 miles. Project SP–002–03(4), April 27.

State Route 101: Widening of road between Deer Park Rd. and Fairview Rd. Realignment of a small section near Bagley Creek. Clallam County, *Washington*. Project F–007–4, April 27.

Route H: Boone, Callaway Counties, *Missouri*. Road construction from Route H east to Route J, partly on new location. Project will require land from Cedar Creek Management Area. Purpose: provide an all weather crossing of Cedar Creek, etc., April 28.

U.S. 69: *Oklahoma*. Relocation—construction of freeway from Summit northeasterly 20.9 miles to S.H. 51 at Wagoner. State project F–593, April 28.

I–182: Franklin County, *Washington*. Construction of 1.5 miles in vicinity of junction of S.R. 12 and S.R. 395, April 28.

FHWA 4(f) Statements: The following are not 102 statements. They are explanations of the Secretary of Transportation's approval of projects to be implemented under Section 4(f) of the Department of Transportation Act. 49, U.S.C. Section 1653 (f).

Title, description, and date

U–001–7(37): highway construction will take .16 acre from Blount Mansion National Lankmark, Knoxville, *Tennessee*, April 20.

I–80: highway construction requires use of 4.29 acres of Kimball County Recreational Area, *Nebraska*, April 20.

U.S. 2: Devils Lake, *North Dakota*. Highway improvement will take 2.8 acres from Roosevelt Park, April 26.

I–95: Palm Beach County, *Florida*. The close proximity of this proposed project to Lake Ada Park may affect the park. The statement concludes that this is not a true 4(f) matter, and asserts that the park and highway will compliment one another, April 26.

I–83 and I–695: highway interchange construction will require 5.46 acres of Seminary Park Recreation Area, Baltimore County, *Maryland*. Federal Project I–83–2(68). April 26.

U.S. 160: highway project requires over 36 acres from Mesa Verde National Park, *Colorado*. Federal project F 160–1(7), April 26.

U.S. Coast Guard

Contact: William R. Riedel, DOT Coordinator, Water Resources, 400 7th Street, S.W., Washington, D.C. 20591, 426–2274.

Draft

Title, description, and date

Bee Line Expressway extension: construction of fixed dual highway bridges over the St. Johns River between Brevard and Orange counties, *Florida*. Includes 2 approach causeways through St. Johns River marshlands. The major concern is the impact on the Dusky Seaside Sparrow, an endangered species that lives in the marsh, April 19.

Urban Mass Transit Administration

Contact: Same as for FAA.

Draft

Title, description, and date

Early action program for a rapid transit system in Allegheny County, ***Pennsylvania***. The Port Authority of Allegheny County has applied for on-going federal assistance to design, engineer and construct the following:

(1) the South Hill Transit Expressway Revenue Line.

(2) the South Patway, for mass transit buses.

(3) the East Patway.

(4) rehabilitation of rolling stock and fixed facilities for trolly routes 35 and 43.

ENVIRONMENTAL PROTECTION AGENCY

Contact: Chuck Fabrikant, Director of Impact Statements Office, 1629 K St., N.W., Washington, D.C. 20460, 632–7660.

Water Quality Office

Draft

Title, description, and date

Sewerage project, eastern Lake County, Illinois. Application by the North Shore Sanitary District of Waukegan. Plans call for the construction of a new treatment facility at Gurnee, and expansion and renovation of present plants at North Chicago, Waukegan and Clavey Road. These plants will feature tertiary treatment and nutrient removal capacities. Main adverse impact will result from the open retention basin at the Clavey Road Plant (nearby homeowners object), April 22.

Office of the Administrator

Final

Title, description, and date

Legislation: *Comments* of Federal agencies and departments on EPA's proposals for water pollution control (statement dated March 13), April 13.

Legislation: Noise Control Act of 1971. Part of the President's environmental program. Bill would give EPA authority to coordinate Federal noise programs, would give additional authority to regulate major noise sources and authorize noise labelling for them, and would direct all Federal agencies to administer their programs in a manner to minimize noise.

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Commission's Advisor on Environmental Quality, 441 G Street, NW., Washington, D.C. 20426, 386–6084.

Draft

Title, description, and date

Middle Snake River: recreational use plans for 3 reservoir areas related to existing dams—Brownlee, Oxbow and Hells Canyon. (Project No. 1971.) (This project should not be confused with other license applications pending for proposed hydroelectric developments on the Middle Snake River.) *Idaho & Oregon*, April 12.

Pacific Gas and Electric Company's application for renewal of license to operate a hydroelectric power plant at Battle Creek, northern *California*. Includes four plants built 60–70 years ago. Describes plans to replace these plants with modern generating facilities, and future plans to develop recreation facilities, April 29.

Statement withdrawn

Applicant's Statement—Oak Grove Hydroelectric Project, FPC License No. 135, *Oregon* & Docket No. R 398, Part 2. (Listed in 102 Monitor Vol. 1, No. 1, pg. 47.) Withdrawn by FPC in accordance with Order 415, as amended.

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Deputy Administrator, General Services Administration-AD, Washington, D.C. 20405 (343-6077).

Alternate Contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration-ADF, 343-4161.

Draft

Title, Description, and Date

Sewart Air Force Base, Smyrna, *Tennessee*. Plans for disposal of this 2,332 acre property as follows: 1) 1,709 acres for an airport, 2) 12 acres for educational purposes, 3) 147 acres for housing, 4) 459 acres for industrial development, 5) all utilities for county use, April 2.

Modified draft statement (addendum to draft of 1/14) for the Border Field, San Diego County, *California*. Involves assignment of 322 acres to the DOI for use as a park and recreational facility, April 6.

Proposed negotiated sale of 143.014 acres (remainder of Bonne Esperance and Estate Slob, St. Crois) *Virgin Islands* to the government for use as a park, cemetery, zoo, etc., April 8.

Arkabutla Reservoir, Coldwater, *Mississippi*. Plan for sale of five non-contiguous parcels totaling 25.25 acres to the public for commercial uses, April 14.

Former U.S. Naval Retraining Command, Camp Elliott, San Diego, *California*. GSA proposes to dispose of 2,690.61 acres of this land as follows: 1) 219 acres to NASA (who will sell it to real estate investors) in exchange for 55.5 acres adjacent to their Moffett Field facility, 2) exchange of 1,074.61 acres for 30,000 acres of land in Joshua Tree National Monument, 3) 730 acres to DOI for park and recreation use by San Diego, 4) sealed bid sale to public of 667 acres, April 20.

Proposed sale of Upper Bethlehem, Fredensborg and Slob (247 acres) to the Government of the Virgin Islands for various purposes including housing and a commercial area, April 20.

Disposal of Red Bluff Air Force Station, Red Bluff, *California*. Approximately 35.04 acres are involved of which small portion is assigned to FAA. The rest to be disposed of by sealed bids, April 28.

INTERNATIONAL BOUNDARY AND WATER COMMISSION—UNITED STATES AND MEXICO

Contact: Joseph F. Friedkin, Commissioner, (915) 532-5476.

Alternate contact: T. M. Martin, ARA/Mex., Department of State, Room 3906A, Washington, D.C. 20520, 632-1317.

Final

Title, description, and date

Presidio-Ojinaga International Flood Control Project and the Presidio-Ojinaga International Channel Relocations Project. The latter is necessary to accomplish the objectives of the Boundary Treaty. The former is a complementary project needed to provide protection to the remaining U.S. lands in the Presidio Valley. Comments from the Texas State Historical Survey Committee indicate that the project will damage and destroy some important historic and prehistoric sites. Archeological reconnaissance will be requested of the National Park Service, April 1.

Late comment on the above final statement was received from the Bureau of Outdoor Recreation, April 28.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Ralph E. Cushman, Special Assistant, Office of Administration, Washington, D.C. 20546, 962-8107.

Draft

Title, description, and date

Global atmospheric research program. An international, cooperative effort to understand the circulation of the atmosphere and to establish the physical and mathematical bases for long-range predictions. Small amount of pollution from launch vehicles (range in size from Scout to Titan IIIC), April 19.

TIROS Operational Satellite program—a joint, continuing effort of NASA and DOC to provide systematic, global, cloud-cover observations. Adverse environmental impacts are largely limited to that caused by launch vehicle, April 19.

Physics and astronomy sounding rocket, balloon, and airborne research programs. Programs involve about 150 launches per year carrying experimental payloads in the disciplines of planetary atmospheres, particles and fields, ionospheric and radio physics, galactic and radio astronomy and solar physics. Atmospheric measurements are conducted using balloons, April 19.

Main potential environmental impact is from small amount of combustion products from sounding rocket launches. Another potential source of pollution is the release of chemicals (sodium lithium, cesium, etc.) to study the atmosphere and the earth's magnetic field.

Earth resources technology satellite program. Goal is to design, develop, launch and test spacecraft to conduct experiments that will test the utility of the application of space borne sensors to natural and cultural resource problems. Two satellites will be launched, the first in 1972. Burning of propellants in launch vehicles will cause small amount of air pollution, April 19.

Earth resources aircraft program. Involves development of remote sensors for use in aircraft and spacecraft. Four aircraft are used to collect Earth Observations data (example: detecting corn leaf blight), April 19.

Nimbus program. Goal is to develop a better meteorological satellite. Includes development, launch and operation of a series of satellites. Adverse environmental effect limited to that from launch vehicles (range in size from Scout to the Titan IIIC), April 19.

OFFICE OF SCIENCE & TECHNOLOGY

Contact: Mr. David Freeman, Director, Environmental Policy Staff, Washington, D.C. 20506, 395-3136.

Final

Title, description and date

Legislation: Power Plant Siting Act of 1971. Key provisions of this proposed Act would require rolling 10-year projections of power needs, etc., and review of tentative sites for power plants 5 years prior to beginning construction, April 6.

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, (615) 755-2002.

Draft

Title, description, and date

Yellow Creek Port Project: on the Yellow Creek Embayment of Pickwick Reservoir, Northeast *Mississippi*. Involves building a river port terminal and related industrial complex. A 15-mile rail spur will also be built. Environmental effects include possible temporary increased turbidity in the water during dredging and construction, and shifts in land usage from forest and rural to industrial. Purpose: to spur economic development of a depressed area, April 23.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH APRIL 30, 1971 (BY AGENCY)

Agency	Draft 102's for actions on which no final 102's have yet been received	Final 102's on legislation and actions	Total actions on which final or draft 102 statements for Federal actions have been been received
Agriculture	26	51	77
Appalachian Regional Commission	1	0	1
Atomic Energy Commission	31	15	46
Commerce	0	2	2
Defense	3	2	5
Air Force	1	0	1
Army	1	0	1
Army Corps of Engineers	66	163	229
Navy	4	0	4
Delaware River Basin Commission	3	0	3
Environmental Protection Agency	1	5	6
Federal Power Commission	4	4	8
General Services Administration	13	0	13
Housing and Urban Development	3	1	4
Interior	35	19	54
International Boundary and Water Commission, United States and Mexico	2	1	3
NASA	20	0	20
National Science Foundation	2	0	2
Office of Science and Technology	0	1	1
Tennessee Valley Authority	4	0	4
Transportation [1]	358	34	392
Treasury	2	0	2
Total	580	298	878

[1] 4(f) statements received from DOT are not included.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH APR. 30, 1971 (BY PROJECT TYPE)

	Draft statements for actions on which no final statements have yet been filed	Final statements on legislation and actions	Total actions on which final or draft statements. for Federal actions have been received
Aircraft	0		1
Airports	50	28	78
Beach erosion	2	13	15
Buildings/property	9	1	10
Bridges	7	2	9
Civilian waste disposal	1	0	1
Defense systems	2	0	2
Environmental research	6	0	6
Flood control	46	92	138
Food inspection	3	0	3
Natural gas transportation	0	1	1
Housing/urban problems	4	0	4
Hurricane protection	2	0	2
Insecticides/herbicides	2	1	3
International boundary	1	1	2
Irrigation	6	0	6
Land acquisition/disposal	8	0	8
Legislation	2	11	13
Mass transit	2	0	2
Military disposal	3	1	7
Mining	5	2	4
Navigation	16	60	76
New communities	0	1	1
Nuclear industry	2	2	4
Forestry	4	3	7
Nuclear research	2	0	2
Nuclear testing	3	1	4
Oil	1	2	3
Parks wildlife refuges	3	2	5
Pipeline (oil)	1	0	1
Power (nuclear)	23	12	35
Power (non-nuclear)	11	3	14
Power transmission	4	4	8
Radioactive waste disposal	1	0	1
Railroads	2	0	2
Resource hauling	1	0	1
Roads (excluding 4(f)'s)	299	2	301
Sewerage	1	0	1
Space programs	14	0	14
Water resources	16	9	25
Watersheds	10	42	52
Weather modification	5	1	6
Total	580	298	878

THE MILLS PACKAGE—AN IMPORTANT STEP FORWARD

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. ROBISON of New York. Mr. Speaker, the monumental effort of the Committee on Ways and Means—as presented in the now-completed H.R. 1—has been attacked, predictably enough, by both the left and right in recent days. On the one hand, many are arguing that the new Federal floor for minimum welfare income is stingy and cruel; and that revisions in the medicare program will result in an undue hardship for many of our elderly citizens. On the other hand, many are complaining that the bill is not restrictive enough in the health benefits field, and that the Federal welfare floor constitutes another major welfare giveaway that does not square with their conception of the American way.

How refreshing, then, to see the New York Times give the proposal a healthy endorsement. The editors are not entirely happy with the proposal—and I suppose that we could all find something in it which we would have done differently—but they do correctly acknowldege that major reforms such as this are always compromises. And, more importantly, they unequivocally state that H.R. 1 is "a substantial improvement over the present system."

I hope that a majority of my colleagues in the House recognize this important fact, and vote accordingly when given the opportunity. The full text of the editorial follows:

THE MILLS PACKAGE

Like most major pieces of legislation, the welfare bill worked out in the House Ways and Means Committee under the leadership of Representative Mills of Arkansas is a compromise. It costs more than conservatives would prefer and is less generous than liberals would like but, on balance, it deserves support as a substantial improvement over the existing system.

After the public controversy of the last eighteen months, it is easy to lose sight of the important advances which this bill would achieve. It makes the administration of welfare a Federal responsibility, establishes a uniform national standard of basic financial support for the impoverished, and erases the distinction between the unemployed and the working poor by bringing the latter group within the scope of the program.

The bill has two major defects. An annual income of $2,400 for a family of four is too low for the poor who live in the cities of the North and West. In the rural South, this minimum would represent a distinct improvement over existing welfare payments, but why pretend that rent and the cost of living are the same in New York City as they are in rural Arkansas? If the bill passes the House in this form, the Senate should add provision for Federal payment of increments above this national minimum based upon regional variations in living costs.

The bill's second defect is its failure to provide adequate financial relief for the states which have been making the greatest financial effort in behalf of the poor. As Mayor Lindsay has correctly pointed out, New York would gain relatively far less than certain Southern states which have been doing the least.

For the long term, however, this bill holds out hope for states in New York's situation. It takes them off the welfare escalator which has seemed to be unending. Beginning in 1972, if welfare caseloads increase, the Federal Government will pay for the additional persons coming on the rolls. Thus, state welfare expenditures would be stabilized at the level reached this year. Moreover, the sharp rise in welfare benefits in the rural South should slow the migration of the poor to the North.

The work requirements to be imposed on welfare recipients are desirable in goal but unrealistic in terms of accomplishment. They presuppose that manpower programs exist everywhere to train the disadvantaged, that jobs exist for those who complete the training and that day care centers exist for the children of mothers who take jobs. In many communities, the training, the jobs and the day care centers are all nonexistent. But, for that very reason, critics of the bill would be wrong to exaggerate the potential onerousness of these work requirements. They have more importance in the political calculations of Congress than they would have in the actual operation of the program.

In a welfare reform which was originally designated the "Family Assistance Plan," it is ironic that an aged couple would receive exactly the same stipend—$200 a month—as a man and wife with two children. The elderly are not so well treated as they should be but they are still the politically favored poor. Families with dependent children are the politically unpopular poor, and Congress penalizes them accordingly.

Yet the nation can work its way out of the welfare morass only if the dependent children of today become the independent adults of tomorrow. Society ought to be placing its bets on these youngsters rather than punishing them for what it regards as the unsatisfactory morals of some of their parents.

A welfare family, like a wheat farmer in Kansas or an airplane manufacturer in Georgia, is both a national problem and the recipient of a subsidy. No one argues that the State of Kansas should pay the cost of stabilizing the price of wheat or that the State of Georgia should underwrite the loan to Lockheed.

Yet an ex-sharecropper from Mississippi who takes a bus to Chicago and winds up on the relief roll there is regarded as a purely local Chicago responsibility. A genuine, comprehensive reform of welfare would make the whole cost of welfare a Federal responsibility like any other national subsidy. This bill does not do that, but it is a move in that direction. In the present political context, some forward motion is better than a continued downhill slide.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

VETERANS OF THE OSS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, yesterday evening it was my privilege to attend the annual reunion dinner of the Veterans of the OSS. At the dinner, a very distinguished American and himself a veteran of the OSS, Ambassador David K. E. Bruce, was awarded the General Donovan Award for distinguished service to this country.

In addition to honoring Ambassador Bruce, a well-deserved tribute was paid to some very distinguished Europeans who were present and addressed the large crowd that was present. We salute these brave and intrepid defenders of freedom for their contributions to the common defense of the free world, and we are honored here in our Nation's Capital by their presence in our midst.

Mr. Speaker, I include in the RECORD the names and a very brief sketch of these distinguished men of valor:

NAMES AND BRIEF SKETCH OF DISTINGUISHED MEN OF VALOR

Major General Andre Guerisse, under the name of Pat O'Leary, was the most famous and effective organizer of escape lines. He laid the foundation for what ultimately became an organization of hundreds of couriers and thousands of homes in Holland, Belgium and France which brought back to England over 3,000 allied airmen who were shot down over Western Europe. Captured in 1943, he organized the International Prisoners' Association from a concentration camp at Dachau. The activities of this organization in Dachau saved 5,000 lives and averted the massacre of 35,000 prisoners which had been ordered by Himmler when the allied forces crossed the Rhine. General Guerisse is now President of the Fraternelle des Anciens Agents Parachutistes—the organization of Resistance Veterans in Belgium.

Knut Haukelid was responsible for destroying the inventory of heavy water and the heavy water plant which the Germans were bringing from Norway to Germany in an effort to build an atomic weapon. The combined Chiefs of Staff learned that the Germans were working on a heavy water method of building an atomic weapon and determined that the only source of heavy water in Europe—the Norsk Hydro Plant in Norway—had to be destroyed. First, British Special Forces sent 40 men on two gliders to destroy the plant. They were all lost. Then, Haukelid with several others parachuted into Norway, skied down to the plant at Vermok and dynamited the plant. Within several months, the Germans had rebuilt their facilities. The American Air Force then sent 120 flying fortresses over to bomb the plant. This raid succeeded in interrupting production for only a short time, but the Germans, nevertheless, decided to bring both the plant and the inventory of heavy water into Germany. The combined Chiefs of Staff set the highest priority on preventing this—issuing orders to Haukelid, the only one of the original sabotage team who had remained in Norway, and to the R.A.F. to attack the shipment as it crossed the North Sea. Haukelid personally put a time explosive in the hold of the ferry which was to carry the shipment over Lake Tinjen on its way to a port in Southern Norway. The plant wound up at the bottom of this lake and that was the end of German efforts to build an atomic bomb by the heavy water method.

Svend Truelsen organized intelligence networks in Denmark which produced the earliest information on the V-1 rockets and continuously valuable order of battle information. He was one of the prime movers moving 8,000 Jews across the Sound to Sweden over a weekend. Going to London, in early 1944, he guided the use of Danish intelligence and resistance forces in the hostilities on the Continent.

Dr. C. C. van den Heuvel is President of the Veterans organization of the Netherlands Resistance.

NATIONAL MARITIME DAY

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. BEGICH. Mr. Speaker, it is with a great deal of pride that I join with my colleagues in celebrating National Maritime Day.

The observance has become an annual occasion to commemorate the sailing of the steamship *Savannah*, the first transoceanic steamship, which sailed from Savannah, Ga., on May 22, 1819, on her historic transoceanic voyage. From colonial times to the present, the U.S. merchant marine has played a vital role in the development of our Nation. Maritime Day is an occasion for recognizing the fundamental importance of our merchant marine.

The colonists and citizens of the young Republic were well aware of their dependence upon the merchant marine. For the Nation as a whole, development of other industry and expansion of the country has tended to obscure somewhat the role of the merchant marine in our national well-being. Periodically, our merchant fleet has come near the vanishing point. Several times, usually because of a war, economic stimulus has brought it back to the size needed to furnish protection for our national heritage, only to be all but forgotten after the emergency had passed.

In recent years, for example, our merchant fleet has been decreasing at an alarming rate. Moreover, most of the ships in our merchant fleet are of World War II vintage and are becoming obsolete. It was with these facts in mind that the 91st Congress took action to rebuild our merchant fleet with the passage of the Merchant Marine Act of 1970.

This legislation was the first major piece of legislation affecting the merchant marine since the passage of the Merchant Marine Act of 1936. Basically this new legislation is designed to build 300 highly efficient new-type ships with Government aid in the coming decade. From 1965–70 we were contracting an average of 10 new ships per year. Under the Merchant Marine Act of 1970, however, we will increase the average to 30 per year between 1971–80.

This new fleet will give the U.S.-flag carriers three to four times the capacity they now have. Currently, we are hauling well under 10 percent of our foreign trade, but the new legislation should enable us to carry approximately 17 percent by 1980.

Thus May 22, 1971, is especially worthy of celebration since it denotes the start of a decade of new life for the U.S. Merchant Marine.

HONORARIA SURVEY CONDUCTED BY THE HOUSE COMMITTEE ON INTERNAL SECURITY

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. ICHORD. Mr. Speaker, the honoria survey that was conducted by the House Committee on Internal Security and printed after enjoining all persons from interfering with the printing of the same is still being discussed in legal, academic, and journalistic circles. My objection to the high fees paid revolutionary ideologies has never gone to speech but to the abuse and misuse of student activity funds to which I personally contribute.

Among the critical letters concerning the survey that were printed was one dated October 27, 1970, sent to the New York Times signed by Mr. Jerome Weidman as president of the Authors League of America. Mr. Weidman's letter, although not printed by the New York Times was published in the November 19, 1970, issue of the Village Voice. In his letter, Mr. Weidman attacked the committee's survey for its alleged encroachment on the first amendment freedoms of speech and press.

Of particular interest, Mr. Robert Leigh James, of Chevy Chase, Md., who is also a member of the Authors League of America, furnished me a courtesy copy of a letter he had written in reply to Mr. Weidman's letter. Mr. James, in a particularly reasoned and succinct reply to the criticism of the Committee's survey made by Mr. Weidman, points out that parents with college age children are deeply concerned because it appears that college student funds for speakers are not being used to bring a fair cross-section of opinion to our campuses. Mr. James said that he believes in the first amendment for all, including the House Committee on Internal Security.

I wholeheartedly agree with Mr. James' comments. The first amendment protection for freedom of speech and press is, in my opinion, the most treasured amendment in our Bill of Rights. However, the American public is becoming increasingly disenchanted with the theory that constitutional rights and privileges are the exclusive prerogatives of malevolent elements in our society. Mr. James concludes by declaring that he wants to be disassociated from the effort of the President of the Authors League of America to suppress information with which he disagrees.

As I feel that many of my colleagues as well as members of the public will benefit from Mr. James' analysis of Mr. Weidman's criticism, I am inserting in the RECORD the text of Mr. Weidman's letter from the Village Voice along with a copy of Mr. James' reply.

The letter follows:

THE VILLAGE VOICE OF NOVEMBER 19, 1970

"On October 14 the House Internal Security Committee branded 65 individuals as 'radical' speakers at college campuses. On October 15, the Times compounded this blatant infringement of constitutional rights by publishing the list in full—the names and alleged affiliations of the 65.

"As Nat Hentoff, one of the victims, reported in the Village Voice (October 22), the Times did not first check the veracity of the accusations with the accused. (Mr. Hentoff notes he was falsely charged as being affiliated with three organizations.)

"Even more significant than these lapses in fair reporting is the fact that the Times published the 'blacklist'. As the Times emphasized in its editorial of October 24, the Committee's promulgation of the list violated the First Amendment freedoms of speech and press. The purpose and effect of the list are to intimidate universities into closing their doors to those on the list; to deny the accused the right to speak at educational institutions; and to deny students and faculties the right to hear them.

"The blacklist is also a warning to others not to utter viewpoints inimical to the Committee's political philosophy at pain of being listed in the future. Its effect, as always, is to suppress freedom of expression and also, not insignificantly, to punish those listed, without trial or hearing. The Times owes the First Amendment more than the lip service paid in editorials. It also owes the affirmative loyalty not to serve as an instrument to suppress the rights of free speech and press. By broadcasting the Committee's blacklist, the Times has struck a heavy blow against those rights, and the 65 individuals who were pilloried by the Committee. The Times was not faced with the choice of burying the story or printing the names. It could have reported the Committee's action in violation of the District Court's temporary injunction against the publication without printing the blacklist itself."

The letter is signed by Jerome Weidman, President, the Authors League of America.

DECEMBER 15, 1970.

Mr. JEROME WEIDMAN, *President,*
The Authors League of America, Inc.,
New York, N.Y.

DEAR MR. WEIDMAN, your letter of October 27, 1970, to the *New York Times* signed by you as President of The Authors League of America is very disturbing to me for the same reason the list of the House Internal Security Committee, of which you complained, is very disturbing to you, i.e., it attributes to me as a member of The Authors League of America the same views you express as its President. You are concerned about the guilt by association implied in the Committee's list. I am concerned about my association through membership with your views.

Of course, I disagree with you. Many of us with college age children are deeply concerned because it appears that college student funds for speakers are not being used to bring a fair cross section of opinion to our campuses. The bias in the use of these funds at many institutions appears to favor the radical left. In turn, the fees support the political activities of the speakers. I am among those interested to know if these concerns are well founded. When you attack the *New York Times* for printing the Committee's list, you are advocating the suppression of vital information. Is it your position that the public has no right to know who spoke to their children on the campuses of the nation?

As to political labels, I am certain that I was as disturbed by the activities by the late Senator Joseph McCarthy in the early fifties as you were, but I think you are now being overzealous. Perhaps some of the speakers listed by the Committee do not wish to be called "radical" or "revolutionary" just as other speakers dislike to be called "fascists" or "right wing extremists", but such terms are within the context of political comment. Those who seek a public forum must be prepared to take some small part of what they give, even to the extent of enduring a political label they dislike. And, if there is libel, there are libel laws for redress.

In short, I believe in the first amendment for all of us including the House Internal Security Committee. Freedom of the press and fredom of information is freedom of the press and freedom of information no matter how it cuts. Therefore, I very positively wish to disassociate myself from your effort as President of The Authors League of America to suppress information with which you disagree. It is not a role in which any author should be comfortable and I think it a most inappropriate one for The Authors League of America.

Sincerely,

ROBERT LEIGH JAMES.

FOR THE HEINOUS CRIME OF BEING A JEW

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. BRASCO. Mr. Speaker, throughout history there runs an irrational streak in some men and women that makes them persecute other men and women, mainly innocent, for some belief or desire they cherish against all challenges.

No single group of human beings have been on the receiving end of more vilification and violence for a set of beliefs than the people we know as Jews. Their persecutors are conveniently known as anti-Semites.

History records that Jews have usually been abused and terrorized for two major ideals and goals in recent eras. The first one is traditional; their unwavering persistence in following the religious beliefs of their fathers. As a result of such faith and accompanying rituals, they have been discriminated against, beaten, boiled, butchered, and tortured by a variety of methods, culminating in the organized genocide of the Hitler era. Each passing period of history has witnessed a variety of such agonies at the hands of a series of tyrants. Today's persecutors carry the names of Russian Communists. Their terror is more subtle, but their aim remains the same. To them, the Jews gives an ages-old response; a quiet, brave determination to live their Judaism and practice their rituals.

The second major article of political faith for which these same people have been abused consists of their hope for a homeland for their tormented brethren. Known as Zionism, it enshrines as a central ideal the concept of a refuge for Jews of all lands, should they require it, in the shape of a modern political state, with its own territory, institutions, and rituals. Its uniqueness lies in the fact that within its boundaries no Jews would be subject to harm of any type because of his antecedents or religion. On this basis the nation of Israel was founded and has survived any and all attempts to extinguish it. These have been three in number. All have failed, despite vicious attacks, boycotts and enemies in powerful quarters.

The British sought to aid the Arabs in wiping out the fledgling State of Israel in 1948. They failed. In 1956, the scenario was different, but the aim was the same. That also failed. In 1967, the Soviets backed a combined Arab assault on Israel, ending in the stunning Israeli victory of the 6-day war.

Nasser's dreams and those of the Kremlin mingled in the bitter disappointment of defeat. So both dream and nation lived on, more alive than ever. All the combined efforts of oil companies and Arab States failed to dislodge the reality of the State of Israel. And that little country became a beacon of light to persecuted Jews the world over, particularly in the confines of the Soviet Union.

In the past, persecutions of helpless Jews could be carried out with impunity. No one cared, much less did anything about organized programs and murders aimed at Jews, especially in Russia and Eastern Europe. Now there is a nation that cares, and acts accordingly. Not only will Jews not go away, but in fact they even persevere, and the Soviet monolith is afraid of them.

There are at least 3 million Jews in Russia today. Many are Zionists, in that they would eagerly emigrate to Israel if they were allowed to do so. This the Russian Government has been loath to allow. The Soviet regime, true to the old Russian tradition of anti-Semitism, has sought to stamp out Jewish faith in Russia's empire. It has forbade printing of Jewish prayer books and hindered baking of Passover matzohs. It has sought to prevent new rabbis from being trained. In a thousand ways it tries to strangle Jewish religious life. All such efforts have failed. So it was understandable that this frightened Soviet ruling clique was taken aback by the vast surge of new Jewish activism across Soviet Russia.

Young Jews in hordes turned their back on Communist indoctrination, embracing publicly the concept of Zionism and Yiddishkeit; heinous crimes in the Russian lexicon. Some of them grew so desperate at denial of their repeated requests to migrate to Israel that they took desperate steps. Standing up to the regime and its police apparatus was one way. Seeking to flee the Soviet Union was another. For these horrible crimes in the eyes of the Russian state, several groups of such Jews have been brought to trial publicly. One such trial concluded in Russia on May 20. Twelve people were convicted in a 10-day charade. All were sentenced to jail. Their crime was in seeking to travel to Israel in order to live their faith freely and openly without persecution. Heinous crimes, indeed.

Today they all rot in Soviet prisons. Their spirits and ideals, however, soar as high as the seat of God himself. They will never die in the hearts of all men who yearn for freedom. Their ideals are as alive as those of the first martyrs to persecution.

The Assyrians are gone. The Babylonians and Persians are dust. Rome's grandeur has faded to ruins. The medieval nobility that slaughtered Jews of their time is but an occasional line in a musty library tome. The Inquisition is a horror in the minds of thinking men. Persecutors of Albert Dreyfus are remembered only as illustrations of grand villainies. Hitler and his cohorts are bywords for barbarism. Their monuments are rubble. The czars have gone to their just reward, partly because of their hatred of and persecution of these same Jewish people. Their heirs betray their self-proclaimed ideals and the Russian nation itself by persisting in pursuing the same anti-Semitic policies of those who were overthrown because of heartless despotism.

History pronounces a terrible, merciless verdict upon those who trample upon innocent people whose sole crime is to want to live and work in a certain way dear to them.

These dictators too shall pass, joining all others from Ozymandias and Nebuchadnezzar to Gamal Abdel Nasser and Adolf Hitler. There is an enduring curse upon the heads of such dictators, and the forces of history bring them low.

Mr. Speaker, Martin Luther King, Jr. said that "No man is free until all men are free." He was so right. We are not free until these people are able to live and travel where they please, particularly to Israel, land of their fathers.

When will man ever realize he shows both childishness and barbarism most when he continues to vilify, torment, and persecute the same people he has done these things to for 20 centuries?

When will we finally rid ourselves of this eternal accursed desire to punish a human being because of his religious faith or desire to live in a given place?

Perhaps it is too much to hope for. Certainly, as of today, it is too much to ask of the presently constituted Government of Soviet Russia.

THE PRISONERS OF WAR

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. MYERS. Mr. Speaker, I would like to share with my colleagues a poem written by George A. Elliott III, legislative assistant to Representative MARGARET M. HECKLER of Massachusetts. Mr. Elliott expresses so eloquently his thoughts about the more than 1,600 Americans held captive in Southeast Asia.

The poem follows:

THE PRISONER OF WAR

(By George A. Elliott III)

In the rot and discomfort that is my fate, I grow weary, afraid that I may die before light comes.
Have I been forgotten?
Awakening to another gray and hopeless dawn, I hear the barked command—one, two, assemble; my body and soul aching, infinitely weary.
Have I been forgotten?
How, in a prison camp, does one scratch out a moment of relief from misery? Remember? Yes, we remember a child, a woman, a fruit tree, something called home.
But have I been forgotten?
In the cruel eyes of my tormentor, my captor, I see the beastliness of a devil nation. Shall I forsake all hope? There is no light visible.
Have I been forgotten?
I am a prisoner in a half-remembered war. Has it ended? Who is to tell me?
I kneel and pray, but there are only a series of bleak tomorrows in grim procession.
Have I been forgotten?

NUCLEAR ENERGY: ARE THE ENVIRONMENTAL HAZARDS REAL OR FANCIED?

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. HOSMER. Mr. Speaker, last Saturday I addressed the Southern California Planning Congress at California State Polytechnic College at Pomona on the relationship of nuclear energy to the environment. The following is the text of those remarks:

NUCLEAR ENERGY: ARE THE ENVIRONMENTAL HAZARDS REAL OR FANCIED?

I will admit that shooting neutrons at uranium atoms to make heat is not a game for children. When you have worked and lived with atomic energy for as long as I have, you develop both a healthy respect for its fantastic potential and a reasonable frame of mind toward its possible dangers. The fission process and ionizing radiation should not be trusted to anyone except those carefully trained and skilled in their use and control.

By the same token, society applies similar ground rules to anything involving the public health and safety, be it driving a bus, filling a prescription or piloting a 747 airplane. But given a healthy respect and regard for public health and safety, and with sensible public understanding of the inescapable need for vast amounts of energy in an industrial society such as ours, there is no reason why we cannot continue to enjoy the wide range of social benefits consequent from the peaceful use of the atom.

A few shrill voices of atomic alarm would have us believe that the entire process is part of some sinister plot, conceived by the dreaded Joint Committee on Atomic Energy, perpetuated upon an unknowing and unwilling public by the secret Atomic Energy Agency—hidden somewhere in the bowels of Washington—and controlled by five shadowy commissioners who possess not a shred of public conscience. The heinous plot of Dr. Strangelove Seaborg and his four co-conspirators is alleged to be poisoning our air, boiling our rivers, lakes and oecans, killing our men, lighting up our women like electric eels and mutating our innocent babies.

Strident anti-nuclear voices accuse the entire nuclear community—government and industry—of blindly reaching for nuclear developments with total unconcern for the alleged horrors they are committing on man, his heritage and his environment.

Let us look at what this so-called dreaded Juggenaut has achieved in the 25 years of its existence:

Fact 1: The Atomic Energy Commission, the Joint Committee and the nuclear industry have demanded and achieved a level of public safety never before attained in any industry at any time at any place.

Fact 2: The procedures and protections developed and enforced by the AEC are such that atomic energy is recognized by the National Safety Council as one of the safest fields in American industry.

Fact 3: We have been designing, building and operating commercial nuclear power plants in this country for 17 years, and no member of the public has ever been killed or even injured as a result. Similar nuclear safety records have been achieved abroad on both sides of the Iron Curtain.

Fact 4: Malfunctions and breakdowns have occurred in nuclear plants—just as they occur in any industrial operation—but built-in, in-depth safety features have prevented harm from happening either to the public or to atomic industrial workers.

Fact 5: In its radiation control systems, AEC has developed the world's first comprehensive and effective environmental protection program. As a result, there is more detailed scientific knowledge about radiation than any other environmental pollutant.

Opinion: Based on the health and safety statistics of 25 years' experience, we may conclude the following about atomic energy:

1. It is safer than flying in an airplane to visit Grandma.
2. It is healthier than overeating—even than eating many foods, at all.
3. It is healthier than jogging for your constitution.
4. And it is safer than going to church, particularly if you drive your car.

"Safety," "public health" and "a clean environment" are not absolutes. Instead they are values in our society which we equate as relative to other desirable objectives. Consequently there is room for honest disagreement over such topics as "How safe is safe?" and "How clean is clean?" I would like to discuss and hopefully dispel some of the old wives' tales associated with the atom and the environment. I hope the result will be less mystery about the atom and greater acceptance for what it is—a clean, efficient and safe way to produce the electrical energy so vital to every member of our modern industrial society.

IS THE PEACEFUL ATOM WORTH THE RISK?

There are five common fears about atomic power. The *first* is that a power reactor might accidentally explode like a bomb. I won't even discuss that one because it is a physical impossibility. The *second* fear is that an earthquake might tear a reactor apart and spread radiation over the countryside. *Third,* that normal radiation releases from a reactor are harmful; *fourth,* that thermal pollution will disrupt the ecology; and *fifth,* that radioactive waste products present a public health hazard.

First, let's talk about earthquakes. *Could an earthquake breach a reactor and result in radiation leakage over the area?* Theoretically this is possible; but because of the way reactors are designed and the integrity of their containment systems, it would be highly unlikely. In seismic areas like California, reactors are specifically designed to withstand the varying amounts and directions of ground motion likely to be encountered. A severe earthquake might conceivably damage some of the reactor internals, but reactors are designed automatically to shut down under this kind of stress. The strong probability is that a reactor would still be standing—and operating—even if everything else were leveled. But since seismology is a very imprecise science, and because earthquake design is still undergoing technological change, the AEC is working to develop even higher levels of protection from earthquakes. Meanwhile we design into our reactors containment systems and multiple defenses in depth against the possibility of any member of the public ever being injured by this cause.

Are normal radiation releases dangerous? In a word, No! Today's typical light water reactor, like the Southern California Edison plant at San Onofre, actually releases less material than that corresponding to one millirem per year of radiation exposure at its site boundary. A millirem is one one-thousandth of a rem, which is the standard measure of radiation dosage. By comparison, residents of a sea-level city like Los Angeles normally receive around 100 millirem per year natural background exposure from outer space, the earth itself and other natural sources. High-altitude residents receive up to 250 millirem exposure per year. Consequently, it should be clear even to the most nervous and excitable amongst us that one millirem per year one way or the other isn't worth getting excited about.

Recently I conducted a radiation survey of the U.S. Capitol to see what levels were being emitted from the granite and other stone there. I discovered, for example, that the entrance to the Rayburn Building, where my office is located, has a radiation level about 237 millirem per year above naturally occurring background. The entrance to the New Senate Office Building is 324 millirem per year above background.

All this, of course, leads to the question of whether the Capitol itself is a radiation hazard—and whether the exposure to this radiation accounts for some of the weird, weird things which occur on Capitol Hill. How else can one explain the strange reversal by the House on the SST, for example? Furthermore, considering some of the people in the neighborhood, there is the distinct possibility that if the Capitol were a reactor, the AEC wouldn't even license it considering the fact that their maximum allowable exposure is 170 millirem per year above background to the general population.

Will thermal pollution kill the fish and harm the ecology? The answer is also "No." In the first place, getting rid of the waste heat from reactor-cooling water is a simple matter of engineering and economics. There is no reason that the heat has to be released back into a adjacent water body if there is reason to believe that it might cause unaccepable ecological changes. We have alternatives such as cooling towers, cooling ponds, channels and a variety of mixing schemes to call upon if necessary to protect the local ecology if, in fact, in a particular instance damage might result.

This is not always the case. For instance, the most exhaustive study to date, by a biologist from Yale University, showed that the thermal effects from the Haddam Neck nuclear plant on the Connecticut River actually improved the aquatic environment. And I quote from an article in *Scientific American* (Vol. 22, May 1970):

"The levels of heating we are encountering may even turn out to have beneficial long-range results. In such circumstances, the term 'thermal pollution' . . . is misleading because it suggests that any amount of heating is harmful."

Here in California, where the vast, cool Pacific Ocean provides an enormous heat sink, the issue of thermal pollution should be essentially nonexistent so long as we are sensible about the points at which we introduce thermal discharges into the sea. To the contrary, heated water can be of significant benefit to both our commercial and our sports fishermen.

Fifth question: *Doesn't radioactive waste pose a health hazard?* The answer here is "Yes"—unless it is done with the utmost care and safety and under strict government regulation. You cannot be reckless with this stuff anymore than you can be reckless with dynamite or cyanide or sulphuric acid. Since the beginning of the atomic age in the early 1940's these wastes have consistently been managed with no adverse public health consequences. Of course, as more reactors are built, more waste is generated, compounding the problem. But it is by no means so serious a matter as to warrant abandonment of the program.

The AEC will soon receive funds to demonstrate the feasibility of burying high-level radioactive wastes 1,000 feet below the ground in an abandoned salt mine in Kansas. The Commission feels—and the National Academy of Sciences concurs—that this offers an effective way to isolate the wastes from the environment for as long as necessary. It may be that a better alternative for permanent disposal will arise in the future, and the Commission's research program is still working in this area, but for the present and the immediate future, salt mine burial represents a very good answer to the problem.

THE RISK-BENEFIT DETERMINATION

Among many critics of nuclear power—grasping at straws to bad mouth the atom—a new issue has arisen recently; namely, who should decide whether the benefits of nuclear power outweigh the risks. It has been suggested that the public ought to vote on whether or not a particular nuclear power plant should be built.

This argument is specious because society subjects us all to a variety of risks in our day-to-day life. It's one of the little inconveniences of our form of government. Nowhere, for example, can I remember being asked to vote on whether I was willing to take the risk of having airplanes fly over my house or other people driving around in their automobiles.

Society entrusts the job of providing electricity to the local power company, subject to regulation by the Public Utilities Commission, State laws and local ordinances. As a result, we have effectively prohibited construction of any new fossil-fueled generators in the Los Angeles basin because of their contribution to our air pollution problem. But we didn't have to vote on it.

But aside from that, the decision as to what kind of power plant gets built—as distinguished from where it is built—is left to the utility. Neither the AEC nor the reactor manufacturers force anything on anybody. Whether the benefits of nuclear power outweigh the benefits of burning gas or oil or coal is determined by the power company.

The ultimate decision might be based on the fact that nuclear plants don't pollute the air. It might be primarily an economic decision based on studies showing nuclear kilowatts are cheaper than natural gas kilowatts. It might be based on the availability or nonavailability of gas, oil or coal or a desire to avoid the problems of transporting them. But whatever bases are used, we largely leave the "*benefits*" decision up to the utilities.

If a nuclear plant is chosen then it is the AEC that makes the "*risks*" decision. This boils down to one ultimate question: Is there reasonable assurance that this reactor is designed and will be constructed and operated so as to prevent accidents from happening and to mitigate their consequences if they do. Yes or No?

It is the AEC's responsibility to make that decision—not the utility's, not the public's, and not the Sierra Club's. That's the way the law is written and that's the way it should be. If any person or group feels that something is unsafe, they are entitled to participate in a public hearing where their case is given the attention it deserves. But just as the ultimate responsibility for assuring airplane safety lies with the Federal Aviation Agency, the responsibility for reactor safety lies with the AEC. And to say that this responsibility is exercised with great caution is a significant understatement.

CANNIKIN AND THE ECOLOGY

In closing, I would like to discuss one other facet of the Atom vs. the Environment debate, and that is nuclear weapons testing. As you may be aware, the AEC is planning a large, fully contained underground nuclear test this October on Amchitka Island in the Aleutians. A campaign to force abandonment of this test is being mounted by various antiwar and environmental groups.

They are predicting and postulating many dire consequences if the test is conducted, such as misery to flora and fauna, earthquakes, tsunamis, interference with the Strategic Arms Limitation Talks with the Russians and so on. In this latter case, the theory that cancelling the test might somehow improve the chances for a comprehensive test ban treaty. I won't go into the international diplomatic implications and why this is a false and misguided hope—that's a separate speech and the Russians themselves are doing the same yield tests, anyway—but I do want to discuss briefly the environmental argument.

The Commission conducts these tests as a necessity of our national security. They are not done for fun nor to keep atomic scientists out of the breadlines. They are done to enhance our chances of survival on this hostile planet and they are conducted with every possible care and consideration for the ecology.

In cooperation with the Defense and Interior Departments and the State of Alaska, the AEC has devoted four years to comprehensive bioenvironmental studies of Amchitka, including seismology, hydrology, geology, bird lore, sea otter survival, radiation effects, archaeology, and other pertinent subjects. The result is that Amchitka holds no secrets from an overall environmental point of view.

Not one of these studies points to a probability of irreparable ecological damage to the island or earthquakes or tsunamis or radiation discharges, or any of the other horrors predicted and paraded by the prophets of doom. These same charges were leveled prior to the big Milrow test on Amchitka in October 1969. But that shot came off precisely as the Commission scientists said it would—with no aftershocks, little damage to the island itself, none to the surrounding area, and only a localized water ripple just a few inches high.

For the Cannikin test, the Commission has postulated a ground shock equivalent to a magnitude 7.0 on the Richter scale—Milrow was 6.5. This is not expected to generate either a secondary earthquake or tsunami. In fact, shocks close to this magnitude are almost daily occurrences in the Aleutians, which is one of the most seismically active areas in the world.

What we know is this: the test is vital to our security as a nation. Our best evidence from our best scientific experts indicates that the chance of any significant environmental or ecological impact is essentially nil. Therefore, neither the scientific nor the political objections for this shot are valid.

In closing, let me say this: Mysterious new technologies have always been subject to public fear and opposition. It was true with the automobile, the airplane, alternating current and the steam engine. It is true now with atomic energy, which is probably the most studied and best understood new technology in the history of the world.

Nuclear science is to be respected and handled carefully but not feared. Its potential benefits—not only for power production but in medicine, industry, agriculture and elsewhere—are too vital to be ignored.

THE JULIA BELLE SWAIN

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. FINDLEY. Mr. Speaker, a new new chapter in the book of history on inland river steamboating was begun on Saturday, May 8, 1971, at Peoria, Ill., with the christening of the S.S. *Julia Belle Swain*, a 400-passenger authentic steam-powered sternwheeler. The *Julia Belle Swain* has been the dream of Dennis Trone and his family for some years, and has now taken its place on the Illinois River to revive the days of steam river vessels. The 146-foot excursion steamer has a capacity of 400 persons, and carries rebuilt steam engines and steering wheel from the old *City of Baton Rouge*, Mississippi River car ferry. This metal hull packet design sternwheeler is richly furnished in the riverboat tradition and boasts a 32-whistle steam calliope which can be heard for many miles on the river. Capt. Dennis Trone is president of the Dubuque Boat & Boiler Co., which built the *Julia Belle Swain* as a part of its centennial celebration, and along with his brother, Robert Trone, and other family members, operates the Sangamon Packet Co., which maintain two other period sternwheel river boats, one on the Sangamon River adjacent to the historic New Salem State Park where Abraham Lincoln lived and worked as a storekeeper.

I know that the people of west central Illinois join me in wishing the S.S. *Julia Belle Swain* the best of luck as it brings to life again the steamboat tradition on the Illinois River.

DIALOG WITH PEKING

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. CRANE. Mr. Speaker, the President, in response to a question posed during his press conference of March 5, 1971, stated that—

> I understand the apprehension in Taiwan, but I believe that apprehension insofar as Taiwan's continued existence and as its continued membership in the United Nations is not justified.

In light of the President's statement as contained in the state of the world message of February 25, 1971, that "we are prepared to establish a dialog with Peking," and our subsequent overtures to Red China, I feel compelled to protest the slightest accommodation of this most oppressive of all governments in the world today.

In a recent issue of Human Events, there appeared a thought-provoking article outlining the perils of our "Peking diplomacy." I would like at this time to include it in the RECORD:

[From Human Events, May 8, 1971]

NIXON'S PEKING DIPLOMACY IMPERILS SOUTHEAST ASIA

We do not claim to know precisely what the Administration is up to in the current courting of Red China, but whatever the reason, it is beginning to look as if the game is not going to be worth the candle.

Perhaps, as the insiders will tell you, we are engaged in a devious plot to drive a wedge between Moscow and Peking. That, of course, is the probable explanation for what's happening, but such intrigue will hardly be time well spent if we also succeed in driving a wedge between ourselves and our Asian allies. And it is this latter possibility that appears far more likely—and ominous—at the moment.

Keeping our alliance together in Southeast Asia has to be considered far more important than initiating some desperate Machiavellian maneuver—with no assurance whatever of success—that may encourage the two Communist superpowers to leap at one another's throat.

The Sino-Soviet quarrel, we might also note, blossomed rather fully without any concerted outside interference on our part. Indeed, the argument could be made that the friction between Moscow and Peking has lessened as we have warmed up relations with Mainland China. Franz Michael of the Sino-Soviet Institute, in fact, has documented the gradual easing of tensions between the two Red powers during the Nixon Administration.

The spirit of détente between America and Peking, however, has clearly caused a deep uneasiness among some of our Asian friends. At the 16th annual ministerial conference of the Southeast Asia Treaty Organization in London last week, the six foreign ministers attending issued a communiqué that was striking for its omission: There was no mention in the 10-page document of Peking or the recent overtures made by the Red Chinese government.

"The omission," reported the New York *Times*, "reflected a skepticism shared by several of the Asian members of the alliance about the true motives behind the Chinese gestures toward improved relations with the United States."

This skepticism was voiced by Lt. Gen. Jesus M. Vargas of the Philippines, secretary-general of the organization, who said that it was still too early to tell whether Mao's China had eliminated her "well-known sinister ways" in dealing with Southeast Asia. "We are still waiting for some concrete indication of change."

Austrian minister Leslie Bury also sounded a note of apprehension. "To those of us who are more nearly China's neighbors," he said solemnly, "there is as yet little to inspire confidence that Peking has in fact abandoned those policies which have prevented her from being regarded as a responsible member of the family of nations."

Even more disturbing has been the almost frantic reaction in Thailand. In the wake of our diplomatic overtures to Peking. Thailand, itself, is now rushing to develop contacts with both Red China and North Viet Nam. Thailand's Foreign Minister Thanat Khoman suggested that his country is moving toward a rapproachment because it no longer trusts the United States to come to its defense. The Nationalist Chinese, of course, are also alarmed by our diplomatic games.

Not only do they fear we may let Red China into the United Nations, but they are now wondering what we plan to do with their future. Incredible as it may seem, the State Department last week even questioned the "legal status" of Taiwan, suggesting that the island might be part of Red China after all.

Especially in view of the wary reaction among our anti-Communist allies, we can see no legitimate reasons for recognizing Peking or allowing her into the United Nations.

Despite all the lavish hospitality bestowed on our table tennis team, Red China has by no means reformed. She is still an outlaw in the family of nations. She was a clear aggressor during the Korean War and she is still calling for South Korea's violent overthrow. She wrestled territory away from India and she flattened Tibet. Tenzing Gyatso, the 14th Dalai Lama of Tibet, wrote only two months ago from India that the Chinese "have launched a veritable reign of terror" in his country.

Mao and Chou have stirred up revolutionary activity in Africa, Asia and Latin America. They are not only a major supplier of North Vietnam, but they are conducting insurgency schools for revolutionaries from many Southeast Asia countries, including Malaysia, Burma and Thailand. Just last month, in fact, Radio Peking called upon "the Thai peasants to actively participate in the armed struggle under the leadership of the Communist party of Thailand. . . ."

Yet the Red Chinese are also actively trying to stir up revolution in this country. FBI chief J. Edgar Hoover wrote in 1970: "During the past year . . . we have experienced a definite increase in our Chinese investigations due to the stepped-up intelligence activities on the part of the Communist Chinese aimed at procuring highly technical data, both overtly and covertly, and the efforts of Chinese Communists to introduce deep-cover intelligence agents into this country."

Mao has lent his support to the Black Panther party and other revolutionary groups, including Progressive Labor. For years Red China harbored Robert Williams, an American now back in this country, who urged U.S. Negroes to rise up and revolt.

Walter Judd, chairman of the Committee of One Million Against the Admission of Red China to the United Nations, cannot understand this great drive to recognize Red China. While there is great pressure to "trade" with Peking, says Judd, her greatest exports are "communism" and "heroin." Great Britain, he points out, recognized Mao's mainland in January 1950 in order to reap supposed trade benefits. "What has she gotten in return? Imprisonments, beatings, storming of British Embassies and people and no increase in trade.

"De Gaulle showed his defiance of us by recognizing Red China. And it was the Chinese Communists who organized the great [Paris] riots in the spring of '68, a major factor in overthrowing de Gaulle. Israel made overtures way back 20 years ago toward Red China. And it was the Communists from China who organized and trained the Palestinian guerrillas which almost blew up into an all-out war against Israel last fall.

"I would think people would see what's happened when folks have followed these policies of softness toward communism and be wary."

TENNESSEE GENERAL ASSEMBLY OPPOSES BIG BUS BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. SCHWENGEL. Mr. Speaker, I have recently received the following resolution from Representative Victor Ashe, a member of the Tennessee House of Representatives:

HOUSE JOINT RESOLUTION NO. 140

A resolution to urge Congress not to authorize an increase in the width of buses.

Whereas, there is much concern for safety on our nation's highways; and

Whereas, there is legislation pending in the United States Congress to authorize an increase of six inches in the width of buses—legislation which the Department of Transportation has failed to endorse; and

Whereas, an identical measure was rejected two years ago by the Congress; and

Whereas, the bill, if passed, would increase by twelve inches the required effective, usable width of our nation's highways and might possibly force reconstruction of some bridges and tunnels in Tennessee and other states; and

Wheeras, this matter merits further study; now, therefore,

Be it resolved by the House of Representatives of the Eighty-Seventh General Assembly of the State of Tennessee, the Senate concurring, That the United States Congress is urged to postpone consideration of the subject of wider buses to allow for further study so that the public safety wil be adequately protected.

Be it further resolved, that copies of this resolution be sent to President Richard M. Nixon; Secretary of the Department of Transportation, John Volpe; and to all members of the Tennessee congressional delegation.

ARMS SALES TO LATIN AMERICA

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. BADILLO. Mr. Speaker, I commend our colleague from Florida (Mr. Fascell) for the initiative he has taken with regard to the rather sudden, and I believe precipitous, change in the U.S. policy of making arms and other military equipment available to Latin American nations. The distinguished chairman of the House Inter-American Affairs Subcommittee has raised some very pertinent and important questions concerning the President's ill-advised decision to exceed the $75 million ceiling which the Congress set in 1967 on U.S. arms aid to Latin America.

Mr. Fascell's concerns are well-founded and I believe that the administration's ill-conceived policy could easily lead to an arms race in the Western Hemisphere. Not only is such an arms race not in the best interests of the United States, but the very scarce resources used to purchase this military hardware would be diverted from urgently needed economic and social development programs.

Mr. Speaker, earlier this week an editorial appeared in the New York Times in which it is aptly observed that this hemisphere's security could be threatened by such an arms race. This is a development in which we must take a close and penetrating look and I commend this editorial to the attention of our colleagues. I am pleased to submit it herewith for inclusion in the Record:

[From the New York Times, May 25, 1971]

Arms Race in Latin America?

President Nixon's bid to increase arms aid to Latin America will no doubt be welcomed by military men in the Latin capitals and in the Pentagon and by private American arms merchants. But it is not at all clear that the President's reversal of a four-year-old policy of restraint in providing arms to the southern hemisphere will advance American interests, as the Administration claims.

It is argued that additional arms aid is needed to restore this country's diminishing influence among the military men who increasingly control Latin governments. But such aid in the past has been no guarantor of friendship. It has not insulated recipients from the wave of nationalism that has swept the continent, with the United States as a prime target. At any rate, it is certainly not in this country's long-range interest to become closely identified with military regimes that employ American arms to suppress their own people.

Secretary of State Rogers has defended the President's waiver of a $75-million ceiling on Latin arms aid on the ground that it "diminishes the prospects of any powers unfriendly to the United States advancing their influence and objectives in this hemisphere." But the principal rivals to the United States as arms suppliers to the Latins are Britain, France, West Germany and Italy, all allies of the United States. Their competition may be annoying to American arms manufacturers, but such competition in itself poses no threat to American security interests.

What does threaten the security of all of the hemisphere is an incipient Latin arms race that will divert scarce resources from desperately needed development efforts, strengthen antidemocratic regimes and increase the danger and potential magnitude of local conflicts. The United States may be powerless to prevent this madness, but there is no good reason why the American taxpayer should be asked to help finance it.

HON. RICHARD L. ROUDEBUSH SPEAKS IN DETROIT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the Record a speech given by an old friend and former colleague, a distinguished past national commander of the Veterans of Foreign Wars and a good friend of most of us here in the House, the Honorable Richard L. Roudebush, at the 25th anniversary of the Sgt. Stanley Romanowski Post of the Veterans of Foreign Wars at Cobo Hall, Detroit, Mich. on May 8, 1971. The speech follows:

Remarks by Hon. Richard L. Roudebush

My Comrades, Sisters and friends. It's been a long time since I visited your Post.

It's real good to be back. When I was last here—I believe in 1958, I recall your wonderful hospitality, your friendship, your comradeship. So, when my good friend, John Kulick, called to extend the invitation to address you tonight, I was delighted to accept. After all, it's like "coming home."

25 years is a long time. Many Posts founder long before they celebrate their 25th year. I want to warmly congratulate you on a successful 25 years, and I know the future holds great promise of success.

We live in times of great and radical change. Most of you are familiar with the fact my home is in Indiana. When you are around a Hoosier for more than 10 minutes—it's inevitable that you will be informed of this fact. I guess we're sort of "low key" Texans in regard to pride in our state.

I was born and raised on a farm—in an atmosphere of

Love of Country
Love of God
Love of family
Love of all
the "American way of life".

Therefore, many changes that I witness are most disturbing to me. I worry about my Country The attack on all these things that I hold dear. . . . the bizarre behavior of some of our citizens! And, I might add—bizarre mode of dress.

We, who work in Washington, certainly have an expertise with demonstrators. Contrary to public opinion, the Vietnam war isn't the only protest.

I work at the Veterans Administration—one block from the White House. We have two parks in the vicinity of our Building. I've seen a regular panorama of demonstration.

On one day I witnessed:

(1) A Women's Liberation Movement
(2) An anti-war group
(3) A group of folks against poverty
(4) And some ecologists.

I might say for the record that these are four things it would be hard to be against.

(1) We all love the ladies!
(2) I don't know anyone who opposes war more than someone who has fought one
(3) We all dislike poverty
(4) And "clean water" and "clean air" are pretty basic.

I guess then, the real contention is how we achieve these goals. Personally, I dislike "revolutionary change". I prefer rather "evolutionary change".

Let's analyze our System—keep an open mind to needed corrections, but defend wtih great diligence those things that are good.

You sure as hell don't achieve anything by destroying the system that makes all these wonderful things possible!

(1) The right to protest
(2) The right to be heard
(3) The right to assemble
(4) The guarantee of personal freedom!

Some of those who protest should try such activity in Hanoi or Moscow. I'm afraid they would find themselves in jail with a broken head. Or, maybe on the way to the "cold country".

Some who carry the placards should realize that a great number of Americans died—to protect their right to carry these signs.

A few moments ago, I told you that former soldiers all deplore war. I think this is especially true of the combat soldier. According to Department of Defense figures—something over 3 million Americans have served in Southeast Asia.

About two and a half million have seen service in Vietnam alone. I'm sure they have been subjected to many tragic experiences—just as their Comrades of World War I and World War II and Korea have been so subjected.

About 800,000 of the Vietnam Veterans have joined the various Veterans' Organizations.

Our Commander in Chief Rainwater—has publicly declared that more than 400,000 are in the ranks of the VFW.

It is my understanding that we have the largest enrollment of any Veterans' Organization. I am so very proud of the VFW—and the outspoken way our Commander in Chief has conducted himself.

I suggest that in doing so—he has had a great effect on the morale and effectiveness of our Armed Forces. And thus our Nation's security.

I don't pretend to be an expert in military affairs—although as Staff Sergeant in World War II—I thought I was one of the best. One need not be an expert in military affairs to recall those dark days before World War II.

The "peace in our times" conference at Munich. We must understand that weakness and unpreparedness invite war. In fact, they make war inevitable.

It is imperative that public confidence and pride in the integrity and decency, the unselfishness and courage, of the men and women who wear the uniform of our Country be rebuilt and strengthened.

Service in our Armed Forces must once again become the hallmark of honor—not a stigma of shame. You simply can't have it both ways. There is little use of providing the great machines of war—unless we honor those who operate these machines.

I was in Congress a long time! I guess the folks in Indiana thought—too long.

I know of cases where young men were

discouraged from going to Service academies. I know of great colleges and universities that have dropped ROTC from their campuses. We speak of an all-volunteer Army. Who is to man this Army? Who is to provide the officer candidates? Young men and women have got to volunteer for such service. And why should the young men volunteer for service—if such service is not respected—by those he attempts to protect? If we're not proud of what he is doing.

My Comrades of Sergeant Romanowski Post—you wore our Country's uniform with dignity and pride. But what man could wear the uniform and serve effectively if that service is downgraded and demeaned by the same citizens that he attempts to protect? I say to you tonight that the future security of our nation depends for a great part on the attitude of the public towards our Armed Forces.

This past week we have been subjected to considerable anti war activity in Washington. There is a growing anti-war sentiment. The war is 10 years old—our people are tired and discouraged.

I looked over the groups that came to Washington. I was in their encampments. I talked to them. I observed their actions. The display of the Viet Cong flags. The desecration of our own flag. The portraits of Mao Tse-Tung. I got the feeling that a great number of these people were more interested in the destruction of our Capitalistic system than they were in Vietnam and the war there.

I didn't see a damned soul that I would trust our nation's foreign policy to. But I submit—there is nothing inconsistent with a yearning for peace! And a proper military preparedness.

In the same vein I am concerned about our Vietnam veterans. They have fought the longest war in our history, and the loneliest war as well. Many feel that their service and sacrifices are unappreciated by our people. Their return home has been marked—not by parades—but often by indifference—and in a few cases by open hostility.

Admittedly—"open hostility" is evidenced by a tiny minority of our citizens. However, "indifference" is a trait of a great many of our people!

80,000 of these young men are discharged each month. This totals about one million per year. Many have had great difficulty in finding work. About 372,000 are unemployed. This unemployment average 10.8% of the total of all Vietnam veterans. And as high as 14.6% among the younger veterans age 20–24.

It is a real paradox to realize that unemployment is greater among veterans than it is with non-veterans of the same age group. I recall no time in history that this has been true. Indifference! There must be!

Just this week, I received a profile on those men separated from service in 1970.

64% were high school graduates;

17% were college graduates, or had some college;

65% were 22 years of age or younger;

9% were 20 years of age;

29% were 21 years of age;

27% were 22 years of age; and

Only 5% were 26 years of age or older.

So, we have young men well educated, with maturity, with ambition, with skills.

It is difficult to realize why some employers do not find them most attractive.

Certainly the biggest individual problem facing the Vietnam veteran is unemployment.

I will state, that for the past four months, we have dedicated a great deal of effort to this problem. I hope that real progress will soon be made in solving it.

There is great awareness of the problem, and our cities and states, veterans groups and civic organizations are becoming deeply involved.

Well, this was a great dinner, and a great meeting. I am very happy that I could be here to help celebrate your 25th anniversary. I might say there is considerable doubt whether I'll be available as your speaker for your golden anniversary. But, maybe I will! I'll only be 78 when that day arrives. It's good to be with you—to see old friends. It's good to say "well done" . . . to a fine Post. Dobra!

God Bless you—Good night—and Goodbye—my dear friends.

SPACE SHUTTLE—KEY TO ECONOMY AND FLEXIBILITY IN FUTURE SPACE OPERATIONS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. TEAGUE of Texas. Mr. Speaker, as we approach the decisions on our national space program for this coming fiscal year, it is important to recognize not only the significant achievements of the past, but also the potential for proposed NASA programs of the future. Because of the significance of some of these programs I am including in the record an analysis of the space shuttle. This is probably the most significant program for space utilization and exploration for the 1970's. The analysis of the space shuttle follows:

Space Shuttle—Key to Economy and Flexibility in Future Space Operations

Our ability to predict the future with any degree of certainty is remarkably limited. When we discuss space operations with the space shuttle we are discussing the decades of the 1980's and 1990's, and anyone who will predict in detail the course of space activity or any other of man's activities this far ahead is indeed a brave man. To get a perspective of this, back off mentally to 1940 and try to predict the actual happenings of the 1950's and 1960's. With this in mind can we confidently predict a peaceful two decades for the end of the twentieth century or may we be involved in yet another war? To what extent will the pressures of world population growth and the determination of the underprivileged sector of this population to enjoy a better life combine to threaten the environment of spaceship earth, elevating problems from today's nuisance level to the level of threatening mankind's survival?

Obviously, the role of seer is a difficult one. The only safe prediction is that we face a future of novel and serious problems. We can intuitively predict that space operations will play a significant role in the solution of these problems, and we can examine trends in space operations with a view to understanding how the space shuttle system will impact future space operations.

While many of use have traditionally subdivided space operations into categories such as science, applications, military, etc., it is possible to consider space activity as consisting of two major elements, the pioneering element and the operational element. Columbus' voyage to America was pioneering. Pan Am's operations across the Atlantic are operational. In similar pioneering fashion Explorer I showed that we could place a system in orbit. Intelsat IV is an operational system. How does the shuttle impact this situation? In today's operations both the pioneering and operational systems share a common attribute, they are expended (destroyed) when they are used. Launch vehicles plunge back into the atmosphere and burn up. Spacecraft (with comparatively few exceptions, e.g. the manned entry vehicles) stay in orbit unattended until they die, which may be several years after launch or several minutes. Then they drift around the sky as pieces of space junk. Even Columbus managed to get two of his three ships back to base, but we operate in a mode equivalent to Pan Am solemnly setting fire to each 747 after each Atlantic crossing.

The shuttle introduces the obvious missing ingredient to space activity, namely reuse. Reuse of launch vehicles—made possible by the basic design of the launch vehicle, the space shuttle itself. Reuse of spacecraft—made possible by the ability of the space shuttle to haul payloads from orbit to earth with even greater facility than from earth to orbit.

The fundamental differences between pioneering and operations is that the pioneering effort is a short term single expedition into the unknown, the operational activity extends over a relatively long period of time and deals with the known. While the shuttle offers benefits to both forms of activity it may well offer its major advantages to the operational mission.

First let us discuss pioneering. By definition the pioneer is not sure of what he wants to do; for example, a pioneering scientific space flight may involve uncertainties with respect to quantities to be measured, range of measurements and so on. This kind of uncertainty is not a major problem in the laboratory on earth, as the scientist merely adjusts his instrumentation as his knowledge increases. With today's space systems the opportunity is a one shot affair, and the scientist had better be right before he even measures anything. With the shuttle, however, we can fly both scientist and the related portion of his laboratory into space in a shuttle sortie mode, with a laboratory unit occupying the shuttle's payload bay. The advantages of having the scientist's instant feedback to the unexpected are obvious.

Now the operational mission. We want to keep a satellite in operation over a period of years, maybe a decade. Today we launch a satellite, watch it degrade, launch a replacement when the degradation becomes unacceptable, and so on and so on. With the shuttle we put up the initial satellite, refurbish it periodically, in all probability while it remains in orbit, and once in a while return it to earth for a major overhaul and systems update, so that we can take advantage of advances in the state-of-the-art as time passes. If we can accept a period without the capability offered by the satellite we fulfill our requirements with a single unit, If continuous service has a high enough value, we have two satellites, one to take over as the other is undergoing overhaul. In either case the service is available at a substantially reduced cost when compared to today's approach.

We have tried to quantify the economics of this revolution in space operations. We have predicted traffic models and estimated their costs using today's types of systems and using the shuttle system. We find that the direct cost using the shuttle, encompassing both launch and spacecraft system costs, comes out consistently at around half of the equivalent cost using today's systems. We are almost certainly wrong because we are calculating what the costs would be to use the shuttle to carry on space activity as we know it today. In the real world we won't operate in the same way with a shuttle because our ingenuity will reveal ways in which we can get an even greater return for even lower costs. These will only become apparent when we tackle each space objective in turn. They will be significant.

The latter years of the twentieth century pose a new problem to mankind. Throughout recorded history we have lived in capital, the capital represented by the wild animals we slew for food when we lived by hunting, the land we exhausted in our agricultural era, the waterways, fossil fuels and even the atmosphere that we are consuming and despoiling in our industrial phase. The post-industrial society will have to live more and more on income and less and less on capital.

We will have to recycle our national wealth over and over again, and the competence of our technology will be the key to our survival. The space shuttle is a modest step along the pathway to the future. It will assuredly permit space activity to make a major contribution to the solution of the problems of the troubled future that we see today.

THE GENERAL GRANT REVENUE RETURN ACT OF 1971

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. CAREY of New York. Mr. Speaker, I join with 13 distinguished Members of the New York delegation in the introduction of the General Grant Revenue Return Act of 1971. On behalf of my colleagues, I wish to express my gratitude for the aid in preparation of this measure which has been rendered by all of the Members involved, particularly Mr. CELLER and Mr. KOCH and staff personnel in many of our offices.

This bill is offered as a preferred system of distributing Federal revenue grants to State and local governments. The bill differs in many important ways from other similar measures which are generally referred to as revenue sharing, revenue shifting, tax credits, and so forth. This bill tries to recognize the realities of the severe fiscal crisis which exists in all too many of our State and local governments.

We could discuss at length why these jurisdictions are joining to meet a common crisis and we would have to be aware in that connection of the Federal indifference to urgent domestic problems in the urban area and a lack of attention to the needed change in priorities to relieve this crisis. However, such discussion would not lead to the immediate solution which these local and State governments clearly need and deeply deserve if they are to fulfill their function of service to all our citizens.

Suffice it to say that the crisis of local and State finance is of historic dimension which demands urgent and timely massive Federal assistance.

Our legislation is based on two important principles:

First, because the size of the local deficits and State demands differ greatly the degree of assistance should be geared to these factors.

The Federal Government must provide additional financial assistance to those hard-hit areas, States, and localities which are carrying excessive burdens in meeting problems which are truly national in scope. These problems are wide-ranging, but in principle, they are welfare resulting from unemployment, lack of education, lack of housing, lack of adequate health, lack of adequate personal security in terms of law enforcement, fire protection, and sanitation. Our bill aims and directs funds to specific areas according to a stress formula which follows the important principle of "distributive justice," that is, to gather from all according to their means and distribute to each in accordance with his needs.

A second most important feature of our bill is that States and localities would be held fully accountable and subject to carefully designed audit and planning in the use and implementation of our revenues and grants from the Federal Treasury.

I wish to stress that this bill is a revenue return plan using the device of general grants within specific program areas. Our bill enumerates broadly defined documented need programs which are capable of being administered by State and local governments. Some of these would be additive to present categorical aid programs but not necessarily an alternative for such categorical aid programs. This is due to the fact that such national goal programs are aimed at countrywide or regional target and impact areas such as higher education, vocational education, mass transit, areawide housing, urban growth, transit environmental measures, and a series of national priorities that are generally within the Federal accountability and beyond the administrative and jurisdictional scope of local and State governments.

This bill is not, therefore, a substitute for national efforts that must continue if local efforts are to succeed at all. It does little good to talk of additional revenue to solve local problems with 2.6 percent of the Federal tax base if we do not continue to rework our priorities and undergird clear-cut areas of need with the remaining 97.4 percent of the Federal budget. The whole notion of substitutions, therefore, of this plan or any similar revenue distribution plan for Federal programs now in effect is a fiction which has no part in our consideration. This plan, rather, seeks to augment that kind of responsible Federal effort which will allow States and localities to concentrate on their most pressing problems with additional Federal aid in solution of these problems.

We are aware that a great variety of so-called revenue-sharing bills have been introduced and sponsored by many of our colleagues here in the House as well as in the other body. We have carefully studied all of these bills. From among the good points we found in many of them, we have tried to incorporate the best ideas available to us. Specific objections which we found quite evident in a number of bills, we have sought to cure in the following ways:

We believe that adequate safeguards must be provided. We have specifically delineated in our bill the planning, audit, and report and trust fund concept which we believe are the minimum measures necessary for sound accountability. We involve the Comptroller General in order that we, as that power in the Government responsible for the general welfare, would not acquit ourselves of that responsibility by simply turning over Federal moneys to other elected officials without the oversight necessary to assure effectiveness and economical use of all Federal funds.

We define broadly the areas of allowable use for Federal funds because we believe such definition should be the function of the Congress. At the same time we reserve to the State and local governments the freedom to determine the proper application of grant funds within these defined areas. With care and diligence we assure civil rights compliance on a continuing and reviewable basis so that this bill would not reverse the progress we have made in the field of civil rights but would, indeed, help to accelerate this progress as an appropriate use of the Federal power of expenditure.

I believe that a brief summary of the points in our bill will indicate how its provisions correct the shortcomings of other bills and address themselves to the task in hand in providing fiscal relief to all the governments in the Federal system. In the first year of operation the General Revenue Return Act would make available an estimated $10 billion of grants to State and local governments. This is twice the amount proposed in the administration's revenue-sharing plan. The amount to be made available would be equal to 2.6 percent of the total taxable income reported on Federal individual income tax returns. The amount would be authorized each fiscal year and would tend to increase each year as the economy expands, subject to the will of Congress. This method is not subject to those kinds of fluctuations which would perpetuate the great difficulty that States and localities now encounter in attempting to forecast Federal revenues and at the same time, effectively plan for the utilization.

Such plans are impossible to administer effectively when they are neither concrete nor foreseeable on a year-to-year basis given the fact that legislatures and State governments are never in a position to really ascertain what Federal moneys they will be called upon to match or spend.

Other bills fall far short in providing the kinds of aid that really would be adequate to meet the crisis in the Federal system as we know it to be. It would be a cruel blow to those who propose we have sharing in a new Federal partnership if the very device that is suggested, that is, revenue sharing, were to become a total failure because it would discharge an insufficient amount of money in so many different directions that its impact would not be measurable. If we cannot demonstrate a significant impact then taxpayers would have the right to feel that we utilize their tax dollars in a frivolous way.

Our suggested figure, on the other hand, of $10 billion is not taken as a result of some figure in speculation but rather is the amount which Governors, mayors, and respected bodies outside government have recommended as a minimum amount needed at this time to begin to reverse the process of decay and deterioration in the federal system at local levels.

After the amount of moneys to be distributed we come to the all important method of distribution. One-half of the distribution is based upon population and distribution is on a per capita basis. This might be termed the first platform or basic level. The second level or platform is a need formula which we have detailed as follows:

Mathematically we take into consideration the key factors which determine State revenue raising efforts, and those burdens which are out-stripping the tax resources of States and localities. Specifically, we compute the expenditures for elementary and secondary education borne by the State and its political subdivisions, public assistance costs—excluding medical expenses—borne by these jurisdictions and the amounts collected from State and local income taxes imposed upon individuals. I think it most important that any distribution formula give equal weight to these factors. To fail to do so would mean that States which now are not utilizing their tax resources would share equally well with States that are taxing themselves up to the hilt and indeed beyond their means.

First, we are told by experts that there is as much as $18 billion of available unused State and local revenues that could be brought to bear upon clear-cut needs if all States made at least a moderate effort for the use of these revenues. Second, if all of the States were to receive the same distribution without the need factor it would perpetuate and aggravate the "soft-touch" areas of our country to which industry migrates seeking to escape taxes by building run-away plants in areas which present more wholesome tax and wage pattern accommodations. These accommodations should not be made even more enticing by the utilization of new Federal revenues through a per capita sharing system which does not call upon the State and locality to make at least some effort consistent with that of the States which have been forced to exhaust all sources of revenue.

Our bill has one detail which some may consider to be provincial and local because it gives a slight added benefit to cities that have more than 1 million population. These might be called the cities of the "multimillion epidemic." What is the epidemic? Total loss of new housing, high prime interest rates, worst possible conditions of health, and an educational system about to collapse. Hence some special increment to the cities is justified and included in this bill.

Prohibitions against discrimination are specifically provided for in this bill. Prescribed judicial procedures are set out in section 5 so that any person adversely affected by the action of an official of a State or political subdivision thereof may bring a civil action for relief on his behalf or on behalf of a class of persons similarly situated.

Unlike the administration's revenue-sharing plan, the grants provided for in this bill are not "untied, no-strings" aid. States would have to submit plans in accordance with guidelines established by the Secretary of the Treasury and the Comptroller General. These grant funds could be spent only for programs in the areas of education, health, housing, law enforcement, fire protection, public transportation, government restructure, public sanitation, environmental protection, improvement of correctional facilities, manpower training, or welfare. In addition the State plan must give adequate assurances that there will be an overall maintenance of tax effort by the State and its local governments, and that no part of the State payment will be used to reduce such overall tax effort.

Section 6 of the General Grant Revenue Return Act of 1971, provides for the creation of a Federal-State Local Income Tax Commission. The Commission also shall consider the feasibility and desirability of coordinating the collection of Federal, State, and local income taxes through a unified tax system.

We believe that the establishment of this commission would be timely and economical. There are many parallels and redundancies in tax collections now since almost all jurisdictions throughout the country are imposing identical or similar taxes, sales, income, estates, and so forth. There is no reason why we could not make a modest contribution to eradicate the perils of pollution by cutting down the paper work, excessive bureaucracy, and the additional mail cost brought upon the Government and the individual taxpayer. In addition this multiplication of tax systems may be about to destroy our principal tax resource—the taxpayer himself—by driving him away since he must financially support the inefficiencies of our present tax collection system.

It is about time that we use some measure such as this to give the taxpayer some assurance that we will simplify his problem as we attempt to solve our own.

Mr. Speaker, I insert in the RECORD at this point a short summary of the bill:

ANALYSIS OF THE DELEGATION BILL

1. GENERAL PURPOSES

The Bill would establish a new and continuing broad Federal grant out of Federal revenues for specific State and local needs and services.

2. AMOUNT

2.6% of individual income tax base, or $10 billion for the first full year. The State and local government share increases in direct proportion to the growth of the U.S. economy.

3. ALLOCATION

A. Payments to States: ½ population (per capita basis) and ½ need.

The Need Formula is based on—

1/6—All State and local costs of public elementary and secondary education.

1/6—All public assistance payments made by State and local governments (not including medical expenses).

1/—All State and local income taxes.

Thus, all States receive a share; the neediest States receive more than the less needy.

B. Pass-through to local governments:

The State will transfer to each of its local governments which imposed a local income tax on an amount which bears the same ratio to that portion of the State payment as net collections from income taxes by such local government bear to the aggregate net collections from the individual income taxes of the State and by all of its local governments. The division among the local governments will be made on the basis of the resident population of each local government; except that if the resident population of any such government exceeds 1,000,000 individuals, each individual in excess of 1,000,000 shall be counted as two individuals for purposes of the division.

4. ACCOUNTABILITY TO CONGRESS

A. *Limits*—To provide direct accountability to Congress, the bill regulates and limits the purposes for which this Federal money may be spent: education, health, housing, law enforcement, fire protection, public transportation, government restructure, public sanitation, environmental protection, improvement of correctional facilities, manpower training, welfare.

B. *Flexibility*—At the same time, each State and local government retains considerable flexibility in using the federal money received under this program.

C. *Safeguards*—The Comptroller General is to oversee the spending of this Congressional grant. If there is a violation by any State or local government on use of Federal money under this grant, the Comptroller General may suspend further payments to that State or local government.

5. PUBLIC DISCLOSURE

Each unit of government receiving Federal money must publish annually an audit and accounting of how the money was spent.

6. CIVIL RIGHTS

The Comptroller General shall suspend payments to any State or local government not in compliance with the Civil Rights Act of 1964.

7. FEDERAL-STATE-LOCAL INCOME TAX COMMISSION

The Commission is created, for not longer than one year, to study the need for a single, co-ordinated Federal income tax system.

Benefits through the Delegation bill, compared with the other revenue sharing bills, are indicated in attached table.

THE ATTORNEY GENERAL'S CHARGES

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. REUSS. Mr. Speaker, Attorney General Mitchell and other members of the administration have leveled some grave charges concerning the recent antiwar demonstrations here in Washington. The following editorial, from the May 23 Milwaukee Journal, puts such freewheeling accusations in their proper perspective:

MITCHELLISM A LA MCCARTHY

Atty. Gen. Mitchell says that overseas Communist contacts and funds helped bring antiwar demonstrators to the nation's capital. He added that his comments applied to "every one of these large demonstrations that have come to Washington."

This is a serious charge of subversion, of accepting funds from Communist sources for the purpose, as Mitchell sees it, of undermining the federal government. If he has facts to support the charge he has a duty to produce them and indict those he claims to be the tools of external Communists. If he doesn't have facts he is making a very grave charge with no basis but prejudice—something no attorney general, most of all, has a right to do.

Mitchell ought to put up or shut up. Unless he does, he deserves no more attention than the late Sen. Joe McCarthy should have got when he stood up in 1950 and said that "I hold in my hand the names of 205 Communists" in the State Department. He never proved it, but his unsubstantiated charges embroiled the nation.

THE FEDERAL ROLE IN MEETING CONSUMER INSURANCE NEEDS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. GONZALEZ. Mr. Speaker, despite great handicaps and limitations, the U.S. Department of Housing and Urban Development has been administering a Federal program of insurance, authorized and funded by legislation enacted in 1968 of which I was very proud to be a cosponsor.

Although there are budgetary and other restrictions, HUD is pioneering the provision of basic insurance that would not be available otherwise.

Recently, Mr. George K. Bernstein, Federal Insurance Administrator, gave an enlightening and informative speech before the Association of the Bar of the city of New York.

I would like to share Mr. Bernstein's remarks with my colleagues. His speech is as follows:

THE FEDERAL ROLE IN MEETING CONSUMER INSURANCE NEEDS

(By George K. Bernstein)

The very existence of a Federal Insurance Administration is evidence of the failure of the property insurance industry to meet the basic insurance needs of our citizens. Part of this failure can be attributed to a lack of will; part to an inability to operate effectively under internal and external structures. All of it, to a greater or lesser degree, represents a stodginess, a lack of creative innovation, and a relatively low quotient of courage and responsibility.

I submit that unless there are major reforms within and by the property insurance industry, producing meaningful structural changes—not the usual patchwork of band-aids or cosmetic non-actions—insurance as a function of private enterprise will not long survive.

In recent months there has been much concern in the insurance industry, in Government, and on the part of the general public with a wide range of specific insurance questions: no-fault auto insurance, mass merchandising, federally mandated universal health insurance. During this period there have been increasing demands for further Federal intervention to assure the availability of essential property insurance. All the debate, the research, and the resultant proposals in these areas are desirable. They should benefit the consumer.

But neither singly nor together are these proposals, or any similar responses to particular problems, likely to produce more than temporary respite from the deterioration of the property insurance situation. None of them, with the possible exception of no-fault auto insurance, addresses itself to the underlying reasons for lack of insurance availability and ever-increasing cost. And, while I endorse the principle of no-fault, I fear that even the more extensive no-fault proposals will not, in the absence of other basic reforms, produce lasting cost reductions.

Many of the factors which have resulted in restrictive insurance markets and frequently prohibitive prices are beyond the direct control of the insurance industry. Until drunk and reckless drivers are barred from the road, personal injuries and deaths and their costs will increase; until automobiles are built to withstand more than a kick in the tire, repair costs will continue to skyrocket; until hospital and medical costs are restrained, there will be no end to the spiraling price of health protection; until crime is reduced, the costs of insuring against it will continue to mount; and, until there is greater control over inflation in general, the debilitating effect of these costs will intensify.

We must increase our efforts to deal effectively with these social responsibilities, but they are external to the insurance system. We must at the same time address the internal breakdown in the insurance mechanism and restructure it accordingly.

A first step is public awareness and acceptance of the incredible fact that too many insurance companies do not want to write insurance. It is this phenomenon, of an industry in large measure abandoning its inherent role, that should have alerted us to the seriousness of the disease. Yet, tragically, even when there was a recognition of the symptoms, the responses were often inadequate or simply wrong. To a considerable extent, it was the palliatives adopted, with great fanfare, which led us to where we are today. Our present sorry state is a combination of mounting indignation and rueful acceptance of such arbitrary and repeated industry acts as the cancellation or nonrenewal of an insured's coverage after he had paid the premiums for many years, as a result of a minor collision or burglary claim, or the deterioration of a neighborhood.

In a vital and responsive free enterprise private insurance system, these rather visible absurdities would have produced broad-based remedial action. What is occurring, however, to the contrary, is the accelerating withdrawal by the insurance industry from the insurance business. Whether these withdrawals occur from the inner city, the suburbs, rural areas, or along our coast lines—whether they represent a reluctance to write fire, crime, auto, windstorm, or liability insurance—is less important than that collectively they represent a serious loss of protection and the disintegration of our private insurance system.

The governmental response to this situation, although laudable in assisting the consumer victims of the deteriorating insurance market, has proven hardly less disorganized than the performance of private enterprise. The States, with remarkably rare exceptions, have merely reacted—rather than acted—and have treated symptoms rather than causes. The Federal Government, in recognition of the traditional responsibility of the States for regulation of insurance, has been reluctant to step in, except as a last resort after a problem has reached crisis proportions. Nevertheless, in the last few years, in the face of inaction or inadequate action on the part of the industry and the States, the Congress has established three new Federal programs to make available essential coverages—the Urban Property Protection and Reinsurance Act of 1968, the National Flood Insurance Act of 1968, and the Crime Insurance Act of 1970. These programs are administered by the Federal Insurance Administration within the Department of Housing and Urban Development.

Let us briefly examine these programs and the reasons for them.

With exceptions that are too minor to be relevant, flood insurance has never been written in the United States. Its absence represented not an unwillingness but an apparent inability of the insurance industry to provide a particular type of disaster coverage generally desired only by those with a known exposure and a relative certainty of loss. Not only did flood insurance involve the catastrophic potential of the hurricane-type loss, but an absence of a spread of risk, and therefore an inadequate premium base. A major contributing factor was the increasingly unwise use of the flood plain and the absence of adequate restrictions on locations and types of structures to preclude those that would surely be subject to flooding.

The Congressional response was the enactment in 1968 of the National Flood Insurance Act. Under this program, in return for the local adoption of land use and control measures to reduce future flood losses, through wiser locational and structural building decisions, the Federal Government, through an association of private insurers, now writes flood insurance. The Federal share of potential losses, funded through tax dollars, is currently approximately 90 percent, with the industry group bearing the balance. In the last year and a half, the program, which was expanded by statute to include protection against mudslides, has grown rapidly and currently covers 511 communities in 39 States, offering protection to thousands of property owners. By December 31 of this year, each of these communities—and any other that wishes to avail itself of the Federal coverage—must enact land use and control provisions consistent with criteria established by the Federal Insurance Administration to take into consideration the flooding problems of the particular community.

The program provides low-cost, subsidized coverage for existing private structures and small businesses. With respect to all construction started after the area of special flood hazard is identified, actuarially established rates must be charged. This provides a further incentive to individuals and communities to build in a more prudent manner.

Recently, there have been suggestions that the Federal Flood Insurance Program should be expanded to include other natural disasters, including earthquakes. Without regard to the fact that land use restrictions appropriate to earthquake are much more extensive than those related to flooding; and ignoring, for the moment, the hundreds of schools and hospitals already located along the San Andreas Fault; and without weighing the economic and political pressures against the effective implementation of an earthquake land use program in those areas where entire communities are subject to potential destruction. I submit that before we expend more taxpayers' dollars for another Federal disaster insurance program, we should ascertain whether the price required under the flood insurance program—land-use and control measures—will in fact be paid.

If communities are unwilling to adopt and enforce meaningful land use and control measures with respect to flood-prone areas, the Federal Flood Insurance Program will not have served its purpose. Worse, it may have encouraged new building in flood-prone areas. In such an event, it should be abolished. Certainly, no new Federal disaster program patterned on the carrot-and-stick approach of Federal insurance in return for local land use and control measures should be enacted until we see whether or not the one that we already have works.

With the flood insurance program, the Congress also enacted the Urban Property Protection and Reinsurance Act of 1968. This Act followed the report of the National Advisory Panel on Insurance in Riot-Affected Areas, the Newark and Detroit riots of 1967, and the widespread riots of 1968 after the assassination of Dr. Martin Luther King, Jr.

Although the Congress recognized the financial strains that could be imposed on an insurance company by a major riot or civil disorder, only Rip van Winkle could believe that the chronic unavailability of fire and extended coverage insurance in our urban areas resulted primarily from the 1967 and 1968 riots. We are all aware of the difficult market situation that existed for many years in New York and in most other large cities throughout the United States.

Prior to its reports on fire insurance availability in 1967 and 1968, the New York Insurance Department, for a number of years, had attempted to deal with the increasing withdrawal of insurance companies from the urban markets. These efforts did not prove successful until the enactment in 1968 of the Department-recommended legislation under which every insurable risk unable to obtain coverage in the voluntary market must be written through the FAIR Plan.

The Federal Act provided that the Federal Government would offer riot reinsurance to any insurer participating in approved FAIR Plans, similar to the New York pool. Since 1968, 27 other States, including Puerto Rico and the District of Columbia, have established and are operating such FAIR Plans. As of year end 1970, these 28 Plans have issued some 500,000 policies, with insurance coverage in force of approximately $14 billion and in many States, such as New York, the FAIR Plan has become the largest insurer of fire and extended coverage. In both the District of Columbia and New York State the Plans provide 25 percent of all fire and extended coverage insurance written. The New York FAIR Plan, the largest in the country, had written 150,000 policies and had an estimated volume of insurance in force of $6 billion as of November 30, 1970.

This high utilization of the FAIR Plans is growing proof of the reluctance of insurance companies to voluntarily write insurance. And while the FAIR Plan program has, to a great extent, made fire and extended coverage insurance available, there is a real question of whether the newly achieved availability has been accomplished satisfactorily and at reasonable prices, particularly in light of sharply rising premium rates.

Premium rates are a product of experience and there should be no criticism of rate increases which reflect valid losses and expenses. While rate adequacy, alone, has never proven to be the solution to unavailability of insurance in what the companies treat as residual markets—Harlem, Bedford-Stuyvesant, and Watts—the politically motivated denial of justified rate relief has undoubtedly been a factor in reducing the availability of needed coverages.

The public does have a right, however, to object to unwarranted rate increases in an artificially created atmosphere of company martyrdom. With respect to FAIR Plan business—and as regards fire and extended coverage generally in urban areas—there has been, nationwide, failure by the insurance industry to prove its public claim that it is subsidizing bad risks and social responsibilities.

It is rare to pick up a newspaper or trade journal without reading of a property insurance executive bemoaning the huge losses allegedly sustained by the FAIR Plans and the injustice of the companies having to write "social insurance." The most significant issue is not whether these statements are made to justify rate increases or whether they are made to demonstrate that those who had to resort to the FAIR Plans are in fact poor risks and that the companies were justified in not writing them voluntarily. What is important is that with minor exceptions there has been no actuarial evidence that the companies have been losing money on FAIR Plan business.

Authoritative industry statements allege that the companies lost $50 million writing FAIR Plan business throughout the country in 1969 and 1970 combined. Our office has reviewed the very questionable statistics submitted by the industry. The loss and expense data are either invalid or an admission of industry incompetence and poor service to FAIR Plan insureds.

Most disturbing with respect to industry claims that it is subsidizing the ghettos, is that in the same two years in which they alleged $50 million in FAIR Plan losses, the companies were receiving, in the form of riot and civil disorder loadings in 28 States, a minimum of $110 million. These loadings—in the form of an additional 2 or 4 percent, depending on where you live in a State—have been added to the premiums paid by most property insureds in these States to encourage the companies to write voluntarily in urban areas.

That these loadings have not achieved their purpose is evidenced by the incredible growth of the involuntary FAIR Plans. Furthermore, even if their FAIR Plan losses in this same period were the $50 million claimed by the companies—and I question this—and even if their insured riot losses were as high as $40 million, which is probably an outside limit, these combined losses total only $90 million compared with the $110 million taken in through riot loadings. That leaves a $20 million overall profit before investment income and taxes.

As further evidence that FAIR Plan business may not be so bad, the total operating ratio for fire and extended coverage insurance, which includes losses and expenses in the FAIR Plan States for voluntary as well as involuntary business, shows a *profit* of 7.1 percent before investment income and taxes in 1969, and that's a pretty good profit margin. It is particularly good when compared with non-FAIR Plan States where similar data shows an operating *loss* of 4.3 percent.

What this means in bread-and-butter terms is that *urban* fire and extended coverage insurance has been more profitable than such coverages in other areas. And, as long as the industry employs its convoluted and intricate classification and territorial rating system, these statistics impose a heavy burden on it to justify rates based on that system. Is the private dwelling, the apartment house, or the small business in the inner city in fact producing worse underwriting results than the bowling alley, the hotel, or the restaurant outside the city? Is there any justification for the already burdened city dweller paying what may in fact be a hidden subsidy to his less-taxed and less-imposed-upon rural counterpart? How long can we, or will Congress, permit the industry to continue its careless and unwarranted course of action?

These unanswered questions are some of the reasons that despite the main thrust of the 1968 Federal Act towards availability, our office is paying increasing attention to the reasonableness of the cost of the coverage provided. We have testified on these issues before the Congress and have urged the insurance industry and the National Association of Insurance Commissioners to take action so that new Federal legislation will not be needed. Unfortunately, there has been relatively little initiative on the company level and little disposition by Insurance Departments to give adequate attention to regulation of FAIR Plans, apparently because of a complacent belief that the fire and extended coverage insurance availability problem has been met.

A third area of insurance responsibility now vested in the Federal Insurance Administration pertains to crime insurance such as burglary and robbery coverages. The unavailability of this coverage in our urban areas has long been evident. The problem has been amply documented, and in its July 1970 report the Federal Insurance Administration analyzes the causes and suggests certain solutions.

Many are unable to obtain and continue crime insurance at all. Even those urban businessmen and residents who are able to purchase the coverage find themselves faced with mounting premium costs. Although, as with all lines of insurance, crime insurance rates are generally a product of experience and increasing crime losses result in increasing premiums, this offers little comfort to the grocery store owner in the Bronx who must pay $531 for $1,000 of broad form storekeepers' coverage. Such a rate is representative of the situation nationally. In recognition of this problem, the Federal Insurance Administration's 1970 report urges that while efforts to reduce crime remain a first priority, steps should be taken through the insurance mechanism to minimize the financial impact upon its victims.

Within six months of the issuance of that report, the Congress enacted the crime insurance title of the Housing and Urban Development Act of 1970. It gave the States with a critical problem of insurance availability and affordability until August 1 of this year to remedy the situation. In such States where inadequate action is taken by August 1, the Federal Government will itself provide crime insurance at affordable rates.

On the basis of indications to date, it is unlikely that more than a handful of States will be able to solve their own crime insurance problems. Although we would prefer effective State action, certain benefits may result if the Federal Government enters the crime insurance area. For years the insurance industry has utilized an outmoded method of interrelating territories, classifications, and rates. Under the Federal Act, the new program can reflect experimentation and innovation. We hope to make significant improvements in crime insurance methodology to enable crime insurance to become available on an affordable basis. If this approach succeeds, meaningful lessons can be drawn for other lines of insurance.

It is unfortunate that the public must look to the Federal Government both for innovation and to perform insuring functions which traditionally have been performed by the private sector under State regulation, but it is becoming clear to everyone that in many areas the private industry and the States have failed to do the job. Nor is there any indication that they are yet taking steps to deal with basic problems to avoid the need for further Federal action in other insurance areas.

There are bills in the Congress which would involve the Federal Government in additional fields of insurance operation and regulation. Too many observers in and out of the insurance industry are resigned to such an increasing Federal role, and many members of the public endorse and urge it. The mere replacement of the private sector by Government, however, does not necessarily hold out greater assurance of long-term success in meeting the public's needs for insurance at a reasonable price than the meager efforts of the insurance industry. Too frequently we forget that tax-funded programs to meet public needs are not free. The taxpayers across the Nation provide the subsidy required by the flood insurance program. Tax dollars will make up any deficits in the crime insurance program, and tax dollars will be required to support future Federal insurance programs for which the premium rates charged do not prove adequate.

I submit that rather than abandon private insurance to its own deficiencies and replace it with a Federal bureaucracy, which in so many cases becomes an end in itself, a more appropriate Federal role would be to require the insurance industry and the States to restructure the insurance mechanism so that it can again serve the public and return a profit.

Perhaps the most basic principle of insurance upon which it grew, but which in recent years has been in large measure abandoned, is the need to spread the risk. Effectively implemented, the principle of insurance requires the placement of a large number of risks in a single category in order for classification and territorial rate-making to produce sound results. Industry survival is unlikely if it continues to pursue an abortive law of small numbers. And yet, rating territories and classifications continue to multiply. Whereas the cities once were economically balanced economic units, they now are often economically monolithic. Logic would tell us that, in order to restore a rating base to spread the risk, fewer and larger territories should be established. The industy reaction? Further fragmentation!

In automobile insurance alone, most States have approved an 11,000-class classification system, which when multiplied by the approximately 650 rate-making territories in the United States produces over 7 million potential slots into which an insured might fall. When we find that two-thirds of all drivers fall into only two of the 220 base classifications, we recognize the absurdity of the system. In fire insurance, while there are far fewer classifications than for auto, in New York alone there are 6,000 potential slots into which an insured might fall. The same trend is present in other lines of insurance; we need only recall the genesis of Blue Cross and Blue Shield, with its community rating concepts, and compare it with today's system with its experience rating and multi-classifications to see how far we have departed in just a few years from the concept of spreading the risk.

The stampede to more and more rating refinements, subtler classifications, and more territorial distinctions, as well as variations in policy provisions that confound the most learned, results, of course, from the efforts of the industry to isolate the so-called less desirable risk and thus maximize profits. The industry claims that this is necessary to get the proper rate for the high risk assureds and thereby enable the underwriter to serve all risks. The phenomenal growth of the high risk pools and the residual market belies this claim.

In the fire and extended coverage area, this form of enforced isolation has contributed to the segregation, in some areas, of over one-third of the insureds as FAIR Plan business. In automobile insurance, the population of the assigned risk plans has grown—despite the implementation of open competition—to the point where about 10 percent of all automobile insureds in New York State are now in the assigned risk plan. It is difficult to question in theory that a certain degree of selectivity and recognition of unique characteristics is appropriate to the underwriting process, but what has occurred in fact is an extreme over-utilization of this concept. And it has failed abysmally.

To the extent that the insurance industry does not voluntarily acknowledge the need for a broader system of classifications for rate making and underwriting purposes, State Insurance Departments must exercise their authority to require this return to basic insurance principles. If the industry continues to indulge its mania for subclassification, and the Federal Government is forced into new areas of insurance operations, we will be faced with the irony that the Federal funding mechanism will have to look to the broadest of all classification systems, its general tax revenues.

We find a similar fragmentation problem today with respect to policy coverage. Instead of seeking to meet the varied needs of our citizens through truly comprehensive coverage, even the limited package policies offered are sold only to a chosen few, while the rest of the population has to shop, often unsuccessfully, for separate coverages. If industry's claim of overall unprofitable underwriting experience is taken at face value, this fragmentation of coverage has not proved successful even by its own standards. Yet we still see increasing restrictions in the types of coverage offered.

Not only should classifications of insureds and territories be broadened but so too should coverage through the development of an all risk policy offering full protection against a broad range of hazards. Under such a policy, all insureds could receive the same enumerated protections against such perils as natural disasters, fire and theft. The Gulf Coast resident would receive protection against his much-needed hurricane exposure on the one hand and his less-needed crime insurance and earthquake exposure on the other; similarly, the mid-west resident could be protected against tornadoes and fire and also against his moderate crime exposure. The eastern urban dweller would, under the same policy, be protcted against his serious exposure to crime, fire and riot, and also have earthquake and windstorm protection. The west coast resident would have needed earthquake protection as well as mudslide and crime insurance. All of these residents would be paying for coverages they might not ordinarily purchase, but would be assured of receiving the essential protections that today are inadequately available to them. The pennies paid by policyholders for relatively unessential coverages would create a sufficient premium spread to enable insurers to cover the hazards they currently claim to be uninsurable.

Under such an all-risk concept, all State regulators, in order to assure an adequate spread of risk, would have to require the companies to offer relatively uniform minimum coverages. These minimums should be low enough to encourage competition among companies for additional coverages, but high enough to offer all insureds basic all-risk protection.

All-risk coverages could be provided privately and without Federal involvement or State or Federal tax subsidization, if insurers doing business country-wide were content to absorb losses in one jurisdiction in recognition of profits in another, with overall experience as the determining factor. However, as long as the industry insists on profitability on a line-by-line, class-by-class, territory-by-territory basis, and as long as State regulators refuse to recognize valid regional or national risk factors, such a comprehensive approach is not possible through the private sector. But as consumers and taxpayers, we have the right to demand those reasonable adjustments to "business as usual" that are required in the interests of efficiency, equity and basic insurance protection.

Another needed reform would be directed to a return to the basic insurance tenet that the consumer should use his limited insurance dollars to buy catastrophe protection initially, and only later—if practicable—to seek first or full dollar coverage. It is almost self-evident that first dollar coverage requires disproportionate expenses and thus drives up price. Unfortunately, the use of realistic deductibles today is the exception rather than the rule, despite the fact, for example, that a $100 automobile liability property damage deductible would enable either a 25 percent rate decrease or, for the same rate, a top limit of $200,000 in lieu of $5,000. Deductibles and other streamlined cost saving devices within their reach continue to be ignored by the industry. One might almost conclude that the industry is really more interested in cash flow than in sound insurance principles and businesslike standards of profit and loss.

A more obvious aberration of the insurance system today, affecting millions of insureds, is its treatment of the so-called residual risk. Any insurance system, however well run, must recognize and react to the existence of certain insureds who statistically can be shown to be least desirable. There is a better way of handling such risks than the multiplicity of involuntary pools and assigned risk plans abounding today with their invariably adverse social implications.

We have auto assigned risk plans, fire and extended coverage FAIR Plans, windstorm pools, school insurance facilities, State workmen's compensation funds, Federal flood and crime programs, and many others. Even if the FAIR Plans and other pools were run efficiently, their separate responsibilities for different lines of coverage multiplied on a multi-State basis assures the greatest inefficiencies of scale. And yet, the only solutions receiving serious consideration at the State level today are the creation of more such involuntary facilities for more of the unavailable lines of coverage.

There is no shortage of insurance company capacity to write those lines of property insurance in demand today. What we are witnessing is the refusal of the companies to utilize their capacity, and, except to the extent that the involuntary pools compel participation, the companies continue to avoid writing insurance. Ironically, and counter-productively, the very mechanisms we have established to make more insurance available provide that the less insurance a company writes voluntarily the less it is required to write in the involuntary pools, regardless of the size of its assets, its surplus, or the non-insurance uses to which it is putting its capital. This relationship, incidentally, has not escaped the attention of certain companies which, entirely consistent with existing rules, have adjusted their voluntary underwriting practices accordingly. Thus the cycle of unavailability compounds itself.

Furthermore, millions of dollars have been paid by insurance companies in dividends to parent holding companies and others in the last two years for diversification into non-insurance fields, thus reducing actual capacity as well as utilization of existing capacity. As company officials have succeeded in convincing themselves that they are losing money in the insurance business, often against preponderance of contrary evidence, there is an ever increasing desire to utilize their assets in greener pastures. An observer cannot help but wonder why the lack of success in one's chosen field of exeprtise holds out promise for more success elsewhere.

It cannot be denied, of course, that there are some very real pressures on insurance company profits. These include spiraling losses and expenses in most lines of business, growing pressures by the public for coverage in areas shunned by the industry, and legislatively imposed limits on the degree of selectivity which a company may indulge in refusing or accepting a risk. That's what insurance is all about, and the companies who have written insurance at a profit for years should not complain. Unfortunately, these pressures have been accompanied by a marked tendency to political rate-making and artificial depression of rates in certain areas which has intensified the exodus of insurance availability from many States. Once such a climate is created, it is difficult to overcome. Furthermore, an increased public awareness of the insurance mechanism has taken most of the aura of mysticism from the insurance transaction which had previously isolated the industry from public scrutiny. In the face of these mixed pressures, it is essential to encourage, not discourage, voluntary writing of essential coverages.

Therefore, I recommend that the States, and, if necessary, the Federal Government, require participation by the insurance industry in a totally different approach to the residual market. Instead of establishing or continuing separate assigned risk pools for each line of insurance, all insurance companies licensed to do business in a jurisdiction should be required to write every insurable applicant for coverage at the same rate charged every other similar risk.

If a company concluded that a particular risk possessed certain characteristics which made him potentially unprofitable in its eyes, it would be permitted to reinsure percentages above a minimum retained amount with a single pool comprised of all insurers doing a property insurance business in the State. Such an approach, which is already being tried in Canada with respect to auto insurance, could cover fire insurance, extended coverage, crime insurance, workmen's compensation, automobile, and every other appropriate property insurance line.

Under such a system, an insured would not be characterized as a second-class citizen on the basis of the whim of some junior company underwriter. If a risk in Harlem sought automobile or fire insurance coverage, any insurance company to which he was directed by his agent or broker, or to which he came directly, would be required to provide adequate coverage unless he were found to be totally uninsurable, based on explicit, objective, and relevant criteria. In turn, however, that company could lay off or reinsure with the pool everything above the minimum percentage of that risk that it would be required to retain.

There would be only one pool and there would be only one transaction as far as the insured was concerned; the risk would be equitably shared by all property insurers licensed in the State. To avoid excessive use of the pool which could unduly burden particular insurers, the sharing ratio should not be based solely on the voluntary premium writings of the insurer, but also on other objective and meaningful criteria (including unutilized capacity and excessive reinsurance with the pool). This change would be dovetailed with open-competition rating laws and with a requirement that the rates be established in light of the insurer's overall book of business—in and out of the pool.

This approach would assure overall rate adequacy and ultimately lead to less utilization of the pool as time goes on and jittery company executives realize that a return to sound insurance principles can lead to a return to profitability. To the extent that broader-based coverages, classes, and territories were utilized, such an approach would not only return to the traditional concepts of insurance but would eliminate the duplication, waste, and stigma of current assigned-risk operations.

In the absence of internal and external reforms along these lines, if the Federal Government is required to fill the availability void left by company action, it seems likely that we will see the government in a very different role than that it currently occupies. It will be forced to become a competitive insurer, not limited in its operations to the so-called residual market. To permit the insurance industry to skim only the "good business", while saddling the Federal taxpayer with everything else, would be consistent neither with the principles of insurance nor of our free enterprise system. It would simply be bad business.

There must be prompt and drastic internal and external reformation of the insurance system in which no current tenet should be deemed sacred. The alternative to such reforms to meet the consumer's insurance needs more equitably is an ever-increasing Federal involvement. While such involvement would, at least in the short run, be far superior to a continuation of the current dilemma, there is still time for private enterprise to act, either along the lines I have suggested or in some other manner not yet explored. There is room in the insurance system for both public satisfaction and private profit, but if these ends are to be achieved, it will require considerably more courage and innovation than we have seen to date.

AMERICA'S GREAT ACCOMPLISHMENTS

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

Theodore Roosevelt had a ready answer to the prophets of doom. He said that America does not owe its greatness to the critics. Roosevelt said:

> America owes its greatness to the man who is actually in the arena; whose face is marred by dust and sweat; who strives valiantly; who knows the great enthusiasms, the great devotions and spends himself in a worthy cause.

SENIOR CITIZENS MONTH

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. HOGAN. Mr. Speaker, May is designated as Senior Citizens Month—a time to examine the needs of the elderly. Too often, we forget about our older citizens and lose sight of the many contributions they have made throughout their lives and can continue to make, if only given the opportunity.

We must recognize the debt which we owe to our older citizens and honor our obligations to them. In response to this commitment, I have authored various pieces of legislation that will hopefully repay some of that debt.

For example, I have introduced a bill—H.R. 7401—to exempt citizens who are 65 years of age or over from paying entrance or additional fees to our national parks and other recreation areas operated by various agencies of the Federal Government.

I have spoken with constituents who have told me that, prior to retirement, they did not have the time to enjoy our national parks, and now that they are retired they cannot afford to visit the parks on their low, fixed income.

Being a camping and outdoors enthusiast myself, I sympathize greatly with their desire to spend as much free time as possible enjoying the beauty and splendor of our parks and wilderness areas.

Although the fees charged for entry to these recreation areas are relatively small and seem entirely reasonable to most of us, this small amount is more than many of our senior citizens can afford. Living on a fixed income in the face of ever-rising costs of living puts a real burden on these citizens. Particularly because of the high cost of living in this area, our senior citizens in their retirement years are having to forgo many of the pleasures of life to pay their property taxes, buy food and clothes, and pay their medical insurance and bills. Recreation expenses are among the first to be cut from the budget.

Although the Golden Eagle passport, the entry-fee program to our national parks instituted in recent years, now costs only $10 annually and can be used without limitation for the period of a year, in many areas there are additional user fees for camping and other activities. I am fully aware of the benefits to be realized to our parks and recreation system through the Golden Eagle program and have supported legislation authorizing it. However, I do feel in all probability that very little of the money obtained through this program is received from senior citizens. While little would be lost in the way of financial support of development of our parks, a great deal would be gained by our Nation's 20 million or more senior citizens on fixed incomes, who would be encouraged to avail themselves of the beauty and recreation to be found in our national parks.

Mr. Speaker, I have mentioned the fixed income of the senior citizen. I believe we have a commitment to extend programs designed to aid our elderly and favor the complete elimination of income limitations—or at least an increase of those limits—on those senior citizens who are able to work. A bill I have sponsored would provide a 10-percent across-the-board increase in social security benefits with the minimum benefit being $100. This legislation also would increase to $2,400 annually the amount of outside income permitted without a reduction in benefits.

Another piece of legislation designed to aid retirees would exempt the first $3,000 of an individual's civil service or other Federal retirement annuity from income tax.

Further, I support giving men the same option to retire at 62 as women now enjoy, and giving widows 100 percent of the benefits to which their deceased spouses would have been entitled.

Through my assignment to the Retirement, Insurance, and Health Benefits Subcommittee of the House Post Office and Civil Service Committee I have been in a good position to help eradicate some of the inequities facing those who have retired from Federal service.

Finally, I support automatic cost-of-living increases for beneficiaries on social security. These practices are all necessary in order to help our senior citizens keep pace with the rising cost of living.

These actions should not be thought of as special privileges to be bestowed on our senior citizens. Merely, they are the harvest of an affluent society which the elderly themselves helped to create. The contributions these citizens have made to our Nation should have earned for them now a life filled with security, dignity, and independence.

GEORGIAN INDEPENDENCE DAY—MAY 26, 1918

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. HALPERN. Mr. Speaker, Georgia is a little known, beautiful and scenic country in the Caucasus, and its present inhabitants constitute one of the most independently minded people in the whole region. Of all the peoples living in the area, Georgians alone had managed to retain their independence until the end of the 18th century. Then very early in the next century they were brought under the imperial Russian rule, and they lived under the oppressive czarist regime for more than 100 years. But they continued their fight for freedom and independence, and they attained it toward the end of the First World War.

After the collapse of Russia's autocratic regime the peoples of the Caucasus—Georgians, Armenians and the Azerbaijani Turks—all three proclaimed their national independence. The Georgians were the first to do this on May 26, 1918, when they established their own republican form of government. This was duly recognized by several major governments, and the Georgians worked hard to safeguard what they had gained in their historic homeland. But they themselves alone were too weak to withstand the onrush of Russian communism, which was prepared to crush all forms of freedom in all parts of the Caucasus. When Armenia and Azerbaijan were overrun by the Red army late in 1920, Georgia was surrounded, and finally it too was overwhelmed. Since then the country has been one of the constituent republics of the Soviet Union, and its 4 million inhabitants have been unwilling subjects of the Soviet regime. But the spirit of freedom and independence is not dead among the Georgians, and they are still struggling for the attainment of their national goal. On the observance of their Independence Day we wish success to the gallant Georgian people, and peace in their homeland.

CONGRESSMAN KOCH ATTACKS DEFENSE BY ARON VERGELIS OF SOVIET UNION'S TREATMENT OF JEWS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. KOCH. Mr. Speaker, on May 21 of this year, a statement by Mr. Aron Vergelis appeared in the New York Times. In that statement Mr. Vergelis defended Soviet policy toward the Jews. He said there was no discrimination against Jews in the Soviet Union and denied that they were prohibited to emigrate.

Earlier this year, I was in the Soviet Union during which time I met with Mr. Vergelis and other Soviet Jews. I have written to Mr. Vergelis now answering his statement and disputing his position. The original was sent to him in the Soviet Union today. The text of the letter follows:

CONGRESS OF THE UNITED STATES,
Washington, D.C., May 27, 1971.

ARON VERGELIS,
Editor in Chief, Sovietisch Heimland,
Moscow, Russia.

DEAR MR. VERGELIS: I was not astonished by your statement which appeared in the New York Times of May 21 defending Soviet policy toward the Jews.

I can understand why you do what you do. It is without malice that I say you are the "house Jew." Every few years I re-read John Hersey's *The Wall* in which he portrays the Warsaw ghetto policed by Jewish militia appointed by the Nazis. He describes how one Jewish militiaman, refusing to go to Umschlag Platz, which meant certain death, sought to send his parents in his place.

You will recall that earlier this year I was in the Soviet Union. I met with a number of Soviet Jews in addition to you. We discussed two questions. First, why every nationality, and there are more than 100 in the Soviet Union, have schools in which they can teach their children in their national language except the Jews. You answered that the parents of young Jews did not wish to have their children taught in the Yiddish or Hebrew languages because it would limit their scholastic achievement in institutions of higher learning which teach in Russian. When I asked, if you do not permit an all day school in the Yiddish language, why not allow Yiddish schools to exist after the regular day for those who want it in addition to their regular school. You replied by saying that it would be divisive if Jews went to Jewish schools—yet, it is apparently not divisive for Uzbeks to attend their own schools.

Then I asked you why the Soviet Union refuses to permit Jews who wish to emigrate to do so. Your reply was that anyone can freely leave the Soviet Union. I said, Mr. Vergelis, that is simply not true. There are tens of thousands of Jews who wish to leave and who are not permitted to go. It is true, you said, there is a little delay. The delay is due to the fact that the Soviet Union wants to make certain every Jew who leaves for Israel is aware of the physical danger to him and his family there, and secondly the Soviet Union does not wish to give Israel a military advantage by allowing emigration to that country.

Your complacent attitude toward your fellow Jews contrasted sharply with my experience at the Moscow synagogue where I attended services. I spoke with a number of the congregants and when I told them I was a visiting American Congressman they pleaded in Yiddish with tears streaming down their cheeks, "Help up, help us." And when the words "Jerusalem, Jerusalem" were uttered during the service, all around me people whispered "Yerushalayim, Yerushalayim, we want to go to Yerushalayim, help us."

To read your article, one would believe there is no special discrimination against the Jews of Russia. There are others more able than I who can document the religious and cultural harassment against Jews, yet to cite just a few illustrations in addition to what was raised in our conversation: Russian Universities have Jewish quotas, other religious groups such as the Russian Orthodox Church train religious leaders in seminaries yet Jews may not. With an estimated population of over three million, there are only about one dozen aged rabbis who can minister to the spiritual needs of the Jews.

As I said earlier, I visited with other Jews besides yourself while I was in the Soviet Union. I met the wives of Lassal Kaminsky and Lev Yagman, two of the defendants in the recently concluded Leningrad trials. The families of these two men met with me before the trial knowing the dangers that were involved for them and said the only hope that they had was if world opinion spoke out forcefully so as to cause the Soviet Union not to proceed with the trials. What were the anti-Soviet acts of these defendants and the others convicted in a closed trial? They translated from Russian textbooks into Yiddish and Hebrew, and then reproduced them so as to teach their children in those languages. And they sent a petition to the United Nations requesting assistance to emigrate from the Soviet Union to Israel where they could live as Jews.

Lassal Kaminsky and Lev Yagman have been sentenced to five years for their so called crimes.

Mr. Vergelis, God will forgive you because the flesh is weak and He knows it. Many of your brethren whose lot you have made even more difficult, will not.

Sincerely,

EDWARD I. KOCH.

WEEP

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. ROBISON of New York. Mr. Speaker, it is with a great deal of pleasure that I point out to my colleagues a recent article in the New York Times about a new work requirement being instituted by the town of Union Social Services Department in my congressional district. Clarence Sackey, the capable and experienced commissioner of social services has dubbed his new effort, WEEP—standing for work, ecology, and environmental program. It is designed to put welfare recipients in the town to work on local projects to improve the environment. The workers' first task was to clear brush and dead trees from the banks of the Susquehanna River; and there will be other projects along the same line.

Mr. Sackey has the right idea, in my opinion. Since there are so many unmet needs in every community, and since the economic problems of the Nation have created a larger and larger number of unemployed welfare recipients, it seems only logical that those collecting public money during their extended period of unemployment should be required to contribute something in return. The full Times article reads as follows:

RELIEF RECIPIENTS GO TO WORK UPSTATE

(By Martin Arnold)

ENDWELL, N.Y., May 6.—Amid the jabber and song of the birds along the Susquehanna this springtime there is the drone and rasp of the buzz saw clearing away the dead trees and brush of the riverbank here.

The work is being done by welfare recipients under a new program in the Town of Union that requires some able-bodied recipients to earn their keep or forfeit their benefits.

This is not a new concept in upstate New York, for state law has long given municipalities the power to make those in the home relief category work or get off welfare. But in the past it usually has been less costly for the community to pay for welfare than to pay for work.

JOBLESS RATE HERE 7.5 PERCENT

Now there is recession along much of the state's Southern Tier and unemployment in this area has climbed to nearly 7.5 per cent. Consequently, welfare has nearly doubled in the last year.

Now there are about 5,000 cases in this country, Broome receiving some form of public assistance, including Medicaid and food stamps. A case most often involves more than one person.

In the Town of Union, which includes Johnson City, Endicott and Endwell and has a population of 70,000 persons, there were 211 cases of home relief, at the start of April. Home relief is given to single persons or families in which the father cannot get a job. The state and locality share the payment.

On April 7, the Town Board approved the new work program.

Now there are 151 cases of home relief. "Just the psychology of the announcement was enough," said Clarence H. Sackey, Social Services Commissioner of the town. "As soon as it was known that they might have to work, a lot of people called in and said they no longer needed assistance."

On Monday the work program started. Thirty-four able-bodied men on home relief were ordered—after having passed a physical examination—to report to the Town Parks Department or Public Works Department. Six did not show up. If it is found that they did not have a good excuse, they will be dropped from home relief.

Among those who did show up—they work as many hours as necessary at $1.85 an hour to cover the amount of their welfare checks—the idea of working was greeted with some pleasure.

FAVORABLE COMMENT

One 20-year-old recipient, a migrant from New York City, where he drove a motorcycle for a messenger service, said:

"I enjoy this outdoor work. I'm helping clean up the riverbank and I'm doing something for land—getting rid of these old trees so that new ones can grow. I'd like this job permanently."

One of the problems here is that many of the welfare recipients are young men, who must cope with both the recession and their lack of even a high school education. "We have a lot of high school dropouts," said Mr. Sackey. "They were taking vocational training in high school, but the equipment was poor, outdated stuff, and the school system treated them like second-class citizens. So they quit. Now they're the first to be fired."

The International Business Machines Corporation is the major industry in this area, but it is no longer hiring. The General Electric Company and the GAF Corporation have laid off workers. And the Endicott Johnson Corporation, the shoe manufacturer, which used to employ 15,000 people, now employs 5,000.

Clyde Merwin, 26, and the father of three children, had been working as a pants presser, but he was laid off. A high school dropout, he found, he said: "I can't get jobs that pay good enough."

For his welfare work project, he clears away brush on the river bank, a job he does not particularly like, "but at least it's doing something."

Donald House, 21, who is married, has been unable to find steady work since he dropped out of school five years ago. He is hoping, he said, to be able to work permanently for the Public Works Department.

"I like the outdoors—I like this kind of work," he explained. "The Susquehanna is beautiful, and look how much better it looks now that we started cleaning up the sides."

As Commissioner Sackey sees it, one of the virtues of the program is that the work he invisions being done by the welfare recipients is work that is needed to preserve and beautify the countryside and, therefore, being assigned to it bears no touch of indignity.

There are three welfare departments in the county—one for the Town of Union, one for the City of Binghamton and one for the county's 15 other towns.

COUNTY'S PROGRAM

Binghamton so far does not have a work program, but Broome County does. Since mid-March, the Broome County department has sent notices to 47 able-bodied men telling them to report to work, according to the Social Services Commissioner, Carrol Smythe. Of that number, six immediately phoned in to say they had found jobs, six refused to work and were removed from the rolls and the remainder were put to work picking up litter from highways and in parklands.

"Can you imagine what could be accomplished all across the country with a program like this?" said Mr. Smythe. He added:

"I've coined a term that hasn't exactly met with favor among the workers—I call it "WEEP—Work, Ecology, and Environmental Program."

In large cities, such work relief programs are not entirely practical, Jule M. Sugarman, New York City Human Resources Administrator, said.

RETURNING VETERANS NEED HELP

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. MOLLOHAN. Mr. Speaker, as this Nation begins to disengage itself from the war in Southeast Asia, we should be concentrating on solutions to the problems our young veterans face in the aftermath of war. The administration has not shown at this point that it is providing such direction, for it has done nothing to reach and cure those young men who have become drug addicts while serving in Southeast Asia, it has done nothing to improve medical care for them after their release, and is even proposing cutbacks in services at Veterans' Administration hospitals. Coupled with unemployment which is affecting young veterans with alarming severity, these problems constitute barriers difficult to surmount by the young veteran returning to the pattern of civilian life.

To this pattern of neglect, we can add another misjudgment by the administration, for at a time when more and more young veterans are returning to this country with hopes of building or buying a home, the administration is actually phasing out the very successful direct Federal loan program to help veterans who reside in rural communities build or buy homes. Since this program was begun in 1945, the Federal Government has actually gained about $218 million from loan repayments, yet the administration, in an ill-considered cost-saving move, has decided to eliminate this program on the grounds that such loans are now available through the private lending market.

This phasing out began in February and already it portends difficulties to our veterans, especially the 53,000 young veterans from West Virginia, a largely rural state in which, as the recent census showed, there is an acute need for better housing.

The Veterans' Administration made 209 direct housing loans to veterans in West Virginia in 1970 and some 37 during the first 3 months of this year before the de facto cancellation of the program was ordered. Since March, 43 veterans applied for direct Federal housing loans, and, under the new policy, they were informed that loans were readily available from private lenders and the Federal Government would guarantee such loans. But as of May 20, only six of those 43 applicants have successfully gained housing loans from private institutions.

One might argue that this policy is affecting only a handful of veterans, 37 in fact, but I say this figure represents the early impact of an ill-advised policy upon the veterans in a small State, which, if left to continue, will eventually reach proportions of callous neglect across the Nation.

I urge that this policy cease and that we in the Congress provide adequate funds for this program over the shortsighted requests of the administration.

AGGIE ARMADA

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. TEAGUE of Texas. Mr. Speaker, one of the most landlocked institutions in the country, Texas A. & M. University, College Station, Tex., is the operator of one of the largest seagoing institutions in the country.

The oceanographic fleet of vessels belonging to the Texas A. & M. University comprise one of the finest grouping of research facilities within the sea grant program. Under leave to extend my remarks in the RECORD, I include an article which appeared in the Sunday supplement section of the Houston Post for May 9:

AGGIE ARMADA

Texas A&M University, a land-locked institution some 100 miles from the Gulf of Mexico, operates seven sea-going vessels.

It's no Aggie joke.

Established as a land-grant school nearly a century ago, A&M has been directing its attention to the sea since 1949, when it became the fourth university in the nation to establish an oceanography department. It strengthened its water studies in 1962 with the creation of a maritime academy and again in 1966, when it initiated a water management project in Galveston Bay and the Houston Ship Channel.

The university's armada to carry out these programs includes:

The *Alaminos*, a 186-foot converted Army freighter.

The *Orca*, a 100-foot, steel-hulled vessel.

The *Leprechaun*, an 82-foot converted Navy PT boat.

The *Texas Clipper*, a 15,000-ton converted ocean liner which was loaned to the state of Texas by the U.S. Department of Commerce and the Maritime Administration.

The *Excellence*, a 55-foot Chris Craft Constellation.

The *Duet*, a 62-foot houseboat.

The *Mariner*, a 50-foot, twin-diesel Chris Craft.

Four of the ships—the *Alaminos*, the *Orca*, the *Leprechaun* and the *Clipper*—are berthed near the Aggies' newest campus, 100-acre Mitchell Campus on Galveston's Pelican Island, where the Moody Maritime Institute, a complex which includes the Texas Maritime Academy, the Marine Laboratory and other oceanographic installations, is being built.

The smaller boats—the *Excellence*, the *Duet* and the *Mariner*—are docked at Anchor Boat Works at Morgans Point.

The *Alaminos*, largest of the research vessels operated by the Oceanography Department and a sister of the USS *Pueblo*, which was captured by North Korea, is outfitted for long-duration, deep-water studies. The converted freighter, which has seven general laboratories and a central electronic lab where environmental data is recorded automatically, has quarters for a ship's crew of 17 and a scientific party of 18.

The ship, which normally has a 20-day expedition duration, recently completed the longest research cruise in the 22-year history of the A&M Oceanography Department—a three-month trip into the north Caribbean to take core samples from the ocean's floor.

The *Orca*, used primarily for research along the continental shelf, was built in 1920 as a Coast Guard icebreaker on Lake Erie. Later it became a private yacht before being purchased by the Scripps Institute of Oceanography from which the university obtained the ship. An $88,000 grant from Galveston's Moody Foundation paid for the purchase and installation of oceanography instruments and laboratories aboard the craft.

The *Orca* can accommodate up to nine scientists and a crew of seven and has a cruise duration of a week although its captain, Paul J. Gennusa, estimates that expeditions have averaged five days since the school acquired the vessel last year.

The *Orca* also is used in the university's Sea Grant program, a National Science Foundation-funded program to advance the development of marine resources.

The *Leprechaun*, a sleek boat which will share in the shallow offshore water research with the *Orca*, is a new gift which has yet to be outfitted with oceanographic equipment. Built as a patrol torpedo boat, the *Leprechaun* in 1959 was converted to a pleasure boat and used for charter trips into the Bahamas. The boat, currently equipped with radar, automatic pilot and depth recorders, was a donation by Emmet Vaughey of Jackson, Miss., through Houstonian E. L. Wehner, an A&M graduate. Once remodeled, the boat will accommodate 15 persons.

The mammoth *Texas Clipper* is the training vessel for the 135 cadets enrolled in Texas Maritime Academy, which offers a four-year program leading to a bachelor of science degree in either marine engineering or maritime transportation.

Presently, the *Clipper* is serving as dormitory, dining hall and laboratory for the cadets until the academy building is completed on the Mitchell Campus. During summer months the *Clipper* becomes a floating classroom for the cadets, who learn about its operation during three summer cruises, and for about 100 high school graduates who participate in "Summer School at Sea."

Boys in the latter program earn six college credits in English, algebra and American history while visiting foreign ports with the cadets. Charged $650 for the two-month summer school, the students do the KP duties and galley work, freeing the cadets for technical studies.

Constructed in 1943 as a troop ship and named The *Queens*, the vessel was converted to a cargo-passenger ship after the war, named the ESS *Excambion* and operated by American Export Lines. From 1959 until 1962, when Texas A&M became one of the six major maritime facilities in the nation and acquired the *Clipper*, the ship was in dry dock.

A new feature of the training ship is the sewage waste treatment system it received in September, making the *Clipper* the only known ship in the nation—and one of few in the world—with pollution-control facilities. The $100,000 system was designed for 250 men by Bio-Pure, Inc., of Oregon. This A&M project has led to a proposed research program for merchant vessels which normally flush raw sewage into harbors, bays and seas.

Of the three vessels assigned to the Civil Engineering Department at A&M, the *Excellence* operates as the backbone of a water pollution study being conducted by the department.

About once a week the *Excellence* is taken up the Houston Ship Channel to the turning basin. At two-mile intervals it charts water temperature, conductivity, salinity and dissolved oxygen content. This information, which is being put into a mathematical equation, will be used to describe what's happening to the water in the channel. Scientists propose to use this data to control the quality of the estuarine systems and possibly convert waste in the water into food energy for marine life.

The *Excellence*, which was formerly owned by Houston oilman, H. Merlyn Christie, has research equipment aboard valued at about $30,000. It carries a crew of three, a scientific party of four and a varying number of graduate students who are working on the project.

The *Duet*, a recent gift to the Civil Engineering Department by Dallas industrialist Austin Stenton, is awaiting conversion to a scientific vessel. Its inboard-outboard drive will take scientists into shallow bays and rivers not accessible by the *Excellence*.

The *Mariner*, previously owned by Galveston Community College, has been stripped down for use as a work boat for biological studies—mainly shrimp and fish. The boat was given to the A&M Sea Grant Program, which assigned it to the Civil Engineering Department.

Dr. Roy Hann, of Texas A&M's Environmental Engineering Division, explains the role of the armada:

"Texas A&M is an institution which for years has dealt with the relevant problems of our state and nation. In keeping with this tradition, our efforts have been increasingly directed to the coastal zone and the Gulf of Mexico and to the opportunities and problems which exist there.

"Developing the vessel capability to collect data for research, exploring the coastal zone for problem areas and acquainting and training our students in marine technology are important parts of this effort."

Dr. Jack Williams, president of Texas A&M, sees the ocean as one of the last frontiers that man must conquer and points with pride to what the university is accomplishing in that direction.

"Clearly we have a jump in this," he says. "In addition to our capable faculty, we have a new 15-story oceanography building on the College Station campus. Its laboratories and classrooms are sophisticated beyond anything you'll find elsewhere and certainly we have the facilities necessary to operate both in the Gulf of Mexico and the high seas.

"We feel our program is an interesting and valuable undertaking for Texas and hopefully for the entire country."

MAY—SENIOR CITIZENS MONTH

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. BEGICH. Mr. Speaker, the month of May has been dedicated as Senior Citizens Month. This is the time we honor those who have helped make this country what it is today. It is the time we stop to recognize that the efforts and skills of elderly persons have enabled Americans to live in the wealthiest and most respected Nation in the world. Mr. Speaker, we all realize the month of May comes and goes quickly. And that it is all too easy to recall the accomplishments of our elders for a short period and then let their achievements pass into memories and become obscured by more glamorous issues.

I want to awaken the Congress to the clear and simple fact that retirement brings a new way of life to senior citizens—one that offers challenges and one that, unfortunately, brings problems never previously experienced by most individuals. Most elderly people are not prepared to meet their new life style. Furthermore, this country is not ready to accept the challenges retirement offers. Elderly people need our help now. We must be aware of their needs.

We only have to cite existing statistics to show the immediacy of their wants. The aged have less than half the income of their younger counterparts. Nearly one-fourth, almost 5 million, live below the poverty level. Many older people do not become poor until they are forced to live on fixed incomes. Older people are subject to more disability, see physicians more often, and have more and longer hospital stays than any other age group. Moreover, they are least able to pay for health care. They spend proportionately more of their incomes on food, shelter, and medical care, but still there are necessities which they cannot afford. Older people cannot keep pace with rising property taxes, and are often forced to sell their homes. Many prefer to live in retirement apartments which have facilities designed to meet their special needs, but these are nonexistent in most communities. Older people want to become involved in educational projects and in improving their talents, yet doors to education, volunteer opportunities and part-time employment are usually locked or nonexistent. Furthermore, these problems are intensifying. A growing number of elderly people are leaving the labor force involuntarily at younger ages and are accepting reduced social security benefits.

Something must be done to overcome these existing problems. We have the resources to resolve them. We can and we must improve existing programs and enact significant new ones. Let us seriously consider pertinent bills pending before the Congress which offer concrete solutions to the problems of senior citizens. I have cosponsored two such bills which I feel deserve mention at this time. One bill I have cosponsored would cover prescription drugs under the medicare program. If we are to make the medicare program relevant to the needs of older people, we must provide adequate coverage for costly drugs. Senior citizens are in need of them more than any other age group, yet, they are least able to afford them. Prescription drugs represent an enormous economic loss for those depending on limited incomes.

I am also proud to cosponsor a bill which would establish a committee on aging within the House of Representatives. This committee would enable the House to study problems confronting the elderly in a comprehensive and unified manner. I strongly believe this method would greatly improve our existing approach to solving the elderly's problem with fragmented legislation which has little or no regard to its related issues. My proposed committee would have the advantage of enabling the Congress to comprehend the problems of the elderly in their entirety as well as giving older people an opportunity to participate in the decisions affecting their own lives.

Growing old is not a partisan issue. It is a matter that concerns all of us. It is a matter which demands the continual recognition and concern of the Congress of the United States and of the Nation. During this Senior Citizens Month let us pledge bold and imaginative support on behalf of bettering the lives of older people.

GENERAL GRANT REVENUE RETURN ACT OF 1971

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. BINGHAM. Mr. Speaker, I am today joining with my colleagues from New York, Messrs. CAREY and KOCH, in cosponsoring the General Grant Revenue Return Act of 1971. I am thoroughly in accord with the general thrust of the bill, which is to the effect that substantial additional Federal revenues in the form of broad grants must be made available to the States and cities based on a formula which reflects need as well as population. The amount of such assistance proposed in this bill is $10 billion, or about 2.6 percent of Federal receipts from income taxes, which I regard as a modest sum given the magnitude of the financial crisis facing our States and cities.

The needs in my own State and city of New York are absolutely critical, especially in fields such as education, police protection, housing, and mass transportation. These needs are not being met by funds currently available from combined State, local, and Federal grant funds. State and local jurisdictions have reached the limit of their revenue-generating capacity. The only feasible source of needed additional revenues is the Federal Government.

I have, for some time, urged in legislation I have introduced that the Federal Government assume the entire burden of the welfare system. I continue to believe that should be done. But even Federal assumption of welfare costs would not meet the financial needs of the States and cities. The assistance provided in the General Grant Revenue Return Act is acutely needed over and above the amount that would be provided if the Federal Government were to assume the entire welfare burden.

I am not satisfied, however, with the degree of control over the expenditure of funds provided by this bill. It is not sufficient, in my view, to require, as this bill does, that the States and cities spend the funds in any proportion they see fit for a variety of stated purposes subject only to a postaudit. This, in my view, does not adequately carry out the responsibility of the Congress to the taxpayers of this Nation to administer and regulate the expenditure of public funds.

Similarly, I have reservations about the areas of expenditures approved by this bill. The list seems generally arbitrary, and suffers from what I regard as serious weaknesses both of omission and commission.

Accordingly, I hope that during consideration of this legislation in committee and on the floor, additional standards and guidelines for the expenditure of these funds will be incorporated. This, I am confident, can and must be done without distorting the essential purpose and general effect of the bill, with which I am in full accord.

AGRICULTURAL TRADE WITH CHINA

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. FINDLEY. Mr. Speaker, one of the principal reasons President Nixon's commendable initiatives in regard to trade with the Peoples Republic of China have been so well received is the promise they hold for enlarged markets for American farmers.

China represents a splendid potential market especially for American wheat, as the varieties we produce are more suited to Chinese needs than the Canadian varieties.

Chinese planners will quickly find it economically desirable to purchase the lower priced U.S. wheat rather than the more expensive Canadian-Manitoba wheat. At the conclusion of my remarks I am placing in the RECORD a study of wheat trade prospects and the Chinese market prepared by Prof. Stephen C. Schmidt of the University of Illinois College of Agriculture.

China has every reason to become a permanent importer of U.S. wheat on a substantial scale, provided of course we give it the opportunity.

President Nixon will soon announce his decision as to which items to place under general license for export to China. One alternative before him would exclude all grain, including wheat, from general license authority.

In my view, exclusion of grain from general license would be a mistake of very grave proportions.

In terms of our national security interests, it would risk the scornful reaction of China. Peking might well respond that the exclusion of food grain shows the U.S. trade initiative to be empty.

It would also hurt market prospects for America's farmers, who already face a cost-price squeeze and European market difficulties.

Finally, on a purely partisan basis, it would have grave political implications for all Republicans in 1972. The reversals our party suffered in the 1970 congressional elections were the greatest in wheat-producing areas.

I realize the dilemma President Nixon faces in regard to grain trade with Communist nations. The cargo preference restriction established by President Kennedy in 1963, in connection with the wheat sales to the Soviet Union, still remains in effect. Under this restriction, half of grain shipments to Communist countries must go in U.S. vessels. Its purpose was primarily to placate U.S. labor and shipping interests, but labor surely now realizes that its gains no advantage. Because shipping costs in U.S. vessels are much higher than those of other countries, the cargo preference restriction has had the effect of barring U.S. grain from Soviet and Eastern European markets. Many other farm commodities, like soybean meal, are exempt from cargo preference, and sell well in these same countries. This is a hardship on farmers and provides no real advantage to U.S. maritime interests, including labor.

If it is applied to grain shipments to China, it will just as effectively bar grain trade with that country.

The cargo preference restriction is the only major obstacle to including grain for general license to China. This restriction hurts American farmers, American labor, and American business. The time to remove it is now.

Taken together, the termination of this outdated restriction and the general licensing of grain to China would represent a major advance in relations with that country, would open expanded farm product markets in Eastern Europe and the Soviet Union, as well as China, and would give Republican prospects in 1972 a richly deserved boost.

Text of Professor Schmidt's study follows:

WHEAT TRADE PROSPECTS AND THE CHINESE MARKET

(By S. C. Schmidt)

WHEAT CLASSES

Five distinct classes of wheat are grown in the United States: (1) hard red winter, (2) hard red spring, (3) soft red winter, (4) soft white, and (5) durum. Production of the types or classes of wheat tends to be concentrated in certain parts of the country.

Hard red winter wheat is native to the southern Great Plains states of Texas, Kansas, Nebraska, Oklahoma and Colorado.

Hard red spring wheat is produced in the northern Great Plains states of North and South Dakota, Montana and Minnesota.

Soft red winter wheat is predominant in the eastern half of the United States, particularly lower Illinois, Indiana, Ohio, Pennsylvania, eastern Kansas, central Texas, and Missouri.

Soft white wheat is produced in the Pacific Northwest, New York and Michigan.

Durum wheat (spring wheat) is raised mainly in the hard red spring areas.

Each class of wheat has different flour-making characteristics and has a distinctly different use or demand.

Hard red spring wheat has the highest protein content and is used for breads and rolls and blended with lower quality hard wheats to raise protein content. Hard red wheat is used primarily for baker's breads and rolls. Hard winter and spring wheats are mixed or used separately, depending on price differentials, location, protein content and the end product desired.

Flours from soft red winter wheat and soft white wheat are used in making waffles, muffins, quick yeast breads, pastry, crackers, biscuits, and cakes.

Because of its defective baking qualities, little durum wheat is used for bread in northern Europe and North America. However, its amber color, high gluten and low moisture content, the hardness and vitreousness of the grain make it preferred to other high grade wheats for the manufacture of alimentary pastes such as macaroni, spaghetti and vermicelli.

INTERNATIONAL COMPETITION

Canadian wheat consists mainly of the hard red spring varieties that compete with US hard red winter and hard red spring wheats. Canadian wheat is characterized by high protein, strong gluten and uniform consistency. It has become the basic wheat for blending in Britain, and enjoys a favorable position in the Japanese and EEC markets. Manitoba Nos. 1 to 4 top the official list of quality wheats issued by the Committee of the EEC, followed by US and Argentine varieties. Argentine wheats are roughly comparable to US hard and soft red winter wheats. Australian wheats compete with US high-protein spring wheats as well as soft white wheats. French wheats compete with our soft and red winter wheat

World wheat trade in the 1960s has been characterized by (1) increased exportable supplies in Canada, Australia, Argentina and France; (2) the USSR returning to a net export position in recent years; (3) expansion of wheat production in a number of countries such as Sweden, Greece, Spain, Romania, Mexico and Bulgaria; and (4) the reduction of shipments to developing countries. US wheat exports did not keep pace with those of other exporters and, as a result, their share in world trade declined. Thus, in 1968, the US share in world wheat exports had fallen to 28.7 percent, in contrast to 35.1 percent in 1958.

The outlook for a significant expansion of exports of either hard or soft wheats is not bright because of continued decline in consumption and increased supplies the world over. In the EEC unrealistic price levels have led to a buildup of record-high carryover stocks of soft wheats. While the EEC has become a net exporter it remains deficient in hard wheats that need to be imported. Among developed countries only Japan is expected to moderately increase takings of wheat, reflecting an upward trend in per capita consumption. Exports to COMECON countries are matters of great uncertainty, resulting mainly from weather-induced poor crops in the USSR.

Prospects for increased exports on commercial terms to developing countries are equally unpromising. Production in many of these countries is expected to grow rapidly enough to meet basic requirements. This can be attributed to a combination of more widespread use of new high-yielding varieties, expanded wheat acreage, increased acreage under irrigation and greater use of fertilizer. In 1968–69 the new wheat varieties (Mexican) were used on almost all of Mexico's wheat areas and occupied about 16 percent of the wheatland in the developing countries of Asia. It is within the realm of possibility that most of the major developing countries of Asia will become self-sufficient in food grains by the early 1970s. It is unlikely, however, that these countries will be able to enter the world market as substantial exporters. Producer prices in most of these countries are above export price levels, a situation that necessitates export subsidization. Clearly, these countries are in no position to assume such extra financial burden.

Because of the excess of supply over effective demand, U.S. wheat and flour will continue to face increased competition in traditional markets. Technological progress in the baking industry may further change the demand situation. Introduction of new automated baking processes make it possible to drastically reduce the amount of hard wheat required in the blend, without significantly changing the type of bread produced.

THE CHINESE MARKET

Production aspects.—Human power is China's greatest resource. Her population in 1949 was estimated at about 540 million and in 1967 it was estimated to be 797 million.

The land area of Mainland China is 3.7 million square miles, slightly larger than the US and much smaller than the Soviet Union. China's population problem is aggravated by the fact that 66 percent of China's land consists of plateaus and mountains, 9 percent hills, 15 percent river basins and 10 percent alluvial plains. Thus, much of the land is not suitable for agriculture. As a result, until 1957 less than 12 percent of total land area was under cultivation and according to some estimates no more than 20 percent seems cultivable. These data suggest that in relation to her population, China's agricultural land resources are severely limited.

China's agricultural production is intensive and is concentrated upon crops of high energy and yield. Farm products of prime importance in Chinese agriculture are: *rice, wheat, soybeans, and cotton.* Rice is the staple food in southern China and wheat the staple food in the north. Soybeans are a main source of fats and protein and constitute the principal export crop. Cotton is the most important industrial raw material of agricultural origin. Millet and kaoliang are frequently consumed instead of wheat in the north.

WHEAT AND FLOUR EXPORTS TO MAINLAND CHINA [1]

[In million bushels]

Country of origin	Average, 1960–61—1962–63	1963–64	1964–65	1965–66	1966–67	1967–68	1968–69	1969–70 [2]
Canada	54	37	118	75	92	50	78	67
Australia	65	95	84	76	83	90	43	93
Argentina	2	36	22	82	12			
Subtotal	121	168	224	233	187	140	121	160
European community	21	8	18	5	9	13	11	29
U.S.S.R.	4	1	2	4	11	5	1	[3] 27
Subtotal	25	9	20	9	20	18	12	49
Romania/Bulgaria	1							N.A.
Spain								N.A.
Mexico		12						N.A.
Greece				3	1			N.A.
Sweden								N.A.
Subtotal	1	12		3	1			N.A.
United States								
All others								
Total	147	189	244	245	208	158	133	209

[1] Exports to North Korea, North Vietnam, and Mongolia are included under exports to Mainland China.

[2] Preliminary.

[3] North Korea and North Vietnam.

Note: NA-Not available.

Sources: The World Grain Trade (FAS M–180 and FAS M–53), FAS circulars, and International Wheat Council publications.

Trade policy orientation.—In the 1960s, China became a substantial importer of wheat from Canada, Australia, Argentina and France. Her wheat and flour imports absorbed about 9.0 percent of total world shipments in the 1960–63 period and 10 percent in 1960–70. It should be emphasized, however, that imports of wheat into China represent only a small proportion of total need. China produced an estimated 8.2 billion bushel (22,300 million tons) of wheat in 1969–70 and imported 152 million bushels of wheat. This is equivalent to only about 1.9 percent of its wheat production. As shown in the table below, China became an important customer of Australia, Canada and the EEC. Shipments to China during July–June 1969–70 accounted for the following shares of major exporting countries: Australia, 35.1 percent; Canada, 20.1 percent; and EEC, 11.2 percent. In past years, Canadian sales to China have been for 25 percent cash at time of shipment with balance plus interest in 18 months.

Until now, China's wheat imports were guided mainly by political rather than economic considerations.[1] Common sense suggests that Chinese planners will find it economically desirable to purchase lower-quality (and higher-yielding) American wheats, the types China requires, rather than the more expensive and higher-quality Canadian (Manitoba) wheats.

Also, from a purely economic standpoint, it would appear profitable for China to import wheat and to export rice that can be sold for a much higher price in world markets.

Considering the size and the expansion of population (estimated to be at the rate of 20 million persons per year) the People's Republic of China shows every sign of becoming a permanent importer of wheat on a substantial scale.

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[1] Since 1955, China has actively pursued trade relations with a number of less developed countries in Asia, Africa and Latin America. In many of these cases, the motivation seems to have been at least as much political as economic or commercial. Similar motives are reflected in China's aid program to developing countries.

GUN CONTROL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. RANGEL. Mr. Speaker, on the evening of May 21 in my district, Police Officers Waverly Jones and Joseph Piagentini were viciously gunned down as they emerged from a routine call at Colonial Park Houses, 159th Street and Harlem River Drive. Several eyewitnesses say that two men simply walked up behind these patrolmen and shot them in the back. There was no provocation or exchange of words.

Just 2 days earlier, on May 19, Police Officers Thomas Curry and Nicholas Binette were seriously wounded by bullets as they stopped a car going the wrong way on a one-way street near 160th Street and Riverside Drive.

These tragic and senseless dramatically underscore the need for effective control of handguns. Notwithstanding statements of some Federal and local officials to the contrary, there is very little prospect of halting this carnage without effective gun control laws. According to the latest uniform crime reports, in the period between 1960 and 1968 firearms were used in 96 percent of all police killings and 76 percent of these firearms were handguns. In calendar year 1969 some 86 policemen were killed and in calendar 1970 at least 100 were killed, a 16-percent increase. Despite our State and Federal gun laws, police deaths by firearms continue to increase.

It is already illegal under Federal law for felons, mental deviates, addicts, and minors to have handguns. The time has come now to do the remaining job that needs to be done: To tighten up the easy sale and transfer of handguns. More than half of all handguns are acquired second hand. Current licensing and restrictions on the sale of new handguns have not done the job. Handguns still play the major role in the commission of homicide and other violent crimes.

The time has come to ban handguns from all persons except members of the Armed Forces, law enforcement officials, and pistol clubs licensed by the Secretary of the Treasury. I have cosponsored H.R. 3980, a bill designed to achieve that purpose.

I think it is time for Congress to respond to these deplorable attacks on police in a meaningful manner. I urge my colleagues to enact speedily legislation which will realistically and effectively curb fatal attacks on our policemen. Officer Jones and Officer Piagentini deserve nothing less.

HEALTH AND LIFE INSURANCE WEEK: A SPECIAL TRIBUTE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. BEGICH. Mr. Speaker, it is a great pleasure to pay tribute today to the health and life insurance industries which are so vitally important to our Nation's well-being. In the United States today the great majority of health care is financed through a broad network of private health insurance. Health insurance has become a basic part of the Nation's economic and social fabric. In 1969, over 175 million Americans were protected by one or more forms of private health insurance, representing benefits paid by insurance companies were over $7¼ billion in 1969, an increase of 13 percent over the previous year.

The continuing development of a growing range of health insurance coverages to meet the changing needs of the American public can be expected to go on as changing public needs develop. Already, health insurance explorations have been begun in such areas as vision insurance, group travel insurance, and special risk insurance. As insurers gain more experience and knowledge in these and other fields, even more diverse forms of coverage may be expected to evolve.

The importance of life insurance and the life insurance industry to our economy cannot be over emphasized. In 1969 more than 130 million policy holders, or nearly two out of every three people in the country, were insured with legal reserve life insurance companies. Benefits payments, including annuities, also rose in 1969 reflecting a wider use of life insurance by a growing population.

A recent survey indicates that a majority of the population, although knowledgeable about life insurance, would like to become better informed. It was also acknowledged that the life insurance agent is the person best qualified by education and experience to provide this information.

More recently the life insurance industry has been involved in the Nation's growing concern with the quality of the lives led by its citizens. There are two ways in which the contribution of a business or industry to quality of life can be measured, namely the character of its usual services and the extra effort it may undertake beyond its customary services and the extra effort it may undertake beyond its customary services, in the public interest. In the spring of 1969, the life insurance industry pledged a second billion dollars in loans to help improve the lives of families living in the ghetto areas of the cities. These loans, as with the first billion dollars in 1967, were intended for housing, and to stimulate job-creating business or community enterprises for central-city residents.

One could go on and on extolling the contributions of the life and health insurance industries to the American people; so it is very appropriate that we designate May 9 through 15 for this very purpose.

WHY IS HEALTH A LUXURY?

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. ROSENTHAL. Mr. Speaker, the Nation is suffering a crisis in health care, and nowhere is the problem more acute than in New York City.

I have been keeping a close personal watch on the situation there, especially in the Queens area. On June 5, I will hold a full day of hearings on the quality of medical care in my district and ways of improving it.

The hearings will be held at the Queens County Medical Society Building, 112–25 Queens Boulevard, Forest Hills, starting at 9:30 a.m.

Someone else who has been observing the health care crisis in New York is Reporter Jack Newfield. Writing in the May 6, 1971, Village Voice, he takes a penetrating look at the problem, and focuses on the city's Health and Hospitals Corp. His article follows:

[From the Village Voice, May 6, 1971]

WHY IS HEALTH A LUXURY?

(By Jack Newfield)

The three least humane municipal institutions are probably the jails, the courts, and the municipal hospitals. These also happen to be the three service systems whose constituencies are almost exclusively the poor and the powerless, systems unlike fire, sanitation, police, and education that still hold white, middle-class hostages against total breakdown.

No "enlightened" citizen or institution any longer makes any defense of the treatment low-income people receive in city hospitals; they just act like no one is responsible.

Ten years ago the Daily News and World Telegram published devastating exposes of conditions in city hospitals. In 1966 Queens State Senator Seymour Thaler made headlines with carefully documented charges of cruel treatment, high costs, and immense waste. At the same time Martin Tolchin wrote an excellent series of articles in the Times. By late 1967, public medical care was so bad in the city that six different committees and commissions had been appointed to investigate and draft the usual literature of crisis. The most thorough of these reports—by the Piel Commission—concluded that "conditions in city hospitals are not only deplorable, but under existing arrangements, are irremedial."

Today everyone who cares knows that people die in emergency waiting rooms, that clinics are over-crowded, impersonal, and have no continuity of care, that there is a 50 per cent shortage of nurses, that almost no preventive medicine is practiced in the slums, that drugs and hospital costs are soaring out of reach. (Last month at Ted Kennedy's health hearings in New York one woman testified she was asked to immediately write a check for $500 or be thrown out of her hospital bed, and another witness displayed a bill she received for $319 after her child spent six hours in a city hospital.)

Today no one denies that the municipal hospitals are physically deteriorated and bereft of adequate X-ray, life-saving, and lab equipment, that ambulance service is slow, and that consumers and communities have no voice in the running of the hospitals.

And no one denies the central injustice—the maintenance of a segregated, two-class hospital system: inferior city hospitals for the poor, and elite voluntary and private hospitals for those who can afford to pay for health and life.

Today all the concerned citizens admit the existing health care system literally kills people in New York City each month; former Health Commissioner George James estimated five years ago that 13,000 poor people die here every year because of inferior medical care.

Two weeks ago Mayor Lindsay testified before Kennedy's health subcommittee in Washington, and sounded like he was a radical intern with no responsibility for the existing system. "In my city, and in every other city," Lindsay said, "the quality of medical care for the poor is uneven, uncertain, and frequently inhuman. In my city, and in every other city, hardworking middle-income Americans are reluctant to seek care because they worry about the costs . . . I can tell you that in New York the human price of a failing health system is far too high . . . Failure on this scale is intolerable."

Since early 1968 the Lindsay administration's only consistent policy on the hospital crisis has been to form a new Health and Hospitals Corporation to replace the old Department of Hospitals. In public speeches and private meetings the Mayor argued that the basic problem with the hospitals was "inefficiency and red-tape," and that the solution was "modern management techniques."

On December 12, 1968, the Mayor's office distributed a press release that began: "Mayor John V. Lindsay announced today that he will ask the 1969 state legislature to permit total re-organization of municipal health services and complete revision of management methods for operation of municipal health facilities. . . . The underlying concept of the proposed legislation is to create a management corporation. . . . Most of the problems of the municipal hospitals that have existed over the past several decades can be traced to inadequate local management."

There was only token opposition to the corporation plan. Herman Badillo warned it was just another layer of bureaucracy that would not improve the actual delivery of services. Mario Procaccino and Carol Greitzer made the same point. But Lindsay, the private hospital interests, former Hospitals Commissioner Joseph Terenzio, and the New York Times pushed hard for it. A Times editorial endorsed the corporate notion because it would provide "modern management," and attacked "militant medical leftists who favor a single system embracing both municipal and voluntary hospitals."

All through 1969 a task force appointed by Lindsay met in private to design the structure of the new corporation. The task force, which held not public hearings, included systems analysts and program planners from the Bureau of the Budget, and Carter Bales of the McKinsey Management Company, which over three years would receive more than $1 million in consulting fees from the city. It did not include any consumers of health care—no blacks, Puerto Ricans, women, blue-collar whites. It included only technocrats.

On April 27, 1969, the state legislature, with almost no debate, passed the enabling legislation for the corporation. The vote in the Senate was 52–4, and in the Assembly, 119–17.

The Health and Hospitals Corporation has now been in business for 10 months, and so far it must be judged a serious mistake of analysis and policy. It is bankrupt; members of the staff and board of directors who have access to the records say it is $130 million in debt, although the press office admits to only a $20 million budget gap. The promises of community participation have not been kept. The staff is demoralized, uptight, and busy circulating job resumes to other city agencies. The corporation's president, Joseph English, the highest paid city official at $65,000 a year, has proven to be an ineffectual, remote administrator. Except for incremental improvements in recruitment of nurses and in security, the day-to-day care in the city hospitals remains wretched. And English warned last month that unless the state legislature restores its Medicaid and other budget cuts, the city may have to close down eight of the 18 municipal hospitals, which are the only doctors most poor people have.

(It is significant that English did not threaten to cut off the payments of over $100 million the city makes to voluntary hospitals and medical schools under the affiliation contracts signed during the Wagner administration. By these payments, and by taking in all the non-paying patients the voluntary and private hospitals refuse to admit, the city, in a sense, subsidizes the elite half of the two-class system.

Dr. Edmund Rothschild is one of the five members of the 16-man corporation board of directors who was not appointed by Mayor Lindsay (although Lindsay told me he is "a good man"). He is a talented doctor and researcher who was basically apolitical until he was named to the board by the Manhattan city councilmen. Now he says the corporation is "covering up a gigantic scandal," and is "on the verge of collapsing."

"The whole financing of the corporation," Rothschild told me, "from the start, was deceptive and fraudulent. The city lent the corporation $130 million in accounts receivable when we started last July 1. A lot of that money doesn't exist in reality, it is just paper. Also, the anticipated revenue figures in the corporation's budget are inflated and phony. On top of that, the corporation's collections system from Blue Shield, Blue Cross, Medicare, and Medicaid is incompetent. Now the corporation wants to borrow more money from the city on a pretext, without appropriate financing behind it, without admitting to the public that we have at least a $130 million cash deficit. The books are now being juggled on the dishonest basis of accounts receivable that don't exist. We need more money. If things don't change, the corporation will probably be short $100 million in real money by July."

Rothschild explains that the corporation's board of 16 is dominated by city officials who have been appointed by the Mayor, and are loyal to the Mayor, not to the sick and the poor. HSA Administrator Gordon Chase, Deputy Mayor Timothy Costello, HRA Administrator Jule Sugarman, and Health Commissioner Mary McLaughin "can push through any policy the Mayor wants."

"And they are willing to cut services, to reduce the number of beds, to cut staff, to protect Lindsay and the Bureau of the Budget. I want the board to be independent of City Hall, to fight the legislature and the Mayor and the Budget Bureau for more funds, to tax the insurance companies and banks to pay for medical care for the poor."

(Gerard Piel, publisher of Scientific American, who chaired the prestigious 1967 commission that first recommended a public corporation be formed, agreed with Rothschild that it should have been independent of City Hall. "We had a radically different concept of the corporation than the way it came out," Piel told me. "We wanted a corporation without city commissioners on it, that was dominated by consumers and health professionals. But the administration wanted to keep control. We also wanted to abolish the differences between public and voluntary hospitals . . . I had serious differences with the administration over this issue, and I was not involved in the designing of the existing Health and Hospitals Corporation.")

Although the Health and Hospitals Corporation is a child of "modern management" *it is failing even in its own cost effectiveness terms.* Although the corporation was fashioned by economists, computers, consultants, and systems analysts, it has been badly staffed, it has wasted funds, and it has set foolish priorities.

Almost all of the corporation's policy-making staff are white, middle-class males with little feel for New York City. Several are systems analysts with backgrounds in Robert McNamara's Pentagon, rather than in health care or hospitals.

These brash young technocrats moved into 125 Worth Street last summer and totally ignored the older, career civil servants. The 40- and 50-year-old professionals from Queens and Brooklyn were excluded from meetings, deleted from memo lists, given no work to do, and now can be seen sitting at their desks reading magazines and newspapers all day. These civil servants, although they may lack formal education and a diploma from Harvard Business School, know more about the bureaucracy of hospitals than the new Pentagon whiz kids. But their concrete knowledge, acquired over many years, is not called on.

A second problem is that none of the policy makers who have the most direct control over the corporation have much experience with New York City. They all come out of the Washington bureaucracy with spectacular reputations.

Corporation President Joseph English worked in the Peace Corps, then OEO, and then HEW all through the 1960s. When he was first interviewed for the job he was asked by Dr. Rothschild, "Do you know where the Grand Concourse is? The answer was no.

HSA Administrator Gordon Chase worked on McGeorge Bundy's national security staff in the White House from 1962 until 1966. He then joined the Agency for International Development (AID) whose former director, Dr. John Hannah, has admitted it was a "CIA cover" since 1962. Chase's job at AID was formulation of the agency's $2.5 billion budget.

Edward Hamilton, the city's Budget Director, who controls the Health and Hospitals Corporation's budget, worked for Walt Rostow in the White House, for the Federal Bureau of the Budget and for the Brookings Institution until he came to New York last year.

Twenty-nine-year-old Paul Kerz is the corporation's senior vice-president for program analysis. He is a graduate of the Defense Department.

And the three top administrators in the old Department of Hospitals who helped set up the new corporation are all gone: former Commissioner Terenzio and his deputies Henry Manning and Robert Derzon, resigned last summer.

A third administrative weakness of the corporation has been its tendency to pay deskbound bureaucrats excessive salaries while compiling and covering up a budget deficit and failing to improve health services.

Since last July 1, the corporation's staff salaries have skyrocketed from $1,882,000 to a current $4,361,000. This has happened despite the Mayor's order for a job and wage freeze for city employees. And this money *has not gone for doctors, nurses, or para-professionals, but for executives and managers.*

English, with a salary of $65,000, earns $15,000 more than the Mayor. Three corporation vice-presidents make over $50,000 annually, 10 staff members top $30,000, and 169 earn more than $20,000.

According to Comptroller Abe Beame, who is conducting an audit of the corporation's complicated, books there has been, in 10 months, a 125 per cent increase in the number of inside employes making over $20,000. Also, the corporation has spent approximately $1 million to re-furnish and re-model its executive offices on Worth Street, while the waiting rooms in most municipal hospitals remain dirty, dingy, and depressing.

Congressman Herman Badillo has been perhaps the most consistent political critic of the corporation concept, first as Bronx Borough President, and then briefly as a member of the corporation's board, until he quit without much publicity early in March.

Last week, while driving from his Bronx district office to Manhattan, Badillo talked about the corporation's failure to keep its pledge on community control.

"First you have to understand, he began, "that the idea behind setting up the Hospitals Corporation was to get Lindsay off the book on health care. Now Lindsay can say it is not his responsibility because there is a corporation. So the effect of the corporation, and the intent, was to place another layer of bureaucracy between City Hall and the poor.

"The idea of community advisory boards for each of the 18 hospitals was written into the law creating the corporation. But it's a joke. Community advisory boards do not exist. There is absolutely no community participation, much less community control. There is no community input into the making of the corporation's budget." (Dr. Rothschild told me the board of directors only saw the proposed budget for 1971–72 a few hours before it was submitted to the Mayor.) "The Hospitals Corporation functions just like the Port Authority or the MTA. It is totally removed from the public. The decision to set up the corporation this way guarantees lousy health care because there is no mechanism for the people to influence the budget process."

"I believe community advisory boards should have as much power in managing municipal hospitals as boards of trustees have in the running of the voluntary hospitals. The community boards should be elected. Now Joseph English is talking about having hospital administrators appoint community boards. That would be a hoax."

I asked Badillo whether he thought the absence of community control is a matter of philosophy by English and Chase, or just a function of inept administration.

"I'll tell you a story," he said. "Recently

I tried to start a new community hospital in the Bronx, the Soundview Hospital, which would have also served the slums in Hunts Point. It would have been a true community hospital, owned by the community, with a community board with real power. I had financing from state programs all arranged. This would have been a fair test of community control. This hospital would have permitted community doctors to practice in a community hospital, something the city doesn't allow today. So I went to Gordon Chase (HSA Administrator) and asked him to get the city to guarantee the contingent liability (underwrite the state's bonds in case of default) so the hospital could be built. And Chase wouldn't do it. He had a chance to test real community control in a new institution, where it would have been easier to test than in an old institution, and he said no."

The city's three-year-old hospitals policy has failed because it has been based on technocratic premises. The pivotal problem with the municipal hospitals was not "inadequate management," as Lindsay said back in 1968. It was never the kind of problem that could be solved by cost accountants, consultants, and computers designing a new bureaucracy that snubbed the civil service.

The core of the hospital crisis was always an economic problem, a problem of class injustice, a problem of the poor getting inferior treatment in Lincoln or Harlem Hospital, and the affluent buying better treatment in Montefiore or Einstein Hospital. (Management was bad but that was a secondary problem.)

The formation of a management corporation, with the attending imagery of health care as a commodity rather than a basic right, was a doomed policy from the start because it was another way of avoiding putting some real money into one of those institutions that only serve the poor.

As John Kenneth Galbraith put it in his superb pamphlet, "Who Needs the Democrats?": ". . . Having contemplated all other remedies for urban decay, we must now try using money. We must stop using sociology as a substitute for taxation. . . . But the money should be given (from the federal government) on terms that require the cities to tax their own rich. . . . Before John Lindsay is given final credentials as a Democrat, he must be required to make rich New Yorkers complain more about their taxes and less about their services."

Lindsay's economic ideas seem to run in the opposite direction, away from populism and toward management consultants from Rand and McKinsey, soulless McNamara-type technocrats like Edward Hamilton, and corporate smoothies like Charles Luce of Con Edison.

Lindsay's policies in many areas seem intellectually grounded in the mischievous theory popularized by Professors Daniel Bell and S. M. Lipset during the dog days of the '50s, the theory that ideology was dead, that any talk of re-distributing wealth was old-fashioned Marxism, and that the modern sophisticated way to be a "problem-solver" was for government to adopt the latest business and scientific techniques.

But the heart of the health problem (and the housing problem, and the poverty problem) is the old, boring idea of unequal distribution of power and wealth. International drug corporations like Eli Lilly and Pfizer make millions of dollars in profits each year from illness. So do the major insurance companies like Blue Cross, and so do health bureaucrats and administrators. The trustees and administrators of voluntary hospitals have tremendous political power. And so does the AMA.

These interlocking interests do not want to end the two-class system. They do not favor building new community hospitals run by community boards of the type Congressman Badillo tried to start in the Bronx.

In the long run, part of the remedy is the Martha Griffiths-Ted Kennedy bill (S.3 and H.R. 22) for comprehensive national health insurance that covers everybody, includes preventive and ambulatory care, as well as the cost for prescription drugs.

But more immediately, and more locally, what is needed is more money for municipal hospitals, more community control, an end to the two-class system, and recognition of the Hospitals Corporation's fiscal and intellectual bankruptcy.

Until that happens, the poor will get sick, the sick will get poor, and Pfizer, Blue Cross, and Joe English will get rich.

FINANCING THE HOSPITALS

To understand some of the problems associated with the current fiscal crisis of the Health and Hospitals Corporation, one must unravel a tangled web of past and present budget requests, executive budgets, comptroller's reports, etc. Since adjustments are made for a number of years after any given fiscal year, there is a two to three year lag in the final fiscal data. Hence the best we can do for background is to look at the years 1965–66, 1966–67, and 1967–68, which are final, and examine the patterns that emerge:

[In millions]

	1965-66	1966-67	1967-68
Budget as adopted:			
City tax levy	195	176	183
Other (Federal, State, etc.)	74	124	180
	(88)		
Total	269	300	363
Final adjusted budget:			
City tax levy	170	110	58
Other (Federal, State, etc.)	80	138	211
Total	250	248	269

Thus it appears that while the announced budget for the old Department of Hospitals was increased each year by the Mayor, City Council, and Board of Estimate, the amount of money actually expended during that year was considerably less and almost constant. Also, the amount of city tax levy money used to pay the bills for the year decreased with time and was considerably less than that committed to the municipal hospitals in the original budget.

Alternatively, one could question the whole bookkeeping procedure, and assume that hospital care dollars actually spent were closer to the adopted budget, and an increasing hidden deficit was being incurred by the hospitals each year. It is also clear that the collections process is such that moneys collected from other than city sources in subsequent years were applied to balance previous years budgets, whether or not the income collected really should have been credited to that year.

The only fact that can be confirmed is that at the end of June 1970, the Department of Hospitals was behind at least $130 million in non-city money collected. This fact is reflected in the deal made with the HHC to buy for this amount the "accounts receivable" of the old Department of Hospitals, this sum to be paid off over the next 10 years. It is also becoming apparent that there is probably considerably less than $130 million in collectable dollars (possibly half as much or less). That the city sold the corporation an over-valued asset is beyond question; that the city should have collected this amount and more in the past is also clear.

This brings us to the question of why money due to the municipal hospitals from third party payers (including state, federal, and insurance companies) was never collected. The answer to this largely lies in the incompetence of the Department of Hospitals in getting the paper work done when the patient was admitted and discharged, paper work necessary to collect these moneys. The voluntary hospitals have been able to do this because they have had to survive and maintain up-to-date standards. The municipal hospitals failed on both accounts, and the Corporation has continued to fail to collect what it should. Furthermore, the money paid by governmental and insurance agencies for care in the municipal hospitals is considerably less than that in the better voluntary hospitals. This rate issue should have been resolved in favor of the municipal hospitals a long time ago; it has not been because of a combination of lack of effective cost accounting and political muscle.

Against this background, let us look at this year's budget ('70–'71) for the NYC Health and Hospitals Corporation.

	Million
Total approved budget	$618
Minus mental health expenses (absorbed by city and state)	58
Total	560
Plus 10 percent of 130 owed to city	13
Total budget need	573
Minus city tax levy	264
Funds needed	309

Thus if the Corporation spends its total budget, then it needs $309 million from non-city tax levy to break even. These sources are primarily Medicaid, Medicare, and Blue Cross, etc. The Corporation's best official estimate of these payments is $239 million, leaving a deficit of at least $70 million (309 minus 239 equals 70). The 239 figure is probably a gross overestimate of collectible money from this year's operation. The cash figure may well approach this number, but it will in part reflect some of the $130 million in old paper, $117 million of which the Corporation still owes the city.

Conclusion: The Health and Hospitals Corporation, as the Department of Hospitals before it, is developing an increasing real deficit. This is due to chronic under-financing by all levels of government and by the private insurance companies, couples with naive estimates of revenue sources and the lack of modern reasonable cost accounting and billing procedures. Unless major immediate changes take place in all these areas, the municipal hospitals cannot survive.

IDAHO'S SAWTOOTH COUNTRY—AN OPEN LETTER FROM ALASKA CONGRESSMAN NICK BEGICH

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. BEGICH. Mr. Speaker, in response to the "Dear Colleague" letter from the Idaho House delegation which proposes legislation to provide Federal protection for parts of the Sawtooth country in southcentral Idaho, and in response to the brochure attached which pictures this and other areas of Idaho, let me say the following.

Those of us who have the privilege to live amid Alaska's scenic beauty and its expanse of wilderness have high standards for measuring the attributes of other States but, gentlemen, I am persuaded. The Sawtooth is a magnificent area. Add my name to H.R. 6957.

NATION'S BUSINESSMEN FAVOR CURTAILING FEDERAL AID TO COLLEGES NOT CONTROLLING CAMPUS DISORDERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. RARICK. Mr. Speaker, taxpayer resentment and demands for stronger action have been provoked by riots and havoc caused by a small number of students on college campuses. The disruption of classes by such disorders is an injustice to the serious student whose education is interrupted and to the taxpayer whose taxes help support centers of higher learning.

I have proposed a bill, H.R. 359, providing that Federal financial assistance be stopped to those colleges which fail to take adequate measures to curb the disorders and that financial aid be suspended to those teachers taking part in campus disruptions.

The National Federation of Independent Business, Inc., 150 West 20th Ave., San Mateo, Calif., having a present membership of 291,841—the largest individual membership of any business organization in the United States—has informed me of its strong support for my bill.

The results of the latest poll conducted by the National Federation of Independent Business, Inc., show that 83 percent of the businessmen favor legislation which would halt Federal education aid to colleges which do not take measures to bring campus disorders under control and would also suspend such Federal aid to teachers taking part in disruptions. The Federation found only 14 percent opposing the bill and 3 percent with no firm opinion.

So that our colleagues may know of the thinking of businessmen on this issue, I insert at this point in my remarks a breakdown of the figures by States:

STATE BREAKDOWN FIGURES—END FEDERAL AID TO COLLEGES WHICH DO NOT TRY TO CONTROL CAMPUS DISORDERS

State	Percent in favor	Percent against	Percent undecided
Alabama	87	8	5
Alaska	88	8	4
Arizona	88	8	4
Arkansas	84	11	5
California	85	10	5
Colorado	87	9	4
Connecticut	89	6	5
Delaware	87	12	1
Florida	86	10	4
Georgia	87	9	4
Hawaii	90	7	3
Idaho	85	10	5
Illinois	87	11	2
Indiana	86	10	4
Iowa	86	10	4
Kansas	84	10	6
Kentucky	85	11	4
Louisiana	87	8	5
Maine	85	8	7
Maryland	87	10	3
Massachusetts	86	10	4
Michigan	88	8	4
Minnesota	86	10	4
Mississippi	86	9	5
Missouri	87	9	4
Montana	86	9	5
Nebraska	86	11	3
Nevada	89	6	5
New Hampshire	87	8	5
New Jersey	84	9	7
New Mexico	89	9	2
New York	86	9	5
North Carolina	86	10	4
North Dakota	88	8	4
Ohio	87	9	4
Oklahoma	86	8	6
Oregon	85	11	4
Pennsylvania	86	9	5
Rhode Island	86	4	10
South Carolina	86	10	4
South Dakota	84	12	4
Tennessee	90	8	2
Texas	85	12	3
Utah	88	9	3
Vermont	87	7	6
Virginia	87	10	3
Washington	88	9	3
Washington, D.C.[1]			
West Virginia	87	11	2
Wisconsin	85	10	5
Wyoming	86	9	5

[1] Returns incomplete, May 31, 1971.

RICHARD G. CAPEN, JR., RECEIVES CITATION FOR DISTINGUISHED SERVICE IN DOD

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. BOB WILSON. Mr. Speaker, several weeks ago Richard G. Capen, Jr., received a citation for his distinguished service in the Department of Defense as Deputy Assistant Secretary of Defense for Public Affairs and as Assistant to the Secretary for Legislative Affairs.

Many of our colleagues came to know Mr. Capen during his service in Washington and know that the following article from the San Diego Evening Tribune will be of interest to them.

Also, I include a copy of the citation he received since it describes the outstanding job he performed while serving the Secretary of Defense. The material follows:

[From the San Diego (Calif.) Evening Tribune, Apr. 27, 1971]

CAPEN JR. HONORED FOR DEFENSE SERVICE

WASHINGTON.—Richard G. Capen Jr. of La Jolla, who will leave office Saturday as assistant secretary of defense for legislative affairs, yesterday was awarded the Defense Department's highest civilian decoration.

Defense Secretary Melvin Laird presented Capen with the department's Distinguished Civilian Service Medal in a ceremony.

Capen is resigning his position with the department to return to California as a vice president of The Copley Newspapers. He had been with the newspapers for eight years before he joined the Pentagon in January 1969.

Laird praised Capen as "the man who changed our policy on prisoners of war and brought the weight of world public opinion to bear on North Vietnam."

Capen convinced him, Laird said, as well as other Defense Department leaders, the National Security Council and the highest levels of government that the United States should undertake an aggressive program to point out to the nation and the world the unjust treatment of Americans captured by the Viet Cong and the North Vietnamese.

Laird also said that Capen brought "the highest sense of duty" to his Pentagon post and that Capen "deepened public and congressional understanding of the complexities of the nation's defense."

PLAYED PROMINENT ROLE

Since Capen took over his legislative affairs duties in February, 1970, Laird said, "the department of defense hasn't lost a single roll call in Congress."

Capen, 36, was joined at the ceremony by his wife, the former Joan Lambert; their son, Christopher, 6, and daughter, Kelly, 3.

Also attending the ceremony were Deputy Defense Secretary David Packard; Rep. Edward Hébert, D-La., House Armed Services Committee chairman; Rep. George Mahan, D-Tex., House Appropriations Committee chairman; Rep. Gerald Ford, R-Mich., House Republican Leader; Rep. Leslie Arends, R-Ill., GOP Whip; Rep. Bob Wilson, R-San Diego; Rep. Jack Kemp, R-N.Y.; Adm. Thomas Moorer, chairman of the Joint Chiefs of Staff; Adm. Elmo Zumwalt, Chief of Naval Operations, and Gen. Leonard Chapman, commandant of the Marine Corps.

SUCCEEDED BY LAWYER

Capen will be succeeded in the Defense Department by R. A. Johnson, a Nebraska lawyer and former manager of government affairs for the Pittsburgh Plate Glass Co.

A native of Hartford, Conn., Capen was graduated from Columbia University in 1956. He served in the Navy aboard a destroyer in the Western Pacific from 1956 to 1959, and was released from active duty with the rank of lieutenant junior grade.

He was named San Diego's "Outstanding Man of the Year" in 1967, and in 1969, the California Junior Chamber of Commerce designated him one of the five outstanding men in the state.

U.S. DEPARTMENT OF DEFENSE TO RICHARD G. CAPEN, JR.

For distinguished service in the Department of Defense from January 1969 to May 1971 as Deputy Assistant Secretary of Defense for Public Affairs and as Assistant to the Secretary for Legislative Affairs.

Dick Capen's energy, intelligence, and good judgment have been a primary stimulus for positive results in numerous defense programs. In particular, his relations with members of the Senate and the House of Representatives have won broad congressional support for the critical defense legislative programs. During a particularly challenging period of reduced military spending, changing priorities, and shifting world affairs, he has deepened public and congressional understanding of the many difficult and complex issues faced by the Department of Defense. His dynamic and positive attitude coupled with a warm and sensitive personality have enabled him to perform with rare distinction duties of the greatest importance in maintaining our national security posture. His perception and accurate evaluation of congressional attitudes have made it possible for him to provide invaluable advice to senior officials of the department.

His high sense of duty and loyal and dedicated service have been an inspiration to all with whom he has been associated. It is with great pleasure and deep appreciation that I award to Richard G. Capen, Jr. the Department of Defense Distinguished Civilian Service Medal.

MELVIN R. LAIRD,
Secretary of Defense.

NATIONAL RADIO MONTH

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. HOGAN. Mr. Speaker, May is National Radio Month. The influential role of radio in American life makes this medium of crucial importance to us all.

The ability of broadcasting to communicate with the public and instantly relay what's happening is an amazing feat. When I think of people all over the country—in their cars, at the beach, waiting for the dentist, on a picnic—simultaneously receiving the message that a man has landed on the moon, it almost seems unbelievable.

From our vantage point of highly sophisticated equipment, which not only sends and receives messages all over the world, but also transmits to and from other planets, the first, simple wireless invented by Guglielmo Marconi seems almost like a child's toy. But imagine conceiving the idea of sending sounds through the air and recapturing them at the other end.

Most radio stations are very responsive to the needs of their public. Informing the people is an extraordinary task to undertake, but the dedicated announcers, reporters, technicians and other personnel do an outstanding job.

Many radio stations offer editorials that move legislators and executives and promote community involvement. Instant news dissemination results in the listener being able to have a greater understanding of what's going on in this world.

The many public services offered by radio are so numerous, but yet so taken for granted.

Therefore, I take this opportunity to salute the men and women in all phases of radio work who make it possible for us to tune in to the world at the flip of a knob.

HEARINGS ON EXECUTIVE BRANCH REORGANIZATION

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. HOLIFIELD. Mr. Speaker, the Committee on Government Operations, which I have the honor to chair, will hold hearings next Wednesday and Thursday, June 2, and 3, 1971, on President Nixon's proposals to reorganize the executive branch of Government. The hearings will be held in our Full Committee hearing room, 2154 Rayburn House Office Building, commencing at 10 a.m. each day. The hearings will be conducted by the Subcommittee on Legislation and Military Operations.

The President proposes to abolish seven Cabinet departments: Agriculture; Interior; Commerce; Transportation; Labor; Health, Education, and Welfare; and Housing and Urban Development. Their functions would be redistributed in four new departments: Natural Resources; Economic Affairs; Community Development; and Human Resources. A total of 385,000 employees and budget outlays of nearly $100 billion are involved in the proposed reorganizations.

This is the most far-reaching reorganization of the executive branch that has ever been proposed by a President of the United States. It places an unprecedented legislative task upon the Committee on Government Operations.

The first round of hearings will be devoted to an overview of the reorganization proposals. These have been embodied in four bills—H.R. 6959, 6960, 6961, 6962—which I have introduced by request. The Minority Leader of the House, Mr. Ford, and the ranking minority member of our committee, Mrs. DWYER and the ranking member of the subcommittee, Mr. HORTON have introduced identical bills providing for the establishment of the four departments.

Administration witnesses will include, the Honorable George P. Shultz, Director of the Office of Management and Budget, and Mr. Roy L. Ash, Chairman of the President's Advisory Council on Executive Organization. They will explain the philosophy and rationale of the President's reorganization proposals and respond to questions by subcommittee members.

Additional hearings will be scheduled, and the legislative bills embodying the President's proposals will be carefully examined. Committee chairmen and Members of Congress who have an interest in this subject and wish to testify before the subcommittee should notify me, so that their appearances may be scheduled. It is apparent that the proposed reorganizations, if enacted into law, would have a significant impact on existing committee jurisdictions and legislative responsibilities.

The subcommittee also will hear all individuals and organizations having a legitimate interest and a special competence in the Government activities and operations proposed to be reorganized. I have assured the President that his reorganization proposals will be accorded full and fair hearings by this committee, and that commitment will be faithfully discharged.

SIERRA CLUB SUPPORTS NATIONWIDE BAN ON STRIP MINING

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. HECHLER of West Virginia. Mr. Speaker, sooner or later there will be an effective nationwide ban on the strip mining of coal, make no mistake about it. We can achieve balanced economic growth, expand employment, and at the same time protect the land, streams, forests, and hillsides which is now being devastated by strip mining. There are those who cry "energy crisis" whenever any steps are taken to protect the environment, with the implication that human beings are prisoners of a system which must inevitably result in pollution and more pollution.

We are masters of our destiny, and we can take the initiative to make those decisions necessary to make life better on earth.

I am proud to say that the Sierra Club has spoken out clearly, forcefully and unequivocally in support of a national ban on the strip mining of coal. Earlier this month, the board of directors of the Sierra Club at its quarterly meeting in San Francisco adopted the following resolution:

SURFACE MINING OF COAL

> In view of the irreversible environmental damage caused by surface mining and the ineffectiveness of regulation to mitigate the environmental impact of surface mining, the Sierra Club advocates a total and immediate ban on all surface mining of coal, in conjunction with appropriate steps to prevent any compensating increase in other environmentally disastrous methods of obtaining or transporting fuel.
>
> The Board of Directors of the Sierra Club recognizes the extreme importance of the problem posed by surface mining of coal, and formally places the abolition of this practice on the Club's list of priorities. It requests all units of the Club to treat this matter with high priority, and directs the staff to act appropriately.

NEW INSIGHT INTO THE CALLEY CASE

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1971

Mr. BADILLO. Mr. Speaker, for the past several months a great deal of attention has been focused on the background of the charges brought against Lt. William Calley and his court-martial and conviction. The Calley case has created many heated debates and has resulted in a virtual plethora of commentary and opinion.

However, a unique and incisive insight into the Calley affair was furnished earlier this month in a sermon delivered by Dr. Ernest T. Campbell, senior minister of the Riverside Church in the city of New York. Dr. Campbell's message is one of the most thoughtful and thought-provoking statements I have seen on the Calley case and I am anxious to share it with our colleagues. Therefore, I am pleased to present Dr. Campbell's sermon herewith for inclusion in the RECORD:

NO-FAULT MORALITY

(By Dr. Ernest T. Campbell)

> No-fault automobile insurance appears to be the coming thing for the American motorist. Any measure that can cut costs and speed up payments to accident victims ought to have our blessing.
>
> No-fault divorce laws are gradually replacing statutes that made it necessary to fix blame and determine a guilty and innocent party when a marriage went sour. This is a stride towards honesty, and we should be grateful for it.
>
> But my subject today is not automobile insurance or divorce. My subject is America's drift into a "no-fault" morality as evidenced by reaction to the Army's case against Lt. William L. Calley.

* * * * *

> The Calley case made us overnight into a nation of moralists and jurists. Once the soldier from Columbus, Georgia was found guilty of murdering twenty-two civilians in My Lai voices cried, editorial ink flowed, politicians screamed, coalitions formed, people of every rank and file declared themselves.
>
> The dominant mood expressed initially was one of outrage at the verdict. Twenty-two people dead, among them women and chil-

dren, and millions rise up to proclaim, "We find no fault in him."

What assumptions form the basis of this astounding reaction? One is *the assumption that everyone's guilt is no one's guilt.* Responsibility for Calley's atrocities rests on many shoulders, so the argument runs. Implicated are his superior officers, the government of the United States, and the citizens who put that government in power. Because the blame is so widely scattered one individual should not be punished. *The attempt to equalize guilt tends to eliminate guilt.*

Dean Francis Sayre of the Washington Cathedral was the most winsome spokesman for this point of view. He wrote, "Calley is all of us. He is every single citizen in our graceless land . . . Who, whether hawk or dove, military or civilian, is exempt from some share, some obedience or lazy acquiescence in the faceless slaughter, not only of human life but of almost all we have been wont to count as precious in this world."[1]

"Calley is all of us." *Potentially,* yes, we are all Calleys, but not *actually.* It is true that anything any other man ever did I could do under similar opportunity and provocation. But "could do" and "did do" are not the same. History turns on the actual not the potential. "Calley is all of us." Is he now, indeed? Calley is not the brothers Berrigan. Calley is not the thousands of COs who have steadfastly refused to bear arms. Calley is not even all of his fellow soldiers in Vietnam, the overwhelming majority of whom would not knowingly open fire on women and children.

The upshot of such wooly thinking is to transform a murderer into a national hero. The gunner of My Lai becomes a likeable "fall guy!" Poor Rusty, we find no fault in him.

The second assumption at work here is that *bad systems excuse bad conduct.* This is the trap into which religious and political liberals are likely to fall. Admittedly and assuredly the war in Indo-China is a colossal misadventure. The way in which trainees for that war are taught borders on the barbaric. I am told by those who have been there that it is not fashionable in Vietnam to direct our men to "kill." Too many of them have been reared in the Judao-Christian tradition. They recall the sixth Commandment and react negatively to the thought of killing. So we attempt sanctification by semantics. Our boys are not told to "kill," they are told to "destroy" or "waste." To legitimize these commands the enemy is dehumanized and spoken of as "dinks," "gooks" and "VCs."

Last December a war crimes hearing was held in Washington, D.C. Among those testifying was Dr. Gordon Livingston, a resident psychiatrist at Johns Hopkins Hospital in Baltimore, who amazed the assembled guests with this prayer: "Help us, O Lord, to fulfill the standing order of this regiment. Give us the wisdom to find the bastards—and the strength to pile it on."[2] When pressed as to where this prayer came from he replied that he had learned it in 1968 as a regimental surgeon with the 11th Armored Cavalry, in Black Horse, Vietnam. It was known as the Prayer of the Body Count and was offered up by the Regimental Chaplain!

However diabolical the system, and it is more diabolical than most of us suspect, I contend that to lay the blame for human failure at the feet of the system is to abandon the Biblical view of man. The Bible offers a more hopeful view of man than this. It is of Freud and not of Scripture to believe that man is a helpless victim of social conditioning and inherited instincts.

Eric Hoffer was cutting through a maze of nonsense when he said, "There is no telling to what extremes of cruelty and ruthlessness a man will go when he is freed from the fears, hesitations, doubts and the vague stirrings of decency that go with individual judgment. When we lose our individual independence in the corporateness of a mass movement, we find a new freedom—freedom to hate, bully, lie, torture, murder and betray without shame and remorse."[3]

Granted, the conditioning to which Calley was exposed was severe and demonic. Still I cannot bring myself to believe that this man had no alternative but to squeeze the trigger. What of his residual humanity? It belongs not alone to the religious, but to people of ordinary decency to rise up and say "no" in the face of such an immoral command. It is a "cop-out" of the first order to assign blame to a faceless, impersonal abstraction like society and to say of Calley, "We find no fault in him."

The other assumption that I should like to deal with is this: *Some situations are so bad that moral distinctions within them are unavailing and well-nigh impossible.* Billy Graham was the herald of this unwisdom. His utterance on My Lai, in my judgment, was his darkest day in print. Because he is taken by many to speak for Protestants in this country I should like publicly to disassociate myself, almost entirely, from his position. The celebrated evangelist said: "We are learning one thing—that Sherman was right, 'War is hell.' I have never heard of a war where innocent people were not killed.

"We have all had our My Lais in one way or another, perhaps not with guns, but we have hurt others with a thoughtless word, an arrogant act or a selfish deed.

"When the religious leaders were about to stone the adultress who had been convicted and tried Jesus said, 'Let him that is without sin cast the first stone.' If that were the law of the world today, never a stone would be thrown, for the Bible says, 'We have all sinned and come short of the glory of God."[4]

Yes, Billy, we have all sinned and come short of the glory of God. But we have not all sinned in the same way or to the same degree! And the differences involved matter much. There is no exegete or expositor of the New Testament that I have ever read who dared to suggest that Jesus' response to the woman in adultery was to be taken as an eternal dictum on justice. It is naive to a fault to infer that because Jesus forgave this woman and dismissed her accusers no judge should ever don his robe and preside at a bar of justice. To follow the evangelist's logic all the way would be to close down every courthouse in the country by nightfall.

Fundamentalism has always had trouble taking the relatively right seriously. But we had better begin to take the relatively right seriously—for that's the only kind of right most of us bump into through our lifetime. Of course war is hell. But even within that hell there are standards worth contending for. We do not believe that a Red Cross ambulance should be bombed. Or that a UN inspection team should be fired upon. Or that prisoners of war should be summarily killed. Or that civilians should be lined up, tossed into a pit and slain.

Justice deals with the *probably right,* the *relatively right* in a given situation. If we Christians are to be helpful in a less-than-perfect world we must learn to be fluent in two languages—love and justice. It does not belong to justice to say of Lt. Calley, "We find no fault in him."

I have chosen to preach on the Calley case not to criticize but to clarify. I am not keen on finding or fixing blame in order to vindicate a theological perspective, although I agree with an observer who wrote in the "London Times" a while ago that "the doctrine of original sin is the only empirically verifiable doctrine of the Christian Faith."[5]

I am keen about the subject because I believe that justice partakes of the divine order. That it is not ours to manipulate. That justice is a lot more than man-made house rules or organizational by-laws. That it has a durability, an eternal quality about it.

I have long since given up golf. It is sour grapes with me, I admit. The game was getting the better of me every time out. I confess though to remembering rounds of golf with friends who were exceedingly generous. If I shanked a shot or dubbed one they would say, "Shoot again. We won't count that one." Desperate that I was, I would. Then mutual grace would exceed all bounds when we finally arrived on the green. One man would be lying seventeen feet from the cup. His friend would say, "I'll give you yours if you'll give me mine." They would look around quickly to see if heaven were watching and say, "It's a deal!"

My friends, there are duffers all around this country who take mulligans on every hole and "gimmes" on every green and think they are playing golf. But the question that keeps surfacing is this: "Who speaks for par?" Is there not a very real sense a "third" involved when I play golf with a friend? Is it altogether mine and his to determine how many strokes we will count. Does "mutual consent" in sexual perversity make the action right?

Because we might happen to feel that yellow-skinned people are inferior to white, and that the imperial role of the United States in Vietnam is beyond question—is it then our prerogative to free a man with innocent Asiatic blood on his hands? Can justice be domesticated? Only sheer sentiment would keep us from identifying mass murder for what it is.

Most of all I am keen on the subject because I see no way out for Calley or for us unless we recover a sense of accountability. "If we say we have no sin we deceive ourselves and the truth is not in us." (I John 1:8) The gates of mercy swing on the hinges of contrition. "If we confess our sins, he is faithful and just to forgive us our sins, and cleanse us from all unrighteousness." (I John 1:9)

CLOSING PRAYER

O God of men and nations, whose will for us is peace,
Have mercy upon us that we have bungled things so badly and drenched the earth in blood.

Keep us from succumbing to the notion that we are helpless pawns on the board of life.
Fill us with a sense of worth and accountability and a steady loyalty to truth and justice.
For Jesus' sake—and our own.

—Amen.

FOOTNOTES

[1] *The New York Times,* April 5, 1971

[2] Higgins, James, "Horror Takes The Stand," *The Nation,* p. 6, January 4, 1971

[3] Richard Lingermans review of *White Terror,* by Allen W. Trelease, The New York Times, May 8, 1971

[4] *The New York Times,* April 9, 1971

[5] Fisher, Wallace, E., *Can Man Hope To Be Human?* p. 22, Abingdon Press, Nashville, 1971

GASP—PITTSBURGH'S ENVIRONMENTAL CHAMPION

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. MOORHEAD. Mr. Speaker, Pittsburgh and Allegheny County, which are no strangers to pollution problems, recently received an award from the National Association of Counties for their efforts in air pollution control. Our anti-pollution code that went into effect barely a year ago is one of the toughest in the Nation.

Largely responsible for this award is GASP—Group Against Smog and Pollution—an active citizens group which has been able to mobilize the voluntary efforts of 80 scientists, 40 attorneys, and the backing of the Allegheny County Medical Society. A GASP representative—usually an attorney and/or scientific expert—sits in on every variance board hearing.

Under the dynamic leadership of its president, Mrs. Henry R. Madoff, GASP reports 80-percent compliance as a result of public pressure on polluters.

GASP has been filmed as part of a French TV show for distribution in 80 European countries; their activities have been detailed in the Evening Chronicle of Manchester, England; they have been interviewed by Japanese Environmentalists; and have recorded for the Voice of America.

At this point in the Record I introduce for the attention of my colleagues articles which have appeared in the Wall Street Journal, and, more recently, in Topics, the U.S. Information Agency magazine, concerning this tough and successful citizens group of which I am very proud:

[From the Wall Street Journal, June 2, 1970]

Will Anti-Pollution Laws Stick?

(By Thomas Lindley Ehrich)

Pittsburgh.—The environment's long trek from befouled to clean, as with most basic social changes, will go slowly and in stages. The first stage, of course, is talk, and there's currently plenty of it.

But when the rhetoric and breast-beating have passed, the war on pollution will come down to hundreds of little moves, by thousands of obscure public officials, corporate executives and citizens. The millenial orations of today will give way to intense corporate pressures for slow enforcement, bewildering technical arguments and the nagging shortage of public funds. The vocabulary of this lower level will be microns, wet scrubbers, tons per square mile per month, and dozens of other hard-to-grasp measurements and terms.

It's hard to predict what will happen when this action stage is reached. But at least some environmentalists fear that the potential benefits of broad pro-environment legislation could be undermined in a long, largely unnoticed series of individual decisions to go easy on specific polluters. They fear that polluting industries, who are proclaiming high-priority concern for the environment now, will win a leniency in backroom bargaining with enforcement bureaucrats that they would never dare seek in public.

But it doesn't seem to be working out that way here in Pittsburgh, a city that is no stranger to pollution problems. Efforts of local officials and concerned citizens have resulted not only in a tough new anti-pollution law, but in tough and novel enforcement methods. As with any anti-pollution law, certain exceptions will have to be granted as a practical matter. But to prevent this from becoming a menacing loophole, no exception will be made except after public hearings, where arguments for leniency are balanced by anti-pollution pleas, and where the glare of publicity is kept focused on polluters.

A TOUGH NEW CODE

Allegheny County, which includes Pittsburgh and surrounding communities, has a tough new anti-pollution code that nominally went into effect Jan. 1. But it's only now that the county has begun the first crucial step—acting on requests for variances from the law. In a variance appeal, a company or municipality seeks permission to continue its pollution activity, usually until a specified date. The reason may be delayed shipment of a control device, or an equipment failure. It may involve the gap between enthusiasm for clean air and water and the technology to achieve it. Or it may be the appellant simply wants to initiate an indefinite series of delays.

The Allegheny County code specifically includes provision for variances, and it's expected that enforcement of the Federal Air Quality Act will make a similar provision. The aim is to avoid inflexibility and to provide for a balancing of interests.

Pollution fighters fear, though, that stiff anti-pollution laws may be nibbled to death in variance proceedings. While industry hasn't openly opposed the setting of stiff air quality rules, it has an obvious economic interest in avoiding big and sudden expenditures for control devices. In private bargaining between industry and bureaucrats passing on variances, environmentalist forces worry, polluters may be able to avoid such expenditures, or at a minimum, to make compliance subject to their convenience.

Here in Allegheny County, more than 200 variance petitions have been filed since Jan. 1. Duquesne Light Co. alone has filed more than 20 variance appeals. A host of municipalities want to continue open burning of refuse, saying they have no other way to dispost of waste. U.S. Steel Corp. and Jones & Laughlin Steel Corp. have asked exemption of two facilities they plan to close down within the next 18 months. But U.S. Steel also wants exemption for nearly all its basic steel making operations in the county, and J&L wants a blanket exemption for all its sources of emission.

BACKPEDALING UNLIKELY

It seems unlikely there will be any quiet backpedaling here, however. County officials have not only appointed a variance appeals board with an admitted pro-environmental bias, but have chosen to make the appeals process not a quiet, closed-door affair, but a sort of public adversary proceeding. Citizens groups are encouraged to participate as direct parties in the public hearings. Pollution-control experts from county agencies and private groups are brought in to offer technical advice and to question applicants closely on technical matters.

The result is a barrage of tough, informed questions, aimed at the appellants, who sit in the middle of a long curved witness table, flanked on one side by environmentalists and on the other by county health officials. Corporate officials who once scoffed at the "emotional," uninformed citizen-environmentalists, aren't scoffing now. Instead, appellants show up with four and five-man teams, extensive briefs, slides and charts. Even then, the board often sends them back to get more information.

In the past industry representatives always have been the knowledgeable ones, says Michelle Madoff, the peppery president of GASP—Group Against Smog and Pollution, the citizens' organization that has more or less taken command of the environmentalist effort here. GASP has a scientific adviser at every hearing, and often an attorney as well. Mrs. Madoff says, "The citizens no longer are ignorant."

Clearly, the citizens' groups, and the board itself, are in no mood to accept, at least at face value, the traditional arguments: "It costs too much" or "We can't do it." Nor is industry's implied threat of plant shutdowns and unemployment getting much sympathy. At a recent hearing, a U.S. Steel official pointedly reminded the board that a facility under consideration does employ "more than 3,000 workers." Immediately, an environmentalist, Thomas Horrocks, fired back: "In order to avoid putting 3,000 people out of work, you're going to penalize many more thousands in Allegheny County."

Robert Broughton, chairman of the variance board (and former counsel for GASP), thinks the participation of citizens' groups and the adversary format could prove crucial. The format, he says, is based on the growing belief that administrative agencies can't be expected to fully represent public interests. "The only thing they ever hear is the evidence from one side, so they tend to identify with that side," says the Duquesne University law professor. By providing "some cross-examination and some expertise," he says, the citizens "keep us honest."

"FOUR OUT OF FIVE"

It's important in this regard, he adds, that the variance board, unlike other pollution boards in Pennsylvania, isn't weighted with industrial representatives. Besides the former GASP attorney, the board includes a sulphur dioxide expert from the U.S. Bureau of Mines, a hospital pathologist, a self-employed chemical engineer and a long-time member of a previous pollution-control agency. The county commissioners had sought recommendations from citizens' groups, and GASP's Mrs. Madoff says proudly, "We got four out of five."

"We do start out with a kind of bias," says Mr. Broughton. "It will take a lot more convincing for this board than for a board composed of industrial interests."

In making these appointments, other county commissioners were influenced by the efforts of Commissioner Thomas P. Forester, a long-time advocate of stricter pollution control. Also, public hearings on the proposed code last fall produced an impressive public turnout, with hundreds of citizens showing up to demand stricter curbs.

The tough approach may also be an outgrowth of officials' consternation over industry's failure to live up to previous self-regulatory promises. Industrial leaders here took the lead during the 1940s in cleaning up the smoke that had become so thick downtown streets were literally dark at midday, but since then such efforts have been disappointing. In 1960 the county and steel companies negotiated a "gentlemen's agreement" setting a 10-year timetable for cleaning up the mills, but some officials say this has been largely ignored or met with halfway measures.

The environmentalist leanings of the variance board, Mr. Broughton notes, may help win greater public acceptance for variances that are granted, and this boost to acceptability may be needed. The board hasn't released any major decisions yet, but Mr. Broughton indicates the likely course won't be the simple yea or nay sought by the contending parties. Instead of punishing polluters, as suggested by some of the citizens' representatives, the board will try to encourage a faster cleanup pace by "making it really expensive" to continue polluting operations.

This might entail use of the $1,000-a-day fine available to the variance board. More likely, the prod will be some strict conditions governing continued operation of a source of pollution. The prod, it's hoped, would achieve some alleviation of pollution while also putting a squeeze on the polluter's pocketbook.

Mr. Broughton concedes that even a full year of fines, amounting to as much as $365,000, might be a bargain for some big polluters compared to the cost of pollution control. But here, he says, the public hearings and the continued participation of citizens may play another important role. How much bad publicity, he asks, will polluters be willing to take?

In fact, concern for the corporate image may well prove the decisive factor. When the variance process is conducted in the public spotlight as it is here, corporations making grand promises on one level will feel far more pressure to back them up with prompt and meaningful action at the nuts-and-bolts level. Primarily because environmentalist forces feel this public spotlight is such a potent force they view the Allegheny County procedures with the highest enthusiasm. GASP's Mrs. Madoff says, "We're going to win this time."

ENVIRONMENTAL WATCHDOG

Standing guard over the industrial city of Pittsburgh, Pennsylvania, and over a growing number of American urban centers are these 20th-century sentinels designed by men to monitor the air they breathe—to find out whether it is, indeed, breathable.

These sensing devices are part of the monitoring networks that measure the major air pollutants: carbon monoxide, sulfur oxides, nitrogen oxides, hydrocarbons and what is known as particulate matter (soot, smoke and other particles) resulting primarily from transportation (especially the automobile), fuel combustion for power and heating, industrial processes and solid-waste disposal. In Pittsburgh's Allegheny County, data from sensors like these, located in key areas, is fed into a central computer that can alert officials to violations of the county's new air pollution control code and to the need for emergency procedures when pollution levels are dangerously high.

Throughout the United States—and in many other parts of the world—the ingenuity that invented the machines of industry is now turned to the task of cleaning up the air that industry has contaminated, before it is too late. Lined up to wage the war against dirty air is a formidable array of sophisticated devices that can collect, measure and evaluate major pollutants. New laser-ray equipment, for instance, can photograph invisible smog. A detector has been developed so sensitive that it can spot mercury pollution in air and water to within 10 parts per million.

The list of devices to pinpoint areas, types and levels of pollution is impressive testimony to man's inventive genius. But the real environmental watchdogs are people themselves—ordinary citizens who are concerned about the quality of the world they live in and the world they will pass on to their children. The achievement of clean air in each region of the country, declares The Conservation Foundation, "depends largely on the stringency of the air quality standards adopted and on the effectiveness of the plans for implementing and enforcing them. And it is now clear that these, in turn, are directly related to the degree of citizen concern and pressure in each region."

People *do* care—and they are voicing their concern in growing numbers. One angry young Pittsburgher took pen in hand to protest: "I am 10 years old, and if I get married when I grow up, I won't want my children to live or die in polluted air." A sixth-grader wrote: "I know I can't influence the whole state but I would like to do my part as a young citizen. I want to know just how I can stop pollution. I am 12 now."

These letters—and many more like them—are part of the life story of GASP (Group Against Smog and Pollution), a Pittsburgh organization that is remarkable but by no means unique. Its counterpart can be found wherever nature's environment is endangered and people care. GASP's guiding spirit and president is Mrs. Henry R. Madoff; its solid backbone is a determined band of thousands of citizens in Allegheny County who decided it was time they took a stand for clean air. The country's air pollution control code which became effective on January 1, 1970, is one of the strictest in the nation. Its provisions cover all sources of air pollution, from backyard burning of leaves and trash to water-quenching of steel-mill slag. Fines of up to $1,000 per violation per day may be imposed and court injunctions used to shut down plants completely for certain violations of pollution laws.

More than 3,000 citizens—students, housewives, labor leaders, lawyers and physicians—had a hand in formulating the new regulations. Many thousands more have given their support. A law on the books will not clean the air; government officials must enforce it and citizens must obey it. Monitoring devices, too, are no guarantee of pollution control; but they are an essential prerequisite for those who must effect the environmental cleanup.

Allegheny County's million-dollar, federally funded air pollution control program for 1971 includes an expanded staff of engineers, chemists and technicians to provide round-the-clock surveillance and to maintain the air pollution monitoring stations. Also planned are several radio-equipped pollution patrol cars to cruise the county, make inspections, look for violations and respond to complaints.

Air quality monitoring has become a big business in itself. The National Air Pollution Control Administration (NAPCA) supports some 2,000 state and local monitoring stations and operates its own program involving more than 1,000 air-sampling devices at stations across the country, including six continuous monitoring stations in major cities.

The worldwide significance of air pollution testing is underlined by a decision of the World Health Organization (WHO) to set up an international network for monitoring and studying air pollution. The network, which will supply information on levels of air pollution caused by sulfur dioxide and dust particles, will have international centers in London and Washington, regional centers in Moscow, Nagpur (India) and Tokyo and 20 laboratories in various parts of the world. The monthly reporting of pollution-level averages, says WHO, will make it possible to observe and compare trends in various countries and to issue warnings where it becomes necessary.

The WHO action marks the first practical step toward treating air pollution as an international problem. The goal: to make the earth's air breathable again.

SOVIET JEWS RELIEF ACT OF 1971, H.R. 5606, AS AMENDED

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. KOCH. Mr. Speaker, I would like to note that the Soviet Jews Relief Act of 1971, which I originally introduced on March 4, is now cosponsored by 109 Members of the House. An identical measure in the Senate, S. 1872, has 27 sponsors.

H.R. 5606—as amended—is a simple bill, but behind it stands a noble American principle—that this Nation has always been and should always remain a haven for the oppressed of other lands. The bill authorizes 30,000 special visas outside the regular immigration quota system for Soviet Jews who are permitted to leave the Soviet Union and wish to come to this country.

Up through the earlier part of this century, the United States had no restrictions on immigration, and every schoolchild can recite the successive waves of persecuted minorities who sought our shores and enriched our national life—Pilgrims, Huguenots, Catholics, Quakers, Germans, Italians, Irish, Slavs, and many other national groups. Even with our immigration laws we have preserved this tradition. Special legislation permitted more than 30,000 Hungarian refugees to settle here after the suppression of their 1956 revolution. Similarly since 1968 over 10,000 Czechoslovakian refugees were assisted in coming to the United States. It should be remembered that more than 565,000 Cubans have made the United States their new home through exemptions from the immigration laws.

I think it is important to enact a bill for the relief of Soviet Jews at this time, even though I recognize that they may be prevented from availing themselves of it. Soviet leaders, and the Jews behind their guarded borders, must be told that Americans of all faiths, acting through their elected Congress, deplore Soviet persecution of a proud minority and will make them welcome here. Enactment of H.R. 5606—as amended—then, is both an invitation and an expression of conscience. And in a real sense it is a challenge to the Soviet Union to open wide her doors and permit the Jews who are vilified there to leave. It will contrast sharply with the neglect of the Jews by mankind 30 years ago when so many countries, ours included, refused sanctuary to many of those Jews who escaped or would have been permitted to leave Nazi Germany through negotiations had visas been available.

The adoption of this bill will be more than just an American gesture. I hope it will spark men in other nations—Great Britain, France, Italy, Australia, and for reasons of history, West Germany—to enact similar legislation. Such a worldwide movement will have practical value in encouraging the Soviet Union to permit the emigration of those Jews who wish to leave. And hopefully, the symbolic value of this offer of sanctuary will not go unheeded in Moscow.

The special refugee quota of 10,200 available under present law for refugees from the Eastern Hemisphere, has been oversubscribed for the past 2 years and would not meet the need if the Soviet Union were to open her doors and permit the emigration of Soviet Jews on any modest scale.

Of course many Soviet Jews who are permitted to leave will choose to go to Israel. This will be their choice but the enactment of this bill at this crucial time will remain always an act of American generosity in a time of need.

PAUL E. LILLEY

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. JAMES V. STANTON. Mr. Speaker, occasionally those of us in public life and working with one of those rare breed are accorded the privilege of meeting of men whose prime motivation in life is to serve the public interest. Such a man was Paul Lilley, investigative reporter for the Cleveland Press. Paul knew well the workings of government, and he had some definite ideas on how it should operate to serve the people. Nothing offended him more than incompetence, mediocrity, or dishonesty on the part of those who had been entrusted with public office. He exposed many examples of such conduct, and even at the time of his death, he was diligently pursuing several investigations.

But Paul was not content merely to root out the bad in our Government; he also offered strong and unfailing support to those programs he considered to be necessary and worthwhile. Among his many endeavors, he will be remembered as one of those integral to the effort to create an urban renewal program in Cleveland.

In order for democracy to work properly, there must always be a group of dedicated citizens willing to take on the burden of constantly probing, questioning, and studying the actions of their government. Paul Lilley so labored for the people of Cleveland, and he will be sorely missed by the community he served so well.

I would now like to commend to my colleagues the resolution of the City Council of Cleveland honoring the memory of Paul Lilley.

The resolution follows:

RESOLUTION OF CONDOLENCE

(By Mr. Garofoli)

Whereas, the sudden death of Paul E. Lilley has saddened and stunned the many persons of this community who knew him as an intense, probing reporter, quick with a question and quick with a quip; and

Whereas, this Council remembers Paul best for the 21 years he was at the Hall from 1944 to 1965 during which time he was named "the Councilman from Ward 34" who would seat himself at the committee table and furnish questions to be asked of the Administration, who would plead successfully for the construction of the "Lilley Ponds"—neighborhood walk to swimming pools and who would excuse a neophyte councilman's mistakes for the first two weeks of his term but no longer; and

Whereas, a hard working, tough, persistent reporter who was at the Hall long enough to know City government and City employees Paul would differentiate between the vast majority of dedicated public servants whom he praised and "the phoneys" whom he would search out; and

Whereas, while there are many ways that the life of a person may be evaluated, the true measure of a man is the respect he earns from his fellowman and the esteem which his colleagues have for him and in this regard Paul E. Lilley was truly a giant among men; and

Whereas, Council which knew and respected him, desires to honor and record the memory of this truly outstanding reporter; now, therefore

Be it resolved, That Council honors the memory of Paul E. Lilley and expresses its deepest sympathy to his bereaved family, his colleagues on the Cleveland Press and the many persons who mourn his loss.

Be it further resolved, That the Clerk of Council be and she hereby is requested to transmit a copy of this resolution to Council President Anthony J. Garofoli for presentation to the decedent's family.

VIOLENCE AND DEATH IN GUATEMALA

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. BADILLO. Mr. Speaker, Latin American politics have frequently been stereotyped by kidnapings and assassinations and, during the past several years, we have witnessed the growth of urban terrorism. Open warfare has developed between elements of the political right and left and shootings and bombings have almost become commonplace.

Guerrilla activity has been a particularly violent form of urban insurgency since its inception in the cities of Guatemala. Although the government attempts to dismiss these murders and kidnapings as the acts of extremists, current information reveals that many of these incidents have the tacit support of governmental officials. Some of the victims have been prominent Guatemalans including law professors, congressmen, a labor leader, a wealthy industrialist, and a radio station owner. Although arrests have not been made—even though a state of siege exists in Guatemala—the terrorist acts have reportedly been committed by bands of vigilantes who apparently do not approve of opposition to the current regime, as the victims had all been critical of President Arana and his policies.

A number of Guatemalans report that many of the murders were directly committed by certain factions of the army, which controls all police activity under the state of siege. What is especially troublesome, Mr. Speaker, is the possible involvement of our Government in supporting these terrorist activities through military and police training activities. Under the U.S. public safety assistance program, almost 300 Guatemalan policemen have received American training and much of the equipment being used by the police and armed forces was either donated by or purchased from this country.

This very disturbing situation was recently examined in a very well-written and perceptive article by Mr. Norman Gall which appears in the May 20 edition of the New York Review of Books. In this timely and penetrating piece, Mr. Gall describes the gruesome murders and almost countless kidnapings which have occurred in Guatemala over the past 4 or 5 years and raises some serious questions as to the U.S. assistance activities. Both in his introductory essay and in a review of a recent study by Richard N. Adams, Mr. Gall discusses the motives behind the vigilantes' terrorist activities as well as the oppressive and static atmosphere which currently exists in this Central American nation.

Mr. Speaker, I believe we should be fully aware of these developments in Latin America, particularly as this country's assistance program may be being misused. I am sure our colleagues will find Mr. Gall's shocking but important report to be of great interest and I am pleased to present it herewith for inclusion in the RECORD:

SLAUGHTER IN GUATEMALA

(By Norman Gall)

Crucifixion by Power: Essays on Guatemalan National Social Structure, 1944–1966, by Richard Newbold Adams. University of Texas, 533 pp., $10.00.

One of the most gruesome slaughters of this century in Latin America has been taking place in Guatemala during the past four years, and it has increased radically in recent months. This nation of ancient Mayan highland culture and rain-soaked hills and savannas is suffering a reign of terror that has claimed several hundred lives in the past few months alone, and thousands since it began in 1967, with U.S. support, as a counterinsurgency operation to destroy a rapidly expanding guerrilla movement. Only rarely have the victims been members of the guerrilla bands, which are based primarily in the capital and in the dry, hungry hillbilly country of the Guatemalan Oriente. More often the victims have been peasants, students, university professors, journalists, union leaders, and congressional deputies, who have been killed for vaguely leftist political associations or because of personal grudges.

The case of Guatemala is only the most lurid example of the kind of paramilitary violence that emerged in Latin America during the late 1960s as a recurrent method of managing intractable social and political problems. It is also prevalent in Brazil and Santo Domingo, for example. In Guatemala only a part of the killing of dissidents has been done by the government's official forces. In 1967 more than twenty right-wing paramilitary terrorist groups went into action with weapons supplied to the Guatemalan army under the U.S. military aid program. The groups used names like the White Hand, the Purple Rose, the New Anti-Communist Organization, etc. They first circulated leaflets carrying the names and sometimes the photographs of their announced victims, whose corpses—and those of many others—were later found grotesquely mutilated: dead men with their eyes gouged out, their testicles in their mouths, without hands or tongues, and female cadavers with their breasts cut off.

In early 1967 a Guatemalan army source gave me an estimate of some 2,000 persons killed by vigilante groups in the Oriente, while other estimates for the 1967–68 period have run between 3,000 and 6,000. In May, 1967, Guatemala's Catholic bishops declared: "We cannot remain indifferent while entire towns are decimated, while each day leaves new widows and orphans who are victims of mysterious struggles and vendettas, while men are seized in their houses by unknown kidnappers and detained in unknown places or are vilely murdered, their bodies appearing later horribly disfigured and profaned." But the killing continues.

Since last July the President of Guatemala has been Col. Carlos Arana Osorio, the slow thinking, slow speaking former commander of the Zacapa army base in the guerrilla zone and executor of the counterinsurgency operations during the terror of 1967. "If you want to have a real understanding of the international communist conspiracy," Arana told me at that time, "you should read two books: *The View from the Fourth Floor* by Earl Smith (former U.S. Ambassador to Cuba) and the *Protocols of the Elders of Zion*."[1] In a subsequent interview the US military attaché in Guatemala City called Arana "the best officer they've got in this man's army. Indeed, he would be a credit to any army."

Footnotes at end of article.

Arana has been advised by US army officers returned from Vietnam who spent much of 1966 and 1967 in the Guatemalan Oriente ostensibly organizing "civic action" projects of social assistance to *campesinos.* During the terror Arana undertook a highly successful campaign of making secret contact with guerrilla collaborators, offering them amnesty in exchange for information and active participation in the vigilante groups. Soon former guerrillas donned black hoods and boarded trains and busses with army patrols to point out other members of the guerrilla organization. The most famous guerrilla collaborator who switched sides was a young Zacapa landowner, Oliverio Casteneda, who, with support from Arana, became the leader of the White Hand and of a private army of between 200 and 400 men who used Casteneda's farm as their headquarters.

Arana remained in command of the counterinsurgency operations in the Oriente until two spectacular crimes were committed by the vigilante groups. In January, 1968, the naked and severely multilated corpse of Miss Guatemala of 1963, a student named Rogelia Cruz Martinez who was a known guerrilla sympathizer, was found on a bridge near the town of Esquintla. She had been raped by several men. Two months later the White Hand shocked the country by kidnapping the Archbishop of Guatemala. These crimes led to the ouster, under pressure from the U.S. Embassy, of the defense minister and the national police chief. Arana was appointed ambassador to Nicaragua, where Dictator Anastasio Somoza, Jr., had been protecting and supporting the operations of Guatemalan right-wing organizations.

The terror in Guatemala, while barbaric in some of its manifestations, is the product of a sophisticated political strategy. At the height of the 1967 terror I spoke with Mario Sandoval Alarcón, one of the organizers of the CIA sponsored invasion of Guatemala in 1954, later private secretary to President Carlos Castillo Armas until Castillo's assassination in 1957, and since then secretary-general of the extreme right-wing *Movimiento de Liberación Nacional* (MLN). In 1966 and 1967 Sandoval had raised large sums from wealthy planters and merchants to combat the guerrillas.

"We of the *Liberación* were the vanguard group that got this started," he told me in an almost inaudible whisper; he has a throat tumor that has increasingly impaired his speech in recent years. "The arm was demoralized by the guerrillas last year until we organized the White Hand. When our actions began in the guerrilla zone the army found itself with peasants willing to serve as guides, militiamen, and *comisionados militares* [military constables]. In the systematic elimination of the guerrillas a series of injustices apparently have been committed. Several hundred persons have been killed, but between January and March [1967] the guerrillas have almost been completely eliminated from the Guatemalan Oriente. The terrorism of the guerrillas, which has resulted in the death of many of our [MLN] people, has forced the government to adopt a plan of complete illegality, but this has brought results."[2] Today Sandoval is president of the Guatemalan Congress, where his party has a two-thirds majority.

Arana returned to Guatemala as the MLN presidential candidate in the March, 1970, elections. What was striking about those elections, apart from the killing and terror in rural areas which accompanied them, was that districts which had voted heavily for leftist candidates four years before this time voted even more heavily for the extreme right. The *comisionados militares*—the army's civilian agents in each town and village who provided intelligence and recruited for the right-wing vigilante organizations—threatened to burn down villages that did not vote overwelmingly for MLN candidates.

A month after Arana's election, in which he gained 42 percent of the popular vote, the guerrillas kidnapped the West German ambassador, Count Karl von Spreti, in a desperate move to exchange him for some forty guerrilla prisoners before Arana was to take office; they feared, with good reason, that when Arana took power, these prisoners would be killed. Before the German ambassador was assassinated by the guerrillas, Arana pressured the outgoing president, Julio Cesar Mendez Montenegro (1966–70), who had become a puppet of the military, not to give in to the guerrillas' demands because it would set a bad precedent for Arana's own government. Besides, several of the imprisoned guerrillas had already been killed.

The guerrillas' worst fears were fully justified. Today Oliverio Casteñeda, Arana's chief lieutenant in the Oriente, is an MLN congressional deputy. Casteñeda still commands his followers in the White Hand and in other vigilante groups, who have been put on the government payroll as bodyguards and policemen. They have continued to act as death squads under a state of siege decree, which was declared November 13, 1970. In the following two months these squads, a high government source privately admitted, committed 700 "executions."

Richard Adams' valuable book, ***Crucifixion** by Power*, a history of Guatemala in the two decades following the 1944 revolution which overthrew the thirteen-year dictatorship of Jorge Ubico, gives us a coherent setting for understanding the violence and degradation of the past few years. The trappings of this study—the legion of graduate students with their questionnaires, the pageant of institutional sponsors,[3] the inevitable power-flow charts in the opening theoretical chapter—tend to disguise what is in fact a personal and authoritative analysis by an anthropologist who has spent two decades studying Guatemalan society, and who attempts to expand the scope of anthropological study from that of the small community to that of a complex and strife-ridden nation of four million people.

Most of the book is about the politics of revolution and counter-revolution and the unsuccessful struggle of insurgent social classes for more power and wealth. It is better in many ways than any other general work on contemporary Guatemala I know of in English or Spanish. But it would have been an even better book if it had given more attention to highland Indian culture, which provides the ethnic base of Guatemalan society. In his earlier work Adams strikingly contrasted the patriarchal Indian family with the matriarchal *ladinos,* the Spanish-speaking people of the cities and lowlands.[4] It is unfortunate that he did not go on to show how the family instability and fragmentation in *ladino* areas such as the Oriente, along with nomadic, slash-and-burn agricultral methods, seem to rob people of the social allegiances and self-restraint that might have curtailed or prevented the hideous slaughter of recent years.

Of the revolutionary governments of the 1944–54 period Adams writes:

"President Juan Jose Arevalo (1944–50) began a broad series of social reforms that included a social security program, a government office to foment production, the encouragement of syndicalism, the strengthening of the position of the military, the expansion of rural education, agricultural extension and public health, and the attempt to promote cooperatives. Of cardinal importance was the reintroduction of open elections, but with the difference that there were serious contenders. The university was granted autonomy, an industrial development law was passed, as well as a law . . . that prohibited share-cropping and profiteering on the rental of agricultural lands to peasants. . . .

"Under President Jacobo Arbenz (1950–54) further measures were taken, but unquestionably the most important was the agrarian reform decree and the dismissal of supreme court judges who contested its constitutionality. Others of relevance were the efforts to build a highway to the Atlantic and the utilization of the communists as political support."

These last two measures had a direct impact on the operations of the United Fruit Company in Guatemala. The work on the Atlantic highway was begun in order to break the stranglehold of the narrow-gauge railroad owned by United Fruit—the only transportation route between Guatemala City and the country's main port. The communists in the agrarian reform organization encouraged strikes and invasions of the United Fruit plantations, which provoked a sharp reaction from Washington and weakened the Arbenz regime's military support.

"Realizing this," Adams writes, "elements in the Arbenz government hoped to arm the (peasant) agrarian committees in order to neutralize the military, just as the work of the agrarian committees had been weakening the local landholders and upper class. Had this been successful, the agrarian committees would have taken over the major position of power in the revolution."

It is fair to ask what would have happened if this process had been allowed to continue. These agrarian committees were similar to the peasant *sindicatos* which were armed and organized in the Bolivian Revolution of 1952, and which have remained more or less intact since. Although the Bolivian peasants, newly freed from serfdom, were often exploited by their own *sindicato* leaders, their new organizations have proved to be effective instruments of grassroots pressure on the national government. Peasants tend to vote with their bodies and take great risks when life-and-death questions of land are involved, as shown by the Indian land invasions that have taken place in the Peruvian sierra in recent years.

In Guatemala, however, in May, 1954, a shipment of weapons from Poland intended to arm the peasant militias was seized by the army after being unloaded at the United Fruit Company dock in Puerto Barrios, the country's only port facility for large ships. A month later Castillo Armas's "Liberation Army," backed by the CIA, crossed over from Honduras. It was stopped after a series of skirmishes near the town of Chiquemula in the Oriente. However, the regular army commanders refused to arm the peasant militias to defend the regime and the military command asked Arbenz to resign. They were prompted to do this by John Peurifoy, the US ambassador to Guatemala who was also working for the CIA and who had been sent to Guatemala to organize the 1954 coup. Arbenz was an army colonel himself. He exasperated his civilian followers by agreeing to resign, and a decade of social revolution in Guatemala thus came to an end.

One major consequence of the counterrevolution was the return to the old landowners of 1.5 million acres of land that in less than eighteen months of agrarian reform had been distributed to between 80,000 and 100,000 peasants. To my knowledge, this is the only occasion in Latin American history in which a major land redistribution was reversed. This fact is a key to the hatreds that have since poisoned Guatemalan society.

One can almost speak now of a condition of "structural violence" between irreconcil-

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Footnotes at end of article.

able elements of the right and left in which the United States has been implicated by supporting a backward landlord class that long ago would have been swept away by social revolution were it not for repeated US intervention. In 1954 the CIA plotted the overthrow of Arbenz, and in 1960 Cuban exile units training for the Bay of Pigs invasion intervened to help put down a barracks revolt against President Miguel Ydigoras by junior army officers. From this group the leaders of the guerrilla movement of the past decade emerged.

Respected members of the democratic opposition now charge that the death lists of "communists" published by right-wing terrorist groups carried names originally given to Guatemalan army intelligence by US Embassy sources, and that the apparatus of repression has been strengthened greatly under the AID public safety program. (Both procedures are normally part of US government operations in Latin America; it is not unusual for AID public safety officers to serve five years in a post, as compared with the normal diplomatic tour of two or three years. The AID men maintain offices in the national police headquarters and enjoy considerable influence because of the equipment, foreign travel, training, and technical advice offered by their agency, whose programs are similar to those of the US military aid missions.) The US ambassador to Guatemala, John Gordon Mein, and two US military advisers were assassinated by guerrillas in 1968 in response to the right-wing terror.

According to Adams, who is cautious in expressing his own political views:

"The changes that were actually accomplished during the revolutionary decade . . . include the learning that had taken place in the entire population, the "sociological awakening" that could not be forgotten within the generation, the fact that organizing had been learned, and the awareness that the United States had intervened at the international level to stop the organization process. This last could not be easily accepted even by nationalistic Guatemalans antagonistic to Arbenz, and it signaled the operation of legitimate cold war activities at the international level."

Would it have been less costly, in the long run, for the US to have allowed these social movements to run their course?

Recently the terror against opponents of the regime has been appalling. The Guatemalan press reported 103 political assassinations in the three months immediately following President Arana's inauguration last July 1. These killings coincided with the appearance of a new right-wing vigilante group, *Ojo por Ojo* ("An Eye for an Eye"), to which were attributed twenty-seven killings between Ambassador von Spreti's assassination and Arana's presidential inauguration, and which has since become the most prominent vigilante group in Guatemala. Arana had barely completed his first hundred days in office when he delivered a surprise radio-television address declaring a state of siege, and paternally scolded the Guatemalan people as follows:

> How difficult you are! How demanding and how intolerant of others! Each one has the solution, and wants his own way of thinking or acting to be followed by everyone. Otherwise, there is implacable criticism. You sacrificed a little money and one day to give your vote, and you elected Arana and Caceres Lenhoff [the vice-president], giving them a mandate: pacify the country and terminate the wave of criminality. You didn't set conditions or say how. . . . The government that you elected made a promise which it will fulfill at all costs, even if it means resorting to drastic measures to save the country. . . .[5]

The state of seige imposed a nightly curfew from 9 PM to 5 AM, during which time all traffic of vehicles and pedestrians—including ambulances, fire engines, and physicians—was forbidden throughout the national territory. Later, the MLN majority in Congress artificially declared a "state of civil war" in order to give unlimited powers to the government for an unlimited time. Newspapers and radio stations were prohibited from publishing news of crime and violence, except for the texts of bulletins issued by the public relations office of the army. Three journalists who violated this ban—Enrique Salazar Solorzano, Luis Perez Diaz, and Lorenzo Montufar Navas—were kidnapped some time between November 24 and 26, and have not been heard from since. According to a report from Guatemala published last February in the Venezuelan Jesuit magazine SIC:

> These drastic measures have created a system of institutional terror. . . . The specific *zone of terror* embraces all opposition groups, democratic or not. There is a directorate composed of three cabinet ministers and the President of Congress (Sandoval Alarcón) who plan, initiate, control, define and justify the terror.
>
> On an intermediate level are the "agents of violence," two Congressional deputies who had directed the White Hand in 1967–68 and a military officer with a black personal record in past right-wing regimes who today is chief of immigration.
>
> Finally, there are the "knives of the king," the execution squads, drawn from various police forces, especially the secret police, and specially-trained groups recruited as politicians' bodyguards, and from military police units in the interior.[6]

The list of the accomplishments of these terror forces is a dreadful one. Some examples:

At 3:30 PM on November 26, 1970, a Communist law professor at the University of San Carlos, Julio Camey Herrera, was driving through a residential neighborhood of Guatemala City. While he waited for a red light to change, a small blue car drew up alongside and a young man got out and shot Camey through the windshield. The newspaper *El Imparcial* reported that "the attacker returned to his car, where other men waited, and escaped, taking advantage of the fact that the light had turned green." The next day the public relations office of the army issued a communiqué saying, "The Government of the Republic laments the murder of Julio Camey Herrera. It informs the people that this shameful deed is another maneuver of the extremes to create problems for State institutions, sowing confusion and doubt." [7]

On November 29 Humberto Gonzalez Juarez, a leftist radio station owner who at one time was said to have given funds to the guerrillas, disappeared while driving to the Pacific coast with an architect friend, Armando Braun Valle, and Braun's secretary. On December 8 their corpses were found at the bottom of a 300-foot-deep sewage canal, when the waters had receded. The army's public relations office announced that "according to the medical examiner's report, these persons died as a result of bullet holes in various parts of the body. . . . The Government of the Republic laments what has happened and presents its condolences to their survivors and to the guild of radio announcers and owners to which señor Gonzalez Juarez belonged." [8]

At 8 PM on November 30 Alfonso Bauer Paiz, a well-known leftist writer, politician, and law professor, was shot four times and left for dead after leaving a cocktail party in downtown Guatemala City. Bauer was able to recognize one of his attackers as a congressional bodyguard; he is expected to be paralyzed for life.

On the night of April 6 a young reporter for "Radio Guatemala Flash," Ricardo Castro, was kidnapped while on his way home from work, shot in the neck, and left for dead on a road outside the capital. "I recovered consciousness," he said, "and was taken back to town in a milk truck." Both Bauer and Castro had been attacked by terrorists before.

At the end of April, an execution squad came to the house of Diego Leon Pu, an Indian and a Christian Democrat who lived in the department of Quiché and had been organizing cooperatives among the Indians there. He was not at home. The terrorists kidnapped his wife, who was later found dead.

On November 25 the army's chief of public relations, Col. Virgilio Villagrán Bracamonte, announced that in the two weeks since the state of siege and the all-night curfew were decreed roughly a thousand persons had been arrested. He dismissed higher published estimates as obviously based on conjecture.[9] The terror is rationalized as a social as well as a political prophylaxis: the claim is that recidivist criminal offenders are hunted down and killed. In some cases prisoners were taken from jail and shot, their names appearing later on army bulletins as the casualties of clashes with guerrilla bands. As happened during the 1967–68 terror, peasants in the Oriente observed military planes at night flying out to sea to dump corpses. Within a three-day period in early March, sixteen corpses were discovered by workmen dredging the Rio Montagua.

During the state of siege, in the hours in which Guatemalans were permitted to walk the streets, hundreds of persons desperately roamed among the jails and hospitals and courthouses and police stations in the capital in search of missing relatives. Each day, mutilated, unidentified corpses were displayed in the amphitheater of the General Hospital of Guatemala City before a gallery of people seeking members of their families.

Three weeks after the journalist Enrique Salazar Solorzano was kidnapped, his father went to the hospital amphitheater to see if his son was among the three bullet-ridden corpses just brought in. "My son is not there," he said. "What should I do? Who should I talk to if the President says my son is not a prisoner? I would like to remain here and wait for the arrival of more cadavers." [10] A few days later thirteen corpses were discovered near the crater of the Pacaya volcano in the municipality of San Vicente Pacaya, near where the government ran a prison camp. When asked by journalists at the press conference if Salazar Solorzano's was among them, Col. Villagrán Bracamonte, the chief of army public relations, answered curtly: "If it was, so what?"

On December 18, a week after the MLN-controlled Congress extended the thirty-day state of siege for an indefinite period as a consequence of the president's decree of a state of "civil war," the MLN deputy and labor leader, Arnoldo Otten Prado, was machine-gunned to death as he drove away from his house in the early morning.[11] Five days later another veteran union official, Jaime Monge Donis, was killed in his car while delivering Christmas cards.[12] Both labor leaders had incurred the hostility of right-wing extremists for their attempts to influence President Arana by organizing a pro-government labor confederation.

When the state of siege came up for extension by Congress on December 11, the only opposition to the government's policy came

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Footnotes at end of article.

from the Christian Democratic bloc of four deputies. By far the most vehement and persuasive of these was a short, paralytic lawyer and university professor, Dr. Adolfo Mijangos López, who argued on the floor of Congress:

"The majority of anti-communist sectors applaud the use of murder as a political weapon and as a system of repression, and their applause is published in the daily press. If their congratulations to the murderers is publishable, this is most serious. These congratulations are most alarming because they appear next to the Government's expressions of condolences when these corpses are discovered. . . .

"We are slipping into the realm of arbitrary acts where there is no control at all. Only they can define what is subversion of public order, and from that point there is just a millimeter of distance to the dissolution of the city council or the university or the *sindicatos*. One thing is to enthusiastically support a program of pacification, and another thing is to approve hastily and without study [state of siege] decrees without even having copies distributed to members of Congress to read." [13]

At 7 PM on January 13, the night before congressional debate was to resume on the government's emergency decrees, Adolfo Mijangos López was machine-gunned to death in his wheel chair as he left his law office after work. The government said in a communiqué: "The Public Relations Department of the army laments this cowardly deed that casts the family of Guatemalans into mourning." [14]

FOOTNOTES

[1] Some readers may not remember that the *Protocols of the Elders of Zion* is an anti-Semitic tract from Czarist Russia in the form of a fake document prescribing alleged Jewish blood rituals such as the sacrifice of Christian children in order to use their blood to make matzohs and a plot to take over the world hatched by Jewish financiers.

[2] See my "Guatemala: Death in the Hills," *The Economist*, June 10, 1967, and "Guatemala Guerrillas Slaughtered: Church Objects to Bloodbath," in *The National Catholic Reporter*, June 7, 1967, and the exchange of letters, June 28, 1967. This anti-guerrilla strategy was more formally elaborated in a fourteen-page mimeographed MLN tract, *"La Guerrilla y Anti-guerrilla en Guatemala,"* which was given to me by one of Sandoval's aides.

[3] The Ford Foundation, AID, the Institute of Latin American Studies of the University of Texas, the Guatemalan Government's Economic Planning Council, and the *Seminario de Integración Social Guatemalteca*. Separate essays on *campesino* organizations and the urban poor were written by two of Adams' younger colleagues, Brian Murphy and Brian Roberts respectively.

[4] See his *Encuesta sobre los Ladinos de Guatemala* (Guatemala, 1956) and his "An Inquiry into the Nature of the Family," in *Essays in the Science of Culture in Honor of Leslie A. White*, edited by Gertrude E. Dole and Robert L. Carneiro (New York. Thomas Y. Crowell, 1960).

[5] From *"Mensaje del Presidente Arana a su pueblo,"* in *La Nación*, Guatemala City, November 21, 1970.

[6] See *"El Terror Institucionalizado en Guatemala,"* in *SIC*, No. 332, Caracas, February, 1971, p. 57.

[7] *El Imparcial*, Guatemala City, November 27, 1970.

[8] *Ibid.*, December 8, 1970.

[9] *La Nación*, Guatemala City, November 25, 1970.

[10] *El Grafico*, December 18, 1970. In the first three months of the state of siege, habeas corpus petitions had been filed on behalf of 483 persons who had disappeared (*El Imparcial*, January 16, 1971). A month later, leaders of the University Students Association handed President Arana a list of eighteen persons who were arrested and twenty-three others who had disappeared (*El Grafico*, February 28, 1971, p. 2).

[11] *Prensa Libre*, Guatemala City, December 18, 1970.

[12] *El Imparcial*, December 23, 1970.

[13] *Diario de las Sesiones del Congreso de la Republica de Guatemala*, December 11, 1970, p. 47.

[14] *El Grafico*, January 14, 1971.

RURAL FREE DELIVERY—R.F.D.—IS 75 YEARS OLD

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. DULSKI. Mr. Speaker, this year marks the silver anniversary of the rural free delivery—better known to the general public as R.F.D.

R.F.D. was established in 1896 and has made a vital contribution to our Nation's welfare through its daily mail service to those who live outside the densely populated areas.

The anniversary will be celebrated August 8 to 13 in Portland, Oreg., at the 67th Annual Convention of the National Rural Letter Carriers Association.

The actual birthday is October 1 for the service which originally was considered merely an experiment and there were sincere doubts it would survive.

Although the R.F.D. became a reality during the administration of Postmaster General William L. Wilson of West Virginia in 1896, considerable credit for the achievement goes to his predecessor, John Wanamaker of Philadelphia, the founder of the department stores that bear his name.

TRIAL RUN IN WEST VIRGINIA

The trial run for rural delivery was made in Jefferson County, W. Va., the native county of Postmaster General Wilson. Arrangements were made by the Chief Clerk of the free delivery system of the Post Office Department in Washington.

R.F.D. soon became an accepted way of life for our rural citizens and has contributed much to the development of our Nation during the past three-quarters of a century.

In connection with the silver anniversary this year, the National Rural Letter Carrier, a publication of the National Rural Letter Carriers Association, has published a series of articles titled "The RFD Diamond Jubilee." These have been written by Gwendolyn M. Aaberg, assistant editor.

Mr. Speaker, as part of my remarks I include the excellent series by Mrs. Aaberg:

I—Pride in Our Postal Service

(By Gwendolyn M. Aaberg)

From earliest colonial times, Americans have cherished a great sense of pride in "our postal service," even a real affection for it. To the colonists it was a part of their hard won freedom, sought by those brave pioneers founding a new nation.

In its limited form of the day, colonial postal service was older than our nation. The early settlers scarcely glimpsed the fact, but their postal system was destined to become the one federal government activity most directly affecting every American. Moreover, as the years went by, Congress would write more detailed legislation regarding postal service than for any other branch of the government, or even dozens of federal agencies. No other federal bureau would have more detailed rules and regulations, as now set forth in *The Postal Service Manual*, successor of the *Postal Manual*, the *Postal Guide* and the *Postal Rules and Regulations*.

It was, of course, beyond the imagination of the colonists to foresee the vastness of the postal system in years to come. Today, it is one of the largest business operations in the world, as well as the world's largest postal organization.

It employs more people than any other non-military agency of the United States government. The Post Office Department hires 24% of all government workers (of which there were 2,829,495 in September, 1970, according to the Bureau of Manpower Information of the U.S. Civil Service Commission). It is one of the largest civilian employers in the world.

On any typical day, the Post Office Department of the United States processes as much mail as the rest of the world combined. The Christmas mail alone exceeds the entire volume in many foreign countries for as long as a month.

Millions of pounds of mail were flown to servicemen and women from the USA, during the first weeks of November, 1970. Many items were Christmas gifts and greetings.

It is said, perhaps apprehensively by those who handle the mail, that if there were no delivery of it for two weeks, there would be enough to reach the moon and back! In this age, when great emphasis is placed on going to the moon, it can be said realistically that rural carriers travel 1,977,344 miles a day, which equals approximately four round trips to the moon. Moreover, they claim kinship with the mail carrying astronauts who delivered a letter that went to the moon!

NEED FOR SERVICE CONTINUES

As large a group as they are, postal employees need to be the same dedicated staff of workers they have always been. There is still the same need for the good work of all postal people. We must have that extra measure of care, that willingness to do a little more than is called for, so ably expressed in the rural carrier theme song, "Service with a Smile," credited in the 1920's to Mary Lee Andrews, daughter of Rural Carrier and Mrs. Lucian Andrews of Whitewright, Texas.

In his Message to Congress on April 16, 1970, President Nixon titled one of his concluding sections, "Towards Postal Excellence," and stated:

"Laws do not move the mail, nor do dollars. What moves the mail is people—People who have the will to excel, the will to do their work to the very best of their ability.

"The United States is fortunate to have such people in its postal system today. As the Postmaster General has urged, these people must be retained; in the years ahead more like them must be recruited. . . .

"Enactment of the legislation that I now propose would give our postal employees the means to attain a goal they have never before had the means of attaining—the goal of building, in America, the best postal system in the world.

"That is a goal worth striving."

MILESTONES IN POSTAL HISTORY

In its long, eventful history, there have been many guideposts in the Post Office Department, and many still lie ahead. The latter part of the 20th century finds many branches of the Post Office Department and government in general entering a period of seniority:

Postage stamps.—The first U.S. stamps for prepayment of postage were issued on July 1, 1847, on a permissive basis, to become compulsory in 1856. On July 1, 1970 some 32,000 post offices (including one appropriately named Stamps, Arkansas) celebrated the official birthday of postage stamps. It is significant to notice that in the first year, 1847, a total of 860,380 postage stamps were produced. Today, the total is about 25 billion annually.

Pony Express.—It is well over a hundred years since the dramatic Pony Express had its short-term career in the 1860's.

Parcel Post.—In the early part of the century, in 1913 to be exact, parcel post appeared on the scene, and continues to be an indispensable service.

Air Mail.—Five years after parcel post, air mail made its debut, thus celebrating its 50th anniversary on May 15, 1968.

The U.S. Civil Service Commission—established on May 22, 1920, observed its 50th anniversary in 1970.

United Nations—reached its 25th year on November 20, 1970.

Women's Suffrage—dating from the ratification of the 19th Amendment, 50 years ago, was honored with a commemorative postage stamp, issued on August 26, 1970, in Adams, Massachusetts, birthplace of Susan B. Anthony, a pioneer crusader for women's rights.

The Weather Services—of the U.S. marked their 100th anniversary on Sept. 1.

The Landing of the Pilgrims—300 years ago, was observed with a commemorative stamp on November 21, 1970, at Plymouth, Massachusetts.

The United States—will honor its 200th anniversary in 1976, while America will reach its 500th year in 1992.

75th Anniversary of the R.F.D.—On October 1, 1971, there will be another milestone, for Rural Free Delivery will observe its 75th birthday and celebrate its Diamond Jubilee. It will enjoy a nationwide birthday party, and as it lights its seventy-five candles throughout the nation, it can be proud of having outlived the rigors of seven and a half decades and emerged a vigorous and healthy part of America. At first considered a mere experiment, doubtful of survival, the R.F.D. is now an accepted and established part of our American way of life.

GIANT OVERHAUL IN PROCESS

However, in the interval of some 180 years since the Constitution was adopted and the United States Post Office Department established in 1789, its unprecedented growth has resulted in the need for postal reform in many ways. Necessary legislation, Public Law 91–375, the Postal Reorganization Act was enacted on August 12, 1970.

Under the provisions of this new law, the Post Office Department will become the United States Postal Service; all postal affairs will be administered by a governing board of eleven members.

In the Foreword of the Annual Report of the Postmaster General for 1969, submitted on January 5, 1970, by Winton M. Blount, President Nixon stated:

"Total reform of the Nation's postal system is absolutely essential. The American people want dependable, reasonably priced mail service, and postal employees want the kind of advantages enjoyed by workers in other major industries."

R.F.D. ENTERS A NEW ERA

Thus, shortly before its 75th birthday, in the period of postal reform, The R.F.D. is destined to enter upon a new era. As important as it still is, the past becomes prologue to an entirely new chapter in postal history, to be written day by day in our modern world, so unlike the horse and buggy days or the time of the horseless carriage, when Rural Free Delivery was young . . . but the ideas of postal excellence and pride in our postal service are to remain, as fundamental concepts, enlarged and enhanced if anything by the changing times.

II—SUPERLATIVE SERVICE, A POSTAL GOAL

The idea of excellence for the American postal system is older than the Post Office itself, for it goes back to the days of Benjamin Franklin and his colonial policy. Farseeing as he was, even he could not have envisioned the staggering growth of the postal organization of the future. As a young man of 31, and postmaster of Philadelphia in 1737, he was soon given the additional assignment as Deputy Postmaster General for the Colonies to regulate the activities of the entire Colonial Postal Service. The delivery of mail to the colonists was even then seriously in need of the guiding hand of a practical and resourceful man, and Benjamin Franklin was ideal for the job.

There was some kind of a loosely knit postal organization dating back to the 1600's. There had been the "ships' letters," flown from England to coffee houses located in early ports; the horseback riders who served postal routes, on a contract basis once a month between New York and Boston; the weekly mail delivery from Philadelphia to New Castle; the efforts of Virginia to unite with some sort of postal system from north to south.

By 1700 the British government had set up a continental postal system, under Colonel John Hamilton of New Jersey, but it was canceled in 1710, when in the reign of Queen Anne, a national postal system, which included the American Colonies, was established.

Things had begun to improve, for there was by that time weekly mail delivery between Boston and Maine, and fortnightly between Boston and New York. By 1717 Virginia realized her ambition of mail service between New York and Williamsburg, also serving Philadelphia en route. By 1727 there was a forthnightly postal service between Philadelphia and Annapolis, Maryland. A Deputy Postmaster General was appointed for the American Colonies and reported directly to the Postmaster General in London.

In 1753 Franklin and another man named William Hunter was appointed jointly as Deputy Postmaster General. No one knew the hardships and hazards of delivering the mail to colonists better than the wise and practical Benjamin Franklin, who could see many ways to improve upon the crude and cumbersome methods of his time. However, because of his very liberal ideas and sympathies he finally incurred the wrath of the British Crown and was relieved of his post in 1774. A year later though he was appointed Postmaster General by the Continental Congress and served 16 months in his Federal position, thus becoming the first Postmaster General of the United States. Richard Bache of Pennsylvania, his son-in-law, succeeded him.

FRANKLIN APPROACH CONTINUES

Even after the Revolution, however, the pattern for American postal service continued along the lines of Franklin's thought, so that he well deserved the title of "Father of the United States Postal Service." The design of the "wrong way" postal rider was believed to have originated with Franklin.

From Benjamin Franklin, the first Postmaster General, on down to the present time, each man at the helm of the Post Office Department has had his own individual plan for the betterment of the postal service. In the best tradition, it was considered an honor to become a Postmaster General. Under the colonial system, he was a peer of the realm, a member of the Privy Council and a Cabinet Minister. The dignity of the postal service was placed on a par with that of other important branches of the government. The newly formed Federal organization was destined to rise to a comparable place.

In a rapidly developing nation, over the years ahead the postal service promised to spread from coast to coast, and to grow into such dimensions that constant adjustment was necessary to keep pace with the demands of the times. Fortunes rose and fell in the revenues received, especially for the period from 1782 to 1789, when the Constitution was adopted. Postmasters General struggled heroically oftentimes trying to uphold the ideals of the service in the face of growing difficulties financially.

In the intervening years since Benjamin Franklin's day, there have been 59 individuals occupying the chair of the Postmaster General, including Winton M. Blount, who on January 13, 1971 became the first Postmaster General under the U.S. Postal Service, to hold office for an indefinite term.

Between the establishment of the Rural Free Delivery in 1896 and the present time, no less than 23 people have assumed the post of the "General" of the Post Office Department. They and their associates have taken great pride in their unique relationship with the public. They have guarded and strengthened it with scrupulous care, so as to preserve its responsiveness to the public need.

EACH MAKES CONTRIBUTION

Postmasters General come and go, each making his own contribution to the development of the postal service and trying to solve its increasing problems.

Carrying out the high ideals of the Post Office, in a statement before a House subcommittee on May 9, 1967, Postmaster General Lawrence F. O'Brien stated in part: "The American people are entitled to no less than the finest mail service in the world. . . . My dream of the postal service of the future is one that I am sure that I share with every Member of the Committee: a postal service that operates at the very minimum cost and at the maximum efficiency; a postal service of which we can all be proud."

Later that year, in August, at the 63rd Annual Convention of The National Rural Letter Carriers' Association in Cleveland, Ohio, Mr. O'Brien recalled that when he responded to President Johnson's request in 1965 and as Postmaster General moved up Pennsylvania Avenue from the White House to the Post Office Department, he promised to have one goal: superlative mail service. Later, in 1967, it was Postmaster General Lawrence F. O'Brien who introduced the idea of the corporation plan for the Post Office.

"Superlative Postal Service" was the theme chosen for the keynote of the First National Postal Forum, held in Washington, D.C., on September 14-15, 1967. It was highlighted in the address of Deputy Postmaster General Frederick C. Belen, who said in part:

"The spirit of joint enterprise and interdependence between the post office and its users will lead to the Superlative Postal Service of the future."

FACING THE CHALLENGE

To be more than a beautiful sentiment, however, the innate desire to promote a "superlative postal service" needs to keep pace with the times. The rapid growth of the Post Office Department must not outdistance improvement in methods. Expansion must not exceed scientific development. From earliest times though, the Post Office was held back by a shortage of money appropriated for it by Congress.

In a book, entitled "The Story of Our Post Office," written by Marshall Cushing in 1893, three years before the advent of Rural Free Delivery, it is stated:

"There is no doubt the American postal system is the greatest in the world. It cannot be prevented from growing, and any American citizen is proud to have it the greatest in the world, and likes to see it grow. Yet this immense machine, this stupendous, delicate, all-pervading business, is everywhere impecunious and restive. The Post Office Department never has money enough to work with . . . The fact is that the American postal service, while today the greatest business in the world, is today (1893) the worst conducted—the best conducted under the circumstances, but the worst conducted, under the lack of means to work with."

Mr. Cushing, a very observant writer of his time, had put his finger on a problem to remain for many decades to come, in fact, one of the main objectives of Postal Reform seventy-five years later, and part of President Nixon's endeavor to place the U.S. Postal Service on a sound financial basis.

III—A LANDMARK IN POSTAL HISTORY

Long before the establishment of the Rural Free Delivery, there were, of course, in the United States a diversity of services performed in the complex system of delivering the mail, such as: railroad mail routes, steamboat mail routes, mail messenger routes, running from railroad stations to post offices located but a short distance from the station (usually within two miles), but which the railroad companies were not required to supply; and the regulation "wagon routes," a service performed in the larger cities between the main post offices, suboffices, and railroad stations for which a particular style of wagon was used. They were lumbering, red, white and blue express wagons, costly to maintain, and requiring frequent painting as well as repair to keep them presentable and serviceable. There were also "special routes," established for the temporary supply of new post offices not on existing contract routes, plus the so-called "star routes."

STAR ROUTES

"Star routes" were authorized in 1845—over fifty years before the R. F. D., when an Act of Congress provided for the awarding of contracts to bidders who transport the mail with "Celerity, certainty and security." To avoid the continued use of that long phrase, these routes were designated in the records by three asterisks or stars (* * *), and thus became known as "star bids." Those awarded contracts were required to furnish bonds; and oftentimes the contracts were sublet.

Although it was not anticipated at the set, star routes were rivals of the rural service, especially from 1902–1914.

In our time, most star routes provide for inter-city highway transportation of the mail. A separate type of star route, however, provides for box delivery, collection and other services similar to those furnished by rural carriers of today.

Postmaster General Wanamaker, who assumed his office in 1890, thought that the "star routes were performing a very useful service." In his time there were some 17,000 star routes, aggregating 240,000 miles in length and over 100,000,000 miles in annual travel. He encouraged the continuance of star routes and observed:

"It is believed that if letter boxes for the collection of mail were put up at central points in farming, lumbering and mining communities, the mail could be collected from them and properly disposed of by the contractor" (evidently referring to star routes), but later on he referred to the "extension of the *free delivery* by carrier to villages and rural communities. . . ."

PMG WANAMAKER'S DREAM

While the R. F. D. became a reality during the administration of Postmaster General William L. Wilson of West Virginia, in 1896, considerable credit for the achievement goes to his predecessor, John Wanamaker of Philadelphia, the same man who founded the famous Wanamaker stores.

His rare aptitude for business brought him great prosperity, and later his activities took him into politics. He has been encouraged to run for Congress or to become Mayor, but when President Harrison appointed him Postmaster General, he considered it a very great honor, indeed, and accepted.

A man of great wealth, imagination and very progressive ideas, Mr. Wanamaker helped mold the future of the Post Office Department in various ways. He took an interest in every detail, including publications for postal people. There was the *Daily Bulletin*, started in 1880, which was a Railway Mail Service paper; and the *Postal Guide*, a monthly publication, which contained information supplemental to the *Annual Guide*. *The Guide* was designed especially for postmasters, but was so dull and uninteresting that it was scarcely ever noticed or read. Postmaster General Wanamaker tried in vain to improve it, by infusing current information on postal subjects, but it was to no avail, and its appropriation was eventually cut down.

Someone with a sense of humor tried to invent a so-called set of postal rules, in a lighter vein, some of which read as follows:

1. Feather beds are not mailable.
2. A pair of onions will go for two scents.
3. A stamp of the foot is not sufficient to carry a letter, and other "regulations" taking a gentle gibe at the Postal Service, but it took more than horseplay to save the doomed old *Postal Guide*.

BIRTH OF RURAL MAIL SERVICE

As stated in an article entitled, "The Birth of the R.F.D. Mail Service," by Dr. Millard K. Bushong, which appeared in Valleys of History, published by the Potomac Edison Company, and later published in part in the *Appendix* of the *Congressional Record* of March 9, 1967):

It was Wanamaker's idea to begin his experiment in small towns first and then gradually extend the system to include outlying farms. One of his earliest recommendations to Congress was in this connection, and on October 1, 1890, that body passed a joint resolution embodying his plan. He was authorized to test in small towns and villages the practicability and expense of the free delivery system then enjoyed exclusively by larger cities. In response to Wanamaker's declaration that no person should be penalized for living in the country and that he believed the Post Office Department should deliver mail to those to whom it was addressed. Congress appropriated $10,000 for the experiment."

Postmaster General Wanamaker, a practical man, enlisted the support of several farm organizations, including the National Grange, National Farmers' Congress, and State Farmers' Alliance, so that more support was gained for the idea of rural free delivery. According to the article by Dr. Bushong, some experiments were conducted in extending the delivery of mail into sparsely settled regions between February 1 and September 3, 1891.

On January 5, 1892, Representative James O'Donnell of Michigan introduced "A Bill to Extend the Free Delivery System of Mails to Rural Communities." This bill asked for an appropriation of $6,000,000, but did not pass.

A month before Mr. Wanamaker retired from office, another bill was proposed by Representative Thomas E. Watson of Georgia, and became law on March 3, 1893.

The story goes that Representative Watson, known to all Georgians as "The Father of Rural Delivery," was aided in drawing up his bill by Congressman Charles L. Moses, who himself lived on a rural route served by his nephew, Rural Carrier Talmadge Moses of Turin, Georgia. As things developed, Congressman Watson did not return to Congress the next term, and actually, it was Mr. Moses who introduced the Watson bill making the R.F.D. a permanent organization.

Congress granted another sum of $20,000 on July 16, 1894, but Wanamaker's successor, W. S. Bissell, did not see fit to use the money, so nothing further was done about rural free delivery until Postmaster General William L. Wilson was appointed by President Cleveland.

Dr. Bushong states that "Wilson, too, agreed with his predecessor that the proposal was impracticable, but added that "if Congress made the money available for the fiscal year 1897 he would attempt the experiment. Congress replied by appropriating another $10,000 on June 9, 1896, which added to the prevous amounts, made $40,000 available.' "

BIRTHPLACE OF THE R.F.D.

Postmaster General Wilson favored his native county of Jefferson, in West Virginia, as the scene to try out rural delivery. On September 17, 1896, Col. Thomas B. Marche, chief clerk of the free delivery system of the Post Office Department, came to Charles Town to arrange the details at a meeting held in Rouss Memorial Hall to discuss the proposed system. The meeting was attended by several prominent residents of the area, and it was the unanimous opinion of those assembled that the experiment had every chance of succeeding.

Captain George H. Flagg, postmaster of Charles Town, was requested by Col. Marche to select the carriers for the new routes, and he chose Harry C. Gibson, Frank Young, and John W. Lucas. Those selected for the routes from Halltown and Uvilla were I. Keyes Strider and Melvin T. Strider. The five carriers were each to receive a yearly salary of $200. They were all appointed on the same day, but Harry C. Gibson claimed to be the first rural carrier, due to the fact that he had served a number of days without pay, on a volunteer basis, to try out the experiment.

STORY OF FIRST RURAL CARRIER

Mr. Gibson set out on the first expedition on his bicycle, pumping his way over the hilly ground, no doubt wondering as he went what kind of a reception would be his. At first some people were skeptical of him, but worst of all, the dogs along the way were most unfriendly. Some of them bit him savagely; others he was able to win over gradually to become his friends.

Some of the patrons accepted his proffered service grudgingly, but after a few days they began sending a letter back to the post office with him for mailing. There still remained some people though who simply did not entrust him with their mail.

One of the problems was that of opening and closing farm gates. Young Mr. Gibson estimated that in one day's travels he had to deal with at least 63 such gateways! At night, after his arduous journey, he would write a diary of his experiences, later to be comprised in a report to Postmaster General Wilson.

The project went on for a number of days, and began to look favorable. People were expressing their approval more frequently, and the critics were not as vigorous in their disapproval. The report was going to read rather well.

Postmaster General Wilson was encouraged to go ahead with his plans. With a modest outlay of money, $40,000 in all, to devote to the cause, he went ahead and authorized the first experimental rural service from Charles Town, Halltown and Uvilla, West Virginia, on October 1, 1896. Thus under very unpretentious circumstances, and with very little fanfare, indeed, a great American Institution and a Landmark in Postal History came into being.

IV—BLENDING IN WITH AMERICA

The establishment of the Rural Free Delivery was no accident. It appeared on the horizon only after a great deal of patient work, not only in Congress and the Post Office Department, but among farm organizations and farm people as well.

Seeing the benefits of rural mail service in the United States, Canadian farmers were "crying for R.F.D." according to the *Peterssborough* (Ont.) *Examiner* in 1903. It was established in Canada on a contract basis in 1908.

In England some kind of mail service had been in existence, but no distinction was made between town and rural carriers until about 1883, when parcel post was introduced in the British Isles. Those delivering the mail were simply referred to as mail carriers, but by 1903 Great Britain was experimenting with "automobile mail wagons", and carriers, who were then as in America, civil servants, were classified either as Rural Carriers or Town Carriers. Today, all mail service in England is maintained under the corporation system. In 1969 members of Congress and high ranking postal officials from the United States went to study the British postal corporation system. Undoubtedly, the British plan influenced the thinking of those interested in postal reorganization for the United States.

While the English pattern seemed to be working with a high degree of smoothness and efficiency, it is significant that in 1971 England experienced her first postal strike, with some 210,000 postal workers off the job for over seven weeks ending March 7. Throughout it all, however, the British automatic dial phone system, with minor exceptions, continued to work. A multitude of private delivery services sprang up, such as "England's Pony Express", which went into operation three days after the strike, under the guidance of Rex Martin and his two sisters of Southampton. And, reminiscent of days of yore, in some instances pigeons carried mail on microfilm!

In certain "villages" in Hawaii as early as 1903, there was a form of rural mail delivery. The system was still in effect when Hawaii became a state in 1959, and today there are six rural routes in Hawaii. Alaska has two.

The idea of rural mail service was not entirely original in the United States nor confined to its boundaries, for it had made its appearance in other parts of the world. It was established in America at a time when life was utterly different from what it is today.

CATALOG MIRRORS GOOD OLD DAYS

The first Sears, Roebuck catalog of 1897, now republished in book form by Chelsea House, shows an array of articles in vogue when the R.F.D. was young. There were, for instance, buggy whips, blacksmiths' anvils, surries with fringe on the top, all at unbelievable prices, not to mention various and sundry items such as butter churns, "talking machines," ventilated garters, frog spears, all-silk stockings for ladies, and other items now to be found only in museums.

Professor Fred Israel of New York's City College says, "If all the records for the 1890's should be lost, a scholar in the remote future who stumbled upon this book could obtain an accurate description of American life during the last decade of the nineteenth century."

It was published originally during "The Good Old Days," when housewives filled the kerosene lamps, trimmed the wicks, and washed the glass chimneys every morning . . . when you had to allow an extra ten minutes for fastening those highlaced shoes . . . when you shaved a cake of soap into the washboiler to soak the white clothes on top of the kitchen range. . . .

About the same time as the beginning of the rural mail service, the horse-drawn wagon of the tin peddler was a well known sight, in addition to scissor grinders and umbrella menders. There were farmers who delivered such products as whole corn or horse radish in town. There were traveling theatrical groups, presenting Uncle Tom's Cabin and other plays on stage at Grange Halls or other meeting places.

WHEN R.F.D. WAS "NEW THING"

A rural carrier from Turin, Georgia, Talmadge Moses, who retired in 1955, after a long period of service beginning in 1905, recalled that he began his postal career when daily mail in the country was a new thing.

"You could tell a mailman as far as you could see his horse or hear its hoofbeats, for it (the horse) had learned that it had to travel at a jog trot over the entire route," according to author Willard Neal in his article about Mr. Moses entitled "You Wouldn't Like the Good Old Days," published in *The Atlanta Journal and Constitution* magazine on August 13, 1961.

Mr. Moses recalled that his heating system was a heavy laprobe around his feet and a jug of hot water.

"Mule power was pretty expensive," Mr. Moses reflected. "For economy's sake in 1907, I (Mr. Moses) appealed to the Post Office Department and got special permission to buy a motorcycle for the route. It was a one-cylinder, belt-driven Wagner. It was a lot faster than a mule and it didn't get tired. I could make the whole round on a gallon of gas, which cost nine cents before gasoline taxes were invented."

BEFORE THE MAIL CAME TO THE DOOR

A patron from Alabama, living on the route served by Rural Carrier James Tesney, Tuscaloosa, Alabama, described the coming of the R.F.D. in her locality in a poem written in February, 1969, when she was approximately 85 years of age. Having lived through all the history of the rural service to that date, she reminisced:

IN APPRECIATION OF OUR POSTMAN

(By Celeste R. Maxwell)

What would we do without him?
  How long the days would be
If we did not have a "Postman"
  For true to his route is he.

He is ever ready and willing
  To oblige any way he can.
He brightens the day for his patrons,
  He is just that type of man.

My thoughts revert to my childhood,
  I recall other days of yore
When we drove many miles to the office,
  No mail ever came to our door.

By horseback or by buggy
  'Twas the only way to go.
No "horseless carriage" had we
  In those days of long ago.

But today we watch for his coming;
  The "Postman" will come, we know!
For he never fails his patrons,
  Come rain, come hail, come shine or snow!

So here's to the Postal Service,
  To its postmen wherever they be,
Who serve a grateful people,
  For truly grateful are we!

FEBRUARY 1969.

For many years the use of the mails had been precarious business. America had need of a rural postal service, one that would not be too costly, but which would be reliable.

An example of this is a letter now on file, written over 100 years ago, on April 27, 1863, by a man of the medical profession to his patrons, giving the following advice on how to order remedies:

"Every person sending for Remedies must give us their nearest Express Office. Those that are so far from an Express Office that it would be very inconvenient to obtain a package from such office, must send us fifty cents extra, in stamps, to pay the postage on the package here, and we will have it so prepared that it can come by mail, *although it is much more expensive for us to do so.*"

STRANGE OPPOSITION TO R.F.D.

Stamps were first sold in the United States in 1847, some 49 years before the advent of the R.F.D., but, of course, until the "Gay Nineties", there were no rural mail carriers with "post offices on wheels", from whom to purchase stamps or stamp supplies each day.

When the time came for postal service on the country lanes, many considered it a boon, but not everyone was pleased by any means with the establishment of the rural mail project. The National Grange had advocated it for several years prior to its becoming a reality, but met with curious opposition from many who feared that such a plan would bankrupt the country and make taxes unbearable. Businessmen felt that delivery of merchandise by parcel post would be disastrous.

While the rural free delivery of mail was to change the way of life for hundreds, or in fact, thousands of people, the idea was not endorsed unanimously by either elected officials or the farmers.

One member of the House said, "The delivery of mail by this government to the doors of the farms will destroy the rural life of which America is so proud."

Some people doubted its necessity and value, saying farmers' mail was not important enough to justify the effort and expense. One farmer said he opposed the service because it would eliminate his excuse for a daily trip to town for a drink!

Senator Mat Quay of Pennsylvania thought it was a "socialistic" scheme which would destroy rural life, since people would no longer gather at the post office, and it would destroy a social custom.

Some postmasters were worried for they feared the R.F.D. would do away entirely with the services of their little crossroad post offices. Most of them, especially in fourth-class post offices, were also storekeepers, and they also feared the loss of trade. Their qualms were justified, and in the course of time some 30,000 such post offices were discontinued.

On the other hand, in the 1890's, it was a time when many were leaving the farms. Introduction of the rural mail delivery served to relieve the isolation of farm life and to keep people in the country.

As stated in an editorial written some years later, when the R.F.D. was more generally accepted:

"In those days the farmer led an existence of almost complete isolation. Farmers had comparatively little communication with their neighbors or the outside world, except that derived from weekly trips to town to get the mail, which consisted of a few letters and seldom more than a weekly newspaper, but today we find that farm mail consists of one or more daily papers and several farm journals, the latest magazines and many other educational periodicals.

"The Rural Carrier is the farmer's post office, and his agent. Through him he conducts transactions for the sale of his stock and grains, from the carrier he buys stamps and pays his bills by money orders. In short, the Carrier is the medium that has transformed the once secluded habitant of the rural district into a cosmopolitan citizen, conversant with the current affairs, and occupying a larger place in the destinies of this great nation."

V—BRANCH OF WORLD COMMUNICATIONS

The reason may have been twofold for the scarcity of records of the first years of the Rural Free Delivery. The pioneer carriers, weary at night from their arduous labors, were no doubt too tired to keep a diary of the day's events, or to describe their experiences. Secondly, the whole project was considered something of an experiment anyway. Little did they realize that a few decades hence such records would have been considered invaluable.

Strangely enough, the "Progressive Farmer," a champion of the rural people, took no note of the actual beginnings of Rural Delivery Service until 1899, when

Clarence Poe became editor. Then, according to a study made by the Historical Committee of the North Carolina Rural Letter Carriers' Association, there were several editorials concerning the history, desirability and growth of the Rural Delivery Service during the year 1901.

THE R.F.D. NEWS

About that same time Mr. H. H. Windsor of Chicago, who published several magazines, including "Popular Mechanics," still found on the news stands of today, saw an opportunity to add to his list a publication for rural mail carriers. He made an offer of a free mail wagon to rural carriers in return for their organizing groups of subscribers to *Popular Mechanics*. Eighty subscribers at $1.00 earned a mail wagon. Evidently it paid off, for one way or another Mr. Windsor built up a circulation of 50,000 in 21 months.

During the time that rural carriers were allowed to solicit subscriptions for *Popular Mechanics,* Mr. Windsor became acquainted with many of them, learned something of the work on the route, hardships, losses and meager compensation of the carriers. As he said, "at that time there was no paper to lift up its voice and compel the public to listen to the tales of distress which were universal among the carriers and the families dependent upon them." The idea appealed to him to start a paper which would champion the cause of the R.F.D.

By January 30, 1903, a monthly magazine known as *"The R.F.D. News",* forerunner of *The National Rural Letter Carrier,* was being published by Mr. H. H. Windsor of Chicago. The cost was fifty cents a year. There were testimonials regarding the value of *"The News";* news items concerning the rapidly expanding rural mail service, as well as carriers' letters about their problems and needs, plus their growing consciousness of the need for an organization to represent them.

"The News" carried advertising. In 1904, the Hessler Company offered a "Riley Special" mail box for one dollar, or at the reduced rate of $8.00 per dozen to would-be agents.

Prices on buggies were as follows: open model, $19; top buggy, $24; surrey (presumably with the fringe), $42.90; and a spring wagon, $30.

Montgomery Ward offered a catalog free of charge, while Sears Roebuck advertised a line of stoves, heaters, wood or coal, $3.98; cook stove, with oven, $4.85.

There were ads for patent medicines, and Drakes Palmetto Wine (a tonic); real estate exchanges; a trip to the Holy Land or Europe; a handbook on carpentry; or how to make electrical appliances; also alluring ads for "gold filled" watches.

Boyd's Syllabic Shorthand was offered in a 30-day course by the Chicago Correspondence Schools; and "His Master's Voice" was featured by the U.S. Gramophone Company, also of Chicago, in a trademark ad which has continued ever since, showing the little dog listening to the talking machine. However, in the spring of 1969, it was announced with nostalgia that the little dog would no longer appear on any advertisements!

A CONVENTION IN CHICAGO

In 1903, after launching the rural carrier magazine, Mr. Windsor also conceived the idea of a national convention, and was largely responsible for a group of rural carriers meeting at the Sherman House of Chicago, in September of that year for the purpose of forming an association.

He acted as master of ceremonies at the meeting until there could be elected a group of temporary officers to take charge from there on. It was his idea that the first step was to organize the county rural carriers, and when their groups were well established to proceed with the formation of state R.L.C.A.'s. The district groups were a later development, not included in the original setup.

RAILROADS OFFER REDUCED RATES

By 1903 the rural carriers were receiving $600 a year, or $50 a month, which would not allow for extensive travel or for a very pretentious convention. The officials of the railroads were consulted, to see if there might not be a reduction in railroad fare, provided the first national convention could be held in Chicago. The answer was that if 100 or more attended, from points where the fare to Chicago was over 50 cents, the railroad company would offer to make a return rate of one-third the regular fare.

At this time there were in the United States 15,000 rural carriers. Rural service was becoming widely known by the press, so offers were made in Oregon, Colorado, Georgia, and perhaps a few other states, by publishers of daily newspapers to defray the traveling expenses of delegates to the first national convention.

The rural service was now seven years old. Although early records differ on the point, it may be stated that fourteen states were represented at the first national meeting, and 84 ballots cast. In writing of the calibre of the delegates, Mr. Windsor states: "It was a body of men of which any profession might feel proud."

Although the exhibits at the first national rural carrier convention were not numerous, they were exceedingly interesting. The largest items displayed were two mail wagons, the "Postman" and the "Carrier Pigeon", sent by the Terre Haute Carriage & Buggy Company of Terre Haute, Indiana. Other entries were the Hessler mailbox, manufactured in Syracuse, New York; a mailing device invented by a fellow rural carrier; and of all things—an "electric whip"; also a Clark Heater, with requisite fuel (prepared coal). A sign read: "No carrier ought to ride in a cold wagon or carry any dangerous, unsightly and explosive coal oil lantern when a Clark heater costs so little and is so safe and satisfactory.

SETTING THE PATTERN

In the absence of the mayor, who was out of the city, the postmaster of Chicago, the Hon. F. E. Coyne, extended a welcome. Mr. Windsor, acting as chairman, pending the election of a chairman pro tem, stated that it was probably the most important gathering ever to be held by rural carriers. He noted that there would undoubtedly be questions of great moment for future conventions to consider. Mr. Windsor admonished the delegates that it called for their best efforts, for theirs was the responsibility of laying the foundation, in order that the superstructure of the days to come might be strong and lasting. Theirs was also the responsibility of drafting a Constitution for a national association, a document which down through the years has changed but little.

There was no doubt about it, the affairs of the young, faltering rural carrier organization were in the hands of an experienced and capable person, who laid the groundwork for future years, and in grateful appreciation, the rural carriers presented him with a silver urn. Mr. Windsor described it as an honored heirloom for his family.

R.F.D. IS RECOGNIZED

It was Mr. Windsor's desire to start publicity nationwide, and he must have been very gratified when the U.S. Department of Agriculture in its Yearbook for 1903–4 commented on The R. F. D. It was stated that since the Rural Free Delivery had been accepted by Congress, the Post Office Department and the country as a permanent and indispensable feature of the post office administration, "contributions for the continuance and extension" of the R. F. D. were progressing at a rapid rate.

Just to get things rolling, Mr. Windsor started a column entitled, "Convention Echoes", and published quotes from leading newspapers over the country.

The hard work of the *R.F.D. News* was beginning to bear some fruit, and henceforth the voice of the rural letter carrier would have a channel through which it could be heard, for it had become a part of the world communication system.

VI—GRASS ROOTS OF AMERICA

While the Rural Free Delivery was established to bring mail to the country people, it was soon apparent that it had other inherent functions. It was entrenching itself in the very soil of the nation and becoming part of the Grass Roots of America. Someone has said, "We live in a generation that wants the fruits without the roots—we are a cut-flower civilization—the flowers are here, but the roots are dying." It is, therefore, very heartening to realize that the founders of the Rural Free Delivery planted their roots deep enough to withstand all droughts, and to continue growing in spite of all obstacles.

In his Annual Message for 1904, President Theodore Roosevelt, referring to the R.F.D., said in part:

"No governmental movement of recent years has resulted in greater immediate benefit to the people of the country districts."

DISTRIBUTION OF WEATHER REPORTS

Since the 1870's, the Post Office Department has cooperated in various ways with the Weather Bureau. At the turn of the century rural carriers' services were requested in distributing weather reports throughout the countryside, in an effort to place daily forecasts in agricultural districts.

In his report for 1902 the Secretary of Agriculture stated:

"The past year affords gratifying evidence of the weather bureau in saving life and property. Ample testimony is afforded that the value of property thus saved from loss amounts to many times the cost of maintaining the bureau."

The Secretary urged the desirability of extending the distribution of daily forecasts coextensively with the Rural Free Delivery routes. Of the 10,000 rural routes existing August 1, 1902, it had been found possible only to serve 1,000. To make the distribution coextensive with the Rural Free Delivery he estimated it would cost about $100,000, but observed that: "There is nothing too good for the patrons along the R.F.D. routes."

WEATHER CARDS, OR FLAGS, GIVEN TO RURAL CARRIERS

In the early 1900's flags, indicating the prevailing weather of the day, were given rural carriers to display on their wagons, at the request of local postmasters.

After some experience with the flags getting wet in rainy or snowy weather, a carrier on Route 3, Guthrie, Oklahoma, invented a sheet iron flag with space for the weather indications to be inserted very easily. A typical weather flash might have read as follows: **FAIR AND SUNNY**. The invention was advertised in 1903, in Volume I of *The R.F.D. News*.

A very comprehensive study of the rural carrier's role as weatherman is set forth in an article entitled, "1870—U.S. Weather Watch—1905," by Edith R. Doane, and published in the Thirty-Fourth American Philatelic Congress Book of 1968.

An exhibit of the U.S. Weather Watch was featured by the Smithsonian Institution, Museum of History and Technology, from June 30, 1970 throughout that summer.

This cooperation between the rural carriers and the Weather Bureau lasted about four years, from 1900–1904, when other means of disseminating weather predictions, so valuable to the farmer and his crops, were becoming available.

AID IN AGRICULTURAL SURVEYS

As time went on, the rural carriers were to become the aides of the Department of Agriculture. In April, 1922, rural carriers distributed the first livestock survey cards along the rural routes of 18 states, asking patrons for information about their hog production. Other surveys included reports on crop acreages and condition of growing crops; production of crops and livestock reports; stocks of products on and off farms; numbers of livestock and poultry on farms; livestock feeding operations; farmers' intentions to plant crops or breed livestock; use of products on the farm; prices received for farm products; prices paid by farmers for things they buy; farm wage rates; people working on farms; interest and tax payments; farm machinery information; land values; and population movements to and from farms—just about every detail that can be imagined with regard to farm acreages.

RESPONSIBLE FOR GOOD ROADS

While the early carriers walked, rode bicycle or went horseback, the later use of mail carts and wagons, followed by the automobile, made it necessary to improve the roads. In 1912 Congress appropriated the sum of $500,000 for the improvement of a limited number of post roads, and again in 1916 passed the historic Federal Aid Highway Act, which provided that the government "would aid the States in the construction of rural post roads and for other purposes."

Most of the roads were dirt roads, although as early as 1907 macadamizing was used in New York State. One carrier there wrote that he had all macadam roads on his route, with nothing to complain about in that respect, but he was an exception, for more rural carriers complained of stony, hilly, sandy, and muddy stretches, which were sometimes almost impassable. It was not unusual for a horse to become completely mired in the mud. Some carriers experimented by using bicycles.

In the 1890's dirt roads were the fashion, and it was not until the early 1900's, when the automobile furnished the incentive for a higher type of surfacing, that much was done to improve the highways. Prior to that time oils, tars, asphalt and salt solution had been used as dust prevention, the application being made on old surfacing.

It was at this point that rural carriers assumed responsibility for the country roads, or back roads they had to travel. They donated their labor, free of charge, in many cases to improve road conditions. Patrons as well as rural carriers often repaired bridges and bay holes. They appointed road committees, and worked with the American Road Builders' Association.

The needs of the early rural carriers were largely responsible for the great system of highways spider-webbing America today. It was stated in the very first volume of *The R. F. D. News* that "the rural carrier did more for the cause of good roads than all the other 'good roads' people combined."

HIGHWAY LEGISLATION

The nation was becoming road conscious. In 1912 the legislation was introduced creating the Lincoln Highway, from Washington, D.C. to Gettysburg, Pa. The states were slowly creating highway commissions, following the example of New Jersey, where such a department was established in 1891. By 1912 all but six states had set up some type of highway bureau.

In 1912 there were 60 bills introduced in Congress, each attempting to provide some kind of federal aid for roads, but it was not until 1913 that the Post Office Appropriations Act was passed, providing $500,000 to be expended by the Secretary of Agriculture in cooperation with the Postmaster General, to improve the condition of roads selected by them over which rural delivery was or might be established thereafter. Legislative efforts continued, but the war was about to break, and the road program had to be postponed until war clouds dispersed and the new Federal Highway Act of 1921 could be passed.

COLLECTING CENSUS DATA

It is said that the government traditionally looks to the postal service whenever there is a big job to do, and postal employees have been called the "Marines of the Civil Service." In 1970 the federal service called out its "Marines" again, this time for one of the biggest jobs ever undertaken—the Census Bureau's decennial count of every human being in the Nation. Rural carriers performed their part in this giant undertaking by delivering the questionnaires to the rural and urban communities.

While *The R.F.D. News* was busy promoting various causes benefiting rural carriers at the early stages of the rural service, in 1914 it took time out to describe the new post office of the capital city. Convinced that the City of Washington, D.C., should have a post office of its own, Congress appropriated $3,000,000 for its construction, requiring three years. Among the architectural beauties there were to be 64 huge, granite pillars, costing $1,000 each, as well as many marble pedestal lamps.

In harmony with the ideal superlative service, the new city post office when completed in the nation's capital in 1914, was described in *The R.F.D. News* as "The Perfect Office, and it was emphasized that it was adjacent to Washington's *new* Union Station—the big, massive pile of white marble."

While no longer considered the most up-to-date by any means, it is to be observed that the Washington, D.C. post office is still functioning, while the Union Station is probably on its way to becoming a glorified tourist center.

CAPITAL'S OLD POST OFFICE

Another landmark in postal history and an architectural monument to the best in the postal service was the old Post Office Building, erected during the Administration of President William McKinley (1897–1901). Its imposing tower added a touch of dignity to Pennsylvania Avenue and many a young Washingtonian learned to tell time by its immense clock, high above the traffic.

Today, with the program of Urban Development in Washington, D.C. challenging many such historic structures as the old Willard Hotel, a few blocks away, the fate of the venerable building is uncertain. However, lovers of history, postal people in particular, hope to preserve this guidepost of the Post Office Department.

As the R.F.D. approaches its 75th milestone, it can look back with pride to the important part it has played in the development of our Nation. It has not forgotten how our forefathers hewed this country out of wood and stone and built us a nation. In the spirit of the pioneers, the rural mail service has worked creatively, on the edge of tomorrow.

REPORT ON THE SIGNING OF THE CONVENTION ON PSYCHOTROPIC DRUGS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. HALPERN. Mr. Speaker, I was privileged to attend the United Nations Conference on Psychotropic Drugs in Vienna and to witness on February 21, 1971, the signing of the Convention on Psychotropic Substances, the result of the conference which convened to consider the adoption of an international agreement on the control of these severely abused drugs. This convention was originally drafted in response to the growing international awareness of the need to place restrictions on the production and movement of the psychotropic drugs such as LSD, amphetamines, and barbiturates among countries around the world.

I am pleased today to read into the RECORD the detailed letter I have received from John Ingersoll, the enormously capable Director of the Bureau of Narcotics and Dangerous Drugs, outlining and interpreting the convention and the U.S. delegation's role in developing the document in its final form. Further, this material discusses legislation which will be needed to enable the United States to comply with the convention.

The misuse of the psychotropic drugs is a rapidly growing problem on a national and on an international scale, though the legal machinery to regulate them on a worldwide scale has not been developed until now. We in the United States have recently passed legislation to deal with this problem on a national level, with the enactment in October 1970 of Public Law 91–513, the Comprehensive Drug Abuse Prevention and Control Act of 1970. It should be mentioned that the narcotic drugs, mainly opium, and certain nonnarcotic drugs such as marihuana and cocaine have been under international control since 1961 when the Single Convention on Narcotic Drugs was drawn up.

The draft protocol for this convention, considered at the recent conference, was the result of many meetings on the subject of international control of psychotropic drugs, culminating in a special session of the Commission on Narcotic Drugs held January 12–30, 1970. The United States took an active interest in writing this convention, and representatives of the United States contributed greatly to the effort. One of the most active participants was Mr. Ingersoll, who spoke at the outset of the 1970 commission meeting and ably led the U.S. delegation to the Vienna Conference, acting as the effective spokesman for the United States on technical as well as political issues. His role was outstanding; his leadership was inspiring and productive. Another notable participant was Donald E. Miller, Chief Counsel at the Bureau of Narcotics and Dangerous Drugs. The members of the U.S. delegation, each of whom contributed invaluably to the success of the mission were: Mr. C. I. Bevans, Assistant Legal Adviser, Department of State; Mr. H. R. Wellman, Special Assistant to the Secretary of State for Narcotics Matters; Senator HAROLD E. HUGHES; Senator CHARLES MATHIAS, JR.; Dr. R. Blum of Stanford University; Mr. W. P. Clarke, legal counsel to the Special Subcommittee on Alcoholism and Narcotics and Committee on Labor and Public Welfare, U.S. Senate; Mr. L. H. Hoover, Jr., legal officer, U.S. Mission in Geneva; Mr. J. Jennings, Associate Commissioner for Medical Affairs, Food and Drug Administration, H.E.W.; Dr. S. N. Kieffer, Associate Director of the National Institute of Mental Health; and Dr. A. Lande, legal consultant of the Pharmaceutical Manufacturers' Association.

During the conference, which convened on January 11, 1971, more than 250 delegates and advisors from 71 countries, plus observers from four states, and representatives from the World Health Organization, International Narcotics Control Board, and three non-governmental organizations participated to produce the final document. Twenty nations, including the United States signed the convention, subject to ratification. In it, 32 psychotropic drugs are identified and classified into four schedules with varying degrees of control, ranging from prohibition except for very limited scientific and medical purposes for the substances in Schedule I, mainly LSD, to varying licensing requirements and import and controls for the substances in Schedules II, III, and IV.

Mr. Speaker, this convention is an important step toward the proper control of these dangerous drugs which have already taken such a toll among the people of our Nation and of the world. I urge all Members of Congress to become familiar with the convention to insure that the scourage of these drugs can be vanquished throughout the world:

U.S. DEPARTMENT OF JUSTICE,
BUREAU OF NARCOTICS AND
DANGEROUS DRUGS,
Washington, D.C.

Hon. SEYMOUR HALPERN,
House of Representatives,
Washington, D.C.

DEAR MR. HALPERN: In view of your interest in the matter, I want to report that on Friday, February 19, 1971, the United Nations Conference at Vienna concluded its work and adopted the Convention on Psychotropic Substances. On Sunday, February 21, 1971, as the designated Representative of the United States, I signed the Convention subject to ratification. A copy of the Convention is enclosed.

In the Preamble to the treaty, which has been entitled "Convention," the Conference noted the public health and social problems resulting from the abuse of certain psychotropic substances and at the same time took cognizance of the suggestion of the United States Delegation that the use of psychotropic substances for medical and scientific purposes is indispensable and that their availability for such purposes should not be unduly restricted.

The United States Delegation was particularly concerned with Article 2 dealing with scope of control of substances. The Article provides that if a Party or the World Health Organization has information relating to a substance not yet under international control which, in its opinion, may require the addition of such substance to any of the Schedules of the Convention, it shall notify the Secretary-General of the United Nations, who in his turn, shall transmit such notification to the Parties and to the Commission on Narcotic Drugs.

The Commission, taking into account an assessment of the substance by the World Health Organization, may add the substance to any of the Schedules. If the World Health Organization communicates to the Commission any new assessment of the substance already listed in one of the Schedules, the Commission, taking this communication into account, may decide to transfer this substance from one Schedule to another or to delete it from the Schedules.

The United States Delegation participated extensively in the drafting of the language in Article 2 specifying the authorities to classify and control psychotropic substances. The decision-making process is similar to Section 201 of Public Law 91-513, in that the findings of a science-oriented agency (the World Health Organization) as to medical and scientific assessments are determinative in the final action taken by the Commission on Narcotic Drugs. The position of the United States Delegation prevailed in regard to the necessity for a two-thirds majority vote of the Commission in taking any action in connection with the scheduling of substances.

Under paragraph 7 of Article 2, the decision of the Commission becomes fully effective as to the Parties except for any Party which transmits to the Secretary-General a written notice that, in view of exceptional circumstances, it is not in a position to give effect with respect to that substance to all of the provisions of the Convention applicable to substances in that Schedule. Notwithstanding its notice, however, each Party must apply, as a minimum, certain control measures listed in Article 2. The matter of qualified acceptance of a decision to control a substance was one of the most significant accomplishments insofar as United States negotiations were concerned. The features in the present text are the best possible compromise between mandatory controls, which were urged by many Delegations, and the intent of Congress in P.L. 91-513, which contemplates that all actions to control psychotropic substances in the United States should be through the usual rulemaking administrative process. Although some of the obligatory control measures are provided for under the Federal Food, Drug and Cosmetic Act, specific legislation may be required to enable the United States to apply the minimum requirements of sections (a), (b), (c), and (d) of Article 2.

Article 3 contains special provisions regarding the control of preparations. In certain cases a preparation may be exempted from some measures of control. In this case a Party must notify the Secretary-General of any such decision, of the name and composition of the exempt preparation, and of measures of control from which it is exempted. This provision is similar to Section 202(d) of P.L. 91-513.

Under Article 4 the Parties may permit in respect of psychotropic substances other than those in Schedule I, the carriage by international travelers of small quantities of preparations for personal use. This provision is similar to Section 1006 of P.L. 91-513.

Article 5 requires all Parties to limit the manufacture, export, import, distribution, use, and possession of controlled substances to scientific and medical purposes, taking into account that Article 4 permits industrial use of the substances. This feature is satisfied in P.L. 91-513 by the registration provisions in Section 303, the revocation provisions in Section 304, the labeling provisions in Section 305, the quota provisions in Section 306, the recordkeeping requirements in Section 307, the order form requirements in Section 308, the prescription requirements in 309, and the import and export requirements of Title III.

Article 6 points out the desirability of each Party having a special administration to carry out the provisions of the Convention. The provision is not mandatory, and the existing division of responsibilities within the United States need not be changed solely to satisfy this Article.

Article 7 requires rigorous measures of control for substances in Schedule I (LSD, mescaline, etc.), which are controlled in a more stringent way than morphine under the narcotics treaties. In respect of these substances the Parties shall: prohibit all use except for scientific and very limited medical purposes by duly authorized persons, in medical and scientific establishments which are directly under the control of their Governments or specifically approved by them; require that manufacture, trade, distribution, and possession be under a special license or prior authorization; provide for close supervision of the activities and acts in this field; restrict the amount supplied to an authorized person to the quantity required for his purpose; require that persons performing medical and scientific functions keep appopriate records on these substances; prohibit export and import except when both the exporter and the importer are the competent authorities or agencies of their countries or enterprises which are specifically authorized by the competent authorities of the country. The provisions in this Article are substantially satisfied by the "new drug" procedures of the Federal Food, Drug and Cosmetic Act and by the provisions of P.L. 91-513 applicable to the control of substances listed in Schedule I of the law.

Article 8 provides that the Parties shall require that the manufacture of, trade in, and distribution of substances listed in Schedules II, III and IV be under license or other similar control measures. This feature has been provided for in Part C of P.L. 91-513, which requires all persons engaging in such activities to become registered each year with the Attorney General and further provides a system of denial, revocation and suspension of such registration.

Article 9 requires that substances on Schedules II, III and IV be supplied or dispensed for use by individuals pursuant to medical prescription only, except when individuals may lawfully obtain, use, dispense, or administer such substances in the duly authorized exercise of therapeutic or scientific functions. The Parties are also required to take measures to ensure that prescriptions for these substances are issued in accordance with sound medical practice. This provision is satisfied by Section 309 of P.L. 91-513.

Article 10 provides that each Party shall require warnings on labels and the accompanying leaflets of retail packages of psychotropic substances. With due regard to their constitutional provisions the Parties to the Convention shall prohibit the advertisement of such subtsances to the general public. The labeling provisions are satisfied by the Federal Food, Drug and Cosmetic Act and Section 305 of P.L. 91-513. The prohibitions regarding advertising are partially satisfied by the Federal Food, Drug and Cosmetic Act and by the laws of various States; however, a study will have to be made to determine whether specific legislation would be necessary to fulfill this provision of Article 10.

In accordance with the provisions of Article 11 the Parties shall require producers, manufacturers, retail distributors, institutions for hospitalization and care, and scientific institutions to keep records of psychotropic substances produced and used. The most detailed records are specified for substances in Schedule I. The recordkeeping requirements under the new drug provisions of the Federal Food, Drug and Cosmetic Act and by Section 307 of P.L. 91-513 are adequate to comply with the requirements of this Article.

Article 12 contains provisions relating to international trade in psychotropic substances. It specifies that every Party permitting the export or import of substances in Schedules I or II shall require a separate import or export authorization on a special form for each import or export. Before issuing an export authorization the Parties shall require an import authorization, issued by the competent authority of the importing country. The Government issuing the export authorization shall send a copy to the Government of the importing country which, after importation has been effected, shall return it certifying the amount of substance actually imported. For each export of substances in Schedule III exporters shall draw up a declaration which will be furnished to the competent authorities of their country who, in their turn, will send, as soon as possible, a copy of the declaration to the competent authorities of the importing country. Article 12 provides also for additional stringent measures concerning international trade in psychotropic substances in Schedules I and II including right of detention of nonauthorized consignments, special provisions concerning transit, etc. The provisions of this Article are similar to the procedures provided in Title III of P.L. 91–513, but specific legislation may be required to apply the import-export authorization system in regard to substances in Schedule II under the Convention which may not fit the criteria for control in Schedule II of P.L. 91–513.

Under the provisions of Article 13, a Party may notify all other Parties through the Secretary-General that it prohibits the import into its country or into one of its regions of one or more substances listed in Schedules II, III or IV, specified in its notification. If a Party has been so notified of a prohibition, it shall take measures to ensure that none of the substances specified in the notification are exported to the country or one of the regions of the notifying Party. Section 1002 of P.L. 91–513 now provides authority for the Attorney General to prohibit exportation of a substance to a country contrary to its laws and regulations.

Article 14 stipulates that the international carriage by ship, aircraft or other forms of international public transport of such limited quantities of substances in Schedule II, III or IV as may be needed during their journey or voyage for first-aid purposes or emergency cases shall not be considered to be export or import within the meaning of the Convention. This feature has been provided for in Section 1005 of P.L. 91–513.

Under Article 15 the Parties to the Convention will undertake an obligation to maintain a system of inspection of manufacturers, exporters, importers, wholesale and retail distributors, medical and scientific institutions which use psychotropic substances. Section 508, 509, and 510 of P.L. 91–513 contain sufficient authority to satisfy the obligation under this Article.

Under Article 16 the Parties must furnish to the Secretary-General such information as the Commission on Narcotic Drugs may request as being necessary for the performance of its functions, and in particular an annual report regarding the working of the Convention in their territories. Annual statistical reports must also be furnished by the Parties to the International Narcotic Control Board. Although it is possible for the United States to comply with most of the features of this Article under the authority of the Attorney General in Section 307 of P.L. 91–513, in order to obtain data as to the stocks held by manufacturers each year, specific legislation will be required unless a satisfactory voluntary reporting system can be arranged with all manufacturers of psychotropic substances.

Under Article 17, the Commission on Narcotic Drugs may consider all measures pertaining to the aims of the Convention and may make recommendations bearing on implementation of its provisions.

Article 18 provides that the International Narcotics Control Board shall prepare annual reports on its work containing an analysis of the statistical information at its disposal and these reports shall be submitted to the Economic and Social Council through the Narcotics Commission, which may make such comments as it sees fit. These reports will be communicated to the Parties to the Convention and subsequently published by the Secretary-General.

Article 19 provides that the International Narcotics Control Board may take certain measures to ensure the execution of provisions of the Convention. If, on the basis of its examination of information submitted by Governments or communicated by the United Nations organs, the Board has reason to believe that the aims of the Convention are being seriously endangered by reason of the failure of a country or region to carry out its provisions, the Board shall have the right to ask for explanations from the Government of the country or region in question. The Board may call upon the Government concerned to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of the Convention. If the Board finds that the Government concerned has failed to give satisfactory explanations or to adopt any remedial measures, it may call the matter to the attention of the Parties, the Economic and Social Council and the Commission on Narcotic Drugs. In this case the Board may recommend to the Parties that they stop the export, import, or both, of particular psychotropic substances from or to the country or region concerned. The Board shall also have the right to publish a report on any matter dealt with under the provision of this Article.

Article 19 was a proposal put forth by the United States Delegation to give some degree of power to an international body to bring about compliance not only by Parties but by other countries as well.

Article 20 provides that "the Parties shall take all practical measures for the prevention of abuse of psychotropic substances and for the early identification, treatment, education, aftercare, rehabilitation, and social re-integration of the persons involved, and shall co-ordinate their efforts to these ends." The Parties shall also promote the training of personnel in this field and shall assist persons whose work so requires to gain an understanding of the problems of abuse of psychotropic substances and of its prevention. No legislation will be required to carry out the provisions of this Article.

Under Article 21 the Parties shall, having due regard to their constitution, legal and administrative systems, "make arrangements at the national level for the co-ordination of preventive and repressive actions against the illicit traffic" in psychotropic substances. The Parties shall cooperate closely with each other and with the competent international organizations with a view to maintaining a co-ordinated campaign against the illicit traffic and shall assist each other in this campaign. No legislation will be required in connection with this Article.

The Convention provides in Article 22 that subject to its constitutional limitations, each Party shall treat as punishable offense, when committed intentionally, any action contrary to a law or regulation adopted in pursuance of its obligations under the Convention, and "shall ensure that serious offenses be liable to adequate punishment, particularly by imprisonment or other penalty of deprivation of liberty." However, the Parties may provide either as an alternative to conviction or punishment or in addition to punishment that abusers of psychotropic drugs undergo measures of treatment, education, aftercare, rehabilitation and social re-integration. Also, the Article provides that, subject to the constitutional limitations of a Party, its legal system and domestic law, serious offenses committed either by nationals or by foreigners shall be prosecuted by the Party in whose territory the offender is found if there is no agreement on extradition. This Article will not require implementing legislation by the United States.

Article 22 recommends that the serious offenses be included as extradition crimes in any extradition treaty which has been or may hereafter be concluded between any of the Parties. This Article provides also that any psychotropic substances or other substance, as well as any equipment, used in or intended for the commission of any of the serious offenses shall be liable to seizure and confiscation. Section 511 of P.L. 91–513 and the seizure provisions of the Customs laws adequately satisfy the requirements of this Article.

According to Article 23 of the Convention, "a Party may adopt more strict or severe measures of control than those provided by this Convention if, in its opinion, such measures are desirable or necessary for the protection of the public health and welfare." In many respects, the United States already has enacted in P.L. 91–513 more stringent measures than are provided in this Convention.

Article 24 specifies that the expenses of the Narcotics Commission and the International Narcotics Control Board in carrying out their functions under the Convention shall be borne by the United Nations in such a manner as shall be decided by the General Assembly, which shall also decide on the amount of contributions of the Parties which are not members of the United Nations.

In accordance with Article 25, the Convention will be open for signature until January 1, 1972, and that date it will be open for accession. Article 26 provides that it will come into force on the ninetieth day after forty of the countries authorized to do so have signed it without reservation or ratification or have deposited their instruments of ratification or accession.

Articles 27, 28, 29, 30, and 31 are the usual closing provisions of treaties of this type and are self-explanatory. The Articles are substantially the same as those of the Single Convention on Narcotic Drugs, 1961. The Convention is applicable to the various outlying United States areas such as Puerto Rico, the Canal Zone, the Virgin Islands, American Samoa, Wake Island, Guam, and the Islands under trusteeship unless a reservation is taken under Article 32; and the Convention may be denounced by any Party after the expiration of two years from its coming into force. There is a provision for amending the Convention, and there is a provision for working out disputes.

Article 32 provides that only the following reservations may be taken by any State at the time of its ratification or accession:

(1) Article 19, paragraphs (1) and (2) relating to supplying of additional data to the Board and abiding by the recommendations of the Board regarding embargos against countries whose activities are endangering the aims of the Convention;

(2) Article 27 relating to territorial applications;

(3) Article 31 relating to disputes; and

(4) In respect to countries where plants containing Schedule I substances are traditionally used in religious rites (such as the use of peyote by the Native American Church), the country need not apply all of the stringent provisions of Article 7.

The Technical Committee of the Conference established four schedules of controlled substances somewhat as follows:

Schedule I includes the hallucinogenic substances DET, DMPH, DMT, LSD, mescaline, parahexyl, psilocyn, psilocybin, STP, and THC;

Schedule II includes the primary stimulant substances amphetamine, dextroamphetamine, methamphetamine, methylphenidate, and phenmetrazine. The Schedule also lists phencyclidine, a substance used in veterinary medicine which has hallucinogenic properties;

Schedule III includes five short-acting barbiturates; and

Schedule IV includes some of the less potent barbiturates and stimulants and the tranquilizer meprobamate.

Although the United States Delegation was not in complete agreement with the scheduling of the substances, the matter can be corrected at a later time through the process provided in Article 2.

If you or members of your staff have need for further clarification of the Convention, we would be happy to meet with you. I have asked the Bureau's Chief Counsel, Donald E. Miller, (telephone 382-4644) to respond to your requests.

Sincerely,

JOHN E. INGERSOLL,
Director.

THE COLD WAR CONTINUES—INTENSIFIED

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. SCHMITZ. Mr. Speaker, former U.S. Ambassador Elbridge Durbrow recently undertook a short analysis of the program of the 24th Congress of the Communist Party of the Soviet Union and compared it with certain objectives set forth by the Communists at the meeting of World Communist and Workers Parties held in Moscow in July 1969.

This interesting analysis appeared in the Washington Report of May 24, 1971. The Ambassador outlines the current approach the Soviets are using to achieve their long held goal of total world domination.

An article which appeared in Ordnance magazine of May–June 1970 written by Dr. James D. Atkinson, professor of government at Georgetown University, complements the Ambassador's study by highlighting some aspects of the dramatic increase in Soviet military forces.

The articles follow:

[From the Washington Report, May 24, 1971]

THE COLD WAR CONTINUES—INTENSIFIED

(An Analysis of the 24th Congress of the Communist Party of the Soviet Union)

(EDITOR'S NOTE.—Guest Editor, The Honorable Elbridge Durbrow, is a retired career foreign service officer who was U.S. Ambassador to Vietnam from 1957 until 1961. He has also served in such diverse posts as Moscow (three times), Rome, Singapore, and as alternate permanent U.S. representative to NATO.)

"No more guns, but barrels of butter," is the impression one would gather from most U.S. media commentary on the tone prevailing in the 24th Congress of the CPSU, while that meeting was in process beginning in late March, this year. The *New York Times* headlined on March 31, 1971: "Peace and Consumers Gain Stressed at Soviet Parley," Time Magazine called Brezhnev's well-modulated, anti-U.S. vituperations "Prudent Militancy," which is exactly the impressions that the now undisputed Soviet boss wanted to convey to the non-communist world. And with but a few notable exceptions, the free world press unthinkingly helped him convey it.

But guns are still the order of the day in the USSR; butter, for the everyday Russian, still a promise and several "ifs" away. And the militancy—if in fact it was in any sense '"prudently" expressed—is nonetheless as defiant as ever before, and perhaps more self-assured. Couched in the usual Communist jargon, Brezhnev's six-hour speech was designed, in part, to confuse and mislead the uninitiated; yet the Party faithful will have no difficulty distilling out the directives and acting on them. Why most American news analysts are not by now able to see through the propaganda to the substance of official Communist pronouncements should be a matter of great concern to all of us.

PREVIEW—FROM 1969

To appreciate fully the thrust and significance of the 24th Congress, it will be useful to review a few highlights of a smaller but more important gathering of Kremlin-oriented National Communist Parties held in Moscow in June, 1969. Although that was the first meeting of the Communist International in nine years, its main conclusions also were ignored at the time by most of the free world press—perhaps because attention was drawn primarily to the split in the Communist monolith (the Moscow-Peking rift) and the fact that five other national Communist parties did not attend.

(In that connection, it is interesting to note that 101 foreign delegations attended this 24th Congress in 1971, as compared to only some 70-odd at the 1969 meeting. Does this suggest that the Kremlin-based Communist monolith is regaining its pristine strength and command of the world wide Movement, despite Peking's persistent recalcitrance?)

In any event, the 1969 Moscow Conference defined several specific Party directives, which had been thrashed out in lesser unpublicized gatherings during the preceding three years. And in his long speech at the recent Congress, Brezhnev made several pointed references to the importance of those 1969 directives.

CALL FOR BROADER OFFENSIVE

The 1969 Party "Communique" included such clarion calls as these: "The existing situation demands united action of Communists and other anti-imperialist forces . . . for a broader offensive against imperialism" . . . "The United States [is] the chief imperialist power" . . . "Let us step up the offensive against imperialism" . . .

The same theme was repeated in the recent Party Congress of 1971, with statements such as: "Our militant alliance with the revolutionary forces of the whole world is growing stronger" . . . "The total triumph of socialism the world over is inevitable . . ."

And Brezhnev himself, while "stressing" peace and consumer gains for the benefit of NY Times headline writers, more significantly stressed: "We declare that, while consistently pursuing its policy of peace and friendship among nations, the Soviet Union will continue to conduct a resolute struggle against imperialism . . ." Brezhnev further emphasized, "as in the past, we shall give undeviating support to the peoples' struggle for democracy, national liberation and socialism."

To refuse to acknowledge the outright militancy of a Communist leader's call for "National Liberation" is not very prudent of Western observers.

POPULAR UNITY—THE "NEW LOOK"

Perhaps the most important 1969 directive was the "New Look" *Popular Unity* Formula, a revival and expansion of the "Popular Front" Communist tactics of the 1930's. The title of the 1969 Communique gave the clue: *"Tasks at the Present Stage of the Struggle Against Imperialism and United Action of the Communist and Workers' Parties and All Anti-Imperialist Forces."* The key words are: *"All Anti-Imperialist Forces."* Who these are is clear from the Communique which calls for "cooperation with Socialists and Social Democrats . . ." and adds "Communists . . . favor cooperation with other Democratic parties and organizations." It goes on to say that it is necessary to raise the activity of "working youth, students, intellectuals, urban middle strata and Democratic Army circles." The Communique then refers to the developing "Positive cooperation and joint action between Communists . . . and Catholics."

To see one application of that formula, one has only to recall the recent election of Allende as the President of Chile, whose Socialist Party received only 36% of the vote, but whose coalition partners—the Communists, the dissident Catholic leftists of the Christian Democrats and the Radical Party—gave Allende a majority.

This victory was hailed by Brezhnev in his speech at the 24th Congress. There is real significance in the fact that this is the first instance of Kremlin-oriented takeover in Latin America by election process instead of violent overthrow; therefore a "most important event" demonstrating the feasibility of further takeovers by the same methods.

In conjunction with hailing the success in Chile, Brezhnev signaled Peru and Bolivia as the next best prospects for conquest by the same method.

EUROPEAN PROSPECTS

Heads of the French and Italian delegations, in their speeches at the 24th Congress, pointedly backed up Brezhnev's further hopes for the Popular Unity formula, by referring to the growing cooperation among Communists, Socialists, Social Democrats, Trade Unions and Catholic dissidents in their countries.

Continuing militant student unrest, strikes led by Communist-dominated unions, and the large percentage (over 25%) of Italians who vote the Communist ticket, puts Italy high on the "Popular Unity" agenda of the Kremlin. To a lesser but still alarming extent in France, non-Communist groups are cooperating with the Communists. The French Communist leader, Georges Marchais, boasted recently that the French Left, if it works together, is in a mathematical position to form a Parliamentary majority.

WARS OF LIBERATION

The 1969 directives gave particular importance to the tactic of subversive aggression from outside, known as "wars of national liberation"—such as those in Greece, Vietnam, Laos, Cambodia, Yemen, etc. By Communist definition these are uprisings, Communist-induced, usually from outside, which are "changed into guerrilla warfare . . .," as Khrushchev explained in 1961, "They are revolutionary wars. Such wars are not only admissible but inevitable. . . . The Communists fully support such just wars and march in the front rank with the people waging liberation struggles."

The 1969 Communique, and the recent Congress, both stressed that this technique will work best in the Middle East, Asia, and Africa, while the new "Popular Unity" tactic might work best in Latin America and elsewhere.

In this connection, it is no mere coincidence that the Mexican government this March ordered the expulsion of five Soviet diplomats, including the Chargé d' affaires, after it was learned from arrested Mexican students that 20 of them who had attended Moscow's Lumumba University had been secretly sent to North Korea and trained as guerrilla leaders. Similarly, in April, the entire North Korean embassy staff was expelled from Ceylon, for assisting the large group of guerrillas called the Peoples Liberation Front, who tried to overthrow the Ceylonese government. Whoever is behind the Ceylonese guerrillas, it is noteworthy that the Soviets were able, by giving 5 MIG-17's to the Ceylonese government to help suppress the rebels, to establish their own "landing rights", as it were, on what has been called the "stationary aircraft carrier in the Indian Ocean"—the island of Ceylon.

PEACEFUL COEXISTENCE

Both the 1969 and 1971 meetings pointedly stressed that Communist foreign policy is based on the deceptively misleading "principle" of *Peaceful Coexistence*. The effectiveness of this deceptive line is well demonstrated by a remark of CBS commentator Roger Mudd, in narrating the controversial documentary, "Selling of the Pentagon."

Mudd said: "It has been more than a decade since the national policy of peaceful coexistence replaced the harsher rhetoric of early Cold War years."

Anyone who equates the Communist line of "peaceful coexistence" with an ending or even diminishing of the Cold War has not learned the first lesson in Communist dialectics. There have been many detailed definitions of what "peaceful coexistence" means to Communists, but the 1969 Directive gives one of the best. It states in part:

"The policy of peaceful coexistence does not contradict the right of an oppressed people to fight for its liberation by any means . . . armed or peaceful. Peaceful coexistence helps to promote the class struggle against imperialism on a national and a world-wide scale. Mass action against imperialism is a condition for implementing the policy of peaceful coexistence."

That definition should make it clear that the phrase refers to neither peace nor coexistence in our sense of those words.

EMPHASIS ON YOUTH

The 1969 guidelines are replete with passages on the importance of youth in the anti-imperialist struggle, such as, "The numerical growth and mounting political activities of young people have become an important factor in social affairs in Western Europe, America, Japan, Turkey, and other countries . . . Communists think highly of the upsurge of the youth and actively participate in it . . . Seeking to help young people find the right path in the struggle against imperialism. . . ."

No one needs to be reminded of the increasing activities of militant youth during the past years in Europe, Turkey, Japan *and* the U.S., as called for in the 1969 Communique. Because of the obvious success of these activities, the 1971 Congress found no need to urge more militant youth activities; this might have awakened the Free World to the source of this growing threat.

NATO AND THE "GERMAN QUESTION"

"The disbandment of NATO would be a decisive step toward the dissolution of all blocs," said the 1969 Party Communique. This year, Brezhnev called for the "simultaneous annulment of this treaty (Warsaw Pact) and of the North Atlantic Alliance"—the only obstacle to further Communist advances in Europe.

Also aimed at dissolution of NATO is the continuing (since 1966) deceptively appealing plea to convene a conference to set up an all-European Security System. The establishment of such a system would, of course, make NATO superfluous and get the U.S. out of Europe. Soviet influence would, of course, be dominant in an "all-European" security system.

The 1969 meeting and the recent Party Congress both insisted "it is imperative to secure the inviolability of existing frontiers in Europe"—particularly the frontiers of West and East Germany and Poland. A large step toward that goal was taken last year when West German Chancellor Brandt, in treaties negotiated with the USSR and Poland, agreed to accept "the frontiers of all states in Europe today and in the future as invoilable." Brandt's final agreement, however, is contingent on the Big Four powers reaching a new and acceptable agreement on the status of Berlin and access thereto; which does not seem imminent. That is probably why Brezhnev, in his Congress speech, threatened Brandt with dire consequences if he continues to insist that the final ratification of the treaties must hinge on the Berlin settlement.

THE "JUST" AND "UNJUST"

The continuing militance of Brezhnev toward the U.S., in his 24th Congress speech, was obvious as he called us the "guarantor and protector of the international system of exploitation and oppression."

But he pulled out all stops to justify the Soviet-directed, five-power Communist invasion of Czechoslovakia "in defense of Socialism." He explained: "In the extraordinary conditions created by the forces of imperialism and counter-revolution, we were bound to do so by our class duty . . . and concern for . . . the future of socialism and peace in Europe."

THE SOVIET HOME FRONT

On the Soviet domestic scene, the promises at the 24th Congress of "consumer gains" were really no more glowing than have been made time and again at previous Congresses—and probably not much closer to fulfillment. Even a cursory analysis of the published figures shows that heavy industry (armaments certainly included) will receive far more new investment than the consumer side of the ledger. As Harry Schwartz, the *New York Times* Soviet expert, wrote on April 12: "Soviet heavy industry and military capabilities in 1975 are likely to be even more serious competitors of the United States than any time in the past." Despite many other press accounts to the contrary, it is clear the Kremlin still gives priority to increasing military strength. Soviet Defense Minister Grechko made that quite clear when he said: "The constant strengthening of the Armed Forces is an objective necessity for the successful building of socialism and communism."

THE "COOL" WAR

The Cold War tactics of the Khrushchev era—shoe pounding and harsh "we-will-bury-you" rhetoric—have been replaced by Brezhnev with a more subtle, "cool war" approach. But it is still "war", so far as the Soviet hierarchy are concerned—a win or lose proposition in which they intend to win by fair means or foul. The effectiveness of Brezhnev's tactics is demonstrated in the "cool" takeover in Chile, and similar prospects in Peru, Bolivia, Italy, and perhaps later, France.

The Free World's position is being quietly undermined because so many have not learned, or do not want to believe, the Soviets still mean it when they repeat their intention of world domination. Many refuse to acknowledge the advances already made by the Soviets toward that goal, through the previous deceptions of "peaceful coexistence" and "wars of liberation." They will be equally slow to recognize the even more subtle, "cool war" method which Brezhnev now also uses.

Add to that the help the Kremlin presently enjoys from prominent Americans calling upon the United States to "stop spurring the arms race" (while the Soviets continue their steady military buildup)—and it adds up to a most precarious situation.

"Hot"—"Cold"—or somewhere in between—the 24th Congress of the CPSU made clear that their war against free men and free nations continues unabated—even intensified. We in the United States are the chief and ultimate target of their attack. Unless we face up to this reality at once—and do a number of difficult things about it—we cannot but lose this war.

ELBRIDGE DURBROW,
Guest Editor, Director,
Freedom Studies Center.

ARMS FOR THE THIRD WORLD

(Dr. James D. Atkinson)

(NOTE: Dr. James D. Atkinson is professor of government at Georgetown University and a member, British Institute for Strategic Studies. He is recognized as an expert analyst in the field of defense and has helped prepare strategic studies for the U.S. House Armed Services Committee.)

A new book entitled "Arms for the Third World—Soviet Military Aid Diplomacy," by Dr. Wynfred Joshua of Stanford Research Institute, and Dr. Stephen P. Gibert of Georgetown University, is required reading for all those who follow the increasing extension of the projection of power by the Soviet Union into widening geographic areas of the globe, for example, the Mediterranean, the Persian Gulf, the Red Sea, and the Indian Ocean.

More significantly, if the data in this book are extrapolated, there will result a better preception of the threat to our national security posed by the rapidly growing Soviet strategic strike capabilities against the United States.

The authors point out that "since its revolutionary inception in 1917 the Soviet policy has pursued with extraordinary persistence, if not always consistency, the goals of maintaining its power at home and extending its power abroad."

It is significant that since 1955 the U.S.S.R. has expended *$6 billion* in armaments for twenty-five developing countries around the world.

In this context, Soviet military aid encompasses weaponry, parts replacement, military training (including military and technical "advisers"), and building of military and unconventional-warfare installations for operational purposes.

Such Soviet military aid has, of course, both medium, and long-range objectives. It is significant, the book states, the "Soviet access to forward bases in the Middle East, or the permission to use such bases, would enable the U.S.S.R. to threaten Western interests in and near the area. The establishment of Soviet naval and air base rights in the Mediterranean and Red Sea littoral would be a first step toward inhibiting the use of the Mediterranean and toward disrupting military and oil transit between Europe and the Persian Gulf or the Far East."

These warning signals have been amply confirmed since this book went to press. The recent seizure of power in Libya by a revolutionary regime is a case in point. The United States has been forced out of the huge Wheelus Air Force Base in Libya, and our British allies in NATO have been forced out of Libyan naval bases.

It may be less than coincidence that these measures followed the appearance of Colonel Gadaffi, chairman of the Libyan Revolutionary Command Council, at a conference at the end of December 1969 with Egypt's President Nasser, Major General el Nimeiry, the Sudanese revolutionary leader, and certain other Arab leaders who, like President Nasser and General el Nimeiry, are very close to the Soviet Union.

Closer to our own shores was the visit to Cuba, at the end of November 1969, by a high-ranking Soviet military and naval delegation, headed by Soviet Minister of Defense Marshal Grechko.

The visit was followed by an article in the official newspaper of the Soviet armed forces, Red Star, on December 2, 1969, which stated that the U.S.S.R. was helping to supply Cuba with the newest weapons and military equipment." The Grechko visit also has been followed by articles in the British and American press that there is some possibility of the establishment of Soviet air or naval bases in Cuba.

Whatever the Cuban situation may lead to—perhaps a new confrontation such as that of October 1962—it would appear that in the field of military aid the Soviet Union is pushing ahead with all speed and that the United States is lagging. As the authors of "Arms for the Third World" cogently state:

"The one point which stands out is that the Soviet Union for many years has been expanding its military-aid programs to the Third World, whereas the United States in 1967–1969 entered a period of military-aid retrenchment in Latin America, Africa, and the Middle East that will give the Soviet government more leeway for maneuver."

The increasing magnitude of Soviet military assistance to other countries is linked with something even more portentous for America's national security as we move into the 1970's. This is the rapid growth of Soviet strategic strike capabilities and the fact that the Soviet economy is supporting both the military-aid program and the strategic arms build-up.

Richard Foster, an authority on Soviet strategic arms and director of the Stanford Research Institute's Washington Strategic Studies Center, stated in February that the Soviet Union was spending twice as much as the U.S. on nuclear weaponry. He pointed out that the Soviets were spending $18 billion for offensive and defensive strategic systems (the Soviet ABM system is, of course, strategic) in 1970 and that this would rise to $28,960,000,000 by 1974.

These figures must cause all concerned Americans to question whether we are spending enough for defense to ensure our national survival. This is especially so in view of the February 20, 1970, posture statement of Secretary of Defense Laird. Said the Secretary:

"The continuing rapid expansion of Soviet strategic offensive forces must be a matter of serious concern to all of us. For some time, the offensive forces becoming operational in a given year have often exceeded the previous projections for that year. The projections for ICBM and SLBM strengths for mid-1970 and mid-1971 have been revised upward in each of the past 5 years as additional information on Soviet deployment became available.

"For example, the current estimates of total operational Soviet ICBM and SLBM launchers expected by mid-1970, when compared with the projections for mid-1970 made last year, show an increase of well over 100 launchers. The same basic trend is evident in the projections for 1971." (Emphasis supplied.)

Secretary Laird went on to state that not only had the Soviet Union now forged ahead of the United States in ICBM launchers but that "we believe that they are now building a ballistic missile submarine force which will be roughly comparable in numbers to our present Polaris fleet.

"Construction of the new Y-class nuclear-powered ballistic-missile submarine with 16 tubes continues. We estimate that several of these class were operational as of 1 September 1969, and several more by 1 February 1970. This submarine is in production at the large Severodvinsk facility near Arkhangelsk and at another smaller yard. These two facilities can accommodate a total of twelve complete hulls."

When, therefore, the growth rate—always the key factor in considering which country is gaining power or falling behind—of Soviet strategic strike capabilities is accompanied by increasing Soviet military-aid capabilities for mischief-making in many parts of the world, it would appear that the Soviet Union is devoting an even higher percentage of its gross national product to armaments than the most pessimistic Western observers had believed.

Yet, because Soviet propagandists concentrate on the theme of disarmament—and this is often avidly reported in the Western mass media—most American citizens do not appear to be aware of the rising Soviet threat.

Despite Soviet verbosity about their good intentions—as at the SALT talks and at the UN—the hard fact is that their capabilities for all contingencies, including a nuclear first strike, are moving ahead at full speed.

The committee on which this writer served which prepared the study, "The ABM and the Changed Strategic Military Balance," warned:

"Effective damage limiting requires a counterforce posture, and this in turn includes not only the ability to destroy enemy forces before they are launched but also to destroy them en route. A good ABM system is part of a counterforce posture. So are missiles and warheads accurate enough to target enemy ICBM sites. . . .

"If and when all of these goals are achieved, an inevitable by-product is a good first-strike capability. The two are indivisible from a capability point of view—though not necessarily from the point of view of intentions."

In view of the rising Soviet threat (and a Chinese Communist threat in a later time phase), the following courses of action would appear to be prudent:

1. Faster and more extensive deployment of the ABM system in the United States.

2. Deployment of a sea-based ABM system to provide for mid-course interception of a missile attack aimed at the American homeland. This would further stabilize the pressure posture of deterrence by placing additional constraints on the plans of any opponent to strike first.

3. Pushing forward vigorously on the new B–1 long-range-bomber concept with a new generation of stand-off missiles and advanced counter-measuers to degrade the defensive capabilities on any opponent.

A vocal minority can be counted on to oppose such defense measures. But the record of past American history strongly suggests that the vast majority of the American people are dedicated to their country.

If there is effective communication between our leadership and the American people, there is little doubt but that the American public would accept a few cents from each dollar in the form of increased excise taxes, a small national sales tax, or similar measures which would be anti-inflationary.

This money also would provide the funding necessary for a system of defense that can only be described as realistic in the context of the present Soviet and Chinese Communist strategic strike build-up.

WALL STREET JOURNAL ARTICLE HITS ANTIBUSINESS EFFORT

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. NELSEN. Mr. Speaker, in the Friday, May 21, edition of the Wall Street Journal, Mr. Jeffrey St. John put forth a plea to American business to return the fire that antibusiness forces are aiming at the enterprise system. In the name of "the people" these individuals call for more and more national control. One commentator called Ralph Nader a "pop-consumerist" because his chief goal seems to be notoriety and his arguments are intellectually hollow though eminently quotable. Certainly, if this type of attack is allowed to succeed against our productive capacity, it will not be the businessman who will be the only loser, but the consumer himself.

For the reference of the Members of the House, I include the article in my remarks at this time:

MEMO TO GM: WHY NOT FIGHT BACK?

(By Jeffrey St. John)

"American business, from the perspective of the world, is plainly in trouble," observed General Motors Chairman James M. Roche in a Chicago speech on March 25. ". . . when free enterprise needs support, it finds itself the target of much irresponsible criticism that causes disunity in our society."

Does GM or free enterprise deserve support? What has the world's largest and most successful enterprise done over the last decade to communicate a consistent and intelligent understanding of its enterprising function? General Motors, like American business in general, is "plainly in trouble" because intellectual bromides have been a substitute for a sound intellectual exposition of its point of view.

Such issues as "a business philosophy" are not likely to arise at GM's annual meeting today. A majority of GM's 1.3 million shareholders doubtless were pleased at Mr. Roche's tough speech in March, but the auto giant's shareholders and the millions of Americans who own stock in a multitude of American business enterprises should demand more than higher dividends and tough speeches. In their own self-interest they should demand from management the formulation of a philosophy that communicates the meaning and value of a free American business civilization. For as GM's growing troubles with government and radical groups illustrate, the lack of such a strong business philosophy is jeopardizing operations. It is also raising serious questions whether American enterprise is slowly being transformed, approaching the point where it is run by everyone except business management.

Giants like GM have faced their growing gaggle of critics intellectually and philosophically disarmed. For example, after last year's annual meeting, Ralph Nader's "Campaign GM" gained important concessions when management agreed to appoint a black director, a board level committee on public responsibility and a group of scientists to provide environmental advice. Not surprisingly, "Campaign GM II" is back this year with more demands based on nothing more than its command of the media's attention and GM's confusion. "We leave this meeting." Chairman Roche said last year, "more determined to fulfill our social responsibility and more committed to our efforts to obtain a fuller understanding of all we are accomplishing." Such utterances reflect the fallacious view many businessmen take toward their critics. College administrators learned too late that such appeasements served to destroy free speech, academic freedom and genuine scholarship. One campus radical demand was conceded by university heads only to be followed by a fresh crop, which soon escalated to what amounted to a demand for outright surrender.

ADVOCATES OF FACISM

Mr. Nader and "Campaign GM" couldn't care less about GM's past record of "achievement" and current acceptance of "social responsibility." In reality what Mr. Nader and his allies advocate is facism, although it is doubtful that he—or GM's management—recognizes it as such. An example is a Campaign GM II proposal that calls for constituent directors to be elected representing consumers, dealers and workers. "Only one instance in modern political history is suggested by the constituent director proposal," observed Professor Henry G. Manne, the Kenan Professor of Law and Political Science at the University of Rochester. "That was Mussolini's fascist state, in which various social and economic interests in society were represented in the higher echelons of government. I have never heard that scheme called democratic. . . ." Fascism, unlike socialism, leaves the industrial system in private hands, while the state regulates and tightly controls what will be produced and how Mr. Nader's insistence that government's regulatory powers be made stronger and more severe is a further step in that direction.

Moreover, Mr. Nader makes much of the point that business doesn't really believe in competitive free enterprise and that it no longer exists in America. His proposals and those of his allies and followers do nothing toward restoration of a free market system, progressively undermined since the New Deal by growing government controls and regulations. What Mr. Nader seems to want is to go radically *beyond* the New Deal.

It is astonishing that the Nader group could produce so devastating an indictment of government failure as the one on the Federal Trade Commission, but still advance a series of assumptions and ideas about government control of the auto industry that are similar to those leading to the failure of the FTC. Mr. Nader's clash with GM over auto safety, widened later into a general assault on corporations, rested on the naive, or deliberate, misrepresentation that federal edicts are the avenue to building better and safer automobiles.

It is revealing that Mr. Nader has not only avoided an open debate of the proposals he advances, but that he fudged the pointed question put to him in his recent clash with Sen. Ted Stevens (R., Alaska). The Senator insisted that if, as Mr. Nader charges, criminality in auto design and construction is rampant, why do he and his allies not seek indictments before a federal or state grand jury? Mr. Nader replied that no district attorney had the courage to deliver up such an indictment. But our constitutional system, unlike totalitarian states, provides the means for an advocacy proceeding equitable to all parties in which each is required to present his case with facts. As a lawyer Mr. Nader must know this. Yet he has chosen the government legislative and regulatory route, strewn with the wreckage of repeated failures and abuses as particularized and identified by Mr. Nader himself.

SHARPENING INTELLECTUAL TOOLS

Only a consistent, philosophical understanding of the enterprise function can provide management the intellectual means to make sound judgments about what is actually being proposed by its critics. GM and other American businesses talk a good game about free enterprise, but they apparently have little interest in its intellectual, philosophical and historical roots. Since most business critics are essentially intellectuals and academics, it is little wonder that giants like GM are unable to explain how their products and profits make for more "social responsibility" than all the bromides and government control they have adopted or accepted from their enemies.

Some executives like Mr. Roche assumed, until recently, that business critics were well meaning but perhaps misguided. This intellectual dodge is compounded when corporate public relations heads urge the line of least resistance. Such a shallow approach can be suicidal in a real corporate crisis such as that which struck GM in 1966 over auto safety. "GM's remarkable commercial expertise," wrote Dan Cordtz in Fortune magazine at the time, "was of little assistance when confronted with a challenge whose nature was political and sociological."

When GM finally decided to take the offensive, evidenced by Mr. Roche's tough speech in Chicago, it concentrated on symptoms, not on causes. "The climate of criticism," Mr. Roche rightfully observed, "has dulled the reputation of business. We read and hear very little that is good about business." Did Mr. Roche understand the implication of such a confession? Apparently not; yet something is profoundly rotten with a system of public relations and trade associations that can spend millions of dollars and, in the end, have the chairman of the world's largest successful enterprise confess that "we read and hear little that is good about business."

Business' massive failure to get its story told credibly is the direct result of a failure to embrace a consistent perspective, which is basic to effective persuasion.

Few in top management seem to grasp the gravity of the current crisis, nor do their well-paid public relations advisers. There are a few exceptions. The former communications director of Ashland Oil & Refining Co., Otto J. Scott, now a private consultant, contends that a business civilization is doomed if it is unable to consistently and intellectually explain its function and how historically a business civilization is the foundation of a free society. "Such a civilization is in trouble," Mr. Scott states, "because what men do not believe they understand, they will not justify. What they cannot justify, they will not defend. And what they will not defend, they cannot maintain."

TOUGH DECISIONS NEEDED

GM Chairman Roche acknowledges that "free enterprise has come to a crisis—a crisis in the sense of a time for decision. Tough decisions must be made by all of us, and soon."

Perhaps the place to begin is at GM. Such decisions, however, must be made within a philosophical perspective that offers the honest profit incentive as a normal alternative to plunder by force or fraud. A philosophy that explains that profit is the product of men's minds and their creative achievement that has helped make a multitude of larger ends possible. A philosophy that helps explain that the American business civilization is the product of three consecutive revolutions over the last 200 years. The first was the American Revolution of 1776 which, besides being a revolution for individual freedom and retention of political rights, was a powerful blow for free trade and a break with crown mercantilism that was bottomed on human slavery. It was the American Revolution that provided the climate of freedom that laid the foundation for the Industrial Revolution of the 19th century, which would have ultimately banished human slavery if the Civil War had not done so. The human genuises of the 19th century produced a multitude of mechanical invention that made human slavery impractical economically, and laid the foundation for what we now call today's Technological Revolution.

The three revolutions of the last 200 years is a compelling story that has as its foundation the liberty of the intellect and a free social and political landscape that allowed that intellect free rein to flourish. In the last 50 or so years that landscape has grown progressively smaller under the philosophy of coercion, or of government control, that is forever at war with the creative minds of free man.

The American business civilization will not find its salvation by adopting the philosophy of critics who hold coercion to be their first commandment. It will find its salvation rooted in the philosophy it has abandoned: freedom in the competitive market of both ideas and goods.

HEROICS IN WORLD WAR II NOT CONFINED TO THOSE IN UNIFORM

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1971

Mr. MATSUNAGA. Mr. Speaker, in a few days we will be celebrating Memorial Day, and pausing to remember those who have sacrificed so much to keep our Nation free.

It is customary, on such occasions, to recall the heroic deeds of soldiers, sailors, airmen or marines. There have been thousands about whom stirring tales of valor can be told.

But I direct the attention of the House today to one who, during World War II, was not a member of the military. He was a civil servant on Guam in 1941, when the island was occupied by the Japanese. For 2½ years following the occupation, this brave young man struggled in every way he knew against the enemy—operating a clandestine radio station, publishing a crude underground newspaper, even leading the local people in singing "God Bless America."

A quarter century ago, Louis Furtado found himself stranded in enemy-occupied territory, and served his country the best way he knew how, which turned out to be most extraordinary, indeed.

In anticipation of Memorial Day 1971, a day to remember our debts not only to the dead but to the living who made great sacrifices for us in the name of freedom I include for my colleagues and other Record readers the text of two newspaper articles published in 1944, when Louis Furtado escaped from Guam and made his way home to Hawaii. Louis Furtado deserves to be decorated with medals, but more so we owe him a debt of gratitude.

The articles follow:

Former "Saints" Athlete Is Alive And Well; Louis Furtado Breaks 3-Year Silence—Guam Navy Employee Prisoner Since 1941—Family Rejoices; Looks To Reunion

Louis Furtado, Kalihi-born athlete, is "alive and in fair shape" on Guam after spending two years and eight months on the island while it was held by the Japanese.

First news from the 34-year-old Honolulu man, a civilian employe of the navy, since Guam fell to the enemy in December, 1941, came yesterday in a letter to his four children, two boys and two girls who have been living here with relatives.

BREAKS LONG SILENCE

The letter, dated August 17, follows:

"My Dear Children: Yes, daddy's still alive and in fair shape. After spending the past month in the woods of Guam I was picked up by the Marines.

"I have not heard from any of you for three years. It was 'Agony Plus' living under the Japs. I am trying my darndest to get transportation home so take it easy and we'll all be together soon.

"In the meantime, write me ℅ Civil Affairs, Guam. I am camp director working under a navy officer. My men scour the island for Jap material, such as guns, trucks, food (rice), bikes, and also live Japs. In my position I may still be 'blown to bits' as there are still a few Japs in the hills. But the island is almost secure and maybe, I'll be seein' you soon. Your Dad."

OVER THREE YEARS

Mr. Furtado went to Guam in July, 1941, to become chief clerk at the naval air station on that island. He had been employed at Pearl Harbor for seven years as an accountant prior to that time.

Members of his family here had practically given up hope of ever seeing him alive again after the fall of Guam to the Japanese, and there was great rejoicing yesterday when news came that he is still alive and well.

William Furtado, former police lieutenant now operating Jerry's Place next to the Kalihi Theater, and a candidate for the house of representatives from the fifth district, was so elated that he forthwith ordered a thousand dollar war bond to celebrate the good news.

It was recalled that after the fall of Guam Mr. Furtado's father, Joseph Furtado, retired chief inspector of the Oahu Railway and Land Company, purchased $15,000 in war bonds. Since then he has made several other large bond purchases to help the war effort.

TWO IN SERVICES

Mr. Furtado's son Stanley became 17 years of age three months ago and observed the occasion by joining the Navy. A brother, Frank, volunteered for the Army in December, 1941 and is now on active duty somewhere in the South Pacific. Two other brothers, Manuel and John Furtado, hold important positions on the waterfront with Castle and Cooke, Ltd.

Mr. Furtado, known to his friends as Louie, attended Kalihiwaena School and is a graduate of Saint Louis College. He was noted for his playing on the Kalihi football team in the "barefoot league" and captained this organization for several seasons. He has also been keenly interested in other sports.

His brother, William, said last night that "there'll be celebrating when Louie comes home."

"We hardly hoped to see Louie alive again," he said. "This has been a wonderful day for dad and the entire family."

In addition to his son Stanley, Mr. Furtado's children are Mildred, 15, Louis, Jr., 12, and Marian, 13. He also has five sisters residing here, Mrs. Alexandria Almeida, Mrs. Mary Enos, Mrs. Rose Denis, Mrs. Irene Amaral and Mrs. Adele Bortfield.

PRESUMABLY ESCAPED

It is presumed that Mr. Furtado was held in a prison camp on Guam by the Japanese and escaped to the hills a month ago, hiding out there until rescued by the Marines. However, details of his experiences on Guam will be told when he returns to Honolulu, and his father, children, brothers and sisters all hope that his return will be soon.

Given Up for Lost, Louis Furtado Returns From Guam Imprisonment and Death Threat—Caught When Isle Fell, Local Man Escaped Foe—Children Thrilled by Father's Souvenir Bag

(By Dorothy Benyas)

To a native son, Louis Furtado, Honolulu yesterday looked like paradise regained after it had been lost four years. He was a civil service employe of the U.S. Navy, a chief clerk, on Guam when it fell to enemy invaders on Dec. 11, 1941.

Surrounded by two of his four children, his father, brothers, numerous other relatives who hung on every word and filled their eyes with the sight of their "Louey" home again, he gave a stark account of events from the day he was transferred from Pearl Harbor, July 24, 1941, his 32nd birthday, to October 5, 1944.

"I had been detailed with a group of native navymen to unload gasoline and we were busy unloading when the Japs came at us from two directions," Louis began. "We were caught between two fires, with no chance of getting back to the government house. I saw to it that all the natives got home safe on their farms. That took two days. Then I surrendered. The Japs put up posters in Chamorro, saying all citizens of Hawaii and the Philippines would be set free, and Japan had captured both places, which made them alien citizens of the empire.

"The Menseisho, officers of civil affairs, also told me this. I was the only boy from Hawaii. One other citizen from Hawaii was Mrs. A. L. Cruz who had married a Chamorro. I was always under suspicion because I sang God Bless America. Speaking or singing English was strictly tabu. I got slapped many times for not speaking Japanese."

GUAM PIED PIPER

He soon became the Pied Piper of Guam by herding native youngsters together and leading the singing of his favorite tune, God Bless America, which they knew by heart already, Louis said. "When the Japs came after me for that crime, I was gone," he chuckled. "The words made them mad. But they had music too. Once I heard "Alekoki' on a recording with Jap words. What brought me real pilikia was a radio, I'd borrowed. Radios were absolutely forbidden everybody. A Spanish priest, educated in the Philippines who was just swell to me, got his head cut off for tuning up his radio and being an American sympathizer. Boy, that nearly beat me.

"Right afterwards, I saw a wholesale murder of American sympathizers. One native who befriended me got his 'neck cut,' as they called it, for having a gun. Then his whole family was lined up to take the same punishment for not turning it in. They never found the gun, anyway. The prisoners weren't eating at all by then, there was no chow for them, so they were ordered home and told they'd be sent for later. Then the Japs found out I was operating a radio and ordered me back in. That's when I did a wrong-way Corrigan. I couldn't get along very well without my neck."

Before his wrong-way takeoff, Louis had enjoyed partial freedom, farming a borrowed piece of property. "Hospitality on Guam works overtime," he explained his good fortune there. "I had a swell place with chickens and pigs and such. I had to kill them for my chow when I ducked into the woods. I kept under cover in the north end of the island. When my chow was all gone I ate wild breadfruit, wild berries and sucked drinking water from the ground. It rained every night, lucky for me.

"Came the day our planes flew over. They were firing all around me. I ran from my hideout, waving my ragged shirt. I was sure they would land somewhere near but American forces had been on the island three weeks before I knew it. I'd heard a shout and some cuss words about a truck in our own lingo. I thought, "Jeez, that's American talk! Was it a swell feeling! Then Marines picked me up and next thing I was putting away some good chow, pork and beans, real coffee. First time in I'd forgotten how long!"

BAG OF SOUVENIRS

Almost beside himself with relief and anticipation of his homecoming, Louis then traded his ragged clothes for Marine Corps handouts. Nothing remained of his possessions but the borrowed clothes he stood in yesterday. However, the bag of souvenirs he had lugged home held his overjoyed family spellbound; an elaboratively marked towel of an enemy officer, a ——— with 'banzai!' lettered on besides a blanket and wads of occupation money. Marian 14, and Louis, Jr., 12, were on deck for the family reunion but Mildred, 10, another daughter who was in school, and Stanley, 18, who is on Navy duty, were missing. His father, Joseph Furtado, two brothers, Manuel and William, helped make the day red-lettered for Louis.

His first concern was over voting for his brother William, a candidate for the House of Representatives from the 5th District, and finding Frank, the kid brother who volunteered December, 1941, and is now an Army private somewhere in the Pacific. When one of the admiring circle around him suggested rather than ordered him to do something, Louis cracked "Pipe that and me a civilian!" But he admitted it wouldn't be for long. As soon as he catches his breath, he wants to join the Army and fight beside Frank.

FOOLED LABOR BOSSES

"It was a tough four years but I can joke about it now," he smiled. "My luck held except once." A long, three-pronged scar on his left under arm will always remind him of the day he was caught "in town" and ordered to report for work on an airfield. The only way he could avoid that and still keep his head fastened on his neck was to have scalding water showered over him. Severe burns on his head, shoulders and arms healed at last with no trace of scar tissue except on his left arm."

SENATE—*Tuesday, June 1, 1971*

The Senate met at 12 o'clock noon, and was called to order by the President pro tempore (Mr. Ellender).

The Reverend Dr. Thomas A. Stone, associate pastor, National Presbyterian Church, Washington, D.C., offered the following prayer:

Great God, we stand before Thee at a particular place in the vast reaches of Thy space and at a particular time on the vast plane of Thine eternity. We thank Thee for the purposes of Thy creation still guiding us toward the goals at the end of time. With them in mind we pray for the brotherhood of all mankind under Thy Godhead and Fatherhood. We pray for the Spirit that will give us of Thy kingdom, for comfort for our mourning, for an inheritance with our meekness, for a righteousness to satisfy hunger, and for a mercifulness and a purity of heart to make us peacemakers and Thy children. Thus may we in our strength be ready to stand for right and fight for truth while we love peace in our hearts and minds.

On occasions we have broken Thine eternity into measures of man's time—years, weeks, hours—that we could waste and squander. Let us in this present feel the moment of our time as a part of all time, our action as that for every citizen of our country as under God marching toward the coming Kingdom, and our emotions identified with Thy ministering love and compassion.

And so give us of Thy spirit that this may be truly Thy day and we may be Thy people. May Thy blessing rest on the Members of this body and the work done here this day—as for this we pray. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THE JOURNAL

Mr. MOSS. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 26, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MOSS. Mr. President, I ask unanimous consent that there be a brief period, not to exceed 30 minutes, for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LAYING BEFORE THE SENATE OF THE UNFINISHED BUSINESS AT CONCLUSION OF MORNING BUSINESS TODAY

Mr. MOSS. Mr. President, I ask unanimous consent that at the conclusion of morning business today, the unfinished business be laid before the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MOSS. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

REPORT ON INTERPARLIAMENTARY UNION MEETING HELD IN CARACAS, VENEZUELA, APRIL 12–18, 1971

Mr. SCOTT. Mr. President, this is a report on the Interparliamentary Union meeting which I attended April 12–18 in Venezuela—a meeting of approximately 300 delegates from some 50 countries, including a delegation of six Members of the U.S. Senate and six Members of the House of Representatives.

The Interparliamentary Union is the oldest of the interparliamentary organizations, having originated in 1889 when, on the initiative of Sir William Randal Cremer of Great Britain and Mr. Frederic Passy of France, a first interparliamentary conference for international arbitration, attended by delegates from nine countries, including the United States of America, met in Paris. By 1894 the movement had developed into a permanent organization, with its own statutes and secretariat, named the Interparliamentary Union. Over the years, the Union has pursued and expanded its activities, and the total number of active parliamentary groups now totals 67. Meetings are held twice each year—in the spring, when the work is done in committees, and in the late summer or fall, when there are plenary sessions to discuss the resolutions which come out of the spring committee meetings.

The aim of the Interparliamentary Union is to promote personal contacts between members of all parliaments in order to encourage the development of democratic institutions and promote international peace and cooperation.

At the spring meetings, such as the one we just attended in Caracas, Venezuela, there is a particularly good opportunity in the committees to become acquainted with members of the various parliaments and discuss world problems. I served with Senator LEE METCALF of Montana and Representative ALEXANDER PIRNIE of New York on the Committee on Political Questions, International Security and Disarmament. We discussed a wide variety of subjects with representatives of the parliaments of all areas of the world—Western Europe, the Iron Curtain countries, Middle East, Far East, Africa, Australia, Canada, and Latin America.

The other members of our delegation—Senators LEN B. JORDAN of Idaho, VANCE HARTKE of Indiana, HARRISON A. WILLIAMS, JR. of New Jersey, and JACK MILLER of Iowa and Representatives EDWARD J. DERWINSKI of Illinois, JOHN S. MONAGAN of Connecticut, ROBERT McCLORY of Illinois, and F. BRADFORD MORSE of Massachusetts—served on the other four committees, the Economic and Social Committee, the Parliamentary and Juridical Committee, the Educational Scientific and Cultural Committee and the Committee on Non-Self-Governing Territories.

Representative EDWARD J. DERWINSKI, Republican of Illinois, was chairman of the U.S. delegation and served as vice chairman. Our delegation was pleased to have Representative ROBERT McCLORY reelected vice chairman of the Committee on Educational, Scientific, and Cultural Matters.

I was especially impressed not only with the dedication and ability of the individual U.S. delegates as they worked at the conference but also in their other activities during the days in Venezuela. We, of course, learned much about the situation in Venezuela and our relations with that country from briefings we received from our U.S. Ambassador, The Honorable Robert McClintock, and his staff, and from the representatives of American oil companies, who gave us a thorough explanation of the petroleum situation. Making use of the information gained from these briefings individual members of our delegation found time between meetings of their committees to participate in a variety of activities in which they represented the United States and the Congress in a most exemplary way. Representatives HAMILTON and MORSE, both of whom along with Representatives MONAGAN and DERWINSKI are members of the House Committee on Foreign Affairs, took extensive tours of the barrios, the mountain-slope areas of the city of Caracas. Representative DERWINSKI and Senator METCALF visited the American Embassy and spoke with Embassy personnel. Representative DERWINSKI, Senator VANCE HARTKE, and Representatives MORSE and HAMILTON accepted invitations to visit schools and talk with the students. Representative DERWINSKI and I accepted the opportunity afforded us to meet privately with the President of Venezuela, H. E. Rafael Caldera. And on another occasion three of my colleagues and I had a most interesting and enlightening luncheon meeting with a group of Venezuelan intellectuals.

I returned to Washington after a week in Venezuela with the feeling that not only had the U.S. delegation represented our country in a commendable manner but we had learned much from our discussions with the representatives of the parliaments of the world, and with both Venezuelan and American officials and nonofficials in the Caracas area.

EXECUTIVE SESSION

Mr. MOSS. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the executive calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the executive calendar will be stated.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE COAST GUARD

The assistant legislative clerk proceeded to read sundry nominations in the Coast Guard, which had been placed on the Secretary's desk.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MOSS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MOSS. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, Senate Joint Resolution 103, a joint resolution to authorize the President to designate June 1, 1971, as "Medical Library Association Day."

ORDER OF BUSINESS

The PRESIDENT pro tempore. The Senator from Nebraska is recognized.

(The remarks of Mr. CURTIS when he introduced Senate Joint Resolution 105 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

The PRESIDENT pro tempore. Is there further morning business?

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Disbursements Under "Contingencies, Defense" of the Defense Appropriation Act, 1971

A letter from the Deputy Secretary of Defense reporting, pursuant to law, disbursements made against "Contingencies, Defense," of the Defense Appropriation Act for 1971; to the Committee on Appropriations.

Approval of Loans by the REA

Two letters from the Administrator of the Rural Electrification Administration transmitting, pursuant to law, information regarding the approval of certain loans for the financing of generating and transmission facilities (with accompanying papers); to the Committee on Appropriations.

Report on Export Control

A letter from the Secretary of Commerce submitting, pursuant to law, a report on export control covering the first quarter of 1971 (with accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Major Natural Gas Pipelines

A letter from the Chairman of the Federal Power Commission transmitting a map of the major natural gas pipelines as of December 31, 1970 (with accompanying map); to the Committee on Commerce.

Reports of the Comptroller General

Four letters from the Comptroller General of the United States transmitting, pursuant to law, four reports; one dealing with the financial soundness of loans to grazing associations, a report on the inventories at naval shipyards, the excesses and improvements made; a report on the more effective use of manpower and machines recommended in mechanized post offices; and a report on the need for improved review and coordination of the foreign affairs aspects of Federal research (with accompanying reports); to the Committee on Government Operations.

Report on the Federal Coal Mine Health and Safety Act of 1969

A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, a report under section 511 of the Federal Coal Mine Health and Safety Act of 1969 (with accompanying report); to the Committee on Interior and Insular Affairs.

Proposed Amendments of the Johnson-O'Malley Act

A letter from the Acting Secretary of the Interior submitting proposed legislation to amend the Johnson-O'Malley Act, and for other purposes; with accompanying papers; to the Committee on Interior and Insular Affairs.

Proposed Project for Gasification of Bituminous Coal

A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, a proposed contract for a research project entitled "Renovation and Operation of HRI Coal Gasifier" (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITION

A petition was laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the General Assembly of the State of Tennessee; to the Committee on Commerce:

"House Joint Resolution 150

"A resolution to memorialize the U.S. Congress to amend the Daylight Saving Time Law to end daylight saving time each year on the Sunday immediately preceding Labor Day

"Whereas, the present nation-wide system of daylight saving time extends for a six-months period, from the fourth Sunday in April until the fourth Sunday in October; and

"Whereas, during the latter part of that period, as the days begin to get shorter and daylight comes later, daylight saving time works a hardship on school children of tender years and inconveniences their families, because in many areas the children have to go out in the dark of night to wait for school buses and in some cases parents are obliged to accompany their children to assure their safety and well-being; and

"Whereas, the period of daylight saving time is too long and should be shortened so that the observance of standard time in the various time zones in the United States will be resumed at an earlier and more realistic date; now, therefore,

"*Be it resolved by the House of Representatives of the Eighty-Seventh General Assembly of the State of Tennessee, the Senate concurring,* That the Congress of the United States is hereby memorialized and urged to amend the Daylight Saving Time law to provide for the ending of daylight saving time each year in the several times zones of the United States at 2:00 a.m. on the Sunday immediately preceding Labor Day; and

"*Be it further resolved,* That copies of this resolution be forwarded to the Clerk of the United States House of Representatives, the Secretary of the United States Senate, and to each Member of Congress from Tennessee."

PUBLIC WORKS ACCELERATION ACT—REPORT OF CONFERENCE COMMITTEE (S. REPT. NO. 92-137)

Mr. RANDOLPH, from the committee of conference, submitted a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 575) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, which was ordered to be printed.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HART:

S. 1969. A bill to suspend the death penalty for 2 years. Referred to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 1970. A bill to amend the Employment Act of 1946 to provide for an informed public opinion upon price and income behavior which threatens national economic stability. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCOTT:

S. 1971. A bill to declare a portion of the Delaware River in Philadelphia County, Pa., nonnavigable. Referred to the Committee on Commerce.

By Mr. MILLER:

S. 1972. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to bargain regarding agricultural products, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. HARTKE (for himself, Mr. Scott, Mr. Schweiker, Mr. Bayh, Mr. Brooke, Mr. Buckley, Mr. Cranston, Mr. Hart, Mr. Hollings, Mr. Humphrey, Mr. Kennedy, Mr. Metcalf, Mr. Muskie, Mr. Nelson, Mr. Percy, Mr. Proxmire, Mr. Tunney, and Mr. Williams):

S. 1973. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CHURCH:

S. 1974. A bill for the relief of Isabel Manestar. Referred to the Committee on the Judiciary.

By Mr. CURTIS (for himself and Mr. Harris):

S.J. Res. 105. A joint resolution authorizing the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HART:

S. 1969. A bill to suspend the death penalty for 2 years. Referred to the Committee on the Judiciary.

DEATH PENALTY SUSPENSION ACT

Mr. HART. Mr. President, I introduce a bill to suspend for a period of 2 years the execution of prisoners under sentence of death in the States. The bill would provide breathing space for Congress to consider whether it should exercise its power under section 5 of the 14th amendment to abolish capital punishment in this country. It would also enable State authorities who are now reexamining this question more time for a thorough reappraisal of their own policies. Before I turn to the constitutional basis for my bill, let me first briefly describe the factual situation which, I believe, makes legislation of this kind imperative today.

Since the Supreme Court has recently rejected several procedural challenges in death penalty cases, I fear a renewal of efforts to carry out many of the 650 executions that have been stayed during the past 4 years. The Court's decisions in the Crampton and McGautha cases, just 3 weeks ago, remove the underpinnings from these stays and reprieves. They thus create the prospect which is, to me at least, deplorable and alarming. If the Congress or the States should determine to abolish the ultimate penalty, there could be no reparation for those who were executed in the meantime.

Surely at no time in our history could we less afford the movement away from reason and compassion toward violence and vindictiveness which such a spectacle would represent. In these circumstances, it seems to me that Congress should not shrink from its responsibility to consider the remaining constitutional issues raised by capital punishment. There are two main bases for possible congressional action:

Evidence that the death penalty is imposed in a discriminatory manner on minorities and the poor in violation of the 14th amendment; and

A growing basis for congressional determination that, today, executions constitute "cruel and unusual punishment," in violation of the eighth and 14th amendments.

There is considerable basis on either or both of these grounds for Congress to conclude that it should abolish the death penalty under its power to enforce the 14th amendment. At the conclusion of my remarks, I shall insert in the RECORD a legal memorandum prepared at my request by the Washington research project which indicates why Congress might conclude the death penalty amounts to cruel and unusual punishment which it can prohibit under section 5 of the 14th amendment and that the administration of capital punishment in this country has been so tainted by racial and class discrimination that abolition of the death penalty is the only effective remedy to enforce the requirements of the equal protection clause. Let me briefly outline the arguments here.

CRUEL AND UNUSUAL PUNISHMENT

Death—the "ultimate penalty"—is incomparably the harshest punishment known to our law. Not only is life itself taken, it is taken in a manner imposing the most terrible mental suffering, which can lead to insanity or suicide. In "Reflections on the Guillotine," Camus wrote:

> Many laws consider a premediated crime more serious than a crime of pure violence. But what then is capital punishment but the most premeditated of murders, to which no criminal's deed, however calculated it may be, can be compared? For there to be equivalence, the death penalty would have to punish a criminal who had warned his victim of the date at which he would inflict a horrible death on him and who, from that moment onward, had confined him at his mercy for months. Such a monster is not encountered in private life.

There is also the suffering inflicted in the execution process itself. For those who regard this horror as trivial, I suggest they read the arresting testimony of Warden Duffy at hearings I chaired on capital punishment several years ago.

Moreover, studies have shown capital punishment to be unnecessarily cruel because there is simply no evidence that it provides any greater deterrent to serious crime than does the threat of life imprisonment. Former Gov. Pat Brown, of California, has observed:

> The naked simple fact is that the death penalty has been a gross failure. Beyond its horror and incivility, it has neither protected the innocent nor deterred the wicked.

Indeed, we are not even consistent, since deterrence presumably suggests maximum publicity. Yet, we have recognized that public killings, whether sanctioned by law or not, whether in the name of agression of defense of country, can brutalize the human spirit, and we carry out our executions in private. New York first prohibited public executions in 1835; Kentucky, the last State to ban them, did so in 1937.

Further, the death penalty has become "unusual" in a constitutionally significant sense. Even before the hiatus of the last 4 years, executions had become infrequent. The few victims of capital punishment have been selected sporadically in part by chance and in part by the vagaries of public opinion. This situation, hardly a model of the rule of law when life and death are at stake, also suggests a finding of an "unusual" punishment within the meaning of the eighth amendment.

Finally, the issue cannot be resolved merely by noting that capital punishment was accepted at the time the eighth amendment was drafted. The framers deliberately chose broad language. The Supreme Court has held that scope of the prohibition must develop with the growth of civilized principles of penology, and "draw its meaning from the evolving standards of decency that mark the progress of a maturing society."

That the Supreme Court has not itself ruled the death penalty cruel and unusual punishment does not mean that Congress could not do so. In Katzenbach against Morgan, the Court upheld our provision in the Voting Rights Act of 1965 which struck down, on equal protection grounds, denial of the vote by the States to citizens literate only in Spanish, even though it had ruled only a few years earlier that English literacy tests did not violate the 14th amendment. The Court said that when Congress finds a constitutional violation, the courts must sustain the finding if they can "perceive a basis" for it—even if they have not yet made the same finding themselves. Today, with the increasingly widespread revulsion at organized murder and violence in the name of society, there is surely more than a "perceptible basis" for a congressional finding that the death penalty is cruel and unusual punishment.

EQUAL PROTECTION

It is beyond question that racial discrimination in criminal sentencing violates the equal protection clause. And there can be little doubt that racial discrimination permeates the whole history of capital punishment in this country. The problem has been most publicized with respect to executions for rape in the South, which call almost entirely on black defendants. But careful studies by criminologists have shown that the problem is indeed nationwide and is not confined to the crime of race. In the Northern States studied, such as Ohio, Pennsylvania, and New Jersey, the figures show that substantially higher proportions of black defendants convicted of capital crimes are executed than are whites convicted of the same crimes.

In these circumstances, Congress may eliminate the discriminatory impact by removing the opportunity for it—the death penalty itself. We are not confined to prohibiting death sentences where specific intent to discriminate can be proved. The best precedent is again the nationwide ban of literacy tests for voting. In the 1965 Voting Rights Act, the Congress suspended literacy tests in certain States on the basis of statistical evidence of racial discrimination. The Supreme Court unanimously upheld our action. In our 1970 voting rights amendments, at the urging of the administration, we extended that ban nationwide, even to States where no showing of discriminatory use of the tests had been made. Again the Supreme Court unanimously approved, noting our power to strike at discrimination broadly and effectively rather than on a case-by-case basis by prohibiting devices which have had a discriminatory impact.

I have only briefly summarized the constitutional arguments here; they are spelled out at greater length and documented in the memorandum from the Washington research project.

To this point, I have been arguing that Congress might constitutionally legislate to abolish the death penalty permanently. The bill I introduce, however, does not go this far. It would merely stay any use of the death penalty for a period of 2 years, so that Congress might calmly and rationally consider the constitutionality of the death penalty and the propriety of permanently legislating against it. Legislation of the sort I have been discussing does impinge upon an area—the setting of criminal punishments—which traditionally has been left to the States, and we should not rush into it.

Quite the contrary, full consideration is in order, and our able colleague, the Senator from North Carolina, and his Subcommittee on Constitutional Rights will provide such deliberation to the questions posed.

Realizing that these constitutional questions are important and deserve careful appraisal, I have sent a legal memorandum and draft bill to more than a dozen distinguished scholars in the field of constitutional law, soliciting their opinions on the constitutionality of the legislation. Without exception, those who have responded—including Prof. Philip Kurland of the Chicago Law School, Profs. Paul Freund and Archibald Cox of Harvard, Profs. Alexander Bickel and Louis Pollak of Yale, Prof. Herbert Wechsler of Columbia and Prof. William Van Alstyne of Duke—have agreed that the proposed legislation is within the power granted to Congress by section 5 of the 14th amendment. Many of them have gone on to endorse this approach as a matter of wise Federal policy, although they note that they do not readily accept the assertion of congressional power to intervene in affairs traditionally left to the States or the courts. Indeed, three scholars who endorse the constitutionality of the bill—Professors Kurland, Bickel, and Pollak—had questioned our power to lower the voting age in State elections and have distinguished that situation from my proposal. I ask unanimous consent that both the letter, and the memorandum be inserted in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HART. But in the meanwhile, Mr. President, I believe it imperative that we prevent any executions from taking place. The reason is obvious. If Congress should eventually determine that the death penalty does violate the constitutional rights of those subjected to it and that it must be abolished by Federal legislation, the constitutional rights of those executed in the meantime cannot be remedied retrospectively. In the language of the courts of equity, "irreparable injury" in the most telling sense will have been done those dead men.

Several further questions about this bill may trouble some of my colleagues. First, as a practical matter, is this legislation really necessary to prevent immediate executions in this country? Will not courts and the State officials be able to prevent executions while serious questions of the constitutionality of the death penalty remain?

In some cases, they surely will. I note, for instance, that Governor Gilligan of Ohio has announced that he will stay all executions in his State until the Supreme Court decides the question of cruel and unusual punishment. The point is that we cannot count on this sort of response everywhere. Prof. Anthony Amsterdam of Stanford Law School, perhaps the lawyer most experienced in dealing with capital cases, has written to me that he believes a congressional stay is the only sure protection against executions before every legal question has been explored. He summarizes vividly why enactment of this bill is "literally vital":

> What I have said in the preceding paragraphs is based on considerable familiarity with postconviction litigation in capital cases. Since 1965, I have spent about one-third of every day working on death cases. I have obtained stays of execution for scores of condemned men, and consulted with other attorneys in obtaining scores of additional stays. *In case after case we have gone down to the final hours—an experience of mind-shattering cruelty to the condemned prisoner—and emerged with a stay only through incredible good fortune. One slip in any of a dozen circumstances beyond our control in any of these cases would have killed the man.* (Emphasis added.)

Before relegating this bill to the status of an interesting academic exercise with little real import, I urge my colleagues to read this letter from Professor Amsterdam carefully.

Second, some of my colleagues may wonder whether Congress should leave these basic constitutional questions to the courts. In a word, my answer is "no." We have taken an oath to uphold the Constitution. Congress cannot abdicate to the courts or to the States its own responsibility for assuring the safeguards of the 14th amendment.

Nor, as Professor Freund points out, would this bill improperly breach the principle of separation of powers:

> Since the proposed measure would be general in application, not singling out particular death sentences, there should be no objection on the score of separation of powers between the legislative and judicial branches. Amerlioration of penalties can of course be made retroactive without infringing on the judicial function.

Finally, a nationwide temporary stay of executions would eliminate the need for already congested courts to review a flood of applications for individual stays of execution.

Mr. President, in conclusion, let me emphasize once more that support for my bill does not require a Senator to be prepared to accept now the proposition that capital punishment violates the eighth amendment or is so discriminatory in its actual implementation as to require prohibition to insure equal protection of the law. The question is whether we can and should enact a moratorium on executions to enable Congress to bring its factfinding process to bear on these issues where at least a serious question has been established. I hope Congress will agree with Professor Mishkin's conclusion that—

> The very processes of our constitutional system call for assuring adequate opportunity for wise deliberation by Congress (as well as the States). . . . The process is likely to produce a wiser resolution if it is not under the pressure of a need to act quickly.

Congress has too often passed the buck to the courts when individual constitutional rights were at stake. Now at stake is the decision whether we can still constitutionally accept official killing as a form of criminal punishment. Congress, the elected representatives of the people, should make that choice.

One final note, Mr. President, I realize there are some who will have difficulty supporting such a bill at this moment. All of us have been outraged by the recent brutal murders of several courageous policemen. And the rampages of a homicidal maniac revealed in California have filled us with revulsion. Indeed, since the first public announcement that Congressman CELLER and I would introduce this measure, I have received anguished letters from citizens in my own State and elsewhere who have lost loved ones in brutal killings. They ask how I could possibly seek leniency for anyone committing such crimes. Others in this Chamber, I am sure, will ask the same question.

My reply calls attention, again, to the points I have already made. Were it possible to bring back lost loved ones by killing other humans, I would feel differently. Were there any evidence that further killing deters such crimes in the future, I would feel differently. Were there not the danger of error, if not in these most recent cases, then in others—as long as human fallibility continues—I would feel differently.

Above all, if the American people were clearly willing to implement a uniform and evenhanded penal policy of executing murderers—even for vengeful motives I cannot share—I might feel differently. But America has not done that; I am convinced that in our cooler moments of reflection we are unwilling to see such a uniform policy of wholesale executions actually implemented, and so, we satisfy understandable feelings of outrage and anxiety by infrequent and haphazard imposition of the death penalty, with discriminatory results.

Thus, no matter how much I join in condemning these brutal acts and seeking punishment for their perpetrators, I must also urge Congress to accept its constitutional obligation to protect the rights guaranteed by the 14th amendment and to insure that Congress may effectively do so in this instance.

Mr. President, this Nation is supposed to stand for the proposition that the life of every human being is to be cherished, no matter what his background or his wealth or his color. To take a life without significant justification, to perhaps execute innocent men—humans are fallible—and to force people to play God with the lives of their fellow men, is to cheapen the value of all human life. If the violent events of this past decade teach anything, it is that we can afford such debasement no longer.

EXHIBIT 1

STANFORD LAW SCHOOL,
Stanford, Calif., May 3, 1971.

Re Proposed Death Penalty Suspension Act of 1971.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: I appreciate your letter of April 21 and the opportunity to comment upon the draft Death Penalty Suspension bill. Before coming to the merits, however, I should make clear that I am not a disinterested observer on the subject of capital punishment. I presently represent a considerable number of condemned men, and have argued the unconstitutionality of the death penalty in several cases in the Supreme Court. You will doubtless want to take these circumstances into account in determining what weight to give my opinions on the questions you ask.

I think that there can be no serious doubt about the constitutionality of the proposed moratorium legislation. No constitutional proposition is plainer than that the Equal Protection Clause of the Fourteenth Amendment forbids racial discrimination in criminal sentencing. The First Civil Rights Act of April 9, 1866, Ch. 31, § 1, 14 Stat. 27 (now 42 U.S.C. § 1981) expressly provided that American citizens "of every race and color, . . . shall be subject to like punishment, pains and penalties [as white citizens], and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding." The Fourteenth Amendment was designed to constitutionalize the 1866 Civil Rights Act; and Congress has acted time and again during the past 100 years—from the Civil Rights Act of 1870 to the Voting Rights Amendments of 1970—to enforce under § 5 of the Fourteenth Amendment the right against state-sanctioned racial discrimination that lies at the heart of that Amendment. Congressional power to enforce the plain constitutional command of racial equality in the conduct of every organ of State government has never been judicially questioned, and is unquestionable.

As the Washington Research Project memorandum points out, there is substantial published evidence of racial discrimination in capital sentencing. In addition to the published evidence, I have access to the results of exhaustive empirical studies conducted in 1965 under the direction of Dr. Marvin Wolfgang and myself, which demonstrate beyond peradventure that the death sentence has been systematically applied in a racially discriminatory fashion for the crime of rape in the several States we studied. But the question, of course, is not whether Congress is now prepared to accept the conclusions of our studies, or of any other extant studies. It is whether Congress can and should enact a moratorium of executions to enable Congress to bring its own superior fact-finding processes to bear on the question of discrimination.

Surely, the answer to that question is yes. Strong indicators of discrimination have been found by numerous private observers whose studies could provide the starting point for more comprehensive and authoritative factual investigation by Congress; such discrimination, if it exists, would be a flagrant and invidious violation of the Fourteenth Amendment, which Congress plainly can prohibit; and a moratorium to enable Congress to conduct the necessary factual inquiries and to deliberate upon the constitutional and policy questions involved is—as the British experience of the 1960's demonstrates—a wholly appropriate method of legislative approach to such a problem.

Congressional power to enact a moratorium in order to conduct a similar examination of the Eighth Amendment issues raised by the death penalty in contemporary American society also seems to me solidly grounded in § 5 of the Fourteeth Amendment. Admittedly, the Eighth Amendment power assumes some Congressional competence to define—not merely to implement—the rights given by the Eighth and Fourteeth Amendments, and so presents a harder constitutional question than the exertion of Congressional Power under the Equal Protection Clause. But, while harder, it is still not very hard.

Indeed, I do not think that Congress needs to rely upon the full sweep of § 5 power conceded to it by *Katzenbach* v. *Morgan* and the opinions in the *Voting Rights Cases* to act in the Eighth-Fourteenth Amendment area. This is so because the Supreme Court itself, in its very definition of the Eighth Amendment as a precept which "must draw its meaning from the evolving standards of decency that mark the progress of a maturing society," *Trop* v. *Dulles,* 356 U.S. 86, 100–101 (1958) (plurality opinion), has referred Eighth Amendment interpretation to the touchstone of national moral consciousness that Congress is uniquely qualified to express. For this reason, I would say that Congress not merely can, but is morally obliged to, consider the Eighth Amendment implications of the death penalty in this year 1971, when it has become apparent on a worldwide scale that the progressive abolition of capital punishment is a major indicator, a paramount achievement, and perhaps an indispensable condition, of mankind's advance on the long road up from barbarism to civilization. A moratorium to consider that issue is both constitutionally proper and, I think, advisable.

As you know, the Supreme Court has today decided, in the *McGautha* and *Crampton* cases, that procedures for imposing the death penalty employed by most American States which retain capital punishment are not unconstitutional. That decision does not speak to the ultimate constitutionality of capital punishment itself under the Eighth Amendment and the Due Process and Equal Protection Clauses of the Fourteenth. But it does create a situation in which the need for enactment of the proposed Death Penalty Suspension Act is literally vital.

By my count, there are about 620 men on the death rows of the United States at this time. Most of their executions have been delayed pending disposition of *McGautha* and *Crampton.* The decision of those cases adversely to the constitutional claims of the condemned men clears the way—unless Congress acts—for a spate of electrocutions and gassings that is unprecedented in our time. At the very moment in history when dictatorships in Spain and Russia, under the pressure of world opinion, are commuting sentences of death, the United States of America—which has not had an execution in almost four years—is about to resume the killing of human beings by the hundreds. That seems to me to be a stark abdication of our proud national role as leaders in the advance of the spirit of humanity.

I hope that you will introduce the Death Penalty Suspension bill and that Congress will speedily enact it. If I can give you any further, more specific information or assistance, please let me know.

Sincerely,

ANTHONY G. AMSTERDAM.

STANFORD LAW SCHOOL,
Stanford, Calif., May 11, 1971.

Re Proposed Death Penalty Suspension Act of 1971.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: I appreciate this opportunity to clarify the view stated in my letter of May 3, that Congressional enactment of the proposed Death Penalty Suspension Act is urgently needed to avert the threat of imminent executions. You raise the question whether federal legislative action is in fact necessary, or whether—if, as the legislation supposes, there exist grave unresolved constitutional questions in all of these death cases—courts and state executive officials will not stay the executions. My answer is that, under any system which leaves the matter of stays to individual applications on behalf of individual condemned men, many of these men will die by reason of flukes and vagaries having nothing to do with the merits of their constitutional claims. This is so for several reasons:

(1) Large numbers of men on death row are indigent, functionally illiterate and unrepresented by counsel. In order to obtain a stay of execution, an unrepresented condemned man has to present a stay application to some court or legally empowered authority (such as the Governor in some States, the Pardon Board in others), which is sufficiently articulate to attract the attention of that court or authority. Most men on death row are incapable of doing this. Even were they highly literate—as they are not—they simply cannot know of the complex legal doctrines (such as doctrines limiting the jurisdiction of particular state courts, the exhaustion-of-state remedies doctrine in federal *habeas corpus,* the requirement in some States of a Pardon Board recommendation before the Governor may act) which may disempower the court or authority to which they apply from granting a needed stay. If a lower court should refuse a stay—as frequently happens, in my experience—the condemned man must then apply to a higher court. Usually in a different city and sometimes in a different State. Mail from and to prisons is always delayed and is sometimes lost. Court clerks not infrequently return prisoners' papers for formal insufficiencies (such as failure to use required forms, or to attach pauper's affidavits), or delay submitting the matter to the judge. Uncounseled prisoners may neglect to state the dates of their scheduled executions in their stay applications, so that the clerks do not appreciate the need for haste. The judge himself may be otherwise occupied or out of town when the application arrives. Although there are only a few days or hours remaining, the condemned prisoner has no one to contact the court for him, to learn whether the stay application has been received, whether it is being considered, whether it will be acted upon in time. Under these circumstances, any fluke—a miscarriage of the mails, a clerk's mishandling of a paper, a judge's attendance at a judicial convention—can snuff out a human life.

(2) Some condemned men, indeed, do not even try to put stay applications before courts or other lawful authorities. These include men who are legally unrepresented but do not know it. Attorneys handling capital cases in the post-appeal stages (usually counsel who were court-appointed for the original trial or appeal and have remained in the case as uncompensated volunteers) may suddenly drop the case for many reasons—lassitude, erroneous belief that all remedies are exhausted, professional relocation, illness, death—without notice to the condemned man. In these cases, the death row inmate continues to rely for his life upon a lawyer who is no longer there.

(3) Even where condemned men are represented by counsel, the situation is often almost as perilous. As I have said, most of the lawyers in these cases are uncompensated volunteers. Where they are criminal lawyers, they are often sole practitioners; they may be tied up for days or weeks in another trial, and be forced to let stay applications for a condemned client wait until the last moment, when some quirk can prove fatal even in a lawyer-handled case. (I shall say more about this in the next paragraph.) Oftentimes, counsel are not criminal lawyers, and lack the experience or knowledge necessary to present their client's claims. In recent months, I have encountered lawyers representing death-row inmates who were unaware of the 1968 Supreme Court decision in *Witherspoon* v. *Illinois* which established that their clients' death sentences were federally assailable. I want to make it clear that I am not faulting these attorneys, many of whom have served their clients selflessly and with dedication for years. But they are occupied with other responsibilities, unequipped with the resources necessary to handle a case in which life is at stake, and quite unable to keep abreast of legal developments in areas of law in which they do not generally practice.

(4) That problem is exacerbated by two others, relating to the courts:

(a) Frequently, constitutional issues in capital cases are foreclosed by decisions of the lower courts, and open only at the Supreme Court level. (This is true, in most States, of the Eighth Amendment issue and the issue of racial discrimination in capital sentencing.) Lower court judges, for the most part, will not grant stays of execution on these issues; and stays must be sought in appellate courts or even in the Supreme Court of the United States. In *Maxwell* v. *Bishop,* 398 U.S. 262 (1970), for example, stays were refused by all lower courts and a stay was finally granted by a Supreme Court Justice only twenty-four hours before Maxwell's scheduled electrocution. You will understand that overburdened volunteer attorneys, working under the enormous time pressures of an imminent execution date, uncompensated for their time or even for their out-of-pocket expenses, hundreds or thousands of miles from Washington, D.C., and often totally unfamiliar with Supreme Court practice, simply cannot effectively pursue judicial remedies at this level.

(b) State courts, federal courts and state executive officials ordinarily have concurrent jurisdiction to stay an execution. Ironically, this seeming multiplicity of remedies itself creates a deadly trap into which the unrepresented condemned man, or inexperienced counsel representing a condemned man, may fall. When an execution date is fast approaching, it is necessary to apply to two or three courts and the Governor simultaneously for a stay. I have seen it happen time and again that each court and the Governor then waits for the other to act first. Time and again, I have seen cases go down to the last day without a stay, despite the pendency in several courts of meritorious stay applications. In this situation, again, only experienced counsel with a healthy measure of luck can prevent an execution from occurring.

What I have said in the preceding paragraphs is based upon considerable familiarity with post-conviction litigation in capital cases. Since 1965, I have spent about one-third of every day working on death cases. I have obtained stays of execution for scores of condemned men, and consulted with other attorneys in obtaining scores of additional stays. In case after case we have gone down to the final hours—an experience of mind-shattering cruelty to the condemned prisoner—and emerged with a stay only through incredible good fortune. One slip in any of a dozen circumstances beyond our control in any of these cases would have killed the man.

Unquestionably, the only reason why there have been no executions in the United States since 1967 has been the pendency in the Supreme Court of the United States of the two constitutional challenges to the death penalty which that Court finally rejected on May 3, 1971. The Court granted certiorari on these issues in December 1968 (*Maxwell* v. *Bishop*, 393 U.S. 997), and has had them continually under consideration since (see *Maxwell* v. *Bishop*, 395 U.S. 918 (1969); *Maxwell* v. *Bishop*, 398 U.S. 262, 267 n. 4 (1970); *McGautha* v. *California*, 398 U.S. 936 (1970); *Crampton* v. *Ohio*, 398 U.S. 936 (1970)). Prior to the Supreme Court's agreement to hear these issues, it was exceedingly difficult to procure stays of execution for all condemned men in the lower courts, even though (1) the numbers of men on death row then were far smaller than the comparable number today, and (2) the two constitutional issues then in litigation had been definitively rejected by only two of the eleven federal Circuit Courts of Appeals, and by a handful of state courts, prior to the Supreme Court's grant of *certiorari* upon them. After *certiorari* was granted, of course, stays were far easier to obtain: we could often secure them routinely at the trial level; and, in many States, execution dates were not set at all, pending the Supreme Court's decision. Today, by contrast, (1) the number of men on death row is almost 650 (as compared with 435 in December, 1967, and 479 in December, 1968), and (2) the remaining constitutional issues—that is, principally, the Eighth Amendment and racial discrimination issues—which the Supreme Court has *not* agreed to review, were rejected many years ago by a large majority of the federal Courts of Appeals and the States' highest courts. There is absolutely no doubt in my mind that, unless Congress enacts the proposed Death Penalty Suspension Act, there is going to be a resumption of executions in this country on a scale unknown for decades.

Sincerely,

Anthony G. Amsterdam.

Center for Advanced Study
in the Behavorial Sciences,
Stanford, Calif., May 6, 1971.
Hon. Philip A. Hart,
Senate Office Building,
Washington, D.C.

Dear Senator Hart: I am temporarily in California, and your letter of April 19 addressed to the Yale Law School reached me here. I regret the consequent delay in answering.

I have examined the proposed Death Penalty Suspension Act, and the memorandum entitled, "The Constitutionality of Federal Legislation Suspending the Use of the Death Penalty in State Courts." In my opinion, Congress is empowered under Section 5 of the Fourteenth Amendment and the Necessary and Proper Clause of Article I of the Constitution to enact legislation imposing a moratorium on executions for a time certain. I say this even though I do not accept, and I do not believe the Court would again accept in its full implications, the doctrine of *Katzenbach v. Morgan*. But in this instance Congress would not, as in that case, without factual foundation, be purporting to issue an authoritative construction of the Constitution differing from a construction arrived at by the Supreme Court. Rather Congress would be proposing to exercise a fact-establishing function which undoubtedly belongs to it, and simply creating the conditions to make effective exercise of this function possible. The relevant precedent seems to me to be *South Carolina v. Katzenbach*.

I would suggest that another, and entirely consistent, action that Congress ought to take as soon as possible is to propose to the states an amendment abolishing capital punishment. The issue is an entirely novel one, but I would be prepared to argue that if Congress had proposed such an amendment to the states, its authority to order a moratorium on executions in the meantime would, under the Necessary and Proper Clause, be additionally enhanced.

Faithfully yours,

Alexander M. Bickel.

Law School of Harvard University,
Cambridge, Mass., May 4, 1971.
Sen. Philip A. Hart,
U.S. Senate,
Washington, D.C.

Dear Senator Hart: I have read with interest the draft of Daeath Penalty Suspension Act enclosed in your letter of April 19, and also the attached memorandum.

In my opinion, the bill is within the constiutional powers of the Congress.

The necessary and proper clause would seem to give Congress power to preserve the status quo in an area in which it may legislate provided that there is reasonable ground to believe that facts may be developed establishing the power of Congress to enact substantive legislation on the subject.

Probably, such a stay could also be enacted under the necessary and proper clause upon the ground that the status quo should be preserved throughout the country until the Supreme Court has had time to render a decision upon the basic question whether capital punishment under any circumstances violates the Eighth and Fourteenth Amendments. This constitutional theory seems entirely sound, but resting your bill upon this ground alone might be thought to carry the implication that Congress would be through with the matter once the Supreme Court had rendered a decision.

It seems to me that there is reasonable ground to believe that Congress, upon thorough investigation, would find actual conditions to be such as to lay a foundation for federal legislation under Section 5 of the Fourteenth Amendment. I have some misgivings, after *Oregon* v. *Mitchell*, about the continued validity of the argument that Congress may make a determination as to whether a punishment is "cruel and unusual," within the meaning of the Eighth Amendment.

It seems unnecessary to reach a conclusion on that point, however, because the statistics in the memorandum you enclose, while subject to some criticism, are quite sufficient to raise a serious question as to whether capital punishment in the United States does not presently involve racial discrimination violating the equal protection clause of the Fourteenth Amendment. To my mind, the figures certainly suggest that further investigation might lead Congress to such a finding of fact and, if Congress made such a finding, there could be no doubt of the constitutionality of further federal legislation abolishing the death penalty as a way of preventing continued racial discrimination in the administration of criminal justice.

It is a pleasure to hear from you.

With best wishes.

Sincerely,

Archibald Cox.

New York University,
School of Law,
New York, N.Y., April 27, 1971.
Senator Philip Hart,
U.S. Senate,
Washington, D.C.

Dear Senator Hart: I am responding to your letter of April 19, which invited my comments on a draft bill which would stay all executions by the United States, the several states and their subdivisions for a period of two years. The stated purpose of this bill would be to enable the federal government and the states to consider, deliberately, what action they might wish to take following the imminently expected Supreme Court decision on an aspect of the death penalty.

In my view the draft bill is both wise and constitutional, and I therefore hope you decide to introduce it and that the Congress enacts it into law.

The wisdom of the bill seems to me evident in view of the importance of the issue concerning the death penalty, the confusion surrounding many aspects of it, its doubtful constitutionality, and the desirability of a careful legislative review unhurried by the pressures to execute that inevitably will follow any Supreme Court decision that does not restrain further use of the penalty.

The question of the constitutionality of the measure calls for somewhat more extended discussion, although I am in no real doubt that prior decisions of the Supreme Court, in their holdings and premises, amply support the validity of the bill. I shall content myself with three points.

1. Section 5 of the Fourteenth Amendment, which authorizes Congress to "enforce by appropriate legislation" the provisions of the Amendment, has been interpreted broadly by the Supreme Court. The Court has held that Congress may enact remedial legislation concerning state laws and practices if it "perceives a basis" for concluding that these laws and practices are unconstitutional. *Katzenbach* v. *Morgan*, 384 U.S. 641, 653 (1966). This it certainly would be free to do, in the case of the death penalty, in light of judicial decisions that have interpreted the Eighth Amendment "cruel and unusual punishment" provision, as incorporated in the Fourteenth Amendment. See, e.g., *Ralph* v. *Warden*, Ct. App. 4th Cir., No. 13757 (December 11, 1970); cf. *Rudolph* v. *Alabama*, 375 U.S. 889 (1965) (Goldberg, J., dissenting).

That the Supreme Court has not held the death penalty to violate the cruel and unusual punishment prohibition is of course not dispositive of the issue. As the *Morgan* case and *South Carolina* v. *Katzenbach*, 384 U.S. 301 (1966) reveal, the Congress may go beyond judicial rulings in asserting the reach of the Fourteenth Amendment. Indeed, the congressional action upheld by the Court in the *South Carolina* case went beyond what the Congress would be asked to do here. In that litigation the literacy provisions of the Voting Rights Act of 1965 were sustained in the face of an earlier decision, *Lassiter* v. *Northampton Election Bd.*, 360 U.S. 45 (1959), holding that such tests were not inherently discriminatory. No such decision of the Supreme Court has sustained capital punishment against a direct attack on the ground of cruel and unusual punishment.

2. There presently exists considerable evidence, which I shall not detail in this letter, to the effect that the death penalty has been applied in a discriminatory manner against poor persons and nonwhites. E.g., Bedau, Death Sentences in New Jersey—1907–1960, 19 Rutgers L. Rev. 1 (1964). Certainly Congress could "perceive a basis" for concluding that the equal protection clause of the Fourteenth Amendment has been violated by the application of the death penalty. Accordingly, Congress has the authority—some would say the duty—to assure that the most extreme of all penalties is not being employed in violation of the Constitution.

3. The net effect of the above analysis is that under existing precedents the Congress could act to abolish the death penalty by concluding that state executions amount to cruel and unusual punishment or that the death penalty as implemented denies nonwhites or poor persons of the equal protection of the laws. The remaining question is whether the Congress can choose to legislate the lesser remedy—a two year stay which would for this period bar executions while the necessary study was undertaken to determine whether the death penalty should be prohibited in all cases or contain classes of cases.

I find no difficulty in responding to this question in the affirmative. One of the chief advantages of the legislative process is its flexibility. Another is its capacity for fact-gathering to assure, as far as possible, the solid grounding of enactments as well as their long-term acceptability to the public. All of these values would be furthered by a congressional decision to permit itself the time to acquire and digest data, and reflectively debate, the validity of capital punishment. Indeed, I can hardly think of a better means to assure "appropriate legislation" under the Fourteenth Amendment in an area as complex and subtle as the one under consideration. Just as courts of equity for many centuries have used the judicial stay to good effect, so too should the Congress employ it so it may act in a deliberate and fully informed manner.

For the above reasons I endorse the draft bill you have sent me.

Sincerely,

NORMAN DORSEN,
Professor of Law.

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., April 29, 1971.
Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: I appreciate your letter inviting my view on a possible bill that would impose a two-year stay of executions in capital cases while Congress and the states decide what action, if any, they wish to take in this area following a decision by the Supreme Court.

I find persuasive the considerations supporting the authority of Congress to enact such a measure. The bill would essentially be an adjunct of the power of Congress to legislate under Section 5 of the Fourteenth Amendment. That power is most clearly established in the field of equal protection of laws with respect to race, and there is at least reason to believe that the death penalty has lent itself to discriminatory application. In addition the power under Section 5 draws support from the guarantee against cruel and unusual punishment, a guarantee that may appropriately be defined by Congress, at least where Congress does not narrow the protection beyond the scope given it by the courts.

A moratorium is a legislative measure that in this context would reflect a tentative finding by Congress, subject to fuller investigation and final determination. It is particularly appropriate where the ultimate penalty is involved and where reparation would be impossible if and when Congress finally determines to abrogate the death penalty. Since the proposed measure would be general in application, not singling out particular death sentences, there should be no objection on the score of separation of powers between the legislative and judicial branches. Amelioration of penalties can of course be made retroactive without infringing on the judicial function.

I trust that these views are responsive to your inquiry.

With kindest regards,

Sincerely,

PAUL A. FREUND.

UNIVERSITY OF CALIFORNIA, BERKELEY,
Berkeley, Calif., May 4, 1971.
Sen. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: This responds to your letter of April 19.

I have read the draft bill and its supporting study proposing a two-year stay of executions in all jurisdictions pending Congressional study of the course it might wish to pursue under the implementing clause of the Fourteenth Amendment.

The procedure seems to be novel, but I do not see any substantial grounds for concluding it is unconstitutional. First, the cruel and unusual punishment and equal protection arguments appear to me open and non-trivial. The Court's decisions yesterday, as reported in the press, do not purport to close the cruel and unusual punishment issue. Second, this being so, Congress would have the power under Section 5 of the Fourteenth Amendment, pending a Supreme Court determination, to consider for itself whether the arguments carry weight and what legislation to enact to enforce those constitutional provisions. Moreover, in the circumstances the power to consider these questions must also encompass the power to maintain the status quo by preventing executions in the interim. If executions turn out to be violations of constitutional rights, they are not the kind that can be remedied retrospectively. The analogy to the traditional power of equity courts to enjoin prejudicial change in the circumstances pending the court's adjudication of the merits seems to me persuasive. Congress would be maintaining the total effectiveness of its law making authority, explicitly delegated by the necessary and proper clause as made applicable to the Fourteenth Amendment through its Section 5.

May I suggest two additional grounds you and your advisors might want to consider to shore up even further the case for a two-year stay:

1. The desire by Congress to consider not only whether capital punishment is unconstitutional, but whether it should be made so under a constitutional amendment. This would draw upon Congress' authority with respect to amendments found in Article VI. It would also serve to provide a basis, in addition to the line of thought exemplified in *Katzenbach* v. *Morgan*, for justifying the stay if and when the Court denies the cruel and unusual punishment claim.

2. The appropriate interest of Congress to act in support of the jurisdiction of the Supreme Court and other federal courts by saving the need to obtain individual case by case stays pending the resolution of the issue in these courts.

I hope these observations may be of some use to you.

Respectfully,

SANFORD H. KADISH,
Professor of Law.

THE UNIVERSITY OF MICHIGAN,
LAW SCHOOL,
Ann Arbor, Mich., May 4, 1971.
Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: Many thanks for your letter of April 19, inviting comments on the proposal that Congress impose a two-year "stay" of all executions within the United States pending further study of the death penalty.

There is substantial evidence from which Congress may conclude that the death sentence works unfairly against black Americans in practice and thus that a nationwide ban—let alone a suspension—of the death penalty is "appropriate legislation" to enforce the equal protection clause of the Fourteenth Amendment.

To paraphrase Justice Black in *Oregon v. Mitchell*, 400 U.S. 112, 134 (1970), (upholding the literacy test ban of the Voting Rights Act Amendments of 1970), Congress may properly recognize that the administration of the death penalty in a racially discriminatory manner is not confined to the South, but exists in various parts of the country, and may properly conclude that the way to cope with this problem is "to deal with nationwide discrimination with nationwide legislation." Similarly, to paraphrase Justice Stewart, (joined by Burger, C.J., and Blackmun, J.), concurring in the judgment of the Court sustaining the aforementioned literacy test ban, 400 U.S. at 284: because the justification for suspending the death penalty throughout the land need not turn on whether it is discriminatorily enforced in every state, Congress is not required to make state-by-state findings concerning the actual impact of the penalty. "In the interests of uniformity, Congress may paint with a much broader brush than may [the Supreme] Court, which must confine itself to the judicial function of deciding individual cases and controversies upon individual records."

Although the Washington Research Project's memorandum makes a powerful and persuasive argument that federal legislation abolishing or temporarily suspending the use of the death penalty by the states may also be sustained on another ground—Congress could properly conclude that the death penalty amounts to cruel and unusual punishment and (since the Fourteenth Amendment applies to the states the Eighth Amendment prohibition) thus prohibit its use by the states pursuant to the power granted it by Section Five of the Fourteenth Amendment—this strikes me as a closer question. Congress would seem to have the power (and special competence) to make its own findings of fact and evaluation of the competing considerations involved[1] in determining whether the death penalty constitutes "cruel and unusual punishment" or a violation of "due process". Or to put it another way, this issue would seem to fall within "a sort of 'buffer zone' in which Congress has discretion to define" these standards.[2]

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[1] *E.g.*, the injustice wrought by the erratic and discriminatory imposition of the death penalty versus the deterrent value above life imprisonment, if any, of the theoretical availability and rare enforcement of the death penalty.

[2] Cf. Cox, *Foreword: Constitutional Adjudication and the Promotion of Human Rights,* 80 Harv. L. Rev. 92, 121 (1966).

However, although they agree that Congress has the power "to provide the means of eradicating situations that amount to a violation of the Equal Protection Clause" at least some members of the United States Supreme Court balk at recognizing Congress' power "to determine as a matter of substantive constitutional law what situations fall within the ambit of the clause [and other constitutional prohibitions and requirements] and what state interests are 'compelling,' "[3] and might well regard a determination by Congress that the death penalty amounts to "cruel and unusual punishment" as falling within the latter category.

It seems so clear, however, that Congress may override state death penalty laws "on the ground that they were in fact used as instruments of invidious discrimination even though a court in an individual lawsuit might not have reached that factual conclusion" (see the aforementioned opinion of Stewart, J., 400 U.S. at 295–96), so clear that a two-year Congressional "stay" of all executions would be regarded "an appropriate means of remedying discriminatory treatment" in the administration of capital punishment (id at 295), that other bases for supporting the proposed federal legislation need not be pursued.

Sincerely yours,

YALE KAMISAR,
Professor of Law.

THE UNIVERSITY OF CHICAGO,
THE LAW SCHOOL,
Chicago, Ill., May 7, 1971.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: I write in response to your inquiry about the constitutionality of your proposed bill calling for a moratorium on the execution of the death penalty for a period in which the Congress can decide whether abolition is desirable and appropriate.

I do not propose to write a brief here. The memorandum accompanying your request and a letter to you from Professor Robert A. Burt, which he was kind enough to show me, are more than adequate analyses of the case law on the subject. My conclusions are simply stated.

1. Congress does have authority under the fifth section of the Fourteenth Amendment to enact legislation enforcing the substantive clauses of that Amendment as it construes them.

2. There is ample evidence to suggest that the death penalty has been and continues to be applied discriminatorily, *i.e.*, in such a manner as to suggest a denial of equal protection of the laws to those upon whom it is imposed. Whether that discrimination is willful or arbitrary remains to be determined, but in either event Congressional action would be justified. I am not troubled by the Voting Rights Cases, for an age question for voting is necessarily arbitrary whether the choice be 18 years or 21 years.

3. It is clear to me that the willful killing of any human being, whether by the state or nation, could be deemed and, I think, should be deemed a cruel and unusual punishment, thus bringing the problem within the scope of Congressional authority under the terms of the Fourteenth Amendment by way of the Eighth Amendment.

My conclusion, therefore, is that the proposed bill is not only constitutional, but highly desirable. Mr. Justice Holmes used to say that the solution for most societal problems was for the nation to become more civilized. In this day and age, I belive that the willful killing of a human being, whatever the nature of his crime, is a step away from civility and can be justified only in terms of primitive laws that should no longer hold us in thrall.

With all good wishes,

Sincerely yours,

PHILIP B. KURLAND.

NEW YORK UNIVERSITY,
SCHOOL OF LAW,
New York, N.Y., May 14, 1971.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: I am most pleased to learn that you are thinking of introducing a bill similar to that prepared by the Washington Research Project proposing a two-year "stay" of all executions. I write now to say that, after examining the excellent memorandum prepared by the Project, I am persuaded of the constitutionality of the proposal.

The matter has a special urgency now in light of the recent Supreme Court decisions upholding procedures now used in capital cases in some states. I do hope you will introduce the bill and that it will pass so that time for further study will be secured on how to solve this vital issue.

Sincerely,

ROBERT B. MCKAY.

UNIVERSITY OF PENNSYLVANIA,
THE LAW SCHOOL,
Philadelphia, Pa., May 12, 1971.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: This is in response to your letter of April 19, asking my views on the idea of a Federal statute imposing a two-year "stay" of all executions while Congress and the States decide what action, if any, they wish to take in the area of capital punishment, following the Supreme Court's disposition of the "Death Penalty" cases before it.

I have given substantial thought to the question, and in my judgment, Congress has power under the Constitution to enact such a statute. I do not assert that it is clear beyond question that a Congressional Act declaring the death penalty unconstitutional and completely prohibiting its infliction by the States (as well as the Federal Government) would necessarily be upheld as an appropriate exercise of Congress' power to enforce the Fourteenth Amendment. At the same time, there is certainly a reasonable possibility that such an Act would be sustained as valid on the basis of that power confererred by section 5 of that Amendment. Moreover, it is also true that the form and substance of the particular Act—for example, the content of the findings which Congress might make—might well exert substantial influence on the ultimate judgment about the validity of the Congressional exercise of power.

This last point is particularly significant for present purposes. For it indicates the importance of Congress being able to consider carefully, on thorough investigation and full deliberation, whether it wishes to proceed—and if so, how—in this difficult and important area. From this aspect, the very processes of our Constitutional system call for assuring an adequate opportunity for wise deliberation by Congress (as well as the States). Certainly a "stay" of all executions for a specific stated period to allow such deliberation to take place is within Congress' power under the Constitution.

Such a "Stay" also seems to me a wise provision at this point. So long as the "Death Penalty" cases were actively moving toward a Supreme Court decision, Congress and State Legislatures, pressed by much other and urgent business (and perhaps even inhibited somewhat by possible questions of propriety), were not likely to reach out to address the issues of capital punishment. In view of the Court's disposition, the responsibility of the legislative bodies is now greatly sharpened. But, as with any complex institution, it will take some time for that to come into sharp focus, and a bit longer for the issues to be worked through to some sort of resolution. The process is likely to produce a wiser resolution if it is not under the pressure of a need to act quickly. Moreover, and perhaps no less important, these issues are not without a strong emotional component; however, they are resolved, there is likely to be less of a residue of acrimony if adequate time for consideration is definitely known to be assured.

For these reasons, I believe that an Act of Congress imposing a two-year stay of executions by the States as well as the Federal Government is both constitutional and wise at this time.

Sincerely,

PAUL J. MISHKIN,
Professor of Law.

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., May 14, 1971.

Senator PHILIP HART,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: You asked for my opinion on the constitutionality of the legislation you may submit suspending the use of the death penalty in state courts. Rather than reiterate a multitude of possible arguments, I have attempted to present to you the strongest argument in support of constitutionality.

In my opinion the legislation is clearly constitutional. Under the enforcement section of the Fourteenth Amendment Congress is given the power to enforce by appropriate legislation the Amendment's substantive provisions of due process and equal protection. Under this section, and under the similar section of the Fifteenth Amendment, acts of Congress bearing close analogy to the legislation you propose has been upheld by the Supreme Court. In what follows I will describe these Acts and the Supreme court cases upholding them, setting forth the analogies they bear to your proposed legislation.

South Carolina v. *Katzenbach*, 383 U.S. 301, decided by the Supreme Court in 1966, involved the constitutionality of the Voting Rights Act of 1965. The Voting Rights Act was based on a congressional finding that literacy tests and like devices, fair on the face, had been used in the South as the means of discriminating against Negroes in registering to vote. The Act automatically suspended the use of such tests, including all literacy tests, in any State or County in which less than half of the adult population had voted in the Presidential Election of 1964. This, it was thought, gave reason to believe that the tests might be used for racial discrimination.

Thus, the Act was framed to provide a new prophylactic remedy for violations of the Fifteenth Amendment for which prior remedies had been inadequate. These prior remedies, of course, consisted mainly of case-by-case judicial challenges to discriminatory voter-registration practices.

South Carolina argued that Congress had no power to adopt prophylactic remedies in the absence of a judicial finding of discrimination in each case. The issue turned on the enforcement section of the 15th Amendment:

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[3] Opinion of Stewart, J. (joined by Burger, C. J., and Blackmun, J.), in *Oregon* v. *Mitchell*, 400 U.S. 281, 296. See also Harlan, J. (joined by Stewart, J.), dissenting in *Katzenbach* v. *Morgan*, 384 U.S. 641, 659 (1966). But compare the opinion of the Court, per Brennan, J., in *Katzenbach* v. *Morgan*.

"The Congress shall have power to enforce this Article by appropriate legislation."

Solicitor General Archibald Cox argued that this section gives to the Congress the same discretion in enacting measures reasonably adapted to preventing discrimination in voting as the "necessary and proper" clause confers upon Congress in regulating such matters as interstate commerce. Chief Justice Warren, quoting Chief Justice Marshall, agreed:

"Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adopted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional."

Thus, *South Carolina* v. *Katzenbach* clearly upholds congressional power (1) to determine that the application of literacy tests is often discriminatory and (2) to suspend them as a prophylactic means of ending such discrimination.

The analogy to the measure you propose is clear. Here the source of congressional power would be the enforcement section of the Fourteenth Amendment. Congress could (1) rationally determine that the death penalty, like the literacy test, though fair on its face, has too often been discriminatory in its application, and (2) suspend the death penalty as it suspended the literacy test, as a prophylactic measure to prevent discrimination in its application.

Cases subsequent to *South Carolina v. Katzenbach* have only served to strengthen its authority. *Katzenbach v. Morgan,* 384 U.S. 641 (1966) the Supreme Court upheld the section of the Voting Rights Act which provided that no person who had successfully completed the sixth grade in a Puerto Rican school should be denied the right to vote because of inability to read or write English. The effect of this measure was to enfranchise thousands of Spanish-speaking citizens who had moved to New York from Puerto Rico.

Relying on the enforcement section of the Fourteenth Amendment, the Supreme Court upheld this enactment as an appropriate means of effectuating the rights guaranteed by the equal protection clause. Enfranchisement, said the Court, "will be helpful in gaining nondiscriminatory treatment in public services for the entire Puerto Rican community."

Morgan strongly illustrates the breadth of congressional power under the enforcement sections. Substantive equal protection violations were not clearly defined in *Morgan,* nor was there any specific judicial or congressional finding with respect to such violations.

On the basis of these cases I come to the firm conclusion that legislation suspending the death penalty would be fully within congressional power as an appropriate means of enforcing the equal protection clause. Congress could rationally conclude that (1) the death penalty is racially discriminating in its application, and (2) that suspension of the death penalty is an appropriate means of eliminating such discrimination.

Your proposed legislation merely suspends the death penalty for a period sufficient to allow Congress to examine its application. That such legislation is constitutional follows *a fortiori* from the discussion above. Just as a court may issue temporary restraining orders to maintain the status quo while it considers the merits of a case, so Congress is authorized by the enforcement section of the Fourteenth Amendment to maintain the status quo while it decides. Indeed this seems an altogether sensible and laudible manner by which to proceed.

I conclude with assurance that the legislation you propose is constitutional.

Yours sincerely,

CHARLES R. NESSON,
Professor of Law.

YALE UNIVERSITY,
LAW SCHOOL,
New Haven, Conn., May 11, 1971.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: By letter of April 19 you were good enough to send me a copy of the draft bill entitled "Death Penalty Suspension Act of 1971," inviting my comment on the bill:

1. I favor the bill and I hope you will submit it. The bill is, in my judgment, a thoughtful and courageous approach to a tragically difficult national problem. To provide two years' time within which Congress and state legislatures would have the opportunity (and correlative responsibility) to examine the constitutional and other issues presented by the continued use of the death sentence seems to me both "necessary and proper." With hundreds awaiting execution in prisons throughout the country, legislators can no longer responsibly avoid confronting these issues.

2. I am persuaded that Congress is constitutionally empowered to pass a law staying all executions, federal and state alike, for two years. I believe Congress is thus empowered because I think there is a substantial likelihood that extended Congressional investigation would yield data supporting at least one of the two hypotheses tendered by the bill—(a) that the death sentence is (at least as to most offenses[1]) a "cruel and unusual punishment"; (b) that the death sentence is imposed, in a grossly disproportionate number of instances, on blacks and others customarily subject to racial discrimination. Neither such finding would provide a rational basis for Congress to pass a law abolishing the death sentence.[2] Given a reasonable possibility that two years of investigation by Congress would be persuasive to Congress that it should and constitutionally could legislate to end the death sentence, Congress would appear to be fully empowered to declare a two-year moratorium on executions and thereby prevent massive and unutterably calamitous frustration of what Congress may two years hence determine to be in the nation's best interest.

With respect to the power of Congress to ban the death sentence, on the basis of findings of the sort referred to above, I would add these brief comments:

A. The power of Congress to end the use of the death sentence for any and all federal crimes would not appear to require argument, since Congress has plenary power (within constitutional limitations) to define and declare the punishment for all offenses against the United States. With this in mind, I should point out that the draft bill places entire reliance on Congressional power to enforce the Fourteenth Amendment; since this power is irrelevant to federal crimes and punishments, appropriate language relating to Congressional power over the federal criminal process should be added to the draft bill.

B. Whatever power Congress has to end the use of the death sentence in the states flows from the power of Congress, acting under Section 5 of the Fourteenth Amendment, to enforce the guarantees of due process of law and the equal protection of the laws contained in Section 1 of the Amendment. A Congressional finding that the death sentence is a cruel and unusual punishment would call into play Congressional power to promote due process of law. A Congressional finding that the death sentence falls with disproportionate impact on racial minorities would call into play Congressional power to promote the equal protection of laws.

C. Up to now there has, of course, been no determination by the Supreme Court that the death sentence is cruel and unusual (and hence in contravention of due process) or that it denies equal protection. Per contra, the Court has not, in its recent history (including the *McGautha* and *Crampton* decisions, on May 3, 1971), taken occasion to consider and reject either of these constitutional challenges to the death sentence. But even if the Court's recent occasional affirmatives of death sentence, as in *McGautha* and *Crampton,* were viewed as implied rejection of these constitutional contentions (a reading of the Court's opinions which I would not regard as faithful to the Court's limited disposition of the limited questions presented), it would still appear that Congress retains some *legislative* authority to fashion its own more protective definition of the constitutional norms of due process of law and the equal protection of the laws. This would appear to be the teaching of *Katzenbach* v. *Morgan.*

D. I do not pretend to be able to formulate with confidence the scope of the Congressional power, declared by *Katzenbach v. Morgan,* to go beyond the Court in giving content to Fourteenth Amendment guarantees.[3] For immediate purposes, however, it would seem sufficient to make three points in this connection:

(1) Deference to a *legislative* extension of constitutional guarantees would seem most appropriate where the predicate of such legislative action is the sort of detained inquiry into a vast array of institutional practices which Congress is peculiarly well fitted—and courts are peculiarly unfitted—to make. Both of the inquiries which Congress would be expected to undertake, pursuant to the draft bill, would seem to be of this nature.

(2) The propriety of Congressional inquiry into, and legislation protective of, due process rights draws support from Chief Justice Warren's invitation to Congress (and indeed the states as well) in *Miranda v. Arizona,* "to continue their laudable search for increasingly effective ways of protecting the rights of the individual while promoting efficient enforcement of our criminal laws," presumably as supplements and/or alternatives to judicially formulated rules.

(3) With respect to the equal protection challenge to the continued use of the death sentence, it seems particularly appropriate to note that *Katzenbach v. Morgan* was a case in which Congress legislated against arrangements which it found to foster racial discrimination. That is to say, it would appear a fair inference that the legislative power sustained in *Katzenbach v. Morgan* is at its greatest when Congress is legislating with respect to discrimination against racial minorities, most especially blacks, since that evil was the chief target of the Fourteenth Amendment. It is in this setting that special weight attaches to the following observations, made by my distinguished colleague, Professor Charles L. Black, Jr., one year ago:

> No one can now say how far we may go with the use by Congress, in application to racial problems, of the very same spaciousness of interpretation that is elsewhere applied to Congressional powers. I will only mention what to many of us now is a possibility of prime moral importance. It has been pretty generally assumed that capital punishment can be abolished in the United States only through action by 50 state legislatures. But suppose Congress were to conclude—as I think statistics would force it to conclude—that capital punishment had been administered for a long time in a manner discriminatory against blacks and other minority groups.[4] Suppose Congress were to judge, from this long experience, that this discriminatory administration was likely to continue or to recur. Could these judgments be faulted? If so, how? If not, then why could not Congress abolish capital punishment for the entire nation? Congress could beyond doubt make unlawful a practice whose ad-

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Footnotes at end of article.

verse impact on interstate commerce was far less well attested than is the inequality, past and predictable, in capital punishment as actually administered. . . . "but ye more substantial escaped." 6 *W. Holdsworth, History of English Law* 508 (1924). (The reference is to executions following Monmouth's rebellion.)[5]

I am grateful to you for the opportunity to comment on the profoundly important issues presented by the draft bill. I hope that (subject to the modest emendation suggested in paragraph 2A of this letter) you submit the bill. And I hope it is enacted into law: the lives of hundreds of Americans, and also the integrity of the American legal process, are at stake.

Sincerely yours,

LOUIS H. POLLAK.

FOOTNOTES

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[1] One could conceivably conclude, for example, that the death sentence was not inappropriate punishment for the single gravest crime—the federal crime of treason—but was barbarious in any other context.

[2] Or permitting it, as was suggested in footnote 1, only in cases of treason.

[3] I tend to take a rather narrow view of *Katzenbach v. Morgan* than many other constitutional lawyers do. For example, I thought (and said) a year ago that the doctrine of *Katzenbach v. Morgan* was insufficient to sustain federal legislation lowering the voting age to eighteen.

[4] A very old phenomenon, in one form or another: "Ye poor and miserable were hanged."

[5] Black, *The Unfinished Business of the Warren Court*, 46 WASH. LAW REV. 3, 19 (1970).

THE UNIVERSITY OF MICHIGAN
LAW SCHOOL,
Ann Arbor, Mich., April 23, 1971.

Senator PHILIP HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: I am writing in response to your letter of April 19 inviting an expression of my views on the proposal that Congress enact legislation imposing a two year moratorium on all executions within the United States. I am wholeheartedly in support of the proposal and hope that you will decide to introduce the necessary legislation.

No one can assert with confidence whether the Supreme Court would sustain such legislation, but in my judgment the legislation is constitutional. The essential reasons which support that judgment are persuasively stated in the memorandum prepared by the Washington Research Project which accompanied your letter. Implicit in my judgment that the legislation is constitutional is the conclusion that it is not unduly intrusive upon federalist values. There are at least two reasons why I believe this to be so notwithstanding the traditional power of the states to set penalties for crime. Initially, the Congress, as the most broadly representative of our governmental institutions, is uniquely competent to give content to the vaguely worded prohibition of "cruel and unusual punishment," a prohibition which, as the Supreme Court has written, embodies "the evolving standards of decency that mark the progress of a maturing society." Secondly, the Congress, as repeatedly recognized in recent years both by it and by the Supreme Court, does not intrude upon the domain of the states when it acts to protect individuals against racial discrimination by the states. The evidence marshalled by the Washington Research Project surely provides ample basis for an inquiry by the Congress to determine whether the death penalty has in fact been administered on a racially discriminatory basis.

If I may offer one suggestion concerning the draft bill which you enclosed, it occurs to me that it might be desirable to include a provision directing the appropriate committees in each House to conduct the investigations mentioned in Section 3. Such a provision would, if the legislation were challenged in court, add strength to the Congressional determination that a moratorium is appropriate.

I hope that this brief statement of my views will be of assistance to you. If there is any way I may be of further assistance, I hope that you will not hesitate to call upon me.

Sincerely yours,

TERRANCE SANDALOW,
Professor of Law.

DUKE UNIVERSITY,
Durham, N.C., April 26, 1971.

Senator PHILIP A. HART,
Senate Judiciary Committee,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: I am writing in brief reply to your letter and enclosures regarding the proposed bill to suspend the death penalty throughout the United States for a period of two years, pending further study and action by Congress, the courts, and the state legislatures. So far as the bill would affect federal prisoners currently under sentence of death, I believe that the national power to suspend their sentences clearly exists pursuant to the Constitution. So far as the bill would affect state prisoners, a sufficient argument can be made pursuant to section 2 of the thirteenth amendment and section 5 of the fourteenth amendment to sustain the proposed Act within the ameliorative powers of Congress that those otherwise favoring the bill should feel entirely free to vote for it.

I put my second conclusion this way for very simple reasons. A failure of Congress to act solely because there may be some reasonable doubt about the ultimate constitutionality of that act necessarily contemplates that a number of persons may be executed even though no court will have an opportunity to determine whether those executions were beyond the power of Congress to forbid. Action by Congress will insure that none need die solely because of constitutional doubts that may well turn out to be unfounded, even while respectfully reserving to the courts the appropriate authority to resolve all constitutional questions as they may arise in a proper case.

It is not often that this kind of choice is before Congress, and I am not among those who believe that Congress need never be concerned with the constitutional reach of its powers. I rather think that it should be more concerned in general and that Congress' deliberations on the Constitution are important to its own political integrity. Where the issue in question is even fairly debatable as I am positive that it is here (*i.e.*, that Congress may well possess the power to suspend or to abolish the death penalty), where the courts will be open to review that question in due course, and where any congressman's mistaken view regarding the scope of congressional power might well lead him needlessly to contribute to the deaths of several hundred persons that he would otherwise wish to have spared, however, it is unimaginable that the outcome of this bill should prefer the certainty of death to what may well be a wholly constitutional preference for life.

Sincerely,

WILLIAM VAN ALSTYNE,
Professor of Law.

COLUMBIA UNIVERSITY,
SCHOOL OF LAW,
New York, N.Y., May 13, 1971.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D. C.

DEAR SENATOR HART: This has been my first chance to study the draft bill and memorandum on suspension of the death penalty that you were kind enough to send me with your letter of April 19.

I am writing to say that while I do not readily accept the validity or propriety of new federal interventions in affairs traditionally thought to be within the realm of State autonomy, the considerations adduced in the memorandum seem to me to provide reasonable grounds for supporting the authority of Congress.

There is a further point that has much weight with me. Mass executions of hundreds of the prisoners now under sentence of death throughout the country would be a catastrophe of national and international dimensions. The unprecedented accumulation of unexecuted sentences was due primarily to stays ordered or anticipated to be ordered by the courts of the United States, exercising jurisdiction conferred by Acts of Congress. As Congress is authorized to remedy conditions or to deal with dislocations caused by exercise of granted legislative power (see e.g. *Stewart* v. *Kahn*, 11 Wall. 493, 507; *Norman* v. *B. & O. Railroad Co.*, 294 U.S. 240 at 315; *Woods* v. *Miller Co.*, 333 U.S. 138), I should suppose that it is authorized to avert a catastrophe caused in large part by the authorized exercise of federal judicial power.

I should add that I do not feel competent to judge the political wisdom of the proposal. The introduction of the bill may have the unintended effect of distracting effort from pursuit of clemency or of State legislation; and its rejection by the Congress may well fortify the forces that would welcome the blood bath it is your object to avoid.

With high regard, I am

Yours faithfully,

HERBERT WECHSLER.

THE CONSTITUTIONALITY OF FEDERAL LEGISLATION SUSPENDING THE USE OF THE DEATH PENALTY IN STATE COURTS

This memorandum sets forth the constitutional basis for federal legislation abolishing or temporarily suspending the use of the death penalty by the states. In Part I, we argue that Congress could properly conclude that the death penalty amounts to cruel and unusual punishment, and on that ground could prohibit its use by the states under the interpretive power granted by Section 5 of the Fourteenth Amendment. In Part II, we show a factual basis upon which Congress could determine that the death penalty is being administered in a racially discriminatory manner in violation of the equal protection clause, and argue that abolition would be a proper exercise of the remedial power granted by Section 5. Finally, in Part III we argue that Congress could, without determining that the death penalty was cruel and unusual punishment or was discriminatorily administered, suspend the use of the death penalty while it further investigated these constitutional questions.

I. THE PROHIBITION AGAINST CRUEL AND UNUSUAL PUNISHMENT

The Supreme Court has never explicitly upheld the death penalty against a direct challenge on cruel and unusual punishment grounds, though it has several times in dictum suggested that the penalty does not constitute cruel and unusual punishment. Changing circumstances, scholarly commentary, and the trend of Eighth Amendment case law all indicate that these dicta may soon be abandoned by the Court. Even in the absence of a ruling on the question by the Supreme Court, however, established law makes clear that Congress could find that capital punishment constituted cruel and unusual punishment, and prohibit its use by the states on that ground, under the legislative power granted by Section 5 of the Fourteenth Amendment.

Under Section 5, Congress has power to "enforce by appropriate legislation" the provisions of the Fourteenth Amendment. The

Supreme Court has held that power to be very broad. It is well established that Congress may adopt the most sweeping remedies to deal with what the courts have held to be constitutional violations.[1] In addition, it may define certain laws or practices as unconstitutional that would not be held unconstitutional absent the legislation, if the courts can "perceive a basis" for the congressional judgment. *Katzenbach* v. *Morgan,* 384 U.S. 641, 653 (1966).

For example, in Section 4(e) of the Voting Rights Act of 1965,[2] acting under Section 5 of the Fourteenth Amendment, the Congress permitted Puerto Ricans to vote if they were literate in Spanish, despite state law imposing English language literacy as a voter qualification. In supporting the English language literacy requirement the State of New York argued that Congress is without power under Section 5 to broaden the substantive prohibitions of the Fourteenth Amendment. The Court rejected this view, holding that when the Congress, after weighing the competing considerations, exercises its authority to declare a state law or practice violative of Fourteenth Amendment rights, "[i]t is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did." *Katzenbach* v. *Morgan, supra,* 384 U.S. at 653. Thus, applying this test and without reaching the question whether the Fourteenth Amendment unassisted by legislation proscribed literacy tests administered *only* in the English language,[3] the Court upheld the congressional determination of a violation of the equal protection clause.

In the recent *Voting Rights Cases,*[4] the Court did not limit Congress powers to define constitutional guarantees as set forth in *Katzenbach v. Morgan.* In the Voting Rights Amendments of 1970,[5] the Congress, acting under Section 5, declared that the limitation of the vote in state election to persons over 21 constituted an invidious discrimination against 18–20 year olds, in violation of the equal protection clause. A fragmented five-man majority of the Court invalidated that provision. An examination of the separate opinions of Justices Stewart (joined by the Chief Justice and Justices Blackmun),[6] Harlan[7] and Black,[8] which made up the majority on this point reveals no majority view contrary to that expressed in *Morgan* concerning Congressional power under Section 5. Rather the decision seems to be based on the majority's conclusion that there was *no basis* for the Congressional judgment that a voting age of 21 constitutes invidious discrimination against 18, 19 and 20 year olds.[9] Four Justices voted to uphold the Congressional judgment—one that is obviously more tenuous than the one proposed here.[10]

The Supreme Court has held that the due process clause of the Fourteenth Amendment incorporates and applies to the states the Eighth Amendment prohibition against the imposition of cruel and unusual punishment.[11] It is thus subject to interpretation and enforcement by the Congress under Section 5. The question thus becomes whether there is a perceivable basis for a congressional conclusion that the death penalty constitutes cruel and unusual punishment. An examination of the case law and of recent scholarship makes clear that there is a strong basis for that conclusion.

In early dicta, the Supreme Court viewed the Eighth Amendment prohibition as applying only to penalties that the framers of the Bill of Rights would have thought cruel and unusual, specifically extremes of torture and maiming. *Wilkerson v. Utah,* 99 U.S. 130 (1878); *In Re Kemmler,* 136 U.S. 436 (1890). On this standard, the death penalty itself was viewed as not prohibited by the cruel and unusual punishment clause.

However, in its first full construction of the clause, in *Weems v. United States* in 1910,[12] the Court rejected the theory that the "cruel and unusual" concept was frozen forever by the penal standards of the eighteenth century. In *Weems,* the Court struck down as disproportionately harsh a Philippine statute which provided a minimum twelve-year sentence at hard and painful labor, for the offense of falsifying government records.[13] The Court made clear that the constitutional standard governing the severity of punishment must grow and change with time: "a principle to be vital must be capable of wider application than the mischief which gave it birth . . ."[14]

Since *Weems,* the Court has adhered to the concept of a developing Eighth Amendment. The principle received its fullest expression in the 1958 case of *Trop v. Dulles,*[15] in which the Court held that deprivation of citizenship was a cruel and unusual punishment for the crime of desertion in wartime. The Court stated that the prohibition against cruel and unusual punishment "must draw its meaning from the evolving standards of decency that mark the progress of a maturing society."[16] At the same time, again in dictum, the Court noted the "forceful" arguments against capital punishment, but stated that *"in a day when it is still widely accepted* it cannot be said to violate the constitutional concept of cruelty."[17]

Since *Trop,* the premise on which the Court's dictum concerning capital punishment is based—the wide acceptance of capital punishment—has increasingly been undermined. Moreover, judges and constitutional scholars have argued in growing numbers that the "evolving standards of decency" of this society no longer can tolerate the taking of human life as punishment for crime. In 1968, the Supreme Court granted certiorari to consider whether the death penalty for robbery was cruel and unusual punishment, but decided the case on other grounds.[18] Only last year, the Fourth Circuit Court of Appeals finally did strike down the death penalty as applied to certain rape cases on Eighth Amendment grounds.[19] Recently, several scholarly commentators, including former Supreme Court Justice Arthur Goldberg, have argued that the Eighth Amendment bars the death penalty altogether.[20]

The case against the death penalty as cruel and unusual punishment is based on three propositions: (1) the penalty is cruel and severe out of all proportion to other punishments exacted by our criminal justice system; (2) it is "unusual", in that it is rarely imposed and even more rarely carried out in contemporary America, and in that its imposition is arbitrary and unfair to the few who actually suffer it; and (3) there is no compelling justification for it in terms of the accepted goals of criminal punishment.

(1) Death—"the extreme penalty"—is incomparably the harshest punishment known to our law. Not only is life itself taken, it is taken in a manner which imposes the most terrible mental suffering, often leading to insanity or suicide.[21] Dostoevsky, who himself once faced the firing squad and was reprieved at the last minute, described the uniquely cold-blooded horror of execution:

"[T]he chief and worst pain may not be in the bodily suffering but in one's knowing for certain that in an hour and then in ten minutes, and then in half a minute, and then now, at the very moment, the soul will leave the body and that one will cease to be a man and that that's bound to happen; the worst part of it is that it's certain. . . . To kill for murder is a punishment incomparably worse than the crime itself. Murder by legal sentence is immeasurably more terrible than murder by brigands. Anyone murdered by brigands, whose throat is cut at night in a wood, or something of that sort, must surely hope to escape till the very last minute. . . . But in the other case [execution] all that last hope, which makes dying ten times as easy, is taken away for certain. There is the sentence, and the whole awful torture lies in the fact that there is certainly no escape, and there is no torture in the world more terrible. . . ."[22]

Camus wrote:

"But beheading is not simply death. It is just as different, in essence, from the privation of life as a concentration camp is from prison. It is a murder, to be sure, and one that arithmetically pays for the murder committed. But it adds to death a rule, a public premeditation known to the future victim, an organization, in short, which is in itself a source of moral sufferings more terrible than death. Hence there is no equivalence. Many laws consider a premeditated crime more serious than a crime of pure violence. But what then is capital punishment but the most premeditated of murders, to which no criminal's deed, however calculated it may be, can be compared? For there to be equivalence, the death penalty would have to punish a criminal who had warned his victim of the date at which he would inflict a horrible death on him and who, from that moment onward, had confined him at his mercy for months. Such a monster is not encountered in private life."[23]

Beyond the mental suffering, it is open to serious question whether the methods of execution used today are as humane as we like to think. There is evidence that death by electrocution, lethal gas and hanging is often by no means instantaneous and may be very painful.[24] It is certain that the actual details of execution are degrading to the condemned man, and leave him little chance to die with dignity and self-respect.[25] And, as the Court held in *Trop,* the chief concern of the prohibition against cruel and unusual punishment is with "the dignity of man."[26]

Closely related to the cruelty and severity of death is the "sheer enormity of the punishment."[27] More than the expatriation condemned in *Trop v. Dulles,* execution deprives those subjected to it of their "right to have rights."[28] A convict under life sentence may be freed if new evidence is found which establishes his innocence. Even the guilty man—guilty of the most terrible crime—may some day so reform himself that he can safely be returned to society.[29] All those hopes are extinguished by the finality of execution.

(2) Not only is the penalty of death cruel, it is "unusual" in a constitutionally significant sense. Most American jurisdictions—though a shrinking number—retain the death penalty for murder and for a few other crimes.[30] But in reality the penalty is exacted against only a small and erratically selected proportion of the persons convicted of the crimes.

The number of executions has steadily declined over the years in this country, while the population and crime rate have gone up. In the last few years, there have been no executions, and even before the litigation-inspired stays of recent years, executions had become very rare.[31]

The process of determining who among those convicted of capital crimes will die is a haphazard one. Normally, it is entrusted to the unguided discretion of the jury; and in some states, the judge has the additional discretion to reduce a jury-imposed death sentence to life imprisonment, also without any standards or criteria to guide him.[32] These sentencing bodies are free to act on grounds of whim, caprice, recent public

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Footnotes at end of article.

clamor, or prejudice—for they need give no reason for their decision between life and death. Other discretionary elements enter into the decision. The prosecutor can charge a capital crime or a lesser offense. He may or may not ask for the death penalty. If it is given, the executive has total discretion to commute the sentence or not.[33] Each of these factors serves to reduce the number of those actually executed, but each of them also makes more arbitrary and unfair the choice of those who finally do suffer death. Each of the screening devices is more likely to work in favor of the defendant with friends, influence, money or a good lawyer. The end product of the system is predictable: it is the poor, the uneducated, the members of minority groups who are actually executed in this country.[34]

The reason for the increasingly infrequent and arbitrary use of the death penalty is that the public will no longer tolerate the large numbers of executions produced by mandatory death sentences for capital crimes. In some jurisdictions, this reaction has led to outright abolition of the death penalty. In others, however, it has led only to the introduction or wider use of the various discretionary devices—chief among which is jury sentencing discretion—through which most capital defendants can escape execution.[35] The victims of the compromise are the few arbitrarily and often discriminatorily selected capital defendants who actually are executed, although no legally prescribed standard differentiates their cases from those of the defendants whose lives are spared. The public is not sufficiently appalled at these few sporadic executions to force the death penalty off the statute books, though application of the penalty in all capital cases would doubtless lead to abolition.[36]

The Eighth Amendment, if it is to have any independent force whatever, must prevent the rare and arbitrary—the "unusual"—infliction of a punishment which, if applied generally and evenhandedly would shock the public sense of decency by its harshness. It is in this sense that the death penalty is today in America an unusual as well as a cruel punishment. Actual practice in our criminal justice system has undermined the premise of the Supreme Court's dictum approving the death penalty "in a day when it is still widely accepted." [37] In practice, it is widely accepted no longer.

(3) The combination of the cruelty of the death penalty and its arbitrary application might be enough in itself to condemn the penalty under the Eighth Amendment. It seems plain that at the very least it shifts the burden to the state to support the penalty with the kind of "compelling justification" which courts have traditionally required where government policies intrude upon constitutionally protected values.[38] Under this standard, the state has the burden of showing that the death penalty serves some recognized purpose of the criminal law more effectively than any alternative punishment can. This burden cannot be met.

Of course, the function of rehabilitation militates against the death penalty—putting a man to death negates all hope of rehabilitating him. A second important function of the criminal law is protection against further crimes by the particular offender, but there is no reason to suppose that a modern prison cannot adequately serve this function.[39] Offenders can be incarcerated as long as there is danger they might repeat their crimes—for the rest of their lives, where rehabilitation proves impossible.[40]

The justification for capital punishment is normally posed in terms of deterrence. But *none* of the numerous scientific studies on the question has supported the claim that the death penalty is a greater deterrent than life imprisonment.[41] Neighboring states, comparable in history and in social and economic makeup, differing only in that one of them has the death penalty while the other does not, have been shown to have no significant differences in their homicide rates.[42] The crime statistics from states which have abolished capital punishment and then restored it have shown no upsurge in murders during the abolition period.[43] The statistical evidence is such that Professor Thorsten Sellin, perhaps the leading authority on death penalty statistics, has concluded that "[The death penalty] has failed as a deterrent. If it has any utilitarian value, it must rest in some other attribute than its power to influence the future conduct of people." [44]

The reasons why the death penalty is not an effective deterrent are reasonably clear. A large proportion of murders are committed by persons who, either by virtue of mental instability or momentary passion, are oblivious to the consequences. In other cases, it is fair to assume in light of the enormity of imprisonment for life, that the crimes would not occur if the offender did not believe he could escape detection. And where detection is considered likely, the prospect of a sentence of life imprisonment upon conviction or being killed during the course of apprehension is certainly adequate to deter a rational man.[45]

With respect to the question of deterrence there may be another side of the ledger. It has frequently been suggested that persons with suicidal impulses may commit murder to effect their own execution.[46] More generally, it is often argued that execution by the state creates a climate of violence that may increase the occurrence of capital crimes.[47]

In short, evidence and logic strongly indicate that capital punishment does not deter; it may even increase the rate of capital crimes.[48]

"Since the state cannot sustain its burden by showing compelling reason to believe that a legitimate purpose of the criminal law is more effectively served by the death penalty than by a less severe punishment, capital punishment should be held unconstitutional."

Goldberg and Dershowitz, *supra*, at 1797.

For two reasons, the cruel and unusual punishment provision particularly lends itself to legislative rather than judicial definition. *First*, the provision is unique among the guarantees of the Bill of Rights in its generality and vagueness, and probably for this reason it has been infrequently applied by the courts to restrict criminal penalties. Rather than embodying precise standards which the courts can easily apply, it suggests a standard based on the general moral sense of society as a whole—as the Supreme Court has put it, on "the evolving standards of decency that mark the progress of a maturing society." [49]

The courts no doubt feel that the legislatures—answerable as they are to the will of the people—are better suited to define and enforce society's "standards of decency." [50] Under this view Congress, as the branch of government most able to formulate *national* standards of morality and decency, has a special responsibility to define the boundaries of the prohibition against cruel and unusual punishments.

A second consideration supporting congressional action on the death penalty is the superior factfinding power of Congress. Constitutional scholars have suggested that Congress' special power to go beyond the courts in defining constitutional rights is in part based upon its greater ability to gather and evaluate the relevant general social facts.[51] By contrast to the broad investigative powers of Congress, courts are normally confined to the record of a single case—a record limited by rules of evidence designed for the resolution of individual disputes, rather than general questions of social policy.

Intelligent resolution of the constitutionality of the death penalty involves issues of general social fact. How cruel, mentally and physically, is execution as actually administered in this country? How useful is the death penalty as a deterrent to serious crime? How rare and arbitrary is it in its application? Answering these questions requires investigation of the institution of capital punishment as a whole. Plainly, Congress is better equipped to conduct such an investigation than are the courts.

II. EQUAL PROTECTION

The Equal Protection Clause forbids discrimination in the application or enforcement of the laws.[52] The available evidence strongly suggests that the death penalty is discriminatorily applied to black Americans. On the basis of this evidence, Section 5 of the Fourteenth Amendment authorizes Congressional prohibition of capital punishment.

a. The discriminatory enforcement of the death penalty

Of 455 men executed for rape in this country since 1930, 405, or nearly 90%, have been black.[53] In six of the nineteen jurisdictions which impose the death penalty for rape, only black defendants have been executed for that crime.[54] With respect to other capital crimes, there is strong indication of racial discrimination. Blacks constitute 76 per cent of those executed for robbery, 83 per cent of those executed for assault by a life prisoner, and 100 per cent of those executed for burglary in the same period.[55] Of those executed for murder since 1930, 49 per cent have been black, although blacks have made up only about 10 per cent of the population during that period.[56] Of all persons executed since 1930, 53.5 per cent have been black.[57] Of prisoners on death row as of the end of 1968, 52 per cent were black.[58]

The rate of execution of blacks far exceeds the proportion of capital crimes committed by black defendants. This has been most clearly proven with respect to executions for rape. A study of rape cases in Florida between 1940 and 1964 revealed that only 5 per cent of whites who raped white victims were executed. No white man was sentenced to die for raping a black woman. However, 54 per cent of the blacks convicted of raping white victims were sentenced to death.[59] An exhaustively careful study of rape cases in a random selection of Arkansas counties showed similarly gross disparities in death sentences for rape between black and white defendants.[60]

With respect to crimes other than rape, the evidence of discrimination is still strong. A study of all capital cases in New Jersey under a half of the blacks convicted of capital crimes were sentenced to die. In the same period, less than a third of the whites convicted of the same crime received death between 1930 and 1961 revealed that just sentences.[61] A study of homicide cases in 10 North Carolina counties over a 10-year period revealed clear evidence of discrimination in sentencing. Of blacks convicted of killing whites, 37 per cent were sentenced to death. No white defendants received death sentences for killing blacks.[62]

The pattern of racial discrimination continues after sentencing. A study of commutations in Pennsylvania between 1914 and 1958 revealed that whites were twice as likely as blacks to have their sentences commuted.[63] A similar study in New Jersey found almost precisely the same pattern—whites were twice as likely as blacks to receive commutations.[64] A study of executions in the southern states showed that of those sentenced to death, blacks were far more likely than whites actually to be executed; for instance, in North Carolina only 35 per cent of whites sentenced to death were finally executed, while the comparable figure for blacks was 67 per cent.[65]

b. Congressional authority

It was well established before *Morgan v. Katzenbach* and the *Voting Rights Act Cases* that the Civil War Amendments granted Congress broad powers to implement the prohibitions they laid down.[66] The remedies available to Congress include the invalidation of state laws or procedures which, although nondiscriminatory on their face, have been shown to result in violations of rights secured by the Fourteenth and Fifteenth Amendments.

Recent legislation barring the use of literacy tests for voting provides a case in point. The Supreme Court has held that there is nothing inherently discriminatory in requiring literacy of voters.[67] In 1965, however, Congress determined that literacy tests were being used discriminatorily to disqualify black voters in certain states and, by statute, suspended their use for all voters in those states.[68] The Supreme Court sustained the statute in *South Carolina v. Katzenbach.*[69] In 1970 the Congress extended the literacy test ban to all states, including those in which there had been no prior showing of discriminatory application.[70] Again, the Supreme Court unanimously sustained the legislation, holding that administrative convenience and the interest in uniformity justified the nationwide extension of the prohibition to states which had not been shown to have used literacy tests to discriminate.[71] Similarly here, upon the evidence of systematic racial discrimination in the implementation of the death penalty, Congress could prohibit the use of the death penalty, not only in those states for which there is such evidence, but across-the-board.

Both Congress in enacting and the Supreme Court in upholding the literacy test legislation emphasized the difficulty of establishing racial discrimination in court in individual instances.[72] The situation is similar with the death penalty. Just as an individual black citizen found it hard to prove that a literacy test had been used to discriminate against him, so do individual black defendants find it almost impossible to convince a court that they would not have been sentenced to death had they been white.[73] Congress, unlike the courts, may look beyond the question of whether any individual black defendant was sentenced to death discriminatorily to examine the broad pattern. Where evidence of discrimination is clear, it may then embody its general conclusions in legislation invalidating laws and procedures which give rise to the pattern of discrimination. There is ample basis for such action with respect to the death penalty.

III. CONSTITUTIONAL BASIS FOR A STAY OF EXECUTIONS

Since Congress is authorized to abolish the death penalty in the states, it seems plain that it could *stay* executions for a limited period to promote careful consideration of the constitutional and other issues raised by the death penalty, and to prevent irreparable injury to the rights of those under sentence of death in the meantime.

To stay all executions, Congress need not now find that the death penalty is unconstitutional or is used to deny constitutional rights. It need only make the scarcely controversial finding that there exist serious questions of constitutionality, questions which are within Congress' legislative jurisdiction. Such a stay would serve two purposes, both of which lie within the ambit of concern granted to Congress by the Constitution.

First, by declaring a moratorium on executions for a limited time, Congress would be ensuring a period of calm deliberation on the general question of the death penalty both to itself and to other duly constituted authorities during that time. The idiosyncrasies of individual defendants and individual cases would then not assume disproportionate importance, and the death penalty could be properly evaluated on the basis of the whole institution, rather than on the basis of the case most recently brought to public attention by a recent or immediately pending execution—whether that case should involve a particularly horrible crime or a particularly pathetic defendant.

Second, and more important, a congressional stay would prevent the irreparable injury to constitutional rights threatened by each execution, while Congress determined whether those rights require abolition of the death penalty. Congress broad powers to enforce constitutional guarantees surely include the power to preserve the status quo while it determines how far those guarantees reach and to what extent they require legislative protection. Just as a court of equity may issue a temporary injunction to preserve the status quo and prevent irreparable injury pending its determination of the merits of the case, so may Congess suspend a practice while it determines its constitutionality. To hold otherwise would mean that Congress was without power to prevent executions while it was considering the very question whether the death penalty violated basic constitutional rights—an absurdly inappropriate restriction upon the sweeping authorization to enact all "appropriate legislation" for the protection of those rights.

A final point supports the constitutionality of a congressional stay of execution. The question of the death penalty is not only before Congress. The accumulation of record numbers of condemned men on the Death Rows of the nation, and the practical possibility of mass executions raised by the recent Supreme Court decisions, mean that the case for abolition will come before the state legislatures with new force in the next months and years. However, because of the scheduling of state legislative sessions, there is the danger that men will be executed before the legislatures can confront the issue. Many legislatures will not be in session until next year, and some of them will not convene again until 1973.[74] While governors could stay executions in some of these states pending legislative action, in some they lack the power, while in others they may be unwilling for reasons of personal belief or local politics to take such action. In these circumstances, a temporary stay of executions by Congress would preserve the status quo not only for the sake of congressional deliberation, but also would do the same service for the legislatures of the several states.

FOOTNOTES

[1] See *Katzenbach* v. *Morgan,* 384 U.S. 641, 650 (1966); *Ex Parte Virginia,* 100 U.S. 339, 345–346 (1879); and cf. *South Carolina* v. *Katzenbach,* 383 U.S. 301 (1966) (Section 2 of the Fifteenth Amendment); *James Everard's Breweries* v. *Day,* 265 U.S. 545, 558–559 (1924) (Section 2 of the Eighteenth Amendment); *McCulloch* v. *Maryland,* 4 Wheat. 316, 421 (1819) (Article I, Section 8, Clause 18).

[2] 42 U.S.C. § 1973b(e).

[3] Existing case law strongly suggested that the Spanish-speaking voters enfranchised by Section 4(e) could not have succeeded in an equal protection challenge to the New York English literacy law unassisted by federal legislation. In *Lassiter* v. *Northampton Election Bd.,* 360 U.S. 45 (1959), the Supreme Court unanimously upheld a North Carolina law requiring English literacy as a condition of eligibility to vote against equal protection challenge. The petitioner in *Lassiter* was, however, not literate in another language as were the voters involved in the *Morgan* case. The Court in *Morgan* explicitly distinguished *Lassiter* on the ground of the intervening legislation, 384 U.S. at 649.

[4] *Oregon* v. *Mitchell,* 400 U.S. 112 (1970).

[5] 84 Stat. 314 (1970).

[6] 400 U.S. at 281, 295–296.

[7] 400 U.S. at 152, 212–213.

[8] 400 U.S. at 119, 129.

[9] See particularly 400 U.S. at 212 (Harlan, J.):

"I think it is fair to say that the suggestion that members of the age group between 18 and 21 are threatened with unconstitutional discrimination . . . is little short of fanciful."

And see 400 U.S. at 296 (Stewart, J.):

"But it is necessary to go much further [than the Court did in *Morgan*] to sustain § 302. The state laws that it invalidates do not invidiously discriminate against any discrete and insular minority."

[10] 400 U.S. at 135 (Douglas, J.); 400 U.S. at 229 (Brennan, White, and Marshall, JJ).

[11] *Robinson* v. *California,* 370 U.S. 660 (1962); *Malloy* v. *Hogan,* 378 U.S. 1, 6 n. 6 (1964).

[12] 217 U.S. 349.

[13] The statute required that those convicted of the offense "shall always carry a chain at the ankle, hanging from the wrists; they shall be employed at hard and painful labor, and shall receive no assistance whatsoever from without the institution." They were also disqualified for life from holding office, voting, receiving retirement pay, and were subject to "surveillance during life." 217 U.S. at 364.

[14] 217 U.S. at 373.

[15] 356 U.S. 86 (1958). Four members of the Court found expatriation a cruel and unusual punishment *per se;* Mr. Justice Brennan, concurring, combined the Eighth Amendment with a concept of substantive due process to void the penalty. See Note, *The Death Penalty Cases,* 56 Calif. L. Rev. 1268, 1336 (1968).

[16] 356 U.S. at 100–101.

[17] 356 U.S. at 99 (emphasis added).

[18] *Boykin v. Alabama,* 395 U.S. 238 (1969).

[19] *Ralph v. Warden,* 4th Cir., No. 13757 (December 11, 1970). Compare *Rudolph v. Alabama,* 375 U.S. 889 (1963) (Goldberg, J., dissenting), in which three justices of the Supreme Court thought the Court should consider whether the death penalty for rape was a cruel and unusual punishment.

[20] Goldberg & Dershowitz, *Declaring the Death Penalty Unconstitutional,* 83 Harv. L. Rev. 1773 (1970); Note, *The Death Penalty Cases, supra;* Bedau, *The Courts, The Constitution, and Capital Punishment,* 1969 Utah L. Rev. 201; Gottlieb, *Testing The Death Penalty,* 34 S. Cal. L. Rev. 268 (1961).

[21] On the psychological consequences of life on death row, see West, "Medicine and Capital Punishment", in *To Abolish the Death Penalty,* Hearings Before the Subcommittee on Criminal Laws and Procedures, Senate Judiciary Committee, 90th Cong. 2d Sess., at 124 (1968) (hereinafter "Senate Hearings"). See also Bluestone and McGahee, *Reaction To Extreme Stress: Impending Death by Execution,* Am. J. Psych., Nov. 1962, p. 393; *Solesbee v. Balkcom,* 339 U.S. 9, 14 (1950) (Frankfurter, J., dissenting). For personal accounts see R. Hammer, *Between Life and Death* (1969); E. Smith, *Brief Against Death* (1968).

[22] Dostoevsky, *The Idiot* 19–21 (1958).

[23] Camus, "Reflections On the Guillotine" in *Resistance, Rebellion and Death* 151–152 (Modern Library, 1960).

[24] The authorities on this point are collected in Note, *The Death Penalty Cases*, *supra* n. 15, at 1339–1341.

[25] See the testimony of Clinton Duffy, for many years warden of San Quentin Prison, in *Senate Hearings* at 19–21.

[26] 356 U.S. at 100.

[27] Goldberg & Dershowitz, *supra*, at 1798.

[28] 356 U.S. at 102.

[29] See, *e.g.*, "The Rehabilitation of Nathan Leopold", *Saturday Evening Post*, June 1, 1963, pp. 66–68; Bailey, "Rehabilitation On Death Row" in Bedau, ed., *The Death Penalty in America* 556 (1967) (hereinafter "*Bedau*").

[30] Sixteen American jurisdictions have either abolished capital punishment entirely, or retain it only for rare crimes such as a second first-degree murder, murder of a prison guard, or murder of a police officer. In the following list, total abolition jurisdictions are italicized, and the date of abolition is given where it is recent: *Alaska* (1957), *Hawaii* (1957), Iowa (1965), *Maine, Michigan, Minnesota*, New York (1965), New Mexico (1969), North Dakota, *Oregon* (1964), Puerto Rico, Rhode Island, Vermont (1965), *Virginia Islands* (1957), *West Virginia* (1965), *Wisconsin*. The remaining 36 states, the District of Columbia, and the federal jurisdiction retain capital punishment for first degree murder; some of them have it for other crimes as well. The Army and Air Force have capital punishment; the Navy and Marines do not.

[31] There have been 3859 executions in the United States since reliable statistics began to be kept in 1930, 3334 for murder. Only 191 of these were during the 1960's, and there have been no executions since 1967. The trend is shown by the figures for the following representative years:

1930	155
1935	199
1940	124
1945	117
1950	82
1955	76
1960	56
1961	42
1962	47
1963	21
1964	15
1965	7
1966	1
1967	2

National Prisoner Statistics: Capital Punishment, 1930–1968 (1969) (hereinafter "NPS").

By way of comparison, there were 9140 reported criminal homicides in 1960, and 14,590 in 1969. FBI, *Uniform Crime Reports*, 1960, 1969. Criminologists estimate that between 10 and 25 per cent of criminal homicides are capital (first-degree) murders. *Bedau* at 62.

[32] See Knowlton, *Problems Of Jury Discretion in Capital Cases*, 101 U. Pa. L. Rev. 1099 (1953).

[33] In most states the governor has the clemency power; in others it rests in the parole and pardon board; in some it is shared. See generally Abramowitz & Paget, *Executive Clemency in Capital Cases*, 39 N.Y.U.L.R. 136 (1964).

[34] On the race of those executed, see Part II of this memorandum, *infra*. On their poverty and educational status, see, *e.g.*, *Senate Hearings* at 11 (testimony of Michael DiSalle), and at 25 (testimony of Clinton Duffy).

[35] For a historical review of this development, see *Bedau* at 27–30.

[36] "The government envisaged for this country by the Constitution is a democratic one, and in a democracy there is little reason to fear that penal laws will be placed upon the books which, in their general application, would affront the public conscience. The real danger concerning cruel and inhuman laws is that they will be enacted in a form such that they can be applied sparsely and spottily to unhappy minorities, whose numbers are so few, whose plight so invisible, and whose persons so unpopular that society can readily bear to see them suffer torments which would not for a moment be accepted as penalties of general application to the populace." Brief *Amicus Curiae* for the N.A.A.C.P. Legal Defense and Educational Fund, Inc., in *Boykin v. Alabama*, *supra*, at 38–39.

[37] *Trop v. Dulles*, *supra*, at 99.

[38] See, *e.g.*, *Skinner v. Oklahoma*, 316 U.S. 535 (1942); *Speiser v. Randall*, 357 U.S. 513 (1958); *Shapiro v. Thompson*, 394 U.S. 618 (1969). Justice Goldberg has argued that a compelling interest test should be applied to the death penalty under the Eighth Amendment; Goldberg & Dershowitz, *supra*, at 1794. See also Note, *The Death Penalty Cases*, *supra*, at 1355.

[39] The evidence strongly supports the conclusion of Warden Lawes of Sing Sing that, far from posing a special threat, "as a group [murderers] constitute the most reliable and dependable men in the institution." L. Lawes, *Man's Judgment of Death* 39. See Bedau at 400–401, 494–500; Sellin, ed., *Capital Punishment*, 154–189 (hereinafter "*Sellin*") (1967). Governor DiSalle of Ohio used life-term convicted murderers as his household staff in the executive mansion; see *Senate Hearings* **at 17.**

[40] Some murderers sentenced to life imprisonment are released on parole, and studies show that they are far better parole risks than any other class of offenders. In general, the recidivism rate for released murderers is very low, and the rate of murder-recidivism is nearly zero. See *Bedau* at 395–405; *Sellin* at 169–188; Stanton, *Murderers On Parole*, 15 Crime and Delinquency 149 (1969); Royal Commission on Capital Punishment, Report at 486–491 (1953) (hereinafter "*Royal Commission Report*"); California Assembly Interim Report, Vol. 20, no. 3, "Problems of the Death Penalty and its Administration in California" at 12 (1957).

[41] The studies are collected in *Bedau* at 258–332, and the relevant statistics are set out in full detail in *Royal Commission Report* at 328–380. More recent statistics are examined by Reckless, in 15 Crime and Delinquency 52 (1969). Most official bodies which have examined the statistics have agreed with the United Nations report that "the data which now exist show no correlation between the existence of capital punishment and lower rates of capital crime." United Nations, Dept. of Economic and Social Affairs, *Capital Punishment* 123 (1968). Cf. *Royal Commission Report* at 18–24, 58–59, 328–330; New York Temporary Commission on Revision of the Penal Law and Criminal Code, *Special Report on Capital Punishment* 2 (1965); President's Commission on Law Enforcement and the Administration of Justice, *Report* 143 (1967); Pennsylvania Joint Legislative Committee on Capital Punishment, *Report* 9, 20–29 (1961); Canadian Ministry of Justice, *Capital Punishment: Material Relating to Its Purpose and Value* 36–37 (1965).

[42] *Bedau* at 279.

[43] *Bedau* at 333–334, 339–343.

[44] *Bedau* at 284.

[45] Sellin reports that over a 20-year period in Chicago, 330 homicide suspects were killed during the crime or while being apprehended, while only 45 murderers were executed. *Sellin* at 251.

[46] See West, "Medicine and Capital Punishment", in *Senate Hearings* at 126–127; and see *Bedau* at 263–264.

[47] The point is put forcefully by Camus; see "Reflections On the Guillotine", *supra*, at 148–149; it is summed up by Shaw's aphorism: "Murder and capital punishment are not opposites that cancel one another, but similars that breed their kind." *Senate Hearings* at 91 (testimony of Attorney General Ramsey Clark). There is even some statistical evidence that the homicide rate rises on nights before scheduled executions; Graves, "The Deterrent Effect of Capital Punishment in California", in *Bedau* at 322, 329.

[48] We have not included retribution among the legitimate objects of criminal punishment. As the British Royal Commission concluded, "[m]odern penological thought discounts retribution in the sense of vengeance." *Royal Commission Report* at 17. Accord: *Williams* v. *New York*, 337 U.S. 241, 248 (1949); *Morrissette* v. *United States*, 342 U.S. 246, 251, (1952); *People* v. *Love*, 53 Cal. 2d 843, 856–857 n. 3, 350 P. 2d 705, 713 n. 3 (1960); *People* v. *Oliver*, 1 N.Y. 2d 152, —, 151 N.Y.S. 2d 367, 373, 134 N.E. 2d 197, 201–201 (1956). Contemporary proponents of the death penalty eschew reliance on retribution, and rely on arguments from deterrence and restraint; see *Bedau* at 120–165. This is not to say that the spirit of vengeance is not an important factor in the continued existence of the death penalty; rather, retentionists do not rely on it when stating arguments; in support of their position, thus recognizing the virtually unanimous societal rejection of vengeance as a proper goal of the criminal law.

[49] *Trop v. Dulles*, *supra*, at 101.

[50] Goldberg & Dershowitz, *supra*, at 1800–1802.

[51] See, *e.g.*, Cox, *Constitutional Adjudication and the Promotion of Human Rights*, 80 Harv. L. Rev. 91, 107 (1966).

[52] *Yick Wo v. Hopkins*, 118 U.S. 356 (1886); *Fowler v. Rhode Island*, 345 U.S. 67 (1953); *Carter v. Jury Commission*, 396 U.S. 320 U.S. 320 (1970).

[53] NPS at 10.

[54] *Id.* at 10–11.

[55] *Id.*

[56] *Id.*

[57] *Id.*

[58] Id. at 3.

[59] American Civil Liberties Union of Florida, "Rape: Selective Execution Based on Race" (1964).

[60] Transcript of Pretrial Hearing, *Maxwell v. Bishop*, No. PB66–C–52, August 22, 1966 (E. D. Ark.) (testimony of Marvin E. Wolfgang).

[61] Wolf, *Abstract of Analysis of Jury Sentencing in Capital Cases: New Jersey*, 19 Rutgers L. Rev. 56 (1964).

[62] Garfinkel, *Research Note on Inter- and Intra-Racial Homicides*, 27 Social Forces 369–381 (1949).

[63] Wolfgang, Kelly and Nolde, "Executions and Commutations in Pennsylvania" in *Bedau* at 464.

[64] Bedau, *Death Sentences in New Jersey—1907–1960*, 19 Rutgers L. Rev. 1 (1964).

[65] M. Wolfgang and B. Cohen, *Crime and Race: Conceptions and Misconceptions* 85–86 (1970).

[66] See, *e.g.*, *Ex Parte Virginia*, 100 U.S. 339, 345–346 (1879).

[67] *Lassiter v. Northampton Election Bd.*, 360 U.S. 45 (1959).

[68] Voting Rights Act of 1965, 79 Stat. 437, 42 U.S.C. §§ 1973–1973n (1964, Supp. I).

[69] 384 U.S. 301 (1966).

[70] Voting Rights Amendments of 1970, 84 Stat. 314, 42 U.S.C.A. § 1973aa (1971 Supp.).

[71] *Oregon v. Mitchell*, 400 U.S. 112, 118 (1970). See *id.* at 131–134 (Black, J.); *id.* at 144–147 (Douglas, J.); *id.* at 216–217 (Harlan, J.); *id.* at 231–236 (Brennan, White and Marshall, J.); *id.* at 282–284 (Stewart, J., joined by the Chief Justice and Blackmun, J.).

[72] *South Carolina v. Katzenbach*, *supra*, 383 U.S. at 313–315.

[73] See, *e.g.*, *Maxwell v. Bishop*; 398 F.2d 138, 147–148 (8th Cir. 1968), *vacated on other grounds*, 398 U.S. 262 (1970).

[74] Some 21 states have regular legislative sessions only in odd-numbered years. *The Book of the States: 1970–1971.*

By Mr. PROXMIRE:

S. 1970. A bill to amend the Employment Act of 1946 to provide for an informed public opinion upon price and income behavior which threatens national economic stability. Referred to the Committee on Banking, Housing and Urban Affairs.

PRICE INCOME GUIDEPOST BILL

Mr. PROXMIRE. Mr. President, today I am introducing a bill to amend the Employment Act of 1946. The purpose of my bill is to help establish the new economic policies which the country must have if we are to restore full employment with reasonable price stability.

The bill would contribute to the formulation of these new policies in two ways. First, it would require the President to establish immediately the voluntary price and income guideposts which have long been so urgently needed. Second, it would require the President to study thoroughly all the policy steps which may be needed in order to restore and to maintain full employment without inflation.

The first part of my bill—that calling for immediate enunciation of guideposts—is essentially identical to the bill which Congressman REUSS and I introduced last year. It would make the determination of explicit quantitative price and income guideposts a clear legislative responsibility of the President. The first guideposts would be established as soon as possible after the bill was enacted. Thereafter, guideposts would become a required element in the annual Economic Report of the President. The President would, of course, call on the advice of the Council of Economic Advisers, as well as on other appropriate Federal agencies, in formulating the guideposts. The President and his advisers would also consult fully with business and with labor during the formulation of the guideposts.

The need for guideposts is nothing new. We needed them badly when I introduced this bill last year. Indeed, we have needed them all along. It is most unfortunate that they were abandoned in 1967. However, the main point I wish to make is that we still need them today—and need them more urgently than ever. The inflation problem has not gone away. Much as we would like to see inflation disappear, it cannot be wished away. Nor can it be frightened away by high unemployment. Even if we were satisfied to pay the enormous costs of unemployment in order to get rid of inflation, this approach just does not work. We have tried it for over 2 years, and it has not worked. Unemployment has now been at the 6-percent level for 6 months, yet the rate of inflation as measured by the GNP deflator was higher in the first quarter of this year than it was during 1970. While the Consumer Price Index improved during the first quarter, hopes for future improvement have been clouded by the disturbing rise in the wholesale prices in April.

Most observers have been surprised by the continued strength of inflation. A number of economic forecasts for 1971 have recently been revised upward in current dollar terms, but revised downward in terms of the expected growth of real output. This is the worst of both worlds. There is obviously no satisfaction in seeing GNP reach $1,050 billion in 1971, or $1,055, or even that famous figure of $1,065 if this increase is primarily the result of inflation. Indeed, it would be a disaster if the administration's $1,065 forecast were to be realized in dollar terms, while unemployment continued to rise because the growth of real output was insufficient to provide job openings for a growing labor force.

No one is hoping for a $1,065 GNP just because they like the sound of that number. It is time to forget about $1,065 or $1,055 or any other current dollar number and talk in terms of the growth of real output. Policies must be aimed at expanding our real output at a rate which allows for productivity improvement and for the opening of new job opportunities. This means a real growth rate in excess of 4½ percent per year.

There is widespread agreement on the desirability of encouraging faster real growth. There is increasing agreement that new policies are needed to achieve this goal. Many are coming to feel, as I do, that new steps to promote growth, such as the immediate introduction of the individual income tax cuts now scheduled for 1972 and 1973, must be taken.

At the same time we take these stimulative steps which are so badly needed, we must also take effective steps to control inflation. This is why the immediate introduction of guideposts is so important. Of course, the administration has taken some steps in this direction—such as the effort a few months ago to contain the increase in steel prices. I have supported these steps, but they have been far too timid, too isolated, and too erratic. We need a systematic, continuing incomes policy which would be conducted at all times as a matter of law. And we need to begin this policy now.

Let me stress that I am talking about a policy of voluntary compliance by business and labor, not a system of mandatory price controls. Congress has already given the President the authority to institute mandatory controls on a temporary basis if he feels this is necessary. However, few would argue that mandatory controls would be satisfactory on a long-term basis. Personally, I feel they would be a serious mistake. By contrast, a voluntary incomes policy is, I believe, both feasible and necessary.

Unfortunately, much less is known about how to make a voluntary incomes policy work than we need to know. We need guideposts now. We cannot wait for a lot of studies to be completed before we institute them. However, at the same time that we introduce interim guideposts, we can begin seriously studying the long-term improvements in our economic institutions which will be required if we are to sustain a satisfactory combination of high employment and price stability in the future.

The unsatisfactory combination of inflation and unemployment from which we are suffering has discouraged everyone. The voices of doom and gloom are telling us that full employment and price stability are not compatible. Some say that we must accept the natural rate of unemployment, however high that is. Others say that we must accept high levels of inflation. We are repeatedly told that incomes policies have not worked well in other countries.

Obviously we cannot accept these conclusions. We must look at incomes policies that have worked. We must reexamine income policies that have not worked to discover how they might have been made to work. We must reexamine the structure of the economy, and measure the contribution which removal of import quotas, breakup of monopoly power, improvements in Government procurement, and better natural resource management can make to price stability. The second part of my bill requires the President to study these questions and to transmit his findings and recommendations to the Congress no later than next January 20; that is, no later than the next annual Economic Report.

My feeling is that this study is already long overdue. The problem of price stability must be approached in a positive manner. We have heard too much about policies that will not work. Too little effort has gone into the search for policies that will. The study I am proposing is not intended to answer the question: "Do we need an incomes policy?" We do. The questions is: "How can an incomes policy best be carried out?" This we must discover.

The study is not designed to answer the question: "Do we need to improve the efficiency of our economy?" Of course we do. The question is: "How can the efficiency of the economy be significantly improved?"

The question is not: "Can we have full employment without inflation?" We can, and we must. The question is: "What must we do to achieve full employment without inflation, and how fast can we do it?"

Few questions are more urgently in need of an answer than this one. I respectfully suggest to the President that he need not wait for my bill to be enacted. A concentrated examination of these questions, bringing to bear all the vast resources of the executive branch could and should begin at once.

I ask unanimous consent that the bill I have introduced be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1970

A bill to amend the Employment Act of 1946 to provide for an informed public opinion upon price and income behavior which threatens national economic stability

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Full Employment Amendments of 1971".

DECLARATION OF PURPOSE

SEC. 2. The Congress hereby declares that a new mechanism is needed to carry out the aims of the Employment Act of 1946 to promote maximum employment, production, and purchasing power (which includes the concept of reasonable price stability). It is the purpose of this Act to establish a mechanism to provide for an informed public opinion in order to restrain price or income behavior when it threatens national economic stability by causing inflation.

DETERMINATION OF PRICE AND INCOME GUIDEPOSTS

SEC. 3. (a) Section 3 of the Employment Act of 1946 is amended by adding at the end thereof the following new subsection:

"(d) The President shall transmit to the Congress (1) as soon as reasonably possible after July 1, 1971, and (2) thereafter annually as part of the Economic Report of the President and on such supplementary occasions as he shall deem necessary or desirable, explicit quantitative guideposts for price and income behavior. Such guideposts shall be arrived at after full consideration of probable productivity increases, and after full consultation with representatives of business and organized labor. These guidepost recommendations shall, when transmitted to Congress, be referred to the joint committee created by section 5."

(b) Section 4(c) of the Employment Act of 1946 is amended by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following new paragraph:

"(6) to conduct such consultation with business, organized labor, and other appropriate persons, and such productivity, price, and income studies as may be required to make recommendations to the President regarding the price and income guideposts to be transmitted to Congress."

DETERMINATION OF PRICE AND INCOME BEHAVIOR INCONSISTENT WITH GUIDEPOSTS

SEC. 4. The Employment Act of 1946 is amended by adding at the end thereof the following new section:

"RECOMMENDATIONS ON PRICE AND INCOME GUIDEPOSTS

"SEC. 6. The President, through appropriate agencies of the Federal Government, shall review actual or imminent price or income behavior which is inconsistent with the price and income guideposts and which threatens national economic stability, and shall make such recommendations to the parties concerned as he determines to be in the public interest."

RECOMMENDATIONS FOR THE CONTINUING EXECUTION OF PRICE AND INCOME POLICIES

SEC. 5. The President shall transmit to the Congress no later than January 20, 1972, his recommendations for an appropriate administrative mechanism to carry out the purposes of the Full Employment Amendments of 1971 on a continuing basis and for other structural and institutional reforms designed to promote the aims of the Employment Act of 1946 relating to maximum employment, production, and purchasing power. Before transmitting these recommendations, the President, through appropriate agencies of the Federal Government, shall conduct a thorough evaluation of (1) past and present experience with income policies both in the United States and elsewhere; (2) the role of structural reforms, including but not limited to, the removal of import restrictions and the reform of Federal procurement and regulatory policy, in promoting greater price stability; and (3) the future prospects for achieving and sustaining full employment with reasonable price stability. The study shall include, under clause (3) of this section, a comparison of prospects for realizing the price and employment goals, with and without price and income guideposts, including an estimate of the time required to reach the price and employment goals. The complete results of the study to be conducted shall be made available to the Congress not later than January 20, 1972. For the purpose of this section, "full employment" means an aggregate unemployment rate no higher than 3 percent, and "reasonable price stability" means an annual rate of increase in the deflator for the Gross National Product of not more than 2 percent.

By Mr. SCOTT:

S. 1971. A bill to declare a portion of the Delaware River in Philadelphia County, Pa., nonnavigable. Referred to the Committee on Commerce.

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a bill to eliminate a Federal navigational easement at Penn's Landing along the Delaware River in Philadelphia. Today in more and more of America's cities, the long-present image of decaying waterfronts is undergoing a change. Increasingly, State, and local governments are awakening to the fact that its dirty, polluted, rundown, congested harbors need not remain that way but can and must be restored to the places of activity and enjoyment that they once were.

Such a project is underway in Philadelphia in the historic area of Penn's Landing—an area that stretches the length of 1 nautical mile along the Delaware River. Once the center of activities in the Port of Philadelphia, this section of the city's waterfront has since fallen into disuse as its piers and facilities have grown obsolete. Over the past several years, however, the city and the State governments have expended massive amounts of public funds in acquiring the unused cargo piers and in authorizing demolition, dredging, and filling operations in an effort to eliminate the blighted conditions that were exerting a serious negative influence on the adjacent historic city and central business district. The result has been the creation of a strategic development site occupying slightly over 75 acres.

Through the interacting of the public and private sectors of the community, the city of Philadelphia has programed the renewal and rehabilitation of the entire area in a manner that will exploit its unique locational assets in order to transform it into a center that will provide commercial, cultural, educational, and recreational benefits to the citizens of all age groups and all income levels who live in or visit the surrounding metropolitan area. In an effort to restore public identification to the Port of Philadelphia, Penn's Landing creates a people-oriented waterfront environment which will offer its visitors any number of opportunities to become involved in diverse and exciting activities focusing on the geographic and ecological importance of the Delaware River to the quality of life of the entire region. This natural resource will provide the thread that will tie together activities highlighting the international flavor of the port with its import/export activities to those calling forth the historical significance of Penn's Landing as they complement and support existing and evolving activities of the adjoining areas of Society Hill, the national historical area, and the old city areas.

Both these types of activity, recreational, and commercial, address themselves to two important issues of urban centers throughout the country—that of creating a pleasant environment in which to live and that of obtaining the revenues with which such an environment may be realized. By providing for an integration of both types of activity in a variety of forms, Penn's Landing will develop an expanded base for economic returns to both the city and the State. Through the return of either direct or indirect tax revenues, the net benefit in terms of economics is projected well over and above the cost of the public capital expended. At a time when the Nation's cities are in search of funds to allow them to continue providing services to the citizens, this project can only be seen as valuable.

In order to achieve the creation of this type of vital and exciting waterfront activity center, one capable of serving the city's residents as well as regional, national, and international visitors, the investment of private and institutional capital in addition to public funds is imperative. The attraction of such investment will enable the project to develop into a stimulus for increased commercial activity both on the site and throughout the nearby business communities. Development of Penn's Landing has progressed to the point of its marketing program launched this spring. While it is possible at this time to acquaint developers and potential users with the opportunities afforded by Penn's Landing, formal solicitation of development proposals is blocked by the existence of a Federal navigational easement, applicable to the area of Penn's Landing currently occupied by landfill.

The existence of the easement poses two problems. First, because the area is presently classified as a Federal waterway, the city cannot obtain title to the land and, therefore, arrangements for disposition of any portions of the development site to the State or to private developers cannot occur. Second, because potential developers could not possess clear title to the land, they would find it impossible to obtain long-term financing commitments.

Please note that this problem is by no means unique to Philadelphia, but has been faced by many cities, such as New York, San Francisco, and Baltimore, that have sought to improve their waterfronts. As long as this servitude remains, however, developers can have no assurance that improvements made on the site will not be removed should they be considered an obstruction to navigation. such a determination is totally unlikely to occur, however, because the striking of the easement will not in any way reduce the navigable area of the river. In fact, the elimination of the piers which formerly occupied the area has caused an increase of approximately 80 feet in the effective cross section of the river that can be used by boats and ships. This is due to the fact that the former piers extended 550 feet into the river, whereas the land area and embarcadero replacing them extend only 470 feet. Permits for the landfill had been obtained from the U.S. Army Corps of Engineers in 1967. The Corps has been informed of the provisions of this legislation which would eliminate the easement in this area and has taken no exception to it.

Mr. President, this bill has a tremendous amount of community support. As one example, the former executive vice president of the Greater Philadelphia Chamber of Commerce, Thacher Longstreth, indicated to me early last February that unless this bill is passed, the Commonwealth of Pennsylvania:

> Will not be able to market the land to the various organizations which have been selected to develop it. This is because long-term financing will not be available while the title to the land is clouded.

In Mr. Longstreth's letter, he further noted:

> The importance of this tract of land, not only to the citizens of Philadelphia as a recreational resource, but also to the hundreds of thousands of persons who come each year from all over the Nation to visit the historic shrines in and around Independence Hall. Penn's Landing is an important part of this historic area.

Mr. President, I look forward to early and favorable consideration of this legislation which is so essential to Philadelphia's continued development.

By Mr. MILLER:

S. 1972. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to bargain regarding agricultural products, and for other purposes. Referred to the Committee on Agriculture and Forestry.

NATIONAL AGRICULTURAL BARGAINING BOARD

Mr. MILLER. Mr. President, I send to the desk a bill for the purpose of establishing a National Agricultural Bargaining Board, providing standards for the qualification of associations of producers, defining the mutual obligation of handlers and associations of producers to bargain regarding agricultural products, and for other purposes.

I ask unanimous consent that the bill be printed in the RECORD at the conclusion of these remarks, be printed and appropriately referred.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MILLER. For several years, the prices received by farmers have not kept pace with increases in their costs of production. The resulting cost-price squeeze has had serious economic and social consequences to millions of farmers and their families and to the rural areas of our country. What counts in the farmer's bank account is his net income—not his gross receipts. Inflation has had a staggering impact on his costs of production. The fact that his prices have not kept pace is revealed by statistics showing that 10 years ago 20 percent of the consumer dollar went for food; whereas today less than 17 cents of each consumer dollar goes for food. It is true that food prices are higher, but there are more consumer dollars being spent by the average consumer. Also, the prices to the farmer do not increase by the same amount that prices to the consumer increase in the retail market. There are various middlemen and labor costs which enter into the picture.

Farmers are not comparable to members of labor organizations, because each of them is an independent businessman with his own capital investment. Even tenant farmers often have a substantial investment in machinery. Accordingly, bargaining power for farmers can only be achieved through organizations of producers. More and more farmers have joined such organizations, and these have been helpful. However, the effectiveness of these organizations has been curtailed by limitations on the obligation of handlers to bargain with them—and I use "bargain" in the sense of meaningful negotiations without the danger of being undercut by unfair tactics. I am satisfied that most handlers do not engage in these tactics, but some of them do.

The bill I am introducing today would give producers of farm commodities, through their cooperative organizations, greater ability to obtain fair prices for their products. It would do this generally by requiring handlers to engage in bargaining with associations of producers which meet certain qualifications. The bill would establish in the U.S. Department of Agriculture a National Agricultural Bargaining Board composed of three members. This Board would "qualify" associations of producers which meet certain qualifications designed to assure that the association is producer-owned and controlled, has binding contracts with its members, is financially sound, and represents a sufficient number of producers with respect to a sufficient quantity of agricultural products to make it an effective agent for producers in bargaining with handlers.

Handlers would be required to bargain with qualified associations whose producer members have had a prior course of dealing with that handler. The bargaining would cover such items as price, terms of sale, compensation for commodities produced under contract, and other contract provisions. The Board would have the power to bring a complaint against a handler who refused to engage in bargaining with a qualified association of producers, to issue an order requiring the handler to engage in bargaining, and to enforce such orders through the courts.

My bill also follows the milk-marketing order approach which has been helpful to dairymen and also to consumers over the years. It covers all agricultural products. For an agricultural product to be covered, however, there would have to be a referendum by a majority of the producers voting in the referendum. If the majority vote took place, it would require a two-thirds vote to effectuate the marketing order—a requirement which, in my opinion, would be very difficult to obtain in the case of such national commodities as food, and feed grains, cattle, and hogs. However, there are many other crops which could feasibly come under the new bargaining program, and the very least that would happen would be to assure more orderly production and marketing of these crops than often occurs.

For too long, there are too many who fail to recognize that to have a sustained healthy national economy, there must be a healthy economy involving our basic industry of agriculture. My bill is introduced in recognition of this fact of economic life.

EXHIBIT 1

S. 1972

A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to bargain regarding agricultural products, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AGRICULTURAL MARKETING AND BARGAINING

LEGISLATIVE FINDINGS AND PURPOSE

SEC. 101. The Congress reiterates its finding that, because agricultural products are produced by numerous individuals farmers, the marketing and bargaining position of individual farmers will be adversely affected unless they are free to join together voluntarily in cooperative organizations as authorized by law. The Congress further finds that membership by a farmer in a cooperative organization can only be meaningful if a handler of agricultural products is required to bargain in good faith with an agricultural cooperative organization as the representative of its members who have had a previous course of dealing with such handler. The purpose of this title, therefore, is to provide standards for the qualification of agricultural cooperative organizations for bargaining purposes, to define the mutual obligation of handlers and agricultural cooperative organizations to bargain with respect to the production, sale and marketing of agricultural products, and to provide for the enforcement of such obligation.

SHORT TITLE

SEC. 102. This title shall be known and may be cited as the "National Agricultural Marketing and Bargaining Act of 1971."

DEFINITIONS

SEC. 103. When used in this title—

(a) "Qualified association" means an association of producers accredited in accordance with section 105 of this title.

(b) "Association of producers" means any association of producers of agricultural products engaged in marketing, bargaining, shipping, or processing as defined in section 15(a) of the Agricultural Marketing Act of 1929, as amended (49 Stat. 317; 12 U.S.C. 1141(a)), or in section 1 of the Act entitled "An Act to authorize association of agricultural producers" approved February 18, 1922 (42 Stat. 388; 7 U.S.C. 291).

(c) "Board" means the National Agricultural Bargaining Board provided for in this title.

(d) "Handler" means any person other than an association of producers engaged in the business or activity of (1) acquiring or receiving agricultural products from producers or associations of producers for processing, grading, packaging, handling, storing, or sale; (2) contracting or negotiating contracts or other arrangements, written or oral, with or on behalf of producers or associations of producers with respect to the production or marketing of any agricultural product; or (3) acting as an agent or broker for a handler in the performance of any function or act specified in (1) or (2) above.

(e) "Person" includes one or more individuals, partnerships, corporations and associations.

(f) "Producer" means a person engaged in the production of agricultural products as a farmer, planter, rancher, poultryman, dairyman, fruit, vegetable, or nut grower.

NATIONAL AGRICULTURAL BARGAINING BOARD

SEC. 104. (a) There is hereby established in the Department of Agriculture a National Bargaining Board, which shall administer the provisions of this title.

(b) The Board shall consist of three members who shall be appointed by the President with the advice and consent of the Senate. The original Board shall be composed of one member for a one-year term, one member for a three-year term and one member for a five-year term. The President shall indicate the length of term when making the appointment of the original Board. Thereafter, as the term of each member expires, the President shall, with the advice and consent of the Senate, appoint a successor to serve for a term of five years. Any individual chosen to fill a vacancy caused by other than expiration of the term shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall select one member of the Board to serve as Chairman.

(c) Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office but for no other cause.

(d) A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board. Two members of the Board shall, at all times, constitute a quorum of the Board.

(e) All of the expenses of the Board, including all necessary traveling and subsistence expenses incurred by the members of the Board or the employees of the Board under its orders, shall be allowed and paid in the same manner as payments of such expenses for employees of the Department of Agriculture.

(f) The Board shall have authority from time to time to adopt, amend and rescind, in the manner prescribed by subchapter II, chapter 5 of title 5 of the United States Code, such rules and regulations as may be necessary or appropriate to carry out the provisions of this title.

QUALIFICATION OF ASSOCIATIONS OF PRODUCERS

SEC. 105. (a) Only those associations of producers that have been qualified in accordance with this section shall be entitled to the benefits provided by this title.

(b) An association of producers desiring qualification shall file with the Board a petition for qualification. The petition shall contain such information and be accompanied by such documents as shall be reasonably required by the regulations of the Board to enable it to carry out the purposes of this Act.

(c) The Board shall provide for a public hearing upon such petition. The Board shall qualify such association if, based upon the petition for qualification and the evidence at such hearing, the Board finds—

(1) that the association is directly or indirectly producer-owned and controlled;

(2) the association has contracts with its members that are binding under State law;

(3) the association is financially sound and has adequate resources and management to carry out the purposes for which it was organized;

(4) the association represents a sufficient number of producers with respect to a sufficient quantity of agricultural products to make it an effective agent for producers in bargaining with a handler or handlers; and

(5) one of the authorized functions of the association is acting as principal or agent for its producer-members in bargaining with handlers for prices and other terms of contracts with respect to the production, processing, sale or marketing of their product.

(d) After the Board qualifies such association, it shall give notice of such qualification to all known handlers which, in the ordinary course of business, purchase, process, or market the agricultural commodities produced by the members of such association.

(e) A qualified association shall file an annual report with the Board in such form as shall be required by the regulations of the Board. The annual report shall contain such information as will enable the Board to determine whether the association continues to meet the standards for qualification.

(f) If a qualified association ceases to maintain the standards for qualification set forth in subsection (c) of this section the Board shall, after notice and hearing, revoke the qualification of such association.

BARGAINING

SEC. 106. (a) As used in this title, "bargaining" is the mutual action and obligation of a handler and a qualified association to meet at reasonable times and negotiate in good faith with respect to the price, terms of sale, compensation for commodities produced under contract, and other contract provisions with respect to the commodities produced by the members of such association and the execution of a written contract incorporating any agreement reached if requested by either party. Such obligation on the part of any handler shall extend only to a qualified association that represents producers with whom such handler has had a prior course of dealing. Such obligation does not require either party to agree to a proposal or to make a concession.

(b) A handler shall be deemed to have had a prior course of dealing with a producer if such handler has purchased commodities produced by such producer in any one of the preceding three years.

(c) Nothing in this Act shall be deemed to prohibit a qualified association from entering into contracts with handlers to supply the full agricultural production requirements of such handlers.

(d) It shall be unlawful for a handler to negotiate directly or indirectly with other producers of a product with respect to the price, terms of sale, compensation for commodities produced under contract, and other contract provisions relative to such product while negotiating with a qualified association which is able to supply all or most of the requirements of such handler for such product.

(e) It shall be unlawful for a handler to purchase a product from other producers under terms more favorable to such producers than those contained in an existing agreement with a qualified association.

(f) Whenever it is charged that a qualified association or handler refuses to engage in bargaining as that term is defined in subsection (a) of this section, the Board shall investigate such charges. If, upon such investigation, the Board considers that there is reasonable cause to believe that the person charged has refused to engage in bargaining in violation of this Act, the Board shall issue and cause to be served a complaint upon such person. The complaint shall summon the named person to a hearing before the Board or a member thereof at the time and place therein fixed.

(g) The person complained of shall have the right to file an answer to the original and any amended complaint and to appear in person or otherwise at the hearing and give testimony. In the discretion of the Board, or the member conducting the hearing, any person may be allowed to intervene to present testimony. Any hearing shall, insofar as practicable, be conducted in accordance with the rules of evidence applicable under section 556 of title 5, United States Code.

(h) If, upon a preponderance of the evidence, the Board determines that the person complained of has refused to engage in bargaining in violation of this title, it shall state its findings of fact and shall issue and cause to be served on such person an order requiring him to engage in bargaining as that term is defined in subsection (a) of this section and shall order such further affirmative action, including an award of damages, as will effectuate the policies of this title.

(i) If, upon a preponderance of the evidence, the Board is of the opinion that the person complained of has not refused to engage in bargaining in violation of this title, it shall make its findings of fact and issue an order dismissing the complaint.

(j) Until the record in a case has been filed in a court, as hereinafter provided in section 107, the Board may at any time, upon reasonable notice and in such manner as it deems proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

ENFORCEMENT OF ORDERS AND JUDICIAL REVIEW

SEC. 107. (a) The Board shall have power to petition any court of appeals of the United States, or if all the courts of appeals to which application may be made are in vacation, any district court of the United States, within any circuit or district, respectively, wherein the refusal to engage in bargaining occurred or wherein the person who engaged in such refusal resides or transacts business, for the enforcement of its orders made under section 106 and for appropriate temporary relief or restraining order, and shall file in the court the record in the proceedings, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. No objection that has not been urged before the Board or the member before whom a hearing was conducted shall be considered by the court unless the court finds that the failure to present such objection should be excused because of extraordinary circumstances. The findings of the Board with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence at the hearings before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, or a member thereof, and to be made a part of the record. The Board may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken and it shall file with the court such modified or new findings, which findings with respect to the questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive; and the Board shall file its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive, and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28.

(b) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the refusal to engage in bargaining was alleged to have occurred or wherein such person resides or transacts business, or in the United States Court of Appeals for the District of Columbia, by filing in such court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Board, and thereupon the aggrieved party shall file in the court the record in the proceeding, certified by the Board, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall proceed in the same manner as in the case of an application by the Board under subsection (a) of this section and shall have the same jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. The findings of the Board with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall in like manner be conclusive.

(c) The commencement of proceedings under subsections (a) or (b) of this section shall not stay enforcement of the Board's decision but the Board or the reviewing court may order a stay upon such terms as it deems proper.

MISCELLANEOUS PROVISIONS

Sec. 108. The Board shall at all reasonable times have access to and the right to copy evidence relating to any person or action under investigation by it in connection with any refusal to engage in bargaining. The Board is empowered to administer oaths and to issue subpenas requiring the attendance of witnesses or the production of evidence.

Sec. 109. In case of contumacy or refusal to obey a subpena issued to any person, the district court, upon application by the Board, shall have jurisdiction to order such person to appear before the Board to produce evidence or to give testimony relevant to the matter under investigation, and any failure to obey such order may be punished by the court as a contempt thereof.

Sec. 110. No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpena of the Board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. No individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Sec. 111. Complaints, orders, and other processes and papers of the Board may be served personally, by registered mail, by telegraph, or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return of service shall be proof of such service. Witnesses summoned before the Board shall be paid the same fee and mileage allowance that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the person taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

Sec. 112. All processes of any court to which an application or petition may be made under this title may be served in the judicial district wherein the person or persons required to be served reside or may be found.

Sec. 113. The provisions of this title are severable and if any provision shall be held unconstitutional or invalid by a court of competent jurisdiction the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 114. The activities of qualified associations and handlers in bargaining with respect to the price, terms of sale, compensation for commodities produced under contract, or other contract terms relative to agricultural commodities produced by the members of such qualified associations shall be deemed not to violate any antitrust law of the United States. Nothing in this title however, shall be construed to permit handlers to contract, combine or conspire with one another in bargaining with qualified associations.

TITLE II—ASSIGNMENT OF ASSOCIATION FEES

Sec. 201. If any producer voluntarily executes and causes to be delivered to a handler, either as a clause in a sales contract or other instrument in writing, a notice of assignment of dues or fees to a qualified association, by which the handler is directed to deduct a sum from amounts to be paid to such producer and to pay the same over to such association as dues or fees for the producer, then such handler shall comply with said notice.

Sec. 202. An assignment of dues or fees as described in section 201 may not exceed 2 percent of the total value of the product which is delivered by the producer to the handler.

Sec. 203. Payment need not be made under an assignment of dues or fees pursuant to section 201 until the handler has available and under its control funds owing to the producer that are sufficient in amount to make the payment of the amount involved. In the case of an annual product, such payment need not be made until the end of the product year.

TITLE III—MARKETING ORDERS

Sec. 301. The Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, and subsequent legislation, if further amended as follows:

"Section 8c(2) is amended by inserting after the third sentence ending with the words 'Southwest production areas.', the following: 'Notwithstanding any of the commodity, product, area, or approval exceptions or limitations in the foregoing sentences hereof, any agricultural commodity or product (except canned or frozen products) thereof, or any regional or market classification thereof, shall be eligible for an order, exempt from any special approval required by the preceding sentences hereof, if after a referendum of the affected producers of such commodity the Secretary finds that a majority of such producers favor making such commodity or product thereof, or the regional or market classification thereof specified in the referendum, eligible for an order: *Provided, however,* that such referendum shall not be required for any commodity or product for which an order otherwise is authorized under the preceding sentences of its subsection (2) and for which no special approval or area limitation is specified therein'."

By Mr. HARTKE (for himself, Mr. Scott, Mr. Schweiker, Mr. Bayh, Mr. Brooke, Mr. Buckley, Mr. Cranston, Mr. Hart, Mr. Hollings, Mr. Humphrey, Mr. Kennedy, Mr. Metcalf, Mr. Muskie, Mr. Nelson, Mr. Percy, Mr. Proxmire, Mr. Tunney, and Mr. Williams):

S. 1973. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

THADDEUS KOSCIUSZKO HOME NATIONAL HISTORIC SITE

Mr. HARTKE. Mr. President, it is always gratifying to honor those individuals who have committed themselves to the preservation of freedom and independence in America. The legislation which I am proposing today to establish the Thaddeus Kosciuszko Home National Historic Site in Pennsylvania would properly distinguish such a man.

Thaddeus Kosciuszko, a Polish American who fought in the American Revolution, made substantial contributions to the success of the American struggle for independence. His expertise in constructing fortifications at West Point and Yorktown and his knowledge of military strategy resulted in the historic victory at Yorktown. In addition, Kosciuszko was instrumental in securing similar freedoms for his own people in Poland and worked as a diplomatic emissary to France to insure harmony between two young nations.

A true American patriot, Thaddeus Kosciuszko exhibited those qualities of unselfish dedication to a cause and persevering courage which have remained as the foundation of human freedom.

Mr. President, I am pleased to be joined in sponsoring this legislation by Senators Scott, Schweiker, Bayh, Brooke, Buckley, Cranston, Hart, Hollings, Humphrey, Kennedy, Metcalf, Muskie, Nelson, Percy, Proxmire, Tunney, and Williams. On my behalf and theirs, I ask unanimous consent that the text of the bill and a brief explanation be printed in the Record.

There being no objection, the bill and explanation were ordered to be printed in the Record, as follows:

S. 1973

A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership the historically significant property associated with the life of Thaddeus Kosciuszko for the benefit and inspiration of the people of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange in accordance with the provisions of 35(b) of the Act of July 25, 1958 (16 U.S.C. 460 1–22 (Supp. V)), the land and interests in land, together with buildings and improvements thereon, located at, or in the vicinity of, 301 Pine Street, Philadelphia, Pennsylvania, together with such other lands and interests in lands, including scenic easements, as the Secretary shall deem necessary for the administration of the area. The Secretary shall establish the Thaddeus Kosciuszko Home National Historic Site by publication of a notice to that effect in the Federal Register at such time as he deems sufficient lands and interests in lands have been acquired for administration in accordance with the purposes of this Act.

Sec. 2. Pending establishment and thereafter, the Secretary shall administer lands and interests in lands acquired for the Thaddeus Kosciuszko Home National Historic Site in accordance with the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and the Act approved August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), as amended.

Sec. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Brief Extension

Section 1 of the bill authorizes the Secretary of the Interior to acquire by donation, purchase with donated or appropriated funds, or exchange, the Kosciuszko Home and related lands and improvements thereon located in Philadelphia, Pennsylvania, together with such other lands as the Secretary may deem necessary for administration of the area. The bill also provides that the Secretary shall establish the Thaddeus Kosciuszko Home National Historic Site by publication of a notice in the Federal Register at such time as he deems sufficient lands and interests in lands have been acquired for administration in accordance with the purposes of the Act. Administration of the site, as provided in section 2 of the bill, shall be in accordance with the authorities contained in the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4) as amended and supplemented, and the Historic Sites Act of 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), as amended.

Section 3 of the draft bill authorizes the appropriation of such sums as may be necessary to carry out the purposes of this Act.

By Mr. CURTIS (for himself and Mr. Harris):

S.J. Res. 105. A joint resolution authorizing the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups." Referred to the Committee on the Judiciary.

YEAR OF WORLD MINORITY LANGUAGE GROUPS

Mr. CURTIS. Mr. President, there are, around the world, some 2,000 minority tribes that do not have a written language. They comprise an estimated 160 million people.

In the last few decades, great progress has been made in regard to this. This year, the 500th tribe will have been reached not only with a written language but also with translations of great importance.

This work is brought about by dedicated individuals who engage in missionary efforts. They go to a tribe in some remote corner of the world, live with them and learn their language, and then they create for them an alphabet and a written language. As I said, these efforts have reached the 500th tribe.

In connection with this work, there has been created a Summer Institute of Linguistics, where linguistic scholars are trained at the Universities of Oklahoma, North Dakota, Washington, Michigan, Indiana, California, Pennsylvania, Texas, and elsewhere.

Mr. President, this work is of vital importance for the well-being of all the people on earth. It is also of vital importance to the cause of peace and understanding as well as for the betterment of mankind.

Because of the great work that has been done in this regard, and the accomplishments already obtained, a bill has been prepared which I send to the desk on behalf of myself and the distinguished Senator from Oklahoma (Mr. Harris). This bill would authorize the President to issue a proclamation designating 1971 as the year of world minority language groups.

ADDITIONAL COSPONSORS OF BILLS

S. 1528

At the request of Mr. Hart, the Senator from Nevada (Mr. Cannon), the Senator from New Jersey (Mr. Case), the Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from Massachusetts (Mr. Kennedy), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), and the Senator from New Jersey (Mr. Williams) were added as cosponsors of S. 1528, the Wholesome Fish and Fishery Products Act of 1971.

S. 1775

At the request of Mr. Curtis, the Senator from Kansas (Mr. Pearson) was added as a cosponsor of S. 1775, the National Agricultural Marketing and Bargaining Act.

ADDITIONAL COSPONSORS OF AMENDMENTS TO THE MILITARY SERVICE ACT

AMENDMENT NO. 68

At the request of Mr. Eagleton, the Senator from Utah (Mr. Moss) was added as a cosponsor of amendment No. 68, intended to be proposed to H.R. 6531, to amend the Military Selective Service Act of 1967, and for other purposes.

AMENDMENT NO. 113

At the request of Mr. Eagleton, the Senator from Minnesota (Mr. Humphrey) and the Senator from Indiana (Mr. Bayh) were added as cosponsors of amendment No. 113, intended to be proposed to the same bill (H.R. 6531).

ANNOUNCEMENT OF HEARINGS BY DISTRICT COMMITTEE ON NOMINATIONS TO THE DISTRICT OF COLUMBIA CITY COUNCIL

Mr. EAGLETON. Mr. President, I wish to announce that the Senate Committee on the District of Columbia, at 10 a.m. on Wednesday, June 9, 1971, in room 6226 New Senate Office Building, will hold public hearings on the nominations of Margaret A. Haywood, Joseph P. Yeldell, and Henry K. Willard to be members of the District of Columbia City Council. Persons wishing to testify or submit statements on these nominations should notify Robert Harris, staff director of the committee, 6222 New Senate Office Building, by Friday, June 4.

ANNOUNCEMENT OF HEARINGS BY DISTRICT COMMITTEE ON THE SCHOOL FARE BUS SUBSIDY BILLS (S. 1340 and H.R. 6638)

Mr. EAGLETON. Mr. President, I wish to announce that the Senate Committee on the District of Columbia, at 9 a.m. on Wednesday, June 9, 1971, in room 6226, New Senate Office Building, will hold public hearings on the school fare bus subsidy bills, S. 1340 and H.R. 6638. Persons who wish to testify or submit statements on this legislation should notify Mr. Robert Harris, staff director of the committee, 6222 New Senate Office Building, by Friday, June 4.

NOTICE OF HEARING IN SOUTH BEND, IND., ON UNEMPLOYMENT AMONG OLDER WORKERS

Mr. CHURCH. Mr. President, the Senate Special Committee on Aging—at the suggestion of Senator Randolph, our chairman of the Subcommittee on Employment and Retirement Incomes—is conducting a study of the effects of widespread unemployment among older workers.

Our first hearing on that subject will take place on June 4, 1971, in South Bend, Ind., at 9 a.m. at the South Bend Public Library, 122 West Wayne Street. Senator Vance Hartke will preside.

ADDITIONAL STATEMENTS

ANOTHER REASON

Mr. HART. Mr. President, there is more than one reason why this Nation should speed withdrawal of its troops from Vietnam.

Columnist Stewart Alsop, writing in the May 24 edition of Newsweek magazine, cites the growing use of drugs by our men in Vietnam as a compelling reason to withdraw our troops quickly.

Mr. Alsop put his conclusion this way:

> The United States has no obligation to continue to field a big non-fighting army in which tens of thousands of young men are becoming heroin addicts. The bulk of that non-fighting army must be withdrawn from Vietnam quickly and urgently, for the same reason that people in a burning house have to be gotten out quickly and urgently.

While Mr. Alsop and I might disagree on the extent of our withdrawal, I believe that the drug problem is one more important reason why we should set a date certain and bring all our troops home.

Mr. President, I ask unanimous consent that Mr. Alsop's column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

WORSE THAN MYLAI

(By Stewart Alsop)

WASHINGTON.—In addition to the 55,000 Americans who have died in Vietnam, there are now many thousands who might almost as well be dead. For according to a new and authoritative estimate—vividly supported by NEWSWEEK reporters (page 26)—there are between 30,000 and 40,000 servicemen in Vietnam who are heroin users. Most of these men, on return to civilian life, are condemned to a life of crime and an early death.

The horrifying new estimate was provided by the Provost Marshal's office in Saigon to an emissary of the House Foreign Affairs Committee, Rep. Robert Steele of Connecticut. If you think about its real meaning, it is the worst horror to emerge from the war—worse even than My Lai.

According to the estimate, between 10 per cent and 15 per cent of the American troops in Vietnam are on hard drugs—meaning heroin in almost every case. This can only be an estimate, since where heroin is easily available, as it is in Vietnam, it is not hard to conceal an addiction. But the Provost Marshal's estimate is borne out by other evidence, including a study, based on anonymous polling techniques, of addiction in the Americal Division.

SKYROCKETING USE

In this study, 6.4 per cent of those polled admitted taking "heroin or opium," and 5.5 per cent said they took "cocaine." There is virtually no cocaine in Vietnam, and the word is undoubtedly a misnomer for heroin, which the GI's call "skag." This indicates a total of almost 12 per cent on heroin. The figure is very probably low, for two reasons. First, the poll was taken last September, and since then the use of heroin in Vietnam has skyrocketed. Second, even when promised anonymity, a good many GI drug takers undoubtedly play safe and deny that they take drugs.

Moreover, a considerable proportion of the GI addicts are unaware that they are addicts, and some do not even know that they are taking heroin. Among the young draftees in Vietnam, who are the chief victims of the heroin epidemic, there is a widespread belief that the Vietnamese skag is not addictive if it is smoked or "snorted."

In a study of servicemen addicts undergoing voluntary treatment it was found that 51 per cent of those who used heroin smoked it, mixed with tobacco in ordinary cigarettes, 43 per cent snorted (sniffed the powder out of the cupped hand), and only 6 per cent "mainlined," injecting the stuff directly into the veins. The notion that smoking or snorting is not addictive is tragically untrue.

It is especially untrue of "Number Four White," the brand of heroin produced for "the American market" in Burma, Laos and Northern Thailand. ("Number Three Smoking Heroin," produced for the Asian market, is purplish in color.) Number Four White is 94 per cent to 97 per cent pure heroin, compared with 4 per cent to 6 per cent in heroin sold in the U.S.

EASY TO GET

The price in Vietnam varies widely, but it is very much lower than the New York price. Getting the stuff is no trouble at all. Representative Steele let it be known that he might be interested in buying a bag of skag, and in a twenty-minute walk in Saigon he was approached nine times.

Because the stuff is strong, cheap and easy to get, and also because of the myth that smoking or snorting does not cause addiction, there have been cases of young GI's taking leaves where heroin is not easily available—and suddenly suffering, to their own amazement, the horrors of withdrawal. According to the study of servicemen-addicts, their average age is a pathetic 20.5, and their average "length of habit" is only five months.

Secretary of the Army Stanley Resor and Narcotics Bureau director John Ingersoll both flew to Saigon recently to press the Thieu government to curb the heroin traffic. There is no doubt that highly placed Laotians and Vietnamese profit from the traffic, and some disciplinary gestures will doubtless be made. But the gestures can only be palliative—President Thieu can no more effectively control the drug traffic in Saigon than Mayor Lindsay can in New York.

More than gestures are needed. The first thing that has to be done is to deal with the problem of the servicemen who are already addicted, or are in danger of becoming so. Consider the situation of these men. With plenty of strong, cheap heroin available, they have no trouble supporting their habit in Vietnam. When they return to the United States, to support their addiction they will have to mainline, and they will have to find at least $40 a day. For most of them, the only way to get that kind of money is to steal.

Heroin addiction can be detected by urinalysis. It is the clear responsibility of the services to give urine tests to all Vietnam servicemen before returning them to civilian life, and to establish compulsory hospitalization centers to cure those who are still curable. But the cure rate is very low, and thousands of young men who have served in Vietnam are already, in effect, sentenced to a life of crime in the urban jungles.

Something else must also be done. Those young draftees who are the chief victims of the Vietnam heroin traffic must be gotten out of Vietnam as fast as possible. The heroin epidemic, which is a new phenomenon, reflects the erosion of discipline and morale in our forces in Vietnam.

NOTHING TO DO

The American forces in Vietnam no longer have a genuine combat mission, and an army without a combat mission is an army without a real purpose. Of the more than 260,000 American troops now in Vietnam, only about a fifth are combat troops, and their principal mission now is to avoid combat. If you ask at the Pentagon what in heaven's name the other 200,000 are doing, you hear generalities about an "orderly withdrawal," or you are told the answer is secret.

In fact, what most of the 200,000 are doing is virtually nothing, other than going mad with boredom. Under the President's withdrawal program, there will still be around 150,000 noncombat troops in Vietnam next November, still going mad with boredom. Soldiers will choose almost any escape from an army that has lost discipline, morale and purpose, and this has a lot to do with the heroin epidemic.

This country has a profound moral obligation to provide logistic support for the million-man South Vietnamese forces, which have been made pathetically dependent on American support for the defense of their country. But the United States has no obligation to continue to field a big non-fighting army in which tens of thousands of young men are becoming heroin addicts. The bulk of that non-fighting army must be withdrawn from Vietnam quickly and urgently, for the same reason that people in a burning house have to be gotten out quickly and urgently.

SENIOR CITIZENS MONTH, STATE WHITE HOUSE CONFERENCE ON AGING DAY, SPECIAL RECOGNITION DAY

Mr. MILLER. Mr. President, I ask unanimous consent to have printed in the RECORD a proclamation issued by Hon. Robert D. Ray, Governor of the State of Iowa, on April 27, 1971.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas, 1971 has been proclaimed by President Nixon as the year in which Older Americans, including Older Iowans, speak out; and

Whereas, the White House Conference on Aging will be held November 28 through December 1, 1971, to develop a more realistic, comprehensive National Policy on Aging; and

Whereas, May 1971 marks the culmination of almost sixteen months of community and state activities in the State White House Conference on Aging to be held May 13; and

Whereas, our Senior Citizens have helped create the communities in which we live, and we are deeply grateful to these leaders who have made Iowa a better place in which to live and retire:

Now, therefore, I, Robert D. Ray, Governor of the State of Iowa, do hereby proclaim the month of May, 1971, as "Senior Citizens Month" and Thursday, May 13, 1971, as "State White House Conference on Aging Day" and Sunday, May 16, 1971, as "Special Recognition Day" for Senior Iowans whose role and activities in their church and community life are vital to our society.

I express my thanks and congratulations to the groups working for these Senior Citizens, and to the Senior Citizens themselves for their many varied and continuing contributions to the life of our state and nation.

In testimony whereof, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 27th day of April in the year of our Lord one thousand nine hundred seventy-one.

ROBERT D. RAY,
Governor.

POW ISSUE MISSTATED

Mr. CHURCH. Mr. President, the POW controversy surrounding the "set a date to end the war" debate swirls around in a circle. The issue is misused; according to Murrey Marder in his column, "The POW's in Political Crossfire," the issue is misstated.

The official U.S. Army history of the Korean war states the case, that through most of the history of war, the "common practice" has been "to exchange all prisoners of war at the end of a conflict." This, too, is true of the Indochina war. Therefore, when President Nixon says he intends to maintain a residual military force in South Vietnam until the North Vietnamese release our men being held as POW's, he places these prisoners in a vicious political circle.

I ask unanimous consent that Mr. Marder's column of May 21 from the Washington Post be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

A Debate Over Different Issues: The POW's in Politcal Crossfire

(By Murrey Marder)

Each side in the growing political crossfire over the release of American prisoners in the Indochina war claims that history is on its side. They are talking at cross-purposes, however, about different issues: partial exchanges of prisoners vs. total exchanges. But this controversy within a controversy is characteristic of a confusing debate packed with emotion, recrimination—and possibly votes or high political damage in the 1972 election.

In the Senate, a vote is approaching on an amendment to the military draft extension bill, tacking on the recurring proposal to require a total U.S. troop pullout by Dec. 31, 1971. Locked into this approach is the claim, which the Nixon administration adamantly challenges, that setting a withdrawal date provides the only real prospect for gaining the release of prisoners held by North Vietnam.

This week a Republican National Committee publication, "Monday," fired a broadside at Sen. Vance Hartke for what it called his "cruelly misleading" recent testimony before the Senate Foreign Relations Committee.

Hartke accused the Nixon administration of perpetuating "a cruel hoax" in continuing to pretend that there is some other solution to the prisoner of war problem than an agreement to end the war on a fixed date. "In this as in every other war in human history," said Hartke, "prisoners are exchanged when the war is over."

"Wrong," charged the GOP publication. To back up its counter-charge, "Monday" selected portions of a report prepared in the Library of Congress for a House Foreign Affairs Subcommittee to challenge what "Monday" called the "set the date to get the POWs back" line.

The report, the party publication stated, showed numerous cases of POWs being released during time of war" in conflicts extending from the Revolutionary War through World Wars I and II, the Korean war, and the war in Vietnam. However, the GOP account omitted several key facts in the Library of Congress report. The report showed partial releases or exchanges of prisoners while hostilities were under way but with the important notation in the summary that in World War I and since, "for the most part, however, prisoners had to await the end of hostilities before being repatriated."

During the Korean war, for example "Monday" noted that 6,670 North Korean and Chinese Communist prisoners were exchanged for 684 members of United Nations forces, including 149 U.S. military personnel. But it omitted the next sentence in the report: "However, by far the greatest number of POWs, a total of 88,596 to be exact, were not exchanged until after the armistice agreement was signed on July 27, 1953."

What is at issue in the "set the date to get the POWs back" debate is not partial prisoner releases, but a total release. As the official U.S. Army history of the Korean war reports, through most of history the "common practice" was "to exchange all prisoners of war at the end of a conflict," with provisions added in more recent times through international conventions for exchange of sick or wounded prisoners during hostilities.

Secretary of State William P. Rogers acknowledged that during a "Meet the Press" televisioned interview last Sunday. Rogers said he could cite no war in which there had been a general POW release before the end of hostilities. Rogers said, however, "I think this war is a little different. It is *sui generis*."

The POW issue has become so enmeshed in disputed and selected facts that even President Nixon has sometimes mis-spoken the record. Nixon said on March 4 that "there are 1,600 Americans in North Vietnam jails under very difficult circumstances at the present time." This figure, however, mixes up captured and missing in action, and U.S. experts believe a majority of the missing are dead.

Vice President Agnew this week used a more acceptable approximation: "Some 1,650 American military personnel are missing or captured in Indochina. We know that at least 450 of these are captured. The total is probably higher, but how much higher and which men are captured is not known because of the other side's refusal to identify all prisoners."

Defense Department statistics, as of May 1, 1971, listed 1,170 U.S. personnel as missing in action and 460 as prisoners of war for Vietnam, Laos and Cambodia.

The core of administration strategy at this stage, as President Nixon indirectly acknowledged last month when he expanded the U.S. rationale for maintaining forces in South Vietnam, is not how to bargain over prisoner release now. As the President indicated, U.S. policy is based on maintaining some American forces in South Vietnam long enough to give Saigon's government more of "a chance to prevent a Communist takeover."

Beyond that objective, the President said, the United States will maintain "residual" U.S. forces in South Vietnam "until we get our prisoners released." Critics have attacked that portion of the administration's case as illogical, on grounds that North Vietnam would have no reason to retain prisoners after a total U.S. withdrawal from Vietnam.

But administration strategy in fact is not based on a total withdrawal of the U.S. presence from Vietnam. The administration currently plans to retain American power to strike Communist forces from U.S. airbases in Thailand and from aircraft carriers. Even if the United States should decide to forgo that intention, administration plans call for continuing U.S. military and economic aid to South Vietnam for years to come, which would require some U.S. physical presence in the country. The POW release issue, therefore, is only a small portion of the total U.S. objectives, on which emotions feed.

Vice President Agnew on Monday came closer than any U.S. official has so far to acknowledging this crux of the underlying Hanoi-Washington dispute.

"North Vietnam," he said, "thinks that, by holding our men hostages, they can compel the President to cave in to their demands—demands for a United States pullout, abandonment of the present elected government of South Vietnam, an end to all U.S. military activity—in effect to the turning over of South Vietnam to the aggressors."

Whether Hanoi would agree with that formulation or not each side knows what it is competing over is not merely some 400 or 500 U.S. prisoners—despite what the public may think—but larger stakes which each is unready to surrender.

AMERICAN ASSURANCES TO EGYPT, DANGER TO MIDDLE EAST PEACE

Mr. RIBICOFF. Mr. President, last week, the distinguished Senator from Indiana issued a statement concerning alleged U.S. Government assurances to President Sadat of Egypt that the United States would ask "no further compromises from Egypt."

I recall the briefing I and a number of my colleagues received from the Secretary of State the end of March. At the time, he gave his own assurances to 67 Members of the Senate that the United States would not insist that Israel accept the principle of total withdrawal from the Sinai as a condition for a final settlement with Egypt. I hope that the recent revelations from Cairo do not indicate there has been a change in this policy.

In his statement, Senator Bayh makes the very valid point that "peace can only come to the Middle East when the parties involved reach an agreement without having a solution imposed upon them." This principle should continue to guide our policies in this region.

I ask unanimous consent that the text of Senator Bayh's statement be printed at this point in the Record.

There being no objection, the text was ordered to be printed in the Record, as follows:

Statement by Senator Birch Bayh

Press reports of Egyptian President Sadat's address on Thursday to the Egyptian National Assembly raise disturbing new questions about the Nixon administration's Middle East policy. I am referring to President Sadat's demand that the United States "squeeze" the Israeli's—that this country apply pressure to Israel for a complete withdrawal from occupied territories by threatening suspension of military and economic assistance.

I urge the Nixon administration to resist such demands. But I must admit that my confidence in its ability and willingness to do that is shaken by President Sadat's account of his talks with Secretary Rogers. President Sadat says that the Secretary of State assured him that the United States would ask "no further compromises" from Egypt, that the United States government feels that the Egyptians have done all that they can for peace.

I hope that the Administration has not given any such assurances or even hinted that all that remains now is for the Israelis to give in. I would be at a loss to understand how our government could believe it was promoting meaningful negotiation between Egypt and Israel when it tells the Egyptians that they have done all they need to, that they need not be flexible, that they need not negotiate anymore. It not only would be counterproductive for our government to tell either side that it has done enough—but that should hardly be our role to begin with.

Peace can only come to the Middle East when the parties involved reach an agreement without having a solution imposed upon them. And such an agreement will not be reached if the Nixon administration continually puts itself in a position of deciding beforehand what the positions of either side should be.

These reported assurances of the Secretary of State to President Sadat should give the Israeli's—and many of us here—legitimate concern about our role in the Middle East. And that can only make the path to lasting peace more difficult.

CHARLES CAMPBELL

Mr. TALMADGE. Mr. President, those of us in the Senate who know and have worked with Charles Campbell, formerly administrative assistant to the late Senator Richard Russell, and now administrative assistant to the junior Senator of Georgia (Mr. GAMBRELL) regret very much to learn Mr. Campbell will soon leave Washington to return to Georgia.

During some 5 years that Charles was administrative assistant to my distinguished senior colleague, Mr. Russell, it was my privilege and pleasure to work with him on many varied matters. I have come to know Charles Campbell as a man of impeccable integrity, great ability, and devotion to his duties. He has proven himself to be a valuable senatorial staff member, not only to the late Senator Russell and his successor Senator GAMBRELL, but he is also friend and adviser to other Members of the Senate.

Charles plans to take the Georgia bar exam this summer, and I understand eventually to enter the practice of law in the State of Georgia. I want to take this opportunity to wish Charles well and to thank him for the friendship and assistance he has afforded me.

FORMER SENATOR DODD'S ENDORSEMENT OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, we were all saddened last week to hear of the death of our former colleague Thomas Dodd of Connecticut. In his long career he served in many capacities, not the least of which was his role as a prosecutor at the Nuremberg trials after the Second World War. The Genocide Convention is a direct result of the events that necessitated those trials, and of the principles that were established there. When he testified before the Senate Foreign Relations Committee in 1950 Tom Dodd endorsed the Genocide Convention. It was his opinion that had it been in existence when Hitler first came to power the tragic events of his regime might have been prevented. None of us wish to see another Nuremberg. Let us act now to end the crime of genocide.

Mr. President, I ask unanimous consent that former Senator Dodd's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THOMAS DODD, MEMBER, SPECIAL COMMITTEE ON PEACE AND LAW THROUGH UNITED NATIONS OF THE AMERICAN BAR ASSOCIATION

Mr. DODD. My name is Thomas Dodd of Hartford, Conn.

I appear primarily as a private citizen, but I am also a member of the American Bar Association special committee on peace and law through United Nations, which was heard here this afternoon through Messrs. Rix, Finch, and Schweppe.

I would like to tell you, sir, that I am a new member of the committee, having been appointed in October. So that I did not participate in the deliberations of the committee or in its recommendation to the bar association, and I have had no opportunity to do so since my appointment to the committee.

I am also, as you will recall, one who served with Justice Jackson as his executive trial counsel at the first major Nuremberg trial, so I have a triple interest in this proposed convention—in my private capacity as a citizen; now a member of the bar association on peace and law, and also as one who had something to do with the proceedings in the first and so-called major trial at Nuremberg. I will not take but a few minutes, because I realize the hour is late and that much has been covered with respect to what I might say, but I would like to point out a few things that occurred to me while I was listening.

Senator McMAHON. I might add you had a very distinguished record in the Nuremberg trial.

Mr. DODD. Thank you, sir. Because we have mentioned the Nuremberg trial, let me say this: It is a little bit out of place from what I had planned so far as my presentation is concerned.

At Nuremberg, we laid down the doctrine that individuals are responsible for some offenses, such as aggressive warfare. You will recall that there was some hue and cry raised in some places about the application of that doctrine. It always seemed to me that it is the people who make up the government, individual people, and I think the only way that we can effectively do anything in the field of international law is to hold individuals responsible, and as I read this proposal, I note that article 4 I believe it is specifically refers to persons committing genocide or any of the other acts enumerated in article 3 shall be punished, whether they are constitutional rulers, public officials, or private individuals. It doesn't seem to me that there is too much to ask that we move along and implement, so to speak, the Nuremberg doctrine with respect to this Genocide Convention.

CONVENTION ELIMINATES UNCERTAINTY

Parenthetically, let me say it intrigues me a little bit, some of the people who heaved at us at Nuremberg the charge that we were guilty of prosecution on an ex post facto basis are some of the same people who are now in opposition to the ratification of this convention. At least, it occurs to me that they ought to be consistent. I don't concede that there was anything ex post facto in the proceedings at Nuremberg, but assuming for the sake of this side of the thing that there is something to what they have claimed against us. I should suppose that there is something to what they have claimed against us. I should suppose that they would be among the foremost in suggesting that now, in time of peace, we join with the other good-intentioned people of the world in trying to establish a firm basis in law for the prevention of this kind of thing.

Now it has been suggested here, Senator, and I want to emphasize it again, that at Nuremberg, it was not possible for us to punish the defendants for many of the terrible things they did to people in peacetime, things that they were clearly genocidal in character. That is one of the reasons why I am interested in seeing this convention adopted.

WILLING TO SETTLE FOR WHAT WE HAVE

Now I don't suppose that this is perfect; most of the things that fall from the hand of man are not. We are entering into a new field. It fascinates me that the members of the committee upon which I am privileged to serve offer as one of their objections that it does not go far enough, and I am inclined to agree. I wish it included political and economic groups, but I know we can't have everything at once in the nature of international cooperation. I am willing to settle for the good things that we can get, in the hope that later on we will be able to enlarge this field and perhaps get political and economic groups included. But I can't understand opposition, if you are for this thing, opposition that it doesn't go far enough.

MIGHT HAVE DETERRED HITLER

You have been asked what good this would have been against Hitler. I am one of those who believe, after living 18 months over there among the Hitler regime, that had this Genocide Convention been in existence in the early days of the Hitler regime, what happened might not have happened. For one thing, the Nazi state would have stood condemned. Its ministers and ambassadors would not stand in the same position as those of other nations not in violation of a genocidal convention, and great numbers of people inside Germany would have taken heart and might have been more vigorous in their resistance to the regime itself.

You have been asked what can we do about the Russians, who are perhaps and probably doing this same sort of thing behind the iron curtain now. Well, at least we will have the moral influence of the covenant of the convention. Russia in its plan, as I see it, wishes to influence people all over the world. If people all over the world see Russia as a nation which does not subscribe to or adhere to the Genocide Convention, she will be severely affected in her efforts to influence people everywhere, and the forces of good thinking and of right conduct in the world will be immeasurably strengthened.

I am not going to dwell upon the constitutional difficulties. I am one of those who believe with the Solicitor General that there are no insurmountable constitutional difficulties. These kinks can be worked out. I think, furthermore, that the good advice that you and your committee, the Senate, will get from capable constitutional lawyers will help to work that out.

MENTAL HARM

I would like to take just 1 minute to tell you that on this question of mental harm, I know what that means, having heard it from the mouths of people who knew what it meant subjectively. It was an established mechanism of the Nazi state, and it is practiced in other places as well, that the destruction, the disintegration of the human mind was a planned thing. It was one of the worst things that was done probably to individuals by the Nazis, and it is not too difficult for people who want to learn about it to read the records at Nuremberg, and they will have a very clear concept, when they have done so, as to what happens to people under a planned program of destroying their minds. There are all kinds of ways of doing it, and there are many, indeed.

I think we need to adopt this and ratify this convention, because the world needs that moral support. I can't imagine the United States refusing to do so, in a world that looks to us for moral leadership, and we will give hope to people everywhere in the world if we do ratify it, and I, as an individual, urgently suggest to your committee that it favorably view this ratification proposal.

BAD POLICY TOWARD GOOD NEIGHBORS

Mr. HARTKE. Mr. President, earlier this year I had occasion to address the Indiana Council of Churches on the subject, problems of economic development in Latin America. In the nearly 3 months since then, my hopes for a more innovative and imaginative policy toward our Latin neighbors on the part of the Nixon administration have not—to put it mildly—been realized.

In the more modest hope of stimulating new consideration of these problems by this body, I ask unanimous consent that the text of my remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Problems of Economic Development in Latin America

(A speech by Senator Vance Hartke, Mar. 13, 1971)

It is good to have the opportunity to talk with you today about problems of economic development in Latin America. It is altogether appropriate for the Indiana Council of Churches to concern itself with Latin America's problems. For in a very real and immediate sense, we are all involved in those problems. The vast physical distance between Valparaiso, Indiana, and Valparaiso, Chile, should not obscure the close interdependence of Latin America and the United States. I am especially pleased to see the interest of the Council of Churches in the development of Latin America, for as Robert Kennedy once observed, the aspirations of the Latin American people are only in part material: "Above all, they are demands of the spirit." Unless we are able to cope with the economic needs of Latin America in a way that recognizes its peoples' aspirations for a better life, with justice, dignity, and self-sufficiency, all of our material aid will count for little.

The radical changes which are shaking much of Latin America to its core today are far too serious to ignore. Both the direction of the change and the intensity of its leaders should concern us as North Americans. And I would suggest that the United States should be assigning a much higher priority to the problems facing Latin America. Regardless of how we choose to relegate Latin America to a secondary place in our priorities, to favor a remote and mistaken war in Southeast Asia, we will soon have to pay for that neglect. Our fortunes, our economic life, and our security are all closely tied to the future of Latin America.

Let me talk for a few moments about some of the peculiar aspects that make economic development of Latin America difficult. In spite of the complex variations between the nations of Latin American, there are many common threads and characteristics shared by most of the countries. The weight of the past lies heavy on present-day Latin America and sets enormous barriers in the path of development. Part of the legacy of an almost feudal economic system is a serious inequity in the ownership of land, degrading income levels for a majority of the people, abysmally low achievements in education, and widespread disease and malnutrition. Statistics tell only part of the story, but an important part: only 10 percent of the landowners control 90 percent of all the land; nearly 50 percent of all Latin Americans are illiterate; the per capita income averages about $250 per year; in spite of great progress in public health, the number of children who never reach their fifth year of life is shockingly high (almost 4 times the U.S. rate) in most countries of the region, and the average life expectancy is only 57 years.

As a further example, in comparison using 1966 figures, the World Bank indicated in a recent report the serious disparities in the GNP per capita of the United States and the Latin American area. Opposed to our GNP per capita of $3,520 is Haiti's appallingly low $70. Even the highest GNP in Latin America—that of Venezuela at $850 per capita—clearly shows the great gap between the United States and the Latin American countries in terms of production and economic development.

These statistics are discouraging in themselves, but they do not adequately convey the magnitude of the problems facing the Latin American countries. To such statistics must be added others which further aggravate the difficulty. For example, the Latin American area now has the world's highest birth rate. In many parts of Latin America, the population is increasing at a rate of over 3 percent each year—a rate which would cause a doubling of the population in about 25 years.

Such rapid population growth outruns the ability of Latin American countries to provide necessary support in housing, health facilities, jobs, and education. This population increase presses relentlessly on the area's ability to feed itself—in a number of countries, agricultural production per capita has declined in recent years. All major Latin American cities face urban problems of crisis proportions. As in the United States, the great shift of people from rural to urban areas brought enormous problems with it, and Latin American cities are far more poorly equipped to deal with them.

Although about one-half of the Latin American people still depend on agriculture for a livelihood, many cities of the area have mushroomed in recent years. This growth has reached the point where great cities like Buenos Aires, Montevideo, and Santiago contain nearly one-third of their countries' populations—and completed overshadow the rest of the country.

How did this situation arise? And what are the solutions? Why are so many Latin American countries, as one writer put it, "beggars on golden stools"? Why does the area remain poor and underdeveloped despite the great natural resources it contains? Answers to these questions do not come easily, but we must face up to them. Perhaps more important, we need to attempt to see the problem as Latin Americans perceive it. And we must be tolerant enough to appreciate the values which Latin Americans attach to different solutions.

To begin with, it is probably no exaggeration to state that most Latin Americans believe that the fundamental objective of the United States is the economic domination of the Western Hemisphere. Considering the history of the region, its long colonial subjection to Spain and Portugal, and its dependence upon the industrialized nations of the world, such a view should not be surprising. The economic role of Latin America has always been, and continues to be, essentially one of supplying raw materials and agricultural commodies to the rest of the world—mainly to Western Europe and the United States. Latin Americans protest—justifiably so—that their situation remains a semi-colonial relationship, especially with the United States.

Their dependence upon a limited number of basic commodities which are sold to more developed countries ties their economies closely to those countries and makes them painfully subject to sometimes radical fluctuations in world market prices. The result is a dependent, semi-colonial condition, difficult to escape from economically, frustrating to live with politically.

That frustration leads frequently to violent denunciation of the United States as the principal cause of Latin America's virtual economic slavery. And even a cursory review of our relations with Latin America indicates how that economic dominance has so often led to political control as well.

Need I remind us of our repeated interventions in Cuba, our long domination of the Dominican Republic and Haiti, the frequent incursions into virtually all of Central America, and a long history of attempts to dominate many South American countries? Indeed, we are political innocents if we expect Latin Americans to cast aside their suspicions of us just because we undertake an Alliance for Progress or any number of similar programs.

I think we will better understand the Latin American point of view if we interpret it in the light of Latin America's generally unhappy relationships with the United States.

For the remainder of my time with you, let me examine briefly several of the principal issues in the economic development of Latin America. In doing this, I will attempt to bridge the gap between Latin American and North American thinking on these issues. Serious conflicts of opinion exist on such issues as land reform, market pricing, foreign investments, economic integration, and foreign aid. If the United States expects to develop any kind of lasting and productive partnership with Latin America, we must somehow reconcile the opposing viewpoints on these issues.

I have already alluded to the *Problem of Land Ownership* in Latin America. These inequities provide one of the major causes of unrest and violence in the region—the cry for land dominates revolutionary rhetoric throughout the area. The Mexican Revolution of 1910, the 1952 revolution in Bolivia, the Cuban revolution under Fidel Castro—all the agrarian reform as a major objective. Somehow—because better use of the land is essential to economic development and because land is a symbol of a brighter future for millions of Latin Americans—someway, the United States must make unequivocally clear its full support for equitable agrarian reform in Latin America.

Another sensitive issue to Latin Americans is the *operation of the world market and pricing of its primary products*. As much as any other factor, this appears to Latin Americans as the chief cause of its semi-colonial condition. It is academic and hyprocritical to praise the virtues of a "free market" when in reality the market favors the wealthy nations and discriminates against the poor nations. The Latin Americans' case against adverse terms of trade is a well-founded complaint. It is a fact that the prices received by Latin American countries for their main products—such as coffee, sugar, tin, copper, and petroleum—have not kept up with the prices they pay for manufactured goods. Not only have the terms of trade turned against Latin America, but widely fluctuating prices of primary products make economic planning very difficult.

In addition, the United States has placed restrictive quotas on a number of primary products, and set high tariffs on processed raw materials (such as soluble coffee), seriously impeding trade in the hemisphere. The

United States must be willing to pay a fair price for Latin American raw materials and should insure reasonable stability of such prices by means of intergovernmental agreements on primary products.

A third critical issue is foreign investment in Latin America. Regardless of the strong cases which can be made for the importance of such investment to economic development, foreign capital has earned a black name for itself in the area. American companies in particular epitomize imperialism to many Latin Americans. Foreign enterprise symbolizes extraction, taking away national resources, despoiling the rightful wealth of Latin America.

Regrettably, that image fits many Ameriman companies which have been insensitive to the nationalistic fervor in most Latin American countries. It is high time for the Government of the United States to quit treating American corporations in Latin America as extensions of the State Department and giving official support to companies that defy the laws and policies of the Latin American states.

Unless this is made very clear, we can expect an acceleration in the expropriation and nationalization of American companies in the area. The result would damage the economic development of Latin America as well as our own economy.

A fourth subject of conflict is economic integration. One of the principal reasons for underdevelopment in Latin America is the limited scale of domestic markets. Through regional arrangements such as the Central American common market and the Latin American free trade area, tariffs are being gradually reduced and markets expanded.

Although neither of these arrangements provides a panacea for economic problems of the area, much progress has been achieved through them. It is in the long-range interest of the United States to lend its support to such attempts at regional integration, even if the short-run effects may appear undesirable with respect to our export markets.

The post-war rehabilitation of Europe clearly indicates the importance of healthy economies of other nations to the economic vigor of the United States. There is no reason not to expect the same effect from economic development in Latin America.

Many of my remarks to this point have focused on external factors affecting economic development. I do not wish to imply the absence of domestic problems internal to Latin America. Numerous social, economic, and political barriers impede broad-scale development. Factors such as archaic and inequitable tax systems, monopolistic control of key economic sectors, unwillingess to diversify and expand production, and runaway inflation all create serious obstacles to growth. However, I have chosen to emphasize aspects which are more susceptible to external influence than these more domestic factors.

What can be said of future development in Latin America? The events we are witnessing today indicate, above all, a new determination by the Latin Americans to become masters of their own house. The signs of that resolve appear on all sides: for example, the Peruvian expropriation of International Petroleum, Chile's takeover of the copper industry, the Bolivian action against Gulf Oil, and new commercial agreements by many countries with the Soviet Union.

Increasingly, these and similar actions will demand difficult choices by the United States. Change will come, now or later, with us or without us. We do no service to the economic development of Latin America or the national interest of the United States when we simply dismiss these changes as being Communist-inspired we should encourage and promote change which strentghens the autonomy, the economic health, and self-sufficiency of the region.

Toynbee has commented, "revolution is a mettlesome horse. One must either ride it or be trampled to death by it." If we allow vested interests to dominate our policy toward Latin America, we shall surely lose sight of more noble aims. If we truly believe our own rhetoric about self-determination of Nations, we will support genuinely nationalistic struggles in Latin America toward the goal of partnership and a higher quality of life for all the people of the hemisphere.

THE PRESIDENT'S WELFARE PROGRAM

Mr. RIBICOFF. Mr. President, President Nixon and the House Ways and Means Committee deserve great credit for their long and diligent efforts to reform and improve the welfare system of this country. The bill reported out by the Ways and Means Committee last week and now available for detailed analysis incorporates many of the improvements we proposed in the Senate last year and goes beyond them.

While additional changes are still needed, those favoring welfare reform must now work together to continue the momentum generated by the President and the Ways and Means Committee. There can be no disagreement about the sad state of our welfare system. No one supports it—and it supports no one adequately.

The time has come for America to enact a welfare system designed to eliminate poverty in America by 1976, our Nation's 200th anniversary. Achievement of this goal will truly be a declaration of independence for 25 million Americans now living in poverty.

Passage of H.R. 1, as reported by the House Ways and Means Committee, together with the changes I am suggesting today, will enable us to meet that goal.

Once H.R. 1 is before the Senate for consideration, I will introduce amendments to provide:

First. Assistance for childless couples and those who are single, categories not now covered by H.R. 1.

Second. Increased support under H.R. 1 for those on welfare by cashing out food stamps at an adequate level and requiring State supplementation.

Third. Fiscal relief for State and local governments by gradual Federal assumption of all costs of public assistance with payment levels reflecting regional variations in the cost of living.

Fourth. Greater work incentives by increasing the percentage of income earned that can be retained.

Fifth. Sufficient job training opportunities and actual jobs at the minimum wage for all those able to work.

Sixth. Expanded and enriched day-care programs for mothers entering the working force.

Seventh. Uniform assistance and equitable treatment for all categories of those in need.

As the welfare bill moves through Congress, we must remember that no welfare reform bill by itself will end or substantially reduce the welfare burden in this country. We presently spend less than 1½ percent of our trillion dollar economy on welfare and less than 5 percent of Government spending at all levels. This is a small overhead to pay for the inadequacies and inequities of our system. The millions on welfare are a confession of our society's failures in education, employment, and housing.

Nor should we expect that we will ever get everyone off the welfare rolls simply by imposing stringent work requirements. Not all welfare recipients are able to work. In fact, the vast majority are unable to accept jobs.

In January 1971, 12.9 million people were receiving Federal welfare assistance of some kind. Two million people—15.5 percent—were receiving old-age benefits, over 900,000—7 percent—got disability payments, 80,000—6 percent—were blind, and 7.1 million—55 percent—were children. Only 2.6 million—20 percent—of those on welfare are adult recipients who would be even eligible for work.

Of the estimated 2.6 million possible workers, however, only 500,000 are fathers, and only about one-fifth of these men, 100,000 people, are able-bodied and jobless. The other 2 million are welfare mothers, 60 percent of whom have preschool children and are now exempted from work registration. Of the rest, HEW estimates that, because of factors such as health and education, only 50 percent or 400,000, are actually employable.

In short, only 500,000 of the 12.9 million people on welfare would be employable under present work training requirements.

Nor should we expect that more stringent eligibility requirements will eliminate the supposed "cheaters" on welfare and save us billions of dollars. Figures show that fraud is detected in less than 1 percent of all cases, a figure corresponding to middle-class fraud in areas such as filing income-tax returns.

Ultimately, to save money on welfare we will have to spend money—money to provide a system that opens opportunity for this generation's welfare children to become the next generation's productive citizens. This will require an end to the devastating effects of poverty: Hunger, malnutrition, sickness, poor housing, and inferior education.

The present welfare system only perpetuates this environment of poverty. Forty States now provide cash and food stamp benefits which do not bring families of four even up to the poverty level. Only one-fifth of the States even have standards of need which reach the poverty level and only a handful of these States provide payments which meet their own inadequate standards. Food stamp benefits are set at a level which even the Federal Government describes as nutritionally inadequate.

Our society has fulfilled its promises to millions of Americans and as a result we are a wealthy nation. But as the perquisites of citizenship have increased, so too have our responsibilities to society and our fellow man. As a nation we can no longer tolerate a system of public assistance which fails to meet the most basic principles of dignity, adequacy, and equity. This is a national problem that requires a national solution.

A number of proposals I advanced last year are already contained in H.R. 1. Included are:

First. Federal administration of all welfare programs;

Second. Provision of public service jobs—sponsored jointly with Senator HARRIS;

Third. Authorization for construction of child-care facilities;

Fourth. Increased Federal financing of assistance programs for the aged, blind, and disabled;

Fifth. A minimum wage for public sector jobs;

Sixth. Prohibition of recovery of overpayments to a recipient where he was not at fault;

Seventh. Simplified application procedures for those eligible for assistance.

I will work for the following additional changes that are needed this year:

COVERAGE FOR CHILDLESS COUPLES AND SINGLE PERSONS

The administration some time ago expressed concern for the forgotten Americans in this country. The forgotten people of H.R. 1 are the 1.8 million persons under 65 in families without children and the 2.3 million single persons who live in poverty but are not eligible for public assistance.

The incidence of poverty reaches the highest levels among persons not connected with a family unit. About 561,000 have no cash income at all. Moreover, it makes no sense to deny assistance to a couple without children and provide $2,000 to a couple with one child.

Childless couples and single persons in need should be covered by any national program of assistance.

INCREASED ASSISTANCE: FOOD STAMP CASH-OUT

The proposed level of assistance, $2,400 for a family of four, while on its face better than last year's $1,600, is still woefully inadequate. In fact, it is $1,500 below the poverty level.

The proposed income level is already surpassed by all but a handful of States. Only about 7 percent of America's welfare recipients would receive higher benefits under H.R. 1. All other recipients, whose cash and food stamp benefits already exceed $2,400, would suffer.

The $2,400 income level is inadequate in another respect. The $800 increase over last year's $1,600 proposal is the cash-out value given to food stamps. Yet it is an inadequate substitute. As a result of the Food Stamp Amendments of 1970, all recipients were required to be provided with food stamps in an amount "determined to be the cost of a nutritionally adequate diet." The Department of Agriculture set an "economy diet" of $108 per month—$1,276 per year—as its guideline while admitting that such a level would not provide adequate nutrition.

Knowing what we do about the vicious cycle of poverty, malnutrition, sickness, and welfare, it would be irresponsible to eliminate our existing food program while providing the poor with an inadequate substitute. The Bureau of the Budget in its 1969 study of cost-benefit ratios relating to hunger and welfare pointed out that it would cost only $457 annually to feed a poor child properly while it would cost the Government $1,516 a year in welfare, hospitalization, and other expenses to care for the child's later ailments if he went unfed.

INCREASED ASSISTANCE: STATE SUPPLEMENTATION

Under the provision of H.R. 1, the States will be relieved of $1.6 billion in welfare expenses in fiscal 1973. As a political gesture the formula is a success, providing relief for every State in the Union. Praise is heard for these cost savings from every interest group except the members of the poverty population whose fate is even bleaker under H.R. 1 than it is under present law.

The ways and means welfare proposal provides for optional State supplementation of the $2,400 up to present State levels. The Federal Government would assume the administrative duties and costs of States which voluntarily chose to make supplementing payments and would guarantee that States would have to pay no more than their calendar year 1971 costs if they decided to supplement.

This provides little incentive to raise benefits to existing State levels. State economic problems are of such magnitude that cutbacks are being made across-the-board in State budgets, welfare programs included. Cost savings will be sought wherever possible. A State could save administrative costs and supplemental payment costs if it chose not to supplement. H.R. 1 would not relieve the pressure on State revenues sufficiently to persuade a State government to plow its savings back into even a reformed welfare system.

At best, optional State supplementation will merely perpetuate the present payment inequities between the States. The States which in the past have virtually ignored the poor would be rewarded by this mandatory ceiling on State expenditures while the States which have made strong efforts to provide adequately for the welfare of all their citizens, even at the cost of severe budgetary strain, would be required to bear their burden for another 5 years.

We must insure that, while State welfare expenses do not go above their 1971 amounts, they continue to equal those amounts pending full Federal assumption of all welfare costs.

FEDERAL ASSUMPTION OF WELFARE COSTS WITH REGIONAL VARIATIONS

Welfare payments should be based on objective and measurable standards of need. This necessitates a recognition that benefit levels should differ according to regional variations in the cost of living. To simply provide $2,400 or $5,500 or $6,500 for everyone ignores this regional variation.

In addition, while we can provide interim relief to recipients by assuring that assistance levels are not cut back for those presently receiving high welfare benefits, an equitable and enduring welfare program should provide full Federal assumption of administration and payments based solely on variable regional needs.

Individual cities and States should not be required to administer or fund this Nation's welfare program. No city or State is responsible for generating their welfare population. If the economy of this country is unable to provide adequate support for its citizens, the Nation as a whole should undertake the responsibility of meeting their needs.

If the initial cost burden is too heavy for the Federal Government, Federal assumption can be phased-in over a number of years. In view of our trillion dollar economy and new census data which indicate that an expenditure of $11.4 billion in 1970 would have raised the income of all poor families and unrelated individuals above the poverty line, the argument that the Federal cost would be unbearable is unconvincing.

By 1976, the Federal Government should be financing America's welfare system at a level that brings all needy Americans up to a poverty-level income.

IMPROVED WORK INCENTIVES

Comprehensive welfare reform must include the working poor. Both President Nixon and the Ways and Means Committee have recognized that full-time employment does not necessarily eliminate poverty. In fact, four out of 10 poor Americans live in families headed by full-time workers.

Coverage of the working poor will eliminate one of the major inequities in present law by making it more worthwhile financially to continue working than to become completely dependent on welfare. As the working income of these families increases, benefits would be phased out according to an "earning disregard" formula.

A careful balance must be struck between maintaining an incentive to work and a full phasing-out of benefits at a reasonable level. H.R. 1 allows the working poor to keep the first $720 of earnings plus one-third of the remainder. Last year I proposed a $720 retention of earnings plus one-half of the remainder which I will offer again this year.

EXPANDED JOB TRAINING PROGRAMS

The family assistance plan as revised by the Ways and Means Committee emphasizes work training requirements and incentives. This is importance since most Americans would prefer to play a productive role in American society rather than to live on welfare. Experience in New York, for example, has shown that 98 percent of the working poor continue working under New York's assistance program for the working poor.

Under H.R. 1, as many as 2½ million welfare recipients would be required to register with the Department of Labor for manpower services, training, and job placement. H.R. 1 would provide training for 225,000 people, 200,000 public service jobs, and expanded day-care facilities. Federal matching funds for the Department of Labor's work incentive program—WIN—would be increased from 80 to 90 percent to help provide additional work-training services.

Unfortunately, these proposals will accomplish very little. They provide too little money for programs which have never worked. H.R. 1 requires greatly increased registration for job training programs which cannot even accommodate the smaller numbers now required to enroll. In the 2 years of WIN's operation, for example, it has handled a minscule proportion of the eligible AFDC population, in fact, fewer AFDC recipients even than the slots allocated. Less than 20 percent of the enrolled participants got jobs through WIN, for the most part low-paying, dead-end, and short-term positions in the private sector at an average cost per successful WIN participant of about $4,000.

As Finance Committee Chairman Russell Long pointed out last year, the record of the Department of Labor in administering the WIN program is dismal. Yet we now are proposing to more than double the responsibilities of this program.

If job training programs are to succeed, present programs must be drastically reformed and expanded.

INCREASED SUPPORT FOR PUBLIC SERVICE JOBS

The most effective job training program will be useless if no jobs are available. The provision of 200,000 public service jobs proposed in H.R. 1 is a major improvement over last year's bill.

However, we are deluding ourselves if we believe that this will provide enough jobs for the 2.6 million welfare recipients required to work under H.R. 1. The bill emphasizes private sector employment while discouraging permanent public service jobs through a gradual reduction of Federal funding for public jobs which will supposedly "provide employability development for entry into regular jobs."

There is no logic in providing "employability development" through public jobs for entry into "regular" jobs, when in many cases the public service jobs will provide more meaningful work, better opportunities for advancement, and higher salaries. Moreover, 5 million people are already unemployed and seeking work in the private sector.

By its emphasis on private employment, H.R. 1 adopts the myth that public service jobs are make work, dead end positions while private employment is meaningful. But there is little of a make work quality in urgently needed public service jobs in health, social services, education, environmental protection, rural and urban development, public safety, child care and other local and State services. These are jobs with a future that deserve greater support.

PROVIDING JOBS WITH THE MINIMUM WAGE

H.R. 1 provides two standards for wages—one for the private sector and one for the public sector.

While public service employment would provide jobs at no less than the Federal minimum wage, private sector jobs would be payable at not less than $1.20 an hour, or three-fourths of the Federal minimum wage.

I believe we must settle for no less than the Federal minimum wage for all welfare beneficiaries. There is no more simple and direct way to help the poor than to provide them with at least a minimum wage, thereby increasing the possibility they will be able to live a decent life free from poverty and potential welfare dependence.

In addition, if the minimum wage were increased to at least $2 an hour as has been proposed, 9 million workers presently earning less than that amount could reach the poverty level of income, thereby reducing welfare costs significantly.

IMPROVED DAY CARE PROGRAMS

H.R. 1 promises day care for those required to accept work training and jobs. But it cannot fulfill that promise.

The basic Federal day care programs for the poor provided services for 250,000 children in 1970. No more than 700,000 day care slots exist throughout the Nation for families of all incomes. Yet the Department of Health, Education, and Welfare estimates that 1,262,400 children between the ages of 3 and 6 will need day care if H.R. 1 is passed.

HEW estimates that such day care will cost $1,600 per child while the National Day Care and Child Development Council estimates the cost at $2,000 per child. Under the HEW figures, adequate day care would cost over $2 billion. Yet H.R. 1 provides less than half that amount for child care services, inadequate for even simple custodial day care service.

Countless studies by experts such as Jerome Bruner have indicated that the first 5 years of a child's life are the most important in his development. They show that young children need intense, individualized care for proper emotional, social, and intellectual development.

If a mother is not available to provide this attention, day care must act as a surrogate mother to provide a learning environment, adequate medical care, nutrition, and social, mental and psychological services.

We are not even in a position to provide adequate day care facilities for welfare children over the age of 6, much less over the age of 3. The day care program under WIN, for example, has been described by the Department of Labor as the most serious single barrier to the success of the work incentive program. The 2-year grace period requiring work only of mothers with children over age 6 will not provide a sufficient opportunity to develop a quality national day care program.

We must provide the funds necessary to insure adequate day care for all those in need and we must not require mothers with children to enter job training unless adequate day care facilities are available.

PROVIDING UNIFORM ASSISTANCE AND EQUITABLE TREATMENT FOR ALL RECIPIENTS OF PUBLIC ASSISTANCE

Our welfare system should provide the same assistance for all those in need, whether they qualify under the adult categories or other provisions of the law. H.R. 1, however, perpetuates a double standard of assistance; one for the aged, blind, and disabled, and another for other welfare recipients.

For example:

As already discussed, under the adult categories, aged, blind or disabled single individuals and couples with and without children are eligible. The family assistance plan provides nothing for single people and childless couples.

Benefit levels in the adult categories approach or surpass the poverty level. Family assistance does not come within $1,000 of the poverty level.

Benefits in the adult categories for single individuals would be set at a level increasing from $1,560 to $1,800. Under family assistance, benefits are set at only $800 each for the first two-family members, $400 for the next three-family members, and declining amounts for remaining members. Those about whom we should be most concerned—children whose futures can be influenced by adequate aid—receive the least assistance.

For couples in the adult categories, benefits would be set between $2,340 and $2,400. Yet $2,400 would have to be spread among four people under the family assistance plan, including those in their growth years for whom adequate nutrition is indispensable.

The "earnings disregard" for blind and disabled benefit recipients is $85 per month plus one-half of earnings above that level. The aged and families with children can disregard only $60 plus one-third.

An automatic cost-of-living benefit escalator is provided for social security beneficiaries. No such provision is included in the family assistance plan. In fact, the program would be frozen at present levels for the next 5 years.

We should recognize objective differences in the needs of different types of welfare recipients, but insure a statutory framework that provides adequately and humanely for all those in need in this country.

EXCESSIVE SPENDING FOR INTER-AMERICAN DEVELOPMENT BANK ANNUAL MEETING

Mr. PROXMIRE. Mr. President, information provided me clearly shows that the Board of Governors of the Inter-American Development Bank spent exorbitant sums in connection with their 1970 and 1971 annual meetings.

I received the information as chairman of the Subcommittee on Foreign Operations of the Senate Appropriations Committee which has jurisdiction over requests for U.S. subscriptions to the Inter-American Development Bank's capital and special fund.

There are only 23 members of the Bank's Board of Governors. But the Bank spent $332,000 in 1970 and $345,000 in 1971 for travel and expenses for themselves and their international entourage to 5-day meetings in Punta del Este, Uruguay, and Lima, Peru, respectively.

The list of directors, alternates, personal secretaries, managers, administrators, coordinators, editors, supervisors, accountants, receptionists, and information specialists flown to the meeting is so extensive it is amazing the Board did not attempt to emulate Gilbert and Sullivan and fly in their sisters and their cousins and their aunts as well. Altogether the Bank flew in 175 people in 1970 and 134 people in 1971 to attend or staff the meetings.

Among the more questionable expenditures were $39,000 for "representation" in 1971, and $38,000 in 1970 and $51,500 in 1971 for per diem services of locally hired personnel recruited "to assist in providing administrative services." Transportation of documents cost $34,000 in 1970 and $28,900 in 1971.

The purpose of the Inter-American Development Bank is to help the poor and the weak in the underdeveloped areas of the Western Hemisphere to pull themselves up by their bootstraps. Last year U.S. taxpayers were asked to provide $487 million in capital subscriptions and special funds for its operations. In the next 2 years the administration will request an additional $436 million. Not all of this is a direct charge on the Treasury, but some of it is in the form of callable capital.

It is not necessary that officials of organizations which are financed by public subscription and whose purposes are to raise the standard of living of the poor should be required to wear sackcloth and ashes. But they should live and travel simply and economically when on the public's business.

Unless this is done, officials—especially international officials—soon lose touch with the daily difficulties of those they are appointed to help. This may in fact explain the very small proportion of the Inter-American Development Bank's loans going for housing and education—none from its ordinary capital operations and only 13 percent from its special fund—and the very high proportion—73 percent of its loans from ordinary capital and 36 percent from its special fund—which go for big projects such as highways, powerplants, industry, and mining.

In both the nature of its loans and the expenditures for its annual meetings, the Bank could become more discriminating in its judgment about what activities are important and what programs should have higher priority.

I ask unanimous consent that factual information provided to the committee concerning the meetings with respect both to the costs involved and the personnel who attended be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTER-AMERICAN DEVELOPMENT BANK, BOARD OF GOVERNOR'S MEETINGS, 1970 AND 1971

Expense item	Punta del Este, Apr. 19-23, 1970	Lima, Peru, May 10-14, 1971
Travel	$198, 000	$170, 024
Local personnel	38, 000	51, 500
Publications	6, 000	6, 000
Supplies and equipment	23, 000	17, 000
Space rental	19, 000	21. 000
Transportation of documents	34, 000	28, 900
Miscellaneous	14, 000	12, 376
Representation	NA	39, 000
Total	332, 000	345, 800

NA—Not available.

INTER-AMERICAN DEVELOPMENT BANK, 12TH ANNUAL MEETING OF THE BOARD OF GOVERNORS, IDB DELEGATION

(Total members: 68 persons)

EXECUTIVE DIRECTORS AND ALTERNATES

Raul Barbosa, Federico A. Intriago.
Lempira E. Bonilla, José Luis Montiel.
Henry J. Costanzo, Reuben Sternfeld.
Enrique E. Folcini, Armando Prugue.
Jesún Rodriguez y Rodriquez, Eduardo McCullough.
Ildegar Pérez-Segnini, Enrique Peñalosa Camargo.
Julio C. Gutiérrez, Guido Valle Antelo.
Secretary, Nelly Regis Da Silva.
Secretary, Ana Patricia Lara.
Secretary, Alma Malpica.
Secretary, Olga Pérez.
Secretary, Sally Strain.
Secretary, Ana María Abad.
Secretary, Berta Edgar.

GROUP OF CONTROLLERS OF THE REVIEW AND EVALUATION SYSTEM

Coordinator, Edmond J. Rouhana.

BANK MANAGEMENT: OFFICE OF THE PRESIDENT AND EXECUTIVE VICE PRESIDENT

President, Antonio Ortiz Mena.
Assistant, Alfredo Guitérrez.
Assistant, Alfonso Moscoso.
Secretary, Gladys De León.
Secretary, Martha E. Garrido.
Executive Vice President, T. Graydon Upton.
Assistant, Emil Weinberg.
Secretary, Panela Gibson.
Special Consultant, Office of the Program Advisor, Eduadro Figueroa.
Assistant, Integration Advisor, R. Alberto Calvo.

OPERATIONS DEPARTMENT

Operations Manager, João Oliveira Santos.
Secretary, María Cristina Arredondo.
Secretary, Elsa Ramos.
Deputy Manager for Loans, Guillermo Moore.
Secretary, Dulce M. Castilla.
Loan Divisions:
Director Zone I, Manuel Valderrama.
Director Zone II, Paul J. Colcaire.
Chief Area 6, Jorge D. Ferraris.
Deputy Manager for Project Analysis, James A. Lynn.
Deputy Manager for Loan Administration, Alfredo E. Hernández.
Secretary, Magdalena Wilson.
Loan Administration Divisions:
Director Zone II, Luís Buitrago.
Director Zone III, Freeborn G. Jewett, Jr.
Consultant, Christián Canta Cruz.

FINANCE DEPARTMENT

Financial Manager, Merlyn N. Trued.
Treasurer, José Epstein.
Secretary, Elia Garcia.

TECHNICAL DEPARTMENT

Technical Manager, Cecilio J. Morales.
Secretary, María Helene Theard.
Deputy Technical Manager, Pedro Irañeta.
Director, Technical Assistance Division, Beatriz R. Harretche.
Director, INTAL (Buenos Aires, Argentina), Felipe Tami.

LEGAL DEPARTMENT

General Counsel, Elting Arnold.
Secretary, Nilcea Muñiz.
Assistant General Counsel, Arnold H. Weiss.
Secretary, Eugenia Valero.

ADMINISTRATIVE DEPARTMENT

Administrative Manager, Alfonso Grados.
Secretary, Graciela Márquez.

ADVISORS

Program Advisors, Alfred C. Wolf.
Integration Advisor, José C. Cardenas.
Secretary, María Isabel la Torre.

REPRESENTATIONS

Special Representative in Europe, Enrique Pérez Cisneros.

ROUND TABLE

Narrator, Ann Kieswetter.
Assistant, Jacqueline Meyer.
Secretary, Rosa Seemann.
Narrator, Milic Kybal.

INTER-AMERICAN DEVELOPMENT BANK, 12TH ANNUAL MEETING OF THE BOARD OF GOVERNORS, STAFF OF THE BANK THAT FORM PART OF THE SECRETARIAT OF THE MEETING; TOTAL: 66 STAFF MEMBERS

I. SECRETARIAT DEPARTMENT

Secretary of the Bank, Jorge Hazera.
Secretary, Margarita Córdova.
Deputy Secretary of the Bank, Arturo Calventi.
Secretary, Yolanda Vigil.
Coordinator, Jaime Espinosa.
Secretary, Sylvia Larrad.
Protocol Officer, Julio Jara.
Secretary, Laura Macedo.

II. DOCUMENTS AND SESSIONS SECTION

Secretary, Esther Kronberger.
Assistant, Hector Yanez.

1. Sessions section

Sessions Officer, Luís Guardia.
Secretary, Ana María Mendizbal.

2. Documents section

Documents Officer, Kathryn Hiehle.
Documents Assistant, Maria del Socorro Sierra.
Documents Assistant, Tula Amas.
Typing Supervisor, Marcela Houser.
Typing Supervisor, Leonor Fuentes.
Typist, Morella Cabral.
Typist, Maria Isabel Rojas.
Typist, Vera Lawrence.
Typist, Maria Fenibar Ayala.
Typist, Angélica Rondón.
Portuguese Proofreader, Hilda Antunez.
Typist, Lycia Cunha.

3. Translation and Interpretation Section

Translation Officer, Fernando Hazera.
Deputy Translation Officer, Frank L. Massana.
Secretary, Doris Eleta.
English Translator, Julio Juncal.
English Editor Reviewer, Ruth Morales.
Portuguese Editor Reviewer, Elisa Kiehl.
Interpreter Supervisor, Ana María Pagés.
Portuguese Interpreter, Waldemar Lenson.
English Interpretor, Aurelio Narganes.
Portuguese Translator, Carmen Gomes.

III. SPECIAL SERVICES OFFICE

Chief, Angel Pola.
Secretary, Violeta Davila.
Housing Officer, Jorge Ochoa.
Reception Officer, Alvaro Chaves.

IV. REGISTER OFFICE

Chief, Victoria Bauza.
Register Assistant, María Rosa Garayalde.
Register Assistant, Alicia Zito.
Register Assistant, Martha Maldonado.
Register Assistant, Isabel Lama.
Register Assistant, María Luisa Figueroa.

V. SERVICES ADMINISTRATION

Chief, Robert A. Conrads.
Secretary, Esther C. Ramos.
Deputy Chief, Walter White.
Secretary, Edna Migliazzo.
Special Assistant, Janet Mischler.
Assistant, Carmen Betz.

1. Installation section

Officer, Hernando Valdez.
Supervisor, Anthony Tobias.

2. Communications section

Officer, Carlos Merino.

3. Graphics section

Officer, Rafael Cervantes.
Assistant, Aldo Zito.
Assistant, Carlos Heraud.

VI. PERSONNEL SECTION

Chief, Lucrecia Navarrete.
Bilingual Secretary, Marilia Braga Machado.

VII. ACCOUNTING SECTION

Chief, Frank Scott.
Chief, Luis Solórzano.

VIII. INFORMATION SECTION

Chief, Joaquín E. Meyer.
Secretary, Cecilia Grimaldo.
Deputy Chief, Joseph U. Hinshaw.
Secretary, María Isabel Marchena.
Press Assistant, Antonio Velázquez.
Audio-visual Services Assistant, Mario Traverso.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state by title.

The assistant legislative clerk read the bill by title, as follows:

A bill, H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate proceeded to consider the bill.

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, regarding the pending business, the bill from the Armed Services Committee which proposes the extension of the Selective Service Act, there are two amendments pending as to which the time for a vote has been agreed upon. The first is the Hatfield amendment, as to which we were in the unusual situation, last week, of having agreed to vote on an amendment that had really not been officially presented. But the Senator from Oregon gave us the substance of his amendment, and it was largely the same in substance as one we had pased on in connection with another bill last year.

Controlled time on the Hatfield amendment does not begin until tomorrow morning at 10 o'clock. Representing the committee, I am here and ready to argue that amendment as well as the Schweiker amendment, which follows the Hatfield amendment, and if those gentlemen wish to argue the matter today, I shall be glad to wait and let them go first, and will be here to respond for the committee. But if, instead, they wish to start tomorrow when the controlled time begins, that will be all right with me also.

I appreciate the valiant efforts of the acting majority leader and the assistant minority leader in managing to be here. I shall be ready to respond at any time anything develops in debate, as I have stated.

Mr. MOSS. Mr. President, if the Senator will yield, I, too, wish to note the fact that the Senator from Mississippi is here and is prepared to discuss the amendments. It does not appear that either of the Senators proposing the amendments in question, Senator HATFIELD and Senator SCHWEIKER, are present to discuss them today. As the able Senator from Mississippi has pointed out, time begins to run specifically at a given time tomorrow. Therefore, if the Senator from Oregon and the Senator from Pennsylvania wish to limit themselves to that length of time, of course, that is their prerogative and their decision to make; but they have had an opportunity today to be here, with the Senate in session.

It does not appear that we will have a very long session today. There are other Senator present, and, of course, they may have something they would like to say, but I think it appropriate to indicate that it is likely we will not have a very long session today.

Mr. GRAVEL. Mr. President, if the Senator will yield briefly?

Mr. MOSS. I yield to the distinguished Senator form Alaska.

Mr. GRAVEL. Like the distinguished chairman of the committee, the Senator from Mississippi, I should like to state that I, too, am present and would be willing to debate at great length either the Schweiker amendment, for which I shall not vote, or the so-called zero amendment of the Senator from Oregon (Mr. HATFIELD), which I believe has not yet been submitted; so we do not even have a printed copy at this point. I am sure my colleague from Utah understands the difficulty in which that places both of us, in attempting to argue for or against the matter in that regard.

But, as I have stated, I would certainly be willing to engage in colloquy for the remainder of the day with my colleague from Mississippi, though it might be of doubtful value, since I think we would be talking in an empty Chamber.

The point at issue is that not many of our fellow Senators are here who wish to engage in discussing this matter today. But I would like the RECORD to show that, together with the distinguished Chairman of the Armed Services Committee, I am here and prepared to offer a lengthy speech, if need be, and to engage in the necessary colloquy to go with it.

Mr. STENNIS. I thank the Senator from Alaska for being on hand and well prepared.

Mr. President, I should like to state, with reference to agreeing to vote on an amendment that had not been filed, that I think the RECORD will show that the Senator from Mississippi outlined at the time his understanding of what that amendment would provide; so the RECORD did show the substance of the amendment for the information of all Senators and others, and also afforded a certain protection to the Senate, in that the amendment, when actually filed, could not go beyond the areas outlined at the time as to what we were agreeing about—at least I think we cannot afford to set the precedent of accepting an open ended threat by agreeing to limit debate on an amendment we do not know something about.

Mr. GRIFFIN. Mr. President, will the distinguished Senator from Mississippi yield for a brief comment?

Mr. STENNIS. I yield to the distinguished assistant Republican leader.

Mr. GRIFFIN. I have, of course, listened to these comments. The chairman of the committee, the distinguished Senator from Mississippi, did point out that the so-called Hatfield amendment does not become the pending business until 10 o'clock tomorrow morning. Of course, other Senators on either side of the issues before the Senate would have an opportunity today, if they wished, to address the Senate. I have made a number of telephone calls; I might say that I hope the distinguished acting majority leader will be willing to ask for a quorum call when we have finished this colloquy, so that I may have a little more time to find out whether some of the Senators who I know are interested in this question may wish to come over. Within a short period of time, I think I can give the acting majority leader some indication as to that.

Mr. MOSS. If the Senator will yield, I would respond by saying that we will, of course, provide some additional time so as to make sure that we have touched all the bases; but once we have touched them all, there would be no point in remaining in session.

Mr. GRIFFIN. I understand.

Mr. STENNIS. I thank the Senator. Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Chair is now informed that the amendment offered by the Senator from Oregon (Mr. HATFIELD) has been filed and printed.

Mr. MOSS. I am pleased to have that information. It is a printed amendment?

The PRESIDENT pro tempore. It is a printed amendment, yes.

QUORUM CALL

The PRESIDENT pro tempore. What is the pleasure of the Senate?

Mr. MILLER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 9 A.M. AND FOR RECOGNITION OF SENATORS TUNNEY AND HART TOMORROW

Mr. MOSS. Mr. President, under the previous order, the Senate was to convene at 9:30 a.m. tomorrow morning.

I ask unanimous consent to amend that order, to provide, instead, for the Senate to convene at 9 a.m. tomorrow and that the Senator from California (Mr. TUNNEY) and the Senator from Michigan (Mr. HART) be recognized to conduct a colloquy, which may include other Senators, for not to exceed 30 minutes.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Wednesday, June 2, is as follows:

The Senate will convene at 9 a.m.

Immediately following the recognition of the two leaders under the standing order, the junior Senator from California (Mr. TUNNEY) will be recognized for not to exceed 15 minutes, to be followed by the senior Senator from Michigan (Mr. HART) for not to exceed 15 minutes, to be followed by the senior Senator from Virginia (Mr. BYRD) for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business, not to extend beyond 10 a.m., with a 3-minute limitation on speeches therein.

At 10 a.m., the unfinished business will be laid before the Senate, the Hatfield amendment will be called up, and time thereon will be controlled. At 3 p.m., the resolution pertaining to the reorganization plan will be laid before the Senate and debate will follow until 5 o'clock p.m., with the 2 hours controlled. At 5 p.m., the reorganization plan will be laid aside, and the Senate will resume consideration of the unfinished business.

The vote on the reorganization plan will occur at 11 a.m., Thursday, and it will be a rollcall vote.

ADJOURNMENT TO 9 A.M. TOMORROW

Mr. MOSS. Mr. President, under the previous order, as amended, the Senate will convene at 9 a.m. tomorrow morning and I therefore move, if there be no further business to come before the Senate, that it adjourn until tomorrow at 9 a.m.

The motion was agreed to; and (at 1 o'clock and 5 minutes p.m.) the Senate adjourned until tomorrow, June 2, 1971, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 1, 1971:

U.S. TARIFF COMMISSION

Catherine May Bedell, of Washington, to be a member of the U.S. Tariff Commission for the remainder of the term expiring June 16, 1974, vice Chester L. Mize.

ENVIRONMENTAL PROTECTION AGENCY

David D. Dominick, of Wyoming, to be an Assistant Administrator of the Environmental Protection Agency; (new position).

DIPLOMATIC AND FOREIGN SERVICE

Charles J. Nelson, of the District of Columbia, a Foreign Service Reserve officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana, to the Kingdom of Lesotho, and to the Kingdom of Swaziland.

U.S. CIRCUIT COURTS

Roy L. Stephenson, of Iowa, to be a U.S. circuit Judge, eighth circuit, vice Martin D. Van Oosterhout, retiring.

U.S. PATENT OFFICE

John Stevens Lieb, of Wisconsin, to be an Examiner-in-Chief, U.S. Patent Office, vice Louis F. Kreek, resigned.

COMMUNICATIONS SATELLITE CORPORATION

Frederic G. Donner, of New York, to be a member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1974; (reappointment).

IN THE ARMY

The following-named officer for appointment as professor of mechanics, U.S. Military Academy, under the provisions of title 10, United States Code, sections 3075, 3205, and 4333:

Wilson, Robert M., [redacted].

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be lieutenant colonel

Pinto, Ralph D., [redacted].

To be captain

Brookshire, Robert F., III, [redacted].
Clearwater, Robert M., [redacted].
David, James R., [redacted].
Egersdorfer, Rudolf H., [redacted].
Harris Harold E., [redacted].
Howard, Freeman I., [redacted].
Jacunski, George G., [redacted].
Kramer, James S., [redacted].
Mayer, Haldane R., [redacted].
McRae, Wilton D., [redacted].
McWatters, Jack W., [redacted].
Morrison, Fred K., [redacted].
Murray, Charles A., [redacted].

To be first lieutenant

Bangasser, Hugh F., [redacted].
Baxley, John B., Jr., [redacted].
Brown, Frederick B., [redacted].
Casull, Brian H., [redacted].
Cheek, Jack W., [redacted].
Clark, Jeffrey R., [redacted].
Clemons, Donald E., [redacted].
Cohen, Michael A., [redacted].
Coupe, Dennis F., [redacted].
Cramer, William B., [redacted].
Crow, Patrick F., [redacted].
Deas, Bernard W., Jr., [redacted].
Eak, Gerald J., [redacted].
Finlaysen, Robert M., [redacted].
Franks, Robert G., [redacted].
Friend, Gary G., [redacted].
Fulbruge, Charles R., II, [redacted].
Harmon, James D., Jr., [redacted].
Hart, John M., Jr., [redacted].
Hudson, David E., [redacted].
Jeffress, Walton M., Jr., [redacted].
Jones, Bradley K., [redacted].
Lederer, Fredric I., [redacted].
Lewis, Paul W., [redacted].
Lincoln, Arthur F., Jr., [redacted].
Sheppard, Paul R., [redacted].
Smalkin, Frederic N., [redacted].
Smith, Jeffrey H., [redacted].
Stohner, George A., [redacted].
Valentine, James I., Jr., [redacted].
Varga, Stephen G., [redacted].
Varnado, Jimmie W., [redacted].
Varo, Gregory O., [redacted].
Walker, Robert A., [redacted].
Wallace, John K., III, [redacted].
Walters, Michael J., [redacted].
Walton, George R., [redacted].
Wilks, Riggs L., Jr., [redacted].
Zucker, David C., [redacted].
Willis, John T., [redacted].

To be second lieutenant

Williams, Barry O., [redacted].

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Anderson, Loren T., [redacted].
Aton, James K., [redacted].
Bauchspies, Robert W., [redacted].
Bentley, William R., [redacted].
Courtney, Clemon G., [redacted].
D'Ambrosio, Umberto, [redacted].
De Ponte, Joseph P., [redacted].
Doyle, Thomas M., [redacted].
Franklin, Wallace H., Jr., [redacted].
Gale, Paul B., [redacted].
Girone, Gerard M., [redacted].
Gowaski, Patrick J., [redacted].
Graham, Tasman L., [redacted].
Kistler, John S., [redacted].
Matthews, John G., [redacted].
McKeever, Francis L., [redacted].
Patterson, Joseph R., [redacted].
Powell, Buell R., [redacted].
Thompson, Jack C., [redacted].
Waldrop, Chumley W., [redacted].
Walker, George J., [redacted].
Williamson, Harold G., [redacted].

To be captain

Aceto, Vincent R., [redacted].
Anderson, Robert W., [redacted].
Baker, David C., [redacted].
Barfield, John R., [redacted].
Braddock, Anthony J., [redacted].
Breault, Edna T., [redacted].
Brown, Donald E., [redacted].
Brown, John R., [redacted].
Burden, Ollie D., [redacted].
Caruso, Louis H., [redacted].
Cavallo, Charles A., [redacted].
Cohen, Joel, [redacted].
Costa, Robert A., [redacted].
Creek, Raymond S., [redacted].
Daher, George D., [redacted].
Daniel, James M., [redacted].
Dennis, Harold B., [redacted].
Earley, Neal E., [redacted].
Ferner, Richard D., [redacted].
Fletcher, Ella L., [redacted].
Gay, William D., [redacted].
Gill, Thomas M., [redacted].
Griswold, Franklin D., [redacted].
Hacker, Larry M., [redacted].
Herring, Charles L., [redacted].
Hibbs, Carroll M., [redacted].
High, Roy S., [redacted].
Hudson, Andrew J., Jr., [redacted].
Hula, Roger P., II, [redacted].
Jackson, William L., [redacted].
Jones, Richard G., [redacted].
Kern, Robert W., [redacted].
King, Daniel J., [redacted].
La Fond, Clovis O., [redacted].
Landrum, Sidney E., [redacted].
La Rue, John R., Jr., [redacted].
Leahy, Robert E., [redacted].
Maclellan, Norman, [redacted].
Mader, Carson L., [redacted].
Martinez, Fernando, [redacted].
McGillen, John L., Jr., [redacted].
McLeod, Charles G., [redacted].
McQuestion, John R., [redacted].
Mercer, Richard R., [redacted].
Milliner, James E., [redacted].
Minkinow, Stanley, [redacted].
Moore, John P., [redacted].
Nielson, Kenneth G., [redacted].
O'Neil, John F., [redacted].
Porter, Robert W., [redacted].
Ray, Webster D., [redacted].
Roberts, William F., [redacted].
Shade, William L., [redacted].
Sherwood, Robert W., [redacted].
Simpson, Daniel H., [redacted].
Sisson, David J., [redacted].
Slone, Charles W., [redacted].
Stamm, Richard L., [redacted].
Stanford, Harold D., [redacted].
Taylor, Robert E., [redacted].
Uribe, Jorge I., [redacted].
Valdez, Robert, [redacted].
Vorhies, Maurice E., [redacted].
Warren, Robert J., [redacted].
Watson, Gary R., [redacted].
Willis, Mitchell H., [redacted].
Woytek, Arthur H., [redacted].
Yates, Carl W., [redacted].

To be first lieutenant

Allen, Michael D., [redacted].
Ankerson, Diane N., [redacted].
Bentley, Aubrey L., [redacted].
Beringer, George R., [redacted].
Caron, Paul L., [redacted].

Demoor, Maurice A., [redacted].
Fortin, Robert A., [redacted].
Evans, Joseph B., [redacted].
Adams, Gearl V., [redacted].
Alexander, Lynn P., [redacted].
Anderson, Charles V., [redacted].
Anderson, Kenneth W., [redacted].
Archer, David M., [redacted].
Bacon, John E., Jr., [redacted].
Baird, Robert D., [redacted].
Barber, Preston W., [redacted].
Baysinger, Douglas M., [redacted].
Beckman, Herbert D., [redacted].
Beegle, Charles L., [redacted].
Berglund, Barry A., [redacted].
Blanchard, Sherman J., [redacted].
Boyer, Harry R., [redacted].
Brown, Connie A., [redacted].
Bryan, Larry E., [redacted].
Bunton, William E., [redacted].
Burnam, Ronald E., [redacted].
Callis, Robert T., [redacted].
Campbell, Lannis E., Jr., [redacted].
Cavis, Charles A., [redacted].
Cilibert, Edward T., [redacted].
Cisternino, John G., [redacted].
Clawson, Donald E., [redacted].
Cochran, Charles D., [redacted].
Connally, Sharon C. III, [redacted].
Cornick, Thomas H., [redacted].
Cox, Dorcas M., [redacted].
Cox, Raymond F., Jr., [redacted].
Craig, Terry L., [redacted].
Daly, Lawrence T., [redacted].
Davis, Larry L., [redacted].
Davis, William S., [redacted].
DeBerry, Thomas P., [redacted].
Debok, Phillip C., [redacted].
Delgado, Richard, [redacted].
Devore, Daniel L., [redacted].
Dohany, Alexander L., [redacted].
Dowling, Ted K., [redacted].
Dunbar, Merwin C., Jr., [redacted].
Eickemeyer, Karl F., Jr., [redacted].
Erickson, Philmon A., Jr., [redacted].
Fabian, David R., [redacted].
Fiddner, Dighton M., [redacted].
Fleming, Stephen B., [redacted].
Foley, Robert M., [redacted].
Forville, David R., [redacted].
Foster, Jean A., [redacted].
Frawley, Lester F., Jr., [redacted].
Friel, Gorge E., [redacted].
Froelich, Gerald L., [redacted].
Fry, Jerry R., [redacted].
Frye, Ivan D., [redacted].
Fuller, Marvin E., [redacted].
Fulton, John S., [redacted].
Gaglia, Joseph, [redacted].
Galenes, Alexander A., [redacted].
Garner, Douglas V., [redacted].
Goldman, Gilbert L., [redacted].
Gollattscheck, Mark L., [redacted].
Golphenee, Orval J., [redacted].
Goodwin, William L., Jr., [redacted].
Gould, Leroy D., [redacted].
Graham, James R., [redacted].
Gravatt, Arthur T., [redacted].
Griffin, John W., [redacted].
Griggs, Dennis L., [redacted].
Groce, Gary R., [redacted].
Hall, James W., [redacted].
Hanson, Charles M., [redacted].
Hassell, Leonard G., [redacted].
Henline, William B., [redacted].
Hentz, James D., Jr., [redacted].
Herbert, Clarke E., [redacted].
Heyman, Eugene F., Jr., [redacted].
Hiu, Patrick, S. H., [redacted].
Hudock, John M., [redacted].
Huey, James T., [redacted].
Hunter, Jack M., [redacted].
Hyatt, Richard S., [redacted].
Jarvis, Michael J., [redacted].
Johnson, Lawrence D., [redacted].
Jorgeson, Lynn P., [redacted].
Kaleta, Albert E., [redacted].
Karney, Robert E., [redacted].
Kenney, Michael R., [redacted].
Killebrew, Robert B., [redacted].
Knack, Frederick H., [redacted].
Knight, James M., [redacted].
Knisely, Benjamin M., [redacted].
Koenig, William T., [redacted].
Kotyrba, Charles H., [redacted].
Laabs, Gary L., [redacted].
Laible, Benjamin E., [redacted].
Langley, Edmund K., [redacted].
Lanier, Glen A. Jr., [redacted].
Lester, Michael B., [redacted].
Lipke, William R., [redacted].
Lofgren, David J., [redacted].
Lyon, Douglas R., [redacted].
Manoil, Robert, [redacted].
Marshall, John N., [redacted].
Maue, David C., [redacted].
Mays, Audie L., [redacted].
McCarthy, Charles P., [redacted].
McGee, George P., [redacted].
McKinley, Loran, R., Jr., [redacted].
Meek, Thomas, [redacted].
Morgenstern, Michael E., [redacted].
Morton, Ward D., III, [redacted].
Mullaly, Charles F., [redacted].
Noble, Richard J., Jr., [redacted].
Norton, Augustus R., [redacted].
Nucci, Kernan M., [redacted].
Oeschger, Oren E., [redacted].
Patterson, Robert G., [redacted].
Peck, Carl C., [redacted].
Peck, Daniel J., [redacted].
Petersen, Michael A., [redacted].
Pevey, Tommy R., [redacted].
Phillips, Ronald D., [redacted].
Pickering, Thomas J., [redacted].
Pienkos, Richard B., [redacted].
Pike, A. Nolan III, [redacted].
Piper, Paul A., [redacted].
Pitzer, James R., [redacted].
Plimpton, Robert P., [redacted].
Powers, James S., [redacted].
Quinlan, James E., [redacted].
Rank, James L., [redacted].
Redden, Jimmy D., [redacted].
Reese, Justin M. III, [redacted].
Reid, Barbara C., [redacted].
Reynolds, James P., [redacted].
Rice, Ray E., [redacted].
Ridder, William E., [redacted].
Roach, Christopher J., [redacted].
Rubino, Vincent E., [redacted].
Rue, William K., [redacted].
Ryan, Kevin M., [redacted].
Saunders, Richard, [redacted].
Scully, Edward J., [redacted].
Seale, Leopold K., [redacted].
Seefeld, Herman W. III, [redacted].
Segal, Jack D., [redacted].
Seidenberg, Anthony B., [redacted].
Seymour, John A., [redacted].
Shaw, Ellis P., [redacted].
Shelton, George R., [redacted].
Shiffert, Alvin M., Jr., [redacted].
Shirk, Lloyd D., [redacted].
Short, Thomas E., [redacted].
Simiele, Frank A., [redacted].
Skinner, Robert G., [redacted].
Smith, Dick R., [redacted].
Smith, Douglas G., [redacted].
Smith, Leslie T., [redacted].
Smith, Mary J., [redacted].
Smith, Michael K., [redacted].
Smith, Paul W., [redacted].
Smith, Thomas A., [redacted].
Solomon, Mendel S., [redacted].
Spieth, James K., [redacted].
Staley, Leo G., [redacted].
Steahly, Lance P., [redacted].
Stevens, Samuel M., [redacted].
Strain, John H., [redacted].
Stroup, Dennis R., [redacted].
Sullivan, John P., [redacted].
Sullivan, William C., Jr., [redacted].
Taylor, James A., [redacted].
Terry, Richard A., [redacted].
Tessier, Robert J., [redacted].
Tisdale, Tyron E., Jr., [redacted].
Topacio, David J., [redacted].
Turner, George H., [redacted].
Turner, Leonard J., [redacted].
Uselding, John R., [redacted].
Vescovi, Ronald E., [redacted].
Voelker, Edward M., Jr., [redacted].
Vranekovic, James D., [redacted].
Wagenaar, Robert S., [redacted].
Wallace, Jerry L., [redacted].
Walton, Willard, Jr., [redacted].
Wambaugh, George W., Jr., [redacted].
Weaver, Robert V., [redacted].
Weddle, Paul C., [redacted].
Welch, James J., [redacted].
Wells, Geoffrey F., [redacted].
Welsh, Francis P., [redacted].
Welsh, Leo F., Jr., [redacted].
Whitenton, Richard L., [redacted].
Wilson, Eugene E., [redacted].
Woltersdorf, John W., Jr., [redacted].
York, Joanne G., [redacted].
Zadzora, Timothy P., [redacted].

To be second lieutenant

Albright, Hugh J., [redacted].
Anders, Robert L., [redacted].
Ballou, Justin G., [redacted].
Brooks, Dan W., [redacted].
Burden, Charles G. III, [redacted].
Cannava, Thomas J., [redacted].
Castner, William B., [redacted].
Causey, Danny P., [redacted].
Cornwell, Lewis W., [redacted].
Coulter, Martin A., [redacted].
Curtice, Janet M., [redacted].
Dickson, Michael A., [redacted].
Farlow, Joseph E., [redacted].
Fitzpatrick, James T., [redacted].
Fox, Jack R., [redacted].
Galos, Steven W., [redacted].
Garfield, Jefferson James, [redacted].
Geraghty, Richard W., [redacted].
Hauschild, Harry P., [redacted].
Hendley, Albert J., [redacted].
Hilliard, John C., [redacted].
Hoffmeyer, James H., [redacted].
Ingram, Charles A., [redacted].
Jones, Brian S., [redacted].
Langkamp, Joseph P., [redacted].
Leary, William J., Jr., [redacted].
Long, Bruce B., [redacted].
Lutz, Michael J., [redacted].
McCoy, Warren D., [redacted].
Milman, George E., [redacted].
Murphy, James M., Jr., [redacted].
Neslage, Robert L., [redacted].
Norder, Nickolas W., [redacted].
Oaks, Stanley C., Jr., [redacted].
Phillips, Eugene B., [redacted].
Piedmont, Thomas M., [redacted].
Remig, Wayne D., [redacted].
Ricketts, David J., [redacted].
Schneider, Lawrence, [redacted].
Shaffer, Joseph K., [redacted].
Sieving, Immanuel C., [redacted].
Stuhrke, Frederick M., Jr., [redacted].
Taylor, Jeffrey W., [redacted].
Tilley, Gary L., [redacted].
White, Robert C., Jr., [redacted].
Wozniak, Arthur, [redacted].
Wright, David O., [redacted].
Young, Anna M., [redacted].

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Beckette, Edmund T., [redacted].
Bedard, Alan E., [redacted].
Bender, James H., [redacted].
Bienick, Paul J., [redacted].
Bisaillon, Robert D., [redacted].
Blankenship, Richard E., [redacted].
Blaue, Ronald W., [redacted].
Bosserman, Bruce N., [redacted].
Bowen, William A., [redacted].
Brown, Jerry R., [redacted].
Brown, John A., [redacted].
Buck, Randolph O., [redacted].
Burmeister, Horace W., Jr., [redacted].
Butler, Thomas M., [redacted].
Cassella, Edmund A., [redacted].
Chee, David, [redacted].
Chin, Dennis T., [redacted].

Choquette, Stefan P., [redacted].
Clark, Gary G., [redacted].
Cork, Timothy R., [redacted].
Costello, Benjamin L., [redacted].
Cox, Joseph M., [redacted].
Crepeau, Robert P., [redacted].
Cruz, Michael G., [redacted].
Currie, Van A., [redacted].
Dancses, Joseph S., [redacted].
Darcy, Edward J., [redacted].
Davila, Nestor A., [redacted].
Deshazer, Macarthur, [redacted].
Doss, James H., [redacted].
Eckhart, Michael A., [redacted].
Egiziano, Robert U., [redacted].
Egmon, Gary W., [redacted].
Evans, David L., [redacted].
Evans, John L., II, [redacted].
Faggioli, Vincent J., [redacted].
Fojt, Alan S., [redacted].
Fuoco, Samuel, [redacted].
Calloway, David A., [redacted].
Ganninger, Richard W., [redacted].
Garrison, Dennis V., Jr., [redacted].
Gorres, Roger L., [redacted].
Graski, George M., [redacted].
Griffin, Howard S., [redacted].
Guffey, David M., [redacted].
Guthmiller, Donald L., [redacted].
Hale, Ronald L., [redacted].
Hammonds, Gary L., [redacted].
Hampel, Gary G., [redacted].
Hernandez, Arthur B., [redacted].
Hertig, Mark E., [redacted].
Hervey, Paul M., [redacted].
Hickman, Michael M., [redacted].
Hicks, Paul W., [redacted].
Householder, Gary E., [redacted].
Howrey, Edward L., [redacted].
Hughes, Michael, [redacted].
Hurd, Charles W., Jr., [redacted].
Hylton, Milford D., Jr., [redacted].
Iossi, Charles M., [redacted].
Jemiola, Richard W., [redacted].
Jones, Leonard D., [redacted].
Jones, Randall D., [redacted].
Kassigkeit, Henry C., [redacted].
Keleher, Michael P., [redacted].
Kennedy, John D., [redacted].
Kennedy, Robert J., [redacted].
King, Sidney D., [redacted].
Klenowski, Charles S., [redacted].
Knapp, Stanley K., [redacted].
Kopec, Julius L., [redacted].
Labin, Daniel L., [redacted].
Lindsey, Charles B., [redacted].
Lipton, Patrick P., [redacted].
Liu, Louw Shiang, [redacted].
Lyle, Woodrow R., [redacted].
Marcello, Carlo J., Jr., [redacted].
Markunas, Peter J., [redacted].
Mathes, Todd D., [redacted].
McKean, Michael J., [redacted].
McPhail, James D., [redacted].
Messerknecht, Craig L., [redacted].
Milton, Theodore R., Jr., [redacted].
Minnich, Scott G., [redacted].
Moody, Donald J., [redacted].
Nelson, William E., Jr., [redacted].
Nishimoto, Castle K., [redacted].
Norden, Stephen B., [redacted].
Oncken, William, III, [redacted].
O'Sullivan, Jay D., [redacted].
Palmer, James T., [redacted].
Parkins, Bruce M., [redacted].
Peach, Gregory W., [redacted].
Pearl, Barton Lee, [redacted].
Perkins, Kenneth R., [redacted].
Perry, Brewster, Jr., [redacted].
Perry, Michael L., [redacted].
Phinney, David G., [redacted].
Poole, Trachanzie P., [redacted].
Price, Daniel G., [redacted].
Pumphrey, Robert S., [redacted].
Quinones, Edgardo E., [redacted].
Ritter, George P., [redacted].
Rose, Douglas M., [redacted].
Rose, Richard P., [redacted].
Rothlein, Julius, [redacted].
Rowan, Robert T., Jr., [redacted].
Schaaf, Randy C., [redacted].
Scott, David D., [redacted].
Scott, Peter B., [redacted].
Shaw, Rayford L., [redacted].
Shenberger, Paul S., [redacted].
Siebold, James R., [redacted].
Skudlarek, William J., [redacted].
Sloan, John W., III, [redacted].
Staples, Winthrop R., III, [redacted].
Stricklin, William G., [redacted].
Swenson, Gary G., [redacted].
Tant, Hugh B., III, [redacted].
Thompson, Kenneth P., [redacted].
Thues, Stanley R., [redacted].
Walkenshaw, Barry G., [redacted].
Walkenshaw, Philip S., [redacted].
Ward, Russell D., Jr., [redacted].
Waronicki, Theodore W., Jr., [redacted].
Welles, Peter B., [redacted].
Wenger, Lowell E., [redacted].
Werb, Thomas J., [redacted].
Williman, Glenn S., [redacted].
Wilson, Jon S., [redacted].
Wright, Steven W., [redacted].
Wysocki, Henry V., [redacted].

CONFIRMATIONS

Executive nominations confirmed by the Senate June 1, 1971:

IN THE COAST GUARD

The nominations beginning Edward A. Howard, to be chief warrant officer (W-2), and ending Ronald A. Simons, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 30, 1971.

HOUSE OF REPRESENTATIVES—*Tuesday, June 1, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The fruit of the spirit is found in all that is good and right and true.—Ephesians 5: 9.

Eternal God, our Father, as we enter a new month and begin a new week we acknowledge our dependence upon Thee and offer unto Thee once again the devotion of our hearts. Throughout this month may we feel sustained by Thy spirit, led by Thy love and guided by Thy wisdom as we endeavor to walk in the ways of truth and justice and good will.

We pray that our life as a nation may be rooted more deeply in moral and spiritual truth and that the fundamental principles of our land may be founded more securely on religious foundations. Only thus can our belief in the Fatherhood of God and the brotherhood of man arise to new reality in our day and only thus can our profession and our practice come to closer agreement.

So may it be now and forever more. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

AN EXASPERATING EXPERIENCE WITH THE CONGRESSIONAL POUCH MAIL SERVICE

(Mr. HOWARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOWARD. Mr. Speaker, along with practically every other American, I have been constantly frustrated with the operation of the U.S. Postal Service. My most recent exasperating experience with delivery of the mail came last week when I, for the first time, tried to utilize the Postal Service's highly publicized congressional pouch mail service.

This pouch mail absolutely, positively guarantees that air mail delivered to the House Post Office before 2 p.m. will positively, absolutely be delivered in New Jersey the very next day.

Mr. Speaker, that does not seem unreasonable since New Jersey is not so very far away from our Nation's Capital.

When I informed my secretary that we were going to try this great new pouch mail service, she was skeptical and called the congressional relations office to be reassured that a communication being sent by me to the Governor of New Jersey and all of the newspapers in my district would arrive the very next day. She was assured that this would be the case.

Mr. Speaker, you can guess the ending. The mail did not arrive in New Jersey until 2 days later.

Perhaps we should heed the advice of our colleague, the gentleman from Arizona (Mr. UDALL), who recently stated that we should take the operation and responsibility for the war in Vietnam from the Department of Defense and give it to the U.S. Postal Service. They may not stop the war, but they will sure as hell slow it down.

BOBBY SEALE SHOULD STAND TRIAL

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, Bobby Seale—Black Panther, revolutionary, and public nuisance—is a free man today because a judge decided he is too well known to stand trial for murder. The court has held that no jury could fairly judge him for the crime of which he stands accused.

It sickens me to consider the victory this man has won over decency. Today, this radical among radicals is free to walk the streets, shouting his denunciation of the United States, spreading hate and fear, spewing his irrational venom to the eager ears of his fellow revolutionaries, and thumbing his nose at rational society.

Bobby Seale undoubtedly now considers himself immune from the law. There will be others like him who claim equal exemption from the laws which govern those who respect processes of justice.

And how did he achieve this ugly fame which now shelters him from restrictions binding the common man? He gained it on the front pages of newspapers and on the television screens of America by hating, by lying, and by talking as a traitor to his own country. His words have been dutifully reported and recorded and his name has come to be associated with dissent and destruction.

Eventually, his name came to be associated as well with murder and he is charged with this crime. But the court determined that he now has become too famous to face a murder charge, that no jury could fairly judge him for the crime of which he stands accused. And so, he is free and his freedom is a disgrace to all Americans. Further, his freedom is a threat to our system of justice. If the Bobby Seales of this world can escape trial solely on the basis of the notoriety they can accumulate, they will have contributed to the destruction of America just as they have threatened to do.

The time has come for serious examination as to the means by which the Seales gain attention. It would seem they have only to scream obscenities, disrupt courtrooms, advocate violence, wave a Vietcong flag, or take off their clothes in public and their actions are blown out of proportion by the cameras which always seems to be on hand at such times.

And, having once achieved this dubious publicity, they then seem to be able to transcend all decency and, as is the case with Seale, even manage to escape the bar of justice on murder charges.

Bobby Seale is not above the law, Mr. Speaker. No man can be above the law, whatever his calling may be. A man accused of murder should be tried on that charge regardless of how much attention he has received in the press. Bobby Seale should be tried for murder, not because he is a leader among undesirables but because he has been accused of taking a man's life. I do not accept the premise that Bobby's Seale's press clippings should shield him from facing a murder charge. The trial should proceed and, regardless of how long it may take, the trial should be concluded either with a verdict of innocence or guilt.

The Seale case cannot become a turning point in American justice. Let it not be said we surrendered the rights of all of society just because it would be too much trouble to defend those rights.

PERSONAL EXPLANATION

Mr. MAZZOLI. Mr. Speaker, due to official business last week, I was unavoidably absent and missed rollcall No. 106, regarding the investigative authority of the Post Office and Civil Service Committee. Had I been present I would have voted "nay."

On rollcall No. 108 on the amendment to disagree with Reorganization Plan No. 1, I would have voted "yea."

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

CLINTON M. HOOSE

The Clerk called the bill (H.R. 1824) for the relief of Clinton M. Hoose.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ROSE MINUTILLO

The Clerk called the bill (H.R. 2816) for the relief of Rose Minutillo.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PAUL ANTHONY KELLY

The Clerk called the bill (H.R. 3475) for the relief of Paul Anthony Kelly.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ESTATE OF CHARLES ZONARS, DECEASED

The Clerk called the bill (H.R. 2127) for the relief of the estate of Charles Zonars, deceased.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MRS. FERNANDE M. ALLEN

The Clerk called the bill (H.R. 5318) for the relief of Mrs. Fernande M. Allen.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ROBERT F. FRANKLIN

The Clerk called the bill (H.R. 5420) for the relief of Robert F. Franklin.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

WILLIAM D. PENDER

The Clerk called the bill (H.R. 5657) for the relief of William D. Pender.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

JOHN BORBRIDGE, JR.

The Clerk called the bill (H.R. 5900) for the relief of John Borbridge, Jr.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

JANIS ZALCMANIS, GERTRUDE JANSONS, LORENA JANSONS MURPHY, AND ASJA JANSONS LIDERS

The Clerk called the bill (H.R. 6100) for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ROGER STANLEY, AND THE SUCCESSOR PARTNERSHIP ROGER STANLEY AND HAL IRWIN, DOING BUSINESS AS THE ROGER STANLEY ORCHESTRA

The Clerk called the bill (H.R. 4667) for the relief of Roger Stanley, and the successor partnership, Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. MARIA G. ORSINI

The Clerk called the bill (H.R. 1899) for the relief of Maria G. Orsini (nee Mari).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

MISS MARGARET GALE

The Clerk called the bill (H.R. 1995) for the relief of Miss Margaret Gale.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

REFERENCE OF H.R. 4473 TO THE CHIEF COMMISSIONER, COURT OF CLAIMS

The Clerk called House Resolution 240, to refer the bill, H.R. 4473, entitled "A bill conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of John T. Knight" to the Chief Commissioner of the Court of Claims in accordance with sections 1492 and 2509 of title 28, United States Code.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

REFERENCE OF H.R. 6204 TO THE CHIEF COMMISSIONER, COURT OF CLAIMS

The Clerk called House Resolution 401, to refer the bill (H.R. 6204) entitled "A bill for the relief of John S. Attinello" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, as amended.

There being no objection, the Clerk read the resolution as follows:

H. Res. 401

Resolved, That H.R. 6204 entitled "A bill for the relief of John S. Attinello", together with all accompanying papers, is hereby referred to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, for further proceedings in accordance with applicable law.

The resolution was agreed to.

ESTATE OF JULIUS L. GOEPPINGER

The Clerk called the bill (H.R. 2110) for the relief of the estate of Julius L. Goeppinger.

There being no objection, the Clerk read the bill as follows:

H.R. 2110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the Commodity Credit Copooration Charter Act (62 Stat. 1070) or any other statute, regulation, or policy, the President of the Commodity Credit Corporation is authorized and directed to pay out of the funds of the Corporation to Walter W. Goeppinger, of Boone, Iowa, as executor of the estate of Julius L. Goeppinger, the sum of $1,213.51 in full settlement of all claims of the estate against the Corporation for the amount stipulated on sight draft numbered G 2279466 which was issued to Julius L. Goeppinger by the Corporation on August 13, 1957, and rendered nonnegotiable by the Corporation on December 19, 1968.

Sec. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 4: Strike "Copooration" and insert "Corporation".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SALMAN M. HILMY

The Clerk called the bill (H.R. 6998) for the relief of Salman M. Hilmy.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ARNOLD D. SMITH

The Clerk called the bill (H.R. 1907) for the relief of Arnold D. Smith.

There being no objection, the Clerk read the bill as follows:

H.R. 1907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Arnold D. Smith of San Jose, California, is hereby relieved of liability to the United States in the amount of $174.10, representing overpayments paid to him while a member of the United States Navy as the result of an administrative error made in his leave record on June 30, 1961, which error occurred without fault on his part. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

Sec. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Arnold D. Smith an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated by subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN A. MARTINKOSKY

The Clerk called the bill (H.R. 4042) for the relief of John A. Martinkosky.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EUGENE M. SIMS, SR.

The Clerk called the bill (H.R. 7085) for the relief of Eugene M. Sims, Sr.

Mr. JAMES V. STANTON. Mr. Speaker, I ask unanimous consent that these bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MRS. ELEANOR D. MORGAN

The Clerk called the bill (H.R. 7569) for the relief of Mrs. Eleanor D. Morgan.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ROY E. CARROLL

The Clerk called the bill (H.R. 2846) for the relief of Roy E. Carroll.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FAITH M. LEWIS KOCHENDORFER AND OTHERS

The Clerk called the bill (H.R. 3201) for the relief of Faith M. Lewis Kochendorfer; Dick A. Lewis; Nancy J. Lewis Keithley; Knute K. Lewis; Peggy A. Lewis Townsend; Kim C. Lewis; Cindy L. Lewis Kichendorfer; and, Frederick L. Baston.

There being no objection, the Clerk read the bill as follows:

H.R. 3201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $51,133.42 to Faith M. Lewis Kochendorfer; the sum of $17,044.47 to Dick A. Lewis; the sum of $17,044.47 to Nancy J. Lewis Keithley; the sum of $17,044.47 to Knute K. Lewis; the sum of $17,044.47 to Peggy A. Lewis Townsend; the sum of $17,044.47 to the First National Bank and Trust Company of Bismarck, North Dakota, as the guardian of the estate of Kim C. Lewis; the sum of $17,044.47 to Faith M. Lewis Kochendorfer as the guardian of the estate of Cindy L. Lewis Kochendorfer; and, the sum of $4,500.00 to Frederick L. Baston in accordance with the opinion rendered in Congressional Reference Case Numbered 4–68, filed on December 30, 1970, to-wit: Faith M. Lewis Kochendorfer; Dick A. Lewis; Nancy J. Lewis Keithley; Knute K. Lewis; Robert P. Hendrickson as Guardian of the Estates of Peggy A. Lewis, Kim C. Lewis and Cindy L. Lewis Kochendorfer; and Frederick L. Baston versus The United States. The payments provided for in this Act are to be made in full and final satisfaction of all claims against the United States of the individuals named herein for compensation for the death of Gene A. Lewis and property loss as the result of an aircraft accident near Cheyenne, Wyoming, on December 15, 1959, involving a military aircraft operated by a member of the Wyoming Air National Guard, participating in National Guard training, which collided with an aircraft operated by Gene A. Lewis.

No part of the amount appropriated in this Act in excess of 20 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

EMERGENCY EMPLOYMENT ACT OF 1971

Mr. DANIELS of New Jersey. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3613) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 3613, with Mr. BOLAND (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee rose on Tuesday, May 18, 1971, the gentleman from New Jersey (Mr. DANIELS) had 59 minutes remaining and the gentleman from Minnesota (Mr. QUIE) had 58 minutes remaining.

The Chair recognizes the gentleman from New Jersey (Mr. DANIELS).

Mr. DANIELS of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

(Mr. DANIELS of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of the Emergency Employment Act of 1971. That title is no accident. We do face an emergency. The emergency is that of people without jobs, and there is no more desperate situation than that faced by the man or woman who wants to work but for whom there is no work. That desperate plight is faced right now by over 5 million of our fellow citizens, and it is a plight that we cannot ignore.

The Employment Act of 1946 stated that it was the policy of the United States to assure all Americans seeking work opportunities useful, regular, full-time employment at reasonable wages.

Today, 25 years later, this goal is still not a reality for millions of Americans.

Administration economists paint us a rosy picture of how everything will turn out well in the long run—but men cannot eat in the long run, they need to eat every day. They need a paycheck to buy that food, not in the long run, but this week and next week.

The Emergency Employment Act; for which I ask your support, is designed to deal with that emergency. A national unemployment rate of 6.1 percent requires not more speeches, but more jobs, and more jobs is what this bill is all about.

This bill creates jobs—not dead end leaf-raking jobs, but real jobs that need to be done and are not being done solely because our State and local governments are not able to raise the money to pay for the services that they need.

This bill deals not only with the crisis faced by the unemployed. It also deals with the crisis faced by our local governments which cannot provide the funds to pay for the work that needs to be done. We have cities that need workers, and we have workers that need jobs. The Emergency Employment Act provides jobs for the unemployed workers and funds for the cities to enable them to hire the workers they need.

Those are the purposes of H.R. 3613: First, to put unemployed persons to work; and, second, in so doing, to provide needed public services to our citizens.

The National Commission on Technology, Automation, and Economic Progress reports that there are 5.3 million potential public service jobs in such fields as education, pollution control, welfare, public protection, medical and health services, transportation, urban renewal, parks and conservation, and sanitation.

Yet, as their residents become hard pressed, State and local governments have dwindling resources as their tax bases decrease, and they are unable to provide services to these people when they are most in need of them.

Along with giving jobs to the unemployed—the principal benefit of this legislation—State and local officials who cannot now afford to do so will be able to hire persons to work on improvement projects, to make additions to the work force in the vital area of public safety, to improve and expend recreation programs, public education, and to do many other things that will benefit their communities.

The bill will provide about 150,000 jobs for the unemployed in providing needed public services. This is a job program, not a training program. And under the circumstances that we have today, that is exactly what we need. I have always been a strong supporter of job-training programs, but training is not the answer where the problem is not lack of skills, but lack of employment opportunities.

My bill authorizes the Secretary of Labor to enter into agreements with applicants to make financial assistance available to unemployed and underemployed persons in jobs providing needed public services. Under section 4, eligible applicants are units of Federal, State, county, and municipal governments, public agencies and institutions that are subdivisions of State or general local government, institutions of the Federal Government, and Indian tribes. As an example, incinerator, sewer, sanitation and water authorities, and veterans hospitals would qualify for funds.

Section 5 of H.R. 3613 authorizes $200 million for fiscal year 1971, $750 million for fiscal year 1972, and $1 billion for the 3 succeeding fiscal years. If the national unemployment rate grows to 4.5 percent or more for 3 consecutive months, the Secretary could begin to contract for programs. The funding mechanism is designed to be retroactive, so our present economic conditions would make this act immediately effective. If the national unemployment rate goes below 4.5 percent for 3 consecutive months, the Secretary may no longer make any obligation of funds.

This bill also contains an innovative provision called the special employment assistance fund. The bill authorizes to be appropriated for deposit in this fund $250 million initially for the fiscal year ending June 30, 1972, and for each of the 3 succeeding fiscal years whatever sums may be necessary to keep the fund at a level of $250 million. Amounts appropriated under section 5 that are not available for expenditure shall be deposited in the special employment assistance fund without fiscal year limitation.

In order to be eligible for assistance under this section, an applicant must have an area within its jurisdiction that has had a rate of unemployment of 6 percent or more for 3 consecutive months. This provision focuses funds into local areas of great need that are pockets of chronic unemployment. So, the local trigger is designed to take effect regardless of the national rate of unemployment.

There are two provisions in this bill that are of particular importance which I would like to single out for your attention.

Mr. ERLENBORN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 111]

Abzug
Alexander
Anderson, Tenn.
Aspin
Baring
Betts
Biaggi
Blackburn
Blatnik
Bolling
Brademas
Brasco
Brown, Ohio
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Camp
Carey, N.Y.
Carney
Celler
Chappell
Clark
Clausen, Don H.
Clawson, Del
Clay
Conte
Conyers
Culver
Danielson
de la Garza
Delaney
Denholm
Dent
Derwinski
Devine
Dickinson
Diggs
Drinan
Dulski
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, La.
Eilberg
Eshleman
Evins, Tenn.
Flowers
Flynt
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Fulton, Tenn.
Galifianakis
Gallagher
Gettys
Giaimo
Goldwater
Gray
Green, Oreg.
Green, Pa.
Halpern
Hammerschmidt
Harrington
Harvey
Hastings
Hébert
Hicks, Mass.
Hillis
Howard
Ichord
Jarman
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Karth
Kazen
Kee
Keith
Kemp
Kluczynski
Kyl
Leggett
Lennon
Lent
Long, La.
Lujan
McClory
McCormack
McCulloch
McDade
McEwen
McKevitt
Madden
Mailliard
Metcalfe
Miller, Calif.
Mills, Ark.
Mink
Minshall
Morgan
Morse
Moss
Murphy, Ill.
Nedzi
Nichols
Nix
Pelly
Pepper
Pettis
Pickle
Pirnie
Podell
Price, Tex.
Railsback
Randall
Rarick
Rhodes
Robison, N.Y.
Roe
Rooney, N.Y.
Rostenkowski
Rousselot
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Saylor
Shipley
Snyder
Spence
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Symington
Talcott
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Veysey
Whalen
Whalley
Wiggins
Wilson, Charles H.
Winn
Wydler
Yates
Young, Tex.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Boland, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 3613, and finding itself without a quorum, he had directed the roll to be called, when 276 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN pro tempore. When the Committee rose, the gentleman from New Jersey (Mr. Daniels) had consumed 7 minutes. The Chair recognizes the gentleman from New Jersey (Mr. Daniels).

Mr. DANIELS of New Jersey. Mr. Chairman, at the time the Commitee rose, I was making the point that there are two provisions in this bill, H.R. 3613, that are of particular importance; namely, veterans' preference and limitations of provisions with reference to veterans' preferences.

Veterans' preference: The committee wishes to give special recognition to the need for jobs for veterans who served in the Armed Forces in Indochina and Korea after August 4, 1964. Over 90,000 young men begin looking for work each month, far too often without success. In order to meet this crisis our bill gives veterans preference. Each applicant must provide assurances that preference in filling public service jobs will be given to persons who served in the Armed Forces during this period.

Limitations of professionals: Every applicant must give assurances that no more than one-third of the participants in the program will be professionals within the meaning of section 13(a) (1) of the Fair Labor Standards Act, although the Secretary may waive the limitation in exceptional circumstances. This restriction does not apply to classroom teachers.

In addition, there is a maximum of $12,000 on the salary that may be paid to any person employed in a public service job.

Eighty percent of the funds appropriated under section 5 will be distributed among and within the States on the basis of the proportion which the total number of unemployed persons in an area or State bears to such total numbers, respectively, in the State or nationally. The remainder may be distributed as the Secretary deems appropriate.

Some of my colleagues are opposed to this legislation.

Why this opposition to giving work to the unemployed? Why this opposition to helping our local governments solve their problems?

There are two reasons, Mr. Speaker, and neither one of them can stand close scrutiny. The first reason harks back to the President's veto of last year's comprehensive manpower bill. The second requires a brief look at the so-called manpower revenue sharing bill.

Let us look at the President's veto first. The President objected to last year's manpower legislation because it would supposedly provide "dead-end, WPA-type" jobs. I believe his objectives were mistaken, that he was misadvised about the contents of the bill. But, in any event, the Emergency Employment Act is different from last year's in many respects:

The emergency bill operates only in periods of high unemployment, while the vetoed bill provide public service jobs regardless of the state of the economy.

The emergency bill sets a salary limit of $12,000 a year; the vetoed bill had no limit.

This year's legislation provides that not more than one-third of the participants can be in professional jobs; the comprehensive manpower bill had no comparable provision.

H.R. 3613 has a special funding provision for localities with high unemployment; the vetoed bill did not.

The emergency bill gives special emphasis to jobs in occupational fields that are likely to expand as unemployment recedes; the vetoed bill did not.

H.R. 3613 provides financial assistance to governmental bodies only; the vetoed bill included nonprofit organizations.

Finally, one of the most important differences is that the emergency bill gives Vietnam veterans special preference, while the vetoed bill did not.

The "dead-end, WPA-type" job argument against this bill is unfounded; and so is the second argument that we should substitute the manpower revenue sharing bill.

Manpower revenue sharing is a new and untried and unexamined idea. It is utterly inconsistent with what the administration recommended last year—and even the Secretary of Labor is not too clear about what it really means. The fact that an idea is new does not mean that it is bad. The fact that a proposal is different from last year's administration proposal does not mean that it is bad. But it does mean that it deserves examination. Manpower revenue sharing has not been examined. And it cannot be enacted with the speed that the current unemployment crisis demands.

It is interesting that the substitute offered by the minority does not even adopt the manpower revenue sharing bill as it was proposed by the administration. It would be sheer folly to adopt this proposal before it has received proper scrutiny in hearings and committee consideration. The manpower revenue sharing bill has had neither hearings nor committee consideration.

It is too vague and presents too many unresolved problems to be put before the House of Representatives at this time. No one can say that it will have any impact in reducing unemployment. The emergency employment bill will reduce unemployment—it deserves immediate consideration.

H.R. 3613 provides relief now, when it is needed, not at some distant future date. It gives us time to deal with the larger task of manpower reform without a crisis hanging over our heads.

I trust that the administration and Members on both sides of the aisle will support this bill. Unemployment is not a partisan problem, and if, as the President promised in his state of the Union message, economic policies will reduce our unemployment, the bill will automatically become inoperative. But until that happy time, we need to provide work for the unemployed now. That is what my bill does—and that is why it deserves quick consideration and rapid enactment.

The CHAIRMAN pro tempore. The gentleman from New Jersey has consumed a total of 14 minutes.

Mr. DANIELS of New Jersey. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, the week before last, in Akron, the Northeastern Ohio Congressional Council, composed of representatives from the Greater Cleveland-Akron metropolitan areas, held the second in its series of public hearings to give citizens an opportunity to express themselves on subjects of national concern.

Among those who testified was Kenneth Herbert, director of the Akron Manpower Training Center and president of the Ohio Association of Manpower Center Administrators.

Mr. Herbert, speaking on behalf of the Ohio Association of Manpower Center Administrators, made an urgent plea for continuation of the Manpower Development and Training Act of 1962, and rejection of the President's manpower revenue sharing program and the Esch amendment to the Emergency Employment Act.

I have visited the Akron Manpower Training Center, and have seen first hand the magnificent job they are doing in training people to be productive, self-sufficient citizens.

It would be tragic to kill this program. Yet, as Mr. Herbert points out in the statement he made at the hearings, under revenue sharing manpower training will most assuredly be low on the list of priorities of the Nation's financially hard-pressed mayors.

Mr. Chairman, I request unanimous consent to revise and extend my remarks, so that Mr. Herbert's statement and a statement by Victoria Rodgers of Akron can be printed in the RECORD at some point in the debate.

The CHAIRMAN pro tempore. The gentleman will have to get that permission in the House.

Mr. SEIBERLING. Thank you, Mr. Chairman.

The material referred to follows:

OHIO ASSOCIATION OF MANPOWER
CENTER ADMINISTRATORS,
May 21, 1971.

Hon. JOHN F. SEIBERLING,
Washington, D.C.

DEAR CONGRESSMAN SEIBERLING: On behalf of the Manpower Development and Training Administrators of Ohio I would like to urge that the Manpower Development and Training Act be retained as a separate piece of legislation and that it be modified and renewed before its expiration date of December 31, 1972.

We strongly urge that it should not be eliminated with the idea of placing this responsibility with local or state governments. There is little doubt that if revenue sharing is adopted and the mayors with their tremendous problems of financing city operations must choose between maintaining or expanding city services or assisting the disadvantaged in securing training to make them employable, the present function of Manpower Training will have a low priority. Why should it be necessary for a mayor to make this decision to help the poor or not help the poor to become employable.

Instead we urge that a U.S. Department of Education and Manpower be established and that the function of administering the Manpower Development and Training Act become the responsibility of this Department.

Since the public schools of the nation are in dire financial straits, they cannot afford to carry the financial burden for either vocational education or Manpower Development and Training for even a short period. Neither can they or any other local or state government afford to provide a training allowance to a person attending Manpower classes.

You will remember that it was necessary to close the Mahoning Valley Vocational School, although it was very successful. It was closed because training allowances were not available and the trainees could not afford to attend. It was a horrible disaster after the tremendous success of graduates of that school.

The same thing can happen to every Manpower Development and Training Center in the United States (now about 75) while the mayors are deciding if they can spare the funds to operate them.

It is our firm belief that the suggested change in the delivery system will almost inevitably eliminate these successful Skill Centers.

On behalf of hundreds and thousands of disadvantaged persons yet to be trained, we urge that the MDT legislation be expanded and changed so we can do the job we are capable of doing for the disadvantaged individual or the veteran needing skill training in order to secure employment.

We have dedicated the Skill Centers to the function of helping the disadvantaged help themselves. It is a positive way of providing the individual with needed skills, but also with the confidence needed to become a valuable citizen and employee.

Respectfully yours,

KENNETH J. HERBERT.

STATEMENT

I, Victoria Rogers, am employed by The University of Akron as the Keypunch Supervisor.

I was able to reach this position because of the Manpower Development and Training Skill Center giving me the opportunity and assistance to improve my skills and abilities, and The University of Akron by letting me put my skill and training to use.

I shall refer to the Manpower Development and Training Center as the MDT Skill Center.

I dropped out of high school at an age when most people think that this is the thing to do.

But on my own, married and with a family, I soon realized that aside from my family life, I had no future; my life would be closed and meaningless. So I decided to go back to school.

I was accepted on the Stride Program. While on this program, I went to school from 8 A.M. until noon, worked for Vocational Planning Center from 1 until 5 P.M., and went to school again from 6 until 10 P.M. Believe me, I was determined.

With this amount of daily activity and a family to raise, I soon got pretty discouraged and my determination was slowly leaving.

The MDT Skill Center offered me the encouragement and assistance that convinced me I WAS doing the right thing. It provided me with the necessary background and credentials so that my lack of work experience was not an obstacle in my attempt to get a meaningful job and a chance to advance.

It also provided me with High School Credits, which meant I could have my long sought after High School Diploma.

After graduation—no, as a matter of fact, before graduation—I obtained my first position—Clerk Typist at Akron University.

The University was open-minded enough to realize my skills and abilities and gave me every opportunity to develop them.

Because of my training on IBM Keypunch at the MDT Skill Center, I was selected to learn to operate a teletype. I was even allowed to use my skills on a Keypunch. I learned a lot about the world of Computers, and when the opportunity appeared, they (The University) transferred me to a position where I could utilize my skills.

So, in three years, I went from High School Drop-out to Clerk-Typist to Data File Librarian—to become a Shift Supervisor of the Keypunch Section.

I think it is clear to see that the MDT Skill Center performs the function, and actually accomplishes the purpose for which it was developed.

The people who decide to take advantage of this opportunity by honestly putting their best foot forward *cannot go wrong.*

Thank You.

Mr. DANIELS of New Jersey. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, we have been listening to this debate for some time. I am sure there is going to be a good deal more argument against the basic bill and the substitute before we come to a vote.

With all due respect to my colleagues on the other side, I submit, Mr. Chairman, that the substitute bill is a cruel hoax on the returning veterans coming home seeking jobs. It is a cruel hoax on the college students who are today experiencing the worst depression we have had among college students. It is a cruel hoax against those who have been dislocated in their jobs because of the recession.

This whole Esch substitute tries to create the impression that somehow by restructuring the manpower program we will create new jobs and give people a chance to earn their livelihood.

Mr. Chairman, I submit a sincere and careful examination of the substitute will show nothing like that will happen. Not one new additional job will be created by the substitute.

Conversely, the bill submitted by the gentleman from New Jersey (Mr. DANIELS) actually creates 150,000 new job opportunities.

I would say to my colleagues who have been tempted to support the Esch substitute that they are in the right church but in the wrong pew.

Surely we agree there are reforms necessary in the manpower program. The committee chaired by the distinguished gentleman from New Jersey (Mr. DANIELS) has under consideration a number of manpower reform bills, including my own. I am sure that in due time we are going to have manpower reform legislation, but I submit that the crisis now is of such proportions that what Americans need today most are jobs. The Esch substitute just will not provide such jobs.

The Esch substitute gives veterans priority on nonexisting jobs. They are now using the argument here and saying we take care of the veterans, also. But how can you take care of veterans when there are no jobs for them They say they want to retrain them. I submit, Mr. Chairman, that the veterans coming back from Vietnam are sufficiently trained and qualified. They are truck drivers, medical aides, typists, stenographers, telegraphers, radio communicators. Our soldiers are coming back from Vietnam with a myriad of excellent skills. They do not need more training. What they need is a job.

I tell you that it is a national disgrace that this country has sent boys out to Vietnam to fight, but when they come home they cannot find job opportunities to feed their families.

When they talk about retraining veterans, that is a cruel hoax. These boys already have job skills and can move into the jobs now or tomorrow and do it in an excellent manner because of the training they have received in the armed services. The problem they have is to find the job.

They also want to retrain college graduates. Over the weekend you have seen reports coming out of the colleges showing that they have never suffered a greater depression in job opportunities. Young people with college degrees are searching aimlessly for jobs that are just not there.

What is the sense of talking about a manpower retraining program? What will you retrain them to do? They are trained now. They have spent 5 or 6 years in college getting training for jobs. But the jobs are not there. You talk about retraining people who have been trained in the aerospace industry and other industries that have been hard hit by the present recession. We have engineers who helped to put men on the moon, brilliant scientists and engineers, driving taxicabs today and tending bar and doing all sorts of other menial jobs because they have no opportunities in their professional categories. What will you retrain them for? They are well trained and capable. All they need is a job.

The Daniels bill provides funds for creating 150,000 meaningful jobs in hospitals; as teachers aides; and in the whole field of ecology. These scientists can be used in these jobs today, because the Daniels bill will provide for that.

Mr. Chairman, it is a cruel hoax to come before this House today and try to sell the House on a substitute dealing with major reform of the manpower program when indeed all this country needs is jobs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DANIELS of New Jersey. Mr. Chairman, I will be glad to yield the gentleman 3 additional minutes.

Mr. PUCINSKI. Now, Mr. Chairman, I want to show further why I have said that this substitute is a cruel hoax.

This bill gives the highest priority to welfare recipients. God only knows that there are enough of those people in this country who could take up whatever new jobs this substitute bill conceivably would create. They give the highest priority to those on public aid and they repeat and duplicate the very proposal now incorporated in the welfare reform bill which is now on its way through the Committee on Rules and which has been reported out by the Committee on Ways and Means.

Mr. Chairman, the Committee on Ways and Means sets up $800 million for new job opportunities for those on public assistance. The Daniels bill, is designed to create 150,000 new jobs for those who are unemployed because the sagging economy has closed off their job opportunities.

Mr. Chairman, I would be the first one to admit that we need manpower reform. The fact of the matter is that manpower reform will come when we have had some good hearings.

Mr. Chairman, the Esch substitute has not had one single day of hearings. The Esch substitute will emasculate the vocational education programs all over this country.

There are 9 million American students who are now preparing themselves for gainful employment in the various programs under the Vocational Education Act.

As chairman of the House Subcommittee on General Education I have had a deep interest in vocational education. However, I tell you that this substitute will emasculate our present vocational education programs.

This is why the American Vocational Association has clearly stated that it is opposed to the Esch substitute because of what it will do to vocational education.

So, my colleagues, I would hope that the House, after due consideration, would reject the substitute.

We will bring to the House a manpower reform bill. There is agreement among all of us that we do need reform in the manpower program. This was reflected in the bill which was enacted last year. But the fact of the matter is, right now the veterans of this country need jobs and not retraining, the college students and graduates need jobs and not retraining. The engineers, who have been displaced in the aerospace industry and various other industries, need jobs and not retraining.

Therefore, Mr. Chairman, I urge the House to reject the Esch substitute bill. I urge the House to go along with the bill which the gentleman from New Jersey has proposed in order to provide 150,000 urgently and desperately needed jobs.

Mr. BURKE of Massachusetts. Mr. Chairman, I rise today to say a few words in favor of the Emergency Employment Act of 1971, H.R. 3613, as reported out of the House Education and Labor Committee. I am supporting the bill as reported without the Esch substitute, H.R. 8141, described as being backed by the administration but, upon closer scrutiny, found to differ significantly from the grant consolidation proposal originally made by the administration.

But, I do not wish to spend time today in the interminable revenue-sharing arguments that have already bogged discussion on this bill down. I think many of us are aware that with the introduction of the Esch substitute, however closely it mirrors or does not mirror the administration consolidation proposals for existing manpower programs, the opening round in the discussion of the administration's revenue-sharing proposals is being forced upon us. I think this is the wrong time to begin to tackle this controversial package. I think the proponents of the administration proposals have chosen a poor time and the wrong vehicle to inject this element of controversy into the deliberations of this body. There have not been sufficient hearings on the matter by the appropriate committees. There will be plenty of time to weigh the pros and cons of the philosophy behind the Esch substitute. My point is that now is not the time. We are considering what is called an Emergency Employment Act and its aim is to tackle the problem without further delay and to put people to work in high unemployment areas right away.

Only slightly less critical are the jobs and services that would be performed by the presently unemployed. There is a considerable shortfall in our large metropolitan areas today of services in such vital areas as sanitation, law enforcement, fire prevention, health, and the like. The needed further services, in other words the jobs, are there. The needs are not being manufactured and they are compelling. The unemployed people are there as the unemployment statistics so eloquently demonstrate. The missing element at present is the Federal funds needed to put the unemployed citizens to work immediately within the municipalities throughout America performing worthwhile tasks. For all $200 million would be public service jobs in the current fiscal year, $750 million for fiscal year 1972, and $1 billion for each of the 3 succeeding years.

Gentlemen, the time for action on this bill is now. The time for debate on H.R. 8141 is later and there is no reason to tie the fate of one to the uncertain future of another.

Mr. QUIE. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Chairman, at the outset, reference was made by the very distinguished gentleman from Illinois and the previous speaker to the effect that the Esch substitute would provide a cruel hoax on veterans. I think that accusation should be clarified at the outset.

Mr. Chairman, the difference between the committee bill and the substitute bill as it pertains to veterans is this. Under the committee bill, pursuant to an amendment which I sponsored in the committee, the veterans who have served in the Korean or Indochina theaters would be given preference for public service employment jobs.

Under the substitute bill they would be given preference not only for public service jobs but also for all manpower training programs and service, including job counseling.

So that I think that the fact of the matter as it pertains to veterans is this: that under the substitute bill preference will be given for those veterans from Korea and Indochina in all programs. I think it is important to recognize——

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I will yield in just one moment to the gentleman.

As I started to say, I think it is important to recognize that when we are dealing with the question of veterans it was attempted to be neutralized by putting in both measures as far as to the extent that it could be covered in both measures, and that was my intent, and that was why I offered the substitute to the committee bill.

I will now yield to the distinguished chairman of the subcommittee, the gentleman from New Jersey (Mr. DANIELS).

Mr. DANIELS of New Jersey. Mr. Chairman, I thank the gentleman for yielding.

Is it not true that under the bill H.R. 3613 that not only do we give veterans preference for consideration for employment, but in addition thereto that they are eligible for training?

Mr. ESCH. Under the committee bill they are eligible for training, but the committee bill does not affect the manpower training programs which are currently in the country today, and thus the veterans are not given preference for current manpower training programs other than the public service employment factor.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield further?

Mr. ESCH. I yield further to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Is it not true that recently the administration authorized the expenditure of $1 billion for additional veterans training?

Mr. ESCH. There have been initiatives by the administration, and we laud them. I think the committee felt in its wisdom that additional measures should be needed not only in terms of manpower training and public service employment, but a tool comprehensive approach to veterans training.

Mr. DANIELS of New Jersey. I thank the gentleman for yielding.

Mr. ESCH. Mr. Chairman, as I said before, I think the record should be clarified that the substitute bill—and its provision for veterans preference—covers all aspects of the manpower training.

Mr. PUCINSKI. Mr. Chairman, would the distinguished gentleman yield?

Mr. ESCH. Not at this moment. I will be happy to yield later.

The second question was regarding the effect of the substitute bill on vocational education.

I think it should be pointed out at the outset that although many Members received communications from the American Vocational Association, they do not support either the substitute bill or the committee bill. And in a letter from Mr. Burkett, of the American Vocational Association, he said in part:

> Our opposition to H.R. 8141, the Manpower Revenue Sharing Bill, is not to be construed in support of or in opposition to H.R. 3613.

So the record should be clear that the American Vocational Association does not support H.R. 3613, the committee bill.

Furthermore, it should be pointed out that they did not support the bill on manpower training which went to this House last year, and which forms the basis for the substitute bill.

One point to be made specifically as to the nature of the impact on vocational education of the manpower training bill which we propose, and that is for the first time, for the very first time in the manpower training program, we state in the substitute bill that to the maximum feasible extent the local technical schools, the local vocational schools, the local community colleges, and so forth, will be utilized by the local units of government in developing their own manpower training programs.

What is the impact of this? It means that for the first time we will begin to have a coordinated program with all vocational educators in the local communities. This, I would suggest, is the real strong need: to develop a coordinated program between vocational education and vocational educators on the one side, and the manpower training programs on the other.

So, contrary to what has been suggested by the American Vocational Association, if the Esch substitute is clearly understood by your local vocational educators, I think that they will support it because they would like to have an opportunity to participate to the maximum feasible extent in State programs or in local county or city programs. We must utilize those community colleges and other facilities, and this has been missing in the current manpower training program because they have been directed from a central source rather than a local source.

Now let us go on for a little bit more.

I think one of the most analytical and profound discussions of the merits of manpower revenue sharing is found in a dialog which was part of the March 7 "Meet the Press" program on NBC. On that program Dr. Leon Sullivan, the founder of Opportunities Industrialization Centers, a nationwide job-training program, pointed out the need from the standpoint of working at the grass-roots level, and he surely had experience in that, of solving the problems of the unemployed. He certainly gained a keen insight into this and I would read for you what he said regarding manpower training.

He was asked whether the Nixon proposal in terms of $2 billion for manpower training programs under State and local governments—"Based on your experience with manpower training programs, do you think that is a good or a bad idea?"

> Mr. SPIVAK. Reverend Sullivan, President Nixon the other day asked Congress for $2 billion in revenue sharing funds for a manpower training program to be under state and local government. Based on your experience with manpower training programs, do you think that is a good or bad idea?

Dr. Sullivan said:

> It will be a good idea if the people in the communities where the problems are have the discretion and the ability to utilize those funds for the development of their own programs. As long as manpower programs are developed from the top down, rather than from the bottom up, they will not be successful. They will get caught in the old concept of big jobs, big salaries and big heads, where the money stays up rather than going down to help the people.
>
> So I would say, if the money doesn't get caught in the old patronage bags, where people get the money, rather than money to help the people, it might work, and if the government decides not to try to run the programs. Because if the government tries to run them with their bureaucracy, they will ruin them. Programs, to succeed in manpower, have to come up from the people, and the people themselves must want them to help themselves.

Then he goes on to talk about the Philadelphia experience.

That is the essence of the substitute bill—an opportunity to have coordination and development and structuring of manpower training programs at the local level to meet the needs of the local community.

Let me make several other points: First and foremost, this is not an argument over whether we should have public service employment as part of our manpower programs. The substitute bill would authorize very large appropriations which could be used for public service employment programs and would authorize it now. It would authorize $500 million in the first year as opposed to the committee bill authorizing $200 million. This is not an argument over the need to respond to the problem of unemployment rates. The substitute bill will provide immediate assistance and larger in size than the committee reported bill and more responsive to the immediate needs.

This is not an argument over the details of our legislation which ought to be worked out in committee. If it is, then the points that should be made on both sides would be persuasive that we should recommit the bill to committee.

Arguments for and against the committee bill and arguments for and against the substitute have been aired equally during the committee hearings and have been discussed at length by this House and by this Congress over the last 2 years. The argument simply boils down to this then—are we going to add yet another defective and narrow program authorization to the dozen encumbering and already unwielding and faulty system delivering manpower service to the unemployed or are we going to consider opportunities to fundamentally reform that system so as to be responsive in the most effective way to the needs of the States and the local needs and to the individual needs.

If the latter is our intention, then we

shall vote for the substitute bill tomorrow.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIE. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. Mizell).

Mr. MIZELL. Mr. Chairman, I rise at this time to express my opposition to the emergency employment bill, H.R. 3613, and to offer my strong support for the substitute amendment introduced by the distinguished gentleman from Michigan (Mr. Esch).

H.R. 3613 is not the remedy for unemployment that its sponsors say it is. The bill simply represents a continuation of the shortcomings and inadequacies of past manpower efforts, which time and again have proven to be of little effect in reducing unemployment.

What is needed, and what Mr. Esch has proposed, is a fundamental reform of manpower efforts, consolidating existing programs, making them more flexible, and allowing local authorities with widely differing job markets and training needs to tailor the programs to their own needs.

This more selective and effective approach, which embodies much of President Nixon's proposed manpower revenue sharing plan, hold forth the greatest promise of relieving the unemployment situation of any manpower legislation yet proposed.

It should be clear to us all by now that different kinds of unemployment can be solved only by initiating different kinds of responses to the problem in different areas of the country.

Job placement and training programs that might be effective in easing the aerospace industry's unemployment problem in the State of Washington would very likely not work as well when applied to the unemployment situation that exists in ever-increasing severity in the textile industry in the State of North Carolina.

By passing Mr. Esch's amendment, we can provide the means of giving local and state officials a large degree of leeway and flexibility in solving their own unemployment problems.

His amendment provides a way for local and state officials to fashion training programs that will fill local employment needs. We must all agree that training for jobs that exist is clearly preferable to training for jobs that will have to be created or for jobs that will require massive relocation.

The Esch amendment provides that on-the-job training, vocational education or technical training can be used in any combination that will assure the best results in training people for jobs, and then having jobs to put them in.

Another feature of the Esch amendment is the responsibility that would be given to local officials to continue those existing programs that have proven their effectiveness in job training and placement, and to discontinue those that have proven to be ineffective and a needless, worthless drain of public financial support.

This, to me, represents the most innovative and needed step toward providing truly effective manpower training and placement programs, a step toward far greater efficiency in Government spending.

We all know of instances of waste and ineffectiveness in past Federal manpower efforts, and the Esch amendment gives us the opportunity to do away with those programs that have given manpower development a bad name in so many communities across the Nation.

The choice to me seems clear: By passing the bill currently proposed, H.R. 3613, we simply lock ourselves in to yet another rigid and shortsighted program that offers no lasting solution to the unemployment problem, providing instead a system of tax-supported employment with no view toward removing those employees from public jobs as private employment becomes available.

By choosing instead the Esch amendment, we can, at substantially less cost, revolutionize and vastly improve the Federal Government's approach to manpower development, and really do something constructive about relieving unemployment in America.

I urge my colleagues to join with me in voting for the Esch amendment, and against H.R. 3613.

Mr. DANIELS of New Jersey. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. Badillo).

Mr. BADILLO. Mr. Chairman, I rise in support of the Daniels bill.

Mr. Chairman, the United States is presently gripped in the firm clutches of a severe unemployment crisis. Last December unemployment reached a 9-year peak with a startling 6.2 percent rate. Since that time, the unemployment rate has not varied significantly and has remained at approximately 6 percent. In April the unemployment rate, as we all know, was 6.1 percent.

This current crisis is a direct consequence of the continuation of distorted priorities and the drastic economic dislocations we observe are a result of the current administration's poorly conceived and ineffectually implemented programs. Although 4.7 million Americans are unemployed, the Nixon administration has failed to offer any meaningful or effective solutions. It seems clear, therefore, that the Congress must take the initiative and exercise its responsibility to cope with this program. Thus, the passage of H.R. 3613 is not only desirable, it is a clear economic necessity.

Although we are sadly aware of the current situation, the need for this legislation is not new. If we are to fulfill the commitments made to protect and develop our physical environment and carry forward essential programs of social services, the personnel must be supported by Federal assistance. In 1965, for example, the Office of Economic Opportunity reported that 4.3 million new jobs could be filled in public service if the Government were to fulfill its obligations in the two aforementioned areas. Three years ago a W. E. Upjohn Institute study revealed that in 130 cities with a population of 100,000 or more, there are 280,000 unfilled public service positions in those cities alone, of which 141,000 could be immediately filled by untrained or unskilled unemployed persons. Testifying before the Senate Labor and Public Welfare Committee earlier this year, Mayor Lindsay commented that New York could provide some 50,000 to 75,000 additional public service jobs if the funding was available.

As the second major requirement of H.R. 3613 stipulates, public service employment funds are not to be used to create dead-end, "leaf-raking" jobs. Rather, these will be positions which will assist States and local communities to meet the need for basic and improved public services while, at the same time, providing essential employment for unemployed persons. Persons who might otherwise be straining the welfare rolls could serve in such areas as sanitation, educational and nurses aides, practical nurses, parks and recreation employees and so on.

Mr. Chairman, the unemployment situation is especially critical in our urban areas—localities which are already plagued by so many social and economic ills. In April a New York Times article reported that the unemployment rate in the New York-New Jersey area increased by some 41 percent last year while the increase for New York City alone was 33 percent. In March of this year the unemployment rate in New York City was 5.1 percent whereas last year it was only 3.5 percent. Particularly hard-pressed are blacks and Puerto Ricans and their rate of unemployment is usually well-above the overall rate.

Relief does not appear to be in sight and we cannot afford the luxury of waiting until the administration's highly touted but meaningless solutions are effected. We must act now and enact the legislation being considered today. Not only will this measure benefit the unemployed by providing useful jobs at decent wages but it will also furnish our statehouses and city halls with the manpower required to deliver urgently needed community services.

Furthermore, we must avoid any crippling partisan substitutes or amendments and enact H.R. 3613 in its original form as reported, by more than two to one, by the Education and Labor Committee.

Mr. Chairman, passage of the Emergency Employment Act is long overdue. The thousands of unemployed Americans are the tragic byproducts of our economic problems and their plight cannot be ignored. This measure is not intended as a panacea to immediately solve the entire unemployment crisis or to prevent future employment problems. It is, however, a stopgap measure designed to provide temporary relief for a relatively short period of time and its unique formula assures that it will be required only in periods of economic recession or depression. This bill is primarily aimed at dealing with the national emergency created by the crisis of unemployment and the collapse of vital public services in our Nation's cities. It is just one element of what must be a more comprehensive and broader-based program aimed at halting spiraling unemployment and economic dislocation.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I wish to congratulate the gentleman in the well for the excellent statement he is making. He proves with the statistics that he has cited more eloquently than anything anyone else around here has said and has demonstrated indeed that the substitute bill is a cruel hoax. My colleague from Michigan did not want to yield, but I want to ask him whether or not the manpower bill that he proposes creates any new jobs. What the manpower bill does is to promise nonexistent jobs. The gentleman from New York is correct in his statistics.

The way to deal with this problem is not to ignore it. The Daniels bill actually creates 150,000 new jobs in the public sector. I congratulate my colleague for his excellent statement.

Mr. BADILLO. I thank the gentleman.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Michigan.

Mr. ESCH. It is not true that the substitute bill would not create jobs. I refer specifically to title III of H.R. 8141. There is a provision in the substitute for $500 million for public service jobs in the first fiscal year. It is left to the discretion of the local units of government as to how that money is spent, and I would submit that that is where the decision should be rather than making decisions as we now have in an uncoordinated program from Washington.

I reject categorically the gentleman from Illinois suggesting, No. 1, that it is a cruel hoax, when the facts are to the contrary; No. 2, trying to use the veterans issue one way or the other. It is very clear from the record as to what the two bills will do in terms of impact on veterans. The issue should be in terms of total needs of this country. Lets debate the facts, not wild charges. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DANIELS of New Jersey. Mr. Chairman, I yield the gentleman from New York 2 additional minutes.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Illinois.

Mr. PUCINSKI. The very statement made by the gentleman from Michigan, the sponsor of the substitute, proves what a cruel hoax this substitute is. He may twist and turn any way he wants. He knows the manpower bill would not create jobs.

The manpower program is to train people for jobs, but this does not create new jobs. The gentleman has consistently refused to yield to have me ask him the question as to what new jobs he believes he is going to create in the substitute manpower bill he brought to this floor.

Mr. BADILLO. Mr. Chairman, I want to say at this point particularly I am very pleased to note that this legislation treats Puerto Rico on the same basis as the 50 States. Unemployment in Puerto Rico has reached disastrous proportions and no relief is in sight. As I mentioned in my speech last month, the official unemployment rate for the island is 12.2 percent, a rise of almost 2 percent over the past year. However, if you consider those who have despaired of finding employment and have dropped out of the labor force altogether, the realistic unemployment figure approaches 30 percent. The problem worsens almost monthly with additional plant closings and layoffs. As a consequence, even the employment which had been generated by Fomento—the Commonwealth's economic development agency—has declined. Last year the current economic crisis in the island resulted in a net loss of 1,800 jobs fostered by Fomento, a decline of 2.7 percent. Clearly, Puerto Rico must be a full participant in this emergency employment program.

Mr. Chairman, the tragic facts have been lain before us and we must regretfully acknowledge that 4.7 million of our fellow citizens were unemployed last month, more than 1 million of whom were unemployed for 15 weeks or more. The average duration of joblessness is almost 11 weeks—a trend which the Labor Department reports has moved upward. These men and women must be afforded all possible assistance and we have a clear responsibility to meet their needs. I urge that this legislation be favorably acted upon and that a workable program be formulated and effected at the earliest possible date in order that the vicious spiral of unemployment be halted and that our cities and States be given the opportunity to restore basic services to their citizens.

Mr. QUIE. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Chairman, I wish to compliment the previous speaker, the gentleman from New York, and to point out that in terms of the substitute bill it likewise has a direct effect upon Puerto Rico. In fact, it allows for almost double the funds they have now in terms of the manpower training program. It treats Puerto Rico as I believe many of us feel Puerto Rico should be treated, as a State equal with other States.

Again I compliment the gentleman from New York for his interest in Puerto Rico.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I am happy to yield now specifically for a question to the gentleman from Illinois.

Mr. PUCINSKI. Would the gentleman be good enough to show me where in his legislation provision is made to phase out existing manpower programs, for which he is proposing $500 million, to specifically create new jobs; and, which manpower programs does he suggest be dropped to create these new jobs?

Mr. ESCH. I would advise the gentleman from Illinois that under both the substitute bill and the committee bill there are no appropriations of funds. Both are authorization bills. Both would require the Appropriations Committee to recommend appropriation of funds, before either bill can be enacted for operation. So on that basis it is very clear that in any case the problem will not be resolved until the House acts further in terms of appropriations.

It should be further pointed out that on page 22 of the substitute there is given specific phaseout capability in relationship to the local units of government in accordance with the terms of termination and in relationship to the recipient government which would give a full year, until December 31, 1972, for phasing out existing programs.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield further?

Mr. ESCH. I believe the point should also be made once again, in terms of response—the gentleman has asked me to respond directly in terms of veterans—that neither bill provides jobs until the Appropriations Committee acts.

Under H.R. 8141 it provides for an authorization of $500 million for the first year. Under the committee bill it provides for $200 million for the first year, in both of which funds would have to be appropriated. So it is obvious in one case or in both cases that the veterans would be affected by this legislation.

Mr. QUIE. Mr. Chairman, I yield such time as he may use to the gentleman from Tennessee (Mr. BAKER).

Mr. BAKER. Mr. Chairman, I rise in support of the Esch amendment. We who are among those whom Mencken once called the "chronic hopers of the world" have learned to temper optimism with caution. We have learned that it is easier to articulate problem dimensions than problem solutions. We know it is too easy to fall prey to the "Washington syndrome"—the simple-minded theory that social problems will simply disappear if the Federal Government throws enough dollars and statute books at them. And we know the cruel and exaggerated rhetoric of unkept promises can threaten the credibility of Government.

We have embarked on a great new mission of reform—redefining for our own age the meanings and functions of the Federal system—issues of organization and procedure, and of the rational allocation of power and responsibility. Our reform effort is proceeding under great pressure.

The whole point of reorganization, of grant consolidation, of grant streamlining and decentralization is to reverse the topheavy trend of governmental programs. Our effort proceeds from the premise that further proliferation of programs without comprehensive structural reform will be counterproductive in the worse sense because Federal dollars will not alleviate the human needs for which they were targeted.

Categorical programs by themselves too often encourage a narrow view. They focus on a specific product to the detriment of the needs of the group to be served. In the design and execution of public programs, we must have a coordinated strategy.

We believe the local governing units should make the decisions on specific allocations in accordance with a closer perception of need and a more flexible approach. This is the direction in which responsible and responsive government must move.

We seek to strengthen capacity for planning, evaluating, and training personnel for State and local programs.

I agree with President Nixon's statement, in his eloquent message to Congress, when he said:

> By converting the Nation's manpower programs from categorical grants to Special Revenue Sharing, we can play to the strengths of the federal partnership, teaming federal dollars with state and local decision-making.

Within the context of the philosophy of revenue sharing, which I support, the manpower revenue-sharing proposal builds upon this concept of decentralizing manpower responsibilities.

Overall, Mr. Chairman, this proposal is designed to give more effective help to those who need it, and to give Americans full return for their tax dollars spent on manpower assistance in the years ahead. While building on the best experience of past manpower measures, it introduces bold new concepts to make our national manpower system more effective.

The committee bill, H.R. 3613, provides for public service employment opportunities for the unemployed. Just that. Nothing more. It simply adds that assistance category to those already in existence.

On the other hand, Mr. Chairman, the Esch substitute bill restructures manpower programs generally, as suggested in the revenue-sharing proposal, and includes public service employment as one component part of the entire program.

This is a new approach in funding, basically following earlier block grant concepts combined with the manpower revenue-sharing proposals of the President. It consolidates a dozen narrow categorical manpower training programs into a single, flexible approach. It decentralizes the administration of the program by giving the States and local government units control over the design of their local programs in order to meet local conditions and circumstances.

By emphasizing training, counseling, and placement, the Esch substitute works to move those persons into permanent jobs in either the public or private sector, freeing the public service employment slots for other unemployed persons. Under the committee bill, it is possible for persons to stay indefinitely on federally subsidized public employment.

The Esch substitute allows the local authorities to make determination as to what kind of program they will utilize. At their discretion, they may employ any or all of the existing programs, but the decision is left at the local level where it belongs. The Department of Labor would stand ready to provide for staff functions of labor market information, staff training, and technical assistance under the program developed locally.

My distinguished and wise colleague, Mr. ESCH, has posed the real question before us today: Are we going to add one more narrow categorical program, namely, public service employment, to the existing hodgepodge, admitting that it does not solve the unemployment problem, when committee statistics show it will cost $5 billion and solve but 3 percent of the problem? Or, is this House going to take this opportunity to reform manpower training totally?

It is my sincere hope that we will take this opportunity to restructure our confused, overcentralized, unresponsive present programs into a delivery system that will meet the needs of the local community and of the unemployed individuals.

It is my sincere hope that this House will adopt the Esch amendment.

Mr. QUIE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I am going to yield additional time later on to the gentleman from Michigan (Mr. ESCH) so that if the gentleman from Illinois (Mr. PUCINSKI) wants to ask any questions, he will have a chance to do so, because we have enough time, but I want to take a few minutes here today to speak in behalf of the Esch substitute.

As I said the other day when this matter was before us, I would have preferred that we had considered the manpower programs all together with the public service employment bill and had hearings on those and brought out one big package, just as we did last year. However, that opportunity was not provided to us. The other day, however, we changed the rule which permits us to offer the Esch substitute, so we now have it before us. It is not that we never considered these matters before, because we did consider them last year and held extended hearings on manpower legislation then.

What this all boils down to is that the manpower programs are not effective today. They are not effective primarily because we are trying to find people to fit into slots in Federal programs. We need to revise our programs now that they have been in operation for a while so that programs can be developed to meet the needs of the people of each community. That means that we have to shift away from the strict Federal enforcement and administration as we did in the past where grants are requested from a Federal agency. Instead of that, the programs must be administered by the States, and we provide in some of the larger communities by the cities as well. My own preference is that all programs should operate through the States.

My colleagues who have listened to me for the last few years know that I believe the administrative unit should be the State, through which all Federal domestic programs of this nature will operate. However, because of the fact that many cities are burdened by special problems and have not had good experience with the State in the past years that they feel they should be directly funded. In the larger cities the mayors may administer programs, as Governors are permitted to do in the Esch substitute.

I note many groups, especially in the field of vocational education, have had experience with the States. This is ordinarily a branch of the State department of education in each State. But they have not had the same experience with mayors. It is of extreme importance that programs be developed on the local level. Who else can you turn to but the person who is elected as the chief of a municipality, the mayor, to assume that administrative responsibility? It is not that he himself will be personally deciding every on-the-job training program or every other program that is available under the authority of the Manpower Development Training Act, under title I of the Economic Opportunity Act, but, rather, that he would set up his own local agency to do so.

The Esch substitute takes into consideration the language that he "shall make maximum feasible use of the existing educational institutions having a training capability such as—but not limited to—area vocational schools, technical institutes, junior and community colleges," recognizing that this would be a concern to some people. That is why that specific language is placed in the Esch substitute so that every Governor and mayor would know that is the intent of the legislation.

Mr. Chairman, the question has been raised about phasing out the present manpower programs into this new proposal of so-called special revenue sharing for manpower. This has been a concern to a number of people. But the gentleman from Michigan indicates on page 22 of H.R. 8141 in the language contained therein language which indicates that the new program will go into effect on January 1, 1972.

However, it will be the end of that year before the repeal of the existing legislation would take full effect. Any State or municipality which is qualified can move quite quickly after January 1, 1972, the beginning of the authorization contained under this new legislation. However, if they do not want to move as quickly as that, present programs can go on, not only until the end of the next fiscal year 1972, but the first 6 months of the fiscal year thereafter.

The CHAIRMAN pro tempore. The time of the gentleman from Minnesota has expired.

Mr. QUIE. Mr. Chairman, I yield myself 2 additional minutes.

The CHAIRMAN. The gentleman from Minnesota is recognized for 2 additional minutes.

Mr. QUIE. Mr. Chairman, one would expect that there would be a transitional period from January 1 until the end of the fiscal year. However, the substitute provides that a full year is available in order that the transition period may be handled as wisely as possible and the States and municipalities would be able to handle their programs in an orderly fashion.

If we should find during the course of the consideration of this legislation that it finally would take additional time to get this worked out, and additional time would be needed, I do not think there would be any difficulty to get such time as is necessary in order that the transition can be made.

But, Mr. Chairman, I think it is of the utmost importance that we really move away from the hodgepodge of manpower programs that now exist, which definitely need coordination among the various prime sponsors who administer the programs locally, and where a truly coordinated program could be established locally so that there would be knowledge on the part of the unemployed and underemployed and returning veterans as to just what programs would be available to them and specifically designed to meet their needs.

Mr. Chairman, I think there is a likelihood that most need is for training for the kind of jobs that now exist. Under the substitute the States and municipalities also could develop public service employment jobs for a period of time so that work experience could be gained and the utilization of the skills unemployed have learned could be used on a job, a public service job, until a nonsubsidized job is available. In other words, the public service job can be used as a work training program and thereby they could substantially reduce the unemployment and the underemployment that now exists in this country. In many communities and States the Esch substitute would no doubt be used for straight public service employment, but it must be transitional.

Mr. DANIELS of New Jersey. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. Scheuer).

Mr. SCHEUER. Mr. Chairman, I rise to support the bill which has been submitted by the gentleman from New Jersey (Mr. Daniels), the distinguished chairman of the Select Labor Subcommittee, and at the same time to oppose the substitute bill sponsored by my distinguished and very able colleague on the other side of the aisle.

Mr. Chairman, I do this with regret because the new careers program, which is at the very heart of this substitute bill and which I sponsored 6 years ago, enjoys excellent bipartisan support.

So it is with a great deal of pain and regret that I must oppose the bill. I do it on two grounds. The minority bill presupposes a program for general revenue sharing for employment training programs. First, I share the general skepticism in Congress about an approach which would separate the power to tax from the power of spending. I have great skepticism about a program by which the Federal Government raises money, and then distributes it to States and municipalities to spend without sophisticated, comprehensively designed Federal guidelines.

And, second, there seems to be no evidence whatsoever that the States or the municipalities of America have sufficient understanding of the needs of the unemployed, and particularly the hard core structurally unemployed, to justify confidence that they could spend such funds effectively without Federal guidance.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I am happy to yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I believe the gentleman from New York is making an excellent point.

The American Vocational Association in opposing the Esch substitute mentions as one of its reasons for opposing that bill the facts that—

> 1. H.R. 8141 repeals the existing manpower legislation. At the present time, that legislation provides funds for State educational agencies to implement manpower training programs; it provides for in-service training of teaching personnel; it funds skill centers and other institutional training programs conducted by vocational education personnel. The Esch substitute gives no assurance that these would be continued under Manpower Revenue Sharing.
>
> 2. H.R. 8141 totally lacks the assurance of educational quality which was contained in last year's Steiger Bill, H.R. 19519, the Comprehensive Manpower Act which the House of Representatives passed overwhelmingly (275–80) with the full support of the AVA, the Nixon Administration, and the Majority and Minority leadership of the House Education and Labor Committee.

The very principles that the gentleman in the well, Mr. Scheuer, has fought so long to include in previous manpower bills, would all be negated and washed out by the substitute bill.

So, Mr. Chairman, I believe the gentleman in the well is making an excellent point on that score.

Mr. SCHEUER. Mr. Chairman, I thank my colleague, the gentleman from Illinois (Mr. Pucinski).

If anybody wishes to look for an institution that has been least sensitive to its real constituency and most blind to the real needs of society, one does not have to look further than the State Employment Services. These institutions are recruiters for the corporations and the businesses in the States in which they function. They have sought to screen out by means of over-credentializing and excessive experience requirements, those whom they deem to be least able quickly to attain proficiency in employment. Therefore they have not aimed mainly at serving the needs of those who are suffering from extended unemployment, but have instead aimed their services toward the needs of the business community. Thus they have hardened the problem of the long-term structurally unemployed, and have to a large extent been responsible for the desperate problem which this group finds itself in today.

Mr. Chairman, one thing we have learned from the early days of the poverty program is that you do not achieve very much by just having training programs which give the job trainee a hunting license to find a job. That is particularly true when jobs in the free enterprise sector are extremely few and far between. Indeed, all too often we put an unemployed person through a training program, after which he has the frustration of not finding a job and must go through another training program and perhaps yet another training program. We not only offend the job trainee who cannot find a job and those who have confidence in the business of training people for employment, but we also offend, and rightly so, our Republican colleagues. They point out there is very little sense in programs that spend billions of dollars training people without ever finding jobs at the end of the pipeline. That is a wasteful process, both from the point of view of the spending of funds and from the standpoint of the frustration, disillusionment, and alienation of people that is created because they went into a training program in good faith and could not find a job.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman.

Mr. PUCINSKI. The gentleman from New York has made a magnificent analogy here by calling attention to "hunting licenses" for a job. That is the very guts of the difference between the Daniels bill and the Esch bill.

Mr. SCHEUER. Of course, it is.

Mr. PUCINSKI. The Esch bill provides no jobs. It is just like giving somebody a hunting license during the off season when you cannot go hunting. That is what it amounts to.

Mr. SCHEUER. Absolutely. This frustrates the people.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I am happy to yield to the gentleman.

Mr. DRINAN. Mr. Chairman, at this time I would like to introduce a very important letter which has arrived at all our desks this morning from the National League of Cities and the U.S. Conference of Mayors:

MAY 28, 1971.

Hon. ROBERT F. DRINAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DRINAN: The Emergency Employment Act of 1971, H.R. 3613, will soon come to the House floor for a vote. On behalf of the National League of Cities and the U.S. Conference of Mayors, representing the nation's mayors and city officials throughout the country, we urge you to vote for this bill as reported out of the House Education and Labor Committee. A similar measure was passed earlier this year in the Senate with a bi-partisan vote of 62–10. The passage of this legislation in the House is critical to the nation's cities, both large and small, since the unemployment picture worsens each month. Today, on the one hand, thousands of our citizens are without jobs and on the other hand municipal services in the areas of sanitation, law enforcement, fire prevention, health and the like, are direly needed and presently not being provided. The need for the services, the jobs, are there. The unemployed people are there. The element missing and critically needed at this time is federal funds to put unemployed citizens to work immediately within municipalities throughout America performing worthwhile tasks for all. H.R. 3613 authorizes these needed funds for public service jobs by providing $200 million for the current fiscal year, $750 million for FY 72, and $1 billion for each of three succeeding years.

The unemployment problem now confronting mayors at the local level cannot be overemphasized. It goes beyond those on welfare. Returning Vietnam veterans, recent lay-offs resulting from shifts in federal expenditures causing a loss of jobs in certain areas, the overall shortage of jobs in the private sector, coupled with the hard core unemployment problem that many cities faced all along, means the picture is bleak. With this background in mind, an affirmative vote in the House on H.R. 3613 is a major legislative goal of the Conference and the League.

The parliamentary situation is complicated, however, by the offering of the Esch substitute, H.R. 8141, described as being backed by the Administration but significantly different from the grant consolidation proposal made by the Administration.

In our view, the Esch substitute should be rejected for the following reasons:

1. It fails to provide new money above and beyond funds authorized for conventional manpower programs. While H.R. 8141 would permit a public service element, the need cannot be met at the expense of ongoing programs, but must be authorized *on top of and in addition to* the already short funded manpower programs.

2. It seriously jeopardizes the shift of responsibility for conducting manpower progams from the federal to the local level. A key principle in manpower legislation adopted by the Congress last year and incorporated by the Administration suggested reform legislation this year is that local government should exercise control over the shape and direction of local manpower programs.

3. We are concerned over the funding formula contained in the Esch substitute. Secretary of Labor James Hodgson testified on May 6 before the Senate Subcommittee on Employment, Manpower and Poverty that his Department is having great difficulty in developing a formula to assure individual cities that their existing funding allocations will not be reduced. With the cities' need for funds in this area, (for current programs and public service jobs) staying even is unacceptable. Therefore, we are unable to endorse any formula until the Administration presents a clear reading of how such a formula would be applied.

Under these circumstances, the National League of Cities and the U. S. Conference of Mayors calls upon the Congress to enact H.R. 3613 without the Esch substitute.

Sincerely,
SAMUEL V. MERRICK,
Director, Congressional Relations.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman.

Mr. PUCINSKI. Mr. Chairman, it is quite obvious why the mayors have taken this very strong position. Coming from a big city, I can fully appreciate the tremendous difficulty that they are in. They have dozens of young people this summer who are looking for jobs.

Mr. SCHEUER. And thousands of graduates of training programs who cannot find jobs.

Mr. PUCINSKI. That is correct. That is why these mayors are issuing this very fervent appeal to this Congress to move now on the Daniels proposal and create these 150,000 jobs immediately. The consequence and the alternative to failing to produce jobs, meaningful jobs, for these young people will mean a great tragedy to this country. That is why these mayors have taken that position.

Mr. SCHEUER. I could not agree with my colleague more. It seems to me, if we believe in the rhetoric that work is good; that employment leads to self-respect, independence, and renewed self-esteem; that education and job training will lead to a new life, then we had better put some meat on the skeleton of our intentions and put some funding where the rhetoric is to provide jobs that are going to lead to that renewed self-esteem and self-respect.

Mr. Chairman, H.R. 3613 will generate 150,000 necessary, decently paid public service jobs linked to the fiscal needs of local government and the income needs of the unemployed. This legislation is not a panacea, nor a substitute for appropriate monetary and fiscal policy. But it is an essential tool in dealing with a prolonged crisis of unemployment. Since early 1969 the unemployment rolls across the country have been growing almost unchecked, affecting millions of workers in every State in the Union. Over 5 million workers are now unemployed. The national unemployment rate has been running at 6.2 percent in December, 6 percent in January, 5.8 percent in February, 6 percent in March, and 6.1 percent in April. Fifty-two of the 150 labor markets with a central city population of 50,000 or more have an unemployment rate of 6 percent or better, the highest such total since May 1962—almost a decade. The annual average jobless rate in the New York-New Jersey metropolitan area alone increased 41 percent in 1970.

Ironically, our committee heard extensive testimony about the vast number of public service jobs in State, county, and municipal governments that are going unfilled because of a lack of revenue. Hundreds of thousands of positions in public safety, environmental protection, health care, recreation, and education, to name just a few, are available across the country. While the downturn in economic activity has led the private sector to freeze or cut back its employment levels, public agencies face an increasing demand for services which require countless new positions. Six years ago when I sponsored the new careers program by amending the OEO legislation, an OEO commissioned study found that 4.3 million para-professional jobs could be filled in public service activities, 470,000 in the first year alone. Yet these job openings remain unfilled while millions of Americans, including experienced professionals as well as the untrained and disadvantaged, are unemployed.

So our committee proposes a national program of public service employment to match these unfilled jobs with those who are unemployed and seeking work. This measure would provide an immediate, substantial, and flexible response to an emergency situation. Other measures must be taken to reverse the slump in economic activity which is the root cause of the high level of unemployment, but in the meantime there is a crying need for an immediate job creation program to meet the needs of millions of unemployed.

This legislation authorizes $200 million for fiscal year 1971, $750 million for fiscal year 1972, and $1 billion for each of the 3 succeeding fiscal years for the Secretary of Labor to meet the full cost of providing jobs giving needed public services. The money would become available whenever the rate of national unemployment equaled or exceeded 4.5 percent for 3 consecutive months. This tie-in with the unemployment rate, referred to as a trigger mechanism, is a concept that has its origins in the administration's proposed Manpower and Training Act of August 1969. It has been further refined in this bill to include a special employment assistance fund to target $250 million a year at those areas with rates of unemployment which equal or exceed 6 percent for 3 consecutive months.

Thus, the Secretary of Labor is authorized to make funds available only when there are periods of high unemployment—4.5 percent or greater—across the Nation, or when specific areas such as central cities are suffering from a 6 percent or greater jobless rate. In April 1971, 739 labor market areas would have qualified as applicants under this latter provision.

The legislation spells out in some detail how applicants for these funds would be required to utilize them. Persons employed under the act must be paid at least the minimum wage or the prevailing rate of pay for that job in the same area, with a maximum rate of $12,000 a year. This provision would insure that a wage earner would receive at least $3,328 a year, which is still almost $500 below the poverty level for a family of four, and thus is an irreducible minimum.

The bill gives preference to hiring veterans of the Armed Forces, a preference they well deserve. Unemployment rates among returned Vietnam veterans are among the highest for any category of workers in the country. Each applicant must provide assurances that preference in filling public service jobs be given to persons who served in the Armed Forces in Indochina or Korea after August 4, 1964. Additionally, the applicant is required to make a special effort to acquaint such individuals with the program, and to coordinate his activities in this regard with those of others performing job counseling and employment services for veterans. This special attention to their needs is one important way to repay them for their service to their country in a dirty, faraway war.

The bill also includes typical "new careers" provisions to assure that the jobs for which funding is authorized are quality jobs with good prospects for advancement and upgrading. There is a strong emphasis throughout the bill on placement in jobs in expanding occupational fields, and on linkages with other manpower programs. These provisions are aimed at preventing the creation of dead-end, leaf-raking type jobs. They also encourage public agencies to provide work experience for these new employees which will increase the likelihood of their being moved onto regular public payrolls or into private industry if the employment program is curtailed.

There are also provisions in the legislation which require applicants to eliminate barriers to employment, including their own city or State civil service job requirements which restrict employment for the disadvantaged. We have learned through the new careers program that one of the keys to success of any job creation program is the removal of unnecessary credentials and experience requirements which keep employees, particularly the disadvantaged, from moving beyond entry-level positions. The elimination of these artificial requirements can clear the way for hiring and advancement of new employees in thousands of positions that are not dead-ended throughout the public service.

This is a sound, carefully constructed bill. The concept of public service employment supported by the Federal Government has been endorsed in principle by the President, major labor unions, and a variety of experts in the field of manpower. The national level of unemployment has been at such high levels for such an extended period of time that an immediate program of action is desperately needed. Unemployment is at a 9-year high. Duration of unemployment is now averaging 10.9 weeks, the highest figure in over 5 years. Despite some indications of the beginning of an upturn in the economy, these unemployment figures are persistent and show no signs of lessening. The May 29 issue of Business Week, for example, using an econometric model prepared by the Wharton School of Finance, forecasts a general economic recovery this year, but still predicts that unemployment will remain between 5.5 and 6 percent by 1972.

Traditional Federal manpower training programs are not enough when there is an inadequate number of jobs to be filled. Appeals and incentives for the private sector to hire, train, and keep employed large numbers of unemployed have had pathetically limited success. It is highly probable that in these times of slow economic growth, the private sector, even with the best of intentions and support from the Federal Government, cannot find enough jobs in its production, commercial, and service activities to employ a large number of the unemployed. Yet local governments stand ready to employ hundreds of thousands of persons in jobs which are vital to the functioning of society and the economy.

The Republican members of the Education and Labor Committee argue that a public service employment program should only be enacted as a part of a comprehensive revision of all manpower programs of the Federal Government. They would like to see such a job creation program, but only when it is neatly dovetailed with the $2 billion special revenue sharing for manpower. I submit that we cannot ask millions of unemployed to sit on their hands while the Federal Government reorganizes and does some housecleaning. These revenue-sharing proposals are deserving of study, but the speediest possible action would not bring such legislation to the floor until next year. In the meantime, we can and must act on the thoroughly studied public service employment program. A similar proposal was contained in the comprehensive manpower bill passed by the Congress, but vetoed by the President last year. In the event a manpower revenue-sharing bill is enacted, the public service employment program could be easily integrated with it. The potential jobs are there, the unemployed are immediately available, and the need for increased public services has been clearly established. I urge my colleagues in the House to lend their support to this important program which will give greatly needed help to our Nation's unemployed and our struggling public services.

Mrs. GRASSO. Mr. Chairman, H.R. 3613, the emergency employment bill before us now, is not offered as a panacea.

Today there are about 5 million Americans out of work. Unemployment reached 6.1 percent in April, the second consecutive monthly increase, and brought the jobless rate to its highest point since December, when unemployment reached a 9-year high of 6.2 percent. In Connecticut, the rate of unemployment is 8.4 percent, well above the national average. And in the Sixth District, which I represent, there is 21.5 percent unemployment in the city of Bristol, and 12.1 percent in New Britain and the Torrington area.

Under the provisions of this bill, the present level of unemployment would authorize the use of $1 billion in fiscal 1972, and $1.25 billion in fiscal 73, enough for approximately 150,000 public service jobs.

The Kerner Commission recommended the creation of 1 million public service jobs in 1968, at a time when about half as many people were unemployed.

It is interesting to point out that in 1939 this country, with a population of around 125 million, was providing 4 million public service jobs. This program produced many constructive results, beyond and apart from providing employment for people who were in desperate circumstances. Today we are talking about a bill involving about 150,000 jobs in a country almost twice as large, with a gross national product several times as great.

Of course 150,000 jobs will not solve the crisis of unemployment, yet we must act now in a positive way to assist those Americans who want to work and find it impossible to locate a job.

Public service employment is very broadly defined in the bill. Examples of jobs include police and fire protection, sanitation, transportation, recreation, education, conservation, housing and maintenance work.

Along with the principal benefit of this legislation which is providing jobs, runs another of almost equal importance. All the persons employed under this act will be engaged in the provision of public services to people. Communities will be able to expand health and education programs as well as increase their recreational facilities. The bill specifically calls for employment in areas likely to expand when the economy picks up.

Experience has taught us that even in times of high employment there are men and women who cannot find a place in private industry. This is particularly true for those over 45, and these older workers not only include the unskilled or low paid, but also the individual who has worked in a high paid job for 10 or 15 years and has been laid off during a recession. In many instances he will not be hired back and is finding it extremely difficult to get a job. There also is the younger worker from 18 to 25 without a college education who finds it hard to get an entry job in private industry. And the problem is still more distressing for members of minority groups.

High unemployment not only hits the individual pocketbook, it also diminishes the State and local revenues. The tax base is injured, retail sales are curtailed, forcing a cycle of increased layoffs. All of this causes cutbacks in the basic municipal services. Just last week I received a letter from a city councilman advising me that the entire physical education and recreation program of the school system was threatened for the coming school year due to the severe budgetary limitations placed on his city owing to the economic crisis.

This bill will only provide funds for the manpower to reinstate many of these services, but it will also put money back into the tax base to create a multiplier effect, thus stimulating more employment.

This bill is also carefully designed to trigger itself on and off according to specific economic indicators. It becomes operative after the unemployment level has been as high as 4.5 percent for 3 consecutive months and shuts off when the level falls below 4.5 percent for 3 consecutive months.

In addition to the nationwide 4.5 percent indicator, the bill authorizes a special employment assistance fund which would be used to create public service employment programs in specific localities where the local rate of unemployment is as much as 6 percent for three consecutive months. This special fund would continue to operate in those designated localities even if the national rate fell below the 4.5-percent figure. The provision is of great importance to me and a number of my colleagues who represent areas so devastated by unemployment that even when the national rate falls below 4.5 percent we can expect a long period of substantial unemployment above 6 percent.

I should emphasize that this legislation does not contemplate "leaf-raking" jobs. There are hundreds of thousands of vitally needed public service positions that are unfilled for lack of local revenues. There will be no necessity for jobs to be invented. The real needs will far exceed the entitlements available under this act.

Obviously the answer to every employment problem is not an automatic increase in the amount of public service jobs. However, this bill fills an immediate and necessary need and strikes a sound proper balance with all our efforts to deal with unemployment.

These jobs are not make work, they are badly needed public services. I urge that we pass this legislation, for people desperately need the jobs that are being considered here. For some, it is a matter of survival; for all it is a matter of human dignity. We need public employment and we need it now.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. ESCH).

(Mr. ESCH asked and was given permission to revise and extend his remarks.)

Mr. ESCH. Mr. Chairman, at the outset I think it should be recognized that if there is any cruel hoax that has been presented, it may well be in the extent to which the committee bill would deal with the problem of unemployment in this country. The committee has admitted that it would create 150,000 jobs. We know there are somewhere between 4.8 million and 5 million unemployed. So by their own admission the committee bill will solve less than 3 percent of the problem. Yet they suggest that the emergency employment bill is the answer to the problem of unemployment in this country.

I suggest to you that the only answer is to begin to restructure the current hodgepodge of manpower training programs in this country into a meaningful delivery system, to give strength to the local units of government to develop manpower training programs that meet the needs of the local communities.

Second, during the presentation of the previous speaker, reference was made to the National League of Cities and the U.S. Conference of Mayors' letter which the Members received. I, too, have received that letter and I think that it should be explained to the Members of the House the great misunderstanding that is in that letter as it pertains to the substitute bill.

The letter states:

> * * * the Esch substitute should be rejected for the following reasons:
>
> 1. It fails to provide new money above and beyond funds authorized for conventional manpower programs.

The letter is completely mistaken in that sense, in that the substitute bill does provide $500 million when the rate of unemployment goes over 4½ percent nationally, as opposed to $200 million the first year in the committee bill.

I think it should be clear that the letter has a major misunderstanding in that funds are authorized, are indeed authorized under the substitute bill. Let me remind the Members of the House that in both bills it is an authorization, not an appropriation.

The second point made in the letter is as follows:

> 2. It seriously jeopardizes the shift of responsibility for conducting manpower programs from the federal to the local level. A key principle in manpower legislation adopted by the Congress last year and incorporated by the Administration suggested reform legislation this year is that local government should exercise control over the shape and direction of local manpower programs.

Mr. Chairman, this specifically is what the substitute does. The committee bill only allows local control in public service employment. It continues on central Federal control by categorical programs of all other manpower training programs in the country. The substitute bill does provide—emphatically—for that key principle alluded to in the letter from the National League of Cities and the U.S. Conference of Mayors; that is, that local governments should exercise control over the shape and direction of local manpower programs.

The letter then concludes:

> 3. We are concerned over the funding formula contained in the Esch substitute.

Then it goes on to suggest:

> With the cities' need for funds in this area, (for current programs and public service jobs) staying even is unacceptable. Therefore, we are unable to endorse any formula until the Administration presents a clear reading of how such a formula would be applied.

In the debate on the rule in the previous week's discussion I made it clear, and the administration has made it clear, that under the substitute bill no local communities and no State will receive less funding than what they are receiving now. Indeed, in virtually every case they will be receiving more funds than what they are receiving now. I think it should be clear not only that the substitute bill is an open-ended authorization, but that the administration is committed to spend substantially more funds. It is not just an authorization; they are committed to spend more funds during the fiscal year to see that the substitute bill is implemented.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan has expired.

Mr. QUIE. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. ESCH. Mr. Chairman, I believe it is clear, from the standpoint of misinformation given in the letter from the National League of Cities and the U.S. Conference of Mayors that, first of all, new funds are provided in all cases; second, the substitute bill rather than the committee bill is the one that gives local control; third, the formula is so devised that no city will receive less funds and indeed they almost always will receive more funds.

I should think that the Members of this House would go back to their mayors and say to their mayors the only answer is to accept the substitute bill to get on with the problem of solving unemployment in this country, not a demagogic approach of solving less than 3 percent of the problem but a realistic redirection of our manpower training programs so badly needed which can resolve the crisis we face.

Mr. DANIELS of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Chairman, I should like to ask the distinguished gentleman from Michigan whether he could have for reproduction tomorrow a complete clarification by Samuel Merrick of his letter dated May 28. I have received everything from the National League of Cities and the U.S. Conference of Mayors, and have the greatest reliance on it. It seems to me, unless Mr. Merrick has erred seriously there is a profound misunderstanding here. It seems to me we have to rely on this unless by tomorrow morning we have a complete repudiation by Mr. Merrick of what he said here.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Michigan.

Mr. ESCH. I would respond to the gentleman by saying that is the responsibility of Mr. Merrick and not my responsibility. I should surely hope, given the misunderstanding that is contained in the letter from Mr. Merrick, that he would want to clarify for the Members of the House the great misstatements that are contained in the letter, as I have enumerated.

I surely would hope that the gentleman who wrote the letter would want to clarify that for the benefit of Members of the House. I have indicated specifically the facts related to the three objections. I believe it is very clear that on the basis of information in the letter there is a major misunderstanding.

Mr. QUIE. Mr. Chairman, I yield myself 1 minute.

I have no further requests for time. I should like to ask the gentleman from New Jersey if our understanding is correct that this is the end of the debate for today?

Mr. DANIELS of New Jersey. The gentleman from Illinois desires additional time, which I am inclined to grant. After that I propose to ask that the Committee rise.

Mr. QUIE. Mr. Chairman, how much time does the gentleman from New Jersey have remaining, and how much time do I have remaining?

The CHAIRMAN. The gentleman from New Jersey has 17 minutes remaining and the gentleman from Minnesota has 32 minutes remaining.

Mr. QUIE. Mr. Chairman, I will reserve the time, but I will have the understanding with the gentleman from New Jersey as stated to him privately, that tomorrow I will only use the amount of time that he has remaining. So even though there is a disparity as to the amount of time, we will go into the debate tomorrow on an equal basis.

Mr. DANIELS of New Jersey. I thank the gentleman.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, the response by the gentleman from Michigan to the request by the gentleman from Massachusetts for an analysis of the letter by the League of Cities was understandable. Obviously he could not elaborate on that letter because that letter is correct on all fours.

It is quite obvious from the debate today that everybody is out of step except our good friend from Michigan, the sponsor of the substitute. The League of Cities is out of step, is confused and misled. The ADA is out of step, confused and misled. Everybody is wrong.

The fact of the matter, in this whole debate, is that the gentleman from Michigan must admit that, no matter how much he wants to twist and turn on this bill, it just will not provide the new jobs we need for our unemployed workers.

The fact is that the Daniels bill sets up funds for immediately creating 150,000 public service jobs in this country so that people can go to work immediately. The difference in the Esch bill is it restructures the whole manpower program and sets up $500 million for the entire program. The gentleman has been unable to tell us which present manpower program he wants to phase out in order to create funds to create new jobs. No programs are going to be phased out and no new jobs will be created. If the House is foolish enough to fall for this substitute bill, we will not have created one new job in this country, and the gentleman knows it.

Mr. DANIELS of New Jersey. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLAND, Chairman pro tempore of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3613) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes, had come to no resolution thereon.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT

Mr. ANDREWS of Alabama. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the legislative branch appropriation bill.

Mr. BOW reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

BENEFITS OF NONZONING IN HOUSTON

(Mr. CASEY of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CASEY of Texas. Mr. Speaker, Houston is the only major city in the United States without zoning. A recent study concluded that the absence of zoning has been beneficial for Houston. The study emphasized that the most important accomplishment of nonzoning is that it results in a greater satisfaction of the housing market than occurs under zoning. In view of the many unfilled housing needs in our country today, I believe this study deserves our attention.

Bernard H. Siegan, a Chicago attorney with 20 years of experience in zoning and real estate law, conducted the study on a fellowship from the University of Chicago Law School. He found that the private market, regulated by relatively few ordinances, has served Houston better than that mixture of planning, politics, and law known as zoning. The community has achieved such traditional objectives of zoning as use separation and esthetics to perhaps the same degree as would have occurred under zoning.

Most importantly, Mr. Siegan found that there has been considerable development of housing and nonhousing facilities which zoning would have prevented or curtailed.

Mr. Siegan believes that zoning is a superfluous and chaotic governmental operation that does not warrant its high cost to community resources. It causes increased rents and contributes to housing problems for families with average and lower incomes. He feels it is absurd and inexcusable that at a time of serious housing shortage, zoning laws exist to perpetuate and compound that shortage.

Mr. Siegan presented the conclusions of his study and talked about current governmental and private efforts in the area of zoning at a meeting in Washington, D.C., May 12, under the sponsorship of the University of Chicago Law School and the Journal of Law and Economics. I attended that meeting, and I would like to insert his remarks in the RECORD:

ZONING AND NON-ZONINGS TRENDS AND PROBLEMS

(By Bernard H. Siegan)

Much is astir in the world of zoning. The builder or developer who condemned zoning practices that were exclusionary toward his project, now finds himself in very respectable company. The Douglas Commission, several state and local commissions and a host of academicians, planners and commentators have also come to the conclusion that zoning is exclusionary. Legislation has been introduced in the Congress and in many of the states intended to eliminate alleged exclusionary practices toward low and moderate income housing. There are many cases in the courts seeking comparable objectives, and some important decisions on zoning have resulted and are anticipated.

In my remarks this evening, I shall discuss the feasibility and desirability of the changes being proposed to provide relief against so-called "exclusionary zoning," the situation in the courts, and the relationship and relevancy of all this to "non-zoning", the term I have used to describe the system of land use controls in effect in Houston and those other Texas cities which have not adopted zoning. I shall also give a brief description of non-zoning and explain why it is the most preferable form of zoning.

CURRENT EFFORTS AGAINST "EXCLUSIONARY ZONING"

The primary push at present to change or amend zoning ordinances has an egalitarian-civil right orientation. It is contended that zoning has been one of the means used to exclude people of lesser incomes from the suburbs and suburban type areas of cities and counties. The objective would be to provide sites for public housing for the poor and some form of public-private housing for the not-so-poor whose incomes are too high to qualify for public housing and too low to purchase private housing available in the area. In other respects, the zoning powers of the municipalities would remain undisturbed—and exclusionary.

In my view, what these proposals will accomplish, in light of the great housing needs of the country, can be considered as almost in the nature of "tokenism"—if I may borrow that term—notwithstanding that some individuals would most certainly benefit from such tokenism.

As a practical matter, the most these endeavors can hope to obtain for a large suburban area are probably no more than several moderate and low income developments, each containing say about 100 to possibly 400 or 500 apartments. If, however, the zoning powers of the municipalities were to be generally curtailed, many more times that number of multiple and single family units would be established for the same area. Although most of these units would be for an average or higher income market, the substantial increase in production and availability will have a much more favorable impact on almost all levels of the housing market, including those for moderate and low income.

Consider with me the many problems involved in building new housing in suburbia for the low and moderate income families.

First, these projects will invariably require government participation, either as owner or subsidizer, because of the substantial costs of both land and construction. There are obviously difficulties in obtaining substantial appropriations for this purpose. Such a program has natural enemies: taxpayers, suburban home owners and non resident middle income groups for whom housing opportunities in the suburbs might be further reduced. But even assuming money is available, government agencies are not likely to make or be allowed to make disbursement indiscriminately without regard to the political consequences. Many of the target areas of suburbia would be able to avoid such housing on the ground that property values would be seriously jeopardized.

The HUD position on the location of interest subsidy housing projects in Houston provides an example of what to expect. HUD apparently has agreed in principle, not to approve sites for such projects in Houston, if they are likely to affect adversely adjoining homes or the neighborhood. State agencies will probably react similarly. As one example, the record of the Urban Development Corporation of New York, a state agency not bound by local zoning ordinances, does not suggest that its policy is any different.

Second is the question of how attractive are the suburbs for those of lesser incomes. Certainly the schools are often better, the environment cleaner and newer, and some places of employment closer. But there are also some strong negative factors. Commercial facilities there are oriented to the consumer taste preferences and credit practices of a higher income level. The absence of public transportation and the ownership of probably one older automobile will reduce considerably the mobility of a lesser income family. Housing is, of course, highly sensitive to the racial frictions of our society. New kinds of ghettos may be created without the conveniences, familiarities and amenities of the old ones. Given the choice, many may prefer the older sections of the city despite the schools and even with two hours of driving to any from work.

Third, because there are substantial questions as to how great the demand is on the part of low and moderate income families, and therefore how feasible subsidy projects are, private sponsors may not be very plentiful. To accept the required profit limitations and suffer the agonies involved in obtaining FHA approval, the rewards should be relatively certain. As it is, the number of potential sponsors willing to undertake subsidy projects may have been reduced considerably by some adverse experiences. Maintenance, replacement and operating expenses have not infrequently turned out to be far in excess of projections.

Non-profit groups are limited both in number and practical experience and cannot provide sponsorship for very many projects. Therefore, for a substantial amount of subsidized housing to be erected in the suburbs, it would be mandatory for government to sponsor and own most of the projects, which is hardly the result many of us are presently prepared to accept. The average total development and land cost per apartment placed under construction in 1969 in FHA Section 221 below market interest program was about $15,500 in most Northern areas of the country. At this rate, it would cost considerably over one billion dollars to build just 65,000 apartments. These costs are now at least 10% more. Moreover, the administration of the program and the absence of any private incentives would add considerably to the cost.

I worry sometimes that efforts at placing small subsidized housing projects in suburbs will be counterproductive to the goal of creating more housing opportunities. I know of several suburbs that have or are contemplating token-sized subsidized developments, and I fear they will use them as a pretext or perhaps justification to maintain even bigger exclusionary walls toward everyone else. Only the very prosperous and a few poor will thereafter be allowed entry. For one of middle income to move there, he might either have to strike it rich or go bankrupt.

ALL ZONING IS EXCLUSIONARY

However, notwithstanding the problems involved, discussion and analysis of exclusionary zoning has served an important purpose. It has focused attention on the serious problems created by the exclusions perpetrated by and under zoning. Exclusionary zoning is actually a redundancy. Exclusion is the name of the zoning game. The objective of zoning is to exclude certain uses of property and thereby those people who would live in the property excluded. Thus, there is no question that zoning has been the instrument by which thousands upon thousands of apartments for most income levels have been kept out of the suburbs.

It is absurd and inexcusable that at a time when there are numerous unfulfilled housing needs, zoning laws should exist that prevent many from being satisfied. Furthermore, these zoning laws also tend to create and continue adverse housing conditions.

According to a recent survey, undertaken at the Institute of Social Research of the University of Michigan, the construction of 1000 new housing units makes it possible for a total succession of about 3500 moves to occur to different and likely better housing accommodations. Thus, the addition of one new housing unit to the market serves not only its intended occupants, but also several other families or individuals, who are able to move as a result to other accommodations, which presumably are more desirable. The same survey shows that more than ⅓ of those who move are likely to be in the lower and moderate income categories, and that these moves extend to older areas near the center of the city. These figures include both white and black families, although the authors conclude that blacks do not benefit nearly as much as whites. The consequences are certainly greater than what is connoted by the term "trickle-down" or "filter-down", the usual description for this process. The process set in motion by new construction, together with that construction apparently accounts annually for how and where about one-half of those who change residence will live. Government policy should be directed at stimulating this process, certainly not curtailing it as occurs under zoning.

In maximizing production and competition probably lies the best hope we have for improved housing conditions. The existence of a highly competitive market is a tenant's best guarantee of lower rents and better maintenance and repair. Those of average or lower incomes are most harmed by government policies that impede the production and supply of housing. For a family struggling to maintain financial solvency, a five or ten percent increase in rent can be a considerable hardship. These may well be the principal casualties of zoning.

TRENDS OF ZONING LITIGATION

Perhaps the most salutary "trickle-down" of the current efforts to provide lower cost housing in suburbia is that it has produced many lawsuits throughout the country challenging zoning ordinances. In 1926, in *Village of Euclid* v. *Ambler*, the Supreme Court validated the constitutionality of zoning in principle, and after deciding two additional cases in the next two years, has refused subsequently to hear any zoning cases.

Because of the frequency with which the question is being raised, it is doubtful that the court can refrain from considering some or all aspects of the issue. Forty-five years have elapsed since the original decision, and much has changed in society including the meaning and scope of the due process and equal protection guarantees of the 14th Amendment. We now also understand much better the ramifications of the zoning process.

When housing is involved, a zoning controversy is not simply one of a municipality versus landowner, or a case of people versus property; it is one of people versus people. It is more correctly viewed as a dispute between those who already live in a certain area and those who want to live in that or an adjoining area. Zoning allows existing residents of a community to greatly influence or even determine who can and who cannot move into that community. It gives inordinate powers and privileges to those who live at a particular time in the municipality over those: a) who want to move in; b) who would benefit from the trickle-down process; and c) who would benefit from the added competition in housing. Involved are restraints on mobility and opportunity and the creation of social and economic problems for those who by choice or circumstance are tenants or lower and average income home owners. One group, those who got their first, exercises considerable restraints over the production of housing intended to benefit many other groups. These are matters that have been and should be of concern under the equal protection and due process guarantees.

Now, the Supreme Court is not going to declare zoning unconstitutional. What is possible, however, is that it and/or federal and state courts will, through a series of decisions, reduce zoning powers of the municipalities over housing. It will still not be possible to build garden apartments in the midst of a new single family subdivision, but it will be less difficult to obtain authorization for such construction on the land adjoining the subdivision. Since most zoning controversies are about land in these locations, that is, on the periphery of existing single family development, this change in the law would greatly limit exclusionary zoning powers.

If this were to occur, it would also have the interesting result of reducing the differences between land use controls under zoning and those operating under the Houston system of non-zoning. Non-zoning does not mean a generalized mixture of land uses. By the use of restrictive covenants, which are private agreements, most subdivisions in Houston are restricted solely to single family use for specified periods of time. The difference with present zoning practice is that Houston homeowners have no control over any property outside of their subdivision. Their exclusionary powers over land use terminate at the subdivision boundary line. Values of homeowners are thus reasonably protected as are those of the owner and potential inhabitants of the land adjoining the subdivision. By substantially limiting zoning powers, the courts may achieve similar results. When housing is involved, zoning powers might be largely limited to accomplishing the same objectives as restrictive covenants do in the non-zoned cities. (For those not familiar with restrictive covenants, I want to note that racial restrictions are unenforcible).

I strongly suggest that it would be even more equitable and desirable if zoning powers over commercial and industrial uses were also largely terminated. To anyone who suggests that zoning is essential in modern urban life, my reply is simple: Look at Houston! There is no need to hypothesize, or theorize or fantasize; the actual experience of Houston is available for all to see, study and evaluate. Non-zoning should not be feared; it should be welcomed. The land use experience of Houston and other non-zoned cities show that zoning is neither necessary nor desirable, that its absence is preferable to its presence. Despite the absence of any zoning ordinance, land uses on the whole are about as separated in Houston as they would be under zoning. But even if this is not entirely accurate, it is more than offset by the economic and social rewards emanating from the absence of government restraints over the development of property.

LAND USE CONTROLS UNDER NON-ZONING

How has this occurred without zoning controls? The answer is that Houston does have land use controls, but these are primarily economic, and they function effectively and with much more desirable social effects. Specifically, the use and development of land and property in Houston is controlled in three different ways. First, by the normal economic forces of the marketplace. Second, through legal agreements, principally the restrictive covenants, and third, through a relatively limited number of land use ordinances adopted by the city. Houston also does control building and development through subdivision, building, traffic and housing regulations that do not appear to differ appreciably from those of other cities in its region. But the contrast with zoning is clear: Unless the property is subject to an enforcible restrictive covenant, the city does not control the use that will be made of and on that property, whether it be for a mansion or factory or virtually anything else. Restrictive covenants affect only about 20 to 25% of the dollar amount of non-governmental construction in Houston, which means that there are few legal restraints over land use involved in over 75% of the dollar volume of building activity.

The politicians and city planners who control zoning seem to adopt the same approach as did that individual who expressed a taste solely for large canvasses. When queried as to whether he was an art critic, he responded, "Not I; I'm a frame-maker."

Well, non-zoning shows that zoning schemes, grandiose and otherwise, are unnecessary—the real estate marketplace does not operate chaotically or haphazardly. Residential, commercial and industrial uses tend to develop separately from each other. Certain uses will develop only in certain places. The gas station and most other major commercial developments provide an obvious illustration; regardless of where they are permitted, they will locate only on heavy traffic streets. This means that major business and commercial uses generally will be absent from the residential or local streets which constitute close to 80% of total street mileage within Houston, and probably about the same elsewhere.

In areas of Houston no longer subject to restrictions, or in which restrictions were never imposed, these local streets contain relatively few commercial uses, probably no more than 5%. The bulk of these are home occupations and business that serve the residents of the area, and therefore, contrary to most conventional thinking on the subject, are probably compatible with the area.

Auto repair shops offer an interesting illustration of this. Although these shops may seem highly undesirable neighbors to those imbued with the delicacies and ideals of middle income housing, they do offer much convenience and service for a lower income family owning one usually older car in an automobile city. They are within walking distance, frequently employ used parts, and may provide liberal credit terms. Accordingly, they are present in some very stable lower income areas. But these shops are absent from the local streets of middle or higher income areas where mobility and wealth preclude the demand for the services they offer. In such areas auto repair shops are truly incompatible and undesirable.

There is also a great tendency for industrial uses to group and concentrate separately from residential. A comparison of maps showing the location of industrial uses in the metropolitan area of Houston with similar maps of Los Angeles or Dallas, cities with which Houston is often compared, suggests that the proliferation of industry in the Houston area is no greater than in these other metropolitan areas. There may be even less dispersal, although the large territories involved and differing definitions of industry make measurement very difficult.

It is generally too costly in terms of land prices and potential residential hostility for heavy industry to locate near new residential subdivisions. The plants and factories in the Houston area which are contiguous to and were erected subsequent to homes are usually "light" rather than "heavy" in character. In most instances their existence appears to pose no more and possibly less peril to residential values tastes than would be the case if the same property has been developed for an alternative use such as apartments. I doubt that where there is proximity of industry to residential in non-zoned cities that there is more harm to property values and tastes than in zoned communities.

There are substantial areas in and around Houston where there is minimum demand for multiple family, industrial and commercial development. These areas are suitable for and are being developed for single family occupancy.

Most single family developers in Houston, as well as in many other parts of the country before the advent of zoning, have traditionally imposed restrictive convenants to permit only the erection of houses within their subdivisions. Because many of the earlier restrictive covenants in Houston were limited in duration or legally insufficient or not enforced by owners, zoning would probably have kept more areas as single family. It would thereby also have impeded development of much housing and also non-housing facilities that has occurred subsequently within Houston.

Most of the covenants created subsequent to World War II are much more durable and seem to offer a reasonably practical solution to the conflicting desires of allowing for change and yet maintaining stability. Most post World War II covenants contain an automatic extension provision. This provides for an initial duration period of 25 to 30 years, and an indefinite number of 10-year automatic extension periods. Agreement on the part of 51% of the owners may cancel or amend the covenants before the end of the initial period or before the end of any subsequent 10-year period. Under this provision, the majority of homeowners or owners control the destiny of their subdivision.

For restrictive covenants to remain effective and enforceable, the law requires that they be diligently enforced by the homeowners. Inasmuch as this can be costly for homeowners in lesser income subdivisions and small subdivisions, Houston adopted in 1965 an ordinance enabling the city to enforce these covenants.

Houston has also adopted an offstreet parking ordinance for residential development only and a relatively limited number of other government regulations designed to cure problems of land use not satisfactorily controlled by the private market.

Let me give you some visual proof as to the effectiveness of the marketplace in controlling uses. This is a slide of the land use map of Baytown, Texas, population 45,000, which has never adopted zoning. A close examination will show that most commercial uses are on major thoroughfares, and that the vast bulk of industry is concentrated within its own areas. I might add that Baytown has some of the heaviest industry in the Houston area as well as subdivisions where homes are valued upwards of $50,000.00. Complete separation has occurred between these uses entirely without any governmental intervention.

Pasadena, Texas, population about 90,000 has never had zoning, and its land use map shows virtually all heavy industry has grouped itself. Much the same has occurred in Wichita Falls, Texas, population 98,000 and Laredo, population 70,000, both of which also do not have zoning.

However, close examination of the land use maps of each of these four cities (Baytown, Pasadena, Wichita Falls and Laredo) shows that the market processes have not been completely effective in avoiding the proliferation of industrial uses. Now let us see how much better zoning has done. Here are some slides of land use maps I have been able to obtain of medium sized Texas cities which do have zoning. Industrial use is shown as either purpose or gray on the following slides of Amarillo, population 123,000 zoned since 1931, Waco, population 95,000 zoned since 1932, Lubbock, population 150,000 zoned in 1941, and Abilene, population 90,000 zoned in 1946. Because land use maps are difficult to obtain, I do not know if these cities are representative. At the very least, however, these land use maps do create doubt as to whether zoning is more protective than non-zoning against the proliferation of industry.

ZONING ELECTIONS

Why do Houston, Wichita Falls and Baytown not have zoning? The answer is that these cities allowed their voters to decide this question in public elections. Houston voted twice against zoning. In the last vote in 1962, 57% voted against zoning and 43% voted in favor. Zoning lost 3 out of 4 elections in Wichita Falls. The most recent election was held in 1963, and an overwhelming 82% voted against to 18% voting in favor. In 1969 in Baytown 68% voted against and 32% voted for zoning. Beaumont adopted zoning in 1954 despite the fact that over 70% of the voters rejected it in 1948. It has also come to my attention that Jefferson County, Missouri voted out county zoning and planning in November 1970 by a 56–44 margin.

The only pattern that I have been able to detect to explain the election results is based on income level. Covenants in many of the older subdivisions occupied by lesser income families had expired or never existed; and one might ordinarily expect these homeowners to favor zoning as a means of excluding diverse uses. It would also seem that in the newer, wealthier subdivisions there would be little demand for zoning since covenants are in effect and usually strictly enforced. Neither assumption is correct, however. In Houston and apparently elsewhere lesser income homeowners, living in the older areas have generally voted against zoning and those of higher income levels, living in the newer areas have voted for zoning. The principal reason, I suggest, why the less affluent reject zoning is that it would deprive them of the service and convenience afforded by neighboring commercial developments which zoning would take away. In addition, their approach to questions of esthetics and tastes appears to differ from that of wealthier groups.

In an area containing local auto repair shops, grocery stores and home occupations, the vote went 5 to 1 against zoning. The more affluent voters in the newer areas supported zoning about 2 to 1, and came out in much greater numbers to vote. But they could not overcome the larger majorities in the poorer neighborhoods.

RESULTS OF NON-ZONING IN HOUSTON

The single family dwelling is healthy and prospering in Houston. Values have been and are appreciating as elsewhere in the country. There are subdivisions at various levels of income, similar in appearance to their counterparts in zoned areas. In the wealthiest areas, restrictive covenants usually control esthetics, maintenance and architecture to provide an exclusivity that the most restrictive zoning code could not legally achieve; for they have virtually forbidden any construction that might injure values.

Restrictive covenants have also served well the interests of the less well to do, as these slides show. The covenants affecting less wealthy subdivisions are usually not as restrictive or often not as strictly enforced as those for the higher incomes and this is a market response to the life style of these income groups. There is consequently probably greater variety among subdivisions than would be found under the aegis of a monolithic zoning ordinance.

What has happened in Houston when restrictive covenants have expired? The answer depends upon the real estate pressures that have arisen in the area since the time when the covenants were imposed on the subdivision. Along expressways and the more heavily traveled streets, commercial, multiple family and possibly a few light industrial uses will in time generally develop. The answer may be quite different for areas adjoining interior or local streets where the traffic is light. In some instances, there will be virtually no changes because of the absence of economic pressures for other uses. As I have indicated, there will be relatively few commercial uses on the local streets due to the limited extent of traffic and accessibility. Substantial changes in interior areas will come about only where there is a strong demand for multiple family uses. Since many are largely immune to the demand for apartments, there are substantial areas of Houston where despite the absence of covenants for long periods of time, single family remains largely the only use.

Here are two specific illustrations. First, a section known as "Denver Harbor." We surveyed all uses within this section in a rectangular shaped area of 3 blocks by 30 blocks. The area surveyed was first subdivided in 1911 and the balance in 1913, and there never were any covenants restricting building or property use. It is an area largely of lower and middle income where there is little demand for multiple family building sites. Although it is bordered on one side and at one corner by heavy industry and about 13% of the land is vacant, only approximately 1% of existing structures on local streets are occupied by industry and about seven percent by commercial uses. About 5% are duplexes and apartments, and about 2% trailers. New homes have probably been built in every decade since the 20's including some in the late 60's. Real estate values are and have been generally stable in this area.

The second example is provided by our survey of a 45 square block area of the "Montrose" section. In this area convenants expired in 1936, but the area still remains more than 60% single family. This is an area of strong demand for multiple family uses. There are no industrial uses, and interior streets contain few, about 4% light commercial uses. The structures erected within recent years on the interior streets have replaced older single family homes and consist largely of 2-story garden apartments and townhouses. They are being built by many different, usually smaller builders, and appear to blend in well with the remaining homes. Land values on interior streets are relatively high and this assures that the quality of new construction will likewise be relatively high. More accommodations are being provided for more people, and the forces of the marketplace have caused a high degree of compatibility between the old and the new.

As I have suggested, the most desirable influence of non-zoning at present is its effect on multiple-family dwellings. Let us look at some slides of apartment developments. If Houston had adopted zoning when proposed in 1962, restrictions of the ordinance would have resulted in less apartment production, and this means higher rents and a lesser number and variety cf apartments. The absence of restrictions has made available a great number of building sites at lower cost, and this, together with the high density that is permitted has resulted in a larger supply of many different kinds of rental accommodations. Many have been able to afford new housing who would have been denied this if Houston had zoning.

Under non-zoning, site density, i.e., the number of units erected on a specific site, is a function of market demand not of planners speculations and political expediencies, which means far less wastage of that precious commodity we call "land." It also means more housing opportunities. Some years ago, proposals were submitted to Houston's city council but never adopted to reduce substantially the allowable density for certain types of single family rental developments. Had these proposals been successful, some of these developments, due to increased costs, would never be built. And others would have many less units. Probably the biggest loss would have been sustained by many people who would have had to continue living in less desirable quarters. When people move. It is likely that they are improving their conditions, which they should know and understand better than strangers, notwithstanding that these strangers mav be planners or politicians.

Nor has the absence of controls necessarily resulted in maximum land densities, for if it did, only high rises would be built. Market conditions have not been favorable for apartment high rises, and relatively few apartment buildings have been built with more than 3 stories. What it does mean in many, perhaps most instances, is maximum land density, once the city's off-street parking requirements are met, for the two and three story buildings. For those who can afford lower density construction, there are many rental developments with densities about the same, or even less than would have been allowed under the most restrictive multiple family provisions of the zoning ordinance proposed in 1962. Competition has caused many developers to maintain open space and install recreational facilities. At the same time, the city does not have the power to force such open space on the developers who seek to cater to tenants who cannot afford such luxury, or possibly who prefer "luxuries" in the interior rather than on the exterior.

If you analyze the land plans for multiple family developments, you will find that many could not have been built under the provisions of most zoning codes. In the case of some of these townhouses, for example, each unit has been individually designed and constructed on a separately owned lot and these structures would not comply with the individual lot requirements of the zoning ordinance proposed for Houston for 1962 as well as most zoning ordinances, even assuming that the property was zoned for multiple family purposes. Re-zoning, variances, a planned unit development or some other special dispensation would have been required. To gain approval, the developer may have had to make concessions and deals, legal and possibly extra-legal, which likely would have altered or eliminated much of what you see, and very probably for the worse.

The major thoroughfares in Houston are largely similar in appearance to those in zoned cities. Areas adjoining heavy traffic streets contain homes, apartments, townhouses, and businesses similar to what occurs under zoning. There probably are more businesses and apartments along thoroughfares than there would be under zoning because such uses bring a better land price than does single family. The result is also a greater number of houses on interior streets, all of which makes for a separation of uses not inconsistent with conventional planning objectives of compatibility and desirability. One can hardly fault economics that causes homes to be built on the local rather than on heavily traveled streets and, of course, vice versa, with respect to commercial uses.

Moreover, the absence of zoning restrictions allows for maximum development of strip areas. In zoned areas with their many classifications and subclassifications, it is often a matter of chance whether a particular parcel is zoned for the use intended. There is no such problem under nonzoning. The results in Houston appear even more favorable when compared with what develops when the planners, politicians, and possibly even the courts juggle the land to determine where the various uses along the thoroughfare will go. What land will get the lease valuable R–1, the more valuable C–1 and the most valuable C–6? Where should the B–1 district begin and where should it end? Which uses should be permitted in the B–2, B–3, B–4 and B–7 districts? Who will be allowed to live where? I suggest that the process is considerably more chaotic, disorderly and inequitable than what takes place in the nonzoned cities.

These are photographs of two subdivisions containing over 230 homes which in the 70's will probably be the site of one of the major high rise commercial and apartment developments of Houston. The developer of Greenway Plaza, a commercial development adjoining these subdivisions, bought almost all of these homes in 1968 and 1969 at a price above market and with 5-year rent free privilege for each owner. A good deal apparently for both sellers and buyer, since upwards of 90% of the homeowners sold under these terms. Can you imagine what the developer would have had to do and go through to re-zone this property from single family to high rise commercial, how long it would have taken, and at what cost? I am convinced that because of the many problems involved, the developer would never have undertaken the project had zoning been in effect.

FINANCIAL ADVANTAGES OF NON-ZONING

The Houston experience is also helpful in evaluating one of the principal arguments cited by suburbs to justify zoning restrictions over housing. They contend that substantial, if not overwhelming costs and burdens would be caused by an influx of apartments. Many courts provide a short answer to this. A municipality cannot use zoning as an excuse to avoid added community costs. Otherwise it could curtail normal and natural growth. Newer communities would be able to force older, developed communities to bear an undue proportion of the burdens of urban life. A more palatable answer is provided by municipal economics. The construction of apartments is likely to help rather than hurt real estate tax receipts.

As a restrictive device on development, zoning impedes the maximization of real estate values for multiple family, commercial and industrial uses with a consequent diminution in real estate tax collections. There may be initial problems as there almost always are in servicing new developments, but the tax potential is much better for a cosmopolitan community than for one restricted largely to single family development.

The major portion of real estate taxes goes to the schools. Apartments containing efficiency and one-bedrooms produce few children, and these are highly advantageous to the taxpayer. Most apartment construction within recent years in both zoned and non-zoned areas has been for smaller apartments and this trend will probably continue. These benefits may be offset by larger apartments or townhouses with more children; but a combination of both—which is what is likely to occur—with the resulting commercial and perhaps even industrial developments they bring and support, will generally be more favorable for the taxpayers than a monolithic community of middle income homes.

In many of the predominantly single family school districts of Cook County, in which Chicago is located, a home must have a value of almost $70,000 to fully support the annual cost of schooling for just one grade school student. As a result single family residences are taxwise generally a losing proposition, and the development of more homes will only exacerbate the problem. Removing zoning restrictions to allow only subsidized housing is obviously also financially harmful. The solution lies in the direction of removing restrictions generally. There are some additional burdens for a municipality in servicing rental and commercial enterprises, but again this is usually well compensated for by the real estate and other taxes they pay and produce.

The fact is that the situation is actually the reverse of the way it is commonly presented: We may well question whether America can afford zoning! Thus, to impose zoning restrictions on a community that has none can easily bring about a reduction of at least 5% annually in the amount of private non-home construction—and I consider this a most conservative estimate. In Houston, this would have meant a loss of more than $175,000 in ad valorem taxes during each of the last 3 years.

CONCLUSION

Zoning is determined through the political processes of government. It gives control over the use of land to a strange combination of politicians, planners, owners, courts, citizens, do-gooders, do-baders, etc., etc. As a result, a host of factors and forces are controlling land uses that have virtually no relationship to maximizing production, satisfying consumer demand, maintaining property rights and values, or planning soundly. In having greatly curtailed housing production, zoning has considerable responsibility for our social ills. The experience of Houston shows that we can in good conscience seek its substantial curtailment and ultimately its elimination.

DRUG ADDICTION AMONG SERVICEMEN

(Mr. **ROGERS** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS. Mr. Speaker, during the past several months, we in the Congress and citizens throughout the Nation have heard with concern and alarm of the growing number of servicemen who have become addicted to drugs.

When I introduced legislation to detect, treat, and rehabilitate those men in our Armed Forces who have become addicted, I used the figure of 20,000 to 40,000 men in Vietnam whom we estimate will come home addicted. In addition, authorities estimated there is an estimated 50,000 veterans now in the United States who are addicted.

Although these figures are alarming, there is no comparison to be made until you come face to face with a person who is personally involved. Too often we here in Washington deal in statistics.

But this weekened I talked to the father of one of those statistics, the father of a man who is serving in our armed forces and who has become addicted.

A 20-year-old specialist fourth class, my constituent was admitted on November 4, 1970, to an Army hospital at Fort Bragg for treatment. His medical report states that he had "been addicted to drugs for quite some time." It also stated he had been experimenting with LSD and opium but recently had turned to heroin and was using four to five bags daily. He started detoxification and after one methodone treatment told authorities he did not need it any more.

He was then discharged for duty. The diagnosis stated: "Immature personality, severe, with drug addictions."

Needless to say he was not cured, because of no adequate treatment program.

His father's concern is for his son's health. But in addition, he is also concerned over the thousands of other servicemen who have met the same fate. This case is not the first which has come to my attention.

One mother told of her son's activity in Vietnam and of his returning home addicted. She signed the letter to me, "A mother of one of Uncle Sam's Junkies."

The news report of the legislation I have proposed prompted another letter from a tiny town in Iowa. His son, too, served in Vietnam and came home hooked. His concern was also for the thousands of veterans in a similar situation as his son.

There are others. Thousands more. And if we are to meet our responsibility, we must offer help and now.

I have asked the Appropriations Committee to accelerate its funding for Veterans' Administration clinics for drug addiction treatment to $10 million for fiscal 1972.

And I am today writing to the Veterans' Administration and to the Department of Health, Education, and Welfare asking that every consideration be given to opening the Forth Worth clinic for use in treating veterans. Presently HEW is considering transferring this 750-bed facility, which is one of two major Federal addiction treatment hospitals, to the Justice Department to use as a prison hospital.

When there are veterans waiting in line for treatment, I think it is highly irresponsible for the Federal Government not to use every possible facility to give these men treatment.

OUTRAGEOUS INSINUATIONS

(Mr. **SCHWENGEL** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, last week a Kearny, N.J. post marked envelope was delivered via the mail service to my home in Arlington, Va.

In the envelope was printed material, obviously antiwar in character.

The headline was "Son of Representative FRED SCHWENGEL—Killed in Action in Indochina."

The theme of the paper is that since Members of Congress have had no sons or grandsons killed or missing in the Vietnam war they cannot be or are not sensitive to the killing taking place in Vietnam.

This is an outrageous and dastardly insinuation.

It implies that President Nixon fixed the date for ending student deferments to protect his son-in-law, David Eisenhower, which is ludicrous. The fact that David Eisenhower has enlisted in the Navy should have dispelled that notion.

Mr. Speaker, as someone who has a son-in-law, an Army lieutenant colonel, serving his second tour of duty in Vietnam, I find the kind of material received at my home insulting and unconscionable.

The cowards who sent this material to my home hide behind the anonymity of a postmark. They did not have the intestinal fortitude to identify themselves. Yet, they have the gall to question the courage, sincerity, and integrity of the President, Members of Congress, and other national leaders.

Mr. Speaker, whatever the view of any Member of this body on the war, I am sure that they join me in labeling this sort of thing cowardice and outrageous.

The full text of what I received follows:

"SON OF REPRESENTATIVE FRED SCHWENGEL—
*KILLED IN ACTION IN INDOCHINA"

(Whether or not you actually do have a son of draft age)—try to picture how you would feel to face this reality—Your own son killed in Vietnam!

However, you as a Member of Congress, by now must be aware that your chances of suffering this trauma are virtually NIL: that it is only your trusting constituents—(by whom you are paid and elected)—who are being compelled by all of you valiant armchair warriors to sacrifice their sons as your burnt offerings on the altar of the battlefield.

You engage in lip-service debates: while war drums keep on beating tunes of gory slaughter—safely ensconced in your cozy Congressional chambers—thousands of miles away from the carnage you create—untouched by human heartbreak, unmoved by human pleading, uncaring of the inhuman suffering you visit upon innocents.

Yes, our noble leaders stand nakedly revealed by a survey in the "Congressional Quarterly" (Feb. 13, 1970), which, taken at the height of American involvement in Vietnam, lists the military backgrounds of the 91st Congress' Members (and sons). *The results are incredible!*

Not one son or grandson of any U.S. Senator or Representative has ever been killed or missing in this Vietnam war!

(and only one ever slightly injured, 5 years ago).

The mind boggles! For no matter how charitably one may interpret the law of averages—with 535 Members of Congress, and their many sons—credibility rejects as mere 'coincidence' a Zero casualty rate, when contrasted with hundreds of thousands among all other mortal citizens.

The bitterest irony of all is that the very monies which support this destruction—and the perpetrators thereof—are funds forcibly extracted (via taxes) by you, Gentlemen of Congress, from the victims themselves! (One recalls not too long ago how the Nazis compelled their helpless captives to dig their own graves.)

Also, President Nixon: who exhorts his subjects to be patient, insisting we must destroy life to "preserve our honor" . . . that we must beat into submission a tiny nation one-tenth our size, so the U.S. will not be a "pitiful, helpless giant" . . . yet his patriotic fervor does not sway his principles sufficiently to send his *own* 2 sons-in-law to Indochina.

Mr. Nixon's motives were undoubtedly virtuous when he demanded that Congress erase all Student Deferments. However, he was most careful to say this should apply after April 1970: which date, by happy chance, coincided with son-in-law David's graduation from college . . . while leaving the other lucky laddie Eddie leisurely learning law, safely unplucked by the long bony arm of the Draft Board.

Recently, David sneered at the sincerity of anti-war demonstrators: ". . . When it got to hard issues of who's going to make the sacrifices, they start squirming . . ." [Newark News, May 12, 1971]. Yet numerous protesters were Vietnam veterans, many with combat medals and without legs—while Davey has bravely dodged all danger . . . (except marriage and college).

Like Nixon's California counterpart, Gov. Ronald Reagan, who announces: "Let's *you* pay taxes." (while himself aloof from such crass mercenary chores)—so Richard the Righteous reiterates, "Let's *you* send your sons to die!" while excluding his own anointed kin, (and various other Sons of Big-Shots").

Now, you Congressmen whose sons have completed college a la draft exemptions (and the survey shows many), before you deny this same opportunity to the rest of America's youth—consider carefully the fact that the very people for whom our boys will be forced to give up their education, limbs, and lives—the SOUTH VIETNAM STUDENTS ARE DRAFT-EXEMPT. They do not fight for their own land.

Why decimate our own future leaders? We have sacrificed enough already.

Astonishment is exceeded by disgust, when more skeletons are discovered rattling within Congressional cloakrooms. *("Congressional Quarterly"—2/13/70)

The hypocrisy of the hawks stand exposed! for it is precisely the 'bravest' breast-beaters of destruction: the most passionate self-proclaimed 'patriots' who insists most loudly of all that we must stay enmeshed in this war. They have never served in the military! and/or their sons never served in Vietnam.

Here are just a few examples, similar to many others recorded: (Everyone should read this entire survey, available at most libraries.)

Sen. Stennis, John (D. Miss.): No Military Service; one son, Miss. Air Nat'l. Guard.

Rep. Rivers, L. Mendel (D. SC) (now deceased—succeeded by Rep. Hébert): No Military Service; one son, Naval Reserve.

Rep. Hébert, F. Edward (D. La): No Military Service; no son.

Sen. Goldwater, Barry (R. Ar.): (some Military Service WW2); both sons, physical deferments—yet Barry M. Goldwater, Jr. is Repub. Representative, Calif.

Similar startling statistics concern one group most strongly responsible for this war: *Of all 39 Members on the 91st Congress' House Armed Services Committee*—"there were no committee members reporting a son or grandson who had served or is serving in Vietnam!"

Then there is the casualty gap—Daily communiques report many helicopters downed, with several crewmen missing. But weekly Gov't. releases omit these totals. [In "Mandate for Change," (p.ff.172) Ike said in 1952, after 2 years of war, there were ". . . 13,000 missing" in Korea.] How many men must be missing now, after 10 years in Indochina's jungles?

Weekly totals often omit 'non-hostile' deaths: as due to helicopter maintenance failures; 'fragging' fellow officers; 'friendly forces' fire; combat deaths called 'accidents;' heroin overdoses: (Officers estimate 50,000 GI addicts already!—"NY Times" 5/16/71).

And—How many of the 300,000 wounded eventually succumb of their grievous injuries (such as triple amputations, blindness, brain damage, massive burns, paralysis . . .) *after* sent to languish in pitifully-understaffed Veterans Hospitals. A VA Director said nearly 20% die within 2 years—which means that 60,000 *more* American boys are dead—in addition to the admitted 56,000—because of this cruel war you finance.

Congress should ferret out the facts—(VA death checks paid might prove illuminating). Your conscience ought to care how much human cannon fodder you so carelessly expend in this foul war, easy via the *'permanent draft.'* This mechanism enables the murderers lurking among you to replenish the national 'blood bank' with fresh deposits of raw recruits . . . and offers a blank check to make periodic withdrawals (for their vested interest) . . . The ghouls gratify frustrated killer lusts via proxy military adventures which they are too cowardly to enter.

How many men have been "wasted"?—to use the bitterly accurate Army term.

Ironically, the one before whom you 535 'men' bend the knee for moral leadership to end this war, is the same Richard Nixon who was the first to demand we start it; on April 17, 1954. The "N.Y. Times" told of an anonymous 'high Administration official' (revealed the next day as Vice President Nixon), who said of the French Indochina War then raging, "We must take the risk of putting American boys in the fighting."

Nixon (our 'strick constructionist') insisted that the Executive must send U.S. troops over "with or without the support of public opinion"—bypassing Congress' Constitutional right to decide war policy. He exhibited the same contempt for the people's wishes as he does now.

He also undercut his President. Eisenhower's official policy was clearly defined. As our greatest General, his military judgment was far superior to Nixon's. ("NY Times" 4/18/54) "The President said he could not conceive of a greater tragedy than to get heavily involved now in all-out war in the Far East. No one, he asserted, could be more bitterly opposed to ever getting the U.S. involved in a hot war in that region!"

In "Mandate for Change," Ike wrote that, when discussing possible U.S. intervention there, "the three Service Chiefs—Army, Navy, Air Force, had recommended against this course." He also said Prime Minister Winston Churchill was definite in his "recommendation against use of British or U.S. troops . . ." Key Congress leaders were opposed. Only Nixon wanted war!

Nixon often reveals a surprising solicitude towards foreign interests, contrasted with his shocking lack of concern for fellow Americans. . . . As he said on April 17, 1954: "The problem is not materials, but men—and they will not come from France, which is tired of the war. . . ."

Yet he demanded they come from America! He did not care that we were also very weary of war. That same day newspapers showed the first U.S. troops to arrive home after Korea's bloody war, with 157,530 casualties. . . . And just a few years prior, WW 2 cost us over a million casualties . . . (Our losses now after a decade in Indochina exceed WW 1 casualties of 320,518) . . . over 20,000 dead after Nixon became President!

Whereas France—whose war fatigue was apparently Nixon's prime concern—had lost few men in WW 2 (she surrendered to Germany within 3 weeks, though France was far stronger); a sad tale of treachery and betrayal by a nation's own top politicians! Like Norway's Quisling; or King Badouin of Belgium's surrender, though his Cabinet and people wanted to resist; or Holland (a vast empire then) bowing in days. . . . It can happen—*anywhere*!

Nixon again shows his strange concern for foreign interests. He wanted to risk boys' lives to secure the benefit of Japan! . . . "The war in Korea is about Japan, and so is the war in Indochina." Yet Japan now trades briskly with Communists. The deeper goal? Japan's eventual dominance.

Nixon said: "the war in Korea is about Japan, he continued, and so is the war in Indo-China, which is essential to Japan's economic survival. Without trade with Indo-China and Korea, and with these countries under Communist control, Japan would become an economic satellite of the Soviet Union. 114/17/54—"N.Y. Times"

Eventually, Pierre Mendes-France ran for election, on his pledge to end the Indochina War—which he did within one month after becoming premier!

In "Mandate," Eisenhower said (re Korea), ". . . considered several possible lines of action. First of all would be to let the war drag on. Continuing this way seemed to me intolerable."

Within 6 months from the day he became president, Ike ended the Korean war!

Contrast this with Nixon's present cruel tactic of gradual withdrawal, which inevitably must increase vulnerability of troops left behind, like sitting ducks. Who knows his *real* "secret plan"? He may suddenly reverse the flow and rush men to Thailand (a la his Laos and Cambodia surprises; the POW 'rescues') . . . or contrve a phony "Gulf of Tonkin attack" in Taiwan . . . etc.

In "6 Crises," Nixon admits he lies: "I was in the ironic position of appearing to be 'softer' on Castro than Kennedy, which was the exact opposite of the truth. The covert training of Cuban exiles . . . was due, in substantial part at least, to my efforts."

What covert coup can he be planning next? . . . Gentlemen of Congress, do not trust the intent of a politician who talks Peace but plots violence. End this war now! while ye still may.

THE CONSTITUTION OF THE UNITED STATES

CONGRESS, as Voice of the People, has Primary Power To Govern Our Country!

ARTICLE I

Section 1

"[Legislative powers vested in Congress.] All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

"[To enact laws necessary to enforce Constitution.—18.] To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land.

"The Senators and Representatives shall be bound by oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

"Shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

Congress controls Finances: Commerce, Disbursements, etc.:

"[Regulation of commerce.—3.] To regulate Commerce with foreign Nations, and among the several States.

"All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

"The Congress shall have power to lay and collect taxes on incomes.

"The President shall, at stated Times, receive for his Services, a Compensation, which shall be neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Why does Pres. request extra "allowances"?

"A regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

DRAFT inequities/(*Politicians' Sons*)—etc.

"1. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

"Nor shall any person be deprived of life, liberty, or property, without due process of law;

"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States,

CONGRESS has TOTAL AUTHORITY Relating to ALL FACETS OF WAR.

"[General powers of Congress.] The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States;

"[Piracies and felonies.—10.] To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

"[War; marque and reprisal.—11.] To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

"[Armies.—12.] To raise and support Armies, but no appropriation of money to that use shall be for a longer term than two years;

"[Navy.—13] To provide and maintain a Navy;

"[Land and naval forces.—14] To make Rules for the Government and Regulation of the land and naval Forces;

"[Calling out militia.—15] To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

"[Organizing, arming and disciplining in militia.—16] To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Services of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;"

Why has Congress allowed the giveaway by the Exec.—of the Bonins, Ryukus, & soon Okinawa, to Japan

Certain Gigantic OIL DEPOSITS!

Generals say: this will lead to WW3. Nearest US Base—Guam, 1500 mi. away.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States;

Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful buildings.

WHY AND HOW has Laird shut down many vital U.S. Defense Bases?

"Westmoreland-Japan Award?

"[Titles of nobility not to be granted; acceptance by government officers of favors from foreign powers.—8.] No Title of Nobility shall be granted by the United States; And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind, whatever, from any King, Prince, or foreign State."

People=Voting Shareholders

Congress=Board of Directors

President=Foreman

Constitution=U.S. By-Laws

entire Pres. Military Role given LESS THAN 1 SENTENCE IN CONSTIT!

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments.

NOTE* commas render meaning, that Pres. military status to be valid re Army and Navy and Militia, only "When called into the actual service of the United States"—which Congress alone so decides!

"[Oath to be taken by the President.—7.] Before he enters on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

"He shall take Care that the Laws be faithfully executed,

"The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

"Power of impeachment.—5.] The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment.

"*—6.] The Senate shall have the sole Power to try all Impeachments.

"When the President of the United States is tried, the Chief Justice shall preside:

"Congress may Impeach & Try Pres.* and may even select a different President! . . . Via new XXV Amendment; plus 12th and 20th" & Art. 2(1).

President subordinate to Congress.

"He shall from time to time give to the Congress Information of the State of the Union, and recommend to the Consideration such Measures as he shall judge necessary and expedient;

"(Pres. may only 'recommend' . . . (for Congress' consideration)

"—2.] He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Min (—only by & with advice and consent of Senate!)

"Bills—shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives."

Congress can override veto.

By Clergy and Laymen Concerned About Vietnam, New York, N.Y.

CHILDHOOD LEAD POISONING—ITS VICTIMS

(Mr. RYAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, childhood lead poisoning, which claims 200 lives a year, remains the scourge of America's slums. Add to its victims the 800 children a year who are permanently institutionalized because of this vicious disease. And add to them the 3,200 children who suffer severe to moderate brain damage. Then add the 16,000 children who require treatment. And finally, add the 400,000 chlidren who are affected by lead-based paint poisoning annually.

That is the toll of a man-made disease—a disease which is preventable.

Lead-based paint poisoning is selective in its victims. They are almost exclusively the children of our slums, and almost exclusively children between the ages of 1 and 6. Two circumstances account for this. One is the presence of lead-based paint on the walls and ceilings of delapidated housing. As paint and plaster chips fall from the ceilings and walls, they come within reach of the small children sentenced to growing up in grim tenements. The second circumstance is a craving—common to many children—known as pica, which results in these youngsters picking up the chips and eating them. Slowly, the lead they ingest accumulates in their systems. The result—they are poisoned.

The consequences are devastating—mental retardation, cerebral palsy, convulsive seizures, blindness, learning defects, behavior disorders, kidney diseases, and even death.

Yet, this disease is preventable. Let me quote from an article by Jane S. Lin-Fu, M.D., pediatric consultant, Division of Health Services, Department of Health, Education, and Welfare, entitled "Childhood Lead Poisoning . . . An Eradicable Disease," which appeared in Childrens magazine, January–February 1970, at pages 2–3:

> In this history of modern medicine, few childhood diseases occupy a position as unique as lead poisoning. It is a preventable disease. The etiology, pathogenesis, epidemiology, and symptomatology have all been well defined. Methods for screening, diagnosis, and treatment have long been available.

On Thursday, May 20, the House and Senate conferees met to consider the conference report on the Second Supplemental Appropriations bill, H.R. 8190. The bill, as it passed the Senate, contained $5 million to fight lead-based paint poisoning. Unfortunately, that money was deleted by the Conference Committee. The House and Senate have since voted to accept the conference report, and on May 25 the President signed H.R. 8190 into law.

However, $30 million can be appropriated for fiscal year 1972, pursuant to the authorization of the Lead-Based Paint Poisoning Prevention Act, Public Law 91–695. I am particularly hopeful that there will be large funding for the programs authorized by the act for fiscal year 1972. in light of the words of the distinguished Chairman of the House Appropriations Committee's Subcommittee on Labor, Education, and Public Welfare (Mr. Flood), who stated on the Floor on May 20 when we discussed the deletion of the lead poisoning funds:

> There will be ample funds, I believe, and I am sure of it, in the 1972 appropriation bill for this very, very, very bad problem.

I appreciate the distinguished Chairman's (Mr. Flood) words. The children of America will, indeed, be in his debt, and in the debt of the Congress. And we, in turn, will be paying a part of the debt, we owe these youngsters, sentenced to shameful housing conditions in this, the most affluent Nation in the world.

BUREAU OF MINES SHOULD BE TRANSFERRED TO THE DEPARTMENT OF LABOR

(Mr. HECHLER of West Virginia asked and was given permission to address the

House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, I am today introducing a bill to transfer the health and safety functions of the Bureau of Mines from the Department of the Interior to the Department of Labor.

The Comptroller General has just released a report on the Bureau of Mines which states that the policies of the Department of the Interior for enforcing health and safety standards "have been at times extremely lenient, confusing, uncertain, and inequitable."

There is a very strong argument for removing the health and safety functions from a bureau which has other production-oriented interests, as does the Bureau of Mines, to an agency which has an employee-oriented approach; namely, the Department of Labor. I would hope that this approach could be taken, rather than putting the Bureau of Mines, as the President has proposed, into a larger Department of Natural Resources, where the protection of the coal miner will receive even less attention. If you bury the safety and health functions of the Bureau of Mines in a Department which is even larger than the present Department of the Interior, you also bury the hopes of the coal miners for any genuine protection which is free from the pressures of higher and higher coal production.

I include the text of my bill, H.R. 8795, as follows:

H.R. 8795

A bill to provide for the transfer to the Secretary of Labor of all functions of the Secretary of the Interior relating to the health and safety of persons working in the mineral industries, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all functions of the Secretary of the Interior under any law, Executive order, or regulation concerning the health and safety of persons employed in the minerals industries, including all such functions of other officers, or of employees or agencies, of the Interior Department, are hereby transferred to the Secretary of Labor, effective sixty days after the enactment of this Act.

Sec. 2. There shall be in the Labor Department an Office of Mineral Health and Safety to be headed by a Director to be appointed by the President, by and with the advice and consent of the Senate, who shall assist the Secretary of Labor in the discharge of the functions transferred to him hereunder and who shall perform such other duties as the Secretary of Labor shall from time to time prescribe, and who shall receive compensation at the rate of level V.

Sec. 3(a). So much of the qualified personnel, real and personal property, records, and unexpended balances of appropriations, allocations, and other funds, employed, used, held, available, or to be made available in connection with the functions transferred to the Secretary of Labor by this Act as the Director of the Office of Management and Budget shall determine shall be transferred to the Secretary of Labor at such time or times as the Director shall direct.

(b) Nothing in this Act shall affect in any way any order, notice, decision, finding, contract, grant, loan, or other action issued or pending on the effective date of said transfer or to any proceedings related thereto.

Sec. 4. The Secretary of the Interior shall, whenever requested by the Secretary of Labor or his delegate, conduct by contract research and development work concerning the functions transferred by this Act.

The digest of the GAO findings and recommendations is as follows:

Comptroller General's Report to Subcommittee on Labor, Committee on Labor and Public Welfare, U.S. Senate, Problems in Implementation of the Federal Coal Mine Health and Safety Act of 1969, Bureau of Mines, Department of the Interior, B-170686, May 13, 1971

DIGEST—WHY THE REVIEW WAS MADE

The Federal Coal Mine Health and Safety Act of 1969 placed new responsibilities on the Bureau of Mines of the Department of the Interior for inspectiton of coal mines and gave the Bureau broad authority to enforce correction of unsafe and unhealthy conditions.

At the request of the Chairman, Subcommittee on Labor, Senate Committee on Labor and Public Welfare, the General Accounting Office (GAO) made a review of the Department of the Interior's implementation of the act.

FINDINGS AND CONCLUSIONS

At the two districts visited by GAO, the Bureau had made about 31 percent of the required safety inspections and about 1 percent of the required health inspections through December 31, 1970. (See p. 10.)

Bureau inspectors have cited mine operators for violations and have required that they be corrected. During subsequent inspections of the same mines, however, numerous new violations were found, often of the same type as the earlier ones. That situation is attributable, at least in part, to the fact that the Department's policies for enforcing health and safety standards have been, at times extremely lenient, confusing, uncertain, and inequitable. (See ch. 3.)

Various required samplings and inspections were not made by the mine operators, and some that were made were not adequate. (See p. 16.)

Plans for roof control, ventilation, and emergency action when a fan stops either have not been submitted by all mine operators or have not been approved by the Bureau of Mines, although the act requires that they be submitted and approved. Until recently the Bureau had done little to induce operators to comply. (See p. 24.)

The methods for approving roof control and ventilation plans and the contents of approved plans varied significantly between the two districts included in this review, apparently because Bureau headquarters had delegated the approval process to the district offices without providing sufficient guidance. (See p. 24.)

Regular mine inspectors make both health and safety inspections. The health inspections are less complex and do not require some of the special skills and knowledge that the regular inspectors must have. It may be possible to use some less highly qualified technicians to make health inspections to conserve the time of the regular inspectors who are in short supply. (See p. 13.)

The Bureau's practices concerning the imposition of penalties for noncompliance do not consider various factors prescribed in the act, such as the effect that such penalties will have on the operator's ability to continue in business and the operator's history of previous violations. (See p. 54.)

Shortages of certain types of equipment have been cited by the Bureau of Mines as a major cause of noncompliance with health and safety requirements. In this connection:

The Bureau has made no overall studies of the availability of equipment required for compliance with the act and of the normal time required to obtain equipment in short supply. (See p. 56.)

The Bureau may have permitted unnecessarily prolonged noncompliance with certain equipment requirements by granting mine operators time extensions to obtain a particular brand that was in short supply while an essentially comparable substitute was readily available. (See p. 59.)

The Bureau purchased more dust-sampling equipment than it needed and thus contributed to a shortage of such equipment and possibly precluded many mine operators from establishing dust-sampling programs within the time required by the act. (See p. 61.)

The team that investigates mine accidents usually includes Bureau personnel who have been involved in prior inspections of the mine or related activities or who are subordinate to officials responsible for carrying out these activities. In such cases, these personnel, in effect, are required to evaluate their own previous performance or that of officials to whom they are responsible. GAO believes that there should be greater independence in accident investigations. (See p. 68.)

Bureau inspectors are given insufficient criteria for making decisions on mine operators' compliance with health and safety standards. GAO believes that a comprehensive manual should be issued to provide inspectors with the necessary criteria and guidance. (See p. 71.)

Bureau representatives said that shortages of qualified manpower, certain equipment, and sufficient time were the principal reasons for noncompliance with the requirements of the act. GAO recognizes that the passage of the 1969 act has greatly expanded the responsibilities of the Bureau and that there are significant problems in obtaining compliance with its requirements. GAO believes, however, that more could have been done to achieve greater compliance.

RECOMMENDATIONS OR SUGGESTIONS

GAO made a number of proposals to the Secretary of the Interior to achieve the improvements needed. (See pp. 38, 55, 64, and 75.)

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department of the Interior said that GAO's report was an objective appraisal of the Bureau of Mines' efforts to implement the act in the time period covered by the report. With one exception, the Department said that actions responsive to GAO's proposals had been initiated or planned. (See pp. 39, 55, 65, and 76.)

The Department disagreed with GAO's suggestion concerning the use of people less highly qualified than regular coal mine inspectors to perform health inspections. The Department believes that it is highly desirable that all inspectors be capable of enforcing both health and safety standards and of advising operators of changes that are needed for compliance with the law, in both respects, at all times that they are in the mines. The Department stated also that it expected to recruit by June 30, 1971, the minimum number of personnel to make all the inspections required by the act.

GAO agrees with the Department's basic views. It believes, however, that, should serious difficulty be experienced in meeting recruitment goals for regular coal mine inspectors, the Department should give further consideration to the possibility of using less qualified persons to make health inspections.

PROHIBIT CRUEL TRAPS

The SPEAKER. Under a previous order of the House the gentleman from

Michigan (Mr. BROOMFIELD) is recognized for 5 minutes.

Mr. BROOMFIELD. Mr. Speaker, 14 years ago I joined Senators HUMPHREY, Neuberger, and Kefauver in introducing a bill to prohibit the use of leg-hold and steel-jaw traps in the United States. Back in those days, of course, there were no crusades to save our natural environment, and the bill might just as well have not been introduced for all the attention it received.

Today, however, things are different. We know that nature cannot be separated from human life, that man must conserve nature as long as he intends to live within it. It is certainly a more auspicious time to introduce legislation designed to discourage the inhumane use of leg-hold and steel-jaw traps.

The trapping of birds and animals no longer holds the important role it played in the earlier history of our country. It is no longer a source of food for any significant segment of the American public; indeed, a modern American will probably eat no trapped meat in his entire lifetime.

Yet, Mr. Speaker, a substantial amount of this cruel and inhumane practice is continued. Fur-bearing animals are caught in steel-jaw traps which fracture a leg or other bone. They are held this way for days until they die of pain or starvation, and all too often they tear themselves to pieces, gnawing at their fettered, broken limb while trying to escape.

I believe that, with the advances of modern technology, there is no reason why trapping has to be done in a manner which causes needless pain and suffering to the wild animals which are its victims. Traps used within the jurisdiction of the United States must either capture animals painlessly or kill them instantaneously. Anything less is unacceptable.

In fact, traps of this design were readily available back in 1957, when they were already in use, for example, in various Government conservation departments. Whatever additional cost they might entail is minimal compared with the suffering they would eliminate.

My bill states that it is the public policy of the United States to discourage the manufacture, sale, and the use of leg-hold or steel-jaw traps on animals in the United States or abroad. It would prohibit the shipment in interstate or foreign commerce of any fur or leather from animals trapped in a State or country which has not banned the use of the inhumane traps.

This bill was drafted and sponsored by the Committee for Humane Legislation, a relatively new humane group which is attempting to coordinate the legislative activities of a number of older and better known groups. I believe the bill will be introduced in the Senate and we look forward to positive legislative action upon it in the future.

In 1957 Senator Neuberger said that:

> A people's attitude toward the animals and other living things, with which it shares a common world, is one significant measure of the people's civilization.

If we are to continue to pride ourselves on the high level of civilization we have attained in our country, it seems to me imperative that we eliminate the unnecessary cruelty of these anachronistic trapping methods. It is only a small step, but it is one which we can take with the deepest satisfaction.

Mr. Speaker, I include the text of the bill at the conclusion of my remarks:

H.R. 8784

A bill to discourage the use of leg-hold or steel jaw traps on animals in the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Declaration of Policy.

It is hereby declared to be the public policy of the United States to discourage the manufacture, sale, and use of leg-hold or steel jaw traps on animals in the United States and abroad.

SEC. 2. Prohibition.

No fur or leather, whether raw or in finished form, shall be shipped in interstate or foreign commerce if such fur or leather comes from animals trapped in any State of the Union or any foreign country which has not banned the manufacture, sale, or use of leg-hold or steel jaw traps.

SEC. 3. Current list.

The Secretary of Commerce shall compile, publish, and keep current a list of States of the Union and foreign countries which have not banned the manufacture, sale, and use of leg-hold or steel jaw traps.

SEC. 4. Penalties.

Anyone shipping or receiving fur or leather in contravention of section 2 of this Act shall, for the first offense, be fined not more than $2,000; for the second or subsequent offenses, he shall be fined not more than $5,000 and shall be sentenced to a jail term of one to three years.

SEC. 5. Effectiveness.

The provisions of this Act shall become effective four years after the date of its enactment.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

The average man in Moscow must work an average of seven times as long as the average man in New York City to buy basic consumer foods.

SUEZ CANAL CRISIS HAS ITS LESSONS FOR PANAMA CANAL

The SPEAKER. Under a previous order of the House the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, students of interoceanic canal problems long ago pointed out the interaction of the Panama and Suez Canals. What happens to one inevitably has an impact on the other.

The Suez Canal, now located in what is actually a war zone, has been closed since 1967 with momentous consequences that have not yet been fully determined. The Panama Canal, situated in a region of endemic revolution and political instability, has been relatively free of trouble for the sole reason that it is maintained, operated and protected by the United States.

Notwithstanding the vital importance of the exclusive control of the Panama Canal by the United States there are sinister forces that have long endeavored, and still seek, to wrest it from the United States. In such event, the great American waterway could well become the scene of warfare comparable to that which currently envelops the Suez Canal.

At the present time, it is in the interest of Western Nations to keep the Panama Canal open under United States control. Because the Suez Canal is under indirect U.S.S.R. control, it is, as a matter of fact, in Western interest to keep that waterway closed until domination by Soviet power is removed, for its opening would multiply Soviet naval capability in the Red Sea and Indian Ocean; and thus fill the vacuum caused by the withdrawal of British forces east of Suez and advance immeasurably the Communist dream for world domination.

The great naval historian, Mahan, aptly described the Caribbean Sea as the Mediterranean of the Americas. Just as the Suez Canal means the route to the Indian Ocean for its users, largely European, the Panama Canal supplies the gateway to the Pacific for its users, most importantly the United States.

With Soviet beachheads already established in Cuba and Chile, with Soviet submarines and spy vessels in strategic waters of the Western Hemisphere, and with the present Panama Revolutionary Government recently reorganized to include pro-Communists in the cabinet, the establishment of another Soviet beachhead in the Caribbean on the Isthmus of Panama appears closer and the nationalization of American owned properties in that unstable country clearly possible. Such facts as these make imperative early action by the House on pending Panama Canal sovereignty resolutions that aim to clarify and make definite the Isthmian canal policy of the United States as regards the retention of our undiluted sovereignty over the Canal Zone and exclusive ownership of the Panama Canal. Only in this way can our Government serve notice on the world, of its determination to hold our priceless possession at Panama.

A recent column by Joseph Alsop discussing the current problems of the Suez Canal and their significance has its lesson for the Panama Canal. This is that the latter must continue under the exclusive control of the United States. We could surrender such control only at the peril of our country and of the entire Western Hemisphere, including Panama.

The indicated article follows:

[From the Washington Post, May 10, 1971]

IRONIES OF ROGERS' GOAL

(By Joseph Alsop)

The hidden ironies of Secretary of State William Rogers' mission to the troubled Middle East are hardly possible to exaggerate. To begin with, the wisest handicappers give the secretary a rather better than even chance to "succeed"—in which case everyone in this country will burst into loud and happy cheers.

Success, in this instance, will mean securing Israeli-Egyptian agreement, after further Middle Eastern bargaining, on what is known as the interim solution. The interim solution will involve some degree of military pullback from the banks of the Suez Canal, followed by reopening of the canal to traffic.

If this result is attained, it will offer the Israelis a long and rather reliable ceasefire on their most dangerous front, with the Egyptians. No one in his senses, after all, would waste a great deal of time and money on reopening the canal, without a strong desire to use the canal thereafter. And you cannot very well use a canal which is in the very midst of a war zone.

Right here, however, is the first and biggest irony lurking behind the Rogers mission to the Middle East. If the secretary secures agreement on the so-called interim solution, he will mainly do so because of the intense Soviet desire to reopen the canal and to use it.

The Egyptian or other Arab gain from the interim solution will be downright trifling, compared to the Soviet gain. In truth, the fair prospects for this solution are a simple measure of the enormous leverage that the Soviets now possess in Egypt.

The Soviet gain can also be simply measured. The reopening of the Suez Canal will automatically multiply by a factor of at least four, and perhaps even more than that, the Soviet naval power in the Red Sea and the Indian Ocean. The multiplication will be automatic because of the immense shortening of all distances for the Soviet navy.

A big base now being built at Port Sudan; another base on the Socotra Islands; a kind of proto-base on the island of Mauritius, secret negotiations now in progress with the government of Ceylon, for use of the great naval base at Trincomalee—these should be proof enough of the intensity of the Soviet desire to be able to deploy important naval power in the Indian Ocean and the Red Sea.

The prize the Soviets are reaching for in this area is not in doubt, either. The British are leaving the Persian Gulf, which is shortly due to become a total power-vacuum. The Persian Gulf is like a great tap, turnable off or on, that controls most of the world's oil. A great extension of Soviet naval power is now needed, in sum, to get the world oil tap into Soviet hands.

As to the second great irony lurking behind the Rogers mission, it is also rather simple. In brief, the Israelis seem to be almost uniquely aware of the enormous risks of the extension of Soviet naval power that may now be in prospect. The Western Europeans could hardly care less. This country appears to be equally unworried, despite the frightful upset of the world balance that will promptly result if the Soviets ever get their hands on the world oil tap.

The Israelis, in contrast, are very deeply worried. The defense minister, Gen. Moshe Dayan, was the first man in Israel to come out in public for the interim solution. But when he did so, he also passed the word that he would withdraw his suggestion immediately, if the U.S. government objected to the reopening of the Suez Canal.

There was no answer to Dayan. There was no answer, either, to Dayan's cabinet colleague and political rival, Yigal Allon, when he made the same point in Washington some weeks ago. In Jerusalem, again, the point was raised with Secretary Rogers with some bluntness. Yet the American negotiators continued to press for the interim solution.

There are two reasons for this bizarre situation, in which the Israelis have shown more concern than the Americans for vital American interests. The first reason is that the Israelis are not victims of the popular American delusion that the Soviets have somehow changed their spots. They are quite sure the Soviets will grab for the world oil tap, if the grabbing ever looks easy to them.

In addition, the Soviet intervention in the Middle East has taught the Israelis a grim lesson. The lesson is that despite their own great courage, they live and do their business and enjoy their freedom by virtue of the guts and power of the United States, so they naturally worry about what may happen to the United States, even if people here do not worry!

CENTRAL ISSUE OF OUR POLICY TOWARD ASIA; NAMELY, OUR RELATIONS WITH CHINA

The SPEAKER. Under a previous order of the House the gentleman from Maryland (Mr. MITCHELL) is recognized for 10 minutes.

Mr. MITCHELL. Mr. Speaker, in light of the crisis in America's Asia policy and the fundamental review of United States-China policy said to be going on in the White House, and in the hopes of stimulating thorough discussion of the full range of problems and alternatives, I wish to make my thoughts and position clear on the central issue of our policy toward Asia; namely, our relations with China.

In the long run there is no more critical issue in America's role in Asia than our China policy, for how we have dealt with China is in no small part at the wellspring of our war policies in Indochina, American policy toward Japan and our policy toward our client states on the periphery of China.

I feel it is imperative at this time, that our discussion of this issue go beyond cold war sloganeering on the one hand, and, on the other hand, the facile rhetoric of building bridges with China. We must face squarely the problems between China and the United States and seek ways to deal with them.

I, therefore, wish to submit for the consideration of my distinguished colleagues, my China position paper which was originally delivered in abridged form to the Baltimore Area Council of World Federalists on Thursday, May 27, 1971:

THE REALITY OF THE CHOICE—U.S.-CHINA RELATIONS

I come to speak to you tonight regarding the future of relations between two of the great countries of the world, China and the United States. That future is bound up with our past and present relations, and there is no way—however one might wish there were—to intelligently consider the future in isolation from the past.

I

The impact of recent events, namely the trips by the U.S. ping-pong team and others may have obscured the nature of that past in the American mind, a past from which we already had been cut off by layers of self-serving myths concerning American policy and behavior toward China in the Twentieth Century. We were, of course, most of us delighted by the Chinese invitations and by the warm welcome our countrymen received in China. But this satisfaction, verging at times on euphoria, may mislead us if we fail to understand these events in the context of Sino-American relations over the last several decades or so.

Already we see official U.S. government explanations and trial balloons that attempt to place the latest Chinese initiatives in a light most favorable to the Nixon Administration's policies. Thus we learn, for example, that the Chinese invitation is a "response" to a series of positive, if restrained, steps the Nixon Administration had previously taken regarding China in the areas of travel and trade. More than that, we learn that the Chinese today are in a more open frame of mind, more pragmatic, more compromising. If this official line of reasoning continues to be developed, it seems predictable that the next stage in our collective enlightenment by our government may well be the Administration's suggestion that, given the "proven success" of the Nixon initiatives toward China, the evolving U.S. position of one-China and one-Taiwan on the United Nations issue also is likely to be acceptable to China.

The Administration's argument appears to have two prongs. First, if China indeed is more pragmatic then will she not respond favorably to what *we* see as a reasonable compromise on the Taiwan issue, one that simultaneously offers us the virtue of "honoring our commitments to the people of Taiwan," while furthering our interest in bettering relations with the People's Republic? And second, if, on the other hand, as increasing numbers of China experts predict, China will *not* respond positively to a one-China, one-Taiwan proposal, then will we not have done all that reasonable and honorable men can do? The answer to both of these questions is no. The answer is no, in part because the question itself appears to be the wrong question. China's national interest in the future status of Taiwan is much greater and more direct than America's, and China has made her position regarding Taiwan abundantly clear. The issue for Peking is whether the United States will respond positively to China's position, a position that she sees as reasonable in terms of her own history, and one on which in more than twenty years she has given no evidence of compromising the substance.

It is important, therefore, to recognize that beneath today's surface of events, which gives some signs of new openness on both sides, beneath that surface all the same problems still fester. And it is vitally important also to recognize that an attempt is likely to be made by the Nixon Administration to cover up the grievous failures of a of a quarter-century of America's China policy in a series of moves that tries to make our policy appear to be vindicated rather than bankrupted. We must not allow this to happen. We must not allow it to happen, because if we wish to significantly improve our relations with China we must directly confront these problems and our role in creating them. We must not allow further obfuscation of the truth of what we have done if we are ever to understand ourselves and to avoid repeating similar patterns of behavior in the future. Our record in China is not the glorious one we have been led to believe, and we must learn to face forthrightly the shames as well as the glories of our past, if we are to grow as people.

Ah, some may say, that is all well and good, but now is not the time for such breast-beating. Surely we recognize that America is not wholly without fault in the worsening of relations between China and the United States that followed the beginning of the Korean War. Surely we recognize that we have made mistakes, but just as surely we know that we have fundamentally supported the Twentieth Century struggle of the Chinese people for national self-respect. And we know, too, that raking up the dead ashes of the past will only lead to unproductive recriminations against those who were responsible for formulating and maintaining our China policy. Now is the time, so the argument goes, to focus on the hard, practical problems at hand, to put the mistakes and ill will of the past out of our minds, and to deal with each other in a pragmatic manner that will contribute to building bridges China and the United States.

Would that that were possible—that men could resolve their problems while ignoring the causes of those problems and without considering the question of responsibility for the creation and perpetuation of such problems. But it is not possible, because men are human, because they have memories and because problems have histories and cannot be understood or resolved without attending to their background.

America's generation-old China policy today is in crisis. We can no longer isolate China. We can no longer exclude her from the international community of nations. And that crisis, epitomized in its immediacy by our forthcoming, predictable loss in the United Nations, has created the incentive and set the tone for most discussions of our China policy. But crises, as Chinese ideographs for the word "crisis" make clear, incorporate both dangers and opportunities. We should utilize the crisis in America's China policy as an opportunity to fully reexamine our past dealings with China and, based on a fundamentally new evaluation, to formulate policy responses that go beyond those tailored primarily to the Administration's perception of the immediate crisis concerning Peking's seating in the U.N.

II

In beginning to de-mystify our understanding of Sino-American relations there is no better place to start than with the differing conceptions of the history of our relations held by the Chinese and American peoples. A sage of some race, color or creed once said, "If you wish to understand a country, learn what its people remember. Americans remember an altruistic, long-suffering, righteous American that fought side by side with Chinese for China's independence and self-determination, only to be rejected in 1949, by an irrational, hostile China. Ironically, we continue today to embrace this image of our conduct that strikingly resembles the image we held only five or six years ago of our behavior in Vietnam.

But the Chinese remember that history so differently. They remember the history of relations between the U.S. and China during the last seventy years in terms of a series of principled statements made by the U.S. that all too frequently were followed by a series of betrayals of those very principles through the actions or inactions of the United States. From the declaration of the Open Door through our defense of the Chiang K'ai-shek government. America, in Chinese eyes, has been pursuing its own global interests at the expense of the people of China. And, sad to say, the Chinese vision of history is closer to the facts than ours.

What, for example, does the Open Door Doctrine mean to most of us? It means, of course, the declaration of U.S. respect for the territorial and administrative integrity of China and for the right of these Chinese people to self-determination as against the imperialist incursions of the major European powers and Japan. But did it really mean that? Why did America at the turn of the Twentieth Century adopt the Open Door Doctrine? And what did it mean in practice?

To dispel the first and most common illusion, the Open Door is not an example of U.S. generosity toward China. Rather, it is an example of a U.S. policy that was primarily and narrowly based on American self-interest and subsequently sold to the general American public under the guise of altruism. America favored an open door in China because America was, in the early 1900s, far behind the traditional colonial powers in the development of spheres of interest in China. We favored an Open Door Policy because, with our rapidly expanding economy, we believed such a policy was the most effective way to assure for ourselves that access to markets and raw materials in China. It was not in our interests, nor was it in China's interests, for China to become the exclusive colony of one of the imperial powers. Nor was it in our own or China's interest for China to be divided up among the imperial competitors into a number of mutually exclusive, closed-door spheres of interest. It was, rather, in our interest, if not China's, to keep the door to China open to all comers, who would compete under ground rules formulated and acceptable to the great powers and accepted by the foreign-dominated government of China.

If our own people have not understood the hard-nosed, self-serving reality of the Open Door Doctrine, our allies and enemies certainly have. None of the great powers such as Great Britain, or Japan, who had developed their entrenched position in China more effectively than we, accepted the Open Door principle. They rejected it, not because they were less altruistic or less generous than we, but because they saw that *their* self interest would not be well served by *our* policies. The Open Door Doctrine, for all its high-flown moral tone, was an attempt to assure that the United States get the fruits of Western imperialism in China without having to bear the main burdens.

Throughout the first forty-odd years of the Twentieth Century we continued to mouthe pieties about China that were aimed primarily at limiting the development of other powers' interests there. And when the Chinese, for example, during the Versailles Conference following World War I, or in 1931 when Japan invaded Manchuria, took our declarations of respect for China's sovereignty seriously, they repeatedly were disillusioned by our failure to support our principles and by our ultimate accommodation to the power plays in China by Japan. Not that we were happy to see other powers expanding their role in China at our expense, but until the 1940s we felt neither the will nor the power to physically deny that expansion to them.

All that began to change during and after World War II. During the War the rhetoric of Open Door was transformed into the rhetoric of the U.S. helping China to build a strong and independent nation. Once again our people saw themselves as the defenders of all that is good in the world. And once again our policy makers deceived themselves and us into believing that generosity and high moral principles, rather than narrow self-interest, provided the basis of our policies toward China.

But our role in the Chinese civil war of 1946–49 and our actions thereafter pierced the veil of rhetoric. When we spoke of a strong and independent China, we did not mean a China that was independent of the United States, nor one strong enough to resist our dominant influence. When we spoke of a strong and independent China, rather, we meant a grateful, friendly China, strong enough to maintain the balance of power in Asia in our favor, a China independent of the Soviet Union and independent of Japan.

The test of the pudding was in the eating. The first really strong and independent government that emerged in China in the Twentieth Century, the first government to have the active support of the vast majority of the Chinese people, that government—the People's Republic—we fought tooth and nail both during the Chinese civil war that led up to its founding and, with the possible exception of a few months in late 1949 and early 1950, on into the 1950s and 1960s.

The extent of America's involvement in the Chinese Civil War during the 1940s has been obscured—much as has the extent until relatively recently of our involvement throughout Indo China—by our understandable desire to believe the best of America, by our own self-interest, and by the propagandists of America's war machine. Our exposure to the Vietnam war, however, may finally have opened our minds to the reality of an ugly America in Asia, to the point that we can reconsider today America's role in China after World War II.

It has been generally assumed that the United States was not very deeply involved in the Chinese civil war between the Communists and the so-called Nationalists. It is assumed, further, that although we did give some limited support to Chiang's Nationalist government, we also tried to mediate the conflict and that, in any event, we moved expeditiously to extricate ourselves from our limited involvement when Marshall's mediation effort failed in 1946. That is the myth of U.S. restraint, but the reality is far less pleasant.

If the complex circumstances of the last half of the 1940s—including our primary commitment to Europe, the domestic demand in America to demobilize after World War II, and the then only limited development of our super power and of our anti-communist ideology—if these circumstances were not conducive to massively involving the U.S. in a Vietnam-style commitment in China, the extent of our peacetime involvement in the Chinese civil war was, nevertheless, truly fantastic. For example:

(1) We arranged the terms of the Japanese surrender in World War II so that, although the Chinese Communist forces had fought the Japanese at least as hard and as successfully as the Nationalist forces, the Nationalists were to be the exclusive recipients of the Japanese surrender in China proper. This meant that one side in the temporarily abated civil war was to get all the prestige, arms and the strategic ground formerly occupied by the Japanese.

(2) We employed U.S. marines to hold cities and lines of transportation either for Nationalist forces or for the puppet forces who during the war had collaborated with the Japanese and after the war cooperated with the Nationalists. In so physically interposing our troops into key areas on the side of the Nationalists, we once again denied to the Chinese Communists what they thought was rightfully theirs.

(3) We deployed U.S. planes and ships to move hundreds of thousands of Nationalist soldiers into positions against the Chinese Communists, in what may well have been the largest airlift in the history of Asia.

(4) We gave military aid, training, and equipment exclusively to the Nationalist forces. All told, we spent approximately 2 billion dollars between 1945 and 1949 in support of the Nationalists, a huge sum of money in those days.

And (5), when it appeared in 1948–49 that the Chinese Communists were going to win, we lobbied among our allies to prevent their recognizing the new government.

In short, much as we have done in Vietnam, we intervened in a domestic civil war on the side of an unpopular, corrupt government and thereby criminally prolonged the agony of that civil war.

But what of our seemingly well-intentioned, if benighted, attempt in 1946 to bring the warring factions in China together? Even that effort, the Marshall Mission, loses most of its lustre in retrospect. True, its primary aims were to arrange a cease fire and to encourage the setting up of a coalition government. Our motives in pursuing those aims, however, suggest that something less than the desire for a just peace lay behind our efforts. We sought to arrange a cease fire largely because we feared that the Nationalist forces could not hold Manchuria from the Chinese Communists without such a halt in the fighting. And we sought to establish a coalition government expecting that the Nationalists would dominate it, and hoping that such domination, with our support, would lead to the elimination of Communists from the government. In short, it appears that the purpose of the Marshall Mission was to achieve by less costly means the same goal to which our military strategy had been tailored, the domination of China by the Nationalist forces. We consistently opposed the Communists, because we feared they would close the door on us. Ironically our persistent support of the Nationalists made it more likely that our fears would prove to be self-fulfilling.

III

Very interesting, some might say, even enlightening as a precedent for our current Vietnam involvement, but why bring it up today when the immediate issue is what to do about China and the U.N.? Why? Because Peking's entry into the U.N. is not the central issue. Rather it is only the most immediate and most obvious aspect of the continuing crisis in our China policy. Why, because if we are to begin to deal with the Chinese on the basis of equality and mutual respect, we must begin to understand the basic core of truth in their perception of America's behavior toward China in the Twentieth Century. If we truly desire to improve relations with China, we cannot do so without first understanding what is important to China; what she is likely to be willing to bargain away and what she will not; what she sees as directly threatening her interests; and what the grounds are for Chinese suspicions of America, and how those suspicions can be overcome.

Chinese Communist suspicions of America, reinforced in the last half of the 1940s, were confirmed once again by America's behavior during the Korean War. Despite the fact that China did not initiate that war, despite the fact that China warned us she could not tolerate our crossing the 38th parallel and our driving up to the Yalu River, and despite our own awareness of these facts, we chose nonetheless to send our armies up to China's borders, to bomb those borders, and even before China entered the war in reasonable self-defense, to interpose our Seventh Fleet in the Taiwan Straits, both to prevent Peking from consolidating her victory and to perpetuate a rival claimant to China.

And after the Chinese entered the Korean War under these circumstances, we then: 1) had China branded by the U.N. as an aggressor, which she clearly was not; 2) redefined as "to-be-determined" the status of Taiwan, in derrogation of our prior treaty commitments and official statements which recognized that Taiwan was part of China; 3) had a trade embargo imposed on China, and encouraged and pressured our allies to enforce it; 4) renewed large-scale military and economic aid to the Chiang government, which undoubtedly could not have survived without it; and 5) consistently led the fight to keep the Chinese Communists from gaining the China seat in the United Nations.

Today we continue to intervene in the Chinese civil war. We still support and maintain treaties with the Chiang regime, which claims to represent all China. We have continued to block China's entry into the U.N. by a series of ruses, beginning with our keeping the credentials question off the agenda in the 1950s, and then subsequently in the 1960s by making it an "important question" requiring a two-thirds vote of the membership. In addition, we continue to pursue a heinous, genocidal war on the very borders of China. We ring China with missiles, military bases, naval fleets, and a rearmed Japan.

And now, in the 1970s we appear to be in search of a new ruse, as it appears that our earlier ploys are about to fail to prevent the seating of the People's Republic in the U.N. This latest ruse is intended, I believe, either to further delay Peking's entry into the United Nations, or in the hope that we can more-or-less dictate the terms upon which she is permitted to enter. This latest ruse, and I characterize it as such with all due respects to the many people who sincerely support it on principled grounds, is the one-China, one-Taiwan formula—and all the variations on that theme, from the grosser two Chinas formulation to the more sophisticated trusteeship proposals covering Taiwan.

The one-China, one-Taiwan formula is portrayed as the new pragmatic but principled rational route to a better China policy. It is said to protect our honorable commitments to the people of Taiwan while taking account of the need to normalize relations with Peking. By contrast, just as proposals for unilateral withdrawal from Vietnam were seen as extremist only 3 years ago, so today a policy that recognizes only Peking as the government of all China and which, reaffirming our position of the 1940s, declares that Taiwan in principle is part of the People's Republic, such a policy is portrayed as extremist or illiberal.

But is such a policy really so radical? Or is it simply made to appear radical in the context of America's cold war politics? If, as a reasonable standard for judging the quality of such a policy, one looks to the position of our hardly radical NATO allies on this issue, the conclusion is inescapable. Checking the voting of our NATO allies on the one-China, Albania resolution at the last session of the U.N., a resolution that would have seated Peking and excluded Taipei from the U.N., one is shocked to learn that of all our NATO allies only Greece and Turkey—the two most dictatorial and corrupt of those allies—voted against the Albanian resolution. So, with regard to the United Nations issue, a two-China or one-China, one-Taiwan policy, which many in the U.S. argue is a pragmatic and principled position, is equivalent to the Greek-Turkey position.

Must we not, moreover, after our experience in Vietnam, be wary of our self-asserted idealism as it applies to other parts of the world? Have we really, for example, been concerned as we claimed, about the right to self-determination of the Vietnamese? And similarly can one take our suddenly asserted claim for the people of Taiwan's right to self-determination at face value, however sincere some of its proponents may be? We have on Taiwan, after all, supported for over twenty years a police state government, one that represents at best only a small minority of the island's population. Some of our leaders now choose to talk of self-determination for the Taiwanese because it suits them to do so. Those officials selectively apply moralistic slogans when they think it is to our self-interest, and many Americans are taken in by such stands.

On the other hand, there is no denying, however ill-fit America may be to raise this issue, that a potential moral dilemma nevertheless may remain. To put it most simplistically, one may have to choose on the one hand, between the morality of normalizing our relations with China, which in turn is likely to substantially reduce the intensity of the cold war in Asia and thereby to reduce the probability of future Vietnams, and on the other, the pure morality of self-determination. It is not without some difficulty that I have, on balance, chosen the former.

But aside from the moral issue, we will be, if we adopt a one-China, one-Taiwan formula, once again on the road of trying at great cost to achieve the unachievable. Both the Peking and Taipei governments, in accordance with Chinese tradition, embrace the vision of one China. Both reject the various conception of 2 Chinas. Moreover, the Chiang government's very claim to legitimacy depends upon its claim to represent all China.

IV

Why, then, do we resist the one-China formulation and seem likely, at best, to adopt a one-China, one-Taiwan formula? What might we gain and what might we lose by adopting a one-China policy?

The main principled reason for opposing a one-China policy appears to be to safeguard the right to self-determination of the people of Taiwan. As indicated above, however, we have not been very solicitous of that right up to now. Nor are we solicitous of the right of the Greek, the Spanish, or the Brazilian peoples to a government of their choice. Moreover, if the Taiwan regime were expelled from the United Nations, would the people of Taiwan suffer, or only the dictatorial government that rules them? In any event, there is no hard evidence that the people of Taiwan want to be independent of the People's Republic. And for those who suggest a neutral plebiscite to decide that issue, it must be remembered, first, that there are no such things as neutral plebiscites in a police state, and, second, that the proponents of such a seemingly equitable solution are proposing to dispose of the territory of another nation in a manner that were it applied to, say, the American South in 1860 would have greatly distressed them.

Leaving aside, then, the complex matter of principle, what do we fear in the one-China formula, which leaves it to Peking and a Taiwan excluded from the U.N. to work out their future between themselves? Do we believe that if we adopt a one-China policy and thereby terminate our mutual security pact with the Nationalist regime, that the Chinese Communists will invade Taiwan? Surely our panoplied intelligence networks know better. The Chinese Communists have no navy, and Taiwan is 100 miles off the coast. Do we fear we will lose face if we adopt such a policy? But that is ridiculous. We will soon have no face left to lose if we do not change our position, for a majority of the members of the United Nations voted last year to seat Peking and to expel Taipei, and the number that will vote this year to do so has risen substantially. We will not save face by going down with the boat.

Relatedly, do we hope that by adopting a one-China, one-Taiwan position we can negotiate a compromise with the Peking government, using our new position as a bargaining counter? But what is there for Peking to compromise? Her sovereignty? And what, I ask you, does the U.S. plan to give up? If it plans to give up merely its opposition to the seating of Peking in the U.N., then it is giving up nothing of value, for we are about to lose on that issue.

Or perhaps some of our leaders hope that by standing for an independent Taiwan we can hold the island for Japanese expansionism. Taiwan once was a colony of Japan, and it is today increasingly under the joint economic dominance of Japan and the U.S. Once again we may be hoping to preserve the Open Door in Taiwan by denying the island to the mainland government.

In any case, it appears likely that Taiwan will continue to be a pawn in the political moves of the great powers. This is the unfortunate fact. If its future, like its past, is to be determined by power politics in any event, then it seems reasonable that the disposition of Taiwan should at least contribute to the resolution of the critical problem in Asia, the normalization of Sino-American relations. American machinations in the effort to salvage something in the short run from our ill-fated policy of supporting the Nationalist government, on the other hand, will only exacerbate relations between Peking and Washington and will in the long run redound to our detriment.

V

Here, then, is what I propose in an attempt to deal with the major problems in U.S.-China relations. First, regarding Taiwan, which is the nub of the problem, I propose that the U.S. withdraw its forces from Taiwan, end its treaty commitment to defend the Republic of China, and withdraw all support and recognition from the Chiang government. We should instead declare that the sole, legitimate government of China is the Peking government, that Taiwan is part of the People's Republic, and that it will be up to the Chinese themselves on both sides of the Taiwan Straits to work out the future specific relationship between the mainland and Taiwan.

Second, we must end the Indo-China war immediately. We should unilaterally, totally and unconditionally withdraw from Indo-China as fast as is logistically possible. We cannot substantially improve relations with the People's Republic while we pursue an obscene war on the edge of her territory.

And finally, we should dismantle our military bases and support operations around the periphery of China which encircle her. We should, in short, withdraw from our position as successor to the colonial powers in Asia.

These steps, I believe, are in our national interest, in the interest of better relations with China, and in the interest of world peace. We cannot improve relations with China by gimmickry. We cannot improve relations with China without dealing with the security and other interests that are central to China's existence and status. She is *not* about to bargain away any of these interests, for which she fought militarily in the 1940s and 1950s. There are no easy routes to better relations with China. The kind of fundamental changes I suggest will require a total reassessment and rejection of much of our Asia policy.

And what is so impractical or naive about confronting directly the most serious problems in our relationship with China? Press the so-called 'pragmatic' men who give you all the assertedly 'realistic' arguments why we cannot do what I have proposed. Press them, and you will see the seeds of the Vietnam tragedy and of future such tragedies germinating in their pseudo-realism.

Given our past and continuing behavior toward China, peace between the U.S. and China cannot be achieved without substantial U.S. concessions. But it will be well worth the cost to us. And that *is* realistic!

HEARING SCHEDULED ON RECORD PIRACY BAN

The SPEAKER. Under a previous order of the House the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, the Subcommittee on Patents, Trademarks and Copyrights, Subcommittee No. 3, of the Committee on the Judiciary, under my chairmanship, has scheduled a public hearing on S. 646, a bill to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording, and for other purposes, and on H.R. 6927, a measure identical to S. 646 as introduced. The hearing will begin on Wednesday, June 9, at 10 a.m., in room 2226, Rayburn House Office Building.

REPRESENTATIVE McFALL INTRODUCES LEGISLATION TO AMEND THE CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961 TO EXTEND FINANCIAL ASSISTANCE TO COOPERATIVE ORGANIZATIONS

The SPEAKER. Under a previous order of the House the gentleman from California (Mr. McFALL) is recognized for 10 minutes.

Mr. McFALL. Mr. Speaker, recognizing the need to bolster our farm economy and to place the American farmer in a more favorable bargaining position, I am today introducing legislation to amend the Consolidated Farmers Home Administration Act of 1961 by extending financial assistance to cooperative organizations.

Under this proposal, Farmers Home Administration loans could be made to both new and existing cooperatives which serve rural families, when such cooperatives are unable to obtain needed credit from other sources.

By extending the loan provisions of the existing law to include cooperatives, we can bridge a serious credit gap in our rural economy. Such a move would encourage the development of new cooperatives in areas where they are most needed, strengthen existing cooperatives, and promote the development of our rural resources.

The economic future of rural America depends to a large degree on building strong cooperatives, through which farmers can exert their bargaining power for fair prices and adequate income, just as other sectors of the economy now do. A strong system of cooperatives offers the farmer hope of real independence, freedom from artificial price supports and the complexity of constantly changing Government regulations.

Every proposed farm bargaining bill submitted to Congress in recent years, and every farm bargaining study made by our land-grant colleges, stresses the need for a strong, expanding, and effective cooperative system within agriculture. It is in our national interest to strengthen these cooperatives. This means coperatives across the board—marketing cooperatives, purchasing cooperatives, processing and distribution cooperatives. Without this cooperative structure, the farm family hasn't the ghost of a chance of ever achieving competitive bargaining power which has long been accepted as a basic right of all workers.

Over the past decade, a number of improvements have been made in the original Consolidated Farmers Home Administration Act of 1961.

One such improvement is the expansion of the agency's loan program to make it possible for the beginning farmer and the small farm operator to own and operate a more efficient farm.

Another has been the creation of a rural housing program that is designed to eliminate the 3 million or more substandard homes in rural America and give rural families the same opportunities in housing that are held forth to the rest of the Nation.

Yet another improvement is in the provision for credit to rural communities for the establishment and upgrading of basic community facilities such as water and waste disposal systems, outdoor recreation areas, and other programs to enhance the quality of rural life.

All these were necessary improvements that helped close the credit gaps in rural America. Now we need to close the gap that exists in the total lack of adequate credit for many farm cooperatives.

Without the availability of adequate credit, many farm cooperatives have been impeded in their efforts to expand or initiate new programs, and new cooperatives without adequate financing are doomed to failure before they are firmly established. Yet farm families are powerless to improve their individual condition or achieve economic stability without the bulwark of these organizations. That is why it is imperative to make financial assistance available to them.

This plan is not without precedent. Currently, under title III of the Economic Opportunity Act, the Farmers Home Administration has authority to make loans to organized rural groups to provide processing, marketing, and purchasing services for their members and patrons. But these rural cooperatives are not eligible for this type of loan unless two-thirds of its family members are classified as below the poverty level.

This provision has been an important one in fighting rural poverty. The economic opportunity co-op loans have created many more adequate processing, purchasing, and marketing facilities for poverty-stricken farm families. It is essential that such a program be continued. But it now appears that funding for the OEO program will end with the present fiscal year.

The amendment I am proposing would enable the Farmers Home Administration to continue the type of assistance initiated under the OEO program and give low-income farm operators the means of organizing into effective cooperatives to improve their position in the marketplace.

The OEO program has given us some insight into the needs of people who have fallen behind in the race for economic equality through no fault of their own. The solution to their problem lies in organization. But their efforts at organization often end tragically because of inadequate financing. Unfortunately, it takes time for a cooperative organization to move into the economic mainstream, and our present system of loan repayment does not make allowance for that time factor.

This bill would make funds available to them at terms that could realistically be met by a beginning, struggling organization.

Established farm cooperatives have access to credit resources through the Farm Credit Administration's bank for cooperatives, which has made an outstanding contribution to the growth of farm cooperatives and continues to be an important aid. But the banks for cobanking policies with specific requirements of assets, net worth, and management experience. This of course, is sound banking practice. But the effect is to limit eligibility to organizations that are better established, more sophisticated, and more broadly based, while those cooperatives whose needs are greatest are unable to qualify.

In the OEO program and the banks for cooperatives we see loan provisions for the very low income level and for the higher income level. But in between there is a large segment of the agricultural population that cannot command adequate credit to develop and expand its own cooperatives. This large in-between group needs a credit program of intensive and constant advice and assistance at the local level if they are to thrive and gain the economic strength they seek.

The Farmers Home Administration is the ideal agency to carry out this type of credit program through its local county offices, where close contact can be maintained with the cooperative organizations that avail themselves of this loan opportunity.

The amendment I am proposing augments but in no way overlaps or duplicates existing farm credit provisions. I hope to see it enacted and implemented to bring about greater equality of opportunity in our rural areas.

A copy of my bill follows:

H.R. 8800

A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans and grants to certain cooperatives serving farmers and rural residents, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Consolidated Farmers Home Administration Act of 1961 is amended by adding the following new section 310 at the end of subtitle A:

"SEC. 310. (a) The Secretary may also make or insure loans to local cooperative associations furnishing to farmers and rural residents services and facilities for harvesting, storing, processing (including preservation or preparation of edible products for market), transporting or marketing agricultural commodities or products, consumer purchasing services, or the processing or marketing of other products of farmers or rural residents. Such loans may include funds for the organization and establishment of the association, necessary land, buildings, and equipment, or for the repair, expansion, or enlargement of such services or facilities, for operating capital and for refinancing. Such loans may be made or insured only if the applicant certifies and the Secretary determines that there is a need for such services and facilities in the community not now being met by private or other cooperative enterprises.

"(b) The Secretary may also make grants to such cooperative associations to assist in defraying their operational and maintenance costs for such periods as the Secretary determines necessary to assure their successful operation."

SEC. 2. Paragraph (b) of section 333 of such Act is amended by inserting after the figure "306" wherever it appears in said paragraph the following: ", 310".

THERE IS A NEED FOR EXTENSION OF THE RENEGOTIATION BOARD

The SPEAKER. Under a previous order of the House the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, the Renegotiation Board's life will soon be at our mercy once again, since it is due to expire June 30, 1971. It is my hope that we shall have an opportunity to thoroughly consider legislation to extend the Renegotiation Act on the House floor under an open rule.

The Board, as I have said before, on many occasions plays a very important role in preventing what I call war profiteering. It oversees $48 billion of procurement each year, carrying out the purpose of the Renegotiation Act—the elimination of excessive profits on defense and space contracts and related subcontracts.

Yesterday, on May 31, the Washington Post made a release which, if true, strongly exemplifies the pressing need for the extension of the Renegotiation Act, and, further, for the strengthening of the Renegotiation Board. The article, entitled, "Defense Contracts Are Assured of Rising Profits" states that several policy changes are soon to be initiated in the purchasing of major weapons systems. It indicates that Deputy Secretary of Defense David Packard is insisting on "more cost plus-incentive-fee contracts," which has historically yielded the highest profits level. This type of contract covers all costs and gives bonuses for good performance. The Pentagon's generous policy of bonus awards has yielded greater profits—and greater possibility of excess profits.

Since there is very little genuine competitive bidding in Pentagon procurement, the Renegotiation Board's authority will be reaching these contracts with propensities for excess profits. Only 11.4 percent of the awards in the budget year, ending last June 30, were advertised for open bidding—leaving the other contracts to be negotiated on a contract by contract basis with little or no competition.

In view of these proposed policy changes, the renegotiation process will be needed more than ever.

The Renegotiation Board's record is very good, and the need for it is clear; I trust that my colleagues will give this issue timely and careful consideration.

The news release follows:

[From the Washington Post, May 31, 1971]

DEFENSE CONTRACTORS ARE ASSURED OF RISING PROFITS

(By Bernard D. Nossiter)

A ranking Pentagon official has privately assured industry that profits on defense contracts "will probably increase" under new procurement policies established by David Packard, the Deputy Secretary.

The assurance was given at a closed-door meeting of the Industry Advisory Council, the top level business group that meets periodically with high Defense aides.

At the last IAC gathering in the Pentagon on Feb. 12, J. Ronald Fox, Army Assistant Secretary for Installations and Logistics, delivered the news.

The Washington Post has obtained texts of the presentations made for the businessmen.

Fox observed that a Packard memo of May 28, 1970, calls for several policy changes in the purchasing of major weapons systems. Among them, he said, is an insistence on more cost-plus-incentive-fee contracts Fox noted that historically this form of contract has yielded the highest profits level.

In addition, he said, Packard is calling for more "follow-on" production contracts, directly awarded to the winners of weapons design competitions. The absence of competition for production contracts, Fox said, should also enlarge profits.

A Senate Subcommittee on Intergovernmental Relations under Lee Metcalf (D-Mont.) has been exploring the operations of business advisory groups throughout government. His unit plans to examine the Pentagon and its IAC at hearings in mid-June.

Packard is chairman of the IAC. Its 24 industry members are drawn largely from major defense contractors and bankers.

A major controversy has broken out over the level of defense profits. An independent analysis of $4.3 billion worth of defense business by the General Accounting Office computes the average pretax rate of return on owned investment at 56.1 per cent. The Pentagon and the weapons makers point to a GAO summary of reports by contracts which indicates an average return of 21.1 per cent. The GAO and the industry claim that the independent analysis is unrepresentative.

There are four principal types of contract.

Firm fixed price, as its name implies, determines the total sum that the Pentagon will pay for a weapon.

Firm Fixed Price-Incentive Fee offers bonuses, on top of the fixed price, for meeting a delivery date on time, matching performance specifications and the like.

Cost plus Fixed Fee covers all a contractor's costs in designing and producing a weapon and gives him a predetermined amount as profit on top of this.

Cost plus Incentive Fee, the type now ordered by Packard, covers all costs and again gives bonuses for good performance.

According to procurement experts, the cost-plus-incentive-fee contract that Packard is advocating is not inherently more profitable than other contract forms. But in practice, because of a generous policy of bonus awards by the Pentagon, it has become so.

Fox told the IAC that studies by a Pentagon-financed research organization, the Logistics Management Institute, show that "contractors have earned a higher actual profit on Cost plus Incentive Fee contracts than on any other contract type."

In any cost-plus arrangement, the contractor is virtually spared the need for any working capital. As Fox pointed out, he is reimbursed for all his bills when they are presented, unlike a fixed price contract in which he normally gets reimbursed at once for 80 per cent of his costs.

The logic of higher profits from follow-on contracts flows from their nature. If the winner of a weapons design competition is assured that he will automatically receive the contract to produce quantities of the item, he is in a strong position to dictate what the government will pay for it. The alternative method, which Packard is apparently discouraging, would open the production contract for competitive bidding.

There is very little genuine competitive bidding in Pentagon procurement. Only 11.4 per cent of the awards in the budget year ending last June 30 were advertised for open bidding. The Defense Department sponsors a limited type of competition for major weapons, typically inviting three of four big companies to submit designs.

At the IAC meeting John Lawrence, chairman of Dresser Industries, which makes machinery and equipment, urged the Defense Department, to "rely on the normal market place . . . not much—and then only for commodities."

"Over-emphasis on placing contracts always with the lowest bidder," he said, "is a sure way to emasculate the viable military base."

The Pentagon should "recognize that competition is not consistant with a strong mobilization base," he said. "The country will be best served to have a strong mobilization base, rather than cut throat competition."

"Give credit," Dresser urged, "to the tried and proven and don't go for the low bid 'Johnny come lately' contractor without careful evaluation."

Without citing any figures, Dresser declared that "profits of military contractors are so small and unpredictable as to make military work generally unattractive. This inadequacy must be corrected promptly. . . . Find a way to make military contracts more profitable."

Packard, has said he agrees profits should be higher. The Fox address to IAC appears to spell out the probable method to increase profits.

In a telephone interview, Fox said he had a "visceral feeling" that Pentagon procurement is moving in the direction commanded by Packard. But the shift is too recent to be reflected in the statistics collected by procurement officials.

CHANGES NEEDED IN IMPORT POLICIES FOR HOME HEATING OIL

The SPEAKER. Under a previous order of the House the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 10 minutes.

Mr. ST GERMAIN. Mr. Speaker, it was the poet who shrewdly observed: "What a tangled web we weave when first we practice to deceive." No better application of the aphorism can be found than in the tangled web which has been the oil import program. Deception may be too harsh a word to describe this program because it was instituted, I am confident, by honorable men for honorable purposes. But, good intentions are not enough. The import program may have been designed to meet some national security objectives but it was, at the same time, the least efficient, most expensive, and most complex way to meet that objective. And it is fair to say, I believe, that it has gone beyond the legitimate national security concerns. It is today in effect, a price support program for the domestic oil industry, paid for by the American consumer.

I recognize, too, the political unfeasibility of substantially revising this program. If you recall, the President of the United States, soon after he took office, felt that the program should be reviewed and a task force under the chairmanship of George Shultz was appointed to undertake that task. It concluded that the cost to the public of the program was far in excess of that required for national security regulations and recommended a major overhaul. Nothing was done.

It is the better part of wisdom that when you cannot change something from the bottom up—something that desperately needs change—the least you can do is to seek some improvements at the margins. This has happened at least in one instance: When the President decided in mid-1970 to permit a very modest amount of home heating oil to be imported into the eastern seaboard States by independent deepwater terminal operators to relieve the acute shortage of supply and to moderate prices. This program was continued for 1971 although at the same time, an older program which had permitted importation of home heating oil and other oil products into the United States was discontinued. The net effect was that for 1971, the amount of extra home heating oil to be permitted to be imported was very small indeed.

For reasons of presumed national security, as well as to accommodate the Government of Venezuela—and more the latter than the former—this modest program permitted imports of 40,000 barrels per day and required that the imports had to be purchased in the Western Hemisphere. It so happens that two major oil refiners, Esso and Shell, in effect control the market in the Caribbean, which is where Western Hemisphere sources of home heating oil are to be found. This program took effect on July 1, 1970. In August, these two refiners raised their price from 6½ cents to 8½ cents per gallon. In late November, they subsequently moved up their price to 9½ cents per gallon. And both of these companies have recently advised its customers that they will not be able to supply any home heating oil from the Caribbean for the coming season.

Consider for a moment what has happened. The President of the United States, in responding to a serious need on the part of consumers on the east coast and principally in the Northeast, ordered a minor and marginal modification of the oil import program. The purpose was to increase supply and to provide cheaper products to the American consumer. But what has in fact happened? As a result of the actions of two major oil companies, over a period of 6 months, the price of the imported product was raised nearly 50 percent to the point where the imported product is no less expensive than the domestic product. Second, these companies have announced to their independent customers that they will not be able to supply them with its product from the Caribbean area.

This is an unconscionable development. The increase in prices of nearly 50 percent is outrageous and can in no way be explained by any cost factors. The cutting off of supply may conceivably be a good business decision for the company concerned. I simply do not know. But its adverse consequences for the American consumer are self-evident.

In short, two major oil companies have been able, by their action, to frustrate the purposes of this modest program which the President announced last June. Has the national security of the United States been enhanced by these actions? The question suggests its own answer. The only security which has been improved has been the economic security of the companies concerned.

There is a simple and obvious way to resolve this problem. First, permit the independent marketers to procure their home heating oil wherever they can find it in the world. In actual practice, this would be from refiners in Western Europe. By being able to procure in Western Europe, they will be able to buy at reasonable prices for the simple reason that there is competition in the Western European market while there is no competition in the American home market and its satellite Caribbean market. The national security of the United States would not be adversely affected by this nor would the Venezuelan Government be disadvantaged by this. The Venezuelans can sell all the oil they wish in the United States. Beyond that, what the Venezuelans have recently done in terms of taxes and prices on oil should not make us beholden to them.

Second, the amount of permissible imports under the program should be expanded from 40,000 barrels a day to a minimum of 100,000 barrels a day. This would still represent only a very small portion of total consumer requirements.

Third, the home heating oil import program should be made a regular and as continuing a part of the overall oil import program as is the crude oil import program. There is no sense in permitting the importation of cheaper offshore crude oil for the benefit of the major American oil companies if we do not, at the same time, permit the importation of some home heating oil for the benefit of the American consumer.

Mr. Speaker, we cannot wait until next winter to begin to meet these problems. The time for action is now; policy decisions and changes in the No. 2 fuel oil program must be made by the end of June if marketers and consumers of fuel oil are to plan effectively for the winter of 1971–72, and if the people of the Northeast are to be assured of an adequate supply of No. 2 fuel oil at reasonable prices.

SUPPORT FOR THE SOVIET JEWS RELIEF ACT OF 1971

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am pleased to report to this House that on April 27 of this year the city council of the city of New York unanimously passed a resolution in support of the Soviet Jews Relief Act of 1971, H.R. 5606, as amended. The resolution was introduced by city council minority leader Eldon Clingan; it follows:

RESOLUTION

(Resolution calling upon the Congress of the United States to enact a bill to provide for the issuance of special visas to Jews of the Soviet Union to allow their immigration to this country)

Whereas, This nation has always been a haven for the oppressed of other lands; and

Whereas, The City of New York has been the home of millions of immigrants, who have contributed immensely to its greatness and developed its unique character; and

Whereas, The Soviet Union has systematically persecuted its Jewish population; and

Whereas, Large numbers of Jews in the Soviet Union at great risks to themselves have demonstrated a desire to emigrate; and

Whereas, The current refugee quota for the Eastern Hemisphere would bar thousands of Soviet Jews from our shores if they were allowed to emigrate even on a modest scale; and

Whereas, The United States Congress has previously passed legislation to enable the refugees of Hungary, Czechoslovakia, and Cuba to emigrate to this country; and

Whereas, Congressman Edward I. Koch has introduced the Soviet Jews Relief Act of 1971, which authorizes 30,000 special visas outside the regular immigration quota system for Soviet Jews who are permitted to leave the Soviet Union and wish to come to this country; now, therefore, be it

Resolved, That the Council of The City of New York calls upon the United States Congress to pass the Soviet Jews Relief Act of 1971; and be it further

Resolved, That the clerk of the Council send a copy of this resolution to every member of the House of Representatives, every member of the United States Senate and the President and Vice President of the United States.

REMEDIAL IMMIGRATION LEGISLATION

(Mr. RODINO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RODINO. Mr. Speaker, I have today introduced immigration legislation which has a dual thrust at eliminating troublesome problem areas in the administration of the Immigration and Nationality Act. This bill, which was cosponsored by the Honorable WILLIAM F. RYAN, Honorable JOSHUA EILBERG, Honorable WALTER FLOWERS, and Honorable JOHN F. SEIBERLING, is a combination bill embodying provisions of other bills pending before the Subcommittee on Immigration and Nationality. Furthermore, it is a compromise bill adapting the floor on immigration proposal to meet a temporary problem which this legislation should correct within 4 years—the life of the legislation. The companion thrust is directed at the elimination of the backlog in the fifth preference—brothers and sisters of U.S. citizens—which was not eliminated by 1968, as intended.

Not until 1964, after four decades of subjection to the principle that some immigrants were more acceptable than others, was there sufficient and coordinated effort and leadership to pave the way for repeal of the national origins system. The impetus in this direction was supplied by the late President Kennedy when he sent an Executive communication to the Congress in 1963.

The bill introduced as a result of the Executive communication, was a product of great study and sought to prevent problems before they became evident. To insure an orderly transition from the national origins system to a system based upon first-come, first-served, within preferences, a 5-year phaseout period was proposed which the departmental experts and statisticians concluded would relieve the backlogs that had developed in some preference categories for some countries. Furthermore, this bill called for a reserve of visas made available to the President to be allocated to those countries which had enjoyed large quotas under the old system and who would be disadvantaged by the change since they could not compete equitably on a first-come, first-served basis, simply because there was never a need to establish priority dates and a place in line for a visa.

Unfortunately, by the time the bill was enacted, the 5-year phaseout period was reduced to a 3-year phaseout. The reserve of visas was deleted completely and a new feature—the labor certification requirement—became an integral part of the act.

Cautioned and warned of the problems that could arise, the Congress, in its haste to attain the target of repeal of the national origins system, cast probable problems aside.

Today, we reap the result of casting aside those safeguards that were originally proposed in the Executive communication. We find that the fifth preference, particularly with regard to Italy, is oversubscribed and has been oversubscribed and the backlog was not eliminated as the drafters of the legislation anticipated.

We find that immigration from Western Europe, particularly Germany, Great Britain, and Ireland, dissipated to a mere trickle. These results certainly were not intended. Until these results are corrected, the great step forward in all immigration policy is harnessed to a dead weight of discouragement, frustration, and dismay.

The bill I introduced today is designed to correct the deficiencies resulting from the haste in approving the act of October 3, 1965. Before the Congress can build on this act and approve a worldwide immigration system with workable preferences, or any other legislation affecting immigration, we must backstep and put our immigration law in good order.

We have waited for 5 years to determine if the shortcomings of the law would correct themselves, but it is obvious now that these shortcomings will only manifest themselves in greater hardship and unfairness. The only corrective method is by legislation, legislation which I hoped would not be necessary but which experience has dictated has become very necessary.

The bill I introduced today establishes a floor on immigration for each country by making special immigrant visas available equal to 75 percent of the 1955–65 average less visas issued under the permanent provisions of the Immigration and Nationality Act, as amended. No more than 7,500 special visas can be used by any country in each fiscal year.

The bill is temporary in nature designed for a temporary problem and will automatically terminate after 4 years. After carefully reviewing the abundant material and statistics on the problems the Irish and other Northern European aliens have experienced competing for immigrant visas, it was concluded that this 4-year period would grant sufficient time for people from those countries to establish priority dates and thus eliminate the unintended inequities. That feature of the bill and the floor provision have been widely and thoroughly discussed, not only in the Congress but by various interested organizations. I think that those of us on the Subcommittee on Immigration and Nationality stipulate the fact that immigration from Northern Europe has been drastically curtailed. We also stipulate that this result is directly attributable to the shortcomings in the changeover from the national origins system to the firstcome, first-served system. I believe that this temporary legislation will correct the deficiencies that caused the fall of immigration from those countries which have traditionally sent immigrants to the United States.

The second thrust of the bill is directed at the backlog in the fifth preference—brothers and sisters of U.S. citizens—that emerged after the landmark 1965 amendments became effective on July 1, 1968. It had been expected that the 3-year phaseout period, 1965–68, would eliminate any problems from the 1965 act that repealed the repugnant national origins quota system. However, the fifth preference category, particularly in the case of intending Italian immigrants, was heavily oversubscribed. Without remedial legislation it will be many years before the brothers and sisters who come under the present fifth preference can be united with their U.S. citizen families.

This bill would authorize issuance of special immigrant visas to all qualified brothers and sisters of U.S. citizens who have petitions filed prior to July 1, 1968.

I believe that it is patently important that we solve the major outstanding inequities stemming from the 1965 amendments before we can attempt to solve any other problems in the immigration field.

FAMILY OF NORTHWEST FLORIDA RESIDENT FIGURED PROMINENTLY IN FLAG DAY RECOGNITION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, June 14 is a very special day.

It is the day when, traditionally, all Americans observe Flag Day. Noble as this tradition is however, it should be more than that. It should be a national holiday and for that reason I have joined as a cointroducer of a bill officially designating June 14 as Flag Day. It is disappointing to me that Congress has moved so slowly to take action on this bill.

Flag Day first was observed on June 14, 1885, in a tiny schoolroom in Fredonia, Wis., by a young schoolteacher named Bernard J. Cigrand. He was 19 years of age and a fierce patriot. He sat a small flag on his wooden desk and told his handful of pupils the story of the flag of the United States.

He chose that particular day because it marked the 1777 anniversary of the Continental Congress' official approval of the flag's design.

Bernard J. Cigrand has a special place in the hearts of the people of Florida, for a fine woman who knew him well and who married into his family still lives in Chipley, Fla., which I am proud to represent in the Congress.

Mrs. Grace Cigrand Lundquist, now 80 years of age, first met the Cigrand family more than 60 years ago when she married Bernard H. Cigrand, son of the schoolteacher who first marked Flag Day in the United States.

Following the death of her husband, and subsequent marriage to Eban Lundquist, this wonderful lady moved to Chipley in 1954 where, now a widow, she continues to live an active life dedicated to her friends, her church and her Nation.

To Grace Cigrand Lundquist, Flag Day is something especially dear. She recalls the fervor with which her father-in-law told of his long struggle for official recognition of one day in the year to honor our Nation's banner, and she tells of the joy the elder Cigrand experienced when, in 1916, President Woodrow Wilson proclaimed the first official nationwide observance of Flag Day and presented a flag to Mr. Cigrand.

That same flag—personally presented to Bernard Cigrand by President Wilson—is in the possession of Mrs. Dorothy Trayer of Bristol, Va., daughter of my constituent, Mrs. Grace Cigrand Lundquist.

In this day when many seek to destroy our flag and, indeed, the Nation for which it stands, it is especially significant that we recall the selfless struggle by a single dedicated man—Bernard J. Cigrand—to have the flag he loved so dearly officially recognized on a special day.

I believe it would be fitting for this Congress to now move to complete the work begun by this dedicated man almost 86 years ago, and to now grant congressional designation of June 14 as Flag Day.

It would mean much to those such as Mrs. Lundquist and Mrs. Trayer, who can boast proud connection with this patriot, and it would mean much more to the people of the United States in these troubled times.

We are not talking about just any day. Nor are we talking about an observance we will one day abandon.

We are talking about the flag of the United States of America and of the day it became the official banner of our Nation. It has been our banner for 194 years and this Congress should designate a special day on which to honor it.

It would be particularly appropriate to so designate June 14 in this year when we have witnessed the disgusting display of the flag of our enemy waved by dissident malcontents from the steps of our Capitol. Further, it would be appropriate for Congress to act now, even as the last remaining scars of the Capitol bomb blast are being covered by workmen.

Only one State—Pennsylvania—officially notes June 14 as Flag Day, although the President traditionally declares the event for the Nation as a whole.

Let this Congress move now to honor our flag by designating June 14 as Flag Day. It is a special day in the history of our country and it is deserving of this special recognition.

CHILDHOOD LEAD POISONING—THE ADMINISTRATION REQUESTS A LUDICROUS $2 MILLION

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, 47 Members joined me in sending a letter to Secretary of Health, Education, and Welfare, Richardson on April 23 urging him to request full funding for the Lead-Based Paint Poisoning Prevention Act for fiscal year 1971 and fiscal year 1972. Today, we received an answer to our letter.

This answer is an affront to the hundreds of thousands of children across the Nation afflicted with lead poisoning.

The Secretary states in his letter of May 28—

> Since the current fiscal year is nearly over, we will not request a 1971 supplemental.

His sense of timing is very precise. It is true that fiscal year 1971, for which $10 million was authorized, is nearly over. Had the Secretary chosen, however, to act when our letter was sent, the problem he raises would be nonexistent.

Suffice it to say that the administration requested no funds for fiscal year 1971. Enough of niceties of efficiency. Pure and simple, the fact is that the administration wanted no funds, and its silence on the matter has been heard loud and clear.

The Secretary also tells us that the President will "shortly transmit an amendment to the 1972 budget requesting $2 million." This strains credulity. The fact is that a full $30 million is authorized for fiscal year 1972. The fact is that Secretary Richardson's Department already has preliminary requests from 31 State and local governmental units concerning funding under the Lead-Based Paint Poisoning Prevention Act. The fact is that lead poisoning claims 200 lives a year; it sentences 800 children a year to permanent institutionalization; it produces moderate to severe brain damage in 3,200 children a year.

The fact is that a meager $2 million is an affront to these thousands of victims of the administration's indifference, and to the thousands more who will fall victim.

But we are assured, in Secretary Richardson's letter, that the amount the administration contemplates spending—$2 million plus an additional $200,000 which it is spending under other legislative authority—"signifies the administration's clear intent to mount a concerted effort to eliminate the threat of lead-based paint.

As to this statement I have no comment. I leave that to the imagination.

AMERICAN VOCATIONAL ASSOCIATION OPPOSES ESCH'S MANPOWER REVENUE-SHARING PROPOSAL

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, The American Vocational Association composed of more than 50,000 members across the country has written a perceptive analysis of their opposition to the recent manpower revenue-sharing proposal and their support of H.R. 3613, the Emergency Employment Act. Their position is impressive considering that the AVA has been a leading voice in the Nation since 1925 for vocational and industrial arts educators, supervisors, administrators, and students.

I ask my colleagues to carefully examine AVA's views today when this matter comes to the floor because they have an avowed purpose to "foster vocational and industrial arts education as reflected in Federal legislation."

The material follows:

The Situation in Regard to the Manpower Legislation and AVA's Opposition to the Proposed Manpower Revenue Sharing Bill

It is unfortunate that the Administration's Manpower Revenue Sharing proposal (Esch Substitute) has been reduced to a bitter political issue in the U.S. House of Representatives which places the American Vocational Association between its long standing friends and supporters of both political parties. However, notwithstanding the threats of retribution made, in today's telegram to all State Directors of Vocational Education, by the Republican leaders of the House Education and Labor Committee, the AVA must and shall continue to fight for the same educational principles it fought for last year when the shoe was on the other foot and we stood with the Administration and the minority against the Democratic Senate Bill.

After discussions here this morning with Assistant Secretary of Labor (Manpower) Malcolm R. Lovell, I am persuaded that the Department of Labor may well be more flexible in its approach than the Esch Substitute bill would indicate on its face. While I doubt the revenue sharing approach can be made compatible with those assurances of educational quality in manpower programs which we still demand, and which the Administration supported last year, we will never know for sure in the absence of the full hearings and discussion which have been sadly lacking in the development of the current legislative proposal.

Contrary to the assumption made in the telegram, we do not base our objections on the theory that "vocational educators would have less influence with the governors (and mayors) than with the U.S. Department of Labor," although such probably is the case with respect to the unregulated conduct of manpower programs. As you will see in my explanation which follows, we believe in the necessity of a balanced, Labor-HEW enforced, system of legislative requirements to the end that the educational quality and values inherent in manpower training programs will be protected.

If our Republican friends of long standing in the House of Representatives decide to make good on their threat to punish adult and school-age vocational education students, by withholding their traditional support of the vocational education program and its appropriations unless we withdraw our professional objections to their proposed Manpower Bill, I will be truly distressed. But they will have to answer (not to the American Vocational Association, but to the nine million vocational education students, youth and adults, and their families, who need and depend on their support.

What follows is an explanation of the principal considerations that have led the American Vocational Association to oppose H.R. 8141, the Manpower Revenue Sharing Act of 1971, as presently drafted, which will soon be offered on the floor of the U.S. House of Representatives as the "Esch Substitute" for the Public Service Employment Bill (H.R. 3613). It should be noted that the Public Service Employment Bill, which has been favorably considered by the House Education and Labor Committee, after extensive hearings, and by the House Rules Committee, would in no way alter, modify, compromise or otherwise affect the current Federal manpower program, while the substitute bill at issue, without benefit of any hearings or committee review, seeks to repeal the manpower program and substitute for it the Administration's revenue sharing concept.

The position of the American Vocational Association with respect to legislation in the manpower field has consistently been one of strengthening the role of vocational education in manpower development to the end of assuring quality in its education component and to prevent the development of a dual system of education in which the rich would attend academic schools while the poor would receive second class "training" outside the school setting. The programs operated under the provisions of the Manpower Act are basically education and training. This has been the historic mission of vocational education as an educational process, and as a tool for economic growth and development.

The American Vocational Association supports manpower legislation for the reasons stated in the policy resolution adopted by the AVA House of Delegates in 1969:

MANPOWER LEGISLATION

Whereas, the first annual report of the National Advisory Council on Vocational Education has highlighted the failure of our schools to educate to the level of adequate employability nearly 25 percent of the young men and women who turn 18 each year as a waste of money as well as human resources; and

Whereas, the violence, unrest, and alienation of thousands of Americans are in part, a result of unemployment and unequal opportunity; and

Whereas, the Manpower Development and Training Act of 1962 has provided both jobs and basic education and training for more than one million persons, many of whom came from the ranks of the hard core unemployed; and

Whereas, the Vocational Education Amendments of 1968 are directed toward meeting the social and economic needs of all people of all ages of all communities;

Therefore, be it resolved, that the American Vocational Association through its members, give support to legislation to extend and improve manpower programs in order that education and training may be made available for the population that has not been served by the traditional system of education; and

Be it further resolved, that the American Vocational Association, through its members, work for legislation that will strengthen and improve the educational components of manpower development including guidance, thereby making vocational education an integral part of the nation's manpower policy; and

Be it further resolved, that the American Vocational Association, through its members, supports legislation to implement a total program of vocational education and guidance to the end that the schools as established institutions of our society, provide for the career development needs of all persons.

The AVA opposes H.R. 8141 (Esch Substitute) for these reasons:

1. H.R. 8141 repeals the existing manpower legislation. At the present time, that legislation provides funds for State educational agencies to implement manpower training programs; it provides for in-service training of teaching personnel; it funds skill centers and other institutional training programs conducted by vocational education personnel. The Esch Substitute gives no assurance that these would be continued under Manpower Revenue Sharing.

2. H.R. 8141 totally lacks the assurance of educational quality which was contained in last year's Steiger Bill, H.R. 19519, the Comprehensive Manpower Act which the House of Representatives passed overwhelmingly (275–80) with the full support of the AVA, the Nixon Administration, and the Majority and Minority leadership of the House Education and Labor Committee.

Keeping in mind that last year's Comprehensive Manpower Bill not only set forth standards for the use of funds, but involved the mechanism of prime sponsor contracts which required the *approval* of both the Secretary of Labor and the Secretary of Health, Education, and Welfare, we commended the architects of that bill for including the following *additional* provisions to safeguard educational quality in the process of manpower training:

(a) Vocational educators shall serve on the Manpower Services Councils (Sec. 104 (b)).

(b) Prime sponsors must use to the extent appropriate the services and facilities of vocational and technical schools and area skill-centers in carrying out the institutional training and educational components of a comprehensive manpower plan (Sec. 105(b) (6)).

(c) Through the State comprehensive manpower plan the State must take additional steps to assure the participation of State-supported vocational education agencies in prime sponsors' programs in order to avoid unnecessary duplication of facilities and activities (Sec. 107(b) (1–2)).

(d) Beyond regular program funds special incentive grants (up to $75 million in FY 72) will be made to State and local prime sponsors who develop exemplary linkages between manpower programs and vocational education. (Sec. 504(d)).

(e) HEW and Labor must concur in *any* rules, regulations, standards of performance, and guidelines which would affect the role and function of vocational education agencies (Sec. 108).

(f) *Any* components of comprehensive manpower program applications which deal with vocational education and institutional training must be approved jointly by HEW and Labor (Sec. 108).

(g) Within six months of the CMA's effective date, HEW and Labor must report to Congress on the utilization of area vocational and technical schools under CMA and the steps taken to increase their utilization and effectiveness (Sec. 525(a)).

(h) At the same time, the U.S. Office of Education must report to Congress on the extent to which vocational education activities and goals are being incorporated into general elementary and secondary education programs (Sec. 525(b)).

In addition to the above statutory safeguards, further assurances of legislative and executive intent were provided by proponents on the floor of the House and by letters of assurance by Secretary Richardson and by Assistant Secretary Lovell:

Mr. Quie said: "As a supporter of vocational education, I view these (above) provisions as a major step forward."

As part of his two page letter to me endorsing the need for each of the above safeguards, Mr. Lovell said: "I want to assure you and your membership that the Department of Labor is committed to the fullest utilization of the educational system under this (last year's) bill, *which has the full support of the Administration* . . . I share the aversion to the possibility that a 'dual school system' might emerge . . . The Department of Labor has taken careful steps to assure that the Nation's vocational educators are integral partners in *planning* and *implementing* a comprehensive manpower system."

Secretary Richardson wrote to me in part: "The Department of Health, Education, and Welfare strongly supports the proposed Comprehensive Manpower Act (H.R. 19519). I believe that this legislation would assist the Department to make vocational education more effective in meeting the manpower needs of our nation, by making vocational educators partners in the planning and implementing of a comprehensive manpower system.

"This bill gives me the responsibility and the *opportunity* to review and clear all Federal rules, regulations, and standards of performance which would affect educational programs and other programs under the traditional purview of the DHEW."

Last year's bill represented a distillation of the best thinking of the Congress, the Administration, and the public interest groups, after thorough hearings, deliberations and negotiations. From our point of view it combined the Administration's interest in State and local administration (also the justification for revenue sharing) with our concern that effective standards of quality be mandated, supervised and *enforced*. We supported these principles and guarantees of quality. They are today totally absent from the Administration's "Esch substitute."

It has been suggested by some that our position is merely one of political partisanship. In light of the above, that claim must appear a foolish one. Our complete rebuttal to the charge of political partisanship is that in consistently supporting the identical manpower policy last year and now, with respect to the educational components thereof, we opposed the Democrats' alternative last year and the Republicans' substitute this year.

While we have never taken a rigid stand for or against any "delivery system" proposal in manpower legislation, we have consistently advocated the principle that whatever training is offered must be educationally sound and the courses of instruction offered must be truly calculated to train the enrollee for the job sought. While we believe in institutional training, we have never insisted that all manpower programs should be such.

We do insist, however, that the efficacy of the educational or training component of manpower programs is a question of professional judgment which a trainee is entitled to have made by a qualified professional.

Our legislative mandate, from the AVA House of Delegates, concerning manpower is to work for legislation which will assure that the State Board of Vocational Education is the agency which shall pass on the educational validity of the manpower training programs, and which will assure that HEW, through its Vocational Division, shall have and be required to exercise the power of concurrence of the manpower program.

The proponents of the Manpower Revenue Sharing substitute have claimed that "vocational education is protected" in their bill. But of all the assurance we deemed essential, and which were incorporated in the last year's bill, only two are contained in the Esch substitute:

(a) With respect to State and local programs (85% of the funds), there is a provision that the "units of government shall make maximum feasible use of existing educational institutions having a training capability, such as (but not limited to) area vocational schools, technical institutes, and junior and community colleges." However, none of the other essential elements, including submission of plans for approval, and incentives to cooperate, etc. are included. In fact, the principal means of Federal enforcement is by civil lawsuits brought by the U.S. Department of Justice. In essence we see a Federal program, run by governors and mayors, which requires them to submit their plans to Washington, but which completely relinquishes the Federal Government's power and responsibility to *approve* the plans and thereby protect and enforce the will of Congress. Without the authority to disapprove, the review power is an empty protection of the public interest.

(b) Sec. 406 provides for the concurrence of the Secretary of HEW, but *only* with respect to the Federally administered, vocational programs (15% of the funds).

In conclusion, the proposed "Esch Substitute" Manpower Revenue Sharing Bill, H.R. 8141, is substantially devoid of the statutory assurances that, in our professional judgment, are essential to the conduct of Federal manpower programs. The bill is totally lacking in the assurances which the U.S. House of Representatives insisted upon last year. One has only to read the floor debate of last year to recall the extent of concern which Members of the House had for these principles. For all of these reasons, the American Vocational Association opposes the Manpower Revenue Sharing Bill.

ACTION!

In light of the foregoing, it is *essential* that you write or wire every Member of your Congressional Delegation in Washington *today* expressing your opposition to the Esch Substitute, Manpower Revenue Sharing Bill—AND encourage others to do likewise.

Sincerely yours,

LOWELL A. BURKETT,
Executive Director.

ANOTHER LABOR DEPARTMENT FAILURE

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, today I wish to commend the administration for the concern they have expressed for the plight of some Americans who are without a livelihood. The Labor Department announced recently that a new program is operating to find jobs for scientists, engineers, and technicians laid off largely by the aerospace and defense manufacturers. I am heartened to see that the administration is attempting to alleviate the hardships faced by the millions of citizens who are idle, but am gravely disappointed in the methods it is using.

A recent article in the New York Times notes that since the inception of the program on May 3, 10,284 unemployed professionals had applied while only 300 jobs were offered. The national unemployment rate is 6.1 percent. It is obvious that at all levels there are not sufficient jobs in the private sector to employ the more than 5 million citizens who are without work, let alone the millions more who desire work but have given up looking and the 1.6 million who are about to enter the labor force.

While there is an unprecedented need for jobs, there is a critical need for public services as State and local governments faced with dwindling tax bases are hard pressed to maintain present community services.

Mr. Speaker, we are training and educating people for jobs that do not exist. Trainees of manpower programs, returning veterans, retrained engineers, and recent graduates are disillusioned and frustrated. They cannot find work. That is why on Tuesday, May 18, I led the floor fight in support of my bill, H.R. 3613, to provide emergency public service jobs in times of high unemployment.

During that debate Members on the other side of the aisle sought to discredit the approach of the Emergency Employment Act. I wish to point out that the opposition called this measure too expensive. Yet, the administration's new program provides grants up to $500 per person to explore specific jobs, up to $2,700 for retraining, and up to $11,200 for relocation expenses. That is a high expenditure when no jobs are guaranteed at the end of search. My bill would create 150,000 jobs both for professionals and the unskilled.

H.R. 3613 has been called too categorical. But, the administration has just proposed a program to aid scientists and technicians who live in an area of a minimum of 1,000 similarly unemployed and who have worked in defense or aerospace jobs in 12 of the last 24 months. Thus, the Labor Department has administratively created categorical aid while at the same time condemning congressional efforts to create public service jobs as "just another categorical solution."

Under the Emergency Employment Act, persons will be able to find work within their own communities without having to uproot their families and relocate perhaps thousands of miles away. H.R. 3613 is scheduled for consideration on Tuesday, June 1, and Wednesday, June 2.

The text of the article follows:

SCIENTISTS SIGN FOR U.S. JOB AID

(By Philip Shabecoff)

WASHINGTON, May 24.—The Labor Department reported today that a Government program to find jobs for scientists, engineers and technicians laid off by the aerospace and defense industries was now in full operation.

So far, however, the number of applicants is far outstripping the number of jobs registered with the program.

Paul J. Fasser, administrator of the department's Manpower Administration, reported at a news conference that 10,284 unemployed aerospace and defense industry professionals had registered with state employment agencies since the program officially began May 3.

During that time, he added about 300 jobs came into the national registry. He said, however, that this did not include the aerospace and defense jobs already listed with the national Job Bank. That number has not been tallied, he said.

The programs being conducted in 14 "target areas" hit hard bylayoffs in the two industries. Nassau and Suffolk Counties on Long Island make up one of the target areas.

Mr. Fasser said that the Government's Technology Mobilization and Re-employment Program would serve a "universe" of about 100,000 scientists, engineers and technicians. He said he hoped that the program would be able to help find jobs for about 30,000 of these people over the next two years.

The program offers the following aids to eligible professionals in the target areas:

Job-search grants of up to $500 for those who need to explore specific job opportunities outside their home areas.

Relocation grants of up to $11,200 for those who need them to accept job offers outside their home area.

Grants of up to $2,700 for job retraining by academic courses or on-the-job training or a combination of methods.

A job promotional efforts and studies to find out how people with technical abilities can use their skills in other areas.

The program is being conducted through state employment offices in the target areas. On Long Island, the state employment office handling the program is in Hicksville.

Mr. Fasser said today that eligible professionals would be told by their state offices what jobs are currently available would be placed on a national registry of available aerospace and defense personnel, and would even be assisted with their claims for unemployment insurance.

The target areas are those with a minimum of 1,000 unemployed scientists, engineers and technicians or areas with 500 unemployed and an overall unemployment rate of 6 percent or higher.

In addition to Long Island, the target areas are Huntsville, Ala.; Los Angeles-Long Beach, Orange County, San Diego and San Jose, Calif.; Atlanta; Wichita, Kan.; Boston; St. Louis and nearby areas of Illinois; Philadelphia-Camden, N.J.; Dallas and Fort Worth and Seattle.

So far, the largest numbers of applicants for the new program—3,327—are from the Seattle area. There have been 355 applications on Long Island.

The eligibility requirements for the program include the proof of having worked in defense or aerospace jobs in 12 of the last 24 months, or having been "substantially attached" to these industries, having been laid off as a result of contract terminations or reductions, having worked or lived in the target area and having canvassed employment opportunities in his home area.

BARBARIANS AT THE GATES

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, an article appears in the current issue of National Review which is too precious to waste to the transitory nature of a weekly magazine. It must be preserved in the archives of this Nation's history and I would like to insert it in today's Congressional Record to be sure that it is available for thoughtful historians in some future time, if indeed there is a future time for this Nation. It is titled, "Barbarians at the Gates" and is written by James Burnham, as follows:

Barbarians at the Gates

(By James Burnham)

THE PROTRACTED CONFLICT

Many good, respectable people have taken part in this spring's antiwar campaign. They have contributed money, lent their names to appeals and committees, opened their churches and homes to the Kids, marched on April 24, spoken at rallies.

These good, respectable people, and especially the political figures conspicuous among them, have been anxious, as usual, to distingush their own "responsible" expression of dissent from the "excesses" of "a small handful." However, granted that their motives were uniformly angelic, this in no way alters the objective consequences of their actions. They entered into a united front with the pro-Moscow Communist Party, the Trotskyist party, and assorted Maoists, Guevarists, anarchists and freaks; they marched beside them and spoke from the same platforms, they condoned and excused their behavior; they gave the revolutionists aid, comfort and cover.

In this operation, the revolutionists were the leaders; the good, respectable people, the led. Is this not plain in the triumphant voice of Madame Binh issuing her orders from Paris? What took place in Washington was a revolutionary field training exercise, designed to test the cadres' ability to assemble a large number of people representing a broad political and social spectrum, to guide these people along predetermind political lines, and to use them as a shield for revolutionary maneuvers.

NON-PROLETARIAN CULTURAL REVOLUTION

The revolutionary cadres in this country are still tiny, and it may seem absurd to discuss them seriously in strategic terms. But among them are able and energetic persons. Our revolutionary movement has gone through a Great Non-Proletarian Cultural Revolution in the past eight years, from which it is now emerging rejuvenated. This most recent "Spring Offensive" was the first large-scale operation in which there was, from the planning stage on, effective cooperation among the pro-Moscow Communists, the Trotskyists (who have made big strides lately), the Maoists and Ur-Maoists, and the irregulars, freaks and wild men. The disorderly influx of student youth eight years ago, which at first knocked the old-line Communists off their feet, is becoming disciplined and experienced. If it is not yet fused with the old organizations, it is uniting with them in common fronts against the enemy.

The term "antiwar" needs scrutiny. "Antiwar" is not "pacifist." "Antiwar" often means, as now, to be against *this* war—more specifically, against the American side in the Vietnam war. This is what all the revolutionists and some of the others mean. They are not in the least pacifist as should be obvious from their deliberately provocative, aggressive appearance, rhetoric, manner and conduct. They are warriors, but fighting in another war.

The new recruits in our revolutionary movement have perfected several tactics of profound revolutionary significance. One of the most striking is the use of obscenities, blasphemies and guerrilla theater to break down the "sacred" aura—the *mani*—and the taboos that express and support the authority of the magistrates, institutions and procedures without which a social structure cannot hold together. To call policemen "——— pigs" amazes and disgusts at first hearing. But constantly reiterated—in accordance with the precepts of *Mein Kampf*—it gradually alters the social image of the police. It promotes and reinforces, not only in the users of the phrase but in many who hear it, disrespect and scorn for the police, and a willingness to confront and combat them. I can call a cop a "——— pig" and nothing happens to me! I don't jet jailed or beaten or even criticized; the respectable people keep marching beside me. So I can go right ahead with the next steps—throwing rocks at the police, bombing police stations, knifing and shooting policement. Why not? Isn't that the proper way to deal with "——— pigs?"

So also with professors, congressmen, cabinet members, generals, Presidents. Anything goes with MacBird, doesn't it? And since the President, any President, is a lying fascist murderer, the only fit punishment for him is execution.

A similar tactic is used against procedures. The disruption of speakers and meetings, blocking of entrances, hallways, bridges and highways, occupation and trashing of offices, are obscenities in action. They desecrate and dissolve the processes of communication, transport and administration that are essential to the social structure. Gradually, with repeated performance, these shrewdly subversive actions come to be accepted by public opinion as "a normal part of the democratic process."

FANTASTIC AND GROTESQUE

It is fantastic that a great nation should permit the assault that has been mounted this spring on the seat of government—on the courts, the ministries of justice, security and defense, on the legislature itself. It is not simply fantastic but grotesque that revolutionists could have operated from and in the headquarters of a major department of government—Health, Education and Welfare.

But what is most fantastic of all is that we have come to accept these aggressions against civilized order. When the police finally threw the Mayday gang out of West Potomac Park, the university campuses, churches, and (so the newspapers reported) "many private homes" made them welcome. And some people think it's Abbie Hoffman who is crazy!

HORROR AND SHOCK OF AMERICAN PEOPLE OVER EXPOSURE OF INHUMANE AND BRUTAL MASSACRE OF BABY SEALS

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, the horror and shock of the American people over the exposure of the inhumane and brutal massacre of baby seals, their begging eyes waiting for the cruel club of the harvester; ice floes bloody and covered with seals gaffed, kicked, clubbed, and shot, nursing babies skinned alive before their mother's eyes, has finally brought to the country's attention the total lack of protection for all sea mammals. Our country has long been conservation minded—we have, over the years, realized the need to protect the species of animals indigenous to our country, the symbol of the magnitude, beauty and wealth of our Nation. The same concern and protection should be given to the animals that live in the sea.

The story of the seal harvest on the Pribilof Islands and Canada's Gulf of St. Lawrence is a shocking one indeed. In the past, American, Canadian, and Japanese sealers have shot and speared fur seals from ships. They could not tell the sex or age of the animals, many of which were lost through wounding or sinking. When a nursing mother was killed it often meant slow starvation for her pup. This open sea killing was halted by international agreement in 1911. In exchange for the ban on pelagic sealing, the United States and the Soviet Union provide Japan and Canada each with 15 percent of the harvest from the Pribilofs and 15 percent of the harvest from those islands under the jurisdiction of the Soviet Union.

The Aleut Natives on the Pribilof Islands, as they have done for generations, drive the seals to shore from the coastal water, then killing them with clubs and knives. The skins are then sold, by the U.S. Department of Commerce, to the Fouke Co., which holds an exclusive contract with the Government for processing the skins.

I believe that this slaughtering is not in the interest of our country or any other country and I say it should stop.

There are other sea mammals which are being slaughtered to the point where some species are in danger of becoming extinct.

For instance, no more than 10,000 polar bears are left in the world according to a recent international conference held in Morges, Switzerland. Polar bears once lived in comparative safety, on their floating ice homes in the open arctic seas. But open-sea hunting, with its planes, fast motor boats and high-powered rifles have taken their toll of polar bears.

Whales too have long suffered from man's savagery. For more than 1,000 years they have been pursued for their valuable oil and whalebone. As whalers exhausted one species, they turned to another, finally extending their operations to all parts of the world. One by one, valuable kinds of whales were decimated. During the intense whaling in the last half of the 19th century, four important kinds of whales found in our waters were nearly destroyed.

The Atlantic right whale once ranged southward along our Atlantic coast as far as South Carolina where it probably wintered. Until depleted, it was for many years the mainstay of the New England whalers. Whaling in the early part of the 19th century depleted the gray whale almost to extinction. The gray whale was hunted intensely over most of its range, which includes the California coast, by Eskimos in Alaska, Indians along the Northwest coast, and whalers on our Pacific coast. Hunters even entered its nursery lagoons to take the cows and young calves.

In the last 60 years, whaling fleets

have taken more than 325,000 blue whales. Experts estimate there were 100,000 blue whales left in 1940. Today there are fewer than 3,000, perhaps as few as 500 in the home waters of the Antarctic. International Wildlife magazine says that—

> Though most of the nations prominent in whaling early in the century have backed away from the enterprise, a few continue to whale extensively. And proposals of protection for the blue whale have failed against the objections of those nations which desire to continue to reap the whale.

Scott McVay in Scientific American said:

> Each of the past eras of whaling has virtually eradicated it own most highly prized whale species. The bowhead whale and the right whales are monuments to man's thoughtlessness in the days of sail. The blue whale and humpback—and possibly the finback and sei as well—are monuments to an industry's lack of foresight in the days of steam. The whaling nations today face a third and almost certainly a final decision. If essentially unrestricted whaling continues, the only surviving stock of any economic importance—the sperm whale, of whose numbers more than 250,000 have been killed in the past 12 years—is doomed to become a monument to international folly.

The sea otter was once the world's most valuable fur animal. The sea otter performed a service to man and to nature by keeping in balance the natural order of his domain in the sea. He has a voracious appetite for sea urchins which in turn eat the giant kelp, the mainstay of life for the fish of the area. When the sea otter was virtually wiped out by hunters, the sea urchins consumed the food-supplying kelp, thus leaving none for the fish and not only endangering the total ecology of the area, but severely damaging fishing for consumer purposes.

So it is easy to see that this indiscriminate slaughter of the world's sea mammals does no more than add to the pocketbook of a few profiteers and it is virtually destroying this gift of nature.

Therefore, I am introducing today a bill to protect all ocean mammals from harassment or slaughter.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Carey of New York (at the request of Mr. Boggs), for June 1 and 2, on account of death in family.

Mr. Dent (at the request of Mr. O'Neill), for June 1 and balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Terry) and to revise and extend their remarks and include extraneous matter:)

Mr. Broomfield, today, for 5 minutes.

Mr. Collins of Texas, on June 2, for 20 minutes.

Mr. Miller of Ohio, today, for 5 minutes.

(The following Members (at the request of Mr. Davis of South Carolina) and to revise and extend their remarks and include extraneous matter:)

Mr. Flood, today, for 10 minutes.

Mr. Rodino, today, for 10 minutes.

Mr. Mitchell, today, for 10 minutes.

Mr. Kastenmeier, today, for 5 minutes.

Mr. McFall, today, for 10 minutes.

Mr. Gonzalez, today, for 10 minutes.

Mr. St Germain, today, for 10 minutes.

Mr. Pucinski, on June 2, for 30 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Terry) and to include extraneous matter:)

Mr. Burke of Florida.

Mr. Pelly in three instances.

Mr. Dickinson.

Mr. Gude.

Mr. Collins of Texas in five instances.

Mr. Carter.

Mr. Reid of New York.

Mr. Schwengel in to instances.

Mr. Frey.

Mr. Conable.

Mr. Hunt in two instances.

Mr. Anderson of Illinois.

Mr. Kemp.

Mr. Scott.

Mr. Scherle.

Mr. Wyman in two instances.

Mr. Hosmer in two instances.

Mr. Bray in two instances.

Mr. Byrnes of Wisconsin.

Mr. Miller of Ohio.

Mrs. Heckler of Massachusetts.

Mr. Chamberlain.

Mr. Kuykendall.

Mr. Bell.

(The following Members (at the request of Mr. Davis of South Carolina) and to include extraneous matter:)

Mr. Eilberg.

Mr. Edwards of California in two instances.

Mr. Long of Maryland.

Mr. Hamilton.

Mr. Badillo in five instances.

Mr. Adams in three instances.

Mr. Minish in two instances.

Mr. Fascell in three instances.

Mr. Bingham in two instances.

Mr. Bennett in two instances.

Mr. Ryan in three instances.

Mr. Hungate in two instances.

Mr. Gonzalez in two instances.

Mr. Hanna in two instances.

Mrs. Sullivan in two instances.

Mr. Anderson of California in three instances.

Mr. Griffin in two instances.

Mr. Ashley in two instances.

Mr. Hathaway in two instances.

Mr. Pickle in two instances.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 103. Joint resolution to authorize the President to designate June 1, 1971, as "Medical Library Association Day".

ADJOURNMENT

Mr. DAVIS of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 2, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

776. A communication from the President of the United States, transmitting amendments to the request for appropriations transmitted in the budget for fiscal year 1972 for the Atomic Energy Commission (H. Doc. No. 92–116); to the Committee on Appropriations and ordered to be printed.

777. A communication from the President of the United States, transmitting amendments to the request for appropriations transmitted in the budget for fiscal year 1972 for the Department of Health, Education, and Welfare (H. Doc. No. 92–117); to the Committee on Appropriations and ordered to be printed.

778. A letter from the Deputy Secretary of Defense, transmitting a report on disbursements made against the appropriation for "Contingencies, Defense" in the Department of Defense Appropriation Act, fiscal year 1971, covering the period July 1, 1970, to March 31, 1971; to the Committee on Appropriations.

779. A letter from the Secretary of Commerce, transmitting the 95th Quarterly Report on Export Control, covering the first quarter of 1971, pursuant to the Export Administration Act of 1969; to the Committee on Banking and Currency.

780. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend acts entitled "An act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes", and "To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes" and for other purposes; to the Committee on Interior and Insular Affairs.

781. A letter from Acting Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in docket No. 167, *The Creek Nation, Plaintiff, v. The United States of America, Defendant*, pursuant to 60 Stat. 1049 and 1055; to the Committee on Interior and Insular Affairs.

782. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of April 30, 1971, pursuant to section 5(e) of Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

783. A letter from the Chairman, Federal Power Commission, transmitting a copy of a map entitled "Major Natural Gas Pipelines, as of December 31, 1970"; to the Committee on Interstate and Foreign Commerce.

784. A letter from the American Symphony Orchestra League, Inc., transmitting the audit report of the league for the fiscal year ended March 31, 1971, pursuant to Public Law 87–817; to the Committee on the Judiciary.

Received From the Comptroller General

785. A letter from the Comptroller General of the United States, transmitting a report that the Farmers Home Administration, Department of Agriculture, did not enforce its requirements designed to insure the financial soundness of loans to grazing associations; to the Committee on Government Operations.

786. A letter from the Comptroller General of the United States, transmitting a report on excesses and improvements made in inventories at naval shipyards, Department of the Navy; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 3146. A bill to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the National Forest System. (Rept. No. 92–233). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 8313. A bill to amend the Social Security Act in order to continue for 2 years the temporary assistance program for U.S. citizens returned from abroad (Rept. No. 92–234). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 8311. A bill to amend the Renegotiation Act of 1951 to extend the act for 2 years, to modify the interest rate on excessive profits and on refunds, and to provide that the Court of Claims shall have jurisdiction of renegotiation cases; with amendments (Rept. No. 92–235). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDREWS of Alabama: Committee on Appropriation. H.R. 8825. A bill making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92–236). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN:

H.R. 8781. A bill to amend the Internal Revenue Code of 1954 to impose a retailers excise tax on the phosphate content of cleaning agents, and to provide that the collections of such tax shall be paid over to the municipalities in which such cleaning agents were sold; to the Committee on Ways and Means.

By Mr. BENNETT (for himself, Mr. Sikes, Mr. Garmatz, Mr. Clark, Mr. Halpern, Mr. Pepper, Mr. Bevill, Mr. Kuykendall, Mr. Nichols, Mr. Rarick, Mr. Mann, Mr. Whitehurst, and Mr. Metcalfe):

H.R. 8782. A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles; to the Committee on Education and Labor.

By Mr. BEVILL:

H.R. 8783. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to provide for the continuance of the present system of entitlements; to the Committee on Education and Labor.

By Mr. BROOMFIELD:

H.R. 8784. A bill to discourage the use of leg-hold or steel jaw traps on animals in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. BROTZMAN:

H.R. 8785. A bill for the relief of the Southwest Metropolitan Water and Sanitation District, Colorado; to the Committee on the Judiciary.

By Mr. BROYHILL of North Carolina:

H.R. 8786. A bill to encourage States to establish abandoned automobile removal programs and to provide for tax incentives for automobile scrap processing; to the Committee on Ways and Means.

By Mr. BURTON (for himself, Mr. Aspinall, Mr. Saylor, Mr. Don H. Clausen, Mr. Hosmer, Mr. Taylor, Mr. Foley, Mr. Skubitz, Mr. Ryan, Mr. Ruppe, Mrs. Mink, Mr. Meeds, Mr. Lujan, Mr. Stephens, Mr. Vigorito, Mr. Roncalio, Mr. Begich, Mr. McClure, Mr. Terry, Mr. Kastenmeier, Mr. Steiger of Arizona, Mr. Dellenback, Mr. Cordova, Mr. Matsunga and Mrs. Chisholm):

H.R. 8787. A bill to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives; to the Committee on Interior and Insular Affairs.

By Mr. COUGHLIN (for himself and Mr. Biester):

H.R. 8788. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. DOWNING:

H.R. 8789. A bill to amend title II of the Social Security Act to provide that the surviving spouse of an insured worker may authorize direct payment of the worker's lump-sum death payment to the funeral home for his burial expenses; to the Committee on Ways and Means.

By Mr. FISHER:

H.R. 8790. A bill to amend section 1481 of title 10 of the United States Code to extend funeral expense coverage thereunder with respect to military retirees who expire while patients in certain U.S. hospitals; to the Committee on Armed Services.

By Mr. FRASER:

H.R. 8791. A bill to amend the Northwest Atlantic Fisheries Act of 1950, the North Pacific Fisheries Act of 1954, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GUDE:

H.R. 8792. A bill to authorize the transfer of jurisdiction of certain lands in the National Park System located in Montgomery County, Md., and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 8793. A bill to amend section 553, title 5, United States Code, relating to administrative practice and procedure, to remove certain exemptions from the requirement of notice of proposed rulemaking; to the Committee on the Judiciary.

By Mr. HAGAN (for himself, Mr. Broyhill of Virginia, Mr. McKinney, and Mr. Hogan):

H.R. 8794. A bill to provide for the payment of the cost of medical, surgical, hospital, or related health care services provided certain retired, disabled officers and members of the Metropolitan Police Force of the District of Columbia, the Fire Department of the District of Columbia, the U.S. Park Police Force, the Executive Protective Service, and the U.S. Secret Service, and for other purposes; to the Committee on the District of Columbia.

By Mr. HECHLER of West Virginia:

H.R. 8795. A bill to provide for the transfer to the Secretary of Labor of all functions of the Secretary of the Interior relating to the health and safety of persons working in the mineral industries, and for other purposes; to the Committee on Education and Labor.

By Mr. HOSMER (for himself, Mr. Steiger of Arizona, Mr. Don H. Clausen, and Mr. Sebelius):

H.R. 8796. A bill to provide for the assumption of the control and operation by Indian tribes and communities of certain programs and services provided for them by the Federal Government, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HOSMER (for himself, Mr. Don H. Clausen, Mr. Camp, Mr. Lujan, Mr. Sebelius, and Mr. Terry):

H.R. 8797. A bill to provide for the creation of the Indian Trust Counsel Authority, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of California (for himself and Mr. Don H. Clausen):

H.R. 8798. A bill to perserve the domestic gold mining industry and to increase the domestic production of gold; to the Committee on Interior and Insular Affairs.

By Mr. KOCH (for himself, Mr. Córdova, Mr. Fauntroy, Mr. Green of Pennsylvania, Mr. Robinson of Virginia, Mr. James V. Stanton, Mr. Symington, and Mr. Tiernan):

H.R. 8799. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1977) the period within which certain special project grants may be made thereunder; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 8800. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans and grants to certain cooperatives serving farmers and rural residents, and for other purposes; to the Committee on Agriculture.

H.R. 8801. A bill to amend the Immigration and Nationality Act to classify as "Special Immigrants," alien veterans who served honorably in the U.S. Armed Forces, together with their spouses and children, for purposes of lawful admission into the United States; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 8802. A bill to amend the Egg Products Inspection Act to provide that certain plants which process egg products shall be exempt from such act for a certain period of time; to the Committee on Agriculture.

By Mr. MIKVA:

H.R. 8803. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York:

H.R. 8804. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. NIX (for himself, Mr. Dulski, Mr. Henderson, Mr. Daniels of New Jersey, Mr. Hanley, Mr. White, Mr. Brasco, Mr. Purcell, Mr. Bevill, Mr. Gross, Mr. Derwinski, Mr. Scott, Mr. McClure, Mr. Hogan, and Mr. Young of Florida):

H.R. 8805. A bill to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PERKINS:

H.R. 8806. A bill to authorize the Secretary of the Interior to establish and administer a program of direct Federal employment to improve the quality of the environment, the public lands, Indian reservations, and commonly owned and shared resources through a program of recreational development, reforestation and conservation management, and for other purposes; to the Committee on Education and Labor.

By Mr. PETTIS:

H.R. 8807. A bill to amend the Railroad Unemployment Insurance Act to provide that the receipt of military retirement pay shall not cause benefits under that act to be diminished; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 8808. A bill to equalize civil service retirement annuities and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8809. A bill to amend section 8338, title 5, United States Code, to correct inequities applicable to those employees or members separated from service with title to deferred annuities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. REID of New York:

H.R. 8810. A bill to amend title 10 of the United States Code to prohibit the discharge or release from active duty from the Armed Forces of persons who are addicted to narcotics or dangerous drugs; to the Committee on Armed Services.

H.R. 8811. A bill to expand eligibility for the treatment of addiction to narcotics by the Veterans' Administration; to the Committee on Veterans' Affairs.

H.R. 8812. A bill to amend title II of the Social Security Act to provide for purposes of the provisions thereof relating to deductions from benefits on account of excess earnings, there be disregarded, in certain cases, income derived from the sale of certain copyrights, literary, musical, or artistic compositions, letters or memorandums, or similar property; to the Committee on Ways and Means.

H.R. 8813. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. RODINO (for himself, Mr. Ryan, Mr. Eilberg, Mr. Flowers and Mr. Seiberling):

H.R. 8814. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 8815. A bill to amend the Child Nutrition Act of 1966 to make the school breakfast program permanent, and for other purposes; to the Committee on Education and Labor.

By Mr. SAYLOR (for himself, Mr. Hosmer, Mr. Skubitz, Mr. McClure, Mr. Don H. Clausen, Mr. Lloyd, Mr. Dellenback, Mr. Sebelius, Mr. McKevitt, and Mr. Córdova):

H.R. 8816. A bill to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SIKES:

H.R. 8817. A bill to further cooperative forestry programs administered by the Secretary of Agriculture and for other purposes; to the Committee on Agriculture.

By Mr. THOMPSON of Georgia:

H.R. 8818. A bill to amend the National Labor Relations Act to make certain secondary boycotts, regardless of motive, an unfair labor practice, and for other purposes; to the Committee on Education and Labor.

H.R. 8819. A bill to amend section 4491 of the Internal Revenue Code of 1954 to provide that the weight portion of the excise tax on the use of civil aircraft shall apply to piston-engined aircraft only if they have a maximum certificated takeoff weight of more than 4,000 pounds; to the Committee on Ways and Means.

By Mr. THOMPSON of New Jersey:

H.R. 8820. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. WATTS:

H.R. 8821. A bill relating to the treatment of certain stock options for purposes of the 50-percent maximum tax on earned income; to the Committee on Ways and Means.

By Mr. ANDREWS of Alabama:

H.R. 8825. A bill making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes.

By Mr. BINGHAM:

H.J. Res. 669. Joint resolution to limit the authority of the President of the United States to intervene abroad or to make war in the absence of a congressional declaration of war; to the Committee on Foreign Affairs.

By Mr. PEPPER:

H.J. Res. 670. Joint resolution authorizing the President of the United States to issue a proclamation designating the week beginning October 10, 1971, as "National Records Management Week"; to the Committee on the Judiciary.

By Mr. SATTERFIELD:

H.J. Res. 671. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. SEIBERLING (for himself, Mr. Halpern, Mr. Begich, Mr. Gude, Mr. Forsythe, Mr. William D. Ford, Mrs. Grasso, Mr. Mikva, and Mr. Anderson of Illinois):

H.J. Res. 672. Joint resolution authorizing the President to call an international conference to study the problems with respect to the development and use of supersonic aircraft; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITEHURST:

H.J. Res. 673. Joint resolution to proclaim the last Friday in April as Arbor Day; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

200. By the SPEAKER: Memorial of the Senate of the Commonwealth of Massachusetts, relative to the persecution of Soviet Jews; to the Committee on Foreign Affairs.

201. Also, memorial of the Legislature of the State of Oklahoma, relative to the development of Oklahoma's water resources; to the Committee on Interior and Insular Affairs.

202. Also, memorial of the Legislature of the State of Alabama, relative to the posthumous restoration of Robert E. Lee's citizenship; to the Committee on the Judiciary.

PRIVATE BILLS

Under clause 1 of rule XXII, private bills and resolutions were introduced and referred severally as follows:

By Mr. ADDABBO:

H.R. 8822. A bill for the relief of Ester Dina Bursztyn; to the Committee on the Judiciary.

By Mr. BROTZMAN:

H.R. 8823. A bill for the relief of Stanislav M. Voukovitch; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 8824. A bill for the relief of Jesus Tagle Kangleon and his wife, Solita Alconcel Kangleon; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

REASON ON HIS SIDE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 1, 1971

Mr. BYRD of Virginia. Mr. President, the April 5 edition of the Richmond News Leader included an excellent editorial on the subject of the prohibition against importation of chrome ore from Rhodesia.

Chrome ore is a material vital to national defense, and the United States presently receives most of its supply from the Soviet Union. I have introduced legislation which would end the present ban on importing chrome from Rhodesia. The editorial supports their position.

I ask unanimous consent that the editorial, "Reason on His Side," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Richmond News Leader, April 5, 1971]

REASON ON HIS SIDE

Virginia's senior Senator, Harry F. Byrd, Jr., has a talent for zeroing in on a double standard with the precision of an expert bombardier. He believes that this nation's policy on trade with Rhodesia is one of the most yawning double standards languishing around Washington today, and in recent weeks he has been firing away at it. He has reason on his side.

Senator Byrd hopes that the Nixon Administration will drop all of the anti-Rhodesia economic sanctions that went into effect January 5, 1967. But he realizes that the lifting of those sanctions is unlikely. So his particular complaint is that the United States depends on the Soviet for chrome ore. Rhodesia is the major Free World producer of chrome ore; the only other significant source of the ore in the *entire* world is the Soviet Union. Since the U.S. invoked sanctions against Rhodesia, the Soviets have taken advantage of their monopoly position to raise their price of chrome to more than twice their competitive, pre-sanction price. Consequently, money that used to go to companies in Rhodesia for $35 a ton, now is being channeled to the Soviets at $75 a ton.

The situation is ridiculous, and Senator Byrd knows it. So a week ago he introduced a bill to allow the importation of chrome ore from Rhodesia (a similar bill sponsored by 25 Congressmen has been introduced in the House). Under the Senator's proposal, the President could not prohibit imports of a strategic material from a Free-World country, if the same material is allowed into the U.S. from a Communist nation. Chrome ore is a strategic material. It is a necessary component of stainless steel, and it is critical in the manufacture of engines for missiles and jets.

Under present American policy, the United States is dependent on the Soviets for chrome: Last year alone, the Soviets coined a cool $28 million from American purchases. Even so, American industry is suffering a severe shortage of chrome—so severe that the Offices of Energy Preparedness has asked Congress for permission to sell 30 per cent of the chrome in the nation's strategic stockpile. The 3.2 million tons remaining in the stockpile would be only 100,000 tons more than the amount required to maintain the nation's emergency reserve. And Soviet chrome alone is not sufficient for American needs: According to the OEP, "there is no way to see the chromium ore needs of the United States being met without chrome ore from Rhodesia."

The rationale for the imposition of American sanctions was put succinctly by Arthur Goldberg several years ago, when he was ambassador to the UN. He said the U.S. should stop trading with Rhodesia so as not "to perpetuate the control of 6 per cent of the [Rhodesian] population over the other 94 per cent." Yet, as Senator Byrd told the Senate March 4, "Is it not a fact that in the Soviet Union the members of the Communist party, comprising about 1 per cent of the population and acting through a few leaders, control the other 99 per cent of the people of that nation of nearly 220 million?" Ah, yes: the double standard. We will trade with the Soviets, who hate us; we will refuse to trade with the Rhodesians, who do not.

The sanctions against Rhodesia have been a manifest flop. President Nixon verified their failure when he said in his recent State of the World message, "We have reaffirmed and continued to enforce the economic sanctions against Rhodesia, and we have sought ways to ensure a more universal compliance with those sanctions." But how long will the United States cling to an ineffectual boycott that makes the U.S. increasingly vulnerable to a Cold War enemy? Senator Byrd contends that the Nixon Administration should reverse its anti-Rhodesia policy because "morally, it is wrong. Legally, it is dubious. Economically, it is costly. And it [jeopardizes] the security of the United States." He is doing his best to see that the policy is reversed. Wish him luck.

IS OUR MONEY BEING SPENT EFFECTIVELY?

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. HANNA. Mr. Speaker, I believe the time has come for the Congress to give careful scrutiny to this administration's efforts to redirect our many unemployed—specifically those in aerospace engineering.

My district has received a significant amount of Federal funding over the past year, and for the hope this has given the unemployed, I and they are very thankful. We cannot, however, fail in our responsibilities to determine if these moneys have been effectively spent—are we getting a sufficient return on our investment?

Last week I wrote the President regarding what I fear to have been a waste of money in this regard. I include my letter to the President at this point and ask you, my esteemed colleagues, to judge for yourselves whether this administration is responding to the real needs of this Nation or to its own short-term political ends.

The letter follows:

MAY 25, 1971.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We were encouraged and many of our fine arerospace engineers were greatly heartened to learn of the cooperation between your Administration and the California State Department of Human Resources which has resulted in the opening of a school in Southern California to train unemployed engineers in the practical and fine points of pollution management.

Through a quite rigorous selection process—only one out of every four applicants was accepted—a number of engineers from District became members of the first class of 100 highly qualified engineers to enroll in the school. The curriculum—640 hours developed by the J. Frederick Marcy organization—has the capability of producing some greatly needed talent.

Now we come to the problem with this well-funded and promising program. These fine, well-qualified engineers, having graduated from this fine, well-structured school, will be fired with enthusiasm engendered by their government and motivated by their true desire to contribute to our society—but there will be no jobs.

The failure, Mr. President, of this well-intended and fully financed approach must be a matter deserving of your personal concern. We suggest that you evidence this needed concern and commitment by instructing the Environmental Protection Agency to survey immediately for potential positions for these men who have been encouraged—both by their Federal and State governments to believe they and their training would be useful.

If there is in fact no utility for this elite group, well-trained in pollution abatement and control, then nobody is in a posture to claim to have matched his rhetoric with the stark realities of our times, and our government will have slipped but one more notch in the eyes of those it is dedicated to serve.

Thanking you for your attention to this matter, I remain.

Respectfully yours,
RICHARD T. HANNA,
Member of Congress.

Mr. Speaker, I also draw your attention to what I consider to be a highly destructive input into the policy formations of this administration: the thinking of Jack W. Carlson, Assistant Deputy Director, U.S. Office of Management and Budget.

I point out specifically Mr. Carlson's apparent lack of concern over the unemployed engineer and question his interpretation of the demands being made by the voting taxpayer in America. If, as statistics seem to indicate, one employed engineer generates seven jobs in supporting services, this 1 percent of the unemployed carries much more weight than Mr. Carlson cares to admit. And if, as I firmly believe, this Nation truly does care about its future and sincerely desires to preserve our environment then the demand for these engineers will continue, something else with which Mr. Carlson seems to disagree.

The complete article to which I have made reference follows. I ask you again to consider whether we should be satisfied with this input or whether we ought to strive to get another—and to my mind more accurate—viewpoint to the President. The article follows:

[From the Electronic Engineer, April 1971]

TIME TO FACE FACTS

Jack W. Carlson, Assistant Deputy Director, U.S. Office of Management and Budget, spoke as part of the WINCON panel on the "Impact of Changing National Goals and Priorities in the Aerospace Industry." He was very tough, and very disheartening. His key point was: emphasis at the federal level is shifting. Certainly no argument there.

He noted that engineering and science are so oversupplied that if business were to return to "normal" this afternoon, some employment areas would not stabilize until 1980, if then. Mathematicians, teachers, and environmental scientists were cited specifically. Engineering is expected to stabilize by the last third of this decade.

One of the first things to do is to cut off the supply. If schools would force students to put up money for certain programs, forcing them to look realistically at cost vs. expected return, many would be discouraged.

The country is not worried about losing its highly trained teams. There is such an oversupply that putting together top rate teams is easy. There is no need to hoard engineers or capability now as there may have been in the past.

Engineers are only 1% of the unemployed. Carlson has another 99% to worry about who do not have the assets that engineers have to start with. The administration is not interested in any type of welfare to help engineers. The cost of employing them all again would be $5–10 billion a year, which is about 25% of the expected gain in real GNP, or about 20 SSTs.

All professions set up barriers to prevent outsiders from penetrating, so it will be hard for engineers to get into other professions. Carlson thinks engineers should search diligently for jobs and expect to take "second best" jobs with lower pay. In aerospace, they have been compensated in the past by "premium" wages to make up for the uncertainty of the business. He estimates that this lower pay would be 15–25% of their earlier salary.

Nobody has any need for the level of sophistication present in DoD, believes Carlson. Companies that turn to the commercial markets should concentrate on "cruder" products. This might be easy, compared to trying to make crude things sophisticated.

I asked him about low cost government loans or grants *a la* Japan. According to him, we are doing as well selling to Japan as buying, and all will even out.

Things like data terminals and communications equipment are what he calls "derived products." They are relatively close to the marketplace and everyone can see their value. The government is more likely to sponsor science at the level where less obvious advantages or markets occur, because one cannot expect commercial industry to invest where it cannot see a direct benefit.

As far as standards for medical electronics, educational equipment, and pollution control, the government must first determine that a genuine demand for them exists, and the level of need. Then it can begin to talk about standards. I got the impression that he was not convinced that people were serious about pollution, and that sophisticated medical electronics was not a crying need, compared to basic medical care.

Carlson also confirmed that the technical dollar content of all the domestic oriented programs was a lot smaller than in aerospace or "foreign policy" programs, as he refers to them.

His comment on the SST as a favorable factor in balance of payments was interesting. He noted that it would bring money into the country, but that ticket purchases to visit other parts of the world would take money out of the country in offsetting amounts, so he did not consider it an overall gain.

Carlson held on strong, despite a lot of fire. He obviously thinks in a way alien to many of us. One of the other speakers may have shown the best insight when he said, "Congressmen consistently vote their mail. If you are not doing anything to change your Congressman's mail, don't come to me with your problems." That might be a good lesson for all of us.

ACTION TO HALT FLORIDA CANAL UNCONSTITUTIONAL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. BENNETT. Mr. Speaker, because the question on the halting of the construction of the Cross-Florida Barge Canal, a legally authorized and appropriated for project approved by the U.S. Congress, is so important, I include in the CONGRESSIONAL RECORD the following speech on the constitutionality of the stop order, delivered before the Jacksonville, Fla., Bar Association, April 15, 1971:

SPEECH OF CONGRESSMAN CHARLES E. BENNETT

(The President: "He shall take care that the laws be faithfully executed."—Section 3 of article 2 of the Constitution.)

THE PRESIDENT'S LEGAL BRIEF ON FLORIDA CANAL TERMINATION REVEALS THAT HE WAS MISLED ON THE LAW

The responsibility of the President of the United States is as stated in Section 3 of Article 2 of the Constitution to "take care that the laws be faithfully executed." He has the power of veto in the process of enactment or repeal of a law (Section 7 of Article I); but after a bill is signed into law and appropriations are made he cannot repeal the law himself without Congressional repealing; and the President must execute or carry out the duly enacted law. He can, of course, recommend that the law be repealed. No principle of American constitutional government is more fundamental than this to our heritage or more clearly stated in our Constitution.

The keystone of our government is its division into the three separate branches: legislative, executive and judicial. One of our founding fathers, President James Monroe expressed it well in the Federalist Papers (No. 47) when he wrote: "The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."

So in defining the powers of the new president our forefathers wrote into our Constitution: "He shall take care that the laws be faithfully executed."

The Cross-Florida Barge Canal was specifically authorized in 1942 by Public Law 77–675. Although its value to the defense needs of our country were recognized in its authorization, the shortage of manpower for its construction during World War II postponed the appropriations needed for its commencement. But the appropriations have been made continuously ever since 1964 and now total $60 million; and the project is now more than a third complete.

Last year in the House Report on the appropriations bill the following statement was made: "The committee has included in the bill the $6,000,000 including carryover funds, proposed in the budget to continue construction of the project . . . the committee does not feel that it would be warranted, in the light of the current facts available, in delaying construction of the project which was started in 1964 and is now about 30 percent complete . . . Considering, therefore, the status of the construction and the need for the project, the committee recommends that the construction work continue and that every effort continue to be made to minimize any adverse effects on the environment, ecology, and fish and wildlife in the area."

It is not proposed to discuss here the merits of the canal; but only the legality of a Presidential edict to terminate the project. The merits which amply justify the project, will be discussed in another presentation. However, the facts are that about $50 million have been spent on this canal (1) which the Joint Chiefs of Staff supported to provide "an additional and shorter line of communication between the Gulf Coast and the East Coast" that would "reduce exposure of shipping to submarine attack" and (2) which several independent studies found to be justified for economic and job producing reasons, and (3) which many geologists and ecologists, and all Congressional public hearings, open to all points of view, gave a clean bill of health to on ecological grounds.

On January 19, 1971 the President issued a press release in which he said, "I am today ordering a halt to further construction of the Cross-Florida Barge Canal."

After repeated requests to the White House, on February 25, 1971 the White House staff furnished the following statement on the legal authority of the President to terminate the Cross-Florida Barge Canal without Congressional approval, reciting that this was the opinion of the Department of Justice.

"An appropriation of funds for a particular project or activity is ordinarily regarded as permissive in nature and not as equivalent to a direction that such projects or activity be undertaken or that such funds be spent. See 42 Ops. A. G. No. 32, p. 4 (1967); *McKay* v. *Central Electric Power Cooperative,* 223 F.2d 623, 625 (C.A.D.C. 1955)."

The only court decision cited to uphold the quoted conclusion was *McKay* v. *Central Electric Power Cooperative* (an R.E.A. Cooperative). This case does not in any way support the President's action on the canal; because, unlike the canal which was specifically authorized and specifically appropriated for, the R.E.A. contracts in the McKay case depended—solely for any specific performance on such contracts—upon the language of a general appropriations law for electrical transmission facilities, while the law made no reference whatsoever to particular projects or particular contracts. In fact, the legislative history of the law in the electrical case indicated an intent to exclude the contracts sought to be performed; but this was not relied upon in the appellate decision, but only the fact that the legislation was silent on the specific project and the specific contracts involved. The court observed that the claimants might, despite the court's ruling on specific performance of the contracts, sue the government for breach of contract in another suit.

Clearly, the above cited case is not only no authority for the President's action on the canal matter; but it is in fact authority against the President having such authority when the project involved, such as the canal, is both authorized and appropriated for by specific provision of law. This would be true whether a suit is for specific performance or for breach of contract.

The only other authority relied upon by the Administration for its position was the 1967 opinion of Attorney General Ramsey Clark upholding the power of the President to impound Federal-Aid Highway funds before they had been obligated by approval of a specific qualifying project. This impoundment was not to end any project but only to temporarily reduce the level of spending to curb inflation. No contractual obligations of the United States were involved in any way. Clearly that decision is not analogous in any way to the President's order to terminate completely a project duly and specifically authorized and funded by legally enacted law. The Attorney General said:

"It is my conclusion that the Secretary has the power to defer the availability to the States of those funds authorized and apportioned for highway construction which have not, by the approval of a project, become the subject of a contractual obligation on the part of the Federal Government in favor of a State.

"Moreover, since the purpose of action here is not to reduce the total amount of the funds to be devoted to the Federal-Aid Highway Program but merely to slow the program for a limited period, hopefully it will have no adverse effect on the completion of the program 'as nearly as practicable' by the end of the period envisaged in 23 U.S.C. 101(b)."

The Attorney General in the above opinion stated:

"The Courts have recognized that appropriation acts of a fiscal and permissive nature and do not in themselves impose upon the executive branch an affirmative duty to expend the funds. *Hukill* v. *United States,* 16 C. Cl. 562, 565 (1880); *Campagna* v. *United States,* 26 C. Cl. 316, 317 (1891); *Lovett* v. *United States,* 104 C. Cl. 557, 583 (1945), affirmed on other grounds, 328 U.S. 303 (1946); *McKay* v. *Central Electric Power Cooperative,* 223 F. 2d 623, 625 (C.A.D.C. 1955)."

The Library of Congress Reference Service paper "Impoundment by the Executive of Funds which Congress Has Authorized It to Spend or Obligate" at page 15 observes of the above Attorney General's opinion that the cited cases do not "sustain the broad proposition for which they were cited."

In the Hukill case, above cited, the United States had enacted an appropriations law which would pay postal employees for services rendered in the South during the Civil War, under certain circumstances; and then provided that any unexpended balance would be turned over to the Treasury in two years. After the two years expired, Hukill attempted to enforce the payment terms of the appropriations law. Although holding against Hukill because he had not shown that he had not theretofore been paid for the same services by the Confederacy, the Court also held that if he had not been so previously paid he could have recovered under the above statute. In deciding this, the Supreme Court said:

"An appropriation by Congress of a given sum of money, for a named purpose, is not a designation of any particular pile of coin or roll of notes to be set aside and held for that purpose, and to be used for no other; but simply a legal authority to apply so much of any money in the Treasury to the indicated object.

"Every appropriation for the payment of a particular demand, or a class of demands, necessarily involves and includes the recognition by Congress of the legality and justice of each demand, and is equivalent to an express mandate to the Treasury officers to pay it. This recognition is not affected by any previous adverse action of Congress; for the last expression by that body supersedes all such previous action."

The Hukill case is clearly not a case that supports as legal the action of the President in the canal matter. To the extent that it is in point, it would support the continuation of the canal under the duly enacted appropriations laws even if there were no prior authorization law. However, the canal has no deficiency in authorization and does not need to rely on the Hukill case.

The Campagna case, above cited, is a case in which a Marine Band musician sued for a salary of $23 per month as distinguished from a rate of $17 since the appropriations statute involved provided for "thirty musicians at forty dollars, eight at twenty-six dollars, and fifteen at twenty-three dollars per month each, nine thousand dollars." After observing that Congress was confronted with paying musicians whose pay varied because of longevity, etc., the Court held as follows:

"An appropriation is per se nothing more than the legislative authorization prescribed by the Constitution that money may be paid out at the Treasury. Frequently there is coupled with an appropriation a legislative indication that the designated amount shall be paid to a person or class of persons, and from such an appropriation a statutory right arises upon which an action may be maintained. Occasionally an appropriation act goes still further, and expressly or by necessary implication changes preexisting law so as permanently to increase or diminish the compensation of an officer, agent, or employe of the Government. (*Faris Case,* 23 Stat. L., 374)."

The above case is no authority whatsoever for the termination of any project. Insofar as there was a project in the Campagna case—the hiring of musicians—there was no interruption of it. Only the amount of wages was ruled adverse to the claimant and even this was upon an interpretation of a particular statute, as affected by legislative intent.

In the Lovett case, the only case cited above that has not already been discussed, the plaintiffs sued for their wages as employees of the U.S. Government for a period of time after November 15, 1943, Congress having enacted in July of 1943 a law which provided that no Federal funds should be expended to pay them for any services rendered after November 15, 1946, unless prior to such date the President should have appointed them "with the advice and consent of the Senate." They were never so appointed, but they served beyond the November 15 date under less formal appointments. The Court ruled that the statute did not destroy the obligation of the Government to pay for services rendered and therefore, did not prevent a judgment in favor of the plaintiffs for the wages involved even for services after the November 15 dates. In the opinion of Justice Madden in this case, the following statement was made:

"It may well be that under our Constitution, and under any constitution which might be devised for a free people, one branch of the Government could, temporarily at least, subvert the Government. The Judges might refuse to enforce legal rights or convict criminals. The President might order the Army and Navy to surrender to the enemy. Congress might refuse to raise or appropriate money to pay the President or the Justices of the Supreme Court and the other courts. But any of these imagined actions would not be taken pursuant to the Constitution, but would be acts of subversion and revolution, the exercise of mere physical power, not lawful authority. And conduct by any branch of the Government less ruinously subversive, but, so far as it goes, equally unconstitutional, is likewise an exercise of physical power rather than lawful authority."

It is clear that the authorities relied upon by the Justice Department in advising the White House, do not give any support at all to the action taken. In no such case was there specific authorization and specific appropriation for a project that was terminated; and the cases clearly deny, rather than support, the Administration's position. In fact, the decisions could not hold otherwise in view of the specific Constitutional mandate that the President "shall take care that the laws be faithfully executed." The same memorandum which revealed the Department of Justice recitation of cases above referred to also observed:

"The Department of Justice advises us that since the funds presently available for construction of the canal have been appropriated without fiscal year limitation, no further legislative action would be necessary to make such funds available for a resumption of construction. Whether a reauthorization would be necessary as a basis for future appropriations is a matter for Congress to decide."

In making the above statement, the Justice Department has in fact conceded that the President cannot repeal a law; and since the laws that authorized and appropriated for the canal still exist they must admit, if they are to be logical, that the Constitution requires these laws to be carried out by the President until they are legally repealed.

In view of the Constitutional provision which binds the President to execute and carry out the law, and in view of the fact that the Department of Justice has produced no authorities to support the President's power to terminate the canal (which it obviously could not do in the face of the Constitution), only a few leading cases will not be discussed which the Justice Department failed to mention but which clearly show that the President has no power to terminate the canal unless and until the laws providing for the project are duly repealed. The President does, of course, have the right to veto a bill; but once it is passed with Presidential consent or by another vote overriding the veto he must carry out the laws of the land. Otherwise, as Justice Madden said, above, the deed would be one of physical power rather than of lawful authority.

"Under our system of government it is the legislative branch which is to make and decide policy. The executive branch is supposed to carry out the policies declared by Congress. (31 Cong. Dig., No. 1, p. 1, at 2(1952).) (See MacLean, President and Congress: The Conflict of Powers 61 (1955).)"

The following comments rely heavily on the excellent article by Gerald W. Davis in the October, 1964, edition of "Fordham Law Review."

Whether the Constitution in directing the President to "take care that the laws be faithfully executed" vests in him discretion as to the execution of laws was argued in *Kendall* v. *United States ex. rel. Stokes.* (37 U.S. (12 Pet.) 524 (1838).) Postmaster Kendall had disallowed claims of Stokes for carrying the mail. Congress passed an act directing Kendall to credit Stokes with the amount due. Kendall again refused to pay the claim, contending that only the President, under the power to see that the laws are executed could require that he pay the claims. The Supreme Court upheld a mandamus ordering the payment, holding that the President was not impowered to dispense with the operation of law upon a subordinate executive officer:

"When Congress imposes upon any executive officer any duty they may think proper, which is not repugnant to any right secured and protected by the Constitution . . . in such cases, the duty and responsibility grow out of and are subject to the control of the law, and not to the direction of the President . . .

"To contend that the obligation imposed on the President to see the laws faithfully executed, implies a power to forbid their execution, is a novel construction of the Constitution, and entirely inadmissible."

To avert a nationwide strike of steelworkers in April, 1952, which he believed would jeopardize national defense, President Truman issued an Executive order directing the Secretary of Commerce to seize and operate most of the steel mills. According to the Government's argument in *Youngstown Sheet & Tube Co.* v. *Sawyer* (343 U.S. 579 (1952)), the directive was not founded on any specific statutory authority, but upon "the aggregate of the President's constitutional powers as the Nation's Chief Executive and the Commander in Chief of the Armed Forces." The Secretary of Commerce issued an order seizing the steel mills and the President promptly reported these events to Congress, but Congress took no action. It had provided other methods of dealing with such situations and had refused to authorize governmental seizures of property to settle labor disputes. The steel companies sued the Secretary and the Supreme Court rejected the broad claim of power asserted by the Chief Executive, holding that "the order could not properly be sustained as an exercise of the President's military power as Commander in Chief . . . nor . . . because of the several constitutional provisions that grant executive power to the President."

Mr. Justice Black, who delivered the opinion of the Court, noted:

"In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent or equivocal about who shall make laws which the President is to execute.

"The first section of the first article says that 'All legislative Powers herein granted shall be vested in a Congress of the United States . . .' After granting many powers to the Congress, Article I goes on to provide that Congress may 'make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.'

"The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress—it directs that a presidential policy be executed in a manner prescribed by the President . . . The power of Congress to adopt such public policies as those proclaimed by the order is beyond question . . . The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control.

"It is said that other Presidents without congressional authority have taken possession of private business enterprises in order to settle labor disputes. But even if this be true, Congress has not thereby lost its exclusive constitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution 'in the Government of the United States, or any Department or Officer thereof.' "

Mr. Justice Douglas, in a concurring opinion, noted:

"The power to recommend legislation, granted to the President, serves only to emphasize that it is his function to recommend and that it is the function of the Congress to legislate. Article II, Section 3, also provides that the President 'shall take care that the laws be faithfully executed.' But . . . the power to execute the laws starts and ends with the laws Congress has enacted."

The three dissenting Justices did not assert that the President could act contrary to a statute enacted by Congress. They argued that there was no statute which prohibited the seizure and that there was "no evidence whatever of any Presidential purpose to defy Congress or act in any way inconsistent with the legislative will."

Mr. Justice Jackson, concurring with the majority opinion, remarked on the "proverty of really useful and unambiguous authority applicable to concrete problems of executive power as they actually present themselves." He suggested that "Presidential powers are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress." Justice Jackson then listed the situations in which a President may doubt, or others may challenge, his powers and indicated the legal consequences of the factor of relativity to the powers of Congress:

"1. When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate . . . If his act is held unconstitutional under these circumstances, it usually means that the Federal Government as an undivided whole lacks power . . .

"2. When the President acts in absence of either a congressional grant or denial of authority, he can only reply upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. In this area, any actual test of power is likely to depend on the imperatives of events and contemporary imponderables rather than on abstract theories of law.

"3. When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting upon the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system."

In the canal matter, the President has taken a step such as Justice Jackson describes in the third situation above, that is one incompatible with the intention of Congress in duly enacted laws. Therefore, "he can only rely upon his own constitutional powers, minus any constitutional powers of Congress."

The weight of authority is against the existence of an inherent presidential power to impound appropriated funds—Goostree. The Power of the President To Impound Appropriated Funds: With Special Reference to Grants-In-Aid to Segregated Activities, 11 Am. U.L. Rev. 32, 42 (1962).

The general theory underlying the Constitution is that Congress shall be responsible for the determination and approval of the fiscal policies of the Nation and that the executive shall be responsible for their faithful execution—Report of the President's Committee on Administrative Management at 15 (1937).

This division of authority was stated by President Wilson in a message to Congress on May 13, 1920:

"The Congress and the Executive should function within their respective spheres . . . The Congress has the power and the right to grant or deny an appropriation, or to enact or refuse to enact a law; but once an appropriation is made or a law passed, the appropriation should be administered or the law executed by the executive branch of the Government. (Report of Pres. Comm. on Admin. Mgt. at 15.)"

Congress has the final responsibility, subject to constitutional limitations and the President's veto power, for deciding which activities are to be undertaken by the Government and the amount of money to be spent on each. The President's role is to recommend to Congress a unified and comprehensive budget and to administer the budget as finally enacted—Committee on Organization of the Executive Branch of the Government Report on Budget and Accounting in the U.S. Government at 12–13 (1955).

Although an authorization may be considered as only constituting permission to expend funds for a particular purpose, an appropriation of funds implies a directive that such funds be expended to effect the purpose indicated.

"Congress in making appropriations has the power and authority not only to designate the purpose of the appropriation, but also the terms and conditions under which the executive department of the government may expend such appropriations . . .

"The purpose of the appropriations, the terms and conditions under which said appropriations were made, is a matter solely in the hands of Congress and it is the plain and explicit duty of the executive branch of the government to comply with the same. Any attempt by the judicial branch of our government to interfere with the exclusive powers of Congress would be a plain invasion of the powers of said body conferred upon it by the Constitution of the United States. (*Spaulding* v. *Douglas Aircraft Co.*, 60 F. Supp. 985, 988 (S.D. Cal. 1945), aff'd, 154 F. 2d 419 (9th Cir. 1946).)"

The Supreme Court has also held that when Congress makes an appropriation in terms which constitute a direction to pay a sum of money to a particular person, the officers of the Treasury cannot refuse to make the payment—see, for example, *United States* v. *Louisville* (169 *U.S.* 249 (1898); *United States* v. *Price*, 116 U.S. 43 (1885); compare 22 Ops. Att'y Gen. 295 (1902).)

The cases cited clearly demonstrate that the President cannot lawfully disregard a duly enacted law. It could be argued that Congress by statute has authorized the President to exercise discretion as to whether funds appropriated for a particular public works project should be expended or impounded. An examination of the statutory law gives no substance to that argument. There appears to be no statutory authority for the impounding of appropriated funds, except for purposes of economy and efficiency in executing the purposes for which the appropriation is made.

The President cannot dispense with the execution of the laws, under the duty to see that they are executed. To hold otherwise would be to confer upon him a veto power over laws duly passed and enrolled. To accord discretion to a President as to what laws should be enforced and how much, would enable him to interpose a veto retroactively.

Some may say, what can one do to see that the President carries out the Constitution? There have been no suits on recent impounding of funds for defense objectives, such as for the advanced bomber, as far as I know. There may be many reasons for this; but perhaps the most conclusive one has been the lack of standing of one to sue to enforce the Constitution in a particular case. In the matter of the Cross-Florida Barge Canal there may well be such ability to sue however; because not only has the State of Florida entered into expensive contractual arrangements with the Federal Government on this matter, but many local real estate owners have been taxed through the years to contribute the local funds that have been expended in Florida for this canal. The Canal Authority of the State of Florida, the official body for this project in the state, has filed suit in the Federal Court in Jacksonville asking that the President's order be declared to be of no effect, illegal and constitutionally void. Other official governmental bodies involved have also entered this suit, including the Jacksonville Port Authority and perhaps other outside organizations and individuals have joined them by now.

It is sincerely to be hoped that the President will reconsider this matter and at least let the proponents of the canal be heard on the issues, which has not yet been allowed. Particularly, since the evidence is strong that the reasons for the President's action seem to have overlooked the fact that the Oklawaha can be inexpensively bypassed and that no wildlife preservation is in fact achievable by terminating the canal these being the grounds relied upon in the President's press release.

HOW NOT TO DEAL WITH YOUTHFUL OFFENDERS

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 1, 1971

Mr. HARTKE. Mr. President, earlier this month my distinguished colleague from Indiana, Senator BIRCH BAYH, held 3 days of hearings in his Subcommittee to Investigate Juvenile Delinquency on the problems associated with justice for youthful offenders. The conditions he uncovered in those hearings must concern and distress us all.

A very cogent and thoughtful analysis of the disclosures of the Bayh hearings has been provided by a fine reporter for Ridder Publications, Mr. Ed Zuckerman. I ask unanimous consent that his article entitled "Juvenile Injustice," which appeared in the Gary, Ind., Post-Tribune of May 8, 1971, be printed in the Extension of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JUVENILE INJUSTICE

(By Ed Zuckerman)

WASHINGTON.—On three successive mornings this week, Sen. Birch Bayh, D-Ind., learned about the condition of juvenile justice. Witnesses appearing before Bayh's Senate Subcommitee to Investigate Juvenile Delinquency painted a disparaging picture as they wove their testimony into a glaring indictment against juvenile justice practices.

The most chilling testimony came from witnesses who related their experiences with court and probation officials in El Paso, Tex. By comparison, later testimony concerning the condition of juvenile justice in Indiana was tame—but it was of no less consequence than the most sensational aspects described by the El Paso witnesses.

In his testimony, a Texas witness called El Paso probation officer Morris Raley an "incompetent" and cited examples of Raley's blatant excesses performed in the name of justice. Raley had been invited to appear before the subcommittee to defend himself against the personal attacks but he refused saying he had pneumonia and his doctor would not allow him to travel.

Most of those attending the hearing did not need to listen to Raley, anyway. The night before the hearing, he was interviewed in the National Broadcasting Company documentary entitled "This Child Is Rated X" which took a critical look at juvenile correction institutions. After several former inmates of El Paso's detention home told their experiences, Raley tried to defend his methods. He was a clear loser in the comparison; he came across the video screen as some kind of Neanderthal thug.

Texas officials refused to allow NBC camera crews inside any youth correction facilities.

Indiana officials, on the other hand, permitted the crew inside their detention schools and allowed interviews with inmates.

The same Indiana officials also appeared before Bayh's subcommittee. And, in a further demonstration of cooperation, they brought along two inmates to help corroborate their contention that "most children have no business being sent to us."

The thrust of their testimony was illustrated by Sharon Rushin, a 17-year-old from Attica who has spent more than a year in the Indiana Girls School, and Sherrill Ness, a 16-year-old from Rochester who has spent almost a year in the Indiana Boys School.

Miss Rushin was sent to the girls school as a result of a curfew violation and because she drank a can of beer.

The violations notwithstanding, her most serious mistake was living in a small town. Had she committed the same infractions in Indianapolis or Gary—where juvenile courts are burdened and priority attention can only be given to the most flagrant crimes—her arrest would have been processed through what is commonly called a "station adjustment." Her parents would have been called to the police station, she would have been given a stern lecture and she would have been sent home. But her violation occurred in a small town where juvenile authorities have nothing more important to do than mete our serious punishment which large city judges would consider a waste of time.

And what about Ness? His problems began with a 75-cent theft which brought him a probationary sentence. Because he was late to school one morning, he was hauled back to court and ultimately sent to the boys school.

In the final analysis, his most serious mistake was committing a crime while still a juvenile. Had he been a few years older, his adulthood would have saved him from a half-year in a detention home. As an adult, the theft wouldn't even have been rated a felony. The most a judge would do to an adult accused of the same crime would be to assess a fine, maybe add in a few days in jail and order restitution.

Who's really to blame for the condition of juvenile justice in Indiana? Before looking for any other reason, perhaps the first-level blame should be assessed against small town juvenile judges such as those who sent Sharon and Sherrill to the correctional schools, their sentencing practices help to overcrowd the school making it impossible for school officials to adequately handle serious offenders. Because of the overcrowding, the school is forced to grant quick paroles in order to make room available for others.

So what do you say to a distressed mother or father who personally feels victimized by the system's fallibility? Do you tell them that the boy who raped their daughter last month is back on the street today because space was needed for a boy who was tardy for school?

The vicious circle can only be halted when judges begin considering juvenile offenders along equal standards. What is serious in Indianapolis should also be serious in Attica—but, by the same token the Attica offender should be treated no more severely than the Indianapolis offender. Once that is realized, everyone would benefit.

RESTORATION OF CITIZENSHIP TO GEN. ROBERT E. LEE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 1, 1971

Mr. BYRD of Virginia. Mr. President, I wish to invite the attention of the Senate to a resolution adopted by the Alabama House of Representatives on April 27, 1971.

This resolution, which speaks of the dedication, compassion, and leadership of Gen. Robert E. Lee, urges the adoption of the joint resolution presently before the Congress which would restore full citizenship to General Lee.

Mr. President, I ask unanimous consent that House Joint Resolution 59 of the Alabama House of Representatives be printed in the Extensions of Remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

HOUSE JOINT RESOLUTION 59

Whereas, Robert E. Lee was the son of families long prominent in the history of this Nation and in its early development down through succeeding generations; and

Whereas, Robert E. Lee, being a brilliant young graduate of the United States Military Academy, served his country with honor, loyalty and devotion; and

Whereas, when destiny divided this great Nation in the War Between the States, Robert E. Lee remained loyal to his home state, the sovereign State of Virginia, only after making a soul-searching and painful decision as to where his allegiance should lie; and

Whereas, General Robert E. Lee was widely recognized as one of this country's foremost military strategists, an outstanding leader of men and a man of great gentleness and compassion; and

Whereas, after the war, General Lee held no rancor against the Union but devoted his final years to the betterment of life by promoting high ideals and principals of strength through higher education at Washington College in Lexington, Virginia, where he served as that institution's president from 1865 to 1870; and

Whereas, Robert E. Lee so dedicated himself to the strengthening of spirit and purposes of this fine educational institution that its name was later appropriately changed to Washington and Lee University; and

Whereas, Senator Harry Byrd has introduced a resolution in the United States Senate to restore posthumously the citizenship of Robert E. Lee which he lost when he joined the Confederacy; and

Whereas, Robert E. Lee in 1865 had immediately informed General Ulysses S. Grant of his desire to comply with President Andrew Johnson's offer of amnesty as soon as it was extended, and had forwarded his application therefor; and

Whereas, Lee's oath of allegiance duly executed, signed and notarized was to lie buried in the Nation's archives for more than a century after it was given by Secretary of State Seward to a friend as a souvenir; and

Whereas, President Andrew Johnson, on December 25, 1868, issued a proclamation which granted full pardon and amnesty unconditionally and without reservation to all persons who participated in the Civil War; and

Whereas, our distinguished Speaker, G. Sage Lyons, has directly shared in the heritage of Robert E. Lee, having been graduated from that exceptionally fine institution of learning, now therefore,

Be it resolved by the Legislature of Alabama, both Houses thereof concurring, That we most earnestly urge the immediate adoption of Senator Byrd's resolution to restore posthumously the citizenship of the great American, Robert E. Lee.

Resolved further, That copies of this resolution be sent to the President of the United States, to the Speaker of the House, Representative Carl Albert of Oklahoma, to Senator Harry F. Byrd and to the Honorable Robert Huntley, President of Washington and Lee University.

I hereby certify that the above resolution was adopted by the Legislature of Alabama April 27, 1971.

JOHN W. PEMBERTON, *Clerk.*

WHAT IS WORRYING SMALL BUSINESSMEN

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. CHAMBERLAIN. Mr. Speaker, the time is long past for the Congress to take effective action to ease the financial plight of the small businessman in America. More than ever before the small businessman is becoming trapped by a myriad of economic forces—mushrooming tax bills at all levels of government, increasing labor costs, sky-high interest rates and tight money, lagging sales, greater governmental controls and interference, and inflation itself—forces which threaten the economic foundations upon which so much of our stability depends. We are not dealing in the abstract—we are talking about the corner druggist, the local bakery shop owner, the dry cleaner, the automobile dealer, the small contractor—the people who provide the services and the jobs so essential to every community in America, big or small.

As I have pointed out before, in recognition of this problem I have reintroduced legislation (H.R. 3489) which would allow a limited income tax deduction for profits reinvested in a business. This proposal has received the strong endorsement of the National Federation of Independent Business, and would assist our small entrepreneurs who while providing half of the Nation's employment opportunities are presently deprived of the various channels of relief available to big business.

Because of the urgency of this problem and to call it to the special attention of my colleagues in the House, I include in the RECORD a cogent article from the May 31, 1971, issue of U.S. News & World Report, which reviews the problem in the clearest of terms and underlines the pressing need for corrective action:

WHAT IS WORRYING SMALL BUSINESSMEN

WASHINGTON.—Small businessmen who gathered here to discuss their problems feel they are being squeezed more and more by forces over which they have no control.

Inflation.

Scarcity of reliable labor in an era of unemployment.

High and rising taxes.

High and rising wages.

The mounting burden of governmentally generated paper work.

Tactics of big business and big labor.

Inability to convince men in high places that these problems are both real and urgent.

The Federal Government reports that there are about 5,275,000 small businesses. The official definition of "small" varies widely, depending on the line or type of activity. But the total amounts to 95 per cent of all business concerns in the U.S. The chart on this page puts the role of small business in perspective.

Some 1,500 men and women from these firms met on May 17-19 under the sponsorship of the National Federation of Independent Business.

In talks with staff members of "U.S. News & World Report," these businessmen detailed some of their thinking.

One common theme was the need to present a united front.

"We cannot fragment," said Bob Hayward, who owns a pharmacy in Royal Oak, Mich. "Our biggest single problem may be to present a single voice on our own behalf. Independent businessmen have to hang together or we can't continue to exist."

Clarence E. Peters of the Haynes Milling Company, Portland, Ind., put it this way:

"Even though there are so many of us, we feel we are a minority group. We want to be heard in legislative quarters."

"LOST IN THE CROWD"

Robert E. Henry, who heads R. E. Henry General Contractors in San Antonio, Tex., said he doesn't feel purposely ignored by his congressional representatives, "but they are under so much pressure from other factors—big business and big labor—that our voice gets lost in the crowd."

Big business, almost as much as the Government, was a target for the grumbling of the independent operators.

Said Marshall Brewster, whose Brewster Foods is a food processor at Reseda, in California's San Fernando Valley: "For his own self-preservation, the small businessman—more than ever before—must form a good strong alliance against big business, to prevent being swallowed up by big business."

Ernest L. Gibson of Gibson's Pharmacy, Oroville, Calif., made these comments on the problem:

"With money hard to come by, our competitive position is deteriorating. Looking at the business climate from the small operator's point of view, our days are getting shorter because of mergers. Larger firms are taking over."

Most of the small businessmen who came to Washington said they were currently prospering, with trade, in many instances, better than they had expected. They also admitted many who stayed home were in less fortunate circumstances. And collectively they worried about the future.

William L. Humphreys, of Northern Neck Office Equipment, Inc., Kilmarnock, Va., said his profits were up. But he added:

"My chief concern is inflation. We have to pay more for merchandise and more for freight and more for taxes and more for labor and more for delivery. So we have to do more business just to maintain the same amount of profit."

"MORE EXEMPTIONS"

Taxes, for these men, are an ever-present problem.

"Taxes have gone up so much," said Carl Preer Hinson, who runs a women's specialty shop in Plant City, Fla., "that by now the small businessman barely gets by, since all that comes out of your profits. We need more exemptions, or something, so that we have more money to operate on."

Along with others, Mr. Hinson viewed with alarm the continuing rise in Social Security taxes. "I go along with the idea," he said, "but we still have to carry half the load."

And Mr. Peters of Portland, Ind., said of Social Security: "The costs are snowballing so much faster than was ever anticipated that they are becoming burdensome for the small employer."

It is not only the amount of taxes that concerns many of these men, but the paper work that goes with them.

"The terrific load of tax reports we have to fill out is our biggest burden," commented Willis Bucher, who operates B&L Auto Service in a suburb of Toledo, Ohio. "Ten years ago we were probably making out half the tax reports we do for the same number of employes today."

Frank Zacchera of Suburban Sanitation Service, Avon, Conn., said he feels that big business gets a better tax break than he does, in part because "I can't afford to hire a full-time tax man; if I could, I'd probably get a better shake."

Government-inspired paper work received constant criticism. This report came from Ernest R. Schofield of the Regional Construction Company, Sudbury, Mass.:

"We do a lot of Government contract work. I have two people in my office doing nothing but Government reports. And since my firm does less than a million dollars a year in busines, you can see how bad it is."

Milton M. Kinate of Forrest Milk Products, Forrest, Ill., said, "There is so much that we don't have the personnel to handle it." He added: "Paper work seems to drown many small business people."

And George C. Bates, who operates the Bremerton Business College, Bremerton, Wash., noted: "It takes so much time to handle the forms required by the federal and State governments that the cost to the public must be higher because of it."

Earl Allen, Jr., of Allen Realty, Minot, N.D., estimated that paper work had swelled 800 per cent in the 25 years he has been in business and said, "Somehow, we have to get this thing turned around."

Welfare programs, unemployment compensation and proposals to raise the minimum wage—Congress is considering a hike from $1.60 hourly to $2—all came in for a share of criticism.

"I CAN'T GET PEOPLE"

Mr. Henry, the San Antonio contractor, observed:

"With all of this unemployment we're supposed to be having, it's awfully hard to hire people to work. The Government is making it very easy not to work, what with welfare, food stamps and the other giveaway programs. People just drop out of the work force. I certainly can't get people at the minimum wage."

Floyd O. Crawford, the owner of Crawford's Enterprises, a petroleum-maintenance and construction firm based in Baton Rouge, La., said, "I can't get people to work for me at any price, and this includes laborers and all kinds of workers." He continued:

"I have crews working in four different States. Each job takes maybe a week to two weeks. When we go into an area we try to hire local people, if possible. But when they hear how short a period, they aren't interested. The shortness of it upsets their unemployment compensation or their welfare payments."

Vernon C. Cox of A. F. Speed Company, painting subcontractors in Birmingham, Ala., complained of what he called "compulsory Government" and said, "I need the latitude to employ people who can perform at a price I can afford."

August Koch of Dundalk Florist, Baltimore, Md., said an increase in the minimum wage will boost his payroll by $23,000 a year.

Charles Appling, Calvert Coal Company, Pikesville, Md., maintained that "wages now aren't realistic with potential productivity."

"WE CAN'T AFFORD IT"

John R. Klee, who operates the Automatic Rug Cleaning Company, Inc., in Rochester, N.Y., said:

"Wages should depend on production. A lot of people—older people, handicapped people, kids—should have jobs today, but we can't afford it."

For some of the businessmen discussing minimum wages, it was the principle, rather than the amount, that was of most concern.

Normon E. Hornsby, a wholesale distributor of auto parts in Alexander City, Ala., put it this way:

"An increase wouldn't affect me too much, because I already pay above the minimum. But I'm against the Government saying I have to pay that wage."

SHARED PROBLEMS

The Washington conference made no effort to reach a consensus. Nor did it follow the usual convention pattern of adopting sources of resolutions.

But the businessmen and women who attended learned one thing without question: Whatever their own problem, there are many others who share it.

BADILLO BACKS BLACK CAUCUS PROGRAM

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. BADILLO. Mr. Speaker, I wish to call the attention of my colleagues to the recent statement by the distinguished gentleman from Michigan (Mr. DIGGS) on behalf of the congressional black caucus in response to President Nixon's apologia for his administration's failure to deal with problems facing black Americans, the poor and the young.

The black caucus has done the U.S. Congress and the American people a great service by challenging the administration to respond to the highly innovative and far-reaching set of recommendations it presented to the President on March 25. The barrenness and banality of the 100-odd page recitation of past promises and present nonpolicies provides conclusive evidence that Mr. Nixon and his appointees do not intend to take any new or effective action in this field.

The administration claims to be concerned about job opportunities, yet unemployment in the inner city soars even while the administration opposed legislation creating a new program of public service jobs and its leaders in the House form an alliance with southern conservatives to emasculate a bill giving the Equal Employment Opportunity Commission cease-and-desist powers.

The administration claims to be concerned about poverty and welfare, but its family assistance plan is so inadequate as to be merely a caricature of real welfare reform. The administration's opposition to increasing the minimum wage to $2 or $2.25 an hour this year and its ill-disguised attempt to kill the VISTA program put all the brave rhetoric in a different prespective.

Rhetoric, too, is all we have from the administration when it comes to school desegregation. Its emergency school aid bill is little more than a $1.5 billion bribe to induce southern school districts to undertake what the courts have already ordered. I challenge the President to back up the charge of hypocrisy he leveled at the North from the safety of an Alabama speech platform. I challenge him to ask Congress to enact legislation Senator RIBICOFF and I have introduced to achieve school integration nationally.

The statement by the black caucus makes a very telling and very chilling point: This administration does not even understand the critical problems facing minorities in this country much less have the resolution to design and implement the sweeping and costly reform program that is needed to solve these problems. We cannot hope to progress in this field until the decisionmakers downtown come into the 20th century.

It is inconceivable to me, Mr. Speaker, how this administration can continue to be so unresponsive on issues of such major importance. President Nixon seems to be pursuing a calculated policy of massive resistance to using the power of the Federal Government to improve the lot of minority groups in the country.

I commend and congratulate the black caucus for forcing the administration to go on record on policy questions it so dearly wants to avoid as it courts the South and the suburbs in preparation for 1972. But the groups that are now being overlooked are growing daily in political consciousness and unity. They will constitute a powerful, aroused, and demanding voting bloc in 1972 if something is not done soon.

I pledge to work with my colleagues in the black caucus to enact the constructive proposals already put forward and to cooperate with them in formulating legislative programs to attack other pressing problems now being ignored. Our most important mission is to fill the vacuum left by the present administration until new leadership more attuned to the needs and aspirations of the mass of the people can be raised to positions of power in 1972. I know that Members of both political parties motivated by principle and not partisanship will join with us.

I urge all my colleagues in the Congress to read very carefully the thoughtful statement by the black caucus which I insert in the RECORD at this point:

MAY 24, 1971.

Representative CHARLES C. DIGGS, Jr.,
Chairman, The Congressional Black Caucus, Washington, D.C.:

Expressing "deep disappointment" generally with President Nixon's reply to their recommendations of March 25, the Congressional Black Caucus charged today that the Nixon Administration lacks a sense of understanding, urgency, and commitment in dealing with the critical problems facing Black Americans, the poor and the young.

In responding to the President's report, which was released last Wednesday, the Black Caucus said, "We were initially heartened by the evidence offered by the report itself that the President had taken our March 25th meeting with him sufficiently serious enough to respond to our concerns. But in reality (the President's) document constitutes less a response than a reply, couched predominately in the form of bureaucratic reports intent on justifying the status quo."

The Black Caucus went on to say, "Time and again, throughout the 100-odd pages, the Administration has shut off the possibility of new and, we believe, promising initiatives. Too often it proposes no genuine alternatives at all. Instead, government officials have devised tortuous and sometimes disingenuous explanations for shortcomings of existing policies and programs affecting minorities, the poor and the cities."

Although disappointed with the President's response in general, the Black Caucus said there were "some indications of forward movement" in the President's report. These "indications" include, the Caucus said, the President's request for an extra $64.3 million to put disadvantaged teenagers to work, the Administraton's declared intention to request an additional $15 million for Black colleges and universities for fiscal year 1972, and the Administration's response to the recommendations made by the Black Caucus on the drug crisis.

However, the Black Caucus concluded in its report that, "The predominate thrust of the Administration's reply places one central fact in harsh perspective: National decisionmakers do not define the critical problems facing Blacks, the poor, our youth and our nation in ways which may result in their resolution and are not yet prepared to commit the necessary power and resources to achieve their own stated goals."

In touching upon its future course of action, the Caucus said, "We intend to go forward resolutely in seeking implementation of the recommendations we have already made and in formulating and seeking action on others which we and others will be able to advance more precisely in the months ahead."

Asserting that they would not be obscured "by partisan blinders where the interests of our constituencies and our ability to serve them effectively are concerned, the Caucus said they have held meetings with the House Democratic and Republican leadership and are scheduled for a meeting with the Senate Republican leadership to discuss their legislative recommendations.

The Caucus response said that they have not begun shaping issues and strategies for 1972, but stated, "Standing on the threshold of this summer and what may be for many families a bleak winter beyond, we cannot permit ourselves the luxury of thinking and acting only in terms of 1972. If the country does some of the things it should and must, we would hope to have a less polarized and less inequitably balanced society by 1972—as well as some significant increase in the membership of the Congressional Black Caucus."

The Caucus warned that "the days of taking Black and poor voters for granted is over." The Black lawmakers stressed that "the legislative and executive branches of government particularly must be more accountable to the most neglected of our citizens than they have been in the past. As elected officials, we expect to be held no less accountable."

Calling upon the organizations and leaders of Black and other minorities to join them "in making the country and its political leaders aware that a new political and social consciousness is beginning to stir in the land," the Black Congressmen said they hope to effect coalitions of interest with those who share their deepest concerns.

In its report, the Black Caucus described the following areas of substantial disagreement with the President's response: Revenue Sharing, Housing, Employment, Welfare Reform and Civil Rights.

DOUBLE-STANDARD TRADE POLICY

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 1, 1971

Mr. BYRD of Virginia. Mr. President, the May 8 edition of the Canton, Ohio, Repository included an excellent editorial on the subject of U.S. trade policy toward Rhodesia.

The United States has in effect a ban on all trade with Rhodesia. I have introduced legislation, S. 1404 which would remove the prohibition against importation of chrome ore, a strategic commodity from Rhodesia.

I ask unanimous consent that the text of the editorial, "Double-Standard Trade Policy," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DOUBLE-STANDARD TRADE POLICY

On President Nixon's trip to Romania some time ago he spoke in favor of trade with this Communist country, despite our philosophical differences. He further pointed out that the United States has no intention of interfering in the domestic policy of other countries.

When we look at our policy toward Rhodesia, it would appear that our diplomacy operates on a double standard. Despite the recognition that chromium is vital to national defense, the United States elects to pay twice the price formerly paid and at the same time rely on the Russians for a strategic material.

A bill has recently been introduced in the Senate by Sen. Byrd of Virginia to amend the United Nations Participation Act of 1945 by preventing the President from imposing sanctions involving strategic and critical materials against any free world country as long as like material is being imported from any Communist country.

In 1970 the United States imported 3 million tons of chromium ore, this product being the principal Soviet export item to this country.

In addition to our reliance on our natural adversary for chromium, the price of this metal, some of which is allegedly mined in Rhodesia, was increased from $30 to $50 a ton.

It is high time that the United States follows a policy of self-interest rather than being led by the nose by the United Nations.

SCARCITY OF SUMMER JOBS ADDS TO UNEMPLOYMENT PROBLEM

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. CARTER. Mr. Speaker, efforts to ease the unemployment problem in our Nation today will suffer additional setbacks as more and more young people leave school for the summer.

During the coming months, these young people will be looking for employment which, in many instances, they must find if they are to continue their education. I believe it is essential that we provide employment for high school and college students.

We should also emphasize more than ever job training and job placement for Vietnam veterans. I trust that more effort will be made toward providing job opportunities for all of our young people.

I include this article from the Louisville Courier-Journal for consideration:

THE SCARCITY OF SUMMER WORK: AN ILL WIND FOR KIDS AND CITIES

When family men are being laid off in mid-career and brand new PhDs are walking from the commencement line directly into the unemployment line, news that teenagers can't find summer jobs is the stuff yawns are made of. You might as well put banner headlines on the weather forecast.

But, as flood and hurricane victims know, weather forecasts sometimes portend ominous things. And so can job forecasts.

After the riotous summer of 1967, when more than 100 American cities suffered outbreaks of violence and burning, city officials and ghetto-dwellers alike cited the absence of employment opportunity for their children as a major cause. A year later, Louisville endured a three-day ordeal of civil disorder. One cause: too many idle, bored youths standing on street corners to nowhere.

This is not to suggest that every out-of-work teen-ager is a brick-thrower or that the disorders wouldn't have occurred if all the kids had been working. The complaints and their causes during those years were myriad. But thousands of idle young thrown for the summer onto the streets that are restless all year anyway . . . It's a straw to strain the back of the hardiest camel. It's a catalyst which, unlike its chemical counterpart, becomes part and parcel of the volatile mixture it enters.

Within another 11 days Louisville and Jefferson County schools will have dismissed 100,000 job-seeking teen-agers for the summer. The Rev. Charles Roppel, executive director of the Louisville-Jefferson County Youth Commission, estimates that 20,000 of these young people are from low-income families and need jobs to stay in school or to "make any kind of positive contribution to the community." And 20,000 is the number of wage-paying jobs that the various youth employment agencies expect to materialize in the area. It's unlikely that needy youths will get them all.

OUTLOOK GROWS BLEAKER

Even among those whose problem is idleness, not money, the competition is keen. Local hospitals, camps and agencies that employ volunteers are finding more potential helpers than they can use.

It's a national problem, and not a new one. Last summer, the youth unemployment rate was 15.7 per cent, compared to 12.8 per cent in 1969. In January, it was 17.8 per cent, compared to 13.6 per cent in January 1970. And for non-white youths, it was 31.7 per cent, compared with 16.2 per cent among whites. The Bureau of Labor Statistics says these figures understate the problem because hundreds of thousands of young people were discouraged from even seeking work by the bleak job outlook.

The Bureau also predicts that the unemployment rate will be at least as high this summer as last summer, probably higher. The National Alliance of Businessmen, a joint effort by private business and the government to hire the poor, set a goal of 200,000 jobs last year and found 142,000. This year, its goal is 150,000, and a spokesman says it'll be lucky to find 100,000, because of adult demands for jobs.

Government's attitude toward these bitter facts has been particularly discouraging. In March and April, urban coalition leaders and mayors of the nation's largest cities met with President Nixon to warn him that the total effect of the economic slowdown, revenue shortages by local governments and unemployment "have created an extremely volatile climate in our cities." Senator Jacob Javits and 13 other senators asked Mr. Nixon to request $144 million extra to supplement the $164 million already appropriated for the Neighborhood Youth Corps summer-job program. But Mr. Nixon requested only $64 million extra—for an additional 100,000 NYC jobs—and even that hasn't yet been passed by Congress.

WHERE IS THE MONEY?

Mr. Nixon also disbanded the President's Council on Youth Opportunities, which had been effective in spurring the federal agencies and city-wide job coordinators to make more openings available. Also, there's less government money available this year to provide transportation for those youths who are lucky enough to land jobs.

There's no scarcity of work to be done. There are rats to be killed, drainage ditches to be cleared. City parks are littered faster than regular work crews can clean them. Ditto state parks. Ditto national parks. Ditto streets and roadsides. But the money is scarce, unless you want to fight a war or build an airplane.

He who has raised the bed pan to such glorious heights in his rhetoric about welfare should now lead our Congress and our local governments in a conscientious search for bed pans, for there are many who are willing to carry them. And those who constantly urge our young to "work within the system" should try harder to find, or create, places for them within that system.

CONGRATULATIONS TO THE PRESIDENT FOR HIS CONTINUED LEADERSHIP IN SUPPORT OF THE ARTS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. HUNGATE. Mr. Speaker, I congratulate the President on continued leadership in support of the arts. I understand that he has requested that the appropriation for the coming fiscal year be doubled and it should be noted that the current fiscal year's appropriation represents a doubling of the previous year's appropriation.

I urge the Congress to back the President wholeheartedly on this issue and call attention to the following item from the Associated Press wire:

WASHINGTON.—Spokesmen for the Nixon administration said today the White House is firmly committed to Federal support of the arts and will step up its efforts in the field.

"The administration is going to firmly and continuously back these programs," said Miss Nancy Hanks, chairman of the National Endowment for the Arts. She forecast "a slow change that is going to be dramatic in its effects."

Miss Hanks spoke at a news briefing attended also by a White House staff member who specified that his name not be used.

"The President has made known to officials having responsibility in the area his very deep conviction of the role of artists and artistic institutions in the national life," this man said.

It was announced that President Nixon will speak tomorrow at the annual convention of the associated councils of the arts, a New York based organization whose members include members of State and local arts councils and other organizations in the field.

The White House source said that, as far as he knows, this is "the first time a president has gone out of the White House to speak of the state of the arts." He said the tentative decision to do so was made at a conference in early April at which Nixon spoke of the coming years leading up to the Nation's bicentennial as "an unparalleled and critically important opportunity to revive the national spirit."

Nixon has asked Congress to appropriate $30 million in the fiscal year beginning July 1 for arts endowment grants to organizations and individuals in the fine and performing arts. That is double the amount voted this year, which itself was double that available the year before.

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention.

The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men haven't forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved.

I insert the name of one of the captured:

Lt. Comdr. John George Graf, U.S. Navy, 181318, Kaneohe, Oahu, Hawaii. Married. Officially listed as a prisoner November 15, 1969. As of today, Lieutenant Commander Graf has been held captive in Southeast Asia for 563 days.

THE GROWING IMPACT OF PAYROLL TAXES ON MIDDLE INCOMES

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. CONABLE. Mr. Speaker, among the myths that have been overnourished in our congressional environment is the mistaken view that we can take our social security system for granted, continuing to give indiscriminate and unplanned benefit increases without accountability to the taxpaying workingman. The social security system is a cornerstone in the retirement plans of more than 70 million Americans, and its soundness of predictability must be protected from the inevitable reaction from aroused wage earners if it is not wisely administered. The payroll tax is regressive, and it needs our attention and study before the growing pressures on it lead us to foolish steps destructive to the credibility of Government and the confidence of the workingman. I am submitting herewith a thoughtful analysis of tax policies and tax politics by David Broder, in a recent Washington Post article, which I believe merits the attention of all my colleagues, and of the Nation as a whole:

Deafening Silence From the Politicians—The Growing Impact of Payroll Taxes on Middle Incomes

(By David S. Broder)

Among the many publicly unexplored issues buried in H.R. 1, the welfare reform and social security bill devised by Chairman Wilbur Mills (D-Ark.) and the House Ways and Means Committee, is a tax increase on middle-income families that will almost double the size of the second-biggest bite on their paychecks in the next six years.

Under the bill, the Social Security tax rate will rise in three steps from the present 5.2 per cent to 7.4 per cent in 1977. The wage base for Social Security taxes will increase from the present $7,800 to $10,200 next year, with the result that the payroll tax for a man making a bit less than $200 a week will rise from $405 to $755 a year.

By contrast, that same autoworker, supporting a wife and two children and taking only his standard deductions, will have an income tax bill of $1052 this year, decreasing to $995 with next year's scheduled income tax reductions.

What this example indicates is that payroll taxes are becoming an increasingly important part of our revenue system—yet one which has largely escaped debate, either in political campaigns or in the tax-writing Ways and Means Committee.

Unbeknownst to most Americans, payroll taxes now constitute the second largest source of federal funds—and the fastest-growing. Payroll taxes provide more income to the treasury than corporate income taxes or any other federal taxes except the individual income tax. And the 1972 budget estimates that between last year and next, payroll taxes alone will rise $12.3 billion, while individual and corporate income taxes combined will grow by only $7.2 billion.

What this means is that we are becoming increasingly dependent for federal finances on the payroll tax, a tax that is not progressive, that has little relationship to ability to pay, and whose burden hits hardest on low-and-middle-income wage-earners.

That this can happen without a murmur of debate or political controversy indicates just how insensitive to real pocketbook issues the Washington politicians have become, particularly those Democrats who control Congress and parade as the champions of the average man.

The impact of payroll taxation has been amply documented in the studies of such Brookings Institution specialists as Alice M. Rivlin and Joseph A. Pechman. It appears also in the report of the administration's advisory council on social security. But it is almost as if there were a conspiracy of silence by politicians to keep the taxpayers and the voters unaware of these issues.

In part, the Brookings studies suggest, the social security tax system has been protected from debate by two carefully cultivated myths. One is the notion that it is a "social insurance" system, in which an individual's contributions (taxes) are held in trust for him and returned, with interest, as retirement benefits.

In fact, it is not. It is, rather, a system of transfer payments to currently retired people, financed almost entirely by taxes on the working generation. There is nothing wrong with this, in principle, but it is not what people think it is.

The second myth is that the employer pays half the social security tax. In a literal sense, he does, but, as the Brookings studies demonstrate, the whole tax really falls on wages and the wage-earner, because the amount the employer pays in social security taxes he would otherwise be putting into the paycheck.

This is worth emphasizing. When the Social Security system began 35 years ago, the tax rate was one per cent each on employee and employer on the first $3,000 of annual earnings. With the new bill, the combined rate rises to almost 15 per cent of the payroll on wages up to the $10,000 level.

That tax is levied regardless of the number of dependents or legitimate deductions the earner has. It gives no real consideration to his ability to pay.

This year, as the Brookings analysts have noted, a family with a husband earning $7,000 and a wife earning $5,000 will pay $624 in payroll taxes (5.2 per cent). A family with the identical income from one wage earner would be taxed only $405.60 (3.4 per cent.

That is one inequity. Another is pointed up in the advisory council study. When the social security system began in the 1930s, the $3,000 wage base included all the earnings of all but three per cent of the workers. The wage tax, in those days, was, in effect, the same tax on everyone.

But in recent years, Mills and his committee have been reluctant to push the wage-base ceiling up as fast as inflation and earnings have increased. Today, somewhere between 20 and 25 per cent of the wage-earners make more than the wage-base limit. These well-off workers get a real break on social security taxes. A $23,400-a-year man, for example, gets just as big retirement benefits as a $7,800-a-year-man, but the effective payroll tax rate on his income is just one-third of the lower-salaried man's.

There are ways in which these inequities could be remedied. Proposals have been made for years to shift a portion of social security financing onto the progressive income tax and off the regressive payroll tax.

Without going that far, there could be a system of deductions or income tax credits that would help the low-income wage earner who now is hit hardest by payroll taxes. But Congress, under Democratic control, has done exactly the opposite in recent years, cutting income taxes and raising payroll taxes, and thereby making the whole federal tax system more regressive. According to participants in this year's Ways and Means sessions, the question of social security taxes did not receive any extended discussion. If Mills is successful, as usual, in obtaining a closed rule for the bill, there will be no meaningful opportunity for presenting amendments to it on the House floor.

This example—and it is only one of many—suggests the price that is being paid for letting vital questions of economic policy be settled in the politically insulated, tightly controlled environment of the Ways and Means Committee's closed sessions. Too many members of Congress have become accustomed to letting Wilbur Mills do their thinking and decision-making on difficult questions.

But it also indicates something else: the peculiar insensitivity of the leading Democratic politicians, including the presidential aspirants, to the economic issues. Discussing the inequities of payroll taxing may not attract as much praise at Georgetown cocktail parties as a ringing denunciation of the bombing in Laos or the tactics of the Washington police. A candidate who took a serious look at our tax system might even suffer a sudden shortage of campaign contributors. But there are issues that can be raised, wrongs that can be righted, and votes that can be earned by the politician who will deign to consider matters that matter to wage-earners.

PELLY QUESTIONNAIRE

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. PELLY. Mr. Speaker, my staff has just completed a tabulation of more than 20,000 responses which I received from 166,000 questionnaires sent to each of the 166,000 postal patrons in the First Congressional District of Washington State, which I have the honor to represent.

The results of the replies to this questionnaire follow:

1. Do you approve or disapprove of the way Richard Nixon is handling his job as President? Approve, 53.52 percent; disapprove, 43.55 percent; no opinion, 2.93 percent.

2. Do you approve or disapprove of the way President Nixon is handling the Vietnam situation? Approve, 55.36 percent; disapprove, 43.53 percent; no opinion, 1.11 percent.

3. A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you favor the withdrawal of all U.S. troops by the end of 1971 instead of backing the President's withdrawal schedule? Yes, 44.98 percent; no, 53.54 percent; no opinion, 1.48 percent.

Mr. Speaker, with the answers to these three questions came a great many comments of my constituents on other issues, and from additional views, I obtained a rather comprehensive idea of the people I represent. There were many expressions of appreciation for the opportunity to communicate with me; and likewise, I was grateful to large numbers of individuals who took the time and trouble to give me the benefit of their views.

ADDRESS OF SECRETARY OF COMMERCE MAURICE H. STANS

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. BYRNES of Wisconsin. Mr. Speaker, at this point in the RECORD I include the remarks made yesterday by Secretary of Commerce Maurice H. Stans, before the 40th annual Conference of the International Wool Textile Organization:

ADDRESS BY HON. MAURICE H. STANS

May I first say that I am doubly pleased by this opportunity today to open the 40th Annual Conference of the International Wool Textile Organization.

First, it is a great honor to bring you the greetings of the President of the United States, who extends to you his best wishes that your meetings will be pleasant and fruitful.

Second, it is a great pleasure personally for me to welcome you officially to Washington, and to thank you for the hospitality which many of your countries have extended to me.

We are always especially pleased to greet our visitors from other nations—and we invite you to see and enjoy as much as possible of our capital city and this country during your time with us.

SUBJECTS

Wool is one of those few commodities that has been common to most of mankind throughout most of history, and I know this Organization has served your industry and your countries and your customers exceedingly well over these past 40 years.

At the outset, however, I must disclaim any significant knowledge of the international wool industry or its problems today, so in these remarks I will not attempt to offer a preview of the course of your meeting.

Instead, it seems more appropriate that I should address you on a broad scale. So I propose to review for you two significant subjects that will be of general interest to you—first, the state of the U.S. economy; and second, the evolving United States position in world trade.

Both of these are matters in which all of our countries have a common interest.

U.S. ECONOMY

Concerning the condition of our American economy, let me reassure you. It is strong and healthy. The fiscal and monetary policies which President Nixon has pursued very carefully and diligently are restoring the nation's steady economic growth, which was seriously imperiled by national policies that prevailed throughout much of the 1960's.

As a result of the President's expansionary program, the evidence is now clear that the slowdown of 1970 has given way to a major upswing in 1971.

The composite index of leading business indicators has now risen for six straight months in a row.

Personal income is at an all-time high.

The Gross National Product reached a record level in the first quarter.

Housing starts are up substantially, and this is helping other industries as well.

Retail sales are moving up.

Credit is available at lower interest rates.

Stock market prices are 42 percent above the level of a year ago.

Businessmen are increasing their capital spending.

Meanwhile, the rate of inflation has dropped substantially, with the increase in our consumer prices down from a rate of about 7 percent in early 1969 to around 3 percent today.

Significantly reducing the rate of inflation will be of great help to us in improving our balance of payments position, and this is a matter to which we are addressing serious attention.

So all of these indications give clear, firm evidence that we are well underway with a healthy, sustainable economic expansion. The slowing process last year was deliberate in order to bring inflation under control, and the United States will soon have its domestic affairs in order.

TURNING POINT

Now for our trade policies:

Against that economic background, you are holding your first meeting here in Washington at a very significant time in the history of world trade:

The Common Market stands on the brink of unprecedented expansion as the world's largest trading bloc;

Japan has achieved such phenomenal success that she is now the third largest economy of the world.

The United States, no longer the only world superpower, finds its market position seriously deteriorating.

Faced by these facts, the United States is in the process of making some fundamental reappraisals of its trade policies.

Today, in reviewing these conditions I would like to deviate from the usual course by giving you, first, my conclusions on what these circumstances portend for all of us, and then come back to some of the specific issues involved.

U.S. POSITION

For its part, the United States will continue to be governed in world trade by our fundamental commitment to the principles of fair and open commerce.

Ours is the freest and most open market in the world. There are fewer restrictions on selling or investing here than anywhere else on earth.

The United States is not going to withdraw from the international economy into the discredited shell of economic isolationism.

No country which seeks fair and reciprocal trade policies among the world's trading nations, as we do, could believe that trade is a one-way street.

No country committed to removing non-tariff barriers around the world, as we are, could expect to live behind its own barricades at the borders.

No country engaged in export expansion, as we are, could abandon the highways of international commerce.

We need access to overseas markets just as other nations need access to ours. There is no such thing as "going it alone" in the interdependent world of today.

SIX POINTS

Having cited these six points about our own commitment and our own philosophy, let me suggest an equal number—equally valid—for other nations of the world to consider:

First, none of the countries or blocs of nations hoping to profit in today's trade world can hide behind fortified protectionist positions. We cannot have open world commerce among closed blocs of nations.

Second, the United States cannot be expected to practice open trade and free investment unless other nations do the same. The rules of international commerce must be fairly applied by all countries.

Third, American goods cannot be foreclosed from foreign markets by the deliberate discriminations of other countries, at a time when they are growing in competitive ability while our own relative position is declining.

Fourth, the cooperation of all nations must accelerate in the common effort to bring down the non-tariff barriers to trade which blockade so many avenues of international commerce.

Fifth, we need to reconsider the role of the GATT in international commerce, seeking both a strengthening of its rules and greater adherence to them by all member nations.

Sixth, the only way to achieve freer trade is through fair trade under true reciprocity.

THREE PROPOSALS

For its part, the United States is taking several significant steps to fulfill the six points of its commitment.

Two years ago I first called upon our major trading allies to join us in a renewed commitment to the four freedoms of economic cooperation—freedom to travel, freedom to trade, freedom to invest, and freedom to exchange technology.

Toward the fulfillment of those ideals I have proposed that we deal with the problems of non-tariff barriers on the basis of an "Open Table" principle, examining them together and openly in the same reciprocal manner as was done so effectively with tariffs in 1962. This means that all conditions affecting trade, written and unwritten, must be brought into the open and dealt with under reciprocal principles.

It is gratifying to report that some progress is being made in this direction—but it is frustratingly slow and incomplete.

More recently I have proposed that other countries and we begin to look ahead to an international agreement to assure the free flow of investment capital across the borders of the world, and to guarantee that the rules governing the use of capital and its earnings not be changed after it has gone to work in any country.

PRESIDENT'S ACTIONS

Beyond these proposals, President Nixon has taken several specific actions—and has proposed more—to achieve freer trade for all of us, in a context of fairer trade conditions for the United States:

He appointed the Williams Commission more than a year ago to make a thorough study of U.S. trade policies and programs; it will soon report its findings and recommendations.

The President recently created a new Council on International Economic Policy to devise long-term policies and programs, recognizing at the White House level for the first time in our history that matters of international commerce and finance must rank along with domestic concerns, diplomatic considerations and military interests as matters of the highest national priority.

Toward the expansion of two-way trade he has committed the United States to the concept of tariff preferences for the developing nations; and he has asked the Congress for authority to negotiate limited tariff reductions in other circumstances.

He has liberalized our trade with Eastern Europe, and has taken an historic initiative toward the same goal with Mainland China.

He has encouraged the most successful export expansion program in American history, and his request for expanded export credit is moving well through the Congress.

Finally, the President has proposed competitive tax incentives for American industry, and his Administration seeks a review of our anti-trust policies insofar as they limit or affect our position in the trading world of today.

TEXTILE PROBLEM

Beyond all of these steps, which we are able to pursue internally, there are three fundamental issues of concern to us involving our economic relations with other nations of the world.

Foremost of interest to you is the matter of how the United States will resolve the growing problem of textile imports.

This problem is particularly acute for the American wool textile industry. Imports now account for 28 percent of the total U.S. market for wool products—wool textile output in this country has declined 25 percent in the last year alone—and this is now truly a depressed industry.

The impact of imports on the textile and apparel industry as a whole has been severe: Over 100,000 jobs were lost in the last year, and 549 plants closed in the past two years. Imports of man-made fiber products from Japan alone were up 77 percent in the first four months of this year.

In the absence of international agreements to deal with this problem, President Nixon stated last March that he strongly supports the moderate textile legislation now pending before Congress.

In view of the growth of imports and the damage done to American industry and employment, a solution to this very vexing problem with which we have wrestled for the past two and one-half years is essential.

DISCRIMINATIONS

As the second matter of deep concern to us, we are troubled over the many non-tariff barriers to commerce that have been constructed across borders throughout the world.

In one way or another, American business and American products have been placed in competitive jeopardy over the past decade or less by a wide variety of unpublished regulations, administrative rules, tax discriminations, import restrictions, export subsidies and preferential trading agreements.

Using these discriminations, some of our major trading partners are continuing to do business in violation of the rules of the GATT.

Some of the rules of international trade are not being fairly applied by all the trading nations of the world.

We have been expected to put up with restrictions on American products and investments which others do not want us to impose upon them.

We do not seek special advantages from nations with which we do business. But we do seek and expect the end of these barricades to fair competition, so that our two-way trade with the rest of the world may continue to expand.

INVESTMENTS

Third, we have a deepening concern for the growing insecurity that faces investment capital in many parts of the world as it flows across the boundaries of nations.

This is not a concern of the United States alone. Hostile attitudes toward investments affect all the nations that permit their capital to be invested abroad, and they jeopardize the future of every developing country that needs more capital than it can create domestically.

The Department of Commerce recently completed a study which shows that in the year 1970 there were some 200 actions by foreign governments that were contrary to the interests of American and other businesses in their countries, mostly in the field of investment.

Certainly, this is not conducive to a healthy economic atmosphere throughout the world. Capital will go where it is welcome, where it is secure, and where there is the least danger—the least restraint—on investments and earnings.

In many of the countries where foreign investments have been most severely jeopardized, the need for capital is greatest. Some will not be able to generate internally as much as half of their own capital needs to meet the goals and aspirations of their own people.

They cannot hope to rise out of need into the family of productive nations if they impose undue restrictions on the investments they must have, or if they change the rules under which capital operates once it has been brought in.

On the other hand, some brilliant examples of success are beginning to appear in countries where capital has been treated safely, where it has been welcomed without notable restrictions, and where it has not been subject to change in the rules of the game.

The fundamental point to be recognized by every country—investor and invested—is this:

In today's world there is really no longer any such thing as "foreign capital." Capital from any one country, put to work in another, accompanied by technology and productivity, immediately becomes local capital. It produces local products, it employs local people, it pays local taxes, and it generates new local capital. That is how progress is created.

The United States has known this fact, and has benefited from it, from its very beginning. Capital from other countries created the foundations of this nation's amazing prosperity, and it has never been restricted. Even today we encourage others to invest here and others are doing so, with complete freedom to repatriate capital and earnings at all times.

This is the climate we hope will be achieved in all the world, for the benefit of all countries.

NEW APPROACH

The time may be approaching when these circumstances that I have described will require a meeting of the nations of the world in a new forum for an historic conference on matters of trade and investment.

As I have indicated, in light of all these conditions the United States already is reevaluating its own trade policies within its traditional commitments and principles.

In light of those same conditions, the time has come for other nations to reevaluate their policies as well.

RECIPROCITY

No country has a trade problem unto itself.

The issues between us cannot be reduced to a simple choice between free trade and protectionism—either for the United States or for others.

CONCLUSION

Business everywhere is out-growing national boundaries.

Trade and investment are the means of establishing ties that can survive temporary political differences.

Trade and investment have shown their great capacity to rise above other barriers to friendship and hold men together in common interest.

Today an economic bond is developing throughout the world in which international business has become man's greatest hope to tie together all the nations of the earth, in abundance and in peace.

WILLIAM S. CARLSON

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. ASHLEY. Mr. Speaker, recently the Ohio Society of Washington, D.C., was privileged to pay tribute to William S. Carlson, president of the University of Toledo, and to hear a splendid address from this distinguished educator.

A university president of note, Dr. Carlson is also a highly respected author and an authority on Greenland and the Arctic.

Because I know that Dr. Carlson's address will be of wide interest, I am taking this opportunity to submit it for the RECORD:

ADDRESS BY WILLIAM S. CARLSON

A college president must be prepared to make some kind of intelligent response to a number of questions that he knows will be tossed at him. He hears them at dinner parties, at board meetings, on the street, at Rotary Club or in the barber shop. Here are some samples:

Is it true that most professors are atheists or communists or both?

How come your basketball team didn't win last week?

When are you gonna tear down the temporary buildings? (This TU alumni will understand?)

Why can't I find a parking place?

Why don't you fire every professor who wears a beard?

Why does it cost so much to attend college?

But the one that is heard most often is: "What's the matter with kids today?"

Not only is that the title of a clever song, but it's one of the oldest questions asked by man. I don't know if Adam asked it of Eve (they certainly had a juvenile delinquency problem) but I do know that it is recorded in ancient writings of both Greece and Egypt.

Here is a quotation as an example: "They (meaning young people) have exalted notions, because they have not yet been humbled by life or learnt its necessary limitations; moreover their hopeful disposition makes them think themselves equal to great things—and that means having exalted notions. They would always rather do noble deeds than useful ones; their lives are regulated more by moral feelings than by reasoning—all their mistakes are in the direction of doing things excessively and vehemently. They overdo everything—they love too much, hate too much, and the same with everything else."

This was written in the fourth century BC by Aristotle.

The question was being asked back when many of us were of college age. Perhaps there are some here who would confess to contributing to the picture of flaming youth—coonskin coat, bell bottom trousers, slicked-down hair, bootleg hooch in a flask, ukeleles and the Stutz-Bearcat roadster. John Held captured these wild ones in his drawings, especially in that swinging magazine, College Humor. Today, to readers accustomed to Playboy, these are subjects of nostalgia rather than of concern. For of course we've grown up and settled down and have conveniently forgotten that sometimes we were the despair of parents, pastors, school principals, and occasionally of the local police.

And we nod in agreement with Adlai

Stevenson's remarks when he addressed the students of Princeton: "What a man knows at 50 that he did not know at 20 boils down to something like this: the knowledge he has acquired with age is not the knowledge of formulas, or forms of words, but of people, places, actions—a knowledge not gained by words but by touch, sight, sound, victories, failures, sleeplessness, devotion, love—the human experiences and emotions of this earth; and perhaps, too, a little faith and a little reverence for the things you cannot see."

Yes, we'd agree with these comments for he was talking in terms we understand, but not necessarily in terms the 20-year-old can understand or will accept.

But the old question is asked more widely and insistently now than ever before: "What's the matter with college students today?" The question comes from baffled parents, from frustrated deans of men and deans of women, from editorial writers, from prospective employers and, it seems to me, from a good-sized segment of the public.

Often in the quiet of my study, I ask the question myself. Why shouldn't I, since my business is education and I feel keenly the dual responsibility I have toward these young people and toward society as a whole? This really tears one asunder, because at times it seems that the two are so completely at odds. If youth doesn't trust anyone over 30, and society in turn reacts against anyone under 30 (to pick a figure that emerged out of Berkeley) the outlook is pretty grim. And in our pessimistic moments we are likely to agree with TIME's article which says, "The Youth Cult misleads them into thinking that license is freedom, that untutored whims are tastes, and that ever-jittering motions are deeds."

Is it really this bad? I don't think so. In fact, there are many who see signs of hope amidst this ferment. They contrast it with the apathetic generation of a few years back, and make a good case for preferring activism, even sometimes misdirected, to indifference.

Samuel B. Gould, my successor as president of the State University of New York, now retired, said in his 1966 commencement address at Alfred University:

"Every generation of youth has felt alienated from the world around it, and always for different reasons relating to the contemporary scene. Demonstrations to end wars are not the exclusive creation of this generation, although the techniques of demonstrating have changed. . . .

"The trend toward activism by students must be met with a corresponding trend toward student preparation of the most intelligent and constructive kind of activism. . .

This is echoed by former Chancellor Franklin Murphy of UCLA, who says:

"I see no alternative to student involvement and reasonable—I wish to emphasize *reasonable*—student activism if one wants to train something other than mechanical morons."

The former vice president for Student Affairs at The University of Michigan, Richard L. Cutler, three years ago said that at that time there were perhaps fifty hard-core, dedicated and consistent protesters on the campus at Ann Arbor. (I doubt that the number has changed appreciably.) Cutler defined a student activist as a young person of serious turn of mind who wants to change things in his world NOW. The most violent of the extremists, who disrupt our campuses, are not students—a fact you should bear in mind.

In somewhat larger numbers but still a small minority are those who would destroy the university unless it capitulates to all their demands. These are the members of SDS—Students for a Democratic Society—a national organization of the new left whose totalitarian tactics, abuse, harassment and obscene vilification remind us of the Nazi bully boys of the 30's. They have no influence on the TU campus because our students recognize them for the phonies they are.

The principal problem arises because these activists feel alienated from the process of decision and consequently they are loud in their criticisms and complaints about the "system," the "administration," the "establishment." That they may not yet be well qualified to participate in such decisions makes no difference to them. They are concerned with the fact that decisions made by members of an older generation affect them and their lives—in matters of war and peace, of mass killing, of spending the nation's wealth, in education, in race relations, and in many areas of personal rights.

In a series about the "Youthquake," the Los Angeles Times reminded us that half of all Americans are under 25. No wonder the rest of us in the other half are worried. In earlier times the activists—black sheep we called them in those days—had an outlet for their rebellion. They simply ran away from home. Now they stay and make it their chief order of business to annoy their elders.

These annoyances include loud protests in a number of areas. For example, on a national scale we find that favorite topics are Viet Nam, the draft, the bomb and the race question and all its ramifications. It was interest in the last one which helped develop marches, sit-ins and the offspring of the latter—teach ins. In these and other matters of concern students are reflecting the doubts of many adults as well—the only difference being that most adults would hesitate to express their feelings as openly as do the younger people.

In the area of their personal lives, the youth express their feelings about free speech in its many manifestations including the dirty speech movement, LSD and the drug question, sexual freedom, and unconventional dress and personal appearance.

A university finds all these to some degree, plus mounting cries about dormitory rules, especially as to hours and visitors of the opposite sex; the old doctrine of *in loco parentis;* complaints about what is taught and how it is taught; questions about university discipline and academic freedom for students, and the administration of the institution itself.

At this point I might say that when an alumnus visits his alma mater his most violent reaction is likely to be set off by the dress and personal appearance of some of the students he sees. On our own campus it was possible for many years to forbid girls to wear slacks and men to wear bermuda shorts in classrooms or the library. (The other day I had an anonymous note from a female employee asking if we had a ruling against wearing a pantsuit to work). Such restrictions, whether or not they ever made sense, are just not enforceable today in any except the most strict of private institutions. The woman shopper who arrives at the supermarket with her hair in curlers and wearing short shorts and sandals showing dirty feet is not unusual. It may hardly come as a surprise if her daughter sees nothing out of line in dressing for school in dungarees and sneakers. But, thank goodness, the great majority of students still are clean and attired in good taste. The only difficulty is that the non-conformists are so conspicuous. That's why the public relations officer at The University of Michigan says they try to keep alumni out of the basement of the Michigan Union. One look at the couple dozen beatniks who congregate there and the old grad is convinced that the entire institution has gone to pot.

As to campus protest movements, Roy Lieuallen, chancellor of the Oregon State System of Higher Education, notes that institutions can even take some pride in student protests IF they are expressed through effective and orderly channels. This of course is in contrast to deliberate violations of established law—and of good taste.

He notes a number of campus-generated sources of unrest:

1. The growth of institutions, especially the *rate* of this growth. All of us suffer pains as we try to adjust to the needs of ever-increasing numbers of students and faculty members.

2. The growth of graduate instruction. This means more faculty attention at the upper levels so that the undergraduate may get short-changed.

3. The increase in research. Again, since successful research is a royal road to status, promotion, fame and financial reward, the faculty member may emphasize this in preference to teaching. Once more the student feels he is being gypped.

4. The very nature of education itself, which MUST encourage students to be critical. Dr. Cutler of Michigan has pointed out that a university must tolerate doubt, skepticism and the questioning mind, even non-conformity. It cannot determine arbitrarily on matters of politics, custom or ideology without stifling the very thing it exists to encourage.

Even at Berkeley nobody ever said that more than 10 per cent could be called problem children. What about the other 90 per cent?

Of course part of the frustration of the rebels is that they cannot understand why this 90 per cent won't follow their lead. They interpret this to mean that the latter are stupid or apathetic and thus to be viewed with scorn. But no potential follower is going to sign up with a "leader" who sneers at him, so it's a hopeless situation unless the protesters can latch onto a cause that the masses will embrace.

Nevertheless it is true that the exhibitionists seek, and get, plenty of attention. I doubt that any group on our own campus invites a controversial speaker or plans a protest without first getting in touch with newspapers, radio and TV. In fact, it is common for us to learn of such plans by this means—we get calls to inquire about time, place and "what are you going to do about it?"

And speaking of exhibitionists, UCLA had an organization with the attention-getting name of the League for Voluntary Parenthood and Sexual Liberty. The university found that this formidable threat to peace, security, the sanctity of motherhood and the American way of life had exactly *six* members among the 25,000 students.

Now for an answer to the original question: "What's the matter with young people today?" Perhaps at least we can arrive at a partial answer from these observations:

Youth are the product—yes, even the victims—of the society we have created for them.

The affluence of our nation eases the pressure to concentrate on learning how to make a living. Thus there is more time for the young man or woman to look at other aspects of life. And what they see does not always please them.

Their education, not only formal education but what they learn by observation, makes it impossible to hide from them the mistakes, the shortcomings and the hypocrisy of society.

The proportions of hell-raisers among people probably is not much different than it ever was. However, nowadays there are more ways, and more effective ways, in which they can express their protests.

Permissive child-rearing has contributed to producing a generation of youths who are more brash and less respectful of their elders—not behind their backs, but right to their faces.

The church has not been able to maintain the moral influence it once exercised over the young.

We ought to keep in mind, too, that nothing attracts attention as quickly as something different. This is the basis of much of the news—not how good, not how worthy—but how different. (A sure way for any senior citizen to get his picture in the paper is to marry a 20-year-old girl. Of course recent events may indicate a new trend so that it may become necessary to marry someone your own age in order to qualify as newsworthy.) But back to the point. To be different WILL attract attention, and it makes precious little difference whether you are good and are right or whether you are bad and are wrong. The latter is likely to get more space.

Despite all this, if one looks at youth without allowing himself to become distracted by what happens on the fringe, he will find heartening evidence of stability, of morality and of seriousness of purpose among the great majority. I believe this is true, and it had better be. For the fate of our nation and the world hangs on this premise.

UNITED STATES MUST PURSUE HUMANITARIAN EFFORTS TO ASSIST JEWS LIVING IN THE SOVIET UNION

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. ADAMS. Mr. Speaker, the Leningrad trials demonstrate to me that the Soviet Union is determined to suppress and punish Jewish protests. Twenty-five members of the Jewish faith have now been convicted in the show trials.

Although the oppression of Jewish people in the Soviet Union has been conducted for decades, it has only been reported in the Western press spasmodically. The Leningrad trials have brought this oppression to international attention. Many people are shocked to read these stories of discrimination and persecution. They are shocked by the reality that a people who have suffered so much within the span of our own memories should still be suffering from such oppression.

There are doubts about the authenticity of the pleas for there is evidence that witnesses have been testifying under duress. I also have questions about the equity of the sentences asked by the prosecution. The nature of the trials and Soviet society prevent us from knowing exactly all the circumstances surrounding the charges and the conduct of the trials.

Justice demands that these trials be open and the defendants be assured of their rights as guaranteed by the United Nations Declaration of Human Rights.

For many Jews living in the Soviet Union their main desire is to leave Russia, but they are denied that opportunity. In order to help provide this opportunity, I joined with many of my colleagues in sponsoring H.R. 7887 which would authorize 30,000 special visas for Soviet Jews who are permitted to leave the Soviet Union and wish to come to the States. This bill is intended to challenge the Soviet Union to permit those Jews who wish to leave to do so. It is important that we demonstrate our friendship at this crucial time.

Let us lift up our voices to demand that Soviet Jews be given the right to worship freely, the right to determine their own destinies and the right to emigrate if they so desire. Let us hope and pray our protests will create such pressure that Soviet Jews will be granted their basic human rights.

DRUG ABUSE AND ADDICTION AMONG MEMBERS OF OUR ARMED FORCES

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. REID of New York. Mr. Speaker, I am today introducing two bills to meet the increasingly staggering problem of drug abuse and addiction among members of our Armed Forces and our veterans.

The skyrocketing incidence of drug usage by active duty servicemen, especially in Southeast Asia, has only recently become known. The easy availability and cheap price of drugs, coupled with the stress of a combat environment and the boredom of rear-line inactivity, have combined to turn a substantial percentage of our servicemen into experimenters, regular users, and addicts of drugs.

In recent months, great emphasis has been placed by the Department of Defense upon the treatment and rehabilitation of drug addicts in the service. Such an effort is badly needed and is an altogether appropriate approach to the problem. It is my understanding that the Defense Department will have developed a comprehensive plan by the end of this week for the rehabilitation of servicemen who are drug addicts, and I am glad the administration is moving to do something about this serious problem.

One aspect of the Armed Forces drug problem, however, has been largely neglected. That is the harm to the general community brought about by the release of a drug addict from active duty into civilian life, and the difficulty encountered by many veterans in getting treatment for addiction once they are thrust into the civilian population.

It is estimated that as many as 30,000 American servicemen in South Vietnam are presently addicted to drugs. This figure may be conservative, and it is probably growing. Moreover, it does not include whatever number of servicemen stationed in the United States and other foreign countries who may also be addicts. If all these were to reach the end of their tours of enlistment tomorrow, they would be discharged into the civilian community as confirmed addicts. It takes little imagination to see the enormous adverse social consequences that could well ensue.

In order to insure that servicemen who become addicted to drugs while in the service are not returned to civilian life as addicts, I am introducing legislation to require the Armed Forces to certify every dischargee to be free of drug addiction before releasing him from active duty. A medical examination of each serviceman about to be discharged would be required. If such an examination revealed that a man was addicted to drugs, the service would have to retain him on active duty until such time as his addiction were cured. By this means literally thousands of drug addicts, including those whose addiction may have previously been undetected, would be screened and channeled to treatment instead of being turned out among the civilian community still suffering from addiction. This system would insure that these drug addicts would remain in a controlled environment where the addict is identified and treatment is possible, rather than be placed into a community where treatment is not mandatory and, indeed, where the addict might never be detected. Further, servicemen who know they will not be discharged if they are addicted may be induced to discipline themselves so as to avoid becoming addicted in the first place. This system is designed to benefit both the addict himself, by insuring that he receives necessary treatment from competent medical sources, and the community at large, by stemming the flow of service-generated drug addicts from the Armed Forces to our towns and cities. The Armed Forces have a clear responsibility to treat individuals who are addicted to drugs, because it is in the Armed Forces, and particularly in Southeast Asia, that these men are being exposed to drugs.

As a complementary measure, I am also introducing legislation to expand the scope of treatment of drug addicts among the veterans of our country. The incidence of drug addiction among young veterans appears to be at least as high as it is among active duty servicemen. The Veterans' Administration estimates that 25 percent of all narcotics addicts in the country are veterans. That amounts to upwards of 50,000 veterans. At the same time, as the VA recognizes, the crushing load on non-VA facilities causes substantial numbers of drug addicts to wait months for necessary treatment, and many never receive any kind of treatment at all.

Although non-VA facilities are inadequate to treat all drug addicts, many thousands of whom are veterans, the law presently bars many veterans from receiving VA medical treatment for narcotics addiction. No veteran who has been discharged under "dishonorable" conditions is eligible. Yet in 1970 the Army awarded a total of 2,295 undesirable, bad conduct, and dishonorable discharges for drug abuse offenses alone. Here are 2,300 potential or actual addicts disqualified from medical treatment. Also disqualified are the many additional thousands of veterans who have been discharged under dishonorable conditions for reasons unrelated to drug abuse.

A second disqualifier under present law is the requirement that a disability be "service connected" in order for the veteran to be eligible for initial outpatient medical care. Drug addiction is invariably not service connected as that term is defined by statute. Thus even thousands of honorably discharged veterans who become addicted to drugs are largely unable to receive necessary treatment.

Such a policy makes no sense at a time when drug addiction is a pervasive and destructive illness in our society. To deny a person access to medical treatment—treatment beneficial not only to the individual but also very much so to the community—is self-defeating and unenlightened.

Accordingly I am proposing that veterans who are addicted to drugs be made eligible for treatment at VA facilities for such addiction, regardless of the character or the circumstances of their discharge from the Armed Forces, and regardless of whether or not the addiction is deemed to be service connected. Such veterans would not thereby become eligible for any other benefits to which they are otherwise not entitled by existing law. It is not my intention or desire to open all benefits to veterans discharged other than honorably, but only to make treatment for drug addiction available to all veterans without limitation.

We have to recognize that drug addiction is a serious medical illness—and one which has disastrous social consequences. A policy which deliberately denies addicts access to available treatment facilities is anachronistic in the extreme.

Enactment of the two bills I am introducing today will go a long way toward the detection and treatment of drug addicts among our military and veteran ranks. I urge my colleagues to give them immediate and serious attention.

PROGRESS AT SALT

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. GUDE. Mr. Speaker, the President's announcement of progress in the SALT negotiations is great news for the American people. The decision announced in Washington and Moscow to concentrate on curbing ABM's and to limit offensive strategic weapons has moved the SALT negotiations off dead center.

This welcome development follows on the heels of new initiatives to limit American and Soviet troop levels in Europe. I have felt for many years that American troop commitments could be trimmed, and that our NATO allies should assume more of the burden of providing manpower in Europe. The balance-of-payments situation is aggravated by the continued presence of such a large contingent of American troops.

I support the President's goal of negotiating mutual troop reductions in Europe, in consultation with our NATO allies. The administration's response to the Soviet proposal to reduce troop levels, like the response to the crack in the Chinese Wall, shows that the President is ready to pursue lines of negotiation that were considered closed not many years ago. All of these actions will arouse fierce opposition in some quarters, and certainly none is free of risk. But I believe the majority of Americans will be behind the President in the hard negotiations that lie ahead.

LEGISLATION ON TEACHING ETHICAL AND MORAL VALUES

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. BENNETT. Mr. Speaker, there is a great need in America today for broad instruction in the development of a man's moral and ethical values. Such a program can be developed in the elementary and secondary schools of our Nation and the Federal Government can give stimulus to this through the grant procedure.

Today, I am introducing a bill to accomplish this with 12 cosponsors.

The teaching of ethics and instruction in moral values are a proper function of our schools, especially in view of Supreme Court rulings prohibiting prayer and Bible reading in public schools. Educational programs of this nature and textbooks for such have already been developed in some school systems in the Nation.

The curriculum and academic instruction in morals and ethics could take the form of assembly programs or individual classes. Lessons on courage, heroism, and good works developed from actual stories and biographies of great men and women could be the teaching avenue.

Programs on the growth of the freedom of worship—how it became part of our Constitution; on patriotism—how brave men fought to preserve our freedom; on good citizenship—why is it important to obey the law and on the objective history of religion, which the Supreme Court has approved, could all be topics of classroom discussion.

FBI Director J. Edgar Hoover has said that we have as a society failed our youth by failing "to teach them the meaning of discipline, restraint, self-respect, and respect for law and order and the rights of others." The teaching of moral and ethical standards belongs in the home, church, and school.

The juvenile crime rate is growing at a much faster rate than the overall crime rate and this is an indication of failure to teach our children the difference between good and bad. The latest figures show that arrests of juveniles for serious crimes increased 90 percent in 1969 over 1960, while the population in the juvenile age group, 10 to 17, increased only 22 percent.

If we are to reverse the rising crime rate, costing the Nation $27 billion annually, then we must concentrate on the problem where it hurts the most: Our young people.

The legislation we have introduced will attack the problem at the root and through strong classroom teaching of moral and ethical values our young people will be better able to cope with the challenge of right and wrong.

The cosponsors are: Mr. Robert L. F. Sikes of Florida, Mr. Edward A. Garmatz of Maryland, Mr. Frank M. Clark of Pennsylvania, Mr. Seymour Halpern of New York, Mr. Claude Pepper of Florida, Mr. Tom Bevill of Alabama, Mr. Dan Kuykendall of Tennessee, Mr. Bill Nichols of Alabama, Mr. John R. Rarick of Louisiana, Mr. James R. Mann of South Carolina, Mr. G. William Whitehurst of Virginia, and Mr. Ralph H. Metcalfe of Illinois.

The bill follows:

H.R. 8782

A bill to provide federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title VIII of the Elementary and Secondary Education Act of 1970 is amended by adding at the end thereof the following new section:

"GRANTS FOR TEACHING MORAL AND ETHICAL PRINCIPLES

"Sec. 807. (a) The Commissioner shall make grants to State educational agencies to assist them in establishing and carrying out programs under which students attending public elementary and secondary schools will be provided instruction in moral and ethical principles. The content and nature of such instruction shall conform to general standards prescribed by such State agencies.

"(b) For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for fiscal year ending June 30, 1972, and each of the two succeeding fiscal years."

Sec. 2. Section 422 of the General Education Provision Act is amended by inserting after "the Elementary & Secondary Education Act of 1970" the following: "(other than section 810)".

FTC GUIDELINES FOR COMPLIANCE WITH THE FAIR CREDIT REPORTING ACT

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mrs. SULLIVAN. Mr. Speaker, last week, at pages 16973–16978 of the Congressional Record of May 25, I included as part of my remarks on the Fair Credit Reporting Act of 1970 the official guidelines issued by the Federal Reserve Board and other financial institution regulatory agencies for compliance by regulated thrift institutions with the new law which went into effect on April 25, 1971.

As I noted at the time, the statute itself—title VI of Public Law 91-508, creating a new title VI of the Consumer Credit Protection Act of 1968—does not authorize the regulatory agencies to issue regulations which would have the force and effect of law. As manager of the legislation in the House, as the author of the principal House bill on fair credit reporting, and as chairman of the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency which conducted extensive hearings on this legislation, I consider this omission a serious deficiency in the Fair Credit Reporting Act, and I suspect that the industries affected by the law will eventually concede that their determined opposition to the attempts of a majority of the House conferees to include authority to issue binding regulations was a mistake.

In any event, the Federal Reserve, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Home Loan Bank Board were able to agree on a comprehensive set of guidelines which spell out to thrift institutions the steps they should take in the handling of consumer reports and investigative consumer reports in order to avoid actions which the regulatory agencies would regard as violations of the act, and these guidelines, as I said, were included in last Tuesday's RECORD.

FEDERAL TRADE COMMISSION HAS MAJOR BURDEN OF ENFORCEMENT

The four financial institution regulatory agencies named are responsible for enforcement of the Fair Credit Reporting Act as it applies respectively to State banks which are members of the Federal Reserve System, to national banks, to State banks not members of the Federal Reserve System which are insured by the FDIC, and to insured savings and loans. These financial institutions are covered by the Fair Credit Reporting Act primarily as users of credit bureau information as prospective creditors, or as employers, or in some instances as insurers, but there are also situations in which a financial institution could be held to be a consumer reporting agency, particularly if it relays to a prospective creditor, insurer or employer information about an individual which the bank or savings and loan obtained from an outside source. The guidelines issued last week will enable the thrift institutions to guard themselves against being in the position of acting as consumer reporting agencies subject to the very extensive requirements of the act as they apply to credit bureaus, investigative agencies, and similar firms.

Most of the enforcement responsibilities of the act, however, fall upon the Federal Trade Commission, which has jurisdiction over all of the credit bureaus and investigative firms which originate consumer reports, and over the bulk of private firms which use credit reports in determining eligibility for credit, insurance, or employment.

The Federal Trade Commission has now made public its own set of guidelines for compliance with the Act. I have been assured by the FTC that in developing its guidelines it worked closely with the Federal Reserve and other financial institution regulatory agencies to iron out potential differences in interpretations so that a bank following the Federal Reserve guidelines would not be given instructions differing from those given by the FTC to a firm under its jurisdiction.

FEDERAL TRADE COMMISSION GUIDELINES

Since the jurisdiction of the FTC is so much broader than that of any other agency in administering and enforcing the Fair Credit Reporting Act, the FTC guidelines of course reflect its added areas of responsibility. Therefore, Mr. Speaker, I think the Members of Congress will be interested in having available, through the CONGRESSIONAL RECORD, the provisions of the FTC guidelines as they affect all consumer reporting agencies, nearly all insurers, and most creditors and employers.

The FTC guidelines appear to me to be carefully constructed and extremely helpful to the business firms which are regulated under the new law. In case of any difficulty in applying the standards, a businessman subject to FTC jurisdiction can obtain further information and guidance on the Fair Credit Reporting Act by contacting the nearest FTC office. The FTC guidelines are as follows:

COMPLIANCE WITH THE FAIR CREDIT REPORTING ACT

PURPOSE AND SCOPE OF THIS PAMPHLET

This discussion is published by the Commission's Division of Special Projects, Bureau of Consumer Protection, to coincide with the effective date of the Fair Credit Reporting Act, primarily to meet the demands for information received from many businesses affected by the statute. This pamphlet is a codification of the letters of informal staff advice rendered by the Division during the period since enactment of this legislation (November 1970-April 1971). The comments represent the staff's view of what is required by the Act, to assist the business community in understanding how the law is being interpreted by the Commission's staff.

This discussion should not be construed as representing substantive rules that have the force or effect of statutory provisions, nor should these views be considered as in any way binding upon the Commission.

I. Introduction: What is the Fair Credit Reporting Act?

The Fair Credit Reporting Act (P.L. 91-508, 84 Stat. 1127-1136, 15 U.S.C. 1601 *et seq.*) is Title VI of the Consumer Credit Protection Act of 1968; it was enacted October 26, 1970 and is effective April 25, 1971.

The Fair Credit Reporting Act (sometimes referred to as FCRA) is the first Federal regulation of the consumer reporting industry. Its basic purpose is to insure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy. The law requires consumer reporting agencies to adopt reasonable procedures for providing information to credit grantors, insurers, employers and others in a manner that is fair and equitable to the consumer with regard to confidentiality, accuracy, and the proper use of such information.

The FCRA is primarily designed to regulate the consumer reporting industry and place disclosure obligations on users of consumer reports. For the most part, the consumer reporting industry is comprised of credit bureaus, investigative reporting companies and other organizations whose business is the gathering and reporting of information about consumers for use by others in making a decision concerning whether to grant credit, underwrite insurance or employ the subject of such reports.

Users of consumer reports must inform consumers when adverse action (such as denial of credit, insurance or employment) is taken on the basis of such reports, and the users must identify the consumer reporting agency making the report.

While the FCRA establishes a statutory code of conduct for the consumer reporting industry, a business which collects its own information is not regulated as a consumer reporting agency. Moreover, information which is reported by one business to another is not considered to be a consumer report when that information is the reporting company's own experience (for example, "My records reflect that Mr. Jones was late on 8 of 12 payments"). However, when a businessman reports information other than his own experience, that will usually constitute a consumer report within the meaning of the FCRA (for example, "I have no file on Mr. Jones, but I know that he has a poor record of payment at the bank").

The information need not be derogatory to constitute a consumer report. *Any* information, good or bad, written or oral, that bears on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living will be a consumer report if it is:

(a) Used or expected to be used, or

(b) Collected in whole or in part

for the purpose of considering the consumer's eligibility for consumer credit, insurance, employment, or other authorized business purposes. In the succeeding section, a "consumer report" is discussed in detail.

While the Act generally has no application unless the information is reported by a "consumer reporting agency", that term will be broadly construed to apply to any person or organization that gathers and reports information on consumers for the purposes discussed in the next section (Part II).

Special rules apply to the type of consumer reports that involve personal interviews with third persons who may have knowledge about the consumer's character, general reputation, personal characteristics or mode of living. These are referred to as an "investigative consumer report" and as a rule the consumer is entitled to be informed when he may be the subject of such a report.

These are the general rules of the Fair Credit Reporting Act. Subsequent sections will explain in more detail the obligations of the reporting industry and the users of consumer reports.

II. Compliance obligations of the reporting industry

A. What is a Consumer Report?

The definition of a consumer report is one of the most important found in the law. It may be any written or oral communication that bears on a consumer's credit standing, credit capacity, character, general reputation, personal characteristics or mode of living. Further, it must be either used or expected to be used *or* it must have been *collected in whole or in part* for a purpose listed below (often referred to as the "permissible purposes" of consumer reports):

1. Credit or insurance to be used primarily for personal, family or household purposes.

This section serves as a limiting factor on such reports. Thus, if the purpose for which the information is collected *and* for which the report is obtained is to extend business credit to an individual or a sole proprietorship, the information would not be a consumer report and the Act would not apply. If the credit or insurance is to be extended to some form of business organization such as a partnership or corporation, again, the Act would not apply. This discussion of the application of the Act to business reports is amplified in Question 3, Part V.

2. Employment purposes.

This means not only applying for a job, but the evaluation for promotion, reassignment or retention on a job which an employee already holds. Information collected for employment purposes is subject to the Act, and may be reported only on the applicant for employment (or in some cases, the employee), and not on third persons such as the applicant's friends, relations or associates.

3. Other purposes authorized under section 604.

(a) A report may be issued to a person whom the reporting agency has reason to believe intends to use the report and information in connection with a credit transaction with the subject of the report, including the review of the status of an account or to help in the collection of an account. Thus, a credit bureau may issue a report to a collection agency or to a company that is trying to locate a debtor ("skip tracing").

(b) Governmental agencies are permitted to obtain consumer reports for one of the above-mentioned purposes or if the government is required by law to consider a consumer's financial responsibility or status before granting a license or other benefit. If the government agency cannot demonstrate such need for consumer reports, the consumer reporting agency cannot release such reports to the government body. An example of justifiable need would be when the State Department of Insurance and Banking is required to consider a consumer's financial responsibility before issuing a loan broker's license. However, a governmental survey or economic study would not be a permissible purpose and a court order or written permission of the consumer would be required. It is the reporting agency's responsibility to see that the government agency is furnished consumer reports only for a purpose listed in Part II of this discussion, and to obtain certification that the agency will use the information for no other purpose. Otherwise, compliance with the government agency's request would be limited to furnishing identifying information under Section 608, which will be discussed subsequently.

(c) Reports may be issued to a person who has a legitimate business need for the information in connection with a business transaction for personal, family, or household purposes involving the consumer. The legitimate business need category does not include purposes such as marketing research, an attorney investigating prospective jurors, "protective bulletins" and blacklists.

Investigative consumer reports.

This term is used to identify a type of *consumer report* which contains virtually any subjective information. There are two key factors which make an ordinary consumer report into an investigative consumer report. First, it must be information on a consumer's character, general reputation, personal characteristics or mode of living. Second, it must be obtained by personal interviews with neighbors, friends, associates, or others who may have such knowledge. If a consumer reporting agency contacts a previous employer and goes beyond verifying the fact that the consumer worked there, such as making inquiries relating to work habits and other subjective matters, then the reporting agency is compiling an investigative consumer report. The mere calling of a neighbor to find out where someone works would not be sufficient to constitute an investigative report. However, if, in addition, the neighbor volunteered subjective information which was placed in the report, it would become an investigative consumer report and the rules applicable to such reports will come into play.

B. What is a Consumer Reporting Agency?

This term covers anyone who might render a "consumer report", as defined previously. Obviously, this covers all credit bureaus and others whose business is to create and disseminate such reports. However, there are many others who may from time to time function as consumer reporting agencies and, to the extent that they issue consumer reports, they will be covered by the Act. For example, some banks and finance companies have engaged in the practice of giving out credit information other than that which they have developed from their own ledgers. To the extent that they give out information and experience gained from other creditors, such banks and finance companies would be functioning as consumer reporting agencies and would be required to comply with the terms of the Act. As indicated earlier, giving out a firm's own ledger experience does not make it a consumer reporting agency or the information a consumer report. In order to be a consumer reporting agency, the firm must engage "in whole or in part" in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties. When a firm gives its own credit experience on a consumer to a credit bureau, that information does not constitute a consumer report.

In many cities cooperative loan exchanges are established whereby a single information office is maintained which records applications for loans, including the name of the finance company, the name of the consumer and the amount of credit requested or extended. When another finance company calls for this information, it is clear that this is a consumer report, the loan exchange is a consumer reporting agency, and it must comply with all applicable requirements of the law. The law does not stipulate what kind of information qualifies as a consumer report, only that it must have a bearing on the consumer's credit worthiness, credit standing or credit capacity. Even though the loan exchange may not necessarily give the paying record of the consumer, the fact that it identifies sources and/or amounts of other loans is enough to qualify it as a consumer reporting agency.

It should be noted that persons who compile reports on individuals for employment purposes are also covered by the Act. Accordingly, private detectives, detective agencies, and other personnel reporting entities are consumer reporting agencies when they prepare and furnish reports to be used in connection with hiring, promotion, retention (including an employee suspected of dishonesty), or reassignment of an individual. Therefore, compilers of blacklists of potential employees are also consumer reporting agencies (and see the discussion of this subject in Question 5, Part V).

Other groups which may find themselves covered by the definition are collection agencies and collection departments of credit bureaus. The same test applies to them as to a credit bureau, loan exchange or detective agency. Often a collection agency will offer to clear its active and paid up files on a consumer free of charge as an added incentive to a client for placing accounts with the agency. When a collection agency does this, it is acting in the capacity of a consumer reporting agency and must conform to the requirements of the law.

C. What are the requirements of compliance by reporting agencies?

1. Reporting for permissible purposes.

A report can be transmitted only for a "permissible purpose" (listed in subsection A above) and for no other purpose. A reporting agency or requesting party cannot contend that the law does not apply because the report will be used for some purpose other than credit, insurance or employment and, therefore, it is not a "consumer report". The law applies because the information was collected by the agency for one or more of the permissible purposes and, therefore, it is not available except for those purposes. The two exceptions to this are reports which are given pursuant to court order, and furnishing a report in accordance with the subject's written instructions.

In order to comply with the "permissible purposes" section, reporting agencies are required to take all steps necessary to insure that its consumer reports are given to those who will use them for permissible purposes only. This would include having written agreements with their customers not to seek reports except for permissible purposes. Identification procedures for those who seek reports should also be stringently enforced. After identification, a user of reports must certify (either by initial contract or upon each request) the purpose for which they are requested and that the information will not be used for any other purpose. While such certification need not be a notarized statement, there should be a contract or notation in the reporting agency's files which indicates that the question was asked and just what the answer was.

Reporting agencies must take care not to set up agreements with fictitious creditors. Some verification such as an on-site visit to the prospective user's place of business will be needed if the agency is not familiar with the party with whom it is dealing. Further, checking references of the prospective user such as a banker or other business-house should be employed. It is important to note that every reporting agency should have some system by which it verifies that it is dealing with a legitimate business having a "permissible purpose" for the information reported.

2. Accuracy.

It is a requirement of the Act that every reporting agency set up reasonable procedures to assure the accuracy of the material contained in the reports. The law does not specify the precise procedures a reporting agency must follow. These may vary depending on the size of the agency and the type and volume of reports that it issues. One of the most significant compliance procedures to assure accuracy will be the training of new personnel and the retraining of current employees from time to time. Even isolated instances of error should be followed up and procedures adjusted in order to correct the cause of the error.

The obligation to assure accuracy applies to all aspects of the handling of consumer information. Thus, not only must the accuracy of information and the reliability of sources be determined at the time information is gathered, but procedures should be employed to assure that data is properly recorded and reproduced when reports are prepared. The requirement in the law that steps be taken to promote accuracy also requires periodic reevaluation of data to determine whether it has become obsolete or misleading with the passage of time. In a similar vein, care should be taken to indicate the context or purpose for which certain information originally was collected to minimize the risk that it will be inaccurately interpreted when used for a different purpose or in a different context than the one in which it orginally was generated.

Consumer reporting agencies employing automatic data processing equipment, particularly agencies that transmit information over distance by any mechanical means, must exercise special care to assure that the data is accurately converted into a machine-readable format and that it is not distorted as a result of machine malfunction or transmission failure. Procedures also must be adopted that will provide security for such systems in order to reduce the possibility that computerized consumer information will be stolen or altered, either by authorized or unauthorized users of the information system.

Whenever possible, adverse information should be verified by more than one source. Further, in our view, practices such as maintaining quotas on the development of "protective" or adverse information by investigators, and recording the percentage of cases in which an investigator has recommended that the applicant be denied, should be discouraged. Such practices are clearly inconsistent with the Act's policy of accurate credit reporting because they tend to put pressure on the investigator to write as many adverse reports as possible.

3. Keeping the file current.

Consumer reporting companies are required to see to it that their files are current. Upon discovery, stale information should be deleted from reports. The Act spells out the length of time during which adverse information may be reported. After the expiration of the specified time period, such information should be deleted. The reporting of information that should have been deleted is a violation of the Act.

Bankruptcies:

Bankruptcies which occurred more than fourteen years prior to the report cannot be reported by a credit reporting agency. The formation. Consumer reporting agencies with fourteen years begins when the bankruptcy Referee or other competent court adjudicates the consumer bankrupt. It should be noted that in the staff's view wage earner plans under Chapter 13 of the Bankruptcy Act should not be considered bankruptcies for purposes of this part of the Act.

Suits and judgments:

These may be reported for seven years from the date of entry or until the Statute of limitations (if any) expires, which ever is the longer period.

Tax liens:

Paid tax liens may be reported for seven years from the date of payment.

Accounts placed for collection:

After seven years, such accounts, along with those charged to profit and loss, should be deleted. There is, of course, some question as to when the seven year period begins to run. One reasonable interpretation is that it should be the date of the last transaction on the account, either a charge or a payment.

Records of arrest, conviction, etc.:

Records of arrest, indictment or conviction of crime cannot be reported when they exceed by seven years date of disposition, release or parole. It would appear that if the communication of the record itself is prohibited, communication of the record through another source is also prohibited. Thus, obtaining the fact of the arrest, etc., from a contemporaneous newspaper article, or even from an interview, would subvert the purpose of the Act and is also within the subsection.

Other adverse information:

Any other adverse information, more than seven years old, should be deleted from consumer reports.

Agencies should be encouraged to keep and dispense only fresh information. If there is any question about the Statute of Limitations, or about whether information is obsolete, prudence would dictate deletion of such from the consumer's report.

It should be noted that the above provisions with regard to obsolete information need not apply in the case of a credit report to be used in connection with:

a. A credit transaction involving a principal amount of $50,000 or more;

b. The underwriting of life insurance in a face amount of $50,000 or more; or

c. The employment of an individual at an annual salary which at the time equals or exceeds $20,000.

If information is preserved for the category of $50,000 or more transactions exclusively, there must be procedural safeguards to avoid its use in impermissible transactions. Thus, it should be filed separately, and the separate file should be callable only after a procedure requiring an internal management decision that one of the conditions in Section 605(b) is met.

4. Disclosures to consumers.

(a) Access to file

Any consumer who offers proper identification to a consumer reporting agency and requests disclosure of what is in the agency's file on him, shall be told clearly and accurately everything that is in his file including sources of the information (except as noted in the paragraph below). The Act uses the term "nature and substance" of the information because Congress recognized that in some cases the coded information or "common language" information (for example, the term 'I-4' means past due installment contract) if given verbatim would be meaningless to the consumer. It puts the burden on the reporting agency to explain each item in the file. A mere summary of the information will not comply with the Act. Everything in the file, no matter how or where it is stored, must be disclosed to the consumer when he makes a proper request for such information. Consumer reporting agencies with offices in more than one location must disclose all of the information on a consumer on file in any and all of their offices. The consumer need not be shown the file itself and the consumer has no right to physically possess or receive a copy of the report.

There are two exceptions to the requirement of full disclosure, the first of which is medical information included in the consumer's file. This need not be disclosed to the consumer by the reporting agency. Medical information includes records from physicians and medical facilities, and does not include comments on a consumer's health by non-medical personnel. Also the sources of "investigative information" need not be disclosed in a consumer interview. However, if there is a law suit by a consumer under this Act, the sources of investigative information shall be available to the consumer under the appropriate legal procedures in the court in which the action is brought.

Reporting agencies must disclose to the consumer the names of any parties who have received employment reports within the past two years and the names of others who have received reports for any other purposes within the past six months from the date of the interview. No sources of information or recipients of reports need be named which were in the file prior to the effective date of the Act, April 25, 1971. However, if the information is still in the credit reporting agency's file on April 25, 1971, it must be treated in compliance with this section.

When a consumer requests an interview with a credit reporting agency, the interview should be set up during normal business hours and on reasonable notice. Unusual or restrictive hours would be considered a violation of the Act. If the consumer cannot come to the office during normal business hours, the reporting agency should specifically inform him that he may have a telephone interview. Nothing in the Act prohibits interviews after normal business hours if that is mutually agreeable to consumer reporting agency and the consumer.

While the consumer is required to give reasonable notice of his desire for an interview, this should not be used as a means of making it difficult for the consumer to obtain information to which he is entitled.

If the consumer appears in person, he must furnish proper identification. If he takes advantage of his right to have the information by telephone, he should have previously made a written request with proper identification and the toll charge for the telephone call, if any, should be paid by the consumer.

The consumer reporting agency should have trained personnel to explain to the consumer any information furnished to him in accordance with the Act. The consumer may be accompanied by another person of his choosing. The agency may require the consumer to furnish a written statement which grants the reporting agency permission to discuss the consumer's file in front of the other party.

(b) Procedure in the case of disputed accuracy.

If a consumer questions the accuracy or believes more should be said about an item of information in the credit reporting agency's file, the agency is required within a reasonable period of time to reinvestigate that information and record the current status in the consumer's file. In conducting a reinvestigation an agency must make a good faith effort to determine the accuracy of the investigation. As a minimum, this would include checking back with the original sources of the disputed information and informing such sources of the nature of the consumer dispute. While the term "reasonable period of time" is not specific, it would be appropriate for the agency to reinvestigate the matter immediately unless there is some good reason for delay. Further, the reinvestigation must be pursued conscientiously and completed within a reasonable time

There is an exception to the requirement of reinvestigation, if the agency has reasonable grounds to believe that the dispute by the consumer is frivolous or irrelevant. This exception should not be used by agencies as a means of avoiding reinvestigation Further, the fact that there is contradictory information in a consumer's file does not by itself constitute grounds for the agency's believing the dispute is frivolous or irrelevant. The appropriate approach for an agency is to assume that the consumer's complaint is bona fide unless there is clear and convincing indication to the contrary.

If after reinvestigation the information is found to be inaccurate, the agency shall promptly delete it from its files. If it cannot be reverified, it must be deleted.

Reinvestigation and verification may require more than returning to the original source, asking the same question, and receiving the same answer. One method of reinvestigating and verifying would be to contact additional sources. Another method, if the original sources must be used, would be to explain that the original statement has been disputed and state the consumer's side, and then ask whether the sources would repeat it, qualify it, or accept the consumer's explanation. It would appear that, in such instances, it is only fair, both to the sources and the consumer, to warn the sources that their names could be discovered if litigation should ensue.

Of course, any sources volunteered by the consumer should be contacted, and any facts provided by him should also be verified in the reinvestigation.

If after reinvestigation the consumer believes his side of the dispute needs further clarification, he has the right to file a brief statement explaining the dispute. If the reporting agency helps the consumer write a clear summary of the dispute, such statement may be limited to 100 words. In subsequent consumer reports, if there is a disputed item, the agency must not only clearly note that the item is disputed but must also provide either the consumer's statement, an accurate codification of the nature of the dispute, or a clear summary of the dispute for the recipient of the report. While the agency need not do this if it believes that the dispute is frivolous or irrelevant, this should not be treated as a loophole.

In the event the reinvestigation results in deleted information or in the case of a disputed item, the reporting agency must clearly explain to the consumer that he has a right to request the agency to inform anyone who received the deleted or disputed information of the deletion or the explanatory statement, if the person received the report for employment purposes within the past two years or for any other purpose within the past six months. The agency must inform the consumer of his right to make this request at the time of deletion or at the time the statement regarding the dispute is placed in the file.

(c) Charges for disclosure.

Under certain conditions, the agency has the right to charge the consumer a fee for making disclosures to him. An agency may not charge the consumer for an interview or for the notification of previous recipients if the consumer has been denied credit for some other adverse action was taken within thirty days, either wholly or partly as a result of a report from a reporting agency. In addition, the agency may not charge him for the interview or notification if he has received a notice from a debt collection agency or department affiliated with the reporting agency, within the previous thirty days, that the consumer's credit rating may be or has been adversely affected.

Except in these circumstances, the Act provides that the consumer reporting agency may make a reasonable charge for the disclosure so long as that charge is stated to the consumer prior to the interview. Additionally, if the consumer requests transmission of notifications, statements, summaries or codifications to persons designated by the consumer, the charge shall be indicated to the consumer prior to furnishing such information and shall not exceed the charge that the consumer reporting agency would impose on a recipient of a consumer report. No charge may be made by an agency for notifying persons of the deletion of information which is found to be inaccurate or which can no longer be verified.

5. Restrictions on investigative consumer reports.

When a report is prepared that contains investigative information, adverse information from that report cannot be used again unless the adverse information has been verified again in the process of making the second report (unless the adverse information is not more than three months old). Adverse public record information is exempted from this prohibition. Thus, if in a previous report there was included adverse comment made by a neighbor, it may not be used in a subsequent report unless it is rechecked or had been received within the prior three months.

6. Reporting public record information for employment purposes.

If any agency includes in an employment report matters of public record which are likely to have an adverse effect upon a consumer's ability to obtain employment (or to be retained or promoted) the reporting agency must comply with one of the two following alternatives:

(a) At the time an agency reports adverse public record information, the agency must notify the consumer that it is including that information in the report and it must give the consumer the name and address of the employer (or prospective employer) to whom the information is being reported, *or*

(b) The agency must maintain strict procedures designed to insure that such public record information is complete and up to date. For example, items of public record relating to arrests, indictments, convictions, suits, tax liens and outstanding judgments are up to date if the *current* public record status of the item (at the time of that report) is reported.

DISCLOSURE TO GOVERNMENTAL AGENCIES

We have discussed previously the right of government agencies to obtain consumer reports when the purpose for which they are to be used is one of those listed as permissible under the Act. When files are requested for *any other reason*, governmental agencies are limited to obtaining identifying information. Such identifying information includes the name, address, former address(es), place(s) of employment or former place(s) of employment of the subjects. Nothing else may be disclosed to a governmental agency unless the governmental agency's purpose falls within the permissible purposes requirement. For instance, if a government representative is looking for a fugitive from justice or examining an income tax return, then Section 608 would apply because these are not one of the permissible purposes of consumer reports. On the other hand, if the government agency has a lien against the taxpayer and wants to know from the credit record whether the man can pay, this is a permissible purpose and a full credit report may be given.

This points up the importance of having each government agency representative complete a form on which he certifies the specific purpose of the report he is requesting, that it will be used for no other purpose, and that it will not be given to any other agency. Based on that form, the reporting agency then can make a determination as to whether a full report will be given or identifying information only. The burden is on the reporting agency to make this determination and to be prepared to justify the giving of a report in the event its actions are questioned. If a full report is needed by a government agency for a non-permissible purpose, the government agency can seek a court order or obtain the consumer's written permission for release of the report. The government agency's own administrative subpoena would not qualify as a court order.

III. Compliance Obligations of Users of Consumer Reports.

A. The general rule.

As indicated at the outset of this discussion, the Fair Credit Reporting Act imposes obligations on persons who obtain credit information and other types of personal information from a consumer reporting agency before making a decision to extend credit, offer to underwrite insurance, or offer employment to a consumer. Basically, the obligation takes the form of disclosures which, depending on the circumstances and the nature of the information obtained, must be made at certain points in the credit, insurance, or employment granting or denial process.

B. Adverse action on the basis of a "consumer report".

The Act provides that (a) whenever credit or insurance for personal, family, or household purposes involving a consumer is denied or the charge therefor is increased, or (b) whenever employment (including "employment purposes" as defined in Section 603(h)) involving a consumer is denied, either wholly or partly because of information contained in a "consumer report" from a "consumer reporting agency", the user of the consumer report shall so advise the consumer of that fact and shall supply him with the name and address of the consumer reporting agency making the report. The information in the report need not be adverse to trigger this requirement, so long as the user's action is due in whole or in part to the information in the report.

Compliance with the foregoing requirement may be achieved by a form letter which informs the consumer that credit, insurance or employment has been denied or the charge, increased because of information received from a specified consumer reporting agency. The letter must of course set forth the name and address of the agency making the report. Although the Act does not specify that disclosure must be made in writing, this procedure is strongly recommended because it provides the user with the best form of evidence that he has taken reasonable steps to comply with the Act's requirements. It is recommended that copies of such disclosures provided to consumers be retained for two years since that is the applicable statute of limitations for most civil liability actions wihch may arise under the statute.

C. Adverse action taken on the basis of information other than a "consumer report".

The Act provides that whenever *credit* (not insurance or employment) for personal, family, or household purposes is denied or the charge for such credit is increased, either wholly or partly because of information obtained from a source *other* than a consumer reporting agency bearing upon the consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, the user of such information must (1) communicate the adverse action to the consumer and (2) clearly and accurately disclose to the consumer his right to make written request for disclosure of the information that resulted in such adverse action. If the consumer makes such a request within 60 days of being notified of the adverse action, the user of the information must, within a reasonable period of time, disclose the nature of the adverse information to the consumer.

In our view, compliance with this requirement would be met by a form letter which informs the consumer that credit has been denied (or the cost increased), and that he has the right to obtain a statement setting forth the reason for such adverse action if he makes written request for such reason within 60 days of receipt of the letter. When a consumer does make such a request, he need not be told the *source* of the information (by name), although he may be so informed, but the law contemplates that he will receive the information itself plus sufficient identifying information concerning the source to permit him to verify the accuracy of the information. A sample "nature of information" disclosure letter which meets this requirement may be found in the appendix at p. 1. There is no reason why a creditor could not disclose the nature of the information at the time of informing the consumer that credit has been denied. The statute does not specify such a procedure, but for those creditors who choose to do so, there is no objection to it.

D. The user of investigative consumer reports.

The Act provides that a person may not procure or cause an investigative consumer report to be prepared unless he clearly and accurately discloses to the consumer the fact that a report, including information as to the consumer's character, general reputation, personal characteristics and mode of living, as applicable, may be made. The disclosure must be made clearly and conspicuously in writing and, while not required, it should be in a form which the consumer may retain. It must be made not later than three days after the date on which the report was requested. However, this disclosure may be made in the application for credit, insurance, or employment so long as it is not obscured by other language in the application.

The disclosure should contain three things. First, it should inform the consumer that an "*investigative report*" or "investigative consumer report" may be requested. Second, it should disclose what is meant by this term, that is, interviews with neighbors, friends, associate, etc. to determine the applicant's general reputation, personal characteristics and mode of living. Third, it must inform him that he has the right to make a written request, within a reasonable period of time, for a complete and accurate statement as to the nature and scope of the investigation which is being requested. Further, if the consumer requests such further information, it must be provided to him not later than five days after his request is received.

The staff of the Commission has developed a sample form of disclosure which in its view meets the investigative report notification requirements discussed above. The sample form appears in the Appendix at p. 2. Since the additional disclosures required by Section 606(b) must be tailored to fit the particular situation, it was not practical to formulate a sample disclosure. In our view, however, the Act contemplates that the consumer who requests such additional information will receive a complete and accurate description of the questions asked and disclosure of the number and types of persons interviewed and the name and address of the investigating agency. Providing the consumer with a blank copy of any standardized form used to transmit the information from agency to user would comply with this requirement of the Act. It is not necessary to provide the consumer with a copy of the completed report, nor reveal the names of the sources of information.

It is important to note that the requirement of disclosure that an investigational report may be made does *not* apply to any employment purpose (hiring, retention, promotion, etc.) for which the subject has not applied. This disclosure requirement only applies to an investigative consumer report for employment purposes which is requested in connection with employment, promotion or reassignment for which the employee has specifically applied.

If an employer, regularly, or on a random basis, has such reports prepared as part of his personnel procedures for evaluating his employee, no pre-report notification under Section 606(a) of the Act need be made. However, should adverse action be taken, either wholly or partly as a result of information obtained in any consumer report, disclosure to the employee must be made that the adverse action is being taken because of the report and the reporting agency must be fully identified.

One further point bears mention in connection with the use of investigative consumer reports. Any creditor, insurer, or employer who uses his own staff to conduct the investigation in connection with a consumer's request for credit, insurance, or employment is not obtaining a "consumer report" when he does so. The Act limits "consumer reports" to communication of information to *third parties*. An employee reporting to his employer is not reporting to a third party. Accordingly, any such report would be exempt from the statutory requirements. However, in our view it is clear that when one person or legal entity investigates a consumer and reports to another unrelated entity, it is reporting to a "third party" and therefore it is a consumer reporting agency and the recipient is a user (with the attendant user's disclosure obligations).

E. Exceptions to the definition of consumer reports.

Since users of consumer reports and investigative consumer reports have certain obligations imposed by the Act in connection with their use of such reports, it is important at this point to note the exceptions to the term "consumer report".

1. Reporting your own experience.

The term "consumer report" does not include any report composed entirely of information as to transactions and experiences between the consumer and the person making the report. This exception was designed to cover so-called trade experience furnished by a creditor to other creditors of the consumer. It also covers verification of past and present employers, salary, and other items included by the consumer on his application for credit.

It is important to note that the exception to the definition of "consumer report" which encompasses trade reference information is limited to "transactions and experiences" between the person contacted for information and the consumer, of which that person has first hand knowledge. For example, if retailer A calls retailer B and asks for ledger experience with Mr. Smith, the reporting by retailer B of Mr. Smith's payment record with him would not be a consumer report. If, however, retailer B informs the inquirer that Mr. Smith pays his account with him properly, but has defaulted in his obligation to bank C, retailer B is making a consumer report, and all of the statutory obligations arising from the consumer report discussed in Part II herein would apply to retailer B. Accordingly, creditors, employers, and others who regularly supply personal information on consumers to others must take care to limit that information to transactions and experiences of which they have first hand knowledge—based on their own experience with the consumer involved.

2. Authorization for a credit transaction.

A second exception to the term "consumer report" is any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device. The foregoing exception was intended to exempt the communication of a decision by a credit card issuer with respect to a charge, made at the request of a merchant or other person who has been asked to honor a credit card by a customer. While the statute uses the language "authorize or approve," which indicates that only an affirmative decision by the card issuer is exempt from the term consumer report, the legislative history indicates that both approvals of specific extensions of credit and denials of credit were intended to be covered by this exception. The Senate report on S. 823 indicates that Congress envisioned the relationship between cardholder and card issuer to be an ongoing one in which the cardholder would always be informed as to the reasons for the denial of a specific charge. Therefore, Congress saw no need for the requirements of the Act to apply to credit card authorization or denial situation once a card has been issued and is in use, although Section 615 would still impose an obligation on the credit card issuer to notify the consumer of any reliance upon a consumer report in determining the denial. Accordingly, the Act imposes no obligation on the card issuer or the merchant when authorization of a purchase on a credit card is either granted or denied based on "in-house" information not obtained in a consumer report or from a third party.

3. The financial institution as a purchaser of dealer paper.

The third exception to the term "consumer report" covers the common situation in which a dealer or merchant attempts to obtain credit for his customer from an outside source (a finance company, for instance). The statute provides that the communication of the decision by the financial institution regarding the transaction is not a "consumer report" *if* the retailer informs the customer of the name and address of the bank, finance company, or other financial institution to which the application or contract is offered *and* the bank, finance company, or other institution makes the disclosures required by Section 615 of the Act.

Anytime a dealer calls the financial institution *before credit is extended* to inquire whether it will either extend credit directly to his customer or purchase the retail contract, and the financial institution denies the credit or increases the cost even partially because of a credit report on the consumer, or because of other information from outside sources, the dealer and the financial institution must each make disclosures to the consumer as indicated below to keep the financial institution from becoming a consumer reporting agency.

Whenever the request to purchase such consumer credit is made, the dealer must advise the consumer of the name and address of the financial institution. If the financial institution denies credit or increases its cost it must follow the normal procedures of a user of information from outside sources. That is, if its decision was based on a report from a consumer reporting agency, the financial institution must give the consumer the name and address of the agency. If its decision was based on information from a third party, which is not a consumer reporting agency, the financial institution must disclose to the consumer his right to make a written request within 60 days for disclosure of the nature of the information.

If the decision to deny credit or increase its cost is based on the financial institution's prior experience with the consumer or its general credit policy (for example, size of downpayment or maturity required) it would not need to make any disclosure to the consumer. However, a denial requiring disclosures occurs when any condition is imposed on the dealer contract on the basis of information *from an outside source.* This may include increasing the discount or dealer reserve or taking the paper with recourse. It may also include requiring a higher downpayment, shorter maturity, a cosigner or guarantor.

Since both the dealer and the financial institution will usually wish to avoid being the recipient and communicator, respectively, of a consumer report, the question arises as to what steps each may take to insure that the other performs his obligation. In our view, reasonable steps to comply with the notice requirement of Section 603(d)(3)(C) would include both an agreement between dealer and financial institution regarding the obligations of each under the Act and random checks by the institution with consumers to ascertain whether they were notified by the dealer. An example of such an agreement which is considered appropriate is found in the Appendix at p. 3.

IV. Summary: The consumer's rights created by the Fair Credit Reporting Act

The FCRA amends the Consumer Credit Protection Act of 1968 by adding a sixth Title. The basic purpose of the law is to protect consumers from inaccurate or obsolete information in a report which is used as a factor in determining an individual's eligibility for credit, insurance or employment. It does not apply to reports utilized for business, commercial, or professional purposes. It does not limit the kind of information that can be gathered, nor require reporting of "relevant" information, and it does not give consumers the right to possess physically their file or to receive a copy of it.

The new law attempts to balance the need of those who extend credit, insurance or employment to have quick and inexpensive access to the facts necessary to make a sound business decision, and the consumer's right to know of and correct erroneous information being disseminated about him. The legislation was drafted to facilitate the free flow of information about a consumer, while at the same time affording the consumer the opportunity to rectify any errors causing him unwarranted difficulties.

The major rights created by this law are as follows:

Notification of adverse action.

The consumer is given the right to be told the name and address of the consumer reporting agency when he is rejected for credit, insurance or employment at the time of such denial (§ 615(a)). In this manner, he will be made aware of the existence of any adverse information and can avail himself of the right to correct any erroneous information in his file. If credit is denied because of information from some other source, the Act gives the consumer the right to learn the nature and substance of the information directly from the prospective creditor.

Access to information in a credit file.

The consumer has the right to access to his file to learn the nature and substance of the information in the file at the consumer reporting agency, whether or not adverse action has been taken. All information in the file is available to him, with the exception of medical information and the sources of investigative information, which can only be obtained through discovery procedures of a court. The term "nature and substance of all information" means only that the individual need not be permitted to physically handle his file or receive a copy of his file. The Act does not prohibit the agency from doing either if it desires to do so. The consumer has the right to be accompanied by one other person of his choice when his file is discussed.

Sources and recipients of information.

The consumer has the right to be told the sources of information in his file (non-investigative sources) and who has received reports on him during the preceding six months for credit or insurance purposes and the preceding two years for employment purposes.

Confidentiality.

The consumer has the right to have the information in his file kept confidential and reported only for credit, employment, insurance, government license or benefit, or other legitimate business purpose; and otherwise to have information in his file that goes beyond identification kept from governmental agencies unless disclosure is ordered by court.

Reinvestigation of disputed entries.

The law requires that consumer reporting agencies reinvestigate within a reasonable time disputed items of information and correct these if found to be inaccurate (§ 611). Inaccurate or unverifiable information must be deleted from his report. If the dispute is not resolved, the reporting agency must note the existence of the dispute and enclose in the consumer's file a brief statement of the consumer's version of the dispute.

Advance notification of investigative consumer reports.

The law requires those that procure or cause to be prepared investigative reports (those that involve interviews with friends, neighbors, or any other person), as distinguished from credit reports, to inform the consumer in writing (a) that such an investigation may be made, or, if already ordered, will be made and (b) that the consumer has the right to make written request for a complete and accurate disclosure of the nature and scope of the investigation, which could be accomplished by disclosure of the items or questions which the investigation will cover, the types and number of sources, and name and address of the agency involved. This advance notice will not apply if the report is for employment for which the subject has not applied. In addition, adverse investigative information (except public record information) must be reverified before it can be included in any report made after three months (§614).

Care and accuracy.

There is the general requirement that consumer reporting agencies provide only reports requested for certain legitimate business purposes (§ 604) and that they maintain reasonable procedures to assure that recipients of the reports are authorized to receive them and to assure that reported information is not obsolete (§ 607). These procedures must also be maintained to assure maximum possible accuracy of all consumer reports.

Elimination of obsolete data; adverse public record information.

Reporting agencies have an option to follow one of two procedures: the agency must either notify the consumer when adverse public record information (such as suits, tax liens, arrests, indictments, convictions, bankruptcies, judgments) is being reported to a potential employer, or it must maintain strict procedures to verify the current status of such public record items (§ 613). As a rule, information may not be reported if older than seven years (there are a few exceptions such as bankruptcy, 14 years) and suits and judgments on which the limit is seven years or the governing statute of limitations, whichever is the longer period (§ 605).

Obtaining information in a file by false pretenses.

The law provides criminal penalties for *obtaining* information on a consumer from consumer reporting agencies under false pretenses (§ 619) and for *providing* information to someone unauthorized to receive it (§ 620).

Legal recourse.

The private enforcement provisions of the FCRA permit the consumer to bring civil suit for willful noncompliance with the Act with no ceiling on the amount of punitive damages (§ 616). The consumer may also sue for negligent noncompliance for actual damages sustained by him (§ 617). Attorney's fees, as determined by the court, will be allowed for both forms of action.

A two year statute of limitations from the date liability arises is provided for civil suits (§ 618). However, where the defendant has willfully misrepresented information required by the law to be disclosed to a consumer, and that information is material to the establishment of the defendant's liability, the statute does not begin to run until discovery of such misrepresentation.

Suit may be brought in any appropriate U.S. District Court without regard to the amount in controversy, or in any other court of competent jurisdiction (§ 618).

A consumer reporting agency any user of information, or any person who supplies information will not be subject to a consumer's civil action for defamation or invasion of privacy based upon information disclosed to a consumer pursuant to the Act, unless the information is false and furnished with malice or willful intent to injure such consumer or furnished negligently in noncompliance with the Act. However, if the consumer also obtains the information independently of the agency disclosures, such actions may be brought.

Administrative enforcement.

Compliance is enforced by the FTC with respect to consumer reporting agencies, users of reports, and all others involved who are not regulated by another Federal agency (§ 621(a)). The Commission can use its cease-and-desist power and any other procedural, investigative and enforcement powers which it has under the FTC Act to secure compliance, irrespective of commerce or any other jurisdictional tests in the FTC Act. Compliance on the part of financial institutions is delegated to those Federal agencies that exercise existing enforcement jurisdiction over such businesses (§ 621(b)).

V. Some frequently asked questions about the Fair Credit Reporting Act

1. *Question:* Is a lender's exchange which merely collects information, such as amount of loan, etc., regarding loans outstanding, and provides this information to its members on a non-profit basis, a consumer reporting agency?

Answer: Yes. Section 603(f) defines "consumer reporting agency" to include any person which ". . . on a cooperative non-profit basis regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports". Accordingly, any exchange or pool which collects information which might bear on a decision to grant credit or insurance for personal, family or household use, or employment, and disseminates this information to its members or other third parties is a consumer reporting agency.

2. *Question:* Is a motor vehicle report issued by a state agency a "consumer report"?

Answer: Yes, under the circumstances in which such a state motor vehicle report contains information which bears on the "personal characteristics" of the consumer, (i.e., when the report refers to an arrest for drunk driving). Under those circumstances, such reports issued by a Department of Motor Vehicles are "consumer reports", and the agency is a "consumer reporting agency" when it issues such reports.

3. *Question:* Is a report on an individual obtained in connection with the extension of business credit or writing of business insurance a "consumer report"?

Answer: No. While Section 604(e) of the Act makes a report obtained by a person who has a legitimate business need for information on a consumer in connection with a business transaction involving the consumer a "consumer report", other Sections of the Act and its legislative history clearly indicate that only reports obtained in connection with employment, credit, or insurance for personal, family, or household purposes were intended to be covered. Accordingly, if a report is obtained on an individual for the purpose of determining his eligibility for business credit or insurance, it is not a "consumer report".

However, when the information contained in the report was originally *collected* in whole or in part for consumer purposes, it is a consumer report and it may not be subsequently furnished in a business credit or business insurance report.

4. *Question:* Are "claims reports", "adjustment reports" or other reports obtained by an insurer in connection with an insurance claim a consumer report?

Answer: No, not at the time it is obtained. A report on a consumer obtained by an insurance company in connection with a claim against it, is not used to determine a consumer's "eligibility" for insurance, (Section 603(d)(1)) or in connection with the "underwriting of insurance involving the consumer" (Section 604(3)(c)). Neither is such a report obtained in connectiton with "a business transaction involving the consumer" (Section 604(e)), at the time it is obtained. Accordingly, such a claims report is not a "consumer report". Conversely, it would be improper to use information originally collected in whole or in part for consumer purposes in a claims or adjustment report, since such reports are not "in connection with a business transaction involving the consumer".

If, however, a claims report is obtained, and later used in connection with a decision to cancel, to refuse to renew, or to increase the premium charged for personal insurance for the consumer (or to take similar action in respect to specific benefits such as disability income benefits and workmen's compensation benefits provided under such policy), it is a "consumer report" when so used, and the applicable disclosures under Section 615(a) would have to be made.

5. *Question:* Many trade associations and other organizations issue "protective bulletins", lists of consumers who have issued bad checks or who for some other reason may not be credit worthy, and lists of persons whose alleged personal characteristics or affiliations disqualify them for employment. Under FCRA, are such lists considered "consumer reports" and, if so, may they be distributed?

Answer: Yes, they are consumer reports; no, they may not be distributed. The purposes for which a consumer report may be distributed are set out in Section 603(d) and 604 of the Act. Both Sections require that a report must be "used or expected to be used or collected . . . as a factor in establishing *the consumer's* eligibility for" certain things such as consumer credit or insurance; or, "to a person which . . . intends to use the information in connection with a credit transaction involving *the consumer* on whom the information is to be furnished. . . ." (Emphasis supplied) Since these lists, which are in effect a series of consumer reports, contain information on consumers who may never have a transaction with the recipient of the list, the distribution of such lists is prohibited.

6. *Question:* May a consumer reporting agency furnish a consumer report to another consumer reporting agency for the purpose of selling such report to a subscriber?

Answer: Yes. Assuming that the consumer reporting agency seeking the report has had a request for a report on the subject of the report from one of its subscribers, it would have a permissible purpose for obtaining it under Section 604(E) of the Act. Accordingly, there would be no bar to an agency furnishing such a report.

7. *Question:* Does a mortgage banker or

financial institution become a consumer reporting agency by transmitting a consumer report or information obtained from outside sources to another party involved in the same transaction?

Answer: No. The mortgage banker or financial institution would not become a consumer reporting agency since it is a joint user of the same information with the other party involved in the same transaction. For example, a financial institution does not become a consumer reporting agency by transmitting such information to an insurer or guarantor (as in the case of FHA, VA, private insurers or insured student loan programs), or to a participating financial institution in connection with the same transaction, or to a collection agency in connection with its efforts to collect on the transaction.

APPENDIX

I. Sample (nature of information) disclosure required of users under section 615(b) of the FCRA.

Mr. HARRY DOE,
Anytown, USA.

DEAR MR. DOE: In response to your request for a statement of our reasons for turning down your recent application for credit, our records reveal that your application was not approved because:

Your employer informed us that you were a part-time rather than full-time employee.

or

A department store in this city told us that you were several months behind on your payments.

or

The local branch office of a finance company informed us that it had turned your account with them over to a collection agency.

or

A bank in this city told us that your checking account was consistently overdrawn.

We appreciate your patronage, and invite you to shop with us on a cash basis.

Very truly yours,

RICHARD ROE,
Credit Manager.

II. Acceptable disclosure of investigative consumer reports under §606(a) (1)

[This is to inform you that as part of our procedure for processing your (initial insurance) (renewal insurance) (credit) (employment) application] [when a separate notice is used]

or

[In making this application (for insurance) (for credit) (for employment) (when disclosed in the application*) it is understood that] an investigation may be made whereby information is obtained through personal interviews with your neighbors, friends, or others with whom you are acquainted. This inquiry includes information as to your character, general reputation, personal characteristics and mode of living. You have the right to make a written request within a reasonable period of time to receive additional, detailed information about the nature and scope of this investigation.

III. Appendix 603(d) (3) (C) contract

ABC FINANCE COMPANY.

DEALER NAME & ADDRESS.

GENTLEMEN: Pursuant to provisions of the Fair Credit Reporting Act (Public Law #91-508—Title VI of the Consumer Credit Protection Act) and in connection with retail installment sales transactions submitted to us for purchase, the law and this agreement requires you to notify each prospective purchaser of our name and local branch address when such purchase is intended for personal, family or household use.

This letter constitutes your representation and warranty to us that you will fully comply with the foregoing requirement.

Kindly confirm and acknowledge this understanding by signing the duplicate copy of this agreement which should be returned to us in the enclosed business reply envelope for which no postage is required.

Thank you for your cooperation.

——— ———,
Manager.

Agreed:

——— ———,
———.

EQUAL TREATMENT FOR PUERTO RICO

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. BADILLO. Mr. Speaker, on several occasions I have called to our colleagues' attention the fact that American citizens in Puerto Rico are being discriminated against and that these 2.7 million men, women, and children are not receiving their full and fair share of Federal assistance.

Aside from being specifically excluded by statute from a number of Federal programs, Pureto Rico is the victim of discrimination in more subtle ways, such as the imposition of unrealistic and arbitrary ceilings or outmoded formulas based on the low average per capita income of the island. Not only have American citizens in Puerto Rico been treated as second-class citizens for countless years but this situation is being perpetuated through ill-conceived legislative and executive programs. The welfare program—family assistance and aid to the aged, blind, and disabled—of H.R. 1, for example, provides that Puerto Rico will only participate to the extent of 55 percent as that of the 50 States.

There is no sound reason why Puerto Rico should not be treated the same as one of the States and reforms must be made now. In my speech of May 4 I called upon our colleagues in both bodies to see to it that Puerto Rico is included and equitably treated in every piece of legislation coming before the Congress.

I am delighted to report that the distinguished Governor of Puerto Rico—the Honorable Luis A. Ferré—has joined in this effort to end the present discrimination and to achieve full equality with the mainland. In a recent conference with the President, Governor Ferré urged that the island be given a full share of available funds and that Puerto Rico receive equal treatment as soon as possible.

I am especially pleased that Governor Ferré has raised this issue with the President as he is the chief spokesman for the Commonwealth. Furthermore, as he is affiliated with the Republican Party, Governor Ferré's participation in this important undertaking clearly makes it bipartisan and, I am hopeful, it will lead to even broader bipartisan support for meaningful and effective reforms.

Mr. Speaker, last weekend a front page article appeared in the San Juan Star regarding the Governor's meeting with the President and his call for equality. I am anxious to share with our colleagues the Governor's message and I present herewith, for inclusion in the RECORD, excerpts from the San Juan Star article:

[From the San Juan Star, May 29, 1971]

FERRÉ ASKS FULL SHARE OF U.S. AID FOR PUERTO RICO—NIXON TOLD "PUERTO RICO NEEDS LIKE STATES"

(By Ed Konstant)

WASHINGTON.—President Nixon was asked Friday by Gov. Ferre to help end the "discrimination" against Puerto Rico in federal aid programs by giving it a full share of available funds.

Ferre's strongest request to date for "equal treatment" with the states was made during a 25-minute meeting between the two at the White House. Ferre also talked with Nixon about his plan to create a North-South Center of "understanding" in Puerto Rico and the Commonwealth's desire to maintain a flexible minimum wage policy on the island.

"I think he was very understanding," Ferre said of his conversation with Nixon. "His comments made me feel he appreciated them." However, when asked whether he received any commitments from Nixon, he replied:

"Presidents never make commitments."

Thes Governor was accompanied by his daughter Rosario Ferre De Trigo when he arrived at the White House for his appointment with the President. His daughter was also with him on his last meeting there with Nixon in 1969, through the two men have talked briefly in between, most recently at the Republican governors conference in Williamsburg, VA. Nixon walked down the path with the Governor and his daughter to their waiting limousine as they left the executive mansion at 11:25 a.m. They chatted and laughed, pausing halfway as photographers clicked away and newsmen sought to catch an earful of the conversation.

Just before reaching the limousine, the Governor invited the President to make a visit to Puerto Rico. But Nixon was noncommittal, noting that he frequently made trips to Florida and the Bahamas.

Ferre made a point of stressing the natural attractions of El Convento Beach near Fajardo. Calling it the "most beautiful" place in the world, the governor told his host, "you'll love it." Nixon, he said later, received the invitation "courteously" but would not commit himself.

Meeting with newsmen later at his press conference, Ferre said he told the President setting a limit on appropriations for Puerto Rico is "not really fair" because the Commonwealth has the "same needs as the states." There should be no discrimination between them, he added, regardless of the fact that Puerto Rico does not contribute to the federal treasury.

Ferre cited the proposed welfare reform legislation in Congress as an example. To deny Puerto Rico full participation, he said, only helps to perpetuate widespread poverty on the island. It was similar to comments made several days ago by Rep. Herman Badillo, D-NY., though less vehement.

The Governor said the 58 per cent share Puerto Rico would get under proposed welfare reform was akin to treating cancer patients in New York and other states, but giving the victim in Puerto Rico only "half cancer treatment."

"The present administration has done well to get us a higher percentage," the Governor explained. "But we feel that is not enough and that Puerto Rico should have equal treatment as soon as possible."

The Governor added that he told the President he feels the United States "should focus" more of its attention on South America and that a North-South Center could make Puerto Rico the link between both continents and foster a "better understanding between the two cultures."

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*Disclosure incorporated in an insurance or employment application, or other document must be clear, conspicuous, separately stated, and placed so as likely to be read.

ADDED REASONS FOR NEW ENGLAND HYDRO POWER

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. HATHAWAY. Mr. Speaker, in the past several days, there have been a number of incisive articles in the Nation's press which combine to point up the need for development by the Federal Government of a source of hydroelectric power in New England, such as was authorized by Congress in 1965 in the form of the proposed Dickey-Lincoln School power project in northern Maine. That project has since been funded in the amount of $2.2 million, with about $1.5 million still required before preconstruction planning can be completed and actual building of the facility gotten underway. Last week, I requested that the House Appropriations Subcommittee of Public Works include $800,000 for continued preconstruction planning funds for the project in the fiscal 1972 public works appropriations bill.

In the past, the argument for the introduction of hydroelectric power to New England has generally centered on the power-reliability, nonpolluting, and reduced-cost aspects of such a source. But as the following articles suggest, the argument is gaining the force of new considerations. The first of these, suggested by Tom O'Toole in the Washington Post, Joyce Eggington in the Los Angeles Times, and the May 28 edition of the Rural Electric Newsletter, is that this country cannot afford to place too much reliance on nuclear power as the solution to our critical need for sources of electric energy. The second, detailed in an article by Robert L. Miller in the Bangor, Maine, Daily News, points to the prospect of massive hydroelectric-power development in Canada, and the consequent irony of paying our northern neighbor considerably more for a product we could provide ourselves at little cost.

The articles referred to follow:

A-PLANTS FACE DELAYS AFTER FAILURE IN TESTS

(By Thomas O'Toole)

At least five and as many as 56 atomic power plants being built in the United States face construction and operation delays as the result of tests showing possibly defective designs in their nuclear-fueled reactors.

The five plants alone represent an investment of more than $1 billion and an electric power output of more than four million kilowatts, enough to light up a city the size of Chicago. Long delays in these plants could trigger power crises in Florida, New York and Michigan, where they are being built.

Far more serious is the impact long delays might have on 51 more plants being built or about to be built; these account for more than 42 million kilowatts of planned power and an investment of over $10 billion in more than 20 states. Lengthy delays in their construction could trigger a nationwide power shortage.

The delays were caused by six straight failures of laboratory-sized atomic reactors to cool themselves down in emergencies called "loss of coolant" failures. Each time, the emergency procedure for cooling down the hot nuclear cores backfired in tests, causing the simulated reactors to close themselves down.

"These tests were not fair models of real reactors," one Atomic Energy Commission official said. "Nevertheless, we have to be concerned by the failures and the outside possibility that we might have a fundamental problem in design."

The chances of basic design problems are slim, AEC officials said. But if the emergency coolant designs don't work it would affect the nuclear plants being built and the 16 plants already in operation.

If the designs prove defective, plants operating today might have to be closed while the designs were being corrected.

"We have told five utilities they can expect licensing delays on five nuclear power plants," an official of the TEC's regulatory staff said yesterday.

"These five were chosen because they were all at a juncture where some action had to be taken. They had to be told they could not meet their deadlines."

The five utilities are Consolidated Edison Co. and Long Island Light Co., in New York, Florida Power & Light Co., and Detroit Edison Co. and Consumers Power Co. in Michigan. The Con Ed, Florida P&L and Consumers Power plants are ready to begin producing electricity; the other two are about to begin construction.

The length of the operation and construction delays is anybody's guess. One AEC official said the five utilities can expect delays of at least one month and probably three months.

The tests that turned up the loss-of-coolant failures were what engineers call "blowdown" tests. They were conducted on semiscale reactor mockups at the National Reactor Testing Station in Idaho Falls, Idaho.

In the tests, engineers pretended that a water-cooled reactor under pressure had suddenly lost its cooling water at the same time that it suffered a "blowdown," which is a rupture in the piping that carries the coolant through the reactor.

The tests showed that when emergency water was flooded in through the piping to cool down the core, it did not get to the core because pressurized steam built up and wouldn't let it in.

"The tests seemed to indicate," one source said, "that there is a possibility the steam pressure within the vessel could prevent the core cooling water from entering the vessel. It appeared as if the core cooling water was being forced out of a break in the recirculation loop."

Engineers noted that the test results don't prove a design defect, since the tests were carried out on a model vastly different from a full-scale reactor. Only one prime coolant loop is used in the model, whereas four are used on real reactors.

Nonetheless, the test results were viewed as serious in the most conservative AEC circles.

"If you get a loss of coolant and then a loss of emergency coolant in a real accident," one official said, "your reactor core would overheat and probably melt under temperatures in excess of 5,000 degrees.

"The core would probably crumble," he went on, "and although you've got 10 or 12 feet of reinforced concrete under the core it might melt through all that. There would be steam explosions and there is a possibility of the reactor bursting. Nobody knows for sure what would happen."

SCIENTIST WARNS OF LIVING NEAR NUCLEAR REACTOR

(By Joyce Egginton)

NEW YORK.—Anyone born within a 50 mile radius of a nuclear reactor, particularly a reactor of the boiling water type, has a less-than-normal chance of surviving the first year of life, an expert in radiation physics told a public hearing in New York State.

This opinion, backed by statistical evidence, was advanced by Ernest J. Sternglass, professor of radiology at Pittsburgh University, in opposition to a proposal to build a huge reactor on Long Island Sound, 50 miles from New York City.

During the past six months Sternglass, helped by a small team of research assistants, has been investigating the effects of escaping radioactive gases and liquids from nuclear reactors. In 11 out of the 12 reactors investigated he claims to have found "a perfect correlation" between increases in infant mortality and increase in the escape of radioactive substances. (The 12th, in a sparsely-populated area of Massachusetts, is regarded as an unusually "clean" reactor.)

The relationship between the two sets of statistics has never been looked at before, says Sternglass. The Atomic Energy Commission and similar authorities in other western countries have always set their permissible limits for escaping gases according to the known tolerance of adults.

But, he asserts, radiation levels hundreds of times below these limits can be deadly to the human embryo. He urges that the building of all new reactors cease immediately and that existing ones be either put out of action or fitted with devices to trap all the gaseous emissions.

"The technology for doing this has existed for 15 years, but it has not been applied to reactors because it is very costly and was thought unnecessary," Sternglass maintains.

Sternglass caused considerable controversy almost two years ago when he announced his theory that radioactive fallout from atomic tests had caused genetic damage to humans. He claimed then that there was a direct relationship between formerly inexplicable rises in the incidence of infant mortality and infant leukemia in certain areas and the path of the fall-out from major nuclear tests, before the 1963 test ban.

These peaks in infant mortality sometimes persisted until five years after the fall-out, Sternglass said, suggesting genetic damage to parents before their children were even conceived.

Sternglass has been criticized for these conclusions by nuclear scientists, and particularly by the Atomic Energy Commission.

But so far, no one has been able to disprove them and there has been a small but growing body of support for him among American scientists. He is continuing his research on radiation hazards, helped by a team of enthusiastic students at Pittsburgh University.

"It had not occurred to me that there were any serious hazards from nuclear reactors until last year, when I read the AEC statistics of how much radioactive gas is coming out of the stacks and into the rivers," Sternglass said in an interview. "Before that, for the whole of my professional life, I was convinced that since it is possible to make the air in a nuclear submarine safe for men to breathe for three months, nuclear reactors were made equally safe for the surrounding population. But then I started to check the facts."

He and his assistants began by visiting Dresden, Ill. 45 miles south-west of Chicago. The Dresden reactor, located in an area of dense population, began leaking in 1961 and did so at an increasing rate until 1966, Sternglass determined from official statistics. He also found a corresponding rise in the incidence of infant mortality, from 24 to 25.5 per thousand live births, for the same period, tapering off beyond the 5-mile radius. Most of the babies died in the first few days of life from respiratory diseases and general immaturity.

"The most significant piece of evidence is that in Grundy County, where the plant is situated, the births of premature babies rose by 140 per cent between 1964 and 1966," Sternglass said. By 1968 the Dresden area's excess of infant mortality over a comparable area in the Middle West—Ohio, which had much the same infant mortality rate before the reactor started—was such that 4,000 more babies had died in the neighborhood of the reactor.

Sternglass believes that most, perhaps all, of the 4,000 deaths are directly attributable to nuclear leakages, although these fell well within the AEC's acceptable limits.

These limits, based upon the reliable amounts of X-rays that can be used upon adults "misrepresent the biological hazards," Sternglass maintains. They also fail to take into account the way in which radioactive material may be recycled in local food supplies and water.

He believes that the hazards increase with proximity to the reactor. "At five miles distance it is ten times worse than it is 50 miles away. People living really close to a plant are suffering without knowing it."

The Sternglass team found that Dresden was not an isolated case. There was a comparable increase in infant mortality near 10 other U.S. reactors visited.

Sternglass feels that the pressurized water reactors are safer than the boiling water variety, although the hazards are still considerable. The 19 nuclear power plants which existed in the United States at the end of 1970 are fairly equally divided between the two. Eleven more are scheduled to be completed this year, mostly to generate electricity.

N-Plant Problems Add To Power Crisis

Design problems in several large nuclear power plants could trigger power crises in Florida, New York and Michigan.

The Atomic Energy Commission said Wednesday it is reviewing a technical problem which could cause delay in making five atomic power plants operational in those states. The AEC said there is an outside chance that if the problem proves to be of sufficient importance, some of the 21 plants now operating might have to close down temporarily.

Far more serious is the impact long delays might have on 51 more plants being built or about to be built. These account for more than 42-million kilowatts of planned power and delays would cause further shortages of power all across the nation.

The delays in the five plants now undergoing licensing procedures were caused by six straight failures of laboratory sized atomic reactors to cool themselves down in emergencies called "loss of coolant" failures.

An AEC official said that the five utilities can expect licensing delays on the power plants of at least a month and probably three months.

The five plants are the Palisades plant operated by Consumers Power Co. of Michigan, Enrico Fermi plant by Detroit Edison of Michigan; Consolidated Edison of New York's Indian Point; the Shoreham operated by the Long Island Lighting Co., Long Island, N.Y.; and the Turkey Point plant of Florida Power and Light.

Quebec Would Dam 10 Rivers for Power

(By Robert L. Miller)

Toronto.—While urban Americans are dusting off their air conditioners and steeling themselves for the inevitable power "brownouts" this summer, Quebec Premier Robert Bourassa is making long-range plans to come to the rescue.

Hydro-Quebec, a province-owned utility, already has agreed to provide extra power to New York's mighty and sometimes maligned Consolidated Edison during the peak summer months of electricity consumption.

But that's for this year. In the years ahead, according to every known study, the U.S. shortage of energy—particularly hydroelectric power—is going to become more acute. If New York needs emergency help in 1971, what in the world will it do in 1981?

Premier Bourassa says he has the answer, and he has announced that his government will go ahead with an almost-fantastic plan to harness the wild rivers running through Northern Quebec into James Bay in the sub-Arctic.

Bourassa's James Bay project is so huge that the premier doesn't even know what it will cost, although he estimated a total outlay of from $5 billion to $6 billion.

Involved in the plan, whose final details have not been revealed, is the damming of no fewer than 10 rivers and the diversion of five others. The 10-year development will require construction of hundreds of millions of dollars worth of roads and other facilities in what is now virtual wilderness.

The James Bay plan dwarfs the giant Labrador hydro project at Churchill Falls, where $800 million has been earmarked to generate electricity ultimately intended for New England.

According to insiders in Montreal, fundamental to the James Bay project is a deal—volume and price-per-kilowatt are yet to be finalized—between Hydro Quebec and Con Ed, under which the New York utility will buy huge quantities of power over something like two decades.

It is also understood that Con Ed has agreed to help Quebec raise capital in the New York money market. On his recent trip to Europe, Bourassa sounded out potential investors in the James Bay scheme and reportedly closed deals with West German banks and Compagnie Generale d'Electricite, France's largest manufacturer of electrical equipment.

If Bourassa, Hydro-Quebec and the northern rivers can manage to keep Mr. and Mrs. America's air conditioner operating during the summer heat waves, they will earn considerable gratitude in the United States. But Bourassa is a Quebec politician, and it is home approval that he needs.

Behind the James Bay deal, and even behind the timing of its announcement are three separate but inter-related stories of potentially large political importance in Canada.

First, Bourassa revealed his intentions at a celebration marking the first anniversary of his election as head of the Quebec government—an election in which he beat back the challenge of the separatist Parti Quebecois, largely with the help of a slogan promising 100,000 new jobs in 1971.

Today Bourassa says that the 100,000-jobs slogan was symbolic of a goal rather than a flat promise. Sadly, the jobs picture in Quebec is bleaker now than it was a year ago, thanks largely to federal anti-inflation policies and to continuing investor uneasiness following last fall's terrorist crisis.

Bourassa is concerned over his failure in the employment field, and in discussing the James Bay power project, his aides talk grandly of 146,000 new jobs including 20,000 construction openings. One thing is certain, and Bourassa knows it; somehow, he has to improve dramatically the employment picture before the next election. Otherwise, the separatists could be formidable at the polls.

Second, the Hydro-Quebec scheme presumably will proceed before any conclusions are reached in the continuing Canadian-U.S. discussions over the wisdom of developing what Washington now likes to call a "continental approach" to energy policy. The facts are, simply, that the United States is running short of energy; Canada has colossal reserves and obviously must somehow supply the U.S. demand. The questions are how and at what price the supplies will be made available. So far the federal government in Ottawa has not laid down a policy. With Hydro-Quebec going ahead with the James Bay plan, the thinkers in Ottawa may be spurred to an earlier decision.

Finally, although Bourassa has shown himself to be a fierce Quebec "nationalist" in cultural and constitutional affairs, he has been anything but nationalistic when it comes to money. At a time when many Canadian politicians are issuing solemn warnings about the perils of more foreign investment, Bourassa has been taking the opposite course. He stresses that Quebec wants all the development money it can get.

Canada's economic nationalists can be expected to criticize the James Bay plan. Besides their concern about the vast sums of foreign capital required, the nationalists also worry about what they call the sellout of Canada's resources, including hydro power. The James Bay project is expected to generate four times as much power as greater Montreal consumes today. Those 15 northern rivers are flowing right now, and have been since the last Ice Age. At the moment, the 15 combined wouldn't light a 10-watt bulb and they won't until somebody harnesses them. It is the same thing with the rest of the resources which make the nationalists so proud. They have no value until they're developed.

DR. LEWIS NOBLES

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. GRIFFIN. Mr. Speaker, on April 16, 1971, Mississippi College president, Dr. Lewis Nobles, gave an address at a dinner of Phi Delta Kappa.

Dr. Nobles expressed with great clarity and eloquence the need for discipline in all walks of life as a worthy and necessary attribute for successful and meaningful living in an orderly society.

I commend Dr. Nobles' thoughts to the attention of my colleagues:

Address by Dr. Lewis Nobles

I have had the privilege of spending most of my adult life in the field of higher education working with people of various nationalities, backgrounds, and interests. Often at these times I have found myself to be looking intently with introspection relative to this area in which I have spent most of my adult life; this view has been on some occasions critical, but always affectionate.

Before World War II America was to the rest of the world still the land of hope, of opportunity, and of promise. The American was still a curiosity abroad and he was seen as something vigorous and new, uncluttered with the traditions of the old, prosperous, bright, fresh and free.

In World War II the American was seen abroad in great numbers and in the unglamorous theatre of war, he was found indeed to be much as a man from many another land, with the same frailties and the same vanities, but he fought with riches as well as blood in a rather clear-cut defense of human liberty.

Thereafter, America was, once again, the country of hope, the people of generosity and compassion, for in 1947 the Marshall Plan was announced to a war-weary world. It was an act conceived in a spirit of friendliness and generosity and it was seen in that way. Anthony Eden described it as "the most unsordid act in history." Another European statesman called it "unparalleled in the world's history, both as to motivation and generosity."

Since that day more than twenty years ago our Nation has sent more than 175-billion dollars to help other nations, a sum not far short of being one thousand dollars for every man, woman and child in America.

Not that America has attempted to pay for its world citizenship in money alone; it has since fought wars almost alone in its difficult new role as a world policeman. It has sponsored a Peace Corps and is the cornerstone of every alliance and program for peace throughout the free world.

And in these years the American has indeed become a world citizen. His embassies and products and business men are now encountered in every land on earth.

But while all of this worldliness has been manifesting itself, something seems to have been happening at home; no one thing perhaps, but a rising frequency of worrying events. A president, his brother, and a major civil rights leader are murdered. Students demonstrate and their methods include the unlawful. Riots and bombings come to our big cities. The streets of our Nation's capital and of fashionable downtown New York City become unsafe after dark. The United States courtroom is a circus and thousands jeer when a judge charges contempt.

So, how do I answer the question of my European acquaintances when they ask, "What is happening to your country?" This is not a question of those biased against America, but of friends, many of whom have lived here, who have family here, or who have come here regularly. How is one to answer them? Indeed, something is happening in my homeland. From a distance one can take perhaps a more dispassionate view and possibly arrive at a more objective answer. This I have tried to do but I am not completely satisfied at what I have determined.

First, I have talked with many Europeans who know America well. By and large they are in all truth our devoted friends, and I have found that perhaps the best source of opinion in such regard is from other Americans living abroad and I have questioned them. Next, one comes home and gets a periodic refresher course from business and academic friends, and then, of course, there are one's friends and own children who, as all of you would recognize, are not without their own views. Add to this finally the endless reading that one does when he is concerned about his native country.

Let me try to make some observations from this background. They will doubtless be heavily colored by my own views for which I ask your patience and understanding.

One qualifying comment if I may: No country and no people can claim to have a corner on wisdom. There are glaring imperfections and problems everywhere; however, our neighbors' shortcomings don't excuse our own. Therefore, let us try to look at ourselves in comparison, but as absolutely and objectively as possible.

To begin, viewed from this viewpoint one sees much in America that is inordinately good. May I mention just three brief examples.

First, America is still the land of opportunity. It is the best thing going; hobbling traditions are at a minimum. No, you don't like the Federal tax collector and you don't like Government interference in much that you do, yet one does have here some opportunity to get ahead. In many another land this is almost impossible; the accumulation of money is viewed as a sin, not a mark of success. It is still possible in America to pay a man, to give him some incentives for performance. The individual's freedom is still greater here than anywhere else. Because of this ability to encourage and reward, this is still the land of opportunity and with that the land of innovation and of technological promise.

Second, America has the heart and courage to tackle our major problems. Whatever the past and whatever one's qualifying words, this is an act of great courage; and whatever may be the results, this is still one of man's great humanitarian efforts.

Third, and appropriate to observe on this occasion particularly, is the great strength of America's system of education. America is decades in the vanguard in making education available broadly to everyone who can benefit from it. Whatever its shortcomings, it is providing America not only with leaders and innovators, but also with a great middle strength, a fairly enlightened populace that should be able to ride out the storms that are due to continue in this world through the foreseeable future.

These are only a limited number of examples of our great good, and these are set against a background of affluence, of many strengths and accomplishments. In light of all this, what is this silliness that seems to be cluttering our minds as well as our newspapers and television sets?

Why aren't the streets of New York safe to walk on? Why is a bank smashed up down in Santa Barbara? Because some young people profess to see a bank as a symbol of the terror and oppression this country perpetuates? Why is a university president's office invaded and his personal files rifled and thrown on the floor? Why is another university president's office burned down? Why does an accused individual have to be bound and gagged for the due process of law to succeed? Why does a contempt charge against a middle-aged defense lawyer bring forth protest marchers who yell anarchy and depression? What have we done to produce youth who say that "If a society is not going to become perfect quickly, then it had better be destroyed quickly."

The anatomy of a society or country is not determined solely by its physical measurements. The availability of raw materials, the state of industrialization, the extent of education, etc., are all factors, of course, but there are others as well. They include what I will call national attitudes, the views and prejudices that come from the history and ethnic background of the society, the state of mind that reflects its traditions and experiences. National attitudes are as definite as geography. They vary greatly under seemingly similar circumstances and they must be identified and studied if a society's actions are to be understood. Let's see if somewhere in here we can find the anwers to our questions about contemporary America.

Around the start of this century America was still basically a northern European transplant. It attitudes were still European. Many of us in this very room were born into families whose disciplines and moralities were those of Victorian England. Frugality, morality, parental discipline—as rigid in Eureka as in Edinburg.

This was a national attitude, and it characterized America as much as did the fact that we had an unspoiled land of millions of square miles. The America that we inherited was not only a great land with a heritage of freedom and an economy that technology was to turn into one of new abundance, but we were a disciplined people as well.

Nature has a multitude of disciplines. As man evolved from the cave to the city, some of these disciplines disappeared, some have altered and some of them remain. An example—one's physical safety—becomes of less immediate concern. On the other hand, one of the surviving ones had been the requirement that the individual must somehow contribute to the group in a manner that would allow him to share in its bounty. Even in my boyhood days there was an idea that one must earn his living; with new concepts of social security that discipline has become much less rigid. The weakening or removal of a discipline is an event of great sociological importance. Let's look at just this one—the matter of having to be self-sufficient—of having to make one's own way. How many times do we see the decay of a family after one generation of affluence, the sons who dissipate the inheritance and pass into oblivion. Here the removal of a discipline has had no compensation, such as the application of another.

The imposition of new discipline under such circumstances does occur. The five grandsons of John D. Rockefeller are as hardworking and constructive and useful as can be. Indeed, an imposed discipline can be invoked and passed along in families and groups, but for society at large to impose a new attitude of dedication as the old restraints go away seems to be very difficult.

Now to impose an arbitrary self-discipline is no doubt hard at any time, but at this time in America's history it is more than difficult for one of the most unmistakable marks of this era and the Western World is its radical renunciation of restraints. This is the age of permissiveness.

It is as though we revolted because of a sense of guilt from the confines of mid-Victorianism. Somehow the Puritan ethic became discredited. We renounced discipline as though we now found it opposed to freedom. We rejected authority as though it were undemocratic and evil in culmination. The recent decades have seen us go through the most unbelievable contortions to attempt to become understanding of the criminal, tolerant of the lawless, and subservient to the young generation. We have become so understanding, so tolerant, so permissive, retreating before any and every attack on our old codes of restraint and discipline. We are forever on the defensive as if our every shortcoming were a crime for which we are now being found out. Yes, it would seem that it has become wrong to interfere in any fashion with the actions of anyone, no matter how they may invade my privacy or your sensitivity. Sit-ins, sick-outs, love-ins, fake-outs, we submit to them benignly as though they were as out of control as the weather. In Washington, D.C., as indeed in other places, drug taking by teenagers has become a most serious problem. A *London Times* correspondent there questioned a large number of high school teachers, and one question was about the attitude of the parents of those youngsters. The answer was, "If you ring the parents merely on suspicion, they either threaten to sue you, or say they know all about it but what can they do." No control by parents over children of high school age and no support whatsoever for the poor teacher! These are some of the marks of an attitude in our society. To the outside world many of the children of America are seen as a most undisciplined lot. I know that you recognize that as compared with the West European the American young person is allowed to run unbridled and unchecked. The American parent seems to look upon his child as the embodiment of all that is sacred, noble, and sagacious. He pampers, pets him, and serves him.

Every generation no matter what the level of discipline produces its share of dissidents, but a twenty-year-old generation that has no parental restraints and has no respect for authority could only be expected to appear as a mob of revolutionaries. Thus, if some in a university student body disagree with draft regulations, for example, is that a valid reason to shut down the whole process of education? Some in the business community, I feel certain, would disagree with many features of the Federal tax system; therefore, I suppose by the same analogy we should shut down the whole process of industrial operation and let the society go without food or clothing or transportation.

The student in our society is being accorded the supreme privilege of higher learning. Higher education whether at the secondary or collegiate level is one of the most precious privileges that society can confer, and precisely because students are so privileged, those who would destroy this privilege deserve so little themselves. Where appropriate, certainly, we should listen to our young people and we should love and understand them, but we will do well to discard the ridiculous view that all discipline of our young today must be prefaced with an apology.

It is often asked whether the young person of today is not a different creature, whether his new computerized world doesn't require that he throw off the old shackles of restraint and embrace new customs and concepts, perhaps at odds with the past.

If by that is meant shouldn't he go on with work on population control, on improving public health, on supplying broad education everywhere, on preserving the environment, the answer is an unqualified *yes*.

But if the question implies that the next generation and the one after that are a new kind of human being who should live by totally new patterns of behavior, I for one would suggest that the answer is *no*. No twenty-year-old is simply the product of his twenty years; he is the product of thousands of years of heredity—hundreds of generations—throughout which rules have constantly grown outmoded and have been changed, injustice has existed and has been fought endlessly, unjust wars have occurred forever, unending pain has been the cost of progress—but man has persevered. No, unfortunately the twenty-year-old of today must of necessity go along much of the same tortuous path. He will be healthier, better educated, and possess superior technology but he will still be much the same inside.

And those of this generation will find that the time-tested patterns of restraint will be required as it has been for all of us before if they are to have a chance of being even moderately successful during their hours of greatest need.

They will need an orderly society working within the confines of some reasonable set of laws. It might be possible, though I doubt it, for our system to be torn down by revolt; but if that did occur, then their hopes would indeed be shattered. Our greatest gift to them is to preserve this system, or something like it, even with all its faults for it is one that history has demonstrated to be a good instrument for evolution and progress. We can do them no greater disservice than to show a high degree of tolerance for laxity and carelessness and lawlessness as we allow in the mire of permissiveness.

The attitude of a people!

In 1922 Sir James Barry gave an address while rector of St. Andrews University in Scotland and in it were those often quoted words: "Mighty are the universities of Scotland and they will prevail, but even in your highest exaltation never forget that they are not four but five and the fifth and the greatest of them is the poor, proud homes from which you come."

These words were not the opinion of a man; they related to the underlying feeling of a people. Can you imagine the circus trial of the Chicago seven occurring in Scotland in 1920?

May I suggest that as a society we think now about a return to some of the disciplines of those years and let's be clear that we aren't addressing our young people but ourselves, you and me and you.

It isn't right to look elsewhere for help if we are talking about our own children. No, please don't suggest that the school is the place for discipline. Our system of education is to educate, not babysit. Not only shouldn't we look to educators to be parents, it isn't fair to foist the undisciplined child on them.

I have spoken here possibly too much about parents and children, but you will understand that I mean discipline in a much wider sense. It is only as we as a people reconstruct some belief in discipline that the manifest ills of bombings and window smashings and sit-ins and courthouse circuses can be expected to abate. It is only through believing in the inherent right of privacy, of respect for law, of reverence for justice, and then subjecting ourselves to the discipline required that the attitude of a society will be revealed to that society.

Sadly, no one can say of America that this is her finest hour. I believe that the young who want progress will see this and that they will learn that the annoyances and distractions of bombings and public demonstrations by the undisciplined will slow them down even as it does us today, and their future judgment of you and me might be more severe—more severe than for the fact that we got stuck in Vietnam or polluted the atmosphere in which we live.

And so as my friends ask me, "What has happened to America?" I am somewhat perturbed as to the answer.

The much-lamented social breakdown in America need not necessarily be taken so seriously as some have. We have the strength, the ability, the means to handle the problems that stand before us. We need merely to stop pushing ourselves around, to stop this punishing self-criticism that concludes that because some things are imperfect then everything is wrong. We need merely to sober up and stop behaving like adolescents.

I for one don't believe that our pioneer forefathers would be very proud of us for this lapse of common sense. They worked too hard and faced too many real problems to be happy seeing us afraid of our own shadows.

On this night when we pay tribute to a man and the institution of education that he and men before and about him have created, we can make them no better gift than the resolution to embrace again some of the time-tested practices of discipline. They and the children we send to them will both be grateful.

THE INDIANAPOLIS 500-MILE AUTOMOBILE RACE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. BRAY. Mr. Speaker, for 60 years the Indianapolis 500-Mile Memorial Day Race has drawn world attention. The 55th running of this classic on May 29, 1971, was perhaps the greatest. The first race was held in 1911, but the race was suspended for 5 years during World Wars I and II.

There were 300,000 spectators viewing this greatest spectacle in racing, this year, and they were as colorful and interesting as the race itself. Visitors came to Indianapolis from all walks of life—millionaires and laborers, bankers and mechanics, farmers and students, clerks and teachers, ministers and musicians. There were old and young, long hairs, and crew cuts, black and white. Families far outnumbered that unattached. Every State in the Union was represented as well as scores of foreign countries.

It was an occasion dominated by fun, enthusiasm, and intense interest. Yes, this race has its dangers and there have been tragedies in the past. But thousands of us owe our lives to the safety precautions developed for and experience gained in the Indianapolis 500, a race that tests man and machine to the utmost. The entire world has gained from the experience of drivers at the 500, the lessons learned on the structures of metal and the building of machines, the improvements in fuels, lubricants, and tires.

The race is not a one-man affair, but the work of teams. The teams are made up of the owners of the car, the driver, the mechanics in the pit, and the car itself. On the track we see the results of those who through the years, in the shops and at the benches, at the machines and in the smelters, in the drafting room and on the test track, have developed this world of precision machinery.

Just as we saw racing at its best, we also saw courage and selflessness at its finest. Tony Bettenhausen, son of a former racer, brought his car to a screeching halt to assist in saving a fellow driver from a flaming wreck.

It was a great event and we left the track with a rather wholesome feeling of well being. There had been no signs of turmoil and dissension, no chanting of anti-American slogans, no Vietcong flags. Just before the race our National Anthem was played—everyone stood at reverent attention. For several hours on a warm, sunny May afternoon, 300,000 people had been permitted the luxury of total relaxation from the pressures of a very tense world. It was a fitting climax to "Thirty Days in May."

BULLOCK'S SUMMER YOUTH FAIR

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. BELL. Mr. Speaker, since the focus of our efforts here in Washington involves the search for Government solutions to the many problems facing our Nation, it is especially gratifying to learn what some private corporations are doing entirely without Government assistance. An outstanding case in point to which I would like to draw the attention of my colleagues is the program of community service instituted by Bullock's Department Stores of Southern California.

A timely example of Bullock's multifaceted effort in the summer youth fair, a summer youth employment program initiated in one store last summer on an experimental basis. The fair was designed to provide both employment and an educational experience for youth in the Los Angeles area and was so successful that it has been expanded to all Bullock's stores for the coming summer. Assisted by store buyer-managers, students recruited from local high schools operated their own businesses using space provided by the store.

Contributions from Bullock's and from other small businesses in the area provided the booths, necessary working equipment, and loans for initial inventory, but the students themselves managed and operated each of 11 enterprises: The Art Booth, the Bakery, the Car Wash, the Craft Booth, the Ice Cream Parlor, the Job Exchange, the Make-up Booth, the Melon Patch, the Photo Badge Booth, the Shoe Shine Stand, and the Sign Shop. Student managers met and handled their own payrolls and divided end-of-summer profits among participating young people.

The enthusiastic support this outstanding program has received from all segments of the community—the young participants, their customers, local businesses, and the school district—testifies to the spirit of cooperation and public service which Bullock's has stimulated. This is, indeed, the kind of community service which my colleagues may want to encourage among corporations in their own districts.

In addition to paying well-deserved tribute to Bullock's, Mr. Speaker, I would also like to take this opportunity to commend each of the small businesses which contributed to the success of this program:

Alvins Photographic Supply, Bernardo Sandals, Blake, Moffit and Towne, Bronson Sportswear, Bruns Lee, Fedde Furniture, Foster and Kleiser Outdoor Advertising, Harris Slacks, Hartogs of California, K. C. Product Company, Moore Business Forms, Pasadena Star News, and Ralph's Markets.

Reynolds Print-A-Sign, Riviera Sunglasses, Russo Leather Goods, Supreme Dairy, Wilson Paper Company, Wood and Jones, William Bjorklund, Donald Ball, Mr. McSweeney-John Muir High School, Gerald Meyers, Mr. Proctor-Pasadena High School, Ruth Sweet, Theo, Stuart, and Mr. Walter-Blair High School.

And, in closing, I would like to add a special word of commendation for Mrs. Robin Hague, Bullock's special events director. Mrs. Hague is a dynamic young woman whose creativity and energy played a significant part in the success of the Summer Youth Fair—and in many of Bullock's other outstanding community endeavors.

OUR SST MISTAKE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. MICHEL. Mr. Speaker, now that the heat has subsided somewhat in the debate on the question of discontinuing Federal support for development of the SST, the postmortem season now begins and in that regard I noticed an editorial in the Peoria Journal Star today entitled "Our SST Mistake." I ask that the editorial be placed in the Record at this point:

Our SST Mistake

The wisdom of the "popular" burial of the SST program here in the United States—after kicking it around in debates for years—remains to be seen.

It is certain that the assault on the SST was a straightforward blast at spending the money plus a shaky series of emotional assumptions about "pollution." They neglected the "ecological" aspects of the decision itself.

Already, we find that while we were debating and ultimately canceling the whole deal, the Russians were working night and day. Their "SST" is now flying across Europe, landing at major cities, and advertising the probable future domination of the field by the USSR.

For more than a generation, U.S. aeronautics and more recently "aero-space" has led the world, and more than mere pride or prestige was involved.

The speed, efficiency and safety of U.S. equipment caused it to be widely sought around the world.

Result: Today more than half the total income to the U.S. in foreign trade comes from the sale of such products.

That income has been life-or-death to the stability of the dollar in world markets, and it has gone into American jobs and American prosperity.

Experts say that the loss of that market alone would be so great as to devalue the dollar.

We presently seem bent on losing it by default.

It will be a little late then to consider ALL the aspects and the physical consequences of that political decision.

It is already too late.

Some are eager, today, to go the same route on a long list of things. Let Lockheed sink. Let the Pennsylvania railroad go busted. Stop the ABM production. Cut back the space program. Stop military procurement. Bring the boys back from Germany, Turkey and Vietnam.

Do all these things and more and think of all the money we'd have to spend for poverty, they say!

While you are at it, however, think also of all the poverty we would have, all the jobless people, all the wrecked organizations and wasted skills.

Think how much bigger we would making the basic poverty problem—the welfare problem.

Think of that, too!

Taking money out of jobs to put into welfare payments is not the way to reduce the poverty problem. It is the way to vastly increase it, more likely.

There's some human ecology and economic ecology involved.

ALTERNATIVES TO REVENUE SHARING

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. BINGHAM. Mr. Speaker, for many local leaders, revenue sharing has become a panacea that will solve all the problems of our financially strapped States and cities. In its recently issued Position Paper on revenue sharing, however, the National Issues Committee of the Liberal Party of the State of New York has retained an admirable degree of objectivity, and the result is a particularly balanced assessment of revenue sharing and certain alternatives for achieving increased Federal funds, which most observers agree is essential. The general conclusion of this paper is that a combination of Federal assumption of welfare costs and increased Federal appropriations to existing urban-oriented programs offers a more promising solution to local financial problems than revenue sharing. I want to congratuate Proffi Jacob Loft, chairman of the National Issues Committee of the Liberal Party, and Leonard Polisar, chairman of the subcommittee on revenue sharing, for their excellent work on this paper, many of the conclusions of which I share. I am confident this assessment of revenue sharing and alternatives to it will be of interest to many Members of Congress and readers of the Record. The text of the paper follows:

Position on "Revenue-Sharing," by National Issues Committee, Liberal Party, May 1971

The Liberal Party strongly endorses the concept that a much larger share of state and local governmental costs must be borne either by the federal government or by the redistribution of revenues heretofore preempted by the federal government. However, we believe that there are better alternatives available to accomplish this goal than the much publicized "revenue-sharing" proposals of President Nixon.

1. The Liberal Party has often reiterated in its State Legislative Program its support of "the widely recognized principle that the entire question of apportionment of tax powers, sources and revenues among the federal government, the states and the cities is in desperate need of revision . . . The federal government has preempted the most important sources of tax revenue even as the cities and states need more funds . . . A greater proportion of our total tax dollars must be allocated to state and local governments . . ."

2. The desperate needs of our urban centers cannot, however, be solved by the semantic conversion of moneys already allocated to the cities for specifically-designated purposes into "free" and "unrestricted" funds to be spent at the discretion of the states and/or the municipalities—with only a minimum of "new" federal moneys involved. This nomenclature juggling appears to be aimed more at the harvesting of votes than the saving of our urban centers from the hitherto impossible task of providing an increasing amount of required municipal services with a steadily eroding tax base.

3. A. The most urgent revenue-sharing need today is not only to continue—but to expand considerably—those federal program grants designed to meet the requirements of local areas where intense low-income population density magnifies many-fold the governmental per capita cost of supplying urgently needed health, education and welfare and transit services and police and fire protection. Programed federal aid such as Model Cities, Food Stamps, Head Start, Day Care, etc. required expansion—and not politically expedient curtailment—if the population centers of this country are to have any chance of staving off disaster. The financial crisis facing our cities is extremely real and imminent, and those afflicted areas must be treated with the same urgency as we treat hurricane and earthquake disaster areas.

B. On a near-term basis, the single most important contribution to improved federal-state-local relationships would be a complete takeover of welfare costs by the federal government—up to a realistic and decent national minimal standard. Small differences in the cost-of-living among various communities could then be reflected in those federally-controlled welfare payments. This takeover would remove the back-breaking welfare burden from those urban centers where the welfare problem has been concentrated. It would also help the rural poor even more on a comparative basis. In addition, it would discourage possible welfare recipients from migrating toward the now higher welfare-paying large cities, especially in the North, and would slow down the efforts being exerted in areas such as the rural South to encourage emigration.

4. After welfare payments have become federally-funded, and other urban-aid programs to help rectify inner city problems have been continued and expanded as required, we should then—on a long range basis—examine a true revenue-sharing program, which would:

A. Involve the infusion of new monies into a federal revenue-sharing program—and should provide for dissemination of a large portion of those monies directly to municipalities and not only to the states; or

B. As stated above, reallocate certain tax powers, sources and revenues from the federal government to state and local governments, so that funds could be raised where required without passing through additional administrative handling by the federal government. For example, federal income tax rates could be reduced on the understanding that the state and local governments could then commensurately raise their income tax rates without increasing the individual overall tax burden. A similar result could be accomplished by permitting certain state and local tax payments to be applied as a tax credit against federal income tax.

5. It is regrettable that the New York State Administration, which itself stridently calls for increased revenue-sharing by the federal government, has seen fit to drastically cut its own "revenue-sharing" with its municipalities—and thus forced a heavy curtailment of essential services afforded to its needy inhabitants by those municipalities. The state must itself *increase* its proportion of the tax dollar devoted to such items as education; we urge the complete takeover by the state of the basic costs of public schools as well as public higher education. There must also be an extension of genuine home rule in taxing powers for the large cities.

6. We in the Liberal Party strongly believe in the devotion of a greater proportion of tax dollar to crying social welfare needs rather than to a federal budget weighted heavily towards highly-inflated "defense" spending, spotlighted by an unjust War in Vietnam. Our national priorities must be re-examined and changed—so that emphasis is placed on the cleansing of our environment and the education and rehabilitation of human beings—rather than the perpetuation of a war where success is measured in terms of the number of other human beings killed or the amount of acreage destroyed.

7. All in all, we believe that federal "revenue-sharing" can best be accomplished by federal programs specifically designed to alleviate our urban problems to the greatest extent possible—and especially to underwrite a welfare program that should be national rather than local in scope, as well as a reapportionment of tax powers among governments on the different levels. Because of the truly desperate situation now facing the large cities of the country, there must be also emergency large-scale federal appropriations to be given directly and without delay to such cities. We do not feel that "revenue-sharing" that is a mere semantic interchange of funds already earmarked for worthy purposes to a category that is "unrestricted" in nature can be supported by the Liberal Party or any other liberal-thinking group of Americans.

TUSCALOOSA COUNTY, ALA., SAFETY PATROL MEMBERS VISIT WASHINGTON

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. FLOWERS. Mr. Speaker, recently, a group of elementary school children from Northport, Ala., representing the Tuscaloosa County Schools safety patrols were in Washington on their annual tour. In connection with this trip, oratorical contests were held in the elementary schools. We were privileged to hear three winners of this contest. They were Deidre Burroughs, Crestmont Elementary School; Dawn Wadsworth, Vestavia Elementary School; and Nancy Henry, Matthews Elementary School. The students addressed various Congressmen and Senators, and I am honored to present remarks made by these students for the benefit of my colleagues:

What's Right With America?

(By Deidre Burroughs, Crestmont Elementary School, Northport, Alabama)

It is very difficult to decide how to begin to tell of the many rights we encounter daily in America. So many things we take for granted when people in other countries over the world are practically prisoners in their homes. One thing that makes our country so unbelievable is its youth. Just think, even as recently as 200 years ago the United States of America did not exist. But during those 200 years, with the belief of "life, liberty, and the pursuit of happiness", the United States has developed its unique culture and grown to maturity.

Compared to older countries of the world such as England, France, Italy, China, ours is still a baby. Yet with a start much like our own these countries' founders must have lacked our forefathers' determination, faith, and ability to realize that with a firm foundation such as our Constitution and Bill of Rights, a great nation could be created.

We have had our many disagreements with other nations and we have had a Civil War within our boundaries. These have left us much wiser, closer together, and taught us very costly lessons. After all these troubled years the United States has always strived for what she thought was right and just. Today, we sometimes fail to realize how fortunate we are to be living here. In many other countries, we would not be permitted to:

Go to the church of our choice; work where we are capable of working; spend our money as we wish; talk to whom we please; read what we wish; think what we please; choose our own friends; vote in elections for people of our own choice; disagree with anyone or anything; go anywhere we please.

These are only a few of the things that are right about America. Anyone want to leave all this? Not me. America, you're the greatest!

What's Right With America?

(By Dawn Wadsworth, Vestavia Elementary School, Northport, Alabama)

America, the land of the free and the home of the brave. America is a glorious, breathtaking country to live in. I'm going to tell you some of the things that I think are really great about America.

Freedom is what America is all about. Even at my age, I can read the books I wish, sing the songs I want, and choose my own friends. In later years, I'll have the freedom to choose the career that suits me best, live where I would like, and go to the church that best meets my needs.

In America we can better our lives if we are willing to put forth the effort. For instance, if I wanted to become a famous musician, I would first have to learn the keyboard, then I would have to practice several hours each day. After that, I would probably be a famous musician.

Also, America is a land of great natural beauty. There are rolling hills, fertile valleys, clear springs, and huge lakes and ponds. I like the way America changes every season. In the winter it is white and icy, in fall it's windy and colorful, in spring, nature is beginning to come alive and in summer, it's warm and fun.

I admire our country, America, for its high goals and many achievements. People in America are determined to make our country better. Why, just recently three American astronauts went to the moon and came back safely. This shows that people in America are great leaders, but still they have that good old pioneering spirit.

Other countries look up to and respect us because they believe that we have the right ideas. We stand for freedom. We fight for justice. We hope for peace. I'm glad I live in America, aren't you?

What Is Right With America?

(By Nancy Henry, Matthews Elementary School, Northport, Ala.)

What's right with America? Well, not everything, but isn't there always room for improvement in everything? We have a pretty good start with a democracy. Abraham Lincoln defined democracy as "government of the people, by the people and for the people." In our democracy we have many freedoms. Some are: freedom of religion, which means we are free to worship in any church we want to, at any time we want to; freedom of speech, which means we are free to speak and to even protest things that are done with which we do not agree; freedom of the press, which means we are free to print anything we want as long as it is the truth.

Our democracy states that all men are created equal and no one will be mistreated because of race, creed, or color. Our democracy enables us to get an education if we are willing to go through school to get one.

Our democracy isn't all that's right with America. America is a beautiful land. She has forests, lakes, beaches, and wildlife. She has stores, skyscrapers, and other buildings.

America has a proud race of people. These people are willing to face problems. These people are willing to die for their country.

Let us be good Americans. Let us say this with the words of Stephen Vincent Benét, not only with our lips but in our hearts. Let us say this—I myself am a part of democracy, I myself must accept responsibilities. Democracy is not merely a privilege to be enjoyed, it is a trust to keep and maintain. I am an American. I intend to remain an American. I will do my best to wipe from my heart, hate, rancor and political prejudice. I will sustain my government and through good days or bad I will try to serve my country.

KIWANIS OF MESA, ARIZ., BUILDS SWIMMING POOL FOR LOCAL CHILDREN'S HOME

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. RHODES. Mr. Speaker, the May 1971 issue of the Kiwanis magazine has an article about "Project Splash." This was a project carried out by the members of the Kiwanis Club of Mesa, Ariz. I am proud to be an honorary member of that club and am pleased to include the article in the Congressional Record:

Boys and Girls Work—Project Splash

As many Kiwanis clubs have discovered, community spirit is contagious. No sooner does a Kiwanis club announce a forthcoming project than the entire community replies in a single voice. "That's a good idea, may we help?" Such was the case recently when the members of the Kiwanis Club of Mesa, Arizona, built a swimming pool at a local childrens' home.

In January 1969 the Mesa Kiwanians were looking for a worthy project when one of the club members suggested the Sunshine Acres Children's Home, a refuge for deserted, orphaned, and delinquent children. The home and the Mesa Kiwanians had enjoyed a long association thanks to a number of previous Kiwanis projects, so the club members decided to return to the home and see what else they might do to help out. In reply, Reverend James Dingman, founder and operator of the home, told the Kiwanians about the tremendous need for a swimming pool at Sunshine Acres.

According to project chairman Bob Neill, club's board of directors was "enthused but cautious" about the idea, and appointed a committee to investigate the feasibility of such a large project. After many months of investigation and analysis of contractor's estimates the special committee reported that despite its size, such a project was within the club's power.

Although the swimming pool is now an accomplished fact, here were many times when the project was saved by the generosity and community spirit of Mesa citizens and businesses. For example, the contractor, Holiday Pools, persuaded all its subcontractors to bill the Kiwanians at cost. Likewise, in May 1970 when the children of Sunshine Acres gathered around for the pool groundbreaking ceremony, the local power and irrigation company announced that it was excavating the hole at no cost as its contribution to the project.

Funds for the actual construction of the pool came from the club's 17th Annual Pancake Day, which netted almost $5000. In addition, several Mesa businessmen contributed such much-needed items as plumbing and fencing to the pool fund.

The pool was completed on August 31, a hot day that made the children anxious to use the pool in the evening after it had been filled from the home's only source of water—a 750-foot well. Unbeknownst of the children, however, Reverend Dingman had learned that the well could not provide the 72,000 gallons of water needed to fill the pool. As before, community spirit stepped in to save the day. As soon as they learned of the difficulty the City of Mesa, its school district, and a commercial water hauler loaned the Kiwanians three water trucks, which for two and a half days were driven out to what had once been the middle of the desert to fill the pool.

The ultimate effect of Project Splash is that for ten hot months of the year 75 institutionalized children will not have to be bussed to a public pool. They now have a fine facility of their own, one that came to them through the community spirit of the Kiwanis Club and people of Mesa, Arizona.

LEAD-BASED PAINT POISONING: AN EXAMPLE OF ADMINISTRATION

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. BADILLO. Mr. Speaker, on April 23 I was one of a number of Congressmen who cosigned a letter to HEW Secretary Richardson expressing deep concern over the administration's failure to formally request funds, either for fiscal 1971 or fiscal 1972, to carry out the intent of Congress under the Lead-Based Paint Poisoning Act. That legislation authorized $10 million in the current fiscal year and $20 million for fiscal 1972.

In that letter, we urged Secretary Richardson to seek a supplemental appropriation for the current fiscal year and full funding of this necessary program in the new fiscal year.

On May 28, fully 4 weeks after receiving our letter, Secretary Richardson responded to the appeal, and in terms that have become all-too familiar with the current administration. Despite the fact that lead-based paint poisoning continues to claim the lives of small children throughout our Nation, HEW apparently has decided to treat the problem on a pilot project basis. The administration now announces that it will ask Congress for the sum of $2 million in fiscal 1972 and has the unmitigated gall to proclaim that this "signifies the administration's clear intent to mount a concerted effort to eliminate the threat of lead-based paint." It apparently matters little to the administration that HEW currently has before it applications totaling more than $50 million from communities which obviously feel a greater sense of urgency.

Because it so dramatically represents the extent to which this administration's spending priorities are distorted, I insert at this point in the RECORD the full text of Secretary Richardson's reply to my April 23 letter:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., May 28, 1971.

Hon. HERMAN BADILLO,
House of Representatives,
Washington, D.C.

DEAR MR. BADILLO: Thank you for your letter of April 23 requesting the Department to seek full funding of the Lead-Based Paint Poisoning Prevention Act. Please excuse our delay in responding to this letter.

As you know, this legislation was enacted late in the last session of Congress and not signed by the President until the basic budget decisions for 1972 were made. Thus, the budget transmitted on January 29 did not include any new funds for implementing the Lead-Based Paint Poisoning Prevention Act.

Since the current fiscal year is nearly over, we will not request a 1971 supplemental. However, the President will shortly transmit an amendment to the 1972 budget requesting $2 million to expand our program to attack the problem of lead-based paint. We would use the additional funds to make a more concerted effort to define the extent of the problem and support model demonstration projects in three communities. In addition, we will continue four projects related to the lead-based paint problem already begun under other legislative authorities at a level of about $200,000. This would bring our total budget for lead-based paint activities to $2.2 million in 1972. While this is considerably less than the amount authorized in the Act, it nevertheless signifies the Administration's clear intent to mount a concerted effort to eliminate the threat of lead-based paint.

With kindest regards,
Sincerely,
/s/ ELLIOT L. RICHARDSON,
Secretary.

DRUG RESOLUTION OF EAST ORANGE, N.J.

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. MINISH. Mr. Speaker, Edward E. Ruhnke, Sr., the city clerk of East Orange, N.J., has sent me a certified copy of Resolution I–183, which was adopted by the city council on May 24 and approved by Mayor William S. Hart, Sr., on the following day.

This resolution calls for the means to halt the illicit traffic in narcotics, which has permitted devastating narcotics to reach our shores and afflict our people.

I agree with the city council that such trafficking must be stopped, and have cosponsored legislation to implement a workable eradication program. One measure would provide that a fixed percentage of U.S. contributions to the United Nations be utilized solely to end trafficking in narcotics as well as supporting multilateral eradication of illegal narcotics production. This legislation would also direct the President to consider withholding U.S. assistance to countries refusing to cooperate in suppressing the drug traffic.

Such legislation must be enacted and swiftly, for as the resolution of the East Orange City Council has pointed out, hard drugs continue to be smuggled into the United States in spite of programs designed to eliminate trafficking.

The text of the resolution follows:

RESOLUTION I–183—CITY COUNCIL OF EAST ORANGE

Whereas, the Republic of Turkey has over the many years last past grown poppies which is the source of heroin; and

Whereas, the Republic of Turkey has attempted with only moderate success to restrict the growth of poppies there;

Whereas, even with such restriction, the illegal exportation of heroin has continued; and

Whereas, the United States of America has continually over many years afforded and given to the Republic of Turkey moneys and other forms of aid for the stability of the Turkish economy and for the rehabilitation of the Turkish people; and

Whereas, the continued illegal exportation of heroin has resulted in its being smuggled into the United States to the destruction of the wellbeing of innumerable persons causing enormous economic loss, human pain and suffering; and

Whereas, it is the desire of the United States of America to join with the Republic of Turkey in the suppression of illegal smuggling of heroin and to aid and support the economy of Turkey by replacement of funds in kind with the suppression of poppy growing; and

Whereas, the continuance of such smuggling of heroin into the United States is in the form of a national calamity,

Now, therefore, be it resolved, That the Congress of the United States, both the Senate and the House of Representatives, be urged to cut off any and all economic aid to the Turkish Government unless the growth of poppies is completely terminated or restricted to such modest form that its output can only be used for medical needs; and

Be it further resolved, That a copy of this resolution be forwarded to President Richard M. Nixon, Senators Clifford P. Case and Harrison A. Williams, Jr. and Congressman Joseph G. Minish.

ON THE WAGING OF PEACE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. SCHMITZ. Mr. Speaker, a penetrating article written by Mr. Henry

Paolucci, professor of political science at St. John's University and vice chairman of the Conservative Party of New York State, appeared in the New York Times of June 1, 1971.

Mr. Paolucci points out that—

> Our great danger today comes not from American military arrogance, which is nonexistent, but from the arrogance of our peacemongering, which intoxicates and must eventually paralyze the will to act prudently."

The article follows:

On the Waging Of Peace: The Danger Is Not From the Military but From Peacemongers

(By Henry Paolucci)

To the historically trained ear, the most ominous drums of war have always been those pounded in the name of peace.

Those drums are rolling today with a mounting intensity unparalleled in American history. They are telling us (in the rhythms of Adlai Stevenson's eloquence): "We must abolish war to save our collective skins. For so long as this nuclear death-dance continues, tens of millions—perhaps hundreds of millions—are living on borrowed time." Or in the accents of Norman Cousins's frenzied appeal for a world federation of peace-lovers: "At a time when the fingertip of a desperate man can activate a whole switchboard of annihilation, and when defense is represented by retaliatory holocaust, the historical social contract between man and the state has ceased to exist."

The intention of such talk is peace; but its emotional intensity is unquestionably such stuff as wars are made of. When peace is proclaimed as a sovereign value, when its lovers declare themselves disposed to sacrifice all things else for its attainment—even their pledged national allegiance—we can be sure that ignorant armies, terrible with self-righteous banners, are about to clash. For it is not at college teach-ins or on the Op-Ed page of The Times, but in the arena of war that the supreme national sacrifices for peace are ultimately made.

Peace is, like liberty, one of those Janus-faced ideals that look two ways. The Road to Peace remains a peaceful road only so long as no serious obstacles are encountered. According to some wise men, the fiercest wars have been fought to remove man-made obstacles to peace. Hitler was such an obstacle. While the rest of us were plodding down a depressed stretch of the Road to Peace, he mobilized an entire people for war. Yet, what he was ultimately after with his talk of a "New Order" was surely an arrangement of enforceable peace—under which the entire world would indeed be living now, had our physicists not outstripped his in that first great arms race of the nuclear age. Those who finally crushed him in war openly acknowledged that his goal was peace in their branding as "appeasers" all who sought to prevent our military intervention against him.

Wars result from the desire to impose one's will upon others and to resist being imposed upon. Peace is the condition of having one's willful way, whether actively or passively. Even a bawling infant knows the difference between being resisted and being pacified.

The maturity of the Western nations has consisted in their mutual recognition that the desire to establish a regime of enforceable peace over a vast multitude is itself the greatest provocation of war. That fact first impressed itself on Western statesmen during the three decades of war that preceded the so-called Peace of Westphalia, in 1648—which was peaceful only in the sense that, by its arrangements, the age-old longing for an enforceable world peace, such as animates so many educated people today, was at least temporarily laid to rest.

Napoleon resurrected that longing. He marched his armies back and forth across the Continent to remove the many national obstacles to its attainment. Later it was the turn of Imperial Germany, whose Kaiser, like Russia's Czar, celebrated in his very name the august aspiration of Imperial Rome to impose its peace everywhere by uplifting the lowly and putting down the proud.

Vying to establish an enforceable world peace today are the Marxist-Leninists, who are as tough as the toughest old Romans, and that motley band of American social scientists, English teachers, journalists, Sanskrit-reading physicists, existentialist philosophers, playwrights, film-makers, etc., aptly characterized by Joseph Schumpeter as "ethical imperialists." The Marxist-Leninists have an obvious advantage, for they are realists. They can be deterred by a nuclear policy of assured destruction, strictly adhered to by the United States. But, if American policy insists on an enforceable world peace, the tough men of Moscow are not about to let themselves be "Pugwashed" into accepting the petulant rule of a Western intelligentsia that thinks it can gain the world by a "great act of persuasion" conducted on the pattern of a Harvard seminar on international affairs.

The irony is that, with all their drumbeating for "peace now," the men, women, and children who lead today's peace crusade are making it impossible for serious counsels to be heard in the halls of government. Even the Commander in Chief of our armed forces has been reduced to gibbering that he's a "devoted pacifist."

Our great danger today comes not from American military arrogance, which is nonexistent, but from the arrogance of our peacemongering, which intoxicates and must eventually paralyze the will to act prudently.

MAY DAY DEMONSTRATIONS EMPHASIZE NEED FOR LEGISLATION REGULATING USE OF PARKLANDS IN THE DISTRICT OF COLUMBIA

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. HUNT. Mr. Speaker, the widely portrayed "festive" mood of the thousands of antiwar protesters who invaded our Nation's Capital during the period from April 24 through May 5 is now a matter of disputed history. It is a matter of fact and record, however, that the damages left behind exceeded, by very conservative estimates, $100,000 and the total costs for the National Park Service, the District of Columbia, and the military services will run into several millions of dollars when and if the tab is tallied.

Of course, Washington is the natural site for most political demonstrations and, to be sure, the Constitution guarantees the right of "peaceful" assembly. I do not dispute the right of peaceful assembly, but I strongly differ with those who feel that we, the Members of Congress, the residents who live here, and the tourists who visit, should stand aside and let the protesters—for whatever cause—run roughshod over everything and anything in their path. Particularly, I feel the Congress has a special responsibility with respect to the use of the parklands in this city, and it was with the intent that these lands should be equally accessible to all citizens that Congressman Wylie and I introduced H.R. 7479. The legislation enumerates those uses that are to be prohibited—uses of the nature that interfere with equal access—and provides for the posting of a bond by the sponsors of demonstration activities to cover reasonably anticipated damages and costs of restoring the demonstration site to its normal state.

In this context, I was very much interested in the testimony of the Director of National Capital Parks, Russell E. Dickenson, who appeared before a subcommittee of the House Internal Security Committee on May 18 in connection with the Mayday demonstration activities. Although I do not intend to put words into Mr. Dickenson's mouth, his suggestions for legislation as a result of these demonstration activities would appear, at least, to follow the broad outlines of H.R. 7479. This bill, I would reiterate, is identical to a measure that was overwhelmingly approved by this body less than 2 years ago. Furthermore, 291 Members of this Congress endorsed the legislation when it was voted on at that time.

Your close attention to the following excerpts from Mr. Dickenson's testimony is invited:

Excerpts of Testimony of Russell E. Dickenson

Mr. Romines. Gentlemen, as the Chairman pointed out in his opening statement, these hearings are an inquiry into the origin, history, character, objectives and activities of the National Peace Action Coalition and the Peoples Coalition for Peace and Justice.

Now, for brevity's sake, I will refer to them as the NPAC and the PCPJ.

The principal demonstrations and activities that these two organizations sponsored or in which their members participated in Washington, D.C., occurred between April 24 and May 5, 1971. Would you please provide the committee with a brief chronology of events in which these two organizations participated during the interval as they affected your departments?

Mr. Dickenson. Thank you very much.

I would like to make just a short prefatory statement and then I will go into the chronology.

Washington has witnessed many major demonstrations in recent years and these have occurred for the most part in public parklands of the Nation's Capital. The use of public lands for the exercise of First Amendment rights has been well established. Due to several recent court cases, however, the National Park Service Code of Federal Regulations Section 3650.19 concerning demonstrations and public gatherings has been enjoined. By order of the courts, demonstrations may occur on public park lands on 15 days notice by the demonstrating group. If demonstrations appear to affect Presidential security, constitute a threat to the security and welfare of the City, or if there is likelihood of irreparable damage to park resources and facilities, the Government must carry the burden of seeking injunctive relief.

I would like to note the arrangements, the strategy and the negotiations, or large negotiations which are, by agreement, handled by an interagency group led by the Department of Justice. The concerned agencies include the District of Columbia Government, the Department of the Interior, National Park Service, and the Military Services. Therefore, according to this procedure just outlined above, we received a demonstration notice from NPAC regarding the events of April 24.

I would like to note, regarding the NPAC demonstrations on April 24, that most of the activities occurred in this particular case outside the jurisdiction of the National Park Service in Washington, D.C.

The parade was down Pennsylvania Avenue and the assembly point was at the Capitol. Therefore, the U.S. Park Police jurisdiction on that day was from 14th St., west on the Washington Monument grounds and West Potomac Park.

Earlier, a notice of the demonstrations had been filed which involved a musical event, a rock concert, which was planned to go all night at the Washington Monument grounds. Later on, a supplemental statement was filed which linked this to the PCPJ . . .

* * * * *

Mr. DICKENSON. I would like also to note that as a part of the interagency consideration and by agreement between the Department of Interior and Department of Justice and the District of Columbia, Chief (of the Metropolitan Police Department) Jerry Wilson was in overall command of police forces in the city during the period from April 24 through May 9.

Going specifically now to the musical event, the rock concert on the evening of April 24, throughout the afternoon there were about six to eight thousand people on the Washington Monument grounds who did not participate in the activities at the Capitol. As the afternoon and evening went on it built up to a total of about 50,000 people who remained on the Washington Monument grounds that night. A musical event did occur. Considerable damage occurred to the facilities on the Washington Monument grounds which included the benches around the Washington Monument.

The Sylvan Theater itself received damages. As a matter of fact, our estimate ranging over the subsequent two days showed approximately $100,000 of damages occurring at the Washington Monument grounds alone.

The CHAIRMAN. $100,000 on April 24?

Mr. DICKINSON. That is correct, sir, the night of April 24th.

The CHAIRMAN. I read press reports that the city was immaculately clean.

Mr. DICKENSON. We read that with some chagrin. We have the facts to show that the damage at the Washington Monument grounds was quite severe.

Mr. SCHMITZ. Mr. Dickenson, I have been out to the Washington Monument since that date. The wooden part of the park benches around the Monument are gone. Is that the date they left?

Mr. DICKENSON. That is correct, the night of April 24th.

Mr. SCHMITZ. I was not here that weekend; I was out in California, but all the headlines were how peaceful the demonstration was here.

Mr. DICKINSON. Entry was made into the Washington Monument logistical and support facilities that night.

Mr. SCHMITZ. Was most of the $100,000 damage inside the Monument?

Mr. DICKENSON. No, I would say, trying to give you some idea, there was about $18,000 that occurred at the Sylvan Theater itself; the benches alone were approximately $14,000; and then the rest, the need to returf certain areas and that sort of thing.

Mr. SCHMITZ. The Monument itself, when I was out there, appeared to have been sandblasted about six to eight feet up. Was that done to cover up damages done on the 24th (April)?

Mr. DICKENSON. That is correct. Considerable vandalism occurred by spray painting slogans and obscenities on the base of the Monument.

The CHAIRMAN. In an estimate of $100,000 damage, are you including damage to property of private individuals, or is that only Government damage?

Mr. DICKENSON. There is approximately $25,000 which would be private property, but was property leased to the Federal Government and these were sanitary facilities. There is a pending claim for approximately $25,000 because these Johnny-on-the-spots, large ones, were burned by the demonstrators.

The CHAIRMAN. It is my understanding that one mobile restroom valued at $17,000 was burned. Is that correct?

Mr. DICKENSON. That is correct; that is part of the $25,000 pending claim . . .

* * * * *

Mr. DICKENSON. April 25 was a day of restoration and clean-up for National Capital Parks. During the period of April 25 through May 1, which was the following Saturday, the PCPJ was in the West Potomac Park area and a number of negotiations and confrontations occurred between the U.S. Park Police, National Capital Parks, and that group to try to obtain voluntary compliance with an agreement and understanding regarding their occupancy of that area for demonstration purposes. Essentially, the understanding called for no camping and no fires, and this was consistently and continually violated. So our effort was to try to obtain some voluntary compliance on the part of that group throughout that week . . .

* * * * *

Mr. ROMINES. Mr. Dickenson, do you know who initiated the agreement between the PCPJ and the Park Service for camping in West Potomac Park?

Mr. DICKENSON. As I indicated, the Department of Justice heads an interagency group. So, therefore, the principal negotiations lie within the Department of Justice, but on behalf of and assisted by the other concerned agencies . . .

* * * * *

Mr. ROMINES. Do you have compiled, sir, any total damages and expense figures for your department for the interval April 24 through May 5?

Mr. DICKENSON. I have, sir.

Mr. ROMINES. Could you give those figures to the committee, please?

Mr. DICKENSON. My listing, including police regular time, police over-time, the necessary provision of logistical and support facilities for this type of large gathering, totals $223,100 for April 24 and 25. That includes also the damage figure which I announced earlier ($100,000). For the period April 26 through May 1, which is essentially a Monday through Saturday situation in West Potomac Park, the total police cost and other costs, including some damage there, was $191,200. From May 2 through May 4, which is essentially a restoration and clean-up job in West Potomac Park, the costs were $98,800. That makes a total during the period of April 24 through May 4 of $513,100 . . .

* * * * *

Mr. ROMINES. Do either of you (Mr. Beye, Deputy Chief of U.S. Park Police, or Mr. Dickenson) know of any special problems which have confronted your department as a result of these demonstrations for which you think any remedial legislation is necessary or would be of assistance to you?

Mr. DICKENSON. Yes, sir, I do have a couple of thoughts, perhaps, for consideration. We feel the need in National Capital Parks to have the regulation regarding camping and overnight use of public lands in the District of Columbia legislatively strengthened. This has to do particularly with the use of public park lands for camping, sleeping, and fires. Then I raise the question about the wisdom of permitting all-night rock concerts on public lands. Indeed, any type of demonstration activity at night on the public park lands of the Nation's Capital has special built-in problems itself, so perhaps some consideration could be given to having demonstration activities occurring during daylight hours, and certainly not the all-night type of activities which we have recently experienced on two occasions, once on the Washington Monument grounds and once at West Potomac Park.

A second item that might be given some additional attention is the consideration of bonding or a bonding requirement for those who do cause damage to publicly owned facilities which would, perhaps, provide for the restoration and repair of anything that is damaged during an activity.

Those are the two broad general areas in which I have suggestions.

The CHAIRMAN. Probably legislation (in those) areas would be outside the jurisdiction of this committee, but they would be under the jurisdiction of perhaps the Committee on the Interior or the Committee on Public Works. I will see that the Chairman of those committees receive a copy of these hearings, and your recommendations will be made available to them . . .

AMENDMENT TO BE OFFERED TO H.R. 7109—OFF-SHORE AIRPORTS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. MIKVA. Mr. Speaker, at the appropriate time during consideration of H.R. 7109, the NASA authorization for fiscal year 1972, my colleague from Illinois (Mr. COLLIER) and I will offer the following amendment:

At page 2, lines 5 and 6, delete "$135,000,000;" and insert in lieu thereof the following: "$134,500,000; provided that none of the funds provided for in this section shall be used to finance research with respect to the construction of off-shore airports;".

As we pointed out in a letter circulated to all of our colleagues last week, section 1(8) of H.R. 7109 contains an authorization of $135 million for aeronautical research, $500,000 of which, according to the committee report, is to be used to finance further studies of the technical feasibility of constructing off-shore airports.

Mr. Speaker, I have no doubt that we have the technical capability to build an airport in Lake Michigan or Lake Erie. Indeed, studies have already been conducted by the city of Chicago and the city of Cleveland to demonstrate this fact. We do not need to spend another half a million dollars on technical feasibility studies. What we do need to address ourselves to is the question of whether we ought to extend commercial exploitation to our waterways in the same way we have done with dry land. There are important questions of esthetics, of ecology, and of urban planning which must be given equal weight to the question of whether we have the technological capability. This was the lesson of the SST—the fact that we can build a bigger and better article does not mean that we necessarily ought to do so. Before millions are committed to an unwise project, let us stop and ask why.

THE POSTAL CORPORATION'S UNHAPPY CUSTOMERS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. EILBERG. Mr. Speaker, the Philadelphia Inquirer, the morning newspaper in my home city, conducts a daily poll entitled "The Public Speaks."

The Inquirer poses one question a day and invites its readers to respond by calling one of two phone numbers. If a reader wishes to answer "yes," he calls the designated number and his "yes" vote and comments are recorded. If a reader wishes to answer "no," he calls another designated number and that vote and accompanying comments likewise are recorded.

The phone lines are open 12 hours a day, from 8 a.m. to 8 p.m. The feature has proven very popular and on some questions the response has been tremendous, particularly since, unlike with most polls, the respondent must take the initiative to participate.

One day recently, the Inquirer posed the question: "Has Your Postal Service Improved Lately?" Some 3,463 readers replied; 96.1 percent answered "No."

All of us in this body read, study, ponder, and even conduct polls. I am sure all of us would agree that the evidence of this poll is as conclusive as any we have probably ever seen.

Delivering the mail is the most visible public service the Government provides. Everyone uses the mails. If the public has such contempt for this Nation's once-widely respected mail service, there should be little surprise at the rising skepticism and impatience on the part of the American people with their Government generally.

Loss of confidence in the mail service has led in large part to loss of confidence in Government. The Federal Government has been in the business of delivering the mail for nearly two centuries. When we ask the people for large sums of new money to help solve problems in health, education, welfare, housing, transit, pollution, and even defense, we now confront increasing reluctance.

The public is legitimately asking how can Government possibly solve the more simple, mechanical, household task of delivering the mail, a job it has been doing for 200 years. And for those of us who think we can argue that the Postal Corporation has taken the Federal Government out of the mail business, I caution that our constituents do not make that neat distinction.

Therefore an efficient and respected mail delivery system is critical in restoring public confidence in Government's ability to deliver services and in the Government, itself. Clearly the mail system has lost this confidence as is evident from the Inquirer's poll published May 25, 1971, which, with the unanimous consent of my colleagues, I enter here:

THE PUBLIC SPEAKS: HAS YOUR POSTAL SERVICE IMPROVED LATELY?

HOW YOU VOTED

No: 3337 (96.1 percent).
Yes: 126 (03.9 percent).

SAMPLE "NO" COMMENTS

"It's cheaper to make a phone call" . . . "Worse than ever" . . . "It stinks". . . "Rotten" . . . "New carrier every day" . . . "I don't get my mail until 4 in the afternoon and most of the stuff isn't mine" . . . "It's unusual to get a letter delivered within the city in less than three days" . . . "They've got their nerve to raise the rates" . . . "It's getting worse; I know, I work for the post office."

SAMPLE "YES" COMMENTS

"By two hours today, because the regular carrier wasn't on" . . . "They seem to be doing a lot better than they have been" . . . "What's really bad is the phone company" . . . "Mailmen are much nicer" . . . "Letters arrive okay, but packages are still slow" . . . "My mail arrives earlier now" . . . "I'm getting my bills on time" . . . "Better than a year ago, but not better than five years ago."

BIG BUS BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. SCHWENGEL. Mr. Speaker, one of the safety problems which concerns me with respect to the proposal to increase bus width, is that of the blind spot behind buses and other large vehicles. It is in reality, a two-way blind spot because there is a significant area immediately behind these large vehicles which is cut off from the drivers view, and at the same time, the forward view of drivers of other vehicles in the blind spot is also blocked.

I am happy to report that some progress is being made on solving this problem, at least insofar as the driver of the forward vehicle.

Advertisements contained in the May 17 issue of Newsweek, and the May 14 issue of Life magazine, give some basic information on a new device which will hopefully solve the problem of the blind spot. I want to commend General Telephone and Electronics, and their Sylvania subsidiary for their pioneering efforts in this field.

It seems foolish to me to increase the width of buses and thus the size of the blind spot until we do in fact, solve this problem, and get the new device fully operative. To do otherwise, is to put the cart before the horse;

Text of advertisement follows:

GIVES DRIVERS A FANTASTIC ADVANTAGE

When Mother Nature equipped man for survival there were no such things as automobiles.

How was she supposed to know he'd end up barreling down highways at crazy speeds, zigging and zagging from lane to lane, getting knocked to Kingdom Come from behind by his brothers?

If she had known, she might've given him a better chance. She might've given him eyes in back of his head—which is the whole idea behind our GTE Sylvania company's latest auto safety device.

The extra eyes are actually two ultrasonic detectors mounted near your car's taillights. They're so sensitive, they can pick up sounds from another car's engine and tires from as far away as 35 feet.

When a vehicle traveling 35 mph or more comes into one of your rear blind zones, an amazing thing happens. One of two tiny lights on your dashboard lights up—sort of like a directional signal. Then it stays on, until the vehicle is alongside you. Safely in view.

Now we wish we could tell you that our eyes-in-back-of-the-head device is available right now. But we can't. It's still in the final testing stage (along with the electronic controls for a new invention that reduces exhaust pollution).

We can tell you this, though: Detroit is seriously looking into it.

So maybe one of these days it'll be looking behind for you.

U.S. BUSINESS POLICIES IN SOUTH AFRICA

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. BINGHAM. Mr. Speaker, Mr. William R. Cotter, president of the African-American Institute, recently testified before the Subcommittee on Africa of the House Foreign Affairs Committee on the question of what policies U.S. businesses should follow in relation to South Africa. His statement was an exceedingly thoughtful and well-reasoned one and I commend it to all readers of the CONGRESSIONAL RECORD who hope to see the end of the abhorrent apartheid system that prevails today in South Africa. Mr. Cotter's statement follows:

TESTIMONY OF WILLIAM R. COTTER, PRESIDENT, AFRICAN-AMERICAN INSTITUTE

I appear here today as an individual and not as an official spokesman for the African-American Institute. While the Institute has a long record of activities which clearly indicate its opposition to apartheid and the white minority governments which dominate Southern Africa, it does not, as a rule, take specific stands on the kinds of questions which this Committee is now investigating. One important exception was the resolution of the Board of Trustees of the AAI in 1960 which, at the time of the Sharpesville massacre, condemned apartheid, and the repressive actions of the South African Government. Members of the Institute, of course, remain free to express their own views on issues such as U.S. business investment in South Africa about which you have invited me to testify.

Before discussing what U.S. business should do with respect to its investments in South Africa, I must first outline what I believe should be the governing criteria for evaluating all U.S. involvement—public as well as private—with South Africa. For me, the litmus test is simple. When reviewing any U.S. activity we should ask: can it lead to changes in South Africa which will result, as *immediately as possible,* in ending apartheid and minority rule within that country?

I, personally, am in complete accord with those who call for the strongest measures by the United States to accelerate the process of change within South Africa. Nor would I automatically rule out violence as an instrument for obtaining the rights of the non-white majority. The United States obtained its independence through violent revolution when it became clear that other avenues of peaceful changes had been blocked. Can we deny to the overwhelming majority of South Africans the same right to achieve their independence from minority tyranny by *whatever means* are required?

I would certainly prefer peaceful change in South Africa—for the good of the majority as well as the minority—but I am not optimistic that the white rulers will willingly relinquish their absolute control over non-whites. The Vorster Government's response to the Lusaka Manifesto—which accepted the possibility of peaceful, evolutionary change in South Africa—has not been encouraging. Consequently, President Julius Nyerere of Tanzania was clearly justified when he called, in his address before the 25th Anniversary Session of the United Nations, for less patience and dialogue and more support for the freedom fighters. In that connection, I applaud the support which the World Council of Churches is giving to African liberation movements.

Nevertheless, few believe that an internal, violent revolution could succeed in South Africa at this point. Thus, while I recognize the *legitimacy* of violence I doubt its *efficacy* in the current South African context.

This is why it is so difficult for me to endorse, without qualification, the demands of those Americans—mainly young and often Black—whose dedication to the cause of liberty in South Africa I most respect. This group of concerned Americans—which also includes trade union leaders and Black employee groups—calls, with a near unanimous voice, for complete economic disengagement from South Africa. I would be in their ranks now if I believed that total economic disengagement by the U.S. would be the most effective way of eliminating apartheid and bringing majority rule to South Africa. I will join their ranks, in the future, when it so appears. But, at least now, I do not advocate complete withdrawal.

Instead, I believe a better strategy is to help U.S. business recognize its obligation to the wider community in South Africa just as it has come to recognize in the United States that it has obligations to its employees and the general public which go well beyond its simple duty to maximize profits for stockholders. U.S. business operating in South Africa must stop defending its general complicity in apartheid by arguing that it cannot violate local laws or customs or otherwise "interfere in the internal affairs" of another nation.

What about its obligation to follow U.S. Government policy which had condemned apartheid and seek ways within a general system of "contacts" with South Africa, to encourage change within that country? What about its obligation to its employees and the general public in South Africa? Are these obligations less important than automatic compliance with repugnant South African laws? I think not.

Now, assuming business accepted responsibility for trying to bring about change in South Africa, what can and should it do? My general answer is, it should try to push at the limits of tolerance to break down apartheid: increase the welfare of non-white workers, see to their training, job promotions, and the education of their children, provide the opportunity for collective bargaining by recognizing black employee groups, give equal pay for equal work, institute pension, life, health and disability insurance plans for non-whites, provide legal assistance to employees who cannot afford it and assist with their obtaining decent housing, medical care, loans and transportation.

Business should insure that non-white employees are treated with respect, and that they are given *preferred* treatment in training and promotions. Business should contribute to organizations both within South Africa and the United States which are concerned with advancing the welfare of non-whites in South Africa. It should stop giving money to the South Africa Foundation which is primarily an apologist for the *status quo* in South Africa.

I recognize that this approach, which encourages U.S. business to change radically its method of operations in South Africa but does not call for withdrawal at this time, is generally opposed by both business and the more articulate, young critics in this country of the South African regime. Business often says that even if it wanted to do these things, it would not be "allowed" to by the South African Government. It is not at all clear that this is the case. The action of the Polaroid Corporation is testing, in a small pilot way, the limits of South African government tolerance. Others could join Polaroid to probe these limits and other companies as well as Polaroid should, in my view, continue to press forward ever higher standards of justice for their non-white employees.

But, some businessmen will say, the South African Government will, eventually, reach a point where it will stop U.S. firms from continuously increasing the opportunities and welfare of non-white employees and will force U.S. business to retreat from the reforms or withdraw from South Africa entirely. At that point, I recommend withdrawal. If U.S. business cannot be a force for continuous change and ever more effective assaults on apartheid, then I believe it should withdraw.

But to my friends—and particularly the concerned, young Black and other staff members of the African-American Institute—who call for total withdrawal now, I must suggest that your recommended course would discard an important potential tool for achieving meaningful change within South Africa before it is even tried out. Before U.S. firms are pressured to withdraw, I believe we should try to convert U.S. business into a force to break down apartheid. Most of those who call for immediate withdrawal honestly doubt that U.S. business could ever become a force for real change within South Africa even if it had the requisite will. Perhaps they are right. But, we won't know for certain until some have tried.

It is clear that if both withdrawal and internal pressure are posssible forces for change within South Africa—and I believe both can be—and if we want to test the efficacy of each approach—as I feel we should—we can only do so in one order: we must first encourage U.S. business to mount strong, determined and ever escalating pressure from within. If that does not result in meaningful changes, then we should demand U.S. business to withdraw in the hopes that withdrawal will have some greater impact. However, we must bear in mind that those two strategies can not be tried in the *reverse* order: U.S. business cannot first withdraw and later try to work from within South Africa.

Despite my personal advocacy of trying first to force change from within, let me hasten to add that I see great value in immediate withdrawal as well. In the first place, massive withdrawal of U.S. business at this point would be eloquent testimony of our national determination to oppose apartheid. Thus far our national condemnation of that system has been largely verbal—on the part of the U.S. Government as well as the private sector. If significant numbers of U.S. companies were to withdraw from South Africa during 1971 the world in general, South Africa in particular, and our young and other concerned people at home might begin to believe that this country has not lost all capacity for moral outrage. They might come to feel once more that we are willing to make some sacrifices to match our ringing denunciations of apartheid.

In that connection, Anthony Lewis of the New York *Times* pointed out in his April 30 article on South Africa, that "The pressure an outside country can then apply, realistically, is to refuse to take part in the humiliations of apartheid—to refuse to lend them even an appearance of approval."

Moreover, and perhaps even more important than terminating the "appearance of approval" which U.S. business presence gives to the South African system, immediate withdrawal would help guarantee, for the good of our *own* national stability, as well for the majority of South Africans, that when the revolution comes to South Africa we will not be drawn into that conflict on the wrong side because of our economic ties to the present regime. We would then be free to support revolutionary change in a direct and effective manner.

One of the factors which has led me to recommend against total withdrawal at this time, is that I believe many Black Africans, including many independent, militant Blacks in South Africa itself, would also argue that pressure from within—no matter how pessimistic we may be about its impact—is at least worth trying before the U.S. completely disengages from South Africa.

I also know, however, that a very large number of revolutionary Black South Africans, and almost all of those who have fled that repressive country, argue for immediate withdrawal and the imposition of complete sanctions on all fronts as soon as possible. As I save said, I agree that such course, if adopted, *would* produce important, positive results but I am not sure that the benefits would be *as great as* might be derived from continuous internal pressure by the American business community to bring down apartheid and achieve majority rule.

At this point, I am certain, some may feel that I have posited such an impossible set of assumptions that the technique I advocate should be rejected as grounded on fantasy. It can obviously be argued that, first, American business—regardless of U.S. pressures or awakened corporate conscience—will never become the positive source of change which I have assumed it might; and, second that even if it were willing to move along the lines I have set forth, the South African Government would not allow it to do so. Either or both of these assumptions may prove to be correct. But, at the same time, I cannot help feeling that U.S. business has never really tried internal pressure and, in my view, the approach is worth trying even if the odds against meaningful success are long.

Some short term benefits may be quite worthwhile even if total victory cannot be achieved. For example, if the welfare of South African non-whites can really be increased, if their education, training, skills and the opportunities for their children can be substantially upgraded, if their health, job opportunities, self-confidence, organizational skills and financial resources can be improved—wouldn't these changes improve the capacity of the South African majority to claim their just rights—by peaceful *or* violent means—even if they fall short of converting the white rulers into true democrats willing to transfer power to the majority?

Let me illustrate my recommendations by stating the advice I would give a U.S. business leader who was genuinely concerned with majority rights in South Africa.

First, be certain that the U.S. managers of the South African affiliate share an abhorrence of apartheid and the desire for radical, rapid, meaningful change in that society. As Carl Rowan noted, the most regressive attitudes among U.S. citizens in South Africa tend to be found among the American managers of U.S. companies. This situation must be reversed.

Second, recognize fairly chosen representatives of non-white employees in the South African operations and let them identify the priority needs as *they* see them for changes in company policies toward non-whites.

Third, pledge to them that the company will devote a significant part of its earnings in South Africa to finance these added benefits.

Fourth, institute the requested policy changes as soon as possible and, continuously thereafter, press for more and *ever more* changes in the conditions of non-white employees until apartheid has been eliminated.

Fifth, encourage other U.S. businesses to join in such an effort. This will help ensure that a pioneering company will be able to survive longer in South Africa than if it moved alone and it will also multiply the concrete results of these changes. Tokenism means nothing to those who are really concerned with change. In fact, it simply antagonizes and repels us.

Sixth, contribute funds within and without South Africa which are truly dedicated to increasing educational opportunities for nonwhites and in other ways are working to end apartheid. Examples of such organizations in South Africa are the black-run Association for the Educational and Cultural Advancement of the African People of South Africa (ASSECA), the Christian Institute, and the Institute of Race Relations. Examples in this country are the American Committee on Africa and, if I may be so immodest, the African-American Institute, among others.

Seventh, be particularly concerned with promoting non-whites as rapidly as possible and provide the necessary training within the company to ensure that increasing numbers of non-whites are capable of filling more highly skilled positions including managerial slots. This will not only serve to end apartheid in the company but will help equip increasing numbers of non-whites to claim effectively their civil rights in the society at large.

Eighth, when the South African Government pressures the company to discontinue such a program, resist that pressure with determination. When necessary, withdraw from South Africa rather than abandon a program designed to speed the end of apartheid.

In my view, if a company is *not* willing to take the kind of steps outlined above, then it should withdraw now. It should stop giving tacit approval and real support to the maintenance of the present horrifying system in South Africa. In other words, I *do* support the demands of those who are trying to force U.S. companies to withdraw from South Africa *but only* with respect to those firms which evidence no willingness to be a force for meaningful change in South Africa.

However, for those other firms which *do* condemn apartheid and *are* willing to institute programs to force changes from within, I believe we should watch such experiments carefully, prod the companies to do more, but give them some reasonable chance to demonstrate that their program is effecting change. When a program appears to be failing or degenerates into only a token or sham assault on apartheid, then I would join in the call for complete withdrawal by that company.

Let me add one short thought about the special situation regarding Namibia, also referred to as South West Africa. South Africa's violation of its mandate to administer Namibia is once more before the International Court of Justice. If that Court confirms that South Africa has forfeited its power under the mandate, then I hope that U.S. firms in Namibia will respect the jurisdiction of the United Nations over that territory and be prepared to obey its directives and pay taxes to the U.N. rather than to South Africa.

Let me conclude by observing that the U.S. Government, as well as U.S. business, can take positive steps of the sort I have suggested. It is of course true, as some claim, that our Government is powerless to regulate the activities of U.S. business in South Africa. It could do so, if it chose to intervene on behalf of freedom. It could, of course, simply prohibit any U.S. investment in that country. Alternatively, it could prohibit continued operations in South Africa unless companies follow radically new employment policies regarding their non-white employees. But very frankly, I believe at this juncture, that it may be easier to get U.S. business to act than the U.S. Government.

Thank you, Mr. Chairman.

THE IMPACT OF A CHILDREN AND YOUTH PROJECT ON THE NEED FOR IN-PATIENT HOSPITAL CARE

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. KUYKENDALL. Mr. Speaker, title V of the Social Security Act provides that special project grants may be made to provide comprehensive health services to school and preschool children in areas where low-income families are concentrated. Ninety-eight percent of those children registered in these projects throughout the Nation are under 9 years of age. Currently there are 59 children and youth projects located in 30 States and the Virgin Islands.

These programs are having a tremendous impact toward improving the quality of life of our young children in low income urban and rural areas. I am pleased to share with my colleagues the advantages being derived by many of my constituents through the children and youth program located in Memphis. I wish to include in the RECORD at this time a brief abstract of the children and youth project in Memphis prepared by David H. James, Jr., M.D., of the University of Tennessee College of Medicine, department of pediatrics:

The Memphis Children and Youth Project serves approximately 3,500 infants and children from low-income families that reside in four census tracts of the northwestern portion of the city. During the first full year of operation (1968), there was a need for 200 individual hospital admissions, requiring 964 hospital days. By the third year (1970), the number of hospital admissions had decreased to 80 and the number of hospital days to 267. During this latter year, 42% of the admissions were for medical problems and 58% for surgical procedures. This percentage distribution is the same as that experienced by the private practice sector of the Memphis community in 1970.

The average length of hospitalization for the Children and Youth Project patients dropped from 4.8 days in 1968 to 3.3 days in 1970. This compares with an average hospital stay in 1970 of 3.8 days for patients of the pediatric age group in the Memphis private practice sector.

It is concluded that the Memphis Children and Youth Project has brought about a marked decrease in the need for hospitalization for infants and children in the Project area. It is further concluded that, after three years of operation, the types of problems requiring hospitalization and the length of stay in the hospital are the same for those infants and children served by the Project as for those served by the private practice sector of the Memphis community

Mr. Speaker, the Appropriations Subcommittee on Labor-HEW will shortly begin its deliberations on the maternal and child health budget. Representatives of the American Academy of Pediatrics have estimated that children and youth projects alone need an additional $40 million to expand current programs and $15 million to fund project requests which are pending. I encourage my colleagues to bear in mind the estimated need and the benefits to be derived of these programs when we begin consideration of the health budget for fiscal year 1972.

ELDER CITIZENS DESERVE OUR GRATITUDE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. KEMP. Mr. Speaker, the elder citizens of our land have worked and sacrificed to build America. They deserve to be thanked, not ignored. The extra years of life made possible by science must be made secure, productive, and independent. We cannot allow the older citizens of our society to live out their days in poverty, loneliness, and despair.

The Bureau of the Budget in its appropriations request for the Administration on Aging in fiscal year 1972 cut $7 million from the amount of appropriations voted in fiscal year 1971. This would have forced serious cutbacks in the community programs and other projects. It is estimated that, if these cuts had been maintained, more than 125 senior centers in different sections of the country would have had to be closed. When all the facts came to light, President Nixon and Secretary Richardson of the Department of Health, Education, and Welfare made a determination to ask for the restoration of the appropriation request to the fiscal year 1971 level and, indeed, to increase the request by an additional $3 million. The following table shows the result of the administration's action:

	Original fiscal year 1972 budget	Revised fiscal year 1972 budget	Net increase
Community programs	$5,350	$9,000	$3,650
Planning and operation	4,000	4,000	
Model projects	4,000	5,200	1,200
Foster grandparents	7,500	10,500	3,000
RSVP	5,000	5,000	
Research and demonstration	1,800	2,800	1,000
Training	1,850	3,000	1,150
Total	29,500	39,500	10,000

It has also come to my attention that during the past year there has been great concern among the senior citizen membership groups and the national organizations engaged in programs affecting the elderly about the gradual downgrading of the Administration on Aging which began with the action of former Secretary of Health, Education, and Welfare Wilbur Cohen, who placed it under the jurisdiction of the offices of Social and Rehabilitation Service in HEW. The result has awakened a deep seated fear among interested parties that the Administration on Aging will be unable to fulfill the responsibilities assigned to it by the Older American Act of 1965.

It was in response to this concern that Secretary Richardson on May 6 announced that he had invited Dr. Arthur Flemming, newly appointed chairman of the White House Conference on Aging, to appoint a task force to reexamine the future role and structure of the Administration on Aging.

For the information of the Members of the House, I include at this time Secretary Richardson's statement announcing this special task force:

Statement by Secretary Richardson

I have asked Dr. Arthur Flemming, Chairman of the 1971 White House Conference on the Aging, to establish a special task force to review the organization and status of the Administration on Aging.

The task force will be composed of qualified and prominent private citizens and they will give Chairman Flemming and me their recommendations as to the role, function and location of the Administration on Aging within the Executive Branch as a whole.

Dr. Flemming and I want the task force to examine the different alternatives with respect to the future of the Administration on Aging, giving special consideration to recommendations which will issue from the various State White House Conferences on Aging, and giving particular weight to those recommendations which emerge from the White House Conference on Aging next November.

The Administration on Aging is a prominent part, but only one part, of this Administration's comprehensive program to assist older Americans; many Departments and Agencies of the Federal Government have essential roles.

Dr. Flemming and I look forward to a thorough examination and to receiving ideas which are directly representative of the views of senior citizens themselves and their membership organizations.

The members of the task force will be announced by Chairman Flemming within a few weeks.

These actions will help strengthen old-age programs at the grass roots level and improve communications between older Americans and their government.

It was a pleasure for me to vote for the 10% increase in Social Security as well as the 10% increase for railroad retirees. I also support proposed legislation which includes an additional 5% increase in Social Security and ties Social Security increases to the cost-of-living index.

The halting of inflationary pressures is perhaps the most important need of our retired citizens, and Social Security must be made a more equitable and effective instrument of income security through this automatic cost-of-living adjustment.

To give needed assistance to those older Americans who work, I have introduced legislation which would exempt those persons over 65 from Social Security tax—who are either forced to continue working to supplement Social Security benefits—or who do not wish to retire.

Assuring the dignity of old age is not the granting of some special privilege. It is sharing America's trillion dollar economy with the men and women who helped create it.

SATELLITES PRODUCE ADVANCES IN COMMUNICATIONS AND EDUCATION

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. FREY. Mr. Speaker, in the April 17, 1971, issue of Editor and Publisher, General Electric Co. has a full-page advertisement which dramatically summarizes worldwide educational and communication developments due to the use of direct broadcast satellite TV systems. These systems both help the earth's standard of living and improve world understanding.

The article follows:

'70s: Payoff Years From Space

NEO (NEAR EARTH ORBIT) SPACE: THE ILLITERATE LEARN TO READ AND WRITE

Some 300 million villagers in India have a direct stake in the United States' space program. That's how many Indians, presently illiterate, who may learn to read or to farm more effectively—thanks to American satellites in the 1970's.

India's current population (537 million) is growing at a rate that will reach more than a billion people by 1997. While 82 per cent live in 556,000 small villages, and about 70 per cent of the work force are farmers or agricutural laborers, India still does not produce enough food to feed its people. Education also suffers in India, with less than 50 per cent of primary school age children enrolled in schools. Complicating the educational problem is India's multiplicity of languages; there are 12 major languages and several hundred distinct dialects. Journalism is inadequate, too, since only two per cent of the newspapers go to the small villages where more than 80 per cent of the population lives!

The need for fast, extensive communications in India is obvious to its government which is striving to improve basic education, especially in modern agricultural techniques. To do so, India conducted studies of many alternate approaches, and has concluded that a Direct Broadcast Satellite TV system would be the most cost effective way to help solve these problems. Space TV costs about half of what an equivalent, entirely ground-based, system would cost since satellites can eliminate the need for large earth receiving and transmission stations, and complex relay networks. Broadcast satellites of the '70's will be powerful enough to beam TV programs directly from space to villages equipped with small, inexpensive receiving antennas. India already has found that community educational television has proven its worth in the area surrounding Delhi in an important experiment involving some 80 villages.

Under terms of an agreement India signed with the United States in 1969, their first 5000 villages are expected to be receiving televised instruction from space by 1973. Ultimately, some 600,000 direct broadcast receivers will be set up centrally in their villages with audiences of up to several hundred people at each location. And the multi-language problem is solved, also, since each TV set will have a selection of dialect audio channels.

Brazil, too, is studying an educational system calling for direct broadcasts via satellite. There, problems are somewhat different from India's: the imbalance caused by very sparse distribution of the population (90 million people spread over 3.2 million square miles) has resulted in an inadequate educational system—there simply aren't enough teachers to go around. Rural schools are served by only 36 per cent of the teachers, but have 54 per cent of the enrolled primary students. And, of the 100,000 teachers in rural schools, some two-thirds have had only primary education. Through communications satellites, Brazil plans to instruct students in the rural areas on modern agricultural methods and to provide sufficient basic education to help overcome the school system's deficiencies. Plans call for direct satellite broadcast to about 150,000 schools, reaching 30 million people, about double the number of people who presently receive schooling in Brazil. Officials estimate that the system would cost one-fifth of an Earth-bound system. In a few years, villagers in India and rural students in Brazil will be telling the world what they think of Near Earth Orbit-Space.

Just what is NEO-Space? It's a dark cold vacuum that surrounds our planet beginning some 2000 miles from Earth and extending to 25,000 miles from the planet. NEO-Space is home for the 427 artificial satellites currently in orbit around our world performing important research and operational tasks for Earthlings ranging from weather description to improved communications. The ability of communications satellites in NEO-Space to help bring the benefits of education to millions in the underdeveloped nations is one of the most profound benefits offered by NEO-Space.

Indians and South Americans aren't the only ones to benefit from communications satellites in NEO-Space. Today we have better television, with live, quality trans-oceanic color telecasts via satellites of news events. And, nations now have a capability of maintaining instantaneous, clear, unimpaired and direct communications with all nations of the world, a significant contribution to international relations. These and other Earthly benefits are available now because the use of NEO-Space has become economically competitive with other ways of doing things on Earth. The costs of using NEO-Space are coming down, and are expected to get even lower.

The investment cost per circuit year in communications satellites has decreased from $25,000 for the Early Bird satellite in 1965 to an estimated $870 for the current Intelsat IV.

Charges for the satellite portion of a one-hour color telecast between New York and Europe in 1970 are 19 per cent of what they were in 1967, a reduction of 81 per cent.

Advances in cable as well as satellite technology have resulted in better and cheaper telephone communications, resulting in actual rate decreases of up to 40 per cent in the price of trans-oceanic phone calls.

And the future of communications satellites holds even greater potential for improving the quality of life on Earth:

Under the terms of a domestic satellite system proposed by one firm, American television networks could cut their annual communications costs from more than $70 million to about $40 million. Such savings represent significant steps in keeping TV production costs down, and help fight inflation.

In air traffic control, particularly over the oceans, communications satellites can lead to an increase in air traffic density without compromising safety. By augmenting the electronic equipment on board, satellites can aid navigation and direct collision avoidance systems in air-lanes worldwide.

Likewise, satellites can make sea shipment and travel more economical and safer by providing continuous communications and accurate navigational aids to ships.

Business use of communications satellites will grow, too. One study estimates that the demand for business and data communications circuits will grow at least by 230 per cent from 1975 to 1985. And, because of time zones, satellites could enable computers to be used and shared economically around the clock throughout the world.

Direct Broadcast satellites, in the more industrialized nations, could help doctors and lawyers to keep abreast of the latest developments in their fields by transmitting new data and instruction directly into their homes or offices.

These are some of the present and future uses of communications satellites in NEO-Space. By helping to teach more effective farming, the United States space program will be combating starvation; by helping to teach reading and writing, it will help the Earth's standard of living and by helping improve communications between nations, it will improve world understanding.

During the 70's, we are in the real payoff years in space, an age in which we will see even greater economic gains from the space investments of the 60's. Greatly improved communications is just one area in which NEO-Space is helping to solve the problems on Earth in ways that are economically competitive with other ways of doing things on Earth. We've gained experience, honed our technologies, and now we're ready to fully exploit NEO-Space in the 1970's because we've learned that it's a better and cheaper way to attack some problems on Earth. (Space Division, General Electric Company, Valley Forge, Pennsylvania.)

THE REAL MEANING OF MEMORIAL DAY

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. BURKE of Florida. Mr. Speaker, Memorial Day is always a day of memories, and it is a time when we should all stop and give thanks for the blessings of liberty. We, as Americans, know that the men who die in the service of our great Nation make this sacrifice in order that the hopes and ambitions of our Founding Fathers might be realized, that the Constitution upon which our Government is based might stand today—strong, triumphant—the bulwark of our Nation.

We not only pay honor to those patriotic men and women who have given their lives for America, but we pay honor to all, living and dead, who unselfishly contributed their service in order that our families, our children, and posterity might enjoy the priceless heritage of freedom.

In expressing our gratitude, we must always save a special place of honor for the thousands of disabled veterans, many still confined to hospitals, and their dependents, the widows and orphans of those deceased veterans whose lives were shattered in our Nation's behalf. And in this year of 1971, I hope we will all say a special prayer for the safety and well-being of those men who are prisoners of war in Southeast Asia. It is the fervent hope and prayer of all Americans that before we observe another Memorial Day these men shall be returned to their homes and loved ones.

The concept of Memorial Day had its origins in the tragedy of another war. Some authorities credit the tradition as beginning in the South soon after the Civil War. There the ladies of the community, in honoring the memory of their own fallen, placed floral offerings reverently upon the soft mounds where their kin were buried. At the same time they thought in terms of the bereavement of others in the North and also decorated the last resting places of the deceased soldiers from the North who had been interred there.

Whatever the exact origin may have been, it was Gen. John A. Logan, Commander in Chief of the Grand Army of the Republic, who issued General Order No. 11 on May 5, 1868. In it he asked that our honored dead be paid tribute on the 30th of May, when the flowers of springtime were in abundance.

General Logan's order closed with the words:

> Let no ravages of time testify to coming generations that we have forgotten as a people the cost of a free and undivided Republic.

Since that time over a hundred years ago, millions of our young men have been called upon to pay the price of freedom. The rumblings of war have called our young men to the aid of their country five times in the past century. Bravely they have answered the call of duty. Their sacrifices, willingly made, are the real meaning—the true significance of Memorial Day.

Memorial Day is a time for us to renew our determination to meet successfully the challenges which are before us in these troubled years. Thereby can we best honor those who have gone before. It is by renewing our commitment to the ideals of freedom and democracy that we can best prove that those young men who gave their lives for America shall not have died in vain.

RESOLUTION ON NAMIBIA

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. KOCH. Mr. Speaker, the United Nations Association of New York recently passed a resolution concerning the situation in Namibia. I approve of their resolution, and am inserting a copy of it into the RECORD at this time:

RESOLUTION ON NAMIBIA (SOUTHWEST AFRICA)

Mindful of the special status of Southwest Africa as a mandated area under the League of Nations, and the subsequent actions of the United Nations to apply to this territory the general principles of trusteeship defined in the Charter;

Considering the long series of actions in which international tribunals have given attention to this subject, including the request for an advisory opinion now pending before the International Court of Justice;

The United Nations Association of New York, N.Y.,

Expresses its hope that all states members of the United Nations will support the development of a status for Namibia consistent with the obligations which the international community has long assumed toward that region, based upon the aspirations for self-government which its people have expressed and upon which the United Nations has acted;

Deplores the refusal of the Union of South Africa to withdraw its illegal adminstration from Namibia, condemns the illegal trials of Namibian persons under the South African Terrorism Act, and strongly opposes the proposal of the Union of South Africa to conduct a unilaterally supervised plebiscite in Namibia in defiance of the Council which the United Nations has set up to supervise the affairs of the region; and

Urges that the government of the United States give affirmative support to these principles through its delegates at the United Nations.

JULIUS SCHEPPS—TALL CITIZEN WHO EARNED GREATNESS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. COLLINS of Texas. Mr. Speaker, when I landed in Dallas this past weekend, the first news I heard was that Julius Schepps was dead. This was a real blow. I had been working closely with "Mr. Julius" in his post as president of our active Dallas Park Board.

But, ever since I was a boy, I looked up to him to help me on any community project. Dallas loved him. He has received all our honors including the 1954 Linz Award as "Dallas' Outstanding Citizen." In 1962 he was chosen "Headliner of the Year." Texas Welfare Federation chose him as the person contributing the most to the welfare of his community.

The Jewish people in Dallas are very popular. We have had many Jews with dynamic spirit like Schepps. Their leadership in civic drives, school programs, cultural development was consistent. But Schepps joins the list of the all-time greats. He was a hard worker, a generous giver, and a friendly man. He was for Dallas all the way.

Community relations are not laws—not politics—but depend on people themselves. And our community has lost a warm neighbor and good friend.

I always read the Dallas Times Herald editorial page to analyze Editor Felix R. McKnight's viewpoint. In the May 30 issue of the Times Herald he paid a great tribute to Julius Schepps. Here are the highlights of this article by McKnight:

> Julius Schepps was not a myth. He did all of those things that made him a very great man.
>
> I could lead you through the streets of Dallas and gather testimony from tens of thousands to verify that he earned the treasure good men seek—true greatness.
>
> Our path would take us to a skid row mission, to a child's bedside, to a festering racial uprising where his word was believed, to a broken alcoholic, to slums, to mansions, to a camp for confused boys that he helped found 50 years ago—to any place where man needed a brother.
>
> Some of his witnesses would be of his Jewish faith, some would be Protestants, some would be Catholics, some would be black and some would be white and brown. But the testimony would have the rich sameness; how a huge man with a hawk nose and slope shoulders had touched their souls.
>
> Could one man be all of these things? Julius Schepps qualified.
>
> Sixty-nine years ago he came to this city, the six-year-old son of a Russian immigrant who opened a tiny downtown bakery shop. In the span of time from that day until his death last Tuesday, Julius Schepps wove a life of usefulness that is unparalleled in Dallas history.

And he did it without the formal foundations. There was no wiser man in Dallas, but he acquired his learning in his own way.

He proudly identified himself as a Texas Aggie and told a thousand stories about his "college life." He enrolled there in 1914 as a basketball recruit and was 17 days into campus life before they discovered he was without a high school diploma. He departed, but only physically. He became an Aggie stalwart; an institution. Twelve years later he became the best of all Aggie stories—they elected their 17-day Aggie president of the Former Students Association.

Julius Schepps had difficulty pronouncing "ecumenical," but he knew universal brotherhood better than any man.

He was the man who headed Dallas' first bi-racial commission—and he was the man who boldly stood for equity and justice that resulted in the city's total integration. His forthright stand on that issue, and every other issue, came from total honesty of the soul.

Julius Schepps was a wealthy man who controlled many enterprises. One, a wholesale liquor dealership—but he was an abstainer who preached moderation and funneled most of the profits into charities and human causes.

No one knows how much money he gave to others—from the building that houses the Dallas County United Fund to outfitting with bats, balls, gloves, shoes and uniforms a West Dallas Mexican-American kid baseball team he had never seen. Someone just mentioned it to him.

Voids come to communities and good men fill them. But to those who knew him, there comes the feeling that Julius Schepps' "jersey" should be retired and enshrined—never to be worn again.

Julius Schepps . . . leader, brother, philanthropist, patriot, Texas Aggie, man among men . . . farewell.

UNITED STATES WEIGHS WEAKENING FLAMMABLE FABRIC CURB

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. DINGELL. Mr. Speaker, I insert into the Congressional Record an article that appeared in the Washington Post, June 1, 1971, and is entitled "U.S. Weighs Weakening Flammable Fabric Curb."

This fine article tells of a potentially deplorable action contemplated by the Commerce Department, and deserves careful consideration:

U.S. Weighs Weakening Flammable Fabric Curb

The Commerce Department is considering weakening a proposed requirement on flameproofing of children's nightwear, it was learned yesterday.

Under the revision, the proposal would make optional rather than mandatory the standard against flammable fabrics. Those makers that did not follow the standard would be required to place cautionary labeling on children's pajamas and nightgowns.

The relaxed labeling alternatives will be recommended shortly to Commerce Secretary Maurice H. Stans, who must make the final decision, government sources said.

Commerce officials said such a rule would leave to parents the decision whether to buy flame-retardant sleepwear, which is expected to cost more.

The officials said it also would spur industry eventually to make all children's sleepwear flame retardant. They reasoned that many firms would be reluctant to put a warning label on their products, while those that were technologically backward would not be put out of business overnight.

PHINEAS BANNING—PORT ADMIRAL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. ANDERSON of California. Mr. Speaker, the former home of Phineas Banning in Wilmington, Calif., has been approved for designation as a national historical site and inclusion in the national registry of historical places.

The 30-room house was built in 1864, 6 years after Banning founded the town of Wilmington and named it after his birthplace in Wilmington, Del. This gracious mansion is certainly worthy of recognition as a national historical site both because of the unusual nature of the building and the importance of the man who built it.

Phineas Banning was the father of the massive port complex which has made the Wilmington-San Pedro area one of the most important regional shipping ports in the world.

In 1864 he bought some 4,000 acres of waterfront land, built barges, a wharf and a warehouse, and began transporting cargoes between ships anchored in San Pedro Bay and the mainland. At first, people in the area derisively referred to him as "the Port Admiral," but later that became a term of honor with the further development of his dream of a major shipping port.

Banning journeyed at his own expense to Washington, D.C. in the early 1870's and succeeded in obtaining the first congressional appropriation for the development of the harbor complex.

The mansion, located in Banning Park at 401 East M Street, was built entirely from lumber shipped around the Horn in sailing vessels from the east coast.

During Banning's lifetime it was frequently the scene of huge dinner parties, or "regales," with as many as 100 guests—often including industrial leaders, civic officials, Congressmen, Senators, Governors of California, and high-ranking military officials.

Other distinctive features of the home include the use of stained glass from Belgium, ornate French fireplaces, hand-engraved door hinges brought from Philadelphia.

The mansion includes a giant walk-in refrigerator which was supplied annually with massive slabs of ice cut in the high Sierras and shipped to the Banning home in the wagons of the freight service which he owned and operated.

Crowning the building is a lookout tower from which Mr. Banning used to observe the arrival and departure of ships in the Los Angeles Harbor.

The Banning home was designated as a State historical landmark in 1936. To mark the occasion, William Banning, one of General Banning's 11 children, drove a coach with a six-horse hitch, up to the front steps as part of the dedication ceremonies.

Decades ago the home and its surrounding grounds were obtained by the city of Los Angeles for use as a park. It was beautifully suited for this purpose because of the charming landscaping of the grounds.

Among the central features of that landscaping is the oldest eucalyptus tree in California, having been planted there more than a century ago by Banning's Chinese gardener. A 200-foot-long wisteria vine, planted behind the house by that same gardener, has been the theme of the annual Wisteria Festival sponsored by the community of Wilmington since the early 1950's.

Guided tours of the Banning home are conducted during the summer months each year, with the guides being girls from Harbor College or the local high schools dressed in costumes of the period in which the mansion was built. Tours are normally on Sundays from 10 a.m. to 4 p.m. with a nominal admission charge of 25 cents for adults and 10 cents for children.

Although Banning was a man of many aspects—the founder of Wilmington; father of the Port of Los Angeles; a general in the California Militia; one of the pioneers of the oil industry in California—it was the freight business that made him wealthy.

At first his freight company was centered on the run between the port area and downtown Los Angeles, although it later expanded as far as another California city which he established—Banning, in the desert area near Riverside.

Later, Banning was involved in the construction and operation of the first rail line connecting the port with downtown Los Angeles.

One of the best biographies of Banning is "Port Admiral: Phineas Banning 1830–1885" by Maymie R. Krythe, published in 1957 by the California Historical Society.

It seems highly ironic that Banning, who had become wealthy and powerful because of his freight business, should have died at the age of 55 as a result of injuries suffered when he stepped off a street car and was run down by a passing freight wagon.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

HUNDRED CLUB OF COOK COUNTY, ILL., PROVIDES CARE FOR SLAIN POLICE AND FIREMEN'S FAMILIES

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. MURPHY of Illinois. Mr. Speaker, the brutal deaths of policemen and firemen in the line of duty give all Americans grave cause for thought. These men whose deaths come in the prime of life leaves wives and young children behind. Rarely are there substantial savings as the salaries of these men must stretch simply to provide a decent way of life for wives and dependents. Consequently, the families of these men became wards of the State, or, at best, struggle to pay off debts and pick up the pieces of shattered lives.

A group of Chicago business and professional men provides alternatives for these families, however. These men belong to the Hundred Club of Cook County which provides funds and moral support to families of slain policemen and firemen in times of desperate need. Ralph J. Scheu is the 70-year-old retired industrialist who founded the club and continues to provide its able leadership. His genius and steadfastness have been evident since the club's inception 3 years ago.

I insert in the RECORD the text of an article which tells the story of 500 interested men who believe it is better to care for one's fellow man than to ignore his plight. The author of the article, Clay Gowran, is a writer with the Chicago Tribune. It is my hope that my fellow colleagues will benefit from this insertion but, more importantly, that it will inspire other metropolitan areas to undertake similar ventures.

The text of the article follows:

HUNDRED CLUB OF COOK COUNTY AND ITS WORK

(By Clay Gowran)

At 2:49 A. M. last Nov. 13, a Chicago police squad was sent to 58th street and Calumet avenue to investigate a telephoned report of "a man with a shotgun on the street."

At 3:08 a. m., Patrolman Frank Rappaport—32 years old, 3½ years in the blue uniform, alone that night in blue-and-white car 9727—was among many men in three police districts who sped to the intersection in response to a second, urgent radio call, "Police officers need help . . . police officer shot. . . ."

At 4 a. m., not quite an hour after Rappaport flipped on his siren and headed for 58th and Calumet, Father Donald Gaugush, Catholic chaplain of the Chicago police department, climbed from a black police limousine and rang the doorbell of the Rappaport home, a small, neat bungalow on Exchange avenue on the city's far south side. He was there on the errand which, each time he has to perform it, is the most agonizing part of his duties. He was there to tell Connie Rappaport—blonde, 4 feet 9 inches tall, married 11 years, mother of three—that the young husband she had kissed good-night, a little while before had been shotgunned to death in a senseless burst of street-gang savagery at and around a scrofulous, abandoned hotel, a battle which ended with a Black Panther gunman killed, a second hit and captured, and eight more policemen wounded [one of whom, John Gilhooly, 21, and less than a year out of the police academy, was later to die of his wounds].

What is there to say to a young woman, to help, after she has been told what Father Gaugush had to tell her? What could he do for her? What could anyone do?

Nothing, really, of course. But for more than three years a number of Chicago business and professional men have tried to make tragedies such as that which enveloped Connie Rappaport, and other wives before her, a little less nightmarish. The men belong to the Hundred Club of Cook County. It has no clubrooms, no paid employes, no social functions outside of two dinners a year, not even membership cards. The men—as of now 494 older ones who contribute $200 "dues" each year, and 30 or so younger associates who give $50—belong because they want to be part of what happened after Frank Rappaport died, what since 1966 has happened after other line-of-duty deaths among policemen and firemen throughout the county.

That afternoon of Nov. 13, Gerald W. Cavanagh, Hundred club treasurer and president of the Chicago Motor club, drove to the Rappaport home. Police friends of Frank were there, including Detective Tom Manella of area 2 homicide, who had been Rappaport's best friend in high school, and who now searched, haltingly, for words to say. Relatives, doing what they could. The Rappaport children—Susan, whose 10th birthday had come the Thursday before; Michael, 8; Patricia, 3. Mac, the magnificent collie which was Frank Rappaport's special joy, and which now sat quietly at the picture window, looking down the street . . . waiting . . . waiting.

Connie Rappaport, who had shown real courage when Father Gaugush had been there ["When I had to tell her that her husband was gone, she said, 'I knew, father, I knew when I opened the door and saw you there.' "], was keeping purposely busy, seeing there was coffee, sometimes answering the always-ringing telephone, stopping a spat among the youngsters who hadn't yet realized what had happened, cuddling small Patsy.

Cavanagh, a gentle man of 66 with white hair, sat down with Mrs. Rappaport. He told her, of course, how sorry he was, and she thanked him. He told her he was there because he represented the Hundred club, created for such times as this. He handed her a club check for $1,000 "because you may have need for immediate cash, and we don't want you to have to worry about that in addition to everything else, because we want to help." He said that, later, he or another club member would be back. And he stressed he wanted her to understand "what we do is *not* charity or anything like it. . . . This organization was formed because some men feel we have a duty to the families of firemen and policemen."

Frank Rappaport was buried the following Monday, in a week that saw two other police funerals—those of young Gilhooly, and Patrolman Samuel Lynch, 46, and the father of six, pronounced dead at Presbyterian-St. Luke's hospital after he was found near his overturned three-wheel motorcycle at Clark and Polk streets, the victim of a hit-and-run killer.

The same week, Ralph J. Scheu, the retired 70-year-old industrialist and native Chicagoan who founded and is the principal driving force of the Hundred Club of Cook County, visited Connie Rappaport and Aster Lynch, the motorcycle policeman's widow, who like Mrs. Rappaport had received a $1,000 check from Cavanagh. Scheu ["Shoy"] had been at the Mayo Clinic undergoing a checkup during the 48 hours which saw Rappaport die, then Lynch, then Gilhooly, but now, in the name of the club he organized, he was performing the "duty" his old friend, Cavanagh, had mentioned. With him was Patrolman Clifford Dorn, who with Sgt. Clarence Erickson make up the police special services unit, charged among other things with doing what can be done for a fallen policeman's survivors.

In each of the two homes—the Rappaports', and the Lynch bungalow on 87th street—Scheu told the women, again, what Cavanagh had told them, that what was being done was in no way charity, that members of the Hundred club "look upon it as a solemn obligation. . . . We feel we must do something for our police and firemen, because they do for us what we cannot do for ourselves. . . ."

With Dorn, Scheu learned from Mrs. Rappaport that $9,281 still was owed on the 25-year mortgage she and Frank had taken when they bought the bungalow in 1959. There were no other debts. At Mrs. Lynch's, Scheu discovered the policeman had, when he bought his home in 1960, put down $2,000 in cash and arranged to pay the remaining $16,950 over 24 years under a contract-purchase agreement. Also, the Lynches had, last summer, put up a $2,100 garage and had made four monthly payments on it, $34.97 each. And slightly under $500 was owed Sears, Roebuck on a dining room set. In total, the sums owed by the family at the moment that unknown driver struck and killed the policeman-father came to $14,876.

Of each widow, Scheu asked the same. Would they allow him to take, temporarily, the papers concerned with the homes and the debts? His son, Ralph G. Scheu, a lawyer as well as secretary of the club, would contact the companies or people involved. When the papers were returned in a week or two, he explained, it would be with the mortgage commitments and other debts marked "Paid in Full," because that, in addition to the initial $1,000, is what the Hundred club is for.

"We in no way want to interfere with pension plans or insurance or other benefits," he said. "Our help is a sort of a 'plus'—we simply want to pay off debts such as these, things you and your husband would have paid, so you and your youngsters will have the pensions and other moneys clear for support of the family, for education, and so on. We just want to clear the way."

[In the death of Gilhooly, no payments were made, for a reason to be found in the club's charter. It explains the nonprofit organization was incorporated under Illinois law "to help provide for widows and dependents of policemen and firemen who lose their lives in the line of duty," and Gilhooly was a bachelor without dependents.]

Connie Rappaport, still composed but near tears, thanked Scheu and told him the mortgage "was my biggest worry—I love this home and want to go on here, because the neighbors are so nice, and the park where I'm coleader of a Girl Scout troop is just a block away, and the school only two blocks." Mrs. Lynch, a quiet woman facing her disaster with the same steady courage shown by Mrs. Rappaport, thanked him, too. She said: "You can't know what it means, to know there is such help. To know funds we do receive can help educate the children—the big thing Sam wanted, what he talked about the most, was that the kids go on to higher schooling."

That dream should be attainable, for both Lynches and Rappaports, because the city of Chicago now has, with new state help, a program of death benefits and pensions for police and firemen killed in line of duty which is substantial. Each woman will receive her husband's full salary for one year from his death, then a monthly pension of three-fourths of his salary [$300 for firemen's widows], plus $60 a month for each child under 18, the total not to exceed the man's full pay. Also, a $4,000 lump-sum payment, with both pension and cash payment coming from annuity-benefit funds into which police officers pay 8½ per cent of their salaries, and firemen 8⅝ per cent. In addition, the Chicago city council sets up trusts for the families under an allotment schedule specified by ordinance [from $7,500 for a widow without children up to a maximum of $15,000 for one with two or more children]. Finally, under new state legislation just signed into law by Governor Ogilvie, families of law enforcement officers and firemen killed on duty receive $10,000 from Illinois.

"We're glad official sources provide such help in Chicago, and, as I've said, what we try to do is to take care of debts existing at death, so the family can make a new start without old obligations," Scheu explained. "But, don't forget this, too—in Cook county there are more than 200 other police and fire departments besides Chicago's, and very few come anywhere near the city in death benefits—in fact, most have no benefits at all outside the state aid. The club helps with their men, too, exactly the same as in Chicago."

The idea of both quick and substantial assistance to survivors of police officers and firemen killed in action, the idea behind Cook county's Hundred club and others elsewhere, originated in the early 1950s in Detroit. William Packer, a wealthy automobile dealer who liked the police and firemen he chanced to know, thought they did hard jobs well, and was distressed at how little they sometimes could leave loved ones when a bullet or perhaps a falling wall ended their lives. On several occasions, Packer took up collections among friends to help such families, but it was hap-hazard, and he finally concluded there should be some continuing organization building up funds which would be available to aid the families of all such men killed in line of duty, not just for the most dramatic or poignant cases.

So, in 1952, Detroit's Hundred club was born. The name, meaningless but still used in the Motor City and by other clubs elsewhere, derives from Packer's initial idea that membership would be limited to 100 persons paying $200 each year—but so many men responded that the limit was set aside.

Scheu, long a civic leader and fund raiser here for various causes, first heard of the Hundred club concept in the spring of 1966 when, during a stay at his winter home in Fort Lauderdale, Fla., he was invited to join one there. He did, and as he familiarized himself with the help provided widows and children he became convinced such an organization was needed even more here. He talked with other Chicago friends vacationing in Lauderdale—attorneys Grier Patterson and Sinon Murray; Morgan Murphy, chairman of the executive committee of Commonwealth Edison—and they liked the idea. He flew to Chicago and outlined the club plan to the city's top newspaper executives, to Mayor Daley, and to other men, and they all liked it, too.

In November, 1966, the Hundred Club of Cook County had its first meeting, with 174 members, each of whom had made the $200 [tax deductible] contribution to the organization. By the next February, there were more than 300 members. It was then—Feb. 8, 1967—the new club performed its first service.

Two days before, Patrolman William Bell, 25, had been accidentally shot to death by another officer while, altho off duty, he was trying to help capture a robber. Scheu gave the $1,000 check to Mrs. Bell [there were no children], and a few days later the club paid up $1,217 in debts owed by the young couple.

November was the Cook County Hundred club's 37th month of operation, and in those months it aided the dependents of 36 men who died in the line of duty—18 Chicago police officers, nine city firemen, eight suburban or county police, one suburban fireman. The death of the last of the 36 came, extra sadly, on Thanksgiving day. Oliver Singleton, 42, a Chicago police detective, died of a bullet wound which had paralyzed him from the neck down last Jan. 24 when he was shot as he and other officers stopped the robbery of an armored money truck.

Well over $200,000 in club funds was used to help survivors during the period—including the payments to the Rappaport, Lynch, and Singleton families—and about $113,000 remained in the treasury.

In the organization's files are letters which attest to the work this group of Chicagoans has done, to make life a little easier, the nightmare a shade less terrible when tragedy strikes. Like the letter signed "Joan Leifker and the children."

Fireman Edward Leifker, 40, father of six, was on duty at Truck Company 18, 50th Street and Union avenue, on Feb. 7, 1968, when an alarm sounded for the big plant of the Mickelberry Food Products company, just a block away. Minutes after arriving there, truck 18 was a battered wreck and three of its crew including Leifker dead in an explosion and fire which eventually claimed nine lives and injured 72 persons. The club was ready with the first checks, then later Scheu returned to talk with Mrs. Leifker in the home at 6151 S. Wolcott av. Even now, he can't speak of it without a lump in his throat.

"I got there in the evening, and kids were playing on the living room floor, so Mrs. Leifker and I sat at the kitchen table," he said. "I told her we wanted to try to relieve her of any financial burdens she might have.

"She promptly told me she and her husband had no debts, that they'd been people who paid their bills. I said it seemed almost impossible, with six little kids, she wouldn't have any debts at all, but she said that's the way it was.

"We want on talking, tho, and she eventually mentioned that, just two weeks before her husband's death, she'd made the regular payment on their mortgage. I said, 'See, you do have a debt,' and Mrs. Leifker promptly told me a little heatedly, that, no, sir, a 'debt' to her and her husband was a bill overdue, like doctor's or dentist's, while a mortgage was something you paid—on time, too—when buying a home.

"I said that was sure a good way to look at it. But I explained, nevertheless, the club would consider it an honor to clear the $5,100 due on the home, and it turned out, take care of a balance of $1,300 on the station wagon the Leifkers were buying, with never a late payment. She started to cry, and she said: 'You people shouldn't do this. Why don't you save this money for somebody who needs it more than I do?' "

The letter in the files from Joan Leifker, a little Irish gal who looks more like a college junior than a widow with six children, says in part:

"I received your checks and title to my car, and I want to thank you and the people associated with the club. It is still hard to believe there are so many who take time to worry and care what happens to strangers. . . . I have always felt it would be wonderful to have money and be able to help people less fortunate than we were, but until the accident I didn't realize that your club was already doing just that. . . . I sincerely pray that, some day, one of my sons will be in the position to help someone, as your friends have helped us."

Now, because of Hundred club assistance, Mrs. Leifker has been able to sell the Wolcott avenue house and settle, without indebtedness, in a newer bungalow on West 83d street. Of that meeting in February of 1968, she said: "You're in a state of shock at such a time, you don't really know what's happening. It was then, without fanfare or publicity or anything, that the Scheus, first the son with the $1,000 check and then the father, came with the Hundred club help."

The biggest assistance, financially, the club has yet provided went to the widow and four children of Chicago police detective Clayton Robinson, 39, shot in the face and fatally wounded late in 1968 by a drunken loudmouth he was trying to arrest for a street disturbance. Robinson, on the force seven years, and his wife Louise, an elevator operator at the Drake hotel, had moved into a new home on 97th street just a month before, and had made one payment on their $18,800 mortgage when the officer was slain. There were other debts totaling over $4,000. The Hundred club paid them all off, in addition to the $1,000 initial check, for $24,061.

Mrs. Robinson sat in the living room of her home the other day and tried to talk of what the help meant.

"I don't think, really, I can put into words my feelings about what was done for me and my youngsters—without it we'd probably be lost. I'd never even heard of the organization until the day I lost my husband; then this all happened, and we're able to go on, decently and free from want. You don't realize there are people like that in the world any more."

Monetary aid isn't the only kind of help the club can provide. Its membership list is a roster of top-bracket men in a broad spectrum of Chicago business and professions, men who, in addition to their financial contributions to the organization, stand ready to put their personal know-how or influence at the disposal of the organization and the families it cares for. Mrs. Ruth Pollard can vouch for this.

Her husband, Patrolman Charles Pollard, 44, was shot and killed in the alley behind their home on West 21st street just before Christmas of 1967. He had tried to disarm two robbers who held him up as he was parking his car about midnight. The club, as usual, was ready with its $1,000 check, then cleared up some $600 in small debts for the mother and her two children, then set out to pay the $5,946 mortgage on the two-flat residence—and ran into a roadblock. Two, in fact.

First, it was found that Charles and Ruth Pollard had been buying the building in partnership with the policeman's parents, who occupied the lower flat, and it is the club's objective to try to see that each widow is left with clear—and sole—title to her home. Second, it was discovered that the seller, from whom the Pollards had purchased the two-flat in 1958 under a contract agreement, was dead; that offspring of his by a former marriage had inheritance rights under the contract, except they hadn't been found; that his wife at the home of death also had dower rights. Scheu telephones Byron A. Cain, board chairman of the Uptown Federal Savings and Loan association and a Hundred clubber. Cain called in Paul Downing, Uptown's general counsel and a skilled expert in real estate law.

"I'd known Ralph Scheu for years, and was pleased and happy to help, but it was a problem," Downing recalled. "I don't remember how many trips I made to the offices handling the contract sale, way out on the southwest side, or, because you don't keep track in cases like this, how many days of work I put in, but I do know it took somewhere between nine months and a year before everything was straightened out—the policeman's parents reimbursed and given the right to occupy their flat until death, the title otherwise cleared, the contract debt paid and canceled, and Mrs. Pollard presented with a no-loose-ends deed to her building."

What sort of fee, normally, would a lawyer ask to perform the task here for nothing? "Oh it's hard to say exactly, but you could expect to pay him $1,000 to $1,500," Downing said. "But, in the Pollard case, it was a labor both Uptown Federal and I were happy to do."

The Pollard file didn't close there, however, and further help Hundred clubbers were able to provide makes an amusing footnote to the necessarily somber if heartwarming story of the organization. Ralph Scheu talked of it.

"About 16 months ago, Mrs. Pollard telephoned me," he said. "Seems she'd bought a new gas furnace, paying over $1,200, but it wasn't heating as she thought it ought to. She'd called the heating firm's repair men back several times, but it still didn't do the job, and finally they told me there was nothing more they could do. So, because she said she couldn't think of anybody else who might help, she phoned me.

"I knew the gas company would be the one to contact, but couldn't think of anybody at the top there that I knew, offhand. So, I called Morgan Murphy, who's a vice president of the Hundred club and a top man at Commonwealth Edison."

Phoning a top executive of a big electric utility, which happened to be engaged in a brisk campaign to sell electric heat at the time, and asking him to help do something about a gas furnace was roughly equivalent to suggesting to Henry Ford that he roll up his sleeves and fix a Chevrolet. But Murphy, a merry little man more like the friendliest guy in the neighborhood than a business tycoon, was happy to help.

"I called a read good friend of mine, a misguided Irishman named Jim Condon who somehow got over into the gas business, and asked him if he would send someone really good out to Mrs. Pollard's to see what the trouble was," Murphy said.

James Condon is executive vice president of sales at Peoples Gas Light & Coke company and a forceful business leader who started with the company in 1929 as a water boy for a construction crew. That afternoon, two gas company experts were ringing the Pollard doorbell. In minutes they discovered what the trouble was—a 90,000-B. T. U. furnace had been installed by mistake instead of the 120,000-B. T. U. unit Mrs. Pollard had paid for. Within 48 hours, the undersized furnace had been removed by its installer and the proper one put in place. When senior executives of not one but two such colossi as Peoples Gas and Commonwealth Edison personally interest themselves in seeing that something is done, nobody argues.

One final paragraph on the Pollard case, an excerpt from a letter Mrs. Pollard wrote to Scheu: "I shall always remember and be grateful for what you and the club have done for me. I shall speak up, when I hear of people believing that we are hated and not a part of things. I shall tell them of the help I received from you and the Hundred club out of human compassion. Because you weren't obligated to do one thing for me." Mrs. Pollard is black.

So, this is the story of the Hundred Club of Cook County—an organization of some 500 men who make sure that, whenever a policeman or a fireman meets death in the line of duty, his widow will, first, have a substantial sum for immediate needs, and, second, be quickly relieved of what for her alone could be the impossible burden of a mortgage on her home and other debts.

Detective Gerry Gigante, 36, of the 4th police district, maybe best put into words what it can mean to a man such as he, the awareness that the Hundred clubbers are there behind him:

"There's a feeling of security, knowing that, if anything happens to me, there's going to be such help for my wife, not to make her rich or anything but to give her a way to live," he said slowly, thoughtfully. "But there's more than that, more than the money. What I mean is, there's a good feeling, knowing you have people like that on your side, because these are tough times for policemen, not only here but all over the country. It's not easy being a police officer these days."

Jerry Gigante is familiar with what the Hundred club does because he has watched it in operation from bitterly close at hand. On Oct. 8, 1968, on a morning when Gigante was off duty, his 34-year-old partner and close personal friend, Patrolman John Tucker, was shot to death as he tried to stop a bandit robbing a south side bank. Tucker's loved ones—young widow, three small children—were the 22d family aided by the club, organized just 23 months earlier.

CHILDREN'S VIEWS ON THE ENVIRONMENT

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. HAGAN. Mr. Speaker, most of us adults are well aware of the growing pollution problem and have demonstrated our concern.

However, I was truly impressed when the principal, Mr. John Aubrey Brown, and his third grade class at Stilson Elementary of Stilson, Ga., in the First Congressional District wrote and expressed their views to me on this subject:

STILSON ELEMENTARY SCHOOL,
Stilson, Ga., May 17, 1971.

Hon. G. ELLIOTT HAGAN,
Sylvania, Ga.

DEAR MR. HAGAN: I have enclosed a number of letters written by the third grade to you concerning their views on pollution. They have recently finished studying a unit on pollution. I am sure they would be thrilled to get an answer from you.

Our entire school participated in an Earth Day hike to pick up litter, as we also did last year. We collected three truck loads of bottles, cans, paper and other assorted pieces of trash.

I, as well as the third grade, do hope that our government can stop pollution and litter.

Sincerely,

JOHN AUBREY BROWN,
Principal.

STILSON ELEMENTARY SCHOOL,
Stilson, Ga.

HAPPINESS IS CLEAN AIR

(By Gregory Kendrick)

Pollution! Pollution!
In the air
Coming in from everywhere.

Some is high,
Some is low,
No matter what,
Its gotta go.

Made of dirt,
Made of fog,
Made of smoke,
Made of smog.

Happiness is clean air,
But oh my
It's very rare.

ELLABELLE, GA.,
April 22, 1971.

DEAR MR. HAGAN: I would like to know what I can do to fight pollution. Please put up more signs on pollution. Please send me a report every month, on pollution to read. I am all for your pollution program. Let's all work to clean up Georgia.

Your friend,

RANDALL ATTAWAY.

RANDALL ATTAWAY.

PEMBROKE, GA.,
April 22, 1971.

DEAR MR. HAGAN: The third grade has celebrated Earth day. We went on a field trip today. We picked up all the trash we saw. We want you to have signs put up on all roads, so every body can help fight pollution.

Your friend,

JIM LEE.

BROOKLET, GA.,
May 14, 1971.

DEAR MR. HAGAN: I hope you will put up more signs about pollution. If you help, I will help too. I will walk down the road and pick up cans and trash. I will help put up signs about pollution and I will help keep America Beautiful.

Your friend,

DAVID LEE.

BROOKLET, GA.,
May 17, 1971.

DEAR MR. HAGAN: Please try to do all you can about stopping pollution. In our cities so many people will have more fresh air. In our streams we can fish and have fresh water.

Your friend,

FAYE MORRIS.

ELLABELLE, GA.,
April 22, 1971.

DEAR MR. HAGAN: The Stilson would like for you to put up more signs along our roadside on pollution. We drew pictures in our class on pollution. We are celebrating Earth Day today. We are having a party. I wish you could come.

Yours truly,

CAROL LYNN HINES.

BROOKLET, GA.,
May 17, 1971.

DEAR MR. HAGAN: I hate pollution. Don't throw your trash out the window. Put a trash bag in your car, truck, or bus. You hate pollution too. I know. You are very nice. Help fight pollution.

Your friend,

DEBORAH STALCUP.

ELLABELLE, GA.,
April 22, 1971.

DEAR MR. HAGAN: I hope you can help us stop pollution. We will pick up paper at school today. Mr. Hagan, I hope you will put up pollution signs. I hope you can help us keep America green and clean. I want to keep America beautiful.

Your friend,

SUSAN DE LOACH.

ELLABELLE, GA.,
April 22, 1971.

DEAR MR. HAGAN: I am a little girl from Stilson Elem. I hope you can help stop pollution. You could put up more pollution signs. Today we are going on a little trip and pick up trash.

Your friend,

LORI DE LOACH.

BROOKLET, GA.,
April 17, 1971.

DEAR MR. HAGAN: Our class wants to help fight pollution with you. We want you and your friends to put up more signs about pollution and litter. We shall all fight pollution in this world.

Your friend,

DALE SANDERS.

ELLABELLE, GA., *April 21, 1971.*

DEAR MR. HAGAN: The Stilson Elem. school is celebrating Earth Day. We are trying to clean up some of the pollution. We would like for you to help stop pollution. Could you make a sign like "Help, Stop Pollution?" We hope you can.

Your friend,

ELISE GLISSON.

BROOKLET, GA., *April 22, 1971.*

DEAR MR. HAGAN: Thank you for doing a good job serving our country. I would like for you to help stop pollution. I would also like for you to put up signs like "Help, Stop

Pollution" and "Help Keep America Beautiful." Tomorrow my class is taking part in "Earth Day". We are going on a hike to help clean up our community.

Your friend,

DANA STOKES.

BROOKLET, GA., *May 17, 1971.*

DEAR MR. HAGAN: I think pollution should be stopped. Something should be done to stop the smog that comes out of the factories and cars. Get people to help keep Georgia clean. Please help keep America clean. Third graders want to keep America clean.

Love always,

BARBARA COOLER.

BROOKLET, GA., *April 22, 1971.*

DEAR MR. HAGAN: Put up more pollution signs than advertising signs and other unnecessary signs. We need pollution signs in Georgia. I smell dirty air. I want to smell clean air. Help fight pollution and don't be a litter bug.

Your friend,

JEANNE.

STILSON, GA., *April 21, 1971.*

DEAR MR. HAGAN: I want to talk to you about our pollution problem. I think you should put up more pollution signs. We are going on a hike and pick up all the trash along the roadside. I hope your pollution signs work.

Your friend,

ANNA BLITCH.

BROOKLET, GA.

DEAR MR. HAGAN: I hope you put up more pollution signs. We want to help stop pollution. We want a clean country. We want a clean road. We want a clean city.

Your friend,

AL SANDERS.

RESULTS OF THE SEVENTH ANNUAL DICKINSON QUESTIONNAIRE

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. DICKINSON. Mr. Speaker, each spring since coming to the Congress I have asked the people of Alabama's Second Congressional District for their views on a variety of pressing national issues. The results of my latest general opinion ballot have been tabulated and I would like to share these results with my colleagues.

I am of the opinion that the answers of over 10,000 of my constituents are indeed representative of the feelings in the Second District, the State of Alabama, and most probably, the Nation. I urge you to take a few moments to study both the questions and the responses:

RESULTS OF THE SEVENTH ANNUAL DICKINSON QUESTIONNAIRE

I believe you will find the tabulation of your votes on my recent opinion poll both informative and interesting. All of the issues, I believe, are still very timely and quite important to the people of the Second District of Alabama. One very interesting factor in the voting was the participation by both husband and wife. There were spaces to record both, and the women accounted for 52.4 percent of the answers while the men voted 47.6 percent of the total. While the women did participate slightly more in the balloting, there was very little difference between male and female responses.

[In percent]

	Yes	No	Undecided
1. Would you favor increasing the national debt by a projected $11,600,000,000 for the fiscal year 1972 in order to stimulate the economy and reduce unemployment?			
Total	26.5	65.7	7.8
Baldwin	20.2	71.4	8.3
Butler	32.2	61.6	6.3
Conecuh	22.2	64.4	13.3
Covington	25.8	67.8	6.4
Crenshaw	28.9	62.7	8.4
Escambia	29.2	63.3	7.5
Lowndes	17.3	71.2	11.5
Montgomery	28.5	63.5	7.9
Pike	26.1	67.0	6.9
2. Do you approve of the administration's plan for getting the United States out of Vietnam including the use of air support in Laos and Cambodia?			
Total	76.0	17.8	6.1
Baldwin	74.5	19.1	6.5
Butler	82.9	10.0	7.1
Conecuh	64.4	26.7	8.9
Covington	78.0	14.2	7.8
Crenshaw	79.5	12.0	8.4
Escambia	76.1	14.5	9.4
Lowndes	86.5	9.6	3.8
Montgomery	75.8	18.8	5.4
Pike	75.9	15.3	8.8
3. Would you be willing to pay substantially more for products and services (automobiles, gasolina, electricity, etc.) if they were made virtually pollution free?			
Total	46.6	46.7	6.7
Baldwin	46.8	45.6	7.6
Butler	37.6	56.2	6.2
Conecuh	32.2	56.7	11.1
Covington	38.6	54.0	7.4
Crenshaw	41.0	54.2	4.8
Escambia	46.9	45.6	7.5
Lowndes	36.5	55.8	7.7
Montgomery	48.9	44.8	6.4
Pike	36.4	55.2	8.4
4. Do you believe there is a need for an independent Federal agency to help protect consumer interests?			
Total	49.0	44.4	6.6
Baldwin	45.6	45.9	8.5
Butler	46.4	46.4	7.1
Conecuh	55.6	34.4	10.0
Covington	45.8	47.2	7.0
Crenshaw	41.0	53.0	6.0
Escambia	41.0	50.4	8.6
Lowndes	48.1	44.2	7.7
Montgomery	52.2	42.2	5.6
Pike	48.7	41.4	10.0
5. Do you favor the President's proposal for revenue sharing?			
Total	54.2	32.5	13.2
Baldwin	52.6	33.7	13.7
Butler	64.5	25.1	10.4
Conecuh	51.1	33.3	15.6
Covington	60.3	25.3	14.4
Crenshaw	54.2	37.3	8.4
Escambia	49.7	31.5	18.8
Lowndes	46.2	42.3	11.5
Montgomery	54.5	32.7	12.8
Pike	54.0	29.9	16.1
6. Now that 18-year-olds are permitted to vote in Federal elections, do you believe they should also be allowed to vote in State and local elections?			
Total	59.2	37.1	3.7
Baldwin	53.3	42.6	4.2
Butler	59.7	37.9	2.4
Conecuh	53.9	38.2	7.9
Covington	56.6	38.0	5.3
Crenshaw	54.2	39.8	6.0
Escambia	54.2	41.0	4.9
Lowndes	38.5	57.7	3.8
Montgomery	61.8	34.7	3.4
Pike	70.9	27.2	1.9
7. Would you favor a change in a U.S. Representative's term of office from the present 2-year term to a 4-year term?			
Total	68.7	27.7	3.7
Baldwin	62.1	33.1	4.8
Butler	66.4	31.3	2.4
Conecuh	62.2	31.1	6.7
Covington	71.3	25.0	3.7
Crenshaw	62.7	33.7	3.6
Escambia	61.5	33.7	4.9
Lowndes	71.2	28.8	0.0
Montgomery	71.9	24.8	3.3
Pike	67.4	28.7	3.8
8. Would you vote for a national health insurance program for all Americans which would be financed by increased social security and other Federal taxes?			
Total	23.3	71.0	5.7
Baldwin	22.3	72.3	5.4
Butler	28.4	65.4	6.2
Conecuh	16.7	75.6	7.8
Covington	21.5	71.0	7.4
Crenshaw	32.5	66.3	1.2
Escambia	19.3	72.4	8.3
Lowndes	17.3	80.8	1.9
Montgomery	24.6	69.8	5.6
Pike	21.5	72.4	6.1
9. Do you support President Nixon's family assistance plan which would guarantee a minimum income to every family but require able-bodied adults to accept suitable employment or job training?			
Total	46.6	4.83	5.0
Baldwin	43.2	49.9	6.9
Butler	47.9	46.9	5.2
Conecuh	41.1	54.4	4.4
Covington	43.1	52.7	4.3
Crenshaw	44.6	55.4	0.0
Escambia	42.4	52.3	5.4
Lowndes	21.2	71.2	7.7
Montgomery	49.6	45.7	4.7
Pike	41.9	54.6	3.5
10. Would you favor an all-volunteer military as an alternative to the present draft system?			
Total	46.5	47.6	5.9
Baldwin	48.7	44.2	7.0
Butler	43.1	50.2	6.6
Conecuh	33.3	60.0	6.7
Covington	48.1	46.3	5.6
Crenshaw	57.8	34.9	7.2
Escambia	48.5	42.6	8.8
Lowndes	47.1	49.0	3.9
Montgomery	44.8	49.7	5.5
Pike	50.0	45.4	4.6
11. Are you favorably impressed with the overall performance of the Nixon administration during its first 2 years?			
Total	55.4	37.6	7.0
Baldwin	50.4	41.3	8.3
Butler	48.6	46.2	5.2
Conecuh	47.8	38.9	13.3
Covington	54.3	39.4	6.4
Crenshaw	42.2	57.8	0.0
Escambia	45.8	43.4	10.7
Lowndes	47.1	45.1	7.8
Montgomery	59.2	34.4	6.4
Pike	48.3	44.0	7.7

	Republicans	Democrats	Independents
12. Voting preference: Total	34.8	18.5	46.7

THE GROWING IMPACT OF PAYROLL TAXES ON MIDDLE INCOMES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. ANDERSON of California. Mr. Speaker, in the very near future, Congress will be considering H.R. 1, a comprehensive 687-page bill which, among other things, grants a 5-percent increase in social security benefits, includes the administration's family assistance plan, and levies an 86-percent increase in the payroll tax over the next 6 years.

On the Federal level, there are two basic taxes on the individual. First, the income tax, is designed to insure that those with substantially the same incomes are paying substantially the same tax and to insure that the graduated income tax structure treats different income levels fairly. The second tax, the payroll tax, is levied against everyone at the same rate, but falls particularly hard upon the middle and moderate wage-earner.

In another blow to the working man's wages, H.R. 1 calls for an 86-percent raise in the payroll tax from the present 5.2 percent on wages up to $7,800, to 7.4 percent on wages up to $10,200. In monetary terms, this means that the working man, who paid $405 payroll tax last year, may end up paying $755 in future years.

For the low- and moderate-income family, the payroll tax can become a burden far out of proportion to what the worker and his family can afford to pay. A married worker, earning $8,000 a year, paid $405 payroll taxes; however, if H.R. 1 is adopted with the proposed payroll tax increase, he would pay an additional $191—for a total of $596 in payroll taxes. This is in addition to the Federal income tax he pays on the same earnings.

Mr. Speaker, the social security tax, as proposed in H.R. 1, is most regressive. Under the provisions of the committee recommendation, anyone earning $10,200 or less would pay a payroll tax on all of his earnings. Those earning $20,400 would pay on only the first half of theirs, those earning $30,600 on only the first one-third. Yet, the $30,600-a-year man gets an equal retirement benefit as a man earning $10,200.

THE CLOSED RULE

If the past is any indication of the future, H.R. 1 will come before the House of Representatives with a closed rule, which, in effect, prohibits amendments. If H.R. 1 comes before us with a closed rule, we will be required to approve or reject a single bill which: First, increases payroll taxes by 86 percent, second, increases social security benefits by 5 percent, third, liberalizes medicare, fourth, liberalizes the social security recipients earning test, fifth, provides for a guaranteed annual income of $2,400 for a family of four, and sixth, prohibits the participation of certain needy families in the food stamp program.

While we support the provisions which bring needed reforms, we may oppose the sections which are regressive. Nevertheless, we will not have an opportunity to vote on each individual section. We will be asked to accept or reject H.R. 1 in its entirety.

Therefore, Mr. Speaker, we must reject the closed rule in order to allow amendments to H.R. 1. In addition, we must reverse the trend of increasing the payroll tax which falls most heavily on the low- and moderate-income wage-earner.

At this point, I include an article which appeared in the Washington Post regarding this issue:

THE GROWING IMPACT OF PAYROLL TAXES ON MIDDLE INCOMES

(By David S. Broder)

Among the many publicly unexplored issues buried in H.R. 1, the welfare reform and social security bill devised by Chairman Wilbur Mills (D-Ark.) and the House Ways and Means Committee, is a tax increase on middle-income families that will almost double the size of the second-biggest bite on their paychecks in the next six years.

Under the bill, the Social Security tax rate will rise in three steps from the present 5.2 per cent to 7.4 per cent in 1977. The wage base for Social Security taxes will increase from the present $7,800 to $10,200 next year, with the result that the payroll tax for a man making a bit less than $200 a week will rise from $405 to $755 a year.

By contrast, that same auto worker, supporting a wife and two children and taking only his standard deductions, will have an income tax bill of $1052 this year, decreasing to $995 with next year's scheduled income tax reductions.

What this example indicates is that payroll taxes are becoming an increasingly important part of our revenue system—yet one which has largely escaped debate, either in political campaigns or in the tax-writing Ways and Means Committee.

Unbeknownst to most Americans, payroll taxes now constitute the second largest source of federal funds—and the fastest-growing. Payroll taxes provide more income to the treasury than corporate income taxes or any other federal taxes except the individual income tax. And the 1972 budget estimates that between last year and next, payroll taxes alone will rise $12.3 billion, while individual and corporate income taxes combined will grow by only $7.2 billion.

What this means is that we are becoming increasingly dependent for federal finances on the payroll tax, a tax that is not progressive, that has little relationship to ability to pay, and whose burden hits hardest on low-and-middle-income wage-earners.

That this can happen without a murmur of debate or political controversy indicates just how insensitive to real pocketbook issues the Washington politicians have become, particularly those Democrats who control Congress and parade as the champions of the average man.

The impact of payroll taxation has been amply documented in the studies of such Brookings Institution specialists as Alice M. Rivlin and Joseph A. Pechman. It appears also in the report of the administration's advisory council on social security. But it is almost as if there were a conspiracy of silence by politicians to keep the taxpayers and the voters unaware of these issues.

In part, the Brookings studies suggest, the social security tax system has been protected from debate by two carefully cultivated myths. One is the notion that it is a "social insurance" system, in which an individual's contributions (taxes) are held in trust for him and returned, with interest, as retirement benefits.

In fact, it is not. It is, rather, a system of transfer payments to currently retired people, financed almost entirely by taxes on the working generation. There is nothing wrong with this, in principle, but it is not what people think it is.

The second myth is that the employer pays half the social security tax. In a literal sense, he does, but, as the Brookings studies demonstrate, the whole tax really falls on wages and the wage-earner, because the amount the employer pays in social security taxes he would otherwise be putting into the paycheck.

This is worth emphasizing. When the Social Security system began 35 years ago, the tax rate was one per cent each on employee and employer on the first $3,000 of annual earnings. With the new bill, the combined rate rises to almost 15 per cent of the payroll on wages up to the $10,000 level.

That tax is levied regardless of the number of dependents or legitimate deductions the earner has. It gives no real consideration to his ability to pay.

This year, as the Brookings analysts have noted, a family with a husband earning $7,000 and a wife earning $5,000 will pay $624 in payroll taxes (5.2 per cent). A family with the identical income from one wage earner would be taxed only $405.60 (3.4 per cent).

That is one inequity. Another is pointed up in the advisory council study. When the social security system began in the 1930s, the $3,000 wage base included all the earnings of all but three per cent of the workers. The wage tax, in those days, was, in effect, the same tax on everyone.

But in recent years, Mills and his committee have been reluctant to push the wage-base ceiling up as fast as inflation and earnings have increased. Today, somewhere between 20 and 25 per cent of the wage-earners make more than the wage-base limit. These well-off workers get a real break on social security taxes. A $23,400-a-year-man, for example, gets just as big retirement benefits as a $7,800-a-year-man, but the effective payroll tax rate on his income is just one-third of the lower-salaried man's.

There are ways in which these inequities could be remedied. Proposals have been made for years to shift a portion of social security financing onto the progressive income tax and off the regressive payroll tax.

Without going that far, there could be a system of deductions or income tax credits that would help the low-income wage earner who now is hit hardest by payroll taxes. But Congress, under Democratic control, has done exactly the opposite in recent years, cutting income taxes and raising payroll taxes, and thereby making the whole federal tax system more regressive. According to partcipants in this year's Ways and Means sessions, the question of social security taxes did not receive any extended discussion. If Mills is successful, as usual, in obtaining a closed rule for the bill, there will be no meaningful opportunity for presenting amendments to it on the House floor.

This example—and it is only one of many—suggests the price that is being paid for letting vital questions of economic policy be settled in the politically insulated, tightly controlled environment of the Ways and Means Committee's closed sessions. Too many members of Congress have become accustomed to letting Wilbur Mills do their thinking and decision-making on difficult questions.

But it also indicates something else: the peculiar insensitivity of the leading Democratic politicians, including the presidential aspirants, to the economic issues. Discussing the inequities of payroll taxing may not attract as much praise at Georgetown cocktail parties as a ringing denunciation of the bombing in Laos or the tactics of the Washington police. A candidate who took a serious look at our tax system might even suffer a sudden shortage of campaign contributors.

But there are issues that can be raised, wrongs that can be righted, and votes that can be earned by the politician who will deign to consider matters that matter to wage-earners.

COAST GUARD'S ASSISTANT COMMANDANT SARGENT STRESSES NEED FOR MAINTAINING FULL MILITARY STRENGTH

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. FASCELL. Mr. Speaker, on May 14, Vice Adm. Thomas R. Sargent, Assistant Commandant of the U.S. Coast Guard, addressed an Armed Forces Week luncheon in Miami, Fla.

I found his remarks not only most interesting, but particularly relevant to the important role which our military forces play in defending our country.

Admiral Sargent very cogently points out that we must not live with a false sense of security. He reminds us that within the last generation, Nazi U-boats sank American ships and took American lives only 15 short miles from where he was delivering his speech in Miami. More recently, he points out, medium range missiles were discovered being installed in Cuba, only 90 miles from our shores, an act which precipitated the crisis which brought us closer to the brink of nuclear war than any other event since World War II.

Mr. Speaker, this speech emphasizes what I have been saying for years in reference to the need to maintain our forces at full strength, particularly our Coast Guard, Army, Air Force, and Navy military complement in the area from Homestead to Key West and the Caribbean.

Hearings before my Subcommittee on Inter-American Affairs last year confirmed the increased Soviet naval activity in the Caribbean, and indicated the strong possibility that a nuclear submarine base was under construction at Cienfuegos, Cuba. During these hearings, Adm. E. B. Holmes, Commander in Chief of the Atlantic Command, stated:

> The Southern flank of the U.S. is perhaps one of the most vulnerable. . . . A reduction of military capability in this whole area in the face of (the Soviet presence) strikes me as folly.

Furthermore, Soviet trawlers in the area have been harassing American fishing boats in the same waters which were plied by the Nazi U-boats less than 30 years ago. They have kept our Coast Guard busy.

Last week, Admiral Sargent's speech reaffirmed the need to keep our forces ready to defend our Nation. I commend his speech to our colleagues:

SPEECH BY VICE ADM. THOMAS R. SARGENT

I am sure a group this size represents many different viewpoints on almost every topic. But I think we all can agree on one thing—we like short speeches. So I intend to limit my remarks today to just ten minutes.

My uniform is that of the United States Coast Guard. But I would like to speak not as a representative of the Coast Guard—though I am certainly proud of our service—but rather as a member of the Armed Forces of the United States. For this is Armed Forces Week, and Saturday is Armed Forces Day. It is a special time designated each year by Presidential Proclamation to pay tribute to all five of our Armed Forces: the Army, the Navy, the Marines, the Air Force, and, of course, my service, the Coast Guard.

All of these Armed Forces play an important role in the defense of our Nation. Over the years, one lesson we have learned and learned well is that teamwork is essential to victory. Much of our peacetime training is devoted to practicing the close cooperation we need in time of war. There is a great deal of sharing of training facilities and exchanges of information. Coast Guard cutters participate in Navy exercises for example. And Navy engineers study our newest propulsion plants to see what they might adapt to their newer vessels—we exchange helicopter pilots with the Air Force in Southeast Asia. So though each of the Armed Forces wears its own uniform, we share a common goal, and pull in the same direction for a stronger United States.

Of course, we have our differences. Annually, we compete for our share of the budget on Capitol Hill. We compete for recruits. We even on occasion call each other names like swabbie, dogface, airdale, or jarhead. There are no doubt many jarheads here today?

Well, let me tell you that this hooligan has nothing but the highest admiration for the traditions and the ability of the United States Marines.

Though we may kid one another, deep down there is a large measure of mutual respect among all of the services. Ask a marine who landed on Guadalcanal, or Leyte, or Okinawa what he thinks about the Coast Guardsmen who manned the boats that carried him to the beach. Ask an army veteran of Normandy Beach or of Vietnam what he thinks about the navy pilot or air force pilot who flew air support missions. There is no question about the fact that among ourselves we have a great deal of respect.

But outside the military these days, there seems to be a growing feeling of suspicion, or distrust, in some cases maybe even scorn of the man who wears a uniform. Too many young men seem to think that serving in the Armed Forces is the mark of a "loser." And more unfortunately, too many of the parents of these young men, parents old enough to know better, do everything they can to discourage their offspring from a military career.

Others warn "beware the military-industrial complex," and quote General Eisenhower. They neglect, however, to quote another portion of that same famous Eisenhower statement in which the late general said:

"A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

Certainly the critics of the military love their country and all the good things that freedom brings. But somehow they have forgotten that freedom has its price; somehow, any nation that is to endure, must provide the strength to defend itself against all possible threats. It would be wonderful if all the world was peace-loving, if all nations could "beat their swords into plowshares." Wonderful, but under existing world circumstance, unrealistic.

It would be wonderful if you citizens of Miami didn't need a police force or fire department. Think of the taxes you could save; and I feel sure that the utility companies could lower their rates if they didn't have to provide men and equipment to take care of unforeseen events that threaten to disrupt the power and communications you need for daily survival.

The Armed Forces of the United States are just as important to the continued well-being and survival of our Nation as your local police department, fire department, ambulance service and other emergency organizations are to your own community.

What about the men who make up our Armed Forces? Are these men you should fear or distrust? No, of course not, no more than you would fear or distrust one another—for the men in the Armed Forces are simply citizens in uniform. This has been true since the earliest days of our Republic. The man who wears a Coast Guard uniform—like his counterpart in the other four branches of the Armed Forces—is just like one of you. They don't come from a single class. They come from all walks of life, from the East and the West, from the North and from the South, from rural communities, from huge cities, from farms and factories. Their names reflect the diverse heritage that is so typically American—Schultz, Wagner, Murphy, Smith, Kontowski, Coletti—they are black, yellow and white—they are Americans.

Those of us in the Armed Forces are not much different than you men in the civilian world. Oh, our hair may be a little shorter, and we like to think that we might be in a little better physical condition. But essentially we are just like you or your neighbors.

The only difference is you have hired us to do a job—you have hired us to maintain the defense of this Nation—we work for you—we are your employees. When you think the task of defending this Nation is important you hire more of us and invest more money in new equipment. When you get tired of paying the bills—when you think you don't need the defense we provide—when the voices of the critics get louder, you cut back and our Armed Forces get smaller and weaker. It has happened before, and it could happen again.

Little more than 15 miles from where you sit is the beautiful gulf stream. Isn't it a little frightening, gentlemen, to remember that only some 29 years ago Nazi U-Boats roamed at will. They not only roamed—they sank ships, lots of ships, and took American lives. Why? How could an enemy operate so close to the homes you hold so dear?

The answer is very simple. There were not enough men, not enough ships and not enough planes to cope with the strength of the Nazi U-Boat Fleet. He was thousands of miles from his homebase. We were right at home. But the hulks of ships sunk during these early days of the war litter the bottom of the entire east coast.

The Navy did what they could—the Coast Guard kept every ship and boat and plane operating to the fullest extent of human endurance—the Air Force flew day and night patrols—yet right here on your doorstep, right here at home in plain sight of the shore, Americans died at sea because there wasn't sufficient force available to resist a tenacious enemy.

The lesson? If your home is likely to catch fire, you better hope that your fire department has sufficient hose to reach the hydrant.

Later on, of course, as our forces grew, we were able to put the fire out. Joint efforts of the Navy, the Coast Guard and the Army Air Corps drove the Nazi away from our coasts and eventually, massive sea and air attacks broke the back of the U-Boat Fleet. But in those early months, the situation was pretty grim—I know—I was here at sea.

That was back in 1942, so let's look at a more recent example. Just seven years ago, in the fall of 1962, another enemy posed a threat to the gulf coast and to much of our Nation. I speak of the medium range missiles that were discovered being installed in Cuba. Suppose that we had been as weak in 1962 as we had been twenty years earlier?

Fortunately we weren't, fortunately we had the strength in being—the physical and moral strength and the combined power of modern armed forces. Because the President had at his disposal coordinated power that could move in an instant, we were able to demand and enforce an enemy withdrawal. Because we had the force, we didn't have to use it. Without firing a shot, a battle, and perhaps a war, was won.

I think it is appropriate that we remember some lines from one of President Kennedy's Speeches. In a speech he never delivered, a speech prepared for a luncheon meeting at Dallas on November 22, 1963, he said:

"We in this country, in this generation, are—by destiny rather than choice—the watchmen on the walls of world freedom. We ask, therefore, that we may be worthy of our power and responsibility—that we may exercise our strength with wisdom and restraint—and that we may achieve in our time and for all time the ancient vision of peace on earth, goodwill toward men. That must always be our goal—and the righteousness of our cause must always underlie our strength."

We in the coast guard, and men in the other armed forces are proud to be a part of your strength. We have confidence that you will keep us strong so that we may help preserve this nation which we all love so well.

Thank you very much.

MYRON S. WALDMAN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. WOLFF. Mr. Speaker, few of the journalists with whom I have worked since coming to Congress have impressed me as much as Mike Waldman. As the Capitol Hill correspondent for Newsday, he has been at once probing, illuminating, incisive, fair, and an especially distinguished wordsmith.

When, earlier this month, Washington was the scene of massive demonstrations by thousands of young people, Mike, like all good reporters, was there.

And, being there, he became one of those who, through first-hand experience, were deeply angry at the way in in which the authorities combatted those demonstrations. It is my belief that the simple eloquence of his account of the arrests merits being included in this RECORD. I know and respect Mike well enough to feel confident that he could not be so angry without cause, and I would like to share his thoughts, as printed in Newsday on May 25, with my colleagues.

The article follows:

MYRON S. WALDMAN, NEWSDAY WASHINGTON BUREAU

On a sunny May morning, a man paused on a broad avenue to watch a company of soldiers standing in the street. As he watched, a girl, about 19 or 20 years old, came strolling along the sidewalk. She recognized the man as one who had talked with her and several companions the night before although neither the man nor the girl knew the other's name, she paused to say good morning.

"If I were you I'd get out of here," the man whispered to her. "Why?" the girl asked in amazement. "I've done nothing wrong." She tried to continue to speak but the man shook his head. "Get off the streets," he said. "They're arresting everybody." The girl smiled. "They won't arrest me," she said. "I've done nothing wrong."

The man had not recognized the girl as a lawbreaker in any way. He only saw she was a member of a minority group being swept off the streets. But he did not tell her this. He did not tell her to walk into the nearby museum where she would be safe. Instead, he only stared as she walked on.

The girl crossed the street and began walking on the next block. She managed to get about a quarter of the way along that block before the patrol wagon came. Two men in helmets and dark uniforms leaped out and gently but firmly impelled her to the wagon. The man stared as the wagon doors closed on the girl, and the wagon moved off.

That was not the beginning of a bad World War II movie about Nazi Germany. That was not a science fiction film about a totalitarian government of the future. That was the morning of May 3, in Washington, D.C., the street was Constitution Ave., and I was the man who stood there. That was the morning when it suddenly became illegal for a minority group—every young person in denims and fatigues—to walk the streets of the nation's Capital.

Newspapers deal in immediacy and by that standard May 3 and the aggravating, illegal attempt by thousands of young anti-war demonstrators to block morning rush hour traffic is already deep in the past. But the manner in which the metropolitan police of Washington dealt with that widescale, unlawful peace demonstration is an issue which will be debated for months to come. It is an issue that has become crucial because Police Chief Jerry V. Wilson has repeatedly said that he will use the same tactic to disperse similar illegal demonstrations in the future.

Chief Wilson, widely recognized as a cool, even-handed man who commands a forcce that could be a model for any city in the country, was given the endorsement of the Justice Department for these new—and disturbing—actions. But a Senate resolution has lauded him for his tactics and he has been praised by the highest administration officials, including the President and the attorney general. Mr. Mitchell went so far as to urge other cities to copy Wilson's tactics.

To civil libertarians, this can only mean that high government officials are saying that the response of a democracy to illegal repressive acts must be the abandonment of the democratic process through the technique of indiscriminate mass arrests. Moreover, on the streets and highways this reporter walked on May 3, mass arrests seemed not to come where the young people were blocking traffic. Instead, they appeared to occur on those streets and highways only after the rush hour had ended and the protest also seemed to be over.

For example, at the height of the rush hour near 14th St. and Main Ave., a police lieutenant stood with a detail of 20 men. A sergeant pointed out to him that about a dozen demonstrators had formed a human chain across the road, blocking traffic. "All right," the lieutenant said, "get 10 men and chase them out of there and then come back." The sergeant carried out his orders precisely and no arrests were made, even though the young people were clearly violating the law. Later, on West Potomac Parkway, two motorcycle patrolmen broke up another human chain by riding their bikes at the protesters. One demonstrator was knocked over by a motorcycle. The police and demonstrators bickered over the young man who had been brushed but apparently not severely injured. Again, no arrests were made.

In West Potomac Park, such scenes were witnessed time and again—police chasing demonstrators like fathers running after naughty children, their aim only to keep traffic moving and not to make arrests. In this, it seemed to this reporter that they were both overpermissive and successful.

It was only after 9 A.M.—when the demonstrations, on Constitution Ave. at least, were over and the rush hour had ended without the protesters achieving their disruptive goal—that the arrests en masse began. At Dupont Circle, a major Washington intersection, colleagues reported that arrests did begin about 7:30 A.M. But at both Dupont Circle and on Constitution Ave. it seemed as though every casually dressed young man and woman simply walking the streets was abruptly taken into custody.

Surely, many of them were demonstrators; equally surely, many of them were not. But since none of the pedestrians was breaking the law at the time, it seems clear that the police could not know how to separate the innocent from those who had committed illegal acts. And to judge from the way the court cases came out, this indiscriminate formula for cracking down seems of dubious utility. Of the 12,000 arrested during that first week in May, 1,999 have already gone to court. Of these, only one demonstrator was convicted after a trial; 584 were freed after entering no-contest pleas. All the rest had their cases dismissed or were found innocent.

By far, the greatest majority of arresting officers were gentle as they took persons into custody. Still, this reporter, standing on sunny Constitution Ave., on the morning of May 3, was moved to recall the words of Sen. Margaret Chase Smith (R-Me.), spoken June 1, 1970, on the floor of the Senate. "Ironically, the excesses of dissent in the extreme left can result in repression of dissent," she said then. "For repression is preferable to anarchy and nihilism to most Americans."

Yet it seemed to some that on May 3, there might have been a third way; namely, legal arrests of those plainly breaking the law. In a speech on the Senate floor shortly after the events of May 3, Sen. Jacob Javits (R-N.Y.) declared: "It is most important that Americans do not say, 'We are for civil liberties, but not when it might be difficult to grant people these liberties.' Let us not, in our thankfulness for nonviolence, relax our vigilance in the protection of such liberties."

CUBANS PROCLAIM GREATNESS OF AMERICA AND WARN US OF THE SOVIET THREAT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. RARICK. Mr. Speaker, in an informative report on the nearly 650,000 Cubans taking refuge in the United States in the past 12 years since the Communist Fidel Castro assumed power, U.S. News & World Report of May 31, 1971, relates the success story of Cubans who came to the United States penniless and some without a knowledge of English. Through hard work, often at menial jobs, they have proven themselves to be productive members of our society and have advanced to positions of ever greater contribution to our productive economy.

Castro's refugees are truly America's gain.

Contrary to the opinions about this country expressed by many of the recent antiwar demonstrators in our Nation's Capital, these Cubans who have experienced repression and tyranny find America to be a land of opportunity and the greatest nation on earth.

In addition to being grateful to these Cubans for the constructive contributions they are making to American life, we Americans are appreciative of the advice and warnings their informed leaders are giving us regarding the grave peril to the United States and to freedom posed by the Soviet military buildup on their enslaved homeland.

In an article entitled "Pearl Harbor—U.S.A." the 1970 newsletter of June 1971, published by Mr. Howard Freund; Mr. Marcelo Prieto warns of the exploitation of Cuba as an offensive base for an attack against the mainland United States. He emphasizes the imperative need to expel the Russians from Cuba so as to restore freedom to Cuba and to save America. The Monroe Doctrine—which was diplomatically repealed—again proves the soundness of American doctrine for Americans.

In a speech of May 21, 1971, to the Miami Council of the Navy League of the United States, Dr. Manolo Reyes, Latin American news editor of station WTVJ of Miami, cites facts and figures to show the transformation of the pre-Castro navy of 46 surface units with a strictly defensive mission into an enlarged and more modernized fleet of some 337 offensive units—a Russian Navy flying the Cuban flag—with a mission of exporting the revolution of the Castro-Communist regime.

This latest information on the situation in Cuban reinforces my arguments—see CONGRESSIONAL RECORD pages 16544–57 of May 24, 1971 entitled "Cuban Independence Day Is a Reminder of America's Pledge To Restore Freedom to Cuba."—that this country should assist and not resist free Cubans in their efforts to restore freedom to their homeland before the cancer of communism infects other free nations of the Western Hemisphere.

I insert an article from U.S. News & World Report, the article "Pearl Harbor—U.S.A.," and Dr. Reyes' speech to follow:

PEARL HARBOR—U.S.A.

If I can prove to you the evil designs of a foreign power bent on your destruction, would you take action to defend your families, your home and yourself????

Back in early December 1970 it dawned on me that this nation was being conditioned and prepared for a communist attack and take over. You may say and think it cannot happen here since you and I have never known an adversary as cunning and devious as the enemy we face today nor can we comprehend total war as the Communists fight it.

Our adversary the Russians are masters at the game of chess and deception. Chess to any military man is the game of war and world conquest. Intrigue, hidden moves and motives are prime ingredients in warfare before victory can be achieved. Men, materials, and money are moved around like pawns, rooks, horses and bishops while the screened and protected Queen waits patiently to deliver the COUP DE GRACE . . . and before you know it the game is over . . . and then it is too late to mount a counter attack.

The Cubans who lost their freedom know what I say is true because they were enslaved before they realized what was happening to them and their country. The same thing is happening here in America today. . . . Lack of respect in the institutions of government . . . lack of respect for authority . . . lack of morals . . . runaway inflation . . . erosion of buying power and the destruction of the middle class . . . falsely incited race hatred . . . insidious treason in government and the communications media.

All these things happened in Cuba plus they were sold out by our country for expediency in 1962, when a United States President didn't have the guts to enforce the Monroe Doctrine. Our fate and that of the Cuban people was sealed when we allowed Communism to get a foothold in the Western Hemisphere.

La Prehsa, La Tribuna, Patria and La Voz would not feature my article PEARL HARBOR—U.S.A. on page 1 of their papers if they did not recognize the threat to this country, which is the last hope for them. If America falls to Communism then it is all over for our Cuban, Hungarian, Polish, Czech and German exiles who are waiting for the day to return home after years of exile. America has been a friendly haven which has become a benevolent jail, preventing them from taking action to restore freedom to their countries.

If America goes then communism has the world and they need fear nothing . . . Viet-Nam, the Middle East, Turkey and Berlin are diversionery movements while the Continental United States is and always has been the main target of the Reds. Think about a beacon of light which gives hope and a pathway to break the darkness for those who want only to go home to countries where they may live as FREE MEN. If the Reds can put the LIGHT out here then they go out all over the world. That is the thesis on which our enemies are guided and what dawned on me the evening I wrote my article. . . . Pearl Harbor—U.S.A.

Now to update the article I wrote in early December of 1970 to today, April 27th, 1971:

On April 3rd, 1971 the Soviet Defense Minister, Andrei A. Grechko said at the 24th Soviet Party Congress "the forces of reaction are again trying military adventures against the Soviet Union and the Socialist camp and are preparing to unleash terrible war." "However our armed forces are always ready to chastise the aggressor and right on that territory from which he dares violate our borders." "Our Army is equipped with weapons of great destructive force and capable of reaching any point on the globe, on land, sea and air".

On April 20th, 1970 our Secretary of Defense, Melvin Laird stated about the Soviet Union, "Thus in the space of five years from 1965 to 1970. . . . The Soviet Union has virtually quadrupled the total megatonnage in it's strategic offensive force. In the same period the United States reduced it's megatonnage by more than 40%" . . . April 22nd, 1971, Secretary of Defense Laird reported that the United States has fresh evidence, "confirming the sobering fact that the Soviet Union is involved in a new-and apparently extensive ICBM construction program". . . . "This new ICBM construction effort, coupled with additional momentum in the strategic defense area—all clearly planned months ago—must be of major concern". . . .

Here is what we reported in our earlier article based on figures released in September of 1970 by the American Security Council in Washington, D.C.; as to the Soviet ability to bring their destructive weapons to our shores:

220 Early model ICBM missiles (types SS-6; SS-7; SS-8).

800 small ICBM missiles (types SS-11; SS-13).

300 large ICBM missiles (type SS-9)—the SS-9 has a range of 6600 miles and can carry a 35 megaton warhead . . . can also be fitted with multiple warheads.

280 submarine launched ballistic missiles (type SSN-6).

300 submarine launched cruise missiles.

? Orbital space bombs.

The submarine borne missile as well as the SS-9, ICBM missiles in the Soviet Union are essential for a first strike on the United States. The ICBM with its large warhead has but one target. . . . Our nuclear deterrent the Minuteman missile and the submarine missile is targeted for our airborne deterrent as well as airfields, communications, military bases and population centers in the United States.

Senator Henry Jackson of Washington and a member of the Senate Armed Services Committee reported on March 7th of 1971 what I warned earlier. . . . that while Soviet Nuclear Deployment of the SS-9 missiles had been suspended a new improved Soviet Missile of the SS-9 type was in production and and missile silos were being constructed. So while the Soviets spoke of peace and while we believed their words since there was no evidence of the Russian intent they went on building new and improved weapons bent on the sole purpose of destroying our Minuteman missile retaliatory strength.

The SS-9 missiles are being fitted with MIRV (Multiple Independently-Targeted Re-Entry Vehicle) warheads which will give them three times their present offensive strength.

In the words of Senator Jackson, it will come "As a shock to most Americans that the Russians are deploying a new generation of offensive systems while indicating a contrary position by holding back on SS-9 deployment". . . . The Pentagon did not deny any of the charges made by Senator Jackson.

On the same subject, Joseph Alsop reported on 3/12/"71 that "before SS-9 deployment was suspended 300 of these gigantic weapons had been put in place. All have pretty certainly been fitted with a Triple warhead the Soviets have already tested. That means that the existing SS-9 force is probably sufficient at this moment to destroy about 3 of every 4 of the U.S. Minuteman Missiles". The new missile can do even more damage in destroying the 1 out of 4 missiles not accounted for by the SS-9. With each passing day our nuclear deterrent withers away and soon our Minuteman Missiles will be worthless as a means of defense. Alsop states that the time necessary between the turning of a spadeful of dirt to an operational Soviet Missile is 18 months. . . . The question is when did the Russians first turn over that first spadeful of dirt and if it really takes 18 months.

Here are the words of Senator Barry Goldwater in March, 1971. . . . "A strategic parity was reached about six months ago, the Soviets pushed right ahead into the first stages of strategic superiority over the United States". . . . The big question is whether the Russians will use this superiority to blackmail the world and impose it's will with power. . . . How ripe are we for the plucking????

I wrote back in December of 1970 that I was convinced of the Russian plan when I read of the establishment of a Russian submarine base at Cienfuegos, Cuba and the construction of 8 lane super highways without center lanes. Highways without center lanes are nothing more than airfields and the Russians have in Cuba great numbers of Mig fighter bombers which can be fitted with racks to carry nuclear bombs. While we have been defending against the large Russian Strategic Bombers the Russians have their attack planned with fighter bombers capable of a range of 1400 miles, which will come out of underground fields in Cuba in swarms when the time is ready. Yes Cuba is the key to the attack on the United States and without it we are a little safer since all of our continental targets are within range of submarines operating out of Cuban waters, land based missiles in Cuba, and airborne nuclear bomb carrying Mig fighter bombers.

In the past 4 months I have spoken to the leaders of the Free Cuba Movement as well as objective reporters who have helped me piece together the facts into this article. Men like Jose de la Torriente, Martinez Marquez, Dr. Manolo Reyes, Mr. Luis Manrara, Armando Sifredo and others... All agree with me of the important position of Cuba in the plan to destroy the United States. . . . And the imminence of the attack. In my original article I wrote that I did not believe there were Russian missiles in Cuba . . . After investigation I am now convinced that there are Russian missiles in Cuba and in the words of Jose de la Torriente, "They are all over Cuba". The establishment of the Russian submarine base at Cienfuegos has ominous meaning. The harbor at Cienfuegos is now off limits to Cuban fishermen and ships entering the bay cannot see what is on the right side because it is screened off to view. The Soviet base as reported from the underground resembles closely the U.S. naval base at Guantanamo, Cuba. Cienfuegos has an offensive purpose and could also be a training camp for a very important and prime Soviet target in Cuba . . . Guantanamo.

The latest Russian Polaris-type submarine, the Yankee class has the ability to fire from a submerged position a ballistic missile with a range of 1,300 miles. Here is what the Russian base at Cienfuegos, Cuba means: a submarine operating out of this base in the Gulf of Mexico can place a missile into Chicago, Detroit, New York and St. Louis. . . . The Russians have been testing a submarine borne missile with a 3000 mile range, which takes in every target in the United States. Admiral Hyman Rickover and another wonderful patriot who just died, Representative L. Mendel Rivers, Chairman of the House Armed Services Committee have been warning us of the terrible results a Russian base in Cuba will unfold. Both of these men are experts in their field . . . can we do less than listen to their warnings?

In December of 1970 I wrote that I anticipated the Strategic Arms Limitation Talks (SALT) to sound like pie in the sky . . . and peace in our land will again be heard in the land . . . all part of the Communist strategy to lull us to sleep . . . Our President just signed a treaty with the Russians banning nuclear weapons from the world's seabeds. This could only hurt the United States since our aim is deterrent and nuclear weapons on the ocean's seabeds would serve as perfect defensive weapons since they are so hard to find and destroy. We have had nuclear weapons on the seabeds before and why we gave up this option for defense in exchange for Russian promises leads me to believe the treason is very deep. So while we continue to reduce our armament and the Soviet Goliath continues to amass the weapons of destruction we will shortly become the David of the 20th Century with only a sling-shot to defend the Free World. It is interesting to report the words of Russian Premier Alexei N. Kosygin on signing the pact for the Soviet Union . . . "in the future, too, will not spare efforts to find solutions to urgent problems connected with stopping the arms race and disarmaments" . . . How about now!!!! Now they are working day and night to build the weapons that will make it possible for a PAX Russian in a Russian ruled world.

The treason from within is a great part of the Communist Master Plan. . . . We have our capitol now occupied by Red indoctrinated fifth columnists who are helping and abetting the Communist cause by disrupting our government. House G.O.P. Whip, Leslie Arends (Ill.) put it very well, "Those who trumpet so loudly about the size of our defense budget, using the myth of a military-industrial-complex as a scapegoat, invariably call for a reordering of our priorities that there may be an increase in spending on social programs" . . . we have had a decrease in spending for defense in the fiscal years 1969, 1970, 1971 at an average of $2 billion per year in an era of inflation, which means a much greater actual decrease in spending than the figures show.

Among nations only the strong survive and we in America are weak from within and a tempting plum ripe for the plucking from without. . . . We are morally weak in believing that the Communists would even contemplate living with the Free World without conquering it. We have grown fat, weak and weary with too much of an emphasis on cradle to grave support and welfare while excellence was penalized and the lazy and unproductive were rewarded with the fruits of our labors.

The great ponderable to the Soviet Union is can they attack the United States and not be destroyed by our deterrent. The Middle East is the key to the Soviet Defensive Plans and is being used as a testing ground for the SAM-2 and SAM-3 missiles just as Germany and Italy used the Spanish Civil War in 1936. Joseph Alsop reveals in one of his articles titled "Soviet missile strength more than meets the ear". He reports that SAC analysts believe that the Russians already have an extensive and efficient Anti-Ballistic Missile system disguised as part of it's anti-aircraft defenses. The problem is called "SAM-upgrading" and it was recently given 30 hours of study by CIA Director Richard Helms. Defense is the key to offense since the Russians dare not attack us as long as we have the capability to destroy them on the return blow. They have deployed approximately 1200 of a new defensive missile which our military people call "Tallinns" or SA-5's. This missile has a range of 100 miles and an altitude of 100,000 feet, which is above the atmosphere. These missiles are deployed in most parts of the Soviet Union where the SA-2 missiles are placed, which gives them a double defensive capability. Moscow is already protected by an ABM system known as Galosh. "SAC analysts believe, the upset in the balance of nuclear-strategic power is already far greater than the worst pessimists suppose outside the government's secret chambers". To fit in with the SAM-2 and SAM-3 testing The Institute for Strategic Studies in London reports there are 12,000–15,000 men in Egypt in SAM-3 missile crews and 4000 advisers to the Egyptians manning the SAM-2's . . . And as for the infallability of our missile going off without the President's hand or the Vice-President's . . . do you really believe the President will be around when the time comes for PEARL HARBOR—U.S.A. The mission to destroy our President and Vice-President will be handled by the traitors who have been hidden a long time ago and have access to them by their high station for this one purpose.

In the Pearl Harbor—U.S.A. article written in December I wrote that the Communists would intensify their peace talks six months before attacking us. SALT talks have been going on daily in Geneva while the TROJAN HORSE is completed in CUBA and RUSSIA. And now we have ping-pong diplomacy with Red China just like the Peace in Our Time of Neville Chamberlain. And as the bible says (Isaiah XLII, 3) "There is no peace saith the Lord, unto the wicked". . . . Peace to the Communists is but another means of waging war and ultimately enslaving the Free Nations of the World. In the 17th century Jonathan Swift described today's situation . . . "This is the sublime and refined point of felicity, called the possession of being well deceived: the serene, peaceful state of being a fool among knaves." And there is subversion in high places to make our people believe the big LIE that the Communists really want PEACE. We can have PEACE with the Russians if we accept the peace of a slave who must obey the will and whim of the Master. Oh Mr. Nixon you are such a fool if you believe the Communists will ever let us live in Peace.

In Conclusion we know that the Russians have the intent to conquer the world and we now know that they have the means to destroy us without suffering terrible retribution. The only thing we do not have pinpointed is the exact date of Pearl Harbor—U.S.A.

Since surprise, stealth and the unexpected are necessary to minimize our ability to retaliate we know that the attack will come on a national holiday, when our defenses are weakest. There are three national holidays coming up in the fall and winter of 1971 and each has been set up as a contingency date for Pearl Harbor—U.S.A. The first date is Labor Day, September 6th, 1971. The second, Thanksgiving Day, November 25th, 1971; and the third, Christmas Day, December 25th, 1971.

The harvest will be in by the September date. The activities in the Middle East fit in here since before any Russian attack can be made against the United States, they must know if their defensive system will work. The United States tipped its hand by giving the Israelis our Shrike Defensive Missile, which homes in on enemy radar which is the brains of the SAM-2 and SAM-3 missiles. As soon as the Russians are able to conquer this problem their Egyptian ally will commence the 3rd round of Middle East hostilities. The only thing the Russians want to know in the Middle East is if their missiles can knock down the Israeli Phantom Jets. They will encourage an Israeli victory or truce to lull the world to sleep for the last time before beginning Pearl Harbor—U.S.A. If the Russians are not able to achieve their purpose with a three month peace offensive then they will step the date up to Thanksgiving Day and as a last resort will attack on Christmas Day of 1971. General Curtis LeMay the former head of SAC predicted a while ago that the Soviet Union would issue within 18 months an ultimatum to the United States to surrender or else.

The key to the attack is the Russian base in Cuba and we must do everything possible to expel the Russians by any means including open warfare if necessary to restore freedom to the people of Cuba. To allow Russia to remain in control of Cuba insures our destruction. The Russians will not attack us if we invade Cuba since their plan cannot work without the Cuban base operating as a Trojan horse in our back yard. The longer we wait only insures our destruction and as Plato said many centuries ago, "For evil to triumph all that is necessary is that good men do nothing." Let us fish in troubled waters and free Cuba and save America.

[From U.S. News & World Report, May 31, 1971]

FLIGHT FROM CUBA—CASTRO'S LOSS IS U.S. GAIN

In the 12 years since Fidel Castro came to power, nearly 650,000 Cubans have sought refuge in the United States.

Most have found far more than refuge. They have found homes, jobs—and opportunities. Thousands of refugees, in only a few years, have launched new careers in professions and business.

The story of this big wave of immigrants is a success story seldom matched in this country's long history of immigration. Few other nationality groups have taken root so quickly or progressed so rapidly.

WARM WELCOME

Some of this rapid progress can be credited to the aid given by the U.S. Government. No other group of immigrants in history has been accorded such a helpful welcome.

Much of the Cuban success, however, is generally attributed to the efforts and ability of the Cubans themselves.

Talk to the Cuban refugees and you get still another explanation.

"What we have found in America is the land of opportunity—the greatest nation on earth," says Carlos Arboleya, who in nine years rose from an almost penniless refugee to be president of a Miami bank.

The mass migration of Cubans to the United States is still continuing. Each month about 3,600 stream in on an airlift financed by the U.S. Government. These are people Castro let go with the contemptuous remark that they were the "worms" of his Communist society.

In America, however, they are proving, by and large, to be capable, hardworking people who are making major contributions to American life.

A CROSS SECTION

The Cuban refugees are scattered widely around the country. But about half of them have settled in south Florida. Nowhere else is the Cuban success story so visible as it is in this area.

Wherever you turn, the Cuban influence can be seen and felt. The new mechanic at the corner garage may not speak English fluently—but he can fix your car. The Cuban bus boy in the restaurant, the record suggests, may soon be running that restaurant.

Whole hospitals are now staffed by Cuban doctors. A prime example is the 300-bed Pan-American Hospital in Miami. In all, about 2,000 Cuban doctors have settled in the Miami area.

These refugees, records indicate, are good credit risks. Those who have borrowed money have, for the most part, paid it back. Cubans on relief are generally too old or too ill to work.

The Cuban impact on the U.S. is felt at many levels. There is a growing and articulate Spanish-language press. Movie houses in Washington, D.C., in Newark, in New York and in dozens of other cities show films in Spanish for tight-knit Latin-American communities. Across the land, restaurants with Cuban food and entertainment are opening.

Dade County, Florida, which includes Miami, is the hub of Cuban life in the United States.

Mayor Stephen P. Clark of Miami estimated that 350,000 Cubans now live there. Nobody can be positive about the number—but it is known that some Cubans, after resetting elsewhere, return to Dade because of the mild climate and the proximity to other Cubans and the homeland. Cubans tend to dislike the cold North American winters.

TRADE CENTER

Because of the bilingual pool of talent in the Miami-Dade area, more and more American companies have set up their Latin-American trade headquarters there—33 in Coral Gables alone.

Among those companies are Alcoa, Dow Chemical, Chicago Bridge & Iron, Coca-Cola, Goodyear, Atlas Chemical, International Harvester, Johns-Manville and Bemis. Many of these trade headquarters are run by Cubans.

Of course, it's not all clear sailing for the refugees, but in the main their story is one of astonishing achievement.

President Arboleya of the Fidelity National Bank of Miami explains the success formula of his Cuban compatriots in these words:

"They work. The man works, the wife works, the children who are old enough work."

Mr. Arboleya has shown what a refugee can do. In 1960, at age 31, he arrived with his wife, an infant son and $40 in cash. Banking was his field, but banks were not bidding for the services of refugees. He started as an inventory clerk in a shoe factory at $45 a week. Eighteen months later he was the office manager. Eventually, he got a bank job. By 1966, he was executive vice president of Fidelity National. In February of 1969 he became an American citizen—and president of the bank.

RETAINING OLD TIES

Mr. Arboleya, whose son became an Eagle Scout at 13, likes to tell of the special camps for Cuban Boy Scouts in Miami, where the Cuban flag is flown alongside the American flag.

"Our Boy Scouts salute the Cuban flag with respect for our homeland," he says. "But," he adds, "they not only salute the American flag—they pledge allegiance to it."

Tully Dunlap, president of the Riverside Bank in Miami, credits Cuban business with lifting his bank out of the doldrums in the mid-'60s.

Deposits started to move up in 1965, breaking a steady downward trend which set in with the flight of American customers to the suburbs in 1961, Mr. Dunlap says, and "Cuban deposits now total over 16 million dollars and we have 18,000 Cuban accounts."

The New York-New Jersey area is another place where Cubans congregate. Some 75,000 are estimated to be living in New York and 52,000 in New Jersey. One of them is Dr. Carlos Marquez Sterling, who was a candidate for President of Cuba in 1958.

Today Dr. Sterling is professor of Spanish literature at C. W. Post College of Long Island University at Greenvale, N.Y. He says this:

"Most of the people who have come to the United States from Cuba have succeeded. Their success has been outstanding in many fields—business, medicine, university teaching, accounting, law and transportation."

Oscar Rodriguez was 16 and his brother, Omar, was 20 when they came to New Jersey as refugees in 1960. Their first jobs were as sweepers in a garment factory. Today they run their own garment factory, employing 75 people.

A DOCTOR'S STORY

Dr. Ramon Rodriguez-Torres walked away from his own private hospital in Cuba after Castro took over. The doctor, his wife, two small children and his parents arrived virtually penniless in Puerto Rico. A year later he was in Brooklyn's Down-state Medical Center as an instructor in pediatrics. From there, his advancement was swift.

Dr. Rodriguez-Torres studied for and passed several State medical examinations. He is now a full professor and director of the center's pediatric cardiology department. He also started an intensive-care unit for children at Kings County Hospital—said to be the first of its kind in the U.S.

"My family and I are very proud and happy to be in this wonderful country where we have seen all our work and effort rewarded," he says.

At Milledgeville, Ga., 68 Cubans are among the 113 physicians on the staff at Central State Hospital, the big complex for mental patients. Five of the 10 directors are Cubans, each heading units with 700 to 1,000 patients.

Central State's top heart specialist is a Cuban, Dr. Sergio C. Alvarez-Mena. He is chief of cardiology at the hospital and also associate clinical professor of medicine at the Medical College of Georgia.

Dr. Addison M. Duval, director of Georgia's mental-health division, declares: "We just couldn't have made the improvements that we have without the help these people gave us; it was a mutually beneficial thing."

In Atlanta, where most of Georgia's 5,000 Cubans live, assimilation has been no problem. Cuban leaders estimate there are 100 of their countrymen in various businesses, while about 50 per cent of the adults hold positions as college or university professors, doctors, engineers, accountants or business executives.

A HOUSTON GROCER

Typical of the Cubans who have made good as tradesmen—there are thousands of them—is Hector Cardet, 41, who owns a grocery store in Houston. The store specializes in Cuban foods and is a gathering place for the Cuban community.

Before fleeing Cuba in 1963, Mr. Cardet owned a grocery store in Havana. Like so many others, he reached the U.S. without funds or knowledge of the English language. He found work as a stockman for a chain of convenience grocery stores.

"At night," Mr. Cardet says, "I would load up the back of my car with Cuban-type groceries and sell them door to door to Cuban families in Houston."

In two years, he saved enough to open his own grocery store—and later a restaurant which employs Cubans as waiters and cooks.

Mr. Cardet calls the U.S. "the greatest country on earth." But given the chance, "I'd go back home," he says.

The Cuban population of Ohio has been estimated at 2,300. There are 3,000 Cubans in Michigan. Concentrations of these refugees are found in major cities of both States—especially in Detroit and Cleveland.

Occupations are varied, ranging from the pastor of Our Lady of Guadalupe Catholic Church in Flint, Mich.—Father Eduardo Lorenzo—to an assembly-line worker for the Ford Motor Company in Ypsilanti—José A. Cabrera. Mr. Cabrera is also president of the Cuban association of Michigan.

David Caveda, a manufacturers' representative in Columbus and president of the Cuban refugee group there, says he knows of only three Cuban families on welfare, all of them aged. He adds:

"There are no able-bodied Cubans on welfare. We belong to a society where people take care of one another. There is a pattern—the ones established here help the newcomers."

A Cuban refugee in Detroit, Reinaldo Gonzalez, is now an executive for an auto-parts supplier. In 1961, he joined the company as an export clerk. Now, 10 years and eight promotions later, he is responsible for manufacturing schedules for Federal-Mogul Corporation in Western Europe and Latin America.

Mr. Gonzalez explains his attitude toward America and Cuba:

"I feel . . . the way I feel about my mother and my wife. I love both, and my love for one does not interfere with my love for the other."

As the only Spanish-speaking person in his suburban neighborhood, Mr. Gonzalez has a standing joke with his next-door neighbor: "I'm better off than you are—I don't have a Cuban living next door to me!"

THE CHICAGO SCENE

Between 20,000 and 30,000 Cuban refugees are estimated to be living in the Chicago area. About 500 of these are doctors and there are approximately 100 Cuban lawyers.

One Cuban in Chicago makes this appraisal: "Some have done well, some not so well, depending mainly on how they did in Cuba."

Another refugee took a more positive view, pointing out that a Cuban had to be highly motivated to leave his homeland—overcome the obstacles to getting permission to depart—and then buckle down to work in a strange land. Motivated people, he explained, generally succeed. And, he said: "We were prepared, whether we knew it or not."

In Columbus, Cuban Orlando Alonso, made himself so valuable that he ended up taking over the business when the owner died in 1969.

When Mr. Alonso left Cuba in 1962, he went to work as a truck driver for Columbus Pest Control Company. In a few months, he was chosen to run the business whenever the owner was away. The business had its most profitable year in 1970—under Mr. Alonso's management. He and his wife and three children live in a Columbus suburb. The 18-year-old daughter will soon marry an American.

Cuban family ties, traditionally close, account in part for the low number of failures among the refugees.

A newly arrived refugee often will receive money by mail from relatives and close friends who preceded him. A contribution may be $1.50, or it may be $50—whatever the donor can afford.

The established Cuban will give up something he needs and uses every day to help a relative get a foothold. For example, one head of household returned to his Miami home one night to find the table and chairs missing from his kitchen. His wife had given them to a relative just moving into the area.

These close ties, a willingness to help one another and a fanatical belief that hard work is the key to success lie behind the Cuban experience in America.

Few success stories are more dramatic than that of Mr. and Mrs. José Torres and their daughter, Norma. The Torres family arrived in New Orleans in 1967 with nothing but the clothes they wore—and the Braillie ruler Mr. Torres had fashioned from wood. Both he and his wife were blind.

But José Torres was also a skilled cabinetmaker and before long he was hard at work, learning English and setting up shop with borrowed funds.

Business is slow at the moment but he keeps going with sales of doll houses, jewelry cases, candlesticks and liqueur cups. His daughter is an outstanding student in the nursing school at Louisiana State University.

RECORD AS SCHOLARS

In the field of scholarship loans, young Cubans have been especially responsible in meeting their obligations. Congress recently heard testimony that of the 12,800 loans granted to Cubans for college education, only 147 were delinquent—a performance which outstrips the national average.

The Cuban experience in the U.S. is not an unbroken string of economic miracles. Many old persons find they cannot learn English, or that ill health keeps them from working. There are problems of assimilation in some areas—and complaints of discrimination.

In Los Angeles, the Cuban is in a particularly strange situation—he is a minority within a minority, and thus, in effect, invisible to the indigenous community.

There are some 1.1 million Spanish-speaking persons in this area. The presence there of perhaps 50,000 newcomers from Cuba makes scant impression on people in general.

These Cubans appear to have little interest in becoming part of the Mexican-American scene. They have settled instead in a variety of small pockets throughout the city.

MASS TRANSPLANTS

Organizations like the International Rescue Committee and the Cuban resettlement division of the Catholic Welfare Bureau have helped some 35,000 Cubans go from Miami to Los Angeles. It is estimated that an additional 10,000 to 15,000 went to southern California on their own.

About 11,000 Cubans in the area are on welfare, Los Angeles County officials say the relief bill for Cubans comes to a million dollars a month—which is refunded by the U.S. Government.

Observers report a lack of rapport between Cubans and other Spanish-speaking persons there. The Cubans seem to identify more with the "Anglos," whereas Mexican-Americans tend to cling to their old Mexican culture.

There is another big difference. The militant Mexican-American sometimes leans leftward politically. Cuban refugees aren't buying anything that smacks of Communism. It's hard to find a Cuban with a Castro-type beard.

Even in Los Angeles, however, there are bright spots for Cubans. A community spirit, for a time dormant among them, has begun to develop. A Cuban Chamber of Commerce now has 100 members. About 300 Cuban-owned businesses have been established. A biweekly tabloid newspaper—"La Presna"—has a Spanish-language circulation of 15,000, predominantly Cuban.

And like every other area, Los Angeles has its successful refugees.

A GROWING RESTAURANT

Eddemio Lopez came from Cienfuegos, Cuba, nine years ago—penniless he says, "like everybody." He sold Bibles and encyclopedias door to door. He and his brother saved enough to open a little restaurant. It seated 25. Then the brothers bought an adjoining building and enlarged their operation. Today the prospering restaurant seats 110—and employs 13 Spanish-speaking persons.

In San Francisco, some of the Cubans complain about discrimination, especially when it comes to getting good jobs and job training. Some have had difficulty in finding any jobs at all.

And a discouraged high-school student said: "Florida is the best place for Cubans; there are enough others there to help you, to support your business."

Cubans admit—and express gratitude—that U.S. Government programs help them get started in this country.

On their arrival in Miami on the U.S.-financed airlift, they are welcomed by U.S. officials and given temporary housing in "Freedom House" at the airport. There they register with the Cuban Refugee Program of the U.S. Department of Health, Education and Welfare, and also with a volunteer agency of their choice.

The volunteer agencies arrange transportation for refugees to homes of relatives, with the cost met by the Federal Government. Refugees also receive checks from the Florida welfare department—$100 for a family, $60 for a person. Washington repays Florida for this.

As soon as they reach their relocation city, refugees are eligible for public welfare, with Washington again reimbursing the States.

All told, from the time the Cuban Refugee Program began in February, 1961, through the end of this fiscal year on June 30, the U.S. Government's obligations for aiding Cuban refugees will total 583.8 million dollars.

A GOOD INVESTMENT

Federal officials regard this as a good investment. Howard H. Palmatier, director of HEW's Cuban Refugee Program put it this way:

"We cannot overlook the Cubans' incalculable contribution to our nation. They have paid millions of dollars in local, State and federal taxes. Their presence and efforts have created, directly or indirectly, literally thousands of jobs throughout the United States—which generate even more tax revenues. And perhaps most important, they are still making this contribution."

Speech by Dr. Manolo Reyes, Latin American News Editor, WTVJ

I am not a military or naval expert. The information which you are about to hear was sent to us by the Cuban Patriotic Resistance. We believe this information to be the first of its kind to be said publicly. It is all related to Fidel Castro's Navy, which is a vital tool for the exportation of his so-called "revolution". We say "so-called" because there is no such revolution, rather that Castro is an agent for international communism and what he is exporting is international communism.

To begin this analysis, we must say that before Castro the Cuban Navy was highly respected by the Cuban people. It was always a non-political body. Presently, Castro's Navy is despised because, among their missions of hate, they must persecute and machine-gun defenseless Cubans (men, women, and children) who try to flee through the Florida Straights.

Before Castro, the Navy was made up of 28 surface units: three frigates, one cruiser, twelve sub-chasers and twelve Coast Guard vessels. The pre-Castro Navy's main mission was to guard the coasts. Its mission was strictly defensive.

The Merchant Marine before Castro was made up of 18 surface units which represented approximately 48,000 tons. None of these units was more than 5,000 tons. Hence, Cuba's Naval forces totaled 46 surface units.

Now the question: What is the present Naval situation of the Red Regime in Cuba? Directed by the Russians, Fidel Castro has divided his Navy into three parts: the War Fleet, Merchant Marine and so-called "Fishing Fleet".

Castro's War Fleet has been tripled by the Russians since early in 1970. Presently it is made up of about 80 units. Among them are torpedo boats, missile boats, konsomal boats and sub-chasers. The Komar boats have two missiles with a range of 40–50 miles. All of these are for offensive purposes. Also, British sources have reported that the Russians have given Castro 8 small submarines. This brings the total of offensive naval units to 88.

The Castro Merchant Marine, under the direction of the Russians, now has 49 units with a displacement of approximately 327,000 tons. Of this number, some 18 units exceed 5,000 tons each. This Merchant Marine, as we will explain later, is completely dedicated to the transportation of men and arms for the expansion of international communism.

Finally, Castro, following the Russian dictates, has established the so-called "Fishing Fleet" in Cuba, made up of some 100 Russian made trawlers, each approximately 800 tons, and almost 100 wooden Lambda boats. The "Fishing Fleet" has everything except a fishing boat and its purpose is for the infiltration of international communist agents, transfer of arms, espionage and counter-espionage.

To sum it up, the Navy before Castro totaled 46 defensive units. Now it totals some 337 offensive units and has only one purpose: to export the revolution of the Castro-Communist regime.

In a rapid analysis of the twelve-and-a-half years in Cuba since Castro, it can be said that the economy is in ruin. The Cuban people are suffering from tremendous rationing and there is almost no fuel (charcoal or petroleum) in Cuba.

Now, how is it possible for Fidel Castro to maintain his present navy if Cuba's economy is in ruin? If there is no money to buy the articles of primary use, how were so many naval units obtained? If there is no fuel, how are these units operated? Where did he get the officers for a Navy that grew so fast?

It is our belief that there is only one explanation: Cuba is the Russian trampoline of the Caribbean. Cuba is being used as the base for military and political expansion of the Russians in the Western Hemisphere. The Russians have provided and today maintain Castro's Navy—even if the navy does fly the Cuban flag—for the exportation of international communism. The majority of the Naval officers of these ships were born in the Communist World even though their passports list them as Native Cubans. This is the Russian Navy with the Cuban flag.

How was this situatiton initiated? In the year 1963, according to reports received from the Cuban Patriotic Resistance, a Russian Admiral, Ivan Baikov, Director of the Russian Naval Academy in Leningrad, took charge of the Cuban Navy. That began a complete change. The Russian Admiral said that the traditional Naval Academy in Cuba, in Mariel, was obsolete. It would be considered third level.

The Naval Academy was then transferred to the Monteverde farm, which was the property of a North American citizen, in the area of Boca del Mariel.

Later, two superior naval centers were created: One in Tarara and the other in Barlovento in Havana. The students of these centers receive strong communist training, as well as training in the sabotage of port installations, intelligence, espionage and counter-espionage. The most outstanding students are sent to Russia for final indoctrination.

Admiral Baikov declared that the new naval center in Havana was to be used as the seat of the Russian Joint Command in peacetime. And that underground installations should be built so that the Russian High Command could function in times of prewar and war.

The Naval system in Cuba was operated by departments similar to that of the United States Navy. Baikov divided it up into sections and sub-sections.

In the center of the Port of Havana, it is easier to find a Russian officer in uniform than it is to find a Cuban. The orders which proceed from there are signed by Cubans, even if they are illiterate. Said orders are prepared by Russian bilingual personnel and later authorized by a Russian naval officer. In this way, secret cargo can be transported under the Cuban flag, never under the Russian flag.

Each Cuban boat has an experienced Russian officer who speaks Spanish and carries a native-Cuban passport (possibly with a Cuban name). He is the actual ship commander. Sometimes he is merely a first-class sailor.

Each ship is an integral part of Castro-Communist territory. This is why there is an Russian security officer on board. It is understood that at each port the communist agents know precisely who is on board each ship. For the few who are not communists and sail under Castro's flag, to transfer to a ship is to leave one prison for another.

The Russian Admiral (Baikov) authorized Captain Daniel Alvarez (alias Captain Ramirez) to direct Castro's Merchant Marine. Captain Alvarez is approximately 60 years old, with more than 40 years of naval experience in Spain's Communist Navy. He served on the cruise ship "Canarias", later seeking asylum in Algiers. France. From Algiers, he went to Moscow. There he was named an agent of the NKVD and had several interviews with Stalin. Later, he fell into disgrace and was deported to Siberia where he lost a lung. He was brought back to Moscow by Nikita Khrushchev and placed his former position. Currently, in Cuba, his title is "Delegate of the Soviet Union in Control of the Merchant Marine."

The flag ship of the Merchant Marine of Cuba is the Sierra Maestra and it displaces 17,350 tons. This ship was built in Eastern Germany and was first received and commanded by Jesus Jimenez Escobar. Escobar received several levels of communist indoctrination. Jimenez Escobar, along with Captain Alvarez (Ramirez), formed the shipping lines of Mambisa Navigation in different parts of the world to provide ports for Castro's ships.

In 1968, Jimenez Escobar was named to the Cuban delegation to the United Nations. Months later he was expelled from New York by the United States for his non-diplomatic activities. Apparently he was supporting the Black Panthers.

Presently, there is a Russian naval base at Cienfuegos and a military arsenal at Havana. There are two large docks. One is a 20,000-ton dry dock and the other is a 10,000-ton floating dock.

Operations are directed by eight high-ranking Russian naval officers. Strong security is maintained by frogmen and an electric net. On land, there is a color-coded control system.

To describe how Castro's Navy performs espionage and the exportation of international communism, here are some examples:

In 1960, the ship "Bahia de Nipe" took arms from Cuba to the so-called "Liberation front" in Algiers, which was still under French jurisdiction. In 1962, the ships "Aracelio Iglesias" and "Gonzalez Lines" carried tanks and cannons, automatic arms and troops to take part in the war between Algiers and Morocco.

In 1965, the motor-ship "Uvero", weighing 10,250 tons, left with arms, men and equipment for Africa to Dar El Salam. We were told that all this equipment and some of the men later were sent to the guerrilla operation in Bolivia. During the voyage to Africa, the captain of the ship never spoke with the officers and meals were served to another high ranking person in the captain's cabin (no one knowing who he was). We believe it was Ernesto "Che" Guevara.

In 1965, the Sierra Maestra took a special trip to Communist China. It embarked from Cuba empty and was so important, that two cuban freighters, "Antonio Maceo" and "Jose Marti", escorted her from the islands of Cape Green in South Africa to Santiago de Cuba, in Oriente province. She brought back a load of special arms which were unloaded in Santiago de Cuba. These secret arms were taken to Gran Piedra under great security. Gran Piedra is near the Guantanamo Naval Base.

Meanwhile, Castro's Russian masters have continued their expansion work in Cuba. Presently, great naval activity is reported on the two extremes of the island.

In Oriente Province, (in the region known as Saetia, to the north of the Bay of Levisa near the Bay of Nipe) the Russians are dredging as they did when they began their base at Cienfuegos.

At the Western tip it is reported that the prisoners on the Peninsula of Guancabibes have been removed and a military road is being built (more than 6 meters wide) from "El Cayuco" to the Cape of San Antonio. This area is totally deserted and a great distance from other activity on the island. It should be an ideal location for subversive activities. It is expected to help in the transportation of arms in barges to or from mother ships, anchored nearby. The initial analysis of this activity is that it will aid in the transportation of arms to Latin America.

This is a short and sketchy summary of the Cuban Naval situation under Castro-Communism. A navy which means a real and actual threat to the peace and tranquility of the entire American Continent. A Russian Navy with the Cuban flag.

DAVID ROCKEFELLER DISCUSSES NEW URBAN DEVELOPMENT PLAN

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. REUSS. Mr. Speaker, the June 7, 1971, issue of U.S. News & World Report contains an interview with Chase Manhattan Bank Chairman David Rockefeller in which he discusses a new plan for rebuilding U.S. cities. I commend Mr. Rockefeller's remarks to my colleagues:

WHAT IT WILL TAKE TO BRING CITIES BACK TO LIFE: INTERVIEW WITH DAVID ROCKEFELLER, CHAIRMAN, CHASE MANHATTAN BANK

Can anything be done to keep whole cities from decaying into slums? A plan to rebuild the cities—and establish new ones—with billions in federal and private funds is advocated by banker David Rockefeller. Mr. Rockefeller came to the conference room of "U.S. News & World Report" to explain his proposal.

Q. Mr. Rockefeller, are the big cities close to collapse, as some of the mayors say they are?

A. While that particular statement may be a little overdramatic, it certainly is true that the big cities are in real trouble.

Q. Why do you say that?

A. The school system, law enforcement, the welfare system, housing and other aspects of city administration have deteriorated markedly in the last several years, and perhaps at an accelerating pace.

Q. Is that because city governments need more money?

A. Revenue is certainly a part of it. But, more importantly, the problem stems from the changing composition of the cities. In the period since World War II, two basic trends have developed:

On the one hand, our nation—though it has become increasingly productive from an agricultural point of view—has become much more mechanized, so that the number of agricultural laborers has declined sharply, with the result that in the agricultural areas, particularly in the South, there is less employment than formerly. This has induced many agricultural workers to move to the large cities, where they felt there would be greater opportunities for them.

At the same time, the home-loan programs of the Federal Housing Administration and the Veterans Administration made it possible for a great many more people in the middle classes to build and own their own houses. By and large, they chose to build them in the suburbs rather than in the central cities. So we've seen an exodus of the middle-income groups from the cities at the same time that we've had an influx of lower-income groups to the cities.

This has had an important bearing on the economy of the city, for the city was required to provide more services for these low-income families that were moving in than it had for the middle-income families that were moving out. But the newcomers, with generally lower incomes, were producing less in taxes, so that there were decreased means to meet the larger requirements. And of course, at the same time, the trouble was compounded by inflation, which added still another burden on city finances.

Q. Do you think that the welfare system attracts Southern migrants to the big cities?

A. There is difference of opinion on that. Although I'm not sure that one could say it is the predominant inducement, it is at least a collateral inducement. It is surely true that the welfare benefits provided by the States have differed considerably—and, by and large, the Northern States have provided more generously than some of the Southern States. That probably does have some influence on migration.

Q. Haven't the States and the Federal Government been pouring billions into cities to help them meet their problems?

A. Yes. But in retrospect, the money hasn't been spent as wisely as it could have been. I think as we look back now at the federal program, which gained momentum in the '40s and '50s, there are two criticisms that perhaps could be made of it:

It concentrated almost exclusively on housing and not other related community activities, and I think this has proven to be a mistake. The funds were not used to build a rounded community; they merely built houses. So while people were placed in new and better housing, they were not placed into a new and better form of community life. Often, in fact, the vital element of community life was less than it was before.

I think that if we were starting this program over again today, we would do it on a different basis.

The other difficulty is that most of the public housing was built in the core areas, and, since it was subsidized, it was only for the lowest-income groups. This exacerbated the trend of concentrating the poor families in the central cities, while the middle-income families were pouring into the suburbs. We're learning now that it's necessary for communities to be more mixed, in terms of income levels, if they're to be viable and acceptable communities.

Q. Do the cities have too many people who are unemployable?

A. It is surely true that there are more poorly educated people among the families in the "ghettos" and core areas, and this is partly the product of the fact that the cities haven't had the funds to provide good schooling. The quality of schooling in the inner cities seems to be declining significantly. But it's also the product of all the other social ills that go with "ghetto" life, such as broken families—which are encouraged by the present welfare system—dope addiction and crime.

All of these things have gone together, and the result is that a great many of the young people in the core areas are poorly educated, badly motivated and, hence—without special additional training—unemployable.

Q. Why do you say the welfare setup has encouraged drug use?

A. Because I think that people living in slum conditions, with very little opportunity for recreation or employment, are more subject to pushers who encourage young children to feel that taking drugs is the thing to do. They start them with marijuana, and all too frequently add a little heroin or opium with the marijuana so as to hook the youngsters, and then they're off. And this is what one sees to an increasing degree.

Q. Are you saying the drug users are people looking for an escape?

A. I suppose that's a factor. In any case, slum families are certainly exposed much more than others, although the use of drugs among the young is by no means confined to poor families.

Q. Do zoning regulations contribute to the concentration of poor families in the central cities?

A. Zoning has been an important factor in many areas. And in some cities, notably New York, rent-control laws, which have been maintained since World War II, have contributed importantly and are partly responsible for the abandonment of housing which is going on at a shocking rate in New York City today.

Q. Is that a growing problem?

A. Yes. The present rate of abandonment in New York is about 25,000 units per year, which is an enormous number. And, of course, when these homes are abandoned, they not only cease to be a source of tax revenue, but they are a charge on the city. They are broken into, often become havens for criminals, and are fire hazards.

Q. Isn't that process extending to stores and other commercial establishments in the blighted areas?

A. It's happening to them, too.

Now, the reason that rent control affects housing this way is that the landlords can't afford to make improvements, because they can't get rents that are sufficient to justify them.

Q. Rent control is a special New York problem, isn't it?

A. Yes. But there is widespread abandonment of buildings in other cities as well.

Q. You've been talking about families moving out of the big cities. How about businesses? Why are so many of them leaving the cities?

A. Businesses are leaving the cities for a variety of reasons. Crime, rising tax and insurance rates, and congestion are among the reasons. Also, many feel there is a more plentiful supply of better-quality labor in the suburbs. Others feel they are following their customers. Additional factors sometimes include room for expansion, aesthetics and convenience of commuting. However, the road isn't all one way, for many businesses are still flocking to the city—and others, having tried the suburbs, have come back, for they missed the dynamism, the excitement, the culture and the marketplace for the exchange of ideas that only the large cities provide.

Q. Is there any possibility of rebuilding the cities and making them attractive to people of all income levels?

A. I think there is. I have been studying with a number of my colleagues in the bank and outside what the causes are of insufficient construction and lack of a good development program within the cities, and it's our conclusion that there are two prime missing links:

On the one hand, fragmented land ownership, zoning laws and building codes make it difficult for developers to assemble and develop large tracts of land either within core areas of cities or outside. The private sector is willing to do its part, but our Government must foster private initiative by both identifying development opportunities and removing obstacles to appropriate projects.

We need a national urban-growth and development policy. I think that such a national policy should include the rejuvenation of existing cities, suburban areas, small towns and new communities.

Q. What's wrong with the present federal urban-renewal program?

A. It isn't broad enough. It only deals with segments of the problem. What needs to be done is to develop whole new communities rather than units of housing, or commercial establishments, or industrial areas separately.

Q. Do you mean whole new communities within cities?

A. And outside. It's estimated that there will be 75 million more people in the United States by the end of this century. To accommodate all these people in new cities would require 650 new cities of 100,000 people and 10 cities of a million.

Now, of course, it won't be done just that way. But this gives you some idea of the magnitude of the problem that we have to deal with. There's going to be a need for quite a number of new cities, and this is going to require the attention of the Federal Government, working with State and local governments, to develop the kind of sound, national, urban-growth policy which was called for in the Housing Act of 1970.

We are proposing that an agency of the Federal Government identify areas which are consistent with this national growth policy, help acquire the land, and make sure that the building codes and zoning for the land are consistent with an intelligent development program.

Q. Should the agency take over a big part of a city and decide what was going to be done with it, or would the city government have a veto?

A. Local communities and States have to have some degree of veto power. Just how this would be worked out is one of the things that need to be studied further. I think there must be effective power of eminent domain in the federal agency, but qualified so that the States and localities don't feel they're just being ridden over roughshod.

Q. What can't the job of buying and developing land be done with private capital by private investors?

A. That brings me to the second part of our plan:

I said the first need is for an agency, which has to be governmental, which can identify and acquire land for development that would be in accord with an over-all policy. We're also proposing a quasi public or private bank, which we have suggested be called the National Urban Development Bank. This would be set up on a nationwide basis, perhaps along the lines of the Federal Reserve System, with a chairman who would be appointed by the President of the United States, and members of the board from each of the States and key cities.

This bank would get its funds partly from commercial banks, who would put in the equity, and partly from insurance companies and pension funds and other institutions of that kind who would make loans to the bank at favorable interest rates.

Q. Would investments in the development bank be guaranteed by the Federal Government?

A. No. The bank would go to the designated federal agency and say: "We will underwrite repurchase of the land which you have now acquired and assembled, find a developer, and make available to him the funds he needs to put in the necessary utilities, roads and so on. He won't have to start repaying immediately, because it is going to be some time before he puts in all the facilities and can realize a return."

It's this predevelopment money that is presently lacking. We see no reason why it could not be provided from private sources through this nonprofit corporation. The banks and insurance companies who put up the money would be doing so because they felt it was part of their social obligation to do so, and they would hope—we believe realistically—to receive a reasonable rate of interest and ultimately get back their capital.

Q. Would the developers get the land for less than cost?

A. For land for new cities outside the present cities, the developers would pay 101 per cent of what the Growth Administration had paid for the land. In other words, the federal agency would get back a small increment to help pay its administrative expenses.

Q. How about land for redevelopment in present cities?

A. The cost of assembling that land is already very high—uneconomically high. That is the reason the private builders haven't gone in and done something with it. So, in these areas, there would have to be a write-down on the value of the land—a one-time subsidy by the Federal Government.

RENEWAL: 50 BILLIONS IN 10 YEARS—

Q. Just how much do you figure all this will cost?

A. We estimate that to provide the predevelopment and land-acquisition money for new cities will take about 10 billion dollars over a period of 10 to 20 years. Redevelopment in the older cities might require four times that much—40 billion. So we are talking about a total of something like 50 billion in all. Spread over a period of about 10 years, that is not an unmanageable sum, because, during this time, some of the funds would be rolled over—that is, they would be used, repaid and then used again.

Q. How much federal money would be needed by the designated Government agency in order for it to make the initial purchases of land?

A. There, again, you are talking about a revolving fund. I would think maybe 1 or 2 billion dollars would do it.

Q. Is it likely that the new communities you're talking about may aggravate the problem of the cities by encouraging more businesses and people to move out?

A. Part of the job of the Federal Government's agency responsible for an urban-growth policy would be to determine where these communities should go, how they fit into an over-all national growth policy. That's why I say that the Government entity is the first essential, without which this program couldn't work.

Q. As a practical matter, will most of the development you're talking about take place outside of the existing cities?

A. The population is so great that it has to take place both inside and outside.

I've already discussed this plan with a number of city officials in New York, and they're quite excited about the idea. They feel that there may well be areas in New York City where it could work. I'm sure the same would be true in other very large cities.

Q. What's the federal reaction to your proposal?

A. I am happy to say that there has been real interest. We've really run up against no one who has thought that we are way off base.

One of our major goals now is to continue to explain this proposal throughout the various branches of the Federal Government, for we have sensed that many persons of all political persuasions in the Congress, for example, have sensed the gravity of the problems and are, themselves, seeking solutions.

Q. After the land is acquired and the developer provides the basic facilities, then what happens?

A. Most of the development from then on would be done by private builders. The developer selected by the National Urban Development Bank would be the overall supervisor of the new community, as, for example, the Rouse Company is in the new city of Columbia, Md. They undertook that development entirely on their own—with the assistance of banks and insurance companies.

Q. Under your proposal, will the developer have to submit a plan to the national agency showing just what is going to be built?

A. Yes. And, with the help of the bank, it would be up to the developer to go out and find industries, merchants, builders and others to come in and put up the money to construct individual segments of the community—stores, homes, offices, factories. This is in addition to the 50 billion dollars for land and basic facilities.

Now, there will be some public money required, if it's a brand-new city. A local government would have to be created which could issue bonds and levy taxes for schools and public buildings of that kind. But the bulk of the funds would come from private developers and industries.

Q. Developers of some of the new towns being built today seem to feel they have to have federal loan guarantees in order to make development feasible. Why is that? Do you think your plan will work without guarantees?

A. Up to now, developments by and large have been too small. They haven't had the assistance of Government in acquiring land, or suitable zoning and building codes.

Depending on circumstances the developer may or may not have less money tied up under our proposal, but the land would be freer of restrictions, and development would take place according to an over-all plan which would envisage balanced, small communities and neighborhoods within the larger complex.

I think that is one of the interesting features of Columbia, that they are creating small integrated neighborhoods—integrated both as to income level and racial background—which promise to work extremely well. They are developing along lines that are acceptable to the people who move in.

Q. How could you apply that concept to a decayed area such as Harlem? Would you wipe out everything and rebuild the area?

A. I suspect that for portions of Harlem that might be necessary. But there are areas in New York City—in Brooklyn and Queens and the Bronx and perhaps also in Harlem—which have gone so far downhill, have so many abandoned buildings, that it would not be impossible to acquire a very large area.

Q. Wouldn't you uproot a lot of people in the process?

A. Not if you started with one section involving a very small removal of families, and built on that first, giving people the opportunity to move from another section into it, and so on.

There are some areas where there are virtually no people living.

Q. Can the old buildings be renovated, or do you have to redevelop these slum areas with modern apartment houses?

A. A great deal depends upon the character of the buildings, but experience up till now with rehabilitating obsolete and deteriorated buildings has not been good. It has been terribly expensive, and by and large it hasn't worked. But when you say, "Put up modern apartments," that might or might not be the type of building a developer would choose.

I think the important thing is to try to create viable communities rather than groups of isolated apartment buildings. This is exactly where we made the mistake in the past.

One would hope to have many sizes and types of housing within each community, hopefully suitable for different income levels. For people with the lowest incomes, there would be a need for housing subsidies.

Q. Would a family of four that could afford to pay, say, $450 a month rent on an apartment feel comfortable living next to a family that could pay only $135?

A. I believe that if communities are developed the right way, giving adequate freedom of choice to the people who come in, income levels will not necessarily represent built-in incompatibility.

But what the proportions should be, and so on, I think these are things that have to be worked out. I don't pretend that I have a blueprint that would work everywhere. I'm sure it would vary from city to city.

"NEW SOURCES OF TAX REVENUE"—

Q. How would redevelopment help the cities to overcome their financial and racial troubles?

A. It would bring new life and new sources of tax revenue into areas which have progressively been producing less and less in the way of taxes.

Q. Do you think it might attract people in the suburb back to the cities?

A. This could well be. I don't think this is at all out of the question, if the development is done on a large-enough scale and with a good over-all pattern that makes it attractive.

If people can walk to work or can go to work easily in 10 or 15 minutes, they would much prefer it to the present setup, where many people in New York are commuting one and two and even three hours each way daily under very uncomfortable and unpleasant conditions.

There is under way now the development of housing along the fringes of lower Manhattan which is going to enable a good many thousands of families to live there and walk to work. This isn't a blighted area, fortunately, but 15 years ago there was a risk that it might become so. It come back as a result of the concerted action of the local landowners and businesses working in the closest harmony with the city, the State and the Federal Government.

Q. Can you see manufacturers moving back into New York and other cities they have left?

A. I don't consider this to be out of the question at all, provided they can be assured of a labor force.

Q. Is it your feeling that there is something good about cities—that people like to live in them?

A. Yes. After all, they did in the past. I still like to. And I think most people would like to much more if they saw the prospect of an improving community rather than a deteriorating community. But here, I think, is where you have to deal with large areas rather than just a few houses in a block.

Q. Mr. Rockefeller, you have just returned from a trip abroad. Are the Europeans ahead of the Americans in coping with the problems of the older cities?

A. I think many European cities have done a better job with housing than we have. They have created housing developments which have become much more attractive neighborhood centers.

Q. Are you speaking of public or private housing?

A. Both.

B. Big apartment buildings or small townhouses?

A. That varies from city to city. By and large, they tend to build walk-up apartments, not the high-rises we have. But somehow they have created a more pleasing atmosphere than I think we have in many of our cities.

Q. Have racial animosities made the problem more difficult in the U.S.?

A. I'm sure that is part of the problem. And another part is the cost of construction, which reflects many factors, among them building codes, zoning requirements and trade-union restrictions.

It all adds up to the fact that we have not yet been able to apply to housing—one of our most important industries—the mass-production techniques that we apply to automobiles or, for that matter, to house trailers. And one reason that we see a tremendous growth of mobile homes is that they are not subject to the same restrictions that non-mobile homes are.

Q. Is that good or bad?

A. Well, I think it's bad in the sense that some of the mobile-home parks are a blight on the countryside in appearance. I see no reason why it wouldn't be possible—if one could clear away these problems that I mentioned—to build attractive, permanent homes using the same techniques that have been used in the manufacture of mobile homes. Some day this will come.

Q. Do you expect the new cities to be made up mostly of apartment houses or single-family homes?

A. I would hope for a considerable mixture—some townhouses, some condominium-type, multiple-family units, and some apartment houses.

Q. What kinds of commitments have you been able to get from the companies that would have to put up the money for the development bank you are proposing?

A. We haven't asked for any commitments yet. We've talked with a number of banks and insurance companies, and on the whole we've gotten a favorable response.

I think that American business recognizes that it is in its own interest and the interest of our country to find a way to solve the extraordinarily great urban problems that we face, and that it has a responsibility to play its part. Business will put up the money, if it sees a way in which it can play a part without losing money but perhaps accepting somewhat less attractive terms than it would normally expect.

You're probably familiar with the fact that the insurance industry has already committed a billion dollars for urban housing. And the banking community recently pledged a like amount and is well on the way to investing that for specific projects in the cities.

So our plan is not completely new. It

simply is an idea that would enable a great many more institutions to invest. Favorable response to this proposal has encouraged us to further refine and test it. To this end we have retained the Real Estate Research Corporation, a management-consulting firm specializing in all aspects of real estate planning and development.

Q. Are the banks investing in large housing projects in New York City?

A. Yes. For example, we and a number of other banks are involved in one on the East Side of New York—in landfill on the river. Waterside is the name of it. This required a 75-million-dollar loan to put up mixed housing, a good deal of it low-income.

SHAPING "FUTURE OF OUR SOCIETY"—

Q. Do you consider your plan the big thing that's going to save the cities?

A. I can't believe that any one project is going to be their salvation. What we have done is to identify the roadblocks which have prevented large-scale redevelopment and new community building on a viable basis.

The future of our cities—indeed, the future of our American society—depends on the continuing renewal of older communities and the building of new communities. Major commitments by both the public and private sectors are essential. Government must do what it can do best through its powers of planning, co-ordination, regulation, land acquisition and subsidy. Given this, business will provide the management, manpower, material and financing needed to rebuild our existing cities and create new ones.

We, then, are proposing mechanisms for both the Government and the private sector to perform in their respective roles. One mechanism is a purely public agency for urban growth-and-development policy. The other is a private National Urban Development Bank. If these could provide what has been lacking, then I think this proposal could make a significant contribution.

Q. Do you think the President will look favorably on this proposal?

A. I am hopeful that he will. Thus far, the response from people at the White House has been encouraging.

REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. HAMILTON. Mr. Speaker, I include the following commentary on the tax situation:

WASHINGTON REPORT—CONGRESSMAN LEE HAMILTON

The American taxpayer can be excused if he gets a little numb. He pays taxes to local, state and Federal governments on what he earns (income tax), what he spends (sales tax) and what he owns (property tax).

He is probably unaware, however, that Federal income taxes, which seem to get most of the blame for "high" taxes, have been declining over the last 20 years.

Except for the 10 percent surcharge, passed in 1968 and now expired, individual Federal income taxes have not been raised since 1951—and even that increase was allowed to expire in 1953. In fact, the Tax Reform Act of 1969 provided substantial relief for many taxpayers.

State and local taxes, on the other hand, have been escalating during the last two decades. State and local governments have been forced to increase their tax levies as more and more demands have been made upon them for new or expanded services. Spending for these services has jumped by 12 times since 1946. State and local government costs increased from $11 billion in 1946 to $132 billion in 1970.

Most of this cost is borne by sales and/or gross receipts tax, which, in 46 states, is the largest single source of revenue. Last year, only 27 states used corporate and personal income taxes for 20 percent or more of their total revenues. Eight states had no income tax, relying on sales, property and excise taxes for their revenue.

Although the taxpayer tends to generalize about all taxes, the power to tax is shared among the Federal government and state and local governments. The Indiana General Assembly cannot change the Federal income tax schedule, and the U.S. Congress cannot change the state's sales, property and adjusted gross income tax rates.

While the Federal income tax liability has remained relatively stable—or reduced in some instances—one type of Federal tax has increased in the last 20 years. This is the special purpose tax, the revenues from which do not go into the general receipts of the treasury.

User taxes make up a considerable portion of this category. Federal-aid highways are constructed with taxes from the sale of gasoline, tires, auto accessories and trucks. User taxes also are levied on airline passenger tickets, aviation fuel, air cargo, and on the registration of airplanes.

Perhaps the most significant development in taxation is occurring without much public attention or complaint. Federal payroll taxes are becoming an increasingly important part of our revenue system. This method of taxation now is the second largest source of Federal funds. Payroll taxes provide more income to the treasury than corporate income taxes, or any Federal tax, except the individual income tax.

The Federal income tax, enacted in 1913, is a progressive tax, meaning that the more each citizen makes, the more taxes he is expected to pay. But payroll taxes are not progressive taxes, and have little relationship to wage earner's ability to pay. The burden of the payroll tax hits hardest on low and middle income wage earners.

As an example, until 1950, the Social Security withholding tax was 1 percent of the first $3,000 of income. Today, employers and employees each pay 5.2 percent on the first $7,800 of income and further rate and base increases are scheduled. Unless the whole concept of financing social security is changed, periodic increasing of Social Security benefits will continue to require ever-increasing payroll taxes.

For the American taxpayer, there may be some consolation—although not much—if he knows the United States enjoys a level of taxation at all levels of government which is appreciably lower than most other industrial nations. Government at all levels took out of private income about 28 percent in this country, as compared to 35-to-40 percent in countries such as France, Germany and Sweden.

THE HEAT GOT TO WALTER

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. MICHEL. Mr. Speaker, I think it generally true that whatever profession or occupation an individual may have selected as his life's work, he is always more sensitive to what others engaged in the same line of work or endeavor may have to say about issues and problems affecting that particular group.

With that in mind, I should like to call to the attention of my colleagues an editorial appearing in the May 25, 1971, edition of the Peoria Journal Star, entitled "The Heat Got to Walter," commenting upon a recent speech by Mr. Walter Cronkite of CBS News during which he made some rather dramatic charges against the Nixon administration. I include the editorial in the RECORD at this point:

THE HEAT GOT TO WALTER

Poor old Walter Cronkite!

He made a frightened speech before the "Radio and Television Society" the other day in which he charged the Nixon administration with a "conspiracy" to "destroy the credibility" of the "free press"—with TV as the prime target.

He admitted there was no evidence of such motives, but proceeded at length to describe this horrid "conspiracy."

He said it was natural for administrations to get "edgy" under the critical eye of the press—but said there is evidence to support THE SUSPICION that it has "conceived, planned, orchestrated and is now conducting a program to reduce the effectiveness of a free press."

Poor devil!

After massive, constant, unremitting attacks over a period of years on government decisions, somebody finally talked back to Walter—and HE immediately gets "edgy" at the appearance of a "critical eye."

It is rather funny and rather tragic. The fact is, of course, that Spiro Agnew accused CBS, particularly, and others of a kind of "conspiracy" of a political nature—and supported his point of view with item-by-item evidence of planning, polishing, and hand-tooling their presentations.

Although the "evidence" of the volume of criticism and the techniques used week after week and on subject after subject was prodigious as to the TV clique's attitude—such charges were regarded as hysterical, "McCarthyite," and shamefully irresponsible by the likes of Walter himself.

Now, on the same kind of "evidence" but much LESS OF IT, Walter is howling "conspiracy!"

If it's a matter of who has the thinnest skin—CBS wins hands down.

The real fuss is over their painful burns from a single recent fiasco—the "Selling of the Pentagon"—for which they heard such lively criticism as the classic letter which said that if a CBS documentary were carefully shaped for 10 months or more to reconstruct and present John the Baptist baptizing Jesus—it would present it as if John were trying to drown Jesus!

The truth is that "free expression" is not a function restricted to Walter Cronkite or the press, and there has never been a doctrine that in order to enjoy "freedom of speech" or press you have to be artificially "free from criticism."

The right of free speech does not make any of us above reproach, and "freedom of the press" is not a license for untouchable megolomania.

We may do a good job or a lousy one, and we certainly have the right to defend ourselves on that basis—but howling that any criticism is an "attack on freedom" is a cop-out.

The "press" has told many a victim in the public arena, "If you can't stand the heat, stay out of the kitchen." The same goes for people in the newspaper or broadcast business. (C. L. Dancey.)

FUNDS NEEDED FOR THE UNIVERSITY OF MISSISSIPPI SCHOOL OF MEDICINE

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. GRIFFIN. Mr. Speaker, the House soon will be considering important legislation dealing with health manpower. This legislation is a critical component of the Nation's efforts to create a better and a more meaningful life for all Americans—a life less burdened by disease and suffering.

The reason the forthcoming legislation is so crucial is that health manpower necessary to achieving the goal of better and more meaningful lives is in short supply.

We know, for example, that the United States right now faces a shortage of some 50,000 physicians, a shortage of 57,000 dentists, a shortage of nearly 150,000 nurses, and a shortage of more than 250,000 allied health personnel.

Yet the academic medical centers that educate and train health professionals are facing financial crises which prevent them from fulfilling their essential role in providing this manpower.

I firmly believe that national policy in support of medical education should be based on two concepts—that medical education is a function of national importance, and that the medical institutions involved are a national resource.

Only through viewing medical schools as a national resource and providing Federal support for their basic operations at substantial levels and in a continuing form can this structure of vital institutions and their indispensable functions be sustained.

Mr. Speaker, I was disturbed to learn recently of the severity of the financial conditions at the University of Mississippi School of Medicine, in my own district.

At the school of medicine, conditions of financial distress have forced detrimental changes in the content and quality of a number of programs. These are programs vital to functions of the school, and in some cases vital to my State.

As an example, lack of ability to pay competitive salaries has led to the loss of almost the entire department of anesthesiology. To rebuild this department will cost approximately double the departmental budget.

Other examples abound. The school's ability to develop a full time department in family practice has been severely hampered. Funds are inadequate to staff badly needed full-time departments in plastic surgery, dermatology, and ophthalmology, and this deficiency is impairing the school's training programs.

Lack of funds has forced the school to forego the recruiting of faculty in a number of important fields, constituting very real handicaps in the training of students and house staff.

Due to lack of funds, the school is threatened with the loss of the only good, human drug toxicology laboratory in the State. The increase in the drug abuse problem makes the provision of toxicology support obligatory.

Furthermore, Mr. Speaker, in an attempt to increase class size and thus to help meet the national need for additional physicians, capital construction has been planned by the school. But the plans have fallen through due to the inability of the school to secure matching funds.

Mr. Speaker, I was shocked by these conditions of extreme financial distress in such a prestigious school.

Provisions in the forthcoming health manpower legislation for construction assistance and for operating support of medical schools can provide useful approaches for meeting the financial needs of Mississippi and of all the Nation's medical schools.

The legislation should be the opportunity for a giant step forward, toward recognizing our medical schools as a national resource. It can be the beginning of a laudable national effort to provide the schools with a fundamental base of support at a substantial level and in a continuing form.

POLLUTION FIGHTER

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. SCHMITZ. Mr. Speaker, for several decades our people have been indoctrinated with the idea that only the Federal Government can solve their ills. Local governments, in line with this concept, have all waited to get the handout from Washington which, being slow in coming and deficient in amount, has made little progress possible, as witness the fight against pollution.

But the profit motive which accounted for our high standard of living and our great freedom, gets things done efficiently, quickly and without cost to the taxpayer. A good example is the extensive and expensive work done by the International Telephone & Telegraph Corp., as described in the following editorial which appeared in the Santa Ana Register under date of April 16, 1971:

> POLLUTION FIGHTER
>
> It is popular to point the finger of shame for all kinds of pollution at business. But if business has in the past sinned in this area, it is hastening to make amends.
>
> Take for instance the International Telephone and Telegraph Corp. and its subsidiaries. Not only are they involved with developing new products and processes to benefit all of us, but they are rapidly moving into improvement of social-environmental relations so that more of us may be better able to enjoy the new products.
>
> The numerous subsidiaries are trying to improve the quality of life. Stenberg-Flygt AB, maker of industrial pumps, has entered the pollution-control market for the paper industry with a highly efficient proprietary process that purifies and re-uses waste water. In Hoquiam, Wash., helicopters lower antipollution "digester caps" into place on gas recovery towers at the ITT Rayonier mill. When Rayonier adds to its mill for chemical cellulose production in Jessup, Ga., it will be equipped with the most advanced air and water protection equipment.
>
> Also in Washington state, Rayonier allows public use of most of its 350,000 acres of land for recreation and provides camping areas with cooking facilities. It has a research unit of oceanographers, marine biologists and air pollution scientists who devote full time to solving and preventing environmental problems associated with company operations. It has invested $22 million for water protection and $3 million for air protection.
>
> In human relations, various subsidiaries have provided equal employment opportunities and upgrading of skills, risked venture capital in supporting minority groups having difficulty in obtaining capital otherwise; sponsored 47 drug education seminars in 1970 and turned over a building in Honolulu, rent-free for a year, for a drug clinic; airlifted blankets to Peruvian earthquake victims; and contributed to business training schools.
>
> The list of other voluntary efforts is long and the results are helpful. Perhaps instead of crying "Shame" so often, it is time to look around at good efforts by business and say "Thanks."

HOUSE OF REPRESENTATIVES—*Wednesday, June 2, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

We know that in everything God works for good.—Romans 8: 28.

O God and Father of us all, who art ever calling us to live with good will in our hearts, help us so to open our hearts to Thee that this virtue may come to new life within us. Then, may we share it with one another and together share it with others across the seas that good will may reign throughout the world and men learn to live together in peace.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

SCHEDULE OF APPROPRIATION BILLS

(Mr. MAHON asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous material.)

Mr. MAHON. Mr. Speaker, I have been working with the House leadership in connection with the House schedule on appropriation bills for the months of June and July.

We hope to pass six appropriation

bills through the House during the month of June.

We expect to pass the legislative appropriation bill on Friday of this week.

We expect to take up the Treasury-Post Office-General Government bill about June 22; the agriculture, environmental and consumer protection bill about June 23; the State-Justice-Commerce-Judiciary bill about June 24; the HUD-space science bill about June 28; and the Interior and related agencies bill about June 29.

The House passed the education appropriation bill earlier in the year, and if we do meet this schedule in June we will have passed in the House by June 30 one-half of the appropriation bills for the fiscal year 1972.

Let me add that the hearings and the report on the legislative bill are available in the Committee on Appropriations. Let me also say that we have conducted thousands of hours of hearings on the various bills, and that many of the hearings are now available to Members so that they can, if they desire, do background work on any of these bills.

Additional hearings will be released almost daily during the next 2 or 3 weeks, and others later on, in order that Members may have the maximum opportunity to familiarize themselves with the forthcoming appropriation bills. We are releasing them as soon as we get them from the printer.

Copies of bills and reports are always available at the committee rooms in the Capitol immediately after the committee reports.

JULY SCHEDULE

In July, we hope to pass all the remaining regular appropriation bills.

We expect to report the transportation appropriation bill shortly after the July 4 break.

Hearings on the Public Works-AEC bill are concluded.

Hearings on the Defense appropriation bill will conclude next week. A reporting date is uncertain as a result of the fact that we do not yet have an appropriate legislative authorization bill.

We hope to conclude hearings on the other bills during June.

I will place additional information on these matters in the Extensions of Remarks section of the RECORD.

As Members know, several of these bills are dependent to one extent or another on authorization legislation. But it is our hope to be able to clear all these bills through the House before the August 6 summer recess.

I should add that with the cooperation of the other body, we should be able to conclude conferences on quite a number of these bills before the August 6 summer recess.

MISS DIANA KAN, A GREENWICH VILLAGE ARTIST

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, I would like to bring to our colleagues' attention the outstanding achievements of one of my constituents. Kan Man Shu, who is known to Westerners as Diana Kan, lives at 26 West 9th Street in New York City and has received the distinguished honor of being the second living artist, and first woman, ever invited to exhibit work at the National Historical Museum in Taiwan. The exhibit of Miss Kan's work will open on July 7 and will continue for 2 months.

Miss Kan's talent is well known to residents of the 17th Congressional District, for her works have appeared for many years at the Washington Square Outdoor Art Exhibit, as well as at the National Arts Club, the National Academy of Design, the Christopher Art Gallery, and the Lord and Taylor Art Gallery, all in New York. Miss Kan also enjoys an international reputation which began when she first exhibited her work in Shanghai at the age of 9. Since then her paintings have appeared in Hong Kong, Macau, Bangkok, London, Paris, San Francisco, Greenwich, Conn., and Naples, Fla.

It is unfortunate that the CONGRESSIONAL RECORD cannot reproduce pictures, because the brilliant colors and delicate artistry of Miss Kan's work are truly outstanding. I am pleased to bring this distinguished lady to our colleagues' attention, and I hope that they will have an opportunity to view her work in the near future.

EMERGENCY EMPLOYMENT LEGISLATION

(Mr. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON. Mr. Speaker, this afternoon we all are going to be asked to vote on one of two alternative approaches to the very serious problem of the manpower and training for jobs in this country.

Mr. Speaker, I am taking advantage of this moment to renew an urgent request made by our subcommittee to the administration and to the other side.

There is a table that will be presented by the other side to the membership representing how much better off our respective communities will be under the substitute proposal.

We have asked and have not received from the Department of Labor—and this is of very great importance to all growth States such as California—on what fiscal year cost information are they basing their formula. The formula is based on a 3-fiscal-year average. We have asked and have not received what the expenditures were—State by State and community by community—for the fiscal year 1969. We have requested and have not received a State-by-State and community-by-community figure for the fiscal year 1970.

We have requested and have not received on what basis they have estimated the expenditures for the current fiscal year. Their formula is based on the average of these 3 benchmark years. Yet, not a single Member on our side has been able to ascertain—and we have tried—what annual benchmark data they are using.

This proposal is one affecting every one of our communities, and I would think before the vote today that the other side would provide us with the data upon which they have based their proposal.

A PROFIT FOR THE HOUSE CAFETERIAS

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, yesterday we had the first report from the auditors on the House restaurants and cafeterias. We have been auditing them on a daily basis.

I called in the Members of the press corps for the three dailies here in Washington, along with representatives of the wire services, and told them the good news, that the cafeterias for the first time in the memory of man in the month of May made a profit.

I did not see anything in either the Post or the News about that. I am happy to say the Star did carry a factual report.

They frequently talk about subsidized meals for Congressmen. Of course, about as many reporters eat down there, percentagewise, as Congressmen. I never saw anything about any subsidized meals for reporters.

Anyway, after a close check and audit the cafeterias made a profit last month of about $1,355. We are moving the same audit system into the House restaurant. I do not know whether we can make the restaurant make a profit because of the fact that after the lunch hour the waiters go on overtime and the restaurant remains open so long as the House is in session, but the deficit has been cut down drastically.

I thought that would be news. Apparently it was not, so the only way the Members are going to know about this is, apparently, if I tell them on a month-to-month basis, which I will do.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 112]

Abourezk
Anderson, Tenn.
Baring
Burleson, Tex.
Camp
Carey, N.Y.
Carney
Chisholm
Clark
Clawson, Del
Clay
Coughlin
Culver
Dellums
Denholm
Dent
Devine
Diggs
Dorn
Dow
Dulski
Dwyer
Edwards, La.
Evins, Tenn.
Flowers
Flynt
Ford, William D.
Gallagher
Giaimo
Goldwater
Hathaway
Hébert
Hillis
Ichord
Jarman
Jones, Ala.
Leggett
Long, La.
McClory
McCulloch
McDade
McKinney
Metcalfe
Moss
Pike
Pirnie
Roberts
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Runnels
Ruppe
Satterfield
Shipley
Stratton
Stuckey
Symington
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Whalen
Young, Tex.

The SPEAKER. On this rollcall 370 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON S. 575, APPALACHIAN REGIONAL DEVELOPMENT PROGRAM

Mr. BLATNIK submitted the following conference report and statement on the bill (S. 575) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended:

CONFERENCE REPORT (REPT. No. 92–237)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 575) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I—PUBLIC WORKS ACCELERATION ACT

SEC. 101. This title may be cited as the "Public Works Acceleration Act Amendments of 1971".

SEC. 102. The Public Works Acceleration Act (42 U.S.C. 2641 et seq.) is amended as follows:

(1) Clause (1) of section 2(a) is amended to read as follows: "(1) certain communities and areas in the Nation are presently burdened by substantial unemployment and underemployment resulting from the economic decline of 1970, and".

(2) Subsection (b) of section 2 is amended to read as follows:

"(b) Congress further finds that Federal assistance to stimulate public works investment in order to increase employment opportunities is most urgently needed in those areas, both urban and rural, suffering persistent or substantial unemployment or underemployment."

(3) Subsection (a) of section 3 is amended to read as follows:

"(a) For the purposes of this section, the term 'eligible area' means—

"(1) those areas designated by the Secretary of Commerce as 'redevelopment areas' or as 'economic development centers' for the purpose of the Public Works and Economic Development Act of 1965, and those areas designated by such Secretary under section 102 of such Act.

"(2) those areas which the Secretary of Labor designates each month as having been areas of substantial unemployment for at least six of the preceding twelve months.

"(3) those areas which the Secretary of Labor designates each month as areas having an average rate of unemployment of veterans who served on active duty during the Vietnam era as defined in section 101(29) of title 38, United States Code, and who were discharged or released from active duty in the military, naval, or air service of the United States under conditions other than dishonorable, at least 25 per centum above the national average rate of all unemployment for three consecutive months or more during the preceding twelve-month period."

(4) The last sentence of subsection (c) of section 3 is amended to read as follows: "Notwithstanding any provision of such law requiring the Federal contribution to the State or local government involved to be less than a fixed portion of the cost of a project, grants-in-aid may be made under authority of this section which bring the total of all Federal contributions to such project up to 80 per centum of the cost of such project, or up to 100 per centum of the cost of such project if the State or local government has exhausted its effective taxing and borrowing capacity for such purposes and therefore does not have economic and financial capability to assume all of the additional financial obligations required."

(5) Subsection (d) of section 3 is amended to read as follows:

"(d) There is hereby authorized to be appropriated for the fiscal years beginning after June 30, 1970, not to exceed $2,000,000,000, to be allocated by the President in accordance with subsection (b) of this section."

(6) Subsection (e) of section 3 is amended by adding at the end thereof the following: "In prescribing such rules, regulations, and procedures, the President shall require that priority be given to projects for assistance in the construction of basic public works (including works for the storage, treatment, purification, or distribution of water; and sewage, sewage treatment, and sewer facilities) for which there is an urgent and vital public need."

(7) Subsection (h) of section 3 is amended to read as follows:

"(h) The criteria to be used by the Secretary of Labor in determining areas of substantial unemployment for the purposes of paragraph (2) of subsection (a) of this section shall be the criteria established in section 8.3(a) of title 29 of the Code of Federal Regulations as in effect March 2, 1971."

(8) Subsection (a) of section 4 is amended to read as follows:

"(a) No part of any allocation made by the President under this Act shall be made available during any fiscal year to any State or local government for any public works project if the proposed or planned total expenditure (exclusive of Federal funds) of such State or local government during such fiscal year for all its capital improvement projects is decreased."

(9) By adding at the end thereof the following:

"SEC. 7. An eligible area under this Act shall retain such designation for only so long as it continues to meet the unemployment criteria applicable to it but in no event shall such designation be terminated prior to one year after the date of designation.

"SEC. 8. Federal financial assistance made from allocations made by the President under this Act may be used for all or any portion of the basic Federal contribution to projects and for the purpose of increasing the Federal contribution to such projects."

SEC. 103. (a) Clause (ii) of the last sentence of paragraph (4) of subsection (b) of section 202 of the Housing Amendments of 1955 is amended by striking out "section 9" and inserting in lieu thereof "section 3".

(b) Section 202(e) of the Housing Amendments of 1955 is amended by striking out "section 9" and inserting in lieu thereof "section 3", and by striking out "50 per centum" and inserting in lieu thereof "80 per centum".

SEC. 104. No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Public Works Acceleration Act.

TITLE II—THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

SEC. 201. This title may be cited as the "Public Works and Economic Development Act Amendments of 1971".

SEC. 202. Section 105 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3135) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed $550,000,000 per fiscal year for the fiscal years ending June 30, 1972, and June 30, 1973."

SEC. 203. Subsection (c) of section 201 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1973".

SEC. 204. Section 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3152) is amended by striking out "and June 30, 1971" and inserting in lieu thereof "June 30, 1971, June 30, 1972, and June 30, 1973".

SEC. 205. Section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161) is amended as follows:

(1) Paragraph (2) of subsection (a) is amended by striking out "40 per centum" and inserting in lieu thereof "50 per centum".

(2) Paragraph (6) of subsection (a) is amended to read as follows:

"(6) the Secretary may designate as redevelopment areas those communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) which—

"(A) the Secretary determines have one of the following conditions:

"(i) a large concentration of low-income persons;

"(ii) rural areas having substantial outmigration;

"(iii) substantial unemployment; or

"(iv) an actual or threatened abrupt rise of unemployment due to the closing or curtailment of a major source of employment; and

"(B) have submitted an acceptable proposal for an overall economic development program which will have an appreciable beneficial impact upon such condition.

No redevelopment area established under this paragraph shall be eligible to meet the requirements of section 408(a)(1)(B) of this Act;

"(7) those areas where per capita employment has declined significantly during the next preceding ten-year period for which appropriate statistics are available."

SEC. 206. The first sentence of section 402 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3162) is amended by striking out "thereof" and all that follows down through and including the period at the end of the sentence and inserting in lieu thereof the following: "of such reviews shall terminate or modify such designation whenever such an area no longer satisfies the designation requirements of section 401, but in no event shall such a designation of an area be terminated prior to the expiration of the third year after the date such area was so designated."

SEC. 207. Subsection (g) of section 403 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171) is amended by striking out "June 30, 1971", and inserting in lieu thereof "June 30, 1973".

SEC. 208. Subsection (d) of section 509 of the Public Works and Economic Development Act of 1965 (52 U.S.C. 3188a) is amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof a comma and the following: "and for the two-fiscal-year period ending

June 30, 1973, to be available until expended, not to exceed $305,000,000."

Sec. 209. Section 512 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3191) is amended by inserting immediately after "1971," the following: "and $500,000 for the two-fiscal-year period ending June 30, 1973,".

Sec. 210. Section 2 of the Act of July 6, 1970 (Public Law 91-304) is amended by striking out "1971" and inserting in lieu thereof "1972".

Sec. 211. No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Public Works and Economic Development Act of 1965.

TITLE III—APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

Sec. 301. This title may be cited as the "Appalachian Regional Development Act Amendments of 1971".

Sec. 302. The second sentence of subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 105) is amended to read as follows: "To carry out this section there is hereby authorized to be appropriated to the Commission, to be available until expended, not to exceed $2,700,000 for the two-fiscal-year period ending June 30, 1973 (of such amount not to exceed $525,000 shall be available for expenses of the Federal Cochairman, his alternate, and his staff), and not to exceed $3,300,000 for the two-fiscal-year period ending June 30, 1975 (of such amount not to exceed $575,000 shall be available for expenses of the Federal Cochairman, his alternate, and his staff).".

Sec. 303. Paragraph (7) of section 106 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 106) is amended by striking out "1971" and inserting in lieu thereof "1975".

Sec. 304. Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended to read as follows:

"(g) To carry out this section, there is hereby authorized to be appropriated to the President, to be available until expended, $175,000,000 for the fiscal year ending June 30, 1971; $175,000,000 for the fiscal year ending June 30, 1972; $180,000,000 for the fiscal year ending June 30, 1973; $180,000,000 for the fiscal year ending June 30, 1974; $185,000,000 for the fiscal year ending June 30, 1975; $185,000,000 for the fiscal year ending June 30, 1976; $185,000,000 for the fiscal year ending June 30, 1977; and $180,000,000 for the fiscal year ending June 30, 1978."

Sec. 305. There is inserted after section 207 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 207) a new section as follows:

"APPALACHIAN AIRPORT SAFETY IMPROVEMENTS

"Sec. 208. (a) In order to provide a system of airports in the Appalachian region which can accommodate a greater number of passengers in safety and thereby increase commerce and communication in areas with developmental potential, the Secretary of Transportation (hereafter in this section referred to as the 'Secretary') is authorized to make grants to existing airports for the purpose of enhancing the safety of aviation and airport operations.

"(b) Such airport safety improvement projects may include (A) approach clearance, the removal, lowering, relocation, and marking and lighting of airport hazards, navigation aids, site preparation for navigation aids, and the acquisition of adequate safety equipment (including firefighting and rescue equipment), and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace which is necessary for such projects or to remove or mitigate or prevent or limit the establishment of, airport hazards.

"(c) Grants under this section shall be made solely from funds specifically made available to the President for the purpose of carrying out this Act in accordance with the provisions of this Act, and shall not be taken into account in the computation of the allotments among the States made pursuant to any other provisions of law.

"(d) Except as context otherwise indicates, words and phrases used in this section shall have the same meaning as in the Airport and Airway Development Act of 1970 and the Federal Aviation Act of 1958, as amended.

"(e) Federal assistance to any project under this section shall not exceed 90 per centum of the costs of the project, except for assistance for navigation aids which may be 100 per centum.

"(f) The Secretary is authorized to incur obligations to make grants for airport safety improvement projects, in a total amount not to exceed $40,000,000 during the period ending June 30, 1975. There are authorized to be appropriated to the President such sums as may be required for liquidation of the obligations incurred under this section."

Sec. 306. (a) The third sentence of subsection (c) of section 202 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 202) is amended by striking out "health services" and inserting in lieu thereof of the following: "health and child development services, including title IV, parts A and B, of the Social Security Act. Notwithstanding any provision of the Social Security Act requiring assistance or services on a statewide basis, if a State provides assistance or services under such a program in any area of the region approved by the Commission, such State shall be considered as meeting such requirement".

(b) Subsection (d) of such section is amended by adding at the end the following: "The Federal contribution to such expenses of planning may be provided entirely from funds authorized under this section or in combination with funds provided under other Federal or Federal grant-in-aid programs. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by this subsection."

Sec. 307. (a) The first sentence of subsection (a)(1) of section 205 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 205) is amended by inserting before the period at the end: "; and to control or abate mine drainage pollution."

(b) Subsection (b) of such section is amended to read as follows:

"(b) Notwithstanding any other provision of law, the Federal share of mining area restoration project costs carried out under subsection (a) of this section and conducted on lands other than federally owned lands shall not exceed 75 per centum of the total cost thereof. For the purposes of this section, such project costs may include the reasonable value (including donations) of planning, engineering, real property acquisition (limited to the reasonable value of the real property in its unreclaimed state and costs incidental to its acquisition, as determined by the Commission), and such other materials and services as may be required for such project."

Sec. 308. (a) The catchline for section 207 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 207) is amended to read: "ASSISTANCE FOR PLANNING AND OTHER PRELIMINARY EXPENSES OF PROPOSED LOW- AND MODERATE-INCOME HOUSING PROJECTS".

(b) Subsections (a), (b), and (c) of such section are amended to read as follows:

"(a) In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of low- and moderate-income families and individuals, the Secretary of Housing and Urban Development (hereafter in this section referred to as the "Secretary") is authorized to make grants and loans from the Appalachian Housing Fund established by this section, under such terms and conditions as he may prescribe, to nonprofit, limited dividend, or cooperative organizations, or public bodies, for planning and obtaining federally insured mortgage financing for housing construction or rehabilitation projects for low- and moderate-income families and individuals, under section 221, 235, or 236 of the National Housing Act, in any area of the Appalachian region determined by the Commission.

"(b) No loan under subsection (a) of this section shall exceed 80 per centum of the cost of planning and obtaining financing for a project, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts. Such loans shall be made without interest, except that any loan made to an organization established for profit shall bear interest at the prevailing market rate authorized for an insured or guaranteed loan for such project. The Secretary shall require repayment of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of such a loan, if he determines that a permanent loan to finance such project cannot be obtained in an amount adequate for repayment of such loan under this section.

"(c)(1) Except as provided in paragraph (2) of this subsection, no grant under this section shall exceed 80 per centum of those expenses, incident to planning and obtaining financing for a project, which the Secretary considers not to be recoverable from the proceeds of any permanent loan made to finance such project, and no such grant shall be made to an organization established for profit.

"(2) The Secretary is authorized to make grants and commitments for grants, and may advance funds under such terms and conditions as he may require, to nonprofit organizations and public bodies for reasonable site development costs and necessary off-site improvements, such as sewer and water line extensions, whenever such a grant, commitment, or advance is essential to the economic feasibility of any housing construction or rehabilitation project for low- and moderate-income families and individuals which otherwise meets the requirements for assistance under this section, except that no such grant shall exceed 10 per centum of the cost of such project."

(c) Subsection (e) of such section is amended by striking out "The Secretary is further authorized to" and inserting in lieu thereof "The Secretary or the Commission may".

Sec. 309. (a) The catchline for section 211 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 211) is amended by adding at the end "AND VOCATIONAL AND TECHNICAL EDUCATION DEMONSTRATION PROJECTS".

(b) The first sentence of subsection (a) of such section is amended by inserting "and operation" after "equipment".

(c) Subsection (b) of such section is amended to read as follows:

"(b) (1) In order to assist in the expansion and improvement of educational opportunities and services for the people of the region, the Secretary of the Department of Health, Education, and Welfare is authorized to make grants for planning, construction, equipping, and operating vocational and technical educational projects which will serve to demonstrate areawide educational planning, services, and programs. Grants under this section shall be made solely out of funds specifically appropriated for the purposes of this Act and shall not be taken into account in any computation of allotments among the States pursuant to any other law.

"(2) No grant for the construction or equipment of any component of a vocational and technical education demonstration project shall exceed 80 per centum of its costs.

"(3) Grants under this section for operation of components of vocational and technical education demonstration projects, whether or not constructed by funds authorized by this Act, may be made for up to 100 per centum of the costs thereof for the two-year period beginning on the first day that such component is in operation as a part of the project. For the next three years of operation, such grants shall not exceed 75 per centum of such costs. No grants for operation of vocational and technical education demonstration projects shall be made after five years following the commencement of the initial grant for operation of the project. Notwithstanding section 104 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3134), an education-related facility constructed under title I of that Act may be a component of a vocational and technical education demonstration project eligible for operating grant assistance under this section.

"(4) No grant for expenses of planning necessary for the development and operation of a vocational and technical education demonstration project shall exceed 75 per centum of such expenses.

"(5) No grant for planning, construction, operation, or equipment of a vocational and technical education demonstration project shall be made unless the facility is publicly owned.

"(6) Any Federal contribution referred to in this section may be provided entirely from funds appropriated to carry out this section, or in combination with funds available under other Federal grant-in-aid programs providing assistance for education-related facilities or services. Notwithstanding any provision of law limiting the Federal share in such programs, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by the applicable paragraph of this subsection."

Sec. 310. (a) Section 214(a) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 214) is amended to read as follows:

"(a) In order to enable the people, States, and local communities of the region, including local development districts, to take maximum advantage of Federal grant-in-aid programs (as hereinafter defined) for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share, or for which there are insufficient funds available under the Federal grant-in-aid Act authorizing such programs to meet pressing needs of the region, the President is authorized to provide funds to the Federal Cochairman to be used for all or any portion of the basic Federal contribution to projects under such Federal grant-in-aid programs authorized by Federal grant-in-aid Acts, and for the purpose of increasing the Federal contribution to projects under such programs, as hereafter defined, above the fixed maximum portion of the cost of such projects otherwise authorized by the applicable law. In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant-in-aid program is proposed to be made under this subsection, no such Federal contribution shall be made until the responsible Federal official administering the Federal grant-in-aid Act authorizing such contribution certifies that such program or project meets the applicable requirements of such Federal grant-in-aid Act and could be approved for Federal contribution under such Act if funds were available under such Act for such program or project. Funds may be provided for programs and projects in a State under this subsection only if the Commission determines that the level of Federal and State financial assistance under Acts other than this Act, for the same type of programs or projects in that portion of the State within the region, will not be diminished in order to substitute funds authorized by this subsection. Funds provided pursuant to this Act shall be available without regard to any limitations on areas eligible for assistance or authorizations for appropriation in any other Act. Any findings, report, certification, or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of any Federal grant-in-aid program shall be accepted by the Federal Cochairman with respect to a supplemental grant for any project under such program."

(b) The first sentence of subsection (c) of such section is amended by striking out "December 31, 1970" and inserting in lieu thereof "December 31, 1974".

Sec. 311. Subsection (a) (2) of section 302 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 302) is amended to read as follows:

"(2) to make grants to the Commission for investigation, research, studies, evaluations, and assessments of needs, potentials, or attainments of the people of the region, technical assistance, training programs, demonstrations, and the construction of necessary facilities incident to such activities, which will further the purposes of this Act. Grant funds may be provided entirely from appropriations to carry out this section or in combination with funds available under other Federal or Federal grant-in-aid programs or from any other source. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share, as the Commission determines appropriate."

Sec. 312. Section 401 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 401) is amended to read as follows:

"Sec. 401. In addition to the appropriations authorized in section 105 for administrative expenses, in section 201 for the Appalachian Development Highway System and Local Access Roads, and in section 208 for Appalachian Airport Safety Improvements, there is hereby authorized to be appropriated to the President, to be available until expended, to carry out this Act, $268,500,000 for the two-fiscal-year period ending June 30, 1971; $282,000,000 for the two-fiscal-year period ending June 30, 1973; and $294,000,000 for the two-fiscal-year period ending June 30, 1975."

Sec. 313. Section 405 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 405) is amended by striking "1971" and inserting in lieu thereof "1975".

Sec. 314. No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Appalachian Regional Development Act of 1965.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title and agree to the same.

John A. Blatnik,
Robert E. Jones,
Ken Gray,
Ed Edmondson,
Managers on the Part of the House.
Jennings Randolph,
Joseph M. Montoya,
Edmund S. Muskie,
Thomas F. Eagleton,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 575) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendments struck out all of the Senate bill after the enacting clause and inserted a substitute text and provided a new title for the Senate bill.

With respect to the amendment of the House to the text of the Senate bill, the Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the House amendment and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

Title I

SHORT TITLE

Senate bill: No comparable provision.

House amendment: Section 101 provides that the title may be cited as the "Public Works Acceleration Act Amendments of 1971".

Conference substitute: The conference substitute is the same as the House amendment.

PUBLIC WORKS ACCELERATION ACT

Senate bill: No comparable provision.

House amendment: Section 102 of the House amendment made a series of amendments to the Public Works Acceleration Act as follows:

Section 102(1): Alters the purpose clause (sec. 2) to cite congressional recognition of communities and areas burdened by substantial unemployment and underemployment resulting from the economic decline of 1970.

Section 102(2): Alters purpose clause to emphasize need for assistance in urban and rural areas suffering persistent or substantial unemployment or underemployment.

Section 102(3): Amends section 3(a) to redefine eligible areas as—

(1) Redevelopment areas or economic development centers designated as such for the purpose of the Public Works and Economic Development Act of 1965 (title IV), or title I areas designated by the Secretary of Commerce under that Act,

(2) Areas designated by the Secretary of Labor as areas of substantial unemployment for at least 6 of the preceding 12 months, and

(3) Areas which the Secretary of Labor

designates monthly as having an average rate of unemployment of Vietnam veterans at least 25 percent above the national average rate of all unemployment for three consecutive months or more during the preceding 12-month period.

Section 102(4): Amends section 3(c) to increase maximum Federal participation from 50 percent and 75 percent to 80 percent, or up to 100 per centum of the cost of such project if the State or local government has exhausted its effective taxing and borrowing capacity and therefore does not have effective taxing and borrowing authority to assume all of the financial obligations required.

Section 102(5): Amends section 3(d) to authorize a total of $2 billion for the fiscal years beginning after June 30, 1970, to be allocated by the President.

Section 102(6): Amends section 3(e) to require the President to give priority to those basic public works projects vitally and urgently needed, including works for storage, treatment, purification, or distribution of water, and sewage treatment, and sewer facilities.

Section 102(7): Amend subsection 3(h) to redefine the criteria used by the Secretary of Labor in determining areas of substantial unemployment. Substantial unemployment is defined in section 8.3(a) of title 29 of the Code of Federal Regulations as in effect March 2, 1971.

Section 102(8): Amends section 4(a). This amendment changes the maintenance of effort requirements by eliminating the requirement for an increase in the non-Federal shares but prohibits any allocation by the President if the proposed or planned total expenditure (exclusive of Federal funds) of such State or local government during such fiscal year for all its capital improvements projects is decreased.

Section 102(9): New section 7 provides that an eligible area designated under this Act shall retain such designation only so long as it continues to meet the unemployment criteria applicable to it, however, it further provides that in no event shall such designation be terminated prior to one year from the date of designation.

Section 102(9): New section 8 provides that Federal financial assistance made from allocations made by the President under this Act may be used for all or any portion of the basic Federal contribution to projects and for the purpose of increasing the Federal contribution to such projects. This includes contributions to the local share of projects to be constructed by Federal agencies.

Conference substitute: The conference substitute is the same as the House amendment.

TECHNICAL AMENDMENTS

Senate bill: No comparable provision.

House amendment: Section 103 of the House amendment makes technical amendments to correct certain errors in reference to the Public Works Acceleration Act in the Housing Amendments of 1955 and increase from 50 to 80 percent the maximum Federal participation in grants made by the President from allocations under the Public Works Acceleration Act for construction of public works for facilities under title II of the Housing Amendments of 1955.

Conference substitute: The conference substitute is the same as the House amendment.

SEX DISCRIMINATION

Senate bill: No comparable provision.

House amendment: Section 104 of the House amendment provides that no one shall on the ground of sex be excluded from participating in, be denied the benefits of, or be subject to discrimination in any other way under any program or activity receiving Federal assistance under the Public Works Acceleration Act.

Conference substitute: The conference substitute is the same as the House amendment.

TITLE II

SHORT TITLE

Senate bill: No comparable provision.

House amendment: Section 201 provides the short title the "Public Works and Economic Development Act Amendments of 1971".

Conference substitute: The conference substitute is the same as the House amendment.

GRANT PROGRAM EXTENSION

Senate bill: Section 115(a) of the Senate bill provides a one year extension of title I grants under EDA at the existing level of authorization of $500 million.

House amendment: Section 202 of the House amendment amends section 105 of the Public Works and Economic Development Act of 1965 (hereinafter referred to as the EDA) to authorize $550 million annual authorization for grants and supplementary grants for two fiscal years through June 30, 1973.

Conference substitute: The conference substitute is the same as the House amendment.

LOAN AND GRANT EXTENSION

Senate bill: Section 115(b) of the Senate bill authorizes a one year extension of the title II loan and grant program at the existing authorization level.

House amendment: Section 203 of the House amendment extends the loan and grant program of EDA for two additional fiscal years through June 30, 1973, at the existing authorization level.

Conference substitute: The conference substitute is the same as the House amendment.

TECHNICAL ASSISTANCE AND RESEARCH EXTENSION

Senate bill: Section 115(c) of the Senate bill extends for one more fiscal year the $50 million annual authorization for technical assistance and research.

House amendment: Section 204 of the House amendment extends for two more fiscal years through June 30, 1973, the authorization in section 302 of EDA for technical assistance and research at the existing level of $50 million.

Conference substitute: The conference substitute is the same as the House amendment.

REDEVELOPMENT AREA CRITERIA

Senate bill: No comparable provision.

House amendment: Section 205 of the House amendment amends section 401(a) of EDA to revise two of the existing criteria for designation of "redevelopment areas" eligible for financial assistance under EDA, and adds a new criterion.

Presently areas having a median family income 40 percent or less of the national median, as determined by the most recent available statistics would qualify for designation. This is amended to increase from 40 percent to 50 percent of the national median, the maximum median family income under which an area can qualify.

The "special impact" area definition is broadened by redefining it to include communities or neighborhoods (a) with large concentration of low-income persons, (b) that are rural in nature, with substantial outmigration, (c) with substantial unemployment, (d) with an actual or threatened abrupt rise in unemployment due to closing or curtailment of major source of employment, or (e) with severe economic distress due to occurrence of a national disaster. Any such "special impact" area must have submitted an acceptable proposal for an OEDP which will have an appreciable, beneficial impact upon such condition. No such area shall be eligible to fulfill the prerequisite of two redevelopment areas necessary for the creation of an economic development district.

A new criterion is added permitting designation of those areas where per capita employment has declined significantly during the next preceding 10-year period for which appropriate statistics are available.

Conference substitute: The conference substitute is the same as the House amendment except that the conference substitute eliminates from the redefined "special impact" areas those with severe economic distress due to occurrence of a national disaster since other legislation is more appropriate to deal with the problems resulting from natural disasters.

TERMINATION OF DESIGNATION

Senate bill: No comparable provision.

House amendment: Amends section 402 of EDA to provide that the designation of an area shall not be terminated before the end of the 3-year period beginning on the date of designation.

Conference substitute: The conference substitute is the same as the House amendment.

DEVELOPMENT CENTER ASSISTANCE EXTENSION

Senate bill: Section 115(d) of the Senate bill extends for one year the $50 million annual authorization for grant and loan assistance to economic development centers and the 10 percent bonus for projects in redevelopment areas within designated economic development districts.

House amendment: Amends section 403 of EDA to extend for two more years until June 30, 1973, this authorization.

Conference substitute: The conference substitute is the same as the House amendment.

EXTENSION OF SUPPLEMENTARY GRANT PROGRAM AND TITLE V AUTHORIZATION

Senate bill: Section 115(e) of the Senate bill extends for an additional year the authorization for the supplementary grant program and title V authorization authorized in section 509 of EDA at an authorized level of $127,500,000.

House amendment: Section 208 of the House amendment amends section 509 of EDA to extend the supplementary grant program and title V authorization for a two fiscal year period beginning June 30, 1973 at a level for that 2-year period of $305 million.

Conference substitute: The conference substitute is the same as the House amendment. This authorization includes funds for administrative expenses of new regional commissions which may hereafter be designated, such as the Upper Missouri Basin and the Mid-South Regional Commissions.

ALASKA

Senate bill: Amends section 512 of EDA to extend for an additional fiscal year the authorization of funds to the Federal Field Committee for Development Planning in Alaska.

House amendment: Section 209 of the House amendment extends section 512 of EDA for another two year authorization of $500,000.

Conference substitute: The conference substitute is the same as the House amendment.

DEDESIGNATION OF DEVELOPMENT AREAS

Senate bill: No comparable provision.

House amendment: Section 210 of the House amendment amends section 2 of P.L. 91-304 which provided that no redevelopment area would have its designation terminated or modified after May 1, 1970, and before June 1, 1971, unless the local governing body of the county qualified under existing criteria specifically requests that action. This section of the House amendment extends the June 1, 1971 date to June 1, 1972.

Conference substitute: The conference substitute is the same as the House amendment.

SEX DISCRIMINATION

Senate bill: No comparable provision.

House amendment: Section 211 of the House amendment provides that no one shall on the ground of sex be excluded from participating in, be denied the benefits of, or be subject to discrimination in any other way under any program or activity receiving assistance under the Public Works and Economic Development Act of 1965.

Conference substitute: The conference substitute is the same as the House amendment.

TITLE III

SHORT TITLE

Senate bill: The first section of the Senate bill provided a short title—the "Appalachian Regional Development Act Amendments of 1971".

House amendment: Section 301 of the House amendment provides for the same short title as the Senate bill.

Conference substitute: The conference substitute is the same as the Senate bill and the House amendment.

ADMINISTRATIVE EXPENSES OF THE COMMISSION

Senate bill: Section 102 of the Senate bill amends section 105(b) of the Appalachian Regional Development Act of 1965 (hereinafter referred to as the Appalachian Act) to provide an open-ended authorization for administrative expenses of the Commission.

House amendment: Section 302 of the House amendment amends section 105 of the Appalachian Regional Development Act of 1965 to extend the current 2-fiscal-year authorization of $1,900,000 for two additional fiscal bienniums, fiscal year 1972—1973 and fiscal year 1974—1975. Of each such 2-year authorization, $475,000 is provided for the expenses of the Federal Cochairman, his alternate and his staff.

Conference substitute: The conference substitute authorizes for administrative expenses $2,700,000 for fiscal years 1972 and 1973 with not to exceed $525,000 for the expenses of the Federal Cochairman, his alternate, and his staff. It also authorizes $3,300,000 for fiscal years 1974 and 1975 with not to exceed $575,000 for the expenses of the Federal Cochairman, his alternate, and his staff.

OFFICE SPACE

Senate bill: Section 103 of the Senate bill amends section 106(7) of the Appalachian Act to extend for four more years until June 30, 1975, the authority of the Commission to lease office space.

House amendment: Section 303 of the House amendment is the same as the Senate bill.

Conference substitute: The conference substitute is the same as the Senate bill and the House amendment.

APPALACHIAN HIGHWAY AND LOCAL ACCESS ROAD PROGRAM

Senate bill: Section 104 of the Senate bill amends section 201(g) of the Appalachian Act to increase the 1973 fiscal year authorization from $170 million to $180 million and to extend the program for five more years through fiscal year 1978 by authorizing $180 million for fiscal year 1974, $185 million for fiscal year 1975, $185 million for fiscal year 1976, $185 million for fiscal year 1977, and $180 million for fiscal year 1978.

House amendment: Section 304 of the House amendment is the same as the Senate bill.

Conference substitute: The conference substitute is the same as the Senate bill and the House amendment.

APPALACHIAN AIRPORT SAFETY IMPROVEMENTS

Senate bill: Section 105 of the Senate bill adds a new section 201A to the Appalachian Act which establishes a program of safety improvements for Appalachian airports. Grants under this program would be made by the Secretary of Transportation and are limited to upgrading safety facilities at existing public airports. Improvements relating to safety would be eligible for funding including removal of hazards, acquisition of safety equipment, navigation aids, and the acquisition of any land, easements, or airspace rights necessary for the project, including site preparation for navigation aids. Federal participation would not exceed 90 percent of the project costs, except for navigation aids which are eligible for 100 percent assistance. The Secretary would have obligational authority to make grants which would later be liquidated by appropriations, up to a total of $40 million for the four-year period ending June 30, 1975.

House amendment: No comparable provision.

Conference substitute: The conference substitute is the same as the Senate bill except for the renumbering of the new section.

HEALTH AND CHILD CARE

Senate bill: Section 106 of the Senate bill amends section 202(c) of the Appalachian Act to provide that Federal funds authorized under Federal grant programs for the provision of child development services, including title IV of the Social Security Act may be used in combination with funds provided under the Appalachian Act. In addition, this amendment provides an exception to the Social Security Act to permit States to utilize funds for programs or projects that would be implemented in areas of the Appalachian States without regard to any provision of law requiring the providing of this type of assistance or service on a statewide basis.

This section of the Senate bill also amends section 202(d) of the Appalachian Act to insure that funds under the Appalachian Act may be used in combination with any other Federal funds for planning grants for the development and operation of health and other projects.

House amendment: No comparable provision.

Conference substitute: The conference substitute is the same as the Senate bill.

MINING AREA RESTORATION

Senate bill: Section 107 of the Senate bill amends section 205 of the Appalachian Act (1) to authorize the Secretary of the Interior to provide financial assistance for the control or abatement of mine drainage pollution in the region, (2) to provide that reasonable land acquisition costs of mine area restoration projects may be included as eligible project costs for Federal participation, and (3) to permit financial assistance under the Appalachian Act to be used for reclaiming strip mine areas on lands owned by private nonprofit entities organized under State law for public recreation, conservation, economic development, or low- or moderate-income housing purposes, as well as on lands owned by Federal, State, or local governments as now provided in the law. A requirement is added to the law that if reclaimed land is sold or leased for private purposes then the grant made for its reclamation must be recovered from the proceeds of such sale or lease.

House amendment: Section 305 of the House amendment amends section 205(b) of the Appalachian Act to extend the existing 75–25 Federal-State cost sharing ratio for restoration projects and to make clear that the reasonable value of donated land, materials, and services may be included in the computation of such costs.

Conference substitute: The conference substitute is the same as the Senate bill in that it authorizes financial assistance for the control or abatement of mine drainage pollution. It is the same as the House amendment with respect to the extension of the cost-sharing ratio and the inclusion of the reasonable value of donations. It does not contain any of the provisions of the Senate bill relating to the reclamation of lands owned by private entities since the managers determined that this problem should be explored further at a later date.

APPALACHIAN HOUSING

Senate bill: Section 108 of the Senate bill revises subsections (a), (b), and (c) of section 207 of the Appalachian Act relating to low and moderate income housing in the region.

Existing section 207 provides for grants and loans to public bodies and certain nonprofit and other organizations for expenses of planning and obtaining insured mortgages for housing construction or rehabilitation under sections 221 and 236 of the National Housing Act in those areas of the region determined by the Commission as having significant potential for future growth. The Senate amendment provides for the making of grants for necessary expenses of these public and private bodies in planning and obtaining federally insured mortgage financing under sections 221, 235, and 236 of the National Housing Act or any other Federal law in any area of the region as so determined by the Commission.

Section 207(b) of the existing law limits grants to 80 percent of administrative expenses incident to planning and obtaining a mortgage under section 221 or 236 of the National Housing Act. The revision of this provision contained in paragraph (1) of subsection (c) of the Senate bill first exempts from this limitation paragraph (2) of that subsection (hereafter discussed), and provides that the 80 percent limitation would not be limited only to administrative expenses but would apply to all expenses incident to planning and obtaining financing for a housing project.

Subsection (c) of section 207 of the existing Appalachian Act is limited to sections 221 and 236 of the National Housing Act. The Senate bill would amend this to include section 235 of the National Housing Act and any other Federal law with respect to which financing for housing construction or rehabilitation projects is authorized. In addition, legal fees are specifically included in the law for the first time. The provisions relating to repayment of loans are modified to permit cancellation of all or any part of the loan if the Secretary determines that a permanent loan cannot be obtained in any case except loans to profit making organizations.

The Senate bill further amend these provisions of section 207 of the Appalachian Act to authorize the Secretary of HUD to make grants, grant commitments, and advances to nonprofit organizations and public bodies for site development costs and offsite improvements when he finds that these projects are essential to the feasibility of housing projects for low and moderate income families. No such grant may exceed 10 percent of the cost of the housing project.

The Senate bill also amends section 207(e) to authorize the Commission in addition to the Secretary of HUD to provide or contract for information, advice, and technical assistance with respect to construction, rehabilitation, and operation of low and moderate income housing in the region.

House amendment: No comparable provision.

Conference substitute: The conference substitute is the same as the Senate bill except that it is modified to make it clear that these grants and loans are to nonprofit, limited dividend or cooperative organizations, or public bodies, for planning and obtaining Federally-insured mortgage financing for housing construction or rehabilitation projects under section 221, 235, or 236 of the National Housing Act, and under no other provision of law.

EDUCATION DEMONSTRATION PROJECTS

Senate bill: Section 109 of the Senate bill amends section 211(a) of the Appalachian Act to authorize the use of funds for the operation of vocational education facilities in addition to the presently authorized use of such funds for construction and equipping such facilities.

Section 211(b) is also amended to authorize the Secretary of Health, Education, and Welfare, to make grants for planning, construction, equipping, and operating educational projects in order to demonstrate areawide education planning, services, and programs. Grants for construction or equipment shall not exceed 80 percent. Grants for operation may cover 100 percent of operating costs for two years and 75 percent of such costs for the next three years. Projects could be funded jointly by the Appalachian Regional Commission and the Economic Development Administration. Planning grants would be limited to 75 percent. Grants are limited to publicly owned facilities and those owned by public or private nonprofit organizations not operated for profit. Assistance under this section shall be in addition to funds apportioned under other Federal programs. Funds provided to carry out this section can be combined with funds under other Federal grants-in-aid to raise Federal contribution to such projects up to maximum percentages authorized in section 211 of the Act.

House amendment: No comparable provision.

Conference substitute: The conference substitute is the same as the Senate bill except that the revision of section 211(b) of the Appalachian Act is restricted to vocational and technical educational demonstration projects and grants are limited to publicly owned facilities.

SUPPLEMENTAL GRANTS

Senate bill: Section 110 of the Senate bill amends section 214 of the Appalachian Act which authorizes supplements to grant-in-aid programs, to permit the use of this authority to make basic grants when funds available under a basic Federal grant-in-aid program are insufficient for that purpose. As a prerequisite to providing such assistance, the Federal official administering the grant-in-aid program concerned must certify that the program or project to be funded meets the applicable requirements of the program and could be approved for assistance if funds were available. Before approving such assistance, the Commission must find that the level of Federal and State assistance to the Appalachian region under other Acts will not be diminished by the substitution of funds authorized by this subsection. The ceiling on the total Federal contribution to a project remains at 80 percent.

It also amends the provisions of section 214(c) of the Appalachian Act which provides that only grant-in-aid programs authorized on or before December 31, 1970, may be supplemented to change that date to December 31, 1974.

House amendment: The House amendment revises section 214(c) of the Appalachian Act with respect to the change in date of the programs which may be supplemented by advancing that date to December 31, 1974.

Conference substitute: The conference substitute is the same as the Senate bill.

ENVIRONMENTAL PLANNING

Senate bill: Section 111 of the Senate bill amends section 224(b) of the Appalachian Act to prohibit financial assistance for any land reclamation, water resource, or environmental project under section 203, 204, 205, 212, or 214 which is not part of a comprehensive environmental improvement plan for the area to be served, and approved in the manner provided for programs or projects under sections 223 and 303 of the Appalachian Act.

House amendment: No comparable provision.

Conference substitute: The conference substittue does not contain this provision of the Senate bill.

RESEARCH AND DEMONSTRATION PROJECTS

Senate bill: Section 112 of the Senate bill amends section 302(a)(2) of the Appalachian Act to permit the use of technical assistance, research, and demonstration funds for construction when necessary to carry out the activities therein authorized.

House amendment: No comparable provision.

Conference substitute: The conference substitute is the same as the Senate bill.

PROGRAM AUTHORIZATIONS

Senate bill: Section 113 of the Senate bill amends section 401 of the Appalachian Act to provide authorizations (in addition to those for administrative expenses in section 105, for highways in section 201, and for airports in section 201A) to carry out the Act. For the two-fiscal-year period ending June 30, 1971, the existing authorization of $268,500,000 is retained. For the two-fiscal-year period ending June 30, 1973, $277,000,000 is authorized. For the two-fiscal-year period ending June 30, 1975, $294,000,000 is authorized. Specific allocation of authorizations is eliminated from the existing law.

House amendment: Section 307 of the House amendment amends section 401 of the Appalachian Act to authorize $302,000,000 for the two-fiscal-year period ending June 30, 1973, and $314,000,000 for the two-fiscal-year period ending June 30, 1975, to carry out the Act other than the highway program and administrative costs for which separate authorizations are provided in sections 201 and 105, respectively.

Conference substitute: The conference substitute is the same as the Senate bill except that the authorization for the two-fiscal-year period ending June 30, 1973, is set at $282,000,000.

TIME EXTENSION

Senate bill: Section 114 of the Senate bill amends section 405 of the Appalachian Act which now provides for termination of that Act on June 30, 1971, to extend that date to June 30, 1975.

House amendment: Section 308 of the House amendment provides the same extension as in the Senate bill.

Conference substitute: The conference substitute is the same as the Senate bill and the House amendment.

SEX DISCRIMINATION

Senate bill: No comparable provision.

House amendment: Section 309 of the House amendment provides that no one shall on the ground of sex be excluded from participating in, be denied the benefits of, or be subject to discrimination in any other way under any program or activity receiving Federal financial assistance under the Appalachian Regional Development Act of 1965.

Conference substitute: The conference substitute is the same as the House amendment.

TITLE OF THE BILL

Conference substitute: The conference substitute adopts the amendment of the House to the title of the bill since it more accurately reflects the text as proposed in the conference substitute.

JOHN A. BLATNIK,
ROBERT E. JONES,
KEN GRAY,
ED EDMONDSON,
Managers on the Part of the House.
JENNINGS RANDOLPH,
JOSEPH M. MONTOYA,
EDMUND S. MUSKIE,
THOMAS F. EAGLETON,
Managers on the Part of the Senate.

EMERGENCY EMPLOYMENT ACT OF 1971

Mr. DANIELS of New Jersey. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3613) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 3613, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose on yesterday the gentleman from New Jersey (Mr. DANIELS) had 16 minutes remaining, and the gentleman from Minnesota (Mr. QUIE) had 32 minutes remaining.

For what purpose does the gentleman from New Jersey rise?

Mr. DANIELS of New Jersey. Mr. Chairman, yesterday during the course of the debate an agreement was entered into that due to the disparity in remaining time the minority agreed it would reduce its time for the balance of the debate to the amount of time that the majority had.

Is that not correct?

Mr. QUIE. If the gentleman will yield, that is correct. So we will yield 16 minutes, to have the same as the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Chairman, the question before us today is whether we ought to pass a public service employment bill, such as the Daniels bill which has been reported by the Committee on Education and Labor, or whether we ought to attempt to enact something that is a great deal more than that a reorganization of all the existing manpower programs of the United States.

I have a few thoughts on the subject and I would like to share them with the members of the Committee, Mr. Chairman.

The Esch substitute for the committee bill simply represents another way of doing things we are already doing.

The committee bill sponsored by the gentleman from New Jersey (Mr. DANIELS) on the other hand proceeds on the basis that the first priority is not to find new and better ways of doing things we are already doing, and have been doing with reasonable success for a number of years, but that the first priority is to start something which we have not been doing to meet the needs of the 2.5 million people who have been added to the unemployment rolls in the last 2 years.

I agree that the first priority is to create a system of public service employment. When that has been done, and this has been the position of the gentleman from New Jersey all along and the position of the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS), after we get a system of public service employment created and operating, then we can address ourselves to the much larger, much more complex and much less urgent question of the manner in which these programs ought to relate to one another and to State and local government.

It would be a mistake to attempt today to pass a brand new reorganization program which was not even introduced until after the hearings on this bill began and which is not—and I repeat—is not the same thing as the bill this House passed last August and which is not the same bill that any of my friends on the minority side introduced in the last Congress, but which is indeed an entirely different proposal—the administration's manpower revenue sharing bill which has never had a day of hearings and which I do not think can be considered by the House without careful analysis.

So, Mr. Chairman, I would plead with the members of the committee to turn their attention to that first priority, to put into effect and into operation a system of public service employment to provide needed job opportunities for jobs that need to be done by State and local governments. Then, when we have that operating let us turn our attention in a more deliberate manner to the need for reorganization of the manpower programs generally and relating them to this public service employment program as well as the other programs which are in existence.

Mr. MORSE. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I would be happy to yield to the gentleman from Massachusetts.

Mr. MORSE. There is one question which I have about the committee bill. Professionals may be employed in public service jobs and receive a salary of up to $12,000 a year. There are a number of scientists, engineers, and other people of great competence who could contribute to municipal and local government. Would it be possible under the committee bill for the municipality, to add to that $12,000 in order to attract these scientists and engineers who might not be able to accept these jobs at the rate of $12,000 a year?

Mr. O'HARA. Let me say to the gentleman from Massachusetts—and I cannot answer for the chairman—if the city wanted to hire that professional under their payroll rather than the public service employment program and put him in charge of some aspect of public service employment, they could pay him whatever was appropriate and, in turn, they could put others to work in other facets of public service unemployment in order to achieve the objectives the gentleman from Massachusetts seeks.

I have great respect, Mr. Chairman, for my colleague from Michigan and his strong support of the administration's talk about "revenue sharing," but I submit, with all respect to him that his amendment does not address itself to the problem of putting people to work. It is true that it may be possible, under the vague wording of the gentleman's amendment, to put people to work in public service jobs. It is possible, I suppose, to do a lot of things under the gentleman's amendment. But given the passionate opposition of this administration, including the President, the Budget Director, and the Secretary of Labor, to putting people to work in public service jobs, I doubt very much that the wholly permissive language of the substitute will in fact result in putting very many people to work. And those it does put to work, as a result of one of the very few provisions of that amendment which actually creates a legal duty, will be kicked out of work in 2 years, whether or not the economy has improved, and whether or not they can get what the public service employees in the Labor Department are pleased to call "real jobs."

Mr. Chairman, let us look briefly as to what the substitute amendment is, and what it is not.

We have been told, with fervency that the Esch amendment is "not revenue-sharing." We were told specifically and with great vigor, during the debate on the rule, that "there is no general revenue sharing in this, but it is instead a consolidation of manpower programs."

Well, Mr. Chairman, the Esch amendment, which the rule was amended to make in order, in spite of its nongermane nature, is the text of H.R. 8141. When the gentleman from Michigan (Mr. ESCH) introduced H.R. 8141, on May 6 of this year, he said:

> I believe that the manpower revenue sharing proposal embodied in H.R. 8141, which I have introduced today would bring the reform of our manpower delivery system which is so urgently needed.

So the gentleman from Michigan, the chief sponsor of the amendment, thought it was revenue sharing, a little less than a month ago.

H.R. 8141 has a short title. It calls itself "The Manpower Revenue Sharing Act of 1971." So whoever wrote that section thought it was revenue sharing.

Throughout its text, H.R. 8141 keeps using the phrase "revenues shared under this act." So those who drafted most of the bill thought they were drafting a revenue-sharing bill.

But let us further examine the antecedents of H.R. 8141. The bill is taken, virtually verbatim from the text of H.R. 6181, introduced in this House on March 16, by the gentleman from Minnesota (Mr. QUIE), the gentleman from Michigan (Mr. ESCH), the distinguished minority leader, Mr. GERALD R. FORD, and seven other able Members on the minority side—all members of the Committee on Education and Labor. In introducing H.R. 6181, the gentleman from Minnesota said:

> I am pleased to introduce today the bill to carry out the recommendations of President Nixon for special revenue sharing for manpower—Congressional Record, March 16, 1971, page 6758.

In his own remarks upon that occasion, the gentleman from Michigan (Mr. ESCH) said:

> Within the context of the philosophy of revenue sharing, which I strongly support, the proposed Manpower Revenue Sharing Act builds upon the agreement which was reached last session on the decentralization of manpower responsibilities—Congressional Record, March 16, 1971, page 6760.

The following day, the Secretary of Labor and the Assistant Secretary of Labor for Manpower appeared before the Education and Labor Committee hearings on emergency employment legislation. During their presentation, they repeatedly referred to H.R. 6181 as the administration manpower revenue-sharing bill.

There are, as my colleague will no doubt assure us, differences between H.R. 6181 and H.R. 8141. But those differences, Mr. Chairman, in no way alter the revenue-sharing concept built into both bills. In fact, those few differences that occur in these two nearly identical bills are primarily efforts to placate those people in the States who most vehemently oppose revenue sharing, by offering them rhetorical, but not substantive concessions.

The differences—and this is an exhaustive list of the differences between two 25-page-long bills—involve the following:

> 1. A sentence calling upon recipient governments to make "maximum feasible use of existing facilities" (p. 4, lines 11–15)
>
> 2. A proviso allowing the Secretary of Labor to waive the otherwise strict limitation the bill places on how long a person can receive manpower services—(p. 6, lines 14–22)
>
> 3. A subsection calling for State coordination of state and local activities (and so much, incidentally, for tailoring programs to "local conditions" (p. 6, lines 23 to p. 7, line 7), three sentences apparently designed to indicate what happens when an eligible government's "fair share amount" (undefined term) exceeds or falls short of the unit's "average base amount" (p. 9, line 10 to p. 10, line 5), and a veteran's preference provision taken in its entirety from the bill H.R. 8141 is offered to supplant. (p. 14, lines 9–24)

Except for these rather clumsy efforts to attract the support or the neutrality of friends of vocational education, friends of the employment services, and friends of veterans, H.R. 8141 is the same bill that was described by the President of the United States as a proposal which, "teamed with my other special and general revenue sharing proposals—can help to launch the United States on a new era of revolutionary change for the better."

Mr. Chairman, I think the evidence that H.R. 8141 is a revenue-sharing bill is overwhelming. I do not blame those who seek to claim that it is something else. I understand and sympathize with those of its advocates who want us to believe we are simply reorganizing a Federal activity. But the fact is that by their own words, H.R. 8141 stands clearly labeled "a revenue-sharing proposal." If its supporters have now become embarrassed by the title they gave it a month ago, then that is their problem.

So much for what the bill is. Now a few words, Mr. Chairman, on what it is not. My good friend from Wisconsin (Mr. Steiger) sought to assure the House during the debate last week, that—

> H.R. 8141 is nothing more nor less than an effort to build on the bill (H.R. 19519) that passed this body last year.

Mr. Chairman, I was the principal sponsor of H.R. 19519, the bill which passed this body last year, and I think I can speak with some authority on the question of how today's substitute "builds upon" last year's bill.

First, their purposes were wholly different. H.R. 19519, in its statement of findings and purpose, set as its objective, "assuring an opportunity for a gainful productive job for every American who is seeking work and—making—available the education and training needed by any person to qualify for employment consistent with his highest potential and capability."

H.R. 8141, on the contrary, in its statement of findings and purpose, calls for "sharing Federal revenues for the purpose of carrying out training and employment activities designed to provide greater opportunities for training and related services necessary to assist individuals to develop their full economic and occupational potential."

In other words, Mr. Chairman, the bill of last year was aimed at producing jobs, and it looked upon training as a means to that end. The substitute bill, in its own terms, looks upon training programs as the objective, and employment as a stopgap measure to aid in securing better training.

Second, under H.R. 19519, as it passed the House last fall, with the then-enthusiastic support of the gentleman from Wisconsin, and promises of support from the administration, manpower services were to be provided by the Secretary of Labor, working with and through State and local prime sponsors. The prime sponsor concept had been painstakingly and carefully worked out to make sure that the sometimes conflicting, sometimes complementary interests and concerns of all State and local interests could be adjusted.

The substitute amendment, Mr. Chairman, wholly and casually junks the prime sponsor concept of H.R. 19519. The bill is silent about prime sponsors. Under H.R. 8141, the Secretary of Labor leaves the money on a stump, and walks away, leaving States and localities, the schools and the community action agencies, the vocational educators, and the employment services, to fight over it. There is no way to determine, from a reading of the text of H.R. 8141, how the money will be divided among various activities, or among various levels of government.

Efforts were made by the committee to secure some answers to this question—and efforts have been made by the corresponding committee in the other body to do the same thing, but all to no avail.

In a letter to the subcommittee chairman, the gentleman from New Jersey (Mr. Daniels), Assistant Secretary Lovell tried to defend his inability to answer some factual questions about how much money would be available for job creation by States and localities. He said in that letter:

> We are currently preparing such tabulations. This task has been very much complicated by the need to develop methods for applying the President's "hold harmless" pledge which accompanied his first broad proposals for revenue sharing—general and special.

I sympathize with Assistant Secretary Lovell in the difficulty he finds in reconciling the President's rhetoric and the President's actual legislative proposals. But my sympathy for Mr. Lovell's dilemma does not overshadow the fact that they have not yet been able to do the job.

Third, and perhaps of crucial importance, H.R. 19519 sought to provide an assured input into manpower planning by all affected segments of the community. H.R. 19519 assured that input by requiring manpower plans to be developed through local manpower advisory councils, which were required to include representatives of CAP agencies, the Employment Service, educational and training agencies, specifically including vocational education agencies and community postsecondary institutions, social service programs, industrial development agencies, apprenticeship programs, business, labor, and veterans organizations.

H.R. 8141 throws this concept out of the window along with the prime sponsor. There is no assurance that vocational educational agencies will be consulted in any way in the development of manpower programs under H.R. 8141. There is no assurance that business or labor will be consulted, there is no assurance of consultation with veterans organizations, in spite of the growing number of veterans who need manpower services. H.R. 8141, to be sure, calls for making "maximum feasible use" of existing vocational education agencies, and the phrase "make use of" is, I submit, a well chosen one. The vocational education agencies may be "used" under H.R. 8141, but they are not likely to be consulted or have a voice in the planning.

Last year, the American Vocational Association supported H.R. 19519. This year, AVA opposes H.R. 8141. And in that fact stands additional evidence that this year's administration bill is not simply an updating of last year's bill.

H.R. 19519 required that appropriate health and safety standards be met applicable to the performance of work or training on any project under that act. H.R. 8141 is silent on worker or trainee health or safety.

H.R. 19519 required workmen's compensation for participants in work or training programs. H.R. 8141 is silent on workmen's compensation.

H.R. 19519 had a "maintenance of effort" provision, assuring that the Federal funds would not simply replace other funds leaving the level of services the same. H.R. 8141 is carefully silent on this crucial issue.

H.R. 19519 provided a program of occupational upgrading, so that persons could train for better jobs, freeing entry-level jobs for the unskilled. H.R. 8141 is wholly silent on this matter.

H.R. 19519 created a public service employment program, and mandated the expenditure of no less than 18.75 percent of the funds appropriated for public service employment. H.R. 8141, in spite of the high "ceilings" its sponsor talks about, does not in fact require 1 red cent be spent for job creation. And, taking into account the perfervid opposition of this administration to actually putting people to work, we can only assume that tremendous pressure will be brought to bear, through the Employment Service as "State Coordinator" to prevent the development of such programs. It seems perfectly clear from the careful omissions in H.R. 8141, from the statements made last year and this by the administration's unemployment spokesmen, and from the violent attacks made on the concept of public service employment, that it is the clear intention of this administration that shared revenues under H.R. 8141 will not be used to create public jobs, if they can help it.

Under H.R. 19519, public service employees were to be assured treatment on an equal basis with other employees performing similar work. Pay and working conditions were to be the same. Under H.R. 8141, there is absolutely nothing in the bill that requires such equality of treatment even where there is a public service job program.

Finally, Mr. Chairman, let me tell you what our colleagues mean by their zealous opposition to "categorical programs."

Green Thumb is a "categorical program," and specific provision was made in H.R. 19519 to authorize and continue it. There will be no Green Thumb under H.R. 8141.

Operation SER is a "categorical program," and there were specific provisions in H.R. 19519 which would have saved Operation SER. There will be no Operation SER under H.R. 8141.

OIC, Mr. Chairman, is a "categorical program," and the sponsors of H.R. 8141 were vociferously assuring us last year that they believed in OIC. Under H.R. 19519, Mr. Chairman, OIC could have continued. There will be no room for OIC under H.R. 8141.

But, Mr. Chairman, it is not necessary

to cite every provision of the Esch substitute that differs from last year's bill. We have definitive testimony on this point from the Secretary of Labor himself.

On February 23 of this year, testifying before the Employment and Manpower Subcommittee of the Labor Committee in the other body, in opposition to a jobs bill and in urging instead a manpower revenue-sharing bill, the Secretary of Labor said, with commendable frankness:

> As I sat the other evening trying to think how you must react to our current position, it seems to me that you would find yourself thinking that you have come to play in our court, and we have moved the court. . . . To some extent, I have to admit that is true, you see, because we have moved on to what might be called a macro-objective in manpower programing, tied to general revenue sharing. We are thinking of not just a mere change or simple revision of the traditional approach, but a real major change—a whole conceptual change.

And, Mr. Chairman, on May 6, testifying before the same subcommittee, again trying to push the manpower revenue-sharing bill which I have shown is virtually identical to the Esch substitute, the Secretary of Labor expressly reiterated that previous comment.

Mr. Chairman, the Secretary of Labor himself is my chief witness to the effect that the Esch substitute is a revenue-sharing bill; that it is only remotely similar to the manpower reorganization bill which we passed last fall, and that it has hardly anything at all to do with the subject before the House today—which is our urgently needed proposal to put people back to work.

H.R. 8141, Mr. Chairman, may, indeed, have been "built upon" the bill the House passed last year. But before they built, they razed last year's structure to the ground. The Manpower Revenue-Sharing Act of 1971 is "built on" the ashes of the hopes of millions of unemployed. Unlike some of his colleagues who the other day were assuring us that enactment of H.R. 8141 would cure all our manpower problems, the gentleman from Michigan (Mr. ESCH) was frank enough when he introduced the bill, to admit that it "was no panacea." Indeed it is not, Mr. Chairman. It is a placebo, not a panacea.

We cannot cure unemployment by pretending it does not exist—or that it is "merely transitional" or "local" or any of the other excuses that Shultz and Hodgson and Nixon have advanced to conceal the havoc they have wrought upon the lives of the nearly 3 million Americans they have added to the unemployment rolls in the 2½ long years since they first came to office. We cannot cure unemployment by "training" people for jobs that do not exist. We can cure unemployment by creating jobs. And that is the one remedy that H.R. 8141 is clearly and expressly designed to counteract. It should be rejected, not merely as not germane to, but as repugnant to, any legislative effort to meet the unemployment crisis.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, the question before the House today, which we will be voting on shortly, is not whether we should have a public service employment program in the United States to meet the problems of unemployment that currently face us but, rather, whether this should be the only thing we do to solve these problems.

The committee bill is just another narrow categorical answer to an existing problem that faces the country. The alternative is the Esch substitute, a reorganization of the manpower delivery system combined with a public service employment component.

The problem that we face with the narrow, categorical programs is that, looking at the national indices, rates of unemployment, and so forth, we may design a program such as the committee majority has done, but it is so inflexible that it cannot answer the individual problems that face different sections of the country.

The area that I come from in Illinois has been fortunate. We have not relied heavily upon space expenditures or defense expenditures, and we have not relied heavily upon any one segment of our economy. And with the diverse economy in our area we have not suffered as much unemployment as others have, so we have different needs than what they may have in Seattle, or in other areas of the country that have been affected by our reduction of public expenditures in the fields of defense and space, and may have been affected by problems in a particular industry in which that part of the country is heavily engaged.

So that we can have the kind of flexibility today and in the future to answer the disparate needs of different sections of the country, I urge the adoption of the Esch substitute in place of the committee bill.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Chairman, the gentleman in the well has stated that the committee proposal would present another categorical program. Is it not true that the administration has from time to time, when it deemed it practical, created another categorical program? For example, when they discovered that persons completing training programs could not find jobs, they created a new categorical program called STEP—supplementary training and employment program—which met a real need. In addition to that, recently the administration announced that they were seeking funds for a summer employment program—a sound decision to help youths find jobs.

And then the other day I read in the New York Times that 400 engineers of the aerospace industry were now being specially trained for jobs. The department said that they would recruit 100 persons in the Boston area, 100 from four California communities—Los Angeles, Orange County, San Jose, and San Diego; from Seattle; 40 from Long Island, 35 from Cape Kennedy, Fla., and 25 each from Huntsville, Ala. and Wichita, Kans.

So I say to the gentleman in the well that the administration resorts to categorical programs whenever they find there is a need for them. And they are doing exactly, by giving employment to these people who are displaced in the aerospace industry, exactly what my emergency employment bill would do. Is that not true?

Mr. ERLENBORN. Well, I am not familiar with the programs the gentleman has referred to, and neither am I suggesting that all categorical programs must be done away with. If we even fully implemented the revenue-sharing proposal of the administration we would still maintain some categorical programs.

Mr. STEIGER of Wisconsin. Mr. Chairman, would the gentleman yield?

Mr. ERLENBORN. I will be happy to yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, the point the gentleman from New Jersey was attempting to make is not related to what we are talking about here. At the present time in the Department of Labor the administration can only do what the law says; they can only use the authorities that are contained in the law, and that is to promote certain kinds of categorical programs. But this in no way takes away from the basic concerns of decategorizing and decentralizing. I think the point the gentleman from Illinois (Mr. ERLENBORN), is making is a very valid point, and that is that the Esch substitute would enable the administration to have flexibility at the local level that is needed now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIE. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, let me just make this one last point. This is not a new issue. We debated this issue last year, and I recall in our committee we came very close to reaching the same condition that we are faced with today, and that is reporting out a public service emergency employment bill and having a substitute offered on the floor. But I think last year fortunately within the committee we resolved that question and we brought out a combined bill that had a public service employment as one component and the reformation of the existing manpower programs as another component. Last year the majority had the good sense to see that this was the right thing to do. We passed that bill. We went to conference in trying to resolve the differences between the House and Senate bill, and we were unable to resolve all of those differences.

One of the major problems we faced in conference was that the measure was not a limited public service employment program, so that those who are under subsidized employment will be moved out into unsubsidized public employment or private employment. And it was this major difference, I think, that caused the President to veto the program of unending public service employment.

With that history I really do not understand why we are today considering the separate public service employment bill unless—unless what the majority wants is an issue rather than a good bill that will solve the problems of unemployment. Really I think that is what we are faced with today—not an honest attempt to solve these problems, but to create an issue. Yes, we know that next year is a presidential election year. We know that the public service employment bill as a solution to unemployment in this country may be a very appealing idea. But if we want to really solve the problems of unemployment, we would accept the combination of reformation of existing manpower programs along with public service employment so that we can attack these problems in a coordinated manner.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DANIELS of New Jersey. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. Burton).

Mr. BURTON. Mr. Chairman, as was pointed out the other day by our distinguished colleague, the gentleman from Massachusetts (Mr. Drinan), the mayors of this country simply do not support the proposed amendment to the committee bill. Now why is that? And why are so many of us concerned about what this bill means to our respective communities? Perhaps you do not know it, but the major element in the matching formula is the utilization of a past 3-year average—the fiscal years 1969 and 1970 actual data and the projected fiscal year 1971 manpower allocations among the States and localities.

The first question I ask is this: Where is that data? If you average past fiscal years, how does that affect those of us from communities or States that have growth rates in population? The average of the fiscal years 1969, 1970, and 1971 literally means that you are using essentially a 1970 figure if there is a uniformly equal increment in allocations.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I will not yield with the 2 minutes I have left.

Mr. ESCH. The gentleman wants to know where the data is.

Mr. BURTON. Regular order, Mr. Chairman. I want to know where is that 1969, where is that 1970, where is that 1971 and, more importantly, where is the projected, under current law, 1972 allocations? For those of us in California as well as the growth States of Florida and Texas, and those of you from the growing cities, had better find out what the impact of this amendment will mean to your community. We do not know. We cannot find out. The minority cannot tell us. The Department of Labor will not answer our questions. If the formula is equitable, why will they not give us the data so we will know the consequences of a vote for the alternative amendment?

And an amendment, I might note, that would permanently change the law—forever and ever. There is no termination date in it. Why can we not know what the impact is on our communities?

Mr. GAYDOS. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to the gentleman.

Mr. GAYDOS. Mr. Chairman, the emergency employment bill is urgently needed now; in fact, it was urgently needed 6 months ago. It will provide both needed jobs and needed services.

I doubt that it is necessary to inform any Members of this House that the unemployment picture in this Nation is a dismal one. When the unemployment rate went to a low of 5.8 percent in February, administration spokesmen were assuring us that we had turned the corner and all would soon be well. But we have not turned the corner; the rate has gone up to 6.1 percent. It is time to stop wishing. It is time to act.

The increase in the unemployment rate does not even tell the full story. It is bad enough that the number of unemployed has increased by over a million in the last year and by just about 50 percent in Pittsburgh. But, even worse, the average duration of unemployment is increasing. It is a misfortune to be unemployed, but think of the disaster faced by over half a million persons who have been unemployed for over 26 weeks and not eligible for extensions. The number of these long-term unemployed have doubled over the last year.

We have already acted to provide jobs in private industry through the reenactment of the Accelerated Public Works Act. That act will provide jobs in private industry and it will provide funding for the facilities that every community in this Nation needs. Facilities are visible, and when they are built everyone can see the result. This emergency employment bill provides services—they may not be as visible but they are just as needed.

Mr. Chairman, who in this House can say that his State or local government does not need more teachers, more sanitation men, more policemen; that his locality does not require more public services than it can presently afford. This bill provides money so that localities will be able to afford these needed services. The need is there and any fears that this is a make-work bill are utterly unfounded.

Survey after survey has shown the extent of additional needed public services and that the number of people that are required to perform them far exceeds the modest authorization under this bill.

Mr. Chairman, I want to congratulate the gentleman from New Jersey for the work he has put into this bill. I am particularly happy that the bill provides not only a national trigger but also recognizes the special unemployment problems faced by certain areas and provides a special employment assistance fund for additional public service programs in areas where the unemployment rate exceeds 6 percent.

The funds invested in this bill will yield a return better than any investment that we can make. I know that there are those who say that we cannot afford to enact this measure. That we cannot afford the cost of putting the unemployed to work. That is a false arithmetic; there is nothing more costly than the waste of human resources represented by unemployment. But even if we close our minds to the human costs involved, this bill is an economic proposition. For every dollar we spend putting people to work, we gain a return in reduced unemployment insurance costs, in reduced welfare payments and in increased Federal and State taxes. In addition, we get the value of the services that are provided.

Mr. Chairman, let us not be deterred by appeals to economy or the specter of dead-end jobs. All of us in this Chamber are employees of Government and we know well enough that there is nothing demeaning in public service employment. Let us provide the opportunity for that service to the unemployed. Both they and the Nation will benefit.

In this House we have heard eloquent statements—many from the Members on the other side of the aisle now supporting H.R. 8141, against the evils of giveaway programs. But H.R. 8141 is an unprecedented giveaway program—it gives away Federal funds and imposes no obligation on the recipients.

Mr. Chairman, we have many excellent grant-in-aid programs in which the Federal Government assists State and local governments in coping with problems such as education, health, pollution, and manpower. But in all of these grant-in-aid programs, the Federal and State and local governments are in partnership to insure that the objectives of the program are accomplished; and they are also in partnership in determining what those objectives are. This partnership is usually accomplished through the mechanism of a State plan or other form of application which is locally developed but must be federally approved.

That has been the pattern of our Federal partnership in the past. But the manpower revenue-sharing proposal breaks new—and as the President himself described it—revolutionary ground. It destroys the partnership and makes the State and local governments into sole proprietors. The Federal Government is responsible for raising the revenue—the State governments for spending it. The State government submits a program statement—but the Federal Government is only permitted to comment on it. No matter how inconsistent with the polices of the Federal Government, the States can go ahead and spend the Federal funds as it sees fit.

The only Federal requirements in the manpower revenue-sharing proposal are that the funds be spent for manpower purposes, that veterans and the disadvantaged get preference and that there be no discrimination on account of race, color, or national origin. In addition, funds may not be used for political purposes or so as to impair existing contracts for services.

But let us look at just some of the requirements that are not there. There is no requirement of administrative efficiency; and if 90 percent of the funds are spent for overhead and 10 percent for program, there is nothing the Federal Government can do about it. There are no Federal standards for the kinds of jobs for which training money can be spent; and if the State chooses to pick up the regular training costs of employers in order to induce them to locate in the State, there is nothing the Federal Government can do about it. There are no standards for recruitment and placement; and if the State chose to use its funds in order to recruit and train new employees to take the place of men on strike, there is nothing the Federal Government can do about it. I do not have the time to list all the abuses against which the Federal Government has no recourse.

Reading the manpower revenue-sharing bill is a bit like meeting the man who was not there. It is hard to say what you do not like about him, because you cannot see him. If the amendment were adopted you cannot tell what would happen because the bill has no standards and no requirements. If it were passed, Congress would have abdicated its responsibility for determining how Federal funds should be spent. We would just direct the Secretary of Labor to send a check to every State and every large city—and hope that those governments spend it in a sensible way. This is what I call a give away program. I, for one, would feel that I have not carried out the obligations that I assumed when I became a Member of Congress, if I supported such an abandonment of the Federal responsibility for ensuring that Federal funds are properly spent. I urge support of the committee bill.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to my distinguished colleague, the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, I rise in support of H.R. 3613, the Emergency Employment Act of 1971 as reported by the committee.

We need only examine the committee's report which explains the bill's several sections to realize that this legislation provides us with a succinct and penetrating picture of the wave of unemployment that is gripping the country. The bill speaks directly to the problem and proposes a realistic method to deal with it—not later this year, or next year—but right now. In my opinion, the report prepared by the committee on H.R. 3613 is extremely eloquent in its forthright approach and its simplicity.

Mr. Chairman, we are faced with an increasing mass of jobless men and women of all ages. More particularly, the veterans of Vietnam and Korea and the younger members of the work force are experiencing the wrath of the declining economy.

This is a problem all of us recognize. We are not talking about projections or predictions. And we do not have to read the Bureau of Labor Statistics report to know that people are being hurt financially and psychologically by the high incidence of unemployment.

Hard-working members of proud families are being forced to ask for public welfare assistance because they cannot find income-producing jobs. Consequently, our cities are paying the price of Federal inaction in increased welfare costs and rising taxes.

Mr. Chairman, a dangerous possibility exists. If able-bodied welfare recipients remain on the rolls for too long they could well be swept into the undertow of the "poverty cycle" unless definite and swift action is taken and taken now.

We cannot wait indefinitely for the promised economic upturn before willing workers return to constructive and rewarding jobs. This bill offers Government units at all levels an opportunity to put into operation well-planned and closely monitored manpower programs that will have an inherent quid pro quo . . . "fair wages for useful work." The bill does not create leaf-raking boondoggles nor pyramid-building fiascos.

Instead the measure is tailored to deal with the critical shortage of much needed public services existing in our cities and counties.

Our roads are in disrepair. Our parks are in shambles. Schools and hospitals are deteriorating. And transportation facilities are crumbling. Yet taxes are high. But more important, a willing and able body of workers is standing by idle all because units of Government cannot raise sufficient public funds to match workers with work.

Therefore it is obvious that this bill will enable a good part of our idle masses to use the skills they now have—or can develop under its provisions—to the advantage of the general public as well as to their own advantage.

The committee admits, and I agree, that the public payroll is no place for artificial padding. Certainly H.R. 3613 does not spread largess among the few. It will provide meaningful work for 150,000 jobless people who are in a class that is most affected by the economic recession—those in the under $12,000 wage-earning capacity.

H.R. 3613 also contains necessary controls that will assure productive work in areas of the Nation experiencing the worst effects of unemployment.

The $12,000 maximum salary limitation will actually result in an average income of approximately $6,000 to $7,000. While this does not represent a cure-all, it does lift people out of the poverty level and into the active work force. And it gives them the dignity they so earnestly seek.

Combined with the limitation on the number of professionals to be admitted to the program, the salary limitation insures that the $200 million authorized for the remainder of fiscal year 1971, and the $750 million for fiscal year 1972, will be well spent and will have a significant impact on the unemployment picture in our cities.

This legislation does not create a never-ending public works program. Its design is such that, while it will not interrupt implemented work programs for at least a year, it can be extended or cut back according to the level of the national unemployment index and area unemployment rates.

Another important provision states that those employed in the emergency employment program will be assured equal treatment with regular employees in matters of job conditions and benefits. At the same time, the bill makes it clear that regular employees will not be displaced nor passed over in their promotional opportunities. In other words, we should either treat workers employed under this program as full-fledged members of the work force, or not attempt the plan at all.

This bill also stipulates that within the 150,000 to be employed under the program, a large share will be from the expanding numbers of unemployed veterans of the Southeast Asia wars. These men who view their misfortune as a cruel hoax played upon them by the same Government they so readily served, are now locked out of the job market because of the strange quirks in our modern economy.

Let us not shirk our responsibility to them, or to the many other unemployed workers and the thousands of underskilled people now clamoring for a fair shake in the job market.

Mr. Chairman, one final observation is in order. Federal revenue sharing is an issue this body must soon consider in one form or another. However. to becloud the immediate issue of emergency employment with the wider and much more complex issue of Federal revenue sharing will only tend to delay and confuse both programs.

I therefore ask the Members of this body to focus on the immediate problem of too few jobs for too many people willing to do so many chores waiting to be done in our Nation. I urge that H.R. 3613 be passed so that our Nation can start the hard trek back to economic stability and lower unemployment.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to the dean of the New Jersey delegation (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I welcome this opportunity to speak in support of H.R. 3613, the Emergency Employment Act of 1971.

It is an appalling fact that unemployment in this Nation increased by 73.5 percent from the first quarter of 1969 to the first quarter of 1971. Our unemployment rate for April rose to an alarming 6.1 percent. I do not believe anyone can honestly dispute the need for some immediate and effective action to create employment opportunities in this situation which is described in the committee report as an "impending national crisis."

At the same time, areas throughout the country, and particularly in our older urban centers, are in desperate need of assistance for urgent public services and facilities. The bill before us would directly meet this need by providing funds for employment to deal with such pressing problems as environmental quality, health care, housing, neighborhood improvement, recreation, education, public safety maintenance of streets and parks, transportation and conservation.

Under the 5-year authority provided by H.R. 3613, $200 million would be available in this fiscal year, $750 million for fiscal year 1972 and $1 billion for each of the 3 final fiscal years. However, I think it is important to stress that this emergency aid program only takes effect when the national unemployment rate reaches 4.5 percent or more for 3 consecutive months.

Another important provision included in the bill in that stipulating that preferences for jobs be given to veterans of the Vietnam era. We have all been concerned by the increasing problem of finding employment for our returning veterans and this measure will help meet this need. Other provisions in the bill specify that not more than one-third of the new jobs be filled by professionals and executives, that persons employed under the bill would not receive less than the minimum wage, but that no person would be paid more than $12,000 annually.

Of particular significance, in my judgment, is the bill's establishment of a Special Employment Assistance Fund, authorizing $250 million for fiscal year 1972 and such further sums as are necessary to assure that at the end of the 3 succeeding fiscal years at least $250 million would be left in the fund. The funds available under this special program would be authorized for use in really hard hit areas where the unemployment rate exceeded 6 percent for 3 consecutive months. Programs under this Special Employment Assistance Fund would operate concurrently with the regular public service employment program, with the important difference that they would continue to be funded for areas of over 6 percent unemployment even though the national rate of unemployment might drop below the specified 4.5 percent.

The city of Newark, part of which is in my congressional district, would benefit greatly from the regular and the special public service programs authorized under H.R. 3613. The assistance is vitally needed, as Newark's mayor, the Honorable Kenneth A. Gibson, made clear in testimony earlier this year before the Joint Economic Committee. In it he stated that Newark, the largest city in the Nation's most urban State, had in January 1971 the shocking unemployment rate of 11.1 percent.

Mayor Gibson explained that in both the private and public sectors the employment outlook in Newark is dismal. The manufacturing industry, which traditionally provided the greatest employment opportunities, has steadily declined in Newark. The city also has a massive budget crisis that threatens to bankrupt the city. As he concluded:

> The list of problems, the areas which are in desperate need of new money, runs the full spectrum of city services and basic urban institutions.

Part of the answer to Newark's problems, and that of other depressed areas and communities throughout our country, is through the bold and affirmative commitment to act provided in H.R. 3613. I strongly urge its passage.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, I might say to the distinguished gentleman from California that data is available. It is my understanding that it was made available to the distinguished chairman of the subcommittee, the gentleman from New Jersey (Mr. DANIELS) and I am sure he would be more than willing to share it with the gentleman from California.

Mr. BURTON. Will the gentleman yield and now make it available so that we might look at it? If we are not given this data now, of what value will it be?

Mr. STEIGER of Wisconsin. I will not yield further. I told the gentleman where data is available and I would ask him to go over and take a look at it.

Mr. Chairman, whether the AVA is happy or unhappy, the League of Cities, the Conference of Mayors or somebody else, I have the feeling that we have lost sight of three things that I think ought to be brought home to the members of this committee in regard to what we are talking about with relation to the committee bill. We have spent some considerable amount of time talking about what the substitute proposed by the distinguished gentleman from Michigan (Mr. ESCH) does, but we have not spent, in my judgment, enough time talking about what the committee bill proposes to do.

If you look at that committee bill, if you would step back for just a minute, you would understand that in large part the bill was formulated apparently in response to the President's veto of the comprehensive bill last year. In that veto message the President of the United States indicated that he was unwilling to accept a public service employment section such as that contained in the conference report, which did not provide for real jobs, and which did not give to those who participated an ability to move off temporary public service employment onto permanent rolls either in the public or private sector. If you will look at H.R. 3613, I found three things that struck me as being very inadequate in that bill and for these reasons the House ought not to act in support of it but rather should support the Esch substitute.

In the first place, it is uncertain. Let us recognize that this bill does not provide any kind of real, long-term program to handle the needs of the unemployed. It is called an emergency public service program, and that may be in effect what it is. But what does it do for people?

It says that if the rate of unemployment goes up, you will have a program. If the rate of unemployment goes down, you will have no program. What happens to a man in a municipality in this country and who recognizes that when he goes on the public service roll, if the rate of unemployment goes below 4.5, he will be out of a job, and there is no job for him? What kind of program is that? What kind of real job does that create? I do not think it does. I think this kind of yo-yo charade that is being played by the majority through this bill ought to be recognized for what it is. It is not a permanent program. It does not provide real jobs. All it does is to say to somebody, "We will put you to work now, maybe, but if the rate of unemployment goes down, then you will be out of a job."

I believe the second thing which is important to understand about this particular bill is the point the gentleman from Michigan (Mr. ESCH) made so well, that it is nothing more than a continuation of the same kind of single purpose categorical limited program we have had heretofore.

One of the complaints those of us on the Committee on Education and Labor have had about our present manpower programs is that they are not sure we are training people for jobs that exist; and yet this bill does nothing about that problem. That training will still go on without any effort to be able to create a job at the end, such as that which would be proposed by the Esch substitute.

So in my judgment it does not do a job of attempting to handle the very serious manpower employment and under-and-unemployment problems that exist in this country.

In addition to that, I believe we also should know this is a particular kind of program which would require a multitude of applications to be filled out. Page upon page of the committee bill is filled with what is required to be done by a municipality, to ask for funds under the bill.

I believe we are again going to see the creation of some jobs in the public sector for those who are in charge of grantsmanship. But I do not believe this does much to create jobs for those who are unemployed.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. QUIE. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. STEIGER of Wisconsin. Mr. Chairman, the third problem is that it is a limited program, and 150,000 jobs is limited when the rate of unemployment is this high. I do not really believe one can stand here and say that this bill, if it is passed and if it were to survive what the President might decide he was going to do with it, would make any serious inroads on the problem of unemployment in this country.

For these reasons and a host of others the Esch substitute is the way to handle this problem. It is comprehensive and flexible, and gives the decisionmaking power to the officials at the State and local levels, and it will, in my view, do the best job of offering real jobs and real services to those who are most in need of them.

Mr. DANIELS of New Jersey. Mr.

Chairman, may I inquire as to how much time remains?

The CHAIRMAN. The gentleman from New Jersey has 8 minutes remaining and the gentleman from Minnesota has 3 minutes remaining.

Mr. DANIELS of New Jersey. May I ask the gentleman from Minnesota to use the remainder of his time, because I am going to allocate the remainder of the time on this side to our one speaker.

Mr. QUIE. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. ESCH).

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I will be happy to yield to the gentleman from California on his time.

Mr. Chairman, I believe it should be pointed out that the formula has been distributed to the subcommittee chairman, and in contrast to what the gentleman from California said, if population increased in the past 10 years a State or local governmental unit would receive more under the substitute bill rather than less. I would suggest the gentleman from California read carefully the system of distribution of funds before he makes statements which may indeed be misunderstood.

In the very limited time we have here, before we go to the attempt to amend this bill by presenting the substitute. I want to point out one additional fact concerning the committee bill itself. It has been suggested by the subcommittee chairman that it would create 150,000 jobs, and it was suggested that this would solve the problem of unemployment in the country.

According to statistics supplied to me by the Department of Labor there could be 82,909—82,909 receiving districts under the committee bill. In other words, there could be 82,909 districts that could apply for funds. That means there would be less than two persons employed in each district in the country under the committee bill.

I would suggest again that the deception of the committee bill in terms of solving the problem is brought out by this statistic.

As we move to the time when the substitute will be presented, it should be made clear also that there has been some confusion as to whether or not the mayors support the Esch bill or the committee bill.

It was pointed out in a letter to me late yesterday from Mayor Richard Lugar, of Indianapolis, the president of the National League of Cities:

> I regret the unfortunate and inaccurate analysis of your substitute bill—H.R. 8141—contained in the letter of Mr. Samuel Merrick on behalf of the Conference of Mayors and League of Cities.

He goes on to say that he supports the Esch substitute and asks for the passage of it in the House of Representatives.

Likewise, the mayor of the city of Baltimore, Mayor D'Alesandro, endorsed the Esch substitute in a communication to me.

Likewise, Mayor Carl B. Stokes, of Cleveland, has endorsed the Esch substitute. He says:

> I am registering my support of House Resolution 8141, your Manpower Revenue Sharing Bill presently before the U.S. House of Representatives for Floor vote. I earnestly urge all Congressmen concerned about the plight of the unemployed and unemployable in the cities of this nation to vote yes on H.R. 8141.

So the issue is this: Do we want to pass a committee bill that does not solve the problem of employment in this country or do we want to change the fundamental structure of the manpower training programs in this country to bring about needed reform, restructuring, and relief. The substitute bill which will be offered will do this. It will contain public service employment not in an unending stream, but limited to 2 years in duration.

However, who will make the decision—this is the fundamental question which we face today. The decision will be left locally—rather than on the Federal level.

There is not a Member of this House that admits the present manpower training programs are working. Adding one more feature to it will not suffice. It is time for a fundamental change.

Mr. DANIELS of New Jersey. Mr. Chairman, I yield the remaining time to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Chairman, I yield to the gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Chairman, I rise for a unanimous-consent request. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin (Mr. STEIGER) be given the opportunity to amend his remarks because of the misstatement and misrepresentation that he made on the floor. The full subcommittee chairman has not received the year-by-year cost information which is the allocation that I made.

Mrs. GREEN of Oregon. Mr. Chairman, it seems to me that today the issue we are confronted with——

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I cannot yield at this time, but later I will yield if I have time.

Mr. Chairman, the real issue today is whether or not this House shall act on a public employment program or on a bill which pretends to be public employment and a reorganization of manpower training programs.

I think the chairman of the subcommittee has used very, very good judgment in separating these two issues and bringing to the floor of the House today a bill which only deals with public employment. With the unemployment in this Nation above 6 percent, I suggest that it is critical and that it is urgent. I also suggest to the Members of this House that with 750,000 or 800,000 veterans coming across the labor market this year we are faced with a major social problem, a problem of social dynamite ready to explode at any moment. Veterans who have served in Southeast Asia and other parts of the world will not look kindly to a situation of coming back to the United States and having no jobs available to them.

If there is any way in which I am critical of the Daniels bill, it is that it does not provide enough jobs, but I also suggest that if it were a larger bill, with several hundred thousand jobs guaranteed, it would be vetoed by this administration on the basis that it costs too much.

And so, I think Mr. DANIELS used wisdom in bringing in a moderate bill which will go to the heart of the problem. We will gain experience from it, and next year we can make the decision on whether or not it should be expanded and to what extent.

Now, the main point I would like to address myself to is the claim in the minority views that this will reorganize manpower training.

In fact, this is the main reason that they opposed the committee bill, because the committee bill does not go into the reorganization of the manpower training programs.

Further, Mr. Chairman, if one reads the minority views contained in the report, time after time one will find the words to the effect that we must have a comprehensive reorganization of manpower training, we must reform manpower training, and I am in complete agreement with those words. But I suggest that the substitute which gives the appearance of reorganizing manpower training, in fact does not touch but about one-half of the manpower training programs in operation. I have said all along, and I would be glad to respond——

Mr. ESCH. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. Not at this point.

Mr. ESCH. If the gentlewoman would yield, I would be happy to furnish an answer to that question.

Mrs. GREEN of Oregon. Does your bill go to—and I would like a yes or no answer because I do not have much time—does it recognize all of the manpower training programs

Mr. ESCH. It covers those programs over which this committee has jurisdiction.

Mrs. GREEN of Oregon. That is exactly the point, Mr. Chairman. It does not even cover all of the programs over which our Committee on Education and Labor has jurisdiction because it does not go to manpower training under vocational rehabilitation; it does not go to vocational education, it does not go to Job Corps—all under the jurisdiction of the Education and Labor Committee. Also, it seems misleading to me to talk about this being a comprehensive reorganization of manpower training when it does include WIN—which involves several hundred million dollars, it does not go to the manpower training programs under the Department of Agriculture; it does not go to the manpower training programs under the Department of the Interior and especially with reference to Indians. It does not go to the manpower training programs under the Department of Defense involving the program "100,000" and the "Transition" training programs, it does not go to the manpower training programs of the Veterans' Administration or those which are operated under HUD or Public Health.

Mr. Chairman, this last year the Federal Government was spending $2,502 million on manpower training programs. The Department of Labor had under its jurisdiction $1,592 million and OEO $30 million. So we have, in effect, $1,622 million of the total of $2.5 billion which would be affected by the Esch bill. So, there is about $1 billion of manpower training programs that are not even touched by the substitute bill. I suggest it is wrong to give the impression to the Members of this House that it is going to provide comprehensive reorganization of manpower training programs when, in fact, it is not even going to do this at all.

I again think the chairman of the subcommittee has used great wisdom in separating the bill today from the total reorganization of manpower training programs. They do need a great deal more attention, and the chairman of the subcommittee has said we have not had sufficient public hearings on them. This is absolutely true.

I would also say that even beyond manpower training programs this House ought to consider the coordination of vocational education, technical education, and programs at the community colleges. Most of the manpower training programs in my State, and I judge in the rest of the States, are run through the secondary schools and through the community colleges.

Again, showing the good faith of the subcommittee, the gentleman from New Jersey (Mr. DANIELS) and the staff of his committee, the gentleman from Illinois (Mr. PUCINSKI) and the staff of his subcommittee who has jurisdiction over vocational education, as well as the subcommittee which it is my honor to chair, which has jurisdiction over the community colleges, are working together to try to put together in effect and, in fact—not just in appearance but, in fact, a greater reorganization of the manpower training programs, a far more comprehensive approach than is contained in the Esch substitute.

Therefore, I would suggest to you, today, that in my State a person can go into one manpower training program and finish that and after he has completed it he can enroll in another manpower training program and then still another and each time receive the stipend for his participation and could still end up as an applicant for welfare.

I would suggest that exactly the same thing would be true if the Esch substitute were approved. A person could enroll in the WIN program and then in other manpower training programs operated and conducted by other departments of the Government and agencies.

So, Mr. Chairman, I hope that because of the critical need for employment programs, the critical need for jobs in this day and age when there is this potential social dynamite, that we pass this bill providing public service jobs where the Government is the employer of last resort, 150,000 jobs for each of 4 years—or the potential of 600,000 year-long jobs for people is far preferable than 600,000 people on the welfare rolls for even the 1 year each. This will give the Committee on Education and Labor the opportunity to have hearings to bring out a bill that would in fact—not just in words but would in fact—bring about a reorganization of all of the manpower training programs, vocational education, rehabilitation, the programs conducted by the community colleges and the secondary schools as well as many other programs.

In that way then I think we can bring some sense out of the chaos. We would provide not only training but we would provide meaningful work for the people today or tomorrow who might otherwise be on public assistance.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 3613, the Emergency Employment Act of 1971. The purpose of this act is to bring needed services to our citizens and, at the same time, provide jobs for the unemployed.

We all know that the state of the economy has placed millions out of work and onto unemployment rolls and welfare rolls. We also know that we need more medical personnel in our hospitals, more police, more people involved in pollution control, more educators, and more people in other necessary public service jobs. The National Civil Service League has indicated that there are thousands of public service jobs which need undertaking except that the State and local governments simply lack the funds.

Like the National League of Cities and the United States Conference of Mayors, organizations which support revenue sharing, I support H.R. 3613.

At this point, Mr. Chairman, I would like to include in the RECORD a letter I received from Samuel Merrick, a representative of the National League of Cities and the U.S. Conference of Mayors.

The letter follows:

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,
May 28, 1971.

Hon. GLENN M. ANDERSON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ANDERSON: The Emergency Employment Act of 1971, H.R. 3613, will soon come to the House floor for a vote. On behalf of the National League of Cities and the U.S. Conference of Mayors, representing the nation's mayors and city officials throughout the country, we urge you to vote for this bill as reported out of the House Education and Labor Committee. A similar measure was passed earlier this year in the Senate with a bi-partisan vote of 62–10. The passage of this legislation in the House is critical to the nation's cities, both large and small, since the unemployment picture worsens each month. Today, on the one hand, thousands of our citizens are without jobs and on the other hand municipal services in the areas of sanitation, law enforcement, fire prevention, health and the like, are direly needed and presently not being provided. The need for the services, the jobs, are there. The unemployed people are there. The element missing and critically needed at this time is federal funds to put unemployed citizens to work immediately within municipalities throughout America performing worthwhile tasks for all. H.R. 3613 authorizes these needed funds for public service jobs by providing $200 million for the current fiscal year, $750 million for FY 72, and $1 billion for each of three succeeding years.

The unemployment problem now confronting mayors at the local level cannot be overemphasized. It goes beyond those on welfare. Returning Vietnam veterans, recent lay-offs resulting from shifts in federal expenditures causing a loss of jobs in certain areas, the overall shortage of jobs in the private sector, coupled with the hard core unemployment problem that many cities faced all along, means the picture is bleak. With this background in mind, an affirmative vote in the House on H.R. 3613 is a major legislative goal of the Conference and the League.

The Parliamentary situation is complicated, however, by the offering of the Esch substitute, H.R. 8141, described as being backed by the Administration but significantly different from the grant consolidation proposal made by the Administration.

In our view, the Esch substitute should be rejected for the following reasons:

1. It fails to provide new money above and beyond funds authorized for conventional manpower programs. While H.R. 8141 would permit a public service element, the need cannot be met at the expense of ongoing programs, but must be authorized *on top of and in addition to* the already short funded manpower programs.

2. It seriously jeopardizes the shift of responsibility for conducting manpower programs from the federal to the local level. A key principle in manpower legislation adopted by the Congress last year and incorporated by the Administration suggested reform legislation this year is that local government should exercise control over the shape and direction of local manpower programs.

3. We are concerned over the funding formula contained in the Esch substitute. Secretary of Labor James Hodgson testified on May 6 before the Senate Subcommittee on Employment, Manpower and Poverty that his Department is having great difficulty in developing a formula to assure individual cities that their existing funding allocations will not be reduced. With the cities' need for funds in this area, (for current programs and public service jobs) staying even is unacceptable. Therefore, we are unable to endorse any formula until the Administration presents a clear reading of how such a formula would be applied.

Under these circumstances, the National League of Cities and the U.S. Conference of Mayors calls upon the Congress to enact H.R. 3613 without the Esch substitute.

Sincerely,

SAMUEL V. MERRICK,
Director, Congressional Relations.

Mr. MATSUNAGA. Mr. Chairman, the Employment Act of 1946 committed this Nation to assuring every American the opportunity for useful, full-time employment at reasonable wages. We have periodically reaffirmed that commitment. Now, H.R. 3613, the proposed Emergency Employment Act of 1971, provides the Congress with the opportunity to deliver at least partially on that commitment.

The present administration keeps mouthing optimistic forecasts of a turn for the better in our national economy. The fact remains that nearly five million men and women in the United States are seeking jobs, and cannot find them. A year ago, 11 of the country's 150 standard labor markets reported "substantial" unemployment; today, 52 of the markets can claim that dubious honor. The current rate of unemployment is the highest since May 1962.

Meanwhile, hospitals, museums, day care centers, parks and playgrounds across the country have a desperate need for workers, but no funds with which to hire them. One national commission reports that more than 5 million potential public service jobs exist today.

So, Mr. Chairman, we find that unemployment in America is at its highest point in 9 years at the same time that State and local providers of public services find it financially impossible to meet growing needs for existing services and long-ignored needs for new ones.

H.R. 3613 notes the useful public work that needs to be done, notes the millions of Americans seeking useful employment, and seeks to perform the commonsense task of bringing the two together.

Mr. Chairman, this bill would provide funding for 150,000 necessary, decently paid, public service jobs. It will not wipe out our unemployment problem, if enacted, but it will be a tangible, positive beginning to resolving the problem. This House should not permit this opportunity to slip away.

I therefore urge the swift and overwhelming adoption of H.R. 3613, the Emergency Employment Act of 1971, as reported by the committee.

Mr. COTTER. Mr. Chairman, I will vote today to keep the committee bill, H.R. 3616, the Emergency Employment Act of 1971, intact. I will vote against the Esch amendment.

My reasons are easily understood. The committee bill, which is similar to one I cosponsored, provides additional money for public service jobs now. Unemployment in my own district is over 6.5 percent. The committee bill attacks the unemployment problem head on by providing additional money to get men and women back to work in jobs that are necessary essential to improve State and local services to our citizens. H.R. 3616 does this and I will support it.

Contrast this with the Esch substitute which just lumps the existing manpower programs together into a bloc grant program. There is no additional money for jobs. This is the crux of the problem. It makes little sense to me to choose between job training programs already in effect, and new public service jobs. Both need to be utilized and both require funding. I do not believe that the mayors and Governors should be required to make this choice.

This is the point. The committee bill, the Emergency Employment Act of 1971 provides 150,000 new jobs. The Esch substitute is tragically vague on the establishment of new jobs. I do not think that the mayors of the cities and towns in my district should have to choose between needed public service jobs and necessary job training programs. At a time of high unemployment both are needed.

Fortunately, the mayors of this Nation and, in particular the mayors of Connecticut, see the strengths of the committee bill. For the information of my colleagues I will include a copy of my letters from the Connecticut Conference of Mayors and the National League of Cities and the United States Conference of Mayors. These letters clearly demonstrate that the mayors who share the firing line with us are in full support of the committee bill. I will vote against the Esch substitute and all other amendments that would limit this vital Emergency Employment Act of 1971.

For those Members who feel this is the time to experiment with new bloc grant programs, I would like to cite some figures. National unemployment in April was 6.1 percent. Fifty-two of the Nation's 150 major labor markets are listed as suffering substantial unemployment. This unfortunately includes my own district. I have studied the figures, I have talked to my constituents and I do not see an end in sight.

Quite truthfully, I could not justify radical experimentation with bloc grants when unemployment is so tragically high. The new administrative burden that would be placed on the State and local governments would delay action for long periods of time while men and women continue out of work. This is totally unacceptable to me and to my constituents. I will vote for the bill that provides jobs immediately.

The letters referred to follow:

Connecticut Conference of Mayors,
New Haven, Conn., May 10, 1971.

Hon. William R. Cotter,
House of Representatives,
Washington, D.C.

Dear Representative Cotter: We are writing to urge you to vote for the Emergency Public Service Employment bill which provides federal subsidies for the creation of state and municipal jobs for the unemployed (H.B. 3613).

This bill would not only provide desperately needed jobs for the growing numbers of unemployed workers in Connecticut. It would also help our cities and towns perform vital services which they cannot now afford on their own.

As reported out by the House Education and Labor Committee, the bill has two provisions which would greatly enhance the ability of Connecticut municipalities to make effective use of unemployed workers. (1) H.B. 3613 provides 100% federal support for the public service jobs. This provision would greatly help municipalities whose budgets are strained to the breaking point. (2) Furthermore, H.B. 3613 sets no limitation on the duration of the jobs. This would prevent the holding out of false hopes to the unemployed and would allow the municipalities to most effectively use the workers.

These provisions of the bill should therefore be retained.

Municipalities are being forced to curtail many crucial programs and services, because of cutbacks in State and federal funding and the squeeze of spiralling property taxes. In many cases, however, these services would not have to be curtailed if the salaries of the staff could be subsidized under H.B. 3613. For example, Bridgeport may have to eliminate its special police force for public housing; Norwalk may eliminate its day care center; a drug abuse prevention program in North Haven, a senior citizen center in Wallingford, a housing code enforcement program in Hamden, an adult tutorial program in Bristol; and many other urgently needed programs, all may have to eliminated. The subsidies provided in H.B. 3613 might assure continuation of these important programs.

We strongly urge you to vote for H.B. 3613 as reported and to take all possible action to assure its passage.

We look forward to hearing from you on this matter.

Sincerely,

Clarence F. Heimann,
President.

National League of Cities,
U.S. Conference of Mayors,
Washington, D.C., May 28, 1971.

Hon. William R. Cotter,
House of Representatives,
Washington, D.C.

Dear Congressman Cotter: The Emergency Employment Act of 1971, H.R. 3613, will soon come to the House floor for a vote. On behalf of the National League of Cities and the U.S. Conference of Mayors, representing the nation's mayors and city officials throughout the country, we urge you to vote for this bill as reported out of the House Education and Labor Committee. A similar measure was passed earlier this year in the Senate with a bi-partisan vote of 62–10. The passage of this legislation in the House is critical to the nation's cities, both large and small, since the unemployment picture worsens each month. Today, on the one hand, thousands of our citizens are without jobs and on the other hand municipal services in the areas of sanitation, law enforcement, fire prevention, health and the like, are direly needed and presently not being provided. The need for the services, the jobs, are there. The unemployed people are there. The element missing and critically needed at this time is federal funds to put unemployed citizens to work immediately within municipalities throughout America performing worthwhile tasks for all. H.R. 3613 authorizes these needed funds for public service jobs by providing $200 million for the curent fiscal year, $750 million for FY 72, and $1 billion for each of three succeeding years.

The unemployment problem now confronting mayors at the local level cannot be over-emphasized. It goes beyond those on welfare. Returning Vietnam veterans, recent lay-offs resulting from shifts in federal expenditures causing a loss of jobs in certain areas, the overall shortage of jobs in the private sector, coupled with the hard core unemployment problem that many cities faced all along, means the picture is bleak. With this background in mind, an affirmative vote in the House on H.R. 3613 is a major legislative goal of the Conference and the League.

The parlimentary situation is complicated, however, by the offering of the Esch substitute, H.R. 8141, described as being backed by the Administration but significantly different from the grant consolidation proposal made by the Administration.

In our view, the Esch substitute should be rejected for the following reasons:

1. It fails to provide new money above and beyond funds authorized for conventional manpower programs. While H.R. 8141 would permit a public service element, the need cannot be met at the expense of ongoing programs, but must be authorized *on top of and in addition to* the already short funded manpower programs.

2. It seriously jeopardizes the shift of responsibility for conducting manpower programs from the federal to the local level. A key principle in manpower legislation adopted by the Congress last year and incorporated by the Administration suggested reform legislation this year is that local government should exercise control over the shape and direction of local manpower programs.

3. We are concerned over the funding formula contained in the Esch substitute. Secretary of Labor James Hodgson testified on May 6 before the Senate Subcommittee on Employment, Manpower and Poverty that his Department is having great difficulty in developing a formula to assure individual cities that their existing funding allocations will not be reduced. With the cities' need for funds in this area, (for current programs and public service jobs) staying even is unacceptable. Therefore, we are unable to endorse any formula until the Administration presents a clear reading of how such a formula would be applied.

Under these circumstances, the National League of Cities and the U.S. Conference of Mayors calls upon the Congress to enact H.R. 3613 without the Esch substitute.

Sincerely,

SAMUEL V. MERRICK,
Director, Congressional Relations.

Mr. MINISH. Mr. Chairman, I rise in strong support of H.R. 3613, the Emergency Employment Act of 1971. Along with the Accelerated Public Works Act approved by this House in April, passage of H.R. 3613 will clearly indicate the continuing commitment by Congress to the reduction of unemployment and the placement of jobless individuals into useful, productive work.

Despite constant optimism and reassurance on the part of the executive branch, unemployment continues at a tragically high level. Nationwide, the unemployment rate now stands at 6.1 percent, up from 3.3 percent in December, 1968. Presently there are 52 major labor market areas on the Secretary of Labor's substantial unemployment list—the highest number since 1962. In January, 1969, only 6 markets were experiencing the 6-percent rate of unemployment necessary to be placed on the Secretary's list.

In my own State of New Jersey, the jobless rate, according to the latest available figures, is 7.3 percent. The Newark labor market area has a 6.4-percent rate of unemployment; in the city of Newark itself almost 15 percent of the workforce is unemployed.

The Emergency Employment Act will combat unemployment by providing financial assistance to States, counties, and cities to hire community service personnel. Under the bill, funds would become available whenever the national rate of unemployment exceeds 4.5 percent for 3 consecutive months. Additionally, the legislation creates a special employment assistance fund of $250 million for fiscal year 1972 for areas experiencing unemployment of 6 percent or more.

Mr. Chairman, it should be emphasized that this bill will not result in thousands of dead-end jobs. There exists an acute need for additional personnel in many public service fields such as education, health, sanitation, conservation, law enforcement, and fire protection. The Kerner Commission recommended the creation of 1 million public service jobs. The Commission on Technology, Automation, and Economic Progress in 1966 stated that there are 5.3 million jobs that could be filled in the public sector. A study done for the urban coalition indicates that 143,000 jobs could be quickly filled by the disadvantaged in cities of 100,000 or more alone if Federal funds were available for salary support.

The Emergency Employment Act is necessary both to alleviate the Nation's current high level of joblessness and to fill our need for individuals in a variety of important functions. I urge its overwhelming approval.

Mr. BOLAND. Mr. Chairman, I am delighted that the Emergency Employment Act now appears virtually assured of passage. A few weeks ago, when this legislation was first before us, chances of salvaging its original provisions seemed remote. The decided majority vote to allow consideration of a substitute bill—a travesty of the original—was a disheartening sign.

The unexpected defeat of that substitute today restores my confidence in this Congress' ability to attack unemployment.

As I pointed out on May 18, the Emergency Employment Act promises to throw open 150,000 new community service jobs during its first year of operation alone.

It promises to halt the dizzying spiral of unemployment throughout the United States—unemployment that has soared past 8 percent in my own congressional district and as high as 15 percent in other sections of the country.

I will not take up this body's time with an exhaustive explanation of my support for this bill: the RECORD of May 18 contains my speech in support of its provisions.

Suffice it to say that the bill approaches unemployment in a straightforward and workmanlike way.

It creates jobs—jobs that not only give meaningful work to the idle, but that also help the country's communities in urgent projects like hospital construction and antipollution.

Needless to say, I urge its passage and the defeat of any crippling amendments.

Mr. DONOHUE. Mr. Chairman, I earnestly urge and hope that the House will decisively determine to accept and approve this bill before us, H.R. 3613, the Emergency Unemployment Act of 1971, instead of the substitute bill that will be proposed to replace it.

While both measures have certain and respective merits and the same basic objective, to provide jobs for the unemployed, I very firmly believe that H.R. 3613, the Emergency Unemployment Act, will achieve the mutually desired goal far more quickly than the substitute proposal; that it will be less complicated in operation, will be more nationally productive in its end results, and will prove to be a more prudent investment, than the substitute, of the taxpayers' funds.

Mr. Chairman, in summary, H.R. 3613 will authorize nearly $4 billion in Federal funds over a 4-year period to enable cities, States, and counties to hire unemployed workers for job vacancies that these Government units presently do not have the money to fill.

This employment program would continue so long as the national unemployment rate is 4.5 percent or higher. On this score, I am gratified to observe that a provision, which I was pleased to recommend, has been included in the bill that will maintain the employment program in local pockets of high unemployment, such as some that may exist in my home area and State, with a 6 percent, or higher, jobless rate after the national rate has returned to 4.5 percent or below.

It is authoritatively estimated that the employment program projected by H.R. 3613 will provide 150,000 productive jobs almost immediately and up to 500,000 over the life of the program.

Mr. Chairman, the great urgency of this legislation is, unfortunately, too clear. Few, if any, will question that the present 6 percent rate of unemployment represents a very serious national problem which is rapidly approaching the critical point. More than 5 million Americans are now unemployed and in many localities throughout the United States, and in my own congressional district, an unemployment crisis, unfortunately, already exists.

Faced with this challenge, Mr. Chairman, and the need to choose between two proposed solutions, I think we should approve the one that obviously appears to more speedily and completely accomplish our common purpose, which is simply to provide essential public facilities and services to our citizens throughout the country by placing unemployed individuals in productive work while this current economic depression persists, with its imposition of such tremendous tragedy upon millions of American individuals and families.

In humane consideration of these individuals and families and in the national interest, I hope, therefore, that H.R. 3613 will be quickly and overwhelmingly adopted.

Mr. VANIK. Mr. Chairman, I rise in support of H.R. 3613, The Emergency Employment Act of 1971.

The recent news of May 7 contained two new major developments which conclusively demonstrate the immediate need for the passage of this legislation.

One headline reported that the jobless rate in April had increased from 6 to 6.1 percent. This is generally accepted to mean that the economy's unemployment rate has settled—or topped out—at around 6 percent and that the economy is simply not moving. It is stagnant; it is at dead center—and millions of Americans who want jobs cannot find them. It means that we are experiencing a long period of unacceptable high unemployment. It means that we in the Congress should legislate now to get the economy moving and provide needed job opportunities immediately.

The second headline reported that for the first time in a decade the number of persons officially recorded as living in poverty has increased significantly. The number of Americans considered to be poor increased by about 1.2 million from the beginning of 1969 to the end of 1970. This is in stark contrast to the rest of the decade of the sixties when every year found the number living in poverty significantly diminishing. There had been an average annual decline of 4.9 percent during the 1960's, but between 1969 and 1970 the number living in poverty increased by 5.1 percent. In other words, 13 percent of our people—some 25.5 million—have incomes that are below the official poverty level.

I believe that this increase in the number of poor Americans is strictly due to the downturn in the economy and the administration's calculated policies of high unemployment. At the start of 1969, the unemployment rate was 3.3 percent. Now it is 6.1 percent—and it has been around 6 percent for over 5 months now. As a result, thousands upon thousands of Americans have been out of work for so long that their unemployment compensation benefits are exhausted along with other forms of savings and income. Throughout the country, State unemployment compensation trust funds are developing serious trouble as the unemployed drain their resources. In fiscal year 1968, unemployment compensation benefits amounted to about $2 billion. In this fiscal year, these payments will probably reach $5.5 billion. As a result of this strain upon their resources, the trust funds of 16 States—as of last November—had fallen to a level recognized as dangerously low.

And this unemployment now has all the signs of continuing for some time at the present unacceptable levels. An article in the February 17, 1971, Wall Street Journal has, sadly, proven all too true:

> Despite what some people are saying and most people are hoping unemployment isn't getting set for a nice, long decline. In fact, the rate of joblessness may rise in the next few months. And it is likely to remain high for several months after the expected increases end.
>
> That's the inescapable conclusion emerging from talks with scores of major employers. . . . To be sure, there will be fewer companies making massive layoffs during the 1971 first half than in the final months of last year. But many companies are still whittling away, bit by bit, at their payrolls, and almost none is ready to rebuild work forces.

In my community of Cleveland, Ohio, unemployment has been soaring. Inner city areas are particularly hard hit, but the whole community feels the impact of the recession. The Ohio Employment Service, in their March 1971 report on the Cleveland metropolitan area stated that estimated unemployment jumped from 41,900 in December to 44,900 in March, raising the unemployment rate from 4.3 percent of the civilian labor force to 4.7 percent. In addition, the workweek dropped from 40.7 hours in December to 40.0 in March.

For these reasons I am supporting the passage of H.R. 3613, the Emergency Employment Act of 1971. With nearly 5 million Americans unemployed, this bill will put people to work while providing vitally needed services to the country through public service employment. The act will make it possible for State and local officials, who cannot afford to do so now, to hire people "to work on community beautification and betterment projects, to make additions to the work force in the vital area of public safety, to improve and expand recreation programs, public education, and to do many other things that will benefit their communities."

As noted in the committee report, persons are needed to perform clerical functions for police departments so that patrolmen can devote more time to providing safe streets. More persons need to be trained for environmental management and there is a shortage of nearly 200,000 paraprofessionals in the health field alone. The bill is specifically designed to prohibit the "leaf-raking" jobs that were an occasional byproduct of the emergency relief programs during the Great Depression of the 1930's. There are real jobs that need to be done and done now. Because of the defeat of tax levies in the Cleveland area, nearly 2,000 public sector jobs are being eliminated—but the need for the services cannot be eliminated and this bill will enable Cleveland to hire some of these unemployed people back.

Another special feature of this bill is that it provides extra assistance to areas with unusually high unemployment. This section will permit special assistance to any area which has had a rate of unemployment of 6 percent or more for 3 consecutive months. These areas can be areas within cities which are particularly hard hit. Thus it would permit special governmental service programs in areas like Hough in Cleveland where unemployment is considerably above 10 percent.

There are a number of safeguards built into the bill to prevent abuses and to target the jobs on those in particular need. For example, there is a veterans preference section for Vietnam veterans who are currently suffering an unemployment rate estimated at around 8 percent. Provision is made for training and employment retention and advancement so that deadend jobs are avoided and the program will lead to permanent employment once the present crisis is over. There is a prohibition on any kind of discrimination and a flat ban on political activities by those being hired. Persons employed under this act must be paid whichever is the highest of, first, the State minimum wage; second, the Federal minimum wage; or third, the prevailing wage for similar public occupations in the same locality.

It must be stressed that this is an emergency employment act. Once the national unemployment rate goes below 4.5 percent for 3 consecutive months, no more funds may be obligated. Until that time, the bill is estimated to create 150,000 jobs at an average annual cost per job of $6,000.

The economy needs this spur. Our cities need the services it can provide. I urge the immediate enactment and funding of this important piece of emergency legislation.

Mr. HORTON. Mr. Chairman, I rise to review briefly the results of my own study of these two bills, the committee bill, H.R. 3613, which is called the Emergency Employment Act, and the substitute bill, H.R. 8141, which is an improved version of the administration's proposals for special revenue sharing in the area of manpower.

The decision between these two bills is difficult for two reasons. First, they are both basically good bills. We are not here presented with an obvious choice between constructive and obstructionist legislation. Both bills are designed to improve aspects of our Nation's employment and manpower training picture, and both are good enough to accomplish their stated goals. The second difficulty is that the two bills do not seek to accomplish the same goals—they are vastly different in both scope and method. We are not choosing here between a good apple and a bad one, but between a good apple and a good orange.

The committee bill has a limited and worthy purpose. It seeks to provide a large additional amount of Federal manpower funds to provide public service employment for 150,000 unemployed workers during periods when the national unemployment rate rises above 4.5 percent. The rate today is about 6 percent, so if this bill passes, and is signed by the President, it would go into effect immediately. The public service jobs to be funded under this bill would be in Federal, State and local governmental agencies, with some guarantees that they would not be dead-end jobs and with no guarantee that they would not be open-ended jobs, since no time limit is imposed by the committee bill. The committee bill does not address the problem of reforming the existing bill does not address the problem of reforming the existing categorical manpower training program now funded and directed from Washington by the Department of Labor, and it does not address the problem of decentralized local or State control, as opposed to Federal control of these programs.

The substitute bill is vastly different. It, too, provides for a large amount of additional money to be made available when unemployment rises above 4.5 percent, but it does not require that these additional funds be spent for public service employment by recipient States and localities. If a city would opt for public service employment, however, the substitute places a 104-week limit on the duration of any single public service job created or filled, subject to the granting of exceptions by the Secretary of Labor. While the committee bill and the substitute do provide authorizations for different amounts of money, the issue between them cannot be decided on this basis—since no one can predict whether the additional appropriation Congress would approve would even approach the half a billion dollars provided in the substitute for periods of high unemployment, let alone the higher figure authorized in the committee bill.

The major thrust of the substitute bill is to revamp all of the existing categorical manpower programs excepting the Job Corps, which very definitely would and should remain a nationally funded and directed program. Other programs would be folded into a concept of special revenue sharing, whereby the recipient States and localities would have a great deal more discretion than they presently do in shaping the manpower training programs required to fill local needs. Of course, certain Federal guideposts would have to be met, and whether the guideposts provided in H.R. 8141 are strong enough could only be determined after some experience with the program, and after further legislative review of operating special revenue-sharing programs.

I strongly believe in the idea that federally supported public service employment is appropriate in periods of high unemployment. In effect, a public service employee of a locality whose salary is paid by the Federal Government is benefiting from a revenue-sharing type program. He is providing a service to the local government which it needs and cannot afford to pay for out of its local tax base, and which is made possible only by a transfer of Federal tax dollars to the locality. Thus, I do not believe the supporters of the committee bill can claim to present a clear choice between categorical and revenue-sharing approaches to the problem, since the committee bill itself is a revenue-sharing program of limited scope.

I believe that a carefully drafted special revenue-sharing bill can improve the slow and sometimes unresponsive administration of categorical manpower programs from the Federal level. Any such attempt should contain minimum safeguards of Federal interests, minority interests, labor standards, and other guarantees that State and local recipients will not abuse Federal goals and principles in spending shared manpower funds.

I believe the substitute bill represents an honest attempt to provide such an approach to reform of current manpower programs. I believe it also provides an ample opportunity during unemployment emergencies like the present one, for an extra shot in the arm to the economy in the form of public service employment.

Because it affords both program reform and needed funds for public service employment, I shall cast my vote in favor of the Esch substitute, H.R. 8141.

Should the substitute fail to pass during consideration of the committee bill, I shall support the committee bill on final passage, because, while it lacks any approach to program reform, it does provide a viable and necessary means of funding public service employment, and thus, of reducing current unemployment.

Mr. RANDALL. Mr. Chairman, I support H.R. 3613, the Emergency Employment Act of 1971.

Because of longstanding commitments to make a series of commencement appearances before high school graduating classes in our congressional district, I regrettably missed the vote on the previous question on Tuesday, May 18 and the vote which followed, to amend the rule to permit the substitution of H.R. 8141.

Had I been present I would have voted against the previous question and for the amendment to the rule, not upon the theory that I embrace the philosophy of H.R. 8141 but because of my long-standing belief that the House should be able to work its will in regard to amendments and substitutions. For such reasons I have consistently voted against the closed rule or gag rule.

Mr. Chairman, to say, however, that the House should have the opportunity to consider alternate proposals on manpower programs and public service jobs does not mean that I have concluded that H.R. 8141 measures up to the committee bill, H.R. 3613.

The record will clearly show that over the years I have without exception supported the manpower training programs, beginning with the first Manpower Development and Training Act many years ago. While recognizing that one should never become a slave to consistency simply for the sake of being consistent, to vote for the Esch substitute, H.R. 8141 would amount to a kind of indictment against those programs which have worked so excellently over the years.

To support H.R. 8141 would mean the repeal of all existing manpower legislation. To support H.R. 8141 would be a vote of repudiation of all the good that has been done and accomplished by such worthwhile programs as the vocational education training programs which the State educational agencies have set up with such care and which have worked so well.

Mr. Chairman, the substitute, H.R. 8141, to the committee bill, H.R. 3613, has never been considered by the Committee on Education and Labor. It is a fact that it was not introduced until May 6, or 2 days after the Select Committee on Labor had completed 6 full days of hearings. It is also a fact that H.R. 8141 is not even the same manpower revenue sharing bill which was supported by some of the minority members of the committee. Nor is it the same bill testified to on March 10 by the Secretary of Labor.

Now, of course, we do not know whether the charge made during the debate of May 18 is true when it was said on the floor that H.R. 8141 was written one night by the President's strategy committee. Without knowing the veracity of this charge it is a statement of fact that the substitute we are asked to vote on today was not the subject of hearings by the Subcommittee on Education and Labor.

In our judgment, H.R. 8141 lacks the assurances of last years bill, H.R. 19519, the Comprehensive Manpower Act offered by the gentleman from Wisconsin (Mr. STEIGER) which the House passed overwhelmingly by a vote of 275 to 80. That bill had the support of the American Vocational Association because it provided that the educators should serve on the Manpower Council. There was a provision that the sponsors must use to the extent appropriate the services and facilities of vocational and technical schools and area skill centers in carrying out the institutional training and educational components of a comprehensive manpower plan.

Thus, it would seem that one of the prime complaints against H.R. 8141 is that its delivery system is not educationally sound. Every part of a program should be subjected to professional judgment to assure that every trainee has programs prepared by a qualified professional.

Described fairly, the substitute is only a manpower revenue-sharing bill devoid of the statutory assurances that the courses of instruction offered will be truly calculated to train the enrollee for the job sought. Certainly it lacks the assurances that the House insisted upon by a vote of 275 to 8 last year. Another deficiency in the substitute in my opinion is the sudden or precipitous and total shift of manpower programs from the Federal to local government level.

Now, I am not opposed to revenue sharing as such. After a full hearing I would be willing to give general revenue sharing. Here, however, the only requirement is that the local government is making an announcement as to how these programs will work. This way Washington completely relinquishes the Federal Government's power and responsibility to approve local plans and thereby protect and enforce the will of the Congress. I do not believe the substitute is workable.

About as good a statement of the case as we can make of H.R. 3613 is that it is a move that will come to the aid of our cities, both large and small, where the unemployment figures increase each month. The Emergency Employment Act of 1971 recognizes that there are thousands of citizens without jobs on the one hand, and there are jobs unfilled on the other hand.

The need for the services and the jobs are there, the missing element is Federal funds needed immediately to put these people to work performing worthwhile tasks. H.R. 3613 authorizes these needed funds—$200 million for fiscal year 1971, $750 million for fiscal year 1972 and more for the other 3 years.

Simply, Mr. Chairman, the importance of this piece of legislation can hardly be overemphasized. This could become one of the most important pieces of legislation needed today. It has nothing to do with welfare. Instead it has to do with unemployment because of recent reductions in the aerospace and military procurement programs. The picture in many of our cities is bleak. Due to the overall reduction of jobs in the private sector and with the hard core unemployed we need this Federal program now. But one segment of the unemployed that cannot and must not be forgotten is our returning Vietnam veterans. The Emergency Employment Act of 1971 when enacted will become a major achievement of which we can all be proud of.

The CHAIRMAN. All time has expired. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Employment Act of 1971".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ESCH

Mr. ESCH. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Esch: Strike out everything after the enacting clause and insert in lieu thereof the text of H.R. 8141, as follows:

That this Act may be cited as the "Manpower Revenue Sharing Act of 1971".

STATEMENT OF FINDINGS AND PURPOSE

Sec. 2. The Congress finds and declares that—

(1) The Nation's prosperity, economic stability, and productive capacity are limited by a shortage of workers with sufficient skills to perform the demanding production, service, and supervisory tasks necessary in an increasingly technological society. There are also many workers who are unemployed or are employed below their capacity who, with appropriate skill development and training, could make a greater contribution to the national economy and share more fully in its benefits.

(2) Experience has shown that the administration and delivery of effective manpower programs are essentially local matters, requiring a more comprehensive, unified, and flexible approach and that State and local governments are in the best position to assure the active cooperation of employers, employees, and other public and private agencies, individuals, and organizations

(3) The effectiveness of manpower programs would be improved by making resources for such purposes available to State and local governments to use with broad discertion in evaluating the needs of individual participants and allocating resources to meet those needs.

(4) The Federal Government should make available to State and local governments a wide range of assistance and support to enhance the effectiveness of manpower programs.

It is therefore the purpose of this Act to establish a flexible and decentralized national manpower program involving the efforts of all sectors of the economy and all levels of government, by sharing Federal revenues for the purpose of carrying out manpower training and employment activities designed to provide greater opportunities for training and related services necessary to assist individuals to develop their full economic and occupational potential.

AUTHORIZATION OF APPROPRIATIONS AND ALLOCATION OF FUNDS

Sec. 3. (a) For the purpose of carrying out this Act, there is authorized to be appropriated without fiscal year limitation such sums as may be necessary for each fiscal year.

(b) The amounts appropriated to carry out titles I and II of this Act for any fiscal year shall be allocated as follows:

(1) 85 per centum shall be for training and employment activities carried out by States and eligible units of local general government under title I of this Act; and

(2) 15 per centum shall be for activities carried out by the Secretary of Labor (hereinafter referred to as the "Secretary") under title II of this Act.

TITLE I—STATE AND LOCAL MANPOWER PROGRAMS

USES OF SHARED REVENUES

Sec. 101. (a) Recipient units of government shall have broad discretion as to the various uses of revenues shared under this Act for manpower program purposes. Manpower programs shall constitute a developmental process, essentially transitional for each participant, consisting of whatever sequence or combination of manpower services, institutional training, on-the-job training, supported employment, and ancillary services which are needed by unemployed and underemployed persons, with priority afforded to those who are disadvantaged or who receive public welfare payments, to prepare for, secure, and hold self-sustaining public and private employment not supported by revenues shared under this Act. In carrying out such programs recipient units of government shall make maximum feasible use of existing educational institutions having a training capability, such as (but not limited to) area vocational schools, technical institutes, and junior and community colleges. The activities authorized under this title, among which revenues shared may be used at the discretion of recipients, are:

(1) Outreach, intake, counseling, testing, work evaluation and work sampling, employability development planning job coaching, job development (including job redesign and occupational restructuring), orientation, placement, and followup services;

(2) institutional training, including basic and remedial education, improvement in communications skills, and occupational skill training, with such training provided in languages other than English, where appropriate;

(3) on-the-job training for both entry and upgraded employees, providing for reimbursement of public and private employers for bona fide training and associated costs, such as where applicable, the temporary reduction in employee productivity in the course of such training;

(4) supported employment, which shall consist of—

(A) work experience and temporary employment in public and private nonprofit agencies, including that affording part-time work for students in ninth through twelfth grades, and

(B) transitional public service employment in Federal, State, and local government, which, within the period of support, will enable participants to move onto the employer's regular payroll or obtain other suitable public or private employment, not supported by revenues shared under this Act.

(5) ancillary services, where not available without reimbursement from agencies which normally provide such services, including assistance to involuntarily unemployed workers to voluntarily relocate, residential support, minor health services (including the furnishing of prosthetic devices), voluntarily received family counseling and planning, child care, bonding, and other special services reasonably related to enhancing the employability of participants in programs assisted under this title; and

(6) when deemed appropriate, recipient units of government may provide allowances or other financial assistance to individuals engaged in training or other activities under this Act for which they are not directly compensated by employers.

(b) Benefits (including services, employment, allowances, and other financial assistance) for each participant may be continued for a period of up to one hundred and four weeks: *Provided, however,* That the Secretary may, upon the request of the recipient unit of government, review a program and upon his determination (taking into consideration any special factors in the labor market area served by such unit) that this requirement creates an undue hardship or would result in defeating one or more of the purposes of this Act he may waive it in whole or in part (or make such adjustments in it as he deems appropriate) with respect to the program of such unit.

(c) Recipients of revenues shared under this Act are responsible for assuring that manpower services provided therewith are coordinated to the fullest extent possible and each State shall be responsible for working out a system to assure such coordination within the State, including at both State and local levels coordination with similar services provided by other public or private agencies under other statutory authority, to the end that there is developed a comprehensive manpower program in each jurisdiction served.

(d) Activities carried out under this title shall not—

(1) Involve the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office.

(2) Result in the displacement of employed workers or impair existing contracts for service.

DISTRIBUTION OF SHARED REVENUES

Sec. 102. (a) The amounts available for any fiscal year under this title shall be distributed by the Secretary among—

(1) States, for use in those parts of the State not within the jurisdiction of recipient units of local general government;

(2) units of local general government with a population of one hundred thousand or more persons which are (i) cities, or (ii) counties and other units of local general government within standard metropolitan statistical areas (qualifying population of which is exclusive of eligible cities) with powers substantially similar to those of a city;

(3) standard metropolitan statistical areas in which no single unit of government is eligible under clause (2) of this subsection, but where local units of general government with a combined population which constitutes at least 75 per centum of the total SMSA population form a consortium (hereinafter referred to as eligible units of local general government), recognized by the Secretary, to act for the entire area for purposes of this Act; and

(4) other combinations of units of general government which include at least one unit of local general government eligible under clause (2) of this subsection (hereinafter referred to as eligible units of local general government), recognized by the Secretary as manpower consortia, to act as one for purposes of this Act,

which are authorized by State or local law to carry out the activities as provided by this Act.

(b) Revenues shared among State and eligible units of local general government shall be amounts calculated in accordance with the proportions, equally weighted, which the number of persons in the labor force, the number of unemployed persons, and the number of low-income individuals sixteen years of age or older residing in each such jurisdiction bear to such total number, respectively, in the United States: *Provided,* That the funds to be distributed to manpower consortia formed pursuant to clause (4) of subsection (a) of this section which constitute a defined labor market area shall be an amount 10 per centum greater than that to which such jurisdiction would be entitled under the formula provided in this subsection. Eligible units of government whose fair share amounts are greater than their average base amounts would receive the higher of (1) double their average base amounts; or (2) one-half the amount calculated under the fair share formula, but not to exceed $500,000: *Provided further*, That no unit would receive less than $100,000, or more than the amount calculated under the fair share formula.

The excess of funds over the fair share amount would be used (1) to cover the shortfall incurred where the average base amount is greater than the fair share; and (2) to redistribute the remainder among all eligible units by the fair share formula. The average base amount is the amount of funds previously received for use in the jurisdictions of the eligible units of government consisting of a three-year average of the amounts received in the fiscal year ending June 30, 1969, June 30, 1970, and June 30, 1971, under the Manpower Development and Training Act of 1962 (as amended) and title I (parts B and E) of the Economic Opportunity Act of 1964 (as amended). The data used in applying the formula in this subsection shall be the annual data for the most recent year available, referable to the same time period for all jurisdictions. In lieu of an amount calculated in accordance with the foregoing provision of this subsection, the amount distributed to the Virgin Islands shall be $1,000,000 and the amount distributed to Guam shall be $300,000.

(c) Not less than **three months prior to** the beginning of any fiscal year, the Secretary shall determine the units of government eligible for shared revenues during the subsequent fiscal year upon receipt of evi**dence of authorization to carry out the activities provided by this Act under State** or local law, and shall publish in the Federal Register the apportionment factors which govern the distribution of funds under subsection (b). As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the actual revenue shares required by subsection (b). All computations and determinations by the Secretary under subsection (b) of this section shall be final and conclusive.

(d) Until such time as a unit of local general government is authorized under State or local law and is eligible to receive funds and carry out activities as provided by this Act, or in the event such a unit refuses to accept such funds, the revenue shares to which it would have been entitled under subsection (b) of this section shall be added to the shared revenues of the State in which that unit is located for discretionary use in providing manpower programs under this title.

(c) Until such time as a State is authorized under State law and is eligible to receive funds and carry out activities as provided by this Act, or in the event it refuses to accept such funds, the shared revenues to which it would have been entitled under subsection (b) of this section shall be available for expenditure by the Secretary for purposes of this title.

PROGRAM STATEMENTS

SEC. 103. (a) Prior to the receipt of any funds under this title for any fiscal year (and at least two months prior to the beginning of the appropriate fiscal year), in order to facilitate coordination among units of government, to permit public examination of the effectiveness of activities carried out under this title and to enhance the public accountability of recipients of shared revenues—

(1) each State shall publish and make available to the eligible units of local general government within its jurisdiction, and to the Secretary, a statement of program objectives and projected uses of funds; and

(2) each recipient unit of local general government (or combination of units) shall publish and make available to the State, and to the Secretary, a statement of program objectives and projected uses of funds.

(b) Statements of program objectives and projected uses of funds shall describe—

(1) the economic and labor market conditions and manpower needs for the area served;

(2) the number and characteristics of persons to be served;

(3) the types of activities which will be carried out under this title;

(4) the schedules of benefits (services, wages, allowances, other financial assistance) to be provided to participants;

(5) the offices and positions through which the activities are to be administered and the salaries thereof;

(6) the identity of agencies and organizations, public and private, carrying out services provided by this and other related Acts; and

(7) staff training and technical assistance needs.

(c) With respect to the annual program statement of each recipient unit of local general government, each State receiving funds under this Act shall provide to such unit of government not less than one month prior to the beginning of the appropriate fiscal year comments and recommendations regarding local program statements received under subsection (a)(2) of this section, including comments and recommendations about duplication of services and capacity, coordination, and integration with State-provided employment and manpower services.

(d) With respect to the annual program statement of each State, each recipient unit of local general government shall provide to the State not less than one month prior to the beginning of the appropriate fiscal year comments and recommendations regarding the State's program statement received under subsection (a)(1) of this section.

(e) The Secretary may provide to each unit of government such comments on its annual program statement as he deems appropriate.

(f) Each unit of government receiving funds under this title shall, prior to the beginning of the fiscal year, publish a final statement of program objectives and projected uses of funds amended as it deems necessary in the light of comments and recommendations which are provided under subsections (c), (d), and (e) of this section or are otherwise received.

(g) Accompanying each final program statement after the first one, each unit of government receiving funds under this title shall publish an annual report on the uses of such funds during the year then ending, which shall set forth expenditures made and the results achieved in relation to objectives, including the information required by subsection (b)(1) through (7) of this section and three-year projections of needs and requirements.

(h) Each unit of government receiving funds under this title (or under title III) shall provide assurances that preference in placement in programs financed under this Act will be given to unemployed or underemployed individuals who served in the Armed Forces in Indochina or Korea after August 4, 1964 (and who have been discharged or released therefrom under conditions other than dishonorable), and that such unit of government shall (1) make a special effort to acquaint such individuals with the programs and to provide job counseling, training, placement, and other services designed to assist such individuals in obtaining gainful employment; and (2) coordinate efforts on behalf of such individuals with those authorized by chapter 41 of title 38, United States Code (Job Counseling and Employment Placement Services for Veterans), or carried out by other public or private organizations or agencies.

RECORDS, AUDIT, AND REPORTS

SEC. 104. (a) All revenues shared with recipient units of government under this title shall be properly accounted for as Federal funds in the accounts of such recipients.

(b) In order to assure that revenues shared under this title are used in accordance with the provisions of this Act, each recipient unit of government shall—

(1) use such fiscal and accounting procedures as may be necessary to assure (i) proper accounting for payments received by it, and (ii) proper disbursement of such amounts;

(2) provide to the Secretary, on reasonable notice, access to, and the right to examine, any books, documents, papers, or records as he may reasonably require, and

(3) make such reports to the Secretary as he may reasonably require.

RECOVERY OF FUNDS

SEC. 105. (a) If the Secretary determines after giving reasonable notice and opportunity for hearing that a recipient unit of government has failed to comply substantially with the provisions of this Act he shall—

(1) refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted; or

(2) notify the recipient unit of government that if corrective action is not taken within sixty days from the date of such notification, revenues shared with it will be reduced in the same or succeeding fiscal year by an amount equal to the amount of funds which were not expended in accordance with the provisions of this Act; or

(3) take such other action as may be provided by law.

(b) When a matter is referred to the Attorney General pursuant to subsection (a)(1) of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

(c)(1) Any recipient unit of government which received notice of reduction of revenues shared, under subsection (a)(2) of this section, may, within sixty days after receiving notice of such reduction, file with the United States court of appeals for the circuit in which such unit of government is located or in the United States Court of Appeals for the District of Columbia a petition for review of the Secretary's action. The petitioner shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in litigation.

(2) The Secretary shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(3) The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary may modify his findings of fact, or make new findings, by reason of the new evidence so taken and filed with the court, and he shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evi-

dence on the record considered as a whole, and shall also file his recommendations, if any, for the modification or setting aside of his original action.

(4) Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

TITLE II—ACTIVITIES OF THE SECRETARY OF LABOR

SEC. 201. In order to maximize the effectiveness of activities carried out by recipient units of government under title I of this Act, the Secretary, either directly or through funds provided to public and private organizations, shall—

(a) contribute to the efficient exercise of discretionary powers under this Act of State and local governments, by developing capacity for and providing such training, staff development, and technical assistance as may be requested by States and recipient units of local general government;

(b) assist State and local governments to fulfill their responsibilities under this Act by carrying out a comprehensive program of power research and experimental, demonstration, and pilot programs to improve understanding and methods of meeting manpower, employment, and training problems;

(c) enhance the capacity of State and local governments to assess their manpower needs and set their own priorities by developing a comprehensive system of labor market information on a National, State, local, or other appropriate basis, which shall be made publicly available in a timely fashion;

(d) establish and carry out a national computerized job bank program, using electronic data processing and telecommunications systems to the maximum extent possible for the purpose of identifying sources of available manpower supply and job vacancies, providing an expeditious means of matching the qualifications of unemployed, underemployed, and disadvantaged persons with employer requirements and job opportunities, and referring and placing such persons in jobs;

(e) secure information and data designed to enable the Secretary to evaluate and measure the relative and, where programs can be compared appropriately, comparative effectiveness of the activities carried out under this Act;

(f) administer the Wagner-Peyser Act and the manpower provisions of title IV, part C of the Social Security Act in such a manner that services under such laws contribute to the fullest extent possible in the development of comprehensive manpower programs under this Act; and

(g) establish programs designed to assure that manpower programs contribute fully to national policy objectives, including services and activities such as authorized under title I of this Act.

SEC. 202. The Secretary shall make an annual manpower report to the President and the Congress pertaining to manpower requirements, resources, utilization, and training and to the effectiveness of programs authorized under this Act.

TITLE III—EMERGENCY TRAINING AND EMPLOYMENT ASSISTANCE

SEC. 301. When the Secretary determines that the rate (seasonally adjusted) of national unemployment has risen to equal or exceed 4.5 per centum for three consecutive months, the Secretary is authorized to obligate from the funds appropriated for carrying out this title an amount up to $500,000,000 for carrying out activities authorized under title I of this Act for the fiscal year in which such determination is made.

SEC. 302. The Secretary shall distribute funds available pursuant to section 301 of this title among States and eligible units of local general government to provide training and other services authorized by title I to groups or communities of high unemployment.

SEC. 303. No further obligation of funds made available under section 301 of this title may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4.5 per centum for three consecutive months.

SEC. 304. Whenever the Secretary determines that the unemployment rate criteria prescribed in section 301 and in section 303 of this title have been met, he shall promptly notify the Congress and the Secretary of the Treasury, and shall publish such determination in the Federal Register.

SEC. 305. This title shall be effective upon the enactment of this Act.

TITLE IV—GENERAL PROVISIONS

SEC. 401. The Secretary shall prescribe such rules, regulations, and standards as may be necessary to carry out the purposes and conditions of this Act, including standards to assure the compatibility on a nationwide basis of data systems used in carrying out activities under this Act in order to provide the public and the Congress with objective information on which to evaluate activities under this Act.

SEC. 402. Revenues shared under this Act shall be considered as Federal financial assistance within the meaning of title VI of the Civil Rights Act of 194 (42 U.S.C. 2000d).

SEC. 403. (a) Effective December 31, 1971, the Manpower Development and Training Act of 1962, as amended, and parts B and E of title I of the Economic Opportunity Act of 1964, as amended, are repealed: *Provided*, That for the fiscal year ending June 30, 1972, revenues shared shall be calculated on the basis of Federal appropriations for the entire fiscal year under this Act and statutory provisions repealed by this subsection, and cumulative Federal obligations from the appropriations for the fiscal year ending June 30, 1972, as of December 31, 1971, for grants or contracts consonant with the activities authorized under section 101(a) of this Act, within or attributable to the jurisdiction of each recipient unit of government will be charged against its shared revenues: *Provided further*, That each recipient unit may, at its discretion, assume and act on behalf of the Secretary with respect to the unexpended portion of any Federal obligation for a grant or contract for such activities as of December 31, 1971, under the statutory provisions repealed by this subsection, and may terminate or continue such grant or contract in accordance with its terms on its own responsibility. The grantee or contractor may terminate any assumed grant or contract within thirty days after such assumption without incurring penalties for default. In the event that a recipient unit of government declines to assume the obligation for any such grant or contract, it shall continue in accordance with its terms until termination. For the purpose of this proviso, all authority of the statutory provisions repealed by this subsection shall remain in effect, but not beyond December 31, 1972.

(b) Advance payments made prior to and including December 31, 1971, and unearned at the close of business on December 31, 1971, shall be either returned promptly to the Federal agency concerned, or offset against the first shared revenues to which the same unit of government becomes entitled under this Act.

(c) Unobligated balances of appropriations on the books of the Federal Government under the statutory provisions repealed by subsection (a) of this section shall be transferred to and merged with funds appropriated under the authority of section 3 of this Act.

SEC. 404. The amounts appropriated and allocated pursuant to this Act shall be paid to the recipient units of government at such intervals and in such installments as the Secretary may determine, taking account of the objective that the time elapsing between the transfer of funds from the United States Treasury and the disbursement thereof by a recipient unit of government shall be minimized: *Provided*, That the Secretary shall, with the concurrence of the Director of the Office of Management and Budget, prescribe regulations for the purpose of avoiding an inordinate rise in Federal outlays in fiscal years 1972 and 1973 resulting from concurrent disbursements to (i) obligations incurred prior to December 31, 1971, under the statutory provisions repealed by section 403 (a), and (ii) revenues shared under this Act.

SEC. 405. In the event that cooperation or agreements between States is necessary in order to realize the full benefit of provisions of this Act, the consent of Congress is hereby given to such States to enter into such agreements.

SEC. 406. The Secretary shall not provide funds for activities of a health, education, or welfare character under title II of this Act unless he shall first have obtained the concurrence of the Secretary of Health, Education, and Welfare. Such activities shall include, but not be limited to, basic and general education; institutional training; health, child care, and related ancillary activities; and supported work and job restructuring in the health, education, and welfare professions.

SEC. 407. (a) The Secretary is authorized to exercise all powers necessary for the implementation of title II, including the power (1) to rent or renovate real property without regard to any other law or regulation governing rental or renovation of such property, provided he first advises the Administrator of General Services Administration of his intent to do so and the reasons therefor, (2) to purchase real property for training centers, (3) to accept and use gifts and voluntary services for the benefit of the program, (4) to enter into contracts or agreements, (5) to make such payments in advance or by way of reimbursement as he may deem to be necessary or appropriate to carry out the provisions of the Act, and (6) to expend, without regard to the provisions of any other law or regulation, funds made available for purposes of this Act for printing and binding.

(b) Enrollees in residential centers assisted under title II of this Act shall not be regarded as Federal employees for any purpose, except that such enrollees shall be deemed Federal employees for the purposes of (1) the Federal tort claims provisions of title 28, United States Code; (2) the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.); and (3) subchapter I of chapter 81 of title 5, United States Code (relating to compensation for work injuries), except that the Secretary may prescribe rules and regulations, including variances from the provisions of this subchapter where he deems it appropriate and including the designation of appropriate salary levels to be used as a basis for computing benefits to such enrollees.

SEC. 408. All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted, which shall include revenues shared, under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276-5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950

(15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

SEC. 409. (a) As used in this Act, the term "State" means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands.

(b) For purposes of determining shared revenues under section 102 of this Act—

(1) the term "labor force" means the civilian labor force as defined and used by the Department of Labor's Bureau of Labor Statistics;

(2) the term "unemployed persons" means those persons who are unemployed as defined and used by the Department of Labor's Bureau of Labor Statistics;

(3) the term "low-income persons" means members of households or individuals living separately, whose income does not exceed criteria established by the Secretary, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors;

(4) the term "standard metropolitan statistical area" means those population centers as defined by the Office of Management and Budget; and

(5) the term "labor market area" means a local economic complex as defined by the Secretary, within which workers may normally change their place of work without changing their place of residence.

(c) Where appropriate, the definitions in subsection (b) of this section shall be based on the latest published reports of the Department of Labor and the Office of Management and Budget on the date of enactment of this Act and of each subsequent year. The Secretary may by regulation change or otherwise modify the definitions in subsection (b) of this section in order to reflect any change or modification thereof made subsequent to such date by the Department of Labor or the Office of Management and Budget.

SEC. 410. The effective date of this Act, except as provided in section 305 of this Act, shall be January 1, 1972. Rules, regulations, guidelines, and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment.

Mr. ESCH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ESCH. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. BURTON. Mr. Chairman, reserving the right to object, and I would not object if we have the opportunity to question the distinguished gentleman from Michigan. There have been assertions and counter-assertions that can only be responded to by direct questions, and direct responses to those direct questions. So at this time I will not object, and when the gentleman finishes his first 5 minutes then I will not object to the next 5 minutes with the understanding that the gentleman will respond to questions from the majority side.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ESCH. Mr. Chairman, the bill which I present, H.R. 8141, has come through the legislative process of last 2 years. There is not a Member of the House, and I do not believe there is a member of any body of expertise in this country dealing in manpower training, that accepts the contention that the present system is working properly. The major intent of the substitute bill is to restructure and to redevelop manpower training programs to give local control. It would provide funds directly to cities and counties of over 100,000, or collection of funds on an annual basis to provide the development of their own manpower training programs, while reserving 15 percent of the funds for the Secretary of Labor to utilize in research and development and staff functions, such as a much-needed job bank that so many of us have been working on for lo, these many years.

Moreover, in contrast to the committee bill which adds but one more narrow categorical manpower authorization for public service employment, it takes the confused and overcentralized manpower training programs and makes them responsive to local conditions and to individual need.

What are the major defects of the committee bill? As I pointed out, and by the admission of the chairman of the subcommittee, the committee bill will provide for only 150,000 public service jobs at a cost of $5 billion. Recognizing the number of unemployed in this country totaling 4.8 or 5 million, by their own admission, they will solve only 3 percent of the problem. By statistics it is shown there would be less than two individuals for each district that could receive funds under the committee bill.

To turn to the substitute bill, it provides for public service employment—indeed, $500 million in the first year, as opposed to $200 million in the committee bill. But it does so on the basis of a coordinated program at the local level. The problem of unemployment in the country is of national concern, but it is a local problem. And, therefore, the substitute bill reaches out to afford a solution to meet that problem.

Now, it has been suggested that under the substitute bill, the vocational education programs in the country would be adversely affected. This simply is without basis in fact. The substitute bill provides explicitly that to the maximum extent, the vocational and technical training centers and the vocational educators must be utilized in manpower training programs that are developed at the State and local level. I suggest to you that this is far more than what we have now in the present manpower training programs.

Moreover, the question was raised as to its impact on veterans. The committee bill under the amendment which I sponsored, gives preference to the Korean and Indochina veterans. The substitute bill provides not only for public service employment for veterans, but they will be given preference in all manpower training programs and not just public service employment.

Now, as to the other question relating to public service employment and the substitute bill. The mayors throughout the land have emphasized and I have indicated before, Mayor Stokes of Cleveland and the mayor of Baltimore and the mayor of Indianapolis, as well as Members on both sides of the aisle have said that the substitute bill is the best way and the most effective way not only to bring about public service employment immediately, but to establish a coordinated manpower program. So we stand at the crossroads here today. Does this House want to add one more categorical program that admittedly will not solve the problems of unemployment in this country? Or do we want to take this opportunity to fundamentally reform manpower training programs in the country in order to bring about a solution of the unemployment problem.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan (Mr. ESCH) be given 5 additional minutes to respond to questions.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. COLLIER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. BURTON. Mr. Chairman, I move to strike the last word.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I certainly shall after I take, perhaps, 1 of my 5 minutes.

Mr. Chairman, this issue is of great importance to every American community. I have repeated twice in what I hope were very unambiguous terms, and let me restate it the third time—we have asked the Department of Labor and have not received—we have asked the minority on the Education and Labor Committee and have not received—I repeat, have not received—the fiscal year by fiscal year actual expenditures and allocations for the past fiscal years of 1969 and 1970 and whatever estimates were used to derive the fiscal year 1971 expenditure and allocation amounts.

I repeat, we have asked for and have not received the fiscal year-by-fiscal year information. Now, why is that necessary? If you are a growth State or a growth community, it does not help you much what you spent in 1969 when it is averaged with 1970 and 1971. I want to know whether my community and my State—and if I do not get the information I have to assume that, when information is peculiarly in the hands of the administration, that every growth city and State in this country will be disadvantaged

One other point. In the committee bill virtually every single, small State in the country is better off-on the face of the tables—because they get an $1.5 million automatic add-on to what they are getting now. So my basic point is this: We simply cannot countenance dealing with a matter of this importance by supporting the Esch proposal in its entirety. There are some elements in the substitute bill that I think may be more desirable than in our own bill, but I want to deal with them on their merits, one at a time. I do not want to have to take it all or nothing. That is not a reasoned legislative process. That is just nonsense.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to the gentleman from Michigan, but will you first answer whether or not my assertions are correct or incorrect about the individual fiscal year data?

Mr. ESCH. I appreciate the gentleman's yielding. I, too, want to follow the legislative process and to follow along any reasonable analysis, discussion, and dialog, and I hope we might do that. I think that it is a matter of specific statistics rather than emotion, and I hope we can proceed on that basis.

Mr. BURTON. I am sorry, I did not hear the gentleman.

Mr. ESCH. Let me first answer the gentleman by saying that the base is determined on the 3 fiscal years, as he is well aware.

Mr. BURTON. I stated that.

Mr. ESCH. The statistics that I understand the Department of Labor has provided to the subcommittee chairman form the basis or the base for each State or each local community.

Mr. BURTON. I yielded initially for the purpose of enabling the gentleman to answer my question: Have we or have we not asked for, and have we or have we not received the individual fiscal year data?

Mr. ESCH. I would answer the gentleman that if he will read the bill carefully he will observe that it is of no consequence as to the individual years but rather it is the average of the last 3 years which makes a difference in the allocation.

If I may go on a bit further——

Mr. BURTON. Will the gentleman first specifically tell me, yes or no, have we requested the fiscal year data for 1969 and 1970, and how you base the 1971 cost allocations and expenditures? Yes or no.

Mr. ESCH. If my understanding is correct, you have requested on this floor——

Mr. BURTON. Have we received this information? Yes, or no?

Mr. ESCH. It is my understanding that it really does not matter. If the gentleman will read the bill, he will see that it does not matter whether you have the individual years or not.

Mr. BURTON. If it does not matter, why do you not let us decide for ourselves whether we are able to read and interpret the data? When you deal with averages such as those contained in the bill, you had better find out what all the component elements of the average are.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. BURTON was allowed to proceed for 1 additional minute.)

Mr. ESCH. If the gentleman will yield further, under the substitute bill the last 3 years' average—and surely there is no one who is going to play up the figures—the State of California, for example, has received $107 million. Under the substitute bill the State of California will receive $138 million.

Mr. BURTON. I decline to yield further.

Mr. ESCH. San Francisco——

The CHAIRMAN. The gentleman from California declines to yield further.

Mr. BURTON. I will ask my California colleagues to consider that it was not what the average was for the 3 past years. The more critical yardstick is what will we get under the current law for the coming fiscal year? All I am asking for is to examine the individual component parts, and it is not just the State of California, it is every growth community in the country that is affected in this way.

Furthermore, I make the assumption that virtually every small State in the country, on the face of the record, is better off under the committee bill than the alternative because every small State gets at least $1.5 million more money.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. ERLENBORN. Mr. Chairman, I rise in support of the amendment.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Michigan.

Mr. ESCH. In spite of the attempt at confusion by the previous speaker, the gentleman from California, it is clear that the allocation is based on the last 3 fiscal years. Furthermore, the formula is allocated so that if the population has increased during the last 10 years, rather than a State receiving less funds, it will receive more funds under the allocation.

Now, any attempt to confuse the issue of the allocation of funds should be rejected by this Committee. The specific figures, based on the 1960 census data, have been distributed to the subcommittee chairman. I know of no attempt at all to confuse the formula.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I will not yield. I have not received that courtesy before. I will not return the courtesy.

I am sorry; I could not yield; I do not have the floor.

According to Mayor Lugar, as he indicates:

> Contrary to Mr. Merrick's letter, the formula—while probably no closer to perfection than other Federal funding formula—clearly assures that no state and no city will receive less than they have been receiving for manpower programs.

I want to reemphasize that. The Secretary of Labor in his letter emphasized that also.

The real issue is whether or not we are going to change the manpower training programs. Let us not be confused by rhetoric from the west coast.

Mr. ERLENBORN. Mr. Chairman, again I reiterate that I find it interesting that last year, when we did reach an agreement with the majority for a comprehensive manpower reform bill as well as public employment, yet now we hear from the majority that this is too complicated, we have to take them up one at a time. That was not true last year, as we hear from the majority.

We are told we are not, in the substitute, reforming all manpower programs. I submit that last year the bill reported by the full committee and passed by the House did not include WIN and some of the other programs. Why is it so important that we include all programs in the manpower reform when last year it was not all that important?

Again I submit we came very close last year to reaching a final agreement in the conference committee on a bill that could be supported by the administration. We got down, really, to that one last element, where we were going to have either the make-work type of almost permanent subsidized public employment or the kind of program that would be coordinated with manpower programs to give training and move people out of subsidized public employment into either full-time unsubsidized public employment or private employment.

It seems to me very clear, having abandoned the course we found workable last year, that this year we are considering these elements separately, perhaps in the hope that we will face the President with the problem of deciding whether to sign the bill or to veto it again.

Last year, when the President vetoed the bill the other body upheld that veto. I believe that shows the sentiment which exists in the Congress, when the other body sustained the veto of the President.

I would plead that we join together in trying to solve the problems of unemployment by adopting the Esch substitute, which has the public service employment as well as manpower reformation. Let us join together to try to solve the problems of unemployment, rather than to make a political issue out of this thing.

I would hope the Members would see fit to support the Esch substitute, something that could be supported by the administration and which could be implemented much quicker than that the majority would have us pass today. It could be implemented with more funds this year.

Rather than look at how many dollars one community may have gotten last year as opposed to how many dollars one may get next year, I hope we can look at the problem of unemployment and see how many people are going to be helped, how many people are going to get training, to upgrade their employment so that they can be relocated, to help solve the problem of unemployment in this country. I hope the Members will support the Esch substitute.

Mr. PUCINSKI. Mr. Chairman, I rise in opposition to the substitute bill. I said yesterday that it was a cruel hoax on the tremendous number of veterans who are coming back from Vietnam and looking for job opportunities only to find that there are no jobs available.

All you have to do is read section 2 of the substitute bill, H.R. 8141, to see what a cruel hoax it is if we are going to deal effectively with the problem of creating jobs for unemployed Americans. The language there is:

> The Nation's prosperity, economic stability, and productive capacity are limited by a shortage of workers with sufficient skills to perform the demanding production, service, and supervisory tasks necessary in an increasingly technological society. There are also many workers who are unemployed or are employed below their capacity who, with appropriate skill development and training, could make a greater contribution to the national economy and share more fully in its benefits.

This is a mockery of the facts, Mr. Chairman. In America today we have 15.5 million Americans who are either unemployed, underemployed, or so-called working poor. You can talk about retraining people all you want, but you will be training them for nonexisting jobs.

The fundamental difference between the substitute bill and the Daniels bill is that the substitute bill offers to restructure the Nation's manpower program. We all agree that reforms are necessary in the manpower program. The gentleman from New Jersey (Mr. DANIELS), chairman of the subcommittee, has stated he is prepared to hold hearings and bring before this House an effective manpower reform bill. The gentlewoman from Oregon told you three subcommittees are now working on a bill which will bring necessary reforms in manpower training and that every Member of this House will have an opportunity to vote on this kind of a reform bill.

However, the issue before us today is whether or not we are going to give municipal authorities all over this country 150,000 new jobs to give veterans coming back from Vietnam and youngsters graduating from college the job opportunity they need. College students have never experienced a greater depression. College after college will tell you that youngsters graduating cannot find jobs.

This bill is also designed to take care of those who are dislocated from professional jobs. We are talking about professional workers in the aerospace industry and the other industries who are already trained. It is a mockery to say that you will retrain these people. For what? Nonexisting jobs? Our soldiers are coming back fully trained; our college students are fully trained and our dislocated unemployed professionals are also fully trained. All they need is a job.

And that is what the Daniels bill does. It provides funds so as to immediately provide 150,000 new job opportunities.

The substitute bill will not create one single new job.

They tell you there are $500 million in the substitute bill. That $500 million is to continue existing manpower programs and will not create a single new job. As far as the substitute is concerned, I ask the author to tell me one new job that would be created by this bill. He answers that local communities will make that decision. Is there anybody foolish enough here to think anybody in the manpower administration will phase out their own jobs in order to create funds for new jobs for the unemployed of America? Of course not.

So I say to you, Mr. Chairman, this substitute is a cruel hoax. If you want to do something about unemployment, then you will get behind the Daniels bill, which will have 150,000 jobs now.

All over this country mayors are sitting on a keg of human dynamite. There are young people who are out of work; workers who are unemployed. There are 6.5 million people who are unemployed, 6 percent of the Nation's labor force; another 6.5 million underemployed working a curtailed workweek, and still another 2.5 million working poor. And the sponsor of the substitute bill talks about prosperity. He talks about the fact that we have a shortage of workers.

Where has the gentleman been? Has he looked at the 6-percent unemployment statistics? Is the gentleman aware of the fact that the total percentage of unemployment now stands at 6 percent?

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Michigan.

Mr. ESCH. Under title 3 of the substitute bill, it is very clear that in the first year $500 million additional can be authorized for specifically public service jobs for training.

Mr. PUCINSKI. There is nothing in the gentleman's substitute that creates jobs. It merely provides additional funds for training people for jobs, upgrading skills, but it provides no manner for actually creating new jobs in the public sector.

Mr. ESCH. Will the gentleman let me finish my statement?

Mr. PUCINSKI. No, I refuse to yield further.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DU PONT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the substitute amendment.

Mr. Chairman, a few moments ago the gentleman from California made the statement on the floor that the 10 smallest States of the Union would not benefit from this bill, but that they would be worse off.

Under the substitute proposal as compared to the committee proposal, I would like to rise to say that that is categorically not true.

As a Representative of one of those 10 States, the State of Delaware, I can tell you how difficult it is to obtain funds from the Secretary of Labor, especially the kind of funds we need.

As a matter of fact the figures very clearly show that the State of Delaware in fact would be much better off under the substitute proposal. The average for the past 3 years shows that the State of Delaware has received an average of $1.2 million per year, whereas, under the manpower revenue sharing proposal, the actual amount for next year would be $2.6 million. That represents a substantial increase.

Mr. BURTON. Mr. Chairman, if the gentleman will yield, the gentleman's statement is accurate with reference to the State of Delaware. The gentleman from California stated that virtually every small State in the country would be worse off. The exception from the rule is the gentleman's State of Delaware, not Alaska, Wyoming, and so forth. The gentleman is correct with reference to his constituency but not the rest.

Mr. DU PONT. I would like to more precisely comment upon the remarks of the gentleman from California.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. DU PONT. I yield to the gentleman from Michigan.

Mr. ESCH. There is a major misunderstanding here which I think should be corrected for the RECORD. Rhode Island did receive $4.5 million in the last 3 years but it would receive $6.1 million under the substitute bill. Going down the list of States, North Dakota now receives approximately $3 million, but would receive $4.8 million under the substitute proposal. New Mexico, which is surely not one of the smaller States, receives $3.1 million but under the substitute bill would receive $3.62 million.

I appreciate the gentleman from Delaware yielding. I think the gentleman has made a good point. Despite the rhetoric, the statistics which have been pointed out indicate the States will be in better shape financially under the substitute bill than under the commitee bill.

Mr. DU PONT. Mr. Chairman, it appears to me that I should respond more precisely to the statistics which have been given by the gentleman from California in his comments. He was in error with reference to my State, and I think for the RECORD it would be helpful if he would establish for the 10 small States the precise comparisons.

Mr. BURTON. In the first instance, the Rhode Island situation is incorrect. If there has been any growth between 1970 and 1971 then the State will get more money under the committee bill than under the Esch substitute, because the committee bill increases the amount at least by $1.5 million to every single State.

I note that the gentleman did not belabor the fact that South Dakota for example, is going to be better off under the committee bill, or Wyoming and, virtually, as a simple rule of thumb all of the single-Member States except the State of Delaware as well as many of the two-Member States will be better off under the committee bill.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. DU PONT. I yield to the gentleman from Michigan.

Mr. ESCH. South Dakota was mentioned earlier, but I might point out that under present conditions they receive $3.9 million whereas under the substitute bill they would receive $5.1 million.

Mr. BURTON. The point is that our bill adds another $1.5 million to their current allocation—and this total exceeds $5.1 million.

The CHAIRMAN. The gentleman from Delaware has the floor.

Mr. BURTON. I just want to get into the situation with reference to South Dakota.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Mr. Chairman, does the gentleman want the accuracy of his point established?

The CHAIRMAN. The Chair will state that the gentleman from Delaware (Mr. du Pont) has the floor.

Mr. du PONT. I yield to the gentleman from Michigan.

Mr. ESCH. Mr. Chairman, I appreciate the courtesy of the gentleman from Delaware yielding.

I repeat that as the population increases the work force increases, and under the substitute bill the States and the given localities will receive more. And notwithstanding the objections and the statements of the gentleman from California (Mr. Burton) to the contrary, the facts are that the individual States will receive more both in terms of authorization and also in terms of commitment by this administration; and second, as the population and the workforce increases, then they will likewise receive more. That is a point of fact, and should not be confused.

Again I appreciate very much the courtesy of the gentleman from Delaware yielding to me.

The CHAIRMAN. The time of the gentleman from Delaware has expired.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the substitute bill. To my way of thinking—and I want my minority friends to hear this statement—the figures that have been circulated by the Department of Labor are grossly deceptive. I refer to figures distributed in a communication which compares the past 3-year average allocation to certain selected States for manpower programs with what is alleged to be the estimated allocations under H.R. 8141 for fiscal year 1972. The communication states that Alabama, for instance, over the past 3 years, received an average of $22,160,165 each year and then they say under the manpower revenue-sharing allocation for Alabama, $35,122,700. What the communication does not disclose is Alabama's allocation for fiscal year 1971 which should have been considerably larger than the 3-year average because of increased appropriations for manpower programs.

What the communication also does not disclose is that the funds in the committee bill H.R. 3613 are in addition to funds already authorized. H.R. 8141 repeals.

It has been stated and circulated that this bill in some way affects the Civil Rights Act. I want to say to you frankly that neither bill amends, supersedes, or adds to the provisions of title VI of the Civil Rights Act of 1964. Title VI of the Civil Rights Act of 1964, which prohibits discrimination in federally financed programs, would have application to the operation of either H.R. 3163 or H.R. 8141. On the other hand, because H.R. 8141 embodies the concept of public manpower revenue sharing, and would involve the commingling of the Federal and State manpower funds, it may well be that title VI would be held to apply to all of the State-sponsored manpower programs.

Mr. Chairman, let me turn now to concerns I have about the substitutes affect on vocational education.

Under section 403 of H.R. 8141, the Manpower Development and Training Act of 1962, as amended, and parts B—Work and Training for Youth and Adults—and E—Mainstream—of the Economic Opportunity Act would be repealed. Authorizations for other manpower programs, such as Job Corps under the Economic Opportunity Act of 1964, are not extended by H.R. 8141 and would be allowed to expire June 30, 1971.

H.R. 8141 contains none of the assurances of vocational education involvement in the training components of manpower programs that are provided for in the existing legislation such as to be found in section 231 of the Manpower Development and Training Act—

> (a) The Secretary of Health, Education, and Welfare shall, pursuant to the provisions of this title enter into agreements with States under which the appropriate State education agencies will undertake to provide training needed to equip persons referred to the Secretary of Health, Education, and Welfare by the Secretary of Labor pursuant to section 202, for the occupations specified in the referrals, except that with respect to education to be provided pursuant to referrals under subsection (b) or (j) of section 202, the Secretary of Health, Education, and Welfare may make arrangements for the provision of the education to be provided under such subsection through other appropriate education agencies. Such State agencies shall provide for such training through public educational agencies or institutions or through arrangements with private educational or training institutions where such private institutions can provide equipment or services not available in public institutions, particularly for training in technical and subprofessional occupations, or where such institutions can, at comparable cost, (1) provide substantially equivalent training, or (2) make possible an expanded use of the individual referral method, or (3) aid in reducing more quickly unemployment or current and prospective manpower shortages. * * * The Secretary of Health, Education, and Welfare shall give preference to training and education provided through State vocational education agencies and other State education agencies. However, in any case in which he determines that it would permit persons to begin their training or education within a shorter period of time, or permit the needed training or education to be provided more economically, or more effectively, he may provide the needed training or education by agreement or contracts made directly with public or private training or educational facilities or through such other arrangements as he deems necessary to give full effect to this Act.

Under H.R. 8141, 85 percent of the funds appropriated for all manpower purposes under the authority of the bill would be allocated to the States and "eligible units of local general government." With respect to the 85 percent, no assurances are provided in the legislation for the involvement of State educational agencies in the development and operation of the manpower training programs.

Mr. Chairman, consideration on the floor of the House of the proposed substitute, H.R. 8141, creates a real danger of drastically altering the funding of ongoing vocational education programs, drastically shifting the responsibility for the development of manpower training programs in ways which cannot be adequately seen without the benefit of public hearing, public debate, and thorough study of the legislation.

The bill that the committee brought to the floor, H.R. 3613, was a bill limited in scope. It simply added a new manpower weapon; that is, the creation of a public service employment program. In an extraordinary step of amending the rule under which the legislation is being considered, the House is being called upon to repeal all of the provisions of the Manpower Development and Training Act and the specific repeal of the manpower provisions of the Economic Opportunity Act and the repeal by implication of other provisions of that act.

The committee is and will be extensively studying all manpower programs in view of their imminent expiration dates with a view to bringing to the floor appropriate legislation to extend and strengthen Federal manpower legislation.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

(Mr. PERKINS asked and was given permission to proceed for 2 additional minutes.)

Mr. PERKINS. Mr. Chairman, the American Vocational Association and the State vocational education leaders throughout America are against this legislation.

What is going to happen to our Job Corps centers? They cannot tell you what is going to happen to the Job Corps centers in the future or to any of the other manpower programs. What is going to happen to the State employment service offices? Answer that question.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. Yes, I am pleased to yield to the gentleman from Michigan.

Mr. ESCH. As I stated, under the substitute bill, the State employment services would stay the same and additionally, I would point out that the vocational educators——

Mr. PERKINS. How would this affect the functions of our State employment service agencies?

Mr. ESCH. It does not affect them, Mr. Chairman.

Mr. PERKINS. It does?

Mr. ESCH. It does not.

Mr. PERKINS. It does affect them in good conscience, because they do not know where they stand.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman.

Mr. PICKLE. I would like a further explanation of what it does to the employment service within the State. The public service have worked out the best system. And that is the question to those who have authority to bypass the employment offices.

Mr. PERKINS. And they are completely ignored under the substitute bill. Under the substitute bill, the employment service can be completely bypassed at the discretion of the recipient of the grant.

Mr. PICKLE. Mr. Chairman, if the gentleman will yield further, how does this affect the Job Corps? Does this mean that once the appropriation is made that the programs must be carried on solely by the State and might then dwindle away or disappear?

Mr. PERKINS. It would depend on the type of programs that the States wanted. With respect to the specific authorization for the Job Corps the substitute would let it expire on June 30. H.R. 8141 is, remember, a comprehensive manpower bill as we are told by our colleagues across the aisle and the comprehensive plan does not call for extension of the Job Corps.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIE. Mr. Chairman, I move to strike out the last word and rise in support of the substitute amendment.

Mr. Chairman, it bothers me when the facts are not presented correctly. I just want to say to the gentleman from Texas or to anyone else who might be interested that the Job Corps under the substitute carries on just as under present law.

Now many of you, maybe like me, would like to have seen the Job Corps moved to the State administration. That was in the administration's original proposal. But when the gentleman from Michigan (Mr. ESCH) presented the substitute bill, he did not include the Job Corps as a part of the special revenue sharing for manpower. So I know that all of you, like the gentleman from Texas, is concerned about the Job Corps Center in his area. It would continue as at present. If you have any worries about the Department of Labor and the Secretary of Labor not providing for adequate assistance to the Job Corps, that exists under present law. That kind of uncertainty presently exists and will not change.

As for the Office of Employment Security it will operate under present law. It will not be necessary for the placement of employees who have gone through the job training programs of NDTA or those of title I of EOA to be placed on jobs through the Office of Employment Security under the Esch substitute. The employment security offices would remain as they are at the present time.

Another point has been raised here about vocational education. Vocational educators are concerned about the Esch substitute. There is no question about that. But the significant thing to me is that when I was talking to a vocational educator from my State. I found that they do not support the committee bill either.

What it boils down to is the fact that vocational educators like security if they can get it. I have worked with them and have been pushing hard for them, as has the gentleman from Kentucky. But I recall in 1963, when we wanted to remove the earmarking in the 1963 act from home economics, agriculture, distributive education, trades and industry, they were opposed. They wanted the earmarking security. It is difficult for them to accept insecurity, having to fight for the money but in 1968 the vocational educators accepted it and funds are no longer earmarked except for home economics.

What this means is that under the MDTA program, where they have presently the security which that program has provided to vocational education, that same kind of statutory requirement does not exist in the Esch substitute. However, the requirement that mayors and Governors shall make maximum feasible use of vocational and technical schools and the junior and community colleges is added in the Esch substitute. It is added to that language that was in the administration proposal to make certain that when a local mayor or a Governor develops a program under the authority of the Esch substitute, they would have to take into consideration the availability of programs in these institutions.

I have confidence that when the mayors or the Governors are looking around for the institutional-type programs, the Governor will definitely turn to the State Department of Vocational Education as they have in the past.

Where will the mayors turn to? The stable programs, well accepted in their communities, will be in a good position to be funded by the mayors. The mayors may not fund the community action programs. But when it comes to vocational education, they will be confident that they will have a program that will do the job.

The same kind of confidence that has been expressed on the floor of the House, the same kind of confidence in vocational education that has been expressed in votes on amendments to the Vocational Education Act will also be expressed by the mayors.

The sentiment that has been expressed constantly to increase the amount of money over budget requests for vocational education exists in the communities around the Nation, in the cities and States. Mayors and Governors believe in vocational education just the way we do. I do not believe that vocational educators need to feel that they are going to lose the opportunity to utilize manpower program money in order to run their good institutional programs. We can give them that assurance.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. COLLIER. Do I correctly understand that the committee bill will put to work only 3 percent of the total unemployed force today?

Mr. QUIE. That would be the case in the estimate of 150,000 jobs. That is correct.

Mr. COLLIER. So that with all the political window dressing to which we have been subjected today—and it will continue as everyone here knows—whether we vote now or an hour from now, the outcome of the vote will not be any different.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. CARTER. I would like to ask the distinguished gentleman in the well if funds for vocational education under the Esch amendment will not be earmarked? Is that true?

Mr. QUIE. No, they will not be earmarked and, of course, they are not earmarked under present law either.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

The Chair recognizes the gentleman from California.

Mr. HAWKINS. Mr. Chairman, the debate has not brought out one point which I think is a big difference between the two bills.

Our Nation is today faced with a crisis of persistent high unemployment. Jobs—not manpower reform or so-called revenue sharing—is the central issue.

H.R. 3613, the committee bill faces this issue directly by providing employment opportunities now on an emergency basis as part of a larger program that in other legislation in this Congress would provide more jobs to veterans, to poverty stricken individuals, and to our youth this summer.

H.R. 8141, in contrast, is a diversionary move which deserves consideration but in a manner which would not delay relief to the victims of a sluggish economy, an unsound tax system, and poorly designed reconversion policies.

Abdication of our Federal responsibilities to so-called local decisions is a cruel deception. Federal policies—not the absence of local control—are responsible for the two and a half million persons who have lost their jobs since January 1969, the 2 million persons added to poverty, and the rising welfare rolls—22.5 percent in 1 year.

States rights and home rule have nothing to do with the 350,000 unemployed veterans for whom we—not local officials or private enterprise—are responsible.

Similarly, sharing $5 billion in new revenues and consolidating a few manpower programs will not offset the $24 billion in losses States and local government are now suffering annually because of national policies beyond their control.

In one region of the country the substitute is offered as a means of returning control to the States but in another region it is being sold as a commingling of Federal moneys with local revenues which would create civil rights and new employment opportunities for minorities. This has created strange bedfellows slumbering in the mirage of dividng a $5 billion slush fund. If this proposal is adopted it will require a year to simply draft guidelines.

The committee's bill goes to the heart of the problem by providing jobs to individuals and relief to communities of persistent high unemployment.

H.R. 3613 contains a special employment assistance program for communities of persistent high unemployment—6 percent or more for 3 months. Section 6, page 21.

This provision will make eligible for assistance neighborhood areas within a city or county which are islands of economic distress in otherwise prosperous general local governments.

Such distress areas may be, for example, in Appalachia, or in the State of Washington, or parts of southern California, in the Southeast, Deep South, or New England—or the persistent ones of Watts, Harlem, Hough, or other low-income ghettos where unemployment rates even in times of national prosperity seldom fall below 6 percent.

Potentially this concept could provide employment assistance for communities suffering from industrial dislocation, rapid technological change, or from foreign imports.

Section 403 of H.R. 8141 repeals both the Manpower Development and Training Act of 1962 and the manpower programs of the Economic Opportunity Act. Among the latter are such programs as JOBS, CEP, NYC, Public Service Careers, and Mainstream. No assurance is given—or can be—that a single one of these will be continued.

While the Esch substitute authorizes public service jobs, purely discretionary, there is no guarantee that a State or city would use its manpower funds for this purpose, and if it did under the language of H.R. 8141 such employment would be made-work, dead-end, bed-pan jobs.

Since January 1969, millions of our citizens have been victims of both the economic slowdown and a manpower policy that eschews essential job-creation activities especially in the public sector. I cite as an example, the statement of George Shultz, then Secretary of Labor, testifying before the House Ways and Means Committee, October 16, 1969:

> It is not our intent to create jobs in the public sector especially for the hard-core unemployed as a way of solving manpower problems. We believe that such jobs are not a solution to employment problems, and represent instead a failure to face up to the more difficult task of equipping individuals to compete for the ever-increasing number of real jobs that our economy is producing. We estimate that there will be 2 million job openings a year in clerical, sales, and operative occupations.

Instead of the 2 million job openings he predicted, our economy has suffered that many losses. And, ironically, the Government paid the training costs of many persons who were laid off or did not find jobs because of Government policies.

However, and this involves the issues of what jobs the administration is talking about, Mr. Shultz in testifying on the family assistance plan in the same testimony said:

> It is a fact that our economy has a lot of jobs that pay low wages. We are not going to be remaking the economy in this program. We have to relate to the labor market. We can only put people in the jobs that exist.

Later in Virginia, the President referred to these as "bed-pan" jobs.

We should reject also the economic policy of the desirability or inevitability of large numbers of unemployed workers, even the so-called full employment rate of 4 percent. At this rate, over 3,200,000 persons would be unemployed of which minorities would suffer a disproportionate number at a double rate.

We must, therefore, brand as totally unacceptable a permanent manpower program that aims to provide only transitional, short-term jobs that must inevitably be made-work projects and temporary relief.

As an alternative, I would urge adoption of a massive Federal job-creation program in the public service fields where Government responsibilities lie and with these minimal requirements:

First. At least 500,000 productive jobs in 1971—one-half a fiscal year.

Second. A permanent program available, on a continuing basis to specific areas of substantial and persistent unemployment and underemployment, without regard to national unemployment rates.

Third. Jobs must have prospect of permanence, social desirability, self-improvement, adequate wages—and with supportive services including education, child-care centers, transportation, housing, and health.

Fourth. Local contributions from States and cities should not be required except "in kind" and as a recognition of "Federal revenue sharing" concept.

I would also reject as unacceptable any proposal to turn the delivery system of manpower services over to the Governors. This I construe as an abdication of the Federal responsibility. Unemployment is largely a problem resulting from manipulated factors in the economy and is not confined by State boundaries.

Also, the poor and minorities have suffered from Governor vetoes of OEO programs, the States handling of educational moneys, the agricultural commodity distribution system, the law enforcement assistance program, and the operation of Federal-State employment offices.

If in truth "equal employment opportunity is the primary goal of the Nation's manpower," as was stated in the President's 1970 manpower report, then I submit my recommendations clearly fall within that context.

Equally required, however, are enforcement and strengthening of equal employment opportunities programs established under the Civil Rights Act of 1964, other related legislation, and Executive orders, which forbid discrimination in employment on the basis of race, color, sex, religion, or national origin.

Frequently such efforts have been thwarted by the administration. The Attorney General's office has opposed giving the Equal Opportunity Commission cease and desist power comparable to other regulatory agencies. Officials of executive departments, and the Office of Federal Contract Compliance in the Department of Labor have stubbornly approved contracts not in legal compliance. And even the President's own Executive orders pertaining to the Federal civil service—Nos. 11246 and 11478—have been consistently ignored. The Department of Defense, for example, has only three Negroes occupying supergrade positions out of a total of over 500 such positions.

In a memorandum to Federal agencies only 2 months after he took office, the President stated:

> I want to emphasize my own official and personal endorsement of a strong policy of equal employment opportunity within the Federal Government. I am determined that the executive branch of the Government lead the way as an equal opportunity employer.

In spite of this declared policy and Executive orders, Negroes and women employees are still heavily concentrated in lower grades.

There is urgent need for us to clarify and to enunciate a manpower policy, including the consolidation issue. Likewise, we should deal with the issue of whether revenue sharing, which we are already doing, should be freed from Federal guidelines and national priorities.

But these are not simple issues that can be decided in an afternoon of open debate or divorced from tax revision, fiscal and economic policies, and even grave constitutional questions relating to revenue sharing as now being proposed.

For these reasons, the committee bill to create immediate jobs should be adopted. And the provisions of the Esch substitute should be given further and careful consideration in committees appropriately charged with the diverse subject matter.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in opposition to the Esch substitute.

Mr. Chairman, it has always been apparent that when a proponent finds it is necessary to fudge on the figures and to shave definitions in response to questions and play the game of technical semantics in preference to straight answers he generally does not have a very strong case. In the time that I have worked with the two gentlemen, on the other side on our committee who have been throwing these assertions around I have never seen them shave so closely or fudge so much.

I am a little disappointed that the gentleman from Michigan, the author of this substittue, is so totally out of touch with the realities of what is going on in the labor market of our State. I cannot understand, since his district is adjacent to mine, why he seems to be totally unaware of the real problem which will not be helped by the continued training of people, for jobs that do not exist in Michigan. Our main problem is the fact that 100,000 people who were employed in Michigan 1969 have become unemployed for long enough to have completely exhausted both their Federal and State unemployment benefits.

His good friend and mine, the Republican Governor of Michigan, is the authority for the pressing need for jobs in our State, and I will be glad to provide the details that he has sent to me on that.

I wish he had taken the time to talk to the Governor about this, because I do not believe he will find him on the side of those that he asserts to be wholeheartedly supporting his substitute and opposed to the committee bill.

Mr. ESCH. Will the gentleman yield?

Mr. WILLIAM D. FORD. I will yield, if I have time, when I am through.

Mr. ESCH. For a question?

Mr. WILLIAM D. FORD. We are supposed to be able to trust the gentleman from Minnesota when he tells us what the people in vocational education want because in the past he has always been very close to them—but he has apparently not been getting along with them as well as in the past, because in response to the question to the gentleman from Kentucky (Dr. CARTER) Mr. QUIE fudged a little bit when he responded to the question: "Do we have the assurances in the legislation that the vocational education people want?" Mr. QUIE's answer was "No. They are against both bills."

I cannot imagine how Mr. QUIE could really assert, and I hope, if I am wrong, that he will come back to the microphone and reassert what I thought he said when he indicated that they were opposing both bills. On May 28 of this year the executive director of the American Vocational Association, Lowell Burkett, wrote to Chairman CARL PERKINS of the Committee on Education and Labor and pointed out that he was distressed because of the misrepresentations being made about the position of the vocational education people on this legislation. I will read from that letter:

> In recent days questions have been raised as to the consistency of the position of the American Vocational Association with respect to the manpower-public service employment bill currently pending before the House of Representatives. Unfortunately, there are those who have erroneously characterized both the AVA position and the AVA Executive Director's statement of such policy.
>
> The position of our Association with regard to manpower legislation has not changed; on the contrary, it appears to us that dramatic shifts have occurred with respect to the position of the Administration, the Labor Department, and some Minority members of the House Committe on Education and Labor over the central issue of responsibility and accountability for the Federal Manpower program. This letter is sent to clear up whatever misunderstandings may remain concerning the philosophy or position which guides the American Vocational Association with respect to manpower legislation.

I submit that the two gentlemen I have just identified are the two members of the Committee on Education and Labor who have turned 180 degrees from their previously consistently held position on the role of the vocational education people with regard to manpower training.

Mr. Burkett finishes his letter with this statement, and this goes directly to the assertion of the gentleman from Minnesota:

> In view of the fact that public service employment (H.R. 3613) is outside the purview of vocational education and training, we have taken no position on this measure. Our position on H.R. 8141 is consistent with our past position on manpower legislation. We oppose H.R. 8141 because it is substantially devoid of the statutory assurances that, in our professional judgment are essential to the conduct of Federal Manpower programs. The bill is almost totally lacking in these assurances which the U.S. House of Representatives insisted upon last year.

Therefore, Mr. Chairman, the proponents of the Esch substitute have been less than candid in their assertions of support for their proposition. We cannot afford to legislate in the field of manpower training in anything but a straightforward and honest presentation of facts without possibility of misunderstanding. I, therefore, urge a vote of "No" on the Esch substitute and then a "Yes" for passage of the committee bill.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. REID of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the committee bill.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. Yes, I shall be happy to yield to the gentleman from Michigan.

Mr. ESCH. I appreciate the gentleman from New York yielding. Just for clarification, it should be pointed out that the distinguished Governor of the State of Michigan has communicated with me supporting the Esch substitute and rejecting the committee bill.

Mr. REID of New York. Mr. Chairman, I think there are several reasons why the committee bill should be supported. I think that the Federal Government has a responsibility to take action now to assist the 5 million Americans—representing more than 6 percent of the labor force—who are now unemployed.

Second, there is a very great need in some parts of the United States for public service employment that is of a permanent and lasting character. This is true in the city of New York, it is true in upstate cities of New York like Rochester, Buffalo, Utica, and Rome where there is a critical shortage of professionals in the fields of health, library science, education, environment, among others. There is an equally critical need for additional personnel in the police departments and fire departments. Many cities simply do not have the money to hire skilled personnel to perform these vital public services, and it is the citizens who suffer from reductions in services.

Some of these cities are presently considering the needs for some layoffs because they do not have the funds for critical public service employment.

Third, Mr. Chairman, I would point out that while there is much merit in the Esch bill there as yet have been no hearings whatsoever on it.

Fourth, the Esch substitute would consolidate a dozen programs totaling over $1.5 billion and involving 1 million people at a time when we have an increasingly high rate of unemployment.

I do not think anyone can tell you what the effect of the substitute would be in terms of the unemployed who are seeking work or training, including skilled professionals who are seeking retraining in new fields. A complete change in manpower programs now could be an administrative nightmare. The city of Buffalo has gone from an unemployment rate of 6.8 percent to 6.9 percent between January and March of this year. Utica and Rome have gone from 7.6 percent to 8 percent. Plattsburgh is up to 11 percent. Considerably higher than even these figures are the unemployment rates for teenagers and members of minority groups, and there are 350,000 Vietnam veterans who cannot find work after their discharge from service. There are men and women without jobs, behind these statistics—men and women who cannot wait while a new manpower structure gets in gear.

So, in my judgment this is not the moment to completely reshuffle programs involving 1 million people without some careful study by the Committee on Education and Labor and by this House. That is not to say that the principle of the consolidation of some programs is not valid. I would submit that it is, but it is sufficiently important in my judgment to warrant hearings and for the committee to be able to report in greater detail than is now possible what would be involved.

One aspect of the Esch substitute that has received little attention; for example, is that in repealing the Manpower Development and Training Act, the substitute would also eliminate the authority the Federal Government now has to operate certain national emphasis programs and to establish certain guidelines based on national principles and purposes. The intention of many of these national programs—apprenticeship, Outreach, buddy program, and so forth—has been to encourage integration of unions and to discourage use of training funds for sweatshop or runaway shop conditions. Without Federal authority to impose these guidelines and run these national programs, these important principles and purposes may well fail to get the emphasis they require on a local level.

I would like to say also that New York City and Mayor Lindsay support the committee bill, as does the U.S. Conference of Mayors, but, equally, the National League of Cities supports the administration's approach.

Mr. Chairman, it would be my hope, and I believe we have the assurances from the chairman of the subcommittee, the gentleman from New Jersey (Mr. DANIELS), that if the committee bill is supported, there will be broad hearings on the need for a study of the overall manpower training programs.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I am delighted to yield to the distinguished gentleman from New Jersey.

Mr. DANIELS of New Jersey. I can assure the gentleman that that is my intention. I inserted that fact earlier when the House was considering the rule.

Mr. REID of New York. I thank the gentleman for that reassurance.

Finally, Mr. Chairman, I would make one other point clear. The administration bill, the Esch substitute, does not—I repeat—does not have a triggering device on local unemployment which would make additional public service employment funds available in critical local situations.

That is, unlike the committee bill, the Esch substitute does not provide additional public service employment funds in local areas which are faced with critical unemployment situations. The only additional funds in the Esch substitute for public service employment could be released on the basis of a national trigger—there is no separate local trigger as there is in the committee bill. I regard this as a major omission.

The committee bill does have a special section so that in localities around the United States where unemployment is high, even though the national trigger was not activated, there would be funds for critical local unemployment, and this is just not in the administration's substitute bill.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I believe the gentleman from New York is making an extremely important point in the difference between the two bills, and that is that under the committee bill a local area could be defined as an area with a high rate of unemployment, and immediately qualify for immediate assistance. So I congratulate and thank the gentleman from New York for making that point.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to my colleague, the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, I wish to thank my distinguished colleague for pointing up the desperate problem in New York State, and the unemployment there that goes in some places in New York City among minority male teenagers, up as high as 35 and 40 percent. New York City cannot accept a pig in a poke. We need real relief—and we need it now.

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Mr. Esch, and by unanimous consent, Mr. Reid of New York was allowed to proceed for 1 additional minute.)

Mr. REID of New York. Mr. Chairman, I would just like to close by emphasizing the point that my colleague, the gentleman from New York (Mr. Scheuer), has made. I do not believe that anybody in this House fully understands that New York City is faced with potentially losing not just jobs that are peripheral jobs, but jobs in vital public services such as in the hospitals, the police department, and in the fire department. There are simply no funds available for some of these key jobs. In some cases, the choice is between continuing vital hospital services and the vital services of the police and fire departments, or not continuing them, absent some very marked changes in Albany.

Frankly, I believe that the administration is opposed to public service employment of a lasting and meaningful character. This reflects, in my view, a failure to understand that 6 million Americans need jobs and a failure to understand that there are important and vital jobs in our States and cities and towns that need to be done. These are not jobs raking leaves; they are jobs that often involve saving lives. Given our high unemployment rate and given the positions that must be filled, I think that the Federal Government has a unique opportunity to bring these two elements together. There is a clear need nationally for public service employment legislation, and I hope that this will be considered on its merits.

Mr. ALBERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly agree with the remarks made by the gentleman from New York, Mr. Reid, who preceded me. I further believe that to varying degrees the statements the gentleman made are true throughout nearly every section of our country.

Mr. Chairman, I hesitate to take the floor and to take the time of other Members, but it seems to me that this is one of the most important bills we will be called upon to consider. It further seems to me that the choice between the committee bill and the substitute bill is also one of the most important choices we will be called upon to make this year.

What the gentleman from New York, Mr. Reid, has said about the need for public service employment and the staggering amount of unemployment in some areas is certainly true. Five million unemployed Americans represents a massive waste of manpower, and signifies want in the midst of plenty. Most of all, they speak to us of the immeasurable loss of human dignity that any breadwinner suffers when he is unable to support himself and his family.

The challenge presented here in this Chamber today is to change the direction of national policy and reverse the cumulative drain on the energies and abilities of millions of willing but hopeless Americans. We cannot, as Representatives of the people, continue to ignore their needs. The overwhelming necessity for passage of H.R. 3613 is clearly indicated by the deep persistence of unemployment throughout the land. If there is anyone in this Chamber who is still unconvinced of the crisis the Nation faces, let him but glance at the lengthening list of areas of substantial and persistent unemployment.

No State is immune from the blight. We are all affected by the spread of massive joblessness to 52 major labor areas and 687 smaller areas. The substitute bill, it seems to me, has no place in the debate on the proposition which has brought this matter to the floor. It does not guarantee a single additional job for an unemployed person. It substitutes a training program aimed at possible future employment for the immediate creation of jobs for many thousands of Americans. Its sponsors cannot indicate what jobs these people will be trained for. The substitute bill blunts the cutting edge of the legislation reported by the committee and reflects a lack of sense of urgency and an unwillingness to respond to a national crisis.

If I understand it correctly, the committee has had no hearings on the substitute bill—at least, no lengthy hearings. We have not submitted it to a comprehensive examination on its merits and an examination of its effects. We have no record by which we can vote on it with reasonably well-informed judgment.

What we do have is massive nationwide support for public service employment, from Governors, from mayors, from civic and trade organizations, from labor and from responsible economic experts—and from the American people themselves.

It seems to me, Mr. Chairman, our mandate is clear. Our duty is inescapable. We have here in this Chamber an opportunity today to demonstrate that the system works and that it works in the interest of each individual and the Nation as a whole.

Let us not abrogate our responsibility, but rather address ourselves to the larger concerns which demand a response. The committee bill is an important step toward economic recovery in this Nation, at a time when economic recovery is more important than it has ever been for 30 years.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike out the last word and rise in support of the substitute amendment.

Mr. Chairman, I could fully agree with what the distinguished Speaker of the House has just said, that we are called upon this afternoon to make one of the most important decisions that we will make during this session of the 92d Congress. However, it seems to me the fundamental error that has been made on the majority side of the aisle—and I have heard it time and time again, both from the gentleman from Michigan, Mr. O'Hara, when he spoke, and the distinguished gentlewoman from Oregon, Mrs. Green, when she spoke—that they were only too willing to concede that there are some very serious and some very fundamental shortcomings in our present manpower training programs. However, they argue that we must forgo any changes in those programs at this time in order to enact an alternative program of public service employment.

I got some figures when they crossed my desk the other day that showed the explosive growth that has been taking place in these manpower programs in the last decade.

We were spending in 1962 $2.3 billion for manpower programs according to the U.S. Budget Bureau, and in 1972, that figure had grown by more than 50 percent to $3.8 billion.

So we are talking of some very considerable sums of money indeed when we are talking about the manpower training programs of the Federal Government.

But the fundamental error, I would repeat, that is being made on the other side of the aisle is to pose this question in such a way that Members are made to feel that they are obliged to choose between public service employment on the one hand and the reformation and restructuring and reorganization of manpower training programs on the other hand.

As one who has listened carefully both during the debate that took place 2 weeks ago under the rule and today under general debate and under the 5-minute rule, I cannot believe that this represents a correct analysis at all. We have an opportunity here today to do both. We have an opportunity to enact a substitute bill that will make available immediately $500 million for public service employment, and I am happy that that is a feature of the Esch substitute, and also begin the necessary and overdue restructuring of our manpower training programs.

I would agree with the distinguished speaker and the others who believe that there are some very serious unmet social needs, particularly in our great metropolitan areas, and that public service employment can play a part in meeting those needs. But again I think that compounding the error that was so prevalent throughout the 1960's, the majority side of the aisle is trying to paint this as a panacea. As has been repeated over and over again, when you are dealing with about 3 percent of the total unemployment problem as you are when you talk about creating 150,000 public service jobs, the committee bill is not a panacea that will solve the unemployment problem in this country.

What we have to do, I think, is to do more than we did during the 1960's, when we developed our manpower programs that focused almost exclusively on the young, on the marginal, on the unemployed workers, and we trained them for semiskilled jobs that were already in short supply. What we need today in the 1970's is to develop the kind of programs that are geared to the actual structure of the job market, and what I think this means is to concentrate and to focus on the upgrading of the currently unemployed blue-collar workers for the highly skilled white-collar jobs in areas where shortages exist today. Do not train them for the jobs at the bottom of the ladder that are already in short supply. Try to do something about reshaping, restructuring. and reordering our present manpower programs so that throughout this whole spectrum we can do something about training people and equipping them for jobs that will be available.

Let me point out again that I think the gentleman from Wisconsin, my friend Mr. STEIGER, made one of the most valid points of all that has been made during this argument today, and that is, do not lower public service employment. I think, really, you are not dignifying public service employment at all, and it is an important field, as I have already tried to make clear. But you are not dignifying public service employment as you should, when you suggest that you are going to be shuffling people in and out of those jobs on a constantly moving unemployment rate.

If this kind of employment is available—and I think in many cases it may be—then the employees ought to be permanent employees entitled to all the dignity and all of the prerequisites and emoluments that that kind of office requires. So I would repeat: I think in the substitute bill we have a chance to do more than just enact a public-service employment bill. We have a chance to change our manpower training programs as well.

Mrs. GREEN of Oregon. Mr. Chairman, I rise in support of the committee bill, and move to strike the requisite number of words.

Mr. Chairman, reference has been made to Members who voted for the bill last year, and the question is then asked—why are they not supporting the bill this year with the reorganization of manpower training programs? There were a good many Members on this side of the aisle that did not support the bill last year—and I was one of those. As I viewed it, the President was right in vetoing it.

First, it provided that community action agencies could run manpower training programs and public employment programs. I objected to that. Mr. DANIELS, chairman of the subcommittee, wisely eliminated that provision in this year's bill. In fairness, it is not in the Esch bill either. There was no veteran's preference in last year's committee bill. There were many other reasons for my opposition to it. But let me state one additional reason which was very important to me.

State departments of vocational education and vocational education people all over the United States were opposed to last year's bill. Today, with the substitute bill, vocational education people all over the country are opposed to the substitute bill. Neither bill, neither the Daniels bill nor the Esch bill, I think it is accurate to say, make any changes in coordinating vocational education with training programs. I said a few moments ago in the general debate that three of the subcommittees of the Committee on Education and Labor are working on a reorganization of manpower training, and I completely agree with the gentleman from Illinois, who just spoke, that with 22 manpower training programs and 34 auxiliary services, they ought to be coordinated. It is inexcusable to have the situation which we have today—one of duplication, overlapping, and high administrative costs.

But a comprehensive reorganization of manpower training programs is a bill you will have a chance to vote on in probably a couple of months. In that time we ought not only to reorganize the manpower training programs but we ought to make specific reference in the bill to vocational education and to technical training institutes so that they are fully utilized.

At the present time the Esch bill has the same weakness as the bill last year. It would allow mayors to set up a dual system of training. I repeat, that was one of the weaknesses in last year's bill and there is nothing in the Esch bill this year that would prevent it.

Now let me go to some other points which have been touched on.

Reference has been made that this would reach only 3 percent of the unemployment problem. May I say, these are public employment jobs. If we are able to create 150,000 public employment jobs for each year of 4 years, that is going to make a considerable dent.

It has also been said we are creating only 150,000 jobs for $5 billion. It is not necessarily true that one person is going to stay on the job 4 years. It is just as possible we will be creating 600,000 jobs instead of 150,000, over the period of 4 years. I suggest that 600,000 jobs, each of a year's duration, is not an inconsequential number. It may take just that many off the relief rolls.

I agree with my friends over here many, many times. I must say we do not always agree on this side.

I must admit I am rather sympathetic to revenue sharing, but this is not a revenue-sharing bill. If, as the people on the minority side say, this administration is concerned about unemployment, then I suggest that we approve the Daniels bill, which will create 150,000 public service jobs for each of 4 years, and that this administration release immediately the $12.5 billion it is holding. There is $5.5 billion in highway construction; that will create a lot of jobs at the present time. I am told there is something around $950 million they are holding back in housing. That would create a lot of jobs. There are other jobs to be created in the accelerated public works program. All of these could help to reduce the high unemployment rate.

There has also been circulated a comparison of the amounts that the various States would receive under the Esch bill and under the Daniels bill, or under the Esch bill and what the States are receiving under manpower training. Those Members who have those comparative lists should consider, I suggest, that it is not fair to compare what a State is now receiving under manpower training and what it would receive under the Esch bill as a reason to vote against the Daniels bill, because each State would continue to receive under the Daniels bill all the dollars it is now receiving under manpower training—and in addition to that the $5 billion would be divided among the various States. That is the comparison which ought to be made; not of the Esch bill versus the Daniels bill, but of the Esch bill versus the Daniels bill plus what is now being received under manpower training, if we are to be fair about it.

The CHAIRMAN. The time of the gentlewoman from Oregon has expired.

(By unanimous consent, Mrs. GREEN of Oregon was allowed to proceed for 1 additional minute.)

Mrs. GREEN of Oregon. Mr. Chairman, let me conclude by again saying what I said at the beginning: The reorganization of manpower training programs is essential, but it is not accurate to say that the Esch bill reorganizes them. Out of the $2.5 billion we are now spending it only touches about half of the manpower training programs in existence. It will still be possible for people to enroll in one after the other and still be applicants for welfare assistance.

The Esch bill does not even go to all the manpower training bills before our own committee, to say nothing of making an effort to coordinate them with the other programs that have come out of other committees. That is a congressional reform job which badly needs doing.

I would hope today, considering the critical unemployment, the Members would vote for the Daniels bill, which would go to meet the critical unemployment problem. Then, a couple of months from now, Members will have an opportunity to vote on a real reorganization of manpower training programs, making maximum use of our technical training institutes, the vocational education departments in every State in the Union and our community colleges. That way I believe we will be far along the road toward a better program for the American people.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise for the purpose of making an inquiry of my distinguished colleague on the other side of the aisle, as to how many more speakers there are, in order that we may fix a time to close debate on this amendment and any amendments thereto?

Mr. QUIE. Mr. Chairman, it looks like we have two.

Mr. DANIELS of New Jersey. Therefore, Mr. Chairman, I would like to ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes, reserving the last 5 minutes for myself.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. Steiger).

Mr. STEIGER of Wisconsin. Mr. Chairman, it is difficult in this period of time to attempt to try to assess and to answer the number of charges made against the Esch substitute.

Let me very briefly say first that I do not know how anybody could suggest that we should bring together all of the present manpower programs, particularly those that lie outside the jurisdiction of the Committee on Education and Labor. I do not think that is a feasible task, laudable though it might be, and I do not think it is a reason to support or to oppose a particular piece of legislation.

Second, again let me reiterate the point that I tried to make earlier. I think the basic, fundamental principle of the issue today is a very simple one. It is whether or not you will continue to inhibit the ability of an individual unemployed or underemployed to receive a full range of services. If you vote for the Esch substitute, you make it possible for there to be a flexibility at the State and local level to offer job creation as well as job training in one package. If you vote against it, then you are continuing the same kind of single-purpose categorical program which has been a part of our program thus far and which will be added to by the Daniels bill.

Mr. Chairman, there is one other point I would like to make in my time, namely, I would like to call attention of the members of the committee to a telegram sent by Rev. Leon H. Sullivan, chairman of the board, Opportunities Industrialization Centers of America and one of America's most distinguished citizens. He says:

> Opportunities Industrialization
> Center, Washington Institute,
> for Employment Training, Inc.,
> *Washington, D.C., June 2, 1971.*
>
> Hon. Marvin L. Esch,
> *U.S. House of Representatives,*
> *Washington, D.C.*
>
> Dear Sir: As you know, I have gone on record in support of the administration's manpower revenue legislation. As I have indicated publicly I am convinced that the mayors of our cities and the citizens closest to the problems should be given the financial resources to solve those problems through the revenue sharing method as quickly as possible.
>
> In the field of manpower this can be accomplished if we have bipartisan support for the administration's proposal that you are sponsoring.
>
> I hope that many of our friends will support this view since the tragedy of rising unemployment and the urgent need for job training resources of our concentrated communities require immediate action, if national crises are not to become national disasters.
>
> Rev. Leon H. Sullivan,
> *Chairman of the Board, Opportunities Industrialization Centers of America (O.I.C.)*

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. Meeds).

Mr. MEEDS. Mr. Chairman, some of the gentlemen on the other side have talked about the permanent nature of the program. I, too, would like to see a permanent public service jobs program. Unfortunately, ours does not do that, but it ties in to the unemployment rate in this Nation. However, the gentlemen on the other side who are asking for a permanent program are certainly out of step with the administration, because that is precisely the reason the President gave last year for vetoing the program we passed last year.

In his testimony before the Senate this year the Secretary of Labor said the following:

> Transitional, short-term public service employment can be a useful component of the nation's manpower policies. But public employment not linked to real jobs or not devoted to helping the individual to equip himself for labor market opportunities is not a solution for manpower shortages nor for the individual.
>
> Under the Manpower Revenue Sharing Act public service jobs must be transitional opportunities.

Now, I think it is rather inconsistent for the Secretary of Labor to have testified before the other body and say one thing and the gentleman from his party to be on the floor of this House pointing out the deficiencies of the program we are proposing because it does not do precisely what the Secretary says it should not.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. Scherle).

Mr. SCHERLE. Mr. Chairman, as a former member of the Committee on Education and Labor I was deeply involved in this legislation. I consider the Esch substitute far superior to the Daniels bill.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman from Michigan.

Mr. ESCH. Mr. Chairman, as we come down to the vote I think it should be clear that there are major inconsistencies in the committee bill. The committee bill will in no way solve the problem of unemployment in this country.

It has been stated on the floor by the Members of the committee of the majority party that there need be no change now in the manpower training programs. Obviously the manpower training programs are not functioning now.

The substitute bill will provide public service employment, but additionally it will get to the heart of the matter by changing the manpower training program and giving control of it to the local units of government, the counties, the cities and States to develop a manpower training program that will work and meet the needs of the given locality. That is exactly what the substitute bill would do.

Nothing that has been stated on the floor during these past hours refutes the argument that the manpower training programs must be revised now. Nothing has been stated that indicates the unemployment problem will be solved by the committee bill. The only answer, I believe, is to adopt the substitute.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Scheuer).

Mr. SCHEUER. Mr. Chairman, I, too, find it very anomalous to hear from my friends and colleagues on the minority side insist that they want to dignify public service employment. We have had a constant theoretical battle with our minority friends over whether these public service programs should be permanent, or whether they should be temporary and marked "inferior to private sector employment."

I remember last year in conference there was a bitter fight, not between the House conferees and Senate conferees, but between Members of the majority and the minority on the question of whether public service employment should be a temporary thing; whether the yo-yo should apply to the individual, whether there should be 2-year termination of public service employment as the minority insisted or whether public service employment could be looked upon as a lifetime career of dignity and intrinsic worth to society—as we indeed do, in these chambers.

I notice that while my colleagues voted to have a 2-year limitation placed on employment, none of them feel we should so limit public service employment for Members of Congress, or the executive branch of Government in Washington or, indeed, for the more than 400,000 police professionals who are protecting our lives and property across the land.

I would also like to suggest to the minority that if they are unhappy with the majority bill which only contemplates serving 3 percent of the unemployed, I, for one, would be willing and eager to raise that figure to 15 percent under a $5 billion program. And indeed, and my colleagues would be freely available to consult with Mr. George Schultz, Mr. Arnold Weber, Mr. John Erlichman, and other Presidential advisers to determine, in this laudable effort to reorder national priorities, which military, public works, highway, agricultural subsidy, and other programs could be stretched out, whittled down, cut back, or eliminated entirely—in order to create a public service employment program with real clout.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I merely rise to point out that the substitute bill has never had one single day of public hearings. I know of no more irresponsible manner to legislate than to be called upon to vote on a bill that has never seen one day of public hearings.

(By unanimous consent, Mr. PUCINSKI yielded his remaining time to Mr. BOGGS.)

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I believe we have taken up and considered most of the significant arguments which can be made with reference to this matter. However, a question came up as to the formula under the Esch substitute.

Mr. Chairman, at least we have this assurance under the Esch substitute formula that no State shall receive less than they did the average of the 3 years before, and no community which has a population of 50,000 or above in a standard metropolitan statistical area or political subdivision of 100,000 shall receive less either. A look at the tables will indicate that most of those eligible will receive a substantial increase.

Glancing through the tables, they indicate what each State or eligible unit of local government will receive from the formula. However, under the committee bill there is assurance that each State will receive, not less than $1.5 million. However, beyond that we have no idea how it will be distributed. 80 percent shall be apportioned among the States in an equitable manner, it says, but we really do not know what it will be, actually, because it says merely in an equitable manner, and we do not know what an equitable manner may be.

This seems to be another one of the project grant proposals where political clout undoubtedly will have some effect on the amount of money each area will receive. And so it actually will be operated the way the project grant proposals have been operated in the past.

There is no assurance of what will be available and art of grantsmanship will be further expanded.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Chairman, the Speaker dealt, with great eloquence, upon the unemployment situation in our country, and I would like to elaborate on the very fine presentation he made, because the story is a very sad one.

Take the question of long-time unemployment. A year ago there were 520,000 who were unemployed for 15 weeks or more. Today that number is 1,179,000, or a 127-percent increase.

Take the case of the veterans, the boys coming back from Vietnam and elsewhere—the unemployment rate is well over 10 percent.

There are many sections of our country such as Newark, Seattle, and others where the unemployment rate runs 10 to 14 percent. Among young people, unemployment is exceedingly high, and among blacks equally high.

This bill does not pretend to cure the unemployment problem, but it does help in the one situation where we have a problem with municipal jobs. It does help to put 150,000 people back to work—and in meaningful work.

However, this bill has to be considered with other bills that this Congress is considering, and soon will be considering.

For instance, soon we will be considering the conference report on the accelerated public works bill. We would hope that bill will be supported on both sides of the aisle.

Further, soon we will be considering the conference report on the accelerated public works bill. We would hope that that bill will be supported on both sides of the aisle.

Further, soon we will be considering the welfare reform bill, and the social security reform bill. All of these bills before the Congress are designed to help cure unemployment, stimulate the economy, and make jobs in private enterprise available. After all, the great source of jobs has to be in private enterprise, and if private industry can be stimulated through bills such as the accelerated public works bill, then we will be really hitting at unemployment. Congress is seeking to do just that.

We have many problems in this great Nation today. It is one thing to sit down and do nothing about them, It takes a lot of energy when one tries to do something about them. That is what we are seeking to do by this bill—to hit at the very heart of these problems.

Mr. Chairman, I hope that the substitute bill will be defeated, and that the committee bill will be sustained.

Mr. ZWACH. Mr. Chairman, I support the Esch amendment for H.R. 3613, because it reverses the flow of power and control to the Federal Government and relies to an extent to the good judgment and wisdom of government at the local level. As a former State legislator, I know and have confidence in decisions of officials at State and local levels. I also fully support the revenue sharing provided in the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. DANIELS) to close debate.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise here to ask for the defeat of the Esch substitute to the committee bill.

Much has been said here about unemployment. I do not know of any Member on this side of the aisle, or even on that side of the aisle, who has taken the floor and spoken on this bill, or outside of this Chamber, who has maintained that the emergency employment bill reported by our committee would cure unemployment. No one has maintained that it would be a panacea, but still the facts remain that under the economic policies being pursued by this administration, we do have an unusually high rate of unemployment.

Last month it was at 6.1 percent. And if you check the statistics of the Department of Labor you will find that that rate is the highest rate in more than a decade.

On Friday of this week, the Department of Labor will release further figures for the past month. And I would not be surprised if the unemployment rate was at least 6 percent, if not higher. Therefore, I am not going to talk any further about that.

But I would like to direct my remarks to the substitute.

The real reason that this House should reject this amendment is that it is a revolutionary proposal that has not been subject to adequate scrutiny through the regular process. But let me mention also some of the substantive objections to the amendment as it is now written.

It is interesting to note that this substitute is the third version of manpower revenue sharing that we have had in the short period since March 4 when the President sent up his manpower revenue-sharing message. On March 16, the gentleman from Minnesota introduced the administration's bill, H.R. 6181. This bill had such obvious defects that an amended measure was offered as a substitute to the emergency employment bill in the subcommittee and later in the full Committee on Education and Labor by the gentleman from Michigan. However, even these amendments did not cure the most obvious defects; so H.R. 8141, which is before us as the pending amendment, contains additional amendments to the original proposal. It was introduced on May 6, after the Emergency Employment Act was reported from the committee.

Let me just list some of the obvious defects in the amendment, even assuming that one accepts the principle of revenue sharing.

First, the bill has a formula for distributing funds among State and local governments, but no one can tell us how that formula would work.

My subcommittee formally requested the Secretary of Labor to supply a table showing how funds would be distributed, but the only response we have had is a letter from the Secretary of Labor, dated June 1, 1971, stating that he has only preliminary data on which to base his estimate. We do not have data to show how any community will do in 1972 compared to 1971.

I do not believe that this House, any more than my subcommittee, should adopt a proposal whose effect is unknown. On May 6, the very day that H.R. 8141 was introduced, the Secretary of Labor testified before a Senate subcommittee and asked for an opportunity to testify on a revised allocation formula at a later date. No such testimony has yet been submitted.

Second, the bill fails to give proper recognition to the role of education agencies in manpower programs. As the American Vocational Association has stated—

> H.R. 8141 totally lacks the assurance of educational quality which was contained in last year's Steiger bill, H.R. 19519, the Comprehensive Manpower Act which the House of Representatives passed overwhelmingly (275–80) with the full support of the AVA, the Nixon administration, and the majority and minority leadership of the House Education and Labor Committee.

Third, the bill provides for duplication by the cities of the functions traditionally carried out by the State employment services and could seriously interfere with the effective operation of State employment agencies.

Fourth, the bill is lacking in essential standards. It does not prohibit use of funds for sectarian purposes. It has no standards for administrative efficiency, nor does it have any standards for job referrals. The welfare reform bill reported by the Ways and Means Committee and supported by the administration has protections against referrals to jobs paying less than prevailing wages and to jobs vacant because of a strike. I cannot understand why the administration thinks such safeguards appropriate under one manpower program but not under another.

Fifth, the bill provides in section 101 (a) that priority shall be given to the disadvantaged, including welfare recipients, and in another section—section 103 (f)—that preference shall be given to veterans. No reconciliation between these two sections is attempted.

Sixth, the bill does not even decategorize the existing manpower programs under the Labor Department, because it retains the WIN program, the Wagner-Peyser program, and the Job Corps. Furthermore, there continues to be manpower programs operated by the Veteran's Administration, the Department of Health, Education, and Welfare, the Department of Defense, the Agriculture Department, and the Interior Department.

Mr. Chairman, I think I have said enough to show that the adoption of the Esch amendment would be mischievous in the extreme. The amendment is bad in principle; it has not been thought out and presents more problems than it solves. I do not believe that any Member would actually like to see H.R. 8141 enacted into law.

Let us recognize the amendment for what it is—a snare to prevent us from enacting the emergency employment bill—a realistic proposal to counteract unemployment. The amendment deserves to fail on the merits. It must fail so that we can take effective action immediately on behalf of the unemployed workers of this Nation. A vote for the amendment is a vote to do nothing about unemployment.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. ESCH).

TELLER VOTE WITH CLERKS

Mr. ESCH. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. ESCH. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. PERKINS, Mr. ESCH, Mr. DANIELS of New Jersey, and Mr. QUIE.

The Committee divided, and the tellers reported that there were—ayes 182, noes 204, not voting 48, as follows:

[Recorded Teller Vote No. 113]

AYES—182

Abbitt
Abernethy
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baker
Belcher
Bell
Betts
Biester
Blackburn
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Byrnes, Wis.
Byron
Caffery
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Coughlin
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dennis
Derwinski
Dickinson
Dowdy
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Ford, Gerald R.
Forsythe

Fountain
Frelinghuysen
Frenzel
Frey
Goodling
Gross
Grover
Gubser
Gude
Haley
Hall
Halpern
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hastings
Hillis
Hogan
Horton
Hosmer
Hunt
Hutchinson
Johnson, Pa.
Jonas
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lent
Lloyd
Lujan
McCloskey
McClure
McCollister
McDonald, Mich.
McEwen
McKevitt
McKinney
Mailliard
Mann
Martin
Mathias, Calif.
Mayne
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Morse
Mosher
Myers
Nelsen
Passman
Pelly

Pettis
Poage
Poff
Powell
Price, Tex.
Quie
Quillen
Railsback
Rarick
Reid, Ill.
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rousselot
Ruth
Sandman
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Stanton, J. William
Steele
Steiger, Ariz.
Steiger, Wis.
Talcott
Teague, Calif.
Terry
Thomson, Wis.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalley
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion
Zwach

NOES—204

Abourezk
Abzug
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bennett
Bergland

Bevill
Biaggi
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Cabell
Casey, Tex.

Celler
Chappell
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Cotter
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Dellums
Denholm
Dingell
Donohue
Dorn

Dow
Drinan
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Flood
Foley
Ford, William D.
Fraser
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Hagan
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Holifield
Howard
Hull
Hungate
Jacobs
Johnson, Calif.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier

Kazen
Kee
Kluczynski
Koch
Kyros
Link
Long, Md.
McCormack
McFall
McKay
Macdonald, Mass.
Madden
Mahon
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Randall

Rangel
Rees
Reid, N.Y.
Reuss
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Saylor
Scheuer
Seiberling
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Steed
Stephens
Stubblefield
Sullivan
Symington
Taylor
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Watts
White
Whitten
Wilson, Charles H.
Wolff
Wright
Yates
Yatron
Young, Tex.
Zablocki

NOT VOTING—48

Anderson, Tenn.
Baring
Broyhill, N.C.
Burleson, Tex.
Camp
Carey, N.Y.
Carney
Clark
Clawson, Del
Culver
Dent
Devine
Diggs
Dulski
Dwyer
Edwards, La.

Evins, Tenn.
Flowers
Flynt
Gallagher
Giaimo
Goldwater
Hébert
Ichord
Jarman
Jones, Ala.
Landrum
Leggett
Long, La.
McClory
McCulloch
McDade
McMillan

Metcalfe
Pirnie
Purcell
Roberts
Rooney, N.Y.
Runnels
Ruppe
Shipley
Stokes
Stratton
Stuckey
Teague, Tex.
Thompson, Ga.
Whalen
Winn

So the amendment in the nature of a substitute was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress finds and declares that—

(1) there are great unfilled public needs in such fields as environmental quality, health care, housing and neighborhood improvement, recreation, education, public safety, maintenance of streets, parks, and other public facilities, rural development, transportation, beautification, conservation, and other fields of human betterment and public improvement;

(2) to meet the urgent need for greater public services and the equally urgent need for public service employment which will provide meaningful jobs for unemployed or underemployed persons, it is necessary to devote resources to public service employment and related training and manpower services;

(3) times of high unemployment severely limit the work opportunities available to

low-income persons, especially those from socioeconomic backgrounds generally associated with substantial unemployment;

(4) expanded work opportunities must keep pace with the increased number of entrants in the labor force, including the many young people who are entering the labor force, persons who have recently been separated from military service, and older persons who desire to enter or reenter the labor force;

(5) many of the persons who have become unemployed as a result of technological changes and shifts in the pattern of Federal expenditures could usefully be employed in providing needed public services; and

(6) providing resources for public service employment during an economic slowdown can help as an economic stabilizer both to ease the impact of unemployment for the affected individuals and to reduce the pressures which tend to generate further unemployment.

Mr. DANIELS of New Jersey (during the reading). Mr. Chairman, I ask unanimous consent that this section of the committee substitute amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Did the gentleman say the "section" or the "committee substitute"?

Mr. DANIELS of New Jersey. Section.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. Are there any amendments to this section? If not, the Clerk will read.

The Clerk read as follows:

FINANCIAL ASSISTANCE

SEC. 3. The Secretary of Labor shall enter into agreements with eligible applicants in accordance with the provisions of this Act in order to make financial assistance available in times of high unemployment for the purpose of meeting the full cost of providing employment for unemployed and underemployed persons in jobs providing needed public services, and training and manpower services related to such employment which are otherwise unavailable.

ELIGIBLE APPLICANTS

SEC. 4. Financial assistance under this Act may be provided by the Secretary only pursuant to applications submitted by eligible applicants who shall be—

(a) units of Federal, State, and general local government; or

(b) public agencies and institutions which are subdivisions of State or general local government, and institutions of the Federal Government; or

(c) Indian tribes on reservations.

AUTHORIZED APPROPRIATIONS

SEC. 5. (a) For the purposes of carrying out this Act, there are authorized to be appropriated $200,000,000, for the fiscal year ending June 30, 1971, $750,000,000, for the fiscal year ending June 30, 1972, and $1,000,000,000 for each of the three succeeding fiscal years.

(b) (1) No further obligation of funds appropriated under this section may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4.5 per centum for three consecutive months except as provided in paragraph (2).

(2) If, at any time subsequent to the Secretary's determination under the preceding subsection, the rate of national unemployment equals or exceeds 4.5 per centum for three consecutive months, the Secretary shall, notwithstanding the provisions of paragraph (1), resume the obligation of funds appropriated under this section until a new determination has been made under paragraph (1).

(3) Any funds appropriated under this section unobligated at the end of a fiscal year in compliance with the requirements of paragraph (1) shall be transferred to the Special Employment Assistance Fund established by section 6.

(4) In determining the rate of national unemployment for the purposes of this section only, persons who were, at the time of their employment under this Act, being counted as unemployed in determining the rate of national unemployment, shall continue to be so counted.

(c) Whenever the Secretary makes any determination required by subsection (b), he shall promptly notify the Congress and shall publish such determination in the Federal Register. At such time, the Secretary shall recommend to the Congress any further steps he deems appropriate.

SPECIAL EMPLOYMENT ASSISTANCE

SEC. 6. (a) There is hereby established in the Treasury a fund to be known as the Special Employment Assistance Fund (hereinafter referred to as the "Fund"). Amounts appropriated pursuant to section 5 which are not available for expenditure in accordance with the provisions of that section shall be deposited in such Fund to be available for obligation without fiscal year limitation in accordance with the provisions of this section. In addition, there is authorized to be appropriated for deposit in the Fund for the fiscal year ending June 30, 1972, the sum of $250,000,000, and, for each of the three succeeding fiscal years, such sums as may be necessary to assure that at the end of such year the sum in the Fund will be at least $250,000,000. The Secretary of Labor is authorized to utilize sums deposited in the Fund to provide assistance under this section.

(b) The Secretary shall enter into agreements with eligible applicants meeting the criteria set forth in subsection (c) in order to make financial assistance available, in accordance with the provisions of this Act, for the purpose of providing employment for unemployed and underemployed persons in jobs providing needed public services.

(c) For the purpose of this section eligible applicants shall be units or combinations of units of general local government, or public agencies and institutions which are subdivisions of such units, or Indian tribes on reservations, which have areas within such units or combinations thereof where the rate of unemployment equals or exceeds 6 per centum for three consecutive months.

APPLICATIONS

SEC. 7. (a) Financial assistance under this Act may be provided by the Secretary only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this Act. Any such application shall set forth a public service employment program designed to provide employment and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, in times of high unemployment, for unemployed and underemployed persons in jobs providing needed public services in such fields as environmental quality, health care, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, community betterment, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(b) An application for financial assistance for a public service employment program under this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that preference in filling public service jobs will be given to unemployed or underemployed persons who served in the Armed Forces in Indochina or Korea after August 4, 1964 (and who have been discharged or released therefrom under conditions other than dishonorable); and that the applicant shall (i) make a special effort to acquaint such individuals with the program, and (ii) coordinate efforts on behalf of such persons with those authorized by chapter 41 of title 38, United States Code (Job Counseling and Employment Services for Veterans) or carried out by other public or private organizations or agencies;

(5) assurances that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes;

(6) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(7) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(8) a description of unmet public service needs and a statement of priorities among such needs;

(9) description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(10) the wages or salaries to be paid participants and a comparison with the prevailing wages in the area for similar public work;

(11) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(12) the planning for and training of supervisory personnel in working with participants;

(13) a description of career opportunities and job advancement potentialities for participants;

(14) procedures for an annual review by an appropriate agency of the status of each person employed in a public service job under this Act; and procedures pursuant to which, in the event that any such participant and

the reviewing agency find that the participant's current employment situation will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and the participant shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling;

(15) assurances that agencies and institutions to whom financial assistance will be made available under this Act will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary;

(16) assurances that the applicant will, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (A) providing those persons employed in public service jobs under this Act who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field; and (B) providing those persons so employed who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare themselves for, and obtain work in other fields;

(17) ways in which the program shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged;

(18) assurances that not more than one-third of the participants in the program will be employed in a bona fide professional capacity (as such term is used in section 13 (a)(1) of the Fair Labor Standards Act of 1938), except that this paragraph shall not be applicable in the case of participants employed as classroom teachers, and the Secretary may waive this limitation in exceptional circumstances; and

(19) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATIONS

SEC. 8. An application, or modification or amendment thereof, for financial assistance under this Act may be approved only if the Secretary determines that—

(1) the application meets the requirements set forth in this Act;

(2) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary; and

(3) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary.

ALLOCATION OF FUNDS

SEC. 9. (a) The amounts appropriated under section 5 of this Act for any fiscal year shall be allocated by the Secretary in such a manner that of such amounts—

(1) not less than 80 per centum shall be apportioned among the State in an equitable manner, taking into consideration the proportion which the total number of unemployed persons in each such States bears to such total numbers, respectively, in the United States, but not less than $1,500,000 shall be apportioned to any State, except that not less than $1,500,000 shall be apportioned among the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(2) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this title.

(b) The amount opportioned to each State under clause (1) of subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which the total number of unemployed persons in such area bears to such total numbers, respectively, in the State.

(c) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(1) and (b) of this section.

TRAINING AND MANPOWER SERVICES

SEC. 10. For the purpose of providing training and manpower services for persons employed in public service employment programs assisted under this Act, the Secretary is authorized to utilize, in addition to any funds otherwise available under federally supported manpower programs, not to exceed 15 per centum of the amounts appropriated under section 5.

SPECIAL PROVISIONS

SEC. 11. (a) The Secretary shall not provide financial assistance for any program or activity under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program will result in an increase in employment opportunities over those which would otherwise be available and will not result in the displacement of currently employed workers (including partial displacement such as reduction in the hours of non-overtime work or wages or employment benefits), and will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(2) persons employed in public service jobs under this Act shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, as amended, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay in the same area for persons employed in similar public occupations;

(3) notwithstanding clause (C) of paragraph (2), no person employed in public service jobs under this Act shall be paid at a rate in excess of $12,000 per annum;

(4) all persons employed in public service jobs under this Act will be assured of workman's compensation, retirement, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent (neither more nor less favorable) as other employees of the employer and to working conditions neither more nor less favorable than such other employees enjoy;

(5) the provisions of section 2(a)(3) of Public Law 89-286 (relating to health and safety conditions) shall apply to such program or activity;

(6) no funds will be used for the acquisition of, or for the rental or leasing of supplies, equipment, materials, or real property;

(7) the program will, to the maximum extent feasible, contribute to the occupational development and upward mobility of individual participants; and

(8) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) For programs which provide work and training related to physical improvements, special consideration shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(c) Where a labor organization represents public employees who are engaged in similar public work in the same area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(e) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act.

(f) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(g) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

(h) The Secretary shall not provide financial assistance for any program under this Act unless he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 12. As the rate of unemployment approaches the objective of section 5(b), the Secretary shall establish procedures to assure that maximum efforts will be made to locate employment or training opportunities not supported under this Act for each person employed in a public service job under this Act and that, on the basis of a review as described in section 7(b)(14), the participant shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

SPECIAL REPORT

SEC. 13. The Secretary shall transmit at least annually a detailed report setting forth the activities conducted under this Act, including information on the extent to which participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs.

DEFINITIONS

SEC. 14. (a) As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(b) As used in section 11 of this Act the term "area" means—

(1) where the applicant is an eligible unit

of government or an Indian tribe, that geographical area over which the applicant exercises general political jurisdiction, or

(2) where the applicant is a public agency or institution which is a subdivision of an eligible unit of government, that geographical area over which such unit of government exercises general political jurisdiction.

EFFECTIVE DATE

SEC. 15. This Act shall be effective upon enactment and the determinations to be made under section 5(b) shall take into account the rate of unemployment for a period of three consecutive months even though all or part of such period may have occurred prior to the enactment of this Act.

Mr. DANIELS of New Jersey (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT OFFERED BY MR. ESCH

Mr. ESCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ESCH: Page 28, in line 6 strike out "and"; strike out "19" in line 7 and insert in lieu thereof "20"; and after line 6 insert the following:

"(19) assurance that no individual shall be employed in a public service employment job for a period exceeding two years, except that the Secretary may upon the request of the applicant review a program and upon his determination (taking into consideration any special factors in the labor market area served by the applicant) that this requirement creates an undue hardship or would result in defeating one or more of the purposes of this Act he may waive it in whole or in part (or make such adjustments in it as he deems appropriate) with respect to the program of such applicant; and"

Mr. ESCH. Mr. Chairman, the intent of this amendment is to limit for 2 years duration the length of time an individual could be employed under the public service employment bill.

This issue has been thoroughly discussed in our subcommittee and the full Committee on Education and Labor. It was defeated in those two committees, but I believe it is very significant that we should recognize the fact that the House should work its will on this amendment in order to make sure that we have not permanent public service employees but transitional public service employees.

The intent of this amendment is to provide that public service employment jobs shall be limited for a period of 2 years, except that the Secretary may upon the request of the applicant review a program and upon his determination, taking into consideration any special factors in the labor market area served by the applicant, that this requirement creates an undue hardship or would result in defeating one or more of the purposes of this act he may waive it in whole or in part or make such adjustments in it as he deems appropriate with respect to the program of such applicant.

Mr. Chairman, I believe this amendment is a major amendment and I hope the Committee will accept it.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Yes, I yield to the gentleman from Illinois.

Mr. PUCINSKI. Does not the automatic trigger do pretty much what you are trying to do? In other words, if unemployment decreases, this bill phases out and the job phases out with it.

Is not that more or less what you are trying to do now?

Mr. ESCH. I would answer the gentleman in this fashion: For 10 or 11 of the last 12 or 13 years unemployment has been above the 4.5 percent which would trigger the assistance and that this condition has persisted in this and several previous administrations. So the purpose of the amendment is to take care of the problem by assuring that a person would not remain indefinitely in these jobs.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, a time limit is practicable only if one distrusts the Secretary of Labor. He must approve the program and should not if all the safeguards insuring that people leave the program as fast as possible are not present. I am ready to vest this discretion in the Secretary of Labor. I would think that Members on the other side of the aisle should have no less confidence in the Secretary's determination to find regular jobs for these people as quickly as possible.

Furthermore, the objective is to move people out of public service employment as rapidly as possible. The 2-year maximum could easily become a 2-year normal.

The period of time necessary to place people in regular jobs will vary according to the local situation. We should trust the local governments to design programs responsive to their problems.

The administration has endorsed 3-year public service employment for welfare recipients. Many of the people under my bill will be welfare recipients and others just as difficult to place. It is recognized in the welfare measure that 3 years may be necessary in some cases, so why limit employment to 2 years?

The committee report notes that contracts are expected to be of 1 year's duration. Only if the unemployment rate remains high, will the second year's contract be signed. At that time, the Secretary has an opportunity to review whether the locality is moving people off public service employment fast enough?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. ESCH).

The amendment was rejected.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose, and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 3613) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes, pursuant to House Resolution 437, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ESCH

Mr. ESCH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ESCH. I am, in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ESCH moves to recommit the bill H.R. 3613 to the Committee on Education and Labor with instructions that it forthwith report the bill back to the House with the following amendment: Strike everything after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Manpower Revenue Sharing Act of 1971".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress finds and declares that—

(1) The Nation's prosperity, economic stability, and productive capacity are limited by a shortage of workers with sufficient skills to perform the demanding production, service, and supervisory tasks necessary in an increasingly technological society. There are also many workers who are unemployed or are employed below their capacity who, with appropriate skill development and training, could make a greater contribution to the national economy and share more fully in its benefits.

(2) Experience has shown that the administration and delivery of effective manpower programs are essentially local matters, requiring a more comprehensive, unified and flexible approach and that State and local governments are in the best position to assure the active cooperation of employers, employees, and other public and private agencies, individuals, and organizations.

(3) The effectiveness of manpower programs would be improved by making resources for such purposes available to State and local governments to use with broad discretion in evaluating the needs of individual participants and allocating resources to meet those needs.

(4) The Federal Government should make available to State and local governments a wide range of assistance and support to enhance the effectiveness of manpower programs.

It is therefore the purpose of this Act to establish a flexible and decentralized national manpower program involving the efforts of all sectors of the economy and all levels of government, by sharing Federal revenues for the purpose of carrying out activities designed to provide greater opportunities for training and related services necessary to assist individuals to develop their full economic and occupational potential.

AUTHORIZATION OF APPROPRIATIONS AND ALLOCATION OF FUNDS

SEC. 3 (a) For the purpose of carrying out this Act, there is authorized to be appropriated without fiscal year limitation such sums as may be necessary for each fiscal year.

(b) The amount appropriated to carry out titles I and II of this Act for any fiscal year shall be allocated as follows:

(1) 85 per centum shall be for training and employment activities carried out by States, and eligible units of local general government under title I of this Act; and

(2) 15 per centum shall be for activities carried out by the Secretary of Labor (hereinafter referred to as the "Secretary") under title II of this Act.

TITLE I—STATE AND LOCAL MANPOWER PROGRAMS

USES OF SHARED REVENUES

SEC. 101 (a) Recipient units of government shall have broad discretion as to the various uses of revenues shared under this Act for manpower program purposes. Manpower programs shall constitute a developmental process, essentially transitional for each participant, consisting of whatever sequence or combination of manpower services, institutional training, on-the-job training, supported employment, and ancillary services which are needed by unemployed and underemployed persons, with priority afforded to those who are disadvantaged or who receive public welfare payments, to prepare for, secure, and hold self-sustaining public and private employment not supported by revenues shared under this Act. In carrying out such programs recipient units of government shall make maximum feasible use of existing educational institutions having a training capability, such as (but not limited to) area vocational schools, technical institutes, and junior and community colleges. The activities authorized under this title, among which revenues shared may be used at the discretion of recipients, are:

(1) outreach, intake, counseling, testing, work evaluation and work sampling, employability development planning, job coaching, job development (including job redesign and occupational restructuring), orientation, placement, and followup services;

(2) institutional training, including basic and remedial education, improvement in communications skills, and occupational skill training, with such training provided in languages other than English, where appropriate;

(3) on-the-job training for both entry and upgraded employees, providing for reimbursement of public and private employers for bona fide training and associated costs, such as where applicable, the temporary reduction in employee productivity in the course of such training;

(4) supported employment, which shall consist of—

(A) work experience and temporary employment in public and private nonprofit agencies, including that affording part-time work for students in ninth through twelfth grades, and

(B) transitional public service employment in Federal, State, and local government, which, within the period of support, will enable participants to move onto the employer's regular payroll or obtain other suitable public or private employment, not supported by revenues shared under this Act;

(5) ancillary services, where not available without reimbursement from agencies which normally provide such services, including assistance to involuntarily unemployed workers to voluntarily relocate, residential support, minor health services (including the furnishing of prosthetic devices), voluntarily received family counseling and planning, child care, bonding, and other special services reasonably related to enhancing the employability of participants in programs assisted under this title; and

(6) when deemed appropriate, recipient units of government may provide allowances or other financial assistance to individuals engaged in training or other activities under this Act for which they are not directly compensated by employers.

(b) Benefits (including services, employment, allowances, and other financial assistance) for each participant may be continued for a period of up to one hundred and four weeks: *Provided, however,* That the Secretary may, upon the request of the recipient unit of government, review a program and upon his determination (taking into consideration any special factors in the labor market area served by such unit) that this requirement creates an undue hardship or would result in defeating one or more of the purposes of this Act he may waive it in whole or in part (or make such adjustments in it as he deems appropriate) with respect to the program of such unit.

(c) Recipients of revenues shared under this Act are responsible for assuring that manpower services provided therewith are coordinated to the fullest extent possible and each State shall be responsible for working out a system to assure such coordination within the State, including at both State and local levels coordination with similar services provided by other public or private agencies under other statutory authority, to the end that there is developed a comprehensive manpower program in each jurisdiction served.

(d) Activities carried out under this title shall not—

(1) Involve the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office.

(2) Result in the displacement of employed workers or impair existing contracts for service.

DISTRIBUTION OF SHARED REVENUES

SEC. 102. (a) The amounts available for any fiscal year under this title shall be distributed by the Secretary among—

(1) States, for use in those parts of the State not within the jurisdiction of recipient units of local general government;

(2) units of local general government with a population of one hundred thousand or more persons which are (i) cities, or (ii) counties and other units of local general government within standard metropolitan statistical areas (qualifying population of which is exclusive of eligible cities) with powers substantially similar to those of a city;

(3) standard metropolitan statistical areas in which no single unit of government is eligible under clause (2) of this subsection, but where local units of general government with a combined population which constitutes at least 75 per centum of the total SMSA population form a consortium (hereinafter referred to as eligible units of local general government), recognized by the Secretary, to act for the entire area for purposes of this Act; and

(4) other combinations of units of general government which include at least one unit of local general government eligible under clause (2) of this subsection (hereinafter referred to as eligible units of local general government), recognized by the Secretary as manpower consortia, to act as one for purposes of this Act,

which are authorized by State or local law to carry out the activities as provided by this Act.

(b) Revenues shared among State and eligible units of local general government shall be amounts calculated in accordance with the proportions, equally weighted, which the number of persons in the labor force, the number of unemployed persons, and the number of low-income individuals sixteen years of age or older residing in each such jurisdiction bear to such total number, respectively, in the United States: *Provided,* That the funds to be distributed to manpower consortia formed pursuant to clause (4) of subsection (a) of this section which constitute a defined labor market area shall be an amount 10 per centum greater than that to which such jurisdiction would be entitled under the formula provided in this subsection. Eligible units of government whose fair share amounts are greater than their average base amounts would receive the higher of (1) double their average base amounts; or (2) one-half the amount calculated under the fair share formula, but not to exceed $500,000: *Provided further,* That no unit would receive less than $100,000, or more than the amount calculated under the fair share formula.

The excess of funds over the fair share amount would be used (1) to cover the shortfall incurred where the average base amount is greater than the fair share; and (2) to redistribute the remainder among all eligible units by the fair share formula. The average base amount is the amount of funds previously received for use in the jurisdictions of the eligible units of government consisting of a three-year average of the amounts received in the fiscal year ending June 30, 1969, June 30, 1970, and June 30, 1971, under the Manpower Development and Training Act of 1962 (as amended) and title I (parts B and E) of the Economic Opportunity Act of 1964 (as amended). The data used in applying the formula in this subsection shall be the annual data for the most recent year available, referable to the same time period for all jurisdictions. In lieu of an amount calculated in accordance with the foregoing provision of this subsection, the amount distributed to the Virgin Islands shall be $1,000,000 and the amount distributed to Guam shall be $300,000.

(c) Not less than three months prior to the beginning of any fiscal year, the Secretary shall determine the units of government eligible for shared revenues during the subsequent fiscal year upon receipt of evidence of authorization to carry out the activities provided by this Act under State or local law, and shall publish in the Federal Register the apportionment factors which govern the distribution of funds under subsection (b). As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the actual revenue shares required by subsection (b). All computations and determinations by the Secretary under subsection (b) of this section shall be final and conclusive.

(d) Until such time as a unit of local general government is authorized under State or local law and is eligible to receive funds and carry out activities as provided by this Act, or in the event such a unit refuses to accept such funds, the revenue shares to which it would have been entitled under subsection (b) of this section shall be added to the shared revenues of the State in which that unit is located for discretionary use in providing manpower programs under this title.

(e) Until such time as a State is authorized under State law and is eligible to receive funds and carry out activities as provided by this Act, or in the event it refuses to accept such funds, the shared revenues to which it would have been entitled under subsection (b) of this section shall be available for expenditure by the Secretary for purposes of this title.

PROGRAM STATEMENTS

SEC. 103. (a) Prior to the receipt of any funds under this title for any fiscal year (and at least two months prior to the beginning of the appropriate fiscal year), in order to facilitate coordination among units of government, to permit public examination of the effectiveness of activities carried out under this title and to enhance the public accountability of recipients of shared revenues—

(1) each State shall publish and make available to the eligible units of local general government within its jurisdiction, and to the Secretary, a statement of program objectives and projected uses of funds; and

(2) each recipient unit of local general government (or combination of units) shall publish and make available to the State, and to the Secretary, a statement of program objectives and projected uses of funds.

(b) Statements of program objectives and projected uses of funds shall describe—

(1) the economic and labor market conditions and manpower needs for the area served;

(2) the number and characteristics of persons to be served;

(3) the types of activities which will be carried out under this title;

(4) the schedules of benefits (services, wages, allowances, other financial assistance) to be provided to participants;

(5) the offices and positions through which the activities are to be administered and the salaries thereof;

(6) the identity of agencies and organizations, public and private, carrying out services provided by this and other related Acts; and

(7) staff training and technical assistance needs.

(c) With respect to the annual program statement of each recipient unit of local general government, each State receiving funds under this Act shall provide to such unit of government not less than one month prior to the beginning of the appropriate fiscal year comments and recommendations regarding local program statements received under subsection (a)(2) of this section, including comments and recommendations about duplication of services and capacity, coordination, and integration with State-provided employment and manpower services.

(d) With respect to the annual program statement of each State, each recipient unit of local general government shall provide to the State not less than one month prior to the beginning of the appropriate fiscal year comments and recommendations regarding the State's program statement received under subsection (a)(1) of this section.

(e) The Secretary may provide to each unit of government such comments on its annual program statement as he deems appropriate.

(f) Each unit of government receiving funds under this title shall, prior to the beginning of the fiscal year, publish a final statement of program objectives and projected uses of funds amended as it deems necessary in the light of comments and recommendations which are provided under subsections (c), (d), and (e) of this section or are otherwise received.

(g) Accompanying each final program statement after the first one, each unit of government receiving funds under this title shall publish an annual report on the uses of such funds during the year then ending, which shall set forth expenditures made and the results achieved in relation to objectives, including the information required by subsections (b)(1) through (7) of this section and three-year projection of needs and requirements.

(h) Each unit of government receiving funds under this title (or under title III) shall provide assurances that preference in placement in programs financed under this Act will be given to unemployed or underemployed individuals who served in the Armed Forces in Indochina or Korea after August 4, 1964 (and who have been discharged or released therefrom under conditions other than dishonorable), and that such unit of government shall (1) make a special effort to acquaint such individuals with the programs and to provide job counseling, training, placement, and other services designed to assist such individuals in obtaining gainful employment; and (2) coordinate efforts on behalf of such individuals with those authorized by chapter 41 of title 38, United States Code (Job Counseling and Employment Placement Services for Veterans), or carried out by other public or private organizations or agencies.

RECORDS, AUDIT, AND REPORTS

SEC. 104. (a) All revenues shared with recipient units of government under this title shall be properly accounted for as Federal funds in the accounts of such recipients.

(b) In order to assure that revenues shared under this title are used in accordance with the provisions of this Act, each recipient unit of government shall—

(1) use such fiscal and accounting procedures as may be necessary to assure (i) proper accounting for payments received by it, and (ii) proper disbursement of such amounts;

(2) provide to the Secretary, on reasonable notice, access to, and the right to examine, any books, documents, papers, or records as he may reasonably require, and

(3) make such reports to the Secretary as he may reasonably require.

RECOVERY OF FUNDS

SEC. 105. (a) If the Secretary determines after giving reasonable notice and opportunity for hearing that a recipient unit of government has failed to comply substantially with the provisions of this Act, he shall—

(1) refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted; or

(2) notify the recipient unit of government that if corrective action is not taken within sixty days from the date of such notification, revenues shared with it will be reduced in the same or succeeding fiscal year by an amount equal to the amount of funds which were not expended in accordance with the provisions of this Act; or

(3) take such other action as may be provided by law.

(b) When a matter is referred to the Attorney General pursuant to subsection (a)(1) of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

(c)(1) Any recipient unit of government which received notice of reduction of revenues shared, under subsection (a)(2) of this section, may, within sixty days after receiving notice of such reduction, file with the United States court of appeals for the circuit in which such unit of government is located or in the United States Court of Appeals for the District of Columbia a petition for review of the Secretary's action. The petitioner shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in litigation.

(2) The Secretary shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(3) The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary may modify his findings of fact, or make new findings, by reason of the new evidence so taken and filed with the court, and he shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole, and shall also file his recommendations, if any, for the modification or setting aside of his original action.

(4) Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

TITLE II—ACTIVITIES OF THE SECRETARY OF LABOR

SEC. 201. In order to maximize the effectiveness of activities carried out by recipient units of government under title I of this Act, the Secretary, either directly or through funds provided to public and private organizations, shall—

(a) contribute to the efficient exercise of discretionary powers under this Act of State and local governments, by developing capacity for and providing such training, staff development, and technical assistance as may be requested by States and recipient units of local general government;

(b) assist State and local governments to fulfill their responsibilities under this Act by carrying out a comprehensive program of manpower research and experimental, demonstration, and pilot programs to improve understanding and methods of meeting manpower, employment, and training problems;

(c) enhance the capacity of State and local governments to assess their manpower needs and set their own priorities by developing a comprehensive system of labor market information on a National, State, local, or other appropriate basis, which shall be made publicly available in a timely fashion;

(d) establish and carry out a national computerized job bank program, using electronic data processing and telecommunications systems to the maximum extent possible for the purpose of identifying sources of available manpower supply and job vacancies, providing an expeditious means of matching the qualifications of unemployed, underemployed, and disadvantaged persons with employer requirements and job opportunities, and referring and placing such persons in jobs;

(e) secure information and data designed to enable the Secretary to evaluate and measure the relative and, where programs can be compared appropriately, comparative effectiveness of the activities carried out under this Act;

(f) administer the Wagner-Peyser Act and the manpower provisions of title IV, part C of the Social Security Act in such a manner that services under such laws contribute to the fullest extent possible in the development of comprehensive manpower programs under this Act; and

(g) establish programs designed to assure that manpower programs contribute fully to national policy objectives, including services and activities such as authorized under title I of this Act.

SEC. 202. The Secretary shall make an annual manpower report to the President and the Congress pertaining to manpower requirements, resources, utilization, and training and to the effectiveness of programs authorized under this Act.

TITLE III—EMERGENCY TRAINING AND EMPLOYMENT ASSISTANCE

SEC. 301. When the Secretary determines that the rate (seasonally adjusted) of national unemployment has risen to equal or exceed 4.5 per centum for three consecutive months, the Secretary is authorized to obligate from the funds appropriated for carrying out this title an amount up to $500,000,000 for carrying out activities authorized under title I of this Act for the fiscal year in which such determination is made.

SEC. 302. The Secretary shall distribute funds available pursuant to section 301 of this title among States and eligible units of local general government to provide training and other services authorized by title I to groups or communities of high unemployment.

SEC. 303. No further obligation of funds made available under section 301 of this title may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4.5 per centum for three consecutive months.

SEC. 304. Whenever the Secretary determines that the unemployment rate criteria prescribed in section 301 and in section 303 of this title have been met, he shall promptly notify the Congress and the Secretary of the Treasury, and shall publish such determination in the Federal Register.

SEC. 305. This title shall be effective upon the enactment of this Act.

TITLE IV—GENERAL PROVISIONS

SEC. 401. The Secretary shall prescribe such rules, regulations, and standards as may be necessary to carry out the purposes and conditions of this Act, including standards to assure the compatibility on a nationwide basis of data systems used in carrying out activities under this Act in order to provide the public and the Congress with objective information on which to evaluate activities under this Act.

SEC. 402. Revenues shared under this Act shall be considered as Federal financial assistance within the meaning of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

SEC. 403. (a) Effective December 31, 1971, the Manpower Development and Training Act of 1962, as amended, and parts B and E of title I of the Economic Opportunity Act of 1964, as amended, are repealed: *Provided*, That for the fiscal year ending June 30, 1972, revenues shared shall be calculated on the basis of Federal appropriations for the entire fiscal year under this Act and statutory provisions repealed by this subsection, and appropriations for the fiscal year ending June 30, 1972, as of December 31, 1971, for grants or contracts consonant with the activities authorized under section 101(a) of this Act, within or attributable to the jurisdiction of each recipient unit of government will be charged against its shared revenues: *Provided further*, That each recipient unit may, at its discretion, assume and act on behalf of the Secretary with respect to the unexpended portion of any Federal obligation for a grant or contract for such activities as of December 31, 1971, under the statutory provisions repealed by this subsection, and may terminate or continue such grant or contract in accordance with its terms on its own responsibility. The grantee or contractor may terminate any assumed grant or contract within thirty days after such assumption without incurring penalties for default. In the event that a recipient unit of government declines to assume the obligation for any such grant or contract, it shall continue in accordance with its terms until termination. For the purpose of this proviso, all authority of the statutory provisions repealed by this section shall remain in effect, but not beyond December 31, 1972.

(b) Advance payments made prior to and including December 31, 1971, and unearned at the close of business on December 31, 1971, shall be either returned promptly to the Federal agency concerned, or offset against the first shared revenues to which the same unit of government becomes entitled under this Act.

(c) Unobligated balances of appropriations on the books of the Federal Government under the statutory provisions repealed by subsection (a) of this section shall be transferred to and merged with funds appropriated under the authority of section 3 of this Act.

SEC. 404. The amounts appropriated and allocated pursuant to this Act shall be paid to the recipient units of government at such intervals and in such installments as the Secretary may determine, taking account of the objective that the time elapsing between the transfer of funds from the United States Treasury and the disbursement thereof by a recipient unit of government shall be minimized: *Provided*, That the Secretary shall, with the concurrence of the Director of the Office of Management and Budget, prescribe regulations for the purpose of avoiding an inordinate rise in Federal outlays in fiscal years 1972 and 1973 resulting from concurrent disbursements pursuant to (i) obligations incurred prior to December 31, 1971, under the statutory provisions repealed by section 403(a), and (ii) revenues shared under this Act.

SEC. 405. In the event that cooperation or agreements between States is necessary in order to realize the full benefit of provisions of this Act, the consent of Congress is hereby given to such States to enter into such agreements.

SEC. 406. The Secretary shall not provide funds for activities of a health, education, or welfare character under title II of this Act unless he shall first have obtained the concurrence of the Secretary of Health, Education, and Welfare. Such activities shall include, but not be limited to, basic and general education; institutional training; health, child care, and related ancillary activities; and supported work and job restructuring in the health, education, and welfare professions.

SEC. 407. (a) The Secretary is authorized to exercise all powers necessary for the implementation of title II, including the power (1) to rent or renovate real property without regard to any other law or regulation governing rental or renovation of such property, provided he first advises the Administrator of General Services Administration of his intent to do so and the reasons therefor, (2) to purchase real property for training centers, (3) to accept and use gifts and voluntary services for the benefit of the program, (4) to enter into contracts or agreements, (5) to make such payments in advance or by way of reimbursement as he may deem to be necessary or appropriate to carry out the provisions of the Act, and (6) to expend, without regard to the provisions of any other law or regulation, funds made available for purposes of this Act for printing and binding.

(b) Enrollees in residential centers assisted under title II of this Act shall not be regarded as Federal employees for any purpose, except that such enrollees shall be deemed Federal employees for the purposes of (1) the Federal tort claims provisions of title 28, United States Code; (2) the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.); and (3) subchapter I of chapter 81 of title 5, United States Code (relating to compensation for work injuries), except that the Secretary may prescribe rules and regulations, including variances from the provisions of this subchapter where he deems it appropriate and including the designation of appropriate salary levels to be used as a basis for computing benefits to such enrollees.

SEC. 408. All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted, which shall include revenues shared, under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

SEC. 409. (a) As used in this Act, the term "State" means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands.

(b) For purposes of determining shared revenues under section 102 of this Act—

(1) the term "labor force" means the civilian labor force as defined and used by the Department of Labor's Bureau of Labor Statistics;

(2) the term "unemployed persons" means those persons who are unemployed as defined and used by the Department of Labor's Bureau of Labor Statistics;

(3) the term "low-income persons" means members of households or individuals living separately, whose income does not exceed criteria established by the Secretary, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors;

(4) the term "standard metropolitan statistical area" means those population centers as defined by the Office of Management and Budget; and

(5) the term "labor market area" means a local economic complex as defined by the Secretary, within which workers may normally change their place of work without changing their place of residence.

(c) Where appropriate, the definitions in subsection (b) of this section shall be based on the latest published reports of the Department of Labor and the Office of Management and Budget on the date of enactment of this Act and of each subsequent year. The Secretary may by regulation change or otherwise modify the definitions in subsection (b) of this section in order to reflect any change or modification thereof made subsequent to such date by the Department of Labor or the Office of Management and Budget.

SEC. 410. The effective date of this Act, except as provided in section 305 of this Act, shall be January 1, 1972. Rules, regulations, guidelines, and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment.

Mr. ESCH (during the reading). Mr. Speaker, I ask unanimous consent that the recommittal motion be considered as read and be printed in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, the gentleman from Michigan (Mr. ESCH) is seeking recognition under the rule for 5 minutes.

The SPEAKER. The gentleman from Michigan (Mr. ESCH) is recognized for 5 minutes.

Mr. O'HARA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Michigan yield for a parliamentary inquiry?

Mr. ESCH. I yield to the gentleman from Michigan for a parliamentary inquiry.

Mr. O'HARA. Mr. Speaker, I would like to inquire if this is the exact text of H.R. 8141 that was made in order by the amendment to the rule.

Mr. ESCH. The gentleman is correct.

Mr. O'HARA. Then I would like to inquire of the Speaker, if the fact that an amendment was made in order, a particular amendment otherwise not germane, was made in order under the 5-minute rule, by provisions of the resolution from the Committee on Rules, would that make the same nongermane amendment in order as a motion to recommit with instructions?

The SPEAKER. The gentleman from Michigan (Mr. Esch) has been recognized on his motion to recommit with instructions. Any challenge to the motion would now come too late.

The gentleman from Michigan (Mr. Esch) may continue to debate his motion to recommit with instructions.

Mr. ESCH. I thank the Speaker.

I think it is clear what we are voting on now is again the substitute bill, and in case there is any question, there is an opportunity to include not only public service employment which the committee bill does have, but also an opportunity to revamp and restructure the manpower training programs of this country.

If there is unemployment in the country, and there is, the committee bill will not solve that unemployment. Only a restructuring of the manpower training program will do that.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. ESCH. I am happy to yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I thank the gentleman for yielding.

Now, as you know, we just went through a teller vote in which the substitute was defeated. It is my hope that the substitute could be adopted on the motion to recommit. But if it is not, I would ask my colleagues to vote no on the bill, so that the committee can begin working on comprehensive manpower legislation, including public service employment, right away, rather than having to go through the process of going down to the White House and coming back up here again at some later time. It is of the utmost importance that we revamp the manpower legislation so that it will fit the needs of the country. That is why I ask you, if the motion to recommit does not prevail, that you vote against the bill.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. ESCH. I am happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I wish to subscribe to the recommendation made by the gentleman from Minnesota which I believe likewise has the endorsement of the gentleman from Michigan (Mr. Esch).

The motion to recommit is the Esch substitute which lost on a teller vote with clerks by a margin of 204 to 182. This Esch substitute is good legislation. It ought to be enacted into law. If it is defeated and the committee bill prevails, I predict we will be considering this same legislation, not next week in a conference report, but in a couple of months from now in a new effort. On the other hand this legislation could be on the statute books if the substitute were to prevail. If you want to solve the problem of public service employment—if you wish to revamp the manpower training legislation, you ought to approve the substitute. Otherwise you are going to be faced with an issue dragging out week after week after week with no resolution of the problem.

Mr. ESCH. Mr. Speaker, I appreciate the comments of the gentleman from Michigan. I subscribe to what he and the ranking Member of our committee have said. I want to make sure that the Members of the House understand that the committee bill will not solve the problem of unemployment in this country. By their own admission it will only solve 3 percent of the problem, and it is about time that we got into the real question of revamping manpower training and the substitute will do that. If not, then let us defeat the bill and go back to the committee and bring out something realistic instead of something which will not meet the needs of the country.

Mr. PERKINS. Mr. Speaker, I move to strike the requisite number of words.

The SPEAKER. The gentleman from Kentucky is recognized for 5 minutes in opposition to the motion to recommit with instructions.

Mr. PERKINS. Mr. Speaker, I rise in opposition to the motion to recommit. We have heard the same arguments that we have gone over all afternoon. The committee has already voted to reject the substitute. We need to take time to study any reorganization of our manpower programs. None of us wants to see worthy manpower programs discarded until we understand clearly what is proposed to replace them.

The so-called revenue sharing in manpower is something that has got to be studied thoroughly by the committee. Let me summarize the basic issue.

H.R. 3613 makes no changes in existing manpower programs. H.R. 8141 repeals all existing programs and writes new manpower legislation to take its place, drastically altering the method of distributing funds and leaving up to the Secretary of Labor authority to write his own formula with respect to the distribution of such funds and provides no legislative assurance that States and local communities will not suffer cutbacks in Federal support for manpower training programs. H.R. 3613 would simply create a new program of public service employment to complement existing manpower programs—an essential tool if the problems of unemployment in many areas of the country are to be effectively solved. Public service opportunities are needed now to cushion the impact of higher unemployment and it is, therefore, essential that the House pass today H.R. 3613.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I thank the chairman for yielding. It does not seem to me that there is any logic in demanding that we have in one package a manpower reorganization and a public employment bill. They should be two separate bills and each one should be considered on its merits.

May I add another thing. It seems to me that with a high unemployment rate, a rate of more than 6 percent, it would be the height of folly for this body to turn down what is in effect a job program and say to the unemployed people, "Go on welfare." This is the choice that you have today. Are the people who are unemployed going down and applying for food stamps? Are they going to the welfare offices and applying to get on the relief rolls? Or are you going to give them a chance to have a job that is constructive, that contributes to the economy, that gives the individual dignity? That is really the issue.

So let us vote for the Daniels bill, which will create jobs and will create them immediately without any further delay, and let us turn down this business that the relief rolls are a better alternative.

Mr. PERKINS. The gentlewoman is exactly correct.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Is it not true that a vote for the motion to recommit is a vote against creating jobs for veterans coming back from Vietnam and who urgently need them?

Mr. PERKINS. That is correct.

Mr. DANIELS of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Speaker, the bill has been lengthily and fairly debated. We have not only debated the bill in the House for approximately 3 hours, when all issues were explored, the committee bill, but also the Esch substitute. In addition thereto, we had the benefit of the views of many Members of the House on the rule, which was seriously debated. So I think all Members are well aware of the issue. The motion to recommit with instructions is nothing more than an endeavor to kill the committee bill.

I urge all of my colleagues in this House to support the previous action of the committee and to vote down the motion to recommit.

Mr. PERKINS. I think we can all agree that we do not want to see the manpower programs torn up and our vocational schools disorganized until we can establish some guidelines in carefully-thought-out legislation. Instead of coming to the floor and offering a substitute that would destroy our manpower programs under the guise of revenue sharing, which is no way to legislate, we should proceed in the well-recognized manner which is proper.

Mr. Speaker, I hope the motion to recommit is voted down overwhelmingly.

Mr. DANIELS of New Jersey. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 183, nays 201, answered "present" 1, not voting 48, as follows:

[Roll No. 114]

YEAS—183

Abbitt
Abernethy
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baker
Belcher
Bell
Betts
Biester
Blackburn
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Byrnes, Wis.
Byron
Caffery
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Coughlin
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dellenback
Dennis
Derwinski
Dickinson
Dowdy
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Gettys
Goodling
Gross
Grover
Gubser
Gude
Haley
Hall
Halpern
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hastings
Hillis
Hogan
Horton
Hosmer
Hull
Hunt
Hutchinson
Johnson, Pa.
Jonas
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lent
Lloyd
Lujan
McCloskey
McClure
McCollister
McDonald, Mich.
McEwen
McKevitt
McKinney
Mailliard
Mann
Martin
Mathias, Calif.
Mayne
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Morse
Mosher
Myers
Nelsen
Passman
Pelly
Pettis
Poage
Poff
Powell
Price, Tex.
Quie
Quillen
Railsback
Rarick
Reid, Ill.
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rousselot
Ruth
Sandman
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Stanton, J. William
Steele
Steiger, Ariz.
Steiger, Wis.
Talcott
Teague, Calif.
Terry
Thomson, Wis.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalley
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion
Zwach

NAYS—201

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Cabell
Casey, Tex.
Celler
Chappell
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Cotter
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dingell
Donohue
Dorn
Dow
Drinan
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Flood
Foley
Ford, William D.
Fraser
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Hagan
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Holifield
Howard
Hungate
Jacobs
Johnson, Calif.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Landrum
Link
Long, Md.
McCormack
McFall
McKay
Macdonald, Mass.
Madden
Mahon
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Rodinc
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Saylor
Scheuer
Seiberling
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Steed
Stephens
Stubblefield
Sullivan
Symington
Taylor
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Watts
White
Whitten
Wilson, Charles H.
Wolff
Wright
Yates
Yatron
Young, Tex.
Zablocki

ANSWERED "PRESENT"—1

O'Konski

NOT VOTING—48

Anderson, Tenn.
Baring
Burleson, Tex.
Camp
Carey, N.Y.
Carney
Clark
Clawson, Del
Culver
Dent
Devine
Diggs
Dulski
Dwyer
Edwards, La.
Evins, Tenn.
Flowers
Flynt
Gallagher
Giaimo
Goldwater
Hébert
Ichord
Jarman
Jones, Ala.
Leggett
Long, La.
McClory
McCulloch
McDade
McMillan
Metcalfe
Morgan
Pirnie
Roberts
Rooney, N.Y.
Runnels
Ruppe
Shipley
Stokes
Stratton
Stuckey
Teague, Tex.
Thompson, Ga.
Whalen
Winn

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. O'Konski against.

Mr. Burleson of Texas for, with Mr. Dent against.

Mr. Del Clawson for, with Mr. Anderson of Tennessee against.

Mr. Winn for, Mr. McDade against.

Mr. Camp for, with Mr. Rooney of New York against.

Mr. Devine for, with Mr. Carey of New York against.

Mrs. Dwyer for, with Mr. Giaimo against.

Mr. McMillan for, with Mr. Shipley against.

Mr. McClory for, with Mr. Stokes against.

Until further notice:

Mr. Teague of Texas with Mr. Pirnie.

Mr. Leggett with Mr. Goldwater.

Mr. Jones of Alabama with Mr. Thompson of Georgia.

Mr. Culver with Mr. Whalen.

Mr. Roberts with Mr. Stuckey.

Mr. Gallagher with Mr. Ichord.

Mr. Edwards of Louisiana with Mr. Flowers.

Mr. Clark with Mr. Ruppe.

Mr. Carney with Mr. Diggs.

Mr. Dulski with Mr. Flynt.

Mr. Evins of Tennessee with Mr. Runnels.

Mr. Jarman with Mr. Baring.

Mr. Stratton with Mr. Metcalfe.

Mr. Morgan with Mr. Long of Louisiana.

Mr. O'KONSKI. Mr. Speaker, I have a live pair with the gentleman from Louisiana (Mr. HÉBERT). If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 245, nays 141, answered "present" 1, not voting 46, as follows:

[Roll No. 115]

YEAS—245

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Caffery
Carter
Casey, Tex.
Celler
Chisholm
Clausen, Don H.
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Diggs
Dingell
Donohue
Dorn
Dow
du Pont
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Flood
Foley
Ford, William D.
Forsythe
Fountain
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Hagan
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Holifield
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kluczynski
Koch
Kyros
Landrum
Lennon
Link
Long, Md.
Lujan
McCloskey
McCormack
McFall
McKay
McKinney
Macdonald, Mass.
Madden
Mailliard
Matsunaga
Mazzoli
Meeds
Melcher
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Railsback
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sandman
Sarbanes
Saylor
Scheuer
Schwengel
Seiberling
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Stephens
Stokes
Stubblefield
Sullivan
Symington
Taylor
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Watts

White
Widnall
Wilson, Charles H.
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Tex.
Zablocki

NAYS—141

Abbitt
Abernethy
Anderson, Ill.
Andrews, Ala.
Archer
Ashbrook
Baker
Belcher
Betts
Blackburn
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Byrnes, Wis.
Cabell
Cederberg
Chamberlain
Chappell
Clancy
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dennis
Derwinski
Dickinson
Dowdy
Downing
Duncan
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Ford, Gerald R.
Frelinghuysen
Frenzel
Frey
Gettys
Goodling
Griffin
Gross
Grover
Gubser
Haley
Hall
Hammerschmidt
Hastings
Henderson
Hogan
Hosmer
Hull
Hunt
Hutchinson
Johnson, Pa.
Jonas
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lent
Lloyd
McClure
McCollister
McDonald, Mich.
McEwen
McKevitt
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Myers
Nelsen
Nichols
Passman
Pettis
Poff
Powell
Price, Tex.
Quie
Quillen
Rarick
Reid, Ill.
Rhodes
Robinson, Va.
Robison, N.Y.
Rogers
Rousselot
Ruth
Satterfield
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Smith, Calif.
Snyder
Spence
Springer
Steiger, Ariz.
Steiger, Wis.
Talcott
Terry
Waggonner
Wampler
Ware
Whalley
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wydler
Young, Fla.
Zion
Zwach

ANSWERED "PRESENT"—1

O'Konski

NOT VOTING—46

Anderson, Tenn.
Baring
Burleson, Tex.
Camp
Carey, N.Y.
Carney
Clark
Clawson, Del
Culver
Dent
Devine
Drinan
Dulski
Dwyer
Edwards, La.
Evins, Tenn.
Flowers
Flynt
Fraser
Gallagher
Giaimo
Goldwater
Hébert
Ichord
Jarman
Jones, Ala.
Leggett
Long, La.
McClory
McCulloch
McDade
McMillan
Metcalfe
Pirnie
Pryor, Ark.
Roberts
Rooney, N.Y.
Runnels
Ruppe
Shipley
Stratton
Stuckey
Teague, Tex.
Thompson, Ga.
Whalen
Winn

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. O'Konski for, with Mr. Hébert against.

Mr. Roberts for, with Mr. Burleson of Texas against.

Until further notice:

Mr. Rooney of New York with Mr. Pirnie.

Mr. Gallagher with Mr. McClory.

Mr. Culver with Mr. Camp.

Mr. Teague of Texas with Mr. Winn.

Mr. Anderson of Tennessee with Mr. Thompson of Georgia.

Mr. Carey of New York with Mrs. Dwyer.

Mr. Stratton with Mr. Goldwater.

Mr. Shipley with Mr. McDade.

Mr. Jones of Alabama with Mr. Carney.

Mr. Leggett with Del Clawson.

Mr. Runnels with Mr. Whalen.

Mr. Giaimo with Mr. Devine.

Mr. Dent with Mr. Edwards of Louisiana.

Mr. Clark with Mr. Ruppe.

Mr. Stuckey with Mr. McMillan.

Mr. Flowers with Mr. Jarman.

Mr. Flynt with Mr. Ichord.

Mr. Evins of Tennessee with Mr. Long of Louisiana.

Mr. Drinan with Mr. Metcalfe.

Mr. Dulski with Mr. Fraser.

Mr. Pryor of Arkansas with Mr. Baring.

Mr. O'KONSKI. Mr. Speaker, I have a live pair with the gentleman from Louisiana (Mr. HÉBERT). If he had been present, he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 437, the Committee on Education and Labor is discharged from further consideration of the bill S. 31.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. DANIELS OF NEW JERSEY

Mr. DANIELS of New Jersey. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DANIELS of New Jersey moves to strike out all after the enacting clause of the bill S. 31 and insert in lieu thereof the provisions of H.R. 3613, as passed.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3613) was laid on the table.

GENERAL LEAVE

Mr. DANIELS of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 31, EMERGENCY EMPLOYMENT ACT OF 1971

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to S. 31 and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, DANIELS of New Jersey, MEEDS, WILLIAM D. FORD, BURTON, HAWKINS, GAYDOS, SCHEUER, BIAGGI, Mrs. GRASSO, Mrs. HICKS of Massachusetts, Mrs. GREEN of Oregon, Messrs. QUIE, ESCH, STEIGER of Wisconsin, ESHLEMAN, RUTH, FORSYTHE, VEYSEY, and ERLENBORN.

PERSONAL EXPLANATION

Mr. DRINAN. Mr. Speaker, I was unavoidably absent on the occasion of the vote on final passage of H.R. 3613, the Emergency Employment Act of 1971. I voted against the Esch amendment and against the motion to recommit. If I had been able to be present, I would have voted for passage of the bill.

The SPEAKER. The gentleman's statement will appear in the RECORD.

PERSONAL EXPLANATION

Mr. MORGAN. Mr. Speaker, on rollcall No. 114 I was unavoidably detained on official business. Had I been present on the vote on the motion to recommit I would have voted "nay".

AUTHORITY FOR SPEAKER TO DECLARE RECESS MONDAY, JUNE 14, FOR OBSERVANCES COMMEMORATING FLAG DAY

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. BOGGS. Mr. Speaker, Monday, June 14, will mark the 194th anniversary of Flag Day. For many years the House has had proper observances commemorating Flag Day here in the House Chamber.

Mr. Speaker, I ask unanimous consent that it may be in order at any time on Monday, June 14, for the Speaker to declare a recess for the purpose of observing and commemorating Flag Day in such manner as the Speaker may deem appropriate.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

COMMITTEE TO MAKE ARRANGEMENTS FOR FLAG DAY CEREMONIES

The SPEAKER. The Chair will state for the information of the House that, after consultation with the distinguished minority leader, the Chair has informally designated the following Members to constitute a committee to make the necessary arrangements for appropriate ceremonies in accordance with the unanimous-consent agreement just adopted: The gentleman from Alabama (Mr. NICHOLS), the gentleman from Maine (Mr. KYROS), the gentleman from Missouri (Mr. HALL), and the gentleman from New York (Mr. KEMP).

CREATING ADDITIONAL POSITIONS, AND PROVIDING A SYSTEM OF OVERTIME PAY, FOR THE U.S. CAPITOL POLICE UNDER THE HOUSE

Mr. GRAY. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92-244) on the resolution (H. Res. 449), creating additional positions on the U.S. Capitol Police Force for duty under the House of Representatives and providing a system of overtime pay for the U.S. Capitol Police under the House, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES 449

Resolved, That (a) in addition to the number of positions on the United States Capitol Police force, and of personnel detailed to such police force from the Metropolitan Police force of the District of Columbia, existing on the date of the adoption of this resolution, there are hereby authorized to be established two hundred fourteen positions on the United States Capitol Police force, for duty under the House of Representatives, as follows:

(1) one hundred seventy-nine positions of private;

(2) eleven positions of sergeant;

(3) four positions of lieutenant;

(4) two positions of plainclothesman;

(5) six positions of technician (dog handler); and

(6) twelve positions of technician (station clerk; radio dispatcher; fingerprint-photographic specialist; or such other technical and specialized designations as may be deemed necessary).

(b) Each appointment to any such additional position shall be made by the Capitol Police Board, subject to prior approval of the Committee on House Administration, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Each person appointed to any such additional position shall have, prior to such appointment, at least one year of police experience or of equivalent experience.

SEC. 2. Each officer or member of the United States Capitol Police force—

(1) whose pay is disbursed by the Clerk of the House of Representatives; and

(2) who, at any time during the period beginning March 1, 1971, and ending at the close of June 30, 1971, performs or has performed duty, in a manner satisfactory to the Chief of the United States Capitol Police force, in addition to the number of hours of his regularly scheduled tour of duty:

is entitled, subject to the approval of the Committee on House Administration, to pay for each such additional hour of duty, in lieu of compensatory time off from his regularly scheduled tour of duty, as follows:

(A) private; sergeant; plainclothesman; technician (dog handler); or other technician—at a rate equal to one and one-half times his hourly rate of pay; and

(B) lieutenant or captain—at a rate equal to his hourly rate of pay.

The hourly pay of such officer or member is determined by dividing his annual rate of pay by 2080.

SEC. 3. Each officer or member of the United States Capital Police force—

(1) whose pay is disbursed by the Clerk of the House of Representatives; and

(2) who, at any time during any period occurring after June 30, 1971, with respect to which the United States Capitol Police Board shall have determined that emergency conditions and circumstances exist or existed which require the performance of duty by officers and members of the United States Capitol Police force in addition to the number of hours of their regularly scheduled tours of duty, performs or has performed duty, in a manner satisfactory to the Chief of the United States Capitol Police force in addition to the number of hours of his regularly scheduled tour of duty;

is entitled to pay for each such additional hour of duty, in lieu of compensatory time off from his regularly scheduled tour of duty, as follows:

(A) private; sergeant; plainclothesman; technician (dog handler); or other technician—at a rate equal to one and one-half times his hourly rate of pay; and

(B) lieutenant or captain—at a rate equal to his hourly rate of pay.

The hourly pay of such officer or member is determined by dividing his annual rate of pay by 2080.

SEC. 4. (a) The rate of pay of each position of plainclothesman and each position of technician authorized by the first section of this resolution to be established on the United States Capitol Police force for duty under the House of Representatives and of each position of plainclothesman established pursuant to H. Res. 1211, Ninetieth Congress, adopted October 11, 1968, shall be a single per annum gross rate equal to the sum of—

(1) the single per annum gross rate of pay of the position of private on the United States Capitol Police force; and

(2) an amount equal to three times the multiple dollar figure, as currently in effect from time to time, at which the pay of the position of private on such force is fixed.

(b) Subsection (c) of House Resolution 1211, Ninetieth Congress, adopted October 11, 1968, and enacted as permanent law by the Legislative Branch Appropriation Act, 1970 (83 Stat. 359; Public Law 91–145), shall not be effective in the Ninety-second Congress on and after the date of adoption of this resolution; and, effective on the date of enactment of the provisions of this resolution as permanent law, the provisions of such subsection (c) are repealed.

SEC. 5. There shall be paid out of the contingent fund of the House of Representatives, until otherwise provided by law, such sums as may be necessary to pay the rates of pay (including overtime pay) and the costs of uniforms and equipment, and to cover other necessary expenses, incident to carrying out the purposes of this resolution.

Mr. GRAY (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment:

On Page 3, Lines 15 and 16, strike the words "United States Capitol Police Board" and insert in lieu thereof "Committee on House Administration".

The committee amendment was agreed to.

The SPEAKER. The gentleman from Illinois is recognized for 1 hour.

Mr. GRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in order to provide more adequate security at the Capitol Building your Committee on House Administration brings up for consideration House Resolution 449, which has four main provisions.

The first provision would add 214 men to the Capitol police force of the House side.

The second provision would establish a small six-man canine corps, to be used for sniffing of explosives and for other duties.

The third provision would provide for overtime pay for the Capitol Police, who have been working a 6-day week with no overtime pay since the March 1 bombing of the Capitol.

The fourth provision would establish a permanent method of handling future emergencies for payment of overtime pay by designating the Committee on House Administration as the authority for such declaration.

It is a very simple resolution. We feel it is a modest step in the direction of tightening up security.

These recommendations came to our committee unanimously from the Capitol Police Board, which is composed of the Sergeant at Arms of the House, the Sergeant at Arms of the Senate, the Architect of the Capitol and the Chief of Police of the Capitol.

We all know that the Nation's spotlight has been on the Capitol Building particularly since March 1 when a dastardly act was committed by the planting of a bomb on the Senate side of the Capitol.

We have instituted certain security measures in addition to those authorized by this resolution. I will be glad to enumerate those very briefly, Mr. Speaker, for the benefit of the Members.

There have been seven major security actions taken in addition to the resolution before you. First, all entranceways into the Capitol Building are being manned during the period when they are not secured. Second, we have increased the security personnel by temporarily canceling 1 excused day off for all men and placed them on a 6-day work week. Third, we initiated the procedure of examining all parcels, et cetera, at all points of entry. Fourth, we have a more uniform system of issuing employee identification cards, which has been very beneficial. Fifth, all outstanding expired identification cards are being collected as presented to officers at check points. Sixth, the present practice of uniformity in closing hours for the office buildings has also been very beneficial for security purposes. Seventh, standard sign-in procedures are being adhered to by all employees with greater efficiency as employees become better trained in the procedure.

These are seven major measures instituted by the Chief of Police and the police board in addition to House Resolution 449.

This is a modest step forward. For example, we asked for 214 positions for the police in this resolution. A survey conducted by the Chief of Police shows that we could really use 600. So your committee has been very prudent in cutting it down by two-thirds. We feel that this is a very bare bones minimum of what the Chief of Police can get by with and still provide adequate security at the Capitol.

Mr. Speaker, I will be glade to yield to any Member for a question.

Mr. KYL. Mr. Speaker, will the gentleman yield to me?

Mr. GRAY. I will be glad to yield to the gentleman.

Mr. KYL. This 214 increase is for the House side alone. Is that correct?

Mr. GRAY. The gentleman is eminently correct.

Mr. KYL. Can we then assume that

there will be an increase also for the Capitol section under the Architect and also for the Senate side?

Mr. GRAY. The jurisdiction is delineated as between the House and Senate. We do not have Center Capitol Building Police per se. We will have a 214 personnel increase on the House side, and the Senate side will also, I understand, propose about 140 additional men. This has not been firmed up, and we do not have any exact figures on that from them.

Mr. KYL. Will the gentleman yield further?

Mr. GRAY. Yes. I will be glad to yield.

Mr. KYL. Can the gentleman tell us how many people there are now on the Capitol police force on the two sides of the Capitol?

Mr. GRAY. Yes. I will be delighted to give the gentleman those figures. At the present time we have on the House side two captains, eight lieutenants, 22 sergeants, six plainclothesmen, no technicians, 317 privates, making a total of 359, which is the complement of the House police. The increase we have asked for here is an additional four lieutenants, 11 sergeants, two plainclothesmen, six technicians who will be dog handlers, 12 technicians, and 179 privates, making a total of 214. If this is approved today, we will have a total force on the House side of 569.

Mr. KYL. A total of 569 on the House side?

Mr. GRAY. If this 214 is approved.

Mr. KYL. How many officers and men are there in the force on the Senate side?

Mr. GRAY. The total will be brought up, if the increase that they have asked for is granted—and I say it is not official yet on the Senate side, but we are anticipating a leveling off at 1,000 men on the House and the Senate sides. We will have 569 on the House side, and you can just subtract that from the total figure to arrive at what the Senate will have.

Mr. KYL. Will the gentleman yield a little further?

Mr. GRAY. I will be delighted to.

Mr. KYL. In addition to these regular employees of the Capitol, how many Metropolitan Police are now utilized on the Hill?

Mr. GRAY. I would say to my distinguished friend from Iowa that this does include the Metropolitan Police. We are now paying them out of the contingency fund of the House. Therefore, the figures which I have used represent the total force on Capitol Hill.

The only addition to that would be if we had a bomb threat and we had to use the District of Columbia Department's Canine Corps or have to call in additional regular forces from the Metropolitan Police to cover such activities as the May Day activities which we recently experienced.

Mr. KYL. In other words, if we get the increases that the committee seeks here and in the other body, there will be 1,000 people employed on the Hill as police and that 1,000 figure will include the Metropolitan Police who are stationed here either on a temporary or full-time basis?

Mr. GRAY. The gentleman has stated the situation very well.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I thank my distinguished colleague for yielding.

I merely wanted to compliment the gentleman and his colleagues for being expeditious in this matter of overtime pay. Some of us have felt that this has been a very serious and gross dereliction of duty on the part of the House. I want to compliment the leadership of the House and more particularly this subcommittee and its distinguished chairman for expeditiously attending to this need. I compliment them upon bringing up this bill and I hope the House will approve it overwhelmingly.

Mr. GRAY. I thank my distinguished friend from Texas for those remarks.

I might say while we are on the subject of overtime pay, we must not forget if we talk about 1,000—if we should reach that point—we are talking about three shifts around the clock for the protection of the Capitol area.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I am glad to yield to my friend from Iowa.

Mr. GROSS. What will be the jurisdiction of this 1,000-man force if it is eventually brought up to 1,000? What will be the area covered by them?

Mr. GRAY. The gentleman raises a very important point and I am glad he has done so. This includes the Capitol Hill complex, all of the House office buildings, the Capitol itself, the Senate office buildings, and all of the buildings under the jurisdiction of the Architect of the Capitol.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, does that include the Supreme Court?

Mr. GRAY. No; they have their own police force. They are not under our jurisdiction. That is a separate branch of the Government.

Mr. GROSS. And, this is exclusive of the Library of Congress?

Mr. GRAY. It is exclusive of the Library of Congress except where the jurisdictions overlap such as when we have policemen out here directing traffic on that corner and on the corner of New Jersey Avenue. Of course, they handle a lot of traffic for the Library of Congress. However, for their own security purposes, they do that with their own police force.

Mr. GROSS. Is this designed to bring within its jurisdiction this visitors center that is still apparently in a state of limbo? Has there been anything done on that?

Mr. GRAY. That would be under the jurisdiction of the Metropolitan Police Department.

Mr. GROSS. But not the Capitol Police?

Mr. GRAY. Not the Capitol Police. We do not go that far with our jurisdiction. Our jurisdiction ends just a little bit north of the Senate office buildings.

Mr. GROSS. How would you keep a 1,000-man force from falling over each other in that restricted area which you have just described?

Mr. HAYS. Mr. Speaker, will the gentleman yield to me?

Mr. GRAY. I am glad to yield to the distinguished chairman of the Committee on House Administration.

Mr. HAYS. I wanted to point out the fact before the gentleman from Iowa asked that question—and it is even more apropos now—that these people work in three shifts so, you divide 1,000 by 3 and you have 333. Then, they only work 5 days a week and when you divide 333 into a 5-day week so that each one will have 2 days off, you wind that figure down to about 225 men per shift. So, the figure is not so impressive as it seems. I think you can deploy 225 police in this Capitol Building complex without having them falling over each other.

As a matter of fact, there have been several incidents which have taken place in the Rayburn House Office Building at night because there were not enough police to patrol that building. So we would not have too many police, especially considering the number of nutty people who are walking around and throwing bombs and making threats. This is the focal point, the Capitol complex, for the entire Nation.

Mr. GRAY. Mr. Speaker, I would like to explain one thing further. Since we have gone on a 6-day workweek we have closed down the police school.

We have had all kinds of articles, just reams and reams of articles in the papers all over the country complaining about the so-called patronage police force not having enough training. So the Committee on House Administration has insisted that we have a 2-month training course. The police academy is closed down now, and the Chief estimates that it will take about 100 men to start up the school. So then, out of the 1,000 you will have 100 that are going to be in training when we take on more men into the police force. So we are not going to have much more than 200 at the most on duty at any one given time.

If we are going to have an all-professional police force, and everybody seems to want an all-professional police force, then we have got to have a cadre of instructors, and we have to have enough people in training that are going to be off duty in order to train the new officers. And because these police only start at $8,600 there is a pretty good attrition, and it is hard to keep people here. They keep coming and going, so we will have to be continually training police if we are going to have any semblance of a professional force.

So I do not think it is fair to say that we are going to have over 1,000 policemen running over each other. The fact of the matter is we do not have 1,000, because the total we have now is only a little over 600. I was only trying to be completely frank, and the only thing we have tried to do is to comply with the requests of the Chief of Police. So this would be approximately 600 on the House side. It may never reach 1,000 men. But even if it does, we will not have too many policemen running over each other, because, as the Chairman of the Committee on House Administration has pointed out, you must have three shifts. And while we are cranking up the school there will be additional men involved in that, but this is necessary if we are going to have a professional police force here, so as to protect the life and property around the Nation's Capitol.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, is it envisioned that there is going to be an academy of some kind in connection with augmenting the police force?

Mr. GRAY. I am glad the gentleman has brought up that point.

We have in the District of Columbia a Police Academy, and it has been the policy for some years to use that Academy, and we would use that Academy for the six positions of technicians, or dog handlers. They would have to be trained in the District Academy because we do not have any facilities in our school for that type of training; we do not have the expertise necessary, so they will be trained there. We would utilize the academy downtown whenever it is practical.

As far as a police training school, it is not going to be a big, grandiose thing like an academy, but it is something that will require instructors, and it is something that will require time off from regular duties in order to instruct the new officers. This is what I had reference to when I said a police training school on the Hill.

Mr. GROSS. If the gentleman will yield further, then the gentleman is saying that it is not proposed to build a separate, additional police academy on the Hill?

Mr. GRAY. There is not one cent for that in this resolution. I am glad the gentleman from Iowa brought that point up, because there is not a penny in here for a training school, per se, only men.

Mr. GROSS. If the gentleman will yield further, does the gentleman think that will be an automatic matter of consequence, because of increasing these forces to the extent that it has been proposed to increase them?

Mr. GRAY. That is a very good question, I would say to the gentleman from Iowa, and the answer is an unequivocable "No." The school was in effect prior to the time we had to take the men off the 40-hour week and put them onto a 6-day week that occurred after the March bombing.

Mr. GROSS. If the gentleman will yield still further, it seems to me that this heavily augmented police force is going to need expanded headquarters some place around the area he has described. The distinguished Speaker has said that he has no rooms to offer anyone.

Mr. GRAY. These men will be walking their beat; 179 of them would be privates, and they will be out walking their beats, they will be in the various office buildings, and different places, so they will not need quarters per se.

Mr. GROSS. One final question, if the gentleman will yield.

Mr. GRAY. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. I note this language says "is entitled, subject to the approval of the Committee on House Administration, to pay for each such additional hour of duty, in lieu of compensatory time off from his regularly scheduled tour of duty."

It is not intended by this language to outlaw the use of compensatory time, is it? It provides the option of either, I would hope it was either compensatory time or the overtime pay.

Mr. GRAY. The gentleman from Iowa is eminently correct. We did not want the House to pass a resolution making it automatically mandatory that overtime be paid. We only want to pay the overtime cash in lieu of compensatory pay when there is an emergency. We feel that the Committee on House Administration would be the best ones to determine, after consultation with the Chief, and with the Speaker, and others, as to when such an emergency would exist. So we feel we should have control over the subject.

Mr. GROSS. I thank the gentleman for yielding.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to the distinguished gentleman from New York.

Mr. BIAGGI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this resolution. The obvious justice that is manifest in the bill leads one to but one conclusion, and that is to support it and to vote for it.

A number of questions were raised just prior to my speaking, and I would like to address myself to several of those questions.

First, so far as the training of police officers is concerned, we have heard over the decades that it is essential that an officer be trained. Ordinarily that was dealing with the pragmatics of being a police officer. In the last decade a new dimension has entered into his work and into his training, and that is the sensitivity of his relationship to the people. They say that the thin blue line has a great responsibility. It has acquired additional responsibility. It has become the object of and the subject of and the target of many peoples. It is the symbol of authority and hence it is the direct target of those who attack authority. They say an officer has no sensitivity—he does not relate to the people on the street and hence to compensate for that, we urge that that sensitivity problem be addressed.

As for the question about opening the schools so far as that is concerned, I can only suggest very strongly that it be done quickly and without further delay. Because in the absence of such quick action we are not putting forth the type of police officer that is required in this day and age.

But, Mr. Speaker, I would like to take this occasion to deal with the police officers' problems—not directly germane to the bill—but the problems that touch the police officer in the Capitol and touch on the police officer throughout the world. It amazes me, in view of the advocates of so many noble causes, where injustices arise, where we have killings in My Lai—that we hear very few voices being raised in defense of the police officer. In spite of the onslaught on police officers and the coldblooded executions that are being committed of the police officers in the Nation, it confounds me that the bleeding hearts of the Nation are still. These police officers are human beings—they are fathers, they are husbands, they are taxpayers, and they believe and they care for life, and they are concerned for their children and their families and their neighbors. But somehow the voices of those from whom we have heard so much are muted. That puzzles me. But I have confidence that the Nation will respond to the needs that exist. In the city of New York recently we had several killings—two of them were coldblooded executions—they were not killings in hot combat, which is part and parcel of the peril of the everyday life of the police officer, which is something which has come to be anticipated and accepted by their families and themselves. They were coldblooded executions. Very few voices were heard in connection with this.

Of course, there are some in this country who seek to divide us all of the time. They would have you believe that there is a racial connotation here. The fact of the matter is that of the last seven who were killed five of them were black. They were not killing a black man or a white man—they were killing police officers—the symbol of authority in this Nation.

Here in Washington day after day the Capitol becomes more of a target of the establishment, and of the authority of Government. It is essential that it be adequately protected.

It is essential that we pass this bill. It is essential that we do far more because of the responsibility of people in public life, long since abandoned by them because of their shortsighted political view. And to permit the erosion of authority brings us to this point—we are now tasting the bitter fruit of yesterday's omissions and permissiveness. It is essential that we pass this bill and address ourselves to all of the problems affecting police officers.

Mr. Speaker, I compliment the Chairman for introducing this bill and urge the Congress to deal with this problem on a massive approach, because without the protection of the law enforcement officer and without their integrity being preserved and without their effectiveness being increased rather than diminished, and so diminishing their morale, the very future and safety and transquillity of the individual taxpayer in this Nation is imperiled, and the spending of the dollar is diminished.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I wish to commend our colleague in the well for the statement he has made. He makes it with a great deal of compassion because for many years he served as a member of the New York City police force. Recently I was in New York and drove through the district in which he was commander. Even to this day they speak reverently of the manner in which he discharged his duties as police commander of that community. Our colleague has put in perspective the needs of policemen all over America. But I am sure my colleague would have to agree with me that while we commend the committee for bringing this bill to us—and the gentleman from Illinois understands the enormity of the problem reflected by this bill—it is a tragic reflection on our times that it takes 1,000 policemen and 6 police dogs to protect our Nation's Capitol.

Mr. BIAGGI. I cannot agree with you more. But we have to be realistic and deal with the times.

Mr. GRAY. Mr. Speaker, I know of no one more eminently qualified to speak on this subject than the gentleman from New York, who was a highly respected and decorated member of the police force of New York. I wish to thank him for his kind remarks.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from New Jersey

Mr. HUNT. I should like to ask a few questions of the gentleman from Illinois. Will the employment of the new policemen eliminate once and for all the patronage in the employment of college students?

Mr. GRAY. The gentleman raises a very important point. We in the Committee on House Administration have instructed the Capitol Police force and the Chief that all policeman on his force shall be adequately trained and shall submit to at least 2 months of police training. The resolution calls for no consideration of political affiliation to be given in acquiring members of the force.

Mr. HUNT. No. 2, does the bill take into consideration any retroactive pay for those men who had so much overtime accrue to them as a result of past disturbances?

Mr. GRAY. The gentleman raises another very important point. The answer is "Yes." This resolution makes overtime pay retroactive to March 1, the date the emergency was created. It pays privates to sergeants 1½ times pay for overtime and Lieutenants on up to the Chief, regular time for overtime from March 1 on. The emergency ends on June 30.

With reference to any subsequent emergency—and we hope we have none—should we have, the House Committee on Administration will determine whether or not overtime pay should be paid.

Mr. HUNT. As far as the selection of recruits is concerned that would be entering your academy, have you set up a table of qualifications age wise, physical wise, and mental and character examinations?

Mr. GRAY. That also is a very important point, and I might say that we on the committee were both embarrassed and chagrined to find out, when my distinguished colleague from Illinois (Mr. ANNUNZIO) propounded the question of the Chief, that at the present time we do not require a physical as a prerequisite to hiring on the police force. I can assure you that from now on they will have to have a physical.

Mr. HUNT. How about the rest of the question I propounded about other investigation as to their prior record and character?

Mr. GRAY. That is answered in the affirmative. The Chief of Police now estimates that if this resolution is adopted, he has between 75 and 100 recruits that have been checked out very thoroughly that could go on the force immediately and again crank up our training school. The answer is "Yes," they are checked out, their background, references, police records, and so forth.

Mr. HUNT. Has any thought been given to the selection of returning GI's with a combat status, those who have been in combat areas, and if so, what inducement is being made to them to bring them into the Police Department, considering the fact that they may have had service either with the military police or the CID?

Mr. GRAY. Those are being given top priority. We are using all the recruiting facilities available, including the District of Columbia and the Executive Protective Service, which is another police agency which protects the White House and the embassies, and if they have someone who comes to them that they think would like to work "on the Hill," and they do not have an opening, they refer them to the Capitol Police. It is a reciprocity type recruiting effort. The answer is "Yes," we are giving priority to that subject.

Mr. HUNT. Will the gentleman make the qualifications for members of the force a matter of record when they are finally worked out?

Mr. GRAY. I will be delighted to do so.

Mr. HUNT. I wish to compliment you for your action on this bill. We have for many years required policemen to take an oath to protect society. At the same time we have treated them unfairly. We have kept them understaffed, undermanned, and underpaid.

The action of the committee is justifiable in this respect, and I am most happy to join with the gentleman on the passage of this resolution.

Mr. GRAY. I thank my friend for his valuable contribution.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to my distinguished friend from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I want to join my colleagues in commending the gentleman for bringing this resolution before the House. What concerns me is a situation that perhaps developed during the demonstrations we had recently, in that some Members of Congress might have countermanded some of the orders given to policemen by saying, "Well, I think this should be corrected; that people should be able to come on the steps, people should be able to come into the buildings."

Who gives the Capitol policemen their orders? Does a Member have a right to countermand an order given a policeman by a sergeant, by the captain or by the chief?

I believe this is a very important point, and I wish the gentleman would comment on this, because this could develop into a serious problem, if 435 Members of the House thought they were chiefs of police and could change orders. We could really run into some chaos.

Mr. GRAY. The gentleman from Mississippi has raised a very important point. I will be glad to answer briefly, and then I will yield to my distinguished chairman, who is much more knowledgeable than I.

This is a situation the chief anticipated before the march in May because of his long tenure here. He is a deputy chief of the Metropolitan Police Force also. He came to the Sergeant at Arms of the House, and he talked with me, the chairman of the subcommittee, and the chairman of the full committee. All of us gave him full authority to enforce the law. Whatever orders were issued at the Capitol, was the law. Any Member acting contrary notwithstanding was in violation.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to my distinguished chairman.

Mr. HAYS. I should like to supplement that by saying the Chief did talk to me, and he said certain Members had told him he would not dare to harass any of these demonstrators. He asked, "Mr. Chairman, what do I do?" I said, "I do not know what authority I have to tell you anything, but my suggestion is that you do not harass anybody, but if anybody violates the law you put them in the 'pokey' with whatever force seems to be indicated."

Mr. GROVER. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I am happy to yield to my distinguished friend, the ranking minority member of the Subcommittee on Public Buildings and Grounds. The reason I mention this, before yielding, is because we have had hearings in our subcommittee concerning security not only for the Capitol but for all Federal buildings. The gentleman from New York was very helpful.

Mr. GROVER. I will say to my colleague I do support this legislation.

I was quite surprised some weeks ago when it was pointed out there was neglect of the financial status of the Capitol Hill police.

I was surprised also to find that no physical examinations are required. I hope when the new standards for physical examinations are promulgated they will be an improvement upon those of the Metropolitan Police, because I read in the newspapers today they have standards for the Metropolitan Police which would discourage people like Dick Butkus and other big football players.

With the things going on around Capitol Hill these days, I believe we need those big fellows to help protect us and to help out our colleague from Mississippi, who almost fought the battle of the Capitol steps by himself the other day.

Mr. GRAY. I appreciate the comments of my distinguished friend.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to my distinguished friend from Florida.

Mr. PEPPER. I thank my able friend for yielding.

I want to commend the able chairman and the distinguished committee for bringing forward this resolution and in some measure recognizing the debt of gratitude we owe to these law enforcement officials who protect us here.

I also want to associate myself with the very able words said by the distinguished gentleman from New York (Mr. BIAGGI) with respect to the police of this country and law enforcement officials being underpaid.

Personally, I believe it ought to be a Federal offense, as it is a State offense, to kill a law enforcement officer. I believe it is within the jurisdiction of the Federal Government to do that. Law enforcement for the people of this country is interrelated to the whole law enforcement problem, so the Federal Government could take jurisdiction over it and make that a Federal offense as well as a State offense.

I have introduced a bill to exempt the first $5,000 of every peace officer's income from income tax. This is the only way I know of whereby we can quickly and without a lot of red tape and expense give a very appreciable and very meaningful increment to the income of those faithful soldiers on our civil line, the law enforcement officers of this country.

Mr. GRAY. As always, my friend from Florida makes a great contribution.

I now yield to my friend from West Virginia, a valued member of the Committee on Public Works.

Mr. KEE. Mr. Speaker, I thank the knowledgeable and distinguished gentleman from Illinois for yielding to me.

Mr. Speaker, this measure we have before us, which I hope and pray will pass unanimously, without one single dissenting vote, will prove to be in the days to come one of the most important resolutions that we have been called upon or will be called upon to consider during this session of Congress.

Mr. Speaker, if one bomb goes off and destroys the Capitol or the House office buildings or the Senate office buildings, we are going to be the ones who will have to shoulder the blame. This House Resolution 449 is a most effective step in preventing a future tragedy.

I thank the gentleman for yielding.

Mr. GRAY. I thank my friend from West Virginia.

I will be delighted now to yield to my good friend from Missouri.

Mr. HALL. Mr. Speaker, I want to associate myself with every portion of House Resolution 449 that has to do with further protection and certainly with further preservation of the Capitol and most of all, Mr. Speaker, with the proper compensation, including overtime, for those officers that are on duty.

I full well appreciate the need to protect the House office buildings. I appreciate the need for traffic direction. I appreciate that we do not need a national police force, and that that responsibility is delegated to the various States and territories, and so forth. I appreciate the work that was done in the recent scare here by our existent Capitol Police force.

I well recall, Mr. Speaker, the last time the increase in the size of the Capitol Police force came up that I asked a question about how many more men we could have between McCormack Park and the Rayburn Building extremes and still not have them at least duplicating one another's duties. That question was properly discussed at that time. Later the Chief of the Capitol Police force called upon me, and I made it clear to him, as I did to the House at that time, that I had the greatest respect for the members of the force. The fact that it has been taken out of politics and the training school which was started and the work in general that the distinguished gentleman from Illinois' committee and the Committee on House Administration has done, along with the Sergeant at Arms and the Speaker of the House, I think are very important and significant contributions.

However, all of us who are thinking people realize that there does come a time of saturation. It makes no difference whether it is with regard to the question of the number of police officers, the amount of dollars spent, or whether it is in the number of personnel involved in research or the amount of dollars dedicated to research, or whatever else we have coming before us. I just wonder if we need the additional number of people that are requested here at this time and which has been brought out in this very excellent discussion here today as a Capitol-wise extension of the police. We reach the point of saturation sometimes and there is no question but what that time is rapidly approaching. I definitely feel that this is asking for too much and will be likened by the American people to the increase in our own salaries, the increase in the protection of the national shrine, the increase in the pay of our people, which this House roundly voted down in specific instances during the last session of the last Congress.

Would the gentleman yield further for a parliamentary inquiry?

Mr. GRAY. I would be delighted to yield to the gentleman for that purpose.

PARLIAMENTARY INQUIRY

Mr. HALL. I would like to know, Mr. Speaker, at what time an amendment will be in order in the legislative situation under which we find ourselves?

The SPEAKER. In answer to the gentleman's parliamentary inquiry, under the legislative situation the gentleman from Illinois has the time and can only yield for the purpose of debate or amendment. If the gentleman yields for the purpose of amendment, he loses the time. The gentleman is not required to yield for purposes of amendment. The only way an amendment can be forced upon the gentleman from Illinois is by defeating the previous question.

Mr. GRAY. Mr. Speaker, if I may comment here, I want to accommodate all of the Members. I have a copy of the gentleman's amendment. As I read it, it strikes out the 214 men. I do not see any reason to gag the House, and after everyone has been heard, I will yield to the gentleman from Missouri for the purpose of offering his amendment only although I am sure it will be voted down.

Mr. HALL. I appreciate that, and as the gentleman from Illinois well knows——

The SPEAKER. The gentleman from Illinois also realizes that if he yields for that purpose he is yielding 1 hour of time?

Mr. HALL. I well know that but shall not take advantage of the gentleman under the parliamentary situation. This is why I want to say to the gentleman that I have purposely remained on my feet until I thought all others had completed debate. It would be my purpose simply to submit the amendment and ask that it be voted on by the yeas and nays, and as the gentleman so quickly discerns, the sole purpose would be to strike section 1 and make the necessary adjustments so that we do not have an addition, but we do keep the emoluments in the resolution, including overtime and compensatory pay that is written into this very excellently brought out resolution.

Mr. RUTH. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from North Carolina.

Mr. RUTH. I would like to ask the gentleman if he would yield for an amendment? The gentleman does not have a copy of my amendment. What we are trying to do here is to do a good job with the police and eliminate the patronage jobs. My amendment would be along the line of patronage and when those who are now on patronage leave or retire, they would be replaced by professional people.

Mr. GRAY. The purpose of the gentleman's amendment is in the resolution now. It says that no person shall be hired with regard to any consideration of political affiliation, be he Democrat or Republican, but only on the merits of the applicant and his background.

Mr. RUTH. Mr. Speaker, if the gentleman will yield further, does that mean that those whom we know who do now serve as patronage policemen, if they go off the payroll they will not be replaced in the same manner?

Mr. GRAY. That is correct.

Mr. RUTH. And the gentleman assures me of that?

Mr. GRAY. I do.

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from New York.

Mr. SCHEUER. Could I ask my colleague how many members of the Capitol Police force on the House side do we have who are patronage appointees and who have not been at any time professionally trained or have not had professional training?

Mr. GRAY. I, personally, do not like to use the word "patronage." I think it is abused. If a Member of Congress, be he Democrat or Republican, has a man whom he feels is qualified, I think he should be in the position to recommend him to the Chief of Police who should give consideration of the man's qualifications. But in further response to the gentleman's question, there are 123 employees out of the force, or approximately one-third, who have been hired by referrals of Members of Congress. This does not preclude a Member, be he Republican or Democrat, from sending a qualified applicant for consideration and, in fact, I would hope that Members of the House would try to bring in qualified men from their respective districts so that we may be able to have the best possible police force.

Mr. SCHEUER. It seems to me that it might have been appropriate a decade ago or two decades ago, but with the means of sophisticated security here and the extraordinary demands placed on the security personnel by some of the recent phenomena, it seems to me that the Capitol Police force ought to be totally professionalized and that there should not be any recommendation by Members of Congress.

Mr. GRAY. Not recommendations, I would say to my friend, the gentleman from New York, only referrals. We are trying to recruit men. The starting salary is only $8,600. I am sure the gentleman is not going to have many police aspirants from New York City coming to Washington to work for $8,600.

Mr. SCHEUER. That is the big mistake, it seems to me, because if we are going to seek to get the best, not by reference by Members of the Congress, but by getting the kind of men that the FBI has, and the other security agencies have. That is the type of men we need on this police force. Is there any effort being made to transfer, let us say, men in the security forces who do not have the qualified professional training, who were originally recommended by Members of the Congress, to transfer them from the security functions to the perfectly respectable position of custodial functions on the Hill so that we can more rapidly effect the changeover to a totally professional force, and not a political force?

Mr. GRAY. The gentleman from New York raises a very important point. As soon as this resolution passes today we are reinstituting the training program, and all members of the Capitol Police force, regardless of how they got there, will have to go through 2 months of training if they have not already had that training, plus they must have had at least 1 year of police work.

Mr. SCHEUER. Will there be any effort made to get those who have not had real professional training transferred into custodial jobs, so we can fill those vacated positions on the police force with highly professionally skilled and well trained policemen?

Mr. ANNUNZIO. If the gentleman will yield, I would like to ask my friend, the gentleman from New York (Mr. SCHEUER) how many professionally trained people the city of New York hires before they go on the New York Police Force?

Mr. SCHEUER. That is a perfectly respectable question. We have a 1-year training program in New York, and it is very much more rigorous than the 2 months training in the school. There also have to be rigorous requirements, they have to take police examinations, physical examinations, mental and psychological examinations.

I would be very happy if my colleague assured me that the selections for the Capitol Police Force were just as professional, and as nonpolitical as the new entrants into the New York City Police Force. That is all I am looking for.

Mr. ANNUNZIO. I want to say to my friend, the gentleman from New York, that as a member of the Subcommittee on the Police Force, which is a subcommittee of the Committee on House Administration, that we are talking about minimum requirements. That is all that your committee is striving for. That is the reason that the subcommittee chairman touched on the training school. That is the reason I brought up the physical examinations. And I want to say to the Members of this Congress that as your committee continues to work its will, it is our hope that with this minimum amount of money we are paying that we are going to get the best police force that we can for the U.S. Capitol.

Mr. SCHEUER. May I say to the distinguished gentleman that if the limiting factor is the starting salary, then we ought to raise the starting salary and make the starting salary comparable to that paid in Chicago, in New York, and in San Francisco, and to other security police. In my opinion it is ludicrous for us to pay less than that, so that we know that we will get the best qualified people. We should not be paying less than the other police departments are paid in the country.

Mr. ANNUNZIO. I do not believe that there is anybody in this Congress who is against higher pay. We have to have a place to start, and this is the place, and then we can go on from here.

And while I am talking Mr. Speaker, I would like to say that the number of police we are talking about is the very, very minimum. We are talking about three shifts. And I direct my statement to the gentleman from Missouri in the hope that he will withdraw his amendment after I make this explanation, because I have given this problem very, very serious study.

When you have three shifts, and you have men working 40 hours, in order to prevent this overtime pay on those three 40-hour shifts, that we will never have more than 50 or 100 men patrolling the Capitol Grounds on each shift under our jurisdiction on the House side. And when we talk about training these men it means that they have to take time out from their regular schedules in order to get that training we require that is so necessary in this sophisticated society in which we live today.

So when the gentleman talks about an amendment to ask us to withdraw 200 or more men, believe me, he might as well be offering an amendment to eliminate the entire Capitol Police force.

With the number of people that you have now, I will say to my good friend, the gentleman from Missouri, we are not getting the protection that we should be getting. It does not provide even the bare minimum of protection. Your committee is studying this problem, and we are doing everything we can in order to raise the professional standing. I hope that we can get by with this increase, because even at that, it is the very, very minimum. I know my friend, the gentleman from Missouri, is sincere and is interested and wants to do the best possible job that we can in the Capitol, not only to protect the buildings, but also to protect the millions of visitors that we get on our Capitol Grounds, each year.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to my friend, the gentleman from New York.

Mr. BIAGGI. Mr. Speaker, consistent with my remarks earlier, I want to say it is essential that we have the training academy open and continuing the training. I would like to suggest very strongly for the record that the recruitment process in the city of New York, as effective as it is, has less than one-quarter of 1 percent of our police officers coming into the job with any training whatsoever. There is no professional police officer coming into the job—they become professional police officers once they are inducted. But the essential thing and the main thrust is that of training them while they are on the job. Currently they are in the academy for less than 6 months. They have never gone beyond that period of time. There is in-service training which I advocate here for our Capitol Police to implement that and to continue periodically in their careers and that is an important thing in this day and time.

Mr. GRAY. Mr. Speaker, the gentleman has made a very important contribution.

Mr. Speaker, let me take 5 seconds, if I may, to point out something. In 1969 we had 20 bomb threats in the Capital—and I am talking of the city of Washington—and in 1970 it catapulted up to 217. Think of that—from 20 in March 1969 to 217 in 1970.

I think this is the least we must do as Members of Congress to protect our great Capital.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to my friend, the gentleman from Illinois.

Mr. PUCINSKI. In response to the question by the gentleman from New York (Mr. SCHEUER) who asked about the number of policemen on the force who have been referred by Members of Congress, the gentleman responded that 123 had been. But this does not necessarily mean that these are men with no previous experience.

Mr. GRAY. No. To the contrary, all those hired must have 1 year's police experience.

Mr. PUCINSKI. I happen to know that many of these men are veterans with extensive experience as MP's in the Armed Forces. Many of them have been policemen in their local communities. I would not want anyone to get the idea that the 123 members of the police force who were recommended by Members of

Congress are necessarily inexperienced policemen.

Mr. GRAY. I will say to my friend, that I repudiated that label. I was merely pointing out that these 123 men were referred.

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to the gentleman.

Mr. SCHEUER. I am glad to hear that some of them, perhaps most of them, had excellent professional qualifications. I personally knew some of them who were referred by New York Members of Congress and frankly I do not think they would know which way to point that gun, and I would rather have them against me than for me.

Mr. GRAY. Your committee is trying to straighten that out?

Mr. SCHEUER. Right.

I want to emphasize that so far as the chairman is concerned, what we need on Capitol Hill is more security and that means not alone more in numbers, but better trained police professionals.

Mr. GRAY. I thank my friend, the gentleman from New York.

Mr. Speaker, I yield to the gentleman from Missouri (Mr. HALL) for the purpose of offering an amendment.

AMENDMENT OFFERED BY MR. HALL

Mr. HALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL: On page 1, line 1, strike out the word "That" and all that follows down through the word "Each" in line 14 on page 2 and insert in lieu thereof the words "That each";

And on page 2, line 23, strike out the colon and insert in lieu thereof a semicolon;

And on page 3, lines 3 and 4, strike out "plainclothesman; technician (dog handler); or other technician" and insert in lieu thereof "or plainclothesman";

And on page 3, line 10, strike out "Sec. 3." and insert in lieu thereof "Sec. 2.";

And on page 4, lines 3 and 4, strike out "plainclothesman; technician (dog handler); or other technician" and insert in lieu thereof "or plainclothesman";

And on page 4, line 10, strike out "Sec. 4." and all that follows down through the word "and" in line 14 on page 4 and insert in lieu thereof "Sec. 3. (a) The rate of pay";

And on page 5, strike out lines 8 to 13, inclusive, and insert in lieu thereof the following:

SEC. 4. There shall be paid out of the contingent fund of the House of Representatives, until otherwise provided by law, such sums as may be necessary to carry out the purposes of this resolution.

Mr. HALL. Mr. Speaker, as I promised, I will take only a short time on this amendment.

The amendment simply strikes section 1 of the amendment which deals with the addition of the additional officers and men, the plainclothesmen and police dogs and their handlers as technicians. It does not in any wise affect the balance of the amendment involving compensatory time or pay for overtime.

As I said in the beginning, I am proud of our Capitol Hill Police Force. But I do not want that police force to become unwieldy. I am for the best possible training. I am for the payment for overtime and for the compensation. I respect my friend, the gentleman from Illinois, and his explanation, but I do not feel it is proper to withdraw the amendment. We shall simply vote it up or down.

All the king's horses and all the personnel added in the world will not give us protection and, like the Committee on House Administration, for a long time I have worked on the Joint Committee on the Reorganization of Congress in which we reviewed this proposition, and the fact remains, Mr. Speaker, that until we have a judiciary that will back up the action of the constabulary, quite different from yesterday's 5-to-4 regrettable decision versus loitering, by our Nation's highest tribunal, it will avail us nothing to add more and more personnel and monies.

I ask for a vote on my amendment.

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri.

The amendment was rejected.

Mr. GRAY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TWENTY-FIFTH ANNIVERSARY OF THE ITALIAN REPUBLIC

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, today the citizens of Italy observe the 25th anniversary of the founding of the Italian Republic. The Italian Republic has come of age, and its outstanding achievements over the past quarter century engender pride not only in the hearts of the people of Italy but of all free people. On this anniversary, the Italians look back with satisfaction on 25 years of unbroken progress and look forward confidently to a future filled with promise.

In 1946, the goals that the Italians set for themselves seemed far distant, for the ugly scars of war and fascism were apparent everywhere. Today the scars are gone and the goals have been reached. A stable, democratic government has been established, a modern industrial economy is flourishing, the benefits of economic and social progress are being shared with the less privileged south, foreign trade is expanding, and firm ties have been made with the nations of Western Europe and the Atlantic world.

As an alternate delegate last November to the North Atlantic Treaty Organization, I was impressed by Italy's spirit of cooperation in meeting the collective responsibilities of the NATO nations including defense of the Western world, financing of world trade, aid to developing countries, and preservation of the international monetary equilbrium. As a partner in NATO, Italy has been one of the stanchest supporters of U.S. policy in Europe and over the years has made a genuine contribution toward stabilizing the economic climate in Europe and toward encouraging world peace.

The coalition cabinet headed by Italy's dynamic prime minister, Emilio Colombo, has given Italy a broadly representative government with a diversity of forces in the leadership reflecting the highly heterogeneous country that was unified only a century ago. Premier Colombo's cabinet has provided enlightened leadership for Italy by putting top priority on developing Italy's southland, by earmarking funds to provide schools, hospitals, and other social services that the expanding industrial cities of the north require, by taking steps to stem the massive migration of labor from the peasant villages of the south to the booming industrial cities of the north through transfer of industry and capital to the southland, and by improving housing, hospitals, medical clinics, roads, sewers, railroads, inland waterways, air transportation, and other facilities.

Seven million Italians, or a fifth of the electorate will go to the polls on June 13 and 14 to elect local governments in Sicily, Rome, Genoa, and other localities, and a vote of confidence is expected for Colombo's coalition government which has instituted these major reforms and innovative programs.

Italy's economic growth rate is currently second only to Japan among the world's industrial powers, her gross national product has roughly tripled in the past two decades, and production per capita is now equal to that of Great Britain. Among those who have contributed to Italy's phenomenal economic growth are Lamberto Mazza, managing director of Industria A. Zanussi, the largest manufacturer of major home appliances in Europe; the lady magnate of Milan, Anna Bonomi–Bolchini, whose real estate and construction company, Beni Immobili Italia, merged recently with two other giant real estate companies combining assets which exceed $160 million; Gianni Agnelli, head of the family that controls Fiat; Carlo Pesenti, the cement king; Giorgio Valerio, whose power was based in electrical companies that made up Milan Edison; Leopoldo Pirelli, operating head of the tire-making empire; Giovanni Borghi, producer of Ignis refrigerators; Dino and Giovanni Fabbri, owners of one of Europe's biggest publishing empires; Piero Bassetti, the linen producer; Antonio Cerruti, whose textile company has moved into men's fashion clothing; and Marco Trolli, who sells more than 2 million pairs of shoes annually.

These captains of industry are rivaled only by the Italian luminaries who have contributed so much to the advancement of Western culture and civilization. Not only since the birth of the Italian Republic, but through the centuries spanning the Roman Empire, the Italian Rennaissance, and the Risorgimento, Italy, has left to the world an awe-inspiring legacy of art, literature, music, and scientific achievement. The names of Donatello, Botteicelli, Cellini, da Vinci, Raphael, Titian, Tintoretto, Michelangelo, Corelli, Vivaldi, Scarlatti, Rossini, Verdi, Puccini, Caruso, Pinza, Toscanini, Stradivari, Cristofari, Dante, Petrarch, Boccaccio, Machiavelli, di Cavour, Garibaldi, Galileo, Marconi, and Fermi immediately come to mind.

I know that many of my colleagues in

the Congress, who have had the opportunity to visit the John F. Kennedy Center for the Performing Arts, were as pleased as I that the center's entire requirement for marble has been filled by Italy's gift of more than 3,500 tons of Carrara marble valued in excess of $1 million. This represents the largest gift to the center from a foreign nation, and as an American of Italian descent, I am proud that such a magnificent gift has been donated to America by the Republic of Italy in order to foster creativity in the world of art and music.

In recent years the Congress of the United States has extended special recognition to Christopher Columbus, whom we honor this year for the first time in our history by a national legal holiday; Dr. Enrico Fermi, in whose honor the nuclear accelerator at Weston, Ill., has been named; and Constantino Brumidi, the Michelangelo of the U.S. Capitol, whose marble bust has now been placed in the Senate wing of the Capitol. By honoring these eminent men of Italian descent, the Congress has strengthened the bonds of affection and friendship between the people of our country and of Italy. I want to congratulate Emilio Colombo, who by his visit here in February helped to cement these bonds of friendship, and His Excellency, Egidio Ortona, the distinguished Ambassador of Italy to the United States, for his continuing efforts to perpetuate these ties of friendship between Italy and America.

It is with great personal pleasure that I extend my greetings and best wishes to the people of the Italian Republic, as well as to the Italian Americans in my own Seventh Congressional District of Illinois and throughout our country, who are joining in this 25th anniversary celebration. May the Republic of Italy continue to experience peace, prosperity and progress in the years ahead.

GUN CONTROL, REGISTRATION, AND LICENSING ACT OF 1971

(Mr. CELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CELLER. Mr. Speaker, I have today introduced a proposed Gun Control, Registration, and Licensing Act of 1971.

I fully realize the besetting difficulties of attempting to enact new gun control laws at this time. But horrendous conditions have developed. The trend of gun violence and gun misuse involving brutal and random assaults against the police must be reversed.

Fifty-one police officers have been killed in performance of their duties so far this year, 80 percent of the killings were by guns. Measures to regulate the use of firearms, particularly the handgun, are demanded without delay.

Be it known that I have solicited the comments of the chief law enforcement officials in 25 major cities across the country.

The cities include: Atlanta, Baltimore, Boston, Buffalo, Chicago, Cincinnati, Cleveland, Dallas, Denver, Detroit, Houston, Indianapolis, Kansas City, Memphis, Milwaukee, Minneapolis, Newark, New Orleans, New York City, Philadelphia, Pittsburgh, St. Louis, San Francisco, Seattle, and Washington, D.C.

I shall advise the House further when I have received the responses of these law enforcement officials.

An analysis of the bill follows:

SUMMARY OF "GUN CONTROL, REGISTRATION AND LICENSING ACT OF 1971"

The bill contains five titles, *Title V* of which contains general provisions pertaining to separability, effect on State law, the effective date of the proposal, and authorization for appropriations.

Title I requires national registration of all firearms with the Secretary of the Treasury. It requires evidence of registration to accompany a firearm when it is carried about, and provides that such registration must be exhibited upon demand to any law enforcement officer. Ammunition could be sold by licensed dealers only to persons having and exhibiting certificates of registration for weapons using such ammunition. The bill also requires that the Secretary of the Treasury be notified of changes of firearms ownership.

The bill provides penalties of imprisonment up to two years, a fine up to $2,000, or both, for violations of the title. Falsification or forgery of registration information would be severely punished by imprisonment of up to five years, a fine up to $10,000, or both. Title I also would reinstitute recordkeeping requirements for rifle and shotgun ammunition sales which were deleted by a rider in the last Congress.

Title II of the bill requires every individual to obtain either a State gun permit or a Federal gun permit before he is entrusted with a gun. The bill specifies minimum standards for an "adequate" State gun permit law. If the State does not adopt a system that meets the minimum standards, Federal gun permits are required. After September 1, 1972, no person—whether a licensed dealer or a private individual—may sell firearms or ammunition to an individual who does not have either a State permit (meeting the minimum standards of the Act) or a Federal gun permit. Effective September 1, 1973, no person may possess a firearm or ammunition unless he has either an adequate State gun permit or a Federal gun permit.

To qualify as an adequate permit system, the bill requires that a State prohibit the issuance of gun permits to convicted felons, fugitives from justice, mental defectives, alcoholics, and juveniles. It must also assume adequate investigation of applicants prior to the issuance of a gun permit.

The sale or possession of firearms or ammunition in violation of the permit provisions of Title II carries a maximum sentence of imprisonment of five years and a fine of $5,000.

Title III of the bill prohibits the importation, manufacture, transfer and transportation of any handgun, except by law enforcement officers, military personnel, or certain persons licensed by the Secretary of the Treasury. Potential licensees include importers, manufacturers and dealers qualified under the 1968 Gun Control Act who may engage in importing, manufacturing or dealing in handguns for law enforcement authorities, the military, or other licensees. The only other kinds of non-governmental groups who may qualify for handgun licenses are sporting or recreational pistol clubs approved by the Secretary. To qualify for a license, a pistol club must have no members who are themselves disqualified from handgun ownership under Federal or State law. The club also must have facilities and procedures for storing the club's handguns when they are not being used for sporting or recreational purposes.

Title III also provides a procedure for voluntary relinquishment of privately owned handguns to Federal, State or local law enforcement officials who are authorized to reimburse the owner of the handgun for the value of the weapon, or $25, whichever is greater. The bill provides that the handgun restrictions in Title III shall become effective one year after the date of enactment of the Act. Title III also prohibits the sale or delivery of handguns which the Secretary of the Treasury determines are not suitable for nor readily adaptable to sporting purposes under standards presently applied by the Secretary to imported firearms. Thus, the bill would apply the import restrictions on cheap handguns of the 1968 Gun Control Act to handguns domestically manufactured. These latter handgun restrictions would become effective 60 days after the date of enactment of the Act.

Title IV of the bill provides an incentive to States to adopt adequate gun permit systems. It specifies that after June 30, 1973, a State must have an adequate gun permit system to be eligible to share in the distribution of Federal firearms and ammunition excise tax proceeds, which today are earmarked as the Federal Wildlife Restoration Fund. The size and distribution of the Fund depend directly on sales and use of firearms and ammunition, therefore, it is appropriate to reward those States that effectively regulate firearms.

If we are serious in our professions of concern about crime, and especially violent crime, then let us move directly against the favored weapon of the lawless—guns, particularly handguns. Licensing and registration are rudimentary steps essential to protect the public safety by keeping guns out of the hands of criminals, juveniles and the insane.

REVENUE-SHARING PROPOSAL

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of California. Mr. Speaker, the administration is currently urging the Congress to adopt their revenue-sharing proposal.

I have stated that I support the concept of revenue sharing. I have felt that this proposal has great potential in relieving the tax burden of our citizens—especially the property owner.

I will stand by my previous statement. However, under the present administration, I have serious reservations whether the enactment of revenue sharing would provide any relief whatsoever.

Mr. Speaker, what if the administration impounds revenue-sharing funds in the same manner as it has impounded $12.4 billion lawfully appropriated by Congress?

If the President can impound $34 million that were appropriated by Congress for regional medical programs, then he can surely impound $34 million that would go to Los Angeles under revenue sharing.

If the President refuses to spend $200 million that Congress has appropriated for water and sewer facilities, he can surely refuse to release the $1 million that Torrance is authorized under revenue sharing.

If, at a time when our Navy is being seriously challenged by the Soviet Navy, the administration insists on "freezing" $957 million appropriated for naval ship construction, it can, surely "freeze" $398,012 that is earmarked for Compton under the revenue-sharing proposal.

If the administration has the authority to impound $18 million appropriated for NASA research and development; $583 million for model cities; $672 million for airport construction, expansion and improvement; $10 million for aid to elementary and secondary schools; and a myriad of other programs lawfully funded by Congress and approved by the President, then the administration can surely impound funds that would be authorized by revenue sharing.

Mr. Speaker, revenue sharing is designed to help our financially pressed cities and enable them to relieve the burden on the overtaxed property owner. I support this idea. However, if revenue sharing is administered similar to the method by which appropriations are impounded, I seriously question whether the taxpayer would receive any relief at all.

DROUGHT RELIEF LEGISLATION IS URGENTLY NEEDED NOW

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, the Congress is becoming increasingly aware of deficiencies in our present farm disaster relief programs, and also the pressing need for improvements in the manner in which these programs are administered.

No better example for the need of improvement can be found than the current drought crisis in the Southwestern United States. The extended drought in western Oklahoma alone is predicted to cause the 1971 wheat crop to be the lowest yield since 1957—36 million bushels fewer than were harvested during last year alone. What little assistance the Federal Government has made to this area thus far has been slow in coming, and even then it has only been made available in patchwork fashion.

The people of Oklahoma have seen many disasters in their State—tornadoes, floods, blizzards—but they know a drought is unlike any other type of natural disaster. The damage it creates is not brought on overnight—the disaster conditions are building up over months and months. Likewise, the damage wrought by a drought cannot be repaired in quick order, no matter how much Federal assistance is quickly made available to a stricken area. Lost crops are gone forever—champion breeding livestock may take generations to replace—once rich topsoil will take years to reclaim. And Oklahomans know another thing—the only real way drought damage can be ended is for the rains to come again.

Nevertheless, I believe there are many ways our Federal Government can lessen the impact of drought disaster. To do this, however, we must gear our assistance programs to the very unique nature of a drought. We must have very simple and flexible conditions under which an area can be designated as a drought disaster area. We must have funds promptly available for low-interest loans to farmers and ranchers in the areas, so that breeding stock and poultry can be saved when feed crops cannot be raised on the land. Feed grains also must be readily available at surplus commodity prices, so that farmers and ranchers can continue operations without financial ruination.

Mr. Speaker, I am today introducing legislation which I believe will go a long way toward providing this much-needed assistance to the farmers and ranchers of our Nation. The bill I am introducing today will simplify procedures and remove the redtape for obtaining designation as a drought disaster area, and will expedite assistance payments to the farmers and ranchers of that area.

Moreover, this legislation will make it possible for the Governor of any State to request designation as a drought disaster area directly from the Secretary of Agriculture—the same procedure which is currently used for expediting assistance to areas declared by the President to be major disaster areas.

Under the provisions of my bill, the Secretary will be authorized during drought emergencies to furnish livestock feed and hay, as well as commodities owned by the Commodity Credit Corporation, to the farmers and ranchers in the affected areas. The Secretary will be further authorized to provide assistance to unemployed farmworkers and ranch hands, and to cancel emergency assistance crop loss loans which he makes to insure continued operations during the period of the drought.

I want to urge my colleagues to expedite this proposal, and to provide this streamlined form of disaster relief to the farmers and ranchers of our Nation. The damage and destruction of drought disaster can never be totally avoided, but I believe this type of legislation can make great strides toward protecting rural America from suffering permanent and irreparable losses during drought crises.

THE LATE AUDIE MURPHY

(Mr. FISHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. FISHER. Mr. Speaker, the tragic and untimely death of Audie Murphy on last Sunday in an airplane accident was too sad and regrettable to contemplate. The entire Nation bows its head in solemn mourning.

Rated as the Nation's top hero of World War II, the courage and gallantry of this man on the field of battle stands unexcelled in the annals of warfare. Always modest and never boastful, he insisted that many of his scores of decorations should be shared by others who were closely associated with him in the midst of enemy fire.

Every loyal American recognizes the debt that is owed to Audie Murphy and his memory. His record will undoubtedly identify him as one of the truly great heroes of American history.

This veteran was a native Texan, whose parents were tenant farmers of modest means, and whose ancestry reaches deep into the history of the State. He is a product of a sturdy stock of people, fiercely devoted to God and country.

It is noteworthy that Murphy's forebearers were likewise quick to respond to their country's call. His great-great grandfather, John Berry, was a veteran of the War of 1812, during which time he served under Gen. William Henry Harrison and took part in some famous Indian fights—including the battles of Tippecanoe and Thames. Three of Berry's sons served with distinction during the Texas revolution. One was killed in action against Mexican forces. Two were in the battle of San Jacinto.

It happens, incidentally, that John Berry was also my great-great grandfather.

Following his military service, Audie Murphy wrote the book, "To Hell and Back," and acted the leading role in a movie taken from that publication. He became widely acclaimed as an actor.

The June 1 issue of the Washington Post carried a featured report on Murphy's death, along with his great military record. Pertinent portions of the article follow:

> Murphy, who was born on a tenant farm in Texas, rose to fame in World War II as the boyish looking soldier who won 24 citations for his battlefield deeds, including the Medal of Honor, the nation's highest.
>
> From there, he entered a checkered career in Hollywood, made a number of movie successes and many failures, married twice, suffered numerous financial setbacks and tangled with the law at least three times.
>
> He wrote an autobiographical book called "To Hell and Back," then starred in a movie version of it.
>
> In the war, he had won almost every medal available to an infantryman and won a battlefield commission.
>
> Murphy became the nation's war idol when, on a winter afternoon in France, he climbed atop a burning tank destroyer loaded with explosives to hold off an advancing company of Germany infantry with a .50-caliber machine gun.
>
> The Medal of Honor citation he received for the act said:
>
> "He was alone and exposed to German fire from three sides, but his deadly fire killed dozens of Germans and caused their infantry attack to waver."
>
> Infantryman Anthony V. Abramski, who witnessed the event, said later:
>
> "The fight that Lt. Murphy put up was the greatest display of guts and courage I have ever seen. There is only one in a million who would be willing to stand up on a burning vehicle, loaded up with explosives, and hold around 250 raging Krauts for an hour and do all that when he was wounded."
>
> The world has changed and so perhaps has its concept of wartime heroism since those days. Last December, Murphy was asked for his views about Lt. William L. Calley, court martialed on charges of murdering civilians in Vietnam.
>
> "I'm not saying Calley's innocent or guilty," he said, "but there's no excuse for the kind of behavior he's accused of unless he was following orders. If orders came from above, then he's guilty of nothing. That's what a soldier is supposed to do—follow orders."
>
> Murphy often said his combat marksmanship originated from his days on the tenant farm when he had to shoot Texas jackrabbits for the table. The family was so poor, he said, that he often could afford only one cartridge at a time.
>
> "I just couldn't afford to miss," he said.
>
> Born in Kingston, Tex., on June 20, 1924, he was turned down by the Marines as too

small and failed to become a paratrooper. He was assigned to the Army's 3d Division as a replacement trooper, serving first in North Africa and later in France.

He was wounded three times in France. He won the Distinguished Service Cross on D-Day when, enraged by the Germans' use of a white flag to lure a friend into exposing his position, he stormed alone up a hill and killed or captured the enemy troops who were there.

He was commissioned a lieutenant on the battlefield and mustered out of the Army as a captain. He wanted to become a career soldier but was turned down after being classified as 50 per cent disabled because of his wounds.

CHILDHOOD LEAD POISONING—ITS INCIDENCE

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, childhood lead poisoning is the scourge of America's slums. Its victims are the small children—almost none of them older than 6—who pick up lead-tainted paint and plaster chips which have fallen from the walls and ceilings of their dilapidated apartments and homes and then eat them. Over months, the lead these youngsters ingest accumulates—a child eating daily a few small leaded chips no larger than the size of an adult's thumbnail for about 3 months or longer, can develop clinical symptoms of lead poisoning. The ultimate result? Death, cerebral palsy, blindness, kidney impairment, brain damage.

The Bureau of Community Environmental Management, a division of the Department of Health, Education, and Welfare, has estimated the number of children suffering from lead poisoning at 250,000 to 400,000. Two hundred children will die this year; 800 will suffer permanent institutionalization; 3,200 will suffer moderate to severe brain damage.

In other words, childhood lead poisoning is a national calamity. As Dr. Jane S. Lin-Fu has written in "Childhood Lead Poisoning . . . An Eradicable Disease," published in Children's magazine, the January–February 1970 issue:

> (T)his man-made disease exists in epidemic proportions in many cities.

Only last week, the Washington, D.C., newspapers reported the findings of a survey of some 350 children tested for lead poisoning in the District's model cities area. Some 10 percent have a higher lead concentration in their bodies than is considered safe. City health officials estimate that as high as 10 percent of the 50,000 children who live in old houses in the District of Columbia might have high lead levels.

Similar situations exist in our other major cities.

In New York City:

> It is estimated that there are 120,000 endangered children . . . At any one moment, we might have 10,000 children with blood lead levels over 0.06 mg. percent . . . (McClaughlin, M. C., "Two Health Problems: One Solution," Bulletin of the New York Academy of Medicine, Volume 46, p. 454, June, 1970).

In Chicago:

> The total number of children living in these areas of the age group at risk for lead poisoning is about 150,000. (Blanksma, L. A., et al, "Incidence of High Blood Lead Levels in Chicago Children," *Pediatrics,* Volume 44, pp. 661–67, November, 1969).

In Philadelphia:

> According to the 1960 census, Health Districts 1, 4, 5, and 6 (the lead belt), had 86,000 children in the age group considered (1–6 years). (Philadelphia Department of Public Health, Record of Community Meeting on Prevention of Childhood Lead Poisoning, April 22, 1970).

In Newark:

> Based on the 1960 census, over two thirds of the approximately 40,000 Newark children in the age group 1–5 years reside in housing typical of lead poisoning environments. (Browder, A., "Epidemiologic Notes and Reports, Lead Poisoning—Newark, New Jersey," Morbidity and Mortality Weekly Report, Volume 19, page 358, September 12, 1970).

Lead poisoning is not a disease limited to the older cities of the Northeast. In the past 10 years, cases of lead poisoning have been reported in 26 different States. In 1970, new cases or pilot programs have been reported in: St. Louis, Mo.; Kansas City, Mo.; Portland, Maine; New Orleans, La.; Providence, R.I.; Norfolk, Va.; San Francisco, Calif.; Boston, Mass.; Dallas, Tex., and Charleston, S.C.

Childhood lead poisoning is indeed a silent epidemic across this land.

RECOGNITION OF A VALUABLE RESOURCE—THE MEDIC

(Mr. GUDE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, I would like to bring to the attention of the Congress a reply I received last week from Philip J. Rutledge, Director of the Department of Human Resources in the District of Columbia. The subject of our communication was the establishment of a program for paramedics in the District.

I trust that many of you saw our colleague, Mr. ROSENTHAL's insertion last week about such a program in Washington State. He stressed the critical manpower shortage in medicine, urging we begin to alleviate it now, with similar programs in other States.

By merely taking advantage of the training thousands of medical corpsmen, discharged each year by the armed services, we can actually kill two birds with one stone—we can remedy the present physician shortage throughout the country, while at the same time, providing worthwhile vital employment for the increasing number of veterans returning from Southeast Asia.

This year 40,000 servicemen with paramedical and dental specialties will be separated from the armed services. These women and men have had medical training during their service tours. They have worked as skilled technicians in service hospitals and can probably perform many tasks, by virtue of experience, as well as many doctors.

The paramedic would not be competitive with the physicians, but would rather work with the doctors and handle routine procedures such as setting casts, suturing, vaccinations, or basic examining and thereby freeing the physicians for the more demanding tasks requiring their special attention.

It is ironic that these men are given medical responsibility day in and day out at Fort Meade, and yet are not utilized in the same skills when they step across the street and off the base. The tragedy is that the services that they are capable of performing are in such urgent demand today, not only in the District of Columbia or small rural towns in Washington but in every corner of America.

The letter from Mr. Rutledge follows:

GOVERNMENT OF THE
DISTRICT OF COLUMBIA,
Washington, D.C., May 18, 1971.

Hon. GILBERT GUDE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN GUDE: Your letter of April 28, 1971 concerning the utilization of paramedicals is indeed timely for our department.

We are in the process of requesting a grant from the National Institute of Health to broaden the training program that we have begun at D.C. General Hospital. As you know, this is a teaching hospital that has students and professors from Howard University Medical School, Georgetown University Medical School, and George Washington Medical School.

At present, we have 13 trainees in this program of which all are veterans. These employees are being trained by the regular teaching physicians and, at present, are being utilized as Physicians' Assistants in the following services: All medical services; and Emergency Room.

We are discussing with the Washington Technical Institute, the establishment of an Associate Arts Degree for the participants. As the program develops, we would envision a Baccalaureate Degree for more advanced work.

It is our desire to broaden this program and it is to this end that we are requesting the grant from the National Institutes of Health. A copy of this project is enclosed for your information.

We hope this program will be a model for the nation. Since the paramedical employees would be working side by side with medical students and interns, the experience at D.C. General Hospital could have nationwide impact as these students enter practice in other localities.

One serious problem is the need for stipends for the students who are in training to be Physicians' Assistants. The grant we are requesting will establish the program, but it will not provide for stipends.

Thank you for your interest. If at any time you would like to talk with the individuals involved in this program, we will be pleased to arrange a visit or a meeting.

Sincerely,

PHILIP J. RUTLEDGE,
Director.

BILL BATES CENTER FOR PUBLIC AFFAIRS

(Mr. MORSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, for those of us who knew Bill Bates as a dear friend and as an outstanding and devoted Member of this Chamber, the words of Msgr. John E. Mullarkey, spoken at the opening of the Bates Center for Public Affairs at the State College at Salem, Mass., will bring back fond memories.

For those who did not have the honor and the immense enjoyment of knowing and working with Bill, these remarks, delivered by the former pastor of Saint Pius V Rectory of Lynn, Mass., for whom Bill used to serve Mass when he was a young boy, will impart some measure of the profound respect and the love which was felt for this good man by everyone who knew him, and some measure of his dedication, his energy, his wisdom, and his ability.

Certainly it is a fitting memorial to Bill and to the goals and principles for which he worked so hard and so long, that the Center for Public Affairs at Salem will bear his name. He contributed greatly to its inception, and I know his name will serve as an inspiration to all those dedicated to the continued development of the Center as a forum for discussion and learning.

It is with a deep sense of regret that Bill Bates is no longer with us, but with the greatest pride in having known his friendship and wise counsel for so many wonderful years, that I share with my colleagues today, this moving tribute:

EULOGY ON OCCASION OF OPENING OF THE BATES CENTER FOR PUBLIC AFFAIRS—MASSACHUSETTS STATE COLLEGE AT SALEM, APRIL 30, 1971

(By Rev. Msgr. John E. Mullarkey)

We are gathered today to pay reverent tribute to the memory of our beloved friend, William Henry Bates.

Death is an uncontested fact of life that knows of no exceptions. Rich and poor, great and simple, all must accept it as inevitable without dispute. To some it can be the greatest of life's humiliations, filled with embarrassment and frustration. To others it may mean merely the passing from the present life into an entirely novel and unknown existence. But to the man of faith death is not just a separation and the termination of earthly existence—no—it is the fulfillment of the things he believes in and of the things he hopes for.

There is no death for those who live in the Lord. From the day of our Baptism we begin to live in the House of the Lord and our lives are up in His. The longing to see Him and be with Him begins then and never ends. It is not for us to wait until the moment of death to see Christ. Rather, when we come to that hour, we bring a life spent in the presence of God as we have seen Him in the people with whom we have spent our lives. His voice has spoken to us in the forgiving words of others. We have been His hands as we have tried to heal and to clothe and to feed. We will find Christ if we look for Him in the strange sudden, unexpected places of His choosing.

I stood across the grave from Bill on that lonely November day almost twenty-two years ago when his beloved father was laid to rest. I could see the tears glistening in his eyes and his lips moved in prayer and I remember, as vividly as though it were yesterday, as he nodded his head and gave every indication of a man who had made a decision and I have always felt that it was at that moment that this strapping, exceptionally handsome young Naval officer made the pledge that committed him to picking up and carrying the torch that had been snatched so abruptly from his father's hands.

How superbly he was equipped for the task. Born of God-fearing and God-loving parents, the third child in a family of eight, his home was a sancutary of love and devotion. His brother and sisters were all united in a remarkable sense of unity that was firmly planted and cultivated by the word and example of his beloved father and mother.

His religious profession was genuine and sincere. Respect and esteem for his Church was part of his daily living and went hand in hand with his love and devotion for his family, his fellowman and his country.

He was endowed by God with great natural gifts, a fine mind—a magnificent physique—a handsome countenance—a ready smile that caused his face to beam with friendliness as he responded to the impulses of his warm and generous heart. Men could differ with him strongly but none ever questioned his integrity or his honor. For over nineteen years he served the people—his friends—his neighbors—in the Sixth Congressional District with fidelity and distinction.

For thirty-three years the Bates family, George J. and William H., distinguished father and son, gave devoted, intelligent unselfish service. Humble men of deep conviction and unshaken integrity, they were beloved and respected by all whose concern they had made their own.

They have left to their family the legacy of honored and respected names. And though the days and months of separation have increased, their loyal and never-forgetting family will look with tear stained eyes but with full confidence to our all loving Father, trusting always in the promise of our Savior, "I am the resurrection and the life—he who believes in Me although he be dead shall live and everyone who believes and trusts in Me shall never die."

May God grant His peace to the generous, compassionate souls of George J. and William Henry Bates.

ARMED FORCES DRUG ABUSE CONTROL ACT OF 1971

The SPEAKER pro tempore (Mr. GRAY). Under a previous order of the House, the gentleman from Connecticut (Mr. MONAGAN) is recognized for 60 minutes.

GENERAL LEAVE

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, in connection with the subject about which I am going to speak.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, on May 10, I introduced H.R. 8216, "The Armed Forces Drug Abuse Control Act of 1971," which is designed to remedy the rapidly escalating drug abuse problem within the Armed Forces. Since I filed the bill, a tremendous amount of interest in it has been demonstrated by other Members of Congress, by returned veterans, by the news media, and by the public generally.

The gentleman from Louisiana (Mr. HÉBERT), the distinguished chairman of the House Armed Services Committee, has assured me that the committee will consider scheduling hearings on my bill and the general subject of drug abuse in the military after it has determined the position of the Department of Defense on the subject. The chairman stated that something must be done, and done immediately about this tragic and rapidly growing problem.

Today, I am pleased to reintroduce my bill with the support of 45 additional sponsors. These cosponsors include: The gentleman from Illinois (Mr. ANDERSON), the gentleman from New York, (Mr. BADILLO), the gentleman from Pennsylvania (Mr. BIESTER), the gentleman from Michigan (Mr. BROOMFIELD), the gentleman from Massachusetts (Mr. BURKE), the gentleman from California (Mr. BURTON), the gentlewoman from New York (Mrs. CHISHOLM), the gentleman from Ohio (Mr. CLANCY), the gentleman from Illinois (Mr. COLLINS), the gentleman from Puerto Rico (Mr. CÓRDOVA), the gentleman from Connecticut (Mr. COTTER), the gentleman from California (Mr. DANIELSON), the gentleman from Illinois (Mr. DERWINSKI), the gentleman from Pennsylvania (Mr. EILBERG), the gentleman from New Jersey (Mr. FORSYTHE), the gentleman from Minnesota (Mr. FRENZEL), the gentleman from New Jersey (Mr. GALLAGHER), the gentleman from Connecticut (Mr. GIAIMO), the gentleman from Texas (Mr. GONZALEZ), the gentlewoman from Connecticut (Mrs. GRASSO), the gentleman from New York (Mr. HALPERN), the gentleman from Ohio (Mr. HARSHA), the gentleman from West Virginia (Mr. HECHLER), the gentlewoman from Massachusetts (Mrs. HECKLER), the gentleman from New Jersey (Mr. HELSTOSKI) the gentleman from California (Mr. JOHNSON), the gentleman from New York (Mr. KING), the gentleman from Maine (Mr. KYROS), the gentleman from California (Mr. LEGGETT), the gentleman from Illinois (Mr. MCCLORY), the gentleman from Pennsylvania (Mr. MCDADE), the gentleman from Michigan (Mr. MCDONALD), the gentleman from Connecticut (Mr. MCKINNEY), the gentleman from Montana (Mr. MELCHER), the gentleman from California (Mr. MILLER), the gentleman from Pennsylvania (Mr. NIX), the gentleman from New York (Mr. PODELL), the gentleman from California (Mr. REES), the gentleman from Rhode Island (Mr. ST GERMAIN), the gentleman from California (Mr. SISK), the gentleman from New York (Mr. STRATTON), the gentleman from Missouri (Mr. SYMINGTON), the gentleman from California (Mr. TALCOTT), the gentleman from California (Mr. WILSON), the gentleman from Pennsylvania (Mr. YATRON).

During his press conference last night, President Nixon spoke of the growing problem of drug abuse. I was pleased to hear him say that a corrective program "insofar as veterans are concerned, means treating them where they are addicted to heroin or hard drugs before releasing them." The President's support for this concept is crucial for this is the main thrust of this legislation, and I am hopeful that Congress will act speedily on my bill knowing that effective drug abuse control in the military is not a partisan issue.

Our bill would set up a Drug Abuse Control Corps within each branch of the armed services to offer drug education and rehabilitative treatment for servicemen. The bill would prohibit any person from being tried for an offense involving the possession or use of any narcotic drug if, before a court martial was convened, he voluntarily agreed to undergo the treatment and rehabilitation recommended by the Drug Corps.

In addition, no serviceman with a drug abuse problem could be discharged until he was adjudged free from drug dependency by competent medical authorities. This provision would protect the addicted serviceman as well as the civilian society to which he would eventually return. Since a serviceman could not be discharged for drug abuse, he would not run the risk of receiving a dishonorable discharge for a problem which, under the circumstances, should be treated medically rather than punitively.

Likewise, if a serviceman was discharged free of addiction to narcotic drugs, he would not bring home an expensive habit which he would most probably support by regular criminal activity. By placing full responsibility for treatment of drug abuse on the military services themselves, the current madness of allowing military addicts to reenter civilian life with dishonorable discharges which prevent them from being treated in veterans' hospitals, would be promptly halted.

I have recently learned from Dr. M. J. Musser, Chief Medical Director of the Veterans' Administration Department of Medicine and Surgery, that the veterans' hospitals will be able to treat an estimated 6,000 drug dependent veterans in the next 2 years. When one considers that according to the Hagan report, approximately 25,000 men are drug dependent in Vietnam alone, the facilities that will be available to veterans, even after July 1, 1971, are obviously totally inadequate.

In April, at the biannual meeting of the Interparliamentary Union in Caracas, Venezuela, my resolution, which was cosponsored by representatives from France, Turkey, and Thailand, and called for international cooperation in the cultivation and export of dangerous narcotic drugs, received unanimous approval. It is clear that this dangerous drug problem must be confronted on many levels—the domestic as well as the international, the military as well as the civilian.

The military drug abuse problem cannot remain hidden from view in the Pentagon closet any longer. This monumental and much ignored problem must be brought home to the public in order to get public support for the expensive measures needed for control. The bill which my cosponsors and I are introducing today offers an intelligent and reasonable remedy for an epidemic which is ravaging our enlisted men. Unless something is done immediately, the drug will have the power to wipe out thousands of potentially productive young men who have served in the Armed Forces.

The Hagan Armed Services Subcommittee has done an excellent job in defining the extent of the drug abuse problem within the military. Now, however, it is time to move to action and to help our servicemen before it is too late—for them and for us.

I have taken the floor today to call to public attention the critical nature of the military's drug abuse problem. I ask all of my colleagues to support this very important bill.

Our bill has received favorable comment from the press and from a number of my constituents. I include several articles, editorials, and letters in the Record at this time:

[From the New York Times, June 2, 1971]

The Hangover of War

(By James Reston)

The quickest way for an American soldier to avoid combat in Vietnam and get back home these days is to take the drugs. If he's hooked on heroin, he's finished—finished with fighting, finished with the Army, a casualty of the war, finished with everything but the drug habit.

This is one of those tragic consequences of war where, in Nikita Khrushchev's vivid phrase, the living may envy the dead. Retiring Army Secretary Stanley Resor recently testified that between 10 and 15 per cent of the American troops in Vietnam have a serious heroin habit, and this is at best an official guess—at least 20,000 and maybe twice the number in the American Expeditionary force are now in danger of drug addiction.

The facts and military regulations of this problem are alarmingly vague. President Nixon has conceded that the problem exists. The military authorities have established a rehabilitation program to deal with it. Extreme cases of drug addiction are compelled to join the program, but the easy way in dubious cases is merely to get the man home and out of the service.

Getting them out of the service at least blurs and disperses the problem. If the soldier wants out and does not volunteer for the drug rehabilitation program, the veterans hospitals are not full of addicts, but the soldier is thrown back on his own with an expensive habit he cannot cure or afford.

Divided as the nation is about the war, confused as it is about past and present war objectives, the country ought to be able to agree about rescuing the men who were drafted into the battle, and giving them the health and jobs essential to a decent life. This is not being done now. Rehabilitation and employment centers are being established, the problems of the veteran drug-addict and the veteran unemployed are recognized in Washington, but the sick and unemployed casualties of the war are not really being dealt with effectively.

One of the major drug problems of the American soldier in Vietnam is that heroin in Southeast Asia is strong, easy to get and taken by smoking, rather than by needle, and cheap. It eases the agony of combat, and promises home-leave if it gets beyond control. But hooked on this powerful cheap stuff in Vietnam, a discharged veteran in any normal American commmunity has the means neither of curing the habit nor of affording the habit, without stealing.

The Nixon Administration has not been indifferent to the menace of drugs in America. It has tried to get at the problem at the source. It has used its political and economic power to cut off the supply of drugs in Turkey, Lebanon and elsewhere in the Middle East. It has worked effectively with the Pompidou Government in Paris to break up the processing of drugs in Marseilles and elsewhere in the Mediterranean. It has trebled the number of agents watching the drug trade across the Mexican border and through customs at the international airports in this country, and it has poured Federal money and manpower into breaking up the drug peddlers in this country.

But in Vietnam, where it has much more control over both the peddlers and the soldiers, the Nixon Administration has not been effective. In Saigon, at least, it has much more authority than it has used to attack the source of drugs, to intervene in the drug corruption, which reaches into the highest levels of the Saigon Government, and to insist that the American soldiers, who are the casualties of the war-drug culture, go into the drug-rehabilitation program.

More than that, the Administration has not cooperated in a serious, private examination of the Vietnam drug problem with the Congress. Nobody on Capitol Hill expects the President to approve public hearings on the question, but serious men in the Congress, both critics and defenders of the President's Vietnam policy, have urged him, without success, to get at the facts of drug addiction among the soldiers, and cooperate in legislation to deal with the drug casualties of the war.

This is so serious a problem that, unlike most political issues in Washington, it is beyond politics. Both parties, all factions for and against the Nixon policy of "winding down the war," agree on the human tragedy of drug addiction among the soldiers in Vietnam, and the dangers of sending them back home before they are cured, but this is what is happening. To save their lives by avoiding combat, many of the Americans in Vietnam are ruining their lives by drugs, and are being sent home to families and communities that have no means to cure or even understand the tragedy of their returning sons.

[From the St. Petersburg (Fla.) Times, May 24, 1971]

Cure the Addicts First

Some day when America counts up the terrible costs of our mistaken intervention in the Vietnamese War, we may come to a startling conclusion.

It is that after the high cost in death and maiming, the next most damaging effect of the war was its stimulation of the drug culture in this country.

The country has been aware for a long time of the large numbers of soldiers introduced to marijuana in Vietnam. The use in this country has spread rapidly with the progress of the war. (This week, a top senior among 15 expelled from Annapolis on drug charges said an investigation showed nearly one-fourth of the 4,300-man brigade at the U.S. Naval Academy smokes marijuana regularly.

And now it's deadly heroin. A new study revealed that the use of heroin by U.S. troops in Vietnam has reached epidemic proportions.

The figure heard most often in Vietnam is that about 10 to 15 per cent of enlisted men use heroin. That would represent about 37,000 men. But some officers working in drug control believe the total may be 60,000, and some field surveys have reported units with 50 per cent of their men on the drug.

The army is now working to cut off the flow of cheap drugs and is establishing rehabilitation centers. But there's also a need for Congress to approve a bill introduced by Rep. John S. Monagan, D-Conn.

It would require the Army to certify that servicemen being discharged were free from drug addiction, thus keeping addicts in the service where rehabilitation and treatment can be administered.

Unless this bill is passed, tens of thousands of addicts will be discharged—time bombs walking the streets in search of ways to maintain a $700-a-day habit. If that happens, the terror of this war really will be visited upon the streets of American cities.

[From the Danbury (Conn.) News-Times, May 17, 1971]

Monagan Bill on Military Addicts

The military services, after placing thousands of young Americans in surroundings which expose them to hard drugs, particularly in Southeast Asia, have too often followed the old routine of the easy way out when servicemen acquire a drug habit.

The easy way out is to discharge addicts as quickly as possible, often with other than honorable discharges. That puts the burden on the local communities to which the former servicemen return.

Fifth District Congressman John S. Monagan has filed a bill which would require the military services to take positive steps to control the drug abuse problems in and around military bases.

It would further require that no member of the armed forces, who becomes addicted to a narcotic drug while on active service, could be separated from service until he receives treatment and is judged free from habitual dependence on such drugs.

One would think that it would not take a law to get the military service to discharge their obvious obligation to their own members and to the community at large.

But they haven't. And that's why the Monagan bill should receive early and favorable action in Congress.

[From the Waterbury American, May 19, 1971]

MONAGAN FIGHTS DRUGS

U.S. Rep. John S. Monogan has recommended extreme measures to overcome the growing problem of drug-addicted veterans returning from Vietnam. There will be the "friends" of the Armed Services who will decry his proposal as unworkable.

The only thing wrong with Monagan's proposal is that it is necessary in the first place. His three-fold bill would force the branches of the Armed Forces to establish drug abuse control divisions; would prohibit any veteran from being released from the service while an addict, and prohibit any addict from being courtmartialed if he voluntarily agrees to undergo treatment.

Drug abuse by members of the Armed Forces in Vietnam could never have reached today's proportions were it not for the closed-eyes attitude on the part of Americans in that country. There have been all too many congressional reports (ask U.S. Rep. Robert Steele of Connecticut what he saw on his recent trip) of drug abuse that has been ignored.

During World War II officers found it possible to put areas off limits if they were found detrimental to troop morale. It's strange that officers don't know how (or don't care to) crack down on the free access of drugs in Vietnam. There are reports that Americans cannot raid civilian areas where drugs are being sold without being accompanied by Vietnamese police.

Why do officials in Washington permit the corruption in the Saigon government to continue without taking drastic action?

If President Nixon believes that we must remain in Vietnam—and his reasoning appears valid—then he must order the Armed Forces to put a halt to the massive use of drugs by the troops. He must force the Saigon government to crack down on its civilian offenders.

There are only two possible alternatives. One would be the complete seclusion of American troops from every area of civilian life in Vietnam (that means no civilian bars, movies, gambling houses, girls, stores) or a complete withdrawal of our troops.

This nation cannot permit its youth to be corrupted by the failure of both its own officers and the officials of a "friendly" government to ignore the drug problem.

For every protest which Monagan receives from the military concerning the severity of his proposals, he should ask: What have you done to make it unnecessary to pass such legislation?

VETERANS' ADMINISTRATION,
DEPARTMENT OF MEDICINE AND SURGERY,
Washington, D.C., May 24, 1971.
Hon. JOHN S. MONAGAN,
House of Representatives,
Washington, D.C.

DEAR MR. MONAGAN: I am pleased to respond to your inquiry of May 12 regarding the treatment the Veterans Administration is providing for drug addicts.

We agree with you that the problem of drug addiction among Vietnam veterans is a growing one. The enclosed chart reveals the alarming escalation that has occurred since fiscal year 1969, from a total of 183 cases among the under 35 age group in the last three quarters of that year to a total of 2,194 cases during the first three quarters of this fiscal year. The unexpectedly huge increase in numbers of servicemen being released with drug problems has made our original plans inadequate, but we are stepping up our programs to the limit of our resources.

The VA has embarked on a special medical program of treatment of drug dependent veterans. Thirty special treatment units are planned nationwide by fiscal year 1973. The first five are in operation now, one in each VA medical region, and the next twelve will begin after July 1, 1971. Units will be located in existing VA hospitals and treatment will be on a voluntary basis for eligible veterans. If resources permit, we plan to be able to treat an estimated 6,000 drug dependent veterans in the next two years, with each unit reaching an average caseload of 200 patients with an average of 15 beds per unit for necessary in-hospital care.

In addition to the special drug treatment units, many veterans with drug problems will be helped in other VA hospitals, especially in the acute withdrawal stages. After initial treatment at these hospitals, they will be referred to an appropriate addiction facility.

Hospitalization for drug cases usually lasts four to six weeks, followed by a prolonged period of out-patient care. Various treatment modalities will be used including methadone maintenance, confrontation and other group approaches, and social and vocational rehabilitation techniques.

The pressure for treatment of the literally thousands of new cases of drug dependence makes it imperative that the VA increase its efforts, as the available drug facilities of the nation are inadequately prepared to serve the numbers involved. We assure you that every effort will be made to provide for the needs of returning Vietnam veterans.

Sincerely yours,
M. J. MUSSER, M.D.,
Chief Medical Director.

VETERANS' ADMINISTRATION: VETERANS DISCHARGED WITH PRINCIPAL OR ASSOCIATED DIAGNOSES OF DRUG DEPENDENCE COMPARISON OF 3 QUARTERS, FISCAL YEAR 1969 (OCT. 1-JUNE 30) AND FISCAL YEAR 1971 (JULY 1-MAR. 31)

Drugs involved (some cases represented in more than 1 category)	Age											
	Under 25		25 to 34		35 to 44		45 to 54		Over 55		Total	
	1969	1971	1969	1971	1969	1971	1969	1971	1969	1971	1969	1971
Amphetamines	3	63	4	46	9	43	4	20	1	3	21	175
Barbiturates	3	84	4	55	14	77	16	90	10	31	47	337
Hallucinogens	12	188	0	66	1	6	1	3	0	1	14	264
Marihuana	5	142	6	58	0	14	0	0	0	0	11	214
Opiates (and derivatives)	32	655	53	434	64	308	37	190	16	60	202	1,647
Tranquilizers	0	5	1	9	5	31	13	28	3	15	22	88
Other sedatives	18	230	42	159	60	128	66	202	29	67	215	786
Total	73	1,367	110	827	153	607	137	533	59	177	532	3,511

ANOKA, MINN.
Hon. JOHN S. MONAGAN,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE MONAGAN: Congratulations on your alert sensitivity to our problem of GI drug addiction. Best of luck with your rehab program.

Sincerely,
R. W. NASH.

ANSONIA, CONN.,
May 14, 1971.
Congressman JOHN S. MONAGAN,
Washington, D.C.

DEAR SIR: This morning's news broadcast focussed upon your newly-introduced bill re discharge of drug-addicted servicemen.

It sounds like an excellent, thoughtful proposal and one which protects the best interests of both the community and the men who have succumbed to addiction as their own private way out of a despicable, mindless war. Now, please work to stop the war, too.

Respectfully yours,
GILLETTE C. STANTON.

STAMFORD, CONN.
Representative JOHN S. MONAGAN,
U.S. Congress,
Washington, D.C.

DEAR REPRESENTATIVE MONAGAN: I have just read about your interest in establishing a special corps for dealing with the problem of drug addiction of servicemen. The problems of any serviceman returning to civilian life are at best stressing and can be most difficult depending on the individual, but for a drug dependent veteran, his medical and personal problems must be tremendous.

I, therefore support your effort to develop a medical unit to attempt to return a person to society who does not have a drug problem to contend with after having served his country.

Further, we must make a supreme effort to develop drug control and prevention procedures. It is obvious that curing is less satisfactory than prevention. I would think that the military establishment would be as ideal as any for development of preventative techniques.

Finally, just as a child does not learn family pride without participating in family responsibility, so I feel that the young people will have difficulty developing pride in their country without giving or participating for themselves. This is indeed the essence of pride and the forerunner of vision. I therefore feel that a universal obligation to participate in some phase of our country's struggle should be the rule rather than the exception.

Sincerely,
PHILIP J. BAUER, D.M.D.

MAY 15, 1971.

DEAR MR. MONAGAN: Congratulations on your fight to make the Armed Forces responsible for rehabilitation of drug users.

Sincerely,

MRS. RUTH L. BRIGHT.

MAY 26, 1971.

Hon. JOHN S. MONAGAN,
Washington, D.C.

DEAR SIR: We strongly endorse the bill requiring servicemen being discharged to be free from drug addiction.

Your truly,

PAUL MITCHELL,
LILLIAN MITCHELL.

WATERBURY, CONN.,
May 19, 1971.

Hon. JOHN S. MONAGAN,
House of Representatives,
Washington, D.C.

DEAR SIR: I strongly support your threefold bill to:

1. force the branches of the Armed Forces to establish drug abuse control divisions,

2. prohibit any veteran from being discharged from the service while an addict, and

3. prohibit any addict from being court-martialed if he voluntarily agrees to undergo treatment.

If this bill was reported correctly in our local newspaper, then I am behind it and you 100%. My brother returned from Vietnam all messed up because of drugs, and narrowly escaped being dishonorably discharged because of an arrest connected with this. Men away from home, lonely and fighting a war which no one seems to want any more, are very susceptible to drug use. It's about time we decided to help them.

As my brother says, "Right on, sir!"

Sincerely yours,

MRS. ROBERT CATHERINE J. GAGNON.

DISABLED AMERICAN VETERANS,
Washington, D.C., May 21, 1971.

Hon. JOHN S. MONAGAN,
Member of Congress, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN MONAGAN: Your letter dated May 19, 1971 addressed to our National Commander has been referred to us for reply.

First, may I take this opportunity to express our organization's gratification in the deep interest that you have manifested in the drug abuse problem in our Armed Services. I can assure you that any veteran who has this problem and comes to our attention, that we will certainly advise him as you requested in your letter.

Thanking you again for your efforts in behalf of these unfortunate servicemen, I am

Respectfully yours,

JOHN J. KELLER,
National Service Director.

ST. PETERSBURG, FLA.,
May 24, 1971.

Representative JOHN S. MONAGAN,
House of Representatives,
Washington, D.C.

DEAR SIR: The St. Petersburg Times of May 24, 1971, ran an article on the editorial page captioned "Cure the Addicts First."

Your name was mentioned in the article as sponsoring a bill which would require the Army (why not all branches of the service) to certify that servicemen being discharged were free from drug addiction, thus keeping addicts in the service where rehabilitation and treatment can be administered.

May I congratulate you for sponsoring such a most necessary bill. If you would inform me of the number of the bill, I will be most happy to contact the congressmen from Florida and request that they give your bill full support.

Very truly yours,

S. E. LENDER.

WEST HARTFORD, CONN.,
May 16, 1971.

Hon. JOHN MONAGAN,
House of Representatives, U.S. Congress,
Washington, D.C.

DEAR CONGRESSMAN MONAGAN: Today I read the "Hartford Courant's" lead article about your proposed legislation regarding drug addicted servicemen. The bill seems simple and to the point. To simply dishonorably discharge the boy is not only a waste of humanity but another "washing of hands," the traditional disclaimer of responsibility.

Certainly the serviceman cannot be relieved of his responsibility for the problem he directly created. Requiring he be retained in the service until he is cured, should strengthen his resolution to be cured.

Civilian society has yet to find its own solutions to the drug problem. The military should not be allowed to compound this problem.

Your bill is the first new constructive solution that I'm aware of. I applaud your efforts.

Very truly yours,

SIEGFRIED T. RUNGE.

DOCTORS DIAGNOSTIC LABORATORY, INC.,
May 18, 1971.

Congressman JOHN S. MONAGAN,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN MONAGAN: The Legislation which you have just introduced requiring the Armed Forces to treat and rehabilitate young men addicted to drugs before their release from the service is both excellent and timely.

In my own office we have begun to see an increasing number of young people ill due to drug use, and the seriousness of the situation is all too apparent.

You are to be commended for this thoughtful measure; its passage into law will be a significant step toward averting a potentially dangerous problem.

With warmest personal regards, I remain,

Sincerely yours,

BERYL B. WEINSTEIN.

BROOKLYN, N.Y.

Hon. JOHN MONAGAN,
House Office Building,
Washington, D.C.

DEAR MR. MONAGAN: We are in favor of your legislation requiring certification that servicemen are free of drug addiction before discharge. Please let us know of your progress.

Mr. and Mrs. M. B. MILLER.

DANBURY, CONN.,
May 24, 1971.

Hon. JOHN S. MONAGAN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. MONAGAN: Thank you for your admirable and much needed bill requiring our Military Services to take positive steps to control drug abuse problems of servicemen—and to insure treatment of drug addicts before discharge from service—including a complete cure. This bill should get a 100 per cent vote in *passing*. With best wishes for its—and for your combined success.

Sincerely yours,

E. L. E. SAVERY.

[From the Hartford Courant, May 16, 1971]

MONAGAN DRUG BILL MAY JAR MILITARY

(By Barbara Carlson)

WASHINGTON.—A drug abuse bill that was quietly introduced in the House by U.S. Rep. John S. Monagan, D-5th Dist., is a radically innovative bill that could turn out to be a bombshell for the military.

The bill, Monagan said in an interview, came largely as a gut reaction—a reaction, the Congressman said as he clenched his fist, that "something has to be done."

Monagan said he was prompted to write the bill largely because of his recent discussions with Vietnam veterans about the drug situation and also because of his correspondence with the parents of a Connecticut veteran who returned home suffering the agonies of drug withdrawal.

The bill has two major provisions—both controversial. One is the establishment of a Drug Abuse Control Corps in each section of the military—the Army, the Navy, the Air Force. Each corps would attempt to prevent drug addiction through education and training, would rehabilitate addicts and would enforce elimination of the drug supply.

Another provision, and the one most likely to set off lightning bolts from all sides, says that no member of an armed force who is a narcotics addict may be separated from service until "such time as he is adjudged by competent medical authority to be free of any habitual dependence on narcotic drugs."

And yet another section of the bill states that no person in the services shall be tried for an offense involving possession or use of a narcotic if he voluntarily agrees to undergo treatment before a court-martial is convened.

That last provision should not shake up the Army too much but the Marine Corps, it is said is adamant about drug users and discharges them dishonorably if they are discovered. The Army has an amnesty program through which drug users may turn themselves in for treatment and suffer no punishment.

ANOTHER MATTER

Keeping addicted persons in the service until he is drug-free is another matter.

There is, first of all, the legality of the matter.

A public information officer with the Department of the Army stated flatly that "you can't legally keep somebody two days" after his term of service is up.

Monagan's bill would have to overturn this law.

And it would also have to change the entire concept of the Army, according to other sources.

A psychiatrist in the Army's Office of the Surgeon General said the provision to rehabilitate drug addicts before they can be separated would demand "a change in the mission of the Army."

The Army, he said, has been structured as a "single-mission operation"—and that mission has not been rehabilitation.

The psychiatrist was dubious about the efficiency of attempting to get someone off drugs who doesn't want to give up drugs—but, he said, involuntary rehabilitation "might work if you lock up a man for a couple of years. But this would make it a pseudo crime and the Army is not funded to do this . . . The Army is funded not to rehabilitate but to fight wars."

MANY QUESTIONS

There are, then, questions about the mission of the Army—should the Army be in the business of social rehabilitation? and questions about the legality of keeping men after their term of service is up. And there are medical questions about the possibility of achieving success where a man is required to go off drugs when he doesn't want to.

The last question has as many answers as there are psychiatrists. One psychiatrist in the Veterans Administration said the theory that involuntary treatment wouldn't work is an "old bugaboo."

Rep. Monagan takes the view that his bill "involves recasting our thinking." With the drug problem of "epidemic proportions," he said, "we've got to revise our attitudes."

Before April 24, the day of peaceful demonstrations in Washington against the Vietnam war, veterans camped in the nation's capital and talked to congressmen—among them Monagan. The veterans, Monagan said, were distressed at the handling of drug users in Vietnam, at the "inadequacy, the absence, of any real constructive arrangements to take care of them (addicts)."

PERSONAL ELEMENT

And the "personal element" in a case brought to the congressman's attention also had a big part in moving him to present his bill—which would be officially the "Armed Forces Drug Abuse Control Act of 1971."

A letter from the parents of a 19-year-old veteran said that the young man returned home, separated from the Army, at 10:30 one night last January. By 3 a.m., the letter says, the parents were "half dragging and half carrying the withering and pain-racked body of our son, who by this time had admitted to us that he was addicted to heroin and had been using it for the past nine months."

The young soldier had been discharged administratively before his tour of duty was finished.

WROTE TO MONAGAN

The parents wrote Monagan, "Does the government owe men no explanation?" They asked Monagan to look into the matter "to save another child from someday being thrown into this situation."

One response the congressman received from his questions to the Army about this addicted youth included this statement. "To be completely candid, the Army is still struggling with effective ways to deal with the drug abuse problem."

Monagan seemed pleased with the response to the bill. It has been mentioned favorably on national television and radio.

And Congress seems in the mood to support some sort of funding for increased care for servicemen who become addicted to narcotics.

(Monagan hasn't made an estimate of what implementation of his bill would cost; it would involve, he said, "personnel costs and possibly some construction." An Army officer estimated that, for the Army alone, the cost of increased personnel to care for addicts would run to $7 million a year.)

CHANGE OF VIEWS

There are enormous problems involved in changing the entire traditional view of drug addicts, who, strictly speaking, are breaking the law.

There are all kinds of estimates about the number of drug experimenters, drug users and drug addicts in the armed forces and one estimate is about as good as another.

"You can't do epidemiological studies on an illegal disease," an Army phychiatrist noted.

But all signs—and the statistics there are—point to a sizeable increase in the number of drug users in Vietnam in the past year.

Monagan feels there is a "sense of urgency developing."

Whatever the legal, medical and philosophical snags to Monagan's bill, it is nonetheless, the first bill of its type to be presented. The effect, even of its introduction, could be revolutionary.

[From the Connecticut Sunday Herald, May 30, 1971]

NEWS FROM WASHINGTON

(By Edith Kermit Roosevelt)

WASHINGTON.—A Vietnam war veteran from Connecticut arrived home recently to enjoy what his family thought would be a joyful homecoming celebration. But a few hours later he was suffering the agonies of drug withdrawal and had to be committed to an insane asylum.

The young man's parents communicated with Rep. John S. Monagan of Waterbury and urged the Congressman to take action to prevent similar experiences by narcotics addicts in the Service.

The parents wrote Monagan:

"Does the government owe me no explanation?" They asked the congressman to look into the matter "to save another child from someday being thrown into this situation."

In an interview with the Connecticut Sunday Herald, Monagan said:

"I checked into this with the Army and learned that the Veterans Administration did not have a record of this soldier's taking hard drugs, although all the time he was in Vietnam he did so and his parents knew it."

Where does a young man—and there are thousands like him—turn for help?

"There was nothing in this soldier's military record and there should have been," Monagan contends. "Apparently, the Army is looking the other way."

In order to correct this type of situation and deal with the drug hazard confronting military men, Monagan has introduced legislation this week to establish a Drug Abuse Control Corps which would set up and oversee a drug abuse control program for the Armed Forces.

The most important provision of Monagan's bill states that no member of an Armed Force who is adjudged addicted to a narcotic drug by competent medical authorities during his active duty, may be separated from the service until he no longer has any habitual dependence on narcotic drugs.

Monagan said his bill (H.R. 8216) is attracting growing interest and from the House and Senate, and he refiled the bill Wednesday in order to show the measure's cosponsor.

As proof of the seriousness of the drug problem in the military, Monagan cited a recent drug report by a House Armed Services Subcommittee headed by Rep. Elliott G. Hagan (D-Ga.). The report showed at least 60 per cent and undoubtedly many more of the men in Vietnam habitually use marijuana and up to 10 per cent of our personnel there use hard drugs.

The Congressional Subcommittee found that the heroin problem in Vietnam is increasing in seriousness because abundant supplies of the drug are reaching the area from new processing laboratories in Laos and that there are processing laboratories in Thailand and Hong Kong.

The testimony of interested officers of the various services indicated that investigations of drug cases have doubled each year for the last 3 years.

A total of 69 soldiers died in Vietnam probably from overdoses of drugs, during the first 10 months of 1970. The Army's 25-division study shows that roughly 10 per cent of the men tested presently use hard drugs, Monagan declared:

"Although all of the Armed Services admit that the drug problem exists, the Army has so far been the only service to confront the problem through setting up a program and providing rehabilitation opportunities for the drug user in that branch.

"The Navy, Air Force and Marines take the position that they do not have adequate facilities or personnel to handle this problem," Monagan continued.

"Their solution is to discharge drug users as quickly as possible, and usually with other than honorable discharges."

Monagan was critical of these services' position.

"The attitude of these Services toward drug users allow young men, damaged physically and emotionally by a habit they developed while in the Service, to bring their problems back to civilian life. The inevitable result for the homefront is an increase in drug-related crime."

Although the number of Vietnam veterans involved in drug-related crimes has not been made available by the Pentagon, the Connecticut legislator contended "it is certainly high."

In addition to the provision regarding separation, the Monagan bill provides the military structure in all services with a specialized division, trained to care for the problems of drug addiction within each of the Armed Services.

According to the bill, each Service would establish a Drug Abuse Control Corps that will oversee the drug abuse control program for each branch.

Each corps will include three divisions: an education section designed to prevent those not already addicted to dangerous drugs from developing the inclination to begin; a rehabilitation division designed to rehabilitate those already addicted; and an enforcement section, to eliminate the source of the supply of narcotics now available to members of the American military.

Another provision of the bill states that no person in the Services shall be tried for an offense involving possession or use of a narcotic if he voluntarily agrees to undergo treatment before a court martial is convened.

This last provision is in conflict with Marine Corps policy which is that drug users must be dishonorably discharged if they are discovered. The Army has an amnesty program through which drug users may turn themselves in for treatment and suffer no punishment.

Another matter that would presumably have to be ironed out is that provision of the bill keeping addicted persons in the service until they are drug free.

A Pentagon spokesman said Monagan's bill, if passed, would have to overturn the law which makes it impossible to legally keep anybody in the service after his term is up.

Mr. Speaker, I yield to the gentleman from Puerto Rico (Mr. CÓRDOVA).

Mr. CÓRDOVA. Mr. Speaker, I rise to underline the importance and urgency of legislation to control drug abuse in the Armed Forces. Because my constituency is several times as large as that of any Member of this House, I represent more young men in the Armed Forces than any Member, and as a result, my correspondence reflects the problem of the abuse of drugs in the services.

We all know that it has become increasingly difficult for parents of teenagers to discharge their responsibilities to their children and to the community. But it is shocking to discover that the armed services, after tearing a boy away from his family, may well return him 2 years later, discharged after he has acquired the drug habit while serving overseas.

I feel, Mr. Speaker, that so long as the Congress chooses to draft our young men, it has the responsibility of protecting them, not only against enemy bullets and explosives, but also against this equally destructive vice. H.R. 8216 offers an avenue for the Congress to discharge this responsibility, by setting up drug abuse control organizations in each of the services, by providing for treatment and rehabilitation of drug addicts instead of court martial, and by providing that no one who becomes addicted in the service may be separated until he is free of any habitual dependence on narcotic drugs.

I strongly support H.R. 8216, and commend it to the consideration of the Members. We cannot continue to wash our hands of responsibility for drug addiction acquired in an environment into which we have thrust our young men without their consent. We must acknowledge this responsibility, and the services should be required by law to acknowledge their own responsibility. The present solution—perhaps a court martial, and a discharge is no solution at all, it is simply a refusal to face the problem, or to accept responsibility. We cannot, we must not, continue to turn our back on those of our young men whom we have helped to place in jeopardy and who have been stricken.

Mr. MONAGAN. I thank the gentleman for his observations and for his support of this legislation and compliment him on the very cogent and pertinent remarks he has just made.

Mr. Speaker, I now am happy to yield to the gentleman from Connecticut, my colleague, Mr. WILLIAM COTTER.

Mr. COTTER. Mr. Speaker, I am proud to join with my colleague and friend, JOHN MONAGAN, in cosponsoring his bill to help our servicemen who become addicted to drugs.

This bill was drafted after the most intensive and serious effort on the part of the distinguished gentleman from Connecticut. JOHN is well known for his concern and effort in the field of drug addiction. His quiet and effective leadership in this area is acknowledged by all those conversant with drug problems.

I do want to take this time explaining the bill which my colleague has so ably done, but I want to stress one part very carefully. There are those who argue that any bill should allow the addicted soldier to voluntarily go to a VA hospital after his service is finished. I do not pretend to be a psychiatrist specializing in drug addiction behavior but, I submit that it is naive to expect most service addicts to voluntarily turn themselves over to a VA hospital. I believe that there should be facilities at VA hospitals to treat veterans, but we must confront this problem as it occurs by keeping the addict under treatment cured with or without his approval.

We must remember that this Nation has two very important obligations in the area of service addicts. First, society must protect itself and, second, and perhaps more humanely, it must help the addicted serviceman. It serves neither society nor the addict to turn him loose to what will probably be a life of crime and his own untimely and tragic death.

It was our distinguished colleague, JOHN MONAGAN, who developed this novel, and necessary concept and put it into legislative form. This brilliant innovation should be enacted quickly and I will work with my colleague for final passage.

The establishment of a Drug Abuse Corps in each of the armed services is the proper approach to combat drug addiction in the armed services. These Drug Abuse Corps will have several missions. First, they will educate servicemen to the perils of drug addiction. Second, they will provide personnel to help the service addict. Finally, they will be required to police the flow of drugs to our troops.

Mr. MONAGAN. I thank the gentleman for his statement of support and also for his kind remarks about the gentleman in the well with reference to his efforts to enact this legislation.

Mr. HALL. Mr. Speaker, will the distinguished gentleman from Connecticut yield?

Mr. MONAGAN. I am happy to yield to the gentleman from Missouri whose pertinent questions I was very proud and happy to see in the course of the hearings of the Hagan subcommittee of the Committee on Armed Services to which I have already referred. I am happy to yield to the distinguished gentleman from Missouri.

Mr. HALL. Mr. Speaker, it was the distinguished gentleman from Connecticut's reference to the Hagan subcommittee's hearings over a year's study and recommendations that brings me to my feet.

I am a member of the Committee on Armed Services and, indeed, was the ranking minority member on that subcommittee.

In addition, as the gentleman knows, I am a physician and as has been developed on the floor of the Congress before, have at times in my past experience had the unpleasant duty and responsibility of treating drug addicts.

Be all that as it may, I am delighted to hear the gentleman's comments, and I want to assure the gentleman that I know and respect and revere the blow for liberty that he struck in the Interparliamentary Union by having those who had perhaps inadvertently participated in the drug supply and traffic involving the association join him in his most worthwhile resolution. And I hope that it will have untold and very highly effectual results.

Is the gentleman aware, I would ask the gentleman, Mr. Speaker, if it was the finding of the Subcommittee on Alleged Drug Abuse of the Committee on Armed Services, that overall the proportion in service, regardless of the corps, or regardless of the armed services, was just about proportionate to the problem in the interim phase between high school and college students? And that in the findings of the Committee on Alleged Drug Abuse that is was remarked that the military and our Republic still must derive from the civilian, and with the percentage of draftees and the known percentage of experimenters or participants among the regular files or the regular corps, that the percentage remained roughly the same as in civilian life?

Mr. MONAGAN. I recall a discussion which the gentleman from Missouri (Mr. HALL) had with one of the witnesses, I believe from one of the armed services, in which the questioning was directed along this line. I do not, myself, specifically remember whether there was a finding to this effect or not.

Mr. HALL. Well, Mr. Speaker, if the gentleman will yield further, there was, and it was roughly to that effect. It is for that reason that I rise to engage in this colloquy which I think is very excellent. I do not want to decry one whit from anything that the gentleman is doing except to say that, not only were these findings and conclusions reached, but there were specific recommendations in this final report which is now being acted on. And, believing that things equal to the same things are equal to each other—and goodness knows, we will accept all the boost we can get——

Mr. MONAGAN. Yes.

Mr. HALL. But technically, Mr. Speaker, it does involve to some extent the Uniform Code of Military Justice. It involves implementation of the legislative intent of the Congress, and the committee, and certainly of this body. But just for example, if anyone were allowed to withdraw and find amnesty up until the time that the court martial was convened—I believe is the wording the gentleman used a while ago—and also to then be guaranteed maximum benefit of inservice care and treatment, by inservice psychiatrists, by inservice drug treatment specialists, and so forth and so on, it could very easily come to pass that without the rights of retirement, that without the rights of discharge for the benefit of the service, leaving out the question of discharge with honor or without honor, and so forth and so on—and I am keenly interested in this problem also, I will say to the gentleman from Connecticut—that I believe that a man ought to have maximum inservice benefit of medical and hospital care. By the same token, you cannot fill the service with these people being regulated under the right, long after the specifications have been issued, Article of War No. 32 review being carried out, and the charges and, indeed, the decision as to whether or not to convene a court-martial or not, or a convening authority has been set, you cannot give them amnesty and fill the forces up with these people.

I, for one, would not want to have one of them who was liable to have a retroactive LSD hallucination protecting my flank if I was in the frontline at any one point. And we find ourselves getting down to these practical considerations. I wanted to bring these considerations out in addition to the very excellent points the gentleman has in his bill, and has made here on the floor of the Congress.

Mr. MONAGAN. Mr. Speaker, I thank the gentleman for his contribution. It certainly demonstrates the degree to which he, both as a Member of Congress and also as a professional medical man, has thought about this very difficult problem.

I do point out in connection with the question of the gentleman with relation to the percentage of addicts in civilian society and those in Vietnam that one disturbing thing that I find in these statistics is the rate of the increase in the number of cases that were under consideration and under investigation, and also the belief that there has been a marked increase in recent times as to the situation in which we find ourselves with relation to the prosecution of the war and the reducing of the members of the armed services who are assigned to Vietnam and also the lack of military activity.

So I certainly agree with the gentleman from Missouri that there are complications in any proposal and that this is not an easy problem to solve and that it must be done with reference to the constitutional rights of the individuals and also with reference to the needs of the armed services to have healthy and vigorous and active members prosecuting their normal jobs, which is that of military service.

And I can sympathize with the position expressed by the Marine Corps for example in saying that they do not have the facilities, and they do not have the personnel to take care of this problem, and that their job is fighting. Well, all I can say is that the country is going to have to make the resources and the personnel available in one way or another, and in my judgment it is better to do it in the manner that the President has indicated he favors, and that is before the time when they are thrown out on the streets, probably with a dishonorable discharge, and they are not able to receive the treatment they need, and they are taking to the sort of street crime that has increased 100 percent in recent years due to narcotics and drugs.

Mr. MELCHER. Mr. Speaker, I commend our distinguished colleague from Connecticut (Mr. MONAGAN) and I am pleased to have the opportunity to join as a cosponsor in a far-reaching humanitarian bill.

Individual tragedies for discharged veterans follow in the wake of the tragic events of our military involvements. As our young men return home free of the obligation to serve their country in the Armed Forces, we are finding an alarming and increasing number of them not free of the tragic habits of drug abuse acquired in the Armed Forces and plaguing themselves and their families with the greatest of individual tragedies.

Over on the Virginia side of the Potomac in the huge complex of Pentagon files and records they are a day late and a dollar short on comprehensive statistics on how many of our armed personnel are involved in drug abuses. This is the most serious problem we have to the morale and the shredding discipline of the military, yet the Pentagon has few of the details. Retiring Army Secretary Stanley Resor recently testified that between 10 and 15 percent of our troops in Vietnam have a serious heroin habit. That is 30,000 men. Thirty-five heroin overdose deaths in the first 3 months of this year have been reported in our armed services in Vietnam. Our men in Southeast Asia find heroin, cocaine, and opium in generous supply at bargain prices; the Hagan subcommittee of the House Armed Services Committee showed that drug abuses have penetrated all branches of our Armed Forces, both for those stationed in this country and abroad. These and other indications of the widening drug peril dictate that Congress must take immediate action.

As an important step I join in sponsorship of the Armed Forces Drug Control Act of 1971 as a tool to provide treatment, rehabilitation, and prevention programs in each of the armed services. As a cornerstone of the act, each member of the Armed Forces who seeks treatment to break himself of the drug habit would be granted amnesty for his part in the illegal possession and use of the drug. Contrary to the present policy of discharging servicemen because they are drug addicts, the act would require treatment and cure before they are discharged.

Despite the Defense Department's 1970 directive to the Armed Forces branches to undertake their own efforts to eliminate drug abuse, it is plain that the response has been piecemeal and inadequate. In the Army, rehabilitation is up to local commanders and amnesty enables an addict to turn himself in for treatment in exchange for immunity from prosecution so long as he is not under investigation. The Air Force has a limited rehabilitation program that provides limited amnesty. The Navy has developed a treatment program—at the same time doubting the consistency of long-term rehabilitation with austere funding—and finally has announced an immunity program. And, at least until now, the Marine Corps has engaged in no official rehabilitation efforts and has depended upon separation of drug abusers as its basic response to the problem.

It is tragic that many a military man picks up a dangerous drug habit in the service only to be shoved from the military with a dishonorable discharge into a shattered life at home. They are barred from receiving help at a Veterans' Administration medical facility because of the dishonorable discharge. They are faced with the prospect of continuing to support a suddenly expensive compulsion, maybe turning to crime as a means. They are broken wrecks to themselves and to those around them.

Let us act now to provide a comprehensive, uniform program to curb this national calamity.

Let the Pentagon divert some of the millions and billions it is investing in spying on the civilian population, in selling the Pentagon, in research and development on nonmilitary subjects, and in planning for the administration of civilian governments to research and development of methods and institutions to reclaim the lives of young men who are swept up in the net of the draft, sent into war without incentives, and allowed to slip into the worst of all habits.

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to associate myself with my distinguished and esteemed colleague from the State of Connecticut the Honorable JOHN S. MONAGAN who is a leader in the fight against drug addiction.

Mr. Speaker, in agreeing to cosponsor H.R. 8216, the Armed Forces Drug Control Act of 1971, which the distinguished gentleman from Connecticut is reintroducing today with additional cosponsors, I feel that I should say a few words by way of explanation. For in agreeing to cosponsor this bill, I am not doing a routine thing. I am not just adding my signature to another worthy campaign and leaving it at that. I am joining other Members with a sense of complete commitment to get action before any more time goes by. The fact is that there are few more compelling bills before this House for consideration this session. It is not enough to express one's concern about a serious problem. The time to act is now. I congratulate the Member from Connecticut for bringing this matter to our attention, providing us with the opportunity to seek support from all of the Members of the House, to present the facts for consideration, and for providing us with a well-thought-out bill which adresses itself to the treatment and cure of what I feel to be the most serious problem facing this Nation today.

There are countless arguments why this country should not be in Vietnam today. There is every reason why we should bend every effort to withdraw every last troop by December 31, of this year. Sooner if possible. But I can honestly say that today we are discussing what may well turn out to be the most convincing argument to the broad spectrum of the American electorate who, to date, may not have taken a position on ending the war this year. Because the GI drug problem is becoming apparent for all to see, it is striking every home in this country—at least the possibility of involvement with drugs is a constant threat to the parents and loved ones of every soldier fighting in Southeast Asia.

And this is not a problem which is confined to a section of the Globe miles away. These young men are returning home infected with the problem and in all likelihood, since no one lives in a vacuum, tainting countless other people of their generation with their habit. It is no coincidence that the war in Southeast Asia coincides almost to the day with the growing drug problem, the spread of the drug scene, the rise of a drug culture in our society. The habit is easy to pick up in Southeast Asia and is only kicked at great cost in this country, with far too little understanding, virtually no government assistance, and, not surprisingly, very few results. Even the White House the other day gave the opponents of the war's continuance one of their best arguments when Presidential Adviser, Robert H. Finch, expressed alarm at the fact that the war was dumping on American society somewhere in the neighborhood of 20,000 drug addicts a year, returning GI's who picked up the habit overseas. When the costs of this terrible war are added up, I think few statistics will be found to give a hint of the true cost more than this last statistic.

Congressmen STEELE and MURPHY have performed yeomen's service to this country in their penetrating report on the drug problem, following their recent overseas tour. Congressmen have been photographed purchasing drugs in Saigon alleys to demonstrate for all to see just how easy and cheap it is to buy drugs in Southeast Asia.

It is time to reexamine old-fashioned attitudes and revise Military and Veteran Department regulations which appear more intent on putting a stigma on drug addicts than attempting to provide treatment or rehabilitation to those so afflicted. This bill will do this, representing as it does a practical approach to treating drug addiction among the members of our Armed Forces. It begins by including a uniform amnesty-treatment provision. Further, no member of an armed forces who, during his active duty, is determined to be addicted to a narcotic drug, may be separated from the services until such time as he has judged to be free from habitual dependence on drugs. The armed services have an obligation to those who become addicted to narcotics while serving their country in the military and to treat the ailment before the men are discharged. It has been stated all too often by returning veterans that the $7 habit costs thousands to cure, even thousands to continue once they get back to this country. This dilemma is providing our veterans to whom we owe so much an open invitation to a life of crime to finance an expensive habit, inexpensively acquired in the Nation's service.

News reports indicate that 10 to 15 percent of the U.S. troops in Vietnam have developed a heroin habit. In other words, as Congressman STEELE points out:

> The soldier going to South Vietnam today runs a far greater risk of becoming a heroin addict than a combat casualty.

How is that for a hidden casualty figure? If nothing else, Congressmen MURPHY and STEELE deserve a vote of thanks simply for the publicity they have focused on these heretofore obscure statistics. Alas, what Representative MORGAN MURPHY of Illinois says is all too true, that:

> A soldier suffering from a wound or even venereal disease can be retained in the service until restored to health, but one suffering from the sickness of heroin addiction is discharged and returned to society and denied the facilities of the Veterans Administration because of the nature of his illness.

I agree with him wholeheartedly that it is a national disgrace that the Veterans' Administration is not equipped to rehabilitate drug addicts. This bill in fact should be but the first of a whole range of legislation to begin to tackle the problems which this unwanted war has brought forth upon our society. Malaise is not too strong a term to describe the situation this war has produced among our young people, not only overseas but at home. The malaise has taken many forms. The sickness of spirit may be something that we can never cure, but a beginning must be made. Today, let us dedicate ourselves to curing those sicknesses of mind and body that will yield to treatment. I can think of no better problem to tackle first than the problem of drug addiction.

Mr. McKINNEY. Mr. Speaker, I would recommend that the recently released Hagan Report on Drug Addiction in the Military be required reading for all Members of Congress.

The situation is far worse than I think any of us at first imagined. Sixty percent of our men in Vietnam habitually use marihuana and up to 10 percent of our soldiers use hard drugs. Just a quick calculation reveals that drug addiction afflicts up to 25,000 of our men.

The natural question is what has been done to combat this health crisis. A telephone call to any of the three branches of the armed services reveals that they are woefully unable to handle the problem. They have neither the facilities nor the personnel to even begin coping with it.

Now this situation is not limited to the military alone. It reflects an overall problem in our society. The rapid escalation in drug use has caught all segments of society unprepared.

However, the problem is most acute in the military and it is in the localized, disciplined atmosphere of the military that a great opportunity exists to rehabilitate drug addicts.

If 60 percent of our men had yellow fever, would the Navy only have two treatment centers? If 60 percent of our men came down with smallpox, would the Marine Corps give them dishonorable discharges? Of course not, and yet what is so tragic and incomprehensible is that in the case of drug addiction, we not only do not have the necessary treatment facilities but by issuing a dishonorable discharge, we preclude any chance of the addicted soldier from receiving treatment in a VA hospital. Present policy simply returns them home with the good possibility of their engaging in criminal activity to support their addiction.

Where is the logic in it all? Can any Member of this Congress find even a hint of rationality in such a process?

The time has long since come to develop an overall program to combat drug addiction in the military. Drug addiction disables thousands upon thousands of our military personnel and the time has long since passed that we develop a positive program to rehabilitate those soldiers so disabled.

My colleague from Connecticut, JOHN MONAGAN, has introduced legislation which affords the military the great opportunity of providing this Nation with aid in combating this deadly social ill.

The key to H.R. 8216 is the final section of the bill which provides that no member of the armed services who is adjudged addicted to a narcotic drug by competent medical authorities during his active duty, may be separated from the service until he is free from habitual dependence on narcotic drugs.

The precedent for such legislation is found within our policies of not severing the military status of injured men until they are well again. While in the case of drug addiction, we enter the gray area of whether or not drug addiction is service connected, nevertheless, to provide our young men with the opportunity of returning home as whole men does not, I think, violate or endanger military policy but rather realistically expands it.

In closing, I would urge you to give this bill your utmost attention.

Mr. SCHEUER. Mr. Speaker, I wish to congratulate the gentleman from Connecticut (Mr. MONAGAN), the gentleman from Florida (Mr. ROGERS), the gentleman from New York (Mr. HALPERN), the gentleman from New York (Mr. MURPHY), and the gentleman from New York (Mr. KOCH), for their fine work in bringing the problem of drug addiction in the Armed Forces to the attention of the President.

This is indeed a problem of great magnitude and gravity and I was pleased to note that the President recognized it as such in his news conference last night. The President belatedly accepted the essence of a proposal that has been made by Members of this body for some time by announcing that addicted servicemen would be treated before being discharged.

I was also pleased to note that the President recognized that addiction in the Armed Forces is a part of a national problem and that he called for a national program to combat drug addiction.

I am in complete agreement with the President's call for a national strategy. I believe that we must move immediately to charge a high level official of great intelligence, leadership qualities and administrative and organizational abilities with the specific responsibility of developing a multi-faceted, multidisciplinary program involving research, education, domestic and foreign law enforcement, foreign crop diversification programs and rehabilitation. Then we must give him enough authority and resources to effectively implement this comprehensive program of coordinating or controlling new and existing research efforts and action programs.

To implement this proposal, I have joined with over 60 of my colleagues in the House and Senators MUSKIE and HARRIS in the Senate in introducing legislation which would establish, within the Executive Office of the President, an Office of Drug Abuse Control, specifically directed to develop and implement a program such as I have outlined.

Mr. Speaker, I realize there is a presumption against creating another office within the Executive Office of the President. However, in this case I believe that presumption is rebuttable. So many agencies are involved—Justice, Treasury, Defense, Agriculture, Labor, Commerce, Health, Education and Welfare, Housing and Urban Development, State, and others—that there is no persuasive rationale for developing and operating this plan in any one agency of the executive branch. Indeed, this very fragmentation of responsibility demands coordination and direction at the highest level, by establishing an Office of Drug Abuse Control in the Executive Office of the President.

The Office would possess its own budget and its own appropriation. The Director would report directly to the President and through him to the Congress. He would possess the authority to employ the experts he required either from the private sector or by loan from Federal departments or agencies. Finally, the Director would be granted complete authority to coordinate the entire Federal effort in this area, and where, in his judgment it is necessary, to recommend to the President that the Office be vested with direct operational authority over new and existing programs.

One of the most important features of the proposed legislation empowers the Director to make recommendations to the President with respect to the expenditure of funds by Federal departments or agencies for programs related to drug abuse control. This budgetary power will guarantee the ability of the Director to influence the programs conducted by these departments and will thus insure his ability to develop a coordinated, comprehensive, and truly effective program.

Mr. Speaker, I believe that the creation of an Office such as I have described will enable us to make great progress in the field of drug abuse control. A man with great administrative ability and leadership potential would be able to utilize all of the resources at the command of the Federal Government including programs involving agricultural economics, law enforcement technology, medical and educational research, crop diversification techniques, industrial development assistance, and technical information which are now located in such Federal departments and agencies as Agriculture, Defense, Justice, Treasury, Health, Education, and Welfare, State, Labor, Commerce, Housing and Urban Development, NASA, and OEO.

In addition, such a man would be able to overcome the comparable fragmentation on Capitol Hill which results in consideration of the drug abuse problem by at least nine different committees, including Foreign Affairs, Agriculture, Judiciary, Education and Labor, Interstate and Foreign Commerce, Armed Services, Banking and Currency, Government Operations, Science and Astronautics, and Appropriations. In short, such a man would serve as the focus for a sophisticated, coordinated, and comprehensive attack on the problem.

Mr. Speaker, I believe that the Director of this Office should possess the flexibility required to exercise initiative and imagination as well as the ability to adapt to changing needs and increasing progress in developing a solution. However, a number of essential elements of our initial comprehensive plan can be specified. Accordingly, my legislation contains a number of specific items which may be included in the basic beginning program if, in fact, upon detailed examination they appear to be as effective as I believe them to be.

These specific program items would include many of the following elements:

RESEARCH EFFORTS

The Director's comprehensive plan may include the stimulation of expanded research to develop:

First, a synthetic analgesic substitute which is nonaddictive, to replace opium and its derivatives, morphine and codeine, in medical usage.

Synthetic analgesics are already in limited use as painkillers. None of these, however, induce the euphoria for which opium products are noted and which many physicians seem to value in their practices. In addition, existing substitutes possess undesirable addictive properties.

Government-sponsored research must be conducted to improve these substitutes and to eliminate their addictive nature. The American Medical Association and its counterparts abroad must encourage the members of the medical profession to use these replacements.

Successful implementation of this program would permit a complete international ban on opium production—ultimately, the most feasible method of ending heroin addiction.

Second, a long-lasting blocking or antagonistic drug to treat heroin addiction.

Methadone is one drug which is being widely used to halt heroin addiction. Although an addict becomes as dependent upon methadone as a diabetic is dependent upon insulin, regular daily doses of methadone can block an addict's craving for heroin for up to 8 hours and thereby permit him to pursue a normal life instead of a life of crime.

We must develop a drug or device which, with dosage units administered at long intervals or by subcutaneous implantation, would cancel heroin's euphoric effect and end the craving for narcotics for 8 days, 8 weeks, or 8 months, rather than 8 hours.

Third, a detoxification agent which when administered breaks the physical addiction of a heroin user without the unpleasant physical side effects of "cold-turkey" withdrawal.

Fourth, effective utilization of chemical or radioactive tracers to aid in law enforcement efforts.

Heroin can be easily smuggled into this country because small amounts, worth a great deal, can be hidden so easily. If poppies in the field could be sprayed with chemical or low-grade radioactive tracer elements, the detection of smugglers would be greatly facilitated and, by utilizing slightly different tracers for different areas, it would become a relatively simple task to locate fields from which opium was being illegally produced or diverted.

Fifth, effective utilization of Department of Defense and NASA high-altitude and/or satellite surveillance techniques to detect illegal poppy culture or to monitor licit poppy crops to prevent diversion into illicit channels.

Sixth, effective drug abuse prevention programs. Some time ago, many of us became very enamored with the use of driver education as a means of reducing automobile accidents. Several recent studies have cast doubts upon the contribution of driver education to a reduction in the accident rate. I suggest the same may well prove to be true about drug abuse prevention education.

We must develop a truly effective education program or programs which will utilize techniques that will reach all potential drug abusers, from affluent suburbanite to ghetto youth.

DOMESTIC ACTION PROGRAM

The Director's plan for a comprehensive domestic action program may include the development of:

First. A large-scale, national program of methadone or advanced substitute treatment, with proper supportive services, in a variety of community-based models appropriate to the needs of various user-groups.

A massive nationwide program of methadone treatment, with appropriate supportive services, can make a definite contribution to a great reduction in violent personal street crime. We must move immediately to establish a program sufficient to treat every willing addict.

Second. A plan for the control of the production and distribution of psychotropic substances—amphetamines, barbiturates, and tranquilizers. This plan will no doubt include the utilization of computers to monitor the manufacture, distribution, and, perhaps, the dispensing of all mind-altering drugs.

According to the House Select Committee on Crime, the United States produces nearly 8 billion amphetamines annually—enough to supply nearly 40 doses to every American citizen—when the medical need is estimated at 0.05 pills per person per year. This must be stopped.

The Comprehensive Drug Abuse Control Act of 1970 must be expanded to regulate medical journal advertising of these products and to require manufacturers, wholesalers, jobbers, and druggists to make computer-compatible reports on all transactions involving these drugs. The computer would then cross-check all reports and immediately notify law enforcement investigators of any suspected illegal production or distribution.

Prescriptions for mind-altering drugs have been increasing at an alarming rate. In 1970, pharmacists filled more than 225 million prescriptions for these drugs compared with 166 million in 1965. This 37-percent increase compares with a 32-percent increase for all prescription drugs during the same period.

The medical profession must be urged to subject prescription practices to scrutiny and review, and to conduct post-graduate seminars on the dangers of overprescription. If they fail to do so, government intervention must be considered as a serious possibility.

Third. Legislative proposals for bringing the Comprehensive Drug Abuse Prevention and Control Act of 1970 into conformity with the requirements of the new Convention on Psychotropic Substances when it is ratified and enters into force.

On February 21, 1971, 20 nations signed a new Convention on Psychotropic Substances designed to control the international traffic in all manmade synthetic mind-altering drugs. Hopefully, the President will submit this new treaty to the Senate for its advice and consent in the very near future, and the Senate will complete the formal procedures as rapidly as possible.

After ratification, we should examine our own law to insure complete conformity with the treaty.

INTERNATIONAL ACTION PROGRAM

First. The Director must propose amendments to strengthen the enforcement provisions of the 1961 Single Convention on Narcotic Drugs, the principal international instrument designed to control dangerous narcotic drugs.

The 1961 Single Convention on Narcotic Drugs is the successor to 10 previous treaties aimed at controlling leakages into illegal channels of lawfully produced narcotic drugs adopted by the nations of the world since 1912. That control has been developed. The 1,100 tons of opium required to meet the legitimate medical and scientific needs of the world community are well regulated.

However, at the same time, illicit production and illegal trafficking has increased to the point where an additional 1,200 to 1,400 tons are produced annually outside the law. This development was not surprising since only a small handful of professionals were charged with overseeing the entire world problem and their enforcement powers were limited.

Increasing the number of international civil servants to enforce the 1961 Single Convention would not be sufficient, however. New methods and new sanctions are required. The United States should take the lead in proposing amendments to the Single Convention, or, perhaps, in calling a conference to develop an entirely new treaty.

When this is accomplished and when the new Convention on Psychotropic Substances, designed to control the synthetic mind-altering drugs, takes its place beside the 1961 Single Convention, a sound international juridical framework for the control of drug abuse will have been constructed. It will then be necessary to build upon this framework to create a truly complete system of controls.

Second. The Director should develop effective means of cooperation with international institutions such as United Nations Division on Narcotic Drugs, the United Nations Special Fund for Drug Abuse Control, the World Health Organization, the Food and Agricultural Organization, Interpol, and the international lending agencies such as the World Bank, the United Nations Development Plan, and the International Development Association.

a. An effort to build upon the existing international framework for the control of the international traffic in drugs was begun in November 1970, when, at the urging of our State Department, the United Nations established a Special Fund for Drug Abuse Control. Designed to provide new resources for integrated international action against drug abuse, the fund will be used to establish pilot programs which would: first, provide training and equipment for law enforcement and government officials involved in drug control programs; second, stimulate and develop crop diversification programs, including the development and distribution of the necessary seed, fertilizer, and farm equipment; the organization, if necessary, of farm cooperatives, and the development of roads and the provision, if necessary, of such equipment as refrigerated trucks for a farm-to-market distribution system; third, develop new techniques of addict rehabilitation.

Turkey provides an example of the potential utility of the Special Fund. Although Turkey has been a party to the 1961 Single Convention on Narcotic Drugs since 1965, the international community has been justifiably increasingly dissatisfied with Turkey for not fulfilling its obligation to enact a poppy culture licensing system.

Turkey has reduced the area of poppy cultivation by 50 percent from what it was in 1964 and has reduced the number of opium farmers from 200,000 to 80,000. However, yields per hectare have been increased so greatly that total production in 1968 was 50 percent higher than it was in 1964. Obviously, even if outright prohibition is not possible at present, some form of control is essential as a start to bringing the production under control.

Although the fall of the Demirel government may change the situation somewhat, in the past Turkey has bristled at American diplomatic and political pressure designed to stimulate it to tighten its controls. Left-wing critics of the government have consistently demagogued what they characterized as American interference in Turkey's internal affairs. Thus, a licensing law which has been before the Turkish parliament for some time has yet to be enacted and Turkey continues to supply an estimated 80 percent of the illegal heroin which reaches the United States.

The Special Fund can obviously serve as a multilateral channel for aid and pressure, thus disarming critics of U.S. foreign policy. It is essential, therefore, that the Special Fund operate effectively and efficiently. An indecisive undirected organization with insufficient resources, will be almost as bad as no international agency at all.

Despite the fine initiative displayed by the United States in encouraging the establishment of the Special Fund, American financial support has been fainthearted and parsimonious. The United States has pledged an initial first year contribution of only $2 million. Given the importance of narcotics control to the United States, other nations took this small pledge as a depressingly clear signal of American lack of interest and confidence in the Fund.

Moreover, the United States only 1 month ago—while the Vienna Conference on Psychotropic Substances was still in progress—indicated that it was willing to release only a mere $100,000 of its $2 million pledge. This, again, was taken as a signal of lack of urgency, purpose, and priority and has greatly impaired American credibility concerning its desire to solve the problem. While the State Department has, since the Conference, agreed to release $1 million—the harm was done.

Finally, the $2 million American contribution has impaired the effectiveness of the Fund. As a general rule, the United States contributes approximately 35 percent of the budget of international agencies. Using this rule, the American pledge of $2 million means that the Fund will initially possess resources of only approximately $5 million when the Fund should have resources of $25 to $50 million per year.

The cost of not spending millions abroad is measured in a cost of billions in our cities. It is no exaggeration to use a multiple of 1,000 in relating failure to spend abroad with cost at home.

Therefore, the actions of the United States must be corrected. The American contribution should have been, and, in the future, must be much greater. We must evidence a clear and credible intent to solve the drug problem now.

b. The World Health Organization conducts medical research and disseminates public health information. Clearly our efforts must be coordinated with this organization.

c. The Food and Agricultural Organization has 2,300 agents spread throughout the world who possess the expertise required to develop crop diversification programs. Again, if poppy culture is to be eliminated, this valuable expertise must be utilized. No initiative has yet been made to harness FAO expertise, available manpower in the field, and its widespread credibility and popularity with the underdeveloped nations.

d. The international lending agencies, such as the World Bank, the International Development Association, and the United Nations Development Program must be involved in a well designed program to make their resources available for hard and soft loans to fund economic diversification programs to shift poppy farmers to the production of other cash crops or into other employment.

In anticipation of the potential control over poppy culture in Turkey and processing in Marseilles, the organized criminal syndicates are already shifting opium, morphine base, and heroin production from Turkey to such other countries as Afghanistan, Burma, Laos, and Thailand. If we are to halt this shift we must obviously move quickly before it becomes well established.

This will not be easy. Many of the countries I have mentioned lack effective administrative control over their remote poppy growing areas. Roads must be built, administrative and control infrastructures developed, seed for such crops as sunflowers, fertilizer, and farm equipment provided and technical expertise made available. The international lending agencies can be invaluable in providing the variety of financial aid that is required in order to close all the holes in the dikes and create a seamless web of controls over opium production.

Third. The Director should offer technological assistance to international organizations and foreign countries, including:

a. Advanced computer technology. The need for such assistance is clearly illustrated by the current plight of Interpol. This international organization deals primarily in information and criminal intelligence which it provides for member governments around the world. Yet, it currently has a budget of only $800,000, less than the police budget of Fargo, N. Dak. Clearly, the organization should have a larger budget which would enable it to utilize advanced computer technology for its information gathering, storing, and disseminating functions.

b. Sophisticated administrative and law enforcement techniques must be made available to opium-producing countries for use in licensing or halting opium production.

c. Agricultural expertise for use in crop diversification. The most effective method of ending heroin addiction in this country involves a total prohibition of poppy culture. This must be our goal.

Poppy farming is a very labor intensive occupation which, to the farmer, is not very remunerative. For example, the average Turkish poppy farmer earns less than $100 per year from his opium crop. Thus, countries such as Yugoslavia have found it relatively easy to move farmers from poppy cultivation to the production of other more financially rewarding crops. Expertise in crop diversification must be made available for this purpose.

COORDINATION AND OPERATIONAL CONTROL

First. Obviously, to accomplish his task, the Director will be required to effectively coordinate programs which are presently located in other Federal departments and agencies. These programs include:

Domestic law enforcement programs which are located within the Department of Justice and border control activities which are located in the Treasury Department;

Medical research and treatment programs located within the Department of Health, Education, and Welfare and the Office of Economic Opportunity;

Technological research conducted by the Department of Defense and the National Aeronautics and Space Administration;

Agricultural research and technical assistance programs located within the Department of Agriculture and operated by AID;

Local treatment programs to reach large numbers of potential drug abusers such as those located within the Department of Housing and Urban Development (Model Cities), the Office of Economic Opportunity (community action programs), the Department of Health, Education, and Welfare (Office of Education, Office of Child Development), the Public Health Service (community based health clinics);

International programs developed or implemented by the Department of State, including the relevant programs under the jurisdiction of the Agency for International Development;

Relevant technical assistance programs available through the Department of Labor—for example, manpower training for new skills for farmers—and Commerce—for example, light industrial development.

Second. In some instances, coordination of existing programs will not be sufficient. Therefore, when, in his judgment, it will best serve the aim of drug abuse control, the Director is empowered to recommend to the President that existing programs be transferred to the direct control of the Office for continued operation or consolidation. In addition, under the same conditions, the Director may recommend to the President that the Office be empowered to develop directly an entirely new program.

Mr. Speaker, drug abuse is not a partisan problem. It is a serious national problem which involves all regions of the country: urban and rural, North and South, East and West. It is attacking affluent youth in our suburbs, poor youth in our slums, students on our college campuses, pupils in our elementary and secondary schools, men in our workshops, and executives in our corporate headquarters.

Similarly, our failure to solve the problem has not been the failure of one party or one administration. It has been a national failure over many years to develop programs and apply resources even marginally commensurate with the appalling scope of the problem.

We can stop the illicit traffic in dangerous drugs if we are willing to call a moratorium in rhetoric and join across party lines to devote the thought, the resources, and the energy that are required to mount a total and coordinated effort to end the scourge of addiction.

This proposal to establish an Office of Drug Abuse Control represents an effective and feasible means of conquering this dreaded epidemic. In the past, when we have wished to accomplish a task, we have utilized high quality personnel to develop a sophisticated grand design for action. We have created an Office of Consumer Affairs when we wished to develop a program of consumer protection. We have established a National Aeronautics and Space Administration when we wished to send men to the moon, and a Manhattan project when we wished to split the atom. Surely, drug abuse control is as important a national challenge as consumer affairs, space flight, and atomic energy.

Admittedly, these organizations were not perfect. But they provided the organizational framework to do the job. They used highly sophisticated, multidisciplinary methods to develop programs which applied imagination, initiative, centralization, coordination, operational control, and major resources to accomplish their tasks. We can do the same for drug abuse control if we have the will and the energy.

Finally, Mr. Speaker, this proposal is a short term measure only. It deals with a symptom—drug abuse—rather than the disease. While we must move, and move quickly, to correct the symptom because of the disastrous effect it is having upon our society, we should not permit these efforts to diminish our search for a cure of the disease. History will judge us harshly if we fail to end drug abuse. But the judgment will be even more severe if we fail to end the alienation, the bitterness, and the despair which are the root causes of the abuse of drugs. Therein lies the true solution. That should be our ultimate goal.

As the President gathers ideas on mounting a "national offensive" on the problem of drug abuse, I would hope he will find this proposal useful.

Mr. DERWINSKI. Mr. Speaker, our distinguished colleague, Congressman John Monagan, has persistently worked to bring about control of drug abuse, and I share the special emphasis that he places upon expeditious action on H.R. 8216, which I was pleased to cosponsor.

This legislation, I believe, will be a very practical vehicle by which the Armed Forces could most effectively cope with the misuse of dangerous drugs.

I further believe that Congress must act on the basic subject of drug abuse in the Armed Forces and the bill introduced by Representative Monagan, which so many of us cosponsored, will be a practical vehicle for legislation.

Mr. Speaker, I also wish to commend the gentleman from Connecticut (Mr. Monagan) for the splendid initiative and determination he demonstrated at the spring meeting of the Interparliamentary Union, at which time the council of that organization unanimously adopted a resolution presented by our colleague. The resolution appealed to parliaments of all countries to join in control and elimination of illegal international drug traffic. We recognize that international cooperation is necessary to control the problem of drug abuse since this problem is international in scope, a fact which has been recognized by the United Nations. Thus, we are demonstrating with the passage of H.R. 8216 the leading role that the U.S. Congress is playing in working toward correction of international drug problems, especially as they relate to our servicemen.

Mr. GONZALEZ. Mr. Speaker, drug abuse among military personnel has reached such staggering proportions that the Armed Forces are presently discharging about 20,000 servicemen a year for drug offenses.

We hear a great deal about the devastating effects of drug abuse and addiction on military morale and efficiency, but to date we have shown little sympathy for the man who is stripped of his honor, deprived of veterans benefits he has earned, and thrown back into civilian life with a deadly and expensive drug habit.

It is my feeling, and that of all my colleagues who have joined Mr. Monagan in sponsoring legislation to establish Drug Abuse Control Crops within the services, that something must be done immediately to stop the destruction of an entire generation of young men and to avert the havoc that will result from placing thousands of new drug addicts in the streets to fend for themselves.

It is the responsibility of the Armed Forces to provide addicted servicemen with an alternative to disgrace, namely the chance to undergo rehabilitation and treatment within the service, and to guarantee these unfortunate men that they will not be released from the military until they have been cured.

By punishing servicemen with dishonorable or undesirable discharges, we abrogate our responsibilities to men who have otherwise served their country loyally and we condemn them to tortured lives of drug addiction and crime. The military must not contribute to a problem that has extracted from society a phenomenal price in human and material resources.

The type of treatment and rehabilitation we advocate might solve the problem; court martials and discharges simply indicate that the Department of Defense is unwilling or unable to face the problem and prefers to dump it on already overburdened civilian programs. I am of the opinion that servicemen with drug problems are suffering from severe service-connected disabilities and should be treated as such, and not simply committed to the swelling ranks of drug addicts.

Mr. BROOMFIELD. Mr. Speaker, there is no less pleasant duty for me than to speak today on the subject of drug abuse in the military, but the terrible facts of the situation warrant the immediate attention of this body.

Conservative estimates place heroin use in Vietnam at 10 percent of all American enlisted men—about 37,000 addicts among our 277,000 soldiers. Other reliable sources indicate, however, that those totals may be far too low—that the percentage of addicts could be as high as 25 percent or 60,000 members of the Armed Forces in Southeast Asia. When we hear at the same time that more than half of some individual combat units are composed of addicts, we must certainly recognize the explosive nature of this problem.

An addicted veteran returns with his habit to a society in which heroin is far less available and far more expensive than it was in Vietnam. His natural impulse is to turn to crime for the money he needs to satisfy his craving. While the Defense Department has no figures on drug-related crimes committed by veterans, simple logic tells us that these are likely to increase as habituated veterans are released from the service.

Meanwhile, there are no effective military programs to detect, deter, and treat drug abuse in Vietnam. Only the Army has introduced an amnesty provision of limited value for those who turn themselves in for treatment. The other services, complaining justly that they lack the facilities to provide rehabilitation, simply discharge their addicts on less than honorable grounds, to be dealt with by an unprepared and unsuspecting civilian society. It seems to me that some type of treatment should be afforded these men before they are sent out into an unsympathetic and unfamiliar new grounds.

Most of the addicts picked up their habits, after all, while they were in the service: the pressures of the war combined with the availability of heroin has created a completely unique set of circumstances in Vietnam, under which drug abuse is all too alluring an alternative. We should, perhaps, be grateful it has not been an even more serious problem than it is.

At any rate, it seems elementary to me that the services should themselves be responsible for the cure of soldiers who became addicted under their auspices. But to take up this new responsibility, they will need increased authority from the Government, and that is why I have joined Congressman MONAGAN in sponsoring his important drug abuse legislation.

The most important element of our bill is a provision requiring that no member of the Armed Forces with an addiction to narcotics be separated from service until he is adjudged by competent medical authority to be free of his dependence. The point is obvious: we must deal with the habit while the drug user is still under the military's control.

Now, it should be clear that this requirement cannot be complied with unless the various military services are given sufficient authority to conduct rehabilitation efforts. Our bill gives them that authority by creating a Drug Abuse Control Corps in each branch of the Armes Forces. Each of these Corps, in turn, would have an educative, a rehabilitative and an enforcement division for the purpose of: first, preventing those not already addicted to dangerous drugs from becoming habituated; second, rehabilitating those already addicted, and third, through enforcement, eliminating the source of the drug supply available to members of the military services. No one who voluntarily entered a rehabilitative program while he was a member of the armed services would be prosecuted for drug abuse.

This bill, Mr. Speaker, is as sound as it is necessary. I trust the House of Representatives will act promptly to put it into effect.

Mr. WOLFF. Mr. Speaker, I am delighted to join in this special order taken by the distinguished gentleman from Connecticut (Mr. MONAGAN), to discuss the dangerous and growing problem of drug abuse in the armed services of the United States.

Over the past several months, I personally have become increasingly disturbed not only by the extent of narcotics use in the armed services, but also by the callous attitude which the military itself has taken toward this matter. At worse, the Marine Corps until recently dishonorably discharged, upon discovery, narcotics addicts within its ranks, leaving them to fend for themselves with "tracks" on their arms and a permanent black mark upon their records. At best, which is little better, the Army has had a fitful rehabilitation program, with room for less than 1 percent of the heroin addicts within its ranks, and no provision for posttreatment counseling. If a GI comes back for treatment a second time, he is court martialed or discharged.

Back in the United States, the outlook until recently was little better. For a long time, the VA refused to accept ex-servicemen for treatment in its hospitals for narcotics addiction. As a member of the Hospitals Subcommittee of the House Committee on Veterans' Affairs, I was gratified to learn recently that the Veterans' Administration has begun a trial program in five hospitals, the number soon to be expanded, to treat exservicemen who are heroin addicts.

Such a program, welcome as it may be, does little to aid the soldier still in the service who is an addict. Finding the bureaucratic thinking of the armed services on this matter to be intolerable, I am proud to be a sponsor of H.R. 8388, to provide for the treatment of members of the armed services who are narcotics addicts. H.R. 8388 provides for the examination of each serviceman before discharge; his retention on active duty if found addicted, with placement in appropriate hospital facilities until such time as he is found no longer to be a narcotics addict; and his subsequent release.

The Army has said that such retention is illegal; and that such a law, moreover, would change the entire mission of the Army, which is funded "not to rehabilitate," but to fight wars. I find such contentions to be unacceptable—for $75 billion a year, the armed services of this Nation should take at least some account of the consequences of their wars, especially as such consequences are faced by their own employees.

It is estimated that more than 200 young American GI's will die of overdoses of heroin in 1971. It is time to act if we are to fulfill our responsibilities to the men who serve this country.

Mr. HECKLER of Massachusetts. Mr. Speaker, I am pleased to join today with the distinguished gentleman from Connecticut (Mr. MONAGAN) in introducing legislation to combat the growing menace of drug addiction that has spread through the military almost unchecked.

While I am grateful that this subject is gaining more public attention as typified by the President's statement at his news conference; however, mere attention to the problem is not going to solve it. Action is required and it must be immediate if we are to end this scourge.

The unique feature of the bill we are introducing today is that it provides the means to begin treatment of those who become addicted to hard drugs while in the Armed Forces. In addition, it requires a significant change in our policy toward addicts by permitting them to be treated medically rather than punitively.

The armed services have traditionally followed the practice of discharging known addicts under less than honorable conditions. This tragic practice has had the twofold effect of punishing those who would make their addiction known to those who could assist them, and forcing the addict into society where his only means of supporting his habit is through criminal activities.

Through the provisions in the bill we are introducing, the military will be prohibited from discharging those who are known to be addicts until they are rehabilitated. This can encourage addicts to seek treatment and also serve to save society from suffering yet another rapacious criminal appetite caused by the need to buy heroin.

Another unique provision in this bill will permit a serviceman being tried for an offense involving the possession or use of drugs to avoid court martial by agreeing to undergo treatment and rehabilitation procedures.

Finally, the bill establishes a Drug Abuse Control Corps in each branch of the military services to provide the necessary educational services and rehabilitation treatment for servicemen addicted to hard drugs.

I hope the Committee on Armed Services will act swiftly to hold hearings on this legislation and give its approval so that we can pass this bill and begin to bind up these new and hidden wounds of war.

NARCOTICS ADDICTION IN THE MILITARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 30 minutes.

Mr. PUCINSKI. Mr. Speaker, we have just heard a very learned discussion on one of the most serious problems confronting our military—the growing problem of narcotics addiction among our military.

I was very much interested in the discussion that just preceded my own special order. Surely I would have to agree that the legislation being proposed by our colleague, the gentleman from Connecticut (Mr. MONAGAN), is long overdue, and is urgently needed. I would be most pleased to support it and join in cosponsoring it, particularly since I am a member of the House Committee on Veterans' Affairs.

However, Mr. Speaker, I believe this is a serious problem and, while we can talk all we want to about the need for medical facilities and treatment facilities, perhaps we ought to address ourselves to the root causes of the problem.

I was deeply concerned when our colleague, the gentleman from Illinois, Mr. MORGAN MURPHY, came back from an extensive tour of a number of countries, including Vietnam, and brought back with him a startling report about the narcotics problem among our military in Vietnam—that some 10 to 15 percent of our soldiers in Vietnam had become addicted to narcotics, according to official figures, and that privately those very same people—soldiers in the field along with doctors and other medical authorities—tell us the unofficial figure actually might be as high as 40 percent.

It seems to me we have a national crisis on our hands if, indeed, anywhere from 15 percent to 40 percent of American troops in Vietnam have now turned to some form of narcotics addiction.

It occurs to me then that we ought to take a hard look at that situation and perhaps, indeed, the time has come when the President can make his greatest single contribution to deal with this problem by imposing the moratorium on sending any further troops to Vietnam, that I have suggested.

There are now some 20 signatures on my discharge petition on the Clerk's desk calling for such a moratorium. It would be my hope, in the face of the statistics coming out of Vietnam, and in the wake of the discussion just held here before my own special order on the extent of the narcotics problem among our soldiers and our military, that the President seriously consider the prospect of a moratorium on sending any more American troops to Vietnam.

I have proposed that as our boys are rotated back home they not be replaced in Vietnam. In that way, in 1 year there would be no troops left in Vietnam.

More importantly, we would at least have a chance to save those youngsters who will be sent as replacements to Vietnam between now and the final day of withdrawal, whenever that is determined. It occurs to me that there is considerable logic to the suggestion.

I was pleased to hear the President say last night at his press conference, when he was asked when he thought we could stop sending draftees to Vietnam, that the day might come sooner than we think. I recall only too well during the debate on the draft extension in this chamber, when I questioned the distinguished chairman of the Armed Services Committee as to whether or not we really needed extension of the draft, I submitted at that time statitsics to show that if the President's present withdrawal rate of 14,300 troops a month is continued, we will have all of our troops out of Vietnam by December 1972. And if, indeed, the President accelerates the withdrawal rate, as we have every reason to believe he will on November 15—he said yesterday that he would have a new withdrawal schedule to be announced on November 15—if indeed the President accelerates that withdrawal schedule, our troops will be out of Vietnam very much sooner.

So it seems perfectly logical to suggest at this time that we have a moratorium on the sending of any further troops to Vietnam.

How many more of our American soldiers are to be exposed to the menace of dope addiction in Vietnam? How many of our soldiers are to be killed in Vietnam? How many to be wounded?

Under the present withdrawal schedule, between now and December 1, we will send some 32,000 to 38,000 replacement troops to Vietnam. So it seems to me that the President would do well in declaring a moratorium now. I think the anxieties that lead so many of our young people in this country to dope addiction, seeking some forum of opiate to overcome the concerns and insecurities that have swept the Nation in the wake of this long and costly war, would certainly be alleviated, and it is reasonable to expect that a moratorium on troop shipments to Vietnam at this time would have a profound effect on our homefront, not only on the war front.

I would not be making this suggestion if I was not thoroughly convinced that South Vietnam now is fully capable of defending the country. We have been asked on a number of occasions, "What is the American mission in Vietnam?" America's mission in Vietnam was to give the Vietnamese sufficient time to develop their own defense capability. I submit the record is now replete with evidence that that commitment has been discharged with great honor. The President has said he has his own withdrawal time schedule. He said he wants to get the troops out of Vietnam, but to get them out in such a way as not to lose the gains we have made in this long and costly war.

I submit that we could have a moratorium at this time, and we could start moving those troops out of Vietnam and not suffer any great losses, because I am convinced that the South Vietnamese forces are more than capable of defending their country.

For that reason it would be my hope that the President would seriously consider a moratorium at this time, not only because of the impact it would have on the homefront, but the impact it would have on the soldiers overseas.

Those of us who have served in World War II or Korea know what happens to men when they are waiting. We are now in a so-called final phase of America's involvement in Vietnam. Yet for those boys remaining in Vietnam this is not the final phase. These are the most anxious months, anxious weeks, and anxious days of their entire military career. The waiting around, waiting for something to happen, is an open invitation to seek opiates and other forms of relief. For that reason it seems to me it is logical to suggest at this time that America's mission in Vietnam has been completed and has been completed with honor. I would hope that in view of the mounting evidence of what has happened to young Americans in Vietnam, not only on the battlefield but the rising tide of dope addiction while young men are waiting for something to happen—all of this evidence should certainly convince the President that the time has come to impose a moratorium on the sending of any more troops to Vietnam, and then getting our troops out of there as quickly as possible.

I am sure that the South Vietnamese can more than adequately carry on the defense of their country. I disagree with the Vice President, when he suggests a withdrawal at this time would be tantamount to some sort of surrender. On the contrary, it would be a public acknowledgement that America's mission in Vietnam has been concluded with honor and we are now ready to assume leadership in the world, because while we have been bogged down in the swamps of Vietnam for the last 6 or 7 years the Soviet Union has roamed all over the world, creating all sorts of new intrigues and new trouble spots.

It seems to me the United States must assume its role of leadership again if we are to have peace in this world. By getting our troops out of Vietnam, we shall hasten that day.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

In 1870 the average yield per acre of corn in America was 29 bushels. By 1950 it had increased to 38 bushels, and it is now about 75 bushels per acre.

ELECTRICITY AND THE ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COLLINS) is recognized for 20 minutes.

Mr. COLLINS of Texas. Mr. Speaker, in this decade of ecology, we are made increasingly aware of the need for preserving our natural heritage and improving our environment. At the same time Americans continue to expect the goods and conveniences which our highly industrialized society makes available. Resolving these two competing demands is one of the most challenging problems now facing our country. While many Americans are content just to talk about the problems of industrial growth and environmental protection, another group is hard at work finding the solutions to these problems. In particular, I am referring to the electric utility industry whose work on behalf of the environment goes on quietly but with increasing progress.

Many Members are aware of the hearings on powerplant sitings recently conducted by the Communications and Power Subcommittee of the Interstate and Foreign Commerce Committee. My membership on that subcommittee has served to reinforce my belief that power companies are dedicated to finding workable solutions to environmental problems. And yet, few industries have received the attention of the aroused public more than has the electric utility industry. While faced with an insatiable demand for more electric power, electric companies are often told when siting powerplants or transmission lines, "Don't put it here." I believe this resistance is encountered because the public is not fully aware of the vast expenditures and effort this industry has invested in environmental control.

The May 15, 1971, issue of Business Week magazine reported from a McGraw-Hill survey that electric utilities will spend $679 million in pollution control in 1971, an increase of 68 percent over the $405 million spent in 1970. This is more money than will be spent in pollution control by any other industry. In addition to this figure, millions of dollars are spent annually on environmental research.

Dollar figures do not tell the whole story, however. A behind-the-scene look at the electric utility industry reveals an impressive picture of professionally trained environmentalists seeking solutions to complex ecological problems. Companies are increasingly being staffed with biologists, meteorologists and others with diverse environmental backgrounds. In their research and development activities they work to provide a vitally needed service with the least possible impact on the natural environment.

An investigation of the electric industry's approach to water quality protection, for example, showed that some 445 water studies have been completed, are underway, or are proposed by 121 investor-owned electric companies in the United States. These studies include the beneficial uses and biological effects of thermal discharges, ecological surveys, water cooling tower design, temperature modeling, desalinization and monitoring techniques.

The Office of Science and Technology was the first to advocate the beneficial uses of thermal pollution—another name for waste heat. They cited the following areas as worthy of further research and development: space heating—especially for new cities; improvements in biological efficiency of sewage treatment plants, air conditioning and refrigeration applications; and the use of waste heat for agricultural purposes such as heating and cooling of greenhouses to permit the year-round raising of crops.

Perhaps the most spectacular capability of waste heat is the way it encourages prodigious growth in many forms of marine life. In my own State of Texas, the electric companies joined together in financial support of a 5-year research program on the effects of heated water discharge on fishes and commercial invertebrates. This project is being conducted by the Wildlife Science Department at Texas A. & M. University.

Scientists studying artificial reservoirs constructed by electric companies for cooling purposes are confirming what fishermen in Texas have known for years: that heated water has a beneficial rather than detrimental effect on water quality. John E. Tilton, a biologist at Texas Electric Service Co., has pioneered in research utilizing heated water discharged from one of their plants for commercial catfish culturing. Another utility, Texas Power & Light Co., with the wildlife scientists at Texas A. & M., is presently entering into an 8-year research program, funded entirely by that company, to study intensive catfish farming in its cooling reservoirs. In addition to producing over a million pounds of catfish annually, the wildlife scientists anticipate a 400 to 500 percent increase in the sport fish available in the reservoir.

Shellfish production is prodigiously increased by the use of waste heat. Japanese spat—oysters—on the Pacific shore near Eugene, Oreg., grow 10 times larger in only 4 weeks, and become ready for market in two-thirds of normal time, simply because the water is 10 to 15 degrees above normal. Another oyster seed hatchery on Long Island Sound receives water from a steam-electric station, and is able to increase the oyster survival rate a million-fold and cut the maturing time in half. In Florida, shrimp and lobster are being profitably raised in warm water discharges.

Agriculture is another area where waste heat can be used effectively. In experiments at the Oregon State University Hyslop Farm, the use of warmed water in underground pipes to warm the soil has increased crop yield up to 64 percent. Similar agriculture experiments have resulted in faster and more bountiful production of corn, tomatoes, soybeans, lima beans, and strawberries. Waste heat has also been used in warm water sprinkling systems to prevent frost on orange groves.

Mr. Sam Beall, Oak Ridge National Laboratory Reactor Division Director, said that:

> 7,000 acres of greenhouses near Cleveland, Ohio, shared by 60 growers who pay $6,000 to $8,000 per acre for gas heat, could get steam from a powerplant for only $2,000 an acre. . . Glass-covered greenhouses near a powerplant . . . would produce three crops of tomatoes a year totaling 750,000 pounds, compared with a California tomato field of similar size producing 60,000 pounds per season.

At the University of Arizona's Environmental Research Laboratory, scientists are growing vegetables in the barren desert by using small quantities of desalinated water in controlled environment greenhouses. Eggplant, squash, lettuce, and more than 30 other crops have been harvested from the closed-environment greenhouses in areas where nothing grows outdoors except cactus and other desert plants. On a much larger scale, the Atomic Energy Commission is working on integrated systems of power, water and food production at Oak Ridge, Tenn.

Waste heat has also been used beneficially in experiments to keep harbors and city streets free of ice and to clear fog from airfields.

We can see from the foregoing research into the beneficial uses of thermal discharge that electrical facilities are striving to do more than just stop thermal pollution—they are learning to use the waste heat for our betterment. In addition, many electric companies are investigating the environmental impact of their facilities well enough in advance of their construction and operation to insure compliance with environmental standards. At one proposed plant site near Granbury, Tex., the biology department of Southern Methodist University is conducting a comprehensive investigation into the aquatic ecology of the reservoir where waste heat will be discharged. The company supporting this research has made a public commitment to install alternate cooling facilities if it is determined that heated water will upset the ecology of the reservoir. Such studies are not unique. Most utility companies in Texas and across the country are conducting similar investigations.

The electric power industry has made significant gains in other fields of environmental protection. Air quality control has received the same degree of environmental attention as thermal discharge. Across the United States electric utility companies are investing millions of dollars in equipment to abate air pollution. Companies using coal or oil as a source of fuel are aggressively working to insure air quality standards although little credit is given publicly for this aspect of it. During the past 40 years, the pounds of coal or coal equivalent, required to produce a kilowatt-hour of electricity has been reduced from 1.7 to 0.9. In fact, fuel burned for generating electric power in 1969 was less than half of what it would have been if 1929 efficiencies had prevailed.

To abate particulate emissions or fly-ash modern powerplants are being equipped with electrostatic precipitators with efficiencies approaching 99 percent. Older plants are being retrofitted with this equipment. Where sulfur dioxide emissions have imposed environmental problems, stepped-up research and development of abatement equipment is being initiated.

Land use has been another area of increased public concern, and I find that the electric industry has amply demonstrated its willingness to live in harmony with the natural environment. The list of land use accomplishments must be impressive even to the utilities' severest critic. A brief sampling of innovations includes Georgia Power Company's donation of parks, as well as wildlife and conservation programs; Dallas Power & Light and Seattle City Light have won awards for substation architecture and landscaping; Consumers Power Co. and others have comprehensive plant siting programs; Pacific Gas & Electric Co. has developed over 400 campsites, cloud-seeding for irrigation purposes, maintenance of forests and streams, new roadside rests, and recreation on 150 lakes; Florida Power & Light Co. has installed marinas, manmade lagoons, and linear parks beneath rights-of-way; Idaho Power has conducted extensive fish conservation and grassland development programs; and Kansas Gas & Electric is involved in tree farming and a $3 million steam station face lifting and landscaping. For the entire industry, land use has meant millions of dollars spent on undergrounding of facilities, transmission-line beautification and rights-of-way for playgrounds, nurseries and farms.

Mr. Speaker, we hear much talk from environmentalists these days that all power pollutes and that there is no hope for the future. This attitude totally disregards not only the developments and accomplishments I have just outlined, but also a realistic evaluation of what the future actually holds for electric power production and the environment. While providing our country with vital electrical power, the electric utility industry is making a substantial contribution to America's environmental improvement.

HIGH SEAS INCIDENTS

The SPEAKER pro tempore. Under a previous order of the House the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, on May 19, there was an extraordinary and very well-publicized meeting on the high seas between representatives of the United States and the commander of the Russian fishing fleet off the east coast of this country.

The purpose of the meeting aboard the very elaborate and plushy appointed Soviet mother ship was to work out some modus vivendi for the Russian and American fishing boats plying the same waters. The Americans, mostly lobstermen with fixed gear, had been complaining vigorously that the larger, faster Soviet vessels had been running through their lines, deliberately or otherwise, causing extensive and expensive damage and loss of revenue.

The Russian commander purportedly apologized to the American delegation at the shipboard meeting and gave assurances that the incidents would halt.

U.S. Ambassador Donald L. McKernan, special assistant for fisheries, wildlife, and ocean affairs in the State Department, who headed the American delegation at the meeting with the Russians, testified May 20 before a subcommittee of this body on Fisheries and Wildlife Conservation to the effect that the meeting appeared to be successful and hopefully would put an end to the incidents.

Even as McKernan was testifying, not 24 hours after the meeting, reports were received of additional harassments by Russian ships. Once again, this blatant treachery involved the American lobster ship, *Wily Fox*, owned by the Prelude Corp. of Westport, Mass., in my congressional district. Joseph Gaziano, the president, and John Jensen, the treasurer, of Prelude, attended the meeting with the Russians and also testified before the subcommittee. Their initial outrage over the incidents and skepticism about the effectiveness of the conference on the high seas was both heightened and confirmed.

And now, Mr. Speaker, we have additional evidence of Soviet duplicity and the foolishness of reposing any hope or faith in Russian assurances—as if this country ever needed any.

On June 1, there was a reported incident involving an American lobster boat out of Marblehead, Mass.

On May 27 and May 28, there was still another round of incidents involving the Russian fishing fleet and American lobster ships. This time, under even more infuriating circumstances, the victim American ship was the *United States*, owned by D.O.K. Fishing Enterprises, Inc., of Westport, Mass.

According to a carefully kept log, which is supported by photographs, the *United States* arrived at a point 65 miles southeast of Montauk Point, Long Island, before dawn on May 27 to find a considerable amount of gear had been damaged.

For the next 12 hours, a total of 12 Soviet vessels were sighted and identified as they towed through the gear of the *United States*. Some pulled away when approached, others ignored the *United States'* signaling.

After it notified the Coast Guard, the *United States* was then contacted by the very same Russian mother ship on which the May 19 conference was held and invited to come alongside. When the *United States* reached the *Robert Eikhe*, there was long and difficult radio conversation and charts with all the *United States* lines clearly marked were sent over to the Russian vessel.

The Soviet response was that they would radio their ships to stay clear of the *United States* gear. A few hours later, three large Russian stern trawlers cut through the American lines, disdainful of any order or agreement, real or imagined.

Only with the appearance of the Coast Guard cutter *Vigilant* later in the day did the Russian fleet leave the area.

The *United States* suffered an estimated $5,000 damage to its gear and equipment from the incidents, which does not sound like a great deal, but which is a very significant loss to a small company owned by three individuals whose every penny is sunk in the enterprise.

Mr. Speaker, to steal a line from Cicero, how long will the Russians' unbridled effrontery try our patience? How many slaps in the face does it take for us to do something to protect not only our own citizens, but also our own interests in the harvesting and dissemination of the sea's resources?

I say we have had enough. In testimony before the subcommittee 2 weeks ago, I proposed a four-point response to the situation:

First. The strongest possible protest by the United States to the Soviet Government, demanding compensation for the damages wrought by its fishing fleet.

Second. Permanent assignment of Coast Guard or naval vessels in the fishing waters of the United States for deterrence and protection.

Third. Congressional enactment of the joint resolution introduced by the distinguished gentleman from Washington (Mr. PELLY), that would make harassment of any American fishing vessel or gear unlawful, provide for Coast Guard surveillance and extend the territorial waters of the United States for 100 miles. To that could be added enactment of Mr. PELLY's concurrent resolution creating a conservation zone covering the extent of the Continental Shelf in which no foreign fishing would be allowed.

Fourth. If the Russians fail to make compensation for the damages, then the Federal Government should make whole the owners of these harassed vessels it cannot or will not protect.

The time for talking and hoping is past, Mr. Speaker. The time for action is at hand. If we ever needed absolute justification for stern measures, we have it now. Let us proceed to end this unconscionable piracy of a struggling American industry once and for all.

SUMMER OF EXPANDED OPPORTUNITY FOR THE DISADVANTAGED YOUTH OF OUR COUNTRY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Michigan (Mr. GERALD R. FORD) is recognized for 1 minute.

Mr. GERALD R. FORD. Mr. Speaker, with school vacation starting for our young people, I know my colleagues will be happy to hear that summer job opportunities will be at the highest level in 7 years and that Federal summer recreational programs for youth are also being expanded by the Nixon administration.

The President's announcement made at the White House this morning will be of interest to millions of American families and I am placing it in the RECORD at this point:

STATEMENT BY THE PRESIDENT

The summer of 1971 will be a summer of expanded opportunity for the disadvantaged youth of our country—due in no small measure to a large number of summer jobs which are being made available to them.

I am pleased to report that more than 824,000 job opportunities will be available this summer: 674,000 through Federal Government programs and 150,000 through the efforts of the National Alliance of Businessmen which works with the Government but does not receive public monies. Altogether, job opportunities this summer are 30 percent greater than a year ago and are at the highest level in the 7-year history of this program.

The Federal Government will invest over $303 million in its summer job programs in 1971. Of the 674,000 Federally-provided jobs, the Neighborhood Youth Corps will provide more than 609,000. An additional 63,000 of the jobs are in the Federal Summer Employment Program for Youth and 2,000 are in the newly established Youth Conservation Corps.

I am also pleased to report the expansion of Federal summer recreation programs for even younger Americans. We expect that some 2 million young people will participate in programs designed to build physical fitness, improve health, and provide educational and cultural opportunities.

I believe this expanded program represents a positive and promising approach to the problems of disadvantaged youth in every part of our country. It provides them with a chance to do useful work and learn useful skills. Surely this is one of the wisest investments a nation can make—an investment in the lives of its young.

MAJ. GEN. PAUL R. STONEY'S ADDRESS ON ARMED FORCES DAY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Colorado (Mr. McKEVITT) is recognized for 5 minutes.

Mr. McKEVITT. Mr. Speaker, on this past Armed Forces Day, it was my pleasure to visit Lowry Air Force Base in my congressional district of Denver. I was most impressed with an Armed Forces Day address at Lowry delivered by Maj. Gen. Paul R. Stoney, USAF, Commander, Air Force Communications Service.

I believe General Stoney's address carries a message about our military establishment—a message that is too often overlooked. I would like to share General Stoney's address with the House:

ARMED FORCES DAY

(Presented by Maj. Gen. Paul R. Stoney)

A new generation has grown into maturity since the first Armed Forces Day in 1950. The members of this new generation differ in many ways from their elders; they are less tolerant of hypocrisy, prejudice and indifference to our nation's ills. During their 21 years of life, much has happened and much has changed. Wars, assassinations, sit-ins, revolutions, moonwalks and campus demonstrations have been part of their daily bread. Their environment has been far different from that we grew up in.

But despite all the events and upheavals, two constants have remained unchanged: (1) the very real and growing military threat to this country by aggressive Soviet actions; and (2) the strong and successful U.S. strategic deterrent, of which the Air Force is a key element.

On this Armed Forces Day, the United States finds its military strength challenged around the globe, even close to home. In the past year, the Soviet Air Force forayed into the Western Hemisphere by way of Cuba and Peru.

On this Armed Forces Day, the daily newspaper headlines pretty well sum up the threat:

Soviets Expand Missile Forces; More ICBMs than U.S.

Soviet Technology Produces Multiple Reentry Vehicles.

New Stable of Soviet Fighters Shown.

Expanded Soviet R&D Outlay Outstrips U.S.

Mach 3 FOXBAT in Production.

Red Navy Everywhere.

Growing ChiCom Nuclear Threat, and so the stories go every day.

Combine these facts with developments on the home front—such as public criticism on the military, defense budget cuts, an expanding public mood of retrenchment, and even disenchantment in the ranks—and that spells Trouble, with a capital T.

Introspection, self-chastisement, penny-pinching and even retrenchment can be healthy and desirable—at the proper time. But is this the proper time? I think not. Good intentions, wishful thinking and relaxation of vigilance and resolution have never defended freedom. History deals only in cold and hard realities. And its lesson is clear: a weak defense posture, and an irresolute population, are invitation to attack and exploitation by a belligerent regime.

There can be no prudent alternative for this great nation than to remain strong in both weaponry, and national will.

Fortunately, the ingredients of real and credible national strength come from the people. And most of the American people have learned from the painful lessons of history. President Nixon restated those lessons recently when he said:

". . . We have accepted the necessity of war. But our purpose is peace. Peace with freedom . . . so that peace may be worth having. Peace with justice . . . so that peace may be worth keeping. And peace with strength . . . so that peace may be preserved.

"We must have strength. If all the world were free, we might have no need of arms. If all the world were just, we would have no need for valor. But as we see that the values we cherish are not cherished universally, and that there are those who feel threatened by the prospects of freedom and justice, then we must keep the strength we need to keep the values we cherish . . ."

The men and women of our Armed Forces have learned that lesson from first hand experience. Their dedication and skill have made our military strength respected and reckoned with in today's world.

But respect and appreciation goes beyond those for the brave and the strong. It goes to the uniformed men and women—old and young—who are thinkers, educators, healers and humanitarians. They are communicators, electrical engineers, technicians, clerks, nurses, lawyers, journalists, specialists of all vocations . . . a true section of America.

However, too often our people are regarded as mere cogs in the machine of war, or as one politician said last week, as fodder for the hungry beast. His point was to cut off the supply by stopping the draft. Blaming war on the military is like blaming fires on the fire department. Too often military people are thought of only in terms of combat. Too often time in service is seen as "a bad trip," a waste of time, money and manpower. Too often time in service is seen as "a bad trip." as the kids say.

But I believe it would be more realistic to look upon our servicemen as a special kind of national resource—members of a vast training, education and testing ground for American youth at the threshold of their career.

Although the new generation may regard the old military maxim of "send me your boy and I'll return you a man" as corny, and as a "bummer," I think it is more valid today than it was yesterday.

Every day the military establishment returns to our cities and towns, servicemen and women and broader experiences and with more marketable skills and education than they possessed when they left home, or probably than they would have had if they had stayed at home. Almost all the young recruits and enlistees have to be trained, for they possessed no real skills. Most of them had only recently finished or left high school with hardly more skills than those required to run a lawnmower. Without the military there to accept these young people, many of them would have remained unemployable, or become unemployed or menial laborers drifting from job to job. The social and economic costs of supporting them would have gone to their parents and the public.

Unfortunately, this probability is not being recognized and is perhaps obscured by the public's current attitude toward the draft and the war in Southeast Asia.

Secretary of the Air Force Robert Seamans realized their phenomenon when he remarked recently: Quote "Sometimes I think there are not enough young people who realize how much the Air Force has to offer as a means to develop their skills for a more productive role in America, whether within or without the military." Unquote.

Since I am most familiar with Air Force activities, I will have to discuss them, but I don't mean to slight the efforts of the Army, Navy and Marine Corps.

The magnitude of our education and training effort is impressive indeed. Last year almost 500,000 Air Force members participated in some form of formal technical training, and over 180,000 were enrolled in civilian schools—on or off-duty. And I have not included the practical training every man receives at his work as he gains improved proficiency on the job. In this fiscal year, the Air Force will spend 1.3 billion dollars on training, resulting in over one million completions of Air Force formal courses. And counting the extension courses we offer, the number of completions will amount to about 1½ million. Only in this manner are we able to maintain a highly qualified and competent force.

Right here at Lowry, about 32,000 Air Force personnel were trained last year in such civilian utility fields as logistics, avionics and photo training. Through the Army's Fitzsimmons Hospital, valuable training in many aspects of medicine was provided Army personnel. Many of those trained left the Army to serve the nation as civilian medical practitioners. So, the immediate benefits go to the armed service, but in the long run the civilian sectors will benefit, and we get defense of our nation in the process. Each year about 140,000 skilled Air Force people return to civilian communities and assume productive and meaningful civilian careers. We wish we could keep more of them, but with their training, a civilian career often sounds very alluring.

Without the military's ability to create a trained manpower pool, civilian industry would today be hard pressed to replenish its work force. According to Labor Department statistics, one of every six civilian craftsmen or technicians earned his initial skill and training in the military. Because civilian educators, for a variety of reasons, have neglected vocational education in America, the military services have had to assume the responsibility for technical training. It is highly unlikely that Congress or the civilian sector would have financed a training program on the scale required in the military. The cost would have been prohibitive, and we wouldn't have gotten defense of our country at the same time.

Just think of all the types of military experience which can be transferred directly to civilian industry! As a matter of fact, over 90% of Air Force skills have direct civilian utility. How about all the former pilots, navigators and ground crews who make up the bulk of the commercial airline work force, as well as many fine former Air Force Communications Service communicators and air controllers. And then there are doctors, fire chiefs, clerks, mechanics, computer programmers, and the unjustly infamous cooks. The list is endless. When we look at this kind of indirect benefit to the country, we realize that the return to the American people on their defense investment has been and will continue to be high. I would say we get a good return for our tax dollar.

Then there is that unknown number of men who were destined to failure on the outside. For them, the services have been successful in allowing them to live a dignified life. It seems obvious that no matter what your views may be, the services have a valuable training proficiency that the nation cannot afford to overlook or abolish.

But besides being one of the largest educational institutions in the world, the defense establishment has also been in the vanguard of technilogical advancement. The nation derives spin-offs from military technology through application by non-military segments of our economy. Civilian technology is advanced by both our aeronautical and our space programs in the fields of communications and electronics, medicine, metallurgy, meteorology, geodesy and many others.

Almost from its birth, the American military has had an expanding role in American Life. The U.S. Army sent two young infantry captains, Lewis and Clark, to explore the western edge of this continent, a trip that transformed the American concept of nationhood. The Navy sent Commodore Perry in 1853 to open the doors to Japan, thus admitting Western Commerce.

The Army Corps of Engineers has long been involved in public projects related to flood control and navigation. Dr. Walter Reed helped to stamp out yellow fever, and just recently Army doctors discovered an antidote for encephalitis. New methods of communication are usually first developed by and for the military prior to a time the commercial sector appreciated the benefits, or could afford their development.

The present effectiveness of air transportation, be it superiority in airframes, communications equipment or air traffic control, can be traced to military aviation. Space exploration has been boosted through contribution of knoweldge and manpower by the Navy and Air Force.

Advancements in Air Force weapon system have directly increased the overall scientific capability of our nation. Much of our work has spurred the development of automation technology and helped to revolutionize the entire electronics field. The contribution of Air Force R&D programs in the field of aeronautics has been very significant. Expenditures have averaged about one billion dollars a year for the past 20 years. The rewards to the nation have been gratifying.

The development of American aviation is synonymous with military aviation. In more recent years, and somewhat less widely known, are the Air Force's corollary contributions to the aerospace age. For example, the Air Force pioneered a high by-pass turbofan engine in the early 60's, on which technology for the C–5 engine was built and subsequently for the Boeing 747 and McDonnel-Douglas DC–10.

Air Force research on materials has produced success in the application of titanium and filament composites which commercial aviation will surely use in the 1970's.

Countless other examples could be cited, but let it suffice to say that it is questionable whether the American aerospace industry would be the world leader in aerospace manufacturing and commercial aviation today without the ground work done by the Air Force and the other services.

The Air Force is also very active in programs outside pure aeronautical research and development, which promise to benefit communities and society at large. What we have learned doing our primary military mission often has value in other areas if imaginatively, cooperatively and boldly applied. A few examples illustrate the range of possibilities.

First, in the field of housing. We are involved in a promising project at George AFB, California, which may be applicable to both the military and domestic housing needs. Last year Congress stated that 26 million homes need to be constructed in this decade—a requirement that seems impossible unless present construction methods are improved.

One possible method of reaching that goal would be through the development of modular construction, a method the Air Force adopted years ago. The Air Force builds schools and hospitals this way, erecting them on site in record time. The George experiment involves construction of a complete residential community using a minimum number of sub-assemblies, manufactured in an off-site plant, and erected by a minimum of relatively unskilled labor. Completion of the 200 units of townhouses, apartments and single units is scheduled for late summer—which incidentally will be six weeks ahead of schedule. A 20% reduction in overall costs is expected to be realized when compared to the more conventional method of on-site construction. Thus a 3-bedroom unit should cost only about $12,000.

Using this kind of innovation in housing construction may enable the Air Force to overcome its own deficit of 40,000 family housing units. At the same time, it may be a means for private industry to solve our nation's housing needs. Civilian agencies and the Department of Housing and Urban Development have asked the Air Force for information for future prototype housing programs.

We hear a great deal about the deterioration of our environment. Most Americans are finally beginning to realize that continued unabated pollution of our land, water and air will eventually endanger our quality of life and even our very existence. Here again, the Air Force has taken a lead in combating the elements of pollution.

For example, Air Force scientists have produced fuel additives to reduce the smoke level of engines. New generation engines are reducing air pollution near air terminals. A C–47 has been instrumented for signature measurements. The equipment provides scientific information for such projects as wildlife surveys, data collection on waterway oil slicks and shoreline studies. The techniques employed may ultimately be used in the analysis of water pollution problems and forest management, as well as in the detection of military targets.

The Air Force high speed controlled weather communications net makes available weather data which in addition to many other benefits, forms the basis for forecasts of pollution in certain areas, including New York.

In a research effort as extensive as that pursued by the Air Force, there are many kinds of knowledge gained and techniques developed which can also serve a non-military end. The Air Force, and its sister services, will continue to direct useful information to those who can apply it for social improvements.

Although no press mills or TV cameras are grinding out stories covering our efforts, and we don't want them to, the men and women in uniform as well as their families lend continuous support to improvements in the health and welfare of their communities. They are active in church groups, PTA, the Boy Scouts, Little League, Chamber of Commerce, various associations plus a variety of projects aimed at improving the quality of our life, especially the less fortunate in our society. Go to any community outside an Air Force base and see who leads in these activities. In my own command, we support about 50 orphanages around the world. Some get their sole support from our airmen.

Beyond individual efforts to contribute to social action, most bases are involved in particular "domestic action" projects. Men from Robins AFB, Georgia, for instance, worked hand-in-hand with other concerned citizens in a massive campaign to spruce up neglected Macon on the other side of the tracks. Offutt AFB has a program for children of the ghetto in Omaha. About 2,000 youngsters spent a week of athletics, good food and counseling on the base. Veterinarians in Alaska helped curb rabies through inspection of animal populations and inoculations. Right here at Lowry, underprivileged kids use the recreational facilities during the summer, and other facilities are provided for Handicap Olympics.

Military members are consistently among the first on the scene during natural disaster to assist humanitarian efforts. At times we are the first and only group with the resources, readiness and discipline to establish a workable command and recovery arrangement. During Hurricane Camille in 1969, the Air Force saved countless lives by preparing and providing shelters at Keesler AFB. After the calm, nearly 10,000 Air Force personnel assisted in the disaster operation, providing food, water, lodging, communications, restoring utility and power services, cleaning up debris, rescuing casualties, lending medical and health assistance and evacuating victims to hospitals. I could go on all day. The point is—

Our men in uniform stand ready to pitch in where needed, be it an earthquake in Peru, a flood in Mississippi, a tornado in Texas, a hurricane in Florida, a typhoon in the Philippines, a forest fire in California or an epidemic in a big city. They have been called in to deliver the mail, to protect passengers from skyjackers and to maintain law and order during riots when all else threatened to fail.

But the total contribution to the nation cannot be justly expressed by citing these few examples. Our military is an inseparable fiber, woven in the web that makes America strong. The pull and stress on that web is violent as never before. If the military fiber in the weaving is weakened by thoughtless and imprudent statements and acts, the entire web may rip. I pray that the American people will not stand by idle and let that happen. There is little sense in programs that enhance the quality of life for our citizens unless we also provide a defense posture that can safeguard our freedom. We in the military will not and cannot relax and we must continue to increase our efforts to better serve all of America's needs, whether people like us or not.

But let us not pass this special day of honor without remembering our men lingering in the dungeons of North Vietnam. Some 1,550 of our bravest and strongest are either Prisoners of War or are listed as Missing in Action. Some have been suffering in squalor and isolation for seven long, long years.

North Vietnam has refused again and again to honor her Geneva Convention agreements about Prisoners of War. North Vietnam has refused to release the sick and wounded; refused to allow free flow of mail; refused to release official lists of those they hold prisoners and those they know to be dead; and refused to allow impartial inspections of POW camps. This is the type of enemy we face in Vietnam and yet we see Americans carrying their flag in our streets.

The word to describe the North Vietnamese treatment of our men is "inhumane." The sands of time cannot run on any longer for them. On this Armed Forces Day, to quote Secretary of Defense Melvin Laird, "We shall not rest until every American who is a prisoner of war comes home again to live out his life in peace."

INVISIBLE POWER BEHIND THE U.N.

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, American patriot Lt. Col. Arch E. Roberts, Army of the United States, retired, contends that the U.N. Charter has superseded the U.S. Constitution and he is hard at work attempting to rectify this situation.

As head of the Committee To Restore the Constitution, suite 990, Savings Building, Oak at Howes, Fort Collins, Colo., Colonel Roberts is waging a campaign to inspire investigation of the United Nations Treaty agreements by the respective State legislatures, basing his endeavor on the charge that the United Nations organization is an apparatus for covertly dismantling the U.S. Constitution.

In testimony given on May 5, 1971, to the subcommittee, house general legislation committee of the State of Florida, Roberts explained the origins of the United Nations and stated that the Vietnam war has never served interests of the American people but has been pursued for purely economic reasons. He charged that the lives of American soldiers are being expended in Vietnam to purchase resources of Southeast Asia for those who conceived the United Nations.

Believing as does Colonel Roberts that the executive and judicial branches are in some matters following the U.N. Charter rather than the U.S. Constitution, I have reintroduced the bill, H.R. 360, to repeal the United Nations Participation Act of 1965.

I insert Lieutenant Colonel Roberts' statement entitled "Invisible Power Behind the U.N.," related news clippings to support his testimony, and the text of H.R. 360:

INVISIBLE POWER BEHIND THE U.N.

(Statement by Archibald E. Roberts, Lt. Col., AUS (ret.), Director, Committee to Restore the Constitution, Inc.)

Mr. Chairman, members of the subcommittee, House General Legislation Committee, on May 5th, 1971, I addressed your parent committee in support of House Concurrent Resolution No. 769, introduced by Representative Donald H. Reed, Jr., calling for the formation of a special joint committee of the Florida State Legislature to study the relationship of agencies of the federal government with the United Nations Organization.

In consonance with the thrust of my testimony, and in accord with the purposes of this subcommittee appointed to recommend action on HCR 769, I respectfully request that the following remarks and accompanying documents be inserted into the record of your proceedings.

Mr. Chairman, there is a popular and widely promoted myth that the United Nations sprang from the minds and hearts of delegates representing fifty peace-loving nations meeting at San Francisco in 1945.

Like most UN-serving propaganda this belief, too, is false.

In the next few pages I intend to prove that the United Nations had its birth in 1941 and that it is entirely the product of private interests.

I will show that the UN is a creature of an invisible power group who operate through agencies of the federal government to covertly dismantle the United States Constitution.

I will demonstrate that the United Nations Treaty is exploited by these private interests as an instrument to coerce the States and their people into a totalitarian world government.

The United Nations Organization, lineal descendent of the star-crossed League of Nations, was spawned two weeks after Pearl Harbor in the office of Secretary of State Cordell Hull.[1]

In a letter to President Franklin D. Roosevelt dated December 22, 1941, Secretary Hull, at the direction of his faceless sponsors, recommended the founding of a Presidential Advisory Committee on Post-War Foreign Policy.

The Post-War Foreign Policy Committee was, as we shall see, the Planning Commission for the United Nations Charter.

The purpose of this Committee, said Mr. Hull, would be to prepare for effective participation in the solution of "vast and complicated problems of international relations which will confront "the United States and the world after "final defeat of the forces of aggression."

"It," (the Committee) Hull said, 'will work in the inseparably interrelated fields of general security, limitation of armaments, sound international economic relationships, and other phases of international cooperation, the implementation of which is essential to enduring world peace and to economic progress."

These world government goals, paralleling the objectives of the Foreign Policy Association (an interlocking agency of the Council on Foreign Relations) were subsequently embedded in the Charter of the United Nations Organization—a world government constitution.

All research, interdepartmental government agency coordination, and international cooperation concerning this United Nations Planning Commission was set up in the Department of State "or under its leadership."

In addition to himself as chairman, Cordell Hull listed the following members for his United Nations "brain trust":

Mr. Sumner Wells, Under Secretary of State, Vice Chairman, Member, Council on Foreign Relations.

Mr. Norman H. Davis, President, Council on Foreign Relations.

Mr. Myron C. Taylor, Member, Council of Foreign Relations.

Mr. Dean Acheson, Assistant Secretary of State, Member, Council on Foreign Relations.

Mr. Hamilton Fish Armstrong, Editor, "Foreign Affairs", official publication, Council on Foreign Relations.

Mr. Adolf A. Berle, Jr., Assistant Secretary of State, Member, Council on Foreign Relations.

Mr. Asaiah Bowman, President, John Hopkins University, Member, Council on Foreign Relations.

Mr. Benjamin Cohen, General Counsel, National Power Policy Committee, Member, Council on Foreign Relations.

Mr. Herbert Feis, Department of State Advisor on International Economic Relations, Member, Council on Foreign Relations.

Mr. Green N. Hackworth, Department of State Legal Advisor.

Mr. Harry C. Hopkins, Chief, Department of State Division of Commercial Policy.

Mrs. Anne O'Hare McCormick, Editorial Staff, The New York Times.

Dr. Leo Pasvolsky, Special Assistant to the Secretary of State, Chief of the Department's Division of Special Research, Member, Council on Foreign Relations.

On or about December 28, the President wrote on Mr. Hull's letter: "I heartily approve. F.D.R."

Mr. Chairman, of the many designers of the United Nations Charter—both Russian and American—the two principal contributors on the American side proved to be Dr. Leo Pasvolsky, Chief, Division of Special Research, Department of State[2], and his assistant, Mr. Alger Hiss, Chief of Political Affairs, Department of State.[3]

It is of critical significance to note that Dr. Pasvolsky, although born in Russia of communist revolutionary parents, achieved phenomenal success in the United States Department of State. He was inserted into our Government in 1934 and rose by rapid progression to a key position which ultimately led to decisions affecting the transfer of United States sovereignty to the United Nations Organization.[4]

Time magazine, in an obituary dated 18 May, 1953, credits Pasvolsky with being the "architect" of the United Nations Charter.

Alger Hiss, co-author of the first draft of the United Nations Charter and later U.N. General Secretary at the San Francisco conference[5], was at the same time a member of the Harold Ware communist cell in Washington, D.C., a Soviet espionage agent[6], and a member of the Council on Foreign Relations.[7]

The final draft of the United Nations Charter, completing the work of the Presidential Advisory Committee on Post-War Foreign Policy, was approved by President Harry S. Truman on 26 June, 1945, at the closing session of the San Francisco Conference.

On July 28, the Senate of the United States, following a reading of the Charter by Dr. Pasvolsky in the Senate Chamber, adopted this extraordinary treaty by a vote of 89 to 2.

In the words of the U.S. Senate, the Charter of the United Nations thus "became the supreme law of the Land"[8] and the Constitution of the United States of America passed into history.

"I feel from the bottom of my heart", said the Honorable William Langer, a dissenting Senator, "that the adoption of the Charter . . . will mean perpetuating war. I feel that it will mean the enslavement of millions of people from Poland to India, from Korea to Java, as well as people in many other places on this earth."[9]

Senator Langer's prophesy was to be confirmed in blood and agony in the succeeding years—with the most terrible consequences for the American people still to unfold.

Mr. Chairman, the preceding historical vignette has established the following relevant evidence:

1. Every officer of the fourteen-member Presidential Advisory Committee on Post-War Foreign Policy was a member of the Council on Foreign Relations, or under the control of the Council on Foreign Relations.[10]

2. All national and international research and coordination for the Committee on Post-War Foreign Policy was set up in the U.S. Department of State "or under its leadership".

3. The end product of the work of the Committee on Post-War Foreign Policy, the United Nations Charter, resulted in the transfer by deceit and subterfuge, of powers of government from the Congress to the United Nations Organization.

Mr. Chairman, this evidence on the origins of the U.N. points to the real objective of the "no-win" war in Viet Nam.

Massive brainwashing by national news media has attempted to convince Americans that the unconscionable policy of "Perpetual War for Perpetual Peace" somehow defends the United States against "communist aggression". It is clear, however, that this interminable conflict has reduced neither the military nor political power of "communism". In fact, while sending millions of young men to fight on the mainland of Asia, "with neither the promise nor hope of Victory", the federal government has contracted extensive trade and cultural agreements with the very nations which kill our sons.

I submit that the commitment of American blood and treasure to the Indochina theatre has never served the interests of the American people. I charge that this strange United Nations war is being pursued for purely economic objectives. I declare that lives of America's soldier sons are being expended in Viet Nam to purchase the resources of Southeast Asia for those who conceived the United Nations Organization.

The facts can no longer be ignored.

I offer for examination a full page feature from Chicago Today, dated March 29, 1971, headed, "Oil fuels up Indochina politics".

"Clues are beginning to pile up that there may be huge quantities of crude oil in the waters of the Far East and Southeast Asia", declared this Chicago Tribune publication. "Discoveries by Natomas, Atlantic Richfield,

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Footnotes at end of article.

and Union Oil have triggered a frantic exploration race off Indonesia. An optimistic report by a United Nations team about possible oil deposits between Japan and Taiwan is fueling speculation that the entire Far East could contain oil deposits rivaling those of the Middle East." [11]

In another article from The Oregonian, dated May 1, 1971, a Portland manufacturing executive stated that, "The United States will form a 'strange, new partnership' with Red China because of a new economic factor—major oil discoveries off the shores of South Vietnam." [12]

Mr. Chairman, under the guise of supporting our military forces in Viet Nam many manufacturing plants have been erected in the Mekong Delta to exploit copper, tin, and other resources of the Far East. Southeast Asia has, in fact, been transformed into a vast industrial complex and merged into the world industrial society envisaged by the monetary powers which establish the United Nations Organization. The private profits accruing to these banking and industrial interests are enormous.

Upon the documented record presented here can be constructed these deductions:

A. The Council on Foreign Relations, its membership comprising about fourteen-hundred leading financiers, industrialists, politicians, media directors, educators, and militarists in America, has as its long-range goal the establishment of a United Nations world government which they command.

B. The U.S. Department of State and other federal agencies are controlled by an international body, the Council on Foreign Relations.

C. The Council of Foreign Relations, on July 28, 1945, through its State Department apparatus, foisted upon the American people the United Nations Charter, a world government constitution, in violation of the prohibitions of the Constitution of the United States of America.

D. The Council on Foreign Relations is the invisible government of the United States and its members covertly, maliciously, and to their personal profit, direct foreign and domestic matters concerning the United States and its citizens.

Mr. Chairman, I have shown the United Nations Organization to be a subversive instrument for global conquest devised by the Council on Foreign Relations. The proper party to now challenge the validity of the ultra vires United Nations Treaty is a party to the constitutional compact a sovereign State. Through its legislative apparatus the State of Florida can legally clarify the question of attempted usurpation of governmental powers and restore the Constitution as the "supreme law of the land".

The Florida State Legislature, being the reservoir of true political power, is morally and legally obligated to defend the Constitution and protect the freedoms of person and property guaranteed to the people by the Constitution.

In support of my testimony, and in addition to the evidence noted therein, I present to your subcommittee four hundred seventy-seven pages of documents in loose-leaf folio. The raw information contained in Books One and Two of this World Government File provides substantive proof for the following conclusions:

(a) The United Nations Organization is a product of mutual cooperation between the governments of the Union of Socialist Soviet Republics and the United States of America.

(b) Interlocking world government organization reveals collusion between U.S. Government agencies and other public and private agents in a conspiracy to overthrow the Constitution of the United States and to erect, by guile and deceit, a totalitarian, socialist state upon the ruins of the American republic.

(c) The global proliferation of international agencies originating in New York City indicate central funding of vast operations from reservoirs of unlimited financial power.

(d) The United Nations Treaty has nothing to do with world peace. Its purpose and objective is to transfer the U.S. Military establishment, and U.S. sovereignty, to the United Nations Organization so as to force all nations into line and to deliver them up to a one world covenant.

(e) The world government covenant, of which the United Nations is a part, is controlled and manipulated by an international money aristocracy for private profit.

Mr. Chairman, I respectifully urge favorable consideration of House Concurrent Resolution #769 and the formation of a special legislative committee to examine the relationship of the agencies of federal government with the United Nations Organization.

Respectfully,
Lt. Col., AUS, ARCHIBALD E. ROBERTS, ret.,
Director, Committee to Restore the Constitution.

FOOTNOTES

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[1] Post-War Foreign Policy Preparation 1939–45, Department of State Publication #3580, General Foreign Policy Series 15, Released February, 1950, pages 63–64.

[2] Time magazine, May 18, 1953, page 99.

[3] Seeds of Treason, Ralph de Toledano, page 110.

[4] Current Biography, 1945, pages 448–449.

[5] Seeds of Treason, Ralph de Toledano, page 112.

[6] Witness, Whittaker Chambers, pages 535, 542–543.

[7] The Invisible Government, Dan Smoot, page 5.

[8] Review of the United Nations Charter, Senate Document No. 87, January 7, 1954, page 289.

[9] CONGRESSIONAL RECORD, July 28, 1945, pages 8188–8189.

[10] The Council on Foreign Relations, Harold Pratt House, 58 East 68th Street, New York, N.Y. 10021.

[11] "Oil fuels up Indochina politics". Chicago Today, March 29, 1971.

[12] "U.S.-Chinese thaw linked to oil find.", The Oregonian, May 1, 1971.

REED'S STUDY OF THE U.N.

(By David Cook)

The House General Legislation Committee listened to testimony on Rep. Reed's bill to study the relationship between the United Nations chapter and the U.S. Constitution Wednesday.

In the end the bill was put in a special subcommittee for further study and probable oblivion. It seems most unlikely at this point that the State Legislature will name a joint committee to see if U.S. affiliation with the U.N. is constitutional.

While the significance of a state probe of alleged violations of the Constitution may not be readily apparent to the public, the proponents of Reed's bill see it as an important step in getting the states to reassert their constitutional powers.

The proponents say Congress isn't about to reverse itself on the United Nations, so it is necessary for the states to demonstrate that Congress, particularly the Senate, has no constitutional right to enter into treaties which subvert the Constitution.

And it is the contention that ratification of the U.N. charter, plus other treaties, puts the U.S., its government and military forces, under the control of the United Nations.

They make a good case, because the language of the charter and various treaties is clear. Where the case breaks down, however, is in recognition that the U.S. must be willing to submit to the power of the U.N. and it will not do that.

Except for some idiotic developments during the Korean war and apparently during the Vietnam war, the U.S. has not fallen into the U.N. trap painted so vividly by those people who want us out of it.

Proponents of the Reed bill include members of the Committee to Restore the Constitution, Women for Constitutional Government, Daughters of the American Revolution, and Sons of the American Revolution. About 75 were on hand for the hearing.

Spokesman for the group was Archibald E. Roberts, a retired Army Colonel, who talked for a half hour or so about how the U.N. has subverted the Constitution.

He claimed the Vietnam War is a United Nations war and read appropriate documents to prove it. He declared the U.N. a subversive organization.

In addition, he said "vital powers of government held in trust for the American people have been illegally transferred to the United Nations in violation of the prohibitions of the Constitution."

His claim is that the U.N. Charter was "foisted upon the American people to serve those who seek to overthrow the Constitution and coerce American citizens into a socialist world government."

Col. Roberts' evidence is impressive, and he left a great deal of it with the General Legislation Committee. Whether he convinced anyone who wasn't already opinionated on the subject is questionable.

It is doubtful that he convinced committee members that the Florida Legislature could do anything about the situation even if his charges proved 100 per cent correct.

Reed argued the charges should be examined by the Legislature because "we are American citizens." He emphasized that all he asked for was a four-man committee to look into the situation and report back its findings.

Introducing Col. Roberts to the committee was former U.S. Congressman Bruce Alger of Texas, now of Boca Raton, which also is Reed's home town.

Alger also contended the Constitution is subverted by U.S. membership in the U.N. He reported that Florida Congressman Bob Sikes has introduced a resolution calling for a full review of the U.N. charter.

He added, however, that it still is necessary for the states to assert themselves on the issue. He indicated an effort is being made to get other state legislatures to look into it.

"I don't consider myself a nut on this subject," Reed said. "But a lot of people have questions about the real relationship between our government and the U.N."

He said he didn't grasp the full impact of the situation and therefore felt an inquiry should be made so the Legislature could draw some conclusions about it.

The motion to shunt the bill into a subcommittee came from Rep. George Firestone of Miami. He exhibited a notable lack of sympathy with the proceedings.

Reed will be lucky if he ever hears from his bill again.

OIL FUELS UP INDOCHINA POLITICS

HUGE DEPOSITS ADD NEW ANGLE TO U.S. WAR POLICY

It has passed the rumor stage. Clues are beginning to pile up that there may be huge quantities of crude oil in the waters of the Far East and Southeast Asia. Discoveries by Natomas, Atlantic Richfield, and Union Oil have triggered a frantic exploration race off Indonesia. An optimistic report by a United Nations team about possible oil deposits between Japan and Taiwan is fueling speculation that the entire Far East could contain oil deposits rivaling those of the Middle East.

Some of these deposits would almost certainly lie off South Viet Nam. Nobody yet knows for sure because no drilling has taken place. But preliminary United Nations surveys have given the area good marks. And there are plenty of rumors. One is that a British company has found signs of oil on the prison island of Con Son, east of the southern tip of Viet Nam.

The political implications, of course, are enormous. But if the oil is there, or even probably there, the question of who rules in Saigon takes on more than political significance. Already, United States antiwar groups are beginning to suggest that a desire to ensure friendly governments in the Indochina area could slow down President Nixon's withdrawal from the war. An organization called "Another Mother for Peace" has flooded the Senate Foreign Relations Committee with over 10,000 letters calling for public hearings.

Not surprising, the oil companies are less than anxious to discuss the topic. Walter Levy, a New York-based oil expert and consultant to many of the companies, says flatly: "I don't want to comment. It's become a political issue."

"We haven't made up our minds yet," says a spokesman for Mobil Oil, asked whether his company would bid for concessions. Another dodges the question: "Texaco is not participating in exploration in Viet Nam."

Queried about his government's plans, Ngo Thanh Tung, an economist at the South Vietnamese embassy in Washington, says: "Several companies have been sending their proposals, but none of them have yet been considered." But oilmen expect Saigon to ask for bids quite soon.

In a conference last year, Chase Manhattan Chairman David Rockefeller made a little-noticed speech that created a quiet stir among Asia-watchers. By 1980, Rockefeller said, the oil industry could pour $36 billion of capital investment into the Asian Pacific. This kind of money could give the area the boost it needs to enter the industrial age. It could help make up for the loss of U. S. military expenditures by substituting oil wells for military bases.

To give a sense of proportion, the total, free world investment Chase predicts for 1969–1980 is $250 billion. But the Asian Pacific share will almost equal the total slated for Latin America, Africa and the Middle East. "The Asian Pacific," commented Petroleum Engineer, a trade journal, "looks like the next big international boom area."

If the oil is there, the boom will undoubtedly follow. The Asian area is the fastest-growing oil market in the world. Japan, which burns 3.4 million barrels a day, is forecast to consume over 10 million a day by 1980. While Southeast Asia consumes relatively little oil, consumption could rise at a brisk pace if industrialization plans catch hold. "Just think of all those people who are now burning charcoal and using oxcarts," sighs one oilman.

Where is all the oil coming from? Southeast Asia may contain enough offshore crude to fuel that growth. Right now its production doesn't come close. Indonesia, the largest producer, turns out only 900,000 barrels a day. Japan must therefore rely on the Middle East for 85% of its oil, but Japan is uneasy at its dependence on this volatile area.

Compared with Middle East oil, moreover, South Asian oil will be close to its markets, reducing transportation costs. Drilling and the production costs are reasonable, because the offshore areas of Indonesia and Viet Nam are relatively calm and very shallow.

Perhaps most important, the oil found so far off Indonesia is exceptionally low in sulphur content, less than 1 per cent compared with the 3 per cent-plus content of Middle East crude. This would give it a major cost advantage in Japan, which is imposing strict pollution controls.

Much of the oil could find its way into the rest of the world market, where more oil will be needed within the next 15 years than has been produced in the history of the oil industry. The low sulphur content could make the oil very attractive to the west coast American market, where pollution is a big issue. The uncertainties of Middle East politics, the higher prices being imposed by the Organization of Petroleum Exporting Countries and the delay in finding a way to transport crude from the North Slope of Alaska to the 48 states add to the prospects.

A veteran oilman puts it this way: "We don't have the oil in the U.S. to meet our future requirements. Either we are going to have our future committed to those crazy Arabs or we are going to develop Southeast Asia, the West Coast of Africa and the West Coast of Latin America as alternate sources—and, hopefully, build the Alaskan pipeline."

In any case, mounting U.S. activity in the area raises huge political questions that must be balanced against the economic benefits for Southeast Asia and the U.S.:

Might a discovery lead to pressure for slowing down the pace of U.S. troop withdrawals?

Might oil industry agreements with the present Thieu-Ky regime commit the U.S. even closer to this controversial government?

If the war in Indochina bogs down permanently, won't the oil industry run the risk of being made the scapegoat for whatever goes wrong?

Is a "friendly" regime in Saigon really vital to U.S. access to such oil? After all many Arab countries are rabidly unfriendly to the West but sell their oil there.

What will the effect be on the political and military policies of Japan and China?

Oil seems forever feted to be a political mineral.

U.S.-Chinese Thaw Linked to Oil Find

(By Blaine Schultz)

The United States will form a "strange, new partnership" with Red China because of a new economic factor—major oil discoveries off the shores of South Vietnam, a Portland manufacturing executive said Friday.

Monford A. Orloff, president of Evans Products Co., told a shippers' group at the Portland Hilton Hotel the importance of the oil will speed up "the game of musical chairs" between nations.

But he intimated it would be naive to assume that the honeymoon between the United States and mainland China simply grew out of favorable reception in Peking of an American ping pong team.

At first, most of the oil from the new deposits will be delivered to Japan, he said.

"Then China will take more and more of this extremely valuable asset," Orloff said at the closing luncheon of the three-day National Association of Shippers Advisory Boards.

Purposely side-stepping a talk that would deal with transportation alone, Orloff indicated that the "increasing turmoil and unrest which plagues our country" called for openness and that the protests by the younger generation are understandable.

In his talk to businessmen, the Portland manufacturer talked about inflation, the controversial topic of Vietnam, and the new American relationship with Red China.

At the end of the talk, almost the entire dining hall of transportation people and shippers stood to applaud. The gathering, for the most part, was "over forty."

Orloff said he could understand how the nation's leaders would be frustrated by the "rising tide of protest" led by the younger generation against the war.

"Frustrating, yes, but surprising, no," Orloff declared, as he noted that the difficulties arose "because of the insistence of our leaders in applying the panaceas of the Fifties and Sixties to the problems of the Seventies."

By 1966, he said, "we found ourselves engaged in a terrible, costly war, the likes of which were never thoughtfully contemplated and the results of which gave rise to most of the serious problems with which we are confronted today."

He said American involvement in the war "has spawned inflation, civil unrest, unemployment, high interest rates, lower profits, and, possibly, a major shift in the political control of our country."

VOTERS AGE CHANGING

By 1972, he said, there will be some 42 million voters between the ages of 18 and 30.

The cure of our inflation, he said, has been a "trade-off" of higher unemployment and lessened profits in return for a somewhat lessened rate of inflation.

But the greatest inequity, he said, "the result of which will be felt for the next decade at least, was the decision to fight the war using almost entirely our young people, and particularly, the less advantaged sector of the younger generation."

He said it was the first war fought by the United States in which participation by the citizenry was "limited to those of us who have not reached the age of 26."

In addition, he said, the citizen army was disproportionately drawn from the nonwhite sector and the non-college ranks.

Because of the latent threat of intervention by Red China and the changing attitude of the American people against the war, the conflict cannot be ended by invasion or destruction of the landscape, Orloff said.

"In the not too distant future," he predicted, "our government will announce a time for final withdrawal."

"MACABRE ASPECTS" CITED

And he said there are "macabre aspects" to suggestions that the withdrawal be slowed until the prisoners of war are returned home. He said there are some 1,600 "men missing," but in the meantime, there is a casualty rate of 250 men a week "of whom 50 are killed."

Orloff said he believed that America's limitation of renewed relations with Red China "stems from the fact that the new major oil discoveries off the shores of South Vietnam have introduced a new economic factor which transcends political and social theory and calls for hardheaded realism" in how the oil is to be used.

In the not too distant future, Orloff said, "you will see our relations with Red China improve markedly," and because of the political power of the young voters, he predicted that "the war in Vietnam will quickly and speedily be ended."

Evans Seeks Permission for China Trade Mission

OLYMPIA (AP).—Gov. Dan Evans's letter to the mainland Chinese travel agency at Hong Kong asking permission to send a Washington trade mission to the Communist nation probably will be followed by direct correspondence with Peking, a state official said Friday.

Daniel B. Ward, director of the State Commerce and Economic Development Department, said the letter, dated April 22, was mailed to Hong Kong on the advice of persons experienced in trade with the Red Chinese.

"We had to decide whether to go through Hong Kong or through Ottawa, where the Chinese have some people," Ward said. "It was decided it was best to make the original overture through Hong Kong."

The letter asks permission for Evans and a 10-man group to visit the Asian nation, a possibility created by President Nixon's announcement earlier this month of relaxed market restrictions in the area.

"This mission would be limited to about 10 people who desire to promote two-way trade between the peoples of mainland China and the United States," Evans wrote.

"I seriously doubt if we'll get a quick answer to the letter," Ward said, "but when we do, it will probably be followed up with direct correspondence with Peking."

In a telephone interview from Vancouver, B.C., Ward said Evans' letter was part of a research effort to try to identify where the potential is" in Chinese trade.

He said there would be no final answers for at least three or four weeks when the State Department is expected to issue a list of items that may be traded legally with China.

"We're hoping our state's products, like agriculture and Boeing aircraft, are part of the list, and if they're not, you can be sure we'll do everything we can to arbitrate their inclusion," Ward said.

He said State Department officials have told him it's still too early to say what will be on the list.

H.R. 360

A bill to repeal the United Nations Participation Act of 1945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United Nations Participation Act of 1945 is hereby repealed.

TWENTY-FIFTH ANNIVERSARY OF ITALIAN NATIONAL DAY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New Jersey (Mr. MINISH) is recognized for 5 minutes.

Mr. MINISH. Mr. Speaker, I am pleased to bring to the attention of my colleagues a notable anniversary celebrated today in the Republic of Italy. It was 25 years ago on this day that the Italian people voted in plebiscite to end their constitutional monarchy and establish a republic. By replacing the Italian monarchy with a republican form of government, Italy began her return back to the cultural and political prominance she had long enjoyed. Italy's contribution to Western civilization in such diverse fields as art, letters, religion, science and philosophy has been enormous, and many of the greatest names in the history of Western man have been Italian.

From Giotto and Cimabue in the 13th century, through Da Vinci and Raphael and Titian and Michelangelo, Italian artists ranked second to none. The musical staff was established by an Italian, Guido d'Arezzo, while Palestrina, Monteverdi, Corelli, and Vivaldi left a renowned musical legacy. Verdi and Pagannini and Donizetti helped to make the 19th century the great age of opera. Puccini and Leoncavallo were more recent operatic composers, who helped to assure that the language of music was Italian. Italian operatic singer Enrico Caruso was a legend in his time and Arturo Toscanini was generally regarded as the greatest operatic and orchestral conductor among all his contemporaries. Antonio Stradivari and Giuseppe Guarneri have bequeathed to us the beauty of their musical instruments, and Italian Bartolommeo was the inventor of the piano forte.

Italian writers have ranked among the world's greats, and include Dante and Petrarch. Nobel prizewinner Luigi Pirandello wrote plays that still serve as models to budding playwrights. Novelists Ignazio Silone and Alberto Moravia are widely read and have inspired successful motion pictures. Michelangelo Antonioni, an Italian filmmaker, has directly influenced the films Americans see today, and Federico Fellino and Vittorio de Sica have produced movies no one else can hope to emulate.

Italy has produced many renowned figures in the fields of philosophy and statesmanship as well, such as Lorenzo de'Medici and Niccolo Machiavelli, Giuseppe Mazzini, statesman Camillo di Cavour and Garibaldi. Ranking Italian scientists include Galileo, Gugielmo Marconi and Enrico Fermi, while our nation can never repay its debt to Christopher Columbus and Amerigo Vespucci.

Obviously, without the contributions of the above-named Italians, our world would be a poorer place today. Some of its outstanding music, arts and letters and scientific achievements would be lost. Moreover, the great Renaissance leading to the emergence of modern Western man, would not have had the impact nor the influence were it not for the Italian contribution.

In light of all that the great nation of Italy has offered to the world, it is most appropriate that we pay homage today to the important anniversary of its birth as a republic. Let us not forget, moreover, that Italy has not only provided us with a cultural and scientific legacy, but it has provided us with many of our citizenry as well.

It is my sincere hope that the Italian heritage, next to Greece the oldest in Europe, will continue to flourish with its present form of government. We in America wholeheartedly wish Italy every success.

EGYPTIAN-SOVIET FRIENDSHIP TREATY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, the significance of the Egyptian-Soviet Treaty of Friendship and Cooperation signed in Cairo May 27, 1971, should not be exaggerated.

The treaty produced more pessimism in the West about the course of events in the Middle East than it did in either Israel or Egypt. According to a New York Times of June 1, 1971, Prime Minister Golda Meir said the treaty "contains little that is really new," and the Egyptians regard the treaty as only formalizing their tremendous gratitude for Soviet aid over the last decade.

The only provisions of the treaty that go beyond a general plea for increased cultural, military, and political cooperation between Egypt and Russia are articles 7 and 8.

Article 7 suggests that if the political situation deteriorates in the Middle East and peace is endangered, Russia and Egypt will "contact each other without delay in order to concert their positions with a view to removing the threat that has risen or reestablishing peace."

Article 8 calls for military cooperation and aid "with a view to strengthening—the U.A.R.'s—capacity to eliminate the consequences of aggression as well as increasing its ability to stand up to aggression in general."

The treaty, by itself, will not necessarily lead to any new arms deliveries or further Soviet presence in Egypt. This is not to say, however, that material deliveries will not increase.

It is useful to put this treaty into the context of Egyptian President Anwar Sadat's diplomatic strategy in recent weeks. Sadat's international role playing has sought, on the one hand, cooperation with the United States in order to pressure Israel to make concessions on withdrawals, and, on the other hand, outward signs of increased Soviet commitment to Egypt in order to increase Egypt's security and strengthen its negotiating position. In President Sadat's political position, results are extremely important. With the former tactic of cooperation with the United States producing few results, the treaty becomes an obvious way to improve his image.

From the Soviet Union's viewpoint, the treaty has the effect of bringing that country back into the forefront of events in the Middle East at a time when the U.S. interim peace proposal for opening the Suez Canal was maintaining some momentum, largely bypassing the Soviet Union.

The circumstances surrounding the signing of the treaty emphasize, first, that all nations must support the Jarring mission and any interim agreement that mission can promote, second, the importance of the United Nations' dominant role in promoting a peace so that the big powers are not offended by each other's maneuverings specifically, that the United States is not upset by this treaty and the U.S.S.R. by the recent Rogers' mission and the political upheavals in Cairo, and, third, that both Egypt and Israel have their own peace strategies that must be examined separately from the tactics of Russia and the United States.

RUTH ALEKSANDROVICH, A COURAGEOUS DAUGHTER OF ISRAEL

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, since my trip to the Soviet Union in April of this year 13 Jews have been tried and convicted in the Soviet Union. The first trial was of the nine in Leningrad; the second trial in Riga convicted four Jews. One of those convicted was Ruth Aleksandrovich. She was tried for having participated in alleged anti-Soviet agitation and anti-Soviet propaganda and was given a 1-year sentence. She has denied the charges of subversive activities and last week in the Riga court courageously asserted, "I am a Zionist"—in the U.S.S.R., that is her crime. Ruth Aleksandrovich has been in jail since October 1970, so receiving credit for time served, she will be eligible to leave prison in October.

This morning I spoke with the mother of Ruth, Mrs. Rivka Aleksandrovich who is now speaking out in the United States on behalf of the imprisoned Soviet Jews. Mrs. Aleksandrovich told me that Ruth, who is 23 years of age, suffers from asthma and nephritis. And furthermore on May 28 Ruth's father, who is still in the U.S.S.R., was told by the Soviet authorities that Ruth was being punished. Why, he was not told—only that she has been placed in a special punishment cell for 7 days. These are cells without heat and with a stone floor. The prisoner is required to sleep on a board on the floor, and to add to the punishment, the floor is made wet; the diet consists of bread and water. Ruth Aleksandrovich, whose alleged "anti-Soviet activities" consisted of her efforts to emigrate to Israel, has been physically ill for quite some time. During the trial there were interruptions because of her illness—she came to the trial from a prison hospital—and I am told that even prior to the current punishment her physical condition was deteriorating and that she was losing her teeth. The father of Ruth spoke with his wife, Rivka Aleksandrovich, early this week and he told her that he had been scheduled to see Ruth on May 27 immediately after the trial when relatives of the other prisoners sentenced with her were permitted to see them for 10 minutes. These prisoners had not been permitted visits from their families since their imprisonment almost a year ago. Mr. Aleksandrovich was not permitted to see Ruth, however, and was told that he would no longer be allowed to send her monthly food parcels. It was then that he was told of the special punishment and treatment Ruth is now receiving.

Mr. Speaker, when I was in the Soviet Union and after having visited families of the prisoners, Lassal Kaminsky and Lev Yagman, I went to see the ancient city of Leningrad. I was taken on a tour of the Peter and Paul Fortress, now a historic museum, and shown the cells that had been used to hold young men and women who had engaged in revolutionary activities against the czar prior to the successful revolution in 1917. In front of each cell was an honorary picture of the famous prisoner with a description of his or her revolutionary activity.

There were about 12 cells, each of which was heatless. In most there were iron beds and the in-tourist guide spoke in tones of horror about the barbarism of the czarist government that left the prisoners to sleep on iron beds to which their flesh stuck, because it was so cold. In one instance the in-tourist guide pointed with horror to a cell where there was not even a bed but the prisoner was required to lie on a wet floor on a board and cope with the wind and rain that came into the cell through a large aperture. My recollection is that she was particularly proud of one young woman revolutionary, Maria Vetrova, who committed suicide in that torture cell.

Mr. Speaker, is it not strange that history should repeat itself and that the Soviets should now engage in the very barbarism which they condemned when practiced by the czar against their people. Is it not time for the nations of the civilized world to denounce the Soviet Union for its barbarism.

Mr. Speaker, is Ruth Aleksandrovich being singled out for special punishment, because her mother speaks out here in the United States imploring the world's citizens to give aid not only for her child, but all of those held in the Soviet Union—whether in jail or living in fear in Soviet cities—whose sole desire is to emigrate to Israel?

NIXON SUPPORTS INSERVICE MILITARY DRUG TREATMENT

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, during his press conference last night, President Nixon spoke of the growing problem of drug abuse. I was pleased to hear him say that "a corrective program insofar as veterans are concerned means treating them where they are addicted to heroin or hard drugs before releasing them."

This is the main thrust of my bill, H.R. 8216, the Armed Forces Drug Abuse Control Act of 1971 which I first introduced on May 10 and which will be reintroduced today with 45 cosponsors from both sides of the aisle. H.R. 8216 provides that no serviceman with a drug abuse problem may be discharged until he is adjudged free from drug dependency by competent medical authorities. The President's support for this concept is significant and welcome, and I am hopeful that Congress will act speedily on my bill knowing that effective military drug abuse control is supported by Members of both parties.

I have taken a special order today and anticipate that several of my colleagues will join me in urging immediate action on this bill.

I have today written to President Nixon to commend him for his comments on a corrective drug treatment program and to offer him my full support in his endeavors in this field. I include here the text of my letter to the President:

Hon. RICHARD M. NIXON,
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I watched your press conference on television last night and I was pleased to hear you emphasize the need for a greatly improved program for handling the military drug addiction problem. I noted with gratification your statement that a corrective program "insofar as veterans are concerned, means treating them where they are addicted to heroin or hard drugs before releasing them." This is the principal thrust of my bill, H. R. 8216, "The Armed Forces Drug Abuse Control Act of 1971," which I initially filed on May 10 and which I have refiled today with the support of 45 House Members from both sides of the aisle.

I enclose for your consideration a copy of H. R. 8216 together with background statements and material which I think you may find pertinent.

I welcome your support of this concept and I hope that you will find it possible to support H. R. 8216. I want to assure you of my support for your endeavors in this unprecedented crisis which confronts the military, and I should be happy to discuss our proposals and possible methods of making them effective.

With all good wishes, I am,

Sincerely yours,

JOHN S. MONAGAN,
Member of Congress.

THE SPACE SHUTTLE

(Mr. FREY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FREY. Mr. Speaker, on May 26 the distinguished senior Senator from Minnesota inserted into the RECORD a report entitled "The Space Shuttle as an Element in the National Space Program," an interim report prepared by R. D. Shaver, D. J. Dreyfuss, W. D. Gasch, and G. S. Levenson of Rand under a contract with the Air Force.

Both the report itself and the interpretation given the report by the distinguished Senator are misleading and do not reflect current thinking about the space shuttle.

For example, the following statement was made:

> An authoritative study has concluded that NASA's proposed multi-billion space shuttle program cannot be justified on economic grounds. This study thus destroys NASA's principal justification for developing this enormously expensive project.

That statement is simply not true. The Rand report is not authoritative: Its cover page clearly states that the report represents the views of its four authors, not the policy or opinion of the company or the Air Force. The report is dated 6 months ago, was largely written 12 months ago, and is based on data 2 years old and does not take account of the results of recent technical and economic studies of the shuttle and shuttle payloads.

The Air Force when it forwarded the report to the Senator noted, in fact, that "it does not represent current economic considerations." Its method of economic analysis is far less comprehensive than the studies being relied on by NASA and the Air Force in assessing the cost and usefulness of the space shuttle system. At the present time, the entire question of the space shuttle is being analyzed in depth for NASA and the Air Force by Mathematica, Inc. An interim report made by Mathematica to NASA on March 15 stated there should be a 10-percent per year economic rate of return on the investment, which "is among the highest discount rates ever applied in the evaluation of public investments in this country."

I should also like to point out that in recent testimony before the Science and Astronautics Committee that both Dr. Seamans, Secretary of the Air Force, and the Department of Defense "fully and completely support the shuttle."

The Senator also stated that "the shuttle, along with the space station, represents NASA's next commitment to a huge manned space program" and that to proceed with the shuttle means a NASA program of $5 to $9 billion per year between 1975 and 1990 and that shuttle development requires a peak budget of $7 billion for 1 year.

The Senator, misled perhaps by his report, assumes a future space program focused on "manned space extravaganzas"; the programs for the future laid out before the Congress and carefully examined by the Committee on Science and Astronautics are not extravagant, are not focused on manned flight for its own sake, and do not cost $9 billion per year or peak at $7 billion.

Finally, the principal justification for the space shuttle is not purely economic, but the new capability it can bring to both our civilian and military space program for versatile and efficient operations in space.

MEMORIAL DAY SERVICE

(Mr. TALCOTT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, the gentleman from Ohio (Mr. BROWN), the gentleman from Delaware (Mr. DU PONT), and I shared the high personal privilege and special honor of attending the Memorial Day services at the Punch Bowl National Cemetery and also aboard the Arizona Memorial, Pearl Harbor, Hawaii.

Each of us shared the moving experience of pausing for a few moments to pay a grateful homage to those who fought and sacrificed their lives that we and others might live in freedom in a place which is at once a revered national shrine, a historical monument and a constant reminder of the necessity for eternal vigilance and effective national security.

The address by Adm. Bernard A. Clarey, U.S. Navy Commander in Chief, U.S. Pacific Fleet, expresses a keen understanding of history, the gratitude of every patriotic American, and the spirit of mankind everywhere

I include Admiral Clarey's address in full at this point in the RECORD, together with the memorial prayer by Capt. John W. Cohill, CHC, U.S. Navy chaplain, Naval Air Station, Barbers Point, and invocation by Comdr. Charles A. Shaw, CHC, U.S. Navy chaplain, Naval Station, Pearl Harbor, and benediction by Lt. Comdr. John A. Bruggeman, CHC, U.S. Navy chaplain, Submarine Base, Pearl Harbor:

ADDRESS BY ADM. BERNARD A. CLAREY

As grateful but sorrowing Americans have done for 103 years, we are gathered here this morning to honor our fallen heroes of all wars.

We are proud of those who have helped make our nation what it is today—the greatest, freest and most prosperous country in the history of mankind.

We are grateful for the sacrifices they have made for all of us.

We honor, too, the thousands of Americans who carry grievous scars from these wars—the men who languish in our hospitals or are incapacitated elsewhere.

And, we pay special tribute today—expressing a sense of deepest anger—for the many Americans being held prisoners by the North Vietnamese.

On this Memorial Day then, our prisoners of war, known and unknown, have a share of our hearts and our thoughts.

The events that occurred nearly 30 years ago at this site have their place in history now and will have for as long as man is able to read of the past.

Overnight the name "Pearl Harbor" became a synonym for unprovoked and shocking, surprise attack without declaration of war. It also became a symbol of unity for the people of the United States.

If we review the few years immediately preceding 1941, certain highlights on the world scene are worth recalling.

A mighty German war machine had become clearly visible, but old world statesmen chose to rely on the intentions of Adolph Hitler rather than look at his capabilities.

Munich's meaningless pact and Neville Chamberlain's "Peace in our time" stand out as tragic examples of the consequences of negotiating from a position of weakness and wishful thinking.

Of this, Winston Churchill wrote, "We (shall) see how the counsels of prudence and restraint may become the prime agents of mortal danger . . . how the middle course adopted from desires for safety and a quiet life may be found to lead direct to the bullseye of disaster."

About this same time, a potential aggressor in Asia had also been clearly identified.

The voices in America calling for isolation and "peace at any price" drowned out those who recognized that the oceans separating us from danger were also super highways upon which conflict could be brought to our very shores.

We know capabilities were counted and seemingly ignored as our statesmen wrestled with Japanese intentions. They negotiated, as did England some months before, from a second-best position—which is no position at all as we have learned.

To all of this we added the clinching ingredient—disunity:

—Protests resulting from President Roosevelt's lend-leasing of 40 overage destroyers to the British rocked the nation.

It is curious to note that these protests stopped completely and mysteriously on the day Hitler attacked the Soviet Union and that "more aid for Britain" became the new rallying cry.

One might wonder what the protesters had in mind. Exactly whose side they were on.

The final show of internal disinterest in the powder kegs on the far sides of two oceans came on the floor of the House of Representatives a few months before "Pearl Harbor" when a bill to extend conscription was passed by a majority of one vote.

Later, we learned it was this particular evidence of a divided nation—and what was taken as weak will and purpose—that largely convinced the Japanese high command to proceed with their plan for a sneak attack on this site where we stand today.

It has been said the one thing we Americans lack is a "long sense of history."

Sometimes, I am compelled to accept this.

As the events of our time unfold around us, we can well wonder how future historians will describe our passage through the mid-sixties and seventies.

Will they record that in the course of 30 years, we made the same mistakes?

Will they record that an ever-increasing threat to world peace and good order was clearly identified but underestimated?

Will they record that we allowed our armed strength to deteriorate and thus invited the invariable recklessness of those who seek world domination?

Finally, will they record that we put a higher price on personal comfort and the quiet life which Winston Churchill described than we did on freedom and security?

Let us hope and be determined that this kind of history will not be repeated.

The dead of all of our wars—in their supreme sacrifice—demand such determination and it is our responsibility to make it so.

And, to do this:

We must be done with disunity.

We must be done with policy-making by protests in the streets.

We must be done with demeaning the real peacemakers and peacekeepers—those in our community who do have a long sense of history.

In this respect, the words of George Santayana hold special meaning of this Memorial Day—"Those who cannot remember the past are condemned to repeat it."

In closing, let me call your attention to our flag which is flying at half-mast. Tomorrow it will be run up fully or two-blocked.

There are those who say the American spirit is at half-mast.

For these few hours on Memorial Day this is understandable.

However, let us hope the spirit of every thinking American is two-blocked tomorrow morning along with the proud colors of this greatest nation on earth.

MEMORIAL PRAYER

(By Capt. John W. Cohill)

Father of mankind: As we meet within this hallowed shrine to observe Memorial Day 1971, we gather into the embrace of our prayer and your love all of our nation's honored dead from Concord and Valley Forge to the Republic of Vietnam. Wherever brave men have stood their ground in defense of the holy cause of human freedom—from the ancient plains of Marathon—to the waters of Pearl Harbor—and the rugged hills around Khe Sanh—we today say to these stalwart men—thank you.

We thank you for the blood, sweat, and tears that have made of America not a finished achievement but an eternal inspiration, a challenge to men of character and of spirit. In these days of confusing counsel, wishful thinking, and compromise of principle for expedient gain, help us to choose the harder right instead of the easier wrong, and never to be content with a half truth when the whole can be won.

Ruler of history, you have shown us time and again that we invite catastrophe by our failure to respond to events before they build into perilous crises. If our world is to have peace, O Lord, we know that we must accept reality and respond promptly to all the facts—not only to those we want to hear. May free men everywhere unite in fighting for the whole truth, for we know that half a truth will produce only half a peace. Grant wisdom and boldness to our President, the Congress, and our Supreme Court in pursuit of peace and justice at home and abroad.

May our nation experience a new birth of freedom and hope, and may America continue to pursue a just and lasting peace on this lovely planet earth—that someday her children shall rise up and call her blessed and her honored dead shall not have died in vain. Through Christ, who is the prince of peace. Amen.

INVOCATION

(By Comdr. Charles A. Shaw)

We invoke your presence with us, O God, as we in this Memorial make a feeble effort to pay tribute to these courageous dead. Perhaps it was just in the happiest sunniest hours of all their voyage they were dashed against the unseen rock by an unsuspected foe. In their brief but tragic encounter with disaster a courage mushroomed and in that courage a new demand for self determination was born. May the spirit of Freedom within each of us blend with theirs as we express our appreciation for their sacrifice, through Christ our Lord. Amen.

BENEDICTION

(By Lt. Comdr. John A. Bruggeman)

Grant, O Lord, we beseech Thee, thy mercy unto thy servants departed. And as we gather here to remember and pray for those who have given their lives for their country, we also remember the living and ask your special blessing for those still serving in the combat zone, for the prisoners of war, for all of us here today, our families and friends. Give us the light of wisdom to see your good and gracious will working in our daily lives. And for those whose life is ended may thy divine assistance remain always with them and may the souls of all the faithful departed rest in peace. Amen.

CONSTITUTIONAL RIGHTS OF AMERICAN CITIZENS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, in times of domestic turmoil it is difficult to determine just how far the constitutional rights of American citizens extend. There are limitations, the Supreme Court has decided. Whatever the limitations, it is easy for those who have the responsibility to maintain order to overreact to the acts of an assemblage of citizens, and there is a natural inclination on the part of civil libertarians to charge repression. There is one point we should all remember about article I of the Bill of Rights and that is that it speaks of "the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

The New York Times contends that the May Day assemblage on the steps of the Capitol Building was peaceful and that the arrests which took place were unjustified. Congressman PETER PEYSER takes a contrary view. With the consent of the House, I include at this point in the RECORD a letter Mr. PEYSER has written to the Times:

MAY 20, 1971.

To the Editor:

Your May 8 editorial "Repression on Capitol Hill" conveniently overlooks some of the pertinent facts of last week's so-called peace demonstration on the Capitol steps. Having chosen to ignore what you didn't want to see, you then found it easy to condemn the police for carrying out their duty by arresting the protesters before spoken violence turned to physical violence.

You say: "The protesters were sometimes shouting, singing, and gesturing, but their assembly was entirely peaceful." You fail to mention what they were shouting, singing and gesturing, and it is precisely that which makes the difference between a peaceful assembly—which this one was not—and an unlawful assault upon everything that decent Americans believe about their country, which is what this so-called "peaceful assembly" was.

I spent three hours observing that demonstration. What you so modestly describe as "shouting and singing" was, in fact, a torrent of filth and obscenity hurled at the United States and the Congress.

You fail to mention that one of the demonstrators assaulted the sensibilities of all but his companions by dancing nude on the Capitol steps. This may be acceptable at rock festivals, but to the great majority of Americans it is still a crime called indecent exposure. When it is done on the steps of the Capitol before tourists and television cameras, it is an outrageous act of violence against the nation's sense of decency.

Among the many individual acts which I observed was that of a fifteen-year-old girl who stood face to face with a policeman and called him every four-letter word she could think of. Policemen, like protesters, have rights too, and his were most plainly trampled upon, but to his everlasting credit, he never laid a hand on her.

I share with millions and millions of Americans a deep sorrow over the Vietnam conflict and want desperately to see this war brought to an end. They, like I, were moved again by some of the truly peaceful demonstrations on April 24 and the veterans' demonstration earlier.

But the rabble on the Capitol steps were something else. They didn't come to protest peacefully. They came, waving the enemy's flag, to insult their nation and their Government in the vilest, most offensive terms.

They came to deliver a verbal slap in the face to all of us who believe that the United States, despite its current troubles, still has a greater respect for freedom and the rights of man than any other nation in the world today. They came to take the grossest sort of advantage of the right of free speech, and they overstepped themselves.

Your editorial asserts that by arresting the protesters the police violated their constitutional rights to peaceful assembly, and it asks: "Is this nation to have one Bill of Rights for the 'crazies' and another for the respectable people?"

I say certainly not. But the fact is that the "crazies" at the Capitol went beyond their rights. Were "respectable people" to do the same thing, I would expect them to be arrested too.

PETER A. PEYSER,
Member of Congress.

NEGOTIATED CONTRACT AGREEMENT FOR DETROIT NEWSPAPERS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, in this time when the economy is suffering the aftereffects of the rail strike it is refreshing to read of an important contract agreement reached in advance of the scheduled expiration of the old agreements.

I refer to a settlement which preserves labor peace for the two Detroit newspapers, the Detroit News and the Detroit Free Press. The agreement came about after 4 days of negotiations in which a mediation team from the Federal Mediation and Conciliation Service figured prominently. I congratulate the Mediation and Conciliation Service for its stellar performance.

All of the participating unions—the teamsters, typographers, stereotypers, photoengravers, pressmen, and paper handlers—have now ratified the agreements.

The Mediation and Conciliation Service believes this is a milestone not only for the Detroit newspapers but for the newspaper industry.

With the unanimous consent of the House, I would like to insert in the RECORD at this point a news release from the Mediation and Conciliation Service and a Detroit News story detailing the agreements. The inserts follow:

NEWS RELEASE, FEDERAL MEDIATION AND CONCILIATION SERVICE

WASHINGTON.—J. Curtis Counts, Director of the Federal Mediation and Conciliation Service, said today an "earlybird" contract agreement just negotiated for Detroit newspapers can point the way to a new era of labor peace in the newspaper industry.

Counts led a mediation team which in four days of marathon negotiations helped the two Detroit newspapers, the *Free Press* and the *News*, reach agreements on new contracts Sunday night with most of their unions more than a month ahead of the scheduled June 17 expiration of their old agreements.

Settlement terms were withheld pending ratification meetings this weekend. Counts said the agreements were especially significant in view of the history of considerable strike activity in the newspaper industry, particularly in Detroit, which had experienced a nine-month strike in 1968, and a five-month stoppage in 1964.

"I hope what has happened in Detroit can serve as an example to the newspaper industry of what can be done to avoid unnecessary stoppages," Counts said. "The preventive mediation services of the Federal Mediation and Conciliation Service are available for publishers and newspaper unions to seek early agreements avoiding deadline crises. Labor and management in this industry have a special responsibility to avoid interruptions in the flow of news to the public."

Counts praised the representatives of the Detroit publishers and unions for their cooperation in the early settlement effort.

"The Detroit publishers and their unions have made a fine beginning toward a new type of peaceful relationship which can be continued and improved upon in the future," Counts said.

The new three-year Detroit agreements provide that employees of the two newspapers will, upon ratification, receive substantial wage increases several weeks in advance of the scheduled June 17 expiration of their present contracts.

Other Federal mediators who participated in the negotiations with Mr. Counts were Kenneth E. Moffett, his Special Assistant, and Commissioners William W. Rodgers and George R. Wonnacott, of Detroit.

PAPERS, UNIONS LAUDED FOR NEW 3-YEAR PACT

(By Jack Crellin)

A tentative contract agreement between The Detroit News, the Detroit Free Press and most craft unions in their shops could point to a new era of labor peace in the newspaper industry, J. Curtis Counts, head of the Federal Mediation and Conciliation Service, said today.

The agreement on three-year contracts was reached late Sunday largely through the efforts of Counts at the end of four days of almost steady bargaining.

While there was no official disclosure of details, the Teamsters Union said the increases would amount to $72 a week over the next three years.

Elton Schade, secretary-treasurer of Local 372, Newspaper Drivers and Handlers, said the agreement provides for an increase, including fringe benefits, this year of $31 a week.

The increase, if ratified by the various craft union members, would become effective next Monday, a month in advance of the scheduled expiration of the present contract.

The agreement, which Schade said also includes four other unions, provides for $22 increases effective June 18, 1972, and $19 a week effective June 17, 1973.

Members of other unions affected, Schade said, are the International Typographical Union, the Stereotypers, Photoengravers and Paper and Plate Handlers.

Counts, who returned to Washington yesterday, said the agreements were especially significant in view of the strike activity in the newspaper industry, particularly in Detroit, which experienced a 268-day stoppage in 1967–68 and a five-month stoppage in 1964.

"I hope what has happened in Detroit can serve as an example to the newspaper industry of what can be done to avoid unnecessary stoppages," Counts said.

"The preventive mediation services of the Federal Mediation and Conciliation Service are available for publishers and newspaper unions to seek agreements avoiding a deadline crisis.

"Labor and management in this industry have a special responsibility to avoid interruptions in the flow of news to the public."

Counts praised the representatives of the Detroit publishers and unions for their cooperation in the early settlement effort.

"The Detroit publishers and their unions have made a fine beginning toward a new type of peaceful relationship which can be continued and improved upon in the future," Counts said.

"The new three-year Detroit agreements provide that employees of the two newspapers will, upon ratification, receive substantial wage increases several weeks in advance of the scheduled expiration of their present contracts."

Other federal mediators who participated in the negotiations with Counts were Kenneth E. Moffett, his special assistant, and Commissioners William W. Rodgers and George R. Wonnacott, both of Detroit.

THE CASE FOR MONITORSHIP OVER UMWA

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, there follows a press statement and exchanges of correspondence between attorneys for Miners for Democracy and the Secretary of Labor on the need for an impartial monitorship over the affairs of the United Mine Workers of America:

MINERS FOR DEMOCRACY

On the second anniversary of the announcement of Jock Yablonski's candidacy for the presidency of the UMWA, Miners for Democracy, the reform party in the United Mine Workers of America, again called upon Secretary of Labor Hodgson to impose a monitorship over the UMWA to control its finances. [Copies of correspondence are attached.]

Joseph L. Rauh, Jr. and Joseph A. ("Chip") Yablonski noted that the Union under Boyle's leadership had since the contested 1969 election "suffered a series of legal setbacks that truly threaten its solvency." The MFD lawyers pointed to several cases, including the recent pension fund decision, which have or may cost the Union $73 million in damages. The Union's assets most recently valued by it at $86 million, are called "inflated."

A monitorship would insure that all Union funds are properly spent and accounted for. The lawyers accused the Labor Department of dereliction of duty in failing to insulate UMWA funds from Tony Boyle's control, citing his removal by court order as trustee of the Union's Welfare Fund and his removal as a director of the Union-owned National Bank of Washington following his indictment for embezzlement, conspiracy and illegal political contributions.

RAUH AND SILARD,
Washington, D.C., May 29, 1971.

Hon. JAMES DAY HODGSON,
Secretary of Labor,
Washington, D.C.

DEAR MR. SECRETARY: On May 7, 1971, we wrote you calling upon the Department of Labor "to move promptly and forcefully for a monitorship over the affairs of the union [UMWA] until the miners can themselves choose different leadership in a new election." Your press office immediately began telling reporters that there was no legal power for such a move. Now we are in receipt of the Department's letter of May 19, 1971 which concedes that there *is* such authority, but argues against doing anything with that authority in a letter that can only be regarded as a whitewash of Tony Boyle and his crowd.

We respond herein, point by point, to your letter:

1. We pointed out in our letter of May 7th that Boyle had been indicted for embezzlement from the UMWA and for corrupt political practices with union funds and forced to resign as Director of the National Bank of Washington because of this. You brush aside this indictment with the suggestion that "the Government is bound to respect the presumption of innocence which is fundamental to our system of jurisprudence."

It is surprising that the Department should be so totally unaware of the meaning of "presumption of innocence" and of the position taken by the Attorney General on this point: that the sole effect of the presumption is at the trial of the defendant and has no effect outside the courtroom. This is what Attorney General Mitchell writes:

"The presumption of innocence is not a presumption in the strict sense of the term. It is simply a rule of evidence which allows the defendant to stand mute at trial and places the burden upon the government to prove the charge against him beyond a reasonable doubt." 55 Virginia Law Review 1231 (1969).

The Attorney General made his statement in the context of judicial proceedings in the criminal case itself after indictment and prior to trial. While one may question the proposition in *that* context, there can be no question but that the Attorney is correct in the context here presented *of a different proceeding and one wholly civil in nature.*

The fact is that the grand jury had to have probable cause to indict Boyle for embezzlement and the presumption of innocence does not negate the grand jury's finding of probable cause that he committed embezzlement. For example, if a taxi driver is indicted for rape, you don't have to leave him as a taxi driver because at his trial for rape there is a presumption of innocence; all known facts are used to determine whether he should continue as a taxi driver. And if a bank teller is indicted for embezzlement, you don't have to leave him as a teller because of his presumption of innocence at trial. Indeed, the government (Comptroller General) recognized this very point when it forced Boyle to resign as Director of the National Bank of Washington simply on the basis of his indictment. We do not go nearly that far; what we say is that the Department should move in Court for a monitorship on the basis of the facts that caused a grand jury to find probable cause of embezzlement. You simply dodge that point with a general statement about the presumption of innocence which is wholly in error and wholly at odds with the position of your own Administration.

2. We pointed out that Boyle had been removed as a trustee of the United Mine Workers Welfare and Retirement Fund because of his illegal conduct in increasing pensions during the election campaign for the purpose of winning reelection, a breach of his fiduciary duty to the Fund. You seem to challenge us on the point that Judge Gesell removed Boyle because of the pension increase. Your refusal to act has now become even a refusal to read. Here is what Judge Gesell said in removing Boyle as trustee:

"Boyle, however, violated his duty as trustee in several particulars. His actions in forcing through the pension increase, partly by misrepresentation, in haste and without consulting the neutral trustee, reflect an insensitivity to fiduciary standards . . ."

Equally erroneous is your suggestion that Judge Gesell's decision "did not deal at all with the management of union affairs." One wonders how a pension increase to effect a union election can be other than a union affair.

3. We pointed out in the letter that Boyle and the United Mine Workers had been found guilty of failing to maintain the required records for the expenditures of millions of dollars of union funds. You do not question this in your reply, but suggest or at least imply that the UMWA will behave in the future without a monitorship. Maybe the UMWA will begin to keep records; more likely the officers will continue to hide wrongful expenditures as they have in the past. But the real point is that your letter does not deal at all with the danger of wasteage of assets while Boyle remains in office. As we pointed out to you in our first letter, Section 402(b) of LMRDA expressly provides that "the court shall have power to take such action as it deems proper to preserve the assets of the labor organization." A monitorship is necessary for that reason, too.

On the current LM–2 Report, the UMWA International Union lists its assets at $86,310,415, a net decrease of $760,216 from the beginning of the year. International salaries and expenses were up $600,000 from the inflated payroll of 1969 with no substantial increase in union organizing activity or membership. The Union lists $11,992,173 in loans receivable, but your Department permits the Union to itemize only $686,509 of these loans. One of these itemized loans for $375,000 is to the Freeport Coal Company, a company in bankruptcy. Another loan to A. H. Bull Steamship Company for $311,509 has proved uncollectible. No interest has been received on either loan and it is doubtful that even 10 cents on the dollar could be recovered. Thus, it is clear that the Union's assets are substantially overstated.

Since the election of 1969, the UMWA under Boyle's leadership has suffered a series of setbacks in court that truly threaten the

Union's solvency. Thus, in the *Tennessee Consolidated* [1] *Dean and Parton* [2] cases, the UMWA was forced to surrender $2,117,454.25 [3] of the coal miners' funds to satisfy court judgments. In the *Blue Diamond* [4] case it will pay out $281,990.57 plus interest. Just last week the Union was assessed $3,783,178 plus interest when the Supreme Court denied certiorari in the *South-East Coal Company* case.[5] Another $8,000,664 (presumably carried as an unitemized loan receivable) was lost in 1970, when the District of Columbia voided a promissory note in that amount.[6]

Three weeks ago, Judge Gesell found that the UMWA, its bank (the National Bank of Washington) and trust fund conspired to defraud the pension fund.[7] The Union's liability either directly or through its bank will amount to $5,000,000 to $30,000,000. Additionally, as a result of losing the *Ramsey* antitrust case,[8] the Union's potential antitrust liability in pending litigation exceeds $30,000,000.[9]

Thus, as a result of current court judgments and pending litigation, the Union since December, 1969, has lost or may lose $73,183,286. The reckless and irresponsible leadership of this Union has already endangered the solvency of the Bituminous Welfare Fund; are you going to sit by and watch the same thing occur to the dues contributed by miners over their lifetimes?

4. We pointed out that Boyle and the UMWA had been found guilty of forcing pensioners to maintain membership in the union involuntarily as the price of receiving the pensions due them. You admit that Judge Gesell found that applicants for pensions were misled "into believing that union membership was a prerequisite for pension eligibility", but you defend your inaction on the ground that Judge Gesell also stated that "there is no proof that the trustees had actual knowledge of these improper practices. . . ." The fact that the plaintiffs in Judge Gesell's case failed to prove Boyle's knowledge of what is going on in the union he runs with an iron hand hardly warrants your blithe assumption that he did not have such knowledge. Instead of trying to shove this issue under the rug, why don't you go out and get evidence of the *obvious* fact that Boyle runs the UMWA and knows what is going on?

5. We pointed out that Boyle continued his flagrant misuse of the United Mine Workers Journal. You answer this by suggesting that the use of the Journal is "an issue in the pending election case." Of course, the use of the Journal *during* the election is an issue in that case; *we* won on that issue during the election in both the District Court and Court of Appeals. What we are asking now is that you stop the *present* misuse of the Journal which, if continued, will make the next election just as meaningless and rotten as the last one. Your refusal to act against the *present* misuse of the Journal and your pretense that there is no problem because you are using *past* misuse of the Journal in the election case is double-talk pure and simple.

6. We pointed out that a local UMWA president had been indicted for the murder of Jock Yablonski and that enough had already been revealed to leave no doubt that the murder was directly related to the UMWA election. Your answer—that "This Department has not been made aware of any factual evidence that the murder of the Yablonski family was so related"—is incredible.

On May 4, 1970, your predecessor, Secretary Shultz, said the same incredible thing. On May 26, 1970, we wrote Chairman Williams as follows and this letter is printed in the Hearings Before the Subcommittee on Labor, Investigation of Mine Workers' Election (p. 511). This is what we said then:

"The Secretary says this was just another election campaign, and then in an effort to publicly cleanse his conscience he says twice that the murders had nothing to do with the election. Who is the Secretary of Labor to make such an assertion? Has he read the indictments returned by the Cleveland Grand Jury? Is he aware that one count deals with a conspiracy to violate a union member's rights, and that another involves an obstruction of justice to prevent Mr. Yablonski from testifying before a UMW Grand Jury Probe in Washington, D.C.? Is he aware that Mr. Silous Huddleston, President of a Local Union of the UMWA in LaFollette, Tennessee, has been indicted on these charges? Is he aware that the United States Attorney in seeking the grand jury indictment had to have evidence of probable cause and that the grand jury had to find that probable cause to indict? While no one questions that all five of the indicted persons are innocent until proven guilty, the fact remains that all the evidence to date points to a clear connection between the murders and the election through the participation of Huddleston (and another Local Union President indicted for perjury); the presumption of innocence does not require an administrative official to reject known facts. Indeed, the real remaining question is not whether this was an election-connected offense, but just how high in the union the culpability runs. What Secretary Shultz did in his testimony was to challenge the F.B.I., the United States Attorney and the Grand Jury; only a guilt-stricken man would deliberately undercut the enforcement efforts of his own Government."

Yet you now repeat the Shultz canard despite even further revelations since he was proven wholly wrong. A careful Fortune Magazine piece in January, 1971 reported that the Pennsylvania prosecutor believed that the higher-ups of the union are involved in the murders. And, indeed, as Mr. Rauh informed the Department last December, the prosecutor told him that he believed that Mr. Boyle arranged for the funds. An official propagandist for the UMWA would not have put their defense any different than you did.

* * * * *

As much as your answer to each of our specific six points demonstrates the Department's desire even at this late date to cover up for Boyle so as not to be proven wrong in its refusal to investigate the UMWA while Jock Yablonski was still alive, equally sad is your stubborn refusal to answer the bulk of our letter. There is not a word of answer to the basic questions in our original presentation:

"Under all these circumstances, it is a national scandal to leave Boyle as President of the UMWA. He has been removed as a director of the National Bank of Washington because one accused of embezzlement cannot retain a fiduciary position; but under LMRDA a union president acts as a fiduciary with respect to the union's funds. Are the deposits of the well-to-do in a bank more entitled to honest management than the dues of the miners paid into their union? Boyle has been ordered by the District Court to give up his post as a trustee of the UMWA Welfare and Retirement Fund because he irresponsibly used the treasury of the Fund for his own political ends. Is a man who has evidenced such fiscal irresponsibility to pensioned and disabled miners fit to handle the funds and affairs of the working miners? Boyle failed to have the UMWA keep the financial records required by LMRDA. Should a man who directs the expenditures of millions of dollars of funds without legally required records continue to manage the funds of the union? Boyle has forced pensioners into the union involuntarily and illegally in order to maintain his political control over the union. Is such a man fit to continue his office?"

All you really say in your letter is that you will not act. That's all the Department has ever said to us—when you refused to investigate the UMWA in 1969, when you refused to press the trusteeship case now 6½ years old and still without a trial in District Court, when you refused to move against the bogus locals, when you refused to include in your election case the pension increase for which Judge Gesell removed Boyle as trustee of the pension fund. We pleaded in our letter that "the Department of Labor . . . reverse its previous halting course and swing into action." Our two years of pleading once again fell on deaf ears.

One additional point must be made. Your letter leaves no doubt that you deem your role as one of sitting back and evaluating what we produce rather than going out and getting evidence yourself. When you say that you have "not been made aware of any factual evidence that the murder" was election-connected, you make clear that you have not examined the evidence which the Department of Justice and the Pennsylvania prosectuor have. When you refuse to move against Boyle even though a grand jury found probable cause to believe him guilty of embezzlement, you make clear that you have not examined into the evidence available on that point. The Department puffs a lot about its investigation of the December, 1969 election, but practically all of the evidence to be adduced at the trial of the election case is that which we provided the Government. Fantastic as it may seem, your Department was wholly unaware of vital evidence in the files of the Senate Labor Subcommittee until we informed your staff about it. The sad truth is that you really believe that you have no responsibility to do anything to clean up the United Mine Workers.

Down the road a new day will dawn for the Mine Workers Union. The epitaph of the Boyle crowd will read: "Almost but not quite saved by the United States Department Labor."

Respectfully submitted,
Joseph L. Rauh, Jr.,
Joseph A. Yablonski,
Attorneys for Miners for Democracy.

FOOTNOTES

[1] *Tennesseee Consolidated Coal Co.* v. *UMWA*, 72 LRRM 2312 (C.A. 6, 1969), cert. denied, 73 LRRM 2600 (1970).

[2] *Dean Coal Co.* v. *UMWA,* 421 F. 2d 1380 (C.A. 6, 1970), cert. denied 74 LRRM 2421.

[3] John Owens Semi-Annual Audit Report, 1/1/70 to 6/30/70.

[4] *Blue Diamond Coal Co.* v. *UMWA,* 76 LRRM 2003 (C.A. 6, 1970), cert. denied. 77 LRRM 2023.

[5] *South-East Coal Co.* v. *Consolidation Coal Co.*, 75 LRRM 2636 (C.A. 6, 1970), cert. denied, 77 LRRM 2242.

[6] *UMWA* v. *District 50,* 74 LRRM 3001 (C.A. D.C., 1970), reversing 298 F. Supp. 1262 (D.D.C., 1969), cert. denied, 76 LRRM 3027.

[7] *Blankenship* v. *Boyle,* 77 LRRM 2140 (D.D.C., 1971).

[8] *Ramsey* v. *UMWA,* 76 LRRM 2547 (U.S. Supreme Court, 1971).

[9] The relief prayed for by the sixteen plaintiffs in Ramsey is $30,000,000. Other antitrust litigation has been held in abeyance pending the decision in Ramsey. Cf. *Big Three Coal Co.* v. *UMWA,* (E.D. Ill., Civ. No. 5173).

U.S. Department of Labor,
Washington, D.C., May 19, 1971.

Joseph L. Rauh, Jr., Esq.
Rauh and Silard,
Washington, D.C.

Dear Mr. Rauh: The Secretary has asked that I respond to your letter of May 7, 1971, urging that the Department move for a monitorship over the United Mine Workers of America in the presently pending suit to set aside the UMWA's 1969 election.

As you well know, Title IV of the LMRDA specifically provides that union officers are presumed to have been validly elected pending a final court ruling to the contrary and such officers are accorded the right, if not the responsibility, to carry on the affairs of the union. In light of that basic statutory provision, it is our judgment that the imposition of even a limited monitorship requires the development of an extraordinary factual case. Apparently you agree, for you have set forth a discussion of six factors which you believe constitute such an extraordinary case.

The major difficulty between us seems to stem from the fact that your letter of May 7 relies, in substantial part, upon assumptions, inferences and conclusions, which, when examined, do not result in the extraordinary factual case necessary to sustain the relief you are urging.

Thus, you refer first to the indictment of President Boyle for embezzlement and for corrupt political practices. As an outstanding civil rights lawyer, you know that indictment is not the equivalent of conviction, and that the Government is bound to respect the presumption of innocence which is fundamental to our system of jurisprudence. The same comment applies to your sixth factor, the indictment of the president of a UMWA local union for the Yablonski murders.

Your Points 2 and 4 refer to the recent decision of Judge Gesell in *Blankenship* v. *Boyle*. Judge Gesell concluded that the trustees of the UMW Welfare and Retirement Fund had breached their fiduciary duty to the Fund; the decision did not deal at all with the management of union affairs. You state that Boyle has been removed as a trustee of the United Mine Workers Welfare and Retirement Fund "because of his illegal conduct in increasing pensions during the election campaign for the purpose of winning reelection." Judge Gesell noted in his opinion that Boyle for many years before the election had urged an increase in the amount of the pension, and that "election considerations * * * were not the primary factor motivating Boyle," who "genuinely believed that a pension increase should be made in the interests of the miner beneficiaries."

You further state that Boyle and the UMWA "have been found quilty of forcing pensioners to maintain membership in the union involuntarily as the price of receiving pensions due them." Judge Gesell found that applicants were misled by the use of a form referring to membership in the UMWA, and by local unions which carried out administrative functions in connection with these applications, into believing that union membership was a prerequisite for pension eligibility. Judge Gesell specifically noted: "There is no proof that the trustees had actual knowledge of these improper practices by Union locals."

Third, you state that Boyle and the UMWA have been found guilty of failing to maintain required records for the expenditures of millions of dollars of union funds. Your reference appears to be to the court's findings of fact and conclusions of law in connection with the preliminary injunction which is now in force and effect requiring the Union to maintain such required records. We believe the order recently entered by the court affords protection for the assets of the Union at this time.

You next refer to the April 15, 1971, issue of the United Mine Workers Journal as a "build-up of General Counsel Carey for Vice President of the UMWA on the Boyle slate." We do not know the source of your information concerning Carey's alleged proposed candidacy. However, the Department has taken cognizance of the contents of the article as well as all issues of the Journal and the use of the Journal is, as you know, an issue in the pending election case.

Finally, you state: "A local UMWA president has been indicted for the murder of Jock Yablonski and enough has already been revealed to leave no doubt that the murder was directly related to the UMWA election." This Department has not been made aware of any factual evidence that the murder of the Yablonski family was so related.

I recognize the sincerity of your personal convictions regarding the United Mine Workers. However, it would be a complete derrogation of the responsibilities of public office for this Department to proceed in the manner you have urged based upon the information now available to us. I have too much respect for the principles underlying that responsibility which you personally, as much as any other individual in recent times, have fought to establish. I truly regret that your deep and committed involvement with the mine workers, has resulted in our present divergent views.

Sincerely,

PETER G. NASH,
Solicitor of Labor.

RAUH AND SILARD,
Washington, D.C. May 7, 1971.

HON. JAMES DAY HODGSON,
Secretary of Labor,
Washington, D.C.

DEAR MR. SECRETARY: In the name of Miners for Democracy, the internal reform organization seeking to bring integrity and democracy to the United Mine Workers of America, we call upon the Department of Labor to move promptly and forcefully for a monitorship over the affairs of the union until the miners can themselves choose different leadership in a new election. It there was ever any doubt as to the Department's legal and moral obligation to move for such a monitorship over the UMWA, those doubts must long since have been put to rest. And last week's decision by District Judge Gesell is the final proof of the desperate need to remove Tony Boyle from his dictatorial control over the welfare of the miners of the Nation and to place the affairs of the union temporarily in the hands of an honorable and neutral third party.

There is a ready vehicle at hand for an immediate Labor Department move for a monitorship over the affairs of the UMWA. Boyle's "election" on December 9, 1969 was riddled with flagrant illegality and the Labor Department brought suit in March, 1970, to upset the election. Although that suit did not include a request for a monitorship over the union's affairs, Undersecretary Silberman later promised the Senate Committee considering his nomination that he would do "everything in [his] power to see that the lawsuits which the Department has brought against the United Mine Workers are vigorously prosecuted and that such equitable remedies authorized by law as will be necessary to fully remedy violations of the Landrum-Griffin Act [including the appointment by the Court of some form of monitorship or other third party with appropriate supervisory power to preserve the union's assets] are sought." For many reasons this would appear the appropriate time for the Department to move in the election suit for a monitorship over the affairs of the union:

1. Boyle has now been indicted for embezzlement from the union and for corrupt political practices with union funds and has been forced to resign as Director of the National Bank of Washington because of this indictment.

2. Boyle has been removed as a trustee of the United Mine Workers Welfare and Retirement Fund because of his illegal conduct in increasing pensions during the election campaign for the purpose of winning reelection, a breach of his fiduciary duty to the Fund.

3. Boyle and the UMWA have been found guilty of failing to maintain required records for the expenditure of millions of dollars of union funds.

4. Boyle and the UMWA have been found guilty of forcing pensioners to maintain membership in the union involuntarily as the price of receiving the pensions due them; Judge Gesell ruled last week that "There is ample documentary and testimonial evidence that applicants were improperly led by this form [the pension application] and by the locals to believe that Union membership was a prerequisite for eligibility, and were often forced to make substantial payments, sometimes running into hundreds of dollars, as 'back dues' to reinstate their Union membership" and the NLRB has issued a complaint against the UMWA on the same premise.

5. Boyle has continued the flagrant misuse of the UMW Journal of which he was found guilty by the courts during the 1969 election campaign. The April 15, 1971 issue of the Journal, for example, is largely a build-up of General Counsel Carey for Vice President of the UMWA on the Boyle slate and a violent attack on the leaders of Miners for Democracy.

6. A local UMWA president has been indicted for the murder of Jock Yablonski and enough has already been revealed to leave no doubt that the murder was directly related to the UMWA election.

Under all these circumstances, it is a national scandal to leave Boyle as President of the UMWA. He has been removed as a director of the National Bank of Washington because one accused of embezzlement cannot retain a fiduciary position; but under LMRDA a union president acts as a fiduciary with respect to the union's funds. Are the deposits of the well-to-do in a bank more entitled to honest management than the dues of the miners paid into their union? Boyle has been ordered by the District Court to give up his post as a trustee of the UMWA Welfare and Retirement Fund because he irresponsibly used the treasury of the Fund for his own political ends. Is a man who has evidenced such fiscal irresponsibility to pensioned and disabled miners fit to handle the funds and affairs of the working miners? Boyle failed to have the UMWA keep the financial records required by LMRDA. Should a man who directs the expenditure of millions of dollars of funds without legally required records continue to manage the funds of the union? Boyle has forced pensioners into the union involuntarily and illegally in order to maintain his political control over the union. Is such a man fit to continue his office?

Boyle still operates the union as though he owns it, using its personnel, funds, newspaper, etc. as his private domain. The continuation of this situation makes a mockery of what Congress sought to do in LMRDA. Ironically the Teamsters were placed under a monitorship for far less corruption before there ever was an LMRDA. The failure of the Department of Labor to act under a law specifically passed for the purpose of cleaning up the very type of corruption here involved would be a sad inversion of Congressional intention.

The failure of the Labor Department in the past to take certain actions urgently requested by the Yablonski forces inside the UMWA compounds the necessity for a monitorship and the near hopelessness of any rerun election with Boyle in continuing control of the union. The Department's suit to lift the trusteeships in the various districts filed back in December 1964 remains untried after almost 6½ years despite our pleas for action; unless Boyle is neutralized by a monitorship over the union's affairs, he will continue to maintain dictatorial control over the union machinery in 23 of the 27 UMWA districts in the United States through district officials appointed by him. The Department's failure to act against Boyle's continuing misuse of the UMW *Journal* leaves him in control of the major means of reaching miners.

The Department's refusal to include in its election suit the misuse by the incumbent officers of "bogus" locals (ones without working miners) leaves Boyle free to continue the practice of voting pensioners as a block for the incumbent officers. And the Department's refusal to include in its complaint Boyle's illegal conduct in increasing pensions for the purpose of winning reelection (for which Judge Gesell removed him as trustee of the pension fund) makes it possible for Boyle to appeal to this block of voters on the very basis of judicially-declared illegal conduct. What makes even worse the failure to outlaw the "bogus" locals and stop Boyle's appeals to the pensioners on his illegal use of their funds is the fact that Boyle's margin in the 1969 election, even on *his* figures, came from pensioner votes. See Statement, Mr. Nagle, *Senate Labor Subcommittee Hearings*, March 20, 1970. Only a monitorship can neutralize Boyle's misuse of his position and make any sort of fair reelection possible.

There can be no question concerning the authority of the Department of Labor to move in the election case for a monitorship over the union. The power of the Court to appoint a monitor over a corrupt union existed even before the LMRDA was enacted. And Section 402(b) of LMRDA expressly provides that "The court shall have power to take such action as it deems proper to preserve the assets of the labor organization." Furthermore, such authority is inherent in the Department's power to insure a fair election; there will never be a fair election in the UMWA as long as Boyle controls the coffers of the union, the personnel of the union, the votes of the pensioners, the district officials in the trusted areas whom he appoints and directs and the union's newspaper and continues to wield the mighty power of Godfather in a Mafia-like government outside the laws of the land. Indeed the relevant officials of the Justice Department informed counsel for Miners for Democracy long ago that they believed the authority for such a monitorship exists.

In the name of the miners of America, we call upon the Department of Labor to reverse its previous halting course and swing into action. We call upon you, Mr. Secretary to move with new-found determination and zeal to help us remodel the UMWA from an ugly dictatorship into an honest and democratic union.

Respectfully submitted,
Joseph L. Rauh, Jr.,
Joseph A. Yablonski,
Clarice R. Feldman,
Attorneys for Miners for Democracy.

SECOND FEDERAL JUDGE FOR WESTERN DISTRICT OF WISCONSIN

(Mr. THOMSON of Wisconsin asked and was given permission to extend his remarks at this point in the Record.)

Mr. THOMSON of Wisconsin. Mr. Speaker, I am introducing legislation today creating a second Federal judge for the western district of Wisconsin.

There is a pressing and immediate need for the new judgeship. Currently, Wisconsin's western district's sole judge handles a caseload of approximately 465 cases per year. This total is the second highest caseload per judgeship in the entire country, almost twice the national average. According to the district's present judge, James E. Doyle:

> Cases are not being terminated as fast as they are filed.

In fact, the average length between filing and eventual trial is 2 years compared with only 1 year delay nationally.

Judge Doyle has stated that the accumulation of pending cases points to only one thing—a new judgeship in the district. Recently Appeals Court Judge Luther M. Swiggert, chief judge of the seventh Federal circuit, publicly concurred and strongly urged that a second judge be added.

Mr. Speaker, citizens living in Wisconsin's western district are being denied the right to a speedy trial and there is no hope of reversing the situation unless Congress acts. While I recognize that in the past Federal judges have been created once every 4 years, by failing to move now we are denying citizens their constitutional rights. Such a situation is intolerable and relief should be granted as soon as possible.

HISTORY RECORDS RELIEF ACTION OF HIALEAH-MANAGUA SISTER CITY COMMITTEE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the friendship which spans the Caribbean to bind the sister cities of Hialeah, Fla., U.S.A., and Managua, Nicaragua, was never more apparent than early last year when a disastrous fire raged through the Atlantic port city of Bluefields, Nicaragua.

From 175 miles away a fire brigade was airlifted from the capital to help extinguish the blaze which roared out of control for 7 hours. And from a much greater distance came food and clothing gathered by the citizens of Hialeah and airlifted across the Caribbean to the victims of the fire.

This courageous act in hemispheric cooperation has been noted in the 1971 yearbook published on page 375 of the Crowell-Collier Encyclopedia, covering the year 1970.

The publication is a fitting tribute to the response of the Hialeah-Managua Sister City Committee which produced immediate relief to the victims of the fire. More recently, the committee organized the dispatching of more than 10 tons of relief supplies to Leon, a neighboring city of Managua, which was inundated by volcanic ash.

At this point in the Record, Mr. Speaker, I would like to include page 375 of the Crowell-Collier Encyclopedia Year Book 1971 which records the work of the sister cities of Hialeah and Managua:

1971 Year Book Covering the Year 1970

(By Jane L. Rieker)

In Hialeah, Fla., sister city of Managua, a local relief drive brought donations of food and clothing which were promptly dispatched to the victims of the fire. Major Ida Degenie, a Nicaraguan army nurse who directed the aid programs in Bluefields, headed a delegation to the United States to thank the Hialeah donors.

NICARAGUA

The year began badly in Nicaragua when a fire on January 4 leveled more than 100 buildings in Bluefields, an Atlantic port city 175 miles east of the capital, causing US$3 million in damage. Only one death occurred, but the blaze (which started in a boarding house) left several hundred persons homeless and affected an estimated 2,000 persons in the city. A fire brigade airlifted from Managua helped to extinguish the blaze, which roared out of control for seven hours.

Education. In late October it was reported that President Anastasio Somoza Debayle had fired the nation's primary and secondary school teachers and closed the schools. The teachers had been striking for higher pay and for the opportunity to take part in the nation's social security plan.

Foreign affairs. In March a report of the Organization of American States showed Nicaragua to be more than a year overdue in paying its share of OAS operations. However, the report also indicated that other Latin American countries were even more in arrears.

On July 15, the 54-year-old Bryan-Chamorro Treaty giving the United States the right to construct an interoceanic canal through Nicaragua was terminated. The agreement ending the treaty also canceled the right of the United States to build a naval base on Nicaraguan territory.

The Nicaraguan government continued to mediate the border conflicts between El Salvador and Honduras that had erupted in the 1969 "soccer war." President Samoza, in noting the economic loss resulting from the war, said that progress toward economic integration through the Central American Common Market would eventually resume.

Economic developments. Tourists began to discover Nicaragua, which has for several years been building resorts and hotels. Lake, mountain, and ocean regions are now open to and welcoming tourists.

Area and population. Area, 50,193 sq. mi. Pop. (est. 1969), 1,780,000. Principal cities (1967): Managua (cap.), 300,000; León, 61,649; Matagalpa, 61,383.

Government. Constitutional republic with bicameral legislature. Pres., Anastasio Samoza Debayle; for. min., Dr. Lorenzo Guerrero.

Finance. Monetary unit, córdoba (C$); C$1=US$0.143. Budget (est. 1970): balanced at US$98.03 million.

Trade (1969). Imports, US$174 million; exports, US$158 million. Principal imports: manufactured goods, machinery and vehicles, chemicals, foodstuffs. Principal exports: cotton, coffee, meat, sugar.

Education. Enrollment: primary (1967), 234,685; secondary (1967), 29,642; higher (1966), 4,056.

Armed forces. National guard 5,410; air force, 1,500.

A SOVIET MILITARY TRAMPOLINE IN THE CARIBBEAN

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I wish to call to the attention of my colleagues a very significant address by Dr. Manolo Reyes, Latin American news editor of television station WTVJ in Miami, on May 21, before the Miami Council of the Naval League of the United States.

Dr. Reyes is a distinguished journalist and commentator on events in Cuba. I have personally found him extremely knowledgeable on the activities of the Soviet Union in regard to Cuba, and I wish to give the other Members of this body an opportunity to read his account of the very successful efforts of the Soviet Government to make Cuba "a military trampoline for Soviet power in the Caribbean":

SPEECH BY DR. MANOLO REYES, LATIN AMERICAN NEWS EDITOR, WTVJ TO THE MIAMI COUNCIL OF THE NAVAL LEAGUE OF THE UNITED STATES, MAY 21, 1971

I am not a military or naval expert. The information which you are about to hear was sent to us by the Cuban Patriotic Resistance. We believe this information to the first of its kind to be said publicly. It is all related to Fidel Castro's Navy, which is a vital tool for the exportation of his so-called revolution." We say "so-called" because there is no such revolution, rather that Castro is an agent for international communism and what he is exporting is international communism.

To begin this analysis, we must say that before Castro the Cuban Navy was highly respected by the Cuban people. It was always a non-political body. Presently, Castro's Navy is despised because, among their missions of hate, they must persecute and machine-gun defenseless Cubans (men, women, and children) who try to flee through the Florida Straights.

Before Castro, the Navy was made up of 28 surface units: three frigates, one cruiser, twelve sub-chasers and twelve Coast Guard vessels. The pre-Castro Navy's main mission was to guard the coasts. It's mission was strictly defensive.

The Merchant Marine before Castro was made up of 18 surface units which represented approximately 48,000 tons. None of these units was more than 5,000 tons. Hence Cuba's Naval force totaled 46 surface units.

Now the question: What is the present Naval situation of the Red Regime in Cuba? Directed by the Russians, Fidel Castro has divided his Navy into three parts: the War Fleet, Merchant Marine and so-called "Fishing Fleet."

Castro's War Fleet has been tripled by the Russians since early in 1970. Presently it is made up of about 80 units. Among them are torpedo boats, missile boats, konsomal boats and sub-chasers. The Komar boats have two missiles with a range of 40–50 miles. All of these are for offensive purposes. Also, British sources have reported that the Russians have given Castro 8 small submarines. This brings the total of offensive naval units to 88.

The Castro Merchant Marine, under the direction of the Russians, now has 49 units with a displacement of approximately 327,000 tons. Of this number, some 18 units exceed 5,000 tons each. This Merchant Marine, as we will explain later, is completely dedicated to the transportation of men and arms for the expansion of international communism.

Finally, Castro, following the Russian dictates, has established the so-called "Fishing Fleet" in Cuba, made up of some 100 Russian made trawlers, each approximately 800 tons, and almost 100 wooden Lambda boats. The "Fishing Fleet" has everything except a fishing boat and its purpose is for the infiltration of international communist agents, transfer of arms, espionage and counter-espionage.

To sum it up, the Navy before Castro totaled 46 defensive units. Now it totals some 337 offensive units and has only one purpost: to export the revolution of the Castro-Communist regime.

In a rapid analysis of the twelve-and-a-half years in Cuba since Castro, it can be said that the economy is in ruin. The Cuban people are suffering from tremendous rationing and there is almost no fuel (charcoal or petroleum) in Cuba.

Now, how is it possible for Fidel Castro to maintain his present navy if Cuba's economy is in ruin? If there is no money to buy the articles of primary use, how were so many naval units obtained? If there is no fuel, how are these units operated? Where did he get the officers for a Navy that grew so fast?

It is our belief that there is only one explanation: Cuba is the Russian trampoline of the Caribbean. Cuba is being used as the base for military and political expansion of the Russians in the Western Hemisphere. The Russians have provided and today maintain Castro's Navy—even if the navy does fly the Cuban flag—for the exportation of international communism. The majority of the Naval officers of these ships were born in the Communist World even though their passports list them as Native Cubans. This is the Russian Navy with the Cuban flag.

How was this situation initiated? In the year 1963, according to reports received from the Cuban Patriotic Resistance, a Russian Admiral, Ivan Baikov, Director of the Russian Naval Academy in Leningrad, took charge of the Cuban Navy. That began a complete change. The Russian Admiral said that the traditional Naval Academy in Cuba, in Mariel, was obsolete. It would be considered third level.

The Naval Academy was then transferred to the Monteverde farm, which was the property of a North American citizen, in the area of Boca del Mariel.

Later, two superior naval centers were created: One in Tarara and the other in Barlovento in Havana. The students of these centers receive strong communist training, as training in the sabotage of port installations, intelligence, espionage and counter-espionage. The most outstanding students are sent to Russia for final indoctrination.

Admiral Baikov declared that the new naval center in Havana was to be used as the seat of the Russian Joint Command in peace time. And that underground installations should be built so that the Russian High Command could function in times of pre-war and war.

The Naval system in Cuba was operated by departments similar to that of the United States Navy. Baikov divided it up into sections and sub-sections.

In the center of the Port of Havana, it is easier to find a Russian officer in uniform than it is to find a Cuban. The orders which proceed from there are signed by Cubans, even if they are illiterate. Said orders are prepared by Russian bilingual personnel and later authorized by a Russian naval officer. In this way, secret cargo can be transported under the Cuban flag, never under the Russian flag.

Each Cuban boat has an experienced Russian officer who speaks Spanish and carries a native-Cuban passport (possibly with a Cuban name). He is the actual ship commander. Sometimes he is merely a first-class sailor.

Each ship is an integral part of Castro-Communist territory. This is why there is an Russian security officer on board. It is understood that at each port the communist agents know precisely who is on board each ship. For the few who are not communists and sail under Castro's flag, to transfer to a ship is to leave one prison for another.

The Russian Admiral (Baikov) authorized Captain Daniel Alvarez (alias Captain Ramirez) to direct Castro's Merchant Marine. Captain Alvarez is approximately 60 years old, with more than 40 years of naval experience in Spain's Communist Navy. He served on the cruise ship "Canarias", later seeking asylum in Algiers, France. From Algiers, he went to Moscow. There he was named an agent of the NKVD and had several interviews with Stalin. Later, he fell into disgrace and was deported to Siberia where has lost a lung. He was brought back to Moscow by Nikita Khrushchev and placed in his former position. Currently, in Cuba, his title is "Delegate of the Soviet Union in Control of the Merchant Marine".

The flag ship of the Merchant Marine of Cuba is the Sierra Maestra and it displaces 17,350 tons. This ship was built in Eastern Germany and was first received and commanded by Jesus Jimenez Escobar. Escobar received several levels of communist indoctrination. Jimenez Escobar, along with Captain Alvarez (Ramirez), formed the shipping lines of Mambisa Navigation in different parts of the world to provide ports for Castro's ships.

In 1968, Jimenez Escobar was named to the Cuban delegation to the United Nations. Months later he was expelled from New York by the United States for his non-diplomatic activities. Apparently he was supporting the Black Panthers.

Presently, there is a Russian naval base at Cienfuegos and a military arsenal at Havana. There are two large docks. One is a 20,000-ton dry dock and the other is a 10,000-ton floating dock.

Operations are directed by eight high-ranking Russian naval officers. Strong security is maintained by frogmen and an electric net. On land, there is a color-coded control system.

To describe how Castro's Navy performs espionage and the exportation of international communism, here are some examples:

In 1960, the ship "Bahia de Nipe" took arms from Cuba to the so-called "Liberation Front" in Algiers, which was still under French jurisdiction. In 1962, the ships "Aracelio Iglesias" and "Gonzalez Lines" carried tanks and cannons, automatic arms and troops to take part in the war between Algiers and Morocco.

In 1965, the motor-ship "Uvero", weighing 10,250 tons, left with arms, men and equipment for Africa to Dar El Salam. We were told that all this equipment and some of the men later were sent to the guerrilla operation in Bolivia. During the voyage to Africa, the captain of the ship never spoke with the officers and meals were served to another high ranking person in the captain's cabin (no one knowing who he was). We believe it was Ernesto "Che" Guevara.

In 1965, the Sierra Maestra took a special trip to Communist China. It embarked from Cuba empty and was so important, that two Cuban freighters, "Antonio Maceo" and "Jose Marti", escorted her from the islands of Cape Green in South Africa to Santiago de Cuba, in Oriente province. She brought back a load of special arms which were unloaded in Santiago de Cuba. These secret arms were taken to Gran Piedra under great security. Gran Piedra is near the Guantanamo Naval Base.

Meanwhile, Castro's Russian masters have continued their expansion work in Cuba. Presently, great naval activity is reported on the two extremes of the island.

In Oriente Province, (in the region known as Saetia, to the north of the Bay of Levisa near the Bay of Nipe) the Russians are dredging as they did when they began their base at Cienfuegos.

At the Western tip it is reported that the prisoners on the Peninsula of Guancabibes have been removed and a military road is being built (more than 6 meters wide) from "El Cayuco" to the Cape of San Antonio. This area is totally deserted and a great distance from other activity on the island. It should be an ideal location for subversive activities. It is expected to help in the transportation of arms in barges to or from mother ships, anchored nearby. The initial analysis of this activity is that it will aid in the transportation of arms to Latin America.

This is a short and sketchy summary of the Cuban Naval situation under Castro-Communism. A navy which means a real and actual threat to the peace and tranquility of the entire American Continent. A Russian Navy with the Cuban flag.

MOST DECORATED HERO OF WORLD WAR II CARRIED HIS REPUTATION WELL

(Mr. WIDNALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, one of our great American war heroes died in a plane crash Friday. That he was beloved in civilian life as he was honored in military life is the finest tribute we can pay Audie L. Murphy.

His daring actions during World War II are well remembered by most of us, particularly through the film about him and in which he starred, "To Hell and Back." His exploits lived with him, because for several years after the war, he slept with an automatic pistol beneath his pillow to minimize anxieties while he slept.

When asked how soldiers mentally cope with a war, Mr. Murphy said:

> I don't think they ever do.

Perhaps it was because of the effect that war had on Mr. Murphy as well as his upbringing, that he was humble about his achievements and self-effacing about narrating them.

His exploits were certainly remarkable. Mr. Murphy received 24 decorations, running from the Purple Heart to the Medal of Honor, and killed or captured 240 enemy. Given mostly to children through the years, his decorations included the Distinguished Service Cross, the Legion of Merit, the Silver Star with Oak Leaf cluster, the Bronze Star, the Purple Heart with two Oak Leaf clusters, and the Croix de Guerre with palm.

True heroes are so few nowadays and those that some of us would consider for veneration are quickly demeaned by others who are opposed to the recognition of heroism. Mr. Murphy is and was a hero to those of us who lived through World War II. He began in Casablanca in 1943, went through Sicily and on to Anzio. Out of 235 men in his company, he and a supply sergeant were the only troops to survive the advance through Italy into Southern France.

Mr. Murphy was a very modest man who often said that others should have received combat awards instead of himself. His accolades never swelled his ego to that proportion that destroys heroes. Rather, his quiet and serious demeanor became a model for carrying the praise that comes with being recognized for outstanding courage.

Mr. Speaker, I include for the record a description of the heroics for which Audie Murphy was awarded the Medal of Honor:

> Second Lieutenant Murphy commanded Company B, which was attacked by six tanks and waves of infantry. Lieutenant Murphy ordered his men to withdraw to prepared positions in a woods, while he remained forward at his command post and continued to give fire directions to the artillery by telephone. Behind him, to his right, one of our tank destroyers received a direct hit and began to burn. Its crew withdrew to the woods. Lieutenant Murphy continued to direct artillery fire which killed large numbers of the advancing enemy infantry. With the enemy tanks abreast of his position, Lieutenant Murphy climbed on the burning tank destroyer, which was in danger of blowing up at any moment, and employed its .50 caliber machinegun against the enemy. He was alone and exposed to German fire from three sides, but his deadly fire killed dozens of Germans and caused their infantry attack to waiver. The enemy tanks, losing infantry support, began to fall back. For an hour the Germans tried every available weapon to eliminate Lieutenant Murphy, but he continued to hold his position and wiped out a squad which was trying to creep up unnoticed on his right flank. Germans reached as close as 10 yards, only to be mowed down by his fire. He received a leg wound, but ignored it and continued the singlehanded fight until his ammunition was exhausted. He then made his way to his company, refused medical attention, and organized the company in a counterattack which forced the Germans to withdraw. His directing of artillery fire wiped out many of the enemy; he killed or wounded about 50. Lieutenant Murphy's indomitable courage and his refusal to give an inch of ground saved his company from possible encirclement and destruction, and enabled it to hold the woods which had been the enemy's objective.

SPECIAL REVENUE SHARING FOR URBAN COMMUNITY DEVELOPMENT

(Mr. WIDNALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, today I have introduced H.R. 8853, a bill to carry out the administration's recently refined proposal to enable the Federal Government to share its revenues with the States and localities in order to provide vital assistance for urban community development.

It is a source of great satisfaction to me to be associated with the administration in this historic proposal. This bill, along with other special revenue-sharing proposals and the general revenue-sharing bill, would remove from our States and localities the tangled bonds in which they have become enmeshed as a result of a multitude of overlapping, categorical grant-in-aid programs.

All activities which are eligible for support under the present urban development categorical grant programs would be eligible for support from the new urban development revenue-sharing funds. Local governments could use the money to acquire, clear and renew land, to construct public works, to build streets and malls, to enforce building codes in deteriorating areas, to rehabilitate residential properties, to support the types of activities for which model cities supplemental grants have been authorized, to fund demolition activities, and to provide relocation payments and assistance for those displaced by program activities.

No program currently funded by categorical grants need be stopped under revenue sharing. Communities could maintain—even expand—any of these current programs, if they wished to do so.

No Federal approval would be required for any activity. Neither detailed applications nor matching local shares would be required. Cities would have to state in advance how they plan to use their funds. And there would be an audit at the end of the year to insure that funds had been used for eligible activities.

Eighty percent of the total amount of funds available each year for urban community development revenue sharing would be allocated to the Standard Metropolitan Statistical Area—SMSA's—for distribution to units of general local government within those areas. There are now 247 of these areas comprising nearly 70 percent of the Nation's population. And they include every single person living in the circle of the SMSA down to the rural areas which somehow or other intrude into that circle. A metropolitan area's share would be based on a four-part statutory formula—the area's (first) population, (second) its density, (third) extent of poverty, and (fourth) housing deficiencies.

Central cities and cities over 50,000 in the SMSA will receive an automatic distribution of funds on the basis of this 4-part formula. In addition, there will be funds—first, to "hold harmless" these cities—so that they will not receive less under revenue sharing than they had been receiving annually under present urban development categorical grant programs; and, second, to distribute to smaller cities within the SMSA.

Twenty percent of the total amount of funds available will be distributed by the Secretary of HUD to units of general local government. These funds would be used to, first, assist localities of under 50,000 population; second, assist localities which have demonstrated special needs or special performance capabilities; third, provide "hold harmless" funds in cases where the SMSA allocation is insufficient; and, fourth, provide incentives for achievement of national growth objectives.

I would like to call to the attention of the Members that this bill differs from the legislation proposed earlier by the administration. The original proposal would have included the program of grants for the construction of water and sewer facilities. These were authorized by the Housing and Urban Development Act of 1965, along with the urban renewal, model cities, and section 312 rehabilitation loan programs. The bill I am introducting excludes the water and sewer facilities grant program, but would add the program of grants for neighborhood facilities also authorized under the 1965 act.

It has been my contention for some time that the water and sewer grant program should continue as presently authorized. I am most gratified that the administration is now of my persuasion. At the same time, I would like to remind the Members that our States and localities could, if they chose, apply special revenue-sharing funds to the same purpose.

It is my thought that the critical need of many of our smaller communities to expand their water and sewer systems warrants this change in the legislation. There is no public facility more basic to the needs of community life. And yet this need has not been met as populations shifted and expanded. It is for this reason that in the past I have proposed additional authorizations and appropriations for the water and sewer program. It is also why I suggested to the administration that these considerations were sufficiently important to small towns, suburbs, and rural areas to cause it to modify its original proposal. In so doing the administration once again revealed its willingness to entertain suggestions originating in the legislative branch.

Let me here pay tribute to Secretary George Romney and Assistant Secretary Floyd Hyde of HUD whose understanding and cooperation were most helpful when I suggested an alternate measure. I have also had the support of the minority leader, the gentleman from Michigan, for which I am most grateful. And too much cannot be said for the minority members of the Banking and Currency Committee who have agreed to cosponsor the legislation I have today introduced. Their support has been most gratifying.

I urge upon the House its early consideration and passage of the measure now sponsored by 17 Members of this body.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. FLYNT (at the request of Mr. BOGGS), for today, on account of official business.

Mr. SHIPLEY (at the request of Mr. BOGGS), for Wednesday, June 2 and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MONAGAN, on Tuesday, June 8, for 1 hour.

Mr. HOLIFIELD, for 30 minutes, on June 4, and to revise and extend his remarks and include extraneous matter.

Mr. HOSMER (at the request of Mr. HOLIFIELD), for 30 minutes on June 4, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. TERRY), to revise and extend their remarks and to include extraneous matter:)

Mr. MILLER of Ohio, today, for 5 minutes.

Mr. COLLINS of Texas, today, for 20 minutes.

Mr. HOSMER, today, for 15 minutes.

Mrs. HECKLER of Massachusetts, today, for 5 minutes.

Mr. GERALD R. FORD, today, for 1 minute.

Mr. MCKEVITT, today, for 5 minutes.

(The following Members (at the request of Mr. COTTER), to revise and extend their remarks, and to include extraneous matter:)

Mr. RARICK, today, for 10 minutes.

Mr. MINISH, today, for 5 minutes.

Mr. GONZALEZ, today, for 10 minutes.

Mr. HAMILTON, today, for 10 minutes.

Mr. WAGGONNER, on June 9, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN, and to include extraneous material.

Mr. EDMONDSON in three instances, and to include extraneous material.

Mr. GRAY in two instances and to include extraneous matter.

Mr. ZABLOCKI in two instances and to include extraneous matter.

(The following Members (at the request of Mr. TERRY) and to include extraneous matter:)

Mr. PEYSER in three instances.

Mr. FULTON of Pennsylvania in five instances.

Mr. SCHERLE in 10 instances.

Mr. YOUNG of Florida in five instances.

Mr. MCCLORY.

Mr. DERWINSKI in three instances.

Mr. WHITEHURST.

Mr. VEYSEY.

Mr. GUBSER.

Mr. HOSMER in two instances.

Mr. SCHNEEBELI.

Mr. WYMAN in two instances.

Mr. SCHWENGEL in three instances.

Mr. ANDERSON of Illinois.

Mr. MILLER of Ohio in seven instances.

Mr. BAKER.

Mr. FRENZEL.

Mr. SCHMITZ in five instances.

Mr. WHALLEY.

Mr. ROBISON of New York in four instances.

Mr. KEMP in two instances.

Mrs. REID of Illinois.

Mr. GOLDWATER.

Mr. CRANE in five instances.

Mr. NELSEN in two instances.

Mr. SHRIVER in two instances.

Mr. FREY.

Mr. HALPERN.

(The following Members (at the request of Mr. COTTER) and to include extraneous matter:)

Mr. FLOWERS in two instances.

Mr. BURTON in two instances.

Mr. PUCINSKI in six instances.

Mr. JACOBS.

Mr. SCHEUER in five instances.

Mr. DE LA GARZA in 12 instances.

Mr. RODINO in two instances.

Mr. ABOUREZK in three instances.

Mr. FISHER in four instances.

Mr. MOLLOHAN in five instances.

Mr. EDWARDS of California in two instances.

Mr. FRASER in two instances.

Mr. CARNEY.

Mr. REES in two instances.

Mr. HUNGATE in three instances.

Mr. JONES of North Carolina in two instances.

Mr. BROOKS.

Mr. ROONEY of Pennsylvania in three instances.

Mr. MAHON in two instances.

Mr. DINGELL.

Mr. RARICK in three instances.

Mr. CHAPPELL.

Mr. FUQUA.

Mr. HAGAN in three instances.

Mr. GONZALEZ in two instances.

Mr. ANDERSON of California in two instances.

Mr. KASTENMEIER.

Mr. ROUSH in two instances.

Mr. WALDIE in six instances.

Mr. KYROS in two instances.

Mr. PICKLE in five instances.

Mr. COTTER in two instances.

Mr. EILBERG.

Mr. TIERNAN in two instances.

Mr. PATTEN in two instances.

Mr. MAZZOLI in two instances.

Mr. BENNETT.

Mr. RYAN in three instances.

ADJOURNMENT

Mr. KEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Thursday, June 3, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

787. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Army Reserve, pursuant to 10 U.S.C. 2233a (1); to the Committee on Armed Services.

788. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to consolidate, simplify, and improve laws relating to housing and housing assistance; to the Committee on Banking and Currency.

789. A letter from the Secretary, Export-Import Bank of the United States, transmitting a quarterly report for the period ended March 31, 1971, on the export expansion facility program, pursuant to Public Law 90-390; to the Committee on Banking and Currency.

790. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

791. A letter from the Acting Secretary of the Interior, transmitting a report on a study made to determine the best manner to coordinate Federal and State activities in the field of coal mine health and safety, pursuant to section 512 of the Federal Coal Mine Health and Safety Act of 1969; to the Committee on Education and Labor.

792. A letter from the Assistant Secretary of the Interior, transmitting a draft of a proposed supplemental and amendatory contract, and a draft of a proposed supplemental agreement to be executed thereunder, relating to proposed drainage and minor construction work exceeding a total cost of $200,000 on the Wellton-Mohawk Division, Gila project, Arizona, pursuant to 70 Stat. 274; to the Committee on Interior and Insular Affairs.

793. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports

concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

794. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

795. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

796. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

797. A letter from the Acting Administrator, National Highway Traffic Safety Administration, U.S. Department of Transportation, transmitting a copy of a proposed Highway Safety Program Standard on Pupil Transportation Safety, pursuant to 23 U.S.C. 402(h); to the Committee on Public Works.

Received From the Comptroller General

798. A letter from the Comptroller General of the United States, transmitting a report on a followup review showing that long missing Government-owned materials in Vietnam are still unaccounted for, Department of Defense; to the Committee on Government Operations.

799. A letter from the Comptroller General of the United States, transmitting a report on problems in providing proper care to medicaid and medicare patients in skilled nursing homes, Department of Health, Education, and Welfare; to the Committee on Government Operations.

800. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in the management of the highway safety rest area program administered by the Federal Highway Administration, Department of Transportation; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLATNIK: Committee of conference. Conference report on 5575 (Rept. No. 92–237). Ordered to be printed.

Mr. GRAY: Committee on House Administration. House Resolution 449. Resolution creating additional positions on the U.S. Capitol Police force for duty under the House of Representatives and providing a system of overtime pay for the U.S. Capitol Police under the House; with amendment (Rept. No. 92–244). Ordered to be printed.

Mr. HAWKINS: Committee on Education and Labor. H.R. 1746. A bill to further promote equal employment opportunities for American workers (Rept. No. 92–238). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 1680. A bill to extend for an additional temporary period the existing suspension of duties on certain classifications of yarn of silk; with amendment (Rept. No. 92–239). Referred to the Committee of the Whole House on the Senate of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 4590. A bill relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore; with amendment (Rept. No. 92–240). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 7767. A bill to continue until the close of June 30, 1973, the existing suspension of duties of metal scrap (Rept. No. 91–241). Referred to the Committee of the While House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 8293. A bill to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968 (Rept. No. 92–242). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 8312. A bill to continue for 2 additional years the duty-free status of certain gifts by members of the Armed Forces serving in combat zones (Rept. No. 92–243). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BETTS:

H.R. 8826. A bill to amend section 542 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. CABELL:

H.R. 8827. A bill to amend the District of Columbia Income and Franchise Tax Act of 1947 so as to provide a deduction for contributions to qualified retirement plans for self-employed individuals, and for other purposes; to the Committee on the District of Columbia.

By Mr. CELLER:

H.R. 8828. A bill to prevent lawless and irresponsible use of firearms, by requiring national registration of firearms, by establishing minimum standards for licensing possession of firearms, and by restricting the availability of handguns, and for other purposes; to the Committee on the Judiciary.

H.R. 8829. A bill to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age; to the Committee on the Judiciary.

By Mr. DOWNING:

H.R. 8830. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. EDMONDSON:

H.R. 8831. A bill to amend the Consolidated Farmers Home Administration Act of 1961 in order to establish a special emergency loan program for drought areas, and for other purposes; to the Committee on Agriculture.

By Mr. GONZALEZ:

H.R. 8832. A bill to amend the Communications Act of 1934 to provide for more responsible news and public affairs programming; to the Committee on Interstate and Foreign Commerce.

By Mr. GROSS:

H.R. 8833. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho (for himself, Mr. McClure, Mr. Anderson of Illinois, Mr. Begich, Mr. Don H. Clausen, Mr. Córdova, Mr. Danielson, Mr. Dennis, Mr. Edwards of California, Mr. Foley, Mr. Gubser, Mr. Lent, Mr. Mazzoli, Mr. McCloskey, Mr. McKevitt, Mr. Roncalio, Mr. Thone, and Mr. Tiernan):

H.R. 8834. A bill to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON:

H.R. 8835. A bill to authorize $2 billion for assistance to municipalities in planning waste treatment facilities; to the Committee on Public Works.

By Mr. HENDERSON:

H.R. 8836. A bill to provide for the retirement of certain employees of the Federal Bureau of Investigation and the U.S. Secret Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KOCH (for himself and Mr. Sarbanes):

H.R. 8837. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. MAZZOLI:

H.R. 8838. A bill to amend part II of the Interstate Commerce Act in order to completely exempt certain farm vehicles and a farm vehicle drivers from the provisions thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. MINISH:

H.R. 8839. A bill to amend the Internal Revenue Code of 1954 to eliminate the percentage depletion method for determining the deduction for depletion of oil and gas wells; to the Committee on Ways and Means.

By Mr. O'NEILL:

H.R. 8840. A bill to amend title 5, United States Code, to provide premium pay for employees for time in an on-call status away from their duty posts; to the Committee on Post Office and Civil Service.

H.R. 8841. A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and certain other FAA employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RAILSBACK:

H.R. 8842. A bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor; to the Committee on the Judiciary.

By Mr. REUSS:

H.R. 8843. A bill to authorize and direct the Corps of Engineers to engage in public works for waste water purification and reuse; to the Committee on Public Works.

By Mr. ROONEY of Pennsylvania (for himself, Mr. Pickle, and Mr. Murphy of New York):

H.R. 8844. A bill to amend title VII of the Public Health Service Act to provide increased manpower for the health professions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 8845. A bill to amend title VIII of the Public Health Service Act to provide for training increased numbers of nurses; to the Committee on Interstate and Foreign Commerce.

By Mr. ROY:

H.R. 8846. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. ROY (for himself, Mrs. Abzug, Mr. Aspin, Mr. Begich, Mrs. Chisholm, Mr. Forsythe, Mrs. Grasso, Mr. Halpern, Mr. Hathaway, Mr. Hechler of West Virginia, Mr. Mikva, Mr. Mitchell, Mr. Rosenthal, Mr. Roybal, Mr. Tiernan, and Mr. Charles H. Wilson):

H.R. 8847. A bill to provide for uniform and full disclosure of information with respect to the computation and payment of interest on certain savings deposits; to the Committee on Banking and Currency.

By Mr. SCHWENGEL (for himself, Mr. Horton, Mr. Begich, and Mr. Dorn):

H.R. 8848. A bill to authorize the Secretary of the Army to investigate, plan, and construct projects for the control of streambank erosion; to the Committee on Public Works.

By Mr. VANDER JAGT (for himself, Mr. Adams, Mr. Fascell, Mr. McCormack, Mr. Pickle, and Mr. Wolff):

H.R. 8849. A bill to encourage States to establish abandoned automobile removal programs and to provide for tax incentives for automobile scrap processing; to the Committee on Ways and Means.

By Mr. WATTS:

H.R. 8850. A bill to amend the Internal Revenue Code of 1954 to provide a 14-percent credit for pollution control facilities; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 8851. A bill to amend the act of August 13, 1946, to increase the Federal contribution to 90 percent of the cost of shore restoration and protection projects; to the Committee on Public Works.

By Mr. ZWACH:

H.R. 8852. A bill to establish drug abuse control organizations in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. WIDNALL (for himself, Mr. Gerald R. Ford, Mrs. Dwyer, Mr. Johnson of Pennsylvania, Mr. J. William Stanton, Mr. Blackburn, Mr. Brown of Michigan, Mr. Williams, Mr. Wylie, Mrs. Heckler of Massachusetts, Mr. Crane, Mr. McKinney, Mr. Lent, Mr. Archer, Mr. Frenzel, Mr. Hunt, and Mr. Arends):

H.R. 8853. A bill to provide Federal revenues to State and local governments and afford them broad discretion in carrying out community development activities and to help States and localities to improve their decisionmaking and management capabilities; to the Committee on Banking and Currency.

By Mr. DUNCAN:

H.R. 8854. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. HATHAWAY:

H.R. 8855. A bill to amend the Merchant Marine Act of 1936 and the Maritime Academy Act of 1958 to enlarge the mission of the U.S. Merchant Marine Academy and to assist in enlarging the mission of the State maritime academies; to the Committee on Merchant Marine and Fisheries.

By Mr. HÉBERT (for himself and Mr. Arends) (by request):

H.R. 8856. A bill to authorize an additional Deputy Secretary of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. McCORMACK:

H.R. 8857. A bill to amend title XVIII of the Social Security Act to provide payments for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. McDONALD of Michigan:

H.R. 8858. A bill to authorize and direct the Administrator of the General Services Administration to prescribe regulations with respect to the amount of recycled material contained in paper procured or used by the Federal Government or the District of Columbia; to the Committee on Government Operations.

H.R. 8859. A bill to authorize and direct the Secretary of Defense and the Administrator of the General Services Administration to insure the procurement and use by the Federal Government of products manufactured from recycled materials; to the Committee on Government Operations.

By Mr. MONAGAN (for himself, Mr. Anderson of Illinois, Mr. Biester, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Collins of Illinois, Mr. Cotter, Mr. Derwinski, Mr. Forsythe, Mr. Gallagher, Mr. Giaimo, Mrs. Grasso, Mr. Harsha, Mrs. Heckler of Massachusetts, Mr. Johnson of California, Mr. King, Mr. Leggett, Mr. McDade, Mr. McKinney, Mr. Miller of California, Mr. Nix, Mr. Rees, Mr. St Germain, Mr. Stratton, and Mr. Talcott):

H.R. 8860. A bill to establish drug abuse control organizations in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. MONAGAN (for himself, Mr. Badillo, Mr. Broomfield, Mr. Burton, Mr. Clancy, Mr. Córdova, Mr. Danielson, Mr. Eilberg, Mr. Frenzel, Mr. Gonzalez, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. McClory, Mr. McDonald of Michigan, Mr. Melcher, Mr. Podell, Mr. Symington, Mr. Charles H. Wilson, Mr. Yatron, Mr. Kyros, and Mr. Sisk):

H.R. 8861. A bill to establish drug abuse control organizations in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. NELSEN:

H.R. 8862. A bill to amend the Interstate Commerce Act, section 204; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 8863. A bill to provide a penalty for unlawful assault upon law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Anderson of Tennessee, Mr. Annunzio, Mr. Badillo, Mr Begich, Mr. Brademas, Mr. Burke of Massachusetts, Mr. Brasco, Mrs. Chisholm, Mr. Collins of Illinois, Mr. Conyers, Mr. Dellums, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of California, Mr. Fauntroy, Mr. Fraser, Mr. Halpern, Mr. Harrington, Mr. Hawkins, Mr. Helstoski, Mr. Horton, and Mr. Kee):

H.R. 8864. A bill to amend the U.S. Housing Act of 1937 to provide for the inclusion of child-care facilities in low-rent public housing projects, and to provide that the eligibility of a family to remain in such a project despite increases in its total income shall be determined solely on the income of the head of such family (or its other principal wage earner); to the Committee on Banking and Currency.

By Mr. PEPPER (for himself, Mr. Koch, Mr. Leggett, Mr. Madden, Mr. Metcalfe, Mrs. Mink, Mr. Mitchell, Mr. Morse, Mr. Perkins, Mr. Rangel, Mr. Rees, Mr. Rosenthal, Mr. Roybal, Mr. Scheuer, Mrs. Sullivan, Mr. Waldie, Mr. Whitehurst, Mr. Wolff, Mr. Yates, and Mr. Yatron):

H.R. 8865. A bill to amend the U.S. Housing Act of 1937 to provide for the inclusion of child-care facilities in low-rent public housing projects, and to provide that the eligibility of a family to remain in such a project despite increases in its total income shall be determined solely on the income of the head of such family (or its other principal wage earner); to the Committee on Banking and Currency.

By Mr. POAGE (for himself and Mr. Belcher):

H.R. 8866. A bill to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. SCHMITZ (for himself, Mr. Hosmer, Mr. Hanna, and Mr. Bob Wilson):

H.R. 8867. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State-owned submerged lands in which such State has suspended leasing for mineral purposes; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS:

H.R. 8868. A bill to amend the Railroad Unemployment Insurance Act to increase unemployment and sickness benefits, to raise the contributions base, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Wisconsin:

H.R. 8869. A bill to provide for the appointment of an additional district judge for the western district of Wisconsin; to the Committee on the Judiciary.

By Mr. WYLIE:

H.R. 8870. A bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer; to the Committee on Interstate and Foreign Commerce.

By Mr. ZABLOCKI:

H.R. 8871. A bill to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance, and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes; to the Committee on Banking and Currency.

By Mr. BARRETT:

H.R. 8872. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. EVANS of Colorado:

H.R. 8873. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, to assist producers in the marketing of their commodities at a fair price; to the Committee on Agriculture.

H.R. 8874. A bill to assist producers of agricultural commodities by providing an orderly means of bargaining with the handlers of such commodities; to the Committee on Agriculture.

By Mr. HALPERN:

H.R. 8875. A bill to amend title 10 of the United States Code, in order to implement a comprehensive program for treating and rehabilitating members of the Armed Forces who are drug addicts, and for other purposes; to the Committee on Armed Services.

By Mr. ROE:

H.R. 8876. A bill making appropriations to carry out the lead-based paint poisoning prevention program for the fiscal years 1971 and 1972; to the Committee on Appropriations.

H.R. 8877. A bill to provide a program of tax adjustment for small business and for persons engaged in small business; to the Committee on Ways and Means.

By Mr. TIERNAN (for himself, Mr. BADILLO, Mr. DONOHUE, Mr. WILLIAM D. FORD, Mr. FUQUA, Mr. HALPERN, Mr. KYROS, Mr. RIEGLE, and Mr. ST GERMAIN):

H.R. 8878. A bill to amend title 5, United States Code, relating to qualifications for appointment and retention in the Civil Service; to the Committee on Post Office and Civil Service.

By Mr. WHITEHURST:

H.R. 8879. A bill to provide for the treatment of members of the Armed Forces who are narcotics addicts; to the Committee on Armed Services.

H.R. 8880. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the development and operation of treatment programs for certain drug abusers who are confined to or released from correctional institutions and facilities; to the Committee on the Judiciary.

H.R. 8881. A bill to amend the Social Security Act to provide that Federal welfare payments may be made with respect to an individual who qualifies therefor on the basis of drug-caused disability or incapacity only if such individual is undergoing appropriate treatment; to the Committee on Ways and Means.

By Mr. CARNEY:

H.J. Res. 674. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HATHAWAY:

H.J. Res. 675. Joint resolution to provide for the revision of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. McCORMACK:

H.J. Res. 676. Joint resolution providing for the establishment of an Annual Youth Appreciation Week; to the Committee on the Judiciary.

By Mr. MINISH:

H.J. Res. 677. Joint resolution to authorize the President to proclaim the last Friday of April of each year as "National Arbor Day"; to the Committee on the Judiciary.

By Mr. STEELE:

H.J. Res. 678. A joint resolution designating the month of October of each year as "Drug Awareness Month"; to the Committee on the Judiciary.

By Mr. SCHNEEBELI:

H.J. Res. 679. Joint resolution: Stable purchasing power resolution of 1971; to the Committee on Government Operations.

By Mr. ADAMS:

H. Con. Res. 323. Concurrent resolution requesting the President of the United States to take affirmative action to persuade the Soviet Union to revise its official policies concerning the rights of Soviet Jewry: to the Committee on Foreign Affairs.

By Mr. HELSTOSKI:

H. Con. Res. 324. Concurrent resolution urging review of the United Nations Charter; to the Committee on Foreign Affairs.

By Mr. ASHLEY (for himself, Mr. SEIBERLING, and Mr. VANIK):

H. Res. 458. Joint resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. HATHAWAY (for himself and Mr. BURKE of Massachusetts):

H. Res. 459. Resolution commemorating the 150th anniversary of English High School of Boston, Mass.; to the Committee on the Judiciary.

By Mr. RYAN (for himself, Mr. COUGHLIN, Mr. FRENZEL, Mr. RANGEL, and Mr. WINN):

H. Res. 460. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

203. The SPEAKER presented a memorial of the Legislature of the State of Rhode Island, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. EILBERG introduced a bill (H.R. 8882) for the relief of Maximo Rene Trabuco, his wife Delia Irene Trabuco, and their children Gracila Lucia Trabuco, and Claudia Sandra Trabuco; to the Committee on the Judiciary.

SENATE—*Wednesday, June 2, 1971*

The Senate met at 9 a.m., and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, guide of the past and hope of the future, enable Thy servants here to use this new day wisely for the welfare of this Nation and the advancement of Thy kingdom. Spare them from squandering time on the wrong things or things which do not matter much. May nothing important be left undone and nothing badly done. Give them courage to make the hard decision and grace to live with the consequences. May they be strong in the Lord and in the power of His might. Teach the people of this land, young and old, the ways of Thy statutes to do them that we may fulfill the laws of Thy kingdom.

In the Redeemer's name we pray. Amen.

MESSAGE FROM THE PRESIDENT—APPROVAL OF BILL AND JOINT RESOLUTION

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries, announced that the President had approved and signed the following measures:

On May 27, 1971:

S. 1181. An act to remove certain limitations on the granting of relief to owners of lost or stolen bearer securities of the United States, and for other purposes; and

On May 28, 1971:

S.J. Res. 29. A joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week", and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled joint resolution:

S.J. Res. 103. A joint resolution to authorize the President to designate June 1, 1971, as "Medical Library Association Day".

The enrolled joint resolution (S.J. Res. 103) was signed by the President pro tempore.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1907. An act for the relief of Arnold D. Smith;

H.R. 2110. An act for the relief of the estate of Julius L. Goeppinger; and

H.R. 3201. An act for the relief of Faith M. Lewis Kochendorfer; Dick A. Lewis; Nancy J. Lewis Keithley; Knute K. Lewis; Peggy A. Lewis Townsend; Kim C. Lewis; Cindy L. Lewis Kochendorfer; and Frederick L. Baston.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 1907. An act for the relief of Arnold D. Smith;

H.R. 2110. An act for the relief of the estate of Julius L. Goeppinger; and

H.R. 3201. An act for the relief of Faith M. Lewis Kochendorfer; Dick A. Lewis; Nancy J. Lewis Keithley; Knute K. Lewis; Peggy A. Lewis Townsend; Kim C. Lewis; Cindy L. Lewis Kochendorfer; and Frederick L. Baston.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 1, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from California (Mr. TUNNEY) is now recognized for not to exceed 30 minutes.

Mr. BYRD of West Virignia. Mr. President, will the Senator from California yield to me?

Mr. TUNNEY. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order be modified to allow the able Senator from California to be recognized for not to exceed 15 minutes, following which the able Senator from Michigan (Mr. HART) be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. TUNNEY and Mr. HART on the introduction of S. 1975 are printed in the transaction of routine morning business section of the RECORD under statements on introduced bills and joint resolutions.)

ORDER OF BUSINESS

Mr. HART. Mr. President, is a quorum call permitted here, to expire at the conclusion of the unused part of the 15 minutes?

The PRESIDING OFFICER. Under the unanimous consent agreement, the distinguished Senator from Virginia (Mr. BYRD) is to be recognized at the conclusion of the remarks of the distinguished Senator from Michigan.

Mr. HART. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired, and, in accordance with the previous order, the distinguished Senator from Virginia (Mr. BYRD) is recognized for not to exceed 15 minutes.

(The remarks of Mr. BYRD of Virginia when he introduced Senate Joint Resolution 106 and S. 1976 are printed in the transaction of routine morning business section of the RECORD under statements on introduced bills and joint resolutions.)

REMOVAL OF INJUNCTION OF SECRECY FROM EXECUTIVE F, 92D CONGRESS, FIRST SESSION—THE INTERNATIONAL WHEAT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the international wheat agreement, 1971—Executive F, 92d Congress, first session—which was transmitted to the Senate today by the President of the United States, and that the agreement, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER (Mr. ALLEN). Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE PRESIDENT

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a copy of the International Wheat Agreement, 1971, which was open for signature in Washington from March 29 through May 3, 1971. The Agreement was formulated at the United Nations Wheat Conference, 1971, held in Geneva.

I transmit also, for the information of the Senate, the report of the Secretary of State and the memorandum enclosed therewith concerning this Agreement.

The Agreement is in two parts, the Wheat Trade Convention and the Food Aid Convention, covered by a common preamble. Both Conventions were signed in behalf of the Government of the United States of America. The Wheat Trade Convention was signed also for the European Economic Community and its six member States and for the governments of 26 other countries. The Food Aid Convention was signed also for the European Economic Community and its six member States and for the governments of six other countries.

The International Wheat Agreement, 1971, is intended to succeed the International Grains Arrangement, 1967, which will terminate by its own terms on June 30, 1971.

The new Wheat Trade Convention continues international cooperation in wheat trade, maintaining the International Wheat Council and most of its functions and establishing a new Advisory Sub-Committee on Market Conditions charged with the task of continuously reviewing current market conditions and making prompt reports to the Executive Committee of the Council concerning the existence or threat of market instability. On the basis of such reports, the Executive Committee is to meet, review the situation, and consider the possibility of mutually acceptable solutions. The Council may also be convened to review such situations.

In contrast to previous wheat agreements, the 1971 Convention does not contain price provisions and purchase and supply obligations, principally because the exporting countries were unable to agree on the reference wheat or wheats to be used for setting minimum and maximum prices. Major changes in the Canadian grading system made uncertain the trading relationships among the several top quality wheats that were being considered as reference wheats. The negotiating conference decided that progress on establishing minimum and maximum prices and the related supply and purchase provisions must await the establishment and the testing in trade of the new Canadian grading system.

The Food Aid Convention continues the commitment initiated under the 1967 Food Aid Convention whereby parties contribute specified amounts of wheat, coarse grains, or products derived therefrom, or the cash equivalent, to developing countries. The principal changes in the new Convention are a reduction in the number of donors from 12 to 9, a slight reduction in the total minimum annual contribution, and a broadening of the terms under which contributions can be made.

Both Conventions provide that instruments of ratification shall be deposited no later than June 17, 1971. The Wheat Council may, however, grant an extension of time to any signatory government that had not deposited an instrument of ratification by that date.

It is my hope that the Senate will give early and favorable consideration to the two Conventions of the 1971 Agreement so that ratification by the United States can be effected and an instrument of ratification can be deposited without undue delay.

RICHARD NIXON.

THE WHITE HOUSE, *June 2, 1971.*

WAIVER OF RULE OF GERMANENESS TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, in view of the fact that a time limitation agreement has been entered into with respect to the unfinished business for today, and also with respect to the debate which is to ensue between the hours of 3 p.m. and 5 p.m. on the reorganization plan, that the Pastore rule of germaneness be waived for today.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the transaction of routine morning business, until not later than the hour of 10 a.m.

TRANSPORTATION IN THE 1970'S: A DECADE OF CRISIS OR HOPE?

Mr. HARTKE. Mr. President, the American surface transportation system is in trouble—serious trouble. If crisis is to be averted, there is an urgent need for a comprehensive assessment of the entire situation and a total review of our national transportation policy. The problem is large and complex, with serious implications for everyone. It will not yield to such hurried, narrowly conceived approaches as have been outlined earlier this year by the President's Advisory Council on Executive Reorganization—the Ash Council—nor is it reasonable to expect that it will be adequately addressed in the report on national transportation policy that the Secretary of Transportation is obligated by the Airport and Airway Development Act of 1971 to submit shortly to Congress. Both the Ash Council recommendations and the Secretary's report warrant careful consideration—but in the context of a larger assessment of transportation policy that we have begun in the Surface Transportation Subcommittee with our inquiry into the rail industry. A special staff has begun work, and some hearings have already been held. It is impossible to overemphasize the critical nature of transportation and why its problems become the Nation's problems.

Transportation is universal. It is the movement of goods to market, of people to jobs and schools and cultural facilities; it is railroads, trucks, water carriers, airplanes—it is the auto, the bus, the subway. It is also pollution—pollution of the air, pollution of the eardrums, pollution of the environment. But these are only the superficial manifestations of transportation. More fundamentally, transportation is as vital and as powerful a shaping force of economic life and of the quality of our society as any other single factor. Without transportation, the American economy simply cannot grow and prosper.

And just as transportation is crucial to a growing economy, so, too, does transportation exert a great influence on life itself. Our cities have been shaped and reshaped by transportation. It would be as inaccurate to separate transportation from the urban problem as it would be to separate it from housing or education or employment. In a good analogy, someone has likened transportation to the body's central nervous system, in that it holds together all of the pieces and separate functions of the society and economy.

Despite its crucial importance, the American transportation system today is in serious trouble. As I look ahead, and attempt to take into account the enormous additional requirements that will be imposed upon it, I am deeply concerned that, absent major new initiatives, the system will crumble. Some experts foresee further railroad bankruptcies coupled with possible nationalization of our rail system, the demise through bankruptcy or merger of literally hundreds of small truckers and a trend to increased concentration in the inland water industry that could signal the demise of dozens of small- and medium-sized water operators. Deeply disturbing though these possibilities are, they also imply a serious decline in the quality of common carrier transportation in the United States. For many shippers, and many communities, and perhaps for the whole United States, it is entirely conceivable that within a matter of a few years no public freight transportation will exist. Meanwhile, within our cities the continued reliance on the automobile as the primary form of transportation will mean more pollution, despite steps to reduce auto emissions in new cars, and a further decline in the availability of public transportation. The loss falls most heavily upon the elderly, the poor, and those inner-city residents seeking employment in the suburbs, but we all suffer from this unavailability of service.

The imminence of these developments is matched only by one's sense of marked disappointment at the failure to make good use of emerging technological opportunities in transportation. We can have more efficient, more widely available, safer, and less polluting forms of transportation than we now have. But they will not come into public use without special efforts, calling for strong and creative Government leadership. Today's transportation environment is largely hostile to new innovations and to major technological advances. Landing men on the moon was simply a matter of developing technology to overcome measurable obstacles. Putting a man in the middle of Manhattan safely, regularly, at his convenience, and on time is incredibly more difficult. Technology is part of the answer, but by no means the whole answer; more desperately, we need the appropriate political framework and structure. Only through systemic recognition of the potential of technology to improve transportation and a careful creation of incentives to bring new advances into everyday use can the American public be provided a transportation system that is efficient, financially healthy, and humane. I use the last word deliberately, for I am convinced that our present system too often needlessly works at cross purposes with the kind of society we want—that it is both hostile to a decent environment and unavailable, as a practical matter, to significant numbers of citizens.

Mr. President, the 1970's represent a watershed in transportation. This can be the decade of crisis in American transportation. It could also be the decade in which the full technological potential of transportation was realized—in which transportation-induced pollution was virtually eliminated, in which transportation was made available to all Americans regardless of income or location, in which businesses of all sizes were assured of the availability of efficient transportation. Whether this will be the decade of crisis or the decade of new accomplishment depends, however, not on wish or accident, but on a deliberate comprehensive, no-holds-barred reassessment of all the features that go to make up the American transportation system. The time has come, as we enter a new decade, to take a fresh, uninhibited look at our transportation system.

This must be a thoroughly planned, deliberate examination of every aspect of transportation. It must start with an appraisal of where we are—the adequacies and shortcomings of transportation to various categories who make up the transportation industry, of our regulatory policies and practices, and the other factors that characterize transportation as we know it. From this starting point the assessment must look ahead to future transportation requirements, starting with recognition of fact that the American economy in the 1970's will grow—in real terms—by about 50 percent. This implies that the transportation system must handle a vastly increased volume of freight. In less than a decade a surface transportation system that has taken more than a century to develop must expand by one-half. Whether it can do so—whether there must be new approaches to financing transportation investment—whether there must be changes in Federal regulatory and other policies—are questions that must be deeply and carefully probed.

We must also look outside transportation, for transportation greatly affects the quality of the environment and influences every aspect of daily life. As we look into the near future we must attempt to assess the social and environmental consequences of transportation and identify areas in which new technology—new systems for the movements of goods and people—might be introduced to make transportation a constructive social partner. In short, we must measure where we are, assess future requirements, ascertain how transportation in the foreseeable future is likely to serve the needs of the economy and of society, and determine how technology and new policy approaches might contribute to a better transportation system.

This year, Mr. President, the Subcommittee on Surface Transportation has begun a comprehensive assessment of the sort I have described. We have begun with a general look at the condition of the railroad industry. It will be a long, difficult and time-consuming endeavor. But it is vital and is a job that calls for serious attention and firm commitment. I start with no preconceptions other than a pledge to develop as comprehensive a factual picture as possible, to stand ready to consider new approaches—guided by the firm belief that change should neither be resisted nor accepted for its own sake, but only if it can help us do our job better, and to search for ways in which new approaches and new technology may be advantageously employed. In our hearings—which I expect will continue for many months—we will be calling upon transportation experts from all of the affected industries, from the financial community, from the Federal, State, and local governments, from the universities, from research organizations, and even from other countries. Some hearings will be concerned with specific problems and/or specific legislation; this will be necessary because of the pressing nature of some issues. But it is my intent to keep each hearing, each question in context. It will be our goal to make this the most thorough, most far-reaching examination of American transportation ever conducted.

Our air can be simply put: To insure that the United States has a transportation system that efficiently serves the needs of all our people and that makes use of new technological approaches so as to complement as closely as possible our social and environmental concerns. We must have a good transportation system, but I am persuaded that this will only come about through careful study and a willingness to adapt new approaches. The hearings to be conducted by the subcommittee will provide us with that base of knowledge and will enable us, hopefully in 1972, to make whatever legislative recommendations appear necessary to realize our objectives.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 2, 1971, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 103) a joint resolution to authorize the President to designate June 1, 1971, as "Medical Library Association Day."

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of the Indian Claims Commission

A letter from the Acting Chairman of the Indian Claims Commission submitting, pursuant to law, its final determination with respect to the claim of The Creek Nation, plaintiff, against the United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

Proposed Facilities for the Army Reserve

A letter from the Deputy Assistant Secretary of Defense submitting, pursuant to law, notice of facilities project proposed to be undertaken for the Army Reserve; to the Committee on Armed Services.

Report of the Export-Import Bank

A letter from the Secretary of the Export-Import Bank of the United States submitting, pursuant to law, a report of the actions taken by the Bank during the quarter ended March 31, 1971 (with accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Proposed Bill Relating to Housing

A letter from the Secretary of Housing and Urban Development submitting proposed legislation to consolidate, simplify, and improve laws relating to housing and housing assistance (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

Regulation of Insurance in the District of Columbia

A letter from the Assistant to the Commissioner of the District of Columbia submitting proposed legislation to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

Reports of the Comptroller General

Three letters from the Comptroller General of the United States submitting reports, pursuant to law, entitled "Followup Review Shows Long Missing Government-Owned Materials in Vietnam Still Unaccounted For," "Problems, in Providing Proper Care to Medicaid and Medicare Patients in Skilled Nursing Homes," and "Improvements Needed in Management of Highway Safety Rest Area Program," (with accompanying reports); to the Committee on Government Operations.

Proposed Contracts Relating to Drainage and Minor Construction Work

A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, a proposed contract relating to drainage and minor construction work on Federal reclamation projects (with accompanying papers); to the Committee on Interior and Insular Affairs.

Orders and Reports of the Immigration and Naturalization Service

Three letters from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, orders of certain aliens who have been found admissible to the United States; orders suspending deportation and list of persons involved; and reports concerning visa petitions which the Service has approved (with accompanying papers); to the Committee on the Judiciary.

Audit Report of the American Symphony Orchestra League, Inc.

A letter from George H. Jones, Jr., Certified Public Accountant, transmitting, pursuant to law, an audit report for the American Symphony Orchestra League, Inc., for fiscal year ending March 31, 1971 (with an accompanying report); to the Committee on the Judiciary.

Report by the Department of the Interior

A letter from the Acting Secretary of the Interior submitting, pursuant to law, a report on the results of a study made pursuant to the provisions of section 512 of the Federal Coal Mine Health and Safety Act of 1969 to determine the best manner to coordinate Federal and State activities in the field of coal mine health and safety (with accompanying reports); to the Committee on Labor and Public Welfare.

Report of the Federal Mediation and Conciliation Service

A letter from the Director of the Federal Mediation and Conciliation Service submitting its report for the fiscal year ending June 30, 1970 (with accompanying report); to the Committee on Labor and Public Welfare.

Safety Standard on Pupil Transportation

A letter from the Deputy Administrator of National Highway Traffic Safety transmitting, pursuant to law, proposed highway safety program standard on pupil transportation (with accompanying papers); to the Committee on Public Works.

Prospectuses on Certain Facilities

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, prospectuses covering certain facilities (with accompanying papers); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the Senate of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"Resolutions

"Requesting the President of the United States and the Secretary of State to urge the Soviet Union to acquit Ruth Aleksandrovich, a Russian Jew, of charges brought against here at a current trial in Riga

"Whereas, this week an intrepid fighter for freedom, Mrs. Rivka Aleksandrovich, who emigrated to her ancient homeland of Israel from Soviet Russia last month, will visit the commonwealth; and

"Whereas, Mrs. Aleksandrovich's daughter, Ruth, age 23, is on trial this week in Riga, Russia, where she has been imprisoned since October, 1970; and

"Whereas, Ruth Aleksandrovich's long imprisonment without a trial is reportedly due to her desire to emigrate from the USSR to Israel and to her courage in petitioning for the right of exit as guaranteed under Article 13 of the United Nations Human Rights Charter; and

"Whereas, the Russian government has denied her appeal to pursue the cultural and religious tenets of her ancient Jewish heritage; and

"Whereas, such denial by the Russian government is contrary to the Soviet Constitution which assures protection from discrimination and provides for the instruction of every citizen in the language of her nationality; now, therefore, be it

"Resolved, that the Massachusetts Senate respectfully appeals to President Nixon and to Secretary of State Rogers to use the full force of their offices to urge the Soviet government that Ruth Aleksandrovich be acquitted, that harsh sentences already imposed on other Russian Jews for similar charges be annulled and that the government of the USSR allow all desiring to leave to do so in accordance with international obligations subscribed to by that government; and be it further

"Resolved, that a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, to Secretary of State Rogers, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

"Senate, adopted, May 26, 1971."

A concurrent resolution of the Legislature of the State of New York; to the Committee on Foreign Relations:

"Resolution No. 141

"Concurrent Resolution of the Legislature of the State of New York to memorialize the Congress of the United States to take all necessary steps to persuade the government of Turkey to immediately destroy its opium poppy fields before the 1971 harvest in return for reimbursement to its opium poppy farmers of the damages suffered thereby from funds appropriated for that purpose by the State of New York and the United States Congress

"Whereas, Death from an overdose of heroin represents the greatest single cause of death among the youth of New York City; and

"Whereas, All efforts by local, state and federal law enforcement agencies to interdict the smuggling of heroin into the United States and its sale within this state have failed to curb this traffic; and

"Whereas, On April 7, 1971, the New York State Commission of Investigation reported to the governor of this state that 'Law enforcement's approach to this problem has been ineffective. The traffic in heroin has not been curbed. Indeed, it is flourishing," and

"Whereas, The New York Legislature has four times in the last twenty years amended the anti-narcotic laws of this state to provide for both more severe and mandatory punishments for heroin traffickers with little effect on the traffic itself; and

"Whereas, Despite every effort by New York State to curb the increases in the number of persons addicted to heroin, the number of identified addicts has increased in New York City alone from 52,000 in 1968 to an estimated 103,000 in 1971; and

"Whereas, New York State is required to spend of $100,000,000.00 annually directly for the care, treatment, rehabilitation and retraining of a small fraction of the narcotic addict population; and

"Whereas, The Addiction Services Agency of the City of New York will have spent over $80 million during the 1970–71 fiscal year to assist 3,500 addicts and would require $2½ billion to treat and care for only 100,000 of the addicts now residing in the City of New York; and

"Whereas, There are an estimated 15,000 narcotics addicts presently receiving welfare assistance from the City of New York at a direct cost of over $50 million annually; and

"Whereas, The major portion of violent and other serious crimes committed in New York City and other cities of this State results from the tragic need of heroin addicts to obtain funds to pay for the heroin they consume; and

"Whereas, In 1960, there were 1841 felony arrests in New York State of persons charged with selling narcotics or possessing narcotics in an amount sufficient to create a presumption of intent to sell and in 1969 there were 18,489 felony arrests in New York State for this same crime, an increase of 1000% and in 1970, in New York City alone, there were 26,799 felony arrests in this category, a 44% increase over the entire state-wide figure for the year previous, so that our law enforcement agencies are being overwhelmed by the sheer numbers of narcotics sellers and addicts being processed through our criminal justice system; and

"Whereas, It now appears that the only practical solution to halt the continued flood of heroin into the State of New York is the destruction of the opium poppy at its source;

"Whereas, It would be less expensive and more effective for the State of New York to contribute toward the cost of preventing opium cultivation than to concentrate its resources in treating heroin addicts or combating the huge and profitable traffic in narcotics taking place on the streets of its cities; and

"Whereas, Eighty-five percent of all of the heroin sold in the State of New York is refined from the sap of the opium poppy (*papaver somniferum*) grown in Turkey; and

"Whereas, Opium, unlike other dangerous drugs, cannot be synthetically produced, nor can it be cultivated in any but selected areas within the world; and

"Whereas, To date Turkey has failed and neglected to control the diversion of its opium crop to illegal channels; and

"Whereas, By the end of 1970, the Turkish government and nation has received in excess of $5 billion in military and economic assistance from our federal government which monies were raised in substantial part through taxation of the citizens of this state; and

"Whereas, The public statements of members of the Turkish Government on the problem of limiting the cultivation of the opium poppy in Turkey has evidenced an appalling lack of concern about the crisis caused in this state as well as this nation by Turkey's failure to strictly enforce the international treaty binding it to destroy all opium poppy production not grown for legitimate purposes; and

"Whereas, Opium can be harvested only during one twenty-four hour period each year, which period occurs during the last week of June or the first week of July each year; and

"Whereas, The illegal opium poppy production in Turkey intended for diversion to the heroin traffic can only be harvested simultaneously and from the same fields as those devoted to the legitimate cultivation of the opium poppy; and

"Whereas, The world supply of legitimate opium presently in stock is sufficient to satisfy all legitimate needs for the foreseeable future; and

"Whereas, Eighty-five percent of the heroin supplied to the addicts of this state can be interdicted if all the Turkish opium poppy fields now under cultivation were destroyed prior to the approaching harvest date, which destruction can be accomplished for a fraction of the present cost to this state resulting from the traffic in heroin; now, therefore, be it

"*Resolved* (*if the Assembly concur*), That the Congress of the United States be and hereby is memorialized to take all necessary steps to persuade the government of Turkey to immediately destroy its opium poppy fields before the 1971 harvest in return for reimbursement to its opium poppy farmers of the damages suffered thereby from funds appropriated for that purpose by the State of New York and the United States Congress; and be it further

"*Resolved* (*if the Assembly concur*), That copies of this resolution be transmitted to the Congress of the United States by forwarding one copy to the Secretary of the Senate and one copy to the Clerk of the House of Representatives, and one copy to each member of the Congress from the State of New York and that the latter be urged to devote themselves to the task of accomplishing the purposes of this resolution."

A resolution of the General Assembly of the State of Rhode Island; to the Committee on the Judiciary:

"RESOLUTION

"Ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older

"Whereas, The House of Representatives of the United States and the United States Senate, by the constitutional vote of two-thirds (⅔) of each House concurring therein, did enact at the first session of the ninety-second Congress of the United States of America in 1971 a proposed amendment of the Constitution of the United States; and

"Whereas, Said proposed amendment was submitted to the States for ratification and said proposed amendment to the Constitution of the United States of America is in the following words, to wit:

" 'ARTICLE —

" 'SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" 'SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.'

"Now, therefore, be it

"*Resolved,* That the General Assembly of the State of Rhode Island and Providence Plantations does hereby ratify the above proposed amendment to the Constitution of the United States of America; and be it further

"*Resolved,* That certified copies of this resolution be immediately transmitted by the secretary of State of the State of Rhode Island and Providence Plantations to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and the Administrator of General Services of the United States."

A concurrent resolution of the Legislature of the State of New Hampshire; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION NO. 17

"Ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older

"Whereas, the Ninety-second Congress of the United States of America at its First Session, in both houses, by a constitutional majority of two-thirds thereof, has made the following proposition to amend the Constitution of the United States in the following words, to wit:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'ARTICLE —

" 'SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" 'SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.'

"*Be it resolved by the House of Representatives of the General Court of the State of New Hampshire, the Senate Concurring:* That, the proposed amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older be and the same is hereby ratified; and be it further

"*Resolved,* That certified copies of this resolution, signed by the Speaker of the House and the President of the Senate, be by them forwarded to the President of the United States, the President Pro Tempore of the Senate of the United States, the Speaker of the House of Representatives of the United States and the Administrator of General Services of the United States."

REPORT OF A COMMITTEE

By Mr. HATFIELD, from the Committee on Interior and Insular Affairs, without amendment:

S. 493. A bill to authorize and direct the Secretary of Agriculture to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area, in Oregon, and for other purposes (Rept. No. 92–138).

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TUNNEY (for himself, Mr. HART, and Mr. MATHIAS):

S. 1975. A bill to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age. Referred to the Committee on the Judiciary.

By Mr. BYRD of Virginia:

S. 1976. A bill relating to salaries paid justices and judges appointed for 8-year terms who are not reconfirmed. Referred to the Committee on the Judiciary.

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 1977. A bill to establish the Oregon

Dunes National Recreation Area in the State of Oregon, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. YOUNG:

S. 1978. A bill to amend title 10 of the United States Code in order to prohibit the revision or withdrawal of certain bids relating to the activities of the Corps of Engineers, Department of the Army. Referred to the Committee on Armed Services.

By Mr. HATFIELD:

S. 1979. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for certain expenses incurred in connection with the adoption of a child. Referred to the Committee on Finance.

By Mr. TAFT:

S. 1980. A bill to provide for a Law Enforcement Trust Fund. Referred to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 1981. A bill to authorize the U.S. Commissioner of Education to establish consumer education programs. Referred to the Committee on Labor and Public Welfare.

By Mr. MATHIAS:

S. 1982. A bill to authorize the reduction of the salaries of teachers and school officers in the public schools of the District of Columbia for the purpose of purchasing annuities pursuant to the provisions of section 403(b) of the Internal Revenue Code, and for other purposes. Referred to the Committee on the District of Columbia.

By Mr. BELLMON:

S. 1983. A bill to exempt from taxation certain property in the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. FANNIN:

S. 1984. A bill to provide for national cemeteries in the State of Arizona. Referred to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS:

S. 1985. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients. Referred to the Committee on Labor and Public Welfare.

By Mr. BYRD of Virginia:

S.J. Res. 106. A joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of 8 years. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S.J. Res. 107. A joint resolution to authorize and request the President to issue annually a proclamation designating the month of February of each year as "American History Month." Referred to the Committee on the Judiciary.

By Mr. CRANSTON (for himself, Mr. Taft, Mr. Cook, Mr. Hart, Mr. Inouye, Mr. Packwood, Mr. Spong, Mr. Bayh, Mr. Bentsen, Mr. Burdick, Mr. Cannon, Mr. Case, Mr. Chiles, Mr. Dole, Mr. Goldwater, Mr. Harris, Mr. Hatfield, Mr. Humphrey, Mr. Magnuson, Mr. McGovern, Mr. Metcalf, Mr. Nelson, Mr. Percy, Mr. Proxmire, Mr. Saxbe, Mr. Stevenson, and Mr. Williams):

S.J. Res. 108. A joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TUNNEY (for himself, Mr. Hart, and Mr. Mathias):

S. 1975. A bill to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age. Referred to the Committee on the Judiciary.

REDUCTION OF AGE LIMIT FOR SERVICE ON FEDERAL JURIES

Mr. TUNNEY. Mr. President, I rise today to introduce, together with my colleagues and fellow members of the Judiciary Committee, the Senator from Michigan (Mr. Hart) and the Senator from Maryland (Mr. Mathias), a bill to lower the minimum age for service on Federal juries from 21 to 18 years of age.

As the youngest Member of the U.S. Senate, I take particular pride in authoring this legislation because I believe that it will bring to our newly enfranchised young citizens the full measure of the cherished American right to trial by one's peers. Last year the Congress took the long awaited step of extending to these young citizens the right to vote in Federal elections. Just a few months ago, we passed unanimously a constitutional amendment to extend that right to include all elections at every level. Now the Congress has the opportunity to act once more to guarantee to these young people the full measure of their rights as citizens and voters by extending to them the right to serve on Federal juries.

Indeed, the very same arguments which caused us to lower the voting age are ones which are persuasive in favor of this bill. Those arguments were stated most eloquently by many of my colleagues in the Senate, men of great ability, such as Jennings Randolph of West Virginia, the first witness in favor of the 18-year-old vote last year and a man who has worked since 1942 on behalf of that cause. Men such as Birch Bayh of Indiana who, as chairman of the Senate Subcommittee on Constitutional Amendments, guided the amendment to passage this year. Men such as Mike Mansfield and Warren Magnuson and Edward Kennedy and Marlow Cook, and numerous others of my colleagues who introduced and sponsored the Voting Rights Act of 1970 and other bills to lower the voting age to 18.

All of those many Senators pointed out most eloquently that the age of 21 years can no longer be looked upon as a magical threshold of civic responsibility. Even Vice President Agnew endorsed the lowered voting age, stating that—

> Young people today are better educated and they mature physically much sooner than they did even 50 years ago.

In fact, nearly 80 percent of the over 11 million 18- to 21-year-olds are high school graduates and more than half are engaged in higher education. Almost half of them are married. Three million of them have full-time jobs. Nearly 1 million are serving in the Armed Forces, and tens of thousands of them have died in an endless war in Southeast Asia.

Time after time, these young people have demonstrated their high-minded civic responsibility, most notably through their efforts in the Peace Corps, VISTA, and many other volunteer programs in which they serve. Time and again they have shown themselves to be sensitive to our Nation and her freedoms. Over half of them consider themselves political independents, instead of Republicans or Democrats. The vast majority emphatically reject the extremes of the political spectrum.

To close Federal juries to this massive segment of the population, which Congress has declared adults for purposes of voting, would frustrate not only the purpose of the Federal jury laws but the purpose of the jury system itself. As the Supreme Court stated as early as 1942:

> The proper functioning of the jury system, and, indeed, our democracy itself, requires that the jury be a "body truly representative of the community" and not the organ of any special group or class . . . [Jury officials] must not allow the desire for competent jurors to lead them into selections which do not comport with the concept of the jury as a cross section of the community . . . If such practices are to be countenanced, the hard won right of trial by jury becomes a thing of doubtful value, lacking one of the essential characteristics that have made it a cherished feature of our institution. [*Glasser* v. *United States*, 315 U.S. 60, 86 (1942).]

In fact, the basic structure of our jury system, which Congress restated as recently as 1968, already reflects these ideas and thus requires the adoption of this bill. The recently enacted Federal Jury Selection and Service Act requires that lists of prospective jurors be taken from voter registration or other voter records. A similar practice has been adopted in numerous States which either require jurors to be qualified voters or provide that the names of prospective jurors are to be taken from registration lists or other election records. And as Congress stated in enacting the new Federal Jury Selection and Service Act:

> The voting list requirement, together with the provision for supplementation, is therefore the primary technique for implementing the cross sectional goal of this legislation.

But perhaps the most telling reason for including young people on Federal juries stems from the character of today's youth. Their idealism and pressing sense of justice are precisely the qualities which the jury was intended to bring to the American courtroom. The real purpose of the jury system is twofold. First, by making a cross section of the community the final trier of fact and judge of guilt, the American legal system provides the accused with the shield of 12 independent laymen whose innate sense of justice protects him from the legalism, dogmatism, and oppression of the State to which he might otherwise fall victim. Second, by making a random segment of the community an important part of the administration of justice, the courts enhance the community's acceptance of their decisions. By closing Federal juries to those between 18 and 21 years of age, Congress would deny the system the use of those abilities which make the jury a viable institution and would encourage contempt and rejection of the courts' dictates by that segment of our population.

In short, failure to permit those between 18 and 21 years of age to serve on Federal juries is inconsistent with the congressionally, constitutionally, and judicially recognized principle that the jury should be a cross section of the community, deprives the jury system of a vast source of able jurors, and discourages those of our youth who seek justice through the established order rather than through violence and disobedience of the law.

We can and we must demand that all our citizens, and particularly our young people, accept the responsibility for their own actions. And an essential part of that responsibility is the acceptance of the right and the burden to render judgment on their peers.

Frankly, I have no doubt that the failure of the Congress to act in this matter would confront our courts with a monumental task, for it is my belief that the right to vote must constitutionally carry with it the right and the duty of jury service. Challenges to the constitutionality of exclusion of 18-year-olds from Federal juries have already begun. If, as may happen, such a challenge were to succeed, hundreds of judicial decisions could be called into question. Surely it is better for Congress to accept its legislative responsibility by enacting this bill and establishing a date for its effectiveness which will enable a smooth transition, than to pass the job on to our overburdened court.

These arguments apply with even greater force when we look at the criminal justice system in this country. Today an 18-year-old is tried as an adult in the Federal courts and in the courts of 49 States; 18.3 percent of all defendants convicted in the Federal courts in 1969 were 21 years of age or younger. In my State of California in the Federal court in San Diego, 25.2 percent of all convictions were of persons in that age group. In other areas the proportion is even higher. In the Federal district court in Montana in 1969, 49.2 percent of all convicted defendants were 21 years old or younger. In Colorado and New Mexico, the figure was 41 percent, and in numerous other Federal courts the numbers ranged from 20 to 37 percent. To put those figures in perspective, however, and in fairness to the vast majority of our young people, it is important to note that out of the more than 11 million young people 18 to 21 years of age in this country, less than 4,000 were convicted of any offense in the entire Federal court system in 1969.

In its 1971 report on lowering the voting age to 18, the Senate Judiciary Committee observed that—

> It is difficult to justify holding a person legally responsible for his or her actions in a criminal court of law when we continue to refuse to consider that same person responsible enough to take action in a polling booth.

That same statement applies with even greater force to the jury system. Respect for the law and the judicial system of our Nation is founded upon participation in the making and enforcement of those laws.

There is finally a very pragmatic reason for the adoption of this bill which I mentioned earlier. The entire Federal jury selection process is based upon the use of voter registration lists. Yet, with the lowering of the voting age to 18, such lists can no longer be the basis for the selection process unless the minimum age for jury service is once again made to correspond with the minimum age for voting. Thus, unless we now proceed to equate once more the right to vote with the obligation of jury service, the Federal judicial system will have to construct an entirely new and artificial registration system for selection of Federal juries. For this reason the bill which we introduce today will avoid an administrative nightmare of huge proportions. At a time when we are seeking every possible way to reduce the administrative burdens on our court system and streamline judicial process, we can ill afford to saddle them with additional and needless burdens.

I have sought advice on this bill from the Administrative Office of the U.S. Courts, the agency responsible for administering the Federal judicial system, and I ask unanimous consent that a letter from Mr. Norbert A. Halloran, Acting Chief of the Division of Procedural Studies and Statistics of the Administrative Office be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

(See exhibit 1.)

Mr. TUNNEY. Mr. President, in his letter, Mr. Halloran describes the present operation of the Federal jury system and the benefits to the administration of that system from the adoption of our bill. Citing the efforts of the Administrative Office to automate the difficult process of random selection of jurors from registration lists, the letter states:

> Because of these developments there is a particular advantage to federal jury administration if the requirements for a person's eligibility to serve on a federal jury coincide with those of eligibility to register as a voter . . .
>
> To summarize the administrative arguments in favor of reducing juror eligibility to age 18: (1) it would permit the federal courts to take maximum advantage of computer-readable voter files in further automation of jury clerical work; and (2) it would permit the courts to continue, what they now do, to make a straight forward use of the entire voter name source—free of need for clerical screening complications, and free of concern for legal challenges to the fairness of the name selection methodology.

Thus, adoption of our bill will enable the Administrative Office of the U.S. Courts to continue with its very promising project to enable the Federal courts to prepare random selection lists by automatic data processing. Through the programing of voter registration lists, the Federal district courts will be able to reduce tremendously the time and manpower required to list and summon persons for jury service. The success of this project could free administrative support for the more important task of assisting our Federal judges.

I might also add that an additional advantage of this bill is that it will increase the possibility that 21- and 22-year-old persons will have an opportunity to serve. The letter from the Administrative Office makes this point rather clearly:

> Finally, there is another name selection problem we are dealing with right now which might be alleviated if juror service age is dropped to 18.
>
> In our current jury wheel operation, the gestation period from the transfer of a person's name off a voter list until the person sits on a jury can be four years. It probably averages at least two years.
>
> As a consequence, the operating effect of today's system is that few if any 21 year olds get on juries, and very few 22 and 23 year olds. The small number of persons in the lower 20's who serve on juries is probably grossly out of proportion to the number of criminal defendants in these age groups who are being tried in our courts by juries of their "peers."
>
> In our opinion, a change in the law whereby names of potential jurors as young as 18 were to start moving into the jury wheels would not begin to put 18 year olds in jury boxes as much as it would tend to increase the appearance on juries of 21 and 22 year olds, persons who under the present law are eligible to serve but aren't being summoned in very large numbers because of the slow moving mechanics of the system.

Mr. President, thus, this bill in fact will assist in bringing into service persons already eligible for jury duty.

For all of these reasons, and most important, for the sake of justice for all our citizens, we should move swiftly to enact this legislation. Congress has an opportunity with this bill to act in a most responsible fashion to avoid the chaos which will surely result from forcing our courts to legislate this question and to bring our young people fully into political society.

Mr. President, I would like to say how pleased and honored I am to have the senior Senator from Michigan (Mr. HART) and the senior Senator from Maryland (Mr. MATHIAS) join in introducing this bill today. The long and distinguished records of these able men are shining examples of the greatness which we find in the Senate today. Senator HART's great dedication to the cause of justice for all members of our society is a source of inspiration. His leadership in the fight for civil rights, most recently to assure full enforcement of the Voting Rights Act, is known to all. His strong support for the 18-year-old vote was no small factor in its adoption. I am deeply honored to be in his company on this bill.

I am equally honored to stand with the senior Senator from Maryland (Mr. MATHIAS) on this bill. His distinguished record of service on the Judiciary Committee has earned him the wide respect of our colleagues of both parties. His fairness and wisdom have been apparent time and again in committee and on the floor of the Senate, and it is a measure of his dedication to civil rights and civil justice that he has joined in introducing this bill:

Exhibit 1

Administrative Office of the
U.S. Courts,
Washington, D.C., May 21, 1971.

Hon. John V. Tunney,
U.S. Senate,
Washington, D.C.

Dear Senator Tunney: There would appear to be administrative advantages to the federal judiciary if the age of eligibility for jury service is reduced to 18.

The Jury Selection Act of 1968 provides that the master jury wheels of United States courts must be stocked with names taken from state voter registration rolls. State and county officials are required by the Act to furnish clerks of the court with facsimile copies of their voter registers.

Each U.S. district clerk of court creates a master jury wheel from names off the county voter registers of his judicial district. The quantity of names taken is dictated by the district's jury plan and is based largely on what the master wheel must contain to yield enough qualified jurors to satisfy the court's needs for two to four years. Names are selected from voter registers according to prescribed formula whereby the number of names drawn will spread evenly throughout the register and the geographic area it represents.

These selection formulas are essentially no more than ratios of names drawn versus not drawn. However, they have the effect, in many regions of the country, of making the name selection process extremely tedious and time consuming. This is because the clerks must physically count every name on the voter register. In other words, if one name in a hundred is being removed the clerk must count each of the 99 that are skipped to reach the 100th that is to be selected.

This difficult clerical operation has been automated in 8 to 10 of our large U.S. courts. Mechanization was feasible because state or county government in these districts had automated the voter registration records, and were able to furnish their voter lists on magnetic tape.

Through computer programming and services these district courts now use the computer to not only select names from the voter lists and the jury wheels but to address juror questionnaires, summonses, index cards, and pay vouchers.

Most state and county governments are moving ahead with use of computers and more modern recordskeeping systems including the automation of voter registrations. More than half the metropolitan counties in the country have either computerized their voter records or are planning to do so.

Wherever we find that more than half of the voter registrants, in the counties of a federal district, have been recorded on electronic data files we know we can economically mechanize the district's juror selection system. Over the next decade we estimate that this will be accomplished in at least another 25 of our federal courts.

Because of these developments there is a particular advantage to federal jury administration if the requirements for a person's eligibility to serve on a federal jury coincide with those of eligibility to register as a voter.

This is not to say that we could not, technically at least, continue to use state voter lists even though they included names of persons under 21 (while the juror age limits stayed at 21). However, this would require an added effort and expense of asking juror candidates for age information and then screening out those persons under 21 at the point where their questionnaires are reviewed for qualification factors. An age screening could not be made at the time names are taken from voter registers because these records do not uniformly display or even provide age information.

Conceivably, some significant questions of the fairness, propriety, and even the legality of the method of selecting juror names could come up. For example; should names of persons a certain number of which are known to be ineligible because of age even go into a master wheel. In other words, suppose the master jury wheel is filled with names, an unknown quantity of which are ineligible because they are under the qualifying age of 21. To the extent that such names are placed in the master jury wheel they preempt an equivalent number of eligible persons (21 or over) from an opportunity to be drawn and considered for jury service. It might be argued that jury lists couldn't be used unless registrants age was shown and the selection system precluded the removal of under-age persons for jury wheel needs. A requirement such as this would add to the difficulties of the clerical function, and detract from the random-cross sectional provision of the Jury Selection Act.

More importantly, a young person whose name got selected for the master wheel but later was disqualified on the age factor, would have had the mathematical odds reduced of his being selected again and afforded an opportunity to serve. In other words legal questions about the courts' failure to attain maximum humanely controllable system fairness could be raised.

To summarize the administrative arguments in favor of reducing juror eligibility to age 18: (1) it would permit the federal courts to take maximum advantage of computer-readable voter files in further automation of jury clerical work; and (2) it would permit the courts to continue, what they now do, to make a straight forward use of the entire voter name source—free of need for clerical screening complications, and free of concern for legal challenges to the fairness of the name selection methodology.

Finally, there is another name selection problem we are dealing with right now which might be alleviated if juror service age is dropped to 18.

In our current jury wheel operation, the gestation period from the transfer of a person's name off a voter list until the person sits on a jury can be four years. It probably averages at least two years.

As a consequence, the operating effect of today's system is that few if any 21 year olds get on juries, and very few 22 or 23 year olds. The small number of persons in the lower 20's who serve on juries is probably grossly out of proportion to the number of criminal defendants in these age groups who are being tried in our courts by juries of their "peers".

In our opinion, a change in the law whereby names of potential jurors as young as 18 were to start moving into the jury wheels would not begin to put 18 year olds in jury boxes as much as it would tend to increase the appearance on juries of 21 and 22 year olds, persons who under the present law are eligible to serve but aren't being summoned in very large numbers because of the slow moving mechanics of the system.

Sincerely yours,
Norbert A. Halloran,
Acting Chief, Division of Procedural Studies and Statistics.

The PRESIDING OFFICER. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Michigan (Mr. Hart) for not to exceed 15 minutes.

Mr. HART. Mr. President, I rise first to thank our able colleague from California for his kind comments.

More importantly, I am delighted this morning to join him and the Senator from Maryland (Mr. Mathias) in an effort to extend the opportunity for Federal jury service to American citizens between the ages of 18 and 21 years.

I have listened to the remarks of the Senator from California and I was struck by the thoroughness with which he stated the facts and set out the figures and mechanical details. Certainly, there is no need to plow that ground again. It was most effectively staked out.

All who read this Record, including those who, by reason of other assignments have not yet given much thought to this problem, will find in his remarks the basic facts on which we assert this claim for the 18-, 19-, and 20-year-olds in this country.

Like the 18-year-old vote, a lower minimum age of Federal jurors has the compelling force, for me at least, of still one more idea whose time has come.

I strongly supported the 18-year-old vote for the reasons eloquently presented by my colleagues and other witnesses in the thorough hearings held by the Subcommittee on Constitutional Amendments of the Committee on the Judiciary. That testimony to the intelligence, awareness, social spirit, and maturity of our young adults can be boiled down to this: the 18-, 19-, and 20-year-olds of our country are ready, willing, and able to fulfill the duties of citizenship, responsibly and thoughtfully.

It is equally in our interest and theirs to afford them that opportunity in the halls of justice as well as at the polls. There are many common threads between the jury box and the ballot box, Mr. President. A man called upon to choose our laws—by supporting candidates or by communicating with his representative—should also be able to participate in the enforcement and application of those laws.

Moreover, the tasks are not fundamentally dissimilar. Ultimately, in both cases, the citizen is asked to weigh the pertinent facts, evaluate the human factors involved, and to make judgments among competing claims against the broader framework of the common good.

There are other, particularly strong equities favoring a lower juror age. Young men and women between 18 and 21 are subject to criminal prosecution in Federal court, yet are denied participation in the determination of guilt or innocence. In Detroit last year, over one-eighth of those convicted were in this age group and in other States the figures are much higher.

Yet the touchstone of our trial by jury system is surely the basic right to a trial by one's peers. Our able colleague from California has made that strikingly clear. We in Congress has shown great concern for that right. In 1968 when the Federal Jury Selection and Service Act was passed, Congress said:

> It is the policy of the United States that all litigants (let me repeat, Mr. President, *"all litigants,"*) in Federal courts entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross section of the community in the district or division wherein the court convenes.

We did not then lower the juror age, but I think further reflection upon our aims in light of other actions we have taken requires that we do so now.

Today, young people represent a distinctive segment of our adult population which deserves greater recognition. If anything, we should not continue to exclude them from this crucial legal process. My family, I might add, certainly feels that my generation is a distinctive segment of our society, but they have not sought to exclude those over 50 from the jury rolls. At least not yet.

Is it any fairer to make a 19-year-old face trial before a jury from which his peers have been excluded than it would be to make an older man face trial on a charge of so-called white collar crime from which all businessmen between the ages of 30 and 50 had been excluded? We would certainly hear lots of screams and wails if that should be proposed. We should be equally mindful of the consequences upon the 18-, 19-, and 20-year-olds, who go before a Federal court and find that their peers are not seated on that jury and have not even had their names placed in the jury box.

As for an objection we may hear that these young adults are too immature to pass judgment on weighty criminal and civil matters, let me cite my testimony on a similar point before the Subcommittee on Constitutonal Amendments:

> Opponents of the eighteen year old vote may concede that today's youth are well educated and eager to be heard. "But," they maintain, "that does not ensure mature judgment; youth is impetuous."
>
> These critics should remember that eighteen and nineteen year olds hold no monopoly on rash judgments, biases or emotionalism in the political arena. While at my age I would hardly disdain the value of experience, anyone familiar with the hurly-burly of election campaigns must admit that calm reflection colored by one's experience is not always the hallmark of the voting process.
>
> Moreover, for the reasons I have already mentioned, our youth are increasingly capable of perceptively appraising the candidates.

I am equally confident today that these young men and women are also competent perceptively to appraise testimony and sit in judgment upon their fellow citizens.

This segment of our citizen family has a very keen ear for falsehood, a very sharp litmus test on hypocrisy—to a degree sometimes embarrassing to some of their elders—their commitment to truth, insistence upon justice, and disdain for weak excuses would heighten the quality and improve the performance of any jury.

Their addition to the jury rolls will, I predict, infuse new vigor in our Federal trial system and new confidence in it among the more helpless elements of our society who now despair of "working within the system."

Mr. President, I hope my colleagues will act promptly and favorably on this measure.

I close as I opened, Mr. President. The leadership in this effort most appropriately has been undertaken by the Senator from California, who, while possessed of a significant record already in the Congress, is still close enough to the 18-, 19-, and 20-year-old age bracket to sense the necessity that we respond in the fashion he proposes.

When they get around to writing the history of the significant legislative advances, I have no doubt that note will be taken that it was JOHN TUNNEY, a young and effective voice, who first brought this appeal of younger Americans to the attention of the Senate, and I am delighted to be able to join him this morning.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. TUNNEY. I want to thank the Senator from Michigan for his very, very kind words concerning me, but I think when history is written it will be noted that the senior Senator from Michigan, at the very young age of 58—has shown that he has the idealism and compassion of an 18-year-old.

Mr. HART. I will take that home to eight children and ask them to read it.

Mr. MATHIAS. Mr. President, the court in many ways is a reflection of our society. It was not too long ago that black and red faces were nowhere to be found either on the jury or in the plaintiff's chair. The courtroom mirrors the latent hostility of the outside world—the freedom to exchange one's true feelings are submerged for the benefit of tradition and formality. Until lately, "the king can do no wrong" was the password for the judicial exclusion of governments and their representatives. The examples are numerous.

We look to our courts and we see for the most part youthful and young defendants and yet we look to our juries and we see no young members. And yet we claim to have a system of jurisprudence based upon trial by one's peers. Could this be the exception rather than the rule?

In the court and outside its arena we judge our youth but have forbidden them to judge us or themselves. We ask them to listen to us and yet we do not allow them to sit beside us in order to listen to others. We look at their seemingly odd values as outsiders yet adjudge their actions as insiders within the courtroom. We scorn their criticism and rejection of some government actions and yet we do not permit them to lawfully judge the government in the arena of the courtroom.

The unilateral adjudication of our youth has come to an end with the extension of the vote to Americans who attain their 18th birthday. We gave them the right to choose and the freedom of choice. Jury lists and voter lists traditionally coincide. We must now clarify their right to judge and permit them to sit on Federal juries.

Today, along with my distinguished colleagues Mr. TUNNEY and Mr. HART, I introduced a bill which will accomplish precisely that objective—it will confirm to 18-year-olds the right of voters to sit on Federal juries.

We can no longer tolerate the double standard, the inequities, of one group's incurring the liabilities of citizenship—the draft—and yet not being able to benefit from all its privileges—the right to judge. Those who are not allowed to sit in judgment of others have given their lives in order that we may exercise that privilege. Let us now make the ultimate judgment and allow these leaders of tomorrow to sit beside us as our peers of today.

We speak often in terms of peaceful change and demand our youth use the established channels to redress their grievances. If the only time they see or encounter a courtroom is when they are hauled into court as defendants, we cannot realistically expect them to look to our courts as one of these channels of responsive change. By encouraging the use of the vote, the voice, and the pen, we will ultimately solve the problem of violence and disorder in America.

I look to the youth of America to channel their energies and talents toward the enactment of this landmark bill.

By Mr. BYRD of Virginia:

S. 1976. A bill relating to salaries paid justices and judges appointed for 8-year terms who are not reconfirmed; and

S.J. Res. 106. A joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of 8 years. Referred to the Committee on the Judiciary.

RECONFIRMATION BY THE SENATE OF FEDERAL JUDGES

Mr. BYRD of Virginia. Mr. President, I am today introducing a joint resolution proposing an amendment to the Constitution of the United States which would provide that all Federal judges be subject to reconfirmation by the Senate after a term of 8 years in office.

Federal judges are appointed for life. They are accountable to no one.

It is time that we restored balance in the Government by making Federal judges more responsible to the people.

In recent years the Federal courts have assumed unto themselves more and more power—power which under the Constitution, was reserved to the executive, the legislature, the States, and the people themselves.

This misuse of power was not envisioned by the founder of this Republic. I believe that it is time that the judiciary be made, once more, a coequal branch of the Government, rather than the self-appointed supervisor of every aspect of our country's existence.

Today, we find the executive branch and the Supreme Court assuming more and more power, and the elected representatives of the people having less and less power. Part of this clearly is the fault of Congress for not facing its responsibilities.

If representative government is to continue, if our democratic processes are to have the meaning intended by the Constitution, then this imbalance must be corrected—and now.

Mr. President, this amendment is being introduced after long deliberation on my part. I have enormous respect for the men who drafted our Constitution 184 years ago. I believe that, had the Supreme Court followed the role designed for it by those framers of the Constitution, an amendment such as this would be unnecessary.

A careful review of the debates of the Constitutional Convention makes clear several points. First, the Convention was unanimous in its desire that the Federal courts should be an independent branch of the Government. Thus, provision was made for lifetime appointments, limited only by good behavior.

Second, it is obvious that the men who drafted the article on the judiciary never for a moment intended that the courts should attempt to act as a legislative body in seeking solutions to every social problem facing this country. In discussing the scope of judicial authority, not even the strongest of the Federalists ever suggested that the Federal courts should, or could, extend Federal law into the domain reserved for the States and the legislative branch of Government.

Third, by specifically refusing to allow Congress the power to remove judges from the Bench, except by the very difficult route of impeachment, the Convention placed the disciplining of the courts into the hands of the individual judges.

For the better part of this Republic's existence, the unwritten canon of judicial restraint, as expressed by such great Justices as Holmes, Brandeis, Stone, Hughes, Cardozo, and Frankfurter, was one of our most hallowed legal principles.

In furtherance of that doctrine, the Supreme Court enunciated several rules: The Court refused to pass on political questions; it deferred to State common law principles; it refused to enunciate constitutional rulings, unless absolutely necessary; it refused to rule upon moot questions; it deferred to a State's interpretation of its own constitution and statutes; and it strictly interpreted the rules concerning "standing" to bring a lawsuit.

In recent years the Federal courts have ignored or discarded each of these wise doctrines. Now the Court, acting under the premise that the Constitution is whatever the Judges say it is, has plunged into what its admirers like to call a "revolution."

Prayer has been swept from our schools; the historic right of a legislature to redistrict itself has been abolished; the fourth amendment search and seizure provisions have been rewritten; sociology treatises have replaced the common law; the commerce clause has been tortured into meaninglessness; the traditional equity powers have been enlarged to allow rule by judicial fiat.

Judicial theories on welfare have supplanted State law: only recently State welfare residency requirements were invalidated because they clashed with the Justices' concepts on social reform.

The enormous expansion of Federal habeas corpus has subjected every State criminal conviction to Federal scrutiny and has been responsible for the fact that there is no longer any finality in criminal law.

In the Miranda decision, the Court imposed its own idea of law-enforcement tactics and replaced the longstanding test of the constitutionality of criminal confessions.

One of the greatest scholars of the modern judiciary recognized the Court's unique position in our governmental arrangement. Dissenting in the reapportionment decision, Baker against Carr, Mr. Justice Frankfurter stated:

> The court's authority—possessed of neither the purse nor the sword—ultimately rests on sustained public confidence in its moral sanction.

Mr. Justice Frankfurter's views on judicial self-restraint, if adhered to, would have precluded much of the criticism suffered by the Court.

Unfortunately, the era of judicial self-restraint appears to be over. The tragic result of this is that the judiciary, accountable to no one, has run rampant in asserting its authority over the daily lives of all Americans.

It was never intended that the Federal judiciary should have the power to rewrite the Constitution. Chief Justice Marshall, one of the great activists of the Court, stated:

> It is a Constitution we are expounding.

He did not use the word "expanding."

I believe, as did Mr. Justice Cardozo, that—

> Justices are not commissioned to make and unmake rules at pleasure, in accordance with changing views of expediency or wisdom.

I believe, as Mr. Justice Frankfurter asserted, that the Court should not repudiate "the experience of our whole past in asserting destructively novel judicial power."

Mr. Justice Holmes asserted that Supreme Court Justices must be careful not to let the Constitution become the mere partisan of their own set of ethical or economic principles.

If the Justices are permitted to substitute their personal sense of justice for rules of law, the reign of law will end, Mr. Justice Cardozo noted, and the rule of benevolent despots will begin.

Is not that about where we find ourselves today?

Thomas Jefferson recognized the danger of government by men rather than by laws when he counseled:

> In questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

Our constitutional system is based upon a respect for the rights of the individual. But it is a logical inconsistency and a social impossibility for every individual to have unlimited rights against all other individuals.

Only with the restraint of law impartially applied, can there be justice, tranquility, welfare and freedom for all. And respect for the law in a democracy is a respect for justice, tranquility, welfare, and freedom.

In recent times, however, we find that respect for the law has been eroded.

One of the factors which has contributed to this decline of respect for law and order has been the recent trend of decisions rendered by the Supreme Court.

Too often the hallmark of the modern court has been the voice of power, not the voice of reason.

Listen to a present member of the Supreme Court, Mr. Justice Harlan:

> This Court can increase respect for the Constitution only if it rigidly respects the limitations which the Constitution places upon it (the Court).

The court-created revolution which began in the Supreme Court, has permeated the lower Federal courts. The flagrant abuse of injunctive powers of Federal district judges, has grown over the last few years to the point where, in each section of our country, the daily lives of the citizens are subject to regulations by single Federal district judges.

These men have, in many cases—not all of them, but many of them—arrogantly assumed unto themselves the prerogatives of lords of the middle ages. Nothing in our system at present exists to control these judges. Their passions of the moment are totally unrestrained, even by the collective wisdom of fellow judges.

In case after case, local Federal district judges have taken it upon themselves to intervene in areas set aside by the Constitution for State and local action. They have interfered with the operation of schools and universities. They have set forth detailed regulations for the administration of State penal facilities; they have dictated to local school boards, and, in some areas, they have even gone so far as to suggest that local governing bodies should make appropriations of moneys for projects which the judges feel are necessary.

Only recently a Federal court ordered a State to forgo the election of local officers—even when this issue never had been presented to the court by any of the parties involved.

At least one Federal judge has stated that he is contemplating the consolidation of the school systems of two counties and one city.

If this can be done, what is to prevent the judicial enforcement of total mergers of cities and counties?

No one has expressed the problem of the judiciary better than Mr. Justice Harlan, dissenting in the decision which overturned both State and Federal welfare residency laws, when he stated:

> Today's decision, it seems to me, reflects to an unusual degree, the current notion that this Court possesses a peculiar wisdom all its own, whose capacity to lead the nation out of its present troubles is contained only by the limits of judicial ingenuity in contriving new Constitutional principles to meet each problem as it arises.

Mr. President, when the Federal courts have cast aside the bonds of self-restraint and have taken it upon themselves to legislate, the hour has come for the legislative branch of this Government to assert itself, and bring the Court back into line with the original desires of the drafters of the Constitution.

While I fully support the concept of an independent judiciary within our three branches of Government, the present system of lifetime appointments is not in the best interests of this country.

The process of removal by impeachment will not answer the problems presented by a court which has established itself as a superlegislature.

The amendment which I have just introduced provides a method by which the Supreme Court of the United States, and other Federal courts, might be made more accountable to the people.

It states that judges could serve in office for a term of 8 years, at the end of which term they would be automatically nominated for reconfirmation by the Senate. If reconfirmed by the Senate, they would continue to serve for another 8 years.

Of course, this amendment contains the standard "grandfather clause" and would not apply to judges who are presently sitting.

For many years, in the Commonwealth of Virginia, we have had a system by which the entire judiciary has served for a fixed term, renewable by the General Assembly of Virginia. This system has served Virginia well and I see no reason why it should not work equally well in the Nation.

Mr. President, now is the time to consider the question of lifetime appointment of Federal judges. Too many of these judges have come to ignore all of the principles of judicial self-restraint. This has been recognized even by members of the court itself.

Mr. Justice Harlan, in June 1969, stated:

> Swept up in a Constitutional revolution of its own making, the Court has a tendency to lose sight of the principles that have traditionally defined and limited its role in our political system.

Since it is impossible, by an amendment to the Constitution, to restore the time-honored doctrine of judicial self-restraint, the amendment which I have introduced will provide the people, through the Senate, an opportunity to review, every 8 years, the actions of individual judges.

This period of time is long enough for the decisions of that judge to be weighed as a whole. There is little danger that the Senate might be influenced by any single decision. The length of the term and the makeup of the Senate should preclude the injection of partisan politics into the decision as to whether a judge should be reconfirmed.

There would be no chance that the renomination would be subject to a filibuster, since the amendment provides that the judge would remain in office until the Senate reached a decision.

In order that the financial independence of the judiciary might be maintained, I propose that if a judge were not reconfirmed, he would be retired at full pay. As a companion to my constitutional amendment, I am introducing a bill to that effect.

Mr. President, I feel that the people of the United States, through their power to ratify amendments to the Constitution, should be given an opportunity to express their views as to whether Federal judges should be made more responsible to the people.

Mr. President, I send to the desk for appropriate reference a joint resolution proposing an amendment to the Constitution with respect to the reconfirmation of judges after a term of 8 years.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

Mr. BYRD of Virginia. I also send to the desk for appropriate reference a bill relating to salaries paid justices and judges appointed for 8-year terms who are not reconfirmed by the Senate.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. BYRD of Virginia. I ask unanimous consent that the joint resolution and the bill be printed in the RECORD at this point.

There being no objection, the joint resolution and bill were ordered to be printed in the RECORD, as follows:

S.J. RES. 106

Joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of eight years

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Notwithstanding the provisions of the second sentence of section 1 of article III of the Constitution, each judge of the Supreme Court and each judge of an inferior court established by Congress under section 1 of article III shall hold his office during good behavior for terms of eight years. During the eighth year of each term of office of any such judge, his nomination for an additional term of office for the judgeship which he holds shall be placed before the Senate in the manner provided by the law, for the advice and consent of the Senate to such additional term, unless that judge requests that his nomination not be so placed. Any judge whose nomination for an additional term of office is so placed before the Senate may remain in office until the Senate gives its advice and consent to, or rejects, such nomination. If the Senate gives its advice and consent to an additional term of office, that term shall commence from the date of such advice and consent, or the day immediately following the last day of his prior term of office, whichever is later.

"SEC. 2. The terms of office established by section 1 of this article shall apply to any individual whose nomination for a judgeship is submitted after the ratification of this article to the Senate for its advice and consent."

S. 1976

A bill relating to salaries paid justices and judges appointed for eight-year terms who are not reconfirmed

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 371 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) Any justice or judge of the United States appointed to hold office during good behavior for a term of eight years whose nomination for an additional eight years is not advised and consented to by the Senate, shall continue to receive during the remainder of his lifetime the salary of that office."

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 1977. A bill to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

OREGON DUNES NATIONAL RECREATION AREA

Mr. HATFIELD. Mr. President, last year my colleague from Oregon (Mr. PACKWOOD) and I introduced S. 3701 which would have established the Oregon Dunes National Recreation Area. Congressman JOHN DELLENBACK, representing Oregon's Fourth Congressional District, introduced identical legislation in the House.

The House Interior and Insular Affairs Committee, of which Congressman DELLENBACK is now a member held field hearings on this bill last year in Florence, Oreg. We all know how difficult it is to schedule field hearings with the limited resources available and the many pressures for them. I think the face that these hearings were held is testimony to the high esteem in which Members of the House hold Congressman DELLENBACK.

This year I am introducing a modified version of last year's bill. My colleague from Oregon (Mr. PACKWOOD) is joining me in this effort. Congressman DELLENBACK has introduced identical legislation in the House, and it is our feeling that last year's field hearings are adequate for this new bill.

Mr. President, as our country's population continues to expand at an alarming rate, as our cities become increasingly crowded and living conditions for the vast majority of Americans suffer because there are just too many people, automobiles, and ribbons of concrete and steel around us, the need for an occassional escape becomes critical.

From time to time, the Congress of the United States has recognized this need, and established national parks and wilderness and recreation areas for present and future generations to enjoy. Man must be able to breathe clean air, swim in unpolluted water, picnic and camp in our magnificent forests, or enjoy the solitude of a desolate beach.

The typical American citizen is becoming even more conscious of his environment and of the need to set aside certain areas throughout the country for the purposes just described. State and local governments have responded to this awakening and have taken the initiative by establishing parks, campgrounds, and manmade lakes. In Oregon, the State parks are recognized as among the finest in the country. Concerned citizens throughout the land have realized that government at all levels must act soon, if we are to preserve enough areas to meet the recreation and other needs of future generations.

Briefly, this bill calls for administration of the area by the U.S. Forest Service in cooperation with State and local governments. The Forest Service has given its assurance that it stands ready to assume the responsibility of administering the Oregon Dunes National Recreation Area in accordance with the provisions of the bill and with the national recreation area concept. The Forest Service presently holds title to 18,290 acres of this 32,262-acre plan. It has had considerable experience in the administration of recreation areas and will move to accommodate the potential of the dunes area through the development of needed roads, recreation trails, parking facilities, beach developments, camp and picnic grounds, interpretive services, and sanitary facilities. The bill is strongly and widely supported in Oregon.

The changes in the language of this bill serve to "tighten up" the management provisions of the bill. The two major changes are the prohibition of mining in this area and the creation of an advisory council, including both local and national representation.

Mr. President, I believe it is imperative that this Congress move quickly and enact this legislation.

Let me assure my colleagues in this great body that I am not crying wolf. Commercial interests in and out of the State of Oregon have been eyeing the dunes area and have even formulated plans calling for major commercial development. Surely this kind of development would prove incompatible with the recreation area concept. Land developers have watched this area for 10 years and could move in if we do not take action.

I ask unanimous consent that two examples of testimony given at the field hearings be included in the record. The first of these was given by Mr. William Hardy, chairman of the Lower Umpqua Chamber of Commerce. The second is the statement of Mr. Larry Williams, chairman of the Oregon Environmental Council. I might add that several of the changes proposed by Mr. Williams are included in this new bill.

I also ask that Senator Packwood's statement be included in the Record at this point.

There being no objection, the material and statement were ordered to be printed in the Record, as follows:

TESTIMONY GIVEN BY MR. WILLIAM HARDY

Honorable Chairman and members of the Committee: My name is William Hardy, and I am representing the Lower Umpqua Chamber of Commerce. We endorse wholeheartedly H.R. 778 and the companion Senate measure S.B. 3710 creating an Oregon Dunes National Recreation Area to be developed and administered under the jurisdiction of the U.S. Forest Service, Department of Agriculture. We believe that the best interests of our communities, and the region, State and Nation will be served by the balanced management explicit in the measure.

Our reasons for supporting the present program for the 32,403 acres embraced by the coastal strip of seashore, sand dunes, fresh water lakes and estuary frontage are many fold, and have been discussed in public and private conferences for many years. We did not arrive at our present position impulsively, but after much pro and con debate over various Oregon dunes proposals. We believe that the measure now proposed represents mature and balanced thinking, reflecting a synthesis of the various viewpoints involved in this important land use policy decision.

The men and women in our communities whose day to day lives are concerned with basic bread-and-butter realize the importance of diversity in the economic pattern of our area communities. We are committed, not by theory or rhetoric but by necessity, to an appreciation of the multiple use concept of management of our land. We believe that the Oregon Dunes Recreational Area proposal expresses such a concept in a practical, commuity-serving way. As an organization committed to the betterment of our area, we know that payroll diversity will be fostered by the enactment of this measure.

The U.S. Forest Service has held in abeyance a program of development of the Coastal area which will be of immense and immediate benefit to our communities. We believe that their hands and finances should be freed, so that isolated and underdeveloped recreation benefits can be made available. Each summer, we have seen hundreds of vacationers and week-end recreation-seekers turned away from crowded camp grounds, picnic areas, boat basins. We have seen existing facilities threatended with over-crowding which will defeat the very purpose of such facilities and turn outdoor recreation areas into outdoor slums.

We believe that the Oregon Dunes Recreation area under the experienced and skilled management of the U.S. Forest Service will give order and unity to the various local, County, State and Federal recreation provisions. Cooperation in regulation and the maintenance of order will be encouraged.

Finally, we are proud of our coastal area—as proud as Chambers of Commerce are traditionally proud of their communities. We who live here long have taken for granted the enjoyment and enrichment which we find in our magnificent shoreline, our sand dunes, our rivers and lakes. Now we know that the time is at hand for insuring the perpetuation of these values, and for making them available to our fellow citizens of today . . . and secure as the heritage of future generations.

We thank you for the opportunity to take part in this hearing, which we hope will move conclusively toward the enactment of the measure which will create and perpetuate the Oregon Dunes National Recreation Area.

TESTIMONY OF THE OREGON ENVIRONMENTAL COUNCIL ON HOUSE BILL H.R. 778 TO CREATE AN OREGON DUNES NATIONAL RECREATION AREA

(Presented to the House Subcommittee on National Parks and Recreation, Committee on Interior and Insular Affairs, Florence, Oregon, August 28, 1970, by Lawrence F. Williams)

I am Lawrence F. Williams, Executive Director of the Oregon Environmental Council. Our office is located at 1238 N. W. Glisan, Portland, Oregon. The Oregon Environmental Council is a coalition of individual citizens and thirty-seven planning, sportsman, and conservation organizations, with a combined membership of approximately 150 thousand Oregonians.

The Oregon Dunes have long been recognized as a valuable scenic resource which need and deserve Congressional protection. Thanks to the continued support of Congressman Taylor's Committee and the effective support of Congressman John Dellenback we may well see this Bill become law before Congress adjourns.

The Oregon Environmental Council has carefully reviewed the management and development plans as proposed by the U.S. Forest Service. Their proposal plans reflect a sensitivity to the delicate nature of the dunes environment. We are confident that the dunes will be properly managed under their guidance.

Even though the OEC supports H.R. 778 in principle, we do have some recommendations to offer concerning the wording of Sections 2, 3, 10 and 11. The first two sections are extremely important because they set the management directions for the entire dunes area. We, therefore, wish to offer the following amendments and suggestions:

1. We quote Section 2 of the Bill:

"Sec. 2. The area delineated as the "Inland Sector" on the map referenced in section 1 of this Act is hereby established as an inland buffer sector in order to promote such management and use of the lands, water, and other properties within such sector as will protect and stabilize the scenic character of the dunes area and promote the optimum utilization of renewable resources of the area."

We ask that the last part of this section be amended to read as follows:

". . . . to promote such management and use of the lands, waters, and other properties within such sector as will protect the scenic character of the dunes area."

Our fear is that with the present wording of this section it could be interpreted that the intent of Congress is to encourage dunes stabilization and logging. We are sure that this is not the intention of either Congress or the Forest Service. We assume that this wording may have been placed in the Bill to provide for the utilization of the underground water resources. If this is the reason then we suggest that this section of the Bill be reworded so as to specifically make this allowance, provided that such water removal does not interfere with the ecology of the dunes. It may be well to establish the maximum daily water withdrawal in the Bill, after consultation with the State of Oregon.

2. We quote from Section 3, item number 3:

"(3) such management, utilization, or disposal of natural resources as in his judgment will promote or are compatible with, and do not significantly impair the purposes for which the recreation area is established."

This part again calls for the "utilization or disposal of (the) natural resources". It is an affront to our sensibilities to see such wording in this Bill. We ask that item number 3 be deleted from the Bill. We have already covered the ground water problem in Section 2 and it is spelled out in Section 11(a) also. We, therefore, see no reason why the subject must be covered at this point again.

3. We have grave misgivings about Section 10 which authorizes mining within the Recreation Area. We must face up to what we are trying to accomplish here. If Congress is truly committed to the preservation of the Oregon Dunes, then let's say so loud and clear and strike all but the first sentence of this section.

4. We ask that the following words be added to the end of Section 11(a) regarding water rights from Tahkenitch and Siltcoos Lakes:

"Subject to such conditions as the Secretary may prescribe to protect the scenic and recreation values of the area."

5. We suggest that Section 11(b) be amended so as to add the following wording after the last line as follows:

"Provided that such effluent meets prevailing sewage and industrial waste standards as set by the Federal Government and by the State of Oregon."

6. In Section 11(c) we question the desirability of Congress authorizing International Paper Company, at Gardiner, perpetual easements for their waste disposal pipes across the Recreation Area. We, therefore, recommend that the words "in terms up to perpetuity" be striken from the Bill.

7. Apart from the wording of the Bill, we wish to recommend that in its report that Threemile Lake be kept without road access for hiking and camping.

8. We ask that this Committee also suggest in its report that the Coast Guard's telephone poles, which march up the coast just east of the vegetation line for the whole length of the Recreation Area, be cut down. Their complete removal from the area would be recommended where such removal will not further damage the landscape.

9. Further, we urge that the Committee recommend that sections of land be acquired on the east side of Tahkenitch Lake for boating access only.

10. We wish to conclude by urging the State of Oregon to allow the Recreation Area boundaries to incorporate the area between the vegetation line and the extreme low tide. The State will lose no control of its beaches and will instead gain the financial and physical assistance it so much needs in maintaining this long stretch of beach.

Even though our suggestions are many, we feel that the Bill does have many good aspects and deserves our support. We urge this Committee to favor the passage of H.R. 778 with our proposed amendments.

We thank this Committee for taking the time to come West to hold hearings on the Oregon Dunes.

Thank you, Mr. Chairman.

STATEMENT BY SENATOR PACKWOOD

Mr. President, I am pleased to join with my colleague, Senator Hatfield, in introducing a bill to establish the Oregon Dunes National Recreation Area in the State of Oregon. This bill was introduced on the House side last Thursday by Congressman John Dellenback, and is H.R. 8763.

Mr. President, Oregonians have been seeking to preserve this magnificent area for years, and I believe that now this goal is achievable. And if it is achieved, the credit can go primarily to those Oregon conservationists who have labored so long and so diligently with this one purpose in mind—save the dunes! It is true that many of us as Senators and Congressmen have sought to have legislation passed to preserve the Oregon Dunes. Perhaps none of us have worked harder toward this end than Congressman John Dellenback.

As with any area in America that it seems wise to preserve for our future generations' use and enjoyment, there are always many recommendations and suggestions put forth on just what the best plan is. This is true of the Dunes. And I believe the air was cleared quite a bit during the hearing held in Florence, Oregon by the House sub-committee last year.

Mr. President, it will indeed be credit to this Congress, and a 'win' for both Oregon and the nation, if we once and for all end this long waiting period and pass the bill that Senator Hatfield and I are co-sponsoring in the Senate today, and which Congressman Dellenback has introduced in the House.

By Mr. HATFIELD:

S. 1979. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for certain expenses incurred in connection with the adoption of a child. Referred to the Committee on Finance.

Mr. HATFIELD. Mr. President, the idea of children growing up in America without parents to mold their development has always been a concern of our country's leaders. In years past, they were alarmed at the seemingly large numbers of parentless children who were working in the textile mills and factories of the industrial revolution, even though numerous laws were passed to safeguard the welfare of the Nation's youth. This concern for the young of the country has continued with us and has also been expressed in the regulations governing adoption of children.

A traditional aspect of our continuing concern for the welfare of parentless children has been the stringent standards which must be met by people wishing to adopt children. When viewed as a means to assure that only the best treatment and care is available for them, this protective attitude is commendable. When seen as a prime cause of overcrowded orphanages and the numerous but disappointed adults denied the privilege of adoption, however, the same attitude deserves serious reexamination.

As an observer of the adoption process in this country for some time, I am pleased to report that many of the previously inflexible requirements which had to be met before adopting a child have been made somewhat less rigid. The result is that thousands of people who are fully qualified to raise children may now adopt them. Included among the newly "acceptable" people are couples where the mother works, couples somewhat older than allowed by previous rules, and couples who already have other children.

There still exists, however, a major barrier prohibiting many people who would make fine parents from adopting children. This is the formidable expense involved. A study commissioned by the Child Welfare League reveals that when the bill for placement, legal fees, and other expenses is added up, the prospective parents may end up paying as much as $5,000 to adopt a child. Given the current state of the economy, we can appreciate the number of fully qualified people who cannot adopt children because of the increasing cost.

The number of people trying to adopt a child nearly doubled from 1958 to 1967. When we realize, however, that the number of children eligible for adoption tripled during the same period, the importance of removing the financial barrier to adoption is apparent. That is the purpose of the bill I am introducing today. It will assist in removing this obstacle. Additional benefits also will accrue to the taxpayers, the personnel of the placement system, and the children themselves.

In the "President's Letter" in the fall of 1969, the Child Welfare League of America estimated the total cost to the State for each State-supported child at $40,000. As more children find suitable homes with parents, the total cost of supporting the State-dependent children will decrease accordingly, thus easing the taxpayers' burden of support.

It should also be pointed out that an income tax deduction for adoption expense will not increase public child welfare costs. The children involved are already supported fully by public funds and, if not adopted by their prospective parents, would need continued full support until they reached the age of majority. Moreover, financial circumstances of some families may improve markedly in the ensuing years. Considering the increased income tax to be paid later by such couples, a tax deduction to ease the initial financial burden of adoption becomes justified even more readily.

As the number of children supported by the State decreases, caseworkers within the placement system will be less overburdened and thus will be able to devote more time to individual children, especially those who are somewhat harder to place and stand the least chance of adoption under the present system.

And finally, the children themselves will be beneficiaries of such a tax deduction. The irony has been that many otherwise "adoptable" children have been made to go without the love and care of parents because of the tremendous cost of operating the bureaucratic machinery to provide them with the parents and homes they deserve.

This bill provides for a Federal income tax deduction to which all people adopting children will be entitled. The deduction will be equal to the sum of legal costs and fees, placement agency costs and fees charged the prospective parents, and expenses for medical care and attention to the extent required in connection with the child's adoption. Additionally, the Commissioner of the Internal Revenue Service may permit deductions for additional, adoption-connected expenses at his discretion. The maximum deduction allowable under this bill is $1,000.00. That would insure that deductions made in accordance with the scope of this bill would be made as an adjunct of assisting the child and not merely as tax advantages.

Mr. President, with a sincere hope that this body will help make it easier for qualified adults to afford the adoption process, I send this bill to the desk and ask that it be appropriately referred.

By Mr. TAFT:

S. 1980. A bill to provide for a law enforcement trust fund. Referred to the Committee on the Judiciary.

LAW ENFORCEMENT TRUST FUND ACT

Mr. TAFT. Mr. President, those of us who are concerned with upgrading the standards of law enforcement recognize the need for broad public participation in this endeavor. In this context it occurs to me that a substantial number of Americans would like to personally contribute to the advancement of law enforcement other than by simply saying hello to the neighborhood policeman.

To afford a means for direct public support of law-enforcement activities I am today introducing for appropriate reference a bill to create a law enforcement trust fund. This trust fund would be administered by a board of trustees composed of the Attorney General, the Director of the FBI, and three other members appointed by the President. It would collect and receive gifts, bequests, and devises from members of the general public. Aside from a small appropriation made for the purpose of initiating the activities of the trust, its functions would be entirely undertaken through private contributions.

The trustees would be authorized to make grants for the purpose of furthering research in the field of law compliance, law enforcement, and criminal investigation. The trustees could also engage in law-enforcement projects of various kinds.

At a time when the need for public support of law enforcement activities is so great, I think that this trust would be a particularly appropriate endeavor.

By Mr. CRANSTON:

S. 1981. A bill to authorize the U.S. Commissioner of Education to establish consumer education programs. Referred to the Committee on Labor and Public Welfare.

CONSUMER EDUCATION ACT

Mr. CRANSTON. Mr. President, I introduce for reference to the appropriate committee, a bill to create a new Office of Consumer Education with authority to make up to $85 million in grants over the next 3 years to help schools teach young people how to spend money more wisely.

Consumer education courses could also serve the public as well as private interest by teaching youngsters how their buying and consuming habits can help combat pollution.

This bill could save consumers and the Federal Government millions of dollars a year. The Government now spends more than $200 million a year in consumer protection—including at least $25 million annually in legal actions alone—with hardly any of it going for consumer education.

Prevention counts for a lot more than cure in the consumer field. Once the buyer has wasted his money, it is generally too late for him to do anything about it. In most cases, he does not even realize that he has wasted his money.

The only thing resembling consumer education in most States are home economics courses, but only 35 percent of high school girls—and less than 1 percent of high school boys—take them.

Moreover, the consumer education aspect of home economics is narrowly limited to such things as nutrition and home budgeting. We desperately need specialized courses that deal extensively with such things as consumer purchasing of food, clothing, furniture, and appliances; the environmental effects of consumer decisions; purchasing and maintaining an automobile; apartment rental and home buying; short term consumer credit; budgetary and money management; fraud, quackery, and deception; banking and savings; investments; life and health insurance; consumer law, and social security, medicare and medicaid.

Illinois and Hawaii are the only States where such courses are required, and New York, New Jersey, Massachusetts, and Wisconsin are the only States where more than 5 percent of the high schools offer these courses on an elective basis.

The consumer needs to know that he is a part of the consumption process, that he is an individual that reacts in various ways, that he should react consciously with understanding that there are alternatives, that there are choices, that there are substitute courses of action, and that there are consequences for every one of them. All of this requires an awareness and an alertness to his consumer problems quite consistent with the level of his concern for his role as a producer.

The complexity and size of the marketplace today make it imperative that the consumer become better informed so as to better protect himself. The Government can not do the whole job for him; the consumer must have the information he needs to make wise decisions on his own.

Legal redress can only do so much to protect the consumer. Besides, law suits are expensive, time consuming, and they come into play only after the damage has already been done.

This bill would set up a separate Office of Consumer Education within HEW's Office of Education, with a director to be chosen by the Secretary of Health, Education, and Welfare in consultation with a newly created Council on Consumer Education.

The 21-member Council would be the only one of several within the Office of Education to have an independent staff of five—and an independent budget—of $250,000 a year. It would consist of State and local consumer protection people along with representatives from the Justice Department, the Food and Drug Administration, the Federal Trade Commission, HEW, and private consumer groups such as the Consumer's Federation of America.

The Council would be responsible for coordinating all Federal consumer education programs and would evaluate local school and adult education programs seeking grants.

Grant money, would be used to develop consumer education courses and to encourage their integration in elementary and high school curriculums and by the adult community. Money would also be used to develop teaching materials, such as textbooks and films, and to train teachers and community workers.

This bill provides for 100-percent Federal grants with no matching funds required from local school districts. In view of the fiscal crisis confronting most States and most school districts, I believe the Federal Government must give the local taxpayer all-out help.

Minigrants of up to $10,000 also would be available for innovative community consumer education programs, together with larger grants for other qualified adult projects, especially those aimed at people with little formal education.

The bill authorizes grants totaling $25 million each in fiscal 1972 and 1973, and $35 million in 1974.

Federal aid to high school home economics courses has amounted to $20 million annually for the past 3 years. That same amount is budgeted for fiscal 1972. California schools last year received $1,650,000 of these funds to support home economics classes in 274 of California's 365 secondary school districts.

In addition,, FDA will have spent $83 million on consumer protection this year; the Agriculture Department, $78 million—$4 million of it on lawsuits; FTC, $11 million—all of it on legal action; and $10 million by legal services program of the Office of Economic Opportunity—nearly 20 percent of its $53 million total budget.

Consumer complaints comprised 18 percent of the legal services case loan in 1970, when it handled 162,000 such cases.

The budget for the President's Adviser on Consumer Affairs is $815,000.

All of this adds up to nearly $200 million, and in addition, the Justice Department spends millions more a year on civil suits and antitrust actions in the consumer interest.

There is no question that we need additional protection and assistance for consumers, and this is available through the legislative process. Much has been done, but much more needs to be accomplished. But we cannot legislate everything. Along with the legislative effort we must have, and personally I believe that this is most critical, education of the individual to his consumer role.

This education will provide an important ounce of prevention instead of the more expensive pound of cure. Educated consumers will be less likely to make the errors which have led to the abundance of consumer disputes in our courts.

Consumers are confronted with a perplexing series of choice. The average supermarket stocks from 8,000 to 10,000 separate products, and the American people spent $627 billion on goods and services during 1970. Expenditures included $85.3 billion in durable goods such as cars, furniture and 150 million new household appliances; $271.5 billion in perishable goods like clothing, food, beverages, and gasoline, and $270.2 billion for various services.

Our consumer-oriented economy also exerts intense pressures on the buying public. American businesses spent $18 billion on advertising during 1970 alone.

The average person spends 19 hours a week watching television, according to a Columbia University School of Journalism study, and another study—by the Carnegie and Ford Foundations in cooperation with the Office of Education—found preschoolers are spending an average of 54.1 hours a week before the TV tube.

The Columbia University study also estimated that the average American is exposed to 1,516 commercial messages every 24 hours counting all media—TV, radio, newspapers, magazines, billboards, and direct mail.

I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1981

A bill to authorize the United States Commissioner of Education to establish consumer education programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Education Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress of the United States finds that presently there do not exist adequate resources for educating and informing consumers about their role as participants in the marketplace.

(b) It is the purpose of this Act to encourage and support the development of new and improved curricula to prepare consumers for participation in the marketplace to demonstrate the use of such curricula in model educational programs and to evaluate the effectiveness thereof; to provide support for the initiation and maintenance of programs in consumer education at the elementary and secondary and higher education levels; to disseminate curricular materials and other information for use in educational programs throughout the Nation; to provide training programs for teachers, other educational personnel, public service personnel, and community and labor leaders and employees, and government employees at State, Federal, and local levels; to provide for community consumer education programs; and to provide for the preparation and distribution of materials by mass media in dealing with consumer education.

CONSUMER EDUCATION

SEC. 3. (a) (1) There is established, within the Office of Education, an Office of Consumer Education (referred to in this section as the "Office") which, under the supervision of the Commissioner of Education (hereinafter referred to as the "Commissioner"), Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary"), and Council on Consumer Education, shall be responsible for (A) the administration of the program authorized by subsection (b) and (B) the coordination of activities of the Office of Education which are related to consumer education. The Office shall be headed by a Director, with an established reputation in consumer education and the fields covered therein, who shall be compensated at a rate not to exceed that prescribed for Grade GS–17 in section 5332 of title 5, United States Code.

(2) For the purposes of this Act, the term "consumer education" means preparation with skills, concepts and understanding required for everyday life to achieve within a framework of his own values maximum satisfaction and utilization of resources.

(b) (1) The Director shall carry out a program of making grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private agencies, organizations, and institutions (including libraries) to support research, demonstration, and pilot projects designed to provide consumer education to the public except that no grant may be made other than to a nonprofit agency, organization or institution.

(2) Funds appropriated for grants and contracts under this section shall be available for such activities as—

(A) the development of curricula (including interdisciplinary curricula) in consumer education;

(B) dissemination of information relating to such curricula;

(C) in the case of grants to State and local educational agencies and institutions of higher education, for the support of education programs at the elementary and secondary and higher education levels;

(D) preservice and inservice training programs and projects (including fellowship programs, institutes, workshops, symposiums and seminars) for educational personnel to prepare them to teach in subject matter areas associated with consumer education, and for public service personnel (such as, but not limited to, social workers and poverty workers) government employees, and labor leaders and employees;

(E) community education programs on consumer education, including special programs for adults; and

(F) preparation and distribution of materials suitable for use by the mass media in dealing with consumer education. In addition to the activities specified in the first sentence of this paragraph, such finds may be used for projects designed to demonstrate, test, and evaluate the effectiveness of any such activties, whether or not assisted under this section. Activities pursuant to this Act shall provide bilingual assistance when appropriate.

(3) (A) Financial assistance under this subsection may be made avaialble only upon application to the Director. Applications under this subsection shall be submitted at such time, in such form, and containing such information as the Council on Consumer Education shall prescribe by regulation and shall be approved only if it—

(i) provides that the activites and service for which assistance is sought will be administered by, or under the supervision of, the applicant;

(ii) describes a program for carrying out one or more of the purposes set forth in the first sentence of paragraph (2) which holds promise of making a substantial contribution toward attaining the purposes of this section;

(iii) sets forth such policies and procedures as will insure adequate evaluation of the activities intended to be carried out under the application;

(iv) sets forth policies and procedures which assure that Federal funds made availabe unlder this Act for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in this section, and in no case supplant such funds.

(v) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this Act; and

(vi) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records, and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(B) Applications from local educational agencies for financial assistance under this Act may be approved by the Director only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(C) Amendments of applications shall, except as the Council on Consumer Education may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

(4) Federal assistance to any program or project under this section, other than those involving curriculum development, dissemination of curriculum materials, and evaluation, shall support up to 100 per centum of the cost of such program including costs of administration; contributions in kind are acceptable as local contribution to program costs.

(c) (1) There is hereby established a Council on Consumer Education consisting of twenty-one members appointed by the Secretary. The Secretary shall appoint one member as Chairman. The Council shall consist of persons appointed from the public and private sector with due regard to their fitness, knowledge, and experience in matters of, but not limited to business, academic, scientific, legal, and information media activities as they relate to the problems of the consumer and consumer education, and shall give due consideration to geographical representation in the appointment of such members: *Provided,* That the Council shall include representatives from State and local agencies responsible for enforcing consumer protection laws and shall include a representative each from the Department of Justice, the Food and Drug Administration of the Department of Health, Education, and Welfare, and the Federal Trade Commission.

(A) Each member of the Council shall be appointed for a term of three years provided however that eleven of the original Council appointees shall serve an initial term of two years. No Council member shall serve more than two consecutive terms.

(B) The Council shall select a chairman from among its members.

(C) Each member of the Council shall receive travel expenses to and from Council meetings together with compensation at the per diem rate of a government employee with the rank of GS–18 for each day they attend Council meetings.

(2) The Council shall—

(A) advise the Commissioner and the Office concerning the administration of, preparation of general regulations for, and operations of programs assisted under this section;

(B) make recommendations to the Director with respect to the allocation of funds appropriated pursuant to subsection (d) among the purposes set forth in paragraph (2) of subsection (b) and the criteria to be used in approving applications, which criteria shall insure an appropriate geographical distribution of approved programs and projects throughout the Nation;

(C) develop criteria for the review of applications and their disposition; and

(D) evaluate programs and projects assisted under this section and disseminate the results thereof.

(E) develop an overall organizational plan outlining the objectives of the Consumer Education program.

(F) make a bi-annual report to the Congress evaluating.

(G) co-ordinate all federal consumer education programs.

(H) hire a staff of up to five persons to help it carry out its functions pursuant to this Act.

(3) The Secretary shall obtain the advice of the Council prior to appointing the Director.

TECHNICAL ASSISTANCE

SEC. 4. The Secretary, in cooperation with the heads of other agencies with relevant jurisdiction, shall, insofar as practicable upon request, render technical assistance to local educational agencies, public and private nonprofit organizations, institutions of higher education, Federal, State, and local government agencies, and other agencies deemed by the Secretary to play a role in consumer education. The technical assistance shall be designed to enable the recipient agency to carry on consumer education programs.

SMALL GRANTS

SEC. 5. (a) In addition to the grants authorized under section 3, the Commissioner, from the sums appropriated pursuant to this Act, shall have the authority to make grants, in sums not to exceed $10,000 annually, to nonprofit organizations such as citizens groups and volunteer organizations working in consumer education, and other public and private nonprofit agencies, institutions, or organizations for conducting courses, workshops, seminars, symposiums, institutes, and conferences, especially for adults and community groups (other than the group funded) in consumer education.

(b) Priority shall be given to those proposals demonstrating innovative approaches to consumer education.

(c) For the purposes of this section, the Commissioner shall require evidence that the interested organization or group shall have been in existence one year prior to the submission of a proposal for Federal funds and that it shall submit an annual report on Federal funds expended.

(d) Proposals submitted by organizations and groups under this section shall be limited to the essential information required to evaluate them, unless the oragnizaiton or group shall volunteer additional information.

ADMINISTRATION

Sec. 6. In administering the provisions of this Act, the Director is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon. The Director shall publish annually a list and description of projects supported under this Act and shall distribute such list and description to interested educational institutions, citizens' groups, consumer organizations and other organizations and individuals involved in consumer education.

AUTHORIZATION

There is authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1972; $25,000,000 for the fiscal year ending June 30, 1973; and $35,000,000 for the year ending June 30, 1974, for carrying out the purposes of this Act, *Provided, however,* That during each of those three fiscal years, $250,000 shall be used for the support of the Council on Consumer Education.

By Mr. BELLMON:

S. 1983. A bill to exempt from taxation certain property in the District of Columbia. Referred to the Committee on the District of Columbia.

Mr. BELLMON. Mr. President, today I introduce for appropriate reference a bill to exempt from taxation certain property in the District of Columbia. I ask unanimous consent that the full text of the bill be printed in the RECORD following my remarks.

The National Association of Colored Women's Clubs, Inc., is a great fellowship of united women and girls. It strengthens and extends essential community services by improving conditions for family living. It breaks down barriers of race, sex, and religion. It aids in developing capacities for leadership; and explores with confidence new areas of interest and action to make its contribution to the State and Nation.

The NACWC was organized in Washington, D.C., July 1896, by the merger-uniting of the National Federation of Afro-American Women and the Colored Women's Club of Washington, D.C. Mrs. Mary Church Terrell of Washington, D.C., was elected the first president. The birth of the organization marked the beginning of a new era in the history of Negro womanhood.

The organization is comprised of clubs in 40 States and the District of Columbia. The purpose of the establishment of NACWC in 1896 is stated in the preamble of its constitution:

> We, the Colored Women of the United States of America, realizing the necessity for organized and systematic effort to promote the general welfare of our people, and to furnish evidence of our moral, intellectual and material strength and progress do hereby unite into a national organization.

In an effort to accomplish its objective, NACWC has undertaken a seven-point program. The organization seeks to: First, promote the education of women and girls, and to hold an educational institute biennially at its convention; second, raise the standard of the home, third, work for the moral, economic, social, and religious welfare of women and girls; fourth, protect the rights of women and children who work; fifth, secure and use its influence for the guarantee of human rights; sixth, obtain for all women the opportunity of reaching the highest standards in all fields of human endeavor; and seventh, promote interracial understanding, justice, good will, and peace among all people.

Based on the NACWC motto, "Lifting as We Climb," little bands of women organized into clubs have been helping people to help themselves in hundreds of neighborhoods. These clubs have assumed responsibilities for various categories of health, education, welfare, and civic work to achieve satisfaction for themselves and to benefit their communities. Along with the programs carried on in local communities and in State and regional organization, federated clubs promote national activities and projects. Recently, Mrs. Myrtle Ollison, noted educator of Oklahoma City, who serves as NACWC president, brought a matter to my attention relating to the property located in the District of Columbia which serves as a national headquarters. I ask that a copy of a letter from Mrs. Ollison be printed in full in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 26, 1971.

Hon. HENRY BELLMON,
United States Senate,
Washington, D.C.

DEAR SENATOR BELLMON: We were recently advised that the tax exempt status of the Clubs, Inc. will be void as of July 1st of this year. The exemption was on our property at 1601 R Street, N.W. However, we have recently moved our Headquarters to 5808–16th Street, N.W.

In speaking with the District authorities, they suggested that we ask for the amendment of the exemption laws affecting 1601 R Street, N.W. Lot 78–178, to be transferred to Lot 0015, Square 2724 located at 5808–16th Street, N.Wff.

May we have your assistance to have this law ammended?

Sincerely yours,
(Mrs.) MYRTLE OLLISON,
National President.

Mr. BELLMON. Mr. President, under Private Law 85–496, enacted on July 25, 1958, the property located at 1601 R Street NW. which served as the headquarters for the NACWC, Inc., was exempt from tax by the District of Columbia. The headquarters of this organization was recently moved to 5808 16th Street NW. The purpose of this legislation is to transfer the tax-exempt status to this location.

This organization has made a valuable contribution to this country, and it is my hope that the Congress will act on the measure at an early date.

By Mr. FANNIN:

S. 1984. A bill to provide for national cemeteries in the State of Arizona. Referred to the Committee on Interior and Insular Affairs.

Mr. FANNIN. Mr. President, today I am introducing a bill to provide for a national cemetery in Arizona.

My State does not have such a cemetery despite the fact that there are now about one-quarter million veterans in Arizona. This number is growing at the rate of about 5,000 to 6,000 per year.

We should have a national cemetery within our State for our veterans who wish to be buried with their comrades in arms. Creation of a new national cemetery would be a small enough gesture to show gratitude for the service rendered by our veterans.

Mr. President, I send to the desk a bill providing for establishment of a national cemetery in Arizona.

By Mr. WILLIAMS:

S. 1985. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients. Referred to the Committee on Labor and Public Welfare.

Mr. WILLIAMS. Mr. President, today I am introducing a bill to be known as the "Truth in Food Labeling Act." The purpose of the bill is to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients.

There are many Americans who, because of health problems, religious customs and general dietary needs, are handicapped by the lack of stricter FDA regulations on food labeling. More specifically, I am told by many hospital dieticians of their difficulty in planning menus for patients on special salt-free, sugar-free diets because present regulations call for only a partial listing of ingredients on food products. Under present regulations, for instance, it is literally impossible to determine the predominance of egg yolk in mayonnaise, caffeine in a bottle of cola or MSG in prepared gravy.

The problem in simple terms is this: The FDA has established a large number of so-called standards of identity. The original and valid purpose was to insure that certain manufactured food products, which had become known to the consumer by common names, would be substantially the same regardless of manufacturer; in other words, that all mayonnaise would contain the same basic ingredients. However, the FDA has also ruled that ingredients in a great many products covered by a standard of identity need not be listed on the label.

Recently, a group of George Washington University law students, organized and known as LABEL, Inc., filed with the Food and Drug Administration a petition requiring a new regulation that—

> For the purposes of promoting honesty and fair dealing in the interest of the consumer, all food manufacturers and distributors must list on the label, in the order of their predominence, all ingredients which are contained in their product.

The persistence of these outstanding students—Arthur Koch, Gary Laden, Ellis Saull, Louis Kaufman, and Joan Levy—has resulted in public awareness of the lack of complete food ingredient labeling and the necessity for remedial measures.

Giant Food, a major retailer in the Washington area, has seen the merit of this proposal and has agreed to undertake a labeling program for certain products sold under their brand name. Their action is significant—as well as commendable—for it demonstrates that this type of labeling can be practiced.

The bill I introduce today attempts to rationalize the present, inadequate system. It would require the Food and Drug Administration to call for the complete ingredient labeling of all manufactured foods which presently go unlabeled as to ingredients. It would also cover those that are partially, and thus, deceptively, labeled. Further, the absence of a complete ingredient disclosure on any particular food product will cause the product to be deemed "misbranded." When "misbranding" is cited, my bill would give the FDA the needed power to enforce full ingredient disclosure or pull the product off the market.

I feel this bill would effect a valuable change in the protection of the health and welfare of every American citizen by providing them the opportunity to make educated choices with respect to what they wish to eat and what they wish to leave out of their diets. I ask my colleagues in the Senate to join me as cosponsors of this important measure.

By Mr. TOWER:

S.J. Res. 107. A joint resolution to authorize and request the President to issue annually a proclamation designating the month of February of each year as "American History Month." Referred to the Committee on the Judiciary.

AMERICAN HISTORY MONTH

Mr. TOWER. Mr. President, I am today introducing a joint resolution which would authorize and request the President to proclaim the month of February of each year as "American History Month."

This proclamation would serve as a symbol of this Nation's contribution to world history. Furthermore, it would serve as a necessary tool to reflect upon America's past at a time when there seems to be a tendency in the land to disregard the study of past events during consideration of present and future policy questions of national significance.

Mr. President, history provides us with all of the facts we have to judge our brief visit on this planet. The study and understanding of American history will make our task of predicting the results of the policies which we as lawmakers implement. This history has and continues to enable us to weigh our past actions with the expressed desire to avoid the repetition of past errors.

America's history is rich in colorful events and personalities that we all fully recognize. However, our history also portrays a people's mission to achieve a just and free society. Our history represents an ongoing struggle to achieve this long sought goal of man.

I believe that this resolution if enacted will serve as a constant reminder of this Nation's worldly mission. I, therefore, ask unanimous consent that the text of this resolution be printed in the RECORD at this time and that it be given careful consideration by the Senate.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 107

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue annually a proclamation designating the month of February of each year as "American History Month," and calling upon the people of the United States and interested groups and organizations to observe that month with appropriate ceremonies and activities.

By Mr. CRANSTON (for himself, Mr. TAFT, Mr. COOK, Mr. HART, Mr. INOUYE, Mr. PACKWOOD, Mr. SPONG, Mr. BAYH, Mr. BENTSEN, Mr. BURDICK, Mr. CANNON, Mr. CASE, Mr. CHILES, Mr. DOLE, Mr. GOLDWATER, Mr. HARRIS, Mr. HATFIELD, Mr. HUMPHREY, Mr. MAGNUSON, Mr. MCGOVERN, Mr. METCALF, Mr. NELSON, Mr. PERCY, Mr. PROXMIRE, Mr. SAXBE, Mr. STEVENSON, and Mr. WILLIAMS):

S.J. Res. 108. A joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means. Referred to the Committee on Labor and Public Welfare.

DECLARING A POLICY OF POPULATION STABILIZATION

Mr. CRANSTON. Mr. President, I introduce today, with Senator TAFT and the following five principal sponsors, Mr. COOK, Mr. HART, Mr. INOUYE, Mr. PACKWOOD, and Mr. SPONG, as well as the following 20 Senators, Mr. BAYH, Mr. BENTSEN, Mr. BURDICK, Mr. CANNON, Mr. CASE, Mr. CHILES, Mr. DOLE, Mr. GOLDWATER, Mr. HARRIS, Mr. HATFIELD, Mr. HUMPHREY, Mr. MAGNUSON, Mr. MCGOVERN, Mr. METCALF, Mr. NELSON, Mr. PERCY, Mr. PROXMIRE, Mr. SAXBE, Mr. STEVENSON, and Mr. WILLIAMS, a joint resolution declaring it the policy of the U.S. Government to stabilize the Nation's population by voluntary means.

This unprecedented extensive and bipartisan sponsorship support for a population measure reflects the growing consensus in the Nation and the Congress that now is the time to come to grips with the numerous implications of population growth in America and to formulate a specific national population growth policy. The resolution aims to provide a framework for the national dialog and decisionmaking that will be involved in that process.

EFFECT OF RESOLUTION

Mr. President, the joint resolution I introduce today with 26 of my colleagues would provide the first major step in the development of a national population growth policy. Its enactment would serve three important functions:

First, it would constitute a clear national commitment to achieve a stable population. This is particularly important in a society such as ours in which so many customs and incentives encouraging childbearing have become deeply embedded.

As James Reston recently wrote:

> The history of mankind is strewn with habits and creeds and dogmas that were essential in one age and disastrous in another.

The higher mortality rates of the years in the past made it imperative for all societies to develop social organizations and values encouraging individuals to produce enough children to insure the societies' survival. However, in our country and other developed countries, these pressures have persisted even after a precipitous fall in the mortality rate has rendered them anachronistic.

Because these influences are so thoroughly integrated into such fundamental institutions as the family and into our traditional conception of male and female roles, most Americans are not aware of the extent to which we are encouraged to maintain a fertility level more suited to the past than to the present or future. In order to create a new awareness and new opportunities for men and women to replace the present large-family incentives, we must establish a specific national goal of stabilization and provide convincing evidence of a strong national commitment to reach that goal.

This resolution would make clear both the goal and the commitment.

Second, the resolution would create a positive context to encourage the research needed: First, to develop voluntary incentives for curbing population growth and, second, to develop the safest, most effective, and convenient contraceptives.

At present, we know very little about parental motivation and the determinants of family size; that is, why one family has six children and another only two. Enactment of this resolution will declare that population research and contraceptive research deserves a high national priority not presently, or ever, afforded these research areas. Indeed, the administration, despite my strong urging, has refused to request any funding for population research and population information discrimination under the new Family Planning Services and Population Research Act of 1970—Public Law 91-572.

In an April 6 letter to Secretary of Health, Education, and Welfare Richardson, I called for population research funding of $5 million for fiscal year 1971—one-sixth of the amount authorized—and $50 million for fiscal year 1972—the full authorization amount. Presently, there is a $15 million backlog of population research applications to the National Institute for Child Health and Human Development. In reply on May 20, Secretary Richardson noted a fiscal year 1972 budget request of $38 million for population research, but what he did not say is that all of these funds are requested under part E of title IV of the Public Health Service Act, thereby ignoring the new $50 million authorization under title X. This oversight cannot be permitted to continue, and I plan to urge the Appropriations Committee to begin funding the new public law in fiscal year 1972 and to do so at the full authorized level.

Mr. President, I ask unanimous consent that the text of my April 6 and Secretary Richardson's May 20 letters be printed in the RECORD at the conclusion of my remarks, prior to printing of the resolution.

The PRESIDING OFFICER (Mr. ROTH). Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Mr. President, third, this resolution would provide our international population programs with more credibility.

The planet as a whole, particularly the less developed world, is being dangerously threatened by unchecked population growth. Most of Asia and Latin America cannot survive a population doubling-time of 25 years or less—which is where they are headed—without experiencing famines, massive unemployment, and unceasing cycles of revolution and repression.

If we intend to convince the developing nations that their progress and survival as viable states demands a dramatic drop in the birth rate, it will have to be by example. Enactment of this resolution would be a sign to the rest of the world that we intend to practice what we preach.

AN AMERICAN POPULATION PROBLEM

Until recently, most Americans viewed the population explosion primarily as a foreign phenomenon threatening the survival of hundreds of millions of people in the less developed nations of Asia, Africa, and Latin America. The Malthusian prediction of famine and mass starvation that haunts much of the world is not imminent in this country.

However, the fact is that we face a very real population problem here at home—a problem that seriously threatens our spiritual and physical environment and thus the basic quality of life for all Americans.

In 1950, there were 151 million Americans. Today there are 208 million. By the year 2000—only 29 years from now—that number is expected to swell to roughly 300 million. In other words, if present growth patterns persist, the population of the United States will double in the last half of the 20th century.

Such growth cannot continue indefinitely. As the National Academy of Sciences 1965 study, "The Growth of U.S. Population," said:

> If present fertility and mortality trends persist, [U.S.] population will surpass the present world population in a century and a half. And in about 650 years, there would be one person per square foot throughout the United States. In the very long run, continual growth of the United States population would first become intolerable and then physically impossible.

So the question is not whether to halt population growth in this country at some point. Population stabilization—holding total population size relatively constant by reducing the birth rate to a level which annual births approximately balance annual deaths—must inevitably occur in a nation with finite space and resources. The real issue, rather, is when and how to stabilize our population.

THE NEED TO ACT NOW

Because of our great, untapped capacity to feed many more people than we currently do in this country, some have argued that the present rate of population growth in America is acceptable—at least in the foreseeable future. However, when one looks beyond the requirements for mere subsistence and considers the services needed to create and preserve a decent standard of living for all of our citizens, the need becomes clear for a policy to slow down, then halt population growth.

President Nixon made this point in his population message of July 18, 1969, when he said:

> Only recently has it come to be seen that pressing problems are also posed for advanced industrial countries when their populations increase at the rate that the United States, for example, must now anticipate. Food supplies may be ample in such nations, but social supplies—the capacity to educate youth, to provide privacy and living space, to maintain the processes of open, democratic government—may be grievously strained. . . . I believe that many of our present social problems may be related to the fact that we have had only fifty years in which to accommodate the second hundred million Americans.

The pressure and cost of having to accommodate the third hundred million Americans in the scant three decades looming immediately ahead of us can only further aggravate the social tensions and strains the Nation is experiencing.

To begin with, the present rate of population growth will make the solution of nearly all our problems more difficult and expensive. Rebuilding our decaying central cities over the next 30 years will be rendered considerably more costly and complex by the massing of an additional 80 million Americans in our urban areas by the year 2000.

Efforts to rescue our deteriorating environment will be complicated by the addition of 100 million more consumers of resources and producers of pollution. Most environmental damage in the United States today is the product of high levels of consumption combined with a powerful and often mismanaged technology. According to recent Census Bureau statistics, population growth will produce 37 percent of consumption increases anticipated over the next 15 years.

Nowhere is this consumption and pollution threat any greater than in my State of California with its estimated 20,300,000 persons as of this spring. Since its statehood, California has experienced the fastest population growth of any State, and over the last 120 years it has had by far the fastest average increase per decade. By 1964, 60 percent of all Californians were residing in urban areas, and the urban proportion continues to increase rapidly with more and more concentration in enormous, sprawling metropolitan areas in the north and south of the State.

Furthermore, as our population grows we may be reaching more thresholds of ecological imbalance. In other words, adverse ecological effects are often more than proportionate to added population.

Thus, the question of whether to establish a population stabilization policy now or later is really a question of what policy we should employ with regard to our scarce public resources in the years ahead.

Do we want to concentrate our limited tax dollars on more schools, or on better education?

On more housing units, or on the elimination of urban and rural slums?

Do we, in short, want more quantity for the Nation as a whole, or a better quality of life and better distribution of goods and services?

Mr. President, I think we all know the answer to these questions: the American people are demanding an improvement in the quality and safety of their physical and social environment.

While there are numerous benefits to be realized from a reduction in the rate of population growth, there appear to be few costs associated with a reasonable stabilization policy. Both our military might and prolific economy currently are founded on a scientific and technological base; they are no longer dependent on increased numbers for their maintenance and growth. Nor do we appear to have any aggregate manpower shortages as a nation. Indeed, our problem in recent years has been one of persistent unemployment and underemployment.

Finally, a compelling reason for initiating a population policy now is the considerable time it will take to halt U.S. population growth. Even if American families began tomorrow having only two children on the average—just enough to replace themselves—our population would continue to grow until the year 2037, when it would be roughly 277 million persons—70 million larger than it is today.

In order to stop population growth immediately, couples would have to average only one child in the coming years, a practice that would alter the age composition of our population by drastically reducing the proportion of young people and produce grave disruptive effects on the school system and the labor market.

Realistic proposals for movement toward population stabilization range from calls for families averaging two children—so-called replacement level—to birth rates running slightly below replacement. But all of them require between 35 and 70 years to achieve their goal.

The establishment of a policy designed to stabilize U.S. population growth represents the sensible and prudent course to take at this time.

VOLUNTARY MEANS

The question remains how to effectuate this policy.

In any discussion of means or methods, one point must be made crystal clear: coercion is totally unacceptable as a means of lowering the birth rate. On this there can be no compromise. Initiating a population stabilization policy must serve to expand individual freedom and choice, not to reduce it. All government policies and programs to achieve stabilization must rely on voluntary action in order to be consistent with the basic American traditions of maximum individual freedom within our democratic system.

FAMILY PLANNING NOT ENOUGH

On the other hand, we cannot expect our population problem to disappear by itself or be solved inadvertently through other public programs.

For example, the hope has been expressed that the efforts to eliminate unwanted fertility authorized by the Family Planning and Population Research Act of 1970—Public Law 91-572—will be sufficient to reduce the birth rate to replacement level or below. There are two fundamental difficulties with this expectation:

First, family planning programs seek only to reduce the incidence of unwanted pregnancies by providing citizens with the opportunity to plan the number and spacing of their children. Family planning programs do not attempt to influence the number of children a family desires. Any program that seeks to halt population growth, must in addition to providing for total availability of family planning services, seek to insure that the number of wanted births is consistent with a stable population.

Thus, reliance on family planning programs alone to achieve stability amounts to demographic roulette. For there is no way of determining in advance if the elimination of all unwanted fertility will lead to zero growth.

This constitutes an unacceptably large social risk since small absolute differences in desired family size on an individual level can result in huge commulative differences for the society as a whole. For instance, if families in this country choose to have only two children on the average, our population 100 years from now would be 340 million persons; an average family size of three children, on the other hand, would result in nearly a billion Americans by 2071.

The second problem with this argument—that counsels sole reliance on family planning programs to stabilize population—is the failure to recognize that America's population growth is not due primarily to the poor. Most of our population growth comes from children born into middle-class families. A study revealed that only 29 percent of children born from 1960 to 1965 were born to poor or near-poor mothers.

Since present family planning programs are directed almost exclusively at those who lack the income to purchase family planning counseling services and contraceptives from existing private sources, they do not reach that portion of the population that is responsible for the majority of births—the middle class. Furthermore, the impression is created that stabilization is just a euphemism for the elimination of certain lower-income groups in our society, giving rise to charges of genocide.

Therefore, to be just and effective, a national policy to stabilize population must contain a comprehensive public education program and noncoercive incentives addressed equally to all segments of our society—rich and poor, male and female, black, brown, and white.

POPULATION DISTRIBUTION NO ANSWER

Others have expressed the hope that specific policies to reduce population growth can be avoided by relying upon programs designed to redistribute our population from high density to less-crowded areas. There is no doubt that maldistribution is undoubtedly one element of our population problem.

But, as was explained in the March 1971 interim report to the Congress of the Commission on Population Growth and the American Future, on which I now serve along with Senator PACKWOOD, a cosponsor of this resolution:

> National population growth and geographical distribution cannot be treated as an either-or affair. The distribution of population is problematic in many ways. But the choice among ways to redirect growth does not eliminate the necessity of making a choice about when the nation could best accommodate 300 million people or whether it should accommodate 400 million.

In summary, there is only one way this Nation can be assured of attaining a stable population in a rational equitable, noncoercive fashion: We must develop an explicit national policy designed to reduce average family size to a level consistent with achieving zero growth within a reasonable period of time.

CONCLUSION

Mr. President, the time to move from debate to action has arrived. We have reached the point in history where a responsible, rational, moral solution to the population problem must be developed. This joint resolution to adopt a policy of stabilizing population in the United States by voluntary means is a necessary and important first step toward that solution.

In closing, let me make three brief points.

First, the question of population growth and the need for a stabilization policy in our Nation is not a partisan, ideological, or regional issue. This resolution is sponsored by 17 Democrats and 10 Republicans, from every geographic area of the Nation, whose philosophies cover the entire political and social spectrum.

Second, I have considered very carefully the relationship of this resolution to the deliberations of the Commission on Population Growth and the American Future, on which I serve. The Commission presented its interim report this past March and is due to present its final report to the Congress and the President in about 10 months. Its interim report is fully consistent with the substance of this resolution, and I believe a majority of the Commission will conclude that beginning to implement a voluntary population stabilization policy is necessary. I anticipate that the Commission's major contribution will be to make recommendations of a timetable and specific voluntary methods and programs for achieving stabilization of our population.

Finally, I expect this resolution, as was its predecessor resolution in the last Congress—Senate Joint Resolution 214 introduced by the distinguished former Senator from Maryland, Joseph Tydings, who has provided great leadership in this field—will be referred to the Labor and Public Welfare Committee, and within that committee to the new Special Subcommittee on Human Resources, which I am privileged to chair. As evidenced by the strong support this resolution has already gathered in the Senate, it is neither visionary nor unfeasible to seek its adoption in this Congress. That is my purpose in introducing it today. And I shall do all I can, with the help of Senator Taft, Senator Cook, Senator Hart, Senator Inouye, Senator Packwood, and Senator Spong, and the other 20 cosponsors, to achieve that goal in the months ahead.

Mr. President, I ask unanimous consent that the text of the joint resolution appear in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Exhibit 1

April 6, 1971.

Hon. Elliot Richardson,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

Dear Mr. Secretary: I regret that I was unable to be with you at the Congressional luncheon January 28 celebrating the passage of the Family Planning Services and Population Research Act. I certainly join you in support of an enlarged Federal role in this area.

I am, therefore, distressed that the Department of Health, Education and Welfare appears to be delaying the implementation of the legislation by failing to request adequate financial support for the newly authorized programs. It is my understanding that you announced at the luncheon that the Department would seek $6 million in supplemental funds for family planning services in FY 1971 under the new title X authority. That figure seems terribly inadequate in light of Senate approval last December of a $12 million supplemental appropriation for this purpose and in view of the title X FY 1971 authorization for services of $42.750 million in addition to current obligations.

I understand that there is a sizable backlog of applications for family planning project grants that could be funded this fiscal year. Since the administration budget does contain an increase in service funds for FY 1972, the Department obviously recognizes the existence of large scale community demand for such programs and the need for increased expenditures. It seems to me that injecting $12 million, rather than $6 million, into the field this fiscal year would facilitate a more orderly expansion to the projected FY 1972 level and would enhance the possibility of Congressional support for the FY 1972 request.

In addition, the Senate in December approved an appropriation of $5 million for population research in FY 1971. With an FY 1971 authorization of $30 million, with large backlogs of applications for such research funds on hand at the National Institute for Child Health and Human Development, and with Congressional support for additional funds obviously available, I cannot understand your reluctance to press forward with increased funding for these research programs this year.

My concern extends also to the FY 1972 request for population research. With authority to request $78 million the budget calls for only $38 million—an increase of $10 million over FY 1971. This is not even sufficient to fund the existing backlog of $15 million in approved but unfunded applications on hand at NICHD. It also falls far short of the $50 million which you stated, in testimony before the House Interstate and Foreign Commerce Committee last August, was the Department's projection of funds necessary for population research in FY 1972. I am not aware of any developments in the research field during the past six months that would make a reduction in that projection possible or desirable. Although I am well aware of the budgetary pressures and constraints which limit the Department's initiatives, I believe it is urgent to begin full implementation of the population research program.

I wholeheartedly agree with President Nixon's statement in his Message on Population Growth and the American Future. "One of the most serious challenges to human destiny in the last third of this century will be the growth of the population. Whether man's response to that challenge will be a cause for pride or for despair in the year 2000 will depend very much on what we do today."

I hope you will give the most serious consideration to increasing your request to $12 million for FY 1971 services funding under title X and to requesting population research refunding of at least $5 million for FY 1971 and at least $50 million for FY 1972.

Sincerely,

Alan Cranston.

The Secretary of Health,
Education, and Welfare,
Washington, D.C., May 20, 1971.

Hon. Alan Cranston,
U.S. Senate,
Washington, D.C.

Dear Senator Cranston: Thank you for your letter of April 6 expressing support for additional funding for the population research and family planning services programs.

A $6 million supplemental to the 1971 budget for Family Planning Services has been approved and recently transmitted to Congress. The amount of this request has to be considered in the context of our commitment to these programs in the 1972 budget, and the fact that only two months are left in the current fiscal year.

As the President stated in his Health Message, he is requesting $130 million in 1972 for family planning programs. This includes an increase for family planning services which almost triples the 1971 program. Of this amount, $61 million is being requested to implement the new legislation and $29 million to continue projects authorized under Title V of the Social Security Act.

The $38 million budgeted for population research represents a more than 142% increase above the 1970 level—more than 3.5 times the amount appropriated for this purpose in 1969 when this Administration took office.

This funding level must be viewed in terms of competing needs for a number of important programs in addition to family planning services, including cancer research, alcoholism, and restructuring of our systems for delivery of health care. Given many pressing demands for limited public resources, we believe the amounts now budgeted for population programs are manifest evidence of the priority we place on family planning and do represent a realistic commitment by the Administration.

With kindest regards,

Sincerely,

Elliot Richardson,
Secretary.

Exhibit 2

S.J. Res. 108

Whereas every nation's finite space and resources will necessarily and inevitably cause human population to stabilize, and

Whereas the adoption of public policies to reduce the birth rate voluntarily in a manner consistent with human rights and individual conscience is the most moral and democratic way to insure that such stabilization is not forced upon the nation by higher death rates or other social catastrophes, and

Whereas all citizens of the United States seek a world with a healthy environment, clean air and water, uncluttered land, copious open spaces, natural beauty, and wilderness and wildlife in variety and abundance, in which the dignity of human life is enhanced, and

Whereas unchecked population growth increases the difficulty and cost of solving the social, economic, and political problems of the United States, and coupled with modern technology and standards of living, contributes to the pollution and degradation of the environment, and

Whereas it is by its own example that the United States can play a leading role in the fight to curb world population growth which is obstructing economic progress and threatening starvation, mass unemployment, and civil strife in the developing countries of Asia, Africa, and Latin America, and

Whereas it is estimated that a half century or more may be required for population within the United States to stabilize after a national average of two children per family is achieved, and

Whereas the longer development of rational public policies to reduce the birth rate is delayed, the more difficult and costly it will become to insure that socially undesirable pressures, including an increased death rate, for population stabilization are avoided: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the United States to encourage and develop, at the earliest possible time, the necessary attitudes and policies, and to implement them by actions which will, by voluntary means consistent with human rights and individual conscience, stabilize the population of the United States and thereby promote the future well-being of the citizens of this Nation and the entire world.

Mr. TAFT. Mr. President, I am honored to serve as the prime sponsor of the joint resolution, introduced today by the distinguished Senator from California, which commits our Nation to the voluntary stabilization of population growth.

This joint resolution is timely and important because it expresses very clearly the recognition of the Congress that as a top priority we must continue to develop attitudes and policies, on a voluntary basis, to stabilize population growth in our Nation and the world.

The statistics are alarming. It has been estimated that the world population will double to over 7 billion people by the year 2005. Of course, the implications of population projections go far beyond the realm of statistics. Our immediate concern must be the quality of human life.

During fiscal year 1970. the U.S. Government expended $88.9 million on population control programs in the United States and another $54.1 million overseas through the Agency for International Development and the Department of State. These figures are encouraging if it is remembered that in 1964, the U.S. Government did not spend as much as $1 on family planning.

This resolution represents an important first step—a willingness to devote resources, energies, and encouragement to the voluntary planning of our population growth. It is my hope that this measure, which enjoys wide bipartisan support, will receive early and favorable action by the Congress.

Mr. HART. Mr. President, it gives me great pleasure to cosponsor the joint resolution introduced by the Senator from California (Mr. CRANSTON), and to express appreciation for his leadership in this exceedingly important area.

With each passing year, it becomes increasingly apparent that the growth of human populations must eventually cease. The only debatable questions, it would seem, relate to when we will reach a zero rate of growth and by what means. With the introduction of this resolution, the Senate is called upon to endorse a population policy which would eventually produce a balance between births and deaths; that is, a stabilization of the size of the population of the United States before the environmental and humanitarian costs of increasing numbers of people become too high. Few objectives would appear to be so obviously deserving of support.

At this point some people are asking: have we not already done enough in the field of establishing a population policy for the United States? Thanks to the action of the Congress last year, family planning services should now be a more adequately funded part of public sector health care. But let us examine what family planning really means, and how much the full provision of these services would contribute to the stabilization of the numbers of our population within the United States.

Family planning means action by individuals and couples to plan and assure the number and timing of children that they want. As a part of medical care, with many social overtones, family planning is a basic human right, as agreed to by 30 heads of state in a United Nations declaration on the subject. In the United States, the National Center for Family Planning Services and the Office of Economic Opportunity are the main governmental agencies responsible at this time for family planning as a health service for all Americans. This right had been affirmed by the Supreme Court in *Griswold* v. *Connecticut*, 381 U.S. 479, 1965, and was made an effective right for those in need of subsidized service by provision of moneys under the Tydings legislation, now Public Law 91-572, title X of the Public Health Service Act. More than $40 million is currently being considered as an appropriation under this authorization. This appropriation is essential and should be provided promptly by Congress.

Yet, full acceptance of family planning under this program, I am told, would only reduce the birth rate in the United States from 18 births per thousand population to 17 births per thousand population. Full use of family planning methods to prevent all unwanted births, to all income groups, would produce a reduction of only a little more: a birth rate of about 16 per thousand. To avoid increase in our population size, we would need a birth rate that matched the death rate: nine per thousand. It thus seems clear that population policy must involve more than the provision of adequate family planning services.

What, in addition, can be done to encourage lower fertility? For one, we could provide expanded opportunities for women to have satisfactory jobs outside the home. So long as women are dependent for their primary source of satisfaction in life in bearing and rearing children, they are likely to continue to have children in numbers that probably will exceed those consistent with what is best for all of us. Society must give satisfactions to women if women's own interests are to coincide with those of the Nation.

As another measure, we could give the single person the same tax treatment as married couples. Further we could reexamine our abortion and other policies in light of explicit population control objectives.

What it appears we must do now is to adopt a national population policy that would have as its primary objective a decrease in the size of the American family. Since some have suggested that population control is essentially a poor people's problem, it should be made clear that this is not the case. If we accept a family income of $4,000 as the definition of poor, it will be seen the poor will account for only 22 percent of the children in our next generation. The vast majority, or 78 percent, will be produced by other than poor families.

Our population policy then should be directed toward all—not merely poor—Americans. All segments of the country are in need of education, of opportunities for women to participate in the mainstream of economic life, and of enlightened employment and income policies. If we fail to satisfy those needs, we run risks to society which under any circumstances must be considered unacceptable.

Mr. PACKWOOD. Mr. President, I rise today as a sponsor of Senate Joint Resolution 108—to declare a U.S. policy of achieving population stabilization by voluntary means—and to urge its speedy and favorable consideration by my distinguished colleagues.

The 1970's are the bicentennial decade of this country. Our Founding Fathers settled a continent on the basis of equality for every State and opportunity for all individuals. We have come to lead the world in technical skill and industrial power. We have sent our citizens to walk on the moon. And as a nation we have never turned away from any challenge because it was too big, too fearsome, too hard to manage.

Our vision has been westward. Our eyes have been on the future. Our concern has always been, What can be, not what might have been. We have not been afraid to ask apparently unanswerable questions and then to search for the answers while others were still framing their questions.

Today, I believe the time has come when we as a nation must ask ourselves a new set of questions and then we must look together toward the future—not backward into the past—to find a new set of answers.

Today this Nation faces a pervading crisis which some call a population explosion, others an ecological threat, still others a polluted environment. Because population and pollution are interdependent, I will speak of a population crisis—a crisis which makes a mockery of "America the Beautiful." Who could write today that our "alabaster cities gleam undimmed by human tears"? Even our "purple mountain majesties above the fruited plain" are hidden by a veil of smog, while DDT and fertilizers pour pollution from the golden wheat fields into opaque and sluggish water.

We are living today in a country of more than 206 million people, 70 percent of whom live in urban areas, and with an annual GNP which is reaching mind-boggling proportions. But, in spite of our affluence and ingenuity, we are beginning to have trouble in buying clean air, pure water, or simply a piece of unoccupied space.

The real threat facing us is not creeping socialism or creeping capitalism, but rather creeping populationism. The growth of our population, generation by generation, year by year, is putting pressure on many of the resources we value, not only our lands and waters, our forests and plains, but also our schools, and hospitals, our roads and cities, our recreation, and ultimately, of course, our whole standard of living.

President Nixon has already given unprecedented attention to population growth. In the first Presidential message to Congress on population in July 1969 the President said:

> I believe that many of our present social problems may be related to the fact that we have had only fifty years in which to accommodate the second hundred million Americans. In fact, since 1945 alone some 90 million babies have been born in this country. We have thus had to accomplish in a very few decades an adjustment to population growth which was once spread over centuries. And it now appears that we will have to provide for a third hundred million Americans in a period of just 30 years.

Human life exists only in the space of barely half a mile of oxygen above the land areas of this planet. Human population cannot expand indefinitely because to the best of our knowledge, there are no other points in the entire universe where human beings can survive. Furthermore, every single human being becomes a burden on the environment: his food, shelter, his very breath, and all his possessions come from the resources—some renewable, many more not renewable—of this narrow life-giving layer.

During a normal lifetime the average American will devour 28,000 pounds of milk and cream, 10,000 pounds of meat, and 56 million gallons of water; he will require 21,000 gallons of gasoline and $8,000 worth of school construction; he will purchase $6,000 worth of clothes and $7,000 worth of furniture. And to supply these demands, America will produce nearly 50 percent of the world's industrial pollution; in this vast consumptive process, Americans pay the garbage collectors nearly $3 billion every year just to collect the debris.

These numbers translate into the gradually deteriorating pictures of everyday life—dirty air, dying waters, slum-ridden cities, crowded parks, bumper-to-bumper traffic, a greater and greater struggle for less and less space—and with every half century, the appalling expectation that our population will double and redouble and double again. Until we see that an end is in sight, until we recognize that population serves as a geometric multiplier of all our social and environmental problems, until we appreciate that all our efforts for a pure environment are really nothing more than an effort to erase the dirty traces of mankind from the clean patterns of natural development—we will not find a lasting solution. We are in effect chasing our own tails in an endless and seemingly insane cycle of production, reproduction, construction and destruction.

Mr. President, several things are necessary if we are to break this endless and disastrous cycle. First and foremost we must make its possible for all babies to be wanted babies. This means eliminating all unwanted fertility. Recent surveys indicate that an average of 22 percent of all births to married couples in this country are described as unwanted by at least one spouse. Elimination of unwanted fertility requires access to contraceptive information and services for every woman in this country. Congress took one step toward recognizing its responsibility in this area last year with passage of Public Law 91–572, the Family Planning Services and Population Research Act of 1970.

Should contraception fail, all women in this country should have the right to terminate an early pregnancy under safe and sanitary conditions. I have already introduced legislation to accomplish this objective. Abortion is a matter of personal conscience and should be left to the decision of a woman and her doctor, no one else. Until our laws recognize the basic right of all women to control their fertility, the inequity and hypocrisy which exist today will continue.

Third, we must expand and intensify our population and family planning research efforts to insure the development of a wide variety of safe and effective contraceptive methods. Only with a series of perfect contraceptives will we actually have a chance to eliminate unwanted fertility—and thereby make sure that every child is a wanted child.

Once these three conditions have been met, childbearing will become a matter of choice, not chance. But our problems do not end there. After the elimination of all unwanted fertility, current estimates indicate that even wanted fertility alone will result in continuing population growth. Let us therefore address ourselves without further delay to the overriding issue at hand. This Nation and the world will, at some point in time, reach a stationary population, that is it will achieve a zero growth rate. Under these circumstances, births will equal, not exceed, deaths. Sufficient numbers of children will be born to assure replacement, but no more. What we must decide is not whether this Nation will stabilize its population—because stabilization at some level is unavoidable in a finite land—but rather when we will stabilize our growth at replacement levels of reproduction.

Because we are growing at geometric rates now, and because of the built-in momentum inherent in population growth, acceptance of replacement level fertility—which averages out to 2.1 children per woman—has a lag time of about 60 to 70 years. In other words, if all women today began to limit their families to an average of slightly over two children, it would take about 60 to 70 years for us to reach replacement level. In the long run this leads us to a zero growth rate, but we would continue to grow for those long, long years. The lag results from the large number of women who have not yet entered their childbearing years. Their rates of reproduction may be reduced, but due to the large number of women in this age group, the actual number of births will remain very high.

Therefore the decision as to when we will stabilize our population at a stationary rate also determines how large the population will be when we finally achieve zero growth. For the sake of the generations which will follow us, I am profoundly hopeful that our decision will be to begin now to move toward population stabilization.

Let me say at this point that it is not impossible to feed the half billion people we can expect within a matter of decades at current rates of growth. We could perhaps feed that many people if we do not care whether or not we overutilize the farmland and if we ignored the effect that pesticides used on the crops to feed that many people might have on the rest of the country. It might even be possible to house half a billion people if we do not care whether or not we cut down all the trees in our forests and then deplete other natural resources that would have to be found as a substitute for wood to build that many homes. We might even be able to handle the solid waste disposal and the air and water pollution that half a billion people would cause.

But at some stage, even the United States is finite. At some point, we will reach a limit where we cannot feed, cannot house, and cannot clean up after all of the people who might be born in this country.

We must face the problem now and undertake a policy of population stabilization whereby we can look forward to slowing the population growth of this country by voluntary means, rather than having to resort to coercive means in 40 or 50 or 60 years.

The time has come to look—without blinking or averting our eyes—at where we stand today in the population crisis. What was appropriate for Adam and Eve in biblical times or for our own forebears who crossed and populated a continent is no longer appropriate in a world of more than 3 billion people where two-thirds of all children are poor, hungry, or dirty without much hope of improvement. Our forebears had commonsense and determination. They possessed these qualities in abundance in taming the continent. Today the challenge is ours. If I am right in my assessment, we do have the commonsense and determination to respond.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 10

At the request of Mr. McClellan, the Senator from Wisconsin (Mr. Nelson) and the Senator from Georgia (Mr. Gambrell) were added as cosponsors of S.10, a bill to establish a national policy relative to the revitalization of rural and other economically distressed areas, and for other purposes.

S. 537

At the request of Mr. Anderson, the Senator from Alaska (Mr. Gravel) was added as a cosponsor of S. 537, a bill to amend title XVIII of the Social Security Act so as to include chiropractor's services among the benefits provided by the insurance program established by part B of such title.

S. 1820

At the request of Mr. Packwood, the Senator from Oregon (Mr. Hatfield) was added as a cosponsor of S. 1820, a bill authorizing the Chief of Engineers to construct certain bank protection works along the Willamette River and its tributaries.

S. 1828

At the request of Mr. Dominick, the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Brock), the Senator from Nebraska (Mr. Curtis), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Arizona (Mr. Goldwater), the Senator from Alaska (Mr. Stevens), the Senator from Texas (Mr. Tower), and the Senator from North Dakota (Mr. Young) were added as cosponsors of S. 1828, an act to conauer cancer.

SENATE JOINT RESOLUTION 79

At the request of Mr. Hartke, the Sentor from North Carolina (Mr. Jordan), and the Senator from Alabama (Mr. Allen) were added as cosponsors of Senate Joint Resolution 79, proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

SENATE RESOLUTION 129—SUBMISSION OF A RESOLUTION RELATING TO THE PRINTING OF A SENATE DOCUMENT

Mr. McGEE submitted the following resolution, which was referred to the Committee on Rules and Administration:

S. Res. 129

Resolved, That there be printed, as a Senate document, a report entitled "Study Mission to Central and East Africa," submitted by Senator Gale W. McGee to the Senate Committee on Appropriations and that twenty thousand additional copies be printed for the use of that committee.

SENATE RESOLUTION 130—SUBMISSION OF A RESOLUTION RELATING TO THE PRINTING OF A SENATE DOCUMENT

Mr. BYRD of West Virginia, for Mr. Randolph, submitted the following resolution, which was referred to the Committee on Rules and Administration:

S. RES. 130

Resolved, That the annual report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with section 26(a) of the Federal Water Pollution Control Act, as amended) entitled "Cost of Clean Water," be printed with illustrations as a Senate document.

SEC. 2. There shall be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENTS

(Ordered to be printed and to lie on the table.)

AMENDMENT NO. 115

Mr. ALLOTT. Mr. President, on May 24 I announced that I intended to propose No. 112 to H.R. 6531, now pending before the Senate, designed simply to substitute the pay provisions of the Gates Commission Report for pay provisions contained in the bill as amended by the Senate Committee on Armed Services. By inadvertence, my amendment contained, in addition, the quarters and other allowances provisions contained in the House-passed bill.

Therefore, Mr. President, I am substituting today a corrected amendment (No. 115) which simply would replace the complex pay and allowances system in the House-passed bill with the more efficient Gates Commission structure which concentrates on basic pay for junior personnel.

AMENDMENTS NOS. 116, 117, AND 118

Mr. HATFIELD submitted three amendments intended to be proposed by him to the same bill (H.R. 6531) which were ordered to be printed and to lie on the table.

AMENDMENT NO. 119

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY. Mr. President, the amendment I am submitting today relates to the doctors draft which has been used in 19 of the past 22 years to provide medical personnel to meet the health care needs of the Armed Forces and their dependents.

For some time, the critical shortage of medical professionals in the United States has been aggravated by the number of doctors who have to leave internships and their practices, oftentimes in county hospitals and community clinics, to fulfill their military obligation.

The extent of our Nation's deficiency in health manpower is well known. To meet the demand that exists within the framework of our present health care system, we need 50,000 doctors, 20,000 dentists, and 150,000 nurses. By the end of the decade, the shortfall will be much larger.

Therefore, it is vital to improve the availability, the distribution, and the productivity of our existing supply of health manpower.

With those needs present, the drafting of some 1,600 doctors during the current calendar year raises serious questions for the Nation. Can more of the health care needs of our military men and their dependents be served in other ways? Has the possibility of contracting with civilian medical personnel and facilities both in the United States and in allied countries been adequately explored? Has there been an adequate evaluation of the comparative needs between civilian and military populations prior to the establishment of a call for doctors by the Selective Service System?

As chairman of the Senate Health Subcommittee, I have been unable to find adequate responses to those questions. Although in individual cases, draft boards do examine the existent need, and overall in-depth analysis of this situation appears eminently desirable.

For example, currently 32.5 percent of the medical and 22 percent of the dental workloads of Army health professionals related to dependents and retired servicemen. The Army has estimated that 1,597 doctors, 448 dentists and 1,301 nurses are engaged in the care of dependents and retired personnel. Also 58 percent of the Army hospitals and 67 percent of the Army clinics are in the Nation's metropolitan areas where there is a generally easy access to civilian medical resources. I believe that a portion of these needs may be served by civilian medical facilities on a contract basis, thereby relieving the need for drafting a percentage of doctors into the military.

While there is no question that Army combat troops require on the scene medical professionals as well as all the medical care necessary to care for their wounded, only 14 percent of the doctors, 7 percent of the dentists and 20.5 percent of the nurses currently are engaged either in Vietnam or caring for wounded.

To permit the necessary evaluation of the actual military health care needs and to permit the exploration of other means which might be used, I am submitting an amendment which would do the following:

First, it would require the Secretary of Defense and the Secretary of Health, Education, and Welfare to join in an evaluation of both civilian and military health needs prior to the issuance of calls for the doctors draft.

Second, it would require the Secretary of Defense, along with the Secretary of Health, Education, and Welfare, to undertake a study and report to the Congress within 6 months on the alternatives to meeting the health care needs of military personnel, their dependents and retired personnel through the use of military personnel. The amendment specifies that attention should be drawn to the feasibility of contracting with civilian facilities and civilian medical personnel for meeting the health care needs of the Armed Forces.

AMENDMENT NO. 120

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY. Mr. President, I am submitting an amendment today for myself, Senator McINTYRE and Senator JAVITS to remedy a deficiency in the Selective Service System which has drawn the attention of legal scholars, civil libertarians and draft counselors. Under the current law, the Selective Service System is excluded from the provisions of the administrative procedure act, except for the public information requirements.

That exclusion has created a particular deficiency with respect to the inability of concerned groups to learn of proposed changes in regulations before they take effect. The lack of any notice and the absence therefore of the opportunity to comment on those proposed regulations has produced unfortunate results.

First, the vagueness of certain regulations and the actual errors which have occurred cannot be caught during the rulemaking procedure and the result is unnecessary litigation. By denying the opportunity for comments on proposed rules, the system has prompted litigation and given registrants additional grounds for challenge in the courts.

During the extensive hearings which I conducted as chairman of the Senate Subcommittee on Administrative Practice and Procedure, testimony was received from lawyers and law professors underlining this failure.

Second, the deficiencies in the regulation process frequently have made necessary additional directives and informal memoranda to try and define the meaning of the original regulations. Because of their informal nature, most of these advisory views are considered to be privileged by the local and State boards and are, therefore, even more remote from public scrutiny.

The amendment would do the following: It would require that no regulation issued under this act would become effective until 30 days after it has been published in the Federal Register. After the publication of the regulation, individuals could submit their comments to the Director. No hearing would be required; however, I believe consonant with the general view of those expert in selective service legal affairs, that the opportunity for comment would be sufficient to insure access to the system's rulemaking process.

Since an occasion might arise where immediate issuance of a regulation were necessary, under my amendment the President could waive the time limit requirement where he felt its delay might impair the national defense. He would give public notice to that effect at the time the regulation were issued.

I believe this will insure clarification of the rulemaking procedure now in effect and will produce a better-defined set of regulations which will aid both registrants and draft boards in understanding their responsibilities.

ANNOUNCEMENT OF HEARINGS ON FEDERAL ADVISORY COMMITTEE BILLS

Mr. METCALF. Mr. President, the Chairman of the Senate Subcommittee on Intergovernmental Relations, the distinguished Senator from Maine (Mr. MUSKIE), has asked me to announce that the subcommittee will hold hearings beginning June 10, 1971, on two bills: S. 1637, the Open Advisory Committee Act, which I introduced on April 22; and S. 1964, the Federal Advisory Committee

Standards Act, introduced on May 26 by the junior Senator from Delaware (Mr. Roth) on behalf of himself and the junior Senator from Tennessee (Mr. Brock).

These bills deal with the many problems of councils, committees and other organizations which are advisory to the President and Federal agencies. They seek to reduce the number of such committees, establish a central place for committee reports, require executive accountability, and establish certain standards and guidelines relating to membership, disclosure of information and conduct of such committees.

The hearings on June 10 and June 11 will be held in Room 1318, New Senate Office Building, beginning at 10 a.m. Hearings are also scheduled for June 15, 16, 17, and 22, but a hearing room has not yet been designated. Senator Muskie has requested that I chair the hearings.

Representatives from the Department of Defense, and the Department of Commerce have been scheduled to testify. Among other things, the hearings will cover operations of the Advisory Committees of the Civil Aeronautics Board, the Defense Industry Advisory Council—DOD—and the National Industrial Pollution Control Council—Department of Commerce—as case studies in connection with the proposed legislation.

Any Member of Congress or other person wishing to testify with respect to the above legislation, should contact the chief clerk of the subcommittee, Mrs. Lucinda Dennis, in room 357, Old Senate Office Building at 225–4718.

NOTICE OF HEARING ON A NOMINATION

Mr. WILLIAMS. Mr. President, I wish to announce that on Thursday, June 10, the Committee on Labor and Public Welfare will hold a public hearing on the nomination of Dr. Merlin K. DeVal, Jr., of Arizona, to be Assistant Secretary of Health, Education, and Welfare.

The hearing will be held in room 4232, New Senate Office Building, and will begin at 2 p.m.

NOTICE OF HEARINGS RELATING TO FREIGHT CAR SHORTAGES

Mr. MANSFIELD. Mr. President, the distinguished senior Senator from Washington (Mr. Magnuson), chairman of the Committee on Commerce, has announced that the Special Subcommittee on Freight Car Shortages will continue its hearings on freight car shortages and the relevant bills, S. 1415, S. 1729, S. 1730 and S. 1731, on June 3, 16, and 17. Hearings will commence at 10 a.m. in room 5110, New Senate Office Building.

For further information, please contact John Cary on 225–9325.

ADDITIONAL STATEMENTS

DIVIDE AND CONQUER

Mr. BENNETT. Mr. President, an ancient principle of military operations is to divide and conquer. Recently a distinguished newspaper in Utah published an editorial pointing out that there are those in our country who would see our system of government destroyed by this process.

Mr. President, I ask unanimous consent that the editorial entitled, "Foes of the U.S.A. Can Too Easily Perfect Formula To Divide, Bury Us," from the May 23, 1971, edition of the Ogden Standard-Examiner be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Ogden (Utah) Standard-Examiner, May 23, 1971]

Foes of the U.S.A. Can Too Easily Perfect Formula To Divide, Bury Us

What would be the easiest way for an enemy, any enemy, to carry out a threat to "bury" us?

There's nothing better than the age-old formula, "divide and conquer."

A divided America would be weak, at home and abroad.

Except for the 1861–65 War Between the States, the United States of America have usually been united in fact as well as in name.

There's been dissent, but a healthy dissent. Differences of opinion usually have been expressed within the guide lines of the Bill of Rights of the Constitution. That's the document that gives Americans the right to freedom of press and religion and the right to "peaceably assemble and petition for a redress of grievances."

Note, however, that word "peaceably."

So, as an enemy, the idea would be to have nonpeaceable assemblies. How about using racial or political differences as an excuse, not a reason, to riot in the streets? Wouldn't that upset the U.S. especially if the riots—you could, to be polite, call them demonstrations—took place in the streets of the nation's very own capital?

What a revolting, if you'll excuse the pun, idea!

It could be put up to the enemy's board of strategy this way:

Now about this freedom of press and religion stuff. In your country there are no freedoms. So this must, for America, be a myth. If anyone disagrees with your own so-called "peoples' government," the people disagreeing get shot. Or exiled. How can the U.S.A. be different?

It's obvious you never read the words that famed Supreme Court Justice Learned Hand wrote many years ago:

"The First Amendment presupposes that right conclusions are more likely to be gathered out of a multitude of tongues, than through any kind of authoritative selection. To many this is, and always will be, folly, but we have staked upon it our all."

What to use for an excuse to keep these disturbances going if the people of America get well started on a solution to the admittedly-disturbing problem of racial relations?

Wouldn't a foreign war do?

The United States has earned a tremendous reputation all around the globe for taking the side of the underdog, in peace and in war.

Thousands of Americans have given their lives on alien battlefields to keep other peoples from being oppressed.

So next time the U.S. gets into such a war, make it unpopular—really unpopular—at home!

That'll really tie those proud Yanks in knots. They'll lose the war, pulling out without victory. They'll tarnish their reputation as the Big Hero among the unfortunates of the world. It'll cost billions of dollars. And it'll get Americans fighting Americans, right at home.

Meantime, you could plant seeds in diplomatic conferences that will find fertile ground among those people of the U.S., and that's most of 'em, who sincerely want peace.

Propose a reduction in nuclear arms so the United States will no longer keep the lead in power that it held so long, despite the traitorous efforts of foreign-paid spies.

The U.S. has also been the foremost power in development—although she's never used them—awesome weapons of chemicals and germs.

Take an isolated incident in a Utah desert, where a miscalculation by the military did lead to the deaths from a poison gas of hundreds of sheep. Distort the facts. Scare the hell out of the people. And, sure enough the protective stocks of chemical and bacteriological weapons will be destroyed by the Americans themselves!

If that bumbling U.S. Congress should threaten to vote money to protect American cities against potential attacks by your own intercontinental missiles, start a backfire. Such arming, your friends in high places must insist, is not in the interest of world peace. It might make America's friends, if she has any left, suspicious.

Not that!

Those same fifth columnists should, of course, do their utmost to prevent the U.S. from developing and building any other new weapons, in the air or on the sea or on the land. And, by all means, working at reducing the American lead in the field of civil aviation—the lead she's enjoyed since those Wright brothers left their bicycles and sprouted wings at Kitty Hawk.

Promote inflation. Build the national debt. How about a goal of putting the United States into the red to the tune of $400 billion. That's enough dollar bills to fill 3,456 railway boxcars, making a train 36 miles long. Wow!

Organize more and more "demonstrations."

Pollute the air.

Overcrowd the cities.

Jam the highways.

Promote the sale, use and abuse of drugs.

Ridicule our political and military leaders.

Undermine faith in the CIA and the FBI, especially the FBI.

The formula for dividing and conquering can go on and on.

Could this happen to the United States of America?

Or has it already?

UTAH SYMPHONY

Mr. MOSS. Mr. President, last night the Utah Symphony Orchestra under the direction of Maurice Abravanel, appeared for its first time in Washington, D.C. at Constitution Hall. This appearance was the first concert by the Utah Symphony beginning a Latin American tour that will include appearances in several countries.

We in Utah have long recognized that the Utah Symphony is an outstanding organization and worthy of national praise and reputation. We were pleased to note that the three daily newspapers in Washington, after listening to the Utah Symphony performance last night, agree with our evaluation. I ask unanimous consent that the reviews from the Washington Post, the Washington Daily News, and the Evening Star be printed in the Record.

There being no objection, the reviews were ordered to be printed in the Record, as follows:

UTAH SYMPHONY

(By Paul Hume)

Maurice Abravanel brought the Utah Symphony Orchestra to Constitution Hall last night to give Washington an idea of the way music is made in that state by others than those in the Mormon Tabernacle Choir. It was the orchestra's first concert on its way to a Latin American tour that will carry it as far south as Buenos Aires and Lima before the tour ends early next month.

Abravanel, who is just beginning his 25th year as the head of the Utah Orchestra, gave a friendly audience a good idea of the music of both North and South America that he will play on the tour, as well as one of the staples of the standard repertoire in the First Symphony of Brahms.

The concert opened with a complete novelty, the Third Symphony which Ned Rorem wrote in 1958 when he took leave of the France he loves so much for what he felt might be a long absence. It proved to last 12 years. Rorem, well-known in Washington for his songs and piano pieces, is too much a stranger to our larger platforms, though those with long memories may recall a Cathedral Choral Society-Callaway performance of his "Long Home."

But except for the time the Louisvile Orchestra played his Eleven Studies at the White House on that famous June 14 in the Johnson regime when the arts were honored for an entire day, Rorem's major symphonic writing has been ignored. The loss has been ours. His Third Symphony, with its admirable sense of instrumental style, and a kind of purpose that is highly welcome these days, may bow in the direction of Aaron Copland, but it is very much Rorem's own, and a distinctive work in which are combined both plasticity of form and real appeal in melodic flow.

The visitors from Salt Lake City played the symphony with notable comprehension of both the energetic motion of the work and a finely molded sound in its songful measures.

Alberto Ginastera's Variaciones Concertantes were introduced to Washington some years ago by Guillermo Espinosa and have been heard since then from the National Symphony, but they are still relatively unfamiliar. They stand with Britten's "Young People's Guide," as an agreeable means of getting to know the orchestral instruments. Ginastera, however, is much less exuberant, more reposeful in his traversal of the orchestra. He gives plangent solos to cello, and viola, characteristically excited lines to flute and clarinet, and so on. Much of the time the music is reflective taking on a Latin flavor only in the closing rondo.

Abravanel was justly proud of his first chair players and offered them the audience's hearty applause at the end of an effective account of the music.

It has been a long time since any conductor has brought us as brisk a view of the Brahms First as Abravanel offered. He sees the music as having a kind of forward motion that seldom lets up, and what he does can easily be squared with what Brahms set down. It also makes the most of the kind of playing at which his orchestra is best. Here and there a lack of weight, especially in cellos and basses was noticeable, though this could be compensated for by a greater effort and a more insistent attack from both choirs.

But by his emphasis on the form of the work, all the while giving its famous solo passages time to sound at ease. Abravanel underlined the urgency that is one of the symphony's strong points. This made it the more surprising that he pulled back at the final chorale, but his recovery in the closing measures was again in the classic vein.

The Utah Symphony, conducted by Maurice Abravanel gave its first Washington concert at Constitution Hall last night and immediately established itself as one of the top ranking orchestras in the country.

The concert, a prelude to the orchestra's second international tour, attracted a large audience, which greeted Mr. Abravanel with affectionate applause as he came on stage at the outset and which gave him and the orchestra an ovation at the close.

The program—the Rorem Symphony No. 3, Ginastera's Variaciones Concertantes and the Brahms Symphony No. 1—was a demanding one that fully revealed the orchestra's strong ensemble playing, especially in the Rorem symphony, and its fine array of principles as highlighted in the Ginastera. In the Brahms only a virtuoso group could have responded so well to the headlong pace Mr. Abravanel set for the opening movement. It was, indeed, an impressive concert.

UTAH ORCHESTRA BRINGS MAGNIFICENT SOUND

(By Robert Evett)

Utah Symphony Orchestra. Maurice Abravanel, conductor. At DAR Constitution Hall. Program: Symphony No. 3, Rorem; Variaciones Concertantes, Ginastera; Symphony No. 1, Brahms.

In less than 25 years, Maurice Abravanel has built the Utah Symphony into a splendid orchestra. Now on an international tour, the orchestra appeared in Constitution Hall last night in a program designed to show its many strengths.

The program began with Ned Rorem's Third Symphony, a work neither first-class nor characteristic of the composer, but which has the advantage of calling for a really big orchestra. The last movement in particular is showy and brilliant and sounded good in the performance it got.

Alberto Ginastera's Variaciones Concertantes, written in the early Fifties and among the best of Ginastera's second period, is a concert piece showing off a dozen of the orchestra's first-desk players in solo variations. There was particularly beautiful playing by Oscar Chausow, concert master of the orchestra; by the principal cellist, Christian Tiemeyer; and by Camille Guernsey, the solo harpist. In addition, the wind and brass soloists played with real distinction in an altogether compelling performance.

The concert concluded with a glorious reading of the Brahms First. Abravanel's Brahms is fairly straightforward, and his tempos are lively throughout. His interpretation of the work is a radiant and virile one, and in it his orchestra sounds perfectly magnificent.

The orchestra is taking a substantial repertory with it on its tour. It deserves, and no doubt will have, the greatest success.

TRANSPORTATION DEVELOPMENTS IN EUROPEAN CITIES

Mr. ALLOTT. Mr. President, several times in the past I have called to the attention of my colleagues the significant transportation developments in European cities. One report on these developments, written 2 years ago for me by Gunther M. Gottfeld, was reprinted and quoted in newspapers and magazines across the Nation. At the time Mr. Gottfeld wrote his original analysis, he was an officer of the Massachusetts Bay Transportation Authority. Since that time he has become senior transportation planner for the new Rail Rapid Transit System to be constructed in Baltimore.

Mr. Gottfeld has just returned from Europe again and has written me an interesting letter summarizing the significant statements at the International Rapid Transit Conference in Berlin which was held in the last week of January 1971.

Because Mr. Gottfeld's remarks are pertinent and bear so directly on the situation we are facing in this country, I ask unanimous consent that his letter to me be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

FEBRUARY 16, 1971.

Hon. Gordon Allott
United States Senator,
5229 New Senate Office Building,
Washington, D.C.

Dear Senator Allott: Knowing of your long time interest in urban mass transportation, I should like to report to you on my recent trip to Europe to attend an International Rapid Transit Conference which was held in Berlin during the last week in January in conjunction with the opening of another new subway section. In addition to visiting Berlin, I also had the opportunity to inspect rapid transit systems in Paris and Hamburg.

The notable impressions of this trip were the continued improvement and expansion of rapid transit and commuter railroad facilities in Western Europe, in contrast to the more slowly evolving progress in the United States. Since 1969, when I attended an International Transportation Conference in London, significant extensions have been completed in such cities as Berlin, Hamburg, Paris, and other cities. Completely new commuter rail networks are under construction in Frankfurt, Munich, Stuttgart, the Ruhr Area, and Paris, as well as a number of other cities.

Of particular interest to me at the Berlin Rapid Transit Conference were statements by the President of the German Federal Railways and the Assistant General Manager of the San Francisco Bay Area Rapid Transit District that in their opinion progress in rapid transit development will come by improving on the existing steel wheel technology, rather than by perfecting a brand new technology. I believe that there is a great deal of merit in this philosophy, because I had the opportunity to inspect the rubber tire technology in Paris, and steel wheel technology in Berlin. I was especially interested in observing both systems during the week which I was in Europe, because of the often assumed noise factor associated with steel wheels. Based on personal observations, however, I found that the new steel wheel subway trains in Berlin were definitely quieter than the rubber-tired trains in Paris.

In conjunction with the Department of Transportation's program in Pueblo, Colorado for developing an improved rapid transit vehicle, may I suggest that serious consideration be given to an in depth study of the new Berlin subway, with particular emphasis on the noise abatement features.

Sincerely,

GUNTHER M. GOTTFELD.

RURAL DEVELOPMENT

Mr. ALLEN. Mr. President, on April 19 the chairman of the Senate Committee on Agriculture, Senator Herman E. Talmadge, and the chairman of the Rural Development Subcommittee of the Senate Agriculture Committee, Senator Hubert H. Humphrey, delivered speeches before the Georgia Association of County Commissioners in Macon, Ga.

These speeches were extremely significant, for they provided excellent insights into the purposes and objectives of the Rural Development Subcommittee and the Committee on Agriculture. The Georgia speeches placed the Senate Agriculture Committee's new efforts at rural development in perspective with what has been done for rural development in the past.

These excellent addresses stated the three objectives that the Rural Development Subcommittee will pursue this year: First, to get the true facts about rural America; second, to publicize the plight and promise of rural America; and third, to develop a comprehensive set of recommendations and legislative proposals for dealing with the economic and social needs of rural America.

During his Macon address Senator HUMPHREY proposed a new freedom—the freedom of residence. He stated that all our people must have a realistic choice about where they will live and work.

Senator TALMADGE emphasized that rural development is not a partisan issue. He pointed to the strong bipartisan composition of the Rural Development Subcommittee.

I am proud to be a member of this subcommittee and I look forward to participating in its activities. I traveled with the subcommittee to Iowa and South Dakota on its first field hearings and I believe that this trip was most productive and informative. I will look forward to the subcommittee's Washington hearings and field hearings which will be scheduled in the future.

I ask unanimous consent that copies of these speeches be inserted at this point in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

TALMADGE LAUNCHES MAJOR COMMITTEE EFFORT ON RURAL DEVELOPMENT

(Speech of Senator HERMAN E. TALMADGE)

Ladies and gentlemen, I am delighted to be here to discuss what the Senate Committee on Agriculture and Forestry and its Subcommittee on Rural Development hope to do for rural America.

You county commissioners probably have a better understanding of the total problems of rural America than most, because you are in the front lines each day, trying to make those local tax dollars go farther than they can really be expected to.

Presidents, senators, and congressmen have shown varying degrees of interest in the term "rural development" for decades. President Roosevelt initiated many programs for rural America as a means to help pull the country out of the great Depression. These rural programs provided the framework for many of those which now exist.

For instance, the old Farm Security Administration predated the Farmers Home Administration, which is now doing a good job of helping revitalize rural areas.

When Ezra Taft Benson was Secretary of Agriculture, the term rural development was often used as an excuse for dismantling farm subsidy programs. Even today some farmers are suspicious when politicians talk about rural development because they are afraid it will touch their pocketbooks.

During the years of the Kennedy Administration, a great many programs were begun. In 1961 the Area Redevelopment Administration, predecessor of our Economic Development Administration, was enacted. Also born during that time were the Appalachian Regional Commission and the Title V commissions.

In the Johnson years, most of the concern about rural development was centered around the War on Poverty, and it looks more and more as if the rural development portions of Mr. Johnson's war will have the most lasting effect.

Under the able leadership of Orville Freeman, the Agriculture Department began several programs useful to the improvement of rural America. The role of the Farmers Home Administration was increased dramatically. The best example here is the insured loan program for home building.

Our presidents have not done all of the inventive work in this important field. As far back as 1949, Senator John Sparkman held hearings on the establishment of an Area Redevelopment Administration, and it was Senator Sparkman who was the driving force behind enactment of this legislation in 1961.

As Chairman of the Senate Committee on Agriculture and Forestry for 18 years, Senator Allen J. Ellender has been an avid supporter of all programs aimed at revitalizing rural America.

We Democrats don't have all the copyrights either. No man has done more to revitalize rural areas than the Senate's senior Republican, George D. Aiken of Vermont. It has been Senator Aiken who was responsible for the program which provides loans and grants for water and sewer facilities under the Farmers Home Administration. And last year Senator Aiken successfully pushed through a law authorizing construction of water-based recreation facilities in rural America. Presently the senator is fighting for adequate funding for these programs.

And this brings us to a major point.

Many of the fine programs developed in the past several years have never really fulfilled their promise and many have not done the kinds of jobs they were created for.

In 1968, the Congress amended our housing laws to provide for Federal grants to help the states in the development of rural multi-county planning areas.

It was excellent legislation, and Georgia is the best existing proof of the real effectiveness of multi-county planning as a solution to rural problems. Many of you here in this room have shown dramatically that regional planning is not some pie-in-the-sky idea, but it is something that produces fruitful action and positive results. That's what we are all interested in here.

Unfortunately, the 1968 amendment has only received a miserly amount of money, sharply limiting the implementation of multi-county planning across the nation.

Gentlemen, this is typical of our efforts thus far in the field of rural development. Those efforts have been sporadic, and today's desperate social and economic conditions out in the country show that we have done too little, too late.

When we compare the need for rural housing with the 94,000 people who were helped by the Farmers Home Administration program in 1970, we can understand how inadequate present efforts are.

We are not going to solve the housing problems of rural America by helping 94,000 families when 54 million people live outside our larger cities.

Rural America has only 26 percent of the nation's population, but it has fully two-thirds of the substandard housing.

How many of you commissioners have stood hat in hand at the Department of Housing and Urban Development or the Farmers Home Administration trying to get grants and loans for water and sewer lines? And what were you told? There is no money.

We hear a lot of fine talk in Washington about air and water pollution, but what good is talk?

Two hundred and fifty million gallons of raw industrial waste and 225 million gallons of raw sewage are dumped daily into Georgia waterways. Only 50 percent of Georgia's population is on public sewage, and only about half of these are connected to systems which provide adequate treatment.

Congressman Stephens and I fought last year to get full appropriation of the money authorized for the HUD program of water and sewer grants to small towns, only to have the President veto the $18 billion HUD appropriation bill because he said that the bill contained too much money for water and sewer grants. The President said that the $500 million appropriated for water and sewer systems in small towns across the nation was too much, even though it would take about $12 billion to provide adequate water and sewer systems for the nation's small towns and communities.

Last year the Congress appropriated $100 million to be spent under the Farmers Home Administration water and sewer grant program. The Administration is refusing to spend one-half of this amount.

All of you know that I am not a big spender. However, I know the need for water and sewer facilities in rural America. You folks don't let me forget it. Daily I hear from small town and county officials who desperately need Federal funds to build or improve a water or sewer system.

I cannot accept a system of priorities which dictates that we spend billions of dollars around the globe while we cannot spend even a pittance to provide basic sanitary facilities for our own people.

I suppose many of you wonder why I became so involved in what we call rural development. Well, it's easy to explain.

As a member of the Senate Committee on Agriculture and Forestry, I have been working on farm legislation for many years. The farm programs we have on the books have been extremely helpful to American agriculture, but unfortunately none of them is doing the job we desire. None of these programs can provide a solution to rural problems, and none of them can stop the persistent flow of people from the country to the city.

I find it difficult to describe to you how frustrating the deliberations were on the 1970 farm bill. As I sat day after day discussing the farm program it became clear that those of us who were interested in the prosperity of American agriculture would never be able to get the kind of bill we thought was needed to provide parity of income for the American farmer. Even as we deliberated, it was revealed by the USDA that parity was at its lowest level since the great Depression, and no one seemed to care.

It is almost as if this country and its leadership have lost interest in a healthy economy for agriculture, and for the people who work so hard to make this the best fed and best clothed nation in the history of the world.

But it was also evident to me that even if we did secure the passage of legislation guaranteeing one hundred percent of parity for all farmers, we would still have done very little to benefit those who think of the country as home; people who want to stay where their roots are but cannot because there are no jobs, and few incentives to remain at home.

Therefore, I decided that the Senate Committee on Agriculture and Forestry should be concerned about the overall economic development of rural America, as well as basic farm programs. I felt the Committee should be concerned not just about farm parity, but a parity of rural income, a parity of rural services, parity of housing and parity of rural living conditions.

I introduced an amendment which would lay the basis for increased Congressional efforts regarding rural development. The amendment was adopted and became title

IX, the rural development title of the Agricultural Act of 1970.

Title IX is a beginning. It calls for reports from the Executive Branch in five different areas, which should prove helpful to the Congress in legislating on rural development.

One section of the amendment directs all executive departments and agencies of the government to set up policies which would give preference to areas of low population density when establishing new Federal offices and facilities.

The Federal government is by far the nation's largest single employer. The matter of where Federal facilities are set up can have a tremendous economic impact in a rural area. And it can have an enormous detrimental impact when located in some already crowded urban area.

I cannot adequately describe to you the fearsome sight of 500,000 cars crawling over the river bridges into the District of Columbia each day. Downtown Washington, along with many other large cities, has become one huge parking lot.

It has always amazed me that the Federal government, with its tremendous power to affect the economies of the nation's towns and cities, has never established any clear policy for giving an area's population density and its economy some consideration in the location of new facilities.

With modern communications and transportation what they presently are, it is no longer necessary to bunch together Federal facilities into high-rise rabbit warrens.

My amendment requires reports from the Administration in four other areas. One that is of considerable interest to me is a report showing the level of services out in the country—an annual report stating the availability of telephone, electric, water, sewer, medical, educational and other government operated or regulated services to rural areas. The President would also be required to outline his efforts to improve these services each year.

America must know how inadequate the living conditions are in much of rural America. Many of the basic things taken for granted by city and suburban people are just not available in many rural areas.

Unfortunately, the President's first report in response to the Title IX amendment does little to illustrate this fact.

I wanted a comparison between the levels of city and rural services. Yet the Administration report contained no such comparison. It didn't even compare present levels of things like telephone, water and sewer services with previous years.

I hope sincerely that through the work of the Rural Development Subcommittee, a dialogue can be established between the Congress and the Executive Department that can be translated into action on your behalf.

An important part of my rural development amendment was language committing Congress to achieving a sound rural-urban balance, and stating that the highest priority must be given to the revitalization and development of rural areas.

I intend to see that Congress keeps this commitment.

The Subcommittee on Rural Development will look at all present Federal programs aimed at improving the economy and living conditions in rural America, rather than just limiting its inquiry to a fragmented handful of rural development bills. Hopefully innovative new programs will come from these investigations and studies.

The Subcommittee has a big job to do, and I have chosen a big man to get the job done. Senator Humphrey is one of the best versed men in the Senate on the problems of agriculture and rural America.

I have worked closely with Hubert Humphrey in passing needed farm legislation since I came to the Senate.

But just as important for this effort is Senator Humphrey's standing in urban America. If we are to make real progress in revitalizing rural America, we must have the support of the nation's city dwellers.

Unless we can convince our urban friends that it is to their advantage to support programs which improve living conditions in rural America, programs which will finally stop the interminable migration to the cities, we won't be able to do much more than talk about our problems.

I believe Senator Humphrey is a man who can bridge the gap between the urban interests and rural interests.

I believe that the need to really do something about rural renewal is an issue that will bridge regional and philosophical lines—something behind which liberals and conservatives can unite. It is an issue as important to Minnesota as to Georgia.

And it's not a party issue. We have on the Rural Development Subcommittee three distinguished Republicans. One of them is Senator Robert Dole, chairman of the Republican National Committee, who was an original sponsor of my rural development amendment.

Now if a couple of stout partisans like Hubert Humphrey and Bob Dole can agree on an issue, then you must believe that there is something to it.

And I believe there is something very big to it, gentlemen. For the first time in our nation's history there are fewer than three million farms. Fine little towns are drying up and blowing away.

The population patterns which have sent most of our population to two percent of the land are simply wrong.

We owe it to our children and our nation to make the changes that we know must be made.

HUMPHREY JOINS TALMADGE IN LAUNCHING MAJOR COMMITTEE EFFORT ON RURAL DEVELOPMENT

(Speech of Senator HUBERT H. HUMPHREY)

I want to say right at the outset that without the foresight, the commitment, and the hard work of my good friend, Senator Herman Talmadge, there would be no law requiring that the highest priority be given to the revitalization and development of the rural areas of America, no commitment to a national growth policy establishing a sound balance between rural and urban America, and no Committee in the United States Senate devoting its entire attention to rural development.

That we now have the authority at the national level to set out upon these totally new directions is the result of the dedication of one man, Herman Talmadge, the new Chairman of the Senate Committee on Agriculture and Forestry. And it was Senator Talmadge who gave me the opportunity to help implement this new thrust at the revitalization of rural America in my appointment as Chairman of the Senate Subcommittee on Rural Development.

This mandate for the Subcommittee is provided by Title IX of the Agricultural Act of 1970, an all-important title introduced and pushed through to enactment by Senator Talmadge. In addition to establishing a national commitment to a sound balance between rural and urban America, this Title also requires the Administration to give Congress specific information each year on Federal programs and services to the people of Rural America. And you can be certain that the Senate Subcommittee on Rural Development will closely examine this information with a view to substantially improving and redirecting this Federal effort, which I believe is now woefully inadequate in the face of the critical problems confronting our Nation.

Gentlemen, I think it's time for all of us to ask, where is this country headed?

In the short period since World War II, our population has grown by 55 million people. The value of the goods and services we produce has grown from $280 billion a year to nearly a trillion dollars. The two-home family is becoming nearly as commonplace as the two-car family.

Sounds pretty good, doesn't it?

But wait, there's more.

Three million farms have disappeared in the technological revolution that is still sweeping agriculture, and only about one in five of our farm boys can remain on the farm.

More than 20 million people have abandoned the small farms and towns for the cities, so that 75 per cent of our people are crowded onto less than 2 per cent of the land, 25 per cent occupy all the rest—many of them in lonely decline, while their city cousins live in overcrowded disorder.

The result of all this movement has been a national crisis of the environment, which in many respects lies at the heart of all of the talk about ecology we hear today, and this problem of the changing relationships between the people and the land has festered the social and economic sores which have erupted around us.

If the trend to megalopolis continues, in the next 30 years 100 million more Americans will be crammed into the big cities where 150 million are already living.

To look at it another way, if these 100 million new Americans were to live in newly created communities, a city the size of Portland, Oregon, would have to be created every 40 days over the next 30 years.

We have become a troubled nation.

We are vaguely aware that we could have shaped our society with consideration for resources, people and space, demanding quality as well as quantity.

Instead, we have rushed after something we call "progress", piling more and more people into less and less space, on territory made obsolete by modern transportation and communication.

I for one, think these trends can be stopped or at least slowed down and possibly reversed. Certainly a nation which has explored outer space for a decade can muster the energy and technology and the will to create a life here in our country that offers opportunity and decent living conditions for all.

But we must understand that the land, as space to live on, is taking priority over the old idea of the land as something to be exploited, no matter what the consequences.

The changes that will be necessary must be based on nationwide geography and not just political geography. We must head toward a rural-urban balance—a healthy balance between the people and the land.

The fact is, we have space to spare. But it's time now to stop fooling around with it as if it were a limitless resource. Government—all levels of Government—must begin planning together. We must begin to do those things which will influence our nation's growth in a more orderly way; in a way that is designed for people, rather than expediency.

We must design a national growth policy. That policy must have as its central premise the relationship of people to land, water, air and resources. There must be a healthy balance that permits people to live in harmony with this environment.

I'm sure you folks are wondering what Hubert Humphrey has in mind. What is he going to do to lick this problem of rural outmigration so that we can strike a balance between the big cities and rural America?

Well, I'll tell you one thing. I don't have all the answers. That's why I'm going to conduct an extensive investigation into just what thes problems and needs are.

And we intend to find some answers. The more we look at rural community development, the more I'm convinced that most of the experts are only experts in making generalizations. Our subcommitte is going to get the kind of hard facts that are needed to develop a sound legislative program.

We'll have 3 objectives:

First, we must get the true facts about rural America. We'll do it with hearings in Washington; some first-rate staff work; and field investigations that will take us out where the people and the problems exist.

Secondly, we must publicize the plight and the promise of rural America. Unfortunately, the deterioration of our countryside doesn't grab the same kind of headlines as some of the more strident explosions occurring in our central cities.

And finally, the Subcommittee will try to develop a comprehensive set of recommendations and legislative proposals for dealing with the depressed economic conditions of our rural areas and the critical needs of their people—conditions and needs that have caused a massive exodus from the farm to the city.

But to meet this major national problem head-on, this Congress must proclaim a new freedom—a *Freedom of Residence*. We must establish the right of *all* our people to have a realistic choice about where they will live and work—not a choice dictated by politics or economics.

This means that young people will not be forced, as they are now, to migrate to large and turbulent metropolitan areas because there are no jobs at home. This means that people who may want to live in small town areas can expect to find good schools for their children, a decent transportation system, and the best of medical care and medical facilities. This means new industries, modern social service and cultural activities. It means that Americans should be able to enjoy all the benefits of life, liberty, and property not only in big cities, not only in suburbs, but all over America.

A century ago, "Go West, Young Man" was more than a tourist travel slogan. It was a firm national population policy designed to help America's best interests.

Accordingly, the Federal Government gave incentives to settlers—the Homestead Act, and the Federal Government gave incentives to railroads to open up the West—large land grants to the railroads made some people millionaires who probably didn't deserve it, but they did provide highways of steel to bring in people and bring out the crops. And just a little more than a 100 years ago the Federal Government encouraged the growth of higher education in the Mid-Western and Western areas by establishing the Land Grant College Act. The Government was concerned with the everyday necessities of life as well: In 1896 a Federal act established the Rural Free Delivery Service.

And then, somehow, we stopped. As farming became more mechanized in the early decades of the century, as Americans tumbled into cities and then out of cities and into suburbs, just when we needed a population policy—we stopped.

We have seen what a non-policy population policy has done to rural areas. Men in politics are trained to find answers to the problems of the people—not to say that there are no answers or there are no problems. There are problems, and there are answers.

We must develop a long range population policy in the United States to bring the vitality back to rural areas. Americans must enjoy the Fifth Freedom: The *Freedom of Residence*. And we must start *now, now*.

We already have a number of laws on the books providing for Federal assistance to rural America, and progress is being made in some areas. But we have yet to look at the problem in terms of an overall solution. I'm asking the Governors to tell me what their states are doing to stimulate rural community development, and their experience in dealing with Federal programs to stimulate rural development.

I believe our trips over the nation will point out some distressing and little-understood facts. I believe we will find that rural Americans are often discriminated against in many different ways:

They are less likely than their city cousins to have the opportunity for quality education.

They don't have the health and dental facilities that they desperately need.

It's difficult to find jobs in rural America that pay a living wage.

Our country cousins often don't have access to meaningful job training and unemployment compensation.

Public transportation in rural America needs expansion and modernization.

We still haven't done the job of getting water and sewer facilities into the country, not to mention things like fire protection and sufficient decent housing, libraries, hospitals and medical services.

Only when the nation is aware of the economic and social discrimination against rural America, only when the nation is aware that rural problems are forcing millions to move to our congested cities, will we have the support we need to implement policies which will insure parity in all things for rural as well as urban America. We have yet to consider our urban and rural problems in the light of a need for a national growth policy—a national plan to achieve rural-urban balance.

To get the facts, we shall hold hearings in several areas of this nation. But there will be much more than just hearings. We're going to get out and talk to the farmer, the rural businessman, the teacher, the preacher, the young and the not-so-young.

Our tours will be supplemented by intensive staff work, by analysis of the data and information as it comes in. Already, I am writing to every Governor, seeking his views on rural community development.

It seems from where I stand that concern for rural segments of our population is the lowest priority item on the national budget.

In the past, Congress has adopted a number of programs in the name of rural development, but all of them are inadequately funded.

For example, let's take a look at rural housing. Although rural America contains only one-third of the nation's people, fully two-thirds of our substandard housing is out in the country. The Department of Housing and Urban Development spends some money on rural housing programs, but not much. That agency's primary concerns are the cities and the suburbs.

You say that's not so bad, because we still have the Farmers Home Administration. Well, for some reason the Administration tried early this year to cut the FHA's insured housing program by almost $500 million for the remainder of fiscal year 1971. This would have brought the program to a standstill in several states, including Georgia. Fortunately, the White House heard from thousands of protesting Americans, and the money was restored.

But the present Administration has simply refused to spend nearly one billion dollars of money which Congress appropriated to help rural America.

These are but a few examples of how rural America is forgotten when it comes to the handing out of Federal dollars.

Hopefully, the efforts of our Subcommittee to publicize the needs of rural Americans will generate public support for enough money for rural development programs.

Until we do generate this support, we will have a hard time passing additional legislation for rural development.

Now I know many of you County Commissioners out there are asking yourselves, "How does this fellow Humphrey stand on the bread and butter issue of revenue sharing?"

Well, I'll tell you.

I favor general revenue sharing. As a matter of fact, Congressman Henry Reuss of Wisconsin has joined me in sponsoring our own legislation on revenue sharing.

And I favor some reorganization of the Federal System to make it more efficient, but I am not prepared to junk many of the assistance programs which have meant so much to both rural and urban Americans.

Let's take a look at the Administration's so-called Rural Community Development Revenue Sharing Act of 1971.

The President's Message on rural revenue sharing had some good language in it, a good understanding of many of the problems which beset rural America.

But there are some things which disturb me, too.

You must understand that to provide for rural revenue sharing, the Administration didn't find a new source of money, or some goose that lays golden eggs.

Instead, in order to come up with the dollars for rural revenue sharing, some things were cut out.

First to go would be the Commissions like Coastal Plains and the Appalachian Commission. That will provide $316 million.

Now I will be the first to admit that these Commissions have not produced all that they promised. But at least they offer an opportunity for states with similar problems the opportunity to sit down and plan together.

And one of your own Georgians had this to say in testimony last February about the relatively small amount of money spent in this State's northern counties for the Appalachian Program:

"The overall statistics for the region are showing healthy signs of a turn-around. No longer are we declining in population, and no longer is the average age of our residents increasing at an accelerating rate. Property values are now increasing at a rate of 6 per cent annually, rather than 4 per cent, and employment opportunities have multiplied better than 5-fold."

The people of Toccoa, Georgia have a new library which wouldn't exist if there was no Appalachian Regional Commission.

Now I ask you, is this the sort of program you cancel and walk away from? I don't think so.

The Administration will take another $227 million from EDA, the Economic Development Program that has done more to rebuild Rural America than any other.

All of you from the smaller counties want to attract good, solid industry to back up your economic base of agriculture. Well, ask the folks in Waynesboro where they are getting the money to develop a new industrial park. They got it from an EDA Industrial Development Loan.

Georgia received nearly $7 million in EDA grants and loans last year. That's seed money, my friends, something you can build on—the bootstraps which many of you need so badly by which to pull yourselves up.

I, for one, don't intend to have the EDA program simply slip down the drain.

We all know that sewer and water systems don't hold much political sex appeal. But without such facilities, none of your towns can grow. The Rural Water and Waste Disposal Program has just gotten off the ground, and it concerns me that the President will get $42 million for his revenue sharing plan by taking it away from that program.

Under the President's proposal the grant money for water and sewers would go to the states. But jurisdiction for the loan portion would remain with the Farmers Home Administration. Now you know that most of the water and sewer systems built under this program have been a combination of grants, plus loans.

I was under the impression that revenue sharing was supposed to end the red tape. But it seems to me that if you have to go to your state for a grant, and then to the FHA for a loan, the amount of red tape would be greater, not smaller.

Another source of the Administration's rural revenue sharing funds was to be the money which is currently spent on the Cooperative Extension Service, $149 million.

Apparently the Administration has not foreseen the grass roots rebellion at this idea. When rural Americans found out that their extension service—their county agents and home demonstration agents—could be eliminated under the President's proposal, Congressmen and Senators and the President received a barrage of mail and telephone calls. I am sure that many of you County Commissioners expressed your objections to Senator Talmadge. I certainly heard from the County Commissioners in Minnesota.

Rural people know that there is no program more valuable to rural America than the Cooperative Agricultural Extension Service. They are not about to see this program go down the drain without putting up a fight. Fortunately, the Administration realized its mistake. In the bill which was recently sent to the Congress, the Administration included a proviso which says the States must maintain an extension program comparable to that in existence in fiscal year 1971.

This new provision is certainly a welcome change. However, I feel that any transfer of extension program funds to a special revenue sharing fund could mean the eventual elimination of the extension service that we know now. Certainly, the least that is done by this revenue sharing proposal is to insure that the extension service has little chance of further growth and progress.

To summarize my position on revenue sharing for rural areas, I favor revenue sharing if it means more Federal dollars rather than less. I do not favor a proposal which takes money from programs which now benefit farmers and rural Americans. I will oppose any program which takes money out of the farmers' pockets.

We must add industry to the small towns of the State and Nation. These industries are badly needed to absorb farm workers who are displaced by mechanization. However, we must do everything within our power to bolster the agricultural economy of these areas.

We have to build on our economic base of agriculture, not risk that base in the name of rural development.

In spite of my reservations, I believe that the Administration's revenue sharing bill deserves a fair hearing. There are many questions that must be answered. For that reason, I have scheduled hearings by the Subcommittee on Rural Development on the Administration's proposal on April 23.

During the course of the year our Subcommittee will hold hearings on a number of legislative proposals. Currently the Committee staff is working on legislation which would establish a Rural Development Bank, a bank which would provide financing for basic services for small towns and communities of the Nation. I shall also introduce a bill to establish a National Domestic Development Bank. This bill is designed to provide financing for towns and cities of all sizes.

The Subcommittee's journeys through rural America, its Washington hearings, and the work product of the Committee's staff should give us an adequate base for developing a new legislative program—a comprehensive program which will provide for a national growth policy, the financing to carry out this policy, and the technical assistance and leadership which would be required to implement a policy of *balanced* national growth.

I have told you what I, as Chairman of the Senate Subcommittee on Rural Development, plan to do. Now let's discuss what you, the local leadership, must do. It is you, the local County and City officials, who must make any national program of rural revival work.

We in Washington can enact the laws, we can approprite the money, but if we don't have clear communication, precise understanding, and cooperation with you, then our efforts are of no avail.

Now I think it's important that we talk a little philosophy right here.

For years now, we've had a situation where country politicians have made their political hay by attacking those "evil" city folks, while in the big cities, they have been demagoguing about the reactionary forces of Rural America.

Well, it's high time—in fact, imperative, that we all stop shooting one another down and begin working together.

There may be some of you who can't fancy yourselves in some love affair with the lawmakers from Atlanta, so let me explain what I mean.

We have big cities and suburbs in trouble. And while they try to deal with the problems of yesterday, hundreds and hundreds of people from rural America get off the buses today, putting pressure on already overloaded urban systems and adding to welfare rolls.

It is a little like the pressure put on a filling balloon. There is no way to relieve it—at least not the way we are doing things right now. And if we don't make some changes soon, a whole cluster of ballons is liable to pop, despite the best efforts of city governments all over this country.

Now let me make my point—I have heard that down in South Georgia, in Thomas County, there is a town called Metcalfe. Before the 1920's Metcalfe was a proud and prosperous place, surrounded by some of the best farms in the South.

During the season, the two cotton gins in Metcalfe ran 'round the clock; there was a busy Farmers' Market; Bank; and even a hotel called the Russell.

But then the boll weevil came, and by 1924, both gins had closed and the bank moved to Thomasville. Metcalfe was in the throes of death. And today, the tiny grocery still in business has a sign on the front door that says, "Food Stamps Accepted Here."

Regrettably, there are too many Metcalfes in this country, too many in Georgia, too many in Minnesota—fine little towns full of good people who love the land and their country; obey the law; and pay their bills on time.

But the children of these Americans have moved away to the Jacksonvilles and Atlantas. In the small towns these people still think of as home, there are no opportunities. There are no jobs. No futures.

Most of these former 4–H'ers and Future Farmers, along with the rural poor have emptied into our large cities. Sometimes it was the boll weevil that made them move. Perhaps it was mechanization of our farms. Whatever the cause, we know that if there is to be a healthy, productive, prosperous and free America, we must rejuvenate, revitalize, and modernize the vast areas of Rural America.

I'm not going to stand here and tell you that I want to start some massive back to the farm movement, but you and I have got to give the young people who are still growing up in our rural counties some reason to want to stay home. I believe that if we can develop the industries and shops, create the jobs, build the schools, provide the healthy and recreational services in Rural America, those young people will stay, and many of those who have left will return.

Senator Talmadge has made an important beginning in this effort with the rural development bill he passed in the last session of Congress over the objections of the Administration.

But he knows there is much more than we in the Congress must do. Our Rural Development Subcommittee begins hearings this week on this whole broad area. Beginning with an examination of the President's Rural Revenue Sharing Plan.

But what Congress does will matter very little unless this unending political war between rural and urban interests begins to cool off. Mark this very clearly. Rural and urban America are tied together. They are inseparable. If one goes under, both go under.

Senator Talmadge and I stand together on this business of a balanced growth for both rural America and our cities, because we are not talking about a city problem or a rural problem. It's neither a liberal issue nor a conservative issue. It's not Northern, Southern, Eastern or Western, it is the very life of our country.

This is something we must face together as Americans. The issue at hand is the Nation's destiny. We all have a big stake in it. All of us will have to make some changes in the way we have been thinking and doing things, and there won't be much room for quitters along the way, or those who protest, "Well, we never did it that way before, so it can't be much good."

We have to plan, Gentlemen. Our troubles do not end at state or county lines.

Unless we get cracking, at the Federal, State and local levels, our cities could erupt in chaos, and there won't be any future for farmers. The family-owned business which has been at the heart of our rural economy will be gone.

I don't want this to happen, and neither do you. But we have to get going, and it will require the best efforts of all of us.

We had better stop moaning about our problems and begin treating them as challenges. Despite our troubles, there is nothing that we in this country can't do if we put our minds and our wills to it.

You can count on Senator Talmadge and me. And I know we can count on you. So let's get busy.

WINNERS OF THE WICHITA FALLS ROTARY CLUB'S ANNUAL AMERICANISM ESSAY CONTEST

Mr. TOWER. Mr. President, each year the Rotary Club of Wichita Falls, Tex., sponsors an essay contest involving senior high school students throughout the city. Awards are presented to the author of one outstanding essay in each of the four high schools, and today I have the great pleasure of once again placing the winning essays in the CONGRESSIONAL RECORD for the perusal of my colleagues in the Senate.

These essays, entitled "What America Means to Me," help to reinforce my personal feeling that America's youth continue to cherish the idea of patriotism. Thoughts of individualism, freedom, and equality under the law are certainly emphasized in the writing of these four fine students.

I, therefore, ask unanimous consent that the essays be printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

WHAT AMERICA MEANS TO ME

(By Debra Peterson, age 18, Wichita Falls, Tex., Hirschi High School)

Taps are played for casualties in Viet Nam. The ghettos are shrouded under the cloak of martial law. A young rebel burns the American flag. Next to these happenings, a city council meeting is held to bring up ways and means to help the poor in the city; a group of mothers are getting up a petition to open a Youth Hall for the teen-agers of the community; a church group is trying to reach, comfort, and bring happiness to the families in their city who have no father or mother. This is America!

America means freedom—the flag that is flown symbolizes this freedom. The flag stands for the right to learn about this country of mine and how it was won. This country was gained by the blood of our men and women, the toil of our ancestors. By their life and death we have freedom, within reason, to do what we want, go where we want, and say what we want to say. This is America and what it means to me.

America means the right to worship as I please. The thousands of churches standing in this country symbolizes this right. In my church, I can worship the Creator, the God in heaven who gave me this country to live in. Through this worship, I can fulfill myself completely as a person. This is America and what it means to me.

America is also the responsibility to learn ideals that will help me so that in turn I can help others. Schools, colleges, and libraries represent this responsibility. Through these, I learn the opinion of others, even though what they say may be good or bad. But in reality, there is no wrong in saying something against this country if the accusation is well-founded and if there is an effort made to correct the wrong. This effort should be made by the accuser and those around him. To learn from school, from books, conversation, and from my own soul and mind is given to me by America. This is what America means to me.

America is the right to joke, to laugh, and to be serious. It is the right to be myself, make my own decisions in my life without someone taking this right away from me. It is the freedom to do what I can to help my country without having dictators demand my life and my mind for their own use. I am not old enough to make world decisions or even local decisions; I do have the right to have a part in these things that will affect my life and the lives of others as well. This right I will use to the best of my ability—to help the country that has helped me. This is America—"My Country, the land of my birth, the grandest on earth!"

WHAT AMERICA MEANS TO ME

(By Charles Pavlick, age 17, Wichita Falls, Tex., Notre Dame High School)

I feel fortunate to be an American citizen because here I can enjoy a way of life superior to any place else in the world. Here, I am respected as an individual, I am considered equal to other people, and I am granted the freedom to which all men have the right.

In some countries the individual is important only in that he contributes to the state. He is considered expendable, and his happiness and his welfare are unimportant. He must work at whatever job is most beneficial to the government and if it serves the interest of the government, he can even be forced to give up life itself. In America, on the other hand, the government exists only for the protection and well-being of the people. In itself, government is not important. Its purpose is solely to protect the rights which God gave to man at Creation.

In America I am equal in the eyes of the law to any other citizen. This does not mean that I am as talented, intelligent, or wealthy as any other individual, but it does mean that my claim to life, liberty, and happiness is just as important as any other individual. Here I am not bound by the accident of birth but am free to receive a better education than my parents had and to improve my way of living. The state does not tell me that I must quit school at a certain age and start to work, nor does it choose my occupation for me. I am free to choose my vocation according to my interests and capabilities. Here I also have political equality. My vote is equal to the vote of any other citizen regardless of his color, race, creed, or social position.

As an American, I am free to form my own ideas about politics and religion, among other things. The government does not tell me that I must attend a certain church or that I may not attend any church at all. I don't have to worship in secret, but rather the church doors are wide open. I do not have to agree with the political party in power, but am free to dissent. When election day comes, I have a choice of candidates to select from, while in some countries I would have no alternative to the state ticket. Thanks to freedom of the press, our news media are the envy of many other countries, who tune in secretly to our *Voice of America* and *Radio Free Europe*. I am free to live wherever I choose, travel wherever I want to go, and choose my own friends.

In short America is the source of all the things that make life worth living. For the rights and privileges which I enjoy, men have fought and died in the past and are still fighting and dying. I feel that I too have a part to play. It is not for me to receive these rights without any effort. Rather, if I am to continue to enjoy them, I must guard and protect them in various ways: by taking an intelligent interest in government, by not just dissenting but working to change unfair laws and unjust conditions, by voting in elections, and not least, by caring for the rights of fellow citizens. If I do all these things, I feel certain that I can pass on all the rights which I have enjoyed to my children and grandchildren.

WHAT AMERICA MEANS TO ME

(By Janet Stout, age 18, Wichita Falls, Tex., S. H. Rider High School)

America is my homeland, my refuge, my restraint, and my responsibility. She is as demanding and as giving in a relationship as any human being. I have as many and as mixed feelings about her as I would about any person with whom I am acquainted or any friends.

First, I love America. She is like a cherished relative who is always there. I was born in America. I am growing up in America. Just as a relation, she was here when I was born; and, though she has always been here, she has changed and grown as I have. I love America because of sentimental reasons, but I also love her because I am part of her and she is part of me.

Besides my love for America, I also respect her. I trust her to be here always. I respect her for her goals, and I believe that she is entrusted to God. I trust in her wisdom. Though like a loving parent, she can not always be right, she tries, like a parent, to protect her family. Americans are a family; and with the love of a family, with the instinct to protect the family, America is guided by paternal judgment.

By the same reasoning, as a member of a large family, I know rules and regulations are necessary. I know that, to be part of America, I am part of something that has meaning, direction, and goals. Sometimes my goals or beliefs may come in conflict with those of other Americans. I am restrained at these times because I am part of that whole, that family unit which must consider the welfare and benefits of the whole.

Because I am part of America, because she is my homeland, because she has my respect, and because she has a power over me legally, I have a responsibility to her. This responsibility does not include only obedience or loyalty, though that is part of it, but it is a responsibility of truthfulness to myself and to the rest of my "family." Just as America is not perfect, neither am I. Neither is either of us always right. Because I know and accept imperfection, I feel my responsibility to America is *not* to follow blindly but rather to question, to test, and to sometimes oppose decisions of America. This does not mean I love her less, that I respect her less, but that I love her more; for what I do for or about her, affects not just her, but affects me, also.

America means a home, a place where I belong, an idea I am bonded to, and a responsibility. America cannot be described in physical terms only, but must be considered in terms of feeling and being. She is ultimately a combination of places, personalities, and ideas-unique unto herself.

WHAT AMERICA MEANS TO ME

(By Vicki Ferguson, age 18, Wichita Falls, Tex., Wichita Falls High School)

I could have been born anywhere—amidst bloody battles or stinging, poisonous flies. My home could have been a darkened, gloomy prison and my mind an ignorant, underdeveloped apparatus used to promote false communist means. A dreary metallic curtain could have blocked from my eyes the sun; but luckily, I was born in America, and truth is my unquestionable right.

In America, I mean something. I am respected here for what I believe. My leaders will listen to me because of that fourth branch of government, that fourth balance in power the Constitution fails to specify—the will of the people. I may be just one of millions, but if I am in trouble or in need, America will not let me suffer. Even though I am nobody special, America will not let my life be thrown away. She respects me. She will not misuse me or my meager talent for her own satisfaction. If she has any fault in her dealings with me as a person, it is the possibility that she has been too generous with one undeserving. She has given me a chance to go to excellent schools, to decide for myself my future, and to lounge in the glory of her beauty, even though I have often shown poor judgment in my treatment of these gifts. I am that important here. I am entrusted with a most valuable, cherished possession—one that men have died for and fought to protect from defilement and destruction—I have the right to call myself a free and happy person, a special being, an American.

In America, I have something. I can look around and find myself rich enough to claim the life I want. I know my country will not destroy my dreams of home, of love, and of children. America is probably the only place where young people can dream, then search for the good ways of living they find in their minds. We have so much in this freedom, enough to accomplish anything in man's power and more. I also have my government. Because I am a citizen, my hands support it. Its failure is my failure, and my failure is its weakness. I have a strong friend in my country. I may do nothing for her, yet she sees to it that I am cared for, that I have a fair chance at life, and that I have churches, schools, doctors, and counselors to help me out. Everyone who is an American is wealthy—in freedom, in help, as well as in material things. We, the lucky Americans, have so very much in our freedom that our complaints fall cold to a stiff earth.

In America, I can do something. I have the time and the resources to save the world, if only I would. God gave man an extended chance when He gave him America. He gave corrupt, lazy man a chance to free the world from war, from hate and prejudice, from the dog-eat-dog existence of old systems and callous tyrannies. In America, I am totally free to live as God wants me to live. This is a privilege my country granted me. I am lucky to be born in America—this is how I feel about this country.

NO FISCAL DIVIDEND UNTIL 1975

Mr. PROXMIRE. Mr. President, according to Charles L. Schultze, the former Director of the Bureau of the Budget, an exhaustive and detailed analysis of the Federal budget indicates there will be no fiscal dividend between now and 1974.

Mr. Schultze made his prediction in testimony before the Subcommittee on Priorities and Economy in Government of the Joint Economic Committee on June 1, 1971. The subcommittee is currently conducting hearings on the economics of national priorities. This is the third consecutive year that the subcommittee has conducted hearings on the subject of national priorities.

To obtain a reordering of priorities, a major change has to occur in the allocation of resources. The administration claims this has been done, that our priorities have been changed dramatically in the past 2 years. A close look at the budget indicates otherwise.

For one thing, there can be no shift from a wartime to a peacetime economy while the Nation is still burdened with a wartime defense budget. Two years ago the defense budget was about $80 billion. This year, the administration is once again requesting an $80 billion defense budget. Even taking inflation into account, such an enormous outlay for military purposes is not consistent with the claim that we have successfully managed the transition from war to peace.

In this year's annual report of the Joint Economic Committee, the concept of defense was expanded to include all expenditures related to national security, whether funded through the Department of Defense or not. The national security budget was then totaled for the years 1965 and 1968 through 1972. What we find is a most disturbing picture.

The national security budget went from an already high level of $71.6 billion in 1965 to $103.6 billion in 1968, and then to $106.1 billion in 1969. Since 1969, national security outlays have fluctuated between $105 billion and $107 billion, and now promise to resume the upward climb. Requested budget authority for 1972 is $111 billion.

Perhaps a peacetime economy is no longer an attainable goal, given the state of military technology and the international environment. Personally, I do not believe this to be the case. But if the administration believes it, then the American people ought to be told.

An analysis of the major changes in overall budget outlays for fiscal year 1972 suggests that the administration is moving at glacial speeds, if at all, to reorder national priorities. Of the $22 billion available for shifting in 1972—over and above what is required to continue funding programs established in prior years—$12 billion is being used for programs that cannot be controlled through the budgetary process, such as pay increases, social security, and previous commitments, and contracts for housing subsidies and urban renewal.

That leaves only $10 billion for programs that can be controlled through the budgetary process. Of this amount, $1.5 billion has been earmarked for the Department of Defense, $4 billion for revenue sharing, and the remainder for welfare reform, school desegregation, and contingencies.

Mr. Schultze's analysis, in my judgment, supports the essentially pessimistic prospect that we face. There is some movement within the Federal budget composition. The composition is changing somewhat. But the rate and the amount of change is too slow and too low to qualify as a reordering of our national priorities.

As Mr. Schultze, who is perhaps the foremost fiscal policy expert in the Nation, points out, the fiscal impact on the economy of the 1972 budget is neutral at a time when most people agree stimulation is necessary to attain economic recovery and to return us to full employment.

I ask unanimous consent that Mr. Schultze's remarks of June 1 be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT OF CHARLES L. SCHULTZE

Mr. Chairman and Members of the Committee, all of us are pleased to have the opportunity to discuss with you this morning our recent study of national priorities, centered around the President's 1972 budget proposals. With your permission, it might be most helpful to the Committee if each of us spent five to ten minutes summarizing particular aspects of our study. We would then be prepared to answer questions on the points covered in our testimony or on any other matters discussed in the study. Mr. Fried will cover the area of foreign policy and national defense; Mrs. Rivlin, human resource programs; and Mrs. Teeters, the areas of housing policy and social security. I would like to lead off with an overall summary, relating the problem of setting priorities to the budgetary situation, both short and long run.

Necessarily the President's budget describes only one set of alternatives: those the Presiednt is recommending. To make intelligent choices, however, the Congress needs to review a wider spectrum of alternatives. There are alternatives with respect to the objectives the nation should pursue, there are alternatives with respect to how much resources should be devoted to each objective, and there are alternative ways of trying to achieve those objectives. In our study of *Setting National Priorities* we have not attempted to construct a set of budgetary proposals as a single alternative to those recommended by the President. Rather we have sought to identify the major choices which the President is asking the Congress and the American people to make; to describe some alternative choices which might be made; to analyze the more important consequences, both short and long run, of accepting one or the other alternative; and to spell out some the criteria which should be considered in choosing among the various alternatives.

Several major features emerge from an analysis of the 1972 budget: *First,* its overall fiscal impact on the economy is perhaps best described as neutral; it provides approximately for a balanced full employment budget in both 1971 and 1972. *Second,* like budgets of recent years, a significant fraction of the growth in expenditures—about $12 billion—from 1971 to 1972 will reflect "built-in" escalation, due to rising prices and wages, growing numbers of beneficiaries on social security and public assistance rolls, rising workloads, and similar factors. *Third,* income maintenance programs of all kinds have become the largest single element of federal expenditures, growing at about $10 billion a year in the past two years, as a result of "built-in" growth factors, sizeable increases in social security benefits, and the adoption by the administration of an income maintenance strategy as the chief instrument in the war on poverty. *Fourth,* budgetary savings from Vietnam withdrawal continue in 1972 to be eaten up by the impact of rising wages and prices on the defense budget and to a lesser extent by increasing support and procurement costs for the baseline (non-Vietnam) forces. *Fifth,* the bulk of the 1971 to 1972 expenditure increases, not absorbed by built-in growth, is devoted to three major areas: revenue sharing, social security benefit increases, and non-Vietnam defense programs including the first step towards a volunteer army. The other major new initiative—the family assistance plan—will not have a major budgetary impact until 1973.

We have attempted to look further ahead by projecting the budgetary outlook through 1976. Revenues were projected on the assumption of a return to full employment sometime before 1973, and the continuation of existing tax laws. The expenditure projection estimates the future costs of existing programs and of those proposed by the President in his 1972 budget. It allows only for "built-in" growth due to such factors as rising wages and prices and growing numbers of beneficiaries on social security and public assistance rolls. It does not allow for the substantive expansion of existing programs or the introduction of new ones. It is, in other words, an estimate of the future costs of existing and Presidentially proposed programs and policies.

The difference between revenues and expenditures so projected is the "fiscal dividend—the excess of revenue yielded by existing tax laws over expenditures necessitated by existing and Presidentially proposed programs. It is an estimate of the net amount available from economic growth and Vietnam withdrawal which can be available for undertaking new federal activities, for cutting taxes, or for holding as a budget surplus.

On the basis of our estimates there will be *no* fiscal dividend between now and 1974—that is, the growth in expenditures under existing and currently proposed programs will equal the growth in revenues and the savings from Vietnam withdrawal. In the subsequent two years, between 1974 and 1976, revenues will rise modestly more than revenues, so that by 1976 there may be a $17 billion fiscal dividend. But this is only slightly more than one percent of the then projected GNP. While the federal government in total will be absorbing more than twenty percent of GNP, only one percent out of the twenty percent will be available for new initiatives, and even that small amount won't begin to appear until two years have gone by.

The fiscal dividend which would emerge after 1974 is not only small, it is very "delicate," in the sense that it may easily disappear and not be available for high priority uses. Practically all of the fiscal dividend in 1976 will show up as a surplus in the social security trust funds. If, as has often happened in the past, the Congress seizes upon the growing surplus in the trust fund to increase the level of social security benefits by more than cost-of-living increases warrant,[1] the social security trust fund surplus, and hence the fiscal dividend, will be reduced or disappear.

These projections lead to several implications. *First,* over the next four years, the combination of tax reliefs granted in the 1969 Tax Reform Act and expenditure programs already on the books or proposed in the President's 1972 budget will use up almost all of the resources becoming available in a relatively painless manner through economic growth and the winding down of the Indo-China war. Major new federal initiatives to meet high priority national objectives will have to be primarily financed either through tax increases or through reductions in spending on existing programs. *Second,* to the extent that the current high levels of unemployment call for additional budgetary stimulus this year, measures should be chosen which do not imply either a permanent reduction in tax revenues or a long term increase in spending, unless the items selected for spending are of such very high priority that we are willing to see them eat into the very slim fiscal dividend projected for the mid-1970s. On the basis of these criteria, permanent tax reductions such as depreciation liberalization or expenditure programs such as accelerated public works—which result in added outlays only after a substantial time lag—are very poor choices.

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[1] The projections already allow for increases in social security benefits to match cost-of-living increases.

In conclusion, let me mention findings of our priorities study in specific areas which my colleagues will not cover in their testimony.

With respect to water pollution control programs, we point out that current federal policy, and most of the proposals currently under consideration by the Congress, emphasize the setting and judicial enforcement of standards and the provision of grants for municipal waste treatment plants. But they neglect almost completely the development of economic incentives to induce industrial pollutors to reduce the pollution content of their waste discharges. Evaluations of past performance in this area, and projections of the future magnitude of water pollution problems all emphasize industrial pollution as the major problem. The levying of a tax on pollutors, proportional to their waste discharges, would provide a powerful incentive for them to minimize pollution. Yet such a highly effective approach is seldom given much of a hearing by those devising pollution policy.

Our priorities study also cites the results of an independent projection of water pollution wasteloads over the next thirty years. This projection shows: *first,* that with present technology, wastes generated will grow alarmingly over the period; *second,* that secondary treatment of wastes could sharply reduce this wasteload; and *third,* that the cost of uniform secondary treatment of all wastes would be very expensive indeed, reaching $28 billion per year in 1980 and $55 billion annually by the year 2000. This emphasizes, again, the priority which should be given to providing incentives to industry to change their internal processes to generate smaller wasteloads.

In the area of federal transportation policy our study brings out one major point. The highway trust fund generates about $1 to $1.5 billion more in revenues each year than is needed to complete the interstate highway system and to carry out other federally aided highway programs at the rate contemplated when the trust fund was established. What should be done with this annual "surplus" in the trust fund? Should it be automatically utilized for increasing the annual rate of highway construction, or should some means be found to make a conscious priority decision about the purposes to which these revenues should be directed? Only through a deliberate review of the highway trust fund program can the Congress come to grips with this question. In our view, there is no good argument for automatically allowing a major increase in highway spending to occur, simply because the trust fund revenues exceed current expenditure levels. A conscious priority decision should be made.

LEADERSHIP OF VIETNAM VETERANS AGAINST THE WAR

Mr. ALLOTT. Mr. President, the June 1 issue of National Review contains a fascinating piece of reporting by Mr. William Overend, a CBS newsman. It concerns the veracity of a prominent member of the leadership of the Vietnam Veterans Against the War.

Mr. Overend's findings do not discredit the VVAW as a whole. But the story he tells does tell us something interesting about some of the leadership techniques employed in the anti-Vietnam movement.

In addition, Mr. Overend's experience in trying to get his article published tells us something about the editorial judgments rendered by some liberal publications.

Mr. Overend describes himself as a liberal, and would no doubt have preferred to publish his article in a journal other than National Review. But Mr. Overend learned that not all the news is fit to print when it casts doubt on the veracity of those who are important to the left.

So that all Senators may consider the several lessons of Mr. Overend's article, I ask unanimous consent for his article to be printed in the RECOBD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHO IS AL HUBBARD?

(By William Overend)

Al Hubbard is the executive director of the Vietnam Veterans against the War. I first met him the morning of April 21 at the VVAW "camp-in" on the Capitol Mall in Washington. He was sitting on a flat-bed truck, explaining to a circle of six hundred or so members of his group that the Supreme Court had upheld the earlier ruling that the Veterans would not be allowed to sleep on the Mall that night. He was very calm and soft-spoken about it all, at one point interrupting himself to ask that volunteers take down a Vietcong flag someone had stuck in a tree. When he was finished talking, I went up to Hubbard and introduced myself and asked him about his service record, among other things. He said he had been an Air Force captain.

Actually, if I had watched *Meet the Press* the previous Sunday, I wouldn't have needed to ask that question at all. Hubbard had been introduced on that show by Lawrence E. Spivak as a former captain who had spent two years in Vietnam, and who had been decorated and injured in the process. The way it was later explained to me at the Washington "camp-in" was that Hubbard had been flying a transport plane into Danang one day in 1966 when he "caught some shrapnel in the spine."

That was April 21. On April 22, the story began to change. According to Frank Jordan, the Washington Bureau Chief of NBC News, NBC got a tip that Al Hubbard hadn't been an Air Force captain, but instead an Air Force sergeant. NBC reached Hubbard at a Washington hotel that night, asked Hubbard about the tip, and got a confession that, indeed, he had been lying about his rank. NBC broadcast that on its 11 p.m. news that night and also interviewed Hubbard on the *Today Show* the next morning. As NBC's Jordan remembers it, Hubbard explained he made up the business about having been an officer: "He was convinced no one would listen to a black man who was also an enlisted man."

Two weeks later, John Kerry, Yale's contribution to the VVAW, recalled that *Today Show* interview, citing it as proof of Hubbard's sincerity. "Al owned up to the rank question," said Kerry. "He thought it was time to tell the truth, and he did it because he thought it would be best for the organization." That, of course, neglects the fact that NBC had confronted Hubbard with its "tip" prior to the interview.

The next development was a Defense Department news release: "Alfred H. Hubbard entered the Air Force in October 1952, re-enlisted twice and was honorably discharged in October 1966, when his enlistment expired. At the time of his discharge he was an instructor flight engineer on C–123 aircraft with the 7th Air Transport Squadron, McCord Air Force Base, Tacoma, Washington. *There is no record of any service in Vietnam, but since he was an air crew member he could have been in Vietnam for brief periods during cargo loading, unloading operations or for crew rest purposes.* His highest grade held was Staff Sergeant E–5."

That raised an important new question about Hubbard's background. Not only was there his word for it that he'd lied about his rank, now the Defense Department was announcing it didn't have any record of his having served in Vietnam at all. As a liberally oriented newsman, sympathetic to the Vietnam Vets and impressed personally by Hubbard's leadership qualities, that came as something of a jolt.

Clearly, if Hubbard had spent considerable time in VA hospitals, the Veterans Administration would have a record of it. A spokesman for the Veterans Administration, however, while confirming that Hubbard did have a sizable medical record, refused to give out any details, saying that would be an invasion of Hubbard's privacy. He said the only thing the VA would say about Hubbard was that he has a service-connected disability of 60 per cent and that he has been receiving $163 a month.

So Al Hubbard had been seriously injured while in the Service. But the VA would not say whether it was during the Vietnam years or earlier. For after all, Hubbard had enlisted back in 1952. Conceivably, an air crash, if there was one, could have taken place long before 1966. I asked the Defense Department some additional questions: What medals had Hubbard received? What about a plane crash in 1966? And the answers came back: A Korean Service Medal, United Nations Medal, National Defense Medal, four Good Conduct Medals, Air Force Longevity Service Award, Air Force Unit Award and Air Force Expeditionary Medal. But no Purple Heart, and no mention of a Vietnamese Service Ribbon, which, according to the Pentagon, can be rightfully claimed by any member of an air crew serving in Vietnam, even briefly.

Despite that, Defense Department officials stressed it was still possible Hubbard could have served in Vietnam, flying in and out from Tacoma. However, they were skeptical in the extreme of the Danang air crash story. As one spokesman put it: "As far as we know there is no record of his having been involved in a plane crash ever in Vietnam. If he had been, and he'd been seriously hurt, he would have been in a military hospital in Danang. And it would have shown up in our records."

But what about that 60 per cent disability? Obviously, something had happened to Hubbard at some point during his Service career? It was suggested that I ask Hubbard about that. That seemed to make sense. But there was a slight problem, in that it was becoming difficult to find out where Hubbard was. Most of the Vets had returned to their homes after the April 24 March. But Hubbard and a few dozen others stayed on for the more militant Mayday activities. And on May 3, the first day of big trouble, Hubbard and twenty or so others were arrested for throwing cow manure on the steps of the Pentagon.

(John Kerry, one of the many members of the VVAW who had nothing to do with the Mayday protests, denounced them as "horrible": "Ripping out wires from cars, slashing tires—it's criminal. It should be punished.")

Failing immediately to locate Hubbard, I talked to several members of the VVAW at their headquarters in Manhattan. They still remembered the Danang story, although some now emphasized that they had never really heard Hubbard tell it. Scott Moore, a 26-year-old former Army lieutenant, summed up the views of many, saying: "I really don't care whether Al was in Vietnam or not. He's a good man. That's all that counts."

That attitude wasn't shared, however, by the senior leaders of the group. Jan Crumb, the President, admitted he was concerned, and he indicated Moore's comment was primarily for my consumption. Said Crumb: "This matters to all of us, very much. But it's an internal problem for us to solve."

This happened on Friday, May 7. At the time Hubbard had been out of touch for several days. However, Crumb said I could expect a call from him the next week. Hubbard called on Monday morning, May 10. He said he was considering a lawsuit against the Defense Department and had demanded that they send him certain records. He said that until he received them he would make no comment. I asked him about the Danang air crash and he replied: "I told you, I will not cooperate with the media in any way."

Another source, however, was considerably more cooperative. On Thursday, May 13, saying he had seen Hubbard's medical record, this source said there is no mention at all of a 1966 air crash in Danang. There is, he said, a reference to a 1956 rib injury suffered during a basketball game, and a 1961 entry about a back injury suffered during a soccer game. And much later, in 1962, there was a reference by Hubbard to a 1956 plane crash, but nothing, according to the source, about any accident in Vietnam.

And that about wrapped it up. The Pentagon had answered all my questions except the ones touching on Al Hubbard's medical records. Al Hubbard had the opportunity to defend himself. Instead he chose to make no comment, and I was left to draw my own conclusions.

So what to do? First, of course, report it for my employer, CBS News. But the story required a longer telling than broadcast time permits. As a liberal, it had occurred to me that raising questions about Al Hubbard might hurt the antiwar movement, but as a journalist, it didn't seem that that should be a factor. I was wrong. No one would touch the story. Not David Sanford of the *New Republic;* not any other editor of any liberal publication, I contacted.

HELP FOR LOCKHEED, AND WHO ELSE?

Mr. CHURCH. Mr. President, recently I spoke in the Senate in opposition to a proposal of the Nixon administration to provide financial assistance to the Lockheed Aircraft Corp. in carrying out a commercial aircraft project. Basically, the proposal would authorize a Federal guarantee of up to $250 million in loans to Lockheed for production of the Tri-Star jet aircraft.

At the time, I characterized the proposal as one of "socialism for the rich and free enterprise for the poor."

The Idaho Statesman has spoken out editorially against the project. This could be, the Statesman editorial warns:

> The first of many appropriations to help ailing businesses. Other businesses might say, "If you can help Lockheed, why not me?"

And, the editorial continues:

> While it may be good politics for President Nixon to help Lockheed, and bad politics not to, that doesn't mean this is good economics or good public policy.

I thoroughly agree with the Statesman's comments and ask unanimous consent that the entire editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Help for Lockheed, and Who Else?

The Nixon administration supports a policy of government aid to large corporations. Before Congress decides to accept such a policy it should ask some questions.

A proposed $250 million guaranteed loan to Lockheed Aircraft Corp. to help with the Tristar jumbo jet raises a lot of them.

What will the Tristar do for the taxpayer? Why should Lockhood receive this treatment in preference to other troubled enterprises? How will decisions be made to decide who qualifies for this kind of aid?

The legislation sent to Congress does not specify aid to Lockhood. It authorizes $250 million for major business enterprises that are in danger of failing.

This could be the first of many appropriations to help ailing businesses. Other businesses might say, "If you can help Lockheed, why not me?" Indeed, why not?

If this kind of government intervention to save businesses from failing is justified, what are the criteria? Shall these decisions be based on purely economic criteria? Or shall they be based primarily on politics?

Most of the Tristar jobs are apparently in Southern California. That area could suffer economically, at least temporarily, if the Tristar project fails. California will deliver the most electoral votes of any state in the 1972 presidential election.

While it may be good politics for President Nixon to help Lockheed, and bad politics not to, that doesn't mean this is good economics or good public policy.

The jumbo jets now in service are carrying a lot of empty seats these days. Four major U.S. airline companies lost a total of $178 million last year. Heavy investment in big jets appears to be part of the industry's problem.

If Congress accepts a commitment to come to the aid of any faltering aeronautics giant, it is taking on a big responsibility with dollars of the taxpayers. When the commitment is not limited to any industry, as it is not in this legislation, the potential responsibility is much larger.

Now it is Southern California that concerns the administration. Jn a few months it could be another big electoral vote state.

There is much to be said for letting natural economic factors determine which planes are built and which ones are not, which companies will have financial problems and which ones will not. There is already a long enough line of people going to Washington for help.

ADOPTION EXPENSES

Mr. PACKWOOD. Mr. President, every day as time goes on, new evidence comes to my attention concerning this Nation's population problem. As I have said so often both here on the Senate floor and speaking around the country, we must bring our birth rate down to replacement level—that is, on the average, two children per couple—if we are to be successful in leveling off our population.

I think it is fair to say, however, that Americans are no more uniform on the number of children they want—be it two or 10—than they are on any other matter of choice. The adoption of children is one alternative which would seem to fill the bill for the couple who want several children, but who are at the same time sincerely concerned over the population situation. Hundreds of thousands of adoptable children are waiting for warm loving homes, but too frequently the process of adoption is made so difficult and lengthy that many who want to adopt find themselves thwarted at every turn; the children they want to adopt are left without the love and affection they might otherwise have enjoyed. As an adoptive parent myself, I can speak with some experience on this subject.

Although most would agree that adoption of homeless children is a desirable objective—good for the child, good for the parents, good for society as a whole—various laws and regulations, State and Federal, impose tremendous inequities on the adopting parent. No adoption expenses are tax deductible, for example, not even the medical expenses involved. The adopting parent is, in reality, penalized for wanting to adopt—in spite of the fact that his action is, as I have stated, good for the child, good for the parents, and good for society in toto.

With this situation in mind, it was ever so refreshing to read recently of a new policy which has been implemented by G. D. Searle & Co. in Skokie, Ill. At Searle, any employee who adopts a child is now eligible for a standard benefit payment of $400, equal to the company's maternity benefit. I applaud Searle for this important new contribution to equity and responsibility, and hope perhaps that other firms around the country would follow Searle's lead.

I ask unanimous consent that a recent writeup of this new policy in the magazine, Business Insurance, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

An Endearing Benefit

G. D. Searle & Co., a leading pharmaceutical manufacturer in Skokie, Ill., has introduced an innovative and, we think, endearing benefit for its employes. Any Searle employe who adopts a child will be eligible for a standard benefit payment of $400, equal to what Searle pays for a maternity case under its self-insurance program. The company points out that adoption often involves substantial fees and always involves outlays for child care.

James Heidbreder, director of compensation and organizational planning for Searle, explained that he makes a survey of what other employers are doing whenever his company considers instituting a benefit. In this case, Mr. Heidbreder found no other company that pays a stipend for adoption.

Searle may be the only company now paying its employes an adoption benefit.

The adoption payment is consistent with Searle's corporate philosophy, which emphasizes the importance of a decent and civilized standard of living for the population we have now. It strikes us as intelligently humane to encourage adoption by employes who will likely become happier and more responsible in their chosen roles as parents. It's an endearing benefit.

THE SPACE SHUTTLE

Mr. ANDERSON. Mr. President, in the past few days there has been some discussion regarding a report published last October by the Rand Corp. entitled, "The Space Shuttle as an Element in the National Space Program." The implication has been that this report finds the shuttle to be an uneconomical prospect and that it represents the official views of the Rand Corp. and the Air Force. The headline in the Washington Post for May 27, 1971, stated in large type: "AF Study Questions Economy of Space Shuttle".

I was curious about that headline because Dr. Seamans, Secretary of the Air Force, on March 30, 1971, testified before the Committee on Aeronautical and Space Sciences and said:

> Now let me address the Air Force views regarding development of the space transportation system. The DOD supports its development if the results of current NASA phase B studies and our own complementary studies show that such a system is feasible and can offer the desired performance and cost advantages over current systems. Preliminary indications from these studies are that such a system can be developed. If the final study results confirm this, and we think they will, the Air Force will provide a strong recommendation that shuttle development be authorized.
>
> When the operational system is achieved, we would expect to use it to orbit essentially all DOD payloads.

And also:

> We are greatly encouraged that the preliminary study results have been so favorable and that it appears that both NASA and DOD requirements can be met with the present single baseline configuration for the space shuttle.

Since there seemed to be a discrepancy between his earlier testimony and the newspaper article, the Committee asked Secretary Seamans to clarify the position of the Air Force. I also wrote a letter requesting clarification from Rand and telephoned NASA requesting their comments.

Mr. President, I ask unanimous consent that all letters appear in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ANDERSON. Let me just summarize those letters for you. Secretary Seamans said:

> This report . . . may be misconstrued by certain parties as representing Air Force policy. To the contrary, this report and its conclusions are the work of the authors alone. In fact, the title page carries a disclaimer that the work does not represent the policy of even the Rand Corporation, much less the Air Force.

Dr. George Low, Deputy Administrator of NASA, made three points: First, the report is based primarily on data that are 2 years old and does not take into account the recent and more comprehensive technical and economic studies. Second, justification for the shuttle is not being sought on purely economic grounds. The principal justification for the space shuttle is the new capability it can bring to both our civilian and military space programs for versatile and efficient operations in space. Third, the shuttle is not a commitment to a "huge manned space program"; it can be justified for its potential contributions to entirely unmanned spacecraft. Decisions on future manned space flights can be made on an entirely separate basis.

But the most revealing answer we got was from Mr. Henry S. Rowen, president of the Rand Corp. He reiterated that it was not an Air Force study. He stated that Rand did not say that the shuttle makes no economic sense; in fact, he reconfirmed that:

> Viewed over the long term, the shuttle has definite merit, but its immediate economic justification depends on the pace that is finally adopted for the national space program.

He also said:

> Our report, like most Rand analyses, was intended to illuminate issues, to reduce areas of uncertainty, and thus assist decision-makers in reaching rational choices. We believe our report served this purpose. However, inasmuch as it was based on earlier data, the quantitative aspects should be reviewed for currency. In any case, it should not be used as the sole basis for decision.

Commenting on the testimony of Dr. Seamans and Dr. Foster, Mr. Rowen said:

> We agree with the testimony of Dr. Foster and Dr. Seamans. There are advantages to the DOD resulting from an operational shuttle which are difficult to assess in dollar terms, but which may have real impact on the nature of military operations. I am thinking here of the additional flexibility afforded to military systems for quick response, unplanned mission changes, and certainly to the potential for growth in capability that is unavailable in most current unmanned systems.

So now, Mr. President, let us see if we can sum up the situation regarding this Rand report.

First. It represented an attempt to determine available options—not policy itself.

Second. It does not and did not represent official opinion or policy of either the Air Force or Rand.

Third. It was a relatively low level effort based on data and assumptions that are about 2 years old.

Fourth. The space shuttle and space station have been decoupled so that the peak funding years will not be in the $7 billion range, as the space task group assumed in 1969 and as used in the report.

Fifth. More recent studies have been more complex and more sophisticated and have taken into consideration many of the factors that the Rand study said should be considered. At even modest yearly launch rates, these newer studies indicate that the shuttle will be an economically sound venture.

Sixth. Economic consideration should not be the sole basis for decision on the shuttle. The principal justification for the shuttle is that it is an advanced space transportation system which will give us safe and versatile new capabilities for our future operations in space, manned and unmanned, civilian and military.

We have tried to get the facts as quickly as we could, and I have presented them here today. But some damage has been done, and I predict that in the ensuing weeks we will hear many times again about the Air Force study that questions the economy of the space shuttle. Furthermore, efforts such as this one to clarify the situation are rarely considered news and I, for one, will be surprised if my remarks and the three letters we have received, receive more than cursory treatment, if any at all, in the news media.

Nevertheless, Mr. President, to be forwarned is to be forearmed. We will be debating the NASA authorization bill within the next few weeks. I hope that the debate will be conducted according to facts—not partial facts or predetermined notions.

EXHIBIT 1

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, D.C., May 28, 1971.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Aeronautical and Space Sciences, United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for NASA's comments on the report "The Space Shuttle as an element in the National Space Program," which Senator Mondale placed in the May 26, 1971, *Congressional Record*. This report is an interim report prepared by R. D. Shaver, D. J. Dreyfuss, W. D. Gosch, and G. S. Levenson of Rand under a contract with the Air Force.

We have three main comments:

"*First*. The report referred to is not an "authoritative study" of the space shuttle program, as stated in the remarks in the Record accompanying the report. Instead, as noted by the Air Force when the report was forwarded to Senator Mondale, "it does not represent current economic considerations." The report is based primarily on data that are two years old and does not take account of the results of recent technical and economic studies of the shuttle and shuttle payloads. Moreover, its method of economic analysis is far less comprehensive than the studies being relied on by NASA and the Air Force in assessing the cost and usefulness of space shuttle system.

"As we have stated in our testimony before the Committee, the entire question of the economics of the space shuttle is being analyzed in depth for NASA and the Air Force by Mathematica, Inc. In conducting these economic analyses, this firm is drawing, among others, on special studies by NASA and the Aerospace Corp. for up-to-date analyses on mission profiles, projected launch rates, and other relevant data.

"Mathematica, Inc., submitted an interim detailed report to NASA on March 15, 1971, which has been made available to the Committee and which was sent to Senator Mondale on April 28, 1971, in response to his request. One of the conclusions in this report is that, assuming a flight activity in the 1980's at the 'flight and funding level of the *unmanned* United States space program of the 1960's,' the non-recurring costs (research, development, test, facilities, and initial fleet acquisition) for a fully reusable space shuttle system can be permitted to be as high as $14.2 billion, which of course is higher than any of our current estimates. And this analysis assumes a 10% per year economic rate of return on investment, which in Mathematica's words 'is among the highest discount rates ever applied in the evaluation of public investments in this country.'

"*Second.* NASA is not seeking to justify the space shuttle program on purely economic grounds. The principal justification for the space shuttle is the new capability it can bring to both our civilian and military space programs for versatile and efficient operations in space. NASA will look to the economic studies now underway as providing yardsticks for assessing some of the economic factors involved, not as the justification for undertaking the program.

"*Third.* The space shuttle program does not represent a commitment to a 'huge manned space program,' again as contended in the remarks in the Record. The space shuttle can be justified by its potential contributions to programs relying entirely on unmanned spacecraft. Decisions on future manned space programs, such as space stations or further manned exploration of the moon, can and have been decoupled from the decision on the space shuttle."

When further results of the Mathematica and other related shuttle studies are available we will, of course, provide them to the Committee. In the meantime, we believe that the Mathematica interim report provides the most authoritative and up-to-date analysis of the economic aspects of a fully reusable space shuttle system.

Sincerely,

George M. Low.

Department of the Air Force,
Washington, D.C., May 28, 1971.

Hon. Clinton P. Anderson,
Chairman, Committee on Aeronautical and Space Sciences, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This is in response to an inquiry from a member of your Committee staff concerning a Rand Corporation report (RM 62–44–1–PR) which analyzes the NASA Space Shuttle Program. This report, which was prepared by Project Rand using Air Force funds, may be misconstrued by certain parties as representing Air Force policy. To the contrary, this report and its conclusions are the work of the author's alone. In fact, the title page carries a disclaimer that the work does not represent the policy of even the Rand Corporation, much less the Air Force.

The work in question is based on 1969 data; therefore, it does not represent current economic considerations. Using current data, National Aeronautics and Space Administration is conducting the economic analyses on the shuttle as a national system using combined NASA and Department of Defense traffic models. As you are probably aware, the NASA Phase B Space Shuttle Definition Studies, which should better define the program scope, costs and schedules, are still underway. Until results from these and from on-going Air Force analyses are available, data to perform final cost effectiveness analyses will not be available.

Should you desire additional information regarding this report or the Space Shuttle Program, I will be happy to provide it for you.

Sincerely,

Robert C. Seamans.

May 28, 1971.

Mr. Harry S. Rowen,
President, The Rand Corporation, Santa Monica, California

Dear Mr. Rowen: A Rand publication, "The Space Shuttle as an Element of the National Space Program," published in October 1970, has recently received attention in the Congress and in the news media. I have enclosed two of these items with this letter. One item says: "Most significantly, Rand makes it clear that unless we are committed to a greatly expanded space budget, the shuttle makes no economic sense at all." Another item refers to the report as an Air Force study. This raises a number of questions the answers to which are of great interest to the Committee. It would be appreciated if you would review Rand's position on the space shuttle and let the Committee know whether or not The Rand Corporation agrees with these statements.

Since the Rand report is dated October 1970 and in general refers to data that appears in the President's Space Task Group report issued in September 1969, would you give the Committee Rand's views on the currency of the data used in the report. Also would you let the Committee have Rand's views on the appropriateness of using this report as a basis for current decisions on the space shuttle transportation system.

The Rand report says that the shuttle development requires a peak civilian space budget in excess of $7 billion in 1975 (page v). NASA officials testifying before the Committee estimated that the maximum annual budget level required to meet the requirements of approved NASA programs including the shuttle through 1977 would be $3.95 billion (Hearings: NASA Authorization for FY 1972). The NASA estimates do not include amounts for new programs or augmentation of ongoing programs nor do they reflect other changes in funding requirements which may be recommended in future NASA budgets and authorization requests. However, if The Rand Corporation has current data which disputes or confirms the NASA testimony, the Committee would like to have such information.

The Director of Defense Research and Engineering, the Honorable John S. Foster, Jr., and the Secretary of the Air Force, the Honorable Robert C. Seamans, both testified before the Committee that the NASA space shuttle program has the strong endorsement of the Department of Defense. Both testified that the Defense Department has need of a space shuttle transportation system, that it is the intention of the DOD to use it after its development, and that they expect the shuttle will reduce the cost of DOD space missions. Does The Rand Corporation disagree with this view?

As the matter of the space shuttle transportation system is currently before the Committee, it would be greatly appreciated if we could receive such answers and other information on the space shuttle as you are able to give the Committee at your earliest convenience.

Sincerely yours,

Clinton P. Anderson, *Chairman.*

The Rand Corporation,
Santa Monica, Calif., May 31 1971.

Hon. Clinton P. Anderson,
Chairman, Committee on Aeronautical and Space Sciences, United States Senate, Washington, D.C.

Dear Mr. Chairman: I am pleased to respond to the questions in your recent letter concerning a study of the Space Shuttle System undertaken at Rand.

The Rand report, RM–6244–1–PR, *The Space Shuttle as an Element in the National Space Program,* was not responsible for the statement which you quoted in your letter: "Most significantly, Rand makes it clear that unless we are committed to a greatly expanded space budget, the shuttle makes no economic sense at all." What we did say, and still believe to be true, is (p. 26 of RM–6244–1–PR): "Viewed over the long term, the shuttle has definite merit, but its immediate economic justification depends on the pace that is finally adopted for the national space program."

You questioned whether this was "an Air Force Study" which normally means a study conducted by Air Force personnel and drawing conclusions properly attributable to the Air Force. This was not such a study. This work was conducted by Rand under USAF contract F–44620–67–C–0045.

You asked whether we thought it appropriate that our report be used as a basis for current decisions on the space shuttle transportation system. Our report, like most Rand analyses, was intended to illuminate issues, to reduce areas of uncertainty, and thus assist decision makers in reaching rational choices. We believe our report served this purpose. However, inasmuch as it was based on earlier data, the quantitative aspects should be reviewed for currency. In any case it should not be used as the sole basis for decision.

You inquired about the currency of the data used in the report. The data was gathered in 1969 and early 1970 and included data from the President's Space Task Group in September of 1969 and Phase A contractor reports.

Your third paragraph raises the issue of funding levels. The Rand report did state that a peak civilian space budget in excess of $7 billion would be required in 1975. This level of funding is dependent on the critical assumption that a major shuttle role is to provide logistics support for a manned orbiting space station. Therefore, included in the $7 billion is the funding for developing the space station. Obviously, if the space station were delayed or deleted, the peak funding requirement would decline.

We cannot comment with any authority on the testimony of the NASA officials quoted in your letter; we do not know in detail what is and is not included in their Fiscal Year estimates. However, our estimate of the RDT&E costs for developing and testing the shuttle vehicle totals $11.35 billion. This is insignificantly different from the over $12 billion RDT&E costs now being used in evaluations of the shuttle concept. We cannot reconcile our fiscal year estimates with future NASA program funding levels as outlined in your letter because, as stated above, we do not know the specific items comprising their programs.

You asked for our comments on the testimony of Drs. Foster and Seamans before your committee. We agree with the testimony of Dr. Foster and Dr. Seamans. There are advantages to the DoD resulting from an operational shuttle which are difficult to assess in dollar terms, but which may have real impact on the nature of military operations. I am thinking here of the additional flexibility afforded to military systems for quick response, unplanned mission changes, and certainly to the potential for growth in capability that is unavailable in most current unmanned systems.

If I can be of further service please let me know.

Sincerely,

Henry Rowen.

JOHN P. ROCHE ON THE STATE OF THE NATION'S UNIVERSITIES

Mr. TOWER. Mr. President, during the last few years when America's universities have been plagued by internal strife, the comments of Prof. John Roche have given many of us hope that the qualities of reason and rationality still exist on the Nation's campuses.

As a distinguished member of the faculty of Brandeis University, professor Roche has questioned both the continuing efforts of some to completely politicize our universities and the deterioration of certain standards of academic achievement and general academic policy.

This week's New Leader includes an article written by Professor Roche entitled "Academic Smorgasbord." As a former university professor, I find this short piece extremely pertinent and worth reading for all those individuals interested in the quality of our institutions of higher learning. In addition, since this is commencement week at many of the Nation's universities and colleges, many legislators and public officials will be speaking at these schools, and it would seem to me advantageous if we reflected upon the observations set forth in this article. Therefore, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PERSPECTIVES: ACADEMIC SMORGASBORD

(By John P. Roche)

A number of professors from New England colleges and universities happened to be present at a social function I recently attended. Inevitably the conversation turned to the situation on campus, the impact of the Washington demonstrations, and the financial malaise that permeates higher education. Surprisingly, there was general agreement that the best institutions now have student bodies which are in fact (to borrow a term from Benjamin Disraeli) "Two Nations"—that is, two student subcultures inhabiting the same turf. Technically all are undergraduates at Harvard, MIT, Brandeis, Williams, or X, but in reality they travel in different orbits, have little intercommunication and take radically different courses. They live in what might be called different educational universes.

Of course, there have always been easy schools and gut departments in good schools. In the old days, though, even the most dedicated fraternity loafer or football player got trapped into taking a certain number of required courses. While freshman English, for example, never guaranteed literacy, it did make an ascertainable dent in illiteracy. Today even freshman English seems to be on the skids. It was abolished at one university on the ground that it reinforced "white chauvinism," and the faculty refused to substitute a literacy test because such an act would smack of "racism." In general, required courses are a thing of the past, and even distribution requirements (two courses in the humanities, two in the natural sciences, two in the social sciences, etc., selected from a broad panel of General Education offerings) are rapidly going down the drain.

When a freshman enters college, then, he finds himself a citizen of Libertyville. To graduate, he must accumulate a certain number of points and all points are equal. A professor who gives a four-point course in economics, and takes his work seriously, is matched by another who offers "astrology" for the same four-point return. If you throw in the movement toward abolishing the grading system, a college or university has lost whatever educational structure it may have had. The faculties have retired from the battlefield, and administrators have perfected the technique of preemptive capitulation to student demands.

A large number of students who go to college still want to learn something. So, in effect, they set up their own standards and little by little form a self-propelled academic subculture that demands excellence and has only contempt for the fellows who have come to play. Similarly, the serious departments have adopted an enclave strategy. The average university thus resembles medieval Germany, dotted with feudal kingdoms, duchies, baronies, and the like. The massive feudality, the Prussia of this medieval map, tends to be the hard sciences. History, economics and political science are usually well dug in and fortified. And out there in the woods someplace are the soft baronies, most notably sociology. (This was brought out, interestingly enough, by a student who came up to tell me the latest "in" joke: "Sociology should be legalized only among consenting adults.")

For one who believes that a university should be more than a smorgasbord, the present mode of operation is depressing. It puts a tremendous burden on the student. At the same time, perhaps confronting young people with the necessity for choice, however painful it may be, is an invaluable contribution to their real education.

TRAINS FOR THE FUTURE

Mr. CHURCH. Mr. President, the inauguration of Amtrak is another signal post on the journey of American railroads. In a narrow sense, Amtrak is an admission of failure, the inability of American railroads to provide attractive, profitable passenger service. In a broader sense, Amtrak is the opportunity to convert American rail passenger service to the standards and functions called for within the national transportation framework. Now that we have put Amtrak on the rails, let us give it the highball.

American rail passenger service must serve different functions in different areas. In the crowded urban corridors, for example, between Boston and Washington, New York City and Chicago, San Diego and Los Angeles, rail passenger service can and should compete with other means of transportation, such as the airplane and the car. The Washington-New York Metroliner provides a patten of attractive, rapid passenger service that can compete with air travel.

There is another area of rail service, however, that may be neglected if Amtrak does not use imagination in planning and carrying out its activities. This is the area of rail service as fun, taking a train trip to see the country while on vacation. We need only to turn to the Southern Railroad's profitable passenger service from Boston to Miami or to the Burlington Northern's Vista Dome passenger service across the Northwest to see that Americans do want to travel by rail, particularly when they have an opportunity to see our Nation, to travel in comfort, and to visit with their fellow pasengers.

We need to devote attention to rail travel as a way to enjoy a vacation. Package rail tours should be just as available at travel bureaus as package air tours. Passenger trains should be designed so that passengers can enjoy the association that make travel fun. The old saying, "travel broadens," does not work when passengers are isolated in individual compartments with no opportunity to visit one another. Schedules should also allow for the opportunity to step off the train and stretch one's legs at stops along the way. If we do this we may find that American passenger service will prosper. We may find that Americans take the time to see America first.

Mr. Henry Owen has written an article printed in the Washington Post entitled "Convert Trains for Leisure Use." I ask unanimous consent that it be printed in the RECORD for the information of Senators.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONVERT TRAINS FOR LEISURE USE

(By Henry Owen)

Amtrak (the government corporation set up to restore rail passenger service) is only a few weeks old and its new President, Roger Lewis, is already embroiled in controversy. In part, the controversy centers around the question of whether Amtrak has axed too many trains. There's not much poor Mr. Lewis can do about that. To improve passenger service he has to begin by concentrating his limited funds on a few trains. If this makes the service profitable, it can then be expanded.

The hard question is *how*—not on what scale—to improve train service. The conventional wisdom is that this means getting trains to operate more like airplanes: superfast schedules, meals served at seats, and so on. No doubt there are some things that the railroad business could learn from airlines—improved ticketing and reservations, cleanliness, punctuality, etc. And some short haul trains, like the Metroliner between Washington and New York, may be able to compete with airlines in speed and convenience. But long haul passenger trains can only survive by offering the exact opposite of airline service: What one official has called "a special style of leisurely, relaxed travel on long distance routes". This means catering to people who are *not* in a hurry: vacationing families, retired folk, teachers on a sabbatical.

If these people are to be persuaded to use the rails, it will be because they want to see the country—and to have fun along the way. This means choosing train routes for scenery—not just because they happen to be the straightest line between two points. It means scheduling trains so that they pass through this scenery in daylight, at reasonable speeds, and with plenty of time to stop and look around at interesting places along the way.

In September 1945, when train routes and schedules were still askew because of the war, I found myself on a train which, for some reason, decided that the best way to get from San Francisco to St. Louis was by meandering northward through Wyoming, stopping along the way in a fairly leisurely fashion. Around noon on the second day, we came to a dead halt at a small town; from the observation car, what semed like a daguerreotype of the old West could be seen: one main street, with two rows of false front brick houses, surrounded by a darkening plain, rimmed by barren hills and mountains. Suddenly the old West, with which so many Americans (including my father) had had a lifetime love affair, came to life. I stood on the platform of the observation car in the cool air for some time, then got off the train and walked around till it was time to leave. No amount of reading or looking at pictures could have taught me so much, so quickly, about a part of my own country and its past.

Which brings up another point. Railroad passengers not only want to see the country; they also want to have a good time aboard trains. The current notion is that this means movies, bingo and such. Maybe so; but none of this existed when train travel was popular in this country; and none of this exists in Europe, where train travel is still popular. The key to having fun aboard trains is getting to know your fellow passengers. The old Pullman cars were open in the daytime, and you could move about; children ran around in the aisle, and adult company polarized around pretty girls. Who ever saw a marble game on the floor of a Boeing 707? What good does it do you to see a pretty girl two rows forward in a DC-8?

Of course, all this went by the boards when they broke up Pullmans into roomettes with permanent partitions. Now they want to compound the error by bringing a food tray to your seat; half the fun of eating in trains used to be the opportunity to inspect other passengers on the way to the dining car, and to meet total strangers over dinner—surrounded by gleaming silver and fleeting scenery. Amtrak's object should not be to isolate passengers but the reverse: to design a sleeping car with partitions that can be folded back in the daytime, and to make sure that long distance trains include plently of cars in which people can eat and drink together.

David Kendall, former chairman of Amtrak's board, was right in saying that Amtrak needs time to succeed. But this success will be hard to achieve unless Amtrak uses that time to provide what its potential customers want—which is not just getting from A to B, but seeing something of America and Americans along the way.

POLICIES OF THE SOVIET UNION

Mr. ALLOTT. Mr. President, the eighth column on the front page of the New York Times edition of Friday, May 28, contained instructive, sobering, and depressing reading.

The top of the column was given over to reporting the 15-year treaty of "friendship and cooperation" which the Soviet Union and Egypt signed on Thursday.

The bottom of column 8 contained a report on the sentencing to jail of four more Soviet Jews. This story also reported that Simas Kudirka, the Lithuanian sailor whose attempt to defect to the United States resulted in our officials turning him back to Soviet authorities. Mr. Kudirka received a 10-year prison sentence.

The relationship between these two stories is worth noting. In one story we see the Soviet Union, the last outpost of European antisemitism, venting its viciousness against its Jewish citizens. In the other story we see the Soviet Union cultivating what it hopes will be a determined enemy of Israel.

Mr. President, it is perfectly clear that where Jews are concerned, there is a strong connection between Soviet foreign and domestic policies of aggression and persecution. For the Soviet Union, things just have not been the same since their spiritual communion and political alliance with the Third Reich was so abruptly terminated in June 1941.

Mr. President, so that all Senators can ponder these matters, I ask unanimous consent for both articles from the May 28 Times to be printed in the Record, along with the text of the Soviet-Egyptian Treaty.

There being no objection, the articles and treaty text were ordered to be printed in the Record, as follows:

Soviet and Egypt Sign 15-Year Pact; Aid Will Continue

(By Raymond H. Anderson)

Cairo, May 28.—President Nikolai V. Podgorny of the Soviet Union and President Anwar el-Sadat of Egypt signed a 15-year treaty of friendship and cooperation yesterday after two days of intensive consultations on Soviet-Egyptian relations.

The two Presidents also announced agreement for a continuation of Soviet assistance to Egypt and other Arab countries.

[The Soviet press agency Tass made the text of the treaty available early Thursday evening, New York time, more than five hours before the announcement was scheduled to be released in Cairo.]

ISRAELI STAND CONDEMNED

A communique made public early today condemned Israel's "rejection of all proposals for a settlement of the Middle East crisis."

It said that the talks that began here Wednesday had focused on a dangerous situation in the Middle East created by "Israel's imperialist aggression" against Egypt and other Arab countries.

"Israel's persistent expansionist policy is a serious threat to world peace and security," the communique added.

The treaty of friendship and cooperation was described as a "historic document."

Citing an objective of "struggle against imperialism and colonialism," it stipulates close ties in political affairs, economic development and cooperation in science, technology and culture.

The treaty specifically bars interference in internal affairs of the other country and calls for "respect for the sovereignty and integrity" of each side.

These are important conditions for Egyptians in particular.

The treaty also contained a pledge by Egypt to continue along the path of socialist development.

President Podgorny arrived in Cairo Tuesday evening at the invitation of President Sadat for an urgent review of Egyptian-Soviet relations following the leadership shake-up here two weeks ago.

Although some of Moscow's closest friends in the Egyptian regime lost out in a power struggle and were imprisoned, it was clear from the moment that Mr. Podgorny emerged from his airliner that both sides were determined not to allow the political changes to upset cooperative relations between the two countries.

Mr. Podgorny was given an enthusiastic welcome at the airport and was cheered by Egyptians lining the streets from the airport to Kubbeh Republican Palace.

Last night, both Mr. Sadat and Mr. Podgorny emphasized the overriding importance of good relations during speeches at a dinner in honor of the Soviet President.

"Our people cherish Arab-Soviet friendship and, indeed, the whole Arab nation takes this friendship to be one of the most important bases of our policy," Mr. Sadat declared.

The communique accused the United States of supporting Israel as an "aggressor trying to usurp the Arab territories occupied in the war of June, 1967."

It said that the two sides had expressed determination "to eliminate the consequences of Israeli aggression in the nearest future."

NO THREAT OF WAR

The communique did not explicitly threaten war against Israel, however, stressing instead that "Egypt's constructive policies for a peaceful settlement of the Middle East crisis has created the proper atmosphere for establishing a just and permanent peace in the area."

This appeared to be an allusion to commitments undertaken by Egypt to abandon the 23-year state of belligerence against Israel once Israeli troops had withdrawn from occupied Arab lands and after a settlement had been made for Palestinian refugees.

The communique emphasized that peace could be reached only on the basis of "complete withdrawal" and implementation of all other terms of the United Nations Security Council resolution of Nov. 22, 1967.

There was no mention of a proposal advanced in February by Mr. Sadat for a partial Israeli withdrawal from the Suez Canal to permit a reopening of the waterway to international shipping.

It was reliably reported that the talks had dealt with the issue, however, particularly in the context of Secretary of State William P. Rogers' visit to Cairo and Israel to seek a faster agreement on the interim solution.

Four Riga Jews Given Terms to 3 Years

(By Bernard Gwertzman)

Moscow, May 27.—The Latvian Supreme Court today found four Riga Jews guilty of anti-Soviet activity and sentenced them to terms ranging from one to three years in prison camps.

In a separate development, it was learned that Simas Kudirka, the Lithuanian seaman who was returned to the Soviet authorities after having jumped aboard a United States Coast Guard cutter last fall seeking political sanctuary, was sentenced last week to 10 years on treason charges by the Lithuanian Supreme Court.

Tass, the Soviet press agency, said that the four-day trial of the Jews in Riga, held in a workers club, ended when the judge, Luka I. Lotko, read the sentences. Arkady A. Shpilberg, a 33-year-old engineer, received three years. The prosecutor, Dmitry F. Chibisov, asked yesterday for a four-year term. The other defendants received what the prosecutor had asked: Mikhail Z. Shepshelovich, a 28-year-old worker, two years; Boris M. Maftser, a 24-year-old engineer, and Ruth I. Aleksandrovich, a 23-year-old nurse, got one-year terms.

The sentences given the four defendants were milder than those imposed in trials in Leningrad last winter and earlier this month, in which some defendants received sentences of 15 years in camps—the maximum term of detention in Soviet law.

This was presumably because the Riga defendants had not been charged either with participating or assisting in plans to hijack a plane. Twenty-one persons—19 of them Jews—were convicted in the Leningrad trials. They were linked to an apparent plot by 12 persons to hijack a plane last June as part of a plan to flee to Israel.

Nine other Jews are awaiting trial in Kishinev on charges believed similar to those brought against the Riga defendants. The four Riga Jews were charged with reprinting and distributing "subversive" and "slanderous" material about the Soviet state, a crime punishable by up to seven years imprisonment. The exact nature of the material has not been made known, but presumably it covers petitions sent abroad complaining of Soviet policy toward Jews not wishing to assimilate any typewritten material on various aspects of Jewish life here.

Because of wide foreign interest in the trials of the Jews, Tass has distributed accounts of the trials, usually omitting the defendants' side of the case.

The Tass accounts were intended only for foreign subscribers to the Tass service. Soviet newspapers have printed less about the trial than has been sent abroad.

However, there was no publicity about the trial of Mr. Kudirka, in line with the blackout on news about the Lithuanian since he was turned over to Soviet authorities last Nov. 23.

LEAPED FROM VESSEL

On that day, Mr. Kudirka, who is 32 years old, leaped from the Sovetskaya Litva, a fishing vessel, when she was tied to the Coast Guard cutter Vigilant and asked for asylum.

The two boats were anchored off Martha's Vineyard, Mass., while Soviet-American talks took place aboard the Soviet boat on fishing matters. Top Coast Guard officials, however, decided without informing the White House to let other Soviet seamen come aboard and drag Mr. Kudirka back to their boat.

In the aftermath of the incident, two top Coast Guard officials were allowed to retire from the service.

Dissident sources here in March reported that Mr. Kudirka had been arrested after his return to Lithuania and was under investigation for treason. Under Soviet law, attempting to flee the country is regarded as treason and carries with it a possible death sentence.

The case was heard last week, according to those sources. A spokesman for the court said over the phone that Mr. Kudirka had been tried by the Supreme Court in Vilna, the capital of Lithuania, and had been sentenced to 10 years. It is presumed that the seaman will be sent to a "strict regime" camp, the second most severe of the four types of camps, where most people accused of political crimes are sent. All the Jews convicted so far have also been sent to similar camps.

About 3,000 high school students demonstrated near the Soviet Mission to the United Nations here yesterday in protest against the trial in Riga.

They assembled near Dag Hammarskjold Plaza on 47th Street and First Avenue, then marched up First Avenue to East 67th Street and crossed to Third Avenue. The Soviet mission is on 67th Street, between Lexington and Park Avenues.

In another development, Mrs. Max Schenk, president of Hadassah, the Women's Zionist Organization of America, denounced the sentencing of the four Jews in Riga, asserting that any so-called lenient sentence in the Soviet Union "can become a death sentence" because of prisoners' inadequate diet.

Text of the Treaty of Friendship and Cooperation Signed by Soviet and Egypt

(Following, as transmitted in English by Tass, the Soviet press agency, is the text of the Soviet-Egyptian treaty of friendship signed in Cairo yesterday:)

The Union of Soviet Socialist Republics and the United Arab Republic,

Being firmly convinced that the further development of friendship and all-around cooperation between the Union of Soviet Socialist Republics and the United Arab Republic meets the interests of the peoples of both states and helps strengthen world peace,

Being inspired by the ideals of struggle against imperialism and colonialism, and for the freedom, independence and social progress of the peoples,

Being determined to wage persistently the struggle for stronger international peace and security in accordance with the invariable course of their peaceable foreign policy,

Reaffirming their allegiance to the aims and principles of the United Nations Charter.

Being driven by a desire to consolidate and strengthen the traditional relations of sincere friendship between the two states and peoples through concluding a treaty of friendship and cooperation and thus creating a basis for their further development,

Agreed on the following:

ARTICLE 1

The high contracting parties solemnly declare that unbreakable friendship will always exist between the two countries and their peoples. They will continue to develop and strengthen the existing relations of friendship and all-around cooperation between them in the political, economic, scientific, technological, cultural and other fields on the basis of the principles of respect for the sovereignty, territorial integrity, noninterference in the internal affairs of each other, equality and mutual benefit.

ARTICLE 2

The Union of Soviet Socialist Republics as a socialist state and the United Arab Republic, which has set itself the aim of reconstructing society along socialist lines, will cooperate closely and in all fields in ensuring conditions for preserving and further developing the social and economic gains of their peoples.

ARTICLE 3

Being guided by a desire to contribute in every way toward maintaining international peace and the security of the peoples, the Union of Soviet Socialist Republics and the United Arab Republic will continue with all determination to make efforts toward achieving and ensuring a lasting and fair peace in the Middle East in accordance with the aims and principles of the United Nations Charter.

In pursuing a peace-loving foreign policy, the high contracting parties will come out for peace, relaxation of international tension, achievement of general and complete disarmament and prohibition of nuclear and other types of weapons of mass destruction.

ARTICLE 4

Being guided by the ideals of freedom and equality of all the peoples, the high contracting parties condemn imperialism and colonalism in all their forms and manifestations. They will continue to come out against imperialism, for the full and final elimination of colonialism in pursuance of the U.N. declaration on the granting of independence to all colonial countries and peoples, and wage unswervingly the struggle against racialism and apartheid.

ARTICLE 5

The high contracting parties will continue to expand and deepen all-around cooperation and exchange of experience in the economic and scientific-technological fields—industry, agriculture, water conservancy, irrigation, development of natural resources, development of power engineering, the training of national personnel and other fields of economy.

The two sides will expand trade and sea shipping between the two states on the basis of the principles of mutual benefit and most-favored nation treatment.

ARTICLE 6

The high contracting parties will further promote cooperation between them in the fields of science, arts, literature, education, health services, the press, radio, television, cinema, tourism, physical culture and other fields.

The two sides will promote wider cooperation and direct connections between political and public organizations of working people, enterprises, cultural and scientific institutions for the purpose of a deeper mutual acquaintance with the life, work and achievements of the peoples of the two countries.

ARTICLE 7

Being deeply interested in ensuring peace and the security of the peoples, and attaching great importance to concertedness of their actions in the international area in the struggle for peace, the high contracting parties will, for this purpose, regularly consult each other at different levels on all important questions affecting the interests of both states.

In the event of development of situations creating, in the opinion of both sides, a danger to peace or violation of peace, they will contact each other without delay in order to concert their positions with a view to removing the threat that has arisen or reestablishing peace.

ARTICLE 8

In the interests of strengthening the defense capacity of the United Arab Republic, the high contracting parties will continue to develop cooperation in the military field on the basis of appropriate agreements between them. Such cooperation will provide specifically for assistance in the training of the U.A.R. military personnel, in mastering the armaments and equipment supplied to the United Arab Republic with a view to strengthening its capacity to eliminate the consequences of aggression as well as increasing its ability to stand up to aggression in general.

ARTICLE 9

Proceeding from the aims and principles of this treaty.

Each of the high contracting parties states that it will not enter into alliances and will not take part in any groupings of states, in actions or measures directed against the other high contracting party.

ARTICLE 10

Each of the high contracting parties declares that its commitments under the existing international treaties are not in contradiction with the provisions of this treaty and it undertakes not to enter into any international agreements incompatible with it.

ARTICLE 11

The present treaty will be operative within 15 years since the day it enters into force.

If neither of the high contracting parties declares a year before the expiry of this term its desire to terminate the treaty, it will remain in force for the next five years and so henceforth until one of the high contracting parties makes a year before the expiry of the current five-year period a written warning on its intention to terminate it.

ARTICLE 12

The present treaty is subject to ratification and shall come into force on the day of exchange of ratification instruments, which will take place in Moscow in the nearest future.

The present treaty is done in two copies, each in Russian and Arabic, with both texts being equally authentic.

Done in the city of Cairo on May 27, 1971, which corresponds to 3 Rabia as Sani, 1391, Hejira.

For the Union of Soviet Socialist Republics.
N. Podgorny.

For the United Arab Republic.
Anwar Sadat.

NATIONAL HEALTH INSURANCE

Mr. KENNEDY. Mr. President, I want to take this opportunity to commend the distinguished Senator from Ohio for his leadership and concern regarding the health crisis of the Nation.

As chairman of the Senate Health Subcommittee, I have witnessed Senator Saxbe's dedication to relieving this situation.

This dedication has been transferred to Dr. William B. Saxbe, Jr., who currently is a surgical resident at Peter Bent Brigham Hospital in Boston. Dr. Saxbe has written eloquently of the deterioration of health care in the inner-cities of our Nation.

A recent article in Modern Medicine comments on a paper written by Dr. Saxbe in which he clearly demonstrated the need for a system of National Health Insurance, such as the one I have introduced and which Senator Saxbe and others have cosponsored.

I ask unanimous consent for the insertion of the article, "The Senator's Respected Medical Advisor," in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Senator's Respected Medical Advisor

Acquiring a sophisticated understanding of the political processes can be a lifelong vocation, even for the politicians who try it. Not all of them do, a claim most easily supported by simply listening to what they say.

Thus, it can be as suprising as it is refreshing to discover a large political intellect outside the circle of power and influence in official Washington, yet near enough to be heard.

In this case, it is not clear that Sen. William B. Saxbe (R., Ohio) relies more on the medical orientation of Dr. William B.

Saxbe, Jr., or whether Dr. Saxbe depends more on the senator's political sagacity, or whether it's the other way around. Nevertheless, they seems to be working together to devise a national health policy.

The senator, it must be obvious, is the doctor's father, a relationship that could, conceivably, color the politician's view of Dr. Saxbe's competence in health matters. The doctor is a 30-year-old surgical resident at Peter Bent Brigham Hospital in Boston.

Even though Senator Saxbe refers to his son as a doctor "whom I highly regard," Dr. Saxbe's own well-articulated notions about the politics of health care can stand alone.

Senator Saxbe has circulated a paper written by his son, "Problems of the Delivery of Medical Care in Cities—Political Aspects." It is a cogent statement, tracing with knowledgeable clarity the demise of the American city and the spawning of seemingly intractable problems in the medical care system.

His central thesis, stated in a straightforward way, is that the cities are undergoing disintegrative change and that "personal medical care and public health have deteriorated in direct proportion to the health of the body politic."

With the flight of both blue-collar and white-collar workers to mostly all-white suburbs, the cities were left with declining tax revenues and property values. Inevitably, Dr. Saxbe argues, the result was a new cycle of low revenues and low services, stimulating even more emigration.

"Two general political considerations apply here," the doctor says. "The first is that the 'bedroom' communities of the suburbs have come to be tax havens whose residents profit from the presence of the city, without making appropriate recompensation. The political independence of these communities is becoming more and more unrealistic and unjust."

"The second consideration is that there has always been a lag of years between the time that a new group in the city becomes numerically important and the time that it becomes politically so. Because of this political machines characteristically outlive their original support, and political changes in reality are characteristically overdue.

"State governments show a similar conservatism, and legislatures may represent fossilized survivals from times when the city was numerically subordinate to the country."

Dr. Saxbe, it is true, conducts his examination of the decline of the cities with a critical eye. But he is thorough, holding one piece of the unraveling fabric after another to the light for all to see.

He discusses attenuated ethnic and family ties and the next step—the greater mobility of succeeding generations—which conspired to leave behind in the central cities the sick and the old. And next, the symptoms of social dislocation: anomie, mental illness, alcoholism, drug addiction, violence, and crime.

The result is that large residential areas are no longer self-supporting, an evil intensified by an increase in the number and size of tax-exempt institutions within the boundaries of the inner city; they are sinks for dollars, producing less in the way of income, sales, and property taxes than they cost for welfare, police, and medical costs. Now they face bankruptcy.

"Well-meant but poorly conceived attempts to save the cities have further compounded the problem," said Dr. Saxbe. "The facile equation of old buildings with social deterioration has led to inappropriate urban renewal projects which, as in Boston's West End, can destroy a living—if not affluent—community, and replace it by sterile apartment buildings.

"In similar fashion a monstrous welfare system has emerged which appears to have perpetuated rather than arrested or alleviated poverty. The architects . . . of these programs have increasingly been baffled by embittered militancy of those they serve, an attitude they find perverse.

"There are several important implications for medical care arising from the social and political changes in the city.

"The first is that inner cities can no longer produce or support M.D.'s. Economic, social, and professional considerations generally dictate that the present-day physician will have a specialized practice in the prosperous suburbs rather than a general practice in a deteriorating central city. As consequence, many poor city dwellers must use municipal charity hospitals in place of the family doctor.

"Since people with money and access to political power (and the news media) do not use these facilities (especially not as outpatients) their deficiencies are never apparent to those who can change them.

"Because these facilities are provided by the dominant unconcerned to the subordinate powerless, they are inadequate, underfinanced, and superannuated. They give second-class medical care.

"From a medical standpoint, this care is unsatisfactory because it is uncomprehensive and discontinuous. From the patients' point of view, it is unsatisfactory because it also involves inflated prices, long waits, insufficient services, and personal degradation and humiliation.

"The inner city medical mess is different from the problems of medical supply in the past for several reasons, and must be dealt with in different ways. The laissez-faire method of getting doctors into communities and traditional one doctor-one patient practice have led to the present state of affairs and would not be expected to cure the problems they have caused.

"Artificial means to reintroduce solo practice, even with subsidies, are probably foredoomed."

The discourse leads finally to his view of the two major hurdles to assure the delivery of medical care in the cities—funding and logistics.

Dr. Saxbe sees some form of national health insurance, possibly involving prepaid care on a capitation basis, as the likely response to funding. Logistics, however, may turn out to be harder to settle. But he looks upon some form of comprehensive group practice as a reasonable approach, from both the doctor's and the patient's point of view.

"For the medical profession," he cautions, "there are several potential pitfalls as these matters are decided. The first will be a failure to identify the goals of their services with the desires of the served. The second will be misunderstanding of the political process by which the future of medical care in the central cities will be determined.

"The third, basic, and most important will be the difficulties of finding a pragmatic path between the Scylla of a narrow 'medical' conception of the problem, and the Charybdis of utopian holistic planning too grand to be practical."

PRODUCTIVITY IN AMERICA AND JAPAN

Mr. TAFT. Mr. President, for some weeks I have been speaking in the Senate on the importance of restoring the investment tax credit and providing accelerated depreciation in order to modernize America's tools of production.

Regrettably the United States now faces a productivity gap which is even more serious than the missile gap.

For years we have been able to overcome the lower wage rates paid by foreign competitors, through the use of more efficient and productive equipment. This productivity advantage, however, is dissolving before our eyes. The United States reinvests a smaller portion of its gross national product in new tools and equipment than any other major industrial nation in the world. The resulting productivity gap has now been dramatically unfolded before us.

The lead editorial in the Cleveland Plain Dealer on May 24, 1971, has stated that in the United States 7.31 man hours are required to produce one net ton of raw steel. In Japan this figure is only 5.7.

Not only do the Japanese have the competitive advantage of lower wages but their productivity rate is higher than ours.

Unless we undertake a major national effort to modernize our industrial equipment we will fall victims to this productivity gap and the result will be a loss of jobs to U.S. workers and a lower standard of living in this country.

I ask unanimous consent that the editorial to which I have referred be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JAPAN ADDS TO STEELMAKING LEAD

If there were doubts about Japan's growing industrial strength, they should be dispelled by statistics published today by Industry Week magazine.

Using figures supplied by the American Iron & Steel Institute and the Japan Iron & Steel Federation, Industry Week computed the man-hours needed to produce one net ton of raw steel. Japan is outstripping the United States now by a fair margin, 5.70 man-hours for Japan to 7.31 for the United States.

Last year, for the first time, Japan took the lead but the margin was very small, 6.91 for Japan to 7.17 for the United States. A measure of the progress of the Japanese industry can be noted by the figures for 1960. In that year the United States required 10.56 man-hours to make one net ton of raw steel and Japan needed 20.62 man-hours.

Allowing for differences in labor cost factors and methods of computation, Japan's increased leadership still is impressive Japan's blast furnaces are as good or better, and bigger, than those in the United States. Its steel industry, coming up from scratch after World War II, is modern. And very efficient.

Employment costs per man-hour worked are something else. The cost in Japan in 1970 was $1.80, asserts Industry Week, while the U.S. figure was $5.68. As for steel mill products, as contrasted to raw steel, the United States still holds a small lead, 11.9 man-hours to Japan's 12.4.

Japan's ability to sell steel below U.S. prices, to supply high-grade products and to market them aggressively should jolt any Americans who have been living in the past when "good old American know-how" automatically was deemed sufficient to solve all problems of competition.

MORAL LEADERSHIP AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the United States prides itself in being moral leader of the world. We have always considered ourselves at the forefront of humanitarian causes. Yet, 75 nations already have ratified the Genocide Convention. The United States has not.

President Truman transmitted the convention to this body 22 years ago this month. In February of last year President Nixon asked the Senate to ratify the treaty. "Ratification," the President said, "will demonstrate unequivocally our country's desire to participate in the building of international order based on law and justice." The Attorney General and the Secretary of State have agreed that "there are no constitutional obstacles to U.S. ratification." A special subcommittee on the convention reported in December, "We find no substantial merit in the arguments against the convention."

Ratification of the Genocide Convention will help buttress the moral leadership of the United States—a leadership which has been undermined by an amoral war which goes on and on. I urge the Senate to act quickly on the Genocide Convention.

In testimony before the special subcommittee on the Genocide Convention, Hon. Arthur J. Goldberg addressed himself to the question "Why should we act favorably on the Genocide Convention?" I ask unanimous consent that an excerpt from his testimony be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

First, the Genocide Convention outlaws action that is repugnant to the American people. We should not decline to affirm our support for principles of international law and morality which we believe in. Our country was founded out of a passionate concern for human liberty reflected by the Bill of Rights and the Constitution. I believe that concern is very much alive today, as is reflected by the report of the Foreign Relations Committee supporting this Convention at the last session of Congress. It is inconceivable that we should hesitate any longer in making an international commitment against mass murder.

Second, our failure to adhere to this Convention is an unnecessary diplomatic embarrassment. Seventy-five countries have now ratified the Convention. We are the most prominent United Nations member that has not. When I was United States Ambassador to the United Nations, I was often asked to explain our failure to ratify the Genocide Convention. Frankly, I never found a convincing answer. I doubt that anyone can. At a time when our commitment to human rights is being questioned by some of our own people and by others overseas, it is particularly important that we ratify a treaty so thoroughly consistent with our national purpose. A continuing dedication and reaffirmation of the human principles of our Bill of Rights and Constitution is very much in order.

Third, our adherence to the Genocide Convention can make a practical contribution to the long and difficult process of building a structure of international law based on principles of human dignity. It will put us in a better position to protest acts of Genocide in other parts of the world and will enhance our influence in United Nations efforts to draft satisfactory human rights principles. I do not say that our adherence to this Convention will work miracles. It may not bring very dramatic benefits in the short run. Let us remember, however, that none of the great documents of human civilization produced instant morality—not even Magna Carta or our own Bill of Rights. The point is that they did shape history in the long run. I believe the same may be true of the Genocide Convention, if we only give it a chance.

JUDGESHIP FOR NORTHERN DISTRICT OF TEXAS

Mr. TOWER. Mr. President, on March 23 of this year, I introduced a measure, S. 1323, which would provide an additional judgeship for the northern district of Texas. The Judicial Conference has recommended this judgeship on an emergency basis, and it is my hope that the Senate Judiciary Committee will give the bill its swift approval.

Recently, the State Bar of Texas has passed an endorsement of this legislation. I ask unanimous consent that this resolution be included at this point in the Record, in order to emphasize the urgency of the matter.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution

Whereas HR 2645 is now pending before the House of Representatives of the United States of America and S. 1323 is now pending before the Senate of the United States of America, which provide for an additional judgeship for the Northern District of Texas; and

Whereas, this legislation is of general interest to the entire Bar of our State because of the added burden placed upon the Northern District of Texas by the 1966 Amendment to 28 U.S. Code 2241, et seq, giving the Northern District jurisdiction over habeas corpus applications of State prisoners from all districts in Texas; and

Whereas, the Judicial Conference of the United States has recommended the creation of such additional court on an emergency basis because of the current work load in such District.

Now, therefore, be it resolved that the Board of Directors of the State Bar of Texas endorses HR 2645 and S. 1323 and urges the speedy passage of such bills by the Senate and the House of Representatives of the United States of America;

Be it further resolved that the officers of the State Bar of Texas be and they are hereby directed to transmit copies of this Resolution to the United States Senators and Representatives of Texas and to other appropriate and interested parties.

Morris Harrell,
President, State Bar of Texas.

SENATOR MUSKIE AND REVENUE SHARING

Mr. RIBICOFF. Mr. President, a number of people in Washington these days are trying to sell revenue sharing as a panacea for America's many ills. They claim that all Congress has to do is to give a large amount of money to the cities and States with no restrictions on the use of these funds and the financial crisis faced by these cities and States will be solved.

This is an example of devising a simple solution to a complex problem. If revenue sharing as a concept is to succeed in reality, it will have to be very carefully designed to reach those areas most in need.

All of the plans introduced to date recognize this fact. They differ, however, in their approach and scope. One plan which has not yet received the notice it deserves was introduced by the distinguished Senator from Maine (Mr. Muskie). Senator Muskie, one of the original advocates of revenue sharing, has developed an approach which deserves serious attention.

The New Republic of May 29, 1971, contained an analysis of Senator Muskie's approach to revenue sharing which is well worth reading. I therefore ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Revenue Sharing That Works

The Administration has been given too little credit for the political shrewdness of its revenue-sharing plan. It casts the President in the role of rescuer of the states and cities from a dire fate, a modern-day Disraeli effecting fundamental reform and restoring the federal as well as fiscal balance. It allows him to use the phrase "power to the people" with only the faintest blush—and all with minimum budgetary impact, at best $6 billion in "new" money. Most important, it has great potential for the onrushing presidential campaign. Mr. Nixon has come to realize that the cities, and more recently the large industrial states, are starving. He knows that those who starve do not too closely examine the nutritional content of a crust of bread. He knows also that the Congress is not eager to cede its control over the spending of any federal dollar. Revenue sharing, then, offers the chance to divide the congressional Democrats (including virtually all of the serious 1972 contenders) from their needful brethren in the statehouses and city halls—and to conquer.

In March, this potential seemed to have been realized at the expense of one Democratic challenger. The occasion was a legislative conference of the National League of Cities and US Conferences of Mayors. The 800 mayors had arrived in Washington with a well-formulated position. They favored general revenue sharing, with its promise of an initial $5 billion in stringless aid. This was not surprising, since their two organizations had been "closely consulted" in formulation of the plan; they considered the automatic pass-through of nearly half the amount to localities with mayors and county officials free to negotiate an even larger cut from their governors) a signal victory. On the other hand, the mayors were suspicious of the President's so-called special revenue-sharing proposals, since they would terminate some urban grant programs and consolidate others in six broad categories, with a net gain to the impoverished cities of only a single billion at most.

The March session was more rally than conference. Walter Heller, a certified Democratic economist and pre-Nixonian parent of revenue sharing, delivered a stump speech, branding anyone opposed to the idea as a foe of federalism and doubter of provincial wisdom. Vice President Agnew attacked those who would play politics with so sacred a subject, singling out Wilbur Mills' proposal for federal assumption of welfare costs as a "red herring." Both drew hearty applause. Senator Edmund Muskie, in a luncheon speech, drew something else.

He began by saying, soberly, "I know many of you support the concept of revenue sharing, and so do I." He pointed out that he had introduced a revenue-sharing bill last year. But he went on to say that he did not support a plan which would "gut essential categorical aid programs," which "fails to allocate funds for the cities which need them most," and which "provides inadequate safeguards against the use of funds to perpetuate discrimination." Therefore, he did not support the Administration plan, which, he noted, would provide rich Beverly Hills with twice as much money per capita as broken-down New York and four times as much as Cleveland. He expressed "serious doubts" that a "meaningful program of revenue sharing" could get through the present Congress and counseled support of a federal welfare takeover. The mayors' reaction was swift and critical. The welfare takeover would benefit only a handful of cities; they all need help, immediately; they don't expect their friends to quibble over its precise form.

Senator Muskie's initial response was to smooth things over at a private meeting with Philadelphia's James Tate, president of the Conference of Mayors. His more substantive response came May 5 when he reintroduced his own revenue-sharing bill with modifications. The bill got less attention than it deserves. For together with other Muskie initiatives in Congress it constitutes not just a solid Democratic alternative to the Administration proposals but the beginnings of an adequate federal program.

The Muskie bill retains the guarantee of automatic aid to states and cities, which is the essence of revenue-sharing's appeal to those who are tired of pleading with one grudging Congress after another. While Nixon would give cities and states 1.3 percent of federal income-tax revenues, Muskie adds to this federal dollars in the amount of 10 percent of aggregate state income-tax collections. This puts another billion into the pot the first year, as well as tying future amounts to how heavily states tax themselves. But Muskie's plan goes on to weight the amount localities would receive on a scale that takes into account both the incidence of poverty and the level of public assistance payments. And it adds a nondiscrimination string in the form of a mechanism for individual or class-action suits against offending jurisdictions.

Muskie's bill is offered as a supplement to categorical aid programs, not a substitute for them. His introductory remarks delineated the functions such programs should serve: "Revenue sharing is needed because the distribution of income and wealth varies so widely throughout the country. There are vast differences in the tax-paying abilities of the various communities across the nation." "At the same time," he went on, "we must continue and expand federal categorical assistance. These programs are directed at critical problems, national in scope, which must be attacked by the federal government because the states and localities alone cannot deal with them or have not dealt with them effectively in the past."

Sen. Muskie still supports a federal welfare takeover, again recognizing that poverty like so many other problems called "urban" is national in scale. It is this fact which makes stringless revenue sharing not just inadequate as *the* major urban assistance device, but dangerous. For it perpetuates the cities' responsibility for paying a disproportionate share of society's bills, and it makes the remedying of our most critical domestic ills a matter of state and local option, while reducing incentives for remedial action.

The mayors are beset by a battery of conflicting claims upon their attention and resources. The political clout of the urban poor and minorities is rarely powerful enough to compete with that of rival claimants. There are far larger constituencies behind better street paving and larger police forces than behind welfare reform or compensatory education. This competition is getting increasingly bitter. The white working class, especially in the industrial cities of the Northeast, is flexing its muscles and voicing genuine grievances. Its increasingly militant resistance to "singling out" others for attention, combined with the decline in the patience and "reasonableness" of long-deprived minorities is a new fuse on the urban time bomb.

The President would simply throw money into this pit and let the contending groups scramble for it. The effect would be to remove the protective shelter of federal restrictions from those mayors—and there are many—who understand that the plight of the poor and of minorities is the most urgent they confront. With this shelter, of course, come webs of federal administrative strings, which is another reason for the mayors' fondness for general revenue sharing.

The Democratic mayors and governors (and John Lindsay, too) can continue beating what Wilbur Mills has certified to be a dead horse. Or they can try to rally the Democrats behind a comprehensive program of fiscal reform, including: (1) revenue sharing weighted according to both tax effort and need; (2) expansion and consolidation of existing grants-in-aid; and (3) federal assumption of responsibility for welfare and other poverty-related services. The Muskie initiatives offer the structural skelton for such a program. They will not in themselves, as he acknowledges, "reverse the order of our national priorities." Nor would they use the full leverage of federal revenues to effect state and local reform. But they would, as modestly claimed, provide "a logical and workable beginning toward correcting the fiscal imbalance in our system."

UTAH SYMPHONY ORCHESTRA IN CONSTITUTION HALL

Mr. BENNETT. Mr. President, under the talented baton of Maestro Maurice Abravanel, the Utah Symphony Orchestra played its first concert in the Nation's Capital last evening, prior to its second international tour. To those of us privileged to hear the concert it was truly a memorable evening.

Utah has long been associated with the famous Mormon Tabernacle Choir, which is noted worldwide for its excellence. However, the Utah Symphony is fast gaining a like reputation for its singular artistic merit, and last evening's performance at Constitution Hall most certainly will enhance and perpetuate its growing reputation.

Regarding the orchestra's rendition of the First Symphony of Brahms, Washington Post music critic Paul Hume today writes:

> The visitors from Salt Lake City played the symphony with notable comprehension of both the energetic motion of the work and a finely molded sound in its songful measures.

He adds:

> It has been a long time since any conductor has brought us as brisk a view of the Brahms First as Abravanel offered.

The Brahms number, compiled with works by Rorem and Ginastera and the several encores demanded by an appreciative audience, made the musical feast one to be long remembered.

Mr. President, the Utah Symphony Orchestra will play no less than 23 concerts throughout Latin America during the next 30 days. I know they will be fine ambassadors for Utah and for America as they communicate in the international language of music. And I am sure the Senate joins with me in wishing the Utah Symphony Orchestra Godspeed on their arduous journey.

POVERTY—LITTLE IMPROVEMENT FOR THE ELDERLY

Mr. CHURCH. Mr. President, recent Census Bureau statistics on poverty in the United States present a very grim picture for our 20 million older Americans.

Approximately 2,735,000 unrelated individuals 65 and older fell below the poverty line in 1970, nearly 75,000 more than in 1969. This represents about 47 percent of all aged persons who live alone or with nonrelatives.

Moreover, another 13 percent, or 752,000 are considered near poor. The net impact of these statistics is that 60 percent of all individuals 65 and older living alone or with nonrelatives would be classified as poor or near poor.

In families headed by a person 65 or older, 16 percent—or about 1,166,000 family units—live in poverty. Compared with 1969, this constitutes a reduction of 77,000. However, another 597,000 families with an aged head are in the near poverty category. Thus, about 25 percent of all older families would be considered poor or near poor.

Perhaps the most economically disadvantaged are aged Negroes. About five out of every six, 65 and older who live alone or with nonrelatives are poor or near poor. Approximately 73 percent fall below the poverty line, and 10 percent subsist on near poverty income. Moreover, 18,000 aged Negro families were added to the poverty rolls in 1970, raising the 1969 figure from 211,000 to 229,000. This represents 41 percent of all elderly family units among Negroes.

Translated into dollars and cents, the poverty threshold on a weighted basis for an aged person amounts to $1,852. For an elderly couple, the poverty index is $2,328. And the near poor threshold would be 125 percent of the poverty index—or $2,315 for a single person and $2,910 for an aged couple.

These figures clearly show that timid measures are not going to solve the intense economic problems confronting millions of aged Americans. Quite clearly, a major reform is needed if our Nation is to come to grips with the retirement income crisis affecting a substantial segment of the elderly population.

For these reasons, I again urge early and favorable action on my Social Security Reform Act and the Older Americans Income Supplement Act, S. 1645. In utilizing the social security system as the umbrella for lifting large numbers of aged persons out of poverty, this measure would:

Provide increases in benefits for all social security recipients but would authorize larger percentage raises for those who need them the most—persons with low lifetime earnings.

Establish a new $120 minimum benefit for individuals with 20 or more years of covered employment.

Authorize automatic adjustments for social security benefits to protect the aged from inflation.

Replace old age assistance with a new income supplement program, administered by the Social Security Administration and financed by general revenues, which would be sufficient to lift elderly persons out of poverty.

Provide for automatic adjustments for these supplemental payments to keep pace with rising prices.

Mr. President, I ask unanimous consent that three tables—relating to poverty aged among family units in the United States—be printed at this point in the Record.

There being no objection, the tables were ordered to be printed in the Record, as follows:

POVERTY THRESHOLDS (POOR AND NEAR POOR[1]) OLDER UNRELATED INDIVIDUALS AND FAMILIES BY LOCATION AND SEX, 1970

[Weighted averages]

Location and sex	Unrelated individual 65 and over		2-person family (couple) head 65 and over	
	Poor	Near poor	Poor	Near poor
Total	$1,852	$2,315	$2,328	$2,910
Nonfarm	1,861	2,326	2,348	2,935
Male	1,879	2,349	2,349	2,936
Female	1,853	2,316	2,336	2,920
Farm	1,586	1,983	1,994	2,493
Male	1,597	1,996	1,996	2,495
Female	1,576	1,970	1,972	2,465

[1] Near-poor threshold is defined as 125 percent of the poor threshold.

NUMBER AND PROPORTION OF FAMILIES AND UNRELATED INDIVIDUALS IN HOUSEHOLDS WITH INCOMES BELOW THE POOR POVERTY THRESHOLD. ALL AGES AND 65 AND OVER, 1969 AND 1970

[Numbers in thousands]

Family status and color	All ages				65 and over			
	Number		Percent		Number		Percent	
	1969	1970	1969	1970	1969	1970	1969	1970
Families	4,950	5,214	9.7	10.0	1,243	1,166	17.6	16.3
White	3,555	3,701	7.7	8.0	1,014	921	15.6	14.1
Negro	1,326	1,445	27.8	29.3	211	229	41.7	40.8
Male head	3,146	3,280	6.9	7.1	980	964	16.4	15.7
White	2,490	2,604	6.0	6.2	836	783	15.0	13.8
Negro	609	625	17.8	18.3	135	167	38.2	39.3
Female head	1,804	1,934	32.3	32.5	263	202	23.6	19.9
White	1,065	1,097	25.4	25.0	179	138	18.8	15.8
Negro	718	820	53.2	54.5	77	61	49.5	45.6
Unrelated individuals	4,851	5,023	33.6	32.7	2,660	2,735	47.3	47.1
White	3,962	4,121	31.8	30.7	2,300	2,392	45.0	44.8
Negro	806	840	46.0	48.1	336	322	74.7	73.2
Male	1,379	1,431	25.3	24.0	567	549	39.8	38.9
White	1,047	1,088	23.4	21.8	448	456	36.3	36.1
Negro	287	301	35.2	36.1	107	80	70.0	59.8
Female	3,472	3,592	38.5	38.2	2,093	2,186	49.9	49.7
White	2,914	3,033	36.4	36.0	1,852	1,936	47.7	47.5
Negro	520	539	55.4	59.1	229	243	77.2	79.1

NUMBER AND PROPORTION OF FAMILIES AND UNRELATED INDIVIDUALS IN HOUSEHOLDS WITH INCOMES BELOW THE POOR AND NEAR-POOR POVERTY THRESHOLD. ALL AGES AND 65 AND OVER, 1970

[Numbers in thousands]

Family status and color	Between poor and near-poor levels (near poor only)				Below near-poor level (poor plus near poor)			
	All ages		65 and over		All ages		65 and over	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Families	2,241	4.4	597	8.3	7,455	14.4	1,763	26.6
White	1,795	3.8	525	8.0	5,496	11.8	1,446	22.1
Negro	414	8.4	71	12.7	1,859	37.7	300	53.5
Male head	1,795	3.9	518	8.4	5,075	11.0	1,482	24.1
White	1,480	3.5	461	8.1	4,084	9.7	1,244	21.9
Negro	283	8.2	55	12.9	908	26.5	222	52.2
Female head	446	7.5	79	7.8	2,380	40.0	281	27.2
White	315	7.2	64	7.3	1,412	32.2	202	23.1
Negro	131	8.6	16	12.0	951	63.1	77	57.6
Unrelated individuals	1,296	8.4	752	12.9	6,319	41.1	3,487	60.0
White	1,156	8.6	703	13.1	5,277	39.3	3,095	57.9
Negro	118	6.7	45	10.2	958	54.8	367	83.4
Male	371	6.2	165	11.7	1,802	30.2	714	50.6
White	306	6.1	149	11.7	1,394	27.9	605	47.8
Negro	50	6.0	17	12.4	351	42.1	97	72.2
Female	925	9.9	587	13.4	4,517	48.1	2,773	63.1
White	850	10.2	554	13.6	3,883	46.2	2,490	61.1
Negro	67	7.3	28	9.2	606	66.4	271	88.3

REFORM OF REGULATORY PROCESSES

Mr. ALLOTT. Mr. President, there is a large and growing interest in the Nation in reform of our regulatory processes. Thoughtful men and women in various walks of life are giving careful consideration to the problems addressed and the proposals offered by the report on selected independent regulatory agencies prepared by the President's Advisory Council on Executive Organization.

One such thoughtful citizen is Mr. Z. L. Pearson, Jr., of Denver. He has been kind enough to share his clear thinking with me, and I would like to share that thinking with this body.

Therefore, Mr. President, I ask unanimous consent for his thoughtful letter to be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Denver, Colo.,
April 22, 1971.

Hon. Gordon Allott,
U.S. Senate, Senate Office Building,
Washington, D.C.

Dear Sir: As you know, President Nixon recently released, for study and comment, the "Report On Selected Independent Regulatory Agencies" prepared by the President's Advisory Council On Executive Organization.

This Report was the subject of an Institute, by the American Bar Association, which was held in Washington, D.C., on April 16 and 17, 1971. During the course of the Institute the so-called Ash Report was vigorously discussed by able participants in three separate panels. For your convenience I have attached hereto a copy of the Institute program.

While the Council's recommendations were enthusiastically supported by some panelists, serious doubts were raised by others as to the merits of various recommendations. After reviewing the Report myself and listening closely to all of the arguments raised by the panelists, both those who supported and those who criticized the Report, I came away convinced that the Institute and the Report had done little more than scratch the surface with respect to the real issues.

There was much discussion about the Council's recommendation to replace "collegial" regulatory bodies with single administrators, but no specific discussion of the constitutional questions raised by the Report's proposal that:

"These officials should be appointed by the President, upon the advice and consent of the Senate, *to serve at the pleasure of the President.*" (At Page 20. Emphasis added.)

It is undoubtedly true that the independent regulatory agencies have operated at efficiency levels well below those postulated by political scientists, economists and others. While much of their criticism could be dismissed as Utopian, some of it cannot. The causes for failure are obviously varied in nature and much more complex than whether or not the agencies are headed by a single administrator or a collegial body. Among probable causes we should certainly list the following:

1. Conflicting Congressional mandates.
2. Unrealistic budget restrictions.
3. Lack of regular and systematic review of agency performance and responsibilities by Congressional oversight committees.

Personally speaking, it seems that all of the discussion as to the relative merits of single administrators vis-a-vis collegial bodies is of secondary rather than primary importance. Of course, it is obvious that a single administrator, even if he does not "serve at the pleasure of the President," is far more likely to be subservient to the Executive Department's interpretation of what national policy ought to be than members of a collegial body, serving staggered terms, who are removable only for cause.

Under the pressures of at least three major wars, declared and undeclared, during the past forty years we have witnessed a tremendous expansion in the asserted prerogatives and responsibilities of the Executive Department. Many commentators have observed that some of these incursions into Congressional areas of responsibility are wholly improper in all but the most imperative national emergencies.

Realistically viewed, the Ash Council's recommendations contemplate a further expansion of the Executive Department's powers with respect to the control of the administrative agencies. Extension of the Executive Department's powers can come, under our form of government, only at the expense of one of the other branches. I, for one, am opposed to any further abdications by Congress. The prospect of having regulatory agencies, which are claimed to have greater impact on the American public than any other single governmental force, headed by a single administrator serving at the "pleasure of the President" is more than slightly disturbing. Such an Administrator would have no choice but to seek to implement the incumbent Presidents' views as to what national policy ought to be. As you are aware, this has at times been at considerable variance or in direct conflict with Congressional mandates on numerous matters.

For example, with respect to transportation, Congress has enunciated a National Transportation Policy:

". . . to the end of developing, coordinating, and preserving a national transportation system by water, highway, and rail, as well as other means, adequate to meet the needs of the commerce of the United States, of the Postal Service, and of the national defense."

On the other hand, the President's Council of Economic Advisers, and others within the Executive Department including Assistant Attorney General Richard W. McLaren, have urged that transportation regulation should be superseded by free market competition and the general provisions of the Anti-Trust Laws. Numerous voices have echoed this call, as purportedly being in the public interest, for diverse and sometimes personal purposes.

As an illustration, it can be noted that the railroads have long urged that deregulation is a necessary prerequisite to effective pricing polices. By this the railroads are generally understood to mean that they wish to reduce certain rates and charges to be competitive with regulated or unregulated transportation forces. Deregulation would probably have other consequences as well. Having seen the railroads abandon all responsibility for either freight or passenger service at numerous small points throughout Colorado and the rest of the United States, and having in mind the recent statements by the Trustees of the Penn Central Railroad that certain prices should be increased two to three times present levels, it becomes highly questionable whether elimination of the economic regulation of transportation would really be in the public interest. Realistically, the motor carriers and other transportation entities could be expected to follow the practices of the railroads by ceasing to serve the smaller points and places or to handle small shipments and other segments of traffic believed to be less than adequately compensatory.

It is my belief that the position of the President's Council of Economic Advisers and the Congressional Joint Economic Committee, with respect to transportation deregulation, is not well founded. Rather than being based upon fact, it is prompted by mere hypotheses, unsubstantiated opinions and other forms of wishful thinking. The pronouncements of the Council of Economic Advisers, on deregulation, should certainly be taken with a "grain of salt," particularly in view of the serious questions raised by knowledgeable economists as to the validity of even the Advisers' economic prognostications.

Obviously, no meaningful determination as to the proper future course for the independent regulatory agencies can be made without an in-depth analysis. As I understand it, this is exactly what is contemplated by S. 784, which has been introduced by Senator Baker of Tennessee. I would strongly urge Congress to take the initiative and examine into the need, if any, for changes in the substantive responsibilities and procedural format of the independent regulatory agencies.

Very truly yours,

Z. L. PEARSON, Jr.

ARE PISTOLS INDISPENSABLE?

Mr. KENNEDY. Mr. President, again our attention focuses on the tragedy and the pain caused by the indiscriminate and unlawful use of firearms. In the past our Nation paused to mourn and look inward when popular figures were gunned down. In recent days, the metropolitan communities of Washington, D.C., and New York City were stunned by the wanton murders of policemen.

When I introduced the Personal Safety Firearms Act last February, one statistic that stood out in my remarks concerned the number of policemen killed by criminal action in 1969. For that year, 83 police officers lost their lives in the United States due to criminal gunfire. Throughout the decade of the 1960's, 561 policemen lost their lives and all but 23 of these deaths were caused by guns.

An editorial in the Washington Post today refers to the concern of the director of the International Association of Chiefs of Police, Quinn Tamm, about the ownership of handguns by civilians. Mr. Tamm can see no sense or reason in the private possession of pistols.

One of the principal provisions of my bill is to place a ban on the domestic output of hand-held firearms. The 1968 Gun Control Act has effectively barred the flow of cheap foreign made pistols into this country. My bill would shut off access to these dangerous weapons. Those who can demonstrate legitimate uses for handguns—policemen, target shooters, and the like—would, of course, retain possession of the weapons needed for these purposes. But, the cheap "Saturday night specials"—as police call them—would be outlawed.

The Washington Post treats the issue of private ownership of pistols in a manner that properly focuses on the deep concern that the seriousness of this issue warrants.

For that reason, Mr. President, I ask unanimous consent to have printed in the RECORD the June 2, 1971, editorial in the Washington Post entitled "Are Pistols Indispensable?"

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ARE PISTOLS INDISPENSABLE?

That well-known bleeding heart and professional do-gooder, Quinn Tamm, director of the International Association of Chiefs of Police, said on Memorial Day that he sees no sense or reason in the private possession of pistols. Mr. Tamm, long an advocate of effective federal firearms regulation in general, was led to this stringent view about handguns in particular by the recent rash of police fatalities by gunfire. A pistol is the customary weapon for the murder of policemen; it was, for example, the weapon employed in the recent wanton slaying of Officer William L. Sigmon here in Washington. Fifty-one police officers have been killed in the performance of their duties so far this year; 80 per cent of these killings were accomplished by guns—and probably could not have been accomplished without them; and the weapon in nearly every case was a handgun.

Mr. Tamm's view about this is entitled to attention—in Congress, in the Department of Justice, and even in the White House. He is a man of ripe experience in law enforcement; and if his concern for the lives of policemen seems sentimental to some of the stronger-stomached gun lobbyists, it is nevertheless rooted in conscience and it reflects an extremely widespread feeling among ordinary Americans. The community has a clear obligation to protect the public servants to whom it looks for protection against criminals.

What Mr. Tamm proposes—and what this newspaper has proposed often in the past—is a flat prohibition on the sale of handguns to anyone outside the armed services and the law enforcement agencies; and this would mean, of course, rigid limitations on the manufacture and importation of these deadly weapons. The clear corollary of this proposal is that individual owners of handguns would be required to turn them in to the government—with appropriate compensation, of course—by a determined date. Exceptions could be made for collectors, for individuals in special circumstances where need for a handgun could be demonstrated, and for gun clubs which could keep handguns on their premises for target shooting purposes.

It might be useful to compile a sort of balance sheet in an effort to see what such a draconian regulation would entail. On the minus side, one must acknowledge that it would take pistols away from those householders who fancy themselves as qualified to shoot it out with armed intruders in their homes. These warriors would still have at their disposal, however, as many rifles, carbines and shotguns as they desired—weapons more formidable for defense than pistols, although less useful to criminals, being so difficult to conceal when carried along for the perpetration of a robbery or an assault.

It has to be admitted also that the proposal would deprive "sportsmen" of the pleasure of target shooting with pistols (except at licensed clubs or shooting ranges) and that it would keep them plinking at tin cans, empty bottles and other random targets (except with long guns). There is no sense pretending that these are not hardships, one can only suggest to those asked to suffer them that they are less grave than the hardships suffered by the widows and children of slain policemen.

On the plus side of the ledger, one can count, apart from policemen allowed to go on living, a certain number of children spared because their baby brothers or sisters were unable to find in some closet or bureau drawer a pistol they supposed to be unloaded; a certain number of wives or husbands still alive because in a moment of anger no handgun was at hand to settle a family quarrel; a certain number of human beings in despondency or despair granted a reprieve from death because no revolver was available to make suicide simple; a certain number of merchants and bankers and householders and other decent citizens unrobbed because some young punks wouldn't dare to attempt what was obviously beyond their powers without the help of a handgun.

Some of the gun lobbyists may think it squeamish to worry so about the gun toll. It is true that only a little more than 20,000 human beings are shot to death annually in America and that the number of those injured by firearms each year does not greatly exceed 200,000. It mounts up, however. According to former Attorney General Ramsey Clark, "Since 1900, guns have killed over 800,000 persons in America . . . Total casualties from civilian gunfire in this century exceed our military casualties in all the wars from the Revolution through Vietnam." Most of the killing and maiming has been done with pistols. Are they really indispensable?

POLICE KILLINGS

Mr. TOWER. Mr. President, in recent days there has been a great deal of concern about the subject of police killings, some of which seems to be the work of an organized group determined to use terror for political purposes. I am deeply concerned by these recent occurrences and believe that they must be condemned by all Americans as repugnant to our principles of decency and ideals of democratic society. This is a matter of national concern that we in the Congress must address.

In March of this year, I joined in sponsoring legislation, S. 1383, which would authorize the Federal Bureau of Investigation to assist the local law enforcement agencies in apprehending the slayers of policemen killed while acting in their official capacity. In this way the full expertise of the FBI could be brought to bear to insure that the killers be brought to justice. Local and State law enforcement agencies are doing a good job in combating the rising crime rate. However, they can most assuredly use Federal assistance when seeking out the perpetrators of police killing. Those who might contemplate such a crime might reconsider if they know that the entire weight of the Federal Government would be brought to bear against them. The legislation I have cosponsored might prevent conspiracy of this nature and certainly would help to assure that anyone who would kill a policeman would be swiftly apprehended and brought to justice.

I again urge the Senate Judiciary Committee to take quick action on this matter. Several recent events have made clear to us in all too tragic terms the emergency attention which this legislation deserves.

EDUCATION IN MASSACHUSETTS

Mr. BROOKE. Mr. President, this past weekend, two outstanding articles appeared in the Washington Post regarding education in Massachusetts.

One article dealt with an experiment being conducted in a pioneer valley of western Massachusetts. The other was the inaugural speech of the new president of Boston University, and its subject was a sense of time and tradition.

At first reading, these two article might seem to be the antithesis of each other: tradition versus timeliness, relevance versus reverence for the past. But in reality they symbolized the two crosscurrents of our culture, with variant points of origin which must be brought into a single focus. For the choice is not one of either or, but of combinations of both. The answers to our present social dilemma lie in some rewarding combination of the relevant and the reverential, of timeliness and time.

Hampshire College, near Amherst, Mass., has adopted as its motto: "to know is not enough." Here, students are encouraged to grapple with the major issues of our day. Their courses are not labeled "English I," or "Basic Philosophy," but "Dimensions of Consciousness," and "The Retreat From the World." Deans and professors live on campus. Dormitories are coeducational. For faculty and students alike there is an awareness that they are an experiment, and that the way they have chosen may not be best—for themselves or for others. But they are searching and learning together in the finest tradition of a truly educational institution, which is a community of scholars seeking to understand themselves and their world.

Boston University is an older, more traditional campus setting. Founded in 1869, taking for its nucleus a Methodist school of theology, it has sought to provide a basic, classical education, with the practical schools revolving like moons around the central core. Boston University has its traditional classes, lectures and exams. It also has a dynamic new president who believes that the rootlessness of our present age is directly attributable to the breakdown in family and community. He deplores our "instant culture," and seeks to draw students and parents alike back into an appreciation for each other—and a realization that each of us has known or will know the feelings and dilemmas of our brothers.

Both Hampshire College and president John Silber are reaching toward the same goal. With the kind of educational climate which prevails in Massachusetts, I believe that each will help the other to reach the summit for themselves and to guide others on the way. I applaud the concepts advanced in Dr. Silber's address and I welcome the courageous and questioning approach of the participants in the Hampshire experiment. And I ask unanimous consent that both articles may be printed in full at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 30, 1971]

AN AGE REJECTS HISTORY

(By John R. Silber)

Twenty-five years ago my generation spent Saturday afternoon at the movies watching Henry Fonda play Frank James in "Jesse James." Later they watched him play Frank James in "Frank James"; and still later, Frank James in "The Return of Frank James."

And it was always the Robin Hood legend—a poor citizen oppressed by the rich, saved by a man who would preserve right and justice even though he chose the way of an outlaw. The assault on the "Establishment" was not regarded as subversive, for it was part of the Robin Hood legend, a socially accepted form of protest learned at our mother's knee. The Robin Hood legend, 800 or 900 years old, was still believable and exciting only 25 years ago.

Quite recently, today's graduating class saw Henry Fonda's son, Peter, in "Easy Rider." It is about outlaws, but not about Robin Hood. There are no Merry Men, a few gay ones, perhaps, but none that are merry. No fair ladies. There is none of that simple, optimistic poetry of the Frank James-Robin Hood era. Rather, "Easy Rider" is a restatement of the Faust legend, a new version of Peter Gynt or of Jurgen—all dramatic attempts to express man's insatiable quest for meaning and the difficulty of finding it, wherever and whenever one lives.

At the climax of "Easy Rider," in the midst of an ectasy brought on by drugs, we find Fonda, who plays Captain America, weeping in the arms of a large, stone, female figure. The figure might be seated before the Supreme Court building in Washington: Clearly, she is Columbia, with her weeping son on her lap. But in the background we hear the children at the nearby church school, reciting their "Hail, Marys" and singing the Kyrie Eleison. And we recognize that this woman must also be Mary, Mother of God—a pieta after Michaelangelo, The associations converge. Fonda is saying, "Mother, I hate you; Mother, I love you," expressing the profound ambivalence of today's youth toward society and its religious and political heritage.

Consider the changes. We have witnessed the triumph of science and technology that has carried us from an uncertain world in which we looked for nature, confused, impotent, and afraid, to the point at which we see nature as completely under our control—were it not for our own presence in nature and our inability to control ourselves.

We have seen the triumph of science, bringing with it as quasi-religious scientism. Its creed runs: We can get at the facts and thereby control anything. This inflated rationalism has put an inordinate value on efficiency and an inconsequential value on admirability. Science, which focuses on the rational ordering of events, has disregarded the process or passage between them. By concentrating on the pattern and ignoring the transition, science has in part caused and in part abetted a corruption of time.

For a while the development of science seemed altogether ennobling, uplifting to mankind: Galileo, Kepler, and Newton made marvelous predictions concerning the heavens. The Newtonian era opened up a whole technology, resulting in the invention of the steam engine and of thousands of devices that made life healthier and more productive.

The limiting point was reached in this century as science became the dominant cultural force controlling nature and minimizing the contingent, or accidental, elements of human life.

But with the outbreak of World War II the Janus face of science was exposed. The benign face of science had smiled on mankind in the creation of instant health through wonder drugs. Suddenly there was the other face: instant death through the development of atomic and hydrogen bombs. Still there was more—the annihilation of cultural time through the development of an instant culture: New credit policies and credit cards giving rise to instant money, even if it means instant bankruptcy; fertilizers and insecticides producing instant abundance, even if it means flavorless plentitude and indiscriminate poisoning; television and radio offering instant communications, even if it means instant boredom and vulgarity; rockets and airplanes facilitating instant travel, even if it means instant death.

Instant death, of course, is rendered tolerable by the scientific, business and advertising interests which educate a society on wheels and on wings to accept casually a frightful carnage as a part of instant living—56,000 deaths each year on the highways, more than the American battle casualties of World War I. Insurance underwriter anticipate the crash of three 747s in the first 18 months of their operation, with the loss of them 1,000 to 1,500 lives.

ESCAPE BY CHEMISTRY

The development of pharmacology has led to our increased reliance on drugs, with the promise of instant "mental health." The Food and Drug Administration did not require persons on Miltown to hang a sign about their necks saying, "My personality is chemically derived." And Miltown was but a pastel daydream preceding the nightmare adventure with drugs. Casualties in Vietnam and at home include the growing mass of users of marijuana, LSD, and heroin.

We have seen, in short, the development of an instant religion promising instant ecstasy. Where Plotinus would persist in spiritual discipline for a long lifetime to achieve three experiences of religious ecstasy, in which by transcending his own individuality he achieved union with God or Being, a young man today achieves instant ecstasy at a needlepoint: an instant escape, not into Being, but into nothingness.

Even our traditional eating habits have been transformed by the instant culture: We now have instant foods leading to instant indigestion, for which there is an instant cure—the noisy bubbling of which brings to mind the witches' brew in "Macbeth." The American reaches an uneasy truce with his ugly digestion through the intercession of Alka Seltzer.

More seriously, we see the development of instant politics—politics by assassination and creedless revolution. The instant culture moves toward the last moment of its short existence by throwing away its heritage, its institutions, and the patterns marking a meaningful ordering of time in the passage of the individual from infancy through childhood to adulthood and old age.

For this perhaps unavoidable destruction of the meaningful order of time in the instant culture, we are neither individually nor collectively to blame. Nevertheless, we are moving rapidly toward our own destruction. All over the nation we hear cries of alarm about the pollution of air and the pollution of water, but we hear little or nothing about a pollution far more serious—that of time itself. We can, after all, recycle air and water through filters. But we cannot recycle time. We can live meaningfully—though painfully, unpleasantly and briefly—in dirty air, drinking dirty water. But when the structure of time is destroyed, the basis for significance in our own lives is likewise destroyed. All meaning is lost in the instantaneous.

The pollution of time is most obvious in our loss of a sense of history, in a loss of the recognition of the past as our own, in the loss of the awareness of any past, in the loss of the past in general.

THE END OF RITUAL

We see the pollution of time in the loss of the myths of childhood. As rationalistic devotees of scientism, we cannot afford to rear our children on Grimm or Andersen, on the myths of Santa Claus and Bethlehem or of Easter and Passover. We do not believe that there is a time and a place for everything—a time to be born, a time to be a child, a time to be an adult, a time to be old, and a time to die. We cannot take time to observe the rites of passage.

In this instant culture, little attention is paid to the rites of baptism, confirmation, engagement, marriage or even of death. What then is left of the meaningful structure of time? Time, that great river of life, is polluted and fouled to a degree threatening all possibility of meaning in human existence.

Behind the demands of youth for relevance and the demands of the elderly for law and order is the human concern for meaning, for a life that makes sense. In the search for meaning, man is essentially concerned with time, for time is the very matrix of human existence. And this initially unstructured matrix must be given content if a man's life is to have meaning.

This unavoidable quest for meaning is best pursued by ordering our lives in a manner faithful to our temporal natures. Since we live in time, we have different responsibilities, obligations and functions, depending on our changing age. A child should be a child and not an adult; an adult should be an adult, occasionally childlike perhaps, but never childish. Our lives are blighted or even destroyed when the temporal order is not respected. A child can be ruined or his adult life made unbearable if he is propelled into an adult world for which he is not ready.

Special problems likewise attend the aged, and the concerns of the old have as much relevance to the search for meaning in life as the concerns of the very young, for the very young will surely be old if they live long enough.

But the instant culture allows no time for the development of a variety of human relationships at substantially different levels of intensity: All associations, including the most profound and the most intimate, are placed on an instant basis. We indiscriminately use first names in addressing total strangers; we have become experts in instant friendship, instant sex, and even instant marriage—marriage that can be dissolved immediately after instant consummation.

THE VIRTUE OF HYPOCRISY

The philosopher of instant culture is Diogenes. He needed a lantern only for rhetorical purposes, to remark on the scarcity of honest men. He never dined; he only ate. He wouldn't make love; he would only rut.

Having nothing to sell, Diogenes prided himself that he could not be bought. And the modern Diogenes is exquisitely honest, if honesty means simply the absence of hypocrisy. However, if the absence of hypocrisy means only that one has espoused no ideals, there may be some value in recalling Rochefoucauld's aphorism: Hypocrisy is the tribute vice pays to virtue. One must at least espouse an ideal to achieve the level of hypocrisy; hence, a hypocrite may excel a mere cynic. In our fully developed instant culture sincerity has become the only virtue—for sincerity alone among the virtues can be assessed at a given moment. Sincerity is no substitute for integrity. Integrity, or moral character, can be assessed only through time.

Commitment has become a dirty word in the mouths of those most sensitively reflecting the instant culture. For how can one whose primary virtue is sincerity be committed to a lifelong bond like marriage? How can one who prizes only sincerity promise to love and honor indefinitely when he may not feel like doing this years, months, or even minutes from the time he makes that avowal? No one stays in love for long except through commitment. Hence, the anomaly of marriage in an instant culture.

Our society's pattern of two-generation families—and this for only a few years—is typical of the instant culture. Children are denied the important discoveries that are to be made about human existence by observing old age and death. The very old are denied the sense of renewal implicit in birth and childhood. Children are deprived of wisdom and grandparents of hope. Persons are bereft of the sense of enduring family ties: they spend most of their lives in isolation from those who care most about them.

The process of life, the process of maturing and dying, is no less spiritual and intellectual than physical. Just as ontogeny may be said to recapitulate phylogeny in the development of the body, so the individual may be said to recapitulate aspects of human history in his intellectual and spiritual development. If the individual is to develop to a significant degree, he must discover, live with, and then discard some of the fundamental responses of the race to human existence. Otherwise, he may simply repeat those responses in their least significant and satisfying forms.

The program of our universities must therefore be to instruct students in the importance of time and in the way in which scientism—a secular religion developed by overextrapolation from science, a religion of which our ablest scientists have never been votaries—has corrupted time by treating it as a mere "independent variable." This denudement of time, in concert with many other cultural and technological forces, has produced the ultimate reductionism of instant culture. Strategies of inquiry dominated by inappropriate models of the scientific enterprise have produced specializations in the humanities, the social sciences, and even in the sciences themselves that are so narrow as to resist combination into a coherent body of knowledge.

Specialization which atomizes learning and thereby renders it non-meaningful has been encouraged by programs of quite deliberate incoherence. The cultural pursuit of non-meaningful phenomena, to which Marshall McLuhan inadvertently bears witness, is only another expression of the instant culture's disdain for temporal process.

McLuhan, as the prophet of the instantaneous, has helped to undercut meaning by stressing instant perception and thought in the post-electronic age. As if men thought any faster today than in pre-electronic times! As if they could transcend the brackish salt water of their nervous systems in which currents move, not at the speed of light, but at the same modest pace of pre-electronic years!

Education must change in profound ways to meet cultural changes. We must regain the same respect for time that the American Indian had for nature, for time is a part of nature. The Indian said that the earth was his mother, the sun his father, that nature was his law, and that all but man obeyed. In our instant culture, in which we have polluted not merely air and water but also the very temporal fabric of our lives, we know that recovery of respect for time requires the recovery of our past, the seeing of our present in terms of that past, and a strenuous effort to anticipate the future in the light of both.

And it also requires the courage that we in this generation have lacked—the courage alluded to by Yeats. Survival is not possible if the best of us "lack all conviction, while the worst are full of passionate intensity." We sorely need conviction, a conviction that will prompt us—self-consciously and no doubt with embarrassment—to talk straight to our children about our heritage, about our past, and about aspects of life they may not fully understand. We need the courage to deny at some times and to give at others, so that structure, order, and meaning can be incorporated into the lives of our children, while restoring some structure in our own lives.

HEALING THE WOUNDS

Our youth can acknowledge the justice of the charge that they are at times ignorant, misdirected, confused, and foolish. But are they asking too much when they seek an *amicus curiae,* a helping hand? Is there not something amiss in our denunciation of those who effectively decry our false steps—when we have failed to take the right steps? Is it not reasonable that our children complain of the squalor of their lives in a spiritual wilderness, saying that their elders have neither vision nor hope of a promised land?

Of course there is a generation gap, but it is not unbridgeable. The generations have rarely understood each other. Why else should Moses have said, "Honor thy father and thy mother?" Not because mothers and fathers were being consistently honored at the time of Moses! The young and old will always be forced to carry the burden of transferring the vitality of civilization from one generation to the next. The heir must be readied for his patrimony, and the parent must be prepared to relinquish his estate. No failure in political leadership in recent years can compare in importance with the failure of all politicians and all parties to denounce those who exacerbate the difficulties between the generations and encourage a civil war between young and old.

Young and old, each guilty of rhetorical overkill, are participants in a culture on which none of us has had an effective influence—an instant, time-polluting culture that, after a 400-year gestation, caught us by surprise.

If we reorder time to celebrate youth and age and the gradual metamorphosis from one to the other, if we regain our sense of time and value our present differences in the recognition that each of us plays all the parts in sequence, we shall see that there is no salvation for the young or the old at the expense of either. We shall find loving and fulfilling collaboration in a time that is well ordered.

Hampshire College: Prodigy of Pioneer Valley

(By Jeannette Smyth)

Culture shock for an old grad: you ride the Peter Pan Bus line 40 miles from the Hartford, Conn., airport. All the Smith College girls in their red midi trenchcoats get off in Northampton. Most of the students stay on the bus until Amherst, Mass., there to go their separate ways to Amherst College, the University of Massachusetts, Mount Holyoke College, or Hampshire College.

Hampshire College?

A new—and frankly experimental—strain of ivy for the Pioneer Valley.

Created by the establishment as a thoughtful revolution in higher education, Hampshire is a laboratory testing new methods of coping with a swiftly changing culture. Hampshire also is dedicated to preserving traditional intellectual virtues of tolerance, self-discipline, and responsibility—the legacy of its parents.

You drive south from Amherst along Rte. 116, past Victorian houses, farm houses, split-level ramblers. Fertile farming valley, spiny old sleeping-animal mountains, orchards. It's Robert Frost country—he lived there some years ago when he taught at Amherst. Volkswagens abound. They call submarine sandwiches "grinders."

Four miles out of Amherst you turn right, curving along the smoothest of new asphalt driveways toward a colonnade of birch trees on a hill.

Behind those birches: Hampshire College, 12 years in the making and two semesters old yesterday; the brainchild of the four other schools in the Pioneer Valley; a first-year student body of 268 students—mostly 18-year-olds trying their wings at a school whose curriculum was made to be changed; an institution in the making, unfettered by those arbitrary—but sometimes reassuring—reference points that mark more conventional schools.

In the mortar of the bricks: New York attorney Harold Johnson's $6 million given as seed money in 1965; the credo that students must learn ways to deal, technically and ethically, with problems like The Bomb, The Computer, The Pill—and that education is a continuous process; the perhaps fallible assumption that given freedom, time, and help, students will study hard and independently.

In the classrooms: 48 super-professors without tenure, whose 3- to 5-year appointments will never be subject to student approval; students selected at random by computer participating with teachers in the campus governing bodies, but never on the board of trustees; a *liberal* liberal arts education with the sole requirement that students succeed at three sets of comprehensive exams within five years.

Impressions: an old apple orchard planted with buildings by Cambridge architect Hugh Stubbins . . . dark brick, pale concrete stripes, triangular black metal bay windows . . . slim saplings, bristling more with guy wires than branches, mark the pocket-sized squad . . . the construction foreman for a new dorm sporting a hard hat with both the American flag and "Hampshire College" painted on it.

Squads of pied dogs cavorting on the new grass . . . students in cut-off jeans and colored tee-shirts playing softball on the quad by way of unkinking exam-anxious muscles . . . Traffic's "John Barleycorn" singing out from the stereo speaker hung in a dorm window . . . students sitting behind the dorms under rows of flowering apple trees, studying.

A class discusses Jesus' politics and peach-colored hot pants grow before your eyes, row by row, under the fingers of a girl crocheting . . . a gaggle of children being tutored by Hampshire students makes peach pies in the kitchen of the Master's House.

The library tour: acres of orange carpeting so bright it almost breaks the silence . . . Captain Marvel comic books in the bookstore . . . a class meeting upstairs and a voice remarking "I think the problem is considerably more interesting than the answer." . . . A lone student punching a typewriter-like computer outlet in a science lab, while a 3- by 4-foot poster of Einstein looks on surprised.

More posters in the lobbies of the coed dorms advertising a lecture by Socialist writer Michael Harrington one night, the Maharishi Mahesh Yogi the next . . . rearrangeable modular furniture in a student's room turned into a jungle gym for living . . . in the dorm bathrooms, shared by men and women, a bottle of Afro-Sheen, two shaving kits, a yellow and green hot house plant, a tampon dispenser and yet another poster, declaring "Hell, no! We won't go!"

A "LIVING-LEARNING COMMUNITY"

Hampshire College evolved from a 1958 paper called "The New College Plan" written by four professors representing each of the neighboring colleges. Their paper grew into a 1966 book called "The Making of a College," which grew into nine-going-on-10 buildings.

The author of that book was appointed president of the college that same year. He is Franklin Patterson, the 54-year-old former director of the Tufts University Center for Citizenship and Public Affairs. His co-author, Charles R. Longworth, is now his vice-president.

In "The Making of a College," Patterson acknowledges the legacy of traditional education at its finest. He writes that "the vision of liberal education at Hampshire College is one of hospitality to contemporary life, tempered and given meaning by two ageless virtues which may seem archaic in the modern world; duty and reverence."

Quoting that book, people at Hampshire call themselves a "living-learning community."

Among other things, this means that the college people teach in the Pioneer Valley society and ask Valley people of all kinds to teach them—an important part of the college effort to break down the "dichotomy between 'academic' and 'real' life." A "January Term" system, a month in which students pursue approved projects on campus or afield, encourages the students to seek the "real" world.

It also means that Hampshire calls itself a "laboratory." Experiments include the organization of the curriculum into three progressive divisions—Basic, School, and Advanced Studies—with no set credit-hour requirement—rather than the traditional four-year,128-credit-hour education that Patterson calls "the old lockstep system." Other experiments involve interdisciplinary courses like semantic theory, computer, languages, and speech symbols, instead of traditional language requirements, like French.

Finally, it means that Hampshire is considered an auxiliary of and an alternative to students and faculty at the four neighboring colleges.

People at Hampshire College are painfully self-conscious—and frequently chagrined by their well-publicized roles as advocates for, developers of, and participants in a "college for the future." Their beleaguered sense of humor makes it all easier to take.

For some, Hampshire's goal of "modern liberal education" in an unstructured environment evokes visions of knowledge flawed by fleeting "relevance:" pseudo-scholarly dictionaries of astrology, annotated varoriums of Beatle lyrics, too much effort expended on questionable sciences and arts.

For example, one of the most popular courses at Hampshire is in "human development." Called "Dimensions of Consciousness," the course includes sensitivity training and encounter groups.

Observers at neighboring Ivy League schools express a certain envy of Hampshire students' freedom to follow self-determined paths of inquiry. But it is tempered with skepticism that Hampshire students have the necessary self-discipline.

Because the students at Hampshire have not been scholars long, one measure of the College's devotion to such traditional "virtues" is the extent to which professors—the only proven scholars associated with the college—display them.

They show a good deal of "duty and reverence" to the rigors of classical education. Their credentials are spangled with degrees from Harvard, Yale, Columbia, M.I.T. and Smith, from Cambridge University, Union College and Pratt Institute.

There are no faculty lounges or dining rooms or hideaways at Hampshire College. Professors and administrators are highly visible.

Santayana scholar and dean of the college, Richard Lyon, is—at 6 feet 5—probably the tallest human being on campus. He taught one of the required courses last semester in language and communications.

It's called "The Retreat From the Word" and reflects the emphasis Hampshire places on learning that words are symbols that require precise definition for effective communication.

Lyon is the first to arrive in his class room. He wears a striped shirt and tie, tweed jacket and beard. He arranges the orange plastic chairs in a circle on the carpet.

Students wander in and help. They wear

a classical, life-without-mother uniform of home-made hair cuts, jeans, and funky old boots. Or sneakers. Luxuries like earrings and socks are often ignored.

Lyon reads some newspaper clippings to the class. A student quotes R. D. Laing and Lyon says he hasn't read the expositor of the latest rage in philosophies (a mix of Occident and Orient). He exposes an academician's bias to the students by declaring his belief that words can still define "reality" in the realm of ideas better than other media.

Lyon could hang out behind a brass plate with "Dean" engraved on it. Instead, he says "Giving this course is part of my trying to learn what their retreat from the word is all about. Music is much more important to these kids than is reading."

Lyon talks about ways in which Hampshire College is the child of the Ivy League, ways in which it is Ivy's iconoclast and—possibly—its future.

"There's the notion of having the master live on campus," he says, "and the idea of having informal 'house courses' taught by students or Fellows. You'd probably think of Yale in connection with these ideas, but they're really more similar to the English universities." Lyon has been there—one of the several degrees is from Cambridge.

"The exam system here is different from anywhere," he says. In order to pass from, say, the division of Basic Studies to School Studies, a student takes comprehensive exams administered by a faculty committee with questions the student has helped his professor design.

President Patterson says: "God! I don't want to see us emulate a single part of the snobbism of the Ivy League. The only requisites I'm concerned with preserving—besides sanity and relative civility—are the exam evaluation structures."

Students will not be allowed to abolish such exams, in accordance with the college ukase that ". . . governance arrangements will not be egalitarian; they will be hierarchial." To take exams reverently is a student's duty.

"At their best," Patterson observes, "one of the things the best colleges have always done is really to provide every learner with a teacher." To this end, Hampshire plans to maintain a high faculty-student ratio by sharply limiting enrollment and encouraging older students to teach younger ones.

FORMING "A POWERFUL QUESTION"

Specific answers about the curriculum's method and purpose are hard to come by—intentionally. "What I am interested in," says Patterson, "is a student forming a powerful question that he may not be able to answer all his life."

Development of that "powerful question," a continuing and broad sense of inquiry, is Hampshire's canon. How effectively students ask questions is the measure of their progress.

This year, entering students were required to choose two seminars in natural sciences, one each in the humanities, social sciences, human development, and languages and communications. This works out to three classes a term, leaving a student ample time to explore topics within or outside the course on his own initiative.

Students receive no grades. They "pass," "pass with distinction," or "fail." If a student fails a course, he helps design a remedial one.

Hampshire sets no specific number of courses a student may fail before expulsion. A faculty committee may decide to expel a student on the basis of "bad attitude" and "lack of progress."

Required courses for the "well-rounded" intellect aren't unusual. What is unusual are new course and interdisciplinary concepts.

One course in "human development" is called "The Development of the Political Self." Students read the work of sociologists, anthropologists, and psychologists as well as the lives of people like Malcolm X, Hitler, and Gandhi. Students are encouraged to visit other seminars in "Adult Socialization" and "Sex Roles in American Society and Politics." "Human development" also offers more conventional courses: women's studies and black studies.

The school of natural sciences and mathematics offered seven seminars in "Environmental Quality" including a critical discussion of Hampshire's campus design. Another seminar in "Time" covered aging musical rhythms, and time techniques in literature. And a "Theories of Automata" seminar focused on computer physiology.

The problem with studying new phenomena for which there is no literature, no classical approach, no evaluation, is that they may turn out to be not worth studying, unsatisfying.

Prof. Jim Haden, who calls himself a "poor man's Normal Mailer", is mischievous, has "endured" the Ivy League, the tribulations of experimental schools, and understands the problems.

"I'm teaching this course in Western institutions in response to student demands," says Haden. "They said there were too many 'trendy' classes last semester."

Haden acknowledges disagreements within the faculty. The debate, he says, is largely between professors who advocate "personal growth" courses and the study of the New Culture (R. D. Laing, mysticism, sensitivity training) and those, like Haden, who think such doctrines questionable.

"Academic responsibility and 'personal growth' are separate," says Haden. There are plenty of people at Hampshire College who would—and do—give him a hard time about that. He loves it.

It's lunchtime. Haden walks out of the academic building, turns left past the dorms to the dining hall. Past the dogs, 17 bicycles, a still-life on the dorm steps: a half-full bottle of Piels beer, two Frisbees, a jar of Wonder Soap Bubbles, and The New York Times Sunday Magazine.

"The main vicissitude of a new institution," says Haden slowly, getting into the lunch line with the students, "is trying to figure out who you are."

And that collective identity crisis is what makes a great experiment like Hampshire College, or Reston, or the United States—a greening but sometimes obnoxious place to live.

Haden sits with two students, Gail Hershatter and Jackie Slater.

"We've been talking about the Hampshire lifestyle," he says.

Gail is down. "You've come at a bad time, in the middle of my 18th identity crisis. Besides," she says irritably, "Jackie and I aren't really in the mainstream of Hampshire life."

Jackie and Haden laugh. "Well, if you're not in it . . ." says Haden, and Jackie finishes the sentence, ". . . we have to know what it is we're not in."

"Well . . ." Gail is doubtful. "We don't do a lot of grass . . . there's a lot of grass . . ."

"There is everywhere," says Jackie. "That's not a *Hampshire* lifestyle."

"Oh, c'mon, Jackie, I dunno!" says Gail. She shoves her food around the plate, and looks up. "Tell me, do you thing the newspaper business discriminates against women?"

2,700 APPLY; 300 ARE ACCEPTED

Jackie works at the admissions office, where they are teaching her to interview prospective applicants.

"A woman came in the other day," says Jackie, "college-shopping for her daughter. She said she came because she heard 'you're the most competitive school in the country.' "

With 2,700 applicants for 300 places this year, Hampshire admits 11 per cent of its applicants. (Harvard admits 16 per cent.)

"But that's not the point," says Jackie. While Harvard students are fairly homogenous in terms of class standing, college board scores or achievement, at Hampshire "there is no typical student."

The statistics sheet, like much Hampshire College literature, is printed on bright-colored paper. It is purple. It says that 48 students with high college board scores (700–800) were admitted. Twenty-seven with low scores (300–500) were admitted.

It says that a high-school diploma is not required, pointing out that Hampshire's "flexible curriculum" should excite and teach the "average student" and "top scholar" alike.

The office of Van Halsey, the director of admissions, is in the parlor of an old farmhouse. He says Hampshire wants "good kids", not just the "hot shots."

Halsey is used to hot shots. "I was in the admissions office at Amherst for 11 years," he says. "If I thought we were going to be doing the same thing here, I wouldn't have left Amherst. There, it's admission by achievement, the model of American society."

Admissions procedures at Hampshire College are as self-consciously innovative as everything else. Halsey and his staff study traditional admissions criteria like achievement test scores and high school transcripts. But they give equal weight to the personal interview, trying to put together a "subjective portrait" of an applicant.

They search for students who have "a tolerance for ambiguity, a lot of self-confidence, and some self-direction."

Someone walks into Halsey's office and hands him a stained-glass window.

"Do you know Part E on the Hampshire application?" he asks.

Harvard has adopted that, too.

"An applicant has three options," Halsey explains. "A self-description from this adjective cluster sheet, letters of recommendation, or Part E—an example of the kid's work. It could be an art work," he says, "a novel, or a computer program." Or a stained glass-window.

Each Part E is evaluated by the faculty specialist in the field. Halsey looks at a blue tag tied to the stained-glass window.

"Let's see what he says . . . 'technique great, design pedestrian.' What I wanna know," says Halsey, looking up, "is this person teachable?"

It's dinner time.

"Whenever I'm hitchhiking into town," says Debbie Reilly, "people say, 'Oh, you go to Hampshire. What do you do?' Well I don't do anything. I don't make pots or carve wood. Nothing like that."

If Debbie Reilly doesn't know what to say, her classmate Mark Hadley has a speech all prepared.

"So many people come here," says Hadley, looking around the dining hall, "people from other schools, reporters . . . it's like when I was a professional youth on the Rotary Club lecture circuit. 'What is Youth thinking today?' Wow. I've got a whole Hampshire Rap, the 'living-learning experience' and all that."

A boisterous table across the room is celebrating someone's birthday with a good fight. "People here are so . . . jubilant," says Larry Schwab. "It's a relaxing place to be. I remember the first time I walked into this dining hall," he recalls. "Everybody looked so familiar, as though I'd known them all my life." Schwab's comfortable sense of *deja vu* is common.

Other students are uptight, though, less than ecstatic about the lack of a social life at Hampshire, and about the cliques that have formed, regardless of the "community" concept.

"The Paper People" is the provisional name for the mimeographed student newspaper. There's "A Letter to the Community" in it, from student Fred Rowley:

"For the first time since I've been here, I sat down and talked with a person . . . it is strange that that should have been such a rare experience . . .

"We talked of cliques, how damn hard it its to meet people, and how incredibly hard it is to get to know girls here . . .

"I'm leery of the Hampshire concept of community, and I envision a lot of someone's trying to push, form, hack, carve and/or shape us all into one happy family . . . A real community needs no carving."

Annie Brensilver looks at the mirror in her room. "I'm feeling fat," she says.

"Did you read Fred Rowley's letter? It's so true! There are so many cliques (the artsy-craftsy clique, the grass clique, the frisbee clique). There's no student union for people to gather in, there are no mixers and no fraternities to give parties—but that can be such a bad scene. Especially," she wails, "if you're FAT!"

"ALL THOSE SCREAMING KIDS"

"One of the really good things about this place," says Annie, "is having the master live on campus. Have you met the Smiths?"

"This friend of mine was really feeling bad one day, so she went over there, just to talk to some 'real' people. The Smiths were having a birthday party for their little boy, and they took my friend bowling with them. It was like really therapeutic for her to be surrounded by all those screaming kids."

David and Priscilla Smith live with their four children a step across the sidewalk from the dorms, in a house built by the college to accommodate large, casual crowds.

It often does. "There's very little privacy unless you insist on it," says David Smith. He shows you how his office flows into the living room—all carpet and window—into dining room into kitchen, splendid with an island stove.

Priscilla Smith says "We worked with the designer to set this up so David could teach his classes at home." You notice the U-shaped arrangement of the furniture, the stacks of cushions which serve as extra seating, little nests of tables that can be moved around.

The Smiths are having another one of their musical evenings. You curl up with a brandy in one of the red velvet chairs, and watch the madrigal singers arrive.

The professor-baritone examines Smith's books and the stereo; the student-soprano and Fellow-alto search Mrs. Smith's piano and her harpsichord for sheet music. The Smiths (alto and tenor) put the children to bed and serve potato chips.

Ask David Smith what a master does, and that look comes into his eyes. He's tired of the Hampshire Rap and he gives you a two-page mimeographed description of his job instead. It says that David Smith is a combination of dean of students, head of residence, and host.

Smith feels bound to amplify its picture, nevertheless. "The master is a regular member of the faculty, a full professor," he says. "The master doesn't come here to give up teaching but to teach in the new mode." He is a professor of English and American studies. He speaks of a course on witchcraft he gave during the January Term ("I was interested in complicating the idea . . .")

Beyond this, Smith says, "we are trying through the master program to find ways to build a sense of community among faculty and students. and to eliminate the need for an administration."

Back to the dorms.

The students live there in peaceful coexistence. There seem to be few of the bitchy fights that characterize women's dorms, few of the practical jokes that mark men's. Perhaps it is because the freshman camaraderie hasn't worn off, or because one acts as an ambassador of one's sex to the other. It could be that 210 of the 268 students have single rooms to retreat to.

Whatever it is, there is an easy-going friendliness: "brother-sister" relationships, warmth toward strangers, amiable sexual intercourse with one another.

People in the dorms at Hampshire College are tolerant of music being played while they study, of the pots and pans in the kitchen on each floor being left dirty, of grass, of someone borrowing typewriters without asking, of puppies.

There are conventions reflecting the "civility" that President Patterson talks about. Each floor has a lounge, and one doesn't lounge there in one's underwear. One pauses at a friend's door before barging in. Bathrobes are worn to the bathroom. If someone keeps a neat room—and many do—well, you try not to mess it up too much.

Whenever coed dorms are discussed, The Question is always asked: Does living there encourage sexual intercourse?

A news magazine reporter is still being psychoanalyzed, still being laughed at at Hampshire for repeatedly asking "Does it make you promiscuous?" The students, of course, had a stock retort: "What is promiscuous?" or "None of your business." Many students at Hampshire are frank to say that they sleep together. At the same time they maintain that couples aren't sharing quarters in the dorms.

Why not?

"It's too much like being married."

Vanessa Gamble is in her room with Kim Shelton and Bill Kimball, dispensing a gallon jug of Rhine wine.

"Bill, how many pages of McLuhan have you read?" asked Kim.

"A hundred and forty-eight."

"Jeeee-ZUS!" says Kim. "I've only read 30 and I can't take any more. How am I gonna finish it by tomorrow?"

"Bag it," says Vanessa. "Don't force yourself to study because . . ."

"Then I'll hate it, right?"

"Right. Bill, when are you getting up tomorrow?"

" 'Bout 8."

"Will you get me up? I have to get to the library."

Paul Kaplan wanders by. He pokes his head in the door and says "I've just been to a freak-out class. Drama. Wow."

He drifts down the hall, shaking his head, past Melissa Hook. Melissa is sitting on the floor by the bathroom, brushing her puppy.

"'At first," she remembers, "I thought it would be very strained, having coed bathrooms. Like what if I got diarrhea or something and some guy is in there shaving? Nobody cares anymore."

Her puppy, Greta, pees on the rug. Melissa shouts, throws the dog out, sprays disinfectant on the rug and wipes it up.

It's midnight. The chorus of stereos has been replaced by the clacking of typewriters.

Everyone is working, and you're exhausted. All those questions no one can answer crowd the night, tapping out signals on typewriters. You're wishing you could discover physics or sex or Western Institutions or Rhine wine again; being glad and sorry that you're not.

The huge American flag hanging from the dorm's balcony quivers in a wind off Mount Holyoke range. One of the Smiths' little girls—Miriam—has left her tricycle on the quad. The bottle of Piels beer is still on the steps.

Non satis scire is the motto of Hampshire College. *To know is not enough.*

FDA COMBINATION DRUGS

Mr. TOWER. Mr. President, I am extremely pleased that the Food and Drug Administration has reconsidered their proposed regulations on the criteria for the approval of new combination drugs and for continued approval of currently marketed combination drugs.

This is a wise decision. Since these proposed regulations were issued in February, the medical and pharmaceutical communities, along with the general public, who would also be directly affected, have communicated a great deal of useful information to their representatives in the Congress and to the appropriate officials at the Food and Drug Administration. The comments of these individuals and groups clearly documented the drawbacks of these proposed FDA regulations.

There is little doubt that these proposals were promulgated with good intentions. We all agree that the consumer must be protected from ineffective and potentially harmful drugs. Yet, fixed-ratio drug combinations should be made available to individuals—even if the combination drug proves to be effective for only a minority of patients.

Furthermore, the restriction of fixed-ratio combination drugs, as outlined by the FDA proposal, would in many instances be contrary to general consumer interest. Physicians, patients and members of the pharmaceutical industry have made use of combination drugs for the simple reason that they are economical and convenient. At a time when there exists an indignant outcry for control of medical costs, it would seem foolish to restrict the use of those combinations that have shown no adverse medical effect on the patient.

I am making this statement in anticipation of the Food and Drug Administration's modifications of these proposals. Their modifications should insure that the fundamental physician-patient relationship remains intact. To act in any other fashion would jeopardize the medical community's ability to deliver services. I am concerned that governmental organizations and public officials are failing to take into full consideration the views of the medical community while analyzing proposed remedies to many of our health care problems. The FDA and other subdivisions within the Department of Health, Education, and Welfare must and should rely heavily on the opinions and views of the American medical community.

For this reason I feel the original regulations are not in the best interest of the American people. There is no one set medical position on this matter. The entire medical community does not agree with the position taken by the American Medical Association's Council on Drugs that most fixed-ratio combinations are not recommended. Therefore, a reasonable policy should provide flexible standards that both physicians and patients can exercise judgment based on economics, convenience, and medical effectiveness for each combination drug.

There is no need to remove from the market those drugs which FDA has already declared to be effective. A retroactive policy could not benefit, and would certainly increase, medical costs. Furthermore, the Government's primary drug research agency should be involved in new initiatives rather than reevaluation of drugs it has already approved.

In his letter on this subject to the distinguished minority leader, Mr. SCOTT, Dr. Charles C. Edwards, Commissioner of the FDA, pledged that—

> The FDA is not against useful fixed dosage combination drug products, nor do we plan wholesale removal of useful drugs from the market.

Certainly, Commissioner Edwards' explanation of the administration's policies is refreshing and in line with the feelings I have here expressed.

There remains a great deal of controversy on the subject of fixed-ratio combination drugs. I think everyone has benefited from the dialog that developed soon after the FDA issued their earlier regulations. Any regulations that are proposed in the future on this subject will hopefully reflect the comments received by the FDA.

Mr. President, while reviewing this issue, I have come upon an excellent article written by Dr. Louis Lasagna, chairman of the Department of Pharmacology and Toxicology at the University of Rochester School of Medicine. I ask unanimous consent that this article, published in the January 6 issue of Medical Tribune, be inserted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DRUG COMBINATIONS: SENSE AND NONSENSE

(By Louis Lasagna, M.D., Chairman, Department of Pharmacology and Toxicology, University of Rochester School of Medicine and Dentistry, Rochester, N.Y.)

Few pharmacologic topics stir up greater passions than fixed-ratio drug combinations. One sometimes has the feeling that they must all be odious, deceptive, and a serious threat to the public weal and that therefore any discussion of them need not bother to marshal facts dispassionately or even be logical or consistent. Are there any points on which everyone might agree? Let me suggest a few candidates:

Some fixed-ratio combinations are accepted by most people—multivitamins and oral contraceptives, for instance.

A drug mixture should contain ingredients that make sense when they are taken together.

It is desirable that doctors have some freedom and flexibility in prescribing.

Drugs given at the same time—whether in a single capsule or in separate ones—may interact in ways that alter the effects of the individual drugs.

The effects of drugs vary from patient to patient and from time to time in the same patient.

The popularity of a drug is not necessarily an accurate index of its efficacy or safety.

Now, however, let us consider some points which I believe to be valid but to which others might take exception.

1. Eliminating fixed-ratio mixtures will not per se eliminate fixed-ratio prescribing or insure better prescribing. Doctors now often administer multiple single drugs, frequently without flexibilizing dosage or timing, and a banned mixture could still be used by a stubborn doctor who was willing to write separate prescriptions for the ingredients. (He might be discouraged by the inconvenience but could not be stopped if he chose not to be.)

Indeed, as the A.M.A. Council on Drugs recognizes, the availability of a fixed-ratio preparation might actually deter "unnecessary multiplication of ratios." At least a commercially compounded fixed-ratio combination requires FDA approval, which is more than you can say for a doctor's own pet ratio.

2. The therapeutic judgment of doctors seems to evoke a strangely inconsistent rating from opponents of fixed-ratio combinations. On the one hand, it is said that doctors are ignorant of the proper dosage of individual drugs and of assessing the specific needs of their patients, so that if the starting dose of such a preparation is not working well, they simply double or halve the number of capsules, with the result that the patient may end up receiving too much of one ingredient or too little of another. On the other hand, it is stated that if a doctor were giving the same ingredients separately, he would then be smart enough to recognize which drug or drugs needed to be upped or decreased and flexibilize dosage appropriately. The argument is not totally devoid of merit, yet one wonders how valid this remarkably different assessment of physician performance and sophistication in the two situations really is.

3. A fixed-ratio combination may decrease medication error on the part of pharmacists, nurses, patients, or patients' families by allowing for less human error due to forgetfulness or confusion. This is a valid reason for considering the approval of a combination.

4. A fixed-ratio combination may be more pleasant for the patient to take than individual ingredients. Except to any Puritans that may be left in the world, there is little reason for a patient to gulp down four capsules instead of one or to be injected twice if once will do the trick. Thus, an increase in comfort is a valid reason for considering approval of a combination.

5. A fixed-ratio combination might be cheaper than separately prescribed individual drugs. This is a valid reason for considering using a ready-made mixture.

6. The widespread popularity of a fixed-ratio combination could be explained in several ways: (a) the ingredients each contribute something to the management of the sick, and the ratio works satisfactorily for most patients rarely requiring modification of dosage; (b) the mixture works poorly for a good many patients, but doctors are such poor observers that they are unaware of this fact; (c) the mixture works satisfactorily most of the time, but one or more of the ingredients adds nothing to the efficacy of the mixture and occasionally causes side effects.

What are the implications of the above? To me, the proper courses of action (assuming actual data to be available to distinguish between these three possibilities) would be, respectively, (a) approval; (b) physician monitoring and education; (c) deletion of the useless ingredients.

7. Tracking down the cause of an adverse reaction is no easier when multiple drugs are given separately than when they are given in a prepackaged mixture. This aspect of the doctor's life will be eased only if the banning of fixed-ratio combinations is not accompanied by simultaneous increase in prescribing of individual drugs.

8. It is said that the FDA determines for the doctor what dosage he should prescribe in a drug mixture. To be sure. But the FDA also determines what doses of single drugs he should use, and quite properly. That is the whole purpose of the package insert—to advise on initial dosage and on the limits of dosage modification. The physician can, of course, exceed these limits, but at his own risk (and that of his patient). He has freedom but not license. Is the situation so different for mixtures? Cannot package inserts indicate to the doctor the hazards of modifying the dosage of mixtures? If ratios of ingredients other than the generally recommended one are necessary to permit or encourage flexibility, could they not be made available? (They already are, of course, for certain mixtures.)

9. Trademark names may indeed perpetuate ignorance about the composition or nature of a drug, although they do this for individual drugs as well as for mixtures. (So, often, do generic names.) Mixtures do pose special problems in this regard, but alerting doctors to the importance of the pharmacologic characteristics of the medicaments they prescribe is a problem that deserves tacking on its own. Eliminating drug mixtures would help somewhat in this regard, but a large educational problem would remain.

10. Certain drugs introduced prior to modern controlled trials would not withstand critical scrutiny today, but others would. Aspirin and Digitalis are not any less effective because of their antiquity or the presence of, "testimonials" over the years as to their efficacy.

11. "Convenience" must be considered a valid reason for marketing a combination; otherwise all mixtures (including multivitamins, oral contraceptives, Ringer's lactate, etc.) should be withdrawn. This point is concurred in by the A.M.A. Council on Drugs and by the FDA's own advisory committee on combination drug guidelines but is said to be dismissed by top FDA officials. Ingredients can almost always be given separately and rarely produce true potentiation if given together. If the FDA plans to accept convenience as an asset only in the case of demonstrated potentiation (rather than simple additivity), the profession can forget about most mixtures now in use.

12. Allowing one to "cover bets" therapeutically is a valid reason for the existence of a fixed-ratio combination. In a given clinical situation, the physician may not be able to come up with a precise diagnosis. The patient may have an obscure sepsis or a red eye which is either infected, allergically inflamed, or both. It is accepted (and commendable) scientific practice to prescribe two or more drugs in such situations until such time as the diagnosis becomes clearer. Such prescribing recognizes that one or more of such simultaneously prescribed drugs may contribute nothing to therapy and only be "going along for the ride," as it were. If a fixed-ratio combination can be successfully used in such clinical situations—an example would be topical ophthalmic ointments combining a corticosteroid and an antibiotic—it deserves to be available for prescription.

Do we really want to eliminate all fixed-ratio combinations? I think not. Rather, should we not at least examine those combinations that are approved by the "experts" and apply the same standards by which they are judged to other mixtures? I believe the characteristics of a satisfactory mixture to be quite simple: (a) the ingredients deserve to be used together in recognized definite clinical conditions on the basis of their therapeutic and toxic potential; (b) the ratio of ingredients has been shown to work satisfactorily for a significant body of patients; (c) laboratory investigation indicates no pharmaceutical incompatibility of the ingredients.

If the above are met by a fixed-ratio combination, the public welfare should be best served by the marketing of such a mixture. Patients would benefit in terms of accuracy and convenience, nursing and pharmacy costs and time and medication error should be decreased, and the sick might even get a break in terms of drug bills.

Bad usage of a good mixture—like bad use of any drug—is a matter of physician education. If doctors' prescribing habits in regard to any drug or mixture are incorrigible, then society may decide that the drug or mixture should be removed from the market because, on balance, the harm from its use will outweigh the benefits. But let us make the decisions consciously and rationally on defensible grounds and not in uncompromising, doctrinaire fashion. Blind dogma is not any freer of error when promulgated by the FDA or academicians than when voiced by the doctor in practice.

NEW ENGLAND FUEL PROBLEMS

Mr. BROOKE. Mr. President, on May 20, Congressman SILVIO O. CONTE delivered an excellent address on New England fuel oil problems to the annual convention of the Connecticut Petroleum Association in New Haven. In his talk Mr. CONTE reviewed the past efforts of the New England delegation to secure relief from the inequitable burden of the oil import program; he also outlined our current efforts to increase the import level of No. 2 fuel oil to 100,000 barrels per day, expressed concern over Humble Oil's new round of price increases for No. 2 fuel oil, and asked for removal of the Western Hemisphere restriction on the No. 2 fuel oil import program.

Mr. CONTE has been a knowledgeable leader in the field of oil and a consistent fighter for the consumers of the State of Massachusetts and throughout the Northeast. His remarks and his proposals, which I strongly support, deserve the attention of all Members of the Congress.

Mr. President, I ask unanimous consent that the address of Congressman SILVIO O. CONTE be inserted at this point in the RECORD.

There being no objection, the text of the remarks was ordered to be printed in the RECORD, as follows:

REMARKS BY THE HONORABLE SILVIO O. CONTE AT THE ANNUAL CONVENTION OF THE CONNECTICUT PETROLEUM ASSOCIATION IN NEW HAVEN, CONN., MAY 20, 1971

Mr. President, honored guests, members of CPA, ladies and gentlemen. It is a special pleasure for me to be with you today because, while this is my first visit to your convention, my association with the Connecticut Petroleum Association has been a long one—and over the years, I have come to regard you as one of the finest associations of independent fuel oil and gasoline jobbers in the nation. You have not only served your members well, but you have been a strong and valued ally of small businessmen and consumers across the nation.

You can be justly proud of your independence. Your record amply demonstrates that you are, in fact, *fiercely* independent, and I want to add, fearless as well, for, when other groups like yours have gone only half-way or pulled their punches, you have not hesitated to take on the major oil companies, and powerful private utility interests on behalf of independent business and the consumer.

You are one of the few state associations who have gone straight to the majors to protest unwarranted price hikes.

You alone were willing to oppose the majors' trading stamp mania. Characteristically, you took the intelligent approach by conducting the only state-wide dealer survey. And you stuck by its results, overwhelmingly condemning stamp promotions, despite an attempt by the major oil companies to discredit it.

But it is through my work on the House Small Business Committee that I have had the best chance to see first-hand just what you people can accomplish.

Two years ago, your dynamic Executive Director, Charlie Isenberg, was instrumental in lining up a number of outstanding witnesses for our hearings on gasoline games.

With your help our Committee built a record which documented the startling extent to which these games had been rigged through the preselection of winners, and the fact that the great bulk of prizes were never awarded.

Of more direct concern to you was the blatant coercion of dealers to carry the games. We found, for example, that dealers were paying more to the oil companies to carry the games than the public received in prizes. With the pressure of massive advertising, however, independent station operators had little choice but to carry the games.

At our Committee's urging, as you know, the FTC finally issued some rules to correct the worst abuses of these games, and bring them under some control.

Perhaps, the area in which CPA has been most helpful to our Committee was through its making the case against the commercial bribery—there is no better word for it—practiced by many of our utilities to promote the use of their particular form of energy for home and commercial heating purposes.

Again, Charlie Isenberg and CPA came forward with the evidence. It's no exaggeration to say that CPA produced most of the key evidence for our utility subsidy investigations. You also assisted in bringing in allied industry groups, such as plumbers, who detailed their experiences with these promotions.

I don't need to recount at length here what we discovered. In all too many instances we found that a builder was persuaded not by the projected size of the fuel bill, but by the size of the promotional subsidy. These promotions, especially when offered to customers selectively, and sometimes even "under-the-table," are perversions of any known concept of competition.

As a result of your efforts, and our Committee's, the National Association of Regulatory Utility Commissioners (NARUC) agreed at their meeting last fall to support a model regulatory code for the states. While it does not cure all the evils of such practices, it nevertheless goes a long way toward meaningful reform.

Its most important feature is its requirement that a schedule of promotional subsidies must be filed as a public record, and that these subsidies must be uniform.

As some of you may know, another key victory in the reform effort was the decision by federal district court, holding that the promotional practices of the Virginia Electric Power Company were in violation of the Sherman Antitrust Act.

Unfortunately, the case was reversed, and must now go all the way to the Supreme Court.

While we await the High Court's decision, it's difficult to determine what if any other action is called for. On behalf of the committee, let me urge you to let us know your suggestions for future action.

As you can see by this partial recital of some of CPA's activities, your record is well known and appreciated. Before getting to my topic today—the price and supply situation in fuel oil marketing—let me just make one final reference to my last contact with some of your members.

Only a week ago, I was asked to host a luncheon for the New England House delegation sponsored by the New England Fuel Institute. As you know, NEFI's new President is also CPA's own President, Donald Craft, who will now be doing double duty. It was good to see Don, as well as Charlie Isenberg, and Irv Shiner of CPA. NEFI could not have picked a better man than Don, and I know he will serve with distinction.

I was also honored recently by a letter of commendation for my efforts to improve the oil price and supply situation by the Fuel Oil Committee of National Oil Jobbers Council. CPA has long been a leader on this NOJC Committee from the time when your own Walter Macauley served as its Chairman to the present, with Irv Shiner of CPA now serving as Vice Chairman. This praise, coming as it did from such a distinguished group in the forefront of this struggle, was especially welcome.

I'm here today to talk about the present fuel oil situation and the prospects for this coming winter. With summer at hand, another winter seems far away, but, unless we take time now to plan and organize, we will not be able to bring about the necessary policy changes that will be needed in the coming months.

Let's take a look, first, at where we are today. As you know, the No. 2 fuel oil program, providing 40,000 barrels per day into District I, has been extended through 1971. This program proves that there is now official recognition of the heating oil problem at the White House. While this is a good start, it clearly is not enough.

Unfortunately, even this modest beginning is now under fire. An attempt is being made by some of the oil industry's good friends in government to eliminate it at the end of this year. They're even trying to put No. 6 residual fuel oil back under control, which all of you recognize is clear nonsense.

As I told the NEFI delegation just last week, you may be sure that I and the entire New England delegation will do our best to see that neither of these misguided efforts succeeds.

As you know, we can expect the demand for No. 2 to continue to rise. The authoritative *Oil and Gas Journal* projects a 10 to 15 percent increase over last winter's levels—and this figure is probably conservative. Utilities are burning increasing quantities of No. 2, and substantial amounts are being diverted from the home heating market to the industrial market for use in blending with higher sulfur residual fuel oil. These developments are cause for serious concern about the adequacy of No. 2 supplies, and underscore the need for action now to assure a high level of imports into the East Coast in 1971 and 1972.

While demand continues to rise, the price picture remains uncertain. It is astonishing that *at this time*, however—at the *end* of the heating season—Humble Oil, which dominates the east coast market, has had the audacity to announce a further hike of more than 10 percent in wholesale No. 2 prices. This increase, if allowed to stand, will mean an extra sixty million dollars in consumer costs to New England. Already, Humble had raised prices in 1970, so the total increase for the past two years is more than 20 percent.

I recite these disturbing facts, because they must be faced. But it is no less important to keep them in perspective. Let there be no scare talk about the situation. While the problem is serious, I am convinced we are in a position to prevent a crisis.

Only last week, the entire New England delegation joined in a letter to the President, which I authored, which set out these facts and called for three major steps to arrest the price escalation and assure adequate supplies:

First, we called for an increase in the level of No. 2 oil imports from 40,000 to 100,000 barrels per day for 1972.

Second, we called for an end to the Western Hemisphere restriction on the No. 2 program. Unless this is lifted, Esso and Shell which dominate the Caribbean can continue their public-be-damned attitude and price-gouging, free of competitive pressures.

Third, we called for an immediate investigation by the Office of Emergency Preparedness into the recent Humble price increase, as required by law. In the light of the unhappy result of the long-delayed investigation into last fall's crude and gasoline hikes, we cannot be optimistic about this approach. But it must be tried.

As I indicated a moment ago, the Humble increase, coming at a time when demand is low and stocks are high, is one more damning piece of evidence of the need to end the isolation from competition that the oil import quota system makes possible.

Earlier this year 90 of my House colleagues joined in cosponsoring my bill to end the quotas. This is nearly double the support I had for this bill when I first introduced it in 1969.

The same 90 congressmen have also joined me in a bill to end the other key practice that frustrates competition—state production controls, or prorationing. Under this system, our major oil producing states are able to hold down production to maintain high prices. It is nothing short of a scandal that the oil barons who dominate the state regulating commissions are able to dictate what we in New England shall pay for this vital product.

While I am encouraged by growing support for these bills, it should be naive to predict their quick passage. The oil industry is Washington's most powerful, special-interest lobby, and its persuasive influence is hard to overestimate.

This is one reason why I have developed another legislative proposal which I will shortly be introducing. It would create a national defense petroleum reserve to maintain an amount of oil on standby to take care of our needs in the event of disruption of foreign supplies.

Now I have long been critical of the so-called national security justification for the quota system. It simply makes no sense to me to use up our own limited resources more rapidly as we do under quotas.

But I have never said that there is not a legitimate concern about the reliability of foreign supplies, especially those from the Middle East. This new proposal would recognize this legitimate concern. And by ensuring that we have enough reserves to protect us during an extended cut-off of foreign supplies, it would provide the best deterrent against the kind of tactics employed recently by the Persian Gulf governments to extract high prices.

There are many other related topics I would like to discuss with you today. One I want to mention just briefly is a subject our Committee began to investigate last fall: the growing concentration of ownership of energy and fuel producing companies.

The deepest penetration is being made by our major oil companies. Eleven of the 25 largest oil companies now have significant interests in coal. Continental Oil alone, by acquiring Consolidation Coal Company, now controls 20 percent of coal production capacity. Occidental, which now controls Island Creek Coal Company, has another five percent of the market. Oil Companies also control over 35 percent of the uranium market.

Such concentration in any one industry's hands raises serious questions. When the controlling group is the major oil industry, with its long record of disregard for the public interest, the situation is really alarming.

At our Committee's request, the Federal Trade Commission has just announced it will conduct an in-depth probe of this concentration. While the investigation is slated to take up to two years, I can assure you our Committee will oversee it closely, and see that it is completed as soon as possible.

Well, now I really will bring this to a close. As you can see, I can really get wound up about petroleum marketing matters. A large part of the reason for my interest and growing concern has been the information which you and other groups of dedicated independent businessmen have provided.

Thank you again for inviting me. And please don't hesitate to get in touch whenever I or our Committee can be of assistance.

Thank you.

HEALTH CARE

Mr. SAXBE. Mr. President, I have frequently said that in many respects, America's medical care system is the best in the world. I have also said that, in some respects, our system may be one of the worst in the world. That is because, like any multi-billion dollar industry, the system—no matter how streamlined and knowledgeable—is beset with problems.

Mr. President, in this week's issue of Time magazine, the subject of health care and all of its attendant problems, are scrutinized in what I thought to be an outstanding article. I would recommend it as required reading. I ask unanimous consent that the article, "Health Care: Supply, Demand and Politics," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Health Care: Supply, Demand and Politics

If gross medical resources alone guaranteed physical well-being, Americans would be the healthiest people in the world. The U.S. has more than 7,000 hospitals, many of them with the most advanced and elaborate equipment available anywhere. The nation's 330,000 doctors, one for every 650 people, are the products of the most rigorous training. In sheer dollar terms, health has become the second largest industry in the U.S., last year turning over $67.2 billion, or 6.9% of the G.N.P.

But this vast expenditure, $324 per capita annually, does not ensure a high level of care. The rate of infant mortality is lower in twelve other industrial countries. Men in 17 other countries live longer than Americans do; women live longer in ten. Distribution of services is so spotty that more than 40 million people virtually never see a physician under any circumstances, and millions of others do so only after having been struck by serious illness. Soaring costs and the scarcity of practitioners and facilities in many areas have retarded the development of preventive medicine. Nationally, the U.S. does not really have a health-care system; rather it has an inadequate system for treating disease and injury. For those who cannot afford the most comprehensive insurance or are not covered by Government programs for the old and the very poor, serious illness can mean financial ruin.

OBVIOUS AND URGENT

The problems are numerous and complex, including the training of medical personnel, the organization of hospitals and the melding of private and public facilities. But public attention has focused most sharply on the price of visiting a doctor's office or staying in a hospital. Politics is following that preoccupation. Republicans and Democrats, liberals and conservatives, and even the American Medical Association, which fought Medicare for so long, are all agreed that a new federal role is necessary to help Americans pay their bills. Making more money available to more people is only part of the solution, but it is the most obvious and urgent step both economically and politically. It will be the rare candidate in 1972 who will feel comfortable without having voted aye. Which new approach to vote for is the only subject of real debate now.

The consensus grows from arithmetic. Since 1960, the costs of health care have climbed by more than 50 percent, far outstripping even the 31 percent rise in the consumer price index. Physicians' fees alone have risen by 58 percent, while hospitalization, which averaged $35 a day ten years ago, has more than doubled in price and now stands at $75.

FIVE YEARS TO PAY

Even so routine a surgical procedure as hernia repair can end up costing $1,000 in hospital and doctor bills. Charges totaling $1,200 for a routine delivery followed by a four-day stay in a maternity ward are not uncommon. Many such expenses can of course be avoided. Some elective operations can be delayed or even put off indefinitely, though at an eventual cost in health. Other conditions can be controlled, though not cured, by drugs and medication rather than surgery. The expenses of normal childbirth are predictable, and a family has nine months to save up to meet them.

But many illnesses are unpredictable, and these can be disastrous. Construction Worker Roland Snyder, 36, a bachelor who lives with his mother in Maryland Heights, Mo., thought that his weight loss and headaches were the result merely of overwork until doctors hospitalized him and learned that he had tuberculosis spinal meningitis. The first 13 weeks of treatment cost $13,000. After another five months in a free public hospital, he was moved to a nursing home. His and his mother's insurance benefits were soon exhausted, along with their savings of $1,500. Snyder is now home once more but unable to work and he still owes one hospital $4,000. "They were very nice about it," says his mother, Mrs. Minnie Snyder, who supports herself and her invalid son on an income of $300 a month. "I am now paying them $20 a month on the $4,000."

Snyder's expenses are not unusual. John Schureman, 21, of Hollywood, developed peritonitis when his infected appendix ruptured, and then needed a second operation when the infection spread to other parts of his body. His condition, complicated by a peritoneal hernia, worsened to the point that he required three more operations, 15 pints of blood that cost $15 each, and round-the-clock care. Schureman spent nearly two months in various hospitals. His bills, which came to more than $20,000, wiped out his

$3,000 savings. They also left Schureman, who works for the American Institute of Hypnosis but carried no insurance, with a $15,000 debt that, he estimates, will take five years to pay.

INADEQUATE ARMOR

Not all Americans are so unprotected. Fully 85% of the U.S. population under 65 have some sort of health-insurance coverage, but in many cases the armor is inadequate. At least 20% have no hospitalization insurance, 32% have no coverage for in-hospital doctors' bills, half get no benefits for X-rays or laboratory tests, and 97% have no dental insurance.

Even the more generous insurance policies are limited in their benefits, which usually run out before catastrophic illnesses are cured. Leonard Kunken of Oceanside, N.Y., sought to protect himself and his family by buying the best policy offered by the insurance company for which he was a salesman. The policy allowed $40,000 in benefits, and it seemed more than ample until Kunken's son Kenneth, a Cornell University student, broke his neck during a football game and was paralyzed. The bills—over $6,000 a month—exceeded the limit in seven months.

COTTAGE INDUSTRY

Aside from ceilings, most of the policies offered by both nonprofit and commercial organizations pose other problems. Many provide no coverage for diagnostic procedures; few provide payments for out-of-hospital prescription drugs; many make no provision for private- or visiting-nurse care. In cases of long-term illness, most plans make no allowances for nursing- or convalescent-home care. Because health insurance has become a major factor in wage negotiations, many policies are tied to employment by a specific company. Firings because of recession have deprived thousands of families of their coverage. Illnesses or injuries that occur in such a period can make it difficult for the family to regain full protection later.

Some people have even found it necessary to leave the country to find medical care at prices they can afford. Dr. Martin Allwood, a Swedish-born sociologist who had spent 25 years of his life in the U.S., gave up on American medicine after a series of expensive examinations failed to diagnose his problem. Returning to the country of his birth, he spent another year having X-rays and tests before exploratory surgery disclosed an unusually inaccessible cancer. Allwood found the treatment excellent and the costs low. Private medicine is still practiced in Sweden, but the government maintains an elaborate national health system. Allwood relied on the national service, which not only accepted him for treatment but also paid him $11 a day to help make up for his lost income.

Allwood's experience points up the major difference between European and American medicine. Ever since Chancellor Otto von Bismarck initiated the first such plan for German workers in 1883, national health programs have been an important aspect of the welfare state. The Swedes have had a national health system since 1955, the Norwegians since 1956. Britain adopted its national health scheme in 1948. Indeed, among the world's major industrial nations, only the U.S. has thus far failed to devise some kind of national program that either providies or subsidizes comprehensive health care.

The omission is ironic. Throughout Europe, medicine began as a cottage industry, underwent a sort of industrial revolution as individual medical entrepreneurs were absorbed into larger, nationalized health-care systems. In the U.S., medicine started off under controls, to a degree, and evolved into a cottage industry. Colonial laws set doctors' fees and established taxes to pay doctors hired by local governments to provide health care to settlers. The earliest American hospitals were publicly operated, generally for the benefit of the poor, or for sailors whose ships called at colonial ports.

VESTED INTEREST

Few attempts were made to perpetuate or expand this system, and as the nation grew, medicine developed into the present confused complex of doctors, hospitals and ancillary services—nominally independent, yet inextricably bound up with one another. Doctors, who still remain the individual's main point of contact with medicine, need hospitals in order to treat their patients. Hospitals depend upon the doctors for the referral of patients; patients' fees make up the major portion of hospital operating costs.

Both doctors and hospitals contribute to the high costs of care. Physicians simply are not trained to consider costs, but rather to provide their patients with the best care possible. Thus they order up whatever X-rays or tests are necessary to make an accurate diagnosis, use the most up-to-date techniques and devices. The cost of these techniques, and the hospitalization that they require, are enormous. Hospitals, with their high overhead, have a vested interest in keeping their beds filled.

The salaries of hospital workers, once among the lowest in the nation, have risen by 31% since 1966, mainly as a result of minimum-wage laws and unionization, and are reflected in the rising charges hospitals make for room and board. The introduction of modern medical equipment has also pushed the cost of medical care skyward. A heart-lung machine, for example, costs $17,000, and runs a hospital another $50,000 a year in maintenance.

SPUR TO INFLATION

Even Medicare, passed in 1965 to lessen the economic impact of illness on the aged, has helped to push up the costs overall. The program provides broad medical coverage to an estimated 20 million Americans, most of whom would be otherwise unable to obtain insurance. But it has also worsened inflation by allowing overgenerous payments for the care provided, increasing the demand for services without enlarging the supply.

Nor has Medicaid, which covers an estimated 17 million of the nation's poor, improved medical economics. Many jurisdictions refuse to tax heavily enough to match the Federal Government's contributions to the program, and some, like Washington, D.C., simply ran out of money last year, leaving the poor as vulnerable as they were without the plan. Thus Medicaid, like welfare, is subject to local quirks and disparities. Ira Jay Thau, 23, a New Yorker whose existence depends upon regular kidney dialysis, cannot take a job without losing the Medicaid benefits that pay for his treatment. Says he: "If I try to be a useful member of society by getting a job, then I lose the only thing that keeps me alive."

Eight health-care bills have already been submitted to Congress; others may also be thrown into the hopper as debate continues through the summer. The bills cover a broad spectrum of approaches and benefits. The A.M.A.'s "Medicredit" plan a bill sponsored by the health-insurance industry seek to expand insurance protection by allowing tax benefits for premium payments. Senator Jacob Javits' proposal would gradually expand Medicare to cover the entire population. The American Hospital Association's "Ameri-plan," which has not yet been introduced in Congress, aims to create with federal assistance some 400 "health-care corporations" across the country. Each would be responsible for bringing together the personnel and facilities to meet health needs in its area, providing such services on a prepayment basis to those who could afford to pay and making them available without charge to those who could not.

The major contest, however, is between just two pieces of legislation—the National Health Insurance Standards bill offered by the Administration and the Health Security bill sponsored by Senator Edward Kennedy and Representative Martha Griffiths. The two proposals differ considerably:

The President's package features mandated coverage through the existing insurance industry. It would require all employers to provide their employees with a tax-deductible insurance plan that would include hospitalization, major-medical and catastrophic-illness coverage with a maximum benefit of $50,000. A separate program would be set up for the self-employed, while the Government would finance the entire cost of health insurance for families with incomes below $3,000 a year and pay partial premiums for those earning up to $5,000. The poor would receive less generous payments than others in case of catastrophic illness, but Medicare recipients would get a break. The Government would pick up the entire $1.4 billion bill for the Plan-B supplement, which currently covers doctors' bills.

To encourage efficiency, the Nixon bill would set aside a fund of $23 million for grants to groups of doctors willing to establish pre-paid health-maintenance organizations (HMOs) like the Kaiser-Permanente Health Plan, which operates in California, Oregon, Hawaii, Colorado and Ohio. Another $100 million would be allocated to help medical schools train more doctors. Total cost: $3 billion a year in new federal funds, $2 billion in lost tax revenues, about $6 billion from business and industry. The insurance companies, however, might not regard the bill as a bonanza. Though the industry's overall profits are high, few companies make more than 2% profit on health coverage.

The Kennedy-Griffiths Plan would create a comprehensive national health-insurance system. Based on a proposal originally drafted by the late Walter Reuther, this bill would have the Government pay at least 50%, and in some categories 70%, of the cost of nearly all health services, including dental care for children under 15, prescription drugs and psychiatric treatment. Essentially a broadening of the Social Security system, the Kennedy-Griffiths bill would be financed by a 3.5% payroll tax on employers, a 1% tax on employees and general federal revenues as required. The bill would seek to promote efficiency by allocating $600 million to encourage the formation of group practices. It would promote cost control by requiring health-care institutions in a given locality to negotiate and provide primary care within an annual budget and by putting doctors on a salary or paying them a fixed fee per patient.

The Kennedy-Griffiths bill would not, however, reduce the country's total outlay for health, which now comes to nearly $8 billion. On the contrary, Administration spokesmen claim that Kennedy-Griffiths would cost $77 billion. Those who now pay for private health insurance would still pay the same amount for coverage—except to the Government. Nor are the bill's provisions for promoting efficiency likely to keep costs from climbing. Both Medicare and Medicaid have cost the Government far more than originally anticipated. There is no reason to believe that the Kennedy-Griffiths plan, the administration of which would require a bureaucracy of gargantuan proportions, would not similarly exceed initial cost estimates.

The bill could create other problems as well. Its emphasis on hospitals as the principal purveyors of primary care could, many fear, force the patient to accept treatment from any doctor who happened to be available. This, opponents feel, would deny them the right to choose their own doctors. It would alter still further the physician-patient relationship, a personal tie that has already been strained by a number of factors, including growing specialization.

NO MARKETPLACE

The Administration bill would protect the patient's freedom to choose his own physician. But it is no more likely than Kennedy-Griffiths to curb the rising costs of care. Merely enabling more people to pay for health care will only increase the demand for services, not the supply, thus contributing to the medical inflation that makes action necessary in the first place. Moreover, as John Krizay of the 20th Century Fund points out, the determination of doctors' fees is simply "not in the marketplace." Doctors, he notes, can and do create their own demand for their services. One way around that fact is to abandon the fee-for-service method of payment entirely and put doctors on salary; one way to accomplish that is to put health care on a prepayment basis.

Most doctors are adamantly opposed to prepayment. Many patients tend to feel otherwise. The 2,000,000 members of the Kaiser plan pay a fixed annual fee for a broad range of medical and preventive health services, all of which are provided by salaried doctors. The plan, which runs its own hospitals and clinics, keeps its costs down by early screening to diagnose diseases before they become serious, thus reducing the amount of time its members spend in expensive hospital beds. Similar prepayment plans have also proved successful in New York, Massachusetts and Michigan. But the Administration bill, which offers financial incentives for the formation of such prepayment plans, is unlikely to encourage their creation as long as doctors have the opportunity to earn more under a fee-for-service system.

Neither of the bills is likely to increase the availability of medical services—at least not in the near future. Even if the nation's medical schools were suddenly to produce the 50,000 additional doctors the U.S. is said to need, there is no guarantee that these physicians would practice where service is scarce.

Kennedy feels that only a complete restructing of the health setup will provide Americans with the care they need and argues that only his bill will provide it. "The system," he says, "shows no signs of being able to respond to the crisis or to take even the most rudimentary steps to solve the problem."

Many of those in the system agree. The Student American Medical Association, which speaks for 18,000 medical students, supports the Democratic bill, and many younger physicians have also given the measure their support. So has Dr. Count Gibson of Stanford University School of Medicine, who believes that the bill reflects a new philosophy of social service. "Medicine is moving from the entrepreneurial mode to the community institution," Gibson says. "You can compare it with education. In 1789, this was a private enterprise, but now nobody questions the responsibility of communities to provide public education. Now we're beginning to see health care as a right."

SHORING THE WALLS

Even the A.M.A. now recognizes health care as a right. But it is still unwilling to go along with Kennedy-Griffiths. Dr. Max Parrott, chairman of the A.M.A.'s board of trustees, describes Kennedy's bill as "rigid" and "monolithic." Parrott and many of his colleagues defend the existing system and seek to eliminate what they see as its most egregious inequity with their tax-credit bill. "Some people are denied health care because of their inability to pay for it," says Dr. Richard S. Wilbur, A.M.A. deputy vice president. "Medi-credit will take care of that problem."

So will the Administration bill. Though Richard Nixon has described the state of medical care as a "massive crisis," the Administration does not favor radical overhaul. "There is much that is worthwhile in the existing system," says Health, Education and Welfare Secretary Elliot Richardson, who drafted the Administration bill. But, he adds, "National health insurance can be built on the solid foundation that exists by expanding the present dimensions and shoring up the walls."

PHILOSOPHIC ASSET

Kennedy, who already has the backing of the A.F.L.-C.I.O. and 25 liberal Senators, has been holding hearings around the country in an attempt to drum up broad public support for his plan. He stresses that only his bill would give the Government the leverage it needs to reform the entire health-care system. The Administration stresses the need for a more gradual approach and is courting the congressional center, which is already more attuned to the free-enterprise outlook of the Administration bill than to Kennedy's tack. "We have philosophy going for us," says White House Aide Clark McGregor, "plus the certainty of much higher taxes with the Kennedy bill." The A.M.A. will probably come around to supporting some variation of the Nixon proposal.

In fact, neither the Kennedy-Griffiths bill nor the Administration plan is likely to win the support it needs for passage. Some compromise between the two seems inevitable, and the man most likely to effect it is Wilbur Mills, chairman of the House Ways and Means Committee. Mills, recognized as the most powerful man in the House, has committed himself to the idea of national health insurance. He agrees that Social Security, through which the Kennedy program would be financed, has been one of the most successful programs ever adopted. Yet Mills is reluctant to endorse the Kennedy bill. He believes that payroll taxes, on which the Kennedy bill relies for financing, may be getting "out of hand," and he questions the necessity of a complete Government takeover of health insurance. "It would be more practical to get the private sector to bear some of the cost burden; we can't afford to eliminate the people and organizations engaged in it. We'd be shorthanded."

Though White House aides claim that he has done so in private, Mills has yet to endorse the Administration's bill publicly. Probably he will not. What seems likely is that Mills will piece together his own "Mills bill," combining the best features of both the Administration and the Kennedy plans into a measure for which he feels the public and Congress are willing to pay.

The precise ingredients of the package that will win House approval probably will not be visible until midsummer. But it is already clear that the emphasis will be on improving the means of supporting the present system, mitigating the burden that medical inflation places on individuals. The importance of that accomplishment cannot be minimized merely because it is a partial solution.

BORDERLINE

Though socialization of medicine on the Swedish or British model seems to be impossible in so large and diverse a society as America's—at least for the foreseeable future—the Government will eventually have to face more decisions on the borderline of socialized health care. Means will have to be found to supply personnel and facilities in areas that are now medical deserts. More emphasis will have to be put on diagnostic procedures and other methods of preventive medicine, both to improve the quality of care and hold down costs. Hospitals will have to receive more incentives to operate efficiently. Ultimately some kind of ceiling, voluntary or imposed, may have to be worked out for fees. The duration and cost of medical education need thorough review.

None of these issues can be coped with easily. The doctor-patient relationship is a highly sensitive one, and both organized medicine and a public interested in personal service are strong barriers to major change. Many people would be unhappy about yet another Government bureaucracy, particularly in a field that affects people so personally. But there is ample precedent for further public intervention short of socialization. The U.S. has long accepted the principle that the public interest, represented by regulatory agencies, should determine the services provided and prices charged by railroads, telephone companies, airlines, power companies and other essential enterprises. The average citizen spends more for medical care than for any of these, and often needs health care more urgently.

PAKISTANI REFUGEES IN INDIA

Mr. KENNEDY. Mr. President, the number of East Pakistan refugees in India is now over 4,000,000—and the influx continues upward to 100,000 per day. Some 3,000,000 of these refugees are concentrated in the area of Calcutta in the State of West Bengal. The rest are found in other Indian areas bordering East Pakistan, with most of them in the State of Tripura—whose normal population of some 1,500,000 has been increased by at least one-third.

Some of the refugees are being welcomed into the homes of relatives. But the bulk of them are found in makeshift camps near the border, in public buildings such as schools, or in open fields. Reports indicate that some 70 percent of the refugees are women and small children. Conditions among the refugees are grim. Their need for food, shelter, clothing, and medical care is great. And the prospect of their repatriation is not in sight.

The estimated cost of caring for these refugees varies with the source and the standards used.

The Indian Government puts the cost of feeding 4,000,000 refugees for 3 months at some $40,000,000 to $45,000,000—or some $78,000,00 to $92,000,000 for 6 months. This estimate is based on a daily diet of over 2,000 calories per refugee.

The World Food Program puts the cost at some $32,000,000 to $36,000,000 for 3 months—or $65,000,000 to $72,000,000 for 6 months. This estimate is based on a daily diet of over 1,600 calories per refugee.

Our own Government, using a daily diet of 1,600 calories per refugee, is estimating it will cost some $30 million to feed 4 million refugees for 3 months—and some $60 million for 6 months. The State Department informs me that our own

Government is prepared to carry up to 50 percent of this estimated cost. To date, however, only $2.5 million has been allocated. In this connection, U.S. voluntary agencies—including CARE, Catholic Relief Services, and Church World Services/Lutheran World Federation—are currently feeding some 280,500 refugees under aid authorization. Subject to the availability of food, however, these agencies have a capacity to feed some 1.5 million persons.

On April 23, the Government of India appealed to the United Nations for international humanitarian assistance. Today, nearly 6 weeks later, international relief operations are not underway—and, regrettably, in response to inquiries neither the United Nations nor our own Government is willing to say when these operations will begin. Meanwhile, the Indian Government is doing what it can to meet the humanitarian needs of the refugees with the limited resources available and with the help of the private voluntary agencies.

Mr. President, it is clearer every day that a massive human tragedy is developing, as a result of unrest and conflict in East Pakistan. How much longer will the world stand idle while the region plunges toward the brink of disaster? How much longer will the United Nations study the problem, when humanitarian needs are so clearly evident?

How much longer will our Government point with satisfaction to the meager efforts it is making and to an international relief program that so far remains on paper? How much longer will we temporize in responding to India's appeals for relief supplies, such as tents, and for logistical support, such as C–130's and helicopters—when massive stocks are available from U.S. sources throughout Southeast Asia?

And how much longer will the Government of Pakistan claim that conditions are "normal" in East Pakistan, when each day sees tens of thousands of its citizens fleeing across the border into India?

The alarming situation, Mr. President, has prompted me to write Secretary of State Rogers, to urge again that our Government view the plight of the people in East Pakistan and the refugees in India with deep compassion—and that, with a strong sense of urgency, we join with others in responding immediately to the requirements of peace and relief throughout the entire area. I ask unanimous consent that the text of this letter, dated May 27, be made a part of my remarks at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 27, 1971.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: Congressional and public concern continues over the situation in East Pakistan and the heavy flow of refugees into India. As you know, I share this concern, and since the early days of the tragedy I have strongly advocated and supported efforts by our government and others to ameliorate political tensions in the area and to initiate emergency relief operations under international auspices, preferably the United Nations.

The record indicates that little substantive progress has been made. The situation continues to deteriorate. Nearly all reports, including those to our government, tell of growing human need, sporadic military conflict, lack of government services, and deepening divisions between the central government and the people of East Pakistan. Political tensions between the governments of India and Pakistan escalate daily, and threatens the peace and stability of the area, and Great Power confrontation. The flow of refugees into India reportedly continues at a rate approaching 100,000 persons a day. The cumulative total already exceeds 3,500,000. India's appeal on April 23 for international humanitarian assistance has received only a token response, as individual governments and the United Nations stand immobilized in the face of great tragedy.

Steps are urgently needed on at least four fronts.

First, stronger efforts must be made by individual governments and the United Nations to encourage and facilitate political accommodations between the central Pakistan government and political forces within East Pakistan, so as to stop the flow of refugees into India and facilitate the return of those who have already fled the civil conflict.

Secondly, our government must place higher priority on urgently needed emergency relief operations within East Pakistan, as a condition for any normalization of general American economic assistance to the central government. In this connection, our government should immediately respond to Pakistan's stated need for food and medical supplies and water transport for the distribution of relief commodities by Pakistani authorities and international personnel.

Thirdly, immediate initiatives by our government and others must be taken through appropriate diplomatic channels to ameliorate the escalating tensions between Pakistan and India—tensions which threaten the peace and stability of the region and needless Great Power confrontation in South Asia.

And fourthly, our government must not stand idle because of the United Nations continuing immobilization in responding substantially to India's appeal for international assistance on April 23d. As of today, no United Naations relief operation is being implemented in India. Until this is done, our government should respond to India's appeal on a bilateral basis. India has stated its requirements to meet human need, and our allocation of funds to an immobilized international organization only aggrevates the immediate crisis of people confronting the Indian government.

I am extremely hopeful that our government will view the plight of the people in East Pakistan and the refugees in India with deep compassion, and, with a strong sense of urgency, will join with others in responding immediately to the requirements of peace and relief throughout the entire area.

Sincerely,

EDWARD M. KENNEDY,
Chairman, Subcommittee on Refugees.

COURT DECISIONS IN SCHOOL DESEGREGATION CASES

Mr. TOWER. Mr. President, it is indeed unfortunate that the Justice Department, in conjunction with the Department of Health, Education and Welfare, felt compelled recently to recommend to the district court in Austin an approach that could lead to such a displacement of so many school children. However, decisions which have caused the Departments to come forward with such plans are even more unfortunate. The Supreme Court in the Swann case and the fifth circuit court of Appeals in numerous decisions have required pairing, zoning, clustering and massive busing in search of the illusive goals of "racial balance" and the "disestablishment" of the dual school system. I fear that such requirements will instead achieve "bizarre" results, to use the Court's own language, which will be detrimental to education.

If the Austin plan is indicative of the future, the courts' requirements in school desegregation cases have clearly now gone too far. To require massive busing and the displacement of tens of thousands of children for a goal of little or no educational value in our school systems is neither wise nor just. The courts piously contend that they are not school boards and that they should not make educational decisions. They no sooner make such a statement than they substitute their judgment for that of the board. Busing children away from their homes long distances cannot improve their educational opportunities. Educators have acknowledged this for a long time.

In most cases involving sociological issues, the courts of this land have taken judicial notice of the effects their rulings would have on society as a whole. This is the history of the "Brandeis Brief." The sole exception in recent history has been the desegregation cases. In these, the courts have generally ignored the effects their decisions have had on the ability of the schools to fulfill their role in our society as educational institutions. They do not seem to understand that the function of schools is education, not social experimentation.

Instead, the courts are hiding behind the antiquated doctrine that schools which were segregated by law—de jure—are educationally unsound, while those that are segregated for other reasons—de facto—are ignored. The time for the school districts in the South to be treated one way and the school districts elsewhere to be treated another has long passed.

I call upon the courts to reflect upon the situation of the moment. All across the Southern United States the public school system is in peril. There is no one calling for school segregation; all rational men agree that we cannot tolerate policies which arbitrarily separate Americans from Americans. However, the courts should be extremely careful in trying to fashion solutions to the problems of school desegregation. It seems that too often today, not enough information is considered as to what will happen to the children of all races under rigid, unrealistic guidelines. The public schools are in danger of becoming entangled in the bureaucratic straightjacket that the courts force them into.

It is up to the courts to recognize that their decisions are having a profound effect upon not only the availability of equality of educational opportunities, but also upon the actual level of education provided for all students. It is therefore incumbent upon the courts to recognize the need for rational, educationally sound principles and to allow the school districts currently under their jurisdiction the power to discharge their responsibilities in providing not only an education for all, but a quality education for all.

To do anything less will bring upon them a self-inflicted national disgrace. I urge the courts to consider alternatives that will not compound the mistakes of the past and open the possibilities of even graver mistakes in the future.

TRIBUTE TO THE NURSING PROFESSION

Mr. CURTIS. Mr. President, all of us owe a debt of gratitude to the nursing profession. We are grateful for the well-trained, capable, and dedicated people who serve so unselfishly.

Several weeks ago the following article was carried in one of Nebraska's newspapers:

> Nebraska's nursing school graduates who took the national state board test pool licensing examination received the highest scores in the nation, the State Nursing Board announced Wednesday.
>
> The board said Nebraska candidates ranked first in all five testing areas.
>
> The testing period was from June 1969 to May 1970.

Mr. President, these nursing school graduates have brought great honor to the State of Nebraska by placing the State in another No. 1 position. I wish to extend to them and to all those individuals associated with their program my congratulations and my expression of appreciation for this job so well done.

SENATOR BENTSEN DELIVERS COMMENCEMENT ADDRESS AT KINKAID SCHOOL, HOUSTON, TEX.

Mr. BYRD of West Virginia. Mr. President our able and distinguished Texas colleague, Senator Lloyd Bentsen, recently delivered a commencement address at Kinkaid School in Houston that contains a very thoughtful approach to some of the major concerns of today's youth. His urging of the young people to join in the processes of government, to participate, and to engage in activity that will affect the Government is sound advice for the concerned generation.

I commend the remarks of Senator Bentsen to Senators. I ask unanimous consent to insert the text of his address into the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Commencement Address—Kinkaid School, Houston, Tex.

My fellow students, for I remain a student—one who finds that the opportunities for learning have multiplied since I was your age and in your scholastic circumstances.

I am especially pleased to be here, to speak to a group such as this, a very privileged group. You are privileged, you know, and I say this not in reference to material things. You are especially privileged to have been offered an outstanding preparatory school education, an opportunity not afforded every citizen of your age, even in these United States, and most certainly not to most youngsters of other nations.

You are privileged in that the vast majority of you will move onto the path of higher education, to greater learning. That is an opportunity not afforded to millions of citizens of many other nations in this world.

Most of all, you are privileged to be citizens of the United States at this time in history. You are privileged to begin participation in the institutions that are going to be guiding and affecting your life. I want to speak to you briefly about that privilege, about participation.

I have some grave reservations about the ritual of the commencement address. There are certain conventions that the men and women of experience of the "real world" are expected to employ in addressing graduating classes, in letting them in on some of the secrets of how to get along in life.

These are generally couched in ringing phrases in which the words, "Truth, Honor, Loyalty, Industry, Ambition and Knowledge" are particularly involved.

The speaker is obligated to compliment you on your reaching this station in life. And he must charge you with certain responsibilities. I do believe these things and these eternal truths lose neither their shape nor character. But, tonight I am going to skip some of those conventional approaches.

I really have no eternal verities to share with you, nor do I want to tell you what life is like from the viewpoint of one who has been there. I realize that my generation has no monopoly on wisdom; your generation has made that pretty clear to us. But neither do you and your generation have any such monopoly.

So, from that understanding, I would like to talk to you about some other things that I think are important, and which I hope you won't find uninteresting. Because I don't—I find them compelling.

You undoubtedly hear a dozen times or more every week, in one form or another, from some source or other, about the government's influence on your life. Government is not like 50, or even 25 years ago, you're told. And it's true—I can testify about the 25; there have been changes. Problems were fewer and less complex then. A great many of the problems while significant, were not known by the masses. Communication was more limited.

Then, the demands of government were less and the solutions came easier and quicker.

Today, things are much more complex. The mountains are higher, the responsibilities more demanding.

Today, government, at some level, has its hands on all of us from the moment we are born until the last rites.

Its influence is tremendous, so much so that the individual often feels isolated from government, and yet compelled by its presence to deal with it.

The action of government leaves in its wake contradicting opinions and divided sentiments. Its influence bears not only your feelings and thoughts and attitude, but your life, your future.

What I am saying to you is that you no longer have the option of remaining aloof from politics and government—whatever you may think of them. Even the dropouts can't escape government. To reject participation on the basis that "politics is a dirty business and degrading in some way" is to leave control to those who don't mind the dirt or the degradation.

It behooves you, then, to take an active interest in that institution which will play such a role in your life. You must if you hope to influence the factor which intrudes so dominantly into your life.

This form of government of ours is not immoral. It is a fragile and living thing. It requires the nourishment of your ideas, your participation.

Benjamin Franklin, as he walked from the meeting where our Constitution was adopted, was asked by a woman in the crowd awaiting the outcome: "What have you given us, sir?" and Franklin replied: "A Republic, madam, if you can keep it!"

Ben was farsighted, and astute. He knew it's the citizens who allow a government to continue, to live, or to die in our form of Republic. "A Republic, if you can keep it," he said. And that is true today. The people—that's you—must take an interest in our political processes if we are to keep this Republic.

It is so easy to slough off the QUOTE mess in the world today END QUOTE by saying it was inherited, that it's not your fault.

Some of you will charge my generation with failure, that we're leaving you a worldly mess. You will say we gave you a Vietnam War, we gave you racism, we gave you pollution, we gave you strife, and we gave you a nuclear-threatened world.

It is true that Vietnam has been pervasive in many national decisions, and it is a nasty, unwanted war. But it isn't the only consideration in life, and it *is* being brought to a close.

I would remind you that when I left high school there was a World War in the making, and it was not a confined conflict. Literally millions of lives were lost, not just thousands. Less than half the men in my high school graduating class survived World War II.

It is true that we have not totally resolved the race problem. But we have made great strides, progress believed unimaginable the few short years ago when I was your age.

The progress of the past decade, the period known as the turbulent sixties, has been remarkable.

I was standing with a group in Austin just this last week, and among them were a Supreme Court Justice who is black, a United States Senator who is black, and former Cabinet Secretary who is black, and the former second ranking officer of the Democratic National Committee. A Mexican-American from Texas serves on the Transportation Safety Board as a presidential appointee, another served as the presidentially appointed Chief of the Small Business Administration.

And there are several blacks in Congress, many moving into responsible executive positions in both government and private business.

That's 1971. Five years ago, few of these minority members were in those positions. Ten years ago, not one of a minority race held responsible, policy-making positions.

No otner multi-racial nation in the entire course of history has attempted to provide equality, equal rights and equal treatment as diligently and as successfull as the United States of America.

We still have problems, serious problems. But the profound change and sharply measured progress of recent years is heartening. And, it should be pointed out, that progress was responsible for some of the other problems, for such dramatic change in such short time often causes upheaval and disturbances. That the government of the people is on the side of that change, that equality in the Law means that for the first time in history, there is a chance that it will work on a national scale.

It is true that we have not been diligent about our environment. We have fouled our air, our water, and our earth. But we are acting—it is widely recognized as a paramount problem, and things are happening, the people are interested.

My generation may not have solved all the problems, but we did attack them, and we did make some headway. I mentioned earlier the progress in civil rights. And despite all its shortcomings, our higher educational system has been opened wider to the poor, the minorities.

Materialistic things are no longer the principal yardstick of many of your generation, but to those of my generation who witnessed a debilitating depression, the prosperous decade of the 1960s was a manifestation of the capitalistic system's ability to produce and distribute. Never in recorded history have so many had so much. Again, we did not solve all the problems, but there were fewer poor, and a broadening of the middle class in this country.

Medical care for the aged, under Medicare, may sound to you like a stuffy old government program, but talk to the grandfathers of your generation, those old people whose lives have been made more livable, and you find that it is progress, real progress. Medicaid may sound the same, but talk to the thousands of poor and indigent who have seen doctors regularly for the first time in their life, and they call it progress.

Again, it is true that there is more, much more to do. And we are working, and we will provide a broader system of medical care.

My generation may not have solved all the problems, but we did recognize the problems, and attacked them with greater concern, than did our fathers.

The world is still plagued by hunger and misery and death. We know much more of these because of instant communication, rapid travel. We have not, nor can we, make it perfect to pass on to you either, but we have not let it become more imperfect. It *is* better than we found it.

Each generation has its role in building a better world, an improved society. I would hope that you, in your growing role, become not blameplacers, but policy makers—positive policy makers. I hope that the path you choose is marked by compassion and patience and understanding, bolstered by conscience.

Start with what has been given you. Above all, accept the freedom and integrity of man which we are passing to you. It is not a matured tree we give you, but it is a strong sapling.

There is a great deal being said today about the cynicism of youth, about your rejection of so many of values. There is that cynicism, and it has become a part of the culture of the young. Even so, amidst all that influence, it is my firm belief that in general, youth tends to underestimate itself.

Look at this nation's history. The average age of the men who signed the Declaration of Independence was 44½ years—which may sound ancient at 18 and 19, but it's not, and certainly those men didn't fit the term "elder statesmen" which we tend to associate with our founding fathers. Henry Clay was a member of Congress at 25.

There were many of our past leaders who were under 40—William Jennings Bryan, Alexander Hamilton, Thomas Jefferson, Andrew Jackson, Theodore Roosevelt, and so on.

Then there were other young men in other fields—literature, music, commerce—Alexander Graham Bell, Lord Byron, Thomas Edison, John Keats, Mozart, Shelly, Schubert, Napoleon, McArthur, Alexander, LaFayette.

And who can deny the immense influence four young men in their early 20's—the Beatles—have had on the direction of serious music in our time.

All these men were recognized for their abilities in their twenties and thirties. Life begins at 40? Rubbish. You are not going to stand still until you reach 40. You have a job to do.

When he was 30, Robert Hutchins was named President of the University of Chicago. David Lilienthal was 34 when he became Director of the Tennessee Valley Authority. Lloyd Bentsen was a Congressman at 27.

So it is not the years in your life that are the important thing, but the life in your years. Do you read the comic strip Peanuts? I do. I like the one where Charley Brown gazes solemnly into the future and opines: "Nothing weighs so heavy as a great potential."

Sitting here before me is that great potential. You do not have to be 60, or 50, or 40, or even 30 to make your influence felt in this government which is so pervasive in our lives. If you doubt that giving the vote to the 18-year old isn't going to have a profound effect on politicians and politics, and government, then you better have another look at the future. Let me say to you that some politicos are looking at their hole card—they know you do have the strongest weapon of influence in your possession—the vote. How well you use the tool is your decision, but the point is: you, now, today have possession of that tool.

Granted, today it may seem easier to be a pessimist than an optimist. You may ask—I am only one—what can I do? Black pessimism and despair are high fashion. Self condemnation is rampant among many.

That cynicism and defamation may be self-gratifying, but those attitudes seldom get constructive results. The game today is getting results, at whatever age; the idea is to cause things to happen, to join the action.

Criticize—that's needed. Criticize in a constructive manner. Take a positive, constructive interest in your government that influences your life.

You need to be forewarned, those of you who take a deep interest and join in public service—and I advise it. If you do, you can expect to find yourself, your family and your friends at the large end of Mount Wilson's telescope and a galaxy of eyes at the small end, bearing a thousand charges leveled and frequently with little thought given to substantuating evidence.

We in America have come to expect those in public life to bear a little of the cross, and we all suffer the sins of the few who are no credit to political life, those few who do take advantage of their position. But it is a privilege and an honor to serve these United States, and it is in that service that one can wield the great influence.

If I may be permitted a personal reference here, I am in Washington today because that is the place where I can have the greatest say about the direction of the country. I suppose I had what is generally referred to as the "good life"—the comforts of adequate income and participation in civic and social events in Texas before I decided to run for the Senate. I had previously served in Congress, in the House—years before—so public service was not alien to me. However, it is with conviction that if I am to make the maximum contribution today, in these times, it is in the Senate. And let me assure you that there is one Senator who is part of that government we're talking about—Lloyd Bentsen—who strongly desires to hear from you, the young, and to know of your concerns, your opinions, your ideas.

I make the personal reference to emphasize a point—that with the personal criticism one will receive, if you are to get involved, really involved, you better be prepared to take the heat. What was it Harry Truman said: "If you can't stand the heat, get out of the kitchen." On the other hand, it's the kitchen where the broth is being prepared, where the cooks congregate. The rough and tumble of politics, the system which encourages critics to speak out, the society which forces its leaders to listen are the ingredients which keep this government viable and responsive. So I'm not complaining. I like it in the kitchen.

I make the reference also to say to you that I will make mistakes, and I deserve the critics barbs for those. There is no public official, from George Washington through Richard Nixon, who has not made mistakes.

So let us not just criticize the policies of government without offering a constructive alternative, or at least contributing to the solution rather than adding to the problem.

The great majority of elected officials in general, mirror the electorate, the people who vote them into office.

The problem, of course, is that too few people participate in that selection. Did you know that more people who were eligible failed to vote in the last Presidential election than voted for Mr. Nixon or Mr. Humphrey? Just over 60 percent of those eligible voted, which makes one wonder sometimes just how much we really appreciate our Democratic heritage. Participation—without it, our system won't work, our government cannot be truly functional and responsive.

An equally enlightened attitude is necessary toward our educational system. Most of you here will go on to higher education, and you are to be commended for pursuing greater knowledge. The need is for better, not just more, education to cope with the complexities of our times. You face an intensity of education unheard of in my college days, except for the recognized "brains" of my time who really dug in to ferret out a better education.

Because of the need for this intense education, the old attitude toward the educational system leaves something to be desired. Not too many years ago, a college degree was looked upon as a ticket to a better job. Education remains an economic plus, but it is something more, and its role in contributing to more than just material gains is growing.

There's great demand for change, and there are challenges to established university authority. There have been riots, and worse, at colleges and universities. So often a small, militant group has disrupted education for the majority, and this should not be allowed to happen. However, there are many valid grievances in the educational system that must be addressed, because too frequently the vast number of students feel they are little more than ciphers or numbers with little emphasis on the individual.

What concerns me is not the militant few, but the attitude of the majority in many of these instances. Academic freedom must not be the shield behind which anarchy flourishes, and certainly we cannot tolerate the militants to set the course for the majority. Again, here is the best argument for participation, for becoming active. The rule of majority is prevalent only when the majority participates.

We are witnessing change, and we should encourage change for the better. Even so, institutions, philosophies and ideas are neither good nor bad simply because they are not new. Neither are new ideas to be rejected because they have not been tried. Your education, indeed the education of your generation, is going to require much fuller intellectual development in these times when individual identity becomes harder to find. I agree with those who think we put too much emphasis on grades, rather than full development. Grades have come to mean the payoff in education, and soon after we get out we find out how misleading is this belief.

You here are fortunate to have attended a school which affords those qualities of education that so many schools lack. Use of the intellect you possess has been emphasized in this school, so you're ahead of many of your contemporaries. What you do with that head start will depend to a great extent on your attitude toward the institution where you continue to pursue learning.

Wisdom, said John F. Kennedy, requires the long view. The impatience of youth, the immediate condemnation of all that is old, the trend to discard something simply because it doesn't fit in the current culture can be a dangerous thing unless it is accompanied by understanding.

I mentioned earlier the cynicism of youth. Kingman Brewster, president of Yale University who has maintained a dialogue with his students, contends that the tendencies of skepticism and idealism are stronger, more passionate and more dangerous among your generation than among mine when we were your age.

If pushed too far and too fast, these tendencies can be destructive. This deep well of idealism and skepticism is both a great hope, and great threat. Hope because of your demands to right the wrongs, and do it now. A threat because it is too volatile, and terribly impatient. Too often the prevailing attitude demands instant solutions, and its passion makes it susceptible to being taken in by rhetoric and slogans, or attracted by panaceas.

Brewster described it by stating that it can be taken in by end without means and words without meaning.

Brewster tempered his indictment with an expression of confidence of the willingness of the educated young to face reality. They have a more apparent honesty, he contends, and this will see them through.

It is foolish to claim that the world will be won tomorrow, or the day after, for the flow of history is too uncertain to expect complete results. I know your frustrations, and they are not bad if they are channeled constructively. There are bound to be setbacks and times of agony and gloom. Things will not change as rapidly as you hope.

You may know the story of the great French Marshall Lyautey, who asked his gardener to plant a tree. The gardener objected, saying that the tree was too slow-growing, that it would take 100 years to reach maturity. The Marshall was insistent: "In that case, there is no time to lose—plant it this afternoon."

The world of no woes, no wars, and full brotherhood is some years distant. But we have no time to lose. Let us plant our trees this afternoon.

THE PRESIDENT'S PROPOSAL TO REORGANIZE THE CABINET

Mr. DOMINICK. Mr. President, soon after President Nixon's state of the Union message this January, the Denver Post contained an article commenting on the viability of the President's proposal to reorganize the Cabinet. The article describes the strengthening of Denver as the governmental headquarters of region 8 by the recent transfer there of regional offices for HUD, Labor, and OEO. The transfers should be particularly interesting to students of governmental reorganization because they effectuated the creation of the Mountain Plains Regional Council. The Council, which is one of the 10 located throughout the United States, represents a practical application of what President Nixon is trying to accomplish. It allows the Denver regional offices of Labor, HEW, HUD, Transportation, and OEO to consolidate thoughts, efforts, and resources on one particular problem.

The Council Chairman, William T. Van Orman, reports that already the Council has started several projects to cut out duplication of effort and red-tape.

I ask unanimous consent that the January 24 article by the Denver Post staff writer, Steve Wynkoop, be printed in the Record at this point. I recommend the article to all my colleagues, particularly those on the Government Operations Committee, presently considering reorganization proposals.

There being no objection, the article was ordered to be printed in the Record, as follows:

Cabinet Plan May Aid Denver

(By Steve Wynkoop)

President Nixon's State of the Union Message proposal to streamline the Cabinet may make Denver even more important as a regional government headquarters, a federal official believes.

Already, Denver has gained three new regional headquarters in an April 29 move to house Region 8 human resources administrations at the Denver Federal Building.

Prior to that time, only the Health, Education and Welfare and the Transportation Departments were centered in Denver.

The shift, which brought the Housing and Urban Development Department to Denver from Kansas City, Mo., along with the Office of Economic Opportunity and the Labor Department, also created a Mountain Plains Federal Regional Council designed to cut government red tape and foster inter-governmental cooperation.

In his Friday night speech, the President proposed cutting the number of Cabinet-level departments from 12 to 8.

The State, Treasury, Defense and Justice departments would remain, he said, with the others to be consolidated into human resources, community development, natural resources and economic development.

Saturday, William T. Van Orman, regional administrator for HEW and regional council chairman, said he foresees an expanded future role for Denver as a regional base for federal government.

Currently, four departments and OEO share contiguous boundaries in a six-state federal region.

Van Orman said the newly created Environmental Protection Agency and the Office of Emergency Planning are to join Region 8 and locate their headquarters in Denver.

He said Nixon's original move to realign federal regions "took a lot of political courage because such a move had been blocked for 30 years."

"I don't see where there will be any reduction of the federal work force," he said of the potential Cabinet shuffle. "I see where they (the departments) will be realigned so they can become more effective."

He said Nixon's earlier decisions to change governmental boundaries were the first steps "in what I think is part of a long-range plan on the part of the President to make government more responsive and implement his program of 'New Federalism.' "

Represented on the regional council, besides Van Orman, are Robert Rosenheim, regional administrator of HUD; Todd Potter, Labor Department regional administrator, Sam Martinez, OEO regional administrator, and Charles Beach, Transportation's regional administrator for the Federal Highway Administration.

The council has already embarked on several projects to cut out duplication of effort and red tape, Van Orman said.

For instance, he said, the council is working with the state of South Dakota to bring about a model rural development program.

Currently under way is a plan to house all five of the council members in the Denver Federal Building to further facilitate coordinated planning and make all of the human resources departments more accessible to the public.

Only HEW and Labor are now in the building, with the other three council members' offices scattered throughout Denver.

Nixon recommended affirmative debate by Congress on the proposals. He could have submitted them as reorganization plans which would take effect in 160 days unless either house objects.

Debate on the proposals may be lengthy as lobbyists and other interested persons make their views on the plans known.

The revision suggested by the President would be the most sweeping since the creation in 1789 of the first four Cabinet departments.

Denver is one of 10 cities with regional headquarters for the five human resource-oriented departments. All have established regional councils similar to the one here.

The other cities are Boston, New York, Philadelphia, Atlanta, Chicago, Dallas-Ft. Worth, Kansas City, Seattle and San Francisco.

COMPTROLLER GENERAL REPORT CRITICAL OF BUREAU OF MINES RECORD IN ENFORCING FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. WILLIAMS. Mr. President, last summer I requested the Comptroller General to investigate the implementation of the Federal Coal Mine Health and Safety Act of 1969. I have just received his report. His most disturbing conclusion is as follows:

> Bureau inspectors have cited mine operators for violations and have required that they be corrected. During subsequent inspections of the same mines, however, numerous new violations were found, often of the same type as the earlier ones. That situation is attributable, at least in part, to the fact that the Department's policies for enforcing health and safety standards have been, at times extremely lenient, confusing, uncertain, and inequitable.

HISTORY OF FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Federal Coal Mine Health and Safety Act of 1969 was enacted in response to the failures of both the Federal Government and the State governments in coal mining States to insure adequately the safety of the Nation's coal miners and to their complete disregard of the problems of health in the coal mining industry. This history was well documented during the hearings on the legislation as well as in the committee reports. There is no purpose to be served in restating those failures other than to recognize that the statute was designed not only to remedy the twin evils of unsafe and unhealthy conditions but to remedy the bureaucratic malaise that gripped both the Federal and State bureaucracies for decades.

The enactment of the Federal law led to immediate criticism from all quarters except the affected miners. To them the new law was a ray of hope. The several bureaucracies defensively argued that the statutory time limits for enforcement as well as the statutory standards were too strict and various segments of the industry pleaded that they could not comply. The severest criticism however, was not directed at Congress. Rather it was directed at the Federal Bureau of Mines by the men for whom the statute was enacted—the coal miners. Their cries at first went unheard by the Bureau of Mines and resulted in a series of work stoppages across the coal fields to protest the inadequate enforcement of the new law.

In response to this situation, the Subcommittee on Labor conducted a series of legislative review hearings both in Washington and in the coal fields of Pennsylvania and West Virginia during the summer of 1970. By and large those hearings demonstrated that the miners' plea was legitimate, that their complaints were not exaggerated, and unfortunately, that the Federal Bureau of Mines was unable to shake itself free from its "business as usual" attitude toward the problems of health and safety. During the course of those hearings I, as chairman of the subcommittee requested that the Comptroller General review the Bureau of Mines "actions and plans for implementation of the act, and furnish the subcommittee with a report on these activities including any comments or recommendations you believe are appropriate." That investigation was undertaken immediately. The Comptroller General has now provided the subcommittee with a report and recommendations.

COMPTROLLER GENERAL'S INVESTIGATION

The Comptroller General has investigated several aspects of the Bureau's enforcement program. Generally, the Comptroller General found that—

> Progress in complying with the requirements of the Federal Coal Mine Health and Safety Act of 1969 has not been in accord with the target dates set forth in the act, and it does not appear that full compliance will be achieved in the near future.

This criticism is directed at the Bureau's safety and health inspection program, approval of roof control, ventilation and fan stoppage plans and hiring of coal mine inspectors.

The Comptroller General went further and found that—

> The operators' required self-policing programs for determining whether they were complying with health and safety requirements also appeared to be ineffective.

While he recognized that the responsibilities of the Bureau were greatly expanded with the passage of the 1969 act and that there are significant problems in obtaining compliance with its requirements:

> *We believe that the Bureau can do more to achieve a greater degree of compliance.* (Italic added.)

Mr. President, for the benefit of my colleagues, I will now briefly summarize some of the more serious findings and conclusions of the Comptroller General.

INADEQUATE SAMPLING AND INSPECTION PROGRAMS BY THE OPERATORS

The act requires that numerous health and safety inspections be made by the coal mine operator. The Comptroller General found that most operators had not started their dust sampling programs as late as 5 months after the law required that such sampling begin—June 30, 1970—and that, in one sampling, more than 55 percent of the dust samples taken were unusable for various reasons.

In the Comptroller General's view:

> . . . it appears doubtful that the mine operators' sampling programs have been of much value to the Bureau for enforcement purposes.

On the safety side, the report gives even greater immediate reason for concern. The law requires four Federal safety inspections annually. However, to insure safety when the Federal inspector is not present, the law requires inspections by the operator before each shift, during each shift and every week.

The Comptroller General found that frequently these inspections were not being made or were being made inadequately and that the Bureau was not taking the necessary steps to improve this situation:

> We believe that effective preshift, onshift, and weekly inspections by the mine operators could result in fewer repeated violations of the type discussed above and in safer conditions for the mine workers. Therefore, the Bureau should require that the mine operators implement effective inspection programs. To achieve more effective examinations will require the operators to devote more emphasis to recruiting and training persons to perform these inspections. The operators also must provide for the prompt correction of hazardous conditions brought to their attention by their inspectors if the required inspections are to serve their purpose.

DELAYS IN SUBMISSION AND APPROVAL OF PLANS FOR ROOF CONTROL, VENTILATION, FAN STOPPAGE, AND EQUIPMENT LISTINGS

The two most serious safety problems in coal mines are roof control and methane control. To reduce the fatalities caused by roof falls and explosions, the Act requires that roof control, ventilation and fan stoppage plans be submitted by the operators for Bureau approval.

The Comptroller General inspected the adequacy of the Bureau's implementation of these requirements in two districts. Although the Mt. Hope, West Virginia district, had a much better record than the Norton, Virginia district, the Comptroller General still was compelled to reach a generally negative conclusion:

> The act requires that mine operators submit and the Bureau approve plans for roof control and fan stoppage by May 29, 1970, and plans for ventilation by June 28, 1970. The act requires also that operators furnish the Bureau by May 30, 1970, a listing of all electric equipment in use in the areas where coal is actually being mined. Our review showed that many such plans and listings had not been submitted and approved as of December 1970.
>
> The act requires further that roof control and ventilation be reviewed by the Bureau at least every six months. Neither district had begun this review process at the time of our review due to the backlog of initial approvals. We found that, until recently, the Bureau did little to induce operators to submit the required plans and listings. The responsibility for reviewing and approving plans had been delegated to the district office level with little or no direction from the Bureau headquarters.

NEED FOR CLEAR AND STRICT ENFORCEMENT POLICY

The most critical aspect of the Comptroller General's report deals with the Bureau of Mines' enforcement policy. This is most disturbing in light of the fact that the ineffectiveness of the Bureau's enforcement program was brought home to the Bureau during the Labor Subcommittee's legislative review hearings last summer.

In summary, the Comptroller General found as follows:

> Since the act became effective, Bureau of Mines inspectors have made many inspections, cited mine operators for many violations during their inspections, and required operators to abate the specific violations cited. When the inspectors made subsequent inspections of these mines, numerous new violations were cited and in many instances the violations were the same type that had been previously cited and abated. Thus, in many instances mine operators have not taken the actions necessary to assure full compliance with the prescribed health and safety standards.
>
> *We believe that the aforementioned situation is attributable, at least in part, to the Department's policies for enforcing health and safety standards, which in our opinion have not been effective and have at times been confusing, uncertain, and inequitable.*

Last summer, the Assistant Secretary of Interior responsible for the enforcement of the act told the Labor Subcommittee that relatively few mines had to be closed for failure to abate violations in a reasonable time. However, the Comptroller General found that—

> Although the unsafe conditions noted by the Bureau inspectors might have been quickly abated, our analysis of subsequent inspection reports indicated that, when the Federal inspectors returned to mines previously inspected, they often had found many violations of health and safety standards, including violations of the same standards previously cited. To achieve the objectives of the health and safety standards, the Bureau should require mine operators to take the necessary actions to ensure compliance with such standards on a day-to-day basis.

All too frequently while the operators may take action to correct the deficiency found by the Federal inspector, action is not taken to preclude a recurrence of the violation. For example, in one hazardous mine, the Comptroller General found that the operator had been cited for violations involving excessive accumulations of combustible materials during 9 out of 20 inspections. I need not remind my colleagues that excessive coal dust—a combustible material—was in part responsible for the 38 deaths in the recent mine disaster at Hyden, Ky.

The Comptroller General, in my judgment, is absolutely correct in concluding that the Bureau should "have made greater use of the authority to close mines for unwarrantable failure to comply with the act." He is also obviously on target with his criticism of the use of token penalties, a criticism the Labor Subcommittee levelled at the Bureau as early as last summer.

The Comptroller General's report is dated almost 1½ years after enactment of the Coal Mine Health and Safety Act of 1969. During that 1½-year period several Members of Congress, and especially the Senate's Labor Subcommittee, have been critical of the Bureau's procedures for assessment of penalties. We have been critical particularly of the Bureau's failure to take into account, in assessing penalties, the several factors mandated by Congress in the statute. Yet, the Comptroller General found this problem no less serious now than it has been for a year and a half.

> The penalty schedule used by the Assessment Officer gives little or no consideration to most of the six factors which are set forth in the regulations quoted above as well as in the act. For example, the amounts of penalties in his schedule do not take into consideration the effect that such penalties will have on the operator's ability to continue in business, the demonstrated good faith of the operator to achieve rapid compliance, whether the operator has been negligent, or the operator's history of previous violations.
>
> With regard to the operator's history of previous violations, we have been advised by the Assessment Officer that this factor is not being considered now because the period March 30, 1970, to April 1, 1971, is being considered as an educational period for the operators to become familiar with all the provisions of the act. The history of an operator will be considered on the basis of his compliance after the initial assessment for violations committed after April 1, 1971—1 year after the safety standards became effective under the act.
>
> The Assessment Officer stated that assessment of penalties was not being proposed for violations issued between March 30 and April 30, 1970, because these violations cited the regulations issued in the Federal Register of March 28, 1970, which the April 30, 1970, court order restrained the Department from enforcing. This restraining order, however, subsequently was dissolved. We see no valid reason for distinguishing between violations cited prior to the restraining order and those cited afterward, except for those violations cited prior to the restraining order which could not have been avoided because of the unavailability of equipment, material, personnel, or technology.

We in the Congress are all aware of the vital necessity for an effective and equitable enforcement program if any of the laws we enact are to serve their purposes. This awareness makes the Comptroller General's findings on this point all the more despairing.

Let me quote from his conclusions on the Bureau's enforcement policies:

> We believe that the Bureau's enforcement practices were not as effective as they could have been in inducing mine operators to take the necessary actions to ensure full compliance with the act. In this regard we believe that the Bureau should assess sufficiently large penalties to provide this inducement and should exercise greater use of its authority to issue withdrawal orders against mine operators who repeatedly fail to comply with the act. We believe that mine operators have had sufficient time to become familiar with all the requirements of the act and that the operators' history of previous violations should be considered in establishing the amounts of the penalties.
>
> We believe that, contrary to past practices, the Department should apply its enforcement policy uniformly and equitably to all mine operators who do not comply with the act.

Let me also remind my colleagues that this is not political rhetoric but the positive finding of an impeccably objective arm of the Congress.

NONCOMPLIANCE WITH LAW DUE TO SHORTAGES OF EQUIPMENT

For over a year now "shortages of certain types of equipment have been cited as a major cause of noncompliance with various health and safety requirements of the act." Although there have been shortages of certain types of equipment, the Comptroller General's findings reflect that a shortage of creative planning and creative adaptability is the more serious problem:

> Certain equipment shortages, although less of a problem now than when the act was passed, continued to preclude operators from complying with certain requirements. We found that some of these problems might be solved if the Bureau required operators to substitute equipment which was readily available for equipment which was not readily available. We found also that the Bureau apparently had contributed to the earlier equipment shortage by overbuying respirable-dust-sampling equipment and thus unnecessarily had reduced the quantities of such equipment available for purchase by mine operators.
>
> In our opinion, the Bureau may have permitted unnecessarily prolonged noncompliance with certain provisions of the act by allowing mine operators to order a particular brand of equipment and by granting time extensions for compliance even though that brand may have been in short supply while a comparable substitute brand may have been readily available.
>
> We believe that the Bureau purchased more dust-sampling equipment than it needed at the time, and, in doing so, contributed to the problem of an overall shortage of the equipment and might have precluded many mine operators from establishing a dust-sampling program within the time required by the act.
>
> The Bureau headquarters has not provided inspectors with guidance as to (1) the specific types of equipment that are, in fact, in short supply and (2) a reasonable estimate of the lead time necessary to obtain such equipment. Without such information there is no assurance that uniform determinations are being made by the Bureau inspectors regarding the unavailability of equipment or the time necessary to obtain equipment not readily available.

NEED FOR MORE GUIDANCE FOR INSPECTORS

In the field of safety and health, the function of the inspector is vital. He needs to be completely prepared to do a thorough job, to be objective, and to have the most up-to-date knowledge. No one would quarrel with this. Yet, in the Bureau of Mines this apparently is not the case. The following is the conclusion of the Comptroller General:

> We believe that the Bureau has not provided Bureau inspectors with adequate guidance concerning the criteria and methods used to determine whether mine operators comply with the health and safety standards set forth in the act and in the Department's regulations. We believe that the need for more definitive guidelines concerning the criteria and methods used in inspections is especially acute at this time because the Bureau is in the process of quadrupling the inspection force that it had when the act was approved.
>
> The Federal Coal Mine Health and Safety Act of 1969 is very comprehensive and complex, and we believe that, if the provisions of the act are to be administered uniformly, the Bureau's inspectors need to have a comprehensive, up-to-date manual.
>
> The only manual available to the inspectors was prepared to implement the provisions of the 1952 act. We recognize that new inspectors receive classroom, as well as on-the-job training. Nevertheless, in view of the complexities of inspection activities, we believe that written guidelines would provide greater assurance that inspection activities were being administered uniformly.

NEED FOR IMMEDIATE ACTION BY THE BUREAU OF MINES

It is clear from the history of the past year as now documented both in Senate hearings and by an investigation by the Comptroller General that the Coal Mine & Safety Act of 1969 has not been effectively implemented. What is worse is that little in the past year has happened to give me any hope for an immediate change. I have, therefore, begun to consider seriously the desirability of transferring the health and safety functions from the Department of the Interior to the Department of Labor. Whether such a move will bring greater safety and health to the mine fields is not clear, and I will reserve judgment until sufficient time has elapsed to measure the impact of this report on the Bureau of Mines. What is clear is that a massive shakeup is absolutely necessary; not a reorganization in the bureaucratic sense, but some cataclysmic event which will bring the health and safety functions of the Bureau of Mines into the 1970's. I pray that this can be achieved without another Farmington or Hyden disaster.

Mr. President, I ask unanimous consent that the entire text of the Comptroller General's report be inserted in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C.

B-170686.

HON. HARRISON A. WILLIAMS, Jr.,
Chairman, Subcommittee on Labor, Committee on Labor and Public Welfare, U.S. Senate.

DEAR MR. CHAIRMAN: This is our report on problems in implementation of the Federal Coal Mine Health and Safety Act of 1969 by the Department of the Interior. The results of our review are being made available to you in response to your request of August 13, 1970.

Our principal observations are summarized in the digest which appears at the beginning of the report.

As a result of agreement reached with your office, we obtained, and incorporated in the report, the comments of the Department of the Interior on the matters discussed in the report.

This report is being sent today to the Secretary of the Interior with a request that he furnish us with information on the specific actions and plans that the Department of the Interior and the Bureau of Mines have initiated to implement our recommendations.

We believe that the contents of this report would be of interest to other committees and members of the Congress. Any additional release of this report will be made, however, only upon your agreement or upon public announcement by you concerning its contents.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

PROBLEMS IN IMPLEMENTATION OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

(Report to Subcommittee on Labor Committee on Labor and Public Welfare, U.S. Senate, by the Comptroller General of the United States)

DIGEST

Why the review was made

The Federal Coal Mine Health and Safety Act of 1969 placed new responsibilities on the Bureau of Mines of the Department of the Interior for inspection of coal mines and gave the Bureau broad authority to enforce correction of unsafe and unhealthy conditions.

At the request of the Chairman, Subcommittee on Labor, Senate Committee on Labor and Public Welfare, the General Accounting Office (GAO) made a review of the Department of the Interior's implementation of the act.

Findings and conclusions

At the two districts visited by GAO, the Bureau had made about 31 percent of the required safety inspections and about 1 percent of the required health inspections through December 31, 1970.

Bureau inspectors have cited mine operators for violations and have required that they be corrected. During subsequent inspections of the same mines, however, numerous new violations were found, often of the same type as the earlier ones. That situation is attributable, at least in part, to the fact that the Department's policies for enforcing health and safety standards have been, at times extremely lenient, confusing, uncertain, and inequitable.

Various required samplings and inspections were not made by the mine operators, and some that were made were not adequate.

Plans for roof control, ventilation, and emergency action when a fan stops either have not been submitted by all mine operators or have not been approved by the Bureau of Mines, although the act requires that they be submitted and approved. Until recently the Bureau had done little to induce operators to comply.

The methods for approving roof control and ventilation plans and the contents of approved plans varied significantly between the two districts included in this review, apparently because Bureau headquarters had delegated the approval process to the district offices without providing sufficient guidance.

Regular mine inspectors make both health and safety inspections. The health inspections are less complex and do not require some of the special skills and knowledge that the regular inspectors must have. It may be possible to use some less highly qualified technicians to make health inspections to conserve the time of the regular inspectors who are in short supply.

The Bureau's practices concerning the imposition of penalties for noncompliance do not consider various factors prescribed in the act, such as the effect that such penalties will have on the operator's ability to continue in business and the operator's history of previous violations.

Shortages of certain types of equipment have been cited by the Bureau of Mines as a major cause of noncompliance with health and safety requirements. In this connection:

The Bureau has made no overall studies of the availability of equipment required for compliance with the act and of the normal time required to obtain equipment in short supply.

The Bureau may have permitted unnecessarily prolonged noncompliance with certain equipment requirements by granting mine operators time extensions to obtain a particular brand that was in short supply while an essentially comparable substitute was readily available.

The Bureau purchased more dust-sampling equipment than it needed and thus contributed to a shortage of such equipment and possibly precluded many mine operators from establishing dust-sampling programs within the time required by the act.

The team that investigates mine accidents usually includes Bureau personnel who have been involved in prior inspections of the mine or related activities or who are subordinate to officials responsible for carrying out these activities. In such cases, these personnel, in effect, are required to evaluate their own previous performance or that of officials to whom they are responsible. GAO believes that there should be greater independence in accident investigations.

Bureau inspectors are given insufficient criteria for making decisions on mine operators' compliance with health and safety standards. GAO believes that a comprehensive manual should be issued to provide inspectors with the necessary criteria and guidance.

Bureau representatives said that shortages of qualified manpower, certain equipment, and sufficient time were the principal reasons for noncompliance with the requirements of the act. GAO recognizes that the passage of the 1969 act has greatly expanded the responsibilities of the Bureau and that there are significant problems in obtaining compliance with its requirements. GAO believes, however, that more could have been done to achieve greater compliance.

Recommendations for suggestions

GAO made a number of proposals to the Secretary of the Interior to achieve the improvements needed. (See pp. 38, 55, 64, and 75.)

Agency actions and unresolved issues

The Department of the Interior said that GAO's report was an objective appraisal of the Bureau of Mines' efforts to implement the act in the time period covered by the report. With one exception, the Department said that actions responsive to GAO's proposals had been initiated or planned. (See pp. 39, 55, 65, and 76.)

The Department disagreed with GAO's suggestion concerning the use of people less highly qualified than regular coal mine inspectors to perform health inspections. The Department believes that it is highly desirable that all inspectors be capable of enforcing both health and safety standards and of advising operators of changes that are needed for compliance with the law, in both respects, at all times that they are in the mines. The Department stated also that it expected to recruit by June 30, 1971, the minimum number of personnel to make all the inspections required by the act.

GAO agrees with the Department's basic views. It believes, however, that, should serious difficulty be experienced in meeting recruitment goals for regular coal mine inspectors, the Department should give further consideration to the possibility of using less qualified persons to make health inspections.

CHAPTER 1.—INTRODUCTION

Pursuant to a request dated August 13, 1970, by the Chairman, Subcommittee on Labor, Senate Committee on Labor and Public Welfare (see app. I), we have reviewed the implementation of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801 *et seq.*) by the Bureau of Mines, Department of the Interior. Our review was directed toward evaluating the extent to which the Bureau required mine operators to comply with major health and safety requirements of the act.

Prior to the enactment of the Federal Coal Mine Health and Safety Act of 1969, the Bureau carried out a coal mine inspection and investigation program under the Federal Coal Mine Safety Act enacted in 1952. The new act repealed the 1952 act and placed new responsibilities on the Bureau of Mines for carrying out a program of inspection of coal mines and gave the Bureau broad authority to enforce correction of unsafe or unhealthy conditions.

The stated purposes of the act are (1) to establish interim mandatory health and safety standards and to direct the Secretary of the Interior to promulgate improved mandatory health and safety standards to protect the health and safety of the Nation's coal miners; (2) to require that each coal mine operator and miner comply with such standards; (3) to cooperate with and to provide assistance to the States in the development and enforcement of effective State coal mine health and safety programs; and (4) to improve and expand, in cooperation with the States and the coal mining industry, research and development and training programs aimed at preventing coal mine accidents and occupationally caused diseases.

In carrying out its responsibilities under the act the Bureau of Mines conducts investigations and inspections to determine the extent of compliance with the mandatory health and safety standards, issues violation notices and assesses penalties to miners and mine operators who violate the law and regulations, and establishes and conducts education and training programs to improve health and safety conditions and practices in mines.

The Bureau has five coal mine health and safety districts which have subdistrict and field offices to assist in carrying out the programs in their geographic areas. The Bureau also has a technical and advisory support group and a health group in Pittsburgh, Pennsylvania. The functions of the health group include analyzing samples of the mine's dust submitted by mine operators to determine the amount of dust particles to which miners are exposed. Support services also are provided by the Bureau's Automatic Data Processing Section located in Denver, Colorado. In addition, the act established the Interim Compliance Panel which is responsible for granting permits for noncompliance with certain health and safety standards.

The approximate expenditures for fiscal years 1970 and 1971 for implementing the major provisions of the Federal Coal Mine and Safety Act of 1969 are as follows:

	Millions omitted	
	1970	1971
Inspections, investigations, and rescue work	$12	$22
Health and safety research	11	20
Total	23	42

We have used in this report the approximate number of underground coal mines in operation during November 1970, as being indicative of the number of coal mines subject to the provisions of the act. The number of mines will change continually because of the opening of new mines and the closing of existing mines.

Our review was performed principally at the Bureau's district offices at Mount Hope, West Virginia, and Norton, Virginia. Of the approximately 2,475 underground coal mines in operation in November 1970, the Mount Hope District Office had enforcement responsibility for about 580 mines and the Norton District Office had responsibility for about 1,365 mines. Thus these two district offices were responsible for enforcing the provisions of the act at about 1,945 mines, or about 80 percent of the Nation's underground coal mines.

Major provisions of the act

The Federal Coal Mine Health and Safety Act of 1969 prescribes interim mandatory health and safety standards applicable to all underground coal mines until the Secretary of the Interior promulgates improved standards. The interim safety standards became effective on March 30, 1970, and the interim health standards on June 30, 1970.

The act prescribes a program of coal mine inspections to be carried out by the Department of the Interior to determine whether mines are operating in compliance with prescribed health and safety standards. The act provides authority to the Secretary of the Interior to enforce correction of conditions or practices that may be detrimental to the health and safety of miners. In addition, the act requires that representatives of the mine operators make certain health and safety inspections.

Health standards

The act prescribes health standards for controlling respirable coal dust which is the cause of pneumoconiosis, known as black lung. As defined by the act, respirable dust particles are 5 microns or less in size (a micron is one twenty-five thousandths of an inch). Effective June 30, 1970, the amount of such dust to which a miner may be exposed cannot exceed 3 milligrams per cubic meter of air, and after December 30, 1972, the concentration cannot exceed 2 milligrams.

Operators who were unable to comply with the 3-milligram standard could obtain from the Interim Compliance Panel noncompliance permits for up to 1 year during which time the standard, as set by the Panel, could not be greater than 4.5 milligrams. The Panel also is authorized to grant permits for noncompliance with the 2-milligram standard which will become effective after December 30, 1972.

In addition to requiring the Bureau inspectors to take periodic samples of the concentrations of respirable dust in each mine, the act requires mine operators to establish sampling programs in each mine and to submit dust samples to the Bureau for evaluation.

The act also includes interim health standards relating to dust resulting from drilling in rock, dust when quartz is present, and noise. The act provides that miners be given periodic chest X-rays for the detection of black lung.

Safety standards

The major safety provisions of the act relate to roof control, ventilation, and electrical systems and equipment. The act also established safety requirements in the areas of (1) combustible materials and rock dusting, (2) blasting and explosives, (3) equipment for transporting miners, (4) emergency shelters, (5) communications, and (6) fire protection.

With regard to roof support, the act required that mine operators submit, and the Secretary approve, a suitable roof control plan for each mine by May 29, 1970. Approved roof control plans are used during the Bureau's inspections to test compliance with the requirements of the plan.

The act also required each mine to have an approved ventilation system and methane and dust control plan by June 28, 1970. The plan is to show, among other things, the type and location of mechanical ventilation equipment and the quantity and velocity of air reaching each working face (surface from which coal is actually mined) in the mine.

The act requires that, by May 29, 1970, each mine operator adopt a plan providing for immediate actions to be taken when any mine fan stops. The plan must be approved by the Secretary of the Interior.

The act provides that, to minimize the danger of explosions and electroncutions, the electrical system and equipment meet certain specifications established by the Secretary of the Interior. In contrast to roof control and ventilation standards which depend upon the approved plans for each mine, electrical requirements are to be applied uniformly to all mines.

CHAPTER 2. MINE INSPECTIONS AND OPERATING PLANS RELATING TO MINE SAFETY

Progress in complying with requirements of the Federal coal Mine Health and Safety Act of 1969 has not been in accord with the target dates set forth in the act, and it does not appear that full compliance will be achieved in the near future. Through December 31, 1970, the two districts that we visited—

Had made about 31 percent of the required safety inspections and about 1 percent of the required health inspections;

Had approved about 47 percent of the required roof control plans, about 10 percent of the required ventilation plans, and about 44 percent of the required fan-stoppage plans;

Had received about 44 percent of the mine operators' listings of electric equipment in use; and

Had hired only 76 of the 318 coal mine inspectors that they had planned to hire.

The operators' required self-policing programs for determining whether they were complying with health and safety requirements also appeared to be ineffective. For example, the act required coal mine operators to inspect each mine before the start of each shift. We found that the Bureau inspections had disclosed numerous violations which should have been identified and corrected during the operators' inspections.

Bureau representatives stated that the shortage of qualified manpower, the shortage of certain equipment, and insufficient time were the principal reasons for not meeting the requirements of the act. Although we recognize that the passage of the 1969 act has greatly expanded the responsibilities of the Bureau and that there are significant problems in complying with its requirements, we believe that the Bureau can do more to achieve a greater degree of compliance.

Our detailed comments on the above matters follow.

Required number of inspections not made

The act requires a complete health and safety inspection of each underground coal mine at least four times a year. In addition, the act requires that mines which (1) liberate excessive quantities of methane or other explosive gases, (2) have had a gas ignition or explosion resulting in death or serious injury during the past 5 years, or (3) have any other especially hazardous conditions be inspected at least once every 5 working days.

The mines subject to the weekly inspections are referred to by the Bureau as hazardous mines, and the weekly inspections are called hazardous spot inspections. A spot inspection generally is confined to a single working section of a mine, and a complete inspection includes the entire mine.

The schedule below shows the numbers and types of inspections required and made, from the effective date of the act to December 31, 1970, by the two district offices included in our review. Safety standards became effective on March 30, 1970, and health standards became effective on June 30, 1970.

District and type of inspection	Number		
	Required [1]	Made	Percent
Mount Hope:			
Hazardous spot [2]	2,886	1,510	52.3
Regular	1,737	440	25.3
Health	1,158	28	2.4
Norton:			
Hazardous spot [2]	936	527	56.3
Regular	4,098	554	13.5
Health	2,732	16	.6
Total	13,547	3,075	22.7

[1] The act required that all mines be inspected 4 times each year but did not specify the time intervals between inspections. The number of required regular and health inspections in the above table was arrived at by prorating on the basis of the effective dates of the requirements.

[2] Although the act required that, beginning on Mar. 30, 1970, hazardous mines be inspected at least once every 5 days, we noted that the Bureau had not made a final decision as to the criteria for identifying hazardous mines and had not begun to make the required inspections until May 1970.

During the same period the two districts also made 980 partial but representative inspections and 1,025 regular spot inspections. These inspections are not specifically required by the act.

A partial but representative inspection is an inspection of only a portion of a mine—usually one or two working sections. A regular inspection includes the entire mine. The Bureau used the partial inspections as a means of reaching as many mines as possible with the available inspectors. The partial inspections were discontinued about mid-1970, and we were advised that the Bureau did not plan to make any additional inspections of this type.

A regular spot inspection occurs when an inspector enters a mine to clear a violation cited during a previous inspection and cites another violation. In one district we found that Bureau statistics on regular spot inspections had been overstated in that they had included at least 178 instances where no form of inspection actually had been made. In these cases coal mine inspectors merely delivered notices of violations to mine operators for not submitting required ventilation and roof control plans, but the inspectors did not go underground.

We were informed by district officials that not all required inspections had been made because of a shortage of coal mine inspectors.

Opportunity for more effective use of inspectors

The two districts that we visited use coal mine inspectors to make health inspections which primarily involve collecting samples of respirable dust. We believe that, if less qualified persons were used for making health inspections, the Bureau could use its more highly qualified inspectors more effectively by freeing them to make the more complex safety inspections.

The act provides that coal mine inspectors be qualified by (1) practical experience in the mining of coal, (2) experience as practical mining engineers, or (3) education. The qualifications established by the Department, in conjunction with the U.S. Civil Service Commission, require that applicants have a minimum of 5 years of experience, consisting of 3 years of general experience and 2 years of specialized experience.

The general experience requirement may be met by an applicant who has worked as a miner, as a miner's helper, in other positions in a mine which have provided him with a working knowledge of mining processes, or in another occupation similar to mining operations, such as construction work in which excavation is a principal activity. Although there is no minimum education requirement for these positions, each academic year of study above the high school level may be substituted for 9 months of general experience.

Specialized experience consists of managerial or supervisory experience in mining in such positions as mining engineer, superintendent, foreman, or other responsible positions. To meet the specialized-experience requirement for a coal mine electrical inspector position, an applicant must have had experience as a fully qualified journeyman electrician in coal mining or must have held a managerial position relating to electrical requirements of coal mining.

Persons hired to inspect coal mines receive 10 weeks of classroom training and at least 3 months of field training with constant supervision before they are permitted to assume complete responsibility for coal mine inspections.

A health inspection primarily involves the collection of samples to determine whether the amount of respirable dust in the mine atmosphere to which miners are exposed is within the standards set forth in the act. In addition to taking these samples and determining whether there is compliance with the dust standards, an inspector is responsible for:

1. Determining whether the operator has initiated the required sampling program.

2. Determining whether respiratory equipment, such as self-rescue units, is available to miners.

4. Checking the operator's dust control program for its overall effectiveness.

5. Making adjustments to Bureau sampling units.

6. Keeping accurate notes and records of the health inspection.

We found that health inspections were quite time-consuming. The collection of a respirable dust sample requires that a sampling device be worn by, or placed in the proximity of, the miner whose atmosphere is being tested. Bureau procedures provide that samples be collected for miners in all coal-producing sections of the mine and for 10 percent of all workers not in the coal-producing sections. A determination of the average respirable dust concentration to which each individual miner is exposed requires the taking of at least two samples and may require the taking of as many as five samples.

A Bureau official told us that between 5 and 6 inspector man-days were required to collect the samples and to prepare the necessary report for miners in one coal-producing section and for 10 percent of those miners working outside of coal-producing sections. The total inspector man-days required to determine whether a mine is in compliance with the dust standards set forth in the act depend upon the number of coal-producing sections in a particular mine. For example, we found that a total of 19 man-days had been spent in collecting dust samples at a mine in the Mount Hope district. Test results for the samples showed that the operator was in compliance with the respirable dust standards.

On the basis of our observation of a portion of a health inspection and discussions with Bureau officials, we believe that the duties of a health inspector do not demand the same experience and training in electrical system and equipment, ventilation, roof control, and other areas which are necessary for coal mine inspectors who make safety inspections. The use of less qualified persons to make health inspections could permit the more effective utilization of regular coal mine inspectors by freeing them to make the more complicated safety inspections.

Inadequate sampling and inspection programs by mine operators

In addition to requiring the Bureau inspections of coal mines, the act requires that the mine operators make certain health and safety examinations, including sampling respiratory dust and making preshift, onshift, and weekly inspections of the working areas. Our review indicated that not all the operators were making these inspections and that some inspections which had been made were not adequate.

Dust Sampling

Effective June 30, 1970, each coal mine operator was required to initiate a dust-sampling program to assist the Bureau in determining whether the workers in such mine were being exposed to excessive quantities of respirable dust.

The operator must forward the samples taken to the Bureau's Pittsburgh field group where they are measured and recorded. Pertinent information concerning the samples then is transmitted to the Bureau's Automatic Data Processing Section in Denver where it is processed. These results then are transmitted to the respective district offices so that appropriate action can be taken where operators are not in compliance with the required dust standard.

Each operator initially is required to collect and submit 10 valid samples from each coal-producing section or other areas where dust is generated. The operator subsequently is required to collect five valid samples each month in each coal-producing section. Where analysis of the initial and subsequent samples shows that the operator is complying with the applicable dust standard, the Bureau may require that samples be taken only bimonthly.

We discussed the implementation of the mine operators' sampling program with responsible agency officials at the Mount Hope and Norton District Offices. We were informed by district office officials that, as of November 1, 1970, about 80 percent of the mines in the Mount Hope district and, as of November 19, 1970, about 75 percent of the mines in the Norton district had not implemented fully the required sampling program. Therefore, although the requirement for full implementation of the operator's dust sampling program was effective June 30, 1970, most operators had not started sampling 5 months later.

Reasons for not sampling

We discussed with officials of both districts the reasons why so many operators had failed to take dust samples. They informed us that an equipment shortage initially had been a major factor but that this problem should no longer exist. They informed us also that many operators apparently had realized that the dust concentrations in their mines were above the applicable standard. They informed us further that, rather than initiate sampling programs, be cited for exceeding dust standards, and be required to take samples during every production shift until the violations were abated, these operators did not start sampling until corrective measures had been taken to reduce dust concentrations.

One of the district officials advised us that, because of the initial expense in purchasing equipment for dust control and because of a general feeling that the law might not be enforced strictly, many operators had adopted a "wait and see" attitude, intending to take only the minimal action necessary to comply with the Bureau's enforcement practices.

Efforts by Bureau to enforce dust-sampling requirements

In an effort to ensure that additional mine operators would initiate a sampling program, a list of mines which had no sampling program was obtained by both district offices from the Bureau's Automatic Data Processing Section in Denver. During the first week of October 1970, all mine operators determined not to be sampling were issued a notice of violation for failure to initiate a respirable-dust-sampling program.

The notice of violation advised each operator that he would be given until October 26, 1970, to abate the violation by taking the required samples. The notice further provided, however, that, upon the presentation of evidence by the operator to the Bureau's Washington headquarters that the violation could not be abated within the time specified because of unavailability of equipment or personnel which he was attempting to obtain, consideration would be given to an appropriate extension of time to abate the violation.

We were informed by agency officials that the health groups had given high priority to the follow-up of actions taken by operators on the notices issued for these violations. Bureau records showed, however, that, about 1 month after these violations were required to be abated, 53 percent of the mines in the Mount Hope district and 74 percent of the mines in the Norton district still had not instituted dust-sampling procedures. Information obtained from the Bureau further showed that, as of March 1, 1971, 22 percent of the mines in the Mount Hope district and 42 percent of the mines in the Norton district still had not initiated dust-sampling procedures.

Quality of dust sampling by mine operators

We reviewed the results of the dust samples taken on several selected days by coal mine operators who had implemented the sampling procedures. We found that more than 55 percent of the samples taken had been determined by the Pittsburgh field health group to be unusuable for various reasons, such as (1) submitting erroneous data with the sample, (2) taking samples on shifts where production was less than 50 percent of normal production, and (3) mishandling sampling equipment which caused the sample to be void.

During our discussions with district office officials, we were informed that the results of the samples that we had selected for review were representative of normal results.

In view of the extent to which such samples are unusable, it appears doubtful that the mine operators' sampling programs have been of much value to the Bureau for enforcement purposes.

Safety Inspections

Our review indicated that there was a need for mine operators to place greater emphasis on making the required preshift, onshift, and weekly inspections to detect conditions which constituted violations of mandatory safety standards or other conditions hazardous to persons entering or in the mines. Our review of selected Bureau reports on inspections of hazardous mines showed that mine operators repeatedly had been issued notices for similar violations over extended periods.

Bureau officials agreed that many of the violations for which operators had been cited by the Bureau were of the type which the operators' inspections should have identified and which should have been corrected by the operators prior to the Bureau inspections. We found evidence of the need for improvements in the inspection programs of both large and small mines.

Section 303(d)(1) of the act provides that, within 3 hours immediately preceding the beginning of any shift and before any miner enters the mine, persons designated by the operator and certified by the State as being qualified to make inspections examine the active workings of such mine. This preshift inspection is to include tests for accumulations of methane and for oxygen deficiency; examination and testing of the roof, face, and rib conditions in such working sections; examination of active roadways, travel ways, belt conveyors on which men are carried, and approaches to abandoned areas; and tests for proper ventilation.

Section 303(e) of the act provides that, at least once during each coal-producing shift or more often if necessary for safety, the examiner be required to make inspections of each working section similar to the preshift inspections. In addition to requiring the preshift and daily inspections, section 303(f) of the act requires the examiner to make examinations in specific locations in the mine for hazardous conditions at least once each week.

The act requires that each operator provide a program, approved by the Secretary of the Interior, for training prospective inspectors and for retraining the certified inspectors needed to conduct these inspections.

The mine operator's examiner is required to record the results of his inspections in books approved by the Secretary of the Interior. If the examiner finds any hazardous condition, he should promptly notify the operator and the condition should be corrected immediately.

In the preshift inspection, he should post a "Danger" sign conspicuously at all points through which persons entering such place would be required to pass. No person, other than an authorized representative of the Secretary of the Interior, a State mine inspector, or persons authorized by the operator to eliminate the noted hazardous authorized by the operator to eliminate the noted hazardous condition, may enter such place while the sign is posted. If a condition noted during the onshift or weekly inspection creates an imminent danger, the operator is required to withdraw all persons, except those mentioned above, from the affected area until the danger is abated.

Some inspections performed by the certified persons designated by mine operators appeared to have been ineffective because certain hazardous conditions and violations of mandatory safety standards, that the operators should have been made aware of by such inspections, were not corrected prior to Bureau inspections. Bureau inspection reports which we reviewed showed that notices had been issued repeatedly for violations of certain standards which we selected for use in evaluating the effectiveness of the mine operators' inspection programs.

The types of violations that we selected were (1) loose or inadequately supported roof; (2) inadequate ventilation; (3) failure to properly install and/or maintain line brattice (canvas or similar material used in mine passage to direct the flow of air) to provide adequate ventilation; (4) coal dust, loose coal, and other combustible material accumulated in active workings or on electrical equipment; (5) inadequate rock dusting (applying an incombustible material, usually powdered limestone, to the mine surface) to maintain the required incombustible content of the combined coal dust, rock dust, and other dust; and (6) more than one temporary splice, a temporary splice of an unacceptable quality in a trailing cable (a flexible electric cable connecting mine equipment to the power source) for electric equipment.

We found that in one hazardous mine the Bureau had performed 24 spot inspections during the 7-month period ended December 31, 1970, and had issued to the mine operator a total of 64 notices for violations of the standards listed above, of which 15 were for accumulations of coal dust, loose coal, and other combustible materials and 14 were for inadequate rock dusting.

Because the mine was classified as hazardous under section 103(i) of the act, it was subject to a spot inspection at least once during every 5 working days at irregular intervals. Despite the mine operators' apparent knowledge that the Bureau inspector could be expected during every 5-working-day period, the inspector often issued notices for similar violations on consecutive inspections. The correction of these violations did not appear to place any unreasonable demands on the operator because they were generally abated during the Bureau inspector's visits.

We discussed the implementation of the mine operators' inspection programs with several mine operators. These operators advised us of several reasons for their being cited repeatedly for these types of violations, including (1) the lack of certified persons to perform the required inspections; (2) their disagreement with Bureau inspectors' judgment—for example, whether the amounts of coal dust, loose coal, and other combustible material accumulations observed actually represented a hazardous condition; (3) the inconvenience or time lost in correcting conditions—for example, replacing temporary splices with permanent splices or providing new trailing cables; and (4) the lack of cooperation from the workers.

One mine company official stated that a planned program to recruit and train more persons needed to conduct the inspections was expected to achieve only limited success because of the workers' reluctance to accept the added responsibility of this position.

We believe that, when Bureau inspections disclose repeated violations of a similar nature or when violations appear to have existed for long periods of time, the Bureau should determine whether such situations are attributable to the failure of the mine operator to provide for adequate inspections, to the failure of the mine operator to take prompt corrective actions on hazardous conditions noted by the inspector, or to differences in the way in which the mine operator and the Bureau inspector interpret the safety standards.

If the Bureau finds that the operator's inspections are inadequate or that prompt corrective actions are not taken, we believe that it would be appropriate to penalize the operator. If, however, the Bureau finds that there are differences in interpretation of the requirements, such differences should be resolved.

The inconvenience caused by the need to correct a known statutory violation—such as the need to replace temporary splices in trailing cables—and the lack of cooperation from the workers do not seem to be sufficient justifications for not complying with specific requirements of the act.

The possible lack of objectivity by some operators who inspect their own mines may cause them to make ineffective examinations. For example, we noted one case in which a worker had been injured fatally by a roof fall in a small mine. According to the Bureau's investigation report on the fatality, one of the causes of the accident was the mine operator's failure to comply with his roof control plan which the Bureau had approved. The mine operator, who personally made the required inspections for hazardous conditions, had completed his inspection during the day of the accident without having noted the noncompliance with the approved roof control plan.

The Bureau inspector who conducted the investigation of the fatality told us that the mine operator had not been following the roof control plan for at least 2 days. He agreed that the mine operator should have noted the hazardous condition during his inspections.

The Bureau issued an order to withdraw all persons from the affected area because of the imminent danger of death or serious physical harm to the workmen as a result of conditions found in the mine subsequent to the accident. Although a notice of penalty pertaining to these conditions also had been issued to the mine operator, he was not cited for his ineffectiveness or indifference in making the inspections required for hazardous conditions.

A Bureau official advised us that its policy was not to attempt to determine whether violations of mandatory safety standards or other conditions for which the Bureau inspector issued notices had been present long enough for the operators' mine inspectors to have noted them and for the operators to have effected their correction prior to the Bureau inspectors' visit.

We believe that effective preshift, onshift, and weekly inspections by the mine operators could result in fewer repeated violations of the type discussed above and in safer conditions for the mine workers. Therefore the Bureau should require that the mine operators implement effective inspection programs. To achieve more effective examinations will require the operators to devote more emphasis to recruiting and training persons to perform these inspections. The operators also must provide for the prompt correction of hazardous conditions brought to their attention by their inspectors if the required inspections are to serve their purpose.

Delays in submission and approval of plans for roof control, ventilation, fan stoppage, and equipment listings

The act requires that mine operators submit, and the Bureau approve, plans for roof control and for stoppage by May 29, 1970, and plans for ventilation by June 28, 1970. The act requires also that operators furnish the Bureau, by May 30, 1970, with a listing of all electric equipment in use in the areas where coal actually is being mined. Our review showed that many such plans and listings had not been submitted and approved as of December 1970.

The act requires further that roof control and ventilation plans be reviewed by the Bureau at least every 6 months. Neither district had begun this review process at the time of our review due to the backlog of initial approvals. We found that, until recently, the Bureau had done little to induce operators to submit the required plans and listings. The responsibility for reviewing and approving plans had been delegated to the district office level with little or no direction from the Bureau headquarters. More detailed comments on these matters follow.

Roof control plans

The roof control plan describes the type and spacing of roof supports used, the procedures for installing the supports, and the sequence of mining to be followed. Approved plans are required to be posted at the mine to inform miners of the procedures that should be followed in their day-to-day operations and to provide criteria to be used by inspectors in citing unsafe roof conditions or practices.

Roof falls are one of the principal causes of fatalities in underground coal mining. During calendar years 1969 and 1970, the number of fatalities from this cause reported by the Bureau was 72 and 77, respectively. The purpose of the roof control plan is to reduce this hazard.

The schedule below shows the number of plans submitted and approved by May 29, 1970, and December 7, 1970.

District	Date	Approximate number required	Number of plans submitted	Number of plans approved	Percent of required plans approved
Mount Hope	May 29, 1970	580	355		
	Dec. 7, 1970	580	536	88	15
Norton	May 29, 1970	1,365	75	[1] 12	1
	Dec. 7, 1970	1,365	874	[1] 831	61

[1] Includes both tentative and fully approved plans.

The Department's regulations published on March 28, 1970, set forth specific items of information required in all roof control plans and establish the criteria by which district managers are to be guided in approving the plans. The regulations state that the criteria relate to normal conditions of roof, face, and ribs and that abnormal conditions will require additional measures. The regulations state also that roof control plans which do not conform to these criteria may be approved, provided that the operator can show that the resultant roof conditions will not pose a hazard to the miners.

GUIDANCE FROM BUREAU HEADQUARTERS

We found that methods for approving such plans and the contents of approved plans varied significantly between the two districts that we visited. We believe that this problem is largely attributable to the Bureau headquarters' delegating the approval process to the district offices without providing sufficient guidance as to the method to be used and as to the manner in which the Department's regulations are to be applied in reviewing roof control plans.

The procedures for approval of roof control plans at the Mount Hope District Office include, in addition to evaluations of data submitted by the mine operators, visits to the mines by roof control specialists for observations of conditions and discussions with mine operators. At the Norton District Office, the approval process consisted primarily of evaluations of the content of the plans and did not include visits to the mines. At the Norton District Office, the roof control plans are either disapproved, approved tentatively, or approved fully, the approval depending upon their completeness; whereas, at the Mount Hope District Office, plans are either approved fully or disapproved.

We randomly selected and reviewed 80 roof control plans that had been submitted to the two districts that we visited. We found that plans approved at the Mount Hope district contained all the required general information and generally met the guidelines set forth in the Department's regulations. We found that, generally, plans which had been approved tentatively at the Norton district did not contain all the required general information and appeared to meet less than half of the guidelines set forth in the regulations.

In those cases in which the plans did not meet the criteria set forth in the regulations, there was no evidence that the operators had shown, as required by the Department's regulations, that resultant roof conditions would not pose a hazard to the miners. We found that the Norton District Office had fully approved a few plans that contained all the required general information and that met many, but not all, of the criteria set forth in the regulations.

We were informed by Norton District Office officials that they had not followed the criteria set forth in the Department's regulations because, on April 23, 1970, a Federal judge in Abingdon, Virginia, issued an order restraining the Bureau from enforcing the regulations. (See p. 43.) Although the Bureau may have been restrained from enforcing the regulations, we are unaware of any reason why the Bureau did not use the criteria set forth in the regulations as a guide in reviewing the roof control plans. We were advised, moreover, by officials at the Mount Hope District Office that it was their policy to use the regulations as a guide in the approval process.

Additionally we noted that, on August 7, 1970, the Assistant Secretary, Mineral Resources, made the following statement before the Subcommittee on Labor, Senate Committee on Labor and Public Welfare.

"On March 30, the Bureau of Mines began to make inspections under the new law, citing violations with reference to the March 28 regulation. On April 23, a Federal judge in Abingdon, Virginia, issued an order restraining the Bureau of Mines from enforcing the regulations, and they have not been used as a reference for citing violations since that time. They have continued to be used by Bureau of Mines inspectors, however, as a guide in determining whether or not operators are in compliance with the statutory standards, and violations of the statutory standards have been cited accordingly. Consequently, the court order restraining the Bureau from enforcing the regulations has had only a minimal effect upon the enforcement of the law."

We were informed by Norton District Office officials that, subsequent to the lifting of the injunction in November 1970, approved roof control plans would comply with all the mandatory general information requirements in the regulations, such as those providing for disclosure of names and addresses of the company, the mine, and responsible officials; the description of the type of rock above and below the coalbed; and the sequence of mining and installation of roof supports.

With respect to the other criteria set forth in the regulations governing such things as plans for installation of roof bolts to support the mine roof, types of roof bolts to be used, and recovery of coal pillars upon completion of mining activities in a given section of the mine, the Norton district took the position that they would only be included in roof control plans if district officials considered them to be necessary for specific mines.

In contrast to the approach followed by the Norton district, we were informed by Mount Hope district officials that they had required compliance with all the criteria set forth in the regulations, except when mine operators could demonstrate that noncompliance would not result in any less protection to the miners. It appears that the procedures followed by the Mount Hope district are more in line with the intent of the regulations which provide that:

"Roof control plans which do not conform to these criteria may be approved providing the operator can satisfy the District Manager that the resultant roof conditions will provide no less than the same measure of protection to the miners."

We believe that the situation described above is illustrative of the need for the Bureau headquarters to provide more guidance and direction to its district officers in approving roof control plans.

Shortage of personnel

On December 30, 1969, when the 1969 act was approved, the roof control group at the Mount Hope District Office, whose function is to review and approve roof control plans for each mine in the district—about 580 mines in November 1970—consisted of a mining engineer and a coal mine inspector. At the time of our review, the group had been increased to seven members—a supervisor, an engineer, four coal mine inspectors, and a secretary. The supervisor estimated that a total of 15 members were required to fully carry out their responsibilities under the act.

The Norton District Office roof control group, with responsibilities for about 1,365 mines in November 1970, consisted of five members at the time of our visit to the office in November 1970. The group consisted of a supervisor, a mining engineer, and three coal mine inspectors. The Assistant District Manager estimated that the roof control group would be increased to 32 members by January 1, 1972.

On the basis of the number of roof control plans which the roof control groups in these two districts have been able to approve since the effective date of the act, it is obvious that neither district has had sufficient staff devoted to this activity to enable them to comply with the requirements for approval of roof control plans set forth in the act.

Informing mine operators of requirements

Both districts conducted meetings to inform members of the coal mine industry about the requirements of the act. We were advised that provisions of the act also had been discussed with operators on an individual basis. We were informed at the Mount Hope District Office that most of the meetings had consisted of a brief presentation on each functional area of the act, followed by a question and answer period. No written material concerning implementation procedures was provided. District officials told us that the meetings had been publicized highly but that they had no assurance that all mine operators had been contacted concerning the new act. We were told that some of the larger meetings, such as the one held in Beckley, West Virginia, had attracted 600 to 800 people.

Additional notice was provided to the mine operators on March 28, 1970, when the Department published its regulations, which included the requirements for roof control plans, in the Federal Register and stated that such plans should be filed with the appropriate district manager by April 20, 1970.

Although the Bureau made an effort to inform mine operators of the requirements for submitting roof control plans, there is no assurance that all operators had knowledge of these requirements. District office officials advised us that some operators, especially small operators, had not submitted roof control plans because they had been unaware of the requirement to do so.

In July 1970 Mount Hope officials contacted the mine operators who had not submitted plans and requested them to do so. Except for reminders to the operators concerning the need to submit roof control plans at such times as Bureau inspectors made inspections at individual mines, no specific efforts to inform the mine operators to submit the plans were made by either of the districts that we visited until early in December 1970. On December 3 Bureau headquarters directed all district offices who had not submitted plans. Thus the Bureau now appears to be making an effort to obtain the required plans.

Ventilation plans

The ventilation system and methane and dust control plan (ventilation plan) includes a map of the mine and shows (1) the type and location of ventilation equipment and regulators installed in the mine, (2) the quantity and direction of air flow in the mine, and (3) the methane and dust control practices employed in the mine. The act required mine operators to submit, and the Bureau to approve, such a plan for each mine by June 28, 1970. Our review showed that no ventilation plans had been approved by the required date.

The schedule below shows the number of plans submitted to, and approved by, the two districts at which we made our review.

District and date	Approximate number required	Number of plans submitted	Number of plans approved	Percent of required plans approved
Mount Hope:				
June 28, 1970	580	120		
Dec. 7, 1970	580	365	41	7
Norton:				
June 28, 1970	1,365	28		
Dec. 7, 1970	1,365	227	144	11

Department regulations for ventilation plans list general information to be included in the plans and criteria by which the district managers should be guided in approving the plans.

Guidance from Bureau headquarters

Department regulations do not establish the procedures for approving the plans, and little guidance has been furnished otherwise to the districts by Bureau headquarters. We found that the methods for approving the plans and the content of the plans varied significantly between the two districts that we visited.

At the Mount Hope district, the approval process includes visits to the mines by members of the district's ventilation group who observe the conditions of the mines and advise the mine operators of any revisions necessary to make the plans acceptable.

At the Norton district, the approval process is based on the content of the plans and does not include visits to the mines.

We randomly selected and reviewed 18 ventilation plans to determine the content of the plans at the two districts that we visited.

As was the case with roof control plans, ventilation plans submitted to, and approved by, the Mount Hope district contained virtually all the provisions required by the regulations, whereas ventilation plans approved by the Norton district contained about half of the provisions. Unlike the Norton district's practice of tentatively or fully approving roof control plans on the basis of the completeness of such plans, however, all ventilation plans were approved fully.

The provisions to which most of the plans approved by the Norton district did not conform related to (1) limits of the mine property, (2) oil and gas wells, (3) abnormal conditions or faults, (4) velocity of air, (5) entry height, (6) abandoned or pillared areas, (7) auxiliary fans, and (8) bleeder systems. Norton officials agreed that ventilation plans which contained very little information had been approved. These officials informed us that, in their opinions, any plan was better than no plan at all and that the inadequate plans would be improved during the 6-month review process. As mentioned previously, neither district had begun the review process because of the backlog of initial approvals.

Norton district officials advised us that another reason that the plans had not contained more of the required information was because all regulations issued before November 20, 1970, were considered unenforceable because of a district court injunction. (See p. 43.)

We were informed by Norton district officials that, subsequent to the lifting of the injunction in November 1970, approved ventilation plans would contain all the information which the regulations required the operators to submit, such as that information disclosing the methane and dust control practices followed and showing air quantities and velocities in the ventilation systems used.

Other criteria for approval of ventilation systems set forth in the regulations govern such things as the arrangement of the ventilation system in mines using multiple main fans to prevent the accidental reversal of the air flow in case a ventilating fan fails and the methods and materials for constructing permanent partitions to direct the flow of air. The Norton district took the position that these criteria would be included in ventilation plans only if district officials considered them to be necessary for specific mines.

In contrast to the approach followed by the Norton district, we were informed by Mount Hope district officials that they required compliance with all the criteria set forth in the regulations except when mine operators could demonstrate that noncompliance would not result in any less protection to the miners. It appears that the procedures followed by the Mount Hope district are more in line with the intent of the regulations which provide that:

"A ventilation system and dust control plan not conforming to these criteria may be approved, providing the operator can satisfy the District Manager that the results of such ventilation system and dust control plan will provide no less than the same measure of protection to the miners."

In our opinion, the above differences in the review and approval processes and in the content of plans between the two districts that we visited are additional indications that district offices need more specific guidance from Bureau headquarters.

Mount Hope and Norton district officials informed us that the ventilation plans had not been submitted and approved as required because (1) mine operators lacked the capabilities to prepare the plans and needed assistance from the Bureau; (2) mine operators were confused about what the plans were required to contain, especially since the injunction was obtained against the regulations; and (3) the districts lacked adequate personnel to assist operators and to review and approve plans.

Shortage of personnel

The ventilation group at the Mount Hope District Office was set up in April 1970 with three members—a supervisor, a mining engineer, and a coal mine inspector. The group is responsible for reviewing and approving ventilation plans for all mines in the district—about 580 mines in November 1970. At the time of our visit to the Mount Hope District Office in November 1970, the group had been increased to eight members—a supervisor, five engineers, a trainee, and a coal mine inspector. The supervisor estimates that a total of 30 members will be required to fully carry out the group's responsibilities under the act.

The ventilation group at the Norton district was set up in July 1970 with one member—a ventilation engineer. The group is responsible for approving ventilation plans for about 1,365 mines. At the time of our review, the group still consisted of only the ventilation engineer. A district official estimates that a total of 11 members are needed in the district and field offices.

On the basis of the number of ventilation plans which the ventilation groups in these two districts have been able to approve since the effective date of the act, it is obvious that neither district has had sufficient staff devoted to this activity to enable them to comply with the requirements for approval of ventilation plans set forth in the act.

Informing mine operators of requirements

The efforts made to inform members of the coal mine industry of the requirements of the act were discussed on page 28.

We found that, in August 1970, Mount Hope district personnel contacted mines which had not submitted plans and requested them to do so. No special effort, other than reminders of the need to submit such plans when inspectors visited individual mines to make inspections, was made by the Norton district.

On December 3, 1970, Bureau headquarters in Washington sent a directive to the districts to immediately issue notices of violation to mine operators who had not submitted the plans for approval. It appears that the Bureau is now making a more concerted effort to obtain the required plans.

Fan-Stoppage Plans

The act required mine operators to submit, and the Bureau to approve, fan-stoppage plans for each underground coal mine by May 29, 1970. The plan describes steps to be followed in the event that a fan used for ventilating the mine stops for any reason. Approved plans are to be posted on the mine bulletin board so that miners will be aware of specific procedures to be followed in case of fan stoppage.

The act states that the plan is to provide for immediate action by the operator to (1) withdraw all persons from the working sections, (2) cut off the power in the mine on a timely basis, (3) provide or restoring power and resuming work if ventilation is restored within a reasonable period of time, and (4) provide for withdrawing all persons from the mine if ventilation cannot be restored within a reasonable period of time. The Department regulations published in the Federal Register on March 28, 1970, define the reasonable period of time as not more than 15 minutes.

The schedule below shows the number of plans submitted to, and approved by, the two districts at which we made our review.

District and date	Estimated number required	Number of plans submitted	Number of plans approved	Percent of required plans approved
Mount Hope:				
May 29, 1970	580	180	78	13
Dec. 31, 1970	580	448	352	61
Norton:				
May 29, 1970	1,365	150	150	11
Dec. 7, 1970	1,365	500	500	37

Reasons given by district officials for operators not submitting plans as required were much the same as the reasons given for not submitting roof control plans. We were informed that plans had not been submitted as required because some operators (1) were unaware of the requirement or (2) were reluctant to comply with the provisions.

We found that, although many of the required plans had not been submitted at the time of our review, the two districts had done little to induce operators to submit the plans. In August 1970 the Mount Hope district contacted mines which had not submitted plans and requested them to do so; however, the Norton district had made no follow-up effort as of the time of our review.

Although the act and the Department regulations were specific as to what the plans should contain, we found that the Bureau had established no written procedures for reviewing plans. The methods for reviewing the plans and the contents of the plans differed in the two districts that we visited.

At the Mount Hope district, plans are reviewed for conformity with the required items. Plans which do not contain all required items are disapproved and returned to the operator, specifying what additional information is needed. In the Norton district, plans received are amended by district officials to include the specific criteria required by the act and the regulations and are returned to the operator approved as amended.

We reviewed a total of 24 plans in the two districts to determine the contents of the plans. Plans approved in the Mount Hope district contained all required items; however, several plans amended and approved by the Norton district did not. For example, one such plan at the Norton district did not show a reasonable time for restoring ventilation, and another plan did not provide for the immediate withdrawal of all persons from the working sections.

Norton officials advised us that plans which did not contain all the required items had been approved erroneously. They advised us that all approved plans would be reviewed and that those that were deficient would be revised to include all necessary requirements.

Listings of Electric Equipment

The act required each mine operator to file with the Bureau's district offices by May 30, 1970, a listing of all electric equipment in use in areas where coal actually was being mined. The listing is required to show, among other things, whether the equipment is rated permissible and is maintained in permissible condition or whether it is nonpermissible. Permissible equipment is equipment which meets specifications prescribed by the Bureau to prevent the equipment from causing a mine fire or a mine explosion.

We have been advised by district office officials that the listings can be used for the following purposes.

Information showing the amount of nonpermissible equipment used in industry will be helpful in determining how much permissible equipment will be needed in the future to comply with the act.

The listings can be used in evaluating the reasonableness of applications that may be filed in the future by mine operators for extensions of time for using nonpermissible equipment.

The listings can assist inspectors by showing what equipment must be maintained in permissible condition.

We were told by an official of the Bureau's Health and Safety Technical Support Center in Denver that the Bureau had no reliable records of the mines which had submitted the listings; however, on the basis of rough estimates furnished by the Bureau, it appeared that about 44 percent of the mine operators in the two districts that we visited had filed the required listings as of December 31, 1970.

We were informed that neither of the districts had made an effort to contact mine operators but that operators who had not submitted the listings had been sent letters, reminding them of the need to submit such listings, by Bureau headquarters during the last week in November 1970.

We noted that, as of December 31, 1970, only 15 notices of violation had been issued for not submitting the required listings in the two districts that we visited.

Conclusions

During the first year since the enactment of the Federal Coal Mine Health and Safety Act of 1969, some progress has been made in implementing the provisions requiring a prescribed number of coal mine inspections, the institution of a respirable-dust-sampling program, and the approval of plans for roof control, ventilation, and fan stoppage.

Much remains to be done, however, to achieve full compliance with these provisions of the act. Although we recognize that the passage of the 1969 act has greatly expanded the responsibilities of the Department of the Interior and the Bureau of Mines and that there are significant problems in complying with its requirements, we believe that the Department and the Bureau can do more to achieve a greater degree of compliance.

Recommendations to the Secretary of the Interior

We recommend that the Secretary of the Interior require the Director of the Bureau of Mines to:

Consider hiring and training persons with lower qualifications than those of regular coal mine inspectors to specialize in health inspections and to thereby free more regular inspectors to make the more complicated safety inspections, if the Bureau is unable to hire the necessary more highly qualified regular inspectors.

Require the district offices to monitor the respirable-dust-sampling activities which the mine operators must perform to determine whether the concentration of such dust is within the limits prescribed by the health standards and to assist the mine operators in overcoming problems in their sampling operations.

Require Federal coal mine inspectors to review the adequacy of safety inspections made by employees of mine operators and to cite violations where adequate inspections are not made or where mine operators fail to take actions to abate hazardous conditions found by their inspectors. If, in evaluating the adequacy of the operator's inspection, the Bureau inspector finds that the operator's inspection was inadequate because of differences between interpretations of the safety standard, the Bureau should consult with the mine operator to resolve these differences.

Provide additional guidance and direction to the district offices with respect to information which roof control and ventilation plans are required to contain and the methods to be used in reviewing such plans.

Intensify the efforts of the Bureau to recruit qualified persons to review and approve roof control plans and ventilation plans.

Increase the Bureau's efforts to obtain compliance with the health and safety requirements of the act by assessing appropriate penalties to mine operators who fail to submit required plans, initiate and carry out required health and safety programs, or otherwise violate the requirements of the act.

In commenting on our draft report for the Department of the Interior, the Director of Survey and Review, in a letter dated March 29, 1971 (see app. II), stated that the report was an objective appraisal of the Bureau of Mines' efforts to implement the act within the period of time covered by the report and that, with one exception, actions responsive to our recommendations had been initiated or planned. The Director did not indicate what specific actions and plans were initiated or formulated.

The Department disagreed with our proposal that consideration be given to hiring people with lower qualifications than those of regular coal mine inspectors to specialize in health inspections. The principal reasons given by the Department for disagreeing with our proposal follow.

The Bureau expects to recruit, by June 30, the required minimum number of personnel to make all the inspections required by the act.

The Bureau is currently using inspector-trainees and technicians to assist in both health and safety inspections and will continue to do this to the extent that it can be done without reducing the quality of the inspections.

All inspectors should be capable of enforcing both health and safety standards and of advising operators of changes that are needed for compliance with the law in both respects at all times that they are in the mines.

We agree with the Department of the Interior that it is desirable that all inspectors be capable of enforcing both health and safety standards and of advising operators of changes needed for compliance with the law. We believe, however, that, if the Bureau experiences any serious difficulty in meeting its recruitment goals for regular coal mine inspectors, the Department should give further consideration to the possibility of hiring less qualified persons to make health inspections.

CHAPTER 3. NEED FOR CLEAR AND STRICT ENFORCEMENT POLICY

Since the act became effective, Bureau of Mines inspectors have made many inspections, cited mine operators for many violations during their inspections, and required operators to abate the specific violations cited. When the inspectors made subsequent inspections of these mines, numerous new violations were cited and, in many instances, the violations were the same type that previously had been cited and abated. Thus in many instances mine operators have not taken the actions necessary to ensure full compliance with the prescribed health and safety standards.

We believe that the aforementioned situation is attributable, at least in part, to the Department's policies for enforcing health and safety standards, which in our opinion have not been as effective as desirable and which at times have been confusing, uncertain, and inequitable.

The Federal Coal Mine Health and Safety Act of 1969 requires coal mine operators and miners to comply with prescribed health and safety standards. It requires representatives of the Secretary of the Interior to make inspections and investigations in coal mines to determine, among other things, whether there is compliance with these mandatory health and safety standards, and it specifically provides for certain enforcement actions to be taken by the inspectors when violations are found.

The existence of any condition or practice in a coal mine that reasonably can be expected to cause death or serious physical harm before such condition or practice can be abated is considered an imminent danger.

If an inspector finds such a condition or practice, he must issue an order withdrawing the miners from the mine or from the affected part of the mine. If the violation has not created an imminent danger, he is required to cite the mine operator for the violation and to allow the violator a reasonable time to abate the violation. If the violation is not abated by the end of that period and if the inspector does not find that the period should be extended, he is required to order a withdrawal of all workers from the area affected by the violation.

If an inspector finds a violation of a standard which does not cause an imminent danger but which could contribute significantly to any mine hazard and if he finds that the violation is due to an unwarrantable failure of the operator to comply with the standards, the inspector is required to issue a notice of his findings to the operator.

If, during the same inspection or any inspection within 90 days after issuance of the notice, an inspector finds another violation which is also due to a unwarrantable failure to comply, he must order the miners withdrawn from the mine. Once a withdrawal order has been issued for an unwarrantable failure, the inspector on subsequent inspections must issue additional withdrawal orders until no similar violations are disclosed.

The act authorizes the Secretary of the Interior to assess civil penalties against coal mine operators for violations of health and safety standards and against any miner who violates the mandatory safety standards releting to smoking or the carrying of smoking materials underground. Criminal penalties also are provided for willful violations of health and safety standards.

The manner in which the Department has implemented its enforcement powers under the act is discussed in the following sections.

Changes in enforcement policy

On March 28, 1970, the Secretary of the Interior published in the Federal Register extensive coal mine safety regulations for implementing and supplementing the interim standards provided in the act. In addition, the Federal Register contained the Department regulations which described the organization, function, and procedures—including procedures for assessing penalties—of the Board of Mine Operations Appeals in the Department of the Interior.

The procedures provided that, when a Bureau inspector issued a notice of violation, the mine operator or miner could make a penalty payment in accordance with a schedule included in the regulations. If payment was not received within 30 days after receipt of the notice of violation by the mine operator or miner, the procedures provided that proceedings for the assessment of penalties would be initiated upon the Bureau's filing a copy of the notice of violation with the Board. In determining the amount of penalty, the procedures provided that the Board would disregard the penalty schedule contained in the Department's regulations and would assess the penalty after considering certain factors specified in the act.

On March 30, 1970, the Bureau began to make inspections under the new law and cited violations in accordance with the Department's March 28, 1970, regulations.

The U.S. District Court for the Western District of Virginia at Abingdon issued a temporary restraining order on April 23, 1970, relating to the Department's enforcement policy. The court order, as subsequently modified on April 30, 1970, restrained the Secretary of the Interior from:

Enforcing the Department's safety regulations published in the March 28, 1970, Federal Register.

Assessing penalties and accepting payment in accordance with the penalty schedule published in the March 28, 1970, Federal Register.

Enforcing the safety standards of the act to the extent that violations could not be abated because of the lack of technology; the unavailability of certified, registered, or qualified personnel; or the unavailability of materials or equipment.

The court pointed out, however, that nothing in its order should restrain the Department from enforcing by any level means—fines, penalties, or closure—the correction of any condition which would result in imminent danger to persons working in the mines. Additionally, the court order did not prohibit the Secretary from:,

Enforcing the safety standards of the act to the extent that operators were not prevented from compliance because of the lack of technology; the unavailability of certified, registered, or qualified personnel; or the unavailability of materials or equipment.

Enforcing health standards of the act and Department regulations.

Initiating proceedings with the Board of Mine Operations Appeals for the assessment of penalties.

On May 7, 1970, the Department published in the Federal Register a revision to the penalty schedule set out in its regulations on March 28, 1970. (See p. 50.)

On April 24, 1970; May 1, 1970; and May 22, 1970, a Bureau headquarters official issued instructions to the district offices to be followed during the period of the temporary restraining order for inspection and enforcement of the act and departmental regulations. The May 22, 1970, instructions, however, made no reference to the May 7, 1970, revised penalty schedule.

The May 22, 1970, instructions, which rescinded the instructions issued on April 24 and May 1, basically provided that mines be inspected only for compliance with the safety standards of the act and that notices of violation and orders of withdrawal be issued where necessary. The instructions provided, however, that, where violations could not be abated because of the lack of technology; the unavailability of certified, registered, or qualified personnel; or the unavailability of required equipment or materials, an informational, rather than a violation, notice be issued to the violator advising him of the violation and that no penalty be assessed. The instructions provided that, in these instances, no time be set for abatement of the violation.

The instructions provided that the following notation be added to violation notices and withdrawal orders subsequently issued.

"A civil penalty will be assessed pursuant to Section 109 of the Act."

The instructions provided, however, that, until revised procedures for the assessment of civil penalties could be established, notices and orders not be filed with the Board of Mine Operations Appeals for the assessment of civil penalties under the act. This instruction continued in effect until November 1970.

On November 4, 1970, the Deputy Director, Health and Safety, advised the district managers that the Department would begin immediately to institute proceedings for assessment of civil penalties under the act for orders of withdrawal and that procedures for assessment of penalties would be announced soon.

On November 11, 1970, the court's restraining order was dissolved. On the basis of this action, the Bureau headquarters issued the following instructions to its district managers.

"1. Safety inspections are to be made only under the statutory provisions of the Federal Coal Mine Health and Safety Act of 1969, and notices of violation are to be issued for each violation of the statutory provisions.

"2. Informational notices or warnings shall no longer be issued.

"3. Where the violation exists because of lack of technology, or the unavailability of equipment, personnel, or material at the time of the inspection, the notice shall contain a determination that the operator was not at fault. The basis for this determination shall be documented on the notice.

"4. The notice of penalty form is not to be used. No schedule of penalty is presently in effect, and you are authorized to inform the operator orally that his liability for a penalty will be determined when the Department announces its policy for assessment of penalties.

"5. The policy for issuance of closure orders remains unchanged.

"6. Upon issuance of new regulations and the establishment of an assessment policy, further instructions will be issued."

On November 18, 1970, the Department published in the Federal Register an amendment to its enforcement regulations, deleting the penalty schedule. On November 19, 1970; a Bureau headquarters official advised the district offices that, during inspections subsequent to November 11, 1970, notices of violations should be issued when it was found that a violation still existed that had been cited previously on an informational notice. Additionally, the instructions provided that, if the specified time for abating a violation was extended, the particular reasons for the extension should be specified.

On January 16, 1971, the Department published in the Federal Register amended procedures for assessing civil penalties. The regulations which set forth the guidelines for assessment of penalties included a schedule showing a range of dollar amounts of various types of penalties. (See p. 53.)

Recurring violations

In August 1970 the Assistant Secretary, Mineral Resources, informed the Subcommittee on Labor, Senate Committee on Labor and Public Welfare, of the progress being made to implement the Federal Coal Mine Health and Safety Act of 1969. The Assistant Secretary stated that:

"The Bureau has cited more than 13,000 violations of the safety standards in the law and has required, or is requiring, all of these violations to be abated in a reasonable time, but it has been necessary for the Bureau to issue withdrawal orders in only 179 mines—120 for imminent danger and 59 for failure to abate a violation in a reasonable time. Generally, the conditions cited in these orders have subsequently been abated rather quickly after the orders were issued to permit the mines to reopen."

Although the unsafe conditions noted by the Bureau inspectors might have been quickly abated, our analysis of subsequent inspection reports indicated that, when the Federal inspectors returned to mines previously inspected, they often had found many violations of health and safety standards, including violations of the same standards previously cited. To achieve the objectives of the health and safety standards, the Bureau should require mine operators to take the necessary actions to ensure compliance with such standards on a day-to-day basis.

To determine the extent of implementation of the safety standards of the act, we examined 438 inspection reports for 16 mines in each district which the Bureau had classified as hazardous. We found that violations had been cited on 366 of these inspections. More importantly, 261 of the inspections found violations which had been cited at least once on a prior inspection. Although action apparently had been taken to correct the original deficiency, action was not taken to preclude its recurrence. In some cases the violations were reported time and again.

For example, of the 16 hazardous mines in the Norton district for which we reviewed inspection reports, 12 had repeated violations involving excessive accumulations of combustible materials and inadequate rock dusting, which are especially dangerous conditions in mines. The operator of one mine was cited for excessive accumulations of combustible materials in nine of 20 inspections.

In the Mount Hope district, we found that violations for excessive accumulation of combustible material and inadequate rock dusting were cited repeatedly in 15 of the 16 mines. The operator of one mine was cited for excessive accumulations of combustible materials on 13 of 15 inspections, including eight consecutive weekly inspections. Of 963 violations cited at the 32 mines, nearly 560, or over half, were repeat violations. About 230 of the violations involved excessive accumulations of combustible materials or inadequate rock dusting.

At the Mount Hope district, our test of 16 hazardous mines showed that, from July 14 through November 23, 1970, only 17 withdrawal orders for imminent danger had been issued closing single sections of mines for from 1 to 16 days; an average closing was for about 3 days. In nine of the withdrawal orders, the section was closed 1 day or less. At Norton, from May 28 through November 16, 1970, 10 withdrawal orders were issued closing single sections of mines for from 1 to 3 days. Nine of the withdrawal orders were for periods of 1 day or less.

Our review of the inspection reports on 32 hazardous mines showed that, despite the fact that 58 percent of the violations cited in the reports were repeat violations, the Mount Hope district had issued no notices for unwarrantable failure to comply with the act and no withdrawal orders on that basis and that the Norton district had issued 11 such notices and three withdrawal orders.

The Assistant District Manager of the Mount Hope district told us that the reason for not issuing notices and withdrawal orders was to give mine operators time to become familiar with the act. He stated that, had the provision of the act relating to unwarrantable failure by operators to comply with the act been enforced from the beginning, very few mines could have remained open. He agreed, however, that enforcement of this provision would increase the effectiveness of the act.

We believe that it would have been especially appropriate for the Bureau to have made greater use of the authority to close mines for unwarrantable failure to comply with the act during the period that the Secretary was restrained from assessing penalties on the basis of a penalty schedule.

Amendment to penalty schedule in May 1970

Despite the court order on April 30, 1970, specifically restraining the Department from assessing penalties and from accepting payments in accordance with the penalty schedule of payments set forth in its regulations, the Department on May 7, 1970, amended its penalty schedule by reducing the penalties for initial violations occurring between March 30, 1970, and September 30, 1970. The Department accepted payments made voluntarily by mine operators, which were based on either the March 28, 1970, or the May 7, 1970, penalty schedule.

The amounts of payments for initial violations were reduced to one twenty-fifth of the former amounts, as shown below.

Nature of violation	Amounts of penalties	
	Mar. 28, 1970, Federal Register	May 7, 1970, Federal Register
Violation or violations resulting in imminent danger	$500	$20
Violations caused by unwarrantable failure to comply with the act	100	4
All other violations	25	1

Under the amended penalty schedule, serious violations of the act relating to such matters as deficiencies in roof support, excessive accumulation of coal dust, and electrical and ventilation deficiencies would result in penalties to the operators of only $1 for each violation, provided that the inspector did not determine that such violations had caused an imminent danger to the miners or that the violations had been caused by unwarrantable failures to comply with the act, in which case the penalty would be $20 or $4, respectively.

We do not believe that such token penalties for violations of the act where unavailability of equipment or personnel was not a problem in abatement reasonably could have been expected to induce mine operators to comply with the act.

We discussed this amendment with Department and Bureau officials; however, they could not explain the reason for its issuance in view of the court's order against the use of a penalty schedule for assessing and collecting penalties. After the penalty schedule was revised, 13 companies paid a total of $519 for 519 violations issued from April 8, 1970, through November 5, 1970. On the other hand, 64 companies, apparently using the March 28, 1970, schedule, paid a total of $16,875 for 656 violations issued between March 30, 1970, and June 25, 1970.

Although the Secretary was restrained from assessing and collecting penalties under the March 28, 1970, penalty schedule, the Bureau accepted payments made voluntarily by the mine operators on the basis of violations cited.

The confusion and inequity resulting from the amended penalty schedule can be seen from the facts that some mine operators made payments based on the more lenient amended schedule and others made payments based on the original schedule.

For example, one operator submitted a check for $35 at the end of September 1970 for 35 violations cited from April 8, 1970, to April 22, 1970, apparently using the amended schedule. In another instance an operator, apparently using the original penalty schedule, submitted a check for $775 in payment of 31 violations cited from April 13, 1970, to April 28, 1970. In still another instance an operator made payment in the amount of $125 for five violations cited on June 25, 1970, apparently using the original penalty schedule, even though the revised schedule has been published on May 7, 1970.

Suspension of assessment of fines

During the period April 30, 1970, to November 11, 1970, the Department was restrained from assessing and collecting penalties by use of a penalty schedule. Nothing in the restraining order, however, precluded assessment of penalties by the Board of Mine Operations Appeals of the Department of the Interior. We were advised by Department officials that, during the period April 30, 1970, to November 11, 1970, no penalties had been assessed by the Board, even though thousands of violations had been cited by the Bureau inspectors during this period.

On November 18, 1970, the Department revised its regulations to delete the penalty schedule. The amended regulations provided that the assessment of penalties be initiated upon the Bureau's filing with the Board a copy of the notice of violation or an order of withdrawal. The Board is required to give notice of the filing to the mine operator, and the mine operator is required to file an answer, setting forth his position, within 20 days after the date of service of such notice.

The regulations provide that, in determining the amount of penalty to be assessed against an operator, the Board consider the operator's history of previous violations, the appropriateness of such penalty to the size of the business of the operator charged, whether the operator has been negligent, the effect on the operator's ability to continue in business, the gravity of the violation, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of a violation. The Board is authorized to conduct hearings in making its determination of the penalty to be assesed against an operator.

We were advised by Department attorneys that, late in calendar year 1970, the Bureau had initiated approximately 60 proceedings to assess penalties against mine operators under the above procedures. Hearings reportedly were conducted in only one of these cases. The Department attorneys stated that these proceedings proved very time-consuming and, at times, required the presence of Bureau inspectors, which interfered with and reduced the time that they were available for inspecting mines. They further stated that, if an operator exhausted all appeals of the Board's decision available to him, as much as 5 years might be required to resolve one case.

The Board issued an order on February 1, 1971, to suspend the approximately 60 penalty assessment proceedings pending before it, to permit the Bureau's Assessment Officer to determine the liability of the operators for civil penalties and the amounts of penalties to be proposed in accordance with regulations promulgated by the Secretary on January 16, 1971. Even though the Department had been considering the revision of its procedures for assessing penalties before the district court dissolved its restraining order on November 11, 1970, over 2 months had passed before the revised regulations were published.

Current assessment procedures

The Department's amendments to the procedures for assessment of penalties were published in the Federal Register on January 16, 1971. These procedures provide, in part, that:

"Each Notice of Violation and Order of Withdrawal issued on or after March 30, 1970, will be reviewed by an Assessment Officer who is appointed by and responsible to the Director, Bureau of Mines, to determine the liability of operator or miner for a civil penalty and the amount of penalty to be proposed.

"Each proposed assessment shall be made after taking into consideration (1) the operator's history of previous violations, (2) the appropriateness of the penalty to the size of the operator's business, (3) whether the operator was negligent, (4) the effect on the operator's ability to continue in business, (5) the gravity of the violation, and (6) the demonstrated good faith of the operator in attempting to achieve rapid compliance after notification of violation.

"The amount of the civil penalty proposed shall be within guidelines established by the Secretary * * * and revised periodically in the light of experience gained under the Act, except that a particular violation may warrant proposing a civil penalty in an amount more than or less than the range set forth in the guidelines."

The Assessment Officer is assessing proposed penalties for all violations and withdrawal orders which have been cited since May 1, 1970, for which no payment has been received. As of February 19, 1971, the Bureau had mailed 584 proposed orders of assessment, totaling over $1 million, for 9,465 violations to mine operators in three States.

The Assessment Officer has established his own schedule for assessing these penalties. The amounts in the Assessment Officer's schedule are generally less than those in the guideline for assessment of penalties set forth in the Department's regulations which became effective January 16, 1971, but they are more than those in the Department's March 28, 1970, regulations.

The penalty schedule used by the Assessment Officer gives little or no consideration to most of the six factors which are set forth in the regulations quoted above as well as in the act. For example, the amounts of penalties in his schedule do not take into consideration the effect that such penalties will have on the operator's ability to continue in business, the demonstrated good faith of the operator to achieve rapid compliance, whether the operator has been negligent, or the operator's history of previous violations.

With regard to the operator's history of previous violations, we have been advised by the Assessment Officer that this factor is not being considered now because the period March 30, 1970, to April 1, 1971, is being considered as an educational period for the operators to become familiar with all the provisions of the act. The history of an operator will be considered on the basis of his compliance after the initial assessment for violations committed after April 1, 1971—1 year after the safety standards became effective under the act.

The Assessment Officer stated that assessment of penalties was not being proposed for violations issued between March 30 and April 30, 1970, because these violations cited the regulations issued in the Federal Register of March 28, 1970, which the April 30, 1970, court order restrained the Department from enforcing. This restraining order, however, subsequently was dissolved. We see no valid reason for distinguishing between violations cited prior to the restraining order and those cited afterward, except for those violations cited prior to the restraining order which could not have been avoided because of the unavailability of equipment, material, personnel, or technology.

Conclusions

We believe that the Bureau's enforcement practices were not as effective as they could have been in inducing mine operators to take the necessary actions to ensure full compliance with the act. In this regard we believe that the Bureau should assess sufficiently large penalties to provide this inducement and should exercise greater use of its authority to issue withdrawal orders against mine operators who repeatedly fail to comply with the act. We believe that mine operators have had sufficient time to become familiar with all the requirements of the act and that the operators' history of previous violations should be considered in establishing the amounts of the penalties.

We believe that, contrary to past practices, the Department should apply its enforcement policy uniformly and equitably to all mine operators who do not comply with the act.

Recommendations to the Secretary of the Interior

We recommend that the Secretary of the Interior require the Director of the Bureau of Mines to:

Consider, in establishing the amounts of penalties, the factors required by the act, such as the operators' history of previous violations.

Exercise greater use of the authority to close mines when operators repeatedly violate the act.

The Department of the Interior has stated that plans have been formulated or actions have been initiated that are responsive to the recommendations set forth above. (See app. II.)

CHAPTER 4.—NONCOMPLIANCE WITH LAW DUE TO SHORTAGES OF EQUIPMENT

Shortages of certain types of equipment have been cited as a major cause of noncompliance with various health and safety requirements of the act. As previously discussed, the April 1970 injunction against the implementation of the Department's safety regulations was granted partly because some of the equipment and technology necessary to implement the act were not available.

Bureau headquarters notified the district offices on April 24, May 1, and May 22, 1970, of the procedures to be followed when violations existed because equipment was not available. Bureau headquarters stated that, when such conditions were found, the operator was to be informed of the condition in writing but that notices of violation and penalty were not to be issued. The two districts that we visited implemented such procedures, but the determination of whether necessary equipment was available was left to the judgment of the inspectors.

Certain equipment shortages, although less of a problem now than when the act was passed, continued to preclude operators from complying with certain requirements. We found that some of these problems might be solved if the Bureau required operators to substitute equipment which was readily available for equipment which was not readily available. We found also that the Bureau apparently had contributed to the earlier equipment shortage by overbuying respirable-dust-sampling equipment and thus unnecessarily had reduced the quantities of such equipment available for purchase by mine operators.

Availability of equipment

We were informed by district officials at the two districts visited that numerous items of equipment necessary to comply with the requirements of the act were in short supply. They also informed us that some necessary equipment, such as automatic brakes, had not yet been developed.

On June 2, 1970, the Norton district prepared a listing of 23 equipment items which were either unavailable or in short supply; this shortage precluded full enforcement of various requirements of the act. The listing included items of equipment, such as personal sampling devices for respirable dust, methane monitors, automatic circuit breakers, flame-resistant trailing cables, fire protection devices (deluge water sprays and foam generators), automatic brakes or speed reduction gears, and self-rescuers (1-hour type).

At the two districts that we visited, we reviewed a total of 63 reports of regular inspections made in September 1970 to determine what types of required equipment were not available.

We found that 46 of the 63 reports contained violations of various provisions of the act which were attributed to the unavailability or short supply of equipment. These 46 reports indicated that there was a total of 168 violations involving 19 different items of equipment. The types of equipment cited most often as being in short supply were (1) respirable-dust-sampling equipment—cited in 33 reports, (2) self-rescuers—cited in 30 reports, (3) automatic circuit breakers—cited in 19 reports, and (4) sanitary toilet facilities—cited in 16 reports.

On October 1, 1970, the Assistant Director for Coal Mine Health and Safety advised the district managers that there had been considerable inconsistency in the way that inspectors determined whether necessary equipment was available. He stated that:

"* * * Effective immediately, concrete evidence of unavailability of equipment, such as purchase orders or requisitions, must be shown by the operator as proof of unavailability. Further, evidence must be shown that an effort has been made to purchase such equipment from more than one supplier, if more than one supplier exists."

In November 1970 the Bureau revised its policy regarding the issuance of notices of violations that were attributable to equipment shortages. Rather than issue informational-type violation notices in these situations, the inspectors were instructed to issue regular violation notices. These notices gave the operator a specified amount of time to obtain the equipment. If such violations were not abated within the time specified and if no extension was granted, the inspectors were required to issue a withdrawal order.

A December 15, 1970, memorandum from Bureau headquarters instructed district personnel that, on the basis of a survey of the availability of ground-check monitors (electrical equipment) needed for compliance with the act, it appeared that production of such equipment would not be expedited without assurance of firm orders.

The memorandum then directed that no additional extensions of time would be granted for compliance with the applicable sections of the act requiring ground-check monitors and that notices of violation were to be issued, with a determination of no fault due to unavailability, when it was determined during an inspection that such equipment was not in use. A notice issued for a violation where there is a determination of no fault due to unavailability of equipment does not subject the operator to having a penalty assessed against him for such violation.

A copy of the survey that had been performed of the availability of ground-check monitors was enclosed with the Bureau headquarters December 15, 1970, memorandum to the district offices. Although the survey showed the approximate quantities that suppliers had indicated would be available in December 1970 and March 1971, the memorandum did not specify, as a guide to the inspectors, the approximate time required to obtain this equipment.

We were advised by Bureau headquarters officials that no overall studies had been made regarding the availability of all types of equipment required for compliance with the act and the normal lead time required for obtaining equipment in short supply. We were advised that the establishment of a reasonable time to abate a particular violation was the responsibility of the various inspectors because of their personal knowledge of equipment availability.

Interchangeable equipment

To determine whether shortages in the supply of equipment were valid bases for noncompliance with some requirements of the act, we contacted several suppliers and discussed the availability of equipment.

We were informed by one supplier that a particular brand of circuit breakers was in short supply and that the outlook for an increased supply in the near future was not good. The supplier stated that he had been unsuccessful in having the supply increased by contacting the manufacturer. This supplier had several unfilled orders which he had received from mine operators as early as April 1970. Delivery dates to these operators for the circuit breakers had been extended several times, and, at the time of our contact, the expected delivery date was April 2, 1971.

We also contacted a supplier of another brand of circuit breakers and found that these items were available with little or no lead time. We discussed with the supplier of the brand of circuit breakers which was available and with the head of the electrical group at the Mount Hope district the possibility of interchanging the two brands of circuit breakers.

We were informed that the two brands of circuit breakers usually could be interchanged with only minor modifications that were necessary because of differences in sizes and shapes. We were informed also that, when one brand (the brand which was available) was used, it must be enclosed in a molded casing to meet Bureau standards, whereas the other brand was manufactured in accordance with the standards. The district official estimated the cost of such a modification at about $60. The purchase prices for the most commonly used models of the brand which is in short supply range from about $170 to $250, and comparable models of the available brand range from about $150 to $200.

Mount Hope district officials informed us that no decision had been made as to whether, as a general policy, they should require operators to substitute one brand or type of available equipment for a brand or type that was not available. The Mount Hope district manager agreed that the possibility of substituting other items of available equipment should be examined. We were also informed that the Bureau might establish a policy regarding this matter in the near future.

Although our limited inquiry into this matter identified only one type of circuit breaker that may be modified to help alleviate the shortage of these items, we believe that the Bureau should undertake a study to determine whether there are similar situa-

tions with regard to other types of equipment now in short supply.

Dust-sampling equipment

In our opinion, the Bureau was at least partially responsible for creating a shortage of respirable-dust-sampling equipment.

We were informed by officials in both the Mount Hope and the Norton districts that shortages of dust-sampling equipment had caused many operators to be in violation of the provision of the act which required mine operators to establish dust-sampling programs in all mines. During our review of 63 reports on inspections made in September 1970, we found that 33 informational-type violation notices had been issued to the operators for failure to have dust-sampling programs. As mentioned previously, informational-type notices were issued when equipment necessary to comply with a particular requirement of the act was not available.

A Mount Hope District Office official advised us that mine operators needed about two personal dust samplers for each working section of the mine to carry out their dust-sampling programs. He stated that the total number required ranged from about two samplers for small mines to 24 samplers for large mines.

The Bureau ordered about 2,950 personal dust-sampling units and 150,000 filter cassettes in April and June 1970, and delivery of all items was to be made by July 15, 1970. We were advised that the number of units ordered had been based on the projected needs for 136 inspectors whom the Bureau estimated would be assigned to conducting health inspections by December 1970.

Bureau records showed that about 2,900 of the personal dust samplers and 5,300 of the filter cassettes had been received by July 15, 1970. Bureau records showed also that, between July 15 and September 30, 43 additional personal dust samplers and about 37,000 additional filter cassettes had been received.

The two districts that we visited received the following quantities of personal dust samplers and filter cassettes by the dates shown below.

Dates	Number received			
	Mount Hope		Norton	
	Samplers	Cassettes	Samplers	Cassettes
July 15, 1970	980	500	1, 107	500
Sept. 30, 1970	980	9, 200	1, 107	9, 150

We contacted the only two manufacturers which had obtained Bureau approval of their dust-sampling equipment, to determine what portion of their total production was used to fill the orders of the Bureau.

One company informed us that about 33 percent of all shipments of personal samplers and 24 percent of all shipments of filter cassettes during the period April through November 1970 had been made to the Bureau.

The company's records showed that the company had a sizeable backlog of orders from mine operators for personal dust samplers from April through July 1970 and for filter cassettes from May through December 1970.

Although detailed records of production and shipment of dust-sampling equipment were not available from the other manufacturer that we contacted, company officials advised us that shipments of personal dust samplers to the Bureau in June and July 1970 had accounted for about 80 percent of the company's production. Company officials advised us also that 80 percent of its production of filter cassettes in June 1970 had been shipped to the Bureau and that a substantial portion of its production had continued to be shipped to the Bureau until October 1970.

At the time of our review, we found that the utilization of the personal dust samplers and filter cassettes in the Norton Subdistrict Office was quite low.

For example, only 72 (or about 9 percent) of 833 personal samplers received for use by the Norton Subdistrict Office had been used for taking dust samples as of November 30, 1970. Over 380 of the units had not been calibrated and were not ready for use. Because only seven health inspections had been made by the subdistrict, the units had not been needed.

We also noted that, as of November 30, 1970, the subdistrict had used only 207 of about 10,500 filter cassettes that it had received to collect dust samples.

We did not determine the actual utilization of dust-sampling equipment by the Mount Hope district; however, it appeared that the usage would be only slightly higher since the Mount Hope Subdistrict Office had made 14 more health inspections than the Norton Subdistrict Office.

The Bureau apparently had been aware of the possible shortages of the equipment and the effect of its orders on the availability of the equipment before the requirement to begin sampling became effective on June 30, 1970.

On May 21, 1970, a memorandum from the Assistant Director, Coal Mine Health and Safety, to the Chief of Procurement and Property Management stated that it was doubtful that one of the companies could fill the contract by the required deadline. The memorandum stated also that a review of Bureau requirements had indicated that the specified contract deadline remained realistic.

On July 10, 1970, the Assistant Director again sent a memorandum to the Chief of Procurement, which stated that, if the Bureau kept the suppliers to their original contractual obligation for delivery of filter cassettes, the industry would be without any filters for as long as 2 months. At that time the Bureau had received only a small portion of the total quantities of filter cassettes ordered under the contracts.

On July 13, 1970, an official of the Bureau's Division of Procurement and Property Management contacted the suppliers and arranged for revision to the delivery schedules for these items, to permit increased deliveries to the coal mining industry. Deliveries to the Bureau were stretched out to the end of September 1970. The suppliers did not meet the September delivery dates, however, and on October 16, 1970, the Assistant Director, Coal Mine Health and Safety, contacted the suppliers and agreed to further stretch out delivery schedules.

Conclusions

In our opinion, the Bureau may have permitted unnecessarily prolonged noncompliance with certain provisions of the act by allowing mine operators to order a particular brand of equipment and by granting time extensions for compliance even though that brand may have been in short supply while a comparable substitute brand may have been readily available.

We believe that the Bureau purchased more dust-sampling equipment than it needed at the time and, in doing so, contributed to the problem of an overall shortage of the equipment and might have precluded many mine operators from establishing a dust-sampling program within the time required by the act.

The Bureau headquarters has not provided inspectors with guidance as to (1) the specific types of equipment that are, in fact, in short supply and (2) a reasonable estimate of the lead time necessary to obtain such equipment. Without such information there is no assurance that uniform determinations are being made by the Bureau inspectors regarding the unavailability of equipment or the time necessary to obtain equipment not readily available.

Recommendations to the Secretary of the Interior

We recommend that the Secretary of the Interior require the Director of the Bureau of Mines to:

Undertake, on a continuing basis, a study of the nationwide availability of all types of equipment necessary for compliance with the health and safety provisions of the act. The information obtained, including the amount of lead time required to obtain delivery, should be furnished to coal mine inspectors to aid them in making more uniform determinations as to how much time an operator should be allowed to obtain equipment necessary to abate notices of violations issued for noncompliance with provisions of the act.

Determine, in conjunction with the above study, the feasibility of substituting one brand of available equipment for another brand which is in short supply and, in those cases where it is feasible, to require mine operators to make such substitutions.

Give more careful consideration in the future to the impact that the Bureau's buying practices have on the supply of equipment available to mine operators, especially when the adequacy of the total supply appears questionable and when the Bureau and the mine operators are in direct competition for new and improved testing devices.

The Department of the Interior has stated that plans have been formulated or actions have been initiated that are responsive to the recommendations set forth above. (See app. II.)

CHAPTER 5. RECRUITMENT AND TRAINING OF COAL MINE INSPECTORS

Recruitment of coal mine inspectors

When the Federal Coal Mine Health and Safety Act of 1969 was enacted in December 1969, the Bureau estimated that the full implementation of all the inspection and enforcement provisions of the act would require a staff of 1,046 persons. This staff includes supervisors, inspectors, and engineers; but it does not include support personnel, such as technical specialists, statisticians, and clerks. The Bureau estimated that the goal would be reached sometime in fiscal year 1972. In December 1969 the Bureau's inspection and enforcement staff consisted of 318 persons, including 57 who were in training. By March 6, 1971, the Bureau had increased the staff to 618, many of whom were in various stages of training.

Beginning in July 1969, in anticipation of enactment of the act, the Bureau and the Civil Service Commission took steps to speed up the recruitment of coal mine inspectors. After the law became effective, the Bureau continued to speed up the employment of coal mine inspectors. In October 1969 the Bureau requested the Civil Service Commission to lower the passing grade for the coal mine inspector examination. In November 1969 the Commission approved the request by lowering the passing grade from 124 to 105. In December 1969 the Bureau also revised its experience requirement by permitting substitution of education for experience. The substitution of education for mining experience is authorized by the 1969 act.

In February and March 1970, the Bureau held a series of examinations in over 40 mining communities. A second series of examinations was given in September and October 1970. By December 1970 these examinations had resulted in hiring 142 new inspectors. In addition, 201 eligible candidates were in the process of being hired.

Because existing recruitment practices were not obtaining the required manpower soon enough, on November 1, 1970, the Bureau dropped the requirement for written tests for coal mine inspectors.

On the basis of our limited review of the recruitment efforts of the Bureau, it appears that continuing improvements are being made.

Training of coal mine inspectors

In addition to taking steps to recruit increased numbers of coal mine inspectors, the Bureau revised its training practices to shorten the time required to train a coal mine inspector.

Prior to enactment of the act, the training program for coal mine inspectors consisted of 2 days a week of classroom training and 3 days a week of on-the-job training with an experienced coal mine inspector. After about 6 months the trainee-inspector was assigned on a full-time basis to an experienced inspector until he was qualified to conduct inspections on his own. We were informed that it usually took about a year from the time that the inspector was hired until he took full responsibility for making inspections.

After the passage of the 1969 act, the Bureau reduced the time required to train inspectors to meet its needs for additional inspectors more rapidly. The training period was reduced to 10 weeks of classroom training and about 3 months of on-the-job training with an experienced inspector, or a total training period of about 6 months.

We have no suggestions for the improvement of the Bureau's training program for coal mine inspectors at this time.

CHAPTER 6. OTHER MATTERS PERTAINING TO COAL MINE SAFETY

Need for more independence in accident investigations

The act authorizes the Secretary of the Interior to investigate mine accidents and any other occurrences relating to health or safety in a coal mine. In the event of the occurrence of any accident, as defined by the Department in its regulations (30 CFR 80), mine operators are required to immediately notify the Bureau's district or subdistrict office which has jurisdiction over the area in which the coal mine is located. These regulations provide that, following notification of an accident, the district or subdistrict manager determine whether an investigation of the accident should be conducted.

We were advised by a Bureau official that, as a general practice, the Bureau investigated all accidents involving (1) a fatal injury or any other death occurring on mine property, (2) a serious nonfatal injury that could result in the death of the injured person, (3) a mine fire not extinguished within 30 minutes, (4) a mine explosion, (5) an ignition of gas or dust or combination thereof, (6) a mine inundation, (7) a coal outburst (violent burst of coal from ribs or face of mine) of sufficient intensity that it appeared likely that, had any person been in the immediate area, death or injury could have occurred, and (8) the entrapment of any person.

The accident investigations usually are made by the inspector who inspected the mine prior to the accident, another coal mine inspector specializing in the area that caused the accident (e.g., roof control, electrical equipment, or explosives) representatives of the coal mine operator, and mine workers' union representatives if the accident took place in a union mine.

We believe that the independence of the groups investigating the accidents may be compromised by the possibility of a conflict of interest. For example, a conflict of interest may arise if the inspector who last inspected the mine discovered that the accident was due to a violation of a safety standard that he should have found and reported during his previous inspection. This could be especially true if an accident occurred within a short time (1 or 2 days) after the last inspection.

Similarly, the specialists on the teams investigating accidents are frequently representatives from district office groups, such as those which have approved roof control or ventilation plans for the mine at which the accident occurred. It might be difficult for such specialists to reach completely objective and independent conclusions as to whether the plans, which they or other members of their group had approved, contained shortcomings which had contributed to the accidents under investigation.

Although we found no indications of impropriety in connection with any of the investigations that we reviewed, the fact that an inspector or other investigator may be put in a position of having to evaluate his own performance, especially where fatalities have occurred, raises questions as to the independence of his judgment in such situations.

The Bureau apparently became concerned with the quality of its investigations, and on October 8, 1970, a Washington headquarters official issued a memorandum to the district managers emphasizing the need for "more inquisitive and thorough * * * accident investigations." He also prescribed a procedure—which the district managers were urged to follow—for selecting the accident investigation team and conducting the investigation.

The procedure recommended by the Bureau provides that each Bureau accident investigation team include:

1. A permanent member with interest and abilities in accident investigation work.
2. The coal mine inspector who last examined the mine or the coal mine inspector supervisor of the area in which the accident occurred.
3. A person with specialized knowledge concerning the type of accident investigated; i.e., roof control, electricity, etc.

The use of this procedure still would not seem to provide the desired degree of independence and objectivity in investigating the causes of accidents because members of the team making the investigation could find themselves in the position of reporting on matters which reflected adversely on activities or operations which had been carried out within the responsibility of their supervisor or which had been carried out directly by the members themselves. Therefore this approach would not necessarily insure that responsibility for the accident was fixed properly or that the type of corrective action needed to prevent future similar accidents was identified properly.

Need for more guidance for inspectors

We believe that the Bureau has not provided Bureau inspectors with adequate guidance concerning the criteria and methods used to determine whether mine operators comply with the health and safety standards set forth in the act and in the Department's regulations. We believe that the need for more definitive guidelines concerning the criteria and methods used in inspections of especially acute at this time because the Bureau is in the process of quadrupling the inspection force that it had when the act was approved.

The Federal Coal Mine Health and Safety Act of 1969 is very comprehensive and complex, and we believe that, if the provisions of the act are to be administered uniformly, the Bureau's inspectors need to have a comprehensive, up-to-date manual.

The only manual available to the inspectors was prepared to implement the provisions of the 1952 act. We recognize that new inspectors receive classroom, as well as on-the-job, training. Nevertheless, in view of the complexities of inspection activities, we believe that written guidelines would provide greater assurance that inspection activities were being administered uniformly.

We noted that Bureau headquarters occasionally had issued some instructions relating to inspection and enforcement activities. These instructions, which were very limited, were furnished to district managers who were responsible for disseminating the information to the inspectors.

The need for definitive guidelines concerning inspection activities to be conducted under the act has long been recognized. A memorandum of an October 23, 1969, meeting of Bureau officials, including the Director of the Bureau, indicated that top priority was to be given to the preparation of a manual. In a letter dated April 23, 1970, from the Acting Secretary of the Interior to the Deputy Assistant to the President for Domestic Affairs, the Acting Secretary stated that:

"A new manual for inspectors which will include the changes brought about by the new Act is almost complete. It will provide complete guidance for the conduct in the field of inspection and enforcement operations and assure uniformity of application in the various districts and subdistricts of the United States. We expect to distribute this manual within 90 days."

We recently were advised by Bureau officials that the revision was about 85-percent complete but would not be completed before May 1971. Moreover, drafting of the manual was suspended pending the adoption of changes in certain inspection reporting forms and the development of mandatory surface-mining regulations. Although the portion of the manual dealing with inspection of underground coal mines is substantially complete, the Bureau prefers to issue the manual as a complete guide for both surface and underground inspections. We noted, however, that most fatalities occurred in underground mines.

We noted instances in which inspectors were responsible for making decisions but were provided with little or no criteria for doing so. For example, if an inspector finds a condition in a mine which, in his opinion, results in imminent danger to persons working in the mine, he is required to issue an order requiring the mine operator to withdraw all workers from the section of the mine where the danger exists or, in some cases, from the entire mine, until it is determined by the inspector that the danger no longer exists.

The act defines imminent danger as the existence of any condition or practice in a coal mine which reasonably can be expected to cause death or serious physical harm before such condition or practice can be abated. The decision as to whether an imminent danger exists is made principally on the basis of the judgment of the inspector.

Principal written instructions relating to imminent danger consist of a listing in the existing manual of 28 examples of conditions and practices for which withdrawal orders *may be* issued. The manual, however, provides no guidance in determining when each example is or is not an imminent danger.

On January 8, 1971, Bureau headquarters issued instructions to its district managers, which stated that inspectors should issue withdrawal orders when underground areas of coal mines were found to be inadequately rock dusted (an incombustible material applied to raise the incombustible content of coal dust in the mine). During our review we found numerous instances in which violations had been cited for these conditions prior to the issuance of the instructions and in which no orders of withdrawal had been issued.

We recognize that situations will vary from mine to mine. Nevertheless, if the Bureau is to achieve reasonable uniformity in the application of such provisions as imminent-danger determinations, we believe that it is incumbent upon Bureau headquarters to provide more specific criteria which its inspectors can use to make these determinations.

We noted statements by Bureau officials concerning the lack of uniform administration of inspection activities. For example, in May 1970 one district manager pointed out to his staff that the instructions received from Bureau headquarters, as well as those given at a recent district staff meeting, might have been confusing and were inadequate and that the inspectors were not uniformly carrying out their work. To ensure that each inspector understood the actions which he should take, the district manager issued certain specific instructions to each inspector. Although the district manager might have clarified the specific procedures in question, we believe that a more systematic means of providing instructions governing the entire inspection process should be developed.

Coal mine research

The Bureau's research effort is implemented through contracts, grants, and Bureau field research installations. Bureau officials concluded that the added responsibilities placed on the Bureau by the act could not be accomplished in its facilities alone and that the Bureau should contract for as much research as possible to fulfill the new responsibilities.

There was a minimum of available data on the Bureau's research planning for fiscal year 1970. We were advised that the selection of research projects to be funded had been made as a result of meetings and other contacts among responsible Bureau officials.

We were told that there was little documentation on the specific planning of the health and safety research program for fiscal year 1970. The first identifiable planning action for the expansion of the research program was a meeting in the summer of 1969, attended by the Bureau Director; the Deputy Director, Health and Safety; the Assistant Director, Coal Mine Health and Safety; the Acting Assistant Director, Mining, Mineral Resources, and Environmental Development; and other Bureau officials concerned with research. The general areas of needed research to improve coal mine health and safety reportedly were discussed.

In fiscal year 1970 the Bureau received, in conjunction with the passage of the act, a supplemental appropriation of $12 million, of which $7.5 million was designated by the Bureau for health and safety research.

As of June 30, 1970, the Bureau had committed about $6.2 million of these funds to award 21 contracts for research projects in such areas as rescue and survival, underground support structures, mine rescue communications, and measurement of respirable-coal-dust concentration in mine atmospheres. Of the awarded contracts, 18—which accounted for $1.2 million of the expenditures—result from unsolicited proposals. The largest contract was a $3.4 million award to a private company for the development of a coal mine rescue and survival system.

Fiscal year 1971 research planning appears to have been more systematic than the research planning for the prior year. The responsibility for making specific recommendations for fiscal year 1971 research was given to task groups for functional areas, such as methane control, respirable dust control, and rescue and survival systems. Research ideas have come from universities and private industry in the form of unsolicited research contracts or grant proposals, from the Bureau's day-to-day contacts with industry organizations, and from the Bureau's field research installations.

We believe that the Bureau is developing a more effective approach to its research planning. Therefore we have no suggestions for improving the planning of the Bureau's research program at this time.

Conclusions

We believe that a change in the composition of the teams responsible for investigating coal mine accidents and in the organizational level to which these investigators report would be desirable to ensure a greater degree of independence and objectivity in carrying out the investigations.

We believe also that more definitive guidelines concerning the criteria used by inspectors to determine whether mine operators are complying with the Department's health and safety standards will provide greater assurance that such standards are being uniformly applied.

Recommendations to the Secretary of the Interior

We recommend that the Secretary of the Interior require the Director of the Bureau of Mines to:

Consider establishing a policy requiring that accident investigation teams be made responsible to an organizational level above the district offices.

Consider establishing a requirement that accident investigation teams be composed of inspectors and other specialists who have not made recent inspections of the mine at which the accident occurred, who have not approved such things as roof control or ventilation plans which may have had a bearing on the cause of the accident being investigated, and who are not employed in the district having jurisdiction over the mine where the accident occurred.

Expedite the issuance of definitive guidelines setting forth the criteria to be used by mine inspectors in determining whether mine operators are complying with prescribed health and safety standards.

The Department of the Interior has stated that plans have been formulated or actions have been initiated that are responsive to the recommendations set forth above. (See app. II.)

CHAPTER 7. EFFECT OF THE ACT ON THE SUPPLY OF COAL

During the hearings preceding the act and after its enactment, considerable interest was expressed by coal mine operators and some members of Congress in the possible effects that the act could have on the supply of coal.

During our review we could not determine with any certainty whether the act had any appreciable effect on coal production in 1970. Coal production in the United States had been rising during the 4 years immediately preceding the passage of the act and continued to increase in 1970, as shown in the following table.

Year:	*Tons produced*
1966	533,881,000
1967	551,000,000
1968	545,245,000
1969	560,505,000
1970	590,000,000

We discussed with Bureau officials the impact of the act on the supply of coal, and they told us that the act had practically no impact. On the basis of an earlier study made by the Mount Hope district in February 1970, however, the Bureau estimated that a gradual enforcement of the act (what the Bureau described as granting time to the operators to comply) would result in a reduction in coal output of about 8 million tons in the 12 months following the effective date of the act. Moreover, the Bureau estimated that full and immediate compliance with the law would have resulted in a reduction in production of about 50 million tons during the same period. Actually, in 1970 the Nation's coal output increased by 29.5 million tons, the largest single increase since 1964.

The Bureau made some efforts to identify losses in coal production due to the requirements of the act by requiring the district offices to furnish a weekly report on the activities of the coal mine inspection force. This report included such things as the number of violations cited, the number of mines closed as a result of the act, and the estimated lost coal production.

A Mount Hope district official told us that the district did not have the manpower to develop the information and did not furnish it. The Norton district furnished the information, but it did not appear to be reliable. For example, in estimating the production loss, Norton made no effort to identify how much of the loss which it attributed to enforcement of the 1969 act would have occurred under the earlier 1952 act which also provided authority for closing mines when certain safety hazards were found.

In the absence of reliable data concerning lost production due to the 1969 act, we sought the opinions of knowledgeable persons in the coal mining industry and the mine workers' union.

Union officials told us that, in their opinion, the 1969 act had had no significant impact on the production of coal because the Bureau had not enforced the new act as strictly as it should have.

Officials from Virginia and West Virginia departments of mines also told us that, in their opinion, the new act had not had a significant impact on the Nation's supply of coal. Virginia officials stated, however, that, as the act was more rigidly enforced, some small operators might be forced out of business and that this could have an effect on the future production of coal.

In contrast, coal company officials stated that the act had had a significant impact on the production of coal. They said that cleaning up loose coal and coal dust, as required by the act, was one of the primary causes of lost production time. They also stated that the mere presence of a coal mine inspector had hindered coal production.

Conclusions

From evidence available to us, we could not determine whether the 1969 act had had any appreciable effect on coal production. Nevertheless, the large increase in coal production which took place in 1970 is an indication that, thus far, the impact of the act on coal production has not been large. We have no basis upon which to comment on the possible effect on coal production of stricter enforcement of health and safety requirements in the future.

CHAPTER 8. SCOPE OF REVIEW

Our review was directed primarily toward examining into the effectiveness of actions taken by the Department of the Interior and its Bureau of Mines to enforce compliance with the major health and safety standards prescribed in the Federal Coal Mine Health and Safety Act of 1969. The review was conducted primarily at the Bureau's headquarters in Washington, D.C., and at the Bureau's Coal Mine Health and Safety district offices in Mount Hope, West Virginia, and Norton, Virginia.

We reviewed the legislative history of the act and the procedures for implementing the legislation. We also examined pertinent documents, reports, records, and files at the Bureau's headquarters and at the district offices. In addition, we interviewed Department and Bureau officials; coal mine operators; coal mine workers' union officials in West Virginia, Virginia, and Washington, D.C.; and officials of the West Virginia and Virginia departments of mines. We also accompanied coal mine inspectors and observed some of their health and safety inspections in underground coal mines.

APPENDIX I

U.S. SENATE,
Washington, D.C., August 13, 1970.

HON. ELMER B. STAATS,
Comptroller General of the United States,
General Accounting Office,
Washington, D.C.

DEAR MR. STAATS: This Subcommittee was instrumental in both the writing and enactment of the "Federal Coal Mine Health and Safety Act of 1969." Since the December 30, 1969 approval of this legislation, the Subcommittee has maintained close contact with the implementation of the health and safety provisions of this Act by the Department of the Interior and it's Bureau of Mines.

A number of serious deficiencies in the Department's program for the implementation of these provisions has come to the attention of the Subcommittee during the course of legislative oversight hearings. For example, serious questions have been raised about the Department's (1) ability to implement effectively the law's inspection requirements, (2) use of substantially increased appropriations, (3) development of effective research and training programs. This enumeration only highlights some of the more serious issues.

It would be most helpful to the Subcommittee if the General Accounting Office would review the Department's actions and plans for implementation of the Act, and furnish the Subcommittee with a report on these activities, including any comments or recommendations you believe are appropriate.

Sincerely,
HARRISON A. WILLIAMS, Jr.,
Chairman Subcommittee on Labor.

APPENDIX II

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., March 29, 1971.

Mr. JOSEPH P. ROTHER, Jr.,
Assistant Director, Civil Division,
General Accounting Office,
Washington, D.C.

DEAR MR. ROTHER: The Department of the Interior has reviewed the draft report entitled "Implementation of the Federal Coal Mine Health and Safety Act of 1969, Department of the Interior" which was made available for review and comment. It is believed that the report is an objective appraisal of Bureau of Mines' efforts to implement the Act within the period of time covered by the report, and consequently, only a very few substantive comments are offered at this time. Also, there has been initiated, or plans formulated to initiate, actions that are responsive to the report's recommendtaions. These actions will be described in our response to the final report.

The only major exception taken to the recommendation in the draft report is with regard to the utilization of people with lower qualifications than regular coal mine inspectors to specialize in health inspections. This is the first recommendation listed on page 46 of the report, and it is also mentioned on pages 8, 12, 13, 14, and 15 of the report.

Although the Bureau has not, as yet, increased its inspection force to the required minimum of 1,000 personnel to make all of the inspections required by the Act, this will be done by June 30, so there is no need to further reduce the qualifications of inspectors as a recruiting measure. It is, however, using inspector-trainees and technicians to assist in both health and safety inspections, and will continue to do this to the extent that it can be done without reducing the quality of the inspections. It is believed that all of the inspectors should be capable of enforcing both health and safety standards and of advising operators of changes that are needed for compliance with the law in both respects at all times that they are in the mines. It would be extremely unwise, from our past experiences, to utilize personnel as health inspectors who would be incapable of recognizing unsafe practices and conditions which might result in fatalities—and possibly, a disaster—*and to issue notices of violations and withdrawal orders when needed.* [See GAO note 1.]

It is doubted that there would be any cost saving, and that our inspectors would be less effective and therefore unacceptable.

On page 10 of the report it is incorrectly stated that partial inspections "are to be reinstated in 1971 after each coal mine has had two regular safety inspections." The Bureau of Mines does not plan to make any more "partial but representative inspections." [See GAO note 2.]

We appreciate the opportunity to review this report in draft, even though the four days time allotted was not sufficient to allow for the careful, reflective analysis we prefer to offer on such review.

Sincerely yours,
J. T. HALL, JR.,
Director of Survey and Review.

BUREAU OF MINES MUST SHARE IN FAILURE OF COAL MINE HEALTH AND SAFETY ACT TARGETS TO BE ACHIEVED AS PROMPTLY AS CONGRESS INTENDED—PROGRESS, HOWEVER, HAS BEEN MADE

Mr. RANDOLPH. Mr. President, our able colleague from New Jersey (Mr. WILLIAMS), chairman of the Committee on Labor and Public Welfare and of its Subcommittee on Labor, has discussed in this forum a report prepared and submitted by the Comptroller General of the United States concerning administration and enforcement of the Federal Coal Mine Health and Safety Act by the Bureau of Mines of the Department of the Interior.

As the ranking majority member of the committee and of its labor subcommittee, and as a Senator from the leading bituminous coal producing State, West Virginia, I share the distress expressed by the chairman that the Comptroller General found the Bureau of Mines too widely off targets established by Congress for administration and enforcement of the Coal Mine Health and Safety Act as extensively amended in 1969.

Our chairman, on behalf of the subcommittee, last summer requested the Comptroller General to make the investigations which culminated in the report, the text of which is being printed in the RECORD today in connection with the remarks by the Senator from New Jersey (Mr. WILLIAMS). His was a timely and appropriate request of the Comptroller General, and I know I am joined by coal miners from operations in my State and other coal mining States as I express appreciation for that action and for the chairman's cogent discussion.

Mr. President, it is shocking to me that the Comptroller General's report contains the finding that the Department of Interior's policies for enforcing health and safety standards "have been, at times, extremely lenient, confusing, uncertain and inequitable."

We are aware of the difficulties encountered in translating this sweeping legislation into realistic job safety practices. We realize that administrative inertia resists changes that are necessary in policies and programs to accomplish the goals mandated in legislation. We know that the affected industries do not enthusiastically embrace these changes and seek to soften costs, and that workers are often inclined to evade changes they consider either unwieldy or unnecessary.

But all these segments of Government and industry must be made more bluntly cognizant that implementation of these laws to the maximum degree will result in the saving of thousands of workers' lives and avert inestimable suffering of millions of potential injury victims.

There can be no compromises in the swift implementation of the safety laws that Congress has willed.

Last January 27, I reported in a Senate speech the progress that had been made in carrying out provisions of the Federal Coal Mine Health and Safety Act on the first anniversary of its passage. I noted that the U.S. Bureau of Mines was handicapped by a lack of anything approaching an adequate number of trained inspectors. The Bureau of Mines was in the process of increasing inspections while at the same time expanding and training a force triple its size. Moreover, the program's administrators were forced to shift priorities constantly in order to meet many of the tight deadlines imposed by the law.

In the first 7 months of the law's actual operation, the Bureau had managed to make more than 1,500 complete inspections of underground coal mines. Here we can ask the unanswerable question: How many lives were saved in that period? We know that more than 250 miners died. During the first 7 months, there were 1,645 "partial but representative" inspections and 5,200 additional "spot" inspections as required by law.

During that 7-month period, more than 35,000 violations of mandatory provisions were found, and 1,460 orders closing mines or parts of mines were issued.

These statistics carry small staisfaction if, as we learn from the Comptroller General's report, there was at times extremely lenient treatment of offenders and, even worse, inequitable assignment of penalties. If the law is to succeed, there must be firm and fair enforcement. Any hint of favoritism will destroy confidence in the law and lead to attempted evasions.

I note that of the two mining districts surveyed in the report, the Mount Hope district of West Virginia had, in the opinion of the Comptroller General, a "much better record," but here again we are dealing in relative inadequacies.

Senator WILLIAMS, as chairman of the Labor Subcommittee and of the Labor and Public Welfare Committee, has my support in his efforts to improve the safety and occupational health of coal miners.

In his discussion of the report, Senator WILLIAMS raised the possibility of transferring administration and enforcement of the Federal Coal Mine Health and Safety Act from the Bureau of Mines to a unit of the Department of Labor.

This is a timely suggestion, but I am not ready either to approve or disapprove a transfer of coal mine health and safety enforcement and administration to the Labor Department. This is a subject that needs more study and debate.

The coal mine health and safety laws, as recodified in 1969, are complicated and far-reaching. Perhaps we have a right to expect better performances in enforcement than the Bureau of Mines has been producing. But I am not sure that the cause of coal mine health and safety for the men who toil in the mines would be improved by setting up a new enforcement unit in the Department of Labor.

Such a transfer might result in the loss of valuable time already invested in organization and training. If this should occur, enforcement might decline in efficiency rather than improve during the transition from one department to another. Perhaps we would be better advised to keep the pressure on the Department of Interior and its Bureau of Mines to materially improve its enforcement organization and procedures.

Our discussions begin what inevitably must be a careful study of an important aspect of the effort to improve the safety and occupational health of coal miners.

In my progress report on the coal mine health and safety law last January, I stated, and I wish to reaffirm it today, that the grim record of 1970 is not satisfactory to those of us in the Senate and House who have worked long and hard to bring safety to the mining industry. Let me assure those who feel that there is an "acceptable" level of death and disaster inherent in the mining industry that our efforts will not cease until the fatality figure reaches zero, or as nearly to that point as is humanly possible.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER (Mr. ALLEN). In accordance with the previous order, the Chair now lays before the Senate the unfinished business, H.R. 6531, which the clerk will please state.

The assistant legislative clerk read as follows:

> H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The pending business is amendment No. 106, offered by the distinguished Senator from Oregon (Mr. HATFIELD), which the clerk will please report.

The assistant legislative clerk read as follows:

> In the amendment numbered 76, proposed by Mr. SCHWEIKER (for himself and others) strike out all of the proposed new title V in the amendment and insert in lieu thereof the following:
>
> TITLE V—TERMINATION OF AUTHORITY TO INDUCT PERSONS INVOLUNTARILY INTO THE ARMED FORCES
>
> SEC. 501. Notwithstanding any other provision of law, no person may be involuntarily inducted into the Armed Forces of the United States after July 1, 1971.

The PRESIDING OFFICER. Time is now under control, with the time to be equally divided between the Senator from Oregon and the Senator from Mississippi (Mr. STENNIS).

Who yields time?

Mr. HATFIELD. Mr. President, I yield myself such time as is necessary to make my initial presentation.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, in debating the extension of the President's authority to induct men into the Armed Forces, questions of national security, internal composition, cost, and equity are generally raised.

Today I want to analyze what I call the numbers game which has been played with Congress for a number of years and more especially now that we are about to consider extension of the President's induction powers under the Selective Service Act. Let me remind my colleagues that under the Constitution we, the Congress, are responsible for determining the manpower levels and raising the Armed Forces of this country. I feel, therefore, that it is very important we have a solid base upon which to make an analysis in order to make a determination and exercise our judgment not only with regard to the method of procurement but also the number required to meet our national security needs for military purposes.

Each of these matters and others deserve the closest attention.

And when examined, it is clear that a volunteer military lends itself much more to our national security, than a draft, and is far more equitable and just than any form of conscription.

It is far more efficient and much less costly than an Armed Force based on conscription, as we presently have.

Let us go into some of these interesting and contradictory figures given to the Armed Services Committees of the Senate and the House. I make these statements not with any rancor or any kind of malice, but rather in the attempt only to try to clarify that which is rather confused and a rather distorted picture at the moment.

I want to pay tribute to the distinguished chairman of the Armed Services Committee of the Senate, and to that committee, because they have been working under tremendous pressures. I am sure that all of us are appreciative and are aware of that. I think that much of the statistical data given to the Senate Armed Services Committee must confuse that committee as much as it confuses anyone else.

Assistant Secretary of Defense Roger Kelley has stated that Department of Defense anticipates the need for 528,000 accessions in fiscal year 1972. This accession rate assumes an end strength of 2.505 million men for fiscal year 1972, 100,000 more than the Senate Armed Services Committee is recommending. Assistant Secretary Kelley states further that if inductions were terminated June 30, 1971, and no incentives were added, the greatest shortfall experienced would be 213,000 men.

The word "shortfall" here is the difference between the anticipated level and that which would produce the number of men under any given procurement system. This would mean that our end strength for fiscal year 1972 would be approximately 2.282 million men, or roughly 113,000 men less than recommended by the Senate Armed Services Committee. On this basis alone, there is no reason to suppose that any threat to our security would result, Vietnam notwithstanding.

If, however, various incentives are increased, particularly basic pay, Assistant Secretary Kelley states that the most pessimistic end strength for fiscal year 1972 would be 2.375 million men, or 25,000 men short of what the Senate Armed Services Committee recommended. Again, let me stress that this maximum shortfall projected by DOD's most pessimistic estimates would in no way jeopardize our national security or our commitments around the world.

Later I shall make other data and statistics available which would indicate where we can get higher rates of utilization of military personnel for military purposes which would far more than overcome this figure.

Furthermore, there is ample reason to suspect that the DOD's figures are inflated and overstate the manpower needs for the coming year. The accessions projected by DOD for fiscal year 1972 for a 2.505 million man end strength are roughly 200,000 above the estimates of the President's Commission on an All-Volunteer Armed Force, commonly referred to as the Gates Commission.

Let me stress that figure: 200,000 above the estimates of the President's Commission. It is granted by members of the Commission and the Commission staff that their figures were subject to some variation, but not a deviation of 200,000.

The reasons for the inflated accession requirement for fiscal year 1972, let alone for fiscal year 1973, rest in the internal policies of the DOD. First, the end force requirements were changed. Second, and most significantly, there is now an expanded early-release policy adopted by the Army that greatly increases net losses. Third, and closely related, there has been a sharp expansion in the proportion of voluntary Army enlistments who were obligated for only 2 years and who will end up serving an average of only 17 to 19 months. Consequently, a great deal of the shortfalls projected by the DOD, should inductions terminate June 30, 1971, are wholly a result of their internal policies which they could easily remedy.

There are additional steps which DOD could take to resolve the shortfalls. Redepolyment of noneffective trainers—from reduced training needs—could increase the number of enlisted men who could be reassigned to operating units by 16,000 to 20,000. If unessential work were reduced by as little as 3 percent, 20,000 men who cut grass, chauffeur others or repolice parade fields, further reductions in overall strength levels could be made.

I might add, also, the bartenders at officers clubs. We could get bartenders cheaper than we would have to pay enlisted men who mix drinks for officers.

The Gates Commission estimated that as many as 91,900 enlisted positions could be civilianized in a 2.5 million man force. And in that civilian ceilings have been recently lifted for the Defense Department, a substantial number of enlisted positions could be civilianized. The current ban against reenlistment for those in the New Standards category could be lifted, increasing accessions here between 7,000 and 15,000 men annually. The DOD has indicated that New Standards men succeed at a rate of 93 to 95 percent as well as those accepted in the regular ranks, and without special additional training.

Mr. President, I would like to spend an hour or so frankly on this whole question of the new standards category because it bears careful scrutiny. I am constantly surprised at the number of people whom I have talked to, including my colleagues, who are totally unaware of the new standards category of training, what it has produced and that it has developed a very remarkable record of achievement.

Let me emphasize that all of these accessions could be achieved by changing the internal organization of the Department of Defense without the necessity of additional draftees. When they talk about numbers, let us get the basic figures in mind as to what we really have to have, rather than what are used now as scare tactics in order to maintain the draft.

I use some of these analyses in the most conservative and minimal way, because I want to show to the Senate again how the manpower levels could be maintained without drafting men.

Taking the minimum figure for all of these, including zero civilianization for the Army—and remember that the Gates Commission said that as many as 91,900 enlisted positions could be civilianized—the number of men needed for fiscal year 1972 could be 73,000 fewer than DOD projects. This would mean that the greatest shortfall expected for fiscal year 1972, with no increase in incentives, would be 138,000 for an end strength of 2.505 million men.

Mr. President, how they can come in and ask the Senate to support the continuation of the draft on the fallacious argument that it is needed to maintain the military manpower level is beyond me, because these are figures from the Pentagon and from the Armed Services Committee itself.

As I say, we are being played with here again on a numbers' scale. We had better get our numbers pretty clear in mind. I say this in all due respect, because I think the Armed Services Committee has had the numbers' game played with them.

If the Congress adopts the 2.4 million end strength recommended by the Senate Armed Services Committee, the shortfall would only be 38,000—again, with no increase in incentives. However, if increased incentives are forthcoming, as there is ample reason to believe, the maximum shortfall estimated by Assistant Secretary Kelley would be only 55,000 for a 2.505 million man end strength—or no shortfalls for the Senate Armed Services Committee's recommendation. Consequently, there is ample reason to expect that few, if any, shortfalls would result in fiscal year 1972 if inductions terminated June 30, 1971.

Some have urged extension of the draft authority on the basis of anticipated shortfalls in fiscal year 1973. It has been argued, for example, that the Army alone would experience a shortfall of 336,000 men during that time, the theory being that a significant number of men with 2-year obligations would be leaving the Army. This not only contradicts Assistant Secretary Kelley's statements, but also at least one thorough economic study by a noted manpower expert and our earlier experience in a similar situation. Assistant Secretary Kelley has stated that he would not expect shortfalls in fiscal year 1973 to be much different from the shortfalls of fiscal year 1972.

Dr. Walter Oi, a man with outstanding credentials in the military manpower field, has made an analysis of fiscal year 1973 accession requirements, based on DOD figures, and concludes that the needs of the Army for that year will be 191,000 men. The maximum shortfall for a 2.5 million man force would be 21,000 if the administration's pay recommendations are passed by the Congress.

With an end strength of 2.4 million men, the shortfall would be 100,000 men with the administration's pay recommendations. At a 2.4 million end strength with the House passed pay bill, the expected fiscal year 1973 shortfall would be 80,000 men. At worst, then, we would expect a maximum shortfall in the Army of 100,000 men and in fiscal year 1973, if Dr. Oi is correct. This would not jeopardize our national security in the slightest, in my opinion.

Our past history indicates that the fiscal year 1973 accession expectation of 336,000 for the Army as projected by DOD is highly dubious. Let me indicate why I challenge this figure.

For example, in 1958 through 1960 we reduced our troop levels by roughly 135,000 men. During that period of time accession requirements decreased constantly as well as draft requirements. In 1959, the total number of men enlisting for the enlisted ranks in the entire Armed Forces was 340,000 men. The troop level at that time was 2.504 million, almost exactly the end strength recommended by DOD for next year. The interesting point is that the total DOD enlisted requirement for that fiscal year was 340,000—only 4,000 above the number of accessions estimated for one branch of the Armed Forces for fiscal year 1973 and at roughly the same force level.

Let me add at this particular point the simple fact that the statistics in the survey show that there is little if any relationship between the unemployment rates at any time and the enlistments within the military services.

There is one further aspect of the fiscal year 1973 projected accession requirement for the Army that I find of interest. The administration has set early 1973 as the deadline for reaching zero inductions. And if the present trend continues, approximately 191,000 of the Army accessions in fiscal year 1973 would be true volunteers if the draft were extended. This means that roughly 145,000 men would have to be drafted during that fiscal year to meet Army needs.

Let me repeat that if we were to take these figures literally and as valid figures, it would mean that we would have to draft 145,000 men to meet the Army requirements.

Furthermore, in order to reach the zero draft level midway through the fiscal year, there would have to be 158,000 inductions during the first 6 months, or more than 24,100 inductions per month. This is a fact which would contradict the administration promise to the American people, as well as any past experience on the part of the military services. Not only does this seem unlikely from a logistical point of view, but it would also seem extremely unwise from a political point of view, as well, to induct 145,000 voters during a national election campaign. The only other alternative would be to increase inductions during the latter part of the next fiscal year, but with the induction and average strength limitations in the pending proposals, this alternative would not be viable. Yet, even if Defense Department figures are accurate, which is a very dubious assumption, there is no reason to extend the draft for 2 years, as has been argued. The induction authority can be terminated this year without any threat to our manpower requirements. This is not based on opinions but it is based on a highly respected and documented commission report, the report of the Gates Commission itself.

Congress can review administration requests for reinstating the draft next year should the need arise. We never divest ourselves of this power. Arguing extension of the draft on some hypothetical future need would be a precedent for other possible legislation in other fields that would defy anyone's logic.

How can we anticipate the needs that far ahead in any field? We find it difficult to get out our annual budget without continuing resolutions.

On the other side of the national security coin is the fear of weakening our internal security. This is an argument that is frequently made that a mixed force of volunteers is highly preferred. Essentially this argument asserts that an all-volunteer Armed Force would be more isolated from society than a mixed force of conscripts and volunteers. It would consequently, because of its professional—mercenary makeup, pose an internal threat to our society and Government.

In terms of turnover, a volunteer military would have a significant number of new men joining each year.

I wish to emphasize that a voluntary military is not a static situation. Many assume that once an all-volunteer army is established, there is a freeze into a situation which becomes steady. That is not true. According to the Gates Commission, an all-volunteer force of 2.5 million men would have a stable annual turnover of approximately 325,000 men, or a 13-percent annual turnover.

It is true that a mixed force of volunteers and conscripts has a larger turnover, but it is primarily focused in the lower ranks among the draftees.

I wish to emphasize that draftees do not determine policy. Anyone who has been in the military realizes that a lowly enlisted man has no influence on military policy. Military policy is determined at the top of the pyramid. Down through history, any time there has been a military threat or coup d'etat it has been by an officer clique or an officer group, not within the enlisted ranks. The officers of this Nation's military force already volunteered. I do not find any threat here to our internal security by having an all-volunteer force. Today, our Armed Forces are experiencing at least a 90-percent turnover in our draftees.

It has been argued, for instance, that if it were not for the draft bringing men in from middle and upper income brackets our policy in Vietnam would be significantly different and that events such as those that occurred at Mylai would not have been discovered. On the surface, this is without fact or foundation. Our country has been fighting with draftees in Southeast Asia for a least 6 years. And what significant changes in policy have draftees or their parents brought about? Decisions in the military are made at the officer level where virtually all of our officers are volunteers. The fact of the matter is, whether good or bad, the men in the lower ranks have and continue to follow their superiors' orders, and the war has continued. Many of those involved in the events at Mylai were draftees. Yet, the first soldier to report having seen killings was Sergeant Bernhardt—who was not a draftee, but a volunteer. Lieutenant Calley, whose conviction is now pending appeal, joined the military just one step ahead of the draft. It could be forcefully argued that there is a direct correlation between the ratio of draftees in our Armed Forces and the warlike nature of our foreign policy.

But I shall not use that argument this morning.

Why should we criticize an enlisted man for being professional when our officer corps has always been professional? We do not criticize doctors, lawyers, and others for being professionals, why should we criticize a professional soldier? This criticism is often used against an all-volunteer army.

To criticize a soldier for being professional is to criticize him for doing a good job at his work. Consequently, one would have to argue against the existence of the military altogether to be consistent.

Depending on our force level, the ratio of draftees to volunteers in post Vietnam times would vary between 8 and 12 percent if the draft were to continue. It is hard to conceive how this small minority of men at the lowest end of the military hierarchy could influence policy.

For those who argue that the draft has helped us move toward getting out of Vietnam, they forget that it was the draft that allowed us to get into Vietnam. A much more defensible position is that if we had had an all-volunteer Armed Forces at that time, with the general taxpayer bearing the full cost, rather than the draftee, we may well not have gone into Vietnam. And if we had, we would have been out much sooner.

Finally, many continue to confuse the difference between a professional and a mercenary. A mercenary is a member of one country's armed forces selling his services to another. This certainly has not been the case during our more than 160 years experience in this country with an all-volunteer military, nor would it be the case should we abolish the draft once again.

The degree to which our country's military is isolated from the rest of society and the potential threat that it might pose to our internal security does not depend on the manner of manpower recruitment. Rather, it depends on factors such as the state of the economy, the consistency of government policy, and the successes of our foreign policy. There is no positive correlation between the manner of manpower recruitment and coup d'etat. There is little, if any evidence, in other words, to support the thesis that a volunteer military would be more isolated or pose more of an internal threat to our society than a mixed force of conscripts and volunteers.

Another issue that is usually raised within the context of protesting national security is the composition and quality of our Armed Forces under an all-volunteer military. One concern centers around the maintenance of the requisite number of combat troops to meet our needs. Apparently, this is a difficult analysis to make because the Pentagon has furnished me with at least four different sets of statistics within the past few months. This is an example of the "numbers game," as I call it, that is being played with Congress by the Pentagon. I will examine each chronologically and examine their respective implications.

In late December, 1970, the Pentagon projected between 33,000 and 50,000 combat arms slots annually for fiscal year 1972 and fiscal year 1973. Combat arms includes armored, artillery, and infantry.

In fiscal year 1970 we needed 100,000 men for combat arms. 4,000 men at the time of enlistment indicated that they wanted to have a combat specialty; this is the 4 percent figure to which so much reference has been made and about which we have heard many times from the chairman of the Armed Services Committee; that of the combat requirements, we got only 4 percent enlistments, indicating what he called this kind of specialty. Let us look further into these figures. Another 7,000 later signed up for airborne and special forces—bringing the total volunteer enlistments for fiscal year 1970 to 11,000. There were approximately 72,000 men in the same year who did not specify any specialty preference at the time of enlistment. These men are called Regular Army unassigned personnel—RAU. Forty percent of these men—28,000—were assigned to combat specialties.

This brings the total of true volunteers in combat specialties in fiscal year 1970 to 39,000—not 4,000; 39,000. The remaining 69,000 openings were filled by draftees.

But the need for ground combat troops in fiscal years 1972 and 1973, according to December 1970 projections by the Pentagon, as I indicated, as the first set of figures, will be one-half to one-third of the fiscal year 1970 needs.

I know there are many figures here. The Senate is required to face the problem of ascertaining what the real figures are. We have been given so many contradictory figures. Consequently, assuming the most pessimistic figures, and if only 40 percent of the regular Army unassigned personnel were assigned to combat specialties, we would have a shortfall of 25,000 men for fiscal 1972 and 1973, according, again, to the Pentagon's own figures. Yet, this does not take into consideration three factors:

First, increases in the manpower pool;

Second, substantial increases in pay;

Third, active recruiting for combat enlistments—which has been virtually nonexistent until recently.

The second and third sets of projections for fiscal year 1972 and fiscal year 1973, which my office received was in late May 1971—the first set, December 1970, the second set of figures, May 1971. The ground combat needs had increased to 75,000 annually.

Mind you, Mr. President, in these few months, at the same time the President has told us about winding down the war in Vietnam, his commitment to the zero draft, and all these great trends by this administration's war policies, the Pentagon has indicated a decreased number of voluntary manpower; yet, at the same time, from December 1970 to May 1971, the Pentagon has to increase these figures 75,000.

One source stated that during fiscal year 1971, there was an average of 300 volunteers per month for combat specialties. This comes from manpower sources in the Pentagon; with a total of 2,714 voluntary enlistments through late May.

However, a second source, from manpower, in the Pentagon, stated earlier in May that voluntary accessions in March of this year had increased to 600 and had gone to 1,400 in April.

If both are true, then in those 2 months almost 133 percent of the total voluntary accessions into combat arms specialties occurred, and the average monthly enlistment rate was 41.4 men. In other words, voluntary enlistments for the ground combat specialties increased from a rate of 79 per month to 600 to 1,400 in 3 months. This is an incredible 2,111 percent increase.

A fourth set of figures then came to light as a result of another phone call from my office. According to these figures—again we are talking about manpower specialists in the Pentagon.

The Defense Department estimates that combat enlistments for the month of April were 600, for May, 700, and for June, 800. Yet in the same conversation, it was conceded that combat enlistments for April could be as high as 1,000. These increases can be explained, according to Pentagon sources, as they explained to me, the new guaranteed European tour and the choice of unit programs which went into effect in February 1971.

Based on these most recent figures, then, combat enlistments have increased from 300 to 600—or possibly 1,000—in just 2 months. In other words, in 2 months, combat enlistment doubled or possibly more than tripled.

Taking the most conservative estimates of the most recent Pentagon calculations in the 3 months of April, May, and June of this year, they are expecting 2,100 combat enlistments. If, as the Pentagon states, there were 2,714 combat enlistments through May, and we subtract the May and April enlistments from that total, there were a total of 1,400 combat enlistments during the preceding 9 months. This is an average of approximately 145 combat enlistments per month for the first 9 months of fiscal year 1971, which is less than one-half of what the Pentagon stated was our average monthly combat enlistment rate—300.

No wonder there is confusion, no wonder question has been raised, and rightly so, as to what we are talking about on the floor here and what the Pentagon is talking about. They have a set of figures for each day of the week, or at least for each week of the month, and our job is to make some sense and to unravel these contradictory figures.

Whatever figures one chooses to use, it is obvious that ground combat enlistment has significantly increased since two new programs were instituted by the Defense Department. I refer to this program as the new European guarantee tour and the new choice program, which went into effect in February 1971.

Assuming their most conservative recent figures, what are the implications if inductions were to stop July 1, 1971, as those of us who support this amendment propose should happen.

All of the figures quoted by the Pentagon do not include enlistments for airborne or special forces—all of which are true volunteers. These figures also do not include Regular Army unassigned personnel, at least one-half of whom are true volunteers, who can be assigned to any specialty including combat specialties. Not accounting for the anticipated substantial increases in basic combat pay or increases in the size of the manpower pool, we can anticipate at least 7,000 volunteers for the airborne and special forces; and we can anticipate at least 73,000 Regular Army unassigned personnel, 41,040 of which are true volunteers.

On the basis of the two new programs of the Defense Department, assuming the most conservative estimate of 800 combat enlistments for June of this year, 9,600 men can be expected to volunteer for ground combat at the time of enlistment. This means that a total of 57,600 true volunteers could be ground combat troops in fiscal year 1972 without any pay increases.

This is a shortfall of 17,400 personnel for the ground combat ranks for fiscal year 1972 for an end strength of 2.505 million men.

The Senate Armed Services Committee, however, has reduced that projected end strength by 100,000—50,000 of which are Army personnel. I would expect that the increases in basic and combat pay would attract more than the needed men to combat specialties, but even if they do not, the shortfall would be insignificant. Consequently, stopping inductions at the end of this fiscal year would not hamstring our combat units nor threaten our national security.

Mr. President. at this point I ask unanimous consent to have printed in the RECORD a one-page list of statistics relating to the Vietnam manpower level, the 14,300 a month reduction rate, and the number due for rotation and the replacements needed each month from May 1971 to January 1973.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

THE DRAFT AND THE INDOCHINA WAR

	Vietnam manpower level at 14,300/month reduction rate	Due for rotation	Replacements needed
May 1, 1971	284,000	24,000	9,700
June	269,700	22,500	8,200
July	255,400	21,300	7,000
August	241,100	20,100	5,800
September	226,800	18,900	4,600
October	212,500	17,500	3,200
November	198,200	16,500	2,200
December	183,900	15,300	1,000
January 1972	168,600	14,100	0
February	154,300	12,900	0
March	140,000	11,700	0
April	125,700	10,500	0
May	111,400	9,300	0
June	87,100	7,300	0
July	72,800	6,100	0
August	58,500	4,900	0
September	44,200	3,700	0
October	29,900	2,500	0
November	15,600	1,100	0
December	1,300	100	0
January 1973	0	0	0

Mr. HATFIELD. Of particular importance and interest is meeting the ground combat needs of our forces in Southeast Asia. And here, again, we have conflicting reports. During the House debate, Defense Department figures were introduced into the RECORD which indicated the total replacement needs for our forces in Vietnam. I am referring now to some of the statistics on this chart. Projecting these figures at the present 14,300 troop withdrawal rate per month, there would be no need for further replacements in Vietnam after December 31, 1971.

Consequently, if there were no inductions after July 1, 1971, there would be no effect on our troop levels or combat needs in Vietnam. This is because it takes 6 months or more to induct and train a man for a combat role. Yet during the debate in the Senate, new figures have come to light.

It was first brought out in debate by the distinguished Senator from Wisconsin (Mr. NELSON) on May 25, that the Pentagon had indicated to him that 1,700 replacements would be needed in Vietnam after December 31, 1971. Later in the same debate the distinguished Senator from Mississippi and chairman of the Senate Armed Services Committee (Mr. STENNIS) stated that 13,700 replacements would be needed after December 31, 1971. Another office on May 24, received a different data, but it was labeled as being classified material which could not be used.

Assuming for the sake of argument the highest figure of 13,700 replacements as given by the distinguished Senator from Mississippi (Mr. STENNIS) no one will argue, I believe, that many of these will be ground combat troops. The most pessimistic estimate by the administration for our ground combat troops being in Vietnam was by former Secretary of the Army Resor when he stated, upon returning from Southeast Asia, May 5, 1971, the responsibility for ground combat operations would end by "the end of the summer."

Consequently, draftees will not have to be sent to Vietnam as ground combat troops. Replacements will be needed, but not combat troops. This would further indicate that the draft is no longer needed to meet our manpower requirements even in Southeast Asia. These replacements for Vietnam could be gotten from the regular enlisted ranks of true volunteers.

Another aspect of the questions surrounding the composition of our Armed Forces under an all-volunteer system is its racial and economic makeup. The President's Commission on an All-Volunteer Armed Force thoroughly studied this matter. And here, Mr. President, let me emphasize again, that we should get out of the realm of impressions and opinions and get to the basic supporting data of our propositions, where we are talking facts and not fancies. This Commission report, which to my knowledge no one has challenged with any effectiveness, or even challenged, for that matter, with or without effectiveness, concluded that the overall racial composition of an all-volunteer military would vary insignificantly from its present status. The Gates Commission projected that a force of 2.5 million men would be comprised of 14.9 percent blacks while a mixed force would have 16.6 percent black. Even if every eligible black were to enlist, the Commission points out, they would constitute no more than 22.4 percent of the total force by 1980.

On the other hand, the alternative to a volunteer military, the draft, is contrary to the interests of equity for the black and the poverty stricken. A study and analysis entitled "Local Board Composition and Institutional Racism," by Paul T. Murray, an assistant professor of sociology at Fisk University draws some very poignant conclusions.

First. Even if every local board was all black, the current disproportion of black draftees would not be significantly reduced as long as members remained obedient to national directives.

Second. Within the Selective Service System, the major sources of institutional racism are the standards of deferment, particularly student deferments, conscientious objector status and hardship and dependency deferments. Blacks are at a disadvantage in each of these cases.

Third. In the medical standards for induction, whites consistently receive nearly 50 percent more deferments than do blacks.

Mr. Murray concluded by pointing out that even internal reforms presently advocated would not change the basic inequity toward the black of the Selective Service System.

As for the economic brackets which will be enlisting in an all-volunteer military, volunteers would tend to come from higher economic brackets than presently. Present military compensation is already attracting those from below the poverty line. Raising pay and other incentives might well attract more from below the poverty line, but it would also attract more from higher income brackets, who, because of their usually better qualifications would be accepted at higher rates than those less fortunate.

Anyone opposing an all-volunteer military on the grounds of its being prejudiced against the poor and the black have not only the facts to argue against, but also a critical dilemma.

To be opposed to poverty one would have to favor equitable pay for military personnel. If equitable pay is forthcoming, the need for a draft no longer exists because voluntary enlistments would meet all of our projected manpower needs.

If, on the other hand, one opposes equitable pay one implicitly favors not only the perpetuation but the creation of poverty within our military.

Again let me emphasize that there are literally thousands of families today with the wage earner serving in the military who are also receiving public welfare checks, because they qualify under the poverty definition.

In his testimony before the Senate Armed Services Committee, David Clarke, representing Rev. Dr. Ralph Abernathy, president of the Southern Christian Leadership Conference, stated:

> Of particular concern to the Southern Christian Leadership Conference is the "fear" that an all-volunteer Army will become an Army of the poor and the black . . . such condescending noblesse oblige is not only unappreciated, it is downright repugnant from the point of view of the black soldier who is ordered to die to preserve a "freedom" that he has never known. . . . It is completely digressive then to impose upon us one institution of involuntary servitude because, in our struggle for freedom from another such institution, we might find attractive a few crumbs and might, grabbing at such, eat up a whole piece of bread. It is just plain outrageous for a Congress, itself very unrepresentative of the poor and the black of this Nation, to sit here and command that some black men, contrary to their own will and conscience, will have to fight a war that is not their own and die for a "freedom" which is not only not generally available to them, but which, by the very process of their conscription, is denied them in order to assure that (1) not too many of their black brothers sign up and thus expose our impoverished home front and/or (2) that more white people are killed thus fabricating a sense of equality.

Morality aside, the facts belie any assertion that the poor and the black would bear an inordinate burden of national defense in an all-volunteer military—according to the Gates Commission. There are two times more whites than blacks classified as poor—38 percent blacks, 8.6 million; and 11 percent white, 17.6 million. Approximately 12 percent of the overall U.S. population is black. Today, they comprise roughly 11.7 percent of the Army's population—less than their ratio to the total U.S. population. The composition of an all-volunteer military would vary insignificantly on a racial basis. The percentage of blacks would increase by only 0.8 percent for a stable force of 2.5 million men and only 2.2 percent for an all-volunteer army.

I should like to add, Mr. President, that I think it is very interesting that the argument comes mostly from whites. I know of no black organization, I know of no black leadership of any organization, I know of no poor organization or leadership of a poor organization which supports the proposition that a draft should be maintained in order to keep from getting a volunteer army made up of all black or of all poor whites.

It is very interesting that this argument is used only by whites. It certainly does not come out of the sources which are supposed to be defending what they are concerned about.

I invite Senators to read a very eloquent speech by Representative DELLUMS of California, a black Congressman, a member of the black caucus, who very pointedly sets forth the disdain in which blacks hold the white liberals particularly who pontificate about their great concern for an all black army or an all poor people's army, and who support the continuation of the draft, which the black caucus, as I indicated before, and all the black leadership of all the black organizations of which I know definitely oppose.

Another question that often arises is, "What if an emergency occurs; won't the draft be needed?" The draft has never been nor could it be expected to meet an emergency. Throughout our history, the reserves and the National Guard have been our first source of military manpower to meet any such emergency. This was the case in World War II, in Korea, and in the Berlin airlift.

The draft was only used to sustain the initial influx of men from the Reserves and National Guard units. Under any conditions it takes a number of weeks, and in some cases months, to train a man for military service—irrespective of whether he is a conscript or a volunteer. Consequently, the draft is not needed to meet a sudden emergency. It is not structured in order to do that. It cannot do that. It has not done that in the past. If a sustained increase in our Armed Forces personnel were required, Congress would have ample time to reinstitute the draft if it deemed it necessary. Let me emphasize the point. We never divest ourselves of that power once we repeal the draft or do not extend the induction power of the President.

Increased attention has been given to the state of readiness of our reserves. Secretary Laird, many months ago, announced numerous efforts that the Defense Department was undertaking to enhance the preparedness of the reserves so they could be more effective in meeting any emergency that might arise. The Gates Commission also thoroughly examined the manpower needs of the reserves and the effect that would be expected if an all-volunteer military were to become a reality.

Drill pay is directly linked to basic pay. Consequently, under the Gates recommendations, the hourly pay for a reservist in his first year of duty would be raised by approximately $1, which he is now earning, to between $2 and $2.50, depending on his grade and length of service. By shifting to an all-volunteer force reenlistments would increase the 7.2 percent reenlistment rate of recent years to 12.7 percent of the average strength. Losses from a 2.5 million all-volunteer force would be 342,000 in the 1977–79 period which would provide 47,800 prior service enlistments for the reserves.

This year, if we had an all-volunteer force, the active separations from the Armed Forces would be 665,000 of which 92,000 could enlist in the Reserves. The basic pay increase would raise the 0.7 percent enlistment rate from the 17- to 21-year-old pool to 1.25 percent. In the transition period to an all-volunteer Reserve force, recruiting potential will be enhanced by the large flow of servicemen being separated now.

The planned Reserve enlisted strength for this year was 865,000. The reenlistment rate was expected to have risen 9.2 percent, so that 79,600 men would have reenlisted this year had pay increases been implemented during fiscal year 1970. Prior-service gains would have numbered 81,000; losses were estimated at 243,000. To maintain a level strength would require 81,600 civilian enlistments.

Using the most conservative figures, the Gates Commission estimated that we would have 90,300 civilians desiring to enlist in the Reserves—significantly more than needed.

These figures are still relevant to today's needs. Although, it is 1 year later, force levels are somewhat smaller, but essentially the same realities are true as 1 year ago. Consequently, extension of the draft is not needed to maintain the present levels of our Reserve forces, which it can be strongly argued are significantly over strength.

It might be argued that we could not possibly meet our Reserve requirements if the draft were not extended because 75 percent of our Reserves are draft motivated enlistees. But the tour of duty for a reservist or a National Guardsman is 6 years. Consequently, the turnover each year is significantly smaller in relation to that of the active Armed Forces. Although we can expect a decrease in the initial periods of transition, our Reserves would still not be threatened nor our capacity to respond to an emergency should one occur.

A direct function of the necessary accessions for our Armed Forces and our Reserves is the manpower strengths at which we are aiming. The administration has recommended an end strength of 2.505 million men for fiscal year 1972, while the Senate Armed Services Committee has recommended 2.4 million.

A more rational end strength for which we should set our aim for fiscal year 1972 is 2.3 million men or possibly lower. This would be a much more logical, efficient and practical expression of our 1½ war policy which the administration enunciated last year.

It would not jeopardize our national security, but because of its increased efficiency, would in all likelihood increase it. The case for this was fully expounded last year during the procurement debate, and I anticipate its being debated in the near future. Consequently, our shortfalls, even without any projected pay increases would be nonexistent this coming fiscal year as well as the next.

For many years the Pentagon recommended a Reserve strength much lower than the Congress would allow. As the Gates Commission points out in its report, reorganization of the Reserve Forces could eliminate approximately 113,000 men in paid drill status without negatively affecting Reserve effectiveness.

If this were to occur, annual accession requirements for the Reserves would decrease by 89,000 for a Reserve Force supporting a 2.5 million man Active Force and 73,000 for a 2.25 million Active Force level. Be that as it may, under an adequately funded program where the basic pay were equitable and competitive with the civilian sector, there would be no problem meeting our Reserve manpower needs.

Even with present strength projections, no one has seriously argued that we would not be able to meet these objectives for the next fiscal year without a draft.

Arguments are heard that we would not be able to meet our fiscal year 1973 needs. But no one has told us what those needs will be. Even if we did know, troop strengths and recruitment procedures, consequently, should be reviewed toward the end of fiscal year 1972, and annually thereafter.

If the Congress decides that conscription is needed to maintain our Armed Forces during fiscal year 1973, it can reenact draft legislation.

To do so now would be out of keeping not only with the traditions of the Senate in reviewing the annual needs in all other fields, but would also represent an abdication of our constitutional responsibilities to make certain that we have not only raised the military manpower of this country but also that we set the levels based upon statistics and data upon which we have a good and clear vision as to their justification and their validity.

I suggest that we do not have such figures at the moment for 1972, let alone for 1973.

Economic and feasibility arguments notwithstanding, the draft should not be extended on grounds of justice alone—just pure and simple justice. Military conscription is a form of involuntary servitude and a symptom of totalitarianism. It was one of the reasons our Founding Fathers fled Europe. We should be a little more concerned about our history.

The cornerstone of our Republic is the value of each individual. The cornerstone of our Government is the value of individual choice. The service we demand of many of our young men today is in many ways similar to the enslavement of blacks in our Nation's early history. It is not choice. Any other way is still involuntary servitude when we require some to serve and others to escape.

While today we choose our servants by lottery and age, rather than by color, we do not give them enough money to support themselves or their families. And at the same time we ask them to die. While we fight for freedom around the world, we take it away at home. While we fight authoritarianism abroad, we nurture it at home with the draft. As Senator TAFT, the great Senator from Ohio, argued when he spoke against the draft, he said that is more characteristic of a totalitarian system of government than of a democracy.

Let me remind my colleagues again that a draft is a tax-in-kind. That is what the kings of Europe extracted from their subjects. That is why we established here a government that would be based upon taxation, that people would pay for the services of their government, that we did not believe in a tax-in-kind.

I think we have forgotten too much of our history. I think we have taken too much of our heritage for granted.

Yet we live with the draft today, which I think is the most odious form of military procurement.

When the draft was first undertaken in this country during the Civil War, there were riots that broke out in New York in which 1,000 people died and 10,000 were injured because, even in that day, people found it repugnant to accept a system that was characteristic of the European background from which they had fled.

Arguing to reform the draft by changing its internal structure and making selection on a random basis is like arguing in the early 1860's to put slavery on a lottery basis. By any other name, it is still involuntary servitude.

One does not reform inequity when it exists, as in the case of the draft, but one abolishes it.

That is what I call upon my colleagues in the Senate to do by supporting the pending amendment.

Mr. GRAVEL. Mr. President, will my colleague from Oregon yield?

Mr. HATFIELD. I am happy to my good friend from Alaska.

Mr. GRAVEL. Mr. President, we find ourselves in great debt to the Senator from Oregon. I have devoted many weeks of personal research to this question of the draft and I can say here, in all candor, that the paper just delivered by the Senator from Oregon (MARK HATFIELD), is and will be the finest presentation in the total debate rendered on the draft for a long time to come. He has addressed himself in the most able manner to this issue and has taken on the knotty problems.

One is the statistical game that is being played by the administration, by the Pentagon and, I say most respectfully, by the committees of Congress. That numbers game is designed to propel us with fear.

I have tried and withstood much in the process, but the work has been done. The work is right here. The numbers game has been totally exposed. There is no way for it to be covered up again because all that will be done henceforth will be merely the additional juggling of numbers. Once that is exposed, we can get to the kernel of the argument. Of course, kernels are being offered in great abundance by my good friend from Oregon. I just cannot thank him enough for his contribution here today.

I say with some sadness, and I know my colleague understands, that our other colleagues here will not read this document and will not give it the study it requires. Moreover, reading it will not be enough. It takes meditation and thought to put these figures together and realize the real hoax that is being perpetrated upon this body.

In fact, in going over the Senate report, on page 15, what struck me in my study was the use of the words "preliminary estimates." These are figures prepared in contradiction to the Gates Commission, which was a very studious and academic effort. But in the two tables on page 15, which have no title or source other than the fact that the figures were just thrown in there, like salt on a steak, the statement is made that these are preliminary estimates.

If they were estimates, that would lead to a great deal of conjecture. But the fact that they are preliminary estimates means that the authors of the figures would not dare to own up to their accuracy. Then there is the inconsistency of the Under Secretary, Mr. Kelley, from period to period.

However, I would like to reinforce one strong point made by my colleague from Oregon, and that is what the numbers game is intended to do, which is simply to give the rationale to provide the emotional thrust to maintain the draft. All the arguments rest on that one basis, the question of the draft.

The same thing occurred in 1947 and 1948 when we developed the attitude that we needed the draft. How did that attitude come about? Through, in my mind, a calculated effort on the part of the military and elements of the administration at that time, which of course was a Democratic administration, not unlike the Republican administration attitude today.

So the culprits are the same, regardless of party. It is well documented today that the military developed a whole series of activities to demonstrate or falsely to demonstrate the need; and that when the draft was acquired in 1948, so many volunteers were coming in that it was an embarrassment. What the actual outcome was over the two ensuing years, of course, was that there was a draft of only 30,000 men, because they had this flood of volunteers coming in and they went to devious lengths to stop them at the gate and not let them in because it would ruin the rationale that we needed conscription.

I want to quote a general—in fact, the War Department favored the system so strongly that it undertook a vigorous lobbying campaign and even set up a command post at Fort Knox under Gen. George Devine. I refer to his attempt to demonstrate that military training, as proposed by the War Department, is beneficial to the youth of this Nation. And, of course, the ensuing activities of the War Department at that time did make a case sufficient for Congress, unfortunately, to enact the draft, which was not needed, which attacked the fundamental freedoms so ably delineated in the Senator's presentation.

I shall not pursue this any further, but compliment the Senator—I do this not only as a Senator, but also as an American citizen—for what he has done in his documenting of the hoax that is being perpetrated on this country today.

Mr. HATFIELD. I thank the Senator

from Alaska. He is a cosponsor of the amendment to provide for an all-volunteer army.

The Senator from Alaska has held the floor many an hour in support of this basic proposition. I know that he has made a very excellent contribution in so doing.

The Senator from Alaska referred to this experience with the draft back in 1947 and 1948. I would like to add only one or two addendums to this point, because the Senator is so right in saying that the draft from the beginning of that period was perpetuated with either poor homework, inadequacy or fraud. I do not know which. However, when we consider that the Army in that same year reduced its recruiting budget by 26 percent in order to hold people out after the draft had been sold to Congress as a basic necessity for national defense and that during that same period they raised their qualification standards at different times in order to reduce the number of manpower coming in, I think we have to recognize that from the very inception the draft debate has been used to strike fear in the hearts of Representatives and Senators in order to get them to respond and react under this very grave mystique of national security that we have held up before us.

There is not a single Senator that is not concerned about national security. We are all committed to the idea that the Nation must be politically and militarily strong. But what is the formula for national security? Must we accept what others say in blind faith and abdicate our constitutional responsibiilty and accept what is told to us by so-called experts who have so many times been proved wrong?

Mr. GRAVEL. Mr. President, we cannot take it on blind faith, because today we are told that we need 2.5 million men under arms in order to safeguard the country. In 1948 when we had the draft, we had 1.3 million men under arms. Why is it that today when we have had an increasing technology and computerization, with electric battlefields, and when all we need to do is to push buttons, that this should be true? Obviously we should not put our faith in those whose views are changing all the time.

It is interesting that the Gates Commission in laying the parameters went from 2 to 3 million, leaving ample room. I feel that 2 million would give us all the safety we desire. However, I think a higher figure can be maintained with a voluntary force.

When the Senator from Oregon was citing the little machinations taken by the Pentagon to support the draft, he forgot one that, I think, is interesting. That is that they arbitrarily and capriciously refused to accept volunteers who had dependents in order to cut down the flow of these volunteers.

As I think has been stated, many in the Senate feel that universal conscription is good for the people in this country. They do not feel that it is good for them. They say, "Let us put them in, send them to training, picking up butts, taking basic training or tending bar for officers."

I refer to a statement in 1948 by General Devine, made to sell the draft to the Congress, that military training as proposed by the War Department was beneficial to the youth of this Nation. How patently ridiculous such a view could be, that we have to conscript people to cleanse them in their youth so that they can be better citizens.

We should conscript men if we have a war. We should conscript men to fight and for no other reason.

Mr. President, I thank the Senator from Oregon for making a tremendous contribution.

Mr. HATFIELD. Mr. President, I join with the Senator from Alaska.

Pursuing that point a little further, I am a little curious as to whether this is a military or a political decision that we are called upon to make here in the matter of extending the draft for 2 years.

I have talked with a number of military people, as I am sure the Senator from Alaska has. I have found that they have been unhappy with the idea of depending to this extent on draftees to fulfill their manpower requirements.

Any kind of an organization—I do not care whether it is the Army, Navy, Air Force, or a business organization—in which manpower represents a turnover rate of 90 to 95 percent is inefficient and working under a handicap.

Mr. President, it is interesting that General Lane, adviser to the Young Americans for Freedom—certainly not a liberal organization—a man with a very distinguished war record, should be a very strong proponent of a volunteer army.

I think it is very interesting that two former NATO commanders, who are no longer in uniform—General Norstad and General Gruenther—served on the Gates Commission.

I have talked with men in the Pentagon who said, "Don't use my name, but I can tell you very honestly that when we get back to the point when we can depend on volunteers, we will be a better Army, Navy, or Air Force."

After all, the Army is primarily the branch that is using draftees. Even if we want to use the figure for forced volunteers versus true volunteers, still we have a branch of the service that would welcome true volunteers. There would be less turnover, less griping, and less dissension within the military.

I think the military realizes it is suffering today, much like the politicians, from a poor public image. I think frankly that one of the things the military would like to do would be to get rid of the Selective Service System which produces such an important source of the antimilitarism in this country which is oftentimes blind, emotional, and passionate antimilitarism directed at all military personnel, which is inaccurate.

I am a veteran. I think the military is concerned about the future of the Army, Navy, and Air Force, realizing that the sooner they can have their organization filled with volunteers, the better off they will be and the better public image they will enjoy.

Speaking as one who worked with an organization for many years on the campus filling out form SS–109 every year for every one of them setting forth their grades in the progression score the local boards use, I realize most of the inequities to the students themselves. I realize the difference between a music major and a chemistry major and know that a man with a mark of 2.932 would be deferred and that someone below the line, with 2.192 would not be deferred.

Why is it selective? As the Senator from Alaska has pointed out, from the very inception of the draft in 1947 and 1948, we could not use all of those who would have been eligible under any kind of standard or qualification. Therefore, it had to be used for the convenience of the Government. I call it a discriminatory system. I think that either discriminatory or selective could be used in this case. I think in this case they are synonymous.

I feel that here again we are dealing with something that is really for the future of the military and its betterment, and for its benefit. It is not that I have mounted this campaign or that the Senator from Alaska has mounted this campaign because we are antimilitary. I am promilitary from the standpoint of military requirements for the defense of this country, but not from the standpoint of giving blind allegiance to anything they want from Congress.

I raise the question that I am not sure in my mind that the Pentagon really wants this by the contradiction of their own testimony and evidence, and I wonder if this comes from higher up.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. GRAVEL. If I may address myself to the statement, that is the only conclusion to which a person can come on this subject. It came about quite simply. One can see it in the Gates Commission report. It is filled with objectivity. It is an academic document. They have academicians on their staff. They read the President's statement about ending the draft, and the statements he made during the campaign about ending the draft; so they went about their task in an objective, intelligent, and precise manner. They came to a conclusion, and that conclusion is simply that on July 1 of this year we could have a volunteer Army. They did not come to that conclusion this year; it was a year ago in February, which offered much lead time and a transitional plan to effect it.

What happened? The game plan downtown changed. It was not the military because the military was a part of the Gates Commission. It was a political decision made by politicians, like we who grace this body, who felt, "We cannot quite do it, it takes away our power, and we must have the draft and it must be extended for 2 years." So the ground shifted.

All those who testified made a plausible case, and then they had to take two steps to the right. That is why the Under Secretary gave figures in the House of Representatives and then had to run over to the Senate and give other figures because those figures were being used to beat them over the head. So the ground shifted and changed. That is what my colleague has addressed himself to. It is the charade of figures which present a totally false case.

In all my readings the Senator from Oregon is the only one who has been able to bring the matter together with some expertise to demonstrate what has been a hoax with figures. My colleague used the phrase "played with figures," and the possibility of fraud. I do not know. I think calling people liars is too harsh, but it is obvious they are not telling the truth.

I see people making statements about the safety of this Nation when in truth they impair the safety of this Nation, because the draft is the root cause of the disaffection our Nation holds for the military. This disaffection erodes the strength of this Nation.

If I were an enemy of the United States and wanted to devise a plan to corrupt the foundation of this Nation I would say that first we have to institute a draft that would bring about a malaise, that would develop an antimilitary feeling that would cause this representative Nation to lose its desire to want to defend itself. That is a terrible conspiracy, but that is what happened.

One merely has to observe the disaffection of which I speak to realize the impact it has had on our ability, our resolve, and our desire to defend ourselves. That desire has been eroded, and it is the reason we have the draft.

Again, the fact that my colleague has addressed himself to what I think is the crux of the problem by going to the figures and bringing his perspicacity and ability to bring this matter to a head does all of us a service.

Mr. HATFIELD. Mr. President, I deeply appreciate the comments of the Senator from Alaska. I would like to respond with one thought.

Here we have two volumes that I hold in my hand, volumes 1 and 2, referred to as the Gates Commission report. It is filled with task force data that were made available from the Pentagon, not from the Quakers' home office. This is from the Pentagon. They were going to give full and be given full cooperation and support to the entire Gates Commission thrust.

The Gates Commission was headed by former Secretary of Defense under President Eisenhower, Thomas Gates. It also had as members two distinguished generals, Gen. Alfred Gruenther and Gen. Lauris Norstad, both of whom were formerly Supreme Allied Commanders in Europe. These men were extremely familiar with the operation of the Pentagon.

Other members of the Gates Commission were Theodore Hesburg, president of the University of Notre Dame, the president of Hampton Institute, and the headmaster of Phillips Academy in Massachusetts; as well as Jeanne Noble, professor, New York University, National Advisory Council on Selective Service; Roy Wilkins, who was executive director of the NAACP; Allen Wallis, president of the University of Rochester; Alan Greenspan, chairman of the board, Townsend-Greenspan & Co., economic consultants; Crawford Greenewalt, chairman, finance committee, Dupont Co.; Milton Friedman, University of Chicago; Frederick Dent, president, Mayfair Mills, Spartanburg, S.C., and Thomas Curtis, vice president and general counsel, Encyclopaedia Britannica. Another member was Stephen Herbeits, student, Georgetown University Law Center. These are all distinguished Americans.

We have two volumes of data and statistics. I have seen nothing comparable to them from the other side. If anything, I have seen a trickling in of letters on a day when we were going to vote on the pay bill, by the Assistant Secretary of Defense, Mr. Kelley. I have not heard one person challenge the validity of the Gates Commission report. Let the other side come forward. I would be happy to accept one volume. They have not been able to show us anything but a few letters, and material that was totally contradicted.

Mr. GRAVEL. And "preliminary estimates."

Mr. HATFIELD. And they ask Congress to extend this odious conscription on the basis of what has been passed on to us by word of mouth as contrasted to the material contained in the Gate Commission Report that has not been challenged by anyone that I know.

I am grateful to the Senator for his contribution in the colloquy this morning.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has consumed 1 hour and 28 minutes.

Mr. HATFIELD. Mr. President, I would like to go back into one or two points to summarize. Then, I will yield the floor to anyone who wishes to be recognized.

I am going to summarize the gist of the presentation this morning, which we have attempted to show not by opinion or impressions, or personal ideas, but rather by statistics which have been gathered by competent sources from the Pentagon.

We have pointed out this morning the contradiction of these figures. The Pentagon said we needed so many combat forces at one time and a month later they set forth another set of figures. Two months later they set forth other figures. It is in keeping with what has happened on the floor of the Senate. We have had pay proposals and all sorts of opinions given and these have come from various sources again, from the Pentagon through the testimony before the Committee on Armed Services in the House of Representatives. One position was taken there and then when that position was not strong enough to sustain arguments they wrote a letter to the Chairman of the Committee on Armed Services on the day we were called upon to vote. So we have had this kind of trickling information, this kind of pleading data, and contradictory material on which we are being asked to make an important decision relating to the young people of this country. More than the young people are involved. Many people are affected.

I submit that until we get a dependable set of statistics and data upon which we can jointly make a decision I have at least another 10 amendments I am going to offer to this selective service proposal.

I want to put the Senate on notice now that, if it takes us until December to consider the amendments, I am willing to fight the battle until December. I am not going to yield to the generalizations and to the appeals to fear on which we have been asked to support the proposals with such vague, undefined labels as "national security," and to listen to the advice of fine admirals and generals wanting this or that, or the Pentagon wanting this or that. I want to see the statistics on which I, as one American, can rely and make judgments, and not out of a call to unity to get behind and support the military and the Pentagon. That is not a sufficient basis upon which we are called to make such a decision.

I also want to call attention to the fact that I will go back to reading the whole volume by Liddell Hart, who was probably the most distinguished historian the world has known in recent years, and who passed away a few weeks ago, in order to bring to the attention of my colleagues the history of military programs. We have not learned from history. Let me remind my colleagues that Napoleon's army was a draft army. The czar's army was a draft army. The army of Frederick Wilhelm was a draft army.

If one wants to put his freedoms to the test, it is not on the basis of a volunteer army; it is on the maintenance and use of a system that is inequitable, unfair, and certainly uneconomical, and is tearing this country apart.

If people are interested in the future of our military and the defense of our Nation, they will join us in abolishing the draft. When there is an inequitable system, one does not try to reform it or improve it; he abolishes it.

There is no black organization that supports the maintenance of this inequitable system. There is no poor people's organization that supports maintenance of a draft system. In their own words, they are tired of white liberals telling them what is best for them. They want a volunteer system.

I think we ought to look to the people we are supposed to be representing, to get their own feelings and views. I think we should look to ourselves to institute the draft if conditions require it. Certainly those conditions do not exist at the moment.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. FULBRIGHT. What the Senator has said about the draft is quite correct historically. It was one of the things that precipitated the action the French took with respect to ending the Indochina war. The French concluded the war by negotiations. If the negotiations had not succeeded they would have had to decide whether to send conscripts to fight in Vietnam. In other words, the draft was part of the considerations that caused the French to negotiate an end to that war.

The Senator from Oregon was talking about certain other armies, and I thought it was appropriate here to mention that. As a matter of fact, I have had the

Library of Congress prepare a rather detailed history of the Geneva Conference and the role of the French National Assembly in ending the Indochinese war, together with some statements. I was going to inquire of the Senator, if it met with his approval, if I might have an opportunity to introduce those into the RECORD for the consideration of our colleagues, when the Senator completes his statement.

Mr. HATFIELD. I shall be glad to yield whatever time is necessary for the Senator to do that.

Mr. FULBRIGHT. I do not want to interrupt the Senator. I wondered if it was agreeable to do that now or at a later time.

Mr. HATFIELD. This would be a very appropriate time.

Mr. FULBRIGHT. The Senator mentioned the question of Napoleon's army and other armies that had drafted personnel. I think it is relevant, at least to our present debate on the floor, to mention what the French experience was.

I have stated on other occasions that I have supported the draft generally—not with regard solely to Vietnam, but generally I have supported it—on the theory that I am very apprehensive about having a purely professional army. I do not believe the experience of countries with solely professional armies is too good. I have been bothered, as a long-time proposition, as to whether we should proceed to make the military establishment even more powerful and influential in our society. That is a difficult question. But, on the present question of the war in Vietnam, I am in favor of anything we could do to prevent continuation of the war in Vietnam.

If the Senator wishes, I shall be glad to make a short statement, introducing some of what I think he will find interesting facts about the French experience.

I did not understand that the time was under control. Is the time under control, Mr. President?

The PRESIDING OFFICER. We are under controlled time. The Senator from Oregon and the Senator from Mississippi have control of the time.

Mr. HATFIELD. Mr. President, I would be very glad to yield whatever time is necessary to the Senator from Arkansas.

Mr. STENNIS. Mr. President, if the Senator will yield to me for a parliamentary inquiry, when the Chair states that we are under controlled time, does he mean for today until 3 o'clock?

The PRESIDING OFFICER. For today, for tomorrow, and for Friday until 1 o'clock.

Mr. STENNIS. Mr. President, if the Senator will yield to me, I am sure there is no trouble about the time. I will yield the Senator from Arkansas time. It is entirely agreeable to me for him to go ahead now before I speak.

How much time does the Senator want?

Mr. FULBRIGHT. About 10 or 15 minutes.

Mr. STENNIS. I am glad to yield the Senator 10 or 15 minutes, or even 20 minutes.

Mr. FULBRIGHT. This is purely a public service. This is nonpartisan. It is an historical matter, concerning the experience of the French, and especially what the General Assembly of France did to bring the war to an end. They played a very decisive part, which is the same kind of part that the Senator from Oregon is seeking to have this Congress play, and which I have announced I support.

Mr. STENNIS. The Senator from Oregon does not have to make any explanation of his position.

Mr. HATFIELD. Mr. President, I yield whatever time the Senator needs.

Mr. FULBRIGHT. Shall I go ahead now?

Mr. HATFIELD. The Senator may.

Mr. FULBRIGHT. Mr. President, this business of controlling the Senate's time is getting out of hand. I spent my first 20 years in the Senate, along with the Senator from Mississippi, trying to prevent muzzling of the Senate through changing rule XXII. Now I find that, by making long-time unanimous-consent agreements, with few Senators present at the time, one or two Senators can control the time. I would like to suggest to the leadership that they are overdoing the question of controlled time. Any Senator ought to be free to come in, under reasonable circumstances, and talk about one of the most important subjects we must face. I do not wish to pursue that at the moment, but I find it interesting that after so much time and effort we spent in trying to preserve freedom of debate in the Senate, we now find that, by unanimous-consent agreements, entered into when very few Senators were present, we come to the same result, and in an even more restricted sense.

Mr. President, about this matter of the time, as I said to the Senator from Oregon——

Mr. STENNIS. Mr. President, will the Senator yield on that point for just a moment?

Mr. FULBRIGHT. Oh, surely.

Mr. STENNIS. This matter of the time was not the election of the floor manager of the bill. If it had been possible, the Senator from Oregon would have reached the floor earlier, but he requested this time, and I think has been very agreeable about these things, and I just want to assure the Senator from Arkansas that we did the best we could, and I think we are fortunate to be able to get to a vote as early as we will. It is a lot of time on the amendment that is true.

Mr. FULBRIGHT. I am not speaking as to this particular case so much as the practice of making long-term unanimous-consent agreements.

Usually, in the old days, at least—and maybe it is because I have been here so long that I keep referring to the old days—a unanimous-consent request was confined to more or less the immediate period. We did not undertake to control the time of the Senate for the future indefinitely.

I suppose I could make a unanimous-consent request that from now until the end of this session, all the time be divided between me and the Senator from Mississippi, and, if everyone agreed, there would be nothing anyone could do about it.

I think the Senate must consider that there has to be a limit as to how far we use this device to overcome or withhold the application of other rules in the Senate.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HATFIELD. I join the Senator from Arkansas in his basic point. I would like to make it very clear for the RECORD that I sought no time limitation on my amendment. It was the management of the bill and the leadership of the Senate that asked for a time limitation. I asked for no time limitation. I would have been happy to go ahead and debate this issue for the next 3 months, but the leadership wanted a time limitation. So I agree with the Senator from Arkansas.

Mr. FULBRIGHT. I am glad that the Senator from Oregon has made that statement, because what I seem to detect is that by these agreements, Senators are quite safe in going off to the Bahamas, or to Nassau, or to Florida, and they know the vote is not coming until Friday, and there will not be anyone here. Here we are, confronting one of the most important issues of the year, and there are four Senators present on the Senate floor and the Presiding Officer, a total of five out of 100.

I venture to say there will not be any more Senators here until the vote. It is coming to where Senators come to the Chamber only to vote, under this procedure. When Senators never know when there is going to be a vote, and there is no definite limitation, they had better be around in order not to miss the votes. Maybe if that were the case a few of them would then come over and find out what the issues are, instead of taking the word of the whip about it.

I would suggest to the Senator from Oregon and other Senators, particularly as to matters in which I have a special interest, that they not agree to these long-term requests, but let the Senate proceed as it used to proceed. That is what the rules provide. Rule XXII protects the basic significance of the Senate's role in our system. If we change that rule, and get into this business of closing debate by moving the previous question, we will have destroyed the real significance of the Senate. I still think that, and I believe that this practice is an encroachment upon that basic procedure, and that we ought not to make these agreements that we are not going to vote until next Friday, because in the meantime no one is here to debate. The whole value of debate—refinement of views, and so on—is lost. That is what the Senate is for. I do not think we can justify our existence if we are to follow this procedure indefinitely.

We are talking about two or three very important things. One is the draft itself, whether or not it is consistent with the democratic system and the democratic process, or most consistent with an authoritarian system. That is very important. Another issue that is very important is whether or not to use this device to try to persuade the President to stop this terrible war, which is destroying the country. It is not an illegitimate device to use, because we have put the draft in and taken it out repeatedly from time to time through our history. We have not had a permanent draft, though it has been rather permanent lately, because we have been involved in wars of one kind or another. We left it off from World I until World War II. But this measure has relevance as a possible means to stop the war.

The Senator from Oregon and his colleague, the Senator from South Dakota (Mr. McGovern), are taking the lead on this issue of using Congress to stop an unconstitutional war. The question is, how can we best use it? How can Congress best exert its influence to bring that about?

As I have said before, I think it is primarily by demonstrating to the President, the Chief Executive, that he ought to settle the war through negotiations. I look upon it primarily as a means of persuading the President. If we could enact this measure and make it stick as a law over the President's veto, an end to the war could be effected that way, but that is an extremely difficult thing to do.

Its passage by the Senate, however, by a substantial majority or by any majority, would be very persuasive on any President, it seems to me, that the sentiment of the country is changing, and that he ought to proceed and ought to reexamine his own convictions about the war. That, in the first instance, is why I support the Hatfield-McGovern bill in the remarks I am about to make.

Before I go into those remarks, however, I do have another matter, simply in the nature of an insertion in the Record, if my colleague from Oregon will bear with me.

This morning, as I was cleaning off my desk, I was struck by two articles which bring home to me as forcibly as anything has—not that this is new, but it is stated in a little different way—the importance of the drug addiction problem in Southeast Asia.

The first is an article from my hometown newspaper, the Northwest Arkansas Times of Fayettville, Ark., entitled "Heroin May Be Final Winner in Vietnam." I shall read just a portion of it, and then ask unanimous consent that the entire article be printed in the Record.

The article begins:

> A new congressional report says so many American soldiers in Vietnam are being hooked on heroin that President Nixon should withdraw all U.S. troops unless the drug traffic is halted.
>
> The report, prepared for the House Foreign Affairs Committee, says many high-ranking Laotian, Thai and Vietnamese officials have a major hand in illegal drug sales to GIs. In some cases, it says, U.S. planes and diplomatic pouches are used to ferry opium and heroin into Saigon.

That is quite some statement. And that is not a way-out, left-wing assertion, as they call it, of the kind that the Vice President ridicules. This is a report by the House Foreign Affairs Committee, which has, over the years, been extremely devoted to the official policies of this or any other administration.

The article continues:

> An earlier report from the House Armed Services Committee also described corruption in the drug trade among South Vietnamese officials, but stopped short of indicating how heroin gets into Vietnam. . . .
>
> Most of the opium from which heroin is produced is grown in Burma and processed in Laos or Thailand. . . .
>
> To get the drugs into Vietnam, Steele's report said, South Vietnamese and Laotian Air Force planes are frequently used.

All of those planes, of course, are supplied by the United States—

> A lesser amount is smuggled in on Air America, a Central Intelligence Agency-financed airline in Southeast Asia, the report said, adding there is evidence some diplomatic pouches carried from embassy to embassy also have been used for smuggling. . . .
>
> Steele has estimated between 15 and 20 per cent of Americans in Vietnam have used heroin.

Mr. President, I know there is nothing new in this article, and that there have been other reports; but this is a more precise and exhaustive report than I had previously seen.

To bring the matter up to date, in this morning's New York Times there is an article entitled "Nixon, Drugs, and the War," written by Mr. James Reston. I shall read a part of it:

> In his news conference tonight, President Nixon said it was important to keep the problem of drug addiction among American troops in Vietnam in perspective. His Administration, he said, was concentrating on getting at the sources of drugs in the world, that it was going to prosecute the drug "pushers," treat the drug "addicts" and try to inform the American public on the general problem of drug addiction.
>
> In general terms this is fair enough, but it does not deal with the tragic realities of the troops on the battlefield.
>
> The quickest way for an American soldier to avoid combat in Vietnam and get back home these days is to take to drugs. If he's hooked on heroin, he's finished—finished with fighting, finished with the Army, a casualty of the war, finished with everything but the drug habit.
>
> This is one of those tragic consequences of war where, in Nikita Krushchev's vivid phrase, the living may envy the dead. Retiring Army Secretary Stanley Resor recently testified that between 10 and 15 per cent of the American troops in Vietnam have a serious heroin habit, and this is at best an official guess—
>
> * * * * *
>
> The Nixon Administration has not been indifferent to the menace of drugs in America. It has tried to get at the problem at the source. It has used its political and economic power to cut off the supply of drugs in Turkey, Lebanon and elsewhere in the Middle East.
>
> * * * * *
>
> But in Vietnam, where it has much more control over both the peddlers and the soldiers, the Nixon Administration has not been effective. In Saigon, at least, it has much more authority than it has used to attack the source of drugs . . .
>
> * * * * *
>
> . . . critics and defenders of the President's Vietnam policy, have urged him, without success, to get at the facts of drug addiction among the soldiers, and cooperate in legislation to deal with the drug casualties of the war.
>
> This is so serious a problem that, unlike most political issues in Washington, it is beyond politics. Both parties, all factions for and against the Nixon policy of "winding down the war," agree on the human tragedy of drug addiction among the soldiers in Vietnam, and the dangers of sending them back home before they are cured, but this is what is happening. To save their lives by avoiding combat, many of the Americans in Vietnam are ruining their lives by drugs, and are being sent home to families and communities that have no means to cure or even understand the tragedy of their returning sons.

Mr. President, I ask unanimous consent to have both articles printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Heroin May Be Final Winner in Vietnam

Washington.—A new congressional report says to many American soldiers in Vietnam are being hooked on heroin that President Nixon should withdraw all U.S. troops unless the drug traffic is halted.

The report, prepared for the House Foreign Affairs Committee, says many high-ranking Laotian, Thai and Vietnamese officials have a major hand in illegal drug sales to GIs. In some cases, it says, U.S. planes and diplomatic pouches are used to ferry opium and heroin into Saigon.

The report recommends the President "take personal command of the struggle to eliminate the illegal international traffic in narcotics, particularly heroin, and commit the full resources of the country to that battle."

If these efforts fail, the study said. "The only solution is to withdraw American servicemen from Southeast Asia."

Rep. Robert Steele, R-Conn., is principal author of the report compiled after he and Rep. Morgan F. Murphy, D-Ill., toured Southeast Asia earlier this year.

EARLIER REPORT

An earlier report from the House Armed Services Committee also described corruption in the drug trade among South Vietnamese officials, but stopped short of indicating how heroin gets into Vietnam.

"In Laos, government armed forces are major wholesalers of opium and heroin and have been directly involved in large-scale smuggling activity," the new study says. "Reliable sources report that at least two high-ranking Laotian officials, military and governmental, including the chief of the Laotian general staff, are deeply involved in smuggling activity."

Most of the opium from which heroin is produced is grown in Burma and processed in Laos or Thailand.

"In Thailand," the report said, "a former diplomat and member of one of the most respected Thai families is reputed to be one of the key figures in the opium, morphine base, and heroin operations in that country and throughout Southeast Asia."

To get the drugs into Vietnam, Steele's report said, South Vietnamese and Laotian Air Force planes are frequently used.

A lesser amount is smuggled in on Air America, a Central Intelligence Agency-financed airline in Southeast Asia, the report said, adding there is evidence some diplomatic pouches carried from embassy to embassy also have been used for smuggling.

Some Thai soldiers carry heroin into Saigon without fear of being caught, according to the study.

Steele has estimated between 15 and 20 per cent of Americans in Vietnam have used heroin.

Nixon, Drugs and the War

(By James Reston)

In his news conference tonight, resident Nixon said it was important to keep the problem of drug addiction among American troops in Vietnam in perspective. His Administration, he said, was concentrating on getting at the sources of drugs in the world, that it was going to prosecute the drug "pushers," treat the drug "addicts" and try to inform the American public on the general problem of drug addiction.

In general terms this is fair enough, but it does not deal with the tragic realities of the troops on the battlefield.

The quickest way for an American soldier to avoid combat in Vietnam and get back home these days is to take to drugs. If he's hooked on heroin, he's finished—finished with fighting, finished with the Army, a casualty of the war, finished with everything but the drug habit.

This is one of those tragic consequences of war where, in Nikita Khrushchev's vivid phrase, the living, may envy the dead. Retiring Army Secretary Stanley Resor recently testified that between 10 and 15 per cent of the American troops in Vietnam have a serious heroin habit, and this is at best an official guess—at least 20,000 and maybe twice the number in the American Expeditionary force are now in danger of drug addiction.

The facts and military regulations of this problem are alarmingly vague. President Nixon has conceded that the problem exists. The military authorities have established a rehabilitation program to deal with it. Extreme cases of drug addiction are compelled in join the program, but the easy way in dubious cases is merely to get the man home and out of the service.

Getting them out of the service at least blurs and disperses the problem. If the soldier wants out and does not volunteer for the drug rehabilitation program, the veterans hospitals are not full of addicts, but the soldier is thrown back on his own with an expensive habit he cannot cure or afford.

Divided as the nation is about the war, confused as it is about past and present war objectives, the country ought to be able to agree about rescuing the men who were drafted into the battle, and giving them the health and jobs essential to a decent life. This is not being done now. Rehabilitation and employment centers are being established, the problems of the veteran drug-addict and the veteran unemployed are recognized in Washington, but the sick and unemployed casualties of the war are not really being dealt with effectively.

One of the major drug problems of the American soldier in Vietnam is that heroin in Southeast Asia is strong, easy to get and take by smoking, rather than by needle, and cheap. It eases the agony of combat, and promises home-leave if it gets beyond control. But hooked on this powerful, cheap stuff in Vietnam, a discharged veteran in any normal American community has the means neither of curing the habit nor of affording the habit, without stealing.

The Nixon Administration has not been indifferent to the menace of drugs in America. It has tried to get at the problem at the source. It has used its political and economic power to cut off the supply of drugs in Turkey, Lebanon and elsewhere in the Middle East. It has worked effectively with the Pompidou Government in Paris to break up the processing of drugs in Marseilles and elsewhere in the Mediterranean. It has trebled the number of agents watching the drug trade across the Mexican border and through customs at the international airports in this country, and it has poured Federal money and manpower into breaking up the drug peddlers in this country.

But in Vietnam, where it has much more control over both the peddlers and the soldiers, the Nixon Administration has not been effective. In Saigon, at least, it has much more authority than it has used to attack the source of drugs, to intervene in the drug corruption, which reaches into the highest levels of the Saigon Government, and to insist that the American soldiers, who are the casualties of the war-drug culture, go into the drug-rehabilitation program.

More than that, the Administration has not cooperated in a serious, private examination of the Vietnam drug problem with the Congress. Nobody on Capitol Hill expects the President to approve public hearings on the question, but serious men in the Congress, both critics and defenders of the President's Vietnam policy, have urged him, without success, to get at the facts of drug addiction among the soldiers, and cooperate in legislation to deal with the drug casualties of the war.

This is so serious a problem that, unlike most political issues in Washington, it is beyond politics. Both parties, all factions for and against the Nixon policy of "winding down the war," agree on the human tragedy of drug addiction among the soldiers in Vietnam, and the dangers of sending them back home before they are cured, but this is what is happening. To save their lives by avoiding combat, many of the Americans in Vietnam are ruining their lives by drugs, and are being sent home to families and communities that have no means to cure or even understand the tragedy of their returning sons.

Mr. FULBRIGHT. Mr. President, all this brings to mind—and I cannot help referring to it very briefly—the first serious intrusion into the Far East by the Western nations. In 1838 and 1839, I believe 1839, the British, having been repulsed by the Chinese and having been told that the Chinese had no need of their highly sophisticated manufactured goods which consisted of cheap textiles and other gadgets, and being unable to balance their payments in any other way, took to the smuggling of opium into China, and that began the opium war. The Chinese tried to resist it. They tried to prevent it. They confiscated an enormous shipment at Canton, threw it into the ocean. The response of the British was to send a flotilla of five gunboats or frigates into Canton and in effect took over within the next few years the government and control of China.

It is rather interesting historically that our great friend, our ally, the British, opened up Asia by insisting that they accept opium in payment for their tea and their silk. They did it by smuggling originally and then by force.

We have gone into this alien area about which we knew almost nothing and are ending up infecting our young men with the heroin habit. Heroin, as everybody knows, is simply a derivative of opium.

I note this increase of crime in the United States. I cannot believe, although I cannot prove a direct connection, that it is not unrelated in many cases to the growth of the heroin habit.

Recently, within the week, an old friend of mine who has a small bank in a small town of just a few thousand people, in Ash Flat, Ark., was interrupted in his home about 8:30 on a Sunday night by two young men who took him—in effect, kidnaped him—and made him later that night open the bank. They took $25,000 and abandoned him later. They did not kill him, fortunately.

I cannot say that that was caused by heroin addiction, but it is an area in which this type of thing has almost never happened in the past. We expect these things to happen in Washington and New York. I suppose we have had a hundred bank robberies of one kind or another in Washington this year—either banks or savings and loan institutions. But this has rarely happened in smaller towns. It is the first such instance which has come to my attention in recent months in a town of this size and in a rather remote area—one of the most blessed areas of my State.

It simply set a train of thought that led me to contemplate not only how sad and tragic it is for the boys themselves and their families but also what a tremendous danger an enormous number of heroin addicts will present to the tranquillity of our land.

If there were no other reason—and there are many other reasons—why this war should be ended and why the Hatfield-McGovern bill should be adopted, it seems to me that that, in itself, is a sufficiently grave reason for this war to be ended, and ended soon.

Mr. President, there is much that the Nation's policymakers could have learned from the French experience in Indochina but did not. George Santayana wrote:

> Those who cannot remember the past are condemned to repeat it.

Seldom has that maxim been so close to the mark as it has been in Vietnam. When we stepped into the shoes of the departing French in 1954 we began to repeat their mistakes. Now history is slowly coming full circle with our own withdrawal from Vietnam. But, it is not too late to learn from France's experience. She was able to extricate herself from the quagmire of a 7-year, indecisive war only through a negotiated settlement. We should follow her example.

It is extremely interesting that this is 1971, and the Tonkin Gulf incident was in 1964. So it has been approximately 7 years since our official entry into the conflict.

The Congressional Research Service of the Library of Congress recently completed a study for the committee on the role of the French National Assembly in ending the first Indochina war. This provocative study, prepared by Pauline A. Mian, points out many striking parallels between the respective roles of the French National Assembly and the American Congress during the course of the two wars.

Despite the extensive powers of the National Assembly, the study states:

> As a body it exerted little control or influence over the course of the war, or over the search for peace.

Until the passage of the first Cooper-Church amendment in late 1969 Congress had let the executive branch run the war as it pleased, giving it all the money it wanted for whatever purpose it chose to use it.

In 1946, the National Assembly passed a law which gave the Council of Ministers power to decree the end of World War II in Indochina and the fighting which followed thereafter was considered to be a "prolongation or a consequence" of World War II. The study reports:

> With the adoption of the May 1946 law, the National Assembly virtually forfeited its power to question the legality of this undeclared war.

With Congress passage of the Southeast Asia resolution, it was effectively estopped from contesting the legality of the executive branch decision to march the Nation into a full-scale war.

These analogies seem to me to be extremely interesting. I remind my colleagues that a majority of five can change the chief executive in the French Parliament. The prime minister exercises the chief power. He certainly did at that time, before the new constitution, which gave the president far greater powers than he had at the time or when the first war went on in 1946. They had the capacity and power legally to change their chief executive. But the president at that time had much less power than he does today in France.

As to the National Assembly's control over the purse strings, the study relates that—

> Various devices were adopted by successive cabinets to make parliamentary control over the war through its control over the budget, and more specifically military expenditures, next to impossible. Military expenditures for the war were included in the general defense budget, and not itemized. Or they were tucked in the appropriations for several Ministries, such as Overseas Territories, as well as National Defense. Another common practice was to draw up an unrealistically low budget for military expenditures, and then come back to the National Assembly every month or every few months, to ask for additional appropriations, often for money which had already been spent. The National Assembly had little choice but to vote for expenditures which had been made. Under these circumstances, no Cabinets were voted down on appropriations specifically designated for the war, although many Cabinets did fall on financial and economic issues which, once again, could be traced back in part to the heavy drain on resources caused by the war effort.

That is the end of that particular quote, which could easily be applicable to the practice here at home, the procedure of low estimates not only in our own governmental activities but also the low estimates made by such people as Lockheed and Grumman in order to get contracts and then to get the enormous overruns, which is an example of how it leads us down the garden path, as they say, by making us think it is going to be a fair amount of money but then there are two, three, or four times in overruns over the amount estimated at the time the contracts were let.

Those of us in the Senate who objected to the haste with which the Congress was forced to consider the Cambodia aid bill last fall, much of which was to pay back funds borrowed from other programs, and already spent, can appreciate the problems faced by the National Assembly.

The study also shows that there was in France, as there was here in the mid-1960's, an unwillingness by the Government to admit that it was actually engaged in a war.

The study noted:

> The vocabulary of the IVth Republic is significant; the war was most often referred to in common parlance as "a rebellion," "the events in Indochina," "the Indochinese affair," "the conflict," and the French war effort as "a pacification operation," or a "maintenance of order operation." The use of these terms reflected the IVth Republic's unwillingness to acknowledge it was, in fact, engaged in a full-scale war.

That is the end of that quote, again showing how we have participated in much the same kind of activities of trying to fool ourselves about the nature of the war, referring to it in minimal terms, and so forth.

It is reminiscent of the early years of our involvement where we were engaged in "advisory" and "pacification" programs to neutralize the Vietcong and preserve the independence of South Vietnam. Then came combat support and finally full-scale combat—but never a declaration of war, not to this day.

Even the arguments for and against the war have a familiar ring. During an October 1953 debate in the Assembly over war policy, Prime Minister Laniel said that—

> France was fighting in Indochina so that Vietnam, a member of the French Union, should not succumb tomorrow to a tyranny which would make an empty word of the independence which we have given her. We wish that the people of Vietnam should freely choose for themselves the regime they desire; that those who have placed their confidence in the word of France should not have their lives and property endangered; and that the immense work accomplished by France should be preserved. . . . Do you believe that we shall long retain our position in Africa if the whole of Asia becomes hostile to us?

Pierre Mendes-France, who succeeded Laniel because of the Laniel government's failure to bring the war to a conclusion, was saying as early as 1950 that—

> There were only two solutions: "either to apply force or to try to bring about an agreement." Using force, in his view required three times more troops and three times more expenditures, and France did not have these. If the fighting in Indo-China were only one aspect of the fight against international Communism, he thought it would be more in France's interest to concentrate its troops in metropolitan France.[1]

There was one major difference in the French and American handling of the war; the French Government never sent draftees to fight.

The study shows:

> French public opinion about the war changed from dislike to aversion, and a desire to see it end grew steadily, as the war dragged on—seemingly interminably—as scandals connected with it broke into the headlines, as stories of atrocities committed on both sides also made their way into the newspapers, and as more and more people began to question the purposes of the war. As a consequence, ". . . not one Prime Minister dared take it upon himself to consider, or even mention, the possibility of sending conscripts to Indochina."

It is interesting to contrast the French Government's appraisal of France's national interests in Indochina, where she had extensive economic and cultural ties, to the actions of our own Government, which from the beginning of the war sent draftees to fight.

The National Assembly finally stirred itself and responded to growing public demands for an end to the war. In June 1954, the Assembly forced the resignation of the Laniel government because of the war. Mendes-France became Premier on June 17, 1954, with the promise either to obtain a cease-fire agreement by July 20 or to ask the Assembly to approve the sending of draftees to Indochina. The prospect of sending draftees to fight "stunned the deputies."

In his investiture speech to the Assembly, Mendes-France said:

> For several years a negotiated peace of compromise with the enemy has appeared to me a necessity, requiring in turn that our finances should be put in order, our economy reorganized, and our economic activity expanded. The war has placed an unbearable burden on our country.

I could adopt that statement precisely for my own today to fit our situation exactly.

Those comments are very pertinent to our own Nation's plight. Agreement was reached at Geneva on July 20—and I invite attention to the time required between the decision of June 17 and July 20—when agreement was reached, but only by stopping the clock at midnight.

There are lessons yet to be learned from France's experience. The National Assembly acted only when the French people demanded an end to the war. Its rejection of the Laniel government's policy led directly to the agreement at Geneva. A compromise negotiated settlement, along the lines of the Geneva accords, is, I believe, still the most sensible and assured way to bring peace to Southeast Asia. Without some type of formal settlement, I fear that the United States will either be bogged down in Southeast Asia indefinitely or, on the other hand, be forced out under more humiliating circumstances than those confronting us there today. Congress can, by setting a firm withdrawal date, reactivate the Paris talks and set in motion a process of political accommodation between the Vietnamese that will stop the killing and bring American prisoners home.

Mr. President, I ask unanimous consent to have printed in the RECORD the Library of Congress study on "The Role of the French National Assembly in Ending the First Indochina War," and a 1968 Library study by Mr. Larry A. Niksch, "The Geneva Conference of 1954."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ROLE OF THE FRENCH NATIONAL ASSEMBLY IN ENDING THE FIRST INDOCHINESE WAR (1947–1954)

INTRODUCTION

An assessment of the rule of the French National Assembly in ending the first Indochinese war entails a brief examination of the major political parties represented in the National Assembly along with their views on the war, a review of the means granted to the National Assembly by the constitution of the IVth Republic to control government policy on the course of the war and the search for peace, and finally, a look at the debates which took place in the National Assembly.

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[1] Keesing's contemporary archives, October 28–November 4, 1950, p. 11047.

ATTITUDES OF THE POLITICAL PARTIES REPRESENTED IN THE NATIONAL ASSEMBLY TOWARD INDOCHINA

French policy towards Indochina was made by successive governmental coalitions, whose members were drawn from parties sitting in the National Assembly. Divergence of views among the parties and within the parties, shifting party alliances within the Assembly, power politics and domestic political considerations, all affected the conduct of the war and efforts to bring about peace.

Cabinets, under the IVth Republic, owed their existence to the consent of a majority (314) of deputies sitting in the National Assembly. Since, at no time, did one party dominate the National Assembly, successive governments drew their support from a majority composed of several parties on the basis of a common program to which the greatest possible number could adhere. Coalition governments, based on the participation and/or support of several parties, were precarious at best, since the parties could agree on some issues, but not on others. More often than not a consensus was reached on what they were against rather than on what they were for. In order to keep a working majority going, an attempt was made to avoid divisive issues, to skirt their underpinnings, and to present them in such broad general terms that there was very little to oppose or disagree with. Unfortunately, Indochina was one such divisive issue which plagued successive coalition governments from 1947 to 1954.

At one end of the political spectrum were the Communists, who, after an initial period of vacillation and ambiguity which corresponded with their participation in the governing coalitions of 1946 and 1947, vociferously denounced the war as imperialist and colonialist, and advocated an immediate cease-fire and a political settlement through direct negotiations with Ho Chi Minh.[1] At the opposite end of the political spectrum sat the Conservative parties, composed primarily of Independents, Gaullists and dissident Gaullists, who were strong partisans of the French empire favoring a military victory as the only way to bring about peace, and consistently criticizing successive governments for indecisiveness and failure to support the war effort with adequate measures.

However, most coalition governments from 1947 to 1954 did not include either the Extreme Right or the Extreme Left, and did not depend on their votes for support. The Communists did participate in coalition governments in 1946 and the beginning of 1947, and a sprinkling of Conservatives did become Cabinet members after 1952. From 1946 to 1947, France was ruled by a coalition made up of Communists, Socialists, and Christian Democrats; from 1948 to 1951, by coalitions comprising Socialists, Christian Democrats and Radicals, and from 1952 to 1954, by coalitions which included Christian Democrats, Radicals, Moderates and several Conservatives. The three major parties which held office during most of these years, and therefore most responsible for French policy, were the Socialists, the Christian Democrats and the Radicals.

On the subject of the war in Indochina, the Socialists were divided. While in government, Socialist ministers found themselves in direct contradiction with their ideological principles of anti-colonialism and anti-imperialism, reiterated at every Party Congress. Despite the Party's frequent declarations endorsing liberal policies and recognizing the principles of independence for Vietnam, while in office Socialist Ministers betrayed these tenets and actively pursued policies they thought would preserve French interests. The Socialists, along with the Christian Democrats, are responsible for the failure of the Fontainebleau conference. They endorsed Admiral Thierry d'Argenlieu's idea that the necessary condition for peace negotiations was the return of public order. During his tenure as Prime Minister in 1947, the Socialist Mr. Ramadier rejected and kept silent about overtures made to him by Ho Chi Minh. While critical of the Bao-Dai solution, and skeptical about its chances of succeedings, the Socialists nevertheless endorsed it. It was only when the Socialists passed into opposition that Socialist deputies pressed more urgently for a negotiated settlement. But here again they were divided. While some advocated direct negotiations with the Vietminh, others favored bringing the matter to the U.N.

The Christian Democrats differed from the Conservatives who wanted to maintain the French Empire in that they accepted the principle of internal autonomy for Indochina as foreseen in the constitution of 1946, but they rejected the idea of complete independence, and turned out to be the staunchest advocates of the war. Since they participated in most governments and occupied crucial posts for long periods of time, such as the Foreign Ministry, the Ministry for Overseas France, and appointed High Commissioners for Indochina, it can be said that they were the party most responsible for French policy in Indochina. They also defended Admiral Thierry d'Argenlieu in 1946, who along with General Leclerc had been sent to Indochina to restore French sovereignty over the area, and who, contrary to General Leclerc, saw the problem of the Vietminh rebellion primarily as a military one, requiring the use of force "to restore order." The Christian Democrats most actively pursued the Bao-Dai alternative, and held out the longest for a military victory. They opposed an internationalization of the war, but sought and hoped help would come from the United States. When they finally came to the conclusion that a negotiated political settlement was necessary, they delayed initiating talks on the grounds that a decisive victory in the field was needed for France to negotiate from a position of strength. In supporting the French war effort in Indochina, the Christian Democrats were not merely representing economic interests or Catholic interests; they believed they were defending French and Western civilization.

The Radical Party had been the dominant party under the IIIrd Republic, and as such, the one most closely associated with the building of the French Empire. At first, the Radical Party went along with the war. When Mr. Mendes-France first spoke out in 1950 against the war, his was a voice in the wilderness within his own party. Gradually, however, many Radicals were won over to Mendes-France's arguments, which focused on the detrimental effects the war was having on France, how the war was crippling France's efforts to rebuild its war-torn economy and regain its rank among the major European powers. The shift in the outlook of the Radical Party was decisive in giving the partisans of a negotiated settlement a majority.

Thus, the parties were largely divided between Right and Left on the subject of Indochina. (On domestic economic and social matters the Christian Democrats were aligned with the Left, and the Radicals with the Right). The opportunism displayed by the advocates of a negotiated settlement, namely, the Socialists and the Communists in the early years of the war when they were strong and participated in policy-making, must largely be attributed to the necessity for compromise inherent in the nature of coalition governments. The Leftist partisans of Indochinese independence were not strong enough to form a government on their own, and had they withdrawn their support from the coalition, the future center of gravity of coalition governments would have shifted to the Right. Although they disagreed for the most part with the Christian Democrats on the subject of Indochina, they sacrified their principles on what they considered a secondary issue for the ability to keep leverage on what they felt were primary issues, such as economic and social reforms at home.

The 1951 legislative elections did bring about a shift to the Center and the Right in the composition of the National Assembly. Once a sufficient number of Moderates and Conservatives, who were now in power, perceived the impossibility of achieving a military victory, the partisans of a compromise political settlement slowly gained a majority.

MEANS AT THE DISPOSAL OF THE NATIONAL ASSEMBLY TO CONTROL FRENCH POLICY IN INDOCHINA

The constitution of the IVth Republic, adopted in October 1946, granted large powers to the National Assembly. It was the only legislative body.[2] It alone had the power to declare war. Its control over the Executive branch was extensive: the appointment of a Prime Minister depended on the endorsement of his cabinet and program by a majority of deputies, who could also force his resignation by a vote of no confidence or the adoption of a motion of censure. Despite the numerous means at the disposal of the National Assembly, as a body it exerted little control or influence over the course of the war, or over the search for peace. The reasons for this must again be attributed largely to the divisions within the National Assembly, not only on the subject of the war but on internal matters as well. The lack of a coherent majority blunted the powers of the Assembly, and successive governments pursued their policies relatively unimpeded.

LEGALITY OF THE WAR

The National Assembly's wide powers did not include jurisdiction over the administration of Indochina. French Indochina, which was composed of four protectorates: Cambodia, Laos, Tonkin and Annam, as well as one colony, Chochinchina, had by and large been ruled by a series of residents and governors appointed by the Cabinet in accordance with decrees dating back to the 19th century. No change of legal status for these territories, as foreseen in the constitution of the IVth Republic, could be implemented until French sovereignty had been re-established over the area following the defeat of the Japanese. The unrest and fighting which accompanied the demand for independence after the French return to Indochina were considered a prolongation or a consequence of World War II. In May 1946, the constituent Assembly passed a law which stated that "the legal date for the cessation of hostilities (in Indochina) will be set by decree by the Council of Ministers."[3] With the adoption of the May, 1946, law, the National Assembly virtually forfeited its power to question the legality of this undeclared war. In this connection the vocabulary of the IVth Republic is significant: the war was most often referred to, in common parlance as "a rebellion," "the events in Indochina," "the Indochinese affair," "the conflict," and the French war effort as "a pacification operation" or "a maintenance of order" operation. The use of these terms reflected the IVth Republic's unwillingness to acknowledge it was, in fact, engaged in a full-scale war.

CONTROL OVER THE GOVERNMENT

a. *vote of investiture.*—A Prime Minister-designate was required to submit his proposed program and the names of the Cabinet members to the National Assembly in what was called an investiture speech, and was not appointed until he had received the Assembly's confidence in a public ballot by an absolute majority (314) of the deputies. This procedure enabled the National Assembly to exert an a priori control over the executive, since the investiture speech was supposed to spell out the Prime Minister's program and

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the policies he intended to pursue. In practice, most investiture speeches were as vague and general as possible, since they had to appeal to several parties if a majority for investiture was to be reached. The Indochinese war was often referred to, but not dwelt upon. Only two investiture speeches made during the war years addressed themselves primarily to the Indochinese problem: that of Prime Minister-designate Ramadier at the beginning of the war, and that of Prime Minister-designate Mendes-France after the defeat of Dien Bien Phu, in 1954. Mendes-France even attributed his unsuccessful attempt to form a government in 1953 to the views on Indochina expressed in his investiture speech. In allowing Prime Minister-designates to gloss over the Indochinese question, the National Assembly lost one of its most effective weapons in exerting an a priori control over the government.

b. *Vote of confidence.*—At first sight, a vote of no confidence was another means at the disposal of the National Assembly to exert control over the Executive's policies, albeit an a posteriori control. A vote of no confidence, which also required an absolute majority of votes, entailed the immediate resignation of the Cabinet. In fact, it was a tool in the hands of the Prime Minister to impose whatever discipline he could on dissenters within the ranks of the parties supporting or participating in his government. Only he, after consultation with his Cabinet, could ask for a vote of confidence, and many Prime Ministers used and abused this privilege. No one group within a party, or no one party as a whole, liked to be held responsible for the fall of the government in which it participated. Furthermore, a vote of no confidence carried with it the threat of a dissolution of the Assembly and a call for new elections, a prospect which few parties envisaged with great relish. Nevertheless, many Cabinets did fall on a vote of no confidence, many of them on war-related issues, or problems which had the war as their origin, such as financial reform, budgetary expenditures, inflation, but only one—that of Joseph Laniel in June 1954—succumbed to a vote of no confidence specially on the subject of the war. And even then, Laniel was technically not defeated, since the vote of no confidence had gathered a majority of votes, but not an absolute majority.

c. *Motion of censure.*—The motion of censure was another procedure in the hands of the deputies to exert as a posteriori control over the executive. It differed from the vote of confidence in that it was to be submitted by a deputy or group of deputies, instead of by the Prime Minister, and was placed on the agenda by the Presidents of the parliamentary committees, and if adopted by an absolute majority of votes, entailed the collective resignation of the Cabinet. In practice, the motion of censure was seldom used under the IVth Republic against the Indochinese war. Prime Ministers too easily persuaded Committee presidents (chairmen) to defer the date for debate on the motion for long periods of time, or even postpone it indefinitely. The few times motions of censure on the war were introduced, they failed to acquire an absolute majority of votes.

d. *Debates.*—Debates, where the Prime Minister and members of his Cabinet came to the floor to answer questions and engage in debate, were another means of probing the intentions of the government and asking it to clarify its policies. Debates were scheduled on the agenda of the National Assembly by parliamentary committee chairmen, upon receiving a request for answer to questions from individual deputies. Debates generally ended with a vote on a resolution, expressing the judgment of the deputies on the arguments and opinions they had just heard. Here again, debates on the subject of the war were not welcomed by Prime Ministers, who often succeeded in having them postponed under various pretexts. Requests for debates were usually submitted by deputies belonging to an opposition party, while the parliamentary committee chairmen who scheduled the debates were more than likely members of parties supporting or participating in the governmental coalition. Nevertheless debates on the subject of the Indochinese war did take place, generally in response to events—political or military developments—or in connection with a vote on military appropriations. But debates were difficult to manage as a vehicle for probing the government's policies; Prime Ministers' statements were purposefully vague and optimistic. Deputies were often left dissatisfied or only half-reassured, but their knowledge of events on the spot was often sketchy, which made it difficult for them to question or cross-examine governmental declarations. Opinions and judgments on the conduct of the war were more often derived from preconceptions reflecting party affiliations or domestic political considerations than from an objective assessment of the situation in Indochina.

Military appropriations.—Various devices were adopted by successive cabinets to make parliamentary control over the war through its control over the budget, and more specifically military expenditures, next to impossible. Military expenditures for the war were included in the general defense budget, and not itemized. Or they were tucked in the appropriations for several Ministries, such as Overseas Territories, as well as National Defense. Another common practice was to draw up an unrealistically low budget for military expenditures, and then come back to the National Assembly every month or every few months, to ask for additional appropriations, often for money which had already been spent. The National Assembly had little choice but to vote for expenditures which had been made. Under these circumstances, no Cabinets were voted down on appropriations specifically designated for the war, although many Cabinets did fall on financial and economic issues which, once again, could be traced back in part to the heavy drain on resources caused by the war effort. The Communists consistently voted against any appropriations connected with the war in Indochina, but only when they were out of office. On a vote of confidence our military appropriations for the war, called by Prime Minister Ramadier in March 1947 while the Communists were still in the government, Communist Ministers voted for, and Communist deputies abstained. And it was not until 1954 that the Socialists voted against appropriations specifically earmarked for the war.

Special investigating commissions.—Several parliamentary commissions were established to report on the conduct of the war and the situation in Indochina. The first one was set up in 1949 to investigate the use made of military appropriations. It consisted of two Christian Democrats, two Radicals, and two Socialists. Their report concluded that France might be close to a political solution (the Bao-Dai experiment) but that no solution appeared on the military front.[4] Several scandals, connected with the Indochinese war, also prompted the creation of other parliamentary investigating commissions, but members of the commissions, far from receiving governmental cooperation in elucidating facts and responsibilities, met with a wall of silence on the part of successive governments. The first scandal was popularly called the "affair of the generals." General Revers, of leftist political leanings, had also been sent to Indochina in 1949 by the government, to report on the military situation. Parts of the confidential report, which was highly critical on the conduct of the war, were broadcast over the Vietminh radio. An investigating commission was established to find out how the Vietminh had gotten hold of the report. It was unable to discover the authors of the leak, many persons involved in the affair having been allowed to leave France and were thus unavailable for questioning, and many implicating papers having been burned. But the commission's report did cast a doubt over the role of several ministers, among them the Socialist Mr. Moch, who had been Minister of the Interior in the government of Mr. Queuille at the time of the leak in 1949, and was Minister of National Defense in the subsequent cabinet of Mr. Pleven in 1950 when the commission's report came out. A Communist motion calling for Mr. Moch's arraignment before a High Court of Justice[5] received a relative majority of votes, but not the required number. Nevertheless this was sufficient for Prime Minister Pleven to turn around and ask for a vote of confidence on the integrity of the members of his cabinet, which he got, and the matter was dropped.[6]

Another scandal was that of the piastre traffic where speculation was made possible by the disparity between the piastre's official rate of exchange and the real value of the piastre. The traffic was brought to the attention of the National Assembly in 1950, but was not made the subject of an investigating commission until July 1953, after the French government's sudden decision to devalue the piastre in May 1953. The commission's report was equivocal. It did not point to direct responsibilities, but characterized the government's attitude towards the traffic as one of "passivity" and concluded that the traffic could not have flourished had it not been favored or tolerated by public authorities. The report was submitted to the National Assembly in June 1954, a month before the Geneva agreements, and was never discussed.

Public opinion.—French public opinion was by and large indifferent to the Indochinese war. Indochina was a far away place, and the war only hit the average Frenchman indirectly. Yet a latent dislike for it and malaise permeated French public opinion, which was manifest in the fact that not one Prime Minister dared take it upon himself to consider, or even mention, the possibility of sending conscripts to Indochina. Mr. Mendes-France's threat to do just that in July 1954, should the Geneva conference end in failure, stunned the deputies sitting in the National Assembly.

The dislike turned into aversion, and a desire to see it end grew steadily, as the war dragged on — seemingly interminably — as scandals connected with it broke into the headlines, as stories of atrocities committed on both sides also made their way into the newspapers, and as more and more people began to question the purposes of the war.[7]

But public opposition to the war did not really make itself felt until 1953. In 1950, the Communist Party tried to whip up popular opinion against the war by staging massive demonstrations and organizing strikes in ports against the transfer and shipment of men and materiel to Indochina. These did not spread to non-Communist workers, and the Communist Party was stigmatized for its lack of patriotism. The Communist Party was more of a handicap than a help in promoting the cause of peace, since its motives were always suspect. The question of where its loyalties lay—with France or with the Soviet Union—was ever present in the minds of other Frenchmen.

The other parties refrained from bringing the question of the war to the public—at least until 1953. During the electoral campaign of 1951—the only legislative elections between 1947 and 1954—the war was not a major issue. If it had been one, the results would have been interpreted as showing a pro-war sentiment in France, since the par-

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tisans of a negotiated settlement at that time—the Socialists, the Communists—fared relatively poorly at the polls. Several municipal elections took place during these years, but they were dominated by local issues and personalities.

Individual initiatives.—Individual deputies did not seek to enter into contact with the Vietminh on their own, but agreed to act as emissaries when asked to do so. In February 1953, the Radical Jacques Raphael-Leygues agreed to accompany South Vietnamese nationalist Prince Buu Hoi in his efforts to seek a clarification of Vietminh intentions on the subject of negotiations. In the fall of 1953, the Minister of National Defense Rene Pleven, asked Pierre Cot, a Progressive (Communist fellow-traveller) to act as an intermediary between the French government and Ho Chi Minh, to sound out the possibility of opening negotiations. Pierre Cot gave his assent, but the project fell through. Mr. Pleven then turned to the Socialist Alain Savary, who accepted the mission. Prime Minister Laniel endorsed the idea, but when Foreign Minister Bidault got wind of the plan, he was indignant, on the grounds that the "Savary mission" would give Ho Chi Minh the impression that France was on its knees. Bidault held up Savary's visa for the trip for several months. It was not until April 1954 that Savary arrived in Moscow to meet with a representative of the Vietminh. By that time, the battle of Dien Bien Phu had begun, and the Vietminh representative was not interested in opening talks. Savary returned to Paris after the defeat of Dien Bien Phu.[8]

DEBATES IN THE NATIONAL ASSEMBLY

The first major debate on the war in Indochina took place in March 1947 at the instigation of the National Assembly. The Assembly was being asked to vote increased military expenditures for the dispatch of reinforcements to Indochina, and wanted to know why the situation there had steadily deteriorated since the March 1946 agreements, and what did the government propose to do about it in addition to sending more troops. Socialist Prime Minister Ramadier was reluctant to engage in debate, and tried unsuccessfully to postpone it, lest the problem of Indochina bring into question Communist participation in his government. Already in December 1946, after the massacre of Frenchmen in Hanoi by Vietminh commandos, the Communists had voted against a resolution by the National Defense Committee of the National Assembly to send a "message of sympathy" to the forces in Indochina. The day had been saved when the Communists deputies voted for a similar resolution adopted the very same day by the National Assembly as a whole,[9] but Prime Minister Ramadier did not feel confident about continued Communist support in the future.

The government defined its policy as one of peace but of firmness. The Minister for Overseas France Mr. Moutet (Socialist) placed the responsibility for the December 19, 1946, aggression as well as the deteriorating situation in general on the Vietminh. He claimed France was willing to negotiate such questions as internal autonomy for Vietnam, but not until "order had been restored."

The debate (and ensuing debates during the next couple of years) centered mainly around the question of with whom France was to negotiate. Three alternatives presented themselves: with Ho Chi Minh and the Vietminh; with representatives of all political, social, and religious groups in Vietnam, including the Vietminh; or with representatives of all groups except Ho Chi Minh.

Considerable confusion reigned concerning the nature and character of the Vietminh. To what extent did the Vietminh speak for the Vietnamese people? What was its strength? Was Ho Chi Minh more of a Communist or a nationalist? How strong were nationalist sentiments in Vietnam? Was the Vietminh's hold over Vietnamese peasants fed by anti-French sentiments or due to plain terror? Was the Vietminh's nationalism just a pretext and a tactic for imposing a totalitarian regime on Vietnam? These were moot questions. Their answers were often based more on one's personal political feelings than on a factual knowledge or understanding of the situation in Indochina.

The Right was opposed to any concessions. The Communists argued that negotiations should be undertaken with Ho Chi Minh only. The Socialists were divided: the Socialist party felt that negotiations should be open to all factions of the Vietnamese political spectrum, including the Vietminh, but the Socialist ministers, in agreement with the Christian Democrats, felt differently. In stating that "there are some men with whom it will be impossible to negotiate. . . . The Vietminh is not all of Vietnam and Vietnam is not all of Indochina",[10] Mr. Moutet, the Socialist Minister for Overseas France was expressing the views which were to guide successive governments in their Indochinese policy.

Between 1947 and 1949, the French government, led by Christian Democrats, engaged in negotiations with the ex-emperor Bao-Dai, who, it was hoped, would be able to rally Vietnamese nationalists around his person and thus prove a viable alternative to the Vietminh, while at the same time would remain pro-French and guarantee French interests. This policy was fraught with contradictions: how was Bao-Dai supposed to appear as a symbol of Vietnamese nationalism when he owed what power he had to the French and looked like no more than a French puppet? Bao-Dai himself was very aware of this and continually raised his demands. Negotiations proved to be long and difficult, and bogged down several times, as the French winced at making further concessions. Finally, agreements were signed in 1949, which granted Associated status to the states of Laos, Cambodia, and Vietnam within the French Union. Vietnam was to be created by linking Cochinchina and Annam, and eventually Tonkin. Details concerning the nature of Vietnam's ties within the framework of the French Union were to be left for further negotiations.

Debates in the National Assembly in March and April of 1949 over ratification of the agreements centered around the loss of colonial status of Cochinchina. Before deciding on the question of joining Vietnam, Cochinchina had first to be given the status of an Associated territory of the French Union. The Right opposed any cession of what they considered French territory. Mr. Gaston Palewski (Gaullist) termed the agreements a violation of the French constitution, with no legal value. Mr. Capitant, another Gaullist deputy, introduced a motion of censure against the government for refusing to open a full debate on the question of Indochina, which was the first time this procedure was invoked.[11] The Communists voted with the Gaullists, but the motion was rejected by 350 votes to 228. The debate on a second motion of censure, introduced by the Communists and based on a demand for an understanding with Ho Chi Minh and a cessation of hostilities, was postponed until November (eight months later) by 378 votes to 183. The Socialists were skeptical about the agreements for different reasons. Mr. Deferre questioned the utility of signing peace agreements with one's friends and not with one's enemies.[12] The government pleaded for a chance to let the Bao-Dai experiment work. The agreements were ratified, rallying the suppport primarily of the Christian Democrats, the Radicals and the Socialists, the Socialists on the grounds that maybe they represented a first step towards peace.

The Bao-Dai experiment proved to be a great disappointment. The emperor failed to enlist the suppport of prominent Vietnamese nationalists. Meanwhile, the war, which until then had consisted largely of local "cleaning-up operations" was developing into a large-scale military operation, and was making increasing demands on French resources, in terms of men, money and materiel. With the fall of the Chinese nationalists in 1949, Communist Chinese support to the Vietminh could be expected, and the prospects of an enlarged and prolonged conflict grew.

Severe military setbacks provoked debates in the National Assembly in October and November, 1950. Conservative deputies accused the government of abandoning French troops in Indochina by not sending them sufficient reinforcements. The Communists called the war "unconstitutional" and demanded immediate negotiations with the Vietminh. The Socialist Mr. Daniel Mayer, saw the conflict now as an international one, and suggested that the government bring the matter to the U.N.

The bombshell of the debates was a speech given by Mr. Mendes-France, a member of the Radical party, on October 19, 1950. Mr. Mendes-France urged direct negotiations with Ho Chi Minh on the grounds that France did not have the means to impose a military solution. He said that there were only two solutions: "either to apply force or to try to bring about an agreement". Using force, in his view, required three times more troops and three times more expenditures, and France did not have these. If the fighting in Indochina were only one aspect of the fight against international Communism, he thought it would be more in France's interest to concentrate its troops in metropolitan France.[13]

Another Radical, Mr. Daladier, promptly rose to his feet and stressed that Mendes-France was not speaking for the Radical Party, but for himself. Mendes-France was accused of having gone over to the Communists. But the thrust of his arguments differed from those of the Communists, in that they were based primarily on his concern over what the war was costing France. The war was preventing France from rebuilding its wartorn economy, achieving social justice and strengthening its military posture in Europe.

The Prime Minister Mr. Pleven reaffirmed the Government's determination to defend Tonkin. He declared that French troops were "carrying out an action at the same time military and political, whilst a transfer of powers is taking place to young governments which have not yet had experience of the heavy burdens that accompany independence. It is out of the question that this policy should be reversed . . ." He added that it was not due to the French government that negotiations with Ho Chi Minh had ended. He also said that "the forces of the French Union must be strengthened by the Vietnam army, to which we will supply instructors and, with American aid, arms.[14] Mr. Pleven ended his speech by making an appeal for the Assembly's support of the government's policy.

At the end of the debate, a resolution expressing confidence that the government would adopt without delay all measures to give maximum support to those fighting in Indochina was adopted by 349 votes to 215 with the support of the Radicals, the Christian Democrats and the Socialists. After the debates held on November 22 and 23, 1950, a resolution expressing the nation's gratitude to the forces fighting in Indochina, con-

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demning propaganda intended to undermine their morale, and empowering the government to supply all necessary reinforcements was adopted by 337 votes to 187, with 53 abstentions. Mr. Pleven had emphasized that he was not sending reinforcements in order to obtain a solution by force, it was not a question of choosing between a military and a political settlement; "what was needed was sufficient military strength to make a political settlement possible."[15]

The military situation improved in 1951 when General de Lattre de Tassigny commanded the French Union forces in Indochina, but 1952 revealed again how temporary and elusive military victories were. Despite repeated reassurances on the part of the government that the enemy was on the retreat, the question of a political settlement came once more to the fore. The issue of negotiations and with whom dominated the debate which was held in the National Assembly on December 19, 1952. The Communists reiterated their request for direct negotiations with the Vietminh and a complete withdrawal of the French expeditionary corps. Mr. Daladier (Radical) thought that direct negotiations with Ho Chi Minh would mean "losing face" and might provoke a revolt in the rear (South Vietnam), and therefore advocated negotiations between Bao-Dai's government and the Vietminh, in preparation for elections and a plebiscite. The Socialists were divided between those who favored direct negotiations with the Vietminh and those who favored taking the problem to the U.N. Mr. Frederic-Dupont (dissident Gaullist) thought that negotiations should be held with the Soviet Union which "has organized the war and feeds it." Mr. Este (Independent Republican) for his part, called for an attempt to negotiate with Communist China. Mr. Dronne (Gaullist) deprecated any talk of French inability to win the war as the "best method of losing it". He thought that by stepping up the French "vietnamization" program, a military solution could be achieved. Mr. Delachenal (Independent Peasant) suggested that France's allies fight with her in Indochina.

Mr. Letourneau, the Minister for the Associated States, defended the government's policy. According to him, the Vietminh had been "reduced to acts of banditry". He reaffirmed the government's refusal to negotiate with the Vietminh, on the grounds that it would undermine the morale of the French Union forces, and lose all support for France in Vietnam. France had no choice but to continue the struggle, while "seeking to reduce her expenditure in men and money".[16]

By 1953, war-weariness had spread considerably within the general public. Besides the seeming endlessness of the war, scandals such as the piastre traffic, and numerous reports of atrocities contributed to the growing unpopularity of the war. Yet, the National Assembly did not act immediately on this public demand for an end to the war. In his bid for investiture as Prime Minister in June 1953 (after the resignation of Mr. Rene Mayer) Mendes-France stressed the need for ending the war, and proposed drawing up a "precise plan for the solution of this lamentable conflict" which he would submit to France's allies at the upcoming Bermuda conference. Mr. Mendes-France's bid fell short by 13 votes.

The declarations of Mr. Laniel (Independent), who did receive the necessary votes for investiture by the National Assembly, were somewhat less forceful, but did reveal that the idea of negotiations had made some headway among Moderates and Conservatives. He asserted that the burdens imposed on France by the war would be brought up at the Bermuda conference and that France would examine every possibility of ending the war in Indochina, either in the course of negotiations following a Korean armistice or "by other negotiations carried out in agreement with the governments of the Associated States."[17]

The final discouragement came during the Fall of 1953. While Emperor Bao-Dai was in Paris for preliminary negotiations with the French government on the subject of a new pact, which would grant Vietnam greater independence but also supposed Vietnamese adherence to the French Union, a National Congress was called in Saigon which included representatives from Bao-Dai's government and leaders from most political groups and dissident sects. On October 15, the Congress adopted a resolution calling for the annulment of the Franco-Vietnamese agreements of 1949 and complete independence for Vietnam as a prior condition for new negotiations with France. The following day another resolution was adopted which stated in part that the independent state of Vietnam would not participate in the French Union. Although the latter statement was modified to read "the French Union in its present form" the French greeted this news as a stab in the back. Various justifications had been given them concerning French war aims, from maintaining the integrity of the French Union to containing the spread of international Communism, but they had always assumed that they were fighting to preserve French interests and influence in the area. They suddenly woke up to discover that they had given Bao-Dai what they had denied Ho Chi Minh, and that even a non-Communist Vietnam might not be so grateful and might not necessarily guarantee a continued French presence there. Why, then, the sacrifice of so many French lives?

The strong feelings aroused by the Vietnamese national Congress resolutions and confusion over France's war aims were reflected in the debates which took place in the National Assembly on October 23, 27, and 28, 1953, at the request of the Socialist Mr. Savary, and against the wishes of the government.

Mr. Savary asserted that the Saigon resolutions lifted all objections to direct peace negotiations between France and the Vietminh.

The government's declared attempt to bring about five-power negotiations should not be made a pretext for postponing direct negotiations. Mr. Laforest (Radical) proposed that the government arrange for a speedy withdrawal of its forces over a fixed period of time, and offer to open armistice negotiations with the Vietminh to test Ho Chi Minh's intentions. Mr. Daladier (Radical) now saw no dishonor in offering peace to Ho Chi Minh.

The Right blamed the government for carrying out a weak and vacillating policy, and insisted that a show of determination on the part of the government was the best means of bringing about a cessation of hostilities. Mr. Frederic-Dupont (dissident Gaullist) called on the government to warn the country that the war would be a long one and would involve heavy sacrifices. Others termed suggestions for an evacuation as tantamount to an "Asiatic Munich".

In reply to the debate, Premier Laniel termed the Saigon Congress' resolutions "deplorable" and informed the National Assembly that the government had expressed its feelings in a note to Bao-Dai, in which it was emphasized that if the conception of the French Union was called into question, France would consider itself released from its obligations and especially from its military responsibilities.

Turning to the reasons France was fighting in Indochina, Prime Minister Laniel declared:

"We fight, so that Vietnam, a member of the French Union, should not succumb tomorrow to a tyranny which would make an empty word of the independence which we have given her. We wish that the people of Vietnam should freely choose for themselves the regime they desire; that those who have placed their confidence in the word of France should not have their lives and property endangered; and that the immense work accomplished by France should be preserved. . . . Do you believe that we shall long retain our position in Africa if the whole of Asia becomes hostile to us?

On the subject of the military situation, Prime Minister Laniel criticized the pessimism of certain newspapers as "inaccurate and tendentious". In his view, the French forces, growing in strength in men and equipment, would retain the initiative, and the Vietminh had passed the peak of its strength. "The war will not end by the extermination but by the discouragement of one of the belligerants . . ."

On the subject of peace negotiations, Prime Minister Laniel declared that the government "was ready to seize every opportunity to make peace, whether in Indochina or on the international plane. But it can do so only in full agreement with the Associated States . . . If one day Ho Chi Minh and his followers recognize the impossibility of victory and the futility of the struggle, and if they make proposals, it would then be for the French Government and the other interested Governments, notably those of the Associated States, to examine them, to consider their value, and to give them the reception which, by common agreement, they appear to deserve."

Several resolutions were presented after the Prime Minister's speech. Among them were a Socialist resolution asking the Government "to undertake without delay negotiations both on the international level and with the adversary", a Communist one asking for the conclusion of a peace treaty with the Vietminh, and one which was finally adopted by 317 votes to 257, with 36 abstentions, submitted by Mr. Kuehn, (dissident Gaullist) calling upon the government to develop the armed forces of the Associated States so that they could progressively take over the French military effort, to make every effort to reach a general peace in Asia by negotiation, and to achieve the defense and independence of the Associated States within the French Union.[18]

Another debate was held in March 1954, at the request of the Socialists, after Foreign Minister Bidault had secured the consent of the Big Four at the Berlin Conference in February to hold a conference including Red China on the subject of Indochina at Geneva in April, concerning the government's views on Ho Chi Minh's declarations to a Swedish newspaperman expressing his willingness to open negotiations for a cease-fire without a prior withdrawal of the French Expeditionary corps, and on Mr. Nehru's February 22 appeal for a cease-fire. Prime Minister Laniel dismissed Ho Chi Minh's declarations as a "propaganda gesture" and said that Mr. Nehru's appeal did not comprise an offer to mediate, and that the formula "cease-fire first, negotiations afterwards" was unacceptable, since it did not comprise guarantees for the security of the Expeditionary corps and the South Vietnamese.

Mr. Mendes-France suggested that the Geneva conference was being used as an excuse for prolonging the war, and argued that neither the Soviet Union nor China had any interest in ending a war that weakened France's military power in Europe, gave China a means of pressure on the Western Powers, allowed her to exploit anti-European feeling in Asia, and strengthened her influence over the Vietminh. Instead of passively waiting till the Geneva Conference, which might last a long time, the government should open direct negotiations with the Vietminh, and seek a compromise solution which would permit "a political, economic, and moral clean-up" in France.[19]

Various resolutions were submitted to the National Assembly, and once again the gov-

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ernment won out with the adoption by 331 votes to 271 of a resolution approving the calling of the Geneva conference "to define the appropriate means of ending the unhappy Indochinese conflict." [20]

On May 6, the day before the fall of Dien Bien Phu, and two days before the opening of sessions on Indochina at the Geneva conference, Prime Minister Laniel asked the Assembly to give him a vote of confidence on a motion to postpone another debate on Indochina to a later date. He obtained his vote of confidence by 311 votes to 262.

News of the tragedy of Dien Bien Phu reached Paris during the afternoon of Friday, May 7, and a stunned and disillusioned France went into mourning.

The following week, Prime Minister Laniel faced a hostile Assembly, and it was evident that it was only a matter of time before his government would fall. After a homage to the courage of the soldiers of Dien Bien Phu, during which the Communist deputies remained seated, a demand for a debate was tabled. On May 13, Prime Minister Laniel called for another vote of confidence on a motion to postpone a full debate on the subject of Indochina. Mr. Laniel barely got his majority: 289 votes against 287, with 33 abstentions. Nevertheless a debate was scheduled for June 9. In the early morning of June 10, the Assembly, by a large majority (322 vote to 263) refused to give priority to an "order of the day" requested by the government. Prime Minister Laniel said he would seek another vote of confidence on June 12, in connection with three resolutions critical of the government, which had been submitted by the Communists, the Socialists, and a moderate leftist Mr. Caillet (Mr. Caillet's resolution did not even mention Indochina, it just called for a change of government). In his appeal to the Assembly, Mr. Laniel said that a negative vote might be interpreted as implying that the Assembly opposed the continuation of talks at the Geneva conference and the safeguarding of the French expeditionary forces in Indochina. A negative vote might also be interpreted by the Vietminh as a "prelude to unconditional capitulation".

Despite this appeal, the Assembly refused by 306 votes to 293 to reject consideration of the three resolutions before it. As the adverse vote was eight short of the total required for a "vote of no confidence" (314), Mr. Laniel was technically not defeated, but submitted his resignation anyway.[21]

In his investiture speech to the National Assembly on June 17, Mr. Mendes-France asked for the support of a majority which would exclude the Communists, who had remained seated during the homage paid to those who had died for the motherland, and then proceeded to outline his program. He declared he would resign if he had not obtained a cease-fire in Indochina by July 20, but that if he were successful he would then proceed with a comprehensive program of economic measures and take on the question of France's participation in the European Defense Community.

". . . For several years a negotiated peace of compromise with the enemy has appeared to me a necessity, requiring in turn that our finances should be put in order, our economy reorganized, and our economic activity expanded. The war has placed an unbearable burden on our country. Today a new and fearful menace has appeared: if the conflict in Indochina is not settled, and settled very quickly, we must envisage the risk of an international and perhaps an atomic war . . . I advocated peace at an earlier date when we still held more trump cards than we do today. But even now there are certain conditions which would be unacceptable. France has not accepted, and will not accept, any conditions for a settlement which would be incompatible with her vital interests. She will remain in the Far East. Neither our allies nor our foes should have any doubt about our determination." [22]

Mendes-France was invested with an overwhelming majority of 419 votes to 47, with 143 abstentions. Although the Communists voted for him, Mendes-France had a large enough majority not to owe his investiture to them. Thus Mendes-France, who has been called the Cassandra of the Indochinese war, assumed the post of Foreign Minister himself, and shouldered the task of negotiating a peace while salvaging what could be salvaged at the Geneva conference. He also announced France's determination to keep on fighting, if necessary:

"It goes without saying that in the interval—from tomorrow onwards—all military measures will be taken not only to meet the immediate requirements but to enable any government which would succeed mine to carry on the fighting if by ill chance it had to do so. If certain measures require a Parliamentary decision, they will be submitted to you." [23]

Mendes-France later spelled out what he meant by "certain measures" requiring a parliamentary decision: calling up draftees for Indochina, an action no previous government had ventured to undertake.

On July 22, the day after the final session of the Geneva conference, Mendes-France appeared before the National Assembly to outline the provisions of the cease-fire. He was greeted with prolonged applause from the Socialists, the Communists, the Radicals, and about half of the Gaullists. After describing the main provisions of the cease-fire agreements, he stated: "I have no illusions on the contents of the agreements, and I would not like anyone else to have any illusions about them. They are in part cruel because they confirm cruel facts." He then went on to give an explanation of the time limit he had imposed on himself. He said that after discussing the question with the Military, he had reached the conclusion "that if the way were to continue, the Expeditionary Corps would be in peril in Northern Indochina unless it received important reinforcements within a very short time. The dispatch of conscripts thus became an imperative necessity. . . . Perhaps now it can be understood, therefore, that what was called a 'gamble' in a deprecatory sense of the word had quite a different meaning: namely, that if hostilities did not cease within 30 days our young men would have been compelled to leave for the Far East, though it was not certain whether our Expeditionary Corps might not have been exposed to the gravest danger before they could have arrived there. That is the explanation for the time-limit which surprised both French and foreign opinion—an explanation which I could not give publicly without disclosing to the adversary the weakness of our military position. This time-limit was necessary in order to prepare the dispatch of reinforcements, and it had to be used to compel our opponents to prove their will for peace." In his judgment, the agreements were "undoubtedly the best which were attainable in the present state of affairs."

In the ensuing debate, most Christian Democrats and some dissident Gaullists were strongly critical of the concessions made by the Prime Minister, although they welcomed the cessation of hostilities in Indochina. A resolution in which "The National Assembly pays sincere homage to the heroism of the fighting soldiers of the French Union and the Associated States; records with satisfaction the cessation of hostilities in Indochina, due primarily to the decisive action of the Prime minister . . . approves of the Government's declarations, and, rejecting any amendments, passes to the Order of the Day" was adopted as a whole by 462 votes to 13, with 134 abstentions.[24]

CONCLUSION

It was not only the divisions among the parties and the impossibility of forming a strong government based on a coherent and solid majority which led to the National Assembly's inability to control the course of the war and blunted the efforts of those of its members who sought to bring about peace. France had been traumatized by World War II. The humiliating defeat of 1940, the demoralization of four years of occupation, under which Frenchmen were pitted against Frenchmen, the knowledge that the victory over Germany was not really France's, all contributed to the determination that this would not happen again. France, which had been a great power, wanted to show herself and the world that she was a great power once more. French leaders—and among them naturally deputies—who advocated withdrawal or negotiations, were immediately tagged as defeatists, with all the connotations of 1940 attached to the word, or as unpatriotic Communists, whose allegiance was with the enemy rather than with France. Not only did the Empire—or the French Union—represent a symbol of France's grandeur, but it had in fact provided inestimable support to the Free French in World War II, and the French were convinced that if they gave up Indochina, the disintegration of the Empire would follow. It was therefore difficult, psychologically, for Frenchmen to recognize that times had changed, and that this was another war. But after Dien Bien Phu, which was a greater psychological defeat to the French than a military one, illusions were no longer possible.

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FOOTNOTES

[1] The French Communist party has been accused of denying help to Ho Chi Minh in his bid for independence while it was still in government, because at that time, it still entertained hopes of gaining power in France, and along with control of France, went control of her overseas possessions. According to this view, it was only when the Communists abandoned their prospects of acceding to power that they fully supported Ho Chi Minh. (See Joseph Buttinger, Vietnam: a dragon embattled. vol. II p. 1013 n. 9. New York, Praeger, 1967. 2 vols, 1346 pp.)

[2] Until the 1954 constitutional reforms, the Council of the Republic had only an advisory capacity.

[3] Jean Barale, La constitution de la IVe Republique a l'epreuve de la guerre. Paris, R. Librairie Generale de Droit et de Jurisprudence, 1964, p. 93. The decree terminating hostilities in Indochina was not voted by the Cabinet until September 9, 1957, and came into effect on October 1, 1957. Legally, for Indochina, World War II ended in 1957.

[4] Annee politique, 1949, p. 84.

[5] Under the constitution of the IVth Republic, ministers were legally responsible for crimes and misdemeanors committed in the exercise of their functions, and could be impeached by the National Assembly and arraigned before a High Court of Justice, which in turn was elected by the National Assembly at the beginning of each legislature.

[6] Barale, Jean. La constitution de la IVe Republique a l'epreuve de la guerre, pp. 151–159.

[7] A public opinion poll, conducted by the French Institute of Public Opinion and published in Le Monde dated November 23, 1953, gave the following statistics: 35% of the people questioned thought France should negotiate with the Vietminh; 15% thought France should give up Indochina and withdraw its troops from there; 15% thought order should be reestablished in Indochina by increasing France's military effort; 6% thought France should call on the U.N. or the U.S. for help; 5% thought France should either pursue a more vigorous course of action or else abandon its effort altogether; 2% gave other answers, and 23% gave no answer. See Elgey, Georgette, La republique des contradictions 1951–1954. Paris, Fayard, 1968. p. 468 n. 2. (These figures add up to 101%).

[8] Georgette Elgey, La Republique des contradictions, 1951–1954, p. 468. (This section draws largely on Jean Barale's book: La constitution de la IVe Republique a l'epreuve de la guerre. His thesis is that the Indochinese and Algerian wars were responsible for the malfunctioning of France's parliamentary institutions, and ultimately led to the disintegration and demise of the IVth Republic).

[9] Annee politique, 1946, p. 291.

[10] Annee politique, 1947, p. 40, author's translation.

[11] Annee politique, 1949, p. 42.

[12] *Ibid.*

[13] Keesing's contemporary archives, October 28–November 4, 1950, p. 11047.

[14] Keesing's contemporary archives, October 28–November 4, 1950, p. 11047.

[15] Keesing's contemporary archives, April 28–May 5, 1951, p. 11430.

[16] Keesing's contemporary archives, June 6–13, 1953, p. 12964.

[17] Keesing's contemporary archives, June 27–July 4, 1953, pp. 12994–60.

[18] Keesing's contemporary archives, November 7–14, 1953, pp. 13231–2.

[19] Mendes-France's view that the government was using the Geneva Conference as a pretext for prolonging the war is somewhat corroborated by Jean Lacouture and Philippe Devillers. According to them, the Navarre Plan, which ultimately led to the disastrous defeat of Dien Bien Phu, had originally been elaborated in the Summer and Fall of 1953 with the intention of securing a decisive victory in the field, which would enable France to negotiate from a position of strength. Reports to Paris from commanders in Vietnam asserted that the military situation for France would improve in the Spring of 1954, but would be best in the Fall of 1954. Unexpected reverses in December 1953 led the government to step up its timetable for negotiations. See Lacouture, Jean and Philippe Devillers, La fin d'une guerre, Indochine 1954. Paris, Editions du Seuil, 1960. 382pp. pp. 39–40.

[20] Keesing's contemporary archives, May 22–29, 1954, p. 13583.

[21] Keesing's contemporary archives June 19–26, 1954, p. 13629.

[22] *Ibid*, pp. 13630–1.

[23] Keesing's contemporary archives, June 19–26, 1954, p. 13630.

[24] Keesing's contemporary archives, July 24–31, 1954, p. 13693.

THE GENEVA CONFERENCE OF 1954

INTRODUCTION

The 1954 Geneva Conference on Korea and Indo-China grew out of a number of factors influencing international relations in the Far East at that time. On the Western side, there existed the mounting French desire to end the conflict in Indo-China. In addition, the West had failed in the second half of 1953 to secure Communist consent to the holding of a conference on the political problems of Korea, as provided for in the July 1953 armistice agreement. Communist motivations were more complex. Communist China's desire to increase its prestige in Asia apparently constituted a major factor. Then, too, the Communists must have considered that a successful conference would legally sanction the gains made in Indo-China. Finally, propaganda motivations played a part in their considerations.

Soviet Foreign Minister Molotov proposed such a conference at the Big Four[1] Foreign Minister's meeting in Berlin in February 1954. His plan, however, envisaged a five power meeting, including Communist China, to "seek measures for reducing tension in international relations."[2] The Western powers immediately sought to limit the scope of the talks. France stressed the Indo-China problem, while the British feared that an all-encompassing conference would increase the United States' reluctance to meet with Red China. After a round of hard bargaining, the Big Four agreed to restrict the meeting to a consideration of the Korean and Indo-China questions and set April 26 as the opening date for the conference.[3]

The Geneva Conference, which ended on July 21, resulted in a total deadlock on Korea but produced a series of agreements on Indo-China which provided for a French withdrawal and set forth guidelines for the unification of Vietnam on the basis of general elections in July 1956.

I. INDOCHINA

The 1954 Geneva Conference on Indo-China was set against a background of varied and sometimes indeterminable political and military developments that greatly affected its outcome. Most importantly, it took place at a time when the United States was rapidly moving to assume the leadership of anti-Communist forces in the Far East while French and, to a lesser degree, British power and influence were on the decline. This fact and the possibility that the United States might thrust itself directly into the Indo-China war hung over the conference from start to finish, causing the major powers on both sides to disregard to some extent the wishes of those local parties involved in the struggle. In addition, the major powers placed Indo-China in the context of their regional and worldwide interests, which also contributed to the air of compromise and restraint.

A. Origins

The Geneva Conference climaxed the long struggle of nearly eight years between France and the Associated States of Laos, Cambodia, and Vietnam on one side and the Communist-led Vietminh on the other. The collapse of Japan in 1945 had left the Vietminh as the strongest political-military faction in Vietnam, and it moved quickly to assume control of the country following Tokyo's surrender. On August 29, 1945, the Vietminh set up a Provisional Government of the Democratic Republic of Vietnam and on September 2, it declared Vietnam independent.

The return of the French late in 1945 precipitated no immediate clash; and in March 1946, France recognized the Democratic Republic of Vietnam (DRV) as a free state belonging to the Indochinese Federation and the French Union. However, at the end of May, the French High Commissioner to Indo-China recognized a Republic of Cochinchina in similar terms and thus sparked a split between the DRV and France. The two parties began negotiations at Fontainebleau on July 9 over this and other issues involving Vietnam's future status. These became snagged, however, mainly because of France's action in undertaking simultaneous negotiations with various non-Communist political factions in Indo-China. The DRV broke off the talks on August 1.

Despite this, Ho Chi Minh remained in France and negotiated a modus vivendi with the French government on September 14, which settled various economic problems, reaffirmed the March 6 agreement, and stated that the two parties would negotiate an arrangement defining the DRV's international status.

From that juncture, the situation deteriorated rapidly. The French grew very mistrustful of Vietminh moves in the summer and fall of 1946 to eliminate non-Communist elements in the DRV government. Ho Chi Minh continued to support the agreement reached with France in September, but negotiations over its implementation bogged down in technicalities in November. Meanwhile, Vietminh acts of violence against French nationals increased, and armed clashes between French and DRV troops became more frequent. Serious clashes occurred at the end of November; then a period of calm ensued. The Vietminh on December 17 launched surprise attacks on French garrisons throughout Vietnam and the war began in earnest.[4]

From that point on, France sought to crush the Vietminh while moving to bolster non-Communist nationalist elements in Laos, Cambodia, and Vietnam as a counterforce to the Communists. The Vietminh, for its part, waged guerrilla warfare throughout Vietnam but concentrated on the North. In addition, it spread the conflict to Laos and Cambodia by direct invasion and by the propping up of local Communist factions in those countries.

The direct origin of the conference lay in the failure of the French Navarre plan in Indo-China and in the declining public support for the war effort in France itself. The so-called Navarre Plan, launched in the summer of 1953 under General Henry Navarre, aimed at bringing Communist main force units into open battle by increasing French mobility and contesting the Vietminh in their area of greatest strength, the mountainous territory in the west and northwest of the Red River Delta. By the end of the year, the French offensive had been, on the whole, unsuccessful. The Vietminh evaded French thrusts in Vietnam and drove into Laos and northern Cambodia, thus further dispersing the already thin French reserves.

A key to France's strategy lay in the defense of Dien Bien Phu, located in the far northwestern part of Vietnam in the heart of enemy territory. In November 1953, the French parachuted three battalions into the area to begin the fortification of Dien Bien Phu. Before the end of the famous battle there, they had increased the size of the garrison to over 15,000 men.[5]

The French hoped that Dien Bien Phu would act as a magnet for the bulk of Communist main force units, thus providing an opportunity to inflict a major defeat on the Vietminh. In addition, a large-scale battle there would keep Communist regulars away from the vital Red River Delta.

Navarre saw his objective of open battle realized, but his strategy failed due to

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French underestimation of Vietminh capabilities. The Communists maintained control of the high ground overlooking the valley where the fortress was situated and brought in a formidable array of artillery: an estimated 240 to 350 guns, including Soviet heavy rocket launchers.[6] Besides outgunning the French inside the fortress, Vietminh artillery also reduced the effectiveness of the airdrop of supplies to the defenders. The Communists began direct infantry attacks on Dien Bien Phu in mid-March; and in the subsequent month and a half slowly whittled away at the French perimeter. The fortress fell on May 7, a day before the opening of the Geneva Conference sessions on Indo-China.

The implementation of the Navarre plan came amidst a steady decline in French home front support of the war effort. In June 1953, Pierre Mendes-France made the first of a series of promises to end the fighting through negotiations if he became premier. The following month, Albert Sarrault, former Governor-General of Indo-China and President of the Assembly of the French Union, declared that France should listen to any honorable peace proposals, even from the Vietminh. The French press issued constant demands for negotiations.[7]

The French National Assembly provided the most pronounced reflection of public opinion in October when it began a full-scale debate on Indo-China. The debate ended with the passage of a resolution by a vote of 315 to 257, stating that the armed forces of the Associated States (Vietnam, Laos, and Cambodia, to whom France had granted autonomy in 1949) should be expanded and should gradually replace French troops and that the government should do everything possible to achieve peace through negotiations.[8] On November 12, Premier Joseph Laniel told the Council of the Republic that France did not seek an unconditional Communist surrender and would consider a compromise settlement.[9]

Concurrently with these developments, the Communists began to place more stress on the possibility of negotiations. Soviet and Chinese Communist propaganda organs mentioned this in August and September 1953, and the Vietminh delegate to a meeting of the World Peace Council in Vienna declared on November 23 that the war could be ended through peace talks. Six days later, the Stockholm newspaper, *Expressen*, published Ho Chi Minh's answers to a series of questions, which it had submitted to the Vietminh legation in Peking. Ho said that he was prepared to examine French peace proposals but that the essential basis of an armistice lay in real French respect for the independence of Vietnam. Vietminh radio broadcasts repeated these offers twice in December.[10]

The failure of the Navarre Plan added to the importance of the Communist statements. Premier Laniel admitted to the National Assembly on March 6, 1954—six days before the initial Vietminh assault on Dien Bien Phu—that French public opinion unanimously desired a negotiated settlement of the war.[11]

The Big Four Foreign Ministers Conference, held in Berlin in February 1954, set the stage for the Geneva Conference. Soviet Foreign Minister Molotov proposed a Big Five conference, including Communist China, to seek solutions to a number of the major international problems. The United States was not enthusiastic about a meeting involving the Peking regime. By this time, however, the French government was anxious to initiate talks on Indo-China, and the British also favored the idea. The United States, convinced that the fall of the Laniel government would further weaken French resolve, modified its position under strong French pressure; and the conference concluded on February 18 with an agreement to meet at Geneva on April 26 for discussions on the Korea and Indo-China questions.[12]

The two and a half months between the end of the Berlin Conference and the convening of the Geneva Conference session on Indo-China saw the rapid decline of French power in Indo-China, both military and political. Correspondingly, the United States appeared to be moving toward military intervention in the conflict. The French defeat at Dien Bien Phu proved to be decisive, however, in bringing about a French political decision to leave Vietnam. In addition, the growing nationalism and anti-French attitude of many political groups connected with the Associated States of Vietnam further weakened French desire to continue the struggle.

Within days after the initial Vietminh attack on Dien Bien Phu, the United States concluded that the French had only about an even chance of holding out.[13] The Eisenhower Administration considered various plans for intervention. These revolved around the use of U.S. air and naval forces; and in particular, they proposed a single massive air strike to relieve Dien Bien Phu. The plans never materialized because of two factors: the reluctance of leading Congressional figures to support a unilateral U.S. intervention [14] and British refusal to join the United States in such an endeavor. The British position, as set forth during the Anglo-American conversations of April and in subsequent talks, rested upon several premises. Foreign Secretary Anthony Eden, who played the major role in formulating London's policy, had felt for some time that a partition of Vietnam as far to the north as possible would provide adequate protection for the remainder of Southeast Asia, particularly Malaya and Singapore.[15] Both he and Prime Minister Churchill concluded, also, that air and sea strikes would be insufficient to effectively support the French and that the United States and Britain would have to commit ground forces.[16] Finally, Churchill did not consider France's resolve strong enough to warant an allied intervention on its behalf and cited Paris' refusal to send draftees to Indo-China as evidence of this.[17]

Britain's firm opposition had blunted American initiatives for intervention by the time the Indo-China sessions began at Geneva. Nevertheless, the threat of military action by Washington hung over the conference to the very end; and until the Laniel government collapsed June 12, reports circulated freely concerning bilateral Franco-American talks regarding possible United States entry into the war; and these, indeed, were taking place.[18]

Thus, the Western allies entered the Geneva Conference divided in purpose. Britain distinctly envisaged a settlement based on partition. France initially took an ambiguous position and continued its bilateral discussions with Washington. The United States assumed an extremely distrustful attitude toward the conference on the assumption that any agreement would sanction a further Communist advance in Asia. Consequently, Washington refused to actively participate in the subsequent negotiations.

The decline of French military power was matched by the downward plunge of French political influence on the State of Vietnam. Paris had granted Vietnam theoretical independence in 1949, but this actually constituted an autonomous arrangement with France still exercising some control over Vietnam's foreign affairs and defense. By 1953, however, the nationalist agitation among the political groups associated with the new state led to the convening of a "National Congress." The Congress, which met in Saigon in October, took an extremely anti-French tone and passed a resolution repudiating the French Union "as presently constituted." [19] The government of former Emperor Bao Dai followed this up by dispatching representatives to Paris in January 1954 to initiate talks aimed at securing complete independence. On April 28, Premier Laniel and Premier Nguyen Trung Vinh signed a declaration agreeing to the signature of two treaties: one granting independence and the second creating a Franco-Vietnamese association within the French Union founded upon equality of the two countries. Both were initiated on June 4.[20]

B. Negotiations

The Geneva sessions on Indo-China began on May 8 with nine countries participating: the United States, Britain, France, the USSR, Communist China, the Democratic Republic of Vietnam (the Vietminh), the State of Vietnam, Laos, and Cambodia. The question of membership had originally presented a problem, for the Soviet Union and Communist China had demanded that the Laotian Communists (Pathet Lao) and the Cambodian Communists (Khmer Issarak) be represented in addition to the Democratic Republic of Vietnam (DRV). The British and French used this as diplomatic leverage, proposing that they would agree to Vietminh (DRV) participation of the Communists cooperated in permitting the French to evacuate wounded from Dien Bien Phu. Moscow and Peking privately agreed, and the DRV delegate subsequently announced that the Vietminh would authorize the evacuation of seriously wounded prisoners by both sides. The Western powers successfully resisted the seating of the Pathet Lao and Khmer Issarak.[21]

1. The French Proposal

French Foreign Minister Georges Bidault led off the conference, and he tried to break down the Indo-China problem into its components, which he asserted were: (1) the issue of the Vietminh invasion of Laos and Cambodia and (2) the question of a cease fire and political settlement in Vietnam. He first proposed a solution in Laos and Cambodia through the simple withdrawal of Vietminh forces, since the problem stemmed solely from the invasions. With respect to Vietnam, Bidault described the issue "for the present moment" as that of bringing about a cessation of hostilities. Following the establishment of a truce, political problems could best be resolved by means of free elections.[22] Bidault then proposed an armistice based upon the withdrawal of opposing forces into assembly areas, which the Conference would define in accordance with recommendations put forth by the French and Vietminh commanders-in-chief. Finally, he stressed the need for international commissions to supervise the implementation of the cease-fire and urged that the conferees guarantee to abide by any settlement arrived at.[23]

2. The Vietminh Proposal

On May 10, Pham Van Dong, head of the Vietminh delegation,[24] laid before the conference an all-encompassing plan, including suggestions for both a truce and a political settlement. On the basis of French recognition of the independence of the three Indo-China states, the Vietminh plan advocated a cease-fire agreement providing for the withdrawal of French troops to assembly areas in Vietnam with special consideration given to reducing these zones to a minimum number. However, the Vietminh plan recognized the need for a readjustment of the zones of both sides. While in the assembly areas, French troops would refrain from interference in the affairs of local authorities. The cease-fire agreement would also provide for the withdrawal of all foreign troops from Indo-China within a fixed period. Finally, the Vietminh suggested the establishment of joint committees composed of representatives

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of the belligerent parties to supervise the truce.

Pham Van Dong proposed as a political settlement the holding of "free general elections" in Laos, Cambodia, and Vietnam in order to establish a single government in each state. Advisory conferences composed of representatives of the opposing "governments" (Communist and anti-Communist) would organize the balloting and "take the necessary steps to ensure freedom of activity for the patriotic social parties, groups, and organizations." The North Vietnamese leader added, however, that "local committees" would conduct the elections on the local level and that pending the establishment of a single government in each of the three states, the "governments" of the opposing sides would administer the districts under their control.[25]

The Vietminh proposal significantly made no mention of international supervision. With respect to elections, Pham Van Dong stated flatly: "Interference from outside should not be permitted." The actual text of the Vietminh proposal was even more explicit: "No foreign interference will be allowed." Bidault later accused the Vietminh of attempting to insure "even before the elections are held, that Viet-Nam shall be completely dominated by Vietminh."

The French and Vietminh proposals defined the major issues facing the conferees: (1) the question of lumping all three Indo-China states into a single accord or drawing up separate agreements for each; (2) international supervision; and (3) the relationship between a political and military settlement.

Both formulas did, however, hint at some kind of partition by advocating regroupment areas. Eden, who strongly favored partition, apparently realized this; for he emphasized in his initial statement (May 10) the necessity of a cease-fire based on "distinct and clearly defined zones." He gave veiled support to some form of international supervision and more solid backing two days later. Moreover, he urged the conference to make an immediate study of truce measures, thus falling in line with France on the question of establishing an armistice before turning to a political settlement.[26]

3. Position of Communist China and the USSR

The major Communist powers took somewhat different initial positions. Speaking for Peking, Chou En-lai expressed full support for the Vietminh peace plan. Soviet Foreign Minister Molotov also declared Moscow's backing of the DRV's proposals and criticized France for not wanting to immediately deal with political problems. However, he asserted his government's willingness to examine alternative formulas and stated Moscow's acceptance, in principle, of Bidault's suggestion that the Geneva conferees guarantee the final settlement. Equally important, he proposed that implementation of a cease-fire accord be entrusted to commissions made up of "neutral nations."[27] He, therefore, insured that the conference would agree to international supervision. From that point on, the controversy centered upon the composition of the commission and its authority.

4. Proposal of the State of Vietnam

In the midst of all this, the State of Vietnam, now emerging rapidly from under French domination, offered its own proposal on May 12, combining a military and political settlement. The Bao Dai government rejected any military solution based on the division of Vietnam and advocated international supervision of a cease-fire. It maintained that a political settlement must be founded upon recognition of the State of Vietnam as the only political entity entitled to represent Vietnam and the principle of a single army for the country. To achieve the latter, it called for the internationally supervised incorporation of Vietminh forces into the Vietnam National Army.[28] The State of Vietnam also suggested the holding of free elections under its authority when the United Nations Security Council determined that the Saigon government had established its control throughout Vietnam and that "conditions of freedom were fulfilled." The United Nations would supervise the elections.[29]

The State of Vietnam did not hold a strong diplomatic hand, however. The French Command in Indo-China still held operational authority over the National Army, and it was apparent that Bao Dai's government could not as yet oppose the Vietminh on its own Therefore, Bidault could on May 14 give verbal expressions of support to the State of Vietnam and the idea of territorial unity while still proposing that the opposing forces withdraw to regrouping areas and that a cease-fire precede a political settlement.[30]

5. Secret Sessions and Bargaining

At this juncture, the conference went into secret sessions at the behest of Eden. During these, the conferees, for the moment, broke the deadlock over the relationship between the political and military settlements by agreeing to consider the military side first.[31] In addition, the Communists partially backed away from their stand that all three Indo-China states be lumped into a single accord. On May 25, the DRV proposed a simultaneous cease-fire in Laos, Cambodia, and Vietnam and the regroupment of opposing forces into large areas selected with due regard to political and strategic considerations. Each assembly zone should be, to a degree, an economic unit. Thus, the two sides could exchange territory. The Vietminh suggested that the conference work out the Vietnam arrangements first, since, as Pham Van Dong said, it was "the most important theatre of operations."[32]

The Chinese Communists carried the distinction between Vietnam and the other states a step further on the 27th by stating that the armistice terms for Laos and Cambodia would probably not be the same in Vietnam, because the situations in those countries were "not entirely similar."[33]

The conference had thus moved substantially toward partition, as implied in the DRV's proposal, and had tacitly accepted separate accords for each of the three states of Indo-China. The Chinese statement also hinted at a willingness to compromise on the status of the Pathet Lao and Khmer Issarak, although disagreement continued on this issue.

With the two sides now closer together, Eden proposed a procedural plan to effect a cease-fire in Vietnam. It provided for the military commands of the belligerents to meet in Geneva and also to establish contact in Indo-China. They would then study the question of assembly areas and report their findings to the conference.[34] The conferees accepted this even though U.S. Under Secretary of State Walter Bedell Smith voiced Washington's misgivings and Nguyen Quoc Dinh of the State of Vietnam objected, charging that the idea of large regroupment areas meant partition.[35]

However, the military situation in the north of Vietnam made partition more inevitable. Following the fall of Dien Bien Phu, France faced the prospect of a full-scale Communist assault on the Red River Delta backed by 100,000 Vietminh regulars plus an equal number of guerrillas.[36] General Paul Ely, the new French commander, recommended that his forces pull back to easily defensible beachheads and that they evacuate if reinforcements from France and increased allied aid were not forthcoming.[37] At the end of June, the French withdrew from the entire southern portion of the delta, leaving an area with about two million people to the Vietminh.[38] For all practical purposes, France had lost the North.

6. International Supervision

The conferees resumed open sessions on June 8 and came to grips with the issue of international supervision. A French plan, submitted on June 4, represented the basic Anglo-French position. It called for an extensively-staffed and fully equipped neutral international commission to supervise "all the clauses of the armistice." It also proposed that the commission have authority over a number of joint commissions composed of representatives of the two commands. In the event a joint commission could not decide on steps to take in response to violations of the truce agreement, the international commission would have the power to reach and enforce a final decision. Paris also advocated that it make all rulings by a majority vote.[39] Eden added to the Western plan by suggesting that the Colombo powers—Burma, Ceylon, India, Indonesia, and Pakistan—comprise the membership of the commission. In his speech of June 8, he described the question of international supervision as a "crucial issue" and an "all-important problem."[40]

The Communists adopted a very different stand, as defined by Molotov on June 8. The Soviet Union proposed a four member international commission composed of Poland, Czechoslovakia, India, and Pakistan, which would have no authority over joint commissions. In cases where a joint commission or either party to the commission requested the international panel to take action, the latter could merely investigate and submit recommendations to both sides for eliminating the dispute. If final agreement could not be reached, the international commission would refer the matter to the members of the Geneva Conference.[41] Chou En-lai echoed the Soviet line on June 9 and added that decisions taken by the international commission must be by unanimous vote.[42]

Molotov's speech of June 8 marked an apparent hardening of the Communist position. He sharply attacked the views of the non-Communist conferees; ridiculed the governments of Laos, Cambodia, and the State of Vietnam; and accused the United States of plotting aggression. In addition to his insistence on a weak international commission, he resurrected the demand for an immediate political settlement on the basis of "free elections" patterned after the Vietminh proposal of May 10. He made no mention of any international supervision of elections in stating:

"Of course, the holding of free elections requires that certain conditions be observed. The Vietnamese people should take this matter into their own hands and ensure the freedom of activity of patriotic parties, groups and social organizations in preparing for and conducting free general elections. . . . The holding of free elections must be preceded by the withdrawal of all foreign troops from the territory of the States of Indo-China."[43]

At this juncture, a number of important developments occurred. The United States withdrew Under Secretary of State Smith as the head of the American delegation in an indication of its dissatisfaction with the conference.[44] On June 10, Eden gave a strongly worded speech, insisting that the members of the international commission "must have a right to decide by a majority. There can be no veto." He warned that "if the positions remain as they are to-day, then it is our clear duty to say so to the world, and to admit that we have failed."[45] He spoke in a similar vein at a session on Korea the following day; and on June 15, the British announced that Churchill and Eden would visit Washington during the weekend of June 25–27.[46] Finally on June 12, the French

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National Assembly brought down the Laniel government by a vote of no confidence, thus paving the way for Mendes-France's assumption of the premiership on June 18. Before taking office, Mendes-France renewed his offer to achieve an Indo-China settlement and set July 20 as a deadline for accomplishing this. He stated that he would submit his resignation on that day if he had failed to carry out the pledge.[47]

These developments apparently caused the communists to decide on a more flexible stance. Chou En-lai agreed during a meeting with Eden on June 16th that cease-fire arrangements for Laos and Cambodia should provide for the withdrawal of *all* foreign troops and that military talks between the belligerents in each country should take place. He further stated that he could probably persuade the Vietminh to withdraw its forces. Bidault met with Chou on the 17th; and from that point on, the Communists agreed that the Vietminh rather than the Pathet Lao and the Khmer Issarak would represent the Communist side in military talks with the Laotian and Cambodian governments. Two days later, the conference called on the opposing commands in the two states to begin cease-fire discussions.[48]

The Communists also offered some small concessions on the international commission. On June 16, Molotov suggested either a three or five member commission, with minor decisions of the panel not requiring unanimity.[49]

The conferees also moved toward a compromise on the question of elections. Following Molotov's speech of June 8, the Vietminh renewed its call for elections "as soon as possible" after the cessation of hostilities and set six months as the maximum acceptable waiting period. Mendes-France and Chou En-lai met on June 23 and reportedly agreed to hold nationwide Vietnamese elections after the armistice with the objective of establishing a single government for the country.[50] Peking claimed that the French Premier agreed to elections within 18 months after the truce.[51]

By this time, the foreign ministers of the member states had left Geneva while the military talks continued. The visit of Churchill and Eden to Washington at the end of the month resulted in the drawing up of an Anglo-American seven point declaration in which the United States accepted the partition of Vietnam. The British and American leaders agreed to respect an accord reached at Geneva that left Laos and Cambodia as independent states. Moreover, if an agreement partitioned Vietnam, it should leave approximately half of the country south of the 18th parallel in non-Communist hands with no provisions that would risk the loss of the retained area to Red control. With regard to reunification, the declaration stated that an agreement should not exclude it if brought about by peaceful means. Finally, it called for effective international supervision. Following the drafting of this document, the United States and Britain informed France of the conditions set forth.[52]

On the basis of the declaration, the French and British persuaded the United States on July 14 to send Under Secretary of State Smith back to the conference. Secretary Dulles steadfastly maintained, however, that even if an agreement met the seven points, the United States would not guarantee any arrangement that subjected the northern part of Vietnam to Communist rule.[53]

The Foreign Ministers re-assembled on July 12 with several major issues still outstanding: the location of the demarcation line in Vietnam, the date of elections in Vietnam, international supervision, and the question of a guarantee for the accords. The next eight days saw a feverish round of private consultations. On the demarcation line issue, Mendes-France held fast to the 18th parallel, while the Communists originally insisted on the 13th but later retreated to the 16th. Finally, on the afternoon of July 20, the French Premier and the Vietminh delegate announced agreement on the 17th parallel.[54]

The problem of setting a date for elections created a more serious roadblock, presumably because of Mendes-France's consideration of the Anglo-American declaration, including the provision that a Geneva agreement should not contain clauses that risked the loss of the non-Communist South to Red control. The French Premier reportedly refused until July 18 to specify a date for elections, while the Communists insisted that this be done and that the balloting take place no later than 1955. Mendes-France then retreated and proposed a two-year waiting period between the armistice and the elections. The Communists accepted this on the 20th.[55]

The two sides agreed on the form of international supervision on July 18 when Chou-En-lai proposed that the commission be composed of India, Canada, and Poland. Eden states in his memoirs that "this was a definite step towards us and the proposal was accepted by all three Western powers." However, the texts of the cease-fire accords make it clear that the British and French conceded a great deal to the Communists. They accepted, for one thing, the requirement of a unanimous vote on all questions concerning violations of the armistice; thus Poland could cast a veto in these cases. Secondly, they gave in to the Communist demand that the international commission have no authority over the joint commissions created to implement the truce. In situations where a joint commission could not reach agreement, the international commission could only recommend solutions to the joint commission. If one of the parties refused to heed such a recommendation, the international commission was empowered merely to inform the members of the Geneva Conference. In short, it had no enforcement power.[56]

C. The agreements

Three armistice agreements were signed on July 21, one for each Indo-China state. The commanders of the French Union and Vietminh armies signed the accords on Vietnam and Laos while the Vietminh and Royal Cambodian commanders initialed the Cambodian agreement.

1. Agreement on the Cessation of Hostilities in Vietnam

The Vietnam armistice partitioned Vietnam at the 17th parallel. Vietminh forces were to move into the zone north of the line, while French Union forces were to do the same in the South. Within each zone, the party whose forces assembled there assumed civil administration, "pending the general election which will bring about the unification of Vietnam." The accord banned the introduction of troop reinforcements and additional military personnel plus reinforcement in the form of weaponry; it did, however, make allowances for troop rotation and weapons replacement. It also prohibited the establishment of foreign military bases. Finally, it established a Joint Commission composed of representatives of the two commands a Joint Commission composed of representatives of the two commands to "ensure the execution" of the agreement and an International Control Commission (ICC) to "ensure the control and supervision of this execution." As stated previously, however, the ICC had no authority over the Joint Commission and its decisions had to be unanimous when dealing with violations of the accord.

2. Agreement on the Cessation of Hostilities in Cambodia

The Cambodian agreement—the most satisfactory from the Western standpoint—called for the withdrawal within 90 days of all foreign troops from Cambodia, including French Union forces, the Vietminh, and all foreign elements or Cambodians not natives of Cambodia who were serving in military or political bodies connected with the Vietminh—in other words the Khmer Issarak. Moreover, native elements of the Khmer Issarak were "to be demobilized on the spot" with 30 days following the signature of the cease-fire. In turn, the Cambodian government promised not to take reprisals against them and to guarantee them "the enjoyment . . . of all constitutional guarantees concerning the protection of person and property and democratic freedoms." The armistice provided that Cambodia would not allow foreign military bases on its soil. Its clauses relating to the ICC joint committees were similar to those of the Vietnam agreement.

3. Agreement on the Cessation of Hostilities in Laos

The agreement on Laos, in effect, militarily partitioned that country. Unlike the Cambodian accord, which called for the complete demobilization of all native Communist forces, the Laotian accord provided for the concentration of Pathet Lao troops in the northeastern provinces of Phongsaly and Sam Neua. On the other hand, it permitted France to maintain in Laos a military advisory team of no more than 1,500 men. Other provisions closely corresponded to the Cambodian armistice, including those on international supervision and the withdrawal of foreign troops.

D. The Final Declaration of the Conference

At the concluding meeting on July 21, Eden produced an unsigned final declaration. It contained several important clauses but two of special note for the future. First, it recognized the declarations of the governments of Laos and Cambodia to hold national elections by secret ballot in 1955 but said nothing about the holding of elections in the two Communist-controlled provinces in Laos. Secondly, the declaration stipulated:

"The Conference declares that, so far as Viet-Nam is concerned, the settlement of political problems, effected on the basis of respect for the principles of independence, unity and territorial integrity, shall permit the Viet-Namese people to enjoy the fundamental freedoms, guaranteed by democratic institutions established as a result of free general elections by secret ballot. In order to ensure that sufficient progress in the restoration of peace has been made, and that all the necessary conditions obtain for free expression of the national will, general elections shall be held in July 1956, under the supervision of an international commission composed of representatives of the Member States of the International Supervisory Commission, referred to in the agreement on the cessation of hostilities. Consultations will be held on this subject between the competent representative authorities of the two zones from 20 July 1955 onwards." [57]

Under an agreement between Eden and Molotov,[58] the conferees voiced their individual approval of the final declaration but did not sign it. Of the nine countries involved, seven expressed approval; the United States and the State of Vietnam did not endorse the document. United States Under Secretary of State Walter Bedell Smith issued his government's unilateral declaration that the United States would "refrain from the threat or the use of force to disturb" the agreements and "would view any renewal of the aggression in violation of the aforesaid agreements with grave concern. . . ." Concerning the provision in the Final Declaration setting July 30, 1956, as the date for elections in all of Vietnam, Smith declared:

"In the case of nations now divided against their will, we shall continue to seek unity through free elections supervised by the

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Footnotes at end of article.

United Nations to insure that they are conducted fairly."

Finally, he stated:

"With respect to the statement made by the representative of the State of Vietnam, the United States reiterates its traditional position that peoples are entitled to determine their own future and that it will not join in an arrangement which would hinder this. Nothing in its declaration just made is intended to or does indicate any departure from this traditional position."[59]

Dr. Tran Van Do, Foreign Minister of the State of Vietnam under the government of Ngo Dinh Diem which had assumed power in June, had already protested France's acceptance of an election date without preliminary agreement with his government. He had stated that:

"Vietnam reserves to itself the entire freedom of action to safeguard the sacred right of the Vietnam people to territorial unity, independence, and freedom."[60]

Now, at this last meeting, he attempted unsuccessfully to have these reservations inserted into the final declaration.

E. Summary

Britain, France, the Soviet Union, and Communist China dominated the 1954 Geneva Conference and made decisions that sometimes adversely affected the interests of the factions struggling for power in Indo-China. The State of Vietnam saw the recognition of its archrival, the Democratic Republic of Vietnam, as an equal to itself, while the Vietminh had to settle for less than complete control of Vietnam and had to accept, for the time being, the checks placed on its proteges, the Pathet Lao and Khmer Issarak.[61]

Given a continuation of the military situation in Indo-China, the DRV could probably have won all of Vietnam. It became probable, however, that if the conference broke down, the nature of the war would have drastically changed. For one thing, France might have expanded its effort. Upon his assumption of the premiership, Mendes-France ordered tropical inoculations for two army divisions stationed in Germany. Moreover, he warned on July 7 that should the conference fail to reach a satisfactory agreement, he would, as his last act before resigning, submit a bill to the National Assembly authorizing the dispatch of national servicemen to Indo-China, including draftees.[62]

Given a French response of this type, the possibility of United States intervention would have increased. Communist China, in turn, would have faced the question of whether or not to assist the Vietminh. In short, the failure of the conference could have resulted in an enlargement of the war, which neither side really wanted at this time.

Other factors also motivated Moscow and Peking to compromise. The Soviet government was at that time undergoing the leadership struggle between the Malenkov and Khrushchev factions and probably did not relish an expansion of the crisis under these circumstances. Communist China had begun to woo its Asian neighbors with expressions of peaceful co-existence weakening the appeal of any Western-oriented anti-Communist alliance. This may explain Peking's relative reasonableness at Geneva. It is significant that Chou En-lai visited New Delhi during the conference and issued with Nehru the famous five principles of Sino-Indian friendship: non-aggression, non-interference, respect of territorial integrity, equality, and peaceful coexistence.

One can best describe the Geneva agreements as a series of compromises with no real safeguards other than the pledges of the nations and factions involved. The structure and powers of the International Control Commission were not conducive to its effective functioning. Nearly all the elements of conflict remained, particularly in Laos and Vietnam, where nearly every competing faction felt that its objectives had been thwarted by the Geneva agreements.

II. KOREA

The Geneva sessions on Korea differed fundamentally from those on Indo-China in that they dealt solely with political questions. The armistice agreement of July 27, 1953, had provided for the convening of a conference to negotiate a political settlement of the Korean question; and the Big Four Foreign Ministers agreed in Berlin to include it on the agenda of the Geneva Conference.

The sessions on Korea, which began on April 27, proved to be entirely futile.[63] Both sides stuck basically to their original positions, and the Korea part of the conference ended on June 15 in a virtual deadlock. The disagreement sprung from two issues: the means by which to unify Korea and the role of the United Nations.

The position of the 16 conferees which had contributed troops to the United Nations Command in the Korean War was stated in two proposals made by South Korean Foreign Minister Y. T. Pyun on April 27 and May 22. They called for the implementation of the United Nations' resolutions of November 14, 1947, and October 7, 1950, which had set forth a program for reunification by means of nationwide elections supervised by the United Nations Commission for the Unification and Rehabilitation of Korea. The two proposals differed in that the former advocated elections in North Korea to fill the unoccupied seats in the Republic of Korea National Assembly, since South Korea had already carried out the U.N. resolutions. However, at the suggestion of Australia and other allied participants, the South Koreans broadened the scope of its election formula to cover the entire country. Under the May 22 plan, the elections would select a new all-Korea legislature on the basis of proportional representation.[64]

The proposal put forth by North Korean Foreign Minister Nam Il on April 27 also called for reunification through "free elections," but Nam made no mention of U.N. supervision. In subsequent speeches, he and his Communist colleagues, Soviet Foreign Minister Molotov and Chinese Communist Foreign Minister Chou En-lai, flatly rejected the idea, arguing that the international body had, in fact, been a belligerent in the Korean War and could not be considered impartial. To supervise the elections, Nam suggested the formation of an all-Korean Commission made up of representatives of North and South Korea to be chosen by the respective legislatures of the two states.[65]

The Communists defined more explicitly their proposal in subsequent sessions. Nam Il declared on May 3 that decisions made by the all-Korean Commission "should be adopted by mutual agreement" rather than by a majority vote on the basis of proportional representation—in other words permitting either side to exercise a veto.[66] Secondly, Chou En-lai proposed on May 22 that the Neutral Nations Supervisory Commission, originally set up to supervise the armistice terms, undertake the supervision of elections, although he did not spell out the relationship between it and the all-Korean Commission. Nam Il did assert on May 22 that his government did favor proportional representation in the proposed all-Korea National Assembly but, as stated previously not for the Commission.[67]

The Communist and free world proposals also conflicted over the issue of the withdrawal of foreign troops from Korea. The Communists insisted throughout the conference that all foreign troops leave before the holding of elections. The Western powers, on the other hand, maintained that some U.N. forces should remain until reunification, since a Chinese pull-out merely meant sending their troops across the Yalu River where they could return within a matter of hours.[68]

On June 5, Molotov submitted a revised proposal, a five point plan placing the conference on record as agreeing to certain principles upon which a political settlement would be based: (1) "free elections" throughout Korea to be held within six months after agreement on a plan by the conferees;[69] (2) the establishment of an all-Korean body composed of representatives of North and South Korea to organize and conduct the elections, the composition and duties of the organization to be the subject of further examination; (3) the withdrawal of all foreign troops from Korea within periods to be specified after further examination; (4) an appropriate international commission to supervise the elections, the composition to be the subject of further examination; (5) the assumption of obligations by the powers for insuring the political settlement, the nature of the obligations to be the subject of further examination.[70]

The allies rejected the Soviet plan, because it excluded the United Nations from any role in a political settlement. The United States also criticized the proposal for the neutral nations supervisory commission to supervise elections and referred to its past inefficiency because of the Communist veto.[71]

By now, the conference had reached a hopeless deadlock. British Foreign Secretary Eden stated on June 11 that the conference would have to admit failure if it could not resolve the issues of the role of the United Nations and the impartial conduct of the elections. The Communists put forth another proposal on June 15 which avoided the question of elections but still called for an all-Korean commission to work out steps toward improving relations between Seoul and Pyongyang. They then suggested that the conference go into restricted sessions. The allies, however, expressed the opinion that such sessions could accomplish nothing as both sides were unwilling to depart from their positions regarding the United Nations. Therefore, on June 15, they issued a "Declaration by the Sixteen," which summarized their viewpoint. The Communists replied by attempting to secure a vote by the conferees on a resolution calling on the participating countries to continue their efforts to reach a political settlement at a time and place to be determined through negotiations among them. Eden, as co-chairman, ruled that the conference had established no voting procedure; therefore, the proposal would simply be included in the official records.[72]

FOOTNOTES

[1] The United States, the Soviet Union, Great Britain, and France.

[2] Eden, Anthony. The memoirs of Anthony Eden: full circle. Boston, Houghton Mifflin Co., 1960, pp. 59–73. The Berlin meeting resulted from a series of Western and Soviet proposals made in 1953. The United States, Great Britain, and France originally suggested a conference dealing exclusively with the German problem. The Soviets replied that they would only agree to a meeting that included Communist China and discussed world problems at large. Russia consented at the end of November 1953 to a four power conference, provided that it could raise at the meeting its plan for a five power get together. The agenda for Berlin, as finally worked out, included the Soviet proposal and the German and Austrian questions.

[3] Eisenhower, Dwight D. Mandate for change. Garden City, New York, Doubleday and Co., 1963, pp. 342–343. Eisenhower states that French pressure at Berlin for a meeting on Indo-China forced the United States to agree to the Geneva Conference.

[4] For greater details on the events of 1946, see Royal Institute of International Affairs.

Survey of international affairs, 1939–1946: The Far East, 1942–1946. London, New York, Toronto, Oxford University Press, 1955, pp. 258–273. See also Fall, Bernard B. The two Viet-Nams. New York, Washington, and London, Frederick A. Praeger, 1967, pp. 71–78.

[5] Fall. The two Viet-Nams, 1967, p. 126.

[6] Fall, Bernard B. Viet-Nam witness. New York, Washington, and London, Frederick A. Praeger, 1966, p. 35.

[7] Royal Institute of International Affairs, Survey of international affairs. London, New York, and Toronto, Oxford University Press, 1959, pp. 296–298.

[8] *Ibid.*, p. 297.

[9] *Ibid.*

[10] *Ibid.*, pp. 297–298.

[11] Royal Institute of International Affairs. Survey of international affairs, 1954. London, New York, and Toronto, Oxford University Press, 1957, p. 22.

[12] Eisenhower, Dwight D. Mandate for change. Garden City, New York, Doubleday and Co., 1963, pp. 342–344.

[13] *Ibid.*, p. 344.

[14] Roberts, Chalmers: "The day we didn't go to war." Reporter, September 14, 1954. This widely quoted article described the meeting of April 3, 1954, between Administration officials and Admiral Radford, chairman of the Joint Chiefs of Staff, and the Congressional leadership, at which time the Administration proposed the air strike at Dien Bien Phu. The Congressmen balked at giving approval upon learning that the other members of the Joint Chiefs did not favor it and that the United States had not consulted with its allies. The results of this meeting moved President Eisenhower to seek collective action with Britain and other allied nations.

[15] Eden, Anthony. The memoirs of Anthony Eden: full circle. Boston, Houghton, Mifflin Co., 1960, p. 97.

[16] *Ibid.*, pp. 108, 117.

[17] Eisenhower, *op. cit.*, p. 367.

[18] Royal Institute of International Affairs. Survey of international affairs, 1954, p. 55. Eisenhower, *op. cit.*, pp. 359–364.

[19] Fall, The two Viet-Nams, pp. 221–222.

[20] Fall, Viet-Nam witness, p. 54.

[21] Eden, *op. cit.*, *p.* 130.

[22] *Great Britain. Secretary of State for Foreign Affairs.* Documents relating to the discussion of Korea and Indo-China at the Geneva Conference, April 27–June 15, 1954. London, H.M. Stationery Office, 1954, p. 110.

[23] *Ibid.*, pp. 110–111.

[24] Pham Van Dong is today Premier of North Vietnam.

[25] Documents relating to the discussion of Korea and Indo-China at the Geneva Conference, pp. 116–119.

[26] *Ibid.*, pp. 122–123, 127.

[27] *Ibid.*, pp. 130–131.

[28] Following the 1949 agreements with France, the State of Vietnam began to form its own army, which numbered 210,000 by January 1954.

[29] Documents relating to the discussion of Korea and Indo-China at the Geneva Conference, pp. 123–124.

[30] *Ibid.*, pp. 132–136.

[31] Eden, *op. cit.*, p. 133.

[32] Royal Institute of International Affairs. Survey of international affairs, 1954, p. 48. Documents relating to the discussion of Korea and Indo-China at the Geneva Conference, p. 138.

[33] Documents relating to the discussion of Korea and Indo-China at the Geneva Conference, pp. 158–159.

[34] Eden, *op. cit.*, p. 140. Eden asserts in his memoirs that he and Molotov originally agreed to separate cease-fires and then persuaded the Chinese and Vietminh to go along.

[35] Eden, *op. cit.*, p. 142. Royal Institute of International Affairs, Survey of international affairs, 1954, p. 148.

[36] Fall, Viet-Nam witness, p. 39.

[37] *Ibid.*, pp. 59–60.

[38] Royal Institute of International Affairs, Survey of international affairs, 1954, p. 20.

[39] Documents relating to the discussion of Korea and Indo-China at the Geneva Conference, pp. 139–140.

[40] *Ibid.*, p. 152.

[41] *Ibid.*, pp. 145–146.

[42] *Ibid.*, p. 162.

[43] *Ibid.*, p. 150.

[44] Eisenhower, *op. cit.*, p. 365.

[45] Documents relating to the discussion of Korea and Indo-China at the Geneva Conference, pp. 165–167.

[46] Royal Institute of International Affairs. Survey of International affairs, 1954, p. 52.

[47] *Ibid.*, p. 52.

[48] *Ibid.*, pp. 52–53. Eden, *op. cit.*, p. 145.

[49] Royal Institute of International Affairs. Survey of international affairs, 1954, pp. 52–53.

[50] *New York Times*, June 24, 1954. "Authoritative sources" reportedly stated after the meeting that "Regardless of the respective areas of Vietnam held by each side under an armistice, a unified government must be established, with all-Vietnam elections to be held eventually."

[51] Weinstein, Franklin B. Vietnam's unheld elections. Ithaca, Cornell University, Department of Asian Studies, Data Paper: Number 60, July 1966, p. 7.

[52] Eisenhower, *op. cit.*, p. 368. Eden, *op. cit.*, p. 149.

[53] Eden, *op. cit.*, p. 156.

[54] *Ibid.*, pp. 158–159.

[55] Weinstein, *op. cit.*, p. 8. Eden, *op. cit.*, p. 158.

[56] *Great Britain. Secretary of State for Foreign Affairs.* Further documents relating to the discussion of Indo-China at the Geneva Conference, June 16–July 21, 1954. London, H.M. Stationery Office, 1954, pp. 14–17, 23–26, 35, 38.

[57] For the texts of the Geneva Accords and the Final Declaration, see Further Documents relating to the discussion of Indo-China at the Geneva Conference, pp. 9–40.

[58] Eden, *op. cit.*, p. 160.

[59] Further documents relating to the discussion of Indo-China at the Geneva Conference, pp. 6–7.

[60] Buttinger, Joseph. Vietnam: a dragon embattled. Vol. II: Vietnam at war. New York, Washington, and London, Frederick A. Praeger, 1967, p. 841.

[61] Royal Institute of International Affairs. Survey of international affairs, 1954, p. 70. Vietminh delegates reportedly stated that Soviet and Chinese pressure forced them to accede to a compromise settlement.

[62] *Ibid.*, p. 62. Fall, The two Viet-Nams, p. 229. Gurtov, Melvin. The first Vietnam crisis. New York and London, Columbia University Press, 1967, p. 128.

[63] From May 8 through June 15, the Korea and Indo-China sessions were conducted simultaneously.

[64] From May 8 through June 15, the Korea problem at the Geneva Conference. Washington, U.S. Government Printing Office, 1954, pp. 6–7, 37, 123–124.

[65] *Ibid.*, pp. 39–40.

[66] *Ibid.*, p. 63.

[67] *Ibid.*, pp. 120–122.

[68] *Ibid.*, p. 8.

[69] This did represent a concession on the part of the Communists, since they had not previously set a time limit for elections.

[70] The Korean problem at the Geneva Conference, pp. 146–147.

[71] *Ibid.*, p. 14.

[72] *Ibid.*, pp. 16–19. Eden, Anthony. The memoirs of Anthony Eden: full circle. Bosston, Houghton Mifflin Co., 1960, p. 131. Eden claims in his memoirs that he and Molotov privately agreed on May 5 that the powers should concentrate on Indo-China instead of Korea in view of the continued fighting in the former.

Mr. FULBRIGHT. Mr. President, I sense that many people are getting bored with hearing me or anyone else talking about the war. I do not blame them very much—the war has gone on for so long. However, it seems to me that we have reached a rather critical period. However boring it may be to my colleagues or to the people of the country, it strikes me that we have come to a time that the Senate—and I would hope the House—would finally take the matter into their own hands, since it is quite obvious that this war could go on for a long time.

That is why I think the procedure—although there is no precedent for it really—of the Hatfield-McGovern amendment is a proper one and one that should at the very least be voted upon by the Senate. I am glad that the Senator from Oregon is offering it to the immediate bill so that we can register the sentiment of the Senate at least—and hopefully the Congress.

Mr. President, it is quite possible that Congress is not as responsive as it ought to be to the will of the people. We have indications that the people certainly want the war to be ended and want it to be ended soon. I do not think they are concerned so deeply about whether we follow the procedure at Geneva or not. I think they are deeply concerned about matters like the item I had printed in the RECORD a little earlier concerning what is happening in the interim to our soldiers.

The fact is that the circumstances confronting our Army now—when it has been announced by the President that they are not going for a military victory, when there is really very little for them to do, when it is said that the main fighting has been taken over by the Vietnamese, the ground fighting, and the only extensive activities are conducted by our airmen—boredom and the other circumstances inherent in a life in an alien country where they do not speak the language and all of the other circumstances, are ideally suited to the development of the use of drugs on a major scale.

I cannot think of a greater risk of harm for my son or for any of our young men to take—and these are among the best of our young people that we have sent there—than taking up a drug habit.

The fact is that it is almost impossible to overcome such a habit. It is true that few do. When we consider how difficult it is for some of our friends to think of giving up cigarettes, just think, if one has not done it, how difficult it is for one who smokes just an ordinary cigarette to give up smoking. I do not refer to a marihuana cigarette. I refer to a Camel cigarette, or the equivalent. Think of what it does to a man who has acquired a heroin habit. It is such an unbreakable habit that it is difficult to talk about without being maudlin or overstating the case.

Surely, if the French had the good sense, after being in Vietnam for almost 100 years and owning the best property there and having had their people train the people and having had a very intimate control, and if the French could see what it was doing to their country—and they did see it—and were able within the course of less than 2 months from the time they made the decision that it was no longer good for them until the time they negotiated a settlement, if they were able to do that, why can we not do it? What is so difficult?

We are told that it is complicated, that it will take time.

We were told last night, "Next October, I am going to announce another withdrawal." This could go on for years, each time saying, "I have lived up to my promises."

It all depends on what the President has promised. He promised in 1968—nearly 3 years ago—when the campaign started, that he had a plan to end the war. He said that it was important to remove our men from Vietnam in the near future.

I am certain that no one understood that to mean 3, 4, 5, or 6 years. They understood it to mean 6 months. That is what I understood.

I visited with the President within 2 or 3 months, believing that he had plans, and hoping to be useful and cooperative in what I thought was a joint venture of getting the war over with and getting our country back on the track.

It is now nearly 3 years later. He may say, "I have lived up to my promise." But that was not the promise when he was elected. The war goes on indefinitely.

I do hope that the Senate will pass the Hatfield-McGovern amendment regardless of what may happen in the House or subsequently. It is very important.

To those who say that we cannot pass it over a veto, I say that is not the point. The point is that the Senate has the responsibility of voting on this and voting on it to show that as representatives of 200 million people, this is what the sentiment of the people is. I believe everything shows that the people of this country want to end this war and bring our troops home.

We as the representatives ought to know it if that is so. This war ought to be finished now. It is in our interest and in the interest of our constituents.

I believe if there is any humanity left in the country at all, our main interest in our boys should be so overwhelming when we read the accounts of what is happening now to our Army in Vietnam that the boys ought to be brought home not in 6 years, but by the end of this year.

I hope that it will be sooner.

If the Hatfield-McGovern amendment is agreed to, I think it would precipitate a course of events which would result in negotiations much sooner than even the end of the year. I think negotiations would begin much sooner, because if that is the precondition, if the President would adopt it and the enemy could rely upon it, that we are going to withdraw, then I think the negotiations could begin.

As evidenced and demonstrated by the French when they began negotiations so soon after their decision, there is no reason why we cannot proceed to solve the matter very quickly. In their case it was a matter of 5 weeks or so.

I cannot exaggerate or overstate the importance of the principles of the Hatfield-McGovern amendment being agreed to by the Senate.

I certainly congratulate the Senator from Oregon for his persistence and eloquence with regard to this matter. I will support the Senator.

Mr. HATFIELD. Mr. President, I would like to express my appreciation to the Senator from Arkansas (Mr. FULBRIGHT) for his very erudite remarks this morning. I appreciate very much the statements of the Senator relating to the amendment that the Senator from South Dakota (Mr. McGOVERN) and I introduced in the previous Congress and will introduce in this session. Pertinent to what the Senator from Arkansas has said, not only does it relate to the question of funding this war, but also it would specify a time limitation for future funding, to December 31. Also he discussed our amendment on ending the draft. As the Senator from Arkansas probably remembers, we had a recent court case entitled Orlando versus Laird, which was decided by the United States Court of Appeals on April 20, 1971. This was on an appeal from a lower District Court's action to challenge the constitutionality of the Vietnam War. The district court had held with the challengers at that time, and the case was then appealed to the court of appeals, where it was reversed. It was reversed for two basic reasons. One reason was that Congress had appropriated funds for the war, which the McGovern-Hatfield amendment would bring to an end on December 31. Second, the Court of Appeals held this war was constitutional because Congress, as in the first instance, had granted extension of the draft during the war and had the power to halt the induction power of the President any time it wanted.

So on two counts the Court was saying it is the responsibility of Congress to take action on this entire question related to the Vietnam war. We will be bringing these arguments forward at the time the Senator from South Dakota (Mr. McGOVERN) and I introduce our amendment at the appropriate time.

I think the Senator from Arkansas touched on another facet of this war when he brought up the drug problem within our Armed Forces. It is not going to be corrected by some great educational or medical program to try to deal with results. The solution is to take those men out of that environment where they are subjected to heroin usage, doldrums, and apathy that creeps into the military life over there. So anyone deeply concerned about the heroin problem, as it has been stated, should be more concerned about getting our men out of there as soon as possible. It is something that deserves full disclosure to the American people.

I can no longer accept secret schedules and unstated time programs for withdrawal. This is a matter in which the American people are entitled to know the schedule and I do not think the President can any longer hide his program under a bushel basket and say, "It is in my good time and in my good judgment." The American people have a right to know.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. FULBRIGHT. There were two points in the case the Senator just referred to. I take it from what the Senator said that the court did not accept the view that a Commander in Chief, the President could do as he pleased. As the Senator emphasized, Congress, by authorizing the draft and appropriating the money exercises constitutional responsibility.

The Court did not say, did it, that as Commander in Chief he can wage the war any way he likes? Did it say that?

Mr. HATFIELD. No.

Mr. FULBRIGHT. I am glad to hear that. The Court, then, is not in complete agreement with the Secretary of State, or Mr. Katzenbach, or Mr. Acheson in their theory that Congress has no business in foreign relations and that the war power is obsolete. The Court did not agree with them, did it?

Mr. HATFIELD. No.

Mr. FULBRIGHT. I am glad to hear that.

Mr. HATFIELD. We did not have to wait for the Court to comment on that. All we had to do was to go back to the Constitution and read the power of the President as Commander in Chief. It is only as determined by Congress. He is the first admiral, as Alexander Hamilton said, and he is the first general. That is all his power represents. He is the first admiral and the first general of those forces determined by Congress under article VIII.

Mr. FULBRIGHT. I agree with the Constitution, as does the Senator from Oregon. Former Attorney General Katzenbach, who testified before our committee, and Mr. Acheson, a former Secretary of State, and the present Secretary of State, within the last month, virtually said that as Commander in Chief he can do as he pleases with our troops in the world. They have abandoned the Constitution.

I am glad to see the Court as the Senator mentioned, sustained the view of the Senator from Oregon, with which I agree. I think it is correct.

Now, all we have to do is persuade Congress to live up to its constitutional responsibility. The Senate has to exercise its power. If a majority of the Senate wants to continue the war and have our boys stay there and become drug addicts and all the rest, they can do it; but if they reject the McGovern-Hatfield amendment they must take the consequences. I believe the Senator is clarifying the situation. It is the responsibility of the Senate and Congress. We, as a part of Congress, have to authorize it or not.

It presents some problem on the draft because in principle I have not yet been convinced that over a long period a professional army alone is in the interest of the democratic system. But I am torn by the matter of prolonging the war. I do not want to say it is in the interest of this country to continue the war. It presents a difficulty and I have to eventually resolve those things. It does muddy the water.

But the heroin problem and the demoralization of our forces has become a serious problem to military men. General Shoup in the last 2 weeks testified that he thinks it is horrible what it is doing to our Armed Forces, especially the enlisted men and noncommissioned officers who are subjected to the worst part of it. That is of greater importance to our national security than what happens in Vietnam. How this can be put before the interest of our own people and our country is beyond my comprehension. General Shoup is an old marine but he is interested in all the Armed Forces.

I congratulate the Senator.

Mr. HATFIELD. I am grateful to the Senator. I would like to add one small statement. Prior to the Senator's arrival, and I am sure he will take the time to read the RECORD on this matter, I think I made a statement related to the question of the draft being in the best interest of our democratic system of government. I would appreciate very much if the Senator would take the opportunity to read those remarks because this is a very good question that has been raised in a very profound way by many people. If the Senator will read the statement in the RECORD he will find there is an overwhelming amount of evidence from our history and the history of other countries which would indicate that it is in the best interest of our democratic system to have a volunteer army, a non-conscripted army, and that it is the best method of manpower procurement. I hope the Senator from Arkansas will be persuaded by that argument as well as the argument with respect to heroin. I think repeal of the draft could stand on many foundations. The Senator's judgment could be justified for many different reasons.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HATFIELD. I am happy to yield.

Mr. STENNIS. I have one question I wish to address to the Senator from Arkansas.

I heartily approve what I understood the Senator's position to be with respect to the all-volunteer, all-professional military service. As I understood the Senator, he said he had great misgivings about the adoption of such a system. Is that correct? Will the Senator enlarge on his statement? It is very significant.

Mr. FULBRIGHT. I do. For example, one thing impressive to me is the effect of the draft. These veterans against the war came here and made such a persuasive case before the Committee on Foreign Relations and elsewhere. They were not professional soldiers or graduates of the Academies. Their influence in putting this war in perspective for the American people and for the Congress was, I think, significant. I realize that the administration has tried to ridicule them and the Vice President has made fun of them. I think that is the grossest kind of libel they have undergone. One of their spokesmen, who was so criticized, had two Purple Hearts and a Silver Star. There were many there without legs or arms. But these people represented the men in the Armed Forces.

One of the reasons for having the draft is to infuse the military with people from all sections and sectors, and keep them responsive to the sentiments and the will of the people, so that they do not set themselves apart from society, with the privileges and prerogatives of modern life, with everyone living in houses all over the world where we have bases, like the President has, and their getting the idea that everybody lives that way. They should be closer to the people. This is a matter of the necessity of a draft as an instrumentality. True, we did not have the draft for many years, and we used it only when we needed it; in other words, when we were at war.

What bothers me in this particular question is the effect of the draft on the war in Vietnam. I would do almost anything I could, that was not illegal, to stop that war. I have made every argument I can against it. I am tempted, I am torn over the temptation, if it would take that to stop the war, to vote to end the draft.

I am for the amendment which would cut off the funds for continuing the war. I am certainly for that without reservation. The only thing that has bothered me about the draft is the element I have mentioned. If we adopt a policy to have in the military nobody except professionals, if we are going to give them the remuneration that will keep them in the military, we are going to create a caste, an elite, which might lose all interest in the preservation of our constitutional system.

Mr. STENNIS. I thank the Senator for his fine statement.

Mr. GRAVEL. Mr. President, if I could engage my colleague in a colloquy in that regard, I think it would be very important to have this exchange in the RECORD. It strikes at the core of a good deal of misunderstanding in this body about the draft.

I know the Senator from Arkansas is for an end of the war in Vietnam, and I am struck by his statement that he would do anything short of something illegal to do that. While I appreciate that, it strikes me as important that the instrument of our national policy that permitted us to slip into the war in Vietnam was the draft, so, holding anathema the result, he would also, I would hope, hold anathema what permitted that war to be brought about.

Let me cite for my colleagues a case in Alaska which demonstrates that just the opposite of what the Senator suggests happens. The military is held aloof and held aside when there is conscription, not when we have volunteers, because when we have volunteers we are prepared to pay them a proper wage to render service to our society, just as civil servants are paid a proper wage to render service. Being paid that proper wage, they would have an opportunity to live within the civilian economy. But in Alaska they are held on the bases because they cannot live within that economy since they do not receive a decent, livable wage.

I would plead with my colleague from Arkansas to read the statement made by the Senator from Oregon. I was not praising it out of order when I said the statement he presented today will be the benchmark of the whole debate on the draft, because it goes to the accession and combat arguments.

More importantly, I point out that it was not a draftee who came back and talked about My Lai; it was an enlistee; it was a volunteer. I was a volunteer. Many Members of this body were volunteers. We enlisted on the basis of patriotism.

It is the volunteers who engage in these legitimate protests. So it is the draftee, pressed into service, who is least likely to reveal what is wrong and who will not be the person who has pride in his service.

The figures the majority leader inserted in the RECORD on NATO are figures brought forward by Lieutenant Colonel King, who, in my mind, did a tremendous service to this Nation. It was not a draftee who did that yeoman's service; it was a man who had pride in our military.

In our history we have had nine wars, four and a half of them with a draft and four and a half of them without a draft. In our Revolutionary War, our most important, we did not have a draft. In our Spanish-American War we did not have a draft. In our war with Mexico we did not have a draft. Half of the Civil War was fought without a draft. The First World War could have been fought without a draft.

This is what the draft does, and this is the core item. If we have a society of representative government, which we all say we do, and if this Government finds it necessary—unless there is a danger of imminent invasion, as there was in World War II—to impress people into the military to effect its policy, there is something wrong. There should be enough people in a representative government to volunteer, to have a patriotic commitment to do the job. If that patriotism is not there, as it is not with respect to Vietnam, then we should not burden our people with a continuation of that policy. So, in a representative government, people should stand up and say, "I believe in my country and I am going to enlist." That should be automatic in a representative government. If it is not, it should immediately ring a bell indicating that there is something wrong with the activity we are pursuing. Regardless of whether or not there is a majority will, there is something wrong if people will not volunteer in a system of representative government.

In my mind, one of the safeguards of our system of representative government is the volunteer aspect of a volunteer military policy. What does the most harm is conscription, because that develops a voracious appetite in people, it is inefficient and costly, and it permits laxness on the part of the other people. People can then say, "We can do that. We can stop them in Vietnam. We will go do it in Vietnam. We have 18,000 people in the Philippines."

Mr. FULBRIGHT. What difference does it make if they were all trained and ready to go as volunteers, when they were paid more than schoolteachers——

Mr. GRAVEL. They will not be.

Mr. FULBRIGHT. Why not?

Mr. GRAVEL. Because, first of all, we do not need the force level we are talking about. We have let ourselves get to a level of 3,500,000 men under arms.

Mr. FULBRIGHT. We are not going to need them, anyway. We have all these sophisticated weapons. All one has to do to start a war is punch a button.

Mr. GRAVEL. It is interesting to note that when the politicians in 1948 were pushing for the draft we had 1,300,000 men under arms. That was during the full burgeoning of the cold war. They felt we had to have that level in order to protect ourselves against the enemy, being the Soviet Union at that time. So they decided that what we needed as a Nation was to set that level at 2 million men. Now we have another set of politicians and military leaders who believe that today, with the computerized battlefield and pushbutton weapons, we need, not 2 million under arms, but 2,500,000 men under arms. That argument can be made all by itself, but it really has nothing to do with the issue I have delineated, which is that under our system, where a proper policy is being pursued, people should volunteer for it, and not be pressed into service or be punished if they do not do it.

Mr. FULBRIGHT. That is a very persuasive argument.

The thing that bothers me most now is what the Senator from Oregon said a moment ago about the court saying that by voting for the draft, you thereby authorize or endorse the conduct of the war. I had not really considered that very seriously before, because we do not vote for the draft just for the war; we vote for a draft for anywhere. A man drafted under this law, as I understand, can be sent anywhere in the world, to the Dominican Republic, or anywhere else.

Mr. GRAVEL. Exactly.

Mr. FULBRIGHT. It is not just for the war. But the court taking the attitude that it is an endorsement of the war in Vietnam, which I take it was the implication of what the Senator said, I certainly do not like that idea.

The first time I really began to turn against the foreign aid bill was when Secretary Rusk said, "By voting for foreign aid for Vietnam, you helped make a commitment which is consistent with the conduct of the war."

In that way he was, in I thought a very strained and unpersuasive way, saying that we authorized the war by approving foreign aid bills.

I would be very embarrassed if I voted for the extension of the draft and it was thrown in my face that I thereby voted to continue the war in Vietnam.

Mr. GRAVEL. If I may answer my colleague, that is the only thing that could be thrown in his face, because a free nation, that is not under threat of invasion or attack does not need the draft.

Mr. FULBRIGHT. Certainly we are not under any threat of invasion, and we never have been, from Vietnam. How could the court think we would have put the draft in effect to avoid an invasion by Vietnam?

Mr. GRAVEL. Of course the argument is that if we do not fight the war in Vietnam, the dominoes are all going to fall down.

Mr. FULBRIGHT. That is a ridiculous argument. I never have subscribed to that.

Mr. GRAVEL. Then I would hope that my colleague would see the wisdom of the very important fact that, as a free nation with a representative government that is not in any danger of being invaded, we do not need the draft, and that the only valid argument for retaining the draft is that we are waging a war in Southeast Asia. And if that war is wrong, then in all conscience we should not have the draft.

Mr. FULBRIGHT. I will have to say that the Senator is very persuasive.

Mr. GRAVEL. My colleague is very kind.

Mr. FULBRIGHT. I will give the matter further consideration.

Mr. HATFIELD. I thank both my colleagues, the Senator from Alaska and the Senator from Arkansas, for the colloquy.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate now stand in recess until 1:30 p.m. today, with the understanding that the time be equally charged to both sides.

The motion was agreed to; and at 12:42 p.m., the Senate took a recess until 1:30 p.m.

On the expiration of the recess, the Senate reassembled when called to order by the Presiding Officer (Mr. CHILES).

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER (Mr. CHILES). The pending business is proposed amendment No. 106 to amendment 76, to H.R. 6531 a bill to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. That is known as the Hatfield amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. Mr. President, I shall not detain the Senate at great length on this important matter. It is very important, because it strikes at the very vitals of the entire bill; and if this amendment should pass and become law, then, in substance and in effect, the active, creative part of the bill would be the controlling part, and it would kill the Selective Service System. There could be no more inductions into any of the services, and we would have gone to the so-called voluntary concept not only for the Army, but for the Air Force, the Navy, and the Marine Corps as well. I say, with all deference to everyone, that this would be without any substantial preparation whatsoever, and no alternative method to take the place of our system that we have now.

I wish to say this about the Senator from Oregon and his attitude: There could not be anyone more sincere or more consistent than he has been and still is about this matter, as well as other matters that he works on. I remember some years ago while he was Governor of Oregon, there would be meetings of the State Governors, and there would be resolutions about the war in Vietnam, and I remember that one time, as I read the news report, 49 Governors voted to back the war in Vietnam and one voted no, and that one was the Senator from Oregon.

That goes away back. He is very sincere about it. He has been sincere and consistent here on the Senate floor since he became a Member of this body. And the rest of the Senator's life is consistent with the position of meaning what he says and saying what he means as well. So I have no thought to the contrary, and I do not intend to say anything, even in the heat of debate, that is contrary to the sentiments I have just expressed.

But with all deference, I say again, every vote that we have had—now, this is not a happy day here in the Senate, to be having to vote for this bill—has been a hard vote with reference to the proposed amendment. It is not a popular thing to do.

I have never had a more convincing experience here than on this bill, when the majority of Senators, time after time, marched up to the line and did the thing that was most difficult. The hard vote was what the majority cast. In every vote that has come up so far, the majority has said in one way or another—rather substantially in some instances—"We think it is necessary to continue the draft."

We may vary as to how long, but these votes have well established the fact that the bill as reported by the great majority of the committee is thought to be necessary, at least for some time in the future.

So what are we talking about? We are not talking about just the war. This bill is not designed to take care of the war in Vietnam. It is not designed to take care of NATO or the people of Western

Europe. The primary purpose of this bill is to provide the military manpower to man our forces in the air, on the ground, and at sea—the military manpower necessary to protect the people of the United States. That is the main purpose of this bill.

The other matters are connected, and they have some bearing—such as the war in Vietnam or NATO, which we debated here for a week. They have a relevancy. But we must keep our eye on the ball and remember what the main purpose of the bill is. It is to supply enough of the proper kind of manpower.

You can go down here and out yonder and everywhere and pick up some bodies, and you might get them for a bonus or an increase in pay. But I am talking now about the necessary manpower of the proper kind of which a percentage at least will have the talent and the dedication and the character and the know-how to man what we consider our necessary military machine—the weapons we may need for our protection. I shall elaborate in the future about the very high integrity that is required for many of these positions.

Even if it were possible to get enough of that type of men through the so-called voluntary system, there is no method, there is no plan, there is no effective machinery to put into motion that will do it, at least not for 2 years; but this bill would just knock it out at once.

Let us remember, too, that we are talking about the manpower and the method really of obtaining that manpower. This is getting right down to the grubbing. That is what the bill does. It provides the procedural and the operational method of obtaining this manpower.

The argument has been made here, "Well, we are going to get them, but we are going to get them through voluntary means," and they support that argument with the Gates Commission report.

Mr. President, I have had a very high regard for Mr. Gates, the former Secretary of the Department of Defense. I knew him well when he was Assistant Secretary and Deputy and then when he was the full Secretary.

I did not agree with the reasoning of that report from the beginning, but I had a very satisfactory conference with him. Then, this calendar year, after the Gates Commission report had been abandoned by the President of the United States, had been abandoned by the Secretary of Defense, and was no longer proposed and no longer recommended—in effect, they said it was inadequate for the present time—I nevertheless telephoned Mr. Gates when we were holding these hearings and spoke to him about coming here to testify. I told him he would be welcome. I am not disclosing any confidential matter. We just had this open, frank talk about it. The invitation was extended. It was not rejected and it was not accepted. It was just left there, and nothing else developed. We agreed that if anything new developed as I saw it, I would call him, and if anything new developed as he saw it, he would call me. That proved to be the end of the matter.

I am not rejecting the man. I rejected the reasoning. Still, I was willing to give him all the time he wanted, and he fully understood that.

So I respectfully say that the report has been rejected not only by the President of the United States, the Department of Defense, and the Secretary of Defense, but also by the Committee on Armed Services. It has been rejected by the House. This is a House bill. It has been rejected by the committee and by the House.

So when we get down to the real grubbing, I am really surprised to find that such a high percentage of the men—the record shows—were induced to volunteer by the fact that they were approaching the time when they would be called.

I did not take the Gates Commission report lightly. Last year, as soon as I could, after the passage of the military bill, I went out on a mission of my own, because I did not believe that the members of the Gates Commission, wise as they were, had talked with the GI's. I wanted to get to the grassroots of this matter and see how they felt.

I started out on Labor Day. I believe Fort Lewis, Wash., was the first place I visited. I went to an Army installation in Alaska. I went to an Army installation in Louisiana. I visited an Air Force installation in Texas—I believe I visited three in Texas.

I sent this word in advance:

> I want to talk to small groups of men. I want some who have just arrived there for induction. I want some who have just finished their basic training. I want some who are just leaving for Vietnam. I want some who have just returned from Vietnam. I want some who are sergeants, some who are corporals, some who are lieutenants, and some who are captains. I want to meet in a room with closed doors, with them alone, no one there except the group, and I will be the visitor. I want them to ask me questions, and I will ask them questions.

I went at the matter in a methodical way, and in that manner I interviewed more than a thousand men of the types and groups I have mentioned. I put two major questions to them. One concerned the war. I just mention that in passing. The primary question was, "What do you think would be the situation if we had no Selective Service Act and everything was up just for the volunteers?" I talked to them and told them who I was, what my mission was, and what my duties were here in the Senate; and I could tell, when I got their confidence, that one thing was I was going to let them ask me questions, and I talked on before asking the questions until I felt I had gotten their confidence, and then I asked each man in the group of 15 or 18, whatever it was, the question as to what he thought about the draft and would he be there had it not been in existence, and so forth. I did not ask, "Do you agree with what has been said?" I asked each one of them the question, and I made notes as I went along, and I am fully satisfied that 90 percent to 92 percent of these young fellows said they would not be in the service if it had not been for the Selective Service Act that was bearing down on them, which is no reflection on them. That is as American as anything else.

The first thing I mentioned to a group of Air Force recruits was, "The record shows you are all volunteers; is that not correct?" Well, they looked at each other for a while but no one changed the expression on his face. I swung around until I got their confidence better and then I said, "I have already mentioned that you are all volunteers according to the record, is that not correct?" And at that time they all broke out laughing. They laughed at the idea that they were volunteers. They told me the circumstances were that they enlisted in order to get a choice, but the real reason behind it all was the prospect of being drafted. That is the American pattern, as I say.

I found that, all the way through, to be about the same. No more convincing thing could happen to a person than to sit there and talk to those boys. I was enjoying it so much, I was not working, but I stayed there with one group, I remember, until 7:45 at night, one hour and a half late for a social engagement there on the post which I had made.

They were telling me the truth. However, I was challenged by one young fellow who said, "You are out here using us as a front, as an experiment. It has already been established as a fact that the volunteer system will work." I remember him expressing himself. I said to him, "Well now, where did you get that idea?" He said, "I read it in the newspaper." I said, "Well what did you read about it?" He replied, "I read about the Gates Commission report."

He was basing his statement on the fact that he thought some wise men had determined this matter and therefore it was a fact and I was a troublemaker.

I tell you that, Mr. President, to show that this was not unanimous. But all the way through, the trend of the answers was substantially the same. These boys were from all over the United States. One group had not even been there long enough to get their hair cut. I went down with some of them the next morning early when they were to get their haircuts. I got down to the grass roots level in talking to those 1,000 men, I am sure.

I believe that the Senator from Arkansas gave another sound reason but that is a matter for future determination. I found out now—I got the percentages later—according to the Air Force, their own records show that 47 percent of their first-term men were induced to join by the draft. I think it is higher than that, but according to the record, that is what it is.

The Navy figure is 42 percent of all its first-term men. Someone in the Navy, keeping the official record, put down that many as being draft induced.

The figure on the Marines is 33 percent. They have the best recruiting system, I think, of any of the services. I do not say they are better than all the rest, but they make a fine appeal and, according to their records, 33 percent were induced because of the effectiveness and the long hand of the draft.

On the Army, I do not have the exact figures with me yet, but it is well over 50 percent, according to the record. I will give that precise percentage later; but according to the records that were kept before the Gates Commission reported, or before this bill ever came up, the draft inducement was the controlling factor and, as I say, I believe the figure is higher than that. But, anyway, those figures are in the record.

My experience with these men was revealing. I stayed with them until I was fully satisfied that that was a very good cross section, that it was not just a passing fancy of those who were there. I do not think the young fellows knew, certainly at the beginning of the group, what the questions were going tc be, as I had not talked to anyone, but the answers were consistent all the way through. I did not finish up on that until some time in late November, as I remember—early December. So that the answers were consistent and ran all the way through.

I mention these things as background and as bedrock bottom on the real facts of life as they are, not as someone theorized, calculated, experimented, or concluded here in the commission. That is the way I found it.

I talked to many Senators and they found the same thing, but they can speak for themselves.

The men in uniform, I do not take their recommendations anyway, but apply the facts the best I can to what commonsense I have. I want their advice on military matters, of course, but I think the commonsense approach will teach us more about human nature. But we can find that the military men of experience depend on the sergeant—what we used to call the first sergeant—they have different names now—but these men are experienced, particularly in the Army. I have talked to the young officers who deal with these young men, and to many hardheaded fellows, and if one will examine closely what a lot of the military men of high rank say about this system, we will see they have tongue in cheek to an extent.

Mr. HATFIELD. Mr. President, will the Senator from Mississippi yield for a question?

Mr. STENNIS. No, I have not finished my speech yet.

Mr. HATFIELD. I thought the Senator was finished with his remarks.

Mr. STENNIS. Mr. President, I yield to the Senator from Wyoming (Mr. McGee) without losing my right to the floor and ask unanimous consent for that.

The PRESIDING OFFICER (Mr. Roth). Without objection, it is so ordered.

VISIT TO THE SENATE BY MEMBERS OF THE BRITISH AND AUSTRALIAN PARLIAMENTS

Mr. McGEE. Mr. President, shortly I shall ask unanimous consent that the Senate take a brief recess, so that my colleagues in the Senate may have the opportunity to greet several of our colleagues from Britain, with an extra dividend today of one of our parliamentary colleagues from Australia.

Mr. President, I want to say now that we have a distinguished group of our counterparts in the Chamber whose problems, I gathered from the extended dialog over the weekend, are at least as complicated and complex as ours, whose partisanship is as statesmanlike as ours, and whose uncertainties about the absolute solution of the difficulties of our time are as marginal as ours.

This strikes, thus, a kinship that links us all closely together, for we all discovered in a special conference that we were having on African problems out in Jackson Hole over the weekend that we had very few solutions. We generally agreed on the substance of the difficulties and were less sure that we were right in our various advocacies. But this, too, became a link among the parliamentarians of the governments of the world. And I would hope that now, having expressed our welcome to them and having brought them back down to earth again—they have been up in the clouds for several days almost literally, several thousand feet—having brought them down to sea level in Washington, that they will come to grips once again with the real world instead of living in the attributes of outerspace in which life of high quality the shortcomings of man are less visible than in this part of the world.

RECESS

Mr. McGEE. Mr. President, I ask unanimous consent that the Senate stand in recess for 10 minutes so that we may say hello to our colleagues from Great Britain and Australia.

There being no objection, the Senate (at 2:10 p.m.) took a recess until 2:20 p.m.; whereupon the Senate reassembled, when called to order by the Presiding Officer (Mr. Roth).

ORDER OF BUSINESS

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield 1 minute to the Senator from Colorado without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. I thank the Senator from Mississippi for his always unfailing courtesy.

ORDER FOR STAR PRINT OF S. 1228, PERTAINING TO THE GOLDEN EAGLE PROGRAM

Mr. ALLOTT. Mr. President, on March 12, I introduced S. 1228, a bill to restore the Golden Eagle program to the Land and Water Conservation Fund Act.

My introductory statement listed Senator Metcalf as a cosponsor.

However, an apparent typographical error on the bill which was submitted resulted in Senator Metcalf's name not appearing on the actual bill.

I ask unanimous consent for a star print, corrected to show Senator Metcalf as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Mr. President, as I have pointed out, this is a manpower bill. It is designed to raise the necessary type of manpower for all of our services for the next 2 years; but if this amendment should be agreed to it would take the very heart out of the entire system and would not permit anyone to be inducted into any of the services and thereby there would be removed a great part of the primary incentive for a high percentage of these men we have in the service.

I wish to point out something else about the bill that is directly in point with respect to the manpower bill. The bill presented to the Senate by the committee has written in its provisions some of the most firm language that has ever been included in a bill by a Senate committee.

First is the 150,000 ceiling per year on the number of inductees that can be brought into the service through the Selective Service Act. We wrote that in deliberately and with the intention of putting a firmer and more effective hand on the manpower problem. We did provide, however, that should there be an emergency, which is so declared by the President and reported to Congress, the President could increase that number of giving his reasons therefor. That is a commonsense provision. One might call it an escape clause but it is not an escape clause, as such. It is a sound provision of law that gives the President the right to act in an emergency.

Second, we did not accept the estimates, the figures proposed by the Department of Defense for the instrength of the services, but wrote in a reduction of 66,000 men, in average strength—that is a technical term—which means a reduction of about 100,000 in the instrength; that is, in authorized military manpower.

This is another instance in which the committee bill places the firm hand of control and review on the entire manpower problem.

I am not going to take a great deal of time. This matter will be debated tomorrow and it will be debated again Friday when there will be a vote on the amendment, according to the agreement, and also on the Schweiker amendment which would limit the life span of the act itself to 1 year.

I want to speak briefly today about the problem that will be created by moving too quickly to remove the draft, either this June 30 or next June 30, since it is my view that both the amendments proposed by the Senators from Oregon and the Senator from Pennsylvania are most unwise.

Both amendments presume, to some extent, the validity of the recommendations made by the Gates Commission. Like many economic analyses, the Gates analysis was somewhat weak in its ability to deal effectively with dynamic situations, with transitions, such as the transition from a force comprised primarily of men who are drafted and draft-motivated to a force comprised entirely of men who enlist for economic reasons or reasons of personal commitment. I want to make it clear that I am not discussing a possible, later, ideal, stable world in which we might be able to have a volunteer army. I am talking about the problems of the moment, and specifically about the incredibly serious difficulties which could be created if we tried to completely change the entire character of our military services—all of them—in 1971 or 1972.

Mr. President, it is just inconceivable to me that within the span of the present calendar month, June 1971, before this month is over, within 28 days from today, we say it is our sound, solid judgment that we do not need any longer the Selective Service Act and that we are not going to permit the President to bring anyone into the Service or permit it to stay on the books so it will be an inducement to bring in this talent and dedication to which I have referred. It is just unthinkable to me that a majority here could reach the deliberate conclusion that that is the safest, soundest, and best thing we could do in this field of problems, and they are problems. I do not believe it is going to happen by a long shot.

Today I will concentrate on the problems which would be created by abolishing the draft immediately, as is proposed in the amendment before us. There would also be severe difficulties, however, if we tried to completely change our entire military manpower system in as short a period of time as 1 year much less 1 month. I will discuss that issue—which is relevant to the amendment proposed by the Senator from Pennsylvania—later in this debate.

But, serious as it is, a shortfall in the numbers of men is not the only thing which would be produced by a precipitate end to the draft. The draft is vital to our own security—it is vital to provide the men needed to man the ships that protect our shores and the missiles and bombers that do the all-important job of deterring nuclear war.

When I called and got the figures I am going to give I was surprised. Let me give some illustrations. Over 42 percent of Navy first-term enlisted men are motivated to enlist by the draft. That is according to the record made before this matter came up for debate.

This means that, on the average, about 3,650 out of the 8,600 first-term enlisted men who man our Polaris submarines would not be serving if it were not for the draft.

We are not talking only about the war in Vietnam; it does not involve NATO in Europe alone.

The same proportion would apply to the 38,000 first-term enlisted men needed to man our aircraft carriers; over 16,000 of these, on the average, would not be in their current jobs without the draft.

I have had an overdose of talk about the war in Vietnam and about NATO since the debate started. I said I wanted to know about the men who served to protect our shoreline and our missile crews and our Polaris submarine crews. That is when I started getting these figures.

To be even more specific, about 245 enlisted men are needed to man a typical Polaris submarine. Fifty-four of those men, about 42 percent of the first-term men, would not be on that submarine today if it were not for the draft. About 4,800 enlisted men are needed to man an aircraft carrier. About 1,320 of those men would not be in the Navy if it were not for the pressure of the draft; that is according to the official record. I did not visit any of the Navy men, but I have already related this afternoon my personal experience in talking to young men away from their officers and away from everyone else.

The statistics for the Air Force indicate an even higher percentage of first-term enlisted men motivated by the draft.

I emphasize that I am talking about first-term enlisted men.

Nearly half—over 47 percent—of our Air Force recruits are draft-motivated. This means that, on the average, over 14,000 of the 25,000 first-term enlisted men needed to keep our strategic bomber—that is the B-52's—and the tankers that go with them and to maintain our Minuteman—that is the ICBM—missiles as a deterrent to nuclear war are motivated to serve in these jobs by the draft.

That is what the record shows. Where would they be if we had not had the draft? They would not be on those missions. They would not be in those places. If the draft is abolished and these men elect not to stay there and leave, there will be a vacant place there.

One may not agree with the philosophy or the form of government that requires, but, like it or not, if we are going to keep that stream of talented manpower flowing, we are going to have to have the draft renewed, certainly until there is time to build an alternate plan that will work—not that somebody thinks will work, or one that may work, but one that proves, by slow methods, it will work.

That is the only way we will get into the volunteer concept in all the services. I do not think it will, but if it does work, it will have to be by a slow process.

Again, to be specific, about 200 of the 800 enlisted men to keep a Strategic Air Command bomber squadron flying would not be wearing a uniform if it were not for the draft. About 350 of the 1,750 men needed to man a Minuteman wing would not be in the Air Force without the draft.

These are solid, hard facts. We need not try to argue how many men are working in a commissary or post exchange or things of that kind. There is a lot about that that I do not like, but that is not going to the heart of this matter. We are talking about this problem.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. If the Senator does not mind, I would like to finish this short presentation.

Mr. HATFIELD. Very well.

Mr. STENNIS. Moreover, these figures, which are based on servicewide averages actually understate the numbers of men which would be lacking in these units if the draft were ended. This is because it is unfortunately the case that to a very significant degree the brighter men, the men who are competent to understand the technology of modern nuclear weapons, for example, are the men for are draft motivated.

That is a key point in this picture. We absolutely must have enough men with talent to absorb training and learning, and they must be men of integrity and dedication to the extent that they will make whatever sacrifice is consistent with staying on the job alertly and staying away from marihuana and all the rest of the drugs. We just must have those men in those key places.

The true volunteer, unfortunately, has not proven, on the average, to be as capable of performing these complex jobs I have just spoken of.

I, of course, speak with all deference. I have sensed this many times in dealing with these men. I raised these issues here with some of the authorities to see what they thought.

I want to stop here to say just a word about Dr. Tarr, who is now Director of the Selective Service System. He came into office about the time we started worrying about this bill and planning hearings and trying to get the issues clear. I have not been more impressed with anybody at any time since I have been in Washington than I have with this gentleman. He is straight and clean and clear and has competence galore, and he is frank, strictly honest, and I believe what he tells me.

The data provided to me by Dr. Tarr indicates that an Air Force study dated July 1970, shows that the draft-induced men in that service are better educated, had better scholastic records, and did better on the Air Force tests than the self-motivated volunteers.

This is a field where one cannot be exact about everything, but it shows a trend.

Sixty percent of the draft-motivated men had above average test scores compared to 36 percent of the true volunteers. Forty-five percent of the draft-motivated men could meet the criteria for entering complex courses, while only 25 percent of the self-motivated group were equally qualified. Thus, dependence entirely upon the self-motivated, without positive assurance that the capabilities of the group could be improved, would increase greatly the training problems and lessen the numbers of men required to do such sophisticated work as missile electronic maintenance—maintenance is an important assignment—avionics repair—another one that is important—communications electronics repair and weather forecasting.

These weapons are so complicated and so complex, loaded to the gills, so to speak, with all the new things technology can cause to be invented, and avionics, and all of the new terms, some of which are beyond me, all cranked into these new planes, missile, submarines, and everything else that goes with this new concept. They not only have to be operated, but also kept in proper repair.

So that is why I am putting my finger on this now, because it is one of the major elements in all of our manpower problems. It does not take great numbers of them, but it is through this draft motivation that the services are able to get them.

A couple of years ago, I was handling an appropriation bill for the Department of Transportation. At that time the FAA wanted, I believe, 2,000 additional men to work in the towers. We approved that, and then were asked, at a special hearing, for 2,000 more. They justified the need, but I said to the FAA representatives, "You could not get that many."

They said, "We will get them."

I asked where they were going to get them, and they said, "We will take them away from the military."

The time of these boys was about up, and they induced them not to reenlist, but to come with the FAA. That is no reflection on anyone; it is simply competition in the marketplace. These men are trained there, and many of them come through the Selective Service inducement.

All of this is merely in corroboration of what I find now, 2 years later.

Mr. President, this briefly summarizes some of the reasons why it would be most serious for our own immediate security if we were to take such a dangerous and precipitate act as ending the draft before we had careful solutions worked out to these problems.

Let me repeat once again, we are not debating the Vietnam war here, we are not discussing the balance-of-payments problem. We are not discussing peripheral issues. We are going to be called upon to vote this Friday on two amendments which, in my considered opinion, could, if passed, fundamentally endanger the immediate security of the people of the United States—the people who live in all these 50 States.

I am glad to yield to the Senator from Oregon.

Mr. HATFIELD. I thank the Senator from Mississippi. Is the Senator willing to yield at this time for a question or two?

Mr. STENNIS. Oh, yes.

Mr. HATFIELD. I really do not think that the Senator from Mississippi and I are in any conflict as to these new statistics which he has provided for the RECORD relating to the number of draft-induced first-term enlistees in the Navy and the Air Force, and I understand the Senator will provide such statistics for the Army at a later point.

But I would like to ask the Senator from Mississippi, if he would, to distinguish between the first-term enlistees and the total number of true volunteers within the enlisted rates of our military services.

Mr. STENNIS. I gave the figures as to the first-termers.

Mr. HATFIELD. First-termers?

Mr. STENNIS. Those coming in through the draft and those coming in as volunteers, but through draft motivation.

When we consider the figures on all the men that are in the services we include those men who have been reenlisting over and over. Many of those, though, who have enlisted more than once, came in initially through the same process we have been talking about. That is the way the services find the men who have the talent and the men find themselves, as to whether they like the military well enough to stay in. That is one reason why I do not want the draft law repealed.

Mr. HATFIELD. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. HATFIELD. This is one of these interesting experiences we can go through here on the floor of the Senate, involving statistical data and studies that tend to be rather narrowly based. In order to get a real common base, I am sure the Senator would not disagree with the Pentagon's statement that since 1965—which gives us a 6-year period, at a time during which we had a 3.5 million military force level as a high during the Vietnam period—we have had a constant figure of 2.1 million true volunteers, not draft-induced but true volunteers.

This is certainly what the Pentagon has given out many times, both in response to individual inquiries and for official purposes like the Gates Commission study. So when we talk about true volunteers—and I certainly agree with the Senator from Mississippi that we have to delineate between the draft-induced volunteer and the true volunteer—the figure for true volunteers is based upon a Pentagon formula based on studying not only first-term enlistments. When they come up with a 2.1 million true volunteer level that has remained constant since 1965, I would point out for the RECORD that that is only 300,000 fewer than the Senate Armed Services Committee recommendations.

Consequently, I would suggest that with the inducement of the pay increase and other forms of inducements that I have talked about earlier today, we could meet the manpower requirements that we are all interested in having for the maintenance of defense without the draft.

Second, I would point out that we are not ending the draft suddenly and precipitously. Let me point out to the Senator from Mississippi that if we should fail to extend the President's induction powers beyond June 30 of this year, 1971, we still have in the pipeline—that is, those who are either in the process of being drafted or who have deferments, and therefore contracts with the government—some 12 million men. So we are not ending the draft precipitously by not extending the powers of the President for induction purposes, and I would suggest that during this period of time when we have all these men in the pipeline under the present draft program, when we have all these deferments that can be called up by the President at any time after we repeal the draft or fail to extend the induction power, we still have time to see how this pay increase and other inducements will work to develop an all-volunteer Army.

So I want the record to show that we are not taking any precipitate action or hurriedly moving to abolish the draft or to create an all-volunteer army without a sufficient transition. We have a transition, and I think that is a very important point to remember. As the Senator from Mississippi knows, we have 4 million today who are 3A's—that is, 4 million men who have fatherhood or hardship deferments. We have 1.3 million 2F's, student deferments. We have 213,000 2A occupational deferments. We have 19,000 2C agricultural deferments. We have 14,000 apprentice occupational deferments.

Consequently, we have approximately 12 million men in the draft manpower pool between the ages of 18 and 26, and we have 13 million between 26 and 35, which is the upper limit of legally defined draft eligibility.

So I point out that we are not doing anything that the Senator from Mississippi does not want to do. I stand with the Senator, shoulder to shoulder, on the maintenance of an adequate military defense. I do not want to see any precipitate action. I stand shoulder to shoulder with the Senator on that question. We are not involved in differences of opinion here as related to the statistics he has given. The only thing is that the statistics he has given are only as to first-term enlistees, who represent less than a quarter of the whole Military Establishment. When we look at the true picture, I think we come out with a far different conclusion than the Senator from Mississippi has drawn.

I thank the Senator for yielding.

Mr. STENNIS. I thank the Senator from Oregon. I say to the Senator that without the inflow of new material, the flow of waters, or whatever one wishes to call it, that is coming in, when we cut that off, when we stop that flow, we are going to run out of men rather rapidly.

I notice that the Senator's amendment in its present form, as introduced on May 21, provides as follows:

> Notwithstanding any other provision of law, no person may be involuntarily inducted into the Armed Forces of the United States after July 1, 1971.

That would strike a line through those who have been deferred, would it not? It would leave them out. They could not be inducted, is that not correct?

Mr. HATFIELD. Will the Senator restate the question?

Mr. STENNIS. Yes. Under the terms of the amendment as introduced on May 21, 1971, those to whom the Senator referred, who have been deferred by legal action, could not be inducted under the terms of this language.

Mr. HATFIELD. Not after the date of July 1?

Mr. STENNIS. That is July 1 of this year.

Mr. HATFIELD. I thank the Senator.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr STENNIS. Let me finish my answer on this.

The Senator from Oregon brought up the figures that I told them did not give a clear picture as I saw it. The real test is that these men that are coming in, the percentage that these first-term men represent; and when we find we are dependent on them, we know that when we cut them off we are going to run out of material rather rapidly, because many of them will not stay when their terms are up. I say we cannot have the ones coming in now, with the training period of some of these men in the Air Force and the Navy running from 12 to 18 months.

With respect to some of these key men on the carriers who come in through the draft-induced voluntary system, it takes 2 years to train them adequately for those sensitive positions. We are going to lose them. Some of them are in for 3 years and some are in for 4 years, but we have got a training time in there that is absolutely necessary. We get plenty of them and select from those men who have the talent. That is the key point.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HATFIELD. Would the Senator disagree with Assistant Secretary Kelley when Assistant Secretary Kelley testified before both the House and Senate Armed Services Committees that if the inductions were terminated as of June 30, 1971—this June—and that if no incentives were added, the greatest short fall experience would be 213,000 men, which would bring us to a 2.282 million level, or 113,000 if we use the Senate Armed Services Committee level of 2.4 million men.

Consequently, we are talking now not about the ability to attract good men. We are talking about some basic statistics here that I think we have to have so far as making any judgment is concerned, getting beyond the realm of opinion or whether we are taking a poll or a survey. But here is Secretary Kelley's testimony that very clearly says we would only be in a shortfall of 113,000 men with no incentives or pay increases or other recommendations made by the Gates Commission.

Would the Senator from Mississippi disagree with Secretary Kelley on that judgment?

Mr. STENNIS. I have found Mr. Kelley to be a capable secretary. I do not cast any aspersions on him or anyone else, but I do know that in the Pentagon they were told a long time ago to get up figures and show figures that would justify the volunteer Army concept, and so forth, and I know that they have worked mighty hard on this. I do not say that they have given false figures, but I am not sure that his interpretation of those figures is correct.

I am the one who called for the figures on those first termers, because I know that that is where they get the men, some of whom have performed during their term, but that is where they get many of those men who stay with it. They find the talent; they discover who is responsible and reliable and free of drugs and booze and so forth, for the sensitive spots.

When you cut that off you are just not going to be able to go out in the marketplace and find enough men and bring them in and select from them. Many of them just do not work out and do not measure up for one reason or another.

Mr. HATFIELD. Will the Senator yield?

Mr. STENNIS. I yield.

Mr. HATFIELD. I appreciate the Senator being willing to yield.

Here, again, we are in a very perculiar situation; because, as I said the other day, those of us who are not on the Armed Services Committee have to rely upon some kind of data and statistics. I would think that if we cannot rely upon the official testimony of Assistant Secretary Kelley and other men like him when they appear before the Senate Armed Services Committee and the House Armed Services Committee and give testimony they give figures that they hope will deny an all-volunteer army. They are not advocating it. Assistant Secretary Kelley did not come before the Senator's committee advocating an all-volunteer army. I would believe, therefore, that the statistics he gave would have been the hardest statistics he could have found to fight the idea of an all-volunteer army.

Yet, I repeat today that, based upon his own statements, his own testimony, his own statistics, we would have, roughly, a short fall of 113,000 men with no incentives. This is his own language. These are his own words. I find myself troubled. I am terribly confused. If I cannot take Assistant Secretary Kelley's testimony, his data, his statistics, do I have to wait upon letters or new studies or new data? When do I come to a place where I can make a judgment based upon reliable fundamental, solid figures?

Mr. STENNIS. That is a calculation that Mr. Kelley made. It is a calculation that General Westmoreland made when he said we have to get this volunteer army concept going. It is a calculation. It is contrary, I think, to commonsense. They have a lot of them calculating, but they did not support the Gates Commission after all, because they could not make it go that fast.

The President called for 2 years as a minimum. They are still trying to get ready, and they might come through better than I think.

Mr. HATFIELD. That is based on calculations——

Mr. STENNIS. I do not say these figures are false, but they were always trying to justify the volunteer army concept eventually, within the 2 years.

I asked one general, an esteemed man, what he could say as a practical matter to back up the volunteer army concept. He said, "Well, we must all have faith." I do not know what that means in the category of trying to figure things.

Mr. HATFIELD. Mr. President, will the Senator yield for one question?

Mr. STENNIS. I am glad to yield.

Mr. HATFIELD. Would the Senator please give us, for the record, what the accession rate requirement is to obtain a 2.4 million and a 2.5 million level? What accession rates would be required to do that?

Mr. STENNIS. I do not recall that offhand, but there are some figures that will——

Mr. HATFIELD. Can the Senator get that for the record?

Mr. STENNIS. Yes, I will. Some figures are available.

Mr. HATFIELD. We ought to have some solid foundation upon which to make a judgment.

Mr. STENNIS. Some figures are available along that line. I do not have them in mind now, but I will try to get them.

Mr. HATFIELD. Will the Senator agree with Assistant Secretary Kelley on his accession rate requirement?

Mr. STENNIS. I want to point this out: Secretary Kelley is talking about bodies, counting men, just men, by the head. I have been talking here about the quality of men, competent men, to operate these electronic devices, to repair them on the carriers, under the sea, in the submarines, up in the sky, in the bombers. They go all over the world. The source of supply of this type of man would be cut off by the Senator's proposal. They are talented, they have aptitudes, they have integrity. Many times they have not been discovered even by their home towns. But they get in there, and it appeals to them, and they just burn up the records in developing into these kinds of fellows.

Mr. HATFIELD. Is the Senator acquainted with the quality studies made by the Gates Commission between the enlistee and the draftee?

Mr. STENNIS. I have studied the Gates Commission report to some extent and, with all deference, before I got through with it, the President had already dropped it. He was not standing on it. He went off on another plan. So I do not believe it convinced those who are in favor of the volunteer army that it is sound. If it could not convince them, I knew it could not convince me. I am glad for the Senator to have it.

Mr. HATFIELD. I should like to put into the Record tomorrow portions of these studies, because I think they are very interesting material.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. STENNIS. After talking to those GI's—I do not know whether the Senator from Oregon heard me speak about it——

Mr. HATFIELD. Yes.

Mr. STENNIS. I felt rather certain that the Gates Commission personnel did not talk to the GI's before they wrote that report.

Mr. GRAVEL. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. GRAVEL. The point raised by the Senator from Mississippi on the quality of men I find difficult to accept because, coming from an area of small business in free enterprise, I have been accustomed to thinking that the best quality of person to get is a volunteer, one who is committed.

Mr. STENNIS. Mr. President, before I yield the floor, I ask unanimous consent to have printed in the Record again the quality statement about the kind of men, which is the answer to the question of the Senator from Alaska (Mr. Gravel).

There being no objection, the statement was ordered to be printed in the Record, as follows:

Moreover, these figures, which are based on service-wide average actually *understate* the numbers of men which would be lacking in these units if the draft were ended. This is because it is unfortunately the case that to a very significant degree the brighter men, the men who are competent to understand the technology of modern nuclear weapons, for example, are the men who are draft-motivated. The true volunteer, unfortunately, has not proven, on the average, to be as capable of performing these complex jobs I have just spoken of.

Data provided to us by Dr. Tarr indicates that an Air Force study dated July, 1970, shows that the draft-induced men in that service are better educated, had better scholastic records, and did better on the Air Force tests than the self-motivated volunteers. Sixty percent of the draft-motivated men have above average test scores compared to 36% of the true volunteers. Forty-five percent of the draft-motivated men could meet the criteria for entering complex courses, while only 25% of the self-motivated group were equally qualified. Thus dependence entirely upon the self-motivated, without positive assurance that the capabilities of the group could be improved, would increase greatly the training problems and lessen the numbers of men required to do such sophisticated work as missile electronic maintenance, avionics repair, communications electronics repair and weather forecasting.

REORGANIZATION PLAN NO. 1 OF 1971

The PRESIDING OFFICER (Mr. ROTH). Under the previous order, and the hour of 3 o'clock having arrived, the Chair now lays before the Senate, Senate Resolution 108 which the clerk will state.

The legislative clerk read as follows:

Calendar No. 133, Senate Resolution 108, disapproving Reorganization Plan No. 1, reported unfavorably.

The PRESIDING OFFICER. There will now be 2 hours of debate, to be equally divided and controlled by the majority and minority leaders or their designees.

Who yields time?

Mr. McCLELLAN. Mr. President, I understood that the majority leader has yielded his time to me. I think the correct procedure here is that the sponsor of the resolution of disapproval should control the time favoring the resolution, and the opposition should be controlled by someone opposing. Inasmuch as the committee opposes the resolution, I probably would be the one to control that time, but I am very glad to yield that privilege and responsibility to the distinguished Senator from Illinois (Mr. PERCY) the ranking member on the committee, who is present in the Chamber. Thus, I suggest that the time be equally divided and controlled as between the sponsor of the resolution, the distinguished Senator from New Jersey (Mr. WILLIAMS), and the distinguished Senator from Illinois (Mr. PERCY).

Mr. PERCY. Mr. President, I thank my distinguished colleague, the Chairman of the Government Operations Committee, and I will accept that responsibility in his name.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time be equally divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. PERCY. Mr. President, I ask unanimous consent that staff members of the Government Operations Committee and the Subcommittee on Executive Reorganization, including staff members Eli Nobleman, Robert Vastine, Stuart Stadler, and Brian Conboy, be permitted the privilege of the floor during the next 2 hours.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. WILLIAMS. Mr. President, I yield myself such time as I shall need at this time.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. WILLIAMS. Mr. President, in view of the rather limited time in which we are to debate this presidential reorganization plan, and the number of Senators who wish to express their opinions on the subject, I would like to limit myself to a general summary of my chief objections to the proposed new agency action and a statement of what I feel to be the most valid criticisms of the reorganization.

The President, in his message of March 24, clearly stated that he was asking an additional $20 million above the budget requests he had already submitted for the component agencies, which "would be directed primarily to finding new ways to use volunteer services." However, when Office of Management and Budget Director Arnold Weber testified before the Subcommittee on Legislation and Military Operations of the House Committee on Government Operations he testified that a substantial part of this $20 million—approximately 60 percent or $12 million—would go to antipoverty activities, defined in a subsequent letter to Congressman FRANK THOMPSON as VISTA-like programs. However, I must admit that I do not feel such developments as these promises of increased funding or agreements to redesignate the titles of the proposed associate directors are significant enough or reliable enough to justify a withdrawal of opposition to this plan. These changes are not only small ones, but they must be viewed in the light of previous promises made by some of the same people concerning other programs. Many of us can recall this administration's reassurances regarding the expansion and increased funding for the Job Corps and know what the actual fate of that program has been, a budget slashed from $282 million to $170 million. I will continue to examine this program as it is set forth in the wording of this legislation, and I urge my colleagues to do the same, placing in proper perspective the last minute pledges and shifts of expediency that, as we all know, can be so easily forgotten after the fact.

I have been asked by a few of my colleagues why I have submitted to a reorganization plan which involved a relatively small outlay of funds—at least initially—which appeared to be fairly insignificant—at least when considered in the context of the other more sweeping reorganizations that the President has planned—and which, quite frankly, was rumored to have enough votes to ensure its adoption regardless of its merits, or lack thereof. I wish to take a moment to respond to this point, and share my thoughts on this difficult decision. Almost exactly one year ago, on May 13, 1970, the House of Representatives rejected another resolution of disapproval, and the reorganization which created the Office of Management and Budget went into effect. No Senator offered a resolution of disapproval at that time, and 2 days following the House vote, the proposal went into effect. The Office of Management and Budget is now, as we are all well enough aware impounding and freezing funds appropriated by Congress for housing, public works, mass transit and other vitally important projects, and due to the provisions of this earlier reorganization plan, we have a situation where we cannot call these officials before any Congressional Committee if they do not wish to come and, in effect, have no oversight of their operations. I intend no criticism of the Senate that no such resolution was introduced, for it would have taken truly extraordinary foresight to have envisioned the arbitrary, and some maintain unconstitutional, actions of officials of the Office of Management and Budget in withholding funds in defiance of the expressed will of the Congress.

However, this development should serve to remind us of the enormous and far-reaching implications of the President's executive reorganization power. It is a power so sweeping that the usual order of parliamentary procedure has been reversed, and the veto prerogative is vested in Congress and the burden of proof, so to speak, rests upon the President. It is obvious, however, that the requirement for making a strong case for any reorganization is contingent upon congressional opposition. For it is during the hearings on such a resolution, that the testimony of administration witnesses of significant questions is obtained, and during the debate on such a measure that the legislative history relating to a particular issue is established.

Therefore, my resolution has a threefold purpose. First. It will allow Congress to carry out, to the fullest extent, its mandated responsibilities under the terms of the Presidential reorganization authority. Second. It will further provide an invaluable source of information concerning the intentions of the plan's framers and their interpretations of projected changes. Third. And, finally, but most importantly, this resolution is the means by which I hope the Senate shall put an end to the specific reorganization proposal before us, the reorganization plan No. 1.

My main objection to this particular plan is to its potential inefficiency, a liability which has its roots in the very abstract concept which is being used to justify it. The only common element among the various programs to be included is their volunteer nature, and as we can see even this characteristic is present in markedly different degrees. Voluntarism, however, is undeniably a means to an end, and not an end to be glorified in itself. In this connection, I would like to quote from an editorial in Fortune magazine which was written by Mr. Roy Ash, Chairman of the President's Advisory Council of Executive Organization and introduced into the Congressional Record on April 20 by the senior Senator from Illinois (Mr. Percy), a proponent, incidentally, of the action agency. Mr. Ash, in defining the main attributes of an effective executive branch structure, defined as attribute No. 1:

> At its policy forming and executing levels it should be clearly geared to the major and central purposes of government today rather than guided by historical or subordinate purposes, by narrow constituencies, or by letting means themselves become a purpose (bureaucracy in its least responsive sense).

May I repeat, these last words, written by the President's chief adviser on executive reorganization:

> Or by letting means themselves become a purpose (bureaucracy in its least responsive sense).

It is absolutely incredible to me that in the face of such straightforward advice from an expert chosen by the President himself to provide recommendations on reorganization plans, the first reorganization plan to be submitted is, in fact, not geared to a specific purpose, but is based almost entirely on voluntarism, per se.

In brief, since the idea of voluntarism is the common denominator by which these programs were selected for inclusion into the new agency, it was not surprising that the types of volunteers, the methods which they would employ, and the goals toward which they worked, would be quite diverse. What is surprising, however, is that the administration could continue to insist that it would be all productive of efficiency to combine such dissimilar programs as foster grandparents and the Peace Corps or Teachers Corps and SCORE under one management. Outside of some general platitudes about consolidating administrative functions, eliminating unnecessary duplication and encouraging better coordination, there is very little evidence that any of the specific details of the proposed combinations have been subjected to a critical pragmatic scrutiny.

The recruitment aspect, for example: Will the recruiter from the Action Agency who is interviewing college students for VISTA or Peace Corps, active businessmen for ACE and elderly people for RSVP positions, be as good a judge of the qualifications needed as the recruiter currently specializing in his one area? Can an advertisement or commercial campaign dealing with voluntarism in general, be as effective as one relating to a particular need? Or on administrative matters: Is one payroll office and one public relations staff likely to create greater efficiency, as the Senate Government Operations Committee Report maintains—page 16—when it is realized that different rates of remuneration exist for persons involved in all programs, and differing activities are to be publicized? And coordination of the programs: How, precisely, is the ACE volunteer helping a young businessman with his payroll problems, supposed to coordinate with the foster grandparent in providing attention to a small child? Some coordination is, of course, possible in the case of other programs, but it is at best a limited type, and could certainly have been accomplished with much less effort than through a massive reorganization.

Opponents of the merger have pointed out, with good reason, that the component organizations would stand to lose the sizable benefits which they derive from association with their present parent agencies, since they have the same overall goals. In an effort to counter this eminently valid criticism, the administration has again hedged: The SCORE and ACE programs have been split between SBA which will provide management and technical support, and the Action Agency would handle planning, recruiting, public relations. How this type of arrangement will avoid leading to a conflict between SBA and Action officials is difficult to envision. In the case of VISTA, foster grandparents and RSVP, a continued coordination with the parent agencies has also been promised, although it is not well defined, not mentioned at all in the actual legislation.

It is also impossible to envision a more efficient operation of these programs without maximizing the most precious commodity of all, the willingness to volunteer or participate. As far as I can determine, this human factor, without which the new action agency would fail utterly, was ignored almost completely in the planning stages. If there were any studies or surveys taken to establish the willingness of persons to volunteer under the circumstances of a comprehensive umbrella-type agency, they remain a secret. In fact, there seems to have been a notable lack of consultation with any of the volunteers involved in the merger. It is easy to see how, in their embarrassment, they have attempted to patch that up with later promises of consultation.

I want to say one further thing before my time runs out. This reorganization recalls to my mind another reorganization to strengthen a program—the Job Corps program. We had our hearings and our consultations, and it was going to be expanded and strengthened, yet we have almost lost some of the best of the Job Corps program.

I certainly hope that the mistakes of that reorganization will not be imposed upon the great reservoir of good will and voluntarism through approval of this administrative, bureaucratic, and most complex agency. It is a compendium of all of bureaucracy. We have learned this in the 1930's, 1940's, 1950's, and 1960's.

But, let us keep to the heart of the matter.

Mr. Walter Channing, the chairman of the National Planning Committee of SCORE, has testified that he was not even consulted prior to the introduction of the plan, and that to his knowledge, no SCORE volunteer knew of the plan until it became public knowledge. The end product of this neglect has led to an inevitable by-product—general disillusionment on the part of those affected. Of the five volunteer groups who have representative organizations to express their views, all five have expressed some form of opposition to the merger. If the views of the volunteer are so completely sacrificed to the planning of the nonvolunteer or bureaucrat, the end result is not likely to produce the degree of morale and participation necessary for a successful volunteer effort.

Administration promises to involve volunteers in the planning of Action have been made, and there are now reportedly some volunteers working on details of the plan. However, how fully their advice will be heeded, if the plan becomes a reality, is a matter of conjecture. The past performance of the administration must be taken into consideration in this regard, and therefore, the likelihood of volunteer input is quite small.

I have not even touched upon the disadvantages of this merger as seen from the perspectives of the various organizations involved, but have mentioned only the general criticisms of such a plan. I ask unanimous consent to have printed in the Record a list of several specific criticisms.

There being no objection, the list was ordered to be printed in the Record, as follows:

Arguments Against the Plan

1. The Administration has failed to present substantive reasons for establishing a new volunteer agency Action.

There are no clearly defined purposes for establishing Action. The President spoke of "new national priorities," but he did not say what those new priorities are.

The Plan is full of ambiguity and rhetoric. A good example is the OMB official mission statement: "Its purpose is to strengthen and supplement local, national and international efforts to address and solve local community problems."

There is no explanation of the relationships between the component programs of Action. Mr. Blatchford stated that "we intend to enhance the overall effectiveness of each program by linking them where appropriate in common action." He does not say where is "where appropriate" or what is "common action."

2. It is impossible for Action to be as effective in the area of poverty as Vista.

The Administration says that the identity and poverty orientation of Vista will be preserved in Action. The record of the Administration toward Vista does not give it very much credibility on the issue of poverty.

The issue transcends credibility. No umbrella agency can be as effective in the area of poverty as a program located in OEO, which is concerned exclusively with poverty.

Furthermore, all the Administration's promises refer only to the Action which is created by the reorganization plan. It has said all along that the plan stands by itself. The obvious implication is that a new Action can be created by the later legislation which is coming to Congress.

3. Vista, Peace Corps, Foster Grandparents,

RSVP, Score and Ace are very different programs.

Action combines programs which are as different as apples and oranges. Score is a private, nonprofit organization of retired businessmen. Foster Grandparents is a program to supplement the incomes of the elderly poor. These two are very different from Peace Corps and Vista.

Peace Corps and Vista are very different from each other. They represent "different environments" (Dr. Ferguson), i.e., different motivational, cultural, educational, training and administrative needs. Moreover, almost all applicants view them as completely different and wish to participate in one or the other but not both.

4. Voluntarism per se is not a valid basis for a new government agency.

The only common element of these programs is a vague concept of "voluntarism." Voluntarism is not as important as the missions which volunteers perform. "It merely constitutes one available resource which can be applied to the realization of national goals." (Dr. Ferguson)

Programs should be grouped together according to function. The Ash Council recently recommended four new departments based on major purposes. Voluntarism is neither a function nor a purpose. It is a means. The plan contradicts the President's major reorganization bills.

5. Action would merely add another layer of bureaucracy without saving money or increasing efficiency.

Action would merely add another layer of bureaucracy to existing programs. The Peace Corps would be the biggest loser, going from a prestigious international agency to a subdivision of Action.

None of the Administration witnesses could estimate the savings or show where the efficiencies would occur. In fact, Action will likely cost more and increase inefficiency. The $20 million extra which the President promised for Action would give these programs a combined funding in FY '72 only $4 million above FY '71.

6. Vista belongs in OEO.

Vista can be more effective in OEO, from which it derives great benefits in the form of cross fertilization, program direction and expertise. Vista is the major manpower program of OEO, and 65 percent of its project sponsors are Community Action Programs. Moreover, OEO should not be weakened precisely at a time when we have learned that the number of poor people in America actually increased last year.

7. Action represents a serious misunderstanding of the motivations of volunteers, especially young people.

People volunteer for a specific purpose, as demonstrated by the history of the Peace Corps and Vista. Young people will "never rally around an organization chart." (Shriver) The volunteer agency should be characterized by the absence of bureaucracy and a strong sense of individuality. Peace Corps and Vista embody these characteristics. Although many young people are disenchanted with government and the war, they still identify with these two agencies. Reorganization will eliminate important "symbols" (Ferguson) for youth.

Most volunteers are highly motivated individuals who know in advance what program they want. For those who need assistance, an information service could fill this need. The same service could be used by the returning Peace Corps volunteer.

8. The volunteers themselves are overwhelmingly opposed to the Plan.

The volunteers themselves are overwhelmingly opposed to the reorganization plan. All five associations of active volunteers have indicated their opposition. Without the support of the volunteers, Action can never be successful.

9. The Plan was formulated without consultation with the people who know the programs best.

The Plan was formulated without consultation with any of the volunteers, the youth of America, poor people, the private sector, or the Congress. A secret task force is developing plans for the agency. Such a major proposal should be the subject of free and open debate with the participation of all interested parties in the Nation.

10. The Administration is using questionable legislative tactics by withholding essential information from Congress on future changes in the legislative authority for Action.

The Administration is using "salami tactics" on the Congress. First, there is the reorganization plan. Second, there will be legislation to include Teacher Corps. Third, there will be later legislation to give new authority to Action. This procedure amounts to asking for a blank check for the new agency and is a circumvention of the legislative process.

Mr. WILLIAMS. Mr. President, it should also be noted that the parent organizations, in particular OEO, and the Administration on Aging will suffer some negative effects through the loss of important programs. The Administration on Aging, especially, will be adversely, affected by the transfer of the foster grandparents program, perhaps the most successful of its undertakings. The departure of VISTA from OEO would also reduce the latter to little more than a research and development agency.

The volunteer agencies themselves, rather than becoming "more visible" as the proponents have claimed, are likely to lose the unique and distinctive characteristics which drew volunteers to them in the first place. In addition, as is the tendency in the context of a large organization, an establishment of priorities is inevitable, and the components will be required to compete to some extent for the available resources—financial and human.

For all of these reasons, I urge a "yes" vote on the resolution tomorrow. What is needed, is not another layer of bureaucracy between the President and the volunteer, or the combination of dissimilar organizations under the pretense of increased efficiency. The urgent need today is for increased appropriations for and expansion of existing volunteer programs, the bolstering of proven programs rather than experimentations in bureaucratic theory.

(The following colloquy which occurred earlier is printed at this point in the RECORD by unanimous consent.)

Mr. WILLIAMS. I would like first to yield to the distinguished Senator from Massachusetts (Mr. KENNEDY).

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I appreciate the kindness of the distinguished Senator from New Jersey, the chairman of the committee, for yielding me this time.

Mr. President, I rise to announce my support of the resolution offered by the distinguished chairman of the Committee on Labor and Public Welfare to disapprove the President's proposal forcibly to consolidate the Peace Corps, VISTA, and other volunteer programs.

The Peace Corps and VISTA have established themselves as unique and independent entities over the past decade, symbolizing the best that our young people have to offer.

The Peace Corps drew men and women who were stirred by President Kennedy's call to meet the challenges of poverty and development in countless nations of the world. In the Callejon De Huaylas of Peru and the Adamawa Plateau of Cameroun and the islands of Micronesia, these young Americans have answered critics of the past, critics who said only "draft dodgers" and "beatniks" would join. In a thousand ways and a thousand communities, they have kept the faith with President Kennedy who said, some 11 years ago—

> I am convinced that our men and women, dedicated to freedom, are able to . . . join in a worldwide struggle against poverty and disease and ignorance.

The enthusiasm of its early years and perhaps the innocence as well have dissipated. The war in Vietnam unquestionably has been the single most important factor in turning off college graduates. But the attitude of this administration has been part of the problem. Its budget requests to the Congress have dropped lower with each succeeding year. It has planned for fewer and fewer volunteers and it has put fewer and fewer volunteers into the field.

This year, the administration has asked for $71.2 million, a reduction of almost $20 million from last year—a reduction I might add that is almost exactly the amount that the administration so proudly boasts of as being above and beyond existing budgets of the eight agencies to be lumped together in its reorganization plan.

The Peace Corps remains a vivid symbol of a time when the Nation exuded a sense of purpose and, yes, even a sense of idealism. After Vietnam, I hope that the Peace Corps will once more rekindle that sense of service among young Americans. I sincerely doubt whether a volunteer conglomerate will ever match that attraction.

The excitement that was triggered among young people by the opportunity to operate as an agent of change in a foreign nation was matched at home by the challenge afforded by VISTA.

The idea for a "Domestic Peace Corps" was discussed by President Kennedy in 1960 and then again with members of the Cabinet in the next 2 years. In the summer of 1962, the President asked then Attorney General Robert Kennedy to study the possible creation of a domestic volunteer agency.

Within a few months, the preliminary report documented the need for a volunteer corps whose mission was to become allies of the poor in ending the oppressive cycle of permanent poverty.

A Cabinet-level study group was formed in November and concluded that volunteers would work in the ghettoes, in Appalachia, and in migrant camps, in Indian reservations—wherever the dispossessed of our land were struggling for a better life. In the state of the Union address in 1963, the "Prospect of a domestic Peace Corps" was announced and a month later the President sent to Congress a message on youth.

Hearings were held, but the National Service Corps remained a proposal until 1965 when it was incorporated into the antipoverty program. In the past 5 years, some 22,656 volunteers have served in every State in the Nation. Today, another 4,260 volunteers are in communities, and 414 are in training. VISTA has stood as a way for young Americans to lend their skills and talents and abilities to strengthen the voice of the poor and to contribute something of themselves to their fellow man.

Robert Kennedy said once that—

> Whatever their differences with us, whatever the depth of their dissent, it is vital for us as much as for them that our young people feel that change is possible, that they will be heard, that the follies and cruelties of the world will yield, however grudgingly, to the sacrifices they are prepared to make.

We must not take away the sense of possibility from young people in this Nation or we will lose them to prophets of destruction and violence.

The administration's reorganization plan would do away with VISTA as a separate entity. It would divide VISTA into four antiseptic agencies thereby distorting the character of the organization. The administration originally had planned this year to phase out VISTA altogether. OEO officials publicly acknowledged that the administration was contemplating a $200 million cutback in OEO appropriations and the complete elimination of VISTA. At that time, I joined with several other Senators in strongly objecting to such action.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a letter to the President under date of December 30, 1970, from a number of Senators, together with an entitled "New-Agency Plan Drops VISTA Aides," written by Jack Rosenthal and published in the New York Times of May 23, 1971.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. Mr. President, faced with numerous letters from communities where VISTA volunteers are now at work and the objections of countless national organizations, the administration decided against the immediate elimination is the means by which the administration plans to carry out the total abolition of this program.

I can think of no better commentary on this plan than the letter from a VISTA volunteer in Vermont who wrote:

> The good of VISTA thus far has been to break the cycle of poverty to "help people help themselves." This involves community organization around issues the local people consider important, be it a food co-op, a tenants union, or a wood workshop. It logically follows that VISTA should be coordinated with community action agencies and other programs having the same priorities.
>
> Under ACTION the emphasis seems to shift from organization to service work. The program areas VISTA's will work in are predefined. This eliminates the possibility that a community organizes around its own needs (and not those spelled out by Washington). Furthermore, the Administration seems to be more concerned about volunteerism than actually eradicating poverty.
>
> By combining VISTA with other volunteer programs, you greatly weaken co-ordination between VISTA and anti-poverty agencies—thus weakening VISTA's anti-poverty focus.

Neither she nor I can find a single justification for the administration decision to abolish VISTA and downgrade Peace Corps.

The so-called reasons for the reorganization plan pale in contrast to the damage being done by the consolidation of the two Government agencies that have given encouragement to the youth of this land to use the system to bring about change.

The President's plan is seriously deficient in meeting the minimum requirements called for by United States Code title 5, chapter 9, section 901, establishing the purposes of an executive reorganization.

First. Instead of reducing expenditures, this proposal calls for $20 million more than the administration has asked for the individual agencies involved.

Second. Instead of grouping agencies according to major purpose, it splits VISTA from OEO, although VISTA's main function is to work to eliminate poverty; and separates RSVP and foster grandparents from the Administration on Aging where they belong.

Third. It combines agencies whose functions are totally dissimilar, VISTA from its mission of working with the poor and RSVP whose focus on the elderly and SCORE which seeks to promote small businesses.

Fourth. Instead of increasing efficiency, this reorganization creates an inherently inefficient structure. Recruiting, training and evaluation of these dissimilar programs will be doubly difficult under a single agency.

But even if these requirements were met by the President's plan, the simple fact of destroying the heritage of the Peace Corps and VISTA would be sufficient for me to urge its disapproval.

In addition, I would call the attention of my colleagues to the fate of the foster grandparents program and the retired senior volunteer program. Both programs are part of the Administration on Aging's efforts to meet the needs of senior citizens who now comprise 20 percent of the Nation's poor. To submerge these programs in the proposed Action agency would be a blow to the hopes of the Nation's elderly that the Federal Government is cognizant of their special needs.

As a member of the Senate Aging Subcommittee and the Special Committee on Aging I have received letters from the project director of Massachusetts and senior citizens organizations opposing the transfer. I understand that some 47 of the 68 foster grandparent projects in the Nation have written to oppose the merger. At a time when we are becoming aware of the necessity to involve all groups of society in decisions affecting their lives, I find it extremely difficult to understand how the administration could undertake this reorganization in the face of almost unanimous opposition from senior citizens throughout the Nation.

When the impact of this plan on the Peace Corps, on VISTA, and on the elderly programs is examined, I believe the alleged justifications put forth by the administration are shallow and inadequate. And I strongly urge the Senate to pass the resolution of disapproval now before us.

Mr. President, I would also like to read at this point in the RECORD a telegram from Frank Manning, president of the Massachusetts Legislative Council for Senior Citizens, one of the most knowledgeable persons on senior citizens programs in the country.

The telegram reads:

> The Massachusetts Association of Older Americans, Inc. which has 25 Vista volunteers working with the elderly poor is greatly concerned about the proposed merger of this program and the apparent dismantling of the Administration on Aging.
>
> Our Vista volunteers are finding deplorable conditions among a large segment of our senior citizens and we are getting results for these people. We are afraid that if the program is lost under an incompatible system of interlocking projects that its effectiveness will be destroyed.
>
> We hope that you will do everything possible to prevent this merger.
>
> Regards.
>
> FRANK J. MANNING,
> *President, Massachusetts Legislative Council for Senior Citizens.*

Mr. President, I have received over 100 letters from different VISTA volunteers, letters which express considerable thought and are of great interest. Rather than belaboring the RECORD with the 100-odd letters that I have received in the period of the last couple of weeks, I would like to have 10 of them printed in the RECORD. These are letters which I think are extremely thoughtful and show how the individuals actually working out in the field regard the reorganization scheme and the impact they think it would have. They have given it a good deal of thought. The response from a number of Peace Corps volunteers also has been nearly unanimous in opposition to the plan.

Mr. President, I ask unanimous consent to have printed in the RECORD the 10 letters to which I have referred, as well as a splendid statement by Sargent Shriver concerning the reorganization, which was submitted to the Senator from Connecticut (Mr. RIBICOFF), chairman of the Government Operations Subcommittee. Mr. Shriver's statement is a splendid comment by the original Director of both the Peace Corps and the Office of Economic Opportunity and, therefore, he has an interesting vantage point from which to make comment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MADISON, WIS., *March 26, 1971.*

Senator EDWARD KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: Although I am not in your state, I am writing to your office about a common interest, the Peace Corps.

As a former PCV in Wisconsin and currently Peace Corps Representative for Wisconsin, I believe this organization is our best effort in foreign aid and has proven its effectiveness.

In the March 24 issue of the *Chicago Tribune* Section 2, page 14, I quote "Recruiting would be done under the Action Corps name. Volunteers would be known as Action Corpsmen, not Peace Corpsmen, he said." The quote is attributed to Mr. Joseph Batchford, present director of the Peace Corps.

I feel strongly that a change of name for this organization is completely unnecessary. The forty thousand Americans who have given their time and lives to further the goals of international cooperation and understanding stated by your brother in one Peace Corps legislation, are the ones to whom the organization belongs and not to an administration or political appointee.

As I understand the proposal will become effective under executive order within 60 days if no congressional action is taken.

I am asking you to give serious consideration to this proposed change of name since the wealth of good will rapport, publicity and history would be lost on the whim of the current director.

Considering my position within the organization I would appreciate that my name be withheld in contacting the Peace Corps on this matter.

Sincerely,

———— ————.

PRICE UTAH, *April 28, 1971.*

Senator EDWARD KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I am a VISTA volunteer presently serving my second year in Price, Utah. I have been informed by newsletters from OEO and from the National Vista Alliance of President Nixon's proposed reorganization of volunteer agencies into a super agency called "Action." I am amazed that the President of the United States could come up with such a misguided and rediculous plan. I feel that VISTA should remain with OEO and I am opposed to having VISTA merge with any Senior Citizens service programs or retired businessmen's programs just because they have volunteerism in common.

I don't even like the President's emphasis in "Action," all he's concerned with is serving America's volunteers. That may be fine for the other agencies involved in this merger, but VISTA's emphasis is not the volunteer. I have worked with low-income people for over a year and intend to stay involved in their struggle for some time yet. My experience has taught me that government bureaucracies such as OEO are difficult enough to work effectively with and through. I am finding it increasingly difficult to believe that our government really wants a change for disadvantaged people in our country. I have watched many OEO programs and have been personally involved in them. My conclusion is that they are a fraud because of the middle class people who staff them and because of the political bureaucracy which sponsors them.

I joined Vista because it was an opportunity for me to escape some of the bureaucratic entanglement while doing the work I feel must be done. I am not totally satisfied with Vista, but it has given me this freedom which only a volunteer can enjoy. Due to the political nature of certain interest groups and agencies, I am presently receiving opposition locally and from the state level, and yet I still feel my work is effective I do not want to have to be further hindered by having to deal with a super agency like "Action" which doesn't even care about America's poor. Vista does not belong in "Action."

Please oppose Nixon's reorganizational plan to merge Vista with the Peace Corps, the Teacher Corps, and the service oriented volunteer programs. Please oppose making Vista a totally ineffective government fraud which only gives lip service to the poor. We, the youth of this country, do not have enough outlets as it is to effect change within the system. If "Action" becomes a reality and if Vista is merged, it will amount to another case of our government forcing us to go outside the system to do the work which we know must be done. And I finally believe that change will come for the poor in America one way or the other. Please don't allow Vista to become stifled within "Action," because with the merger the concept of self-realization for the poor will die and be replaced by the degrading concept of service to the poor. This service concept will only perpetuate the poverty cycle, as proven by our welfare system. Please support the National Vista Alliance in the move to block the formation of "Action" and the merger of Vista. I would appreciate hearing from you.

Sincerely,

MICHAEL BISCOTTI.

RICHMOND, IND., *May 2, 1971.*

Senator EDWARD M. KENNEDY,
U.S. Senate Offices,
Washington, D.C.

DEAR SENATOR KENNEDY: My name is John Serafini and I am a native of Salem, Mass. Presently I am serving as a VISTA Volunteer in Richmond, Indiana, attempting to help some AFDC mothers form a local chapter of the National Welfare Rights Organization.

Specifically, I am writing to you because I am deeply disturbed about Nixon's proposal that the various volunteer programs such as VISTA, the Peace Corps, and the Teacher Corps be merged into his so-called "Action Corps." As I understand it, the Senate will hold hearings this week on the merits of Reorganization Plan No. 1 of 1971, as it is officially called.

I would like to stress in the strongest possible terms my opposition, and that of many other past and present VISTA Volunteers, to the plan. Many of us in the VISTA program feel that the merger will weaken, perhaps fatally, the VISTA mission to help the poor. It will certainly hurt the already weak OEO program and is the type of response to the problem of poverty that would be expected from an administration that has never had a genuine commitment to help solve it. Frankly, the whole tone of the "Action Corps" announcement and subsequent explanations convinces me that the "Action Corps" will be about as effective in reducing poverty in the country as would the boy scouts. The plan is typically Nixonian since it seems to promise much, while having built-in guarantees that it will really accomplish nothing.

Accordingly, the other VISTA Volunteers stationed in Richmond and I are working in concert with other VISTA Volunteers across the country to let members of the House and Senate know just how bad the plan is. I have drafted a detailed analysis of why we VISTA Volunteers in Richmond feel the merger is not advisable. I am enclosing a copy of it. I hope you will read it and that we can count on your opposition to Reorganization Plan No. 1 of 1971.

Sincerely yours,

JOHN R. SERAFINI.

LEOMINSTER, MASS., *April 16, 1971.*

Senator EDWARD KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: I am writing in the hope of engendering your support to vote *against* the President's Reorganization Plan No. 1 of 1971 which would merge the government's volunteer programs such as VISTA, Peace Corps, Foster Grandparents, Green Thumbs, Teacher Corps, etc. into one giant volunteer agency designated as Action. I am presently serving as a Vista Volunteer in Leominster, Mass. working in housing under the Montachusett Opportunity Council.

I believe that the merger of all of these agencies into Action would be a mistake. Practically the only factor they have in common is voluntarism and at the same time they have many varied goals and directions. None of these groups have voluntarism per se as their basic goal or function. For instance if VISTA is separated from OEO and VISTA's basic goal is to eliminate poverty (as is OEO's) then VISTA will be separated from a department which desires a similar goal. The Ash Commission Report emphasizes the importance of grouping agencies and programs according to their functions. Since voluntarism is not an end but only a means to an end (whatever that may be) forming Action would separate VISTA, Green Thumbs, Foster Grandparents, Teacher Corps, Peace Corps, etc., from the offices and departments they can operate most effectively in. The President also stated he will request $20 million additional funds besides what has already been allocated to the individual components of the Action Agency to allow for additional administrative costs. This money could probably be better utilized in some other fashion, e.g. distributed to the already existing volunteer programs.

As a Vista volunteer I am deeply concerned with the proposed merger and consider it detrimental to the function of VISTA and also my effectiveness as a Vista volunteer. I urge you to vote against the President's Reorganization Plan No. 1 of 1971. (Senate Hearings will probably be held on April 27 under the Subcommittee on Executive Reorganization). Thank you.

Sincerely,

LINDA KIERSTEAD.

CHAMPLAIN VALLEY OFFICE OF
ECONOMIC OPPORTUNITY, INC.,
Burlington, Vt., April 28, 1971.

Senator EDWARD KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SIR: As a VISTA Volunteer, I am very concerned about the proposed merger plan to create ACTION.

The good of VISTA thus far has been to break the cycle of poverty to "help people help themselves!" This involves community organization around issues the local people consider important, be it a food co-op, a tenants union, or a wood workshop. It logically follows that VISTA should be coordinated with community action agencies and other programs having the same priorities.

Under ACTION the emphasis seems to shift from organization to service work. The program areas VISTA's will work in are predefined. This eliminates the possibility that a community organizes around its *own* needs (and not those spelled out by Washington). Furthermore, the administration seems to be more concerned about volunteerism than actually eradicating poverty.

By combining VISTA with other volunteer programs, you greatly weaken coordination between VISTA and anti-poverty agencies—thus weakening VISTA's anti-poverty focus.

In view of the above I urge you to vote against the merger. Thank you.

Sincerely,

FLORIANNE KOECHLIN.

PRESCOTT, ARIZ., *April 13, 1971.*

Sen. EDWARD KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR MR. KENNEDY: My wife and I are Vista Volunteers in Prescott, Arizona. Our permanent home is in California. We are writing you to express our deep concern over the present Administration's plan for reorganization of volunteer programs within the federal government. As you, hopefully, are aware the President plans to consolidate the Peace Corps, Teacher Corps, Vista plus other miscellaneous volunteer programs in various different federal agencies. If the plan is not acted upon negatively by Congress within 60 days (as of March 24) it goes into effect automatically. In other words, if Congress fails to bring the issue up, it will be enacted simply by Congressional inaction or apathy. This possibility disturbs us greatly because some very important issues are involved that ought to be debated and voted upon.

The Administration's expressed goals for this reorganization are six: 1) to expand testing and development of innovations in volunteerism; 2) to allow part-time and full-time volunteers to work together; 3) to bring together programs that appeal to the young and older Americans both; 4) to allow intercooperation between foreign and domestic volunteer services; 5) to better distribute professional skills; 6) and to centralize for more effective recruitment, training, placement, communication, and management.

Let me relay our concerns for each of these goals and then to the total concept itself.

The first goal is one of innovation, which in itself a viable goal; but, we question the assumption that centralization facilitates innovation. Centralized organizations from past experience seems to tend toward the opposite of innovation, stagnation. It may be said though that centralization aids intercommunication and new ideas. But that seems to call for a clearing house type of organization, not an umbrella type that the President is asking Action to be.

The second goal is the use of part-time and full-time volunteers, again an admirable end. But is centralization necessary to achieve it? Each existing organization could recruit and coordinate part-time help if funded to do so.

Third rationale used is to be a generation gap bridger. It has been my personal experience that the existing volunteer programs are not segregated by age. As a Vista volunteer I've worked with Vistas of all ages in training and on projects. The Peace Corps itself is emphasizing experience and is mixing more and more diverse ages. Once again I feel I've failed to see the need of centralization to achieve, in this case, something that already is in existence.

The fourth is that of sharing foreign and domestic experiences. Presently, the organizations of Vista and Peace Corps are intertwined in the sense that each is infiltrated by representatives of the other. Most of our training staff were ex-Peace Corps or Vista Volunteers. Our present Program Officer was himself a Peace Corps volunteer. The intercommunication therefore exists to some extent. If it is needed to be increased, why not strengthen present relationships?

The last two goals come together in the theme better, more effective recruitment, training, and placement of volunteers. Interesting enough, Mr. Blatchford the proposed Action director, himself, in a Press interview stressed that, "This is not something which is motivated by means of strictly efficiency and better organization," but, "the emphasis is really on putting more money behind more volunteers,"—expansion. The discrepancies apparent in these statements astound us. As a case in point, Vista presently is decentralized into eleven regions that train and place its own volunteers. Still the bureaucratic hang-ups are sometimes overwhelming. The result is at times volunteer failure, mainly because the support from above is sporadic and unreliable. Vista has realized this and as a result is cutting many programs that don't effect full community support. It is not expanding, but reverting to a stress on quality. Therefore, from experiences further centralization, not regional, not national, but inter-national in its scale seems an absurdity. By simply magnifying our present bureaucratic structure many times over, the possibility of anything being accomplished on a grassroots level is nil.

In looking at the plan in total our fears increase. Having examined its six stated goals, and feeling them to be problems that don't seem to match the chosen solution, we were afraid that the plan had other unstated intentions. The possibilities included: a desire by the Administration to bring volunteerism (youth) under closer control and scrutiny; or a wish by the Administration to decrease-dilute the specific thrusts of the present existing programs (i.e. Vista-poverty). It also disturbs us that the control of the funding of these different thrusts would be moved from Congressional to Executive digression. This would result from the fact that funding of Action would be a package deal. Interagency distribution would be done by Executive selected directors. Volunteer priorities would be decided by a small group in the Executive Branch.

We feel that Vista itself has adjusted to past failures and inadequacies, which were the result of the initial passion without planning of the War on Poverty. It is just now reaching a point where bureaucratic gaps are decreasing, and projects are becoming clearly planned and supported. If the reorganization occurs the result would be chaos, a set back and loss of past lessons learned. In addition, Action would stress the volunteer aspect of Vista, and disregard its poverty purpose by removing it from OEO and its poverty coordination. We feel this would be a tragic move.

Please then consider the implications of this plan that is in the process of being slipped by Congress and the American public. Hopefully, you will bring it to the attention of the Senate for discussion and investigation.

Peace,

JOHN and CINDI ADSIT.

BREVARD, N.C., *April 29, 1971.*

Hon. EDWARD KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: As a Vista Volunteer from Massachusetts in a rural community (Brevard, N.C.), I want to express my opposition to the proposed United Action Corps merger—primarily as the proposed program would be a structured one, and could not effectively be a response to the needs of the poor—as they see the needs. And to expect immediate results (capable of being tabulated) is unrealistic. The abolishment of community workers would hit those we're supposedly trying to help. It's my opinion that the insertion into a rural community of an "outsider" willing to help can add much growth, tho unmeasured, to both the Vista and the community.

Please use your influence with the committees to stop the merger. Thanks.

Sincerely,

LUCILLE GOGUEN.

ROLLSTONE CONGEGATIONAL CHURCH,
UNITED CHURCH OF CHRIST,
Fitchburg, Mass., April 21, 1971.

Senator EDWARD KENNEDY,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR, as the immediate past president of the Montachusett Opportunity Council, our area poverty commission. I would like to object to President Nixon's Reorganization Plan (no. 1) of volunteer programs. Our VISTAs have been very effective to date, and I am worried about the merging of different functions and groups into an amorphous, ineffective agency. O.E.O. has been a good sponsoring agency for the enthusiastic work of these young people in our area. Each have served the other well, in order to jet the job done—the empowering of powerless people.

I would be delighted to see you co-sponsor a Resolution of Disapproval, but if not, I would urge that you express your concern against this typical Nixonian move.

Faithfully,

Rev. DONALD E. OVERLOCK.

ROXBURY, MASS., *April 29, 1971.*

Hon. EDWARD M. KENNEDY,
U.S. Senate, Old Senate Building, Washington, D.C.

DEAR SIR: As full-time VISTA volunteers, we unequivocally urge you to support the resolution disapproving the merger between Peace Corps and VISTA. Being on the inside, we feel that this merger will emasculate any effort being made to bring poor people into the main stream of society. Not only will this proposed merger focus attention away from domestic poverty, but it will also effectively mute and, in some cases, silence the voice of poverty stricken people who might have had a chance to use their own resources and skilled to solve their own problems.

The proposed reorganizational plan seems to be nothing more than a polite way of shoving domestic poverty under the rug, a move that smacks of hypocrisy and widens the gap between promises and reality. If VISTA is to remain an effective agency, if, indeed, it is to remain an agency at all, we urge you to vote against the proposed merger.

Yours sincerely,

LORAIN TAYLOR,
LEORA TYRANCE,
BOB PROVICH,
FRED S. WASHINGTON, Jr.,
S. SOLOVAY,
Vista Volunteers.

WASHITA VALLEY,
COMMUNITY ACTION COUNCIL,
Chickasha, Okla., April 19, 1971.

Senator EDWARD KENNEDY,
U.S. Senate Offices,
Washington, D.C.

DEAR SENATOR KENNEDY: As V.I.S.T.A. volunteers sponsored by the Washita Valley Community Action Council, we are asking for your support in defeating the proposed merger of V.I.S.T.A., Peace Corps, and Teachers Corps into a single volunteer agency. As part of the V.I.S.T.A. program we can best serve the poor by functioning as an independent organization. For the following reasons we oppose the proposed merger:

1. The emphasis of the new agency will ignore the real needs of the poor.

2. The new funding procedures will finan-

cially strangle V.I.S.T.A. and the functions V.I.S.T.A. performs.

3. The V.I.S.T.A. program will be the most effective and efficient if it remains in the same agency as other anti-poverty programs.

4. The emphasis of the program will be on service projects rather than community organization.

5. The new program will eliminate the resources of community volunteers in its recruitment of "skilled" volunteers.

6. The new agency will predefine the area volunteers will work in without regard to the needs of individual communities.

We hope you will support us in attempting to make the V.I.S.T.A. program as effective as possible in its attempts to aid in the elimination of poverty in the United States.

Sincerely,

Ruth J. Kiely, Mary K. Zitzmann, John H. Reid, Michael McLean, Barbara McLean, Barbara Brown, Cheryl Burris, Janet Bush, Jo Bugge.

STATEMENT OF SARGENT SHRIVER, CONCERNING REORGANIZATION PLAN NUMBER ONE OF 1971, SUBMITTED TO HON. ABRAHAM RIBICOFF, CHAIRMAN, SENATE SUBCOMMITTEE ON EXECUTIVE REORGANIZATION

No one has failed to volunteer for the Peace Corps, Vista, Foster Grandparents, the Teacher Corps, or any other governmental program because of bad government organization. Not one additional person will volunteer in the future because of government bureaucratic reorganization. Probably nothing is of less interest to potential volunteers than the bureaucratic arrangements made by public administration experts in Washington. Volunteers will never rally around an organization chart.

The basic fault, therefore, with the total Nixon Administration program so far as volunteers is concerned, lies in the fact that the leadership of the Administration concentrates on the appearance of change, rather than the substance.

Americans who volunteer do so because they are interested in helping to solve a problem. Nearly always that problem is a human problem, because volunteers are people who want to work with and for other people. Thus, the Peace Corps came into existence because the compassion of millions of Americans was aroused by deprivation and poverty in the developing world, and their enthusiasm and idealism were stimulated by the energy and hopes of newly independent peoples.

Originally, they responded to a call for help issued by President Kennedy, even though he never uttered a word about the governmental structure, not even the name of the organization of which the volunteers would become the most essential part.

Originally, also, many adult Americans thought no one would volunteer for the Peace Corps except "beatniks," "Vassar girls in Bermuda shorts," and "draft dodgers." Those are quotations from the critics of 1961, among whom one of the most formidable then is President of the United States now. Similarly, when Vista was started the "experts" said that no one would volunteer for Vista, because the Peace Corps would have greater appeal, with its opportunities for foreign travel. People who think like that don't understand the spirit which moves Americans to volunteer.

Americans volunteer for Vista because they are interested in the problem which Vista was created to help solve: in wretched schools in rural America; hunger; isolation on Indian reservations; hatred and alienation in the ghettos; sickness in the cities within eyeshot of the greatest medical research centers in the world. In short, to combat injustice in American society. Americans volunteered for the Peace Corps to throw themselves into the attack against the same kinds of problems around the world.

Millions of teenagers "marched for development" on Sunday, May 9—Mother's Day—because they wanted to "vote with their feet." They wanted to put their bodies and their spirits where other people put their mouths. It should surprise no one who understands the spirit of American volunteers to learn that these teenage volunteers raised a sum of money in one day equal to 18 percent of the annual budget of Vista.

These volunteers were proving a truism we learned in the Peace Corps:—

People will do for nothing what they will never do for money.

Because of considerations like these which the "hardnosed experts" will consider irrelevant, the proposed reorganization of the existing volunteer agencies of the U.S. Government will:

1. Stimulate exactly no one to volunteer for these agencies.

2. Will probably discourage a significant number of people from volunteering.

3. Will add to the cost of the existing organizations.

4. Will extinguish the few remaining sparks of enthusiasm for government volunteer programs in our country.

Instead of bureaucratic reorganizations created to satisfy paperwork specialists, America needs substantive revitalization of the volunteer spirit in this country.

How can this be done?

First of all, leadership in the White House and leadership from the Congress. Such leadership could be produced in a number of ways:—

First of all, the Congress could make it the law of the land that an American citizen can gain credit for being a "good guy," just as he now incurs blame for being a "bad guy." Today, by law, the Attorney General of the United States is required to issue a list of all the organizations in the United States wherein membership is held against the American so unwise or imprudent or naive as to have joined. The Attorney General issues this list of proscribed organizations. Why shouldn't the Secretary of HEW be ordered to create a list of "good" organizations, where service would be credited to an American who volunteers and works, whether for a private organization or for public enterprises like Vista or Peace Corps? One simple guideline for the Secretary of HEW would be the Internal Revenue Service's list of Section 501(c)(3) organizations which have been already deemed to be in the public interest and granted exemptions from taxes. If this is too simple a solution, certainly the Congress is capable of finding a creative solution to the preparation of such a list.

If service in these private and public philanthropic enterprises were determined by the Congress to be not only in the national interest, but a substitute for military service, the United States would be presented with a deluge of hundreds of thousands of volunteers. Such an increase in the numbers of citizens who volunteer would enhance the possibility of creating an all-volunteer Army. It is certainly clear that just as thousands will volunteer for humanitarian work when the cause is just, no one will volunteer for an Army whose cause is unjust.

A second way in which the volunteer spirit could be revitalized would be for Congress to require all agencies of the Government to recruit and use full-time volunteers as "consumer representatives."

Why would this be beneficial?

1. Volunteers working as "consumer representatives" would make Government agencies more accessible and responsive to the complaints and needs of those whom they are supposed to serve.

2. "Consumer representatives" would be a source of independent thinking and new ideas coming from "employees" unafraid of being fired.

3. To those who fear that such a core of "consumer representatives" within each agency of government would create administrative confusion, I would suggest they consider why Chrysler Corp., Ford Motor Co., and other giant corporations have recently created vice presidents and whole divisions in Detroit solely to respond to customer complains nationwide.

4. This proposal, moreover, would open dozens of new ways and places where Americans could serve their country and their fellow countrymen in specific areas of work most interesting to them—business school students and graduates working as volunteers in the Commerce Department or Treasury; future farmers with Agriculture; young architects and engineers in G.S.A. in a position to speak out on behalf of the public interest when government building plans affect the environment; etc.

A third way in which the spirit of volunteer-ism (of doing, not just talking) could be rejuvenated, would be for Congress to grant income tax deductions for personal contributions of time, not just money—in other words, a doer's deduction.

How could this be done? Simply by creating a new procedure similar to the existing W-2 employee withholding tax form. Every volunteer would be credited at the minimum wage for hours of service given to a recognized charitable institution: I.R.S. experts believe this could be accomplished with administrative ease. Fiscal experts suggest the costs could be controlled simply by limiting the maximum number of hours a person could deduct and volunteer supervisors claim it would mean added stability and increased effectiveness for their programs, by giving them a combination carrot-and-stick. Of course, this would reduce tax revenues, just as the accelerated depreciation allowance to business reduces tax payments. But, in a democracy, as distinguished from an oligarchy, shouldn't the gift of one's self be at least equal to the gift of one's money?

These ideas are in keeping with the spirit of private voluntary initiative. They do not exhaust the range of possibilities. But, hopefully, they indicate that Congress should reject a mere administrative face-lifting given to established and successful programs and organizations, and concentrate instead on substantive changes likely to stimulate volunteers for all organizations—private as well as public.

It almost need not be said, but objectivity and candor require me to emphasize that the most essential changes to stimulate volunteers would be:

1. To stop the war.

2. To stop the moral scandal created by our country's miserly contributions to the world's poor people, which this year have sunk to the lowest point in 25 years. If the stock market had suffered an equal decline, the White House would declare a national emergency.

3. To stop the creation of more poor people within our own country, a recent tragic development reported by the Census Bureau. No increase in volunteers can possibly offset economic policies which cause unemployment and inflation, simultaneously.

4. To stop the war against our own youth, if for no better reason than the fact that they are the greatest source of potential volunteers.

Finally, let us never forget that the genuine experts on how volunteer programs should be run are volunteers and ex-volunteers, not bureaucrats. From your own hearings, it is clear that the vast majority of volunteers are strongly opposed to Reorganization Plan Number One of 1971. Typically, few, if any of them, were consulted in the creation of this plan. Few of them support the proposal as submitted to Congress. I have read the testimony of the Hon. Glenn Ferguson, first Director of VISTA and former Ambassador to Kenya, and the testimony of Mr. Thomas Scanlon, one of the first and best-known of the Peace Corps Volunteers. I am happy to associate myself with their views.

Congress should reject this plan and take the time to create a far more comprehensive plan to stimulate volunteer-ism in America.

Exhibit 1

U.S. Senate,
Washington, D.C., December 30, 1970.

The President,
The White House,
Washington, D.C.

Dear Mr. President: We are writing to express our very serious concern about the proposal by the Office of Management and Budget to the Office of Economic Opportunity that no funds be included in your fiscal 1972 budget for operation of the VISTA program. Although we recognize fully that your budget has not yet been finally determined and that alterations are always in order until the conclusion of the budget process, it is extremely disturbing to us that elimination of the VISTA program should even be given serious consideration, especially at so late a state in the budget process.

At a time when many of us are telling the nation's young people that our democratic system can accommodate a great diversity of viewpoints and that meaningful opportunities exist to make alterations within the system, we believe that closing the door on those who wish to serve in VISTA would be an unwise and unwarranted action.

A decision to curtail the VISTA program now would seem inconsistent with the momentous decision of the legislative, executive and judicial branches to bring the right to vote to eighteen year olds as well as with your statement in 1968: "Our future leadership must provide our young people with a cause to be for; a dedication to social responsibility on a person-to-person basis . . ."

We also are troubled at the uncertainties created for the 4600 current VISTA volunteers, the 400 presently in training and 1200 who expect to enter training in January by the disclosure of the Office of Management and Budget proposal. We are sure you will agree that it makes little sense for radio announcements to urge individuals to serve through VISTA when at the same time the news media carry stories of the planned demise of the program.

Similar anxieties are also aroused among the nation's 25 million poor, many of whom have come to regard the Office of Economic Opportunity as the one concrete example of governmental concern about their lives and welfare.

It is for these reasons that we would strongly oppose any effort to dismantle the VISTA program or severely restrict the operation of community action, research and development, health and nutrition, and rural loan programs, presently carried out under the Economic Opportunity Act.

In view of your support of the poverty program when you recommended its extension for two years in 1969 and your expressed commitment to the young people of this country, we believe that a reconsideration of the Office of Management and Budget's proposals is in order.

Sincerely,

Alan Cranston,
Edward M. Kennedy,
Walter F. Mondale,
Harold Hughes,
Frank Church,
Jack Javits,
Edward Brooke,
Clifford P. Case,
Charles Percy,

New-Agency Plan Drops Vista Aides

(By Jack Rosenthal)

WASHINGTON, May 22.—An internal staffing report indicates that only Peace Corps officials or outsiders—and no present officials of VISTA or other programs—are being considered for the principal jobs in Action, the Administration's proposed consolidation of voluntary action agencies.

The report, a copy of which was made available today by opponents of the consolidation, was sent on May 13 to Joseph H. Blatchford, the Peace Corps director, who has been designated to head Action.

Of the 37 names proposed for various positions—including those proposed to head Action's VISTA division—10 are present or former Peace Corps officials, 14 are bankers or businessmen, and none are from VISTA.

The leak of the report has quickened the anxiety of supporters of VISTA—Volunteers in Service to America—who have already expressed fears that the role of their domestic antipoverty program would be sharply reduced by the merger.

A VISTA partisan, who insisted on anonymity, said the report confirmed that "this is not a merger, it's an army of occupation taking over."

Jack Porter, a spokesman for Mr. Blatchford, acknowledged the authenticity of the report, but he added: "It is nothing more than a preliminary compilation made by a lower-level staff person. No one should draw any fearful implications from it."

VISTA and the other voluntary agencies to be included in Action have been asked to submit their nominees, both from inside and outside the Government. They have not yet responded, Mr. Porter said. When they do, "we would expect to add their names," he said. "Until then," he added, "this is not an official Action list."

VISTA is now a $33-million division of the Office of Economic Opportunity. It has about 4,500 volunteers who live among the poor, working in social services.

The report to Mr. Blatchford was circulated as both houses of Congress neared decisive action on President Nixon's proposal to consolidate it and the other Federal voluntary service agencies.

The House is expected to vote Tuesday on whether to permit the reorganization plan to take effect. The Senate Government Operations Committee is also expected to vote on the plan Tuesday, with a vote of the full Senate to follow within days.

The reorganization will go into effect automatically unless either house disapproves before June 5.

While the House is expected to accept the Administration plan, Congressional aides now foresee possible difficulties in the Senate.

As one reason, they cite the recent strong expression of opposition by Sargent Shriver, who was the first director of both the Peace Corps and the O.E.O. in the Johnson Administration.

ASSURANCES IN CONGRESS

Mr. Blatchford appeared to have quieted Congressional anxieties on behalf of VISTA in testimony early this month. At committee hearings, he assured members of Congress that VISTA would retain its separate identity, mission and name.

At the last hearing, before a Senate subcommittee on May 6, he was praised by both Democrats and Republicans for his statements.

Thus, the internal staffing paper is especially troubling because it was prepared a week after this testimony, according to Stephen Regenstreif, staff director of the National VISTA Alliance, which represents a large number of volunteers and which strongly opposes the merger.

A further cause for concern, he said, was the detailed nature of many of the entries in the report. Ten of the persons named either had been interviewed or designated for interview by Mr. Blatchford or his chief aides.

William Inglis, now the Peace Corps recruiting director, was proposed by the report to be the deputy director of Action. The proposed associate director for the Peace Corps division of Action is Kevin O'Donnell, now Mr. Blatchford's deputy.

Three persons were proposed to head the VISTA division. Two are from outside the Government, and the other is Christopher Mould, director of the Federal Office of Voluntary Action, which is to be merged into Action.

Concern over the future of VISTA have arisen twice in recent months. Last December, the Administration considered—but then rejected—a proposal to eliminate all funds for the agency. In March, the Office of Management and Budget circulated a confidential voluntary agency merger plan that would have dismantled VISTA.

This, too, was rejected in the final plan, which was sent to Congress March 24. Last week, George P. Shultz, director of the Office of Management and Budget promised Senator Jacob K. Javits, Republican of New York, that the Administration would upgrade the status of Action's VISTA head and would take into account the views of the poor and of the volunteers.

Mr. WILLIAMS. Mr. President, the Senator from Connecticut (Mr. Ribicoff), a member of the President's Cabinet during the period we sought support for voluntary efforts in meeting the needs of human beings is in the Chamber and I yield to him so much time as he may desire.

Mr. RIBICOFF. I thank the Senator for yielding.

Mr. President, there is a widespread feeling in Congress that Reorganization Plan No. 1 is not important—that it involves no more than shuffling the boxes on the organization chart. After all, what difference does it make whether Vista is part of OEO or the proposed Action agency? Nor is the independence of the Peace Corps an issue likely to generate much controversy.

In truth, this is not one of the great issues to come before the Senate. Most of us will soon forget the results of the vote.

But the outcome is vitally important to thousands of volunteers in this country and abroad. For they have a great stake in the result—the effectiveness of the programs to which they have committed their efforts.

One of these volunteers is Tom Newbury, a 23-year-old VISTA in Dallas, Tex., working in a project called Block Partnership. The organization seeks to bring together blacks and whites to solve the problems of the ghetto. Through their efforts, housing conditions have improved, a rundown park restored, and an auto mechanics shop established to provide job opportunities.

He says:

> The focus of VISTA is on human growth through awareness of community needs. I fear that in Action this thrust will be lost and we will become just another service agency.

Another concerned volunteer is Pat O'Rourke, the 65-year-old secretary of the SCORE chapter in Washington. He has gone from office to office urging a vote against the plan.

He warns:

> If SCORE goes into Action, our identity will be done. It will separate us from our small business outlook and our efforts to help small businessmen will be frustrated.

Mr. President, there is deep opposition to this plan from every segment of the volunteers—young and old, rich and poor, black and white. Significantly, the subcommittee has not received a single communication from a volunteer supporting the plan. Every volunteer organization is on record against it.

The heart of any volunteer program is, of course, the volunteers. Without their enthusiastic support, the program is bound to fail.

One reason for the volunteers' opposition is the obvious failure of the administration to understand and take into account volunteer motivation. The administration has attempted to sell the plan to Congress with the rhetoric of efficiency and economy. But, as Sargent Shriver, former Director of Peace Corps and OEO, told the commiteee, "volunteers will never rally round an organization chart." In his view the reorganization will have three primary effects:

> 1. Stimulate exactly no one to volunteer for these agencies.
>
> 2. Probably discourage a significant number of people from volunteering.
>
> 3. Extinguish the few remaining sparks of enthusiasm for government volunteer programs in our country.

Volunteer programs need a special appeal. They must inspire the volunteer to identify with the program by offering him individuality, an opportunity for innovation and a spirit of adventure. All of these are sadly lacking in the concept of Action. It promises to become no more than another box on the organization chart. Rather than turning students on to volunteering, Action will turn them off.

Our vote tomorrow will have great meaning, not only for the volunteers, but also for the millions they are trying to help. Among them are the poor, black residents of Heywood City, Mo. For 8 years they sought to have their dirt streets graded and paved with gravel. Now, through the efforts of a VISTA volunteer the first such street has been constructed.

The VISTA program also means a lot to Ron Jarboe, a 20-year-old prison inmate in Memphis, Tenn. When his mother died earlier this year in Kansas, a VISTA volunteer, serving in the prison as a counselor and tutor, persuaded the prison authorities to let him drive the prisoner to the funeral without guards. They returned 3 days later.

These are but a few volunteer success stories. They do not make headlines, but they show that a well run volunteer program can make a difference in the lives of individual people.

This effective work is threatened by Reorganization Plan No. 1. VISTA, SCORE, and Foster Grandparents are an integral part of the agencies where they are located. Their structure and operation are geared to the overall purpose of these agencies. Transferring and combining them in a new agency, with a different organization is bound to harm their work. It will sever the close cooperative relationships which have developed and reduce the mutual benefits derived from similar objectives. For example, VISTA is the largest manpower component of OEO. Sixty-five percent of its sponsors are community action programs. Each now learns from the experience of the other. This will be less likely if VISTA is cut off from OEO. The same results can be expected if SCORE, ACE, and other programs are transferred.

Moreover, commonsense tells us that the thrust of programs such as Peace Corps will be diluted in Action, As only one program among many, it will not have the complete attention of leaders dedicated to its success. It will receive only a portion of the time and attention of the Director and his staff, who must manage several different programs, each with its own problems of policy and coordination. Inevitably, Peace Corps will suffer, its bold concepts blunted by the loss of independence.

Under the plan it would be transformed from a prestigious international agency into a subdivision of a primarily domestic-oriented unit. Today the Director of the Peace Corps is under the guidance of the Secretary of State and sometimes reports directly to the President. In Action he would be downgraded to the rank of a subdivision chief, reporting to an Associate Director for International Operations and then to the Director of Action, while continuing under the guidance of the Secretary of State.

During the past decade the Peace Corps has achieved extraordinary popularity among the people of the United States and the developing nations. Much of its success can be traced to its toughmindedness and fierce independence. In the words of former Peace Corps volunteer, Thomas Scanlon:

> The Peace Corps did the impossible because it had no "boss" or "supervisor" agency to say they were impossible in the first place.

The Peace Corps has resisted successfully all previous attempts to subordinate it to higher bureaucratic authority. At the same time it has demonstrated the wisdom of independence as a way of realizing its unique idea of service to mankind. This reorganization plan offers no compelling reason to tamper with all that the Peace Corps has built—an organization, an idea of service, and a spirit of hope for people everywhere.

Beyond these practical considerations, the reorganization has a symbolic value which should not be overlooked. For organization determines not only what we do and how well we do it, organization is a measure of our national priorities. To the volunteers and the people they are trying to help, this reorganization will submerge these programs deep in the bureaucracy. To them, it is a downgrading. Their problems will be less visible and receive less attention from our national leaders. The reorganization will blur the distinctive features of the programs and make them less attractive to the volunteers. As a result, the public will lose interest and confidence in the volunteers' work.

This is not the way to strengthen volunteer programs. In fact, it will have precisely the opposite effect. I do not believe it is in the national interest to sacrifice the effectiveness of these programs, the high level of volunteer support and public esteem they now enjoy for a possible marginal gain in efficiency. The volunteers and the poor deserve better than a hastily assembled jumble of volunteer programs, thrown together for convenience.

It is fundamental that every unit of Government should have a clearly defined purpose. Action lacks this vital ingredient. It is a collection of superficially similar programs linked in reality only by a vague concept of voluntarism.

The Peace Corps and VISTA have different motivational, cultural, training, and administrative backgrounds. The essence of VISTA is the culture of poverty in America. The essence of the Peace Corps is living and working with people in the developing nations abroad. SCORE is a private, nonprofit organization of retired businessmen formed to provide advice to ghetto businessmen, while Foster Grandparents is a Government program designed primarily to supplement the income of the elderly poor. These are four essentially different programs.

The first principle of organization stated by the President's Council on Executive Organization—the Ash Council—was that "the departments and their major subunits should be organized around comparable organizing principles." Action plainly fails to meet this test.

The administration has failed to provide a convincing rationale for the Action agency. Accordingly, the plan should be disapproved.

On close examination, the agency is revealed to be a mix of various volunteer programs without an overall organizing principle. It is obviously aimed at appealing to the idealism and volunteer spirit of American youth, but it is poorly structured to achieve this and falls far short of its goal. Most importantly, combining these programs in Action will damage their effectiveness.

I urge the Senate to vote yes on Senator Williams' resolution of disapproval.

Mr. PERCY. Mr. President, I yield myself such time as I may require for the simple purpose of answering both the Senator from Connecticut and the Senator from Massachusetts.

I read with considerable concern, as the Senator from Connecticut knows, the letters we all received from VISTA members. We all received a number of letters. I guess I received about 100. But I carefully analyzed them and had staff members look at them also.

First, we should take into account that almost all of them were written before we even had hearings, and that is a very important and germane fact. In other words, if there are going to be open hearings, they should not be held with closed minds. If many of those volunteers had been able to sit in hearings, and some of them did, they would have changed their minds. I felt those who did attend changed their attitudes later when I talked to them. Many of them were convinced their fears would not be realized.

Second, I noticed a common factor in many of the letters. Most did not understand the plan. They had not read it, but had been told something about it by someone. For instance, some of them were told that the name of VISTA was going to be changed. They said, "That is a terrible thing," considering the level of goodwill that had been built up. The same was true with respect to the Peace Corps.

There is no intention to change those names and the volunteers who wrote in were under a misapprehension that the names were going to be changed.

We should not scuttle these programs. Those who wrote in were under the impression that these programs were going to be scuttled. Witnesses appeared before us and later administration officials appeared before us and certified that the names of the organizations were not being changed, but were being preserved, and the programs were not being scuttled but strengthened, and that the funds were not being cut back.

Later, the administration asked for more funds. I am certain the individuals who wrote the letters were well intentioned. There is no doubt that their sincerity would have been fully and completely answered if they had chosen to participate in those hearings and hear the testimony of officials of the administration which is now spread on the records and which the majority report of the Government Operations Committee has printed in part simply to put on the record. This was to have it clearly understood by every Member of the Senate that the fears expressed have no basis in actual fact, as testified to by the administration.

Mr. WILLIAMS. Mr. President, the senior Senator from Alabama (Mr. Sparkman) has been the legislative pioneer of so much of the needs of small businessmen. Two of the programs to be merged or submerged in the proposed Action agency are now small business programs. I yield such time as he needs to the senior Senator from Alabama.

Mr. SPARKMAN. Mr. President, I thank the Senator, the sponsor of the resolution that is now under consideration.

First let me say that the distinguished senior Senator from Nevada (Mr. Bible), the chairman of the Senate Small Business Committee, had hoped to be present this afternoon to participate in this debate, but he has been detained in his home State. Therefore, he has requested me to express to the Senate his support of Senate Resolution 108 and his opposition to the President's Reorganization Plan No. 1, because he believes it will seriously jeopardize what is probably the Federal Government's oldest and most successful volunteer program helping more than 100,000 small businessmen nationwide every year.

I ask unanimous consent that a statement he had prepared for this debate expressing that opposition be inserted into the Record at this time, together with his explanatory remarks before the Executive Reorganization Subcommittee on May 7.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Small Business Must Oppose Reorganization Plan No. 1

(By Senator Alan Bible)

Mr. President, as Chairman of the Select Committee on Small Business, it is my responsibility to oppose Reorganization Plan No. 1 because I believe this proposal would severely jeopardize one of the Federal government's oldest and most successful volunteer programs today helping thousands of small businessmen around this country.

Our opposition is based upon the Plan's inclusion of two programs sponsored by the Small Business Administration, SCORE (i.e., the Service Corps of Retired Executives) and ACE (i.e., the Active Corps of Executives) with which I am familiar. I leave it to others to discuss other aspects of the Plan:

First, in my opinion, inclusion of SCORE and ACE within this Reorganization Plan would weaken both of these management-assistance programs;

Second, the Plan would weaken the SBA; and

Third, the effect of the Plan would thus be to weaken the small business community.

For these reasons I believe it would be not only unsound but harmful to small businessmen in large cities and small communities across the country if Reorganization Plan No. 1 was to be adopted in its present form. To enable the Senate to evaluate this question on its merits, I would like to summarize the evidence on these points as I see it.

WOULD WEAKEN SBA VOLUNTEER PROGRAMS

On the question of effectiveness—since March, my office and the Small Business Committee have received many letters from SCORE and ACE volunteers and chapters. None favored the reorganization. All oppose it. Let me read briefly from an April 26 letter from New Jersey:

"Please leave SCORE as it is. We work well with SBA. . . . After five years working with SCORE, and no help, no funds, no expenses from Uncle Sam or my clients, (we now have) 165 money-making clients (Oh yes, two failures in five years), saving hundreds of thousands of mine and other taxpayers' dollars, I again ask that we be 'left alone' . . . . If not, count me out of SCORE . . . government red tape and rigamarole disgust me . . . and I can help elsewhere."

This is not an isolated sentiment. It is shared with apparent unanimity by the 3,996 SCORE volunteers and 2,020 ACE executives throughout the country, as illustrated by a resolution by the SCORE National Planning Committee unanimously opposing the transfer proposed by this Plan.

The Resolution was presented by Walter H. Channing, Chairman of this Planning Committee to the House Government Operations Committee on April 29, 1971, as a part of testimony opposing the adoption of the Reorganization Plan on seven specific grounds:

1. There has been no consultation with SCORE as to its feasibility;
2. Serving two masters—SBA and the new "ACTION" agency—"violates good business principles and sound organizational procedures" which is likely to cause confusion, delay effective action, and increase expense;
3. SCORE members volunteer for a specific set of purposes related to economics and feel little in common with what they term "sociologically oriented groups" which would form the bulk of the "ACTION" agency;
4. A recruiting pool is neither practical nor desirable for SCORE or ACE, because recruitment is screened by SCORE chapters to provide capabilities needed for specific problem industries and geographical areas;
5. SCORE has operated successfully without a paid staff and feels that paid directors now are not only unnecessary but potentially a source of controversy;
6. SCORE assists in SBA programs beyond management counseling, which would suffer from the decline in enthusiasm under this program "and it would be the small businessman who would suffer"; and finally
7. Minority enterprise activities of the SBA would experience a "loss of SCORE assistance in conducting management ability evaluations required for consideration of loan applications."

Mr. Channing concluded: "It is apparent that there is a lack of understanding of SCORE—its methods, policies, principles, objectives and type of members."

The essence of a volunteer program is the willingness of volunteers to work. Thus, to me, the solid opposition of the SBA volunteers is itself probably the most significant factor. This will determine the amount and quality of future effort, or whether these volunteers will just stay home. The members of SCORE through their 161 chapters and at-large members are on record unanimously and publicly against this Plan. I do not know what more convincing testimony could exist that Reorganization Plan No. 1, as presently proposed, will weaken these programs of voluntary assistance to the small businessmen that need them most.

Further, the specific reasons presented in the SCORE testimony on the organization and management aspects of this Plan, by men who are themselves experts in management should be powerfully persuasive.

This judgment about management was the subject of individual minority views in the report of the Senate Committee charged with consideration of this matter. The individual views stated:

"It is fundamental that every unit of government should have a clearly defined purpose. Action lacks this vital ingredient. It is a collection of superficially similar programs linked in reality by a vague concept of volunteerism."

If the Administration has arguments which would override these points, they are obliged to come forward with them now, and I have not seen anything which would discharge this burden of proof.

PLAN WOULD WEAKEN THE SMALL BUSINESS ADMINISTRATION

It is estimated that Score and Ace conduct about 35 percent of all management counseling accounted for by SBA. If these men were on the payroll, it would cost SBA an additional $2 million a year.

Faulty management is a predominant cause of business failure. Therefore, the health of these volunteer programs—which is at best uncertain and could be much worse—is bad enough for the general economy, which we all wish would speedily recover.

However, more specifically SBA lends and guarantees money belonging to all of the taxpayers of the United States. In most cases the recipients are the newest and smallest firms, most in need of counseling to survive. If 35 percent of SBA's management assistance capability is imperiled, more of these loans will go bad and more of the taxpayers' money will be lost.

In the past four years, SBA has decided four times that management assistance needs to be strengthened. Four times the Budget Bureau representing the White House, has turned back these requests.

In my judgment a further weakening of management assistance under this Reorganization Plan would undermine SBA's loan program, and might well result in an increased volume of criticism directed at SBA, because in the face of growing and fearsome problems, its resources would be shrinking as a result of White House policy actions.

I am also afraid, and I think the Senate should be aware of this feeling, that such a weakening of the loan situation could, in the future, be used as an argument that SBA should lose its independence and be placed within some super-agency where its needs are further submerged in bureaucracy.

SMALL BUSINESS COMMUNITY OF THE NATION WOULD BE WEAKENED

With this potential for undermining both the volunteer programs and the SBA itself, there is little question in my mind that Reorganization Plan No. 1 will ultimately harm thousands of small businessmen throughout the nation.

These entrepreneurs must already struggle against overwhelming odds—rising costs, rising taxes, and competition with giant corporations. To cut back vital management help would be a personal tragedy for thousands of businessmen who have been willing to struggle to make the grade. It will mean financial and personal hardship for their families and friends who have invested their time and money in these enterprises.

We all know such people. We all admire their spirit. Our decision on this Reorganization Plan will directly affect their ability to survive, to prosper, and to give reality to the American dream in our day and in the future.

SUMMARY

On the basis of the reasons presented in the minority Senate Report, the testimony of SCORE volunteers, and the solid opposition of the SCORE volunteers themselves, and in the absence of cogent argument by the White House, I find that I must oppose the adoption of Reorganization Plan No. 1, as presently drafted to include the SBA's SCORE and ACE programs.

I urge that all Senators who are interested in small business, as well as sound principles of government organization, carefully consider these points in making up their minds on this question.

STATEMENT BY SENATOR ALAN BIBLE, CHAIRMAN, SENATE COMMITTEE ON SMALL BUSINESS, BEFORE SUBCOMMITTEE ON EXECUTIVE REORGANIZATION, OF COMMITTEE ON GOVERNMENT OPERATIONS, PERTAINING TO PRESIDENT'S REORGANIZATION PLAN NO. 1, MAY 7, 1971

Mr. Chairman and members of the subcommittee: My purpose today is to appear in opposition to the President's Reorganization Plan No. 1 now before the Congress because I believe sincerely that it seeks to accomplish a worthy goal by an unworthy and unworkable method through the establishment of a new multi-purpose agency of volunteers called ACTION.

The President's goal of calling on a great reservoir of volunteer talent in this country for man to help his fellow man is a most commendable goal. But to seek this by a super volunteer agency whose common purpose or function would be only voluntarism itself makes it a directionless hodgepodge. A fundamental rule of administrative efficiency always recommends grouping together similar functions and basic goals, certainly not present here.

The President's plan is to merge and centralize management and operations of nine volunteer programs as diverse in basic purposes as the Peace Corps, Foster Grandparents, Retired Senior Volunteers, VISTA, National Student Volunteers, the Small Business Administration's Service Corps of Retired Executives and the Active Corps of Executives programs, and eventually the Teacher Corps.

The new ACTION agency budget to start would be $142,000,000 annually and would represent another layer of managerial bureaucracy. Exactly how much of present agency budgets or how many full-time agency administrative personnel would be lost by the old agencies by transfer to staff the new one is another vague aspect of this vague plan.

As Chairman of the Committee on Small Business, I will restrict my views to what I believe is not only the oldest but certainly one of the most successful organized volunteer programs in the Federal government, the Small Business Administration's SCORE and ACE organizations, standing for Service Corps of Retired Executives and Active Corps of Executives.

Today, 3,996 men and women SCORE volunteers and several thousand ACE volunteers across this country are contributing their substantial business expertise without a single penny of compensation or expense reimbursement from the Federal government in order to help many thousands of small businessmen try to remain successful businessmen.

This amazing SCORE organization was started by the Small Business Administration in 1964. It has grown steadily in its membership of business and professional people in more than 850 communities to provide advice and guidance to small business.

So successful was SCORE that SBA in 1969 inaugurated ACE. Today, that program has attracted several thousand working businessmen who, like their SCORE brothers and sisters, volunteer their services and talents to help the country's 5½ million small businessmen try to stay in business in the competitive marketplaces.

During 1970, these volunteers, principally SCORE, counseled almost 100,000 other businessmen who had various management assistance problems. More than 35 percent of all interviews conducted by the entire SBA were handled by SCORE and ACE representatives, a job that would have cost the Federal government many millions of dollars in salaries if regular employees were to try to do it.

These volunteers help the all-too-abbreviated Management Assistance staff of SBA, 123 in the field and 9 in the central office here in Washington, D.C., handle some of the country's small business needs. As an example, hundreds of SCORE volunteers have been working (overtime without pay) in the southern California earthquake area the last several months making loan evalutions and trying to solve other quake-born business problems. Others around the country spend five days a week on counseling desks to relieve regular SBA personnel for other work.

Almost 170 SCORE chapters around the country operate as non-profit, voluntary, non-incorporated associations to help SBA help small businessmen. These volunteers talk to office walk-ins seeking help, answer telephone inquiries, and conduct management assistance evaluations, group training and workshops.

SBA's programs to bring minorities into the mainstream of American small business draw heavily on SCORE and ACE. For example, volunteers are now counseling 5,000 minority loans applicants yearly plus another 8,000 seeking other business advice.

And why is this work important to small businessmen? First, 9 out 10 businesses fail for lack of proper management, and only one out of every two businesses survives 18 months because they do not have enough management exeprtise and assistance at the proper time. Only one business out of five manages its affairs properly enough to last 10 years.

If SBA business loan beneficiaries fail, the SBA and every taxpayer loses.

In brief, I believe the President's plan, which I seriously doubt the Office of Management and Budget really thought through, threatens to cut away from the SBA for administrative and management purposes the important SCORE and ACE management assistance program.

Such a transfer to the new ACTION agency would mark the first time since the SBA was established in 1953 that one of its functions has been lost to another agency.

Since then, the Small business Administration has seen its functions increased by its key roles in hurricanes, earthquakes, floods and other natural disasters, its major minority enterprise functions, its administration of small business investment company activities, increases in some of its loan programs, and its affirmative advocacy of small business in our economic system. If approved, Reorganization Plan No. 1 would threaten this fine record and I hope Congress will vote it down.

Supporters of the President's plan will counter by asserting that SCORE and ACE, even though moved, in fact, to ACTION will be operated through SBA as previously except for administrative purposes. If that is the case, then why the major change in the first place?

SCORE's national planning committee, speaking for its 4,000 volunteers, seriously questions this because it passed a resolution unanimously opposing the transfer proposal. I am further aware that this opposition statement brought on a hasty ex parte agreement between the new ACTION agency and SBA wherein both say the transfer will really have no effect at all on the SCORE and ACE programs. Self-serving documentation is always suspect.

Although one of the President's major Departmental reorganization legislative proposals he has submitted to the Congress would end the SBA's independence and merge it into a Department of Economic Affairs, I will judge that plan when its pros and cons are debated later on before appropriate legislative committees. Meanwhile, I will not stand by now to see an important SBA activity summarily jeopardized if I can help it.

Likewise, there are those critics of SBA's independent role who would grab at any transfer of an activity as a reason for merging SBA into a larger department with the attendant loss of its ability to speak as the Federal government's voice for small business nationwide. Both the Kennedy and Johnson Administrations saw their preliminary efforts to end SBA's independence scuttled by the nation's small business community speaking firmly out against any merger effort. Rumblings in the Nixon Administration have been greeted similarly for two years.

But the President's plan before your Committee today seeking to place SBA's SCORE and ACE program into the ACTION agency, in my judgment would seriously jeopardize a vital arm of its all-important management assistance program so valuable to both new businesses getting a start and old businesses facing the difficult economic problems of today.

Should the President prevail in this Reorganization proposal, the SCORE volunteers will be requested to work in hospitals, clinics, schools, community development projects, all commendable activity areas but foreign to these men and women trained in profit-making business enterprises in their working years.

For one, I would have hoped that possibly those in the Executive Branch who formulated this plan would have talked with some of the SCORE people, any of the 3,996 men and women around this country in some 170 chapters about their work. But instead, I am advised the Reorganization planners failed to talk with a single one.

In fact, the Office of Management and Budget suggested to one of my Committee staff personnel seeking an explanation of the plan, that the SCORE people should have sought out the Budget Bureau officials and explained their objections. The Budget Bureau official was reminded that probably few, if any, of these thousands of retired businessmen who learned their skills in the business world and not in the Federal bureaucracy, probably had never heard of the Office of Management and Budget in Washington. That is why I say this Reorganization plan was ill-conceived when men and women who make up this successfully proven volunteer endeavor were not even contacted about what they thought.

Then there was the Administration official about 10 days ago who wrote to several thousand SCORE representatives unhappy over the President's proposed Reorganization by saying the plan was "well-deserved recognition by the Executive Branch of your accomplishments." My only comment was that the recognition was apparently so impressive that the Office of Management and Budget planners didn't think it worthwhile to talk with any SCORE volunteers about whether they would or would not like to be cut away from the SBA and join the new ACTION agency.

Since the President's Reorganization plan was sent to the Congress in March, my office has had many letters and resolutions from SCORE volunteers nationwide in opposition. Not a single message in supoprt of it has come in.

Let me conclude my testimony with some of the text from a SCORE volunteer's letter from New Jersey on April 26, who summed it all up in a few succinct words, saying:

"Please leave SCORE as it is. We work well with SBA. . . . After five years working with SCORE, and no help, no funds, no expenses from Uncle Sam or my clients, and 165 now money-making clients (Oh yes, two failures in five years), saving hundreds of thousands of mine and other taxpayers' dollars, I again ask that we be 'left alone'. . . . If not, count me out of SCORE. . . . government red tape and rigamorale disgust me. . . . and I can help elsewhere."

Mr. SPARKMAN. Mr. President, on May 4, 1971, I wrote a letter to the distinguished chairman of the Government Operations Subcommittee, Senator Ribicoff, opposing Presidential Reorganization Plan No. 1. I am also a cosponsor of the disapproval resolution, along with 15 other colleagues.

I stated in my letter to Senator Ribicoff that I was deeply disturbed about the merger of SCORE and ACE with the new super agency, Action. I am concerned because I am afraid it will threaten the effectiveness of the management assistance program of the Small Business Administration.

SCORE is one of the most successful of all volunteer programs in any Federal agency. The success of a volunteer agency depends on the willingness of a volunteer to join and carry on the day-to-day activities, and I have not heard of a single SCORE volunteer who supports the merger into the new agency.

I fear that the merger of SCORE and ACE into the new Action agency will destroy the effectiveness of a business-oriented organization. I also fear the reorganization will erode the independence of SBA.

I may say that that is one thing that I have fought for from the very beginning of the Small Business Administration.

I have strongly advocated, and I do now, a strong, independent SBA, as I have said many times. I sincerely hope the Senate will vote down the President's Reorganization Plan No. 1, by voting for the resolution of the Senator from New Jersey which is now before us.

Mr. PERCY. Mr. President, I have great respect for the distinguished Senator from Alabama. I served for 4 years as a member of the Committee on Banking and Currency and developed an affection and high regard for the way he approached his great responsibilities in that committee.

I hope also he would be one of the first to say that in the 4 years I served on that committee my deepest interest was in the area of small business. I have spent most of my life in small business, trying to get into big business, and trying to make that small business a bigger business in my own personal way.

I know when I was defeated for governor I spent several years encouraging technical assistance for minority enterprise and small businessmen. I have supervised directly such a program.

It was for that reason that I questioned very, very strenuously the wonderful representatives we had before us representing SCORE and ACE. I was deeply disappointed, and I told them so, that they were not consulted in advance of this proposed reorganization. I thought they should have been.

But outside of that oversight, I did not hear from them one single bit of evidence of any kind that would cause me to believe that the services offered to small businessmen would be any less. In fact, I felt, at the end of the testimony, that the programs would really be strengthened through the reorganization. They would have a great deal of auxiliary and administrative services, and recruiting services, provided as a service to them.

We wanted clarified from the Small Business Administration its own enthusiasm for this reorganization, the feeling that they could offer more, not fewer, services to small businessmen. We also wanted to fully clarify one point which the representatives before us did not seem to fully appreciate. There is no change in the direct line reporting responsibility between the Small Business Administration and SCORE and ACE. SBA has a direct supervisory responsibility for providing the technical assistance deemed necessary to small business. An auxiliary service would be afforded, administratively, by Action to help SCORE and ACE recruit, to provide the people that are needed and seek them out from all corners of the country. This would, in fact, strengthen the service, as the organization charts in the rear of the Chamber indicate.

At this time I ask unanimous consent to insert in the Record a letter from Thomas S. Kleppe, Administrator of the Small Business Administration, which indicates for SCORE and ACE the organizational procedures that would be followed and the full accord of the Small Business Administration with this arrangement.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Small Business Administration,
Washington, D.C., April 16, 1971.

Mr. Christopher Mould,
Chairman, Action Task Force, Office of Voluntary Action, Room 6235, New Executive Office Building, 17th and Pennsylvania Ave, NW., Washington, D.C.

Dear Mr. Mould: This is to set down my understanding of the various working papers and discussions on the relationships among Action, SBA, SCORE, and ACE resulting from the President's Reorganization Plan No. 1.

The Small Business Administration will retain supervision over its established national, regional, and district operations with volunteers, including SCORE and ACE, for the benefit of its small business clients.

Action will expand the application of the expertise of volunteer businessmen to other projects and agencies. Action will include business skills in its national recruiting program and will refer to SCORE and ACE, businessmen who might be interested in their program. Action will offer projects to SCORE and ACE volunteers over and above their service to SBA's clients. Action will publicize accomplishments of volunteers. It will budget for the planning and execution of expanded use projects. It will be responsible for program evaluation.

Action could become a focal point for the reimbursement of out-of-pocket expenses of SCORE and ACE volunteers.

I hope this will be helpful to your Task Force in its work.

Sincerely,

Thomas S. Kleppe,
Administrator.

Score/Ace Relationships With Action

ACTION RESPONSIBILITIES

1. National recruitment—primarily publicity and encouragement of formation of new SCORE chapters.
2. National publicity.
3. Offer of new opportunities for volunteer service.
4. Evaluation of impact of SCORE/ACE volunteer services on small business.
5. General budget planning for SCORE/ACE program.
6. Liaison with SBA.
7. Coordination of SCORE/ACE local pro-

grams with other volunteer programs in the same community through information and feedback.

SBA RESPONSIBILITIES

1. Program operation
2. Program direction
3. Program oversight

SCORE/ACE ROLE

1. Volunteer may choose to accept or reject additional opportunities for service, when offered by Action.

2. Local community volunteers may choose to form or not to form additional local SCORE/ACE chapters.

Mr. PERCY. Mr. President, I ask unanimous consent to incorporate in the RECORD at this point a statement by the Senator from New York (Mr. JAVITS).

The Senator from New York is both the ranking minority member of the Executive Reorganization Subcommittee of the Committee on Government Operations and the Select Committee on Small Business.

After exhaustively studying the reorganization plan, the Senator from New York, who is the ranking Republican member of both committees, endorses the reorganization. I think his statement on the reorganization plan will be important to have in the RECORD at this point for that reason.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JAVITS ON REORGANIZATION PLAN NO. 1 OF 1971

I regret that official business abroad prevents me from participating in Senate Floor debate this afternoon on Reorganization Plan No. 1 of 1971. I now support very strongly the Administration's proposal for the creation of Action, the new national voluntary action agency. As ranking Minority member of both the Executive Reorganization Subcommittee and the Select Committee on Small Business, I have been heavily involved in an effort to strengthen the Administration proposal. I believe we have increased the potential of Action to harness on a broader basis the diverse energies of our citizens in helping to confront the great social problems of our country. This can only be accomplished effectively by preserving the deep commitment and promoting the demonstrated success of our present volunteer programs.

We have been assured beyond doubt that the component programs which will be transferred to the new agency, including Vista, Peace Corps, SCORE, ACE, and Foster Grandparents, not only will be continued, but will be strengthened while maintaining there own identities and purposes. I believe that the basic objections which were raised against the plan, principally by those concerned with continuing the anti-poverty orientation of Vista have been met. In that connection, I intend to monitor carefully the integration of these programs into the new Agency.

I urge the Senate to approve Reorganization Plan Number 1 of 1971 by voting to disapprove S. Res. 108.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. PERCY. Yes; I am happy to yield to the distinguished Senator from Nebraska (Mr. HRUSKA).

Mr. HRUSKA. Mr. President, when President Nixon visited the University of Nebraska in January, he issued a plea for all generations to work together in harmony for a better America.

He reiterated what most of us realize so well—that achievement of so many of our national goals for this country and the world will always elude the capabilities of government alone. No matter how extensively government resources are devoted to these gigantic tasks, they will fall short of success without a strong element of voluntarism.

The President followed this message with a definitive proposal in March to dramatize and facilitate the voluntarism which we need. His proposal, Reorganization Plan No. 1, was designed to combine the various existing agencies devoted to coordinating voluntary citizen activities into one dynamic organism called Action—a new national volunteer agency.

Both of President Nixon's statements received plaudits from the press and from those who wanted to see voluntary services strengthened in our governmental establishment.

I ask unanimous consent that a number of laudatory excerpts from various publications be printed in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

SPOKANE, WASH., SPOKESMAN-REVIEW

While combining the volunteer programs will make for efficiency, the actual effect hoped for is expansion—via more volunteers . . . Many of the fine things in America have come about because people volunteered their time to bring them into being. With more volunteers, more yet can be achieved for this nation via people who have much to give in abilities, skills and concern.

SALT LAKE TRIBUNE

A closer grouping of such agencies as VISTA and the Peace Corps make administrative sense, but, in fact, these efforts have enlisted volunteers from all age groups. That has been one of their strengths. Why not extend that possibility?

LOS ANGELES HERALD-EXAMINER

Mr. Nixon has the right idea and he has a man (Joseph Blatchford) who would seem most capable to follow it through in a practical way. We hope to see during the next congressional session a full-fledged Administration effort to transform the President's pledge to youth into meaningful legislation.

LOS ANGELES TIMES

Both the Peace Corps and VISTA (a domestic peace corps) were spawned by previous Democratic administrations and have been rumored at various times to be headed for dissolution or cutbacks under the Nixon Administration. But Mr. Nixon . . . said the merged organization will be assigned even larger tasks, such as 'cleaning up the environment, combating illiteracy and malnutrition and suffering and blight either abroad or here in America.

SAN DIEGO UNION

President Nixon's proposal . . . is a sound reorganizational suggestion. . . . Those who have been concerned directly with the needs of the United States of America will be given the opportunity to serve their nation in a myriad of ways if the President's program prevails. Volunteering to serve government is a sentiment that is on the decline in recent times. What President Nixon is asking in Action is for machinery to revive it.

PUEBLO, COLO., CHIEFTAIN

Restructure of the Peace Corps and the consolidation with VISTA will provide a better opportunity for more professional aid at home and abroad.

ALBUQUERQUE JOURNAL

President Nixon's proposal . . . appears to make sense.

ST. LOUIS GLOBE-DEMOCRAT

The Action Corps reorganization should be swiftly approved by Congress.

TALLAHASSEE, FLA., DEMOCRAT

The idea of consolidating these (volunteer) agencies, however, is a good one. These agencies ought to be under one roof.

OMAHA WORLD-HERALD

But youthful idealism has not been quenched. It seems to be looking for new directions, more fruitful ways of making this a better world. In Lincoln Thursday, Nixon was trying to tap this quieter idealism.

TOPEKA, KANS., SUNDAY CAPITAL-JOURNAL

Times have changed and so have the youth of America since the Peace Corps was organized. Whether President Nixon's attempted injection of new life into the organization will take effect remains to be seen.

LANSING, MICH., STATE JOURNAL

The new agency would seem to be a good step toward more efficient use of our nation's volunteers, as well as making the volunteer service more appealing. We hope it becomes an effective reality.

CINCINNATI ENQUIRER

President Nixon has hopes of revitalizing the (Peace Corps) organization by revising its structure and purposes . . . Clearly, President Nixon is seeking to replace the liberalism and idealism of the early 1960s with a more pragmatic approach. Conditions in the world indicate that this is a wise, if not the only feasible way of addressing the agency's decline. President Kennedy's idea was a good one; it remains to be seen if President Nixon can improve its chances of working well.

ROCHESTER, N.Y., TIMES-UNION

Only the most embittered on either side of the generation gap will oppose Mr. Nixon's promising attempt to bridge it.

PHILADELPHIA DAILY NEWS

Mr. Nixon's proposal merging the Peace Corps, VISTA and other voluntary groups into one agency is a visible effort to give young people a new vehicle for trying to build a better nation.

Mr. HRUSKA. Then, as has happened so often during the past 2 years, forces of indecision, partisanship, and obstructionism move into the picture and the familiar record of opposition began to grow. The opposition in this instance appears to be developing in large degree with those who have personal stakes in the President's proposal, either in terms of their own future status or their own record of service.

What does Action endeavor to do, Mr. President? Very simply, the reorganization would combine the assorted voluntary service agencies now residing here and there throughout the government structure. By combining the Peace Corps, VISTA, and such programs as the national student volunteer program, Foster Grandparents, retired senior volunteer program, Service Corps of Retired Executives and the Active Corps of Executives, it would seem obvious that the reorganization plan would:

First. Consolidate and simplify the administration and servicing of these voluntary agencies so that additional resources could be devoted to program support rather than nonproductive functions.

Second. Enable the agency to develop an unmistakable voluntary image which will stimulate more and more volunteers to join the national effort.

In other words, such a program will achieve President Nixon's objectives of increasing our volunteer resources and using them in a way to accomplish more than they can accomplish now.

One of its major advantages is the opportunity which it offers to provide expert assistance in recruitment, selection, training, placement and support for the volunteers. These functions now must be carried out by each of the agencies responsible for the voluntary effort. Combination of the services would represent a very sizable saving in manpower and resources which could be diverted to program goals.

Other ways in which Action will be a more effective instrument for voluntarism include:

First. Providing a new priority of purpose. Instead of being small components of larger agencies with differing missions, Action programs will be assured of undivided support and direction.

Second. Providing a new focus of public attention, increasing awareness of citizen service as a major resource in tackling today's poverty related problems.

Third. Providing simplified application and placement, and an additional opportunity to combine volunteer service between foreign and domestic service.

Fourth. Providing an unprecedented opportunity for the pooling of experience already gained and an almost instantaneous pooling of experience yet to be gained.

Fifth. Providing greater community participation, with emphasis on genuine initiative by local authorities, universities, and private groups in instituting programs.

Sixth. Providing greater administrative efficiency, freeing a larger portion of its funds for volunteer activities in the field.

Action would bring together an initial force of some 22,000 volunteers whose experience and talents would be directed by an initial budget proposed at $176.3 million. That amount is $20 million higher than the total of funds available to affected agencies this year, but when one considers the extensive savings which will be achieved by the combination of various administrative and support activities, it means the amount of additional funds available for volunteer programs will rise many millions of dollars above that figure.

To me this proposed reorganization represents an exciting prospect. That is why I am distressed to hear opponents of the plan contend that it will discourage volunteers and enthusiasm, and that it will add to the cost of existing organizations.

These contentions are born in many instances of desperation by those who have a personal stake in maintaining the status quo. The arguments have been plucked from thin air. There is no substantiation of these reckless claims. Logic alone tells us that they have no validity.

Like my colleagues, I have a personal interest in the program which affects several hundred Nebraska young people who are devoting their time and energies to creation of what they fondly hope will be an improved world. I am proud of the fact that in the Peace Corps, for instance, 291 Nebraskans are serving or have served 93 of them from the University of Nebraska.

These young people are offering their time and energy, and most importantly, their tremendous enthusiasm for achievement of the program's goals. They have a most difficult job and it is the great advantage of the Government to help them work toward this goal.

The obvious way in which we can help them is by a reorganization which makes good sense from an administrative standpoint, from a fiscal standpoint and from a psychological standpoint.

This is precisely what President Nixon has endeavored to do in Reorganization Plan No. 1. He has a sound program which will achieve the goals we all seek for the volunteer Federal service.

Mr. President, I thank the Senator from Illinois for yielding.

Mr. PERCY. I thank my distinguished colleague for a very important and forceful statement.

Mr. President, I yield 5 minutes to the distinguished Senator from Florida.

Mr. GURNEY. Mr. President, I support Reorganization Plan No. 1 and oppose Senate Resolution 108, and I shall direct these few remarks especially in support of the inclusion of the Service Corps of Retired Executives—SCORE—and the Active Corps of Executives—ACE—under the jurisdiction of the Action Agency.

President Nixon has recognized in this Reorganization Plan No. 1, the great resource of volunteerism. He has taken the initiative to create a structure through which voluntary action can reach its potential as an enduring, powerful force in solving the problems of the poor and the disadvantaged. I am convinced that the spirit of volunteerism has only begun to develop in the United States. It can, and should be, encouraged; and it can assume a prominent role in improving the lives of the American people. President Nixon intends to make the most of this precious resource of personal commitment. The establishment of Action makes his intention very clear.

I recognize that there are some who feel that there is a risk in joining programs which are too dissimilar—specifically, in bringing SCORE and ACE under the Action umbrella. From my own State of Florida, there have come sincere expressions of concern for the future of these two volunteer programs. Participants in SCORE and ACE have impressed upon me the tremendous benefits that have come to the small businessman as a direct result of voluntary efforts. I share their feeling that such successful assistance programs should be maintained and should be expanded to include an even greater scope of activity. This is the thrust of the Action Agency.

SCORE—Service Corps of Retired Executives—includes 3,500 former executives—experts in almost every phase of private enterprise. They do consulting work on SBA referral for small businessmen through 155 local chapters. In addition to counseling the problem plagued small businessman, SCORE members cosponsor and conduct small business workshops and management training programs.

ACE—Active Corps of Executives—members are recruited by SBA from major industry, trade associations, educational institutions and the professions. They are active executives who are on call through SBA. They participate in solving complex management problems that require extensive counseling and training.

Bringing these business-oriented programs into Action, I believe, will link them with other programs with different skills and resources. It will join them in common purpose. Together, they will form a single mechanism which can direct an efficient, determined attack on pressing national and community problems. I believe that a consolidation of expertise and the consequent broadening of approach and available resources is a definite improvement over the now-isolated efforts of the existing programs.

The Action Agency proposal does not discount success; it builds upon its valuable foundation. SCORE and ACE will maintain their organizational structure and their operational ties with SBA. The Action Agency will simply stand behind them assisting them in general planning, evaluation and publicity functions. The merger should bring an increased recruitment potential, particularly as it relates to the founding of new chapters in communities which do not yet have the advantage of these programs. Also, Action will enhance the potential for business counseling opportunities to be referred through SBA to SCORE and ACE from other Action programs including VISTA.

It is my belief that Action will provide a means by which more American businessmen can volunteer their time and their talents on either a part-time or a full-time basis. With the Senate's approval of Reorganization Plan No. 1, we can point with pride to a structure which facilitates "voluntary" services in the broadest sense of the word.

It occurs to me that the great strength of this reorganization plan will be to bring under a single management the volunteer organizations.

It will get them out from under huge bureaucracies, like HEW. It will give volunteerism new encouragement, free rein and encourage the fresh ideas of volunteers.

This Nation has long done more than any other in the field of volunteer effort in medicine, in ministry, in agriculture, in fighting poverty, in many other charitable works throughout the world.

This Reorganization Plan No. 1 fosters and encourages that great volunteer spirit of this Nation.

I yield back the remainder of my time.

Mr. WILLIAMS. Mr. President, I yield myself 3 minutes.

I should like to point out, in reply to the Senator from Florida, that, as printed in the record of the House hearings, the statement of Walter H. Channing, the chairman of the Service Corps of Retired Executives, SCORE, indicates total disagreement with the position that the agency SCORE be submerged in the proposed agency Action.

I ask unanimous consent that several paragraphs of Mr. Channing's statement as it appears in the House record be printed in the RECORD at this point.

There being no objection, the excerpt from the statement was ordered to be printed in the RECORD, as follows:

> SCORE agrees that expanded volunteer services are desirable and does not oppose the concept of a consolidation of duplicating programs with similar goals and functions providing this can be accomplished without additional expense. But SCORE does vigorously oppose its inclusion in the consolidation proposed in Reorganization Plan No. 1 for the following reasons:
>
> 1. There is no evidence that a study has been made of the feasibility of including SCORE in this consolidation. It is incredible that such a plan would be prepared without first securing the views of SCORE.
>
> 2. The language of the plan would have SCORE serving two masters, the Small Business Administration and the national volunteer agency. This violates good business principles and sound organizational procedures. The assumption of administrative details by one agency and operational functions by another can only compound confusion, delay effective action and increase expense.
>
> 3. SCORE members volunteer for a specific purpose—to aid the hard-pressed small businessman in solving his problems. To try and consolidate such an economic oriented oragnization as SCORE with other sociological oriented groups would lead to mass confusion and conflict.
>
> 4. Recruitment of SCORE members is handled by individual chapters on a selective basis to provide talent and experience needed in specific fields and specific geographical areas. A recruiting pool is neither practical nor desirable.
>
> 5. SCORE sees nc need for the imposition of a paid staff of a new Government agency to direct SCORE activities but we do see fertile ground for controversy between non-business-oriented salaried employees and mature, business-oriented, experienced nonpaid SCORE volunteers.
>
> 6. In addition to counseling the problem plagued small businessman, SCORE members also engage in other activities, including cosponsoring and conducting small business workshops; participating in management training courses in cooperation with universities, professional and trade associations, and chambers of commerce; and manning the SCORE desk to handle walk-in interviews. SCORE is now recognized as the major thrust in the Small Business Administration's management assistance programs in counseling and training. In the 6-month period ending December 31 of fiscal year 1971 volunteers handled 14,028 counseling cases and 17,302 interviews. We believe it would be impossible for the Small Business Administration to maintain this level of activity without SCORE assistance, and it would be the small businessman who would suffer.
>
> 7. The loss of SCORE assistance in conducting management ability evaluations required for consideration of minority enterprise and economic opportunity loan applications, of which 2,682 were conducted in the 6-month period ending December 31 of fiscal year 1971 by volunteers would in our judgment impede that program as well.
>
> At the direction of the National SCORE Planning Committee I submit the following resolution unanimously endorsed by the members of the Committee acting as regional representatives of SCORE:
>
> RESOLUTION
>
> The National SCORE Planning Committee, as the voice for 3,800 unpaid SCORE volunteers operating through 166 chapters and counselors at large in all sections of the United States, urgently recommends that the proposed incorporation of SCORE in the planned national volunteer agency (Action) be suspended pending adequate consultation with representative SCORE volunteers to first determine the feasibility of that proposal and to include the following:
>
> 1. Study and development of specific administrative plans incorporating sound organizational procedures which will provide for the uninterrupted functioning of the present successful SCORE program.
>
> 2. Resolution of conflicts inherent in combining in one agency group with economic orientation such as SCORE and groups with sociological orientation.
>
> 3. Resolution of the probable clash and controversy between "paid" volunteers and unpaid volunteers.
>
> 4. Study and preparation of pertinent operating directives, policies and procedures.

Mr. PERCY. Mr. President, I should like once again to point out to my distinguished colleague that the testimony given before the House committee and to be inserted in the RECORD is in total misunderstanding of the legislation as proposed.

As the chart makes perfectly clear, and as we tried to bring out in testimony before our committee and have brought out in matters introduced into the record, there is no direct reporting relationship to Action from SCORE or ACE. On the organization chart that was sent over with the President's plan, there is a dotted line, which anyone familiar with management principles understands to indicate a cooperative effort—coordinating and voluntary, using the services of Action—but not a direct reporting relationship from SCORE and ACE. I just have to reemphasize that when we are using the phrase "submerged in Action," that indicates a fundamental lack of understanding of the plan.

If those who came to testify against it before our committee would have only read the plan and read what the President had said, they could have saved themselves a great deal of effort and time. I would have no doubt about their concern if this were a direct line reporting relationship, but it is not.

Mr. CHURCH. Mr. President, I support Senate Resolution 108 to disapprove Reorganization Plan No. 1, which would transfer the retired senior volunteer program, foster grandparents, and several other programs to a new volunteer agency to be called "Action."

Earlier this year the Senate Committee on Aging, of which I am chairman, and the Subcommittee on Aging of the Labor and Public Welfare Committee conducted 5 days of hearings on this issue and other related questions affecting the elderly. Virtually all witnesses at these hearings, with the exception of administration representatives, expressed strong opposition to the proposed reorganization plan.

FOSTER GRANDPARENTS AND RSVP

Despite some very practical and organizational considerations, there are many substantive reasons for rejecting the reorganization plan as it affects aging programs. First, the foster grandparent program is not even a volunteer program. It is an employment program which is designed to help low-income elderly persons out of poverty. Participants in the 68 projects earn $1.60 per hour in providing supportive service for neglected, retarded or otherwise disadvantaged children.

Moreover, the transfer of RSVP and foster grandparents to Action would substantially weaken the Administration on Aging, which has already been downgraded by other recent reorganization moves. Acquiescence in this course of action could eventually lead to the dissolution of AOA. This, in my judgment, is particularly compelling because AOA is the focal point in the Federal Government for 20 million older Americans. In discussing the impact upon AOA, Nelson Cruikshank, president of the National Council of Senior Citizens, stated:

> The proposed action of the reorganization plan, we believe, would signal the death knell of the Administration on Aging and this would be a serious setback to national efforts to tackle the problems of our older people.

Additionally, RSVP and the foster grandparent program could easily lose their identity if they are to be ultimately combined with such divergent units as Volunteers in Service to America, the Peace Corps, the Teacher Corps, and the Office of Voluntary Action. Mr. Bernard Nash, executive director for National Retired Teachers Association—American Association of Retired Persons, made this point quite aptly when he said:

> A major complaint in the field of aging is that older persons programs constantly lose in competition with those for other age groups. To incorporate the small AoA programs into a large multifunctional agency which has little experience with this age group, and no observable commitment to it, will be to further underscore the argument.

OTHER COMMONSENSE CONSIDERATIONS

And there are some additional commonsense considerations for opposing the proposed transfer. From an organizational standpoint, it will be quite difficult—if not impossible—to combine the administrative, training and recruitment components of programs that are as diverse as those to be merged in Action. Each one of the programs has a different approach, mission, and constituency. These factors must, of course, be considered in establishing a rational training and recruitment program.

Moreover, the programs to be included within the new agency do not have the same functions. Instead they range from a corps of employed executives who provide counseling services to a program designed to break the poverty cycle.

As a practical matter, no umbrella unit can reasonably expect to be as effective in the field of aging as an agency—such as the AOA—which is concerned exclusively with the problems and challenges of elderly persons. Such an agency is likely to have too many divergent demands upon its time and personnel to consider in an appropriate manner the special problems of elderly participants.

Lastly, the Congress, in approving the

1969 amendments to the Older Americans Act, expressed its strong intent that RSVP and foster grandparents should be under the direction of the AOA. If these programs are to be taken away from AOA, then this should be done through the legislative process—instead of by executive fiat.

For these reasons, I urge approval of Senate Resolution 108.

(This marks the end of the colloquy which took place earlier and which by unanimous consent was ordered to be printed in the Record at this point.)

The PRESIDING OFFICER (Mr. Packwood). Who yields time?

Mr. PERCY. Mr. President, I yield myself such time as I require.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. May I ask the Chair, how much time remains to me?

The PRESIDING OFFICER. Thirty-six minutes remain to the Senator from Illinois and 22 minutes to the Senator from New Jersey.

Mr. PERCY. I thank the Chair.

Mr. President, first, I should like to say to my distinguished colleague, the Senator from New Jersey (Mr. Williams), that he has rendered a valuable service to the Senate, inasmuch as the introduction of his resolution of disapproval has enabled us to crystallize a great many of the issues that have been raised in opposition to the plan. Without the resolution having been introduced, we would have failed to clarify many of the points that his resolution of disapproval has enabled us to clarify now, by going back to the administration and asking specific questions about certain objections that have been raised.

Mr. President, I ask unanimous consent to have printed in the Record portions of a letter which I sent to Members of the Senate, explaining the answers to certain of the objections raised by the Senator from New Jersey (Mr. Williams), which I hope will answer those particular points.

There being no objection, those portions of the letter were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., June 1, 1971.

Dear Colleague: I am writing you in connection with the vote scheduled for 11:00 a.m. Thursday, June 3, 1971, on Reorganization Plan No. 1 of 1971, to improve and expand Federal voluntary programs through consolidation in a new agency to be called ACTION.

A resolution (S. Res. 108) to disapprove the plan was introduced by Senator Harrison Williams, April 26 and referred to the Government Operations Committee. Hearings were held on May 5 and 6 before the Subcommittee on Executive Reorganization and Government Research. The Subcommittee, on May 19, approved the plan by reporting unfavorably, 4–3, the resolution of disapproval. That action was supported by the full Committee on May 25 by a 10–3 vote (Chairman McClellan was joined by Senators Ervin, Gurney, Mathias, Saxby, Roth, Brock and myself; opposed were Senators Muskie, Ribicoff, and Harris).

The Williams resolution has served a very valuable purpose by crystallizing the issues involved in this reorganization. As a result, in the course of hearings, we were able to address his concerns that the plan was inconsistent with the general purposes and guidelines set forth in Title 5 of the U.S. Code for reorganization plans. Specifically, on the point of reducing expenditures, it was pointed out that

"The President stated, in his Message accompanying the Reorganization Plan, that the Plan is responsive to Section 901(a)(1), 'to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions and the expeditious administration of the public business' and Section 901(a)(3), 'to increase the efficiency of the operations of the Government to the fullest extent practicable.' (Section 903(a) expressly states that a Reorganization Plan shall be responsive to one or more of the situations described in Section 901(a). The President did not specify that saving money would necessarily result from the Reorganization, but relied instead on Sections 901(a) (1) and (3)).

More effective management, better administration of the law and greater efficiency would result from the Reorganization because

It would eliminate unnecessary duplication in the recruitment and selection of volunteers (one recruiter on a college campus could serve several programs—one recruitment office in a city could serve all ACTION programs).

Administrative matters could be consolidated in one administrative operation rather than five—one personnel office, one payroll office, one administrative service office, one audit office to handle all contract and grant programs, and other fiscal matters, one legal staff, one budget staff, one public information staff, etc.

Programs could be better coordinated and applied so as to assure maximum impact on poverty groups or areas. VISTA, R.S.V.P., Foster Grandparents, and SCORE-ACE programs could be employed in unison or in any mix that would achieve maximum results. (In effect, a joint funding approach.)

The grouping of these programs would make it possible to augment them in such a manner as would bridge any gaps that now exist. In fact, the $20 million that will be requested for ACTION is primarily intended for this very purpose—namely, the initiation of new innovative programs designed to fill needs not covered or inadequately covered by existing programs."

As to Senator Williams' second point, *preserving ties to related substantive programs,* the Committee was informed that

"Programs which are placed in ACTION will continue to maintain close ties to the agencies from which they will be moved in the following ways:

Through continuation of local sponsors (approximately 57% of VISTA sponsors and 65% of sponsors of the Foster Grandparent program are OEO-supported agencies. These relationships will continue).

Through carefully developed relationships with existing agencies. (The detailed procedures of ACTION & SBA vis-a-vis the SCORE-ACE programs are presently being thoroughly worked out).

ACTION will permit better budgeting for volunteer programs by putting them in an agency in which volunteer service would be the *only* concern rather than a tag and appendage to programs having a different thrust."

On his third and fourth points, dealing with *the grouping of functions according to related purposes and maximizing efficiency within government,* the Committee was assured that

"In each of the programs, the function is the delivery of personal service by a non-paid or partially paid individual to a particular area of need. The services provided are, for the most part, provided on a one-to-one basis. Rather than being dissimilar, the programs are, therefore, similar. They demand qualities of commitment, personal concern and human caring which transcend traditional services provided by government. Bringing the talents of such individuals together to focus on pockets of need in communities will be central to ACTION's operation and will be carried out through specially designed recruitment, training and placement."

Mr. PERCY. Mr. President, the name of Roy Ash has been raised in this debate. Statements attributed to him have been read which have then been reinterpreted to mean possibly that Reorganization Plan No. 1 would be in conflict with what Mr. Ash had actually said.

I would like to make it perfectly clear that Mr. Ash did testify before the Government Operations Committee, in full committee, on the overall executive reorganization plans that have been introduced by the administration and that I have introduced on its behalf. He made it perfectly clear at that that, although the Ash Council never addressed itself to Reorganization Plan No. 1 as such, he himself was fully in support of such plan and felt that its implementation would strengthen the component programs.

Also, we asked certain questions of Mr. Arnold Weber, Associate Director of the Office of Management and Budget at our hearings before the Subcommittee on Executive Reorganization, and I ask unanimous consent to have printed in the Record the answer he gave to one question we put to him. The question reads:

How does this reorganization plan for ACTION square with the principles relating to executive reorganization as set forth by the Ash Council?

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

6. How does this reorganization plan for ACTION square with the principles relating to executive reorganization as set forth by the Ash Council?

Answer: Other than VISTA, the Ash Council did not make a recommendation about volunteer programs. Volunteer programs have sometimes tended to be submerged in programs with broader objectives.

a. In the merger of the departments the objective of the President is to organize around broad National purposes and achieve a unity of command over the resources required to carry them out. In the formation of ACTION the objective of the President is to achieve unity of management over the resources that the volunteers represent for tackling specific problems identified by the people as valid tragets for volunteer ACTION. In the first instance the focus is on purposes selected for the Nation and in the second it is on facilitating voluntary ACTION by individuals on purposes selected by the people.

b. Volunteer programs, do not fall naturally into any single one of the purpose-oriented groupings of the new departments, but rather cut across all of them. It would have been difficult to place volunteer functions in any single location and expect them to operate respectively. Effective operation of all volunteer programs in a single department would be difficult to achieve.

c. The breadth and variety of volunteer programs is expected to increase in the future. It is desirable to organize these volunteer activities so that they may serve many national programs without conflict and prejudice. This suggests a separate and "neutral" agency, able to deal broadly with all government departments in the most productive way.

d. Volunteer programs are an evolving

form of public service. We have demonstrated the ability to achieve success in individual cases, but we are now striving for a more effective approach where several programs can be grouped together in ways which are self-reinforcing—the whole being greater than the sum of its parts. We hope to make the new agency the springboard for broader and more innovative programs for the future. This kind of experimental and innovative program can best be managed in a separate agency. Program approaches and directions can be changed as we learn which patterns are most fruitful.

Volunteers differ from civil servants in the nature of their commitment. They are not fully compensated for their work, nor are they forging a career for themselves. It makes sense to place them in a separate agency where their recruitment, selection, placement, and employment can be especially designed for volunteers. Individual service should be under guidance less formal, explicit and controlled than that under which the regular Federal employee operates.

The new agency reflects the broad concepts of management and organization which are contained in the Departmental Reorganization Program. Top policy-making staff will have broad cross-cutting responsibilities, with clear-cut lines of authority and with accountability. Domestic program operations will be carried out through a regional structure which conforms to the ten Federal regions, and the Regional Directors will work closely with the Federal Regional Councils. The National Advisory Council will offer a point of contact for constituent groups to advise the Director on program policy. Staff to the Director will provide him with support to make effective decisions on such things as policy, resource allocation and evaluation. It will also serve as a direct reference point for outside groups interested in Action programs and activities.

Mr. PERCY. Mr. President, Mr. Weber clearly and forthrightly discussed this reorganization plan as it related to the principles of the Ash Council report.

Mr. President, let me point out that one of the most valuable and helpful witnesses we had appear before the Government Operations Committee was Mr. John Gardner, former Secretary of Health, Education, and Welfare, a member of the Johnson administration Cabinet and also a man who has been deeply involved in the problems of America. He has demonstrated his leadership most recently through "Common Cause," a program now supported by well over 100,000 dues-paying members, and certainly a program that has made a tremendous impact upon American society—upon the Government of the United States and the people of this country.

The vision Mr. Gardner has of Government, having seen it as an educator, having seen it as a foundation head, and having seen it as head of the largest single department of Government, is most valuable indeed.

All Senators would benefit by a comment he made in his testimony before the committee on May 25 in which he said:

> Now let me say a word, Mr. Chairman, about the relations of Congress to the executive departments. I believe Congress should exercise its functions of oversight with far more vigor than it does. It should demand performance of the executive agencies which would itself be adequately staffed to measure performance and it should be tough in holding executive departments accountable.

That is exactly the record the Government Operations Committee has made in the hearings. We have taken the responsibility, without regard for partisan politics, for the fact that Congress has assigned to the committee "oversee" duties. When the administration presumes to make certain representations, we have put the administration on notice that we will ask them 4 months from now, or 6 months from now, to be held accountable for certain representations they have made, and items for which we have asked them to be accountable, as have been noted in the report of the Government Operations Committee that was filed on May 26.

I shall not repeat those, but it is perfectly apparent to the administration that we are going to indicate to them that we intend to follow through on the programs.

I would like also at this time to indicate that Mr. Gardner said at the time he testified before us, that when he was Secretary of Health, Education, and Welfare he was in the midst of putting together certain volunteer activities within his jurisdiction. This was an effort to find a certain common denominator that held them together, lest they be interspersed and intermixed, as they were with the career services. He amplified those comments considerably in his testimony, copies of which have been made available to Members of the Senate.

Mr. MATHIAS. Mr. President, I should like to acknowledge the strong leadership the distinguished Senator from Illinois (Mr. PERCY) has offered to the Senate in dealing with this question of the reorganization of the volunteer programs which have been carried on under the auspices of the Federal Government.

He has done more than any other single person, in my judgment, to strengthen the positive role that reorganization can play in volunteer programs and to dispel some of the advance fears with regard to the program.

Everyone of us has heard some of the expressions of concern. We are all aware of the fine record of the Peace Corps, for example, as well as VISTA and other volunteer programs. People have been worried that the programs would lose their special character, would lose the appeal they have not only to the young people of America but also to the spirit of America around the world.

I have personally made some very searching inquiries. I feel perfectly assured that there is not any attempt to deprive these programs of this special character.

I think because of the administrative reorganization some of the effort and energy that goes into administration now can be concentrated on the program and new energy and new initiative can be given to it.

I was concerned whether volunteers who want to serve, for example, in the Peace Corps will find, as we sometimes unfortunately find in the armed services, that what they have signed up for is not what they get. I was concerned that the program not produce disillusionment.

I think what we are really doing is streamlining the administration of the whole volunteer function so that we can get what the name of the new program implies—action, less overhead, less energy spent on the routine tasks involved in maintaining any kind of program on a large scale, worldwide, or nationwide program as this would be, and a concentration on the real motives and purposes of the program.

I think the Senator from Illinois has demonstrated by his remarks here the very strenuous efforts he has made on and off the floor, that this has been the result and that it constitutes a better atmosphere for these programs.

It is for that reason that I intend to support the plan when it comes to a vote in the Senate.

Mr. PERCY. Mr. President, I thank my distinguished colleague who has been such a very valuable member of the Government Operations Committee, who has such concern for these matters. His interest in foreign affairs, in the Peace Corps and the impact these young people have had around the world is apparent in his dedication to solving the problems existing in the ghettos. No one could say that the Senator from Maryland is interested in the reorganization plan for partisan reasons. If he thought this program would set back the programs he believes in so deeply, he would oppose it. It is for this reason that, after he read through the hearings and evaluated the testimony of the witnesses, he came to the independent judgment that this program was good for America and would not in any way injure the programs.

I would like to point out that, whereas I pay great tribute to the remarks of the distinguished Senator from Massachusetts (Mr. KENNEDY) about the Peace Corps and VISTA, I believe deeply that the young people want to have influence in the country's course and do want to help their fellow man.

This generation has distinguished itself for its lack of materialism and lack of interest in going out, purchasing a home in the suburbs, buying two cars and letting it go at that. They have evidenced more concern here and abroad for their fellow men than any other generation in history.

This generation has responded to the calls of this cause. Volunteers in Peace Corps will reach a high of 26,000 at the end of the recruiting period in August. That arrests the downward trend we have experienced in the past 4 years. Rather than getting fewer volunteers, we are getting more, and the programs are more meaningful in content. We note that many of them have professional training. They are getting more sophisticated in their requirements, so that not only is the number increasing, but the quality of our applicants is also going up. There is no evidence that we could present to show that these programs are diminishing.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. MATHIAS. Mr. President, I think that is exactly correct. Without in any way trying to be facetious, let me point out one very important volunteer. That the President of the United States supports these programs I do not believe is seriously questioned at this time. However, I point out that this is a very significant contribution the President of the United States is making in this atmosphere. While he has supported it in the past, this focuses his personal interest, and his personal voluntary act in support of these programs is an endorsement of the strongest and most binding kind.

I do not think the signficance of the President's participation here should be lost sight of in the Senate or in the country. The fact that he has advanced this plan becomes a very real guarantee and pledge of his continued personal support. That means a great deal and will, I think, mean a great deal to the people who are called upon to serve and the people who are the beneficiaries of the services and those who want to know what the future of the program will be.

Mr. PERCY. Mr. President, I think that is a very important comment. There is a sincere commitment here by the President. I think it is best exemplified by the fact that the First Lady, Mrs. Nixon, has distinguished herself for her interest in these matters.

Mrs. Johnson did an outstanding job in the Johnson administration in identifying herself with the beautification of America. Mrs. Nixon is devoting herself in this volunteer cause.

This country has been made great not merely by the services of Government career people who are paid salaries out of the tax revenues. We have distinguished ourselves by how much we get done in this country through volunteer action.

Mrs. Nixon has visited volunteer action groups across the country. So have other members of the family. They have taken a great deal of their personal time in trying to bring forth to the American people today the genius of America that de Tocqueville pointed out in 1832 when he observed that the great reservoir of American resources came from the people who did not make their money and livelihood during the day, but from people—the butcher, the baker, the candlestick maker, the librarian, the Girl Scout leader, and the Boy Scout leader—who worked at night as volunteers. Millions and billions of volunteer hours have contributed to make this a great Nation.

This is what the President is trying to do in this program, to put special focus on it so that its light can shine forth rather than be submerged in some larger agency. Let us face it, the Peace Corps is getting to be an old agency. It is passing the first decade and is getting into the second decade. As it becomes older, new inspiration must be breathed into these programs. The President is not submerging the programs. He is focusing particular attention on them.

I would say, as John Gardner said:

> Let us hold the administration accountable for the end results. But we should not try to tell the executive branch how it should achieve these end results. We should say, "This is what we expect. This is why we appropriate the funds. These are the goals we expect you to accomplish and will hold you responsible for. But we will not try to hold you to the means by which you achieve the end result."

If we remove from the executive branch the means by which they can achieve the ends desired, then we cannot hold that branch responsible. Congress might as well assume the responsibility for running the country and say that it will take over executive responsibilities. The responsibility should instead be left with the executive branch of the Government.

Mr. HARRIS. Mr. President, as a member of the Subcommittee on Executive Reorganization of the Government Operations Committee, and as one who seriously questions the propriety of merging eight national volunteer programs under one umbrella as proposed in the present Action proposal, I rise at this time to offer my support of Senate Resolution 108, introduced by the distinguished Senator from New Jersey (Mr. WILLIAMS).

After studying the President's message, reviewing the hearings, and discussing the proposal in committee, I have found an overall lack of sound rationale in the President's proposal and a disturbing absence of specifics on what Action Corps will have to offer.

While I heartily support the idea of expanded volunteer service as a means of solving the Nation's problems, I see little evidence that Action will promote this goal. The consolidation of eight programs diverse in aims and methods—two of which, Teachers Corps and Foster Grandparents, which are particularly close to me, can hardly be considered volunteer—would seem to create dangers not only of inefficiency but also of "watering down" the unique thrust of each program. The assurances that the VISTA program would not be changed only throw further burden on the administration to provide a full rationale for the new agency, to prove what Action will do.

I am most particularly concerned about what Action Corps will mean for youth. I have long felt strongly that America's youth have a tremendous amount of dynamism and idealism to contribute. That America has much to gain from their full participation in solving the Nation's problems is apparent. To achieve this involvement, I proposed a Youth Participation Act in the last session, and I have recently reintroduced it. This act calls for the establishment of a Foundation on Youth Participation and a National Advisory Commission on Youth.

The foundation, as its primary function, would make grants to public and nonprofit agencies which sponsor programs for youth that involve their active participation in planning and implementation. Foundation grants would serve as seed money to encourage local organizations to set up permanent programs for youth which involve their participation in planning and direction and which are funded from local sources. Foundation efforts would encourage industry and unions to invest in youth participation programs. Another foundation function would be to offer technical assistance to those public and private agencies which contribute to its purposes. The foundation also would be empowered to accept private donations furthering youth participation.

The National Advisory Commission on Youth would conduct a broad survey of the social and legal implications of the earlier maturation of our young people for submission to the President and Congress. It would also investigate other matters of concern to youth such as educational reform, job opportunities, and welfare policies affecting youth.

Action Corps, as it is presently outlined, seems to have little new to offer young people beyond the present VISTA and Peace Corps programs. There have been no new program ideas presented on training techniques or better projects and sponsors; there have been only vague references to more experimentation. In fact there seems to be no new program.

Mr. President, as the Senator from Connecticut (Mr. RIBICOFF) and I pointed out in the Minority Report of the Executive Reorganization Subcommittee, the Peace Corps and VISTA have different motivational, cultural, training and administrative backgrounds. The essence of VISTA is the culture of poverty in America. The essence of the Peace Corps is living and working with people in the developing nations abroad. SCORE is a private, nonprofit organization of retired businessmen formed to provide advice to ghetto businessmen, while Foster Grandparents is a Government program designed primarily to supplement the income of the elderly poor. There are four essentially different programs.

The Office of Management and Budget claims that the purpose of Action is "to strengthen and supplement local, national and international efforts to address and solve local community problems." This is so broad and indefinite as to include anything and everything volunteers might conceivably do.

The proposed agency makes sense only as a service center for volunteers. It could possibly perform a useful function in channeling volunteer efforts in desirable directions. But this is an insufficient rationale for establishing a complete, new independent agency.

In the Executive Reorganization Subcommittee, the distinguished Senior Senator from New York (Mr. JAVITS) offered by way of correspondence from the Director of OMB a series of compromises the administration was willing to make in order to make the plan more acceptable to members of our subcommittee and the agencies and individuals opposed to the merger. I commend Senator JAVITS for his efforts in this regard. However, I, along with many of those who oppose the merger in its present form, do not feel that the compromises offer any real assurances that VISTA, SCORE, Foster Grandparents and the other programs will not lose their identity and present programmatic emphasis if the merger succeeds. Since the plan cannot be amended, compromises will have to be accomplished legislatively. Therefore, even though the administration has agreed to certain functional and organizational changes, there is no way that we can be sure at this time that they will become law.

The ultimate question raised by Reorganization Plan No. 1 is whether the merger of these programs under a single umbrella agency will reduce their effectiveness. The administration has assured us that the names, identities and missions of these programs will be preserved. In fact, the administration has virtually guaranteed that the content of all the programs will remain unchanged. This makes us wonder whether any possible gain in efficiency is outweighed by the confusion and uncertainties which will certainly result from the transfers.

But, more importantly, separation of VISTA from OEO, SCORE from SBA, and Foster Grandparents from HEW must inevitably harm both the separated program and those that are left behind. For example, VISTA is the largest manpower component of OEO. Sixty-five percent of its project sponsors are community action programs. The experience gained by each now benefits both. This will be less likely to occur after VISTA is cut off from OEO. The entire antipoverty effort will be weakened at the very moment that the number of poor people in America is increasing for the first time in a decade.

Both Tom Scanlon, ex-Peace Corps volunteer, and Tom Newberry, present VISTA volunteer and chairman of the National VISTA Alliance, testified before the Executive Reorganization Subcommittee that there is a definite lack of enthusiasm for Action among youth. Important in their testimony is the fact that they felt that you would not volunteer for an agency whose purpose was as generalized as Action's will be. They also indicated that Action would necessitate an additional level of bureaucracy, potential red tape, which would be a further obstacle to effective activity in the field and increase the reluctance of youth to volunteer.

These well-considered statements, supplemented by similar testimony in the House subcommittee hearings from other youth leaders, show a considerable skepticism on the part of youth as to the meaningfulness of Action Corps. They cannot be ignored.

I feel that we must expand the opportunities for full youth participation within the system and also the chance for all of our citizens to join in volunteer efforts; but I do not see Action Corps as a viable means of achieving this. We have clear and reasonable testimony from both youth and older groups in opposition to the merger, and no evidence of administrative or program efficiencies.

If the administration is seriously concerned about enhancing volunteerism in America, and if it is interested in reorganizing existing volunteer programs established under Federal law, then it is my feeling that it should present to the Congress specific legislative proposals designed to accomplish such purposes. This, of course, would give Congress the opportunity to conduct hearings on the legislation and to take into account the comments and suggestions of citizens concerned with, or who would be affected by, the proposal. As I stated previously, the Action proposal cannot be amended. Under existing circumstances we have no way to change or alter the Action proposal without providing legislation in addition to what has been proposed.

Mr. President, for these reasons, and because the questionnaire I sent to a great number of people in my State who served as VISTA volunteers elicited overwhelming opposition by them to this proposal, I have serious reservations about the proposed merger and the possibilities for establishing a truly functionally integrated volunteer Action program which in effect would not emasculate or undermine any of the existing agencies, programs, or missions, or take the heart or the real enthusiasm out of these programs.

These are real concerns not only of my own, as I have said, but of those who are vitally concerned with these programs now, and who have been in the past. To my knowledge, the fears expressed by many of those who will be affected by the merger have not been allayed by the testimony of witnesses favoring the plan nor by the compromises embodied in the letter which the administration sent to the Senate through the distinguished Senator from New York (Mr. JAVITS).

My reservations are further heightened by the fact that youth and others involved were not involved in the planning of Action, and by the fact that a survey which I am presently conducting on the attitudes of former VISTA and Peace Corps volunteers from the State of Oklahoma on the proposed merger currently shows that two-thirds are against the Action proposal.

Accordingly, I shall vote for the resolution of disapproval and strongly urge its adoption.

Mr. PERCY. Mr. President, I have great respect for my distinguished colleague's position and his comments, but I find them in sharp contrast with my own experience. I have met with Peace Corps members all over the world. I have met with VISTA workers in a number of cities. I have yet to talk with a VISTA or Peace Corps volunteer or alumnus who fully understood the President's program or who, when it was explained to him, that did not feel there was considerable merit in it.

I also ask unanimous consent to insert in the RECORD at this point an editorial from the Evening Star, dated Monday, May 24, 1971, the concluding sentence of which reads:

> Congress should reject the proposal to block this eminently sensible merger.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Evening Star, May 24, 1971]

MERITORIOUS MERGER

Last month the White House Conference on Youth, convened in snowy Colorado, handed the Nixon administration some lumps. But the young conferees did vote approval of the President's plan to merge the Peace Corps, VISTA and several other volunteer service programs in a new agency to be called Action. They correctly discerned that the consolidation can increase both the efficiency and inspirational magnetism of these efforts. But there is danger that Congress will conclude otherwise. The proposal could be undone in a House vote scheduled tomorrow.

There seemed little opposition when the President presented the plan back in March. He announced the combining of a half-dozen domestic volunteer endeavors, utilizing his executive reorganization powers. The Peace Corps would be added later through executive action. Congress had 60 days to kill the merger or let it stand. Now some congressmen, led by Chairman Carl Perkins of the House Education and Labor Committee, are trying to snuff it out.

Some congressmen have fatherly interests in the various programs, which now are scattered in several agencies. VISTA is under the OEO and others are in HEW, HUD and the Small Business Administration. Together, they have more than 11,000 volunteers at work aiding poor and distressed people all over the country. Lawmakers critical of the consolidation fear a depletion of OEO, or a submerging and suffocation of VISTA, Foster Grandparents or some other programs. Some see this as a possible move to diminish the over-all volunteer service corps effort. That is convincingly denied by Peace Corps Director Joseph Blatchford, who would head the new Action corps. He foresees revitalization and expansion instead of retrenchment, and has some potent proof: The President is asking for an extra $20 million for the domestic programs.

The Peace Corps is a separate agency, and, contrary to rumors, isn't dying on the vine. It operates in 58 countries with 8,000 volunteers. That's about 4,000 fewer than were enrolled five years ago, but applications lately have been burgeoning. From September through April they were up 49 percent from the same period a year earlier. Also, the corps is providing more of the vocational assistance which underdeveloped countries desperately need. For example, agricultural specialists have increased from 4 percent of the corps total two years ago to 22 percent at present.

There is no reason why these several service corps should have separate recruiting programs, or why other costly duplications of manpower and talent should continue. Centralization would make application by volunteers and dissemination of information much easier. It also would mean improved coordination and dispersal of these varied programs. Congress should reject the proposal to block this eminently sensible merger.

Mr. PERCY. Mr. President, I believe the merger passes every reasonable test which could be put to it and to those who want these programs carried on. I think the administration has a right to do its thing in this case. I have every confidence that the programs will flourish and flower under this reorganization. They would fail to do so under the present agencies because, I think, they have in some cases overstayed their time in those agencies. A new lease on life can be given to them under this plan.

Mr. WILLIAMS. Mr. President, I yield 7 minutes to the Senator from Arkansas (Mr. FULBRIGHT).

Mr. FULBRIGHT. Mr. President, I intend to vote against the proposed reorganization plan. I guess I should put it that I intend to vote for the resolution of disapproval and hope my colleagues will do likewise.

Rejection of the proposal will give the administration a chance to think this matter through carefully and, if it still believes that this consolidation should be carried out, come back with a well-prepared plan showing exactly how the new Action agency will function and what role its various components will play.

My own concern centers on the Peace Corps, which the President proposes to place under Action once it is established. Indeed, we are told that the Director of Action will remain the Director of the Peace Corps. I have grave reservations about the transfer of the Peace Corps authorities to the Director of Action. The Peace Corps already suffers from too close an identification with the U.S. Government. The anti-American tide abroad in the last 6 weeks alone has resulted in the Peace Corps being disinvited from Panama and Bolivia. They are the two more recent ones. They are the first Latin American countries to end Peace Corps programs. The Peace Corps can only be further hurt by association with a larger Government bureaucracy.

The Peace Corps is unique in many ways. It operates under the continuous supervision and general direction of the Secretary of State. It has an unusual personnel system which members of the Washington headquarters staff, as well as the overseas staff, are commissioned as Foreign Service Reserve Officers for a period of 5 years, at the end of which they have to leave the Peace Corps unless a rare 1-year extension is granted. It operates under an annual authorization of appropriations, which are carried in the Foreign Assistance Appropriation Acts. Answers as to how these differences in authorities and procedures between the Peace Corps and domestic volunteer programs will be resolved have not been forthcoming to date. For this reason, in introducing the Peace Corps authorization request—S. 1711, April 26, 1971—I specifically reserved the right to amend that bill to insure that the Peace Corps keep its separate identity and that the authority of the Secretary of State and our Ambassadors not be diluted.

For this reason, also, I recommend that we reject Reorganization Plan No. 1 and wait to obtain better answers to all the questions that have been raised about it.

This reorganization episode reminds me procedurally of the birth pangs of the Point 4 program, which made its appearance as an idea in President Truman's 1949 inaugural address. However, the idea did not take shape until 15 months later and extensive debate in both Houses. I suggest the same deliberate speed be exercised on the idea expressed in the President's January address at the University of Nebraska.

I ask unanimous consent to insert in the RECORD at this point a list of the six different agencies, one might call them, or so-called volunteer programs, which are involved in Reorganization Plan No. 1.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PROGRAMS TO BE TRANSFERRED TO ACTION

1. VISTA (Volunteers in Service to America) (From the Office of Economic Opportunity (OEO)) provides volunteers to nonprofit public or private organizations to assist their efforts to aid the poor by working and living with them. They are assigned at the request of such agencies for a period of one year, with an additional six weeks of training, and are paid living expenses plus an additional $50 per month. They live in urban slums, rural poverty areas, on Indian reservations and in migrant camps, and their work programs include social services, housing, health, education and manpower, economic development and community planning.

2. NSVP (National Student Volunteer Program) (From OEO) encourages and assists in the development and improvement of student voluntary action programs in high schools, colleges and universities throughout the nation, and acts as a clearinghouse for such activities. NSVP offers technical assistance to student volunteer programs through manuals, leadership training, consultation, etc., and seeks to open channels of communication among local student volunteer efforts through newsletters and conferences.

3. Foster Grandparent Program (From the Department of Health, Education and Welfare (HEW)) recruits and trains persons over age 60, with low incomes, to serve neglected and deprived children, usually in institutional settings, who can benefit from close, personal relationships with adults. It operates through grants to State agencies, community action agencies and others, and provides for the payment of a minimum wage for such services.

4. RSVP (Retired Senior Volunteer Program) (From HEW) provides opportunities for persons 60 years of age, or older, to perform volunteer services to their respective communities through such activities as assisting aged, ill or handicapped persons with personal shopping or home tasks, assisting underachievers in schools, providing individual attention to children with exceptional needs or serving as volunteers in court proceedings. They are reimbursed for out-of-pocket expenses incident to their volunteer activities, such as transportation and meals.

5. SCORE (Service Corps of Retired Executives) (From the Small Business Administration (SAB)) provides opportunities for retired businessmen to assist in the development of small businesses.

6. ACE (Active Corps of Executives) (From SAB) provides opportunities for working businessmen to assist in the development of small business.

The above activities involve volunteer small business consulting programs which are organized and sponsored by the Small Business Administration. They include interviewing, planning, counseling and evaluating small businesses, either by retired (SCORE) or active (ACE) business executives, with special attention to management ability evaluations and management assistance plans, in support of the management assistance activities of the Small Business Administration, most of which are in support of minority business enterprises.

7. Volunteer Army—would have a different purpose.

Mr. FULBRIGHT. Mr. President, I can only state that it seems to me that their objectives are quite diverse and the fact that volunteers are involved is irrelevant to the objectives which they seek to achieve. I suppose one could say that we can have a volunteer army by putting volunteers into it. It makes as much sense as to say that activities involved in SCORE, retired executives, and other activities are similar to activities involved in VISTA, where the young people go to the slums and rural poverty areas to perform services. There is no real relationship or relevance between the activities which they perform or the objectives which the others seek to achieve. The fact that they may be staffed by some volunteers at least—some have other regular civil status—is not a good reason to bunch them together, it seems to me.

Mr. President, do I have any time left?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. FULBRIGHT. I understand that all of the nongovernment witnesses—in other words, those who were not employed by the Government—opposed this merger. That is what I was told. That in itself is a very significant fact. Those who are directly involved and are not under the influence of the Government itself do not approve, at this time at least, of the merger, because of the reasons I have already given—that their objectives are so dissimilar there would be no cement among the various activities that would cause them to have a mutual interest in one another's activities.

It seems to me, because of its inability to accomplish something more specific in other areas, that this is simply an effort by the administration to gain some "Brownie points" in the legislative field. I do not think it has been thought through, certainly with regard to the Peace Corps, in which my committee is primarily interested. I, at this stage at least, would not wish to see it merged into this kind of activity, into a much larger bureaucracy. The Peace Corps is the only one that is engaged in the foreign field primarily, and has different objectives.

I may say that, as far as the Peace Corps is concerned, it itself is going through a very important change. It was originally designed for young people inspired to go abroad and be of assistance to other countries, largely in the field of teaching. I hear on the radio now that they are really begging people to apply for the Peace Corps. It is now a program designed to recruit primarily tradesmen and craftsmen and carpenters, and so forth, to go abroad.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. That is quite different from the original program. So I think the Peace Corps ought to be reexamined, too.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I should like to respond directly to the remarks of the distinguished Senator from Arkansas, but first I yield to a member of the Committee on Government Operations who has been invaluable in our organizational work, the distinguished Senator from Tennessee (Mr. BROCK).

Mr. BROCK. Mr. President, I thank the Senator for yielding. I should like to address myself briefly to the remarks of the Senator from Arkansas, and his comment that there is no relevance between the various volunteer agencies.

It seems to me that his own background on the committee which he so ably serves as chairman would point to the past history of the Peace Corps as illustrative of the kind of problem we are trying to address in this particular reorganization plan.

One of the basic problems with the Peace Corps has been that volunteers do not have adequate experience in terms of service that would allow them to provide the kind of background and knowledge that was necessary to develop those countries they were trying to serve. It seems to me that the correlating of the activities of the various agencies would allow us enormously to enhance the skills and abilities of our voluntary groups, whether they be domestic or international. I think that is one of the prime thrusts of this legislation. Although the Peace Corps and the Teachers Corps are not joined in the bill, some rather remarkable work has been done in combining the services of those who were in the Teachers Corps 1 year training corps domestically, by then putting them into the Peace Corps, so that they could bring more training and talent to bear on the problems they found overseas.

I think the essence of my support for the proposed reorganization lies in the fact that all too often, Congress seems to be asked to take some additional power away from the people of this country and place it in the hands of the Federal Government. But today we have an opportunity to create a new agency that will be charged, in many ways, with doing precisely the opposite.

The creation of Action by putting Peace Corps, VISTA and several other agencies under one roof is a direct response of the need to bring our people and their government closer together. It is a response that deserves our support.

We are all familiar with the work of these volunteer agencies. Both at home and abroad, the volunteers devote their efforts to improving the lives of people less fortunate than themselves. They help to raise not only hopes and dreams but the very quality of the lives of people in the communities in which they serve. Now that very dedication and effort, brought together under unified guidance, will be able to reach more people and, at the same time, involve more people who want to serve.

No one is contending that this effort, by itself, will bring an end to human problems in this country or elsewhere. It is not going to build by itself vast new housing units or remake the state of the economy. It will not suddenly produce manpower programs affecting millions of workers or create mass transit systems to get the people of the inner city out to jobs in the suburbs or build hospitals or automatically replace bad schooling with good education. Nor should it attempt to do these things. Those who criticize the Action proposal for falling short in these areas miss the point of the reorganization altogether.

Action can go to work at the roots of these problems in a less massive, less spectacular but, in a sense, more real way. Action will work not with faceless programs but with real people. The volunteers will not sit in offices. They will be standing side-by-side with the people who need their help. They will share the problems and the solutions.

The Action volunteer can humanize the multitude of programs which we write here but are too often only words on a statute to the people affected. The volunteer can serve as the human link between a faceless bureaucracy and the person in need. In a sense, the volunteer will be—as he is already—a symbol that we, as a nation, care about our people and the people of other lands.

The Action volunteer will hold out a helping hand to the poor, the disadvantaged, the isolated, the neglected, the apathetic, the very old, and the very young. Carefully selected and trained for his special role, the volunteer will try to help in securing the things that will make better the life in the community in which he serves.

In this manner, through training and knowledge, and through skillful prodding when needed, the volunteers of Action can help restore faith in a system which today many say does not work. The democratic process depends upon the commitment and the effort of the people whom it is supposed to serve. Action volunteers will supply a large share of that commitment and effort. And, if through their contributions, the system works better and the people feel more a part of it, then our deed in approving this new agency today will have been well rewarded.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Nixon's Initiative on Volunteerism," written by Charles Bartlett and published in yesterday's Washington Evening Star.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON'S INITIATIVE ON VOLUNTEERISM

(By Charles Bartlett)

It is puzzling that so many leading Democrats in Congress have taken a partisan, skeptical and constricted view of President Nixon's ambition to expand the citizen's opportunities to join the volunteer movement.

Liberal Democrats are defending a status quo which produces an extremely modest number of American volunteers against a Nixon proposal which has the advantage of aspiring to find a new key to the national spirit. The Nixon move slowly is prevailing in Congress because it is backed by Democrats like Hubert Humphrey and Henry Reuss who had the earliest visions of the Peace Corps.

The Nixon initiative so far is not any cause for idealistic excitement. The House approved last Tuesday exactly what the President proposed, a mere regrouping of seven volunteer operations into one new agency. This was nothing imaginative but, if the Senate follows suit, there will be a new base from which fresh attempts may be made to stir broad citizen interest.

The liberals were concerned largely with protecting the programs which exist already. Their resistance stemmed from a feeling that Nixon must not be entrusted with the future of volunteerism, that he will devour the babies already hatched. "Is he really making this reform to enhance volunteerism," asked Rep. Michael Harrington, D-Mass. "or to kill it?"

The pertinence of this question is diminished by three factors.

One is the failure of present federal volunteer programs to draw out significant numbers of young Americans. Two is the urgent need, in the fractured climate, to appeal to the constructive side of public attitudes. Three is the evidence that many young are straining to hear, through the cacophony, the pure notes of a well-reasoned call to idealistic involvement.

Five years ago everyone thought the Peace Corps and VISTA would answer this need. But the Peace Corps was essentially a product of anti-Communist foreign policy and the young today are less moved to compete for the hearts of the third world. VISTA frustrated many recruits by stirring their anger at the inequities of poverty while denying their right to organize mobs to storm the political barricades.

Above all the past decade taught that great federal initiatives do not stimulate wide enhusiasm among the young, particularly when many facets of federal policy are mired in controversy. All the signs warn that unless compulsory national service is enacted by Congress, volunteerism will be widely accepted only when it has a local character.

Great national volunteer programs apparently work in the Soviet Union where the official hand is heavier. It is necessary to be impressed by accounts of what young volunteers do in a system in which the authorities says simply: "Young people are always strongly motivated. The question is: To what end?"

Since few American politicians, notably Rep. Jonathan Bingham, D-N.Y., have, so far, summoned the nerve to espouse compulsory service for the young, the new Nixon initiative will depend heavily on its success at discerning and responding to needs which are felt at the grassroots.

This means the new program cannot be decreed by a small group of drafters in a Washington conference room. It will have to come slowly, osmotically from the people and be arranged so that Washington will intrude to the minimal degree on what individuals at home set out to do for themselves.

Joseph Blatchford, the young Californian who will head ACTION, is a natural but not an obtrusive leader. He and Edwin Etherington, the educator who is undertaking to create 100 private volunteer centers around the Nation, are well chosen for the task of igniting the more positive mood which lurks out there somewhere.

Mr. BROCK. In conclusion, I extend my gratitude to the Senator from Illinois for his leadership in this effort, and say to him that I endorse and share in his remarks. I think he has made an excellent contribution to the work of this body and to the effort we are making today.

Mr. PERCY. Mr. President, I thank my distinguished colleague from Tennessee.

While the distinguished Senator from Arkansas is in the Chamber, I should like to read to him from a statement prepared for the Committee on Government Operations by John W. Gardner, pertaining particularly to the point that the Senator has raised.

Mr. Gardner said:

A more intellectual issue has been raised by those who argue that a volunteer corps must stay close to its subject matter. I agree, but don't see the need for it to be administered by the same agency that administers the subject matter. Does anyone believe that the Peace Corps would have done better embedded in the State Department or AID? In the long run I believe that the freshness of the volunteer spirit will be best preserved if all the various corps enjoy some degree of separation from the agency dealing with their subject matter.

In further support of the position that he has taken so strongly in favor of Executive Reorganization Plan No. 1, Mr. Gardner stated:

In exploring the issues in 1967 it became quickly apparent that the various volunteer corps might resist and fear any attempt to bring them together under a common umbrella. This is natural and predictable. Each

> corps has a healthy sense of its own identity—and morale built around that sense of identity. But it is not necessarily healthy to assume that a corps once established must remain untouched and sacrosanct forever. Each corps, if it is to continue as a vital, living activity must expect to change and must periodically reassess its mode of operation.
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> What is important is not that any one of the constituent corps survive in precisely its present form but that the idea of volunteer service in crucial areas of human need survive and flourish and emerge as a truly significant part of our national life. My concern is not that the constituent groups remain untouched and inviolate under the reorganization. My concern is that there will not be enough change and experimentation and testing of new patterns. My concern is that bureaucratization will settle too quickly over the whole activity. My concern is that each constituent corps will develop too early—may already have developed a fixed notion of its own identity and role that will virtually rule out change. Perhaps we should put a maximum life term of 15 years on any one of the constituent corps and provide that it go out of existence at the end of that period. A volunteer activity is particularly dependent upon a certain zest and aliveness that tends to diminish with the years, as good administrators make the operation more efficient, as Government auditors bind it in the mummy wrappings of procedure, and as the early enthusiasts grow complacent about their noble mission.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield, on the Senator's time or on mine.

Mr. FULBRIGHT. I do not have any time. I assumed the Senator had time.

Mr. PERCY. I am happy to yield on my time.

Mr. FULBRIGHT. The Senator is the only one who has any, as far as I know.

I did not suggest that these agencies would be embedded in concrete. But take the Peace Corps. The Peace Corps has already changed very substantially from its original purpose.

It was started in a period before we became embroiled in the Vietnam war, and before the young people of this country were disillusioned with the foreign policies of this country. They used to have 10 applicants for every place they could serve. Today, they are mounting a very expensive recruitment program—I take it is expensive; I hear it repeatedly on the radio—to solicit volunteers. But they are no longer doing anything the AID program cannot do. They are not looking for inspired men and women to go out and serve the country; they are looking for mature, developed craftsmen, carpenters, agriculturists, and what have you, to perform specific acts, which is exactly the same type of thing done by the AID program.

The real question about the Peace Corps is whether or not, in view of its changed character, there is any excuse for continuing it at all. Under this legislation, it looks to me if we merge all of these agencies we will have one big bureaucracy; they will all lose their identities and we will have a new bureaucracy that will develop a momentum of its own. Those two activities having to do with the Small Business Administration, for example, have quite a different objective from people who are interested in VISTA. The VISTA program still has, I think, a considerable amount of enthusiastic support on the part of young people, who can see around them the opportunity to do something for their fellow men—quite different from the foreign situation. Besides, our foreign policy has so disillusioned the young people that they do not apply to the Peace Corps. Moreover, these countries are disinviting us. As I mentioned, just within recent weeks two have asked us to leave; the first ones in Latin America.

Why did they do this? It is because they also are disillusioned with our foreign policy. We must cure our foreign policy and a few other things before we make this work, in my opinion. I think it is premature, just because there are some volunteers in these other agencies, to put them all in one pot.

Mr. PERCY. I certainly would agree in some sense and disagree in others with the comments that have been made by my colleague. Certainly, the Vietnam war has presented a terrible problem for these young people—who are mostly opposed to the war——

Mr. FULBRIGHT. Yes.

Mr. PERCY. To go out and represent the United States of America in a country that is hostile to this country and hostile to them as young people simply because they are associated with a country perpetuating the war. It is for that and many other reasons we ought to end our involvement in this war as fast as we can.

In the 10 minutes I have remaining I will go to another subject.

It is relevant to this extent: I feel that we do have a problem in having an agency which used to be a fresh new agency simply continue in the same old rut.

John Gardner wrote a remarkable book called "Self Renewal." We have to renew ourselves as individuals, and many times an organization needs to be shaken up and shuffled up. Those who have been in it before always resist change.

Even though they are young people, they want it done the way it was done when they were in the organization. But the distinguished Senator's comments have been the best evidence we have had so far that one who knows so much about these programs realizes there has to be some change.

If these programs are just buried along with other bureaucracies, they are going to get tired and lose their freshness and sense of purpose.

What we are trying to instill here is a sense of freshness and newness with a leadership pulling together people who are not trying to make careers out of the work they are undertaking, but who have in common a desire to serve their country. Right now we have these seven or eight agencies, each sending recruiting teams all over the country trying to get volunteers.

Under this plan, we can send one recruiting team to a campus. We can recruit for VISTA, for the Peace Corps, for other programs. We can send them into a central city such as my own city of Chicago, where they can offer opportunities for various kinds of public service to people who do wish to contribute their time and energy, not to come into the Government for a full-time, fully paid career, but just to come in to offer their help. I feel that we ought to give the administration a chance to try this out.

I am optimistic. Now that I have fully understood the program and have on record the commitments of the administration, I am optimistic about the program.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. PERCY. Mr. President, hearings on the plan and the resolution were held on May 5 and 6, 1971, by the Subcommittee on Executive Reorganization and Government Research. The subcommittee on May 19, approved the plan by reporting unfavorably the resolution of disapproval. That action was supported by the full committee on May 25 by a 10-to-3 vote—Chairman McCLELLAN was joined by Senators ERVIN, HUMPHREY, CHILES, GURNEY, MATHIAS, SAXBE, ROTH, BROCK and myself; opposed were Senators MUSKIE, RIBICOFF, and HARRIS.

In the House, the Subcommittee on Legislation and Military Affairs of the Government Operations Committee approved the plan by reporting unfavorably, 9 to 3, a similar resolution of disapproval introduced in that Chamber. The full committee also approved the plan, 22 to 16, and the House, only last week expressed overwhelming support for the plan in turning down the resolution of disapproval by a 224-to-131 vote.

The purpose of Plan No. 1 is to improve and expand the volunteer programs of the U.S. Government by consolidating in a single new agency numerous voluntary programs which are presently scattered throughout the executive branch. It would establish a new independent agency called Action to administer the functions of:

First. Volunteers in Service to America—VISTA—now part of OEO;

Second. Auxiliary and special volunteer programs, now part of OEO;

Third. Foster grandparents, now part of the Administration on Aging, HEW;

Fourth. Retired Senior Volunteer Program—RSVP—now part of the Administration on Aging, HEW;

Fifth. Service Corps of Retired Executives—SCORE—now part of SBA; and

Sixth. Active Corps of Executives—ACE—now part of SBA.

Upon establishment of Action, the President proposes to delegate the principal authority for the Peace Corps, now delegated to the Secretary of State, to the new agency. The function of the Office of Voluntary Action, now in HUD, would also be transfererd by executive order. The President proposes to transfer to the functions of the Teacher Corps, now part of the Office of Education in HEW, to Action through legislation, to be submitted in the future.

GOALS

The President has outlined six goals which this reorganization would accomplish:

First, developing innovations in voluntary services;

Second, bringing together full-time and part-time volunteers and developing new opportunities for part-time volunteer service;

Third, bringing together programs appealing to younger volunteers and those appealing to older volunteers;

Fourth, developing programs combining foreign and domestic service and providing for an exchange of ideas and experience between these efforts;

Fifth, broadening the utilization of volunteer abilities beyond categorical programs by allowing volunteer skills to be used in areas where they are not presently used; and

Sixth, providing a more effective system of recruitment, training, and placement of full-time volunteers than at present by centralizing administrative and informational functions.

Achievement of these goals would lead to—

First, encouragement of local initiative;

Second, assignment of volunteers, where appropriate, to work under other Government agencies and private organizations;

Third, utilization of local part-time volunteers for specific jobs;

Fourth, involvement of educational and other organizations to broaden volunteer efforts; and

Fifth, emphasis on recruiting and applying the skills of trained craftsmen and professional workers.

To assist in the establishment of this expanded role for volunteer services, the President has proposed $20 million above component agencies' budget requests for finding new ways to use volunteer services.

Over the past 10 years, several Federal volunteer programs have developed independently and each has enjoyed a measure of success that demonstrates voluntary action can be a force for change. Within these separate agencies, vested interests have grown as each attacked different problems at home and overseas. There has been little sharing of experience and little coordination of overall purpose. The administration's Reorganization Plan No. 1 offers an opportunity to bring these programs together so there can be a broader and more effective assault on the problems which face this Nation and the world.

That is the essential issue. At stake here today is whether this body can endorse a plan which in effect emphasizes the role of the volunteer as never before and which will provide greater support for his efforts to ameliorate the causes and effects of poverty.

The recent White House Conference on Youth adopted a resolution calling for 200,000 volunteers to work on problems in the areas of health, housing, education, community and economic development and social services. This would be almost 10 times the number of volunteers now serving in the various separate programs the President seeks to combine. Endorsing too, if we accept the premise that many more thousands of volunteers are needed to help reach solutions to our problems, then we cannot do less than support a plan which has as its major purpose providing all Americans an opportunity to put their time, their energy and their skills to work wherever they are needed. If these programs are to remain separate, there is good reason to believe that voluntary action cannot have the kind of an impact necessary to be truly effective.

The administration is on record as being committed to an expanded voluntary effort. Reassurance after reassurance has been given that if this reorganization is approved, the budgets of the now separate and scattered agencies will be revised upwards. As a part of Action, the Peace Corps is to receive an additional $10 million to carry out its mission overseas. VISTA is to receive $12 million more for its work in the United States. There will be $8 million available for innovative and experimental programs which are poverty oriented.

During committee hearings, certain anxieties were expressed which we specifically posed to administration witnesses. In response, we received the following assurances:

First. Reorganization Plan No. 1 constitutes an administration commitment to more fully develop, support and preserve volunteer efforts aimed at solving local and national problems by providing an organizational base most compatible with channeling resources—money and manpower—toward that end.

Second. Action would work through existing programs as well as seek to develop innovative, new programs to the extent authorized by existing legislation.

Third. No program will be discontinued or cut back as a result of the reorganization. Component organizations within Action—Peace Corps, VISTA, SCORE, ACE, RSVP, Foster Grandparents, and so forth—will retain their name, identity, image, sponsors, programs, and commitments.

Fourth. The President would be requesting $141 million for voluntary action programs in fiscal year 1972 as compared to the $137 million appropriated for fiscal year 1971. The fiscal year 1972 amount includes $20 million in new money being requested to support new initiatives for domestic volunteer programs.

Fifth. As a result of the reorganization it will be possible to send a volunteer application or request for information to one location and have it reach relevant projects and programs; there will be greater flexibility and continuity in transferring from one program to another; attention will be paid to setting appropriate standards for remuneration; more resources will be spent on developing projects to meet local needs; volunteer projects within an area can be more easily coordinated; project referrals can be made from one program to another; proven program techniques can be transferred from one program to another more readily; better technical assistance can be provided to private volunteer groups; it will be possible to undertake research into new types of volunteer programs and program support.

Sixth. Emphasis in VISTA will continue to be on community involvement in antipoverty programs and on organizing the poor to help themselves rather than simply furnishing their needs or providing services to them. VISTA would have a fiscal year 1972 budget of at least $45 million in contrast to the fiscal year 1971 appropriation of $36 million. There would be an increase in the number of volunteers serving in poverty areas, particularly in the category of community VISTA volunteers under which persons from poverty areas are trained and supported to work in their own communities.

Seventh. Representatives of volunteer groups will be consulted on matters involving internal administration within Action, and program innovation and experimentation; the views of people served and the volunteers themselves will be taken into account in the selection of key Action personnel.

Eighth. OMB and/or Action will report back to the Committee on Government Operations within 120 days after the plan takes effect on program and administrative decisions, explaining decisions reached and detailing their background—including disposition of recommendations made by representatives of volunteer groups.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter from Mr. George P. Shultz, Director of the Office of Management and Budget, dated June 2, 1971.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., June 2, 1971.

Hon. CHARLES H. PERCY,
Senate Government Operations Committee,
U.S. Senate, Washington, D.C.

DEAR MR. PERCY: You have asked whether we foresee any alteration in the manner in which future legislation dealing with the Peace Corps, VISTA, SCORE-ACE, the Retired Senior Volunteers Program, or the Foster Grandparents Programs, particularly authorizations for appropriations for these programs, will be handled by the various legislative committees of the Congress if Reorganization Plan No. 1 of 1971 becomes effective.

There is nothing in Reorganization Plan No. 1 that would require any such change in the present jurisdiction of the various legislative committees.

Unless and until the Congress shall otherwise direct, the Peace Corps Act will remain a separate statute and we assume that future changes in the Act, including amendments to appropriations authorizations, will be considered by the Foreign Relations Committee.

Unless and until the Congress shall otherwise direct, we assume that the Labor and Public Welfare Committee will continue to exercise comparable jurisdiction with respect to Title VIII of the Economic Opportunity Act of 1964, as amended (VISTA), and Title VI of the Older Americans Act of 1965, as amended (Retired Senior Volunteer Program and the Foster Grandparents Program), and that the Banking, Housing, and Urban Affairs Committee will continue to have jurisdiction with respect to the SCORE-ACE program, since that program is conducted under the provisions of the Small Business Act, as amended.

Sincerely,
GEORGE P. SHULTZ, *Director.*

Mr. PERCY. As has been explained in testimony before committees of both Houses, Action will not infringe upon the programs of the affiliated agencies. But it will be able to draw upon the combined experience of all to provide a central point of access for citizens seeking an opportunity to serve. Mr. Blacthford, who has been selected to head the new agency, has made the point that few Americans are aware of the options open to them and they miss the opportunity to serve. He suggests that this is because of the absence of a coordinating mechanism and it cannot be effectively argued that having a larger reservoir of potential volunteers to tap will not benefit all programs.

There is the expectation and hope that Action can mobilize our human resources on such a scale as to make voluntary service truly significant. To do this, Action will rely upon local initiative to identify problems and to supervise their implementation. Action can provide full-time volunteers skilled in many specialties. It will afford technical assistance and guidance to local volunteer programs to develop within them the professionalism essential to sustain an effective voluntary action.

Finally, Reorganization Plan No. 1 will provide the organizational capability to better channel volunteer energies toward creative ends and, in the process, relieve some of the anxiety and uneasiness that we have recently witnessed across the Nation. What we need as a Nation is a new commitment, a new initiative. By merging the voluntary programs, coordinating systems of recruitment, selection, training and placement, and at the same time infusing the whole concept of voluntarism with new program directives, we can ensure a critical momentum which today is sorely lacking. As John Gardner told the committee in a statement fully endorsing Executive Reorganization Plan No. 1:

> The volunteer idea can play a far greater role in our national life than it has today. The volunteer corps as they exist today barely scratch the surface of the possibilities. In the total scheme of things today they are very minor ventures, rich in the sentiment of the participants but poor in resources and small in size and scope. . . . Each of the Volunteer corps that have been established to date has performed well in its own way. But each has been totally committed to its own pattern of operation and none has been charged with a really imaginative broad-scale exploration and development of the volunteer idea. If the various operations are brought together under one roof they can not only benefit by certain shared services, but the new agency can be charged with aggressive exploration of new patterns of volunteer activities.

Vested with an administration priority and the President's own personal commitment, Action can be a dynamic force for addressing some of the urgent problems that beset our Nation. It is a logical, innovative, exciting, and most important, urgently needed reorganization proposal. I commend the administration for recommending it. I commend my colleagues on the Government Operations Committee and the distinguished chairman of that committee for endorsing it. And I strongly urge my fellow Senators to approve Reorganization Plan No. 1 by rejecting the resolution of disapproval which is before us today.

Mr. WILLIAMS. Mr. President, earlier I mentioned that it seemed to me that we have in this proposal a sort of conglomerate of four decades of burgeoning democracy. In the committee report, the organization of Action is described on page 6:

> ACTION would have its national headquarters in Washington and 10 regional offices located in Boston, New York, Philadelphia, Atlanta, Chicago, Kansas City, Dallas, Ft. Worth, Denver, San Francisco and Seattle.
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> National headquarters would be composed of the offices of the Director and Deputy Director, Policy Development and Resource Allocation, General Counsel, Minority Affairs, Public Affairs, Congressional Affairs and Voluntary Action Liaison. Directly under the office of Director and Deputy Director would be five Associate Directors, each of whom would head one of the following units: Program Development; Recruitment; Selection and Placement; International Operations; Domestic Operations; and Administration. The Associate Administrator for International Operations would have responsibility for the Peace Corps, following the transfer of its functions to ACTION; the Associate Director for Domestic Operations would be responsible for the programs involving Older Americans, VISTA and SCORE/ACE. Each of the ten regional offices would be headed by a Regional Director.

Mr. President, I simply suggest that for those who have that motivation, the human motivation to be of service to human beings, this is the kind of bureaucracy that would almost spell terror.

In the President's message of March 24, 1971, he mentions expanding the Government's role in the development of volunteer resources, and defining the Government's purposes in the area of voluntary services. He says:

> Now the role of government has been confirmed, and its responsibilities and obligations are clear.

I am not so certain in my own mind exactly what the role of the Federal Government should be in the field of voluntarism. I am perfectly clear in my own mind that a Federal policy should be one of complete sympathy, encouragement and, when needed, material assistance to all deserving or worthy volunteer groups. When it comes to an actual Government role in such activities however, I feel that there are dangers inherent which require a much closer scrutiny before taking action. There is the very real possibility that the extension of Federal jurisdiction, and the concomitant spread of bureaucracy which accompanies this extension, will lead to a diminution of the very commodity which the Government has intended to promote—the zeal of the individual volunteer.

There are certain areas of human endeavor which are strongly associated with individual emotion and feeling, and in which Government supervision would be unwarranted, undesired and probably counterproductive.

Volunteer service is the donation of individual time in a worthy cause. Philanthropy is the donation of another human resource, if a more tangible one, to a worthy cause. Yet, I am sure my colleagues would recognize the overwhelming opposition that would arise from this body should the President have suggested that the Government organize a new umbrella agency, perhaps named GIVING, which will coordinate all philanthropic activities and also assist in encouraging greater contributions from the American people. We would, of course, be appalled. But yet, is not our time even a more precious commodity than money, and would not an individual have as much hesitation in committing his leisure hours to a general multipurpose organization as he would his financial resources? I think so, and while I recognize that the Government does have a better claim to the regulation of volunteer time which is under the auspices of Government agencies, as these are, I maintain that the general maxim still holds true. To encourage volunteers, as the Peace Corps found out in its early days of experimentation, a motif which is both unbureaucratic and individualistic is needed. A successful recruitment campaign must be based on projecting a certain image for the program, and I can not imagine, given the varying nature of these present programs, just what that image will be. I can imagine that, through nationwide advertising campaign of sufficient professional caliber, that many names could be collected as potential Action corpsmen and women. However, I strongly doubt that this type of volunteer would generally be as effective as one who had responded to a specific cause or a specific appeal toward which he felt strongly.

For the older person who wants to be a foster grandparent, the younger person who wants to serve in the Peace Corps, the person who wants to help people in the ghetto—indeed, for the businessman who in his retired years wants to be an active volunteer—such bureaucratic complexity, I fear, would spell the defeat of their objectives, of getting out there and helping people.

Mr. President, I am grateful for the contribution made by our able colleague, the Senator from Arkansas, the chairman of the Committee on Foreign Relations, who has simplified—I was about to say "the absurdity of this approach," but at least the premature approach that is being presented to the Senate with this reorganization plan.

Mr. FULBRIGHT. I thank the Senator.

Mr. PERCY. In conclusion, I should like simply to quote the final paragraph of the committee report. We indicated that unless the administration can enlist from the outset the support, energies, and input of those who have served in these programs and have been served by them in the field, the program would not be as successful as otherwise.

> The committee is satisfied that these requirements will be respected and the committee therefore recommends that Reorganization plan No. 1 of 1971 be approved.

I was thoroughly convinced, as a result of the testimony, that this was in the national interest and would serve the national purpose; that, in the spirit of de Tocqueville, voluntarism in America can be carried forward best under Action rather than any other way.

The PRESIDING OFFICER. The Senator from New Jersey has 1 minute remaining.

Mr. WILLIAMS. I would yield that time to the Senator from Illinois. I think we transgressed on some of his time. In the spirit of generosity, I volunteer to offer this time to him.

Mr. PERCY. In equal generosity, I yield back such remaining time as we have, so that we can carry on with the Senate's business.

However, I thank my distinguished colleague, indeed, for the valuable contribution he has made.

Mr. TUNNEY. Mr. President, I am opposed to the proposed reorganization plan now before us to merge the Peace Corps, VISTA, SCORE, ACE, NSVP, RSVP, and the foster grandparents programs into one agency. My opposition is somewhat reluctant, because I am strongly in favor of reorganization of the executive branch to streamline and promote economy in Government. I am firmly convinced that a consolidation of Government efforts in areas where it is appropriate is a matter of high priority.

Nevertheless, having reviewed the arguments in favor of the present reorganization plan, I cannot support it.

Frankly, the basis of my opposition is my concern that lumping all of these very excellent volunteer programs into one body will do nothing to increase the services such programs provide to the poor and needy of this country and others. In fact, I am afraid it could have just the opposite effect—that it could increase the possibility that political controversy may intervene in the administration or expansion of efforts on behalf of the poor.

I speak, as many of my colleagues are well aware, from a rather persuasive history in California—that is the CRLA legal services program. Despite all of the assurances of the administration spokesmen on this reorganization plan, the fact remains that at this moment one of the most successful and highly praised legal services programs in the country remains threatened with extinction simply because the Governor of California pulled some political rank.

Unless and until the commitment of the Nixon administration is a great deal clearer than it is now, I cannot support a measure that carries with it the risk that VISTA or the Peace Corps or any other program could be downgraded or dismantled by a barely visible shift of emphasis within some amorphous agency. It is not at all unlikely or impossible that this consolidation could enable a very drastic shift in manpower, money, and emphasis away from poverty programs in a manner that is presently impossible. In fact, the very success of these programs, I believe, is in large measure the result of their highly visible and independent nature.

I suggest to my colleagues in this connection that the acid test of that fundamental commitment is coming very shortly. Within the next month or so, the OEO Commission To Investigate CRLA will issue its findings. I have absolutely no doubt that it will confirm the high praise which that program has received for many years from all competent observers. And at that point the test will come—will the Presiedent stand firm in support of such programs for the poor, or will he disregard the Commission's report and give CRLA the fast shuffle?

The response of the President on that issue, I believe, will give the true measure of the commitment in the executive branch to volunteer programs for the poor.

Yet even beyond this point, on the merits of the plan itself I have serious questions. The heart of any volunteer program is the volunteers themselves and the esprit de corps which they have. And the record on this point is quite persuasive. Volunteers past and present, organizations representing such volunteers, and former officials of the Peace Corps and VISTA have all indicated strong opposition to the plan. There is a very real and, I feel, legitimate fear by these persons that there will be a loss of identity and independence by such programs as the Peace Corps and VISTA.

In fact the whole rationale for consolidation seems questionable. The only common thread between these many programs is the fact that they are all staffed by volunteers.

Yet these programs deal with a vast and complicated range of problems from business advice to fledgling businesses to medical help to the sick in a foreign land. I am afraid that the amalgamation of all of these programs as this plan proposes will only operate to impose an additional layer of screening and decisionmaking and an unfortunate competition for attention and funds within the super agency. Mr. President, it may well be that some so-called "inefficient" independence is essential to preserve the very heart of these programs.

Finally, it seems to me that one of the most essential elements of a successful volunteer program is the kind of highly idealistic spirit which has marked these programs in the past. I am reluctant to take any step which would dampen that enthusiasm and idealism and I am afraid that this plan would have precisely that effect. We ask our young people to work within the system, to channel their great energy and idealism to better society from within. We have given them the right and the responsibility to vote, and we ask them to exercise that right to bring about the changes they seek by responsible means. And here they are doing precisely what we have asked. They have come to us in the Congress and told us that this plan will hinder rather than help their attempt to work within the system. I think we should listen to them now.

Mr. HART. Mr. President, we are being asked by the Executive to support a reorganization plan that does not comply with three of the six guidelines specified in the act giving the President the power of executive reorganization. It has not been demonstrated that this reorganization will reduce expenditures and promote economy; it does not group, coordinate and consolidate agencies and functions according to major purposes; and it does not reduce the number of agencies by consolidating those having similar functions under a single head.

The grouping together of disparate volunteer programs, which appeal to different age groups and differently motivated people of different background and experience, for participation in programs with very different purposes, in my view fails completely to meet the specific criteria of the reorganization act.

Foster grandparents—elderly poor who assist needy children—Service Corps of Retired Executives—retired businessmen who assist small businessmen—and VISTA volunteers—working in domestic poverty areas—do not have similar functions and are not engaged in similar purposes.

Those who would seek to make of voluntarism a reason for throwing these programs and five more into one agency, mistake the means for the end. Because a program uses volunteers to help small business, is no reason to wrench it from the Small Business Administration and put it under a common umbrella with VISTA—a program using volunteers among the domestic poor, which for its part has logically been allied with the antipoverty agency, OEO.

Many of us who fail to find logic or substantive facts in Reorganization Plan No. 1, as presented to the Congress, and who have not been reassured by the hearings on the plan, are particularly concerned about the impact of this proposal on the domestic poverty program.

The surfacing of a prebudget planning memo, written last January by an OEO official, noted that the termination of VISTA would be politically unwise and advocated instead a much broader governmental reorganization in which both VISTA and the Peace Corps could be eliminated. It would seem clear that what is here proposed is none other than this much broader governmental reorganization.

Witnesses before the Senate committee have denied any intent to water down the VISTA program or alter its mission. To date, Mr. President, I am not convinced. I fear that under new management its approach will be changed from that of working with the poor, finding out their needs and seeking to help them meet those needs, to one of taking programs to the poor; from one of helping develop local leadership among the poor, to one of appealing for massive volunteer service to the poor.

In the name of efficiency, we are asked to approve a reorganization plan which does not give evidence of saving money—indeed, the President in his message says that—

> It is not practical, however, to itemize or aggregate the exact expenditure reductions which would result from this action.

We are asked to join together programs which are diverse. We are asked to do so despite the opposition of those now participating in these programs and who were not consulted abut the reorganization. And we are asked to do so in the face of forewarning that this action may change fundamentally the present approach to the domestic poverty program. I cannot support such a move.

ACTION REORGANIZATION

Mr. CRANSTON. Mr. President, tomorrow the Senate will vote on Senate Resolution 108, a resolution of disapproval to Reorganization Plan No. 1, which would merge several so-called voluntary action programs into a single new agency called Action. I have cosponsored this Resolution of Disapproval with Senator WILLIAMS, chairman of the Labor and Public Welfare Committee and principal sponsor several years ago of legislation to create a national service corps, because I share his deep misgiving about this particular plan.

In the past weeks I have heard from many of my constituents who serve in those programs slated to be merged next month. Not one favors the plan. I think it is very significant, Mr. President, that those who are most closely committed to and involved in these programs have themselves been so vocal in their opposition to the reorganization.

I submit for the information of my colleagues examples of the kind of correspondence I have been receiving, including letters from Bernard E. Nash, executive director of the American Association of Retired Persons and the National Retired Teachers Association, from VISTA Volunteers John and Cindi Adsit—constituents of mine who are working with the poor in Prescott, Ariz.—and from Christine L. Van Pelt, a constituent of mine who is serving with VISTA in Nashville, Tenn.

These people express cogent reasons for requesting that Reorganization Plan No. 1 be disapproved. Mr. President, I ask unanimous consent that their letters be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF RETIRED PERSONS, NATIONAL RETIRED TEACHERS ASSOCIATION
Washington, D.C., March 24, 1971.

Hon. ALAN CRANSTON,
Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR CRANSTON: It is part of our country's social policy to give priority to employment rather than to welfare as a means of relieving poverty and hardship. The Foster Grandparent Program does exactly this! It provides part-time opportunities with pay for low income persons of 60 or more years. They render service to children with special needs. Foster grandparents work with these children in hospitals, homes for dependent and neglected children, and institutions where children require individual attention. The Foster Grandparent Program provides the older citizen with low income an opportunity to supplement his resources and to gain recognition as he is involved and contributes to the community. Children benefit emotionally and medically from the program. The person to person attention that even the best of institution housing cannot provide, has brought dramatic and significant results.

At present there are about 9 million of the 24 million people over 60 years of age below the official poverty level. Approximately one-third of these are able, willing and ready to do at least part-time work. Foster grandparents work two hours for five days a week with each child.

It has come to our attention that the administration reorganization plan has proposed to remove the Foster Grandparent Program from the Office of Aging and place it in the new Volunteer Agency. Such a move would seriously hinder the effectiveness of the program. This is not the time to discourage our communities by neglecting to provide resources and programs to deal with the needs and problems of the 20 million older American citizens. Of equal concern are the children with special needs who benefit from such a program. We respectfully urge you to voice your personal strong opposition to this proposal. Enclosed you will find a copy of a letter sent to Mr. Rumsfeld which may be of interest to you. We will be so happy to supply you with background material.

Sincerely,

BERNARD E. NASH,
Executive Director.

AMERICAN ASSOCIATION OF RETIRED PERSONS, NATIONAL RETIRED TEACHERS ASSOCIATION,
Washington, D.C., March 5, 1971.

Hon. DONALD RUMSFELD,
Counselor to the President,
The White House,
Washington, D.C.

DEAR MR. RUMSFELD: In a recent conversation with your Deputy, I was requested to put on paper some concerns and recommendations I made relative to the Foster Grandparent Program.

I am sure you are familiar with this Program since it was originally funded by the Office of Economic Opportunity. As you know, it was subsequently given to the Administration on Aging to administer and has been one of the most successful programs launched by OEO. It has had a significant impact on older persons who serve as Foster Grandparents, on the children living in institutions, hospitals, and other group facilities where the Foster Grandparents serve, and on the institution and the community in which the programs are located. I am sure you are aware that the program has been researched by the University of Utah Medical School, the University of Oklahoma School of Education, the Sociology-Economic Department of North Texas State University, by Greenleigh Associates and by the Merrill-Palmer Institute in Detroit, Michigan. All have arrived at the same conclusions regarding the significant impact on both the young and the elderly. Japan sent a television crew to the United States to study social programs here and one of those was the Foster Grandparent Program. England has conducted a seminar on the potential for organizing such a program in that country. It has been written up in Look Magazine, in the Reader's Digest, and has been discussed on the Today Show, the Merv Griffin Show, and others.

The Program has great public appeal as well as being a significant asset for both treatment and prevention in the child welfare and Aging field. Many Members of Congress have visited programs in their States and have praised it on the Floor. Persons such as John Tower, Charles Percy, Everett Dirksen, Hubert Humphrey, Fred Harris and others have had personal contact with the Program and gave it unqualified support.

We recently learned of the intended transfer of this Program from the Administration on Aging to the new National Voluntary Agency. We have further learned that there is presently no plan to develop a special unit within the new agency to deal specifically with programs utilizing the older person. We feel this is a grievous mistake and will be a great loss for the Nation and for the children being served by older persons in any of the programs. It is especially serious in the Foster Grandparent Program since the entire concept of Foster Grandparents was to provide children in the preschool years with an adult who had the time to give them individualized attention and to assist them in the process of early development. This of course is critical in an institutional setting where the pressures on staff are so great that they must devote most of their time and energies to maintenance and discipline. The entire institutional routine is designed for efficiency and economic operation. The children eat by the bell, go to sleep by the bell, and behave as a member of the herd. This does not make for the development of strong, healthy adult Americans. The Foster Grandparents are assigned two children and work with these same two youngsters four hours a day, five days a week. Their job was to assist them in the process of socialization and acculturation. They used the elderly poor. Their love and their affection for these children was contagious. Dramatic results occurred. Doctors and hospitals said that their little patients were recovering faster. Directors of institutions for the mentally retarded found that they were able to release children back to the community or even discovered that some of these children were indeed not mentally retarded but socially retarded. Thus we saved the country thousands of dollars from lifetime institutional care of such poorly-diagnosed individuals. Dr. J. Iverson Riddle, Director of the Western Carolina State School did a cost benefit study for a period of one year. He found that the tangible, measurable benefits of the Program are twice the amount that the project itself cost. He pointed out a savings of some $131 thousand where the actual outlay for the Program was $69 thousand. Other similar reports have been made by directors of other institutions, day centers, school programs, etc. utilizing the elderly to work with the young. In addition, it was found by the Utah Medical School that the older individuals serving as Foster Grandparents were sleeping better, eating better, using less medication, and had less health care cost.

Are these not the goals we are seeking for both the children and the older adults in the various programs funded by the Federal Government?

Mr. Rumfeld, before any decision is made with respect to the changing of the format or the decreasing of the funding for this Program, a very serious study should be given to the future impact of such decisions. We believe that the Program should not be taken from the Administration on Aging where there is already a qualified staff and administrative structure for assuring that the concept itself is not destroyed. If transferred to another agency principally concerned with utilization of manpower, the treatment and preventive aspects of the Program could well be lost. If transferred to another agency, it may be necessary for duplicating the employment of qualified staff who are advocates and specialists in dealing for and with the older American.

I would like to have the opportunity to discuss in greater detail with you this decision. I assure you that our intentions are for the best Program possible for the Federal dollar expended. We believe there is considerable political and economic and social value in maintaining the Program as it is and even greatly expanding it.

May I have the opportunity to discuss this with you further? Since I was the person who came to Washington in 1965 to work with OEO to establish this program, I may be considered to have a vested interest in its continuation. Please be assured that I have no intent other than seeing to it that this Administration fully recognizes the present and potential impact of the Program and does what is best for both the Program and the Administration in any decisions relative to reorganization.

Sincerely,

BERNARD E. NASH,
Executive Director.

APRIL 12, 1971.

Senator ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR MR. CRANSTON: My wife and I are Vista Volunteers in Prescott, Arizona. Our permanent home is in California. We are writing you to express our deep concern over the present Administration's plans for reorganization of volunteer programs within the federal government. As you, hopefully, are aware the President's plans to consolidate the Peace Corps, Teacher Corps, Vista plus other miscellaneous volunteer programs in various different federal agencies. If the plan is not acted upon negatively by Congress within 60 days (as of March 24) it goes into effect automatically. In other words, if Congress fails to bring the issue up, it will be enacted simply by Congressional inaction or apathy. This possibility disturbs us greatly because some very important issues are involved that ought to be debated and voted upon.

The Administration's expressed goals for this reorganization are six: 1) to expand testing and development of innovations in volunteerism; 2) to allow part-time and full-time volunteers to work together; 3) to bring together programs that appeal to the young and older Americans both; 4) to allow intercooperation between foreign and domestic volunteer services; 5) to better distribute professional skills; 6) and to centralize for more effective recruitment, training, placement, communication, and management.

Let me relay our concerns for each of these goals and then to the total concept itself.

The first goal is one of innovation, which is in itself a viable goal; but, we question the assumption that centralization facilitates innovation. Centralized organizations from past experience seems to tend toward the opposite of innovation, stagnation. It may be said though that centralization aids intercommunication of new ideas. But that seems to call for a clearing house type of organization, not an umbrella type that the President is asking Action to be.

The second goal is the use of part-time and full-time volunteers, again an admirable end. But is centralization necessary to achieve it? Each existing organization could recruit and coordinate part-time help if funded to do so.

The third rationale used is to be a generation gap bridger. It has been my personal experience that the existing volunteer program are not segregated by age. As a Vista volunteer I've worked with Vistas of all ages in training and on projects. The Peace Corps itself is emphasizing experience and is mixing more and more diverse ages. Once again I feel I've failed to see the need of centralization to achieve, in this case, something that already is in existence.

The fourth is that of sharing foreign and domestic experiences. Presently, the organizations of Vista and Peace Corps are intertwined in the sense that each is infiltrated by representatives of the other. Most of our training staff were ex-Peace Corps or Vista volunteers. Our present program officer was himself a Peace Corps volunteer. The intercommunication therefore exists to some extent. If it is needed to be increased, why not strengthen present relationships?

The last two goals come together in the theme better, more effective recruitment, training, and placement of volunteers. Interesting enough, Mr. Blatchford the proposed Action director, himself, in a Press interview stressed that, "This is not something which is motivated by means of strictly efficiency and better organization," but, "the emphasis is really on putting more money behind more volunteers,"—expansion. The discrepances apparent in these statements astound us. As a case in point, Vista presently is decentralized into eleven regions that train and place its own volunteers. Still the bureaucratic hang-ups are at times unbearable. The support from above is sporadic and unreliable. The result is at times volunteer failure. Vista has realized this and as a result is cutting many programs that don't elicit full community support. It is not expanding, but reverting to a stress on quality. Therefore, from experience further centralization, not regional, not national, but international in its scale seems an absurdity. By simply magnifying our present bureaucratic structure many times over, the possibility of anything being accomplished on a grassroots level is nil.

In looking at the plan in total our fears increase. Having examined its six stated goals, and feeling them to be problems that don't seem to match the chosen solution, we were afraid that the plan had other unstated intentions. The possibilities included: a desire by the Administration to bring volunteerism (youth) under closer control and scrutiny; or a wish by the Administration to decrease-dilute the specific thrusts of the present existing programs (i.e. Vista-poverty). It also disturbs us that the control of the funding of these different thrusts would be moved from Congressional to Executive disgression. This would result from the fact that funding of Action would be a package deal. Interagency distribution would be done by Executive selected directors. Volunteer priorities would be decided by a small group in the Executive Branch.

We feel that Vista itself has adjusted to past failures and inadequacies, which were the result of the initial passion without planning of the War on Poverty. It is just now reaching a point where bureaucratic gaps are decreasing, and projects are becoming clearly planned and supported. If the reorganization occurs the result would be chaos, a set back and loss of past lessons learned. In addition, Action would stress the volunteer aspect of Vista and disregard its poverty purpose by removing it from OEO and its poverty coordination. We feel this would be a tragic move.

Please then consider the implications of this plan that is in the process of being slipped by Congress and the American public. Hopefully you will bring it to the attention of the Senate for discussion and investigation.

Peace,

JOHN AND CINDI ADSIT,
Prescott, Ariz.

APRIL 15, 1971.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.

DEAR SIR: I am a VISTA volunteer in Nashville, Tennessee. I would like to draw your attention to President Nixon's March 24th message to the Congress in which he proposed a reorganization plan to combine Volunteers in Service to America, Auxiliary and Special Volunteer Programs in the Office of Economic Opportunity, Foster Grandparents, Retired Senior Volunteer Program, Service Corps of Retired Executives, and Active Corps of Executives. This new agency would be called ACTION.

After studying the President's proposal and comparing it with the principles we have followed on the Nashville site, I am convinced the effectiveness of VISTA would be lost if it were to become part of ACTION.

1. VISTA volunteers in Nashville live in the poverty pockets so we grow to appreciate the problems of the poor from the point of view of the poor. The trust and understanding built on all sides would be much harder to establish if we lived outside the neighborhood where we work. There is open resentment toward outsiders who come into a poor neighborhood only occasionally or just during the day.

ACTION would "develop and provide opportunities for more people to give part time service." These part time volunteers would undoubtedly not live in poverty areas, and so the advantages of knowing and living with the poor would be lost.

Part time service may help the poor to a limited extent, but it takes a full time effort to even aim for the elimination of poverty.

2. A major tenet of VISTA is for volunteers to advocate and organize with the poor so community organizations can eventually be managed and controlled by target area residents. As a volunteer, I have seen the slow but democratic process of self-determination of poor people.

VISTA does not concentrate on providing services to the community. Part of the volunteer's job is to foster a more responsive public policy among public agencies and to refer the poor to those who provide public service. This process of education of both the poor and the agencies which should serve them is part of the VISTA volunteer's effort to enhance the independence and motivation of the poor.

ACTION calls for "more Americans to participate in voluntary services," and to become involved in "efforts that show immediate results, that give immediate satisfaction . . ."

VISTA's long-ranged goals would be undercut by ACTION's call for volunteers "sought and supported in the effort to accomplish specific jobs."

3. VISTA is part of the Economic Opportunity Act of 1964 which says its purpose is to "help the poor to overcome the handicaps of poverty and to secure and exploit opportunities for self-advancement." VISTA is the only organization of those to be merged under ACTION which was explicitly set up to end the poverty cycle by letting the poor define their own problems.

If VISTA were combined with the volunteer agencies to be in ACTION, its coordination with other anti-poverty agencies would be seriously impaired. This seems all the more likely since there would be a common application form and a common recruitment and selection program within ACTION.

President Nixon's Ash Commission, which planned the cabinet reorganization, said agencies should be grouped by function. VISTA, as it presently functions, does not belong with the volunteer service agencies proposed for ACTION, and it would be a disservice to the poor if VISTA were made to fit into ACTION as just another of the service agencies.

VISTA must continue in its present form if it is to be effective.

Sincerely,

CHRISTINE L. VAN PELT,
VISTA volunteer.

My permanent home is Bakersfield, I graduated from UCLA, and I am a California voter.

Mr. CRANSTON. Mr. President, the programs which would ultimately become part of Action—VISTA, the Peace Corps, foster grandparents, SCORE, RSVP, ACE, the national student volunteer program, and perhaps the Teacher Corps—are all successful ongoing programs. I have followed the hearings on Reorganization Plan No. 1, and I am not in any way convinced that the merger of these programs would result in their being more efficient, economical, or effective. Each of these programs is unique. Each serves a different constituency. Each was created for a different purpose—not to promote volunteerism as an end in itself, but to further the programmatic efforts of their parent organizations. Indeed, the effectiveness of each is derived largely from the supportive services offered by the specialized parent organization.

The foster grandparent program, for instance, provides part-time employment opportunities for low-income persons aged 60 and over who are able to provide love and companionship to disadvantaged and institutionalized children. There are 163 foster grandparents sponsored by three community action agencies in California—at San Francisco, Stockton, and Pomona. Foster grandparents in San Francisco receive supplements to their income by working with children in eight institutions throughout the city. In Stockton, they work with the California Youth Authority, and in Pomona, they give affection and care to mentally retarded children at the Pacific State Hospital.

Foster grandparents is not a volunteer program. It was initiated by the Office of Economic Opportunity in 1965 as an income-supplement program for low-income senior citizens. Congress, in 1969, determined that it should be transferred to the Administration on Aging in HEW where it could receive the supportive services which many of the low-income elderly participants need. As Mr. Nash has pointed out, those in foster grandparents believe in the wisdom of this action by Congress, and urge that it not be altered.

It was VISTA which was conceived as the volunteer arm of the poverty program. Created to provide manpower to supplement the OEO effort, VISTA, more than any other antipoverty program, represents the human dimension in the Government's effort to help the poor help themselves. To remove this supplement from OEO could only hamper that agency in realizing its most highly sensitive, people-oriented, mission.

Let me speak for a moment of VISTA in California. There are 198 VISTA Volunteers working on 25 projects in my State. It is likely that many of the volunteers here would never have become involved in these antipoverty programs had they not been exposed to the Office of Economic Opportunity. An example of this is Community VISTA Volunteers like the 18 former prisoners assigned to the California Department of Corrections in Oakland who counsel and provide referral services to those still in prison. Or the 16 VISTA Community Volunteers assigned to RAP in San Francisco who provide "real alternatives" to detention and juvenile delinquency by acting as and recruiting big brothers and sisters for ghetto youth.

These are not the middle class youth who would have the luxury of offering their services to a Volunteer Agency named Action. These are low-income individuals who, through their experience with local poverty programs, came to join VISTA. The establishment of Action through approval of this Reorganization Plan would, I fear, result in the end of this kind of antipoverty volunteer worker. I for one am not willing to approve such a plan.

Furthermore, my colleagues in both Houses of Congress agree that events prior to the President's Nebraska speech indicate the administration's lack of commitment to the continuance of this fine program. I share the concern of VISTA volunteers who fear that the full-time volunteer engaged in antipoverty efforts will no longer be a reality if Action is not disapproved.

Under Action, the emphasis would be on the volunteer—who he is, what he receives from the program—rather than on the value and success of the program—assistance to the poor and the disadvantaged child, for example. Substantive programs submerged under Action would in my judgment be more susceptible to dilution and diminution than they are in their present mission-oriented structure and approach.

It is my belief that it would be imprudent and unwise to approve a platitudinous and very vague reorganization plan, the specifics of which would be worked out only by legislation not yet presented to Congress.

Mr. President, these are fine programs with fine participants which this plan proposes to juggle. We owe it to them, to those whom they serve, and to the dedicated individuals who are fighting to preserve the integrity of these programs to vote "aye" on Senate Resolution 108.

THE MILITARY SELECTIVE SERVICE ACT

The Senate resumed the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. BYRD of West Virginia. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to amendment No. 106 to amendment No. 76 to H.R. 6531.

Mr. BYRD of West Virginia. Is the Senate operating under controlled time?

The PRESIDING OFFICER. The Senate is operating under controlled time.

Mr. BYRD of West Virginia. Mr. President, on behalf of the able Senator from Mississippi (Mr. STENNIS), I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 3 minutes.

ORDER FOR RECOGNITION OF SENATOR HOLLINGS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from South Carolina (Mr. HOLLINGS) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10:30 a.m. and immediately following the recognition of the two leaders under the standing order, the able and distinguished junior Senator from South Carolina (Mr. HOLLINGS) will be recognized for not to exceed 15 minutes; following which there will be a period for the transaction of routine morning business not to extend beyond 11 a.m. with statements therein limited to 3 minutes.

At 11 a.m. the Senate will proceed to vote by rollcall on Senate Resolution 108, a resolution to disapprove Reorganization Plan No. 1. At the conclusion of the rollcall vote on Senate Resolution 108, the Senate will resume its consideration of Amendment No. 106, the so-called Hatfield amendment to H.R. 6531, and during the remainder of tomorrow debate will ensue thereon with time controlled.

At the conclusion of business tomorrow, the Senate will stand in adjournment until 10 o'clock a.m. Friday, June 4.

ADJOURNMENT TO 10:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 7 minutes p.m.) the Senate adjourned until tomorrow, Thursday, June 3, 1971, at 10:30 a.m.

EXTENSIONS OF REMARKS

DETERGENT POLLUTION

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mrs. REID of Illinois. Mr. Speaker, everyone is deeply concerned with the alarming eutrophication of many of our lakes and streams, but it seems to me that the detergent industry is making an all-out effort to develop effective phosphate replacements which will help alleviate this hazard to our environment. In dealing with this problem, however, it is becoming increasingly apparent that some phosphate replacements, if not adequately tested, may actually be more harmful in human terms.

This danger was rather forcefully outlined by the Surgeon General, Dr. Jesse L. Steinfeld, before the Federal Trade Commission on April 26, 1971. Since Dr. Steinfeld's comments are particularly timely, I am taking the liberty of including his statement herewith so that others in the Congress may have an opportunity to read it also. Certainly there is a need for prudence, reason, and careful evaluation of phosphate replacements in detergents if we are not to compound the very problem we seek to eliminate:

STATEMENT BY JESSE L. STEINFELD, M.D.

Mr. Chairman, it is a pleasure to appear before the Federal Trade Commission concerning a proposed rule that would require that all detergent packages display a list of the principal ingredients and a warning if phosphates were used.

The proposed action comes at a time when our society is deeply concerned with the preservation or restoration of the environment and, in this particular case, protection of the environment from dangerous and harmful rates of eutrophication of many of our lakes and streams. I am concerned not only with this danger but also with another danger which deserves our attention, danger that the national outcry over the levels of phosphates in detergents will become so great as to obscure the health or environmental impact of alternatives to phosphates.

Although the rate of eutrophication of our surface waters is affected by varying factors, and varies widely from one geographical location to another, it is generally agreed that a strong factor contributing to euthrophication is an excess of phosphates entering the waters by various routes. It has also been generally agreed that the principal controllable source of those phopshates is sewage and that the principal source of phosphates in sewage is detergents.

The number of possibilities for greatly decreasing the flow of phosphates into surface waters is relatively limited. These possibilities are (1) controlling the source of phosphates, which largely involves controlling the phosphate content of detergents, and (2) removing phosphates from sewage by advance sewage treatment processes before it is discharged into the lakes and streams. A cost-effective approach to the phosphate problem probably will involve a combination of both approaches so as to achieve the desired levels of control.

Certainly, the Department of Health, Education, and Welfare fully supports the effort to retard eutrophication of our surface waters. We do urge, however, that this important and highly commendable goal be achieved by means which are not hazardous to human health and welfare.

In respect to efforts to displace phosphates from detergents, it should be realized that tests conducted thus far indicate that some of the currently used substitutes for phosphates are clearly toxic or caustic and pose serious accident hazards, especially to children. Other substitutes not yet fully tested may also be toxic and/or caustic. Intensive research on this problem currently is underway by both Government and industry. Much is unknown, particularly of the long term biological effects of components of detergents. Of course, some of the substitutes may not be harmful, but we must be certain of this before large scale exposure of society to them is permitted.

Let me amplify my concern with respect to caustic materials. Such materials, particularly in pellet or granular form, measured in quantities as little as a fraction of a teaspoon, may cause severe damage to the skin, eye, mouth, throat, larynx, esophagus or stomach upon contact. Caustic materials quickly take up the available moisture on these membranes, setting off a chemical reaction leading almost immediately to destruction of tissues at the site. Anyone who has gotten lye on his skin will remember that the reaction is virtually immediate and that removal of the offending material requires prompt and vigorous action, either by flooding with water or application of a weakly acidic material.

Everyone here knows that youngsters explore their environment vigorously long before they are able to read and comprehend fully either written or spoken warnings. Those of us who have raised children are fully aware of the difficulties of adequately protecting the toddler on his forays into the kitchen and laundry storage areas and yet failure to do so when those areas contain highly caustic materials exposes the child to serious risk of irreversible loss of sight, loss of voice, ulcerations and blockage of the esophagus, severe skin "burns" and even death. The mother who is called to the telephone or to the door may be unaware that her child has had an accident with such a material and lose critically important time in attempting to prevent serious injury. Even where the mother discovers the accident promptly, precious time may be lost in attempts to gain medical advice or assistance.

To suggest that a frequently used household item that is bulky can be stored assuredly out of reach of youngsters is to be unrealistic. Statistics on accidental exposure to dangerous substances in the household lead me to believe that any action which results in widespread incorporation of caustic materials in detergents may also be expected to result in many additional serious injuries to children. The Hazardous Substances Act requires that packages containing such materials bear appropriate warning labels, but warning labels place the entire burden of protection on the shoulders of the parents. Where it is believed that the warning label does not provide sufficient protection, the Hazardous Substances Act permits the material to be banned entirely from interstate commerce. If our experience in the months ahead bears out the concerns which I have expressed, it may be necessary for us to take drastic action against those detergents which are found to have extremely caustic properties.

Several years ago the detergent industry began seeking alternatives to phosphates which would be safe for both man and his environment. Nitrilotriacetic acid (NTA) was introduced and found to be highly satisfactory as a laundry agent, and not harmful to the environment. However, tests conducted within the past year raised a danger signal with respect to human health hazard. Use of NTA was discontinued voluntarily by the industry after discussions with us in December 1970, and I want to commend the industry for this prompt action in the face of a potential health threat. Since that time industry and government have collaborated in efforts to clarify the health aspects of NTA. In the months ahead we shall try to reach a definitive conclusion on this matter.

In summary, I believe that we must pursue a balanced public policy and an ordered approach to the solution of these problems.

In responding to one environmental problem great care must be exercised to assure that the alternative does not create equal or greater hazards to the environment or to human health. This is certainly the case with detergents in view of the massive quantities produced and ubiquitous nature of their distribution.

Because of the real and not only potential health hazards of some of the identified phosphate substitutions, environmental protective regulatory efforts by Federal, State and local officials must be conducted carefully and intelligently, with full awareness of secondary health and biological effects of those efforts.

Finally, because scientifically much is still unknown, we must conduct additional research on phosphate substitutes to ascertain their place and the place of labeling in an effective overall program.

The U.S. Public Health Service therefore urges the Federal Trade Commission to defer making a decision regarding labelling at this time.

INEQUITY TO OUR ELDERLY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. WALDIE. Mr. Speaker, the following news article is reprinted from the San Francisco Examiner and Chronicle of May 9, 1971. It was called to my attention by a concerned citizen in my home district, Mrs. Paul W. Loze, of Moraga, Calif.

The article points out some of the built-in inequities of the present social security system as it applies to the aged:

INEQUITY TO OUR ELDERLY

(By Harriet Van Horne)

A salty old lady of my acquaintance has been casting a wistful eye upon those Ecuadorian villagers who, at age 100 and up, are still capering around the Andes like giddy mountain goats.

"They're better off than old folks in this country," said my aged lady, "because they can work 'till the're 110 and not lose their Social Security."

It was unlikely, I suggested, that Ecuadorian peasants have any Social Security to lose. That, we agreed, was too bad for the sickly ones. "But it's worse to be hale and hearty and 62," said my friend, "and know that the instant you take a decent job you lose 50 percent of the Social Security you've been paying for all your working life."

Realists know that virtually every aspect of our social order discriminates against the poor and the aged. But there is a particularly nasty bit of discrimination built into the Social Security laws that ought to be repealed at once.

That is the proviso reducing benefits by 50 percent to any citizen in his 60s who takes a job paying $1680 a year or over but continues full benefits to citizens whose income is derived not from honest toil but from stocks, bonds, interest or rents.

This clause is cruel above and beyond its explicit terms. It penalizes incentive and ambition. It punishes the aged whose salaries have never permitted them to make long-term investments. And it forces too many of our elderly people to choose between a demanding idleness on a pittance and "getting by" on a salary that barely covers the essentials of life.

Our policy of "early retirement"—a shoddy device for cutting costs in some industries—has greatly worsened the plight of the elderly. A vigorous man (or woman) who is suddenly up-rooted from his job suffers a kind of emotional castration. He feels unwanted, unloved and without status.

All these negative feelings are worsened when he is advised that taking any job more lucrative than Saturday clerk or baby-sitter will cut his Social Security in half. He could be sweetening his retirement years with a $25,000 income from investments, however, and the government would never diminish his pension by a penny.

This vile inequity should not be allowed to stand. And my hand is outstretched today to one George Rubin, an employment agent, who is launching a nationwide drive to end this discrimination against the senior citizen. He hopes to get one million signatures on a petition to be presented to Congress.

It is also good to know that Rep. Mario Biaggi, Democrat from the Bronx, N.Y., has reintroduced in this Congress a bill to remove Social Security's low ceiling on the earnings of the elderly.

A curious paradox in the present Social Security law suggests that the abhorrent penalty clause was forced upon Congress by a greedy labor lobby. The paradox is that once a citizen reaches the age of 72—and presumably less inclined to invade the labor market—he may work full time and still receive full Social Security benefits.

The consultant to the Treasury Department's pension staff (and author of the definitive work on pensions), Frank L. Griffin, recently set forth his views on retirement pay. "The ultimate goal," said he, "would be to provide a retired worker with about the same sum he was earning, after taxes, on the job. And I am sure that will come about someday."

SCHEDULE OF THE APPROPRIATION BILLS

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. MAHON. Mr. Speaker, earlier today, during the 1-minute period, I made some remarks about our plans and hopes with respect to consideration of the appropriation bill in the House during June and July.

I include herewith, in more precise form, information concerning the tentative House schedule and the status of the bills:

TENTATIVE SCHEDULE—FISCAL YEAR 1972 APPROPRIATION BILLS

Bill	Full committee	House floor[1]
1. Education	Mar. 30	Apr. 7.
JUNE		
2. Legislative	Tuesday, June 1	Friday, June 4.
3. Trans.-P.O.-Gen. Govt	Thursday, June 17	Tuesday, June 22.
4. Agric-EPA, etc	Friday, June 18	Wednesday, June 23.
5. Interior	Thursday, June 24	Tuesday, June 29.
6. HUD-Space-Science	Wednesday, June 23	Monday, June 28.
7. S.J.C.J	Monday, June 21	Thursday, June 24.
Continuing Resolution	Thursday, June 24	Tuesday, June 29.
8. Transportation	Thursday, July 8	Tuesday, July 13.
9. Public Works-AEC	Hearings concluded. Report about mid-July or so. Clear House before August recess.	
10. District of Columbia	Hearings conclude end of June. Reporting depends partly on revenue legislation. Clear House before August recess.	
11. Defense	Hearings conclude June 10. Reporting depends on authorization developments, but plan to clear House before August recess.	
12. Military Construction	Hearings conclude June 23. Reporting depends on authorization bill, but refort and clear House before August recess.	
13. Labor-HEW	Hearings conclude June 18. Report about mid-July (OEO; health manpower; Juvenile delinquency; etc. not yet authorized). Clear House before August recess.	
14. Foreign Aid	Hearings conclude end of June. Reporting depends on authorization bill, but report and clear House before August recess.	
15. Supplemental, 1972	Latter part of session.	

[1] Exact floor dates to be worked out in cooperation with leadership.

CAMPING ON PARKLANDS IN DISTRICT OF COLUMBIA—WHY NOT A UNIFORM POLICY?

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. HUNT. Mr. Speaker, on April 19, 1971, Congressman WYLIE and I introduced H.R. 7479—to limit the use of publicly owned or controlled property in the District of Columbia—in an effort to back the position of the National Park Service barring overnight camping on public lands in this city by the thousands of antiwar demonstrators who were to begin to invade the Nation's Capital on April 19 and the following 2 weeks. As we all know, of course, the groups came as planned and camped out on the Mall and in West Potomac Park as they said they would, regardless of any prohibitions.

During the period of these encampments, one of my constituents, who must have been following the news on these events, discovered that the Government had backed down on its policy. Naturally, the idea came to him that he, too, might enjoy the same privilege for a quiet and peaceful vacation sometime during the summer. As a result of my constituent's request for a permit to camp in West Potomac Park, I undertook communications with the Attorney General and the Director of the National Park Service with the feeling that whatever policy existed ought to be applied uniformly. The exchange of correspondence that followed was indeed most interesting.

Despite the absolute fact of 2 weeks of encampments for the period from April 19 through the early morning hours of May 2—when the last of the militant demonstrators were finally routed from West Potomac Park—the policy statements I received from both the Justice Department and the National Park Service would almost lure the casual observer into believing that this entire fiasco never happened.

For example, L. Patrick Gray, III, Assistant Attorney General for the Civil Division of the Justice Department, writes—in reference to the encampment on the Mall sponsored by the Vietnam Veterans Against the War:

> Thus, even during these difficult events, the Department has maintained its position in opposition to overnight sleeping on the park grounds. Those grounds are for the use of all visitors on an equal basis.

My constituent certainly does not think so whose request for a permit was denied in a letter from Raymond L. Freeman, Deputy Director of the National Park Service, who enclosed a statement with his brief reply noting in part:

> At the time the agreement with the People's Coalition was entered into it was concluded that there was not a sufficient showing of an intent to camp to carry the burden imposed upon the National Park Service by the United States District Court of showing that this agreement would be violated by the demonstrators . . . Thus, the National Park Service policy has remained constant throughout. No permit has been or will be issued for overnight camping on parkland within the District of Columbia.

Of course, my constituent will find it hard to believe that the early negotiations for an estimated 75,000 demonstrators to occupy parts of Rock Creek Park for a 2-week period did not contemplate overnight sleeping, camping, or whatever else it was called. Quite expectedly, as a matter of fact, the sponsors of this group said they would be glad to settle for the Mall area once the veterans who had preceded them won the battle with respect to an encampment on the Mall.

Mr. Speaker, I trust that the Committee on Public Works will not permit this matter to pass by without some very serious consideration of the principles involved. As I stated in my letter to the Director of the National Park Service:

> I can hardly believe that the individual or group must first profess to be militant before being given the privilege to stay overnight in the Mall area, or that the cause which motivates such individual or group to come to this City to begin with must be political.

I have made copies of my complete file in this matter available to the committee and, for the benefit of all the Members, I am inserting the letters that were exchanged with the Justice Department and the National Park Service:

APRIL 22, 1971.

Hon. JOHN HUNT,
House Office Building,
Washington, D.C.

DEAR MR. HUNT: I have always wanted to take the family on a thorough tour of Washington, D.C. (White House, Capitol, Library of Congress etc.) but could not afford to do so.

Now I believe I have found a way to spend a week or two in Washington, relatively cheap.

I would like a permit for a campsite in the vicinity of the Lincoln Memorial, as near the pool as possible, for the last two weeks in August.

We have all of our equipment and will not require any equipment or assistance from any government agency.

Would also like information on campfire, permits required etc.

If you cannot supply the information I have requested, would you please refer this request to the proper authorities, as we are now making our vacation plans, and only have 16 weeks to get everything settled.

Very truly yours,

——— ———.

P.S.—If refused, this will be the second time other persons or groups have been given preferential treatment.

APRIL 26, 1971.

Hon. JOHN N. MITCHELL,
The Attorney General,
Washington, D.C.

MY DEAR MR. ATTORNEY GENERAL: The enclosures are in connection with my inquiry of the Director of the National Park Service as to the Government's policy with respect to the use of public lands in the District of Columbia for overnight sleeping, and a request from my constituent for a permit for this purpose.

I need not reiterate what is already expressed in my letter to the Director. However, I am contacting you because it is evident that it was the result of directives from the Justice Department that the parameters of present Park Service policy are obscured.

For the benefit of my constituents and Americans everywhere, this matter should not be lightly dismissed nor should it be allowed to pass by—with groups now resident on the public lands in this City with the apparent sanction of the Justice Department—without some explanation of the policy that is being followed. I expect the Director of the National Park Service to speak for the Government, but I would appreciate your comments as to the position of the Department of Justice without whose backing the Park Service is obviously powerless to carry out its responsibilities to *all* citizens.

While I am sponsoring a bill that would limit the use of publicly owned or controlled lands in the District of Columbia, the absence of Congressional action and the possible vacuum created thereby should not bar an even and impartial application of whatever policy now exists.

Your immediate attention to my request is respectfully requested.

Sincerely yours,

JOHN E. HUNT,
Members of Congress.

DEPARTMENT OF JUSTICE,
Washington, D.C., May 5, 1971.

Hon. JOHN E. HUNT,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HUNT: This is in response to your letter of April 26, 1971, asking for the position of the Justice Department regarding the use of National Park Service park land in the District of Columbia for overnight sleeping.

As you point out, the issuance of permits for overnight camping on such land is the responsibility of the National Park Service. At no time during the series of demonstrations this past month in the District of Columbia, or in the negotiations preceding them, was a permit issued for overnight camping. In fact, the Justice Department sought from the District Court, and appealed to both the Court of Appeals and the Supreme Court to sustain, an injunction against camping, including overnight sleeping, by the Vietnam Veterans Against the War.

Although the District Court issued an injunction, the Court of Appeals refused to support this Department's position, and the Veterans were permitted to camp under that Court's order. By the time the Supreme Court was able to review that decision and reinstate the injunction, considerable time had passed. As the President indicated in his press conference of April 30, the Veterans were scheduled to leave shortly thereafter. Their attorneys advised us on several occasions that the Veterans would comply with the injunction. Indeed, it was only at the last minute, and against the advice of their attorneys, that the Veterans opted to remain overnight.

Thus, even during these difficult events, the Department has maintained its position in opposition to overnight sleeping on the park grounds. Those grounds are for the use of all visitors on an equal basis. The National Park Service has established several campgrounds in the area of the District for the use of visitors, such as Mr. ——— who wish to camp overnight.

Any illegal acts by the demonstrators do not constitute a deviation by the Department from its position nor an acquiescence in or condoning of such acts.

I hope this explanation is of some help to you.

Sincerely,

L. PATRICK GRAY III,
Assistant Attorney General.

APRIL 26, 1971.

Mr. GEORGE B. HARTZOG, Jr.,
Director, National Park Service,
Washington, D.C.

DEAR MR. HARTZOG: I am enclosing a copy of the letter I received from my constituent, Mr. ———, who is requesting a permit to stay overnight in West Potomac Park in the vicinity of the Lincoln Memorial.

Prior to the Resurrection City encampment of 1968, I would have immediately thought that such a request was patently unreasonable and would have directed my constituents to one of the authorized camping sites outside the City. However, with the erection of Resurrection City within eyesight of the Capitol and at the footsteps of the Lincoln Memorial, it was more difficult to justify to those who might inquire that they could not take the same advantage of the convenience of the Mall area for overnight sleeping. In fact, Mr. ——— had made a similar request for a permit after the Resurrection City encampment and was denied such privilege by the Park Service by way of a roundabout suggestion that other suitable camping sites are maintained outside the District of Columbia. Copies of my inquiry at that time and Assistant Director Hummel's evasive reply are attached for your convenience.

While I had thought that a lesson was learned—the hard way—from the Resurrection City encampment, and was, therefore, heartened when the Park Service declined to issue permits for encampments to the antiwar protesters whose activities began last week, I am now at a total loss to even begin to piece together the Government's policy with respect to the use of certain lands in the District of Columbia. I can hardly believe that the individual or group must first profess to be militant before being given the privilege to stay overnight in the Mall area, or that the cause which motivates such individual or group to come to this City to begin with must be political. Nor is it an even remotely plausible excuse to say that the permit, pursuant to which the protesters are now staying overnight on these lands, technically does not permit sleeping. Quite obviously, our constituencies have more than sufficient reason to resent this unequal treatment.

You may be aware that on April 19th, Congressman Wylie and I introduced a bill (copy enclosed) to limit the use of publicly owned or controlled lands in the District of Columbia, a bill whose text had been overwhelmingly passed by the House in the 91st Congress in direct response to Resurrection City. The intent of the bill is to promulgate a uniform policy that will insure *equal* access to such lands by *all* citizens, and to specifically prohibit certain enumerated uses that would interfere with equal access. In the meantime, however, whatever policy that now exists must also be administered uniformly and I am very serious in my request that a permit be issued to my constituent to allow him and his family to use the area of West Potomac Park for overnight sleeping during the last two weeks in August, 1971. If the issuance of such a permit is declined, then I would request your assurance that my constituents would not be arrested or disturbed by the police for staying overnight on the lands in question. There is absolutely no doubt in my mind that Mr. ——— stay will be peaceful and that he will require no services of any kind from the Government. Furthermore, he will leave the area as he finds it which is certainly more than can be said for the groups that are presently residing on the grounds.

Your immediate attention to my request would be deeply appreciated.

Sincerely yours,

JOHN E. HUNT,
Member of Congress.

MAY 17, 1971.

L. PATRICK GRAY III, Esq.,
Assistant Attorney General
Department of Justice
Washington, D.C.

DEAR MR. GRAY: I have received your letter of May 6, 1971 in response to my inquiry of the Attorney General as to the position of the Department of Justice with respect to the use of certain lands within the District of Columbia for overnight sleeping.

Inasmuch as your reply dwells upon the Department's actions only with regard to the demonstrations sponsored by the Vietnam Veterans Against the War, I would appreciate your confirmation as to whether the Department was involved in the decision to permit the encampment of other demonstrators in West Potomac Park for the week beginning April 25th subsequent to the veterans' activities. If your answer is in the affirmative, I would respectfully request your advice as to the extent of the Department's involvement as well as its position at that time in light of the prior week's activities on the Mall.

Your continued cooperation in this matter is appreciated.

Sincerely yours,

JOHN E. HUNT,
Member of Congress.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 25, 1971.

Hon. JOHN E. HUNT,
House of Representatives,
Washington, D.C.

DEAR MR. HUNT: This will reply to your letter of April 26 concerning the use of park land for public camping in the National Capital Park areas.

For your convenience, we are enclosing a copy of a statement we have prepared on the above subject. We hope it will provide you with the clarification you desire; we also hope that it will serve to explain the reasons we must deny the request of Mr. ——— for a permit for overnight sleeping in the area of West Potomac Park during the last 2 weeks of August.

We do sympathetically understand your deep personal concern in this instance and greatly appreciate your courtesy in so well stating your thoughts to us.

Sincerely yours,

RAYMOND L. FREEMAN,
Deputy Director.

STATEMENT OF DEPARTMENT OF THE INTERIOR ON PUBLIC CAMPING IN THE NATIONAL CAPITAL PARKS AREAS

The policy of the National Park Service concerning the use of parkland for public camping in the National Capital Parks areas is found in 36 C.F.R., Section 50.27 (1970). In essence this regulation provides that overnight camping will only be permitted in those areas designated as public campgrounds. The Mall area, the West Potomac Park area, and indeed the remainder of the parkland within the District of Columbia under the jurisdiction of National Capital Parks are not areas that have been designated as public campgrounds pursuant to this provision. Further, it is the position of the National Park Service that this provision does not permit the temporary designation of parkland on an individual basis for public camping; and that the parkland within the District of Columbia is totally unsuited for such use.

The "Vietnam Veterans Against the War" challenged both of these positions. In addition, their request to camp on the Mall also presented the issue whether symbolic camping could fall within the protection of the First Amendment; it was this same issue that underlay the Government's decision to permit the Resurrection City encampment.

In the ensuing litigation—necessarily initiated by the Federal Government due to a court injunction of the National Capital Park, National Park Service regulation concerning public gatherings—each of these issues was conclusively determined by the United States Supreme Court to the National Park Service's advantage. A decision was then made by the Department of Justice, that no attempt would be made to enforce the order by the Executive Branch and it was subsequently rescinded. This decision was based upon several factors. First, the legal principle had been established; second, due to the time consuming legal proceedings the Vietnam Veterans had occupied the Mall as a campsite for three nights under color of law and legally; third, only one night remained under their notice; fourth, their numbers at all times were small and substantially less than the 5,000 originally estimated by the Vietnam Veterans; and fifth, they were at all times orderly, neat and peaceful.

The agreement and the subsequent activities of the People's Coalition for Peace and Justice should not be construed as a break in the legal precedent established in litigation against the Vietnam Veterans. At the time the agreement with the People's Coalition was entered into it was concluded that there was not a sufficient showing of an intent to camp to carry the burden imposed upon the National Park Service by the United States District Court of showing that this agreement would be violated by the demonstrators. The events beginning with the massive demonstration by the National Peace Action Coalition on Saturday, April 24, proved conclusively that camping was taking place and would continue to take place; and that the agreement had been entered in bad faith. At this point, however, due to the large numbers of demonstrators in the metropolitan area it was decided that it would be to the Government's advantage and in the best interests of the District as a whole to attempt to achieve compliance with terms of the agreement through non-police tactics. Numerous meetings were held in attempt to force compliance with the terms of the agreement. When later events proved that future cooperation was impossible, the Government then chose the most opportune time from a tactical point of view to close down the camping that was taking place. This was done early Sunday morning, May 2, after the completion of a prior scheduled rock concert, which in itself would have attracted large numbers of people to the city whether or not it was permitted to take place.

Thus, the National Park Service policy has remained constant throughout. No permit has been or will be issued for overnight camping on parkland within the District of Columbia. The National Park Service has gone to the United States Supreme Court to establish this principle. In the event that any group either in violation of an otherwise valid permit or without authority camps on parkland appropriate measures have been and will continue to be taken to insure its removal.

FIFTIETH ANNIVERSARY OF LT. COL. EDWARD L. HOLMAN AT CARSON LONG INSTITUTE, NEW BLOOMFIELD, PA.

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. WHALLEY. Mr. Speaker, I would like to call to the attention of the House the 50th anniversary of Lt. Col. Edward L. Holman's association with the Carson Long Institute, an outstanding military academy for boys in our 12th Congressional District of Pennsylvania.

Colonel Holman began his illustrious career in education as a country schoolteacher in 1912. After serving as a private and officer in World War I, Colonel Holman joined the Carson Long Institute as assistant principal in 1921. This turned out to be an apprenticeship, as he later became headmaster, professor of military science and tactics, and president in 1944. Colonel Holman has served continuously in that capacity since then.

Colonel Holman has been instrumental in maintaining the rigid standards and outstanding reputation of this well-equipped school for boys. Under his guidance, the school has graduated many boys who continued their education at Columbia, West Point, Penn, MIT, Dickinson, et cetera, and have made outstanding contributions to our Nation and society.

Too often, the man who devotes his life to educating youngsters is overlooked in the distribution of accolades for outstanding contributions to our society. I think it is important to point out, not only the dedication of men like Colonel Holman, but the vital role they play in our society.

The talents and energies of our young people can be channeled in one of two directions: toward constructive activities or destructive activities. It is through the proper guidance, experience, and talents of educators like Colonel Holman that youthful vitality can be cultivated to harvest flowers rather than weeds.

The life of Colonel Holman should serve as an inspiration to those considering education as a career. Although often a rocky road, the life of an educator can be most rewarding. The satisfaction and peace of mind Colonel Holman must have for molding the lives of so many boys is unique to his profession.

So congratulations, Colonel. Your life and your career have been outstanding in every respect. Your 50 years with the Carson Long Institute is a personal tribute, and your service to humanity is beyond recall. We are proud of your career and your accomplishments, and hope that you have many happy and rewarding years ahead at the institute. Congratulations, again, and good luck in all your endeavors.

INDIVIDUAL VALOR

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. CHAPPELL. Mr. Speaker, there is a tendency to believe that the American society is so mechanized and so complex that it smothers the individual's initiative, but the enthusiasm and determination of people such as Capt. Ralph Elliott III, a young friend of mine from Jacksonville, Fla., is a reminder that such statements are wrong.

It is with a sense of gratitude that we salute Captain Elliott, whose personal heroism certainly deserves the highest praise. Shot down in North Vietnam while their helicopter was on a rescue mission, he and his crewmen were surrounded by North Vietnamese troops. Upon contacting his headquarters by radio, he learned from his commander that he had been made a captain. Assuming immediately his new responsibilities, Captain Elliott's main concern was for the safety of his men and to somehow inform his commander exactly where they were. A number of helicopters were sent in an effort to rescue them, but a heavy groundfire drove them off. The whole area was saturated with enemy troops. Finally, at the end of the third day, the small crew was rescued by a South Vietnamese reconnaissance company and safely returned to South Vietnam.

Captain Elliott's experience did much more than bring honor to himself. As so well stated in the Jacksonville Journal editorial of March 8, 1971:

> It reminds us that, behind the grim statistics of war, there are individual soldiers, sailors and airmen who daily gamble their lives in support of our national policy. Many are unsung, but they shouldn't be. By helping to remind us of the personal sacrifices that all our servicemen make, Captain Elliott has magnified his own valor.

Mr. Speaker, I submit that Capt. Ralph Elliott III deserves both our commendation and gratitude for his contribution to the safety and freedom of the men in his command, as well as all of us here in America.

CHOWAN NOT IN THE DOLDRUMS

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. JONES of North Carolina. Mr. Speaker, in this day of frustration and problems of the greater universities, we sometimes tend to forget the outstanding service that our junior colleges are rendering the entire higher education system structure.

Located in the First Congressional District of North Carolina, which I have the honor of representing, is Chowan College, Murfreesboro, N.C., which has experienced phenomenal growth, but yet a growth which has placed a strong emphasis on quality education and a strict adherence to values which we all cherish.

A few days ago, the News-Herald, Murfreesboro, N.C., published an editorial which shows the success of Chowan far better than anything I could say. Therefore, I am privileged to place in the RECORD this editorial so that you might see it and can be reassured that there are educational institutions of this type still in existence providing uninterrupted educational service.

The editorial follows:

> CHOWAN NOT IN THE DOLDRUMS
>
> There's a real story of local progress in the latest issue of the Chowanian, Chowan College student newspaper. On one of the inside pages under heading "The Chowan Record" is a list of statistics detailing the growth of the college since 1957. When Chowan grows, Murfreesboro—indeed all Hertford County and surrounding area—grows as well.
>
> That this growth factor connected with the college is big locally can be seen in the 1970 census figures. Hertford County was one of the few in the northeast to show an increase over 1960. One change in census rules between the two censuses was the counting of most college students this last time in the locality where they were attending school. The total Hertford County increase was less than the increase in the Chowan student body during the 10-year period.
>
> The item in The Chowanian begins with a quotation from a national junior college publication which states "not all independent junior colleges are in the doldrums or ready to call it quits as some reporters would have you believe." Chowan's figures since 1957, the year Dr. Bruce Whitaker assumed its presidency, certainly put Chowan in this non-quitting group.
>
> Some of the figures which bear out the health of Chowan comparing 1957 with 1970 are: students 293 then, 1,472 in '70; faculty from 21 up to 79; total assets up from $751,668 to a sizeable $8,390,538; operating budget up from $298,200 to $2,425,000; library increasing from 9,292 volumes to 35,026 and library operating budget from $12,419 to $70,090.
>
> Any operation with an annual operating budget in the $2.5 million range is big business anywhere. It's a particularly significant factor in an economy no larger than that locally. But as the library figures show the growth the past decade or so at Chowan has not been all in raw numbers. The quality of educational experience offered has been enriched equally as much as the growth in numbers. This is a fortunate policy for the long run it is more likely that private education will survive because of its quality than for any other reason.
>
> It is easy sometimes to forget about the contributions of institutions so close at hand as Chowan. But in so many ways its personnel—staff, faculty and students—enrich the quality of life here. With the present school year now ended, it is a good time to pay tribute to Chowan for its many contributions to the area in which it is located.

A BILL TO AMEND THE INTERSTATE COMMERCE ACT TO EXEMPT FARM VEHICLES FROM CERTAIN BURDENSOME LIMITATIONS OF THE ACT

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. NELSEN. Mr. Speaker, today I am introducing a bill which amends the Interstate Commerce Act to exempt farm vehicles from certain burdensome limitations of section 204 of the act.

The bill would enact into law exemptions from regulations for farm vehicles which have been granted farmers for many years. While satisfactory arrangements may have been agreed upon between officials of the Department of Transportation and representatives of farm organizations, this bill would give the effect of law to most of the agreements and would prevent the problem from arising in the future.

As near as can be determined some 2,800,000 farm operators maintain some 3,700,000 trucks of all sizes, which are driven regularly or occasionally by at least 4 million persons, mostly members of farm families or hired employees.

A regulatory pattern which may fit the comparatively large operations of common and contract carriers, operating an average of about 50 trucks per company simply does not fit an industry consisting of 2,800,000 small units operating an average 1.3 trucks. It is surprising that the Department of Transportation should attempt to apply the same regulations to such different groups, especially in the face of the existing farm truck safety record.

It is significant to note that during the year and a half the safety revisions were under consideration no representative of the Department of Transportation notified any organization representing farmers by letter, telephone, or otherwise that a major change affecting farmers was under consideration. It is also my understanding that although the Department of Agriculture has a statutory responsibility to help protect the transportation interests of farmers, the Department was not informed relative to the agriculture changes proposed in the regulation.

For these and other reasons it seems compelling that legislation of the type I am introducing should be considered by Congress and passed at an early date.

U.S. POLICY TOWARD UNRWA: ENFORCEABLE SAFEGUARDS BEFORE GOVERNMENT SUPPORT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. SCHEUER. Mr. Speaker, the situation in the Middle East continues to be so critical that new fighting might erupt any day, in spite of the best efforts to get negotiations underway.

In order to understand the problems there, it is necessary to know the background: the things which Israel must have to be secure in her borders, the intransigence of the guerrillas, the Arab violations of the United Nations ceasefire of 1957, the dangerous part which the Soviets play, and the great stake which America has in the peace of the region.

All of these matters are discussed in an editorial appearing in the current issue of the magazine "Prevent World War III," published by the Society for the Prevention of World War III, New York.

I include the text of this editorial at this point in my remarks:

> [From the Prevent World War III, Winter-Spring Issue, 1971]
>
> THE MIDDLE EAST: BEGINNING OF PEACE—OR QUIET BEFORE THE STORM?
>
> Are Egypt and the Soviets "satellitizing" the North African Arab states and Syria?
>
> Is the Moscow-Cairo Axis succeeding in its drive to take over the hegemony of the Middle East—a process that also involves the destruction of Israel?
>
> Is there a way to compel the guerrillas to abandon their doctrine that "political power grows out of the barrel of a gun"?
>
> Can the United Nations, dominated on this issue by a built-in power bloc of communist and Moslem states, find a way to act effectively in the world's most crucial struggle?
>
> Can the Free World reestablish a balance of power that will bring at least temporary peace in the region, and prevent an explosion that may herald World War III?
>
> The 90-day truce, once extended, has brought a strangely nightmarish quiet to the Middle East—but Anwar el-Sadat, President of Egypt, declares that his country will not agree to any further truce extension without imposing conditions he knows cannot be accepted by the other side. The "ceasefire," meanwhile, has been interrupted by constant complaints of violations along the Suez, guerrilla actions across Israel's other borders, hijackings of international airliners and a violent civil war that nearly toppled the government of Jordan.
>
> It is obvious that the Moscow-Cairo Axis

has used the interim to strengthen its forces—and the United States has found it necessary to provide additional aid to Israel, in order to prevent Soviet imperialism from taking over the whole region without challenge.

Such a take-over, of course, would spell the end of Israel as a democratic state. It would also make untenable the position of NATO in the Eastern Mediterranean and would jeopardize the Free World orientation of friendly countries like Turkey and Iran.

Egypt has moved, with the Sudan, Libya and more recently Syria, to take the first steps toward forming a new alliance—or perhaps an actual merger of sovereignties—along the lines of a vastly expanded United Arab Republic, dependent upon Russian armament and united mainly by a common bond of hatred toward Israel.

The guerrillas have refused to recognize the cease-fire at all, and declare that they will accept no "political solution" whatsoever, short of the total "liberation" of Palestine—euphemisms which in effect mean the annihilation of Israel as a state. The "liberation forces" have based themselves in large part upon an Arab population heavily dependent upon UNRWA support, and have thereby called into question the credentials of UNRWA as a relief organization. Many of the guerrilla groups are heavily influenced by Communist China (which has also supplied substantial quantities of arms), and the Maoist doctrine that "political power grows out of the barrel of a gun" has become the motto of most of these terrorist forces.

In short, the outlook is ominous—altogether too much like the moment of seeming quiet that often precedes a violent storm.

Ambassador Gunnar Jarring's mission has often seemed a futile one—but it must be credited with at least keeping the tensions on a "maybe we will talk" basis, rather than in hot war status.

The United Nations has been unable to do anything effective to advance a settlement—basically, because it contains a built-in majority of nations determined to vote along lines of allegiance to power structures, rather than according to juridical principles. Indeed, if the UN had been able to control the problem, the two ceasefire periods engineered by Secretary of State Wm. Rogers would have been unnecessary, for ever since June 9, 1967, a UN ceasefire resolution has been, at least theoretically, in effect throughout the area—but the Egyptians had long since denounced it, and the Syrians (along with the guerrillas) never even formally accepted it.

In the little time that remains to men of peace, before the next eruption occurs, it is urgent that the forces operating in the Middle East be accurately analyzed, and some sensible effort be undertaken to prevent them from blazing into a new stage of fighting which might very possibly become the genesis of World War III.

SADAT PROCLAIMS CONTINUED WAR

Egypt's new President Sadat has made it clear that he intends to continue the war against Israel, speaking in terms no less inflammatory than those used by the late Gamal Abdel Nasser.

In accepting the Egyptian National Assembly's nomination for the Presidency, Sadat said, in a speech carried live over domestic Egyptian radio:

"I will continue to march along the path of Gamal Abdel Nasser, in any circumstances . . . We must first and foremost continue by all means the struggle for the liberation of all Arab territories occupied during the 1967 aggression. These are Arab Jerusalem, Gaza, the West Bank of Jordan, the Syrian heights and the Egyptian Sinai desert . . . Our enemies are Israel, international Zionism and world imperialism."

A week later, receiving a delegation of Arab lawyers, Sadat waxed even more provocative.

"We will not relinquish one grain of sand or a handful of Arab soil," he said.

If there was any doubt about what he meant by "Arab soil," he cleared it up in his next sentence: "Sinai comes last, after Gaza, the Golan Heights, the West Bank and Jerusalem." Clearly, President Sadat had decided to assume Nasser's banner as the "leader of all the Arabs."

Addressing the national congress of the Arab Socialist Union in mid-November, he reiterated the same line, declaring that Egypt would "accept" the UN resolution (supporting an extended ceasefire) only on the condition "that we will not extend the ceasefire period again."

MOSCOW-CAIRO AXIS STRENGTHENED

If some observers were surprised to find Sadat—a comparatively unknown man, following in the shadow of the glamorous Nasser—taking such a confident war-like stance, the explanation was not hard to find.

Sadat was able to proclaim military adventurism, because he felt confident of the continued support of his stronger partner in the Moscow-Cairo Axis. Indeed, one might say that the source of the Middle East's trouble today is to be found primarily in the Sovietization of Egypt.

Just as Nasser had reassured the Assembly that Moscow "had made up for all our losses" not long after the June, 1967, war, now Sadat was able to announce to his people that continued help from a powerful outside source was at hand.

Only a few days after his election, Sadat spoke to a delegation of Al-Azhar University teachers concerning "our special friendship with the USSR." He was firm and specific about continued Soviet arms supplies.

"The Soviet Union," said Sadat, "after the death of the great President (Nasser), continued to provide aid and the latest military devices, and to train our sons in their use."

The whole speech was carried throughout Egypt, on radio, October 12, 1970.

Later the same day, Sadat enlarged upon this theme (also carried on radio). Speaking to a delegation of Egyptian engineers, he said: "An electronic war has been imposed on us. . . . We are receiving full training from the Soviet Union to proceed in this direction. . . ." Then he asked the visiting engineers "to stand with him" as an indication of victory to come. "The battle is long and bitter and we must prepare ourselves to be determined for victory," he concluded.

In short, President Sadat was able to boast to the Egyptian Assembly on Nov. 12, "We have greatly benefited from the ceasefire; we will see the effect at the proper time."

Sadat's enmity is not limited to Israel, however. At every opportunity he adds anti-American propaganda. The policy of his Foreign Minister at the United Nations, he told the Assembly, would be to "expose the Israeli and U.S. stand." America was charged with using "bribery, temptation, and threats"—and Sadat warned Secy. Rogers that "we will not extend the ceasefire period again." These are the perils to which the peacemaker is exposed in today's troubled world.

On the Soviet side, Moscow radio was meanwhile busy with propaganda reaffirming total support for the Arab cause, and attacking "Israel and American imperialism."

"Both the economic and military might of the USSR as well as the efforts of Soviet diplomacy, in particular in the United Nations, are promoting success for the just cause of the Arab peoples," declared Radio Moscow in a typical broadcast beamed to Africa on Nov. 1.

"The Soviet Union will support the struggle of the people and leaders of the United Arab Republic under all circumstances," promised Boris Ponomarev, addressing the Arab Socialist Union in Cairo on Dec. 12. Mr. Ponomarev spoke as a secretary of the Communist Party of the USSR and head of its delegation to the convention of Egypt's only legally permitted political party.

Meanwhile, the number of Russian personnel in Egypt has continued to increase. The participation of Moscow in the Arab cause is not only in terms of supplying arms; it includes large numbers of "advisors," and substantial numbers of actual fighting men. For the first time since World War II Soviet airmen are flying Soviet planes under the flag of another country.

For Moscow, of course, the possible harvest is large—it is nothing less than control of the Middle East, and the realization of a goal which the Czars sought, but were unable to reach.

As if to protect their investment, the Soviets then proceeded to vastly upgrade their representation in Cairo, by naming their Deputy Minister of Foreign Affairs, Vladimir Vinogradov, to be permanent Ambassador to Egypt.

From the point of view of the Free World, all this is highly alarming. It means not only political domination over a key part of the world's geography; it also means that the Soviet Navy is able to vastly enlarge its Mediterranean presence. As Admiral Horacio Rivero, Commander in Chief Allied Forces Southern Europe, reported to NATO, "the Soviets continuously use the ports of Alexandria and Port Said for their support and repair."

FEDERATION OR SATELLIZATION?

Although the death of Nasser was loudly mourned throughout the Arab world, in one way it opened the path toward some types of common action which had not been possible before. Nasser had always spoken of himself as "the leader" whose task it must be to unite the Arab peoples (and the whole Islamic world, for that matter). This was the text of his early book, The Philosophy of the Revolution, and the central theme of much of his diplomacy.

As Nasser saw the world, "a state must discover living space." This "space" (an idea much like the German "lebensraum") consisted of three "zones"—first, "the Arab zone surrounding us;" second, "the African continent;" and third, "the Islamic world." As to the "Arab zone," he looked for it to become "a single whole" under his leadership. As to Africa, "our responsibility extends to the remotest depths of the jungle," he wrote. And as to the Islamic world, he saw himself master of an area "that stretches across continents and oceans" and whose inhabitants numbered 400 million people.

Unfortunately for Nasser, there were other Arab leaders—of lesser stature in the world, but leaders in their own countries—who did not want to be submerged in a movement that would only serve to further glorify Nasser.

With Sadat, the situation was quite different. There was political uncertainty in Egypt itself, and Sadat is not a charismatic figure. Therefore, the November 8 conference in Cairo, which, brought together the heads of state for Libya and the Sudan, as well as Sadat, unexpectedly agreed to work toward a federation of these three countries. All are "revolutionary socialist" governments, and the Libyan and Sudanese regimes are tight dictatorships, while Egypt is a one-party, monolithic state functioning as a dictatorship.

A fortnight later, following the 21st Damascus coup d'etat since World War II, Syria announced that she would join the group.

Thus far, details of the federation are unannounced, but a supreme planning council has been set up. "The federation is to become the nucleus for unity of the Arab nations," said the official communique.

Moscow, of course, gave an immediate blessing. After all, the Soviets are deeply involved in the Sudan as well as in Egypt—and the Khartoum regime relies heavily upon Soviet arms—including MIG planes and tanks—to keep itself in power, and to fight its genocidal war against the black Africans who have been striving, in the South Sudan, to rid themselves of an outside Arab dictatorship.

As to Libya, Russia has long wanted to get her hands on that country's oil production—an enormous three-million-barrels a day. The first shipment of Soviet arms arrived in Libya six months ago—and on Nov. 30 it was followed by a Russian mission of "experts," to survey the crude oil reserves of this Arab state. The process of completing the changeover from a relatively benevolent monarchy to a single-party, single-religion state was completed at about the same time, with the conversion of Tripoli's Roman Catholic Cathedral into the Gamal Abdel Nasser Mosque.

Syria, of course, has been a somewhat unruly minor partner of the Moscow-Cairo Axis, and could be counted on to join with the other three. Syrians have always been opposed to the UN ceasefire, so President Ahmed Khatib warned that in joining the proposed federation, his government "would not accept a peaceful solution with Israel"—a rather unnecessary pronouncement since the main political cement uniting the partners was hatred of Israel in the first place.

Therefore, Pravda was ready to greet the federation proposal with a statement that the project would be supported, because all of the countries have "an anti-imperialist foreign policy" and because of "their policy of developing and strengthening cooperation with the Soviet Union."

In short, the Soviets are congratulating themselves that they are now about to succeed—if the federation lives—in entrenching themselves even more firmly in a huge sector of the Arab world which they had long sought to bring within their sphere of influence, but where troublesome internecine squabbles often impeded Moscow's purpose.

From the vantage point of the Moscow-Cairo Axis, Arab Africa is about to be satellitized, not federated.

One wonders how the people of a country like Syria will ultimately react to all this. The first United Arab Republic—consisting of Syria and Egypt alone—lasted from February, 1958, until October, 1961. It began with enormous enthusiasm, but as Syrian leaders were progressively stripped of power, or moved to Egypt, the people of the lesser partner became restive, and a coup d'etat brought a sudden end to "federation."

Whatever the outcome of the new scheme, Moscow will reap the profits. She is already well entrenched in each of the participating states—and in the case of Syria, especially, she controls a bellicose assembly of terrorists, always ready to follow an extremist lead.

UNITED STATES CAN HELP TO BRING PEACE

Dark as these developments may seem, there is still a ceasefire in operation. This means that, provided the right steps are taken, there is hope for the future—although not for an *immediate* solution.

When tensions and hatreds, and power collisions of such size, exist in any part of the world, it is unrealistic to expect a sudden end to troubles. The statesman should seek a course which, given reasonable time, shows prospect for peace—and then he should pursue that course with all possible firmness.

There are several things that can be done.

First, it is important to keep the Jarring mission alive. Obviously, serious talks on this level cannot be undertaken while one of the contending powers is using the ceasefire period to strengthen its fortifications within the ceasefire area. That Egypt has been using the interim for this purpose is without question. The facts are confirmed both by American and by Israeli intelligence—and the intention to use the ceasefire in this way has been openly stated by President Sadat.

In order to keep the Jarring talks going, it is therefore absolutely necessary that the United States take all steps needed to guarantee that Israel will be adequately strengthened, and to make it categorically clear to the world that an effective balance of power will be maintained.

Former Ambassador Averell Harriman has made the suggestion that the United States announce—in addition to all of its present commitments to Israel—a policy of extensive lend-lease of military equipment, similar to that which we followed in the early days of World War II, when we extended such assistance to Britain, France and the Soviet Union.

This action would have two advantages: (1), it would provide Israel with assurances necessary to balance the violations of the ceasefire by Egypt, without putting an impossible strain on the Israeli economy; and (2), it would assure all countries that no imbalance could exist, once peace is established, because the conditions of a lend-lease agreement involve the return of the military equipment, after the emergency has passed.

The announcement of such a policy right now would go far to stabilize the situation in the Middle East.

SUPPORT NEEDED IN UN

The United States should also make clear her intention of using every diplomatic means available—including the use of a UN veto if necessary—to make sure that fair treatment is accorded both sides. As noted above, the USSR has already pledged "full diplomatic support" to the Arab cause, and as the situation now stands in the UN, this can only be taken to mean a continuation of the one-sided policy which has so long afflicted the Security Council, which has been in the grip of a Moslem-Communist power bloc able to control all voting on Middle Eastern matters.

With these steps taken, we would be on the road toward some kind of equilibrium, which would at least permit the continuation of talks.

Ambassador Jarring's problem has been badly complicated by President Sadat's declaration that he will not talk until Israel withdraws from the Suez and other areas. Realistically, this means not talking at all, because meaningful negotiation is obviously impossible if either side is first required to give up everything that it has to bargain with. We urgently hope that Egypt's friends, and the efforts of the UN, will soon persuade Mr. Sadat to take a more diplomatic course.

It is also necessary to make clear to the guerrillas that they cannot longer count on using rations and camp sites maintained by UNRWA as training and staging areas for their illegal military operations. Since the United States pays 70% of the budget of UNRWA—a budget that consists only of voluntary contributions—it should be entirely possible to enforce this point of view, once we make up our minds to do so.

The United States should also use every diplomatic device to frustrate the highly improper use to which the Soviets have been putting UNRWA centers, by supplying armament to the guerrillas clustering there. The Soviet actions in this regard—including the most vituperative anti-American propaganda—are particularly reprehensible in view of the fact that Russia has yet to contribute a single penny to UNRWA's budget. American delegates at the UN should press for action to restrain such improper Soviet conduct—even though we realize that Moscow is almost certain to veto any actual resolution on the subject.

In the long run, America should strive to establish a viable balance of power in the Middle East region. But this now means, as we have pointed out before, not merely a balance between Israel and her Arab neighbors, but also a balance sufficient to make military adventurism by the Moscow-Cairo Axis too risky a project to be attractive.

STRENGTHEN FREE WORLD

To do this, the United States must not only strengthen Israel. We must also extend support in whatever degree is needed to the other friends of the Free World, such as Turkey and Iran, located in the Middle East. And above all, we must make sure that the American naval presence in the Mediterranean is maintained in a visible and effective way. NATO must also be urged to play its full part in the area, because the freedom of Europe is involved.

In all of this, there is no absolute guarantee of the future—but there is at least reasonable hope. As Senator Spessard Holland (D., Fla.) puts it, "The existing balance of power in the Mid-East has prevented further open warfare. . . . I shall hope that this will continue to be the case."

President Richard M. Nixon, in his December 10, 1970, press conference, expressly restated America's national policy. "I trust," he said, "that we get the legislation, so we can keep the balance of power in that part of the world (the Middle East) so that the parties involved on both sides will be willing to negotiate, and that eventually they start talking."

In such a policy—resolutely followed—there is hope; in hesitancy and indecision there is only the prospect of disaster.

MISMANAGEMENT AT UNRWA

Now that the United Nations has once more extended the life of UNRWA (the United Nations Relief and Works Agency for Palestine Refugees in the Near East), the Congress of the United States is going to be asked to pay the bill.

In the past 21 years this agency and its predecessor have spent more than $700 million, of which 70% has been paid by the United States out of tax monies, according to the President's Report to the Congress on U.S. Participation in the United Nations for the year 1969.

It is time for Congress to ask whether we should continue to pay these bills, unless some basic changes are made.

We fully support the granting of humanitarian assistance wherever people lack the means of livelihood.

We are deeply disturbed, however, by the manner in which guerrilla and terrorist groups have been permitted to use refugee camps in a way that has disturbed the peace of the Middle East, imperilled the security of both Israel and Jordan, and directly harmed the interests of the United States.

A relief agency must be divorced from politics—both domestic and international. It is one thing to pay for assistance to people in need. It is quite another thing to have that assistance misused for political or warlike purposes.

The so-called refugee camps continue to be recruiting centers for El Fatah and other brands of terrorists and guerrillas. In many places the control—and even the policing—of camps has been taken over by Palestine "liberation" groups. In Jordan the camps were headquarters for the attempt to unseat King Hussein and to establish a regime committed to a militaristic or "non-political" settlement of Middle Eastern affairs. This purpose had come so near to accomplishment not long ago that a correspondent for The New York Times reported in August that *"nobody enters the camps without guerrilla sponsorship."*

The press has repeatedly published photographs showing such misuse of UNRWA facilities, and pro-Arab spokesmen have not even bothered to try to conceal the facts. For example, the weekly publication issued by Dr. M. T. Mehdi, head of the Action Committee on American-Arab Relations, recently featured a front-page photo captioned "Refugee Camps Become Training

Grounds." When a reporter for Life magazine managed to secure an interview with Dr. George Habash, leader of the guerrilla group that has instigated the hijacking of international jet liners, the meeting place turned out to be a building attached to a refugee camp. "Outside the closed doors, armed fedayeen stood guard," the Life correspondent wrote.

Even the children are involved. As far back as May, 1969, the Arab World (publication of the official Arab Information Center in New York) said:

"In the refugee camps, Palestinian youth aged 8 to 14 receive military, political and athletic training after school as members of Al Ashbal (Lion Cub), the scout movement of the Palestine National Liberation Movement."

In the schools maintained by UNRWA the same abuses are found. Young Jordanian children are asked to analyze the sentence: "The Arab soldiers will lead our enemies to the slaughter." And the Syrian Minister of Education, responding to inquiries from UNESCO (which is supposed to play a part in directing these schools) wrote: "The hatred which we indoctrinate into the minds of our children from birth is sacred."

We do not believe that any of these things should be paid for out of taxes collected from the working people of America.

If anything, the situation was worsened by the actions of the 1970 General Assembly of the United Nations. After approving an extension of UNRWA's operations for another year, the Assembly proceeded to pass, as part of its action concerning refugee aid, a resolution declaring that the "people of Palestine" are entitled to self-determination, without any regard for the sovereign rights of Israel, Jordan or any other state in the area. This was done despite the fact that the governments concerned are members of the United Nations and such infringement on their sovereignty constitutes a violation of the UN Charter.

It is not a proper purpose for a relief agency to engage in trying to promote the "recognition" of a state-within-a-state, in the Middle East or anywhere else.

Although the vote for this strange resolution was only 47 in favor to 22 opposing and 50 abstaining, it nevertheless is part of the record, and constitutes a new burden upon UNRWA.

We believe that every nation in the world has the right to be heard, and the right to vote in the UN.

We do not believe, however, that the United States is bound to pay for the misdeeds of others, or to finance activities which run counter to its own interests, without availing some really paramount humanitarian objective.

NO FUNDS WITHOUT SAFEGUARDS

We therefore suggest that no more funds ought to be allocated to UNRWA *until* certain rigid safeguards have been established, including the following:

(1). Strict provision must be made to prevent the use of UNRWA camps and rations for recruiting and supporting terrorist or guerrilla organizations. The Director-General of UNRWA, in past annual reports, has admitted his inability to correct this situation, but nothing has been done about it. Meanwhile, UNRWA funds continue to be used not only for relief, but also to give unauthorized support to terroristic movements dangerous to Middle Eastern peace.

(2). Educational facilities provided for UNRWA centers must not continue to be used for the teaching of hatred. It is reasonable to require that UNRWA schools meet technical standards prevailing in the host countries, but we must not allow the continued use of teaching materials that implant hatred against neighboring peoples.

(3). A real effort must be made to resettle the refugees in available open areas in the Arab world or elsewhere, or to provide jobs for them. In 1948, the number of Jewish refugees moving out of Arab lands was approximately equal to the number of Arabs moving out of the territory that is now Israel. The former group was resettled promptly; the latter group—augmented by uncounted children and grandchildren—continues to subsist in large part upon international assistance, without any planned endeavor for resettlement.

(4). Definitive steps must also be taken to prevent host countries from collecting taxes and other imposts from UNRWA, contrary to the controlling international agreements, and under conditions that amount to collecting an involuntary subsidy from American taxpayers, often for the benefit of countries not friendly to us.

(5). Whatever may be the political future of "the Palestine people," or however strong may be their claim to self-determination, these are not matters about which a relief agency can properly concern itself. The national aspirations of the Palestine Liberation Organization, El Fatah or any other group must not be aided by monies supplied for the most part by the United States as part of a "relief" budget, UN votes to the contrary notwithstanding.

ARABS MUST BE RESPONSIBLE

As a condition for further large American contributions to UNRWA, the Arab governments should agree to be responsible for implementing these proposed safeguards. If they refuse to do so, they should support their own people out of their own funds. They cannot be permitted to misapply relief or resettlement funds for political purposes.

Finally, the burden of supporting UNRWA must be more widely distributed. To date, the Soviet Union has not seen fit to contribute a single dollar for this altruistic purpose. On the other hand, Moscow has supplied the guerrillas with guns and other military equipment, and has constantly propagandized the inhabitants of many of the centers. Certainly, the U.S. taxpayer should not continue to subsidize such misuse of relief facilities.

If the administration of UNRWA can be cleansed, so that it is once more an agency devoted only to the efficient administration of assistance to people who are in need, then the United States stands ready, as always, to pay much more than its fair share of the bill.

We *do* support further American appropriations for UNRWA. But before these appropriations are made, we believe that certain enforceable safeguards must be established, to prevent the continuation of the abuses that prevail today. American support might well be advanced on a month-to-month basis, contingent upon presentation of evidence that reasonable progress is being made to correct the evils listed above. If this is done, UNRWA may once again become the valuable humanitarian agency that it was supposed to be in the beginning.

ANOTHER GLIMPSE OF SOVIET JEWRY

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. BRASCO. Mr. Speaker, a further look into the plight of Soviet Jewry has been taken by one of the outstanding spiritual leaders in my congressional district, Rabbi Philip Lefkowitz, and I wish to include his remarks in the RECORD at this time:

ANOTHER GLIMPSE OF SOVIET JEWRY

Perhaps the greatest tragedy of the Hitler era was the general apathy on the part of much of humanity to the atrocities being performed by the Third Reich against innocent civilians. An otherwise sensitive and feeling world literally "turned off" the living hell of Nazi Germany.

Today in the Soviet Union there is a well thought out program dedicated to the destruction of Judaism. Over three and one half million Jews have but six Synagogues. There is no formal Jewish education available. Ritual observances on an individual basis are handled severely. The Soviet Union is squeezing every drop of Judaism from its Jewish citizenry in the hope that it will be left with a pliable pulp of humanity which can be fashioned into model citizens of the atheistic, communist state.

Yet Soviet Jewry wants to maintain its Jewishness. Cellars and back alleys are utilized for the study of Jewish history and culture. Young Jewish men perform the sacred rite of circumcision knowing full well that this act is in direct violation of the will of the State. The thinking Jew must place his life in the balance to maintain his Jewish identity.

Many Jews have realized that they can no longer live under such circumstances. Their sole desire is to leave the Soviet Union to emigrate to Israel and there live a life of freedom. This desire for emigration is their right as human beings and has been affirmed by the United Nations. Yet, the Soviet Union maintains a policy of obstructing emigration. The government willfully deters its Jewish citizens from fulfilling their strongest desire. The Soviet Union uses every means at its disposal to coerce its Jewish citizenry.

Let us pray that the collective conscience of the world will not lay dormant as it did during the Nazi Holocaust, but will motivate freedom loving peoples across the globe to rally behind Soviet Jewry in its quest for basic human rights.

EFFECTS OF INTERNATIONAL PETROLEUM PRICE BOOSTS ON EUROPEAN ENERGY PATTERNS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. HOSMER. Mr. Speaker, an April memorandum on the "Situation of the Community Energy Market" published by the Commission of the European Communities concludes that the recent oil agreements with Mideast and North African states will, insofar as Western Europe is concerned, improve the competitive position of natural gas and favor a resumption of nuclear power-plant construction. There follows a brief review of the memorandum together with two tables illustrating recent price trends of certain petroleum products.

THE SITUATION OF THE COMMUNITY ENERGY MARKET (APRIL 1971)

(Based on a memorandum published by the Commission of the European Communities)

Oil problems, and especially the Teheran and Tripoli negotiations between the oil companies and the producing countries have been the main forms of interest in the energy market during the first three months of 1971. They have led to an increase in certain factors in the production costs of enterprises which supply the Community with petroleum products. The outcome of these negotiations has modified certain basic data of the world oil market; in particular it has led to the disappearance of the abundant availabilities of cheap oil which characterized the supply position during recent years. On the other hand, the fact that the agreements have been concluded for a period of five years could operate in favour of a certain stability.

This situation, in conjunction with the rise in freight rates in 1970, has led to an upturn in the prices of the chief petroleum products. By comparison with the end of 1969 the trend is as follows:

(a) As regards heavy fuel oil, the prices to the consumer (tax included) have doubled in Belgium and the Netherlands and have increased by about 60% in France, 40% in West Germany and 20% in Italy. The discounts generally accorded to buyers have practically disappeared elsewhere.

(b) As regards domestic fuel oil, the increases are relatively more moderate, being about one-third of the price to the consumer in France and Belgium, nearly half in Italy and West Germany, and three-quarters in the Netherlands. The present prices of domestic fuel oil differ less from country to country than those of heavy fuel oil.

(c) As regards petrol, the price increases have come later and are relatively smaller than in the case of fuel oils. For "regular" grade, the increases, tax included, are about 3% in France and Belgium, 7% in West Germany, 13% in the Netherlands and 16% in Italy. For "super", the increases are generally about the same.

FUEL-OIL PRICES IN CERTAIN COMMUNITY CENTERS (NOVEMBER 1969–MARCH 1971)

[Dollar per ton]

	Heavy fuel oils (exrefinery prices)		Domestic fuel oils (deliveries of over 5,000 1) delivered prices	
	Before tax	Tax included	Before tax	Tax included
Hamburg:				
November 1969	13.5	20.3	26.7	32.7.
November 1970	19.3	26.1	38.9	46.2.
March 1971	21.9	28.7	43.1	50.9.
Rotterdam:				
November 1969	9 to 9.5	12.9 to 13.4	21.7	22.6.
November 1970	19.1 to 21.1	23 to 25	31.9	33.2.
March 1971	20 to 22.2	24.1 to 26.1	38.2	39.7.
Antwerp:				
November 1969	9.5 to 10.5	13.5 to 14.5	24.5 to 27.5	37 to 40.
November 1970	22.5	28.4	38 to 41	50 to 54.
March 1971	22.5	24.5	32 to 34	48.9 to 51.2.
Dunkirk-Le Havre:				
November 1969	11	13	26.5 to 27	36.8 to 37.3.
November 1970	18 to 19.5	18 to 19.5	36.5 to 37.5	48 to 49.5.
March 1971	21.5	21.5	38	49.9.
Milan:				
November 1969	14.5 to 15	19.5 to 20	25.7	36.5 (10).
November 1970	16.6	21.6	33.5 to 35	45.5 to 47 (10).
March 1971	18.2	23.2	33.5 to 35	45.5 to 47 (10).

TREND OF PETROL PRICES AT THE PUMP IN THE COMMUNITY COUNTRIES (NOVEMBER 1969–MARCH 1971)

[Dollars per 100 litres]

	"Regular" grade		"Super" grade	
	Before tax	Tax included	Before tax	Tax included
West Germany (average price):				
November 1969	4.53	15.12	5.67	16.20
November 1970	4.56	15.68	6.31	17.62
March 1971	5.07	16.23	6.56	17.90
Belgium (sole price):				
November 1969	4.78	17.45	5.66	18.44
November 1970	4.78	17.40	5.67	18.40
March 1971	4.56	18.00	5.82	19.50
France (zone D):				
November 1969	4.79	19.11	5.69	20.79
November 1970	4.98	19.31	5.91	21.04
March 1971	5.28	19.66	6.27	21.44
Italy (sole price):				
November 1969	4.50	20.80	5.72	22.40
November 1970	4.87	24.32	6.02	25.92
March 1971	4.87	24.32	6.02	25.92
Netherlands (zone 1):				
November 1969	3.98	15.64	4.54	15.27
November 1970	4.95	16.74	5.58	17.43
March 1971	5.23	17.68	5.90	18.45

The trend in the prices of petroleum products during the next few months will continue to be affected by the recent oil agreements. Certain compensating factors may, however, come into play, and particularly an easing of the freight market.

The price rises will not be felt equally by all consumers. They will have the heaviest impact on energy-intensive industries (electric power stations, chemical and glass manufacturing, etc.). This increase in the cost of energy should not lead to distortions of competition within the Common Market if it is applied fairly uniformly throughout the Member States. But the competitiveness of certain Community industries could be reduced relative to that of non-Community countries which have their own energy sources and will be less affected by the world rise in crude oil prices (USA, Canada, USSR). Account must, however, be taken of the structural evolution in the prices of indigenous energy sources in these countries, e.g., the tendency towards dearer natural gas in the USA. Furthermore, the recent rises in the price of energy are only one aspect of the general price movement which characterizes the present inflationary period.

The effects of the rises in the price of petroleum products on competition between energy sources will not all be felt immediately. They will partly depend upon the behaviour of the enterprises in the energy sector and partly upon the measures taken by the Member States as regards energy policy. In this respect, it is particularly important to maintain healthy competition between the enterprises which help to supply the Community with crude oil.

The competitive position of coal mined in the Community will probably remain unchanged, but under certain conditions there could be new prospects for coal for thermal uses imported from non-Community countries. The position of natural gas, which is already favourable, will improve further as a consequence of the increased cost of fuel oil. Lastly, the present trend favours a resumption of the nuclear power-plant construction programmes, the first results of which have already been observed.

HONEYWELL FILMSTRIP ON YOUTH

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. FRENZEL. Mr. Speaker, last Thursday, along with the other congressional Members from Minnesota, I had an opportunity to review a film presentation prepared by Honeywell, Inc., which is headquartered in my district.

The film accurately portrays the concerns and attitudes of young people today. It also identifies the problem the new generation of voters is having in attempting to identify with either major political party.

Honeywell, Inc. has made copies of its film available to the Republican and Democrat Parties and is giving its other limited copies the widest possible distribution.

The film is an eye opener, and I would encourage everyone to view this worthwhile film when the opportunity is presented.

The following descriptive material on the film is taken verbatim from a small brochure prepared by Honeywell, Inc.:

CONFRONTATION: IDEAS CLASH

Attitudes and opinions harden and suspicion smolders under the surface. Anger erupts. Understanding is buried under accusations and self-justification. It's a conflict that nobody wins.

Today, differences of age form a clear-cut ideological front. Young people are vocal and visible. They are united by a high level of agreement on questions of society, politics and morals. And their ideas differ sharply from the philosophies of their elders.

But differences of opinion are not necessarily bad. Our society was founded on the principle that any new view deserves a fair test on its merits. We know the value of good ideas. A society that forecloses on the thinking of its youth runs a grave risk. First there is the angry frustration generated when a lively segment of the population is suppressed. And perhaps an even greater danger is the loss of new ideas and energy we depend on youth to provide.

To help create an atmosphere in which ideas can be examined positively and attentively, Honeywell has presented, on film, a cross section of the opinions of young people. As citizens they have the right to speak. Through their concern, their work and their participation in public affairs they have earned the right to be heard.

COST OVERRUNS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. SCHMITZ. Mr. Speaker, the following paper from the Rand Corp., concerning cost overruns puts this phenomena into the proper perspective.

Mr. David Novick points out that there is nothing new about cost overruns, citing an historical example from Roman times, and that cost overruns are not confined to the Department of Defense.

The paper follows:

Are Cost Overruns a Military-Industry Complex Specialty?

(By David Novick, the Rand Corp., Santa Monica, Calif.)

Recent discussions of cost overruns in military procurement have occasioned loud cries of anguish about the military-industrial complex. These discussions in their current phase refer to remarks by President Eisenhowever in his farewell address. The recent recommendation of the General Accounting Office that all defense contractors be required to adopt a set of uniform accounting practices is part of this stream of events. Although these two are clearly separate and separable, they are combined here because the public information media have identified them as cause and effect. Probably the most noteworthy such identification was the New York Times editorial on Tuesday, January 27, 1970.

The idea of uniform accounting practices for defense contractors is not new and at all times has seemed both appropriate and possible. Such bookkeeping is now specified by the Armed Services Procurement Regulations (ASPR), which are deficient in information requirements and really do not require uniformity. This is referred to here simply to eliminate it from a discussion of cost overruns, since uniform accounting procedures (although desirable) can deal only with history.

They can identify past overruns but would be of little or no service in meeting the real problem—future overruns.

The problem of cost overruns is neither new nor peculiar to the military. An early illustration is provided by Roman history shortly after the beginning of the Christian era. At that time, Rome decided to build an aqueduct for the town of Troas in Asia.

Costs started to outrun the estimates as soon as the construction began. According to the historian Edward Gibbon, ". . . the young magistrate, observing that the town of Troas was indifferently supplied with water, obtained from the munificence of Hadrian three hundred myriads of drachms (about a hundred thousand pounds) for the construction of a new aqueduct. But in the execution of the work the charge amounted to more than double the estimate, and the officers of the revenue began to murmur."[1] The complaint of the revenue collectors was silenced by the Generosity of the wealthy Julius Atticus, who met all of the extra cost out of his pocket. Since no Julius Atticus lives today, the taxpayer and the public treasury foot the bill, be it a civil or a military project.

Two issues are involved in the problem of cost overrun: (1) the formulation of the original estimate of the cost of the item, and (2) the control of cost when the project is under way.

As indicated above, the GAO proposal would not eliminate the first of these difficulties—estimates of future costs. Although it might alleviate the second problem—cost control—it could be expected to accomplish this only at some distant future time.

Substantial effort to deal with the problem of surprise or cost overruns has been expended in both government and industry, and in both the United States and abroad. A significant contribution was the report of Great Britain's Plowden Committee,[2] which recognized that efficiency of cost control derives from both the quality of the forward estimate and the reliability of the instruments of financial control applied to the work to be done. Although the Plowden Committee dealt with the problem of procurement by the British Defence Ministry, its findings apply equally to all undertakings that will produce goods to be delivered five or more years in the future, including those in both the United States and private business.

The fact that cost overrun is not exclusive to government or to Defense Department programs is proven by a wide range of experience, starting with the Roman illustration discussed earlier. Let me cite a few fairly recent ones.

In the early 1950s, when nuclear reactor technology first became available for peaceful uses, a major public utility company contracted with an established boilermaker for an atomic core for a power plant. Although the public utility had had long experience with fossil fuel and hydroelectric plants, this was its first entry into the nuclear field. For this reason, even though the boilermaker had had substantial atomic experience through its contribution to the World War II Manhattan Project, the public utility engaged a consulting firm that was an established technical consultant in the nuclear field.

The contract awarded by the public utility called for delivery of the reactor core within four years for $55 million. On the original delivery date, the boilermaker had run out of money and was not able to make delivery. Delivery was made several years later and the cost overrun was some 200 percent of the original price.

The cost overrun results were the same for one of the nation's largest communications companies when it introduced a new transmission technology after World War II. Here again, in spite of the accumulation of knowledge, the technique selected for introduction was not fully developed and time was an important factor. In this case, the time schedule was met, but with a 300 to 400 percent cost overrun.

Again in the early 1950s, an American auto manufacturer decided to reintroduce an old body-frame concept. Although it had been used previously by the company and was currently being produced by other auto manufacturers in both the United States and Europe, it was new to that company at that time. All went well until the first units were delivered to the company's proving ground, where the front end was found to be entirely unstable and unmanageable when speed was accelerated—it raised off the ground. An addition of several hundred pounds of metal to the front end held it on the ground, but caused cost overruns of about $200 per unit. In the automobile industry, where budgets are very tight, even a $10.00 per unit change is considered substantial.

In the public field in recent years, we are all familiar with the cost overruns on the Rayburn Annex to the House Office Building. Most of us have also heard about the enormous additions to the original contract price required for some of Chicago's elevated highways. To this list of overruns for ordinary construction well within the state of the art, one or two items from the 1968 hearings on Atomic Energy Commission appropriations might be added.

The most striking AEC overrun cited at that time was for the modification of reactor facilities at Hanford, Washington, where the original cost estimate was $12,300,000 and the final figures totaled $21,728,000. The zero gradient synchrotron at Argonne was originally estimated at $29,000,000; the final cost was $51,402,000. AEC's Project Sherwood, initially estimated at $30,000,000, actually cost $57,004,000.

Turning again to the nongovernment construction: An office building is a simple structure compared to modern military aircraft and guided missiles. Standard grades of steel are used for beams, reinforcement rods, and mesh. There exist numerous suppliers of ready-mixed concrete, sheathing materials for the exterior, sash, flooring, roofing materials, and every other part of the structure. Yet we all know of many commercial office buildings that involved substantial cost overruns. Innumerable people who contracted for private homes have experienced the same problem—they wind up paying substantially more than originally bargained for.

These examples are cited simply to demonstrate that cost overrun is not a phenomenon unique to either the Department of Defense or military goods. To be sure, this will always be a fruitful area of study for both military and civilian parts of the economy. But let us not be misled by the current list of horrible examples in the military and assume that this is the product of some evil conspiracy between the government and manufacturers of military goods.

In the design, procurement, and production of future goods, errors will always be made, whether in the purchase of new space vehicles for government use, the introduction of new power plants by privately owned electric companies, or the purchase of new office buildings and homes by private individuals. This has been the case since Roman times and can be expected to continue in the foreseeable future.

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[1] Edward Gibbon, *The Decline and Fall of the Roman Empire*, The Modern Library, New York, p. 40.

[2] *The Control of Public Expenditures*, HMS Stationery Office, London, 1961.

KEOKUK BRIDGE SAFE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. SCHWENGEL. Mr. Speaker, recently some doubts were raised about the structural integrity of the bridge which crosses the Mississippi River at Keokuk.

These allegations are completely unfounded. The reputable firm of consulting engineers, Modjeski & Masters, completed their annual inspection of the bridge last fall. Their report makes clear that the bridge is in very good shape.

The entire report follows so all can see that the charges made about the bridge simply cannot be substantiated:

Modjeski and Masters Report on the 1970 Inspection of the Keokuk Municipal Bridge

The following report is submitted on the 1970 Annual Inspection of the Keokuk Municipal Bridge crossing the Mississippi River at Keokuk, Iowa. The detailed inspection covered all portions of the superstructure and piers above water, and was made by Mr. Harold Eckhoff on July 25 and 26, 1970.

The bridge is operated under the supervision of Mr. William Bornscheuer, General Superintendent of the Keokuk Municipal Bridge and Treasurer of the Keokuk Bridge Commission. Mr. Bornscheuer participated in the inspection and in discussions of maintenance performance and needs. Operation and maintenance was also discussed with Mr. James Cameron, Commission Member.

GENERAL CONDITIONS

The Keokuk Municipal Bridge was designed for combined railroad and highway traffic and has a capacity of Cooper's E50, at 20 m.p.h., railroad loading and an H20 highway loading.

Revisions to toll canopy and traffic gates allow full vertical clearances for highway traffic. Roadway widths is limited to 17 feet 2 inches within the through trusses and therefore that width is maintained across the bridge except for widening on approach curves.

Maintenance of the structure is excellent, with all requirements for maintaining the capacity of the structure having been met. Diligent efforts of the Maintenance Superintendent to improve operation of the structure and safe use of the crossing are continuing and are supported by the Commission.

MAINTENANCE PERFORMANCE

The interlayered waterproofing of coal tar emulsion and fiberglass cloth mesh is apparently serving in an excellent manner to waterproof the pier tops. The use of this material has been extended somewhat during the year with a considerable increase in its use projected for next year in waterproofing abutments and pedestals.

Additional concrete was placed at the East Railroad Abutment to complete pier protection against scour.

The repainting program is continuing with top chords of the partial through trusses being cleaned down to bare metal with power "needle" cleaning tools prior to repainting.

The sliding arms at each rail lock on the railroad level were replaced and the rail locks readjusted. The need for some additional readjustment of one rail lock was evidenced by difficulty in closing the rail lock during the inspection.

The compressor, controls, and air lines in the control house were replaced and air tanks reduced and relocated for better operation and accessibility. A new compressor and new tools were purchased for cleaning and painting.

Continued maintenance efforts were put forth on the cleaning and adjusting of truss expansion devices, on rewelding of the grid deck, on maintaining paint protection, and on repairing damaged items of bridge railing.

SUBSTRUCTURE

Plans show the stone masonry piers are keyed into solid rock which is without cover in the area of the bridge. Recent soundings have confirmed soundness and stability of the river bottom.

The encasement of the swing pier and the west rest pier in the lock walls a number of years ago completed concrete protection of the underwater portions of the main river piers.

Normal water elevations during the inspection permitted inspection of masonry joints and the joint between the pier and the lower concrete encasement. Masonry joints were tuck-pointed during the past year with mortar including Embeco and these joints remain closed and tight. The joints between the pier and the concrete encasement are generally closed and tight, with some exceptions indicating a need for future maintenance work on this item.

Concrete formed and placed to incorporate riprap protection at the East Railroad Abutment during the past year should complete all required pier protection work presently indicated.

The waterproofing of the pier tops appears fully effective and extension of this work to approach pedestals and some abutment areas is projected and recommended.

Repair of some loose concrete at the Iowa Abutment was completed and pedestals should be individually checked for sound concrete, and if necessary repaired, before waterproofing. Some minor repair work will be needed.

SUPERSTRUCTURE

The bridge superstructure is well maintained and in good condition. No structural deficiencies were noted and the prevention of and the discovery of corrosion losses is being augmented by thorough cleaning during repainting by the maintenance forces.

The thorough cleaning, as is being performed by the maintenance forces, takes a major part of their time but it is very worthwhile in prolonging the effective life of the structure.

The top chords of Spans 2 and 3, where maintenance crews were cleaning to bare metal and repainting, showed structural steel with edges and lines as crisp as newly erected steel illustrating the lack of corrosion generally typical throughout the bridge.

The inspection this year was made at temperatures again approaching 90°. Restricted but adequate truss expansion clearances noted last year and previously have not changed.

During the inspection the swing span was operating satisfactorily and repairs and adjustment of operating equipment had been made. The additional capacity of the new compressor and the replacement of air lines of restrictive sizes with lines of adequate size in the control house has definitely improved air supply to the cylinders operating the rail locks. Air equipment was performing well enough to discuss reduction of air pressures below 160 psi.

The new sliding arms of machined steel stock which were purchased and installed this year improves the operation of the rail locks. Some difficulty was experienced during the inspection in operating the downstream rail lock on the West end due to a bent operating arm. This should be corrected. Continued careful operation and inspection of this equipment is essential.

ROADWAY AND RAILWAY

The grid floor continues to give good service although minor rewelding of grid connections is a regular maintenance item as is the repainting of the guardrails. The rewelding of broken grid welds had been completed. Repainting of the guardrail is scheduled to begin shortly after the time of the inspection.

The filling of grid pockets at expansion dams has been completed. All expansion dams on the roadway are clear and operating well. Some noise in the upper deck is due to the sidewalk grid vibrating against the sidewalk stringers.

Modifications to traffic gates, toll house canopy supports, guardrails and grid deck during recent years has increased horizontal and vertical clearances so that there is no clearance limitation to normal highway loads and some extra clearance loads can be accommodated. This has contributed to continued increase in traffic across the structure.

The railroad deck continues in very good condition although little work has been done on it this year. The TP&W Railroad has approved projected replacement of superelevation blocking on the Iowa Approach which is expected to be carried out during the coming year, along with waterproofing of the top of approach walls.

SUMMARY AND RECOMMENDATIONS

The inspection verified that the Keokuk Municipal Bridge and associated properties are in very good condition and maintenance work continues to be performed in a very good manner.

The principal recommendation is to complete the work now underway and to accomplish the expanded maintenance work undertaken by the present forces.

A specific listing of recommendations noted in the report, including regular maintenance items and special maintenance items now underway, includes the following:

1. Continue regular inspections, cleaning, and maintenance of and repair to masonry piers, truss expansion rollers, and steel grid deck on a frequent basis.
2. Finish cleaning and repainting of metalwork.
3. Continue efforts to reduce highway vehicle speed on the bridge in the interest of traffic safety.
4. Extend waterproofing of pier tops to include top of abutments and approach pedestals.
5. Complete adjustment of downstream rail lock on Iowa end of the swing span.

IRISH IMMIGRATION

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. CARNEY. Mr. Speaker, I wish to express my support for H.R. 165, introduced January 22, 1971, by Congressman William Ryan of New York. H.R. 165 would amend the Immigration and Nationality Act to make additional immigrant visas available for countries adversely affected by the 1965 amendments to that act. The principal beneficiaries of this bill would be the countries of Northern Europe, and particularly Ireland.

According to the most recent figures released by the State Department's Visa Office, the number of immigrant visas issued to Ireland has dropped to 1,208 in fiscal 1969 and 1,178 in fiscal 1970. This is since the amendments went into effect at the start of fiscal 1969, and it is in marked contrast with 1961 when 6,497 immigrant visas were issued to the Irish. A total of 41,535 immigrant visas were issued to Ireland during the 10-year period 1961–70. At the present rate, only 11,800 visas will be issued to Irish immigrants during the 10-year period 1971–80.

It is unpardonable that we should virtually close our gates to the Irish, in view of the great debt owed them by our country. It is precisely because Irish immigration to this country was at its peak in the 19th century, when the country was in its formative stage and the living was considerably less easy than it is today, that it is now so difficult for the Irish to obtain immigrant visas. The preference categories under the current law are weighted in favor of reuniting families—children and parents, and brothers and sisters. However, most of the Irish who would like to come to this country do not have parents here. They have great-great grandparents buried here, who with their descendents have served this country in every possible way, from fighting in the Civil War to occupying this Chamber as Members of Congress.

The present legislation is also prejudicial against the Irish in its employment preference categories. The typical Irish immigrant—or would-be immigrant—has been the young man seeking his fortune, without a family and generally without the skills or training now required for labor certification. America's appeal to Ireland has been that of a land of opportunity. We have provided the Irish immigrant with the opportunity to make his fortune, and he has amply repaid the debt in his contribution to this country's greatness.

Prior to the abolishment in 1965 of the national origins quota system, Ireland had an annual allotment of 17,756 immigrant visas, a number derived by calculating one-sixth of 1 percent of the number of inhabitants of the United States in 1920 whose ancestors came from Ireland. I certainly do not advocate a return to that system, which was highly prejudicial and as irrationally restrictive for some countries as it was overly generous to others. Great Britain and Northern Ireland, for instance, had an annual allotment of 65,361 immigrant visas which was way beyond their need. The Italian quota, on the other hand, was 5,666; at the beginning of 1964, Italy's waiting list for visas to this country was approximately 250,000.

However, I do not believe that it was the intention of the 89th Congress in enacting the far-reaching amendments to the Immigration and Nationality Act to inflict undue hardship on the countries of Northern Europe. Ireland is not alone. Immigrant visas issued to Germany dropped by half in fiscal 1969 compared to the previous year, before the amendments went into full effect, from 16,601 to 8,226. In fiscal 1968, 33,282 immigrant visas were issued to Great Britain and Northern Ireland; 10,201 were issued in fiscal 1969 and 12,639 were issued in fiscal 1970.

H.R. 165 would remedy the unforeseen hardship inflicted on some of our closest allies by establishing a guaranteed annual floor on the number of visas available to any given country. This floor would be based on the average annual number of visas issued to that country during the 10-year period beginning July 1, 1955. Every country would be guaranteed a number of immigrant visas equal to 75 percent of that annual average, or 10,000, whichever is less. Further, so that countries not in need of this safeguard would not be penalized by it in terms of the number of visas available to them, these visas would be provided in addition to the annual overall quota of 170,000 immigrant visas available for Eastern Hemisphere countries.

I believe that this is sound legislation, and I urge that it be enacted into law.

Thank you.

SUPPORT FOR A BILL FOR THE RELIEF OF SOVIET JEWS

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. TIERNAN. Mr. Speaker, my distinguished colleague, the Honorable EDWARD KOCH, has submitted a bill for the relief of Soviet Jews, H.R. 5606. I have taken the opportunity to join him in the sponsorship of that bill and urge its early adoption by this House.

The plight of Jews in the Soviet Union is one with which Americans have become increasingly more familiar in the recent months. The fact that Jews in the Soviet Union, or people anywhere for that matter, are prohibited from leaving their country is one which Americans particularly find difficult to accept. Because of our long tradition of personal freedom, Americans may not fully appreciate the great stress felt by those who do not enjoy these freedoms. It is not merely that people living under a prohibition of travel move about less or are less happy. Rather it is the pent-up frustration of not being able to control one's life or attempt to seek a new life elsewhere which drives many to acts of desperation.

The kind of political atmosphere which denies men their basic rights and propels them to acts of desperation, whether they be Jews in the Soviet Union or Catholics in Northern Ireland, in order to rid themselves of the yoke of oppression is morally untenable. It matters little to the oppressed whether they are ruled by an unyielding totalitarian regime or by an unsympathetic parliamentary system so long as they are oppressed. Whenever the just demands of men are not listened to, whenever they feel that there is no avenue of expression and no mechanism for change open to them, they are likely to resort to acts of an extreme nature.

In light of the conditions in the Soviet Union and of substantive contributions to our society made by Jewish law and custom, it is proper for us to act positively and meaningfully to provide some relief to those who remain in the Soviet Union. In that respect, this legislation to provide 30,000 special refugee visas for Soviet Jews who are permitted to leave the Soviet Union is an appropriate response.

Mr. Speaker, passage of this bill would indicate not only to Soviet Jews but to people everywhere, that the United States is sensitive to human needs everywhere and is willing to act accordingly. I urge the House to consider it and pass it at the earliest possible date.

HEY, HEY, LBJ, HOW MANY FILES DID YOU STACK TODAY?

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. HUNGATE. Mr. Speaker, for those Members who were unable to attend the dedication of the Johnson Library, Punch magazine has compiled a brief, if unauthenticated, description of its contents. The article follows:

HEY, HEY, LBJ, HOW MANY FILES DID YOU STACK TODAY?

An eight-story treasure-house has been erected in Texas to house 31 million pieces of paper—"memos, minutiae and top secrets"—accumulated by Ex-President Lyndon Johnson during his term of office. It is the largest presidential collection ever assembled (Roosevelt, 22 million pieces; Eisenhower 15.5 million).

Here is an unauthorised sampling of some of its departments:

The Gall Bladder Memorial Hall: Contains the most magnificent and moving collection of X-rays ever taken of a presidential gut. Shelves upon shelves of Opinions, Second Opinions, Skilled Press Diagnoses and Prognoses, Letters from Fellow Sufferers, with illuminated wall charts showing how the bourses of the world were affected by the ebb and flow of the President's juices. The whole is designed to outshine the well-known Dwight D. Eisenhower Intestorama at Abilene, with its preserved slice of the Blueberry Pie That Shook The World.

The Gallery of Wrath: Here lie ten train-loads of protests, still not fully catalogued, evoked by the photograph of President Johnson picking up his beagles by the ears. The Gallery also contains reproductions of some 5,000 cartoons showing LBJ holding up Harold Wilson by the ears. Mr. Kruschev holding up LBJ by the ears, Chairman Mao holding up the Running Dogs of Capitalism by the ears, and so on.

Catcall Alley: A fascinating section of the archives, where sound recordings are kept of all the abuse hurled at the President during his term of office. From "Hey, Hey, LBJ, How Many Kids Did You Kill Today?" to "Two, Four, Six, Eight, Who Shall We Assassinate?", it is all here, a rich pageant of social history which reflects the growing permissiveness of our times. Many of the later records cannot be played without special authorisation.

Staff Memos: Tens of thousands of these are on display. One of them states that the President will no longer accept reversed-charge calls from Harold Wilson.

Handwriting Exhibit: How the presidential handwriting changed under the pressures of the Vietnam war is shown by many items here. A note to Abe Granger, the White House milkman, on April 2, 1967—"Only four pints today"—shows marked angularities indicative of deep-seated stresses, as compared with the rounded flow of a note saying "Your buttons need attention" passed to George Brown at an informal White House luncheon on May 1, 1964. The President's laundry lists from 1966 onwards all show an increasingly sardonic approach; and there are testy complaints about failure to remove stains from suits after paint-throwing incidents.

Speech Archives: These reveal a high degree of indignation on the part of the White House Corps of Speechwriters at the President's failure, or inability, to follow script; his tendency to ruin the balance of sentences by interpolated witticisms; his objection to using words like "de-escalate"; his delivery to the American Legion of a speech intended for the International Monetary Fund; and other actions tending, according to the speechwriters, to reflect on their professional competence, and at the same time widen the President's "credibility gap." The archives show that the President angrily refuted his speechwriters' charges and blamed them for a too-cynical approach to nuclear nonproliferation, Medicare and American motherhood. He also held them responsible for his low ratings in the popularity polls and complained that they exceeded their authority in seeking to script his talks with his baby grandson.

Cranks' Corner: A popular display which shows how the man in the street sought to hold the President personally to blame for a funny buzzing noise at Cape Cod, the continued existence of Harold Robbins, the import of lewd ashtrays from Britain and unchastity in elks.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

HOUSE RESOLUTION 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"—the question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"—the question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

PRELIMINARY RETURNS ON OPINION POLL FOR THIRD DISTRICT OF TENNESSEE

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. BAKER. Mr. Speaker, the returns from the opinion poll I have conducted in the Third District of Tennessee are most gratifying. More than 20,000 of my constituents have mailed back ballots to indicate their position on the 10 vital issues I included in the poll.

My staff and I have completed tabulating the first 2,000 ballots, and from these answers we are able to get an idea of where the voters in the district stand on today's issues. These ballots were divided among the counties on the basis of population in order to correctly reflect a districtwide expression.

Based on these preliminary returns, President Nixon gets a high degree of support for the manner in which he is winding down the war in Vietnam. The Third District of Tennessee also supports his plan to share Federal tax revenues with State and local governments, as well as the administration proposal to reorganize the Government by reducing the number of Cabinet-level Departments.

In response to the question,

> "Do you support President Nixon's plan for ending hostilities in Southeast Asia and withdrawing our troops, '78 percent voted "yes"; only 15 percent "no" '?"

On revenue sharing, 68 percent favor the President's plan, with 20 percent opposed. The reorganization proposal gets 71 percent backing, as compared to 12 percent opposed.

Third District voters favor some system of wage and price controls as a mean of reducing inflation. They voted 63 percent for controls and 26 percent against such a system. On the question of an all-volunteer Army, it was 58 percent against and 31 percent in favor.

The guaranteed annual income aspect of welfare reform loses in the Third District, 62 percent against and 26 percent in favor. On the question of underwriting the cost of fighting pollution, 44 percent for increased prices over increased taxes; 35 percent voted for an increase in taxes.

My constituents feel that social security benefits should be adjusted automatically to reflect the cost of living. They voted 79 percent in favor of such an adjustment. There is a sharp division on the question of national health insurance for everyone, however. The vote was 44 percent against such a system if the Federal Government bears the cost for low-income families; 39 percent voted for this kind of plan.

There is some uncertainty over the proposition of changing the Government's fiscal year to conform to the calendar year. On the basis of the votes tabulated, 48 percent voted "yes," 22 percent "no," and 30 percent "undecided."

These constitute the preliminary returns to the 10 questions in the poll. Tabulation is going ahead on the remaining ballots, and final results will be announced at a later date. In the accompanying figures, I am showing the percentages on a districtwide basis, as well as a breakdown of the percentages of the 10 questions for each of the counties in the district.

REPRESENTATIVE LAMAR BAKER OPINION POLL

[In percent]

1. Do you favor President Nixon's plan to share Federal tax revenues with State and local governments?

	Yes	No	Undecided or no response
District	68	20	12
Counties:			
Bledsoe	72	20	8
Bradley	71	18	11
Hamilton	67	20	13
Marion	68	23	9
McMinn	70	16	14
Meigs	55	35	10
Monroe	67	28	5
Polk	68	25	7
Rhea	72	15	13
Sequatchie	75	25	0

2. Do you favor a system of wage and price controls as a means of reducing inflation?

	Yes	No	Undecided or no response
District	63	26	11
Counties:			
Bledsoe	62	27	11
Bradley	60	31	9
Hamilton	62	26	12
Marion	80	15	5
McMinn	74	19	7
Meigs	65	25	10
Monroe	72	16	12
Polk	73	13	14
Rhea	75	20	5
Sequatchie	60	30	10

3. Do you feel the United States should have an all-volunteer army in time of war as well as peace?

[In percent]

	Yes	No	Undecided or no response
District	31	58	11
Counties:			
Bledsoe	47	40	13
Bradley	33	61	6
Hamilton	26	61	13
Marion	37	52	11
McMinn	30	60	10
Meigs	20	65	15
Monroe	35	55	10
Polk	43	47	10
Rhea	32	56	12
Sequatchie	20	75	5

4. Should welfare reform include a guaranteed annual income for heads of families in need?

	Yes	No	Undecided or no response
District	26	62	12
Counties:			
Bledsoe	30	57	13
Bradley	22	62	16
Hamilton	25	65	10
Marion	35	55	10
McMinn	31	60	9
Meigs	15	70	15
Monroe	37	52	11
Polk	30	55	15
Rhea	12½	71	16½
Sequatchie	20	75	5

5. Do you support President Nixon's plan for ending hostilities in Southeast Asia and withdrawing our troops?

	Yes	No	Undecided or no response
District	78	15	7
Counties:			
Bledsoe	67	15	18
Bradley	82	13	5
Hamilton	77	16	7
Marion	75	16	9
McMinn	80	10	10
Meigs	75	0	25
Monroe	84	10	6
Polk	78	13	9
Rhea	77	16	7
Sequatchie	60	30	10

6. Would you favor increased prices over increased taxes in order to wage the fight on pollution?

	Yes	No	Undecided or no response
District	44	35	21
Counties:			
Bledsoe	32	52	16
Bradley	42	32	26
Hamilton	46	34	20
Marion	43	38	19
McMinn	40	40	20
Meigs	75	5	20
Monroe	40	33	26
Polk	42	32	26
Rhea	41	29	30
Sequatchie	30	50	20

7. Do you favor adjustments in social security benefits to reflect cost-of-living increases?

	Yes	No	Undecided or no response
District	79	15	6
Counties:			
Bledsoe	80	10	10
Bradley	76	15	9
Hamilton	79	15	6
Marion	79	13	8
McMinn	80	18	2
Meigs	80	5	15
Monroe	78	15	7
Polk	73	17	10
Rhea	81	11	8
Sequatchie	60	25	15

8. Would you be in favor of changing the government's fiscal year to conform to the calendar year?

	Yes	No	Undecided or no response
District	48	22	30
Counties:			
Bledsoe	40	32	28
Bradley	50	18	32
Hamilton	46	23	31
Marion	50	22	28
McMinn	66	15	19
Meigs	50	20	30
Monroe	40	24	36
Polk	50	13	37
Rhea	44	20	36
Sequatchie	30	25	45

9. Do you support President Nixon's plan to government reorganization which would reduce the number of departments from 12 to 8?

	Yes	No	Undecided or no response
District	71	12	12
Counties:			
Bledsoe	65	17	18
Bradley	72	12	16
Hamilton	74	11	15
Marion	52	25	23
McMinn	70	11	19
Meigs	70	15	15
Monroe	61	18	21
Polk	71	17	12
Rhea	61	14	25
Sequatchie	75	15	10

10. Do you support a program of national health insurance for all citizens with the Federal Government underwriting the cost for low income families?

	Yes	No	Undecided or no response
District	39	44	17
Counties:			
Bledsoe	50	32	18
Bradley	32	53	15
Hamilton	38	51	11
Marion	43	47	10
McMinn	49	43	8
Meigs	35	50	15
Monroe	48	44	8
Polk	45	43	12
Rhea	37	48	15
Sequatchie	40	50	10

THE YOUNG WILL UNDERSTAND LATER

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. SCHERLE. Mr. Speaker, angry challenges are frequently hurled at the older generation by the younger today. We are accused of indifference to, or complicity in, all the evils of the world. War, poverty and racism are laid at our door. Unlike our younger contemporaries, however, the members of my generation rarely take up these challenges publicly. But the answer we could all give was well and movingly expressed in Tom Miller's column in a recent edition of the Cherokee, Iowa, Daily Times. For the benefit of my colleagues and for young people everywhere, I will insert his article in the RECORD:

ONE MAN'S VIEWPOINT

THE YOUNG WILL UNDERSTAND LATER

(By Tom Miller)

Letter to Youth . . .

It is almost trite these days to question whether there is a generation gap or not, much less write about the subject.

But we feel impelled to add some thinking to the flow of expressions already made. Not so much to lend weight to opposing points of view as to interpret adult reasoning which colors our thinking and postures, our actions and reactions.

Youthful antiwar leaders often have puzzled about the in-drawn breaths taken by middle-aged liberals, who oppose the war in Vietnam as being unfair, unjust and opposed to democratic principles, when an American flag is burned in public.

They have not understood why their elders, who stand with them in their denunciation of massive bombing and holocaustal firepower turned against defenseless villagers, avert their eyes when Viet Cong flags are paraded and the stars and stripes are dragged on the ground and subjected to ridicule.

You would have had to live through the past three decades to find the answer to the puzzlement, to understand.

You would have had to live—not just read about—the crucial years of the early 40s, when the Allied forces fought desperately against oppressive dictatorships in a do-or-die struggle to determine whether freedom and the dignity of man would prevail or whether the might of barbarism would bring a return of the dark ages to humankind.

The flag that was hoisted high in the Allied vanguard was that of the United States. Anyone who thrilled then at the sight of the unfurled standard in those times of peril never again can show disrespect for the flag. It is a part of us.

You would have had to live through the post-War II era and into the 50s and the Korean Conflict, to follow the rationale of those older in age who seem instinctively to distrust the promises of communists.

No matter how leftist our tendencies, no matter how forthrightly we proclaim that each nation should have the right of self-determination, there is a haunting reservation about those who espouse a philosophy which reads well in textbooks but which, in practice, always seems to end up in dictatorship.

A flood of memories stands behind logical reasoning: Of the Berlin airlift, made necessary because a communist nation would not live up to signed agreements . . . of the hateful Iron Curtain, imprisoning many who would desire freedom . . . of North Korean treachery . . . of the red espionage system . . . of Fidel Castro's overthrow of a dictatorship in the name of oppressed people and then of his imposition of another form of iron-hand government no better than that replaced.

And, therefore, to one who recently has come upon the scenes and, as a young adult, knows firsthand only of the 60s, it is perhaps perplexing to note that an elder who preaches democracy for all people everywhere clenches his fists when confronted with a large poster of Che, the Cuban and South American terrorist, hanging in sainthood on the wall of a young person's pad.

The reaction does not indicate a conflict in logic, nor does it mean gradation of principles dependent upon color of skin, religious faith or geographic location.

It is a human reaction, a part of the person who has seen more than one generation of history in the making and who knows that words are meaningless unless put to the test of action—and that those who utter liberal catch phrases but act to the contrary do not desire canonization.

Even though an older person agrees with the assessment that materialism has come to dominate our way of life, and that corporate bigness, necessary for mass production of goods and services to supply ever-ascending wants, can strangulate freedoms, earlier times of desperation are a part of our fabric.

No one could have gone through the drought and depression of the 30s, even as a child, and not have carried mental scars, never wanting to return to times of hunger, deprivation and mass unemployment . . . and not wanting those younger, who always have known comfort, and security, to experience soul-withering conditions.

No matter our understanding of the beliefs which drive the young to spit upon the military, we can remember proudly wearing the uniform in time of national stress and our eyesight is dimmed by tears. That for which the uniform stood is a part of us.

We cannot get used to sloppy attire and overgrown hairiness, even though we sincerely believe that it is the inner person, not ornamentation and appearance, that counts. For in our era, a person was taught to demonstrate respect for others by first providing an exterior presence which mirrored the inner self and spoke of acceptance of the society around us.

Profane words and obscene gestures directed toward persons of authority, no matter the underlying provocation, bring twinges of disapproval, because the long-ago teaching of democratic process and the rights of the majority are too deeply implanted. They are a part of us.

And you must excuse us if we do not completely accept the premise that vandalism can right an injustice, the proposition that welfare should be a way of life and its own end result, the conclusion that a noisy minority—no matter how strongly it believes in a given cause—should have the right to militantly trample on those who do not agree, the philosophy that because our system contains ills, both major and minor, that it either should be destroyed in its entirety or abandoned for a new start.

You must excuse us because the past is too much a part of our beings.

Perhaps in the years to come, you will understand.

That may be when your offspring turn to you and say, "Mommy and Daddy, how come you have created such a terrible world for us to live in? Why are you still permitting people to kill one another in wars? Why are you polluting the atmosphere? Don't you know that it is a sin to have all of these possessions when others somewhere in the world are starving? It is unfortunate that you do not possess our intelligence to create a superior way of life. . . ."

And then you will attempt to explain that the objectionable conditions were not entirely of your making; that some were inherited from preceding generations . . . that some of the conditions might seem wrong when viewed with black-and-white immaturity, but that with wisdom comes a practical knowledge that progress is taken a step at a time in an atmosphere which has few blacks or whites but many shades of gray. . .

And you will use your background to document why your thinking is as it is; and you will defend somewhat the evolution of the makeup of your imperfect society because your intentions, though not always proven to be right after a passage of time, were clean and pure in their inception. . . .

And you will search for understanding.

Those of us who will not be here when your time comes hope that you are successful.

ELECTRONICS INDUSTRY PROBLEMS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. WALDIE. Mr. Speaker, I was recently privileged to attend a luncheon sponsored by the Western Electronics Manufacturers Association at which their president, Mr. R. C. Mercure, discussed some problems confronting their industry.

I include a copy of his remarks for the interest of my colleagues:

REMARKS BY R. C. MERCURE

Ladies and Gentlemen of the Congress, I am Merc Mercure, President of WEMA.

On behalf of the 54 industry executives who have crossed the country to be here today, I want to welcome you to our Congressional Luncheon. I also want to thank Senator Warren Magnuson of Washington for obtaining the use of this room for us today.

Since this is a once-a-year affair, we like to keep it informal, with most of the talking being done by you with our industry executives during the reception and across the table, rather than by me at the podium. Therefore, I will be brief.

WEMA is a trade association of 580 companies in electronics manufacturing and information technology in the thirteen western states.

Our members range from small firms employing literally a handful of people to very large companies. The bulk of our membership is best defined as small to medium-sized companies serving both government and commercial markets.

Many WEMA companies sell to foreign customers as well as domestically. And, let me assure you that in a year such as the one we have just gone through, the ability of some companies to sell internationally has been the difference between life and death.

In past years, WEMA's government affairs work centered almost exclusively around federal procurement matters, such as the creation of the Commission on Government Procurement, independent research and development, and uniform cost accounting standards.

We're not going to drop our interest in working to take some of the paperwork, waste and frustration out of government procurement. But, we have to do much more than simply focus on procurement issues. We are very concerned about our industries' future survival in a world that is much broader than the United States Government market.

For example, this past year has clearly brought home the catastrophic effects of the cyclic nature of defense and space spending. The high technology companies involved in fulfilling the government's needs—and the people those companies employ—were hit particularly hard by this shift in national priorities. Not that there's anything wrong with shifting priorities, but the immediate impact of the rapid decline in defense and space budgets, without offsetting programs, is of great concern to us all. A large number of people are now stranded with little hope tnat the normal marketplace will be able to absorb them in the fields for which they were trained.

Many of you have taken the lead in attempting to devise policies and programs to ease the shift in national priorities. We applaud you for the attention you have given this problem. But, the sheer number of proposals you have submitted demonstrates one thing clearly: long-range policy objectives have not been developed to guide you in your efforts.

Recently, there has been talk in the Congress and the Executive Branch of a need for a complete overhaul of the nation's science and technology policy. Movement in this direction has not yet developed into a cohesive program, but there is one excellent proposal—that a national science and technology policy be stated and maintained as a public law. We think that is an appropriate place to start. Indeed, we believe it should have your immediate attention. If there had been such a policy five years ago, it might have been possible to:

(1) Alleviate or minimize the effects of today's aerospace and defense cutbacks;

(2) Zero in on domestic problem-solving and create a market for new electronic hardware and computer software years before the need became urgent;

(3) Prevent government cutbacks of science and engineering research at colleges and universities throughout the country.

The WEMA Board of Directors this month unanimously approved a resolution that this Association work for the establishment of a national science and technology policy.

As a first step, I will shortly be calling together the leaders of our industries in the West to ask their views on what the objectives of a national science and technology policy should be and how those objectives might be achieved.

You will be hearing more from us on this issue. This is not just industry's problem, nor it is just Government's problem. It is *our* problem, and Government and industry must work together to cope with it.

The second general matter I want to touch upon today is our industries' involvement and stake in the international marketplace. Like everyone else, our companies face competition from foreign manufacturers. Most of us have been successful in maintaining a technological lead over our foreign competitors. As a result, our companies have been able—so far—to increase their international sales every year.

But we live in a tough competitive world—a world in which the comfortable technological gap that we enjoyed for so long has or is being closed rapidly by other industrial nations. In part, this is a result of a conscious government/industry cooperative effort by our foreign competitors. This internationally-oriented government/industry partnership is best exemplified by the Japanese.

Here's how it looks to us. The available evidence makes it clear that the Japanese Government has as a major policy the shifting of resources towards the production of high technology products, including many items produced by our western companies. Today our computer industry is preparing for the invasion of Japanese computers into the U.S.

The high-technology sector of Japanese industry is especially well protected from U.S. competition. Japan's average duty on higher technology items is almost 10% greater than on low technology products. By contrast, in the United States the average duty on higher technology products is substantially below that on low technology products.

It's the same with non-tariff barriers. Most of Japan's remaining restrictions are on such items as computers and other sophisticated electronic equipment. These are the types of high-technology products in which the United States has been the world leader. There are very few Japanese import restrictions on lower technology manufactured goods. As somebody said in the recent *Time Magazine* article, a United States company can build a factory in Japan to make wooden sandals. But, computers—no way!

On the other hand, U.S. quantitative restrictions and other non-tariff trade barriers give no differential to high technology products.

Japanese industrial development laws give financial aid to industries which promise high growth or which have large research and development expenditures. This help may take a number of forms, including tax incentives and long-term loans at low interest rates. It doesn't happen here, even though our foreign trade has worried the last two administrations.

I raise these points to illustrate the type of government/industry cooperation our companies are competing with internationally. When we compare the Japanese policies—or, for that matter, the policies of any of our other Western European competitors with our own—it becomes clear—at least to those of us in industry—that the United States does not have a coherent trade policy designed to stimulate exports or even to encourage reciprocity in our trading relations with other countries. Rather, our trade policies for too long have evolved from diplomatic meetings, motivated mainly by political policy considerations and wholly divorced from economic realities.

These are tough times. Cutbacks in federal spending and a general softness in the economy have caused severe unemployment and economic problems throughout our country. We in the West have been especially hard hit, as you know. Right now, both Government and industry should be looking for ways to build up our sales in international markets. At the same time, we should be negotiating in a no-nonsense way for reciprocity with our trading partners. Specifically, what can be done? It is our view that our country should move to:

(1) Reduce U.S. unilateral controls over trade in peaceful goods with Eastern Europe to the level applied to our major trading partners;

(2) Insure that the Export-Import Bank, our Government's only commercial financing facility, has the capability flexibility to meet the growing needs of business;

(3) Push U.S. participation in the European Multipartite Accord;

(4) Enact legislation enabling the formation of Domestic International Sales Corporations;

(5) Give the President the authority to conduct aggressive trade negotiations to knock down import barriers of other countries.

Action like this will go a long way to insure that our industries continue to compete internationally and continue to provide jobs at home.

Ladies and Gentlemen, thank you very much for your attention. We appreciate your being here with us today. I hope you have found this gathering to be a pleasant one, and we will be looking forward to seeing you again next year.

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 3,600 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 255,700 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

REVENUE SHARING THAT WORKS

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. KYROS. Mr. Speaker, the concept of revenue sharing, and the various proposals which would implement that concept, are certainly among the most important matters to be considered and debated by the 92d Congress. The intricacies and complexities of the problem are well known to all of us. Yet, at the same time, revenue sharing is increasingly being made into one of the most visible and popular political issues of the day, with potentially unfortunate results. For the reformation of our intolerable welfare system will never be accomplished—nor will the crises in our cities be ended, or the survival of our rural areas be insured—through simplistic political slogans or easy, though popular programs. As we have learned so often in the past, our Nation's great problems will only be solved by solid hard work from leaders who are able not only to acknowledge the difficulties of the problems but also to overcome those difficulties with creative and comprehensive programs that will really work.

This week the Ways and Means Committee is beginning its consideration of revenue sharing. At this time, I would like to call my colleagues' attention to the lead article of the May 29 New Republic, entitled "Revenue Sharing That Works." It points once again to the fact that Senator EDMUND MUSKIE of Maine is providing the kind of thorough and creatively positive leadership in domestic affairs that this country so badly needs. I commend this article to the attention of my colleagues:

REVENUE SHARING THAT WORKS

The Administration has been given too little credit for the political shrewdness of its revenue-sharing plan. It casts the President in the role of rescuer of the states and cities from a dire fate, a modern-day Disraeli effecting fundamental reform and restoring the federal as well as fiscal balance. It allows him to use the phrase "power to the people" with only the faintest blush—and all with minimum budgetary impact, at best $6 billion in "new" money. Most important, it has great potential for the onrushing presidential campaign. Mr. Nixon has come to realize that the cities, and more recently the large industrial states, are starving. He knows that those who starve do not too closely examine the nutritional content of a crust of bread. He knows also that the Congress is not eager to cede its control over the spending of any federal dollar. Revenue sharing, then, offers the chance to divide the congressional Democrats (including virtually all of the serious 1972 contenders) from their needful brethren in the statehouses and city halls—and to conquer.

In March, this potential seemed to have been realized at the expense of one Democratic challenger. The occasion was a legislative conference of the National League of Cities and US Conference of Mayors. The 800 mayors had arrived in Washington with a well-formulated position. They favored general revenue sharing, with its promise of an initial $5 billion in stringless aid. This was not surprising, since their two organizations had been "closely consulted" in formulation of the plan; they considered the automatic pass-through of nearly half the amount to localities (with mayors and county officials free to negotiate an even larger cut from their governors) a signal victory. On the other hand, the mayors were suspicious of the President's so-called special revenue-sharing proposals, since they would terminate some urban grant programs and consolidate others in six broad categories, with a net gain to the impoverished cities of only a single billion at most.

The March session was more rally than conference. Walter Heller, a certified Democratic economist and pre-Nixonian parent of revenue sharing, delivered a stump speech, branding anyone opposed to the idea as a foe of federalism and doubter of provincial wisdom. Vice President Agnew attacked those who would play politics with so sacred a subject, singling out Wilbur Mills' proposal for federal assumption of welfare costs as a "red herring." Both drew hearty applause. Senator Edmund Muskie, in a luncheon speech, drew something else.

He began by saying, soberly, "I know many of you support the concept of revenue sharing, and so do I." He pointed out that he had introduced a revenue-sharing bill last year. But he went on to say that he did not support a plan which would "gut essential categorical aid programs," which "fails to allocate funds for the cities which need them most," and which "provides inadequate safeguards against the use of funds to perpetuate discrimination." Therefore, he did not support the Administration plan, which, he noted, would provide rich Beverly Hills with twice as much money per capita as broken-down New York and four times as much as Cleveland. He expressed "serious doubts" that a "meaningful program of revenue sharing" could get through the present Congress and counseled support of a federal welfare takeover. The mayors' reaction was swift and critical. The welfare takeover would benefit only a handful of cities; they all need help, immediately; they don't expect their friends to quibble over its precise form.

Senator Muskie's initial response was to smooth things over at a private meeting with Philadelphia's James Tate, president of the Conference of Mayors. His more substantive response came May 5 when he reintroduced his own revenue-sharing bill with modifications. The bill got less attention than it deserves. For together with other Muskie initiatives in Congress it constitutes not just a solid Democratic alternative to the Administration proposals but the beginnings of an adequate federal program.

The Muskie bill retains the guarantee of automatic aid to states and cities, which is the essence of revenue-sharing's appeal to those who are tired of pleading with one grudging Congress after another. While Nixon would give cities and states 1.3 percent of federal income-tax revenues, Muskie adds to this federal dollars in the amount of 10 percent of aggregate state income-tax collections. This puts another billion into the pot the first year, as well as tying future amounts to how heavily states tax themselves. But Muskie's plan goes on to weight the amount localities would receive on a scale that takes into account both the incidence of poverty and the level of public assistance payments. And it adds a nondiscrimination string in the form of a mechanism for individual or class-action suits against offending jurisdictions.

Muskie's bill is offered as a supplement to categorical aid programs, not a substitute for them. His introductory remarks delineated the functions such programs should serve: "Revenue sharing is needed because the distribution of income and wealth varies so widely throughout the country. There are vast differences in the tax-paying abilities of the various communities across the nation." "At the same time," he went on, "we must continue and expand federal categorical assistance. These programs are directed at critical problems, national in scope, which must be attacked by the federal government because the states and localities alone cannot deal with them or have not dealt with them effectively in the past."

Sen. Muskie still supports a federal welfare takeover, again recognizing that poverty like so many other problems called "urban" is national in scale. It is this fact which makes stringless revenue sharing not just inadequate as the major urban assistance device, but dangerous. For it perpetuates the cities' responsibility for paying a disproportionate share of society's bills, and it makes the remedying of our most critical domestic ills a matter of state and local option, while reducing incentives for remedial action.

The mayors are beset by a battery of conflicting claims upon their attention and resources. The political clout of the urban poor and minorities is rarely powerful enough to compete with that of rival claimants. There are far larger constituencies behind better street paving and larger police forces than behind welfare reform or compensatory education. This competition is getting increasingly bitter. The white working class, especially in the industrial cities of the Northeast, is flexing its muscles and voicing genuine grievances. Its increasingly militant resistance to "singling out" others for attention, combined with the decline in the patience and "reasonableness" of long-deprived minorities is a new fuse on the urban time bomb.

The President would simply throw money into this pit and let the contending groups scramble for it. The effect would be to remove the protective shelter of federal restrictions from those mayors—and there are many—who understand that the plight of the poor and of minorities is the most urgent they confront. With this shelter, of course, come webs of federal administrative strings, which is another reason for the mayors' fondness for general revenue sharing.

The Democratic mayors and governors (and John Lindsay, too) can continue beating what Wilbur Mills has certified to be a dead horse. Or they can try to rally the Democrats behind a comprehensive program of fiscal reform, including: (1) revenue sharing weighted according to both tax effort and need; (2) expansion and consolidation of existing grants-in-aid; and (3) federal assumption of responsibility for welfare and other poverty-related services. The Muskie initiatives offer the structural skelton for such a program. They will not in themselves, as he acknowledges, "reverse the order of our national priorities." Nor would they use the full leverage of federal revenues to effect state and local reform. But they would, as modestly claimed, provide "a logical and workable beginning toward correcting the fiscal imbalance in our system."

CRITICISM OF RETRAINING PROGRAM UNJUSTIFIED

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. FREY. Mr. Speaker, one of our distinguished colleagues, yesterday in a statement entitled "Another Labor Department Failure," made several statements critical of the administration's efforts to help the unemployed aerospace and defense scientists, engineers, and technicians which is deserving of comment.

It was stated that: First, "we are training and educating people for jobs that do not exist," and second, that the program being set up is too expensive when compared with the Emergency Employment Act. Both of these conclusions reflect an apparent lack of familiarity with the administration's efforts and a lack of understanding of the nature of the problem.

Massive unemployment among professionals, for example, scientists, engineers, and technicians, in certain well-defined areas is a unique and highly complex problem deserving of special attention.

The expense involved in the administration's program—$42 million to retrain and place about 10,000 engineers and scientists—is very reasonable, especially when compared to that contained in the Emergency Employment Act which calls for close to a billion dollars to create 150,000 federally subsidized public jobs.

By retraining for specific job openings which are available, there is no need for Federal subsidization of public jobs. This has the following results: First, additional private and public funds out of existing revenues are put into circulation; second, the skills of these talented people are used in a productive fashion; and third, Federal tax revenues will increase significantly because the jobs they will fill have to be at a salary of at least $10,000 per year.

Second, contrary to what was stated yesterday, the program set up by the administration does train for existing jobs. As a matter of fact, the Labor Department does not make a grant under the program unless a specific job opening is found for the trainee, and the jobs exist. Paradoxically, there are surpluses of engineers in some fields while there are shortages of engineers in other fields. As of this month, there are over 5,000 unfilled engineering jobs ranging through 75 occupational classifications around the country. There are just the jobs that we know are unfilled. This does not include the untold thousands of jobs not listed with the State employment services, and does not include the thousands of jobs that are opening up daily in the new fields of highway safety, urban renewal, pollution control in general, water pollution control in particular, and the health services. These are all fields in which the skills and background of these people are needed and can be utilized.

"NO!" TO LOCKHEED

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. ABOUREZK. Mr. Speaker, in my brief tenure as a Member of this distinguished body I have yet to see any proposal so patently absurd, nor one which has made me more angry than the administration's proposed $250 million loan guarantee to the Lockheed Aircraft Co. Such a proposal is absolutely indefensible. If the administration really has $250 million it does not know what to do with, it ought to invest in a few loans to save the farms and small businesses of States like South Dakota.

What kind of free enterprise it is to guarantee loans to companies whose record of consistent failure is their only recommendation? What obligation does the American taxpayer have to rescue Lockheed's $100,000 salaried executives from the results of their proven incompetence? What does the taxpayer owe Lockheed, when its top executive admits doing business on the borderline of bankruptcy, because, as he put it:

> If a corporation is big enough, the Government has to rescue it from financial disaster.

I cannot hope to list all of the many arguments against this proposal, but the most glaring reason for my voting against the proposal is the fact that every time I drive down a county highway or up a main street in South Dakota I see deserted farmhouses, abandoned stores, and once prosperous business establishments lying empty. These sights represent the crushed dreams of thousands of my constituents. They tell the story of the family which lost its home because it could not get a loan. They show what happens to the young farmer who did not have any Federal money standing behind his loan at the local bank. How do you explain to a man why Lockheed should get $250 million to save it from bankruptcy, when he cannot get even $2,500 to save his family's home. I cannot explain that, and I intend to oppose any loan guarantee to Lockheed with all the energy at my command.

A COMMENTARY BY HARRY NADLEY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. EILBERG. Mr. Speaker, on Saturday, June 5, the Nation will mark the third anniversary of the assassination of a great American, Senator Robert F. Kennedy.

One year ago this week a local Philadelphia columnist invoked the memory of the fallen Senator to ask some serious and troubling questions about where we have traveled as a people and a society since the Senator's assassination.

The column appeared in the Northeast Times newspapers in my Philadelphia Congressional District. It was written by Harry Nadley who has conducted his "Scene Around" column for a number of years in community newspapers, most recently in the Times chain with a combined circulation of more than 102,500.

As we mark this third anniversary of Senator Kennedy's assassination, I commend to my colleagues this very thoughtful commentary by Mr. Nadley:

SCENE AROUND

(By Harry Nadley)

We would like to dedicate this column to memory of Senator Robert F. Kennedy, who was cut down by an assassin's bullet 12:16 a.m., June 5, 1968. Two years have passed since the Senator from New York was killed, less than five years after the assassination of his older brother, President John F. Kennedy. As we look back in retrospect we wonder what type of accomplishments have been made since that time.

We recently read a proverb, "It is wisdom to know others, it is enlightment to know one's self," and we believe that this is where a great deal of our faults are evolved. We have spoken to many people from all walks of life with the objective of discovering "Where do we go from here?" Many of the answers we have received seem to narrow down to one word that our generation keeps fostering. That word is "hate." It is infectious, inflammatory and will continue to bring on the world's problems and ills. The dictionary describes "hate" as an intense dislike, as an antagonism, or as a repugnance. It does not describe the word as an excuse for killing, burning or fighting against law and order. It seems to us that somewhere along the line to a better modern world of automation we are failing. We are spending billions of dollars trying to discover the mysteries of the moon and the stars, yet we haven't discovered a way of living in peace, and without mystery on earth. Poverty and slums breed violence and crime and is a source of our nation's distress. What have we accomplished about these conditions over the years, and more important, when are we going to do something about them? We think Senator Robert F. Kennedy would have been proud of all of us if he knew his death had not been in vain, but the beginning of a different and brighter America for the future.

Inevitably, this brings us to the subject of our younger generation. What can we expect from them when they are brought up in a society where morality, violence, prejudice and the use of drugs could be a part of their everyday life? For example, there are television shows where shooting, killing and blood are taken in stride by adults as a part of entertainment for their youngsters. There are also motion pictures that are absolutely sickening in their ideas and motives, and are manufactured by producers just to make that almighty "buck". Among them are the so-called films that show nudity and sex in its most degrading and decadent forms. Youngsters must be 18 years of age to be admitted, but aren't these young people our citizen's of tomorrow? Another thorn in our modern way of living is the matter of guns. We have really progressed over the years in our society, where if two individuals have an argument, there is always the chance one of them will pull out a gun and kill the other. Guns seem to be the easiest objects to possess since the wild west days. Holdup men and murderers seem to have them by the dozens. Individuals keep them at home where they can explode any moment especially when their children seeing the shooting on television and movie screens, think they are toys and kill or maim themselves. Why all the controversy about gun laws? They are needed, and people are asking for them especially in the light of so many catastrophic occurrences. There is no immediate cure for many of our problems, but we have to start somewhere, and soon. We know we learn by living and experience, and we hope that the memory of the unfortunate assassination of Senator Robert F. Kennedy two years ago, will now help us to remember some of the ideals he stood for.

POLITICIAN WATCHING

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. BROOKS. Mr. Speaker, the political scene is becoming more active every day as the presidential elections near. Last week the Democratic aspirants were joined by Senator HUBERT HUMPHREY. As one who is actively partisan and sincerely concerned about the future of the Democratic Party, I was heartened by this development.

The Senator from Minnesota is a warrior highly qualified to enter the presidential arena. He is battle tested and experienced. As a candidate, he will add much to the campaign for our party's nomination. His knowledge and vast background of public service added to his rare good humor and exceptional ability to express his views will add great zest, initiative, and new ideas to the contest. Clearly, he is a formidable spokesman to challenge the validity of the policies of the present administration. If nominated, he will be an able advocate of our party's program. We cannot forget that in the last presidential election Senator HUMPHREY received 42.7 percent of the popular vote while the winner received 43.4 percent, a difference of less than 1 percent.

An editorial in Monday's Washington Evening Star commented on the sport of "politician watching." I commend the article, which follows, to my colleagues:

THE WATCHING SEASON

There are all kinds of spectator sports.

There's TV-watching, a soporific catch-all that encompasses golf, baseball, game shows, football, horseracing, vintage movies, roller derbies and soap operas—just about every human undertaking. For those who prefer a degree of personal involvement, there is bird-watching. Others, despite the inroads of unisex and women's lib, still practice the ancient art of girl-watching.

But, for ourselves, nothing holds a candle to the sport of politician-watching.

For the politician-watcher, there is nothing to compare with the advent of the presidential hopeful pre-primary maneuvering season. That's when the would-be Presidents of the non-White House party gather at the starting line, jockeying for positions, vying for attention with practice starts and warm-up sprints, floating trial ballons and testing a fascinating variety of political ploys.

That season is now upon us.

There has, to be sure, been some premature strutting going on for a while. George McGovern has been out on the track jogging doggedly around for some time now. But his entry was so unadorned, so devoid of tactical finesse that it has attracted minimal attention. The front-running Democrats, Kennedy and Muskie, have relied solely on the strategy of reluctance (Kennedy really seems to mean it), so that public interest in their activities has been kept well under control.

But now the waiting is over. The long season of fascination has begun, ushered in by the familiar figure of Hubert Horatio Humphrey.

Humphrey chose his 60th birthday to come bounding back, stopping just short of a formal announcement of candidacy, but making it clear that that detail would be taken care of at the most tactically advantageous moment. It was a typical Humphrey performance, exuberant, loquacious, confident and candid.

There are those among the Democrats who are much less than enthusiastic about Humphrey's re-emergence. Some groans have been heard from those who visualize, should Humphrey be nomiated, a re-run of the 1968 race. They should spare themselves the anticipatory agony.

Without undertaking to predict nominees, it's safe to say that if it should turn out to be Humphrey and Nixon, neither would be the same man as when they last met. This time, there would be four years of the Nixon presidency for one to run on and for the other to attack. This time, Humphrey would be clear of the long shadow of Lyndon Johnson. Last time the race was close. This time, it could also be interesting.

But whatever happens, if the Humphrey bid gets no further than the pre-primary push, it's good to have him back. If nothing more, the smiling warrior will shake up the lethargic pack of hopefuls. And he will restore to the sport of politician-watching its traditional and rightful fascination.

THE SOCIALIST WORKERS PARTY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. SCHMITZ. Mr. Speaker, Mary McGrory wrote on May 21, 1971:

> Most people outside HISC (House Committee on Internal Security) don't know if the Socialist Workers are socialists or workers first.

Neither does Miss McGrory, judging from the rest of the column from which the above is taken. However, she is correct in stating that there is a general lack of public understanding of the nature and goals of the Socialist Workers Party—SWP.

This lack of public knowledge concerning the SWP is the reason that House Committee on Internal Security warnings that the National Peace Action Coalition—NPAC—the organization responsible for organizing the April 24 demonstrations in Washington, was dominated by the SWP, did not seem to cause much consternation among non-Communists supporting this action. The startling revelation by the committee 2 weeks ago that the only two persons authorized to sign checks for NPAC were SWP members Sydney R. Stapelton and Patricia Grogan, and that the man apparently in charge of the NPAC Headquarters in Washington was Fred Halstead, SWP candidate for president in 1968, made very little impression because most people just do not know what the SWP actually is.

In 1938, Leon Trotsky and his followers founded the "Fourth International." Trotsky had been generally regarded as being second only to Lenin during the Bolshevik seizure of power in Russia through the coup of 1917. When Lenin died, a power struggle between Trotsky and Stalin for control of the Soviet Union developed. Although there was virtually no basic difference between Stalin and Trotsky as far as their mutually shared goal of extending Communist domination over the entire planet went, it is a fact of life that in a dictatorship there can be only one dictator. Trotsky lost the battle for control and was expelled from the Soviet Union.

The power struggle between Trotsky and Stalin was reflected in the American branch of the Soviet Communist Party, the Communist Party of the United States. When Trotsky lost out in Russia a group of his followers in the American party was purged. In 1938, some of these former party members along with James Cannon and others who had been expelled from the CPUSA in 1928 for "Trotskyite leanings," formed the Socialist Workers Party as the American branch of the Fourth International.

Thus the SWP was established by Communists pledged to the overthrow of free government everywhere and its replacement by totalitarian dictatorship. The only substantial difference between SWP Leninists and the Leninists working directly for the Soviet Union was that the former preferred Trotsky to Stalin, like preferring cyanide to arsenic, and had no national base of operations from which to work. Someone once paradoxically characterized SWP members as "foreign agents without a country."

The objective of the American branch of the Fourth International is, as J. Edgar Hoover has pointed out, to communize America. The SWP in the United States supports and works toward the goals periodically set out for the World Communist Movement by Moscow, while at the same time criticizing the Soviet-controlled parties. They hope that they, rather than the Moscow-directed Reds, will be able to seize power when the time comes. To date, they have been notably unsuccessful, ending up on the top of the liquidation list when the Moscow Communists take over.

Ever hopeful, however, the SWP continues to work in support of Communist revolutionary warfare campaigns in the underdeveloped nations and against the main enemy of Communists everywhere—the United States of America. Although cited by Attorney General Tom Clark in 1947 as "subversive and Communist" the SWP has been able to gain control over substantial segments of the "peace" movement because of public ignorance of its real aims and tight organizational discipline.

The "peace" the SWP is actually working for behind facades such as the National Peace Action Coalition, is the hush which falls over the lives of men living under total despotism.

WALDIE REPORT TO CONSTITUENTS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. WALDIE. Mr. Speaker, I recently completed my Newsletter No. 4. I include that newsletter as part of my present remarks:

WALDIE REPORT TO CONSTITUENTS

INDOCHINA

I have delayed reporting in detail my recent Indochina trip where I spent 10 days and at private expense in the company of Congressman McCloskey visiting South Vietnam and Laos because I wished to digest the core of that experience and relate it as concisely as possible.

Any observations must be judged as to their validity with full knowledge of preconceived opinions of the observer. I freely admit to a strongly held opinion dating from 1967 that our involvement in Vietnam was a never-ending tragedy for our Country as well as Vietnam, and I so conveyed that view to my constituents and to President Johnson.

I had a reference point from which to judge "progress" of our effort in Vietnam, namely an 11-day trip I made alone to South Vietnam in 1968, but that reference point was not too clear since it occurred immediately after the 1968 Tet Offensive when the country was hard hit by the Communist forces.

Nonetheless, given those background qualifications, I sought to ascertain two things: (1) The military situation in South Vietnam and the effectiveness of Vietnamization, and (2) What is the nature of the American effort in Laos and how does that affect the South Vietnam war?

THE MILITARY SITUATION IN SOUTH VIETNAM

I asked every American Military man, from the Generals to the Privates, "What, in your opinion, will be the probabilities of the South Vietnamese defending themselves when all American military power is withdrawn?"

Two responses seemed to me to be most penetrating and perceptive. The first was from a young 23-year-old Lt. of Infantry who had been in combat for 7½ months. He said, "Sir, a war can end in only two ways—it can be won or it can be lost. When we leave, the Army of South Vietnam will make that decision. Since they are now the best equipped Army in Indochina, they could decide to win. They might, however, decide it will be easier on them and better for them, individually, to lose. But whatever they decide, it will be their decision, and that will occur whenever we leave—but not until." Further, he said, "Vietnamization seeks to impose an American decision on the South Vietnamese. We won't succeed. They will decide in the last analysis."

The second observation was made by a retired Colonel of the Army in Laos. I asked him, "Why are the North Vietnamese infantry, fighting at the end of a 750-mile supply line, in three countries, Laos, Cambodia and South Vietnam, without air-power, artillery or armor, consistently able to defeat the Laotian, Cambodian or South Vietnamese infantry when they meet them in battle?" The Colonel said, "I don't know what there is about North Vietnam but it instills a fierce pride in their men, possibly stemming from their defeat of the French at Dien Bien Phu, that is not matched by the Laotian, Cambodian or South Vietnamese armies. Neither do I think our allies will develop a comparable spirit or pride until American support is withdrawn and they have to 'go it alone.' They have become overly dependent on American sophisticated weaponry and American infantry, and the longer we stay the longer we postpone the decision they alone must make—namely, do we fight for our country as strongly as does the enemy." The Colonel was pessimistic that they would so decide.

I agree with both observations.

I noted another interesting fact about the American Military Officer. The Generals, almost to a man, believed the war was proper and was, in fact, a "holy war against Communism." If you believe the nature of the war is that of a "holy war", then any sacrifice, any length of time of conflict, any losses, are justifiable—and the Generals seem to so believe.

But the Colonels, Majors, Captains and Lieutenants viewed the war differently. They saw it as an ugly, impossible military problem with few ideological facets, fighting against a determined enemy under political and military restraints that make a military victory impossible to achieve.

I believe the difference in attitude reflects the era of our Nation's policy toward Communism during which the officers rose in rank. The Generals rose in rank during a time when the Nation believed in a "holy war against Communism." The lesser officers came into rank when our foreign policy had markedly softened as to Communism, a process that has accelerated under President Nixon.

Finally, one sad observation, I visited Firebase Charlie II, just south of the DMZ, and talked to men who had just returned from Khu San where they had been in support of the South Vietnamese invasion of Laos. That Firebase was recently struck by 100-lb. enemy rockets and 30 Americans were killed and many wounded in one bunker.

THE NATURE OF THE WAR IN LAOS

Laos is a country of only 3 million people and is governed by a coalition of political forces—Right, Neutralist and Left. The Royal Laotian army is of mixed effectiveness but generally considered inferior and has tenuous allegiance to Souvanna Phouma, the Neutralist head of government. The Communist forces consist of the Pathet Lao, backers of the Left, and the North Vietnamese Regulars. A Third semi-government force, the MEO Army of General Vang Pao, is financed and controlled by the C.I.A. of America, and owes its allegiance to the C.I.A. The primary American military objective in Laos is an attack on the Ho Chi Minh Trail in Laos; the supply line by which North Vietnam maintains its troops in South Vietnam, Cambodia and Laos. The American attack on that trail is conducted by the American 7th Air Force, primarily, operating out of Udorn, Thailand.

The unique and disturbing feature of American military involvement in Laos is that it is not directed by American Military Forces. The C.I.A., a covert American intelligence operation, makes all military decisions in Laos, and the 7/13th Air Force planes operate their missions in Laos under directions of the C.I.A. in the person of our Laotian Ambassador, G. McMurtrie Godley. Ambassador Godley has a bombing target room in the Embassy in Vientiane, Laos, where he daily selects the bombing targets for the Air Force.

The MEO army of General Vang Pao, under the control of the C.I.A., has primary responsibility for conducting ground operations in America's interest in Laos—mostly in the Plaine de Jares. Purely a mercenary operation, and one that is not subject to approval by Congress or the American people, because it is financed by the Central Intelligence Agency whose budget or activities are not revealed to either Congress or the American people.

I asked why, if our interest demands an attack on the Ho Chi Minh trail both by air and ground, we do not conduct those operations with American military rather than by hired mercenaries whose activities are concealed from the Congress and the American people by virtue of their CIA financing. I was told we seek to maintain a fiction that American Military is not involved in Laos in order to avoid offending the Russians. That does not seem to me to be an adequate answer.

It is apparent to me that if we succeed in disengaging from South Vietnam, we will continue our military operations "by proxy" in Laos. If that is a correct decision, and I am not convinced it is, it ought to be revealed to Congress and the public for approval.

OBSERVATION ON BOTH LAOS AND SOUTH VIETNAM

One part of the tragedy of Indochina seems now to be abundantly clear. There are almost 1/3 of the populations of these two countries in refugee status. Their homes have been destroyed and their livelihood interrupted. Their families are living in miserably crowded refugee camps and have been in most instances, for years. A comparable situation would be to have 70 million or more Americans whose homes had been destroyed and whose lives had been interrupted and who had been forced to live in refugee camps for years. No nation can maintain its culture given that massive a dislocation of its people. The culture of Indochina is literally thousands of years old. That culture is now altered. I believe the alteration is to an inferior culture in standards, tradition and morality. Our presence and our weapons of technology have contributed to that deterioration. Whenever the good and evil of the war in Vietnam is balanced out, surely that weight will be most heavy.

CONCLUSION

I have been outspoken in my criticism of both President Johnson and President Nixon for policies in Vietnam that I conceived to be not in the best interest of America. I will cease criticizing Presidents. That criticism has brought little or no change in that policy. Now I will criticize only Congress which has had it within its power to stop this war at any time during its tragic course. Congress could have—and should have—long ago voted to end appropriations to fund this mistaken policy. Congress could have and should have voted to end the necessary manpower to continue the war in Vietnam by ending the Draft. Those options still remain to Congress and its failure to act is a responsibility it alone must now bear.

NATIONAL GALLERY OF ART CALENDAR OF EVENTS, JUNE 1971

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the calendar of events of the National Gallery of Art for the month of June 1971.

Once again, the National Gallery is to be congratulated on the excellent events scheduled, and I urge all who can visit the National Gallery to do so during the month of June, as follows:

CALENDAR OF EVENTS

Monday, May 31, through Sunday, June 6: Painting of the Week[1]: John Sloan. The City from Greenwich Village (Gift of Helen Farr Sloan) Gallery 65, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week: Portrait Painting. Rotunda, Tues. through Sat. 1:00; Sun. 2:30.

Tour: Introduction to the Collection. Rotunda, Mon. 11:00, 1:00 & 3:00, Tues. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday Lecture: Dürere's Narratives, Guest Speaker: Charles Talbot, Professor of Art History, Yale University, New Haven, Auditorium 4:00.

Sunday Concert: Michael Laucke, Classical Guitar, East Garden Court 7:00.

(For reproductions and slides of the collection, books, and other related publications, self-service rooms are open daily near the Constitution Avenue entrance.)

Monday, June 7, through Sunday, June 13: Painting of the Week[2]: Claude Lorrain. The Judgment of Paris, (Ailsa Mellon Bruce Fund) Gallery 52, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 and 6:00.

Tour of the Week: History Painting. Rotunda, Tues. through Sat. 1:00; Sun. 2:30.

Tour: Introduction to the Collection. Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

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[1] 8" x 10" black-and-white photographs with texts for sales this week—75¢ each.

[2] 11" x 14" reproductions with texts for sale this week—15¢ each. If mailed, 25¢ each.

Sunday Lecture: The Negro in Greek and Roman Art, Guest Speaker: Frank M. Snowden, Jr., Chairman of the Department of Classics, Howard University, Washington, D.C., Auditorium 4:00.

Sunday Concert: Julianne McLean, Pianist, East Garden Court 7:00.

(All concerts, with intermission talks by members of the National Gallery Staff, are broadcast by Station WGMS-AM (570) and FM (103.5).)

Monday, June 14, through Sunday, June 20:

Painting of the Week[2]: Domenico Veneziano. *Madonna and Child,* (Samuel H. Kress Collection) Galley 4, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week: *Paintings of Daily Life.* Rotunda, Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday Lecture: *Forgeries and Fakes on Today's Art Market, Speaker:* H. Lester Cooke, Curator of Painting, National Gallery of Art, Auditorium 4:00.

Sunday Concert: Sheila Marie Allen, *Lyric Soprano,* Gregory Allen, *Pianist,* Mario Falcao, *Harpist,* East Garden Court 7:00.

Films: "Civilisation," I—*The Skin of Our Teeth,* Tues., Thurs. & Sat. 6:00 & 7:15. *Gertrude Stein: When This You See Remember Me,* Mon., Wed. & Fri. 6:00.

Monday, June 21, through Sunday, June 27:

Painting of the week.[2] Francois Clouet. *"Diane de Poitiers,"* (Samuel H. Kress Collection) Galley 41, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week: *Still-Life Painting.* Rotunda, Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday Lecture: *The Reformation and the Visual Arts in Northern Europe, Guest Speaker:* John Hand, Department of Art and Archaeology, Princeton University, Princeton, N.J., Auditorium 4:00.

Sunday Concert: Roosevelt Newson, Jr., *Pianist,* East Garden Court 7:00.

Films: "Civilisation," II—*The Great Thaw,* Tues., Thurs. & Sat. 6:00 & 7:15. *Gertrude Stein: When This You See Remember Me,* Mon., Wed. & Fri. 6:00.

East Building design: Groundbreaking ceremonies for the National Gallery of Art's East Building, presided over by the Chairman of the Board of the Gallery, the Chief Justice of the United States, Warren E. Burger, and the President of the Gallery, Paul Mellon, were held on May 6, and the work actually commenced following the ceremonies.

The East Building is being constructed on one of the noblest sites in Washington, where the axes of Pennsylvania and Constitution Avenues merge with the Mall at the foot of the Capitol. The site was reserved by Congress in 1937 for future Gallery use. Construction was authorized in 1968. Funds were given by Mr. Mellon and his sister, the late Mrs. Ailsa Mellon Bruce.

The decision to expand at this time, just thirty years after the Gallery was founded, is based on the following primary needs: to provide space for the display of the Gallery's growing collections and increasing number of special exhibitions; to enable its public services to keep pace with heavier demands; and to establish an international Center for Advanced Study in the Visual Arts. Attendance has grown to nearly two million visitors annually, and the Extension Service, federally supported, reaches three million more people. In thirty years, the collections, all privately donated, have grown from 130 to more than 30,000 works of art. The Gallery has also outgrown its conservation, library, auditorium and cafeteria facilities.

Durer Exhibition extended: In view of the great interest shown in Durer in America: His Graphic Work, and by courtesy of the lenders, this current exhibition, held on the occasion of the artist's 500th birthday, has been extended beyond June 6 to July 5. The exhibition spans Durer's entire career, and is organized to show his development as a graphic artist. A definitive, 360-page catalogue with extensive treatment of 36 drawings, 80 engravings and 127 woodcuts, all illustrated, is available in the Gallery's Publications Room ($12.50, paperback).

Summer hours: Beginning June 14 the Gallery will be open Monday through Saturday 10 a.m. to 9 p.m. and Sunday 12 to 9 p.m.

The Gallery's cafeteria will be open Monday through Saturday 10 a.m. to 7:30 p.m. and on Sunday 1 to 7 p.m.

Sunday Lectures in June: The Sunday lectures for June range from "The Negro in Greek and Roman Art" to "Forgeries and Fakes on Today's Art Market" and "The Reformation and the Visual Arts in Northern Europe," with the first lecture, "Durer's Narratives," continuing the special series complementing the Gallery's current major exhibition. For details, see inside.

Summer evening film series: Selected art films are being shown this summer beginning June 14 on Mondays, Wednesdays, and Fridays at 6:00 p.m. Gertrude Stein: When This You See Remember Me will be shown the last two weeks in June.

The BBC film series, "Civilisation," by Kenneth Clark is beginning again June 15 on Tuesdays, Thursdays, and Saturdays at 6:00 and 7:15 p.m. A different film will be shown each week.

End of concert season: June 27 marks the last concert of the 1970-71 season. Concerts will begin again in the autumn.

ECOCIDE IN INDOCHINA

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. KASTENMEIER. Mr. Speaker, I wish to recommend to my colleagues an article written for the April 1971, Sierra Club Bulletin describing the ecological destruction brought by the U.S. defoliation practices in South Vietnam.

The authors, Dr. John D. Constable, professor of surgery at Harvard Medical School, and Dr. Matthew S. Meselson, professor of biology at Harvard University and head of the American Association for the Advancement of Science Herbicide Assessment Commission, were among the distinguished group of scientists who investigated the economic, ecological, and health effects of the military use of herbicides in Vietnam. Drs. Constable and Meselson believe that herbicides in South Vietnam have fundamentally changed the vegetation over very extensive areas and that many years may pass before the complete horror of the deliberate and mass attack upon the ecological system of South Vietnam becomes fully apparent.

Mr. Speaker, I fear that the ecological destruction of vast regions of South Vietnam will endure long after the causes of the current conflict are forgotten. All Americans should be shameful and saddened by this willful destruction of the home environment of another people.

Mr. Speaker, the article follows:

THE ECOLOGICAL IMPACT OF LARGE SCALE DEFOLIATION IN VIETNAM

(By John Constable and Matthew Meselson)

Although synthetic chemical herbicides have been widely used in certain areas in the United States over the last fifteen years, there has only recently developed a great deal of interest in their possible toxic effects. This interest has resulted, in part, from the increasing awareness of the possible environmental hazards of many agricultural chemicals and pesticides, but more especially from recent laboratory work suggesting that the herbicide 2,4,5-T has teratogenic effects (the tendency to increase congenital deformities from defects in embryonic growth) in rats, mice and hamsters. It must be emphasized that this toxicity has not been proved in man or in any animal at the quite low doses to which man might ordinarily be exposed. In addition to possible unexpected human toxicity the ecological effects of large-scale herbicide treatment have never been well studied.

Herbicides are chemicals intended to kill or reduce vegetation. When they cause leaf fall, with or without killing the plant, they may also be called defoliants. Although extensively used in the United States, herbicides have been used in Vietnam on an unprecedented scale both as to the size and nature of the areas treated and also as to the concentration of chemicals applied. In spite of the inevitable difficulties of conducting a study under unsettled conditions, it seemed that the environmental and toxic effects, if any, of the herbicides should be more grossly apparent in Vietnam than in the United States. In 1969 the American Association for the Advancement of Science appointed Professor Matthew Meselson of Harvard University to head the AAAS Herbicide Assessment Commission, henceforth referred to as the HAC, to investigate in a preliminary way the economic, ecological and health effects of the military use of herbicides in Vietnam and to develop a plan for more detailed studies in the future. He, in turn, appointed Professor Arthur Westing of Windham College to act as director.

Many months of intense efforts were spent in preparatory study of all known references to the effects of herbicides in the laboratory and in the field. Experts of many countries were consulted—reports both scientific and sensational followed up—and an assessment advisory meeting held at Woods Hole, Massachusetts. In this way, although only about six weeks were spent in Vietnam, we went well prepared and could use the time effectively. The HAC team included Matthew Meselson, Arthur Westing, John Constable, M.D., Professor of Surgery at Harvard Medical School and Robert Cook, Department of Biology, Yale University.

The attitude of the United States Government to the survey was curiously equivocal. Without governmental acquiescence, at least, nothing effective could have been done since access to the areas of defoliation can be easily obtained only through the assistance of the military. From the beginning of the study, the State Department in Washington and the Embassy while in Vietnam offered every assistance. The Department of Defense on the other hand, while cooperating in some ways, withheld from the HAC two types of information that only they could provide. The most important and essential was the precise location of previous defoliation missions, including the identity of the herbicide used. Accurate study requires this information and although details as to a few very recent missions were eventually provided by the DOD, records from previous years' spraying, the effects of which we saw, have never been declassified. Even more surprising, it was known that an Army team headed by Dr. Robert Cutting had completed a major study of the rates of stillbirths and congenital abnormalities in Vietnam, specifically in relation to possible herbicide effects, but this information was withheld from the HAC while we were in Vietnam.

In spite of these unfortunate obstacles, the HAC was offered every other assistance in Vietnam. Housing and office space were provided in Saigon by USAID and in the field MACV (Military Assistance Command Vietnam) outdid themselves in providing helicopters and other special transport.

Important, too, is the attitude of the Vietnamese themselves. The government of the Republic of Vietnam is deeply concerned with the long-term results of herbicides quite apart from any considerations of current military usefulness. Full cooperation was offered and given by the Prime Minister, Ministry of Health and the Vietnamese military. We were fortunate indeed in being able to enlist the help of a number of very competent Vietnamese scientists, botanists, biologists, and physicians all anxious to help. Most Vietnamese seem agreed on the need for evaluation of the effects of herbicides and offers of help were received from the NLF and the Democratic Republic of Vietnam (Hanoi).

With this background, our evaluation of the effects of herbicides in Vietnam can be divided roughly into those on the forests (subdivided into mangroves and upland forests), those on human health and those resulting from the crop destruction program.

Herbicides were first used in Vietnam in 1961 on an experimental basis and became operational in 1962. The amounts used were relatively limited until 1966 when about 800,000 acres were sprayed while in 1967, 1968 and 1969, even larger areas were treated (see Table). The total area of Vietnam sprayed is estimated to be about one-seventh of the total area of the country.

The table does not distinguish the specific herbicides used at any period. Three herbicide agents have been commonly used. These are Agent Orange, Agent White and Agent Blue. Agent Orange, the most widely used, until it was suspended in 1969 as possibly being teratogenic, consists of a 50–50 mixture of 2,4,5-T and 2,4-D. Agent White is an 80–20 mixture of 2,4-D and picloram. Although White is more persistent than Orange, they are equally effective as defoliants, but White is considerably more expensive and has been used less widely. Agent Blue is cacodylic acid, an arsenical compound mostly used in crop destruction.

THE MANGROVES

The mangrove forest is a well-localized and specialized feature of the Vietnamese coast. With only a few northern extensions, it starts near Saigon and extends south around the Mekong Delta. This mangrove forest is not merely a swamp with low bushes characteristic of mangroves in some other parts of the world but includes trees up to forty feet high. These mangrove forests grow rapidly and are of great importance as a source of wood and charcoal, Vietnam's principal source of home fuel.

The HAC flew over most of the mangrove forests of Vietnam and estimated that about half had been destroyed, approximately 350,000 acres. The southern tip of Vietnam, the Camau Peninsula, is too insecure for ground studies to be made, but in the Rung-Sat area at the mouth of the Saigon River, we were able to make brief ground surveys at several sites within the sprayed forest. We were deeply impressed by the total destruction of *all* vegetation even by a single spraying and by the absence of any mangrove seedlings or other evidence of forest regeneration. On the ground only a few specimens of a very few species of weeds were found, and this three years after the spraying. Large numbers of crabs were present and they may be helping to prevent the re-growth of the mangroves by eating any seedlings that might appear. Most of this spraying was probably with Agent Orange and both 2,4,5-T and 2,4-D are usually inactivated in the soil, lasting only a few months at the most. However, specific studies of their persistence under mangrove conditions have not been done.

In these devastated areas most of the animals and birds must have been driven out or perished as a result of being cut off from a new habitat by excessive distance or waterways.

The HAC looked for the possible effects of erosion. Only small scale changes were visible at this time, but it should be noted that the Delta has had no real typhoon since the time of destruction of the mangrove forests. Although mangroves provide food and shelter for fish and crustaceans, no adequate studies of effects on these organisms could be made. The fate of these "cleared" mangroves is of great interest. Perhaps eventually they will re-forest themselves but possibly the ecological chain characterized by the transformation of front mangroves, subject to tidal flooding, to back mangroves on higher land has been indefinitely interrupted. Deliberate reforesting is likely to be needed if the mangroves are to be restored. Replanting of the denuded tidal areas with mangroves would stabilize the shore line and restore the productive aquatic habitat.

THE UPLAND FOREST

Although precise figures cannot be given it would appear that approximately 4 million acres, more than a fifth, of the relatively mature upland forest of Vietnam has been sprayed. These beautiful forests are made up of a deep luxuriant canopy sheltering a relatively open forest floor. Unlike the mangrove, this forest is not totally destroyed by a single spraying of herbicide. Although the lack of official data precludes certainty, it was our impression that most of the sprayed areas we overflew had been treated only once. However, whether the spraying was in fact single or multiple, it appears to have destroyed most of the larger trees. The larger forest trees being eliminated, sunlight reaches deeper into the forest and extensive invasion with bamboo and coarse grasses, especially *Imperata cylidrica*, occurs. As a result, the relatively open forest floor is replaced by a dense underbrush. In the case of the upland forest, security precluded ground inspection of defoliated areas, although low overflights by helicopter were occasionally possible. Whether this upland forest can ever be restored is uncertain, for the invading bamboo and other species may persist. Even if spontaneous recovery should eventually occur, if man does not further manipulate natural succession, this may take a century or longer. No definite information could be obtained as to the fate of the magnificent animals and birds in these forests which include elephants, tigers, monkeys and several very rare pheasants, but the population must certainly have been very severely changed.

An additional risk from extensive defoliation is so-called nutrient dumping. Many tropical soils are not intrinsically rich in plant nutrients, and as a result a considerable percentage of the total available nutrient supply is in the vegetation at any one time. If all the leaves fall at once and rapidly decompose, much of their nutrient content may be washed into the rivers by the heavy tropical rains and lost to the local ecosystem. Even larger losses could occur if the trees are killed.

The long-term economic effects of the loss of the large trees in this forest will probably be even more severe than in the mangroves. Although in the past Vietnam has not exported much wood, having been in pre-war days basically an agricultural nation with some rubber exports, the presumptive future needs for extensive outside earnings may make the precious woods from her forests (teak, rosewood, ebony, camphor, etc.) one of Vietnam's major assets.

THE CROP DESTRUCTION PROGRAM

The crop destruction program exhibits a different military use of herbicides in that it does not aim at the improvement of terrain for fighting or the dislodging of the concealed enemy but rather attempt to destroy crops destined for enemy use. For this purpose, Agent Blue (cacodylic acid) is commonly used, although Orange or White have also been used. Blue is sprayed on crops, principally rice, shortly before fruition and they are damaged so that there is no harvest. The program has been carried out principally in the mountainous parts of South Vietnam. A total of about 530,000 acres has been sprayed through 1969, destroying enough rice to feed an estimated 600,000 people for a year. The HAC had the opportunity of studying in some detail the site of a crop destruction mission carried out several weeks before our visit in the Song Re Valley in Quang Ngai Province. This survey was made by helicopter in company with the area chemical warfare officer. We subsequently visited the Montagnard refugee camps in the secure towns outside the valley, which in itself is not secure and is patrolled only very occasionally by United States or South Vietnamese soldiers. We were very much disturbed by the inadequate criteria for the legitimacy of the destruction caused by spraying this valley and presumably for other similar flights. The avowed object of the crop destruction program is to eliminate crops being grown by enemy soldiers for their own use. In fact, the fields in this valley are apparently the traditional home and fields of Montagnards with little or no additional cultivation by NLF or North Vietnamese soldiers.

This conclusion seems inescapable in view of the fact that every indicator of enemy presence relied upon by the chemical staff proved mistaken. We were told there were no dwellings in the valley—but our photographs show hundreds. We were told that extensive new fields had recently been put under cultivation by the enemy—but our photographs show no change from the pattern of land use seen in a 1965 Army aerial survey. We were also told that the terracing of fields seen in the valley was a technique unknown to the Montagnards, giving evidence of North Vietnamese farm units—but we later found from the army's own manuals that the Montagnards of this area had grown rice on terraced land for decades.

The Montagnard refugees who came out of areas previously subject to crop destruction told us that water buffalo are killed by eating sprayed grass. They feel that the land is cursed and poisoned from the air; they think that children, in particular, may die from the effects. Official reassurance that there is no proof of ill effects in animals or humans and that the sprayed soil should have recovered its full fertility by the next sowing is of no avail to these sad, dislocated and helpless people.

Even the most optimistic Army studies confirm that only a limited percentage of the rice in any region can be destroyed, and if this is true it is illogical to expect enemy soldiers to go hungry. They will get such rice as remains and the Montagnards will be the sufferers.

HEALTH EFFECTS

Although in fact comprising a very considerable part of the work of the HAC, only a brief summary of the health evaluation of the herbicides will be given here. Multiple reports of toxicity from cacodylic acid (Blue) among the Montagnards could not be further investigated. Hair samples from exposed individuals have been collected for arsenic analysis, still in progress.

Our principal interest centered on possible changes in the rate of stillbirths and congenital abnormalities in the population exposed to Agents White or Orange. (There is no laboratory evidence of teratogenic effects from Agent Blue.) The exposed group is extraordinarily hard to isolate. The sprayed upland forests, but not the waterways within the mangrove forests, are normally very sparsely inhabited, but significant exposure has certainly occurred. Also, there has been spraying along canals in the Delta which are unusually densely populated. The heavy fighting usual in spray areas further dislocates the population, adding to the difficulty in conducting medical surveys.

We found no evidence of the sudden or new appearance of any dramatic congenital abnormalities as have been reported in some newspapers—Vietnamese and American.

We believe that the figures from the army report of Dr. Cutting, unfortunately not available to us while in Vietnam, are so weighted by data from Saigon (unsprayed) as to make it impossible to draw any significant conclusions. The HAC study of one province (Tay Ninh) with severe herbicide exposure did show a higher stillbirth rate than any provincial hospital reported by Cutting. Interestingly, if Cutting's own figures for provincial hospitals are isolated, they do show a recent increase in stillbirth rate, in contrast to Saigon.

Considering that dioxin, a teratogenic contaminant of 2,4,5-T, may accumulate like DDT in the food chain, we collected mothers' milk from those mothers eating fish from rivers draining defoliated forests. Analysis of these samples for dioxin is still in progress.

Unfortunately, any statistical health study in Vietnam is fraught with extreme difficulty, even with maximum local cooperation, and there can be no question but that the population exposed directly to herbicides could, in fact, have suffered a tenfold increase in congenital abnormalities without our having detected it with the methods at our disposal.

The HAC made its field study in August and September 1970 and reported to the AAAS in December. Three days before this report was made, but with our findings having been previously made available to the Administration, the White House announced a phasing out of all herbicide use in Vietnam, although at the time of this writing herbicides are still being used. More recently, the U.S. command in Saigon and the Secretary of State have announced the cessation of the crop destruction program. The military effectiveness of the use of herbicides will be debated for some time to come. Although this was not a subject which we studied, it was of interest to find a wide-range of views among military officers in Vietnam—ranging from enthusiastic support to outright condemnation.

The HAC survey raises more questions than we have even tried to answer: Why have the mangroves not recovered? What has happened to the fish and crustacean population? What will happen to the bamboo in the upland forests? Are animals really poisoned by cacodylic acid? What will happen to the Montagnards made refugees by the crop destruction program? Are there real effects on stillbirths and congental defects in man?

We believe that herbicides in Vietnam have fundamentally changed the vegetation over very extensive areas and many decades will pass before the full effects of a transient military "necessity" are known. At the scene of Waterloo or Gettysburg almost no trace of the battle remains and even the scars of Verdun or Guadalcanal are hard to find; Vietnam's defoliated forests may be a more permanent memorial.

PRESIDENT OF STANFORD UNIVERSITY DISCUSSES INDOCHINA WAR TOLL

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to share the thoughts of Richard Lyman, president of Stanford University, about the terrible toll America is paying for the seemingly endless war in Southeast Asia. Mr. Lyman's letter, which appeared in the New York Times this February is a concise but precise statement and explanation of the fruits of this horrible war.

Indeed, we can all see the consequences of this war—the secrecy, the denial of right, the surveillance of citizens, and disturbing Government doubletalk. We should all ask ourselves again, what price are we paying for involvement in this conflict? How many of our fine young men have lost their lives or limbs? What are we wreaking on the Vietnamese, Laotians, and Cambodians? What are we doing to the political culture of our own country? Can we ever accept the moral burden and cost of these actions for ourselves, as individuals and as a nation?

The letter follows:

DEMOCRACY: CASUALTY OF WAR

TO THE EDITOR:

If the war in Southeast Asia could be ended by the anguished cries of university presidents it would no doubt have been over long ago.

Most of us are neither Southeast Asia experts nor skilled global strategists nor (whatever might be wished of us by many of our students and faculty) full-time members of the movement. But we do know something, by hard experience of what this faraway conflict is costing in terms of democratic values and the capacity for rational discourse on the campuses of this country.

In any war, a democratic polity incurs certain inescapable damage. War by its nature requires secrecy; democracy thrives on full disclosure. War causes people in authority not only to withhold the truth upon occasion; it tempts them to twist and distort it.

Democracy requires that disagreements be thrashed out in argument and resolved by voting. War requires that disagreements be minimized or obscured in the face of the enemy at the gates (no matter how far away those gates may be) and encourages appeals to emotion and to brute force.

It is therefore no cause for surprise that eight years of war abroad have produced a marked deterioration in the political life of our own country. This deterioration is nowhere more marked than on the leading campuses, where the argument that only force counts is heard from young people whose cynicism in this regard is a deadly threat to the future of a democratic polity.

In particular, students today are either disgusted by or themselves infected with the disease of prevarication and contempt for honest dealings. Ever since they became old enough for political consciousness, they have experienced an unending spate of misinformation and false prophecy with regard to Vietnam. The tortured elaborations of Pentagonese have brought palpably closer the notorious era of doublethink foreseen by George Orwell in "1984."

This comes about, not because of a unique villainy on the part of the protagonist in this particular war, but because war itself is antithetical to democratic values.

We have survived previous wars with democracy largely intact. But major involvement in war has often been followed by a political aftermath of reaction and repressiveness, from the Alien and Sedition Acts of the 1790's through the Mitchell Palmer raids following World War I, to the era of Joe McCarthy after World War II.

The Vietnam war has doubtless been a limited one, for Americans if not for Vietnamese. But its duration now threatens us in deadly fashion.

If the growth of cynicism and doubt continues through another period of years, we will suffer further subtle but ineradicable wounds here at home that will make American democracy in the twentieth century as much a casualty of prolonged warfare as was Athenian democracy in the fifth century B.C.

That is part of the reason why slogans like "Vietnamization" mean so little on the campus today, and why hope is so rare a commodity there.

RICHARD W. LYMAN,
President,
Stanford University.

STANFORD, CALIF., *February 11, 1971.*

ON THE WAGING OF PEACE

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. FISHER. Mr. Speaker, we all know that America is plagued today with an assortment of peace seekers. The tragedy of this presence is, in so many instances, a lack of realism and direction. Some are sincere, some naive, while others are undoubtedly prompted by ulterior designs. History teaches that the most insidious of war makers have preached the gospel of peace. In bible terms it is "The voice is Jacob's voice, but the hands are the hands of Esau."

In the June 1 issue of the New York Times there appears a remarkably intuitive article on this subject by Henry Paolucci, a professor of political science at St. John's University. It is well worth reading and is here included as a part of my remarks:

ON THE WAGING OF PEACE

THE DANGER IS NOT FROM THE MILITARY BUT FROM PEACE-MONGERS

(By Henry Paolucci)

To the historically trained ear, the most ominous drums of war have always been those pounded in the name of peace.

Those drums are rolling today with a mounting intensity unparalleled in American history. They are telling us (in the rhythms of Adlai Stevenson's eloquence): "We must abolish war to save our collective skins. For so long as this nuclear death-dance continues, tens of millions—perhaps hundreds of millions—are living on borrowed time." Or in the accents of Norman Cousins's frenzied appeal for a world federation of peace-lovers: "At a time when the fingertip of a desperate man can activate a whole switchboard of annihilation, and when defense is represented by retaliatory holocaust, the historical social contract between man and the state has ceased to exist."

The intention of such talk is peace; but its emotional intensity is unquestionably such stuff as wars are made of. When peace is proclaimed as a sovereign value, when its lovers declare themselves disposed to sacrifice all things else for its attainment—even their pledged national allegiance—we can be sure that ignorant armies, terrible with self-righteous banners, are about to clash. For it is not at college teach-ins or on the Op-Ed page of The Times, but in the arena of war that the supreme national sacrifices for peace are ultimately made.

Peace is, like liberty, one of those Janus-faced ideals that looks two ways. The Road to Peace remains a peaceful road only so long as no serious obstacles are encountered. According to some wise men, the fiercest wars have been fought to remove man-made obstacles to peace. Hitler was such an obstacle. While the rest of us were plodding down a depressed stretch of the Road to Peace, he mobilized an entire people for war. Yet, what he was ultimately after with his talk of a "New Order" was surely an arrangement of unforceable peace—under which the entire world would indeed be living now, had our physicists not outstripped his in that first great arms race of the nuclear age. Those who finally crushed him in war openly acknowledged that his goal was peace in their branding as "appeasers" all who sought to prevent our military intervention against him.

Wars result from the desire to impose one's will upon others and to resist being imposed upon. Peace is the condition of having one's willful way, whether actively or passively. Even a bawling infant knows the difference between being resisted and being pacified.

The maturity of the Western nations has consisted in their mutual recognition that the desire to establish a regime of enforceable peace over a vast multitude is itself the greatest provocation of war. That fact first impressed itself on Western statesmen during the three decades of war that preceded the so-called Peace of Westphalia, in 1648—which was peaceful only in the sense that, by its arrangements, the age-old longing for an enforceable world peace, such as animates so many educated people today, was at least temporarily laid to rest.

Napoleon resurrected that longing. He marched his armies back and forth across the Continent to remove the many national obstacles to its attainment. Later it was the turn of Imperial Germany, whose Kaiser, like Russia's Czar, celebrated in his very name the august aspiration of Imperial Rome to impose its peace everywhere, by uplifting the lowly and putting down the proud.

Vying to establish an enforceable world peace today are the Marxist-Leninists, who are as tough as the toughest old Romans, and that motley band of American social scientists, English teachers, journalists, Sanskrit-reading physicists, existentialist philosophers, playwrights, film-makers, etc., aptly characterized by Joseph Schumpeter as "ethical imperialists." The Marxist-Leninists have an obvious advantage, for they are realists. They can be deterred by a nuclear policy of assured destruction, strictly adhered to by the United States. But, if American policy insists on an enforceable world peace, the tough men of Moscow are not about to let themselves be "Pugwashed" into accepting the petulant rule of a Western intelligentsia that thinks it can gain the world by a "great act of persuasion" conducted on the pattern of a Harvard seminar on international affairs.

The irony is that, with all their drum-beating for "peace now," the men, women, and children who lead today's peace crusade are making it impossible for serious counsels to be heard in the halls of government. Even the Commander in Chief of our armed forces has been reduced to gibbering that he's a "devoted pacifist."

Our great danger today comes not from American military arrogance, which is nonexistent, but from the arrogance of our peace-mongering, which intoxicates and must eventually paralyze the will to act prudently.

FLORIDA CANAL NOT "PERMANENTLY" HALTED

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. BENNETT. Mr. Speaker, the temporary stoppage of the Cross-Florida Barge Canal is only temporary, halted by executive news release, and the construction of this important waterway cannot be stopped permanently by unilateral presidential action or court action according to the American law division of the Library of Congress. The proper procedure to cancel a project created by law is obviously to repeal the law if this is desired.

The Council on Environmental Quality and Federal courts have no power to issue permanent injunctions against public works projects authorized by Congress.

The American Law Division of the Library of Congress has furnished me the following memorandum on the law on this subject:

THE LIBRARY OF CONGRESS,
Washington, D.C., May 1, 1971.

Hon. CHARLES BENNETT,

American Law Division, Permanent Injunctions Against Construction of Public Works Projects Authorized by Congress.

In response to your request, we have examined case law to determine whether public works projects authorized by Congress can be permanently enjoined because of possible harmful effects on the environment. Although there have been a number of preliminary injunctions halting such projects until environmental impact statements have been filed in compliance with the National Environmental Policy Act, 42 U.S.C. 4332(2)(C), that Act creates no "substantive right" which can form the basis for a permanent injunction. The case of *Environmental Defense Fund* v. *Corps of Engineers,* 2 Env. Rptr. 1260 (E.D. Ark., Feb. 19, 1971) illustrates the effect of the N.E.P.A.

A preliminary injunction was issued to halt construction of a dam, "approximately two-thirds completed," until an environmental impact statement had been filed. However, the federal district court rejected the contention that 42 U.S.C. 4331 creates a "substantive right." "In view of this interpretation of NEPA by the Court, the plaintiffs are relegated to the 'procedural' requirements of the Act." In another case bearing the same name, *Environmental Defense Fund* v. *Corps of Engineers,* 2 Env. Rptr. 1173 (D.D.C., Jan. 27, 1971), a similar result was reached. A preliminary injunction issued to halt construction of the Cross-Florida Barge Canal. The project was then halted by the President, acting on the recommendation of The Council on Environmental Quality. 3 *Clean Air and Water News* No. 4, Jan. 28, 1971. Neither the Council itself nor a federal court is given the power by the NEPA to permanently halt a project.

GEORGE COSTELLO,
Legislative Attorney.

AUDIE MURPHY

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. GOLDWATER. Mr. Speaker, I am stunned and deeply sorrowed by the loss of a fine American, Audie Murphy, who perished in a plane crash Friday, May 28, in Virginia.

Audie, as everyone knows, was the most decorated soldier of World War II, receiving 24 citations for his courageous deeds in battle. He received the Medal of Honor for an act of valor that became known nationwide; he climbed a burning tank destroyer and held off an advancing company of German infantry with a .50-caliber machinegun. The tank on which he stood was filled with explosives, but he succeeded in single-handedly breaking up the attack of 250 German soldiers.

The spirit of Audie Murphy will never die; his valiant efforts in terrible, trying conditions will serve to inspire many generations of Americans to come. He was a major contributing factor to the allied victory and I am grateful to him. My colleagues and I share in this grievous loss with Audie's wife Pamela, and his two sons, Terry and James.

PUBLISHER CHARLES WOODSON IS MOURNED BY NATION

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. EDMONDSON. Mr. Speaker, one of America's great newspapermen, Charles C. Woodson of Brownwood, Tex., died on Sunday, May 23, 1971.

Mr. Woodson, for a long time the publisher of some of the finest newspapers in Texas and Oklahoma, is mourned by a host of friends throughout the Nation. One of the finest tributes to him was printed in the Miami News-Record of May 24, 1971, where his longtime friend and associate, Murray Bratcher, is publisher.

The text of the News-Record story follows:

NEWS-RECORD OWNER DIES

Charles C. Woodson of Brownwood, Tex., owner and president of Miami Newspapers, Inc., since Oct. 1, 1951, died about noon Sunday of an apparent heart attack while visiting in the home of a son, Ben Woodson, of Del Rio, Tex.

Mr. and Mrs. Woodson had attended dedication ceremonies Saturday of the Lyndon B. Johnson Library at Austin as guests of the former president. They drove to Del Rio afterward. The newspaper owner and Mrs. Johnson were longtime friends.

Mr. Woodson was a frequent Miami visitor. He was here recently to confer with News-Record Publisher Murray Bratcher about the project, nearing completion, which will double the size of the News-Record plant and convert the newspaper to the most modern method of offset printing. Completion of the project is expected within a few weeks.

Although Mr. Woodson had been owner of many newspapers in his long career in this field, he was actively associated with only three at the time of his death. These were the News-Record and the Alice Echo-News of Gulf Crescent Enterprises, Alice, Tex., which he owned. He was a partner in the El Campo, Tex., Leader. He had been associated with some 40 daily and weekly newspapers during his lifetime.

Mr. Woodson moved from Cleburne, Tex., to Brownwood in Sept., 1940, after acquiring ownership of the Brownwood Bulletin. Later, he purchased Texas newspapers in Del Rio, Lamesa, Brownfield, Port Lavaca, Waxahachie and Alice and for a number of years was a partner in the operation of radio and television stations in Texas and Oklahoma, including a station in Oklahoma City.

Born Aug. 6, 1898, in Searcy, Ark., Mr. Woodson moved to Texas in 1912 and saw brief Army service in World War I. After graduation from Hico high school, he attended Baylor University, Waco. He was business manager of "The Lariat," Baylor student publication. He worked for Waco's two daily newspapers and later for newspapers in Orange, Port Arthur and Houston.

Leaving employment with the Houston Chronicle, he started his publishing career at Kirvin, Tex., followed by Texas publishing stints that included Quanah, Gladewater, Palestine and Cleburne before moving to Brownwood.

Surviving are his wife, Mrs. Ruth Woodson of 2009 First Avenue, Brownwood; three sons, Craig Woodson, who in March, 1959, succeeded his father as owner and publisher of the Brownwood Bulletin; Ben Woodson, successor to his father as owner and publisher of the Del Rio News, and Jack Woodson of Austin; a brother, the Rev. William Woodson, a Baptist minister in Arkansas, and eight grandchildren.

On Sept. 23, 1969, Woodson was honored at a surprise event attended by 150 Brownwood men, Texas Lt. Gov. Ben Barnes and other prominent Texans.

One of the highlights of the dinner was a vocal tribute from ex-President Johnson. Johnson, in a telephone call that was wired into the public address system, commented:

"If it were not for a long-standing previous commitment (with Walter Cronkite of CBS) I would be there with you tonight. You have always been the type of man who never asked for anything for yourself. But you have always been there when your city, your state, your party or your nation needed ou.

"You have always been a builder. You helped build Brownwood, but more important you have helped build America.

"I just wanted to call up and tell you I think you deserve all the tributes you have received tonight. Lady Bird joins me in sending you our love and respect."

Earlier, in 1962, Brownwood honored Mr. Woodson as "key man" of the year in the over-35 age category.

Woodson, a past president of the Brownwood Chamber of Commerce, was instrumental in organizing the Brownwood Industrial Foundation. He was a former director of Citizens National Bank, Brownwood.

Woodson was a delegate to the 1956 and 1960 Democratic National Convention. He was a former state executive Democratic committeeman from his senatorial district.

Funeral services will be held at 3 p.m. Tuesday in the First Baptist church, Brownwood, with the Rev. Logan Cummings officiating. Burial will be in Brownwood's Eastlawn cemetery.

POWER COMPLEX IN ARIZONA

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert into the Congressional Record this urgent information that appeared in the form of an advertisement in the Los Angeles Times on Thursday, May 20, 1971:

[From the Los Angeles Times, May 20, 1971]

Like Ripping Apart St. Peter's, In Order To Sell the Marble

So that the world can have still more of Los Angeles, Las Vegas, and Phoenix, six gigantic coal-burning power plants and three huge strip-mines are underway at and around Black Mesa, Arizona. When operative, the complex will spread more deadly smog and soot than currently put out in New York and Los Angeles combined across what is now 100,000 square miles of open country; the last pure air in America.

Affected by the smog will be six national parks, 28 national monuments, the Lake Mead and Lake Powell recreation areas, and Grand Canyon; the places people escape to are being sacrificed to make more of what they escape from. Also being sacrificed on behalf of urban growth: The sacred religious shrines of the Hopi and Navajo Indians, who had thought that it couldn't happen again.

(1) The clearest air in the United States is to be found in the Four Corners region of the Southwest, an enormous area including parts of Utah, Colorado, Arizona, New Mexico and Nevada. It contains the Grand Canyon National Park, Petrified Forest National Park, Zion National Park, Bryce Canyon, Rainbow Bridge, Monument Valley (see photo above) as well as 39 Indian Reservations and the biggest open sky in the world.

The air here is legendary. It is where your doctor sends you when the *city* air gets you, or you have asthma. But he won't send you *here* much longer.

(2) Not to be outdone by the East, where natural beauty is in the realm of nostalgia, real estate speculators are planning expansion: tract houses across California's open spaces; industrial development of the desert; more slurbs around Phoenix; and also in Las Vegas, where they say there is a "need" for more neon.

(3) All of this takes electricity, a lot of it, and so a consortium of 23 power companies together with the U.S. Bureau of Reclamation is building six coal-burning plants to service the urban sprawl. Growth in those already choking cities will do them nothing but harm, of course, but that's *not* the point of this ad. What those cities wish to do to themselves is one thing; we are speaking about what they are doing to an area that belongs to you and to us, and to 250,000 Indians.

(4) The power plants, you see, are *not* being put in the cities they service. They produce so much smoke, soot and poison that they are illegal there. The solution: put them elsewhere, where no one will complain. Where there are only parklands and open spaces; where only animals, trees, and farm produce grow; where the population is only hikers, campers, swimmers, climbers, fishermen, boatsmen [tourists] and oh yes, some Indians. No "important" opposition.

(5) So here is what's planned: at least six power plants and three strip mines, an 80 mile coal-hauling railroad (across Navajo land), a 273 mile slurry pipeline (across Hopi and Navajo lands), hundreds of miles of work roads and thousands of miles of transmission lines crisscrossing the country's last pristine open space, to carry the power to "civilization."

(6) Two of the plants are already built. They went up so fast and so quietly no one knew it was happening until it was too late. No pre-construction announcements, no public hearings, no impartial studies on resources, or alternatives, no reports to the Federal Power Commission, no statements under the National Environmental Policy Act.

Only when it was too late, and people began perceiving what was going on out there, were there some pitiful attempts by the companies to cover their public bases, but a lot of the damage is done.

(7) To give you an idea of the effect, one of the plants, The Four Corners Plant at Farmington, New Mexico, puts out more fly ash and soot—350 tons per day—than is produced by all sources in Los Angeles and New York combined. And the stuff gets carried hundreds of miles downwind.

Smoke from *this* plant was photographed by a Gemini satellite not long ago—the only man-made phenomenon on Earth to be visible out there.

The State of New Mexico has finally ordered some emission controls on that plant, which will improve matters a bit, but this is only one plant in six now planned. If the power companies have their way, one of the new plants, Kapairowitz, will be nearly *three times the size* of Four Corners; the biggest in the country. And then the total pollution output in this "clearest-air" region will look this way:

[Tons per day]

	Sulphur oxides	Nitrogen oxides	Ash, soot, and other particulates
6 plants (after controls on 4 corners)	2,166	845-1,297	240
Los Angeles Co. (total all sources including cars)	275	950	110

Source: John Muir Institute for Environmental Studies.

Even New York City puts out less pollution; 140 tons of ash, and only 1,077 tons of sulphur oxides. And while it is true that this region is larger than New York and Los Angeles together, and concentrations may not be as great all the time, remember, this is the *last clean air in the country*, and the largest recreational region. Even a little pollution here would be an outrage. But this is not a little.

(8) To make matters worse, Kapairowitz will be the second of two plants to be built on the shores of Lake Powell, hailed as one of the great recreational lakes of the country—used by swimmers, water-skiers, sailboats, and so on. If Kapairowitz, or the already begun Navajo Plant, is built, the smoke will pour into the sky and the soot will blacken the sails. Tall ugly smokestacks will be visible from almost everywhere on the lake, and it will take on some of the charm of the Hoboken River.

(9) To run the power plants, coal is needed and the solution to that need may be still more tragic and brutal: strip mining.

The coal for two of the plants is being provided by Peabody Coal Company, which has already begun its digging at Black Mesa, in the heart of the Hopi and Navajo Nations.

(10) Black Mesa is not just another piece of soil with coal in it. It is where the Hopi have lived for a thousand years; the oldest stationary culture in North America.

The religion of both the Navajo and Hopi peoples are intertwined with the soil of Black Mesa.

The Hopi believe that they grew directly up from that soil. It is their Garden of Eden, so to speak, except in their view the soil itself is alive—as alive as they are, and the trees and plants and sheep they herd. They believe the soil itself is sacred, much as you might feel about the Holy Grail, or the Wailing Wall. To the traditional Hopi, ripping apart the soil and removing things from it, as Peabody is doing, is, in the words of one young Hopi, "like ripping apart St. Peter's, in order to sell the marble."

(11) Peabody is also removing water from Black Mesa for a coal slurry pipeline, at 3,168,000 gallons per day. No one can be certain what that will do to the farming and grazing in this arid region, but the Hopi fear (and remember, they have lived here, in harmony with the difficult land, for one thousand years) that the water will give out or become poison as it did in Appalachia; that it will destroy their farms and therefore their culture. The Hopi say that if the mining continues, the Hopi Nation will not. All for Las Vegas neon.

(12) Peabody counters that it has a "legal" lease, signed by the Hopi Tribal Council and yes, it has a signed piece of paper. "Legal" is another matter.

Last week, *all* the traditional Hopi leaders filed the first of a series of lawsuits. The suits say, in effect, that the Tribal Council was pushed onto the Hopi by the Bureau of Indian Affairs, and was not legally appointed. They say the Hopi ignore the council almost to a man in favor of their own system of governing, and that it violates the Hopi Constitution, the Hopi religion, and Department of Interior rules. They say the Tribal Council was created by BIA just so such deals could be made. They say that not more than a handful of Hopi ever heard of the strip mining plans until Peabody moved in and started digging things up.

At some point, we are all going to have to come to grips with one irrefutable fact: There is only so much of this country. Only so much land, water, and air to put to the uses of commerce. We cannot behave as though there is always room for expansion. There is not.

There was a time when helping urban growth seemed a good idea, when the country was young and needed to build its base. But now cities are too big and they are turning greyer before our eyes. Yet the dogma remains: More, more, more, more, more.

California begins to look like one gigantic Levittown; one huge trailer camp. Phoenix and Las Vegas likewise. Still there is the notion at large that we must "use" all of the landscape. If they get away with plants at Four Corners, defiling the last pure air in the country, then more plants will follow those.

In the East, the problem is similar; power plants on mountainsides, in woodlands, on beaches. And now there's a plan to start "using" the oceans; to put enormous plants out at sea. When the parks smell of industry and even the sea offers no escape, then finally, once and for all, we will have become prisoners in a giant world-wide jail.

It is clear that such growth is madness; a cancer feeding on its own living system. And since eventually we will run out of space, hadn't we best plan for that now, rather than later when *all* is gone?

The conclusions are very clear. We should not be accommodating growth anymore unless and until we can do so without doing-in the world. Instead of promoting more use of power, companies should be promoting *less* use, and offering special rates to those able to ration. Most important, the United States must arrive at a national energy policy which reflects the facts of life—there is only so much land. A limit on power is needed.

The end of the mass-consumption waste-oriented society is in sight. We may all have to make do with less. But this is not necessarily bad. Fewer lights on at once may return us the dusk, and stars. Without electric toothbrushes, we may still brush our teeth. Not all new buildings need be artificially heated and cooled, and those that are could be built with windows that *open*, so some days fresh air could come in. Las Vegas does *not* need more neon, going 24 hours per day. We can all get along with less. The Hopi have done it till now. Until strip-mining started at Black Mesa, pollution was impossible there.

THE PROBLEMS OF WELFARE

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. MOLLOHAN. Mr. Speaker, we have worked for nearly 3 years to write legislation that will turn the tide of welfare in this country. And during these 3 years, we have had the burden of eliminating the myths about welfare that plague us.

In most minds, the idea that somehow most of those receiving welfare could be working instead. The reality is that most of those who receive benefits from welfare are children or elderly or blind.

Yet, we have had to confront the basic fact that our present welfare system does indeed foster more welfare because, instead of providing the kind of welfare to help a man or woman become established and independent, we have an either/or choice in too many cases. A person gives up his benefits under welfare on a dollar-for-dollar replacement basis when he finds work, and the result is that unless the job pays enough to cover the costs of working such as babysitting and transportation and gives some security as well, many find it more feasible or easier just to draw the welfare benefits.

The program we will consider in the near future on the floor of the House does not meet all of the needs or desires concerning welfare, but it does make a very real beginning toward meeting the needs of the country in the welfare field.

Few people in my home State of West Virginia are more cognizant of the many competing policy factors that make up the decisions that confront us than the editor of the Wheeling News-Register. Few people in the country have the benefit of reading newspapers whose editors have been as sensitive and sensible about this problem, and public policy generally.

Because of this, I commend the following editorial to my colleagues as one of the most perceptive that has been written on welfare:

THE PROBLEMS OF WELFARE

One of the difficulties in seeking a sensible and workable solution to the problems of rising welfare costs in this country is that we all have our preconceived ideas about welfare and we are hard pressed to abandon them whether valid or not.

New York's Governor Nelson Rockefeller recently joined others who have had to do an "about-face" on their stand that advocated virtual blank checks to about anyone who claimed he had a "right" to be on the government dole. Gov. Rockefeller now has acknowledged that welfare is not a "right" but that the administration of welfare must be catalogued other than a purely social disorder.

What caused the governor's shift in position was the enormous grass roots protest which welled up in New York when he sent his state legislature a whopping $8.4 billion budget calling for $1.1 billion in new taxes. He also proposed a $10 billion community bond issue.

When the public response hit, Gov. Rockefeller did some backtracking. He quickly urged the elimination of able-bodied welfare recipients from the state dole, a cutback from $4,000 to $2,400 in dependent child cases and insisted on a one-year residency requirement despite U.S. Supreme Court rulings to the contrary.

Meanwhile, Gov. Rockefeller has proposed legislation to compel welfare recipients to register their social security numbers as a prerequisite to obtaining welfare, therefore helping to thwart the desertion of children which has added greatly to the expense of aid to dependent children category of welfare. Such legislation, we believe, would seem long overdue.

Now that we have said all of this it is time to examine the other side of the coin. The State Department of Social Services in North Carolina recently published a report about the myths and facts regarding welfare in that state. Here are some enlightening excerpts from the report:

Myth: "They're getting rich on welfare."

Fact: The average monthly benefit under the Aid to Families with Dependent Children is $116.53. The non-farm poverty level for a family of four is $312 a month.

Myth: Most AFDC families contain men who don't work.

Fact: Of the nearly 145,000 AFDC recipients in North Carolina in December 1970, there were no able-bodied men. About 6,300, or 4 per cent were incapacitated fathers.

Myth: Practically all welfare recipients are black.

Fact: 46.8 per cent of the welfare cases in December 1970 were white. 51.8 per cent were black, and 1.4 per cent were other races.

Myth: AFDC mothers keep having children to get more benefits.

Fact: The number of children per AFDC family has declined from 3.1 in December 1961 to 2.8 in December 1970. The latest Social Service Department statistics indicate that about 3.4 per cent of children in AFDC families were born after the mother went on the rolls.

It would seem apparent that we never will get down to solving the welfare problem in this country until we are ready to face the facts as they are and strip aside the emotional hang-ups that confuse us all.

DRUGS AND MENTAL HEALTH

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. MADDEN. Mr. Speaker, the American public is eventually becoming alarmed over the devastating drug menace especially to our youth and Vietnam service veterans.

I hereby submit excerpts from my remarks on mental health before the Tri-City Mental Health Center banquet in East Chicago, Ind., on last Friday May 28:

SPEECH BY CONGRESSMAN RAY J. MADDEN

I wish to commend the Tri-City Comprehensive Community Mental Health Center for devoting your time and effort toward aiding the mentally handicapped throughout our community state and nation. The work of organizing public interest and support for institutions and hospitals to establish centers to take care of the mentally disturbed has expanded considerably in the last dozen years. Taking care of the mentally disturbed people in our midst has ceased to be a local problem. It demands the joint cooperation of the state and nation. The number demanding mental care has greatly increased and is increasing as each year passes.

Today it is estimated that over 6 million school-age and one million pre-school age children are suffering from mental handicaps. Only 40 percent of these children receive any special medical service or educational help.

As many as one-haf of them, the Bureau of Education for the Handicapped estimates, could greatly develop in regular educational classrooms if they only had the support of even part-time special education services.

By reason of the special work throughout the nation of organizations similar to your mental health center, the number of handicapped children being given special education has been raised by nearly 3 million throughout the country. It is estimated that 20 million people in the United States are suffering from some sort of mental' or emotional illness. These cases range from mild to severe which need psychiatric treatment. This means that about one in every 10 persons is now suffering from some form of mental illness of various degrees of severity. Mental illness and other personality disturbances are usually significant factors in criminal behavior, delinquents, suicide, alcoholism and narcotic conditions. It was estimated that approximately 500,000 children—many as young as two or three years of age—suffer from serious forms of mental illness. It is also remarkable that more than 20 percent of all men admitted to mental institutions are acoholics. Over-use of drugs and alcohol over the years has been a great contributor to the large percentage of people who develop ultimately into mentally afflicted victims.

NARCOTIC ADDICTION

During the last dozen years the unfortunate scourge of narcotic addiction, especially among American youth, is slowly bringing about additional victims of mental illness to thousands of drug victims. One of our nationally known doctors has predicted that, if some method of curing and curtailing the drug addiction epidemic among the younger generation is not discovered, mental illness will expand far beyond all past statistics and will add many millions more to the so-called classified mentally disturbed victims throughout the country. Surveys have revealed that about 20 percent of college students have used marihuana one or more times and roughly 8 percent have used LSD or other damaging drugs.

The rapid increase in the use of pills, narcotics and other so-called drugs damage, not only the mental apparatus, but the physical health of millions and is already this country's most pressing mental problem.

DEFORMITY AND MENTAL ILLNESS AMONG CHILDREN

It has been revealed at Congressional hearings on legislation pertaining to mental health that the habitual use of drugs and pills by a parent or parents contribute greatly to the mental and physical deformity of their children. Considering the epidemic of drug expansion in our schools and colleges during the last 10 years should be a warning to our Government and the American public that the number of future cases of mental afflictions will increase many fold in the future years. Steps must be taken by our Government, universities, colleges, high schools and educational institutions of all sorts to instruct the younger generation as to the devastating danger of drug use, not only to themselves, but to their children in the future. The fight against mental afflictions and physical handicaps should be one of the No. 1 problems of the Congress, state legislatures and educational institutions throughout the land.

I was shocked to pick up the Washington Post of Wednesday, May 26, 1971, and find on page one an article which continues for 8 columns in the middle of the paper. This article exposed the lack of mental care, hospitals, doctors and personnel to handle the avalanche of mental cases in the City of Washington, D.C. I am inserting in my remarks but two short paragraphs of this long article which should be printed in every newspaper in the country to awaken the public concerning the nation's neglect and indolence in not inaugurating a practical and workable program on mental health.

"Helen H. Curley, director of nursing, said that in her 31 years at Forest Haven there has always been a problem in keeping staffs. Mrs. Curley said that about 24 hours after the first day of work for a new person, "I would get a letter saying, 'I couldn't sleep last night,' or 'I really don't think I can work with the mentally retarded.'

"The American Association on Mental Deficiency recommends one staff member for every five severely retarded patients during the day. Administrators of Forest Haven said this would be an ideal situation. At present there is one nursing assistant for every 20 severely retarded males and 3 assistants for 79 severely retarded females."

Mental disturbances caused by the drug epidemic in all stages has contributed greatly to our crime menace. This situation will bring about further expenses of local, state and national law-enforcement agencies, administration of justice, as well as the cost of damage inflicted by the offenders which has been estimated at more than $20 billion a year.

MENTAL HEALTH EXPANSION

It is also estimated that approximately 2 million 500 thousand Americans were treated for mental illness in 1968. In out-patient psychiatric clinics, mental hospitals and other hospital facilities.

Throughout the Nation approximately 473,000 children under 18 years of age received some service at mental facilities in the United States in 1968. Of these children 84 percent were seen on an out-patient basis and 14 percent were hospitalized. About half of these patients were treated in public mental hospitals and the other half in public general hospitals. Government statistics state that 10 percent of all school-age children have emotional problems requiring psychiatric help.

According to the American Hospital Association, public and private mental hospitals in the United States number about 540.

334 are state and local government mental hospitals.

87 are non-profit, non-government psychiatric hospitals.

84 are for profit, non-government.

37 are Federal Government psychiatric hospitals. (Included Veterans Administration and public health hospitals.)

State and county hospitals throughout the Nation accommodate about 366,800 mental patients. It is estimated that the cost of mental illness to the United States in 1968 was approximately $21 billion. Mental illness is one of the costliest of all diseases and about 43 percent of that cost has been borne by persons or organizations other than the mentally ill and their families.

MENTAL MEDICAL COSTS

The cost of thousands of cases of the mentally ill are taken care of by their families and, including their productivity losses, that sum would total about $12 billion.

It is also estimated by Government figures that the total maintenance expenditures of state and mental hospitals in the fiscal year of 1969 for in-patient services totaled $1,739,293.

Mental illnesses presently cost the United States Veterans Administration over one billion 250 million dollars annually. The State of Indiana in 1968 hospitalized 9,374 mental patients in state and county mental institutions.

The estimated operating cost in fiscal 1970 for just Veteran Administration psychiatric hospitals was $351 million 445 thousand. This does not include the cost of care of mental patients in general hospitals.

Up to two years ago 624,000 veterans were receiving compensation or pension payments whose major disability involved mental and neurologic conditions to the total cost of approximately $899 million.

The American public for some reason over the years has not been alerted or advised as to the facts concerning the startling problem of our mentally afflicted people throughout the country. In 1969 the National Institute of Mental Health spent $84,564,000 toward construction and staffing of community health centers for the public and other non-profit rehabilitation programs.

FEDERAL LEGISLATION

Recent legislation enacted by Congress has greatly emphasized the necessity to provide for our American youth who are mentally afflicted.

Congress established a base for Federal support to meet mental health needs of children. The Congress, in spite of all our problems both domestic and international, last year created a foundation on which to build a nation-wide program of mental health services for children. In the past our Government did not emphasize our mentally disturbed youth, but we are now setting up special medical and mental training for our afflicted young folks. To aid in these efforts the Congress included in the 1970 Community Mental Health Legislation methods to provide grants for construction, staffing, training and evaluation of programs for mental health services for children.

The Congress has been confronted with the problem of setting aside special funds to combat the recent epidemic of drug abuse. In order to combat this unfortunate modern drug epidemic the Congress must appropriate additional funds for research which are earmarked for special treatment of mental illnesses caused by the use of drugs.

The spread of mental afflictions in recent years has alerted our Government and public opinion to the fact that something must be done—some new program devised—more money must be found to confront and solve this major threat to the future of our Nation. We must put forward and successfully solve this problem to improve the health of mentally afflicted, both young and old. The Federal Government, the states, the cities and community governments and the private sector must all share in this charitable undertaking which you are a part thereof by establishing the Tri-City Community Mental Health Center.

These solutions will depend on the use of volunteer manpower, work, sacrifice and commitments of sizeable amounts of money. Therefore, it seems to all of us that we must educate and convince the public of the necessity to help our medical authorities solve the mental health problem. The establishment of mental health services, both for adults and children, is a do-it-yourself program for our generation. The Federal Government, the states, the counties and the neighborhood organizations in local communites must join, and in working together the mental health problem can be greatly curtailed, and possibly solved.

NARCOTICS PROBLEM IN VIETNAM

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. HALPERN. Mr. Speaker, a most laudable article by James Reston entitled "The Hangover of War" appeared in today's New York Times. It focuses attention on the severity of the narcotics problem in Vietnam and on the drastic need for innovative and board action to combat this scourge. I commend this article to all my colleagues in the Congress:

[From the New York Times, June 2, 1971]

THE HANGOVER OF WAR

(By James Reston)

The quickest way for an American soldier to avoid combat in Vietnam and get back home these days is to take to drugs. If he's hooked on heroin, he's finished—finished with fighting, finished with the Army, a casualty of the war, finished with everything but the drug habit.

This is one of those tragic consequences of war where, in Nikita Khrushchev's vivid phrase, the living may envy the dead. Retiring Army Secretary Stanley Resor recently testified that between 10 and 15 per cent of the American troops in Vietnam have a serious heroin habit, and this is at best an official guess—at least 20,000 and maybe twice the number in the American Expeditionary force are now in danger of drug addiction.

The facts and military regulations of this problem are alarmingly vague. President Nixon has conceded that the problem exists. The military authorities have established a rehabilitation program to deal with it. Extreme cases of drug addiction are compelled to join the program, but the easy way in dubious cases is merely to get the man home and out of the service.

Getting them out of the service at least blurs and disperses the problem. If the soldier wants out and does not volunteer for the drug rehabilitation program, the veterans hospitals are not full of addicts, but the soldier is thrown back on his own with an expensive habit he cannot cure or afford.

Divided as the nation is about the war, confused as it is about past and present war objectives, the country ought to be able to agree about rescuing the men who were drafted into the battle, and giving them the health and jobs essential to a decent life. This is not being done now. Rehabilitation and employment centers are being established, the problems of the veteran drug-addict and the veteran unemployed are recognized in Washington, but the sick and unemployed casualties of the war are not really being dealt with effectively.

One of the major drug problems of the American soldier in Vietnam is that heroin in Southeast Asia is strong, easy to get and taken by smoking, rather than by needle, and cheap. It eases the agony of combat, and promises home-leave if it gets beyond control. But hooked on this powerful, cheap stuff in Vietnam, a discharged veteran in any normal American community has the means neither of curing the habit nor of affording the habit, without stealing.

The Nixon Administration has not been indifferent to the menace of drugs in America. It has tried to get at the problem at the source. It has used its political and economic power to cut off the supply of drugs in Turkey, Lebanon and elsewhere in the Middle East. It has worked effectively with the Pompidou Government in Paris to break up the processing of drugs in Marseilles and elsewhere in the Mediterranean. It has trebled the number of agents watching the drug trade across the Mexican border and through customs at the international airports in this country, and it has poured Federal money and manpower into breaking up the drug peddlers in this country.

But in Vietnam, where it has much more control over both the peddlers and the soldiers, the Nixon Administration has not been effective. In Saigon, at least, it has much more authority than it has used to attack the source of drugs, to intervene in the drug corruption, which reaches into the highest levels of the Saigon Government, and to insist that the American soldiers, who are the casualties of the war-drug culture, go into the drug-rehabilitation program.

More than that, the Administration has not cooperated in a serious, private examination of the Vietnam drug problem with the Congress. Nobody on Capitol Hill expects the President to approve public hearings on the question, but serious men in the Congress, both critics and defenders of the President's Vietnam policy, have urged him, without success, to get at the facts of drug addiction among the soldiers, and cooperate in legislation to deal with the drug casualties of the war.

This is so serious a problem that, unlike most political issues in Washington, it is beyond politics. Both parties, all factions for and against the Nixon policy of "winding down the war," agree on the human tragedy of drug addiction among the soldiers in Vietnam, and the dangers of sending them back home before they are cured, but this is what is happening. To save their lives by avoiding combat, many of the Americans in Vietnam are ruining their lives by drugs, and are being sent home to families and communities that have no means to cure or even understand the tragedy of their returning sons.

HALT OPPRESSION OF SOVIET JEWS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. PEYSER. Mr. Speaker, I certainly applaud the recent announcement of President Nixon to begin discussions with the Soviet Union on the limitation of offensive and defensive missiles. The beginning of these negotiations is a hopeful sign and I certainly hope these discussions will be fruitful.

At the same time, the White Plains Reporter Dispatch points out a very interesting fact about the use of the announcement of this agreement to begin talks, by the Soviets, to overshadow new reports of the continued horrible persecutions of Jews in the Soviet Union.

I would like to insert this editorial in the RECORD at this time in order that it may be brought to the attention of all Members of the House.

[From the White Plains (N.Y.) Reporter Dispatch, May 22, 1971]

TWO STORIES ABOUT RUSSIA

President Nixon obviously attaches high importance to the Soviet Union's agreement to discuss limitations on offensive as well as defensive missiles.

This decision, he said, breaks the SALT (strategic arms limitation talks) deadlock and puts negotiations on a hopeful track. Until now the Soviets have wanted to limit the talks to defensive weapons while the U.S. has contended that any prospective agreement should cover both offensive and defensive nuclear weapons.

Thus, in substance, the Soviets now agree.

At face value that's a promising development, but whether it brings a U.S.-Soviet arms limitation accord any closer is another question that can only be answered by future movement, or lack of it, at the SALT talks.

It is one thing for Communist governments to agree to negotiate. For them to negotiate sincerely toward a mutually acceptable goal is something else again.

If a further note of skepticism may be pardoned, it might not have been the merest coincidence that Moscow helped set the timing of this splashy announcement as a means of topping another story that emerged almost simultaneously from the Soviet Union. That was the one about the labor camp sentences dealt to nine more Jews by a kangaroo court in Leningrad.

This was a sequal to last December's conviction of 10 other Jews accused of conspiring to hijack a plane to Sweden and emigrate from there to Israel.

The defendants in the latest so-called trial were variously accused of helping the conspirators of engaging in anti-Soviet slanders. What the trial was really all about may never be known. Western correspondents were barred from attending and had to rely on official reports from the Soviet news agency Tass.

Tass said the defendants had all "confessed" and had openly "repented."

Maybe so, but the real culprit in the putative "crime"—which never reached the point of commission—was the Soviet government. In nearly every instance, the defendants had sought, and been denied, permission to emigrate to Israel.

It is not difficult to imagine the desperation that may have caused them to try to flee the country without permission—a high crime in the Soviet Union, even without the hijacking element.

The same restrictions apply to all Soviet citizens, but the difference is that Jews who cling to their religious and cultural traditions are special targets for harassment and persecution in the homeland so few of them are permitted to leave.

So the real "crime" for which the hapless defendants were convicted in Leningrad was the fact of being Jewish and being proud of it.

Such is the continuing condition of Soviet "justice."

MEMORIAL DAY—OUR HERITAGE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. DERWINSKI. Mr. Speaker, last Monday, Memorial Day, was celebrated by Americans who properly observed this day dedicated to the men who died in service. An especially appropriate editorial appeared in the May 27 edition of the Pointer which I am proud to insert into the RECORD as I feel it is an outstanding expression of grassroot public opinion.

The editorial follows:

[From the Riverdale (Ill.) Pointer, May 27, 1971]

OUR PRICELESS HERITAGE

Next Monday, Memorial day, 1971 is the first which we will observe as the last Monday in May rather than the long-standing date of May 30. This has been brought about by Congressional action. But no matter which day it is remembered, we know that our first heroes, at the birth of America nearly two centuries ago, bought the right of freedom for our nation with their sacrifices.

Other heroes, in their own time, caused that freedom to endure with their sacrifices. Each one proved with his precious blood that "freedom" is not free. It never has been and never will be. It is our priceless heritage.

We cannot forget Memorial day, the day set aside to honor our war dead who lie in American cemeteries overseas. Many shrines to the American dead and to freedom are located on or near the sites of critical campaigns.

Each of these sites evokes memories of battles waged by young Americans who paid the highest price that war can extract.

What can we, the living, say on this Memorial day in a still troubled world, in tribute to the great sacrifices of these men and women who have given their lives for their country?

We can say on Memorial day 1971 that no matter how distant the day and place of their sacrifices, the country that these heroes served with such nobility of spirit and purpose must hold them forever in revered memory.

We acknowledge that their deeds, their sacrifices gave our nation the strength and endurance that has preserved our unique place in history—a nation founded on and living in freedom.

There can be no more appropriate time than Memorial day to reaffirm our faith in America, and in her fighting men.

Let us also remember that the responsibility for building a stronger nation is an individual one. It is a responsibility that cannot be delegated to another. Those who have fallen in battle knew this.

So this is the challenge that Memorial day 1971 should hold for us. It is not a remote task we face, but a very personal one. It is one of individual dedication and involvement to preserve our priceless heritage.

J. EDGAR HOOVER TESTIFIES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. RARICK. Mr. Speaker, so that our colleagues may gain a better understanding of the real J. Edgar Hoover and of what motivates him in his dedicated service to God and country, I insert the text of an exclusive interview of Mr. Hoover by Mr. C. M. Ward as appearing in a small booklet of the Assemblies of God:

J. EDGAR HOOVER TESTIFIES—C. M. WARD ASKS POINTED QUESTIONS; J. EDGAR HOOVER GIVES FRANK ANSWERS

The service of J. Edgar Hoover to his nation and to law enforcement is a matter of record. Both Republican and Democratic administrations have honored him.

This exclusive interview brings into *even sharper* focus an old-fashioned faith that has sustained Mr. Hoover throughout many years dedicated to government.

He has been tested by war years, depression years, inflationary years, and years when strong syndicates of evil have sought to overthrow the law.

To *survive* and *believe* there must be strength!

J. Edgar Hoover is quick to acknowledge the source of such strength. It comes from *within.*

It is best described in these words:

"God is our refuge and strength,
a very present help in trouble.
Therefore will not we fear,
though the earth be removed,
and though the mountains be carried into the midst of the sea;
though the waters thereof roar and be troubled,
though the mountains shake with the swelling thereof" (Psalm 46:1–3).

Such faith becomes a primary target.

J. Edgar Hoover evaluates the attacks which seek, at this hour, to destroy faith. Here are his own carefully written answers:

Do you see a serious threat from forces planning the violent overthrow of our government?

There is definitely a threat from the Marxist-Leninist revolutionaries, many of whom take their cue from Moscow, Peking, or Castroist doctrines.

These groups—though not large in numbers—are *extremely dedicated* and determined to achieve their goal of destroying our system of government. They do not hesitate to bitterly attack American ideals and to undermine our democratic institutions. We definitely need to be alert and concerned about this danger.

How much anti-God and antichurch sentiment is there among contemporary revolutionaries?

These Marxist-Leninist revolutionaries *mock* religion and laugh at those who worship God. For them the church is antiquated and has no relevance to life.

How massive do you consider to be the disobedience, anarchy, and subversion within our country at the present time?

There are serious problems.

Daily newspapers note incident after incident of violence and terrorist acts by those who feel the "establishment" must be destroyed. In addition, we are faced with the *continuing upswing in crime.* In 1969 we witnessed another substantial increase—11 percent—over the previous year.

Respect for law and order has taken a dangerous decline in this nation.

How much correlation do you see between disrespect for law and disrespect for parental authority?

Lack of discipline in the home is an important factor.

Young people who have never had to obey parents can hardly be expected to have any respect for the law. If the child is allowed to treat his mother and father impudently, why should we expect the child to treat a police officer differently?

We must recognize that a good measure of disrespect for any kind of authority stems from observing parents who themselves are careless in keeping the law, parents who see nothing wrong in a little cheating if it proves to their advantage.

Parents who fail to realize the deadly harm they do by setting a *shoddy standard* for their children contribute to lawlessness.

What is the greatest service an individual Christian can render to his nation at this time?

The Christian serves his country best by *practicing in daily life* what he professes.

A Christian shows compassion and respect for others. A Christian involves himself or herself in building better communities. A Christian refuses to let bigotry and prejudice choke out good will. A Christian upholds honesty and integrity in everything.

By setting an example a Christian provides a salutary influence upon fellow citizens. Society will feel that influence.

The older and younger generations frequently criticize each other. Do we need new values?

No. I believe we need a renewed adherence to the historic values which have sustained this nation.

The principles of justice, freedom, respect for others, dignity of the individual—these are the keystones of the greatness of this nation.

If we stray from these precepts, we invite disaster both for our present and future generations.

What role does the Bible serve in your life and administration?

The Bible is for me a vital guidepost of my life. Micah's words have always been a source of strength for me:

"He has showed you, O man,
what is good;
and what does the Lord
require of you
but to do justice, and
to love kindness,
and to walk humbly with
your God?" (6:8).

What are the contributing causes underlying campus rebellion?

The causes are multiple.

First, we must recognize that a small minority is eager to lead youth to a path of rebellion. These wish to use young people as pawns for ignoble purposes. Unfortunately, they are successful in a number of instances.

Some young people, caught in the excitement of protests, follow the lead of firebrands advocating violence. Reason is displaced by emotion.

In too many families, children are provided every material request but are denied the spiritual training and guidance so essential to constructive living.

We must also admit to corruption and hypocrisy in some areas of our public life. Idealistic youth, revoluted by this, are more inclined to lash out indiscriminately at the entire structure of our way of life.

What individual in your family contributed most to your spiritual development? How was this accomplished?

Both Father and Mother provided spiritual training in the home.

They *took* me to church and Sunday school.

I recall vividly the Sunday evenings when we sat in a family circle listening to the Word of God. Ours was a family whose strength rested in the Christian faith.

What encouraging signs do you see in the nation?

The worthy heritage of this nation will not easily be destroyed.

There is an upsurge in concern and involvement. Many citizens who previously took little interest in community matters are now committed. *This active concern will help assure our survival.*

Most important, the overwhelming majority of our youth believe that free government is worth preserving.

Many are troubled, however, that the ideals we espouse are often shunted aside by materialism and lack of compassion for those not so fortunate.

Given guidance, a willingness to listen, and understanding by adult citizens, these young people can be counted on.

What nonfamily individual made the greatest contribution to your faith in God?

There have been many, but one I shall always remember was Dr. Donald MacLeod. He was a young Presbyterian preacher who served my boyhood church. He believed in boys like myself. *His concern and compassion for young people made Dr. MacLeod my hero.* He found time for us. He didn't think it "unsaintly" to play a little softball with the teen-age boys in the neighborhood. I remember him with gratitude for his example as a true Christian.

Can you share any specific incidents where simple faith in God has directed your own life?

Throughout my career in law enforcement, I have been strengthened and comforted by personal faith in Christ.

This faith has supported me whether I am awaiting word about a desperate criminal fighting it out with FBI agents, hoping for the safe return of a kidnapped child, or making a decision of policy involving the internal security of our country.

This is strong, convicting testimony.

J. Edgar Hoover, director of the Federal Bureau of Investigation, *believes.*

REVENUE SHARING

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, the House Ways and Means Committee began a series of hearings today which may well be the most important held during this session of Congress. The fiscal crisis that threatens our States and cities deepens with each passing day. Unless we act soon, we are likely to find our federal system in a state of collapse and disarray from which it may never recover. It is therefore imperative that the Congress be given opportunity to act on the administration's general revenue-sharing proposal in the near future.

Mr. Speaker, there are those who have already consigned revenue sharing to the dust bin, there are those who would make this a partisan issue, there are those who believe that because the distinguished chairman of the Ways and Means Committee has announced opposition to the idea, that no legislation is likely to be forthcoming. I would certainly not want to underestimate the obstacles to legislative success. But I am nevertheless confident that the overwhelming pressure building at the local and State level for revenue sharing will be translated into positive action by this Congress.

I am particularly impressed by the fact that among the diverse bipartisan groups and individuals backing the various revenue-sharing plans, there is a strong determination to remain flexible and openminded about the particular details and formulas. In his testimony this morning, Secretary Connally made it clear that it is the basic concept rather than particular details to which the administration is irrevocably committed. Similarly, Senator BAKER, the administration's spokesman in the Senate, took a conciliatory and accommodating position when he testified before the Subcommittee on Intergovernmental Relations yesterday. Referring to the three major revenue-sharing proposals before the subcommittee, he noted:

> The most remarkable thing about the three bills—the Administration bill, the Muskie bill and the Humphrey-Reuss bill—is their striking similarity. Although there are significant and important differences, to be sure, the similarities are so great as to make prospects for ultimate compromise, in my judgment, very bright.

Mr. Speaker, I am pleased to note that this conciliatory mood is shared by many of those from the other party who are convinced that the need for revenue sharing is so great that we cannot allow it to flounder over details. In particular, two highly respected economists, Mr. Walter Heller and Mr. Joseph Pechman, who are credited with devising the modern version of revenue sharing in the Johnson administration, both expressed a flexible attitude toward the specifics of any final bill. Mr. Heller said:

> Revenue sharing combines the sound conservative principle of preserving the decentralization of power and intellectual diversity that are essential to a workable federalism with the compassionate liberal principle of promoting equality of opportunity among different income groups and regions in the United States. That is why the support has come from both conservatives and liberals, both Democrats and Republicans, both southerners and northerners concerned over the future of Federalism. I hope that this wide-based support will coalesce into a working majority in this Congress.

And Mr. Pechman also expressed the sincere hope that—

> Disagreement over details will not prevent supporters of revenue sharing from cooperating in the effort to enact a revenue-sharing bill in this Congress.

Mr. Speaker, I believe these bipartisan statements of support for the general concept of revenue sharing, accompanied by expression of flexibility on the details, bode well for the future. I would ask that the entire statements of Secretary Connally, Senator BAKER, and Mr. Heller, and Mr. Pechman be included at this point in the RECORD:

STATEMENT BY THE HONORABLE JOHN B. CONNALLY, SECRETARY OF THE TREASURY, BEFORE THE COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, WEDNESDAY, JUNE 2, 1971

Mr. Chairman and members of this distinguished Committee:

We in government all too often respond to problems and issues confronting the nation by piling a new program atop an existing structure—a structure which may well have contributed to creating the problem in the first place.

As a result, there is a plethora of Federal programs which often create confusion which we mistake as a sign of progress.

As a further result, the structure of government has become more centralized, distant and remote from the people who created that government to serve their needs.

Is it any wonder then, that there is uneasiness, dissatisfaction, frustration and concern among the people of this nation? I, for one, know this feeling is not confined to our young people. It is visible, though less flamboyantly, among all other segments of the population: rich and poor; white collar and blue collar; men and women; businessmen and professional men; middle aged and older.

Americans are becoming disenchanted with government.

Too many doubt its capacity to meet our needs.

Everybody thinks it costs too much.

Certainly most feel powerless to influence it.

Nearly all doubt its responsiveness.

I think that we can all agree that the greater the distance from the target, the more difficult it is to hit.

Government has moved too far from the people to hit the targeted solutions to their problems. Furthermore, the superstructure of program piled upon program is so enormous that even the governors of our states and the mayors of our cities don't have the resources to know where to go in the Federal bureaucracy to find out what programs there are and how to participate in them.

We cannot afford to dismiss this growing disenchantment. I think our very system of government is at stake, because a democracy which does not enjoy the confidence of its people is a democracy in trouble.

We simply have to find ways of making government work better. We have to make it more responsive, more efficient, less costly, and less confusing. We must restore the confidence of our citizens in their government—a confidence lost through years of neglect of basic reforms.

This is the context in which revenue sharing ought to be debated and discussed. General revenue sharing seeks to redress some basic imbalances in our Federal system of government—imbalances between needs and resources, between power and responsibilities, between conception and execution.

This is an age which requires sophisticated management of the highest ability and integrity. We recognize the need for it throughout the private sector: business, medicine, law, science. We see revenue sharing as a way of improving management of government programs by placing more of the decision-making power closer to the problems.

I don't need to explain to you the basic idea of sharing Federal revenues with state and local governments. The Federal Government has been doing that for a very long time and all states have revenue sharing systems of their own. This year, some $30 billion of Federally raised revenues will be disbursed by state and local governments in the form of categorical grants-in-aid. This system of aid—standing alone—is insufficient to our needs. We need a fundamental change that will make this entire system of Federal aid work more effectively. Revenue sharing is a major step in that direction.

Let me provide just some of the highlights of our general revenue sharing proposal.

It is simple in design, yet bold in concept. It federalizes a portion of our broadly based Federal income tax. The specifics are well known:

1. We propose that modest portion of the Federal income tax base be earmarked for general aid to state and local governments. These funds will come from the automatic expansion in budget receipts as the economy grows. Contrary to many inaccurate reports, the $5 billion program of general revenue sharing will neither require a rise in tax rates nor a reduction in any existing government programs.

2. The revenues so shared will be distributed to each state, city and county in as fair and equitable a manner as we have been able to devise. The allocation will be made according to the precise formulas contained in the Federal statute, rather than be subject to the discretion of any Executive Branch official. As the money will be in addition to existing programs, each state, city and county will benefit directly; each will receive revenue sharing money in addition to any benefits, services or money it is now obtaining from the Federal Government.

3. The states, cities and counties receiving the money will make the decisions as to which purposes the funds should be directed. The Federal Government will not second-guess local determination of local priorities. We will not dictate construction of a new library when garbage collection is the overriding local problem—or vice versa.

Financial reporting to the Treasury will be required simply to assure that the money is spent for a lawful governmental purpose and in a nondiscriminatory manner. The local voters, rather than any Federal official, will review the wisdom and effectiveness of the expenditures.

General revenue sharing has many dimensions. It offers much more than just financial assistance. By shifting decision-making authority to states and localities, people can have greater influence over the public decisions which so greatly affect their lives.

For the individual taxpayer—revenue sharing reduces the upward pressure on property and sales taxes. At the same time, the taxpayer acquires a stronger voice in government spending because more decisions are made by officials directly accountable to him.

For our states and localities—revenue sharing represents substantial new assistance in meeting recurring financial crisies. But in addition, the delays and rigidities that plague current Federal aid programs will not be present.

For our entire federal system—general revenue sharing offers hope for a new strength through more effective and more responsive government. Revenue sharing reflects a strong Federal commitment to domestic needs in the states, counties and cities. At the same time, it signals a new respect and renewed faith in the capacity and wisdom of local self-government. It restates our belief in the ability of people to govern themselves.

I know that strong views exist regarding the wisdom and advisability of revenue sharing. I am familiar with the many questions which some have raised, and I would like to address the major questions here and now.

First—where do we get the revenues to share?

I say simply that the overall position of the budget must be based on the needs of the economy. Right now, we need a budget which is expansionary—to reinforce the economic recovery underway. Within a given budget plan, each spending program must meet the test of national priorities. Revenue sharing clearly does that. The viability of our Federal system of government is more important than any single program for which we now appropriate money. It ought to be our number one priority. With revenue sharing we establish that fact. The alternative to revenue sharing is not a smaller Federal deficit. The real alternative is a higher level of Federal spending in some other program areas.

Second—doesn't revenue sharing separate the responsibility for taxing from the act of spending?

I don't believe it does. The Congress is making a spending decision—to spend a portion of federally raised revenues for state and local government purposes. Responsibility and accountability for those funds will be decentralized. Only in the revenue sharing case, this delegation of authority will run to elected state and local officials rather than to employees of the Federal government.

And for those who perceive revenue sharing as violating this principle of keeping taxing and spending together at one level of government, I ask whether such transgression is as serious as the existing violations which the Federal Government has perpetrated by appropriating a relatively small portion of the funds, but influencing and controlling a far greater amount of state and local spending.

Third—won't revenue sharing expand Federal influence over state and local governments?

I don't think so. The present system already involves extensive Federal influence. This argument about potential future Federal strings seems to say that revenue sharing might some day become as over-controlled as the present system. I doubt it. But even if it does, let us not forget that revenue sharing starts off on the right foot—with a proper respect for local diversity and ability.

Fourth—isn't the proposed distribution of revenue sharing funds a haphazard allocation of assistance to everyone regardless of need?

We developed the distribution formulas after very considerable consulation and careful analysis. We believe our bill does substantially reflect differences in need. Our proposal doesn't pretend to have all the answers, but it does represent a sound basis for proceeding.

Fifth—some express doubts about the integrity and capacity of state and local officials.

I do not share that belief. The closer officials are to the people the more responsive they are to the people. Furthermore, there will be great competition between the various sections of local govenment for the revenue sharing dollar. The revenue sharing dollar and those who spend it will be scrutinized very carefully.

I make no claim that our revenue sharing proposal will solve all our problems. I do state that it was very painstakingly developed. Revenue sharing is not the product of one man or one administration. Many, many man-years of time and effort went into its design. Probably no idea put before Congress in recent years has been more thoroughly discussed and analyzed.

The details were carefully worked out with knowledgeable representatives of Federal, state, and local governments, with private citizens, and with Democrats, Republicans, and Independents. In both concept and detail, I believe that you will find it truly a carefully thought through and non-partisan plan offered in good faith.

We surveyed and analyzed many suggested alternatives to revenue sharing.

None of the other approaches match its versatility in achieving so many desirable objectives.

None of them go as directly to the source of our problems.

None of them combine administrative simplicity with a response to financial need so effectively.

Some have suggested that instead of revenue sharing the Federal Government ought to assume more—perhaps even all—of the state and local costs of welfare. Now there is no question about the need for a complete reform of our welfare system. This Committee has been thoroughly immersed in that issue for several months. But for the Federal Government to simply pick up all of the costs of existing welfare programs would be neither a reform of the system nor a sensible alternative to general revenue sharing. This Committee wisely rejected that course.

Others have suggested that, instead of revenue sharing, we ought to increase further our reliance on Federal categorical grants to states and localities. I personally can't imagine a less productive alternative.

In my judgment, the present system of complete reliance on fragmented and overcontrolled programs: —has not worked, —is not working now, and —never will work, unless we reform and restructure our approach.

We do not need more of the same. We need to try something else.

A third alternative suggested is to offer citizens a Federal tax credit for the state and local income taxes they pay. This approach, we believe, is substantially inferior to revenue sharing. Tax credits are, in the first instance, tax relief to taxpayers, not to needy local governments.

Any benefits to state and local governments—which is our concern today—would only occur to the extent that Federal tax credits encourage state and local governments to raise income taxes faster than they otherwise would. States without an income tax would be forced to enact one in order to realize any benefit. High income states would be permanently advantaged due to their larger concentration of high income individuals. City governments would receive little or no benefit, since they depend largely on property—not income taxes.

The major alternatives to general revenue sharing do not meet our needs as effectively or as equitably. The analysis appended to my statement examines each of these optional approaches in more detail. We conclude that revenue sharing is a substantially better approach to strengthening our Federal form of government than any other mechanism available.

In conclusion, Mr. Chairman and members of this distinguished Committee, mine has been a plea for change. Why should we be afraid of change? The present system of Federal aid to states and localities clearly is not meeting our needs; it is not likely to do so in the future in its present form.

Revenue sharing is a new approach that will enable government to respond more effectively to the needs of the people. I urge you to take that positive non-partisan action that can make revenue sharing a reality.

Statement of Senator Howard H. Baker, Jr., Republican of Tennessee, Before the Subcommittee on Intergovernmental Relations in Support of General Revenue Sharing, June 1, 1971

Mr. Chairman, I am grateful to you and to other members of this subcommittee for being given the opportunity to express here this morning my unqualified support for the subject matter of these hearings—the proposed sharing of a portion of federal revenues with state and local governments for their general use.

I want to be very careful at this early point in my testimony to make it clear that what is under consideration in these hearings is general revenue sharing and not so-called special revenue sharing. Nothing in the President's general revenue sharing proposal or in either of the bills before your subcommittee today would in any way whatsoever affect existing categorical grant-in-aid programs. Although the proposals of the President for general revenue sharing and special revenue sharing are somewhat allied in intent and philosophy, they are wholly distinct and separable proposals. Support of general revenue sharing should in no way imply support of special revenue sharing. I am aware, Mr. Chairman, of your own reservations about special revenue sharing, and I know that you are well aware of the distinction.

My own preference is for flexible and creative mix of all three modes of federal aid to states and cities, that is, general revenue sharing, block grants, and categorical grants-in-aid. In my view each mode has its own unique virtues and each is best suited for application in different kinds of circumstances. But these considerations are technically beyond the scope of these hearings.

The two bills, which are the subject of these hearings—S. 241, the State and Local Government Modernization Act of 1971, and S. 1771, the Intergovernmental Revenue Act of 1971—represent two different and thought-provoking approaches to revenue sharing. I will hope to comment on each of them in some detail as I proceed with my testimony.

As you know, I am personally committed for the moment to a third such proposal—S. 680, the General Revenue Sharing Act of 1971, a bill which embodies in legislative form the recommendations of the Nixon Administration.

The Administration bill, which I introduced with thirty-seven other Senators on February 9, was not referred to this committee, but, rather, to the Committee on Finance. However, it is my understanding that any revenue sharing bill which may be reported by this committee would then be referred for subsequent consideration to the Committee on Finance, and I can see no reason why the fact that S. 680 is not formally pending before this subcommittee should prevent a thorough airing and discussion of the Administration's proposal. Indeed, I can think of no better way to come fully to grips with the major issues involved in revenue sharing as a concept than the undertaking of a careful comparison between each of the three major proposals now pending before the Congress.

I sincerely believe, Mr. Chairman, that the series of hearings you have begun today will be among the most important conducted in the 92nd Congress. The fiscal needs of our states and cities are in many cases so acute, and the health of our federal system of government in many aspects so precarious, that the issues to be explored in these hearings should be of primary concern to all Americans and especially to their elected representatives in the national legislature. The needs that revenue sharing seeks to meet are critical, and if we fail to act, I both hope and expect that we will be held accountable.

I am aware of the fact that hearings on the same subject will begin tomorrow before the Committee on Ways and Means of the House of Representatives. Although many of the same witnesses will be heard by that Committee and this subcommittee, there is every evidence, including an explicit assurance by its chairman, that revenue sharing will go before the House Committee much as the murdered Caesar lay before the people of Rome, not to be praised, but buried.

I sincerely regret the fact that Mr. Mills has seen fit to bring his heavy guns to bear on the concept before taking testimony on it. It may be—and I certainly hope this is the case—that his own set of hearings will evoke from him the extraordinary capacity for modification of viewpoint that we have seen from him in the past.

In any event, I regard your hearings and those of the House committee as complementary and highly constructive. I hope that the House will see fit to act in the area of revenue sharing, but if it does not, I am personally unaware of any reason why the Senate should not proceed.

Mr. Chairman, it was once my privilege to serve as a member of the Subcommittee on Intergovernmental Relations, under your chairmanship. I have long had an intense interest in the dynamic relationship between the various units of our federal system, and during the period of my service on this subcommittee I became closely familiar with the long years of meaningful work that you have done in this field. As a state legislator, a governor, a Senator, and a member of the Advisory Council on Intergovernmental Relations, you have seen the problems from all sides, except, I suppose, from the Federal Executive, and it is not my place to assess your intention, to seek a remedy for that questionable deficiency.

Before addressing myself to the concept of revenue sharing and to the specific proposals now pending in the Congress, I want to make one particular point as forcefully as I know how, and that has to do with my own flexibility as to specifics and my positive yearning for constructive compromise. I stated at the time I introduced the Administration's bill on February 9 that "no one would be more surprised than the President if this bill were enacted line for line and word for word. If," I went on to say, "during the course of close congressional examination, improvements are indicated, they should and will be made."

Those of us who believe in the need for revenue sharing want a program and not an issue, as some cynics have suggested. Certainly the question of "who gets the credit" should not concern us; if this Congress can enact, as I believe it will, some form of general revenue sharing, there will be more than enough credit to go around for everybody. And the chief beneficiaries of revenue sharing will be the American people.

During the course of my service on this subcommittee and on the Subcommittee on Air and Water Pollution, which you also chair, I have had many opportunities to observe the scrupulous fairness with which you handle proposed legislation. In the pollution subcommittee, in particular, it has become standard operating procedure for us to select from different bills on a given subject the best aspects of each and blend them together into a single committee product which, in our collective judgment, represents the best commingling of available alternatives. Such a blending of your own proposals and those of the Administration in the field of water quality amendments is now underway. It has been, and is, in my judgment, far and away the most constructive way to fashion legislation, and I hope that it is a process that will be observed by this subcommittee in its deliberations on revenue sharing. The revenue sharing legislation that emerges from this Committee might well bear a bill number different from any of the three proposals considered here today.

The basic concept of revenue sharing is extremely simple: it holds that the Federal Government will pay to the states a given amount of money to be used for general governmental purposes rather than for a program, purpose, or function defined by the central government. This simple transfer of funds is the heart of any revenue sharing proposal, however exotic its elaborations may be.

Most serious revenue sharing proposals now include some provision for the mandatory pass-through of some portion of the shared revenues to county, municipal, and other local governments. But the core of the concept remains the unencumbered transfer of funds.

Revenue sharing can be seen as having two principal components, interrelated but distinct. First, it is a *fiscal* device. But it is also a *political* device, using that term in its broadest sense, because even when no strings are attached to the use of the funds, the very fact of the sharing represents a redefinition of the relationship between the constituent parts of our federal system.

On one hand, then, we are concerned with the immediate fiscal crises confronting many of our states, counties, cities, school districts, and so on, the questions are whether it is appropriate for the Federal Government to provide new assistance toward meeting these fiscal crises and, if so, what form such assistance should take.

On the other hand, we are concerned with the political health of our federal system and with the relative responsibilities and resources of the various units that make it up; the questions are, whether it is appropriate for the Federal Government to intrude itself into the operations of state and local governments, and, if so, to what extent it should do so and what tools it should employ.

Mr. Chairman, I would like at this point to briefly describe my perception of how the three major proposals now before the Congress treat these two basic elements of revenue sharing, the fiscal element and the political element. Such a comparison has proved quite revealing for me, and I hope that it will be of some assistance to the subcommittee.

The most remarkable thing about the three bills—the Administration bill, the Muskie bill, and the Humphrey-Reuss bill—is their striking similarity. Although there are significant and important differences, to be sure, the similarities are so great as to make the prospects for ultimate compromise, in my judgment, very bright. I do not for a moment believe that the similarities result from any kind of imitation plagarization; on the contrary, the similarities between the bills indicate to me that we have all come, quite independently, to roughly the same conclusions, based on an objective perception of the need.

Each of the three bills proceeds from the virtually universal acknowledgement that, as section 2 of your bill puts it, "an imbalance exists between the revenue capacity of the Federal Government and the revenue capacities of state and local governments." Each of the three bills expresses the conclusion on the part of its authors that this imbalance can be righted—at least in some degree—through the device of sharing a part of federally generated revenues with those smaller units of government which find their own revenue sources increasingly inadequate to the needs and demands of their citizens.

It is generally acknowledged that the federal revenue structure is considerably more progressive than the tax structures of most states and of virtually all other taxing entities, this due largely to the graduated federal personal income tax. Therefore, one of the first questions to be addressed in designing a revenue sharing scheme is to determine the extent to which the initial allocation among the states should be "redistributive." The least redistributive approach would be to return to each state that portion of the total revenues to be shared which its citizens paid into the total amount. On the other extreme, any number of formulae could be devised to take various special needs into account, weighting the allocation in favor of those states with certain sorts of perceived needs.

Each of the three bills now pending is virtually identical in its provision for initial allocation among the states, that is, the allocation is made on the basis of population corrected by what is called a revenue factor, which is meant to be an expression of the effort each state is making to meet its own needs in terms of the resources available to it.

I think this is an eminently sensible approach, and I am delighted that we all appear to be in agreement with respect to it.

The three bills are in less precise but still general agreement on the amount that must be passed through by each state to its constituent governments. Both the Nixon bill and the Humphrey-Reuss bill provide that each state must pass through an amount determined by the ratio of state-raised revenues to all revenues raised within the state. Statistics indicate that, on a nationwise basis, this would result in states passing through 48% of their initial allocations. The Muskie bill provides that each state must pass through 40% of its allocation or an amount determined by the ratio of local revenues to all revenues raised within the state, whichever is greater. The effective result is virtually identical.

The three bills differ significantly, however, when they address themselves to the question of how the share of each local government should be determined. The Humphrey-Reuss bill provides simply that the allocation among local governments shall be by state law. Your bill, Mr. Chairman, S. 1077, includes a somewhat complex formula, which I will not attempt to describe in detail. I hope it is not an unfair generalization to sum up your formula as being one which provides relatively greater payments for large cities and counties with relatively high concentrations of poor persons. Your bill provides that cities or counties with populations of fewer than 25,000 persons would receive such funds as might be determined by state law.

The Administration bill provides that each city and county with a population of 2,500 persons or more will receive a share of the total local share determined by the ratio that its tax collections bears to the total local revenues raised within the state. Although the statistics reveal that under the Administration formula the inner cities would fare far better than some critics have suggested, I am inclined to be receptive to some modification of the formula that would recognize the relative needs of local governments, perhaps by reference to local revenue effort in terms of available resources rather than as compared to the revenue effort of other local governments within a given state.

In this connection, Mr. Chairman, I would like to express my support for that feature of your bill appearing in section 102(b) on page 5. This provision would make available funds for the administration of the act, and I would strongly urge that part of such funds be used to promote the development of statistical data on which more intelligent decisions with respect to intrastate allocations might be based. Data on personal income within smaller jurisdictions is a particularly regrettable gap in our statistical information.

As important as these pass-through formulae are, it must be pointed out that each of the three bills contains what is known as the "local option" feature, which permits each state to adopt a system for the internal distribution of its funds that might more precisely meet is own needs and priorities. The Nixon bill and the Humphrey-Reuss bill provide a bonus or incentive to states which do exercise this option feature. I personally find both bills preferable to your own in this particular respect.

This completes, Mr. Chairman, my brief review of the way in which the three bills would deal with the fiscal relief aspect of revenue sharing. I think it is clear that the bills are quite similar in their approach, and I can see no significant impediment to compromise.

With respect to the political aspect of revenue sharing, the bills are not so similar, and I suspect that it may be in this area that our more significant differences occur.

The Humphrey-Reuss bill makes it quite clear that the *quid pro quo* for the revenues proposed to be shared should be major governmental reforms on the part of state and local governments. Although the bill would not actually *require* the implementation of any particular governmental reform, section 3 of S. 241 does enumerate a long and detailed list of possible areas of reform that might be included in a plan to be submitted by each state to the President.

On the other extreme, the Administration bill, S. 680, attaches virtually no strings to the shared funds, other than reporting requirements and a ban against their use for any discriminatory purpose. The political aspect of the Administration bill lies in the fact of the sharing itself, which alters the trend of the last fifty years, during which time the rapid growth of federal revenues has given the Federal Government an increasingly important role in determining the spending priorities of state and local governments.

The chief political aspect of your own bill, Mr. Chairman, is, as I see it, to be found in those provisions which would reward and encourage the wider use by states of personal income taxes. Your bill would do this in two ways: first, it would make available, upon request, the revenue collecting machinery of the Internal Revenue Service for the purpose of collecting state-imposed personal income taxes. Secondly, your bill would provide to each state having a personal income tax an additional revenue sharing support payment equivalent to 10 percentum of its personal income tax collection.

I wish that I was in a position to say that I support such a proposal, Mr. Chairman. I do feel that your device is preferable to the tax credit approach to the same objective, but it is the objective itself that causes me difficulty.

It is certainly desirable that states be encouraged to make every reasonable effort to meet the needs of their own citizens. Your bill and the Administration's each contain provisions that require a maintenance of effort on the part of the various states in their levels of assistance to local governments. It is also a desirable goal to seek state tax structures which are as progressive as possible.

However, explicit encouragement of state personal income taxes through federal incentive seems to me unwise public policy for two basic reasons. Firstly, it represents a direct intrusion into the internal constitutional functions of a state. Although the federal revenue code does, of course, allow a deduction for state and local taxes, and although the interest on state and local borrowings is accorded special treatment, the Federal Government has never intruded itself into the individual tax structures of the various states. I think it would be an unsound precedent were we to do so in this way. The funds to be shared under general revenue sharing are derived from the most progressive income tax in existence; it seems to me that we can accomplish your purpose through revenue sharing itself, that is, by shifting some of the state and local tax burden to the progressive federal income tax.

My second cause for apprehension about this aspect of your proposal has to do with what I fear might might be the undesirable result of a system of fifty different state income tax regimes. Such a network of personal taxes would, in my judgment, tend to erect impediments to the free flow of people and jobs between the various states, pressured as they would be to manipulate their tax structures competitively.

But in spite of our disagreement on this important matter, I want to conclude my testimony this morning with a reassertion of my view that our areas of agreement are far greater than our areas of disagreement. The opportunity for compromise and for prompt action is very great. We cannot permit any minor ideological or partisan differences to overcome our mutual devotion to the concept of revenue sharing.

Revenue sharing will provide immediate and urgently needed fiscal relief for our states and local governments. Revenue sharing will contribute measurably to the vitality of our federal system. It will increase the accountability of our elected officials for the way in which a portion of the federal tax dollar is spent. It will permit state and local governments to respond to the urgent priorities of their own, unique jurisdictions. It is, Mr. Chairman, a public policy initiative of the highest priority, and I stand ready to do whatever I possibly can to work with you and with your subcommittee in your effort to make of this concept a hard reality.

Mr. Chairman, I apologize for the length of this somewhat technical statement. I have not addressed myself directly to the several criticisms that have been mounted by Congressman Mills and others against revenue sharing, and I will be delighted to try to answer any questions that you might have along these or any other lines.

STATEMENT OF WALTER W. HELLER, REGENTS' PROFESSOR OF ECONOMICS, UNIVERSITY OF MINNESOTA, BEFORE THE SENATE SUBCOMMITTEE ON INTERGOVERNMENTAL OPERATIONS, WASHINGTON, D.C., JUNE 1, 1971

Mr. Chairman and Members of the Committee: The current controversy over general revenue sharing has reached a stage where much of our attention is diverted from central to peripheral issues and much of the public debate has shifted from the posited virtues to the alleged defects of sharing. In this opening statement, let me return to first principles, to the basic cause for action and the criteria by which we should judge revenue sharing in general and Senator Muskie's proposed "Intergovernmental Revenue Act of 1971" (S. 1770) in particular.

The search in the past decade for a new form of federal assistance to state and local governments grew out of three major concerns:

First, the glaring fiscal mis-match between the tax-cutting Federal government and the tax-boosting state and local units;

Second, the intolerable fiscal disparities among and within the states;

Third, the growing realization that while Federal grants-in-aid must play the central role in our system of Federal transfers to state-local government, they cannot do the job alone.

Each of these concerns calls for comment before turning to an appraisal of the proposal at hand.

On the first, we are all too familiar with the fiscal crunch at the local and state levels. On one hand, under the relentless pressures of prosperity, population growth, and inflation, expenditures have been leaping upward:

From 1955 to 1969, state-local expenditures rose from $39 billion to $134 billion, a 244% increase, while GNP was rising about 200%. In the two decades from 1950 to 1970, state-local outlays rose from 7.8% to 13.4% of GNP (while Federal outlays were rising from 13.5% to 18.6%).

Growing economic affluence has magnified demands on the state-local purse much faster than it has enlarged revenues from state-local taxes.

The "tax-eating" segment of the population—notably those under 20 and over 65—has been growing faster than the "tax-paying" segment.

Inflation takes a disproportionately heavy toll. In the 5 years from early 1966 to early 1971 prices paid by state-local government for goods and services have risen 32%, one-third again as fast as the rise in consumer prices. In the 15 years from 1955 to 1969, inflation accounted for 44% of the increase in state-local spending, rising workloads for 26%, and increased scope and quality of services for 30%.

On the other hand, the tax revenues needed to make ends meet have been hard to come by:

For the most part—indeed, to the extent of over 80% of their total tax revenues—state and local governments rely on property, sales, and excise taxes that respond sluggishly to economic growth, i.e., their yields rise either more slowly than, or just barely in step with, GNP.

Of the $53 billion increase in state-local tax yields from 1955 to 1969, less than two-thirds came from growth. The remaining $19 billion came from the sweat of the brows of taxpayers, governors, mayors, and legislators. (These numbers, as well as other figures, for the 1955–69 period are derived from the new Brookings study, Setting National Priorities: The 1972 Budget. Its ⅔–⅓ split contrasts with roughly a 50–50 split calculated for the 1950–67 period by the Advisory Commission of Intergovernmental Relations.)

To generate these revenues has required intensive tax-raising efforts at the state and local levels. By 1970, for example, 33 states were imposing both general sales and personal income taxes, as against only 19 a decade earlier. In 1971, governors brought the biggest volume of tax-increase proposals in history—over $6 billion—before their state legislatures.

All of this is not to say that states and cities are at the end of their collective tax rope. For example, if all 50 states had personal income taxes and all used them as intensively as the top 10 states, their revenue from this source would more than double—to over $20 billion.

But in the face of interstate competition, limited jurisdiction, and great inequalities in the revenue needs—revenue capacity balance, the case for outside fiscal help is compelling.

While state and local governments have been increasing taxes faster than the GNP, the Federal Government has cut its income tax five times since the Korean War—1954, 1962, 1964, 1969, and 1971.

The latest cut is in the form of a $4 billion-plus business tax reduction through the liberalized depreciation rules that the President promulgated early this year. If we hadn't had those five income tax cuts, we would be paying about $35 billion more in Federal income taxes than we actually will pay this year. Five income tax cuts in 17 years versus thousands of property, sales, excise and income tax increases at state and local level in those same years. Does one need any further evidence of the fiscal mismatch in our federalism today?

This brings us to the second major concern, namely, the vastly unequal fiscal abilities of different states and cities relative to their respective needs. The fact that per capita incomes in the five poorest states average only a little more than half of those in the five richest is well known. That the range for major cities is also great (from $2,172 per capita in San Antonio to $4,524 in San Francisco-Oakland in 1966–67) may be less well known. If one adjusts not only for capacity, but for need, the disparities grow even wider.

In 1969, the five top tax-collecting states realized well over twice as much revenue, per capita, from their taxes as the bottom five—$503 to $233. Yet, as a percentage of income, tax revenue averaged only 30% more in the five highest than in the five lowest states—13% versus 10%. Given a ratio of almost two-to-one between the per capita incomes of top and bottom states, it would be hard to maintain that the actual burdensomeness of taxes is less in the poor than in the wealthy states. Yet, the poor states are getting a far leaner diet of governmental services for their pains. This is a severe indictment of the workings of our fiscal federalism.

The third cause for action lies in certain limitations that are inherent in the nature of categorical grants-in-aid. Such grants, now running at $30 billion a year, play a unique and vital role in making federalism work. They are the instrument which enables the Federal Government to carry out essential national goals through the agency of state and local governments. They are specifically designed to support state-local services like education, health, and highways in which:

There is a supervening national interest;

The benefits of high-quality services and the costs of low-quality services spill over into other jurisdictions in our highly mobile and inter-dependent society;

Only a national government can make a rational cost-benefit calculation taking all benefits and all costs into account.

But to recognize the commanding case for federal aids is not to deny their limitations:

They support specific functions rather than levels or units of government, some 500 specific services rather than the general state-local enterprise. Yet, a general strengthening of that enterprise—in a manner that does not impede governmental reform and reorganization—is important to the health and balance of our federalism.

In financing specific functions, grants necessarily leave little or no discretion to state and local governments, little opportunity to flex their decision-making muscle. Rigorous federal standards have probably improved the quality of state-local government, but not its vitality, its decision-making capacity and independence.

Partly because federal aids are selective in their impact and partly because matching provisions for many federal aids tend to siphon funds away from strictly local functions, federal aids have led to sharp disparities in the "standard of living" in different services, e.g. high in highways but low in garbage collection.

Interrelated with disparties in the levels of different services are the striking inequalities in taxable capacities and needs among different units of government. Contrary to the casual impressions and generalizations of many observers, a careful analysis of the expenditure side of Federal grants led the ACIR to the conclusion that, ("The over-all equalization effect of the grants is not yet significant.") (ACIR, The Role of Equalization in Federal Grants, 1964.)

General revenue sharing, especially as embodies in S. 1770, addresses itself directly and effectivey to each of these limitations as well as to the underlying fiscal mismatch between federal and state-local governments. How well would revenue sharing measure up to the criteria that are implicit in the foregoing review of the cause for action?

First, any new transfers should provide not only significant immediate relief for state and local treasuries but also tie their future fortunes more closely to economic growth. This, the Nixon plan does well, and the Muskie plan does even better.

Both tap the greatest of all growth taxes, the federal individual income tax. If the federal income tax base expands as briskly in the years ahead as in years past, the initial $5 billion produced by 1.3 percent of the income tax base next year will double in 9 years and triple in 14.

This trend would be reinforced by the added bonus of 10% that S. 1770 would offer the income tax states—a bonus that would grow steadily in response not only to economic growth but also to the stimulus that would be provided for wider and deeper use of income taxes by the states.

This extra bonus would do much to resolve a dilemma that has plagued many supporters of revenue sharing. On one hand, it strikes many as a bit unseemly to distribute shares of the federal income tax to states that have not yet seen fit to use the income tax themselves, or are taxing income very lightly. On the other hand, to induce greater use of this tax by means of a Federal income tax credit to taxpayers—the traditional form of this proposal—would in considerable part route precious Federal tax monies into the pockets of those taxpayers rather than to the state-local governments which are the real objects of the exercise. S. 1770 neatly side-steps this problem by putting its incentive in the form of a direct payment to the states—a payment that should have a considerable impact in stimulating the adoption of income taxes in the twelve states that are still outside the income tax fold and stepping up the use of the tax in those states that make only token use of this revenue source.

In giving states the option of having the Federal Internal Revenue Service collect their income taxes, the Muskie bill offers them the advantages of the superior jurisdiction, economies of scale, and low collection costs that characterize the administration of the Federal income tax. So here again, it would facilitate the use of the tax system's best growth instrument.

Second, revenue sharing is the instrument par excellence for strengthening not just the finances but the vitality of the state and local partners in our federalism. It would complement categorical aids in several ways:

It would support and strengthen the state-local enterprise as such rather than as a by-product of Federal support for the specific service in which state and local units are simply serving as agents of Federal Government.

It would leave discretion as to the type and direction of expenditure in the hands of state and local officials, subject only to the usual accounting and civil rights requirements (on which S. 1770 is particularly effective).

It would thus enable the states and especially the localities to strengthen those prosaic services like trash collection, street maintenance and lighting, fire protection, parks and green space that don't qualify for Federal aid, yet mean so much to the quality of every-day existence.

Third, revenue sharing can be a most effective instrument for reducing fiscal disparities among the states:

In and of itself, per-capita distribution—which is the core of the state sharing formula in all of the major plans—has a significant equalizing effect. The Federal individual income tax draws more than twice as much per capita from the 10 richest states as it does from the 10 poorest. Yet, an equal per-capita amount (subject, of course, to the revenue-effort adjustment), would be distributed to each state.

This equalizing effect would be dramatically increased if the original recommendation of the so-called Heller-Pechman plan that 10% of the revenue sharing fund be set aside for distribution to the 17 poorest states were embodied in the distribution formula.

Fourth, revenue sharing—especially with S. 1770's innovative adjustment for high incidence of poverty—responds to the desperate plight of our core cities. Distribution of the local revenue share according to the percentage of state-local revenue raised in each local unit (the Nixon plan formula) has been shown to result in a larger per capita share to the core cities than to other local units. S. 1770 sharply improves intra-state distribution of revenue sharing funds by providing that for communities of over 25,000 population, the local share will be set, not just by population and tax effort, but by need as reflected in a "poverty ratio", i.e., the higher the ratio of low-income families, the larger the per-capita share. This responds directly to a persistent criticism of previous revenue sharing plans, namely, that they did not achieve sufficient intra-state equalization, especially as between the core cities and other local units. It represents an important break-through in the revenue-sharing battle.

Fifth, while avoiding the distortions that grow out of matching requirements, the revenue sharing plans now before Congress would stimulate state-local taxing efforts. The standard revenue-effort adjustment (as in the Nixon bill) would adjust the size of per capita grants to the intensity of state-local effort. This adjustment would mean that the per capita allotment to the state would vary from about 80% to 120% of the average per capita share. As already noted, the Muskie bill would offer an added bonus for state use of income taxes.

Sixth, the adoption of revenue sharing would serve the interests of progressivity in our Federal-state-local tax system. It would put the claims of state-local government on the bounties of the progressive income tax ahead of the claims of taxpayers for further income tax reductions. To forgo reductions in Federal income taxes in the interest of slowing down the rise in regressive, inequitable, and inefficient consumption and property taxes would strike most persons as a good trade-off.

Revenue sharing combines the sound conservative principle of preserving the decentralization of power and intellectual diversity that are essential to a workable federalism with the compassionate liberal principle of promoting equality of opportunity among different income groups and regions of the United States. That is why its support has come from both conservatives and liberals, both Democrats and Republicans, both southerners and northerners concerned over the future of federalism. I hope that this wide-based support will coalesce into a working majority in this Congress. I am convinced that revenue sharing, especially with the improvements embodied in S. 1770 (while still not the last word, as its author recognizes) would provide a strong and balanced launching platform for efforts to strengthen our fiscal federalism.

THE BROOKINGS INSTITUTION ECONOMIC STUDIES PROGRAM, STATEMENT ON GENERAL REVENUE LEGISLATION BY JOSEPH A. PECHMAN, DIRECTOR OF ECONOMIC STUDIES

I'm pleased to appear before the Subcommittee to discuss the financial problems of our state and local governments and to support the adoption of general revenue sharing to help them solve these problems.

I believe that the discussions and controversy generated by the idea of revenue sharing have been very useful. The fiscal plight of the state and local governments is not a new phenomenon; yet the national government has not, until recently, seriously considered the adoption of a permanent set of solutions to this problem. The recent discussions have uncovered unusual points of view in unforeseen places, sharp disagreements about objectives, and a good deal of misinformation about the nation's financial system. That the nation is beginning to address itself to these issues is suggested by the interest shown in revenue sharing by the Administration, members of Congress, state-local officials, and the public at large. It is hard to predict what the outcome will be, but national debates of this sort often end up in constructive legislation.

While the fiscal plight of states and local governments is not new, the problem has reached a crisis stage in the past few years. In the last ten years, state-local revenues from their own sources rose at an annual rate of 9.4 percent, while the gross national product rose at an annual rate of 6.7 percent. This feat was accomplished with a tax system that is much less responsive to economic growth than the federal tax system. To fill the gap between revenue needs—which have risen faster than the gross national product—and revenue growth, the states and local governments have adopted new taxes and have increased the rates on old taxes. Since state-local taxes are, on balance, regressive, the higher taxes impose unnecessarily harsh burdens on the poor. State-local tax capacity is being used up quickly in many parts of the country, with unfortunate consequences for public services and facilities that are urgently needed almost everywhere.

The basic problem is a fundamental mismatch between revenue needs and revenue sources in this country. The federal government has the best tax sources, while the states and local governments have the biggest domestic problems. It is true that, in recent years, the federal government has increased its grants-in-aid to states and local governments very substantially. But many of these units of government, including the largest and most densely populated, continue to be in deep trouble.

As federal revenues continue to respond to economic growth, more and more attention is being given to the possibility of sharing by the federal government of its increasing tax receipts with the state and local governments. A number of variants of revenue sharing have been proposed. Most of the plans would set aside a given percentage of the federal individual income tax base (or of actual income tax revenues) for distribution to the states and local governments. Details of the allocation differ, but in general they rely on a per capita distribution to states frequently modified by an index of relative state tax effort and sometimes by the incidence of poverty or low incomes. Various formulas have been developed to require the states to pass a minimum proportion of the funds through to their local governments. State and local officials would be allowed to spend these funds without any strings attached.

The idea of revenue sharing has created a sharp controversy over the merits of conditional and non-conditional federal grants. Both sides agree that the federal government must increase its assistance to state and local governments. The disagreement concerns the form in which the assistance should be given. In my view, unrestricted as well as conditional grants are needed to achieve the objectives of federalism, and the system would be deficient without both types of grants.

Conditional grants are intended to encourage the states and local governments to do certain things which Congress deems to be in the national interest. They are justified on the ground that the benefits of many public services "spill over" from the community in which they are performed to other communities. Each state or community would tend to pay only for the benefits likely to accrue to its own citizens and, as a result, expenditures for such services would be too low if financed entirely by state-local sources. Assistance by the federal government is needed to raise the level of expenditures for such programs closer to the optimum from the national standpoint. To achieve this optimum, a conditional grant should have enough restrictions—minimum standards and matching requirements—to assure Congress that the funds will be used for assigned purposes and that states and local governments will pay for benefits that accrue to their own citizens.

Unconditional or general purpose grants are justified on substantially different grounds. The basic need for unconditional grants arises from the obvious fact that all states and local governments do not have equal capacity to pay for public services. Poorer states and communities are simply unable to match the revenue-raising ability of richer ones. Even if the federal government adopted a negative income tax which lifted all poor persons to the officially defined poverty lines, state and local governments with heavy concentrations of poor people could not afford to support public services at a level that approached adequacy. As a matter of fact, the poor states have been making an average tax effort in recent years (much better than average, if allowance is made for the fact that the first $500 to $750 per capita should not be regarded as giving the recipient any capacity to pay taxes), and it is understandable that their fiscal plight has not been alleviated to any substantial degree.

Thus, conditional and general purpose grants have very different objectives and these could not be satisfied if the federal system were limited to one or the other type of grant. Conditional grants are intended to help *people* either directly through cash assistance or indirectly through the support of government programs that will benefit them. General purpose grants are intended to help *governments* that do not have adequate fiscal capacity because too many poor people reside within their borders. Revenue sharing cannot provide the stimulus to particular programs obtained by the conditional grant approach. Conversely, the existence of a conditional grant program will not provide the fiscal support needed to finance the portion of state-local services that poor people cannot support out of their meager incomes.

The equalization objective is achieved in most revenue sharing plans by basing the allocation of funds among the states and local governments mainly on population. Suppose a poor state collects $400 per capita from its residents, while another state making the same tax effort collects $800 per capita. A $50 per capita grant would increase the fiscal resources of the poor state by 12½ percent and of the rich state by 6¼ percent. An additional equalizing effect could be obtained by setting aside part of the revenue sharing grants, say, 10 percent of the total, for distribution exclusively among the bottom third of the states when ranked by per capita income.

Some critics of revenue sharing argue that the per capita allocation would not take into account fully the special problems of the large cities. Ingenious alternatives have been suggested to meet this problem. One method is to limit the sharing of funds with local governments to those with populations above a certain minimum, say, 25,000 or 50,000. Another is to allocate the grants on the basis of the number of poor persons rather than of the entire population. Still another is to change the per capita grant to a percentage of average per capita state and local expenditures (up to some maximum of, say, $300), but retain the number of poor persons as the basis of allocation. Such alternatives would give roughly the same results as a per capita distribution weighted by the inverse of per capita incomes. The distinguishing characteristic of revenue sharing is that the funds would be available to state and local governments with no strings attached on how they spend the money. The allocation among units of government cannot be determined on any scientific basis, and therefore must remain a matter of judgment and political acceptability.

Action on revenue sharing has been stalled at least partly because of the heavy—and irrational—distribution of the fiscal burden of the welfare system. Poverty is a national and not a state-local problem, so that the entire cost of the welfare system should be borne by the federal government. Release of state and local fiscal resources now used to pay welfare benefits would provide no-strings-attached funds, with the distribution based on the number of welfare recipients and the benefits currently paid rather than on the basis of total population. The urban states which pay most of the welfare bill have been carrying a fiscal burden which should be the responsibility of the federal government. Correction of this inequity (as well as reform of the welfare system) is the first step that needs to be taken to modernize the system of intergovernmental fiscal relations in this country. But revenue sharing is also needed in such a system to make up for the deficient taxpaying capacity of poor persons to support non-poverty related activities. Without such relief, cities will continue to lose middle- and high-income families who will neither tolerate the inadequate public services that their poor neighbors must accept, nor pay higher taxes to carry the burden for these neighbors.

The core of the original revenue sharing plan, with which Walter Heller and I have been identified, was the regular distribution of a specified portion of the federal individual income tax to the states primarily on the basis of population, and with no strings attached on the types of expenditures that could be made with these funds. The Administration proposal, S. 241 (the Humphrey-Reuss bill), and S. 1770 (the Muskie bill), follow this original proposal fairly closely. The Administration bill would set aside 1.3 percent of the individual income tax base, which would amount to $5 billion in the first year and rise to $10 billion eight or nine years later. The Muskie bill sets aside the same amounts for general revenue sharing and an additional $1 billion for a 10 percent federal bonus for state income tax collections. The Humphrey-Reuss bill would start with $3 billion in the first year and rise to $9 billion in the fourth year. All the proposals would allocate the funds among the states on the basis of population and revenue effort. They differ, however, primarily with regard to the method of apportioning the revenue sharing funds among the local governments within any one state.

The Administration pass-through formula would allocate to each general-purpose local government a share of the total state grant roughly equal to the fraction that a community's general revenues represent of the total revenues raised by the state and all its localities. The Humphrey-Reuss bill, which does not have a mandatory pass-through formula, permits the allocation to local governments to depart from a straight per capita basis in order to favor communities that are populous, or contain relatively large numbers of low income families, or have high local tax burdens. The Muskie bill allocates the funds among the local units of government with populations of more than 25,000 on the basis of the relative revenues of the localities and the proportions of low-income families. The bill also provides that the pass-through to smaller units of government be determined by the state government. The Administration and the Humphrey-Reuss bills provide a bonus of 10 percent for states that are able to come to an agreement on an alternative pass-through formula with the majority of their local governments.

As I indicated earlier, the basic purpose of revenue sharing is to provide supplementary financial assistance to states and local governments with fiscal capacity impaired by low incomes. The Muskie bill has the merit that it divides the revenue sharing funds within a state primarily on the basis of the "poverty ratio," which is an average of the proportion of families in a community with incomes below $3,000 and the proportion of families on the welfare rolls. This approach, I believe, conforms more closely with the rationale of general revenue sharing than any pass-through yet incorporated in legislation formally introduced in the Congress.

Many have recommended a federal income tax credit for state income taxes as a supplement or substitute for revenue sharing. The major purpose of the tax credit approach is to encourage states to adopt personal income taxes, a laudable objective. But such tax credits have perverse distributional effects between poor and rich states. Since the amount of the credit would be larger as an individual's income increased, the credit would be more helpful to rich states than to poor states. The same objective could be achieved until revenue sharing, without the perverse distributional effects, by requiring states to have income taxes to be eligible to receive the unrestricted grants. The Muskie bill would avoid the pitfalls of a tax credit by providing a 10 percent bonus for state income tax collections, which would be returned to the states in proportion to the amounts of revenue they raise from income taxes. If encouragement of the enactment of state income taxes must take the route of a bonus from the federal government, I believe that the approach in the Muskie bill is far superior to the traditional tax credit approach.

A unique feature of the Humphrey-Reuss bill is a provision that would help to initiate a national effort to rationalize the state-local government structure and to provide incentives for efficient management. There is no question that the state of affairs is deplorable and some new dramatic device needs to be used to shake state and local officials out of their lethargy. The Humphrey-Reuss bill would require only that the state and local governments prepare a master plan and time table for modernizing and revitalizing their governmental structures to be eligible for the revenue sharing grants. The details would be left to the states themselves. Although the bill does not contain any procedures for enforcing modernization where the state plans turn out to be weak, it seems to me that it would have the desirable effect of focusing attention on an important national problem. The experiment is worth a try since reform is so urgently needed in this area.

In conclusion, there are significant differences among the various revenue sharing bills, and the Congress should examine these differences carefully. But I hope that disagreement over some of the details will not prevent supporters of revenue sharing from cooperating in the effort to enact a revenue sharing bill in this Congress. Revenue Sharing is needed to provide financial assistance to states and local governments in a form which would give them latitude to help solve their own problems. Since the amounts of money are small relative to the total expenditures of state-local governments (2 to 3 percent of their present expenditures), we should expect only a commensurate improvement in the financial capacity of states and local governments if the plan were enacted. But even though revenue sharing is not a panacea for all their ills, it would certainly help to strengthen our federal system of government at a time when it needs to be strengthened. At the very least, revenue sharing should be enacted on a trial basis for an initial period of five years, so that the Congress will have an opportunity to evaluate the proposal in action and modify it, if necessary, before putting it on a permanent basis.

ADMISSION OF SPAIN TO NATO?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. FRASER. Mr. Speaker, it has been suggested that Spain should be considered for NATO membership.

Those proposing Spain as a possible party to the North Atlantic Treaty ignore the preamble to the treaty. It says:

> The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments.
>
> They are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law.
>
> They seek to promote stability and well-being in the North Atlantic area.
>
> They are resolved to unite their efforts for collective defense and the preservation of peace and security.

Mr. Speaker, NATO has managed very well without Spain and it will survive and prosper without Spain ruled by General Franco. Already two NATO member nations are ruled by governments making no pretense of providing their citizens the benefits of "democracy, individual liberty and the rule of law." The Alliance needs no more member states ruled by authoritarian governments. Greece and Portugal are two too many.

WHERE WERE YOU WHEN JERUSALEM CALLED?

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. REES. Mr. Speaker, Rabbi Allan Summers of Anshe Emet Synagogue in my district recently replied to a column by Henry J. Taylor concerning the status of Jerusalem as an integral part of Israel. I would like to include in the RECORD Mr. Taylor's column and Rabbi Summers, excellent reply:

THE CALIFORNIA JEWISH VOICE

WHERE WERE YOU WHEN JERUSALEM CALLED?

I am perturbed by the article "Israel Blamed," by Henry J. Taylor, which appeared on April 19, in the Herald-Examiner. I find it to be void of sound logic and a distortion of historic facts. Mr. Taylor says, "Israel is dead wrong" . . . "its stand regarding Jerusalem is . . . plain stupid."

This raises the question who is wise and who is stupid? According to the definition of most psychologists he is wise who benefits from his past experiences and does not repeat his previous mistakes.

Think back to 1956 when President Eisenhower assured Mrs. Golda Meir, the then Foreign Minister of Israel, that if Israel withdrew from Sinai Peninsula, the community of nations would guarantee that the Suez Canal would be opened for Israeli shipping. Sinai would be demilitarized. Israel complied with U.N. request and withdrew, but what happened to Eisenhower's promises? In 1967, when Nasser closed the Tiran Strait and ordered the U.N. forces out of the Sinai Peninsula and (threatened to) cast Israel into the sea, no one came to Israel's help. The U.S. State Department declared, "We are neutral in thought, word, and deed." Indeed Israel is not stupid but wise in refusing to surrender her strategic borders and not rely upon broken promises.

Mr. Taylor pleads to internationalize Jerusalem. For 19 years while King Hussein illegally held Jerusalem, during which time he prohibited Jews from praying at the Wailing Wall, he excluded Moslems and Christians alike residing in Israel from visiting their Holy Shrines. The Jordanians destroyed 54 synagogues in Old Jerusalem and desecrated 36,000 Jewish graves. However, no one raised his voice to object, not Mr. Taylor, not the U.N., not even the Pope. Mark the difference.

Under Israel rule Arabs, Jews and Christians are free to worship at their sacred places. Furthermore, each denomination has complete charge over their religious shrines. This state of affairs, Mr. Taylor refers to as "Israel's arrogance and stupidity." Facts prove that Israel's control over the Holy City, Jerusalem, is wise and just to all faiths.

Mr. Taylor further states that "Israel called Tel Aviv her 'forever' capital." I challenge Mr. Taylor to substantiate this biased statement with authentic documentation! It is a known fact that in 1948 when Israel was established, it proclaimed Jerusalem as its capital and moved government offices into that city. Now most foreign legations are not in Tel Aviv but in Jerusalem. Check your facts, Mr. Taylor, before you publicize them.

RABBI ALLAN SUMMERS, M.A.
1490 S. Robertson Blvd., Los Angeles.

ISRAEL BLAMED

(By Henry J. Taylor)

United Nations Middle East mediator Gunnar V. Jarring is dead right and the Israeli government dead wrong in regard to internationalizing Israel-held Jersualem. Moreover, the Israeli government, in repeating its stand, is just being plain stupid.

Dr. Jarring correctly bases his insistence on the UN General Assembly resolutions of November, 1947, April, 1948, and December, 1949, and the UN Trusteeship Council's unanimously adopted Geneva statutes of April, 1950, all of which demand an international Jerusalem.

Israel's aggregate record already vastly weakens her diplomatically. In the 1948 Palestine war Israel increased her territory by 3000 miles more than the UN resolution of Nov. 29, 1947, gave her. Then in the 1956 Suez crisis, when Britain and France lost out, only Israel achieved its objectives. Next, in Israel's 1967 "blitz" victory, she seized (and still holds) the Sharm el Sheik territory above the Tiran Strait, Syria's Golan Heights, the Gaza Strip and Sinai Peninsula, much Jordanian territory and, ultimately, Jerusalem itself.

It is one thing, and absolutely essential, for Israel to insist on retaining strategic points like Sharm el Sheik, the Golan Heights, which is not an Israeli defense line instead of a Syrian attack line, etc. But Israel tragically contaminates her entire position by unjustifiable refusals manifestly detached from her basic security needs.

Israel has already alienated worldwide millions by appearing to refuse to take back Arabs she evicted. These now exceed 2½ million. At least an appalling million evictees date from the 1948 Palestine war—23 years ago. And 150,000 more poured into Jordan when Gen. Moshe Dayan's 1967 "blitz" troops mopped up the Jordan River's west bank.

These pitiable wretches, life-sustained in refugee camps mostly by U.S. Government aid, are the victims of three wars and may well be the cause of another. For yesterday's evictees are today's guerrillas. And they will retain their strength as long as they feel Israel deprives them of their birthright. In addition, at the humane level, Israel is widely condemned for refusing to share the Jordan River water.

In Jerusalem the continuum of life and time stretches back, of course, 3000 years or more. The Holy City is equally sacred to Judaism, Christianity and Isalm—to cite them in the sequence of their appearance on the world scene. It was the city for David, Solomon, Cyrus, Alexander, Hadrian, Mohammed, the many Sultans. Its undulating story is the story of mankind, full in aspirations, triumph, suspense, tragedy and treachery.

In the nearby Dead Sea area, mother of the Dead Sea Scrolls, the Masda fortress' ruins are still visible. Built by Jonathan Maccabees, the fortress was later used by Eleazer and his zealots in their 73 A.D. last stand against Rome's military-industrial-political complex. This tiny band resisted as long as possible. Then the band committed itself to a suicidal holocaust.

Included in the fateful siege, however, was the Procurator of Judea who secretly stimulated political factionalism. And to this day the Arab world asks: When has peril been without some kind of profiteers?

When on May 14, 1948, the Republic of Israel proclaimed itself and the United States officially recognized the new country literally overnight, the Israelis swore up and down to the United States and to the world that the new Jewish state would never encroach on international Jerusalem. To propagate this required promise Israel called Tel Aviv her "forever" capital and helped quiet world alarm that way.

Now Israel confirms all suspicions by many Christian, Islamic and other religious elements throughout the world and alienates them by an apparent pattern of "what I can take is mine, if it is to my profit."

Surrounded, back-to-the wall, brave little Israel could not conceivably think up a better way to play into the hands of her enemies than by her arrogance and stupidity about Jerusalem.

THE GROWING IMPACT OF PAYROLL TAXES ON MIDDLE INCOMES

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. VEYSEY. Mr. Speaker, there is broad agreement that David Broder is one of the most perceptive reporters in Washington. His wide ranging research and thoughtful analysis is demonstrated in an article in the May 27 Washington Post on the growing inequality of payroll taxes. This massive issue has been developed for the last 20 years, but as Mr. Broder points out there has been a deafening silence from the politicians as the payroll tax bite has been increased. Since this Congress will likely be asked to raise payroll taxes still higher it is important that we begin to examine the underlying problems. I commend this important article to the consideration of my colleagues:

THE GROWING IMPACT OF PAYROLL TAXES ON MIDDLE INCOMES

(By David S. Broder)

Among the many publicly unexplored issues buried in H.R. 1, the welfare reform and social security bill devised by Chairman Wilbur Mills (D-Ark.) and the House Ways and Means Committee, is a tax increase on middle-income families that will almost double the size of the second-biggest bite on their paychecks in the next six years.

Under the bill, the Social Security tax rate will rise in three steps from the present 5.2 per cent to 7.4 per cent in 1977. The wage base for Social Security taxes will increase from the present $7,800 to $10,200 next year, with the result that the payroll tax for a man making a bit less than $200 a week will rise from $405 to $755 a year.

By contrast, that same auto worker, supporting a wife and two children and taking only his standard deductions, will have an income tax bill of $1052 this year, decreasing to $995 with next year's scheduled income tax reductions.

What this example indicates is that payroll taxes are becoming an increasingly important part of our revenue system—yet one which has largely escaped debate, either in political campaigns or in the tax-writing Ways and Means Committee.

Unbeknownst to most Americans, payroll taxes now constitute the second largest source of federal funds—and the fastest-growing. Payroll taxes provide more income to the treasury than corporate income taxes or any other Federal taxes except the individual income tax. And the 1972 budget estimates that between last year and next, payroll taxes alone will rise $12.3 billion, while individual and corporate income taxes combined will grow by only $7.2 billion.

What this means is that we are becoming increasingly dependent for federal finances on the payroll tax, a tax that is not progressive, that has little relationship to ability to pay, and whose burden hits hardest on low-and-middle-income wage-earners.

That this can happen without a murmur of debate or political controversy indicates just how insensitive to real pocketbook issues the Washington politicians have become, particularly those Democrats who control Congress and parade as the champions of the average man.

The impact of payroll taxation has been amply documented in the studies of such Brookings Institution specialists as Alice M. Rivlin and Joseph A. Pechman. It appears also in the report of the administration's advisory council on social security. But it is almost as if there were a conspiracy of silence by politicians to keep the taxpayers and the voters unaware of these issues.

In part, the Brookings studies suggest, the social security tax system has been protected from debate by two carefully cultivated myths. One is the notion that it is a "social insurance" system, in which an individual's contributions (taxes) are held in trust for him and returned, with interest, as retirement benefits.

In fact, it is not. It is, rather, a system of transfer payments to currently retired people, financed almost entirely by taxes on the working generation. There is nothing wrong with this, in principle, but it is not what people think it is.

The second myth is that the employer pays half the social security tax. In a literal sense, he does, but, as the Brookings studies demonstrate, the whole tax really falls on wages and the wage-earner, because the amount the employer pays in social security taxes he would otherwise be putting into the paycheck.

This is worth emphasizing. When the Social Security system began 35 years ago, the tax rate was one per cent each on employee and employer on the first $3,000 of annual earnings. With the new bill, the combined rate rises to almost 15 per cent of the payroll of wages up to the $10,000 level.

That tax is levied regardless of the number of dependents or legitimate deductions the earner has. It gives no real consideration to his ability to pay.

This year, as the Brookings analysts have noted, a family with a husband earning $7,000 and a wife earning $5,000 will pay $624 in payroll taxes (5.2 per cent). A family with the identical income from one wage earner would be taxed only $405.60 (3.4 per cent).

That is one inequity. Another is pointed up in the advisory council study. When the social security system began in the 1930s, the $3,000 wage base included all the earnings of all but three per cent of the workers. The wage tax, in those days, was, in effect, the same tax on everyone.

But in recent years, Mills and his committee have been reluctant to push the wage-base ceiling up as fast as inflation and earnings have increased. Today, somewhere between 20 and 25 per cent of the wage-earners make more than the wage-base limit. These well-off workers get a real break on social security taxes. A $23,400-a-year man, for example, gets just as big retirement benefits as a $7,800-a-year-man, but the effective payroll tax rate on his income is just one-third of the lower-salaried man's.

There are ways in which these inequities could be remedied. Proposals have been made for years to shift a portion of social security financing onto the progressive income tax and off the regressive payroll tax.

Without going that far, there could be a system of deductions or income tax credits that would help the low-income wage earner who now is hit hardest by payroll taxes. But Congress, under Democratic control, has done exactly the opposite in recent years, cutting income taxes and raising payroll taxes, and thereby making the whole federal tax system more regressive. According to participants in this year's Ways and Means sessions, the question of social security taxes did not receive any extended discussion. If Mills is successful, as usual, in obtaining a closed rule for the bill, there will be no meaningful opportunity for presenting amendments to it on the House floor.

This example—and it is only one of many—suggests the price that is being paid for letting vital questions of economic policy be settled in the politically insulated, tightly controlled environment of the Ways and Means Committee's closed sessions. Too many members of Congress have become accustomed to letting Wilbur Mills do their thinking and decision-making on difficult questions.

But it also indicates something else: the peculiar insensitivity of the leading Democratic politicians, including the presidential aspirants, to the economic issues. Discussing the inequities of payroll taxing may not attract as much praise at Georgetown cocktail parties as a ringing denunciation of the bombing in Laos or the tactics of the Washington police. A candidate who took a serious look at our tax system might even suffer a sudden shortage of campaign contributors. But there are issues that can be raised, wrongs that can be righted, and votes that can be earned by the politician who will deign to consider matters that matter to wage-earners.

NORTH VIETNAMESE POW'S PREFER FREEDOM IN PRISON TO LIFE UNDER COMMUNISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. RARICK. Mr. Speaker, 647 North Vietnamese prisoners of war in South Vietnam have cast their vote against the false glories and utopia of communism—they have refused to return home to North Vietnam. Reportedly, only 13 of the 660 Communist POW's have indicated the desire to be repatriated to their homeland.

One must assume they find the barbed wire and prison life in South Vietnam preferable to life under the Communist dictatorship in North Vietnam. It could be that these former Communist soldiers are aware that under Communist discipline there are no Reds taken prisoner. Communist soldiers are expected to fight to the death for the glories of communism. If they do not die as heroes on the fields of battle, the Communist government carries out the sentence of dedication when they are returned from any prison camps.

Recent reports from Saigon are reminiscent of the Korean war when Red Chinese and North Korean POW's—ballyhooed by our communications people as the top fighting Communist soldiers in the world—were given opportunities at Panmunjom to make individual decisions of whether to return to Mainland China or to remain in the Free World. The records of this prisoner exchange showed that 22,000 POW's chose not to return to their homes in Red China and North Korea. Most of these former Communist soldiers live today in Formosa or in South Korea.

January 23 is commemorated each year in Taiwan by the former Communist prisoners with a celebration known as the Freedom Day Rally.

The misguided and confused intellectuals among our people who claim communism as a wave of the future could learn a practical lesson from the repeated decisions of Communists who refuse to select communism whenever they are offered a chance.

I ask that a news clipping follow:

[From the Washington Evening Star, May 31, 1971]

MOST RED POWS REPORTED BALKING AT RETURN TO NORTH

SAIGON.—Only 13 of the 660 North Vietnamese prisoners of war tapped for repatriation this week have agreed to go home, official sources said today.

Nevertheless, the sources said, the Saigon government plans to go ahead with the release of prisoners off the coast of the demilitarized zone on Friday. North Vietnam has agreed to the arrangements.

The 647 POWs who have refused to be repatriated have until Thursday, the day before the turnover, to change their minds. One source indicated expectations that this might happen on orders from Hanoi, saying: "The prisoners have their own grapevine, and it's very good. They might get orders to return rather than stay."

HARD TO TELL

The Foreign Ministry canceled a news conference today at which it was to outline arrangements for the transfer of the prisoners. Asked whether the cancellation meant the release of the POWs might also be delayed, a government official said, "It is very hard to tell at this time."

The press briefing was tentatively rescheduled for Wednesday.

U.S. officials have been concerned about any delay in the POW turnover because it marks the first time in the Vietnam war that the North Vietnamese have openly agreed in advance to receive repatriated prisoners. The Americans think this might be a step toward release of some of the 339 American known to be held prisoner in North Vietnam.

For this reason, some sources said, U.S. officials have put considerable pressure on Saigon officials to carry out the POW release according to the plans agreed upon by North and South Vietnam.

ORIGINAL OFFER

The South Vietnamese government originally offered to repatriate 570 prisoners because that was the number of "sick and wounded" North Vietnamese POWs on Phu Quec island, the Saigon government's biggest POW camp.

When South Vietnamese officials began to count those willing to return home, however, they found only a few, the sources said.

"When that happened, the call went out to find any and every prisoner who might fit into the category of sick and wounded," said one source. In the process, the number of those eligible was raised to 660.

The International Committee of the Red Cross is supervising the interrogations. To process them as speedily as possible, the POWs are assembled in groups and asked to volunteer to go home. Those who refuse are then questioned individually.

FIRST CLASS OF GSA FEDERAL PROTECTIVE OFFICERS GRADUATE

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. SCHNEEBELI. Mr. Speaker, last week I was privileged to attend the graduation of the first class of General Services Administration Federal Protective Officers who received their diplomas on May 28, 1971, at the Regional Criminal Justice Training Center, Harrisburg Area Community College, Harrisburg, Pa. Mr. James Gerrity, supervisor of the GSA force at the Harrisburg Federal Building, initiated the new training program. Law-enforcement agencies on the local, State, and Federal levels contributed materially to the agenda.

The 160-hour course covered first aid, unarmed defense, court procedures, bomb search, reconnaissance, as well as approaching and the handling of dangerous drugs. This training provides the Federal Protective Officer with some of the expertise required to provide protection in Federal buildings against bombings and demonstrations, in addition to his routine safeguarding duties. With the security problems inherent in the present trial of the Harrisburg Six," the importance of a highly trained guard force is emphasized.

The commencement exercises were highlighted by the presence of Arthur F. Sampson, Commissioner of Public Buildings Services, General Services Administration, who gave the commencement address; and Col. Frank McKetta, chief of the Federal Protective Service Division, General Services Administration.

CALIFORNIA BLACK LEADERSHIP CONFERENCE STATEMENT TO THE STOCKHOLDERS OF THE BANK OF AMERICA

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. BURTON. Mr. Speaker, I should like to share with my colleagues two statements presented to the stockholders of the Bank of America by Dr. Carlton B. Goodlett, chairman of the California Black Leadership Conference and publisher of the San Francisco Sun-Reporter.

Dr. Goodlett, long a leader in the struggle for human dignity and justice, states in the context of the 1970's and within the framework of the world of industry and finance, the timeless aspiration of all minority groups to fully participate on the economic, political, and social life of this Nation.

Dr. Goodlett's statements need no further preface and I commend them to the attention of my colleagues:

STATEMENT TO THE STOCKHOLDERS OF BANK OF AMETICA

GENERAL STATEMENT OF CONCERNS

Mr. Chairman, the United States of America continues to be a polarized country composed of two nations, one white and one black, both separate and becoming daily more unequal. The Black population ranges between 23 and 25 million persons, with an estimated gross product of $45 billion per year, 4.5 percent of the nation's total $1 trillion. In many metropolitan areas where a number of our banking branches are located, Blacks comprise from 30 to 40 percent of the population; and upon a cursory survey, contribute from 20 to 30 percent of the gross revenues of our branches.

EMPLOYMENT DISCRIMINATION

Despite the fact that Blacks have perennially patronized the Bank of America branch offices, the policy of General Management has not been one of reciprocal response to the needs of the Black community for jobs and advertising in its community newspapers, so as to reflect our Corporation's appreciation of its responsibility in a free economy to observe, on one hand, fair and equitable employment policies and, on the other, fair and equitable expenditure of advertising dollars.

State and National Fair Employment Practices laws have assisted racial minorities in our efforts to remove jobs inequities. We note in the Bank of America 1970 Annual Report that during the past six years we more than doubled the minority employment, presently with the total of more than 7,900, approximating 20 percent of the bank's total staff. However, a study of the employment conditions in a number of San Francisco Bay Area branches shows little or no minority representation in top management or supervisory positions; the majority of the Blacks are employed in the lower job categories. Since the Bank of America operates under both State and Federal F.E.P. statutes, our Institution must obey not only the letter of the law but also the spirit of the law. The Fair Employment Practices statutes demand that racial discrimination be eliminated throughout the entire structure of corporative enterprise, from the Board of Directors room all the way down to the janitors' closet. This, I believe, the Bank of America has failed to do. Moreover, the conditions cited for the Black population reflect similar forms of covert institutionalized racism practiced against Chicano Americans and Oriental Americans.

ADVERTISING DISCRIMINATION

For the past quarter of a century, Blacks have patronized the branches of our Institution; the response of Bank of America has not been reciprocal to the Black community's needs, by providing sustained advertising in the Black community newspaper, so as to reflect our awareness of the responsibility to allocate an equitable expenditure of our advertising dollars to the community which contributes to our profits. The Black community can not develop a viable press as long as corporations such as the Bank of America continue to practice a policy of discrimination and insensitivity to the Black community's demands to receive a proportionate share of Bank of America's advertising dollars.

It is the right of every Black depositor to demand that promotional money derived from Black banking power be returned to the Black community, so that the Black nation may maintain a Black-owned communications media which reflects its $45 billion purchasing power.

No person in this meeting will accept personal responsibility for the discrimination which our bank practices upon Black Americans in job opportunities and the allocation of advertising dollars. However, our continued silence and inaction on these problems represent a silent conspiracy against the constitutional mandate of Freedom, Equality and Justice.

To rectify these wrongs three recommendations are made in the form of motions:

1. That Management be instructed to issue within the next 6 months a full report to our stockholders of its distribution of employees based upon race and sex, delineating policies of promotion, in the main job categories.

2. That stockholders be given a report on the expenditure of advertising dollars in both the white and the black press.

3. That a Stockholders' Fair Employment and Fair Advertising Committee be appointed to assess the data and recommend to Management a remedial program in Fair Employment and Fair Advertising, which will allow our Corporation to lead the banking

institutions in meeting the serious challenges of the crisis-threatening '70's.

STATEMENT TO THE STOCKHOLDERS OF BANK OF AMERICA

DIRECTORS NOMINATIONS

Mr. Chairman, we thoroughly agree with the following quotation from A. W. Clausen, April 2, 1970: "A time for transition and ferment is an opportunity—an opportunity to revitalize the multitude of ways we conduct our affairs, an opportunity to ponder the quality of life, that we may proceed responsibly toward whatever destiny we aspire for ourselves and our children. How our generation confronts the issues of this new decade no doubt will decide—or dictate—the path we travel for the remainder of this century."

A crucial items on our agenda at this annual meeting of the stockholders of the Bank of America is the election of 15 directors. Inspection of the roster of officers and directors of our Institution reveals that those who have selected the 15 nominees to serve as directors until the next annual meeting reremain either uninformed or unconcerned about two extremely controversial issues which now threaten the corporate tranquility: (1) the scarcity of women in management and direction of private enterprise, and (2) the lack of management and direction opportunities provided for racial minorities—in the main Black Americans, Chicano Americans and Oriental Americans—that they might participate meaningfully in the process of distillation so necessary for developing the new directional thrust required of corporative enterprise, particularly Banking, in a nation polarized by social revolution.

First, let us consider the question of active participation by women in our operation and management. Despite the fact that Mrs. Claire Gianinni Hoffman, distinguished daughter of the founder of our Institution, is a member of our Board of Directors, women still happen to be one of the most discriminated against groups in our society, and a cursory inspection of Bank of America Corporation's Annual Report for 1970 glaringly reveals this discrimination. Where are the females who are appointed to top executive positions in our Institution? Male chauvinism is the cause of Bank of America's failure to utilize more women in our operation and management.

The majority of stockholders in U.S. business enterprise are female, and I doubt that Bank of America differs from the national pattern. Although I don't have the figures or percentages of our depositors who are female, it can certainly be said that our failure to utilize the great potential of women throughout the entire structure of the Bank of America, including top executive positions and memberships on the Board of Directors, is short-sighted misuse of the great potential of women, and moreover is a flagrant form of sexism.

Now, let us consider the paucity of racial minority representation in management and operation. The Bank of America is a microcosm reflecting our present society which is daily being destroyed by racism. A great obstacle to racial harmony in the nation is the inability or refusal on the part of private enterprise to recognize the genius and skill of the racial minorities, who have a unique contribution to make. The new frontier in the struggle to remove all the inequitities of racism in America is now in the area of corporate enterprise. Enough legislation has been passed to end racism; enough verbalization has been spent on treadmills of conversation leading nowhere; now the private enterprise sector of our nation must do more than wear labels of "Equal Opportunity Employer". Women and racial minorities must be integrated throughout the entire structure of our Company, including its Board of Directors.

Adding women and racial minorities to the Board of Directors should not be done as a form of tokenism, but as a means of reducing and eliminating institutional racism and sexism from the mainstream of corporative life, to strengthen the role which the corporation must inevitably play if it would revitalize the private enterprise concept in a world searching profoundly for new approaches to man's relationship to the most important denominator in the societal equation: the human personality.

Bank of America, following the example of Chase National Bank in the East, can assume leadership in this search for a new freedom.

NOMINATION FOR DIRECTORS

As an initial effort to correct the inequities of representation on our Board of Directors, which reflect both male chauvinism and racism, I nominate two additional persons as directors of the Bank of America:

Mrs. Aileen Hernandez, the female nominee, is a free-lance business consultant and lecturer on urban affairs. Mrs. Hernandez is the new President of the National Organization of Women, a civil rights group formed in October, 1966, to bring women into the mainstream of American life "in truly equal partnership with men." Professionally, Mrs. Hernandez has advised business, labor, government and private groups on programs for utilizing the talents of minority groups and women, and assuring these groups full access to education, housing and employment opportunities. Mrs. Hernandez has had a distinguished academic career, receiving her A.B. degree *magna cum laude* in 1947 from Howard University, and holds a master's degree in government. She has served as Deputy Director, California Fair Employment Practices Commission, and as Commissioner, U.S. Equal Employment Opportunity Commission. Among many civic and political affiliations, she serves in the Urban League, the American Civil Liberties Union, the Steering Committee of the National Urban Coalition, and Board of Directors of San Francisco Mount Zion Hospital.

Willie L. Brown, Jr., Esq., Attorney at Law, State Assemblyman, 18th District, San Francisco, is the second nominee. Mr. Brown is a distinguished Californian who is a member of the San Francisco Black community, a graduate of San Francisco State College, 1966, and the Hastings College of Law, 1958. He is permanent President of the Class of '58, Hastings College of the Law; a member of the Executive Committee of San Francisco State College Alumni Association; and was designated in 1965 the outstanding freshman legislator in California. He presently serves as Chairman of the Ways and Means Committee in the California Assembly. His legislative interests include employment opportunities, civil rights and liberties, conservation and ecological issues, consumer protection and criminal law reform.

Mr. Chairman, in the belief that the election of these two distinguished Americans to a position of importance will be beneficial to our Institution, the two names, Mrs. Aileen Hernandez and Willie L. Brown, Jr., Esq., are submitted as nominees for the Board of Directors.

We are being judge by both women and Blacks, not by our platitudinous statements, but by our deeds.

ILLEGAL OPIUM PRODUCTION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. RODINO. Mr. Speaker, at the present time this country is engulfed in a drug crisis of such severity and magnitude that the peace and security of this Nation are seriously threatened.

For this reason, I urged NATO's North Atlantic Assembly in a report which I submitted last week, to adopt measures to stem the illicit supply of narcotics. In my report, I stressed the urgent need for an international solution to this problem in accordance with the NATO principle of collective security.

Most officials estimate that there are presently about 250,000 heroin addicts in the United States. However, in view of the report recently released by the House Foreign Affairs Committee concerning the number of American soldiers in South Vietnam who are addicted to heroin, it is apparent that this estimate is increasing at an alarming rate.

Although the administration 2 years ago declared an allout war on the illegal production of opium, they have consistently failed to activate the necessary forces to effectively destroy this insidious enemy.

It is all too apparent that subtle, diplomatic pressures have been totally unavailing. As a result, last December I introduced a floor amendment to the Supplemental Foreign Assistance Authorization Act to suspend foreign aid to any country that failed to take proper measures to curb the illegal production and exportation of opium. This amendment was adopted by the House, but was deleted by the Senate, since there was not sufficient time to consider and debate the amendment.

I have reintroduced this legislation in the present Congress and I have been assured by the Foreign Affairs Committee that hearings will be held shortly on this proposal.

The Wall Street Journal of May 27, contained an excellent article on Turkish opium production and I include at this point in the RECORD Robert Keatley's penetrating and unbiased analysis of U.S. efforts to halt illegal opium production:

HALTING THE HEROIN: U.S. SEEKS TO STEM TURKISH OPIUM FLOW

(By Robert Keatley)

DEGIRMENDERE, TURKEY.—Faruk Erhan doesn't seem like an enemy of the U.S. A kindly man of advanced years, he is an elder statesman of this poor farm village who spends much time sitting around with his peers, conversing over coffee.

But Mr. Erhan is an enemy of sorts. That's because his main cash crop is opium poppies, grown in a neat patch tended by the village womenfolk when they aren't hauling water or milking sheep.

Like 70,000 other Turkish farmers, Mr. Erhan is an opium producer. As a group, they sell up to 120 tons of opium yearly to the government, which exports it legally to pharmaceutical companies in Europe and North America for anesthetic use. But they also sell perhaps 100 tons a year to quite different customers: narcotics smugglers who channel much of it to heroin-producing labs in southern France. From there the deadly product goes to the U.S.; an estimated 80% of the heroin sold to American addicts originates in Turkish poppy patches like Mr. Erhan's.

Washington wants him, and the 70,000 others, to quit the opium trade. But the Erhans of this nation refuse; growing poppies is more lucrative than any alternative crop, and these poor farmers need cash to buy such essentials as salt and sugar. "If we can't grow opium, what do you suggest?" he asks.

PRESSING FOR CURBS

Answering that question has become a serious U.S. concern. The Nixon administration is trying to get Turkey and other involved countries to curtail the illegal narcotics trade. Among other things, it seeks international cooperation for research on alternative crops such as sunflowers and soybeans, better enforcement of antismuggling laws, and jailing of heroin processors and shippers.

"Narcotics addiction has been spreading with pandemic virulence," Mr. Nixon has warned. "And (international) cooperation is necessary, for the production and manufacture of narcotics and dangerous drugs is immeasureably easier to control than their illegal passage across national frontiers."

In Turkey, control efforts show some signs of retarding illegal production. The government now permits poppy growing in only seven provinces, down from 27 three years ago; the total will drop to four next year. After that, growing may be permitted only here in Afyon Province, the main producer (afyon means opium in Turkish).

More important, restrictions on Turkey's total opium plantings are finally being drafted. Previously, growers expanded their plots as additional provinces were excluded from the business, meaning that no net production loss occurred. In addition, there are some tough new rules against smuggling, and parliament is considering stiffer penalties for illegal production and sale of opium. In another effort to discourage the unlawful traffic, the government has just raised the price it pays farmers for their legal output. And Ankara is finally trying to give its poor farmers alternative cash crops.

POPPY FOR INDEPENDENCE

"Turkish opium growers will be shown a way to earn a better living," the nation's new prime minister, Nihat Erim, promised last month. Previous governments were reluctant to act. Farmers who feared loss of their opium crop voted out politicians who favored such moves. Moreover, American pressure for restrictions backfired; growing poppies became one way of asserting Turkish independence of the U.S. Now the Erim government, put in office by the army, claims it will take strong action for "humanitarian" reasons, not because Washington says so.

But the effect on heroin supplies for sale on U.S. city streets remains to be seen. So far, Turkey hasn't halted opium smuggling. And despite devoting more diplomatic and police manpower to the task, the Nixon administration hasn't made a noticeable dent in the narcotics trade in Turkey or elsewhere. French police haven't arrested a heroin processor for 18 months, and other poppy-growing nations such as Thailand don't even try to control the trade; their police, in fact, are often part of it. The drug flow into the U.S. has risen in recent months, officials concede.

This record earns the administration considerable criticism on Capitol Hill, where doing something about the influx of foreign narcotics is increasingly popular. Many legislators contend that the Nixon team talks a good game but doesn't follow through by getting tough with foreign governments and pushing for broad international controls.

"Our failure to overcome diplomatic inertia and take serious action to stop the drug traffic amounts to a national scandal," charges Democratic Sen. Walter Mondale of Minnesota.

Another Democrat, Rep. James Scheuer of New York, contends that administration officials "haven't begun to face up to the problem." He has introduced legislation to create a more comprehensive, more costly international drug-control program; about 60 other Congressmen support him. Other bills pending in both the House and the Senate seek to force bolder action by the Nixon administration.

But administration officials cry foul. They charge that the critics suggest simplistic solutions that won't work. One congressional proposal, for example, would cut off U.S. aid to any country that fails to stop illegal poppy growing; Turkey is a favorite target. But U.S. sources insist this would turn a NATO ally into an enemy without halting poppy production.

Nixon men also contend that they are doing more to curb narcotics smuggling than any previous administration. They insist that major improvements will eventually result.

"We now have the feeling that a substantial effort is being made, though this wasn't the case three years ago," says a senior official of the Bureau of Narcotics and Dangerous Drugs in Washington.

The present administration is attacking the international drug problem in a variety of ways. The State Department now makes narcotics control a concern for many U.S. embassies, notably in Turkey, Thailand and France. Financial and technical aid is offered when feasible; a $3 million loan to Turkey is helping improve police forces and is also supposed to finance crop research. And the U.S. is sending more Bureau of Narcotics agents abroad.

But the task is extremely complicated, with additional sources threatening to pour more heroin into the U.S. In Southeast Asia the presence of thousands of bored and disenchanted American youths has given drug dealers a new well-heeled markets; perhaps 30,000 GIs in South Vietnam now use heroin. Not only will these users return to the U.S. as addicts, officials fear, but many will get into the distribution business, tapping previously ignored Asian supplies.

"There are people in Southeast Asia who are ingenious, young and experienced who will become major traffickers in the future—and they're called soldiers," warns a ranking Bureau of Narcotics official.

Getting Asian governments to act against opium is difficult. And there's some question, too, about Turkey's determination to choke off opium smuggling. Selling to smugglers is too important a source of income for the poor Turkish farmers.

In Turkey, unlike the opium-growing lands of Southeast Asia, nearly all the production goes to the rich export market. Few Turks ever smoke opium; having a bride to do field work is important to Turkish farmers, and tradition has it that no father will give his daughter to an opium smoker. The only way Mr. Erhan uses opium is by mixing it with vinegar and applying it to the top of his head as a supposed remedy for the common cold.

Otherwise, he says, "Raki is enough for us"—a reference to Turkey's fiery whiskey.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

CHICAGO STATE COLLEGE: AN OASIS OF HOPE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. MIKVA. Mr. Speaker, a number of my constituents from the south side of Chicago and the adjacent suburbs are fortunate to have the opportunity to attend a nearby proud college with a long tradition of training teachers for Chicago's schools. Over the years, Chicago State College has changed the lives of thousands upon thousands of young people—not only those who go to Chicago State but those who are taught by Chicago State graduates.

I recently received a pamphlet containing six accounts of students and alumni of Chicago State College. These brief vignettes capture the story of thousands of similar undergraduates in urban colleges, and dramatically describe in very human terms the impact that a college education can have on first generation students or those who come from underprivileged minority backgrounds.

I am most proud of the work which is being done at Chicago State College, and of the people who are responsible—students, teachers, and administrators.

At this time, Mr. Speaker, I would like to insert in the RECORD for the benefit of my colleagues the text of the six accounts referred to earlier:

CHICAGO STATE VIGNETTES

MARK THE CALENDAR AND CALL THE MOVERS

1972 is the year when Chicago State College is packing up and leaving its 102-year old campus at 68th and Normal to begin again . . . in a new neighborhood, (Martin Luther King Drive at 95th Street), a new campus, and with an expanded curriculum.

How does a school pack up and prepare for such a move? The Bunsen burners, the books, the geranium cuttings are easy, but how does an institution build for change yet keep intact her integrity, her heritage, her sense of mission?

The challenge is large, but the "old lady of Normal Boulevard" has faced challenges always. Until 1965 when she was adopted by the state system of higher education, Chicago State (erstwhile known as Illinois Teachers College Chicago-South, Chicago Teachers College, and long before that as Chicago Normal School) was the oldest child of the Chicago Board of Education, responsible for training 90% of the city's teachers. A parochial institution indeed, yet even then strangely balanced by, and infused with, a pioneering spirit. For in the beginning "Normal" had been the world-famous institution where Colonel Francis Parker held forth, promulgating and putting into practice ideas which rocked the educational world. Today, although it no longer trains all the city's teachers (and grants many diplomas now to graduates who don't intend to teach) it still manages to balance conflicting philosophies and to serve the community in vital ways.

"We aren't Ivy League," says one of its faculty, "and our concern is not with the elite or the academically talented. Our students come from working class families: second generation kids, not particularly well educated, often poorly motivated. They spend a few years with us, and during this time we hope they begin to think for themselves."

"What we do well," says a member of the administration, "is touch hands with the community. Maybe we care a little more than most schools . . . even dare a little more, but we surely get involved."

Yes, Chicago State is moving. Changing. A new name. A new sponsor. An extended curriculum. An increased enrollment. A larger commitment. A new campus. Yet with it all, it is determined to carry on the best of the past.

And how does one do that? What does the College mean to the people who have used it over the years and to those who are studying now. The measure of any institution's worth is best found in the feelings of the people affected by it. And so we have talked to six. Our six. Chosen because they represent so many more. We have let their stories tell what part Chicago State plays in changing attitudes, in fostering growth, in enlarging horizons. We think their stories tell what we are about and why it is vital for us to go on serving individual students as they . . . and we . . . and this nation . . . face change.

AN OLD TRADITION AMONG MIDDLE CLASS BLACKS

Louise Daugherty's voice is probably a good one to hear first, for hers is a success story. Louise is at the very top of the Board of Education heirarchy where she serves as Assistant Superintendent in charge of Pupil Personnel Services and Special Education. Louise and her family are to Chicago State College what the Adamses and Saltonstalls have been to Harvard. Louise and her sisters and her aunts have been around Chicago State when it was Chicago South, and back to the beginning when it was Normal. A very old and a very proud tradition among Chicago's third and fourth generation Black families. "We are," says Louise, "a Chicago State family," and as she talks she lists the clan who have become teachers and principals; those like herself who have married Chicago State faculty or taught, as she did, during many summer school sessions. "In a larger sense," she says, "Chicago State has been a family affair too, producing teachers who might not have gotten an education otherwise, preparing them for the realities of urban education, and lengthening the living chain of graduates who have always run the schools. The larger family." Although Chicago State once turned out all the city's elementary teachers, and no longer does, Louise believes that Chicago State still does the best job preparing its teacher-graduates for what they will actually experience in urban education.

I FELT A GREAT DEAL OF SUPPORT HERE AND WITHOUT THAT SUPPORT I WOULD HAVE BEEN LOST

Chicago State was a built-in certainty for Marilyn Rabig. Her brother had gone. So had his friends. Most everyone Marilyn knew intended to be a teacher. What's more, she had grown up in Chicago, been educated at Lindbloom High, was a family girl, and Chicago State had simply been part of her plans. "I never thought of any other school." The big universities were colossal, so impersonal. Chicago State was just the opposite. The buildings were crummy, but the faculty was concerned, dedicated. "I felt a great deal of support here and without that support I would have been lost, just lost."

But far more than Marilyn realized, Chicago State would be a freeing experience, a chance to try new things, meet new people; to "love something other than what I'd always seen and known and done." The freeing really began with a first trip to Colorado, taken alone, during the college years. Then, after graduation, there was the decision not to teach but to try something new. And so Marilyn went off to be an airline stewardess; to live away from home, to find an apartment, to make new friends. The airlines trained her in many ways: to walk tall, to talk easily, to put on make-up as well as a new air of confidence. A new Marilyn? Yes, but one that could now accept the old Marilyn as well. On days off, the ex-teacher began filling in as a substitute in the public schools of Boston where she was living at the time. The experience was a challenge as she faced large, restless classes. But the Chicago State training paid off. "As I looked out at those kids I remembered the supportive words from my supportive past . . . Move a lot and distract them . . . Write large and keep writing . . . Keep talking. It all worked. Then I realized how well I'd been prepared to pick up suddenly and keep a class going. The inevitable happened again. I called home the next week and told my father I was coming home . . . a teacher. You need to have had good teachers to want to become a good teacher."

IN THE BEGINNING IT WAS CONVENIENT TO WHERE I LIVED

William LeMonnier is a junior. He's twenty-two and married. The war is behind him; his career as a teacher, or a weather man, ahead of him. Bill isn't full of illusions, nor is he particularly scholarly. He didn't come to college out of a deep love of books. Matter of fact, as a kid, school had been a prison for him. He came to college because a degree was good job insurance, because the admission standards at CSC weren't impossible, because the Veterans Administration offered assistance, and because "Chicago State was convenient to where I lived. Easy transportation and all that." With Bill, in the beginning, it was a matter of getting through courses, not being caught up in their content. And then something happened and Bill LeMonnier got involved in spite of himself, in spite of his wife at home, in spite of his job, and all the other pulls of the outside world. Bill got involved because he came from a family of ice hockey players, and as winter approached, he longed for team action. He looked around the campus, deplored the paucity of intercollegiate and intramural sports, and decided to change the situation. He wrote a give-away piece about the wonders of skating, in which he plugged for a team, and even set down a try-out date. On that cold winter morning at 7 a.m., twenty-five hockeyites showed up. That was the beginning . . . beginning blessed by staff and administration who happily gave Bill full support because they realized the way to build a united student body was through student spirit and athletics and teamwork might accomplish both. The hockey team became a new and important campus activity. And then Bill found that the faculty were as eager to support him in his classes after hours. He worked hard, and suddenly the boy who had always thought of school as a prison, a thing to be gotten through, was as involved with his course work as his hockey.

Would he do it again? Probably yes. What changes would he make? Most of them are being made right now as the new campus is being completed on 95th Street . . . new buildings, new parking, expanded curricula, and the lure of more team sports.

THE FIRST COLLEGE GRADUATE IN THE FAMILY

Frieda Merritt is one of 13 children. She's Black. She's gifted. Now she's at Northwestern Law School, working toward a degree in what she describes as "a three-year obstacle course." Her classmates call her the "Black Ann Landers," and they turn to her for large doses of sound judgment and mother wit. Before she's through with school, Frieda may go on and earn for herself a degree in psychology, too, for she feels that she "can't afford just one career."

That ambition wasn't always there. Frieda claims that she was a poor, disinterested student throughout most of her bleak Catholic girls' school education. She slid into CSC out of inertia, largely because the tuition was low enough to handle. Once in college she made the dean's list; then got a job as a student aide with an assignment that landed her around professors' offices. "My sanctuary," she says, "and in it I began learning from their experiences. One year I had a psychology teacher who had the ability to make me feel like I was high on LSD. Something happened. I began to change inside, to care about the world, to use what I was learning, to ask questions. Questions about my family, about life, about me. Who am I? What am I about? I guess you might say it was the first time I'd begun thinking about myself as somebody. Sure, I was Black, but comfortable with whites, eager to compete with them, excel. It was a heady time for me, and when I graduated, I was the first member in my whole family ever to go to . . . and get out of . . . college. Thirty-six of my relatives came to graduation to celebrate that fact."

I CAME FROM AN ETHNIC FAMILY, UNDERLINE ETHNIC

Renata Allelujka was born red-headed, and totally ambitious. Like Frieda Merritt she would be the first college graduate in her family, but while Frieda's family celebrated the fact, Renata's asked: "Will they teach you to diaper babies or anything useful?" "My folks were ethnics," says Renata, "underline the ethnic, and my education has meant growing out beyond where they were."

Have the four years at Chicago State changed her? Renata is appalled at the questions for she has shed so much of her past . . . ideas held by the family, the neighborhood, the teachers in her small parochial school. There have been so many new friends, not just high school pals like herself, but kids with different experiences, strange new ideas. And people and ideas force change; force one to open one's self, enlarge one's outlook, broaden one's interests. Chicago State isn't really a big school, unless you've been to a tiny parochial school first. But if you have, 6,000 students seem a lot. And the faculty? Informal, friendly, helpful. They seem to want to share with the students, to get to know them, to treat them as people.

That's it, isn't it? How people treat people. And so, gradually, one gets involved in one's education, excited by it. Civil rights, unrest, student protests nations-wide only accentuate the growing gap between oneself and the past. You can understand, with compassion, why the adults from your childhood are so upset and frightened, so curled up in old ethnic beliefs, but you sense the gap widening that separates their ideas and yours. Black student friends make one more aware of all this. They make you see the real gaps in education, and the areas in which we still fail to treat each other as people. "A few minor incidents on the campus (and Chicago State was relatively calm at the peak of student unrest) were actually constructive. To all of us who wanted a united school, confrontation offered a chance to increase understanding, to grow and change. These few incidents pointed up what education and student government are and should be about. They showed me how far I'd come in my thinking. What seemed common sense to me now I hadn't even known three years ago. Coming here introduced me to many different kinds of people and made me take a different look at myself and what kind of a person I wanted to be."

YOU ARE BOMBARDED FROM DIFFERENT ANGLES, DIFFERENT PHILOSOPHIES, DIFFERENT LIFE STYLES

Reuben McClendon is a senior majoring in business. His has been a long learning journey. A journey which began thirty-one years ago in the Black neighborhood at 44th and Vincennese, the outside perimeter of Reuben's world. Until he was grown, graduated from Englewood High and half through Wilson Junior College, Reuben McClendon had never left the city, never had non-Black friends, never had a teacher who really cared or motivated him. "I had no guidelines to excellence."

There have been drastic changes in Reuben's life since then. Big questions searching for even bigger answers. "To say who I am, I've had to learn to ask what I am. To assess my worth to others, I've had to learn to assess my worth to myself."

The changes started when Reuben went to work at the Chicago Post Office after he dropped out of junior college. There he met older men, Black men, men who had been to college and felt it was important, men who knew Black history and took pride in it. These men served as the male image Reuben had longed for as a child, and became the spur which drove him back to college. "They made me feel left out, alone, different from themselves. They made me want to find answers. I wanted to know what a man is and how one becomes one."

Eventually after several false starts, Reuben wound up at Chicago State. He was, at best, a tentative student. "I was what I now call an 8 to 12 student. I came and went and remained uninvolved." Then came Camp Workshop. Reuben went off to the weekend affair with a high degree of cynicism. Much to his surprise the other students at the Workshop were not stereotypes, but a cross section of young people with serious ideas, deeply committed to causes, determined to make Chicago State a better school. It was a rude awakening for Reuben, but an interesting one. He began to be involved in student activities and student service. He took a new interest in people: how they function, alone and together. For the first time Reuben began thinking about leadership and power, about how people accomplish things. "I was bombarded from different angles with different philosophies, different life styles. Now I'm no longer sure that I'm really interested in business. I'm beginning to think I may switch to counseling."

Yes, Chicago State is moving. Changing. A new name. A new sponsor. An extended curriculum. An increased enrollment. A larger commitment. A new campus. Yet with it all, it is determined to carry into the future the best of its past. That means continuing to be an educational tradition for middle class Black families like Louise Daughtery's, yet offering the big chance to young Blacks like Frieda Merritt, first college graduate in her family.

Chicago State wants to remain the kind of a place where a Renata Allelujka can reach out and grow beyond her ethnic past; where a Reuben McClendon can find out who he is and what he wants to do with his life; where a Bill LeMonnier can become a student by first creating a hockey team; where a Marilyn Rabig gets so much support from her teachers, that later, as a teacher herself, she can look back and say, "it takes good teachers to make good teachers."

Perhaps, to summarize simply what our six said more fully, at least in one respect Chicago State College will remain changeless amidst change: it will continue to be, as it has been since its beginning, a school where students are assessed and judged and treated as individuals.

AMERICA THE BEAUTIFUL

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. ROUSH. Mr. Speaker, this Saturday, June 5, marks the highlight of the annual conservation program of the Boy Scouts of America entitled "SOAR—Save Our American Resources." SOAR is a year long project designed to motivate action programs to improve the environment and create concern for environmental betterment.

On June 5, designated as "Scout Keep America Beautiful Day," there will be a nationwide effort by more than 6 million Scouts across the country to focus public attention on improving the environment. Scouts nationwide will be engaged in antilitter programs in an endeavor to show their concern as a group but more important, to involve others in the great task of cleaning up our environment.

In the Fourth Congressional District of Indiana, which I am proud to represent, more than 10,000 Scouts in the Anthony Wayne Area Council will be collecting litter for reprocessing or disposal. There has been a tremendous response from local conservation groups and city and county officials in assisting with this endeavor. Parking lots have been made available to the Scouts as litter collection points, thousands of litter bags have been contributed by private concerns; trucks and drivers have been made available for transportation purposes. These are just a few examples of local cooperation. The Scouts themselves have planned a detailed and effective organization in order to make this effort as complete as possible. Troops will be designated to work in particular areas such as the inner city, the river bank area, certain sections of highways, and selected industrial sites.

The basic objective of Project SOAR is to create attitudes of concern for the quality of our environment and to motivate action programs that will improve the environment for life and living. The widespread cooperation and support offered the Scouts thus far in their ecological campaign is certainly indicative that that goal has already been achieved in part. And it is my hope that this nationwide effort on June 5 will arouse the public at large to the need for environmental concern and show us what we can do individually to ease our ecological crisis.

I would like to take this opportunity to personally commend the Boy Scouts for their hard work in this vital concern. Nationwide participation is the key to restoring our environment and the Boy Scouts of America are doing all they can in making this a reality. The Scouts are among those leading the way on this long road of improving our world; the next steps are up to all of us. I encourage everyone to support their activities on June 5, "Keep America Beautiful Day," and continue to follow the example they have set. Let us show them their efforts were not in vain.

ROY F. BAILEY

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. SHRIVER. Mr. Speaker, the State of Kansas lost a giant in the field of journalism last week with the death of Roy F. Bailey. Roy Bailey, a recipient of the William Allen White Award for excellence in his field, headed the Salina Journal for 38 years. Prior to that, he worked for the Emporia Republican and with William Allen White on the Emporia Gazette. He was one of the organizers of the Kansas Chamber of Commerce, and he served in the Kansas Senate at the same time I was serving in the State House of Representatives. In tribute to his service to our State, I am submitting for the RECORD an editorial from the Hutchinson, Kans., News of May 20, 1971, as follows:

ROY F. BAILEY

One by one, the names that made Kansas journalism go. William Allen White, Jack Harris, Fred Brinkerhoff even back to Arthur Capper, Marc Murdock, Ed Howe, Henry J. Allen.

Now we must write the name of Roy F. Bailey to the list. For 38 years, Mr. Bailey directed The Salina Journal. It is fitting that one memorial to him comes from Whitley Austin, president guiding light of that newspaper, who recalls:

"When U.S. Senator Joseph L. Bristow hired him in 1911, The Journal was a weakling, hard put to meet the payroll. By the time Mr. Bailey retired at the end of 1948, the newspaper was a strong and courageous force in Kansas. It is because of this foundation that we have been able to grow.

"The struggles and triumphs of Roy's long years perhaps have been forgotten by all except the older subscribers. He was Kansas' prime highway booster, he helped found the state chamber of commerce, he was a satrap and sage of the Republican party, but above all he was dedicated to Salina and this far-reaching section of Kansas. He was forceful, tireless and positive. He was a great newspaperman and I was proud to follow him.

"Except as they are pasted in a scrapbook, a newspaper's stories and opinions are ephemeral. New events crowd out the old. Yet the information a newspaper provides, the action it evokes—or provokes—are often the source of community development. The words become deeds, the prophecies become accomplishments, the fragile, quick-yellowing newsprint becomes concrete and steel.

"Roy F. Bailey was buried Tuesday afternoon in Memorial Park but in this manner will his contributions to Salina and to Kansas go on."

THE ANTIDUMPING ACT REJUVENATED

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. ROBISON of New York. Mr. Speaker, in a recent speech before the 50th annual meeting of the American Importers Association, Assistant Secretary of the Treasury, Eugene T. Rossides, summarized the activities of the Department of the Treasury during the past 2 years in rejuvenating the administration of the Antidumping Act. I have included his excellent speech, herewith, in the RECORD, as I think it will be of considerable interest to my colleagues:

THE ANTIDUMPING ACT, 1921: 2 YEARS OF REJUVENATION

THE ANTIDUMPING ACT—ITS OBJECTIVE

The Antidumping Act, 1921, as amended, is intended to nullify the impact on domestic industry of international price discrimination which injures United States producers. From an affirmative standpoint, the statute fosters international trade on a fair and equitable basis.

One of the accomplishments of this Administration is the rejuvenation of the administration of the Antidumping Act. As President Nixon stated in his second annual review of United States foreign policy:

"We tightened our administration of the antidumping laws to protect our industries against unfair pricing by their foreign competitors."

In the view of the Treasury, the aim of the Act is clear—to defend American industry against unfair international pricing practices in sales to the United States. It is not designed as a prop for American industry to assist it in meeting fair and open competition from abroad.

As you know, in the context of the Antidumping Act, an "unfair" sale or, if you will international price discrimination, occurs when a foreign company sells a product for less in the United States than in its home market, thereby causing injury to U.S. industry.

IMPACT OF ANTIDUMPING ACT AS OF JANUARY 1969

There may be disagreement as to the interpretation of some of the finer points of the Antidumping Act and its administration in the past. There appears, however, to have been general agreement at the time this Administration took office that the Act had a relatively minor impact not only on international trade matters but, more importantly, in defending American industry from injurious international price discrimination.

An antidumping investigation that takes two years and longer to complete tends to be devoid of economic significance to the domestic industry. Many concerns suffering from unfair international price discrimination had to bear their lot patiently until the Treasury completed an exhaustive investigation ferreting out all of the underlying facts.

Moreover, as you know, import trade may suffer, too, when the spectre of a dumping investigation hovers for an overlong period even if it ends by a determination that the goods have not been sold below fair value. And, delays can cause unfair and inequitable treatment regardless of the ultimate outcome of the investigation.

Acceleration of our dumping investigations without sacrificing reasonable thoroughness introduces a specific element of fairness of its own, which benefits all.

STEPS TAKEN BY TREASURY DEPARTMENT TO REJUVENATE ADMINISTRATION OF ANTIDUMPING ACT

Procedural and manpower changes

Treasury Management Survey

In April, 1969, we initiated a Treasury management survey of the administration of the Antidumping Act to determine why it was taking so long to decide these cases and what could be done to improve the situation. It seemed to us that it had to be possible to reduce the investigation period without derogating from the essential fairness of the Treasury's investigation procedures.

Decisions Following Management Survey

Increase in manpower

The Commissioner of Customs was directed to increase the manpower assigned to this area. Treasury stressed to him and his senior staff the importance it attached to this field and that antidumping work was now to be upgraded so that Customs officers assigned to antidumping would realize that it offered broad, future opportunities for promotion in the career service.

By November, 1970, the headquarters professionals had been increased from 5 to 21. The additional personnel were transferred to antidumping from other assignments to which the Bureau of Customs had agreed to give a lower priority pending Treasury's request for supplemental funds.

The President submitted to the Congress his request for supplemental funds for this program. Treasury's Appropriations Committees in the House and Senate (together with the members of the Senate Finance and House Ways and Means Committees) gave full bipartisan support to the request. In December, 1970, the Congress enacted the President's antidumping supplemental appropriation bill which provided funds for 41 professionals for antidumping and related matters. This bill provides the means for making permanent the advances made thus far and for implementing additional procedural and policy reforms. Practically all of the 41 positions will be filled by about June 30, 1971. We are also in the process of increasing our manpower abroad.

At the Treasury level, I restricted my Deputy for Customs to price discrimination cases and other related tariff matters and the Secretary approved an additional two staff members in this area.

Now, at long last, Treasury has the manpower in Customs to administer the Antidumping Act in a manner which Congress and the American people have a right to expect. I might add that proportionate increases are being made in secretarial and clerical personnel who will support the professionals in their assignments—an essential factor in proper management.

Timetable for collection and collation of information

Another decision made was to establish firm timetables for each step in the collection and collation of information by Customs. In the past, it has taken as long as six months to decide whether a "complaint" was sufficiently meritorious to justify the formal initiation of an antidumping investigation. In most cases, such decisions are now being made within one month.

Questionnaires to foreign exporters and letters replying to typical inquiries have been standardized. Firm time periods are being established for replying to such questionnaires. Much of the clerical work involved in the processing of letters and questionnaires is being simplified by the use of modern tape typewriters and calculators with memory capabilities.

Conferences with attorneys are being restricted to set periods when the antidumping case handler is fully prepared to discuss particular aspects of an investigation with interested attorneys. The day when attorneys could drop in on case handlers without prior appointment is a practice of the past.

Most important of all, the case handlers and Customs representatives abroad have been given a renewed sense of the urgency and the importance of their work and impressed by the need for completing their investigations as rapidly as possible.

Establishment of Office of Tariff and Trade Affairs

In order to institutionalize the changes that had been made and to establish a mechanism for adequate Treasury supervision in this area, the Secretary approved the establishment in my office of the Office of Tariff and Trade Affairs. We now have the mechanism to insure that the Treasury Department will have an on-going operation for proper supervision and administration of the international price discrimination statute.

Results in processing cases

Treasury is approaching its initial goal of completing antidumping cases, on the average, within one year from the time that the case is presented, taking less time in simpler cases and possibly more time in complicated cases. Because of our continued emphasis on the essentiality of equity and fairness, it may be occasionally necessary to allow somewhat longer than 12 months for extremely complicated cases. The simpler cases, on the other hand, will be completed in less than 12 months.

This achievement is due in large part to the dedicated men and women in the Office of the Secretary and the Bureau of Customs who have devoted long hours and hard work to this effort. Vacations were postponed and one supervisor passed up a year at the Industrial College to spearhead the Customs effort.

Our next goal is to see if we can reduce the average time period to eight months.

Policy Changes

Price assurance policy

In May, 1970, Treasury formally announced a change in the policy with respect to price assurances in antidumping investigations. We took this action after concluding that the previous policy of readily accepting price assurances was actually encouraging sales at less than fair value in the United States. Under that policy, foreign firms seeking to sell their merchandise in the U.S. market had no need to give even a passing consideration to the antidumping implications of the step they were about to take. There was no reason why they should do so under the old rules. Let us discuss for a moment what happened under the earlier price assurance policy.

A foreign concern would price its merchandise in the U.S. market at whatever level it considered necessary to compete effectively. Since its product was normally unknown to the American consumer, it would generally price its merchandise below the level of its American competitors in order to attract customers. If the foreign competition started to make itself felt and resulted in an antidumping complaint being filed with the Treasury Department, the foreign firm still had no cause for undue concern. Treasury's antidumping investigations would, under the former procedures, often take over two years, and occasionally took as long as three years.

Moreover, if the Treasury Department tentatively concluded that the merchandise was being sold at dumping margins, price assurances could be offered and would be almost invariably accepted by the Department. By this time, with the firm's product well known to American consumers, the foreign concern could afford to raise its prices to the level of its American competitors without fear of a drastic drop in sales.

Better yet from the standpoint of the foreign manufacturers, when the Treasury Department accepted price assurances, it would issue a formal determination of No Sales at Less Than Fair Value. To say the least, this determination was misleading, since there had in fact been sales at dumping margins.

Under the new policy, price assurances are accepted only when the dumping margins are minimal in relation to the volume of sales involved. Morover, in those cases where price assurances are accepted, the case is no longer terminated with a determination of No Sales at Less Than Fair Value as it was under the old price assurance policy. We felt that such a determination after the acceptance of price assurances was a misnomer. Accordingly, the Treasury Department revised its regulations in cases where price assurances are accepted so as to provide for terminations of investigations. This procedure, I feel, realistically expresses exactly what takes place in a price assurance case.

Under the new policy, if price assurances are rejected, the case is then referred to the Tariff Commission for, as you know, before a finding of dumping may be issued and dumping duties assessed, it is necessary under the Antidumping Act that there be a determination of sales at less than fair value by the Treaury Department *and* a determination of injury by the Tariff Commission.

The objective of the new policy is to induce foreign concerns to take the Antidumping Act into account *before* they engage in sales to the United States.

The 25 Percent Rule

The Antidumping Act provides that in normal situations fair value shall be determined by comparing the ex factory home market price of the merchandise under investigation with the ex factory price at which the merchandise is sold in the United States. If the price in the United States is less than the home market price, then there are "sales at less than fair value" within the meaning of the statute.

The Act also states that in situations where the quantity of merchandise sold in the home market is so small in relation to the quantity sold for exportation to countries other than the United States as to form an inadequate basis for comparison, then third country price should be used as the basis for comparison.

The Antidumping Regulations provide that generally for purposes of determining what constitutes an "inadequate basis of comparison" for fair value purposes, home market sales will be considered to be inadequate if less than 25 percent of the non-U.S. sales of the merchandise are sold in the home market.

The selection of home market or third country price for fair value comparison can easily be crucial to the results of antidumping investigations, for frequently home market price tends to be higher than third country price. This is particularly true where merchandise is sold in a protected home market and, when sold in third countries, is exposed to the vagaries of world competition.

It has been Treasury's experience that cases arise where sales in the home market are adequate as a basis for fair value comparison, even though less than 25 percent of the non-U.S. sales are sold in the home market. From a technical standpoint, the existing regulations provide for this situation, since the 25 percent rule is introduced by the adverb "Generally." Examination of the precedents, however, revealed that the Treasury has not, in recent years at least, made an exception in applying the 25 percent rule.

This left the Treasury with two alternatives. It could have ignored the previous interpretations of the Antidumping Regulations which had, in effect, applied the regulations as if the word "Generally" were not there, or it coud propose a change in the Antidumping Regulations to eliminate the 25 percent rule. We chose the latter course. The proposal was published in the Federal Register of April 27, and is currently open for comment by interested persons. Any comments received will be carefully considered before we take final action on this proposal.

A LOOK INTO THE FUTURE

In my judgment, we have only come to the end of the beginning of the rejuvenation process. But, I believe we have made a solid start.

Let me take a final brief moment to touch upon what I see happening in the future. We have taken steps to initiate a fresh examination of the Treasury's antidumping procedures and regulations to see what more can be done. The regulations were substantially revised in mid-1968 after a broad review, with the dual objectives of conforming the Treasury's procedures to the requirements of the International Anti-Dumping Code, and also of having the regulations implement in clear and precise language the objectives of the Antidumping Act. With almost three additional years of experience under the regulations, as then revised, it is now appropriate to stop and take a new look to see whether additional changes may be appropriate. A Notice of Proposed Rule Making to this effect was published in the Federal Register of April 13, 1971.

Sixty days are being allowed for the submission of comments. I would assume that many persons present here today—if you are not already aware of the Treasury's invitation to submit comments—may wish to do so.

Let me emphasize that the Treasury Department continues, as always, to adhere to its policy of equitable administration of the Antidumping Act. With the increased personnel assigned to this field and modernized procedures and policies, we shall speed up antidumping investigations, thereby making administration of the law more effective—all this without sacrificing equity.

Let me also emphasize that the Treasury Department and the Administration are strongly opposed to having the Antidumping Act transformed into an instrument of protectionism. On the other hand, we are equally strongly opposed to allowing foreign firms to injure U.S. industry by unfair price discrimination. It is with the latter objective in mind that the Treasury Department introduced the changes in the administration of the Antidumping law, which I have discussed with you today. To the extent that we succeed in our objective, the Treasury's rejuvenation of the Antidumping Act will become an increasingly important influence in favor of a freer international trade policy.

In conclusion, I would like to repeat a statement made by Secretary Connally on May 17 before the Subcommittee on International Trade of the Senate Committee on Finance:

"The efforts to foster increased competitiveness in our economy must be actively pursued in the context of fair and liberal trading arrangements."

RAMPARTS MAGAZINE MISREPRESENTS ROLE OF CENTRAL INTELLIGENCE AGENCY IN FIGHTING AGAINST IMPORTATION OF DANGEROUS DRUGS

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. GUBSER. Mr. Speaker, recently Ramparts magazine published an article which, like so many other articles which appear in new left publications, attempted to discredit established agencies of the Government, including the Central Intelligence Agency. Unfortunately, the Stanford Daily, the newspaper published by students at Stanford University, saw fit to lend credibility to this article by reprinting it.

A tearsheet from the Stanford Daily was sent to me by a constituent and I submitted it to the Bureau of Narcotics and Dangerous Drugs with a request for comment. Under date of May 27 I received a reply from Mr. John E. Ingersoll, director of the Bureau of Narcotics and Dangerous Drugs. His letter should be brought to the attention of all responsible Members of Congress and the press since it certainly contradicts the implications contained in the Ramparts magazine article. Mr. Ingersoll's response follows:

Hon. CHARLES S. GUBSER
U.S. House of Representatives
Washington, D.C.

DEAR CONGRESSMAN GUBSER: This is in response to your letter of May 21, 1971, which enclosed a tearsheet from the "Standard Daily" (a publication of Stanford University) of the article entitled, "The New Opium War," as reprinted from "Ramparts Magazine."

Charges made in the article appear to be a part of a continuing effort to discredit agencies of the U.S. Government, such as the U.S. Military, the FBI, the CIA, and the Department of State, all of which are, in point of fact, working actively with the Bureau of Narcotics and Dangerous Drugs (BNDD) in our worldwide effort to curtail international drug traffic.

Actually, CIA has for sometime been this Bureau's strongest partner in identifying foreign sources and routes of illegal trade in narcotics. Their help has included both direct support in intelligence collection, as well as in intelligence analysis and production. Liaison between our two agencies is close and constant in matters of mutual interest. Much of the progress we are now making in identifying overseas narcotics traffic can, in fact, be attributed to CIA cooperation.

In Burma, Laos, and Thailand, opium is produced by tribal peoples, some of whom lead a marginal existence beyond the political reach of their national governments. Since the 1950's, this Southeast Asian area has become a massive producer of illicit opium and is the source of 500 to 700 metric tons annually, which is about half of the world's illegal supply. Up to now, however, less than ten percent of the heroin entering the United States comes from Far Eastern production.

The dimensions of the drug problem and the absence of any strong political base for control purposes has been a dilemma for United Nations opium control bodies operating in Southeast Asia for many years. Drug traffic, use, and addiction appears to have become accepted as a fact of life in this area and, on the whole, public attitudes are not conducive to change.

The U.S. Government has been concerned that Southeast Asia could become the major source of illicit narcotics for U.S. addicts after the Turkish production is brought under control. The Bureau of Narcotics and Dangerous Drugs, with the help of CIA, DOD, and the Department of State, has been working to define and characterize the problem so that suitable programs to suppress the illicit traffic and eliminate illegal opium production, such as the proposed United Nations pilot project in Thailand, can be implemented.

It is probable that opium production in Southeast Asia will be brought under effective control only with further political development in these countries. Nevertheless, in consideration of U.S. Military personnel in the area, as well as the possibility that opium from this area may become a source for domestic consumption, concerned U.S. Agencies, including CIA, Bureau of Customs, DoD, and State, are cooperating with BNDD to work out programs to meet the immediate problem as well as provide longer term solutions.

Since the subject matter of your letter concerns CIA, I have taken the liberty of furnishing a copy along with my reply to Director Richard Helms.

Sincerely,

JOHN E. INGERSOLL,
Director.

As an enclosure to his letter, Mr. Ingersoll included a paper entitled "Recent Trends in the Illicit Narcotics Market in Southeast Asia." This should also be of interest to every person who is concerned about this problem and I therefore include the text herewith:

RECENT TRENDS IN THE ILLICIT NARCOTICS MARKET IN SOUTHEAST ASIA

1. The reported increasing incidence of heroin addiction among U.S. servicemen in Vietnam and recent intelligence indicating that heroin traffic between Southeast Asia and the United States may also be increas-

ing suggest that Southeast Asia is growing in importance as a producer of heroin. While this phenomenon in part reflects improvement in information available in recent months to the U.S. Government, there are also good indications that production of illicit narcotics in Southeast Asia has indeed risen in 1971.

BACKGROUND

2. The Burma, Laos, Thailand border area, known also as the "Golden Triangle," is considered one of the world's largest opium producing regions. This region normally accounts for about 700 tons of opium annually or about one-half of the world's total illicit output. A substantial proportion is consumed within the region. Burma, by far the largest producer of opium in this region, accounts for about 400 tons annually.

BURMA

3. Production in Burma is concentrated in the Eastern and Northern parts of Shan State and in the Southwestern part of Kachin State. Poppy fields cover the rugged slopes in Eastern Shan State around Keng Tung and in Northern Shan State from Lashio east and north to the China border. The latter territory, comprised of the former Wa and Kokang feudal states, is now a center of insurgency directed against the Burmese government, with much of the area under insurgent control.

4. The growing season varies with the altitude, but the planting season generally falls during the months of August and September, with the harvest some seven months later during February and March. At harvest time the women of the hill tribes slit the poppies and collect the raw opium by hand. The opium plants themselves are ground into a compound for smoking. In Northeast Burma, the raw opium is packed by the growers and traded to itinerant Chinese merchants who transport it to major collection points, particularly around Lashio and Keng Tung. Agents of the major entrepreneurs circulate through the hill country shortly after harvest time arranging for payment and pickup. Payment is often in the form of weapons and ammunition, although gold and silver rupees are also used.

5. The opium harvested in Shan, Wa, and Kokand areas is picked up by caravans that are put together by the major insurgent leaders in these areas. The caravans, which can include up to 600 horses and donkeys and 300 to 400 men, take the opium on the southeasterly journey to the processing plants that lie along the Mekong River in the Tachilek (Burma)-Mae Sai (Thailand)-Ben Houei Sai (Laos) area. Caravans carrying in excess of 16 metric tons have been reported.

THAILAND

6. Opium-growing areas in northern Thailand are located in the upland tracts occupied by various tribal groups. The provinces of Ching Mai, Chiang Rai, and Nan, which have the largest concentration of Meos, produce most Thai opium. Illicit opium production in Thailand is estimated at 200 tons.

LAOS

7. Another, less productive, opium growing area is along the 2,500 to 4,500 foot high mountainsides of Northwest Laos. The opium cultivated by the Meo in this area is of a relatively lower grade and thus less suitable for refinement into morphine base or heroin. In these areas where the tribesmen have been encouraged to grow corn, the poppies are planted among the corn. When the corn is cut, the poppies continue to grow until they too can be harvested.

8. Major producing areas include Phong Saly Province in the North, Houa Phan (Samneua) Province in the Northeast, and the Plaine de Jarres area of Xiang Khoang Province in the East-central part of the country. However, large areas of production in Phong Saly, Houa Phan, and Xiang Khoang have fallen under the control of the Pathet Lao and North Vietnamese.

9. The trade in Northwest Laos is less well structured and organized for significant commercial exploitation. There are no advance purchasing agents or pick-up caravans. The harvested opium and the poppy plants which are ground up for smoking are transported to nearby village markets by the growers themselves. In highland market places the raw opium and its by-product are used openly as currency. Ethnic Chinese merchants are the traditional purchasers of the opium products throughout Laos. The products they collect are transported to population centers and also to processing plants along the Mekong River by travelers, particularly government soldiers, who have the most mobility and access to air travel in the area, and refugees. Opium produced in the Communist-controlled areas also find its way into the regular marketing channels.

DISTRIBUTION AND REFINERIES

10. The KMT irregular "armies" and the Burmese Self Defense Forces (KKY) are the most important trafficking syndicates in Northern Southeast Asia. The KMT irregulars—formerly the remnants of the Chinese Nationalist forces which retreated across the Chinese border in 1949—now composed largely of recruits from the local population, have a combined strength of between 4,000 and 6,000 well-armed men. The largest force, with an estimated strength of 1,400 to 1,900, is the Fifth Army. The second largest with a troop strength of between 1,200 and 1,700 is the Third Army. The headquarters of both armies are located in a remote part of Northern Thailand between Fang and Mae Sai. It is estimated that these two KMT irregular forces control more than 80 percent of the opium traffic from the Shan State.

11. The KKY have been major competitors of the KMT irregulars in the opium trade. The KKY are comprised of former Shan State insurgents and bandits who have allied themselves with the Burmese government against both the KMT and Chinese Communist-backed insurgents. In return the government of Burma allowed them to pursue their opium trafficking activities.

12. The Shan States Army, an insurgent group, is also heavily involved in the opium business. It maintains several camps in Northern Thailand where opium is marketed for weapons and military supplies.

13. About 140 tons of raw opium is normally transported annually out of Northeast Burma to foreign markets. Most of this opium is stored or processed in the Mekong River tri-border area before transiting Thailand and Laos. Tachilek, Burma is probably the most important transshipment point in the border area. In 1970, out of a total of 123 tons reportedly shipped out of Northeast Burma, 45 tons was received in the Tachilek area. In the first two months of 1971, 58 out of a total of 87 tons had Tachilek as its destination. Other important transshipment points appear to be located in the vicinity of Ban Houei Sai, Laos, and Mae Salong, Thailand.

14. There appear to be at least 21 opium refineries of various sizes and capacities located in the tri-border area, of which about 7 are believed to be able to process to the heroin stage. The most important are located in the areas around Tachilek, Burma, Ban Houei Sai and Nam Keung, Laos, and Mae Salong, Thailand. The best known, if not largest of these refineries is the one at Ban Houei Tap, Laos, near Ban Houei Sai which is believed capable of processing some 100 kilos of raw opium per day. The 14 refineries in the Tachilek area apparently process the largest volume of raw opium in the region. In 1970, about 30 tons was converted by the Tachilek refineries into refined opium, morphine base, and heroin.

15. The typical refinery is on a small tributary of the Mekong River in an isolated area with a military defense perimeter guarding all ground approaches. Most of these refineries operate under the protection of the various military organizations in the region, or are owned or managed by the leaders of these military groups. The KKY units protect and operate most of the refineries in Burma. Leaders of these groups also hold an ownership interest in many of these facilities. In Thailand, the refineries appear to be operated by units of the KMT irregulars, whereas in Laos, most of the refineries operate under the protection of elements of the Royal Laotian Armed Forces (FAR). While the management and ownership of the Laotian refineries appear to be primarily in the hands of a consortium of Chinese, some reports suggest that a senior FAR officer may hold an ownership interest in a few of these facilities.

16. Most of the narcotics buyers in the triborder area are ethnic Chinese. While many of these buyers pool their purchases, no large syndicate appears to be involved. The opium, morphine base, and heroin purchased in this area eventually finds its way into Bangkok, Vientiane, and Luaing Prabang, where additional processing may take place before delivery to Saigon, Hong Kong, and other international markets.

17. Much of the opium and its derivatives transisting Thailand from Burma moves out of such Northern Thai towns as Chiang Rai, Chiang Mai, Lampang, or Tak by various modes of ground and water transport. These narcotics, along with those produced in Thailand, are smuggled into Bangkok for further refinement into morphine or heroin. A considerable quantity of the raw opium and morphine base is sent by fishing trawler from Bangkok to Hong Kong during a period from about 1 January to 1 May. During this period, approximately one fishing trawler a day—carrying one to three tons of opium and/or quantities of morphine base—leaves Bangkok for Hong Kong. The boats proceed to the vicinity of the Chinese Communist-controlled Lema Islands—15 miles south of Hong Kong—where the goods are loaded into Hong Kong junks.

18. Opium and its derivatives which move through Laos are transferred from the Mekong River refineries by river craft and FAR vehicles to Ban Houei Sai, further downstream on the Mekong in Laos, from where it is transported on Royal Laotian Air Force (RLAF) aircraft to Luaing Prabang or Vientiane. From Vientiane narcotics are usually sent via RLAF aircraft, as well as Air Laos, to other cities in Laos such as Savannakhet or Pakse or to international markets. A considerable portion of the Laotian produced narcotics is smuggled into Saigon on military and commercial air flights, particularly on Royal Air Laos and Air Vietnam. Although collusion between crew members and air line agents on one hand and individual narcotics smugglers on the other has been reported, poor handling of commercial cargo and the laxity of Lao customs control in Vientiane and other surreptitious loading of narcotics aboard commercial flights.

RECENT CHANGES IN THE AREA

19. There are tentative indications that larger quantities of raw opium may now be moving into the tri-border area for refining and that larger quantities of this raw opium are now being refined into morphine base and heroin in this area. As suggested in paragraph 13 above, data on the first two months of 1971 indicate that the Tachilek transshipment and refining area may be receiving and processing sizably larger amounts of raw opium than was the case in 1970. As for changes in the type of refined narcotics produced, the processing plants at Mae Haw in Thailand and Houei Tap in Laos now appear

to be converting most of their opium into No. 4 or 96 percent pure white heroin. Previously, these refineries tended to produce refined opium, morphine base and No. 3 smoking heroin. An increased demand for No. 4 heroin also appears to be reflected in the steady rise in its price. For example, the mid-April 1971 price in the Tachilek area for a kilo of No. 4 heroin was reported to be U.S. $1,780 as compared to U.S. $1,240 in September 1970. Some of this increase may also reflect a tight supply situation in the area because of a shortage of chemicals used in the processing of heroin. Rising prices for opium and its derivatives can also be seen in other areas of Southeast Asia.

20. The establishment of new refineries since 1969 in the tri-border area, many with a capability for producing 96 percent pure heroin, appears to be due to the sudden increase in demand by a large and relatively affluent market in South Vietnam. A recent report pertaining to the production of morphine base in the Northern Shan States would indicate a possible trend toward vertical integrations—producing areas establishing their own refineries—in the production of narcotics. Such a development would significantly facilitate transportation and distribution of refined narcotics to the market places.

HOW FAIR THE FARE?

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. ROSENTHAL. Mr. Speaker, representatives of U.S. transatlantic airlines are going to Montreal later this month to negotiate air fares—actually the word should be to "fix" air fares, for the competing carriers meet in private to decide the rates they all will charge.

The prices are fixed by the International Air Transport Association. Frances Cerra, Newsday's consumer writer, has aptly described IATA as "a cartel which operates without the participation of consumers and above the laws of the United States and any international organization."

The position of the American carriers is thrashed out by the airlines and the Civil Aeronautics Board in secret sessions. The people who must pay the fares will be given no opportunity to participate or express their views; after all, they have little choice: only one or two transatlantic airlines land in the United States that are not IATA members.

The Aviation Consumer Action Project has written to CAB Chairman Secor D. Browne protesting the lack of public participation in these proceedings. That letter said, in part:

> Such practices on the part of a federal regulatory agency are hostile to elementary notions of due process and deprive citizens of basic participatory rights assured in the First Amendment.

I would like at this time to join them in urging an end to these secret meetings with the airlines in the course of fare negotiations.

So that all my colleagues may be aware of this situation, I am inserting in the RECORD at this point the Aviation Consumer Action Project's letter to CAB Chairman Browne, and Miss Cerra's very fine article on the setting of international air fares:

AVIATION CONSUMER ACTION PROJECT,

Washington, D.C., May 25, 1971.

Hon. SECOR D. BROWNE,
Chairman,
Civil Aeronautics Board,
Washington, D.C.

DEAR CHAIRMAN BROWNE: The traffic conference of the International Air Transport Association (IATA) is scheduled to meet at Montreal on June 28, 1971, to negotiate transatlantic air fares. The Presidents of the transatlantic IATA carriers will meet in New York on May 27, 1971, to discuss the Montreal fares conference. And the Board, in accordance with its customary practice, will probably meet with the representatives of the U.S. carriers and discuss with them the various views and positions which they will adopt in the IATA negotiations at Montreal. All these meetings will, as usual, be held in secret. Members of the public and farepayers will not be given an opportunity to present their views and opinions in any of those meetings.

The Aviation Consumer Action Project (ACAP), is writing to express its deep resentment and disapproval of the restrictive price-fixing practices of IATA, and the Board's complicity in those practices.

ACAP is a non-profit consumer organization which has been founded for the purpose of providing an independent voice for the advocacy of consumer and environmental interests in matters and proceedings before the Board and other regulatory agencies.

Whatever may be the underlying reasons for the Board's approval of U.S. carriers' participation in IATA meetings, ACAP is of the opinion that there cannot be any justification for the Board's secret meeting with airline executives on the eve of the IATA conference. The issues raised by such a meeting are rendered all the more serious when the Board, on the exclusive basis of the airlines' *in camera* presentations, formulates policies and opinions with respect to the appropriate and permissable fare levels for various international routes and traffic regions. Such policies and opinions are communicated to the carriers by the Board in the form of "directives." For all practical purposes these directives are informal decisions of the Board which tentatively set forth the fares that the Board considers reasonable and legal.

The Federal Aviation Act and the regulatory scheme outlined therein do not permit the Board to make *ex parte* decisions after hearing the airlines in closed sessions. Such practices on the part of a federal regulatory agency are hostile to elementary notions of due process and deprive citizens of basic participatory rights assured in the First Amendment. They are wholly inconsistent with the procedural principles embodied in the Administrative Procedure Act.

ACAP urges the Board not to engage in secret or private audiences with the airlines concerning fares or other matters to be negotiated in the IATA conference, except in open proceedings of record, in which all interested and affected parties would have the right to attend and lawfully participate. We urge the Board to abstain from convening any secret meeting with the airlines whether prior to or in the course of IATA fares negotiations.

Sincerely,
K. G. J. PILLAI,
REUBEN B. ROBERTSON III.

INTERNATIONAL FARES: ARE THEY SET FAIRLY?

(By Frances Cerra)

Unless you really dig bazouki music or care about the color scheme of a plane's interior, it doesn't pay to shop around for the cheapest flight to Athens. Whatever airline you choose, the flight will cost you $555 round trip for a 17- to 28-day stay.

The same is true for Rome or Cairo or any other international destination except Luxembourg. (Icelandic, a maverick airline, flies there.) The prices are fixed by the International Air Transport Association, a cartel which operates without the participation of consumers and above the laws of the U.S. and any international organization. This year the price of international travel increased from eight to 12 per cent as a result of IATA agreements. Next month, the process of fixing the 1972 prices will begin, but a new element may be added: A new consumer group backed by Ralph Nader promises to challenge the IATA system in the courts.

Since its formation in 1929, IATA has been involved in the complicated maneuvers of international politics. Many governments in the world subsidize their own airlines and therefore want to be protected from true competition on air fares. These governments therefore adopt the IATA agreements as law and threaten to prosecute any foreign airline which tries to charge lower fares. Great Britain, which subsidizes BOAC, actually made such a threat against the U.S. airlines in 1963 when the Civil Aeronautics Board opposed a five per cent increase in air fares. Faced with this threat and an international incident, the CAB backed down.

Foreign governments also enforce the IATA agreements by another simple measure: They refuse to allow an airline that is not a member of the cartel to land in their countries. That is why Icelandic Airlines, the only nonmember of IATA, can land only in Luxembourg. No other European country will give it landing rights.

A spokesman for Pan American, whose president, Najeeb E. Halaby, is on the executive committee of IATA, said that he would not call IATA agreements "price fixing," but "an area of cooperation."

"If there were not an area of cooperation," he said, "many airlines would not be able to exist. The U.S. airlines in particular would have a hard time because they are not subsidized by the government. IATA makes for fair play, and without it there would be chaos."

Herb Aswall, the acting chief of the IATA rates and fares section of the Civil Aeronautics Board, which sets domestic air fare rates, echoed Pan American's concern. "With 20 carriers flying the Atlantic alone," he said, "to not have IATA would result in chaos because we would have to deal with each individual foreign government to establish fares. And because the CAB has no authority to regulate international fares, we might have to accept an uneconomic fare, which would drive an American carrier out of business."

Dr. K. G. J. Pillai, author of a book on IATA called "Air Net," and head of the new Aviation Consumer Action Project, calls such arguments illogical. "The private airlines are now at a disadvantage in IATA because they are negotiating as private concerns with government-owned airlines. That is exactly why we say IATA should not exist. If there were competition in air fares I personally don't think it would be very destructive because the efficient airlines would survive. But the alternative is for the U.S. government to directly represent the private airlines in these conferences."

Pillai said that such negotiations would not be unusual for the government which now makes tariff and excise duty agreements on thousands of products like oil and textiles, and even airmail rates. "I can't understand why air fares should be different," he said. Pillai said that if the government was involved in fixing the international air fares, the consumer would have a better chance of influencing the negotiations. Right now, he charges, the consumer has no chance of influencing IATA.

Pillai is particularly critical of the role of the CAB in the present system. The CAB has to give the American carriers permission to attend IATA meetings. Aswall, of the CAB, said that this process involves the submission by the airlines to the CAB of their thoughts on how next year's air fares should be set. The CAB, according to Aswall, then makes a public statement of what it believes the proper international air fares should be. The airlines are then supposed to be guided by this statement when they attend the IATA conferences.

Pillai said this process is "illegal." "There are secret meetings between the CAB and the senior vice presidents of the airlines," he charges, "which are completely illegal because the CAB does not have authority to hear the arguments of airlines *ex parte*, that is, without hearing the other side of the case." These meetings, he said, will begin next month, and Pillai plans to write to the CAB asking that these conferences not be held.

Later in the year, he said, the group will challenge the IATA air fares in court. The actual meetings of IATA are held in secret and no one but the airline executives are privy to how the fares are figured. Pillai argues that the CAB could break the cartel by simply not allowing the American carriers to attend the meetings. He says that foreign governments would not really carry out their threats of suits or of preventing an American plane from landing because they depend on American tourists for money. More than half of all international tourists are American.

Pillai believes that under the present system "many millions of dollars have been extracted from consumers in unnecessarily high air fares because of the reluctance of the government to get involved." Pillai said his group was started by Nader but is supported exclusively by contributions from consumers who want to help change the IATA system. The address of the Aviation Consumers Action Project, a nonprofit organization, is P.O. Box 19029, Washington, D.C. 20036.

ELDER CITIZENS DESERVE OUR GRATITUDE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 1971

Mr. KEMP. Mr. Speaker, the elder citizens of our land have worked and sacrificed to build America. They deserve to be thanked, not ignored. The extra years of life made possible by science must be made secure, productive, and independent. We cannot allow the older citizens of our society to live out their days in poverty, loneliness, and despair.

The Bureau of the Budget in its appropriations request for the Administration on Aging in fiscal year 1972 cut $7 million from the amount of appropriations voted in fiscal year 1971. This would have forced serious cutbacks in the community programs and other projects. It is estimated that, if these cuts had been maintained, more than 125 senior centers in different sections of the country would have had to be closed. When all the facts came to light, President Nixon and Secretary Richardson of the Department of Health, Education, and Welfare make a determination to ask for the restoration of the appropriation request to the fiscal year 1971 level and, indeed, to increase the request by an additional $3 million. The following table shows the result of the administration's action:

	Original fiscal year 1972 budget	Revised fiscal year 1972 budget	Net increase
Community programs	$5,350	$9,000	$3,650
Planning and operation	4,000	4,000	
Model projects	4,000	5,200	1,200
Foster grandparents	7,500	10,500	3,000
RSVP	5,000	5,000	
Research and demonstration	1,800	2,800	1,000
Training	1,850	3,000	1,150
Total	29,500	39,500	10,000

It has also come to my attention that during the past year there has been great concern among the senior citizen membership groups and the national organizations engaged in programs affecting the elderly about the gradual downgrading of the Administration on Aging which began with the action of former Secretary of Health, Education, and Welfare Wilbur Cohen, who placed it under the jurisdiction of the offices of Social and Rehabilitation Service in HEW. The result has awakened a deep seated fear among interested parties that the Administration on Aging will be unable to fulfill the responsibilities assigned to it by the Older American Act of 1965.

It was in response to this concern that Secretary Richardson on May 6 announced that he had invited Dr. Arthur Flemming, newly appointed chairman of the White House Conference on Aging, to appoint a task force to reexamine the future role and structure of the Administration on Aging.

For the information of the Members of the House, I include at this time Secretary Richardson's statement announcing this special task force:

STATEMENT BY SECRETARY RICHARDSON

I have asked Dr. Arthur Flemming, Chairman of the 1971 White House Conference on the Aging, to establish a special task force to review the organization and status of the Administration on Aging.

The task force will be composed of qualified and prominent private citizens and they will give Chairman Flemming and me their recommendations as to the role, function and location of the Administration on Aging within the Executive Branch as a whole.

Dr. Flemming and I want the task force to examine the different alternatives with respect to the future of the Administration on Aging, giving special consideration to recommendations which will issue from the various State White House Conferences on Aging, and giving particular weight to those recommendations which emerge from the White House Conference on Aging next November.

The Administration on Aging is a prominent part, but only one part, of this Administration's comprehensive program to assist older Americans; many Departments and Agencies of the Federal Government have essential roles.

Dr. Flemming and I look forward to a thorough examination and to receiving ideas which are directly representative of the views of senior citizens themselves and their membership organizations.

The members of the task force will be announced by Chairman Flemming within a few weeks.

Mr. Speaker, these actions will help strengthen old-age programs at the grass roots level and improve communications between older Americans and their Government.

It was a pleasure for me to vote for the 10-percent increase in social security as well as the 10-percent increase for railroad retirees. I also support proposed legislation which includes an additional 5-percent increase in social security and ties social security increases to the cost-of-living index.

The halting of inflationary pressures is perhaps the most important need of our retired citizens, and social security must be made a more equitable and effective instrument of income security through this automatic cost-of-living adjustment.

To give needed assistance to those older Americans who work, I have introduced legislation which would exempt those persons over 65 from social security tax—who are either forced to continue working to supplement social security benefits—or who do not wish to retire.

Assuring the dignity of old age is not the granting of some special privilege. It is sharing America's trillion-dollar economy with the men and women who helped create it.

ITALIAN NATIONAL DAY CELEBRATED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. RODINO. Mr. Speaker, I wish to join in marking Italian National Day—because of the bonds and strong alliance between Italy and the United States—because of the incalculable contributions by Italy to Western civilization and not least of all because of my affection for the homeland of my father.

In this occasion I pay tribute to the Italian nation and her people and I express my congratulations and fond sentiments to the Republic of Italy through a trusted friend of the United States and eloquent Ambassador of Italy, His Excellency Egidio Ortona.

Italians are perhaps most noted for their artistic and esthetic sensitivity. The genius of da Vinci, Raphael, Michaelangelo, Bellini, Duccio is immortal. The creative and innovative capacity of the Italian people seems limitless. But their contributions extend far beyond the purely artistic. Men like da Vinci made two fold contributions in the arts and in the sciences. Other accomplished Italians like Livy and Cicero wrote significant historical and philosophical works; the importance of Roman law cannot be overestimated. Indeed, Italians have made their mark in every field of endeavor. Proof of Italy's rich culture is the number of tourists who flock to her shores to share her history and enjoy the warm receptive nature of her people.

Again, I extend my warmest wishes to the Italian people on Italian National Day and express my confidence in the continued friendship of our two peoples.

OPERATION "DRIVER EXCELLENCE"

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. ZABLOCKI. Mr. Speaker, on May 15 I was privileged to attend the fifth annual Driver Excellence National Finals in my home district of Milwaukee sponsored by Partners in Safety, the American Veterans of World War II, Korea, and Vietnam—AMVETS—and the Dodge Division of the Chrysler Corp.

AMVETS and Dodge have worked together on many worthwhile safety programs during years of long association. It must be most satisfying to these organizations to have been part of a highway safety program, prior to its recent rise to national prominence. AMVETS and Dodge recognized the problem and planned an active program in advance of these national pressures—thus, "Operation Driver Excellence" came to be.

The driver excellence program is a constructive, corrective program. Skillful driving does not just happen. Rules of the road must be learned and practice of skills leads to perfection.

The teenage driver is anxious to be a good driver and, through driver education sponsored in the schools, young drivers receive valuable knowledge and training. Therefore, Dodge and AMVETS have created a program which emphasizes the need for skillful drivers and recognizes the most skillful. From high schools throughout the country, students in driver education are selected to participate in State finals. Each State winner, accompanied by a chaperone of his or her choice, is awarded a weekend trip to the city of the national finals. A three-phase program—written test, driving skills, and highway driving—is conducted under strict supervision.

A national winner is selected and receives a new Dodge car, scholarship, and trophy. Two runners-up are awarded trophies and scholarships. Each participant receives a DE jacket, white hat, plaque, and other gifts.

In 1967 David Gulbertson of Illinois was the winner. In 1968, James Baddeley of Ohio received this distinction. In 1969, Michael Rice of Kentucky took top honors and in 1970, Ron Breitwisch of Wisconsin was winner of the national finals held in Detroit, Mich.

As in past years, the 1971 contest brought together in competition the top high school driver education graduates from 27 States. Their automobile handling abilities, traffic driving expertise, and emergency vehicle control and motoring law and driving theory were truly tested.

It was an honor for me to participate in the evening dinner program honoring the winners for their safe driving skills. I was particularly impressed, Mr. Speaker, with the abilities and mature responsibility these young people exhibited, particularly when some people are often too quick to type our youth as irresponsible and wreckless.

The effort of AMVETS and Dodge in arranging this program is indeed commendable for it emphasizes the need for skillful and safe drivers. The driver excellence program is constructive because through the driver education courses sponsored in schools, young drivers receive valuable knowledge and learn skillful, safe driving habits.

As I advised those present at the event, it would be my pleasure to share their accomplishments with my colleagues and to congratulate the winners who surely will be future leaders of our communities and our country.

Winner of the 1971 competition was Jay L. Lightcap, 17, of Harrisburg, Pa. He became the Nation's top driver "because he did everything consistently well," according to the judges. The victory won for him a new Dodge Challenger, a $1,000 scholarship, and a trophy. Finishing in second place was Kenneth D. Morris, 17, of Runnemede, N.J., and third place was won by Frank J. Malczewski, 16, of Buffalo, N.Y. Each won $1,000 scholarships and a trophy. Each of the other national finalists received trophies and citations. It is my pleasure to list them now in State alphabetical order:

California, Jeanne Fanelli, Long Beach; Connecticut, Jay Prior, Enfield; District of Columbia, Harry M. Bolden, Jr., Washington, D.C.; Florida, Dennis Loy, Winter Park; Georgia, Janet L. Ford, Augusta; Illinois, Bruce A. O'Guinn, Park Forest South; Indiana, William Bayles, Martinsville; Iowa, Jeffrey Haun, Cedar Falls; Kentucky, Roger Honour, Louisville; Louisiana, Lionel Dubeau, Harahan; Maine, Robert Maurais, Sanford; Maryland, Charles Wolf, Smithsburg; Massachusetts, John M. Tresca, Newton Center.

Michigan, Bernard Johnson, Grand Rapids; Missouri, Paul Pohlman, St. Louis; North Carolina, David Owens, Caroleen; Ohio, Thomas Young, Bucyrus; Oregon, Cris Caster, Klamath Falls; Rhode Island, Geoffrey Hall, Barrington; South Carolina, Michael A. Brockington, Charleston Heights; Tennessee, Kathryn Millar, Morristown; Texas, Cindy Gaby, Temple; Washington, Larry Almaas, Tacoma; Wisconsin, Thomas L. Herbstreith, Oshkosh.

Aimed at highlighting the need for better licensing procedures and the importance of improved skills involved in current day driving situations, the contest puts each student through rough competition. To reach the national finals, every student driver had to win his State contest. The final competition consisted of a written examination, a closed-course driving event, driving under actual conditions and two tests involving handling a vehicle in emergency situations as well as the driver's use of the safety equipment present in the car.

I am sure, Mr. Speaker, that all who attended and participated in "Operation Driver Excellence" have received a clearer understanding of safety practices and driving techniques. It is truly a worthwhile project. Therefore the determined goal of AMVETS and Dodge to continue and expand "Operation Driver Excellence" in order to emphasize "safe driving" and "skillful driving," especially for teenage operators, is most commendable.

EMPLOYMENT PROSPECTS FOR CHEMISTS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. WALDIE. Mr. Speaker, below is a copy of a report on the employment picture for chemists and chemical engineers. The report was compiled by the American Chemical Society and brought to my attention by Mr. John F. Suttle, acting head of the Department of Professional Relations and Manpower Studies.

A large population of chemical scientists reside in Contra Costa County, Calif., and work at Sandia Corp., LRL Berkeley and Livermore, Standard Oil of California, Shell Development, Stauffer, Dow. These firms, to name a few, have been and are still processing lay-offs at the present time.

Chemists and chemical engineers have contributed immeasurably to the growth and development of our industrial economy. Present-day economic problems have led to a general decline in the employment of chemists and chemical engineers. In expressing my deep concern with this problem I feel that the resource of chemical and engineering expertise can be utilized in a manner that reflects the real needs of this society. We must ameliorate a situation that allows well-trained professionals to go jobless when there are more than enough critical problems that need to be solved throughout society.

I include the article as follows:

1971 ACS EMPLOYMENT STATUS SURVEY

MAY 1, 1971

The 1971 ACS Empoyment Status Survey conducted among 44,885 current members shows that 2.7% of 27,325 responding were unemployed as of March 1, 1971.[*] Another 2.4% indicated that they were employed outside the fields of chemistry or chemical engineering or were working subprofessionally. Other categories were: temporarily employed or change anticipated, 1.2%; employed part-time in field, 1.0%; and academic postdoctoral, 1.6%. The largest group of responding members (88.2%) reported they were employed full time in their field, and 2.6% said they were retired or not seeking employment. Among unemployed members, the median term of unemployment was 3–6 months.

The geographic distribution of unemployed members confirms unofficial impressions that unemployment was highest on the Pacific Coast (principally California) where the rate was 4.4% compared to the national average of 2.7%. This was followed by the New England States with 3.6%, the West North Central States with 2.9%, and the West South Central States at 2.8%. The remaining geographical census divisions were below the 2.7% national level, with members in the East South Central States reporting the lowest unemployment, 2.0%. Nationally, the largest proportion of unemployed members were from the Middle Atlantic States, followed by the Pacific States and the East North Central States.

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[*] ACS also conducted a supplemental survey among 5,325 individuals who terminated their membership at the end of 1970. Respondents numbered 1,892, of whom 7% were unemployed. If these responses were applied to the principal survey findings, the net unemployment ratio above would rise from 2.7% to 3.0%.

The median age range of all members participating in the survey as well as those who were unemployed was the same, 41-45 years. The age and unemployment distribution otherwise was rather uniform throughout, with the exception of those under age 25. In this group, 7.0% were unemployed; the next highest unemployment was found in the 36-30 years range, 3.1%. Least affected were members over age 60, (2.2%).

Women chemists were considerably more affected by unemployment (6.3%) than were men (2.4%). Unknown, though, is the "normal" balance of unemployment between the sexes, data which ACS plans to obtain in future surveys.

ACS, in its recent survey, also obtained information concerning unemployment as a function of employer classifications, work activity of members, and sources of funding at members' most recent positions. Aside from an "other" category, unemployment was highest among members formerly employed in industry (3.0%) and 2.7% for those who were self-employed. It was least critical for those formerly employed in educational institutions (1.5%) and government (1.5%), and was slightly below average for those in nonprofit institutions (2.3%).

As was expected in some quarters, members employed in research and development, the work activity which involves the most members, suffered the greatest unemployment, (3.1%). Marketing and production, (3.0%), also were hard hit. Conversely, teaching appears to have been considerably less affected with a reported 1.1% unemployment rate.

Employers dependent on government defense supported programs, as anticipated, showed a 4.3% unemployment rate, one of the highest figures in the survey findings. Interestingly, non-defense government funded programs experienced considerably less unemployment, 1.8%. Non-government profit motivated employers (mostly industry) accounted for 49.0% of the full time employed members in the survey. Unemployment in that category was at the national average of 2.7%.

Examination of the unemployed member group by academic degree shows bachelors (3.2%) and masters (3.1%) degree holders were harder hit than were Ph.D.'s (2.1%). Neither chemists (2.7%) nor chemical engineers (2.9%) were disproportionately affected by unemployment.

IMPLICATIONS

Direct extrapolation of the ACS data to the 1970 Bureau of Labor Statistics estimated U.S. population of chemists (136,000) and chemical engineers (50,000) yields a total chemical scientist unemployment of 5,000. But this number of chemists and chemical engineers currently unemployed does not fully reflect the extent of the currently depressed employment situation in the profession. Consideration also must be given to those reporting temporary unemployment in the survey (1.2%), those subprofessionally employed (2.4%), those employed part time in field (1.0%), and those currently holding postdoctoral positions (1.6%). If extrapolated to conform to the 186,000 total chemical population, these groups could account for an additional 12,000 persons. Hence, under the most serious situation, there could be a need for as many as 17,000 new positions now or in the near future. And even if a more conservative view were taken, the total number of jobs needed would approach 11,000.

Further, the 1971 graduating class in the chemical sciences (chemistry, chemical engineering, biochemistry) will significantly add to the seriousness of the problem. In 1970, U.S. colleges and universities produced about 16,000 bachelors, 3,000 masters, and 3,000 Ph.D.'s in the chemical sciences. The number of graduates in 1971 likely will be of the same magnitude and about half of this number will be actively seeking immediate full time professional employment, based on findings of the Society's annual starting salary surveys. If so, the number of jobs needed for chemical scientists in coming months could rise to as high as 22,000. This is more than twice the number of jobs available in a normal year.

It is clear that if anywhere near this number of new jobs is to be created in the immediate future, the nation's economy will need a marked stimulus and temporary employment support from the Federal Government. In connection with the latter aspect, ACS President Calvin's recent letter to Presidential Science Adviser Edward E. David, Jr. presented two suggestions that encompassed the objective of conserving and improving the national resources represented by our present body of highly trained and motivated scientists and engineers while providing skilled manpower to attack research and development problems of special interest to the nation. Dr. Calvin's suggestions and those of other concerned leaders should be carefully examined and vigorously pursued by all segments of the chemical profession.

Final response: 27,325 [1] of 44,885 [2]—60.9 percent.

[1] Approximately ¼ of U.S members excluding students and emeritus members.

[2] Approximately ½ of U.S. members excluding students and emeritus members.

TABLE 1.—EMPLOYMENT STATUS

	ACS survey	Percent	Total chemical population [1]
Full-time employment	24,105	88.2	164,000
Unemployed	731	2.7	5,000
Temporarily employed	326	1.2	2,200
Part-time employment	286	1.0	1,900
Subprofessional employment	667	2.4	4,500
Postdoctoral	442	1.6	3,000
Retired	698	2.6	4,800
No report	70	.3	600
Total	27,325	100.0	186,000

[1] Extrapolated data based on Bureau of Labor statistics estimates (136,000 chemists, 50,000 chemical engineers in the United States in 1970).

ANALYSIS OF UNEMPLOYED MEMBERS

TABLE 2.—GEOGRAPHIC DISTRIBUTION

	Number in area	Percent in area	Unemployed	Percent of total unemployed	Percent unemployed
Pacific	2,869	10.5	127	17.4	4.4
Mountain	816	3.0	21	2.9	2.6
West North Central	1,486	5.4	43	5.9	2.9
West South Central	1,860	6.8	53	7.2	2.8
East North Central	5,683	20.8	123	16.8	2.2
East South Central	949	3.5	19	2.6	2.0
New England	1,895	6.9	69	9.4	3.6
Middle Atlantic	7,528	27.6	189	25.9	2.5
South Atlantic	4,090	15.0	86	11.8	2.1
No report	149	.5	1	.1	.7
Total	27,325	100.0	731	100.0	

TABLE 3.—DISTRIBUTION BY AGE

	Total sample	Percent of sample	Unemployed	Percent of total unemployed	Percent unemployed
Under 25	546	2.0	38	5.2	7.0
26 to 30	3,896	14.3	121	16.6	3.1
31 to 35	4,034	14.8	91	12.4	2.3
36 to 40	3,581	13.1	83	11.4	2.3
41 to 45 [1]	4,022	14.7	112	15.3	2.8
46 to 50	3,982	14.5	115	15.7	2.9
51 to 55	3,304	12.1	77	10.5	2.3
56 to 60	1,991	7.3	48	6.6	2.4
Over 60	1,894	6.9	41	5.6	2.2
No report	75	.3	5	.7	6.7
Total	27,325	100.0	731	100.0	

TABLE 4.—DISTRIBUTION BY SEX

	Total sample [2]	Percent	Unemployed	Percent
Male	22,967	84.1	549	2.4
Female	1,910	7.0	121	6.3

TABLE 5.—EMPLOYER CLASSIFICATION

	Total sample	Percent of sample	Unemployed	Percent of total unemployed	Percent unemployed
Industry	16,725	61.2	506	69.2	3.0
Education	6,000	22.0	89	12.2	1.5
Government	2,596	9.5	40	5.5	1.5
Nonprofit	836	3.1	19	2.6	2.3
Self-employed	412	1.5	11	1.5	2.7
Other	360	1.3	24	3.3	6.7
No report	396	1.4	42	5.7	10.6
Total	27,325	100.0	731	100.0	

TABLE 6.—WORK ACTIVITY

	Total sample	Percent of sample	Unemployed	Percent of total unemployed	Percent unemployed
R. & D	12,665	46.3	398	54.4	3.1
Management	4,793	17.3	88	12.0	1.9
Marketing and production	1,935	7.1	59	8.1	3.0
Teaching	4,391	16.0	47	6.4	1.1
Other	2,067	7.5	67	9.2	3.2
No report	1,596	5.8	72	9.9	4.5
Total	27,325	100.0	731	100.0	

TABLE7 .—FUNDING

	Total sample	Percent of sample	Unemployed	Percent of total unemployed	Percent unemployed
Government defense	1,763	6.5	76	10.5	4.3
Government, nondefense	5,152	18.8	92	12.6	1.8
Non-Government, nonprofit	2,150	7.9	30	4.1	1.4
Non-Government, profit	13,398	49.0	357	48.8	2.7
Other	827	3.0	22	3.0	2.7
No report	4,035	14.8	154	21.1	3.8
Total	27,325	100.0	731	100.0	

TABLE 8.—UNEMPLOYMENT BY FIELD AND DEGREE

	No degree reported	<B.S.	B.S.	M.S.	Ph. D.	Total reports	Total unemployed	Percent unemployed
Chemists	3	1	135	76	171	14,279	386	2.7
Chemical engineers	2	2	97	54	73	7,742	228	2.9
Others	0	3	49	34	31	5,304	117	2.2
Total unemployed	5	6	281	164	275		731	
Total reports	99	332	8,653	5,292	12,949	27,325		
Percent unemployed	5.0	1.8	3.2	3.1	2.1			

[1] Median age group

[1] 2,448 no reports, not shown.

PUBLIC OPINION NOT SELF-EVIDENT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. KEMP. Mr. Speaker, this is a time when some people are seeking simple solutions to the trying and complex problems of the day—including those who report the news. It is, therefore, most gratifying when we find a commentator who's objectivity and perceptivity extends beyond reflex action and emotion.

One such commentator is Steve Rowan of the Buffalo TV station WBEN—a CBS affiliate. His commentary of May 20 is an example of his analytical approach to the difficult, and often, emotional issues confronting the American public.

I include the aforementioned commentary at this point and call this to the attention of my colleagues:

STEVE ROWAN COMMENTARY

Public opinion is not always what it seems.

For example, the immediate and seemingly pervasive dislike of the verdict in the case of Lieutenant William Calley obviously did not represent any basic disaffection with the system of laws by which this nation is governed. And, in fact, after sober reflection, most Americans appear to have risen above their intial feelings of shock and revulsion their initial feelings of shock and revulsion Calley to kill, and then punish him for killing, wantonly and unnecessarily . . . and to have accepted the verdict that he was guilty of something if not murder in the first degree.

That is why it's a good thing that the mills of Congress . . . like the mills of God in that famous George Herbert quote . . . grind slow . . . but sure.

If the Congress reacted quickly to every enraged outcry of an emotional public, Lieutenant Calley now would be free, and military justice would have been destroyed forever . . .

Our trouble is that we're forever looking for simple solutions to the complex problems of the world. Pollution? Stop industry from pouring its wastes into the lakes and rivers and the air we breathe, even if the death of industry means the death of the American economy. Poverty?

Give every family a guaranteed income of 65-hundred dollars a year, even if it robs the rest of us of our money . . . and the poor, themselves, of their spirit. Racial problems? Send the blacks back to Africa . . . even though that continent is no more home to them than Scotland is home to me or Poland, Italy or Ireland is home to you.

There are no simple solutions . . . and we do our elected representatives a disservice if we judge their actions by our own simplistic desires.

A MODERN VERSION OF JULIUS CAESAR PLAYING IN THE CAPITOL

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. HUNGATE. Mr. Speaker, those fond of Shakespearean drama, but unable to attend the festivals, may find a modern version of Julius Caesar playing in the Capitol, with variations, and even as in Shakespeare's great tragedy, "So are they all, all honourable men," as follows:

CLAIM NIXON FORECAST END OF WAR RIDICULED

Rep. Don Riegle (R-Mich.) said yesterday he was told by Richard M. Nixon during the 1968 presidential campaign that if the Republicans won "we will end this war in six months."

Riegle made this assertion on the ABC radio-television interview program, "Issues and Answers."

An interviewer, Bill Gill of ABC News, said he had checked Riegle's assertion with the White House and been told "That is untrue. It is ridiculous."

Gill explained to a newsman later that, to the best of his knowledge, Riegle had not made this statement in public before but had said it privately. It was on this basis, Gill said, that he asked for White House comment prior to the taping of the program.

While the program was still being broadcast, White House Press Secretary Ronald L. Ziegler told newsmen at Camp David, Md., where Mr. Nixon is weekending, that after conferring with the President he was authorized to say:

"The statement is untrue and ridiculous."

Riegle, who was not available for additional comment, is an active antiwar leader and is supporting Rep. Paul N. McCloskey Jr. in the California Republican's plans to challenge Mr. Nixon in the GOP presidential primaries next year.

And in reading this:

"Good friends, sweet friends, let me not stir you up
To such a sudden flood of mutiny.
They that have done this deed are honourable:
What private griefs they have, alas! I know not,
That made them do it; they are wise and honourable,
And will no doubt with reasons answer you."

—Julius Caesar, III. ii.

ROBERT U. SKIBINSKI RECEIVES BROTHERHOOD AWARD FOR 1971

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to take this opportunity to appreciate Mr. Robert Skibinski, the unanimous choice of the National Conference of Christians and Jews for the Brotherhood Award of 1971. Mr. Skibinski is also receiving a special citation from the council of churches for outstanding service in San Jose.

Since coming to San Jose, Mr. Skibinski has offered his services to the community through many different organizations ranging from the Santa Clara County United Fund, the board of fellows of the University of Santa Clara County to serving on the board of trustees of the O'Connor Hospital Foundation and being a member of the board of governors of the Bay Area Council.

We should all look to Mr. Skibinski as an example of what a person can do for his community in addition to the every day responsibilities of work and family. In the last analysis, every citizen must begin to make the effort to help his fellow man if this Nation is to progress beyond its present troubled state.

I would like to commend Mr. Skibinski for his fine efforts to be of service to his fellow citizens of the Bay Area and point out that it will only be through such interest and care that the people of our Nation will be brought together and the problems of the country will be solved.

NAVAL JUNIOR RESERVE OFFICERS TRAINING CORPS

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. WHITEHURST. Mr. Speaker, the Naval Junior Reserve Officers Training Corps has established eight ROTC programs in the Tidewater area. Two Norfolk high schools, Maury and Norview, have programs which have become increasingly successful since their initiation. In the beginning, these programs were affected by student lack of interest and suspicion of the military emphasis. But with further understanding of the program's objectives, a change in attitude took place. The students came to understand that the program develops informed and responsible citizens; promotes an understanding of the need for national security and individual discipline; and instills respect for the laws, authority, and institutions of our democratic government.

The spirit and enthusiasm displayed for the NJROTC has increased steadily, even on the part of the students not involved in the programs. They have come to realize that the cadets not only represent the armed services, but that they represent their school well off campus at parades and at home football and basketball games, and are active in high school functions.

In the Tidewater area, which currently enrolls more than 900 students in the program, support for the NJROTC is heartening, and young people now wait in line to join. When the students observe the results of the training corps, they are forced to alter their previous attitudes. Testimony of the cadets has attested to the success of this venture. The cadets feel that the NJROTC helps them to realize their potential as individuals and citizens of the United States, and that it creates a sense of accomplishment by working hard to meet the units' high standards.

In the Tidewater area, great benefits have resulted from the initiation of these programs. Support for the NJROTC has come not only from adults in the community, but more important, from the students themselves.

I have not read any reports on the success or failure of the NJROTC in any other area. And I question the lack of response to this program in light of the success in the Tidewater area. That is not to say that the program may not be met with harsh attitudes at the onset of installation due to currently popular antimilitary attitudes. At some of the schools, students denounced the units before they were begun. But with perseverance and understanding, the units can earn support, making a valuable contribution to the school and community.

In these times some people suspect young people are anxious to burn down campuses and destroy the establishment. The NJROTC exists as an example contrary to this opinion, and it deserves support. But mere support is not enough. If the nationwide NJROTC is to be successful and beneficial to all communities in this country, then it is time to begin the programs in more areas. Perhaps we are among the first fish in the pond, so to speak, but we need others to establish a working community. And it is time for each community to assume responsibility to assert the initiation of programs such as the one in Tidewater. Tidewater's NJROTC's are calling out to other communities to meet their success. I challenge each community to answer their call.

HEALTH MANPOWER LEGISLATION

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. SCHWENGEL. Mr. Speaker, the House soon will be considering important legislation dealing with health manpower. This legislation is of critical importance to our Nation's efforts to create a better and a more meaningful life for all Americans—a life less burdened by disease and suffering.

The reason the forthcoming legislation is so crucial is that the health manpower needed to achieve the goal of better and more meaningful lives is in very short supply.

We know, for example, that the United States right now faces a shortage of some 50,000 physicians, a shortage of 57,000 dentists, a shortage of nearly 150,000 nurses and a shortage of more than 250,000 allied health personnel.

Yet the academic medical centers that educate and train health professionals are facing financial crises which prevent them from fulfilling their essential role in providing this manpower.

I firmly believe that national policy in support of medical education should be based on two concepts—that medical education is a function of national importance, and that the medical institutions involved are a national resource.

Only through viewing medical schools as a national resource and providing needed Federal support for their basic operations at substantial levels and in a continuing form can this structure of vital institutions and their indispensable functions be sustained.

Mr. Speaker, I am concerned about the severity of the financial conditions facing the prestigious University of Iowa College of Medicine, in my own district.

At Iowa, conditions of acute financial distress have adversely affected a number of important programs and plans. Let me cite just a few examples.

The lack of funds has adversely affected plans to revitalize depleted departments of general surgery and pathology, in connection with the appointment recently of new chairmen. Inadequate funds have crippled plans to enhance the departments of internal medicine and pediatrics to accommodate greatly expanded teaching loads under a new curriculum.

Establishment of an operational base and recruitment of faculty for a newly created department of family practice have been set back for financial reasons Similar financial needs have held back reorganization of the department of preventive medicine and environmental health into a department of community and environmental medicine.

And that is not all, Mr. Speaker.

Inadequate financial resources are hindering development of health care delivery models in selected communities throughout Iowa and are hindering the development of community medical education programs through community hospital affiliation.

Perhaps, most importantly, the growth and development of allied health programs, including establishment of a new physicians assistant program, are being held up because of the school's financial problems.

Mr. Speaker, conditions of extreme financial distress in such a prestigious school as Iowa should be everyone's concern.

Provisions in the forthcoming health manpower legislation for special project assistance and for operating support of medical schools can provide useful approaches for meeting the financial needs of Iowa and of all the Nation's medical schools.

The legislation should be the opportunity for a giant step forward, toward recognizing our medical schools as a national resource. It can be the beginning of a laudable national effort to provide the schools with a fundamental base of support at a substantial level and in a continuing form.

ITALIAN NATIONAL DAY

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. PATTEN. Mr. Speaker, today is a joyous occasion for Italians because it marks the 25th anniversary of the Italian Republic.

Many people did not believe that Italy would ever get back on her feet after World War II, but we can all now look on the splendid accomplishments she has made in such a short time. From an agrarian background, Italy has now become a strong industrial competitor with the other European nations. She has also come to work very closely with them, however, through NATO and the Common Market.

The history and development of Italy has influenced our own Nation. Whether we think of the heritage of Roman law, Renaissance art, or the discovery of America by Columbus, we owe a lot to the Italians.

Mr. Speaker, I have many constituents of Italian descent in my congressional district, and I want to take this opportunity to extend to them my very best wishes for a wonderful day. I know they join me in paying tribute to the people of Italy on this 25th anniversary of their republic.

WHY THE BARGE CANAL HAD TO BE STOPPED

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. YOUNG of Florida. Mr. Speaker, while few would gain by resumption of the now defunct Cross-Florida Barge Canal, the entire Nation will benefit from preservation of this canal area. Evidence pours in almost daily supporting the wisdom of President Nixon's decision calling for a permanent halt to this project to prevent irreparable damage to Florida's ecology.

What was at stake in this controversy? Perhaps it was best explained in the May issue of Outdoor America, the official publication of the Izaak Walton League.

A copy of the article follows for the consideration of my fellow Congressmen and lovers of beauty and nature everywhere:

FROM STEAMBOATS TO BARGES: ASSAULT OF THE OKLAWAHA

FAMED FLORIDA RIVER STILL THREATENED BY BARGE CANAL PROJECT

The clouds parted and for a few seconds the massive outline of the Thing was dimly visible by the waning moonlight. It sat there, dirty-brown and silent among the trees, and a chilling damp wind moved through the valley, softly moaning as it tugged at cypress and water oaks and cabbage palms growing in the marshy area.

As the first gray streaks poked outward from the East, an alligator slithered quietly into the water near where a family of racoons made nightly visits to the stream. A heron and several wood ducks took to the air as the eerie early morning light stretched further across the marsh-forest, and several birds began singing.

Wisps of fog filtered through the marsh, curling about the Thing, partially camouflaging it as it squatted there in a sinister sort of way. Smashed and splintered branches dangled, lifeless, from its hulking frame, as did long strands of Spanish moss which added a warlock-like appearance. Its sides and feet were covered with black muck and the pulpy residue of once-living trees.

Then the thing shuddered, belched several times and puffed clouds of black smoke into the sky, its awakening noises shattering the morning quiet and sending bellows echoing through the valley. Badly frightened, two nearby deer started for higher ground and somewhere else in the forest a panther snarled, more a defensive cry than a warning.

The Thing stood and spewed its ashes into the now reddish dawn for several minutes. Then it emitted a grinding, tooth-gnashing sound and lurched a few feet, groaning and creaking as it moved. It sank deep into the muck as it lumbered heavy-footed forward, its great single horn pushing aside the lesser growth as the Thing crashed toward larger trees, snorting and menacing and dangerous the way a maddened rhinoceros would be when charging through the African bush.

The Thing crawled over several cabbage palms, grinding and smashing them into the ground, then it consumed several tupelos and water locusts standing in its path and crashed head-on into a number of sturdy, ancient cypress trees. It continued its cruel, merciless attack throughout the day, laying to waste a large area of the marsh-forest. And when night came, there were no more alligators there, or deer, or panthers, or birds, and a death-quiet settled heavily over the fallen forest . . . Charlie Brown had had his revenge against the "kite-eating tree"—The Army Corps of Engineers had spawned a tree-eating monster . . .A 305-ton creature that crawls along on two huge caterpiller treads, 12 feet wide and 58 feet long, grinding and crushing into the ground hapless, ages-old trees that form the magnificent forest of the Oklawaha Valley in Central Florida.

But this is only part of the sad story of the Oklawaha Valley and its beautiful river. The loss of the river itself, a section of it, that is, is the worst part. Nearly a third of it has been destroyed: flooded and ditched and forever ruined by the insensitive hand of man as he sought to build a barge canal across the State of Florida.

In just a few years, man destroyed a section of the Oklawaha River and its valley that took thousands of years to develop.

PRINCIPAL FLORIDA RIVER

The Oklawaha is one of the principal rivers of Florida. It begins in several large lakes in the central part of the state, including lakes Griffin, Eustis, Harris, Dora and Apopka. It flows northward for about 60 miles and enters the St. Johns River a short distance below Lake George. The great flow of water from Florida's famed Silver Springs joins the Oklawaha after coursing six miles through the swampy lowlands, a beautiful gin-clear run known as Silver River. Twenty miles farther north, where the Oklawaha bends abruptly eastward, it receives the overflow from Orange Lake through Orange Creek.

The Oklawaha is a clean, sand-bottom river, and its waters, though clear, often appear blackish because of tannic acid stains from the bark and leaves of the dense swamp and hydric-hammock systems through which it flows.

During its geological life, the river has carved out a mile-wide valley. During annual rainy seasons, the river overflows, spreading harmlessly into the valley floor. When the water is low, the flow from Silver Springs makes the Oklawaha run crystal clear for miles.

These rich, fluctuating waters harbor a productive sport fishery which includes channel catfish, chain pickerel, panfish and largemouth bass.

The dense stands of hardwoods in the Oklawaha Swamp are adapted to periodic flooding and drying. They consist mainly of deciduous trees, including tupelo, water locust, water ash, swamp red bay, water oak, sweet gum, red maple, loblolly bay, water hickory, cabbage palm and bald cypress.

On higher ground along the edge of the valley, and on many higher islands within the valley, the typical hammock hardwoods make up the forest—species such as magnolia, blue beech, hophornbeam and laurel oak.

This delicately balanced conglomerate of diverse plant communities provides ideal conditions for the survival of many wildlife species. Wood ducks, herons, limpkins, gallinules and rails feed along the river's edge. Snakes, turtles and alligators sun themselves on downed trees, and still present are white-tailed deer, wild turkeys, raccoons, otters, bobcats, black bears and Florida panthers.

ECOSYSTEM CHANGES

If completed, the Cross-Florida Barge Canal and its attendant development would bring drastic changes to these ecosystems and will affect their ability to function in a normal and dynamic manner for a quality environment in Central Florida. Some of these changes have already taken place as sections of the barge canal have been completed.

Some of the changes which have occurred, or would occur, in this unique system as a result of construction of the barge canal are as follows:

The Oklawaha in its natural state is a cool, highly enriched, densely shaded, fast flowing, neutral pH river. As a river, nutrients in the system do not reach their full potential. However, when flow is obstructed by a dam, full utilization of the available nutrients occurs. The entire natural ecological system is drastically disrupted, producing a warm water, highly enriched, unshaded, shallow, and high pH system with little or no flow.

The ecosystem which formerly supported high quality fishing, hunting and esthetic values is in jeopardy because the new system is a nutrient trap and functions similar to a sewage treatment polishing pond. Soluble nutrients in a polishing pond are utilized exclusively by algae—which are settled out and periodically removed from the pond.

In the barge canal reservoir system, soluble nutrients are utilized by higher aquatic plants or by algae, which die and contribute to the organic buildup, but unlike polishing ponds, they are not removed from the system—which is detrimental to aquatic life.

Another critical problem which must be considered, along with its effect on the fish population, is the consistently low dissolved oxygen levels which have been experienced in the Rodman Pool (near the St. Johns River) since its creation.

Biologicial oxygen demand (BOD) in a newly flooded impoundment will create an initial dissolved oxygen sag due to oxidation of inundated organic materials such as crushed trees, terrestrial vegetation and humus.

Other factors which would prolong the dissolved oxygen sag in the barge canal reservoirs include the shading effect of large mats of aquatic vegetation, stumping and grubbing, which exposes additional bottom materials to further oxidation and the decomposition of great mats of water hyacinth and aquatic vegetation, which will create a large BOD when destroyed by any means other than mechanical removal.

Problems of low dissolved oxygen conceivably could occur for a number of years, or possibly will always be a threat to the aquatic life within the Rodman and Eureka Pools. It is important to note that the Rodman Pool has not met the state water quality criteria for dissolved oxygen (4 ppm) since its inception.

AN ANACHRONISTIC PROJECT

Construction of the Cross-Florida Barge Canal is a belated boondoggle, say conservationists. Twenty-nine years ago Congress authorized it to protect war cargoes from German submarines patrolling Florida waters.

Voted through Congress in the fearful,

emotional days of 1942, the proposed 107-mile canal—to connect the Atlantic Ocean with the Gulf of Mexico—was recommended to "promote the national defense."

The submarines of course are long gone, but support for the barge canal has continued to come from a number of Florida interests, promoting it as a means of saving shippers million of dollars and of promoting the state's industrial development.

For two decades following the wartime authorization, the canal plans remained on the shelf. Then, after new studies proclaimed the project economically feasible, construction was begun by the Corps in 1964.

For years conservationists have damned the barge canal as a "pork barrel outrage" which would—already partially has—destroyed one of the nation's most beautiful river valleys while failing to live up to promises of economic benefit.

The question of economic benefit is an historic one. For more than 150 years, the idea of a canal across Florida was discussed in Washington.

At the turn of the 19th century, it was advocated as an escape route from pirates prowling the Caribbean, to protest coastal shipping in times of war, to speed transportation of mail between Washington and New Orleans, and to "invite immigration to interior Florida."

As the years went by, these reasons outgrew their validity. The plans were pigeonholed time after time, only to be continually dusted off again. First examined by order of Congress in 1826, the canal was restudied eight more times between 1830 and 1930. Each time it was found unjustified.

Work on the canal actually started in 1935 after President Franklin D. Roosevelt issued an executive order authorizing it. However, a great howl of opposition went up, based on fear that the dredging would drain South Florida's water supplies, and work stopped after men armed with mules and shovels had moved 13-million cubic yards of earth.

SOME POLITICAL OPPOSITION

Conservationists had some political support in their stand against the canal. After construction was started in 1964, the late Congressman Clarence Cannon (D-Mo.), a long-time foe of "pork barrel" projects, listening to Florida Congressmen plug for the canal, quipped that they were "as redoubtable a band of pirates as ever sailed the Spanish Main."

Sen. William Proxmire (D-Wis.) called the canal one of the most glaring examples of "pork barrel" projects ever undertaken by the Army Corps of Engineers. A study of Corps projects, he said, showed that all those with less than a 2-to-1 benefit-cost ratio turned out to be born losers.

About $50 million has been spent to build one-third of the proposed 107-mile-long canal. Total cost of the completed project was estimated at $180-to-$205 million.

In estimating the benefits to be derived over a 50-year period of canal use, the Corps used an interest rate of .02875, which is far less than the .04625 percentage guideline recommended by the Water Resources Council of the Executive Branch of the federal government.

If the current .04625 percent rate were applied to the Cross-Florida Barge Canal, this factor alone would render the project of dubious economic value, note conservationists.

IWLA TOURS CANAL AREA

Further construction of the canal is still a pending threat. Florida Defenders of the Environment (FDE) has been the group most instrumental in bringing canal construction to a halt. Working with the Environmental Defense Fund, FDE brought suit in federal court and was granted a temporary injunction against the canal project on Jan. 15. Four days later President Nixon, at the urgings of the Council on Environmental Quality, backed the court injunction by ordering a halt to further construction of the controversial canal. Mr. Nixon noted that the "project could endanger the unique wildlife of the area and destroy this region of unusual natural beauty."

Stopping the canal, the President said, "will prevent a past mistake from causing permanent damage. But more important, we must assure that in the future we take not only full but also timely account of the environmental impact of such projects, so that instead of merely halting damage, we prevent it."

Since halting the canal Mr. Nixon has been under intense pressure—from those persons with vested interests in its completion—to reverse his decision. Conservationists are equally adamant that the President stick by his order to halt the canal. Following a tour of the canal and Oklawaha River in April by staff and executive board members of the Izaak Walton League of America, IWLA President Roy B. Crockett wrote the President, commending his stop work order and urging that he further enforce it by issuing an executive order to "permanently halt canal construction."

Crockett also urged that water levels in the Rodman Pool be "lowered immediately to save the remaining forest stand," a suggestion that has also been made by the U.S. Forest Service. The reservoir is adjacent to the Ocala National Forest. Forest Service Chief Edward P. Cliff said it is important to drain the reservoir quickly to prevent widespread damage to partly submerged trees.

Draining would lower the water to the original level of the Oklawaha River which feeds into the reservoir.

The IWLA group toured the Oklawaha Valley by car, flew over it and floated the river from Silver Springs to Rodman Dam and Pool, a short distance from where the Oklawaha drains into the St. Johns River.

Said Crockett: "The trip affirmed the Izaak Walton League position of the past decade that the Oklawaha River and its valley offer a unique and irreplaceable value to the American people and should be left in natural condition. That portion of the barge canal already constructed has caused irreparable damage and, if completed, would destroy the remaining reaches of the river and its hardwood valley."

From about 1868 until the early 1920's, a river journey from Palatka (on the St. Johns) to Silver Springs was a favorite steamboat trip with residents and tourists. The steamboats were specially designed, with very narrow beam and a paddle wheel set inboard so as not to scrape against the bank when rounding the sharp bends in the Oklawaha River.

Part of the trip involved an awe-inspiring voyage at night with the jungle lighted fantastically by fatwood fires burning in iron baskets slung out from the boat's forecastle. The exotic beauty of the cruise called forth extravagant praise from a number of famous people, including Gen. U. S. Grant, Harriet Beecher Stowe, William Cullen Bryant, and Lafcadio Hearn. The voyage moved Sidney Lanier to call the Oklawaha "the sweetest water-lane in the world . . . a lane which is as if God had turned into water and trees the recollection of some meditative stroll through the lonely seclusions of his own soul."

The name Oklawaha comes from early Indian inhabitants of the Oklawaha Basin. They called the river "Ockli-Waha," the Great River. Perhaps conservationists are the spiritual kin of those long gone Indians, for they too feel it is a "great river."

Some strongly suspect that Charlie Brown might even give up kite flying to save the Oklawaha and its beautiful forested valley.

—D.B.C.

PURGE OF THE MILITARY CONTINUES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. RARICK. Mr. Speaker, last week when General Koster, one of our top fighting commanders, was reprimanded and demoted because Lieutenant Calley served under his command, I commented:

> The new casualty list out of Washington will soon begin to exceed the casualty list out of Vietnam. (See CONGRESSIONAL RECORD of May 20, 1971, page 16149.

Now we read that another of America's top military commanders, Brig. Gen. John Donaldson, who has had a spotless and superb military record, is to be sacrificed on the altar of political expediency. His career and years of service in the defense of our Constitution are now destroyed regardless of whether or not he prevails in the charges that have been leveled against him.

Some top decisionmakers in our Government are up to no good. It should be obvious by now that there is a definite conspiracy afoot to destroy our armed services by purging the Americans from top command posts.

This is exactly why, when we were considering the draft extension bill, I offered an amendment reading:

> Notwithstanding any other provision of law, and except in instances involving other United States military personnel or allied military personnel, no member of the Armed Forces of the United States, including those inducted into the services under the provisions of the Selective Service Act, shall be indicted for murder as a result of combat action.

When the amendment was defeated, it should have been obvious to all that the decisionmakers intended to ridicule and harass our fighting men with more criminal charges. See my remarks of April 1, 1971, page 9021 of the CONGRESSIONAL RECORD.

Every nation that loses its wars must expect its fighting men to be tried as criminals. The purge continues.

I include a newsclipping at this point:

[From the Evening Star, June 2, 1971]

GENERAL CHARGED IN VIET KILLINGS: SHOT CIVILIANS FROM COPTER, ARMY REPORTS

An Army brigadier general was charged today with murdering six Vietnamese civilians and assaulting two others.

In addition, two charges of murder were filed against a lieutenant colonel who served in the general's division in Vietnam. Army spokesmen said the two cases involved separate incidents.

The charges against Brig. Gen. John W. Donaldson and Lt. Col. William J. McCloskey were filed at 1st Army Headquarters at Ft. Meade, Md.

Donaldson, a 47-year-old West Point graduate, is the first U.S. general charged with a war crime since the Philippine insurrection 70 years ago. He was a colonel at the time of the alleged incidents.

COPTER FIRING ALLEGED

He was accused of firing at Vietnamese civilians from his helicopter, using an M16 rifle, in eight separate incidents over a three-month period.

The incidents allegedly took place between November 1968 and January 1969 in Quang Ngai Province, where the My Lai massacre occurred the previous March.

Donaldson commanded the 11th Infantry Brigade, which he took over from Col. Oran Henderson, who has been accused of covering up the My Lai massacre.

Donaldson took over the brigade in October 1968, more than six months after My Lai, and Army sources said there was no connection between the two incidents.

The charges against McCloskey, 39, who is now at the Army Combat Developments Command at Ft. Belvoir, Va., involve incidents that allegedly took place in March 1969 while he was operations officer of the 11th Infantry Brigade.

Donaldson was transferred to Ft. Meade after allegations against him had been made by a helicopter pilot.

At the time of his transfer, Donaldson was chief of the European division, covering plans and policy, for the Joint Chiefs of Staff at the Pentagon.

The Army's investigation that led to the filing of charges today began after the allegations were made through Army channels last November by a helicopter pilot who had served in Donaldson's brigade but who was not his personal pilot.

The Army refused to identify the pilot.

The Army's Criminal Investigation Division spent from late November until April looking into the case and then turned its findings over to the First Army.

COMMANDER TO DECIDE

The formal charges against Donaldson were preferred by Col. Roger Ranck, a staff officer assigned by Lt. Gen. Claire Hutchin, commander of the First Army, to look into the case.

Hutchin may now either dismiss some or all of the charges or order an investigation similar to a grand jury hearing in civilian law. Only after the completion of an investigation, if one is held, will it be determined whether a court-martial trial should be held.

Donaldson's military lawyer, Lt. Col. Robert Poydasheff, said that on his advice the general plans no statement.

"We haven't had a chance yet to come forward with our evidence," Poydasheff said. "When all the evidence is in, I feel Gen. Donaldson will be vindicated.

"We have faith in the system. It works."

Donaldson also is represented by a civilian lawyer, Benjamin Dorsey of Washington.

Born at Ft. Oglethorpe, Ga., Feb. 7, 1924, Donaldson graduated from West Point and was commissioned June 6, 1944, the day the allies invaded France in World War II. Late that year he went with the 42nd Infantry Division to France where he spent the remainder of the war.

During the postwar years, Donaldson rose steadily while serving in Germany, Korea, and Washington. Along the way, he attended the Armed Forces Staff College, the Air War College and George Washington University.

In the 1960s, Donaldson served under the joint chiefs of staff, specializing in military aid matters and strategic plans and policy duties. He also was chief of staff for the 7th Infantry Division in Korea.

After a tour on the Army general staff in a planning post, he served more time under the JCS and in October 1968 became commanding officer of the 11th Brigade in Vietnam.

COMPETED IN OLYMPICS

In March 1969, he became chief of staff of the Americal Division and in September 1969 he was made assistant division commander.

Promoted to one-star rank in October that year, Donaldson returned to the Pentagon to serve again under the joint chiefs in European plans work.

Donaldson was a member of the U.S. pentathlon team in the 1948 Olympics.

Among his medals are the Silver Star, the Distinguished Flying Cross, the Purple Heart, the Bronze Star, the Legion of Merit and the Air Medal.

He is married and has two sons.

McCloskey enlisted in 1949 at his home in Wilkes-Barre, Pa. and served five years before being commissioned a second lieutenant. Much of his career has been with the Army Special Forces, the Green Berets.

He served in Vietnam in 1963, in 1964 and from November 1968 until last June.

He holds the Silver Star with two oak leaf clusters, the Legion of Merit, the Distinguished Flying Cross with one oak leaf cluster and a number of other American, Korean and Vietnamese medals.

Army records show the last general accused of war crimes was Brig. Gen. Jacob H. Smith, a brigade commander in the Philippines in 1901. Smith was tried by a general court-marital for "conduct to the prejudice of good order and military discipline by giving orders to his subordinates for military operations on the Island of Samar to the effect that no prisoners should be taken, that there should be extensive killing and burning, that Samar was to be made a howling wilderness, and that all persons above the age of 10 years should be killed because they were capable of bearing arms."

Smith was convicted and sentenced to be admonished. President Theodore Roosevelt approved the sentence and ordered Smith retired.

The highest ranking officer charged in the My Lai episode was Maj. Gen. Samuel W. Koster, who commanded the Americal Division at the time.

Koster was not charged with any war crime, but with failing to adequately investigate the My Lai incident.

The charges were dropped, but Secretary of the Army Stanley Resor reduced Koster in rank to brigadier general.

HONESTY IS STILL THE BEST POLICY

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. WYMAN. Mr. Speaker, somewhere in the confusion apparently saturating so many youngsters today, it is to be fervently hoped that there will come understanding that the basic values to which our forefathers adhered are still the strength of this land. Among these and in close to first place is honesty.

It seems as though everybody was mistrusting what anybody says, or does, or writes. Not so, in reality. A majority of the people of the United States are still men and women of integrity, for which we can be profoundly grateful.

Honesty is still the best policy as the following interesting commentary by Richard L. Evans in the magazine ERA of May 1970 so well points out.

The item follows:

IF EVERYONE MUST WATCH EVERYONE

(By Richard L. Evans)

There is a simple, old-fashioned subject that is urgently essential, and that is this: simple honesty. There is no credit, no contract, no transaction, no situation that is safe without the element of honesty. If no one does what he says he will do, no one could count on anything. If everyone has to worry about every property, every possession—watch it, guard it, almost sit on it in a sense, in trying to hold what he has—the world wouldn't run, and life would approach the impossible. Nobody can watch everybody all the time. Nobody can watch anybody all the time. No one can stay awake all the time. No one has the time, the strength, the ability to protect himself against all forms of deception and deceit. No one can know enough in all things always to make safe decisions. We have to trust the physician for his prescription, the pharmacist who fills it, the person who makes things, who sells things and certifies that they are of a certain kind and quality. Few of us, for example, could buy a diamond and know what it was worth. We have to trust someone. If we can't find a package where we put it; if goods disappear from the shelves; if a car on the street isn't safe; if expense accounts are padded; if we can't leave a piece of equipment with someone to repair, and know he will do only what is needed, and charge only what is fair; if people increasingly deal in deception, there will be less and less peace and progress. Beyond the boldness of robbery, of burglary and embezzlement, any deception is dishonest: overcharging, getting paid for what we haven't done, taking what isn't ours, saying what isn't so, pretending what we aren't, reporting what we haven't done. In short, if everyone must watch everyone, if no one can trust anyone, there is no safety, no assurance. If it isn't true, don't say it. If it isn't right, don't do it. If it isn't yours, don't take it. If it belongs to someone else, return it. Honesty is not only the best policy, but a principle, and an absolute essential for the good and happy living of life.

SHOULD GOVERNMENT GRUBSTAKE SICK BUSINESS?

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. SHRIVER. Mr. Speaker, Ken Krehbiel, the fine editor of the McPherson, Kans., Sentinel, has expressed some pertinent thoughts regarding the request for Government loan support for the faltering Lockheed Aircraft Co. As an important contribution to the debate now underway on this issue, I include Mr. Krehbiel's editorial for the RECORD and recommend its reading by all of my colleagues:

SHOULD GOVERNMENT GRUBSTAKE SICK BUSINESS?

The Nixon administration proposes for the government to guarantee a $250 million loan to Lockheed Aircraft. That much is needed to keep Lockheed from bankruptcy while trying to build a new airplane.

Lockheed has not been noted for efficient production for some time. For example, its huge A–5 transport plane cost far more than the original estimates. It was late being built and had a lot of bugs once airborne. The present plane project repeats the delays, confusion and excessive costs of the A–5.

Is that the kind of management government should help? Should the government lend to any sick business of any kind? If the $250 million is guaranteed for Lockheed as Nixon asks, where will such loans stop?

If the Lockheed loan is approved, the gate is wide open for government aid for every sick private business.

Who will pay for all this government generosity to sick businesses? You and I will in higher income taxes.

This country will be healthier and you and I less hard hit in taxes if sick businesses are permitted to die the natural death such businesses have done in the past.

THE OFFICE OF NOISE ABATEMENT AND CONTROL: A STATUS REPORT

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. RYAN. Mr. Speaker, it is my belief that all citizens are entitled to a quiet and peaceful environment, free from the intrusion of excessive noise which may be hazardous to their health and well being. Yet, while the level of noise in the United States has been steadily rising—having doubled since 1955—very little has actually been done either on the local or Federal level to control this widely prevailing and very dangerous pollutant.

One positive step was taken, however, by the Congress in passing title IV of the Clean Air Act Amendments of 1970, Public Law 91-604. This act mandated the creation of an Office of Noise Abatement and Control within the Environmental Protection Agency and authorized $30 million for the Office to carry out a full and complete investigation of noise and its effects on the public health and welfare. On April 29 of this year, EPA Administrator William D. Ruckelshaus announced the actual establishment of this Office and the appointment of Alvin F. Meyer to serve as its acting director.

I have long been an advocate for the creation of such an office and am extremely gratified that it is now a reality. As Members of this body will recall, I introduced legislation on behalf of myself and 20 colleagues for just such a purpose in the last Congress. However, I have serious reservations as to whether or not this Office of Noise Abatement and Control will be able to carry out fully the responsibilities delegated to it by the Congress.

We are all painfully aware that without proper funding and administration even the best of laws can end up as little more than meaningless pieces of paper. Thus, it has been with the greatest concern that I have brought to the attention of this body the fact that despite a congressional authorization of $30 million, not a penny has been appropriated for this office's functionings.

Therefore, on April 16, I wrote to EPA Administrator Ruckelshaus requesting a full explanation of the administration's proposed funding for the Office of Noise Abatement and Control and a status report on the Office's progress. EPA has informed me in a letter dated June 1, that there is now pending in the Congress a request for a supplemental appropriation for the Environmental Protection Agency. This request includes $300,000 being made available from other sources within the agency, on a reprograming basis, for the operation of the Office of Noise Abatement and Control for the remainder of fiscal year 1971; that is, until the supplemental appropriation request is approved by the Congress. Further, EPA has informed me that there is contained in the budget for the next fiscal year 1972 an appropriation request of $1.15 million for the continued operation of the Office to meet the tasks mandated by the Congress.

Although this is better than no funding at all, I do not believe that the administration's request will be sufficient to meet the many responsibilities delegated to the Office by the Congress. Therefore, I have introduced legislation—H.R. 5043, H.R. 6984 and H.R. 6985—to provide the full $30 million for this Office, insuring that it is a functioning reality and not just another paper promise.

Thirty-eight Members of Congress have joined with me in sponsoring this legislation. They are as follows:

Bella S. Abzug (N.Y.), Joseph Addabbo (N.Y.), Herman Badillo (N.Y.), Nick Begich (Alaska), Mario Biaggi (N.Y.), Jonathan Bingham (N.Y.), Frank Brasco (N.Y.), Phillip Burton (Calif.), James C. Cleveland (N.H.), John Conyers, Mich.)

Ronald Dellums (Calif.), John G. Dow (N.Y.), Don Edwards (Calif.), Ella T. Grasso (Conn.), Seymour Halpern (N.Y.), Michael Harrington (Mass.), William Hathaway (Maine), Ken Hechler (W. Va.), Henry Helstoski (N.J.).

Louise Day Hicks (Mass.), Robert Kastenmeier (Wis.), Edward Koch (N.Y.), Robert Leggett (Calif.), Spark Matsunaga (Hawaii), Abner Mikva (Ill.), Parren Mitchell (Md.), William Moorhead (Pa.), Claude Pepper (Fla.), Bertram Podell (N.Y.).

Charles B. Rangel (N.Y.), Thomas M. Rees (Calif.), Robert Roe (N.J.), Benjamin Rosenthal (N.Y.), Edward Roybal (Calif.), James Scheuer (N.Y.), John Seiberling (Ohio), Victor Veysey (Calif.), and Lester Wolff (N.Y.).

The Office of Noise Abatement and Control can be the foundation of a desperately needed Federal program to combat the rising menace of noise; its findings and conclusions may well be the basis for all future Government action in this field. Thus, I believe that we have a responsibility to the health and well-being of our citizens to make absolutely sure that this Office has all the tools that it needs to do its job well.

At this point, I am including the Environmental Protection Agency's letter of June 1 to me outlining the financial situation of the Office of Noise Abatement and Control and the Summary Status Report detailing its activities as of May 7, 1971. I commend these documents to the attention of my colleagues:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., June 1, 1971.

Hon. WILLIAM F. RYAN,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RYAN: In response to your recent letter regarding the Office of Noise Abatement and Control, and the Environmental Protection Agency's actions in implementing the Noise Pollution Abatement Act of 1970 (Title IV, PL 91-604), there is attached a "Status Report" describing the actions taken to date and the plans this agency is formulating with regard to possible additional legislative authorities now being considered in Congress. You will note the final report will be presented to Congress not later than December 1971.

With regard to your question concerning appropriations, as you know there is now pending in the Congress a request for a supplemental appropriation for the Environmental Protection Agency. This request includes $300,000 being made available (from other sources within the Agency, on a reprograming basis) for the operation of the Office of Noise Abatement and Control for the remainder of FY 1971; i.e., until the supplemental appropriation request is approved by the Congress. There is contained in the budget for the next fiscal year 1972 an appropriation request of $1.15 million dollars for the continued operation of the Office of Noise Abatement and Control to meet the tasks mandated by Congress. This represents our best estimate of the actual funding needed in the time period ahead for the preparation of the report to Congress, and the undertaking of the various requirements established by Title IV, PL 91-604. This estimate does not reflect needs for the comprehensive noise control program which would be implemented if the additional legislative authorities now being considered by the Congress were to be enacted. These are the subject of a comprehensive planning effort to develop a five-year plan and program to that end. This is currently underway as described in the Status Report. In the event legislation is enacted into law during FY 1972, additional appropriation requests to implement same will be developed, and the long-term plan reflected in future EPA budget documents.

We would apppreciate your submitting the attached Status Report and the information outlined above for inclusion into the *Congressional Record,* in order that the legislative history on this matter may include the Status Report as well as your remarks in *The Record* of May 5, 1971.

Please be assured of our desire to provide you with continuing information on this subject of mutual concern and interest.

Sincerely yours,
GRAHAM W. McGOWAN,
Director of Congressional Affairs.

SUMMARY STATUS REPORT

(As of May 7, 1971)

OFFICE OF NOISE ABATEMENT AND CONTROL
ENVIRONMENTAL PROTECTION AGENCY

Authority and responsibilities of the Office of Noise Abatement and Control, EPA

The Noise Pollution and Abatement Act of 1970, Title IV, PL 91-604 (copy attached for ready reference), calls for the Administrator of the Environmental Protection Agency to establish an Office of Noise Abatement and Control, and to conduct therein a comprehensive study on noise problems, with the objective of developing and submitting recommendations as to any needed action to the President and the Congress. Included in this requirement also is the undertaking of studies, research, demonstrations, and public hearings. The Act also provides for the Administrator EPA being consulted by other Federal agencies when they are undertaking—or planning to undertake—activities which will create noise determined by the Administrator to be either a nuisance or otherwise objectionable. It may be noted this latter provision is closely connected with the environmental impact-statement-review responsibilities of the Administrator EPA, provided for by PL 91-190 (the National Environmental Policy Act).

Organization of effort

Following enactment of Title IV, PL 91-604, the Office of the Assistant Administrator EPA for Planning and Management was assigned the task of evaluating the requirements of the Act. Also considered was the relationship of these requirements with the planning for implementation of the Administration's proposed Noise Control Act of 1970 (S-1016). A major problem was presented by the fact that neither were there any defined responsibilities in relation to noise in any of the components transferred to EPA from other agencies by Reorganizational Plan No. 3; nor was there any major capability with regard to noise because of collateral or incidental tasks and responsibilities. Principal responsibility for this planning effort was assigned to an official of EPA who personally had considerable experience in both technical and program management aspects of noise control elsewhere in the Federal Government. This effort was facilitated through consultations, advice, and assistance from experts in the field of noise control in several other Federal agencies (notably the Department of Defense; the Department of Air Force, NASA; and the Department of Commerce—National Bureau of Standards).

Sessions were also held with a number of recognized experts in the civilian community. Several possible modes of undertaking the functions of the Office of Noise Abatement and Control were considered. The concept selected was to establish the Office as a planning and a program management entity under the Office of the Assistant Administrator for Planning and Management during the formative and initial operational stages; and at the same time develop a nucleus which could be built upon to establish the necessary program activities and program management capabilities, assuming either the Administration's legislative proposal or some other legislative enactment on noise was to become a reality in this session of Congress. Hence, it was recognized that a considerable amount of support would be required of virtually every element of EPA in addition to the small staff of the office. Specific action-officials were to be provided in such elements of the Office of the Administrator as Assistant Administrator for Research and Monitoring; Assistant Administrator for Standards and Enforcement (General Counsel); Assistant Administrator for Planning and Management; Deputies for Resource Management and Administration; Office of Public Affairs; and the Office of Congressional Affairs. Such officials have been appointed, and are currently functioning.

In this organizational phase, cost estimates were developed which reflected actual funding and resource requirements to accomplish the specific tasks associated with the implementation of Title IV. These estimates also included those for participation with other elements of the Office of the Administrator in the planning associated with anticipated new authorities.

Preparation of report to Congress

The planning for the report to Congress took into account the existence of the vast amount of research data and other publications relating to noise and noise control. It also took into account the several recent technical studies and reports on noise as a problem which have been prepared by other elements of the Federal Government; notably the Office of Science and Technology report, "Noise, Sound Without Value"; the NASA report, "Transportation Noise"; and the Department of Commerce Technical Advisory Board's "The Noise Around Us." It was decided that the report to the President and Congress should be a meaningful new addition, rather than a repetition or a rephrasing and restating of the information readily available. Instead, an overview of existing knowledge will be presented (with liberal references to the wide variety of reports and data available, with identification of gaps and needs for further research) and a critical assessment of current governmental programs (Federal, State and local), and the state-of-the-art, and assessment of current programs and capabilities to apply the available technology to the control of noises affecting the individual in the variety of environmental situations to which he is exposed. The report will include information on the effects of noise, both from physiological and psychological viewpoints; information on the causes and sources of noise and the impact of these noise-sources on people within their environments; and a detailed assessment of reduction levels which can be anticipated over the next three-to-five years. The report will also present estimated resource requirements for noise control activities of the Federal Government; for assistance to the States; and for broad-gauge comprehensive research.

Not all of the demonstrations, exhibits, and public hearings called for by Title IV, PL 91–604, will be completed by the time the report is submitted; however, information to the extent possible will be included thereon, and appendices containing detailed results will be submitted as soon as possible (see also comments below).

The report is accomplished under the management of the Office of Noise Abatement and Control, utilizing the services of Specialists of the National Bureau of Standards under a transfer-of-funds arrangement; contributions of specialists elsewhere in the Government; contracts with several universities (with particular regard to effects of noise on wildlife and property, and with regard to social, economic, and legal matters); and with the successful bidders from industry sources with knowledge and capability related to environmental noise control and technology. A complete assessment is also being made in conjunction with the office of Science and Technology on the status of all Federal programs relating to noise (not solely the research aspects). Program-element monitors have been assigned within the Office of Noise Abatement and Control. Also, a midterm program review of progress on the development of the report will be held in midsummer 1971 at which all participants will be present.

Research, demonstrations, exhibits, and public hearings

As indicated above, a major effort is being undertaken to investigate the current state-of-the-art with regard to noise control technology. In addition, investigations will be conducted and reported on relating to a better means of establishing statements of noise quality in the environment, and for the setting of standards relating to noise control. A critical investigation of the research currently being conducted within the Federal Government will be made in order to structure a comprehensive research program plan. This phase of this activity will be undertaken jointly with the Office of the Assistant Administrator for Research and Monitoring, who has assigned an "Action Official" to support this task.

A series of public hearings dealing with specific issues relating to noise control and the noise problem are scheduled for summer and early fall. These hearings will include those providing an opportunity for State and local officials to present their views regarding a need for uniform legislative approaches, and with regard to standard-setting and other matters of need for Federal, State, and local cooperation; an opportunity for manufacturers and acoustical engineers to describe modern technology relating to noise control and their estimate of both economics and technological requirements; and for the general public to provide information relating to noise nuisances. Additional subjects are currently being considered.

As part of the program for demonstrations and exhibits, a special group of summer college interns is being assigned to the Office of Noise Abatement and Control. These highly-qualified young people will be utilized to structure a program which they will develop themselves after having received a period of indoctrination on the noise problem and the methods of noise control. One full-time Staff Member and a full-time Consultant have been hired to plan for these activities, and supervise the various administrative support requirements necessary for their successful accomplishment.

Review of other Federal agency activities involving noise

Section 402–C, PL 91–604, provides that the Administrator EPA shall be consulted by other Federal agencies when they are planning to undertake actions which will produce noise which the Administrator has determined to be a nuisance or otherwise objectionable. This requirement interrelates with the requirements of PL 91–190 regarding environmental impact statements and the Council on Environmental Quality guidelines requiring that agencies consult with other agencies having expertise or statutory responsibilities well in advance of the preparation and submission of their environmental impact statements. Obviously there is an important relationship between the establishment of requirements for agencies to consult with the Administrator EPA regarding noise nuisances and any further noise standards to be established by EPA under authorities currently being considered in the Congress. In effect, the implementation of this requirement affords the opportunity to develop a model noise control program with noise standards setting within the Federal Government.

A series of consultations have been scheduled with other Federal agencies beginning the 25th of May to establish interim procedures and to develop a cooperative effort on this important assignment. The plan of action is to insure consistency between these requirements and those relating to the environmental impact statements. Specialized bioenvironmental and bioacoustic personnel are currently being selected to accomplish this important task. In the interim, professionals now with the Office of Noise Abatement and Control, supplemented by those on detail from other agencies, including a member of the Biomedical Sciences Corps of the United States Air Force (who is a member of the Faculty of the Air Force Academy) are undertaking this important technical and scientific task. It is anticipated the interim guidelines for Federal agencies with regard to noise will be issued by the Administrator EPA early in June.

Schedule and milestones for the report

Preliminary program plans for the Report to Congress are currently being incorporated into the basic planning and programing system of EPA. The preliminary program plan, as now approved, calls for the first draft of the report to be ready by mid-September, with the final report being delivered in the latter part of December 1971 as required by law.

Personnel status

There are presently eleven full-time positions authorized for the Office of Noise Abatement and Control. This will be increased in the present plan to fifteen, effective at the beginning of FY 1972 (July 1, 1971). In addition to the full-time authorizations, utilization is being made of the EPA Authorities to hire consultants and temporary personnel for providing the necessary professional services and administrative staff capabilities for the preparation of the report, and for other duties required of the office. As indicated elsewhere in this summary report, services of personnel on detail from other Federal departments are also being utilized, and action-officials have been designated by the various elements of the Office of the Administrator EPA to support this program activity.

There is attached, a summary of the present-personnel status (including a brief description of responsibilities), and that scheduled for the period beginning July 1, 1971. It is emphasized this latter staffing requirement assumes that new legslation is in the process of being enacted but the program requirements are not in effect. Personnel and budget needs to that end are now being developed as described below.

Program development action

A comprehensive planning, programming, and budget development effort is being undertaken at the present time to develop the specific requirements for implementation of the Administration's proposed noise control legislation, and other legislative proposals currently pending in Congress. This activity involves personnel of the Office of Noise Abatement and Control, and those of the Assistant Administrator for Planning and Management and the Assistant Administrator for Research and Monitoring. Specific time schedules to accomplish the various tasks and actions needed for full-scale implementation of legislation (once enacted into law are being prepared along with specific estimates of personnel requirements, and other resource needs.

This action will lead to the production of the necessary program-change proposals for the EPA budget, promptly upon enactment of any new legislative authorities. The present effort is sufficiently flexible that it may be readily modified to fit whatever type of authorities are actually provided by the Congress.

Environmental program activities to be inaugurated in the near future

A number of activities are contemplated under the Environmental Protection Agency's general authorities and responsibilities. Among the more important of these that will be initiated in the near future are—

(a) Preparation and distribution of an information pamphlet on noise and noise control principles.

(b) Bibliography on noise—a comprehensive bibliography of the latest reports and publications relating to noise is being prepared along with data as to sources of free information, as well as those which are available from the Government Printing Office and private sources.

(c) Contact with professional societies and organizations interested in noise. Information is being assembled regarding the various professional societies and citizens' groups who are interested in noise and noise control matters. Information will also be accumulated regarding various training programs, and education activities and opportunities in noise and noise control work.

ALVIN F. MEYER, Jr.,
Acting Director, Office of Noise Abatement and Control.

"TITLE IV—NOISE POLLUTION

"SEC. 401. This title may be cited as the 'Noise Pollution and Abatement Act of 1970'.

"SEC. 402. (a) The Administrator shall establish within the Environmental Protection Agency an Office of Noise Abatement and Control, and shall carry out through such Office a full and complete investigation and study of noise and its effect on the public health and welfare in order to (1) identify and classify causes and sources of noise, and (2) determine—

"(A) effects at various levels;

"(B) projected growth of noise levels in urban areas through the year 2000;

"(C) the psychological and physiological effect on humans;

"(D) effects of sporadic extreme noise (such as jet noise near airports) as compared with constant noise;

"(E) effect on wildlife and property (including values);

"(F) effect of sonic booms on property (including values); and

"(G) such other matters as may be of interest in the public welfare.

"(b) In conducting such investigation, the Administrator shall hold public hearings, conduct research, experiments, demonstrations, and studies. The Administrator shall report the results of such investigation and study, together with his recommendations for legislation or other action, to the President and the Congress not later than one year after the date of enactment of this title.

"(c) In any case where any Federal department or agency is carrying out or sponsoring any activity resulting in noise which the Administrator determines amounts to a public nuisance or is otherwise objectionable, such department or agency shall consult with the Administrator to determine possible means of abating such noise.

"SEC. 403. There is authorized to be appropriated such amount, not to exceed $30,000,000 as may be necessary for the purpose of this title."

OFFICE OF NOISE ABATEMENT AND CONTROL PERSONNEL STATUS, PHASES I AND II (THROUGH JUNE 30, 1971)

Acting Director. Conceives, plans, and manages noise program responsibilities. Directs the professional and administrative staff. Conducts bioenvironmental and bioacoustical studies and projects. Serves as principal advisor and consultant on noise to the Assistant Administrator for Planning and Management, other Assistant Administrators, and the Administrator.

Deputy for Evaluation and Studies. Directs and manages the noise study project. Conducts evaluations of noise problems and noise program activities. Responsible for monitoring contract activities with other agencies, educational institutions, and contractors. Directs and supervises staff personnel assigned to the noise study project. Coordinates work of action-officials on tasks relating thereto.

Deputy for Program Development. Directs and manages the project to establish program requirements for implementation of various new program responsibilities. Participates, along with the Director and the Deputy for Evaluation and Studies, in professional studies and evaluations of noise problems and develops recommendations for their solutions.

Bioacoustical Program Analyst. Provides detailed operations research and analysis functions. Responsible for interface with action offices of Deputy Assistant Administrator for Resource Management on EPA plan, program, and budget system on development and analysis of noise program. Provides scientific and engineering services.

Resource Management Specialist. With the Bioacoustical Program Analyst, performs resource management studies. Responsible for the planning and administrative management of public hearings, exhibits, demonstrations, and related activities. Assists the Director and Deputies in management of available resources to meet current program requirements.

Environmental Technical Data Editor. Prepares technical data and reports; monitors and manages work of consultants and contractors preparing data and reports. Develops material for use in demonstrations and exhibits. Reviews and approves for accuracy and completeness, technical materials in office. Provides editorial services for office staff.

Research Assistant. Provides a variety of technical services to include literature reviews and research. Prepares information on scientific and technical subjects for staff use. Develops data, based on general guidance from professional staff, for use in analysis of noise problems and projects. Assists in preparation and assembly of data to be used in reports and publications.

Secretary/Staff Assistant; Secretaries, and Clerk-Typists. Provide administrative staff support and services, including preparation of correspondence, reports and technical data. Perform a wide variety of administrative services, such as referral of requests for assistance or information, response to routine inquiries, etc.

DETAIL PERSONNEL—FROM OTHER AGENCIES

Bioenvironmental Engineer (NASA). Review of environmental impact statements and noise problems of other Federal agencies.

Environmental Scientist — Biophysicist (USAF). Assists in research studies. Provides scientific services in relation to audiology and biophysics.

CONSULTANTS AND TEMPORARY HIRE

Environmental Scientist. Plans and participates in studies and surveys on public attitudes toward noise; assists in plans for public hearings. Provides scientific data for use in reports, and assits in analyis of material developed in course of hearings.

Bioenvironmental Engineer (Acoustics). Assists in review of environmental impact statements, and other noise control requirements.

Hearing Panel Members. Approximately 25 to 50 well-qualified members of various professions to serve as hearing panel members.

Student Interns. Approximately 100 to participate in noise surveys and demonstrations.

ADDITIONAL FOR PHASE III—AFTER JULY 1, 1971—PENDING FURTHER LEGISLATIVE AUTHORITIES

Staff Personnel

Audiologist/Psychologist. Assists in assessment of noise nuisance statements. Prepares information for use in developing noise standards and guidelines. As a member of multi-discipline scientific team, analyzes and evaluates data for reports and recommendations. Participates in surveys and studies. Assists in preparing research plan and in monitoring research program.

Environment Scientist—Noise Control (One per Regional Office). Serves as member of multi-discipline professional team to analyze and evaluate information developed for report, and from hearings; and makes recommendations. Plan, develop, and conduct necessary studies for criteria technology documents. Performs scientific or engineering duties.

DETAIL—NO ADDITIONS—STAYS SAME, WITH EXCEPTIONS OF USAF ACADEMY STAFF MEMBER WHO RETURNS TO AFA ON 1 SEPTEMBER 1971

Consultant and temporary hire additions

Noise Analysis Specialist(s). To conduct noise surveys as part of exhibits and demonstrations.

NOTE.—Student Interns will be used until September/October 1971.

CHICAGO TRIBUNE EDITORIAL PAGE HAS NEW EDITOR

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. PUCINSKI. Mr. Speaker, the Chicago Tribune, one of the Nation's great metropolitan newspapers, has a new editorial page editor today.

He is John McCutcheon, a member of the Tribune editorial staff since 1940, and a man well recognized in Chicago and throughout the Midwest for his exceptional ability to perceive and to inform.

Mr. McCutcheon assumes the title of editor upon the retirement today of George Morgenstern, a man who began his highly distinguished newspaper career in 1929 as a rewrite man for the old Chicago Herald-Examiner. Happily for the people of Chicago, however, Mr. Morgenstern will continue to contribute signed articles and some editorials to the Tribune.

Mr. Morgenstern has been writing editorials for the Tribune since 1941. During World War II he served as a captain in the Marine Corps and later wrote a book entitled, "Pearl Harbor: The Story of the Secret War." His long career has been studded with numerous awards and recognition of his reportorial skills. His editorials have contributed markedly to the Tribune's nationwide reputation and he will long be remembered for his wisdom and sense of proportion.

Mr. McCutcheon succeeds one of America's best journalists and commentators. The Tribune is fortunate to have two such outstanding talents on its editorial staff.

Mr. Speaker, my congratulations to Mr. McCutcheon and my warmest regards to Mr. Morgenstern. Each of them exemplifies the best of the American journalistic tradition. Following is a brief article which appeared in today's issue of the Chicago Tribune highlighting the careers of these distinguished journalists:

McCutcheon Chief of Editorial Page

John McCutcheon, a member of The Tribune editorial staff since 1940 and an editorial writer since 1957, has been appointed editorial page editor, effective today.

He succeeds George Morgenstern, who is retiring after 30 years as an editorial writer. Since 1963 Morgenstern has been the head of The Tribune board of editorial writers. He will continue to contribute some editorials and signed columns of comment.

McCutcheon, 53, is a native Chicagoan. His father was the late John T. McCutcheon, the distinguished cartoonist whose work appeared in The Tribune for many years.

JOINED TRIBUNE IN 1940

The new editorial page editor was graduated from Harvard in 1939. In his senior year he was editor of the Harvard Crimson.

He started his professional career as a reporter for the Chicago City News Bureau in July, 1939, and joined The Tribune editorial staff in April, 1940. As an officer in the Naval Reserve, he participated in several major operations in the Western Pacific during World War II.

Returning to The Tribune, he served as a reporter until he was appointed conductor of a Tribune column, "A Line O' Type or Two," in 1951. He became an editorial writer in September, 1957.

He is president of the Lake Forest Library Board, a director and past president of the Geographical Society of Chicago, and vice president of the Chicago Zoological Society.

GRADUATE OF U. OF C.

McCutcheon and his wife, the former Suzanne M. Dart, live in Lake Forest and have two daughters and a son.

Morgenstern, also a native Chicagoan, was graduated from the University of Chicago in 1930 with high honors, completing his studies there on a part-time basis after starting work as a rewrite man for the old Chicago Herald-Examiner in February, 1929.

At the Herald-Examiner he served also as assignment reporter, columnist, Sunday editor and assistant to the editor before joining The Tribune news staff as a rewrite man in 1939. He became an editorial writer in 1941.

WAS MARINE CAPTAIN

During World War II he served as a captain in the Marine Corps, assigned to news operations and directing combat correspondents in the field.

He wrote a book, published in 1947, under the title of "Pearl Harbor: The Story of the Secret War." It attracted wide attention. He won The Tribune's Edward Scott Beck award in 1956 for a series of articles on the 15th anniversary of Pearl Harbor and in 1966 won a second Beck award for his handling of a special section of The Tribune on the 25th anniversary of Pearl Harbor.

Morgenstern was married to the late Marcia Winn, a Tribune writer, and they had two daughters. His home is in Lake Forest.

DATRAN BUILDING NEW DIGITAL NETWORK

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. COLLINS of Texas. Mr. Speaker, last week the Federal Communications Commission, in a landmark decision, opened up competition in the sale of specialized communication services. Datran Corp., which is a subsidiary of our Dallas-based University Computing Corp., was selected as one of these new specialized carriers. The Datran operation, which will offer a switched, all digital network dedicated exclusively to the transmission of computer data, is a revolutionary breakthrough in the field of communications.

Under the leadership of President David H. Foster, Datran has devised a plan for taking full advantage of recent advancements in our computer technology. Computers are capable of storing and processing vast amounts of useful information. In the past we have been unable to utilize these computers fully because of inadequate means for transmitting this information from one computer to another. To send data from a computer in Los Angeles to a computer in New York for processing involved a slow and complex mechanical operation using conventional telephone lines. Telephone lines are designed to carry the human voice by a series of analog signals. Computers send messages by digital signals. Therefore, to transmit computer messages over a telephone line necessitates a complicated conversion of digital signals to analog signals at Los Angeles terminal and then reconversion from analog to digital at the New York terminal. Thus the main problem with current data transmission techniques has been the lack of speed.

Because of interference on conventional telephone lines and the complexity of the conversion process there tends to be a high frequency of error in this kind of transmission. Studies have shown error as high as one in every 10,000 bits of information transmitted.

The Datran system has been designed to improve both speed and accuracy. A coast-to-coast microwave transmission network will be constructed to connect 35 major markets. Since this transmission network will operate solely on digital signals the problem of signal conversion will not exist. The result will be direct transmission from computer to computer at a speed 10 times greater than is possible with use of conventional telephone lines. The margin of error will be reduced to one error in every 10 million bits of information because there will be no static and noise from other analog messages on the line to disrupt the digital signal.

Consumers and businessmen are going to be the prime beneficiaries of this new communications system. Datran President Foster estimates that the 35 markets established in the initial plan will contain 56 percent of the computers in the banking, insurance, securities, retail trade, manufacturing and processing industries. The December 28, 1970 issue of U.S. News & World Report in an article entitled "Instant Information: Coming Battle for a 10 Billion Dollar Market," outlined the speed and efficiency we can expect in our daily business transactions when the systems of Datran and its competitors go into operation:

> Banking and finance. Increasing use of bank credit cards is changing the way individuals make purchases and handle their checking accounts. As this service continues to grow, banks may link their computers together so that institutions in all parts of the country can get up-to-date information on card holders' credit standings.
>
> There is talk of tying all the Federal Reserve Banks together in a single network for transmitting financial data of all kinds. Eventually, transferring funds from one bank to another may be handled by data transmission.
>
> Retailing. Many food and department stores are making a big effort to keep better tabs on daily sales. Several companies are experimenting with methods of linking cash registers to computers located at company warehouses. When inventories of goods at a store slip too low, the computer automatically notifies the warehouse to replace them.
>
> Experts expect this application to catch on not only in stores but at gas stations and other retail outlets. One research firm predicts that by the end of the decade such sales-reporting systems will be installed in 45,000 high-volume gasoline-service stations.
>
> Health care. Hospitals, nursing homes, doctors and insurance companies are expected to be large users of data-transmission services in the years ahead. It may be possible to have insurance claims processed on the spot by direct links between the institution or doctor and insurance companies.
>
> Hospital laboratories, and other medical facilities, may be joined by transmission lines to make complicated research easier.
>
> Manufacturing. Orders and billing between manufacturers and their regular customers may be done one day by computers talking to computers. Supplying customers with estimates on complex orders may involve merely having computers come up with the answers and relay them by phone to the customer. Engineering data and new research will be made available to branch plants simply by dialing the machine where the information is stored."

Mr. Speaker, Datran Corp. has laid the groundwork for the communications of the future. We are grateful to farsighted men like Bernard Strassberg of the Common Carrier Bureau and Chairman Dean Burch, Commissioners Bartley, Johnson, Wells, Houser, H. Rex Lee, and Robert E. Lee of the FCC who have contributed so much to making it a reality.

PENDULUM STARTS ITS RETURN SWING

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. NELSEN. Mr. Speaker, Al McIntosh, former publisher of the Rock County Star-Herald in Luverne, Minn., is a man well known for speaking his piece bluntly and well. A recent editorial appearing in his old paper bears the distinct "McIntosh Touch," and I am pleased to share with colleagues this assessment of what may well prove a swing back to sanity on the part of the media of mass communication:

PENDULUM STARTS ITS RETURN SWING

If you'll just be patient, maybe some sanity will be restored to our pattern of living and no longer will filth and slime besmirch every phase of our daily lives.

We see that flicker of hope that sustains us.

Maybe the "squares" were smarter than the "unsquares."

By the "un-squares" we mean those publications who went overboard with the four letter word bit, the drug culture, the exploration editorially of subjects long taboo as belonging only in the bedroom.

Those "with it" publications are feeling it badly at the box office but the squares are doing nicely, financially, thank you.

The New York Times, which proclaims its greatness while never deviating from an extremely liberal "line" had the greatest linage loss in the roster of the nation's biggest newspapers and magazines.

This at a time when the conservative New York Daily News was setting new linage and profit records.

The ultra liberals took over the Saturday Evening Post and it went broke. Life and Look publish hosannahs of praise for the hippies and they're in deep trouble. The Columbus Dispatch, the Dallas News, the Fort Lauderdale News are making big money.

The St. Paul Pioneer Press and Dispatch, calm and factual, is making money hand over fist while its Minneapolis counterpart, along with other Cowles properties, is in financial discomfort. The Minneapolis Tribune and Star had become the cheerleaders for every far out cause.

There is no doubt in our minds. The news media is going to reap the whirlwind because it has forsaken its traditional role of being an unbiased factual reporter of the moving finger of history.

Commentators and columnists have become cheerleaders of causes from slightly left of center to far out in left field.

Not since the Thanksgiving turkey has such a hatchet job been done of carving up President Nixon.

So—it was a stunning shock the other day when Al Capp, the acid-tongued cartoonist, took off when talking to the National Association of Broadcasters.

When he got through, he received a standing, cheering ovation.

What had he said? That news media has ganged up to make "President Nixon and his cabinet the most despised minority in this country."

Capp said that "if a mob can be inflamed to bomb police stations it can be inflamed to bomb radio and television stations."

Network coverage has been horribly unfair, said Capp.

Some of the leftist darlings of the columnists and the commentators have been getting away with character assassination. The ovation by the broadcasters clearly indicated that the industry doesn't approve of what the hired hands have been doing.

We've nudies galore, and worse, in our moving pictures. There were some men of character who refused to be budged by the dam of public decency "busting." Columbia Pictures never has produced or distributed an X rate film.

"We do not criticize those who have," said Sam Jaffe, president, "but audiences, as a result, are staying away in droves, particularly the family audiences. The whole industry is paying the price."

Only two of the top 30 grossing films in 1970 were rated X.

They may be "art", in the judgment of sick minds who wallow in filth, but they are not profitable.

James Aubrey, president of MGM, said permissive films that might have been successful six months ago aren't profitable any longer.

Sex isn't smashing box office records any more.

Have patience. The pendulum has apparently started to swing back to sanity and decency.

"HEALTH PROBLEMS—WHAT CONGRESS IS THINKING," ADDRESS BY SENATOR CLAIBORNE PELL

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. TIERNAN. Mr. Speaker, it is with a true sense of pride that I today call attention of the Congress to the eloquent address given by my colleague from Rhode Island, CLAIBORNE PELL, at the 40th anniversary of the Emma Pendleton Bradley Hospital. Senator PELL points out the commendable work the hospital has done in attempting to establish a comprehensive mental health program. This work is direly needed both in my State and throughout the Nation.

Senator PELL further makes an appeal for his innovative plan to reform the present health system by providing an adequate health care plan.

I believe that the Senator's remarks will be of interest to the Members of both Houses.

A copy of the statement follows:

HEALTH PROBLEMS—WHAT CONGRESS IS THINKING

Dr. Laufer, members of the Board of Directors, staff and invited guests.

Forty years ago, our country was beginning to bring itself up from the depths of a severe depression.

Forty years ago, our country was on the verge of a new thrust of social humanitarianism.

Forty years ago, the government was beginning to ready itself for many important social reforms, such as public service, jobs, social security, and the new collective bargaining laws.

Forty years ago, foreshadowing the humanitarian spirit that was to move across the country, Mr. and Mrs. George Bradley, parents of Emma Pendleton Bradley, established as a memorial to their daughter this fine nonprofit psychiatric facility to assist emotionally disturbed children.

I think it is altogether proper that we gather here today to commend this fine humanitarian facility.

As in the period forty years ago when Mr. and Mrs. Bradley committed themselves to the assistance of emotionally disturbed children, today also we are in a period of resurging humanitarian concern.

America is tired of a war that seems to have no end and no justification. America is anxious to begin again a new thrust of social improvement.

There seems to be a yearning to cease spending our moral energies in anti-war exhortations and to begin again the orderly business of improving the lives and well-being of our own people.

I am delighted that, on the verge of this new burst of humanitarianism, Bradley Hospital also is engaged in a new thrust. Under the leadership of Dr. Laufer and his associates, Bradley is undertaking an effort to develop a new comprehensive program of services for the citizens of the East Bay.

I believe Dr. Laufer and his staff deserve commendation for their effort in attempting to establish a comprehensive mental health program for the treatment of children and families of the East Bay communities of East Providence, Barrington, Warren, and Bristol.

If the progress Bradley has made during the last 40 years in serving more than 1500 children as in-patients, in assisting more than 3000 children and members of their families through its guidance clinic, and, in assisting more than 130 children in its preschool program is any indication of the quality of service which will be provided to East Bay communities, then the citizens of those communities will be particularly well served.

As Chairman of the Senate Education Subcommittee and as a member of the Senate Health Subcommittee, I am particularly sensitive to the importance of the work undertaken here at Bradley Hospital to assist emotionally disturbed children.

The learning processes of young children are very much dependent upon their emotional health. And, the latest statistics tell us there are about ½ million children under 18 years of age who are receiving some service in a psychiatric facility in the United States each year. Other statistics tell us that 10 percent of all school-age children have emotional problems that require psychiatric assistance.

This relationship between emotional health and education has long been recognized in legislation considered by my Subcommittees.

As Chairman of the Senate Education Subcommittee, I was particularly proud that Congress enacted into law this past year my bill to extend and improve the elementary and secondary education programs.

Included in my bill is a special Title, Title VI, providing special education programs for handicapped children and training and research programs for personnel concerned with the problems of handicapped children.

This Title includes in its definition of handicapped children the following words: "Seriously emotionally disturbed, crippled, or other health-impaired children who by reason thereof require special education and related services." This definition is designed to insure that some of the funds that are to be made available through state agencies would also be made available to assist children like those who are served here at Bradley Hospital.

Under the authorization of this Title, a total of about three million dollars would be available here in Rhode Island for handicapped children, including the seriously emotionally disturbed. Of the total authorization for this Title, however, the Administration has requested an appropriation of only about 40 percent.

As a member of the Senate Health Subcommittee, I have also been particularly proud of legislation reported by that Subcommittee to provide a program for the construction and operation of community mental health centers.

As many of you know, we have a community mental health center in Newport that is beginning to get off the ground with the assistance of the funds provided by this program.

A second program with which the Senate Health Subcommittee concerns itself is the work of the National Institute of Mental Health. I know many of the members of the staff of this hospital have received excellent training through programs of psychiatric residency and training supported by that Institute. I must note in this regard, that I am particularly shocked by the Administration's decision to cut back funds for the National Institute of Mental Health's psychiatric training program by almost $7 million. This cutback could eliminate support for about 500 potential resident psychiatrists.

In view of the fact that there are nearly 2,000 unfilled budgeted positions for psychiatrists in our country's mental health facilities, the Administration's proposal to reduce funding this year for this program and possibly to phase the program out next year just doesn't make sense. I will support efforts in the Senate to restore funding for this program.

FULL FUNDING FOR HEALTH PROGRAMS

There has been a good deal of discussion about the need for new health initiatives in this country. I have proposed, and others have proposed, plans to provide health care benefits to all citizens. These plans, while extremely important for the Congress to consider, need to be built upon full funding of present health programs. Unfortunately, psychiatric training is not the only health program which has not been fully funded in past years.

Although the Health Subcommittee of which I am a member has authorized over $2 billion for programs of the Health Services and Mental Health Administration, the Administration has proposed spending only 35 percent of that authorized amount.

I believe this figure is unacceptable.

I believe the time is long overdue for this country to begin to spend its money on its real national interests—the fulfillment of our domestic needs.

I have been impressed with the fact that programs under the jurisdiction of the Aeronautical and Space Sciences Committee and the Senate Armed Services Committee most always receive close to the amount of funds for which the Committee has asked, while the programs authorized by the Senate Health Subcommittee and Senate Education Subcommittee are almost never fully funded; in fact, sometimes we are lucky if we get half.

I think it is time to correct this imbalance.

It is for this reason that I will be joining with many of my colleagues in supporting efforts for increases in the funding of our educational and health programs in this Congress.

REFORM OF THE STRUCTURE OF HEALTH CARE FINANCING

I have noticed that the operating budget for the Bradley Hospital each year is beginning to exhibit a phenomenon that is becoming an annual occurrence of health institutions in this country—that is, an increasingly large operating deficit.

Of course some of these deficits could be met, in part, through full funding of existing federal health programs. In the long run, however, I believe adequate support for health services will require a restructuring of our present system of health care finance.

As some of you know, more than two years ago, I made the initial recommendation that some form of a universal health-care plan would be necessary to stabilize the finances of our health-care system.

I would like to take a few minutes of your time to talk about my plan and the plans of others. Knowing of your interest in the financing of psychiatric services within the provisions of these plans, I shall also comment briefly on some of the problems of including coverage for psychiatric services in national health-care plans.

PELL PLAN

First allow me to describe my own plan, which preceded and proved to contain many of the elements of President Nixon's plan. I say this because the Administration adopted the basic structure of the bill I introduced in the last Congress as a basis for its own bill but with somewhat less cost coverage. However, their basic principles are the same as mine, although the Administration's program would be more expensive to the health consumer.

My bill, unlike the traditional social security approach encompassed in the bill supported by Senators Kennedy, Javits and others (and of which I am a co-sponsor, too) is focused on balancing supply and demand in the health care marketplace through a restructuring of our non-system of health care rather than through a system based on a national health insurance tax.

Instead of funneling new money for health into the federal government through a national health insurance tax and pouring it out again to pay for services in the private sector, I have proposed eliminating Uncle Sam as the middleman.

On the demand side, I have suggested payment of health benefits for consumers through a minimum wage approach. I have proposed that employers provide employees and their families a minimum level of health benefits as part of the payment for their labors.

These benefits would emphasize preventive services. There would be no *required* matching payments by the employees. There would be no long list of deductibles.

Moreover, there would be no giveaway to the private health insurance industry. Private health insurers would be allowed to compete with direct providers of services and among themselves. An employer would have three options as to how he could provide health benefits to his employees. First, he could contract directly with a health maintenance organization, such as a community health care corporation. Or, second, he could buy private health insurance premiums. Or, third, he could provide the services directly himself, as Kaiser Industries does.

That is how the services would be paid for. Now how do we make certain the supply of health services can meet this demand?

On the supply side I provide for the chartering of community health and education corporations. These community corporations are designed to provide health services where they are lacking and to provide for the education of health personnel where there are shortages.

You might try to conceptualize these community corporations as a combination of the health maintenance organizations recommended by the Administration and the area health education centers recommended by the Carnegie Commission.

I put them in a corporate form so there would be a means of attracting private funds, which are sorely needed in the health industry, and to provide a coherent organization of health services under one operational umbrella in a community.

In order to assure a proper balance of supply and demand in a region, and in order to provide a mechanism for the regulation of profits in what is nearly a monopolistic service industry, my bill creates regional planning councils.

In contrast to the Kennedy bill which is in the Senate Finance Committee, my bill does not make changes in the present Medicare program for the aged and the Medicaid program for the poor. This is true partly because my bill is in the Senate Labor and Public Welfare Committee which does not have jurisdiction over those programs.

COVERAGE OF PSYCHIATRIC CARE

A number of psychiatrists, including members of the staff of this hospital, have asked me about provisions for coverage of psychiatric service in my bill and in the Kennedy bill of which I am a co-sponsor.

In my own bill, S. 703, community health care corporations are required to be able to provide services for mental disorders and outpatient psychiatric care. These services could be provided free of charge by the corporation to an individual if the individual declares he does not have adequate income to pay for those services, and if the health care corporation makes the determination that such services are needed. You might think of the health care corporation which I have proposed as being a corporate form of the health maintenance organizations that have been proposed for Bristol and Providence.

As for the benefits that an employer has to provide to an employee and his family, these benefits are as I have described them—minimum benefits. That is to say, they presently would not include coverage of psychiatric service. However, this does not mean I am opposed to the inclusion of such benefits. In fact, I am very sympathetic to the inclusion of psychiatric services in the benefit provisions of national health care bills for many of the same reasons which members of the staff of this hospital have suggested. There is no doubt that an emotional problem can be as serious an impediment to good health as any physical ailment might be. There is no doubt that early treatment of emotional problems in some cases will result in the prevention of more serious and more costly physical health problems at a later stage. However, in Congress we face many difficulties when considering the inclusion of psychiatric benefits in a mandatory health benefits program. These difficulties are similar to the difficulties we face in deciding whether or not to include many other types of health services in national health care plans.

For example, just as it is important that hospital care payments for physical ailments be limited because of the high cost of hospital care, it would also be important that emphasis be placed upon reducing the use of high cost institutional care for mental health problems to that which is absolutely necessary.

Also, just as it is important to encourage preventive health care for physical problems through ambulatory systems, it would be important to encourage the same preventive emphasis in psychiatric services in a national health care plan.

Presently, the key federal program that provides any benefits at all for psychiatric care—the Medicare Program—provides 190 days of in-patient treatment for psychiatric illness.

I hope to see analyzed very closely the experience of coverage of this program in order that standards for the provision of psychiatric benefits might be included within the coverage of my bill or Senator Kennedy's bill.

I recently discussed with Dr. Taussig of this hospital the need for including psychiatric treatment as a benefit under any national health care plan, and I am happy to say that he has agreed to work with my staff in developing amendments which would not be financially prohibitive, yet would provide a minimum level of psychiatric services which any child and adult may require.

PROSPECTS OF CONGRESSIONAL ACTION ON HEALTH CARE PLANS

A number of persons have asked me what the prospects are for the enactment of any of the national health care plans that have been proposed. Predicting the course of action of the 535 members of Congress is a most difficult task, to say the least. However, allow me to venture to suggest some of the goals of a national health care plan on which there seems to exist some consensus.

A complete reform of our health care system;

The provision of adequate health care service to all citizens;

The creation of the means by which fine programs, such as the program here at Bradley Hospital, could receive adequate financial support; and

An overall new commitment of the American people to a readjustment of our real national priorities—the health and education needs of our people.

I appreciate having had this opportunity to talk with you about my views as a member of the Senate Health Subcommittee on improving our nation's health care system. I congratulate again the Board of Directors, the officers and the staff of Bradley Hospital for the fine work they have done in helping emotionally disturbed children. I wish you the best of luck with your new effort to provide comprehensive services to the residents of East Bay, and I would hope that the passage of some of the legislation I have discussed will provide an aid to you in financing these services.

Thank you.

THE NAKED CAPITALIST

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. RARICK. Mr. Speaker, most Americans define our system of economics as capitalism; and capitalism is the emotional ploy used by Communist propagandists to attack our system and people.

Yet many people are confused as from time to time they are made aware that it is the ultra wealthy and capitalist monopolies who finance and seek to propagate communism around the world.

Mr. W. Cleon Skousen, author, lecturer, teacher, former law enforcement officer, and former FBI agent, among other related professions, and author of the best seller, "The Naked Communist," has now written his latest contribution to thinking Americans who want to understand the intricacies of the Communist conspiracy and remain free.

Mr. Skousen calls his newest work "The Naked Capitalist."

I am inserting a review of "The Naked Capitalist" at this point in the RECORD:

THE NAKED CAPITALIST

The Naked Capitalist is the name of a new book by W. Cleon Skousen. It is "must" reading for anyone who has the intellectual curiosity to find out:

Why do some of the richest people in the world support Communism and Socialism? Why would they support what appears to be the pathway to their own destruction?

Is there really such a thing as the Eastern Establishment, and if so, who runs it and how far do its tenacles reach?

Is Communism merely a branch of a much bigger conspiracy?

Who is really running things in America? What is the hidden, powerful force that seems to control U.S. policies no matter who is elected?

Is there any truth to the charge that "there's not a dimes worth of difference between the two major political parties"?

The overwhelming majority of Americans oppose foreign giveaways. What is the hidden force that persuades Congress to vote at least $10 billion in foreign giveaways year after year after year, in direct opposition to the wishes of their constituents?

The overwhelming majority of Americans are surely in favor of ferreting out Communist spies and traitors in our Government. What is the hidden force that makes non-Communists protect Communists and keep them in office, and also unleashes a terrible fury against those who want to investigate and expose Communists? One famous example of this is Harry Dexter White, Under Secretary of the U.S. Treasury, during World War II. When the FBI informed the White House that White was a Soviet agent, White was neither fired nor arrested, but instead was promoted to Executive Director of the U.S. Mission to the International Monetary Fund and given a substantial increase in salary. J. Edgar Hoover was amazed. Attorney General Herbert Brownell, Jr. stated publicly that President Truman knew White was a Soviet spy when he made the appointment. The question is, WHY did the Establishment protect White?

The Naked Capitalist is the book which has the answers to these and other tantalizing questions.

Where Mr. Skousen obtained his facts for this remarkable book is its most unique feature. He discovered a 1,300-page book written by Dr. Carroll Quigley entitled *Tragedy and Hope: A History of the World in Our Times*, published by the Macmillan Company, New York, and by Collier-Macmillan Limited, London, at $12.50. Dr. Quigley is currently professor of history at the Foreign Service School of Georgetown University in Washington, D.C., formerly taught at Harvard and Princeton, and has done special research in the archives of France, Italy, and England. He is the author of the widely-used college textbook, *Evolution of Civilizations*. He is a liberal professor with full Establishment credentials.

More than that, Dr. Quigley is an authority on the world's secret power structure because he is one of the insiders. He boasts that he has been associated with many of the dynastic families of the super-rich. He writes approvingly of their power, influence, and activities. To assure his readers of his own unique qualifications for the writing of this book, Dr. Quigley states:

THE SECRET NETWORK

"I know of the operations of this network because I have studied it for twenty years and was permitted for two years, in the early 1960s, to examine its papers and secret records. I have no aversion to it or to most of its aims and have, for much of my life, been close to it and to many of its instruments. I have objected, both in the past and recently, to a few of its policies . . . but in general my chief difference of opinion is that it wishes to remain unknown, and I believe its role in history is significant enough to be known."

In other words, Dr. Quigley is one of those on the inside of the "network", and his chief disagreement with his associates is that he wants to tell what the "network" is doing, and the others want to remain secret. Hence the book. *Tragedy and Hope*, in which Dr. Quigley "tells all", thereby exposing one of the best-kept secrets in the world. The "Hope" in the title represents the man-made millennium of a collectivist one-world society which the world will enjoy when the "network" achieves its goal of ruling the world. He says the "network" already has such power and influence that it is now too late for the little people to turn back the tide. All who resist represent the "Tragedy." He urges us not to fight the noose which is already around our necks, because if we do we will only choke ourselves to death.

Dr. Quigley is one of those verbose college professors who never use five words if they can say the same thing in twenty, and who never use a monosyllabic word if a polysyllabic word will do just as well. Hence the 1,300 pages of *Tragedy and Hope*. Hardly anyone has the time to wade through all those words. What Cleon Skousen has done is to extract the significant passages which tell the purposes, personnel, and program of the network of super-rich capitalists who are aiding and abetting Communism and Socialism, and then fill in a few extra historical facts which put the whole picture in proper perspective.

The Naked Capitalist absolutely cannot be refuted because it is based directly on the words of a liberal Establishment historian who for years has been one of the boys. Dr. Quigley names names, dates and places because he believes that the network control is now so complete that the tide cannot be reversed—and probably also because, being privy to so much hitherto unpublished information, he couldn't resist the temptation to write a book and reap the fame and profit of his inside information.

As the baseball ushers cry when you go into a game, "Get your program here! You can't tell who's playing without the name and number of the players!" Here are the Establishment secrets which Dr. Quigley reveals:

1. Who Runs The Establishment:

The greatest value of Tragedy and Hope is that it constitutes a bold and boastful admission by one on the inside of the Establishment that there actually exists a relatively small but powerful group which has succeeded in acquiring a choke-hold on the affairs of America and Europe. Dr. Quigley identified this group as the "international bankers," men who are quite "different from ordinary bankers in distinctive ways: they were cosmopolitan and international; they were close to governments and were particularly concerned with questions of government debts . . .; they were almost equally devoted to secrecy and the secret use of financial influence in political life. These bankers came to be called 'international bankers' and, more particularly, were known as 'merchant bankers' in England, 'private bankers' in France, and 'investment bankers' in the United States."

Of course, as Mr. Skousen points out, no small group could wield such gigantic power unless people in all walks of life were "in on the take" and willing to knuckle down to the ruthless bosses behind the scenes. The network has succeeded in building its power structure by using tremendous quantities of money to manipulate, intimidate, and influence on a worldwide basis.

Dr. Quigley shows that the core of control is in the financial dynasties of Europe and America who have exercised political control through the formation of international financial combines. These monopoly money dynasties learned the elementary lesson that all governments must have sources of revenue from which to borrow in times of emergency. By providing such funds the international bankers could make both kings and democratic leaders tremendously subservient to their will. Quigley names who they are. He tells how they hid the extent of their immense wealth from the public by keeping their firms unincorporated, usually partnerships, offering no shares, no reports, and usually no advertising.

Dr. Quigley traces the immense power and control exercised by the Rothschilds, the Bank of England, J. P. Morgan, and the Rockefellers. By 1900, according to Dr. Quigley, "the influence of these business leaders was so great that the Morgan and Rockefeller groups acting together, or even Morgan acting alone, could have wrecked the economic system of the country."

By the beginning of the twentieth century, the American economy had become so dynamic that the major banking dynasties found it increasingly difficult to maintain a tight control. Furthermore, their control was being challenged as a major political issue in national elections. So the Morgan and Rockefeller dynasties decided to follow the pattern of monopoly control over finance established by the Bank of England, that is, a privately controlled institution which had the appearance of an official government institution. The result was the Federal Reserve Act, originally plotted in a secret meeting on Jekyl Island in 1910 attended by representatives of the Morgan and Rockefeller banks. The Federal Reserve bill was introduced into the Senate by Senator Nelson Aldrich, grandfather of Governor Nelson Aldrich Rockefeller. The original bill failed because Aldrich was too closely connected with Morgan and Wall Street.

The Morgan-Rockefeller group then realized they had to have Democratic backing in order to erase the Wall Street taint of the bill. The opportunity presented itself during the election of 1912. Desperate to defeat President William Howard Taft (who opposed the Aldrich bill), Wall Street poured funds into the campaigns of both Woodrow Wilson and Theodore Roosevelt, in order to split the Republicans and assure the election of Wilson.

The operation of the Federal Reserve is one of the most interesting and mysterious combines in the country. Some of it was founded in 1913, it has successfully resisted every attempt to conduct an audit of its affairs. Its most recent political activity was to manipulate the interest rates during 1970 to the highest in 100 years which quickly caused a recession. This was blamed on the Republicans, and insured the election of a Democrat Congress. When David Kennedy, the Nixon Secretary of the Treasury, was asked about the credit-tightening policies of the Federal Reserve, he replied: "It's not my job to approve or disapprove. It is the action of the Federal Reserve."

2. How the Tax-Exempt Foundations are the Base of Operations:

Dr. Quigley tells of the panic the Establishment went into at the formation of the Special Committee to Investigate Tax-Exempt Foundations in 1953 with Congressman Carroll Reece of Tennessee as chairman. In substance, Dr. Quigley admits the truth of the excellent book by Rene A. Wormser called Foundations: Their Power and Influence which detailed the facts about foundations as uncovered by the Reece investigation. Here are some criticisms of tax-exempt foundations given in the Wormser book:

(a) How they interlock into a monolithic monopoly of power to carry out globalist policies.

(b) How they develop an elite corps of social engineers with a compulsive drive to "remake the world" along Socialist lines.

(c) How the foundation-sponsored Kinsey report was deliberately designed as an attack on Judaic-Christian morality.

(d) How they imported a Swedish Socialist to produce a study on the American Negro which has been used to justify revolutionary activities.

(e) How they use the ultimatum "conform or no grant" to subvert and control American education.

(f) How they finance and promote Socialist textbooks.

(g) How they push Rhodes scholars into Government service.

(h) How they produce history books which keep Americans from learning the truth.

(i) How they promote the United Nations as the home base for the Socialist-Communist coalition.

Dr. Quigley explains why the Reece investigation did not have the impact it should have had: "It soon became clear that people of immense wealth would be unhappy if the investigation went too far and that the 'most respected' newspapers in the country, closely allied with these men of wealth, would not get excited enough about any revelation to make the publicity worthwhile, in terms of votes or campaign contributions."

The Naked Capitalist brings the anti-American activities of the Ford Foundation up to date. Under Paul G. Hoffman, member of the Council on Foreign Relations and trustee for the Institute of Pacific Relations, the Ford Foundation financed a film to whitewash the Communist connections of J. Robert Oppenheimer. Under McGeorge Bundy, the Ford Foundation has poured vast funds into the "Black Revolution", including men affiliated with the W.E.B. DuBois Clubs and R.A.M., $50,000 to LeRoi Jones (author of a vulgar anti-white play called *The Toilet*), $475,000 to the anti-white racist organization CORE, and $508,500 to the "Citizens Crusade Against Poverty" which was a Walter Reuther scheme to unionize welfare and OEO recipients.

3. How The Establishment Helped Give China to the Communists:

The Senate Internal Security Subcommittee in 16 volumes of hearings documented beyond any doubt that China was lost to the Communists by the deliberate actions of a group of academic experts on the Far East and Communist fellow travelers whose work was controlled and coordinated by the Institute of Pacific Relations.

Dr. Quigley adds a new dimension to the China story. He says: "The influence of the Communists in IPR is well established, but the patronage of Wall Street is less well known." He shows how the IPR money came from the Carnegie Foundation, the Rockefeller Foundation, and specific Wall Street interests, adding, "The financial deficits which occurred each year were picked up by financial angels, almost all with close Wall Street connections," including Frederick Vanderbilt Field, Thomas Lamont, the senior head of J. P. Morgan and Company, and his son, Corliss Lamont.

Dr. Quigley, in talking about the loss of China, admits the thesis of the great book by John T. Flynn, *While You Slept*, who was the first to expose how the leading book review journals are loaded to aid the Communists. Dr. Quigley states "It is also true that this group, from its control of funds, academic recommendations, and research or publication opportunities, could favor persons who accepted the established consensus and could injure, financially or in professional advancement, persons who did not accept it. It is also true that the established group, by its influence on book reviewing in *The New York Times*, the *Herald Tribune*, the *Saturday Review*, a few magazines, including the 'liberal weeklies,' and in the professional journals, could advance or hamper any specialist's career. It is also true that these things were done in the United States in regard to the Far East by the Institute of Pacific Relations, that this organization had been infiltrated by Communists, and by Communist sympathizers, and that much of this group's influence arose from its access to and control over the flow of funds from foundations to scholarly activities."

4. The Role of the CFR in the Establishment:

Dr. Quigley describes the Council on Foreign Relations as one of several "front" organizations set up by the inner group for the purpose of advancing its conspiratorial schemes. Dr. Quigley explains more specifically that the Council on Foreign Relations "was a front for J. P. Morgan and Company." Some idea of the influence of the Council on Foreign Relations may be gleaned from the fact that there were 74 CFR members in the American delegation to the United Nations Conference at San Francisco in 1945, including Alger Hiss (Communist spy), Harry Dexter White (Soviet agent), Owen Lattimore ("a conscious, articulate instrument of the Soviet international conspiracy"), John J. McCloy (formerly head of the Rockefeller Chase-Manhattan Bank), Harold Stassen, Nelson Rockefeller, John Foster Dulles, Philip Jessup and Dean Acheson.

Internationally, the CFR is interlocked with the Bilderbergers, the Pugwash Conferences, the English-Speaking Union, the Pilgrims Society, and the Round Table. Within the United States, CFR members are interlocked with the American Association for the United Nations, the Foreign Policy Association, the World Affairs Council, the Committee for Economic Development, Business Advisory Council, Commission on National Goals, American Assembly, National Planning Association, and Americans for Democratic Action.

5. How the Establishment Controls the Universities:

Dr. Quigley explains in detail how for generations the international financiers have dominated American universities through their control of university endowment money. He tells how Columbia University was dominated by J. P. Morgan and Company, and "its president, Nicholas Murray Butler, was Morgan's chief spokesman from ivied halls." Butler once said, "The world is divided into three classes of people: a very small group that makes things happen, a somewhat larger group that watches things happen, and the great multitude which never knows what happened." Dr. Quigley gives many examples of how the international bankers placed their men as presidents of leading universities, including the placement of Dwight Eisenhower as president of Columbia.

Columbia University was the intellectual rostrum of the father of Progressive Education, John Dewey, and his favored disciples, William H. Kilpatrick, Harold O. Rugg, and George S. Counts, author of Dare the Schools Build a New Social Order? which urged teachers to "deliberately reach for power and then make the most of their conquest."

6. Establishment Influence on the Election of Presidents:

Dr. Quigley tells how and why the Establishment was determined to defeat and destroy Barry Goldwater in 1964, unleashing a torrent of rage against him with such epithets as "extremist," "racist," "atomic bomber," "trigger happy," "warmonger," and "psychologically unfit."

Dr. Quigley tells how the international financiers manipulated the nomination of Dwight Eisenhower at the Republican National Convention in 1952. As Quigley explains, "The lower-middle-class groups had preferred Senator Taft as their leader. Eisenhower, however, had been preferred by the eastern establishment of old Wall Street, Ivy League, semi-aristocratic Anglophiles whose real strength rested in their control of eastern financial endowments, operating from foundations, academic halls, and other tax-exempt refuges."

Dr. Quigley explains Establishment support of John F. Kennedy like this: "Kennedy, despite his Irish Catholicism, was an Establishment figure. This did not arise from his semi-aristocratic attitudes or his Harvard connections. . . . These helped, but John Kennedy's introduction to the Establishment arose from his support of Britain, in opposition to his father, in the critical days at the American Embassy in London in 1938–40. His acceptance into the English Establishment opened its American branch as well."

In describing the Communist sympathizers and fellow travelers who took over in the United States under the Roosevelt Administration, Dr. Quigley says: "It must be recognized that the power that these energetic leftwingers exercised was never their own power or Communist power but was ultimately the power of the international financial coterie."

7. The Influence of Cecil Rhodes:

The great and lasting influence of the Englishman, Cecil Rhodes, who had the money to propagandize for the strange ideas he believed in, is spelled out in detail by Dr. Quigley: "In the middle of the 1890s Rhodes had a personal income of at least a million pounds sterling a year (then about $5,000,000) which was spent so freely for his mysterious purposes that he was usually overdrawn on his account. . . . These purposes centered on his desire to federate the English-speaking peoples and to bring all the habitable portions of the world under their control. For this purpose Rhodes left part of his great fortune to found the Rhodes Scholarship at Oxford. . . ."

Rhodes formed a secret society called the "Circle of Initiates," along with other fronts for those who were not on the inside. According to Dr. Quigley, "The power and influence of the Rhodes-Milner group in British imperial affairs and in foreign policy since 1889, although not widely recognized, can hardly be exaggerated." For example, Dr. Quigley goes on to show how this group dominated the London Times from 1890 to 1912 and "has controlled it completely since 1912 (except for the years 1919–1922)."

What we call the Eastern Establishment is the American branch of the Rhodes organization. J. P. Morgan and Company was the inner core of command, and the Council on Foreign Relations is its principal front. The Eastern Establishment extended its influence in the press in the same way in the United States as the Rhodes group did in England. According to Dr. Quigley, "The American Branch of this 'English Establishment' exerted much of its influence through five American newspapers (the New York Times, New York Herald Tribune, Christian Science Monitor, the Washington Post, and the lamented Boston Evening Transcript)."

Dr. Quigley also shows how the Establishment reached out to control the leftwing press as well. He names the Wall Street fortunes which established the New Republic, and says that "the original purpose for establishing the paper was to provide an outlet for the progressive Left and to guide it quietly in an Anglophile direction. . . . This latter task was entrusted to . . . Walter Lippmann . . . the authentic spokesman in American journalism for the Establishments on both sides of the Atlantic in international affairs."

8. The One Thing the Establishment Fears: Dr. Quigley describes the conflict between grassroots Americans and the Establishment as "the Midwest of Tom Sawyer against the cosmopolitan East of J. P. Morgan and Company, of old Siwash against Harvard, of the Chicago Tribune against the Washington Post or the New York Times . . ." He leaves no doubt as to where the real power centers are.

Dr. Quigley admits that nothing panics the international Establishment like the possibility of a threatened exposure. Whenever the public became somewhat aware of the conspiratorial processes, the vast, interlocking power structure of the whole London-Wall Street combine immediately shifted into high gear to cover up their agents and their tracks.

This is why the Establishment has viciously attacked nearly every Congressional investigation. Congresional hearings are the best sources of unvarnished truth we have had in America in the last 35 years. The Establishment turned all their heavy guns against Democrat Congressman Martin Dies, Republican Congressman Carroll Reece, Democrat Senator Pat McCarran, and Republican Senator Joseph McCarthy because they were opening up the secrets of the conspiracy for the American people to see.

The American people had been nationally alerted to the fact of Communist infiltration of our Government by the Alger Hiss conviction in 1950, and to the fact that our boys were sent off to fight no-win wars in which the Communists had privileged sanctuaries by the Korean War of 1950–52. By the time of the Communist takeover of Cuba in 1959, nearly everyone knew something had to be terribly wrong at the top.

Unfortunately, the Establishment counteroffensive spearheaded by the Reuther Memorandum and the Fulbright Memorandum has been very successful in intimidating American citizens from taking action and spreading information.

However, there has been a steady growth in the number of informed patriots. They are the true "Hope" of the country. In 1964, 27,000,000 of them proved that they could resist intimidation and insult of every vicious kind, and still stand up and be counted for their convictions. Events since 1964 have surely greatly increased this number.

W. Cleon Skousen is the author of a bestseller a decade ago called The Naked Communist. It is still one of the best books in print on the subject of Communism. A former high FBI official, a former Chief of Police of Salt Lake City, and now a professor at Brigham Young University and editor of the leading police magazine, Mr. Skousen has a record of reliability and dedication which few can match. In The Naked Capitalist, he has given us a tool to do the job.

Exposure is our greatest weapon against the enemy that seeks to destroy American freedom and independence. Buy and read The Naked Capitalist—and persuade all your friends to do likewise.

THE LATE AND LAMENTED FLORENCE FENLEY—A DISTINGUISHED HISTORIAN

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1971

Mr. FISHER. Mr. Speaker, a few days ago Florence Fenley, of Uvalde, Tex., passed away. A descendent of a noted frontier Texas family, she lived a full life which, among other things, was devoted to the preservation of frontier history. In that respect she was preeminent. Except for her alertness and dedication many significant names and events, which figured prominently in the history of the Southwest, would have gone unrecorded. Her contributions was truly invaluable.

While her pen has been stilled and her voice silenced by death, both the spirit and the writings of Florence Fenley will live on and on, to be read and enjoyed by generations of the future.

Florence Fenley was a woman of the soil, of the sagebrush, of remote spots in the brush country, about which she wrote so brilliantly. She knew the smell of saddle leather, the loneliness of the coyote's howl, the crackle of the campfire, the cowboy's yodel, and the sacrifices and heroism of those stalwart people who braved the frontier. Her firsthand knowledge of hitherto unrecorded events seemed inexhaustible.

This distinguished lady left her mark indelibly. But she is gone and thousands will mourn her passing and revere her memory. To me she was a valued personal friend, to be remembered for her strong character, her warmth and her delightful personality. Above all, she was a truly great American, who loved her country and its institutions. She typified the very best in womanhood and the finest of old-fashioned patriotism. She was a part and parcel of the community where she lived, and dedicated her everyday life to the well-being of her friends and associates.

I include as a part of my remarks an article written by Harry Hornby, Jr., publisher of the Uvalde Leader-News, which appeared in the May 30 issue of that publication. It follows:

OLD TRAILS COME TO END FOR FLORENCE FENLEY

(By Harry Hornby, Jr.)

The full, active life of Southwest Texas' best known chronicler of early day residents and events ended Thursday morning when Florence Fenley died at Uvalde Memorial Hospital of a heart attack. The previous Saturday Florence, working in the yard of her Uvalde residence, fell and broker her hip. She was operated on Monday morning and Tuesday was able to sit on the side of her bed where her many friends found her in good spirits. The heart attack claimed her life in a few hours.

For over 40 years Florence had been associated with The Leader-News writing about her cherished pioneer resident friends throughout the area. In more recent years she also wrote the popular column "Old Trails" which carried her outspoken opinions on local, area and national events based on her experiences as State Representative from 1941 to 1946, her service as a leader in the Texas Women's Press Association which she had served as president, and in her continuing acquaintance with public officials.

Florence was a statuesque, handsome woman whose demeanor left no doubt she would not retreat from any obstacle which her long life in the ranch country bore out with her raising a family, riding horseback in her work and successfully making a career as a writer. Her articles in the Texas Cattleman, Texas Sheep & Goat Raisers' Magazine, The Leader-News and her books had become classics in her lifetime.

She was recognized among Texas cattle businessmen, being named Sweetheart of the Cowboy's International Association as well as Wagon Boss. She was also elected Sweetheart of the Old Trail Driver's Association.

When I succeeded my father as publisher of The Leader-News I sort of inherited Florence along with the newspaper. My father had encouraged Florence to reprint her stories of pioneer residents which they did in the first "Oldtimers." Later my wife and I printed more of these authentic interviews in a second book, "Oldtimers of Southwest Texas."

Florence's ability as a writer was described by the late J. Frank Dobie as follows:

"Florence Fenley is honest in writing about old times. This quality of being honest about old range days is not common. She is concrete, specific, definite. She gets the facts, and she has the right tune as well as the right words. She is the most superb reporter I know."

Florence Fenley was born in Uvalde on December 19, 1898.

Services will be conducted at Rushing-Estes Chapel this Sunday afternoon at 4 o'clock for Florence Fenley. Interment will be in Uvalde Cementery. Bro. Ted McElroy, minister of the Uvalde Church of Christ, will be in charge of the services.

Pallbearers will be Fred Horner, Jr., George Wentz, Alex Kincaid, Grant Wimberley, George Brashear and Harry Hornby, Jr.

Honorary pallbearers are Ross Brumfield, Ray Duncan, H. O. Niemeyer, Dolph Briscoe, Price Daniel, O. C. Fisher, Capt. A. Y. Allee and Happy Shahan.

Survivors include two daughters, Mrs. Burns Reinier of Sante Fe, N. Mex. and Mrs. Belle Edwards of North Platte, Nebraska; three sons, Sam Lewis of Colorado Springs, Jack Lewis of El Paso, and Bill Fenley of El Paso; a sister, Mrs. Belle Gay of El Paso; a nephew, Jim Tom Gay of St. Louis; a niece, Mrs. Mona Christopher of Anchorage, Alaska; and 16 grandchildren and several great grandchildren.

Mrs. Fenley was preceded in death by a son, Jim Wilson, and a daughter, Mrs. Florence Patricia Baker.